

BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

February 19, 1996

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

Subject: Water Right Transfers-Willis Property Blaine County

Dear Allen:

Enclosed are applications for transfer for seven (7) water rights the Bruce Willis property in Blaine County. This submittal is being made to clear up several place of use and point of diversion anomalies, to provide sufficient irrigation water for the properties and change the type of use to reflect additional uses for recreation and aesthetic purposes

After you have reviewed the attached narrative, permit and applications for transfer, I would like to schedule a meeting with you to discuss the overall plan and objectives and concept for achieving the objectives. We can then discuss the individual transfers for completeness as necessary. I believe this would speed up the overall processing procedure.

I am enclosing check #2 from Brockway Engineering for \$700 in payment of fees for the applications for transfer as follows:

Transfer for right 37-02584	\$100
Transfer for right 37-08461	\$100
Transfer for right 37-08647	\$100
Transfer for right 37-00557	\$100
Transfer for right 37-00558	\$100
Transfer for right 37-00559	\$100
Transfer for right 37-0577BT	\$100
Total	\$700

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

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

706 SUNRISE
BOULEVARD
NORTH

TWIN FALLS,
IDAHO 83301

208•733•0938

208•734•2580

FAX: 736•1746

Thank you for your help in processing these applications.

RECEIVED

FEB 20 1996

Department of Water Resources
Southern Region

CHECK 248
attached

RECEIPT #
S018864

Sincerely,

A handwritten signature in cursive script, appearing to read "C. E. Brockway".

C. E. Brockway, PE

cc Ed Simon w/ enclosures

SUPERSEDED

Willis water rights

Current and future irrigation by 1/4 section
Brockway Engineering. CGB 12/12/95

Page 1/2

CURRENT IRRIGATION

Section	1/4 1/4	34	37	38	41	Lot Number		6	18	20	McK	TOTAL by 1/4 1/4
5	NWNE	2.97	0.39				4					3.36
5	SWNE	0.56	1.58	5.65	3.92	0.10						11.81
5	SENE				0.15	0.14						0.29
5	NENE											0.00
32	SWSE											0.00
4	SWNW										3.00	3.00
TOTAL BY LOT		3.53	1.97	5.65	4.07	0.24	0.00	0.00	0.00	0.00	3.00	TOTAL: 18.46

PROBABLE FUTURE IRRIGATION

Section	1/4 1/4	34	37	38	41	Lot Number		6	18	20	McK	TOTAL BY 1/4 1/4
5	NWNE	2.97	0.39				4					3.36
5	SWNE	0.56	1.58	5.65	3.92	0.10						11.81
5	SENE				0.15	2.00	2.50					4.65
5	NENE							2.50				2.50
32	SWSE								?	3.00		3.00
4	SWNW										3.00	3.00
TOTAL BY LOT		3.53	1.97	5.65	4.07	2.10	2.50	2.50	0.00	3.00	3.00	TOTAL: 28.32

POINTS OF DIVERSION

(C = Current, F = Assumed future location)

Section	1/4 1/4	34	37	38	41	Lot Number		6	18	20	McK	TOTAL NO. BY 1/4 1/4
5	NWNE	C,F	C,F									2
5	SWNE				C,F							1
5	SENE					C,F						1
5	NENE							F				1
32	SWSE									F		1
4	SWNW										C,F (2)	2
TOTAL NO. BY LOT		1	1	0	1	1	0	1	0	1	2	TOTAL: 8

