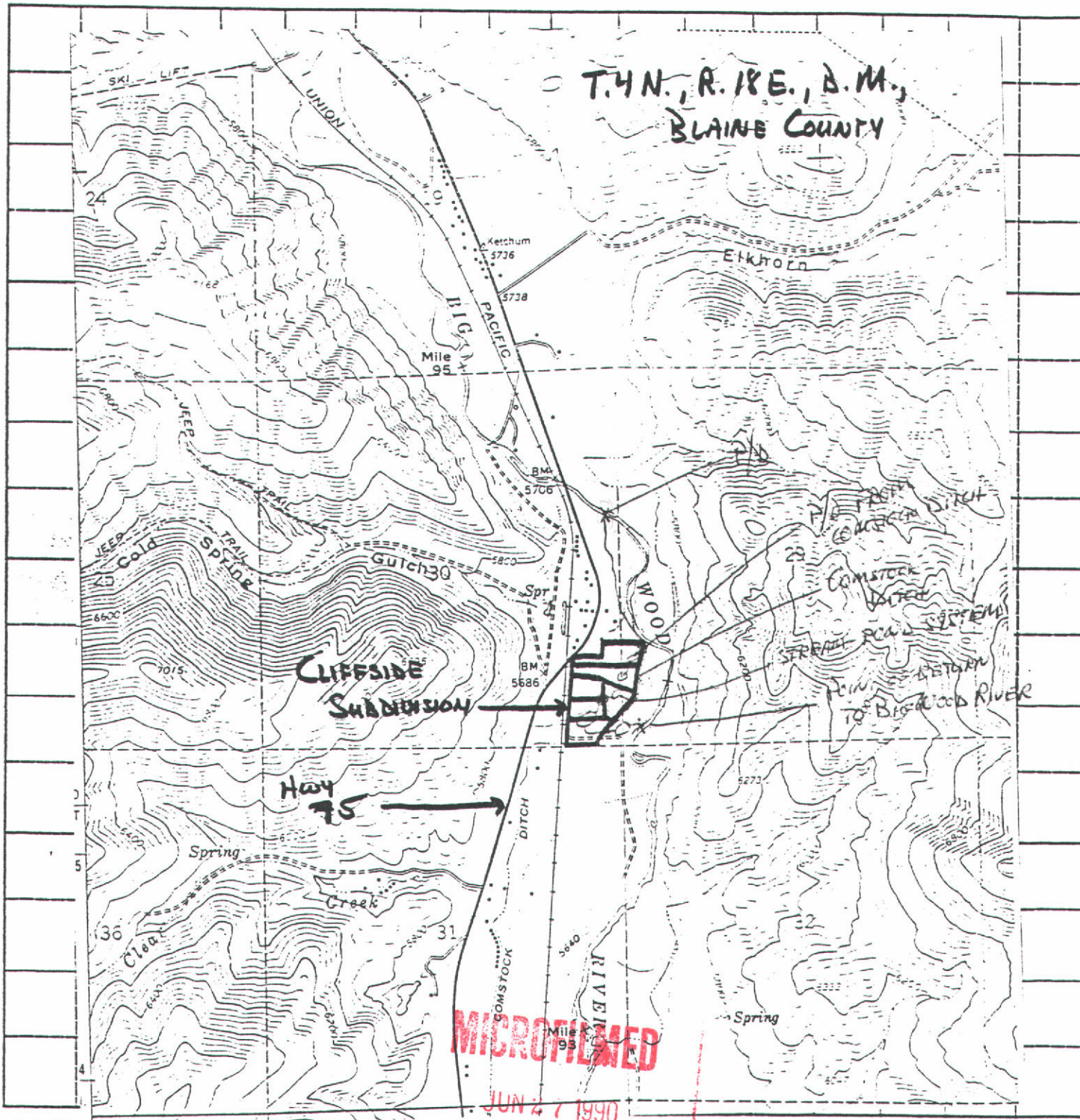


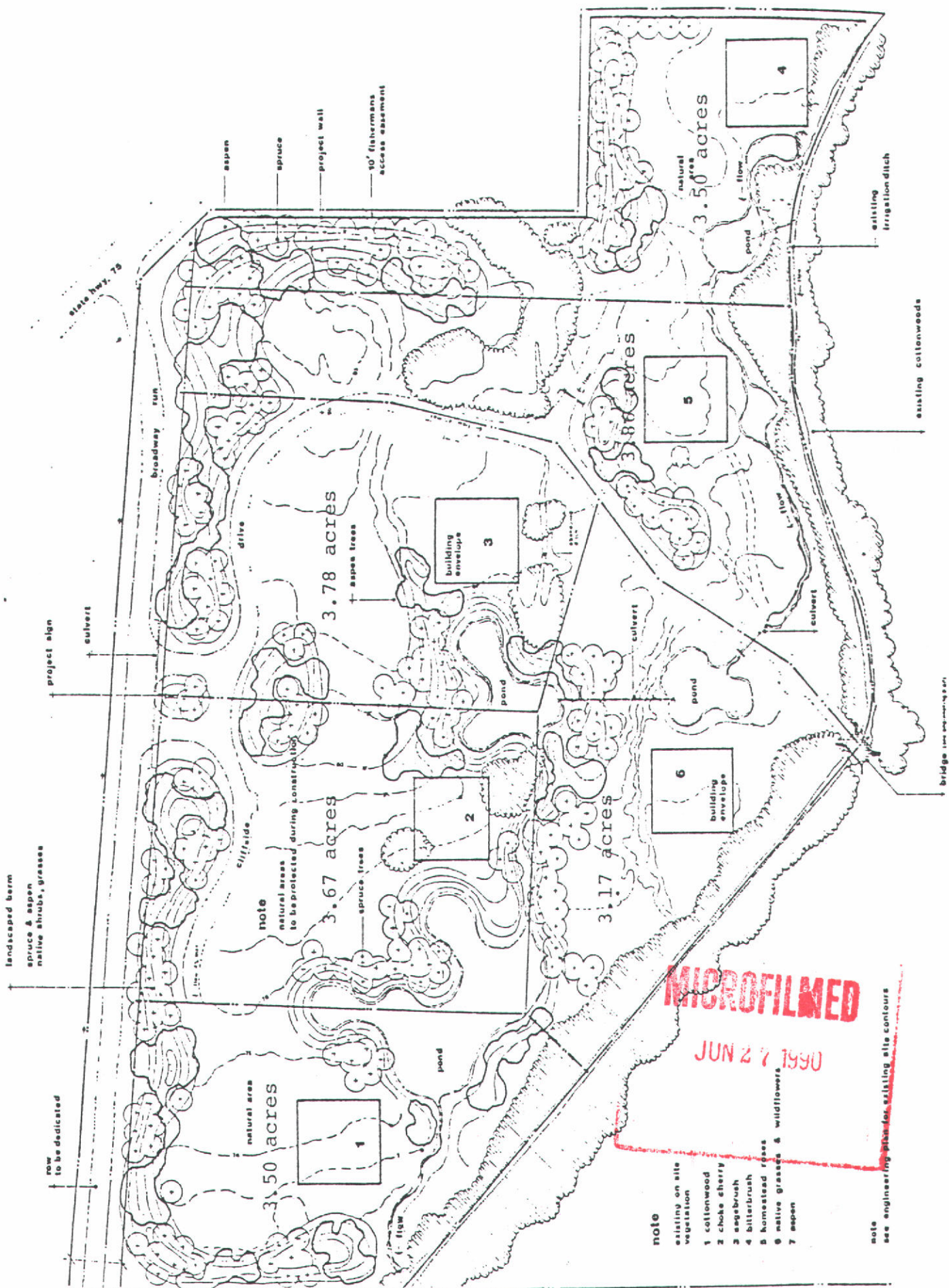
13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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

Graystone, Inc.

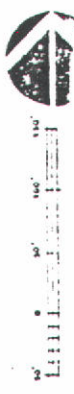
By Elizabeth K. Gray (President)
(Applicant)



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JUN 27 1990

- note**
existing on site
vegetation
- 1 cottonwood
 - 2 choke cherry
 - 3 sagebrush
 - 4 bitterbrush
 - 5 homestead roses
 - 6 native grasses & wildflowers
 - 7 aspen

note
see engineering plan for existing site contours



cliffside

The potential issues I see with allowing the total flow of 37-8535 flow through Mr. Drapers system are:

- 1) Mr. Drapers permit is for only 5 cfs and 37-8535 is 10 cfs, would Mr. Draper need to file a new permit for the additional 5 cfs?
- 2) The discharge point on the Big Wood River would move downstream approx. 50 feet. Effects on min. stream flow?
- 3) Would the extra flow through Drapers system increase water lost to seepage and/or evaporation?
- 4) Why was the condition for returning the water directly to the Big Wood River put on 37-8535? Was it part of a protest resolution?



Draper's discharge
to Big Wood River

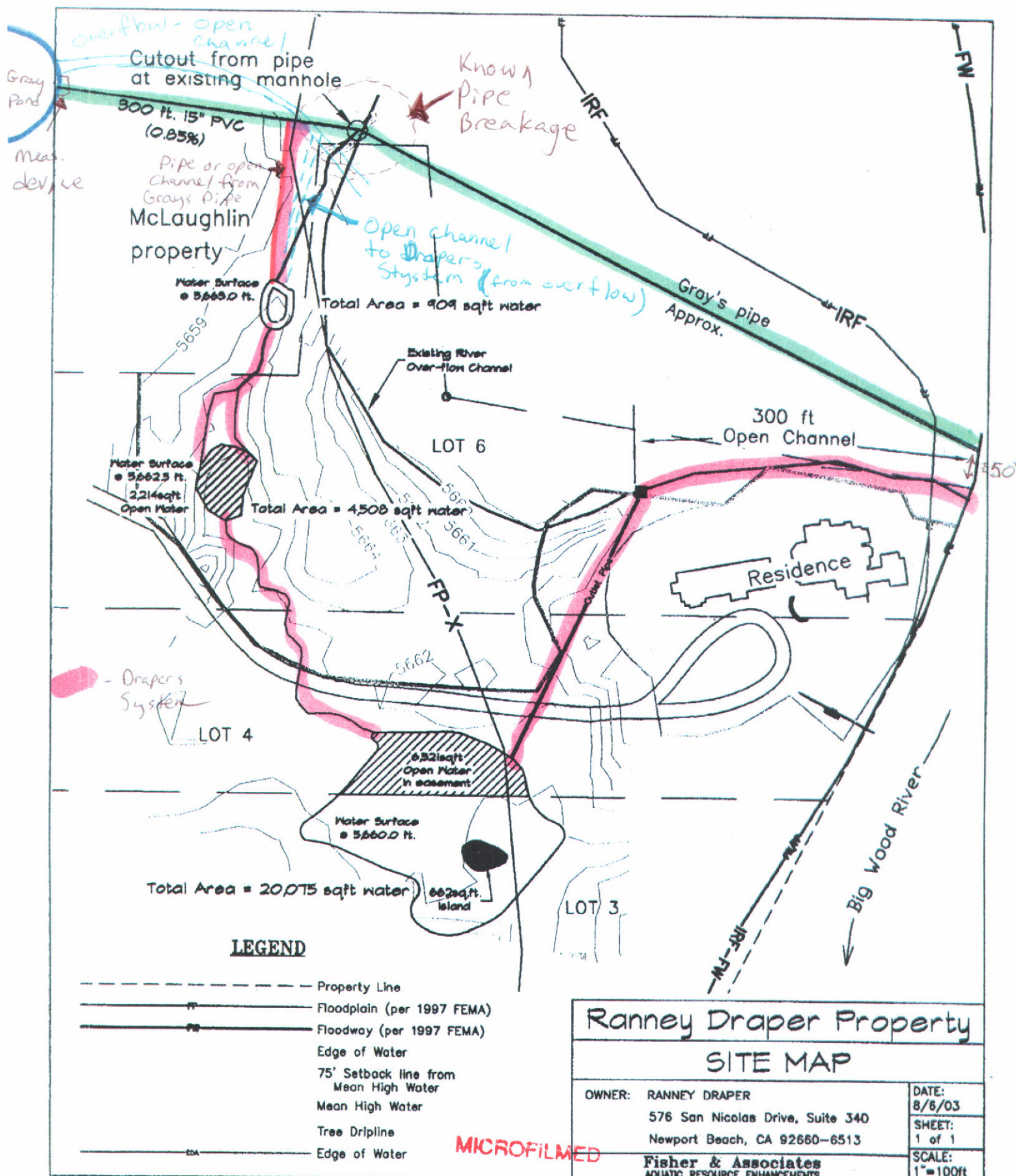
Clueless state
employee

37-8735 discharge to
Big Wood River

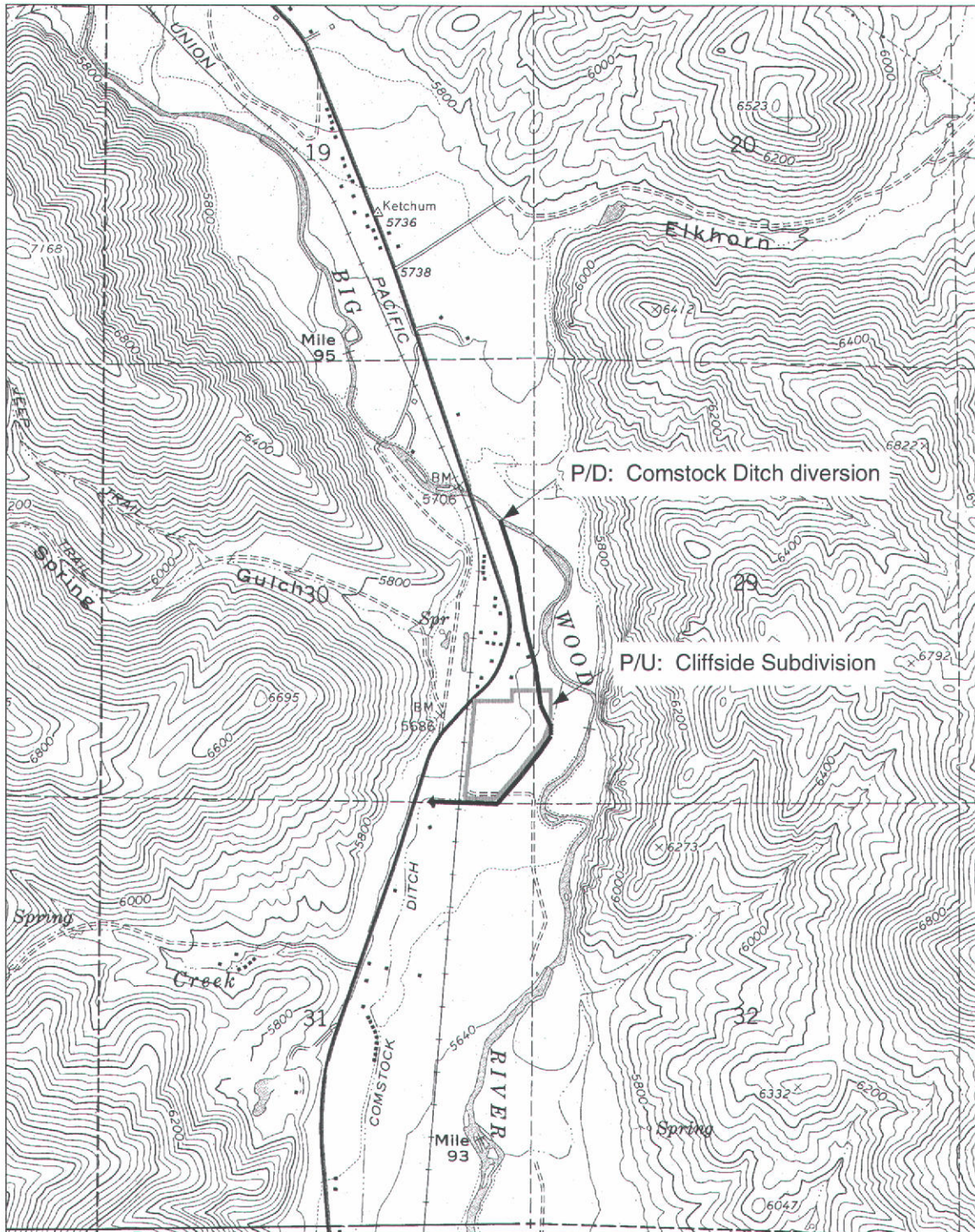
Photo depicting the difference in where the water from the two different
systems would enter the Big Wood River. Approx. 50 feet apart.

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NOV 20 2003



Prepared by Brockway Engineering



MICROFILMED
OCT 29 1997



Figure 1. Gate at Comstock Ditch diversion from Big Wood River.

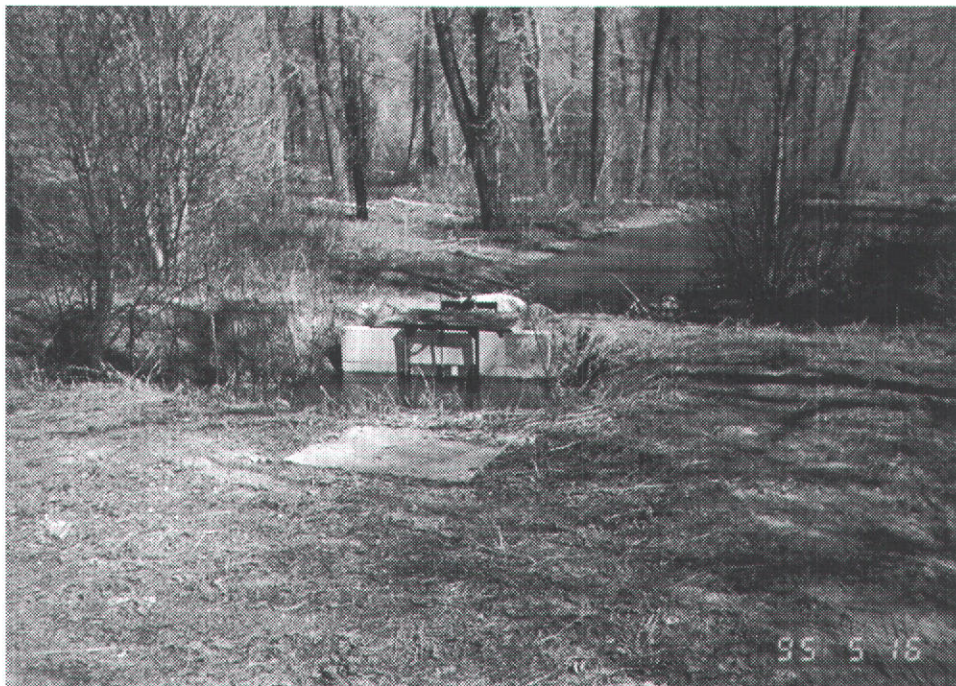


Figure 2. Comstock Ditch submerged orifice.

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OCT 29 1997

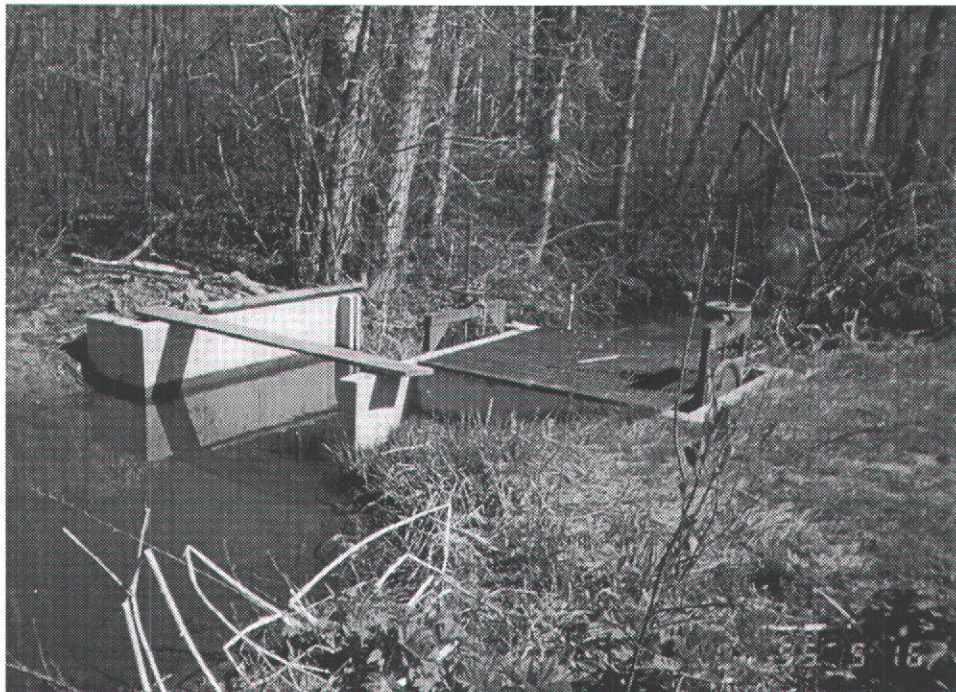


Figure 3. Submerged orifice diversion to Cliffside from Comstock Ditch.



Figure 4. Pond No. 1, Cliffside Subdivision.

NOT RECORDED
OCT 29 1937



Figure 5. Broad-crested weir outlet to Comstock ditch from Cliffside to pond No. 6.



Figure 6. Cliffside pond No. 7 and Cippoletti weir outlet to pipeline to Big Wood River.

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OCT 29 1997

WATER DISTRICT #37 & 37-M

CANAL NAME COMSTOCK CANAL NUMBER 10

OWNER VARIOUS GRAYSTONE INC, RINKER, McDONALD

DATE	APRIL	MAY	JUNE	JULY	AUG.	SEPT.
1	2.84	2.84	4.00	6.04	5.68	2.84
2		2.84	4.00	5.68	5.68	2.84
3		4.00	4.00	5.68	5.68	2.84
4		4.00	4.00	5.68	5.68	2.84
5		4.00	4.00	4.48	5.68	2.84
6		4.00	4.00	4.48	5.68	2.84
7		4.00	4.00	4.48	5.68	2.84
8		4.00	4.00	4.48	5.68	2.84
9	2.84	4.00	4.00	4.48	5.68	2.84
10	2.84	4.00	4.00	4.48	5.68	2.84
11	2.84	4.00	4.00	4.48	5.68	2.84
12	2.84	4.00	4.00	4.48	5.68	2.84
13	2.84	4.00	4.00	6.04	5.68	2.84
14	2.84	4.00	4.00	6.04	5.68	2.84
15	2.84	4.00	4.00	6.04	5.68	2.84
16	2.84	4.00	4.00	6.04	5.68	2.84
17	2.84	4.00	4.00	6.04	5.68	2.84
18	2.84	4.00	4.00	6.04	5.68	2.84
19	2.84	4.00	4.00	4.92	4.48	2.84
20	2.84	4.00	4.00	4.92	4.92	2.84
21	2.84	4.00	4.00	4.48	4.92	2.84
22	2.84	4.00	4.00	4.48	4.00	2.84
23	2.84	4.00	4.00	3.48	4.00	2.84
24	2.84	4.00	4.00	3.48	3.48	2.84
25	2.84	4.00	4.00	5.68	3.48	2.84
26	2.84	4.00	4.00	5.68	3.48	2.84
27	2.84	4.00	4.00	5.68	3.48	2.84
28	2.84	4.00	4.00	5.68	3.48	2.84
29	2.84	4.00	4.00	5.68	3.48	2.84
30	2.84	4.00	6.04	5.68	2.84	2.84
31	4.00	4.00	5.68	5.68	2.84	2.84
TOTAL	65.32	121.68	122.04	160.04	151.36	67

YEARLY C.F.S. 688.00
 YEARLY ACRE FEET 1362.24
 TOTAL NO. OF DAYS 176
 YEARLY MEAN 3.91

WATER DISTRICT #37 & 37-M

CANAL NAME COMSTOCK CANAL NUMBER 10

OWNER GRAYSTONE INC

DATE	APRIL	MAY	JUNE	JULY	AUG.	SEPT.
1			9.00			
2			9.00			
3			9.00			
4			9.00			
5			9.00			
6			9.00			
7			9.00			
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						
26						
27						
28						
29						
30						
31						
TOTAL	0.00	70.12	90.00	63.00	0.00	0.00

YEARLY C.F.S. 223.12
 YEARLY ACRE FEET 441.7776
 TOTAL NO. OF DAYS 24
 YEARLY MEAN 9.30

JUN 13 1995

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

Attorneys at Law

120 East Avenue

Post Office Box 987

Ketchum, Idaho 83340

Phone: (208) 726-4421

FAX: (208) 726-0752

FAX MEMO/CLERK SHEET

DATE: June 14, 1990

TIME: 8:37am

PAGE 1 OF 1 PAGES

TO: Gary Spackman

FAX NUMBER: 1-327-7866

FROM: James P. Speck, Esq.

RE: Graystone

MESSAGE: I would like the 2nd paragraph 11 to read as follows:

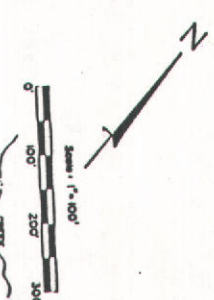
Insert → 12. The loss of water available to the holders of the Comstock Ditch irrigation rights, if any, caused by the diversion of the water for those rights through the system, rather than entirely through the Comstock Ditch, shall be compensated by delivering all, or the requisite portion, of the 0.15 cfs of Water Right No. 37-00577 associated with Transfer 3590 to the point of return to the Comstock Ditch from the system.

One last question - do we need a stream alteration permit to install the pipeline for the return flow to the Big Wood River??!!

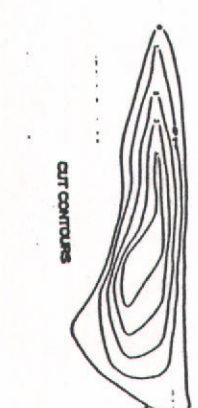
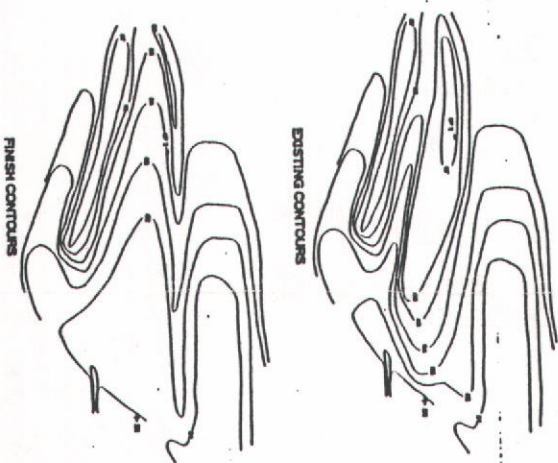
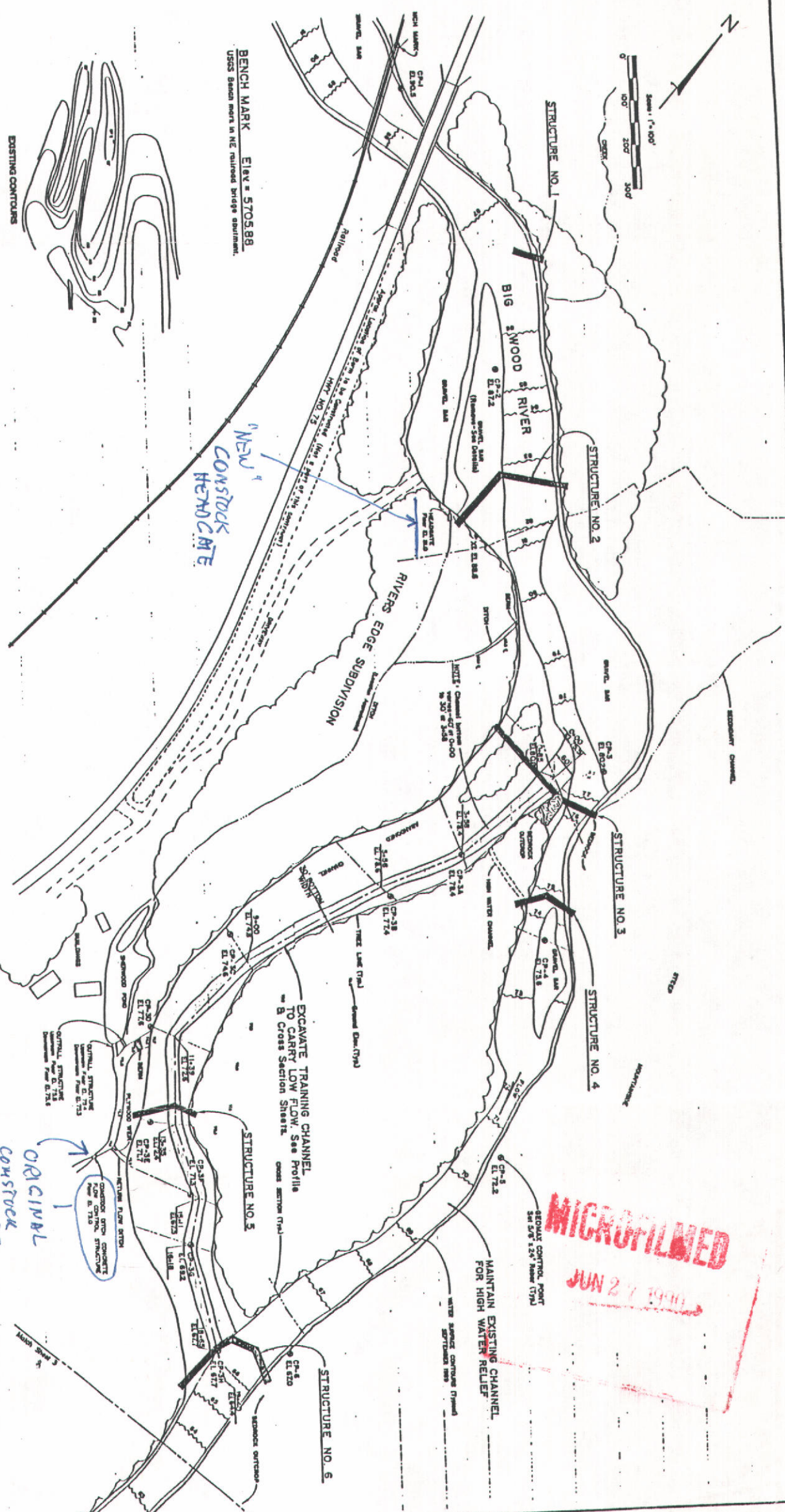
Jim

MICROFILMED

JUN 27 1990



BENCH MARK Elev = 5705.88
USGS Bench mark in NE railroad bridge abutment.



GRAVEL BAR EXCAVATION

SCALE: 1" = 100'

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JUN 27 1990

SEE SHEET 4 FOR POOL LOCATIONS.
ORIGINAL
CONSTRUCT
HEADGATE

TOPOGRAPHY FROM GEOMAX PHOTO SURVEYS
AND AERIAL PHOTOGRAPHS, 1985, AND
US ARMY CORPS OF ENGINEERS, JUNE 1988

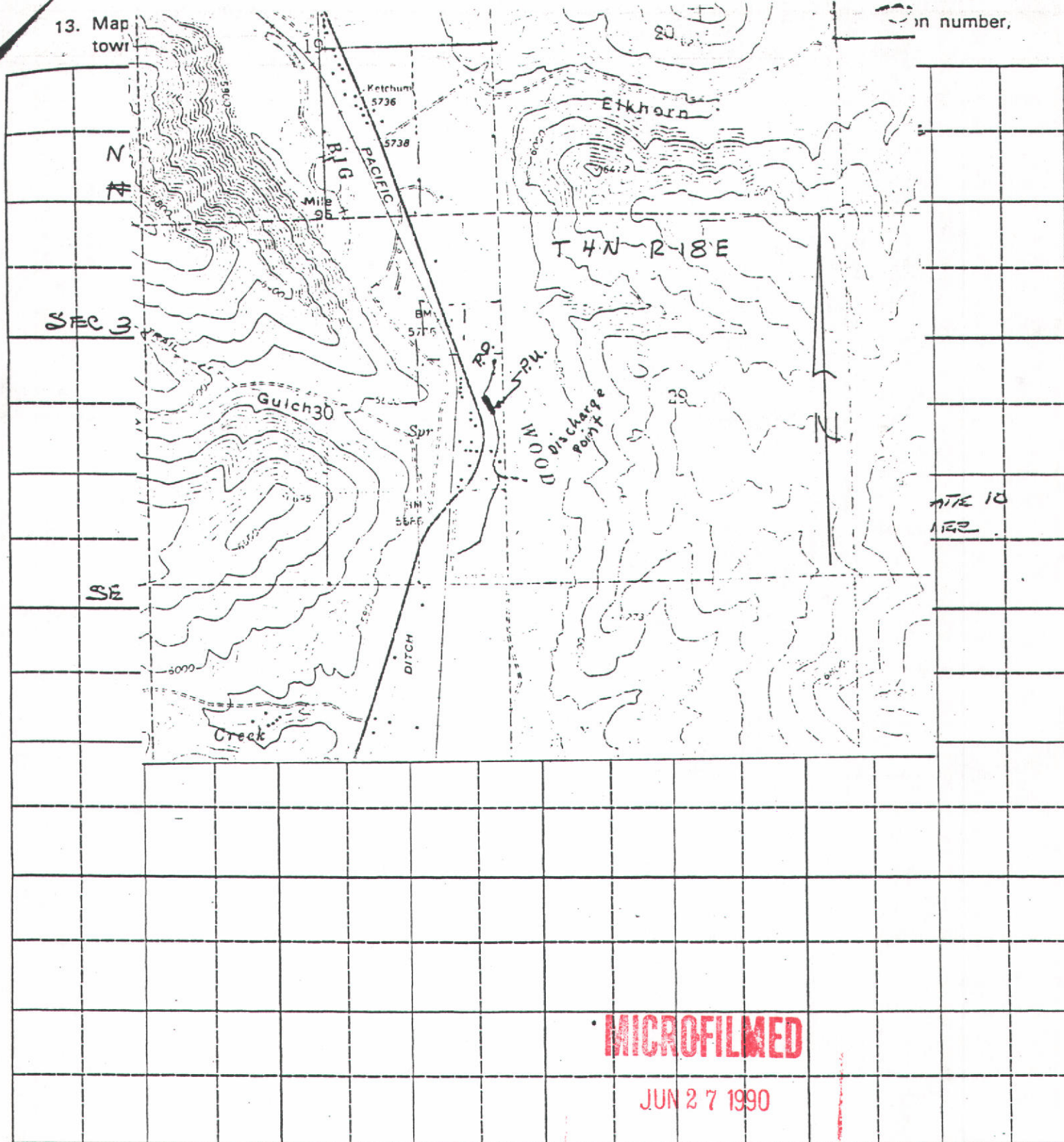
SITE PLAN
BIG WOOD RIVER STABILIZATION
AND ENHANCEMENT PROJECT
GRAYSTONE, INC. KETCHUM, ID.

Geomax
Geospatial Technology Corporation

DATE	10-1-88	SCALE	1" = 100'
DESIGNED BY	W. J. B.	CHECKED BY	W. J. B.
DRAWN BY	W. J. B.	IN CHARGE	W. J. B.

13. Map
town

in number,



Scale: 2 inches equal 1 mile.

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

Robert H. Stinson City IN FAY FOR
HELEN M. FASSATI.

(Applicant)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 37-8278

1. Owner: Helen M. Fassett

Phone No. _____

Current Address: Bx 273, Sun Valley, Idaho 83353

2. Accompanied by: Robert H. Sherwood

EXAM. DATE: 7/5/88

Address: SAME

Phone No. 5/26/88

Relationship to Permit Holder: Son

3. Source: Big Wood River tributary to Magic Res.

B. OVERLAP REVIEW

1. Other water rights with same place of use: No

☐ Copies Attached

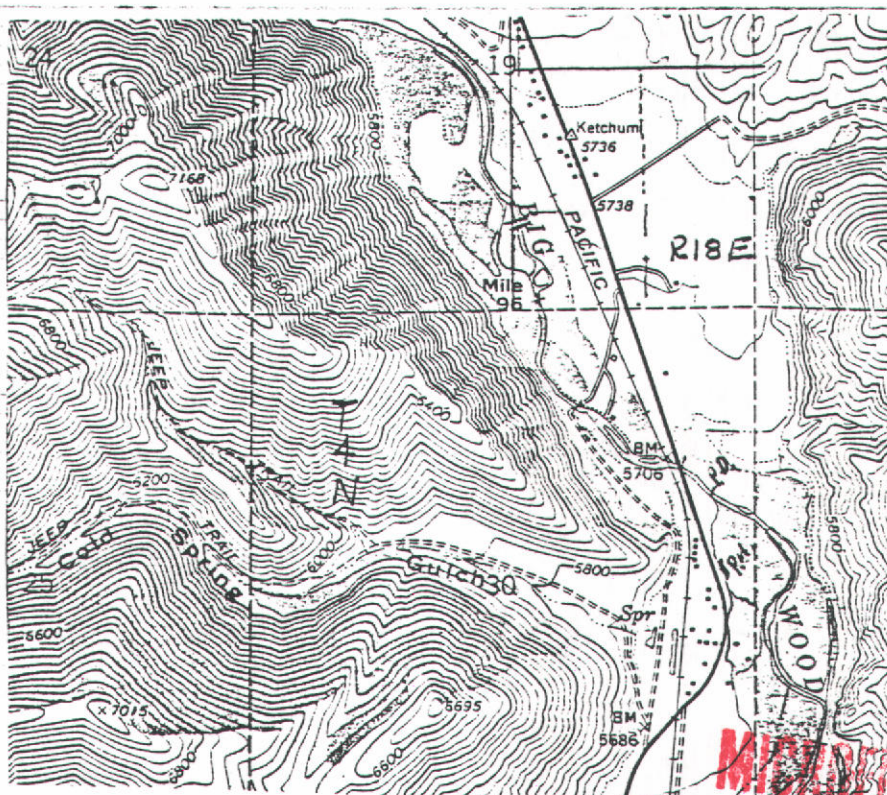
2. Other water rights with same point of diversion: No

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☐ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☐ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.)

☐ Aerial Photo Attached

(required for irrigation of 10 acres or more).

JUN 27 1990

JUN 27 1990

SAGO PONDWEED

GOVERNMENT ENDORSEMENT

BEST ALL AROUND DUCK FOOD

Early in the season the ducks feed on the Sago Pondweed plant which produces clusters of seed the size of buckwheat. Later in the season it produces huge quantities of small round tubers which the ducks feed on. Floating on the water level drops low enough, then all the ducks and also geese and swans graze themselves on the tubers. It's the most important of wild ducks feed upon its roots, tubers and seeds which are produced in abundance. In fact all parts of the plant are eaten by the wild ducks, but they cannot destroy the growth for it has a very strong root system which makes a network thru the bottom soils. Many roots and tubers remain unmoistened to produce a growth the following year. Sago Pondweed produces more food for the wild ducks than any other aquatic plant.

EXCELLENT FOR FISH

Like the Wild Celery the Sago Pondweed also provides food, cover and protection for the fish. It purifies and clarifies the water, takes up the poisonous gases and puts forth oxygen into the water. Various kinds of insect life deposit their eggs in these plants which is food for the small fish. The Sago Pondweed plants shade and cool the water and will not only improve the fishing but also the quality of the fish.

WHAT AND WHEN TO PLANT

The tubers of Sago Pondweed may be planted in Spring thru early Summer or later as long as you still have at least 90 days of good growing weather for plants to reach maturity. They will produce food for the Wild Ducks the following Fall. Seed of the Sago Pondweed may be planted in Spring or Fall, however sometimes it may be sold out by Spring as this is a fast seller.

WHERE TO PLANT

These plants are very hardy and will grow in almost any waters except very salty waters, on practically every kind of bottom soil. They are submerged plants and do best in waters from 1 1/2 to 3 feet in depth although Sago Pondweed will grow in water from 1 to 5 feet in depth under certain conditions. If possible, plant where there is some mud.

HOW TO PLANT

See page 33 for instructions. To plant Sago Pondweed Seed, it is best to mix the seed with a wet and sticky mud or clay soil and then scatter the mixture in the place you desire to have it grow. More complete planting instructions furnished with each order.

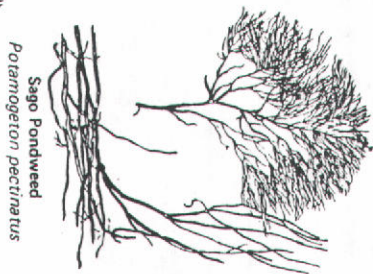
Plant one foot apart.

WILD CELERY

NEXT BEST ALL AROUND DUCK FOOD

Research Report 30 entitled "Food of Game Ducks in the United States and Canada" by U.S. Fish and Wildlife Service.

United States Department of the Interior, for sale by the Superintendent of Documents, United States Government Printing Office, Washington 25, D.C., says that Sago Pondweed is probably the most important single waterfowl food plant on the continent and is responsible for about half or more of the total food percentage credited to the genus *Potamogeton*.



Sago Pondweed
Potamogeton pectinatus

Research Report 30 entitled "Food of Game Ducks in the United States and Canada" by U.S. Fish and Wildlife Service.

IMPORTANT FOR FISH

Wild Celery being a submerged water plant is also important as a food and cover plant for fish. The plants support countless numbers of minute insect and animal life which fish depend upon for food. Fish also eat portions of the plants themselves. A bed of Wild Celery will keep your waters pure and clear and well oxygenated, which is important for fish life. The plants provide shelter and hiding places for young fish, where they can escape from their enemies, assuming many more of them reaching maturity.



Fish Cultivists have long recognized that there is a direct connection between the food supply in any lake or stream and the number of fish it will support.

Good hunting or good fishing is no longer a gift of the gods. The plain and simple fact is that you find hunting and fishing where there is sound and constructive food and cover propagation work being done.

"The Most Productive Wildlife Acreage I Have Ever Seen." This statement was made by a D.N.R. employee while surveying part of our Nursery acreage.

Wild Celery plant, seed pod and tubers.

Vallisneria spiralis

WHAT AND WHEN TO PLANT

The Wild Celery propagates in three ways, by seed, running roots and tubers. Seed of the Wild Celery may be planted in Fall and also in Spring, if we still have some on hand. Order early as this is always a big seller. Tubers of Wild Celery may be planted in Spring thru June. Plants furnished hereafter and soon will make a quick and good growth by the following Fall.

WHERE TO PLANT

Wild Celery grows best in waters from 1 to 3 1/2 feet in depth on a mud bottom, sandy loam or clay. However in suitable conditions, it will grow in water 1 to 5 feet in depth. It requires fairly fresh waters; that is waters which are not very salty or strong alkaline, enjoys changing water and withstands waves and currents.

HOW TO PLANT

See page 31 for planting instructions on tubers. To plant Wild Celery Seed, it is best to mix the seed with a wet and sticky mud or clay soil and then scatter the mixture in the place you desire to have it grow. Complete planting instructions furnished with each order.

Plant one foot apart.

Large Select Sprouted Tubers or Plants: (Ready to plant with weights) 100 @ \$20.00; 500 @ \$65.00; 1,000 @ \$120.00. (Unweighted): 100 @ \$16.00; 500 @ \$50.00; 1,000 @ \$90.00. Mesh bags included with UNWEIGHTED tubers - see page 37.

Wild Celery Seed (Wet seed - Available for fall planting): 1 lb. @ \$3.75; 10 lbs. @ \$31.00; 25 lbs. @ \$75.50; 50 lbs. @ \$144.00.



MICROFILMED
JUN 27 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
 SEP 12 2000
 Department of Water Resources
 Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>37-08535</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>37-08538</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>37-00419B</u>	<u>A37-00419B</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>37-00703E</u>	<u>A37-00703E</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>37-30035</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>37-00577BL</u>	<u>A37-10913</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See Instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions): **PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Graystone, Inc.
P.O. Box 2473, Ketchum, Idaho 83340
4. New Owner/Claimant(s) Cliffside Homeowners Association, Inc.
 Name Connector (Check one): ☐ and, ☐ or ☐ and/or
- New Mailing Address Post Office Box 4630
- City, State and Zip Code Ketchum, Idaho 83340
- New Telephone Number (208) 726-5997
5. Date you acquired the property August 31, 2000

MICROFILMED

SEP 12 2000

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)

R. S. Cuy, PRESIDENT

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				MICROFILMED	
Received by <u>Hovatt</u>	Date <u>9/12/00</u>	Fee <u>50.00</u>			
Received by <u>MB</u>	Date <u>9/12/00</u>	Receipt No. <u>5023388</u>			
Processed by _____	AJ Date _____	WR _____	Date <u>OCT 06 2000</u>		

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

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

Instrument # 442849

HAILEY BLAINE, IDAHO

2000-09-05 03:54:00 No. of Pages: 2

Recorded for: SPECK & AANESTAD

MARSHA RIEMANN Fee: 6.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

(space above line for Recorder's use)

QUITCLAIM DEED

FOR VALUE RECEIVED, GRAYSTONE, INC., an Idaho corporation, ("Grantor"), does hereby convey, release, remise and forever quitclaim to CLIFFSIDE HOMEOWNERS ASSOCIATION, INC., an Idaho nonprofit corporation, P.O. Box 4630, Ketchum, Idaho 83340 ("Grantee"), all of its right, title and interest in and to the following described water rights, situated in Blaine County, Idaho, to wit:

1. All of Water Right License No. 37-08535;
2. All of Water Right License No. 37-08538;
3. All of Water Right No. 37-00419B which is also claimed in In Re: Snake River Basin Adjudication ("SRBA") as A37-00419B;
4. All of Water Right No. 37-00703E which has been claimed in the SRBA as A37-00703E, and
5. All of Water Right No. 37-00577BL which has been claimed in the SRBA as A37-10913.

DATED this 31 day of August, 2000.

GRANTOR:

GRAYSTONE, INC.

By: [Signature]
PETER W. GRAY Its Vice President

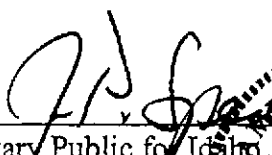
MICROFILMED

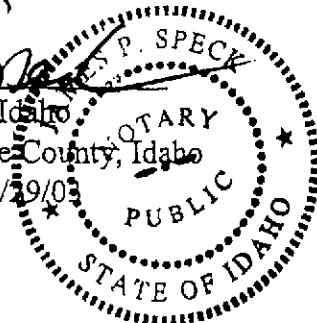
OCT 8 6 2000

STATE OF IDAHO)
) ss.
County of Blaine)

On this 31st day of August, 2000, before me, the undersigned, a notary public in and for said state, personally appeared Peter W. Gray, known or identified to me to be the Vice-President of Graystone, Inc. and the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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


Notary Public for Idaho
Residing at: Blaine County, Idaho
Comm. Expires: 1/19/03



MICROFILMED
OCT 9 6 2000

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08535

Priority: July 11, 1989

Maximum Diversion Rate: 10.00 CFS

Maximum Diversion Volume: 7239.8 AF

This is to certify, that GRAYSTONE INC

C/O JAMES P SPECK ESQ

PO BOX 987

KETCHUM ID 83340-0987

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 11, 1989; and has submitted Proof of Beneficial Use on May 30, 1996. An examination indicates that the works have a diversion capacity of 10.640 cfs of water from:

BIG WOOD RIVER

tributary to MALAD RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
AESTHETIC	01/01 to 12/31	10.00 CFS	7239.8 AF

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 30, Township 04N, Range 18E
BLAINE County

PLACE OF USE: AESTHETIC

TWN RGE SEC

04N 18E 29
30

SWSW
SESE

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
6. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

107 2 9 107

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 37-08535

CONDITIONS OF APPROVAL AND REMARKS

7. Water temperature effects on the Big Wood River of return flows must be monitored as per agreement between the right holder and the Department of Health & Welfare, Division of Environmental Quality. The Director may require other water quality monitoring if necessary, to protect the local public interest. Use of water under this right, when combined with other recreational, aesthetic, hydropower, fish propagation or other traditional "non-consumptive uses" of water must not cause a significant degradation of water quality in the Big Wood River and its tributaries.
8. This right is junior to the minimum streamflow in the Big Wood River of 189.00 cfs, as established by water right nos. 37-07919 and 37-08307.
9. The director retains jurisdiction to review and amend any and all parameters of this right to assure continuing compliance with the "local public interest" criteria of IDAPA Rule 37.03.08.045.01.e. Any person seeking review and amendment of this right shall file a request for a transfer with the department, which request shall include the transfer sought, the reasons for the transfer, and a statement of the changes in circumstances since the license was issued or last reviewed that merit a review of the license. The department shall mail a copy of the request by certified mail, return receipt requested, to the right holder and allow the right holder not less than thirty (30) days from the date of his receipt of the copy of the request to file a response. Upon review of the request and the response, the department may, in its discretion, decide the right needs to be reviewed. If so, it shall notify the general public and specific persons or parties known to be interested in the proposed change, and conduct a hearing for the purpose of determining whether the right should be changed for the purpose of assuring it continues to comply with the "local public interest" criteria of IDAPA Rule 37.03.08.045.01.e. The burden of proof at the hearing shall be upon the persons or parties seeking the transfer to establish that a material change in circumstances has occurred since the right was issued or was reviewed that requires a transfer of the right to prevent a conflict with the "local public interest".
10. This right, when combined with water diverted pursuant to right no. 37-08278 shall not exceed ten (10) cfs.
11. When delivery of water pursuant solely to this right is not possible because of earlier priority rights, including minimum streamflows, water diverted pursuant to right no. 37-08278 may be delivered through the place of use for this right only if: a) losses incurred from the point of diversion to the point of discharge of right no. 37-08278 are fully compensated, and b) the water is discharged directly to the actively flowing channel of the Big Wood River.

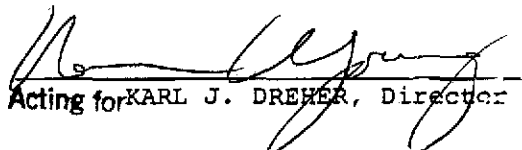
State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 37-08535

CONDITIONS OF APPROVAL AND REMARKS

12. Right 37-30035 is used in combination with this right to mitigate losses of water resulting from the use of this right. The loss of water available to the holders of senior Comstock Ditch irrigation rights caused by the diversion of water under this right shall be compensated by delivering all or the requisite portion of Right 37-30035 to the point where water diverted under this right is returned to the Comstock Ditch. Whenever the Comstock Ditch irrigation rights are not being diverted, but water is being diverted under this right, then losses to the Big Wood River must be compensated by leaving Right 37-30035 in the river. If compensation water under Right 37-30035 is not available, no water may be diverted under this right.
13. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently maintained at the point of diversion from the Big Wood River.
14. Measuring devices shall be maintained at the point of discharge to the Comstock Ditch and at the point of discharge to the Big Wood River.
15. At such times in the future as may be necessary to protect the prior rights of other water users, the Director may require determination of the actual rate of loss within the system and may require additional mitigation for all system losses, including losses which may injure other users from the Comstock Ditch.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 22ND
day of OCTOBER, 1997.


Acting for KARL J. DREHER, Director

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF LICENSE)
NO. 37-08535 IN THE NAME OF)
GRAYSTONE, INC., C/O)
JAMES P. SPECK, ESQ.)
_____)

**ORDER GRANTING PETITION
FOR RECONSIDERATION**

On July 23, 1997, the Idaho Department of Water Resources (department) issued a license in connection with Permit No. 37-08535 in the name of Graystone, Inc., c/o James P. Speck, Esq. (petitioner).

On August 11, 1997, the petitioner filed a Petition for Reconsideration (petition) with the department in connection with the license.

In order to further review and evaluate the information asserted in the petition, it is ordered that the petition is hereby **GRANTED**.

Dated this 21st day of August, 1997.



L. GLEN SAXTON
Chief, Water Allocation Bureau

RECORDED
OCT 28 1997

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08535

Superseded

Priority: July 11, 1989

Maximum Diversion Rate: 10.00 CFS
Maximum Diversion Volume: 7239.8 AF

This is to certify, that GRAYSTONE INC
C/O JAMES P SPECK ESQ
PO BOX 987
KETCHUM ID 83340-0987

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 11, 1989; and has submitted Proof of Beneficial Use on May 30, 1996. An examination indicates that the works have a diversion capacity of 10.640 cfs of water from:

BIG WOOD RIVER tributary to MALAD RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
AESTHETIC	01/01 to 12/31	10.00 CFS	7239.8 AF

LOCATION OF POINT(S) OF DIVERSION: SENE, Sec. 30, Township 04N, Range 18E
BLAINE County

PLACE OF USE: AESTHETIC

TWN RGE SEC

04N 18E 29	SWSW
30	SESE

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
6. Water used under this right if discharged into a natural channel shall meet Idaho Water Quality Standards.

RECEIVED

JUL 29 1989

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE***Superseded*

WATER RIGHT NO. 37-08535

CONDITIONS OF APPROVAL AND REMARKS

7. Measuring devices and lockable controlling works of a type acceptable to the Department shall be permanently maintained as part of the diverting works under this right at the point of diversion from the Big Wood River, the point of discharge to the Comstock Ditch, and at the point of discharge to the Big Wood River.
8. Measuring devices shall be maintained at the point of discharge back to the Comstock Ditch and at the point of discharge to the Big Wood River.
9. At such times in the future as may be determined necessary to protect the prior rights or other users, the Director may require determination of the rate of loss within the system, and may require mitigation for all system losses, including losses which may injure other users from the Comstock Ditch.
10. Water temperature effects on the Big Wood River of return flows must be monitored as per agreement between the right holder and the Department of Health & Welfare, Division of Environmental Quality. The Director may require other water quality monitoring if necessary, to protect the local public interest. Use of water under this right, when combined with other recreational, aesthetic, hydropower, fish propagation or other traditional "non-consumptive uses" of water must not cause a significant degradation of water quality in the Big Wood River and its tributaries.
11. This right is junior to the minimum streamflow in the Big Wood River of 189.00 cfs, as established by water right nos. 37-07919 and 37-08307.
12. Any loss of water caused by the diversion of water under this right shall be compensated by a portion of right no. 37-00577BL. A portion of water right no. 37-00577BL is used in combination with this right to mitigate the losses occurring under this right. The portion of water right no. 37-00577BL used for mitigation shall either be diverted into the Comstock Ditch when water rights diverted through the Comstock Ditch are delivered water, or shall remain undiverted from the Big Wood River when water rights diverted through the Comstock Ditch have been turned off.
13. The director retains jurisdiction to review and amend any and all parameters of this right to assure continuing compliance with the "local public interest" criteria of IDAPA Rule 37.03.08.045.01.e. Any person seeking review and amendment of this right shall file a request for a transfer with the department, which request shall include the transfer sought, the reasons for the transfer, and a statement of the changes in circumstances since the license was issued or last reviewed that merit a review of the license. The department shall mail a copy of the request by certified mail,

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

Superseded

WATER RIGHT NO. 37-08535

CONDITIONS OF APPROVAL AND REMARKS

return receipt requested, to the right holder and allow the right holder not less than thirty (30) days from the date of his receipt of the copy of the request to file a response. Upon review of the request and the response, the department may, in its discretion, decide the right needs to be reviewed. If so, it shall notify the general public and specific persons or parties known to be interested in the proposed change, and conduct a hearing for the purpose of determining whether the right should be changed for the purpose of assuring it continues to comply with the "local public interest" criteria of IDAPA Rule 37.03.08.045.01.e. The burden of proof at the hearing shall be upon the persons or parties seeking the transfer to establish that a material change in circumstances has occurred since the right was issued or was reviewed that requires a transfer of the right to prevent a conflict with the "local public interest".

14. This right, when combined with water diverted pursuant to right no. 37-07828 shall not exceed ten (10) cfs.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 23rd day of June, 19 97.

Acting for


KARL J. DREHER, Director

RECEIVED

MAY 30 1996

STATE OF IDAHO

Department of Water Resources
Southern Region

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY

Amt. of Fee \$:

Receipt No.:

Receipt By:

Date Received:

RECEIVED

MAY 30 1996

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

1. Permit No. 37-08535 Telephone No. 208 726 44212. Name(s) of Permit Holder(s): Graystone Inc.3. Mailing Address: 46 James P. Speck P.O. Box 987 Ketchum, ID 833404. Source of Water: Big Wood River If **GROUNDWATER** (well), Date Drilled: mo. ____ / yr. ____

a. Well Driller: ____ Drilling Permit Number: ____ - ____ - ____

b. **OPTIONAL:**

Pump Horsepower: ____ Pressure (psi): ____ Dynamic pumping level (ft): ____

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

Domestic (No. of households): ____ Stockwater (No. and type of stock): ____

Irrigation (No. of acres): ____ Other: Aesthetics6. Total rate of diversion and/or volume for which proof is submitted: 10.0 cfs OR ____ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes ☒ or No ____

Has the measuring device been installed?

Yes ☒ or No ____

Flow Measurement Port: Is a flow measurement port required?

Yes ____ or No ____

Has the measurement port been installed?

