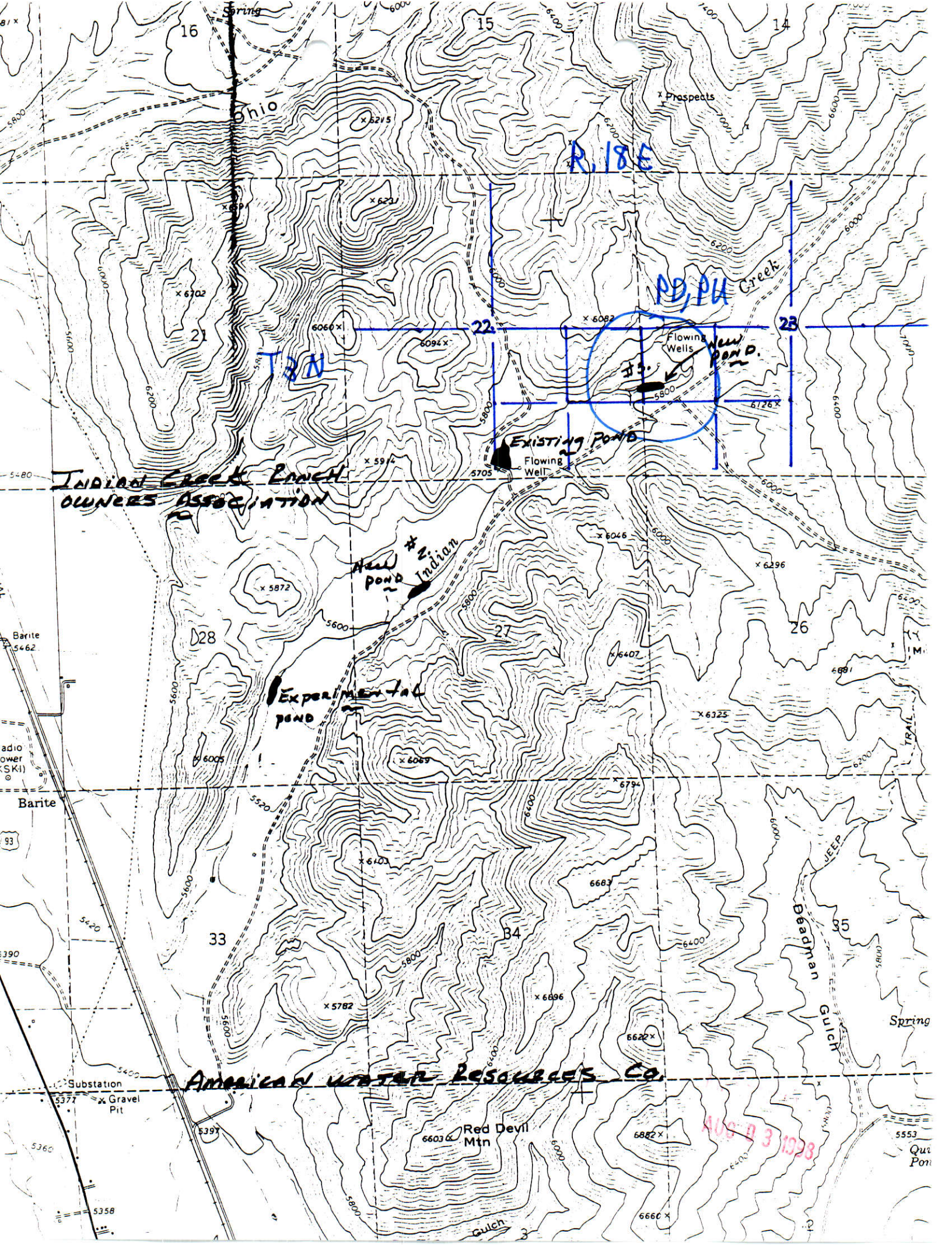




R. 18E

PD, PH

T. 22N

INDIAN CREEK RANCH
OWNERS ASSOCIATION

New Pond

Existing Pond

#2 Indian
Hill Pond

Experimental
pond

AMERICAN WATER RESOURCES CO.

AUG 13 1938

Red Devil
Mtn

Badman
Gulch

Spring

Qui
Pon

POND / WETLAND

New Pond #3

~

Total Length
153'

Retention
Time.

< 15 Hours

8-10'
Deep
Holes

Service
Berry

Snow
Berry

INDIAN CREEK.

Aspen

Sedges

Sedges

Willows
&
Dogwoods

Aspen.

8-10' Deep
Holes

Willows
&
Dogwoods

HEADGATE

CULVERT

DAM AREA.

