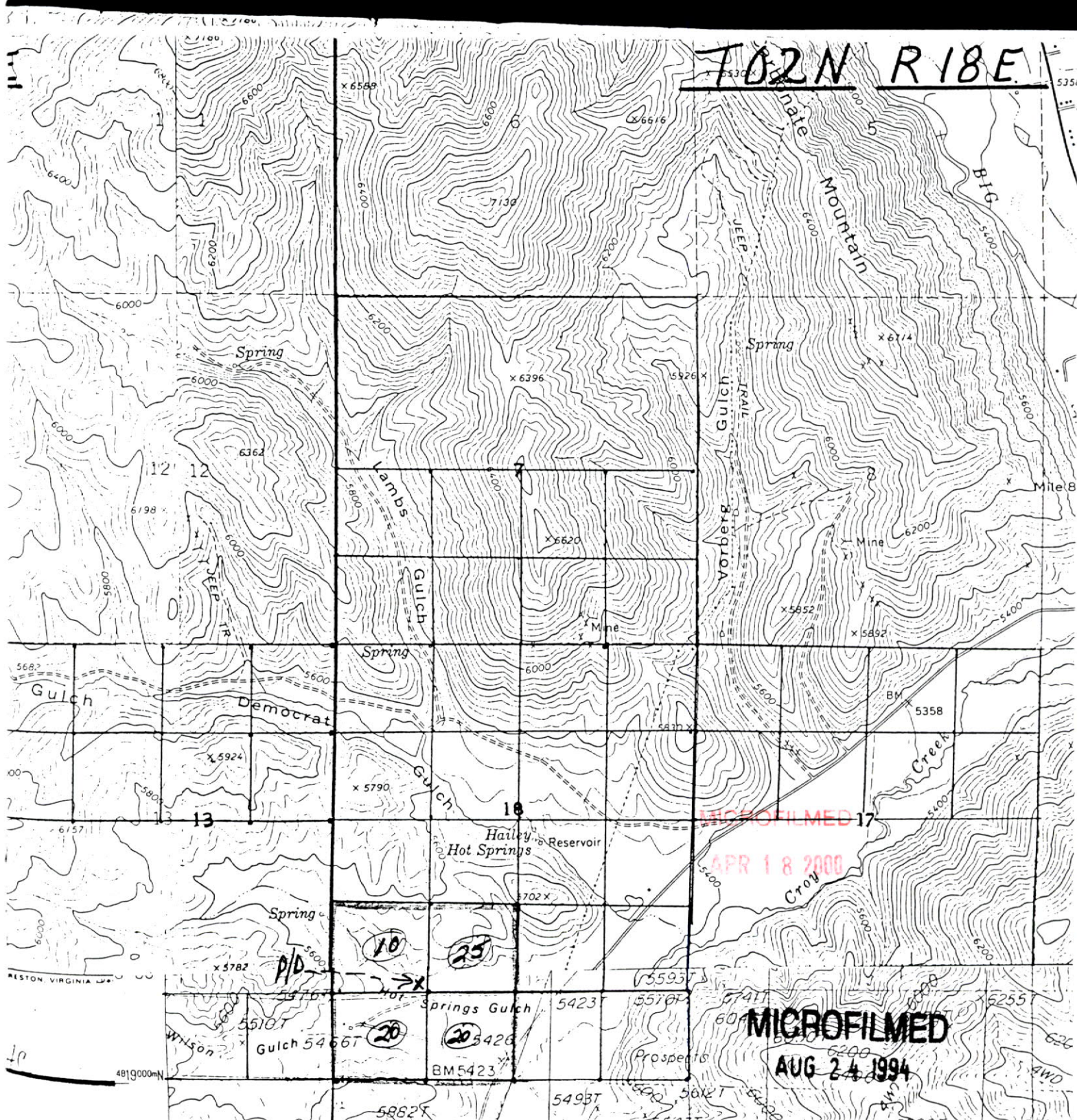




702N R18E

MICROFILMED
APR 18 2000

MICROFILMED
AUG 24 1994

37-8900

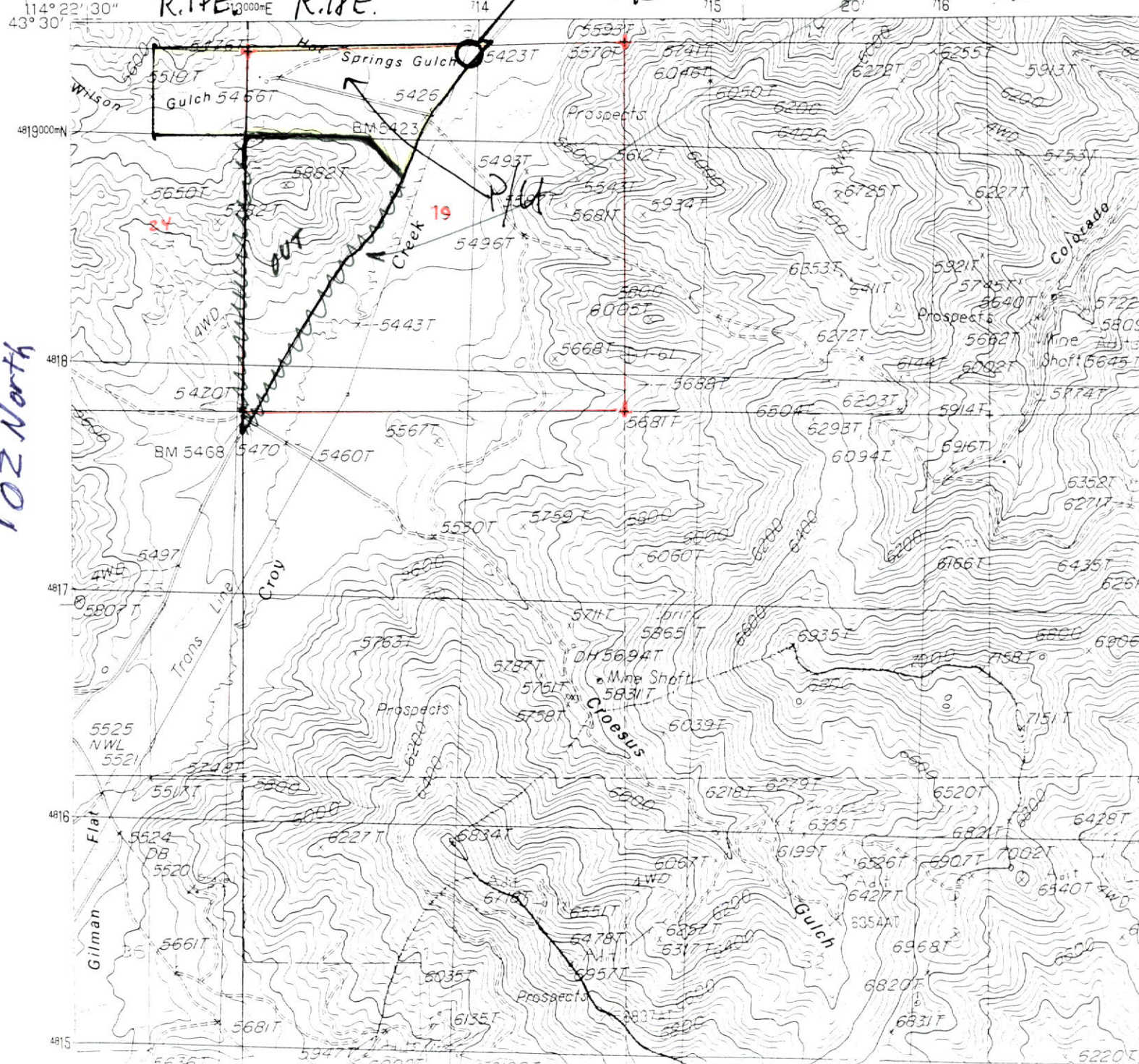
UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

R.17E. R.18E.

WELL LOCATION
P/D

CHANGES MADE
PER 6/29/99
TELECOM WITH
JIM SPECK.

TOZ North



Application for Permit, Sage Springs Homeowners Association, Inc.
Attachment No. 1

NOT FILMED
APR 18 2000

BELLEVUE QUADRANGLE

37-08900

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 37-08900

Priority: June 22, 1999

Maximum Diversion Rate:

0.60 CFS

This is to certify, that SAGE SPRINGS HOMEOWNERS ASSN INC
C/O MIKE WALSH
PO BOX 2627
HAILEY ID 83333

has applied for a permit to appropriate water from: GROUNDWATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.20 CFS
FIRE PROTECTION	01/01 to 12/31	0.60 CFS
	Totals	0.60 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 19, Township 02N, Range 18E
BLAINE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

02N 17E 24	NENE		
18E 19	NWNE	NENW	Lot 1 (NWNW)
	SENE		

PLACE OF USE: FIRE PROTECTION, same as DOMESTIC use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before March 1, 2005.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. The issuance of this right does not grant any right-of-way or easement across the land of another.
6. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
7. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

MICROFILMED
APR 18 2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

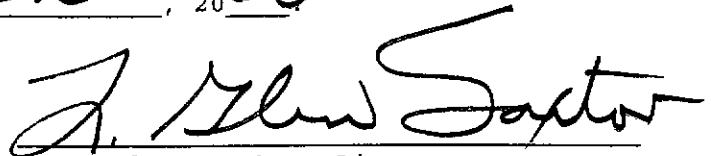
NO. 37-08900

CONDITIONS OF APPROVAL AND REMARKS

8. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
9. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed.
10. Two points of diversion are located within the NWNE, S19, T2N, R18E.
11. Domestic use is for 20 homes located in Sage Springs Subdivision. Right 37-08673 also provides water for the same 20 homes.

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

9th day of March, 2000

for

Karl J. Dreher, Director

MICROFILMED

APR 18 2000

FEB 25 2000

DEPARTMENT OF WATER RESOURCES