Willis water rights

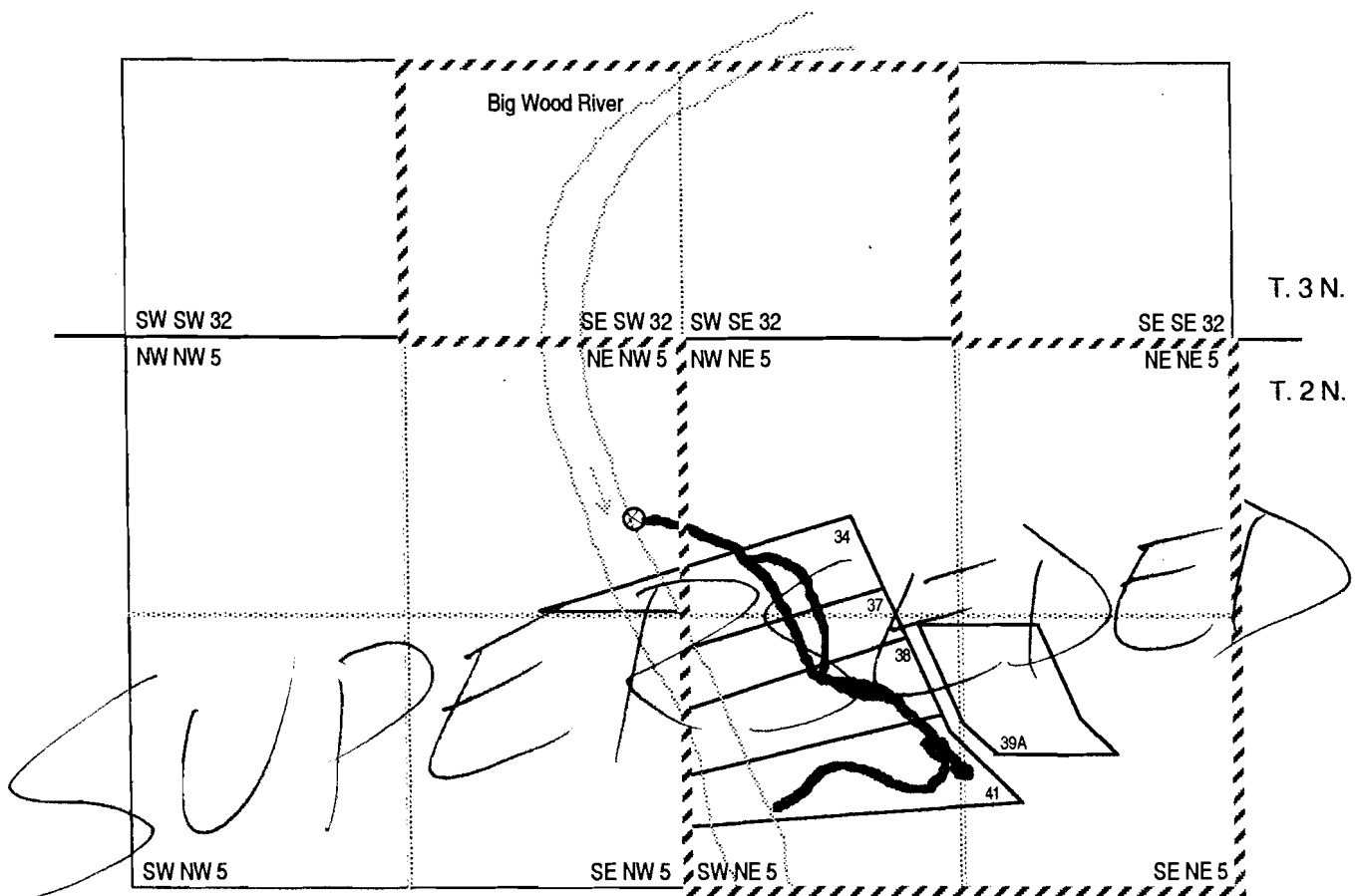
Current and future irrigation by 1/4 section
Brockway Engineering. CGB 12/12/95

Page 2/2

IRRIGATION SUMMARY

Section	1/4 1/4	Current	Future	Currently Permitted	37-08461 after trans.	37-08647 after trans.	Req'd trans. from Fairfield	Listed acres on transfer
5	NWNE	3.36	3.36	3.50	0.75	0.75	1.86	2.0
5	SWNE	11.81	11.81	2.50	0.75	0.75	10.31	10.5
5	SENE	0.29	4.65	0.00	0.75	0.75	3.15	3.5
5	NENE	0.00	2.50	0.00	0.75	0.75	1.00	1.0
32	SWSE	0.00	3.00	0.00	0.00	0.00	3.00	3.0
4	SWNW	3.00	3.00	0.00	0.00	0.00	3.00	3.0
TOTAL		18.46	28.32	6.00	3.00	3.00	22.32	23.00

