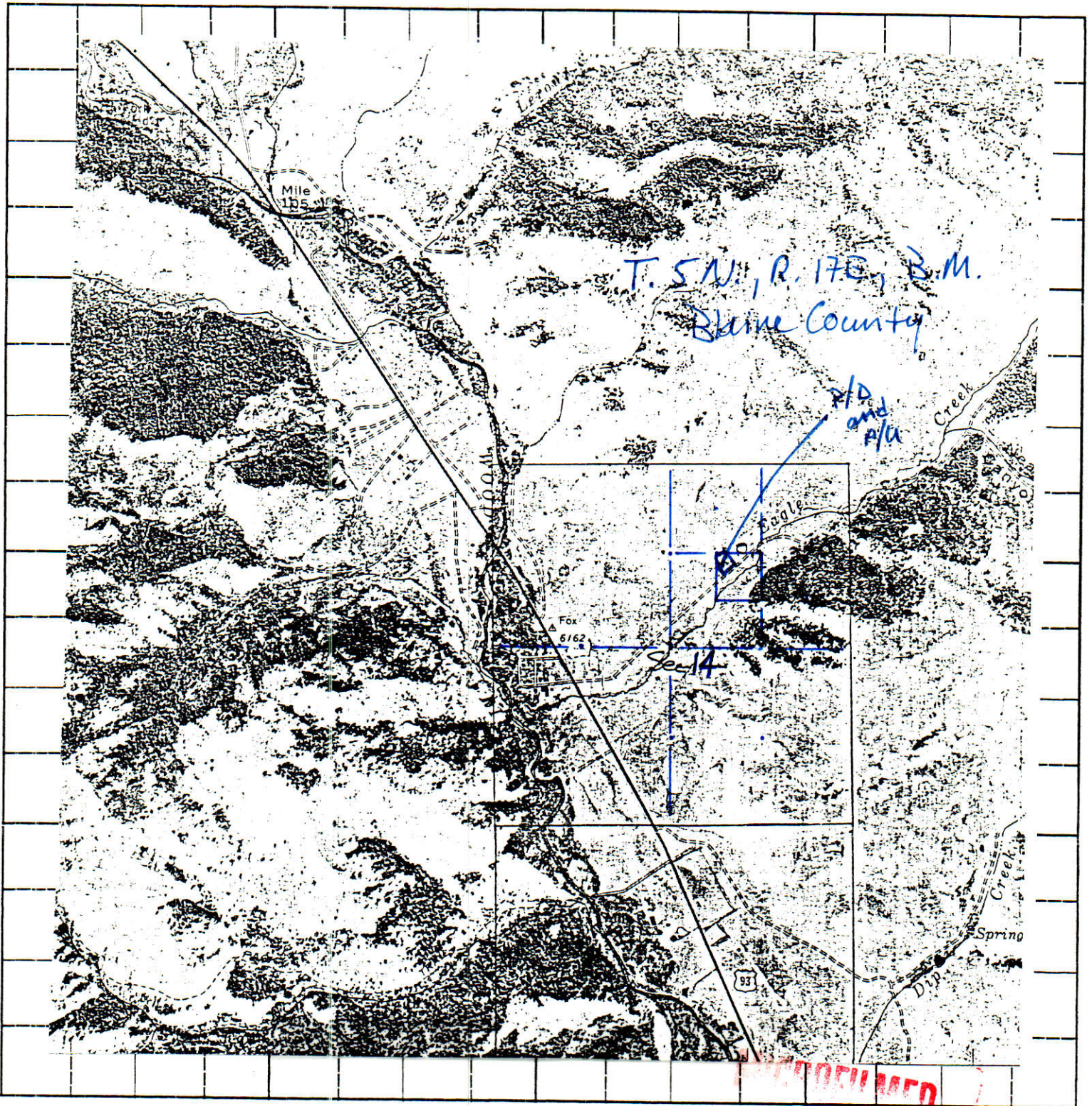


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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.

JAN 19 1995

*Susan M. Carter*  
(Applicant)

APPLICATION FOR PERMIT  
STATE OFFICE REVIEW  
by Cindy Zimmerman

No.: 37-8759 Name: Carter Date: 12/7/94 Correct Fee? ☒

AREA OF CONCERN?

SYSTEM COMPLETED:

No

Complete in 1 year

Yes

Proof not submitted

Proof submitted

GROUNDWATER: -

+ 0.2 cfs <FLO-CH>

- 0.2 cfs

Drilling Permit:

Included w/permit

Existing well

No WD permit?

SURFACE WATER: not in WD

LOCATION:

Water District (~~dem~~)

\*Surface water  
(doesn't sink)

Groundwater

In stream channel

Irr Dist/Canal Co.

Drainage Districts

Flood Control Dist.

Boise Front (63)

Swan Falls Flag

Trust\*

Non Trust <1>

RIVER BASINS (\*Surface water):

Boise R(63)

Payette R(65)

Snake R(01/02/03)

USE:

Fish Propagation

Irrigation

Power

Mining

Storage (✓ 3 compo.)

Domestic (surface)

OWNERSHIP:

Non land owner

PROTESTED: protests w/d.

OTHER CONDITIONS:

REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

- No/Yes ESRP Mor B.W.R. GWMA Trust/Non-trust

- 26A-P17

- P16

*mitigated by leaving 0.05 cfs of surface water right A37-00496C in river.*

- 01G (new), 01K (existing), No MD

- No MD <FLOW CHART>

- Permit No. - - - - -, P99

- NA (pre 7/1/87)

- 046-46A(Irr)-46B-P23 (post 7/1/87)

- T17 (+.2 w/pump), No MD <FLOW CHART>

- WD No. 37

- 005 (req) 01J-P08 <FLOW CHART>

or 01H-P01 <FLOW CHART>; No MD

- P05 (new irrigation well)

- 030 (stream channel alteration)

- 023 (Twin Falls area)

- 024

- 063

- 058 (-85° GW temp only)

- I <SEE CONDITION CODE CHART>

- 051-052-053-P74 (Consumptive Uses), NA

- 048-049 (Consumptive Uses), NA

*\*not on original mitigated right.*

- 05A (if WD), 11E (non-domestic use), NA

- 064 (consump. use), 047-P04 (Payette Lake), NA

- 11A-P04 (01), 061-P07 (02/03 No WD Cond.), NA

- 07A-042 (req) & 010/06A/09E(WQ)-P10

044 (N 1000 Spr)

- 03A/057, 803 (if GW use SW 1st) (+5A PU comp), NA

- 08A-17K-025-027 (req); 01F (MD) - P19; 09E (WQ) - P10;

+25 cfs - P18; 17G (FERC) or 17M (FERC); 18B-P09

- 054 (req) & 06A/010/09E-P10

- 18A (multi MD in WD), 18B-P09 (+10' dam), NA

- 021 (Boise R ↑ L Peak), 064 (Payette R), NA

- 004 (PD/PU)

- 020 (Prehearing agreement)/W19 (See Order)