Yes ____ or No ____

8. Fee Enclosed: \$ ____ (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: C. E. BrockwayTelephone Number: 208-733-0938Address: 706 Sunrise Blvd N. 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 I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder:

Chris E Brockway
(include your title, if on behalf of company or organization)
Authorized Agent

Date: 5/29/96

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 24 1995

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

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

Permit No. 37-08535

Name(s) of Permit Holder: Graystone, Inc.

Mailing Address: C/O Mr. Peter Gray P O Box 2162 Ketchum ID 83340

Date Proof is Due: June 1, 1995 Telephone No. 208-726-5329

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

See attached Addendum.

Costing \$

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

See attached Addendum.

Permit holder(s) request an extension to November 1, 19 96.

FEE: \$50.00

[Signature]
(Signature)*

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

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to June 1, 1997.

Signed this 7 day of June, 19 95.

[Signature]
Chief, Water Allocation Bureau

JUN 13 1995

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 37-08535

Proposed Priority: July 11, 1989 **Maximum Diversion Rate:** 10.00 CFS

This is to certify, that **GRAYSTONE INC.**
C/O JAMES P. SPECK, ESQ.
P.O. BOX 987
KETCHUM, ID 83340

has applied for a permit to appropriate water from:

BIG WOOD RIVER

tributary of **MALAD RIVER**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
AESTHETIC	01/01 to 12/31	10.00 CFS

LOCATION OF POINT(S) OF DIVERSION: SESENE Sec. 30, Township 04N, Range 18E
BLAINE County

PLACE OF USE: AESTHETIC

TWN RGE SEC

04N 18E 29	SWSW
30	SESE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **June 1, 1995**.
2. Subject to all prior water rights.
3. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
4. Use of water under this permit shall be non-consumptive.
5. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works from the Big Wood River prior to diversion of water under this permit.
6. Prior to diversion of water, measuring devices shall be installed at the point of discharge back to the Comstock Ditch and at the point of discharge to the Big Wood River.
7. Diversion and use of water under this permit is subject to control by the watermaster of State Water District #37.
8. Water used pursuant to this permit which is discharged into a natural channel shall satisfy Idaho Water Quality Standards.
9. At such times in the future as he may determine necessary to protect the prior rights or other users, the Director may require determination of the

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JUN 4 1989

State of Idaho
Department of Water Resources

PAGE 2

Permit To Appropriate Water

NO. 37-08535

- rate of loss within the system using a procedure approved by the Director, and may require mitigation for all system losses, including losses which may injure users from the Comstock Ditch.
10. Notwithstanding other conditions of this permit, additional compensation for losses may be required if necessary pursuant to condition no. 9.
 11. Water temperature effects on the Big Wood River of return flows must be monitored as per agreement between the applicant and the Department of Health and Welfare, Division of Environmental Quality during an above normal temperature day in August of 1990, and a report submitted to the Department of Water Resources. The Director may require other water quality monitoring if necessary to protect the local public interest.
 12. This project, when combined with other recreational, aesthetics, hydropower, fish propagation or other traditional "non-consumptive uses" of water must not cause a significant degradation of water quality of the Big Wood River and its tributaries.
 13. Diversion of water under this right is subject to all prior water rights, including the minimum streamflow in the Big Wood River of 189 cfs, as established by water right permit no. 37-7919 and proposed by application to appropriate water no. 37-8307.
 14. When delivery of water pursuant solely to this permit is not possible because of earlier priority rights, including minimum streamflows, water diverted pursuant to permit no. 37-8278 may be delivered through the place of use for this permit only if: a) Losses incurred from the point of diversion to the point of discharge of right 37-8278 are fully compensated, and b) The water is discharged directly to the actively flowing channel of the Big Wood River.
 15. The loss of water available to the holders of the Comstock Ditch irrigation rights, if any, caused by the diversion of the water for those rights through the system, rather than entirely through the Comstock Ditch, shall be compensated by delivering all, or the requisite portion, of the 0.15 cfs of Water Right No. 37-00577 associated with Transfer 3590 to the point of return to the Comstock Ditch from the system.
 16. This permit is associated with application for transfer no. 3590, which proposes the transfer of portions of water right nos. 37-0577, 37-0419B and 37-0703E. The 0.15 cfs of 37-0577 must remain in the river to compensate for losses incurred whenever the Comstock Ditch rights have been cut-off, but water is being diverted through the Graystone system. If compensation water is not available, no water may be diverted under this right.
 17. Prior to diversion of water approved by this permit, the Comstock #10 diversion structure must be reconstructed to the satisfaction of IDWR.
 18. Water exiting the system proposed by this permit must be discharged by the most direct route after leaving the place of use into the active channel of the Big Wood River by means of a non-leaking gravity flow pipeline.
 19. The Director retains jurisdiction to review and amend any and all parameters of this Permit and subsequent license to assure continuing compliance with the "local public interest" criteria of Rule 5.1.5. Any person seeking review and amendment of the Permit or License shall

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JUN 27 1990

State of Idaho
Department of Water Resources

PAGE 3

Permit To Appropriate Water

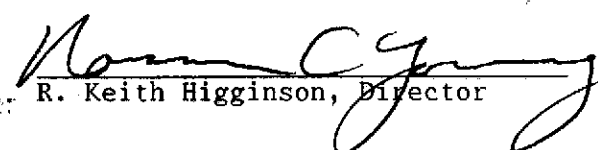
NO. 37-08535

request for an amendment with the Department, which request shall include the amendment sought, the reasons for the amendment, and a statement of the changes in circumstances since the Permit or License was issued or last reviewed that merit a review of the Permit or License. The Department shall mail a copy of the request by certified mail, return receipt requested, to the holder of this Permit or subsequent License and allow the holder not less than thirty (30) days from the date of his receipt of the copy of the request to file a response. Upon review of the request and the response, the Department may, in its discretion, decide the Permit or subsequent License needs to be reviewed. If so it shall notify the general public and specific persons or parties known to be interested in the proposed change, and conduct a hearing for the purpose of determining whether the Permit or subsequent License should be amended for the purpose of assuring it continues to comply with the "local public interest" criteria of Rule 5,1,5. The burden of proof at the hearing shall be upon the persons or parties seeking the amendment to establish that a material change in circumstances has occurred since the Permit or License was issued or was reviewed that requires amendment of the Permit or License to prevent a conflict with the "local public interest."

20. This right, when combined with water diverted pursuant to permit no. 37-7828 shall not exceed ten (10) cfs.

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

21st day of JUNE, 1990.



Attest for R. Keith Higginson, Director

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JUN 27 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Graystone, Inc. Phone (208) 726-4421
Post office address c/o James P. Speck, Hogue, Speck & Aanstad, P.O. Box 987
Ketchum, ID 83340
2. Source of water supply Big Wood River which is a tributary of Malad River
3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 30 Township 4N Range 18E B.M. Blaine County; additional
points of diversion if any: none
4. Water will be used for the following purposes:
Per letter dated 9/22/89
Amount 10.0 for aesthetic purposes from Apr. 1 to Nov 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 10.0 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc. Comstock No. 10 Headgate in
Big Wood River to Comstock Ditch; headgate in Ditch to divert water
streams and ponds; then, returned to Big Wood River
- b. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
- c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet.
- d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
5 years (minimum 1 year).

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JUN 27 1990

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in KW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; show name of municipality. _____
 - Domestic; show number of households. _____
 - Other; describe fully. Aesthetic use of streams and ponds by owners in 6 lot residential subdivision.
9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	18E	29											J						N/A
4N	18E	30																J	

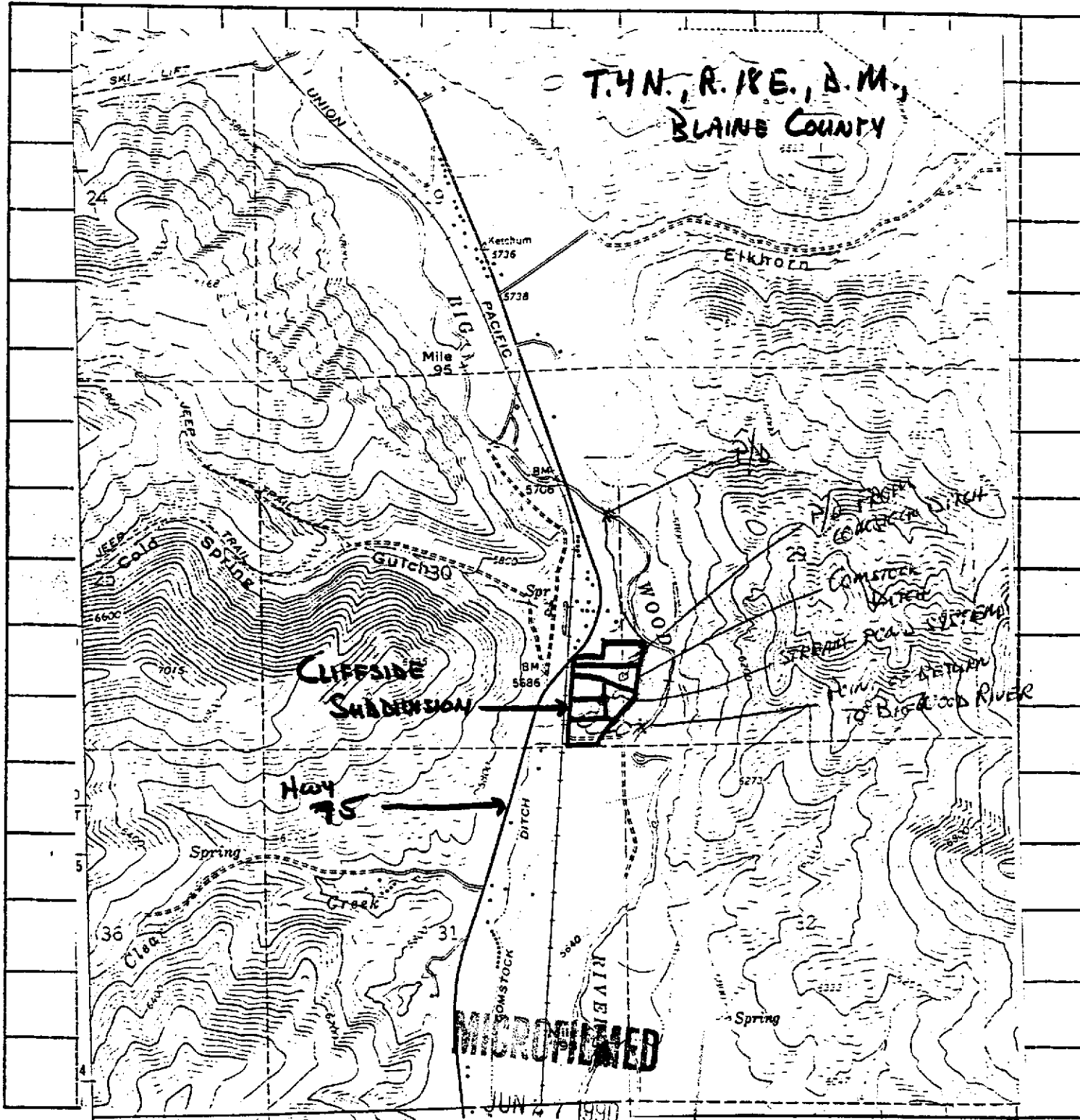
Total number of acres to be irrigated N/A

10. Describe any other water rights used for the same purposes as described above. None
11. a. Who owns the property at the point of diversion? See Remarks
- b. Who owns the land to be irrigated or place of use? See Remarks
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. See Remarks
12. Remarks: See attached Addendum

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JUN 27 1990

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



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

Graystone, Inc.

By

Elizabeth K. Gray (President)

(Applicant)

Received by ZRP Date 7-1-89 Time 1135 Am Preliminary check by AD
Fee \$ 225 Received by JRS # 5008526 Date 2/11
Publication prepared by M. Baldwin Date 8/1/89 Published in Lewiston A.M. Tribune, Post Register
Times News, ID. State
Publication approved M. Baldwin Date 8/30/89, 9/19/89
Wood River Journal

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.

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

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

e. Other:

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JUN 27 1990

ADDENDUM TO
APPLICATION FOR PERMIT
BY

GRAYSTONE, INC.

(Aesthetic Use - Streams & Ponds - Cliffside Subdivision)

1. Applicant is the buyer of the land at the point of diversion and the place of use pursuant to a contract of sale. Title to the land will be transferred from the seller to the buyer upon final approval of the plat for the subdivision described below.

2. This Application for Permit is part of a complete water rights plan for the development of a new, large-lot residential subdivision known as Cliffside Subdivision (the "Subdivision"). A copy of the preliminary plat as approved by the Blaine County Planning and Zoning Commission is attached. The point of diversion for this Application for Permit is the Comstock No. 10 Headgate for the Comstock Ditch. The water then flows through a ditch and pond system on adjoining property (NOTE: 4.0 cfs of the water will be the SAME water diverted for Permit 37-8278 and Beneficial Use Claim 37-4265, non-consumptive rights owned by Helen M. Fassett, the owner of the adjoining property. Instead of returning this 4.0 cfs to the Big Wood River just north of Applicant's property, it will remain in the Comstock Ditch and continue through Applicant's proposed system).

Water will then be diverted from the Comstock ditch by another headgate into and through the system of streams and ponds shown on the plat to the common boundary of Lot 1, Block 2 and Lot 1, Block 1, Cliffside Subdivision. The aesthetic use of these streams and ponds by the homeowners in the Subdivision constitute a beneficial use of the water. The water will then return to the Big Wood River through another system of streams and one (1) pond located on Lot 1, Block 1, pursuant to an agreement with the owner of Lot 1, Block 1, granting mutual easements for these diversions. The diversion system will be maintained by the homeowners association consisting of the owners of the six (6) lots in Block 2 of Cliffside Subdivision. Measuring devices will be placed at the point of diversion from the Comstock Ditch, the common boundary or lot line described above and at the point of return to the Big Wood River. Any replacement water necessary to compensate for "measurable loss" in the entire system shall be supplied by the Applicant and the owner of Lot 1, Block 1 to insure the use is totally non-consumptive.

3. The complete water rights plan includes the following components:

- a. Six (6) Applications for Permits - domestic

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JUN 27 1990

water plus a maximum of 2 acres of irrigated residential landscaping. One (1) Application for Permit is filed for each of the six (6) lots in the Subdivision. Each lot will have its own well to serve one (1) single family residence and any related improvements permitted under the applicable zoning ordinances, and to irrigate any landscaping (up to a maximum of 2 acres) which is not a part of the landscaping covered by the Application for Transfer and Application for Permit described in sub-paragraphs b and c, below.

b. Application for Transfer - three (3) Big Wood River irrigation water rights. Applicant has purchased three (3) Big Wood River irrigation rights which it proposes to transfer to the Subdivision to irrigate the landscaping shown of the attached preliminary plat, which shall consist of approximately six (6) acres of lawn, trees, shrubs, native grasses and wildflowers located on bermed areas along the perimeter of the Subdivision and adjacent to the several ponds to be constructed within the Subdivision. Ownership of these water rights and responsibility for maintaining and irrigating this landscaping will be transferred to the homeowners association upon sale of lots in the Subdivision.

c. Application for Permit - irrigation of the Subdivision landscaping. This well will provide "supplemental water" to irrigate the same landscaping which is to be irrigated by the surface rights transferred pursuant to the Application for Transfer described in sub-paragraph c, above. The total irrigated landscaping in the Subdivision will not exceed eighteen (18) acres. Thus, the irrigated acreage of three (3) acres per lot for this Subdivision meets the requirements of the Contract to Implement Chapter 259, Sess. Laws, 1983, between the State of Idaho and Idaho Power Company, as interpreted by the Department of Water Resources. Furthermore, the total consumptive use for irrigation within the Subdivision is 45 AF/irrigation season (18 acres X 2.5 AF/acre/irrigation season), which is less than 2.0 AF/day (the irrigation season is 214 days - $45 \text{ AF} / 214 \text{ days} = 0.21 \text{ AF/day}$), which meets the requirements of Idaho Water Appropriation Rule 5,3,10.

d. Application for Permit - non-consumptive, aesthetic use of surface water flowing through the system of ponds and streams shown on the plat. This is the subject Application for Permit.

j:\grayaper.add
7/9/89

ADDENDUM TO APPLICATION FOR
PERMIT - GRAYSTONE, INC.
PAGE 2

MICROFILMED

JUN 27 1990

Mr. David Statton
July 25, 1989
Page 2

The officers and directors of Graystone, Inc. are as follows:

Elizabeth Kemerer Gray	President
Peter W. Gray	Vice President
Peter W. Gray	Secretary
Elizabeth Kemerer Gray	Treasurer

Please give Gary Funderburg this information on directors and officers of Graystone, Inc. for his review of the Application for Permit submitted together with the Application for Transfer.

Please do not hesitate to call me if you have any further questions or need any further information. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD

Jim
James P. Speck

JPS:cm
cc: Peter and Betty Gray
Jed Gray

MICROFILMED

JUN 27 1990

37-08535

AFFIDAVIT PUBLICATION

RECEIVED

State of Idaho,
County of Blaine

SS.

SEP 5 1989

Department of Water Resources
Southern Region Office

DANIEL J. GORHAM

being first duly sworn, deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the

annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 16th day of Aug. 19 89, and

the date of the last publication was on the 23rd day of Aug. 19 89.

Subscribed and sworn to before me this 23rd day of Aug. 19 89.
(SEAL)

Roberta McKee
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line	11
Number of Lines in Notice	76.5
Number of Insertions	2
Lines tabular at	5.5¢/Pica
Lines straight at	37.87 4.5¢/Pica
Subsequent lines at	29.45 3.5¢/Pica
TOTAL COST	67.32

COPIES OF NOTICE
(Paste Here)

4 Applications
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources
BILL TO

Four file on water rights

NOTICE OF APPLICATION FOR WATER RIGHT

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

37-08533
GRAYSTONE INC.
C/O JAMES P. SPECK ESQ.
P.O. BOX 987
KETCHUM, ID 83340
Source: GROUNDWATER
Diversion Pt.: NESESE Sec 30 T
04N R 18E
Use: DOMESTIC (.040 CFS)
IRRIGATION (.060 CFS)
Date Filed: 7/11/1989
In: T04N R18E S29 SWSW
S30 SESE
2.0 ACRES TOTAL

37-08534
GRAYSTONE INC.
C/O JAMES P. SPECK ESQ.
P.O. BOX 987
KETCHUM, ID 83340
Source: GROUNDWATER
Diversion Pt.: SESESE Sec 30 T
04N R 18E
Use: DOMESTIC (.040 CFS)
IRRIGATION (.060 CFS)
Date Filed: 7/11/1989
In: T04N R18E S30 SESE
2.0 ACRES TOTAL

37-08535
GRAYSTONE INC.
C/O JAMES P. SPECK ESQ.
P.O. BOX 987
KETCHUM, ID 83340
Source: BIG WOOD RIVER
Tributary: MALAD RIVER
Diversion Pt.: SESENE Sec 30 T
04N R 18E
Use: AESTHETIC (10.000 CFS)
Date Filed: 7/11/1989
In: T04N R18E S29 SWSW
S30 SESE

37-08537
BLACKBURN, LAWRENCE J.
P.O. BOX 2802
KETCHUM, ID 83340
Source: PARKER GULCH
Tributary: ELKHORN GULCH
Diversion Pt.: NWSWSE Sec 16 T
04N R 18E
Use: AESTHETIC (.200 CFS)
Date Filed: 7/25/1989
In: T04N R18E S16 SWSE

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code, and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2148 4th Avenue East, Twin Falls, Idaho 83301, on or before SEPTEMBER 5, 1989.

R. Keith Higginson, Director
Publish: Wood River Journal-
August 16 & 23, 1989.

JUN 27 1989

NOTICE OF APPLICATION FOR WATER RIGHT

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

37-08535 ✓
GRAYSTONE, INC.
c/o James P. Speck Esq.
PO Box 987
Ketchum, ID 83340
Source: Big Wood River
Tributary: Malad River
Diversion Pt: SESENE
Sec 30 T 04N R 18E
Use: Aesthetic (10.000 CFS)
Date Filed: 7/11/1989
In: T04N R18E S29
SWSW
S 30 SESE

47-08221
AGRI-LINES IRRIGATION, INC.
PO Box 311
Twin Falls, ID 83301
Source: Groundwater
Diversion Pt: NENWNE
Sec 23 T 10S R 17E
Use: Commercial (.060 CFS)
Date Filed: 7/26/1989
In: T10S R17E S23
NWNE

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before SEPTEMBER 5, 1989.

R. Keith Higginson, Director
PUBLISH: Thursday, August 17. and 24. 1989.

Affidavit of Publication

STATE OF IDAHO }
COUNTY OF TWIN FALLS } SS.

No 20214

OK MB
8/30/89
I, Linda Capps McSeure being first duly sworn upon oath, depose and say that I am Linda Capps of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive Weeks, commencing with the issue dated August 17, 1989, and ending with the issue dated August 24, 1989.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 25 day of August in the year of 1989, before me, a Notary Public, personally appeared Linda Capps McSeure, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Sheva R. Feltman
Notary Public for Idaho
Residing at Twin Falls County
My commission expires: 5/19/94

Proof of Publication

The Post-Register

State of Idaho, }
County of Bonneville } ss

I, Ted Delezene, first being duly sworn, depose and say: That I am the Foreman of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 17th day of August, 1989, last publication having been made on the 24th day of August, 1989, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 25th day of August, 1989.

Ted Delezene
Dean K. Rapier
Notary Public

My commission expires September 30, 1994.

NOTICE OF APPLICATION FOR WATER RIGHT

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

37-08535

GRAYSTONE INC.
C/O JAMES P. SPECK ESQ.
P.O. BOX 987
KETCHUM, ID 83340

Source: BIG WOOD RIVER; Tributary:
MALAD RIVER

Diversion Pt: SESENE Sec 30 T 04N R 18E

Use: AESTHETIC (10,000 CFS)

Date Filed: 7/11/1989

In: T04N R18E S29 SWSW

S30 SESE

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before SEPTEMBER 5, 1989.

R. Keith Higginson, Director

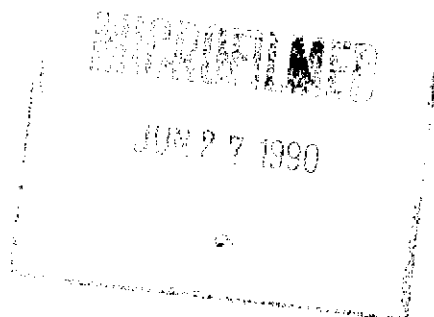
Published: August 17, 24, 1989

OK
MB
8/30/89

RECEIVED

AUG 30 1989

Department of Water Resources
Southern Region Office



The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

3660

Account Name Idaho Department of Water Resources (Southern)			Account Number #100632	
Address 2148 4th Avenue East		City/State Twin Falls, ID		Zip 83301
Ordered By Mary Baldwin	P.O. Number	Rate NT	Run Dates 1989 August 17, 24	
Identification Application for Water Right: 37-08535			Estimated Inches	Real Inches
				Legal Number #3331

1

Number of Affidavits
Requested

OK
MB
8/30/89

RECEIVED

AUG 28 1989

Department of Water Resources
Southern Region Office

NOTICE OF APPLICATION FOR WATER RIGHT

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

37-08535

Graystone, Inc.
c/o James P. Speck, Esq.
P.O. Box 987
Ketchum, ID 83340
Source: Big Wood River
Tributary: Malad River
Diversion Pt: SESENE Sec 30
T 04N R 18E
Use: Aesthetic (10,000 CFS)
Date Filed: 7/11/1989
In: T04N R18E S29 SWSW
In: T04N R18E S30 SESE

The permit(s) will be subject to
all prior water rights. Protests
may be submitted based on the
criteria of Sec. 42-203A, Idaho
Code and/or the new public inter-
est criteria of Sec. 42-203C, Idaho
Code. Protests must be filed with
the Director, Dept. of Water Re-
sources, 2148 4th Avenue East,
Twin Falls, Idaho 83301 on or be-
fore SEPTEMBER 5, 1989.

R. KEITH HIGGINSON
Director

Pub. Aug. 17, 24, 1989

3331

STATE OF IDAHO)
COUNTY OF ADA)

ss.

Debbie Richards, being duly

sworn, deposes and says: That she is the Principal Clerk of The Idaho
Statesman, a daily newspaper printed and published at Boise, Ada
County, State of Idaho, and having a general circulation therein and
which said newspaper has been continuously and uninterruptedly
published in said County during a period of twelve consecutive months
prior to the first publication of the notice, a copy of which is attached
hereto; that said notice was published in The Idaho Statesman in
conformity with Section 60-108, Idaho Code as amended, for 2

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of August 17, 19 89

and ending with the issue of August 24, 19 89

Debbie Richards

MICROFILMED

JUN 27 1990

Subscribed and sworn to before me this 24th

day of August, 19 89

[Signature]
Notary Public for Idaho, Residing at Boise, Idaho

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

**LEGAL ADVERTISING
INVOICE**

Date 082489 INVOICE No. L00171669
Account No. 44662 08535
Description 71669NOTIC
Times 2 Lines 31
Tab Lines _____

SOLD TO: STATE OF IDAHO
DEPT. OF WATER RESOURCES
2148 4TH AVE. E.
TWIN FALLS
ID 83301

\$ 31.00

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

71669
**NOTICE OF APPLICATION
FOR WATER RIGHT**
The Following application(s) have
been filed to appropriate the public
waters of the State of Idaho:
37-08535

GRAYSTONE INC.
C/O JAMES P. SPECK ESQ.
P.O. BOX 987
KETCHUM, ID 83340
Source: BIG WOOD RIVER
Tributary: MALAD RIVER
Diversion Pt:
SESENE Sec 30 T 04N R 18E
Use: AESTHETIC (10,000 CFS)
Date Filed: 7/11/1989
In:
T04N R18E S29 SWSW
S30 SESE

OK
NB
8/30/89
The permit(s) will be subject to all
prior water rights. Protests may be
submitted based on the criteria of
Sec. 42-203A, Idaho Code and/or the
new public interest criteria of Sec.
42-203C, Idaho Code. Protests must
be filed with the Director, Dept. of
Water Resources, 2148 4th Avenue
East, Twin Falls, Idaho 83301 on or
before SEPTEMBER 5, 1989.
R. Keith Higginson, Director

Sue Baumeister, being duly sworn,
deposes and says, I am the Legal Clerk
of the Tribune Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho, publishers of the
LEWISTON MORNING TRIBUNE, a newspaper of general circulation
published at Lewiston, Nez Perce County, Idaho; That the said Lewiston
Morning Tribune is an established paper and has been published regular-
ly and issued regularly at least once a day for more than 21 consecutive
years next immediately preceding the first publication of this notice, and
has been so published uninterrupted for said period; that the

NOTICE OF APPLICATION FOR
attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, 2 time(s). Publication be-
ing on 081789, or once a
WEEK for 2 consecutive WEEKS, the first
publication thereof being on the 081789, and the last pub-
lication thereof being on the 082489, and said

NOTICE OF APPLICATION FOR
was so published in the regular and entire issue of said newspaper and
not in a supplement thereof and was so published in every issue and
number of the said paper, during the period and times of publication as
set forth above.

Sue Baumeister
SUBSCRIBED AND SWORN BEFORE ME THIS THE 24
day of August 1989

Sheral M. Lutz
Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

MICROFILMED
RECEIVED
JUN 27 1989
AUG 28 1989

Department of Water Resources
Southern Region Office

Memorandum

To: Shelley Keen *SKK*

From: John Freitag, Water Resource Agent Sr.

Re: 37-8535

Date: 7-7-03

On 7-5-03 Terry Blau and I met with Peter Gray, Jim Speck and Steve Fisher regarding right 37-8535 in the name of Cliffside Homes Assoc.

Apparently roots have broken through the top of the 15-inch pipe that returns water from the last pond on 37-8535 (on Mr. Grays property) directly to the Big Wood River. Mr. Gray would like to do one of the three following options to solve his broken pipe issue:

- 1) Use an existing overflow channel and divert all water through Ranney Drapers system and abandon the existing pipe entirely.
- 2) Use the good portion of the existing pipe, approx. 260' and then discharge all water into an open channel which would flow through Ranney Drapers system.
- 3) Use the good portion of the existing pipe, approx. 260' and then discharge all water into a new section of pipe that goes to Ranny Drapers first pond and then would continue through the Draper system.

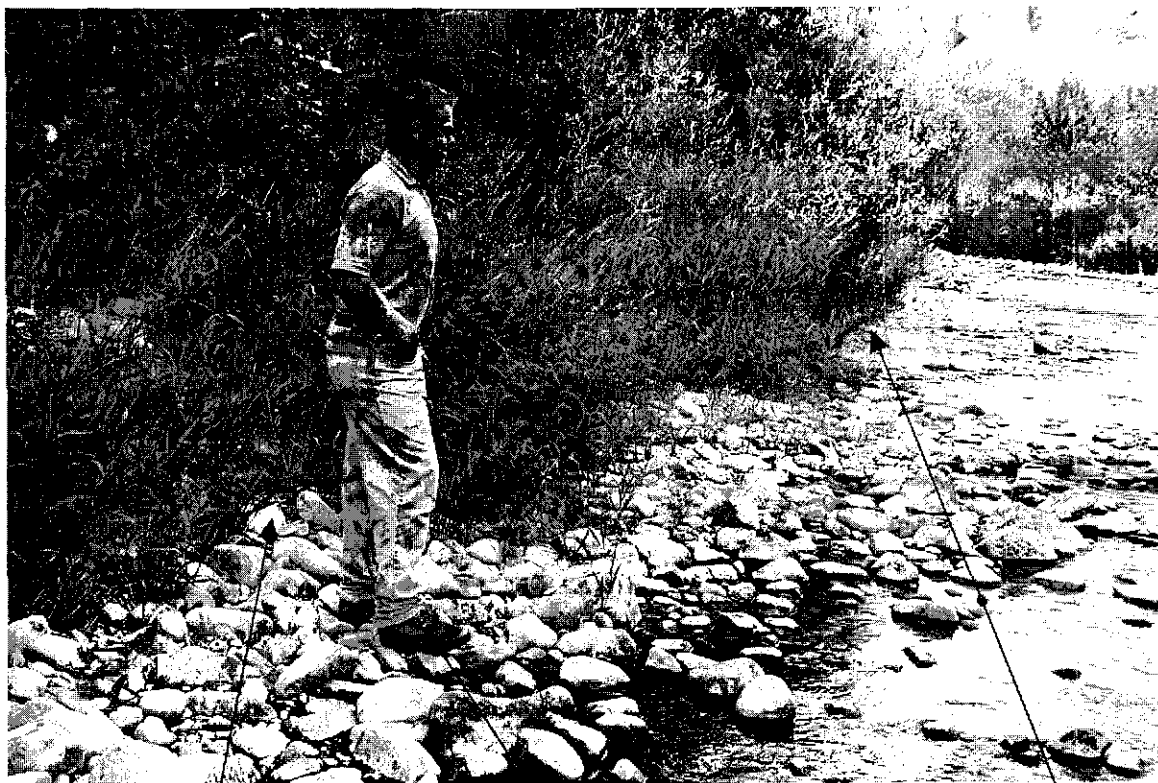
All of the above is better illustrated in the attached diagram I have included.

MICROFILMED

NOV 20 2003

The potential issues I see with allowing the total flow of 37-8535 flow through Mr. Drapers system are:

- 1) Mr. Drapers permit is for only 5 cfs and 37-8535 is 10 cfs, would Mr. Draper need to file a new permit for the additional 5 cfs?
- 2) The discharge point on the Big Wood River would move downstream approx. 50 feet. Effects on min. stream flow?
- 3) Would the extra flow through Drapers system increase water lost to seepage and/or evaporation?
- 4) Why was the condition for returning the water directly to the Big Wood River put on 37-8535? Was it part of a protest resolution?



Draper's discharge
to Big Wood River

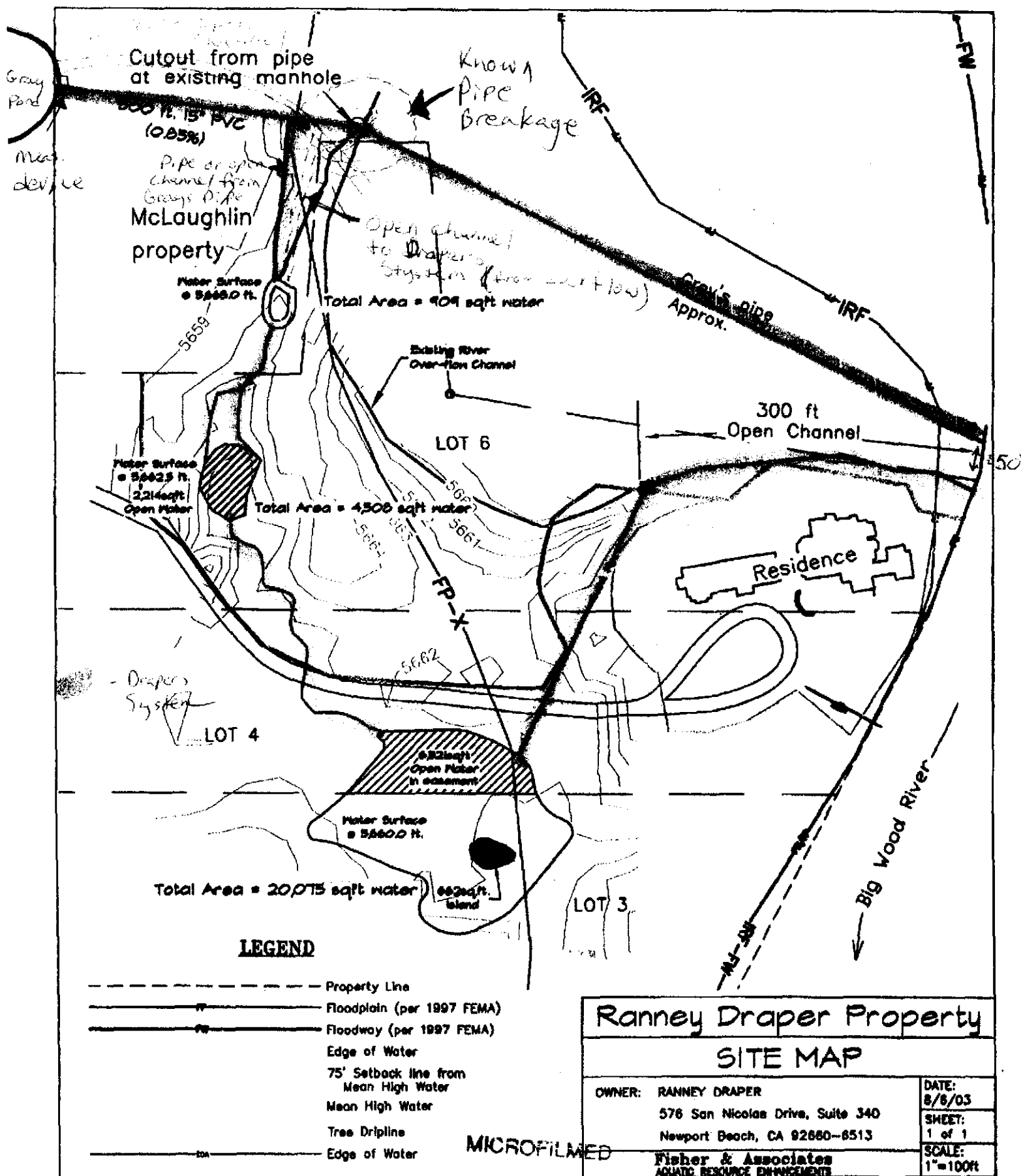
Clueless state
employee

37-8735 discharge to
Big Wood River

Photo depicting the difference in where the water from the two different
systems would enter the Big Wood River. Approx. 50 feet apart.

MICROFILMED

NOV 20 2003



TRANSMITTAL COVER SHEET

to: Shelley Keen

TOTAL PAGES SENT: 2
(including cover sheet)
DOCUMENT DESCRIPTION: _____

FROM:

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE ST, STE 200
TWIN FALLS ID 83301-3380
PHONE: 736-3033
FAX: 736-3037

CHARGES: One (1) free copy
per request, cover sheet not
counted. Two (2) or more
copies per request will cost
\$0.25 per page (\$0.50
minimum)

Please consider this document as a billing statement.

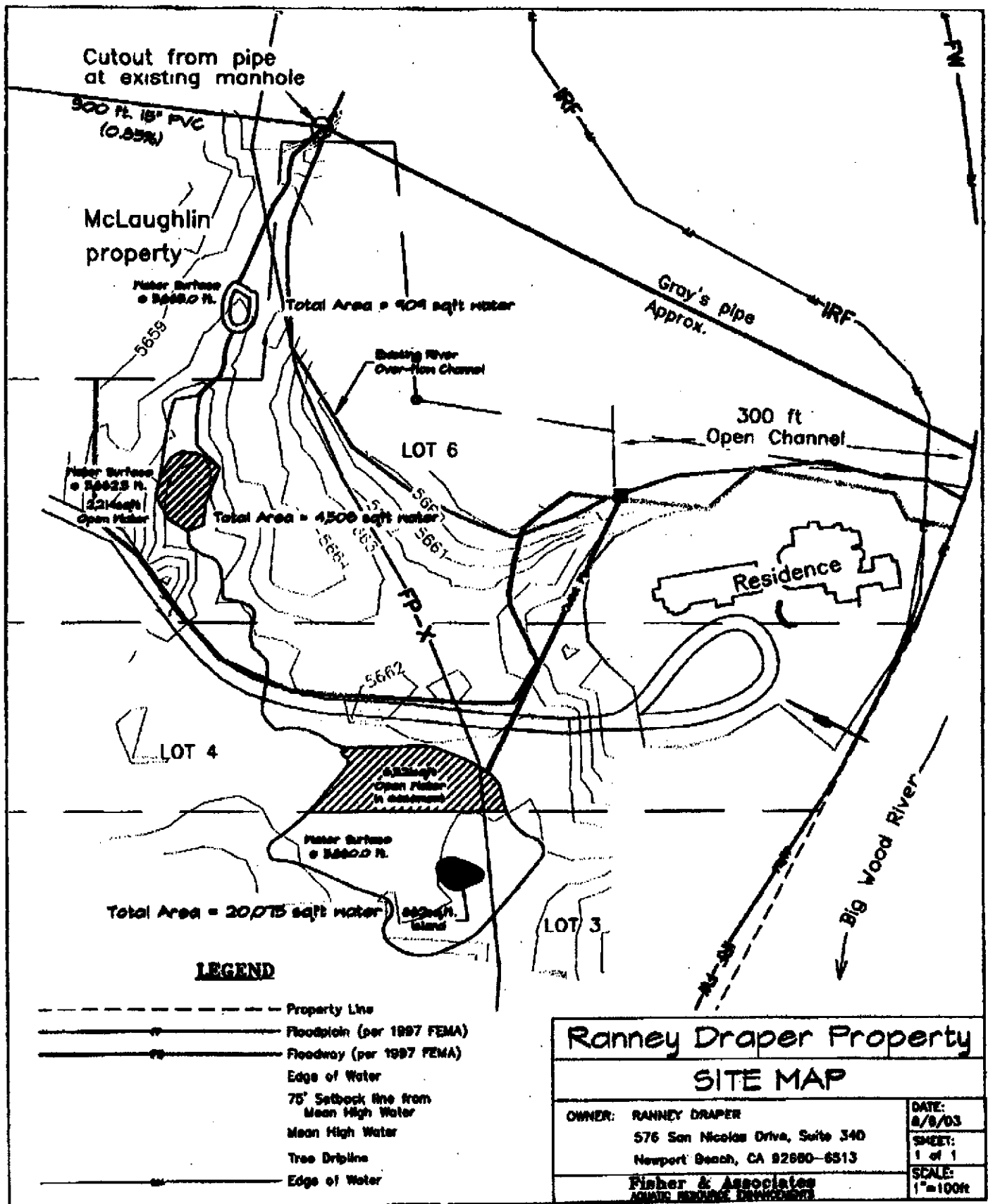
The charge for your fax copies is: _____ Please remit to the above address.

SENDER: John

COMMENTS: _____

MICROFILMED

NOV 20 2003



MICROFILMED

NOV 20 2003

RECEIVED

JAN - 7 2003

Department of Water Resources

January 2, 2003

State of Idaho, Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

WR #
37-8535
37-8538

To whom it may concern:

The address of Water Right holders CLIFFSIDE HOMEOWNERS
ASSOCIATION, INC. has changed.

The old Address was: P.O. Box 4630, Ketchum, ID 83340

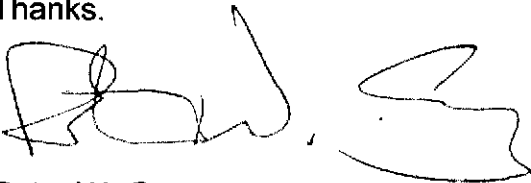
THE NEW ADDRESS IS:

PO BOX 3175
KETCHUM, IDAHO 83340

Business Phone Number is : (208) 726-5997

Please make these changes as soon as possible.

Thanks.



Peter W. Gray
President, Cliffside Homeowners Association, Inc.

Database updated

MICROFILMED

NOV 20 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 18, 2000

CLIFFSIDE HOMEOWNERS ASSN INC
PO BOX 4630
KETCHUM ID 83340

RE: Change of Ownership for Water Rights 37-08535 & 37-08538

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records. Also enclosed is a receipt for the \$50.00 filing fee.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

OCT 05 2000

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
DOUGLAS J. AANESTAD
BENJAMIN W. WORST

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

September 11, 2000

RECEIVED

SEP 12 2000

Department of Water Resources
Southern Region

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls ID 83301

**RE: Graystone, Inc. - Cliffside Homeowners Association
Notice in Change of Water Right Ownership**

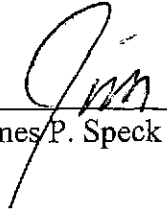
Dear Allen:

Enclosed you will find the Notice in Change of Water Right Ownership for the transfer of the water rights described therein by Graystone, Inc. to Cliffside Homeowners Association, Inc. Also enclosed is our check payable to the Department for the \$50 filing fee, a copy of the Notice and a stamped and self addressed return envelope. Please receipt date stamp the copy of the Notice and return it to me. Kindly call me if you have any questions about this water right transfer.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:rsd

enclosures

cc: Peter Gray, w/encl.
Ron Alling, w/encl.

MICROFILMED

OCT 06 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

October 23, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GRAYSTONE INC
C/O JAMES P SPECK ESQ
PO BOX 987
KETCHUM ID 83340-0987

RE: Water Right 37-08535

Dear Water Right Holder(s):

On October 22, 1997, the Department of Water Resources (the Department) issued the enclosed license in response to a petition for reconsideration of the license issued on July 23, 1997. The enclosed license supersedes the license issued on July 23, 1997. By issuing a license, the Department confirms that a water right has been established in accordance with the permit referenced above. The enclosed license is a revised 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 or files an exception and/or brief 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. 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 twenty-one (21) 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. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the

preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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

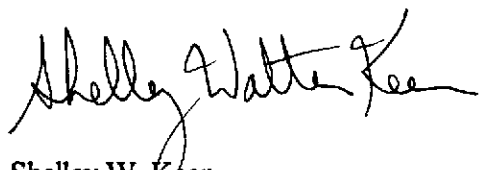
all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- 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.

If you have questions, please contact me at (208) 327-7946.

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

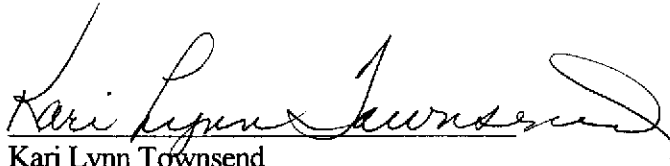
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the **24th** day of **October, 1997**, I mailed a true and correct copy, postage prepaid, of the foregoing **REVISED PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 37-08535

**GRAYSTONE INC
C/O JAMES P SPECK ESQ
PO BOX 987
KETCHUM ID 83340-0987**


Kari Lynn Townsend
Secretary

HOGUE, SPECK & AANESTAD
A PROFESSIONAL ASSOCIATION OF
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
TRACY DUNLAP
MICHELE C. MESKE

120 EAST AVENUE
P. O. BOX 987
KETCHUM, IDAHO 83340
(208)726-4421
FAX (208)726-0752

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

October 10, 1997

VIA FACSIMILE - (208) 327-7866
ORIGINAL WILL NOT FOLLOW

Mr. Shelly Keen
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

Re: *Graystone, Inc. - Water Right 37-08535*

Dear Shelly:

The revised conditions for the License for this water right, as set forth in the draft accompanying your October 3, 1997 Memo to me, are acceptable. I understand the License will now be re-issued with these new conditions. Thank you for your continuing cooperation and assistance in these matters.

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.



James P. Speck

JPS/j

cc:

W. C. ...
OCT 20 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

M E M O R A N D U M

DATE: October 3, 1997

TO: Jim Speck Fax (208) 726-0752

FROM: Shelley W. Keen *SWK*

RE: Graystone Inc. #37-08535

Along with this memo I am faxing you a copy of the revisions proposed for license 37-08535. There are two items that I should explain. First, you may find the order of the conditions has changed a little. Our database software does not provide a good text editor. Therefore, changes tend to end up at the end of the list. Second, the portion of the W. T. Riley right used for mitigation has been renumbered as 37-30035. The renumbering is merely for record keeping purposes.

I will look forward to receiving your comments so that we can resolve the petition for reconsideration.

If you have any questions, please call me at (208) 327-7946.

RECEIVED
OCT 7 8 1997

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT NO. L37-08535

GRAYSTONE INC
C/O JAMES P SPECK ESQ
PO BOX 987
KETCHUM ID 83340-0987

Priority Date: 07/11/1989
Stage: LICENSE

DRAFT

Source: BIG WOOD RIVER
Tributary: MALAD RIVER

Beneficial Use	From:	To:	Diversion Rate	Volume
AESTHETIC	01-01	12-31	10.00 CFS	7239.80 AFA
	Total:		10.00 CFS	7239.80 AFA

Point(s) of Diversion: SENE, Sec. 30, Township 04N, Range 18E

Place(s) of Use: AESTHETIC

Twp: Rng:	Sec:	Tract: Acres:	Tract: Acres:	Tract: Acres:
04N 18E	29	SWSW		
	30	SESE		

Conditions of Approval and Remarks:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
6. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
7. Water temperature effects on the Big Wood River of return flows must be monitored as per agreement between the right holder and the Department of Health & Welfare, Division of Environmental Quality. The Director may require other water quality monitoring if necessary, to protect the local public interest. Use of water under this right, when combined with other recreational, aesthetic, hydropower, fish propagation or other traditional "non-consumptive uses" of water must not cause a significant degradation of water quality in the Big Wood River and its tributaries.
8. This right is junior to the minimum streamflow in the Big Wood River of 189.00 cfs, as established by water right nos. 37-07919 and 37-08307.
9. The director retains jurisdiction to review and amend any and all

NOT 23 000

DRAFT

Conditions of Approval and Remarks:

- parameters of this right to assure continuing compliance with the "local public interest" criteria of IDAPA Rule 37.03.08.045.01.e. Any person seeking review and amendment of this right shall file a request for a transfer with the department, which request shall include the transfer sought, the reasons for the transfer, and a statement of the changes in circumstances since the license was issued or last reviewed that merit a review of the license. The department shall mail a copy of the request by certified mail, return receipt requested, to the right holder and allow the right holder not less than thirty (30) days from the date of his receipt of the copy of the request to file a response. Upon review of the request and the response, the department may, in its discretion, decide the right needs to be reviewed. If so, it shall notify the general public and specific persons or parties known to be interested in the proposed change, and conduct a hearing for the purpose of determining whether the right should be changed for the purpose of assuring it continues to comply with the "local public interest" criteria of IDAPA Rule 37.03.08.045.01.e. The burden of proof at the hearing shall be upon the persons or parties seeking the transfer to establish that a material change in circumstances has occurred since the right was issued or was reviewed that requires a transfer of the right to prevent a conflict with the "local public interest".
10. This right, when combined with water diverted pursuant to right no. 37-08278 shall not exceed ten (10) cfs.
 11. When delivery of water pursuant solely to this right is not possible because of earlier priority rights, including minimum streamflows, water diverted pursuant to right no. 37-08278 may be delivered through the place of use for this right only if: a) losses incurred from the point of diversion to the point of discharge of right no. 37-08278 are fully compensated, and b) the water is discharged directly to the actively flowing channel of the Big Wood River.
 12. Right 37-30035 is used in combination with this right to mitigate losses of water resulting from the use of this right. The loss of water available to the holders of senior Comstock Ditch irrigation rights caused by the diversion of water under this right shall be compensated by delivering all or the requisite portion of Right 37-30035 to the point where water diverted under this right is returned to the Comstock Ditch. Whenever the Comstock Ditch irrigation rights are not being diverted, but water is being diverted under this right, then losses to the Big Wood River must be compensated by leaving Right 37-30035 in the river. If compensation water under Right 37-30035 is not available, no water may be diverted under this right.
 13. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently maintained at the point of diversion from the Big Wood River.
 14. Measuring devices shall be maintained at the point of discharge to the Comstock Ditch and at the point of discharge to the Big Wood River.

NOT RECORDED
NOV 25 1972

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT NO. L37-08535

Conditions of Approval and Remarks:

15. At such times in the future as may be necessary to protect the prior rights of other water users, the Director may require determination of the actual rate of loss within the system and may require additional mitigation for all system losses, including losses which may injure other users from the Comstock Ditch.

Dates: App. Received: 07/11/1989
Proof Made Date: 05/30/1996
Licensed Date: 07/23/1997

Proof Due Date: 06/01/1997
Exam Made Date: 06/06/1995

DRAFT

APPROVED
07/23/1997

Water Right Number - 37-30035

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

GRAYSTONE INC

1 - C/O JAMES P SPECK

2 - PO BOX 987

3 -

City- KETCHUM

State- ID Zip- 83340

Phone - 208-000-0000

*** O - ORIGINAL OWNER ***

RILEY

W T

1 -

2 -

3 -

City-

State- ID Zip-

Phone - 208-000-0000

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
03/24/1883 17 SOUTHERN D - DECREED

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
BIG WOOD RIVER MALAD RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.

04N 18E 30 SE NE (13) BLAINE 10 COMSTOCK

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 04/15 10/15 0.150

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.150

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

04N 18E 30 SE SE 6.0 01 IRRIGATION (13) BLAINE

Total Acres: 6.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +

This right is used for compensation of losses of water used pursuant to Permit No. 37-08535 as follows: a) when the Comstock Ditch rights are being delivered, the 0.15 cfs of this right, or a requisite portion, must be delivered to the point of return to the Comstock Ditch from the Graystone system, b) when the Comstock Ditch rights are not deliverable, but water is being delivered through the Graystone system, the 0.15 cfs of this

Water right number - 37-30035

Prefix Translation: WATER RIGHT

+ - - - - Remarks - - - - - +

right, or a requisite portion, must remain in the Big Wood River.
The 0.15 cfs of this right may be diverted for irrigation use when water is not being delivered to the Graystone system pursuant to Right No. 37-08535.
Prior to diversion of water, the Comstock #10 diversion structure must be reconstructed to the satisfaction of IDWR.

+ - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +

R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

ALBRETHSEN

WOOD RIVER LAND CO.

06/27/1925

+ - - - - Comments - - - - - +

Date: 10/29/1993 User Id: BALDWIN Subject: TRANS. #3590

Trans. #3590 was filed to change the point of diversion and place of use.

Date: 10/23/1996 User Id: SCURTIS Subject: PREVIOUS NUMBER

This right reflects a portion of the W. T. Riley right which was not assigned a suffix portion of 37-00577 in the computer system prior to the renumbering of valid portions to 30000 series numbers. The transfer(s) which created this right were further splits of previous numbers 37-00577BA & BN.

+ - - Audit Fields - 10/10/96 SCURTIS 10/23/96 SCURTIS 04/23/97 PSKAGGS

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date- 00/00/0000	Verified Date - 00/00/0000	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District - 37
Licensed Date - 00/00/0000	Appl Received - 00/00/0000	Transfer/Amended - T
Decree Date - 06/27/1925	Name Connector -	POU Ownership Flag-
Presumption Flag -		

MEMORANDUM

DATE: September 17, 1997

TO: Water Right File 37-08535

FROM: Shelley W. Keen *SWK*

RE: Review of petition for reconsideration

I have reviewed the petition for reconsideration of license 37-08535, and I propose the following changes to the conditions and remarks.

The petitioner asked that condition no. 7 on the license be changed so that lockable controlling works are not required on the points of discharge to the Big Wood River and the Comstock Ditch. The permit did not require lockable controlling works at the discharge points. I do not think the lockable controlling works are necessary and, therefore, I have removed license condition no. 7 and replaced it with nos. 13 and 14 on the attached draft license revision. ✓

The petitioner suggested that license condition no. 12 is too vague because it does not identify the portion of right 37-00577BL that will be used for mitigation. I found that the pertinent portion of 37-00577BL has been renumbered as 37-30035. I have revised condition no. 12 reflect this finding. ✓

The petitioner thinks that permit condition no. 14 was accidentally omitted from the license. I concur. The condition is included on the draft license revision as no. 11. ✓

I have also taken this opportunity to revise license condition no. 9 and include it on the revision as no. 15. The revised version more closely matches nos. 9 and 10 from the permit. ✓

RECEIVED

OCT 29 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 21, 1997

GRAYSTONE INC
C/O JAMES P SPECK ESQ
PO BOX 987
KETCHUM ID 83340-0987

RE: Water Right License No. 37-08535

Dear Jim:

I have enclosed an Order Granting Petition For Reconsideration in response to your petition. We will review the points expressed in your petition and respond accordingly.

Please call me at (208) 327-9746 if you have any questions regarding this matter.

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

SWK:klt

Enclosure

SEP 1 1997
017 29 807

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
TRACY DUNLAP
MICHELE C. MESKE

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
FAX (208) 726-0752

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

August 8, 1997

VIA FACSIMILE - (208) 327-7866
ORIGINAL TO FOLLOW BY MAIL

RECEIVED

AUG 11 1997

Department of Water Resources

Mr. Shelly Keen
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

Re: License No. 37-08535 - Graystone, Inc.

Dear Shelly:

Enclosed please find for filing a Petition for Reconsideration of the conditions to License No. 37-08535. As we discussed, I am filing the Petition to preserve the questions I raised in our telephone conversation of August 4, 1997. I certainly don't expect this to become a contested matter!

Please call to discuss the issues I have raised as soon as possible. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.



James P. Speck

JPS/j
(enclosure)
cc: client (w/ enclosure)

421-11-11-11
11-11-11-11
11-11-11-11

James P. Speck, Esq.
HOGUE, SPECK & AANESTAD
Post Office Box 987
120 East Avenue
Ketchum, Idaho 83340
Telephone: (208) 726-4421

Attorneys for Graystone, Inc.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF WATER RIGHT)
LICENSE NO. 37-08535 IN THE NAME OF) PETITION FOR
GRAYSTONE, INC.) RECONSIDERATION
_____)

GRAYSTONE, INC. ("Graystone"), through its attorneys, the law firm of Hogue, Speck & Aanestad, P.A., hereby petitions the Idaho Department of Water Resources (the "Department") pursuant to I.C. § 67-5243 for reconsideration of the Preliminary Order entered herein on July 23, 1997 issuing Water Right License No. 37-08535 (the "License"). In support thereof, Graystone states as follows:

1. Condition no. 7 of the License requires measuring devices and lockable controlling works be installed at the points of discharge into the Big Wood River and Comstock Ditch. Conditions 5 and 6 of the Permit required only that measuring devices be installed at these points of discharge, which is consistent with Condition no. 8 of the License. Lockable controlling works should not be required at the points of discharge.

2. Condition no. 12 of the License is too vague to comply with as it does not specify the portion of water right no. 37-00577BL required for mitigation of losses under the License.

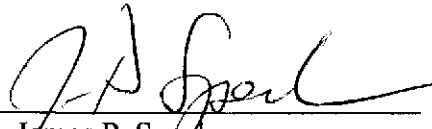
Condition no. 15 of the Permit should replace condition no. 12 of the License.

3. Condition no. 14 of Permit No. 37-08535 issued June 21, 1990 (the "Permit") was wrongfully omitted from the License.

WHEREFORE, Graystone respectfully requests the Department to grant this Petition and make the changes to the conditions to the License as stated above.

DATED this 8TH day of August, 1997.

HOGUE, SPECK & AANESTAD, P.A.
Attorneys for Graystone, Inc.

By 
James P. Speck



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

July 25, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GRAYSTONE INC
C/O JAMES P SPECK ESQ
PO BOX 987
KETCHUM ID 833400987

RE: WATER RIGHT NO. 37-08535

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief 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. 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 twenty-one (21) 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. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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.

