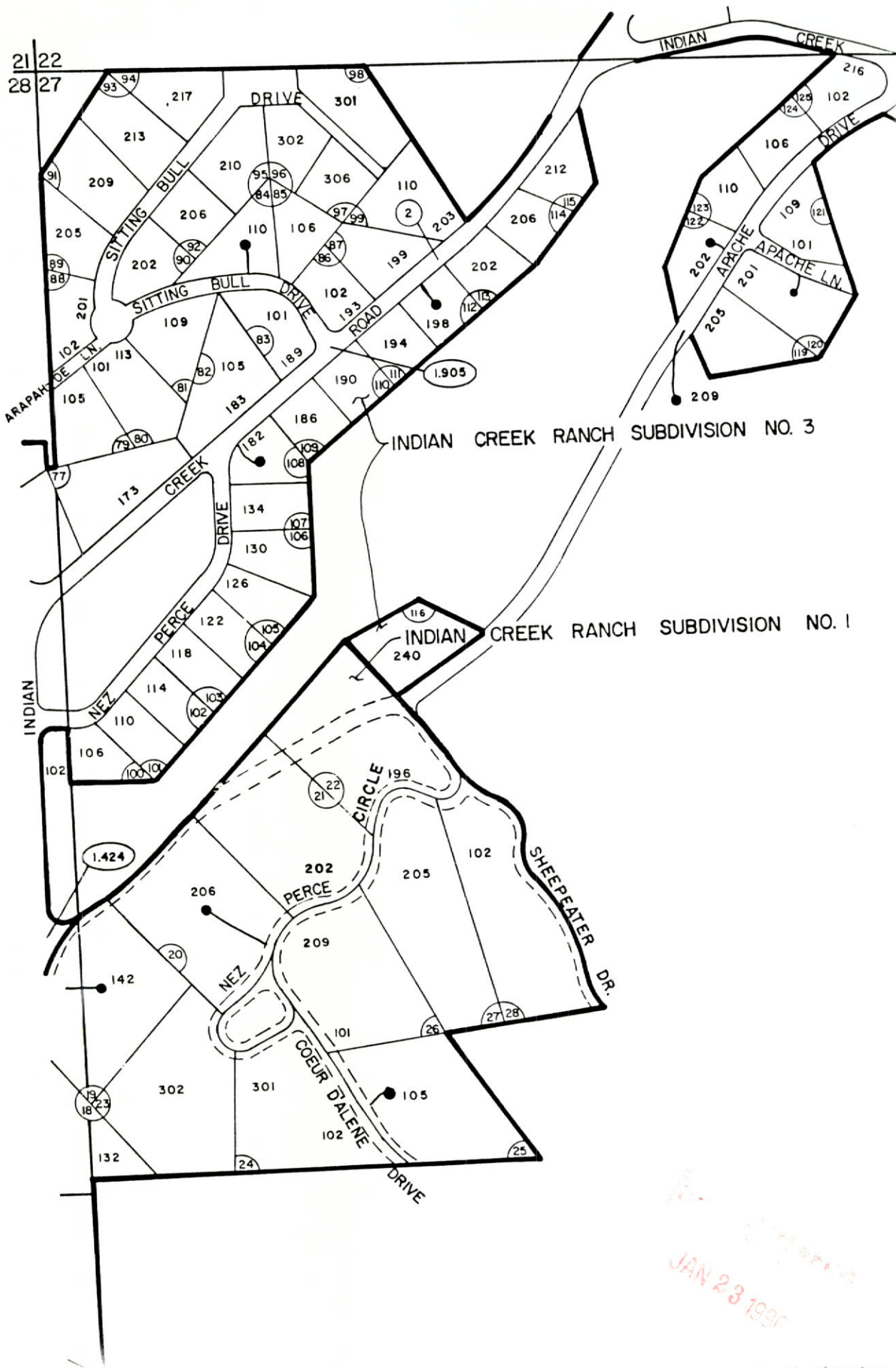
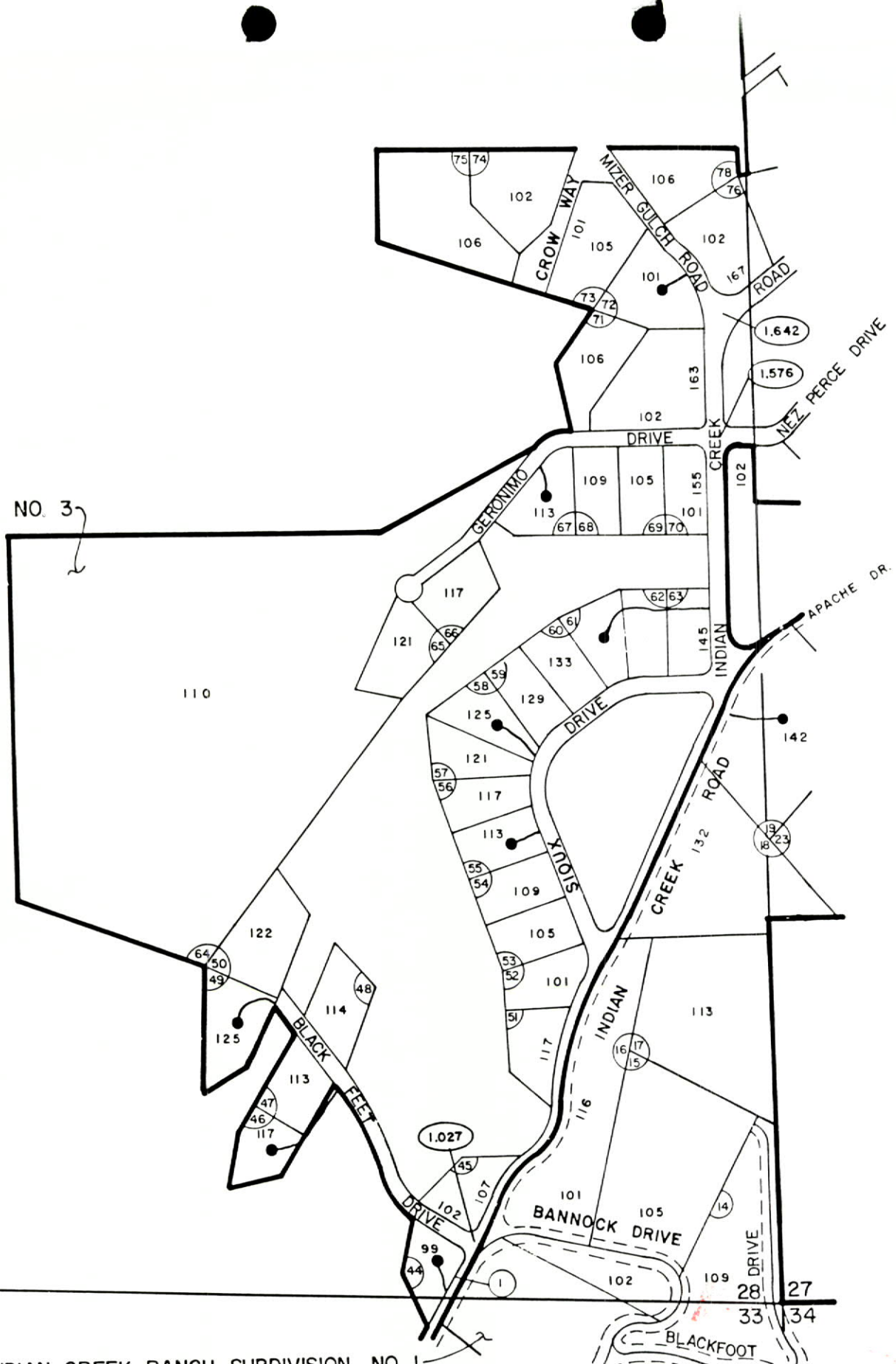


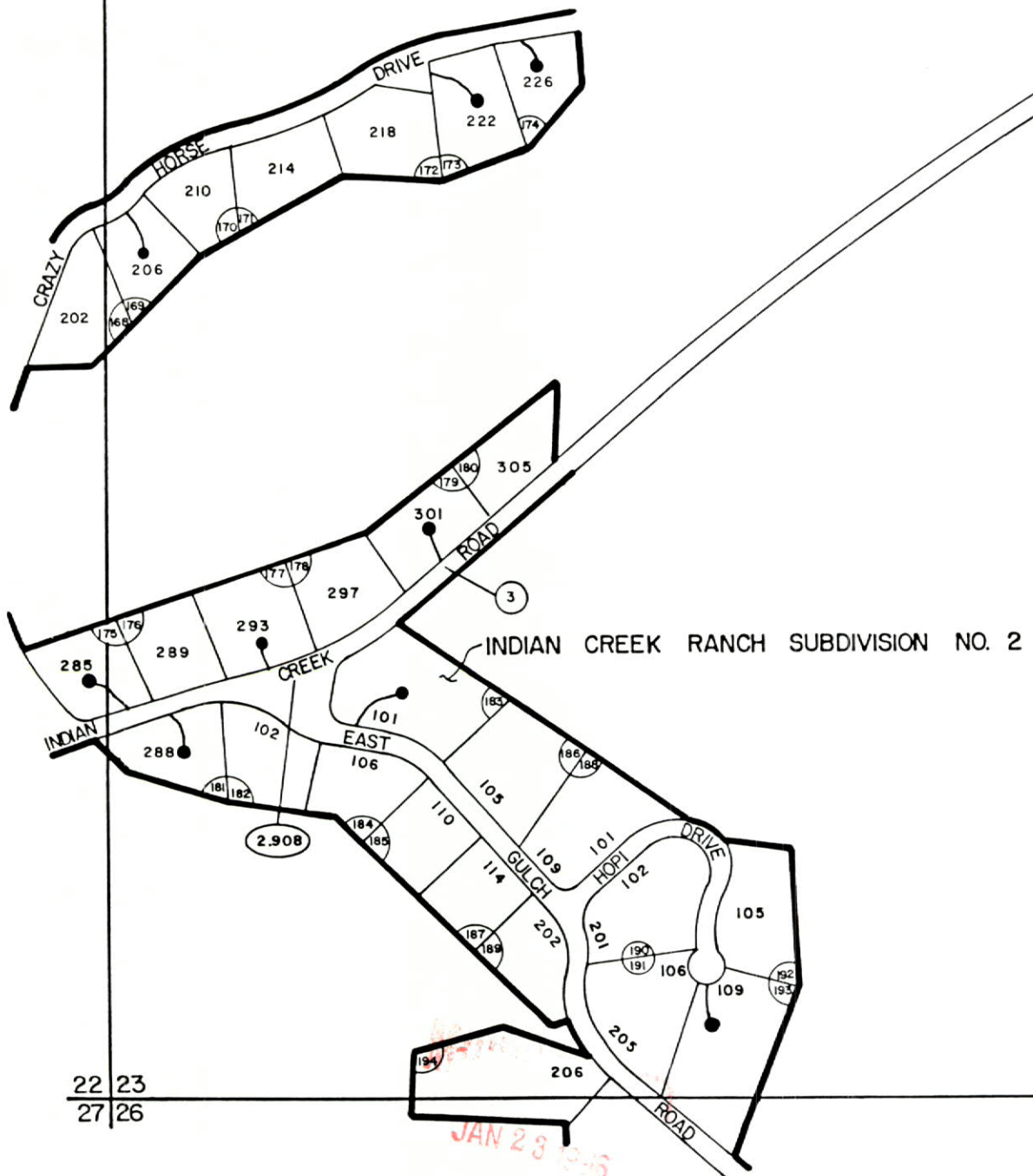


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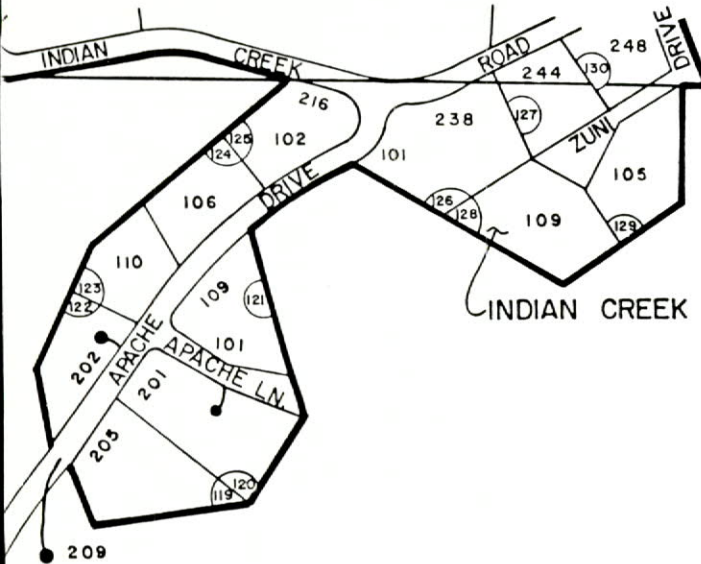


C. 28, T. 3 N., R. 18 E.

T # 4713



SEC. 23, T. 3 N., R.



22 23
27 26

INDIAN CREEK RANCH SUBDIVISION NO. 2

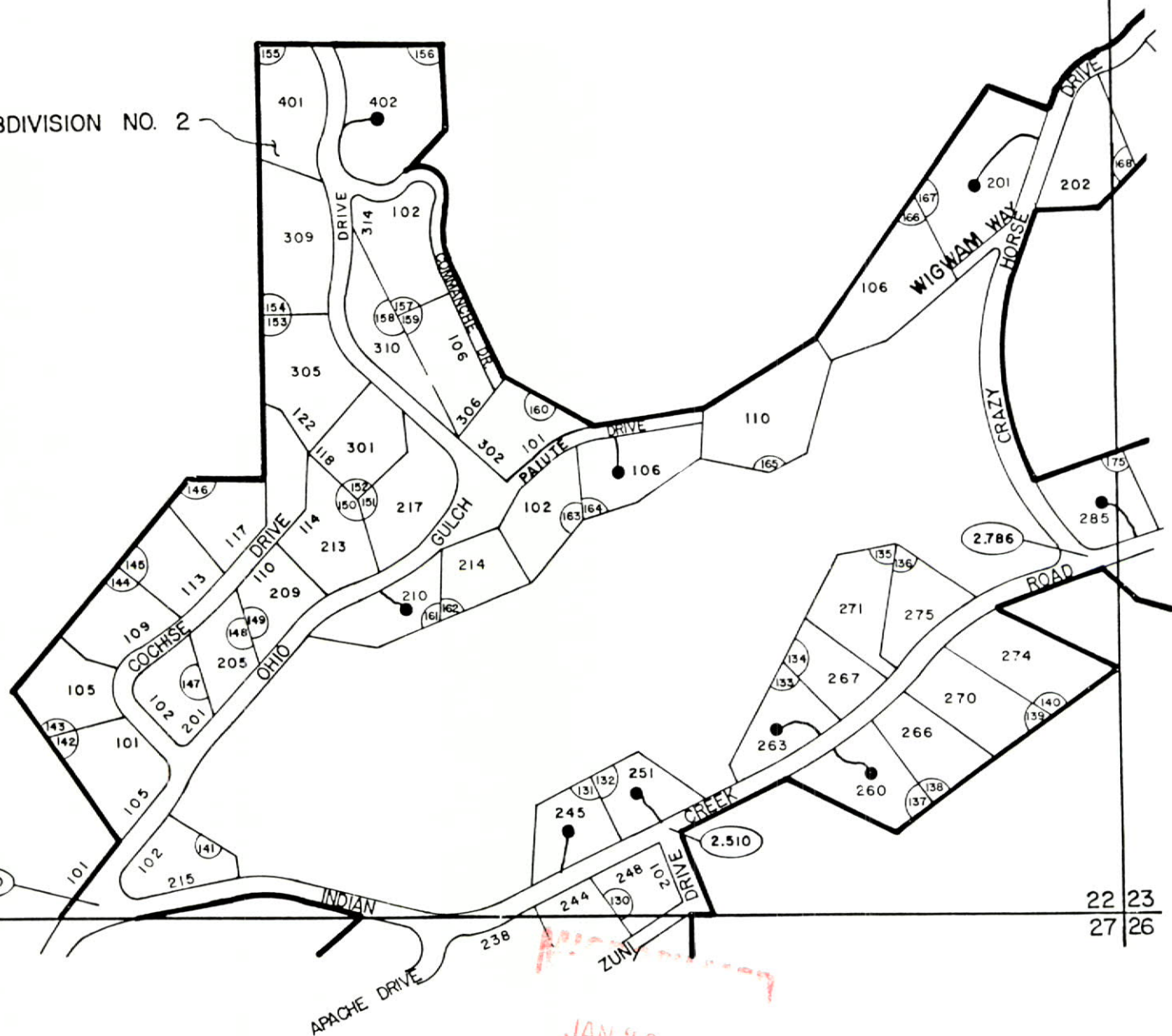
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SUBDIVISION NO. 1

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T# 47/3

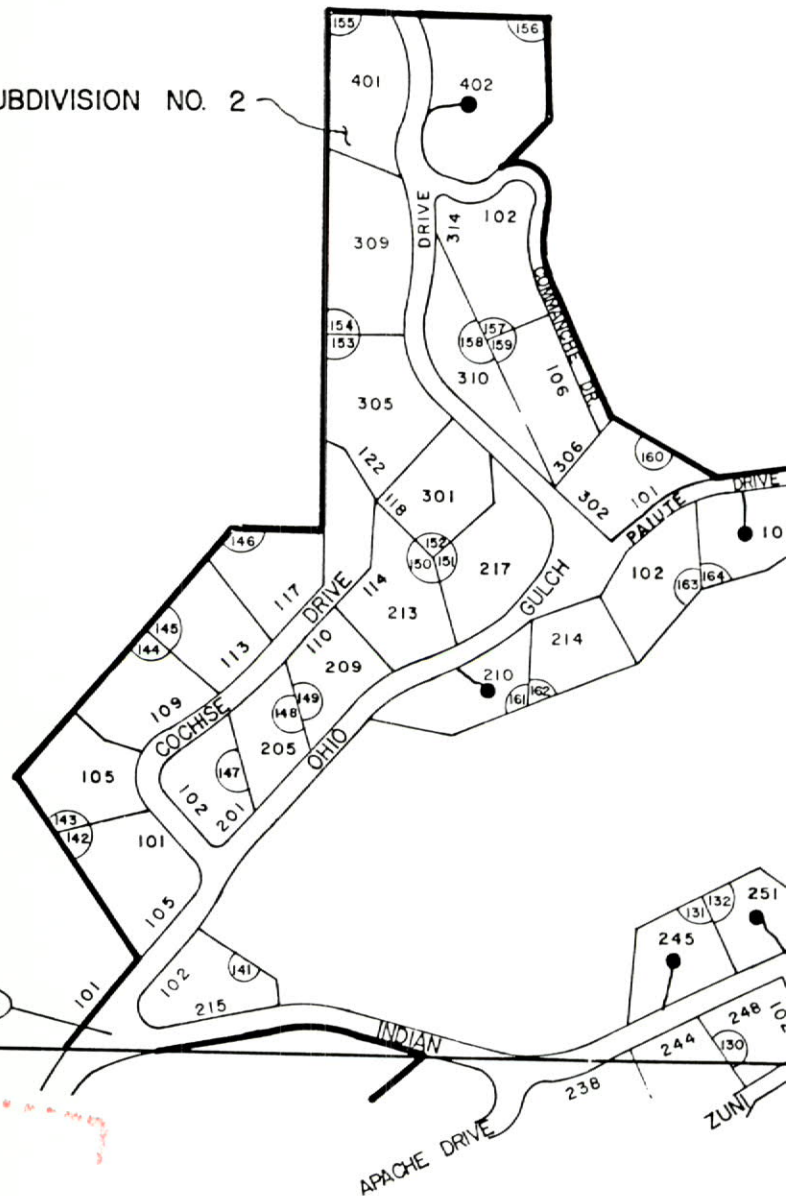
RANCH SUBDIVISION NO. 2



SEC. 22, T. 3 N., R. 18 E.