Ident. No. 37-08900

RECEIVED

JUN 22 1999

**Department of Water Resources
Southern Region**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Sage Springs Homeowners Association, Inc. Phone (208) 788-0203
Mailing address c/o Mike Walsh, President, PO Box 2627, Hailey, ID 83333
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is Township 2N Range 18E Sec. 19, in the NW 1/4, NE 1/4, Govt. Lot _____, B.M., Blaine County
additional points of diversion if any: _____
4. Water will be used for the following purposes:
- Amount 0.2 cfs for domestic purposes from January 1 to December 31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 0.6 cfs for fire protection purposes from January 1 to December 31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.6 cfs and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source Two wells, pumps and underground distribution system
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
- d. Is ground water with a temperature of greater than 85°F being sought? No
- e. If well is already drilled, when? _____; Drilling firm WOOD RIVER DRILLING
Well was drilled for (well owner) _____; Drilling Permit No. 37-90-5-046
37-90-5-133
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. 20 MICROFILMED
- e. Other; describe fully. Fire protection for 20 households

~~APR 18 2000~~

9. Description of place of use:

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

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

FP = FIRE PROTECTION

TWP	RGE	SEC	NE				NW				SW				SE				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	17E	24	D-FP																
2N	18E	19		D-FP			D-FP	D-FP		D-FP									
								LOT 1		*									

* PER 6/29/99 TELEPHONE
CONVERSATION WITH JIM SPECK.

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. 37-08673

11. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? Members of Applicant who own lots in Sage Springs Subdivision

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

12. Remarks: This Application seeks to expand the capacity of an existing central water system for Sage Springs Subdivision.