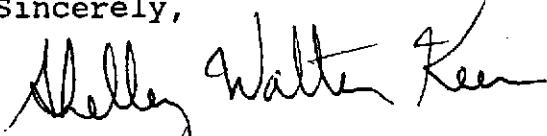
APPEAL OF FINAL ORDER TO DISTRICT COURT

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.

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 25th day of July, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 37-08535

GRAYSTONE INC
C/O JAMES P SPECK ESQ
PO BOX 987
KETCHUM ID 833400987


Kari Lynn Townsend
Secretary

NOTED
JUL 29 1997

B/U FIELD EXAM REVIEW

Cindy Zimmerman

Permit #: 37-8535 Name: Graystone Lane Date: 2/27/97 ✓ Lots ✓

7/3/97
3/17/97

NAME	Chng	Same	Or Address Change?	
SOURCE		✓	Clarify source	
			Prelim. Order to Void - Source change.	
P/D		✓	Amendment Needed? <u>NE SENE</u>	P39
			Overlap(s)	
P/U		✓	Amendment Needed?	P41
			Overlap(s)	
			(Gov't use special T's)	*P/D & P/U Amend? P37
RATE		✓	Permit/proof fee limits <u>10.00</u>	to NA
		✓	Measured Quantity = <u>10.64</u> cfs	Theoretical Quantity = <u> </u> cfs
			<u>weirs = 10.64</u>	
			(HP) $\frac{8.8 \times 0.70 \times}{+ (2.31 \times)} =$	cfs
		✓	Recommended capacity <u>10.64</u> cfs	
		✓	Recommended rate <u>10.00</u> cfs as permitted	
VOLUME		✓	Season: (<u> </u> / <u> </u>) <u>1/1-12/31</u> *minus Aug (std) = <u>334</u> days	
			Calculations: <u>10.00 x</u>	
			<u>* per examiner's note bottom of pg 2, top of pg 3 of narrative</u>	
			<u>10.00 x 365 x 1.9835 = 7239.8 AF</u>	
		✓	Flow limit: <u>10.00</u> cfs x <u>334</u> days/yr. x <u>1.9835</u> = <u>6624.9</u> AF	
			Recommended volume <u>6624.9</u> AF <u>7239.8 AF</u>	
USES		✓	Same Nature of Use?	P46
			Amendment Needed?	
REMARKS			Multiple p/d's in same 1/4? Use W32	
		✓	<u>1. Best / W32</u> <u>2. Permit under per 7/10</u> <u>3. 18-22</u>	
CONDITIONS			<u>R43</u> Measuring Device (R43) or Lockable Controlling Works (R02)	
			<u>R04</u> Watermaster Control (R04) - WD # <u>37</u>	
			Irigation rate/annual volume overlap	
			GW irrigation replaces surface water (050)	
			GW irrigation suppliments surface water (065)	
		✓	Water Quality	
		✓	Other <u> </u>	
PRIORITY	App Rcd	<u>7/11/89</u>	Due	<u>6/1/95</u>
	Receipt#	<u>NA</u>	Fee OK?	<u>Yes/No</u>
	Order to Reinstate Needed?	<u>Yes/No</u>	Advanced to:	<u> </u>
	Priority	<u>7/11/89</u>	Examined	<u>6/6/95</u>
COMMENTS:	<u>Reduce flow to license as permitted.</u>			

USE	CFS	VOLUME
Aest.	10.00	<u>6624.9</u> 7239.8
TOTAL	10.00	<u>6624.9</u> 7239.8

SRBA Overlap
 Adjustment Memo
 LICENSE LTR: P49
 #1 AMEND LTR: /P38
 #2 AMEND LTR: P42/P47

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
TRACY DUNLAP
MICHELE C. MESKE

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
FAX (208) 726-0752

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

June 30, 1997

Ms. Shelly Keen
Idaho Department of Water Resources
1301 N. Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

RECEIVED

JUL 01 1997

Department of Water Resources

Re: Graystone, Inc. -- Permit No. 37-08535

Dear Shelly:

What is the status of licensing Permit No. 37-08535? I previously wrote you on April 29, 1997 to see if you had any further questions or needed any additional information. Since I did not hear from you, I must assume you have all the information you need in order to license this water right.

I look forward to hearing from you as soon as possible. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.


James P. Speck

JPS:jal
c: Peter Gray

100-111111
100-111111

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
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16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

April 29, 1997

RECEIVED

APR 30 1997

Department of Water Resources

Ms. Shelly Keen
Idaho Department of Water Resources
1301 N. Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Re: Graystone, Inc. -- Permit No. 37-08535

Dear Shelly:

I understand from Cindy Zimmerman you are now in the process of reviewing for licensing the above-referenced permit. I will be out of the office until May 12, 1997. However, if you have any questions or need any additional information, please contact my secretary who will then contact me and I can call you. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.

TRANSCRIBED AND MAILED WITHOUT
REVIEW OR SIGNATURE TO AVOID DELAY

James P. Speck

JPS:jrs
c: Peter Gray

00711100

RECEIVED

MAR 19 1997

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
FAX (208) 726-0752

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
TRACY DUNLAP
MICHELE C. MESKE

Department of Water Resources
HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

March 18, 1997

VIA FACSIMILE - (208) 327-7866
ORIGINAL TO FOLLOW BY MAIL

Ms. Cindy Zimmerman
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

Re: Elizabeth Gray - Permit 37-08584
Graystone, Inc. - Permit 37-08535

Dear Cindy:

First, did you receive the Water Quality Evaluation for Permit 37-08535 prepared by Dr. Brockway? Did you also obtain the Watermaster records for delivery of this permit? Please let me hear from you on this as soon as possible.

Second, I want to respond to your letter of March 7, 1997 regarding Permit 37-08584 issued to Elizabeth Gray. As you noted, the field exam was conducted in late September, 1996, near the end of the irrigation season in this valley. Thus, the system was producing significantly less water for irrigation than it does during the summer months. The report incorrectly identifies only 10 zones or stations. Unfortunately, when the examiner met with Mr. Gray the as built plans were not available and Mr. Gray thought there were only 10 stations. However, there are 15 stations, 9 along the Comstock Ditch and 6 in a meadow away from the Ditch. There are 6 to 8 sprinkler heads per station. In the warmer part of the irrigation season, the stations along the Ditch may run for 1 to 2 hours per day, 3 to 4 days per week, resulting in an output of approximately 50,000 gallons per day. 60 days of this output during the season would result in a volume of 3,000,000 gallons. I understand the "standard" annual volume for ground water irrigation in this area to be 3.5 acre-feet per year per acre which, for 3 acres, is 10.5 acre-feet or 3,421,425 gallons. Therefore, the Comstock Ditch stations alone can potentially require the "standard" annual volume.

Ms. Cindy Zimmerman
March 18, 1997
Page 2

It is our position that the license for 37-08584 should have an annual volume limitation of 10.5 acre-feet. If you require any additional information to support this finding, please contact me immediately. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.



James P. Speck

JPS/j

cc: client
F:\WPDATA\JIM\LETTERS\ZIMMERMN.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER DISTRICT NO. 37 & 37 M

P.O. Box T
Shoshone, Idaho 83352
(208) 886-2451

RECEIVED

MAR 17 1997

Department of Water Resources



LEE R. PETERSON
Watermaster

Cindy Zimmerman
IDWR
1301 Orchard St.
Statehouse Mail
Boise, Idaho 83720-9000

March 12, 1997

Dear Cindy,

We received a request from Dr. Chuck Brockway, asking us to provide you with information concerning the Graystone Inc. non-consumptive right 37-08535 on the Comstock Ditch, in the Wood River Valley below Ketchum, from 1989 to 1995.

First by way of explanation there are three non-consumptive users on this system(see enclosed diagram) all the water delivered to the Comstock flows through Rivers Edge Partner's pond, Robert Sherwood's pond, then proceeds through Graystone's pond, also known as Cliffside Subdivision. The water then proceeds down the system to provide water for consumptive users.

Enclosed are the delivery records for the Comstock Ditch and the flow records of the gaging station No. 19 on the Big Wood River at Hailey, which provides surface water to fill decreed rights in the valley. This gaging station is below the point of diversion of the Comstock, but it will give you an idea of the declining flows of the river through out the irrigation seasons.

There have been years that the water rights in the Comstock Ditch have been delivered all season, for example 1995 and 1993. Also in 1989 the water was delivered through the 7th of August.

The lack of water within the system does not effect the validity of the right. On the contrary, during the drought years depending on the priority of the right or the location of their diversion point, some water users do not have delivery of any water. It is our understanding that the IDWR takes this into consideration before making a determination of any right.

RECEIVED
MAY 18 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER DISTRICT NO. 37 & 37 M

P.O. Box T
Shoshone, Idaho 83352
(208) 886-2451

Page 2



LEE R. PETERSON
Watermaster

This is certainly the case of the Comstock diversion, during normal water years the river flow is wide enough to cover the entire river bed and during low water years, due to a gravel bar located on east side of the river, the flow does not reach the Comstock diversion also located on the east side.

If you have further questions, we would suggest you visit with Jim Johnson, in your Boise office as he is somewhat familiar with this situation.

Sincerely,

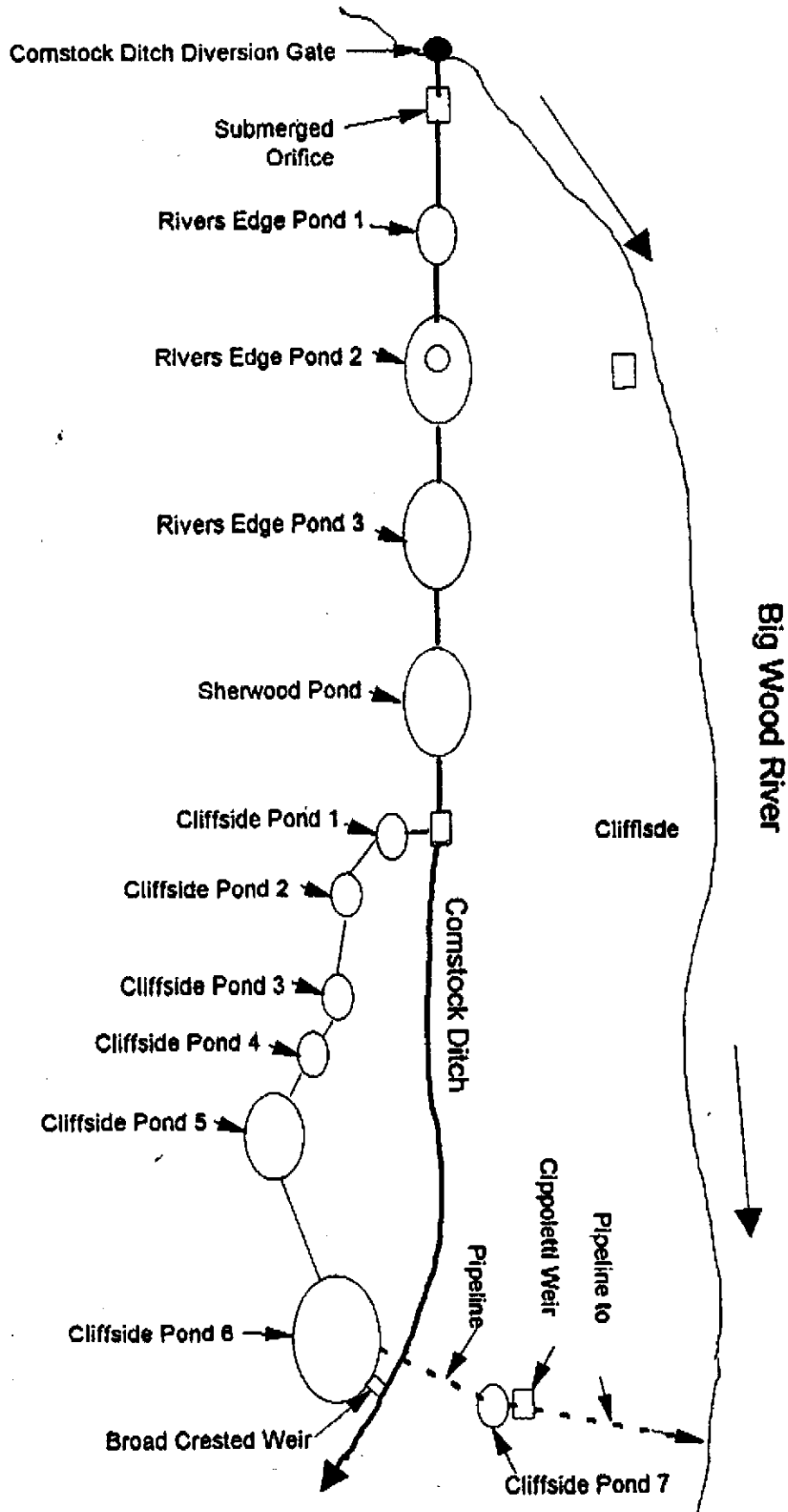
A handwritten signature in black ink, appearing to read "Lee R. Peterson", is written over the typed name and title.

Lee R. Peterson
Watermaster

CC: Dr. Chuck Brockway

100-81-1001
307 28 007

Comstock Ditch Schematic for Water Use Rivers Edge Partners Permit 37-08611



RECEIVED

MAR 17 1997

Department of Water Resources

WATER DISTRICT #37 & 37-M

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CANAL NAME	COMSTOCK	CANAL NUMBER 10	1995
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=====

OWNER VARIOUS

=====

DATE	APRIL	MAY	JUNE	JULY	AUG.	SEPT.	DATE
1	6.40	7.20	5.68	4.92	6.40	2.84	1
2	6.40	7.20	6.96	4.92	6.40	2.84	2
3	6.40	8.04	6.96	4.92	6.40	2.84	3
4	6.40	8.04	6.96	4.92	6.40	2.84	4
5	6.40	8.04	9.84	4.92	6.40	2.84	5
6	6.40	8.04	9.84	4.92	6.40	2.00	6
7	6.40	8.04	8.56	4.92	5.68	2.00	7
8	6.40	8.56	8.56	4.92	5.68	2.00	8
9	6.40	8.56	4.92	4.92	5.68	2.00	9
10	6.40	5.68	4.92	11.40	5.68	2.00	10
11	6.40	5.68	4.92	11.40	4.00	2.00	11
12	6.40	6.40	6.40	9.84	4.00	2.00	12
13	6.40	6.40	6.40	9.84	4.00	2.00	13
14	6.40	6.40	5.68	9.00	4.00	2.00	14
15	6.40	6.96	5.68	9.00	4.00	2.00	15
16	6.40	6.96	4.92	9.00	4.00	2.00	16
17	6.40	6.96	4.92	8.04	4.00	2.00	17
18	6.40	6.96	4.92	8.04	4.00	2.84	18
19	6.40	6.96	4.48	8.04	4.00	2.84	19
20	6.40	6.96	4.48	8.04	4.00	2.84	20
21	6.40	6.40	4.48	9.00	4.00	2.84	21
22	6.40	6.40	4.48	9.00	4.00	2.84	22
23	6.40	6.40	4.92	9.00	4.00	2.84	23
24	6.96	5.68	4.92	6.40	4.00	2.84	24
25	6.96	5.68	4.92	6.40	3.48	2.00	25
26	6.96	5.68	6.40	8.04	3.48	2.00	26
27	6.96	5.68	6.40	8.04	3.48	2.00	27
28	6.96	5.68	6.40	6.96	2.84	2.00	28
29	6.96	5.68	6.40	6.96	2.84	2.00	29
30	6.96	5.68	4.92	6.96	2.84	2.00	30
31		5.68		6.40	2.84		31

=====

TOTAL	195.92	208.68	180.24	229.08	138.92	70.08
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YEARLY C.F.S. 1022.92

YEARLY ACRE FEET 2025.3816

TOTAL NO. OF DAYS 183

YEARLY MEAN 5.59

WATER DISTRICT 37 & 37M

BIG WOOD RIVER AT HAILEY

#19 INFORMATION PROVIDED BY U S G S

STATION NUMBER

DATE OCT 94 NOV 94 DEC 94 JAN 95 FEB 95 MAR 95 APR 95 MAY 95 JUN 95 JUL 95 AUG 95 SEP 95 DATE

1	73	110	98	86	118	150	278	920	2930	2860	990	370	1
2	73	109	100	84	135	154	292	858	3050	2900	958	357	2
3	70	99	103	82	131	170	327	872	3330	2800	933	367	3
4	78	92	103	84	130	161	395	868	3700	2730	906	374	4
5	109	102	105	93	136	163	498	911	3970	2650	871	377	5
6	114	109	106	99	133	141	605	1030	3810	2710	847	362	6
7	106	109	99	103	133	131	719	1030	2990	2650	841	357	7
8	103	97	86	105	133	146	747	1050	2490	2990	772	342	8
9	103	102	81	109	127	168	664	1100	2200	3410	706	339	9
10	98	109	110	110	123	206	614	1140	2000	3570	674	337	10
11	101	109	91	119	127	471	603	1280	2080	3270	654	327	11
12	103	110	98	109	117	452	606	1430	2570	3040	630	315	12
13	103	105	101	112	120	357	682	1310	3180	2680	608	305	13
14	102	89	90	118	120	345	771	1180	3430	2270	585	296	14
15	110	80	92	120	101	360	709	1220	3300	2160	569	290	15
16	109	94	94	115	104	350	655	1440	3110	2090	565	285	16
17	108	93	96	104	115	370	620	1630	3230	2070	557	278	17
18	108	87	97	102	119	360	614	1810	3040	2050	532	287	18
19	110	83	96	111	117	350	596	2060	2980	1980	511	285	19
20	111	83	96	105	121	360	556	2150	2600	1850	489	277	20
21	111	82	96	103	121	350	527	2280	2380	1760	483	280	21
22	111	71	98	101	125	350	536	2370	2150	1640	544	285	22
23	111	67	99	106	132	340	558	2310	2020	1560	509	285	23
24	108	77	101	108	138	320	634	2220	2150	1430	515	284	24
25	107	86	105	110	146	287	730	2120	2620	1400	500	273	25
26	107	90	105	116	158	281	757	2080	3160	1340	468	269	26
27	108	81	104	116	164	272	791	1920	3610	1310	442	266	27
28	107	84	110	109	153	263	923	1830	3630	1310	421	267	28
29	111	89	112	103		253	939	2010	3150	1290	408	262	29
30	108	91	88	110		252	855	2370	2970	1240	398	262	30
31	106		87	115		264		2730		1070	388		31

CFS 3187 2789 3047 3267 3597 8597 18801 49529 87830 68080 19274 9260

WATER DISTRICT #37 & 37-M

=====

CANAL NAME	COMSTOCK	CANAL NUMBER	10	1994
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OWNER VARIOUS

DATE	APRIL	MAY	JUNE	JULY	AUG.	SEPT.	DATE
1			1.70				1
2			1.70				2
3			1.58				3
4			1.58				4
5			1.58				5
6			1.70				6
7			1.70				7
8							8
9							9
10							10
11							11
12							12
13		3.52					13
14		3.52					14
15		3.52					15
16		2.48					16
17		2.48					17
18		2.48					18
19		2.48					19
20		3.36					20
21		3.36					21
22		3.36					22
23		2.00					23
24		2.00					24
25		2.00					25
26		2.00					26
27		1.52					27
28		1.52					28
29		1.52					29
30		1.52					30
31		1.52					31
=====							
TOTAL	0.00	46.16	11.54	0.00	0.00	0.00	

YEARLY C.F.S.	57.70
YEARLY ACRE FEET	114.246
TOTAL NO. OF DAYS	26
YEARLY MEAN	2.22

LATITUDE 433105 LONGITUDE 1111100
 PROVISIONAL DATA DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1993 TO SEPTEMBER 1994
 DAILY MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SE
1	189	194	164	153	e114	139	193	272	991	203	106	6
2	198	187	165	155	e122	142	191	265	773	204	111	6
3	188	197	157	152	e110	145	198	259	752	201	108	5
4	188	192	166	156	e114	151	200	255	786	191	105	6
5	185	180	149	161	e116	156	192	259	720	187	97	6
6	184	167	131	150	e125	152	187	268	690	194	91	6
7	193	168	144	133	131	147	183	315	574	183	86	6
8	209	170	163	144	128	152	175	381	501	170	84	6
9	211	168	168	151	124	151	171	462	457	161	83	5
10	209	180	167	145	130	157	171	573	455	152	79	5
11	213	176	173	147	130	155	171	655	478	143	79	5
12	216	177	175	145	e118	155	178	865	529	143	94	6
13	219	166	140	145	e125	158	186	910	536	146	91	6
14	227	163	138	150	130	166	187	745	463	141	84	6
15	225	151	154	147	126	177	184	633	408	138	80	6
16	222	153	153	145	128	187	195	559	368	132	75	6
17	221	167	150	142	133	191	216	521	336	123	75	6
18	215	170	147	145	137	188	247	481	327	118	71	6
19	215	145	121	139	130	184	283	454	322	116	71	6
20	211	133	114	140	130	170	330	453	324	113	69	6
21	210	129	116	139	131	177	381	446	323	105	68	6
22	211	141	124	140	129	175	477	416	311	100	66	6
23	205	143	131	140	125	164	454	422	299	96	65	6
24	204	125	142	143	138	153	428	457	288	96	66	6
25	204	e109	148	147	139	156	391	544	270	98	64	6
26	200	100	154	145	140	160	359	618	257	94	63	6
27	201	109	156	137	143	161	331	780	241	89	64	6
28	202	136	150	125	140	164	317	765	228	91	65	6
29	197	158	143	125	---	174	301	631	215	94	66	6
30	191	169	146	e120	---	183	281	580	205	92	66	6
31	196	---	150	e115	---	191	---	779	---	89	66	6
TOTAL	6349	4723	4599	4424	3586	5081	7758	16023	13427	4203	2459	190
MEAN	205	157	148	143	128	164	259	517	440	136	79.3	63
MAX	227	197	175	161	143	191	477	910	991	204	111	63
MIN	184	100	114	115	110	139	171	255	205	89	63	51
AC-FT	12590	9370	9120	8780	7110	10080	15390	31780	26630	8340	4880	311

CAL YR 1993 TOTAL 197365 MEAN 542 MAX 3020 MIN 80 AC-FT 382000
 WTR YR 1994 TOTAL 74533 MEAN 204 MAX 991 MIN 58 AC-FT 147300

OCT 29 1997

WATER DISTRICT #37 & 37-M

=====

CANAL NAME	COMSTOCK	CANAL NUMBER	10	1993	1993
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OWNER VARIOUS GRAYSTONE INC, RINKER, MCDONALD

DATE	APRIL	MAY	JUNE	JULY	AUG.	SEPT.	DATE
1		2.84	4.00	6.04	5.68	2.84	1
2		2.84	4.00	5.68	5.68	2.84	2
3		4.00	4.00	5.68	5.68	2.84	3
4		4.00	4.00	5.68	5.68	2.84	4
5		4.00	4.00	4.48	5.68	2.84	5
6		4.00	4.00	4.48	5.68	2.84	6
7		4.00	4.00	4.48	5.68	2.84	7
8	2.84	4.00	4.00	4.48	5.68	2.84	8
9	2.84	4.00	4.00	4.48	5.68	2.84	9
10	2.84	4.00	4.00	4.48	5.68	2.00	10
11	2.84	4.00	4.00	4.48	5.68	2.00	11
12	2.84	4.00	4.00	6.04	5.68	2.00	12
13	2.84	4.00	4.00	6.04	5.68	2.00	13
14	2.84	4.00	4.00	6.04	5.68	2.00	14
15	2.84	4.00	4.00	6.04	5.68	2.00	15
16	2.84	4.00	4.00	6.04	5.68	2.00	16
17	2.84	4.00	4.00	6.04	5.68	2.00	17
18	2.84	4.00	4.00	6.04	4.48	2.00	18
19	2.84	4.00	4.00	4.92	4.48	2.00	19
20	2.84	4.00	4.00	4.92	4.92	2.00	20
21	2.84	4.00	4.00	4.48	4.92	2.00	21
22	2.84	4.00	4.00	4.48	4.92	2.00	22
23	2.84	4.00	4.00	3.48	4.00	2.00	23
24	2.84	4.00	4.00	3.48	4.00	2.00	24
25	2.84	4.00	4.00	3.48	3.48	2.00	25
26	2.84	4.00	4.00	5.68	3.48	2.00	26
27	2.84	4.00	4.00	5.68	3.48	2.00	27
28	2.84	4.00	4.00	5.68	3.48	2.00	28
29	2.84	4.00	4.00	5.68	3.48	2.00	29
30	2.84	4.00	6.04	5.68	2.84	2.00	30
31		4.00		5.68	2.84		31
=====							
TOTAL	65.32	121.68	122.04	160.04	151.36	67.56	

YEARLY C.F.S. 688.00

YEARLY ACRE FEET 1362.24

TOTAL NO. OF DAYS 176

YEARLY MEAN 3.91

30128 877

REPORT OF THE INTERVAB - GEOLOGICAL SURVEY - ROISE

UNITED STATES DEPARTMENT OF THE ARMY
STATION NUMBER 13139500 BIG WOOD RIVER AT HAILEY ID STREAM SOURCE AGENCY USGS
433105 LONGITUDE 1141910 DRAINAGE AREA 640 DATUM 5295.42 STATE 16 COUNTY 013
ATTITUDE SUBJECT TO REVISION

DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1992 TO SEPTEMBER 1993
DAILY MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	91	137	93	103	101	e100	474	650	2190	1200	530	256
2	91	133	93	103	e98	e98	464	726	2050	1180	530	252
3	97	129	95	e82	e99	101	449	925	1900	1080	527	245
4	118	123	e91	e84	e100	97	469	998	1680	1000	523	241
5	119	126	e89	97	e101	100	490	893	1610	948	525	251
6	119	128	e85	e91	101	104	446	958	2010	933	505	237
7	117	125	87	e94	101	106	431	981	2280	920	494	228
8	116	127	94	111	101	109	434	969	2150	904	586	220
9	114	127	101	111	106	115	464	920	1970	894	521	214
10	114	114	101	e111	106	116	471	965	1900	899	482	208
11	115	97	101	110	106	118	439	1210	1990	878	456	202
12	112	107	101	e82	103	119	422	1660	1840	868	459	198
13	111	114	101	e86	96	119	395	1960	1670	817	452	203
14	112	114	101	108	96	119	396	2360	1590	776	447	206
15	114	114	e97	108	98	121	384	2560	1710	730	419	210
16	114	116	e95	108	98	126	380	2460	1810	696	440	208
17	112	116	98	104	e98	135	408	2460	1690	670	442	208
18	111	114	e93	101	98	141	435	2460	1660	636	401	223
19	111	112	e89	106	103	146	438	2550	1740	623	381	227
20	111	109	95	108	103	157	439	2690	1950	638	370	218
21	111	98	103	111	101	164	460	3020	2170	649	445	215
22	111	107	106	e99	101	168	549	2790	2340	625	408	211
23	111	106	98	e94	98	182	602	2390	1930	625	373	207
24	111	91	89	e96	98	218	602	2140	1580	647	351	200
25	111	e72	e79	e98	98	273	605	2100	1450	629	356	197
26	111	e67	e90	e98	e95	400	582	2400	1520	591	326	194
27	111	74	108	e99	e96	441	577	2470	1660	599	315	190
28	113	82	104	e100	e100	436	571	2390	1790	546	305	187
29	120	89	103	101	---	471	621	2220	1560	580	293	184
30	139	91	103	e100	---	471	652	2100	1290	601	268	180
31	143	---	103	e101	---	456	---	2070	---	559	275	---
TOTAL	3511	3259	2986	3105	2800	6027	14549	57445	54680	23901	13205	6420
MEAN	113	109	96.3	100	100	194	485	1853	1823	771	426	214
MAX	143	137	108	111	106	471	652	3020	2340	1200	586	256
MIN	91	67	79	82	95	97	380	650	1290	546	275	180
AC-FI	6960	6460	5920	6160	5550	11950	28860	113900	108500	47410	26190	12730
CAL YR 1992	TOTAL 76002	MEAN 208	MAX 813	MIN 67	AC-FT 150700							

There wasn't any water delivered to the Comstock in 1992
WATER DISTRICT 37 & 37M BIG WOOD RIVER AT HAILEY #19

DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1991 TO SEPTEMBER 1992
DAILY MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	167	177	e116	e119	e113	159	273	615	476	368	114	89
2	160	167	122	e122	e116	165	289	563	490	341	110	93
3	160	142	127	e126	e111	171	320	559	485	312	106	91
4	161	165	122	133	e110	177	364	586	442	291	105	92
5	164	175	124	133	e110	191	373	644	419	272	102	93
6	162	178	142	138	e114	199	346	711	397	248	98	96
7	159	183	145	139	e116	206	316	772	375	233	96	96
8	155	175	141	131	121	200	310	813	355	222	96	96
9	152	192	126	e118	120	199	293	809	340	214	93	93
10	147	213	129	e124	119	203	315	702	335	208	91	93
11	147	203	e122	133	124	210	318	622	338	201	90	91
12	148	194	e121	e130	124	219	313	581	330	204	84	93
13	147	198	e118	e121	127	235	328	539	328	191	83	98
14	142	199	e119	e120	122	258	336	533	321	180	83	102
15	144	182	e121	e119	121	273	343	548	312	174	86	102
16	144	165	e126	e127	125	281	350	554	354	169	94	98
17	148	173	132	130	111	273	377	560	345	162	93	98
18	148	179	137	e122	118	260	405	613	347	156	88	96
19	148	160	141	e120	122	243	374	668	358	156	84	93
20	148	175	e133	e120	124	239	349	664	344	154	85	95
21	150	172	e130	e120	126	235	352	652	316	146	86	94
22	154	147	e130	e124	124	233	354	599	294	139	86	93
23	160	121	141	128	120	230	328	585	284	138	89	e91
24	159	155	142	124	119	234	306	598	273	133	93	e95
25	162	166	e141	124	124	226	296	635	279	128	93	e98
26	191	169	e138	e121	125	233	304	657	332	123	94	100
27	193	170	139	120	131	248	350	622	316	116	93	98
28	175	154	e140	121	137	253	405	568	339	114	88	98
29	177	155	143	123	147	259	480	540	357	113	84	96
30	157	e120	141	119	---	265	622	509	398	113	81	93
31	160	---	141	e115	---	268	---	486	---	116	84	---
TOTAL	4889	5124	4090	3864	3521	7045	10489	19107	10679	5835	2852	2854
MEAN	158	171	132	125	121	227	350	616	356	188	92.0	95.1
MAX	193	213	145	139	147	281	622	813	490	368	114	102
MIN	142	120	116	115	110	159	273	486	273	113	81	89
AC-FT	9700	10160	8110	7660	6980	13970	20800	37900	21180	11570	5660	5660

WATER DISTRICT #37 & 37-M

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CANAL NAME	COMSTOCK	CANAL NUMBER 10	1991
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OWNER GRAYSTONE INC

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DATE	APRIL	MAY	JUNE	JULY	AUG.	SEPT.	DATE
------	-------	-----	------	------	------	-------	------

=====

1				9.00			1
2				9.00			2
3				9.00			3
4				9.00			4
5				9.00			5
6				9.00			6
7				9.00			7
8							8
9							9
10							10
11							11
12							12
13							13
14							14
15							15
16							16
17							17
18							18
19							19
20							20
21			9.00				21
22			9.00				22
23			9.00				23
24		10.60	9.00				24
25		10.60	9.00				25
26		10.60	9.00				26
27		10.60	9.00				27
28		10.60	9.00				28
29		8.56	9.00				29
30		8.56	9.00				30
31							31

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TOTAL	0.00	70.12	90.00	63.00	0.00	0.00
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YEARLY C.F.S. 223.12

YEARLY ACRE FEET 441.7776

TOTAL NO. OF DAYS 24

YEARLY MEAN 9.30

WATER DISTRICT 37 & 37M - BIG WOOD RIVER AT HAILEY # 19
DISCHARGE, CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1990 TO SEPTEMBER 1991
DAILY MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	140	150	130	121	e108	113	146	193	632	649	e205	162
2	139	146	127	e119	109	112	157	205	786	707	194	160
3	140	137	125	e118	109	114	163	209	1090	776	e190	155
4	140	146	126	e117	110	120	172	200	1250	784	e186	152
5	142	150	131	e114	111	e120	180	196	1670	754	e182	147
6	149	142	127	e116	110	e106	200	204	1410	764	e180	144
7	152	135	125	117	109	e110	212	228	1170	684	e172	146
8	151	152	128	118	110	112	192	275	1140	614	176	149
9	151	156	130	108	110	113	192	412	1080	594	171	175
10	151	153	130	116	109	123	183	360	1310	549	167	231
11	152	153	135	118	109	120	173	336	1670	499	167	234
12	152	152	132	118	112	116	174	318	1890	437	165	231
13	150	154	131	118	112	124	169	307	1660	415	163	214
14	152	154	e129	120	112	119	170	338	1400	414	160	206
15	154	152	e130	120	112	115	176	366	1220	402	162	197
16	155	144	e123	116	113	115	176	410	1190	368	173	189
17	154	150	e129	118	113	117	172	527	1110	324	178	181
18	153	153	131	116	108	119	170	656	1040	298	169	174
19	154	149	126	118	109	123	169	569	1090	274	168	169
20	151	156	e120	e112	111	121	172	518	1120	258	179	164
21	149	145	e110	e113	112	119	181	521	970	255	173	158
22	153	149	e103	e108	111	121	190	570	891	257	168	153
23	152	145	e106	e107	109	124	203	705	889	260	164	156
24	151	141	e112	e105	106	126	224	864	822	268	158	157
25	152	145	e109	112	105	127	230	e945	742	296	154	153
26	151	150	e113	e110	107	126	217	e920	717	346	153	150
27	151	130	e117	e116	106	121	207	e875	680	300	152	148
28	150	126	e118	e111	106	125	201	e790	691	257	171	152
29	149	122	e114	e108	---	128	203	e730	643	239	171	169
30	149	132	e110	e112	---	130	197	700	656	226	163	167
31	147	---	e116	e118	---	135	---	649	---	213	158	---
TOTAL	4636	4369	3793	3558	3068	3714	5571	15096	32629	13481	5292	5145
MEAN	150	146	122	115	110	120	186	487	1088	435	171	171
MAX	155	156	135	121	113	135	230	945	1890	784	205	234
MIN	139	122	103	105	105	106	146	193	632	213	152	144
AC-FT	9200	8670	7520	7060	6090	7370	11050	29940	64720	26740	10500	10210

CAL YR 1990 TOTAL 98880 MEAN 271 MAX 1300 MIN 103 AC-FT 196100
WTR YR 1991 TOTAL 100352 MEAN 275 MAX 1890 MIN 103 AC-FT 199000

e Estimated

WATER DISTRICT #37 & 37-H

CANAL NAME CONSTOCK CANAL NUMBER 10 1990
 OWNER VARIOUS

DATE	APRIL	MAY	JUNE	JULY	AUG.	SEPT.	DATE
1		4.00					1
2	4.00	4.00					2
3	4.00	4.00					3
4	4.00	4.00					4
5	4.00	4.00					5
6	4.00	4.00					6
7	4.00	4.00					7
8	4.00	4.00					8
9	4.00	1.70					9
10	4.00	1.70					10
11	4.00						11
12	4.00						12
13	4.00						13
14	4.00						14
15	4.00						15
16	4.00						16
17	4.00						17
18	4.00						18
19	4.00						19
20	4.00						20
21	4.00						21
22	4.00						22
23	4.00						23
24	4.00						24
25	4.00						25
26	4.00						26
27	4.00						27
28	4.00						28
29	4.00						29
30	4.00						30
31							31

TOTAL 116.00 35.40 0.00 0.00 0.00 0.00

YEARLY C.F.S. 151.40

YEARLY ACRE FEET 299.772

TOTAL NO. OF DAYS 39

YEARLY MEAN 3.88

WATER DISTRICT #37 & 37-M
BIG WOOD RIVER AT HAILEY, IDAHO STATION NO. 19

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT
1	156	156	128	129	125	127	233	429	797	694	198	168
2	162	159	129	130	118	130	279	424	724	652	192	162
3	179	169	134	118	120	132	339	413	663	600	186	159
4	182	170	139	120	126	131	384	411	644	522	179	159
5	177	173	147	124	118	130	396	432	667	496	175	170
6	173	169	147	126	126	129	394	495	698	488	173	170
7	169	169	143	130	118	130	401	549	700	446	170	167
8	166	165	141	134	120	137	394	522	754	426	166	162
9	165	166	143	131	122	131	375	489	811	415	162	161
10	159	164	134	132	127	137	362	466	1240	436	162	158
11	153	164	123	131	128	141	378	454	1300	401	165	155
12	151	164	115	131	127	124	378	443	1040	379	161	151
13	151	164	127	132	116	128	375	428	876	365	163	149
14	149	162	129	132	115	134	389	418	808	352	160	147
15	151	147	133	131	115	135	437	405	773	339	156	145
16	151	158	133	131	119	134	481	385	697	321	158	144
17	151	159	131	123	118	137	498	362	649	303	163	145
18	150	155	133	116	119	139	493	353	649	285	165	144
19	149	155	123	114	120	148	462	347	704	282	203	142
20	149	155	124	116	121	156	470	365	801	279	242	147
21	151	156	132	119	123	171	511	370	891	276	244	145
22	154	153	131	123	122	189	621	379	974	261	218	143
23	157	150	130	127	121	207	623	434	1020	262	209	141
24	191	160	130	124	123	208	575	468	1030	254	207	140
25	203	147	126	122	124	198	515	467	994	246	225	140
26	192	158	125	124	123	196	489	443	932	248	216	141
27	185	140	127	124	122	202	459	435	889	241	207	149
28	180	122	128	124	121	195	531	448	789	227	193	141
29	168	117	128	126	---	191	487	650	727	220	184	142
30	167	123	127	126	---	194	454	820	703	212	174	142
31	169	---	128	125	---	204	---	870	---	206	171	---

TOTAL	5110	4669	4069	3895	3397	4855	13183	14374	24934	11134	5747	4561
CFS												
DAILY MEAN	165	156	131	126	121	157	439	464	831	359	185	152
TOTAL AC.FT	10140	9260	8070	7730	6740	9630	26150	28510	49460	22080	11400	9050
YEARLY MEAN	343											
YEARLY AC.FT.	248,100											

WATER DISTRICT 1970-1971

CANAL NAME CONSTOCK CANAL NUMBER 10 1989

OWNER VARIOUS

DATE APRIL MAY JUNE JULY AUG. SEPT. DATE

1		4.00	4.00	4.00	2.80		1
2		4.00	4.00	4.00	2.80		2
3		4.00	4.00	5.70	2.80		3
4		4.00	4.00	5.70	2.80		4
5		4.00	4.00	5.70	2.80		5
6		4.00	4.00	5.70	2.80		6
7		4.00	5.70	4.00			7
8		4.00	5.70	4.00			8
9		4.00	5.70	4.00			9
10		4.00	5.70	2.80			10
11		4.00	5.70	2.80			11
12	6.70	4.00	5.70	2.80			12
13	6.70	4.00	5.70	2.80			13
14	6.70	4.00	7.00	2.80			14
15	6.70	4.00	7.00	2.80			15
16	6.70	4.00	7.00	2.80			16
17	6.70	4.00	7.00	2.00			17
18	6.70	4.00	7.00	2.00			18
19	6.70	4.00	7.00	2.00			19
20	6.70	4.00	7.00	2.00			20
21	5.70	4.00	7.00	1.00			21
22	5.70	4.00	7.00	1.00			22
23	5.70	4.00	5.70				23
24	5.70	4.00	5.70				24
25	5.70	4.00	5.70				25
26	5.70	4.00	5.70	4.00			26
27	5.70	4.00	5.70	4.00			27
28	4.00	4.00	4.00	4.00			28
29	4.00	4.00	4.00	4.00			29
30	4.00	4.00	4.00	4.00			30
31		4.00		2.80			31

TOTAL 112.20 124.00 167.40 95.20 16.80 0.00

YEARLY C.F.S. 515.60

YEARLY ACRE FEET 1020.888

TOTAL NO. OF DAYS 114

YEARLY MEAN 4.52

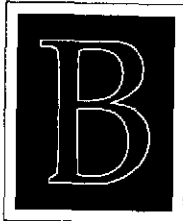
WATER DISTRICT #37 & 37-M
BIG WOOD RIVER AT HAILEY, IDAHO STATION 19

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JULY	AUG	SEPT
1	118	122	107	e116	123	112	189	597	626	550	212	161
2	117	120	107	117	e117	123	192	628	754	522	203	e157
3	117	128	110	116	e110	117	187	655	919	512	195	e152
4	117	133	113	119	e103	e107	183	693	922	506	189	e154
5	118	129	113	122	e 97	116	189	769	964	495	184	e154
6	119	128	115	123	e102	119	213	866	1050	478	179	e157
7	118	129	119	e119	e109	121	295	1090	1190	467	176	e159
8	117	126	118	e115	e114	126	447	1370	1330	446	175	e157
9	117	126	118	120	e118	141	465	1540	1350	440	178	e158
10	117	126	121	124	121	144	436	1700	1330	418	174	e162
11	117	127	118	e117	117	148	426	1710	1280	402	169	e159
12	119	125	122	e118	116	156	470	1500	1230	392	169	e156
13	120	129	124	e116	117	165	523	1310	1220	398	167	e154
14	121	136	125	e122	e111	159	615	1160	1150	376	162	e152
15	123	124	e114	e119	e112	150	682	1060	1270	359	160	e150
16	123	121	104	125	e115	158	781	1050	1480	351	158	e157
17	123	129	108	124	119	154	837	1020	1210	330	156	e162
18	120	129	110	123	118	150	942	1080	1060	307	155	179
19	120	123	112	122	117	149	1070	1030	1040	291	167	169
20	122	120	115	120	113	141	1180	962	977	274	170	162
21	121	123	121	120	111	142	1300	931	817	266	167	159
22	121	128	117	125	114	149	1420	933	725	265	160	156
23	119	141	118	127	116	154	1190	1010	676	254	166	153
24	120	130	114	e120	114	160	993	950	244	183	150	147
25	121	120	119	e111	116	169	844	863	563	235	192	144
26	120	114	e114	e114	118	174	745	783	549	232	191	149
27	119	111	e114	e117	115	177	678	737	559	235	182	149
28	120	116	e112	e119	111	182	641	745	576	226	175	153
29	121	114	e113	e121	---	187	596	719	561	213	170	149
30	122	113	e117	e123	---	181	578	686	569	202	164	147
31	123	---	120	124	---	192	---	673	---	199	160	---
TOTAL CFS	3710	3743	3572	3718	3184	4623	19307	30820	28608	10885	5408	4678
DAILY MEAN	120	125	115	120	114	149	644	994	954	351	174	156
TOTAL AC.FT.	7360	7420	7090	7370	6320	9170	38300	61130	56740	21590	10730	9280
YEARLY MEAN												335

RECEIVED

MAR 13 1997

Department of Water Resources



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

March 11, 1997

Ms. Cindy Zimmerman
Idaho Dept. of Water Resources
1301 N. Orchard Street
Boise, Idaho 83706-2237

Subject: Water Quality Evaluation Permits 37-08535 and 37-08611

Dear Cindy:

I am enclosing the report on water quality and temperature evaluations on the Comstock ditch system in Blaine County as required under condition No 11 of permit 37-08535 for Graystone Inc.

The water quality evaluation was performed to address requirements in both permit 37-08611 owned by Rivers Edge Partners and 37-08535 since they are both on the same ditch.

I have asked the Watermaster of District 37 for diversion data for the Comstock Ditch for the period from 1989 through 1996 as your requested. Water supply in the Big Wood River for the period 1987 through 1994 was very low and that is part of the reason for the delay in performing the temperature and water quality evaluation. I will send the diversion data as soon as I can secure it. The diversion works and capacity of the system are adequate to divert and convey the total right under the permit when it is available so I am not sure how the August diversion data which you requested is applicable to the licensing decision. .

Sincerely,

C. E. Brockway, P.E.

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

CHARLES G.
BROCKWAY,
PH.D., E.I.T.

706 SUNRISE
BOULEVARD
NORTH

TWIN FALLS,
IDAHO 83301

208•733•0938
208•734•2580

FAX: 736•1746

cc: James. Speck
Evan Robertson

RECEIVED
MAR 23 1997

**Water Quality Evaluation
Comstock Ditch from Big Wood River
Blaine County, Idaho**

for

**Rivers Edge Partners
and
Graystone Inc.**

Water Permits 37-08535 and 37-08611

by

Brockway Engineering P.L.L.C

March 5, 1997

100-100-100
000 100 000

Introduction

The Comstock Ditch conveys water from the Big Wood River to supply irrigation and recreation and aesthetic water rights of seven users. Water permits have been issued to Rivers Edge Partners(37-08611) and Graystone Inc. (37-08535) for use in recreational ponds. These two users are located in the upstream reach of the ditch with an additional pond owned by Sherwood located between Rivers Edge and Graystone's Cliffside Subdivision.

Conditions on both permits include requirements whereby Idaho State water quality standards for waters returned to a natural stream must be met. Permit 37-08535 Condition 11 specifically requires an evaluation of water temperatures through the system and in particular the determination of water temperature increase in the Big Wood River where return flow enters from the Cliffside pipeline (see attached schematic of ditch system). The procedure was approved by the Division of Environmental Quality.

Procedure

The water quality and temperature evaluation was originally scheduled to be performed 'on an above normal temperature day (80-90oF) in August of 1990' but because of drought and low water periods conditions were not amenable to the determination until August of 1996. On August 26, 1996 when the air temperature was 30oC(86oF), a series of samples and temperature measurements were obtained from a point in the Big Wood River at Comstock headgate through the ditch to the return pipeline to the river. Temperature measurements were made in the river at the return flow point to document differences in temperature between the ambient river water and the return flow water. The attached schematic of the Comstock ditch system through Rivers Edge, Sherwood's, and Cliffside Subdivision ponds and return to the Big Wood River shows the location of the 3 sampling sites.

Measured field water quality parameters included air and water temperature(T), dissolved oxygen(DO), electrical conductivity (EC) and pH. Samples were obtained for laboratory analysis for suspended solids (TSS), nitrate +nitrite

OCT 24 1996

(NO₃+NO₂), Kjeldahl nitrogen, ammonia N, orthophosphate as P, BOD₅, and turbidity(NTU). Collected samples were preserved and packed in ice for shipment to the U.S. Bureau of Reclamation laboratory in Boise.

Results

Temperature comparisons between sites 1, 2, and 3 show that pH and EC are essentially unchanged through the system from the river to the return point(see attached water quality results). Water temperature is slightly elevated at the entrance to the Cliffside pond system (+0.7°F) but is actually lower at the outflow than the ambient river water at the Comstock headgate. Dissolved oxygen, DO, shows a slightly elevated concentration at the inlet to the Cliffside system (11.81 ppm) which would not be unexpected on a hot day with high photosynthesis occurring in the ponds. However, the DO at the inlet to the return pipe, site 3, is reduced, 9.21 ppm, and is lower than the river water at the inlet. This is likely due to off-gassing as the water flows into the drop pipe at the lower end of Cliffside pond 6 and the Cippoletti weir at the inlet to the return pipe.

Suspended solids increased from <1 to 3ppm through the system, nitrate +nitrite showed a decrease (0.20 to 0.09 mg/l), ortho P increased (0.010 to 0.014), total P increased (0.018 to 0.035 mg/l) and ammonia N increased slightly <.01 to 0.02). Kjeldahl N increased from 0.06 to 0.16 mg/l indicating the possibility of some increased organic material. BOD 5 increased from 0.69 to 1.62. The increased turbidity from 0.43 to 2.94 NTU is anomalous and is not consistent with the slight increase in suspended solids.

The reported increases in specific parameters, particularly ortho P and ammonia N are likely not significant and may be within the accuracy of the laboratory analysis.

None of the measured parameter levels are near Idaho Water Quality Standards for drinking water.

Temperature measurements at the pipeline outflow into the Big Wood River show that the temperature criteria for water entering a natural stream are not

10/10/97
10/10/97

exceeded. That criteria is generally stated as 'not causing an increase of 1°F in the receiving stream within a reasonable mixing length' Measurements of water temperature were taken at 5 locations in the river varying from 0 to 40 feet downstream of the outflow of the return pipe. The ambient river water temperature at the pipeline outlet was 15.7°F and the maximum measured increase in river water temperature downstream of the pipeline outlet was 16.1°F. The average river water temperature downstream of the pipeline outlet was 16.0 °F. There was no significant change in DO between the ambient river DO and the pipeline outflow.

The Inlet discharge, measured through the submerged orifice at the Comstock headgate was 3.96 cfs or approximately equal to the 4.0 cfs non consumptive discharge allowed under permit 37-08611 as per the DEQ requirements. The potential for changes in temperature and water quality at higher flows, such as the 10.0 cfs allowed under 37-08535 will be lower.

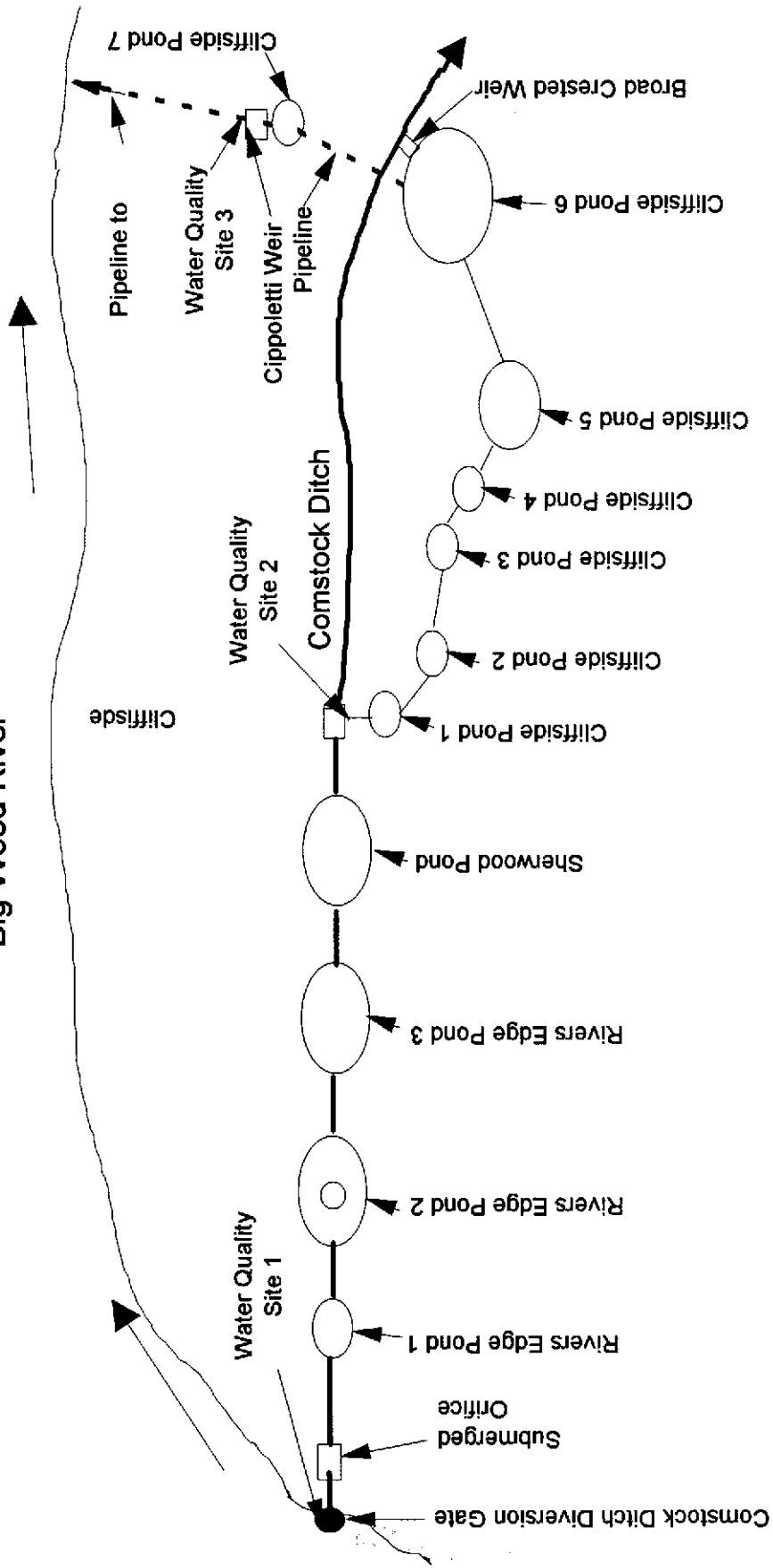
Conclusion

This evaluation meets the requirements of condition 11 of permit 37-08535 and shows that the quality of water returning to the Big Wood River meets standards as outlined in condition 09E of 37-08611.

03/10/97

Comstock Ditch Schematic for Water Use Greystone Permit 37-08535 and Rivers Edge Partners 37-08611

Big Wood River



Water Quality Monitoring

Rivers Edge Partners and Graystone water permits

Conditions on water permits 37-08535 and 37-08611

Water samples secured August 26, 1996

C.E. Brockway P.E. PhD Brockway Engineering P.L.L.C.

Lab Analysis U.S. Bureau of Reclamation Lab Boise, ID

Site	1	2	3
Field Parameter			
Air Temp deg C	29	30.2	30.3
EC, micromho	240	230	240
pH	8.7	8.7	8.6
Water Temperature deg C	16.7	17.4	16.5
Dissolved Oxygen ppm	10.3	11.81	9.21

Laboratory Parameter

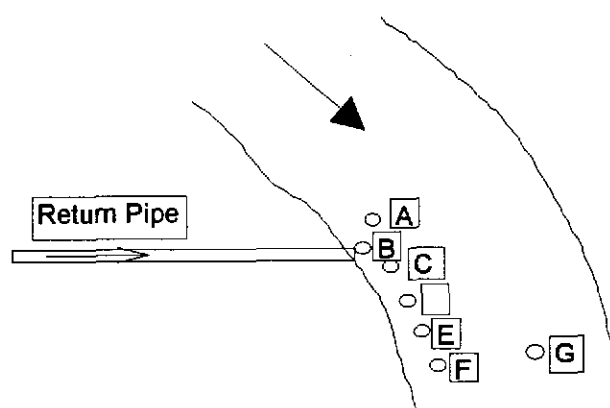
Suspended Solids	<1	<1	3
NO3+NO2 as N	0.20	0.14	0.09
Dissolved O Phosphate as P	0.010	0.017	0.014
Ammonia as N	<.01	0.02	0.02
Kjedahl N	0.06	0.1	0.16
Total Phosphorus as P	0.018	0.031	0.035
BOD5	0.69	1.27	1.62
Turbidity, NTU	0.43	0.78	2.94

Discharge	Opening- Delta H- Discharge-cfs		
1.Inflow from river-Orifice	1.25	0.5	3.96
2.Cliffside Diversion-orifice	1.33	0.375	3.41

	Head-ft	Discharge-cfs
3.Pipe to river 3.0 ft Cippoletti	0.48	3.36

Temperature and D.O in River
at pipe outfall

	Temp oC	DO mg/l
A-Upstream of pipe	15.7	9.38
B. In return pipe	16.2	9.23
C. 10' d.s. of pipe in plume	16.1	8.21
D. 20' d.s. of pipe in plume	15.8	9.05
E. 30' d.s. of pipe in plume	15.9	9.05
F. 40' d.s. of pipe in plume	16.0	8.91
G. Center of river-no pipe wat	15.7	9.05
Average of A and G.	15.7	9.22
Average of B,C,D,E, and F	16.0	8.89





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

February 28, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GRAYSTONE INC.
JAMES P SPECK
PO BOX 987
KETCHUM ID 83340-0987

RE: Permit No. 37-08535

Dear Mr. Speck;

I am currently reviewing the beneficial use field report by Dr. Charles Brockway on the above permit. The report identifies a condition of approval of the permit has not been met. Specifically, Condition No. 11: "Water Temperature effects on the Big Wood River of return flows must be monitored as per agreement between the applicant and the Department of Health and Welfare, Division of Environmental Quality during an above normal temperature day in August of 1990, and a report submitted to the Department of Water Resources. . . ", has not been met.

Page 2 of the narrative of the field report addresses this unmet condition stating, ". . . Until the 1995 season, insufficient water or no water has been available for delivery in August and Condition 11 has not been completed. It is planned to perform that evaluation in September 1996. . .".

Our records do not include any reporting of water temperature monitoring. Please send me a copy of the water temperature monitoring and evaluation report.

Also, was water delivered to this permit during August for any year prior to submittal of proof of beneficial use on May 31, 1996? Please send me watermaster records identifying water delivery to this permit.

I will hold processing on the licensing of this permit for 14 days pending your response. Please submit the above information to me within the 14 day period to avoid any further processing delay.