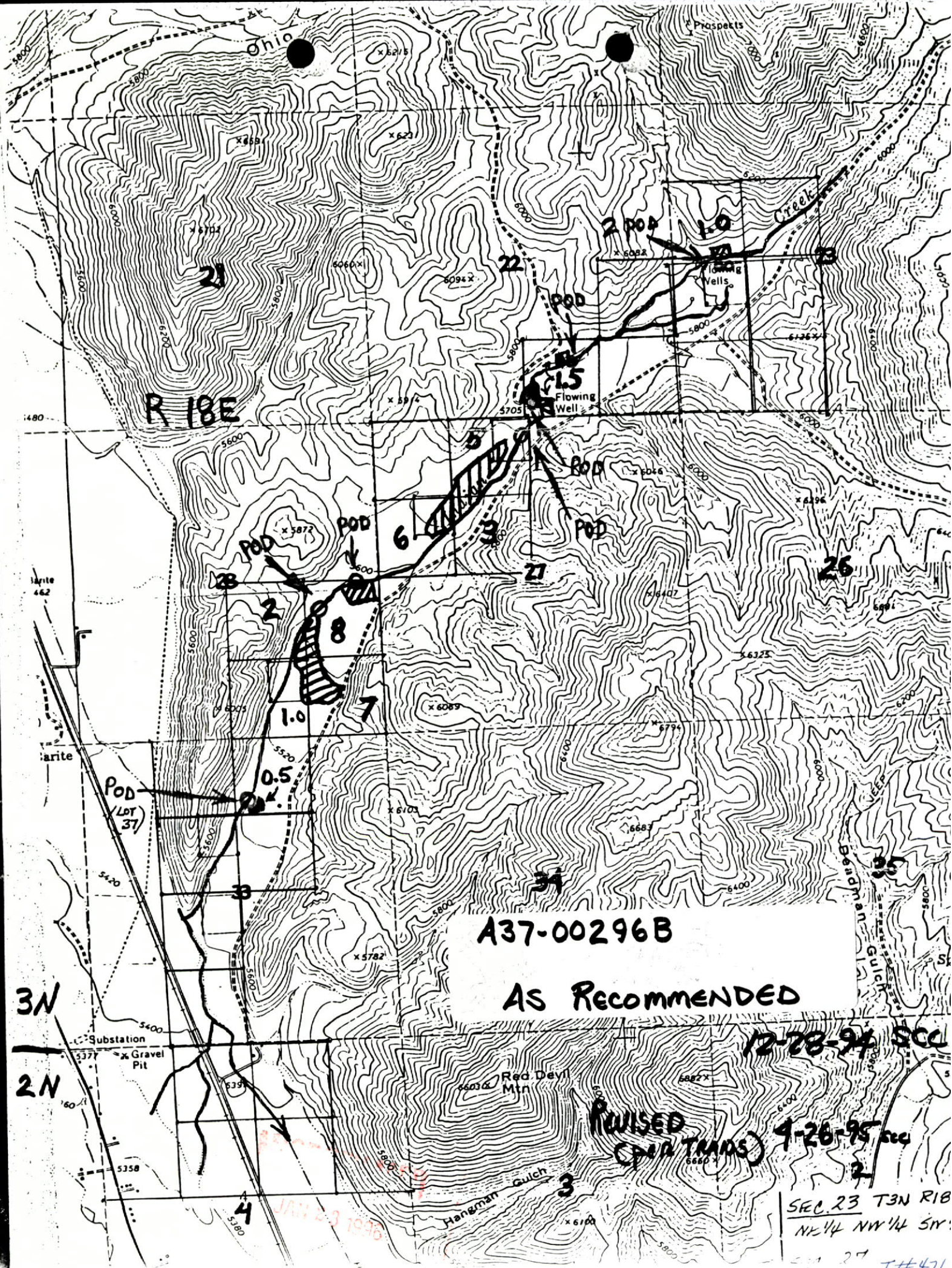
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INDIAN CREEK RANCH SUBDIVISION NO. 2



SEC. 22, T. 3 N., R. 18 E.

T # 4713



upper
Lots
172
173
Wing

REMOVED
ABANDONED
OLD
POD

PHOTO
B1

POD
A.D.

(C1)
POD
ABAN

IRRIGATED
#1

NO I.R.
#2
5.8

PHOTO

D2
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PHOTO
E2

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FLORIDA
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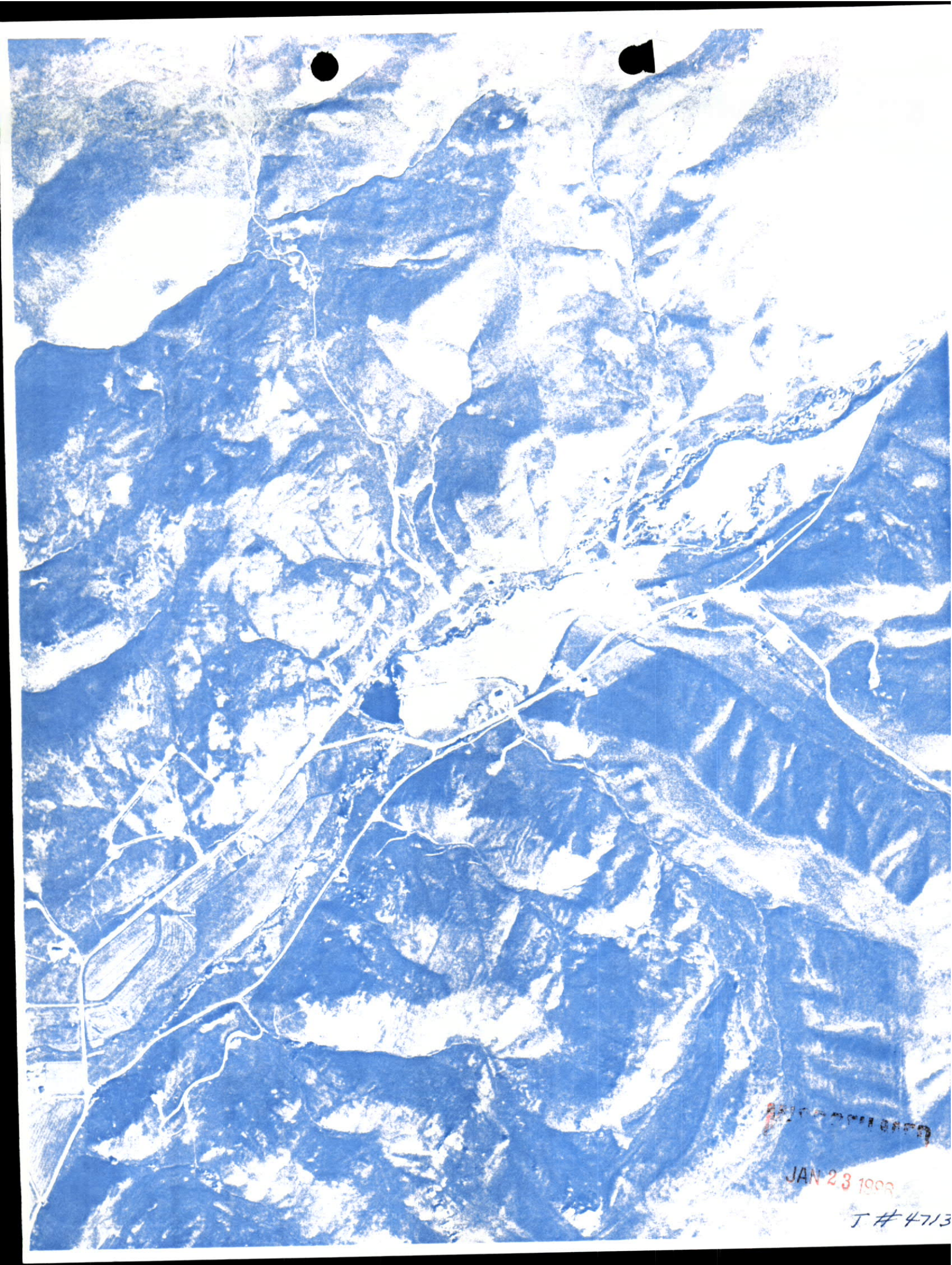
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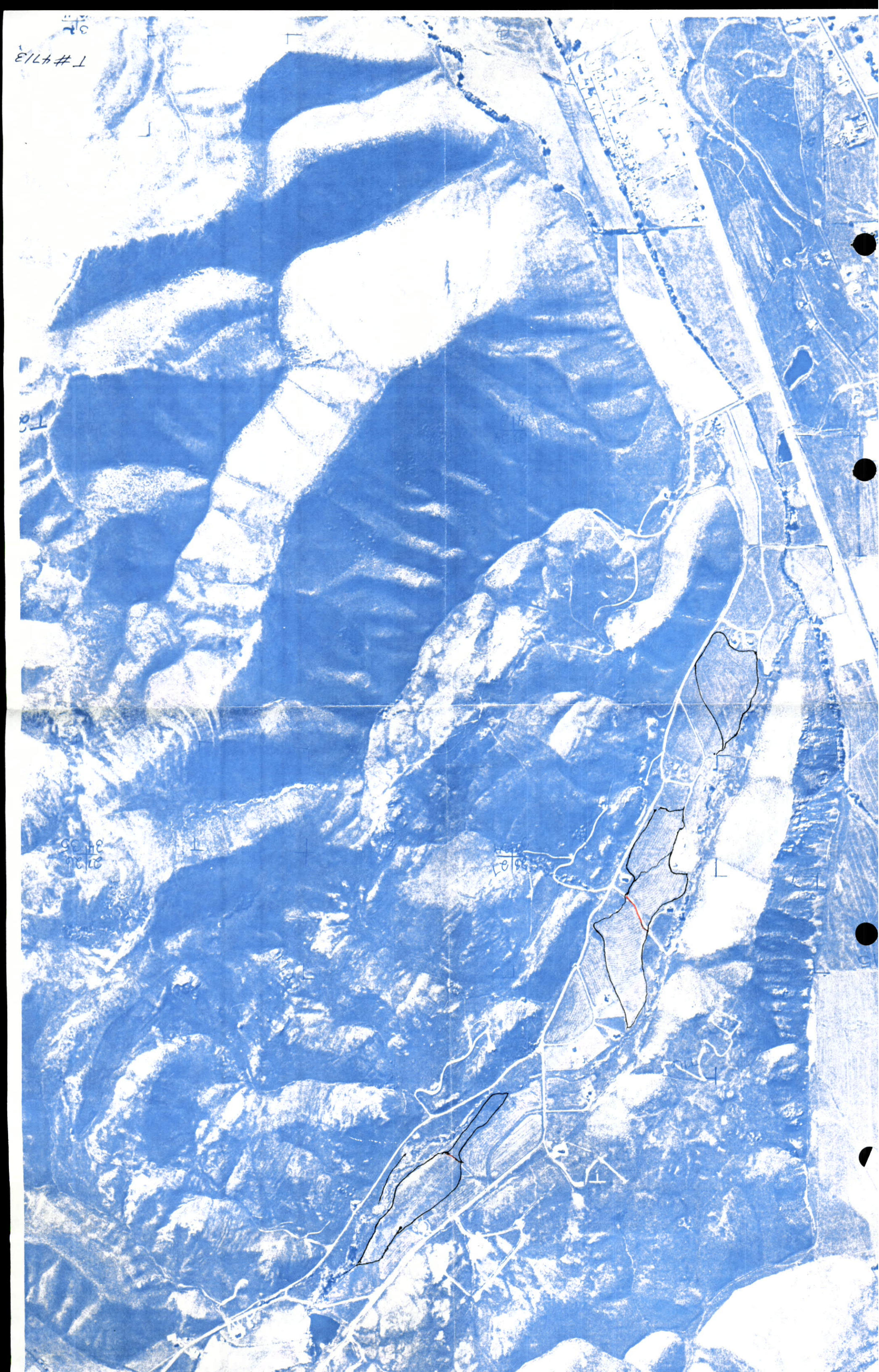
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AFFIDAVIT of PUBLICATION

RECEIVED

OCT 05 1995

State of Idaho, } Department of Water Resources
County of Blaine } ss. Southern Region

On this 27 day of Sept., in the year 1995, before me a Notary Public of said State, personally appeared DANIEL J. GORHAM, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 20 day of Sept., 1995, and the date of the last publication was on the 27 day of Sept., 1995.

Daniel J. Gorham
Subscribed and sworn to before me this 27th day of Sept., 1995.
(SEAL)

NOTARY PUBLIC

#9770
WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11.5
Number of Lines in Notice 92.733
Number of Insertions 2
Lines tabular at 53.322 6¢ / Pica
Lines straight at 42.657 5¢ / Pica
Subsequent lines at 42.657 4¢ / Pica
TOTAL COST +5 \$100.98

COPY OF NOTICE
(Paste Here)

Prop. ch. 37-00296
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

ID Dept. Water Resources
BILL TO

Proposed Change of Water Right

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that INDIAN CREEK RANCH OWNERS ASSN., INC., C/O BRUCE LIUM, PO BOX 3411; HAILEY ID 83333 has applied to the Department of Water Resources to change the following described water right pursuant to Section 42-222 of IDAHO CODE and further described as Transfer No. 4713. The purpose of this application is to add diversion point(s), change the place of use and split the water right in order to reflect the current irrigation system and land irrigated by the subdivision land owners and common area.

WATER RIGHT AS RECORDED:

Water Right No. 37-00296
Basis: Decreed to Hailey Water & Power Co. in case of S.C. Frost et al vs Alturas Water Co et al dated 12/13/1909 in Fourth District Court, Lincoln County.
Date of Priority: 4/1/1880
Amount: 3.0 cfs
Source: Indian Creek tributary to Sinks

Use: irrigation

Point of Diversion: SE1/4NW1/4, S23, T3N, R18E; Blaine County.
Place of Use: Unspecified acres within Section 4, 12N, R18E and Sections 22, 23, 27, 28 and 33, T3N, R18E.

A claim has been filed in the Snake River Basin Adjudication. WATER RIGHT NO. 37-00296 TO BE CHANGED by moving a portion (2.72 cfs) to be used for the irrigation of 35 acres within Sections 22, 23, 27, 28 and 33, T3N, R18E with proposed new points of diversion within T3N, R18E:

SW1/4SW1/4SE1/4, S22 (Pump in pond)
NE1/4SW1/4SE1/4, S22 (Pump in creek)
NE1/4NW1/4SW1/4, S23 (Two pumps in creek)
NE1/4NE1/4NW1/4, S27 (Headgate in creek)
NE1/4NE1/4SE1/4, S28 (Pump in creek)
NW1/4NE1/4SE1/4, S28 (Headgate in creek)
SW1/4NW1/4NE1/4, S33 (Pump in creek)

Any protest against approval of the proposed change of water right application must be filed with the Department of Water

WR5747NP

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS NUMBER INDEX

DATE: 01/18/96
PAGE: 1

WATER RIGHT
NUMBER

NAME

CFS

37-00296

Split into 37-00296A & B by Trans. #4713.

37-00296A HAILEY WATER & POWER CO

37-00296B INDIAN CREEK RANCH OWNERS ASSN INC

2.72

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JAN 23 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 4713
WATER RIGHT NO. 37-00296B

This is to certify that: **INDIAN CREEK RANCH OWNERS ASSN INC**
C/O BRUCE LIUM
PO BOX 3411
HAILEY ID 83333

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	* 2.72 CFS	* 122.5 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
INDIAN CREEK	BIG WOOD RIVER

Priority: 04/01/1880

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 22, Township 03N, Range 18E
NWSW , Sec. 23, Township 03N, Range 18E
NENW , Sec. 27, Township 03N, Range 18E
NESE , Sec. 28, Township 03N, Range 18E
NWNE , Sec. 33, Township 03N, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	18E	22	SWSE 1.5			1.5
		23	SWNW 1			1
		27	NENW 5	SWNW 6	SENW 3	14
		28	NESE 8	NWSE 2	SWSE 1	18
			SESE 7			0.5
		33	NWNE 0.5			

Total number of acres irrigated: 35

RECORDED

JAN 23 1996

TRANSFER NO. 4713
WATER RIGHT NO. 37-00296B

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above.
3. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- *9. The total instantaneous diversion of water from all points of diversion under Transfer No. 4713 shall not exceed 2.72 cfs, nor total combined annual diversion volume of 122.5 af.
- *10. A portion of the authorized rate of diversion under Right No. 37-00296B is for conveyance purposes in the delivery of this right.
11. Two points of diversion are located within SWSE, S22; NWSW, S23; and NESE, S28, T03N, R18E.

Dated this 18th day of January, 1996.