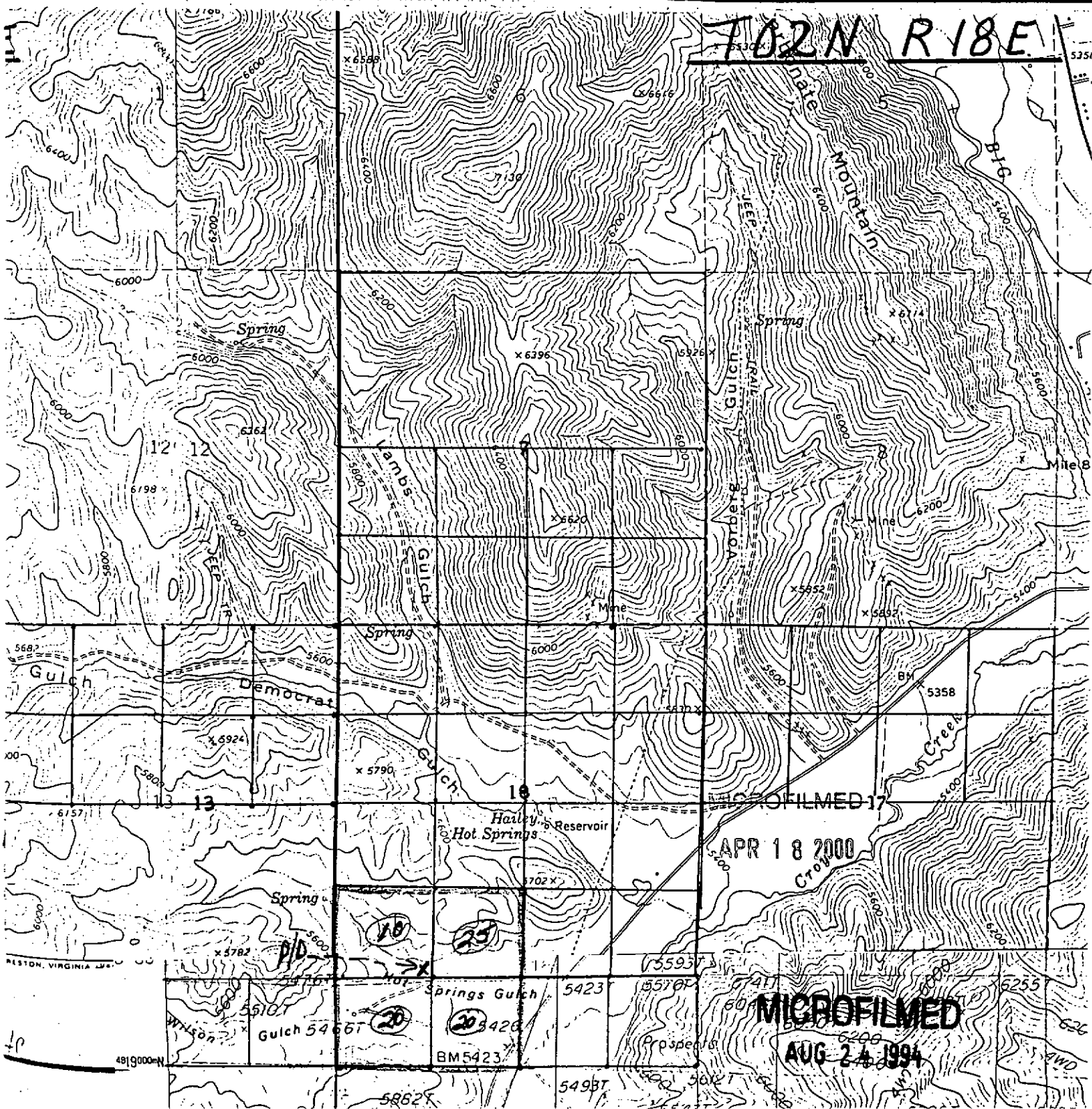
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

MICROFILMED
APR 18 2000

Michael Walsh
Signature of Applicant (and title, if applicable)
Sage Springs Homeowners Association, Inc.
By Michael Walsh, President

Received by P. SKINNER Date 6/22/99 Time PM Preliminary check by P. Skinner
Fee \$ 100.00 Receipted by P. SKINNER # 5022297 Date 6/23/99
Publication prepared by MB Date 12/13/99 Published in Wood River Journal
Publication approved MB Date 1/11/2000