Spillway.

Resting Pool

Surface area: - 0.3 ac.

AUG 03 1998

JUL-11-00 TUE 08:37 AM

P. 01

Form No. 217
12/99

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. 0049866
Receipt By: J. Thayer
Date Received: 7-20-00

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUL 19 2000

Department of Water Resources

PROOF OF BENEFICIAL USE

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

1. Permit No. 37-08873 Telephone No. 208-788-0071
2. Name of Permit Holder(s): INDIAN CREEK RANCHES OWNERS ASSN. INC.
3. Mailing Address: P.O. Box 3411
City HAILEY, ID. State _____ Zip 83333
4. Source of Water: INDIAN CREEK If GROUNDWATER (well). Date Drilled: mo. _____ / yr. _____
a. Well Driller: _____ Drilling Permit Number: _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): _____
Irrigation (No. of acres): _____ Other: * WILDLIFE / STORAGE
6. Total rate of diversion and/or volume for which proof is submitted: X _____ cfs OR 1.9 acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes _____ or No ✓
Has the measuring device been installed? Yes _____ or No _____
8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: DENNIS KAUNAGH Telephone Number: 208-726-2599
Address: P.O. Box 5556, Ketchum, Id. 83340
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.
Signature of permit holder: Dennis Kaunagh Pres. Date: 7-12-00
(include your title, if on behalf of company or organization)

MICROFILMED

SEP 12 2000

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.	)	ORDER OF REINSTATEMENT
37-08873 IN THE NAME OF	)	
INDIAN CREEK RANCHES	)	
OWNERS ASSN., INC.	)	
_____	)	

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use ("proof of beneficial use") be submitted to the Department on or before July 1, 2000; and,

WHEREAS, the Department notified the permit holder on April 30, 2000, by certified mail that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

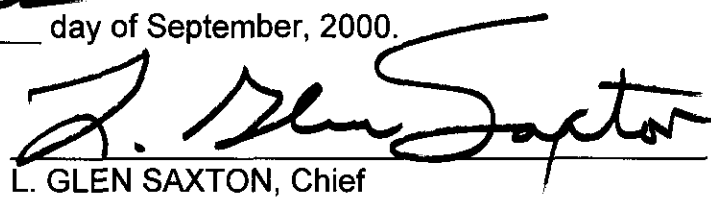
WHEREAS, since the permit holder had not submitted an acceptable proof of beneficial use or request for extension of time to the Department on or before the July 1, 2000 deadline, the permit lapsed; and,

WHEREAS, Section 42-218a, Idaho Code, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting an acceptable proof of beneficial use on July 19, 2000;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 37-08873 is **REINSTATED** with an advance in priority to May 22, 1998.

DATED this 5 day of September, 2000.


L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED
SEP 12 2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 37-08873

Proposed Priority: May 4, 1998

Maximum Storage Volume:

1.9 AF

This is to certify, that **INDIAN CREEK RANCHES OWNERS ASSN INC**
C/O DENNIS KAVANAGH
PO BOX 3411
HAILEY ID 83333-3411

has applied for a permit to appropriate water from:

INDIAN CREEK tributary of **BIG WOOD RIVER**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31		1.9 AF

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 22, Township 03N, Range 18E
NWSW , Sec. 23, Township 03N, Range 18E
BLAINE County

PLACE OF USE: WILDLIFE STORAGE

TWN RGE SEC

03N 18E	22	NESE
	23	NWSW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 2000.
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. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
5. The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
6. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary for this purpose will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
7. This right authorizes a single point of diversion.
8. Water shall not be diverted under this right when flows in the Big Wood River are below established minimum stream flows.

AUG 03 1998

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 37-08873

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

14TH day of July, 1998

Karl J. Dreher
for Karl J. Dreher, Director

AUG 03 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

JUL 06 1998

Department of Water Resources
Southern Region

Department of Water Resources

1. Name of Applicant Indian Creek Ranches Owners Assn. Inc. Phone 788-0071
Mailing address C/O Dennis Ravengagh, PO Box 3411, Hailey, ID 83333
2. Source of water supply Indian Creek which is a tributary of Big Wood River
3. Location of point of diversion is Township 3N Range 18E Sec. 22 in the 1/4.
NE 1/4, SE 1/4, Govt. Lot , B.M., Blaine County
additional points of diversion if any: NW/SW Sec. 23 T.3N R. 18E
4. Water will be used for the following purposes:
Amount 1.9 AFA for Storage for Wildlife purposes from 1-1 to 12-31 (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)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) and/or (b) 1.9
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 Dug pond in stream channel
Headgate in stream channel, earth dam below headgate, spillway back to stream
b. Height of storage dam 8 feet; active reservoir capacity 1.9 acre-feet; total
reservoir capacity 1.9 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?
e. If well is already drilled, when? ; Drilling firm
Well was drilled for (well owner) ; Drilling Permit No.
7. Time required for completion of works and application of water to proposed beneficial use is 2 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.
e. Other; describe fully.