Chief, Water Alloc. Bureau

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JAN 23 1996

Page 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

Transfer No.

JUN 14 1995 4713

RECEIVED APPLICATION FOR TRANSFER OF WATER RIGHT

DEC 6 1993

PART 1

Department of Water Resources
Southern Region

C/o Bruce Lwin

Department of Water Resources

Name of applicant Indian Creek Ranch Owners, Assn. Inc. Phone 208-788-2860

Post Office address P.O. Box 3411; Hailey ID 83333

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
 ☒ Add diversion point(s)
 ☒ Change place of use
 ☐ Change nature of use
 ☐ Change period of use
 ☒ Other Split right
- Describe the reason for the proposed changes We want to add diversion points and change the place of use to reflect the current irrigation system and land irrigated by the subdivision land owners and common area.

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

- | Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|------------------|-----------------|--------------------|-------------------|----------------------|
| <u>37-00296B</u> | <u>4-1-1880</u> | <u>2.72 cfs</u> | <u>Irrigation</u> | <u>4-15 to 10-15</u> |
| | | | | to |
| | | | | to |
| | | | | to |
- Total amount of water being transferred 2.72 cubic feet per second and/or _____ acre-feet per annum.
- Source of water Indian Creek tributary to Big Wood River
- Point(s) of Diversion:

Lo	SWSWSE, S22, 03N, 18E	PUMP IN POND
	NESWSE, " " "	PUMP IN CREEK
	NENWSW, S23, " "	TWO PUMPS IN CREEK
	NENENW, S27, " "	HEADGATE IN CREEK
	NENESE, S28, " "	PUMP IN CREEK
	NWNESE, " " "	HEADGATE IN CREEK
	SWNWNE, S33, " "	PUMP IN CREEK

5. Lands irrigated or place of use:

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	
<u>3N</u>	<u>18E</u>	<u>22</u>															<u>1.5</u>		<u>1.5</u>
		<u>23</u>							<u>1</u>										<u>1.0</u>
		<u>27</u>					<u>5</u>	<u>6</u>											<u>14.0</u>
		<u>28</u>													<u>8</u>	<u>2</u>	<u>1</u>	<u>7</u>	<u>18</u>
		<u>33</u>			<u>.5</u>														<u>0.5</u>

Total acres 35

PART 1

6. General Information:

a. Description of diversion system 6 pumps and two headgates divert water from Indian Creek or a small instream pond. Irrigation water is applied by both sprinklers and gravity.

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

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
The place of use in Part 1, B.5 describes the land actually irrigated and confirmed by the field review for A37-00296B in the fall 1994.

d. Remarks:
See attached supplement

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

JAN 23 1996

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 37-00296 Decreed to Hailey Water & Power Co.
in case of S.C. Frost et. AL. vs. Alturas Water Co. Et. AL.
dated 12-13-1909 in Fourth District county of Lincoln
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____
3. Source of water Indian Creek tributary to Sinks4. Date or priority 4-1-1880

5. Water is used for the following purpose:

* amount 3.0 for Irrigation purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

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

* Per IDWR Current meter measurement 9-29-94, it is for entire flow of creek.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	23	3N	18E	Blaine	

8. Lands irrigated or place of use:

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	
2N	18E	4		X	X		X			X									
3N	18E	22												X	X		X	X	
		23		X					X	X		X							
		27					X	X	X										
		28				X								X	X	X	X		
		33			X										X				

Total acres _____

9. Describe any other water rights used for the same purpose as described above

None

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

X If yes, describe The unchanged portion in C.1 has not historically been irrigated and has not been claimed in the SRBA**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

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

1. amount 2.72 cfs for Irrigation purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	23	3N	18E	Blaine	

3. Lands irrigated or place of use:

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	
3N	18E	22															X		
		23							X										
		27					X		X										
		28													X	X	X	X	

Total acres _____

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

1. amount .28 cfs for Irrigation purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	23	3N	18E	Blaine	

3. Lands irrigated or place of use:

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	
2W	18E	4		X/2	X		X/3			X									
3N	18E	22												X	X			X	
		23		X						X	X								
		27					X												
		28																	
		33																	

Total acres _____

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

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

See Attached Topo map



JAN 23 1996

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

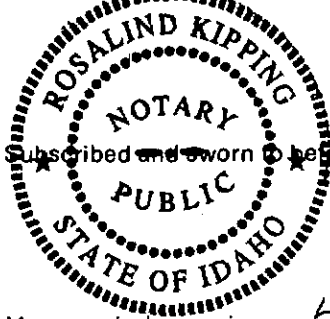
1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

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

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

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

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



Indian Creek Ranch Owners Assn. Inc.

by Dennis Kawaguchi, Manager

(Signature of Applicant)

Subscribed and sworn to before me this 8th day of June, 19 95.

Rosalind Kipping

(Notary Public)

My commission expires 4.26.2000

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 15 attachments

Received by MTS Date 6-14-95 Protest filed by None

Prelim. check by JF Stanton Fee \$100

Receipted by MTS Date 6-14-95 (5018205)

Published in Wood River Journal Copies of protest forwarded by _____

Pub. dates 9/20 + 9/27/95 Hearing held by _____ Date _____

Watermaster recommendation requested on 9/12/95 Recommended for ☒ approval ☐ denial

_____ rec'd. 9/20/95 by Adm

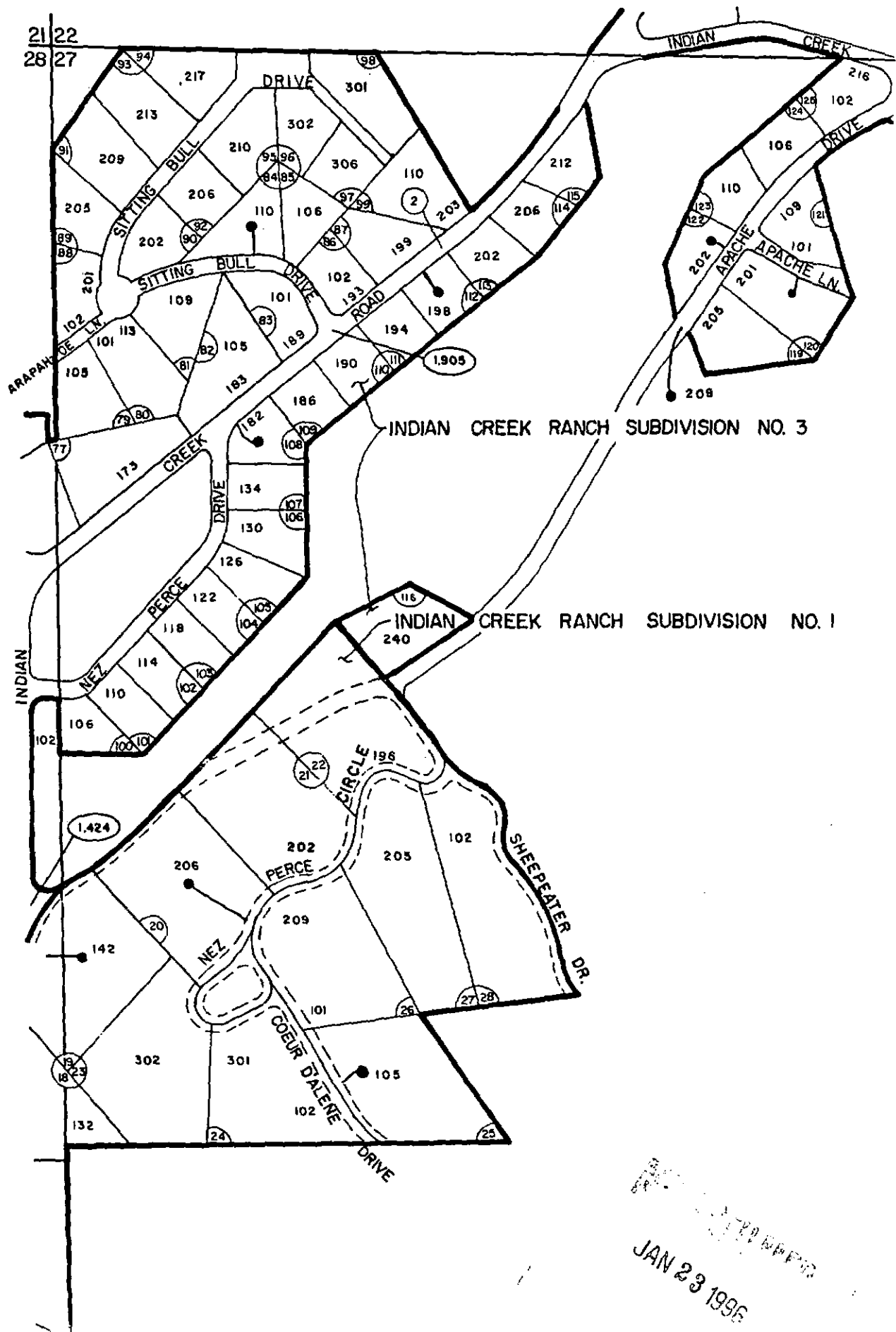
Copy of transfer sent to lien holder _____

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JUN 15 1995

Department of Water Resources
Southern Region

JAN 23 1996



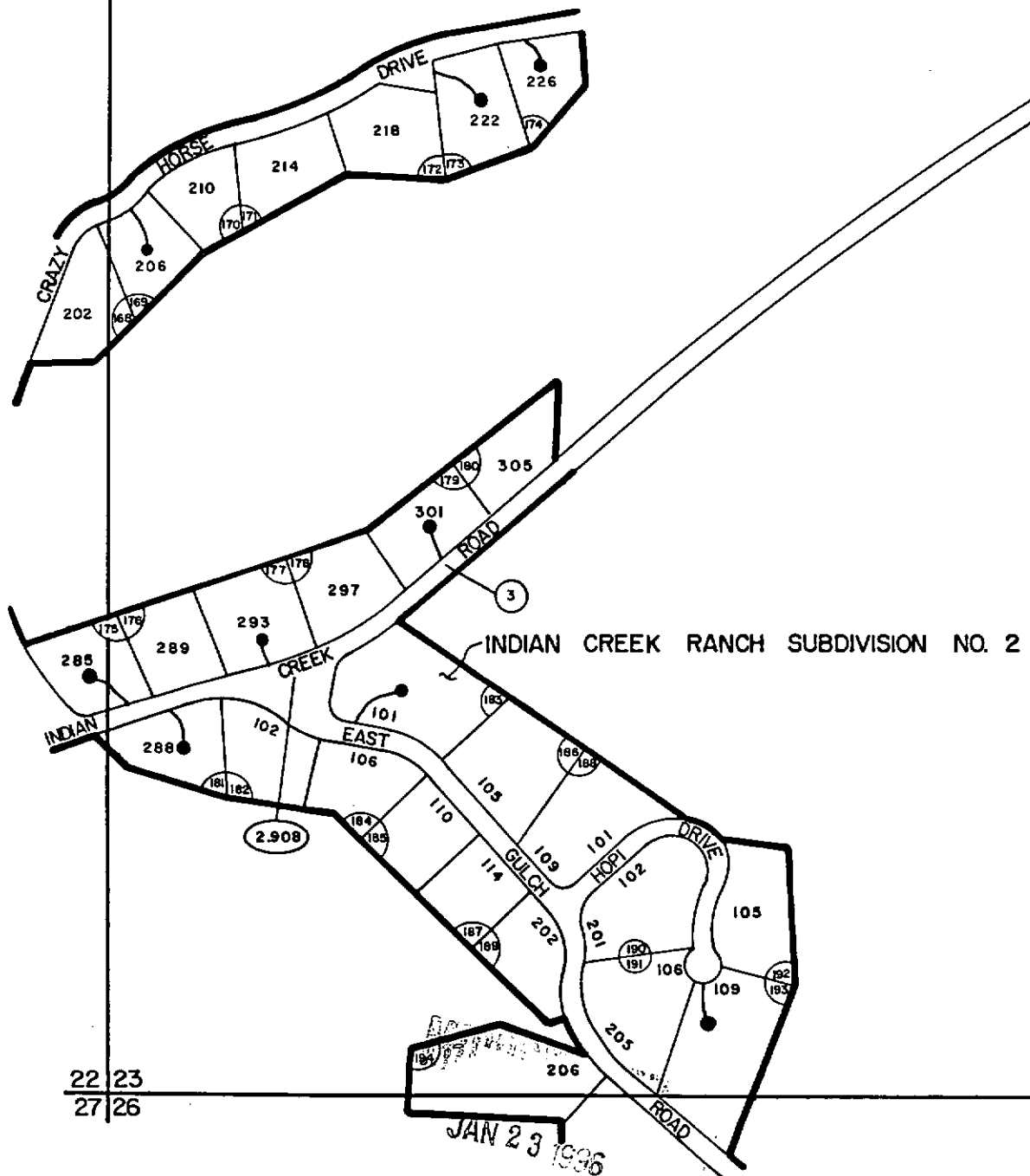
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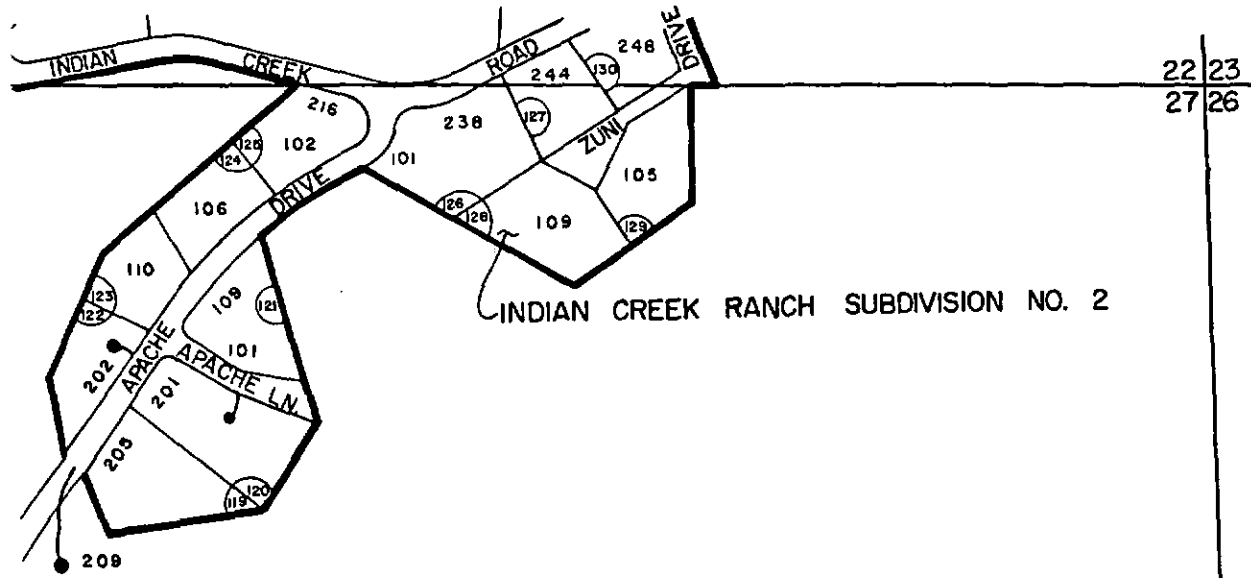
INDIAN CREEK RANCH SUBDIVISION NO. 1

JAN 23 1996

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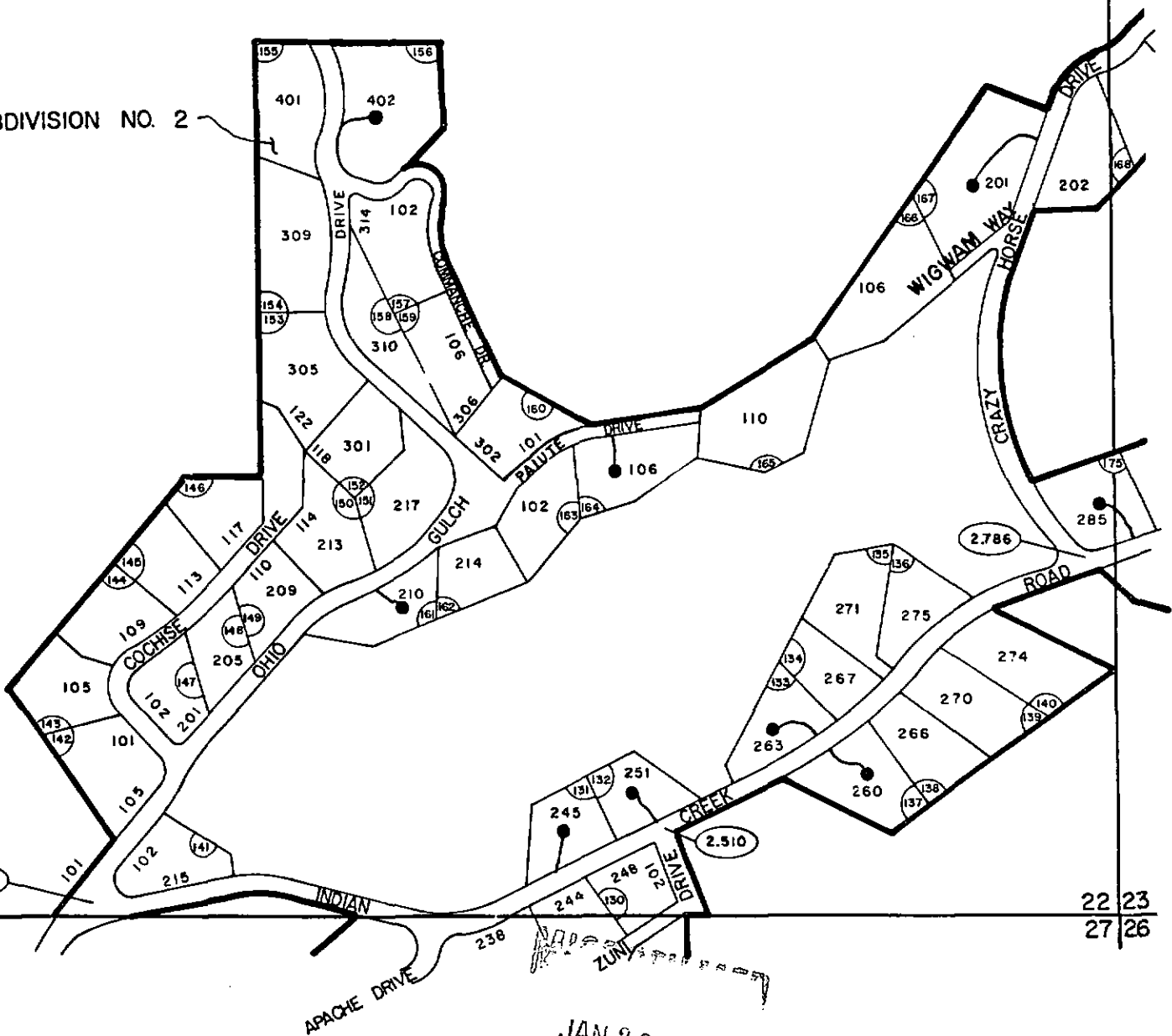
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SUBDIVISION NO. 1