Respectfully,

Cindy Zimmerman
Water Resource Agent

100-111111-1111
NOTED
FEB 28 1997

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT Department of Water Resources
Southern Region

MAY 30 1996

MAY 1996

A. GENERAL INFORMATION

Department of Water Resources

Permit No. 37-08535

1. Owner: Graystone Inc Phone No. 208 726 4421

Current Address: 46 James P. Speck P.O. Box 987 Ketchum, ID 83340

2. Accompanied by: Peter Gray EXAM DATE: June 6, 1995

Address: 77 Cliffside Dr Ketchum ID Phone No. 208 726 5297

Relationship to Permit Holder: Owner

3. Source: Big Wood River tributary to Malad / Snake River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 37-08533 37-08534 Groundwater

2. Other water rights with the same point of diversion: 12 rights - See attached list

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NE	SE	NE	30	4N	18E	Blaine	US65 Road (Sun Valley)

2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	18E	29											J						
		30																J	

J = Aesthetics

APPROVED
OCT 20 1995

2. Measurements: Measurements made at installed devices on June 6, 1995. See attached sheet

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Installed devices						
See attached sheet						

D. FLOW MEASUREMENTS

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

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

4.

X - _____
Copy of USGS Quadrangle Showing location(s) of point(s) of diversion and place(s) of use (required).
 Aerial Photo Attached (required for irrigation of 10+ acres)
X Photo of Diversion and System Attached

[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate well size/ditch size/pipe I.d. as applicable.

F. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

Measured Method:

See attached sheet. Submerged orifice & diversion

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days In Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<i>Aesthetics</i>	<i>1/1</i>	<i>12/31</i>	<i>10.0</i>	
Totals:			<i>10.0</i>	

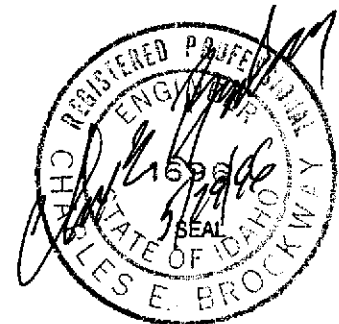
2. Recommended Amendments

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

I. AUTHENTICATION

Field Examiner's Name Charles E. Brockway Date 5/29/96

Reviewer _____ Date _____



FILED-2224
MAY 28 1996

Have conditions of permit approval been met? ☒ yes ☐ no

E. NARRATIVE/REMARKS/COMMENTS

See attached narrative

Water Permit Greystone Inc 37-08535

Permit

Priority date July 11, 1989

Irrigated area 0 acres

Diversion rate 10.0 cfs

Point of Diversion SESENE Sec 30 T4N R18E BM Blaine County

Place of Use SWSW Sec 29 and SESE Sec 30 T4N R18E

Proof Date June 1, 1995 extended to June 1, 1997

Beneficial Use Aesthetic

Pertinent permit conditions:

4 Use shall be non consumptive

5 A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works from the Big Wood River prior to diversion of water under this permit

6 Prior to diversion of water, measuring devices shall be installed at the point of discharge back to the Comstock Ditch and at the point of discharge to the Big Wood River.

8. Water used pursuant to this permit which is discharged into a natural channel shall satisfy Idaho Water Quality Standards.

11. Water temperature effects on the Big Wood river of return flows must be monitored as per agreement between the applicant and the Department of Health and Welfare Division of Environmental Quality during an above normal temperature day in August of 1990, and a report submitted to the Department of Water Resources. The Director may require other water quality monitoring if necessary to protect the local public interest.

12. This project.... must not cause degradation of water quality of the Big Wood River

13. Right is subject to all prior water rights including 189 cfs minimum streamflow in Big Wood River 37-7919 and application 37-8307

14. When delivery of water pursuant solely to this permit is not possible because of earlier priority rights, including minimum streamflows, water diverted pursuant to permit No. 37-8278 may be delivered through the place of use for this permit only if: a) losses incurred from the point of diversion to the point of discharge of right 37-8278 are fully compensated, and b) the water is discharged directly to the actively flowing channel of the Big Wood River.

15-16 Transfer 3590 provides 0.15 cfs of water for loss compensation to the Comstock ditch from water right 37-0577

17 The Comstock ditch #10 headgate must be reconstructed prior to diversion of water under this permit.

18. Water exiting the system must be discharged by the most direct route after the leaving the place of use into the active channel of the Big Wood River by means of a non-leaking gravity flow pipeline.

10/12/96

Proof of Beneficial Use Exam by C.E. Brockway P.E.

Irrigated area survey June 6, 1995

Water measurement June 6, 1995

Devices: Installed submerged orifice, return flow Cippoletti weir and broad crested weir.

All conditions of the permit have been met except No 11

Recommend:

Discharge 10.0 cfs

Water is diverted from the Big Wood River through a 38 inch wide by 24 inch rectangular slide gate operating as a submerged orifice. The measuring gate is installed in a concrete structure discharging into the Comstock Ditch. This diversion serves several water rights including non-consumptive rights for Robert Sherwood(37-0828) and Greystone(Cliffside Sub, 37-8535) and irrigation rights downstream comprising some 13 cfs. The Comstock Ditch traverses the Rivers Edge subdivision where three lined ponds, with an area of approximately 0.33 acres have been constructed in the ditch. The ponds and ditch through the Rivers Edge property are lined with ESS 13 chemical sealant. The ditch then flows through the property owned by Robert Sherwood who also has a pond installed in the ditch and a non consumptive use right (37-0828). The Greystone Inc. diversion from the Comstock Ditch serves approximately 1.6 acres of lined ponds and ditches in the Cliffside Subdivision. Outflow from the last pond can be returned either to the Comstock Ditch through a broad crested weir measuring device or into the active channel of the Big Wood River through a Cippoletti weir and pipeline leading from the last Cliffside pond. (See schematic)

During normal operation of the Comstock ditch, all water diverted through the Big Wood diversion flows through the Rivers Edge ponds and the Sherwood pond and is diverted into the Cliffside system. Any flow in the Comstock ditch below Sherwood's in excess of 10.0 cfs(Permit 37-0835) is not diverted to Cliffside but is allowed to flow down the Comstock to fulfill irrigation rights. From the Cliffside system, water is normally all returned to the active flowing channel of the river through the Cippoletti weir and pipeline unless irrigation water is called for downstream. If irrigation water is called for, those flows enter the Comstock ditch through the broad crested weir(see schematic) and any excess water flows back to the river through the pipeline.

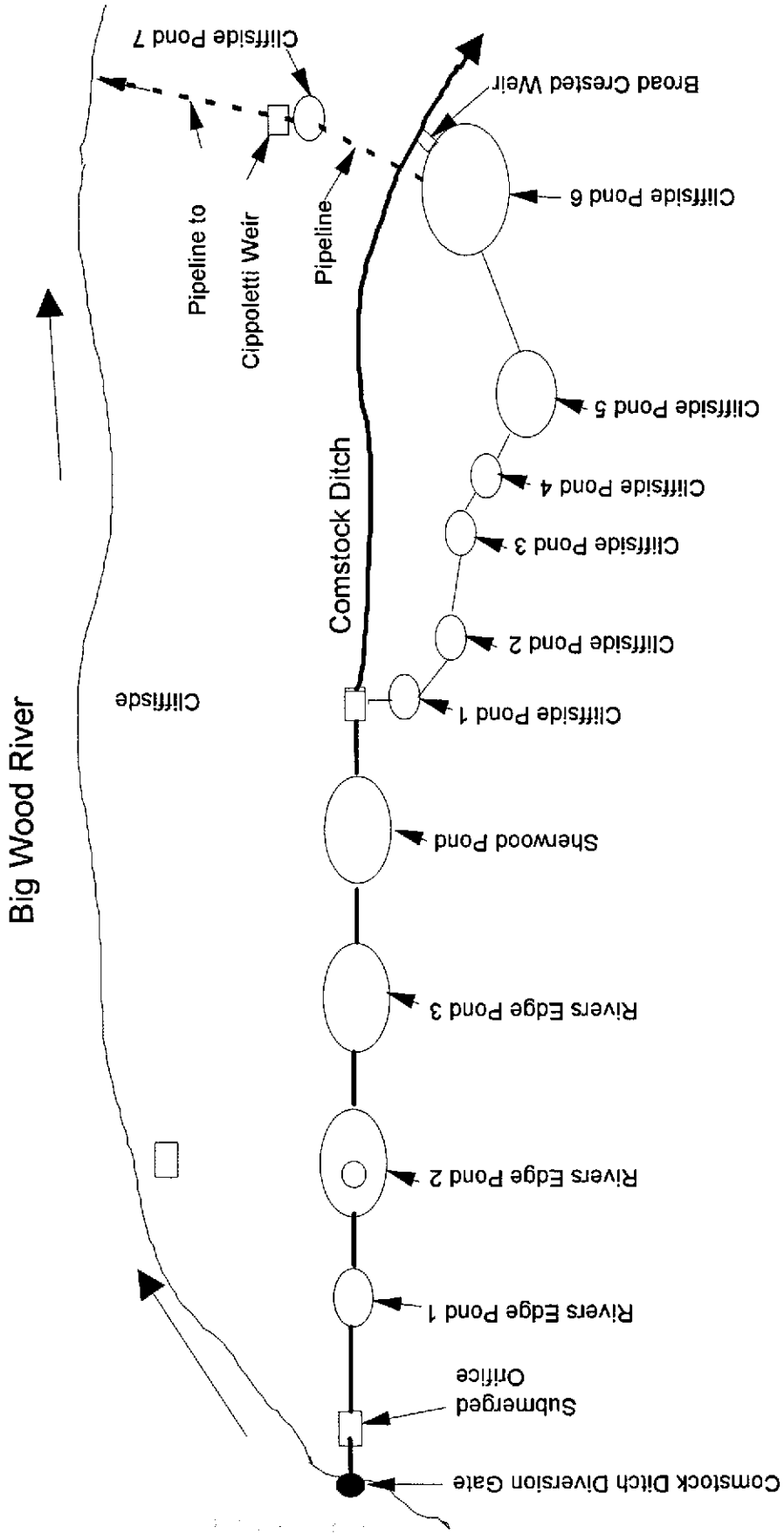
With the exception of Condition 11 of the permit, all conditions have been met. Condition 11 requires the measurement of water temperature effects on Big Wood River flows as per agreement with the Division of Environmental Quality. That agreement requires the measurement of temperature at various points along the system including the return to the Big Wood River on "an above normal temperature day in August of 1990". Until the 1995 season, insufficient water or no water has been available for

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10/17/95

delivery in August and Condition 11 has not been completed. It is planned to perform that evaluation in September 1996 on 'an above normal temperature day' which is construed to be an 80 or 90 degree maximum temperature day.

Water measurement: See attached spreadsheet

Comstock Ditch Schematic for Water Use Greystone Permit 37-08535



Greystone Water Permit-Beneficial Use Exam C.E. Brockway P.E.					
Measurements taken June 6, 1995			Permit 37-0835		
Water Measurement					
Diversion from Big Wood River to Comstock Ditch					
	Rectangular gate submerged orifice				
	Width =	38	inches		
	Opening	22	inches		
	Diff. Head	1.75	inches		
	Orifice C	0.61			
	Discharge	10.85	cfs		
Diversion from Comstock Ditch to Cliffside					
	Rectangular gate submerged orifice				
	Width =	36	inches		
	Opening	18	inches		
	Diff. Head	2.8	inches		
	Orifice C	0.61			
	Discharge	10.64	cfs		
Broadcrested Weir		Small leak into Comstock Ditch			
		0.05	cfs		
Cippoletti Weir					
	Width	3	feet		
	Head	1.02	feet		
	Discharge	10.41	cfs		
Leak around weir embankment					
	Est. Q	0.2	cfs		
Total Inflow from Big Wood River			10.85	cfs	
Total Outflow			10.66	cfs	
Difference			0.20	cfs or	9.9 miners inch
Total Inflow from Comstock Ditch			10.64	cfs	
Total Outflow			10.66	cfs	
Difference			-0.01	cfs or	-0.7 miners inch

Comstock Ditch Diversion from Big Wood River

Water Rights diverting through Comstock Ditch #10 headgate

Data from Water Master District 37 Decree Book 3/4/96

Name	Number	Original Decree	Priority Date	Amount-cfs
Bloomfield	37-0048	Martin Barry	05/01?1887	0.20
Bloomfield	37-0833E	Rockwell by-pass	11/12/1936	0.20
Bloomfield	37-08830	Bloomfield	08/04/1994	0.10 non con
Graystone Inc	37-0577BL	W.T. Riley	03/24/1883	0.15
Graystone Inc	37-0419B	Horace D. Lewis	08/01/1889	0.18
Graystone Inc	37-0703E	A.D. Williams	06/15/1891	0.40
Graystone Inc	37-08535	Graystone Inc	07/11/1989	10.0 non con
Kansar c/o Sharp	37-0048	Martin Barry	05/01?1887	3.30
John McDonald	37-0048	Martin Barry	05/01?1887	0.50
Harry S. Rinker	37-0154A	M.H. Comstock	12/13/1887	6.04
Harry S. Rinker	37-0154A	M.H. Comstock	12/13/1887	3.52
Robert Sherwood	37-8278	Helen Fassett	09/25/1986	4.00 non con
Rivers Edge Part***	37-08611	Rivers Edge Part	05/10/1990	4.00 non con

*** Not included on Watermaster Decree Book 3/4/1996

Graystone, Inc.
37-08535
Prepared by Brockway Engineering

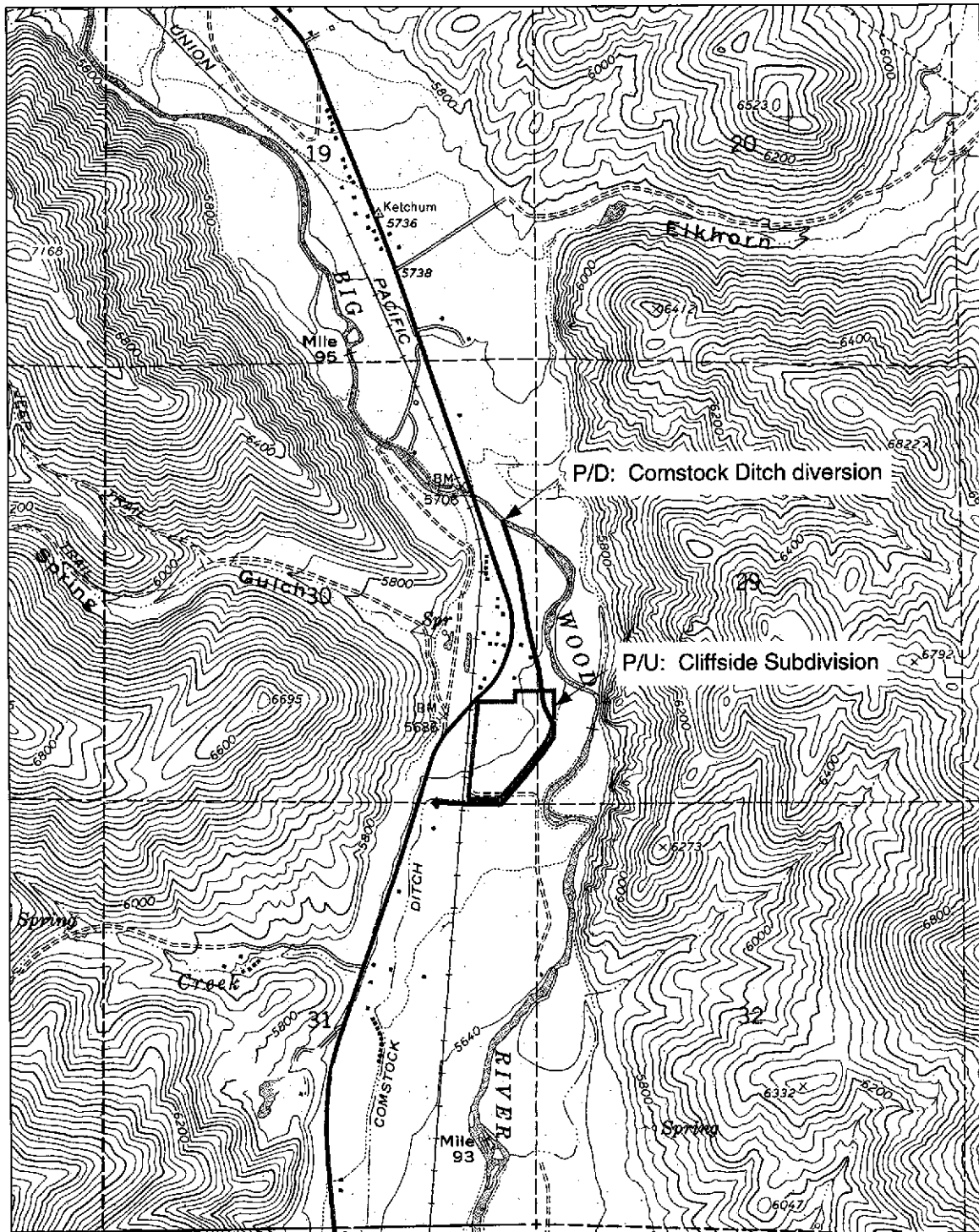




Figure 1. Gate at Comstock Ditch diversion from Big Wood River.



Figure 2. Comstock Ditch submerged orifice.



Figure 3. Submerged orifice diversion to Cliffside from Comstock Ditch.



Figure 4. Pond No. 1, Cliffside Subdivision.



Figure 5. Broad-crested weir outlet to Comstock ditch from Cliffside to pond No. 6.



Figure 6. Cliffside pond No. 7 and Cippoletti weir outlet to pipeline to Big Wood River.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 12, 1996

GRAYSTONE INC
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 37-08535

Dear Permit Holder:

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

Please be advised that Section 42-248, Idaho Code, which became affective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Failure to maintain current records with the department could result in the assessment of a monetary penalty.

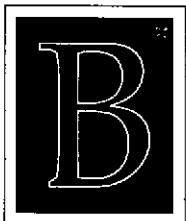
If you have questions concerning this matter, please contact Shelley Keen at (208)327-7900.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

C: IDWR - Region

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JUL 13 1996



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

MAY 30 1996

Department of Water Resources
Southern Region

May 29, 1996

Mr. Allen Merritt
Idaho Dept. of Water Resources
222 Shoshone St East
Twin Falls, ID 83301

Subject: Beneficial Use Field Exam 37-08535 Graystone Inc.

Dear Allen:

Enclosed is the completed Proof of Beneficial Use form and a completed Beneficial Use Field Exam report for the Graystone Inc. water right, 37-08535. This right is in the Comstock Ditch and is intimately related to the Rivers Edge Partners. right (37-08611). I have therefore shown the entire common system for both rights to allow an understanding of the relationships in the Comstock Ditch.

Please call if you have any questions.

Sincerely,

C. E. Brockway, P.E.

cc: Peter Gray
Jim Speck

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

CHARLES G.
BROCKWAY,
PH.D., E.I.T.

706 SUNRISE
BOULEVARD
NORTH

TWIN FALLS,
IDAHO 83301

208•733•0938
208•734•2580

FAX: 736•1746

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MAY 31 1996

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Department of Water Resources

MAY 30 1996

Department of Water Resources
Southern Region

RECEIVED

MAY 31 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 7, 1995

Graystone, Inc.
c/o James P. Speck
HOGUE SPECK & AANESTAD
P.O. Box 987
Ketchum, ID 83340

RE: Permit No. 37-08535

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to **June 1, 1997**. Please note that the department has granted this extension based on **due diligence**. It is important that you work diligently toward the completion of this project during the construction period allowed since the department **will not** be able to grant additional extensions based on due diligence.

If you have any questions or if I can be of any assistance, please feel free to contact me at (208)327-7900.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Regional Office

RECORDED

JUN 13 1995

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
FAX (208) 726-0752

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
TRACY DUNLAP

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

May 23, 1995

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MAY 24 1995

Department of Water Resources

Ms. Julie L. Yarbrough
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

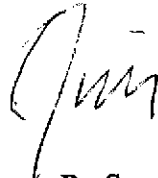
RE: Permit 37-08535

Dear Julie:

Enclosed you will find a Request for Extension of Time to Submit Proof of Beneficial Use for Permit 37-08535 by the permit holder, Graystone, Inc., together with my firm's check payable to IDWR in the sum of \$50.00 as the fee. Please call me if there are any questions. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD



James P. Speck

JPS/j
Enclosure

cc: Peter Gray

JUN 13 1995

**ADDENDUM TO
REQUEST FOR EXTENSION OF TIME
TO SUBMIT PROOF OF BENEFICIAL USE
PERMIT NO. 37-08535
GRAYSTONE, INC. - PERMIT HOLDER**

RECEIVED

MAY 24 1995

The following is an Addendum to the Request for Extension of Time to Submit Proof of Beneficial Use for Permit No. 37-08535 (the "Request") submitted by the Graystone, Inc. ("Graystone"):

1. The pond and stream system has been completed. The diversion works and measuring devices for diverting the water from the Comstock Ditch into the system and returning the water to either the Big Wood River or the Comstock Ditch are also completed. However, the headgate of the Comstock Ditch needs to be improved to allow the diversion of the full 10 cfs during low water years. Graystone has spent over \$200,000 in constructing the ponds and watercourses.

2. Graystone has not been able to completely and adequately test the system at the full allotment of 10 cfs due to the low water years since the Permit was issued in 1990. Enclosed are printouts from the Watermaster for the Comstock ditch diversions in 1991, 1993 and 1994 which show that less than 10 cfs has been delivered into the Ditch virtually the entire time since the Permit was issued due to low water. It is expected that this year will see sufficient flow to allow the full 10 cfs to run through the system for a sufficient period of time for Graystone to complete the beneficial use field report through Dr. Charles Brockway.

RECEIVED

JUN 13 1995

5/23/95

WATER DISTRICT #37 & 37-M

=====

CANAL NAME	COMSTOCK	CANAL NUMBER 10	1994
=====			
OWNER GRAYSTONE INC			
=====			

DATE	APRIL	MAY	JUNE	JULY	AUG.	SEPT.	DATE
1	4.92	5.68	8.04	4.48	3.48	2.84	1
2	4.92	5.68	8.04	4.48	3.48	2.84	2
3	4.92	5.68	7.52	4.48	3.48	2.84	3
4	4.92	5.68	7.52	4.48	3.48	2.84	4
5	4.92	5.68	7.52	4.48	3.48	2.84	5
6	4.92	5.68	5.68	4.00	3.48	2.84	6
7	4.92	5.68	5.68	4.00	3.48	2.84	7
8	5.68	5.68	5.32	4.00	2.84	2.84	8
9	5.68	7.28	5.32	4.00	2.84	2.84	9
10	5.68	7.28	6.40	4.00	2.84	2.84	10
11	4.48	8.04	6.40	3.48	2.84	2.84	11
12	4.48	8.04	6.40	3.48	2.84	2.84	12
13	4.48	8.04	6.96	3.48	2.84	2.84	13
14	4.48	8.04	6.96	3.48	2.84	2.84	14
15	4.92	8.04	6.40	2.84	2.84	2.84	15
16	4.92	6.96	6.40	2.84	2.84	4.00	16
17	4.92	6.96	6.40	2.84	2.00	4.00	17
18	5.68	6.96	6.40	2.84	2.00	4.00	18
19	5.68	6.96	6.40	2.84	2.84	4.00	19
20	5.68	5.68	6.40	2.84	2.84	4.00	20
21	5.68	5.68	6.40	2.84	2.84	4.00	21
22	7.52	5.68	6.40	2.84	2.84	4.00	22
23	7.52	5.68	6.40	2.84	2.84	4.00	23
24	7.52	5.68	6.04	2.84	2.84	4.00	24
25	7.52	6.40	6.04	2.84	2.84	4.00	25
26	7.52	6.40	6.04	2.84	2.84	4.00	26
27	4.92	6.96	5.68	2.84	2.84	4.00	27
28	4.92	6.96	5.68	2.84	2.84	4.00	28
29	5.68	6.96	5.32	3.48	2.84	4.00	29
30	5.68	5.68	5.32	3.48	2.84	4.00	30
31		5.68		3.48	2.84		31
TOTAL	165.68	201.48	191.48	106.52	90.84	102.60	

=====

YEARLY C.F.S.	858.60
YEARLY ACRE FEET	1700.028
TOTAL NO. OF DAYS	183
YEARLY MEAN	4.69

=====

RECEIVED
JUN 13 1995

WATER DISTRICT #37 & 37-M

CANAL NAME COMSTOCK CANAL NUMBER 10

OWNER VARIOUS GRAYSTONE INC, RINKER, McDONALD

DATE	APRIL	MAY	JUNE	JULY	AUG.	SEPT.
1	2.84	4.00	4.00	6.04	5.68	2.84
2		2.84	4.00	5.68	5.68	2.84
3		4.00	4.00	5.68	5.68	2.84
4		4.00	4.00	5.68	5.68	2.84
5		4.00	4.00	4.48	5.68	2.84
6		4.00	4.00	4.48	5.68	2.84
7		4.00	4.00	4.48	5.68	2.84
8	2.84	4.00	4.00	4.48	5.68	2.84
9	2.84	4.00	4.00	4.48	5.68	2.84
10	2.84	4.00	4.00	4.48	5.68	2.84
11	2.84	4.00	4.00	4.48	5.68	2.84
12	2.84	4.00	4.00	6.04	5.68	2.84
13	2.84	4.00	4.00	6.04	5.68	2.84
14	2.84	4.00	4.00	6.04	5.68	2.84
15	2.84	4.00	4.00	6.04	5.68	2.84
16	2.84	4.00	4.00	6.04	5.68	2.84
17	2.84	4.00	4.00	6.04	5.68	2.84
18	2.84	4.00	4.00	6.04	5.68	2.84
19	2.84	4.00	4.00	4.92	4.48	2.84
20	2.84	4.00	4.00	4.92	4.92	2.84
21	2.84	4.00	4.00	4.48	4.92	2.84
22	2.84	4.00	4.00	4.48	4.92	2.84
23	2.84	4.00	4.00	3.48	4.00	2.84
24	2.84	4.00	4.00	3.48	4.00	2.84
25	2.84	4.00	4.00	3.48	3.48	2.84
26	2.84	4.00	4.00	5.68	3.48	2.84
27	2.84	4.00	4.00	5.68	3.48	2.84
28	2.84	4.00	4.00	5.68	3.48	2.84
29	2.84	4.00	4.00	5.68	3.48	2.84
30	2.84	4.00	6.04	5.68	2.84	2.84
31		4.00		5.68		
TOTAL	65.32	121.68	122.04	160.04	151.36	67

YEARLY C.F.S. 688.00

YEARLY ACRE FEET 1362.24

TOTAL NO. OF DAYS 176

YEARLY MEAN 3.91

WATER DISTRICT #37 & 37-M

CANAL NAME COMSTOCK CANAL NUMBER 10

OWNER GRAYSTONE INC

DATE	APRIL	MAY	JUNE	JULY	AUG.	SEPT.
1			9.00			
2			9.00			
3			9.00			
4			9.00			
5			9.00			
6			9.00			
7			9.00			
8			9.00			
9			9.00			
10			9.00			
11			9.00			
12			9.00			
13			9.00			
14			9.00			
15			9.00			
16			9.00			
17			9.00			
18			9.00			
19			9.00			
20			9.00			
21			9.00			
22			9.00			
23			9.00			
24			9.00			
25			9.00			
26			9.00			
27			9.00			
28			9.00			
29			9.00			
30			9.00			
31			9.00			
TOTAL	0.00	70.12	90.00	63.00	0.00	0.00

YEARLY C.F.S. 223.12

YEARLY ACRE FEET 441.7776

TOTAL NO. OF DAYS 24

YEARLY MEAN 9.30

March 31, 1995

GRAYSTONE INC.
C/O JAMES P. SPECK, ESQ.
P.O. BOX 987
KETCHUM ID 83340

PROOF DUE NOTICE

RE: PERMIT NO. 37-08535

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 1, 1995.

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

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

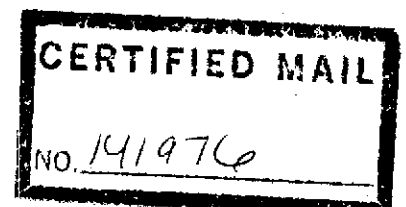
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

JUN 13 1995





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 29, 1992

Jim Speck, Attorney at Law
P.O. Box 987
Ketchum, ID 83440

RE: Permits Nos. 37-08535 (Graystone, Inc.) and 37-08611 (Rivers Edge Partners)

Dear Jim:

This letter confirms our telephone conversation of July 27, 1992, and also responds to your letter dated July 16, 1992. The Department has determined that an application for transfer must be filed before it can approve a mitigation plan which will leave water rights owned by Brennan (or Rockwell bypass water) as compensation for losses in the Rivers Edge-Sherwood-Graystone system. This is especially true because of low flow conditions and the fact that the system has not had water in it during the 1992 season.

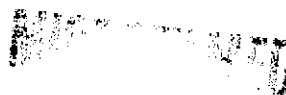
Respectfully,

A handwritten signature in cursive script that reads 'Gary Spackman'.

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc: Southern Region
Lee Peterson
Evan Robertson



JUN 13 1995

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYSTERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP
DONALD E. MITCHELL120 EAST AVENUE
POST OFFICE BOX 987
KEETCHUM, IDAHO 83340
(208) 726-4421
FAX (208) 726-0752HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

July 16, 1992

VIA FACSIMILE - 1-327-7866
ORIGINAL TO FOLLOW BY MAILMr. Gary Spackman
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

Re: Permits Nos. 37-08535 (Graystone, Inc.) and 37-08611 (Rivers Edge Partners)

Dear Gary:

This letter will confirm our telephone conversation earlier today. Condition No. 16 to Permit No. 37-08535 requires the 0.15 cfs of Water Right No. 37-00577 owned by Graystone, Inc. to remain in the River to compensate for losses incurred whenever the Comstock Ditch irrigation rights have been cut off and water is to be delivered through the Graystone system. This is presently the situation. However, as of today Water Right No. 37-00577 has been cut back to 50% delivery and the Watermaster believes it will be cut entirely by the beginning of next week.

Graystone and Rivers Edge (as well as Sherwood in between for Permit No. 37-08278) desire to call for 4.0 cfs for their permits at the end of next week to provide the water necessary to complete the ditch and pond system sealing for the elimination of seepage losses. Graystone has arranged to lease for the balance of the irrigation season 0.2 cfs of Water Right No. 37-00657 from Robert Brennan. Mr. Brennan purchased 1.16 cfs of this right from Gary and Donna Hibbard (see Claim No. A37-00657B and the enclosed Warranty Deed copy). Water Right No. 37-00657 has a priority date of May 1, 1881 and Mr. Brennan's portion is delivered through the Hiawatha Canal. The leased 0.2 cfs of 37-00657 will remain in the Big Wood River and not be diverted into the Hiawatha Canal for as long as it remains good during the balance of this irrigation season. Mr. Brennan has agreed to file the appropriate Notice of Change of Ownership and Amended Notice of Claim for his portion of 37-00657 as soon as possible.

It is my understanding you will approve this arrangement to provide the compensation water necessary for the delivery of 4.0 cfs under Permits Nos. 37-08535 and 37-08611. We

UNRECORDED
JUN 13 1995

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 1
To	Gary Spackman	
From	Jim Speck	
Co.	Co.	
Dept.	Phone #	
Fax #	327-7866	Fax # 7

Mr. Gary Spackman
July 16, 1992
Page 2

must have this water available by Friday, July 24, 1992, or the sealing process may have to be repeated! If 37-00657 receives a priority cut, we understand the 4.0 cfs for the Permits will also be cut off. You will as soon as possible send a letter to Lee Peterson, Watermaster for District 37, confirming your approval. Mr. Brennan will contact the Watermaster to confirm the lease arrangement.

Thank you very much for once again cooperating and assisting my clients in what is proving to be one of the worst water years on record for the Big Wood River Valley.

Sincerely yours,

HOGUE, SPECK & AANESTAD



James P. Speck

JPS/j

cc: Mr. Peter Gray
Mr. Will Miller
Mr. Evan Robertson

JUN 13 1995

JUL-16-92 THU 15:55

FA (KETCHUM)

FAX NO. 20872 57

P.01

For the purpose of this deed, the undersigned, Gary J. Hibbard and Donna G. Hibbard, husband and wife

Hereinafter called the Grantor, hereby grant, bargain, sell and convey unto

Robert M. Brennan, a single person

whose address is: 1411 Marsh Street, Suite 207, San Luis Obispo, CA 93401

Hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to-wit:

See Attached Schedule "A" Made a Part Hereof

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 said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: May 31, 1990

Gary J. Hibbard
Gary J. Hibbard

Donna G. Hibbard
Donna G. Hibbard

State of Idaho

County of Blaine

On June 4 1990 before me, the undersigned, a Notary Public in and for said State, personally appeared Gary J. Hibbard and Donna G. Hibbard personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) were subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Signature

Commission Expires: 3-11-93



#320407

FEES \$ 6.00

MARY GREENE, CLERK

90 DEC 3 PM 3 46

Cal. deed

BLAINE CO. REQUEST
FIRST AME DEED TITLE CO.

325921

Post-It™ brand fax transmittal memo 7871

of pages 2

To <u>Jim Speck</u>	From <u>[Signature]</u>
Co. <u>[Signature]</u>	Co. <u>FARCO</u>
Dept. <u>[Signature]</u>	Phone # <u>[Signature]</u>
Fax # <u>726-0752</u>	Fax # <u>[Signature]</u>

DEC 13 1995

JUL-18-92 THU 15:58

FA (KETCHUM)

FAX NO. 20872 37

P. 02

CRUSE NO. 13240
Legal Description

Exhibit "A"

PARCEL I:

Lot 2 in Block 2 of ZINC SPUR - UNIT FOUR, according to the official plat thereof, recorded as Instrument No. 211989, records of Blaine County, Idaho.

PARCEL II:

Lot 2 in Block 1 of ZINC SPUR - UNIT FIVE, according to the official plat thereof, recorded as Instrument No. 233539, records of Blaine County, Idaho.

PARCEL III:

TOWNSHIP 3 NORTH, RANGE 18 EAST, BOICE MERIDIAN, BLAINE COUNTY, IDAHO,

SECTION 20: S1/2 SW1/4

Excepting therefrom all that portion of ZINC SPUR RANCH UNITS TWO AND THREE, BLAINE COUNTY, IDAHO, lying within said S1/2 SW1/4.

AND

SECTION 29: W1/2 NW1/4, NE1/4 NW1/4

Excepting therefrom all that portion of ZINC SPUR RANCH UNIT TWO, BLAINE COUNTY, IDAHO, lying within said NE1/4 NW1/4.



JUN 13 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 37-08535 + 37-0577BL + 37-0419B + 37-0703E
Name(s) of Permit Holder(s): GRAYSTONE INC.
Post Office Address: Box 2473, KETCHUM, ID 83340
Tel. No. 726-5997

☒ I hereby certify that construction of diversion works for the above referenced permit began on JUNE 30 1990 (date). I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is not an acceptable reason.

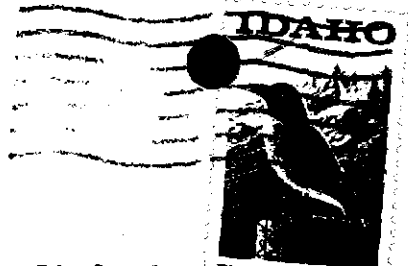
1/30/91
Date

Robert W. Gray
Signature of Permit Holder

GRAYSON

Box 2473

KETCHUM, ID. 83340



USA 25 1890

RECEIVED

JAN 31 1991



JUN 13 1995

Department of Water Resources
STATEHOUSE
BOISE, IDAHO 83720





State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

June 25, 1990

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

RE: Permit No. 37-8535
Transfer of Water Right Nos. 37-0419B/0577BL/0703C

Graystone, Inc.
c/o James P. Speck
Hogue, Speck & Aanestad
Box 987
Ketchum, ID 83340

Gentlemen:

Enclosed is a copy of the approved Application for Permit. We direct your attention to the conditions of approval placed on the permit.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Also enclosed is a copy of the approved Application for Transfer filed in connection with water right nos. 37-0419B/0577BL/0703C. Please note the conditions of approval as listed on the third page. Please be advised that the previous place of use must not be irrigated unless water is transferred to the land.

If you have any questions concerning these documents, please feel free to contact our office.

Sincerely,


GARY SPACKMAN, Supervisor
Water Right Permits Section

GS:sc

Enclosures

Microfilm

JUN 27 1990

MEMORANDUM

TO: Application for Permit No. 37-08535 in the Name of
Graystone, Inc.
FROM: Gary Spackman *Gary*
DATE: June 14, 1990

I have corresponded at length with Jim Speck, attorney at law, Ketchum, Idaho, regarding application for permit to appropriate water no. 37-08535. Jim has carefully responded to my inquiries. Many of my inquiries were prompted because of concerns that were raised by other residents in the Big Wood River Valley who felt that this development, and other developments like it, would detrimentally impact the Big Wood River ecosystem.

I specifically find that Jim has adequately addressed the concerns that must be addressed as dictated by Rule 4,5,3. of the Water Appropriation Rules and Regulations.

I recommend approval of application for permit to appropriate water no. 37-08535 with the following conditions:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works from the Big Wood River prior to diversion of water under this permit.
2. Prior to diversion of water, measuring devices shall be installed at the point of discharge back to the Comstock Ditch and at the point of discharge to the Big Wood River.
3. Diversion and use of water under this permit is subject to control by the watermaster of State Water District #37.
4. Water used pursuant to this permit which is discharged into a natural channel shall satisfy Idaho Water Quality Standards.
5. The permit holder shall commence the excavation or construction of diverting works within one year of the

RECEIVED

JUN 27 1990

date this permit is issued and shall proceed diligently until the project is complete.

6. Use of water under this permit shall be non-consumptive.
7. At such times in the future as he may determine necessary to protect the prior rights or other users, the Director may require determination of the rate of loss within the system using a procedure approved by the Director, and may require mitigation for all system losses, including losses which may injure users from the Comstock Ditch.
8. Notwithstanding other conditions of this permit, additional compensation for losses may be required if necessary pursuant to condition no. 7.
9. Water temperature effects on the Big Wood River of return flows must be monitored as per agreement between the applicant and the Department of Health and Welfare, Division of Environmental Quality during an above normal temperature day in August of 1990, and a report submitted to the Department of Water Resources. The Director may require other water quality monitoring if necessary to protect the local public interest.
10. This project, when combined with other recreational, aesthetics, hydropower, fish propagation or other traditional "non-consumptive uses" of water must not cause a significant degradation of water quality of the Big Wood River and its tributaries.
11. Diversion of water under this right is subject to all prior water rights, including the minimum streamflow in the Big Wood River of 189 cfs, as established by water right permit no. 37-7919 and proposed by application to appropriate water no. 37-8307.
12. When delivery of water pursuant solely to this permit is not possible because of earlier priority rights, including minimum streamflows, water diverted pursuant to permit no. 37-8278 may be delivered through the place of use for this permit only if:
 - (a) Losses incurred from the point of diversion to the point of discharge of right 37-8278 are fully compensated.
 - (b) The water is discharged directly to the actively flowing channel of the Big Wood

MICROFILMED

JUN 27 1991

13. The loss of water available to the holders of the Comstock Ditch irrigation rights, if any, caused by the diversion of the water for those rights through the system, rather than entirely through the Comstock Ditch, shall be compensated by delivering all, or the requisite portion, of the 0.15 cfs of Water Right No. 37-00577 associated with Transfer 3590 to the point of return to the Comstock Ditch from the system.
14. This permit is associated with application for transfer no. 3590, which proposes the transfer of portions of water right nos. 37-0577, 37-0419B and 37-0703E. The 0.15 cfs of 37-0577 must remain in the river to compensate for losses incurred whenever the Comstock Ditch rights have been cut-off, but water is being diverted through the Graystone system. If compensation water is not available, no water may be diverted under this right.
15. Prior to diversion of water approved by this permit, the Comstock #10 diversion structure must be reconstructed to the satisfaction of IDWR.
16. Water exiting the system proposed by this permit must be discharged by the most direct route after leaving the place of use into the active channel of the Big Wood River by means of a non-leaking gravity flow pipeline.
17. The Director retains jurisdiction to review and amend any and all parameters of this Permit and subsequent license to assure continuing compliance with the "local public interest" criteria of Rule 5,1,5. Any person seeking review and amendment of the Permit or License shall file a request for an amendment with the Department, which request shall include the amendment sought, the reasons for the amendment, and a statement of the changes in circumstances since the Permit or License was issued or last reviewed that merit a review of the Permit or License. The Department shall mail a copy of the request by certified mail, return receipt requested, to the holder of this Permit or subsequent License and allow the holder not less than thirty (30) days from the date of his receipt of the copy of the request to file a response. Upon review of the request and the response, the Department may, in its discretion, decide the Permit or subsequent License needs to be reviewed. If so it shall notify the general public and specific persons or parties known to be interested in the proposed change, and conduct a hearing for the purpose of determining whether the Permit or subsequent License should be amended for the purpose of assuring it continues to comply with the "local public interest" criteria of Rule 5,1,5. The burden of proof at the hearing shall be upon the persons or parties seeking the

JUN 27 1996

amendment to establish that a material change in circumstances has occurred since the Permit or License was issued or was reviewed that requires amendment of the Permit or License to prevent a conflict with the "local public interest."

18. This right, when combined with water diverted pursuant to permit no. 37-7828 shall not exceed ten (10) cfs.

MicroFILMED

JUN 27 1990

HOGUE, SPECK & AANESTAD

ATTORNEYS AT LAW
120 East Avenue
Post Office Box 987
Ketchikan, Alaska 99340
Phone: (907) 226-4421
FAX: (907) 226-0752

FAX MESSAGE SHEET

DATE: June 14, 1990 TIME: 8:37am

PAGE 1 OF 1 PAGES

TO: Mr. Kanan

FA: 1-327-3866

FROM: James P. Speck, Esq.

RE: Graystone

MESSAGE: I would like the 2nd paragraph of the letter as follows:

- Insert* ←
12. The loss of water available to the users of the Comstock Ditch irrigation rights, caused by the diversion of the water for its use through the system, rather than entering through the Comstock Ditch, shall be compensated by delivering all, or the requisite portion, of the 0.15 cfs of Water Right No. 37-00577 associated with Transfer 3590 to the point of return to the Comstock Ditch from the system.

One last question - do we need a stream alteration permit to install the pipeline for the return flow to the Big Wood River??!!

Jim

MICROFILMED

JUN 27 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 5, 1990

Jim Speck, Attorney at Law
P.O. Box 987
Ketchum, ID 83340

RE: Application for Permit to Appropriate Water No. 37-08535 in
the Name of Graystone, Inc.

Dear Jim:

After routing the proposed conditions to Norm Young, he suggested corrections which I have incorporated in legislative form. Please review these conditions, and comment.

It appears to me that the most significant condition is that the 0.15 cfs of right 37-0577 must remain in the river for compensation whenever water is being diverted through the Graystone system. This is a departure from our previous discussion.

Norm Young felt that it was necessary to protect the Comstock users, particularly if a portion of the Comstock water was diverted through Graystone, and the remainder stayed in the ditch. This results in double losses since two channels would be used.

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

cc: Southern Region

RECEIVED

JUN 27 1990

RECEIVED
MAY 24 1990

Department of Water Resources

May 18, 1990

Mr. Gary Spackman
Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83720

Re: Graystone Project
Water Rights application #37-08535



Dear Gary,

In recent weeks it has become apparent that up to four cfs of water is lost from the Comstock ditch through absorbtion between the "new" headgate and the outfall measuring weir in the ditch below Sherwood's pond. These losses have been occurring since water began to flow in the ditch in late march. If there is any dispute about this fact, I have graphic evidence to substantiate it.

Because of these ongoing losses and the fact that Mr. Sherwood is unable to replace the loss and return the whole amount to the river, the Water Master has closed the headgate. Unfortunately the headgate structure is defective and about one cfs still leaks under or around it and goes on down the ditch where it is lost through absorbtion in to the ground.

This situation poses some significant problems. If Graystone is granted a non-consumptive water right of any amount and the water is delivered through the "new" Comstock headgate above Sherwood's pond it is a foregone conclusion that Graystone will be unable to return to the river whatever water is granted. This is so because the developer has only a very minimal amount of consumptive water(7 inches, I believe) with which to replace his losses which will be in excess of two cfs and probably more in the order of 4cfs.

Even if Graystone has no loss from his pond system it will be impossible to cut Sherwood off without cutting off Graystone and the consumptive rights down the ditch whose rights are being impaired by the losses from Sherwood's pond.

The only alternative would be to require Graystone to take their water through the original Comstock headgate below Sherwood's pond. In the original scheme this was a practical alternative because the plan called for the reactivation of the old river channel which used to feed the original headgate.

Now I am told that Graystone(and Sherwood) have abandoned that part of the plan(Structures #3 - #12). They intend to proceed only with the drop structure(#2) situated just below the "new" Comstock headgate which is designed to maintain constant flows down the ditch through Sherwood's pond.

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JUN 27 1990

Page two: Comstock Water Loss

The only alternative to activating the old river channel below and to the west of structure #3 would be to line all of the ditch and Sherwood's pond. This alternative would be ecologically unsound, and it is almost certain that such a liner would leak anyway.

It would seem that the only way Graystone could possibly return the full amount of a non-consumptive water right would be if they activate the old river channel and take it at the original Comstock Headgate. The water would only have to travel about 200 feet instead of some 1600 feet of ditch and pond in the present scheme.

The position of the Friends of the Big Wood has always been that Graystone should take whatever water they may be granted at the original Comstock headgate in order to keep that water in the river for an extra 1600 feet.

I also understand that the request for ponds along the ditch in the River's Edge subdivision is still on the table. The Friends have been opposed to this project from the beginning, and the current situation only makes this project less feasible.

I am informed that there has been argument by lawyers for various water projects to the effect that all non-consumptive water need not be returned to the river because water that is lost through absorption into the water table will return to the river downstream anyway. If such an argument is being made, I would want to ask the lawyers to prove where and how much water is being returned to the river; and exactly when it is going back. It is obviously a specious argument, and if it were to become accepted the damage to the river and the downstream water users, the fisheries and other wildlife could become enormous.

Sincerely,

Paul C. Pres

Friends of the Big Wood River

cc Loren Holmes, IDWR Southern Regional Manager
Ried Newby, Dist. 37 Water Master
Jack Onieda, Wood River Canal Co.
Len Harlig, Blaine County P & Z
Tom Blanchard, Blaine County Commissioner
Chip Corsi, Regional Fisheries Biologist, IDFG

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JUN 27 1990

Page 3: Comstock Water Loss

P.S. Here is another possibility. I understand that Greystone has applied for the transfer of 7.5 inches of 1883; 9 in of 1889, and 20 in of 1891 water rights to the Comstock ditch. In most years these rights could be delivered through mid June. The total of these rights are more than 3.2 million gallons per week. His pond capacity is about that amount. This means that if Greystone were granted these rights they could fill the ponds in the spring during run-off.

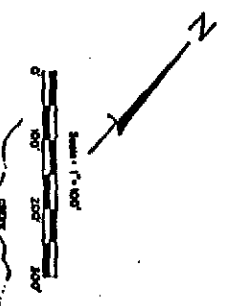
The 1883 right amounts to 67 gpm which would be far more than the rate of evaporation which is around 2gpm. If, as they claim, the ponds will not leak, the 1883 right would be enough to maintain the ponds for most of the summer in normal years. If granted the transfer of these consumptive rights, Greystone would not need any non-consumptive rights to do their pond system - if they activate the old stream channel and the original Comstock headgate. This scheme would not work using the new Comstock headgate because the losses between the headgate and the Greystone ponds far exceed all the consumptive rights put together.

These options avoid wasting water and impairing the rights of downstream and down-ditch uses, and we believe they should be considered in light of the fact that the original scheme is not feasible for the reasons given.

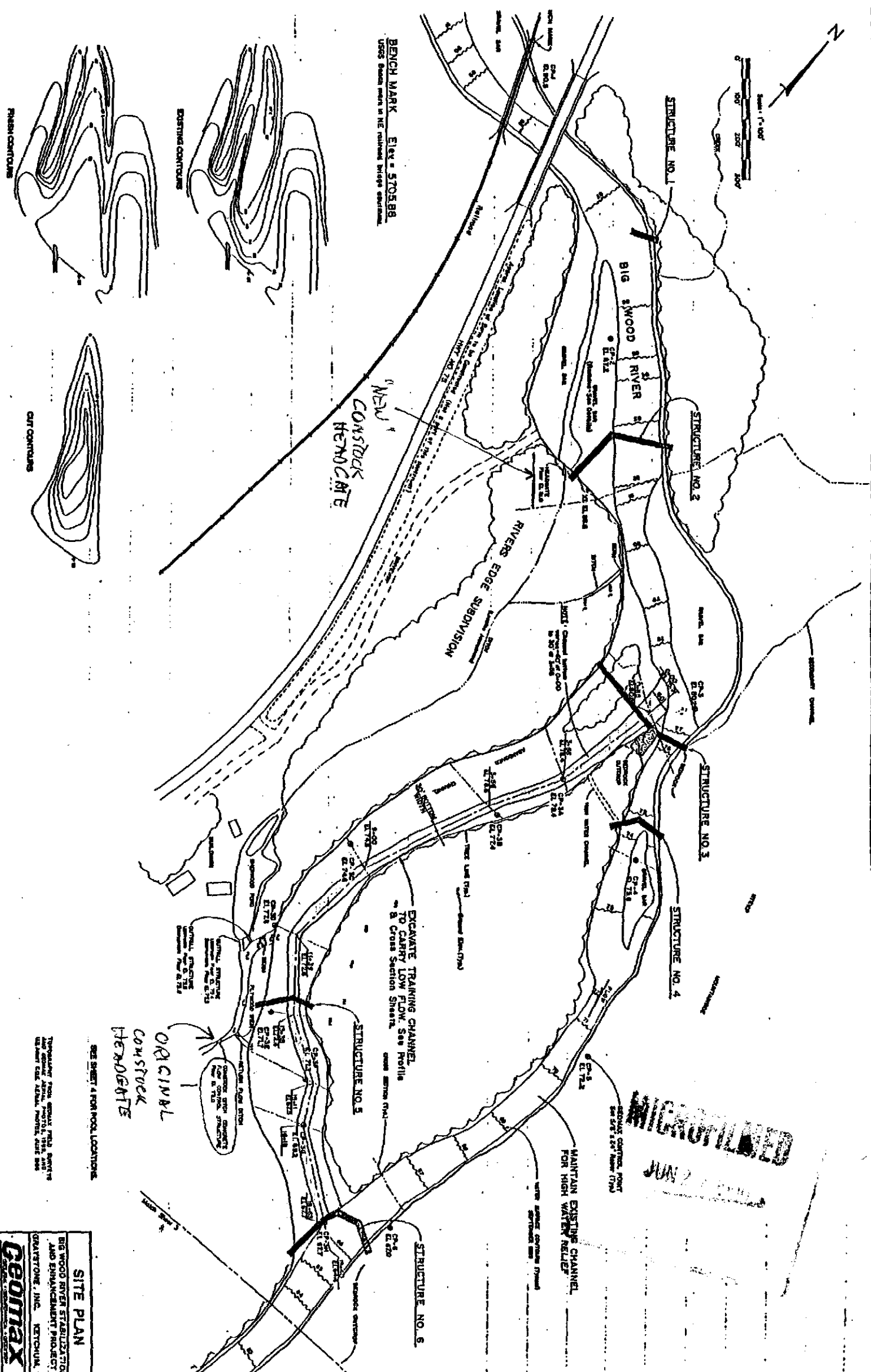
NC

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JUN 27 1990



BENCH MARK Elev. = 5705.88
USGS Bench mark in NE railroad bridge structure.



GRAVEL BAR EXCAVATION

SCALE: 1" = 100'

ORIGINAL
CONSTRUCT
HEADGATE

SEE SHEET 4 FOR POOL LOCATIONS.

THRESHOLD FROM REMAINING GRAVEL BAR TO BE EXCAVATED. SEE SHEET 4 FOR POOL LOCATIONS.

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JUN 2 1981

SITE PLAN

BIG WOOD RIVER STABILIZATION
AND ENHANCEMENT PROJECT
GRAYSTONE, INC. KETCHIKAN, ID.

Geomax
CONSULTING ENGINEERS & SURVEYORS
KETCHIKAN, ALASKA 99901

DESIGNED BY	DATE	SCALE	SHEET NO.
BY	11/18/80	1" = 100'	3

MEMORANDUM

TO: Transfer No. 3590 in the Name of Graystone, Inc.; Water Rights Nos. 37-0577, 37-0419B and 37-0703E
FROM: Gary Spackman
DATE: May 17, 1990

I have reviewed transfer no. 3590, and recommend the following conditions of approval:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Diversion and use of water pursuant to rights approved by this transfer is subject to control of the watermaster of state Water District #37, Big Wood River.
3. This transfer is associated with permit to appropriate water no. 37-08535. The 0.15 cfs of right 37-0577 transferred must remain in the river to compensate for losses incurred by diversion of water under permit no. 37-08535 when the Comstock Ditch rights have been cut-off, but water is still being diverted through the Graystone system. Diversion of right 37-0577 for irrigation may resume when right no. 37-08535 is not deliverable.
4. Prior to diversion of water as approved by this transfer, the Comstock #10 diversion structure must be reconstructed to the satisfaction of ~~the watermaster of Water District #37, Big Wood River.~~ *TOWR*

*How do we justify this much
water for 6 acres?*

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JUN 27 1990

MEMORANDUM

TO: Transfer No. 3590 in the Name of Graystone, Inc.; Water
Rights Nos. 37-0577, 37-0419B and 37-0703E
FROM: Gary Spackman
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4. Prior to diversion of water as approved by this transfer, the Comstock #10 diversion structure must be reconstructed to the satisfaction of the watermaster of Water District #37, Big Wood River.

RECORDED

JUN 27 1990

MEMORANDUM

TO: Application for Permit No. 37-08535 in the Name of
Graystone, Inc.
FROM: Gary Spackman
DATE: May 17, 1990

I have corresponded at length with Jim Speck, attorney at law, Ketchum, Idaho, regarding application for permit to appropriate water no. 37-08535. Jim has carefully responded to my inquiries. Many of my inquiries were prompted because of concerns that were raised by other residents in the Big Wood River Valley who felt that this development, and other developments like it, would detrimentally impact the Big Wood River ecosystem.

I specifically find that Jim has adequately addressed the concerns that must be addressed as dictated by Rule 4,5,3. of the Water Appropriation Rules and Regulations.

I recommend approval of application for permit to appropriate water no. 37-08535 with the following conditions:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this permit. *from Big Wood RIVER*
2. Prior to diversion of water, measuring devices at all discharges from the system must be installed as dictated *required* by the watermaster for Water District #37 prior to diversion of water. *Construct ditch*
3. Diversion and use of water under this permit is subject to control by the watermaster of state Water District #37.
4. Water used pursuant to this permit *shall be* which is discharged into a natural channel shall satisfy Idaho Water Quality Standards. *Combine/6*
5. The permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

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JUN 27 1990

- one time?
when
6. Use of water under this permit shall be non-consumptive.
7. The Director may require determination of the rate of loss within the facility using a procedure approved by the Director, and may require mitigation for all system losses. *Does this include losses to the Comstock ditch system?*
8. Water temperature effects on the Big Wood River of return flows must be monitored jointly with the Department of Health and Welfare, Division of Environmental Quality during an above normal temperature day in August of 1990, and a report submitted to the Department of Water Resources. The Director may require other water quality monitoring if necessary to protect the local public interest.
9. Diversion of water under this right is subject to all prior water rights, including the minimum streamflow in the Big Wood River of ~~189 cfs~~, as established by water right permit no. 37-7919 and proposed by application to appropriate water no. 37-8307. *if ultimately approved.*
10. When delivery of water pursuant to this permit is not possible because of earlier priority rights, including minimum streamflows, "tailwater" from right no. 37-8278 may be captured and delivered through the stream and pond system and then returned directly to the active channel of the Big Wood River by means of a non-consumptive pipeline, unless and until such time as "tailwater" from right no. 37-8278 is required to be directly and immediately returned to an active channel of the Big Wood River.
- What rights
the difference
on 37-8278?
paperwork?
pipeline?*
11. This permit is associated with application for transfer no. 3590, which proposes the transfer of portions of water right nos. 37-0577, 37-0419B and 37-0703E. The 0.15 cfs of 37-0577 must remain in the river to compensate for losses incurred when the Comstock Ditch rights have been cut-off, but water is still being diverted through the Graystone system. If compensation water is not available, no water may be diverted under this right.
- Paperwork*
12. Prior to diversion of water approved by this permit, the Comstock #10 diversion structure must be reconstructed to the satisfaction of the watermaster of Water District #37, Big Wood River. *IDUP*
13. Water exiting the system proposed by this transfer must be discharged directly into the active channel of the Big Wood River by means of a non-consumptive pipeline. *Handwritten signature*

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JUN 27 1990

14. The Director retains jurisdiction to review and amend any and all parameters of this Permit and subsequent license to assure continuing compliance with the "local public interest" criteria of Rule 5,1,5. Any person seeking review and amendment of the Permit or License shall file a request for an amendment with the Department, which request shall include the amendment sought, the reasons for the amendment, and a statement of the changes in circumstances since the Permit or License was issued or last reviewed that merit a review of the Permit or License. The Department shall mail a copy of the request by certified mail, return receipt requested, to the holder of this Permit or subsequent License and allow the holder not less than thirty (30) days from the date of his receipt of the copy of the request to file a response. Upon review of the request and the response, the Department may, in its discretion, decide the Permit or subsequent License needs to be reviewed. If so it shall notify the general public and specific persons or parties known to be interested in the proposed change, and conduct a hearing for the purpose of determining whether the Permit or subsequent License should be amended for the purpose of assuring it continues to comply with the "local public interest" criteria of Rule 5,1,5. The burden of proof at the hearing shall be upon the persons or parties seeking the amendment to establish that a material change in circumstances has occurred since the Permit or License was issued or was reviewed that requires amendment of the Permit or License to prevent a conflict with the "local public interest."

