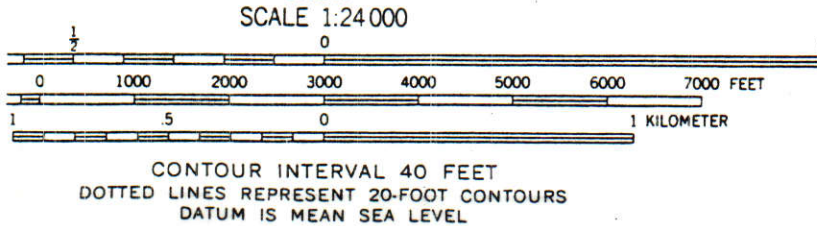
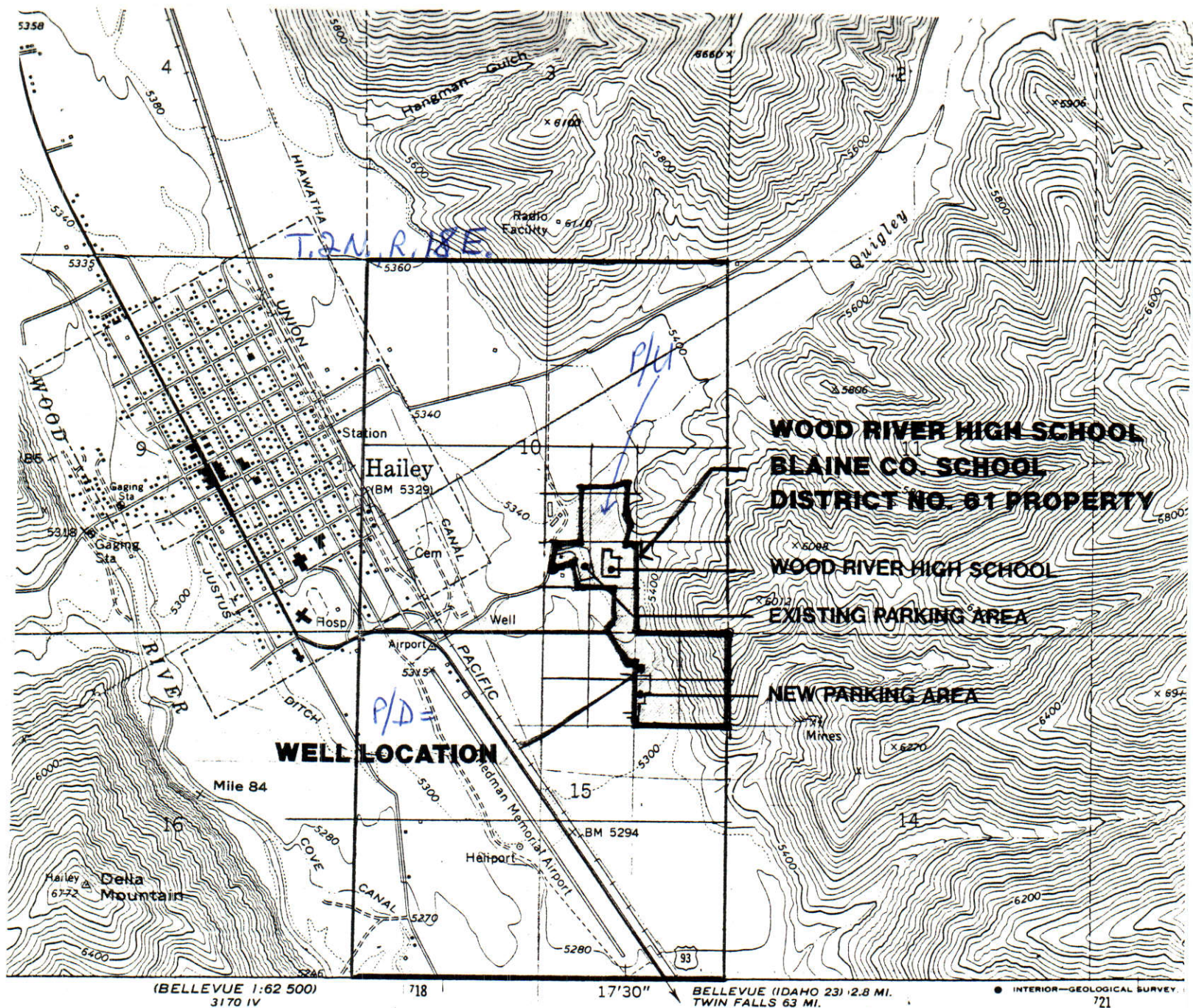


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



RECORDED
MAR 23 1995

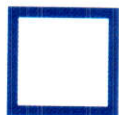
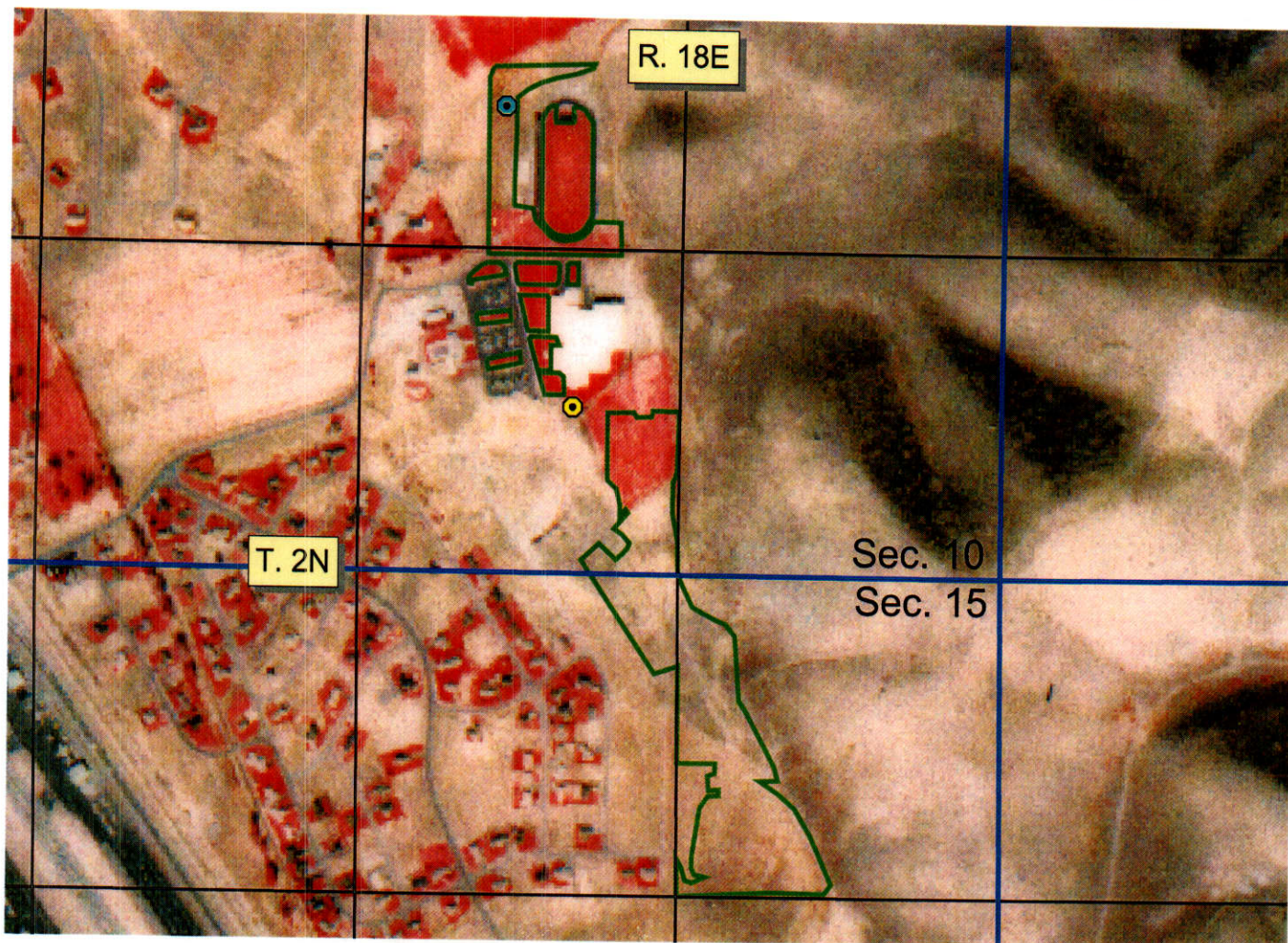
ROAD CLASS
Heavy-duty
Unimproved dirt
U.S.

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

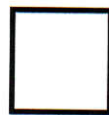
Phillip T. Ham
(Applicant)

IDAHO DEPARTMENT OF WATER RESOURCES

Licensing Examination Data Recommended P/D & P/U - Permit 37-8821



Section Lines



Quarter/Quarter Lines

General Location: North, west & south of Hailey High School



Irrigation Well



Irrigated Land (Grass Sports Fields & Landscaping)

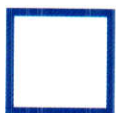
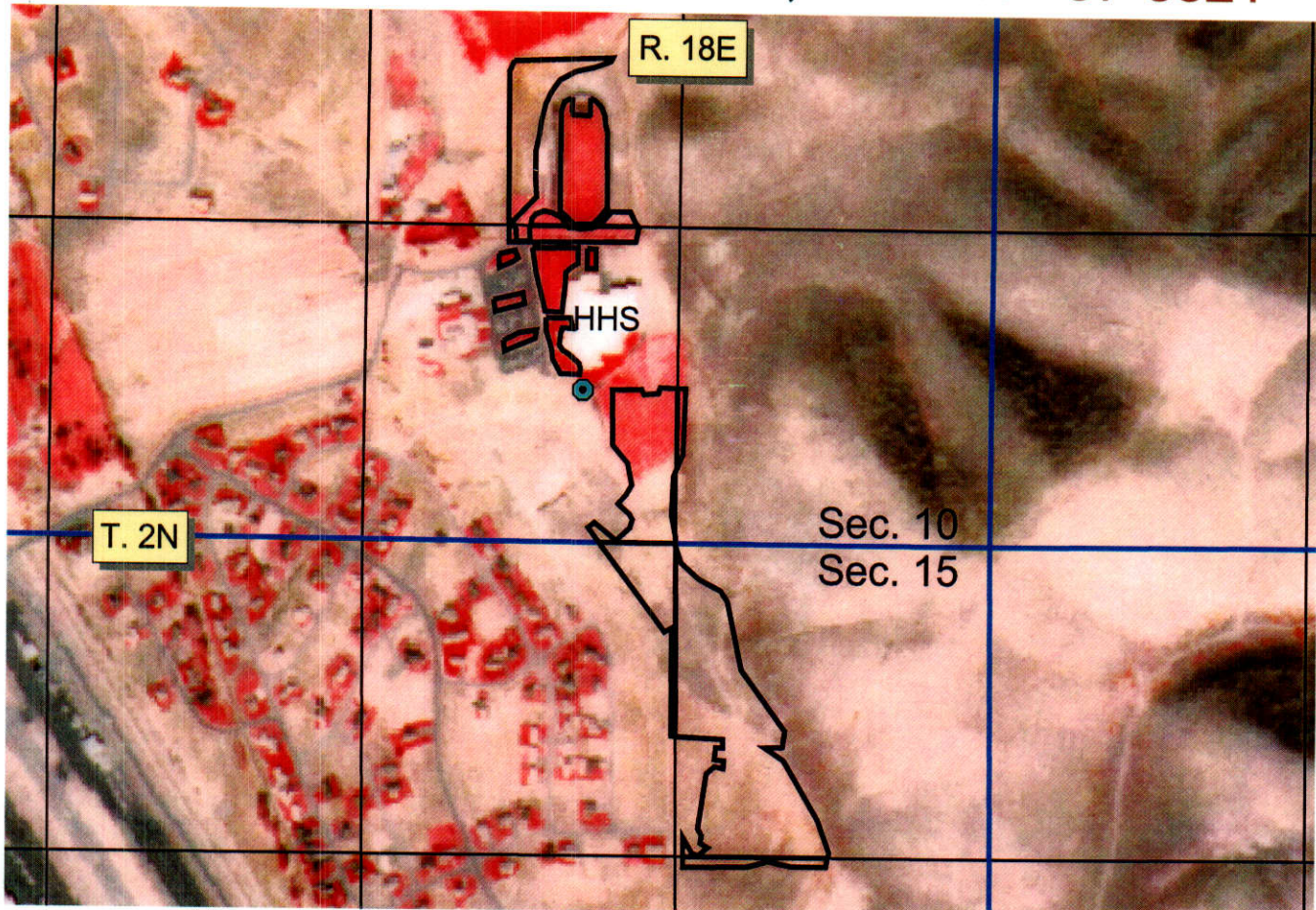


Prepared By J E Stanton 1-30-2003 1986/87 NAPP Data

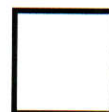
IDAHO DEPARTMENT OF WATER RESOURCES

LICENSING EXAMINATION DATA

RECOMMENDED P/D & P/U, PERMIT **37-8821**



Section Lines



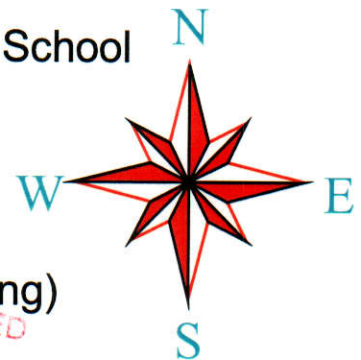
Quarter/Quarter Lines

General Location: North, west & south of Hailey High School

 Point of Diversion



Place of Use (Grass Sports Fields & Landscaping)



REPRODUCTION
FEB 25 2003



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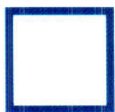
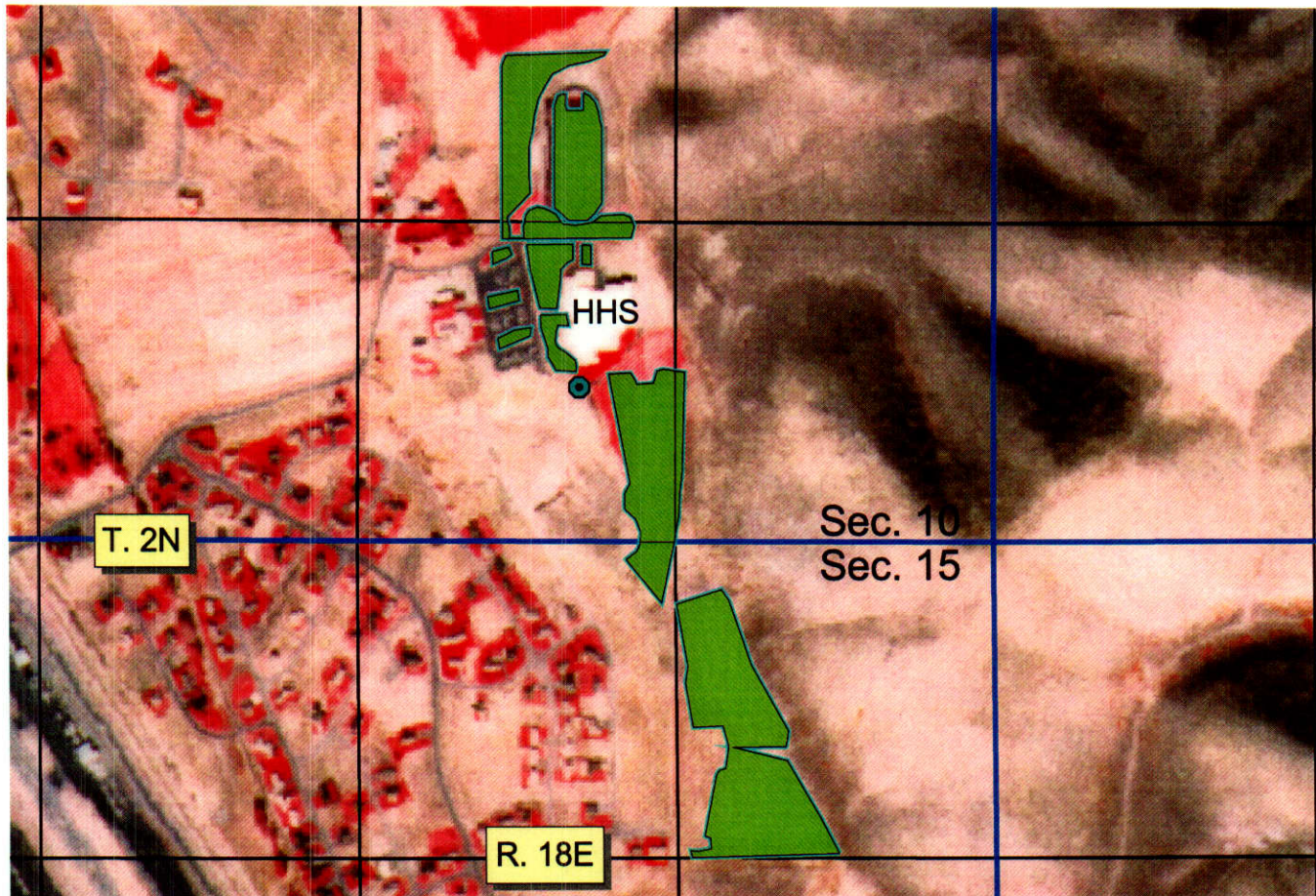
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MICROFILMED
FEB 25 2003

IDAHO DEPARTMENT OF WATER RESOURCES

LICENSING EXAMINATION DATA

RECOMMENDED P/D & P/U, PERMIT **37-8821**



Section Lines



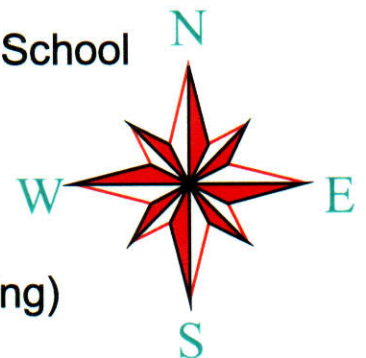
Quarter/Quarter Lines

General Location: North, west & south of Hailey High School

 Point of Diversion



Place of Use (Grass Sports Fields & Landscaping)

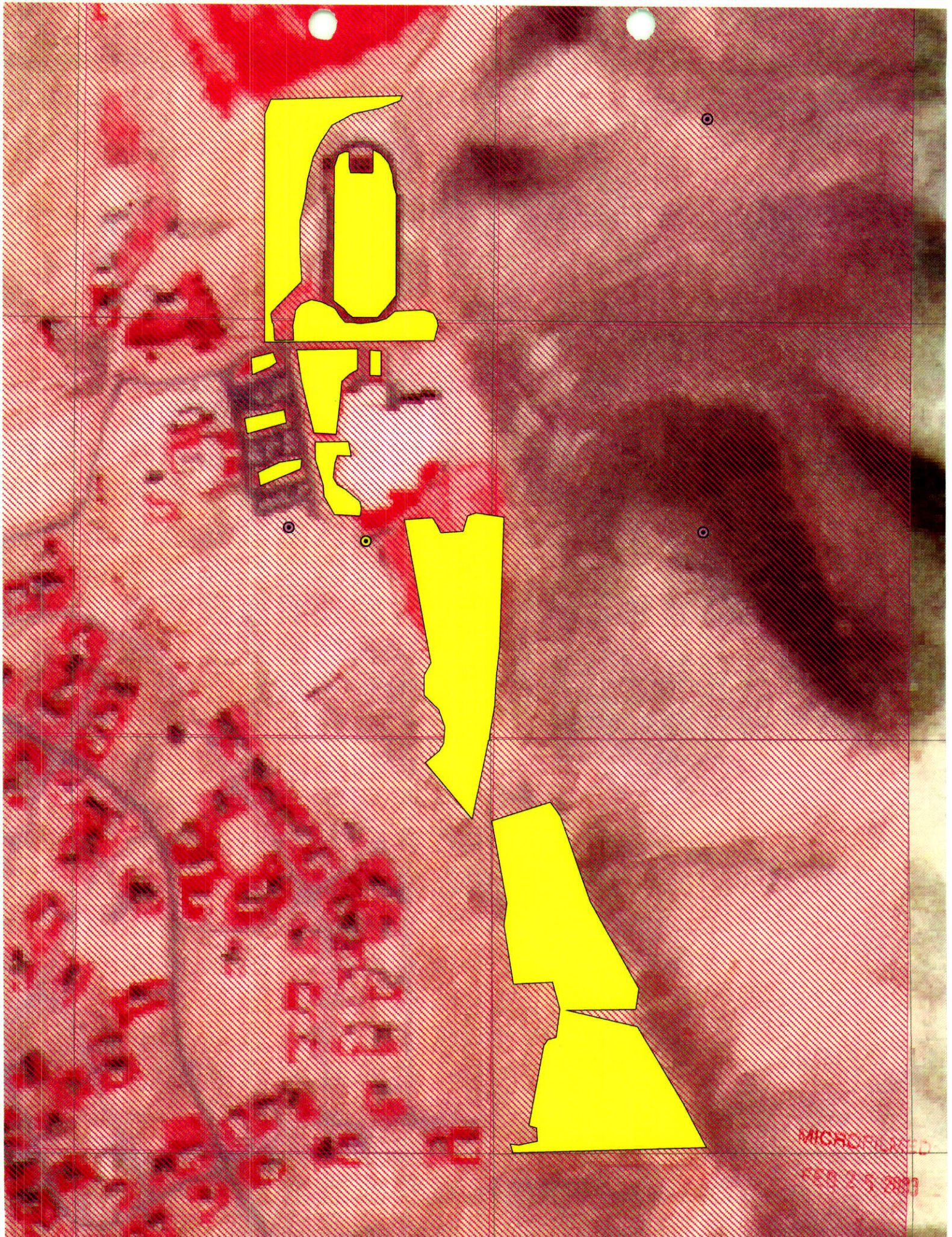


MICROFILMED

FEB 25 2003

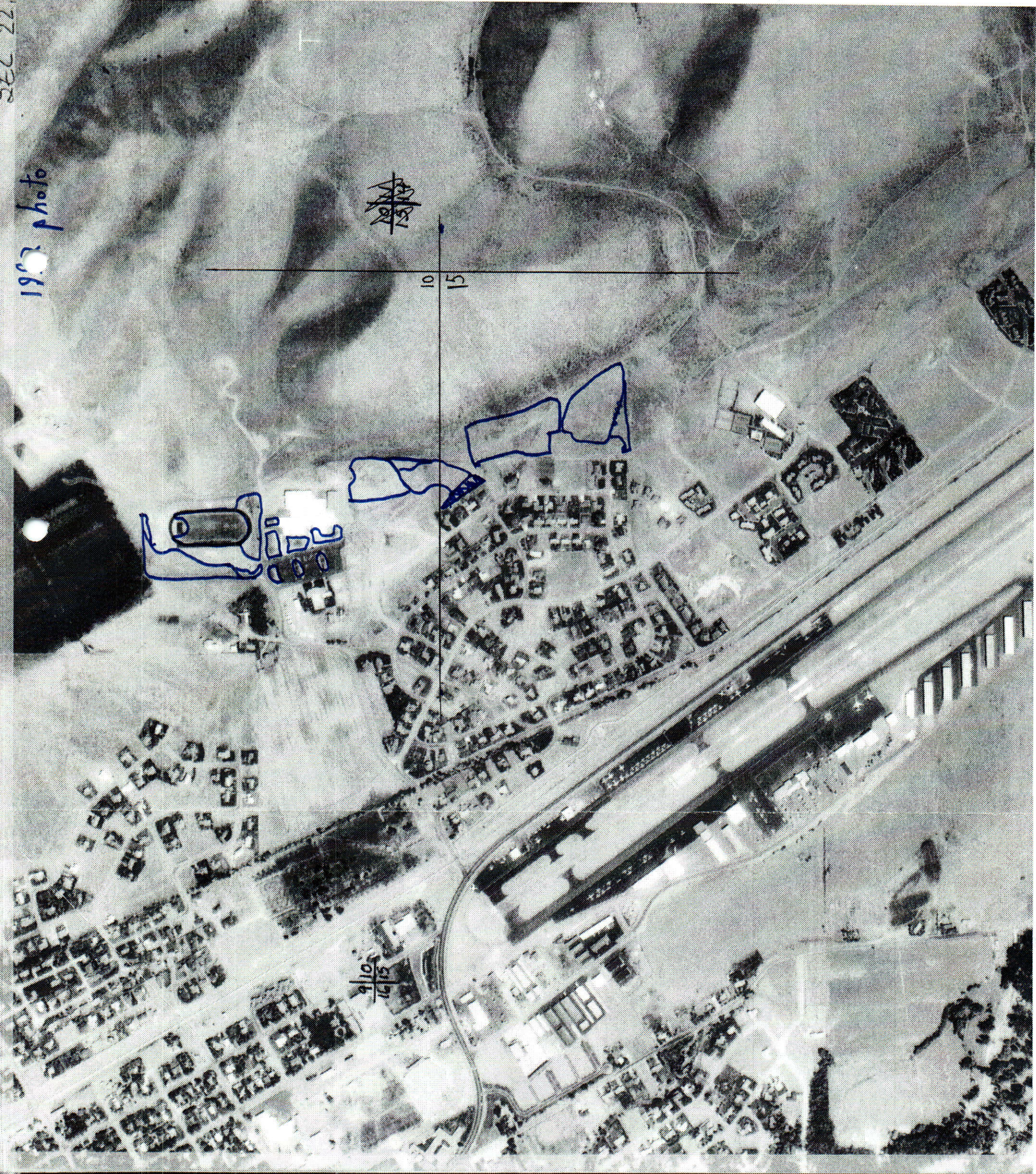
Prepared By J E Stanton 5-9-02

1986/87 NAPP Data



22

1952 photo





Well Head & Mainline With Insulation
By J E Stanton 5-2-02 37-8821



Mainline Going Underground East of Well
By J E Stanton 5-2-02

MICROFILMED
FEB 25 2003



Landscaping West of High School Looking West
By J E Stanton 5-2-02 37-8821



More Landscaping West of High School Looking WNW
By J E Stanton

MICROFILMED
FEB 25 2003



Permit 37-8821 Lawn On West Side Of Hailey High School
& South Of Main Building Entrance (Looking South)
By J E Stanton 5-2-2002