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JAN 23 1996

T# 4713

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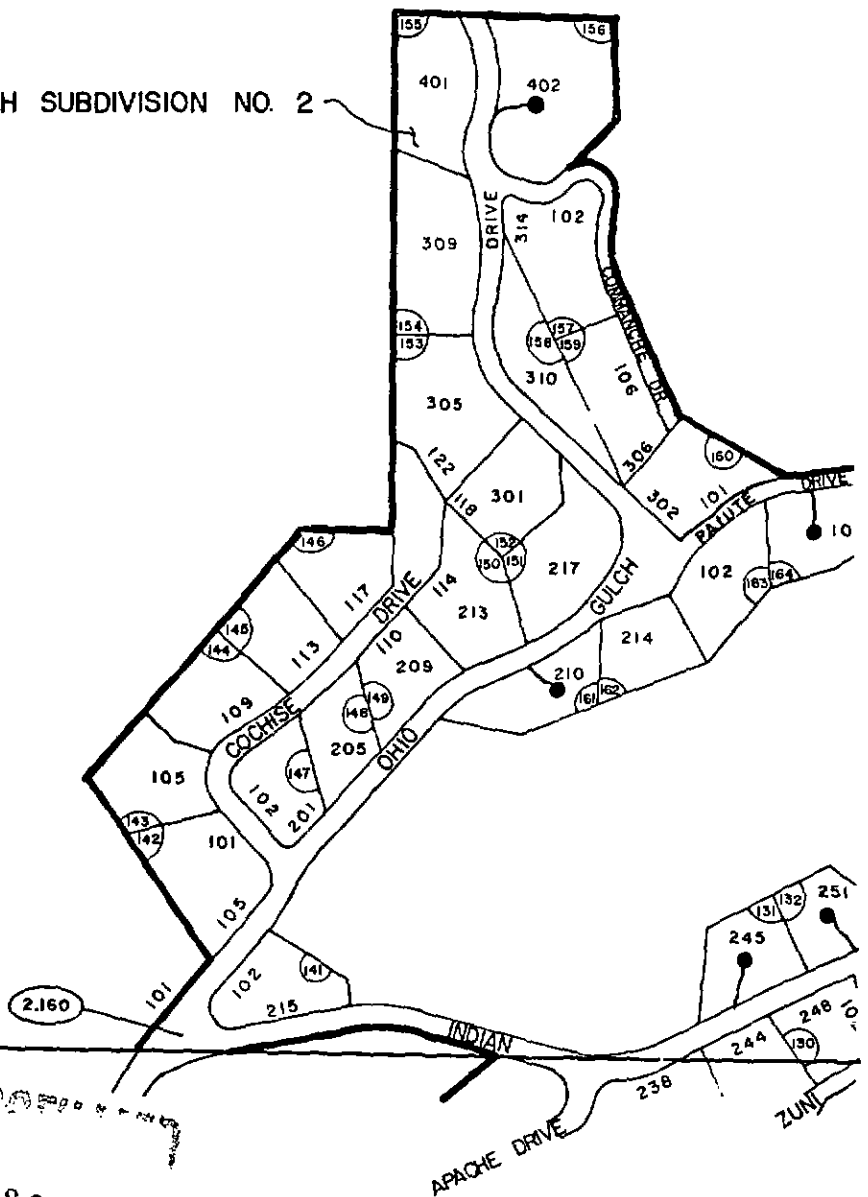


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INDIAN CREEK RANCH SUBDIVISION NO. 2

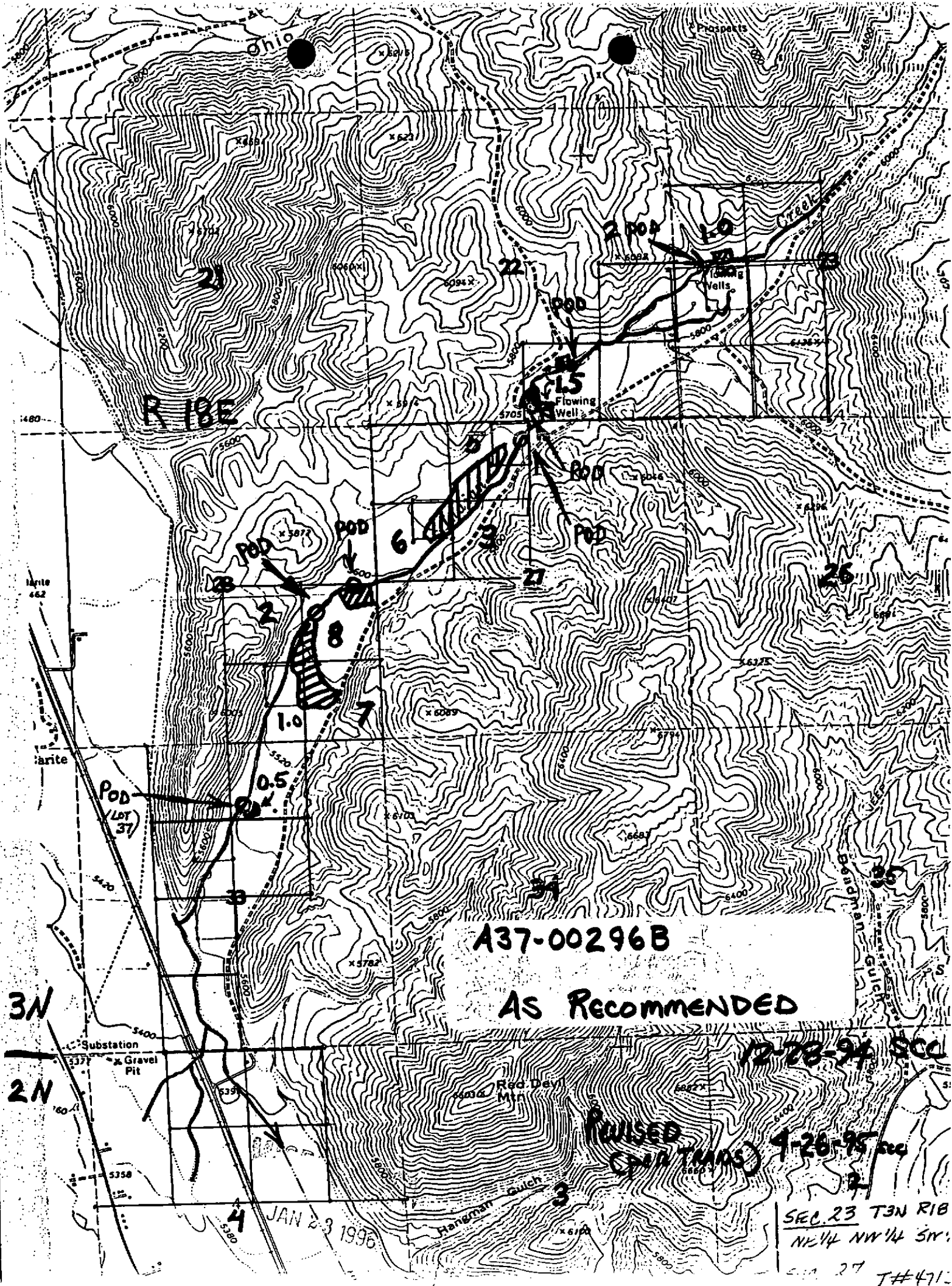


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28 27

JAN 23 1996

SEC. 22, T. 3 N., R. 18 E.

T# 4713



T#4713

NAPP 16013-444

c. 1987 flight

SCALE 8" = 1 MILE

1" = 660'

Common Areas
Below Pond

AREA NOT IRRIGATED
= 24.4 ACRES
(fields #2, 3, 6 & 8)

AREA POSSIBLY IRRIGATED
= 66.4 AC.

Lot #172 = 1/2 AC.
173 = 1/2 AC.
47 = 1/2 AC.

(59-63 = 4 AC.)
FIELD #5 AS 5.5 AC.
LISTED ON FIELD NOTES
OF 10-19-94 by SCC

Review 1994 MAP

PLANIMETER ACRES

=====

10-7-94 SCC

1987 ASCS MAP

SCALE: 1" = 660'

CA = 0.09699

=====

FIELDS LISTED 11-7-94

FROM UPPER END, ACRES

BELOW POND, TO PER

LOWER END. EXAM

=====

1. 19.8 ACRES 13.8/4.0

2. 5.8

3. 5.8

4. 14.0

5. 18.2

6. 6.4

7. 14.4 < 14.4

8. 6.4

=====

90.8 ACRES 42.2

1.0 plus Pond 28.0

=====

1.0 plus Pond 28.0

=====

1.0 plus Pond 28.0

=====

1.0 plus Pond 28.0

=====

1.0 plus Pond 28.0



4713 T #1

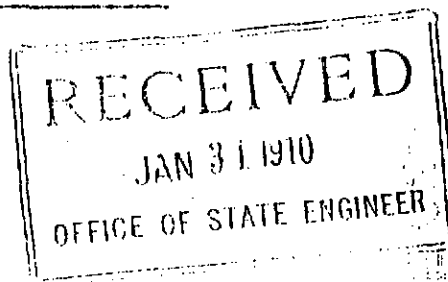


0.1

0.012
0.012

0.01

In the District Court of the Fourth Judicial District
of the
State of Idaho, in and for the County of Lincoln.



S. C. Frost, et al.,

P l a i n t i f f s,

vs.

DECREE.

Alturas Water Company, et al.,

D e f e n d a n t s.

This cause coming on to be heard this 6th day of October, 1909, upon the Report of F. J. Cowen, Referee heretofore appointed for the purpose of taking the testimony and making recommendations as to Findings of Fact, Conclusions of Law and Decree, to be entered herein, and the said F. J. Cowen having filed his Report of the testimony taken, and his recommendations as to Findings of Fact, Conclusions of Law, which have heretofore been adopted, and the respective plaintiffs and defendants and cross-complainants appearing herein by their respective counsel, and the court being fully informed and advised in the premises, and having ordered that judgment be entered in accordance with the Report and recommendations of the said Referee, Wherefore, by reason of the law and the Report and Findings of Fact and Conclusions of Law aforesaid,

It is Ordered, Adjudged and Decreed, that the several parties, plaintiffs and defendants herein named, do have judgment respectively for

JAN 23 1910

MICROFILM

✓ Gooding, Fred. W.	220 inches.	May 15, 1883.	Big Wood River.
✓ " " "	200 "	June 1, 1885.	" " "
✓ " " "	75 "	May 1, 1893.	" " "
✓ " " "	126 "	May 1, 1895.	" " "
✓ " " "	60 "	Mch. 18, 1896.	" " "
✓ " " "	80 "	Oct. 20, 1902.	" " "
			(Also shares in Big Cottonwood Canal Co.)
Gooding, Thomas H.	50 "	Apr. 1, 1877.	Little Wood River.
" " "	100 "	Apr. 5, 1885.	" " "
" " "	10 "	Apr. 1, 1887.	" " "
✓ " " "	280 "	Mch. 18, 1896.	Big Wood River.
			(Also shares in Big Cottonwood Canal Co.)
T. #2360 ✓ Gooding, Walter	152 "	June 1, 1884.	Big Wood River.
✓ " "	160 "	May 15, 1897.	" " "
✓ Green, Miss Belle, Guardian.	350 "	May 1, 1883.	Trail Creek.
Grenfell, Annie, and John Edwards			(See John Edwards and Annie Grenfell.)
Grey, John J.	All of creek.		Burgess Creek } Trans #74
" " "	All of creek.		Early Creek. }
Guiver, George	100 inches.	Apr. 1, 1892.	Little Wood River. (Also shares in Little Wood River Canal Co.)
✓ Gwinn, Frank	120 "	Apr. 23, 1906.	Big Wood River.
✓ Gwinn, Frank P.	160 "	Nov. 15, 1897.	" " "
✓ Gwinn, William R.	280 "	Apr. 23, 1906.	" " "
Hailey Water & Power Company	All of creek.	(Exclusive right, (as successor of (Nancy M. Tucker.)	Indian Creek.
Do.	300 inches.	Nov. 26, 1886.	Big Wood River.
7 0298 Hamblett, S. G.	200 "	Sept. 18, 1885.	" " " Trans # 97-505-721
0299 Hardin, Arthur L.	154 "	Nov. 2, 1885.	" " "

JAN 23 1996

is superior to the rights of the plaintiffs in this action, as well as their co-defendants, and the priority of dates fixed in this decree should not affect the amount of water nor the use of the said water by the said Adam Ifland and Frederick W. Fator.

9. That the defendant, John J. Grey, is entitled to a decree of this court adjudging and declaring that he shall have the right to the use of 160 inches of the waters of the said Early Creek from May 15, 1895, and 160 inches of the waters of the said Burgess Creek from July 1, 1883.

10. That the defendant, M. S. Lawson, is entitled to fill the reservoir mentioned in the Findings herein, from the waters of Silver Creek, during the high water season, or at times when the waters of said stream are not being used for irrigating purposes.

Dated at Pocatello, Idaho, December.....13th....., 1909.

Alfred R. Dodge

Presiding Judge.

IN THE DISTRICT COURT;
FOURTH JUDICIAL DISTRICT,
LINCOLN COUNTY, IDAHO

L. C. Jones et al
Plaintiff. s

—VS.—

Alturas Water Co et al
Defendant

Findings of Fact and
Conclusions of Law

Filed Dec 17th 1909 at M.

Harry Anderson
Clerk

Recorded in Book of
Civil Judgments page 191-

Harry Anderson
clerk

PR.

RECORDED

JAN 23 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

JANUARY 18, 1996

INDIAN CREEK RANCH OWNERS ASSOC INC
C/O BRUCE LIUM
PO BOX 3411
HAILEY ID 83333

RE: Transfer of Water Right No. 37-00296B

Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water right (Transfer No. 4713). Please be sure to thoroughly review the "Conditions/Remarks:" as listed on the transfer.

Sincerely,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:rl

Enclosure

RECEIVED
JAN 23 1996

MEMORANDUM

TO: FILE NO. 37-00296
FROM: PAM SKAGGS/STATE OFFICE
SUBJECT: TRANSFER NO. 4713
DATE: January 16, 1996

=====

Transfer No. 4713 was filed to change the points of diversion and place of use under a portion of Right No. 37-00296, splitting the right into parts A and B.

The use and specific acres under the transferred portion of the right was determined by region staff through SRBA field exam and on-site confirmation. The transfer will describe the system as currently used to irrigate both individual property and common areas within the Indian Creek Ranch Subdivisions.

The season of use and diversion volume were adjusted to current standards. A portion of the authorized rate of diversion under Right No. 37-00296B is limited to use for conveyance losses in the delivery of this right through both gravity and sprinkler systems.

Recommended conditions include watermaster control, irrigation overlap, multiple points of diversion/measuring devices, future annual reporting and standard transfer conditions.

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JAN 23 1996

TRANSFER REVIEW SHEET
(04-95)

Transfer # 4713

Date Reviewed 12-14-95
CB

Right(s) 37-00296 _____

☒ Print Split Summary ☒ Run POU Comparison Report

B: Change P/D C: Add P/D D: Change P/U E: Change Nature of Use
F: Change Period of Use G: Other H: Change P/D & Add P/D
I: Change P/D & P/U J: Add P/D & Change P/U

Proof of Ownership Warranty Deed 1-31-78 Homeowners Assoc. Articles
SRBA Claim - A37-00296B

Transfer _____ All of Right ☒ Portion of Right

Resulting Split(s) A + B

A = Remainder of Rt. not historically IRR or Claimed in SRBA - Validity determined in SRBA
B =

Check Transfer Against Right

Season/Vol. B/3.5

(1) ☒ Priority (2) ☒ Use (3) _____ Season (4) _____ Rate (5) _____ Volume

(6) ☒ Source (7) _____ P/D (8) _____ P/U (9) ☒ Proof/Owner (10) ☒ Map

(11) 37 Water District (12) _____ Pertinent Conditions (13) _____ Expansion
WM Approval Rwd. 9-20-95

(3) Allow standard season

(4) High rate of diversion for combination gravity & sprinkler system / Limit to 2.72 cfs
(See Attached - Part CWR + Hubble Analysis from Region) Rate determined by SRBA field exam.

(5) Allow standard VOL $35 \times 3.5 = 122.5 \text{ cfs} < \text{Vol}$

(7) Change & Add P/Ds to describe current system

(8) Describe Historically IRR acres

Transfer recommended per findings of SRBA exam.

WM measured max. creek flow at 6.33 cfs / Less City of Hailey 2.62 = 3.71 cfs available.

