

**STARTING  
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FILE**

RECEIVED

Form No. 217  
05/03

OCT 24 2005

Department of Water Resources  
Southern Region

FOR OFFICE USE ONLY

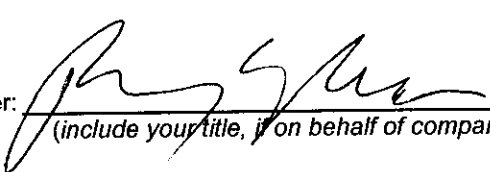
Amt. of Fee \$: 200.00Receipt No. 5038100Receipt By: JODate Received: 10-24-05STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## PROOF OF BENEFICIAL USE

ORIGINAL IN RED

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

- Permit No. 37-21176 Telephone No. 208-726-7231
- Name of Permit Holder(s): Ranney Draper
- Mailing Address: 567 San Nicholas Drive, Suite 340  
City Newport Beach State CA Zip 92660-6513
- Source of Water: Big Wood River If **GROUNDWATER** (well), Date Drilled: mo. \_\_\_\_\_ / yr. \_\_\_\_\_  
Well Driller: \_\_\_\_\_ Drilling Permit Number: \_\_\_\_\_
- Use(s) (as authorized by the water right permit):  
Domestic (No. of households): \_\_\_\_\_ Stockwater (No. and type of stock): \_\_\_\_\_  
Irrigation (No. of acres): \_\_\_\_\_ Other: aesthetic, recreation, wildlife
- Total rate of diversion and/or volume for which proof is submitted: 5.0 cfs cfs OR \_\_\_\_\_ acre-feet
- Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)  
(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)  
Measuring Device: Is a measuring device required? Yes ☒ or No ☐  
Has the measuring device been installed? Yes ☒ or No ☐
- Fee Enclosed: \$ 200 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
- Person to contact to accompany the Department representative during field examination of the water system.  
Name: Ranney Draper Telephone Number: 208-726-7231  
Address: 567 San Nicholas Drive, Suite 340, Newport Beach, CA, 92660-6513
- The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: 

(include your title, if on behalf of company or organization)

Date: 10-20-05

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**

NO. 37-21176

Priority: September 11, 2003

Maximum Diversion Rate: 5.00 CFS

This is to certify, that RANNEY DRAPER  
567 SAN NICHOLAS DR STE 340  
NEWPORT BEACH CA 92660-6513

has applied for a permit to appropriate water from:

**Source:** BIG WOOD RIVER**Tributary:** MALAD RIVER

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

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> |
|-----------------------|----------------------|--------------------------|
| AESTHETIC             | 01/01 to 12/31       | 5.00 CFS                 |
| RECREATION            | 01/01 to 12/31       | 5.00 CFS                 |
| WILDLIFE              | 01/01 to 12/31       | 5.00 CFS                 |

**LOCATION OF POINT(S) OF DIVERSION:**BIG WOOD RIVER SE $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 30, Twp 04N, Rge 18E, B.M. BLAINE County**PLACE OF USE:** AESTHETIC, RECREATION, AND WILDLIFE

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 04N 18E 32  |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |        |

1. Proof of application of water to beneficial use shall be submitted on or before **January 1, 2006**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
6. Right 37-20441 is also diverted through the point of diversion described above.
7. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently maintained at the point of diversion from the Big Wood River.
8. Measuring devices acceptable to the Department shall be permanently maintained at the point of diversion from the Cliffside Homeowners Assn. Inc. (Graystone) pond and at the point of discharge to the Big Wood River or a hydraulically connected side channel of the Big Wood River.
9. Rights 37-8278, 37-8535, 37-20441 and 37-21176 when combined shall not exceed a total diversion rate of 10.00 cfs.

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State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
NO. 37-21176

**CONDITIONS OF APPROVAL CONTINUED**

10. Water diverted under Snake River Basin Adjudication Claim 37-20440 is used in combination with this right to mitigate losses of water resulting from the use of this right. From April 15 to October 31 each year water shall not be diverted under this right except when water is being diverted under SRBA Claim 37-20440, or a decreed water right based on SRBA Claim 37-20440, for mitigation purposes. From November 1 to April 14 each year, water may be diverted under this right without mitigation.
11. At such times in the future as may be necessary to protect the prior rights of other water users, the Director may require determination of the actual rate of loss within the system and may require additional mitigation for all system losses, including losses which may injure other users from the Comstock Ditch.
12. When delivery of water pursuant solely to this right is not possible because of earlier priority rights, including minimum streamflows, water diverted pursuant to Right 37-8278 (or Right 37-4265, if it is decreed in the Snake River Basin Adjudication instead of Right 37-8278) may be delivered through the place of use for this right only if: a) losses incurred from the point of diversion from the Big Wood River to the point of discharge of the water diverted under Right 37-8278 (or 37-4265) are fully compensated, if such compensation is then required for the use of water under Right 37-8278 (or 37-4265), b) the water is discharged directly to the actively flowing channel of the Big Wood River or into a hydraulically connected side channel of the Big Wood River, and c) mitigation is provided as described above.
13. This right is junior to the minimum streamflow in the Big Wood River of 189.00 cfs, as established by water Rights 37-7919 and 37-8307.
14. The right holder shall monitor the effect of return flows on the temperature of the Big Wood River in accordance with the rules and regulations of the Department Environmental Quality and in accordance with the agreement with protestant or permit 37-20441. The Director may require other water quality monitoring if necessary, to protect the local public interest. Use of water under this right, when combined with other recreational, aesthetic, hydropower, fish propagation or other traditional "non-consumptive uses" of water must not cause a significant degradation of water quality in the Big Wood River and its tributaries.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 30<sup>th</sup> day of December, 2003.