The existing 4 cfs non consumptive permit is also "non consumptive" & must mitigate losses

Condition that the 10 cfs is not in addition to existing rights including Farwell right

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JUN 27 1966



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 25, 1990

Jim Speck, Attorney at Law
P.O. Box 987
Ketchum, ID 83340

RE: Application to Appropriate Water No. 37-08535 and Transfer
No. 3590 in the name of Graystone, Inc.

Dear Jim:

I have enclosed amended draft copies of memorandums I intend to forward with these files to the administrator who will sign the documents. Hopefully, the draft conditions reflect our prior agreement during discussion, and also your letter.

I cannot guarantee that these conditions will be adopted without change. I will, however, apprise you of any change that is proposed.

Please comment as soon as possible. I will forward copies to Reid Newby for his review.

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

cc: Reid Newby
Southern Region

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JUN 27 1990

MEMORANDUM

TO: Transfer No. 3590 in the Name of Graystone, Inc.; Water Rights Nos. 37-0577, 37-0419B and 37-0703E
FROM: Gary Spackman
DATE: May 17, 1990

I have reviewed transfer no. 3590, and recommend the following conditions of approval:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Diversion and use of water pursuant to rights approved by this transfer is subject to control of the watermaster of state Water District #37, Big Wood River.
3. This transfer is associated with permit to appropriate water no. 37-08535. The 0.15 cfs of right 37-0577 transferred must remain in the river to compensate for losses incurred by diversion of water under permit no. 37-08535 when the Comstock Ditch rights have been cut-off, but water is still being diverted through the Graystone system. Diversion of right 37-0577 for irrigation may resume when right no. 37-08535 is not deliverable.
4. Prior to diversion of water as approved by this transfer, the Comstock #10 diversion structure must be reconstructed to the satisfaction of the watermaster of Water District #37, Big Wood River.

MICROFILMED

JUN 27 1990

MEMORANDUM

TO: Application for Permit No. 37-08535 in the Name of
Graystone, Inc.
FROM: Gary Spackman
DATE: May 17, 1990

I have corresponded at length with Jim Speck, attorney at law, Ketchum, Idaho, regarding application for permit to appropriate water no. 37-08535. Jim has carefully responded to my inquiries. Many of my inquiries were prompted because of concerns that were raised by other residents in the Big Wood River Valley who felt that this development, and other developments like it, would detrimentally impact the Big Wood River ecosystem.

I specifically find that Jim has adequately addressed the concerns that must be addressed as dictated by Rule 4,5,3. of the Water Appropriation Rules and Regulations.

I recommend approval of application for permit to appropriate water no. 37-08535 with the following conditions:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this permit.
2. Prior to diversion of water, measuring devices at all discharges from the system must be installed as dictated by the watermaster for Water District #37 prior to diversion of water.
3. Diversion and use of water under this permit is subject to control by the watermaster of state Water District #37.
4. Water used pursuant to this permit which is discharged into a natural channel shall satisfy Idaho Water Quality Standards.
5. The permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

JUN 27 1990

6. Use of water under this permit shall be non-consumptive.
7. The Director may require determination of the rate of loss within the facility using a procedure approved by the Director, and may require mitigation for all system losses.
8. Water temperature effects on the Big Wood River of return flows must be monitored jointly with the Department of Health and Welfare, Division of Environmental Quality during an above normal temperature day in August of 1990, and a report submitted to the Department of Water Resources. The Director may require other water quality monitoring if necessary to protect the local public interest.
9. Diversion of water under this right is subject to all prior water rights, including the minimum streamflow in the Big Wood River of 189 cfs, as established by water right permit no. 37-7919 and proposed by application to appropriate water no. 37-8307.
10. When delivery of water pursuant to this permit is not possible because of earlier priority rights, including minimum streamflows, "tailwater" from right no. 37-8278 may be captured and delivered through the stream and pond system and then returned directly to the active channel of the Big Wood River by means of a non-consumptive pipeline, unless and until such time as "tailwater" from right no. 37-8278 is required to be directly and immediately returned to an active channel of the Big Wood River.
11. This permit is associated with application for transfer no. 3590, which proposes the transfer of portions of water right nos. 37-0577, 37-0419B and 37-0703E. The 0.15 cfs of 37-0577 must remain in the river to compensate for losses incurred when the Comstock Ditch rights have been cut-off, but water is still being diverted through the Graystone system. If compensation water is not available, no water may be diverted under this right.
12. Prior to diversion of water approved by this permit, the Comstock #10 diversion structure must be reconstructed to the satisfaction of the watermaster of Water District #37, Big Wood River.
13. Water exiting the system proposed by this transfer must be discharged directly into the active channel of the Big Wood River by means of a non-consumptive pipeline.

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JUN 27 1990

14. The Director retains jurisdiction to review and amend any and all parameters of this Permit and subsequent license to assure continuing compliance with the "local public interest" criteria of Rule 5,1,5. Any person seeking review and amendment of the Permit or License shall file a request for an amendment with the Department, which request shall include the amendment sought, the reasons for the amendment, and a statement of the changes in circumstances since the Permit or License was issued or last reviewed that merit a review of the Permit or License. The Department shall mail a copy of the request by certified mail, return receipt requested, to the holder of this Permit or subsequent License and allow the holder not less than thirty (30) days from the date of his receipt of the copy of the request to file a response. Upon review of the request and the response, the Department may, in its discretion, decide the Permit or subsequent License needs to be reviewed. If so it shall notify the general public and specific persons or parties known to be interested in the proposed change, and conduct a hearing for the purpose of determining whether the Permit or subsequent License should be amended for the purpose of assuring it continues to comply with the "local public interest" criteria of Rule 5,1,5. The burden of proof at the hearing shall be upon the persons or parties seeking the amendment to establish that a material change in circumstances has occurred since the Permit or License was issued or was reviewed that requires amendment of the Permit or License to prevent a conflict with the "local public interest."

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JUN 27 1990

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
FAX (208) 726-0752

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567

May 14, 1990

SENT VIA FAX, ORIGINAL TO BE MAILED

Mr. Gary Spackman, Manager
Water Right Permits Section
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

RECEIVED
MAY 15 1990

Department of Water Resources

Re: Graystone, Inc.
Application to Appropriate Water No. 37-08535
Application for Transfer No. 3590

Dear Gary:

This letter will confirm the matters we discussed by telephone on May 10, 1990 and provide you with certain information you have requested with respect to the above-referenced Applications.

A. Application for Transfer No. 3590

1. This proposed condition is acceptable.
2. I understand you will review the necessity of the second sentence of this proposed condition. As we discussed, the three water rights total 0.73 cfs and have historically been used to irrigate seven acres. The Application requests they be transferred to irrigate six acres. Shouldn't this historical use be permitted to continue? Isn't this the same issue that is confronted in every situation with "stacked" water rights of differing priorities?
3. I understand this condition will be rewritten so it is clear Graystone may use its portion of Water Right No. 37-00577 for irrigation whenever the Watermaster is not requiring it to be left in the River as compensation for seepage and evapotranspiration losses of the water diverted from the river to 37-08535.
4. This condition is acceptable.
5. This condition is burdensome and appears to be unnecessary. We will be providing measuring devices at the

MICROFILMED

JUN 27 1990

Mr. Gary Spackman
May 14, 1990
Page - 2

point where we divert water from the Comstock Ditch into our system and at the point where it is either returned to the Comstock Ditch or delivered into a buried pipeline for return to an active channel of the Big Wood River. These two measuring devices, plus the reality of the Comstock users raising an objection if insufficient water is reaching them for irrigation, would seem to be sufficient for the Department's purposes. It is my understanding you will discuss this with Reid Newby and contact me promptly if you intend to continue to impose this condition.

B. Application for Permit No. 37-08535.

1. This condition is acceptable.
2. This condition is acceptable.
3. This condition is acceptable.
4. This condition is acceptable.
5. This condition is acceptable.
6. This condition is acceptable.
7. This condition is acceptable.
8. This condition is acceptable.
9. This condition is acceptable.
10. I propose the following language be used for this condition:

When delivery of water under this Permit is cut on the basis of priority due to the minimum stream flow under Application to Appropriate Water No. 37-08307 (when this Application is approved and a Permit issued), the "tail water" from Idaho Water Right No. 37-08278 may be captured and delivered through the stream and pond system and then returned directly to the active channel of the Big Wood River by means of the non-consumptive pipeline referred to in condition 14, below, unless and until such time as this "tail water" is required by the Department and/or Idaho Water Resource Board to be returned to an active channel of the Big Wood River by a different means or method.

11. This condition is acceptable.

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JUN 27 1990

Mr. Gary Spackman
May 14, 1990
Page - 3

12. This condition is acceptable.

13. As we discussed, I believe this condition is unnecessary. Condition 9 makes delivery of the non-consumptive water right subject to all prior water rights which includes the existing and pending minimum stream flows. Once the river drops below the pending minimum stream flow, our ability to continue to deliver water through the system is addressed by condition 10. Up until that time, we should be able to divert 10 cfs under the Permit regardless of whether or not the Comstock ditch rights have been cut by priority. However, as we discussed, this may be a moot point. As I stated in an earlier letter to you, Dr. Brockway's analysis of delivery records indicate the Comstock ditch rights are delivered an average of 130 days each irrigation season, i.e. until August 9. The Big Wood River flow data compiled by Dr. Brockway and provided to you by me at an earlier stage in this review process, indicates the river is typically at or below the 189.23 cfs level at the time this priority cut is made. Please call me after you have discussed this matter with Reid Newby.

14. This condition is acceptable.

15. I suggest this condition be written as follows:

The Director retains jurisdiction to review and amend any and all parameters of this Permit and subsequent license to assure continuing compliance with the "local public interest" criteria of Rule 5,1,5. Any person seeking review and amendment of the Permit or License shall file a request for amendment with the Department, which request shall include the amendment sought, the reasons for the amendment, and a statement of the changes in circumstances since the Permit or License was issued or last reviewed that merit a review of the Permit or License. The Department shall mail a copy of the request by certified mail, return receipt requested, to the holder of this Permit or subsequent License and allow the holder not less than thirty (30) days from the date of his receipt of the copy of the request to file a response. Upon review of the request and the response, the Department may, in its discretion, decide the Permit or subsequent License needs to be reviewed. If so it shall notify the general public and specific persons or parties known to be interested in the proposed change, and conduct a hearing for the purpose of determining whether the Permit or subsequent License should be amended for the purpose of assuring it continues to comply with the "local public interest" criteria of Rule 5,1,5. The

RECEIVED
JUN 27 1990

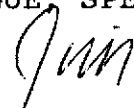
Mr. Gary Spackman
May 14, 1990
Page - 4

burden of proof at the hearing shall be upon the persons or parties seeking the amendment to establish that a material change in circumstances has occurred since the Permit or License was issued or last reviewed that requires amendment of the Permit or License to prevent a conflict with the "local public interest."

Please call me as soon as you have had an opportunity to review these comments. Thank you for your continuing cooperation and assistance in these matters.

Sincerely yours,

HOGUE, SPECK & AANESTAD



James P. Speck

JPS/jal
cc: Graystone, Inc.

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JUN 27 1990

RECEIVED
APR 27 1990

HOGUE, SPECK & AANESTAD
A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
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Department of Water Resources

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567

April 26, 1990

Mr. Gary Spackman
Dept. of Water Resources
1301 North Orchard St.
Statehouse Mail
Boise, Idaho 83720

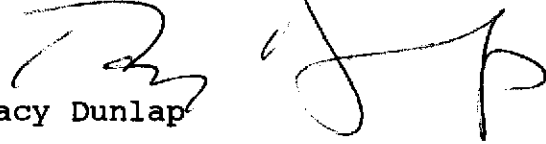
RE: Application to Appropriate Water No. 37-08535 and
Application for Transfer No. 3590
Graystone, Inc.

Dear Mr. Spackman:

This will confirm, per our telephone conversation of
last week, that any changes regarding the above-referenced
documents could be postponed until Mr. Speck's return on May 7,
1990.

Sincerely,

HOGUE, SPECK & AANESTAD


Tracy Dunlap

TD/rlk
cc: Mr. Peter Gray

MICROFILMED

JUN 27 1990

HOGUE, SPECK & AANESTAD
A Professional Association
of Attorneys
120 East Avenue
Post Office Box 987
Ketchum, Idaho 83340
Phone: (208) 726-4421
FAX: (208) 726-0752

FAX MEMO/COVER SHEET

DATE: May 14, 1990

TIME:

PAGE 1 OF 4 PAGES

TO: Gary Spackman

FAX NUMBER: 1-327-7866

FROM: James P. Speck, Esq.

RE:

MESSAGE:

FAX MEMO/COVER SHEET - 1

MICROFILMED

JUN 27 1990

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

ATTORNEYS

TERRY G. HOGUE
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May 14, 1990

SENT VIA FAX, ORIGINAL TO BE MAILED

Mr. Gary Spackman, Manager
Water Right Permits Section
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Re: Graystone, Inc.
Application to Appropriate Water No. 37-08535
Application for Transfer No. 3590

Dear Gary:

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A. Application for Transfer No. 3590

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3. I understand this condition will be rewritten so it is clear Graystone may use its portion of Water Right No. 37-00577 for irrigation wherever the Watermaster is not requiring it to be left in the River as compensation for seepage and evapotranspiration losses of the water diverted pursuant to 37-08535.
4. This condition is acceptable.
5. This condition is burdensome and appears to be unnecessary. We will be providing measuring devices to

MICROFILMED

JUN 27 1990

Mr. Gary Spackman
May 14, 1990
Page - 2

point where we divert water from the Comstock Ditch into our system and at the point where it is either returned to the Comstock Ditch or delivered into a buried pipeline for return to an active channel of the Big Wood River. These two measuring devices, plus the reality of the Comstock users raising an objection if insufficient water is reaching them for irrigation, would seem to be sufficient for the Department's purposes. It is my understanding you will discuss this with Reid Newby and contact me promptly if you intend to continue to impose this condition.

B. Application for Permit No. 37-08535.

1. This condition is acceptable.
2. This condition is acceptable.
3. This condition is acceptable.
4. This condition is acceptable.
5. This condition is acceptable.
6. This condition is acceptable.
7. This condition is acceptable.
8. This condition is acceptable.
9. This condition is acceptable.

10. I propose the following language be used for this condition:

When delivery of water under this Permit is cut on the basis of priority due to the minimum stream flow under Application to Appropriate Water No. 37-08307 (when this Application is approved and a Permit issued), the "tail water" from Idaho Water Right No. 37-08278 may be captured and delivered through the stream and pond system and then returned directly to the active channel of the Big Wood River by means of the non-consumptive pipeline referred to in condition 14, below, unless and until such time as this "tail water" is required by the Department and/or Idaho Water Resource Board to be returned to an active channel of the Big Wood River by a different means or method.

11. This condition is acceptable.

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JUN 27 1990

Mr. Gary Spackman
May 14, 1990
Page - 3

12. This condition is acceptable.

13. As we discussed, I believe this condition is unnecessary. Condition 9 makes delivery of the non-consumptive water right subject to all prior water rights which includes the existing and pending minimum stream flows. Once the river drops below the pending minimum stream flow, our ability to continue to deliver water through the system is addressed by condition 10. Up until that time, we should be able to divert 10 cfs under the Permit regardless of whether or not the Comstock ditch rights have been cut by priority. However, as we discussed, this may be a moot point. As I stated in an earlier letter to you, Dr. Brockway's analysis of delivery records indicate the Comstock ditch rights are delivered an average of 130 days each irrigation season, i.e. until August 9. The Big Wood River flow data compiled by Dr. Brockway and provided to you by me at an earlier stage in this review process, indicates the river is typically at or below the 189.23 cfs level at the time this priority cut is made. Please call me after you have discussed this matter with Reid Newby.

14. This condition is acceptable.

15. I suggest this condition be written as follows:

The Director retains jurisdiction to review and amend any and all parameters of this Permit and subsequent license to assure continuing compliance with the "local public interest" criteria of Rule 5,1,5. Any person seeking review and amendment of the Permit or License shall file a request for amendment with the Department, which request shall include the amendment sought, the reasons for the amendment, and a statement of the changes in circumstances since the Permit or License was issued or last reviewed that merit a review of the Permit or License. The Department shall mail a copy of the request by certified mail, return receipt requested, to the holder of this Permit or subsequent License and allow the holder not less than thirty (30) days from the date of his receipt of the copy of the request to file a response. Upon review of the request and the response, the Department may, in its discretion, decide the Permit or subsequent License needs to be reviewed. If so it shall notify the general public and specific persons or parties known to be interested in the proposed change, and conduct a hearing for the purpose of determining whether the Permit or subsequent License should be amended for the purpose of assuring it continues to comply with the "local public interest" criteria of Rule 5. The

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JUN 27 1990

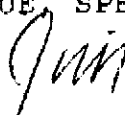
Mr. Gary Spackman
May 14, 1990
Page - 4

burden of proof at the hearing shall be upon the persons or parties seeking the amendment to establish that a material change in circumstances has occurred since the Permit or License was issued or last reviewed that requires amendment of the Permit or License to prevent a conflict with the "local public interest."

Please call me as soon as you have had an opportunity to review these comments. Thank you for your continuing cooperation and assistance in these matters.

Sincerely yours,

HOGUE, SPECK & AANESTAD



James P. Speck

JPS/jal
cc: Graystone, Inc.

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JUN 27 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 12, 1990

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

RE: Application to Appropriate Water No. 37-08535 and
Application for Transfer no. 3590 in the Name of Graystone,
Inc.

Dear Mr. Speck:

Enclosed are some draft conditions for possible approval related to the Graystone project. The conditions are being reviewed in this office and are subject to change. If you have comments or suggestions, please submit them by April 30, 1990.

Respectfully,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

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JUN 27 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 12, 1990

Reid Newby
Box T
Shoshone, ID 83352

RE: Application to Appropriate Water No. 37-08535 and
Application for Transfer no. 3590 in the Name of Graystone,
Inc.

Dear Mr. Newby:

Enclosed are some draft conditions for possible approval related to the Graystone project. The conditions are being reviewed in this office and are subject to change. If you have comments or suggestions, please submit them by April 30, 1990.

Respectfully,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

MICROFILMED

JUN 27 1990

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP

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HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567

April 3, 1990

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APR 5 1990

Mr. Gary Spackman
Idaho Department of Water Resources
1301 N. Orchard St.
Statehouse Mail
Boise, Idaho 83720

Department of Water Resources

Re: Graystone, Inc.
Application for Transfer of Big Wood River
Irrigation Rights

Dear Gary:

During the course of our lengthy conversation on March 27, 1990 concerning your recommendations for conditions on approval of Graystone's Application for Permit No. 37-08535, I forgot to discuss one point concerning the above-referenced Application for Transfer. You have indicated you will require the entire amount of the 1883 right to be left in the river to compensate for evaporation and seepage losses. It is my understanding this requirement would only apply when Graystone, Inc. is required to return its right to the river as opposed to the Comstock Ditch. During the time when the water is run through the stream and pond system and placed back into the Comstock Ditch to pass on to the irrigation users further along the ditch, we should only have to use whatever portion of the 1883 right as necessary to compensate for loss between the point where water is diverted out of the Comstock Ditch and the point where it is returned to the Comstock Ditch. I believe measuring devices will be in place in those two spots and this can be accurately determined.

Similarly, when the nonconsumptive right is cut off for priority purposes, we should then be able to divert the 1883 right as long as it maintains its priority and use it for irrigation as is currently requested in the Application for Transfer. Thus, it would certainly be important and also seem necessary to the entire scheme of things, that the Application for Transfer be approved together with the nonconsumptive Permit subject to the conditions discussed.

I tried to reach you to discuss this, but you were out of the office at the Water Master Seminar. As you know, I will be out of the office until May 7, 1990. However, I ask that you please confirm your agreement or disagreement for some combination

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JUN 27 1990

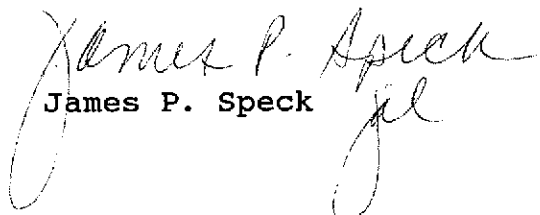
Mr. Gary Spackman
April 3, 1990
Page - 2

thereof with this letter by writing me a letter while I am gone. My secretary, Jean Latham, can then contact me if you disagree in whole or in part and I can probably reach you by telephone to discuss it.

Thank you once again for all of your hard work, patience and cooperation in this matter. I have enjoyed, and will continue to enjoy working with you in the future on this and other matters.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS/jal
cc: Mr. Peter Gray
Mr. Chuck Brockway

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JUN 27 1990



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Department of Water Resources

March 30, 1990

Mr. Gary Spackman
Idaho Department of Water Resources
1301 No. Orchard Street
Statehouse Mail
Boise, Idaho 83720

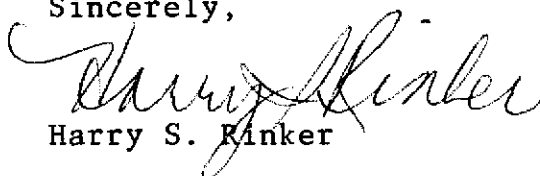
Re: Application for Permit 37-08535
Graystone, Inc.

Dear Mr. Spackman:

I am the owner of one of the irrigation water rights delivered through the Comstock Ditch. I do not have any objection to the proposed diversion under Graystone, Inc.'s Application for Permit 37-08535. I have discussed this Application with Mr. Peter Gray, the Applicant's President, and I understand my irrigation right will be diverted out of the Ditch, through the system of lined streams and ponds in the Cliffside Subdivision, and then returned to the Ditch for delivery to my property.

My agreement to the foregoing diversion is predicated upon Mr. Peter Gray's signed commitment to document, through a series of tests, any water loss by seepage or evaporation. Further, in the event of said losses Peter Gray agrees to make up the loss at his expense from consumptive water rights provided by him.

Sincerely,


Harry S. Rinker

/lc

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APR 7 1990

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP

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(208) 726-4421
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16 WEST CROY STREET
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HAILEY, IDAHO 83333
(208) 788-3567

March 26, 1990

EXPRESS MAIL

Mr. Gary Spackman
Idaho Department of Water Resources
1301 N. Orchard St.
Statehouse Mail
Boise, Idaho 83720

RECEIVED

MAR 26 1990

Department of Water Resources

RE: Graystone, Inc. - Application for Permit No.
37-08535

Dear Gary:

Enclosed you will find letters from Mr. Robert A. Bloomfield and Mr. John H. McDonald, two of the users of the Comstock Ditch. The only other user is Harry Rinker (Rinker has an option to acquire that portion of Water Permit No. 37-00154A and is the party who actually uses that water right on the Golden Eagle Ranch) and Mr. Rinker has indicated he will sign a similar letter as soon as he returns to Sun Valley.

As we discussed, I will be out of the office from April 1, 1990 until May 7, 1990. I understand you will contact me before I leave the office with at least a preliminary determination of the action you will take on the above-referenced application.

Thank you for your patience, cooperation and assistance in this lengthy process.

Sincerely yours,

HOGUE, SPECK & AANESTAD

Jan
James P. Speck, Esq.

JPS/rlk
enc.
cc: Graystone, Inc. (w/enc.)

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JUN 27 1990

ROBERT A. BLOOMFIELD

GIMLET ROAD

POST OFFICE BOX 746
KETCHUM, IDAHO 83340

208-726-5381

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MAR 26 1990

23 March 1990

Department of Water Resources

Mr. Gary Spackman
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

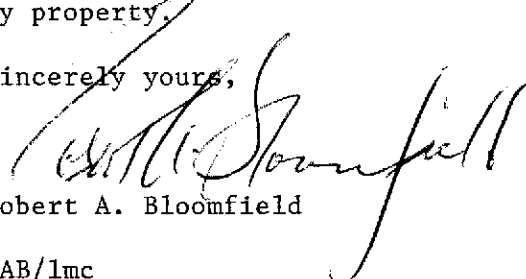
RE: Application for Permit 37-08535
Graystone, Inc.

Dear Mr. Spackman:

I, and my wife, are the owners of 3 irrigation water rights delivered through the Comstock ditch.

Provided there will be no adverse efforts on the delivery and flow of our legal water, I would have no objection to the proposed diversion under Graystone, Inc.'s Application for Permit 37-08535. I have discussed this Application with Mr. Peter Gray, the Applicant's president and I understand my irrigation right will be diverted out of the Ditch, through the system of lined streams and ponds in the Cliffside Subdivision, and then returned to the Ditch for delivery to my property.

Sincerely yours,


Robert A. Bloomfield

RAB/lmc

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JUN 27 1990

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MAR 26 1990

Department of Water Resources

March 22, 1990

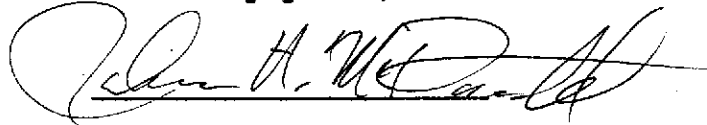
Mr. Gary Spackman
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

Re: Application for Permit 37-08535
Graystone, Inc.

Dear Mr. Spackman:

I am the owner of one of the irrigation water rights delivered through the Comstock Ditch. I do not have any objection to the proposed diversion under Graystone, Inc.'s Application for Permit 37-08535. I have discussed this Application with Mr. Peter Gray, the Applicant's president and I understand my irrigation right will be diverted out of the Ditch, through the system of lined streams and ponds in the Cliffside Subdivision, and then returned to the Ditch for delivery to my property.

Sincerely yours,



John H. McDonald
Box 1
Ketchum, Idaho 83340-0001

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JUN 22 1990

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MAR 8 1990

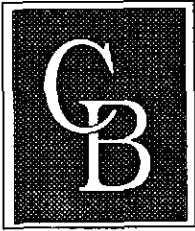
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MAR 06 1990

Department of Water Resources

March 2, 1990

DIVISION OF
ENVIRONMENTAL QUALITY
T. F. FIELD OFFICE



CHARLES
BROCKWAY
ENGINEERING

Mr. Gary Spackman
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83720

Subject: Application for Permit 37-08535-Graystone Inc.
Temperature Change through Pond System

Dear Gary:

Mr. Jim Speck indicated your concern with the possible temperature increase which might occur through the recreational pond system on this project. An initial evaluation of the potential temperature increase based on pond and channel areas, discharges, estimated evaporative demand and other climatic conditions was made by Mr. Brockway. This estimate was relayed to Mr. Speck after we had discussed the project and potential temperature effects. A full scale thermodynamic model to estimate the potential temperature change is not warranted, primarily because of costs and because sufficient data for such a model is not available. However, the concern regarding a possible temperature increase is real and should be addressed.

The water quality regulations require that returning effluent from the project will not increase the temperature of the receiving stream more than 1°F after an appropriate mixing zone. It is our opinion that this standard will not be exceeded and quite likely the temperature of the effluent will not be increased 1°F over the diverted water temperature. In order to determine the effect of this project on the temperature of the diverted water and of the receiving stream, a series of measurements of the temperature profile through the project is proposed. A series of measurements of the temperature of the flowing water at sites including the Big Wood River diversion, Cliffside diversion structure, two points within the pond system, the outlet of the last pond, effluent entering the Big Wood River and the Big Wood River water temperature, after 'an appropriate mixing zone' is proposed. The measurements would be taken cooperatively by personnel of the Twin Falls office of the Division of Environmental Quality and by Graystone Inc.'s technical representatives. Measurements would be made after the Comstock ditch irrigation water right is cut off and only the Fassett/Sherwood 4.0 cfs non-consumptive right is flowing through the project. It is estimated that these measurements could occur between August 1 and August 30 of 1990 depending on the water supply in the Big Wood River watershed. It is proposed to select a day when temperatures are above normal and the potential for temperature increase

CHARLES E.
BROCKWAY,
PHD., P.E.

706 SUNRISE
BOULEVARD
NORTH

TWIN FALLS,
IDAHO 83301

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JUN 27 1990

in the water is greatest. These measurements will provide data on temperature effects within the project and in the receiving stream and allow better estimates of potential temperature changes on other projects as well. The need, if any, of additional monitoring will be determined based on the results of this temperature survey,

Sincerely

C.E. Brockway

C.E. Brockway P.E.

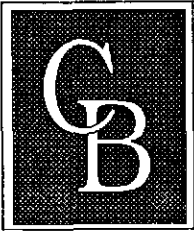
Mike McMaster

Mike McMaster
Division of Environmental
Quality

cc: Jim Speck

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JUN 27 1990



CHARLES
BROCKWAY
ENGINEERING

March 1, 1990

Mr. Gary Spackman
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83720

Subject: Application for Permit 37-08535-Graystone Inc.
Evaporation and Seepage Estimates

Dear Gary:

This letter is to further explain the procedures which I used in calculating the evaporation and seepage estimates for the Graystone Inc. Cliffside project which attorney Jim Speck transmitted to you previously.

The evaporation estimates are based on methods developed by Kohler, Nordenson and Fox⁺ for free water surface evaporation using wind, temperature and solar radiation data. Since only 1975 solar data was available in the valley from an Agricultural Research Service station below Bellevue, this data was considered as representative. Average NOAA monthly precipitation for Ketchum was used. Project evaporation is based on planned free water surface area including all ponds, interconnecting channels and the return channel to the Big Wood River. The area used does not include the free water surface area of the Comstock ditch from the Big Wood River diversion to the Cliffside diversion.

The maximum monthly evaporation of .013 occurring in July and August is representative of maximum expected for the project since the site is protected and less susceptible to winds than the Bellevue weather station site from which the evaporation data was derived. Generally, the ratio of maximum monthly evaporation to maximum daily is about .7.

Seepage rates for the bentonite pond liner which was installed on all ponds and streams are expected to be less than .1 cubic feet per square foot per day (ft/day). Bentonite linings for sewage lagoons are required to reduce seepage to less than 1/4 inch per day. The .1 ft/day used in this calculation is therefore considered to be conservative since the bentonite and compacted earth lining utilized for this system is similar to that required for lagoons. Again, the estimated seepage rate is considered applicable to the wetted area of all ponds, connecting streams and the return stream to the Big Wood River. The wetted area is estimated to be 9 percent of the total surface area which is representative of the channels with 2:1 side slopes as planned for this development. A

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CHARLES E.
BROCKWAY,
PHD., P.E.

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NORTH

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IDAHO 83301

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JUN 27 1990

wetted area of 1.63 acres was utilized for the seepage calculations.

The reach of the Comstock Ditch from the Big Wood River diversion to the project diversion was not utilized for seepage or evaporation calculations since historically, those losses have been experienced and incorporated under the Fassett/Sherwood non-consumptive right or the irrigation rights by water users under the Comstock Ditch. During the irrigation season, when Comstock ditch irrigation rights are being delivered, no water is returned to the Big Wood river and the Comstock ditch losses are incorporated in the historic losses. When the Comstock ditch irrigation rights receive a priority cut, the pending minimum streamflow application (if approved) will require a reduction in the Cliffside diversion to 4.0 cfs, which is the amount of the Fassett/Sherwood non-consumptive right. The Fassett/Sherwood water is diverted from the Comstock ditch just upstream of the old Comstock 10 diversion into a dry channel of the Big Wood River. Losses in this dry channel prior to any water entering the live stream of the Big Wood River could be as high as 50 percent of the diversion. The Graystone diversion from the Comstock ditch is just downstream of the old Comstock 10 diversion. The Graystone lined system will utilize only the 4.0 cfs minus any losses in the unlined Comstock ditch down to the diversion point, or only the amount of water historically available at that point in the system.

Since the Graystone lined system will lose only .08 cfs from the Comstock ditch diversion to the point of return to the live stream of the Big Wood River, instead of up to 2 cfs through the Fassett/Sherwood dry return channel, there will be a significant net increase in available water in the Big Wood River.

Sincerely



C.E. Brockway P.E.

¹ Kohler, M.A., Nordenson, T.J., and Fox, W.E., 1955, "Evaporation from Pans and Lakes", U.S. Dept. of Commerce, Weather Bureau Research Paper 38, 21 p. as reported in ASCE, Consumptive Use of Water and Irrigation Water Requirements, 1973 a report by the Technical Committee On Irrigation Water Requirements of the Irrigation and Drainage Division.

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February, 27, 1990

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Mr. Gary Spackman, Manager
Water Rights Permits Section
Department of Water Resources
1301 N. Orchard Street
Statehouse Mail
Boise, ID 83720

Department of Water Resources



Re: Application No. 37-08535
Non-consumptive water for Graystone

Dear Mr. Spackman,

I attended a Blaine County Commissioners meeting yesterday at which Mr. Peter Gray requested approval of a stream alteration plan for the Graystone project. At that hearing he made no mention of any stream alteration regarding the conveyance of his non-consumptive water right from Point B to Point C (see map) through the dry beds. Since this area is in the floodway, any culvert or lined ditch would require a stream alteration permit.

Apparently the Graystone people intend to return their non-consumptive water through an open ditch from the ponds (Point A) to the dry beds (Point B) a distance of about 500 ft, where it will run another 500 ft to the river (Point C) over an open, unwatered gravel side channel.

FBW understands that the law requires that non-consumptive water be returned to the river. We take this to mean the river where it is flowing and not a dry side channel 500 feet from water. We strongly recommend that a measuring device be placed at the mean high water mark at Point C to determine if the full amount of non-consumptive water granted to Graystone is returned to the river.

If the measuring device is placed at Point B where the water would enter the floodway, a significant amount of the water would not reach the river, and whatever did reach the river would be thermally polluted.

The loss of water in the drybed would impair the rights of water users downstream, and would dewater the river in that amount and thereby diminish fisheries and wildlife habitat, and would deny the public the enjoyment and use of that water.

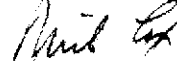
FBW believes that the only feasible method of returning the water to the river in the required amount and with the least amount of thermal pollution would be through a buried culvert, and we strongly recommend that the Department of Water Resources require this as a precondition to granting any water rights to Graystone.

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JUN 27 1990

FBW also recommends that Graystone be required to include such work in their stream alteration permit regarding the drop structure program. FBW approves of the drop structure program which we believe will benefit the river and serve the public interest.

Sincerely,



Nick Cox, Pres.

cc Ried Newby, Water Master Dist. 37
Blaine County Commissioners
Terry Blau
Peter Gray
Len Harlig

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JUN 27 1990

February 16, 1990

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MAR 14 1990

Mr. Gary Spackman
Department of Water Resources
1301 N. Orchard St.
Statehouse Mail
Boise, Idaho 83720

Department of Water Resources

RE: Graystone, Inc. Application for Permit
No. 37-08535

Dear Sir:

This letter is to inform you that I have no objection to Graystone, Inc.'s plan to run 10 cfs of the Comstock Ditch irrigation water rights through the system of streams and ponds proposed under Application for Permit No. 37-08535 for the Cliffside Subdivision which is adjacent to the Comstock Ditch, and then back into the Comstock Ditch. I am the owner of one of the irrigation water rights diverted through the Comstock Ditch.

We understand that this letter will be forwarded to you via Mr. Bob Sherwood who has been handling the maintenance of the Comstock Ditch on our behalf. Thank you for your attention to this matter.

Sincerely,

Ron Sharp

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JUN 27 1990

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

OF

ATTORNEYS

120 EAST AVENUE

POST OFFICE BOX 987

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TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP

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(208) 788-3567

January 26, 1990

Mr. Gary Spackman
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

RECEIVED
JAN 29 1990
Department of Water Resources

Re: Application for Permit 37-08535
Graystone, Inc.

Dear Gary:

This letter is in reply to your letter to me dated December 20, 1989 concerning the above referenced Application for Permit (hereinafter referred to as the "Application") filed by my client, Graystone, Inc. (hereinafter referred to as "Graystone"). I will respond in order to your questions and comment where appropriate on the letters received by the Department from Mr. Doug Breary on December 8, 1989 and Mr. Nick Cox, president of the Friends of the Big Wood River (hereinafter referred to as the "Friends"), on December 13, 1989.

First, you have requested plans and specifications depicting the delivery system and the size and depths of the ponds. Enclosed are the following: (1) a scale drawing of the project by Mr. Richard Emik, landscape architect for the project; (2) a design drawing of the headgate to be placed in the Comstock Ditch to divert water from the Ditch into the project, prepared by Galena Engineering, Inc., engineers for the project; and (3) a design drawing for the project outlet structure for return of water to either the Comstock Ditch or the River. Items 2 and 3 were prepared pursuant to the requirements of Watermaster Reid Newby, and construction of these structures will be done to his satisfaction.

Please note these drawings do not show the location of the existing headgate in the River, the Comstock Ditch from the headgate to the northern boundary of the project or the complete path of the return to the River. The headgate and Ditch location are the same as for the irrigation rights (see discussion below) and well known to the Department through the watermaster. The possible return paths to the active channel of the River have been walked with the watermaster and will be constructed as either a buried pipeline and/or lined, open ditches. The final selection of the path and method of return will, of course, be subject to Department approval. Please also note that an additional pipeline (not shown on the drawing of the return flow

JUN 27 1990

Mr. Gary Spackman
Idaho Department of Water Resources
January 26, 1990
Page 2

system) will be constructed from the last pond to the manhole to take lower temperature water from several feet below the surface of the pond.

Second, the proposed point of diversion is as described in the Application - the current headgate for the Comstock Ditch. This is referred to as the Comstock #10 Headgate in the Watermaster's records and differs from the original headgate for the Comstock Ditch. When the main channel of the Big Wood River shifted, the new headgate was constructed and the water for the Comstock Ditch irrigation rights was diverted through the Fassett/Sherwood property to the location of the original headgate, where it is turned into the original Ditch. It is my understanding from discussions with Reid Newby that no transfer of the point of diversion for the Comstock Ditch rights was required because the new headgate is located in the same 40 acre tract as the original headgate.

Third, the following is a summary of the irrigation rights currently delivered through the Comstock Ditch:

<u>OWNER</u>	<u>NUMBER</u>	<u>PRIORITY</u>	<u>AMOUNT</u>
Gould	37-00154A	12/13/1887	6.04 cfs
Rinker	37-00154A	12/13/1887	3.52 cfs
McDonald	37-00048	5/1/1887	0.50 cfs
Lindsley	37-00048	5/1/1887	3.30 cfs
Bloomfield	37-00048	5/1/1887	0.20 cfs
Bloomfield	37-00883	11/12/1936	0.20 cfs

TOTAL			13.76 cfs

It should be noted that 37-00883 is a portion of the right commonly known as the "Rockwell By-Pass Right" which is NOT subject to priority cuts! Dr. Charles E. Brockway has recently completed for my client an analysis of the delivery records of these and other irrigation rights from the Big Wood River for the period 1948-1989. The data was provided by Reid Newby. Dr. Brockway finds the Comstock Ditch rights are delivered an average of 130 days each irrigation season, i.e. until August 9. Therefore, on the average, the 10.0 cfs "non-consumptive" water right will only have to be returned to the River from August 10 until the end of the irrigation season (November 1). During the earlier part of the irrigation season when the irrigation rights are delivered, the water will flow through Graystone's system of streams and ponds and then be returned to the Comstock Ditch for delivery to the irrigators to the south. A measuring device will be installed at this point of return to assure the proper amount is returned to the Comstock Ditch.

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The Estate of Helen Fassett (hereinafter referred to as "Fassett") is the owner of Permit 37-08278 to divert 4.0 cfs from the Big Wood River at the new Comstock #10 Headgate for wildlife purposes year round, with a priority date of September 25, 1986. Fassett also has a beneficial use claim for the same purpose and amount with a January 1, 1939 priority (37-04265). Copies of the Permit, field examination and beneficial use claim are enclosed for your easy reference. It is my understanding that, during the irrigation season, this 4.0 cfs is a part of the above-described irrigation water rights delivered through the Comstock Ditch, i.e., the watermaster does NOT deliver at the Comstock #10 Headgate this 4.0 cfs PLUS the 13.76 cfs of irrigation rights; instead, the maximum diversion at the Headgate never exceeds the 13.76 cfs. When the Comstock Ditch irrigation rights are not delivered, this water is returned to the old, dry channel of the River. According to Reid Newby, this water does NOT get back into the active channel of the River, except by percolation far downstream. Graystone intends to run the 4.0 cfs of the Fassett right through its system of streams and ponds and return it to the River as a part of its total 10.0 cfs diversion. This return will be through the pipeline or lined ditch system described above. The seepage and evaporation loss calculations discussed below assume the latter.

Fourth, you have questioned the loss calculations by Dr. Brockway and have asked how Graystone intends to compensate for any measurable loss. The streams and ponds have been constructed and tightly sealed with bentonite. The seepage loss calculated by Dr. Brockway and previously submitted is for an unlined system. Enclosed is a new calculation for the lined system using an assumed loss rate of 0.1 cfs/sq. ft./day. The result is an estimated project seepage loss of 4 miners inches per day. The loss from evaporation for the system was also calculated by Dr. Brockway - the average daily loss during the months of proposed diversion does not exceed 0.64 miners inches. Therefore, the total, estimated daily project loss to evaporation and seepage is less than 5 miners inches. As we have discussed, Graystone purchased 7.5 miners inches of Idaho Water Right No. 37-00577BL and has filed an Application for Transfer to move the point of diversion and place of use to the Cliffside Subdivision for irrigation of the common landscaping. This right has a priority date of March 24, 1883 and has suffered a priority cut only 8 out of the past 42 irrigation seasons. Graystone will leave in the River whatever portion of this right is necessary to compensate for any measurable loss; based on Dr. Brockway's calculations, it should be more than adequate. We understand that in those dry years when the March 24, 1883 right has

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priority cut, Graystone's aesthetic right will also be cut unless other replacement water can be provided.

Fifth, I have received a copy of your January 3, 1990 letter to Mr. Mike McMasters at the Division of Environmental Quality; has Mr. McMasters replied? Mr. Cox alleges the water returned to the River will be polluted with motor oil residues, pesticides, etc. His concern over motor oil residues is absurd - the subdivision road which crosses the system will serve only 1 home! The potential for the introduction of the other chemicals mentioned is addressed at length in the Declaration of Covenants, Conditions and Restrictions for Cliffside Subdivision, Block 2 (hereinafter referred to as the "Declaration"). I have enclosed a copy of the relevant provisions permitting the use of only organic fertilizers, prohibiting any disturbance to the grasses within 10 ft. of the edge of the waterways and providing extensive enforcement rights. Furthermore, the 10 ft. buffer area along the edges of the streams and ponds will be planted with native, riparian vegetation which will not require any fertilizer, chemical or organic, or any maintenance once it is established. This vegetation will be planted in those areas identified on Mr. Emik's drawing as "landscape/irrigation areas". Enclosed is a list of the plant materials to be used for this purpose.

It should be further noted that Mr. Peter Gray and his wife, Betty, the sole owners of Graystone, intend to build their permanent residence on Lot 1, Block 1, between the six lots and the River, and are lifetime members of the Design Review Committee. They are committed to the enforcement of the Declaration and the protection and preservation of the River. It has been their intention, from Graystone's purchase of the property and their conception of the project and subdivision, to donate a conservation easement over the property they have retained, which will permanently protect more than 20 acres of extremely valuable floodplain wildlife habitat from future development.

Sixth, Dr. Brockway has examined the potential change in temperature in the pond system considering the design discharge, local temperature, humidity and other climatic factors. The accurate prediction of temperature changes is difficult and will require application of a thermodynamic model with hourly weather parameters. This expense and effort is not warranted. According to Dr. Brockway, heat required to evaporate water from the pond surface comes from either the water in the pond, solar radiation, or air moving over the pond surface. In climates with low relative humidity and dry winds, such as in

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Blaine County, the heat source may be predominantly the pond water and the temperature can actually decrease through the system.

Graystone is taking certain special measures to further protect the temperature and quality of the return flow. The additional pipeline to take water from several feet below the surface of the last pond is meant to return lower temperature water to the River. The recirculation system shown in Mr. Emik's drawing will maintain adequate movement of the water through the system when the flow rate drops and further preserve lower temperatures and water quality. With the 4 to 10 cfs flow through the system, Dr. Brockway predicts the likely increase in temperature for the water flowing through the system is less than 1°F, measured at the point of return to the Big Wood River. It is my understanding the water quality standards require the return of this water not raise the temperature of the main flow of the Big Wood River, after a reasonable mixing length, by more than 1°F. Dr. Brockway has discussed the project and water quality concerns with Mr. McMasters of the Division of Environmental Quality and both believe there will not be a temperature problem (i.e., a violation of the above-described standards) for the Graystone system with flow rates of 4.0 to 10.0 cfs.

Seventh, as we have discussed and you have accurately described in your January 11, 1990 letter to Mr. Nick Cox, there is only one pending minimum stream flow application for the area in question - 37-08307. It seeks an additional 119.23 cfs and has a proposed priority date of October 16, 1987. If approved as a permit, the total minimum stream flow in this reach will be 189.23 cfs. The primary purpose of the additional minimum stream flow is to protect the fishery. In our lengthy meeting with representatives of the Department of Fish and Game on July 28, 1989, we were informed the stretch of the River in question is a productive fishery and the primary concern is the winter habitat. We believe this issue was resolved by our agreement to reduce the requested period of diversion to the irrigation season (April 1 - November 1). Certainly the Department of Fish and Game is in the best position to judge the potential negative impact, if any, of the Application on the fishery in this reach. The withdrawal of its protest upon the change in the period of diversion indicates its approval of the Application as amended.

Furthermore, if a permit and license are eventually issued for minimum stream flow application no. 37-08307, the watermaster's administration of the priority system is all that is needed to protect these minimum stream flow rights. The Fassett 4.0 cfs right will have priority over the additional

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minimum stream flow (37-08307), as you pointed out to Mr. Cox. Thus, the fate of this pending minimum stream flow application should not be a factor in the process of approval of Graystone's application.

Finally, you have questioned how Graystone will maintain the stream and pond system if the River drops below the minimum stream flow at the time the irrigation rights are cut off by priority. The Graystone system is designed for a 10.0 cfs flow to provide maximum protection of water quality and prevention of temperature degradation. However, the water quality and temperature of the system can be properly maintained by a flow of 4.0 cfs (the amount of the Fassett diversion) during such periods of low stream flows. As I have discussed above, Graystone's system will result in an estimated daily loss of less than 5 miners inches, which will be replaced. The Fassett diversion creates a loss of 100 to 200 inches under the current administration. Returning this water through the Graystone project to the active channel of the River will result in a significant gain of flow to the River downstream of the point of return. Therefore, if the Fassett permit (37-08278) is amended for licensing to require return of the water through the Graystone system, the 4.0 cfs flow can be guaranteed unless and until the stream flow drops below the 70.0 cfs base minimum stream flow (37-08307) (note: should Fassett establish her "beneficial use" right with the 1939 priority, the 4.0 cfs should also be prior to the 70.0 cfs base minimum stream flow). We are certain Fassett does not have any objection to this requirement, and it will produce a net benefit to the River. The remaining portion (6.0 cfs) of the Application would always be restricted by both of the minimum stream flows.

I would now like to review my understanding of the status of the Application and the procedures for further review by the Department. Notice of the Application was properly published in the Wood River Journal. One protest was timely filed by the Idaho Department of Fish and Game. This protest was withdrawn upon Graystone's agreement to amend the Application to reduce the period of use from January 1 - December 31 to April 1 - November 1 to correspond to the irrigation season in the Wood River Valley. Since the Application requests the right to divert more than 5.0 cfs, additional information was requested by and provided to the Southern Region pursuant to the requirements of Rule 4,5,3 of the Water Appropriation Rules and Regulations. The Application was then forwarded to you for further review and processing. You then received the letters of comment from Mr. Breary and Mr. Cox. Please note that Mr. Cox's statement that the Friends did not become aware of the Application is incorrect.

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protest period expired is inaccurate. Mr. Peter Gray, vice-president of Graystone and a member and supporter of the Friends, has continuously informed various members of the board of directors of the Friends about progress of the Application from prior to its filing to the present. In fact, one member of the board was given an on-site tour of the proposed project before the Application was filed.

Idaho Code Section 42-203A(4) provides the Director "may forthwith approve" the Application if no protests are filed or if all protests are resolved. Section 42-203A(5) provides the only grounds upon which the Director may take action other than a complete approval of an unprotested application. Only the following three criteria are relevant to this Application:

1. Whether or not it will reduce the quantity of water under existing rights;
2. Whether or not the water supply itself is insufficient for the purposes sought by the Application; or
3. Whether or not it will conflict with the "local public interest".

There is no data or other information which indicates the Application will (1) reduce the amount of water available under any existing water right (Rule 5,1,1), force the holder of any such right to an unreasonable effort or expense to divert his existing right (Rule 5,1,2), or make the quality of water available for existing water rights unusable for the purposes of such rights. Thus, the first criterium should be met. With respect to the second criterium, the Big Wood River will always have a sufficient amount of water to supply the 10.0 cfs of the Application. If the term "water supply" is construed to be restricted by the existing and potential minimum stream flows, the 4.0 cfs will be sufficient to make the project economically feasible at those times of low water when the flow drops below the combined minimum stream flows.

The "local public interest" criterium is expanded upon by Rule 5,1,5. There is no evidence the project will have any adverse effect on the Blaine County economy (Rule 5,1,5,1) or that it will not comply with any applicable air, water or hazardous substance standards or Blaine County zoning ordinances (Rule 5,1,5,3); in fact, it has been specifically approved by Blaine County. The Department of Fish and Game, in withdrawing its protest, must have concluded the amended Application will not have any adverse effect on the fish and wildlife resources for

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the area (Rule 5,1,5,2). Therefore, this criterium should also be satisfied.

Please call me after you have an opportunity to review this letter and the enclosures to discuss the next steps in the review process. If there is any more information you desire, please let me know and I will provide it as quickly as possible. Thank you for your continuing cooperation and patience in this matter.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS/j
(enclosures)
cc: Graystone, Inc.

RECEIVED

JAN 27 1990

RECEIVED

Form 202 25 1986
6/85

Department of Water Resources
Sustainable Water Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 37-8278

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant HELEN M. FASSETT Phone 726-3300

Post office address Box 273 SUN VALLEY, IDAHO 83353

2. Source of water supply WOOD RIVER which is a tributary of SNAKE

3. Location of point of diversion is SE 1/4 SE 1/4 of NE 1/4 of --- Govt. Lot ---

Sec. 30 Township 4N Range 18E B.M. BLAINE County; additional

points of diversion if any: ---

4. Water will be used for the following purposes:

JAN 1 to DEC 31 R.T.S.

Amount 4 CFS for WIND LIFE HABITAT purposes from YEAR ROUND to --- (both dates inclusive)

Amount --- for --- purposes from --- to --- (both dates inclusive)

Amount --- for --- purposes from --- to --- (both dates inclusive)

Amount --- for --- purposes from --- to --- (both dates inclusive)

5. Total quantity to be appropriated is (a) 4 CFS and/or (b) 2920
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 36" DIA PIPE CULVERT LEADING

TO MEASURING HEADGATE DISCHARGING TO DITCH OF 1400 FT RW TO SOUTH.

LEADING TO LAKE OF 0.4 A WITH 0.8 A FT STORAGE. LAKE DISCHARGES TO COMSTOCK
TO HEADGATE OR TO WOOD RIVER. DITCH ALSO CAPTURES SPRING WATER

b. Height of storage dam 2 FT feet; active reservoir capacity 0.8 A. FT. acre-feet; total

reservoir capacity 0.8 acre-feet; period of year when water will be diverted to storage:

JAN 1 to DEC 31 inclusive.

c. Proposed well diameter is N.A. inches; proposed depth of well is N.A. feet.

d. Is ground water with a temperature of greater than 90°F being sought? NO

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

ALLOW 1 yr. - RW 12/22/86
COMPLETE years (minimum 1 year).

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Description of proposed uses (irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____

e. Other; describe fully. WILD LIFE HABITAT - A REARING SITE FOR TROUT & WATER FOWL. DEER, BEAVER, MUSKRAT, RED FOX USE WATER COURSE. LAKE SITE SUPPLIES SCIENTIFIC ACTIVITY IN THE STUDY OF FLORA & FAUNA.

9. Description of place of use:

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

TWP	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	18E	30				W									W				

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. PERMIT IS TO SUPPLANT CLAIM # 37-4265 (04/09/82)

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

12. Remarks: ALL WATER RIGHTS CONVEYED IN TITLE ABSTRACT 4163 CITING PATENT DATED JULY 19, 1893. WARRANTY DEEDS # 79569 & 79116 DATED JUN. 22, 1939 TO FASSETT AND RECORDED IN CO. OF BLAINE DEED BOOK 145 P 39 & P 68

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JUN 27 1990

in number,



Robert H. Skumos City IN FAY FOR
HELEN M. FASSETT.

(Applicant)

Received by M. Baldwin Date 9/25/86 Time 1:30 p. Preliminary check by AD
Fee \$ 105.⁰⁰ Received by M. Baldwin # 38732 -- Date 9/25/86
Publication prepared by M. Baldwin Date 10/14/86 Published in Wood River Journal
Publication approved M. Baldwin Date 11/18/86

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 37-8278, and said application is hereby APPROVED.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 19 88.

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

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

e. Other: A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

Use of water under this permit shall be non-consumptive.

Use of water under this permit is subject to control by the watermaster of State Water District No. 37, Big Wood River.

Witness my hand this 30th day of December, 1986.

J. Glen Saxton
Chief, Operations Bureau

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 37-8278

1. Owner: Helen M. Fassett

Phone No. _____

Current Address: Bx 273, Sun Valley, Idaho 83353

2. Accompanied by: Robert H. Sherwood

EXAM. DATE: 7/5/88

Address: SAME

Phone No. 5/26/88

Relationship to Permit Holder: Son

3. Source: Big Wood River tributary to Magic Res.

B. OVERLAP REVIEW

1. Other water rights with same place of use: No

☐ Copies Attached

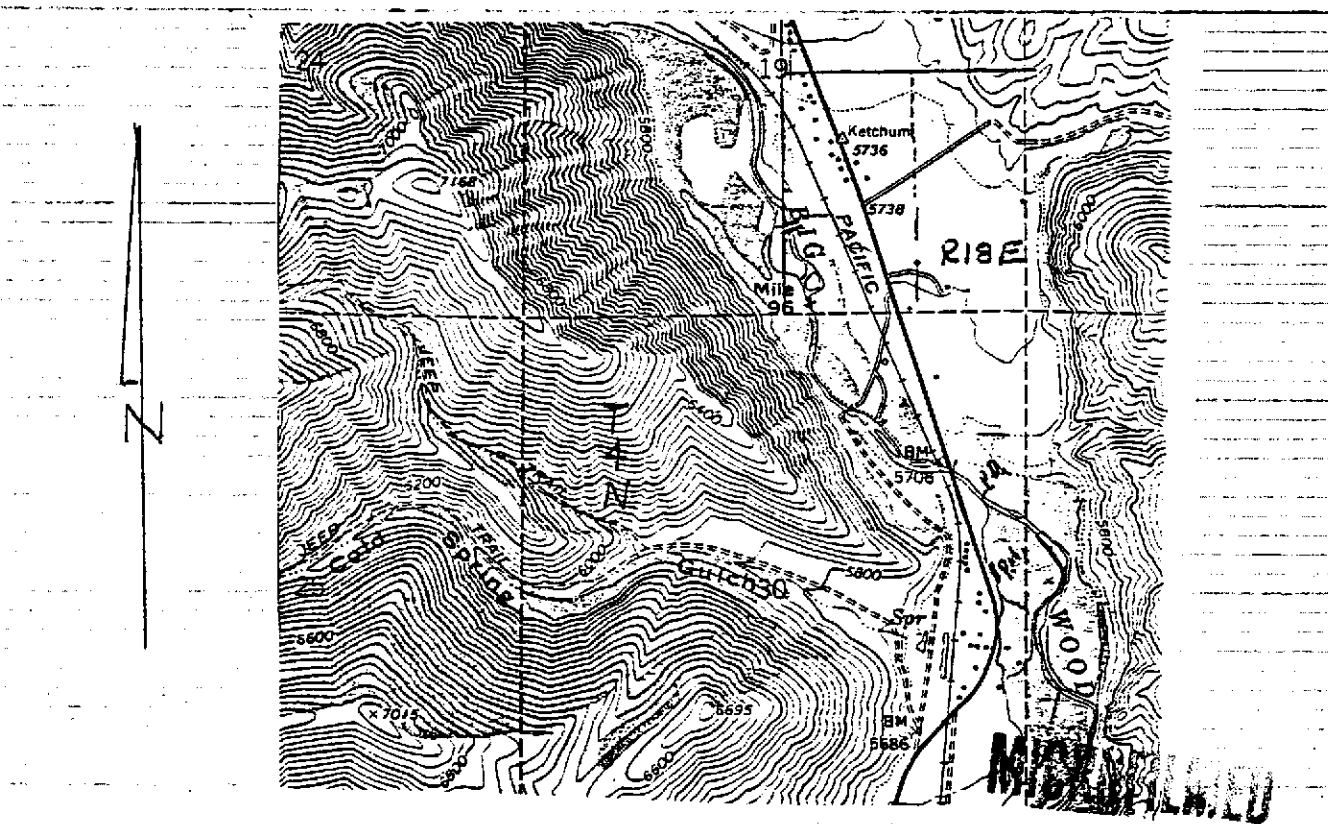
2. Other water rights with same point of diversion: No

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☐ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☐ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.)

