

T3N R17E

R 18E

REPRODUCED
FEB 07 1992

Note!
P/O are approximate
locations

26

P/O well

25

25

Deer Creek Ranch

P/O well

P/O

P/O well

30

P/O well

P/O well

P/O Pond

36

X 6432

31

Gulch

7254

X 6942

X 6432

Osborn

X 6326

X 6038

X 5850

X 5946

5607

29

Item B. 6. d. Remarks:

October 28, 1991

NDCR owns four surface water rights to the waters of Deer Creek totaling approximately 21 c/f/s. NDCR wishes to add additional points of diversion for the surface water, and to add points of diversion for groundwater so as to be able to pump groundwater (in lieu of) or instead of surface water when it is more convenient for NDCR's operation.

NDCR agrees to the following:

1. NDCR's Surface Water Right No. 37-00466 (priority 4/1/1880) may be reduced to a total of 9.77 c/f/s appurtenant to 488 acres of NDCR as previously identified. The remainder of Right No. 37-00466, and all of Rights No. 37-00508, 37-00467, and 37-00889 shall be deemed relinquished.
2. NDCR agrees not to divert more than a total of 9.77 c/f/s of surface and groundwater for irrigation purposes at any one time, and NDCR further agrees that the diversion of up to 9.77 c/f/s of groundwater under Right No. 37-00466 shall be contingent upon an equivalent amount of water being measured (at a weir to be installed by NDCR), subject to the approval of the IDWR, across the Deer Creek natural channel above the diversion point of NDCR in SESW of Section 26, Township 3 North, Range 17 E.B.M., Blaine County, Idaho. If flows less than 9.77 c/f/s are measured, NDCR agrees to limit their groundwater diversions accordingly, e.g., if 5 c/f/s is measured at the weir, NDCR could not divert more than 5 c/f/s of groundwater under 37-00466.
3. Any time 9.77 c/f/s or more is being measured over the weir above identified, NDCR may take a total of 9.77 c/f/s from irrigation from any or all approved groundwater points of diversion on the Ranch.
4. Pumping reductions must be made within 24 hours after a daily measurement shows flows at the weir of less than 9.77 c/f/s.
5. NDCR understands that additional conditions of approval may be imposed by IDWR as further review of this transfer application is conducted.

NEW DEER CREEK RANCH, INC.

MICROFILMED**FEB 07 1992**

By

JAY SEVY

President and General Manager

Approved:

JOHN A. ROSEHOLT

6316m

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho,

County of Blaine

} ss.

DEC 9 1991

Department of Water Resources
SALT JOE REGION OFFICE

DANIEL J. GORHAM

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

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

publication of said advertisement was on the 13 day of NOV, 1991, and

the date of the last publication was on the 20 day of NOV, 1991.

Daniel J. Gorham

Subscribed and sworn to before me this 20 day of NOV, 1991.
(SEAL)

NOTARY PUBLIC

#7928
WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line

Number of Lines in Notice

Number of Insertions

94.5	Lines tabular at	51.97	6¢ / Pica
94.5	Lines straight at	46.58	5¢ / Pica
	Subsequent lines at		4¢ / Pica
TOTAL COST		98.55	5.00

COPY OF NOTICE

(Paste Here)

Notice of Proposed

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Boise Dept of water
BILL TO

Ranch seeks water right change

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
NO. 37-00466
ADJUDICATION CLAIM
NO. A37-00466

Notice is hereby given that NEW DEER CREEK RANCH, INC., Hailey, ID, has applied to the Department of Water Resources for additional points of diversion from Deer Creek for irrigation.

THE WATER RIGHTS SOUGHT TO BE CHANGED ARE RECORDED AS FOLLOWS:

Water Right No. 37-00466
Basis of Right: Decree
Source: Groundwater (Deer Creek)
Priority Date: 4/01/1880
Amount of Water: 13.6 cfs
Water Use: Irrigation
Point(s) of Diversion: Not stated in decree.

Place of Use: SWNE1/4, SE1/4-NE1/4, SW1/4NW1/4, SE1/4-NW1/4, NE1/4SW1/4, NW1/4-SW1/4, NE1/4SE1/4, NW1/4-SE1/4, S25, T3N, R17E and NE1/4SE1/4, S26, T3N, R17E.

Adjudication Claim No. A37-00466

Basis of Right: Claim
Source: Groundwater (Deer Creek)

Priority Date: 4/01/1880
Amount of Water: 13.6 cfs
Water Use: Irrigation

Point(s) of Diversion: SW1/4-SW1/4, SE1/4SW1/4, NE1/4-SE1/4, S26, T3N, R17E, Blaine County.

Publication Rates

As of Jan., 1990

(Idaho Code, Rev. Statutes 1984)

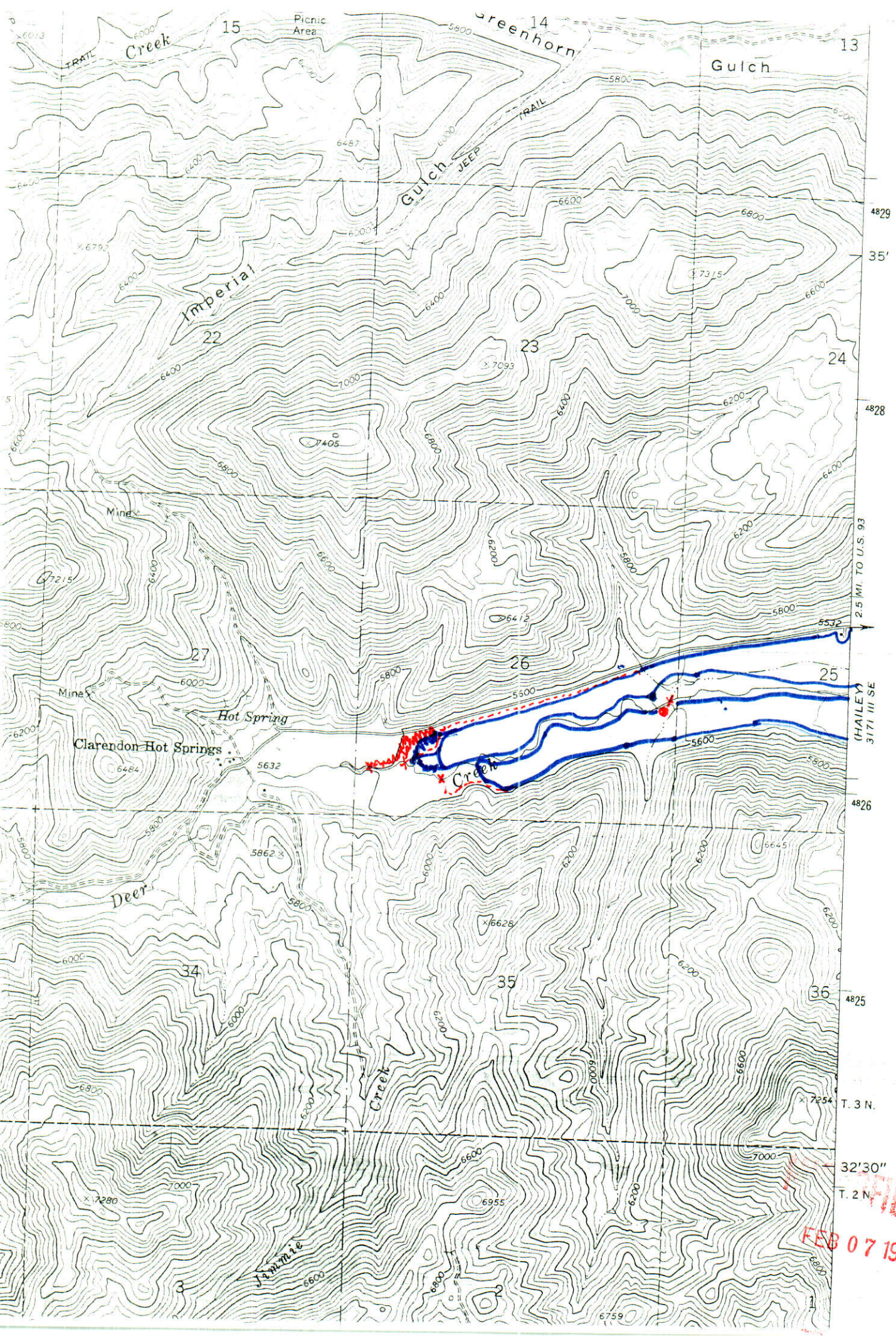
7-8 pt./line straight: .5 pica

7-8 pt./line tabular: .6 pica

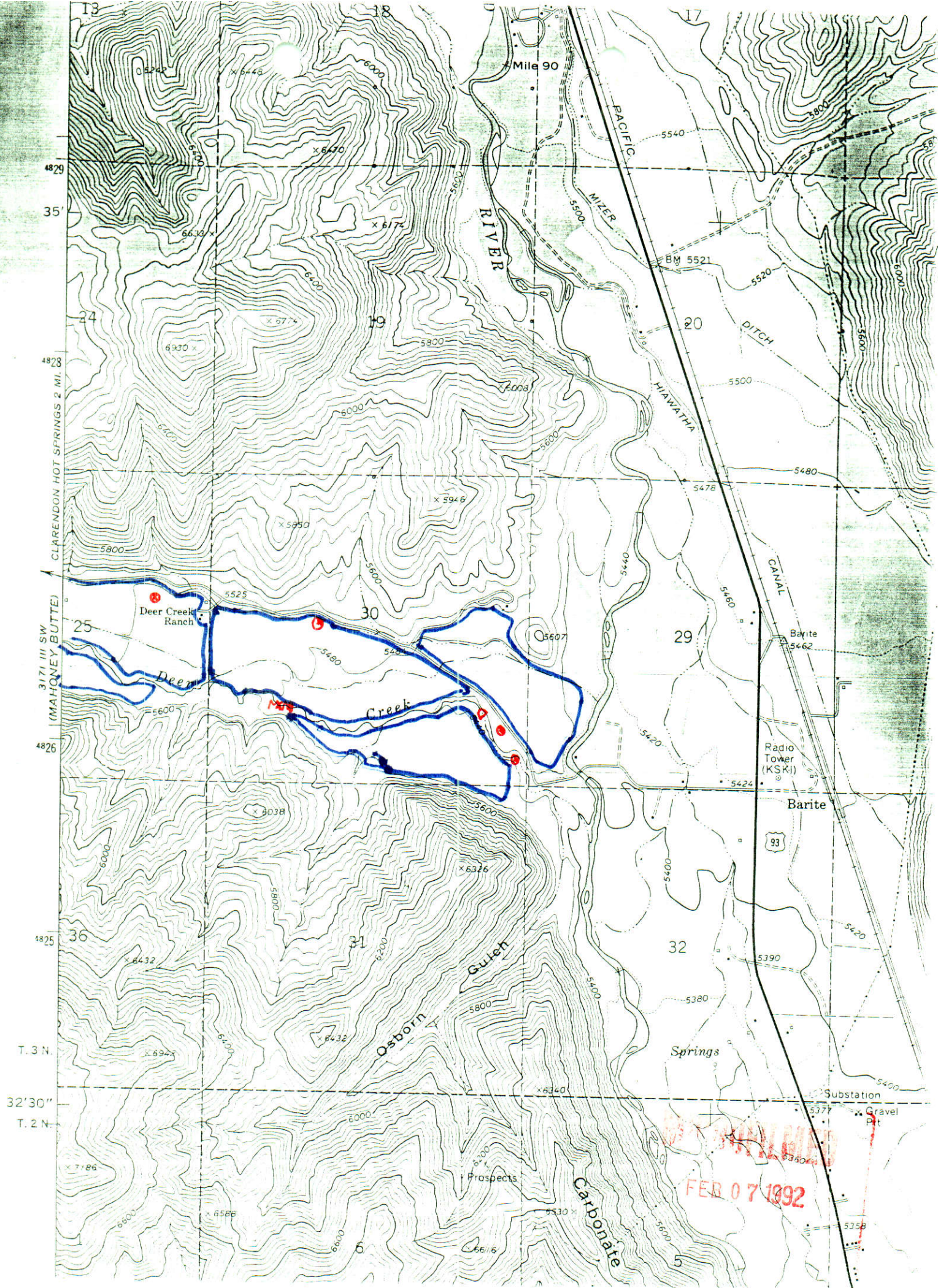
7-8 pt./line successive

insertion: .4 pica

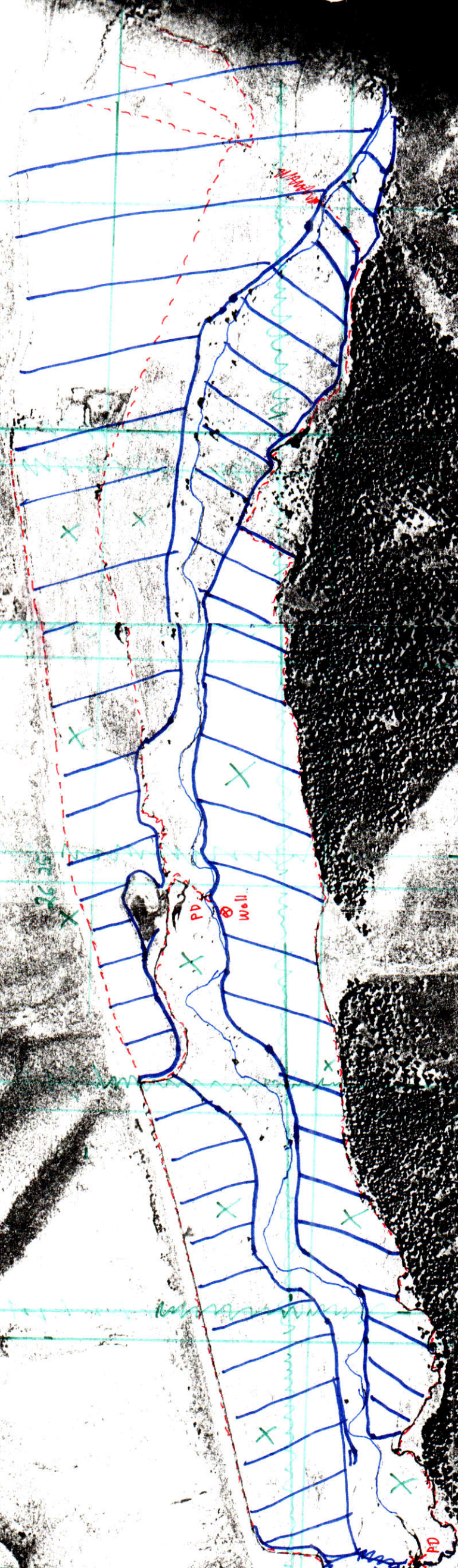
No 7928



FILED
FEB 07 1992

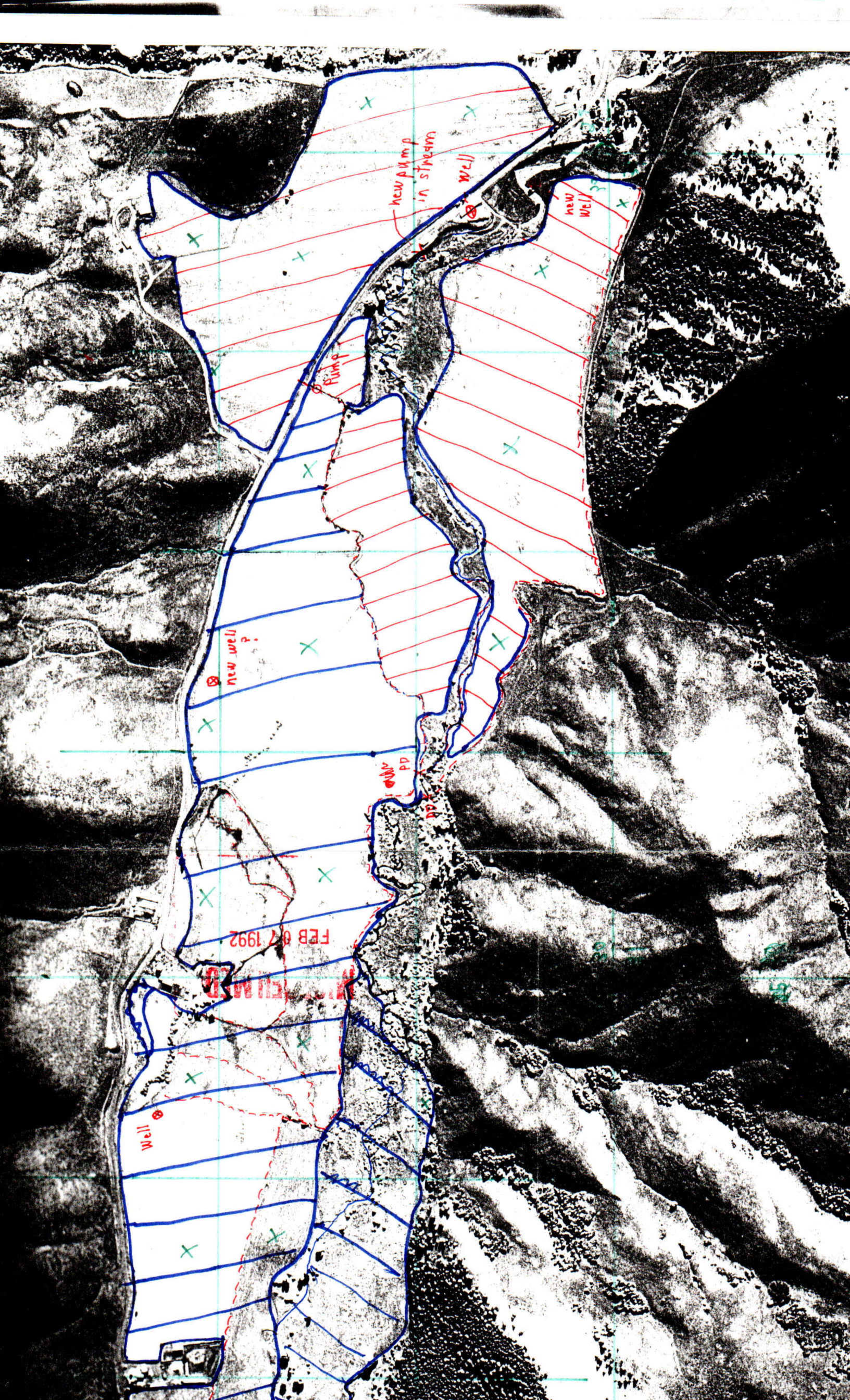


Newell Cr. Ranch
37-0466, 0467, 0508,
0589
7#



56 56
35 36

RECEIVED
FEB 27 1962



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

TRANSFER OF WATER RIGHT

AMENDED

TRANSFER NO. 3861
WATER RIGHT NO. 37-00466

This is to certify that: **NEW DEER CREEK RANCH INC**
PO BOX 187
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>
IRRIGATION	04/01 to 11/01	9.77 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
DEER CREEK GROUNDWATER	BIG WOOD RIVER

Priority: 04/01/1880

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 30, Township 03N, Range 18E
SESE , Sec. 30, Township 03N, Range 18E
NESESE , Sec. 30, Township 03N, Range 18E
SESESE , Sec. 30, 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	17E	25	SWNE 21.0	SENE 17.0	SWNW 8.0	
			SENE 20.0	NESW 25.0	NWSW 27.0	
			NESE 33.0	NWSE 33.0		184.0
	26		SENE 0.5	NESW 12.0	SESW 11.0	
			NESE 21.0	NWSE 17.0	SWSE 10.0	
			SESE 2.0			73.5
18E	29		NWSW 8.0	SWSW 11.0		19.0
	30		SWNE 0.5	SENE 8.0	Lot 2(SWNW) 7.0	
			SENE 3.0	NESW 39.0	Lot 3(NWSW) 38.0	
			NESE 30.0	NWSE 31.0	SWSE 30.0	
			SESE 24.0			210.5
	31		NENE 2.0			2.0

Total number of acres irrigated: 489.0

MAR 28 1996

AMENDED

TRANSFER NO. 3861
WATER RIGHT NO. 37-00466

AMENDED

CONDITIONS/REMARKS:

1. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
2. The maximum diversion rate from surface water &/or groundwater under this right shall not exceed 9.77 cfs.
3. The diversion of up to 9.77 cfs of groundwater shall be contingent upon an equivalent amount of water being measured at a point in Deer Creek within the SESW, S26, T3N, R17E.
4. If flows less than 9.77 cfs are measured, the groundwater diversions shall be reduced accordingly. Such pumping reductions must be made within 24 hours of the measurement showing reduced flows.
5. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained on Deer Creek within the SESW, S26, T3N, R17E.

Dated this 28th day of August, 1995


Chief, Water Alloc. Bureau


MAR 28 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF TRANSFER)
NO. 3861 OF WATER RIGHT NO.)
37-00466 IN THE NAME OF NEW)
DEER CREEK RANCH, INC.)
_____)

**PRELIMINARY
ORDER TO CORRECT AND AMEND
TRANSFER NO. 3861**

This matter having come before the Idaho Department of Water Resources (Department), the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On January 24, 1992, the Department approved Application for Transfer of Water Right No. 3861 of Water Right No. 37-00466 proposing to add points of diversion due to changes in method of irrigation of 9.77 cubic feet per second from groundwater and Deer Creek tributary to Big Wood River, within the SESE and NESE, Section 30, Township 3N, Range 18E, B.M., Blaine County.