  
Acting for **KARL J DREHER, Director**

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MAR 10 2004



5. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | TOTALS |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 4N  | 18E | 302 |    |    |    |    |    | R  |    |    |    |    |    |    |    |    |    |    |        |
| 4N  | 18E | 302 |    |    |    |    |    | A  |    |    |    |    |    |    |    |    |    |    |        |
| 4N  | 18E | 302 |    |    |    |    |    | W  |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total number of acres to be irrigated \_\_\_\_\_

6. Describe any other water rights used for the same purposes as described above. Permit 37-20441

1. a. Who owns the property at the point of diversion? Friends of River's Edge, LLC

b. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: \_\_\_\_\_

2. Remarks: Permit 37-20441 diverts 5.0 cfs just past the outlet of the last pond in the system for 37-8535 which is for 10 cfs. This application seeks to divert the rest of the water from 37-8535 through the same system as 37-20441 subject to the same conditions of approval. There will be no additional losses of water so the mitigation provided by 37-20440 for 37-20441 will be sufficient to mitigate all system losses.

3. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

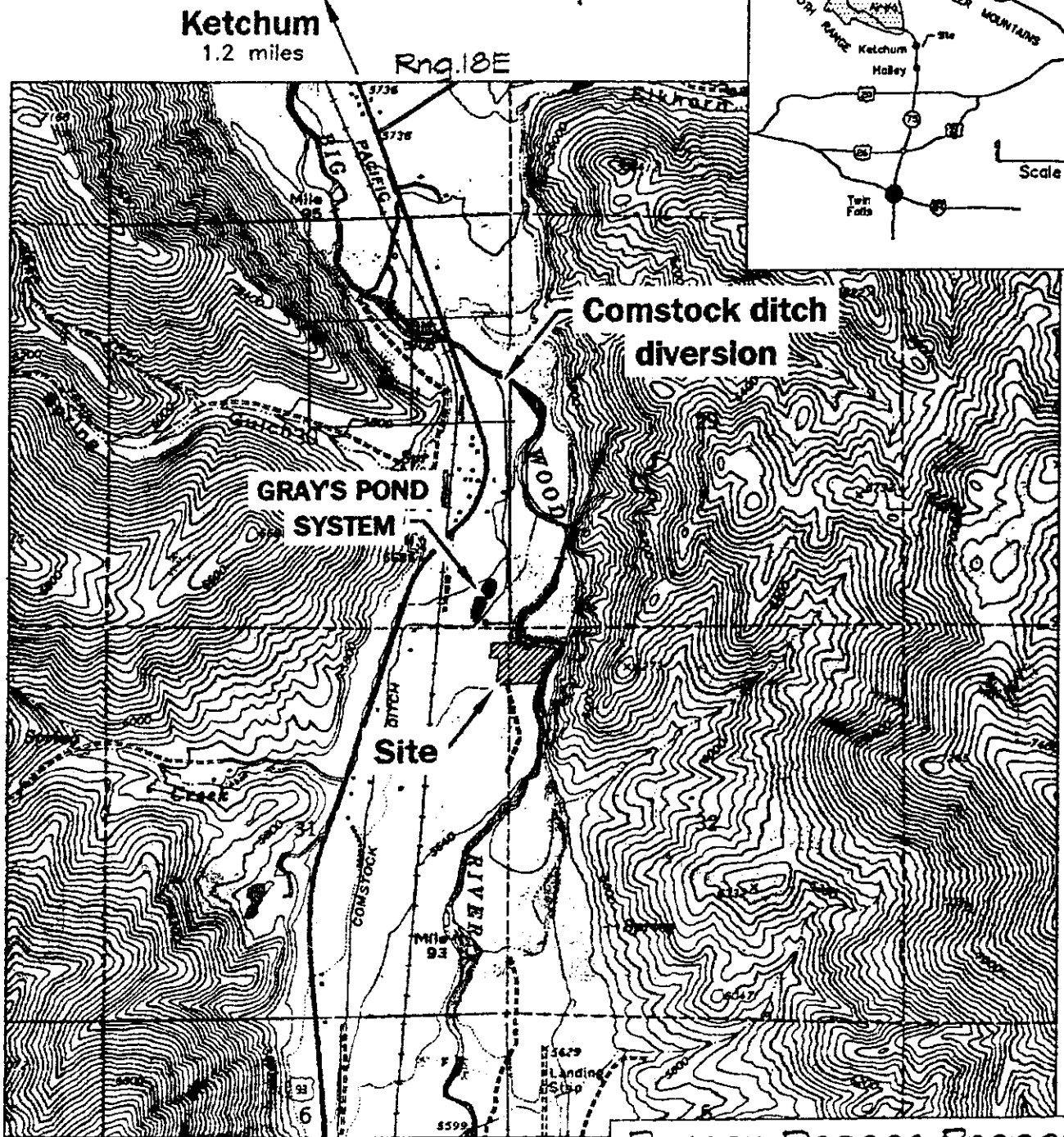
Signature of Applicant (and title, if applicable)