Transfer Remarks 2 P/Ds NWSE S23 SWSE S22 + NESE S28 WBY Conveyance Losses
Conditions R04, R25, 028, T04, T07, T08, T09, T17

Database/Processing Notes T Files

Edit - * total rate & limiting condition - conveyance losses

WR Reports File _____

Transfer Memo Complete ☒

WR0749NP
No. T37-00296B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/16/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	INDIAN CREEK RANCH OWNERS ASSN INC C/O BRUCE LIUM PO BOX 3411 HAILEY ID 83333 (208) 788-2860	04/01/1880	IRRIGATION	04-15 10-15	2.720 CFS	122.50 AFA
TOTAL DIVERSION:					2.720 CFS	122.50 AFA

Water Source: INDIAN CREEK

Tributary to: BIG WOOD RIVER

Stage: DECREED

Point(s) of Diversion:	T03N R18E S22	SWSE	BLAINE County
	S23	NWSW	BLAINE County
	S27	NENW	BLAINE County
	S28	NESE	BLAINE County
	S33	NWNE	BLAINE County

Point of Diversion Name(s):

	Name	Rate	Number
T03N R18E S22	SW SE PUMP IN POND & CREEK		
S23	NW SW 2 PUMPS IN CREEK		
S27	NE NW HEADGATE IN CREEK		
S28	NE SE PUMP & HEADGATE IN CREEK		
S33	NW NE PUMP IN CREEK		

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE								
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	:	NENW	NWNW	SWNW	SESW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
03N	18E	22	:	:	:	:	:	:	:	:	:	:	:	:	:	:	01	:	:	1.5
03N	18E	23	:	:	:	01	:	:	:	:	:	:	:	:	:	:	:	:	:	1.0
03N	18E	27	:	:	05	06	03	:	:	:	:	:	:	:	:	:	:	:	:	14.0
03N	18E	28	:	:	:	:	:	:	:	:	08	02	01	07	:	:	:	:	:	18.0
03N	18E	33	:	.5	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	0.5
																			TOTAL ACRES	35.0

Pou County: BLAINE

Other Water Rights Listing Overlapping Place(s) of use:
37-00296 37-00898

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
- R25 - This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above.
- 028 - After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
- T04 - Approval of this transfer in no way grants any right-of-way or

Conditions of Approval:

- easement for use of a delivery system owned by person(s) other than the right owner.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- T17 - Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Remarks: The total instantaneous diversion of water from all points of diversion under Transfer No. 4713 shall not exceed 2.72 cfs, nor total combined annual diversion volume of 122.5 af. A portion of the authorized rate of diversion under Right No. 37-002968 is for conveyance purposes in the delivery of this right. Two points of diversion are located within SWSE, S22; NWSW, S23; and NESE, S28, T03N, R18E.

Dates: App. Received: 06/14/1995 Priority Date: 04/01/1880
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 37 Field Exam Fee:

Comments: Date: 09/11/1995 User-ID: MBALDWIN Subject: TRANSFER NO. 4713
T# 4713 filed on 6/14/95 proposes to add diversion points, change the place of use and split water right. The unchanged portion has not historically been irrigated and has not been claimed in the SRBA. Six (6) pumps and two (2) headgates divert water from Indian Creek or a small instream pond. The new place of use will reflect the current irrigation system and land irrigated by the subdivision land owners & common area.

Audit: 09/11/95 MBALDWIN 12/04/95 SCURTIS 12/15/95 PSKAGGS 01/09/96 PSKAGGS
01/10/96 PSKAGGS 01/16/96 PSKAGGS

WR0749NP
No. T37-00296A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/16/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HAILEY WATER & POWER CO	04/01/1880	IRRIGATION	00-00 00-00		

TOTAL DIVERSION:

Water Source: INDIAN CREEK

Tributary to: BIG WOOD RIVER

Stage: DECREED

Point(s) of Diversion: T03N R18E S23 SENW BLAINE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE																
				NENE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SENW					NESW	NWSW	SWSW	SESW					NESE	NWSE	SWSE	SESE	
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
02N	18E	4	:			02-I		I				03-I		I																		
03N	18E	22	:																			I				I						
03N	18E	23	:			I								I								I										
03N	18E	27	:									I																				
03N	18E	28	:					I																								
03N	18E	33	:					I																		I						

Pou County: BLAINE

Other Water Rights with Same Point(s) of Diversion and Source:
37-00296 37-00717 37-01216

Other Water Rights Listing Overlapping Place(s) of use:
37-00183 37-00296 37-00297 37-00298A 37-00334D 37-00577AE 37-00898 37-00900 T37-00004B T37-00024
T37-00577BV

Remarks: RT. FOR ENTIRE FLOW OF INDIAN CREEK.
RT. PRESENTLY USED FOR MUNICIPAL SUPPLY FOR CITY OF HAILEY.
SEE IDAHO & OREGON LAND & IMPROVEMENT CO. VS. TUCKER ET. AL.
SEE CALDWELL ET. AL. VS. TUCKER ET. AL. 12/24/1900
CITY OF HAILEY CLAIMS 2.62 CFS FROM INDIAN CR.; PART IF NOT
ALL OF THIS AMOUNT STEMS FROM 37-00296.
ALSO SEE 37-00717 & 37-01216.

Split into Parts A and B thru Transfer No. 4713.

Dates: App. Received: Priority Date: 04/01/1880
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 37 Field Exam Fee:

WR0749NP
No. T37-00296A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/16/96
PAGE: 2

Comments: Date: 09/11/1995 User-ID: MBALDWIN Subject: TRANSFER NO. 4713
T# 4713 filed on 6/14/95 proposes to add diversion points, change
the place of use and split water right.
The unchanged portion has not historically been irrigated and has
not been claimed in the SRBA.
Six (6) pumps and two (2) headgates divert water from Indian
Creek or a small instream pond.
The new place of use will reflect the current irrigation system
and land irrigated by the subdivision land owners & common area.

Audit: 09/11/95 MBALDWIN 12/04/95 SCURTIS 12/15/95 PSKAGGS 01/16/96 PSKAGGS

TO: STATE OFFICE

JAN-16-'96 TUE 09:59

IDWR SOUTHERN

TEL NO: 1-208-5-3037

#165 P01

TRANSMITTAL COVER SHEET

OMNIFAX G66

TO: PAM

* INFO you REQUESTED

TOTAL PAGES SENT: 7

DOCUMENT DESCRIPTION:

Hubble Analysis @ INDIAN CREEK

FROM: IDAHO DEPARTMENT OF WATER RESOURCES
222 SHOSHONE AVE E
TWIN FALLS ID 83301

PHONE: 736-3033

FAX: 736-3037

SENDER: STEVE

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.

COMMENTS: _____

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JAN 23 1996

AJ CLAIM TOTAL DIVERSION RATE: 4.010 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?
B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE?

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE?

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM?

E. FLOW MEASUREMENT

MEASUREMENT METHOD Current Meter = 3.0 cfs SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 29.0 x 0.02 CFS/ACRE = 0.58 CFS
(Taken from pou review)

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? ☒ YES ☐ NO

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? ☒ YES ☐ NO

2. IRRIGATION CONSUMPTIVE USE
CLAIMED CONSUMPTIVE USE = 500.0 AF/A

ACRES x CONSUMPTIVE VOL. AF/A FOR AREA =

TOTAL CONSUMPTIVE USE AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES x DIVERSION VOL. AF/A FOR AREA =

TOTAL DIVERSION VOLUME AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

2.61 cfs (Base Right)
+ .11 cfs (amount to cover Transfers but irrigation)
2.72 cfs TOTAL

5.5 Ac. x 0.02 = 0.11 cfs

(Lot 37) 0.02 = 0.02

2.61 cfs

* additional meter

from old meter

added to used

cover in proposed transfer

see #2094

(see #2094)

1.0 acre @ peak Spindle rate 0.034

1b. CALCULATIONS

Hubbly analysis: on 28 Acres

#1 FUR = 1.28 cfs

#4 FUR = 1.28 cfs

2.56 cfs

TOTAL FLOW:

2.56 cfs

Peak Spindle

2.59 cfs

0.03

2.61 cfs

Not Given.
Provides Extra flow.

JAN 23 1996

TO: STATE OFFICE

JAN-16-'96 TUE 10:01 IDWR SOUTHERN

TEL NO: 1-208-6-3037

#165 P03

CLAIM NO. --- A37-002960
AGENT ----- SCC
DATE ----- 11/25/94

Lotus Program:
IRR-PRAC.WKS
Date form revised:
4/21/93 by KKC

***** SOIL CHARACTERISTICS

Soil Type = 31: DRAGE... VERY, GRAVELLY LOAM
Source of Soils Data = Printout from SCS State Office

soil depth (inches)		AWC (in/in)		PH		organic (%)		soil depth (ft)	AWC (inches)	intake family	
lower	upper	lower	upper	lower	upper	lower	upper			flood	furrow
0	16	0.08	0.1	6.6	7.8	1	3	1	1.08	3	0.7
16	41	0.08	0.12	6.6	7.8			1	1.17		
41	60	0.04	0.06	7.4	8.4			3	3.44		
								4	4.29	alternate	
								5	4.89	method	
										NA	NA

Management Allowed Deficit (MAD)

crop	root depth (ft)	stress point (INCHES)	MAD
alfalfa (hay or seed)	5	0.5	2.45
corn (field or silage)	4	0.5	2.14
grain (winter or spring)	4	0.5	2.14
pasture (or grass hay)	3	0.5	1.72
other (enter below)			

***** FIELD NOTES AND CALCULATIONS

	FIELD 1	FIELD 2	FIELD 3	FIELD 4
FIELD WIDTH	1740			1525
IRRIGATION DAYS	10.3			10.3
DRY DAYS	0			0
SET TIME(hours)	8			8
CALCULATED RUN (run = acres*43560/width)				
LENGTH (RUN) =	350			400
CALCULATED BORDER WIDTH (ditch length/irr days * cha				
WIDTH =	56			49
THEORETICAL ROTATION (mad/net irr req in inches per				
SELECTED MAD =	2.45			
ROTATION =	10.3 DAYS			

***** PEAK IRRIGATION DIVERSION REQUIREMENT AT FIELD

Weather Station = HAILEY RANGER STATION
Figure No = 10-29

crop	acres	system	recomm. eff.	mar	Net Irrigation Requirement (mm/day)	apr	may	jun	jul	aug	sep	oct
PASTURE		FLOOD	29.9		0.94	3.6	4.92	5.6	4.53	3.38	2.06	
ALFALFA	14	FLOOD				2.87	5.86	6.02	4.36	1.97		

Summary 14 2.87 5.86 6.02 4.36 1.97

Peak Net Irrigation Requirement (mm/day) = 6.02

Program Operation based upon "GUIDELINES FOR THE EVALUATION OF IRRIGATION DIVERSION RATES"
HUBBLE ENGINEERING INC. OCTOBER 1991
Soil Characteristics based upon SOIL CONSERVATION SERVICE STUDIES
Peak Irrigation Diversion based upon ALLEN & BROCKWAY WEATHER INFORMATION 1983

RECEIVED

JAN 23 1996

TO: STATE OFFICE

JAN-16-'96 TUE 10:02 IDWR SOUTHERN

TEL NO: 1-202-6-3037

#165 P04

GRADED BORDER EVALUATION

Job name: ICROA A37-00296B
By: SCC

Location: 31-DRAGE, FIELD 4
Date: Nov 28, 1994

Roughness coefficient (n) = 0.150 Intake family (If) = 3.00
Slope (S) = 0.0200 ft/ft Border width (W) = 49 ft
Net application (Fn) = 2.45 inches Border length (L) = 400 ft
Inflow time (Ti) = 8 hours, 0 minutes

Flow per Border (cfs)	Unit Flow (cfs/ft)	Gross Application (in)	Deep Percolation (in)	Runoff (in)	Application Efficiency (percent)	Notes
1.20		Gross depth is less than required	gross application depth			
1.21		Gross depth is less than required	gross application depth			
1.22		Gross depth is less than required	gross application depth			
1.23		Gross depth is less than required	gross application depth			
1.24		Gross depth is less than required	gross application depth			
1.25		Gross depth is less than required	gross application depth			
1.26		Gross depth is less than required	gross application depth			
1.27		Gross depth is less than required	gross application depth			
1.28	0.026	22.57	20.10	0.02	10.9	
1.29	0.026	22.75	20.10	0.19	10.8	
1.30	0.027	22.92	20.10	0.37	10.7	

F.I.R. = 1.28 cfs

$$\frac{1.28 \text{ cfs}}{14.0 \text{ Ac}} = 0.091 \text{ cfs/Ac.}$$

Sam
11-28-94

RECORDED

JAN 23 1996

TO: STATE OFFICE

JAN-16-'96 TUE 10:02 IDWR SOUTHERN

TEL NO: 1-202-26-3037

#165 P05

GRADED BORDER EVALUATION

Job name: ICROA A37-00296B
By: SCCLocation: 31-DRAGE, FIELD 1
Date: Nov 28, 1994

Roughness coefficient (n) = 0.150 Intake family (If) = 3.00
 Slope (S) = 0.0200 ft/ft Border width (W) = 56 ft
 Net application (Fn) = 2.45 inches Border length (L) = 350 ft
 Inflow time (Ti) = 8 hours, 0 minutes

Flow per Border (cfs)	Unit Flow (cfs/ft)	Gross Application (in)	Deep Percolation (in)	Runoff (in)	Application Efficiency (percent)	Notes
1.20		Gross depth is less than required	gross application depth			
1.21		Gross depth is less than required	gross application depth			
1.22		Gross depth is less than required	gross application depth			
1.23		Gross depth is less than required	gross application depth			
1.24		Gross depth is less than required	gross application depth			
1.25		Gross depth is less than required	gross application depth			
1.26		Gross depth is less than required	gross application depth			
1.27		Gross depth is less than required	gross application depth			
1.28	0.023	22.57	20.10	0.02	10.9%	
1.29	0.023	22.75	20.10	0.19	10.8	
1.30	0.023	22.92	20.10	0.37	10.7	

$$FIR. = 1.28 \text{ cfs}$$

$$\frac{1.28 \text{ cfs}}{14.0 \text{ Ac}} = 0.091 \text{ cfs/Ac}$$

Sum
11-28-94

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JAN 23 1996

312

Soil Survey

TABLE 13.--ENGINEERING INDEX PROPERTIES--Continued

Soil name and map symbol	Depth	USDA texture	Classification		Frag- ments > 3 inches Pct	Percentage passing sieve number--				Liquid limit Pct	Plas- ticity index
			Unified	AASHTO		4	10	40	200		
28, 29----- Drage	0-14	Gravelly loam----	CL, GC	A-6	0-15	65-90	60-80	55-80	40-65	30-40	10-15
	14-20	Very gravelly clay loam, very gravelly sandy clay loam.	GC	A-2, A-7	5-30	40-60	30-55	25-50	20-40	40-50	15-25
	20-61	Extremely gravelly sandy loam, extremely gravelly loam, extremely cobbly sandy loam.	GC, GM-GC	A-2	25-45	30-40	25-35	15-35	10-25	25-40	5-15
30----- Drage	0-14	Gravelly loam----	CL, GC	A-6	0-15	65-90	60-80	55-80	40-65	30-40	10-15
	14-30	Very gravelly clay loam, very gravelly sandy clay loam.	GC	A-2, A-7	5-30	40-60	30-55	25-50	20-40	40-50	15-25
	30-61	Extremely gravelly sandy loam, extremely gravelly loam, extremely cobbly sandy loam.	GC, GM-GC	A-2	25-45	30-40	25-35	15-35	10-25	25-40	5-15
→ 31----- Drage	0-16	Very gravelly loam.	GC, SC	A-2	0-10	60-80	45-50	30-40	25-35	30-40	10-15
	16-41	Very gravelly clay loam, very gravelly sandy clay loam.	GC	A-2, A-7	5-30	40-60	30-55	25-50	20-40	40-50	15-25
	41-61	Extremely gravelly sandy loam, extremely gravelly loam, extremely cobbly sandy loam.	GC, GM-GC	A-2	25-45	30-40	25-35	15-35	10-25	25-40	5-15
32*: Earcree-----	0-37	Gravelly coarse sandy loam.	SM	A-1, A-2	0	75-95	65-75	35-45	20-35	20-25	NP-5
	37-52	Gravelly coarse sandy loam, gravelly sandy loam, gravelly loamy coarse sand.	SM, GM	A-1, A-2	0	60-80	50-75	25-50	10-35	15-25	NP-5
	52-70	Very gravelly loamy coarse sand.	SM, GM	A-1	0	50-60	40-50	20-30	10-20	---	NP
Lockman-----	0-15	Sandy loam-----	SM	A-2	0	85-95	80-90	45-65	25-35	15-25	NP-5
	15-23	Gravelly sandy loam, sandy loam.	SM	A-2, A-4	0-5	85-95	70-90	45-70	25-40	15-25	NP-5
	23-44	Gravelly sandy loam, gravelly loamy sand.	SM	A-1, A-2	0-5	75-90	60-75	40-65	15-30	15-25	NP-5
	44-58	Weathered bedrock	---	---	---	---	---	---	---	---	---
	58	Unweathered bedrock.	---	---	---	---	---	---	---	---	---

See footnote at end of table.