2. On December 1, 1994, the Department identified and corrected an error in the legal description of the place of use of Transfer No. 3861 from Sections 29, 30 and 31, T3N, R17E to Sections 29, 30 and 31 within T3N, Range 18E.

RECORDED

MAR 28 1996

3. On June 20, 1995, the Department received correspondence from the attorneys for New Deer Creek Ranch in regards to correction of the clerical error in the Approved Application for Transfer No. 3861.

4. On June 27, 1995, a letter was sent to the US Forest Service to the attention of Alan Pinkerton, District Ranger, requesting a release for the water right that was mistakenly located on US Forest Service land by Transfer No. 3861, so that the Department could correct and amend Transfer 3861.

5. On July 7, 1995, the Department received a signed Consent to Amend Water Right notice for Water Right No. 37-00466 of Transfer No. 3861 from Alan Pinkerton of the US Forest Service, to correct and amend the location of land located within Sections 29, 30 and 31, T3N, R17E to lands within Sections 29, 30 and 31, T3N, R18E.

CONCLUSIONS OF LAW

1. Rule 305 of the Department's Rules of Procedure state in pertinent part:

The presiding officer may allow any pleading (application) to be amended, **or corrected**, or any omission to be supplied, provided it does not affect substantial rights of other parties involved in the transfer.

2. Consent was received from the US Forest Service to amend water right 37-00466 affecting Transfer No. 3861.

Order - page 2

[Faint, illegible stamp]

MAR 28 1996

ORDER

IT IS THEREFORE HEREBY ORDERED that Transfer No. 3861 of Water Right 37-00466 be **CORRECTED BY THE ATTACHED AMENDED TRANSFER.**

Dated this 28th day of August, 1995.


L. GLEN SAXTON, Chief
Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3861APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

APPROVED

Name of applicant New Deer Creek Ranch, Inc. Phone 788-9813
Post Office address P.O. Box 187 Hailey, ID 83333

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Changing method of irrigation.

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

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|----------|--------------------|---------------|---------------|
| 37-00466 | 4-1-1880 | 9.77 | IRR | 4-1 to 11-1 |
| A37-00466 | 4-1-1880 | 9.77 | IRR | 4-1 to 11-1 |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred 9.77 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Deer Creek tributary to Big Wood River
4. Point(s) of Diversion: See attached sheet for additional points of diversion.

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SE	SE	30	3N	18E	Blaine	Existing Well
	SE	SE	SE	30	3N	18E	Blaine	New Well
		NE	SW	30	3N	18E	Blaine	New Well
		SE	SE	30	3N	18E	Blaine	New Pond & Pump

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
03N	17E	25			21	17			8	20	25	27			33	33			184
		26				.5					12			11	21	17	10	2	73.5
	18E	29																	19
	18E	30			.5	8			7	3	39	38			30	31	30	24	210
									(Lt2)										
	18E	31	2																2

Total acres 488.5

PART 1**6. General Information:**

a. Description of diversion system _____

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes N/A 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:

N/A

d. Remarks:

See Attachment**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**This is to certify that I have examined Application for Transfer of Water Rights No. 37-00466And said application is hereby APPROVED, subject to the following limitations and conditions:See attached sheet for conditions of approval.**APPROVED**
FEB 07 1992

Witness my hand this

24th

day of

January, 19 92A. Glen Saxton
Chief, Water Allocation Bureau

ATTACHMENT
CONDITIONS OF APPROVAL

Transfer of Water Right No. 37-00466

Transfer No. 3861

1. The maximum diversion rate from surface water &/or groundwater under this right shall not exceed 9.77 cfs.
2. The diversion of up to 9.77 cfs of groundwater shall be contingent upon an equivalent amount of water being measured at a point in Deer Creek within the SESW, S26, T3N, R17E. If flows less than 9.77 cfs are measured, the groundwater diversions shall be reduced accordingly. Such pumping reductions must be made within 24 hours of the measurement showing reduced flows.
3. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained on Deer Creek within the SESW, S26, T3N, R17E.
4. The change authorized by this transfer shall be accomplished within (1) year of the date of this approval.

Dated this 24th day of January, 1992.

L. Glen Saxton

L. GLEN SAXTON
Chief, Water Allocation Bureau

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NAME: New Deer Creek Ranch, Inc.

TRANSFER NO: 3861

ADDITIONAL POINTS OF DIVERSION, AFTER REQUESTED CHANGE:

<u>1</u>	<u>1</u>	SEC	TWP	RGE	LOCAL NAME FOR DIVERSION
NE	SE	26	3N	17E	Existing Well
SE	NE	25	3N	17E	Existing Well

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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. 37-00466 Decreed to Andrew McMonagle
in case of S.C. Frost, Et. Al. vs. Alturas Water Company, 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 * Deer Creek tributary to Big Wood River

4. Date or priority 4-1-1880 * Decreed as a dry stream in Frost Decree.

5. Water is used for the following purpose:

amount 13.6 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)

6. Total amount of water under right 13.6 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: Not decreed - see main SRBA claim.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

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	
3N	17E	25			X	X			X	X	X	X			X	X			
		26													X				

Total acres _____

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

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

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 _____ for _____ 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

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	

Total acres _____

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

1. amount _____ for _____ 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

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	

Total acres _____

RECORDED
 FEB 07 1992

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. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A37-00466 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 * Deer Creek tributary to Big Wood River

4. Date or priority 4-1-1880 * Decreed as a dry stream in Frost Decree.

5. Water is used for the following purpose:

amount _____ for Irrigation purposes from 4-1 to 11-1
(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.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SW	SW	26	3N	17E	Blaine	
	SW	SE	SW	"	"	"	" "	
	NE	NE	SE	"	"	"	" "	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3N	17E	25			21	17			8	20	25	27			33	33			184
		26				.5					12			11	21	17	10	2	73.5
		29										8	11						19
		30			.5	8			7	3	39	38			30	31	30	24	210
								(Lt2)				(Lt3)							
		31	2																2

Total acres 488.5

9. Describe any other water rights used for the same purpose as described above A37-11329

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

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 _____ for _____ 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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

1. amount _____ for _____ 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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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 FEB 07 1992

T3N R17E

! note!
P/O are approximate
locations

26

25

5532

5525

X5850

30

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29

5602

X 6038

X 6326

36

X 6432

34

X 6432

Osborn

Gulch

Creek

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.

A large grid of dashed lines, intended for drawing a map or indicating land sections, townships, and ranges. The grid is composed of horizontal and vertical dashed lines forming a series of squares across the page.

MICROFILMED
FEB 07 1992

SCALE: 2 inches equal 1 mile. Draw plan k.

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.

Jay S. Sany, President New Deer Creek Ranch Inc.
(Signature of Applicant)

Subscribed and sworn to before me this 15th day of October, 1991.

John Johnson
(Notary Public)

My commission expires life

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 3 attachments

Received by JS Date 10-28-91 Protest filed by _____

Prelim. check by JS Fee \$50 5012708

Receipted by DRJ Date 9-28-90

Published in Wood River Journal Copies of protest forwarded by _____

Pub. dates 4/13 & 11/20/91 Hearing held by _____ Date _____

Watermaster recommendation requested on 12/11/91 Recommended for ☐ approval ☐ denial

_____ rec'd. 12-23-91 by _____

Copy of transfer sent to lien holder _____

MICROFILMED**FEB 07 1992**

October 28, 1991

Item B. c. d. Remarks:

NDCR owns four surface water rights to the waters of Deer Creek totaling approximately 21 c/f/s. NDCR wishes to add additional points of diversion for the surface water, and to add points of diversion for groundwater so as to be able to pump groundwater (in lieu of) or instead of surface water when it is more convenient for NDCR's operation.

NDCR agrees to the following:

1. NDCR's Surface Water Right No. 37-00466 (1/1880) may be reduced to a total of 9.77 c/f/s appurtenant to 488 acres of NDCR as previously identified. The remainder of Right No. 37-00466, Right No. 37-00467, and Right No. 37-00468 shall be reduced and abolished.

2. NDCR agrees not to divert more than 9.77 c/f/s of surface and groundwater at any one time, and NDCR further agrees not to divert more than 9.77 c/f/s of groundwater under Right No. 37-00466, contingent upon an equivalent amount of water being pumped (at a well to be installed by NDCR), subject to the approval of the IDWR, across the Deer Creek natural channel at the diversion point of NDCR in S33W of Section 36, T4N, R1E, Range 17 E.B.M., Blaine County, Idaho. If flows less than 9.77 c/f/s are measured, NDCR agrees to reduce its diversions accordingly, e.g., if 5 c/f/s is measured at the well, NDCR could not divert 4.77 c/f/s of groundwater under 37-00466.

3. Any time 9.77 c/f/s or more is being measured at the well above identified, NDCR may divert a total of 9.77 c/f/s of irrigation from any or all approved groundwater points of diversion on the Ranch.

Pumping reductions must be made within 24 hours after a measurement shows flows at the well of less than 9.77 c/f/s.

4. NDCR understands that additional conditions of approval may be imposed by IDWR at further review of this transfer application.

NEW DEER CRUIK RANCH, INC.

MICROFILMED

FEB 07 1992

Approved:

JOHN A. ROSEHOLT

By Jay Sevy
JAY SEVY
President and General Manager

WARRANTY DEED

For Value Received, WESTERN EXCHANGE CORPORATION, an Idaho corporation, hereinafter called the "Grantor", hereby grants, bargains, sells and conveys unto NEW DEER CREEK RANCH, INC., an Idaho corporation, whose address is c/o O'Melveny & Myers, 400 South Hope Street, Los Angeles, California 90071-2899, hereinafter called the "Grantee", the premises in Blaine County, Idaho described in Exhibit "A" attached hereto and incorporated herein by reference.

To have and to hold the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that they are free from all encumbrances except as to the "Approved Exceptions" identified in paragraph 7(a) of that certain Option to Purchase, Purchase and Sale Agreement and Joint Escrow Instructions dated April 3, 1989, which is incorporated herein by reference and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED: April 14, 1990.

"GRANTOR"

WESTERN EXCHANGE CORPORATION

By

[Signature]
President

318604

BLAINE CO. REQUEST
C. Howarth, Idaho Co. Ins.

Deed

*90 APR 16 PM 4 01

MARY GREEN, CLERK MP

FEES \$ 24.00

RECEIVED

MAY 3 1990

Department of Water Resources
Southern Region Office

WARRANTY DEED - 1

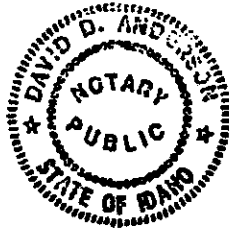
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FEB 07 1992

STATE OF IDAHO)
) ss.
County of Blaine)

On this 16th day of April, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared Dean L. Ballard, known to me to be the President of WESTERN EXCHANGE CORPORATION, and known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same on behalf of said corporation.

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

(seal)



David D. Anderson
NOTARY PUBLIC for Idaho
Residing at Idaho ID
Commission Expires 1/23/92

BCP15/km/2

WARRANTY DEED - 2

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EXHIBIT "A"LEGAL DESCRIPTIONPARCEL I

Township 2 North, Range 17 East of the Boise Meridian, Blaine County, Idaho
 THE CORNALL, patented mining claim, U.S. Survey No. 1690, located in Sections 2
 and 11;

Section 5: Lots 2 and 3
 Section 12: S½NE½

Township 2 North, Range 18 East of the Boise Meridian, Blaine County, Idaho

Section 5: Lots 5, 6, 7, 8, E½SW½, SW½SW½, SW½SE½
 Section 6: Lots 2, 4, 7, 8, 9, 10, SW½NE½, NW½SE½, S½SE½, E½SW½
 Section 7: Lots 1, 2, 3, E½NW½, NE½, NE½SW½, SE½
 Section 8: NW½, SW½, Lots 2 and 3, W½SE½, NE½SE½, and that part of the SE½SE½ lying
 North of the Hailley-Fairfield Road and designated on the Blaine County
 Tax Assessor's Rolls as Tax Lot 2282 and more particularly described as
 follows: BEGINNING at the Northeast corner of SE½SE½ of said Section 8;
 THENCE South along common line of Sections 8 and 9, 767.52 feet to the
 North boundary of said road; THENCE along said North boundary the
 following bearings: South 87°30' West 85.5 feet; THENCE South 60°30'
 West 830 feet; THENCE South 64° West 319.34 feet to the East-West section
 line common to Sections 8 and 17; THENCE West along said Section line
 234.47 feet to the Southwest corner of said SE½SE½; THENCE North 1320
 feet; THENCE East 1320 feet to the POINT OF BEGINNING.

Section 9: All that part of the SW½SW½ lying North of the Hailley-Fairfield Road,
 designated as Tax Lot 2289, and more particularly described as follows:
 BEGINNING at the Northwest corner of said SW½SW½; THENCE East 1220 feet
 to intersection with North boundary of Hailley-Fairfield Road; THENCE
 along North boundary of said road with the following bearings: South
 50°12' West 190.6 feet; THENCE South 37° West 625 feet; THENCE South
 62°30' West 275 feet; THENCE South 87°30' West 444.5 feet to the Section
 line common to Sections 8 and 9; THENCE North 767.52 feet along Section
 line to the POINT OF BEGINNING.

AND all that part of the NW½SW½ known as Tax Lot 1296 and more particu-
 larly described as follows: All of the NW½SW½ excepting therefrom a
 triangle piece of land described as follows: BEGINNING at a point on the
 East line of said forty, 1200 feet South of the Northeast corner and
 running THENCE 1200 feet North to said corner; THENCE West along the
 North line of said forty a distance of 700 feet; THENCE Southeasterly on
 a straight line to the POINT OF BEGINNING.

Section 17: Lots 2, 3, NE½NW½;

That part of the NE½NE½ lying North of the Hailley-Fairfield Road and
 known as Tax Lot 2284, being more particularly described as follows:
 BEGINNING at the Northwest corner of said NE½NE½; THENCE East along
 Section line common to Sections 8 and 17, 234.47 feet to intersection of
 said Section line with the North boundary of said road; THENCE South 64°
 West 261 feet along said North boundary to the West line of NE½NE½ of
 Section 17; THENCE North 114.36 feet to the PLACE OF BEGINNING.

The NW½NW½NE½ lying North of the Hailley-Fairfield Road, known as Tax
 Lot 1179.

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Lot 4, EXCEPTING that portion lying South of the Hailley-Fairfield Road described as follows: COMMENCING at the point where the Hailley-Fairfield Road intersects the Northeast corner of said Lot 4; THENCE South along the East line of Lot 4 to the Southeast corner of said Lot 4; THENCE West along the South line of said Lot 4 to where the Hailley-Fairfield Road intersects that line; THENCE Easterly along the Southerly line or side of the right of way of the said Hailley-Fairfield Road, to the PLACE OF BEGINNING.

Section 18: E|NE|, NW|NE|

Township 2 North, Range 18 East of the Boise Meridian, Blaine County, Idaho

The FOURTH OF JULY, GLORY, and CYNTHIA LODE Claims designated by the Surveyor General as Lot No. 1875, embracing a portion of Sections 5 and 6 in Township 2 North, Range 18 East of the Boise Meridian, in the Mineral Hill Mining District, in the County of Blaine and State of Idaho, in the District of Lands subject to sale at Hailley and bounded, described, and platted as follows, with magnetic variation 19° and 15° East:

BEGINNING for the description of the Fourth of July Lode Claim at Corner No. 1, a fir post four inches square, marked 1-2-1875, with mound of rock, from which the Quarter Corner between Sections 5 and 6 in Township 2 North, Range 18, East of the Boise Meridian, bears South 74°21' West 688.9 feet distant; THENCE, First Course, North 34° East 300 feet discovery; 600 feet to Corner No. 2, a fir post four inches square marked 2-1875, with mound of rock; THENCE, Second Course, North 56° West 1,500 feet to Corner No. 3, a fir post four inches square marked 3-1875; THENCE, Third Course, South 34° West 600 feet to Corner No. 4, a fir post four inches square marked 3-4-1875, with mound of rock; THENCE, Fourth Course, South 56° East 1,500 feet to Corner No. 1, the PLACE OF BEGINNING; the survey of the Lode Claim, as above described, extending 1,500 feet in length along said Fourth of July vein or Lode.

BEGINNING for the description of the Glory Lode Claim at Corner No. 1, a fir post four inches square marked 1-1-1875, with mound of rock, from which said Quarter Section Corner bears North 46°27' West 432.3 feet distant; THENCE, First Course, North 34° East 300 feet to a point from which discovery bears North 56° West 500 feet distant; 600 feet to Corner No. 2, identical with Corner No. 1 of said Fourth of July Lode Claim; THENCE, Second Course, North 56° West 1,500 feet to Corner No. 3, identical with Corner No. 4 of said Fourth of July Lode Claim; THENCE, Third Course, South 34° West 600 feet to Corner No. 4, a fir post four inches square marked 4-1875, with mound of rock; THENCE, Fourth Course, South 56° East 1,500 feet to Corner No. 1, the PLACE OF BEGINNING; the survey of the Lode Claim, as above described, extending 1,500 feet in length along said Glory vein or Lode.

BEGINNING for the description of the Cynthia Lode Claim at Corner No. 1, identical with Corner No. 1 of said Glory Lode Claim; THENCE, First Course, South 56° East 300 feet discovery; 600 feet to Corner No. 2, a fir post four inches square marked 2-1875, with mound of rock; THENCE, Second Course, North 34° East, 1,500 feet to Corner No. 3, a fir post four inches square marked 3-1875 with mound of rock; THENCE, Third Course, North 56° West 600 feet to Corner No. 4, a fir post four inches square marked 4-1875, with mound of rock; THENCE, Fourth Course, South 34° West 900 feet to Corner No. 1 of said Fourth of July Lode Claim, 1,500 feet to Corner No. 1, the PLACE OF BEGINNING; the survey of the Lode Claim as above described extending 1,500 feet in length along said Cynthia vein or Lode.

Township 3 North, Range 17 East of the Boise Meridian, Blaine County, Idaho

Section 13: S|NE|, NE|SW|, NW|SE|, NW|SW|

Section 14: S|NW|, NE|SW|, W|SE|

Section 23: SW|NE|, NW|SW|, E|SW|, SE|

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Section 24: All
 Section 25: N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 26: NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 32: S $\frac{1}{2}$ SE $\frac{1}{4}$
 Section 33: SW $\frac{1}{4}$ SW $\frac{1}{4}$
 Section 35: Lots 1, 2, 3, 4; N $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$

MONUMENTAL LODGE, Mineral Certificate No. 69, Lot No. 64, lying within Section 35, Township 3 North, Range 17 East, Boise Meridian, more particularly described in Book 130 of Patents, page 143, records of Blaine County, Idaho.

Township 3 North, Range 18 East of the Boise Meridian, Blaine County, Idaho

Section 18: Lots 1, 2, 3, 4; SE $\frac{1}{4}$ SW $\frac{1}{4}$

Lot 2, Wander Over Yonder Subdivision

A parcel of land within said Section 18 described as follows:
 COMMENCING at the Northeast corner of said Section 18; THENCE South 88°14'36" West, 528.23 feet along the Northerly boundary of said Section 18 to a point on the Westerly boundary of the Union Pacific Railroad right of way and the TRUE POINT OF BEGINNING;
 THENCE South 20°40'01" East, 969.82 feet along said Westerly boundary to the Northerly bank of the Big Wood River; THENCE South 26°41'35" West, 63.43 feet along said Northerly bank to the Easterly boundary of the public stock driveway; THENCE North 26°13'32" West, 687.04 feet along said stock driveway parallel to State Highway 75, and 50.00 feet distant from the Easterly boundary of said Highway to the Southerly boundary of a parcel of land filed as Instrument No. 236560 in the Blaine County Recorder's office; THENCE North 63°46'28" East, 98.68 feet along the Southerly boundary of said parcel; THENCE North 20°40'01" West, 200.94 feet along the Westerly boundary of said parcel; THENCE South 63°46'28" West, 118.14 feet along the Northerly boundary of said parcel to the Westerly boundary of said stock drive; THENCE North 26°13'32" West, 182.24 feet along the Westerly boundary of said stock drive to the Northerly boundary of said Section 18; THENCE North 88°14'36" East, 158.81 feet along said Northerly boundary to the TRUE POINT OF BEGINNING.

Section 19: Lots 1, 2, 3, 4; E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$
 Section 29: W $\frac{1}{2}$ SW $\frac{1}{4}$
 Section 30: All, excepting as hereinafter described
 Section 31: All
 Section 32: N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$

EXCEPTING from the above properties the following described property:

(a) All that portion of Section 29 which lies East of the main channel of Big Wood River (being the channel crossed by the present steel bridge) and Northerly of that certain roadway which now runs across said lands in a general Westerly direction from Highway 75, subject to the covenants in that certain Warranty Deed dated March 24, 1951, executed by E. B. Randall and Chloe Randall, his wife, recorded March 16, 1957, in Book 171 of Deeds, page 73, records of Blaine County, Idaho, as follows, to-wit: "As a part thereto, E. B. Randall and Chloe Randall, his wife, and their successors and assigns, agree that the land described in sub-paragraph (a) and which is reserved from this conveyance, shall forever be used only for residential purposes and not for commercial use and that the covenant in this sub-paragraph expressed shall run with said lands forever."