Received by J.F. Date 9-11-03 Time 1:00 pm Preliminary check by J.F.  
 Fee \$ 410 Received by J.F. # 5026110 Date 9-11-03  
 Publication prepared by MB Date 11/13/03 Published in Wood River Journal  
 Publication approved MB Date 12/1/03

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37-21176



Map from: USGS Quad. - Sun Valley, Idaho - 1967

## Ranney Draper Property

### VICINITY MAP

OWNER: RANNEY DRAPER  
576 San Nicolas Drive, Suite 340  
Newport Beach, CA 92660-8513

Fisher & Associates  
AQUATIC RESOURCE ENHANCEMENTS

DATE:  
4/21/03  
SHEET:  
1 of 3  
SCALE:  
1"=2000ft

MAY 10 2004

37-21176

300 ft. 15" PVC  
(0.85%)

Cutout from pipe  
at existing manhole

Pond Water Elev.- 5662.0'  
Area = 909 sqft

Gray's pipe  
Approx.

Bio-filter Wetland  
Water Elev.- 5661.5'  
Area = 4,508 sqft

LOT 6

300 ft

Residence

LOT 4

Area = 20,075 sqft water)  
Pond Water Elev.- 5659.0'

LOT 3

Big Wood River

### LEGEND

- Property Line
- ===== Floodplain (per 1997 FEMA)
- ===== Floodway (per 1997 FEMA)
- Edge of Water
- 75' Setback line from Mean High Water
- Mean High Water
- ~~~~~ Tree Dripline
- Edge of Water

## Ranney Draper Property SITE MAP

OWNER: RANNEY DRAPER  
576 San Nicolas Drive, Suite 340  
Newport Beach, CA 92660-6513

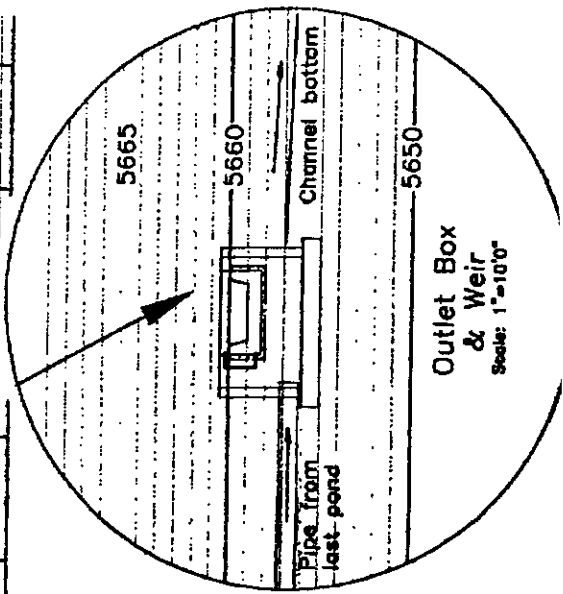
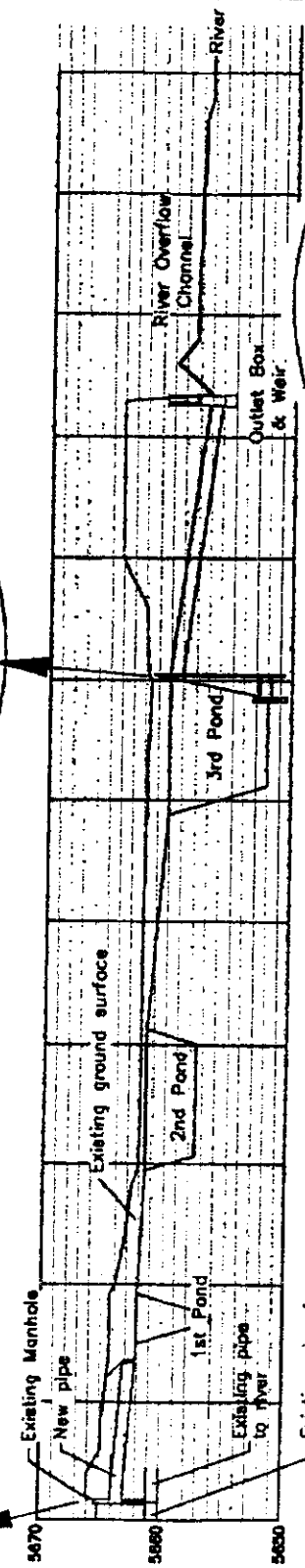
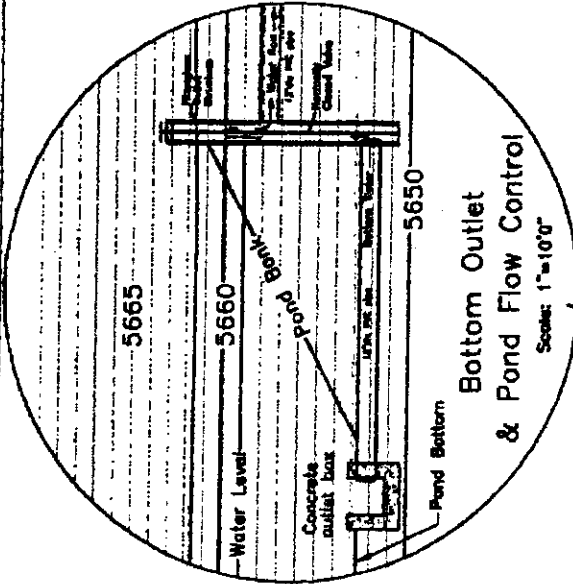
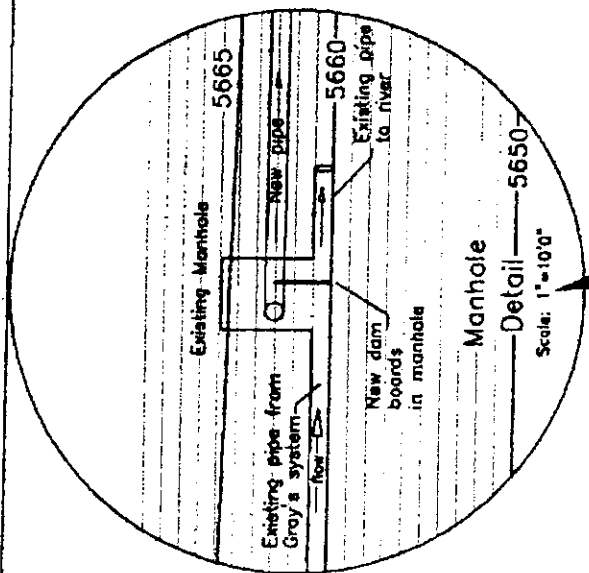
Fisher & Associates  
AQUATIC RESOURCE ENHANCEMENTS

DATE:  
4/21/03  
SHEET:  
2 of 3  
SCALE:  
1"=100ft

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37.21176



System Profile View  
Scale: horz - 1"=150'0"  
vert. - 1"=15'0"

| Ranney Draper Property           |               |
|----------------------------------|---------------|
| SITE MAP                         |               |
| OWNER: RANNEY DRAPER             | DATE: 4/21/03 |
| 576 San Nicolas Drive, Suite 340 | SHEET: 3 of 3 |
| Newport Beach, CA 92660-6513     | SCALE:        |

MICHAEL  
MAY 10 2004

37-21176

**NOW  
STARTING  
RIGHT  
SIDE OF  
FILE**



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

May 22, 2006

RANNEY DRAPER  
567 SAN NICHOLAS DR STE 340  
NEWPORT BEACH CA 92660-6513

**PROOF ACKNOWLEDGMENT LETTER**

**Re: Permit No. 37-20441, 37-21176**

Dear Permit Holders:

The department acknowledges receipt of the proof of beneficial use ("proof") form submitted for the above-referenced permit. The next step in the process of developing a water right is for the department to conduct the field examination to determine and confirm the use of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

If you have questions about the field examination, please contact the **Southern** Regional Office of the department in Twin Falls at (208) 736-3033.

Sincerely,

A handwritten signature in cursive script that reads "Christine Roberts".

Christine Roberts  
Technical Records Specialist

Encl.

Cc: Speck & Aanestad

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OCT 26 2005

Department of Water Resources

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE

POST OFFICE BOX 987

KETCHUM, IDAHO 83340

JAMES P. SPECK  
jimspeck@cox-internet.com

DOUGLAS J. AANESTAD  
aanestad@cox-internet.com

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

October 21, 2005

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OCT 24 2005

Department of Water Resources  
Southern Region

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

**Re:    *Ranney Draper;*  
         *Permits Nos. 37-20441 and 37-21176;*  
         *Proofs of Beneficial Use***

Dear Allen:

Enclosed you will find the original and one copy each of a Proof of Beneficial Use for Permits Nos. 37-20441 and 37-21176, both in the name of my client, Ranney Draper. Please have your secretary receipt date-stamp the copies and return them to me in the postage pre-paid, self-addressed envelope included for that purpose. Kindly call me if you have any questions.