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.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	18E	22													WS				
		23										WS							

WS = Wildlife Storage

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? "
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

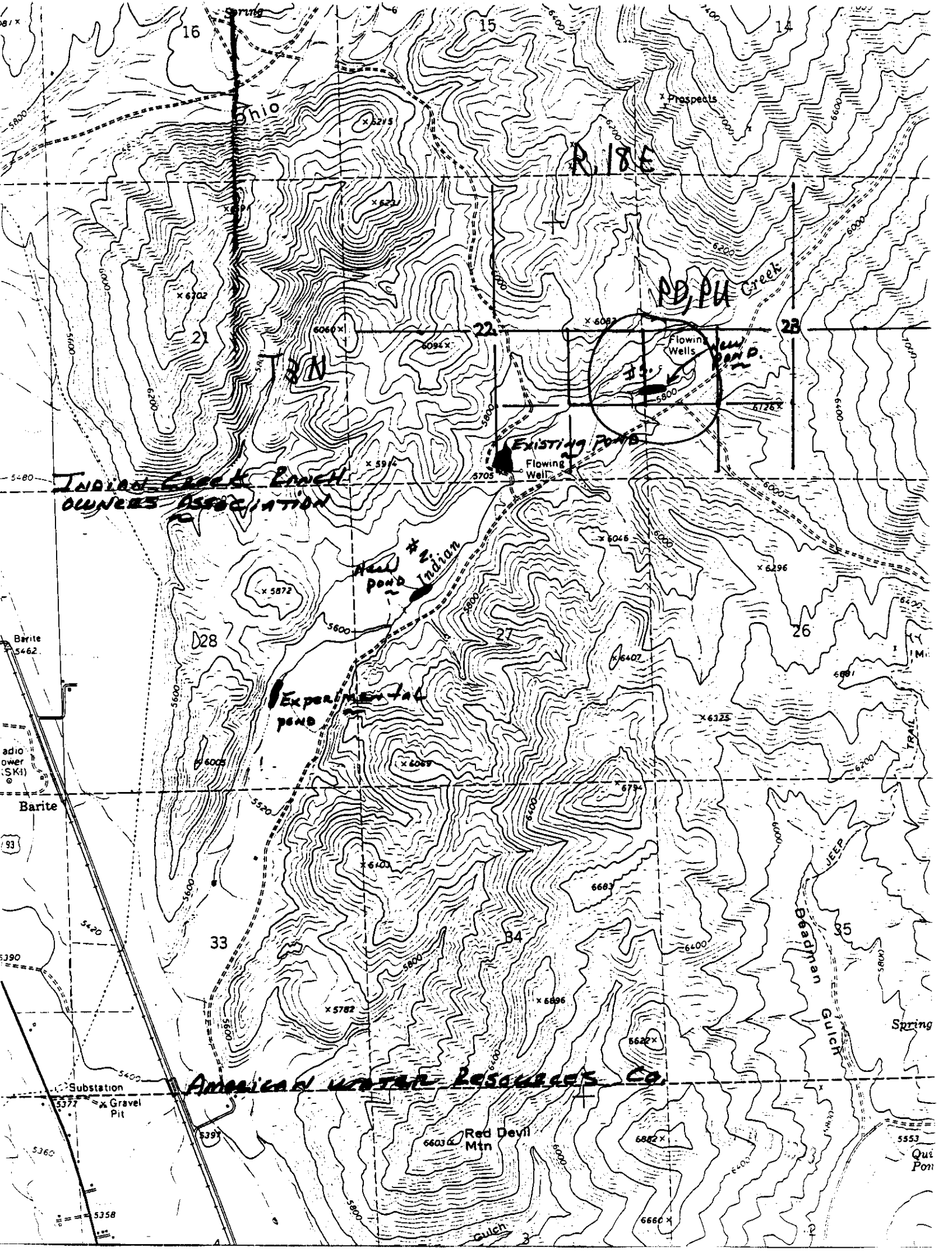
12. Remarks: This pond was covered by permit 37-08721, but was not built by the time proof of beneficial use was filed. We are now ready to proceed with development.
Dennis Kavanaugh's Association president.