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Soil Survey

TABLE 14.--PHYSICAL AND CHEMICAL PROPERTIES OF THE SOILS--Continued

Soil name and map symbol	Depth	Clay	Permeability	Available water capacity	Soil reaction	Salinity	Shrink- swell potential	Erosion factors		Wind erodi- bility group	Organic matter
								K	T		
	In	Pct	In/hr	In/in	pH	mmhos/cm					Pct
25*: Deerhorn-----	0-9	10-15	2.0-6.0	0.13-0.15	6.1-7.8	<2	Low-----	0.24	2	3	1-3
	9-21	18-30	0.2-0.6	0.14-0.18	7.4-8.4	<2	Moderate	0.32			
	21-24	---	---	---	---	---	---	---			
	24-28	---	---	---	---	---	---	---			
Wildors-----	0-9	10-17	2.0-6.0	0.05-0.07	6.6-7.3	<2	Low-----	0.10	2	3	1-2
	9-21	11-20	0.6-2.0	0.05-0.11	7.4-8.4	<2	Low-----	0.24			
	21-24	---	---	---	---	---	---	---			
	24-28	---	---	---	---	---	---	---			
26*: Deerhorn-----	0-8	10-15	2.0-6.0	0.13-0.15	6.1-7.8	<2	Low-----	0.24	2	3	1-3
	8-21	18-30	0.2-0.6	0.14-0.18	7.4-8.4	<2	Moderate	0.32			
	21-28	---	---	---	---	---	---	---			
	28-32	---	---	---	---	---	---	---			
Wildors-----	0-10	10-17	2.0-6.0	0.05-0.07	6.6-7.3	<2	Low-----	0.10	2	3	1-2
	10-22	11-20	0.6-2.0	0.05-0.11	7.4-8.4	<2	Moderate	0.24			
	22-24	---	---	---	---	---	---	---			
	24-28	---	---	---	---	---	---	---			
Trevino-----	0-12	12-18	0.6-2.0	0.08-0.10	6.6-8.4	<2	Low-----	0.15	1	5	1-2
	12-16	---	---	---	---	---	---	---			
27*: Dollardhide-----	0-7	8-18	2.0-6.0	0.06-0.11	6.6-7.8	<2	Low-----	0.17	1	8	1-3
	7-13	8-18	2.0-6.0	0.05-0.09	6.6-7.8	<2	Low-----	0.10			
	13	---	---	---	---	---	---	---			
Rock outcrop.											
28, 29-----	0-14	15-25	0.6-2.0	0.10-0.12	6.6-7.8	<2	Low-----	0.20	5	6	1-3
Drage	14-20	28-35	0.2-0.6	0.08-0.12	6.6-7.8	<2	Moderate	0.28			
	20-61	10-25	0.6-2.0	0.04-0.06	7.4-8.4	<2	Low-----	0.10			
30-----	0-14	15-25	0.6-2.0	0.10-0.12	6.6-7.8	<2	Low-----	0.20	5	6	1-3
Drage	14-30	28-35	0.2-0.6	0.08-0.12	6.6-7.8	<2	Moderate	0.28			
	30-61	10-25	0.6-2.0	0.04-0.06	7.4-8.4	<2	Low-----	0.10			
→ 31-----	0-16	15-25	0.6-2.0	0.08-0.10	6.6-7.8	<2	Low-----	0.15	5	6	1-3
Drage	16-41	28-35	0.2-0.6	0.08-0.12	6.6-7.8	<2	Moderate	0.28			
	41-61	10-25	0.6-2.0	0.04-0.06	7.4-8.4	<2	Low-----	0.10			
32*: Earcree-----	0-37	10-18	2.0-6.0	0.10-0.13	5.6-7.3	<2	Low-----	0.10	5	3	3-6
	37-52	5-15	2.0-6.0	0.05-0.12	6.1-7.3	<2	Low-----	0.10			
	52-70	5-10	2.0-6.0	0.05-0.07	6.1-7.3	<2	Low-----	0.10			
Lockman-----	0-15	5-15	2.0-6.0	0.13-0.15	5.6-7.3	<2	Low-----	0.20	3	5	2-4
	15-23	5-15	2.0-6.0	0.11-0.13	5.6-7.3	<2	Low-----	0.17			
	23-44	3-12	2.0-6.0	0.09-0.11	5.6-7.3	<2	Low-----	0.17			
	44-58	---	---	---	---	---	---	---			
	58	---	---	---	---	---	---	---			
33*: Earcree-----	0-37	10-18	2.0-6.0	0.10-0.13	5.6-7.3	<2	Low-----	0.10	5	3	3-6
	37-52	5-15	2.0-6.0	0.05-0.12	6.1-7.3	<2	Low-----	0.10			
	52-70	5-10	2.0-6.0	0.05-0.07	6.1-7.3	<2	Low-----	0.10			

See footnote at end of table.

JAN 23 1996

31—Drage very gravelly loam, cool, 0 to 3 percent slopes**Composition**

Drage very gravelly loam, cool, 0 to 3 percent slopes—
85 percent

Contrasting inclusions—15 percent

Characteristics of the Drage Soil

Position on landscape: Stream terraces, fan terraces

Parent material: Mixed alluvium

Elevation: 5,000 to 6,100 feet

Average annual precipitation: About 16 inches

Average annual air temperature: About 41 degrees F

Frost-free period: About 65 days

Typical profile:

0 to 16 inches—very dark grayish brown and dark
grayish brown very gravelly loam

16 to 41 inches—dark brown and brown very
gravelly sandy clay loam and very gravelly clay
loam

41 to 61 inches—yellowish brown and light
yellowish brown extremely gravelly sandy loam

Depth class: Very deep

Drainage class: Well drained

Permeability: Moderately slow

Available water capacity: Low

Potential rooting depth: 60 inches or more

Restriction affecting rooting depth: Sand and gravel at a
depth of 41 inches

Runoff: Slow

Hazard of water erosion: Slight

Shrink-swell potential: Moderate

NOTE:

precip. could
support crop w/o
need for
irrigation.

38

p. 37 & 38
SOIL SURVEY
BLAKE Co.

Contrasting Inclusions

Isknot gravelly clay loam (5 percent); Bringmoe loam (5
percent); Hutton Variant clay loam (5 percent)

Major Uses**Hayland and pasture**

Currently grown irrigated crops: Alfalfa, pasture

General management considerations:

- Proper grazing practices, irrigation water management, seeding of suitable forage plants, and applications of fertilizer help to improve the quality of forage on pastures.

- The best suited method of irrigation is a sprinkler system, but corrugation systems are also suitable.

- Adjusting the rate at which irrigation water is applied to the available water capacity, the water intake rate, and the needs of the crop helps to prevent overirrigating and the leaching of plant nutrients.

Capability Classification

IVs, irrigated and nonirrigated

INDIAN CREEK
FOUND ON
MAP SHEET 9

SCC
11-25-94

JAN 23 1996

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
T03N R18E S 22																		
3700296	INDIAN CRE :																	
T3700296A	INDIAN CRE :																	
A3700296B	INDIAN CRE :																	
R3700296B	INDIAN CRE :																	
T3700296B	INDIAN CRE :																	
3708589	GROUNDWATE :																	
A3719740	INDIAN CRE :																	
R3719740	INDIAN CRE :																	
--86 MAP--	C13Q-X 74 :																	

Original P/U - Decree

Proposed P/U under Transfer # 4713

T03N R18E S 23

3700296	INDIAN CRE :																	
T3700296A	INDIAN CRE :																	
A3700296B	INDIAN CRE :																	
T3700296B	INDIAN CRE :																	
A3719740	INDIAN CRE :																	
R3719740	INDIAN CRE :																	
--86 MAP--	C13Q-X 74 :																	
NO QTRS	MAPPING																	

Lot01-12 Lot02-27 Lot03-05

T03N R18E S 27

3700296	INDIAN CRE :																	
T3700296A	INDIAN CRE :																	
A3700296B	INDIAN CRE :																	
R3700296B	INDIAN CRE :																	
T3700296B	INDIAN CRE :																	
3700898	BIG WOOD R :																	
A3708107	GROUNDWATE :																	
A3719740	INDIAN CRE :																	
R3719740	INDIAN CRE :																	
--86 MAP--	C13Q-X 74 :																	

T03N R18E S 28

3700296	INDIAN CRE :																	
T3700296A	INDIAN CRE :																	
A3700296B	INDIAN CRE :																	
R3700296B	INDIAN CRE :																	

Rt. Overlaps with A37-19740 - same system/PU + will either be recommended to match or not recommended since storage use not really required as system changed to sprinklers. (Per Region review) T#4713

[illegible]

A3700028	BIG WOOD R :	:	:	2 :	:	2
A3700028C	BIG WOOD R :	:	:	2 :	:	2
A3700028J	BIG WOOD R :	:	:	2 :	:	2
R3700028J	BIG WOOD R :	:	:	2 :	:	2
3700296	INDIAN CRE :	:	:	:	:	:
T3700296A	INDIAN CRE :	:	:	:	:	:
A3700296B	INDIAN CRE :	:	:	:	:	:
R3700296B	INDIAN CRE :	:	:	:	:	:
T3700296B	INDIAN CRE :	:	:	:	:	:

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '**' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
3700297	BIG WOOD R :																	
A3700297A	BIG WOOD R :																	2
A3700297C	BIG WOOD R :																	2
A3700297D	BIG WOOD R :																	2
R3700297D	BIG WOOD R :																	2
A3700297M	BIG WOOD R :																	2
3700402	BIG WOOD R :							I	I									
A3700402	BIG WOOD R :							26	18									44
3700521B	BIG WOOD R :											I	I	I				
A3700521C	BIG WOOD R :											25	9	4				38
3700521G	BIG WOOD R :											I	I					
3700521H	BIG WOOD R :											4	19					23
3700522B	BIG WOOD R :											I	I	I				
A3700522B	BIG WOOD R :											25	9	4				38
3700522F	BIG WOOD R :											4	19					23
3700523B	BIG WOOD R :											I	I	I				
A3700523B	BIG WOOD R :											25	9	4				38
3700523C	BIG WOOD R :											I	I					
A3700523C	BIG WOOD R :											4	19					23
3700523D	BIG WOOD R :											4	19					23
T3700577BF	BIG WOOD R :											4	18					22
3700577BM	BIG WOOD R :											4	19					23
3700577BN	BIG WOOD R :																	
T3700577BU	BIG WOOD R :																	
T3700577BX	BIG WOOD R :																	
A3700833B	BIG WOOD R :											25	9	4				38
3700833N	BIG WOOD R :											I	I	I				
3700898	BIG WOOD R :			I	I							I				I		
A3700899	BIG WOOD R :											25	9	4				38
3700913	BIG WOOD R :											I	I					
A3702507	GROUNDWATE :											27	40	13				80
3702507A	GROUNDWATE :											27	40	8				75
3708085	GROUNDWATE :											8						8
3708448	GROUNDWATE :																	
3708508	GROUNDWATE :													1			2	4
3708711	GROUNDWATE :													1				1
3708819	GROUNDWATE :															1		1
3708820	GROUNDWATE :													1				1
A3711654	BIG WOOD R :											4	19					23
A3711657	BIG WOOD R :											4	19					23
R3711657	BIG WOOD R :											4	19					23
A3711659	BIG WOOD R :											4	19					23
A3711661	BIG WOOD R :											4	19					23
A3712818B	BIG WOOD R :													2				2
A3719740	INDIAN CRE :				10					10		10			10			40

(WATER RIGHT NUMBERS THAT BEGIN WITH AN 'I' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
R3719740	INDIAN CRE :			10						10				10				40
--86 MAP--	C13Q-X 74 :		24	20			10	19	5	18		28	16	17	17		2 8	184

T02N R18E S 4																		
P3408423	GROUNDWATE :						04-6											6
R3700004	BIG WOOD R :			2	2										20	5	6	32
A3700004B	BIG WOOD R :			2	2										20	5		25
T3700004B	BIG WOOD R :			2	2										20	5		25
A3700004C	BIG WOOD R :																2	7
A3700004D	BIG WOOD R :																3	
3700024	BIG WOOD R :														1			1
A3700024	BIG WOOD R :			2	2										20	5		25
R3700024	BIG WOOD R :			2	2										20	5	6	32
T3700024	BIG WOOD R :			2	2										20	5		25
A3700028A	BIG WOOD R :						1											
R3700028A	BIG WOOD R :						1											
A3700028B	BIG WOOD R :						2											2
R3700028B	BIG WOOD R :						2											2
A3700028E	BIG WOOD R :		3	3	34													40
A3700028F	BIG WOOD R :		18	1			1			1								21
A3700028G	BIG WOOD R :						6											6
3700183	BIG WOOD R :						03-1	04-1	I	I		I				I	I	
A3700183A	BIG WOOD R :														25		13	38
R3700183A	BIG WOOD R :														25		13	38
A3700183B	BIG WOOD R :						15			24		27			26			92
R3700183B	BIG WOOD R :						15			24		27			26			92
3700296	INDIAN CRE :	02-1		1			03-1			1								
T3700296A	INDIAN CRE :	02-1		1			03-1			1								
A3700296B	INDIAN CRE :		10	22			5											37
3700297	BIG WOOD R :	02-1		1			03-1			1								
A3700297B	BIG WOOD R :						2											2
R3700297B	BIG WOOD R :						2											2
R3700297F	BIG WOOD R :		26	37	6		14			3								86
A3700297G	BIG WOOD R :						2											2
R3700297G	BIG WOOD R :						2											2
A3700297H	BIG WOOD R :	02-3		3						34								40
A3700297J	BIG WOOD R :		7	35	6		12			1								61
A3700297K	BIG WOOD R :		18	1			1			1								21
A3700297L	BIG WOOD R :						6											6
3700298A	BIG WOOD R :						03-19	04-33	17	31		40			39		1	179
A3700298C	BIG WOOD R :														25		13	38
R3700298C	BIG WOOD R :														25		13	38
A3700298D	BIG WOOD R :						15			24		27			26			92

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM	
		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac			
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		
R3700298D	BIG WOOD R :						15				24		27		26				92
3700334D	BIG WOOD R :						03-I	04-I		1	1		1		1				
A3700334E	BIG WOOD R :														25		1	13	38
R3700334E	BIG WOOD R :														25			13	38
A3700334F	BIG WOOD R :						15				24		27		26				92
R3700334F	BIG WOOD R :						15				24		27		26				92
3700577AE	BIG WOOD R :						03-I	04-I		1	1		1		1				
3700577BN	BIG WOOD R :																		
A3700577BR	BIG WOOD R :							1											1
R3700577BR	BIG WOOD R :							1											1
A3700577BS	BIG WOOD R :												19	4					23
R3700577BS	BIG WOOD R :												19	4					23
T3700577BU	BIG WOOD R :																		
T3700577BV	BIG WOOD R :				2		2									20	5		54
A3700577BX	BIG WOOD R :														25			13	38
R3700577BX	BIG WOOD R :														25			13	38
T3700577BX	BIG WOOD R :																		
A3700577CK	BIG WOOD R :												5						5
3700862	BIG WOOD R :												1	1					
A3700862	BIG WOOD R :												40	40					80
R3700862	BIG WOOD R :												40	40					80
A3700862A	BIG WOOD R :												0						
R3700862A	BIG WOOD R :												0						
3700898	BIG WOOD R :			02-I			1			03-I									
3700900	BIG WOOD R :									03-I	04-I				1	1		1	
3700904	BIG WOOD R :															1	1		
3700908	BIG WOOD R :									04-I								1	
3700909	BIG WOOD R :																		
3700915	BIG WOOD R :												1	1					
3700918	BIG WOOD R :									04-I		1							
A3700918	BIG WOOD R :									04-I		10							11
3702725	GROUNDWATE :													19	4				23
A3702725	GROUNDWATE :													19	4				23
R3702725	GROUNDWATE :													19	4				23
3704312	SPRINGS :														8				8
3704346	GROUNDWATE :									1									1
3707603	GROUNDWATE :																5		5
3707958	GROUNDWATE :																		
A3707958	GROUNDWATE :														2				2
R3707958	GROUNDWATE :														2				2
3708079	GROUNDWATE :																		
3708102	GROUNDWATE :									2					3				3
3708200	GROUNDWATE :																		2
A3708200	GROUNDWATE :												1						1
R3708200	GROUNDWATE :												1						1
													1						1

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE								NW								SW								SE								SUM
		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
3708217	GROUNDWATE :																																	
A3708217	GROUNDWATE :																																	
R3708217	GROUNDWATE :																																	
3708253A	GROUNDWATE :																																	
3708253B	GROUNDWATE :																																	
3708423	GROUNDWATE :																																	
3708429	GROUNDWATE :																																	
3708508	GROUNDWATE :																																	
A3711596	BIG WOOD R :																																	
R3711596	BIG WOOD R :																																	
A3711801	BIG WOOD R :																																	
R3711801	BIG WOOD R :																																	
A3711832	GROUNDWATE :																																	
R3711832	GROUNDWATE :																																	
A3712746A	BIG WOOD R :																																	
A3712818B	BIG WOOD R :																																	
A3712869	BIG WOOD R :																																	
R3712869	BIG WOOD R :																																	
A3712916	GROUNDWATE :																																	
R3712916	GROUNDWATE :																																	
A3713396	BIG WOOD R :																																	
A3714275	BIG WOOD R :																																	
R3714275	BIG WOOD R :																																	
A3714296	BIG WOOD R :																																	
A3719740	INDIAN CRE :																																	
R3719740	INDIAN CRE :																																	
--86 MAP--	C13Q-X 74 :																																	
NO QTRS	MAPPING																																	

WR5747NP

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS NUMBER INDEX

DATE: 12/04/95

PAGE: 1

WATER RIGHT
NUMBER

NAME

CFS

37-00296 HAILEY WATER & POWER CO.

Split into Parts A + B thru T#4713.

T#4713

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

- INITIAL REVIEW BY: JF Stanton Date 9/12/95
1. Right number 37-00296B Applicant Indian Creek Ranch Owners Assn Inc
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☒ Other split right
4. Check:
- a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
- b. ☒ Description of original point of diversion.
- c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
- a. ☐ All of right.
- b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- c. ☒ Check description of point(s) of diversion.
- d. ☒ Check description of place of use.
- e. ☒ Check map (shows p.d. and p.u. after transfer).
- f. ☒ Check for correct signature, notarization, and fee.
- g. ☐ Check proof of ownership of right &/or land from which water is transferred.
- h. ☒ Check for expansion in use of right. Comments Number of irrigated acres will decrease under transfer
- i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) A37-19940 (storage for irrig.)
- j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 37

FINAL PROCESSING REVIEW BY: AD

1. Watermaster recommendation requested on 9/12/95 Received on 9/20/95
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* See Memo 11/30/95

RECEIVED

DEC 31 1995

4. By AD Date 11/30/95 Department of Water Resources

FROM: Allen Merritt *AM*

DATE: November 30, 1995

TO: Transfer File #4713

SUBJECT: Review and Recommendation

This transfer proposes to modify the right and bring it up to date as far as current practice.

Recommendation

I recommend that the transfer be approved subject the following conditions:

- Subject to control of Watermaster of District 37. (Note that it is in his service area but he has not historically delivered these rights.)
- Measuring devices and control works for all points of diversion acceptable to watermaster.
- Subject to future SRBA review.

RECEIVED

JAN 23 1996

INTER-DEPARTMENT MEMO

TO: Steve

SUBJECT: TL215 #4713

FROM: Allen

DATE: 10/18/95

Please look this over. I believe it is
ready to go to S.O. If you have any
comments I'd like to know before I send it.

RECEIVED

JAN 23 1996

Allen
This looks correct as I see it.

SCC
11-30-95

() For your information

() Response required

for
signature

INTER-DEPARTMENT MEMO

TO:

Steve

SUBJECT:

Turns # 4713

FROM:

Allen

DATE:

10/18/95

Please look this over. I believe it is
ready to go to S.O. If you have any
comments I'd like to know before I send it.

Allen

This looks correct as I see it.

SCC
11-30-95

() For your information

() Response required

for
signature

INDIAN CREEK RANCH



OWNERS ASSOCIATION, INC.