Thank you.

Sincerely yours,

SPECK & AANESTAD  
A Professional Corporation

By:   
James P. Speck

JPS/jef

Enclosures

cc:    Client (w/encl.)  
       Steve Fisher (w/encl.)

October 31, 2005

RANNEY DRAPER  
567 SAN NICHOLAS DR STE 340  
NEWPORT BEACH, CA 92660-6513

PROOF DUE NOTICE

RE: PERMIT NO. 37-21176

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before January 01, 2006. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

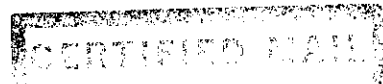
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

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

Sincerely,

Deborah J. Gibson, Administrative Assistant  
Water Allocation Bureau

Enclosures



7003 0500 0003 1969 5288





State of Idaho

## DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098  
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

December 31, 2003

RANNEY DRAPER  
567 SAN NICHOLAS DR STE 340  
NEWPORT BEACH CA 92660-6513

RE: Permit No. 37-21176

### Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

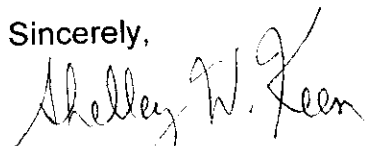
Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least sixty days prior to the commencement of work in the stream.

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Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,



Shelley W. Keen  
Water Rights Supervisor

SWK:klr

Enclosure(s)

cc: JAMES P SPECK, SPECK & AANESTAD

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MAR 10 2004

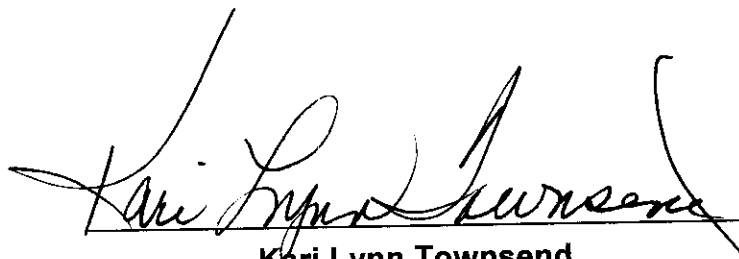
## **CERTIFICATE OF SERVICE**

I hereby certify that on December 31, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

**RE: WATER RIGHT NO.                      37-21176**

**RANNEY DRAPER  
567 SAN NICHOLAS DR STE 340  
NEWPORT BEACH CA 92660-6513**

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



**Kari Lynn Townsend  
Secretary**

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MAR 10 2004**

**EXPLANATORY INFORMATION  
TO ACCOMPANY A  
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below.

**PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

**EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

**REQUEST FOR HEARING**

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

**ORAL ARGUMENT**

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

## CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

## FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of, or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

## APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

FILE PROGRESS SUMMARY

APPLICANT: Larry Draper WATER RIGHT NO. 37-21176

FILE  
Lanny Draper

37-21176

[illegible]

# AFFIDAVIT of PUBLICATION

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DEC 01 2003

State of Idaho, } SS.  
County of Blaine

Department of Water Resources  
Southern Region

On this 26 day of Nov, in the year 2003, before me a Notary Public of said State, personally appeared Leslie A Ward, 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 19 day of Nov, 2003, and the date of the last publication was on the 26 day of Nov, 2003

Subscribed and sworn to before me this 26 day of Nov, 2003.  
(SEAL)

Leslie A Ward  
NOTARY PUBLIC  
STATE OF IDAHO

5 1/2 inches

# 12093

WOOD RIVER JOURNAL  
Hailey, Idaho

OK MB  
12/1/03

## COST OF PUBLICATION

Number of Picas per Line 11  
Number of Lines in Notice 50  
Number of Insertions 2  
Lines tabular at - 7¢/Pica  
50 Lines straight at 1.43 6¢/Pica  
Subsequent lines at - 5¢/Pica  
TOTAL COST 76.50

COPY OF NOTICE  
(Paste Here)

Notice of water  
TITLE OF NOTICE

Application  
PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF  
Id. Dep of Water Resources  
1341 Fillmore ST Suite 200  
TF ID BILL TO 83301-3380

## Notice of water application

### Notice of application

The following application has been filed to appropriate the public waters of the State of Idaho, Blaine County:

37-21176  
RANNEY DRAPER  
567 SAN NICHOLAS DR STE 340  
NEWPORT BEACH CA 92660-6513  
Point of Diversion: SENE, S30, T04N, R18E  
Source: BIG WOOD RIVER Tributary To MALAD RIVER  
Use: WILDLIFE 01/01 To 12/31 5 CFS  
Use: RECREATION 01/01 To 12/31 5 CFS  
Use: AESTHETIC 01/01 To 12/31 5 CFS  
Total Diversion: 5 CFS  
Date Filed: 9/8/2003

Place of Use: NWNW, S32, T04N, R18E  
Remark: Application is proposing to divert 5 cfs of water from the Big Wood River to an existing system of ponds for wildlife, recreation and aesthetic purposes. Processing is allowed due to mitigation under an approved transfer for this same system of ponds. Location is 2.5 miles south and 1 mile east of Ketchum, Idaho. Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before 12/09/2003. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Publish: Wood River Journal—  
November 19 & November 26, 2003.

12093



**IDAHO FISH & GAME**

MAGIC VALLEY REGION  
868 East Main Street  
P.O. Box 428  
Jerome, Idaho 83338-0428

November 26, 2003

Dirk Kempthorne / Governor  
Steven M. Huffaker / Director

State of Idaho  
Department of Water Resources  
1341 Fillmore Street  
Suite 200  
Twin Falls, ID 83301-3380

RECEIVED

NOV 28 2003

Department of Water Resources  
Southern Region

**Re: Application for Permit No. 37-21176 – Ranney Draper**

The Idaho Department of Fish and Game has toured the site and reviewed the application for permit from Ranney Draper for 5.0 cfs of water from the Big Wood River. It is our understanding the intent of the application is to permit the diversion of water from an adjacent landowners outflow for use in a series of existing ponds and channels on the applicants property. The 5.0 cfs would return to the Big Wood River in approximately the same location as currently used by the adjacent landowner. Issuance of the permit should have minimal negative impacts on fish and wildlife resources in the area.

Thank you for the opportunity to provide comment. Please contact Mike McDonald, Environmental Staff Biologist, at this office if you have further questions.

Sincerely,

David Parrish  
Magic Valley Regional Supervisor

Cc: Ranney Draper (Applicant)  
IDFG (NRPB)  
ECc: IDFG (Region 4 staff)

MICROFILMED

MAR 10 2004



State of Idaho

## DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

November 13, 2003

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

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

RE: Application for Permit No. 37-21176 (Draper)

Dear Mr. Speck:

The Department of Water Resources acknowledges receipt of the water right application on behalf of Mr. Ranney Draper. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared for publication in the **Wood River Journal** on **11/19 & 11/26/03**. Submittal of protests to the application will be allowed for a period ending ten days after the second publication. (**December 9, 2003**)

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

If an application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify the applicant of any action taken on the application and will send him a copy of the permit if approved. A typical processing time for an un-protested application is about eight weeks.

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

Sincerely,

Mary A. Baldwin  
Administrative Assistant I

CC:  
RANNEY DRAPER  
567 SAN NICHOLAS DR STE 340  
NEWPORT BEACH CA 92660-6513

MICROFILM

MAR 13 2004



State of Idaho

## DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

November 13, 2003

WATERMASTER  
WATER DISTRICT #37  
PO BOX T  
SHOSHONE ID 83352

RE: Application for Permit No. 37-21176 (Draper)

Dear Sir:

Enclosed is a copy of an Application for Permit for use while composing your comment and/or recommendation regarding an application within your District. ~~Enclosed are copies of Applications for Permit for use while composing your comment and/or recommendation regarding applications within your District.~~