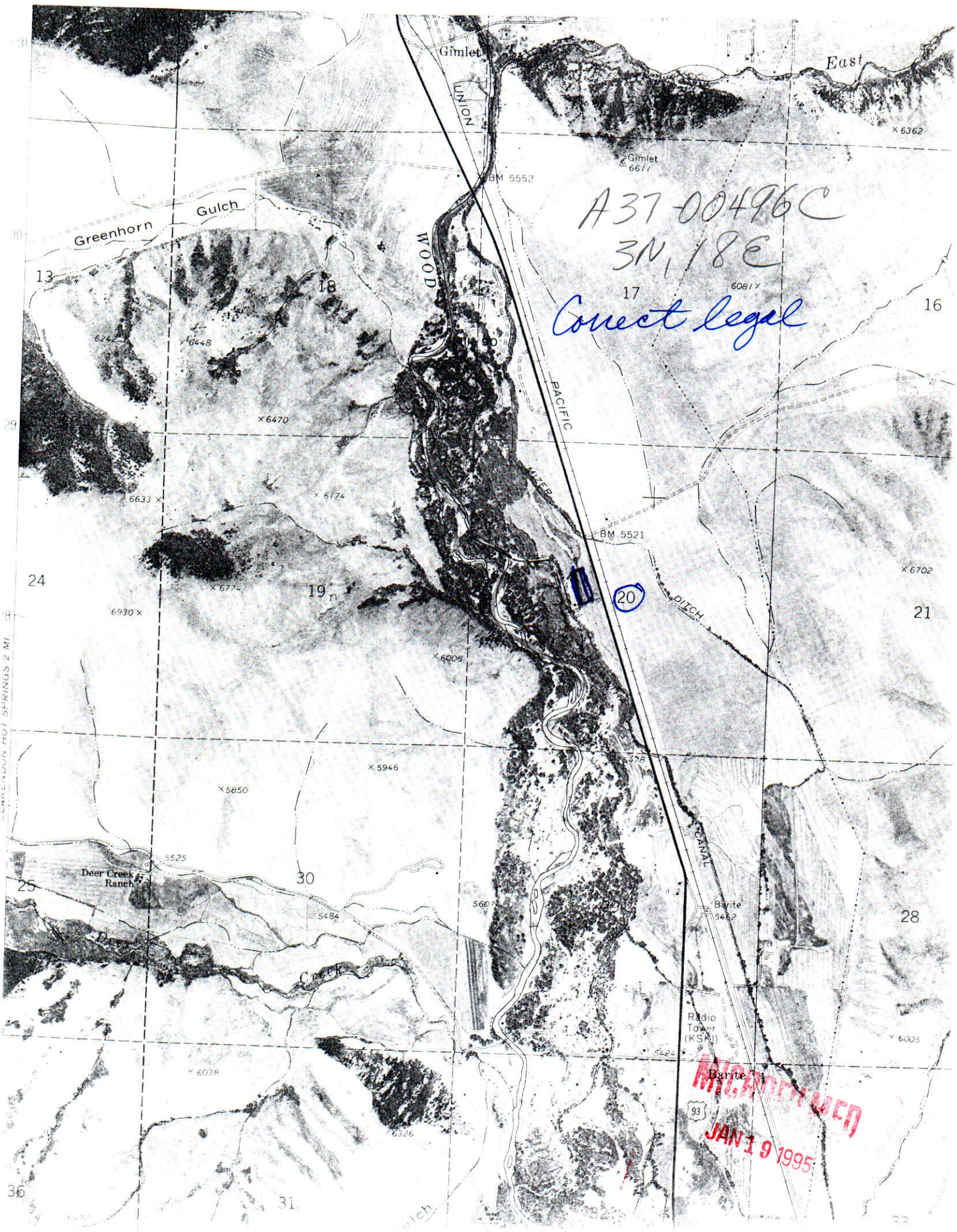
*① wof/1 ② appr. in conj. w/ surface wr which will remain in B.W.R.*

*③ flow rate of 0.05 cfs (A37-00496C) ④ Water Master #37*

*⑤ gov regulation priority 10/3/94 ⑥ Retain jurisdiction ⑦ use conservative*

*1-1-1997*

*\*mitigated with portion of A37-00496C (0.05 cfs)*



# AFFIDAVIT of PUBLICATION

RECEIVED

DEC 04 1991

State of Idaho, }  
County of Blaine } SS.

Department of Water Resources  
Southern Region Office

DANIEL J. GORHAM

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

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

publication of said advertisement was on the 10 day of NOV 1991, and

the date of the last publication was on the 13 day of NOV 1991.

*Daniel J. Gorham*

Subscribed and sworn to before me this 13 day of NOV 1991.  
(SEAL)

*Roberta McKeen*

NOTARY PUBLIC

#7916

WOOD RIVER JOURNAL  
Hailey, Idaho

## COST OF PUBLICATION

Number of Picas per Line \_\_\_\_\_  
Number of Lines in Notice 90  
Number of Insertions \_\_\_\_\_  
Lines tabular at \_\_\_\_\_ 6¢ / Pica  
90 Lines straight at 49.5 5¢ / Pica  
90 Subsequent lines at 39.6 4¢ / Pica  
TOTAL COST 94.10 5.00

## COPY OF NOTICE

(Paste Here)

Notice of Application  
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IF Dept of Water  
BILL TO

## Four file on trust water rights

### NOTICE OF APPLICATION FOR TRUST WATER RIGHT

37-08759

CARTER, SUSAN M.  
C/O JAMES P SPECK ESQ  
HOGUE SPECK & AANESTAD  
PO BOX 987  
KETCHUM, ID 83340

Source: GROUNDWATER  
Diversion Pt: NESWNE Sec 14 T  
05N R 17E in BLAINE County.

Use: IRRIGATION (.050 CFS);  
DOMESTIC (.040 CFS); FIRE  
PROTECTION STORAGE (.10  
AF); DIVERSION TO STORAGE  
(.050 CFS)

Total Diversion: (.090 CFS)

Date Filed: 10/3/1991

In: T05N R17E S14 SWNE  
1.5 ACRES TOTAL

37-08760

FIGGE, JAMES K  
FIGGE, SANDRA D  
C/O JAMES P SPECK ESQ  
HOGUE SPECK & AANESTAD  
PO BOX 987  
KETCHUM, ID 83340

Source: GROUNDWATER  
Diversion Pt: NESENW Sec 10 T  
05N R 17E in BLAINE County.

Use: IRRIGATION (.100 CFS);  
STOCKWATER (.020 CFS);  
DOMESTIC (.060 CFS); FIRE  
PROTECTION STORAGE (1.00  
AF); DIVERSION TO STORAGE  
(.100 CFS)

Total Diversion: (.160 CFS)

Date Filed: 10/3/1991

In: T05N R17E S10 SWNE NENW  
SENEW  
4.5 ACRES TOTAL

37-08762

NORTH STAR FUNDING INC  
43-875 WASHINGTON ST D  
PALM DESERT, CA 92260

Source: GROUNDWATER  
Diversion Pt: SENESE Sec 1 T  
01N R 18E in BLAINE County.