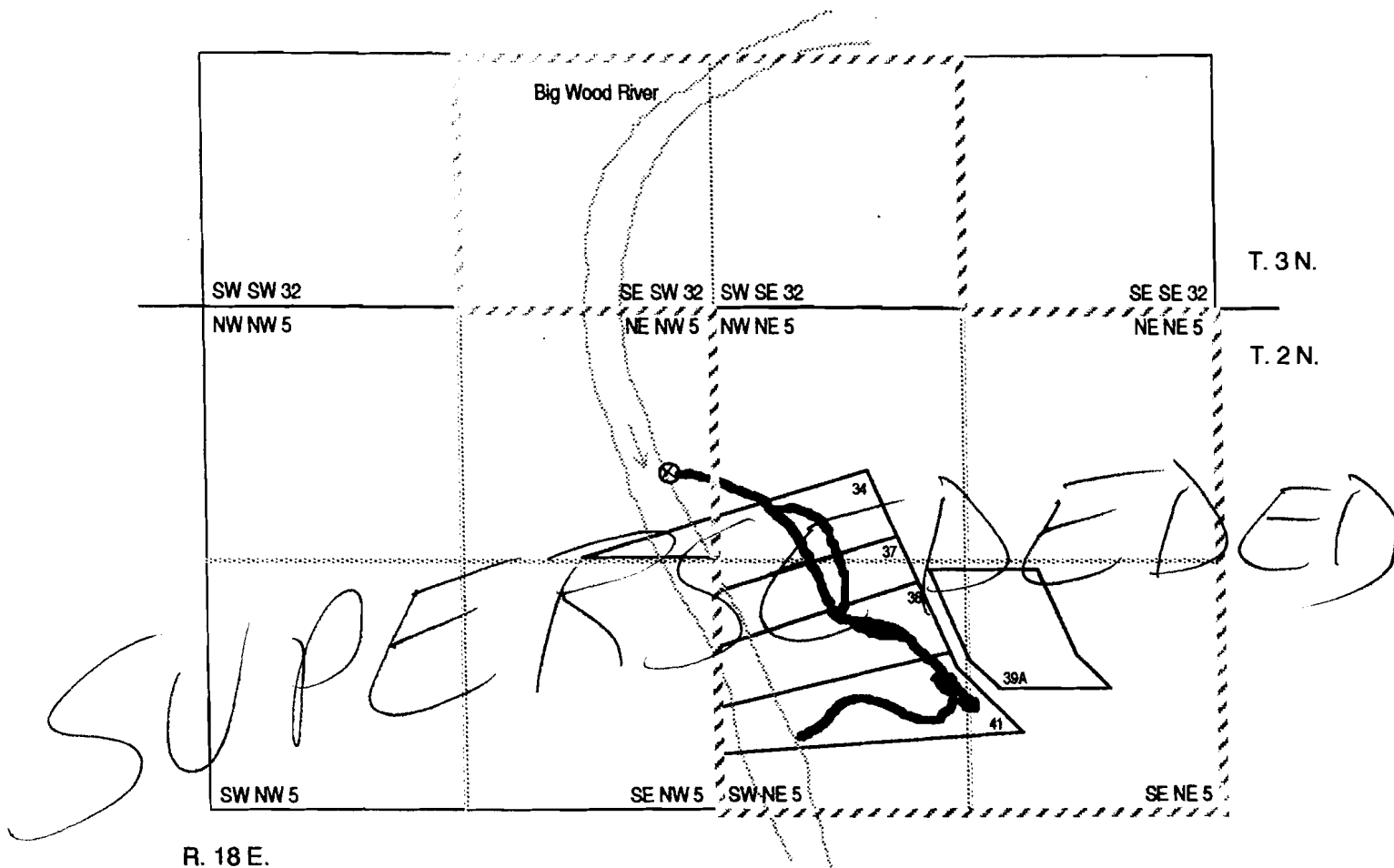
SUPERSEDED



R. 18 E.

- //// Place of use listed in decree
- Place of use in ditch/pond system
- ⊗ Point of diversion

Willis Big Wood river rights - diagram for transfers of 37-00557, 37-00558, 37-00559, and 37-0577BT