Please complete the enclosed recommendation form(s) and return to this office within 21 days of the date of this letter. Regional review of unprotested applications can be completed as soon as the final protest period is past; your prompt response to this request is appreciated so that your recommendation can be considered during regional review.

If after 21 days from the date of this letter the department has not received your written recommendation, the department will presume you do not oppose approval of the application and you have no comments for the department to consider.

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

Very truly yours,

Mary A. Baldwin  
Administrative Assistant

Enclosure(s)

MICROFILM

MAR 10 2004



State of Idaho

## DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

November 13, 2003

ATTN MIKE MC DONALD  
ID DEPT FISH & GAME  
PO BOX 428  
JEROME ID 83338

RE: Application for Permit No. 37-21176 (Draper)

Dear Mr. McDonald:

The Department is seeking a written Comment &/or Recommendation from your agency regarding the above referenced application for surface water; a copy of the application is enclosed for your information and reference.

Regional review of an unprotested application can be completed as soon as the final protest period is past; therefore, your prompt response to this request is appreciated.

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

Very truly yours,

Mary A. Baldwin  
Administrative Assistant

Enclosure(s)

MICROFILMED

MAR 10 2004

IDAHO DEPARTMENT OF WATER RESOURCES  
1341 FILLMORE STREET-STE# 200  
TWIN FALLS ID 83301

Phone: 736-3033

Fax# : 736-3037

November 13, 2003

ATTN: Scott Kraus-LEGALS  
WOOD RIVER JOURNAL  
PO BOX 988  
HAILEY ID 83333

Dear Scott:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues).

If you cannot publish the notice on the proposed dates, please contact us immediately at 736-3033. An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely

Mary A. Baldwin  
Administrative Assistant

MICHAEL

MAR 10 2004

The following application has been filed to appropriate the public waters of the State of Idaho, Blaine County:

37-21176

RANNEY DRAPER

567 SAN NICHOLAS DR STE 340

NEWPORT BEACH CA 92660-6513

Point of Diversion: SENE, S30, T04N, R18E

Source BIG WOOD RIVER Tributary To MALAD RIVER

Use: WILDLIFE 01/01 To 12/31 5 CFS

Use: RECREATION 01/01 To 12/31 5 CFS

Use: AESTHETIC 01/01 To 12/31 5 CFS

Total Diversion: 5 CFS

Date Filed: 9/8/2003

Place of Use: NWNW, S32, T04N, R18E

Remark: Application is proposing to divert 5 cfs of water from the Big Wood River to an existing system of ponds for wildlife, recreation and aesthetic purposes. Processing is allowed due to mitigation under an approved transfer for this same system of ponds. Location is 2.5 miles south and 1 mile east of Ketchum, Idaho. Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before 12/09/2003. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published in the Wood River Journal on 11/19 & 11/26/03.

MICHELLE

MAR 10 2004

## **Baldwin, Mary**

---

**From:** Baldwin, Mary  
**Sent:** Thursday, November 13, 2003 2:21 PM  
**To:** Blau, Terry; Baldwin, Mary  
**Cc:** Troxell, Liz  
**Subject:** NEW app

FYI, Ranney Draper has filed app. for permit No. 37-21176 for 5.0 cfs of water from the Big Wood River for recreation, aesthetics & wildlife uses.

MICHAEL

NOV 13 2003

## MEMORANDUM

**Date:** November 11, 2003  
**To:** Water Right File 37-21176  
**From:** jfreitag  
**Re:** Legal Notice Remarks

---

Application is proposing to divert 5 cfs of water from the Big Wood River to an existing system of ponds for wildlife, recreation and aesthetic purposes. Processing is allowed due to mitigation under an approved transfer for this same system of ponds.

Location is 2.5 miles south and 1 mile east of Ketchum, Idaho.

MICHAEL