Use: IRRIGATION (.500 CFS)  
Total Diversion: (.500 CFS)

Date Filed: 6/21/1991

In: T01N R18E S01 NENE SENE  
S12 NENE

25.0 ACRES TOTAL

37-08763

RYAN, RONALD D  
PO BOX 5240  
KETCHUM, ID 83340

Source: GROUNDWATER  
Diversion Pt: SENE Sec 26 T 05N  
R 17E in BLAINE County.

Use: IRRIGATION (.090 CFS)  
DOMESTIC (.040 CFS)

2.4.00  
J.M.

Amt. of Fee \$: 50.00  
Receipt No. 0247585  
Receipt By: DM  
Date Received: 12-30-99

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**PROOF OF BENEFICIAL USE**

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

1. Permit No. 37-08759 Telephone No. (208) 726-4421
2. Name(s) of Permit Holder(s): Donna F. Tuttle, Trustee of the Donna F. Tuttle Trust
3. Mailing Address: c/o James P. Speck, Speck & Aanestad, PO Box 987, Ketchum, ID 83340
4. Source of Water: ground water If **GROUNDWATER** (well), Date Drilled: mo. 11 / yr. 98
  - a. Well Driller: Walker Water Systems Drilling Permit Number: 37 - 98 - S - 0141-000
  - b. **OPTIONAL:**  
Pump Horsepower: \_\_\_\_\_ Pressure (psi): \_\_\_\_\_ Dynamic pumping level (ft): \_\_\_\_\_
5. Use(s) (as authorized by the water right permit):  
Domestic (No. of households): \_\_\_\_\_ Stockwater (No. and type of stock): \_\_\_\_\_  
Irrigation (No. of acres): 1.5 Other: Fire protection storage 0.1 acre feet:  
Diversion of Storage 0.05 cfs
6. Total rate of diversion and/or volume for which proof is submitted: 0.9 cfs OR 0.1 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)  

|                               |                                          |                          |
|-------------------------------|------------------------------------------|--------------------------|
| <b>Measuring Device:</b>      | Is a measuring device required?          | Yes <u>X</u> or No _____ |
|                               | Has the measuring device been installed? | Yes <u>X</u> or No _____ |
| <b>Flow Measurement Port:</b> | Is a flow measurement port required?     | Yes _____ or No <u>X</u> |
|                               | Has the measurement port been installed? | Yes _____ or No _____    |
8. Fee Enclosed: \$ 50 (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: Steven E. Job Telephone Number: (208) 726-3887  
Address: PO Box 857, Sun Valley, ID 83353
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: Donna F. Tuttle Date: Dec. 23, 1999  
(include your title, if on behalf of company or organization)

MICROFILMED  
JAN 28 2000

## WATER RIGHT SUMMARY

| ACTION               | RIGHT NO. | NAME                              | AMOUNT CFS |
|----------------------|-----------|-----------------------------------|------------|
| Original Application | 37-08759  | Susan M Carter                    | 0.09       |
| Full Assignment      | 37-08759  | Susan M Carter<br>Revocable Trust | 0.09       |

RECORDED

MAR 23 1995

RECEIVED  
11:00 am  
SEP 30 1996

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED  
OCT 02 1996  
Department of Water Resources

Department of Water Resources  
Southern Region

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF  
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 37-08759

Name(s) of Permit Holder: Susan M. Carter, Trustee of the Susan M. Carter Revocable Trust Dated May 16, 1994.

Mailing Address: c/o James P. Speck, Hogue, Speck & Aanestad, P.O. Box 987, Ketchum, ID 83340

Date Proof is Due: January 1, 1997 Telephone No. (208) 726-4421

Describe what work has been completed toward the development of this water right:  
(This must be filled out! If no work has been completed, show "none".)

Permit holder has caused site plans and preliminary architectural drawings to be prepared. In addition, estimates for drilling the well have been obtained.

Costing \$ apprx \$3,000

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Another home must sell before construction can commence on the new home to be served by this Permit. The extension is required to coincide with the extension of time to avoid forfeiture granted for 37-004960, the mitigation water right for this Permit.

Permit holder(s) request an extension to November 1, 19 2001.

FEE: \$50.00

Susan M. Carter  
(Signature)\* Susan M. Carter, Trustee of the Susan M. Carter Revocable  
\*If other than permit holder, Power of Attorney must be supplied. Trust dated May 16, 1994

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to January 1, 2000.

Signed this 8<sup>th</sup> day of October, 19 96

J. Glen Saylor  
Chief, Water Allocation Bureau

R# 5017762  
2/21/95  
mB

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ASSIGNMENT OF PERMIT

RECEIVED

FEB 16 1995

Department of Water Resources  
Southern Region

I, Susan M. Carter (the "Assignor"), hereby assign  
to Susan M. Carter Revocable Trust dated May 16, 1994, Susan M. Carter, Trustee  
(the "Assignee"), whose address is Post Office Box 4679  
Ketchum, Idaho 83340,

all right, title and interest in and to Idaho Water Permit No.  
37-08759 to appropriate the public waters of the State of  
Idaho.

IN WITNESS WHEREOF, the Assignor had signed and executed  
this Assignment of Permit on the 3 day of Feb, 1995

*Susan M. Carter, Trustee*

Susan M. Carter, Trustee

RECEIVED

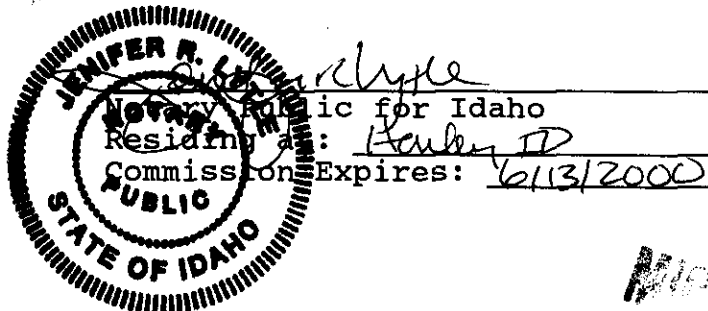
FEB 22 1995

STATE OF IDAHO )  
County of Blaine ) ss.

Department of Water Resources

On this 3rd day of February, 1995, before me the  
undersigned notary public in and for said state, personally  
appeared Susan M. Carter, known or identified to me to be the  
person whose name is subscribed to the foregoing instrument, and  
acknowledged to me that she executed the same.

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



ASSIGNMENT OF PERMIT - 1

MAR 23 1995

data entered 3/2/95 cz.