Lawn On West Side of High School Looking North From Main Entrance
(Some Lawn Already Torn Up Due To Construction Of New Building)
By J E Stanton 5-2-2002

MICROFILM
FEB 25 2003



South End of High School Looking East
By J E Stanton 5-2-02 37-8821

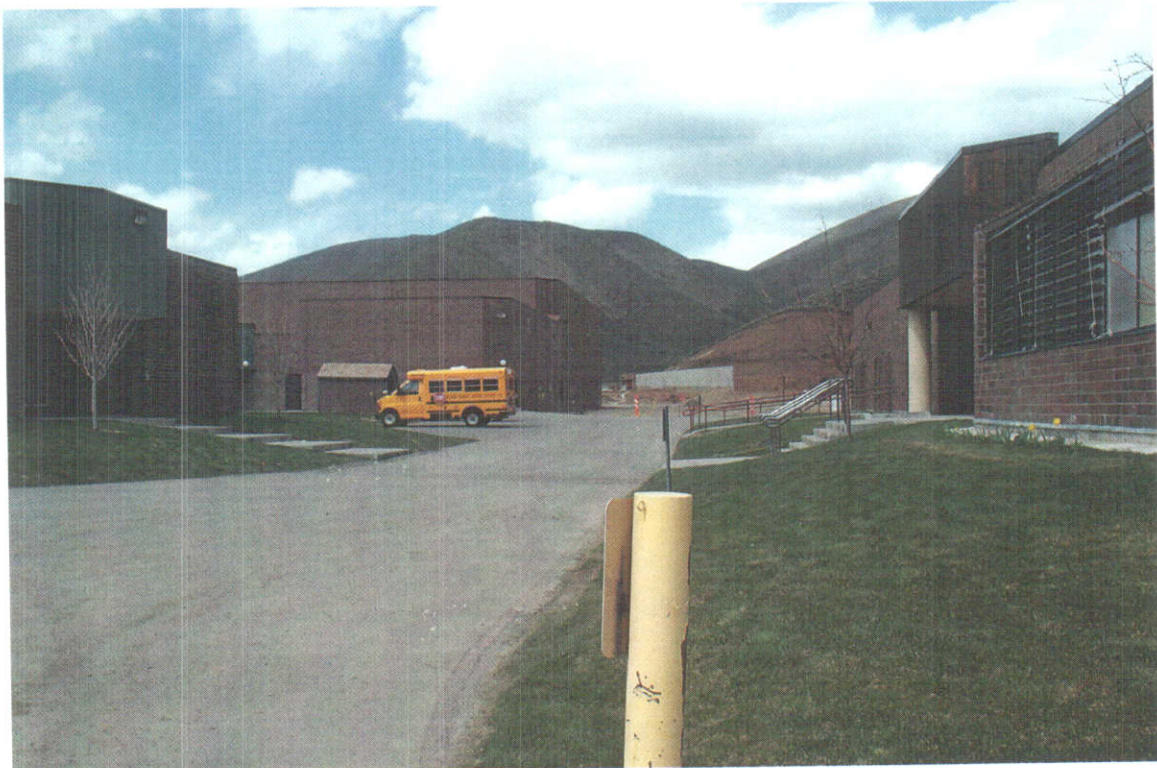


SW Corner of High School Looking SE
By J E Stanton 5-2-02

MICROFILMED
FEB 25 2003



Irrigated Land South of High School Looking SW
By J E Stanton 5-2-02 37-8821



Landscaping On East Side of High School Looking N
By J E Stanton 5-2-02

MICROFILMED
FEB 25 2003



Irrigated Land South of High School Looking SE
By J E Stanton 5-2-02 37-8821



Irrigated Land South of High School Looking South
By J E Stanton 5-2-02

MICROFILMED
FEB 25 2003



Ball Field South of High School Looking SE
By J E Stanton 5-2-02 37-8821



Ball Field South of High School Looking NE
By J E Stanton 5-2-02

MICROFILMED
FEB 25 2003



Area At North End of High School Torn Up For Construction
Of New High School. By J E Stanton 5-2-02 37-8821



Entrance To South Ball Field Looking South
By J E Stanton 5-2-02

MICROFILMED
FEB 25 2003



Irrigation Well, Control Box For Variable-Frequency Drive
By J E Stanton 10-9-2002 Permit 37-8821



Closeup of Drive Control & Flow Meter Readout Inside Well Enclosure
By J E Stanton 10-9-2002

MICRO
FEB 25 2003



Location of Flow Sensor East of Well Enclosure
By J E Stanton 10-9-2002 Permit 37-8821



Flow Sensor In Mainline East of Well
By J E Stanton 10-9-2002

MICRO
FEB 25 2003

4 3

R18E

CLAIM 437-12818 INIT _____

T. R. S. Q/Q

P/D _____

PHOTO ASCS

DT.&ID. C.1987

D
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MAR 23 1995

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NAPP

CLAIM A37-12818 INIT SCC

T. R. S. Q/Q

P/D

PHOTO NAPP 444-60 X74 SE

DT.&ID. 9-15-88

DELIVERY
IRRIGATION DITCH
ALONG THIS
EDGE OF FIELD

NON-IRRIGATED
LANDS

DELIVERY DITCHES TO THIS
POW SHOW NO EVIDENCE OF
CARRYING WATER. POW LOOKS
UNIRRIGATED IN THIS PHOTO.

MICROFILMED

MAR 23 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED**TRANSFER OF WATER RIGHT*****AMENDED*****TRANSFER NO. 70522**

This is to certify that: BLAINE COUNTY SCHOOL DISTRICT #61
118 W BULLION ST
HAILEY ID 83333
(208)788-2296

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-2741	AJC/License	07/21/1966	2.20 cfs	372.0 af	N/A	124.0	GROUND WATER
37-8821	WR/License	05/24/1993	0.80 cfs	80.2 af	N/A	22.9	GROUND WATER

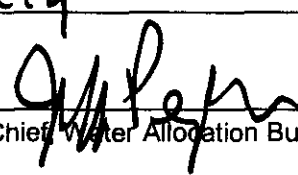
Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-2741	YES	NO	YES	YES	NO	NO
37-8821	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-2741	37-20903	0.19 cfs	31.8 af	10.6	33.5	37-20902	2.01 cfs	340.2 af	N/A	113.4
37-8821	37-8821	0.80 cfs	80.2 af	22.9	33.5		N/A	N/A	N/A	N/A
COMBINED TOTALS		0.99 cfs	112.0 af	N/A	33.5		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 7 day of July, 20 03For  Chief Water Allocation Bureau

MICROFILMED

JUL 21 2003

SCANNED
JUL 21 2003

WATER RIGHT NO. 37-20902
As Modified by Transfer No. 70522

In accordance with the approval of Transfer No. 70522, Water Right No. 37-20902 is now described as follows.

Right Holder: QUIGLEY CANYON RANCH LLP
 C/O STONEY BURKE
 PO BOX 326
 SUN VALLEY ID 83353

Priority Date: July 21, 1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01 to	12/31	0.12 CFS	
IRRIGATION	06/01 to	10/01	2.01 CFS	340.2 AF
			2.01 CFS	340.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWSE Sec. 10 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N 18E 10	24.0	4.0	37.0	28.0										16.4			109.4
02N 18E 11					1.0	3.0											4.0

Total Acres: 113.4

CONDITIONS OF APPROVAL

1. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7 day of July, 20 03

For 
 Chief, Water Allocation Bureau

SCANNED
 MICROFILMED
 JUL 21 2003
 JUL 28 2003

WATER RIGHT NO. 37-20903
As Modified by Transfer No. 70522

In accordance with the approval of Transfer No. 70522, Water Right No. 37-20903 is now described as follows.

Right Holder: BLAINE COUNTY SCHOOL DISTRICT #61
 118 W BULLION ST
 HAILEY ID 83333

Priority Date: July 21, 1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	06/01	10/01	0.19 CFS	31.8 AF
			0.19 CFS	31.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWNWSE Sec. 10 Twp 02N Rge 18E BLAINE County

GROUND WATER NESWSE Sec. 10 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	10													.1	14.2	7.9		22.2
02N	18E	15	9.2	2.1															11.3

Total Acres: 33.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 10.6 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-8821 and 37-20903 shall not exceed 0.99 cfs, nor total combined annual volume of 112.0 af.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

MICROFILMED SCANNED
 JUL 28 2003 JUL 21 2003

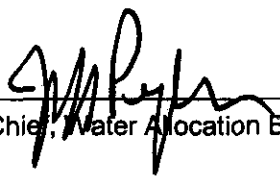
WATER RIGHT NO. 37-20903
As Modified by Transfer No. 70522

CONDITIONS OF APPROVAL

5. After specific notification by the Department, the right holder shall measure the diversion 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.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 6/1 and after 10/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
7. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7 day of July, 20 03

for 
Chief, Water Allocation Bureau

MICROFILMED

JUL 28 2003

SCANNED
JUL 21 2003

WATER RIGHT NO. 37-8821
As Modified by Transfer No. 70522

In accordance with the approval of Transfer No. 70522, Water Right No. 37-8821 is now described as follows.

Right Holder: BLAINE COUNTY SCHOOL DISTRICT #61
 118 W BULLION ST
 HAILEY ID 83333

Priority Date: May 24, 1993

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	0.80 CFS	80.2 AF
			0.80 CFS	80.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWNWSE Sec. 10 Twp 02N Rge 18E BLAINE County

GROUND WATER NESWSE Sec. 10 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	10													.1	14.2	7.9		22.2
02N	18E	15	9.2		2.1														11.3

Total Acres: 33.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 22.9 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-8821 and 37-20903 shall not exceed 0.99 cfs, nor total combined annual volume of 112.0 af.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of licensing, this water right is within State Water District No. 37.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

MICROFILMED

JUL 28 2003

SCANNED

JUL 21 2003

WATER RIGHT NO. 37-8821
As Modified by Transfer No. 70522

CONDITIONS OF APPROVAL

5. After specific notification by the Department, the right holder shall measure the diversion 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.
6. Use of water under this right may be affected by an agreement between the parties in connection with the original license.
7. The right holder shall mitigate for the diversion and use of water under this right in the following manner:
 - A. Diversion and use of water shall occur only at those times when water is available to fill Snake River Basin Adjudication Claim 37-21114 (a portion of Right 37-577).
 - B. The right holder shall maintain control of 0.60 cfs (23 acres) of Snake River Basin Adjudication Claim 37-21114 (or the decreed water right based on Claim 37-21114), which shall remain in the Big Wood River as mitigation for the diversion of ground water under this right.
 - C. In the event that Claim 37-21114 is not confirmed in the Snake River Basin Adjudication, the right holder shall provide an alternate source of mitigation water or shall cease diverting water under this right.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
9. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
11. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7 day of July, 20 03


For Chief, Water Allocation Bureau

MICROFILMED SCANNED
JUL 28 2003 JUL 21 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70522

This is to certify that: BLAINE COUNTY SCHOOL DISTRICT #61
118 W BULLION ST
HAILEY ID 83333
(208)788-2296

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-2741	AJC/License	07/21/1966	2.20 cfs	372.0 af	N/A	124.0	GROUND WATER
37-8821	WR/License	05/24/1993	0.80 cfs	80.2 af	N/A	22.9	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-2741	YES	NO	YES	YES	NO	NO
37-8821	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
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37-2741	37-20903	0.19 cfs	31.8 af	10.6	33.5	37-20902	2.01 cfs	340.2 af	N/A	113.4
37-8821	37-8821	0.80 cfs	80.2 af	22.9	33.5		N/A	N/A	N/A	N/A

COMBINED

TOTALS		0.99 cfs	112.0 af	N/A	33.5		N/A	N/A	N/A	N/A
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Detailed Water Right Description(s) attached

Dated this 19 day of June, 20 03

For 
Chief, Water Allocation Bureau

MICROFILMED

JUL 28 2003

SCANNED

JUL 21 2003

WATER RIGHT NO. 37-20902
As Modified by Transfer No. 70522

In accordance with the approval of Transfer No. 70522, Water Right No. 37-20902 is now described as follows.

Right Holder: QUIGLEY CANYON RANCH LLP
 C/O STONEY BURKE
 PO BOX 326
 SUN VALLEY ID 83353

Priority Date: July 21, 1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01 to	12/31	0.12 CFS	
IRRIGATION	04/01 to	11/01	2.01 CFS	340.2 AF
			2.01 CFS	340.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWSE Sec. 10 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N 18E 10	24.0	4.0	37.0	28.0										16.4			109.4
02N 18E 11						1.0	3.0										4.0

Total Acres: 113.4

CONDITIONS OF APPROVAL

1. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 19 day of June, 20 03

For 
 Chief Water Allocation Bureau

MICROFILMED

SCANNED

JUL 28 2003

JUL 21 2003

WATER RIGHT NO. 37-20903
As Modified by Transfer No. 70522

In accordance with the approval of Transfer No. 70522, Water Right No. 37-20903 is now described as follows.

Right Holder: BLAINE COUNTY SCHOOL DISTRICT #61
 118 W BULLION ST
 HAILEY ID 83333

Priority Date: July 21, 1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	06/01 to 10/01	0.19 CFS	31.8 AF
		0.19 CFS	31.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWNWSE Sec. 10 Twp 02N Rge 18E BLAINE County

GROUND WATER NESWSE Sec. 10 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N 18E 10													.1	14.2	7.9		22.2
02N 18E 15	9.2	2.1															11.3

Total Acres: 33.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 10.6 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-8821 and 37-20903 shall not exceed 0.99 cfs, nor total combined annual volume of 112.0 af.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

MICROFILMED

JUL 28 2003 2 8 2003

SCANNED
 JUL 21 2003

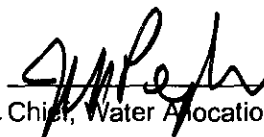
WATER RIGHT NO. 37-20903
As Modified by Transfer No. 70522

CONDITIONS OF APPROVAL

5. After specific notification by the Department, the right holder shall measure the diversion 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.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 6/1 and after 10/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
7. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 19 day of June, 20 03


For Chief, Water Allocation Bureau

MICROFILMED SCANNED
JUL 20 2003 JUL 21 2003

WATER RIGHT NO. 37-8821
As Modified by Transfer No. 70522

In accordance with the approval of Transfer No. 70522, Water Right No. 37-8821 is now described as follows.

Right Holder: BLAINE COUNTY SCHOOL DISTRICT #61
 118 W BULLION ST
 HAILEY ID 83333

Priority Date: May 24, 1993

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.80 CFS	80.2 AF
			0.80 CFS	80.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWNWSE Sec. 10 Twp 02N Rge 18E BLAINE County

GROUND WATER NESWSE Sec. 10 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	10													.1	14.2	7.9		22.2
02N	18E	15	9.2	2.1															11.3

Total Acres: 33.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 22.9 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-8821 and 37-20903 shall not exceed 0.99 cfs, nor total combined annual volume of 112.0 af.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of licensing, this water right is within State Water District No. 37.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

MICROFILMED SCANNED
 JUL 28 2003 JUL 21 2003

WATER RIGHT NO. 37-8821
As Modified by Transfer No. 70522

CONDITIONS OF APPROVAL

5. After specific notification by the Department, the right holder shall measure the diversion 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.
6. Use of water under this right may be affected by an agreement between the parties in connection with the original license.
7. The right holder shall mitigate for the diversion and use of water under this right in the following manner:
 - A. Diversion and use of water shall occur only at those times when water is available to fill Snake River Basin Adjudication Claim 37-21114 (a portion of Right 37-577).
 - B. The right holder shall maintain control of 0.60 cfs (23 acres) of Snake River Basin Adjudication Claim 37-21114 (or the decreed water right based on Claim 37-21114), which shall remain in the Big Wood River as mitigation for the diversion of ground water under this right.
 - C. In the event that Claim 37-21114 is not confirmed in the Snake River Basin Adjudication, the right holder shall provide an alternate source of mitigation water or shall cease diverting water under this right.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
9. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
11. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 19 day of June, 20 03


For Chief, Water Allocation Bureau

MICROFILMED

JUL 28 2003

SCANNED

JUL 21 2003

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-08821

Priority: May 24, 1993

Maximum Diversion Rate: 0.80 CFS
Maximum Diversion Volume: 80.2 AF

It is hereby certified that BLAINE COUNTY SCHOOL DIST NO 61
118 W BULLION ST
HAILEY ID 83333 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated May 24, 1993; and has
submitted Proof of Beneficial Use on February 26, 1998. An examination indicates that the works have
a diversion capacity of 0.81 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/15 to 10/31	0.80 CFS	80.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 10, Twp 02N, Rge 18E, B.M BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	Totals
02N 18E 10	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	5.5 6.1 11.6
02N 18E 15	9.2 2.1				11.3

Total Acres: 22.9

CONDITIONS OF APPROVAL

1. Use of water under this right may be affected by an agreement between the protestant and the right holder.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of licensing, this water right is within State Water District No. 37.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

MICROFILMED

FEB 25 2003

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-08821

CONDITIONS OF APPROVAL CONTINUED

4. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. The right holder shall mitigate for the diversion and use of water under this right in the following manner:
 - A. Diversion and use of water shall occur only at those times when water is available to fill Snake River Basin Adjudication Claim 37-12818A (a portion of Right 37-00577).
 - B. The right holder shall maintain control of 0.60 cfs (23 acres) of Snake River Basin Adjudication Claim 37-12818A (or the decreed water right based on Claim 37-12818A), which shall remain in the Big Wood River as mitigation for the diversion of ground water under this right.
 - C. In the event that Claim 37-12818A is not confirmed in the Snake River Basin Adjudication, the right holder shall provide an alternate source of mitigation water or shall cease diverting water under this right.
6. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 7TH day of FEBRUARY, 2003.

Acting for 
KARL J. DREHER
Director

MICROFILMED

FEB 25 2003

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 37-08821

Date of Priority: May 24, 1993

Maximum Diversion Rate: 0.80 CFS

Maximum Diversion Volume: 80.2 AF

Comes now BLAINE COUNTY SCHOOL DIST NO 61
118 W BULLION ST

HAILEY ID 83333 and represents to the Director of the Idaho Department
of Water Resources that he is the owner and holder of Permit to appropriate the Public Waters of the
State of Idaho No. 37-08821, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/31	0.80 CFS	80.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE1/4SW1/4SE1/4 Sec. 10, Twp 02N, Rge 18E, B.M.
BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N 18E 10															5.5	6.1	11.6
02N 18E 15	9.2	2.1															11.3

Total Acres: 22.9

MICROFILMED

FEB 23 2002

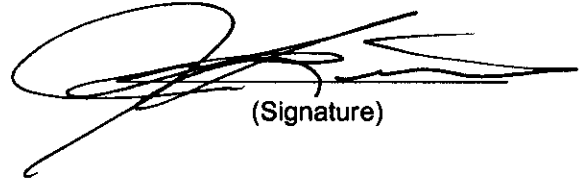
State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 37-08821

Permit holder asserts that no one will be injured by such change and that such change will be made at

permit holder's own risk. Signed this 6 day of Jan, 2003



(Signature)

MICRONUMED

FEB 25 2003

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-08821

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = 50.00 Received by JS # 5025479 Date 1-30-03

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 37-08821 with the following:

CONDITIONS OF APPROVAL

1. Use of water under this right may be affected by an agreement between the protestant and the right holder.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of licensing, this water right is within State Water District No. 37.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. The right holder shall mitigate for the diversion and use of water under this right in the following manner:
 - A. Diversion and use of water shall occur only at those times when water is available to fill Snake River Basin Adjudication Claim 37-12818A (a portion of Right 37-00577).
 - B. The right holder shall maintain control of 0.60 cfs (23 acres) of Snake River Basin Adjudication Claim 37-12818A (or the decreed water right based on Claim 37-12818A), which shall remain in the Big Wood River as mitigation for the diversion of ground water under this right.
 - C. In the event that Claim 37-12818A is not confirmed in the Snake River Basin Adjudication, the right holder shall provide an alternate source of mitigation water or shall cease diverting water under this right.
6. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

Witness my hand this 7TH day of FEBRUARY, 2003.

Acting for


KARL J. DREHER
Director

MICROFILMED

FEB 23 2003

RECEIVED
JAN 05 1998
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

FOR OFFICE USE ONLY
Amt. of Fee \$: 100.00
Receipt No. 111111
Receipt By: [Signature]
Date Received: 2/26/98
RECEIVED
FEB 26 1998

PROOF OF BENEFICIAL USE

Department of Water Resources

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 who has been appointed by the department.

1. Permit No. 37-08821 Telephone No. (208) 788-2296
2. Name(s) of Permit Holder(s): Blaine County School District
3. Mailing Address: c/o James P. Speck Esq. P.O. Box 987 Ketchum, Idaho 83340
4. Source of Water: _____ If **GROUNDWATER** (well), Date Drilled: mo. 10/11 / yr. 95
 - a. Well Driller: Wood River Drilling Drilling Permit Number: 37 - 95 - S 0179-000
 - b. **OPTIONAL:**
Pump Horsepower: 40 Pressure (psi): 70 Dynamic pumping level (ft): 80'
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): _____
Irrigation (No. of acres): 40 Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: .80 cfs OR _____ 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 <u>X</u> or No _____
Has the measuring device been installed?	Yes <u>X</u> or No _____
Flow Measurement Port: Is a flow measurement port required?	Yes _____ or No _____
Has the measurement port been installed?	Yes _____ or No _____
8. Fee Enclosed: \$ 100.00 (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: Gregg Sturtevant, ASLA Telephone Number: (208) 726-3250
Address: P.O. Box 2924 Ketchum, Idaho 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 I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: [Signature]
(include your title, if on behalf of company of organization)

MICROFILMED
MAR 24 1998

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 37-08821

Proposed Priority: May 24, 1993

Maximum Diversion Rate:

0.80 CFS

This is to certify, that **BLAINE COUNTY SCHOOL DISTRICT**
C/O JAMES P SPECK ESQUIRE
PO BOX 987
KETCHUM ID 83340-0987

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>
IRRIGATION	04/15 to 10/15	0.80 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWNENE , Sec. 15, Township 02N, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N	18E	10	NWSE 11.3	SWSE 13.4		24.7
		15	NENE 13.1	NWNE 2.2		15.3

Total number of acres irrigated: 40.0

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **March 1, 1998**.
2. Subject to all prior water rights.
3. Use of water under this right may be affected by an agreement between the protestant and the right holder.
4. 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.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Construction of the well must comply with Idaho well construction standards.
7. Use of water under this right is subject to control by the watermaster of State Water District No. 37.
8. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this right.
9. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

MAR 23 1995

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

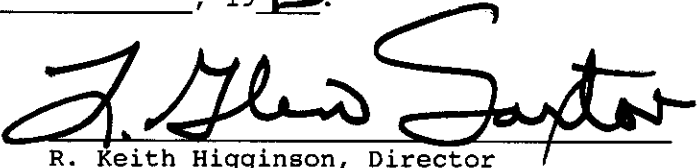
NO. 37-08821

CONDITIONS/REMARKS:

10. This right is approved in conjunction with an exchange of surface water rights which will remain in the Big Wood River pursuant to the exchange provisions in Section 42-105, Idaho Code.
11. Diversion and use of water shall only occur at those times when water is available to fill right no. 37-00577BN.
12. The Director retains jurisdiction to require the collection and reporting of water diverted.
13. For purposes of regulating this right with respect to other groundwater rights, the priority of this right shall be May 24, 1993.