MAR 10 2004

# MEMORANDUM

**Date:** November 11, 2003  
**To:** Water Right File 37-21176  
**From:** jfreitag  
**Re:** Comment/Analysis

---

System already exists and permit 37-20441 already allows 5 cfs through this system. Applicant is wishing to divert an additional 5 cfs. This would allow the applicant to take the full flow from his neighbors system upstream, 10 cfs under 37-8535. Mitigation already appears to be in place under 37-20440.

MICHAEL

MAR 10 2004

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 37-20441

WATER RIGHT NUMBER: 37-20441

\* Same system as  
this applicationOwner Type

Current Owner

Name and Address

RANNEY DRAPER  
567 SAN NICHOLAS DR STE 340  
NEWPORT BEACH, CA 92660-6513  
(949)718-6200

Priority Date: 06/21/2001

Basis:

Status: Active

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

RECREATION

AESTHETIC

WILDLIFE

From To

01/01 to 12/31

01/01 to 12/31

01/01 to 12/31

Diversion Rate

5.000 CFS

5.000 CFS

5.000 CFS

Annual VolumeTotal Diversion:

5.000 CFS

Location of Point(s) of Diversion

BIG WOOD RIVER

SE1/4NE1/4

Sec. 30, Twp 04N, Rge 18E, B.M.

BLAINE County

Place of Use

RECREATION

| Twp | Rge | Sec | NE | NW | SW | SE | Totals |
|-----|-----|-----|----|----|----|----|--------|
| 04N | 18E | 32  | NE | NW | SW | SE |        |
|     |     |     |    | X  |    |    |        |

AESTHETIC

| Twp | Rge | Sec | NE | NW | SW | SE | Totals |
|-----|-----|-----|----|----|----|----|--------|
| 04N | 18E | 32  | NE | NW | SW | SE |        |
|     |     |     |    | X  |    |    |        |

WILDLIFE

| Twp | Rge | Sec | NE | NW | SW | SE | Totals |
|-----|-----|-----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE |        |
|     |     |     |    |    |    |    |        |

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MAR 10 2004

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Permit Report 37-20441

04N 18E 32 |

X

Conditions of Approval:

1. This right is junior to the minimum streamflow in the Big Wood River of 189.00 cfs, as established by water Rights 37-7919 and 37-8307.
2. When delivery of water pursuant solely to this right is not possible because of earlier priority rights, including minimum streamflows, water diverted pursuant to Right 37-8278 (or Right 37-4265, if it is decreed in the Snake River Basin Adjudication instead of Right 37-8278) may be delivered through the place of use for this right only if: a) losses incurred from the point of diversion from the Big Wood River to the point of discharge of the water diverted under Right 37-8278 (or 37-4265) are fully compensated, if such compensation is then required for the use of water under Right 37-8278 (or 37-4265), b) the water is discharged directly to the actively flowing channel of the Big Wood River or into a hydraulically connected side channel of the Big Wood River, and c) mitigation is provided as described above.
3. Water diverted under Snake River Basin Adjudication Claim 37-20440 is used in combination with this right to mitigate losses of water resulting from the use of this right. From April 15 to October 31 each year water shall not be diverted under this right except when water is being diverted under SRBA Claim 37-20440, or a decreed water right based on SRBA Claim 37-20440, for mitigation purposes. From November 1 to April 14 each year, water may be diverted under this right without mitigation.
4. At such times in the future as may be necessary to protect the prior rights of other water users, the Director may require determination of the actual rate of loss within the system and may require additional mitigation for all system losses, including losses which may injure other users from the Comstock Ditch.
5. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently maintained at the point of diversion from the Big Wood River.