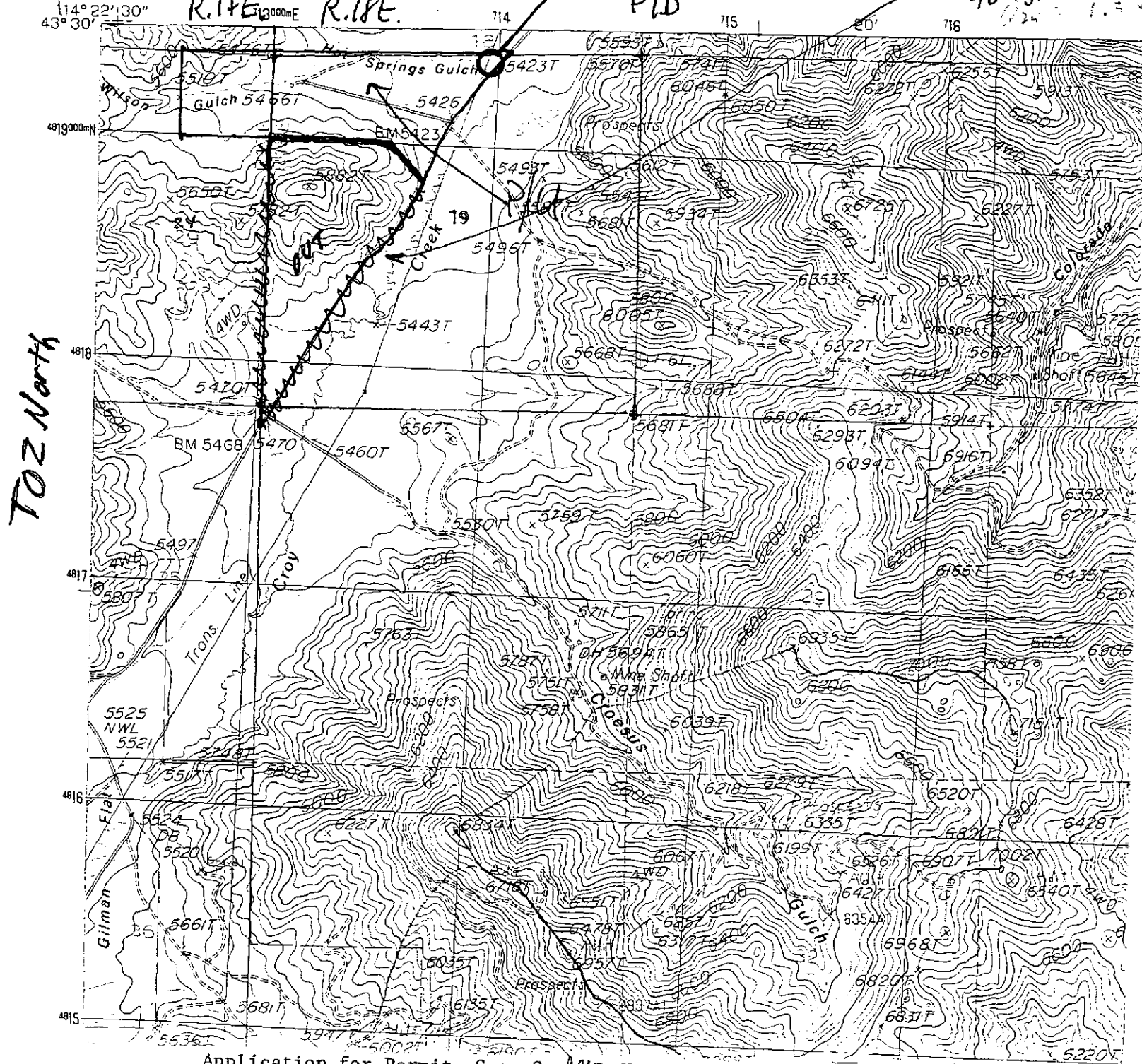


37-8900

R.17E 3000mE R.18E

WELL LOCATION
P/D

CHANGES MADE
PER 6/29/99 WITH
TELECOM
JIM SPECK



Application for Permit, Sage Springs Homeowners Association, Inc.
Attachment No. 1

APR 18 2000

BELLEVUE QUADRANGLE

37-08900



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 9, 2000

SAGE SPRINGS HOMEOWNERS ASSN INC
C/O MIKE WALSH
PO BOX 2627
HAILEY ID 83333

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08900

Dear Permit Holder:

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

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

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

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

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

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APR 18 2000

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

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

Sincerely,

Sharla Curtis

for Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

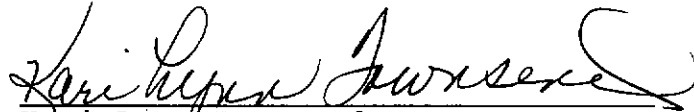
APR 18 2000

CERTIFICATE OF MAILING

I hereby certify that on the 9th day of March, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 37-08900

SAGE SPRINGS HOMEOWNERS ASSN INC
C/O MIKE WALSH
PO BOX 2627
HAILEY ID 83333


Kari Lynn Townsend
Secretary

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APR 18 2000

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

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APR 18 2000

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

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APR 18 2000

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 3/4/00

No. 37-08900 Name: Sage Spr. Corp. Officers _____ Ad ok ☒ Govt Lots _____

AREA OF CONCERN: No/Yes ESPA Moratorium BWR GWMA TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046 (P23)
Basin 34 - 085
Irr. w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
WMD
Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
42-248 Area - P84 (20s-70s, 81-86)
Swan Falls Flag
Trust - N/A
Non-Trust - 051 (P74) (consumptive uses)
- 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-081(P10)
FISH PROP - 029(70'S only)-007-042-081(P10)
HEAT/COOL - R07(injection well)
FIRE PROT - 077

BENEFICIAL USE DUE: 3 1 01 2005

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 26A (P17)
Ownership - 004
Non-consumptive - 027
Water Quality - 081-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response _____
In/Above MSF - WB9
PLANNING SECTION REVIEW/RESPONSE _____
In-stream development - P52
WD - R04 (WD# _____)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W22(P04), N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075 (no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per 1/4

Subd lot desc (pd) - W32
Subd lot desc (pu) - W59
Use definitions - W60
Pre-1987 development - W02 example - S/50 range
Single p/d intended - 068-074 (allow 120 days for proof due)
- 076

IRRIGATION SEASON _____ - _____ (Per updated map)

OTHER CONDITIONS/REMARKS _____

COMMENTS _____

STATE OF IDAHO
IDWR SOUTHERN REGION
APPLICATION FOR PERMIT ANALYSIS SHEET

RECEIVED

FEB 25 2000

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY A. SKINNER DATE 12/8/99

REQUIRED INFORMATION (Check if OK)

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners. NEED)
☒ Address
☒ Source (see USGS quad for names of water sources)
☒ Point of diversion (10 Acres for spring, lot & block descriptions for subdivisions, local name, flow &/or volume.
☒ County
☒ Quantity (flow &/or volume)
☒ Period of use
☒ Nature of proposed use (include description of use)
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated. MODIFIED PER 6/29/99 TELECOM WITH JIM SPECK
☒ Map
☒ Signature (If applicant is corp., partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt?