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

14 day of March, 1995

for 
R. Keith Higginson, Director

MAR 23 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Blaine County School District Phone 208/726-4421
Post office address c/o James P. Speck, Hogue, Speck & Aanestad, P. O. Box 987, Ketchum, ID
83340
2. Source of water supply groundwater which is a tributary of _____
3. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 15 Township 2N Range 18E B.M. BLAINE County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:

04 5-29-93
Oct 15

Amount 0.80 for irrigation purposes from April 15 to Nov. 1 (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) 0.80 and/or (b) 140
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. well, pump, underground sprinkler
irrigation system
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is 10 inches; proposed depth of well is 160 feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
5 years (minimum 1 year).

MAR 23 1995

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2N	18E	10													11.3	13.4			24.7
2N	18E	15	13.1	2.2															15.3

Total number of acres to be irrigated 40.0

10. Describe any other water rights used for the same purposes as described above. None

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

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

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

12. Remarks: See Addendum

MAR 23 1995

Philip T. Hume, Superintendent
(Applicant)

Received by MTS Date 12/9/93 Time 11:15 Prelim. check by J. E. Martin
Fee \$ 45.00 Receipted by MTS # 5015790 Date 3-24-93
Publication prepared by MB Date 8/27/93 Published in Wood River Journal
Publication approved MBaldwin Date 10/18/93

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before

_____, 19____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

MAR 23 1995

**ADDENDUM TO
APPLICATION FOR PERMIT
BY
BLAINE COUNTY SCHOOL DISTRICT**

The following is an Addendum to the Application for Permit submitted by Blaine County School District:

12. Remarks: This Application seeks a permit to divert ground water for the consumptive use of irrigation of forty (40) acres within the Big Wood River Ground Water Management Area (the "Area"). The proposed point of diversion (well) is within the upper Big Wood River Basin as defined in section I,A of the Management Policy for the Area (the "Policy"). Under section III of the Policy, approval of this Application may be granted if it is determined the water supply is adequate and other water rights will not be injured by the new diversion to a consumptive use. Applicant proposes the following plan of mitigation to satisfy these requirements.

MITIGATION PLAN

I. THE MITIGATION RIGHT.

Marathon Partners, an Idaho general partnership ("Marathon"), is the owner of 2.72 cfs of Idaho Water Right No. 37-00577, commonly known as the "W. T. Riley right", and claimed in the Snake River Basin Adjudication (the "Adjudication") as Claim No. 12818 for the irrigation of 103 acres in Sections 9 and 10, Township 2 North, Range 18 East, B.M owned by Marathon. No other water rights have been used for this purpose. All of this land has been annexed into the City of Hailey and subdivided or proposed to be subdivided into small, single family residential lots known as Deerfield Subdivisions Nos. 3, 4 and 5 and Hidden Meadows Subdivision (the "Subdivisions"). The Subdivisions will be served by the municipal water supply of the City.

Applicant has acquired by generous donation from Marathon (see attached copy of Gift Deed), contingent upon approval of this Application, 1.06 cfs of this water right (this acquired portion of the water right is hereinafter referred to as the "Mitigation Right").

PAGE 1

j\wrhsbsa\permit.add
3/18/93

**RECEIVED
MAR 23 1995**

37-08821

ADDENDUM TO
APPLICATION FOR PERMIT
BY
BLAINE COUNTY SCHOOL DISTRICT

II. EXCHANGE OF WATER RIGHTS.

The Mitigation Right has historically irrigated the following lands within the subdivision (2.72 cfs / 103 acres = 0.026 cfs / acre; 1.06 cfs / 0.026 cfs / acre = 40 acres):

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>Irrig. Acres</u>
2N	18E	10	NW	NW	34
2N	18E	10	SW	NW	6

Total number of irrigated acres: 40

These lands will no longer be irrigated by the Mitigation Right. Applicant proposes to "exchange" the Mitigation Right pursuant to the provisions of I.C. § 42-105 in return for the consumptive ground water diversion under the permit and license sought by this Application (the "Ground Water Right") on the following terms and conditions:

1. The Mitigation Right shall remain in the Big Wood River to compensate for depletion of the Big Wood River flows available for diversions pursuant to valid water rights and for the supply of water to Magic Reservoir.

2. The Ground Water Right shall have the same priority date as the Mitigation Right (March 24, 1883) for the conjunctive administration of ground water and surface water diversions from the Big Wood River and its tributaries.

3. The Ground Water Right shall have a priority date of the date this Application is received by the Department for its administration solely with respect to other ground water rights,

4. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as a part of the diverting works for the Ground Water Right prior to any diversion thereunder.

5. Diversion of ground water pursuant to the Ground Water Right shall be administered by the watermaster of Water District 37, Big Wood River.

PAGE 2

MAR 23 1995

ADDENDUM TO
APPLICATION FOR PERMIT
BY
BLAINE COUNTY SCHOOL DISTRICT

6. The maximum instantaneous diversion rate under the Ground Water Right shall be 0.8 cfs.

7. The annual diversion volume and annual consumptive use of the Ground Water Right shall be limited to 140 acre feet and 100 acre feet respectively, and the maximum number of acres irrigated by the Ground Water Right during any one irrigation season shall be 40 acres.

8. Upon approval of this Application and issuance of the permit for the Ground Water Right, Applicant shall file a claim for the Ground Water Right in the Snake River Basin Adjudication. The provisions of this "exchange" shall be incorporated into the Director's recommendations for the Mitigation Right and the Ground Water Right in the Director's Report for Basin 37 to be filed in the Snake River Basin Adjudication. The non-use of the Mitigation Right for irrigation purposes as a part of this "exchange" shall not be deemed non-use subject to the forfeiture provisions of I.C. § 42-222.

The consumptive use of the Mitigation Right (100 AFA for the irrigation of forty (40) acres) is the same as the consumptive use of the Ground Water Right. The total annual volume historically diverted by the Mitigation Right will also be the total annual volume limitation for the Ground Water Right (3.5 AFA X 40 acres = 140 AFA - see paragraph 5 of the Application). The Mitigation Right will be "left in the river", so that neither the total annual volume diverted from the interconnected ground water and surface flow resource nor the consumptive use of such diverted water shall increase over the present uses. Thus, there will not be any injury to other surface water rights in the Big Wood River or its tributaries, or to the storage rights in Magic Reservoir. Finally, it should be noted that any return flows from the Mitigation Right are presently to the Big Wood River and not to Silver Creek. Thus, this proposal will not affect in any way the surface flows of Silver Creek or its tributary aquifer.

PAGE 3

FEB 23 1995

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

James P. Speck, Esq.
HOGUE, SPECK & AANESTAD
P. O. Box 987
Ketchum, Idaho 83340

(space above line for Recorder's use)

GIFT DEED

MARATHON PARTNERS, an Idaho general partnership, whose address is c/o Edmund E. Dumke, P. O. Box 3118, Ketchum, ID 83340 (the "Donor"), does hereby donate, give, transfer and convey unto BLAINE COUNTY SCHOOL DISTRICT, an Idaho school district, whose address is _____, (the "Donee"), any and all interest it may now have or hereafter acquire in the following described water right:

1.06 cfs of the Big Wood River with a March 24, 1883 priority date pursuant to Idaho Water Right No. 37-00577 and Claim No. A37-12818 in In Re the General Adjudication of Rights to the Use of Water From the Snake River Basin Water System, Twin Falls District Court Case No. 39576, used for the irrigation of 40 acres within lands commonly referred to as the Hidden Meadows Subdivision parcel in the W1/2NW1/4, S.10, T.2N., R.18E., B.M., Blaine County, Idaho.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular the said water right, together with the appurtenances, unto the Donee, and to Donee's successors and assigns forever.

DATED this 15th day of March, 1993.

DONOR:

MARATHON PARTNERS, an Idaho
general partnership

GIFT DEED - 1

j\wrhsbsa\h2ogift.ded
3/15/93

RECORDED
MAR 23 1995

37-08821

By: Edmund E. Dumke
Edmund E. Dumke, managing
general partner

STATE OF IDAHO)
)
County of Blaine) ss.

On this 15th day of March, 1993, before me,
the undersigned notary public in and for said state, personally
appeared EDMUND E. DUMKE, known or identified to me to be the
managing general partner of MARATHON PARTNERS, an Idaho general
partnership, and the person who executed the foregoing instrument
on behalf of said partnership and acknowledged to me that said
partnership executed the same.

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

Leborah S. Erickson
Notary Public for Idaho
Residing at: Hailey, Idaho
Commission expires: 9/24/98

RECORDED
MAR 28 1993

MEMORANDUM

TO: FILE 37-8821
FROM: VAULT
RE: TRANSFER # 10522
DATE: 6.20.02

=====

**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 37-2741

MICROFILMED
JUL 28 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 10, 2003

BLAINE COUNTY SCHOOL DIST NO 61
118 W BULLION ST
HAILEY ID 83333

RE: License No. 37-8821 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

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

Enclosed is a copy of the approved Application for Amendment.

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

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

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is written in a cursive, flowing style.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

FEB 25 2003

cc: James P. Speck, Speck & Aanestad, PO Box 987, Ketchum, ID 83340

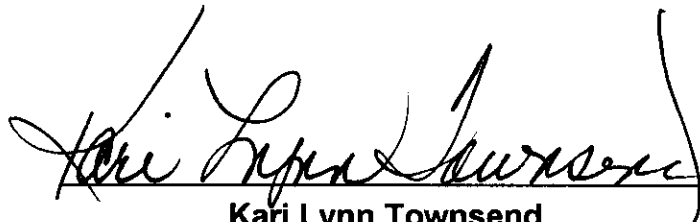
CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 37-8821

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

**BLAINE COUNTY SCHOOL DIST NO 61
118 W BULLION ST
HAILEY ID 83333**



**Kari Lynn Townsend
Secretary**

MICROFILMED

FEB 25 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

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FEB 25 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-12818A

WATER RIGHT NUMBER: 37-12818A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARATHON PARTNERS C/O EDMUND E DUMKE PO BOX 3118 KETCHUM, ID 83340 (208)726-2600
Current Owner	GREGG STURTEVANT PO BOX 2924 KETCHUM, ID 83340-2924 (208)726-3250
Original Owner	KEITH FRIEDLY PO BOX 1770 HAILEY, ID 83333 (208)726-3250
Current Owner	ROD THORNTON PO BOX 246 KETCHUM, ID 83340 (208)788-2113
Current Owner	BLAINE COUNTY SCHOOL DIST NO 61 118 W BULLION ST HAILEY, ID 83333 (208)788-2296
Original Owner	PACESETTER DEVELOPMENT co 4540 CAMPUS DR NEWPORT BEACH, CA 92660 (714)852-8600
Current Owner	JOHN MILEY PO BOX 3010 HAILEY, ID 83333 (208)578-7882

*Mitigation
Right*

Priority Date: 03/24/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	2.610 CFS	
	<u>Total Diversion:</u>	2.610 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	SE1/4SW1/4NW1/4	Sec. 20, Twp 03N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

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FEB 25 2003

Twp Rge Sec |

NE

|

NW

|

SW

|

SE

|

MICROFILMED

FEB 25 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-12818A

		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N 18E 9	9	2.0																2.0
02N 18E 10	10					37.0	17.0	27.0	16.0									97.0

Total Acres: 99

Conditions of Approval:Remarks:

1. General THIS CLAIM IS FOR A PORTION OF 37-0577 ORIGINALLY DECREED TO W. T. RILEY. CONFORMED ATTORNEY MAILING ADDRESS DMS
***** THIS RIGHT WAS SPLIT FROM A37-12818 PURSUANT TO APPROVED TRANSFER 4205.
***** OWNERSHIP CHANGE MADE 2-22-92 BY TLB.
| CORRECTED DATA ENTRY BY DELETING SPECK AS ORIG ATTORNEY FOR FORMER OWNER.
2. General THE CURRENT JOINT OWNERS OF CLAIM 37-12818A AND THEIR RESPECTIVE PORTIONS ARE: MARATHON PARTNERS, 54 ACRES AND 1.419 CFS FOR IRRIGATION. GREGG STURTEVANT, 3 AC. AND 0.079 CFS FOR USE AS MITIGATION FOR GROUND WATER RIGHT 37-8587. JOHN AND CYNTHIA MILEY, 1 AC AND 0.026 CFS FOR USE AS MITIGATION FOR GW RIGHT 37-8819. ROD THORNTON, 1 AC AND 0.026 CFS FOR USE AS MITIGATION FOR GW RIGHT 37-8820. BLAINE COUNTY SCHOOL DIST, 40 AC AND 1.06 CFS FOR USE AS MITIGATION FOR GW RIGHT 37-8821. SEE DEEDS IN FILE. - VH 8-23-2002.

Comments:Dates and Other Information:

Claim Received Date: 2/3/1989
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

MICROFILMED

FEB 25 2003

LICENSE REVIEW CHECKLIST

Permit No. 37-8821

Date: 10-18-02

Reviewer: Kay Walker

Change/OK

Name/Address _____

Source OK

Point of Diversion: change

Does change clarify original intended source? If no, void permit.

Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use add

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s): none
File reviewed _____ Profile reports printed _____

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.80 cfs
Fee Limit 1.0 cfs
Measured 0.81 cfs
Theoretical _____ cfs

Recommended Total Diversion Rate

Water Uses OK

Change (P46)

Season of Use per new Standards
4-15 10-31

Irrigation 0.80 cfs 68.3 af
Stockwater _____ cfs _____ af
Domestic _____ cfs _____ af
_____ cfs _____ af
Total 0.80 cfs 68.3 af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)
supp. Gw (WB7/065/104)
overlap spec combined rts (W35)
<1 acre (W31)
Domestic (W01/wb5/070/071/075)
Power (W42 or W43/025/027/R22 or R23)
Fish (042)
Fire (077)
Water Quality (106/R07)
Payette - (W22/047/27A)
Stockwater for US (R37)

Volume Determination

0.80 cfs x 1.9835 x 200 days = 317.4 af (vs)

22.9 x 3.5 = 80.2
17.5 acres x 3.5 (FHR) = 61.25 af
2.5 (con)

Remarks: _____

Additional Conditions 37

Watermaster Control
_____ GW Measurement/Measuring Device
Other
Trust R55 - remove 051
Non-trust (048)

GW Dist? _____
Water Mgmt. Dist? _____
Crit. GWMA? _____
GWMA? _____
Government Lots? _____

Advance Priority? yes If yes, explain why below.
no

SRBA Claim? N/A - not req'd.

Adjust memo _____

Amend Letters _____ P87, S06

Second Amendment Notice P49 S06

Comment Report

37-8821

1. jstanton 5/10/2002 Field Exam

Comment: Exam conducted 5-2-02 accompanied by director of buildings & grounds. Well operating. No flow meter in system as required by permit. The meter we did find is apparently not connected to the well, and did not work anyway. Data from pump curve and system operation are very contradictory in regard to flow rate, so I plan to go back when a proper meter has been installed. Well waters grass north, west & south of Hailey High School, 19.5 acres total.

Was advised by Jim Speck in July that a meter had been installed, so went up to read it. Got there, met with Jim Bennion, but no meter was found.

Went back 8-13-02 after being notified by Jim Bennion office that meter was ready to be read. Got there and found a meter on mainline east of well. Meter read 60 gpm with well off, and the same with system on - meter was put in but not calibrated. Met with Chris of Clearwater Landscaping (maintains the system)(PO Box 597, Sun Valley, ID, 720-4808 cell #). He had schematic drawings of the system that showed 40 Rainbird Falcon heads operating at 70 psi or 30 heads at 80-90 psi. The idea is to use the full pumping capacity of the well in relation to what is being watered at any given time.

On 10-9-02, I again visited the well site to read the meter; per instructions of Allen Merritt, I did not ask for another exam fee. A new meter has been installed inside the control box for the variable-speed drive that has just been installed in the system. The sensor is located on the mainline just east of the well, but the meter head is inside the control box. A guy from Clearwater Landscaping showed me the system, and had 3 stations of sprinklers running (the normal setup with the new system). The meter showed 361-365 gpm (0.80-0.81 cfs). The permit is for 0.80 cfs, so the permitted flow rate is confirmed.

Although the apparent system capacity is 0.04 cfs per acre, this appears to be reasonable given the limited amount of time each day that irrigation can occur without interfering with normal uses of the property.

Request immediate licensing so that right can be included in pending transfer.

The number of irrigated acres that I recommended has been objected to by the School District. They sent me a recent photo of the property south of the high school, and I changed my shape file to reflect this new data. I found about 3 more acres, which they have agreed with. So I will submit a corrected recommendation with the larger land list. 11-22-02.

2. kwalker 10/21/2002 Quantity of Right

Comment: Pursuant to Admin. Memo No. 60 we can allow more than one inch per acre if the land is a public area which must be watered for a shorter period of time. In this case, the water is used for lands adjacent to the high school so the irrigation would need to occur during times when the school does not have children in attendance which would leave them night time and weekends to water. I recommend we allow the higher flow rate for this right.

MICROFILMED
FEB 25 2003

3. jstanton 12/13/2002 Field Report Narrative

Comment: After submitting a corrected licensing exam showing a larger place of use, I just found out that the ArcView base map for this area was misaligned with the rest of the township. So while the total acreage was correct, the distribution among the 40s was not. I have redone the ArcView shape with the correct data. Portions of the recommended place of use are based on a 2000 aerial photo submitted by the permittee, and actual survey data showing land owned by them. Tax-lot data provided by the county is misalligned and at the wrong scale in some cases, so conflicts with actual survey data.

4. CZIMMERM 2/21/1995 TRUSTWATER REVIEW

Comment: This application proposes to divert 0.80 cfs of trustwater from groundwater to irrigate 40 acres. This application satisfies 42-203A & C requirements.

5. VAULT 2/27/1998 Proof of Beneficial Use Rcvd

Comment: Proof of Beneficial Use Rcvd

MICROFILMED
FEB 25 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Second Corrected

A. GENERAL INFORMATION

Permit No. 37-8821

1. Owner: Blaine County School District Phone No. 788-2296

Current Address: 118 W Bullion St, Hailey, ID 83333

2. Accompanied by: Jim Bennion EXAM DATE: 5-2-02 & 11-9-02

Address: Same Phone No. _____

Relationship to Permit Holder: director of buildings & grounds

3. Source: Ground Water tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: portion of W.T. Riley right for mitigation

2. Other water rights with the same point of diversion: None

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NE	SW	SE	10	2N	18E	Blaine	Based on corrected tif data

2. Place(s) of Use:

Indicate Method of Determination Area View

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	18E	10													5.5	6.1			11.6
		15	9.2	2.0															11.2
																			22.8

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FEB 25 2002

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.

Scale: 1" = _____.

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

RECORDED
MICROFILMED
2003
2003

E. NARRATIVE/REMARKS/COMMENTS

This is the second corrected exam. Original exam was corrected to add more acres due to additional data (recent aerial picture) supplied by permit holder. But it turns out that the AerialView base map for this area was not aligned properly with the rest of the township (it was about 40' too far south). This caused the pod description and the acreage distribution to be incorrect. This ~~now~~ corrected exam takes care of this problem. ~~Total acres are the same, so the flow & volume recommended in the first corrected exam remain the same.~~

Have conditions of permit approval been met? ☒ yes ☐ no

MICROFILMED

FEB 25 2003

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 22.9 \times 3.5 = 80.2$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 80.2$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	4-15	10-31	0.80	~~28.4~~ 80.2
Totals:			0.80	78.4

2. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name

J. E. Stanton

Date

1-30-0312-12-02

Reviewer _____

Date _____

SEAL

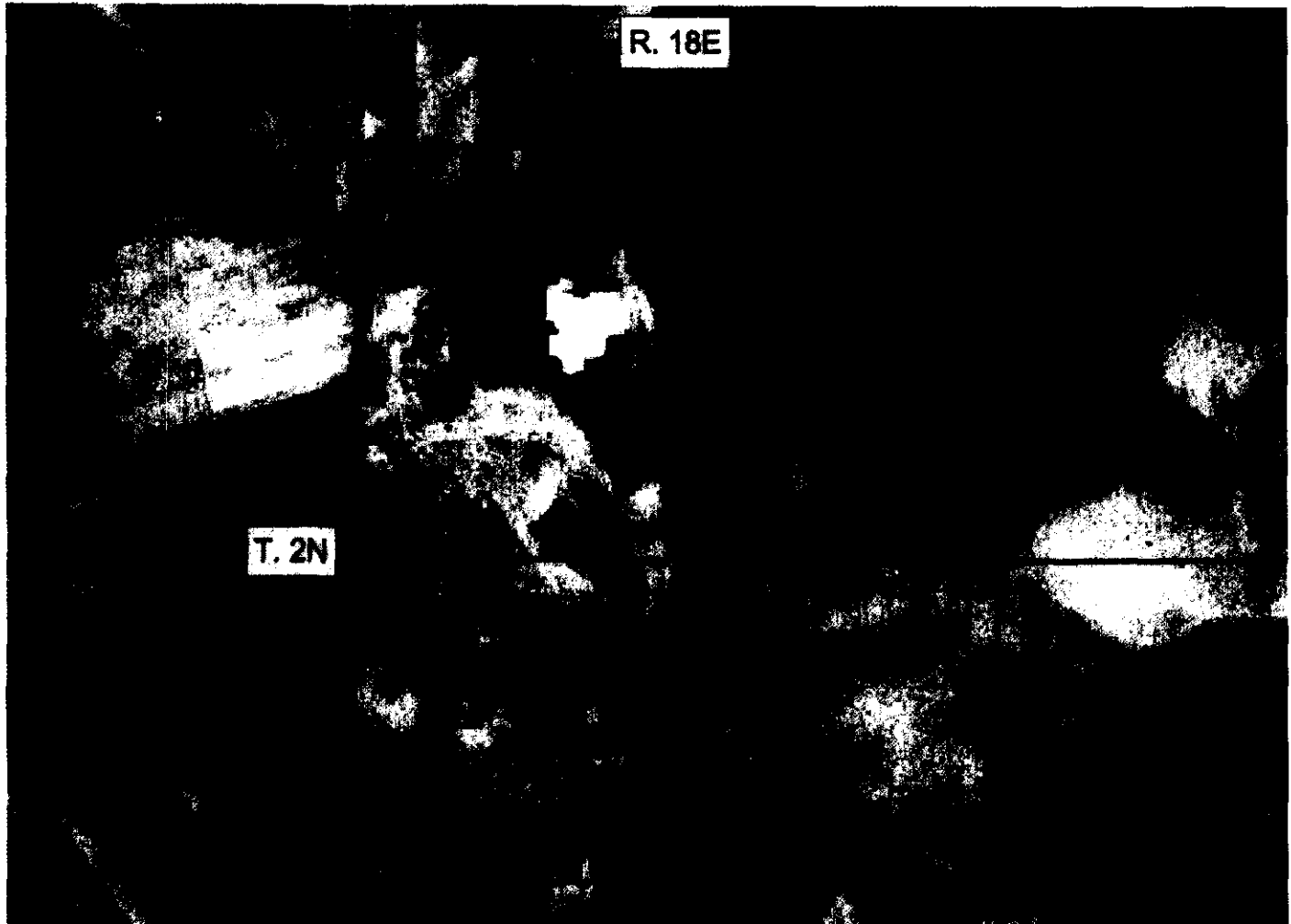
MICROFILMED

FEB 25 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Licensing Examination Data