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

NO. 37-08759

**Proposed Priority:** October 3, 1991

**Maximum Diversion Rate:**

0.09 CFS

This is to certify, that **SUSAN M CARTER**

C/O JAMES P SPECK ESQ  
HOGUE SPECK & AANESTAD  
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> | <u>ANNUAL VOLUME</u> |
|-------------------------|----------------------|--------------------------|----------------------|
| IRRIGATION              | 04/15 to 10/15       | 0.05 CFS                 |                      |
| DOMESTIC                | 01/01 to 12/31       | 0.04 CFS                 |                      |
| FIRE PROTECTION STORAGE | 01/01 to 12/31       |                          | 0.1 AF               |
| DIVERSION TO STORAGE    | 01/01 to 12/31       | 0.05 CFS                 |                      |
|                         | Totals               | 0.09 CFS                 |                      |

**LOCATION OF POINT(S) OF DIVERSION:**

NESWNE , Sec. 14, Township 05N, Range 17E  
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> |
|------------|------------|------------|--------------|--------------|--------------|--------------|
| 05N        | 17E        | 14         | SWNE         | 1.5          |              | 1.5          |

Total number of acres irrigated: 1.5

**PLACE OF USE:** DOMESTIC, same as IRRIGATION use

**CONDITIONS/REMARKS:**

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **January 1, 1997**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. A well drilled pursuant to this permit must be located at least 500 feet from any existing well. Well spacing closer than 500 feet must be approved by the Department of Water Resources.
6. Construction of the well must comply with Idaho well construction standards.
7. 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.

**RECORDED**  
JAN 19 1995

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

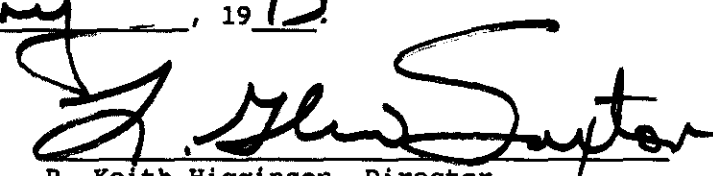
NO. 37-08759

**CONDITIONS/REMARKS:**

8. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.03 cubic feet per second for each acre of land.
9. This water right application is approved in conjunction with an exchange of a surface water right which will remain in the Big Wood River pursuant to the exchange provisions contained in Section 42-105, Idaho Code.
10. A flow rate of 0.05 cfs authorized by right no. 37-00496 (Adjudication Claim A37-00496C), must remain in the Big Wood River at its described point of diversion to compensate for depletion caused by the diversion of groundwater authorized by this permit. For purposes of regulating groundwater in conjunction with flows of the Big Wood River, water may be diverted pursuant to this permit if right no. 37-00496 is deliverable.
11. For purposes of regulating this permit with respect to other groundwater rights, the priority of this right shall be October 3, 1991.
12. The Director retains jurisdiction over this permit and any subsequent license to adjust the mitigation and to require the collection and reporting of pumpage and use data.
13. Water must be applied to the land by an efficient method that conserves the quantity of water delivered.
14. Domestic use is for 1 home.

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

3<sup>rd</sup> day of January, 1995

*for*   
R. Keith Higginson, Director

RECEIVED  
JAN 19 1995

RECEIVED

SEP 27 1991

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

Ident. No. 37-08759

Department of Water Resources  
Southern Region Office

To appropriate the public waters of the State of Idaho

M.

1. Name of applicant SUSAN CARTER Phone (208) 726-4421

Post office address c/o JAMES P. SPECK, HOGUE, SPECK & AANESTAD, P.O. BOX 987, KETCHUM,  
IDAHO 83340

2. Source of water supply GROUNDWATER which is a tributary of \_\_\_\_\_

3. Location of point of diversion is NE  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of NE  $\frac{1}{4}$ , Govt. Lot \_\_\_\_\_

Sec. 14 Township 5N Range 17E B.M. BLAINE County; additional

points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

4.3 Amount 0.04 for DOMESTIC purposes from JAN. 1 to DEC. 31 (both dates inclusive)  
(cfs or acre-feet per annum)

5.0 Amount 0.23 for FIRE PROTECTION purposes from JAN. 1 to DEC. 31 (both dates inclusive)  
(cfs or acre-feet per annum)

0.1 Amount 0.05 for IRRIGATION purposes from APR. 1 to NOV. 1 (both dates inclusive)  
(cfs or acre-feet per annum)

- Amount 0.05 for STORAGE purposes from JAN. 1 to DEC. 31 (both dates inclusive)  
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.09 and/or (b) 0.23 <sup>\* 0.10</sup>  
cubic feet per second acre feet per annum

6. Proposed diverting works: \* Per telecon w/James Speck 10-10-91

a. Description of ditches, flumes, pumps, headgates, etc. WELL AND TWO PUMPS; SEPARATE PIPELINES  
TO RESIDENCE AND POND; TWO HORSEPOWER PUMP FROM POND INTO RESIDENTIAL SPRINKLER  
IRRIGATION SYSTEM; PIPELINE FROM BOTTOM OF POND TO STANDPIPE FOR FIRE PROTECTION.

b. Height of storage dam 0 feet; active reservoir capacity 0 acre-feet; total  
reservoir capacity 0.23 acre-feet; period of year when water will be diverted to storage:  
JAN. 1 to DEC. 31 inclusive.

c. Proposed well diameter is 8" inches; proposed depth of well is 250 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 appropriation of the water to the proposed beneficial use is  
FIVE (5) years (minimum 1 year).

RECEIVED

NOV 30 1994

Department of Water Resources

RECEIVED  
JAN 19 1995

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

- a. Hydropower; show total feet of head and proposed capacity in KW. \_\_\_\_\_
- b. Stockwatering; list number and kind of livestock. \_\_\_\_\_
- c. Municipal; show name of municipality. \_\_\_\_\_
- d. Domestic; show number of households. ONE (1) HOUSEHOLD 33000 \*
- e. Other; describe fully. A SMALL, LINED POND WITH A CAPACITY OF APPROXIMATELY 10,080 GALLONS,  
WILL STORE WATER FOR FIRE PROTECTION.

9. Description of place of use:

\* Per Telecon w/James Speck 10-10-91  
 Jo

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

| TWP | RANGE | SEC. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS |
|-----|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|     |       |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 5N  | 17E   | 14   |        |        | 1.5    |        |        |        |        |        |        |        |        |        |        |        |        |        | 1.5    |
|     |       |      |        |        | D, FS  |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