++++PROPOSED PRIORITY DATE 6/22 1999

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to present application on the back. 37-08673)
☒ Overlapping point of diversion. 37-08673
☐ Yes ☒ No Is Source Surface Water?
If Yes Send Copy to F&G.
If Yes Field check/memo required.
Field check/memo by _____
☐ Yes ☒ No Field report attached?
☐ Yes ☒ No Critical Ground water areas?
☒ Yes ☐ No Groundwater management area? B16 WOOD
☐ Yes ☒ No Measurement District or Groundwater District? .
What District? _____
☐ Yes ☒ No Send Dam safety information?
☐ Yes ☒ No Send power requirement letter?
☐ Yes ☒ No Send fish farm requirement letter?
☐ Yes ☒ No Power residency affidavit attached?
☐ Yes ☒ No Power efficiency form?
☒ Yes ☐ No Within trustwater boundary?(If yes, attach trustwater supplementary analysis sheet.
☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft? (If yes, attach large diversion supplementary analysis sheet.
☐ Yes ☒ No Is Application made to record Pre Nov 1987 Development?
If Yes then request clear evidence of when use started.

SUBJECT
TO
COMPANION
TRANSFER
#5610

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

* LIST OF ~~CORPORATE~~ OFFICERS OF SAGE SPRINGS
HOMEOWNER'S ASSOCIATION, INC.

Date Requested _____

Date Sent Comments Received

SEND COPIES TO:

☐ Idaho Dept of Health & Welfare	_____	_____
☐ USDI BLM	_____	_____
☐ Idaho Dept of Fish & Game	_____	_____
☐ USFS	_____	_____
☐ Idaho Dept of Lands	_____	_____
☐ Water Dist. No. _____	_____	_____
☐ Adjudication Bureau Unit	_____	_____
_____	_____	_____
_____	_____	_____

PROCESSING ☒ Yes ☐ No In form for Advertising?
☐ Yes ☒ No Statewide Advertising?
☒ Yes ☐ No Fee amount, receipt date & No. recorded?

☐ Yes ☐ No Has all requested additional information been received?
If not, describe action taken: _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received?
☐ Yes ☐ No Application published correctly? If not, record action taken.

☐ Yes ☐ No Publication dates and paper recorded?

☐ Yes ☐ No Final date for protest: _____

☐ Yes ☐ No Protests received?

☐ Yes ☐ No Protested?

Describe Resolution: _____

☐ Yes ☐ No Measuring device required?

☐ Yes ☐ No Access port required?

☐ Yes ☐ No Will water be delivered by watermaster? If yes, what dist? _____

☐ Yes ☐ No Special conditions codes: _____

☒ Yes ☐ No Is Evaluation Memo Attached?

If yes; date of Memo _____

Date of priority recommended: _____

COMMENTS:

RECOMMEND

☒ Approval

☐ Denial

By

ABM

Date

2/23/99

MEMO

FROM: Allen Merritt 

DATE: February 23, 2000

TO: Permit No. 37-08900
Transfer Application No. 5610

In the Name of Sage Springs Homeowners Association, Inc.

SUBJECT: Review and Recommendation

These two applications should be reviewed together. The transfer changes the place of use and adds a point of diversion. The permit application requests more water for the same system. (See Skinner's 12/9/99 memo)

Both applications were processed without protest. There does not appear to be issues of forfeiture or expansion of right 37-08673. The permit can be approved pursuant to the Big Wood River Groundwater Management Area and the ESPA Moratorium for subdivision use.

No GIS mapping was completed for these applications at the region.

Recommendation

I recommend that transfer 5610 and application for permit 37-08900 be approved subject to the following conditions:

- Those similar to licensing conditions of 37-08673.
- When rights 37-08673 and 37-08900 are combined the diversion capacity of system limited to 1.2 cfs. The total use is limited to 20 lots. Normal use of system limited to 0.4 cfs for domestic purposes. System capacity of 1.2 cfs allowed to be used in suppression of burning fire.
- System subject to "Public Water Supply" requirements.
- Subject to other federal, state or county requirements.
- Measuring device(s) shall be installed on both wells or in a manner such to measure system capacity.

MICROFILMED

APR 18 2000

FILE PROGRESS SUMMARY

APPLICANT: Sage Springs H/O Assoc WATER RIGHT NO. 37-08900

[illegible]

AFFIDAVIT of PUBLICATION

RECEIVED
JAN 03 2000
Department of Water Resources
Curtis Center

State of Idaho, }
County of Blaine } SS.

On this 30th day of December, in the year 1999, before me a Notary Public of said State, personally appeared _____, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 22nd day of December, 1999, and the date of the last publication was on the 29th day of December, 1999.

[Signature]
Subscribed and sworn to before me this 30th day of December, 1999.
[Signature]
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice 45
Number of Insertions 2

Lines tabular at _____ 7¢ / Pica
45 Lines straight at 31.10 6¢ / Pica
45 Subsequent lines at 25.91 5¢ / Pica
TOTAL COST 62.01

COPY OF NOTICE
(Paste Here)

Proposed Change of water rights
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

208-736-3033

PLAINTIFF

Dept. of water resources

BILL TO

1341 Fillmore St. Ste 200
Twin Falls, Id.
83301

Proposed change of water rights

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Notice is hereby given that two applications in the name of Sage Springs Homeowners Association, Inc., c/o Mike Walsh, have been filed with the Department of Water Resources by James P. Speck, Esq., P.O. Box 987, Ketchum, Idaho 83340, for changes to an existing central water system for Sage Springs Subdivision located up Crox Creek, west of Hailey, Idaho, Blaine County, as described below: Transfer No. 5610 involving Right No. 37-08673 (0.60 cfs) is recorded with priority date of 09/06/1990 from groundwater within NWNE, S19, T02N, R18E for domestic use (0.20 cfs) and fire protection (0.60 cfs) for 20 homes within S19, T02N, R18E, and S24, T02N, R17E. Transfer No. 5610 proposes to add another well within NWNE, S19, T02N, R18E. Right No. 37-08673 and Application for Permit No. 37-08900, filed on 06/23/99, for a new water right will divert an additional 0.60 cfs (0.20 cfs for domestic and 0.60 cfs for fire protection) from the same two wells listed above.