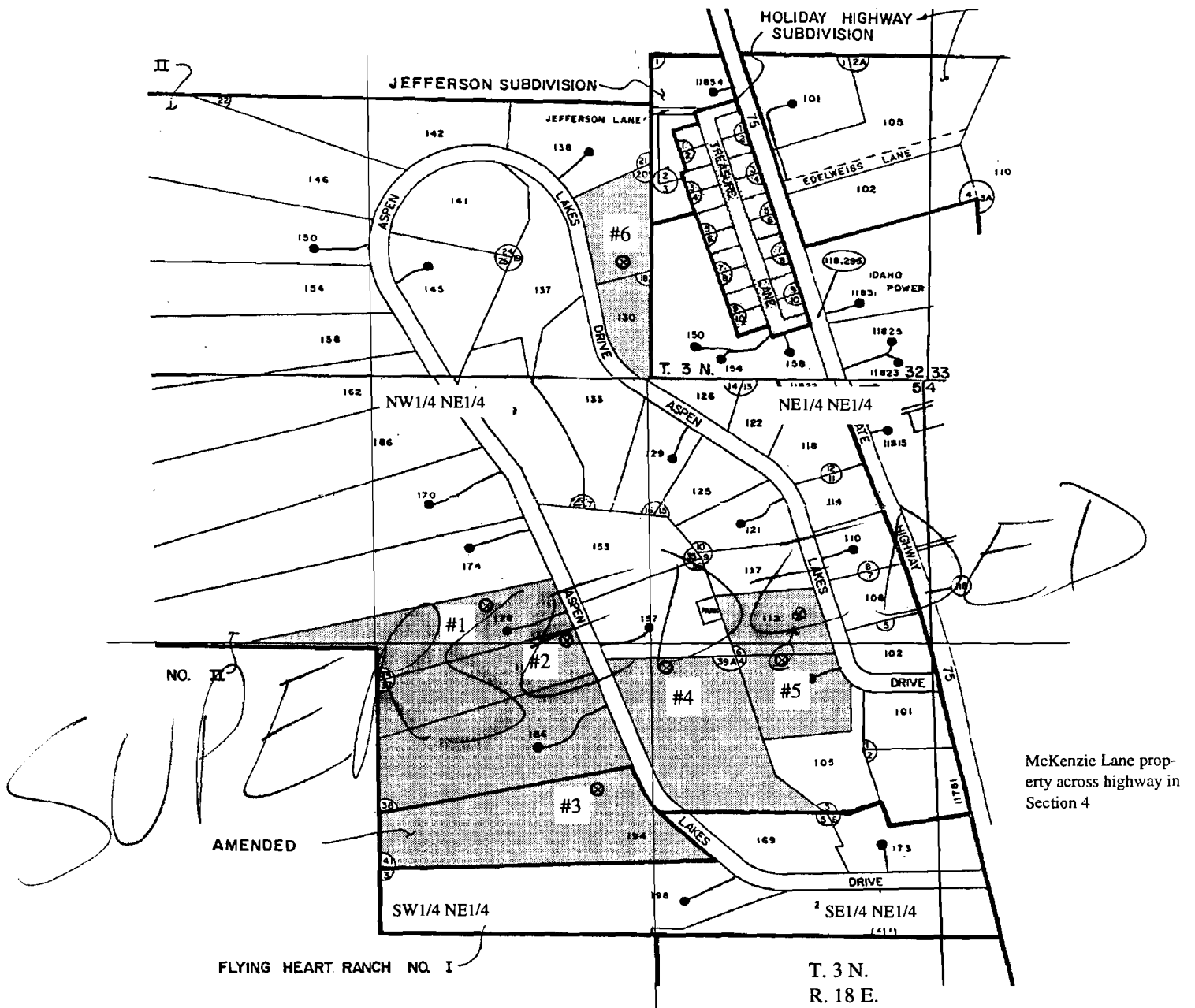
R. 18 E.