D = Domestic, B = Div. To Storage, FS = Fire Protection Storage

Total number of acres to be irrigated 1.5

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

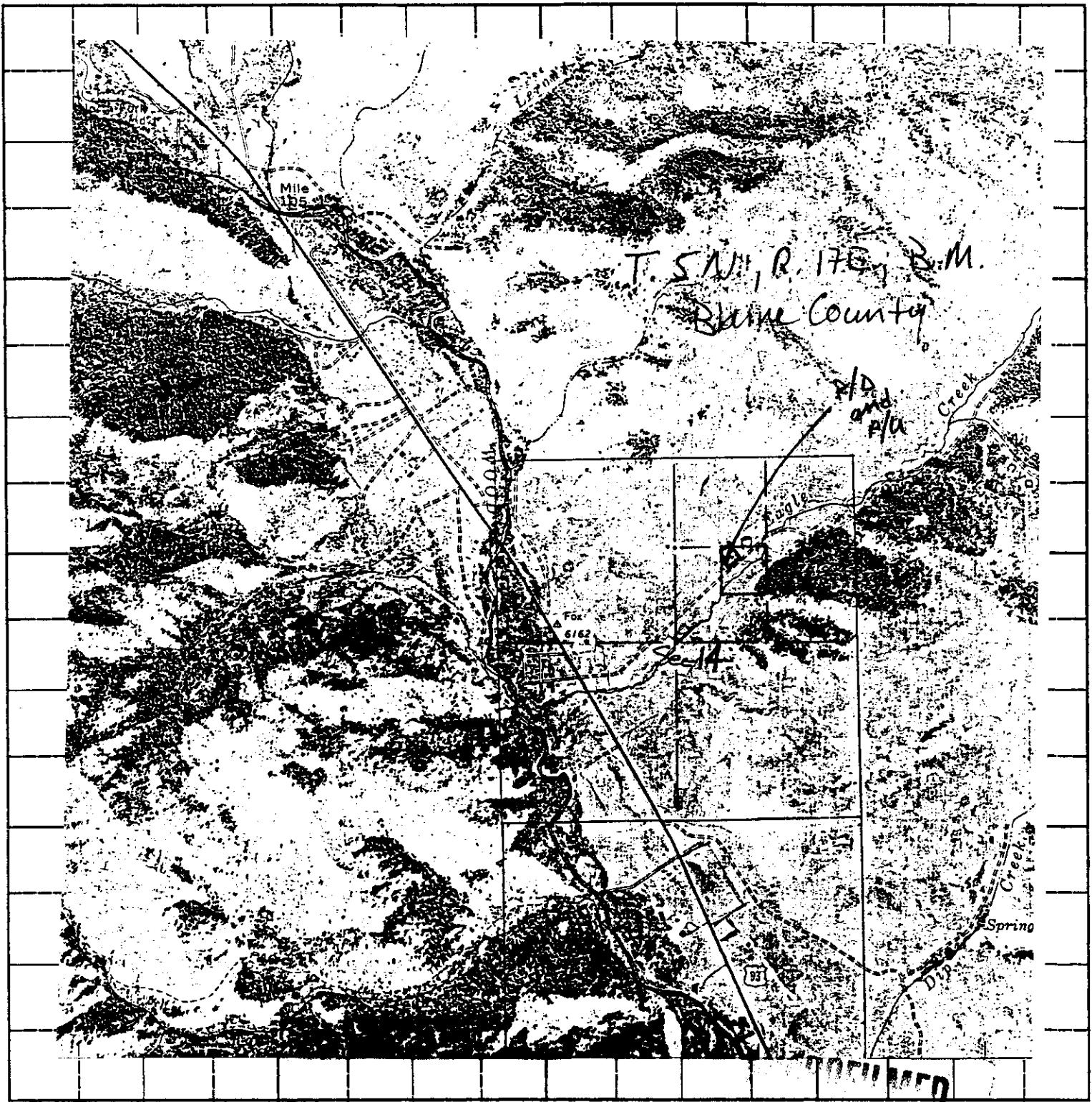
b. Who owns the land to be irrigated or place of use? APPLICANT

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

12. Remarks: P/U AND P/D LOCATED ON A SINGLE FAMILY RESIDENTIAL LOT KNOWN AS  
TAX. LOT 4018

RECORDED  
 JAN 19 1995

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



Scale: 2 inches equal 1 mile.

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.

JAN 19 1995

*Laura M. Carter*  
(Applicant)

Received by MB Date 9-25-91 Time 10:00 am Prelimi. / check by \_\_\_\_\_  
Fee \$ 30.00 Received by MB # 5013754 Date 10-3-91  
Publication prepared by MB Date 10-30-91 Published in Wood River Journal  
Publication approved MBaldwin Date 12-6-91

### 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:

*Minnow*

JAN 19 1995

cc: 37-08759

**SPECK & AANESTAD**

A PROFESSIONAL CORPORATION  
ATTORNEYS

120 EAST AVENUE  
POST OFFICE BOX 987  
KETCHUM, IDAHO 83340

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

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

September 14, 2000

**RECEIVED**

**SEP 15 2000**

Department of Water Resources

Ms. Deborah J. Gibson  
IDWR  
PO Box 83720  
Boise, ID 83720-0098

**RE: Water Right No. 37-00496C**  
**Our File No.: 980071**

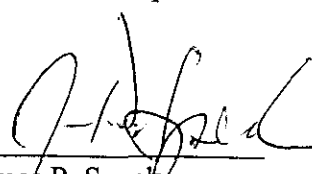
Dear Ms. Gibson:

I represent Donna F. Tuttle, Trustee of the Donna F. Tuttle Trust, the current owner of the above-referenced water right. Enclosed you will find the Resumption of Beneficial Use completed and signed by my client. This particular water right is used as mitigation for the diversion of ground water for irrigation purposes under Permit No. 37-08759. Therefore, the use of this water right was resumed when ground water diversions commenced under that Permit on the date specified in the enclosed form. Please call me right away if there are any questions about the use of Water Right No. 37-00496C.

Thank you.

Sincerely yours,

SPECK & AANESTAD  
A Professional Corporation

By: 

James P. Speck

JPS:rsd  
enclosure  
cc: client, w/encl.

**MICROFILMED**  
**OCT 06 2000**

SEP-12-2000 TUE 11:21 SPECK &amp; AANESTAD

FAX NO. 7260752

P. 02/02

Form 3-222  
12/89

RECEIVED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

SEP 15 2000

Department of Water Resources

## RESUMPTION OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the water right holder(s) has/have resumed the use of water for the water right identified below. This form must be returned to the department or the water right will revert to the state of Idaho.

Water Right Number(s) 37-004960Name of Water Right Holder(s) Donna F. Tuttle, Trustee of the Donna F. Tuttle TrustMailing Address 468 N Camden Drive, Ste 300, Beverly Hills, CA 90210Telephone Number 310-285-1715Source of Water (Groundwater/Surface) Big Wood River

Extent of Use: Domestic \_\_\_\_\_ (number of households)

Stockwater \_\_\_\_\_ (number and type of stock)

Irrigation See Remarks \_\_\_\_\_ (number of acres irrigated)Other/Remarks Minimum flow (0.05 cfs) must remain in Bigwood River as mitigation for diversion under Permit No. 37-08759Total rate and/or volume of use 0.05 cfs \_\_\_\_\_ acre feetShow the date water use will be or was resumed under this water right September 27, 1999

Person to contact to accompany the Department representative if a field examination is conducted:

Name Tom Denker Telephone No. 208-726-5267Address P.O. Box 1157, Ketchum, Idaho 83340

The above information is my true statement of the extent to which diversion and use of the above described water right has been resumed.