Recommended P/D & P/U - Permit 37-8821



Section Lines



Quarter/Quarter Lines

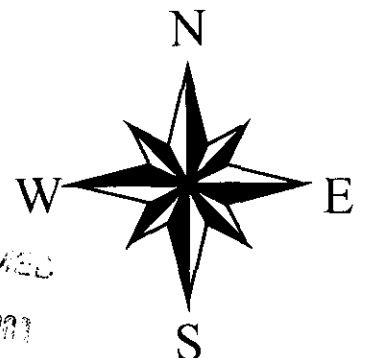
General Location: North, west & south of Hailey High School



Irrigation Well



Irrigated Land (Grass Sports Fields & Landscaping)



MICROFILMED
FEB 25 2001

Prepared By J E Stanton 1-30-2003 1986/87 NAPP Data

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
NOV 26 2002

Amended

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 37-8821

1. Owner: Blaine County School District

Phone No. _____

Current Address: _____

2. Accompanied by: _____ EXAM DATE: _____

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Ground Water tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks

2. Place(s) of Use:

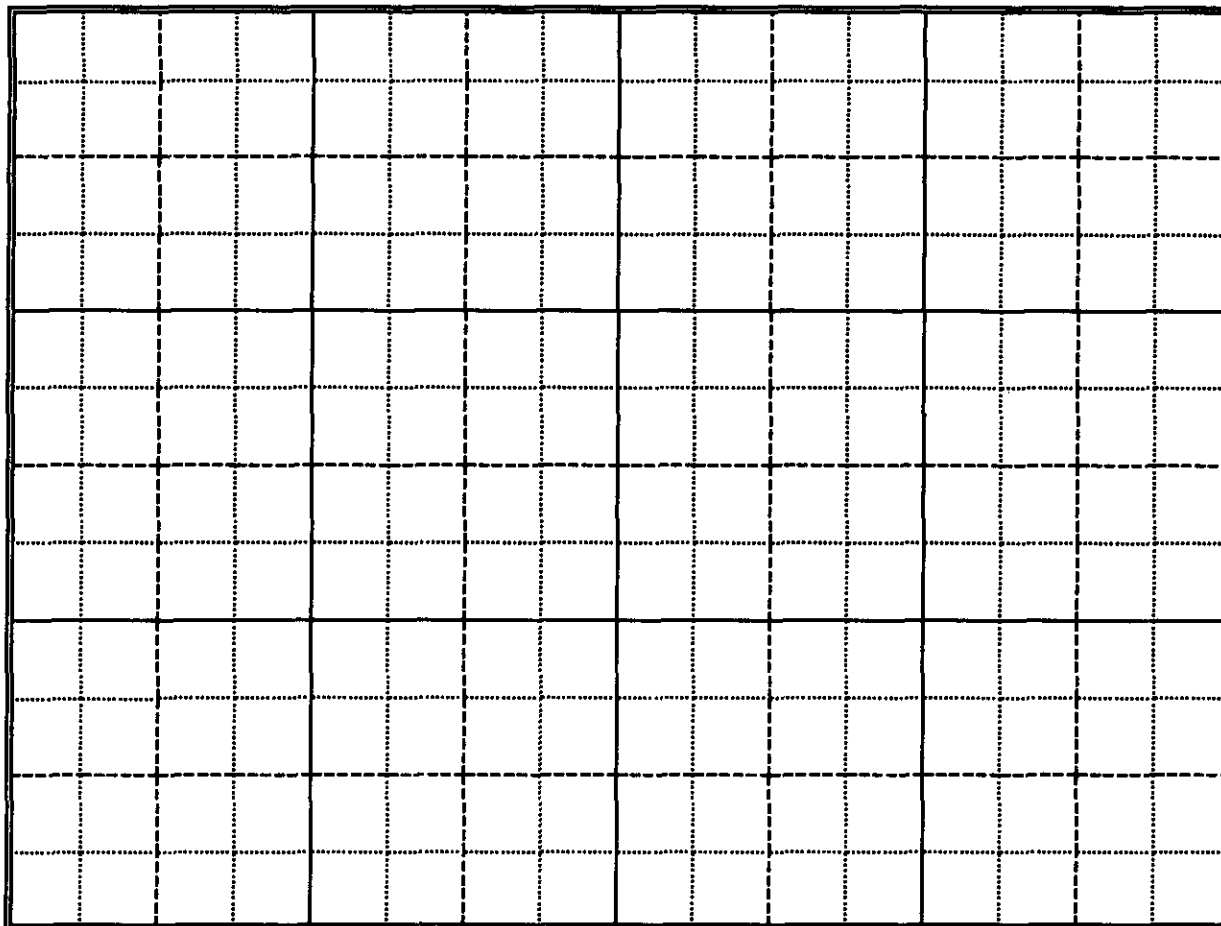
Indicate Method of Determination 2000 Aerial Photo

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	18E	10														4.7	5.8	0.2	10.7
		15	9.4	1.8		0.5													11.7
																			32.4

MICHOI LABEL

NOV 26 2002

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

_____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

_____ Aerial Photo Attached (required for irrigation of 10+ acres)

_____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: _____

MICROFILMED

FEB 25 2003

E. NARRATIVE/REMARKS/COMMENTS

This amended exqm relates to the place of use only. All other data is as previously stated. Acreage recommendation (and annual diversion volume) have been increased based on a 2000 aerial photo supplied by applicant after they were notified of my original findings.

Have conditions of permit approval been met? ☒ yes ☐ no

MICROFILMED
FEB 25 2003

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 22.4 \times 3.5 = 78.4$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 78.4$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	4-15	10-31	0.80	78.4
Totals:			0.80	78.4

2. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☒ Add P.U. as reflected above ☐ Other

I. AUTHENTICATIONField Examiner's Name J. S. Stanton Date 11-25-02

Reviewer _____ Date _____

SEAL

MICROFILMED

FEB 25 2003

IDAHO DEPARTMENT OF WATER RESOURCES

LICENSING EXAMINATION DATA

RECOMMENDED P/D & P/U, PERMIT 37-8821



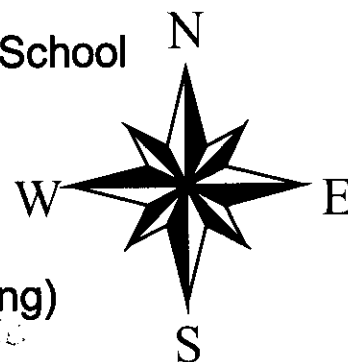
Section Lines



Quarter/Quarter Lines

General Location: North, west & south of Hailey High School

● Point of Diversion



Place of Use (Grass Sports Fields & Landscaping)

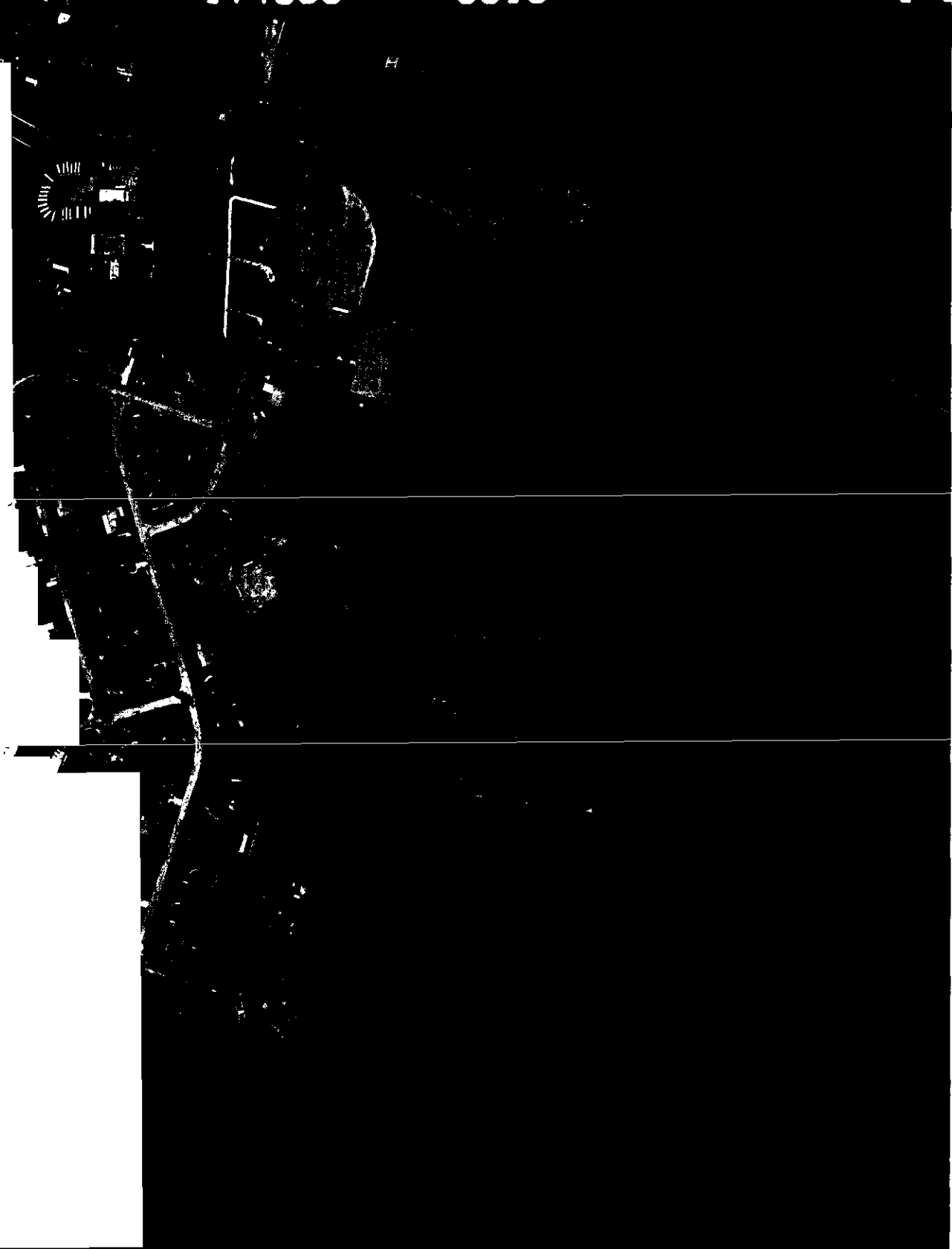
NOPI/MLC
FEB 2 5 2003

2 7-7-00

1:4800

0015

1-2



MEMO

TO: KAY WALKER

DATE: 11-22-02

RECEIVED

FROM: JIM STANTON

NOV 26 2002

RE: Licensing of Permit 37-8821, Blaine County School District

Department of Water Resources

Kay - I have changed the proposed pou based on additional data supplied by applicant. My updated shape file has been put into SDE, and I have corrected the water-right data in Ad Hoc. So you should be able to get this license issued right away so that I can add it to the pending transfer by the School District. Let me know if you need anything else. Thanks.

MICROFILMED

NOV 26 2002

Walker, Kay

From: Stanton, Jim
Sent: Friday, October 25, 2002 11:12 AM
To: Walker, Kay
Cc: Stanton, Jim
Subject: Permit 37-8821, Blaine County School District

Hi, Kay - I just got a call from a representative of the school district, who said that they disagree with my acreage figures for the irrigated land. He said that he would send me a recent aerial photo of the property, which I was not able to obtain on my own. So please hold up issuance of the license until I can take a look at the photo. Thanks.

MICROFILMED
OCT 25 2003

Walker, Kay

From: Stanton, Jim
Sent: Tuesday, October 22, 2002 3:56 PM
To: Walker, Kay
Cc: Stanton, Jim
Subject: RE: Permit for Blaine County School District

Hi, Kay - The school maintenance supervisor told me that they water from 9 pm to 10 am (13 hours/day) due to local regulations on water use that have been in place the last 2 years. Before that, they also ran for 10-20 minutes in the afternoon to soak the ground. They water about all the land every day in order to keep it green. Only a portion of the land is irrigated at any given time. So - $0.02 \text{ cfs} \text{ divided by } 13/24 = 0.037 \text{ cfs}$. Hopefully this is close enough to 0.04 cfs to justify the higher rate.

As we discussed, the school has no other water rights at this time. A pending transfer will add additional acres to the system that are not recommended under this permit. With regard to the mitigation right, Claim 37-12818A covers this. See Lic. 37-8587, which also has a portion of this claim as mitigation. I will fax you a split tree for this, which should be useful in your review. I had contacted Pam about this problem, but I don't know that she did anything about it. Also see Right 37-30000M for the water-right side of this, as this mitigation water seems to be part of the untransferred portion of the Riley Right still in the Hiawatha Canal. The permit file mentions T. 4205, so you might look there also. Hope this helps.

-----Original Message-----

From: Walker, Kay
Sent: Tuesday, October 22, 2002 12:29 PM
To: Stanton, Jim
Cc: Walker, Kay
Subject: Permit for Blaine County School District

Hi, Jim...

I am working on the license for permit 37-08821 for Hailey high school and have some questions that I hope you know the answers to. I see you recommend 0.04 cfs per acre which is fine by me but I have to go through the calculations as described in Admin. Memo No. 60 for Application Processing. I need to know what the normal hours are for their irrigation system. Do they water at night or evenings or during day when kids are at school? How many hours per field? Even though you recommend 0.04 I have to do the justification to support your recommendations... Help!

Also, I found what appears to be overlapping rights in the NWSE, Sec. 10 in the name of Tingey, Quigley Canyon Ranch, Fox, Judd and Burke, - Do you know anything about those? I know you didn't show any overlapping rights for the p/u but I thought you might have some insight into what I'm up against.

I also have to find out exactly which part of 37-0577 covers the mitigation water - I know, it's 37-12818A but the p/u on that claim does not cover the same lands as the school's permit...

As you can probably guess, I am having a tough time with this one. AS USUAL!! Kay

MICROFILMED

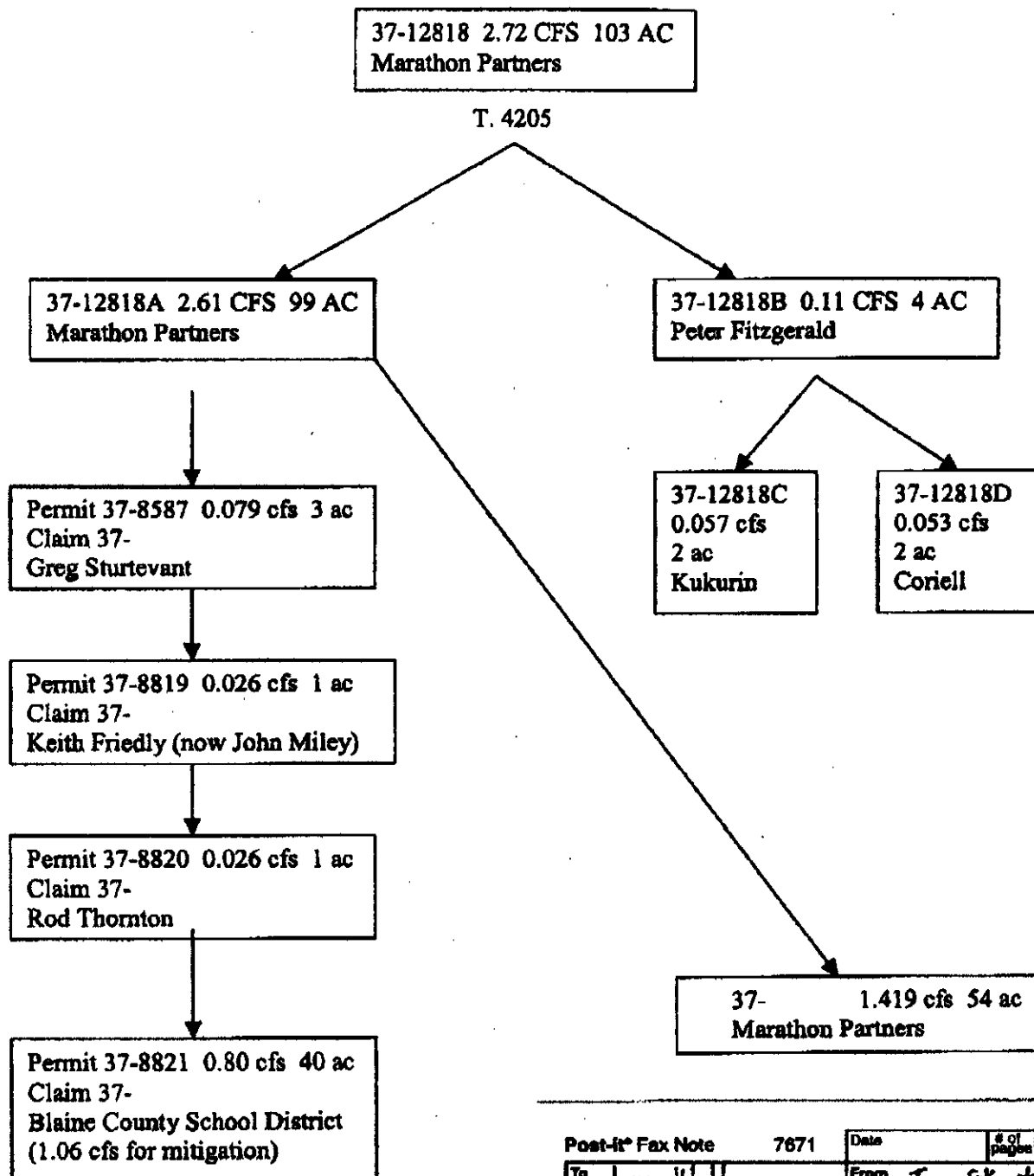
1 000 2 5 2003

RECEIVED

OCT 22 2002

Department of Water Resources

SPLITS - CLAIM 37-12818



Post-it® Fax Note	7671	Date	# of Pages
To	Kay Walker	From	Jim Stanton
Co./Dept.		Co.	
Phone #		Phone #	
Fax #		Fax #	

MICROFILMED

OCT 25 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
OCT 17 2002
DEPARTMENT OF WATER RESOURCES

A. GENERAL INFORMATION

Permit No. 37-8821

1. Owner: Blaine County School District

Phone No. 788-2296

Current Address: 118 W. Bullion St., Hailey, ID 83333

2. Accompanied by: Jim Bennion

EXAM DATE: 5-2-02 & 11-9-02

Address: Same

Phone No. 788-1843

Relationship to Permit Holder: director of buildings & grounds

3. Source: Ground Water

tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: portion of W.T. Riky right for mitigation

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	SW	SE	10	2N	18E	Blaine	ArcView

2. Place(s) of Use:

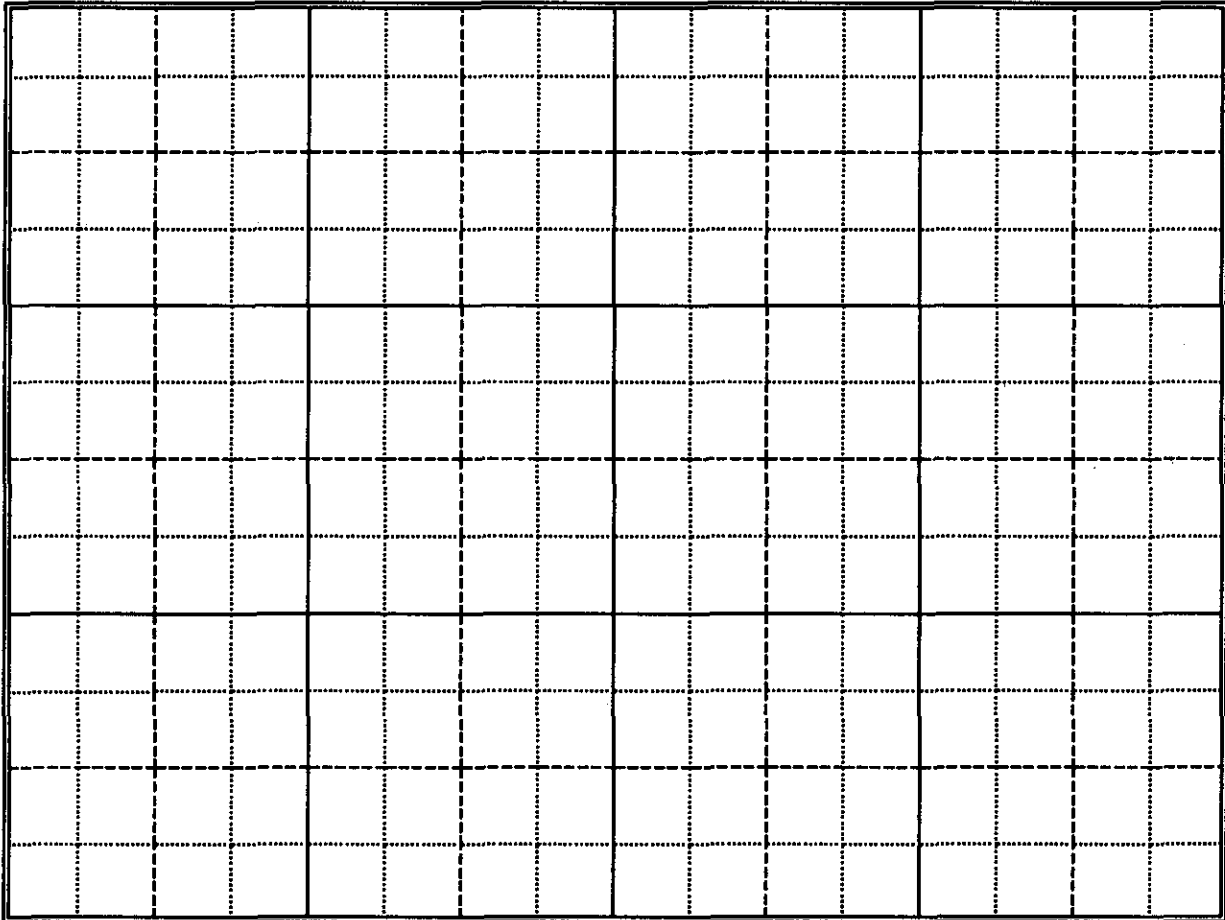
Indicate Method of Determination ArcView

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	18E	10													4.7	5.7	0.4		10.8
		15	8.1	0.6															8.7
																			19.5

MICROFILMED

SEP 25 2003

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____ Aerial View Map

☒ Copy of USGS Contour Map Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☒ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Franklin	40		Berkeley	

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Data Industrial Flow Meter	in-line		Series 1500	6875		None Sep 2002

2. Measurements: ~~Not measured meter not working, Pump curve from Wood River~~
~~Drilling shows 75 gpm at very low efficiency~~ ~~100 gal/10 sec~~
~~Meter not working~~ ~~60.0 gpm~~ ~~768880 gal total~~

MICROFILM

E. NARRATIVE/REMARKS/COMMENTS

Well, motor, pump, lines to buried sprinkler system. Waters 3 ball fields south of Hailey High School, grass areas west & north of school, plus football field & land south, west & north of football field. The grass on the south side of high school has, until recently, been watered by hand using city water; this land is not part of the recommended place of use.

A new high school is being built this year north of the present school, and a new football field is being built north of the existing field. Land & a portion of an existing groundwater right have been purchased to accommodate this construction. A new well will be drilled in the NW/SE Sec. 10 under a pending water transfer. All the land north of the high school has been torn up as part of the construction. I am doing this exam now to record the usage as it existed when proof was filed in 1998. Request immediate licensing so that this right can be included in the transfer if desired.