6. The right holder shall monitor the effect of return flows on the temperature of the Big Wood River in accordance with the rules and regulations of the Department Environmental Quality and in accordance with the agreement with protestant. The Director may require other water quality monitoring if necessary, to protect the local public interest. Use of water under this right, when combined with other recreational, aesthetic, hydropower, fish propagation or other traditional "non-consumptive uses" of water must not cause a significant degradation of water quality in the Big Wood River and its tributaries.
7. Measuring devices acceptable to the Department shall be permanently maintained at the point of rediversion from the Cliffside Homeowners Assn. Inc. (Graystone) pond and at the point of discharge to the Big Wood River or a hydraulically connected side channel of the Big Wood River.
8. 004 This right does not grant any right-of-way or easement across the land of another.
9. 020 Use of water under this right may be affected by an agreement between the protestant and the right holder.
10. 081 Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
11. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
12. X35 Rights 37-8278, 37-8535 and 37-20441 when combined shall not exceed a total diversion rate of 10.00 cfs.

Remarks:Comments:

MICHAEL J. ...

MAR 10 2004

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Permit Report 37-20441

Dates and Other Information:

Permit Proof Due Date: 2/1/2006  
Permit Proof Made Date:  
Permit Approved Date: 2/14/2003  
Permit Moratorium Expiration Date:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
Field Exam Date:  
Date Sent to State Office:  
Date Received at State Office:  
State or Federal:  
Owner Name Connector:  
Water District Number: 37  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: True

MICROFILMED

MAR 10 2004

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE  
POST OFFICE BOX 987  
KETCHUM, IDAHO 83340

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

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

September 9, 2003

RECEIVED

SEP 11 2003

Department of Water Resources  
Southern Region

Mr. John Freitag  
Water Resource Agent  
IDAHO DEPARTMENT OF WATER RESOURCES  
1341 Fillmore, Suite 200  
Twin Falls, Idaho 83301

**Re: Ranney Draper/Application for Permit  
Our File No. 1150/990197**

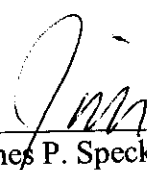
Dear John:

Enclosed is our check payable to the Department for the additional \$160 filing fee required for the five cfs application. My apologies for the initial miscalculation! Please call me at any time should you have questions about the application.

Thank you.

Sincerely yours,

SPECK & AANESTAD  
A Professional Corporation

By:   
James P. Speck

JPS/jef  
Enclosure  
cc: R. Draper  
S. Fisher

F:\WPDATA\JIM\DRAPER\Correspondence\Frietag.09-09.wpd

MAILED

SEP 10 2003

37-21176

**SPECK & AANESTAD**

A PROFESSIONAL CORPORATION  
ATTORNEYS

120 EAST AVENUE  
POST OFFICE BOX 987  
KETCHUM, IDAHO 83340

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

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

September 4, 2003

**RECEIVED**

SEP 08 2003

Department of Water Resources  
Southern Region

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

**Re: Ranney Draper/Application for Permit  
Our File No. 1150/990197**

Dear Allen:

Enclosed you will find the original and one copy of an Application for Permit in the name of Ranney Draper together with my firm's check payable to the Department for the \$250 filing fee. An initial draft of this Application was reviewed by Kay Walker at the direction of Shelly Keen. Please give me a call if you have any further questions about this Application.

Thank you.

Sincerely yours,

SPECK & AANESTAD  
A Professional Corporation

By: \_\_\_\_\_

James P. Speck

JPS/jef

Enclosures

cc: Ranney Draper w/enclosures  
Steve Fisher w/enclosures  
Peter Gray w/enclosures

MAILED

MAR 10 2004

37-21176