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(b) A parcel of land in the SW1/4 of Section 29 and in the NW1/4 of Section 32, Township 3 North, Range 18 East of the Boise Meridian, and described as follows: BEGINNING at a point on the South line of said Section 29, from which the Southwest corner of said Section 29 bears North 89°35' West 473.00 feet; THENCE North 89°35' West along said Section line 184.00 feet to a point in the approximate center of Deer Creek; THENCE South 46°00' West upstream along the approximate center of said Deer Creek 148.00 feet; THENCE North 89°35' West, 120.00 feet; THENCE North 40°00' West, 70.00 feet; THENCE North 25°00' East, 100.00 feet; THENCE North 8°00' West, 180.00 feet; THENCE North 44°00' West, 50.00 feet to a point on the West line of said Section 29; THENCE North along said Section line and leaving Deer Creek, 239.19 feet; THENCE South 38°26' East, 383.66 feet; THENCE South 50°07' East, 306.00 feet to the POINT OF BEGINNING.

ALSO EXCEPTING a strip of land 60 feet wide, being 30 feet on the Northerly side and 30 feet on the Southerly side of the following center line of Bullion Street, Project No. S-2816(1) Highway Survey as shown on the plan thereof now on file in the office of the Department of Highways of the State of Idaho and lying over and across the NW1/4 of Section 9, Township 2 North, Range 18 East of the Boise Meridian;

COMMENCING at the Southwest corner of Section 9; THENCE running North 42°35' East for 1430.1 feet, more or less, to Station 13+00 of said Highway Survey, which station is a point on tangent; THENCE North 37°26' East for 93.10 feet to Station 13+93.10 of said Survey, which station is a point of curvature; THENCE 195.33 feet with a 5° curve right, said curve having a central angle of 9°46' to Station 15+88.43, which station is a point of tangent; THENCE North 47°12' East on tangent 50 feet, more or less, to approximate Station 16+38, said station being the REAL POINT OF BEGINNING, said point being a point on the Southerly boundary of said NW1/4 and lying Westerly 85 feet, more or less, of the Southeast corner of NW1/4; THENCE North 47°12' East on tangent for 123 feet, more or less, to approximate Station 17+61, said point being a point on the Easterly boundary of said NW1/4, lying Northerly 85 feet, more or less, of the Southeast corner of said NW1/4.

ALSO EXCEPTING THEREFROM the following, to-wit:

That portion of the NE1/4 of the NW1/4 of Section 32, Township 3 North, Range 18 East of the Boise Meridian, Blaine County, Idaho, lying East of Wood River.

ALSO that parcel of land in the SW1/4 of the NW1/4 of Section 32, Township 3 North, Range 18 East of the Boise Meridian, Blaine County, Idaho, lying East of Wood River.

ALSO that parcel of land in the NW1/4 of the NW1/4 of Section 32, Township 3 North, Range 18 East of the Boise Meridian, Blaine County, Idaho, lying East of Wood River.

ALSO EXCEPTING THEREFROM the following:

A parcel of land in Sections 13 and 14, Township 3 North, Range 17 East of the Boise Meridian, AND Section 18, Township 3 North, Range 18 East of the Boise Meridian, Blaine County, Idaho, more particularly described as follows:

COMMENCING at a brass cap marking the North 1/16 corner between said Section 13 and Section 18, and said corners being the TRUE POINT OF BEGINNING; THENCE North 0°27'36" West, 255.40 feet; THENCE North 75°14'39" East, 1552.60 feet; THENCE South 0°50'37" West, 1067.35 feet; THENCE South 75°31'28" West, 1156.94 feet; THENCE South 71°51'44" West, 1808.08 feet; THENCE South 58°20'13" West, 959.39 feet; THENCE South 3°15'02" East, 500.00 feet; THENCE South 89°01'20" West, 293.04 feet; THENCE North 46°11'52"

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West, 575.00 feet; THENCE North 89°04'13" West, 2045.25 feet; THENCE South 88°30'44" West, 1925.63 feet; THENCE South 72°16'41" West, 965.83 feet; THENCE North 45°21'05" West, 230.32 feet; THENCE North 40°36'05" East, 460.98 feet; THENCE North 78°37'26" West, 1776.44 feet; THENCE North 0°07'30" East, 170.00 feet to the West 1/16 corner of said Section 14; THENCE South 89°30'59" West, 1336.08 feet to the West Quarter Corner of said Section 14; THENCE North 0°06'24" East, 1313.89 feet to the North 1/16 Corner between Section 14 and Section 15; THENCE North 89°45'52" East, 1287.49 feet; THENCE South 0°00'00" East, 580.53 feet; THENCE 484.60 feet along a curve to the right with a central angle of 30°24'59", a radius of 912.85 feet, and a long chord of 478.93 feet that bears South 78°05'30" East; THENCE North 27°06'59" East, 100.00 feet; THENCE South 62°53'01" East 634.62 feet; THENCE South 27°06'59" West, 100.00 feet; THENCE South 61°09'24" East, 378.26 feet; THENCE South 0°08'36" West, 152.69 feet to the Center Quarter Corner of said Section 14; THENCE North 89°30'59" East, 2673.74 feet to the East Quarter Corner of said Section 14; THENCE South 88°06'30" East, 2639.94 feet to the Center Quarter Corner of Section 13; THENCE North 0°06'31" East, 573.29 feet; THENCE North 66°53'05" East, 1878.14 feet; THENCE South 88°13'46" East, 950.00 feet to the TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM the following:

A parcel of land lying within the SW $\frac{1}{4}$ of Section 29, Township 3 North, Range 18 East of the Boise Meridian, Blaine County, Idaho, being bounded on the South by the Deer Creek Road right of way, on the East by the Zinc Spur Unit Four Subdivision, on the North by the Shady Nook Subdivision Revised, on the West by the center line of the Big Wood River, and being more particularly described as follows:

COMMENCING at the 1" bar marking the Southwest corner of said Section 29;
 THENCE South 89°35' East, 961 feet along the section line to a point;
 THENCE North 0°25' East, 80.00 feet to a point on the Northerly right of way of Deer Creek Road at the center of the Big Wood River, being the REAL POINT OF BEGINNING;
 THENCE South 89°35' East, 350 feet to the Westerly boundary of Zinc Spur Unit Four Subdivision;
 THENCE North 0°26' East, 371.7 feet, more or less, to the Southerly boundary of Shady Nook Subdivision, Revised;
 THENCE South 88°45' West, 200.9 feet, more or less, along said Southerly boundary of Shady Nook Subdivision, Revised, to a point of curvature;
 THENCE 233.4 feet along said Southerly boundary of Shady Nook Subdivision, Revised, being a curve to the left with a radius of 270.68 feet and a central angle of 49°24' to a point of tangency;
 THENCE South 39°21' West, 95 feet, more or less, along said Southerly boundary of Shady Nook Subdivision, Revised, extended to the center of the Big Wood River;
 THENCE South 30°09' East, 222.4 feet, more or less, to the REAL POINT OF BEGINNING.

PARCEL II

Township 3 North, Range 17 East of the Boise Meridian, Blaine County, Idaho.
 Section 25: N1SE1

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PARCEL IV

A twenty-foot right of way located within the S1SE1 of Section 27, Township 3 North, Range 17 East, Boise Meridian, and the SW1SW1 of Section 26, Township 3 North, Range 17 East, Boise Meridian, Blaine County, Idaho, for a ditch near the road to carry water from the spillway on the present damsite to portions of the property described in Parcel I above.

Together with all water rights appurtenant to the above described real property. Specifically including, but not limited to, the following itemized rights:

DECREED RIGHTS

<u>PRIORITY</u>	<u>PURPOSE</u>	<u>SRBA CLAIM NO.</u>
04-01-1880	Irrigation	A37-00466
04-01-1880	Irrigation	A37-00467
05-01-1885	Irrigation	A37-00508
11-11-1884	Irrigation	A37-00888
03-04-1885	Irrigation	A37-00889

HISTORIC USE CLAIMS

<u>PRIORITY</u>	<u>PURPOSE</u>	<u>SRBA CLAIM NO.</u>
01-01-1910	Stock	A37-04293
04-01-1880	Irrigation	A37-04294
06-10-1910	Stock	A37-04295
01-01-1890	Stock	A37-04296
06-24-1960	Domestic/Stock	A37-11325
05-10-1910	Domestic/Stock	A37-11326
05-10-1910	Domestic/Stock	A37-11328
06-01-1956	Irrigation	A37-11329
09-01-1965	Stock	A37-11953

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Lawyers Title
Insurance Corporation

NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

ENDORSEMENT

15537

CODE NAME

NUMBER

DEER CREEK RANCH

ED 382307

Attached to and made a part of Lawyers Title Insurance Corporation Commitment No. BF023996

The Company assures the insured that said land is the same as that delineated by heavy blue lines drawn by Puchner Engineering March 27, 1989, on Geological Survey Map which is attached hereto and made a part hereof.

The Company hereby insures said assured against loss which said assured shall sustain in the event that the assurance herein shall prove to be incorrect.

The total liability of the Company under said policy, binder or commitment and under this and any prior endorsements thereto shall not exceed, in the aggregate, the amount of liability stated on the face of said policy, binder or commitment, as the same may be specifically amended in dollar amount by this or any prior endorsements thereof, and the costs which the Company is obligated to pay under the Conditions and Stipulations of the policy.

This endorsement is made a part of said policy, binder or commitment and is subject to all the terms and provisions thereof, except as modified by the provisions hereof.

Nothing herein contained shall be construed as extending or changing the effective date of the aforesaid policy, binder or commitment unless otherwise expressly stated.

IN WITNESS WHEREOF, the Company has caused this Endorsement to be signed and sealed as of the 28th day of March 19 89, to be valid when countersigned by an authorized officer or agent of the Company, all in accordance with its By-Laws.

Issued at Ketchum, Idaho

COUNTERSIGNED:
SAWTOOTH TITLE CO., INC.

BY: [Signature]
Authorized Officer or Agent

Lawyers Title Insurance Corporation
By: [Signature]
President

Attest: [Signature]
Secretary.

Lawyers Title
Insurance Corporation

NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

SCHEDULE A

COMMITMENT FOR TITLE INSURANCE

1. Effective Date March 9, 1989, at 4:00 p.m.

Case No. 15537

2. Policy or policies to be issued:

(a)

☒ ALTA Owner's Policy—Form B-1970 (Rev. 10-17-70 & Rev. 10-17-84)

☐ ALTA Residential Title Insurance Policy—1979

Proposed insured: JOHN A. BURKE

Amount \$ SALE PRICE

(b) ALTA Loan Policy, 1970 (Rev. 10-17-70 & Rev. 10-17-84)

Proposed insured:

Amount \$

(c)

Proposed insured:

Amount \$

3. Title to the fee simple estate or interest in the land described or referred to in this Commitment is at the effective date hereof vested in:

PARCEL I: DEER CREEK RANCH COMPANY, a Partnership

PARCEL II: WILLIAM R. BURT

PARCEL III: STEPHEN W. BOLLER and MARY W. BOLLER, Husband and Wife, Subject to Lis Pendens recorded March 5, 1976, as Instrument No. 164802, records of Blaine County, Idaho.

PARCEL IV: DEER CREEK RANCH COMPANY, a Partnership

4. The land referred to in this Commitment is described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

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FEB 07 1992

Countersigned at Ketchum, Idaho

SAWTOOTH TITLE CO., INC.

BY:

Authorized Officer/pr Agent

BF023996

Commitment No.

Schedule A—Page 1

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL I

Township 2 North, Range 17 East of the Boise Meridian, Blaine County, Idaho
THE CORRALL, patented mining claim, U.S. Survey No. 1690, located in Sections 2 and 11;

Section 5: Lots 2 and 3

Section 12: S½NE½

Township 2 North, Range 18 East of the Boise Meridian, Blaine County, Idaho

Section 5: Lots 5, 6, 7, 8, E½SW½, SW½SW½, SW½SE½

Section 6: Lots 2, 4, 7, 8, 9, 10, SW½NE½, NW½SE½, S½SE½, E½SW½

Section 7: Lots 1, 2, 3, E½NW½, NE½, NE½SW½, SE½

Section 8: NW½, SW½, Lots 2 and 3, W½SE½, NE½SE½, and that part of the SE½SE½ lying North of the Hailey-Fairfield Road and designated on the Blaine County Tax Assessor's Rolls as Tax Lot 2282 and more particularly described as follows: BEGINNING at the Northeast corner of SE½SE½ of said Section 8; THENCE South along common line of Sections 8 and 9, 767.52 feet to the North boundary of said road; THENCE along said North boundary the following bearings: South 87°30' West 85.5 feet; THENCE South 60°30' West 830 feet; THENCE South 64° West 319.34 feet to the East-West section line common to Sections 8 and 17; THENCE West along said Section line 234.47 feet to the Southwest corner of said SE½SE½; THENCE North 1320 feet; THENCE East 1320 feet to the POINT OF BEGINNING.

Section 9: All that part of the SW½SW½ lying North of the Hailey-Fairfield Road, designated as Tax Lot 2289, and more particularly described as follows: BEGINNING at the Northwest corner of said SW½SW½; THENCE East 1220 feet to intersection with North boundary of Hailey-Fairfield Road; THENCE along North boundary of said road with the following bearings: South 50°12' West 190.6 feet; THENCE South 37° West 625 feet; THENCE South 62°30' West 275 feet; THENCE South 87°30' West 444.5 feet to the Section line common to Sections 8 and 9; THENCE North 767.52 feet along Section line to the POINT OF BEGINNING.

AND all that part of the NW½SW½ known as Tax Lot 1296 and more particularly described as follows: All of the NW½SW½ excepting therefrom a triangle piece of land described as follows: BEGINNING at a point on the East line of said forty, 1200 feet South of the Northeast corner and running THENCE 1200 feet North to said corner; THENCE West along the North line of said forty a distance of 700 feet; THENCE Southeasterly on a straight line to the POINT OF BEGINNING.

Section 17: Lots 2, 3, NE½NW½;

That part of the NE½NE½ lying North of the Hailey-Fairfield Road and known as Tax Lot 2284, being more particularly described as follows: BEGINNING at the Northwest corner of said NE½NE½; THENCE East along Section line common to Sections 8 and 17, 234.47 feet to intersection of said Section line with the North boundary of said road; THENCE South 64° West 261 feet along said North boundary to the West line of NE½NE½ of Section 17; THENCE North 114.36 feet to the PLACE OF BEGINNING.

The NW½NW½ lying North of the Hailey-Fairfield Road, known as Tax Lot 1179.

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Lot 4, EXCEPTING that portion lying South of the Hailey-Fairfield Road described as follows: COMMENCING at the point where the Hailey-Fairfield Road intersects the Northeast corner of said Lot 4; THENCE South along the East line of Lot 4 to the Southeast corner of said Lot 4; THENCE West along the South line of said Lot 4 to where the Hailey-Fairfield Road intersects that line; THENCE Easterly along the Southerly line or side of the right of way of the said Hailey-Fairfield Road, to the PLACE OF BEGINNING.

Section 18: E1NE1, NW1NE1

Township 2 North, Range 18 East of the Boise Meridian, Blaine County, Idaho

The FOURTH OF JULY, GLORY, and CYNTHIA LODGE Claims designated by the Surveyor General as Lot No. 1875, embracing a portion of Sections 5 and 6 in Township 2 North, Range 18 East of the Boise Meridian, in the Mineral Hill Mining District, in the County of Blaine and State of Idaho, in the District of Lands subject to sale at Hailey and bounded, described, and platted as follows, with magnetic variation 19° and 15' East:

BEGINNING for the description of the Fourth of July Lode Claim at Corner No. 1, a fir post four inches square, marked 1-2-1875, with mound of rock, from which the Quarter Corner between Sections 5 and 6 in Township 2 North, Range 18, East of the Boise Meridian, bears South 74°21' West 688.9 feet distant; THENCE, First Course, North 34° East 300 feet discovery; 600 feet to Corner No. 2, a fir post four inches square marked 2-1875, with mound of rock; THENCE, Second Course, North 56° West 1,500 feet to Corner No. 3, a fir post four inches square marked 3-1875; THENCE, Third Course, South 34° West 600 feet to Corner No. 4, a fir post four inches square marked 3-4-1875, with mound of rock; THENCE, Fourth Course, South 56° East 1,500 feet to Corner No. 1, the PLACE OF BEGINNING; the survey of the Lode Claim, as above described, extending 1,500 feet in length along said Fourth of July vein or Lode.

BEGINNING for the description of the Glory Lode Claim at Corner No. 1, a fir post four inches square marked 1-1-1875, with mound of rock, from which said Quarter Section Corner bears North 46°27' West 452.3 feet distant; THENCE, First Course, North 34° East 300 feet to a point from which discovery bears North 56° West 500 feet distant; 600 feet to Corner No. 2, identical with Corner No. 1 of said Fourth of July Lode Claim; THENCE, Second Course, North 56° West 1,500 feet to Corner No. 3, identical with Corner No. 4 of said Fourth of July Lode Claim; THENCE, Third Course, South 34° West 600 feet to Corner No. 4, a fir post four inches square marked 4-1875, with mound of rock; THENCE, Fourth Course, South 56° East 1,500 feet to Corner No. 1, the PLACE OF BEGINNING; the survey of the Lode Claim, as above described, extending 1,500 feet in length along said Glory vein or lode.

BEGINNING for the description of the Cynthia Lode Claim at Corner No. 1, identical with Corner No. 1 of said Glory Lode Claim; THENCE, First Course, South 56° East 300 feet discovery; 600 feet to Corner No. 2, a fir post four inches square marked 2-1875, with mound of rock; THENCE, Second Course, North 34° East, 1,500 feet to Corner No. 3, a fir post four inches square marked 3-1875 with mound of rock; THENCE, Third Course, North 56° West 600 feet to Corner No. 4, a fir post four inches square marked 4-1875, with mound of rock; THENCE, Fourth Course, South 34° West 900 feet to Corner No. 1 of said Fourth of July Lode Claim, 1,500 feet to Corner No. 1, the PLACE OF BEGINNING; the survey of the Lode Claim as above described extending 1,500 feet in length along said Cynthia vein or Lode.

Township 3 North, Range 17 East of the Boise Meridian, Blaine County, Idaho

Section 13: S1NE1, NE1SW1, NW1SE1, NW1SW1

Section 14: S1NW1, NE1SW1, N1SE1

Section 23: SW1NE1, NW1SW1, E1SW1, SE1

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Section 24: All
Section 25: N½, N½SW¼, SE½SE¼
Section 26: NE¼NW¼, NE¼, E½SW¼, N½SE¼, SW½SE¼
Section 32: S½SE¼
Section 33: SW½SW¼
Section 35: Lots 1, 2, 3, 4; N½NW¼, NE¼, N½SE¼, SW½SE¼, S½SW¼

MONUMENTAL LODE, Mineral Certificate No. 69, Lot No. 64, lying within Section 35, Township 3 North, Range 17 East, Boise Meridian, more particularly described in Book 130 of Patents, page 145, records of Blaine County, Idaho.

Township 3 North, Range 18 East of the Boise Meridian, Blaine County, Idaho

Section 18: Lots 1, 2, 3, 4; SE½SW¼

Lot 2, Wander Over Yonder Subdivision

A parcel of land within said Section 18 described as follows:

COMMENCING at the Northeast corner of said Section 18; THENCE South 88°14'36" West, 528.23 feet along the Northerly boundary of said Section 18 to a point on the Westerly boundary of the Union Pacific Railroad right of way and the TRUE POINT OF BEGINNING; THENCE South 20°40'01" East, 969.82 feet along said Westerly boundary to the Northerly bank of the Big Wood River; THENCE South 26°41'35" West, 63.43 feet along said Northerly bank to the Easterly boundary of the public stock driveway; THENCE North 26°13'32" West, 687.04 feet along said stock driveway parallel to State Highway 75, and 50.00 feet distant from the Easterly boundary of said Highway to the Southerly boundary of a parcel of land filed as Instrument No. 236560 in the Blaine County Recorder's office; THENCE North 63°46'28" East, 98.68 feet along the Southerly boundary of said parcel; THENCE North 20°40'01" West, 200.94 feet along the Westerly boundary of said parcel; THENCE South 63°46'28" West, 118.14 feet along the Northerly boundary of said parcel to the Westerly boundary of said stock drive; THENCE North 26°13'32" West, 182.24 feet along the Westerly boundary of said stock drive to the Northerly boundary of said Section 18; THENCE North 88°14'36" East, 158.81 feet along said Northerly boundary to the TRUE POINT OF BEGINNING.