With regard to Condition #8 on approved permit, there is a valve on the mainline near the well that could be chained shut. But the local watermaster (Lee Peterson) does not control wells this way. He just sends out letters when curtailment of use is needed (as occurred last summer). While there is a flow meter as required, it is not working. ~~It appears to have recorded only 1 acre foot of use, so I don't think it has ever worked.~~ Lee is in favor of requiring a flow meter due to the likelihood of future regulation of ground water in this area, so I told Mr. Bennion that the meter would need to be repaired or replaced. Went back 8-13-02 to reqd new meter, but it was not working at ~~200-340 gpm~~ ³⁰⁻⁴⁰ gpm. Well runs ~~350~~ ³⁰⁻⁴⁰ Rainbird pop-up sprinklers at a time averaging 7 gpm/head ~~per system schematic 0.67-0.96 ft~~

Have conditions of permit approval been met? ☒ yes ☐ no

MICHAEL L. LEE

SEP 23 2003

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

~~Not measured - System designed for up to 340 gpm - 0.76 cfs - 2 1/4"~~

Permit = 0.80 cfs, Allow ~~0.76 cfs capacity~~ permitted amount

Measured 361-365 gpm on 11-2-02 (3 stations on) = 0.80 - 0.81 cfs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 17.5 \times 3.5 = 68.3$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.80 \times 179 \times 1.9835 = 315.8$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 68.3 \text{ APA}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	4-15	10-31	0.80	68.3
Totals:			0.80	68.3

2. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name

J.F. Stanton

Date

11-10

8-19-02

Reviewer

Date

MICROFILM SEAL

FEB 25 2003

Comment Report

37-8821

1. jstanton 5/10/2002 Field Exam

Comment: Exam conducted 5-2-02 accompanied by director of buildings & grounds. Well operating. No flow meter in system as required by permit. The meter we did find is apparently not connected to the well, and did not work anyway. Data from pump curve and system operation are very contradictory in regard to flow rate, so I plan to go back when a proper meter has been installed. Well waters grass north, west & south of Hailey High School, 19.5 acres total.

Was advised by Jim Speck in July that a meter had been installed, so went up to read it. Got there, met with Jim Bennion, but no meter was found.

Went back 8-13-02 after being notified by Jim Bennion office that meter was ready to be read. Got there and found a meter on mainline east of well. Meter read 60 gpm with well off, and the same with system on - meter was put in but not calibrated. Met with Chris of Clearwater Landscaping (maintains the system)(PO Box 597, Sun Valley, ID, 720-4808 cell #). He had schematic drawings of the system that showed 40 Rainbird Falcon heads operating at 70 psi or 30 heads at 80-90 psi. The idea is to use the full pumping capacity of the well in relation to what is being watered at any given time.

On 10-9-02, I again visited the well site to read the meter; per instructions of Allen Merritt, I did not ask for another exam fee. A new meter has been installed inside the control box for the variable-speed drive that has just been installed in the system. The sensor is located on the mainline just east of the well, but the meter head is inside the control box. A guy from Clearwater Landscaping showed me the system, and had 3 stations of sprinklers running (the normal setup with the new system). The meter showed 361-365 gpm (0.80-0.81 cfs). The permit is for 0.80 cfs, so the permitted flow rate is confirmed.

Although the apparent system capacity is 0.04 cfs per acre, this appears to be reasonable given the limited amount of time each day that irrigation can occur without interfering with normal uses of the property.

Request immediate licensing so that right can be included in pending transfer.

2. CZIMMERM 2/21/1995 TRUSTWATER REVIEW

Comment: This application proposes to divert 0.80 cfs of trustwater from groundwater to irrigate 40 acres. This application satisfies 42-203A & C requirements.

3. VAULT 2/27/1998 Proof of Beneficial Use Rcvd

Comment: Proof of Beneficial Use Rcvd

MICROFILMED

SEP 25 2003

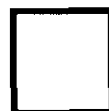
IDAHO DEPARTMENT OF WATER RESOURCES

LICENSING EXAMINATION DATA

RECOMMENDED P/D & P/U, PERMIT 37-8821



Section Lines



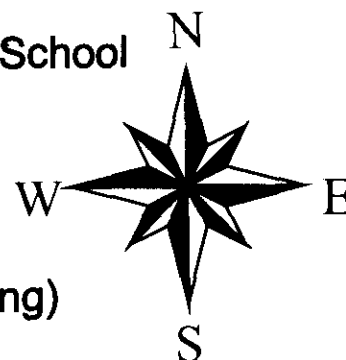
Quarter/Quarter Lines

General Location: North, west & south of Hailey High School

● Point of Diversion



Place of Use (Grass Sports Fields & Landscaping)

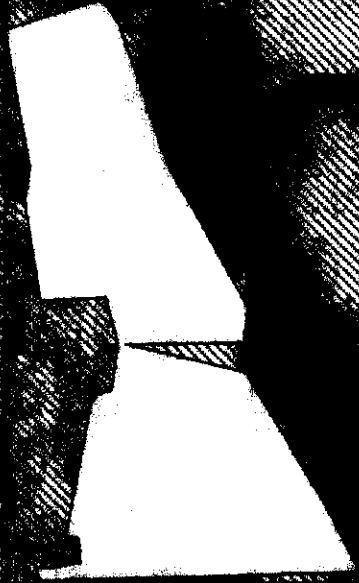
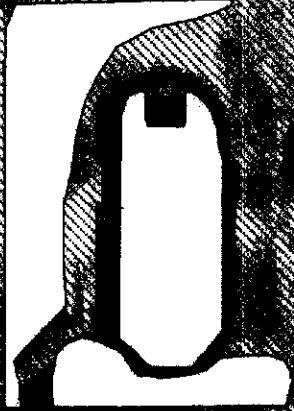


MICROFILMED

SEP 25 2003

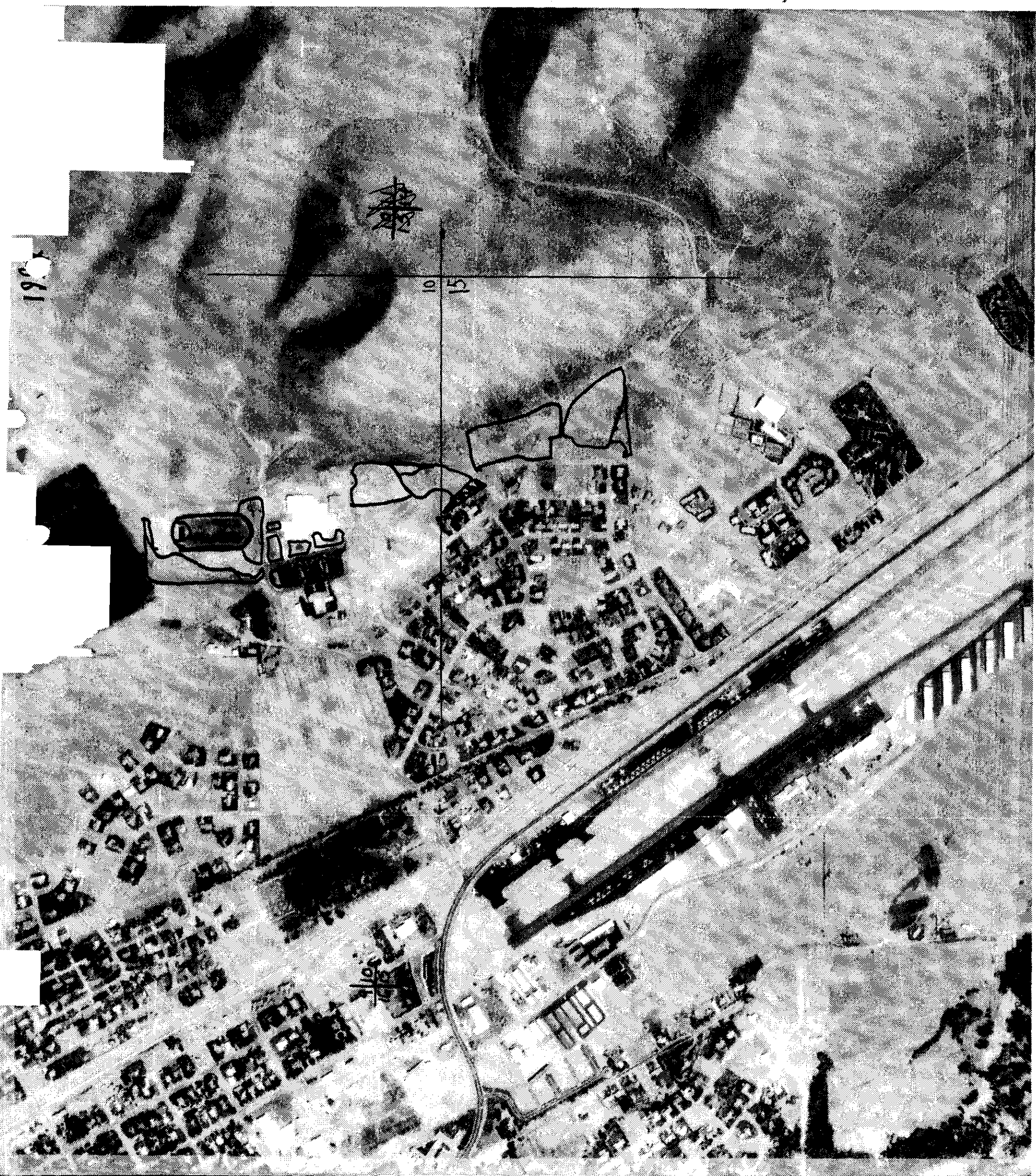
Prepared By J E Stanton 5-9-02

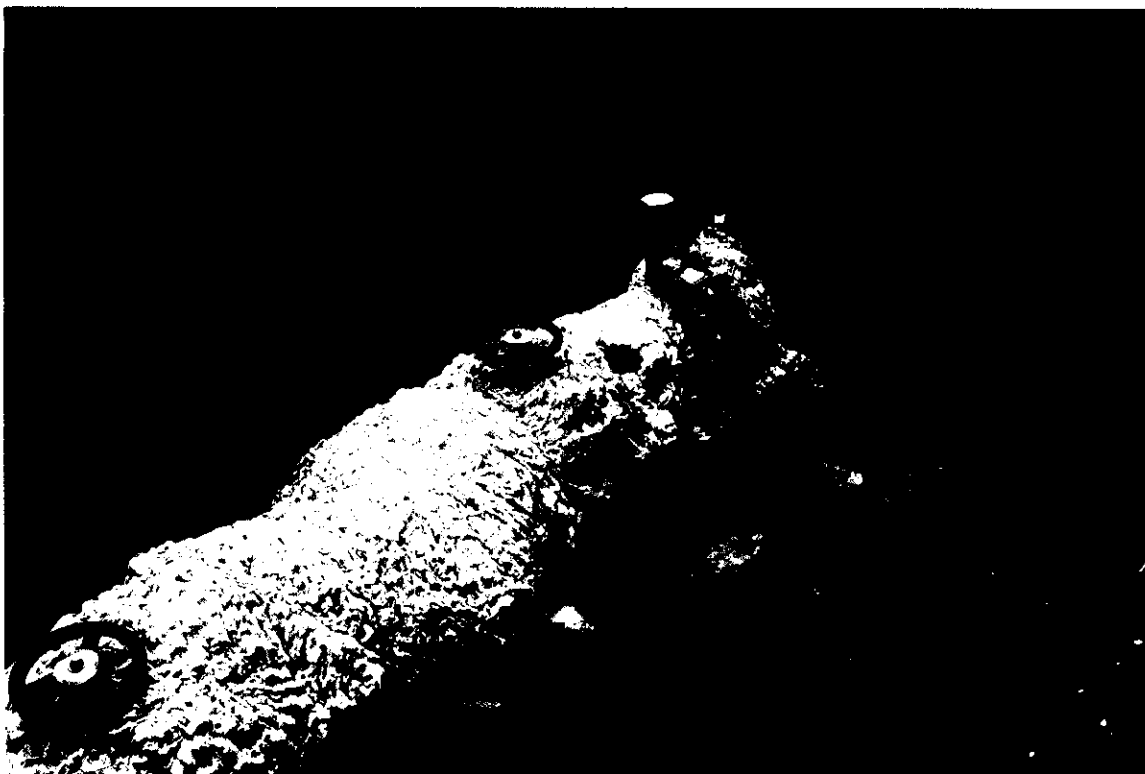
1986/87 NAPP Data



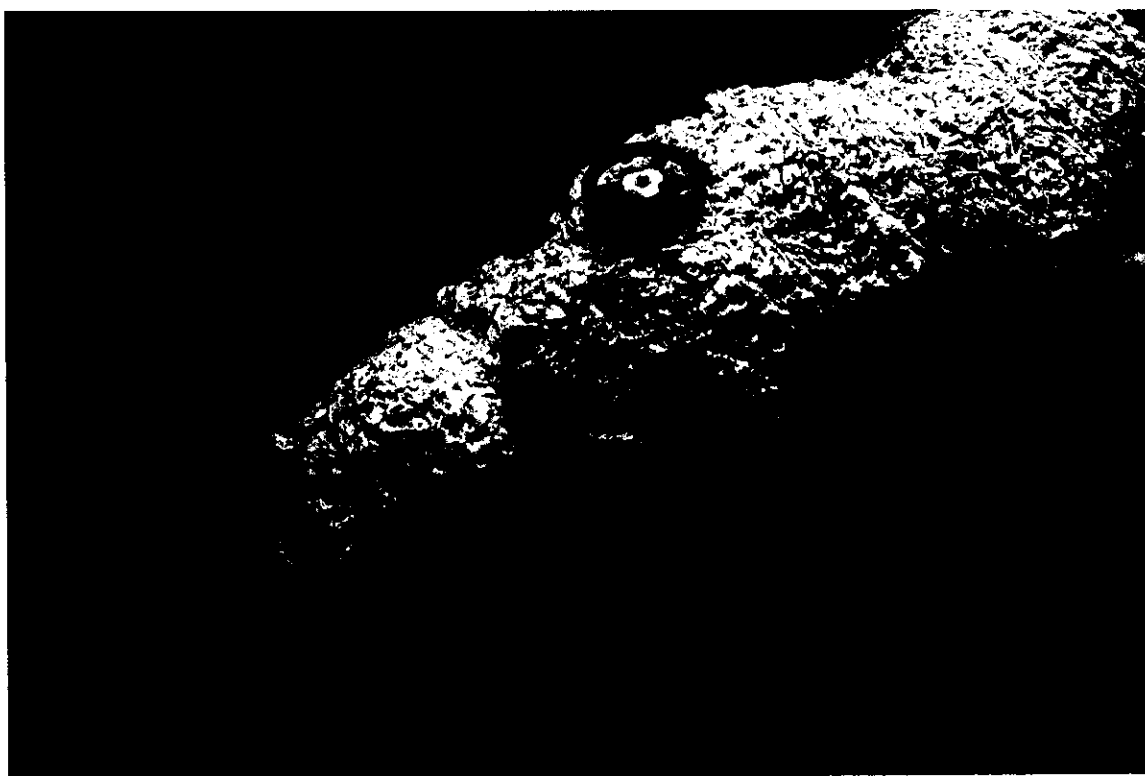
RECEIVED
FEB 1968

RECEIVED
FEB 1968





Well Head & Mainline With Insulation
By J E Stanton 5-2-02 37-8821



Mainline Going Underground East of Well
By J E Stanton 5-2-02

MICROFILMED

SEP 15 2003



Landscaping West of High School Looking West
By J E Stanton 5-2-02 37-8821



More Landscaping West of High School Looking WNW
By J E Stanton

MICROFILMED
FEB 25 2007



Permit 37-8821 Lawn On West Side Of Hailey High School
& South Of Main Building Entrance (Looking South)
By J E Stanton 5-2-2002



Lawn On West Side of High School Looking North From Main Entrance
(Some Lawn Already Torn Up Due To Construction Of New Building)
By J E Stanton 5-2-2002

MICRO

FEB 25 2003



South End of High School Looking East
By J E Stanton 5-2-02 37-8821



SW Corner of High School Looking SE
By J E Stanton 5-2-02

MICROFILMED
1992 2 4 303

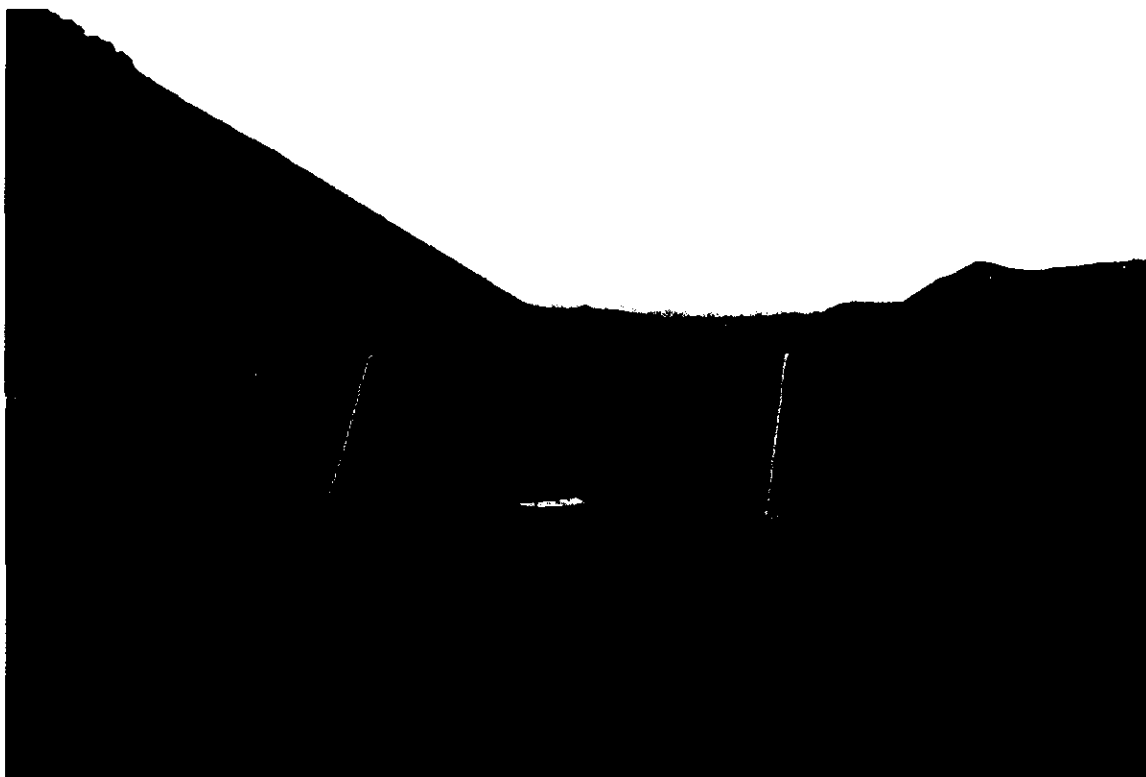


Irrigated Land South of High School Looking SW
By J E Stanton 5-2-02 37-8821



Landscaping On East Side of High School Looking N
By J E Stanton 5-2-02

PHOTOGRAPH
NO 25 2003



Irrigated Land South of High School Looking SE
By J E Stanton 5-2-02 37-8821



Irrigated Land South of High School Looking South
By J E Stanton 5-2-02

MICROFILMED
APR 25 2003

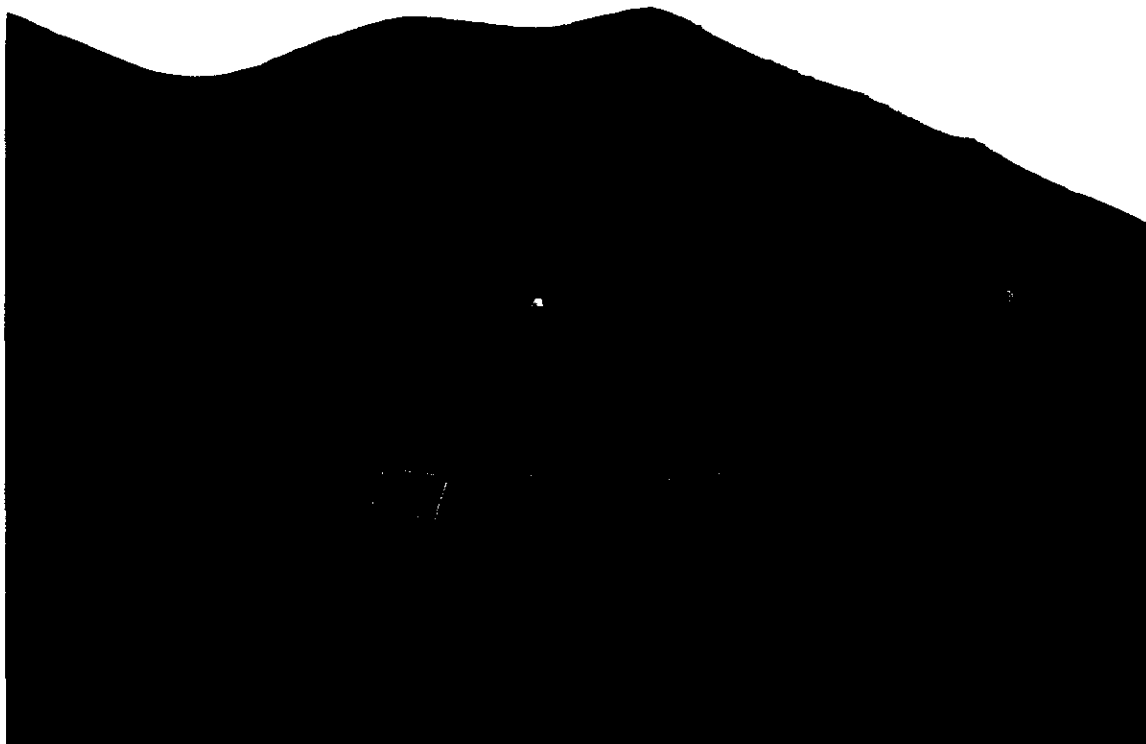


Ball Field South of High School Looking SE
By J E Stanton 5-2-02 37-8821

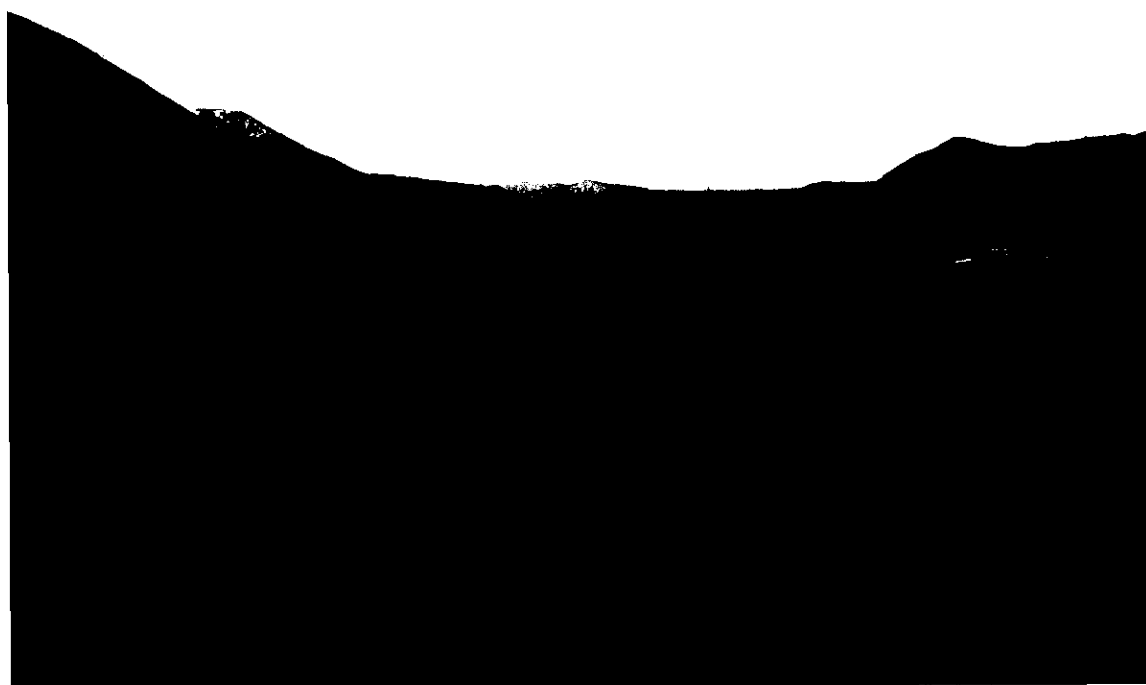


Ball Field South of High School Looking NE
By J E Stanton 5-2-02

MICROFILMED
SEP 25 2003

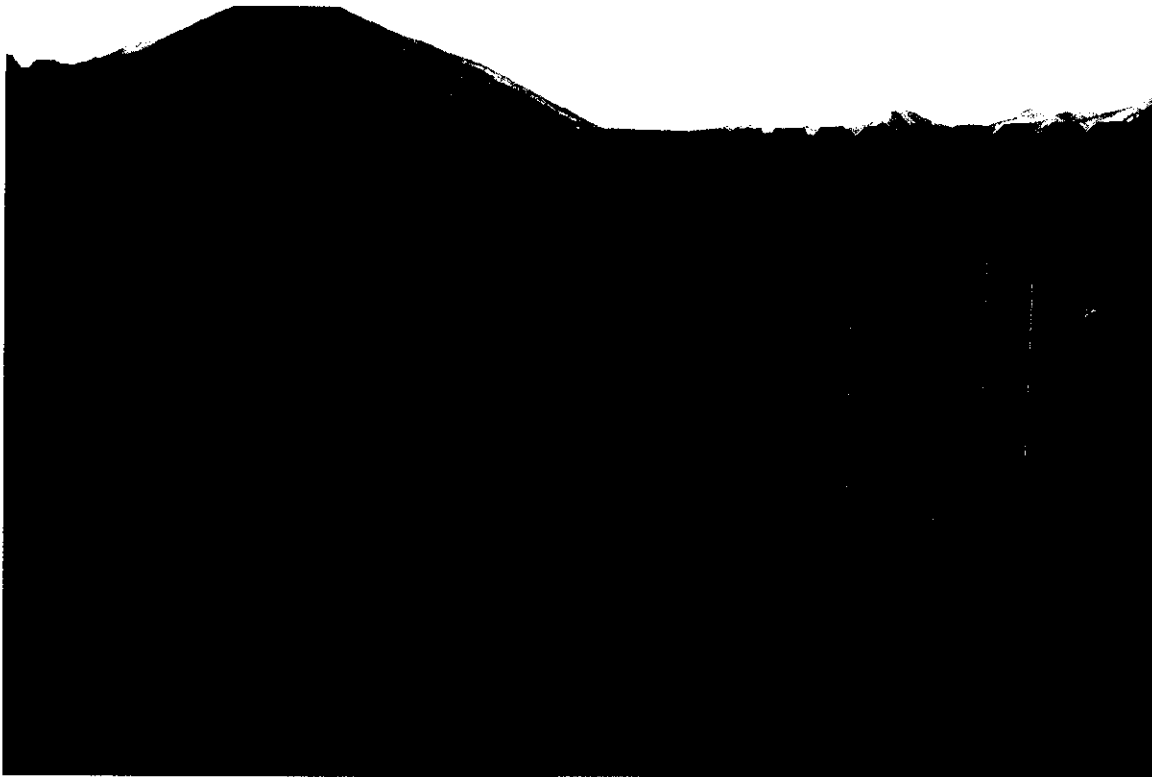


Area At North End of High School Torn Up For Construction
Of New High School. By J E Stanton 5-2-02 37-8821