Any protest against the proposed applications must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite #200, Twin Falls, Idaho 83301, together with a protest fee of \$25.00 on or before January 12, 2000, to be considered by the Department in its decision to grant or deny any part of the proposed applications. (Each application requires a separate protest). The protestant must also send a copy of the protest to the applicant. Karl J. Dreher, Director
Publish: Wood River Journal
December 22 & 29, 1999.

11574

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Notice is hereby given that two applications in the name of **Sage Springs Homeowners Association, Inc.**, c/o Mike Walsh, have been filed with the Department of Water Resources by James P. Speck, Esq., PO Box 987; KETCHUM ID 83340 for changes to an existing central water system for Sage Springs Subdivision located up Croy Creek, west of Hailey, ID; Blaine County as described below:

Transfer No. 5610 involving Right No. 37-08673 (0.60 cfs) is recorded with priority date of 09/06/1990 from groundwater within NWNE, S19, T02N, R18E for domestic use (0.20 cfs) and Fire protection (0.60 cfs) for 20 homes within S19, T02N, R18E and S24, T02N, R17E. Transfer No. 5610 proposes to add another well within NWNE, S19, T02N, R18E. Right No. 37-08673 and **Application for Permit No. 37-08900** filed on 06/23/99 for a new water right will divert an additional 0.60 cfs (0.20 cfs for domestic and 0.60 cfs for fire protection) from the same two wells listed above.

Any protest against the proposed applications must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite #200; Twin Falls ID 83301 together with a protest fee of \$25.00 on or before January 12, 2000 to be considered by the Department in its decision to grant or deny any part of the proposed applications (**Each application requires a separate protest.**) The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Wood River Journal on 12/22 & 12/29/99.

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APR 18 2000

APPLICATION FOR PERMIT & TRANSFER OF WATER RIGHT

NO. 37-08900 TR# 5610

RECEIVED
DEC 17 1999
Department of Water Resources
Rainbow Center

RECOMMENDATION OF WATERMASTER

I, Lee R. Peterson, watermaster of Big Wood River,
of Water District No 37, County of Blaine, State of Idaho,
whose address is P O Box T, Shoshone, Idaho 83352,
have read the attached copy of the application for permit in the name of
Sage Springs Homeowners Assn, Inc., and to the best of my knowledge believe the
application to be true.

A. I hereby endorse the above numbered Application for Permit and recommend
that the director of the Department of Water Resources approve the application
subject to the following conditions: None

I do not endorse approval of the above numbered Application for Permit as
requested for the following reasons: _____

Dated at Shoshone, Idaho, this 16th day of December 1999;


Signature

Please use reverse side if needed.

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APR 18 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 13, 1999

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

Re: Application for Transfer of Water Right Nos. 37-08673 (T# 5610) & App. For Permit No. 37-08900-Sage Springs Homeowners Association, Inc.

Dear Mr. Peterson:

Enclosed are copies of an Application for Transfer of a Water Right and Application for Permit within your District, plus Watermaster's Recommendation Form(s).

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(s) and return to this office.

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

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

Very truly yours,

Mary A. Baldwin
Administrative Assistant

Enclosures

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APR 18 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

December 13, 1999

**ATTN LEGALS DEPT
WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333**

Ladies and 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 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
Administrative Assistant**

Enclosure

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APR 18 2000

MEMORANDUM

TO: Transfer #5610 and Application for Permit 37-08900 Files

FROM: Corey Skinner *CS*

DATE: December 9, 1999

SUBJECT: Staff Review

Transfer #5610 and Application for Permit 37-08900 are both filed in the name of Sage Springs Homeowners Association, Inc. Both applications involve an existing subdivision located up Croy Creek, west of Hailey. Jim Speck submitted both of the applications on behalf of the Sage Springs Homeowners Association.

The transfer application proposes to modify water right license 37-08673 by adding a second point of diversion and modifying the recorded place of use. Mr. Speck said that the two wells that are to serve as the points of diversion for the water right are both existing wells. The place of use for the water right will be changed by adding the SENW ¼ of Section 19 (T02N, R18E) to the recorded place of use. Careful review of the subdivision plats revealed that parts of a couple of the subdivision's lots are located within this particular 40-acre tract.

Application for Permit 37-08900 proposes to create an additional water right, for additional water for the same uses as described in water right 37-08673 (right involved in Transfer #5610). The Application for Permit describes the same water system (PODs and POU) that is described in Transfer #5610.

The two applications should be rather straightforward, with the only potential problem relating to a possible overlapping water right. Examination of the Department's database, indicates that water right 37-02142 appears to overlap part of the place of use described in Transfer #5610 and Application 37-08900. I spoke with Jim Speck, the applicant's attorney, regarding this possible overlap. He stated that water right 37-02142 is not used on the subdivision's property, and is not an overlapping water right.

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APR 18 2000

37-08900



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 24, 1999

James P. Speck
120 East Avenue
P.O. Box 987
Ketchum, ID 83340

* Per 6/29/99
telephone conversation
with Jim Speck.