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.

Dennis Kavanaugh Pres. dent
 Signature of Applicant (and title, if applicable)

Received by J. E. Altman Date 5-4-98 Time 11 am Preliminary check by J. E. Altman
 Fee \$ 50.00 Receipted by JP # 5021066 Date 5-5-98
 Publication prepared by MB Date 5/8/98 Published in Wood River Journal
 Publication approved MB Date 6/2/98



POND / WETLAND

New Pond #3

~

Total Length
153'

Retention
Time.

< 15 Hours

8-10'
Deep
Holes

Service
Berry

Snow
Berry

INDIAN Creek.

ASPER

Sedges

Sedges

Willows
&
Dogwoods

ASPER.

8-10' Deep
Holes

AVE WIDTH
77'

Willows
&
Dogwoods

Sedges

HEADGATE

DAM AREA.

CULVERT

SPILLWAY.

RESTING POOL

Surface area: - 0.3 ac.

11/11/2013



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

September 5, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

INDIAN CREEK RANCHES OWNERS ASSN INC
C/O DENNIS KAVANAGH
PO BOX 3411
HAILEY ID 83333-3411

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08873

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

According to your water right permit, you are required to have the Watermaster of State Water District No. 37 regulate this water right in accordance with the Conditions of Approval and Remarks stated in your permit. Refer to condition no. 5 of your permit which instructs you to "install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured." I would suggest you contact your watermaster and speak to him about what he will need to accomplish the measurements required by the department. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. Therefore, you may wish to install the measuring device before the department conducts the field examination to avoid any problems in licensing your permit.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

Please review your permit and call me if you have any questions regarding the conditions, at (208)327-7953. If you have questions concerning the field examination, please contact the Western Regional Office of the department in Boise at (208) 334-2190.

Sincerely,

Deborah J. Gibson
Deborah Gibson
Administrative Assistant
Water Allocation Bureau

MICROFILMED
SEP 12 2000

c: IDWR - Regional Office

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 37-08873 Reviewed by D. Hibern Date 9/5/00

GENERAL CONSIDERATIONS

Yes Name same as permit?
Yes Address same as permit?
No Proof timely received?
If not, complete calculation below.

TYPES OF USE

Wildlife / Storage

SOURCE OF WATER

Yes Surface water source
No Ground water source

/ Drilling permit required?
/ Copy in the file? Drilling Permit No. /
/ Amount paid for permit / Correct?
/ Well log in the file?

LICENSE EXAMINATION FEE

/ Required?
/ Amount Submitted
/ Correct?

MEASURING DEVICE

Yes Required?
No Installed?
No Waiver requested?

PRIORITY CALCULATION

Date proof received 7/19/00
Date proof due 7/1/00 - /
No. of days late / = 18
Priority Date 5/4/98 + 18
New Priority Date 5/22/98

DEFICIENCIES OR ACTION ITEMS

*Rebunkledge proof, advance priority date &
reinstato. Notify them of measuring device
requirement.*

DATA ENTRY

New Address No Proof Made 7/19/00

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:

0247855

Date:

Time: 7/20/2000

09:00:14

Received

From:

INDIAN CREEK RANCH

Type of Payment

Program A cct

Amount

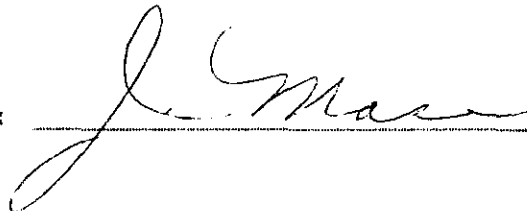
PROOF OF BENEFICIAL USE #37-08873	56104	229 21 1155	50.00
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Total \$ 50.00

CHECK 3607

Region: STATE

Signature:



MICROFILMED

SEP 12 2000

July 7, 2000

INDIAN CREEK RANCHES OWNERS ASSN INC
C/O DENNIS KAVANAGH
PO BOX 3411
HAILEY ID 833333411

LAPSE NOTICE

RE: PERMIT NO. 37-08873

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated April 30, 2000. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

MICROFILMED

SEP 12 2000

CERTIFICATION OF MAILING

I hereby certify that on 7/7/00
~~a copy~~ an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

D. Ellen

April 30, 2000

INDIAN CREEK RANCHES OWNERS ASSN INC
C/O DENNIS KAVANAGH
PO BOX 3411
HAILEY ID 833333411

PROOF DUE NOTICE

RE: PERMIT NO. 37-08873

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before July 1, 2000.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