Section 19: Lots 1, 2, 3, 4; E½NW¼, W½NE¼, E½SW¼, SE¼

Section 29: W½SW¼

Section 30: All, excepting as hereinafter described

Section 31: All

Section 32: N½NW¼, SW½NW¼

EXCEPTING from the above properties the following described property:

(a) All that portion of Section 29 which lies East of the main channel of Big Wood River (being the channel crossed by the present steel bridge) and Northerly of that certain roadway which now runs across said lands in a general Westerly direction from Highway 75, subject to the covenants in that certain Warranty Deed dated March 24, 1951, executed by R. B. Randell and Chloe Randell, his wife, recorded March 16, 1957, in Book 171 of Deeds, page 73, records of Blaine County, Idaho, as follows, to-wit: "As a part thereto, R. B. Randell and Chloe Randell, his wife, and their successors and assigns, agree that the land described in sub-paragraph (a) and which is reserved from this conveyance, shall forever be used only for residential purposes and not for commercial use and that the covenant in this sub-paragraph expressed shall run with said lands forever."

West, 575.00 feet; THENCE North 89°06'13" West, 2045.25 feet; THENCE South 88°30'44" West, 1925.65 feet; THENCE South 72°16'41" West, 965.83 feet; THENCE North 45°21'05" West, 230.52 feet; THENCE North 40°36'05" East, 460.98 feet; THENCE North 78°57'26" West, 1776.44 feet; THENCE North 0°07'30" East, 170.00 feet to the West 1/16 corner of said Section 14; THENCE South 89°50'59" West, 1336.08 feet to the West Quarter Corner of said Section 14; THENCE North 0°06'24" East, 1313.89 feet to the North 1/16 Corner between Section 14 and Section 15; THENCE North 89°45'52" East, 1287.49 feet; THENCE South 0°00'00" East, 580.55 feet; THENCE 484.60 feet along a curve to the right with a central angle of 30°24'59", a radius of 912.85 feet, and a long chord of 478.93 feet that bears South 78°05'30" East; THENCE North 27°06'59" East, 100.00 feet; THENCE South 62°53'01" East 654.62 feet; THENCE South 27°06'59" West, 100.00 feet; THENCE South 61°09'24" East, 378.26 feet; THENCE South 0°08'36" West, 152.69 feet to the Center Quarter Corner of said Section 14; THENCE North 89°50'59" East, 2675.74 feet to the East Quarter Corner of said Section 14; THENCE South 88°06'30" East, 2659.94 feet to the Center Quarter Corner of Section 13; THENCE North 0°06'31" East, 573.29 feet; THENCE North 66°53'05" East, 1878.14 feet; THENCE South 88°13'46" East, 950.00 feet to the TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM the following:

A parcel of land lying within the SW $\frac{1}{4}$ of Section 29, Township 3 North, Range 18 East of the Boise Meridian, Blaine County, Idaho, being bounded on the South by the Deer Creek Road right of way, on the East by the Zinc Spur Unit Four Subdivision, on the North by the Shadey Nook Subdivision Revised, on the West by the center line of the Big Wood River, and being more particularly described as follows:

COMMENCING at the 1" bar marking the Southwest corner of said Section 29;
 THENCE South 89°35' East, 961 feet along the section line to a point;
 THENCE North 0°25' East, 80.00 feet to a point on the Northerly right of way of Deer Creek Road at the center of the Big Wood River, being the REAL POINT OF BEGINNING;
 THENCE South 89°35' East, 350 feet to the Westerly boundary of Zinc Spur Unit Four Subdivision;
 THENCE North 0°26' East, 371.7 feet, more or less, to the Southerly boundary of Shadey Nook Subdivision, Revised;
 THENCE South 88°45' West, 200.9 feet, more or less, along said Southerly boundary of Shadey Nook Subdivision, Revised, to a point of curvature;
 THENCE 233.4 feet along said Southerly boundary of Shadey Nook Subdivision, Revised, being a curve to the left with a radius of 270.68 feet and a central angle of 49°24' to a point of tangency;
 THENCE South 39°21' West, 95 feet, more or less, along said Southerly boundary of Shadey Nook Subdivision, Revised, extended to the center of the Big Wood River;
 THENCE South 30°09' East, 222.4 feet, more or less, to the REAL POINT OF BEGINNING.

PARCEL II

Township 3 North, Range 17 East of the Boise Meridian, Blaine County, Idaho.
 Section 25: N $\frac{1}{2}$ SE $\frac{1}{4}$

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№ 7928

Place of Use: Irrigation of 488.5 acres in the SW1/4NE1/4, SE1/4-NE1/4, SW1/4NW1/4, SE1/4-NW1/4, NE1/4SW1/4, NW1/4-SW1/4, NE1/4SE1/4, NW1/4-SE1/4, S25, T3N, R17E; SE1/4-NE1/4, NE1/4SW1/4, SE1/4-SW1/4, SE1/4, S26, T3N, R17E; NW1/4SW1/4, SW1/4SW1/4, S29, T3N, R17E; SW1/4NE1/4, SE1/4-NE1/4, SW1/4NW1/4, SE1/4-NW1/4, NE1/4SW1/4, NW1/4-SW1/4, SE1/4, S30, T3N, R17E; NE1/4NE1/4, S31, T3N, R17E.

TO BE CHANGED AS FOLLOWS:

Water Right No. 37-00466 & Adjudication Claim No. A37-00466

Amount: 9.77 cfs

Total amount being transferred: 9.77 cfs

Source: Groundwater [Deer Creek]

Point(s) of Diversion: NE1/4SE1/4-SE1/4, SE1/4SE1/4SE1/4, NE1/4-SW1/4, SE1/4SE1/4, S30, T3N, R18E; NE1/4SE1/4, S26, T3N, R17E; SE1/4NE1/4, S25, T3N, R17E, Blaine County.

Place of Use: Irrigation of 488.5 acres in the SW1/4NE1/4, SE1/4-NE1/4, SW1/4NW1/4, SE1/4-NW1/4, NE1/4SW1/4, NW1/4-SW1/4, NE1/4SE1/4, NW1/4-SE1/4, S25, T3N, R17E; SE1/4-NE1/4, NE1/4SW1/4, SE1/4-SW1/4, SE1/4, S26, T3N, R17E; NW1/4SW1/4, SW1/4SW1/4, S29, T3N, R17E; SW1/4NE1/4, SE1/4-NE1/4, SW1/4NW1/4, SE1/4-NW1/4, NE1/4SW1/4, NW1/4-SW1/4, SE1/4, S30, T3N, R17E; NE1/4NE1/4, S31, T3N, R17E.

Any protest against approval of the application for transfer must be filed with the Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301, on or before December 2, 1991.

R. Keith Higginson, Director

Publish: Wood River Journal-
November 13 & 20, 1991.

Ranch seeks water right change

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 37-00466 ADJUDICATION CLAIM NO. A37-00466

Notice is hereby given that NEW DEER CREEK RANCH, INC., Hailey, ID, has applied to the Department of Water Resources for additional points of diversion from Deer Creek for irrigation.

THE WATER RIGHTS SOUGHT TO BE CHANGED ARE RECORDED AS FOLLOWS:

Water Right No. 37-00466
Basis of Right: Decree
Source: Groundwater [Deer Creek]
Priority Date: 4/01/1880
Amount of Water: 13.6 cfs
Water Use: Irrigation
Point(s) of Diversion: Not stated in decree.
Place of Use: SWNE1/4, SE1/4-NE1/4, SW1/4NW1/4, SE1/4-NW1/4, NE1/4SW1/4, NW1/4-SW1/4, NE1/4SE1/4, NW1/4-SE1/4, S25, T3N, R17E and NE1/4SE1/4, S26, T3N, R17E.

Adjudication Claim No. A37-00466
Basis of Right: Claim
Source: Groundwater [Deer Creek]
Priority Date: 4/01/1880
Amount of Water: 13.6 cfs
Water Use: Irrigation
Point(s) of Diversion: SW1/4-SW1/4, SE1/4SW1/4, NE1/4-SE1/4, S26, T3N, R17E, Blaine County.

Place of Use: Irrigation of 488.5 acres in the SW1/4NE1/4, SE1/4-NE1/4, SW1/4NW1/4, SE1/4-NW1/4, NE1/4SW1/4, NW1/4-SW1/4, NE1/4SE1/4, NW1/4-SE1/4, S25, T3N, R17E; SE1/4-NE1/4, NE1/4SW1/4, SE1/4-SW1/4, SE1/4, S26, T3N, R17E; NW1/4SW1/4, SW1/4SW1/4, S29, T3N, R17E; SW1/4NE1/4, SE1/4-NE1/4, SW1/4NW1/4, SE1/4-NW1/4, NE1/4SW1/4, NW1/4-SW1/4, SE1/4, S30, T3N, R17E; NE1/4NE1/4, S31, T3N, R17E.

TO BE CHANGED AS FOLLOWS:
Water Right No. 37-00466 & Adjudication Claim No. A37-00466
Amount: 9.77 cfs
Total amount being transferred: 9.77 cfs
Source: Groundwater [Deer Creek]
Point(s) of Diversion: NE1/4SE1/4-SE1/4, SE1/4SE1/4SE1/4, NE1/4-SW1/4, SE1/4SE1/4, S30, T3N, R18E; NE1/4SE1/4, S26, T3N, R17E; SE1/4NE1/4, S25, T3N, R17E, Blaine County.

Place of Use: Irrigation of 488.5 acres in the SW1/4NE1/4, SE1/4-NE1/4, SW1/4NW1/4, SE1/4-NW1/4, NE1/4SW1/4, NW1/4-SW1/4, NE1/4SE1/4, NW1/4-SE1/4, S25, T3N, R17E; SE1/4-NE1/4, NE1/4SW1/4, SE1/4-SW1/4, SE1/4, S26, T3N, R17E; NW1/4SW1/4, SW1/4SW1/4, S29, T3N, R17E; SW1/4NE1/4, SE1/4-NE1/4, SW1/4NW1/4, SE1/4-NW1/4, NE1/4SW1/4, NW1/4-SW1/4, SE1/4, S30, T3N, R17E; NE1/4NE1/4, S31, T3N, R17E.

Any protest against approval of the application for transfer must be filed with the Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301, on or before December 2, 1991.

R. Keith Higginson, Director
Publish: Wood River Journal-
November 13 & 20, 1991.

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Department of Water Resources
Southern Region Office

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3861

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant New Deer Creek Ranch, Inc. Phone 788-9813

Post Office address P. O. Box 187, Hailey, ID 83333

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Add groundwater Source
2. Describe the reason for the proposed changes In order to facilitate the improvement of Deer Creek fish & wildlife habitat, we wish to divert our decreed rights from wells most of the time. This will allow more water to remain in Deer Creek while actually decreasing the amount of water consumptively used in the drainage.

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

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|---|-----------------|-----------------------|-------------------|---------------------------|
| <u>37-00466</u> | <u>4-1-1880</u> | <u>13.6 cfs</u> | <u>Irrigation</u> | <u>4-1</u> to <u>11-1</u> |
| <u>37-00508</u> | <u>5-1-1885</u> | <u>2.4 cfs</u> | <u>"</u> | <u>"</u> to <u>"</u> |
| <u>37-00467</u> | <u>4-1-1880</u> | <u>4.66 cfs</u> | <u>"</u> | <u>"</u> to <u>"</u> |
| <u>37-00889</u> | <u>3-4-1885</u> | <u>0.33 cfs</u> | <u>"</u> | <u>"</u> to <u>"</u> |
| 2. Total amount of water being transferred <u>20.99</u> cubic feet per second and/or <u>1464</u> acre-feet per annum. | | | | |
| 3. Source of water <u>Deer Creek</u> tributary to <u>Big Wood River</u> | | | | |
| 4. Point(s) of Diversion: <u>Groundwater</u> <u>Deer Creek</u> | | | | |

See Attachment

[illegible]

5. Lands irrigated or place of use: No Change

[illegible]

Total acres 488

PART 1

6. General Information:

a. Description of diversion system Upper part of ranch will be flooded via existing headgates & ditches when possible. Existing & new wells will be used most of the time to supply sprinklers. Lower part of ranch will be sprinkled from wells & from Deer Creek.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes N/A 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:
N/A

d. Remarks:
For Rts. 37-00466 & 00508, full flow is needed for flood irrigation. When sprinklers are used, diversion rate will not exceed 0.02 cfs/acre (3.76 cfs & 1.01 cfs, respectively). If transfer is approved as requested, Claims A37-11329, 04294, & 00888 will be withdrawn & will no longer be used.

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:

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Witness my hand this _____ day of _____, 19____

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. 37-00466 Decreed to Andrew McMonagle
in case of S.C. Frost, Et. Al. vs. Alturas Water Company, 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 * Deep Creek tributary to Big Wood River
4. Date or priority 4-1-1880 * Decreed as a dry stream in Frost Decree

5. Water is used for the following purpose:

amount 13.6 cfs for Irrig. 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 13.6 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: Not decreed - see SRBA claim

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

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	
<u>3N</u>	<u>17E</u>	<u>25</u>			<u>X</u>	<u>X</u>			<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>			<u>X</u>	<u>X</u>			
		<u>26</u>													<u>X</u>				

Total acres _____

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

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PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

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 _____ for _____ 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

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	

Total acres _____

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

1. amount _____ for _____ 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

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	

Total acres _____

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. 37-00467 Decreed to Atrick Mc Monagle
in case of S.C. Frost, ET. AL. vs. Alturas Water Company, 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 * Deen Creek tributary to Big Wood River

4. Date or priority 4-1-1880 * Decreed as a dry stream in Frost Decree

5. Water is used for the following purpose:

amount 6.80 cfs for Irrig. 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.

7. Point(s) of Diversion: Not decreed - see SABA claim

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

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	
3N	18E	30						1/2	X	X	X	1/3			X	X	X	X	

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9. Describe any other water rights used for the same purpose as described above Total acres 37-0888, 37-04894

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe

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 4.66 cfs for Irrig. 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: Same

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use: Same

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

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

1. amount 2.14 cfs for Irrig. 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: None - will no longer be used

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use: None

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres

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FEB 07 1992

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. 37-00508 Decreed to Susan R. Murphy
in case of S.C. Frost, Et. Al. vs. Alturas Water Company, 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 * Deer Creek tributary to Big Wood River

4. Date or priority 5-1-1885 * Declared dry stream in Frost Decree

5. Water is used for the following purpose:

amount 2,400 cfs for Irrig. 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 2.40 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: Not decreed - see SRRA claim

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

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	
<u>3N</u>	<u>17E</u>	<u>36</u>					<u>X</u>			<u>X</u>	<u>X</u>			<u>X</u>	<u>X</u>	<u>X</u>			

Total acres _____

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

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

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 _____ for _____ 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

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	

Total acres _____

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

1. amount _____ for _____ 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

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	

Total acres _____

NOTED
FEB 07 1992

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. 37-00889 Decreed to Patrick McMonigle
in case of McMonigle vs. Swendsen
dated 1-14-1920 in Fourth District county of Blaine
- 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 *Deer Creek tributary to Big Wood River

4. Date or priority 3-4-1885 *Decked & dry stream in Frost Decree

5. Water is used for the following purpose:

amount 10.0 cfs for Irrig. purposes from _____ to _____
(cfs/ac-ft)
amount _____ for Domestic purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 10.0 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: Not decreed - see SRBA claim

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

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	
<u>3N</u>	<u>17E</u>	<u>25</u>																	
	<u>18E</u>	<u>30</u>																	
		<u>31</u>					X												

Total acres _____

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

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

No If yes, describe _____**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 44 0.33 for Irrig. 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: Same

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use: Same

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	

Total acres _____

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

1. amount 9.67 cfs for Irrig. 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: None - will no longer be used

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use: None

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	

Total acres _____

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. _____ Decreed to _____
 in case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A37-00466 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 * Deer Creek tributary to Big Wood River
4. Date or priority 4-1-1880 * Decreed as a dry stream in Frost Decree

5. Water is used for the following purpose:

amount 13.6 ~~3.7~~ cfs for Irrig. purposes from 4-1 to 11-1
 (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 ~~3.7~~ 13.6 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SW	SW	26	3N	17E	B/kine	
	SW	SE	SW	"	"	"	"	
	NE	NE	SE	"	"	"	"	

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	
3N	17E	25			15	15			7	14	25	27			27	33		1.5	164.5
		26				.5										31		2	23.5

Total acres

188.0

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

A37-71329

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

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 _____ for _____ 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

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	

Total acres _____

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

1. amount _____ for _____ 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

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	

Total acres _____

MICROFILMED

FEB 07 1992

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. _____ Decreed to _____
 in case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A37-00467 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 *Deer Creek tributary to *Big Wood River
4. Date or priority 4-1-1880 *Decreed as dry stream in Frost Decree

5. Water is used for the following purpose:

amount 4.66 cfs for Irrig. purposes from 4-1 to 11-1
 (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 4.66 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SW	SW	26	3N	17E	Blaine	
	NE	NE	SE	26	"	"	"	
3	NE	NW	SW	30	"	18E	"	2 PIDs

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3N	18E	289									8	11							19
		30			.5	8			7.5	3	39.5	38			38	30	24.5		212
									42			43							
		31	2																2

Total acres 233

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

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

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 _____ for _____ 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

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	

Total acres _____

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

1. amount _____ for _____ 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

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	

Total acres _____

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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. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A37-00508 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 * Deer Creek tributary to Big Wood River

4. Date or priority 5-1-1885 * Decreed as a dry stream in Frost Decree

5. Water is used for the following purpose:

amount 2.4 cfs for Irrig. purposes from 4-1 to 11-1
(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 2.4 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SW	SW	26	3N	17E	Blaine	
	SW	SE	SW	"	"	"	"	

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	
3N	17E	26									12			11					50.5

Total acres 50.5

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

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

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 _____ for _____ 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

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	

Total acres _____

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

1. amount _____ for _____ 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

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	

Total acres _____

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. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A37-00889 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 * Deer Creek tributary to Big Wood River

4. Date or priority 3-4-1885 * Decreed as a dry stream in Frost Decree

5. Water is used for the following purpose:

amount 0.33 for Irrig. purposes from 4-1 to 11-1
(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 0.33 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
<u>3</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>30</u>	<u>3N</u>	<u>18E</u>	<u>Aldine</u>	<u>Upper diversion only</u>

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	
<u>3N</u>	<u>18E</u>	<u>30</u>												<u>16.5</u>					<u>16.5</u>

Total acres 16.5

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

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

No

If yes, describe _____

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 _____ for _____ 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

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	

Total acres _____

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

1. amount _____ for _____ 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

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	

Total acres _____

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 FEB 07 1992

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.

A large grid for drawing a map, with a diagonal line from the bottom left to the top right. The grid is composed of 10 columns and 10 rows of squares. A diagonal line runs from the bottom-left corner to the top-right corner, dividing the grid into two triangular sections. The grid is intended for drawing a map or attaching a USGS map, as per the instructions in the text above.

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SCALE: 2 inches equal 1 mile. Draw plan in ink.

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.

New Deer Creek Ranch Inc. by
Jay S. Lee, President
 (Signature of Applicant)

Subscribed and sworn to before me this 22nd day of July, 1991.