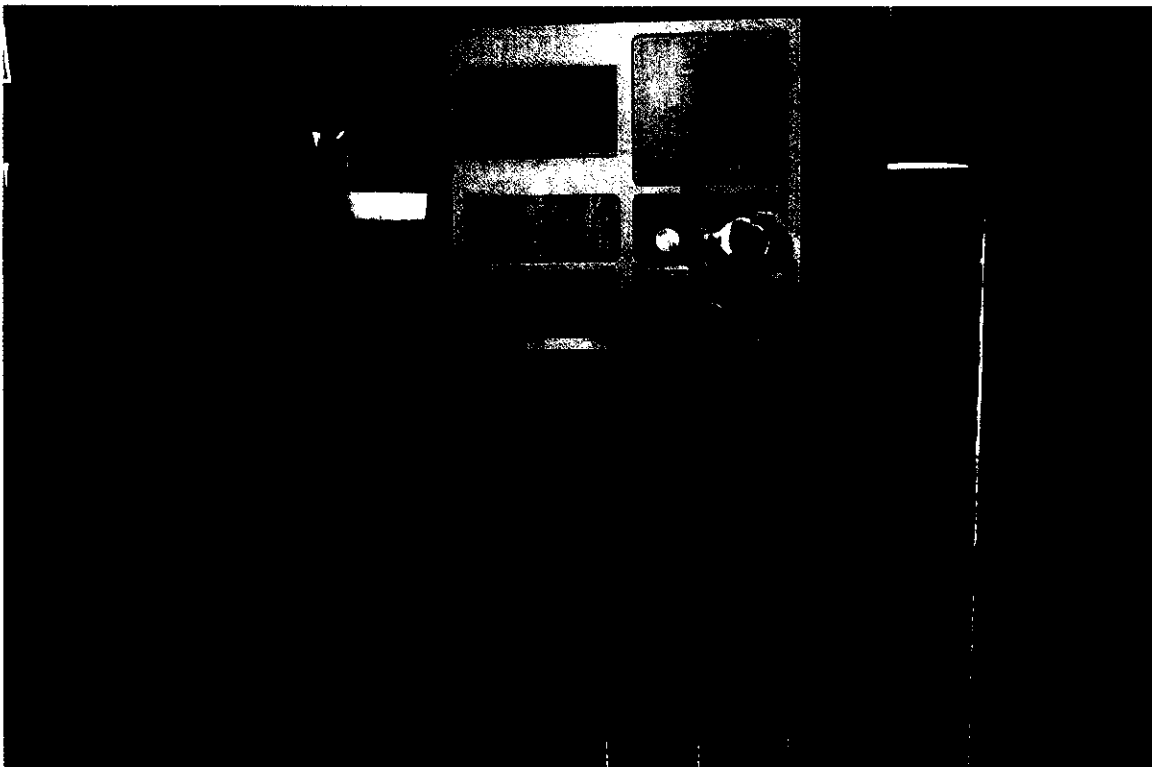


Entrance To South Ball Field Looking South
By J E Stanton 5-2-02

MICRO
FEB 25 2003



Irrigation Well, Control Box For Variable-Frequency Drive
By J E Stanton 10-9-2002 Permit 37-8821



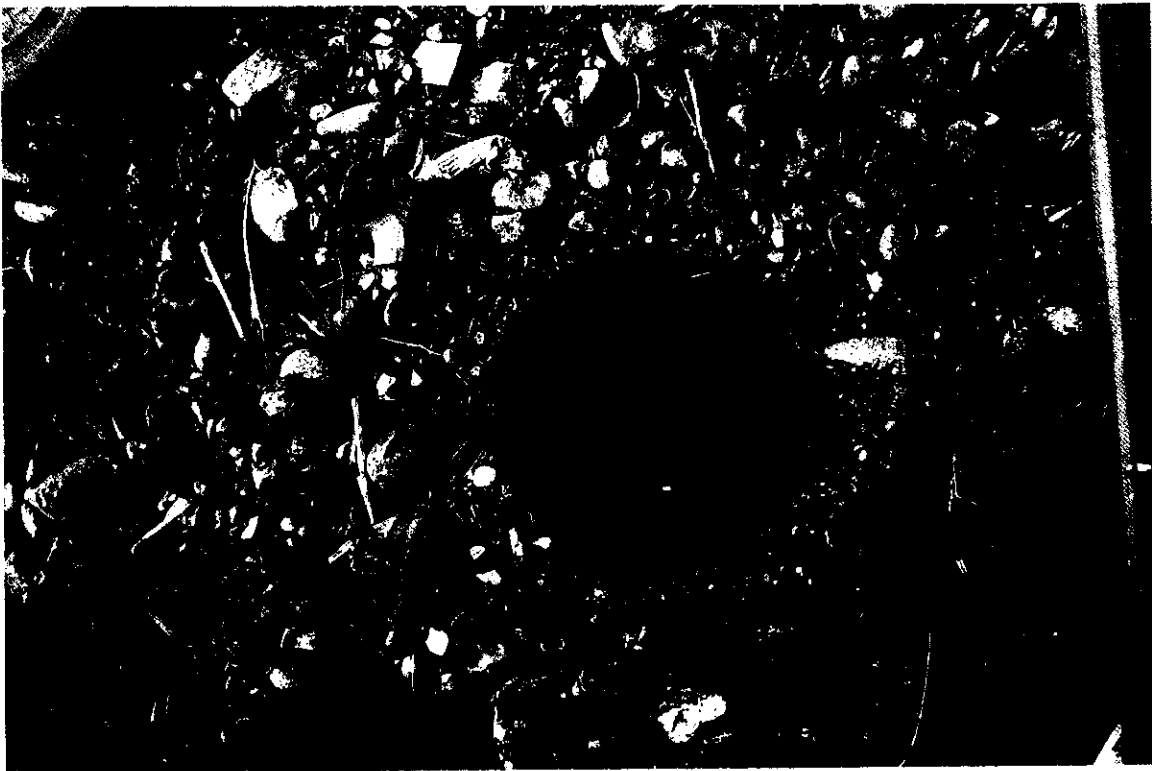
Closeup of Drive Control & Flow Meter Readout Inside Well Enclosure
By J E Stanton 10-9-2002

MICHAEL

SEP 15 2002



Location of Flow Sensor East of Well Enclosure
By J E Stanton 10-9-2002 Permit 37-8821



Flow Sensor In Mainline East of Well
By J E Stanton 10-9-2002

MICRO

PER 25 803



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

March 19, 1998

Blaine County School District
Attn James P Speck Esq
PO Box 987
Ketchum ID 83340

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08821

Dear Permit Holder:

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

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.

If you have questions concerning the field examination, please contact the department's **SOUTHERN** Regional Office in Twin Falls at (208)736-3033.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED

MAR 27 1998

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 37-08821 Reviewed by Jay Date 3-19-98

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

 Surface water source
✓ Ground water source
yes Drilling permit required?
no Copy in the file? Drilling Permit No. 37-95-S-0179-000
200- Amount paid for permit yes Correct?
yes Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
100- Amount Submitted
yes Correct?
yes Required?
yes Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>	<u> </u> <u> </u> <u>=</u> <u> </u> <u>+</u> <u> </u>	<u> </u>
Date proof due	<u> </u>		<u> </u>
No. of days late	<u> </u>		<u> </u>
Priority Date	<u> </u>		<u> </u>
New Priority Date	<u> </u>		<u> </u>

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address X Proof Made 2-26-98

1. DRILLING PERMIT NO. 37-95-S-0179-000
Other IDWR No. 37-06821

2. OWNER:
Name PLAINIE County Sheriff's Dept. # 61
Address P.O. Box 1008
City HADLEY State IN Zip 46333

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N
 Twp. 21 North ☒ or South ☐
 Rge. 18 East ☒ or West ☐
 Sec. 15 NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$
 Gov't Lot _____ 10 acres 10 acres 180 acres
 County BLAINE
 S
 Address of Well Site WOOD RIVER HIKED
SCHOOL FOX ACRES City WACKEY
 (Give at least name of road + Distance to Road or Landmark)

Lt. _____ Blk. _____ Sub. Name _____

4. PROPOSED USE:

☐ Domestic ☐ Municipal ☐ Monitor ☒ Irrigation
☐ Thermal ☐ Injection ☐ Other

5. TYPE OF WORK

☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD

☐ Mud Rotary ☒ Air Rotary ☐ Cable ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
Cement Brown Neat	0	20	815 Sacks	Dumped in overbore with 20# 1/2" conductor

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) _____
Was drive shoe seal tested? Y ☐ N ☒ How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
10	+1 1/2	159	250	STEEL	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

☒ Perforations Method Knife
☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
110	155	3"	2640	1/4"	STEEL	☒	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

57 ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or
control devices: _____
27 1998

11. WELL TESTS:

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
300		150	1

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
18	0	4	TOP SOIL		✓
18	4	12	CLAY & GRAVEL		✓
18	12	21	SUBSOIL & CLAY		✓
10	21	60	CLAY & GRAVEL		✓
10	60	85	GRAVEL & SAND	✓	
10	85	93	CLAY & GRAVEL		✓
10	93	97	FINE SAND & GRAVEL	✓	
10	97	110	SAND & GRAVEL	✓	
10	110	133	CLAY & GRAVEL	✓	
10	133	159	GRAVEL	✓	

RECEIVED
JUN 17 1995

OCT 12 1995

OCT 12 1964
Department of Water Resources
Southern Region

~~OCT 23 1995~~

Department of Water Resources

Completed Depth 159 (Measurable)
Date: Started 10-3-95 Completed 10-9-95

13. DRILLER'S CERTIFICATION

I/We certify that all work performed in construction standards were complied with at the time the rig was removed.

Firm Name **BELLEVUE, ID 83313** Firm No. **265**

Firm Official Ken Smith Date 10-11-95

and
Supervisor or Operator ROD MCNEIL Date 10-11-95

(Sign once if Firm Official & Operator)

December 31, 1997

BLAINE COUNTY SCHOOL DISTRICT
C/O JAMES P SPECK ESQUIRE
PO BOX 987
KETCHUM ID 833400987

PROOF DUE NOTICE

RE: PERMIT NO. 37-08821

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 March 1, 1998.

(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,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

MAR 27 1998

CERTIFIED MAIL

NO. 590062336



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

R. KEITH HIGGINSON
DIRECTOR

March 17, 1995

BLAINE COUNTY SCHOOL DISTRICT
C/O JAMES P SPECK ESQUIRE
PO BOX 987
KETCHUM ID 83340-0987

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08821

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

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.

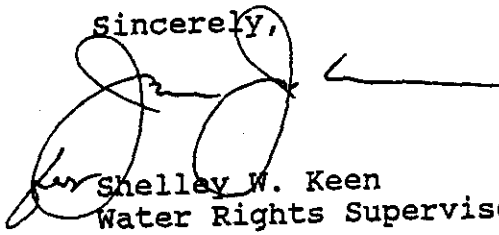
If a well has not already been constructed you are required to obtain a "drilling permit" from the department. The right to drill a well is not a part of this permit to appropriate water.

You should be aware that you are located within a drainage basin where surface water diversions are regulated by a watermaster. It is possible that diversion of groundwater under your permit may cause a reduction of surface water flow. Siting your well as far as possible from surface water channels and casing your well so that groundwater tributary to surface water flows are not diverted will reduce the potential for the watermaster to regulate your water use.

RECORDED
MAR 23 1995

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosures

RECEIVED

MAY 23 1995

03/14/95

15:16

21 208 327 7866

ID WATER RESOURS

001

*** ACTIVITY REPORT ***

TRANSMISSION OK

TX/RX NO.	4725
CONNECTION TEL	6p912087260752
CONNECTION ID	
START TIME	03/14 15:14
USAGE TIME	01'19
PAGES	3
RESULT	OK

RECEIVED
MAR 23 1995



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

R. KEITH HIGGINSON
DIRECTOR

TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-7866

DATE: 3/14/95

TO: James Speck
FAX 726-0752

FROM: Brenda Chapman
for Tim Johnson

DOCUMENT DESCRIPTION: Copy of Permit No. 37-01821
for Blaine County School District

COVER SHEET + 2 PAGES

CONTACT: Brenda at 327-5452 IF YOU DO NOT RECEIVE ALL THE PAGES

THANK YOU!

Administrative

MAR 23 1995

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 37-08821

Proposed Priority: May 24, 1993

Maximum Diversion Rate:

0.80 CFS

This is to certify, that **BLAINE COUNTY SCHOOL DISTRICT**
C/O JAMES P SPECK ESQUIRE
PO BOX 987
KETCHUM ID 83340-0987

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>
IRRIGATION	04/15 to 10/15	0.80 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWNENE , Sec. 15, Township 02N, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N	18E	10	NWSE 11.3	SWSE 13.4		24.7
		15	NENE 13.1	NWNE 2.2		15.3

Total number of acres irrigated: 40.0

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1998.
2. Subject to all prior water rights.
3. Use of water under this right may be affected by an agreement between the protestant and the right holder.
4. 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.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Construction of the well must comply with Idaho well construction standards.
7. Use of water under this right is subject to control by the watermaster of State Water District No. 37.
8. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diverting water under this right.
9. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

APPROVED
MAR 23 1995

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

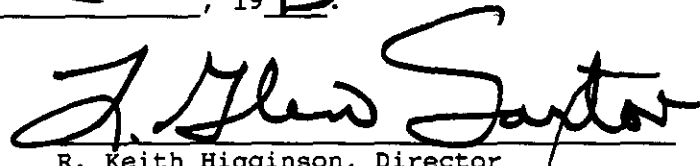
NO. 37-08821

CONDITIONS/REMARKS:

10. This right is approved in conjunction with an exchange of surface water rights which will remain in the Big Wood River pursuant to the exchange provisions in Section 42-105, Idaho Code.
11. Diversion and use of water shall only occur at those times when water is available to fill right no. 37-00577BN.
12. The Director retains jurisdiction to require the collection and reporting of water diverted.
13. For purposes of regulating this right with respect to other groundwater rights, the priority of this right shall be May 24, 1993.

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

14 th day of March, 1995.

for 
R. Keith Higginson, Director

RECORDED

MAR 23 1995

**APPLICATION FOR PERMIT
STATE OFFICE REVIEW**
by Cindy Zimmerman

No.: 37-8821 Name: Blaine City Sch. Dist Date: 2/21/95 ^{\$3/14/95} Ad OK? ☒
Correct Fee? ☒ Receipt #: 5019790 Priority: 5-24-93 ☒ Gvmt Lts: ☒

AREA OF CONCERN? Mitigated - No/Yes ESRP Mor GWMA Trust/Non-trust
PROTESTED: - 020 (Prehearing agreement) or W19 (See Order)

SYSTEM COMPLETED:

Yes/proof filed - NA
1 year/no proof - P16
+1 year - 26A P17

GROUNDWATER: <✓ FLO-CH>

+ 0.2 cfs - ~~01M~~ use 01M per mitigation plan
- 0.2 cfs - No MD
+ 5 a. (POU cmp) - ~~01M, -003~~ (if GW use SW 1st)

Drilling Permit:

Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. , P99
No WD permit? - ~~016-46A(-46B-P23)~~ (post 7/1/87)
irr. in WD - P08 (new well)

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

Water District (~~dom~~) - 005 (req) WD # 37 <SEE MAP & LISTING>
+ 0.2 cfs - ~~01M~~ P08 or 01M per mitigation plan
- 0.2 cfs - 01H-P01 or No MD
+ 5 a. irr. - 01M (POU cmp)
In-WD + 0.2 cfs - 01M or No MD (in-stream)
+ 5 a. irr. - 01M (POU cmp)

RIVER BASINS (*Surface water):

Snake R (01) - 11A-P04, NA
(02/03) - 007-P07 (w/remark WB9), NA
Boise R (63) - 05A (if WD), 11E (not 42-111 use), NA
Payette R (65) - 064 (consump. use), 047-P04 (Payette Lake), NA

USE:

Domestic (surface) - 021 (Boise R ↑ L Peak); 064 (Payette R); NA
Fish Propagation - 07A-042 (rq)-010/06A/09E(WQ)-P10; 044 (N 1000 Spr)
Irr - 5 acres - 057 (0.03 cfs/A)
+ 5 acres - 03A (0.02 cfs/A)
Mining - 054 (req) & 06A/010/09E-P10
Power - 08A-17K-025-027-01M-01F(P19)-09E(P10);
+25 cfs-P18; 17G(FERC) or 17M(FERE); 18B-P09
Storage (✓ 3 compo.) - 18A (multi MD in WD), 18B-P09 (+10' dam), NA

LOCATION:

Boise Front LoGeo - 058 (-85° GW temp only)
In-stream dev. - 030 (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - 7 <SEE CONDITION CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA

OWNERSHIP:

Non-land owner - 004 (PD/PU)

OTHER CONDITIONS:

STANDARD REMARKS:

See attached sheet.

BENEFICIAL USE DUE:

COMMENTS:

- 5-1-1998
- SRBA claim #A37-12818 used as mitigation for this application is being recommended as disallowed due to forfeiture

SD-0410-1
MODIFY RIGHT

Idaho Department of Water Resources
Water Rights Remarks Screen

Date: 03/14/95
Time: 14:59:04

Water Right Number: P37-08821

FIRST PAGE

13. Remarks: 1. This right is approved in conjunction with an exchange of surface water rights which will remain in the Big Wood River pursuant to the exchange provisions in Section 42-105, Idaho Code. _____
2. Diversion and use of water shall only occur at those times when water is available to fill right no. 37-00577BN. _____
3. The Director retains jurisdiction to require the collection and reporting of water diverted. _____
4. For purposes of regulating this right with respect to other groundwater rights, the priority of this right shall be _____
- May 24, 1993. _____
- _____
- _____
- _____
- _____
- _____

(GOLD2=Update)

(GOLD4=Prev Screen)

(GOLD6=End of Data)

(Enter=Exit)

(GOLD3=Add Std Rmk)

(GOLD5=Next Screen)

(GOLD8=Cancel)

MEMORANDUM

DATE: February 21, 1995
TO: File No. 37-08821
FROM: Cindy Zimmerman
SUBJECT: Trustwater Review

=====

This application proposes to divert 0.80 cfs of trustwater from groundwater to irrigate 40 acres located within NWSE (11.3 A), SWSE (13.4 A), S10, and NENE (13.1 A), NWNE (2.2 A), S15, T02N, R18E. This application satisfies 42-203A & C requirements.

This application is located within the Big Wood River Groundwater Management Area and the Eastern Snake River Plain Moratorium Area.

The irrigation use proposed by this application has been mitigated by leaving 0.80 cfs authorized under a portion of right no. 37-00557BN (SRBA claim A37-12818) in the Big Wood River at its described point of diversion.

RECEIVED

MAR 23 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

October 7, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

James P. Speck
Hogue, Speck & Aanestad
120 E. Avenue
P.O. Box 987
Ketchum, ID 83340

RE: APPLICATION FOR PERMIT NO. 37-08587 IN THE NAME OF GREGG T. STURTEVANT, APPLICATION FOR PERMIT NO. 37-08819 IN THE NAME OF KEITH FRIEDLY, APPLICATION FOR PERMIT NO. 37-08820 IN THE NAME OF ROD THORNTON AND APPLICATION FOR PERMIT NO. 37-08821 IN THE NAME OF BLAINE COUNTY SCHOOL DISTRICT

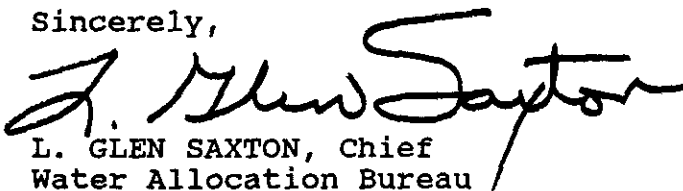
Dear Mr. Speck:

The above referenced applications were filed about a year ago with the department and have been the subject of numerous letters and phone discussions between Nick Spencer of this office and you related to surface water which has been proposed under application for transfer no. 4205 as mitigation for the diversion of ground water under the applications for permit.

The problem that needed to be resolved was whether and how to determine the validity of surface water right 37-00577(part)/A37-12818 which upon investigation by SRBA field staff appears to have been lost through five (5) years non-use. At one time, the SRBA court appeared to be the logical entity to deal with the validity of the offered mitigation right. Since the court has stayed action in the SRBA, however, the department's position is that there is authority as expressed in Jenkins, 103 Idaho 384, 389, 647 P.2d 1256 (1982) for the department to consider the validity of a right as an application for transfer is processed.

In order to get this matter moving again, I propose that the department issue a Preliminary Order denying the four (4) pending applications for permit and denying the transfer unless you have a different suggested solution which will allow this matter to proceed to a conclusion rather than languish in department files. If I do not hear from you within twenty (20) days, the department will issue such an order.

Sincerely,


L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR S. Region

MAR 23 1995

MEMORANDUM

DATE: 28-Oct-1993

FROM: Loren Holmes *LH*

TO: Files; Transfer 4205, Apps for permit 37-8587, 8270, 8819, 8821

SUBJECT: Final region review of files

SRBA claim A37-12818, which is a previously unrecorded split of 37-00577, is proposed to be used as the basis for mitigation plans enabling approval of the applications for permit. A .11 cfs portion of the right is proposed for transfer under transfer 4205.