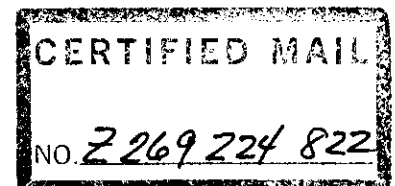
SINCERELY,

DEBORAH DREW-ELLIS
Administrative Assistant

Enclosures

MICROFILMED

SEP 12 2000





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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 15, 1998

INDIAN CREEK RANCHES OWNERS ASSN INC
C/O DENNIS KAVANAGH
PO BOX 3411
HAILEY ID 83333-3411

PERMIT APPROVAL NOTICE

RE: PERMITS 37-08872/3708873

Dear Permit Holder:

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

The permits are preliminary orders issued by IDWR pursuant to section 67-5243, Idaho Code. They can and will become final orders 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.

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.

AUG 03 1998

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 your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

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

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of July, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDERS (Approved Permits) to the person(s) listed below:

Water Right 37-08872/37-08873

INDIAN CREEK RANCHES OWNERS ASSN INC
C/O DENNIS KAVANAGH
PO BOX 3411
HAILEY ID 83333-3411


Kari Lynn Townsend
Secretary

AUG 03 1998

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.

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.

WR0749NP
No. P37-08873

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/13/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	INDIAN CREEK RANCHES OWNERS ASSN INC C/O DENNIS KAVANAGH PO BOX 3411 HAILEY ID 83333-3411 (208) 788-0071	05/04/1998	WILDLIFE STORAGE	01/01 12/31		1.90 AFA
TOTAL DIVERSION:						1.90 AFA

Water Source: INDIAN CREEK

Tributary to: BIG WOOD RIVER

Stage: PERMIT

Point(s) of Diversion: T03N R18E S22 NESE BLAINE County
S23 NWSW BLAINE County

Place of use Legal Description for: WILDLIFE STORAGE

NE				NW				SW				SE											
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	
03N	18E	S22	:					:					:					:	W				:
03N	18E	S23	:					:					:	W				:					:

Pou County: BLAINE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
37-002968 37-08035 37-08873

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

Conditions of Approval:

- 26A - 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.
- R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 37.
- 18A - The right holder shall install/maintain permanent measuring
- devices in such a manner that the amount of water entering the
- reservoir and the amount of water released from the reservoir can
- be measured.
- 120 - The Director retains jurisdiction to require the right holder
- to provide purchased or leased natural flow or stored water to
- offset depletion of Lower Snake River flows needed for salmon
- migration purposes. The amount of water required to be released
- into the Snake River or a tributary for this purpose will be
- determined by the Director based upon the reduction in flow
- caused by the use of water pursuant to this permit.
- 076 - This right authorizes a single point of diversion.

Remarks: GEN Water shall not be diverted under this right when flows in the

WR0749NP
No. P37-08873

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/13/98
PAGE: 2

Remarks: Big Wood River are below established minimum stream flows.

Dates: App. Received: 05/04/1998 Priority Date: 05/04/1998
Proof Due Date: 07/01/2000 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 37 Field Exam Fee:

Audit: 07/10/98 CZIMMERM 07/13/98 CZIMMERM

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by Cindy Lou

No.: 37-8813 Name: Ind. C. RDA Date: 7/10/98 Ad OK? ✓ ✓ Gvmt Lts: ✓

AREA OF CONCERN: - No/Yes: ESRP Mor / Big Wood R. GWMA / Trust / Non-trust

PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

- > 1 year - 26A P17
- ≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

- WMD (✓ MAP) - North / East / West
- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD
- WMD Supplemental use - 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)
- > 0.24 cfs/5 acres - 01M (report when notified)
- ≤ 0.24 cfs/5 acres - No MD

DRILLING PERMIT:

- All wells (✓ WDQ3) - 046-P23
- In Basin 34? - 085
- Irr. within WD - P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

- IN/ABOVE MIN. STR. FLOW (✓ MAP) - *WB9 Big Wood R.
- WD (✓ MAP & LISTING) - R04 (WD # 887)
- > 0.10 cfs - 01J-P08 (MD & LD)
- ≤ 0.10 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)
- WMD (✓ MAP)
- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

- > 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water):

- Snake R (01) - *W22 -P04, NA
- (02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA
- Payette R(65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA
- Salmon R (70's) - 029 (fish screens), NA

USE:

- Domestic surface - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- >1 in rest. area - 071-070
- Fire Protection - 077
- Fish Propagation - 029-007-042(req)-081 (WQ)-P10
- Heating/Cooling - R07 (injection well)
- Irr ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- > 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- Mining - 054(req) -081-P10
- Municipal - 022, 075, 004 (+memo?), NA (not in restricted area)
- Power - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use); 17G (FERC) or 17M (FERG); 18B-P09; >25 cfs-P18
- Stockwater - R37 (BLM/USFS); NA
- Storage (✓ 3 compo.) - 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

- 42-248 area - P84 in 20/30/40/50/60/70/80 (87) basin
- Boise Front LoGeo - 058 (<85° GW temp only)
- In-stream dev. - P52 stream channel alteration
- Mitigation - 20

SWAN FALLS FLAG (See Code Chart)

- Trust - W
- Non-Trust (1) - 051-052-053-P74 (Consumptive Uses), NA
- 048-049 (Consumptive Uses), NA

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

357 876
WB9
7/1/2000

Indian Creek Ranch
Owners Assoc. Inc

STATE OF IDAHO

JUL 06 1998

DEPARTMENT OF WATER RESOURCES DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY *J. E. Linton* DATE 5-5- 1998
APPLICATION NO. 37-

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
 - ☒ Address
 - ☒ Source (see USGS quad for names of water sources)
 - ☒ Point of diversion (10 Acres for spring, lot & block description 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.
 - ☒ Map
 - ☒ Signature (If applicant is corp., partnership, or municipality, of signator is required)
 - ☒ Fee
 - ☒ Yes ☐ No* In form to receipt
- PROPOSED PRIORITY DATE
5-4 1998

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to pres application on the back. *Process- Non-Consumptive Use*
- ☒ Overlapping point of diversion.
- ☒ Yes ☒ No Field check required
- ☒ Yes ☐ No Field check by _____
- ☒ Yes ☐ No Field report attached
- ☒ Yes ☒ No Critical Ground water area
- ☒ Yes ☐ No Groundwater management area
- ☒ Yes ☒ No Send Dam safety information
- ☒ Yes ☒ No Send power requirement letter
- ☒ Yes ☒ No Send fish farm requirement letter
- ☒ Yes ☒ No Power residency affidavit.
- ☒ Yes ☒ No Power efficiency form
- ☒ Yes ☐ No Within trustwater boundary(If yes, attach trustwa
supplementary analysis sheet.
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If y
attach large diversion supplementary analysis sheet

See reverse side for additional information.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

Date Requested _____, 19____

PROCESSING Yes No In form for Advertising
Yes No No Statewide Advertising
Yes No Fee amount, receipt date & No. recorded on app.

SEND COPIES TO: Idaho Dept of Health & Welfare ☐ USDI BLM
☒ Idaho Dept of Fish & Game ☐ USFS
☐ Idaho Dept of Lands ☒ Water Dist.
☐ Adjudication Bureau Unit ☒ Other City of Hailey

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 on App.
☐ Yes ☒ No Protests received
Final date for Protest _____

N/A ☒ Yes ☐ No Protests, dates, resolution of protest, recorded on app.

☒ Yes ☐ No Recommendations attached

☐ Yes ☒ No Measuring device required

☐ Yes ☒ No Access port required

☒ Yes ☐ No Will water be delivered by watermaster? If yes, what dist. 37

☐ Yes ☒ No Special conditions of approval or cover letter below. _____

See below for additional information

Date of priority recommended 5/9, 1998
By AD Date 7/6, 1998

STATE OFFICE REVIEW _____

See below for additional information

By _____ Date _____, 19 _____

ADDITIONAL INFORMATION: _____

FROM: Allen Merritt

DATE: July 1, 1998

TO: Application No. 37-08872 & 37-08873

In the Name of: Indian Creek Ranches Owners Assn Inc

SUBJECT: Review and Recommendation

These two applications propose to develop two small ponds (1 each) on Indian Creek. These applications are intended to cover ponds that were not timely constructed under permit 37-08721.

I recommend that the applications be approved subject to the following conditions:

- The ponds are non-consumptive.
- Under control of watermaster district 37.
- If it is determined that significant losses occur through the ponds the losses will need to be mitigated.

AUG 03 1998

AFFIDAVIT of PUBLICATION

RECEIVED

JUN 01 1998

State of Idaho, }
County of Blaine } ss.

Department of Water Resource
Southern Region

On this 27 day of May, in the year 1998, before me a Notary Public of said State, personally appeared **DANIEL J. GORHAM**, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 20 day of May, 1998, and the date of the last publication was on the 27 day of May, 1998.