Steve [Signature]
 (Notary Public)

My commission expires Dec 7, 1994

FOR DEPARTMENT USE ONLY

Transfer contains 20 pages and 7 attachments

Received by JF Stanton Date 7-22-91 Protest filed by _____

Prelim. check by DF Fee \$50.50/2908

Receipted by DAJ Date 9-28-90

Published in Wood River Journal

Pub. dates 1/1

Watermaster recommendation requested on 8-22-91

rec'd. 4-3-91

Copy of transfer sent to lien holder _____

Copies of protest forwarded by **FILED**

Hearing held by _____ Date _____

Recommended for ☐ approval **FEB 07 1992** denial

by _____

Deer Creek Ranch Diversion Points

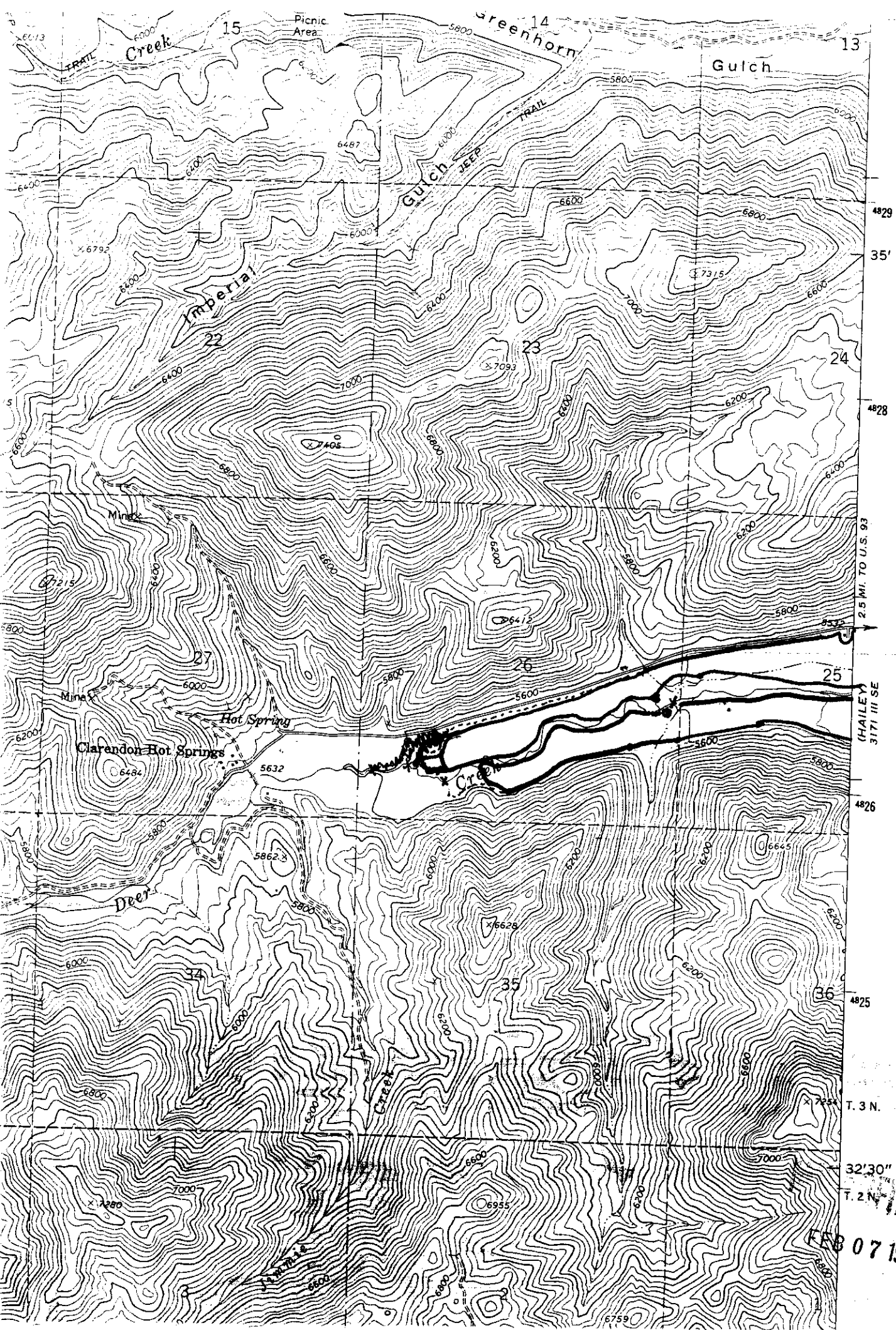
1. Groundwater (all rights):
- | | |
|---|-------------------------------------|
| SE ¹ / ₄ NE ¹ / ₄ SE ¹ / ₄ Sec. 26 T. 3N R. 17E | (existing well) |
| SW ¹ / ₄ SE ¹ / ₄ NE ¹ / ₄ Sec. 25 | " " |
| NE ¹ / ₄ SE ¹ / ₄ SE ¹ / ₄ Sec. 30 T. 3N R. 18E | " |
| SE ¹ / ₄ SE ¹ / ₄ SE ¹ / ₄ Sec. 30 | " (new well to be drilled) |
| SW ¹ / ₄ SE ¹ / ₄ NW ¹ / ₄ Sec. 30 | " (possible new well to be drilled) |

2. Deer Creek: Existing Diversion Points (437-00466, 00508)

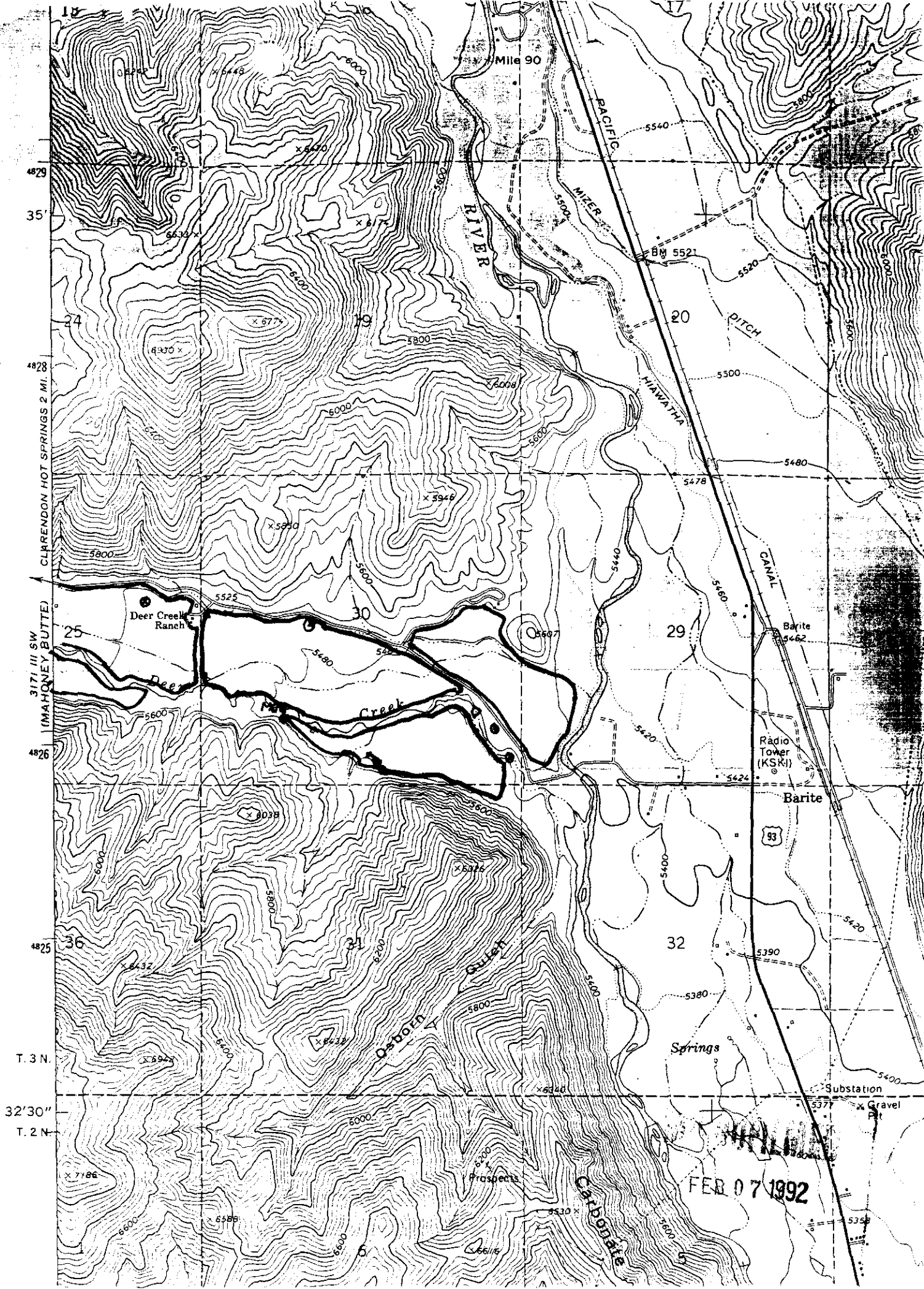
None/LA37+004676/00889)

New Pond & Pump SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30 T. 3N R. 18E (A37-00467, 00889)
(A37-00466) 003087/

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FEB 07 1992



FILED
FEB 07 1992



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

RECEIVED
JAN 31 1910
OFFICE OF STATE ENGINEER

S. C. Frost, et al.,

Plaintiffs,

vs.

DECREE.

Alturas Water Company, et al.,

Defendants.

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 Find-
ings 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 recommenda-
tions 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, plai-
tiffs and defendants herein named, do have judgment respectively for (.)

FILED
FEB 07 1992
MICROFILMED
ANS 3590
tech.)

37 0457	McCoy, George W.	8 240 inches.	118	May 1, 1883.	Trail Creek.
37 0458	McCoy, James F.	8 All of	51	June 1, 1883.	Clear Creek Spring.
37 0459	" "	60 inches.	254	June 1, 1900.	Big Wood River.
37 0460	McFall, Matt.	6 200 "	74	June 3, 1884.	Little Wood River.
37 0461	" "	70 "	69	July 17, 1884.	" " "
	" "				(Also shares in Big Cottonwood Canal Co.)
37 0462	McGhee, Barkley J.	< 120 "	118	June 1, 1886.	Chimney Creek.
37 0463	McLeod, George A.	< 125 "	103	June 1, 1885.	Corral Creek.
37 0464	McLochlin, James	8 100 "	118	June 1, 1886.	Silver Creek.
37 0465	McLochlin, Walter B.	8 125 "	145	Apr. 1, 1888.	" "
37 0466	McMonagle, Andrew	8 680 "	✓	Apr. 1, 1880.	Deer Creek.
37 0467	McMonagle, Patrick	8 340 "	✓	Apr. 1, 1880.	" "
37 0468	McNary, T. T.	8 25 "	11	Apr. 17, 1883.	Big Wood River.
37 0469	" "	225 "	140	June 20, 1884.	" " "
37 0470	" "	50 "	174	June 2, 1890.	" " "
37 0471	McNulty, Dennis	< 100 "	74	Apr. 30, 1884.	Little Wood River.
37 0472	McNulty, Edward	< 60 "	49	Apr. 1, 1884.	" " "
37 0473	Mehle, Herman	< 75 "	51	June 1, 1883.	Elk Creek.
37 0474	" "	80 "	206	June 1, 1893.	Elk Creek and Minnehaha Creek.
37 0475	Mellick, John	8 22 "	11	Apr. 17, 1883.	Big Wood River.
37 0476	" "	193 "	92	June 20, 1884.	" " "
37 0477	" "	43 "	174	June 2, 1890.	" " "
37 0478	Meller, J. W.	6 120 "	138	June 10, 1887.	" " "
37 0479	" "	140 "	138	June 10, 1887.	" " "
37 0480	Miller, Annie I.	1000 "	188	June 15, 1891.	" " "
37 0481	Miller, Annie I., John Q. Packard, Jane E. Turner, William M. Wayman and Olive Wayman.	1000 "	246	Aug. 1, 1882.	" " "
37 0482	Do. #3525	1000 "	140	Aug. 1, 1884.	" " "
37 0483	Do. #3353	5000 "	224	Aug. 1, 1902.	" " "

11,193
223.86

FEB 07 1992

spectively awarded such use in the various actions and decrees to which they are parties, respectively; but that this right shall not be construed to be a double appropriation of the waters of said streams, and wherein the said parties are reawarded such amounts in this decree, they and their successors in interest, respectively, shall be entitled to the use of only one of such rights, to-wit: either the right named in said decrees, or the right otherwise awarded in this decree.

It appearing to the court herein that the necessary costs, expenses and disbursements incurred in connection with the taking of the testimony in this action, and in the preparation and filing of the decree herein, together with the necessary costs and expenses of the distribution of the waters of said stream for the season of 1909, amount to the sum of approximately \$2700.00, in addition to the amounts heretofore paid by the respective parties to this action, and that there is filed herewith a tabulated statement apportioning such costs as near as may be among the various claimants and decreed rights in this action,

It is Therefore Further Ordered, that the various parties, plaintiffs and defendants herein, pay to the Clerk of this court the respective amounts set opposite their names in the said statement, for which execution may issue herein.

And it is Further Ordered, that none of the parties hereto, or their successors in interest, shall be entitled to the use of any water under the terms of this decree until the respective amounts as assessed in said statement shall be paid into court.

And it is Further Ordered, that each party hereto shall pay his own necessary costs for witnesses and other individual expenses.

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

Alfred R. Budge

Presiding Judge.

FEB 07 1992



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

March 20, 1996

JOHN ROSHOLT
ROSHOLT, ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08836 IN THE NAME OF NEW DEER CREEK RANCH INC

Dear Mr. Rosholt,

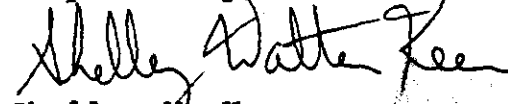
Enclosed is a copy of the approved application for permit for water right no. 37-08836. Please be sure to thoroughly review the "CONDITIONS/REMARKS" listing on the permit.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since the permit holder must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If the project is already completed, please complete and submit this form immediately.

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

I have also enclosed a withdrawal form for SRBA claim no. A37-00888 pursuant to correspondence dated 3/14/96. If you or your client have any questions, I can be contacted directly at (208) 327-7946.

Respectfully,


Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosures

MAR 28 1996

ROSHOLT, ROBERTSON & TUCKER

Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
JOHN K. SIMPSON
PATRICK D. MADIGAN
PAUL W. SAMUELSON
TIMOTHY J. STOVER
NORMAN M. SEMANKO

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

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MAR 15 1996

Department of Water Resources

March 14, 1996

Shelley Walter Keen
Water Rights Supervisor
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Re: New Deer Creek Ranch

Dear Shelley:

Please find enclosed a copy of the amended SRBA claim for A37-04297, terminating the irrigation portion of the claim.

2-173 Pursuant to your February 23, 1996 letter, please send us a copy of Permit No. 37-08836 as soon as it is approved, along with any forms you think are necessary to withdraw SRBA Claim No. A37-00888.

Respectfully submitted,

John A. Rosholt
JOHN A. ROSHOLT

JAR:le
03149602.NMS

Enclosure

MAR 28 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

February 23, 1996

JOHN A ROSHOLT
ROSHOLT, ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906

RE: Application 37-08836 for New Deer Creek Ranch, Inc.

Dear Mr. Rosholt:

I have reviewed Application for Permit 37-08836 for New Deer Creek Ranch, Inc., and I believe it is acceptable if its impacts are mitigated by terminating the irrigation portion of claimed water right A37-04294. I have enclosed a draft permit for you to review. Once Snake River Basin Adjudication Claim A37-04294 is amended to remove the claimed irrigation use, I will forward the permit for approval. I have enclosed an amended claim form for A37-04294 for you to review, sign, and return.

Also, in previous correspondence we have discussed the withdrawal of SRBA Claim A37-00888. Withdrawal of the claim appears to be the appropriate step to correct an oversight during the processing of Transfer 3861 for Water Right 37-00466.

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

Respectfully,

Shelley Walter Keen
Water Rights Supervisor

SWK
Enclosures

ROSHOLT, ROBERTSON & TUCKER

Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
JOHN K. SIMPSON
PATRICK D. MADIGAN
PAUL W. SAMUELSON
TIMOTHY J. STOVER
NORMAN M. SEMANKO
ERIK P. SMITH

Twin Falls Office
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P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

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1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

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SEP 15 1995

Department of Water Resources

September 13, 1995

Shelley Walter Keen, Water Rights Supervisor
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

Re: New Deer Creek Ranch, Inc.

Dear Shelley:

This correspondence is in response to your letter dated August 31, 1995, regarding various water rights held in the name of New Deer Creek Ranch, Inc. Set forth below are our comments on each of the issues raised in your letter.

1. Amended Transfer of Water Right No. 37-00466

We appreciate the department's cooperation in correcting the minor clerical error in transfer no. 3861. The Preliminary Order appears to do the job and we see no need for changes. Pursuant to Rule 730.b. of the department's Rules of Procedure, it is our understanding that the Preliminary Order will become a Final Order of the department on or about September 20, or 21 days after the service date of the Preliminary Order (August 31, 1995). Please send us a copy of the Final Order as soon as it is issued.

2. Relinquishment of SRBA Claim No. A37-00888

Consistent with your request, our client has completed and signed the relinquishment form for A37-00888. In keeping with the previous view of these three issues as a "package deal", we will forward the completed relinquishment form to you as soon as issue no. 3, discussed below, is resolved.

3. Permit No. 37-08836 & Verification of SRBA Claim No. 37-04294

In your letter, you advise that "verification of claim 37-04294 is necessary" in order for the department to accept our client's mitigation proposal. It was our impression that the department had already verified this claim as evidenced by the enclosed memorandum of October 28, 1994 from Doug Jones (Exhibit "A"). Nevertheless, we have

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MAR 28 1996

also enclosed a copy of an affidavit to verify the claim which is in the process of being signed and notarized. (Exhibit "B"). The executed original will be sent as soon as we receive it back from our client.

Again, our client is proposing to sacrifice the irrigation component of water right no. 37-04294. This will more than mitigate the consumptive (evaporation) impacts of Permit No. 37-08836. We presume that is why Doug Jones recommended the approval of the proposed mitigation plan in his October 28, 1994 memo.

As indicated in Doug Jones' memo, field observations and review of photos reveal that "irrigation had been made from this source historically" and "show that there was irrigation that could only have occurred from the unnamed stream [37-04294]." (emphasis added). In addition, the memo correctly notes that transfer no. 3861, approved in 1992, did not impact water right no. 37-04294. Rather than seeking to transfer the right, or agreeing to relinquish the right, as was the case for other rights covering the new place of use under the transfer (A37-0058, A37-00467 and A37-00889), our client decided to retain A37-04294 so that it could be used to mitigate the impacts of the pond. In the process, our client will give up the right to irrigate 1 acre in the SE 1/4 of the SE 1/4 of Section 30 (compare place of use for water right no. 37-04294 (25 acres in SE 1/4 of SE 1/4 of Section 30) with the place of use for transfer no. 3861 (24 acres in SE 1/4 of SE 1/4 of Section 30). In addition, our client will be relinquishing A37-00888.

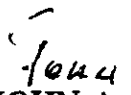
The pond is already in place (built in 1992 and lined during 1994) and our clients are ready to implement the mitigation plan. In fact, water from Ernst Canyon's springs (the source of 37-04294) reached Deer Creek during 1993, demonstrating that this is a viable mitigation proposal. We seek only to formalize this arrangement through the approval of Permit No. 37-08836.

You note in your letter that IDWR "staff have reported not finding any evidence of current diversion and use of water for irrigation" pursuant to water right no. 37-04294 (emphasis added). This certainly does not serve as proof that the right has not been used. As indicated by the enclosed affidavit, the water flows out of Ernst Canyon and has been used for irrigation. In addition, it is planned to turn the water into Deer Creek for mitigation purposes as soon as possible. With the exception of the 1 acre noted above, the acres irrigated under water right no. 37-04294 are now irrigated pursuant to transfer no. 3861. Of course, all of this has taken place since the transfer was approved in 1992, in less than five years, and with no intent to abandon the right. As a result, there could have been no forfeiture or abandonment of the right for non-use. As indicated by the proof which we have submitted, water right no. 37-04294 was used for irrigation up until the time that transfer no. 3861 was implemented and there should be no question regarding beneficial use.

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NOV 28 1996

We trust that this information is sufficient. As a result, please let us know as soon as possible that Permit No. 37-08836 has been approved, subject to the mitigation plan.

Respectfully submitted,


JOHN A. ROSHOLT

09129504.NMS

Enclosures

cc: Jay Sevy, President, New Deer Creek Ranch, Inc.

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MAY 28 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

August 31, 1995

NEW DEER CREEK RANCH INC
PO BOX 187
HAILEY ID 83333
Atten: Jay Sevy

RE: Amended Transfer of Water Right No. 37-00466
Preliminary Order to Correct and Amend Transfer No. 3861
Application for Permit No. 37-08836

Dear Jay:

Enclosed is a copy of amended Transfer of Water Right No. 37-00466 (Transfer No. 3861) and a copy of the Preliminary Order to Correct and Amend Transfer No. 3861. This amended transfer order was needed to correct a place of use location omission on the approved transfer. We have had recent communications with John Rosholt's office on the proper procedure for doing this type of action. We decided to issue an amended transfer with a preliminary order. Please see the order for details.

In this recent review of the water right file we found that we are missing relinquishment on one of the four rights that were originally appurtenant to the ranch. You may recall that when the transfer was being processed in 1991, you and John Rosholt added to the remarks portion of the transfer your intent to relinquish Snake River Basin Adjudication (SRBA) claims to rights A37-00508, A37-00467, and A37-00889. However, the fourth right, A37-00888, has not been accounted for. It appears the omission of this right was simply an oversight, and I believe that you would not have a problem with relinquishing this SRBA claim as well. I have filled out the attached relinquishment form for your convenience. Please sign and return it.

You have also submitted Application for Permit No. 37-08836 to store 12.3 AF of water for aesthetic purposes on an unnamed stream tributary to Deer Creek. In order for the Department to approve the application while under the moratorium imposed in this area, you proposed mitigating the consumption of water (evaporation losses) from the reservoir by eliminating the use of water under claim 37-04294.

Before the department can accept your mitigation proposal, verification of claim 37-04294 is necessary. This may or may not be possible. Department staff have reported not finding any evidence of current diversion and use of water for irrigation.

MAR 28 1996

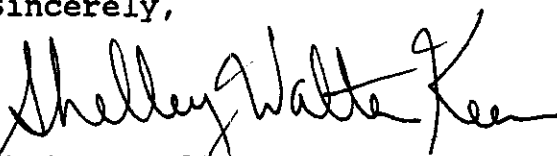
New Deer Creek Ranch Inc.
August 30, 1995
Page 2

from this source. We need to have convincing evidence that water was used as described in the claim.