LETTER OF TRANSMITTAL

RECEIVED

Date: 13/Oct/1995

OCT 17 1995

Subject: Water Rights Transfer

Department of Water Resources
Southern Region

To: Jim Stanton
FD Dept of Water Resources
222 Shoshone St, T.F. 83301

From: Rosalind Kipping
Gen. Mgr.
788-0071

Enclosures:

Copies of the following documents:
Certificate of Incorporation
Warranty Deed
By-Laws

Comments:

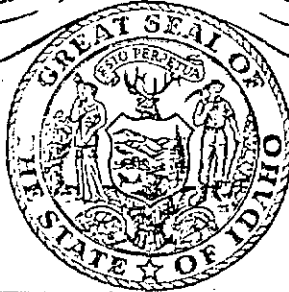
As requested; telephone conversation of
10/13/95.

Proof that ICROA has the right to
transfer water rights.

RECEIVED

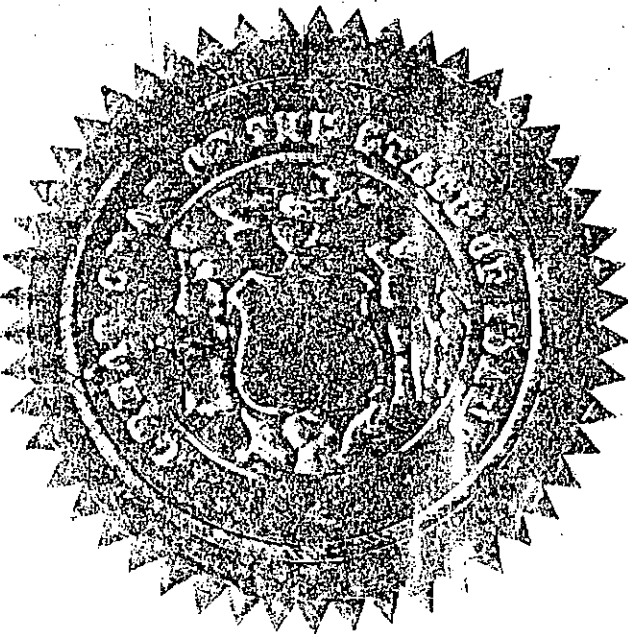
JAN 23 1996

State of Idaho



Department of State

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho and custodian of the Seal of said State, do hereby certify that the annexed is a full, true and complete transcript of articles of incorporation of INDIAN CREEK RANCH OWNERS ASSOCIATION, INC., an Idaho corporation, received and filed in this office on the 15th day of December, 1976, as appears of record in this office as of this date.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Idaho.

Done at Boise, Idaho, this 15th day of
December A.D., 19 76.

Pete T. Cenarrusa

Secretary of State

Kellie Coates

Corporation Clerk

JAN 23 1996

ARTICLES OF INCORPORATION
OF
INDIAN CREEK RANCH OWNERS ASSOCIATION, INC.

In compliance with the requirements of Idaho Code, Section 30-117 A, (Non-Profit Corporations), the undersigned, all of whom are residents of Idaho, and all of whom are of full age, have this day voluntarily associated themselves together for the purpose of forming a corporation not for profit and do hereby certify:

ARTICLE I.

The name of the corporation is INDIAN CREEK RANCH OWNERS ASSOCIATION, INC , hereinafter called "Association".

ARTICLE II.

The principal office of the Association is
P. O. Box 309, Sun Valley, Idaho, 83353.

ARTICLE III.

INDIAN CREEK RANCHES, a Limited Partnership, whose address is P. O. Box 309, Sun Valley, Idaho, 83353, is the initial agent of this Association.

ARTICLE IV.

PURPOSE AND POWERS OF THE ASSOCIATION

This Association does not contemplate pecuniary gain or profit to the members thereof, and the specific purposes for which it is formed are to provide for the maintenance, preservation and architectural control of the residence Lots and Common Area within that certain tract of property described in Exhibit A attached hereto and made a part hereof, and to promote the health, safety and welfare of the residents within the above described property and any additions thereto as may hereafter be brought within the jurisdiction of this Association for this purpose to:

JAN 23 1996

(a) Exercise all of the powers and privileges and to perform all of the duties and obligations of the Association as set forth in that certain Declaration of Restrictions of INDIAN CREEK RANCH, and any supplemental Declaration, hereinafter called the "Declaration", applicable to the property and recorded or to be recorded in the Office of the Blaine County Recorder and as the same may be amended from time to time as therein provided, said Declaration being incorporated herein as if set forth at length;

(b) Fix, levy, collect and enforce payment by any lawful means, all charges or assessments pursuant to the terms of the Declaration; to pay all expenses in connection therewith and all office and other expenses incident to the conduct of the business of the Association, including all licenses, taxes or governmental charges levied or imposed against the property of the Association.

(c) Acquire (by gift, purchase or otherwise), own, hold, improve, build upon, operate, maintain, convey, sell, lease, transfer, dedicate for public use or otherwise dispose of real or personal property in connection with the affairs of the Association.

(d) Borrow money, and with the assent of two-thirds (2/3) of members except the declarant mortgage, pledge, deed in trust, or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred;

(e) Dedicate, sell or transfer all or any part of the Common Area to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the members. No such dedication or transfer shall be effective unless an instrument has been signed by two-thirds (2/3) of members except the declarant, agreeing to such dedication, sale or transfer;

JAN 23 1996

(f) Participate in mergers and consolidations with other non-profit corporations organized for the same purposes or annex additional residential property and Common Area, provided that any such merger, consolidations or annexation shall have the assent of two-thirds (2/3) of members except the declarant;

(g) Have and to exercise any and all powers, rights and privileges which a corporation organized under the Non-Profit Corporation Law of the State of Idaho by law may now or hereafter have or exercise.

ARTICLE V.

MEMBERSHIP

Every person or entity who is a record owner of a fee or undivided fee interest in any Lot which is subject by the Declaration to assessment by the Association, including contract sellers, shall be a member of the Association. The foregoing is not intended to include persons or entities who hold an interest merely as security for the performance of an obligation. Membership shall be appurtenant to and may not be separated from ownership of any Lot which is subject to assessment by the Association.

ARTICLE VI.

VOTING RIGHTS

Each Association member shall have and be entitled to one (1) vote in matters submitted to a vote of the membership of the Association.

ARTICLE VII.

BOARD OF DIRECTORS

The affairs of this Association shall be managed by a Board of five (5) Directors, who need not be members of the Association. The number of Directors may be changed by amendment of the By-Laws of the Association. INDIAN CREEK

JAN 23 1996

RANCH has and shall have the power and authority to designate three (3) out of five (5) or at least sixty percent (60%) of the members of the Board of Directors of the Association until the first annual meeting of members, and for five (5) years thereafter; the power and authority to designate two (2) out of five (5) or at least forty percent (40%) of the members of the Board for the following five (5) years and the power and authority to designate at least one (1) member of the Board of Directors for the following ten (10) years. Members of the Board of the Association, other than those designated by INDIAN CREEK RANCH shall be elected by cumulative voting of the membership of the Association, including INDIAN CREEK RANCH to the extent of its ownership of Lots or other property areas.

At the first annual meeting, the members shall elect one (1) Director for a term of one (1) year, one (1) Director for a term of two (2) years; and at each annual meeting thereafter, the members shall elect sufficient Directors for a term of two (2) years to fill all vacancies.

ARTICLE VIII.

DISSOLUTION

The Association may be dissolved with the assent given in writing and signed by not less than two-thirds (2/3) of members except the declarant. Upon dissolution of the Association, other than incident to a merger or consolidation, the assets of the Association shall be dedicated to an appropriate public agency to be used for purposes similar to those for which this Association was created. In the event that such dedication is refused acceptance, such assets shall be granted, conveyed and assigned to any non-profit corporation, association, trust or other organization to be devoted to such similar purpose.

JAN 23 1996

ARTICLE IX.

DURATION

The corporation shall exist perpetually.

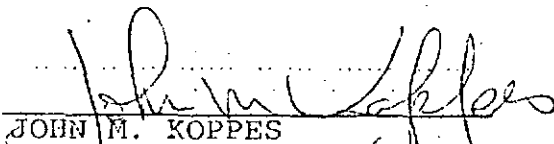
ARTICLE X.

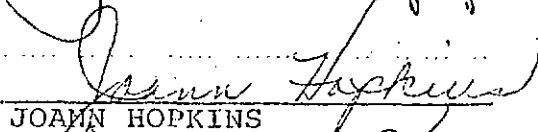
AMENDMENTS

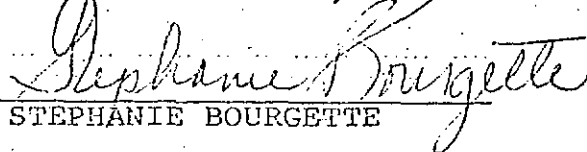
Amendments of these Articles shall require the assent of seventy-five percent (75%).

IN WITNESS WHEREOF, for the purpose of forming this corporation under the laws of the State of Idaho, we, the undersigned, constituting the incorporators of this Association, hve executed these Articles of Incorporation this 12 day of October, 1976.

INDIAN CREEK RANCH OWNERS
ASSOCIATION, INC.
Incorporators


JOHN M. KOPPES


JOANN HOPKINS


STEPHANIE BOURGETTE

RECORDED

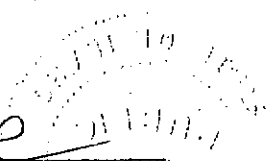
JAN 23 1996

ACKNOWLEDGEMENT

STATE OF IDAHO)
)
County of Blaine) ss.

On this 12 day of October, 1976, before me,
a Notary Public in and for said State, personally appeared
JOHN M. KOPPE, JOANN HOPKINS and STEPHANIE BOURGETTE,
known to be the persons whose names are subscribed to
the within instrument, and acknowledged to me that they
executed the same.

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


Robert M. White
NOTARY PUBLIC for Idaho
Residing at Ketchum, Idaho
Commission expires 1/15/77

MICROFILMED

3485

WARRANTY DEED

For Value Received

INDIAN CREEK RANCHES, a limited partnership,

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

INDIAN CREEK RANCH OWNER'S ASSOCIATION, INC., whose address is
P.O. Box 1538, Hailey, Idaho 83333 ✓

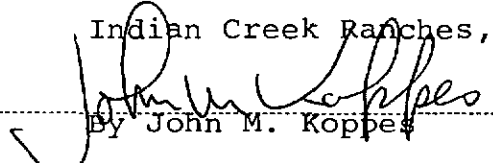
Hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

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 Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: January 31, 1978

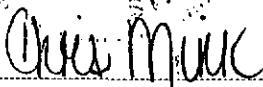
Indian Creek Ranches,


 By John M. Koppes

STATE OF IDAHO, COUNTY OF BLAINE

On this 31st day of January, 1978, before me, a notary public in and for said State, personally appeared JOHN M. KOPPES, known to me to be one of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

JAN 23 1996



Notary Public

Residing at

Hailey

Idaho.

STATE OF IDAHO, COUNTY OF BLAINE

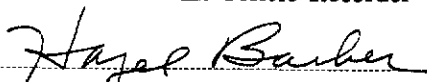
I hereby certify that this instrument was filed for record at the request of *Titlewest Inc.*

at 10 minutes past 9:00 o'clock A.M.,
this 1 day of Feb.
1978, in my office, and duly recorded in Book
of Deeds at page

MARIE ME LILYA

Ex-Officio Recorder

By



Deputy.

Fees \$3.00

Mail to:

Instrument No.

180057

PARCEL I: (Common Area)

TOWNSHIP 3 NORTH, RANGE 18 EAST OF THE BOISE MERIDIAN, BLAINE COUNTY, STATE OF IDAHO:

SECTION 22: SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 23: Lots 2 and 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$
THE LULU MILL SITE, Lot No. 37
SECTION 26: W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$
SECTION 27: W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$
SECTION 28: SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$
SECTION 33: NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$
EXCEPT One Acre, more or less, lying North of
the Indian Creek road situated in the E $\frac{1}{2}$ SW $\frac{1}{4}$
SECTION 34: E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$

TOWNSHIP 3 NORTH, RANGE 19 EAST OF THE BOISE MERIDIAN, BLAINE COUNTY, STATE OF IDAHO.

SECTION 7: SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Lot 4

EXCEPTING THEREFROM all that land platted as INDIAN CREEK RANCHES NO. 1, recorded in Book 8 of Plats, page 17, records of Blaine County, Idaho.

ALSO EXCEPTING THEREFROM all that land platted as INDIAN CREEK RANCH SUBDIVISION NO. 2, recorded in Book 13 of Plats, page 14, records of Blaine County, Idaho.

ALSO EXCEPTING THEREFROM a tract of land lying in Section 27, Township 3 North, Range 18 East of the Boise Meridian, more particularly described as follows:

Commencing at the Northeast corner of said Section 27; thence S. 57° 54' 08" W., 3134.65 feet to the TRUE POINT OF BEGINNING; thence
S. 40° 43' 1" W., 361.51 feet; thence
N. 18° 12' 43" W., 406.36 feet; thence
N. 49° 02' 00" W., 221.17 feet; thence
S. 80° 18' 48" W., 72.62 feet; thence
N. 35° 31' 22" E., 576.00 feet; thence
S. 20° 29' 48" E., 761.81 feet to the TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM all that land platted as INDIAN CREEK RANCH SUBDIVISION NO. 3, recorded in Book 13 of Plats, page 15, records of Blaine County, Idaho.

ALSO EXCEPTING THEREFROM a tract of land lying in Section 27, Township 3 North, Range 18 East of the Boise Meridian, more particularly described as follows:

Commencing at the Southwest corner of said Section 27; thence N. 27° 10' 47" E., 3750.22 feet to the TRUE POINT OF BEGINNING; thence
S. 53° 27' 12" E., 633.61 feet; thence
S. 79° 14' 51" W., 503.85 feet; thence
S. 21° 25' 02" W., 298.04 feet; thence
38.00 feet along a curve to the right with a central angle of 5° 07' 01", a radius of 425.50 feet and a long chord of 37.99 feet that bears N. 70° 13' 16" W., thence
164.01 feet along a curve to the right with a central angle of 32° 27' 24", a radius of 289.52 feet and a long chord of 161.82 feet that bears N. 51° 25' 59" W.; thence
N. 35° 12' 25" W., 225.03 feet; thence
16.20 feet along a curve to the left with a central angle of 6° 18' 19", a radius of 147.25 feet and a long chord of 16.19

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feet that bears N. 38° 22' 36" W.; thence
41.44 feet along a curve to the right with a central angle of
67° 13' 24", a radius of 35.32 feet and a long chord of 39.10
feet that bears N. 7° 53' 59" W.; thence
N. 52° 42' 43" E.; 105.49 feet; thence
225.08 feet along a curve to the left with a central angle of
10° 59' 44", a radius of 1172.84 feet and a long chord of 224.74
feet that bears N. 47° 12' 45" E.; thence
N. 41° 42' 58" E.; 184.00 feet to the TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, Township 3
North, Range 18 East of the Boise Meridian, Blaine County, Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said County, at Boise, Idaho, this 23rd day of January, 1996.

JAN 23 1996

BY-LAWS
OF
INDIAN CREEK RANCH OWNERS' ASSOCIATION, INC.

ARTICLE I

1. OFFICES.

The principal office and place of business of the association in the State of Idaho, is and shall be located at Blaine County, State of Idaho. The post office address of the office shall be ~~P.O. Box 5274, Ketchum, Idaho.~~

P.O. Box 3411, Hailey, ID 83333

ARTICLE II

1. BOARD OF DIRECTORS.

The affairs of the association shall be governed by the board of directors which shall be composed of five members as provided in the articles of incorporation.

2. POWERS AND DUTIES.

The board of directors shall have the powers and duties necessary for the administration of the affairs of the association and may do all such acts and things except those which by law or by declaration or by these by-laws or by the articles of incorporation may not be delegated to the board of directors by the members. Such powers and duties of the board of directors shall include, but shall not be limited to the following:

(a) Operation, care, upkeep and maintenance of the elements and areas common to all lots. Maintenance is defined as that action required to prevent deterioration and is not to be construed as improvements of any kind.

(b) Determination of common expenses required for the affairs of the association, including, without limitation, the operation and maintenance of the common areas.

(c) Collection of assessments from the property owners (certificate holders).

(d) Employment and dismissal of the personnel necessary for the maintenance and operation of the association.

(e) Adoption and amendment of rules and regulations covering the details of the operation and the use of the common property of the association. No modification or use of common property by any individual or group of property owners shall be permitted without approval of the Design Review Committee and approval of all members of the board.

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(f) Opening of bank accounts on behalf of the association and designating the signatory required therefor.

(g) Purchase and maintain insurance for the association.

(h) Making repairs, additions, restorations, maintenance or alterations to the common areas including recreational facilities in accordance with the other provisions of these by-laws, after damage or destruction by fire or other cause as a result of condemnation or eminent domain proceedings.

(i) Response from property owners shall be limited to the following times from the date on each item of correspondence: Ballots 30 days, Petitions 60 days, requests for information 30 days unless the board determines a more appropriate time span.

3. MANAGING AGENT AND MANAGER.

The board of directors may employ for the association a managing body at a compensation established by the board of directors to perform such duties and services as the board of directors shall authorize. The board of directors may delegate to the manager, all necessary powers.

4. ELECTION AND TERM OF OFFICE.

The affairs of the association shall be managed by a board of five (5) directors, who must be members of the association. The number of directors must be changed by amendment of these by-laws. At the first annual meeting the members shall elect three (3) directors for a term of two (2) years, and two (2) directors for a term of one (1) year; and on or before the first of November of each year the board shall appoint a nominating committee consisting of a chairman and two other committee members. On or before the first of February of each year, the nominating committee shall present a minimum of two names for each opening on the board. Each name shall have appended to it a paragraph of less than 25 words explaining that person's position and future plans for Indian Creek Ranches. The board shall then direct the Executive Secretary to prepare ballots and mail said ballots to each property owner on or before March 1 of that year.

5. REMOVAL OF MEMBERS OF THE BOARD OF DIRECTORS.

Board members can be removed at any time by a recall petition signed by 51% of the property owners. The board will then appoint a person "certificate holder" to serve the remainder of the recalled members term. A maximum of two board members on any one petition can be recalled.

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6. VACANCIES.

Vacancies on the board of directors caused by any reason other than the removal of a member thereof by a vote of the lot owners, shall be filled by appointment by the remaining directors for the remainder of the term or until a successor shall be elected at the next annual election.