Daniel J. Gorham

Subscribed and sworn to before me this 28 day of May, 1998.
(SEAL)

[Signature]

NOTARY PUBLIC

10981
WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11.5
Number of Lines in Notice 63,267
Number of Insertions 2
Lines tabular at 7 c / Pica
63,267 Lines straight at 43,654 6 c / Pica
63,267 Subsequent lines at 36,378 5 c / Pica
TOTAL COST 15 \$ 85.03

COPY OF NOTICE
(Paste Here)

Ap. for Water Permit
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Id Dept. of Water Resources
BILL TO

Applications for water permit

NOTICE OF APPLICATIONS FOR WATER PERMIT

The following applications have been filed to appropriate the public waters of the State of Idaho:

INDIAN CREEK RANCHES OWNERS ASSN. INC.

C/O DENNIS KAVANAGH
PO BOX 3411

HAILEY ID 83333

Source: Indian Creek tributary to Big Wood River

Use: 1/1-12/31

Date Filed: 5/4/98

Application for Permit No. 37-08872

Diversion Pt(s): SW1/4NW1/4, S27, T03N, R18E; Blaine County.

Storage for Wildlife (3.5 afa)

In: SW1/4NW1/4, S27, T03N, R18E; Blaine County.

Application for Permit No. 37-08873

Diversion Pt(s): NE1/4SE1/4, S22; & NW1/4SW1/4, S23; all T03N, R18E; Blaine County.

Storage for Wildlife (1.9 afa)

In: NE1/4SE1/4, S22; NW1/4SW1/4, S23; all T03N, R18E; Blaine County.

Any protest against the proposed application(s) must be filed with the Department of Water Resources, Southern Region, 1341

Suite 200; Twin Falls, ID 83429 together with a protest fee of \$25.00 on or before June 8, 1998 to be

considered by the Department in its decision to grant or deny any part of the proposed application(s). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Publish: Wood River Journal — May 20, 27, 1998

406 03 0358

RECOMMENDATION FROM STREAM CHANNEL PROTECTION SPECIALIST

APPLICATIONS FOR PERMIT NOS. 37-08872 & 08873

I, TERRY G. BLAU, Stream Channel Protection Specialist for the State of Idaho, Idaho Department of Water Resources, 1341 Fillmore St., Twin Falls, Idaho have read the attached copy of the applications for permit in the name of Indian Creek Ranches Owners Assn. .

I recommend the following conditions:

[1] It is recommended that a 3 to 5 foot riparian buffer zone of strong rooted perennial plants be maintained between the stream channel and/or edge of pond and any mowed or maintained lawn or garden area. It is also recommended that a dead tree or portion thereof be incorporated into the pond to provide fish habitat and provide for natural aesthetics.

[2] All construction activities shall be conducted in such a manner so as to minimize turbidity and sediment movement and to comply with Idaho water quality standards. No excavation or fill is authorized in water flowing from the site. Stream flow must be isolated from the construction.

[3] Stream bank vegetation shall be protected to the extent practical during construction. Disturbed areas shall be revegetated and/or seeded with perennial vegetation as prescribed or approved by the local office of the Natural Resource Conservation Service to reduce erosion and the invasion of noxious weeds. Trees and shrubs shall be planted as soon as possible after construction in a manner that will provide maximum shading of the pond.

[4] The ponds shall not cause violations of the water quality standards for temperature. The owner shall be responsible for the monitoring of water temperature, above the diversion and below the point of return, at least weekly from June 15 to October 15 each year. Any violations of the temperature standards shall be reported to the Department of Health and Welfare Division of Environmental Quality and appropriate action shall be taken to comply with the temperature standard.

[5] All temporary structures, excavated material or construction debris resulting from the construction shall be disposed of out of the stream channel where it cannot reenter the channel at high

Aug 23 1973

May 28, 1998

flows. All debris shall be removed from the site and disposed of properly.

[6] No material shall be placed that will increase the height of the bank and have the affect of separating the stream from its flood plain.

[7] No structure in the stream channel shall constitute a migration barrier to fish indigenous to this stream.

[8] All pond and new channel work shall be constructed in the dry.

[9] Streamflow shall be routed through ponds in such a way as to provide adequate water circulation.

[10] Spoil piles shall be removed or blended into natural contours and revegetated.

[11] Ponds shall be irregularly shaped and designed to fit into the natural topography.

Dated at Twin Falls, Idaho, May 28, 1998.


(signature)

Aug 03 1998

**NOTICE OF APPLICATIONS
FOR WATER PERMIT**

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**INDIAN CREEK RANCHES
OWNERS ASSN. INC.**

C/O DENNIS KAVANAGH

PO BOX 3411

HAILEY ID 83333

**Source: Indian Creek tributary
to Big Wood River**

Use: 1/1-12/31

Date Filed: 5/4/98

Application for Permit No.