If providing this information is difficult, there are other potential mitigation plans that may be easier to support. One option is to reduce the number of acres irrigated under right 37-00466 by the number of acres equal to the surface area of the reservoir you intend to construct. I will hold Application for Permit No. 37-08836 awaiting your response. I would like to hear from you, if possible, within 15 days.

If you have any questions, you can contact me at 327-7946 or Jim Johnson at 327-7947.

Sincerely,



Shelley Walter Keen
Water Rights Supervisor

SWK
Enclosures

28 1996

REC-5

JUL 7 1995

Department of Water Resources

CONSENT TO AMEND WATER RIGHT

As the owner of lands located within Sections 29, 30 and 31, T3N, R17E, consent is hereby given for the Department of Water Resources to amend Water Right No. 37-00466 to lands within Sections 29, 30 and 31, T3N, R18E.

Dated this 5 day of July, 1995.



District Ranger

Signature & Title

RECORDED

MAR 28 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

June 27, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

U S FOREST SERVICE
BOX 2356
KETCHUM, ID 83340
ATTEN: ALAN PINKERTON

Re: Correction of place of use on water right no. 37-00466

Dear Alan;

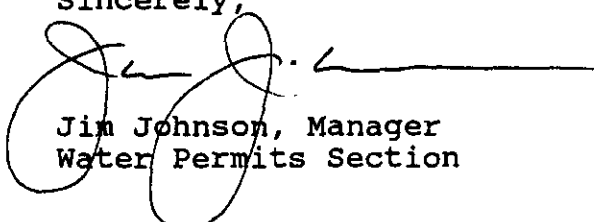
This letter is in follow up to our telecon today dealing with an error made in an approval of a transfer application filed by New Deer Creek Ranch Inc.

When the Department approved the transfer application it failed to notice that the legal description listing the place of use for the above referenced water right showed sections 29, 30, and 31 located in Township 03N, Range 17E instead of Township 03N, Range 18E. To correct this error the Department proposes to issue an amended transfer approval. However, since the error located the irrigated ground on US Forest Service land the Department cannot issue the amended transfer approval without consent from the land owner.

Since you had indicated this wouldn't be a problem I have enclosed a prepared release form for your convenience. You can either sign and return the form, or if you prefer, return something else that we could use as your release of this water right.

I appreciate your cooperation in this matter, if you have any questions please let me know. My phone number is 327-7947.

Sincerely,



Jim Johnson, Manager
Water Permits Section

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MAR 28 1996

MEMORANDUM

Date: June 26, 1995
From: Jim Johnson
To: File 37-00466
Subject: Process for Amending this transfer

=====

The place of use on the approved transfer is in error. The place of use as it is now described shows the land on USFS land. A letter will be sent to USFS asking if they have any objections to the department correcting the place of use of the approved transfer. Their response should be in writing.

Once the USFS has informed us that they don't object, an amended transfer approval should be prepared and approved.

If USFS does object, the department may choose to proceed with amending the transfer, but use the provisions of Rule 1701.

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MAR 28 1996

MEMORANDUM

TO: JAR
FROM: NMS
DATE: June 20, 1995
RE: New Deer Creek Ranch -- Correction of Clerical Error in Transfer

Pursuant to your request, I reviewed IDWR's Rules of Procedure (IDAPA 37.01.01), Water Appropriation Rules (IDAPA 37.03.08), the applicable statutes, and other legal authorities, to determine whether they provide for the correction of clerical errors in an approved transfer application.

The clerical error in this matter involves the place of use in an approved transfer application. As a result, I examined the statutes and rules that apply to transfers. However, I also examined the permit statutes and rules in search of anything instructive on the question of correcting clerical errors. My findings and conclusions are presented below.

I. CORRECTING ERRORS IN AN APPROVED TRANSFER APPLICATION

Section 42-222(1), Idaho Code, requires "[a]ny person. . .who shall desire to change the. . .place of use. . . [to] make application to the department of water resources for approval of such change." The statutory filing fee must accompany the application. (I.C. Sec. 42-221.B. currently requires a \$100 fee).

Under Rule 305 of IDWR's Rules of Procedure, "[t]he presiding officer [e.g., in a transfer proceeding] may allow any pleading to be amended or corrected or any omission to be supplied. Pleadings will be liberally construed, and defects that do not affect substantial rights of the parties will be disregarded." By definition, pleadings include applications. Rule 210, IDWR Rules of Procedure. However, there exists an additional question as to whether the "amendments of pleadings" provisions of Rule 305 apply to the amendment of approved transfer applications.

Nevertheless, this raises two possibilities. First, under the first sentence of Rule 305, the presiding officer in a transfer proceeding may allow the transfer application to be corrected to reflect the proper place of use. Alternatively, under the second sentence, the defect, if determined not to affect substantial rights of parties involved in the transfer, could be disregarded altogether.

As an additional possibility, Rule 770, regarding clarification of orders, states that "[a]ny party. . .affected by an order may petition to clarify any order, whether interlocutory, recommended, preliminary or final." (emphasis added). There is no time limit mentioned in the rule and it could perhaps be utilized to request clarification of any



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 6, 1994

Jay Sevy
New Deer Creek Ranch Inc.
P.O. Box 187
Hailey, ID 83333

RE: Transfer No. 3861

Dear Mr. Sevy:

Review of our water right records show that under Application for Transfer No. 3861 an agreement was submitted by you that overlapping Snake River Basin Adjudication Claims in excess of the transferred right would be relinquished. A check of our records show that this has not yet occurred.

I have reviewed Water Right No. 37-00466, the transfer application and all overlapping rights to identify the pertinent claims as A37-00467, A37-00508, A37-00888 and A37-00889. I have provided computer generated reports of the transferred water right no. 37-00466, the related claim that hasn't been amended per the transfer at this time and the identified claims for your reference. A "Request for Withdrawal of Claim" form is also enclosed.

Please complete the form and return to my attention. I will update the water right file and forward the form to our Adjudication Bureau for final action to clear these claims from our records and complete the changes made thru approved Transfer No. 3861.

I hope I have answered all your questions regarding this matter. If you require any further assistance, please contact me directly at 327-7943 and I will be happy to help you.

Sincerely,

PAMELA SKAGGS
Water Resource Agent

Enclosures

Microfilm

MAR 28 1996

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
3700466	T03N R17E S25 DEER CREEK																	
				21		17				08		20		25		27		184
A3700466	DEER CREEK - NO R Record			15		15				07		14		25		27		163
3700889	DEER CREEK																	I
A3711329	GROUNDWATE			21		17				08		20		14		12		142
R3711329	GROUNDWATE			21		17				08		20		14		12		142
	NO MAPPING INFO AVAILABLE																	
3700466	T03N R17E S26 DEER CREEK																	
				0						12				11		21	17	73
A3700466	DEER CREEK			0												21		23
3700508	DEER CREEK									1				I		I	I	
A3700508	DEER CREEK - No R Record - Direct Overlap 50.5 Acres									12				11		17	10	50
3700833P	BIG WOOD R												40					40
A3711329	GROUNDWATE															01		1
R3711329	GROUNDWATE															01		1
	NO MAPPING INFO AVAILABLE																	
3700466	T03N R18E S29 DEER CREEK																	
										08		11						19
3700005	BIG WOOD R									03		07						10
A3700005	BIG WOOD R									03		07						10
R3700005	BIG WOOD R - T# 3931 - separate P/e per maps (Above Rd)									03		07						10
3700402	BIG WOOD R																I	
A3700402	BIG WOOD R																05	5
3700451	BIG WOOD R							I	I									
A3700467	DEER CREEK - No R Record/Direct Overlap									08		11						19
3700496D	BIG WOOD R							05	05									10
T3700496E	BIG WOOD R							05	05									10
A3700521D	PURDOM SLO															20		20
3700521F	BIG WOOD R															30		30
3700521G	BIG WOOD R															I	I	
A3700522C	PURDOM SLO															I		
3700522D	BIG WOOD R															30		30
A3700522D	BIG WOOD R															30		30
3700523C	BIG WOOD R															I	I	
T3700577BK	BIG WOOD R									10				30				40
3700577BN	BIG WOOD R																	
3700577BR	BIG WOOD R									10				30				40
T3700577BU	BIG WOOD R																	
T3700577BX	BIG WOOD R																	
T3700577BY	BIG WOOD R			19													19	38
T3700577BZ	BIG WOOD R							05	05									10
A3700577C	BIG WOOD R			35						34		25				38		132

(WATER RIGHT NUMBERS THAT BEGIN WITH AN "1" ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
A3700577CA	BIG WOOD R :									10				30				40
A3700657	BIG WOOD R :			40						40				40		40		280
3700657A	BIG WOOD R :	40		07										21				101
A3700657A	BIG WOOD R :			01														1
3700657B	BIG WOOD R :					19										19		38
A3700657B	BIG WOOD R :	40		06										21				100
3700657C	BIG WOOD R :							05		05								10
A3700657C	BIG WOOD R :					35				34		25				38		132
3700658	BIG WOOD R :					40				40		40		40		40		280
3700659A	BIG WOOD R :					40				40		30		10		40		240
A3700659A	BIG WOOD R :									10				30				40
~~3700659B~~	~~BIG WOOD R :~~									10				30				40
~~A3700888~~	~~DEER CREEK :~~	~~No R Record - Direct Overlap (These Q's)~~																~~40~~
~~3700910~~	~~BIG WOOD R :~~																	
3700919	BIG WOOD R :																	16
A3700919	BIG WOOD R :																	16
3707017	GROUNDWATE :													30				30
3707672	GROUNDWATE :															21		21
A3707672	GROUNDWATE :															01	20	21
3708422	GROUNDWATE :																0	
3708485	GROUNDWATE :													03				3
L3708485	GROUNDWATE :													03				3
3708809	WASTE WATE :																13	13
A3711704	BIG WOOD R :			0														
A3711859	GROUNDWATE :			01														1
C13Q-X 74 :		09		02						03			30	11		09		01 : 89

3700466 T03N R18E S30 DEER CREEK

0 08 : 02-07 03 : 39 03-38 : 30 31 30 24 : 210

3700005	BIG WOOD R :	T#3931	13	10 :	30		23 :			01						05 :	82
A3700005	BIG WOOD R :	Separate 80	13	10 :	30		23 :			01						05 :	82
R3700005	BIG WOOD R :		13	10 :	30		23 :			01						05 :	82
3700467	DEER CREEK :					02-1	1 :	1	03-1								
A3700467	DEER CREEK :		0	08 :		02-07	03 :	39	03-38		30	31	30	24 :			210
3700833P	BIG WOOD R :						10 :										10
3700888	DEER CREEK :																
A3700888	DEER CREEK :	No R Record - Direct Overlap This Section															
3700889	DEER CREEK :									04-1	1 :						
A3700889	DEER CREEK :	No R Record - Relinquished per XFER Agreement															
3704294	UNNAMED ST :													02	01	27	25 : 55
A3704294	UNNAMED ST :	No R Record - Different Source - Direct & Partial Overlap															
3708674	GROUNDWATE :	APPLICATION															03 : 3
C13Q-X 74 :			05	18 :			13 :	40			22 :	41	40	28	21 :		228
NO QTRS	MAPPING	Lot02-17 Lot03-42 Lot04-03															

3700466 T03N R18E S31 DEER CREEK

WR0750NP
(00-138)

IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE 1/4 1/4 COMPARISON REPORT

DATE: 12/06/94
PAGE: 3

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac			
			02														2	
3700467	DEER CREEK																2	
3700889	DEER CREEK																	
NO MAPPING INFO AVAILABLE																		

WR0749NP
No. 37-00466

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/06/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NEW DEER CREEK RANCH INC PO BOX 187 HAILEY ID 83333 (208) 788-9813	04/01/1880	IRRIGATION	04-01 11-01	9.77 CFS	
TOTAL DIVERSION:					9.77 CFS	

Water Source: DEER CREEK
GROUNDWATER

Tributary to: BIG WOOD RIVER

Stage: DECREED

Point(s) of Diversion: T03N R18E S30 NESW SESE NESESE SESESE BLAINE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
03N	17E	25	:			21	17	:			08	20	:	25	27			:	33	33			:	184.0
03N	17E	26	:				.5	:					:	12			11	:	21	17	10	02	:	73.5
03N	18E	29	:					:					:		08	11		:					:	19.0
03N	18E	30	:			.5	08	:		02-07	03		:	39	03-38			:	30	31	30	24	:	210.5
03N	18E	31	:	02				:					:					:					:	2.0
TOTAL ACRES																							489.0	

Pou County: BLAINE

Other Water Rights with Same Point(s) of Diversion and Source:
37-08674 37-08748

Other Water Rights Listing Overlapping Place(s) of use:
37-00005 37-00467 37-00508 37-00833P 37-00888 37-04294 37-08674

Conditions of Approval:

T07 - The change authorized by this transfer shall be accomplished
- within one (1) year of the date of this approval.

Remarks:

The maximum diversion rate from surface water &/or groundwater under this right shall not exceed 9.77 cfs.
The diversion of up to 9.77 cfs of groundwater shall be contingent upon an equivalent amount of water being measured at a point in Deer Creek within the SESW, S26, T3N, R17E. If flows less than 9.77 cfs are measured, the groundwater diversions shall be reduced accordingly. Such pumping reductions must be made within 24 hours of the measurement showing reduced flows.
A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained on Deer Creek within the SESW, S26, T3N, R17E.

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

WR0749NP
No. 37-00466

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/06/94
PAGE: 2

Misc: Water District Number: 37 Field Exam Fee:

Comments: Date: 01/14/1992 User-ID: CURTIS Subject: TRANSFER NO. 3861
Trans. #3861 was filed to add wells to the right originally
decreed only for surface water.
This right is used to irrigate 489 acres via an unrecorded
transfer. A field inspection conducted by IDWR staff has
confirmed irrigation of 489 acres using Deer Creek water.

Date: 12/01/1994 User-ID: PSKAGGS Subject: DATABASE CORRECTION
An error in the legal description of the place of use was
identified and corrected. Sections 29, 30 and 31 are located
within T03N, R18E instead of 17E.

Audit: 02/11/86 05/28/88 CONVERT 08/28/91 BALDWIN 10/31/91 JOHNSON
11/25/91 BALDWIN 12/24/91 BALDWIN 01/14/92 CURTIS 01/22/92 CURTIS
01/24/92 MILLER 10/28/94 SCURTIS 12/01/94 PSKAGGS

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

PROOF OF COMPLETED TRANSFER

The Idaho Department of Water Resources will consider this form as a statement regarding completion of the authorized water right(s) transfer.

1. Water Right No(s). 37-00466

Transfer No. 3861

2. Name of Water Right Holder(s): New Deer Creek Ranch Inc.

Address: P.O. Box 187, Hailey, Id. 83333

3. Water right transfer authorized by Department is:
(check appropriate space or provide description)

Complete _____

Not Complete _____

✓ Partially Complete (describe work completed) Well is drilled and irrigation system is designed,

4. If the transfer has not yet been completed or is only partially complete, please provide a statement why the authorized change(s) have not been accomplished and the date which you expect the changes to be complete: Final design and construction of

irrigation system was deferred pending outcome of TWO water right purchases which were approved late in 1992. Until the outcome was known the final design could not be completed. Jim Johnson is totally familiar with all of Deer Creek Ranch's water transactions.

5. I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in Department action rescinding the approved water right(s) transfer.

Jim Johnson, President New Deer Creek Ranch Inc.
Signature _____ Date _____
(title if on behalf of a company or organization)

2/5/93

MAR 28 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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 4, 1993

NEW DEER CREEK RANCH INC
PO BOX 187
HAILEY ID 83333-0187

RE: Approved Transfer No. 3861/Water Right No(s). 37-00466

Dear Water Right Holder:

On January 24, 1992, the Department approved an application for transfer of the above referenced water right(s). A copy of the transfer as approved has been enclosed for your reference. One of the conditions of approval of this transfer was that the authorized change(s) be accomplished within one year of the date of approval.

Please complete and return the enclosed form to confirm that the transfer has been accomplished. If the approved transfer has not been completed or is only partially complete, please provide an explanation why the changes have not been made and give an expected date for completion. The form must be returned to this office within 15 days of the date of this letter. If you wish to return the form by FAX, the number is (208)327-7866.

Please contact me if you have questions concerning this matter.

Sincerely,

Cindy Zimmerman
for SHARLA CURTIS
Sr. Water Resource Agent

Enclosure

MAR 28 1996

January 27, 1992

New Deer Creek Ranch, Inc.
P.O. Box 187
Hailey, ID 83333

RE: Transfer of Water Right No. 37-00466

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 3861). Be sure to note any conditions of approval as listed on the second page.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

FEB 07 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

24-Dec-1991

R. KEITH HIGGINSON
Director

ATTN RICHARD M ONEIDA MGR
BIG WOOD CANAL COMPANY
PO BOX C
SHOSHONE ID 83352

RE: Application for Transfer No. 37-00466 (New Deer Creek Ranch, Inc)

Dear Mr. Oneida:

This office acknowledges receipt of your protest on 11/25/91 and subsequent withdrawal of that protest on 12/23/91 against the above referenced application for transfer.

Since you were the only protestant, the issue of the protest has been resolved and the Department is now prepared to proceed with the normal processing of the application which includes regional review prior to being forwarded to our State Office.

State office personnel will conduct a complete review prior to final processing of the application.

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

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

cc: John Rosholt, Esquire

RECEIVED
FEB 07 1992

Big Wood Canal Company

112 S. Apple P.O. Box C
Shoshone, Idaho 83352
886-2331

RECEIVED

DEC 23 1991

Department of Water Resources
Southern Region Office

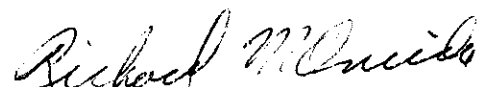
December 19, 1991

Director
Department of Water Resources
222 Shoshone St. East
Twin Falls, Idaho 83301

RE: Application Nos. 37-08748
37-00466
New Deer Creek Ranch, Inc.

I would like to withdraw my protests on Application
Nos. 37-08748 & 37-00466 provided the attached agreements
are met and measuring devices are installed with the
watermaster to measure and assess as he sees fit.

Sincerely,


Richard M. Oneida
Manager

RMO/mae

ENCLOSURE

CC: John Rosholt

RECEIVED
DEC 27 1992

RECEIVED

October 28, 1991

Item B. 6. d. Remarks:
DEC 28 1991

Department of Water Resources
Southern Region

NDCR owns four surface water rights to the waters of Deer Creek totaling approximately 21 c/f/s. NDCR wishes to add additional points of diversion for the surface water, and to add points of diversion for groundwater so as to be able to pump groundwater (in lieu of) or instead of surface water when it is more convenient for NDCR's operation.

NDCR agrees to the following:

1. NDCR's Surface Water Right No. 37-00466 (priority 4/1/1880) may be reduced to a total of 9.77 c/f/s appurtenant to 488 acres of NDCR as previously identified. The remainder of Right No. 37-00466, and all of Rights No. 37-00508, 37-00467, and 37-00889 shall be deemed relinquished.
2. NDCR agrees not to divert more than a total of 9.77 c/f/s of surface and groundwater for irrigation purposes at any one time, and NDCR further agrees that the diversion of up to 9.77 c/f/s of groundwater under Right No. 37-00466 shall be contingent upon an equivalent amount of water being measured (at a weir to be installed by NDCR), subject to the approval of the IDWR, across the Deer Creek natural channel above the diversion point of NDCR in SESEW of Section 26, Township 3 North, Range 17 E.B.M., Blaine County, Idaho. If flows less than 9.77 c/f/s are measured, NDCR agrees to limit their groundwater diversions accordingly, e.g., if 5 c/f/s is measured at the weir, NDCR could not divert more than 5 c/f/s of groundwater under 37-00466.
3. Any time 9.77 c/f/s or more is being measured over the weir above identified, NDCR may take a total of 9.77 c/f/s from irrigation from any or all approved groundwater points of diversion on the Ranch.
4. Pumping reductions must be made within 24 hours after a daily measurement shows flows at the weir of less than 9.77 c/f/s.
5. NDCR understands that additional conditions of approval may be imposed by IDWR as further review of this transfer application is conducted.

NEW DEER CREEK RANCH, INC.

By Jay Levy
JAY LEVY
President and General Manager

Approved:

JOHN A. ROSHOLT

6316m

7 1992
** TOTAL PAGE 003 **

APPLICATION FOR TRANSFER OF WATER RIGHT

RECEIVED

NO. 37-00466

DEC 23 1991

RECOMMENDATION OF WATERMASTERDepartment of Water Resources
Southern Region Office

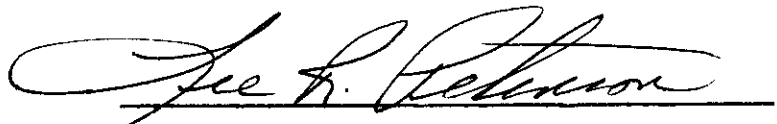
I, Lee R. Peterson, watermaster of Big Wood, Little Wood, Rivers & Sliver Creek
of Water District No. 37 & 37M County of Lincoln, Blaine, Gooding, State of Idaho,
whose address is P.O. Box T, Shoshone, Idaho 83352
have read the attached copy of the application for transfer of water right for 3861
New Deer Creek Ranch Inc., 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: _____

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 20th day of December 19 91.