☐ Aerial Photo Attached

(required for irrigation of 10 acres or more).

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System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Water is diverted from the Big Wood River to place of use. The water is diverted at the lower end of the large pond into the Comstock Canal used for Irrigation.

The pond is 250' long x 120' wide x 3.5' Deep.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	SE	NE	30	4N	18E	Blaine	See U.S.G.S. Map.

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	18E	30				X									X				

Do not use this space

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Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

water measurements were retained from Wood River watermaster - See ATT.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ (4.0) (365 days) (1.9835) 2895.91 AFA.

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

JUN 27 1990

WATER DISTRICT 37 & 37-M

=====

CANAL NAME	COMSTOCK	CANAL NUMBER 10	YEAR	1988
------------	----------	-----------------	------	------

=====

OWNER LINDSEY, MCDON, BLOOM, GOULD PAGE 1 USER SAME

=====

DATE	APRIL	MAY	JUNE	JULY	AUG.	SEPT.	DATE
------	-------	-----	------	------	------	-------	------

=====

1		4.00	9.80	4.00			1
2		4.00	9.80	4.00			2
3		4.00	8.00	4.00			3
4		3.50	8.00	3.50			4
5		3.50	8.00	3.50			5
6		3.50	14.00	OFF			6
7		3.50	14.00				7
8		3.50	6.40				8
9		3.50	6.40				9
10		3.50	5.70				10
11		3.50	5.70				11
12		3.50	5.70				12
13		4.00	4.90				13
14		4.00	4.90				14
15		4.00	4.90				15
16		14.00	4.90				16
17		14.00	4.90				17
18		14.00	4.90				18
19		14.00	4.90				19
20		9.80	4.00				20
21		9.80	4.00				21
22		9.80	4.00				22
23		12.70	4.00				23
24		12.70	4.00				24
25		15.00	4.00				25
26		15.00	4.00				26
27		14.00	4.00				27
28		14.00	4.00				28
29		9.80	4.00				29
30		9.80	4.00				30
31		9.80					31

=====

TOTAL	0.00	253.70	179.80	19.00	0.00	0.00
-------	------	--------	--------	-------	------	------

YEARLY C.F.S. 452.50

YEARLY ACRE FEET 897.49

TOTAL NUMBER OF DAYS 66

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JUN 27 1990

1. The first part of the document is a header section containing the following information:

- Project Name: [REDACTED]
- Project Number: [REDACTED]
- Project Location: [REDACTED]
- Project Start Date: [REDACTED]
- Project End Date: [REDACTED]
- Project Manager: [REDACTED]
- Project Sponsor: [REDACTED]
- Project Stakeholders: [REDACTED]
- Project Description: [REDACTED]
- Project Objectives: [REDACTED]
- Project Scope: [REDACTED]
- Project Budget: [REDACTED]
- Project Risk: [REDACTED]
- Project Status: [REDACTED]
- Project History: [REDACTED]
- Project Change Log: [REDACTED]
- Project Communication Plan: [REDACTED]
- Project Reporting: [REDACTED]
- Project Review: [REDACTED]
- Project Closure: [REDACTED]

2. The second part of the document is a table with the following columns:

Item	Description	Quantity	Unit Price	Total Price
1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
2	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
3	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
4	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
5	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
6	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
7	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
8	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
9	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
10	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
11	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
12	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
13	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
14	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
15	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
16	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
17	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
18	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
20	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
21	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
22	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
23	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
24	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
25	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
26	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
27	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
28	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
29	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
30	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
31	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
32	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
33	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
34	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
35	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
36	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
37	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
38	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
39	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
40	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
41	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
42	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
43	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
44	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
45	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
46	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
47	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
48	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
49	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
50	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
51	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
52	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
53	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
54	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
55	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
56	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
57	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
58	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
59	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
60	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
61	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
62	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
63	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
64	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
65	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
66	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
67	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
68	[RE			

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Wild Life HABITAT	Jan 1	Dec. 31	4.0	2895.0
			{	
Totals:			4.0	2895.0

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

Field Examiner's Name Sally Funderburg
Signature Sally Funderburg
Certification Date _____
Field Report Preparation Date _____

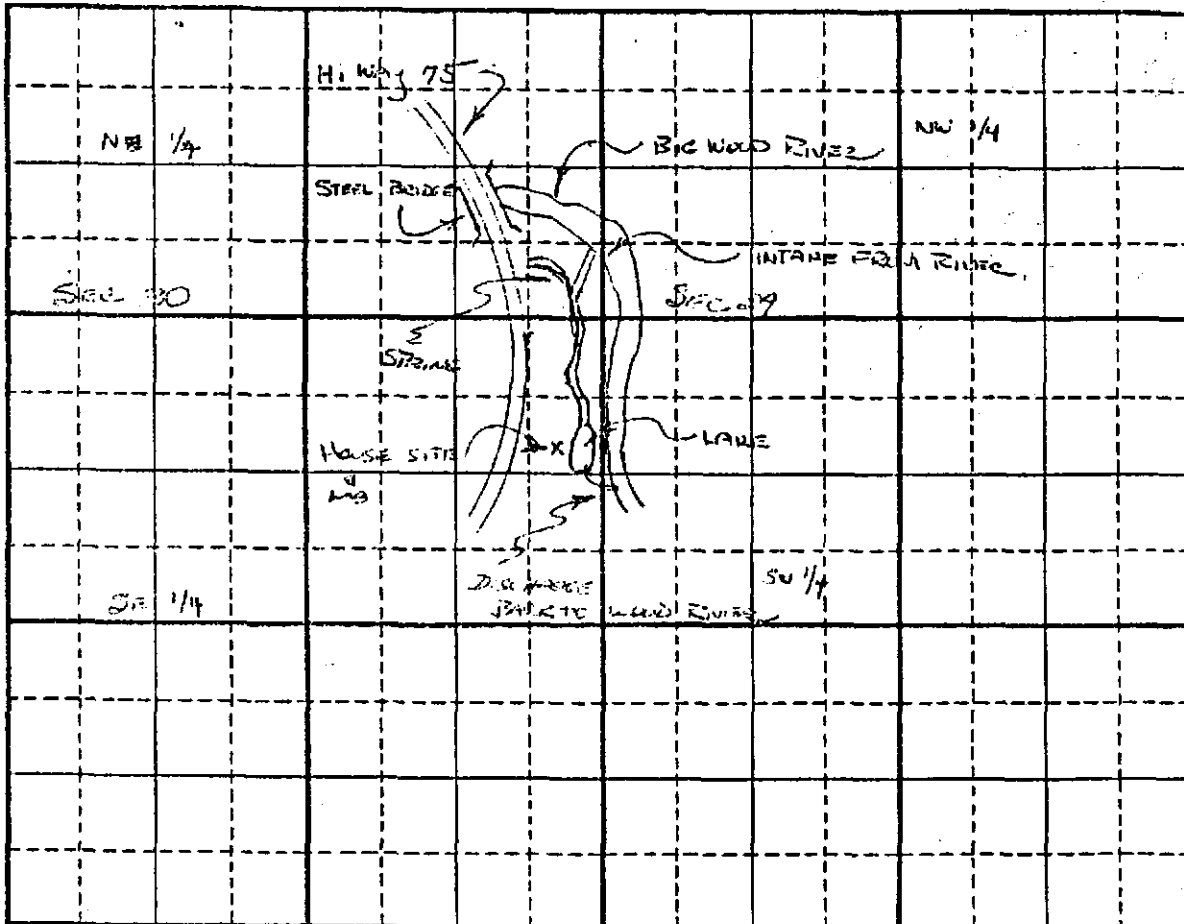
K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

REPORT

JUN 27 1990

NEVE

(8) Remarks: All Water Rights Covered in Title # 13 6746
 Patent Dated July 19, 1893 - Sacramento River # 77529 & 77116
 Dated June 22, 1939 to Possess 125 Acres in Co. 14 Blaine.
 Dated Dec. 14, 1939 and 1968



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
 County of BLAINE)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

HELEN M. FOSBETT Patricia A. Fosbett ATTORNEY IN FACT
 (Claimant)

Sworn to before me this 22 day of October, 1982

Borlan Montgomery
 Notary Public
 Residing at Hailey

My commission expires September

FOR DEPARTMENT USE ONLY

Received by manila Date 10/27/82 Exception filed by: _____
 Prelim. check by BA Date 11-9-82
 \$26.00 fee received by manila Date 11/21/82 # 23520
 Published in Blaine River Journal
 Dates 11/22 & 12/1/82 12/2 & 12/16/82

Forwarded to _____ Date _____
 claimant by: _____
JUN 27 1990

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ESTIMATED POND EVAPORATION CLIFFSIDE POND PROJECT

C.E. BROCKWAY P.E. 1/14/90

DATA FROM J.L. WRIGHT AND MARVIN E. JENSEN 1975

1975 EVAPOTRANSPIRATION AND CLIMATIC DATA FOR THE SILVER CREEK-
CREEK TRIANGLE BLAINE COUNTY, IDAHO FEBRUARY 1976LAKE OR POND EVAPORATION CALCULATED USING THE
KOHLEK-NORDENSON-FOX PROCEDURE

AREA OF PONDS AND STREAMS 65000 SQ FT = 1.49 ACRES

MONTH	AVG		TOTAL MONTHLY EVAP INCHES	AVG		P R O J E C T			P R O J E C T		
	EVAP	EVAP		PRECIP	AVG	AVG	AVG	EVAP-PRECIP	EVAP-PRECIP	EVAP-PRECIP	EVAP-PRECIP
	MM/DAY	IN/DAY		KETCHUM	EVAP	EVAP	EVAP				
				73-82	CFS	GPM	MIN. IN.	IN/DAY	CFS	GPM	MIN. IN.
JAN	0.56	0.022	0.68	2.26	0.001	0.62	0.07	0.00	0.000	0.00	0.00
FEB	0.91	0.036	1.00	2.04	0.002	1.01	0.11	0.00	0.000	0.00	0.00
MAR	1.43	0.056	1.75	1.86	0.004	1.59	0.18	0.00	0.000	0.00	0.00
APR	2.29	0.090	2.70	1.50	0.006	2.54	0.28	0.04	0.003	1.13	0.13
MAY	4.32	0.170	5.27	1.57	0.011	4.79	0.53	0.12	0.008	3.37	0.38
JUN	5.19	0.204	6.13	1.09	0.013	5.76	0.64	0.17	0.011	4.74	0.53
JUL	5.19	0.204	6.33	1.26	0.013	5.76	0.64	0.16	0.010	4.61	0.51
AUG	4.55	0.179	5.55	0.89	0.011	5.05	0.56	0.15	0.009	4.24	0.47
SEP	3.96	0.156	4.68	1.32	0.010	4.39	0.49	0.11	0.007	3.15	0.35
OCT	2.07	0.081	2.53	0.95	0.005	2.30	0.26	0.05	0.003	1.43	0.16
NOV	1.01	0.040	1.19	1.94	0.002	1.12	0.12	0.00	0.000	0.00	0.00
DEC	0.63	0.025	0.77	2.68	0.002	0.70	0.08	0.00	0.000	0.00	0.00

ANNUAL TOTAL 38.59 19.36

SEEPAGE LOSS ESTIMATES

SURFACE AREA EQUAL TO AREA OF PONDS AND STREAMS=

1.49 ACRES

WETTED AREA EQUALS SURFACE AREA TIMES 1.09 EQUALS

1.63 ACRES

ESTIMATED SEEPAGE LOSS RATE=

0.1 CF/SQ FT/DAY

PROJECT SEEPAGE LOSS=

0.08 CFS

OR

4 MINERS INCHES

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JUN 27 1990

DECLARATION
OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
CLIFFSIDE SUBDIVISION, BLOCK 2

THIS DECLARATION is made this 16 day of August, 1989, by Graystone, Inc., an Idaho corporation (herein "Declarant").

ARTICLE 1

R E C I T A L S

1.01 Property Covered. Declarant is the owner of certain real property (the "Property"), described as Lots 1 through 6, Block 2, Cliffside Subdivision, a subdivision located in Sections 29, 30 and 32, Township 4N, Range 18 East, Blaine County, Idaho according to the official plat thereof recorded as Instrument No. 308842 in the office of the County Recorder of Blaine County, Idaho. Nothing contained herein shall restrict or apply in any manner to Block 1, Cliffside Subdivision.

1.02 Purpose. Declarant hereby subjects all the Property to certain protective covenants, conditions and restrictions for the benefit of the Property and present and future owners thereof. This Declaration of Covenants, Conditions and Restrictions is intended to preserve the value, desirability and attractiveness of the Property, to create and protect the highest quality development of the Property and to insure proper maintenance thereof.

ARTICLE 2

D E C L A R A T I O N

2.01 Scope of Declaration. Declarant hereby declares that the all of the Property, and each Lot therein, is and shall be held, sold, and conveyed, encumbered, hypothecated, leased, used, occupied, and improved subject to the following covenants, conditions, restrictions, easements, and equitable servitudes

DECLARATION OF COVENANTS, CONDITIONS
& RESTRICTIONS - 1

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JUN 27 1990

ARTICLE 4

General and Specific Restrictions

Except upon prior written approval of the Design Review Committee, the Property shall be held, used and enjoyed subject to the following limitations and restrictions:

4.01 Design Review Committee. There shall be no excavation, construction, or alteration of any Lot, no action to construct, place or erect any Improvement on any Lot (or which in any way alters the exterior appearance of any Improvement or Lot or removal of any Improvement), and no other structure of any kind shall be built, erected, placed, or altered on any Lot without the prior written approval of the Design Review Committee in accordance with this Declaration and the Design Review Committee Rules which immediately follow this Declaration in this bound volume and which are incorporated herein by reference as if restated in full. These requirements shall apply only to the exterior appearance of said Improvements and not the interior thereof.

4.02 Insurance Rates. Nothing shall be done or kept on the Property or any Lot which will increase the rate, or result in the cancellation of insurance payable by any Owner, the Association or Declarant, or which would be in violation of any law.

4.03 No Further Subdivision. No Lot may be further subdivided, nor may any easement or other interest therein less than the whole be conveyed by the Owner thereof (excluding Declarant and except as set forth herein); provided, however, that nothing herein shall be deemed to prevent or require the approval of the Design Review Committee for the transfer or sale of any Lot to more than one person to be held by them as tenants in common, joint tenants, tenants by the entirety, or as community property.

4.04 Animals. No animals of any kind shall be raised, bred or kept on any Lot. Up to two (2) dogs, and two (2) cats (and other indoor household pets) may be kept, provided that they are not kept, bred or maintained for any commercial purpose and not allowed to run at large, chase wild animals or bark excessively; provided further that the Owner thereof complies with any further restrictions contained in any Supplemental Declaration, any Design Review Committee Rules and the Association Rules, including, without limitations, those applying to outdoor kennels and dog runs.

DECLARATION OF COVENANTS, CONDITIONS
& RESTRICTIONS - 5

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4.05 Nuisances. No rubbish or debris of any kind shall be placed or permitted to accumulate upon the Property and no odors shall be permitted to arise therefrom so as to render any portion thereof unsanitary, unsightly, offensive, or detrimental to any other Lot in the vicinity thereof or to its occupants. No noise, including but not limited to, noise created by people, animals, equipment, electronic device, audio receiver, television, stereo, musical instrument and/or machinery, or any other audible nuisance shall be permitted which is offensive or detrimental to any other Lot in the vicinity thereof or to its occupants. Without limiting the generality of any of the foregoing provisions, no exterior speakers, horns, whistles, bells, or other sound devices (other than security devices used exclusively for security purposes) shall be located, used, or placed on any such property without the prior written approval of the Board.

4.06 Disrepair. If any Owner permits any Improvement for which he is responsible to maintain to fall into disrepair so as to create a dangerous, unsafe, unsightly, or unattractive condition, the Board, upon fifteen (15) days prior written notice to such Owner, may correct such condition and enter upon such Owner's Lot for the purpose of doing so and such Owner shall promptly reimburse the Association for the cost thereof. Such cost shall create a lien in the same manner as other assessments as set forth in this Declaration. Such Owner shall be personally liable, and his property may be subject to a mechanic's lien, for all costs and expenses incurred by the Association in taking such corrective acts, plus all costs incurred in collecting the amounts due. Each such Owner shall pay all amounts due for such work within ten (10) days after receipt of written demand therefor or the amounts may, at the option of the Board, be added to amounts payable by such Owner as a regular Assessment.

4.07 Maintenance of Buildings and Landscaping. No Improvement upon any Lot shall be permitted to fall into disrepair, and each such Improvement shall at all times be kept in good condition and repair and adequately painted or otherwise finished by the Owner thereof. Any maintenance and/or repair of any Improvement shall not alter the appearance, color, or finish, of said Improvement without prior review and approval of the Design Review Committee.

4.08 Drainage; Waterways. There shall be no interference with the established drainage pattern over any Lot within the Property unless adequate provision is made for property drainage which is approved in writing by the Design Review Committee. For purposes of this Declaration, "established" drainage is defined as the drainage which exists at the time the overall grading of any Property or Lot, is completed

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by Declarant, as shown on any plans approved by the Design Review Committee or as shown on the subdivision plat of the Property.

There shall be no rerouting, dredging, rechanneling, or any other interference with or modification of any waterway, irrigation ditches, ponds, streams, culverts, or any other water amenities on the Property without prior written approval of the Design Review Committee.

Due to the fragility of the pond and watercourse linings, no boats, tubes or rafts capable of carrying a person or child shall be allowed in or on any watercourses.

4.09 Sewage and Water Supply Facilities. All residential structures on any Lot shall be provided with adequate sewage treatment facilities and wells, including septic tank and drainfield of a capacity and design approved by the South Central Health District, the Design Review Committee, and such other governmental authorities as may be required. All such facilities shall be adequately maintained so as to cause no offensive odors or above ground discharge. At such time as a sewer line for a sewer treatment facility or spreading field is available for hookup to structures on the Lots, all Lots shall cease utilizing septic tanks and drainfields and shall utilize such sewer treatment facility or spreading field. Any sewage facility shall be located within the sewage envelope, if any, allocated by the Design Review Committee for such purpose.

No individual water supply system shall be permitted on any Lot unless such system is designed, located, constructed, and equipped in accordance with the requirements, standards and recommendations of the Design Review Committee and all applicable governmental authorities.

4.10 No Hazardous or Offensive Activities. No activities shall be conducted on the Property and no Improvements constructed on any Lot which are or might be unsafe or hazardous to any person or property. Without limiting the generality of the foregoing, no roofs or roof overhangs may be constructed that are capable of discharging snow or other material into or on areas accessible by the public, no firearms shall be discharged upon any property, and no open fires shall be lighted or permitted on any portion of the Property except in a contained barbecue unit while attended and in use for cooking purposes or within a safe and well-design interior fireplace except such controlled and attended fires required for clearing or maintenance of land and previously approved in writing by the Board.

4.11 Unsightly Articles. No unsightly articles shall be visible from adjoining property. Without limiting the

**DECLARATION OF COVENANTS, CONDITIONS
& RESTRICTIONS - 7**

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Hundred Dollars (\$100) per day for each violation and/or may suspend the right of such person to use the Association Easements, under such conditions the Board may specify, for a period not to exceed one (1) year for each violation. Before invoking any such assessment or suspension, the Board shall give such person reasonable notice of the violation and a reasonable opportunity to cure the violation and/or to be heard regarding the violation and any assessment or suspension of rights. Any assessment imposed hereunder which remains unpaid for a period of ten (10) days or more, shall become a lien upon the Owner's Lot and the Improvements thereon upon its inclusion in a notice of assessment as hereinafter set forth.

4.19 Existing Vegetation; Dry Grass Land Management Areas. No existing vegetation anywhere on the Property (other than noxious weeds) shall be disturbed, removed, transplanted or cut without the prior written approval of the Design Review Committee. "Vegetation" shall mean brushes, trees, sagebrush, chokecherry bushes and plants of all types, whether natural or planted as part of a landscaping plan, and whether maintained by the Owner or the Association.

Excess water may kill sagebrush. No existing sagebrush shall be over-irrigated to the extent that it is damaged or dies.

There shall be no planting, cultivation, or disturbance of vegetation located within the "dry grass land management areas", set forth on the "dry grass land management areas" map attached to the rear cover of this bound volume and incorporated herein by reference.

Any change to vegetation within twenty-five (25) feet of Comstock Ditch must have prior written approval of owners of Block 1, Cliffside Subdivision in addition to the Design Review Committee.

In order to assure the control of algae, moss, and similar riparian vegetation, only organic fertilizer shall be used on any landscaping improvements including lawns, trees, bushes and vegetable gardens.

The grass along all water courses is designed to be maintenance free in order to promote waterway bank stability. No grass shall be mowed or otherwise disturbed within ten (10) feet of the edge of any waterways.

No utilities, Improvements, hookups, wires, pipes, conduit, lines, cables and the like shall go through a "dry grass land management area". Rather, they must follow the driveway to the building site, even if the distance is longer.

DECLARATION OF COVENANTS, CONDITIONS
& RESTRICTIONS - 10

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11.07 Waterway Easement. Declarant hereby reserves for the benefit of the Association an easement for all waterways and ponds (or other bodies of water) and related pipes, pumps and other related equipment over, across and under all Lots and Association Easements owned by the Association to the extent reasonably required to maintain, dredge, and service the waterway system as installed by Declarant on the Property or pursuant to plans and specifications approved by the Design Review Committee. Any relocation of the water lines installed as a part of such system shall not be undertaken in any way which interrupts the flow of water through the system.

11.08 No Construction Within Easements. No Improvement shall be constructed within any easement without the prior written approval of the Design Review Committee.

ARTICLE 12

Miscellaneous

12.01 Term. The covenants, conditions, and restrictions of this Declaration shall run until twenty-five (25) years after the death of both Elizabeth Kemmerer Gray and Peter W. Gray, unless amended as herein provided. After such date, such covenants, conditions, and restrictions shall be automatically extended for successive periods of ten (10) years each, unless amended or extinguished by a written instrument executed by at least three-fourths (3/4) of the Owners, and such written instrument is recorded with the Blaine County Recorder.

12.02 Amendment.

A. By Declarant. Until sale by Declarant of five (5) of the Lots, the provisions of this Declaration, other than this Article, may be amended only by Declarant. Any amendment hereunder shall be effective only upon recordation with the Blaine County Recorder of an instrument in writing signed and acknowledged by Declarant setting forth the amendment.

B. By Owners. After sale by Declarant of five (5) of the Lots, and except as otherwise provided herein, the provisions of this Declaration, other than this Article, may be amended by an instrument in writing signed and acknowledged by the president and secretary of the Association certifying that such amendment has been approved by the vote or written consent of at least three-fourths (3/4) of the Owners, and such an amendment shall be effective upon its recordation with the Blaine County Recorder.

C. Rights of Beneficiary. Notwithstanding any other provision of this Declaration, no amendment of this

12.05 Interpretation. The provisions of this Declaration shall be liberally construed to effectuate their purpose of creating a uniform plan for the development and preservation of the Property in a manner designed to protect and enhance the aesthetic and economic value of the Property. This Declaration shall be construed and governed under the laws of the State of Idaho.

12.06 Enforcement and Nonwaiver.

A. Right of Enforcement. Except as otherwise provided herein, any Owner of any Lot within the Property shall have the right to enforce any or all of the provisions of the Restrictions upon any Lot within the Property and the Owners thereof.

B. Violations and Nuisance. Every act or omission whereby any provision of the Restrictions is violated in whole or in part is hereby declared to be a nuisance and may be enjoined or abated, whether or not the relief sought is for negative or affirmative action by Declarant or the Association or any Owner or Owners of Lots within the Property.

C. Violation of Law. Any violation of any state, municipal or local law, ordinance, or regulation pertaining to the ownership, occupation, or use of any property within the Property, is hereby declared to be a violation of the Restrictions and subject to any or all of the enforcement procedures set forth in said Restrictions.

D. Remedies Cumulative. Each remedy provided by the Restrictions is cumulative and not exclusive.

E. Nonwaiver. The failure to enforce any of the provisions of the Restrictions at any time shall not constitute a waiver of the right thereafter to enforce any such provision or any other provisions of said Restrictions.

12.07 Construction.

A. Restrictions Construed Together. All of the provisions of the Restrictions shall be liberally construed together to promote and effectuate Declarant's goals in making this Declaration as set forth in the preamble.

B. Restrictions Severable. Notwithstanding the provisions of the foregoing Paragraph A, each of the provisions of the Restrictions shall be deemed independent and severable and the invalidity or partial invalidity of any provision or portion thereof shall not affect the validity or enforceability of any other provision.

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JUN 27 1990

RIPARIAN VEGETATION

5 FEET AROUND THE EDGES OF ALL PONDS & WATER CREEKS >

UPPER PONDS - 6600 SQ FT

MIDDLE PONDS - 6300 SQ FT

Lower Pond - 7200 SQ FT

20100 TOTAL SQ FT

USE 2010 PLANTS TO COVER ON 4-5 FT CANALS

Cons. 500 - GRASS SPECIES 6"-18" @ .21 ea = \$105.00

100 - GRASS SPECIES FLAVIRAMEN 6"-12" @ 1.05 ea = \$105.00

Cons 100 - AMELANCHIER ALNIFOLIA 6"-18" @ .40 ea = \$40.00

200 - CORNUS STOLONIFERA 6"-12" @ .71 ea = \$142.00

200 - LONICERA XYLOSTEOIDES 6"-12" @ .90 ea = \$180.00

Cons 100 - RIBES AUREUM 6"-18" @ .27 = \$27.00

200 - SALIX CAPREA 12"-18" @ .53 = \$106.00

200 - SALIX COTTETII 6"-12" @ .38 = \$76.00

200 - SALIX FRUTICA 12"-18" @ .53 = \$106.00

200 - SALIX STERIS 6"-12" @ .42 = \$84.00

5 - SALIX GORDON 5'-6' @ 1.53 = \$7.65

5 - SALIX ALBA TRISTIS 5'-6' @ 1.65 = \$8.25

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2010 TOTAL PLANTS @ BASE COST

\$ 986.⁹⁰

Planting Costs

1 Person @ \$20⁰⁰/HR x 8 HRS =

\$ 160⁰⁰ DAY

2 " @ \$8⁰⁰/HR x 8 HRS =

\$ 128⁰⁰ DAY

\$ 288⁰⁰ / DAY - LABOR

EXPENSE

Planters can plant 250 plants per DAY = 8

DAYS WORK @ \$288⁰⁰ per DAY =

\$ 2304.⁰⁰

TOTAL RUDERMAN VEGETATION EXPENSE

PLANTS

=

\$ 986.⁹⁰

INSTALLATION LABOR

=

\$ 2304.⁰⁰

TOTAL COST

\$ 3290.⁹⁰

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POND EDGES - ALL WEIGHED

100 Cattail @ \$20.-	\$20.-
30 Pickerel Plant @ 150¢/10	\$45.-
50 Water Iris (Blue) @ \$20	\$20.-
50 Water Iris (Yellow) @ \$1.50 ea	75.-
200 Sweet Flag @ \$20.00/100	\$41.-

430 TOTAL PLANTS @ TOTAL COST	\$201.-
-------------------------------	---------

PLANTING PERSONNEL CAN PLANT APPROXIMATELY 225 PLANTS / DAY FOR 2 DAYS WORK @ \$258	\$576.-
--	---------

TOTAL POND EDGE VEGETATION EXPENSE	\$201.-
INSTALLATION EXPENSE	\$576.-

TOTAL COST	\$777.-
------------	---------

Expense Summary

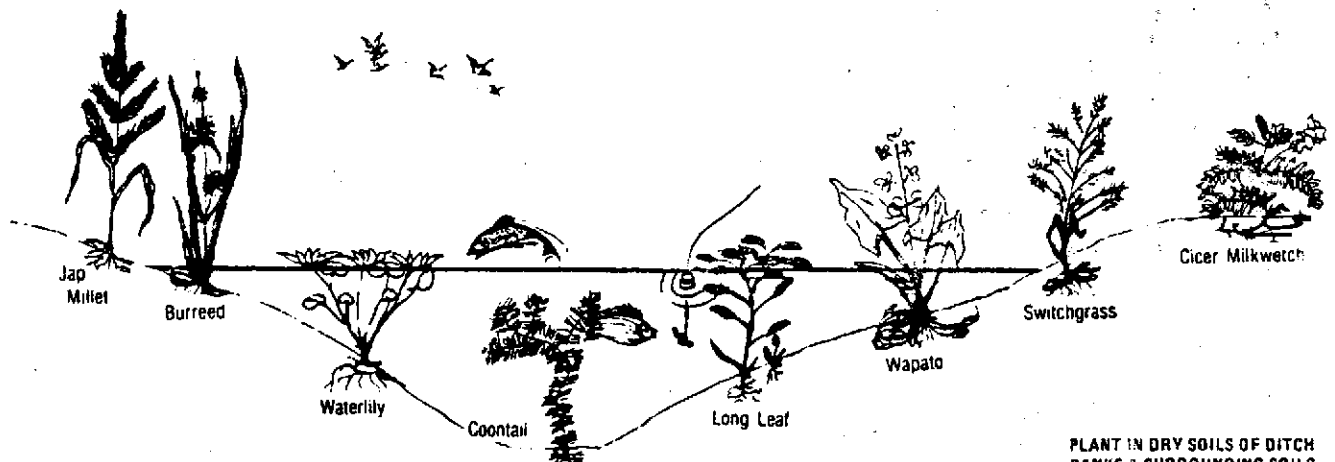
RIPARIAN VEGETATION PURCHASE & INSTALLATION	\$3290.90
POND EDGE VEGETATION PURCHASE & INSTALLATION	\$777.-
IN POND VEGETATION PURCHASE & INSTALLATION	\$3686.53
DROP STRUCTURE PURCHASE & INSTALLATION	\$1091.40

TOTAL COST	\$8846.03
------------	-----------

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THIS IS A PICTORAL VIEW OF A SUGGESTED PLANTING SHOWING WHERE TO PLANT EACH VARIETY,
FOR THE AQUATIC PLANTS FOUND IN OUR CATALOG AND DEPTHS OF WATER REQUIRED



**PLANT IN DAMP
TO DRY SOILS**

Switchgrass
Reed Canary Grass
False Bittersweet

**PLANT IN WATER
1 - 10 INCHES**

Burreed
Nodding Smartweed
Three Square
Cattail

**PLANT IN WATER
1 - 6 FEET DEEP**

Coontail
Elodea
Muskgrass
Ducksmat

**PLANT IN DRY SOILS OF DITCH
BANKS & SURROUNDING SOILS
(soil to be worked up & planted)**

CICER MILKWECH
BIRDSFOOT TREFOIL
CROWNWECH
WILD WHITE CLOVER
CONIFEROUS TREES
MIXED GAME BIRD SEED
DEER PLOT MIX SEED
PEARL MILLET
PROSO MILLET
MILK
SMALL BURNET

HEGARI
DOVE PROSO MILLET
DUCKWHEAT
LESPEDZAS
KESTER'S PEAS
FIELD PEAS
WINTER WHEAT
BUCKWHEAT
PERENNIAL GRAIN
LATHCO FLAT PEA

**PLANT IN WATER
1 - 18 INCHES DEEP**

Arrowhead
Wild Rice
Tame Rice
Bulrush
Pickeral Plant

**PLANT IN WATER
4 - 6 INCHES**

American Lotus

**PLANT IN WATER
1 - 3 FEET DEEP**

Sago Pondweed
Wild Celery

**PLANT IN DAMP
TO MUDDY SOILS**

Japanese Millet
Millet
Sesbania
Alkali Bulrush
Blue Water Iris
Yellow Water Iris
Sweet Flag

**PLANT IN WATER
1 - 2 FEET DEEP**

Deep Water Duck Potato
Waterlilies

FOR PRICES ON LARGER QUANTITIES OF TUBERS AND ROOTS NOT LISTED
WE WILL QUOTE YOU A SPECIAL PRICE.

HIGHLIGHTED PLANTS WILL BE PLANTED
IN POND SYSTEM. WE HAVE RESEARCHED
THEIR ENVIRONMENTAL EFFECTS &
THEY ARE NOT UNCOMMON IN POND
WATER SYSTEMS.

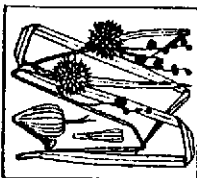
JUN 27 1990

BURREED

This is one of the most valuable plants to have growing in your marsh for cover as well as food. The large size seeds, which resemble kernels of corn, shell from the large burr during the Fall and are eagerly eaten by marsh ducks and pheasants.

Burreed grows from three to four feet in height and during early summer makes ideal nesting places for wild ducks and pheasants as well as cover for the hunter during Fall.

As a Muskrat food, the Burreed is one of the three most important. Its young shoots and runners provide excellent food and its foliage is used for house building material. Do not let the name Burreed confuse you as this plant does not have a burr that would stick to clothing or to a dog's hair.



Burreed Seed Head
Sparganium eurycarpum

Large Select Roots: 100 @ \$16.50; 500 @ \$65.00; 1,000 @ \$100.00.

CATTAILS

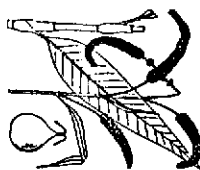


Cattail Plant
Typha latifolia & Typha angustifolia

Large Select Roots: (angustifolia) 100 @ \$20.00; 500 @ \$85.00; 1,000 @ \$145.00. (latifolia) 100 @ \$25.00; 500 @ \$100.00; 1,000 @ \$190.00.

Cattails are hardy plants for wet soils and shallow waters. They give excellent cover for wild ducks and geese on windy days, especially for the very young birds, for without this protection they could not survive. In the winter they offer excellent cover protection for Upland Game Birds also. These plants grow to be 5 to 7 feet high and make very good blinds. Cattail plants are very important as food for muskrats being high in starch which helps produce a glossy coat. The foliage is used by muskrats for house building material.

NODDING SMARTWEED



Wild ducks like the seeds of Smartweed, particularly Mallards, Black, Pintail and Teal. They have to work hard to find the heavy black seeds in the soil and shallow waters and this helps to hold these ducks.

Nodding Smartweed
Polygonum multiflorum

HOW, WHEN AND WHERE TO PLANT

Nodding Smartweed, a perennial growth, may be planted anytime. Grow in wet soil, shallow waters, on mud, clay, sand or gravel soils. Due to being very hardy, they will grow in either northern or southern climates. Waters that are fresh, moderately acid or mildly alkaline are ideal.

The Smartweed reproduces by both seeds and roots. Seeds being difficult to harvest, we recommend the planting of root sections, for quick growing results. Just wade along the water's edge and push the root sections into the wet soils or in very shallow waters, they will take hold promptly.

Plant one foot apart.

Large Select Roots: 100 @ \$16.00; 500 @ \$57.00; 1,000 @ \$98.00.

SPECIAL NOTE

All of our aquatic plants, tubers and roots now have the cost of shipping included in the price. Therefore, you need only figure shipping charges for anything that you are ordering by the pound. See the UPS Zone and Rate Charts on page 34 for shipping charges.

MANY PLANTS ARE COMPATIBLE

It is true that the bulk of our planting materials are raised for fresh water areas, however many of them will grow in both fresh and brackish waters. A good rule of thumb to use in deciding if a plant can be grown in both types of water is to taste the water, if it is salty to taste, then it has too high a saline content for fresh water plants. Then of course you must utilize only those materials that will grow in waters of ocean strength. Tide influx must also be taken into consideration when deciding what to plant. Many marsh plants can withstand tide changes, others cannot.

BULRUSH

Hardstem and Softstem

The Hard Stem Bulrush makes good blinds for ducks, excellent for wild ducks, providing food and cover. It is the most important of Round Stem Bulrushes as a wild duck food. Also ideal for borders of fish ponds, providing good cover for game fish. Muskrat not only feed upon its roots, but also build their houses with its stems.

Due to the stout stem and sturdy root system, the Hard Stem Bulrush will break wave action thus preventing erosion and providing a buffer which allows other aquatic plants to gain a foothold and grow. It also protects dams, banks, eroding shores and checks movement of silt. Wild ducks love to huddle among the tall growth (4 to 5 feet) because of the quiet waters it commands, making it possible for young ducklings to survive during stormy weather. Here they find food as well as protection from raw weather, feasting upon the many seeds that it produces. Once established Bulrush is indestructible by carp due to its fibrous roots.

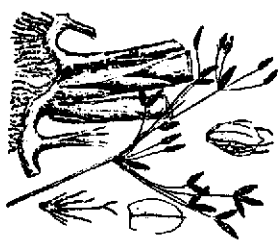
HOW, WHEN AND WHERE TO PLANT

This species of bulrush is very hardy. It will grow in either wet soils, throughout the U.S. and Canada, either fresh, acid, alkaline or brackish waters. Muskrat.

The rootstock of the Hard Stem Bulrush can be planted anytime during the year.

To plant simply push the rootstock into wet soils or shallow water, firming the soil around the roots but leaving the growing stem sticking out of the soil. They can also be weighed as described on page 33. Plant one foot apart. Count determined by number of sprouts on each root section.

Large Select Root Sections: 100 @ \$20.00; 500 @ \$80.00; 1,000 @ \$140.00.

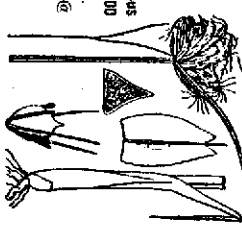


Scirpus acutus
or
Scirpus validus

THREE-SQUARE RUSH AND RIVER BULRUSH

Of about 150 different rushes belonging to the Scirpus family, the Three-Square Rush is the most important wild duck food. It produces a sizable cluster of heavy seeds which the shallow water ducks are very fond of. It also provides valuable cover protection and is excellent for erosion control. It also makes good blinds for the hunter growing from 4 to 6 feet tall. Three-Square Rush gets its name from the three-sided or triangle-shaped stem.

The Three-Square Rush grows well on any soils on ponds, lake margins or along streams. Just wet soils in the water's edge are ideal, or in waters to one foot in depth, never deeper. It grows in either fresh water areas or in brackish or moderately alkaline places. Being a perennial, tubers may be planted at any time.



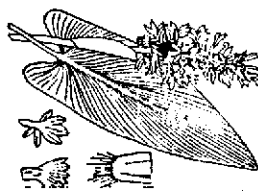
Three-Square Rush
Scirpus fluviatilis

Large Select Roots: (Scirpus fluviatilis) 100 @ \$18.00; 500 @ \$83.50; 1,000 @ \$110.00. (Scirpus americanus) 100 @ \$30.00; 1,000 @ \$200.00.

PICKEREL PLANT

A good natural wild duck food, also important as a cover plant for game fish, very beautiful and most hardy. Seeds of the Pickerel Plant which are produced quite abundantly are eagerly sought by the wild ducks. Pickerel Plant is distinct in its spike of bright blue flowers and its lance-shaped or heart-shaped leaves with round bases. It resembles both Water Duck Corn and Waterpot. It grows best in muddy soil in shallow ponds, streams and marshes of fresh or slightly brackish waters.

Root stock can be planted in early summer. Very good results, plant one foot apart. Easily planted, just set the roots in the soils in shallow waters.



Pickerel Plant
Pontederia cordata

Pickerel Plant: \$1.75 each.
10 @ \$15.00; 100 @ \$95.00.

WATER IRIS

Both the Blue and Yellow Iris have very ornamental flowers for ponds or any water borders. You will want to plant these for beautification as well as to provide clumps of lance-like leaves for nesting and cover for Waterfowl and Birds.

HOW, WHEN AND WHERE TO PLANT

It prefers the wet marshy areas, but can withstand some drought, too. Both the Iris and Sweet Flag grow with part of their corn or heavy rootstock uncovered—the same as our tame Iris in your garden.

Hardy Blue Water Iris: 50 @ \$20.00; 100 @ \$35.00; 500 @ \$130.00.

Hardy Yellow Water Iris: \$1.50 ea.; 100 @ \$125.00; 1,000 @ \$950.00.



Blue Water Iris
Iris Virginia

Yellow Water Iris
Iris pseudacorus

IT'S A FACT

There are but three fundamentals that concern wildlife of every kind, they are: *To Find Food, Protection From Enemies and To Reproduce.* Make your place attractive and you will enjoy plenty of game and lots of sport.

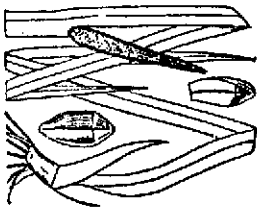
SWEET FLAG

The Sweet Flag plant is very fragrant, especially when burned. Because of the spicy fragrance of the Sweet Flag leaves, our pioneer ancestors used to spread them on the floors of their cabins. They are also natural insecticides, a property that is concentrated in the dried and powdered roots of the plant.

HOW, WHEN AND WHERE TO PLANT

It grows in clumps, thereby providing nesting places and cover for Waterfowl and Upland Birds. Both the Waterfowl and Upland Birds will eat its seeds. It will grow best along the edge of water or ponds in low marshy places.

Hardy Sweetflag Roots: 100 @ \$20.50; 500 @ \$91.00; 1,000 @ \$151.00.



Sweet Flag
Acorus calamus

Montana:

The Cicer Milkweitch I ordered from you folks two years ago has done fantastic on our river bank.

C. Thoma

ADDITIONAL PLANTS AVAILABLE

CAREX COMOSA . . . Grass-like perennial, mostly with 3-sided stems. Plant in wet soils up to 3' of water.
PRICE: 50¢ each; 1,000 @ \$400.00.

SPIKE RUSH (*Eriochloa acicularis* or *Juncus effusus* or *Eriochloa palustris*) . . . Perennial with tufts of mostly leafless, erect stems from slender, creeping or matted rootstocks. Grows in wet soils to 3' of water.
PRICE: 100 @ \$30.00; 1,000 @ \$200.00.

RICE CUTGRASS (*Leersia oryzoides*) . . . Perennial plant that gets its name from its finely saw-edged leaves. It covers the ground with short 1½ to 2 foot growth. Grows in moist soils to 3' of water.
PRICE: 100 @ \$30.00; 1,000 @ \$200.00.

SWAMP MILKWEED (*Asclepias incarnata*) . . . Perennial marsh plant with beautiful pink/purple flowers. Found along swamps, lakeshores, streambanks. Grows in wet soils to 3' of water.
PRICE: 10 @ \$9.50.

YELLOW WATERLILY/SPADDERDOCK (*Nuphar*) . . . Also known as Cow-lily. Small yellow flower with fleshy-cut petals. Grows in water from 6" to 2'.
PRICE: \$3.00 each.

COMMON REEDGRASS (*Phragmites communis*) . . . Also known as Crane Grass. Grown in damp soils to 2' of water.
PRICE: 100 @ \$20.00; 500 @ \$75.00; 1,000 @ \$145.00.

PRAIRIE CORDEGRASS (*Spartina pectinata*) . . . Stout grass 1½ to 2 feet tall. Grows in damp soil to 3' of water.
PRICE: 100 @ \$50.00; 500 @ \$225.00; 1,000 @ \$400.00.

WILDFLOWER MIXES

MIDWESTERN U.S. WILDFLOWER MIX . . . 26 species of annual and perennial white, blue, purple, yellow, red, pink and gold flowers. Plant 4 pounds per acre.
PRICE: \$42.00 per pound

NORTH AMERICAN WILDFLOWER MIX . . . 30 species of annual and perennial white, purple, yellow, lavender, red and gold flowers. Plant 5 pounds per acre.
PRICE: \$36.50 per pound

ROCKY MOUNTAIN WILDFLOWER MIX . . . 20 species of annual and perennial white, blue, orange, yellow, gold flowers. Plant 5 pounds per acre.
PRICE: \$39.50 per pound

SOUTHEASTERN U.S. WILDFLOWER MIX . . . 25 annual and perennial species of white, orange, yellow, blue, lavender and red flowers. Plant 5 pounds per acre.
PRICE: \$45.50 per pound

NORTHEASTERN U.S. WILDFLOWER MIX . . . 18 annual and perennial species of white, orange, yellow, blue, lavender, red and gold flowers. Plant 5 pounds per acre.
PRICE: \$43.20 per pound

NORTH AMERICAN PERENNIAL WILDFLOWER MIX . . . 11 species of perennial only flowers. Contains white, yellow, red, gold, blue and lavender flowers. Plant 4 pounds per acre.
PRICE: \$51.00 per pound

PRAIRIE GRASSES

Big Blue Stem
Little Blue Stem
Indian Grass

Call for current prices and availability.

SAGO PONDWEED

GOVERNMENT ENDORSEMENT

BEST ALL AROUND DUCK FOOD

Early in the season the ducks feed on the Sago Pondweed plant which produces a seed the size of a buckwheat. Later in the season it produces huge quantities of small round or oblong white tubers which ducks feed on. However, type ducks and also geese and swans, then all feed on the tubers. It's the most important of water ducks feed upon its roots, tubers and seeds which are produced in abundance. In fact all parts of the plant are eaten by the wild ducks, but they cannot enjoy the growth for it has a very strong root system which takes a network thru the bottom soil. Many roots and tubers remain unmoistened to produce a growth the following year. Sago Pondweed produces more food for the wild ducks than any other aquatic plant.

EXCELLENT FOR FISH

Like the Wild Celery the Sago Pondweed also provides food, cover and protection for the fish. It purifies and clarifies the water, takes up the poisonous gases and puts forth oxygen into the water. Various kinds of insect life deposit their larvae on these plants which is food for the small fish. The Sago Pondweed plants shade and cool the under waters and will not only improve the fishing but also the quality of the fish.

WHAT AND WHEN TO PLANT

The tubers of Sago Pondweed may be planted in Spring thru early Summer or later as long as you still have at least 90 days of good growing weather for plants to reach maturity. They will produce food for the Wild Ducks the following Fall. Seed of the Sago Pondweed may be planted in Spring or Fall, however sometimes it may be sold out by Spring as this is a fast seller.

WHERE TO PLANT

These plants are very hardy and will grow in almost any soil except very salty waters, on practically every kind of bottom soil. They are submerged plants and do best in waters from 1 1/2 to 3 feet in depth although Sago Pondweed will grow in water from 1 to 5 feet in depth under certain conditions. If possible, plant where there is some mud.

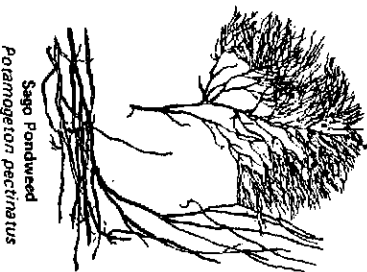
HOW TO PLANT

See page 33 for instructions. To plant Sago Pondweed Seed, it is best to mix the seed with a wet and sticky mud or clay soil and then scatter one mixture in the place you desire to have it grow, when complete planting instructions furnished with each order.

Plant one foot apart.

Research Report 30 entitled "Food of Game Ducks in the United States and Canada" by U.S. Fish and Wildlife Service.

United States Department of the Interior, Superintendent of Documents, Government Printing Office, Washington 25, D.C. says that Sago Pondweed is probably the most important single waterfowl food plant on the continent and is responsible for about half or more of the total food percentage credited to the genus *Potamogeton*.



Sago Pondweed
Potamogeton pectinatus



This is an actual photo of our Select, Product, Sprouted tubers grown in our nursery. Our mature Sago plant sends out many runners. At the end of each runner a cluster of Sago tubers is produced. The above photo shows a cluster containing six beautiful tubers from one runner.

Large Select Sprouted Tubers: (Ready to plant with weights)
100 @ \$19.00; 500 @ \$80.00; 1,000 @ \$110.00.
(Unweighed): 100 @ \$16.00; 500 @ \$50.00; 1,000 @ \$90.00.
Mesh Bags included with UNWEIGHED tubers - see page 37.
Sago Pondweed with seed (wet seed): Available for fall and early spring planting. 1 lb. @ \$2.50; 10 lbs. @ \$16.50; 25 lbs. @ \$39.00; 50 lbs. @ \$72.00.

NEXT BEST ALL AROUND DUCK FOOD

Curlew, Jacks, Redheads, Bluebirds, Mallards, etc., darken the sky over the Wild Celery beds. A few years ago it was no trick at all to go out and get the limit of ducks, neither is it today where the Wild Celery beds abound. But, many of the vast Wild Celery beds of former years have disappeared; drainage, pollution, weed killing sprays and other causes have destroyed many acres of duck food. We must utilize every lake, pond and stream to protect this sport.

You will find no better way to increase your enjoyment during your hours of recreation than by watching or hunting ducks. Thousands of them can be attracted to your local waters by establishing a growth of Wild Celery. All parts of the plant are eaten by the Wild Ducks, but the tender whiteheads and rootstocks are relished most. Once the Wild Celery is established in your waters it will grow there permanently. There is no danger of the ducks destroying the growth thru ordinary feeding for there are many tubers which break off remaining in the mud which will produce the following year. All kinds of wild ducks like Wild Celery.

IMPORTANT FOR FISH

Wild Celery being a submerged water plant is also important as a food and cover plant for fish. The plants support countless numbers of minute insect and animal life which fish depend upon for food. Fish also eat portions of the plant and the roots of the plant. A lot of Wild Celery will keep your waters pure and clear and will oxygenate which is essential for fish life. The plants provide shelter and hiding places for young fish where they can escape from their enemies, assuring many more of them reaching maturity.



Fish Culturists have long recognized that there is a direct connection between the food supply in any lake or stream and the number of fish it will support.

Good hunting or good fishing is no longer a gift of the gods. The plain and simple fact is that you find hunting and fishing where there is sound and constructive food and cover propagation work being done.

"The Most Productive Wildlife Attraction I Have Ever Seen." This statement was made by a D.N.R. employee while surveying part of our Nursery acreage.

WILD CELERY



Wild Celery plant, seed pod and tubers.
Vallisneria spiralis

WHAT AND WHEN TO PLANT

The Wild Celery propagates in three ways, by seed, running roots and tubers. Seed of the Wild Celery may be planted in Fall and also in Spring if we still have some on hand. Order early as this is always a big seller. Tubers of Wild Celery may be planted in Spring thru June. Plants furnished thereafter, and both will make a quick and good growth by the following Fall.

WHERE TO PLANT

Wild Celery grows best in waters from 1 to 3 1/2 feet in depth on a pond bottom, sandy loam or clay. However in suitable conditions, it will grow in water 1 to 5 feet in depth. It requires fairly fresh waters, that is waters which are not very salty or strong alkaline, enjoys changing water and withstands waves and currents.

HOW TO PLANT

See page 33 for planting instructions on tubers. To plant Wild Celery Seed, it is best to mix the seed with a wet and sticky mud or clay soil and then scatter the mixture in the place you desire to have it grow. Complete planting instructions furnished with each order.

Plant one foot apart.

Large Select Sprouted Tubers or Plants: Ready to plant with weights) 100 @ \$20.00; 500 @ \$65.00; 1,000 @ \$120.00.
(Unweighed): 100 @ \$18.00; 500 @ \$55.00; 1,000 @ \$100.00.
Mesh bags included with UNWEIGHED tubers - see page 37.
Wild Celery Seed (Wet seed - Available for fall planting): 1 lb. @ \$3.75; 10 lbs. @ \$37.00; 25 lbs. @ \$75.00; 50 lbs. @ \$144.00.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 27, 1990

James P. Speck
Attorney at Law
P.O. Box 987
Ketchum, ID 83340

RE: Application for Permit to Appropriate Water No. 37-08535 in
the Name of Graystone, Inc.

Dear Jim:

This letter acknowledges our telephone conversation of February 5, 1990. As per your request, I have enclosed a copy of the letter sent to me from Mike McMasters of the Division of Environmental Quality.

I understand that you will submit three documents to me related to the proposal under application no. 37-08535:

1. A brief statement from Chuck Brockway describing his methodology in determining losses and temperature changes in the water, any assumptions that were used, particularly in determining the seepage through the lined ponds and the delivery works to the pond, and his conclusions.
2. A letter from Mike McMasters verifying that he has reviewed the plans and specifications, and has determined that the project will not violate Water Quality Standards.
3. A letter from the Comstock Ditch users agreeing to Graystone's use of its water.

Upon receipt of this information the Department will review the file for final action.

Respectfully,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

cc. Southern Region

MICROFILMED

JUN 27 1990

RECEIVED
FEB 27 1990

Department of Water Resources

February 16, 1990

Mr. Gary Spackman
Department of Water Resources
1301 N. Orchard St.
Statehouse Mail
Boise, Idaho 83720

RE: Graystone, Inc. Application for Permit
No. 37-08535

Dear Sir:

This letter is to inform you that I have no objection to Graystone, Inc.'s plan to run 10 cfs of the Comstock Ditch irrigation water rights through the system of streams and ponds proposed under Application for Permit No. 37-08535 for the Cliffside Subdivision which is adjacent to the Comstock Ditch, and then back into the Comstock Ditch. I am the owner of one of the irrigation water rights diverted through the Comstock Ditch.

We understand that this letter will be forwarded to you via Mr. Bob Sherwood who has been handling the maintenance of the Comstock Ditch on our behalf. Thank you for your attention to this matter.

Sincerely,

*Atty in Fact For
Helen M. Fossitt
(Now Deceased)*

*Robert H. Sherwood, Son & Heir
Rivers Lodge Ranch
Box 273 Sun Valley, ID.
83353*

MICROFILMED

JUN 27 1990

Feb. 5, 1990

RECEIVED
FEB 7 1990

Gary Spackman
Department of Water Resources
Boise, Idaho

Department of Water Resources

Re: Graystone Ponds Application
for Permit

Dear Mr. Spackman:

Please ~~accept~~ accept this letter even though the official time for public input perhaps has expired. As a property owner immediately down river from the area in question I mistakenly thought I would be given personal notice thru the mail. I received such a notice with regard to Mr. Peter Gray's other application to install 12 "drop structures" in the Big Wood River - so I thought I would also receive the same information & notices in the regard to his application to create some ponds for his subdivision adjacent to the Big Wood River. But, no ~~notice~~ notice.

RECEIVED
JUN 27 1990

I own lot 6, Aspen Grove Subdivision. My home is on this river front

lot a very short distance down
River from Graystone Subdiv'n.

I am very opposed to allowing
a private interest to divert river
water for their private use. How can
the downstream property owners, or
the entire public for that matter,
be protected ~~it~~ from the possibility
that the pond water will be polluted
when it re-enters the Big Wood?
~~It~~ It is simply not worth the risk!
Promises are not protection for the
public. Perhaps if the applicant is
required to purchase a \$10,000,000 bond
to guarantee its rehabilitation of the river
in the event it becomes polluted with
chemicals, or creates a temperature
change in the river which adversely
affects the fish population, then & only
then could such an application be
seriously considered.

Please consider that the
River is one of the most
treasured natural resources in
the "Wood River Valley".

Sincerely,
DAN A/Bao

MICROFILMED

JUN 27 1990

LEAVE RIVER ALONE

Editor:

Regarding Gary Peak's letter in last week's Wood River Journal concerning the Greystone Project and the request for diversion of the Big Wood River through their property into private streams and ponds:

How is it that newcomers to our valley feel they have the right to take what belongs to everyone for their own personal pleasure to the detriment of everyone downstream from them? The water would be returned to the Big Wood polluted by pesticides and fertilizers, and in considerable less quantity due to evaporation.