Dear Mr. Speck:

Our office acknowledges receiving an Application for Permit and a Transfer Application filed in the name of Sage Springs Homeowners Association. I have enclosed the copies of the applications as you requested, along with receipt #S022297. Examination of the applications revealed that there are some items that need further clarification. These items are discussed as follows:

*
B & D
Blaine
County
C
open
The first item relates to the boundary of the subdivision, and the place of use that is described on the applications. The maps that were included with the applications indicate a place of use boundary that is larger than the place of use described on the applications. The map indicates a place of use consisting of the NENE $\frac{1}{4}$ of Section 24 (T02N, R17E), and all of the land within Section 19 (T02N, R18E), west of the Croy Creek Road. This includes land all the way down to the Southwest corner of Section 19. Examination of the copies of the subdivision plats reveals the 20 lots are located along the north end of the subdivision, with parcels B and C making up the southern extent of the subdivision. I am assuming that Parcels B and C will not be developed and are not intended to be reflected as part of the recorded place of use of the water rights. If this is the case, the two maps with the applications need to be modified so that they match the place of use described on the applications. If Parcels B and C are to be developed, then the place of use descriptions on the applications will need to be modified.

*
add
SE NW
On a similar note to the item discussed in the proceeding paragraph, it appears that portions of lots 18 and 20 of the subdivision may extend into the SENW $\frac{1}{4}$ of Section 19 (T02N, R18E). The dimensions on the copies of the subdivision plats that were included with the application were illegible, so you may want to double check the locations of these two particular lots. If it is later discovered that part of the subdivision's place of use is located within a 40-acre tract that is not described in the place of use for the water rights, amendments &/or additional transfer applications may need to be filed.

APR 18 2000

37-08900

June 24, 1999
PAGE 2

*
existing wells
The two applications, propose adding a second well to the subdivision's water system. The applications indicate that the second well will be located near the existing well located in the NWNWNE $\frac{1}{4}$ of Section 19 (T02N, R18E). I would like to double check the location of this proposed second well, just to be sure of the location of the proposed well.

on *
adjacent
property
to
the
north
I am assuming that the domestic use described on the applications includes a $\frac{1}{2}$ acre of irrigation for each lot, as described on license 37-08673. The request for additional water for the system as proposed on the Application for Permit seems reasonable if this is the case. However, examination of the Department's records indicate that irrigation water right 37-02142 overlaps part of the North $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 19 (T02N, R18E). This particular water right lists Hot Springs Gulch as the water source. The corresponding Snake River Basin Adjudication claim, A37-02142, is in the name of Nan Crocker. The possibility of an overlap with the subdivision's rights and water right 37-02142 needs to be addressed. If the subdivision receives some of their irrigation water under right 37-02142, then further justification for the need for additional groundwater may need to be provided. In addition, the possibility of an overlapping surface water right will influence the conditions that the Department may implement if the subdivision's applications are approved.

In summary, our office acknowledges receiving the subdivision's applications. However, there are some issues regarding the applications that need to be clarified. Until these issues are clarified, further processing of the subdivision's applications will not continue. I encourage you to address the items discussed in this letter so the processing of the applications will not be delayed any further.

If you have any questions, or if you need any assistance, feel free to contact me at your convenience.

Sincerely,



Corey Skinner, EIT
Dam Safety Section

Enclosures

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APR 18 2000

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

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

June 21, 1999

RECEIVED

JUN 22 1999

Department of Water Resources
Southern Region

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

**Re: Sage Springs Homeowners Association, Inc.
Application for Permit
Application for Transfer of Water Right**

Dear Allen:

I represent Sage Springs Homeowners Association, Inc. Sage Springs Subdivision is located in Croy Canyon west of the city of Hailey in Blaine County, Idaho. My client desires to add a second well to its central water system which provides domestic and fire protection water to the residential lots in the subdivision. The Application for Transfer of Water Right proposes the addition of this diversion point to its existing water right, 37-08673. My client also desires to expand the capacity of its system and the Application of Permit seeks a new water right for the additional domestic and fire protection flows.

I have included copies of each Application and a stamped, self-addressed envelope in which I would like you to return the copies with the Department's receipt date stamped thereon, together with my firm's check for \$200 representing the filing fees for both Applications. Let me know as soon as possible when these Applications will be scheduled for advertising.

Kindly call if you have any questions. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: _____

James P. Speck

JPS:jal
Enclosures
cc: Client

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APR 18 2000

37-08900

TZN, R18E

(19)

TZN, R17E

(24)

ADJACENT
PROPERTY TO

THE NORTH

PER 6/29/99
CONVERSATION
WITH JIM SPECK

A37-02142?

37-08358 different property (no overlap)

East of
Coy Creek
Road

nothing

37-00549 claimed on other ground in SRBA

37-00549 - claimed on other ground in SRBA

37-01220 not claimed in SRBA

37-01220 not claimed in SRBA

37-01221 not claimed in SRBA

37-01221 not claimed in SRBA

37-01222 claimed on other ground in SRBA

37-01222 claimed on other ground in SRBA 37-02213 not claimed in SRBA

37-08673 right being transferred

37-08673

37-08359 different subdivision (no overlap)

37-08587 different subdivision (no overlap)

East of
Coy Creek Road

37-02142?

6/23/99

OVERLAP
ANALYSIS

FOR
SAGE SPRINGS
HOMEOWNERS
APPLICATIONS
P. SKINNER

MICROFILMED

APR 18 2000

37-08900

MR5809NP
No. 37-08900

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/08/99
PAGE: 1

OWNER	NAME & ADDRESS	PRIORITY	DATE	WATER USE	USE PERIOD	DIVERSION	DIVERSION
CODE					FROM TO	RATE	VOLUME
C	SAGE SPRINGS HOMEOWNERS ASSOCIATION, INC C/O MIKE WALSH, PRESIDENT P.O. BOX 2627 HAILEY ID 83333 (208) 788-0203	DOMESTIC	06/22/1999	FIRE PROTECTION	01/01 12/31	0.200 CFS 0.600 CFS	
TOTAL DIVERSION:						0.600 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: APPLICATION

Point(s) of Diversion: T02N R18E S19 NW/4

BLAINE County

Place of use Legal Description for: DOMESTIC

NE	NW	SW	SE
T R S : Lt Ac Lt Ac Lt Ac Lt Ac	NE/4 NW/4 SW/4 SE/4	NE/4 NW/4 SW/4 SE/4	NE/4 NW/4 SW/4 SE/4
02N 17E 24 : D	: D 01-D	: D	: D
02N 18E 19 : D	: D 01-D	: D	: D
02N 17E 24 : F	: F	: F	: F
02N 18E 19 : F	: F 01-F	: F	: F

Place of use Legal Description for: FIRE PROTECTION

Pou County: BLAINE

Remarks: GEN TWO POINTS OF DIVERSION LOCATED IN THE NW/4 OF SECTION 19 (T02N, R18E).