(signature)

RECEIVED

FEB 07 1992

Please use reverse side if needed.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER DISTRICT NO. 37 & 37 M
P.O. Box T
Shoshone, Idaho 83352
886-2451

RECEIVED

DEC 23 1991

Department of Water Resources
Southern Region Office



Lee R. Peterson
Watermaster

Following a meeting with Deer Creek representatives I have no objections to what they propose doing except the priority of this well. I do realize that the water source in the Big Wood River is all one system be it surface or groundwater, the difference is the means of acquiring the water.

My question, is it fair in comparison to other groundwater owners who have been using water for a number of years, but will be Jr. to this well that is not yet drilled. How will this affect the contrroll of all wells in the Big Wood River system.

RECEIVED
FEB 07 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

11-Dec-1991

R. KEITH HIGGINSON
Director

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

Re: Amended Application for Transfer of Water Right No.
37-00466, A37-00466 (New Deer Creek Ranch 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.

Sincerely,

Douglas Jones, E. I. T.
Water Resources Engineering Specialist

DJ:MB

Enclosures

RECEIVED
FEB 07 1992

Big Wood Canal Company

112 S. Apple P.O. Box C
Shoshone, Idaho 83352
886-2331

RECEIVED

NOV 25 1991

Department of Water Resources
Southern Region Office

November 21, 1991

RE: Application No. A37-00466
NEW DEER CREEK RANCH, INC.

Dear Sir:

I would like to protest the application filed by NEW DEER CREEK RANCH, INC. on grounds this use of water could be detrimental to the storage of irrigation water at Magic Reservoir.

Sincerely,



Richard M. Oneida
Manager

RMO/mae

MICROFILMED

FEB 07 1992

November 8, 1991

Wood River Journal
Box 988
Hailey, ID 83333

RE: Notice of Proposed Change of Water Rights (New Deer Creek
Ranch, Inc.)

Dear Legal Department:

Enclosed you will find a legal notice which we wish to have published on 11/13/1991 & 11/20/1991 (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before DECEMBER 2, 1991.

Yours truly,

BRENDA L. MILLER
Clerical Specialist

Enclosure

RECEIVED

FEB 07 1992

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT NO. 37-00466
ADJUDICATION CLAIM NO. A37-00466

Notice is hereby given that NEW DEER CREEK RANCH, INC., Hailey, ID, has applied to the Department of Water Resources for additional points of diversion from Deer Creek for irrigation.

THE WATER RIGHTS SOUGHT TO BE CHANGED ARE RECORDED AS FOLLOWS:

Water Right No. 37-00466
Basis of Right: Decree
Source: Groundwater [Deer Creek]
Priority Date: 4/01/1880
Amount of water: 13.6 cfs
Water use: irrigation
Point(s) of diversion: Not stated in decree.
Place of use: SWNE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S25, T3N, R17E and NE $\frac{1}{4}$ SE $\frac{1}{4}$, S26, T3N, R17E.

Adjudication Claim No. A37-00466
Basis of Right: Claim
Source: Groundwater [Deer Creek]
Priority Date: 4/01/1880
Amount of water: 13.6 cfs
Water use: irrigation
Point(s) of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S26, T3N, R17E, Blaine County.
Place of use: Irrigation of 488.5 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S25, T3N, R17E; SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, S26, T3N, R17E; NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, S29, T3N, R17E; SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, S30, T3N, R17E; NE $\frac{1}{4}$ NE $\frac{1}{4}$, S31, T3N, R17E.

TO BE CHANGED AS FOLLOWS:

Water Right No. 37-00466 & Adjudication Claim No. A37-00466
Amount: 9.77 cfs
Total amount being transferred: 9.77 cfs
Source: Groundwater [Deer Creek]
Point(s) of diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, S30, T3N, R18E; NE $\frac{1}{4}$ SE $\frac{1}{4}$, S26, T3N, R17E; SE $\frac{1}{4}$ NE $\frac{1}{4}$, S25, T3N, R17E, Blaine County
Place of use: Irrigation of 488.5 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S25, T3N, R17E; SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, S26, T3N, R17E; NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, S29, T3N, R17E; SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, S30, T3N, R17E; NE $\frac{1}{4}$ NE $\frac{1}{4}$, S31, T3N, R17E.

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FEB 07 1992

November 8, 1991

Any Protest against approval of the application for transfer must be filed with the Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301, on or before December 2, 1991.

R. Keith Higginson, Director

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Jay Sevy, Manager
New Deer Creek Ranch, Inc.
P. O. Box 187
Hailey, ID
83333

October 25, 1991

*Separate transfer
to adjoining land*

RE: Application for Transfer of Water Right 37-00833J Part

The purpose of this letter is to clarify our position on the above-referenced transfer application. Adjudication claims show that Mr. Blechmann owns parts of 37-0833 & 37-0159 for use on the original place of use described in the proposed transfer. But the transfer only proposes to move a part of 37-0833. Approval of the transfer would thus constitute an increase in the number of irrigated acres, which is illegal under Sec. 42-222 of the Idaho Code. In order to avoid this problem, all water rights on the original land must be transferred to the new land. Or Mr. Blechmann could relinquish the other right to the State.

In August, I inspected the original land owned by Mr. Blechmann. I concluded that the water rights claimed by him in the SRBA have not been used for more than five years. Under Sec. 42-222 of the Idaho Code, these rights appear to no longer be valid. Regardless of what is done regarding the expansion problem discussed above, I would have to recommend that the transfer be denied due to forfeiture of the water rights involved. The final decision on all transfers is made by our Boise office, of course. I am merely responsible for staff review of the transfer prior to advertising.

We are holding this transfer awaiting your response to these problems. If you wish us to proceed with the transfer as it now exists, we will do so.

Sincerely,

**RECEIVED
FILMED**

FEB 07 1992

James E. Stanton

James E. Stanton
Sr. Water Resource Agent

cc: John Rosholt

MICROFILMED

FEB 07 1992

October 24, 1991

Mr. Jim Johnson
Idaho Department of Water Resources
1301 North Orchard, Statehouse Mail
Boise, Idaho 83720

VIA FAX 327-7866

Re: New Deer Creek Ranch, Inc. (NDCR)
Application for Transfer

Mr. Johnson:

NDCR owns four surface water rights to the waters of Deer Creek totaling approximately 21 c/f/s. NDCR wishes to add additional points of diversion for the surface water, and to add points of diversion for groundwater so as to be able to pump groundwater (in lieu of) or instead of surface water when it is more convenient for NDCR's operation. The underlying reason for the request is so that surface flow can be left in the Deer Creek Channel to restore the stream which has traditionally been diverted dry for irrigation purposes by the former owner. Further justification for approval of the proposal is IDWR's Finding of Fact No. 2 in the Order of June 28, 1991 designating the Groundwater Management District for the Big Wood River Area. This paragraph recognizes the interconnection of ground and surface water. NDCR's private studies also show the water as one source.

As conditions to the approval of Transfer No. 37-00889, and IDWR's permission to take groundwater instead of surface water, under said right, NDCR would agree as follows:

1. NDCR's Surface Water Right No. 37-00466 (priority 4/1/1880) may be reduced to a total of 9.76 c/f/s appurtenant to 488 acres of NDCR as previously identified. The remainder of Right No. 37-00466, and all of Rights No. 37-00508, 37-00467, and 37-00889 shall be deemed relinquished.

2. NDCR's 2.48 c/f/s Groundwater Right A37-11329 (Transfer 3641) shall remain in tact and be used by NDCR on the acres to which it is appurtenant.

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FEB 07 1992

Mr. Jim Johnson
October 24, 1991
Page 2

3. NDCR agrees not to divert more than a total of 9.76 c/f/s of surface and groundwater for irrigation purposes at any one time, it being also understood that NDCR will divert no more than 7.28 c/f/s of groundwater under Right No. 37-00466 when the 2.48 c/f/s Groundwater Right No. A37-11329 is being fully exercised; and NDCR further agrees that the diversion of up to 7.28 c/f/s of groundwater under Right No. 37-00466 shall be contingent upon an equivalent amount of water being measured (at a weir to be installed by NDCR) into the Deer Creek natural channel past the diversion point of NDCR in SESW of Section 26, Township 3 North, Range 17 E.B.M., Blaine County, Idaho. If flows less than 7.28 are measured, NDCR agrees to limit their groundwater diversions accordingly. e.g., if 5 c/f/s is measured into the Creek at the weir, NDCR could not divert more than 5 c/f/s of groundwater under 37-00466.

4. Any time 7.28 c/f/s or more is being measured over the weir above identified, NDCR may take a total of 9.76 c/f/s from irrigation from any or all approved groundwater points of diversion on the Ranch.

5. Pumping reductions must be made within 24 hours after a daily measurement shows flows at the weir of less than 7.28 c/f/s.

NEW DEER CREEK RANCH, INC.

By JAY SEVY
President and General Manager

Approved:

JOHN A. ROSHOLT

11931

MICROFILMED

FEB 07 1992

October 24, 1991

Item B. 6. d. Remarks:

Mr. Jim Johnson ~~_____~~ VIA FAX 327-7866
Idaho Department of Water Resources
1301 North Orchard, Statehouse Mail
Boise, Idaho 83720

~~Re: New Deer Creek Ranch, Inc. (NDCR)~~
~~Application for Transfer~~

Dear Mr. Johnson:

NDCR owns four surface water rights to the waters of Deer Creek totaling approximately 21 cfs. NDCR wishes to add additional points of diversion for the surface water, and to add points of diversion for groundwater so as to be able to pump groundwater (in lieu of) or instead of surface water when it is more convenient for NDCR's operation. ~~The underlying reason for the request is so that surface flow can be left in the Deer Creek Channel to restore the stream which has traditionally been diverted dry for irrigation purposes by the former owner. Further justification for approval of the proposal is IDWR's Finding of Fact No. 2 in the Order of June 28, 1991 designating the Groundwater Management District for the Big Wood River Area. This paragraph recognizes the interconnection of ground and surface water. NDCR's private studies also show the water as one source.~~

~~As conditions to the approval of Transfer No. 37-00889, and IDWR's permission to take groundwater instead of surface water, under said right, NDCR would agree as follows:~~
NDCR agrees to the following:

1. NDCR's Surface Water Right No. 37-00466 (priority 4/1/1880) may be reduced to a total of ~~9.76~~ 9.77 cfs appurtenance to 488 acres of NDCR as previously identified. The remainder of Right No. 37-00466, and all of Right Nos. 37-00508, 37-00467, and 37-00889 shall be deemed relinquished.

~~2. NDCR's 2.48 cfs Groundwater Right A37-11329 (Transfer No. 3641) shall remain in tact for use by NDCR on the acres to which it is appurtenant.~~

3. ~~2.~~ NDCR agrees not to divert more than a total of ~~9.76~~ 9.77 cfs of surface and groundwater for irrigation purposes at any one time, ~~it being also understood that NDCR will divert no more than 7.28 cfs of groundwater under Right No. 37-00466 when the 2.48 cfs Groundwater Right No. A37-11329 is being fully exercised,~~ and NDCR further agrees that the diversion of up to ~~7.28~~ 9.77 cfs of groundwater under Right No. 37-00466 shall be contingent upon an equivalent amount of water being measured (at a weir to be installed by NDCR) subject to the approval of the IDWR, into across the Deer Creek natural channel past above the

FEB 07 1992

diversion point of NDCR in SESW of Section 26, Township 3 North, Range 17 East, B.M., Blaine County, Idaho. If flows less than ~~7.28~~ 9.77 cfs are measured, NDCR agrees to limit their groundwater diversions accordingly, e.g., if 5 cfs is measured ~~into the Creek~~ at the weir, NDCR could not divert more than 5 cfs of groundwater under 37-00466.

~~4.~~ 3. Any time ~~7.28~~ 9.77 cfs or more is being measured over the weir above identified, NDCR may take a total of ~~9.76~~ 9.77 cfs from irrigation from any or all approved groundwater points of diversion on the Ranch.

~~5.~~ 4. Pumping reductions must be made within 24 hours after a daily measurement shows flows at the weir of less than ~~7.28~~ 9.77 cfs.

5. NDCR understands that additional conditions of approval may be imposed by IDWR as further review of this transfer application is conducted.

NEW DEER CREEK RANCH, INC.

By _____
JAY SEVY
President and General Manager

Approved:

JOHN A. ROSHOLT

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RECEIVED

SEP 03 1991

Department of Water Resources
Southern Region Office

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 37-00466, 00467, 00508, 00889

RECOMMENDATION OF WATERMASTER

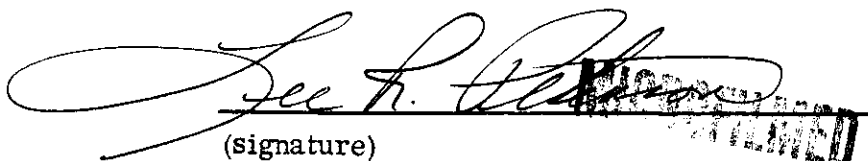
I, Lee R. Peterson, watermaster of Big Wood River,
of Water District No. 37, County of Lincoln, State of Idaho,
whose address is 108 S Apple- P.O. Box T, Shoshone, Idaho 83352
have read the attached copy of the application for transfer of water right for _____
New Deer Creek Ranch Inc., and to the best 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: _____

OR

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

Dated at Shoshone, Idaho, this 30th day of August 19 91


(signature)

FEB 07 1992

Please use reverse side if needed.

MEMORANDUM

TO: TRANSFER FILE 37-0466,-0467,-0508,-0889

FROM: DOUGLAS JONES

DATE: 26-Jul-1991

RE: TRANSFER ANALYSIS: COMMENTS AND RECOMMENDATIONS

COMMENTS

- * Applicant is sole holder of decreed surface water rights from Deer Creek, decreed as "dry stream", i.e. no duty to Big Wood River.
- * Deer Creek presently sinks before reaching the eastern (downstream) end of the ranch.
- * Adjudication claims represent current diversion and irrigation usage on the ranch, as determined by Jim Stanton's field review of SRBA claims.
- * Applicant's apparent intent for adding groundwater sources to the water rights is to allow Deer Creek to flow longer through the year and farther through the ranch.
- * New Deer Creek Ranch has obtained a stream channel alteration permit (37-S-592) and is presently relocating a segment of Deer Creek within the upper end of the ranch a couple hundred feet south of present channel. Relocated channel would not affect irrigation acreage distribution.
- * An application for permit has been filed to appropriate volume for wildlife ponds on Deer Creek in the eastern end of the property. A stream channel alteration permit, 37-S-631, has been approved to ~~the~~ create the ponds with the condition that a water right is required to impound water. Ponds are instream and if application is denied then removal would be required.
- * Flood irrigation system from Deer Creek has been retained with intent to spread high flow water over upper end of ranch to recharge groundwater system for the coming irrigation season, see Part 1.6.a. & d.

ANALYSIS

- * Current water usage depletes surface water flows to mound groundwater which then may return to Deer Creek or flow out of valley below ground to add to the Big Wood River alluvial aquifer. Presently Deer Creek augments the Big Wood River in the non-irrigation season and therefore

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contributes to Magic Reservoir.

* The proposed development would decrease groundwater levels within the Deer Creek valley during the irrigation season resulting in 1) perhaps less groundwater adding to the Big Wood alluvial aquifer; 2) changing Deer Creek from being both a gaining stream (due to flood irrigation) and a losing stream to being a losing stream only; and 3) shifting impact from Big Wood irrigation season users to Magic Reservoir users via high water diversions to recharge the groundwater levels depleted by pumping.

* Diversion rate for transfer is 20.99 cfs for use on 488 acres - .043 cfs/acre.

* "Upper part of ranch", Part 1.6.a., is land in S26 and W1/2 S25 (123.5 acres), per statemment to Jim Stanton. At 0.043 cfs/acre the total diversion rate would be 5.31 cfs.

* Most years Deer Creek dries up before the lower ranch diversions and past irrigations there were early season only. This transfer would provide more water to that land. In my opinion there would be more water used as a result of this transfer and a net decrease in water leaving the valley.

RECOMMENDATIONS

* Diversion from groundwater, if transfer is approved, should be limited to flow rate of Deer Creek measured above uppermost headgate less any surface water diversion by headgate &/or pump in creek if p/d is approved in S30.

* Diversions should be under control of the watermaster of the Big Wood River.

* Lockable controls should be required at pump motors.

* Rate of flow and totalizing meters should be required on all pumps.

* Perhaps groundwater diversion should only be allowed when surface water is being diverted. Well pumping could be limited to the amount of surface water in excess of flooding requirements for 123.5 acres and less than or equal to 0.02 cfs/acre.

APPROVED

FEB 07 1992

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NOS. 37-00466, A37-00466, 37-00467, A37-00467, 37-00508,
A37-00508, 37-00889, A37-00889

Notice is hereby given that NEW DEER CREEK RANCH INC. of Hailey, ID has applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of the IDAHO CODE.

WATER RIGHT AS RECORDED

Water right no. 37-00466

Basis of right: Decreed to Andrew Mc Monigle in case of S.C. Frost Et Al vs Alturas Water Company Et Al dated 12/13/1909 in Fourth District Court, Lincoln County.

Source: Deer Creek tributary to Big Wood River

Priority Date: 4/1/1880

Amount of water: 13.6 cfs

Use: irrigation

Point(s) of diversion: Not stated in decree.

Place of use: Unspecified acres within S1/2NE1/4, S1/2NW1/4, N1/2SW1/4, N1/2SE1/4, S25, T3N, R17E; NE1/4SE1/4, S26, T3N, R17E.

WATER RIGHT CLAIMED IN SNAKE RIVER BASIN ADJUDICATION AND RECORDED AS FOLLOWS:

Water Right No. A37-00466

Name: New Deer Creek Ranch Inc.

Basis of right: Decreed Right 37-00466

Priority Date: 4/1/1880

Source: Deer Creek tributary to Big Wood River

Amount of Water: 13.6 cfs

Use: irrigation

Points of Diversion: NE1/4SW1/4SW1/4, S26, T3N, R17E;

SW1/4SE1/4SW1/4, S26, T3N, R17E; NE1/4NE1/4SE1/4, S26, T3N, R17E;

Blaine County.

Place Of Use: 188 acres within S1/2NE1/4, S1/2NW1/4, N1/2SW1/4, NE1/4SE1/4, NW1/4SE1/4, SE1/4SE1/4, S25, T3N, R17E; SE1/4NE1/4, E1/2SE1/4, S26, T3N, R17E.

WATER RIGHT AS RECORDED

Water right no. 37-00467

Basis of right: Decreed to Patrick Mc Monigle in case of S.C. Frost Et Al vs Alturas Water Company Et Al dated 12/13/1909 in Fourth District Court, Lincoln County.

Source: Deer Creek tributary to Big Wood River

Priority Date: 4/1/1880

Amount of water: 6.80 cfs

Use: irrigation

NEW DEER CREEK 1

RECORDED
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Point(s) of diversion: Not stated in Decree.
Place of use: Unspecified acres within Lot 2 (SW1/4NW1/4),
SE1/4NW1/4, NE1/4SW1/4, Lot 3 (NW1/4SW1/4), SE1/4, S30, T3N, R18E.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right no.: 37-00467
Amount of water: 4.66 cfs
Point of diversion: No change.
Place of use: No change.

WATER RIGHT CLAIMED IN SNAKE RIVER BASIN ADJUDICATION AND RECORDED
AS FOLLOWS:

Water Right No. A37-00467
Name: New Deer Creek Ranch Inc.
Basis of right: Decreed Right 37-00467
Priority Date: 4/1/1880
Source: Deer Creek tributary to Big Wood River
Amount of Water: 4.66 cfs Use: irrigation
Points of Diversion: NE1/4SW1/4SW1/4, S26, T3N, R17E;
NE1/4NE1/4SE1/4, S26, T3N, R17E; Two (2) points within Lot 3
(NE1/4NW1/4SW1/4), S30, T3N, R18E; Blaine County.
Place of Use: 233 acres within W1/2SW1/4, S29, T3N, R18E;
S1/2NE1/4, Lot 2 (SW1/4NW1/4), SE1/4NW1/4, NE1/4SW1/4, Lot 3
(NW1/4SW1/4), SE1/4, S30, T3N, R18E; NE1/4NE1/4, S31, T3N, R18E.

WATER RIGHT AS RECORDED

Water right no. 37-00508
Basis of right: Decreed to Susan R. Murphy in case of S.C. Frost
Et Al vs Alturas Water Company Et Al dated 12/13/1909 in Fourth
District Court, Lincoln County.
Source: Deer Creek tributary to Big Wood River
Priority Date: 5/1/1885
Amount of water: 2.40 cfs Use: irrigation
Point(s) of diversion: Not stated in decree.
Place of use: Unspecified acres within E1/2SW1/4, W1/2SE1/4, S26,
T3N, R17E.