----- Place of use listed in decree

———— Place of use in ditch/pond system

⊗ Point of diversion

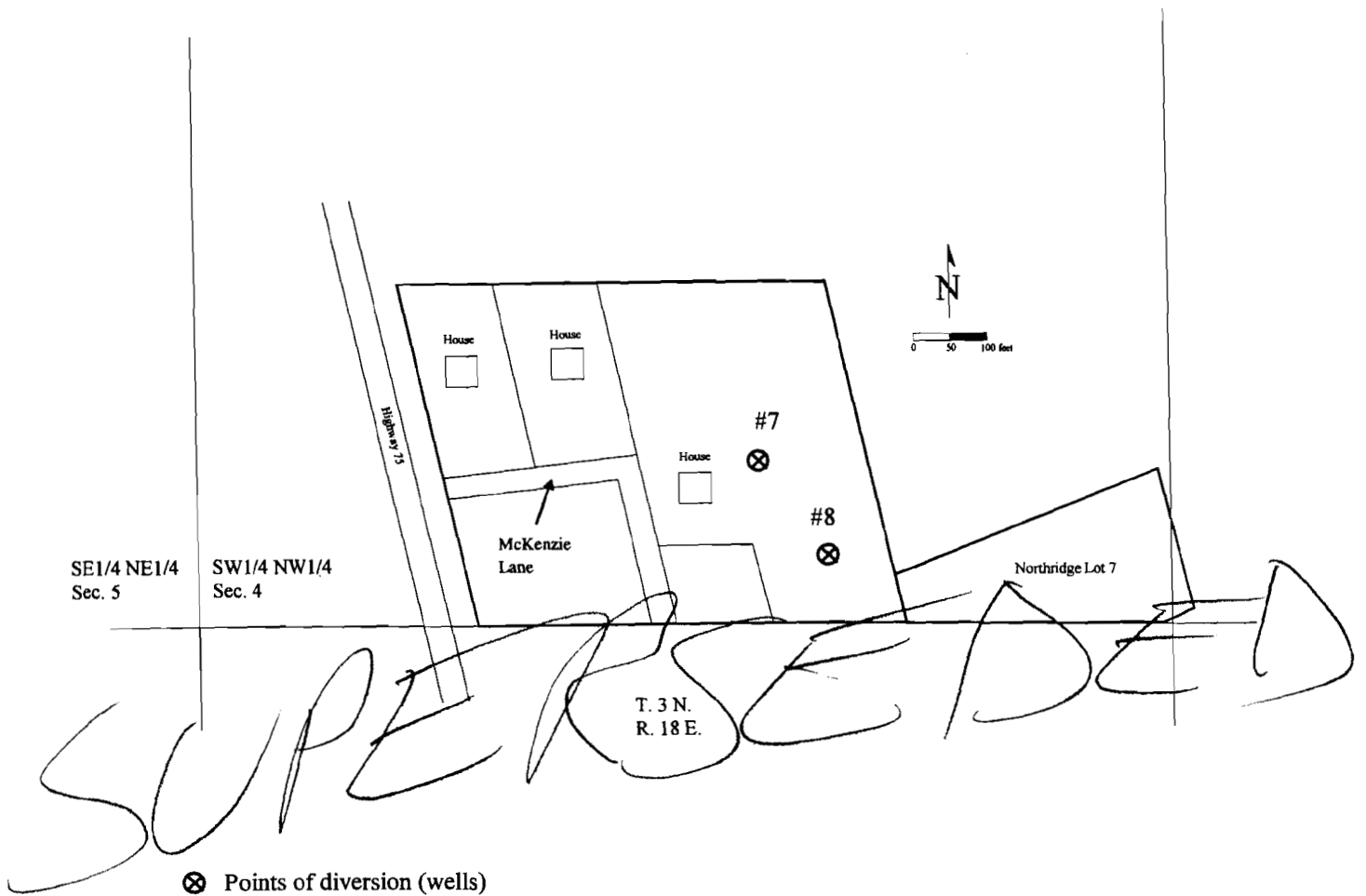
Willis Big Wood river rights - diagram for transfers of 37-00557, 37-00558, 37-00559, and 37-0577BT



⊗ Point of diversion (well)

Scale: 1" = 500' (approx.)

Willis property in Flying Heart Ranch - diagram for transfers of 37-08461, 37-08647, and 37-02584.
Property owned is shown shaded. P/U is within these lots as indicated on transfers.



Willis property on McKenzie Lane and in Northridge Subdivision No. 1 - diagram for transfers of 37-08461, 37-08647, and 37-02584.

BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS that the PETER TRUST, in consideration of the sum of TWELVE THOUSAND DOLLARS (\$12,000.00), in hand paid, by BRUCE WILLIS, the receipt of which is hereby acknowledged, have granted, bargained, sold, conveyed, transferred, and delivered and by these presents to bargain, sell, grant, convey, transfer, and deliver unto BRUCE WILLIS, those non-consumptive water rights as set forth in Right No. 37-00577AH, with all rights appurtenant thereto.

To have and to hold the same unto BRUCE WILLIS, his executors, administrators, and assigns, forever;

I do for myself, my executors, administrators, and assigns, covenant and agree to warrant exclusive right and title to said water right hereby sold unto BRUCE WILLIS, his executors, administrators, and assigns, against all and every person and persons whomsoever;

I do for myself, my executors, administrators and assigns, warrant and represent to BRUCE WILLIS that the Title conveyed is good, its transfer is rightful; and that said water has been, or shall be, delivered from any security interest or other lien or encumbrance thereon.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 6th day of December, 1991.

PETER TRUST

By: Peter Thomas
Notary Public

STATE OF IDAHO)

) ss.

County of Blaine)

On this the 6th day of December, 1991, before me the undersigned Notary Public, personally appeared Peter Thomas, being first duly sworn and known to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that he/she executed the same for the purpose contained therein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal.

[Signature]
Notary Public for Idaho

Residing at: Ketchikan, Alaska

Position 5

Form FmHA 1955-49
(Rev. 10-28-81)

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

QUITCLAIM DEED

The UNITED STATES OF AMERICA, acting through the Administrator of the Farmers Home Administration, United States Department of Agriculture, CONVEYS and QUITCLAIMS to

VALLEY ENTERTAINMENT GROUP, INC. an Idaho Corporation

, Grantee, for the sum of TWO HUNDRED THOUSAND DOLLARS AND NO/100 (\$200,000.00)

all interest in the following described real estate situated in the County of CAMAS

State of IDAHO

, to-wit:

Township 1 South, Range 16 East, Boise Meridian, in Camas County, Idaho.

Section 3: SW $\frac{1}{4}$ SW $\frac{1}{4}$, except easement granted in Book 13 Deeds, Page 559 to the Mountain States Telephone and Telegraph Company.

Section 4: S $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, except easement granted to the Idaho Power Company in Book 20 Deeds, Page 58 on the SE $\frac{1}{4}$ SW $\frac{1}{4}$.

Section 5: S $\frac{1}{2}$ SE $\frac{1}{4}$.

Section 8: E $\frac{1}{2}$ E $\frac{1}{2}$, except the West 40 feet thereof, and except right of way deeded to the State of Idaho, off the South side of the SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Section 9: W $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$, except right of way deeded to the State of Idaho off the South side of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ as shown in Deed recorded in Book 19 Deeds, Page 214, records of Camas County, Idaho.

Together with all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.

Together with all water and water rights, ditches and ditch rights, used thereon or appurtenant thereto, including but not limited to rights to ground water produced from a well or wells located and to be located on the premises, especially such water under Permit for water Licence No. 25991 for 2.21 c.f.s.

The property referenced to in this Deed is subject to a Conservation Easement for the protection of Wetlands which is attached as Exhibit A, pages 1 thru 6.

69158

Recorded at the Request of

Camas Abstract

at 3:30 P.M.

April 14th, 1995

In Book 29

of Deeds Page 437.

ROLLIE BENNETT

CAMAS COUNTY RECORDER

By Koree Blodgett

Fees \$ 24⁰⁰

Wherever "Farmers Home Administration", "FmHA", "Rural Development Administration", or "RDA" may appear, the term "United States of America" is substituted.

FmHA 1955-49 (Rev. 10-28-81)

This deed is executed and delivered pursuant to the provisions of a sale of Government Inventory property formerly belonging to Richard B. Giesler and S. Janene Giesler, husband and wife, Case Number 12-49-519608591, Advice Number 1204912271, and the

of which is attached
a copy of the deed
and the deed is
being recorded
for the purpose
of recording the
same.

authority set forth in 7 CFR 1900, Subpart A.

No member of Congress shall be admitted to any share or part of this deed or to any benefit that may arise therefrom.

Dated March 28, 1995.