Dates: App. Received: 06/22/1999 Priority Date: 06/22/1999
Proof Due Date: Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:
Audit: 12/08/99 CSKINER

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APR 18 2000

Water Right Number 37-02142

Prefix Translation: WATER RIGHT

Old (D) Number - 4835

*** C - CURRENT OWNER ***
PLUMER

JOHN J.

1 -
2 -
3 -
City- HAILEY
Phone -

State- ID Zip- 83333

OVERLAP?

Priority Date 06/24/1909

Region 17 SOUTHERN

Stage L - LICENSE

Status

Source HOT SPRING GULCH

Tributary CROY CREEK

Trn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
02N	18E	18	SW SW	4		(13)	BLAINE			

Code 01 - IRRIGATION
43 - DOMESTIC

1.500

Total Div. Rate - + Total Div. Volume - + Total Div. Capacity - + Total Consumptive Use - + KW Usage - +
1.500 0.0

Trn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
02N	18E	18	SW SW	4	10.0	01	IRRIGATION	(13) BLAINE
02N	18E	18	SE SW		25.0	01	IRRIGATION	(13) BLAINE
02N	18E	19	NE NW		20.0	01	IRRIGATION	(13) BLAINE
02N	18E	19	NW NW	1	20.0	01	IRRIGATION	(13) BLAINE

Total Acres: 75.0

- - - Diversion Means -

- - - Non-irrigation Use -

- - - Other Rights for Same Use -

Remarks

GEN LIC. IDENTIFIES SOURCE AS A BRANCH OF CROY CK.
LIC. INCORRECTLY SHOWS P/U IN SESW, S19,, SHOULD BE NENW, S19.

Old Water Right Numbers
No Old Water Right Numbers found.

SPECK
SNYS
THIS
RIGHT
IS ON
ADJACENT
PROPERTY
TO THE
NORTH.

MICROFILMED
APR 18 2000

Water right number - 37-02142

Prefix translation: WATER RIGHT

----- Conditions of Approval -----
 ----- No Conditions of Approval found. -----

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

00/00/0000

-----Comments-----
No Comments Found

+ - - Audit Fields - 06/03/85 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	Tested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 06/03/1985	DLE/Carrey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 37
Licensed Date	- 05/08/1979	Appl Received	- 00/00/0000	Transfer/Amended	-
Presumption Flag	-	Name Connector	-	POU Ownership Flag	-
SRBA Decreed Flag	-				

Water Right Number - A37-02142

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number - 4835

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

*** C - CURRENT OWNER ***
CROCKER

NAN

1 - PO BOX 974
2 -
3 -

State- ID Zip- 83340

OVERLAP?*** O - ORIGINAL OWNER ***
PLUMER

JOHN J

City- KETCHUM
Phone - 208-726-9185

State- ID Zip- 83340

SPECK

THIS
RIGHT
IS ON
ADJACENT
PROPERTY
TO THE
NORTH -+ - - Priority Date - - - + - - - Region - - - + - - - Stage - - - + - - - Status - - - +
06/24/1909 17 SOUTHERN L - LICENSE+ - - Source - - - - - + - - - Tributary - - - - - + - - -
HOT SPRING GULCH CROY CREEK+ - - Trn Rng Sec Tract Lot Rfng County Point of Diversion - - - - - Diversion Name - - - - - +
02N 18E 18 SW SW 4 (13) BLAINE+ - - Code Description Period From Period To Water Use - - - - - Diversion Rate Diversion Volume - - - - - +
01 - IRRIGATION 04/01 11/01 1.500+ - - Total Div. Rate - - - + - - - Total Div. Volume - - - + - - - Total Div. Capacity - - - + - - - Total Consumptive Use - - - + - - - KW Usage - - - +
1.500 187.5+ - - Trn Rng Sec Tract Lot Acres Place of Use - - - - - Code Description County - - - - - +
02N 18E 18 SW SW 4 10.0 01 IRRIGATION (13) BLAINE
02N 18E 18 SE SW 4 25.0 01 IRRIGATION (13) BLAINE
02N 18E 19 NE NW 1 20.0 01 IRRIGATION (13) BLAINE
02N 18E 19 NW NW 1 20.0 01 IRRIGATION (13) BLAINE

Total Acres: 75.0

+ - - Diversion Means - DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - Remarks - - - - - +
No Remarks found.MICROFILMED
APR 18 2000

Water right number - A37-02142

Prefix Translation: ADJUDICATION CLAIM

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

+ - - - - Conditions of Approval - - - - -
+ - - - - No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + - - - - Decree Defendant - - - +
+ - - - - Decree Date - - +
00/00/0000

+ - - Audit Fields - 08/05/94 MERRITT 03/30/95 POST-STD

+ - - - - Comments - - - - -
+ - - - - No Comments found

+ - - - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	- 00/00/0000	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 08/04/1994	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	- 37
Licensed Date	- 00/00/0000	Receipt Number	- S017209	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	-
		Name Connector	-	Notice of Error Flag	-

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APR 18 2000