WATER RIGHT CLAIMED IN SNAKE RIVER BASIN ADJUDICATION AND RECORDED
AS FOLLOWS:

Water Right No. A37-00508
Name: New Deer Creek Ranch Inc.
Basis of right: Decreed Right 37-00508
Priority Date: 5/1/1885
Source: Deer Creek tributary to Big Wood River
Amount of Water: 2.4 cfs Use: irrigation
Points of Diversion: NE1/4SW1/4SW1/4, S26, T3N, R17E;
SW1/4SE1/4SW1/4, S26, T3N, R17E; Blaine County.
Place of Use: 50.5 acres within E1/2SW1/4, W1/2SE1/4, S26, T3N,
R17E.

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NEW DEER CREEK 2

WATER RIGHT AS RECORDED

Water right no. 37-00889

Basis of right: Decreed to Patrick Mc Monigle in case of Mc Monigle vs Swendsen dated 1/14/1920 in Fourth District Court, Blaine County.

Source: Deer Creek tributary to Big Wood River

Priority Date: 3/4/1885

Amount of water: 10.0 cfs Use: irrigation

Point(s) of diversion: Not stated in Decree.

Place of use: Unspecified acres within SE1/4SE1/4, S25, T3N, R17E; Lot 4 (SW1/4SW1/4), SE1/4SW1/4, S30, T3N, R18E; NE1/4NW1/4, S31, T3N, R18E.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right no.: 37-00889

Amount of water: .33 cfs

Point of diversion: No change.

Place of use: No change.

WATER RIGHT CLAIMED IN SNAKE RIVER BASIN ADJUDICATION AND RECORDED AS FOLLOWS:

Water Right No. A37-00889

Name: New Deer Creek Ranch Inc.

Basis of right: Decreed Right 37-00889

Priority Date: 3/4/1885

Source: Deer Creek tributary to Big Wood River

Amount of Water: 0.33 cfs Use: irrigation

Points of Diversion: Lot 3 (NE1/4NW1/4SW1/4), S30, T3N, R18E (Upper diversion only); Blaine County.

Place of Use: 16.5 acres within SE1/4SW1/4, S30, T3N, R18E.

WATER RIGHT NO. 37-00466 & ADJUDICATION CLAIM NO. A37-00466 TO BE CHANGED AS FOLLOWS:

Amount: 13.6 cfs

Water Use: Irrigation

WATER RIGHT NO. 37-00467 & ADJUDICATION CLAIM NO. A37-00467 TO BE CHANGED AS FOLLOWS:

Amount: 4.66 cfs

Water Use: Irrigation

WATER RIGHT NO. 37-00508 & ADJUDICATION CLAIM NO. A37-00508 TO BE CHANGED AS FOLLOWS:

Amount: 2.4 cfs

Water Use: Irrigation

WATER RIGHT NO. 37-00889 & ADJUDICATION CLAIM NO. A37-00889 TO BE CHANGED AS FOLLOWS:

Amount: 0.33 cfs

Water Use: Irrigation

NEW DEER CREEK 3

FEB 27 1932

Total amount being transferred: 20.99 cfs

Source: Groundwater

Existing points of diversion: SE1/4NE1/4SE1/4, S26, T3N, R17E;
SW1/4SE1/4NE1/4, S25, T3N, R17E; NE1/4SE1/4SE1/4, S30, T3N, R18E.

New points of diversion: SE1/4SE1/4SE1/4, S30, T3N, R18E;
SW1/4SE1/4NW1/4, S30, T3N, R18E.

Source: Deer Creek tributary to Big Wood River

Existing points of diversion: NE1/4SW1/4SW1/4, S26, T3N, R17E;
SW1/4SE1/4SW1/4, S26, T3N, R17E; NE1/4NE1/4SE1/4, S26, T3N, R17E.

New Point of diversion: SE1/4SE1/4, S30, T3N, R18E.

Place of use: 488 acres described in Snake River Basin
Adjudication Claims.

Any protest against approval of the application for transfer must
be filed with the Department of Water Resources, 222 Shoshone
Street East, Twin Falls, ID 83301 on or before September 23,
1991.

R. Keith Higginson, Director

Published in Wood River Journal on 9/4 & 9/11/91.

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NEW DEER CREEK 4

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APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 37-00466, 00467, 00508, 00889

Department of Water Resources
Southern Region Office

RECOMMENDATION OF WATERMASTER

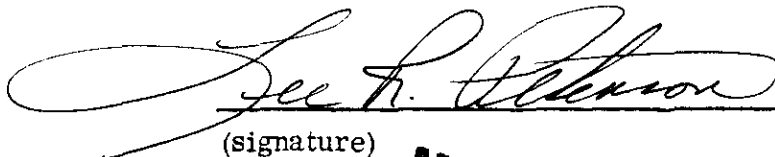
I, Lee R. Peterson, watermaster of Big Wood River,
of Water District No. 37, County of Lincoln, State of Idaho,
whose address is 108 S Apple- P.O. Box T, Shoshone, Idaho 83352
have read the attached copy of the application for transfer of water right for _____
New Deer Creek Ranch Inc., and to the best 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: _____

OR

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

Dated at Shoshone, Idaho, this 30th day of August 19 91


(signature)

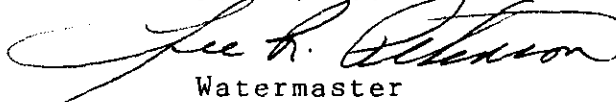
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FEB 07 1992

Please use reverse side if needed.

APPLICATION FOR TRANSFER OF WATER RIGHT NO. 37-0466, 00467, 00508, 00889

1. Following a review of the transfers of the four surface water rights 37-00466, 00467, 00508, and 00889, it appears that after approval of these transfers Deer Creek Ranch Inc. will continue to possess 9.66 CFS surface rights on 37-00889 water right as well as the 20.99 CFS ground water right, with 37-0466 and 37-00467 being the oldest water rights recorded on the Big Wood River system above Magic Reservoir, which appears unfair to other water right holders on the system. (see item #2)
2. Priority dates for Deer Creek wells and any other wells requesting a transfer of surface water to ground water rights. How can a well drilled in 1991 or 1992 (example) have a priority date of 1880 compared to well with drilled and priority dates of 1930-40-50 etc. This appears, that in the near future if wells are to be controlled, this will be the beginning of some serious problems of administering water priority cuts and control. With some wells now in operation it appears that a dual priority system is a must or some other system which will be fair to all ground water users.
3. Within this particular basin groundwater is a source of supply to Big Wood River-Silver Creek drainage. If this particular request is not controlled with priority cuts, as surface water is, the late year pumping will reduce spring flows into the Big Wood River.
4. If wells are used to provide water for irrigation and pondage Deer Creek and drainage water should be required to flow into Big Wood River and this particular Creek declared a live Creek, abolishing the present dry creek status, which will then fall under the complete control and administration of the Watermaster. Deer Creek will be required to be administered by the watermaster to prevent and control water usage and not allowed to use water when other water users have been cut off due to the present priority system.
5. All pumps should be required the installation of gate valves to shut down or trim the pump and flow meters for control and measurement of the discharge of water.
6. If this well should be granted, or approved, and it effects spring flows, which it will, along the river down stream, it will result in less water to deliver to water users below which will also have a direct bearing on the Water District assessments unless this Creek is declared a live system under the watermasters control and the water used by Deer Creek Ranch assessed on usage.
7. I feel that this request should be taken under further consideration and should be protested until the above topics are resolved. Also I have been advised the Big Wood Canal Company will protest this request upon publication.

Lee R. Peterson



Watermaster
Districts 37 & 37M

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INTER-DEPARTMENT MEMO

TO: File -Transfer (New Deer Creek Ranch Inc)

SUBJECT: _____

37-0466, 0467, 0508, 0889

FROM: _____

DATE: 8-27-91

Mary Baldwin, Sec/Office Coord.
Southern Region

Cancelled pending advertising scheduled for 9/4 & 9/11/91 per request of Douglas Jones
on this date due to information received from Jim Johnson, State Office.

T/c to S.O. to pull info ad from New Water Rights
listing for the week of 8-26-91 but some
were already mailed; some were pulled out however.
MB 8-29-91

Message given to John Roschalt, Esq. 8-29-91 via
Cynthia Vincent of Ethio Fact. MB 8-29-91

() For your information

() Response required

FILED
FEB 07 1992

Mary Baldwin
signature



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

23-Aug-1991

R. KEITH HIGGINSON
Director

WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Gentlemen:

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

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

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

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

22-Aug-1991

R. KEITH HIGGINSON
Director

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

Re: Application for Transfer of Water Right Nos. 37-00466,
37-00467, 37-00508, 37-00889

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.

Sincerely,

Douglas Jones, E. I. T.
Water Resources Engineering Specialist

DJ:MB

Enclosures

FEB 07 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

22-Aug-1991

R. KEITH HIGGINSON
Director

ROSHOLT & ASSOCIATES
PO BOX 1906
TWIN FALLS ID 83303-1906

Re: Application for Transfer Nos. 37-00466, 37-00467, 37-00508,
37-00889 (New Deer Creek Ranch Inc.)

Gentlemen:

The Department of Water Resources acknowledges receipt of the Application for Transfer on behalf of your client, New Deer Creek Ranch Inc..

This office will be advertising the application in the Wood River Journal on 9/4 & 9/11/91. 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.

In order to complete regional review, a list of corporate officers and addresses should be submitted to this office.

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.

Sincerely,

Douglas Jones, E. I. T.
Water Resources Engineering Specialist

DJ:MB

FEB 07 1992

INTER-DEPARTMENT MEMO

TO: Adjudication

SUBJECT: Claims of New Deer
Creek Ranch

FROM: Jim Stanton

DATE: 7-25-91

On 7-10-91, I met with ranch manager Jay Sevy at his office on the ranch. My purpose was to conduct an inspection of the property relating to a pending water transfer. A field inspection and 660-scale aerial photos were used to locate the diversion points and actual irrigated ground covered by Claims A37-00466, 00467, 00508, 00888 & 00889. Mr. Sevy subsequently amended the claims to correct errors in P/D & P/H. No CVR forms were completed by me. The system should be re-examined in the future in order to determine what is actually on the ground at that time; major changes to the irrigation system are planned based on approval of the transfer. Mr. Sevy is not totally sure of what diversions will be eventually used and what ground will actually be irrigated. Most of the old ditches will have to be rebuilt before surface irrigation can occur.

(XX) For your information

() Response required

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J F Stanton
signature

FEB 07 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

John A. Rosholt
Rosholt, Robertson & Tucker
P. O. Box 1906
Twin Falls, ID 83303

July 24, 1991

Dear John;

We are returning the Amended App. for Transfer of Water Right A37-11329 submitted in behalf of New Deer Creek Ranch on 9-28-1990. We are also returning the transfer application for this and other rights submitted by your office on 5-28-91. Jay Sevy has signed the new transfer that we have been working on. The \$50. filing fee previously paid under Receipt #S012708 will cover the new transfer. If you have any questions, please feel free to contact this office.

Sincerely,

James E. Stanton

James E. Stanton
Sr. Water Resource Agent

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ROSHOLT, ROBERTSON & TUCKER

Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH

P.O. BOX 1906

TWIN FALLS, IDAHO 83303-1906

TELEPHONE (208) 734-0700

FAX (208) 736-0041

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
TERRY R. McDANIEL
GARY D. SLETTE
JERRY V. JENSEN
F. BRUCE COVINGTON
BRUCE M. SMITH
GARY L. QUIGLEY
JUSTIN R. SEAMONS
JOHN O. FITZGERALD

Boise Office
1020 MAIN ST., SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

May 24, 1991

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MAY 24 1991

Idaho Department of Water Resources
Twin Falls Office -- Southern Region
222 Shoshone Street E.
Twin Falls ID 83301

Department of Water Resources
Southern Region Office

ATTENTION: Doug Jones

RE: New Deer Creek Ranch, Inc.
Transfer of Water Rights

Dear Doug:

I enclose an application for transfer of water right to take the place of the application filed September 28, 1990, regarding the transfer of A37-11329.

As we have already paid fees on the A37-11329 application, please accept the enclosed paperwork in its place. Applicant does not give up priority of the surface water decreed for irrigation, but proposes to withdraw the water for irrigation of 500 acres from groundwater on the ranch.

Thank you for your usual cooperation and help regarding the assembly of this application.

Best wishes.

Respectfully submitted,



FRANCIS G. HITCHCOCK
LEGAL ASSISTANT

FGH/dcb
97371
Enclosures
cc: Jay Sevy
w/enclosures

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

Total number of acres to be irrigated 186.5

13.6 g

3.73 ds

NE,
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claim 13, 6 cfs as before

Water Right Number - 37-00466

Prefix Translation:

WATER RIGHT

Old (D) Number -

*** C - CURRENT OWNER ***
MC MONAGLE

ANDREW

1 -
2 -
3 -
City-
Phone -

State- Zip-

Priority Date - 04/01/1880

Region - 17 SOUTHERN

D - DECREED

Stage -

Status -

Source - DEER CREEK

Tributary - BIG WOOD RIVER

Point of Diversion - Stream Index (Blank if no Index Code)

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

01 - IRRIGATION

13.600

Total Div. Rate - 13.600 + Total Div. Volume - 13.600 + Total Div. Capacity - 13.600 + Total Consumptive Use - 13.600 + KW Usage -

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
03N	17E	25	SW NE			01 IRRIGATION			13 BLAINE
03N	17E	25	SE NE			01 IRRIGATION			13 BLAINE
03N	17E	25	SW NW			01 IRRIGATION			13 BLAINE
03N	17E	25	SE NW			01 IRRIGATION			13 BLAINE
03N	17E	25	NE SW			01 IRRIGATION			13 BLAINE
03N	17E	25	NW SW			01 IRRIGATION			13 BLAINE
03N	17E	25	NE SE			01 IRRIGATION			13 BLAINE
03N	17E	25	NW SE			01 IRRIGATION			13 BLAINE
03N	17E	26	NE SE			01 IRRIGATION			13 BLAINE

Diversion Means -

Non-Irrigation Use -

Other Rights for Same Use -

Remarks - AC, IRRIG. NOT SPECIFIED. FARM = 360 AC.

Old Water Right Numbers -
No Old Water Right Numbers found.

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FEB 07 1992

Water right number - 37-00466

Prefix Translation:

WATER RIGHT

Conditions of Approval -
No Conditions of Approval found.

Decree Plaintiff -
S. C. FROST, ET. AL.

Decree Defendant -
ALTURAS WATER COMPANY, ET. AL.

Decree Date -
12/13/1909

Comments -
No Comments Found

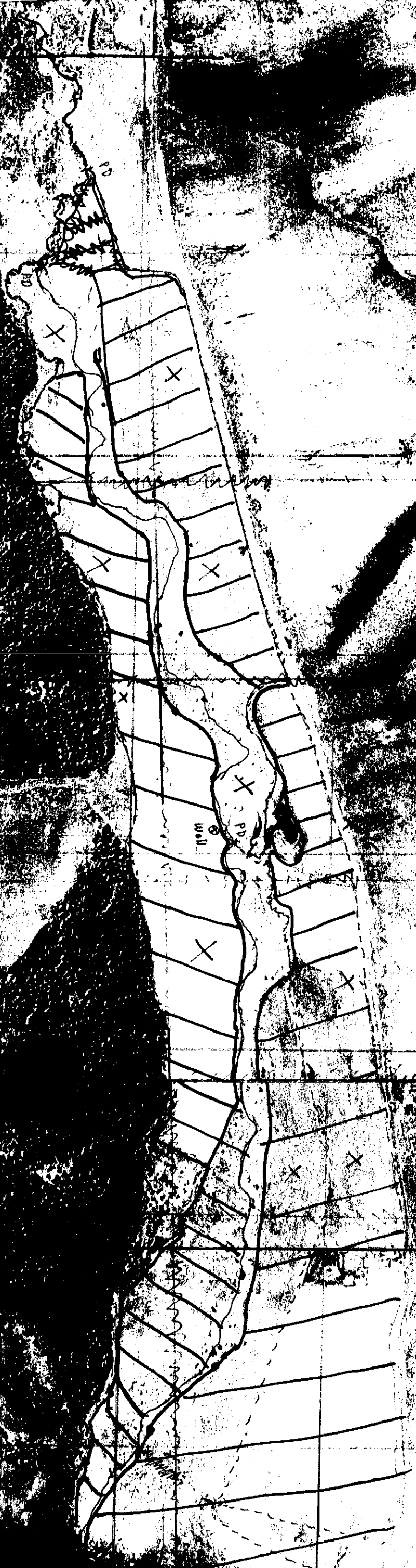
Audit Fields - 02/11/86 05/28/88 CONVERT

Water Rights Dates and Flags Area

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 07/01/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 37
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 12/13/1909	Microfilm Roll No	-	Presumption Flag	-

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37-0466, 0467, 0508, 0509
1st





Aerial Map
FEB 6 1992

New River Co. Road
37-0466, 0467, 0508, 0889
7#

30 23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

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MAY 20 1991

INITIAL REVIEW BY:

[Signature]
37-0466-0508
-0467, -0889

Date: _____

Department of Water Resources
Southern Region Office

1. Right number -0467, -0889 Applicant NEW DEER CREEK RANCH
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☒ Other Add GW source
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. -0466, -0508
 - b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
-0467, -0889
 - 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 See attached
memoranda and analysis
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) LVA
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 37, may be put in Lee's charge

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☐ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny
3. Conditions* _____

4. By _____ Date _____

MEMORANDUM

TO: TRANSFER FILE 37-0466,-0467,-0508,-0889

FROM: DOUGLAS JONES

DATE: 26-Jul-1991

RE: TRANSFER ANALYSIS: COMMENTS AND RECOMMENDATIONS

COMMENTS

- * Applicant is sole holder of decreed surface water rights from Deer Creek, decreed as "dry stream", i.e. no duty to Big Wood River.
- * Deer Creek presently sinks before reaching the eastern (downstream) end of the ranch.
- * Adjudication claims represent current diversion and irrigation usage on the ranch, as determined by Jim Stanton's field review of SRBA claims.
- * Applicant's apparent intent for adding groundwater sources to the water rights is to allow Deer Creek to flow longer through the year and farther through the ranch.
- * New Deer Creek Ranch has obtained a stream channel alteration permit (37-S-592) and is presently relocating a segment of Deer Creek within the upper end of the ranch a couple hundred feet south of present channel. Relocated channel would not affect irrigation acreage distribution.
- * An application for permit has been filed to appropriate volume for wildlife ponds on Deer Creek in the eastern end of the property. A stream channel alteration permit, 37-S-631, has been approved to the create the ponds with the condition that a water right is required to impound water. Ponds are instream and if application is denied then removal would be required.
- * Flood irrigation system from Deer Creek has been retained with intent to spread high flow water over upper end of ranch to recharge groundwater system for the coming irrigation season, see Part 1.6.a. & d.

ANALYSIS

- * Current water usage depletes surface water flows to mound groundwater which then may return to Deer Creek or flow out of valley below ground to add to the Big Wood River alluvial aquifer. Presently Deer Creek augments the Big Wood River in the non-irrigation season and therefore

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contributes to Magic Reservoir.

* The proposed development would decrease groundwater levels within the Deer Creek valley during the irrigation season resulting in 1) perhaps less groundwater adding to the Big Wood alluvial aquifer; 2) changing Deer Creek from being both a gaining stream (due to flood irrigation) and a losing stream, to being a losing stream only; and 3) shifting impact from Big Wood irrigation season users to Magic Reservoir users via high water diversions to recharge the groundwater levels depleted by pumping.

* Diversion rate for transfer is 20.99 cfs for use on 488 acres - .043 cfs/acre.

* "Upper part of ranch", Part 1.6.a., is land in S26 and W1/2 S25 (123.5 acres), per statement to Jim Stanton. At 0.043 cfs/acre the total diversion rate would be 5.31 cfs.

* Most years Deer Creek dries up before the lower ranch diversions and past irrigations there were early season only. This transfer would provide more water to that land. In my opinion there would be more water used as a result of this transfer and a net decrease in water leaving the valley.

RECOMMENDATIONS

* Diversion from groundwater, if transfer is approved, should be limited to flow rate of Deer Creek measured above uppermost headgate less any surface water diversion by headgate &/or pump in creek if p/d is approved in S30.

* Diversions should be under control of the watermaster of the Big Wood River.

* Lockable controls should be required at pump motors.

* Rate of flow and totalizing meters should be required on all pumps.

* Perhaps groundwater diversion should only be allowed when surface water is being diverted. Well pumping could be limited to the amount of surface water in excess of flooding requirements for 123.5 acres and less than or equal to 0.02 cfs/acre.

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New Deer Creek Ranch Diversion Points

Deer Creek - NE/SW/SW S. 26 3N 17E

SW/SE/SW S. 26 "

NE/NE/SE S. 26 "

Lot 3 NE/NW/SW S. 30 (2 points) 3N 18E

Groundwater SE/NE/SE S. 26 (existing well)

SW/SE/NE S. 25 "

SW/SE/NW S. 30 (Possible additional site)

NE/SE/SE S. 30 (existing well)

SE/SE/SE S. 30 (new well to be drilled)

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