UNITED STATES OF AMERICA (Grantor)

By

Michael E. Graklanoff

MICHAEL E. GRAKLANOFF, Acting State Director

RECD, formerly Farmers Home Administration
United States Department of Agriculture

In the presence of:

SUPERSEDED

ACKNOWLEDGMENT

STATE OF IDAHO
COUNTY OF ADA

On this 28th day of March, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared Michael E. Graklanoff, known to be the Acting State Director, RECD, formerly Farmers Home Administration, USDA, and person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

In WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above mentioned.

Chris Reninger

CHRIS RENINGER

Notary Public in and for
State of Idaho

Residing at Meridian, Idaho
My Bond Expires 7-6-2000

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FEB 20 1996

WATER RIGHT TRANSFER APPLICATIONS

Department of Water Resources
Southern Region

BRUCE WILLIS PROPERTY

Prepared by

Brockway Engineering, P.L.L.C.

February 5, 1996

Section 1. Narrative

Section 2. Water right transfer applications

Section 3. ~~Tables~~ and diagrams for transfer applications

Section 4. Warranty deeds and bills of sale

WATER RIGHT TRANSFER APPLICATIONS

BRUCE WILLIS PROPERTY

Prepared by

Brockway Engineering, P.L.L.C.

February 5, 1996

SUPERSEDED

This narrative will serve as supplementary information for the five transfer applications enclosed herein. The applications for transfer of water rights are being submitted for Mr. W. Bruce Willis. Mr. Willis owns property north of Hailey, Idaho and near Fairfield, Idaho. Specifically, the properties to which the transfers are appurtenant is 1) lots 4, 6, 18, 20, 34, 37, 38, 39A, and 41 of Flying Heart Subdivision No. 1; 2) Unplatted parcels on McKenzie lane (directly east of Flying Heart across Highway 75); and 3) Block 1, Lot 7 of Northridge Subdivision No. 1. The Northridge lot lies directly east of and is contiguous with the McKenzie property.

Currently, irrigation water for the property is supplied by six (6) wells: one on each of Flying Heart lots 34, 37, 39A, and 41, and two on the McKenzie property. A

total of 18.46 acres is currently being irrigated, and approximately 10 additional acres is planned in the future. Mr. Willis owns groundwater rights for two of these wells (those in lots 34 and 37), which allow 6 acres of irrigation. Mr. Willis also owns a groundwater right for 500 acres near Fairfield. Therefore, transfer applications are being filed to move water from the Fairfield land to the land north of Hailey to remedy this deficiency.

In addition to irrigation, a diversion from the Big Wood River supplies aesthetic and recreational ditches and ponds through the main portion of Mr. Willis' land (Flying Heart lots 34, 37, 38, and 41). The rights under which this diversion is taking place are irrigation rights only; therefore, transfers are necessary to ensure full compliance with water rights regulations.

Other transfers are being filed to correct minor errors which exist in the information currently in the IDWR database. The applications are provided in Section 2, and will be discussed below.

Current and future irrigation

The tables provided in Section 3 show the amount of land which is currently irrigated in each lot and each quarter-section, and the amount which will likely be irrigated in the near future. The main Flying Heart land (lots 34, 37, 38, and 41) and the McKenzie property (including lot 7 of Northridge) will remain essentially as they are. Additional irrigation will be developed in Flying Heart lots 4, 6, 18, 20, and

39A. Two additional wells are planned in Flying Heart lots 6 and 20. Refer to the diagrams in Section 3 for the location of the irrigated lots.

Discussion of transfer applications

Each transfer included in this package is discussed below. Diagrams appurtenant to each transfer are provided in Section 3.

1. Transfer for 37-02584. This is a groundwater license that was acquired along with land recently purchased by Mr. Willis in March of 1995. The quitclaim deed shows that this water right was included with the sale (see Section 4). This groundwater right is has a priority date of 1955 and is appurtenant to ~~500~~ acres near Fairfield, Idaho. The diversion rate listed on the license is 2.21 cfs. It is requested that water be transferred from this point of diversion and place of use to the property north of Hailey. All current and future wells would be included as points of diversion. The total irrigation deficiency is 23 acres, broken down by quarter-section on Part 1 of the transfer. At 0.02 cfs / acre, 23 acres requires 0.460 cfs. This amount would be transferred at a rate of $2.21 \text{ cfs} / 500 \text{ acres} = 0.00442 \text{ cfs} / \text{acre}$. Therefore, $23 \text{ cfs} / (0.00442 \text{ cfs} / \text{acre}) = 104.1 \text{ acres}$ of the Fairfield property would no longer be irrigated.