Date

9/12/00

Signature

Donna F. Tuttle

MICROFILMED

OCT 05 2000



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

August 24, 2000

Donna Tuttle  
468 N Camden Dr. #300  
Beverly Hills, Ca 90210

Re: Curtailment of Ground Water Diversion, Water Right No. 37-08759

Dear Water User,

The records of the Idaho Department of Water Resources (IDWR) show that you are the owner of the above referenced water right(s) subject to an approved transfer or permit authorizing diversion of ground water that is contingent upon the availability of surface water from the Big Wood River (or tributaries to the Big Wood River). Specifically, the above water right(s) includes a condition that limits the diversion of ground water to those times water is available for diversion under the right(s) and priority from the original source, Big Wood River (or tributaries). The right is also subject to regulation and control by the watermaster of State Water District No. 37, Big Wood River and tributaries. A computer-generated print out of your water right(s) is attached for your reference.

The Water District 37 watermaster has notified IDWR that the priority date of the above referenced water right(s) has been cut and is no longer available for delivery or mitigation purposes. The priority dates of some water rights in the district with similar conditions have been cut or unavailable since July 1, 2000. Many water rights have been cut or cut earlier than normal due to drought conditions that have existed in your area this year. Currently, all water rights with a priority date after March 24, 1883 are completely cut. Rights with priority of March 24, 1883 are being delivered at 50 percent of capacity.

The purpose of this letter is to notify you that you must immediately cease diversion of ground water and use under the above referenced water right(s) if such right(s) has a priority date after March 24, 1883. Any right with priority of March 24, 1883 must be cut by 50 percent. The water district watermaster will check for use under the water right(s) to insure that there is compliance with this notice as well as terms and conditions of the water right(s). The watermaster has authority to shut off any use that can not be delivered. Failure to comply with this notice and the conditions of the water rights or any further diversion of water made after the use is regulated may result in the issuance of a Notice of Violation and Cease and Desist Order from IDWR. Such orders may carry certain civil penalties. The watermaster will notify you if the priority date under your right(s) is deliverable again this year and if you can resume use of water from your ground water diversion.

**MICROFILMED**

OCT 9 5 2000

IDWR and Water District 37 will appreciate your attention and cooperation in this matter given the existing drought conditions and less than normal water supplies that challenge all of us this year. Questions concerning this matter may be directed to Lee Peterson, Water District 37 Watermaster at 208-886-2451 or the IDWR Southern Regional Office in Twin Falls at 208-736-3033. You may also contact me directly at 208-327-7864.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tim Luke".

Tim Luke  
Water Allocations

Cc: Lee Peterson, Watermaster  
IDWR Southern Region

MICROFILMED  
OCT 06 2000



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

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

February 8, 2000

**DIRK KEMPTHORNE**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

DONNA F TUTTLE  
TRUSTEE OF THE DONNA F TUTTLE TRUST  
C/O JAMES P SPECK  
PO BOX 987  
KETCHUM ID 83340-0987

**PROOF ACKNOWLEDGEMENT LETTER**

**RE: PERMIT NO. 37-08759**

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 **SOUTHERN** Regional Office of the department in Twin Falls at (208) 736-3033.

Sincerely,

Kari Lynn Townsend  
Secretary

KLT:k

cc: IDWR – Regional Office

MICROFILMED

FEB 11 2000



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

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

February 8, 2000

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

DONNA F TUTTLE TRUST  
C/O JAMES P SPECK  
SPECK & AANESTAD  
PO BOX 987  
KETCHUM ID 83340-0987

RE: Assignment of Permit 37-08759

Dear Permit Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced permit to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

*for*   
Jeff Peppersack, Manager  
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

FEB 11 2000

**SPECK & AANESTAD**  
A PROFESSIONAL CORPORATION  
ATTORNEYS

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

120 EAST AVENUE  
POST OFFICE BOX 987  
KETCHUM, IDAHO 83340

RECEIVED

FEB - 4 2000

Department of Water Resources TELEPHONE  
(208) 726-4421  
FACSIMILE  
(208) 726-0752

February 3, 2000

Kari Lynn Townsend  
Idaho Department of Water Resources  
PO Box 83720  
Boise, ID 83720

**RE: Permit No. 37-08759**  
**Our File No.: 980071**

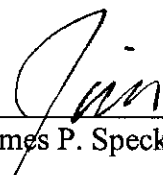
Dear Kari Lynn:

Enclosed you will find the Assignment of Permit for the above-referenced Permit together with my firm's check in the sum of \$25 to cover the filing fee. I have also included a copy of the Assignment and I would like to have the Department place its receipt date stamp on the copy and return it to me in the stamped and addressed envelope I have included for that purpose.

Please call me if you have any questions. Thank you.

Sincerely yours,

SPECK & AANESTAD  
A Professional Corporation

By:   
James P. Speck

JPS:rsd  
enclosures  
cc: Allen Merritt, w/encl.  
Donna Tuttle, w/encl.

MICROFILMED  
FEB 11 2000



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

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

January 20, 2000

**DIRK KEMPTHORNE**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

DONNA F TUTTLE  
TRUSTEE OF THE SUSAN M TUTTLE TRUST  
C/O JAMES P SPECK  
PO BOX 987  
KETCHUM ID 83340

**PROOF ACKNOWLEDGMENT LETTER**

**RE: PERMIT NO. 37-08759**

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 **SOUTHERN** Regional Office of the department in Twin Falls at (208) 736-3033.

Sincerely,

Kari Lynn Townsend  
Secretary

c: IDWR - Regional Office

**MICROFILMED**

**JAN 28 2000**

ANALYSIS SHEET  
FOR  
PROOF OF BENEFICIAL USE

Permit No. 37-08759 Reviewed by VJH Date 1-17-00

GENERAL CONSIDERATIONS

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

TYPES OF USE

Dom & Irr.  
yes Correct Uses?

SOURCE OF WATER

       Surface water source  
✓ Ground water source  
       Drilling permit required?  
       Copy in the file? Drilling Permit No.         
       Amount paid for permit        Correct?  
       Well log in the file?

LICENSE EXAMINATION FEE

yes Required?  
50 Amount Submitted  
yes Correct?

MEASURING DEVICE

yes Required?  
yes Installed?  
       Waiver requested?

PRIORITY CALCULATION

Date proof received         
Date proof due        -         
No. of days late        =         
Priority Date        +         
New Priority Date       

DEFICIENCIES OR ACTION ITEMS

none - on file proof

DATA ENTRY

New Address        Proof Made 12-30-99

**SPECK & AANESTAD**

A PROFESSIONAL CORPORATION

**ATTORNEYS**

120 EAST AVENUE  
POST OFFICE BOX 987  
KETCHUM, IDAHO 83340

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

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

December 29, 1999

**VIA FEDERAL EXPRESS**

Julie L. Yarbrough  
IDWR  
1301 North Orchard Street  
Boise, ID 83720-00989

**RE: Permit No. 37-08759 - Donna F. Tuttle, Trustee of the Donna F. Tuttle Trust  
S&A File: 980071**

Dear Julie:

Enclosed you will find the Proof of Beneficial Use and our check in the amount of \$50 for the filing fee.