The following is a summary of the proposed changes in acres and amounts of water:

Application	Acres	Q	Acres remaining	Q remaining
T4205	4	.11	99	2.61
37-08587	3	.079	96	2.531
37-08220	1	.026	95	2.505
37-08819	1	.026	94	2.479
37-08821	40	.80	54	1.679

Approval of these applications will result in an untransferred remainder of A37-12818 of 1.679 cfs appurtenant to an unspecified 54 acres of the claimed place of use.

The claim has been completely reviewed by SRBA staff according to the standards set for review of claims. A claim verification report (CVR) has been completed and the claim has been recommended for disallowal based on a finding of 5 years non-use. Pertinent parts of the CVR and the reviewing agent's analysis are attached.

If water under claim A37-12818 has historically been turned into the canal, then execution of the mitigation plans will result in an actual contribution of water to the river.

If water has not been turned into the canal, then the river flows have actually been augmented by this water for some time. The mitigation plans will contribute no additional water to the river and exercise of the groundwater permits will further stress the existing conditions.

A study of historic daily flows in the Hiawatha canal documented in "Water distribution and Hydrometric Work in Water District 37" reports covering the 1970's to the present may shed some light on whether the water was turned into the canal. The region does not have a complete set of these records.

RECEIVED
OCT 31 1995

Page 2

With respect to Transfer 4205, the file supports a recommendation of denial because water has not been beneficially used on the place of use of the water right. On the other hand, if this right has been delivered by the watermaster at the Hiawatha headgate, and this is sufficient to prevent a forfeiture, the transfer can be granted.

Of course, the court may uphold the disallowal of the claim which would render this set of applications impossible. It may be necessary to hold the whole matter in abeyance until the SRBA court rules on the claim.


MAR 23 1995

4 - 3

R18E

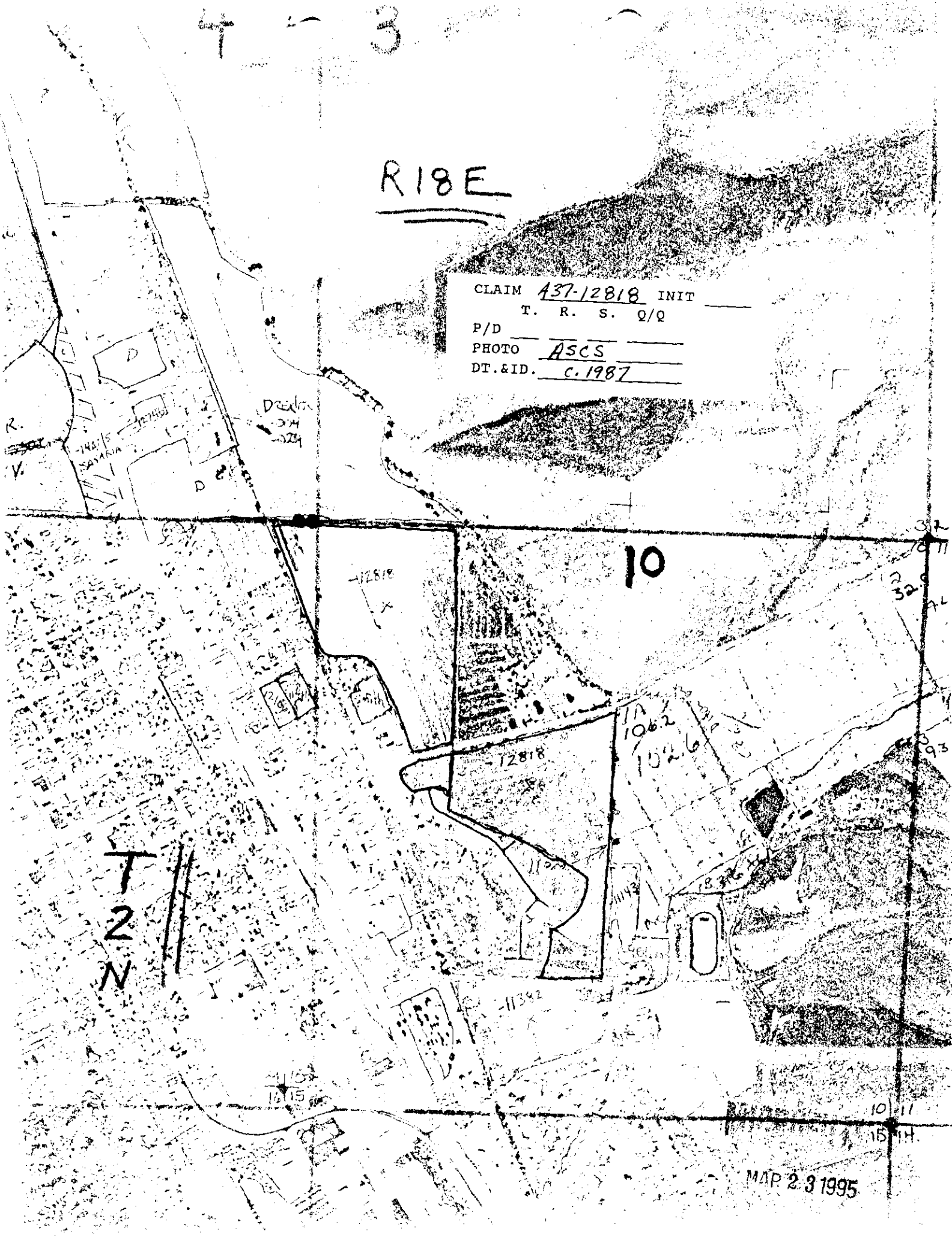
CLAIM 437-12818 INIT _____

T. R. S. Q/Q

P/D _____

PHOTO ASCS

DT.&ID. C. 1987



MAP 2 3 1995

1988
NAPP

CLAIM A37-12818 INIT SC
T. R. S. Q/Q

P/D

PHOTO NAPP 444-60 X74 SE
DT. & ID. 9-15-88

DELIVERY IRRIGATION DITCH
ALONG THIS
EDGE OF FIELD

NON-IRRIGATED
LANDS

DELIVERY DITCHES TO THIS
POU SHOW NO EVIDENCE OF
CARRYING WATER. POU LOOKS
UNIRRIGATED IN THIS PHOTO.

MAR 23 1995

Water Right Number - R37-12818

Prefix Translation:

RESEARCH

Old (D) Number

Last Name

First Name

Address

*** A - ATTORNEY ***
SPECK

JAMES P

1 - PO BOX 987

State- ID Zip- 83340

*** C - CURRENT OWNER ***
PACESETTER DEVELOPMENT COMPANY

2 -
3 -
City- KETCHUM
Phone - 208-000-0000

State- ID Zip- 83340

1 - 4540 CAMPUS DR

2 -
3 -
City- NEWPORT BEACH
Phone - 714-852-8600

State- CA Zip- 92660

Priority Date
03/24/1883

Region
ERROR IN REGION

Stage

Status
I - DISALLOWED

Source
BIG WOOD RIVER

Tributary
MALAD RIVER

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion
03N	18E	20	SE SW NW			(13) BLAINE	HIAWATHA CANAL

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	11/01		2.720	

Total Div. Rate - + - Total Div. Volume - +
2.720

Total Consumptive Use - + - KW Usage - +
257.5

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
02N	18E	9	NE NE		6.0		01	IRRIGATION	(13) BLAINE
02N	18E	10	NW NW		37.0		01	IRRIGATION	(13) BLAINE
02N	18E	10	SW NW		17.0		01	IRRIGATION	(13) BLAINE
02N	18E	10	SE NW		27.0		01	IRRIGATION	(13) BLAINE
02N	18E	10	NE SW		16.0		01	IRRIGATION	(13) BLAINE

Total Acres: 103.0

- - - Diversion Means - VIA HEADGATE #22 & HIAWATHA CANAL

- - - Non-Irrigation Use -

- - - Other Rights for Same Use - NONE

MAR 23 1995

Water right number - R37-12818

Prefix Translation: RESEARCH

FORFEITED/ABANDONED.

3700577

P04 - FORFEITED/ABANDONED: This is included for a claim based on a
- decree or license that is PROPOSED to be disallowed on the basis
- that the water right no longer exists because forfeiture of the
- right by nonuse was confirmed and a defense to forfeiture was not
- confirmed, or because abandonment of the right was confirmed.

S.C. FROST ET AL

Decree Defendant - - - +
ALTURUS WATER CO., ET ALDecree Date - +
00/00/0000Date: 10/15/1993 User Id: CLELLAND Subject: RECOMMENDATION/DISALLOWAL
SEE FILE FOR DETAILS OF REVIEW. WATER HAS NOT BEEN USED FOR A PERIOD OF AT LEAST 5 YEARS; 1987-1992.Audit Fields - - +
10/15/93 CLELLAND

Adjudication Rights Dates and Flags Area

Court Report Filing	- 00/00/0000	Field Inspection Made	- 09/30/1993	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 10/15/1993	Old Judicial District	-
Claim Received Date	- 02/03/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	- D
				Notice of Error Flag	-

MAR 23 1995

A37-12818

Comparison of Evidences & Review

10-15-93

STEVE CLELAND

2

(ABANDONED)

(FORGOTTEN)

- ①
- ②
- ③
- ④
- ⑤
- ⑥

1974 X74
OPQ irrigation not shown

1980 Photo filed to Subdivide w/ County.

1984 Landsat does not support irrigation uses

1985 W. Master bills for Water.

1986 W. Master Bills for Water.

1987 No Billing. Napp shows Non-irrigation

1988 No Billing. Napp shows Non-irrigation

1989 No Billing.

1990 Billed. 6-11 Field Exam no irrigation, no system

1991 Billed.

1992 Billed.

1993 9-30 Field Exam - no irrigation, system reditched.
5-14 Field Exam (by Mel Schulte)
no irrigation - no delivery system.

Affidavits claim:

GREGORY MANN (OCT 1 1993)

1991 July - claims to irrigate SENW S.10 for Cattle Grazing.
Aug - claims to irrigate North of Quigley Road
for Cattle Grazing.

(replaces an earlier sworn statement.)

No system for irrigation existed in 1990 or in 1993
to irrigate the lands in SENW. They looked the same
on both exams - unirrigated and prepared for Subd.

No cattle were grazed here ~~either~~ fences
during either exam and no cattle signs of grazing
i.e. manure, Tracks, or grazed off crops.

10-15-1995

P. 2 of 2

A37-12818 review

In discussing the irrigation possibilities for lands north of Quigley road, Mel Schulte and I compared what we had viewed on previous exams and we concluded; No irrigation system for delivery existed until our last exam in 9-30-93, At that time new ditches had been dug or cleaned. No evidence of Cattle grazing had occurred. The area was not completely fenced off from Residential areas and the signs of cattle were absent.

The crop/vegetation found growing on 9-30-93 was a mixture of local weeds, some sagebrush has started to reclaim the land, and a volunteer alfalfa crop was found. Not uncommon for alfalfa to remain growing like that due to the deep root system & gravelly soils.

Evidence does not support this affiant's statements.

AFFIDAVIT:

BURR SMITH (9-22-93)

1983

He moved to property adjacent to A37-12812 pou. Since then has irrigated the parcels & pastured horses.

MICROFILMED

MAR 23 1995

See the listing on page one of this review.
Property may have been irrigated in part
during 1983 as claimed. It is possible
Landsat reports list a partial irrigation
in 1984, but from 1987 onward to present
no evidence supports this affiant's claims.
Again, the place is not fenced nor are there
signs of grazing by horses or cattle in
this field.

AFFIDAVIT:

CLINT STENNETT (9-15-93)

1983, 84, 85

Says he farmed & irrigated the property
North of Augley Road. also pastured
Horses there.

Evidence supports some possible irrigation
on parts of this parcel in Landsat of 1984.
No ~~ways~~ information on 1983 or 1985.

MAR 23 1995

P. 4 of

A37-12818

AFFIDAVIT:

GEORGE MANN (9-7-93)

1991	July	{ same as the first affidavit, except ← change in date on the August entry from 1993 to 1991. }
1993	Aug	

Raises the question of the validity of
"sworn statements" by affiant

Summary:

The history of this right is pretty clear and is supported by the evidence available at this time of Review.

In 1974 when the downstream rights on Hiawatha Canal were abandoned, this place became the last delivery on the ditch. A reduced flow in the Canal made economical use of this land and water impractical. (See CVR page 10 for analysis.) Finally, in 1980 the Decfield Plats were filed to subdivide this property. Some partial use occurred around 1983. By 1987 no use was being made. 1995

595

437-12818

the water for irrigation and the Water Master never billed for its use until 1990. All the evidence during this time confirms the non-use of water for irrigation on this property.

The Billing of Water Master for these rights doesn't support its use in 1990, 91 or 92.

It has been my experience with water users that they believe merely paying the assessment to the Water Master will insure continued validity of their rights. This belief is reinforced by water masters also. (Dale Mizer mentioned this to me during our conversation of this area and its rights.)

My personal field exam in 1990 on June 11th would have followed 3 years of non use on these lands as indicated by the evidence shown. In Sept 30 1993 when I returned for a follow up look at the same property, the conditions and appearance of the property had not changed it remained unirrigated.

Only in 1993, when mitigation was appear for this right, are any efforts made to develop the irrigation system. But the efforts aren't complete since the right is not wanted for irrigation use.

Recommend: Disallowal by Forfeiture/Abandonment

Steve Caldwell MAR 02 8 59 93

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1b. CALCULATIONS

1a. IRRIGATION RATE
ACRES $\times$ 0.02 CFS/ACRE = CFS
(Taken from P/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 257.5 AF/A

ACRES $\times$ CONSUMPTIVE VOL. AF/A FOR AREA =

TOTAL CONSUMPTIVE USE AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES $\times$ DIVERSION VOL. AF/A FOR AREA =

TOTAL DIVERSION VOLUME AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

$$\frac{2.79 \text{ cfs}}{103 \text{ Ac.}} = 0.026 \text{ cfs/Ac.}$$

$$= 1.32''/\text{Ac}$$

May need to run a Hubble analysis on this system.
This field is now the last place on the ditch, a ditch claimed by others upstream and the watermaster to be heavy on conveyance losses. When the places downstream, Woodside area, were taken out of production in 1974, the flow in the Canal was reduced. Without those additional flows, this rate of 1.32"/acre may not have been sufficient to sustain an economical crop. This led to the non use of the land & water as found.
See 10-15-93

RECEIVED
MAR 23 1995

STATE OF IDAHO *Blaine Co. School Dist.*
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY *JF Stanton* DATE *5-24, 1993*
APPLICATION NO. *37-08821*

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 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.
☒ Map
☒ Signature (If applicant is corp., partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt +---+PROPOSED PRIORITY DATE
5-24 19*93*

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to present application on the back. *None shown on app. 37-2784, 1209, 0191, 0905, 2659, 0648A*
☐ Overlapping point of diversion. *on WR Database.*
☐ Yes ☒ No Field check required *None claimed by applicant in SARA*
☐ Yes ☒ No Field check by *for A37-12818*
☒ Yes ☐ No Field report attached *for A37-12818*
☐ Yes ☒ No Critical Ground water area
☒ Yes ☐ No Groundwater management area
☐ Yes ☒ No Send Dam safety information *Process App.*
☐ Yes ☒ No Send power requirement letter
☐ Yes ☒ No Send fish farm requirement letter *Hqs mitigation right-*
☐ Yes ☒ No Power residency affidavit. *see "Analysis Summary" for A37-12818*
☐ 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.
See reverse side for additional information.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

Date Requested _____, 19____

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

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

See below for additional information _____
Date of priority recommended _____, 19____
By _____ Date _____, 19____

See below for additional information

By _____ Date _____, 19____

ADDITIONAL INFORMATION:

LOCAL PUBLIC INTEREST

Comments recieved from:

_____ City	_____ Idaho Fish & Game	_____ Irrigation Dist.
_____ County	_____ Idaho Health & welfare	_____ Canal Company
_____ Reservations	_____ Div. of Enviromental Quality	_____ Other _____

PROJECT IMPACTS/IMPLICATIONS REPORT

COMMENTS:

DATE _____, 19____



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

27-Oct-1993

R. KEITH HIGGINSON
Director

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

RE: Application for Permit Nos. 37-08587 (Sturtevant)
37-08819 (Friedly)
37-08820 (Thornton)
37-08821 (Blaine Co. School)

Dear Mr. Oneida:

This office acknowledges receipt of the withdrawal of your protests against the above referenced applications.

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

The Department will continue review of the application without further contact with you unless information is requested.

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

Very truly yours,

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

LH:MB

RECEIVED

MAR 23 1995

Big Wood Canal Company

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

RECEIVED

OCT 26 1993

Department of Water Resources
Southern Region Office

Oct. 25, 1993

R. Keith Higginson, Director
IDAHO DEPARTMENT OF WATER RESOURCES
222 Shoshone St. East
Twin Falls, Idaho 83301

RE: Application for Permit No.
37-08821
Blaine County School District

The Big Wood Canal Company will release the protest filed on application #37-08821 by Blaine County School District provided the mitigation plan is strictly followed.

Sincerely,



Richard M. Oneida
Manager

RMO/mae

[Illegible stamp]

MAR 23 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

19-Oct-1993

R. KEITH HIGGINSON
Director

JAMES P SPECK ESQUIRE
PO BOX 987
KETCHUM ID 83340

RE: APPLICATION FOR PERMITS NOS: 37-08819 (Friedly)
37-08820 (Thornton)
37-08821 (Blaine Co. School)

Dear Mr. Speck:

Enclosed are copies of protests filed against the above referenced applications.

The Department suggests you contact the protestant directly to determine the exact nature of the protests and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

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

LH:MB
Enclosure(s)

MAR 23 1995

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

ISSUES

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation injure other water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
6. Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, and 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a pre-hearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended order for the the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may by written stipulation waive the right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within (10) days prior to the hearing.

4423
29900



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

18-Oct-1993

R. KEITH HIGGINSON
Director

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

RE: APPLICATIONS FOR PERMIT NOS: 37-08587 (Sturtevant)
37-08819 (Friedly)
37-08820 (Thornton)
37-08821 (Blaine Co. School)

Dear Mr. Oneida:

Your protest against the approval of the above referenced applications have been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

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

LH:MB
Enclosure(s)

MAR 23 1995

Big Wood Canal Company

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

RECEIVED

SEP 20 1993

Department of Water Resources
Southern Region Office

Sept. 17, 1993

R. Keith Higginson, Director
IDAHO DEPARTMENT OF WATER RESOURCES
222 Shoshone St. East
Twin Falls, Idaho 83301

RE: Application for Permit No.
37-08821 Blaine County School

District

The Big Wood Canal Company would like to protest the application filed by Blaine County School District on the grounds that the use of this water could be detrimental to the storage of irrigation water at Magic Reservoir.

Sincerely,


Richard M. Oneida
Manager

RMO/mae

RECEIVED
MAR 23 1995

AFFIDAVIT of PUBLICATION

RECEIVED

SEP 28 1993

State of Idaho, }
County of Blaine } ss.

Department of Water Resources
Southern Region Office

On this 22nd day of Sept, in the year 1993, before me a Notary Public of said State, personally appeared DANIEL J. GURHAM, 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 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 15 day of Sept, 1993, and the date of the last publication was on the 22 day of Sept, 1993.

Subscribed and sworn to before me this 22nd day of Sept, 1993.
(SEAL)

Roberta M. Kuehn

NOTARY PUBLIC

#8868
WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line	
Number of Lines in Notice	<u>126</u>
Number of Insertions	
Lines tabular at	6c / Pica
Lines straight at	<u>63.00</u> 5c / Pica
Subsequent lines at	<u>56.70</u> 4c / Pica
TOTAL COST	<u>124.70</u> <u>5.00</u>

COPY OF NOTICE (Paste Here)

Application for Water
TITLE OF NOTICE right
"Sturtevant"
PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water, T.F.
BILL TO

Application for trust water right

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

37-08387

GREGG K. STURTEVANT
PO BOX 2924
KETCHUM ID 83340

Source: groundwater

Diversion Pt: MANHE, S19,
T02N, R18E (Lot 2, Blk 1, Plaza
Del Sol Subdivision); Blaine
County.

Use: Irrigation (.11 cfs) from
04/01 to 11/01

Date Filed: 01/09/1990

In: 3.74 acres within MANHE,
S19, T02N, R18E.

37-08819

KEITH FRIEDLY
C/O JAMES P SPECK ESQUIRE
PO BOX 987
KETCHUM ID 83340

Source: groundwater

Diversion Pt: MANHE, S33,
T02N, R18E; Blaine County.

Use: Irrigation (.026 cfs)
from 04/01 to 11/01

Date Filed: 04/29/1993

In: One (1) acre within MANHE,
S33, T02N, R18E.

37-08820

ROD THORNTON
C/O JAMES P SPECK ESQUIRE
PO BOX 987
KETCHUM ID 83340

Source: groundwater

Diversion Pt: SESEBU, S33,
T02N, R18E; Blaine County.

Use: Irrigation (.026 cfs)
from 04/01 to 11/01

Date Filed: 04/29/1993

In: One (1) acre within SEBU,
S33, T02N, R18E.

37-08821

BLAINE COUNTY SCHOOL DISTRICT
C/O JAMES P SPECK ESQUIRE
PO BOX 987
KETCHUM ID 83340

Source: groundwater

Diversion Pt: MANHE, S15,
T02N, R18E; Blaine County.

Use: Irrigation (.80 cfs) from
04/15 to 10/15

Date Filed: 05/24/1993

In: 40 acres within W1/2SE,
S10, T02N, R18E; S1/2NE, S15,
T02N, R18E.

The permit (s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the applicant and with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 on or before October 4, 1993.

R. Keith Higginson, Director

Publish: Wood River Journal-
September 15 & 22, 1993.

RECORDED
MAR 23 1995

NOTICE OF APPLICATIONS FOR
TRUST WATER RIGHT

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

37-08587

GREGG K. STURTEVANT
PO BOX 2924
KETCHUM ID 83340

Source: groundwater

Diversion Pt: NWNWNE, S19,
T02N, R18E (Lot 2, Blk 1, Plaza
Del Sol Subdivision; Blaine
County.

Use: irrigation (.11 cfs) from
04/01 to 11/01

Date Filed: 01/09/1990

In: 3.74 acres within NWNE,
S19, T02N, R18E.

37-08819

KEITH FRIEDLY
C/O JAMES P SPECK ESQUIRE
PO BOX 987
KETCHUM ID 83340

Source: groundwater

Diversion Pt: SWSWSE, S33,
T03N, R18E; Blaine County.

Use: irrigation (.026 cfs)
from 04/01 to 11/01

Date Filed: 04/29/1993

In: One (1) acre within SWSE,
S33, T03N, R18E.

37-08820

ROD THORNTON
C/O JAMES P SPECK ESQUIRE
PO BOX 987
KETCHUM ID 83340

Source: groundwater

Diversion Pt: SESESW, S33,
T03N, R18E; Blaine County.

Use: irrigation (.026 cfs)
from 04/01 to 11/01

Date Filed: 04/29/1993

In: One (1) acre within SESW,
S33, T03N, R18E.

37-08821

BLAINE COUNTY SCHOOL DISTRICT
C/O JAMES P SPECK ESQUIRE
PO BOX 987
KETCHUM ID 83340

Source: groundwater

Diversion Pt: NWNENE, S15,
T02N, R18E; Blaine County.

Use: irrigation (.80 cfs) from
04/15 to 10/15

Date Filed: 05/24/1993

In: 40 acres within W1/2SE,
S10, T02N, R18E; N1/2NE, S15,
T02N, R18E.

The permit (s) will be subject
to all prior water rights.
Protests may be submitted based
on the criteria of Sec.
42-203A, Idaho Code and/or the
new public interest criteria of
Sec. 42-203C, Idaho Code.
Protests must be filed with the
applicant and with the
Director, Dept. of Water
Resources, Southern Region, 222
Shoshone Street East, Twin
Falls, ID 83301 on or before
October 4, 1993.