2. Transfer for 37-08461. This is a permit appurtenant to the well in Flying Heart lot 34. The permit is for 3 acres (0.06 cfs) irrigation, plus domestic, stock, and fire

protection. This transfer application is being filed to correct the point of diversion description to coincide with the actual location of the well, and to modify the place of use. The place of use is being modified to ensure that the right will be appurtenant to all applicable quarter-sections for the Flying Heart property (except lots 18 and 20). This is desired to maximize the flexibility of the irrigation system for future usage (see Table 2, Section 2).

3. Transfer for 37-08647. This is a permit appurtenant to the well in Flying Heart lot 37. The permit lists 3 acres of irrigation plus domestic. A transfer application is being filed to correct the point of diversion, to correct the diversion rate (the permit lists 0.09 cfs; it should be 0.06 cfs for 3 acres), and to modify the place of use. See the discussion for 37-08461 for a further description of the place of use modification. The well currently irrigates a total of 10.08 acres. This deficiency would be remedied by the transfer of 32-02584.

4. Transfers for 37-00557, 37-00558, and 37-00559. These are decreed surface water rights from the Big Wood River, originally owned by Rosa Purdum, all with the same point of diversion and place of use. They are irrigation rights only. The priority dates and diversion rates are given below

37-00557	5/15/1884	1.00 cfs
37-00558	6/1/1886	2.00 cfs
37-00559	6/1/1888	3.60 cfs

Each of the rights lists a total irrigated area of 200 acres, but water from the river is currently used only for recreation and aesthetics in a ditch and pond system. The places of use listed on the permits encompass the existing waterways (see Section 3). The actual point of diversion is the headgate known as Aspen Lakes #1 by the watermaster, located in SE1/4 NE1/4 NW1/4 Sec. 5 T2N R18E. It coincides with one P/D listed on the permit; however, the permit lists an additional point of diversion in Sec. 32 T3N R18E.

Transfer for 37-00557. Water diverted under this right is used in an aesthetic and recreational pond and ditch system. In addition to deleting an unused point of diversion, the transfer application is being filed for two reasons: 1) to add recreation and aesthetics as types of use, and 2) to reserve some of the decreed consumptive irrigation water to provide for evaporation losses in the pond/ditch system, and to provide an emergency backup irrigation system by which water could be pumped out of the ponds. The amount of irrigation water reserved would be 0.444 cfs for 22.2 acres. This is the land irrigated west of Aspen Lakes Road and lots 4, 6, and 39A.

Refer to the diagram in Section 3. The ponds and ditches will be lined to limit seepage loss. However, seepage in this area returns to the Big Wood River upstream of the closest downstream diversion and is not lost to the system.

Transfer for 37-00558. This transfer application is being filed to add recreation and aesthetics as types of use and to delete an unused point of diversion.

Transfer for 37-00559. This transfer application is being filed to add recreation and aesthetics as types of use and to delete a point of diversion.

7. Transfer for 37-0577BT. This is a surface water decree for the Big Wood River. It is a non-consumptive right for fish propagation, recreation, and aesthetics. The transfer application is being filed to delete an unused point of diversion, change the place of use to the pond and ditch system and to delete fish propagation as a use. This right, a portion of the original Riley water, has a somewhat convoluted history. Mr. E. Parry Thomas acquired right 37-00577AH for 1.58 cfs of non-consumptive water for fish, recreation, and aesthetics from Mr. Kenneth Moore. As part of the sale, Mr. Thomas initiated a transfer for 1.20 cfs of the 1.58 cfs to add a point of diversion and change the place of use to land south of Mr. Willis' property. This transfer has been approved, but it is unclear how the result of the transfer is recorded by IDWR. In the transfer process, identification numbers became confused. Most likely, the result of the transfer was water right 37-00577BT for 1.20 cfs. To document this, a copy of transfer 2776 is provided with the transfer application. However, the IDWR database record for 37-00577BT is an entirely different right.