Please call me immediately if you have any questions. Thank you.

Sincerely yours,

**SPECK & AANESTAD**  
A Professional Corporation

By:   
James P. Speck

JPS:rsd  
enclosures

MICROFILMED  
JAN 28 2000

October 31, 1999

SUSAN M CARTER REVOCABLE TRUST  
PO BOX 4679  
KETCHUM ID 833404679

PROOF DUE NOTICE

RE: PERMIT NO. 37-08759

Dear Permit Holder:

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

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

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

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

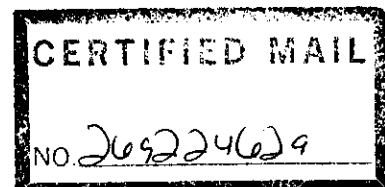
SINCERELY,

JULIE L. YARBROUGH  
Senior Secretary

Enclosures

MICROFILMED

JAN 28 2000



## ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 37-08739 Reviewed by JY Date 10-8-96

### BASIC INFORMATION

9-30-96 Date stamp received  
yes Extension received timely  
yes Fee received and receipted  
yes Name and signature same as permit  
no Address Change

### BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?

\_\_\_\_\_ Has the permit been involved in litigation?  
Is supporting documentation needed to complete the file? \_\_\_\_\_ Requested? \_\_\_\_\_

\_\_\_\_\_ Is delay by a government agency?  
Is supporting documentation needed to complete the file? \_\_\_\_\_ Requested? \_\_\_\_\_

\_\_\_\_\_ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

### ACTION TAKEN

*Recommend extend to Jan. 1, 2000, on basis of due diligence.*

### PRIORITY CALCULATION

|                         |       |   |       |
|-------------------------|-------|---|-------|
| Date extension received | _____ | = | _____ |
| Proof due date          | _____ | = | _____ |
| Number of days late     | _____ | = | _____ |
| Priority date           | _____ | = | _____ |
| New Priority Date       | _____ | = | _____ |

### DATA ENTRY

New Address X \_\_\_\_\_

Change Proof Due Date 1-1-2000

Change Priority Date X \_\_\_\_\_



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

October 9, 1996

Susan M. Carter Trust  
c/o James P. Speck  
P.O. Box 987  
Ketchum, ID 83340

RE: Permit No. 37-08759

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit. The time within which to submit proof of beneficial use is extended to **January 1, 2000**. Please note that the department has granted this extension based on **due diligence**. It is important that you work diligently toward the completion of the development during the construction period allowed since the department **will not** be able to grant additional extensions based on due diligence.

Please be advised that Section 42-248, Idaho Code, which became affective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Failure to maintain current records with the department could result in the assessment of a monetary penalty.

Please contact me at (208)327-7953 if you have any questions regarding this matter

Sincerely,

JULIE L. YARBROUGH  
Senior Secretary

Enclosure

C: IDWR - Regional Office

MAILED

OCT 10 1996

**HOGUE, SPECK & AANESTAD**

A PROFESSIONAL ASSOCIATION  
ATTORNEYS

TERRY G. HOGUE  
JAMES P. SPECK  
DOUGLAS J. AANESTAD  
TRACY DUNLAP  
MICHELE C. MESKE

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

September 27, 1996

RECEIVED

SEP 30 1996

Department of Water Resources  
Southern Region

Mr. Allen Merritt  
Idaho Dept. Of Water Resources  
222 Shoshone Street East  
Twin Falls, Idaho 83301

Re: Water Right No. 37 - 08759, Susan Carter, Trustee  
Susan M. Carter Revocable Trust, Dated May 16, 1994

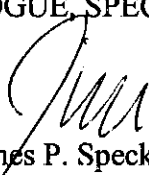
Dear Allen:

Enclosed you will find a signed Request for Extension of Time along with the required filing fee of \$50.00.

Please call me if you have any questions or comments.

Sincerely yours,

HOGUE, SPECK & AANESTAD

  
James P. Speck

JPS:mg  
Enclosures

0071 01336



**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

March 20, 1995

PHILIP E. BATT  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

Susan M Carter Revocable Trust  
C/O James P Speck ESQ  
Hogue Speck and Aanestad  
P O Box 987  
Ketchum ID 83340-00987

RE: Permit No. 37-08759

Dear Ms. Carter,

This letter is to confirm that the assignment of ownership on the above referenced water right is satisfactory. We have modified our computer records to reflect this change in ownership.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

JIM JOHNSON, Manager  
Water Right Permits Section

JJ:rl

RECEIVED

MAR 23 1995

WR0749NP  
No. 37-08759

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 03/02/95  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                                         | PRIORITY<br>DATE | WATER USE                                                                 | USE PERIOD<br>FROM TO                                    | DIVERSION<br>RATE                       | DIVERSION<br>VOLUME  |
|------------------|------------------------------------------------------------------------|------------------|---------------------------------------------------------------------------|----------------------------------------------------------|-----------------------------------------|----------------------|
| C                | SUSAN M CARTER REVOCABLE TRUST<br>PO BOX 4679<br>KETCHUM ID 83340-4679 | 10/03/1991       | IRRIGATION<br>DOMESTIC<br>FIRE PROTECTION STORAGE<br>DIVERSION TO STORAGE | 04-15 10-15<br>01-01 12-31<br>01-01 12-31<br>01-01 12-31 | 0.050 CFS<br>0.040 CFS<br><br>0.050 CFS | <br><br><br>0.10 AFA |
| TOTAL DIVERSION: |                                                                        |                  |                                                                           |                                                          | 0.090 CFS                               |                      |

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion:

T05N R17E S14

NESWNE

BLAINE County

Place of use Legal Description for: IRRIGATION

| NE          |     |    |         | NW    |       |       |         | SW    |       |       |       | SE      |       |       |       |         |       |       |       |       |
|-------------|-----|----|---------|-------|-------|-------|---------|-------|-------|-------|-------|---------|-------|-------|-------|---------|-------|-------|-------|-------|
| T           | R   | S  | : Lt Ac | Lt Ac | Lt Ac | Lt Ac | : Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | : Lt Ac | Lt Ac | Lt Ac | Lt Ac | : Lt Ac | Lt Ac | Lt Ac | Lt Ac | : SUM |
| 05N         | 17E | 14 | :       |       |       | 01    | :       |       |       |       |       | :       |       |       |       |         |       |       |       | 1.5   |
| TOTAL ACRES |     |    |         |       |       |       |         |       |       |       |       |         |       |       |       |         |       |       | 1.5   |       |

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: BLAINE

Conditions of Approval:

- 26A - Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 46A - A well drilled pursuant to this permit must be located at least 500 feet from any existing well. Well spacing closer than 500 feet must be approved by the Department of Water Resources.
- 46B - Construction of the well must comply with Idaho well construction standards.
- 01J - 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.
- 057 - The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.03 cubic feet per second for each acre of land.

Remarks: This water right application is approved in conjunction with an exchange of a surface water right which will remain in the Big Wood River pursuant to the exchange provisions contained in Section 42-105, Idaho Code.