R. Keith Higginson, Director

Published in Wood River Journal
on 9/15 & 9/22/93.

RECORDED

MAR 23 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

30-Aug-1993

R. KEITH HIGGINSON
Director

WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Gentlemen:

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

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.

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

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

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

MICROFILMED

MAR 23 1995

NOTICE OF APPLICATIONS FOR TRUST WATER RIGHT

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

37-08587

GREGG K. STURTEVANT
PO BOX 2924
KETCHUM ID 83340

Source: groundwater

Diversion Pt: NWNWNE, S19, T02N, R18E (Lot 2, Blk 1, Plaza Del Sol Subdivision; Blaine County.

Use: irrigation (.11 cfs) from 04/01 to 11/01

Date Filed: 01/09/1990

In: 3.74 acres within NWNE, S19, T02N, R18E.

37-08819

KEITH FRIEDLY
C/O JAMES P SPECK ESQUIRE
PO BOX 987
KETCHUM ID 83340

Source: groundwater

Diversion Pt: SWSWSE, S33, T03N, R18E; Blaine County.

Use: irrigation (.026 cfs) from 04/01 to 11/01

Date Filed: 04/29/1993

In: One (1) acre within SWSE, S33, T03N, R18E.

37-08820

ROD THORNTON
C/O JAMES P SPECK ESQUIRE
PO BOX 987
KETCHUM ID 83340

Source: groundwater

Diversion Pt: SESESW, S33, T03N, R18E; Blaine County.

Use: irrigation (.026 cfs) from 04/01 to 11/01

Date Filed: 04/29/1993

MAR 23 1995

In: One (1) acre within SESW, S33, T03N, R18E.

37-08821

BLAINE COUNTY SCHOOL DISTRICT
C/O JAMES P SPECK ESQUIRE
PO BOX 987
KETCHUM ID 83340

Source: groundwater

Diversion Pt: NWNENE, S15, T02N, R18E; Blaine County.

Use: irrigation (.80 cfs) from 04/15 to 10/15

Date Filed: 05/24/1993

In: 40 acres within W1/2SE, S10, T02N, R18E; N1/2NE, S15, T02N, R18E.

The permit (s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the applicant and with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 on or before October 4, 1993.

R. Keith Higginson, Director

Published in Wood River Journal on 9/15 & 9/22/93.

RECORDED

MAR 23 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

27-Aug-1993

R. KEITH HIGGINSON
Director

JAMES P SPECK ESQUIRE
PO BOX 987
KETCHUM ID 83340

Re: Application for Permit Nos. 37-08587 (Sturtevant); 37-08819 (Friedly); 37-08820 (Thornton); 37-08821 (Blaine County School District); Application for Transfer No. 4205/37-00577 Part, A37-12818 Part (J. Peter &/or Claire B. Fitzpatrick)

Dear Mr. Speck:

The Department of Water Resources acknowledges receipt of the above referenced applications. 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 9/15 & 9/22/93. 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 the 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,

Mel Schulte
Water Right Agent

MS:MB

MAR 23 1995

ANALYSIS SUMMARY---A37-12818
PACESETTER DEVELOPMENT CO.
JULY 28, 1993

1. The claim is for irrigation of 103 acres and a diversion of 2.72 cfs of Big Wood River water delivered through the Hiawatha Canal with a 3-24-1883 priority.
2. The right claimed is a portion of the originally decreed W. T. Riley right.
3. Pacesetter Development Co. sold the subject property and assigned the water right to Marathon Partners c/o Edmund E. Dumke in September 1992. A change of ownership is on file.
4. Portions of the right have been proposed as part of mitigation plans for the following, pending applications:
 - a. Application for Transfer--n/o J. Peter Fitzpatrick and/or Claire B. Fitzpatrick. Proposes to dry up 4 acres and transfer .11 cfs.
 - b. Application for Permit 37-08587--n/o Gregg Sturtevant. Proposes to dry up 3 acres and exchange .079 cfs for a groundwater right to irrigate 3.74 acres with .11 cfs.
 - c. Application for Permit--n/o Rod Thornton. ³⁷⁻⁰⁸⁸²⁰ Proposes to dry up one (1) acre and exchange .026 cfs for a groundwater right to irrigate one (1) acre with .026 cfs.
 - d. Application for Permit--n/o Keith Friedly. ³⁷⁻⁰⁸⁸¹⁹ Proposes to dry up one (1) acre and exchange .026 cfs for a groundwater right to irrigate one (1) acre with .026 cfs.
 - e. Application for Permit--n/o Blaine County School District. ³⁷⁻⁰⁸⁸²¹ Proposes to dry up 40 acres and exchange .80 cfs for a groundwater right to irrigate 40 acres with .80 cfs.
5. The right subject to A37-12818 is administered by Water District #37. The water master's records indicate Pacesetter Development Co. was billed for 1985 and 1986, not billed for 1987, 1988 and 1989, and billed for 1990, 1991 and 1992.
6. A field exam on June 11, 1990 found no irrigation of land nor a delivery system in place to most of the P/U.
7. A field exam on May 14, 1993 found no irrigation of land nor a delivery system in place to most of the P/U.
8. NAPP photo X74(SW) #437-11 dated 6-8-87 reveals that the subject land appears not to be irrigated.

NAPP photo X74(SE) #444-60 dated 9-15-88 reveals that the subject land appears not to be irrigated.

MAR 23 1995

37-08821

9. Water may have been turned into the delivery ditch from the Hiawatha canal but application of the water to the land subject to the claim is very questionable. Application of water for irrigation purposes is not supported by the field exams conducted and the NAPP photos described in #8 above.

10. The evidence currently available does not support recommending claim A37-12818 as a valid water right.

WATER RIGHTS DIVISION
MAR 23 1995

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP
JOHN A. SEILLER

May 21, 1993

HOGUE, SPECK & AANESTAD
A PROFESSIONAL ASSOCIATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
FAX (208) 726-0752

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

RECEIVED

MAY 24 1993

Department of Water Resources
Southern Region Office

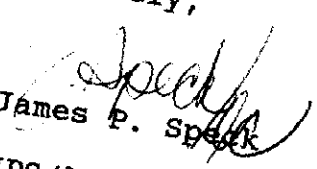
Mr. Loren Holmes
Regional Manager
Department of Water Resources
Southern Regional Office
222 Shoshone Street, East
Twin Falls, ID 83301

Re: Blaine County School District - Application for
Permit

Dear Loren;

Enclosed please find a check for filing fee for attached
application. If you have any questions, please give me a call.
Thank you.

Sincerely,


James P. Speck

JPS/lc

MAR 23 1995

37-08821



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

21-May-1993

Mr. James Speck
Attorney at Law
Hogue, Speck & Aanstak
PO Box 987
Ketchum, ID 83340

Dear Mr. Speck:

I have in my possession the Application for Permit you submitted on behalf of Blaine County School District. The application was submitted without the required filing fee in the amount of \$45. Please forward a check in that amount as soon as possible so that we can officially accept the application filing.

The Blaine County School District application proposes a mitigation plan involving a portion of the W. T. Riley right (37-00577 & A37-12818). Therefore, it is our intention to review the application in conjunction with the pending applications for J. Peter Fitzpatrick, Gregg Sturtevant, Rod Thornton and Keith Friedly that have similar mitigation plans.

Cordially,

A handwritten signature in cursive script that reads "Mel Schulte".

Mel Schulte
Sr. Water Resource Agent

MICROFILMED
MICROFILMED
MAR 23 1995
MAR 23 1995

37-08821

INTER-DEPARTMENT MEMO

TO: GLEN SAXTON

SUBJECT: A37-12818

FROM: STEVE CLELLAND

DATE: 3-31-93

Here is the information you asked for. In brief, nothing has been found to support the use of this claim as a valid water right. On the contrary, ~~that~~ all the maps I have access to indicate non irrigation of these lands. If you need more let me know.

(X) For your information

() Response required

Steve Clelland
signature

Copies to file for Blaine Co. School Dist
Application for permit
Mitigation proposal.

RECORDED

MAR 23 1995

See

A. ROOT WATER RIGHT NUMBERS:
A37-12818
R37-12818

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
02N	18E	9	NE	NE		PACESETTER DEVELOPMENT COMPANY A37-12818 / 6.0			22.0	6-11-90	
						HAILEY, CITY OF R37-00296 /					
						PACESETTER DEVELOPMENT COMPANY R37-12818 / 6.0					
						CITY OF HAILEY A37-00296 /					
						DAVIS, VERN 37-00902A /					
						HURST, FRED 37-00907 /					
02N	18E	10	NW	NW		PACESETTER DEVELOPMENT COMPANY A37-12818 / 37.0			23.0		
						QUIGLEY RANCH PARTNERSHIP A37-02784 / 33.0					
						QUIGLEY RANCH PARTNERSHIP R37-02784 / 33.0					
						PACESETTER DEVELOPMENT COMPANY R37-12818 / 37.0					
						ABBOTT, WILLIAM G. 37-00004 /					
						DAVIS, VERN 37-00902A /					
						FOX, E. W. 37-00905 /					
						HURST, FRED 37-00907 /					
						YOUNG, W. A. 37-00923 /					
						FOX, JOHN C. 37-02741 / 33.0					
02N	18E	10	SW	NW		PACESETTER DEVELOPMENT COMPANY A37-12818 / 17.0			31.0		
						HAILEY, CITY OF R37-00296 /					
						SMITH, BURR A37-00577BW / 3.0					
						SMITH, STEPHANIE A37-12232 /					
						HANSELMAN, GALEN L. A37-12272 /					
						SMITH, BURR R37-00577BW / 3.0					
						SMITH, BURR R37-12232 /					
						HANSELMAN, GALEN L. R37-12272 /					
						PACESETTER DEVELOPMENT COMPANY R37-12818 / 17.0					
						CITY OF HAILEY A37-00296 /					
						ABBOTT, WILLIAM G. 37-00004 /					
						GORMAN, JAMES A. 37-00577AX /					
						CROCKER, G. F. 37-00901 /					
						GORMAN, JAMES A. 37-00902B /					
						FOX, E. W. 37-00905 /					
						HURST, FRED 37-00907 /					
						YOUNG, MARTIN 37-00921 /					
						YOUNG, W. A. 37-00923 /					
						GORMAN, JAMES A. 37-08006 / 1.0					
02N	18E	10	SE	NW		PACESETTER DEVELOPMENT COMPANY A37-12818 / 27.0			30.0		
						HAILEY, CITY OF R37-00296 /					
						PACESETTER DEVELOPMENT COMPANY R37-12818 / 27.0					
						CITY OF HAILEY A37-00296 /					
						YOUNG, ROBERT 37-00922 /					
02N	18E	10	NE	SW		PACESETTER DEVELOPMENT COMPANY A37-12818 / 16.0			17.0		
						HAILEY, CITY OF R37-00296 /					
						PACESETTER DEVELOPMENT COMPANY R37-12818 / 16.0					

37-00004
37-00577AX / ← only WT RILEY
37-00901 / PORTION OF WATER
37-00902B / RIGHT SHOWN...
37-00905 /
37-00907 /
37-00921 /
37-00923 /
37-08006 / 1.0

* BASIS OF CLAIM?
FOR 37-00577

123
No Irrigation
Found

MAR 29 1995

37-00004 /
37-00901 /
37-00921 /

GUBBIA, WILLIAM G.
CROCKER, G. F.
YOUNG, MARTIN

TOTAL ACRES A37-12818 103.00

123.00

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N(X)

IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

PRESUMPTION FLAG:

REMARKS:

FIELD EXAMINER

Y

1986

Land sat data appears to indicate most of the lands surrounding the place in question, may not represent this claim.

No irrigation found at field Exam on 6-11-90. No irrigation system in place either. Land is being prepared for subdivision.

OPQ X74 dated 7-24-74 shows questionable irrigation uses. Does not appear to match similar irrigated ground in the area.

NAPP PHOTO X74(SE) #444-60 dated 9-15-88 shows no irrigation and matches the color & textures of other non-irrigated lands in the photo known to be unirrigated.

RECOMMENDATIONS:

TOTAL ACRES:

REVIEWED BY:

DATE:

NAPP PHOTO X74(SW) #437-11 dated 6-8-87 lands described again appear unirrigated

* Use of this right on the lands described, for irrigation purposes, ~~is~~ not supported by the evidence obtained at this point of the Re. W. water was available & but does not appear to be used for irrigation lands claimed. See 3-31-93

see memo dated

3-31-93 w/

PETERSEN & MAYER

MICROFILMED
MAR 23 1995

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND

FILE A37-12818

RE: Delivery of pacesetter right

DATE 3-31-93

NAME OF PARTY

DALE & MARY MIZER (HIAMATHA CANAL)

I called and spoke to both persons. (788-2903)

Dale told me that in 1992 the water was turned into the pacesetter Ditch. He was vague on the exact use of this delivery. He did say that in 1991 "some hay was raised." He said most of the land was in subdivision or soon to be.

When I asked further about the actual use of the water he stated it was delivered into their ditch.

MICROFILMED

MAR 23 1995

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND

FILE A37-12818

RE: USE & DELIVERY OF RIGHT

DATE 3-31-93

NAME OF PARTY

NORMA PETERSEN (MRS. LEE PETERSEN)

BIG WOOD WATERMASTER SEC.

886-2451

I mentioned I was looking for information on the delivery of water rights for PLACESSETTER DEVELOPMENT. She said that right is being transferred to another owner EDMUND & SUSAN DUMKE as of 9-7-92.

Their records indicate water was turned into the Hiawatha Canal for this right in 1992. According to their Billing & calculation the use was for a calculated 103 days.

Norma then suggested I call the administrators of the Hiawatha Canal Co.

Dale & MARY MIZER

PO BOX 728

HAILEY 83333

PHONE: 788-2903

Administrative

MAR 23 1995

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP
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FAX (208) 726-0752

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

March 25, 1993

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MAR 29 1993

Mr. Glen Saxton
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Department of Water Resources
Southern Region Office

Re: Application for Permit No. 37-08587
Mr. Gregg K. Sturtevant - Plan of Mitigation

Dear Glen:

I represent Mr. Gregg K. Sturtevant who has filed Application for Permit No. 37-08587 (the "Application") which seeks the diversion of 0.11 cfs of groundwater for the irrigation of 3.74 acres of a single family residential lot located in the Croy Canyon area west of Hailey, Idaho. This Application seeks a permit to divert ground water for a consumptive use within the Big Wood River Ground Water Management Area (the "Area"). The proposed point of diversion (well) is within the upper Big Wood River Basin as defined in section I,A of the Management Policy for the Area (the "Policy"). Under section III of the Policy, approval of this Application may be granted if it is determined the water supply is adequate and other water rights will not be injured by the new diversion to a consumptive use. Applicant proposes the following plan of mitigation to satisfy these requirements.

MITIGATION PLAN

I. THE MITIGATION RIGHT.

Marathon Partners, an Idaho general partnership ("Marathon"), is the owner of 2.72 cfs of Idaho Water Right No. 37-00577, commonly known as the "W. T. Riley right", and claimed in the Snake River Basin Adjudication (the "Adjudication") as Claim No. 12818 for the irrigation of 103 acres in Sections 9 and 10, Township 2 North, Range 18 East, B.M owned by Marathon. No other water rights have been used for this purpose. All of this

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MAR 23 1995

Mr. Glen Saxton
March 25, 1993
Page 2

land has been annexed into the City of Hailey and subdivided or proposed to be subdivided into small, single family residential lots known as Deerfield Subdivisions Nos. 3, 4 and 5 and Hidden Meadows Subdivision (the "Subdivisions"). The Subdivisions will be served by the municipal water supply of the City.

Applicant has purchased from Marathon (see enclosed copy of Quitclaim Deed), contingent upon approval of the Application, 0.079 cfs of this water right (this acquired portion of the water right is hereinafter referred to as the "Mitigation Right").

II. EXCHANGE OF WATER RIGHTS.

The Mitigation Right has historically irrigated the following lands within the subdivision (2.72 cfs / 103 acres = 0.026 cfs / acre; 0.079 cfs / 0.026 cfs / acre = 3 acres):

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>Irrig. Acres</u>
2N	18E	10	NW	NW	3

Total number of irrigated acres: 3

These lands will no longer be irrigated by the Mitigation Right. Applicant proposes to "exchange" the Mitigation Right pursuant to the provisions of I.C. § 42-105 in return for the consumptive ground water diversion under the permit and license sought by the Application, as amended to reduce the amount to 0.079 cfs and the place of use to 3.0 acres of irrigated land (the "Ground Water Right"), on the following terms and conditions:

1. The Mitigation Right shall remain in the Big Wood River to compensate for depletion of the Big Wood River flows available for diversions pursuant to valid water rights and for the supply of water to Magic Reservoir.

2. The Ground Water Right shall have the same priority date as the Mitigation Right (March 24, 1883) for the conjunctive administration of ground water and surface water diversions from the Big Wood River and its tributaries.

3. The Ground Water Right shall have a priority date of January 9, 1990 for its administration solely with respect to other ground water rights,

4. A measuring device and lockable controlling works

RECEIVED
MAR 23 1995

Mr. Glen Saxton
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Page 3

of a type acceptable to the Department shall be permanently installed and maintained as a part of the diverting works for the Ground Water Right prior to any diversion thereunder.

5. Diversion of ground water pursuant to the Ground Water Right shall be administered by the watermaster of Water District 37, Big Wood River.

6. The maximum instantaneous diversion rate under the Ground Water Right shall be 0.079 cfs.

7. The annual diversion volume and annual consumptive use of the Ground Water Right shall be limited to 10.5 acre feet and 7.5 acre feet respectively, and the maximum number of acres irrigated by the Ground Water Right during any one irrigation season shall be three (3) acres.

8. Upon approval of this Application and issuance of the permit for the Ground Water Right, Applicant shall file a claim for the Ground Water Right in the Snake River Basin Adjudication. The provisions of this "exchange" shall be incorporated into the Director's recommendations for the Mitigation Right and the Ground Water Right in the Director's Report for Basin 37 to be filed in the Snake River Basin Adjudication. The non-use of the Mitigation Right for irrigation purposes as a part of this "exchange" shall not be deemed non-use subject to the forfeiture provisions of I.C. § 42-222.

The consumptive use of the Mitigation Right (7.5 AFA for the irrigation of three (3) acres) is the same as the consumptive use of the Ground Water Right. The total annual volume historically diverted by the Mitigation Right will also be the total annual volume limitation for the Ground Water Right ($3.5 \text{ AFA} \times 3 \text{ acres} = 10.5 \text{ AFA}$ - paragraph 5 of the Application should be amended to reflect this diversion volume limitation). The Mitigation Right will be "left in the river", so that neither the total annual volume diverted from the interconnected ground water and surface flow resource nor the consumptive use of such diverted water shall increase over the present uses. Thus, there will not be any injury to other surface water rights in the Big Wood River or its tributaries, or to the storage rights in Magic Reservoir. Finally, it should be noted that any return flows from the Mitigation Right are presently to the Big Wood River and not to Silver Creek. Thus, this proposal will not affect in any way the surface flows of Silver Creek or its tributary aquifer.

I am also enclosing a copy of my letter of even date to Loren Holmes forwarding an Application for Permit in the name of

MAR 23 1995

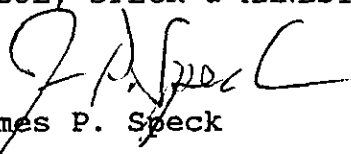
Mr. Glen Saxton
March 25, 1993
Page 4

the Blaine County School District, which also proposes the use of a part of Marathon's claimed portion of the W. T. Riley Right for mitigation. It makes sense to me that the Department consolidate its review of this water right for each of the applications into a single process.

Mr. Sturtevant's Application for Permit No. 37-08587 was not protested. I am also sending a copy of this letter to Loren Holmes in the event the Application is still in his office. Please contact me as soon as you have had an opportunity to review this proposal. Thank you again for your continuing cooperation and assistance in these matters.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS\dmk
(enclosures)

cc: Mr. Gregg K. Sturtevant (w/ enclosures)
Mr. Edmund E. Dumke (w/ enclosures)
Mr. Gary Slette (w/ enclosures)
Mr. Loren O. Holmes (w/ enclosures)

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MAR 23 1995

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

ATTORNEYS

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(208) 788-3567
FAX (208) 788-4230

March 25, 1993

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MAR 29 1993

Department of Water Resources
Southern Region Office

Mr. Loren Holmes
Regional Manager
Department of Water Resources
Southern Regional Office
222 Shoshone Street, East
Twin Falls, Idaho 83301

Re: Blaine County School District - Application for
Permit

Dear Loren:

Enclosed you will find an Application for Permit which I have prepared for the Blaine County School District as applicant seeking a groundwater right to irrigate 40 acres of the District's property. The proposed point of diversion and place of use are within the Big Wood River Ground Water Management Area. Therefore, the application includes a "mitigation plan" involving a portion of Idaho Water Right No. 37-00577 now owned by Marathon Partners, an Idaho general partnership. Marathon Partners has graciously agreed to donate that portion of Water Right No. 37-00577 described in the application as an integral part of the mitigation plan.

I am sending a copy of this letter and the application to Norm Young as I have previously discussed and corresponded with Norm on this project. Included within the lands proposed to be irrigated by the new ground water right are approximately 13 acres of previously undeveloped lands which will be converted into baseball, softball and other athletic fields. The remaining 27 irrigated acres are currently irrigated by the City of Hailey municipal water supply. It is proposed that the new ground water right will become the primary water source for this property. The City of Hailey's water supply will be called upon only in the event a "priority cut" pursuant to the mitigation plan takes place.

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MAR 23 1993

37-08821

Mr. Loren Holmes
March 25, 1993
Page 2

Please call me should you have any questions after reviewing the application. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS\dlw

cc: Gary Slette (w/enclosures)
Larry Lloyd (w/enclosures)
Gregg Sturtevant (w/enclosures)
Rand Peebles (w/enclosures)
Norm Young (w/enclosures)


MAR 23 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

RECEIVED

January 22, 1993

JAN 27 1993

James P. Speck
Hogue, Speck and Aanestad
P.O. Box 987
Ketchum, Idaho 83720

Department of Water Resources
Southern Region Office

RE: Wood River High School Baseball and Softball Association, Inc.

Dear Jim:

Your letter of December 21, 1992, seeks a clarification of department policy affecting new groundwater development in the Big Wood River Ground Water Management Area. Gary Spackman and I have discussed this matter with you by telephone several times over the last several weeks since receiving the letter, but this letter will serve to document our discussions.

With respect to the question about filing a transfer to change the point of diversion of an existing surface water right to a well, it is appropriate to file an application for transfer pursuant to Section 42-222, Idaho Code, to allow the department to formally consider the request. Notice of the application will be given as required and a hearing held if protests against approval are received. Whether protested or not, the department will determine whether the water right sought to be changed is valid, whether the change will result in an expansion in use of the right, will injure other rights, is in the local public interest and will serve to conserve water in Idaho. Transfers from surface to ground water have been considered and in some cases been approved when it was determined that these criteria have been satisfied.

Your other question asks whether surface water rights dedicated for use in mitigation plans can be protected from forfeiture. Under the mitigation plan reviewed to date, an early priority surface water right is to be left undiverted to compensate for losses to river flows resulting from pumpage of interconnected groundwater from a new well. You have expressed concern that the surface water right left undiverted for a period of years may be considered lost or abandoned. This concern should be resolved as the details of the mitigation plan are incorporated into the Director's report to the court in the Snake River Basin Adjudication. I am not aware of an exactly analogous case in previous adjudications in Idaho or in the Director's reports filed to date in the SRBA, but water rights with indirect diversion and use through exchanges or commingling have been routinely recommended and decreed. Water rights used for

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MAR 23 1995

37-08821

James P. Speck
Page 2
January 22, 1993

mitigation will be recommended in the Director's reports in the SRBA in essentially the same way that exchanges are recommended by describing the details of the mitigation plan. Unless the court takes a different approach, this will protect the surface right used for mitigation from loss by forfeiture.

I have appreciated discussing this matter with you and the practical insights you have brought into the discussion. If additional discussion is needed, please give me a call.

Sincerely,



NORMAN C. YOUNG
Administrator

cc. IDWR Southern Region
IDWR Water Allocation

MAR 23 1995