7. REGULAR MEETINGS.

The regular meeting of the board of directors may be held at such time and place as shall be determined from time to time by a majority of the members of the board of directors but at least two (2) such meetings shall be held during each fiscal year. Notice of regular meetings of the board of directors shall be given to each member of the board of directors at least two business days prior to the day named for such meeting.

8. SPECIAL MEETINGS.

Special meetings of the board of directors may be called by any board member with two business days notice to each member of the board of directors, which notice shall state the time and place and purpose of the meeting.

9. WAIVER OF NOTICE.

Any member of the board of directors may, at any time, waive notice of any meeting of the board of directors in writing, and such waiver should be deemed equivalent to the giving of such notice. Attendance by a member of the board of directors at any meeting of the board of directors shall constitute a waiver of notice by him of the time and place thereof. If all the members of the board of directors are present at any meeting of the board, no notice shall be required and any business may be transacted at such meeting.

10. QUORUM OF BOARD OF DIRECTORS.

At all meetings of the board of directors, a majority of the members thereof shall constitute a quorum for the transaction of business, and the votes of a majority of the members of the board of directors present at a meeting at which a quorum is present shall constitute the decision of the board of directors. If, at any meeting of the board of directors, there shall be less than a quorum present, the meeting must be adjourned.

11. COMPENSATION.

No member of the board shall personally benefit in any way from the conduct of Indian Creek Ranch business. Proof of such benefit presented to the board with adequate substantiation shall be cause for dismissal by a majority vote of the board.

12. SEPARATION OF THE BOARD FROM COMMITTEE.

JAN 23 1996

No board member shall be a member of any committees. Any board member may attend committee meetings as an observer.

13. APPEALS

Any property owner dissatisfied with any action or conclusion of a committee may appeal to the board.

ARTICLE III

1. MEMBERSHIP CERTIFICATES.

Each member, upon purchase of a lot shall be issued a membership certificate. Each membership certificate shall be equal in value to each other membership certificate and no member can acquire a greater interest therein than any other except that one (1) person, corporation or other business entity may own more than one (1) lot and in such instance shall be entitled to one (1) certificate per lot. Subject to the provisions of the articles of incorporation, the membership certificates shall not be assigned, sold, transferred or in any other manner conveyed so that the transferee can by such transfer become a member of the association.

2. SEMI-ANNUAL MEETINGS.

The time and place of the semi annual meetings shall be determined by the board. One meeting shall take place in the Spring and the other shall take place in the Fall. At least 10 days advance notice of each of the above meetings shall be mailed to each property owner.

3. PURPOSE OF SEMI-ANNUAL MEETINGS.

The purpose of semi-annual meetings is for the board to report on progress and business actions of the prior six months. Property owners are solicited for opinions as to the operation and future plans of Indian Creek Ranches.

4. TITLE TO CERTIFICATES OF MEMBERSHIP.]

The title to certificates of membership may be taken in the name of an individual or in the names of two (2) or more persons, as tenants in common, or as joint tenants, or as tenants by the entirety, or in the name of a corporation or partnership, or in the name of a fiduciary. Provided, however, that only one (1) certificate of membership shall be issued for each lot and that no individual, tenancy, corporation, partnership or fiduciary as above designated may hold more than one (1) certificate of membership unless more than one (1) lot is owned by that individual or entity.

5. QUORUM.

Except as otherwise provided in these by-laws, the presence in person or by proxy of members having twenty-five percent (25%) of the total authorized votes of all members shall constitute a quorum at all meetings of the members.

6. PETITION PROCEDURE.

Any certificate holder, at any time on any subject, may submit a petition signed by 25% of the property owners. Said petition upon being submitted to the board will be validated by the executive secretary and then submitted to all property owners for a vote. Upon approval of 51% of the votes returned within the time frame as described in Article II.2(i), said petition will be adopted.

ARTICLE IV - OFFICERS

1. DESIGNATION.

The principal officers of the association shall be the president, vice-president, secretary, treasurer and assistant treasurer; all of whom shall be elected by the board of directors. The board of directors may appoint an assistant secretary and such other officers as in its judgment may be necessary. All officers shall be members of the board of directors.

2. ELECTION OF OFFICERS.

The officers of the association shall be elected annually by the board of directors at the organizational meeting (Note: this paragraph was deleted on pg 3) of each new board of directors and shall hold office at the pleasure of the board of directors.

3. REMOVAL OF OFFICERS.

Upon the affirmative vote of a majority of the members of the board of directors, any officer may be removed, either with or without cause, and a successor may be elected at any regular meeting of the board of directors, or at any special meeting of the board of directors called for such purpose.

4. PRESIDENT.

The president shall be the chief executive officer of the association. He shall preside at all meetings of the lot owners and of the board of directors. He shall have all of the general powers and duties which are incident to the office of president of a general business corporation organized under the general business corporation law of the State of Idaho, including, but not limited to, the power to appoint committees among the lot owners from time to time as he may in his discretion decide is appropriate to assist in the conduct and affairs of the association.

5. VICE-PRESIDENT.

The vice-president shall take the place of the president and perform his duties whenever the president shall be absent or unable to act. If neither the president or the vice-president is able to act, the board of directors shall appoint some other member of the board of directors to act in the place of the president, on an interim basis. The vice-president shall also perform such other

duties as from time to time may be imposed upon him by the board of directors or by the president.

6. SECRETARY.

The secretary shall keep the minutes of all meetings of the lot owners and of the board of directors; he shall have charge of such books and papers as the board of directors may direct; and he shall, in general, perform all the duties incident to the office of secretary of a general business corporation organized under the corporation laws of the State of Idaho.

7. TREASURER AND ASSISTANT TREASURER.

The treasurer and assistant treasurer shall have the responsibility for association funds and securities and shall be responsible for keeping full and accurate financial records and books of account showing all receipts and disbursements, and for the preparation of all required financial data. They shall be responsible for the deposit of all money and other valuable effects in the name of the board of directors, or the managing agent, in such depository as may from time to time be designated by the board of directors, and they shall, in general, perform all the duties incident to the office of the treasurer and assistant treasurer of a general business corporation organized under the corporate laws of the State of Idaho.

8. AGREEMENTS.

All agreements with any party concerning the conduct of ICROA business shall be signed by a majority of the board.

9. CHECKS.

All checks shall be signed by the Treasurer (and/or Assistant Treasurer). No checks shall be issued for services performed in excess of \$200.00 without the approval in writing by one other member of the board and the committee chairmen.

10. CONTRACTS.

No contract for an amount in excess of \$1,000.00 shall be let without (a) competitive bids of at least 3 bidders; (b) an assigned committee chairman; (c) the approval of said committee chairman, and (d) approval of a majority of the board.

11. DEEDS.

The transfer of real property to or from ICROA shall require approval of all members of the board.

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JAN 23 1996

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ARTICLE V - OPERATION OF THE PROPERTIES

1. DETERMINATION OF COMMON EXPENSES AND FIXING OF COMMON CHARGES.

The board of directors shall from time to time, and at least annually, estimate the next year's expenses and determine the amount of the common charges payable by the members to meet the common expenses of the association and allocate and assess such common charges among the members on a pro rata basis. The common expenses shall include, among other things, the cost of premiums on all policies of insurance required to be, or which have been obtained by the board of directors. The common expenses shall also include the maintenance and snow removal costs. Common expenses may also include such amounts as the board of directors may deem proper for the operation and maintenance of the common property, including within limitations, an amount for working capital of the association, for general operating reserve, for reserve fund for replacements, and to make up any deficit in the common expenses for any prior year. The common expenses shall also be used for the purposes set out in the Articles of Incorporation of this association. The board of directors shall advise all members promptly, in writing, the amount of common charges payable by each of them, respectively, as determined by the board of directors as aforesaid. In no event shall an individual property's annual assessment be greater than \$500.00. If additional sums are needed, said additional sum shall require a 51% majority vote of responsive qualified voters.

2. INSURANCE.

The board of directors may obtain and maintain to the extent that they deem desirable any insurance upon any common area, recreational facilities, streets or other property owned by the association and in addition, the board of directors shall be required to obtain and maintain workmen's compensation insurance if required for the employees.

3. PAYMENT OF THE COMMON CHARGES.

All members shall be obligated to pay the common charges assessed by the board of directors as more fully detailed in the declaration; and the board of directors is hereby empowered to take all of the steps and exercise all of the powers provided by the declaration regarding assessments.

4. ABATEMENT AND ENJOYMENT OF VIOLATIONS BY MEMBERS.

The violation of any rule or regulation adopted by the board of directors, or the breach of any by-law contained herein, or the breach of any of the rules, regulations and restrictions enacted in connection herewith or hereby ratified, shall give the board of directors the right in addition to any other rights set forth in these by-laws:

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(a) To enter onto the lots in which, or as to which such violation or breach exists and to summarily abate and remove, at the expense of the defaulting member any structure, thing or condition that may exist therein contrary to the intent and meaning of the provisions hereby, the board of directors shall not thereby be deemed guilty in any manner of trespass or,

(b) To enjoin, abate or remedy by appropriate legal proceedings, the continuance of any such breach.

ARTICLE VI - AMENDMENT TO BY-LAWS

1. AMENDMENT TO BY-LAWS.

These by-laws may be amended by a responsive qualified vote of at least two-thirds majority.

ARTICLE VII

1. RIGHT TO ACCESS.

Each and every member shall have a right of access to the common area owned by the association. This right to access shall include the rights of ingress and egress to the common area provided, however, that said right to access and ingress and egress shall not be exercised to the detriment of any other member or to the association.

DATED this 8th day of June, 1993.

Ned Williamson
SECRETARY

Dennis Kavanagh
DIRECTOR

Mike Farrell
DIRECTOR

Ned Williamson
DIRECTOR

James A. Scott
DIRECTOR

Robert R. Dargatzis
DIRECTOR

JAN 23 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

October 13, 1995

PHILIP E. BATT
Governor

KARL J. DREHER
Director

INDIAN CREEK RANCH OWNERS ASSN INC
C/O BRUCE LIUM
PO BOX 3411
HAILEY ID 83333

RE: APPLICATION FOR TRANSFER NO. 4313 (37-00296)

SECOND REQUEST

Dear Mr. Lium:

Legal advertising has been completed on the above referenced application with no protests filed against the application.

As requested in our correspondence dated September 12, 1995; evidence of ownership of the land to which the water is appurtenant such as copies of deeds, tax records, etc. and/or a notarized statement from any lien holder on the property is needed before the application can be forwarded to our state office for approval.

We will continue to hold the application until the requested information is received.

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

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

RECORDED

JAN 23 1996

AFFIDAVIT of PUBLICATION

RECEIVED

OCT 05 1995

State of Idaho,

County of Blaine

Department of Water Resources
SS. Southern Region

On this 27 day of Sept., in the year 1995, before me a Notary Public of said State, personally appeared **DANIEL J. GORHAM**, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 20 day of Sept., 1995, and the date of the last publication was on the 27 day of Sept., 1995.

Subscribed and sworn to before me this 27th day of Sept., 1995.
(SEAL)

JAN 23 1996

NOTARY PUBLIC

#9770

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11.5
Number of Lines in Notice 92.733
Number of Insertions 2
Lines tabular at 53.322 6¢ / Pica
Lines straight at 42.657 5¢ / Pica
Subsequent lines at 42.657 4¢ / Pica
TOTAL COST \$100.98

COPY OF NOTICE
(Paste Here)

Prop. ch. 37-00296
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

ID Dept. Water Resources
BILL TO

Proposed Change of Water Right

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that INDIAN CREEK RANCH OWNERS ASSN., INC., C/O BRUCE LIUM, PO BOX 3411; HAILEY ID 83333 has applied to the Department of Water Resources to change the following described water right pursuant to Section 42-222 of IDAHO CODE and further described as Transfer No. 4713. The purpose of this application is to add diversion point(s), change the place of use and split the water right in order to reflect the current irrigation system and land irrigated by the subdivision land owners and common area.

WATER RIGHT AS RECORDED:

Water Right No. 37-00296
Basis: Decreed to Hailey Water & Power Co. in case of S.C. Frost et al vs Alturas Water Co et al dated 12/13/1909 in Fourth District Court, Lincoln County.
Date of Priority: 4/1/1880
Amount: 3.0 cfs
Source: Indian Creek tributary to Sinks

Use: irrigation
Point of Diversion: SE1/4NW1/4, S23, T3N, R18E; Blaine County.
Place of Use: Unspecified acres within Section 4, T2N, R18E and Sections 22, 23, 27, 28 and 33, T3N, R18E.

A claim has been filed in the Snake River Basin Adjudication. WATER RIGHT NO. 37-00296 TO BE CHANGED by moving a portion (2.72 cfs) to be used for the irrigation of 35 acres within Sections 22, 23, 27, 28 and 33, T3N, R18E with proposed new points of diversion within T3N, R18E:
SW1/4SW1/4SE1/4, S22 (Pump in pond)
NE1/4SW1/4SE1/4, S22 (Pump in creek)
NE1/4NW1/4SW1/4, S23 (Two pumps in creek)
NE1/4NE1/4NW1/4, S27 (Headgate in creek)
NE1/4NE1/4SE1/4, S28 (Pump in creek)
NW1/4NE1/4SE1/4, S28 (Headgate in creek)
SW1/4NW1/4NE1/4, S33 (Pump in creek)

Any protest against approval of the proposed change of water right application must be filed with the Department of Water

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT
NO. 4713

SEP 20 1995

RECOMMENDATION OF WATERMASTER

Department of Water Resources
Southern Region

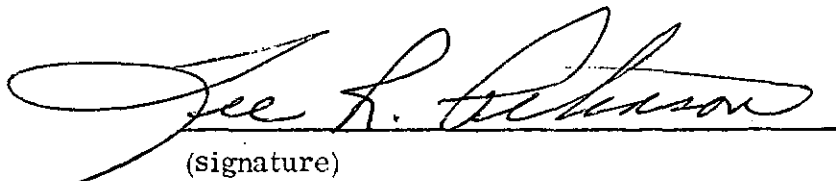
I, Lee R. Peterson, watermaster of Big Wood River,
of Water District No. 37, County of Blaine, State of Idaho,
whose address is P O Box T, Shoshone, Idaho 83352
have read the attached copy of the application for transfer of water right for _____
Indian Creek Ranch Owners Assn., and to the best of my knowledge believe the
(name)
application to be true.

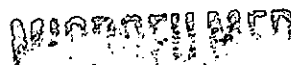
A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: None-this water is within District 37 but not
regulated by Watermaster at this present time.

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at Shoshone, Idaho, this 18th day of Sept 19 95.


(signature)



JAN 23 1996

Please use reverse side if needed.

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Point of Diversion: SE1/4NW1/4, S23, T3N, R18E; Blaine County.
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NE1/4NE1/4NW1/4, S27 (Headgate in creek)

NE1/4NE1/4SE1/4, S28 (Pump in creek)

NW1/4NE1/4SE1/4, S28 (Headgate in creek)

SW1/4NW1/4NE1/4, S33 (Pump in creek)

Any protest against approval of

the proposed change of water right application must be filed with the Department of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before October 9, 1995. The protestant must also send a copy of the protest to the applicant.
Karl J. Dreher, Director

Published in the Wood River Journal on 9/20 & 9/27/95.

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JAN 23 1996

JAN 23 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Fax (208) 736-3037

September 12, 1995

PHILIP E. BATT
Governor

KARL J. DREHER
Director

WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Gentlemen:

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

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

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

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

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

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JAN 23 1996

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Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before October 9, 1995. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Wood River Journal on 9/20 & 9/27/95.

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JAN 23 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

September 12, 1995

PHILIP E. BATT
Governor

KARL J. DREHER
Director

INDIAN CREEK RANCH OWNERS ASSN INC
C/O BRUCE LIUM
PO BOX 3411
HAILEY ID 83333

Re: Application for Transfer No. 4713 (37-00296 Part)

Dear Applicants:

The Department of Water Resources acknowledges receipt of your Application for Transfer.

This office has scheduled advertising the application in the Wood River Journal for 9/20 and 9/27/95. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the 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.

Before we can forward your application to our state office for approval we must include in the file evidence of ownership of the land to which the water is appurtenant such as copies of deeds, tax records, etc. and a notarized statement from any lien holder on the property agreeing to the proposed change.

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

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

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

JAN 23 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

September 12, 1995

PHILIP E. BATT
Governor

KARL J. DREHER
Director

LEE PETERSON WATERMASTER
WATER DISTRICT #37
PO BOX T
SHOSHONE ID 83352

Re: Application for Transfer of Water Right No. 37-00296 (T# 4713,
Indian Creek Ranch Owners Assn., Inc.)

Dear Mr. Peterson:

Enclosed is a copy of an Application for Transfer of a Water Right
within your District, and Watermaster's Recommendation Form.

Section 42-222 of the IDAHO CODE requires that the watermaster must
be advised of proposed changes in water rights in the water district
and must notify the Department of his recommendation on the
application.

Please complete the enclosed recommendation form and return it to
this office.

Processing of the application can be completed in 20 days, therefore,
your prompt response to this request will be appreciated.

If you have any questions about the application, please contact this
office or the applicant.

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

Enclosures

JAN 23 1996

TO: File

DATE: August 23, 1995

FROM: Jim Stanton

SUBJECT: App. for Transfer, Indian Creek Homeowners

Steve Clelland of the SRBA has done extensive work on the water rights for this property. The transfer is based on his SRBA findings. I also visited this property, accompanied by Bruce Liam, and basically agree with Steve's findings. As the subdivision has had more and more homes built on it, the amount of irrigated land has continued to decrease. The use is slowly shifting from gravity irrigation of alfalfa to sprinkler irrigation of lawns and small pastures for homes along Indian Creek.

Besides the right involved in the transfer, there is a claim for irrigation storage in a pond near the upper end of the valley. Historically, water was held back for a day or two, then the pond outlet was opened way up to flood the heck out of everything downstream. With homes now built streamside, this method is no longer usable. Also, Indian Creek apparently has very even flows; storage is not needed in order to irrigate properly from the stream. This claim is not involved in the proposed transfer, but Steve's SRBA recommendation will either show the same P/U as the approved transfer or will not show irrigation use at all. So there should not be a problem with overlapping rights in this case.

Everything appears to be in order, so I recommend transfer be approved.

JAN 23 1995

T # 4713