37-08872

**Diversion Pt(s): SW1/4NW1/4,
S27, T03N, R18E; Blaine
County.**

Storage for Wildlife

(3.5 afa)

**In: SW1/4NW1/4, S27, T03N,
R18E; Blaine County.**

Application for Permit No.

37-08873

**Diversion Pt(s): NE1/4SE1/4,
S22; & NW1/4SW1/4, S23; all
T03N, R18E; Blaine County.**

Storage for Wildlife

(1.9 afa)

**In: NE1/4SE1/4, S22;
NW1/4SW1/4, S23; all T03N,
R18E; Blaine County.**

**Any protest against the proposed
application(s) 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 June 8, 1998 to be
considered by the Department in
its decision to grant or deny any
part of the proposed
application(s). The protestant
must also send a copy of the
protest to the applicant.**

Karl J. Dreher, Director

**Published in the Wood River
Journal on 05/20 & 05/27/98.**

AUG 03 1998



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

May 12, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTENTION-LEGALS
WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

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

If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

AUG 03 1998

NOTICE OF APPLICATIONS FOR WATER PERMIT

The following applications have been filed to appropriate the public waters of the State of Idaho:

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C/O DENNIS KAVANAGH
PO BOX 3411
HAILEY ID 83333

Source: Indian Creek tributary to Big Wood River
Use: 1/1-12/31
Date Filed: 5/4/98

Application for Permit No. 37-08872

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Storage for Wildlife (3.5 afa)

In: SW1/4NW1/4, S27, T03N, R18E; Blaine County.

Application for Permit No. 37-08873

Diversion Pt(s): NE1/4SE1/4, S22; & NW1/4SW1/4, S23; all T03N, R18E; Blaine County.

Storage for Wildlife (1.9 afa)

In: NE1/4SE1/4, S22; NW1/4SW1/4, S23; all T03N, R18E; Blaine County.

Any protest against the proposed application(s) 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 June 8, 1998 to be considered by the Department in its decision to grant or deny any part of the proposed application(s). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Wood River Journal on 05/20 & 05/27/98.

APR 03 1998



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

May 11, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

INDIAN CREEK RANCHES OWNERS ASSN. INC.
C/O DENNIS KAVANAGH
PO BOX 3411
HAILEY ID 83333

Re: Applications for Permit No. 37-08872 & No. 37-08873

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right applications for permit. The applications have been assigned the above referenced identification numbers. Please refer to these numbers in all further correspondence.

This office has scheduled advertising the applications in the Wood River Journal for 05/20 & 05/27/98. A period of ten days following the second publication will be allowed for the submittal of protests.

If an 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.

If an application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of an application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

006 03 000

TO: File

DATE: May 5, 1998

FROM: Jim Stanton

SUBJECT: Apps. for Permit On Indian Creek Filed 5-4-98

I worked on Indian Creek within the last couple of years in relation to a transfer. Steve Clelland had previously determined the historic usage there, as they are in the SRBA test-basin area. The subdivision occupies the whole Indian Creek Draw, and controls all the rights on the stream except for what Hailey takes out above the subdivision. The proposed upper ponds will be near the Hailey p/d, so we should send a copy of this app. to them. Terry Blau told me that the county p & z wants the ponds to be unlined to aid in groundwater recharge, but there could be a water-quality concern by Hailey that would require the upper ponds to be lined. The lower ponds could be lined or unlined with little effect on other users. Both apps. represent de minimus uses, and should be approved unless conflicting data is received.

4/15/98

DENNIS KAVANAGH

CONSTRUCTION, INC.

P.O. Box 5556, Ketchum, Idaho 83340 208-726-2599 FAX: 208-726-2597 Calif. Gen. Contractors Lic. No. 504272

RECEIVED

APR 22 1998

4-22-98

Department of Water Resources
Southern Region

Dear Mr. Stanton,

Bruce Linn has been assisting the Indian Creek homeowners with some projects intending to enhance our stream and water course.

Due to some confusion on my part, the applications for our water permit were filed and not mailed.

We would greatly appreciate any help you might be able to give us as far as expediting the permit process. Our goal was to try and construct the ponds and go through our reseeding this spring, to encourage revegetation during the wet months, and hopefully limit the amount of weed infiltration that comes later in the year.

I will call you early next week to discuss this and will look forward to talking to you then.

Best Regards

Dennis Kavanagh

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