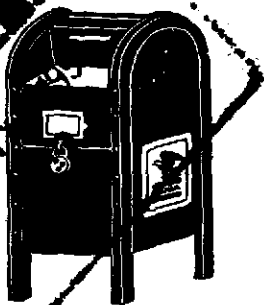
If this is permitted, it would create

a precedent that would allow each resident bordering the river to do the same thing. With our lack of adequate moisture, the river is low. If permission were granted, the river would not be much more than a stream by the time it reached Hailey - a polluted stream, unable to sustain fish, or the birds and wildlife now living near it. The quality of our once-paradise would be further destroyed.

This is not Vail, not Aspen, or do we want our valley to become a Vail or Aspen. It should be made abundantly clear to the newcomers moving here that we expect and intend that they accept and respect our life as it is here, rather than doing their utmost to change it to suit them. We love our valley for it's natural beauty. We who have long lived here feel it is a gift to be shared by all, not just a select few.

Do we really want to acquiesce to the demands of newcomers, rather than maintaining the natural quality that has made our valley what we have treasured? I appeal to Planning and Zoning and the Departments of Environmental Quality and Water Resources to nip this in the bud.

*Rosemary Haley
Ketchum*



RECEIVED

FEB 2 1990

FEB 1, 1990

DEAR MR. SPACKMAN, Department of Water Resources

I AM WRITING YOU IN REGARDS TO THE
GRAYSTONE Pond ISSUE IN BLAINE COUNTY. MY HOME
IS ON THE BIG WOOD RIVER VERY NEAR WHERE MR.
GRAY WOULD LIKE TO DIVERS WATER AND BUILD
THREE LARGE PONDAS AND TWO SMALL ONES

I AM AN AVID FISHERMAN AND I HAVE SEVERAL
CONCERNS REGARDING THIS MATTER

1. ~~WHAT~~ ^{HOW} WILL THE TEMPERATURE OF THE WATER
BE AFFECTED? IF IT IS, HOW CAN WE BE
ASSURED IT WILL BE CORRECTED?
2. HOW MUCH WATER WILL BE LOST DUE TO SEEPAGE
AND EVAPORATION?
3. HOW MUCH CHEMICALS AND POLLUTANTS ^{WILL} BE PLACED
IN THE RIVER?

MR. GRAY STATES THAT HIS STRICT CCR
WILL PROHIBIT CERTAIN POLLUTANTS, BUT YOU KNOW THAT
ENFORCING THAT IS VIRTUALLY IMPOSSIBLE.

OUR RIVER IS SO LOW NOW AND WITH A
WEEK SNOWFALL THIS WINTER IT WILL ONLY GET
WORSE.

I URGE YOU TO DENY THIS REQUEST AS
I HATE TO SEE OUR RIVER SPOILED.

I AM ENCLOSEING A "LETTER TO THE EDITOR" THAT
WAS IN JAN. 3, ISSUE OF THE IDAHO MTN EXPRESS

THANK YOU,
Bob King

ROBERT KING
P.O. Box 862
KERNUM, ID.
83340

208-726-7527

MICROFILMED

JUN 27 1990

January 28, 1990

RECEIVED
FEB 1 1990

Mr. Gary Spackman
Dept. Of Water Resources
3101 N. Orchard
Statehouse Mail
Boise, ID 83720

Department of Water Resources

Dear Mr. Spackman:

As a water right holder on the Big Wood River, #37-0685 Oct. 15, 1884, I would like to go on record in opposition to any proposals granting non-consumptive uses to residential or commercial development projects. The Wood River Journal carried an article in the January 3rd issue regarding the application of a "Graystone" development project for a Non-consumptive use permit to divert water from the Big Wood River to create ponds to enhance their subdivision. Since then, I have seen at least one other subdivision publish their request for a non-consumptive use permit as well.

I am concerned about a potential and probable loss of water to myself as a deeded holder, and other deeded holders on the Big Wood River. It is inconceivable to me to label any project or situation that involves diversion of the river or part of the river, as "Non-consumptive." My water right is subject to control and can be shut off on dry years. What control can there be over an entity that has no deeded right and claims non-consumptive use? Will this entity be able to have water in their streams and ponds when my hay fields are dry?

I hope the Dept. of Water Resources can recognize the absurdity of the term "non-consumptive use" in a climate such as ours, and in turn deny any applications requesting such use.

Sincerely,

Gregory A. Mann

Gregory A. Mann
P.O. Box 269
Bellevue, ID 83313

MICROFILMED

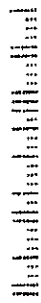
JUN 4 1990

Mann

P.O. Box 269
Bellevue, ID 83313



Mr. Gary Spackman
Dept. of Water Resources
3101 N. Orchard Statehouse Mail
Boise, ID 83720



Dear Mr. Sparkman:

RECEIVED
JAN 24 1990

Department of Water Resources

About 3 weeks ago there was a series of letters in the local Blaine County newspaper regarding nonconsumptive water rights of IO CFS for the Graystone Project. I'm sure you have seen & heard all the arguments.

As a full time local I want to say that I am categorically opposed to your granting these requested rights - it appears 1st of all pretty clear that the required 100% return to the river could not be met and secondly the issue of pollution to the river by warming of the water and chemical pollutants seems to be almost certain.

The project is also very risky in that it opens the door for many more similar requests - the Sherwood pond rights were issued 30 yrs ago when there was less knowledge of effect and far less population pressure.

The very wealthy people that will purchase these lots have only to go outside here and they will find they are surrounded by beauty. They do not need ponds. They opted to have what are most likely 2nd homes in a desert; let them buy in Louisiana's bayou country if they need to be surrounded by water.

Please do not grant this or other water rights in this beautiful valley.

Sincerely,
Lorie C Spencer

MICROFILMED

JUN 27 1990



STATE OF IDAHO

DEPARTMENT OF HEALTH
AND WELFARE

DIVISION OF ENVIRONMENTAL QUALITY
Twin Falls Field Office
Post Office Box 1626
Twin Falls, Idaho 83303-1626

January 22, 1990

RECEIVED
JAN 23 1990

Gary Spackman, Manager
Water Right Permits Section
Department of Water Resources
1301 North Orchard Street
Statehouse
Boise, Idaho 83720

Water Resources

Re: Use of Water for Aesthetics in a Subdivision

Dear Mr. Spackman:

In response to your questions related to temperature and water quality monitoring, we submit the following:

- 1) Idaho Water Quality Standards and Wastewater Treatment Requirements, Section 1-2300.02, addresses discharges which result in water quality standard violations. No pollutant may be discharged from a single source or in combination with pollutants discharged from other sources in concentrations or in a manner that:
 - a) Will or can be expected to result in a violation of the water quality standards applicable to the receiving water body or downstream waters; or
 - b) Will injure designated or protected beneficial uses.

The Big Wood River is protected for the following beneficial uses: domestic water supply, agricultural water supply, cold water biota, salmonid spawning, primary and secondary contact recreation, and special resource water. Cold water biota and salmonid spawning are the uses that would be most affected by temperature.

The discharge must not affect the receiving water outside the mixing zone so that:

- 1) The temperature of the receiving water or downstream waters will interfere with designated uses.
- 2) Daily and seasonal temperature cycles characteristic of the water body are maintained, and if the water is designated for cold water biota or salmonid spawning, the induced variation is more than +1° centigrade.

EQUAL OPPORTUNITY EMPLOYER

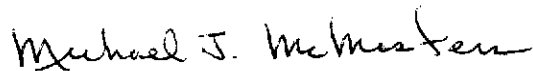
January 22, 1990

The Division of Environmental Quality does routinely monitor temperature in evaluating water quality conditions and beneficial use protection.

Determining the impact from the proposed Graystone, Inc. development for compliance with temperature standards will require a detailed assessment of the facilities proposed (ponds, streams, detention times, water balance, modeling, etc.) to determine if the design and operation will comply with the water quality standards. The developer should provide prior to issuance of the water right the report and documentation that the project as proposed will meet the temperature requirements. If and when the permit is issued, the developer should be required to self monitor temperature to document compliance with state water quality standards.

Should any questions arise, please contact me at 734-9520.

Sincerely,



Michael J. McMaster
Water Quality Field Supervisor

MJM/ta

cc: Susan Martin
Loren Holmes
Terry Blau

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JUN 27 1990

January 12, 1990

Gary Spackman
Dept. of Water Resources
3101 N. Orchard
Statehouse Mail
Boise, ID 83720

RECEIVED
JAN 15 1990

Department of Water Resources

Dear Sir;

Recent newspaper articles in the Big Wood Valley have announced a relatively new trend of Developers wanting to divert water out of the Big Wood River for purely asthetic waterways and ponds in their developments. This practice should not be allowed to continue. Please deny permits for such a ridiculous use of what appears to be an increasingly scarce resource, water.

Nowhere in the valley is a home too far away from the river or one of its tributaries for the owners to enjoy a natural waterway and its environs. Agricultural uses of water already put a tremendous strain on our rivers both by removing vast quantities of water and by polluting both directly and indirectly that which remains. Our rivers and their accompanying wildlife need all the help and protection that we can give them. Please Help. Thanks.

Andrew Harding

Andrew Harding

Box 762

Bellevue, ID 83313

MICROFILMED

JUN 27 1990

January 6th, 1990

Gary Spackman
Department of Water Resources
3101 North Orchard
Statehouse Mail
Boise, Idaho 83720

Dear Mr. Spackman,

In reference to Gary Peak's letter in the Wood River Journal January 3rd concerning the request to deviate the Bigwood River into and through private property:

We could not agree with him more. This must not be allowed to happen. If one person is granted the right to do this, that will open the door for any others, bordering the river, to do the same thing, creating an unwanted situation. The river belongs to the community to sit by, walk by, fish in. It is not there for private use by individuals to wander it through their property. More of the quality of what made this area dear and most special to us would be further destroyed. Not only would the water returned to the river be contaminated by fertilizers, pesticides etc., as Gary Peak so well put it, but what of the birds, wildlife, and fish living in and near it? They would not survive the contamination. What of the people further south with, and without, water rights who have every right to uncontaminated water? What of the evaporation from the top of the river would be deviated until it was returned to the water level is too low as it is.

I strongly urge that this request be denied, as are the requests to build houses on hillsides and hill tops. I do not feel we can or should allow outsiders to come in here and ruin our particular paradise for their own personal pleasure rather

JUN 27 1990

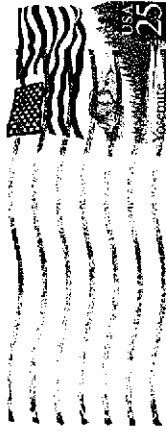
than enjoying it as it is in its natural state - there for everyone.

Respectfully yours,

Connie Heddens
Tracy Foley

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JUN 27 1990



Mr. Gary Spackman
Department of Water Resources
3101 North Orchard
Statehouse Mail
Boise
Idaho 83720

Mrs. E. D. Hodgens
P.O. Box 491
Ketchum
Idaho 83340



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 3, 1990

Mike McMasters
Division of Environmental Quality
Department of Health and Welfare
P.O. Box 1626
Twin Falls, ID 83301

RE: Use of Water for Aesthetics in a Subdivision

Dear Mr. McMasters:

Enclosed is a copy of an application to appropriate water filed by Graystone, Inc. which proposes the diversion of 10.0 cfs from the Big Wood River for aesthetic purposes. The water will be routed through a series of ponds that are roughly depicted on the plan diagram which is attached to the application. I have two questions to ask. First, does the Division of Environmental Quality monitor changes in water temperature in evaluating water quality? Second, if water quality standards are also dependent on temperature, what would be the effect of the proposed water use on water temperature in the Big Wood River during the summer?

You may be unable to answer my second question without additional information. I am carbon copying this letter to the applicant's attorney, Jim Speck, Ketchum, Idaho. Perhaps he could send you some plans and specifications if your agency evaluates water quality on the basis of temperature.

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

cc. Jim Speck

REGISTERED

JUN 5 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

December 20, 1989

James P. Speck
Attorney at Law
P.O. Box 987
Ketchum, ID 83340

RE: Application for Permit to Appropriate Water No. 37-08535

Dear Jim:

This letter is in follow up to our conversation of December 15, 1989. I have reviewed the letters that were submitted by Mr. Brearey and Mr. Cox, copies of which I have forwarded to you. I have also reviewed the information which you submitted to comply with requirements of Rule 4,5. of the Water Allocation Rules and Regulations.

My first question relates to the plans and specifications in the offices of the Department. We have a copy of a plan view of the property. The size and depth of the ponds is not shown. A design plan for the delivery works has not been submitted.

I am uncertain about the point of diversion for this project. I understand in talking with Reid Newby that the diversion could be through an old Comstock or a new Comstock diversion point. In addition, the application proposes diversion of 4.0 cfs used by a Mr. Sherwood that will be added to the flow to obtain a flow of 10.0 cfs. I do not understand the system by which these flows will reach the series of ponds and conveyance channels.

The data submitted by Chuck Brockway on evaporation and seepage losses does not conclude how these losses will be replaced. Mr. Brockway calculated some seepage losses. In your narrative, however, you have represented that clay and bentonite will be used to seal the bottom preventing seepage. Mr. Brockway also listed evaporation values. How does your client intend to replace the evaporation? What source of replacement water will the applicant use? Is there a transfer, currently pending before the Department that will, if approved, compensate for losses?

If existing rights will be used to mitigate the losses, how much water does your client propose to either leave in the river or divert to the river to replace the losses? How much loss is anticipated? The numbers produced by Mr. Brockway show a project

JUN 24 1990

seepage loss of 1.64 cfs. I don't know whether this number reflects ground water seepage losses or evaporation losses. It seems inordinately high for evaporation only.

Our file does not contain any comments from the Division of Environmental Quality. Nor do we have any evidence that the information was sought.

I believe that the question of temperature degradation is a proper one to be asked. What will the increase in temperature be for waters released back to the Big Wood River?

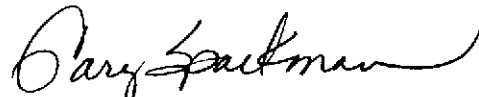
I am uncertain about the amount of water that is presently authorized for diversion in the Comstock 10 ditch. Does it equal the entire 10.0 cfs? What rights are associated with these diversions, and at what time will the rights be cut off?

Two pending minimum streamflows in this reach probably will appropriate all of the remaining base flows in the river. If the older in time water rights diverted through the Comstock ditch are cut off in July or August, how can the subdivision maintain the ponds?

The questions asked above are questions that remain unresolved in the file. There may be other questions that arise following your submittal of a response to the letters of Mr. Brearey and Mr. Cox.

I am willing to expedite my consideration of this application, but not at the expense of criteria which are important to review. If you wish to establish some time period for submittal of any additional information, both from you and also from other entities, I will establish a period of time within which comment must be received.

Respectfully,



GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

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JUN 27 1990

RECEIVED

DEC 13 1989

Department of Water Resources

December 12, 1989

Mr. Gary Spackman
Department of Water Resources
3101 North Orchard st.
Statehouse Mall
Boise, ID 83720

Re: Application by Graystone, Inc, Ketchum
for 10 cfs of non-consumptive water

Dear Mr. Spackman,

Reid Newby, the Water Master for District 37, informed me today that your office was accepting comment on this application. I regret very much that the Friends of the Big Wood River did not become aware of this application before the protest period expired. We appreciate an opportunity to make comments and recommendations concerning the above application at this time.

We are a non-profit organization whose mandate is to protect and enhance every aspect of the Big Wood River. Non-consumptive water rights have become a major issue in the fight to preserve the extremely valuable asset that the Big Wood represents to the local community.

Our basic premise concerning all non-consumptive water rights is that they are bad for the river. In that reach where the non-consumptive water does not flow the river, the fisheries and the wildlife habitat is diminished. The general public is denied its use. The water that is returned to the river - if it even gets back into the river - is of poorer quality both chemically and thermally.

In the case of the Graystone project, the water needed to fulfill the right will be removed from the river for the enrichment and benefit of a handful of people and to the detriment of the river and all of the public who use it.

This water may be removed from the river for a distance of 4000 feet, three quarters of a mile. If the Old Comstock head gate is restored and the main channel is permanently diverted into the old streambed, the necessary water will be removed from the river for a distance of 2500 feet. The permanent diversion of the river from its present course into the old channel will have an unknown and potentially damaging effect on the river.

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JUN 27 1990

So far as we know, there is no environmental impact study required or done on any aspect of the Graystone project to determine its impact on the river. This seems an almost ludicrous anachronism for the times in which we live, and the dramatic development occurring in this valley. This is especially true when one considers the enormous economic asset that the Big Wood River represents.

The 10 cfs could be required to pass through more than 4000 feet of channel including five or six ponds. In mid to late summer when high water temperatures threaten trout survival the water being returned to the river will be significantly warmer than that of the river itself. In the summer the water temperature in the river often rises more than 12 degrees during the day. Imagine how much the non-consumptive water temperature is going to rise.

The water in question will flow not only a very great distance but it will flow in the very near proximity to houses, roads, driveways, and lawns. The inevitable result will be the introduction of motor oil residues, pesticides, herbicides, fertilizers and other destructive chemicals into the water system.

The developers of Graystone would have you believe, as do the developers of Lane Ranch Subdivision upstream, that they have C.C. & Rs that prohibit the use of noxious chemicals and only allow the use of "organic" ones. But who is going to enforce such rules if they could even be enforced? Is the developer of Graystone going to tell someone who just spent a very substantial amount of money to buy a lot and build a house that he or she can't use ordinary fertilizer on his lawn? Furthermore a CC&R rule becomes void for the entire subdivision unless every violation is confronted and prosecuted.

The fact is that noxious chemicals will inevitably be introduced into the river system as a result of non-consumptive water diversion. We have done considerable research into the possibility of monitoring non-point water pollution, and we can find no agency either local, state or federal who has the jurisdiction, the authority or the funding to monitor non-consumptive water outfalls for chemical or thermal pollution never mind the power to require the developer or owner to stop it if it is found.

What if some agency, or even the Friends of the Big Wood, does monitor the outfall for chemical and thermal pollution and finds some. What are the rules that govern the quality of water to be returned to the river? Are there any? Can the water right be turned off if the pollution exists? We think that none of these alternatives exist. Please correct me if I'm wrong.

With regard to the return of the full amount of the 40 cfs back

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JUN 27 1990

into the river, there are some very serious considerations. Let me give you a case in point. The adjacent property owner upstream has a 4cfs non-consumptive water right. He is not required to return this water to the river, a mistake acknowledged by the water master. The water is dumped into a dry gravel overflow channel where it flows for more than 600 feet before reaching the river. Obviously very little of the 4 cfs ever gets to the river and what does is of a much higher temperature compared to the river.

If the Graystone Developers are not required to return their non-consumptive water directly to the river through a buried pipe and are required to pipe it only to the "high water mark", the water will flow some 600 feet over a dry gravel overflow channel with the same result as above.

The Graystone project involves a number of large ponds up to ten feet deep lined with Bentonite. The likelihood that these ponds will leak is 100%. The likelihood that the amount of leakage and evaporation combined will at some point exceed the amount of consumptive water (7.5in) and the well water available to replace the loss is also 100%.

Who will monitor the outfall to determine if the proper amount of water is being returned? It is the ditch rider, a competent and experienced man who is already at the limit of his ability to deal with the monitoring that is now required of him. If the ditch rider finds that less than the required amount is being returned can he turn off the right, or exactly what can he do to rectify the situation? Is the developer going to be required to monitor the outfall and then cut off the intake when he fails to return the correct amount of water?

Applications for non-consumptive water are increasing rapidly. Each one that is approved will degrade the river chemically and thermally. Each one will add to the work load of the ditch rider, and monitoring will become more and more difficult and sporadic.

No one non-consumptive right will destroy the river and the fishery, but enough of them will.

All the agricultural(or consumptive) water has been allocated. There is no need for non-consumptive water for "decorative purposes". The real purpose of this water is profit. Non-consumptive water use raises the value of the land. It has to do with making money.

The river is the domain of all the people. Why should any of it be diverted from the river for 4000 ft(or any distance)for the personal use and enrichment of a few? There are literally hundreds of property owners and developers along the river who

JUN 27 1990

would like to have non-consumptive water. If they follow the procedure and precedent set by the Graystone project, they can purchase a tiny amount of consumptive water and have it transferred to their property. In the case of Graystone there are 7.5 inches of 1884 consumptive water which is meant to replace the losses of the non-consumptive right. (Graystone has purchased and applied to transfer other consumptive rights, but they are 1889 and 1891 which are cut off so early in the season as to be useless.) The 7.5in amounts to 1.5% of the non-consumptive right. Obviously that is not enough to replace the whole loss. So Graystone applied for domestic and agricultural well water which could be used to supplement the consumptive right to make up the losses(hopefully but not certainly) of the non-consumptive right.

Presto! six property owners have the right to use (and abuse) two and one half times as much water each day as is used by the entire City of Shoshone and nearly twice the amount used by the City of Ketchum. Ten cfs is 6,400,000 gallons per day. There are many creeks that support a fishery and extensive wildlife habitat with no more than 10cfs.

We want to acknowledge that some aspects of the Graystone developement are very positive for the river. The drop structure program and the public access considerations specifically. Unfortunately these do not mitigate the problem of dewatering and water pollution that will result from the non-consumptive water.

The Friends of the Big Wood River would like to go on record as finding the Graystone non-consumptive water right application to be counter to the public interest, destructive to the river and its environs, possibly illegal and certainly obnoxious. We protest this application in whatever way we can. We are distressed that the Department of Water Resources might consider granting such requests as have been made of them by Graystone and would like to offer some conditions and requirements that would tend to mitigate the Graystone application and should apply to all that follow.

1. GRANT NO NON-CONSUMPTIVE WATER RIGHTS WHATSOEVER.

In the event that is not legally possible(and it should be tested in court):

2. Grant Graystone only the 4 cfs that is now being taken by Mr. Sherwood at the upper end of the Comstock Ditch. (This water is lost and polluted anyway, and Sherwood does not have consumptive water to replace his loss.) Allow Graystone to obtain additional well water to fullfill his anticipated needs.

3. In any case require Graystone to have an environmental impact study done by a qualified and licensed entity(not a local

JUN 27 1990

engineer, landscaper or contractor).

4. Require that the non-consumptive water be returned to the river in a buried pipe, and not dumped in a dry gravel overflow channel far from the river.

5. Have the EPA or the Department of Health and Welfare set standards and guidelines for water quality(both chemical and thermal) for the water returning to the river.

6. Require Graystone to set up and pay for regularly scheduled (minimum twice per month)water quality and volume checks by qualified independent entity.

7. Stipulate that when quality or volume of water returning to the river falls below prescribed standards that the water be cut off immediately and remain so until the problem is located and corrected.

Thank you for your consideration of the above.

Very sincerely,



Board of Directors, Friends of The Big Wood River, Inc.
Nicholas R. Cox, President and Chairman
PO Box 4411
Ketchum, ID 83340

cc Governor Cecil Andrus, Statehouse, Boise
Mr. Ried Newby, Water Master, District 37, Shoshone
Mr. Steve Huffacker, Head of Fisheries, DFG, Boise
Mr. Guy Bonnivier, The Nature Conservancy
Mr. Chip Corsi, Head of Fisheries, Region 4, Jerome
Mr. Tom Blanchard, Blaine County Commissioner
Mr. Len Harlig, Blaine County P & Z
Mr. Mike McMasters, D.E.Q., Boise
Mr. Ralph Cisco, Blaine County P & Z Director

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JUN 27 1990

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DEC 8 1989

Mr. Gary Spackman
Dept. Of Water Resources
3101 N. Orchard
State House Mall
Boise, Idaho, 83720

Department of Water Resources

Dear Mr. Spackman;

I am writting to protest the Graystone , Inc. project south of Ketchum, Idaho. Just to write and complain would accomplish nothing more then venting my disgust at such projects.

It is time the Dept. Of Water Resources, Dept. of Environmental Quality, Dept. of Fish and Game, EPA, and local jurisdictions get together to insure that a handful of private people do not degrade the quality of the Bigwood River and it's tributaries that are of such vital economic and recreational value to our community.

The Gray Project is asking for 10CFS which is about 6.4 million gallons of water a day. The City Of Ketchum on an average summer day uses 3.5 million gallons a day.

There are some very critical questions that need to be addressed besides such a huge quantity of water.

Running water through a man made ditch and decorative enhancement ponds will have a detrimental effect on temperature rise to water returned to the system. Temperature range tolerances for developing Salmonids is very narrow and critical at early development. I have seen the temp. at 67-69 deg. F in the Wood River in the past three summers. It is recommended that 68 Deg. F be the upper limit for causing stress on Salmonids. This situation was very evident in the Major fish kill below Magic Dam between July 1 and July 8 in the summer of 1988. The increased temp. change and diminished D.O. carrying capacity of water from these ponds will have a crucial effect on the system.

With the boom that the Wood River Valley is experiencing, the number of new wells, Pivots, and water for processing in domestic and commercial use is putting a high demand on our ground water. This will have a negative effect on our surface water supply.

The evaporation factor which will probably be **MICROFILMED** countless thousands of gallons a day along with the loss from seepage needs to be addressed.

JUN 27 1990

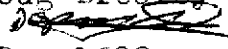
What will the effect be to the over all River environment by organic wastes, inorganic salts, pH change, Major nutrients (fertilizers, algal growth, pesticides, herbicides, and any other toxic substances which will ~~add in the hastening~~ of the eutrophication process of his ponds? These materials will all be available to further degrade the River.

The cumulative effect on the River, this project and any others will have on the system will be major.

In the past week I have spoken with Don Gibbons and Don Martin of the EPA in Boise, Susan Martin, Jeff Harvey, and Tim Litke of The DEQ. They all share my common fears for a project of such magnitude and negative impact to the River.

This list could be developed into a major Thesis. I urge you to reconsider this application and not allow none consumptive water to be taken.

Doug Brearey


Box 1628
Hailey, Idaho

RECORDED

JUN 27 1990

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY DS DATE 7/20 APPLICATION NUMBER 37-08535

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- ☒ County
- ☒ Quantity (flow and/or volume)
- ☒ Period of Use
- ☒ Nature of proposed use (Include description of use.)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map
- ☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
- ☐ Overlapping point of diversion
- ☐ Yes ☒ No Field check required
- ☐ Field check by _____
- ☐ Yes ☒ No Field report attached
- ☐ Yes ☒ No Critical groundwater area
- ☐ Yes ☒ No Groundwater management area
- ☐ Yes ☒ No Send dam safety information
- ☐ Yes ☒ No Send power requirement letter
- ☐ Yes ☒ No Send fish farm requirement letter
- ☐ Yes ☒ No Power residency affidavit
- ☐ Yes ☒ No Power efficiency form
- ☒ Yes ☐ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- ☒ Yes ☐ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
- ☒ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested

Department of Water Resources

PROCESSING ☒ Yes ☐ No In form for advertising
☐ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO ☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☒ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☒ Water District
☐ Adjudication Bureau Unit ☐ Other

FINAL REGIONAL PROCESSING REVIEW

☒ ~~Yes~~ statewide ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No ~~Publication dates & papers~~ recorded on application
☐ Yes ☒ No Protests received
Final date for protest 9/5/89
☐ Yes ☒ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations attached
☒ Yes ☐ No Measuring device required
☒ Yes ☒ No Access port required
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. 37
☒ Yes ☐ No Special conditions of approval or cover letter below.

02, 45, 05 < 37 - Big Wood R? >, 27
* See below for additional information
Date of priority recommended 7/11/89
By Larry O'Halloran Date 11/17/89 45

STATE OFFICE REVIEW

P08, P17 01J 05(37) 27 26 04
By kw See below for additional information
Date 12-6-89

ADDITIONAL INFORMATION

App. in TRUST area - NON-CONSUMPTIVE
* Should include a condition limiting diversion rate to
10 cfs when combined with all other rights delivered at
this diversion
Allow 3 yrs. for development

** The maximum combined rate of diversion
under this right and all other rights
delivered to this diversion point shall
not exceed 10.0 cfs.

LOCAL PUBLIC INTEREST

Comments received from:

<u> </u> City	<u> X </u> Idaho Fish & Game	<u> </u> Irrigation District
<u> </u> County	<u> </u> Idaho Health & Welfare	<u> </u> Canal Company
<u> </u> Reservations	<u> </u> Division of Environment	<u> </u> Other <u> </u>

Project impacts/implications report

COMMENTS

Form No.
7/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

37-08535

CHECKLIST OF REQUIREMENTS
LARGE DIVERSION SUPPLEMENTARY
ANALYSIS SHEET*

EFFECT ON EXISTING RIGHTS

- ☐ Yes ☒ No Springs/surface streams with 5 or less existing users
☐ Identify number of impacted rights
☐ Name and address of users
☐ Location of points of diversion
☐ Nature of use of the existing rights
- ☐ Yes ☒ No Groundwater
☐ Plat showing proposed well and any other wells &/or
springs within $\frac{1}{2}$ mile radius
- ☒ Yes ☐ No Statement of design construction, or operation techniques
which will be used to reduce impact on existing rights
(Analysis of evaporation/seepage losses by C.E. Blockman)

SUFFICIENCY OF WATER SUPPLY

- Water Requirements of Proposed Project
☐ Required diversion rate during peak use (Maximum rate)
☐ Required diversion rate during average use period
☐ Annual volume
☐ Season of use
☐ Volume to be consumptively used/year
- Quantity of Water Available from Source
☐ Flow rates for surface water sources available during peak
and average water demand period
☐ Properties of aquifers
☐ Other sources available for supplementation

GOOD FAITH, DELAY OR SPECULATION

- ☐ Copies of deeds, leases, easements, and right-of-ways from _____
- ☐ Power applications affidavit form 205/206 is required
☐ Yes ☐ No Other needed permits, licenses, or approvals required. If
yes, _____

FINANCIAL RESOURCES

- ☐ Current certified financial statement
☒ Financial commitment letter/financial statement from
committed party
☐ Project design/plans along with cost estimation to
complete project

*For applications of more than 5 cfs. or more than 500 AF.

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP

OF
ATTORNEYS
120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
TELECOPIER (208) 726-0752

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567

November 10, 1989

RECEIVED

NOV 13 1989

Department of Water Resources
Southern Region Office

Mr. Loren Holmes
Department of Water Resources
2148 Fourth Avenue East
Twin Falls, Idaho 83301

Re: Graystone, Inc. - Application for
Permit No. 37-08535

Dear Loren:

Enclosed you will find the letter to me from Mr. Robert H. Sherwood, attorney in fact for Helen M. Fassett, the landowner to the north of Graystone's Cliffside Subdivision project, stating they have no objection to the proposal to be implimented through the above-referenced Application for Permit. As we discussed on the telephone, will you please review this letter and all of the other information I sent to you with my October 17, 1989 letter and let me know as quickly as possible if you need any more information before sending the Application on to Boise for further processing.

Finally, thank you again for promptly acting on and approving our expedited request for a Drilling Permit on Application for Permit No. 37-08538. Your continuing cooperation and assistance in these matters is greatly appreciated.

Sincerely yours,

HOGUE, SPECK & AANESTAD

Jim
James P. Speck

JPS/jal
Enclosure
cc: Graystone, Inc. (w/encl)

MICROFILMED

JUN 27 1990

October 27, 1989. RECEIVED

Mr. James Speck
Box 987
Ketchum, Idaho

001 70 1001

Hogue, Speck & Aarnestad

Dear Mr. Speck

Re: Graystone, Inc.

Peter Gray has asked me to write to you regarding his project Graystone which adjoins our property on the southern border of River's Edge Ranch. Neither my mother, Mrs. Jay Fassett, or I have any objection to Mr. Gray's plans for the land and the water flowing through the property.

We wish Mr. Gray every success in his development.

Sincerely yours,



Robert H. Sherwood

Attorney in Fact for Helen M. Fassett

Box 273
Sun Valley, Idaho

Phone: 726 -3300

RECEIVED

JUN 27 1990

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

OF

ATTORNEYS

120 EAST AVENUE

POST OFFICE BOX 987

KETCHUM, IDAHO 83340

(208) 726-4421

TELECOPIER (208) 726-0752

TERRY G. HOGUE
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HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567

October 17, 1989

RECEIVED

OCT 18 1989

Mr. Loren O. Holmes, P.E.
Department of Water Resources
Southern Region
2148 Fourth Avenue East
Twin Falls, Idaho 83301

Department of Water Resources
Southern Region Office

Re: Graystone, Inc. -- Application for Permit No.
37-08535

Dear Loren:

On October 6, 1989, I met with Gary Spackman to discuss the additional information which must be submitted in support of the above-referenced Application for Permit pursuant to the requirements of Rule 4,5,3. of the Water Appropriation Rules and Regulations. Gary explained that you were required to request and collect the information at the Twin Falls office prior to forwarding the Application on to Boise for further processing. Therefore, as we also recently discussed by telephone, I am sending you with this letter the information I currently have and am requesting you to confirm other information which must be submitted.

Rule 4,5,3,1. seeks information relative to the effect on existing water rights. I believe the only pertinent subsection of this rule is 4,5,3,1,3. requiring information on any design, construction or operation techniques eliminating or reducing the impact on other water rights. In our case, the entire system of ponds and connecting streams shall be lined with an impermeable material to eliminate any seepage loss between the diversion into the system from the Comstock Ditch and the return either to the Comstock Ditch or the Big Wood River, as required by the Watermaster. If other information pursuant to this Rule is required, please let me know.

Rule 4,5,3,2. seeks information relative to the sufficiency of the water supply. Enclosed you will find copies of preliminary calculations of evapotranspiration and seepage loss

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JUN 27 1990

Mr. Loren O. Holmes, P. E.
October 17, 1989
Page 2

P.E. and a compilation of minimum flows in the Big Wood River adjacent to the project from the only available data, also prepared by Dr. Brockway. My client is prepared to provide any replacement water the Department concludes is necessary to compensate for "measureable loss" in the system during those times when waters return to the Big Wood River rather than to the Comstock Ditch for use by owners of irrigation rights flowing in the Ditch.

Rule 4,5,3,3. does not appear to apply to this project. Please let me know if there is any information you believe we should submit to comply with this Rule.

Rule 4,5,3,4. requests information relative to financial resources of the Applicant. I am enclosing a copy of the cover and first 2 pages of a Loan Agreement, dated August 16, 1989, wherein John L. Kemmerer, Jr. has committed to loan Graystone, Inc. \$1,200,000 for development of Cliffside Subdivision, including the pond and stream project. I have also enclosed copies of the relevant pages from the Contract with the landscaping and excavation contractor(s) identifying the items for the pond and stream project construction. My client is current on all payments due under this Contract, and the excavation has been nearly completed as of this date. I believe these documents more than adequately represent my client's ability to complete the project.

Rule 4,5,3,5. seeks information relative to conflict with the local public interest. This appears to require comment from the following governmental bodies:

1. Blaine County;
2. Idaho Department of Fish and Game;
3. Idaho Department of Health and Welfare, Division of Environment;
4. The Comstock Ditch Users Association.

I believe we have met the requirement for comment from the Idaho Department for Fish and Game. Enclosed you will find a copy of my letter to Mr. Ralph Cisco, the administrator of the Blaine County Planning and Zoning Commission, requesting comment from Blaine County. We are in the process of compiling comment from the Comstock Ditch Users Association. Can you give me the name of the person to contact at the Idaho Department Health and Welfare, Division of Environment in Twin Falls?

Rule 4,5,3,6. does not appear to apply to this project.

Mr. Loren O. Holmes, P. E.
October 17, 1989
Page 3

Please call me as soon as you have had an opportunity to review this letter and the enclosures. My client and I will do everything possible to continue to move the processing of this Application along in an orderly fashion. Thank you again for your continued cooperation and assistance in these matters.

Sincerely yours,

HOGUE, SPECK & AANESTAD



James P. Speck

JPS:b
(enclosures)
cc: Graystone, Inc.

RECEIVED
JUN 27 1990

ESTIMATED POND EVAPORATION CL...IDE POND PROJECT

C.E. BROCKWAY P.L. 7/12/89

DATA FROM J.L. WRIGHT AND MARVIN E. JENSEN 1975

1975 EVAPOTRANSPIRATION AND CLIMATIC DATA FOR THE SILVER CREEK-
CREEK TRIANGLE BLAINE COUNTY, IDAHO FEBRUARY 1976

LAKE OR POND EVAPORATION CALCULATED USING THE
KOHLER-NORDENSON-FOX PROCEDURE

AREA OF PONDS AND STREAMS 65000 SQ FT = 1.49 ACRES

MONTH	AVG		TOTAL MONTHLY EVAP INCHES	AVG PRECIP KETCHUM INCHES 73-82	P R O J E C T			EVAP-PRECIP IN/DAY	P R O J E C T		
	EVAP MM/DAY	EVAP IN/DAY			AVG EVAP CFS	AVG EVAP GPM	AVG EVAP MIN. IN.		EVAP-PRECIP CFS	EVAP-PRECIP GPM	EVAP-PRECIP MIN. IN.
JAN	0.56	0.022	0.68	2.26	0.001	0.62	0.07	0.00	0.000	0.00	0.00
FEB	0.91	0.036	1.00	2.04	0.002	1.01	0.11	0.00	0.000	0.00	0.00
MAR	1.43	0.056	1.75	1.86	0.004	1.59	0.18	0.00	0.000	0.00	0.00
APR	2.29	0.090	2.70	1.50	0.006	2.54	0.28	0.04	0.003	1.13	0.13
MAY	4.32	0.170	5.27	1.57	0.011	4.79	0.53	0.12	0.008	3.37	0.38
JUN	5.19	0.204	6.13	1.09	0.013	5.76	0.64	0.17	0.011	4.74	0.53
JUL	5.19	0.204	6.33	1.26	0.013	5.76	0.64	0.16	0.010	4.61	0.51
AUG	4.55	0.179	5.55	0.89	0.011	5.05	0.56	0.15	0.009	4.24	0.47
SEP	3.96	0.156	4.68	1.32	0.010	4.39	0.49	0.11	0.007	3.15	0.35
OCT	2.07	0.081	2.53	0.95	0.005	2.30	0.26	0.05	0.003	1.43	0.16
NOV	1.01	0.040	1.19	1.94	0.002	1.12	0.12	0.00	0.000	0.00	0.00
DEC	0.63	0.025	0.77	2.68	0.002	0.70	0.08	0.00	0.000	0.00	0.00
ANNUAL TOTAL			38.59	19.36							

SEEPAGE LOSS ESTIMATES

SURFACE AREA EQUAL TO AREA OF PONDS AND STREAMS=

1.49 ACRES

WETTED AREA EQUALS SURFACE AREA TIMES 1.09 EQUALS

1.63 ACRES

ESTIMATED SEEPAGE LOSS RATE=

2 CFS/SQ FT/DAY

PROJECT SEEPAGE LOSS=

1.64 CFS

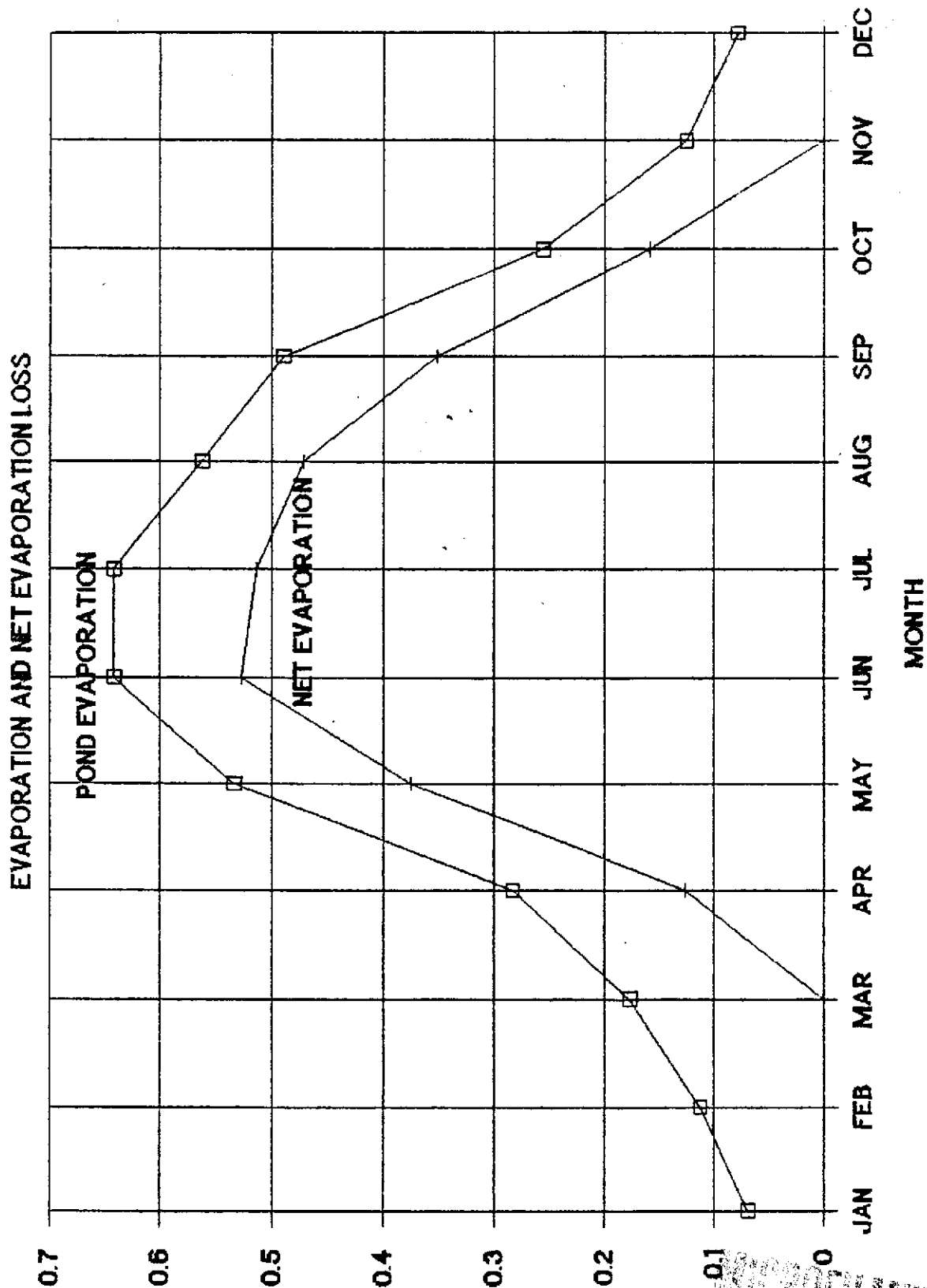
OR

82 MINERS INCHES

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JUN 27 1990

CLIFFSIDE- ESTIMATED POND EVAPORATION



POND AREA - 1.49 AC

C.E. BROCKWAY 7/89

DAILY EVAP AS MINERS INCHS OF FLOW

0661.2 MIN



CHARLES
BROCKWAY
ENGINEERING

July 27, 1989

Mr. Jim Speck
P.O. Box 987
Ketchum, ID 83340

Subject: Minimum Flows in Big Wood River

Dear Jim:

Enclosed are the tabulated values from USGS records of minimum daily flows of the Big Wood River and tributaries from Ketchum to Gimlet for years when there were concurrent data. Also enclosed are graphs showing the data for each month for the years 1920-21, and 1949-58. Note that the graphs for 1949-58 include only data for the Big Wood River at Ketchum and Warm Springs Creek since those were the only continuous records for that period. Trail Creek comes in below Warm Springs so the sum shown on the graphs and table should be increased by some amount to account for Trail creek. Also, the records for 1920-21, which do include Trail creek, indicate that the Big Wood River gains from the mouth of Trail Creek to Gimlet.

In general, the flow at the Cliffside project may decrease to near 70 cfs during the winter months, but seldom below 70 cfs during the irrigation months.

I hope this information is usable for your discussions with Idaho Fish and Game officials.

Sincerely,

C. E. Brockway, P.E.

CEB:
cc Peter Grey c/o Galena Engrs.

CHARLES E.
BROCKWAY,
PHD., P.E.

706 SUNRISE
BOULEVARD
NORTH

TWIN FALLS,
IDAHO 83301

208-733-0938

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JUN 27 1990

BIG WOOD RIVER C.E. BROCKWAY 7/89
 ESTIMATE OF MINIMUM DAILY LOW FLOWS BELOW KETCHUM
 CONCURRENT USGS RECORDS BIG WOOD RIVER NR KETCHUM
 WARM SPRINGS AT GUYER HOT SPRINGS
 TRAIL CREEK NR KETCHUM
 BIG WOOD R. AT GIMLET

FLOWS SHOWN ARE MINIMUM DAILY FLOWS FOR EACH MONTH. THE DATES OF THE
 MINIMUM DAILY FLOW FOR EACH STATION DO NOT NECESSARILY COINCIDE
 SO THAT THE SUM OF THE DAILY MINIMUMS IS A CONSERVATIVE ESTIMATE

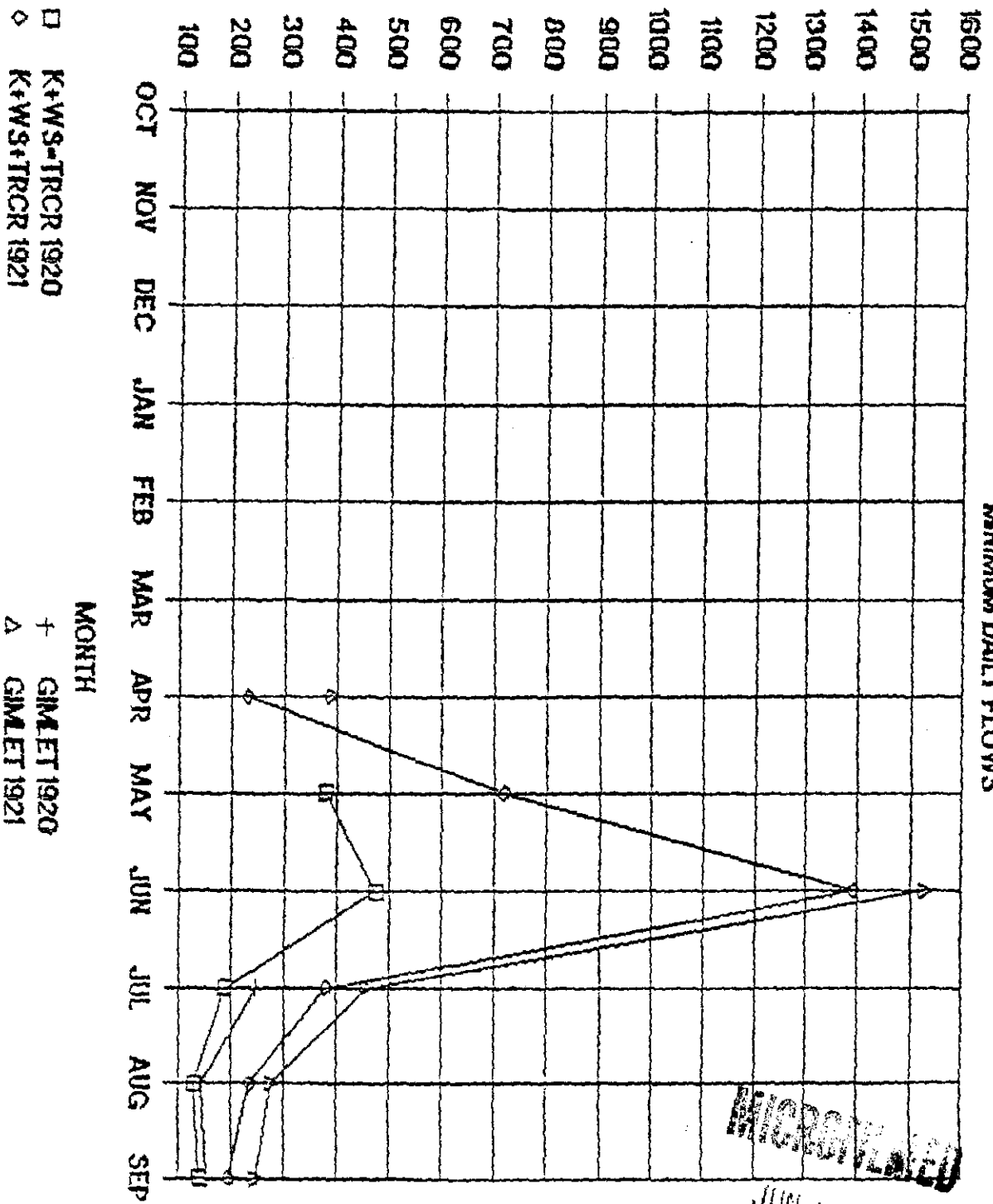
WATER YEAR	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1920												
KETCHUM								287	398	144	99	108
WARM SP								91	75	37	27	27
TRAIL CR										6	3	5
SUM								378	473	187	129	140
GIMLET										246	145	152
1921												
KETCHUM							148	528	1020	288	175	137
WARM SP							82	150	186	56	45	43
TRAIL CR								41	186	35	14	14
SUM							230	719	1392	379	234	194
GIMLET							390		1530	457	276	246
1948												
KETCHUM									300	114	71	65
WARM SP									99	44	32	28
TRAIL CR												
SUM									399	158	103	93
1949												
KETCHUM	60	45	42	44	38	45	50	294	197	96	66	56
WARM SP	28	26	28	28	24	28	34	165	74	41	31	30
TRAIL CR	?	?	?	?	?	?	?	?	?	?	?	?
SUM	88	71	70	72	62	73	84	459	271	137	97	86
1950												
KETCHUM	53	46	30	32	39	35	49	133	408	142	83	80
WARM SP	30	29	21	18	23	24	37	78	162	55	38	34
TRAIL CR	?	?	?	?	?	?	?	?	?	?	?	?
SUM	83	75	51	50	62	59	86	211	570	197	121	114
1951												
KETCHUM	78	62	39	40	44	46	59	284	398	200	11	84
WARM SP	34	32	30	25	28	27	49	157	172	68	46	39
TRAIL CR	?	?	?	?	?	?	?	?	?	?	?	?
SUM	112	94	69	65	72	73	108	441	570	268	57	123
1952												
KETCHUM	73	52	35	50	48	44	48	583	442	161	91	74
WARM SP	37	28	27	28	21	28	33	370	172	68	49	42
TRAIL CR	?	?	?	?	?	?	?	?	?	?	?	?
SUM	110	80	62	78	69	72	81	953	614	229	140	116
1953												
KETCHUM	66	32	30	41	27	39	57	213	333	147	91	74
WARM SP	40	30	27	30	21	29	50	125	179	60	44	37
TRAIL CR	?	?	?	?	?	?	?	?	?	?	?	?
SUM	106	62	57	71	48	68	107	338	512	207	135	111
1954												
KETCHUM	64	45	27	38	40	39	47	237	254	128	77	64
WARM SP	34	26	23	23	27	27	34	128	120	47	34	33
TRAIL CR	?	?	?	?	?	?	?	?	?	?	?	?
SUM	98	71	50	61	67	66	81	365	374	175	111	97
1955												
KETCHUM	58	26	30	38	32	32	33	60	270	113	68	58
WARM SP	33	23	22	21	21	25	27	50	96	44	29	25
TRAIL CR	?	?	?	?	?	?	?	?	?	?	?	?
SUM	91	49	52	59	53	57	62	110	366	157	97	83
1956												
KETCHUM	54	42	30	31	32	33	61	367	512	176	96	77
WARM SP	29	25	20	24	23	24	62	195	160	58	40	33
TRAIL CR	?	?	?	?	?	?	?	?	?	?	?	?
SUM	83	67	50	55	55	57	123	562	672	234	136	110
1957												
KETCHUM	61	45	29	37	41	39	46	374	412	138	88	69
WARM SP	34	29	25	25	27	27	37	184	144	58	41	33
TRAIL CR	?	?	?	?	?	?	?	?	?	?	?	?
SUM	95	74	54	62	68	66	83	558	556	196	129	102
1958												
KETCHUM	71	39	33	41	44	39	45	152	396	167	96	74
WARM SP	35	30	26	25	26	25	26	109	140	70	50	42
TRAIL CR	?	?	?	?	?	?	?	?	?	?	?	?
SUM	106	69	59	66	70	64	71	261	536	237	146	116

MICROFILMED

JUN 27 1990

BIG WOOD RIVER KETCHUM TO GIMLET

MINIMUM DAILY FLOWS



RECORDED
JUN 2 1921

DISCHARGE CFS

□ K+WS-TRCR 1920
◇ K+WS-TRCR 1921

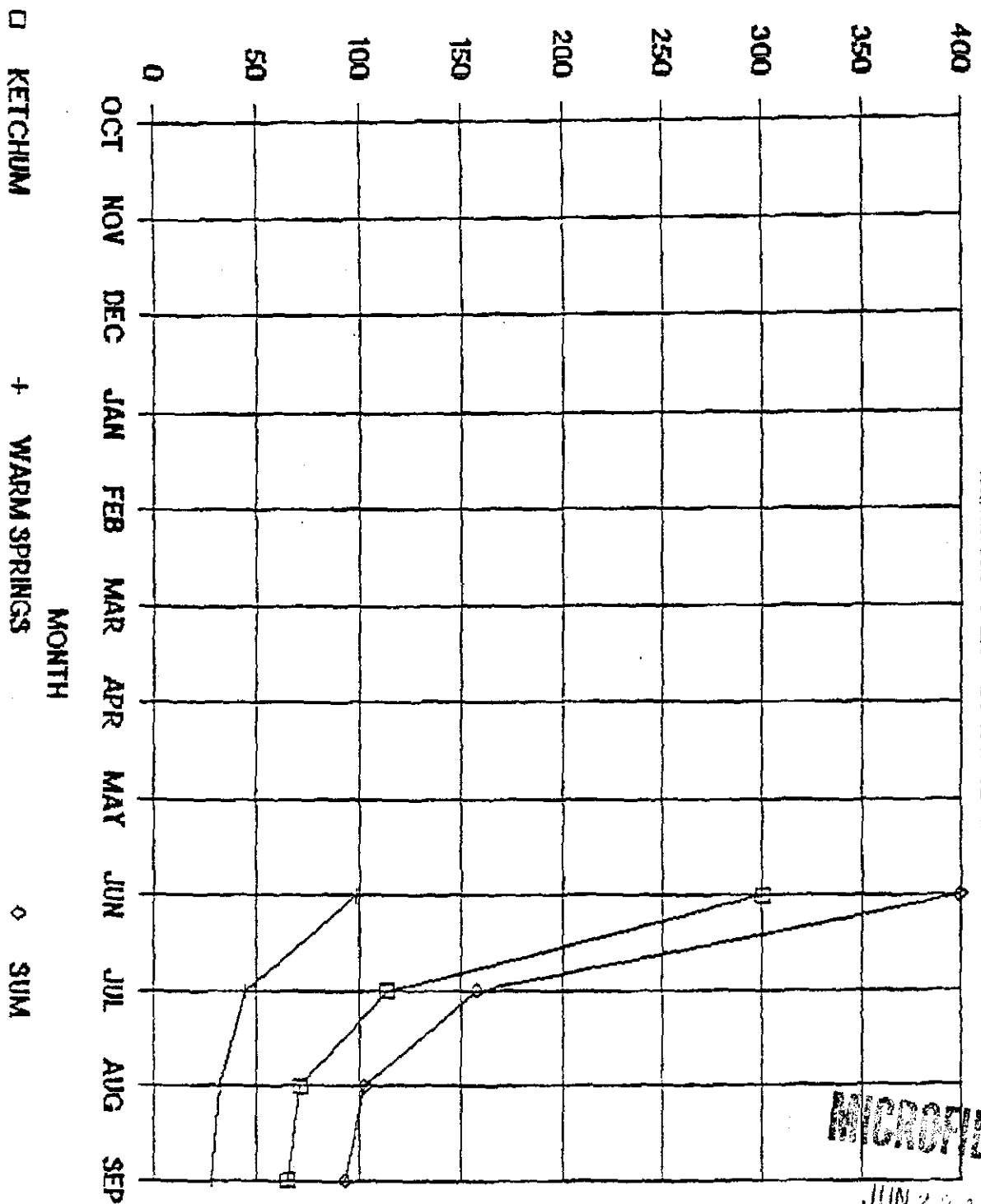
+ GIMLET 1920
△ GIMLET 1921

MONTH

OCT NOV DEC JAN FEB MAR APR MAY JUN JUL AUG SEP

BIG WOOD RIVER KETCHUM TO GIMLET

MINIMUM DAILY FLOWS 1948

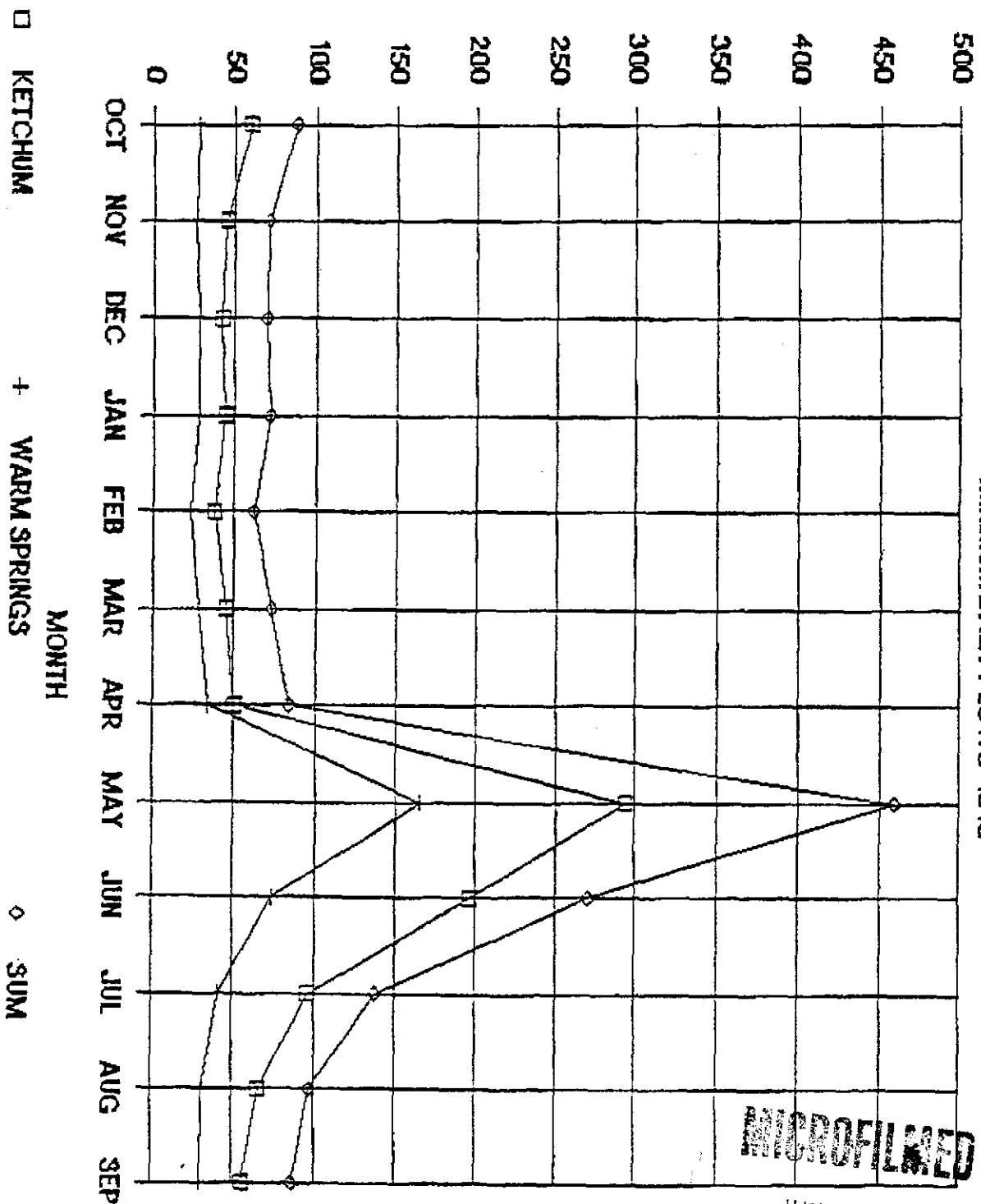


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JUN 27 1990

BIG WOOD RIVER KETCHUM TO GIMLET

MINIMUM DAILY FLOWS 1949

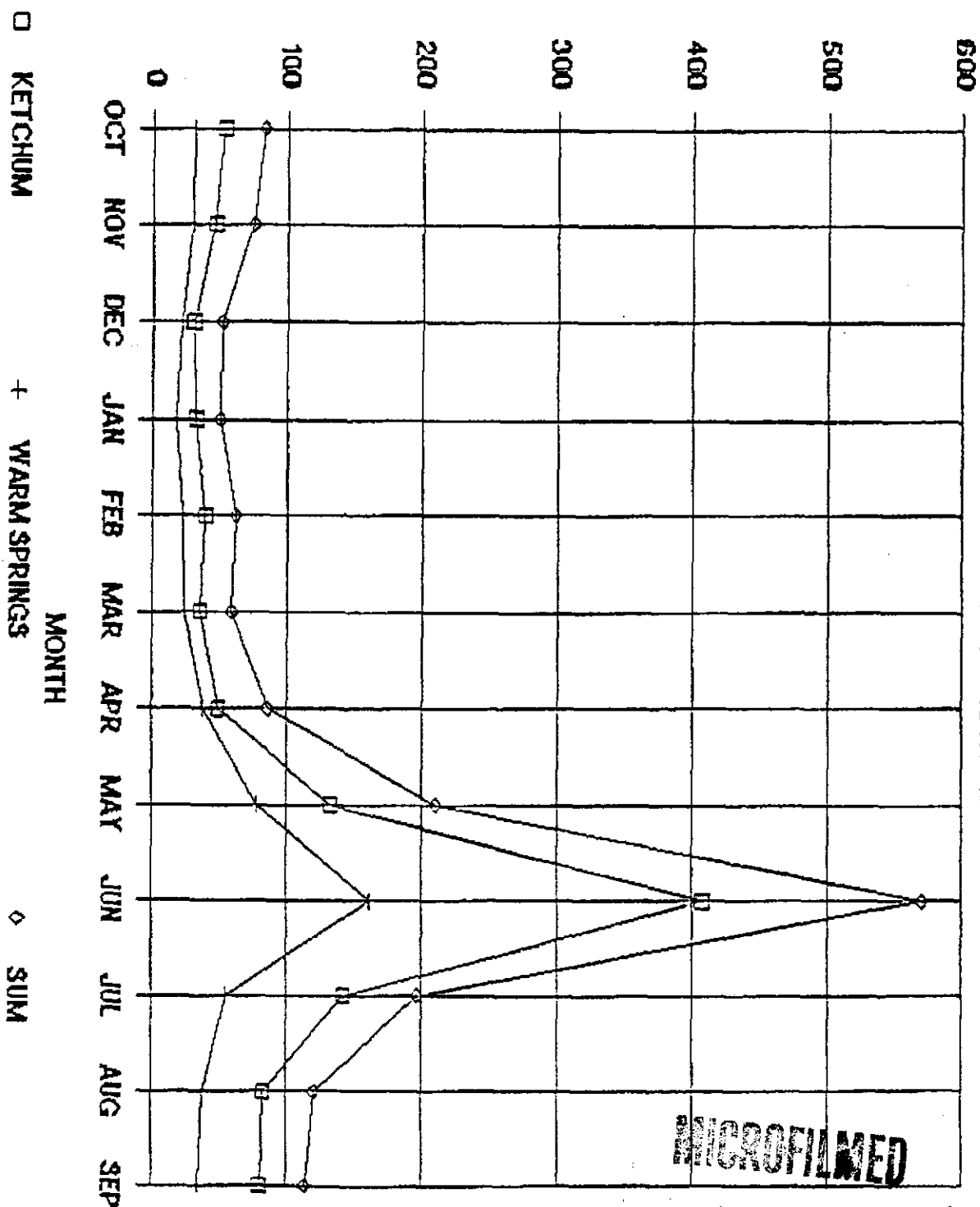


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JUN 27 1990

BIG WOOD RIVER KETCHUM TO GIMLET

MINIMUM DAILY FLOWS 1950



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JUN 27 1990

MINIMUM DAILY FLOWS 1951

□ KETCHUM
 + WARM SPRINGS
 MONTH
 ◇ SUM

0
 100
 200
 300
 400
 500
 600

OCT NOV DEC JAN FEB MAR APR MAY JUN JUL AUG SEP

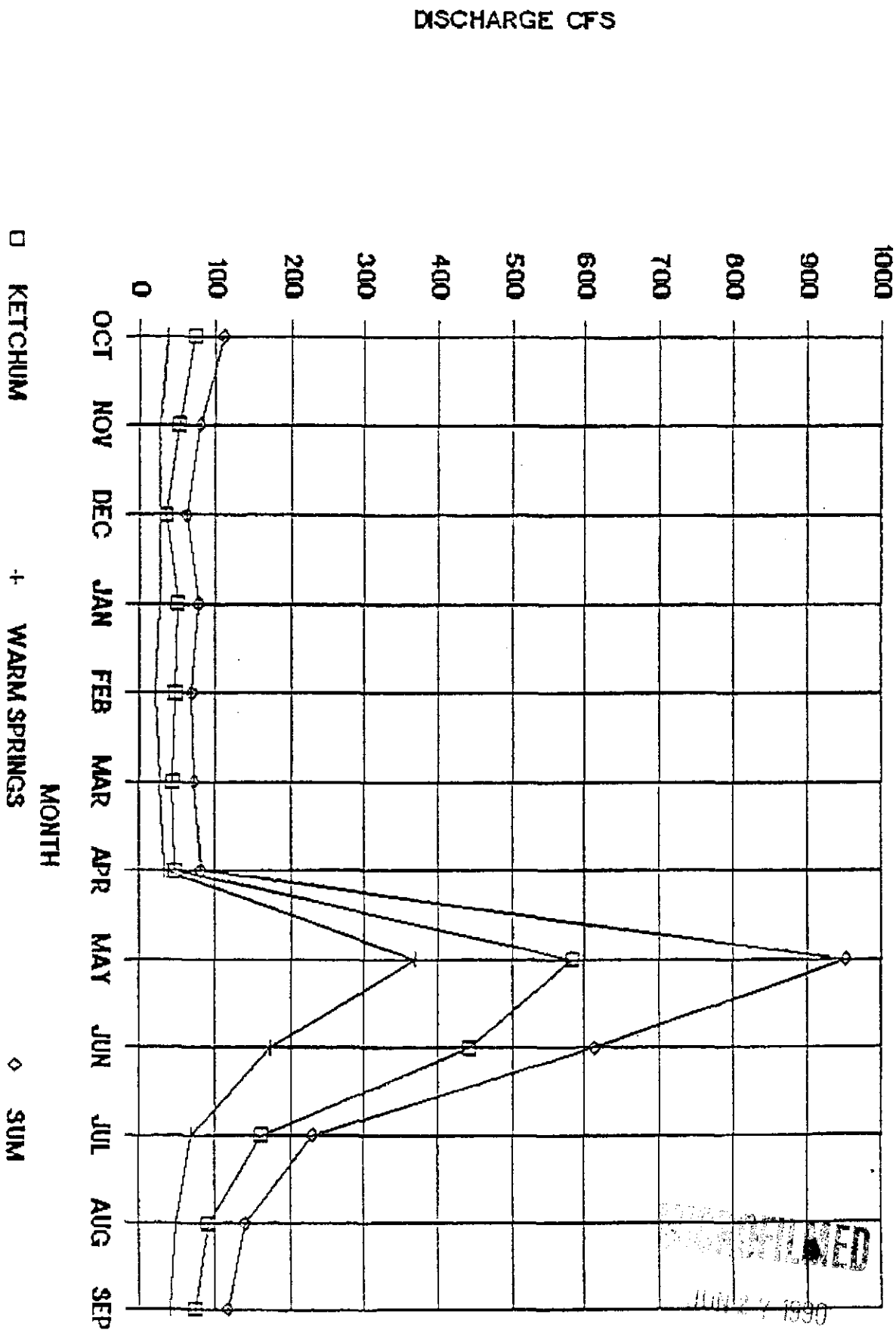
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 JUN 27 1990

REFILMED

~~JUN 27 1996~~

BIG WOOD RIVER KETCHUM TO GIMLET

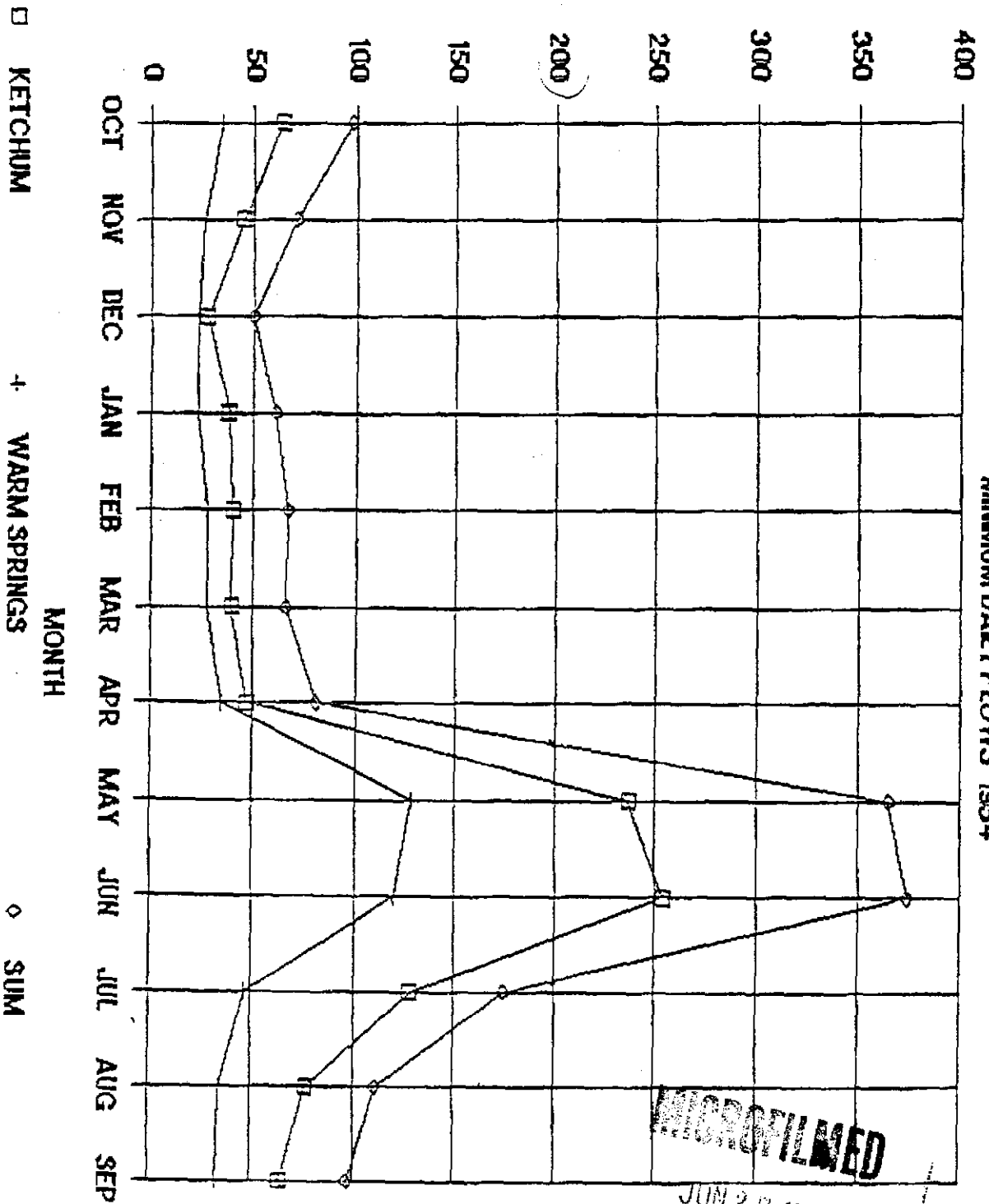
MINIMUM DAILY FLOWS 1952



DISCHARGE CFS

BIG WOOD RIVER KETCHUM TO GIMLET

MINIMUM DAILY FLOWS 1954



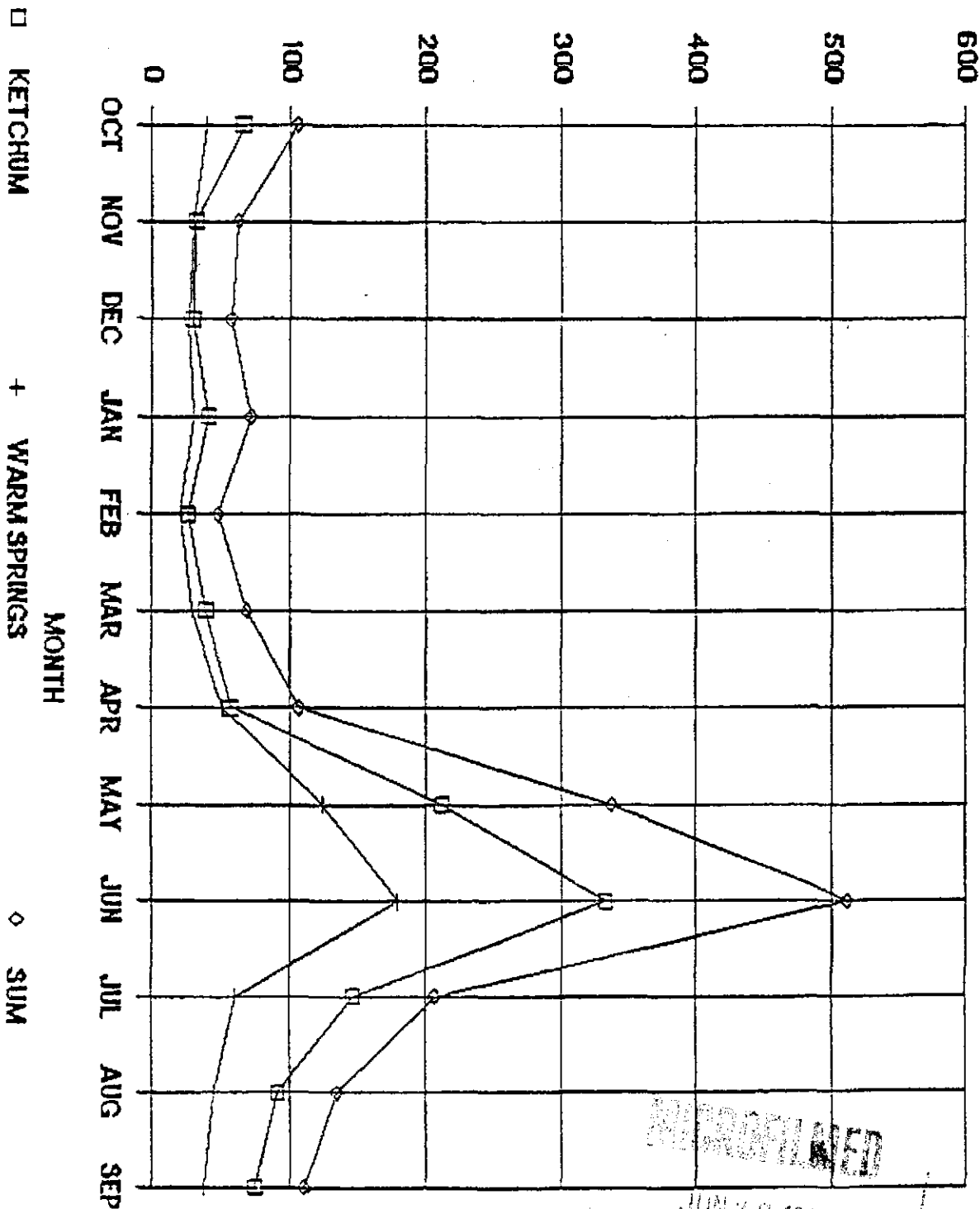
MICROFILMED

JUN 27 1990

DISCHARGE CFS

BIG WOOD RIVER KETCHUM TO GIMLET

MINIMUM DAILY FLOWS 1953

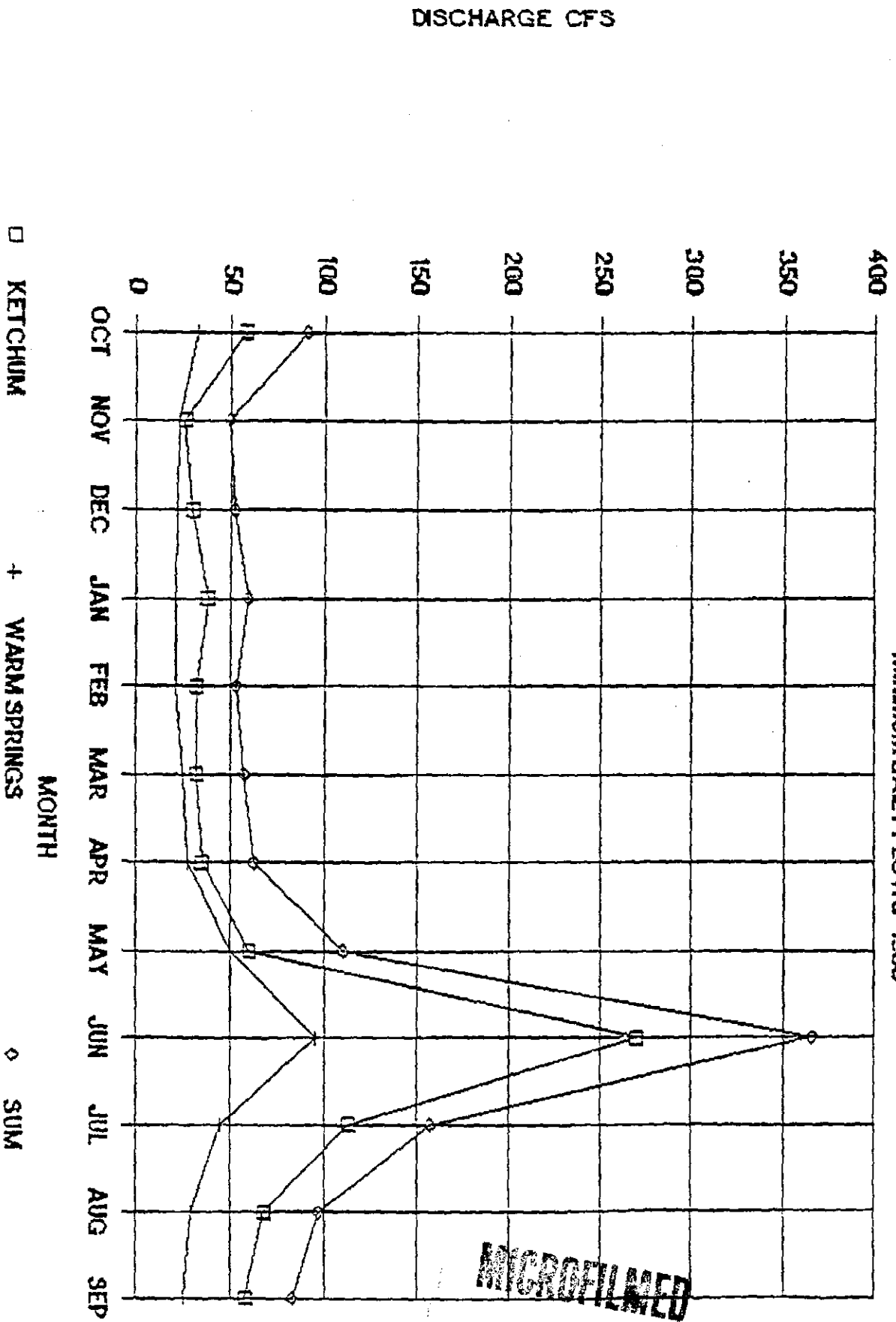


REPRODUCTION

JUN 27 1990

BIG WOOD RIVER KETCHUM TO GIMLET

MINIMUM DAILY FLOWS 1955



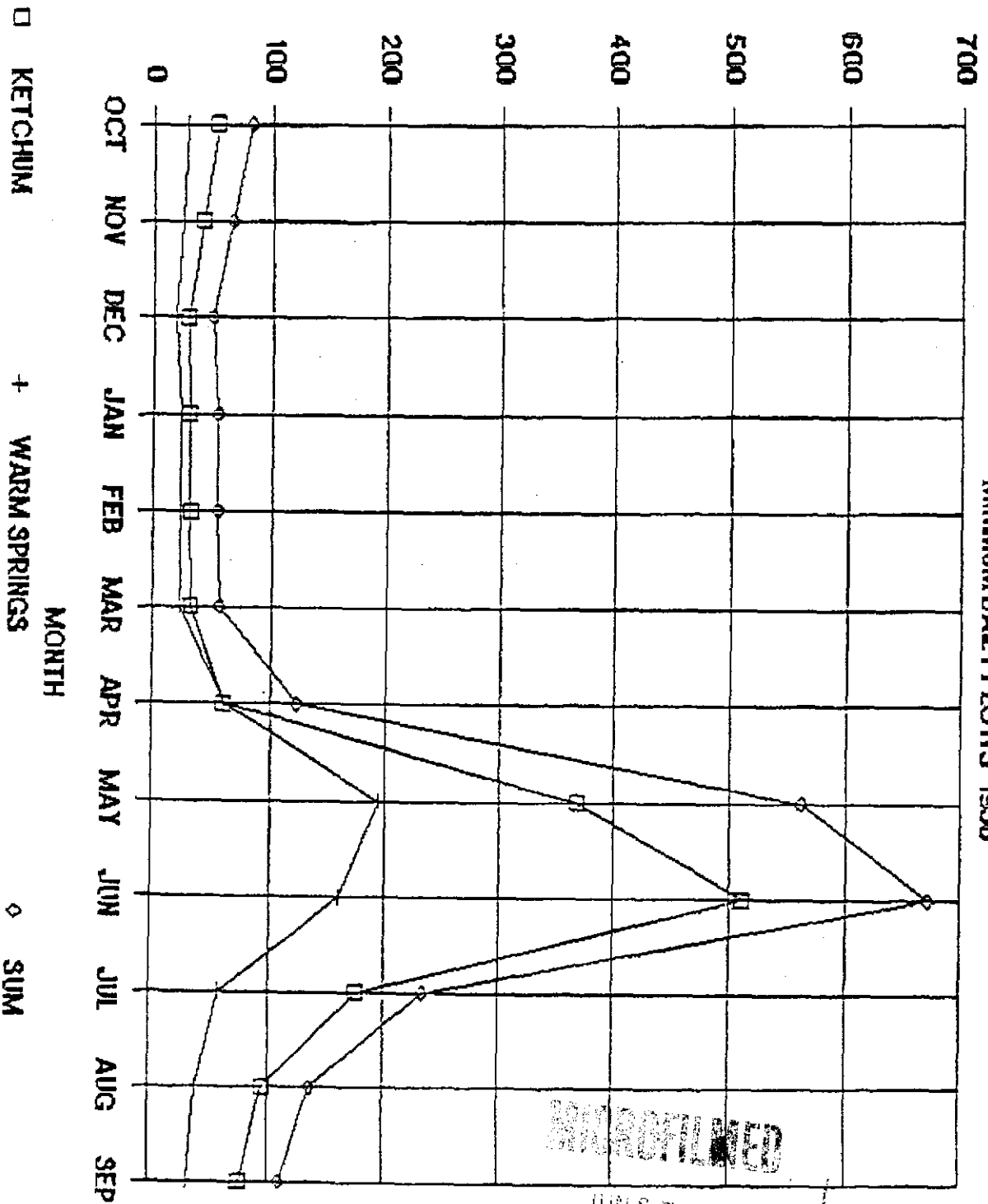
MICROFILMED

JUN 27 1990

DISCHARGE CFS

BIG WOOD RIVER KETCHUM TO GIMLET

MINIMUM DAILY FLOWS 1956



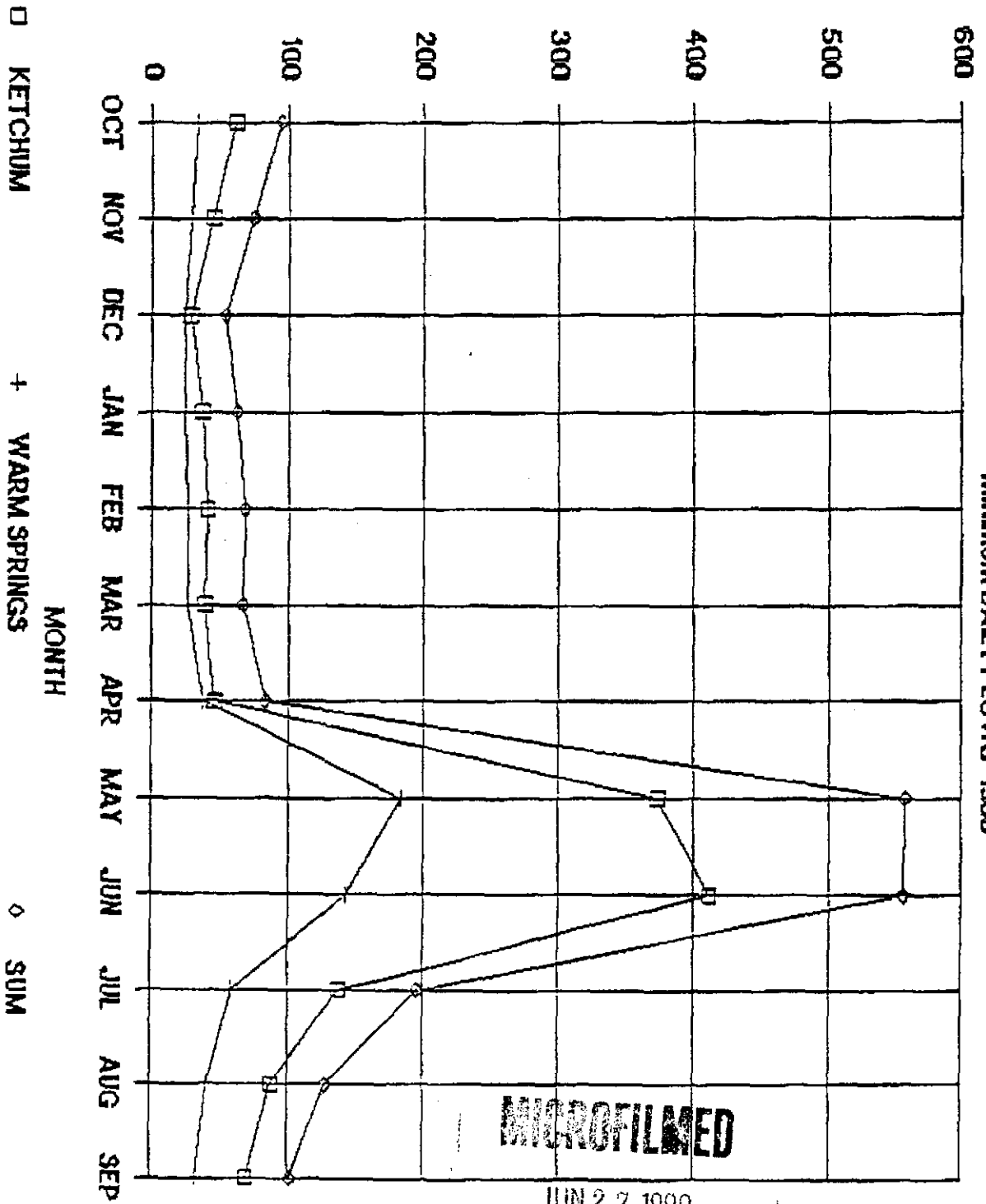
REPRODUCTION

JUN 27 1990

DISCHARGE CFS

BIG WOOD RIVER KETCHUM TO GIMLET

MINIMUM DAILY FLOWS 1956



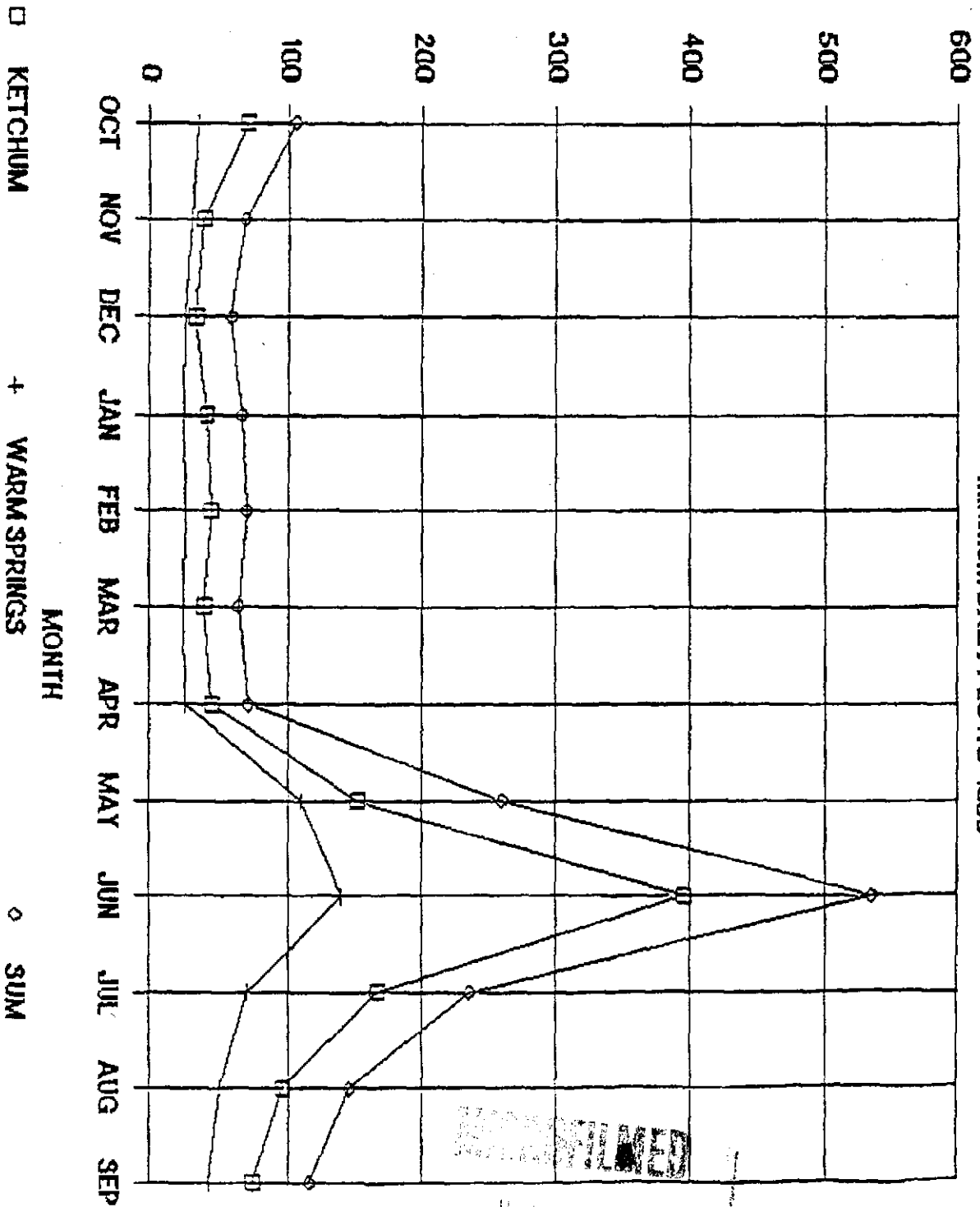
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JUN 27 1990

BIG WOOD RIVER KETCHUM TO GIMLET

MINIMUM DAILY FLOWS 1958

DISCHARGE CFS



REPRODUCED FROM
ORIGINAL FILMED

JUN 27 1990

ORIGINAL IN RED

LOAN AGREEMENT

Dated as of August 16, 1989

between

GRAYSTONE, INC.,
as Borrower

and

ELIZABETH K. GRAY,
as Guarantor

and

JOHN L. KEMMERER, JR.,
as Lender

MICROFILMED

JUN 27 1990

LOAN AGREEMENT

LOAN AGREEMENT dated as of August 16, 1989 between GRAYSTONE, INC., an Idaho corporation (the "Company"), ELIZABETH K. GRAY, as a guarantor of the Company's obligations hereunder (the "Guarantor"), and JOHN L. KEMMERER, JR. ("Kemmerer").

In consideration of the mutual covenants and agreements set forth herein and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

ARTICLE I

DEFINITIONS

SECTION 1.1. Definitions. The following terms, as used herein, have the following respective meanings:

"Affiliate", as applied to any Person, means any other Person directly or indirectly controlling, controlled by, or under common control with, that Person. For the purposes of this definition, "control" (including, with correlative meanings, the terms "controlling", "controlled by" and "under common control with"), as applied to any Person, means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of that Person, whether through the ownership of voting securities, by contract or otherwise.

"Agreement" means this Loan Agreement, as the same may be amended in accordance with its terms.

"Borrowing" means a borrowing hereunder consisting of a Loan made to the Company at such time by Kemmerer.

"Business Day" means any day except a Saturday, Sunday or other day on which commercial banks in the City of New York or the State of Idaho are authorized by law to close.

"Capital Stock" means, with respect to any Person, any and all shares, interests, participations or other equivalents (however designated) of such Person's capital stock

JUN 27 1990

whether now outstanding or issued after the date hereof, including, without limitation, all common stock and preferred stock.

"Capitalized Lease" means, as applied to any Person, any lease of any property (whether real, personal or mixed) the discounted present value of the rental obligations of such Person as lessee under which, in conformity with U.S. generally accepted accounting principles, is required to be capitalized on the balance sheet of that Person and "Capitalized Lease Obligation" means the rental obligations, as aforesaid, under such lease.

"Collateral" has the meaning set forth in the Pledge Agreement.

"Commitment" means \$1,200,000, as such amount may be reduced from time to time pursuant to Section 2.6 or 2.7.

"Common Stock" means the common stock, \$1.00 par value, of the Company.

"Davis Polk" means Davis Polk & Wardwell, special counsel to Kemmerer.

"Debt" of any Person means at any date, without duplication, (i) all obligations, contingent or otherwise, of such Person in respect of borrowed money (whether or not the recourse of the lender is to the whole of the assets of such Person or only to a portion thereof), (ii) all obligations of such Person evidenced by bonds, debentures, notes or other similar instruments, (iii) all obligations of such Person in respect of letters of credit or other similar instruments (or reimbursement obligations with respect thereto), (iv) all obligations of such Person to pay the deferred and unpaid purchase price of property or services which purchase price is due more than six months after the date of placing such property in service or taking delivery and title thereto on the completion of such services, (v) all obligations of such Person as lessee under any Capitalized Lease, (vi) all Debt of others secured by a Lien on any asset of such Person, whether or not such Debt is assumed by such Person and (vii) all Debt of others Guaranteed by such Person. The amount of Debt of any Person at any date shall be the outstanding balance at such date of all unconditional obligations as described above and the maximum liability of any such contingent obligations at such date.

JUN 27 1980

BID PROPOSAL - SCHEDULE OF ITEMS AND PRICES

Schedule 1 - Roads and Driveways

Each item to be bid shall be completely filled in by the Contractor. In case of discrepancy between words and figures, the amount written in words shall control the extensions.

<u>ITEM NO.</u>	<u>DESCRIPTION AND UNIT PRICE</u>	<u>ITEM TOTAL</u>
2.03	Clearing, Stripping and Leveling. Approximately 10,500 square yards at the unit price of one dollar and four cents. Total: 10,500 square yards at \$1.04 per square yard.	<u>10,920.00</u>
2.05D	Imported Granular Borrow. Approximately 2000 cubic yards at the unit price of two dollars and fifty cents. Total: 2000 cubic yards at \$2.50 per cubic yard.	<u>5,000.00</u>
2.06.1	Culverts - 12" Diameter. Approximately 200 linear feet (including aprons) at the unit price of twelve dollars and no cents. Total: 200 linear feet at \$12.00 per linear foot.	<u>2,400.00</u>
2.06.2	Culverts - 18" Diameter. Approximately 40 linear feet (including aprons) at the unit price of fourteen dollars and no cents. Total: 40 linear feet at \$14.00 per linear foot.	<u>560.00</u>
2.06.3	Pipe Arch - 38" x 57". Approximately 20 linear feet (including aprons) at the unit price of forty nine dollars and no cents. Total: 20 linear feet at \$ 49.00 per linear foot.	<u>980.00</u>
2.06.4	Sleeves - 4" Diameter. Approximately 180 linear feet at 18" deep at the unit price of three dollars and seventy five cents. Total: 180 linear feet at \$3.75 per linear foot.	<u>675.00</u>
2.09B3	Leveling Course. Approximately 5800 square yards at the unit price of two dollars and twenty one cents. Total: 5800 square yards at \$2.25 per square yard.	<u>12,818.00</u>

MICROFILMED

JUN 27 1990

2.10 2 1/2" Plantmix Pavement. Approximately 4400 square yards at the unit price of five dollars and seventy five cents.
Total: 4400 square yards at \$5.75 per square yard. 25,300.00

TOTAL AMOUNT OF BID SCHEDULE 1, ROADS **58,653.00**

Schedule 2 - Site Improvements

Each item to be bid shall be completely filled in by the Contractor. In case of discrepancy between words and figures, the amount written in words shall control the extensions.

<u>ITEM NO.</u>	<u>DESCRIPTION AND UNIT PRICE</u>	<u>ITEM TOTAL</u>
2.03	Clearing, Stripping and Leveling. Approximately 56,000 square yards at the unit price of no dollars and seventy five cents. Total: Approximately 56,000 square yards at \$.75 per square yard.	<u>42,000.00</u>
2.05	Berm and Pond Excavation and Embankment. Approximately 23,000 cubic yards at the unit price of one dollar and twenty five cents. Total: 23,000 cubic yards at \$1.25 per cubic yard.	<u>28,750.00</u>
2.26	PVC Pond Liner (20 mil). Approximately 66,000 square feet at the unit price of no dollars and eighty four cents. Total: Approximately 66,000 square feet at \$.84 per square foot.	<u>55,400.00</u>

TOTAL AMOUNT OF BID SCHEDULE 2, SITE IMPROVEMENTS **126,150.00**

TOTAL AMOUNT OF BID SCHEDULES 1 AND 2 **\$184,803.00**

BY: Pat Riley

FOR (CONTRACTOR) Tristates Excavation

DATE: 8-3-89

MICROFILMED

JUN 27 1990

AGREEMENT

THIS AGREEMENT, made this 15th day of August, 1989, by and between Granstone, Inc, hereinafter called "OWNER" and TRISTATES EXCAVATION, Inc doing business as TRISTATES EXCAVATION, Inc hereinafter called "CONTRACTOR".

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned:

1. The CONTRACTOR will commence and complete the construction of Road and Site Improvements for Cliffside Subdivision.
2. The CONTRACTOR will furnish all of the material, supplies, tools, equipment, labor and other services necessary for the construction and completion of the PROJECT described herein.
3. The CONTRACTOR will commence the work required by the CONTRACT DOCUMENTS within 5 calendar days after the date of the NOTICE TO PROCEED and will complete the same within 75 calendar days unless the period for completion is extended otherwise by the CONTRACT DOCUMENTS.
4. The CONTRACTOR agrees to perform all of the WORK described in the CONTRACT DOCUMENTS and comply with the terms therein for the sum of \$ 184,803.00 or as shown in the BID SCHEDULE.
5. The term "CONTRACT DOCUMENTS" means and includes the following:
 - (A) Advertisement For BIDS
 - (B) Instructions To BIDDERS
 - (C) BID
 - (D) BID BOND
 - (E) Agreement
 - (F) General Conditions
 - (G) SUPPLEMENTAL GENERAL CONDITIONS
 - (H) Payment BOND
 - (I) Performance BOND
 - (J) NOTICE OF AWARD
 - (K) NOTICE TO PROCEED
 - (L) CHANGE ORDER
 - (M) DRAWINGS prepared by EMK numbered 1 through 3, and dated Aug 15.
 - (N) SPECIFICATIONS prepared or issued by Glenn Eng dated Aug '89.
 - (O) ADDENDA:
 - No. , dated , 1989
 - No. , dated , 1989

6. The OWNER will pay to the CONTRACTOR in the manner and at such times as set forth in the General Conditions such amounts as required by the CONTRACT DOCUMENTS.

7. This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement in (3) each of which shall be deemed an original on the date first above written.

MICROFILMED

JUN 27 1990

OWNER:

GRANSTONE
~~TRISTATES EXCAVATION~~

BY:

Pat RileyTitle: VICE PRESIDENT

(SEAL)

ATTEST:

Richard Fosbury
Name Richard Fosbury
(Type or Print)Title: Engineer

CONTRACTOR:

TRISTATES EXCAVATION

BY:

Pat RileyTitle: FIELD OPERATIONSAddress: BOX 350, HAILEY, ID

License No. _____

(SEAL)

ATTEST:

Richard Fosbury
Name Richard Fosbury
(Type or Print)Title: Engineer

MICROFILMED

JUN 27 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

26-Sep-1989

Elizabeth K. Gray, President
Graystone Inc.
P.O. Box 2743
Ketchum, ID 83340

Re: Application 37-08535, Graystone Inc.

Dear Ms. Gray:

The Department acknowledges amendment of your application to reduce the proposed period of use to April 1 through November 1.

This action resolves the protest raised by the Department of Fish and Game, therefore we will continue with routine processing of the application.

Very Truly yours,

Loren O. Holmes
Loren O. Holmes, P. E.
Southern Region Manager

cc: James Speck

MICROFILMED

JUN 27 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

26-Sep-1989

Carl Nellis, Supervisor
Idaho Dept. of Fish & Game Region 4
P.O. Box 428
Jerome, ID 83338

Re: Application 37-08535, Graystone Inc.

Dear Carl:

Graystone Inc. has amended it's application to reduce the period of use to April 1 through November 1.

Since this brings the application into line with your request of September 19, 1989, I will assume the protest is withdrawn and continue routine processing of the application.

Very Truly yours,

Loren O. Holmes
Loren O. Holmes, P. E.
Southern Region Manager

MICROFILMED

JUN 27 1990



GRAYSTONE INC.

380 WASHINGTON ST. NO. 103 P.O. BOX 2473 KETCHUM ID 83340

RECEIVED

SEP 25 1989

Department of Water Resources
Southern Region Office

September 22, 1989

Mr. Loren Holmes
Department of Water Resources
2148 4th Avenue East
Twin Falls, ID 83301

Re: Graystone, Inc. - Application for Permit No. 37-
08535

Dear Mr. Holmes:

This letter will confirm your recent telephone conversation with Mr. James P. Speck, attorney for Graystone, Inc.. Graystone, Inc. hereby amends the above-referenced Application for Permit No. 37-08535 to reduce the period of use to April 1 to November 1. We understand this amendment will result in the withdrawal of the protest by the Idaho Fish and Game Department, and that the Application will now be sent to Boise for further review and processing. Please keep Mr. Speck apprised of the progress of this process.

Thank you.

Sincerely yours,

GRAYSTONE, INC.

By:

Elizabeth K. Gray
Elizabeth K. Gray,
president

cc: Mr. James P. Speck
Mr. Carl Nellis

JPS/j

MICROFILMED

JUN 27 1990



IDAHO FISH & GAME

REGION 4
868 East Main Street
Jerome, ID 83338
(208) 324-4350

RECEIVED

SEP 20 1989

Department of Water Resources
Southern Region Office

September 19, 1989

Mr. Loren Holmes
Department of Water Resources
2148 4th Ave. East
Twin Falls, ID 83301

Re: Graystone, Inc., Application, Permit No. 37-08535

Dear Loren:

We are willing to withdraw our protest of said application for 10 cfs of non-consumptive use if Graystone, Inc. amends the period of use from year-round to April 1 through November 1.

Sincerely,

Dele Tunney

Carl H. Nellis
Supervisor, Region 4

cc: James P. Speck, P.O. Box 987, Ketchum

Cecil D. Andrus / Governor
Jerry M. Conley / Director



MICROFILMED

JUN 27 1990

37-8535

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

OF
ATTORNEYS
120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
TELECOPIER (208) 726-0752

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567

September 11, 1989

RECEIVED

RECEIVED

SEP 13 1989

Department of Water Resources
Southern Region Office

Mr. Carl Nellis
Idaho Department of Fish & Game
868 E. Main
Jerome, Idaho 83338

DEC 5 1989

RE: Graystone, Inc.
Application for Idaho Water Permit No. 37-08535
10 cfs For Non-consumptive, Aesthetic Purposes

Department of Water Resources

Dear Carl:

This letter will confirm our recent telephone conversations. My client has agreed to amend the above-referenced Application for Permit to reduce the period of use from January 1 through December 31 to the normal irrigation period of use for Blaine County, to wit April 1 through November 1. With this amendment, it is my understanding the Department of Fish and Game will withdraw its protest to the Application.

By a copy of this letter, I am requesting Loren Holmes at the Twin Falls office of the Department of Water Resources to contact us jointly to work out the mechanics of withdrawing the protest and sending the Application on to Boise for further processing.

I will be out of the office until September 19, 1989. I will contact Loren and you when I return to finalize this matter. Once again, thank you very much for your prompt and courteous assistance in resolving this matter.

Sincerely yours,

HOGUE, SPECK & AANESTAD

15/James P. Speck
James P. Speck

JPS/rlk
cc: Peter and Betty Gray
Mr. Loren Holmes

MICROFILMED

JUN 27 1990



IDAHO FISH & GAME

REGION 4
868 East Main Street
Jerome, ID 83338
(208) 324-4350

September 5, 1989

RECEIVED

SEP 5 1989

Department of Water Resources
Southern Region Office

Mr. Loren O. Holmes, P.E.
Manager, Southern Regional Offices
Department of Water Resources
2148 4th Avenue East
Twin Falls, ID 83301

RE: Graystone, Inc.
Application for Idaho Water Permit No. 37-08535
10 cfs for Non-Consumptive, Aesthetic Purposes
Big Wood River

Dear Loren:

The Idaho Department of Fish and Game protests the granting of the above referenced permit. Our major concern is the potential reduction of winter flows in the Big Wood River which could adversely impact the fisheries and wildlife and aquatic resources of the stream.

Sincerely,

Carl H. Nellis
Supervisor, Region 4

Cecil D. Andrus / Governor
Jerry M. Conley / Director



MICROFILMED

JUN 27 1990

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

OF

ATTORNEYS

120 EAST AVENUE

POST OFFICE BOX 987

KETCHUM, IDAHO 83340

(208) 726-4421

TELECOPIER (208) 726-0752

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567

August 9, 1989

RECEIVED

AUG 10 1989

Department of Water Resources
Southern Region Office

Mr. Gary Funderburg
Department of Water Resources
2148 4th Ave. East
Twin Falls, Idaho 83301

RE: Graystone, Inc.
Application for Permit No. 37-08535

Dear Gary:

I want to clarify one aspect of the above-referenced Application for the diversion of 10 cfs from the Big Wood River for non-consumptive, aesthetic purposes. The proposed diversion is the existing Comstock Ditch headgate. During the irrigation season, it is our intention to use this irrigation water by running it through the proposed system of streams and ponds and then returning it to the Comstock Ditch to flow on to the ultimate irrigation users. We will seek permission from the Comstock Ditch users for this purpose.

It should also be emphasised that the request for 10 cfs includes 4 cfs of another non-consumptive use under both a permit (37-8278) and a beneficial use claim (37-4265).

Therefore, the request for 10 cfs does NOT mean an additional 10 cfs will be diverted from the River during the irrigation season.

Please call me if you have any questions about this letter. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD

Jms
James P. Speck

JPS/rlk
cc: Mr. Carl Nellis
Peter & Betty Gray

RECORDED

JUN 27 1990

01-Aug-1989

Reid J. Newby, Watermaster
Box T
Shoshone, ID 83352

Re: Applications for Permit

Dear Mr. Newby:

Please find enclosed copies of Applications for Permit for your information and files.

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

Very truly yours,

Gary Funderburg
Sr. Water Resource Agent

GF:MB

Enclosures

MICROFILMED

JUN 27 1990

01-Aug-1989

Idaho Dept. of Fish & Game
P.O. Box 428
Jerome, ID 83338

Re: Application for Permit

Gentlemen:

Please find enclosed a copy of an Application for Permit for your information and files.

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

Very truly yours,

Gary Funderburg
Sr. Water Resource Agent

GF:MB

Enclosure

MICROFILMED

JUN 27 1990

01-Aug-1989

Graystone, Inc.
c/o James P. Speck, Esq.
P.O. Box 987
Ketchum, ID 83340

Re: Applications for Permit Nos. 37-08533, 37-08534, 37-08535

Dear Mr. Speck:

The Department of Water Resources acknowledges receipt of your water right applications for permit. The applications have been assigned the above referenced identification numbers. Please refer to these numbers in all further correspondence.

This office will be advertising the applications in the Wood River Journal on 8/16 & 8/23/89. A period of ten days following the second publication will be allowed for the submittal of protests.

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

If the application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Very truly yours,

Gary Funderburg
Sr. Water Resource Agent

GF:MB

MICROFILMED

JUN 27 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
2148 4th Avenue East
Twin Falls, ID 83301
(208)734-3578

AUGUST 1, 1989

WOOD RIVER JOURNAL
P.O. BOX 988
HAILEY, ID 83333

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 5, 1989.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

MICROFILMED

JUN 27 1990

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before SEPTEMBER 5, 1989.

R. Keith Higginson, Director

Published 8/16/1989 & 8/23/1989

MICROFILMED

JUN 27 1990

W R J

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
2148 4th Avenue East
Twin Falls, ID 83301
(208)734-3578

AUGUST 1, 1989

IDAHO STATESMAN
BOX 40
BOISE, ID 83707

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 5, 1989.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

RECEIVED

JUN 27 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
2148 4th Avenue East
Twin Falls, ID 83301
(208)734-3578

AUGUST 1, 1989

TIMES NEWS
P.O. BOX 548
TWIN FALLS, ID 83303-548

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 5, 1989.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

MICROFILMED

JUN 27 1990

01-Aug-1989

Lewiston Morning Tribune
505 C Street
Lewiston, ID 83501

Gentlemen:

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

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

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

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

RECEIVED

JUN 27 1990

01-Aug-1989

Post Register
P.O. Box 1800
Idaho Falls, ID 83402

Gentlemen:

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

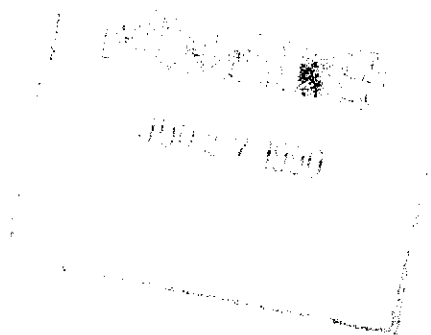
After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure



NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILMED

JUN 27 1990

37-08535

GRAYSTONE INC.
C/O JAMES P. SPECK ESQ.
P.O. BOX 987
KETCHUM, ID 83340

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

Diversion Pt: SESENE Sec 30 T 04N R 18E

Use: AESTHETIC (10.000 CFS)

Date Filed: 7/11/1989

In: T04N R18E S29	SWSW
S30	SESE

MICROFILMED

JUN 27 1990

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

37-08533
GRAYSTONE INC.
C/O JAMES P. SPECK ESQ.
P.O. BOX 987
KETCHUM, ID 83340
Source: GROUNDWATER
Division Pt.: NESESE Sec 30 T
04N R 18E
Use: DOMESTIC (.040 CFS)
Date Filed: 7/11/1989
In: T04N R18E S29 SWSW
2.0 ACRES TOTAL
37-08534
GRAYSTONE INC.
C/O JAMES P. SPECK ESQ.
P.O. BOX 987
KETCHUM, ID 83340
Source: GROUNDWATER
Division Pt.: SESESE Sec 30 T
04N R 18E
Use: DOMESTIC (.040 CFS)
Date Filed: 7/11/1989
In: T04N R18E S30 SESE
2.0 ACRES TOTAL

37-08535
GRAYSTONE INC.
C/O JAMES P. SPECK ESQ.
P.O. BOX 987
KETCHUM, ID 83340
Source: BIG WOOD RIVER
Tributary: MALAD RIVER
Division Pt.: SESENE Sec 30 T
04N R 18E
Use: AESTHETIC (10,000 CFS)
Date Filed: 7/11/1989
In: T04N R18E S29 SWSW
S30 SESE

37-08536
FARRINGTON, GARY
FARRINGTON, SUZANNE
P.O. BOX 542
BELLEVUE, ID 83313
Source: GROUNDWATER
Division Pt.: NENENE Sec 27 T
01N R 18E
Use: IRRIGATION (2,500 CFS)
Date Filed: 7/27/1989
In: T01N R18E S22 SWSW; S27
NENE NWNE SENE
125.0 ACRES TOTAL

37-08537
BLACKBURN, LAWRENCE J.
P.O. BOX 2802
KETCHUM, ID 83340
Source: PARKER GULCH
Tributary: ELKHORN GULCH
Division Pt.: NWSWSE Sec 16 T
04N R 18E
Use: AESTHETIC (.200 CFS)
Date Filed: 7/25/1989
In: T04N R18E S16 SWSE

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code, and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2148 4th Avenue East, Twin Falls, Idaho 83301, on or before SEPTEMBER 5, 1989.
R. Keith Higginson, Director
Publish: Wood River Journal
August 18, 1989

RECEIVED

AUG - 9 1989

Department of Water Resources
Southern Region Office

MICROFILMED

JUN 27 1990

OK
8/9/89

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before SEPTEMBER 5, 1989.

R. Keith Higginson, Director

Published 8/17/1989 & 8/24/1989

MICROFILMED

JUN 27 1990

IDENT. NO. 37-08535

WATER RIGHT
DATA ENTRY LOG

[illegible]