WR0749NP  
No. 37-08759

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 03/02/95  
PAGE: 2

Remarks: A flow rate of 0.05 cfs authorized by right no. 37-00496 (Adjudication Claim A37-00496C), must remain in the Big Wood River at its described point of diversion to compensate for depletion caused by the diversion of groundwater authorized by this permit. For purposes of regulating groundwater in conjunction with flows of the Big Wood River, water may be diverted pursuant to this permit if right no. 37-00496 is deliverable.  
For purposes of regulating this permit with respect to other groundwater rights, the priority of this right shall be October 3, 1991.  
The Director retains jurisdiction over this permit and any subsequent license to adjust the mitigation and to require the collection and reporting of pumpage and use data.  
Water must be applied to the land by an efficient method that conserves the quantity of water delivered.  
Domestic use is for 1 home.

Dates: App. Received: 10/03/1991 Priority Date: 10/03/1991  
Proof Due Date: 01/01/1997 Proof Made Date:  
Exam Made Date: Exam Sent to S.O.:  
Licensed Date:

Misc: Water District Number: 37 Field Exam Fee:

Audit: 10/24/91 BALDWIN 10/30/91 BALDWIN 11/15/91 SKAGGS 11/27/91 BALDWIN  
06/02/93 BALDWIN 11/23/94 MBALDWIN 12/07/94 CZIMMERM 12/28/94 CZIMMERM

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

ATTORNEYS

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

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

February 17, 1995

Mr. Allen Merritt  
Idaho Dept. of Water Resources  
222 Shoshone Street East  
Twin Falls ID 83301

Re: Assignment of Permit - Water Right No. 37-08759

Dear Allen:

Please find enclosed a check payable to Idaho Department of Water Resources in the amount of \$25.00 to cover the filing fee for the above-referenced document.

Please call me if you have any questions. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.



Sue Anne Bennett  
Assistant to James P. Speck, Esq.

JPS:sab  
enclosure  
cc: client

RECEIVED

FEB 21 1995

Department of Water Resources  
Southern Region

RECEIVED

MAR 23 1995

RECEIVED

FEB 16 1995

Department of Water Resources

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

ATTORNEYS

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

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

February 15, 1995

Mr. Lee Peterson  
District 37 Watermaster  
P O Box T  
Shoshone ID 83352

Re: Susan M. Carter, Trustee - Permit No. 37-08759 and  
portion of Water Right No. 37-00496

Dear Lee:

Enclosed you will find copies of the following:

1. Permit No. 37-08759;
2. Assignment of Permit;
3. Quitclaim Deed from Elizabeth P. Cook to Susan M. Carter for 0.05 cfs of Water Right No. 37-00496; and
4. Quitclaim Deed from Susan M. Carter to Susan M. Carter, Trustee for 0.05 cfs of Water Right No. 37-00496.

Will you please change your ownership and billing records accordingly.

You will note from Conditions 9 and 10 to Permit No. 37-08759 that the 0.05 cfs of 37-00496 must remain in the Big Wood River at its described point of diversion (the Mizer headgate) to compensate for the depletion caused by the diversion of ground water pursuant to the Permit. Ms. Carter hopes to drill her well this summer and if you have any suggestions or requirements as to the measuring device and lockable controlling works, please send that information on to me. Once the well has been completed and Ms. Carter is ready to divert ground water for irrigation purposes, she will contact your office and request "delivery" of the 0.05 cfs of Water Right No. 37-00496. This "delivery" will then be accomplished by leaving the water right in the Big Wood River. Please let me know how you propose to administer the ground water permit as a water right under your jurisdiction.

RECEIVED

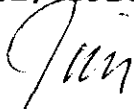
MAR 23 1995

Mr. Lee Peterson  
February 7, 1995  
Page 2

Please do not hesitate to call me if you have any questions.  
Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.

  
James P. Speck

JPS:sab  
enclosures  
cc: Susan M. Carter  
Elizabeth P. Cook  
Allen Merritt (IDWR/Twin Falls)  
✓Glen Saxton (IDWR/Boise)

RECEIVED  
FEB 13 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

January 3, 1995

SUSAN M CARTER  
C/O JAMES P SPECK ESQ  
HOGUE SPECK & AANESTAD  
PO BOX 987  
KETCHUM ID 83340

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08759

Dear Permit Holder:

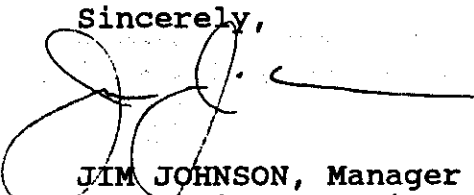
Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

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.

Sincerely,

  
JIM JOHNSON, Manager  
Water Right Permits Section

JJ:dc

Enclosures

MICROFILMED

JAN 19 1995

*Returned Mail  
Resent on 1/12/95  
Needed P.O.#  
W*

APPLICATION FOR PERMIT  
STATE OFFICE REVIEW  
by Cindy Zimmerman

No.: 37-8759 Name: Carter Date: 12/7/94 Correct Fee? ☒

**AREA OF CONCERN?** - No/Yes ESRP Mor BWR GWMA Trust/Non-trust  
**SYSTEM COMPLETED:**  
No - ~~26A~~ P17 *mitigated by leaving 0.05 cfs of surface water right A37-00496C in river.*  
Complete in 1 year - P16  
Yes  
Proof not submitted - P16  
Proof submitted - NA  
**GROUNDWATER:** -  
+ 0.2 cfs <FLO-CH> - 01G (new), 01K (existing), No MD  
- 0.2 cfs - No MD <FLOW CHART>  
Drilling Permit:  
Included w/permit - Permit No. \_\_\_\_\_, P99  
Existing well - NA (pre 7/1/87)  
No WD permit? - 046-~~26A~~(Irr)-~~26B~~(P23) (post 7/1/87)  
**SURFACE WATER:** not in WD - T17 (+.2 w/pump), No MD <FLOW CHART>  
**LOCATION:**  
Water District (dem) - WD No. ~~37~~ *watermaster has requested lockable device.*  
\*Surface water - ~~005~~ (req) ~~00J~~-~~P08~~ <FLOW CHART>  
(doesn't sink) or ~~005~~ <FLOW CHART>; No MD  
Groundwater - P05 (new irrigation well)  
In stream channel - 030 (stream channel alteration)  
Irr Dist/Canal Co. - 023 (Twin Falls area)  
Drainage Districts - 024  
Flood Control Dist. - 063  
Boise Front (63) - 058 (-85° GW temp only)  
Swan Falls Flag - ~~C~~ <SEE CONDITION CODE CHART>  
Trust\* - 051-052-053-P74 (Consumptive Uses), NA *not on original*  
Non Trust <1> - 048-049 (Consumptive Uses), NA *mitigated right.*  
**RIVER BASINS (\*Surface water):**  
Boise R(63) - 05A (if WD), 11E (non-domestic use), NA  
Payette R(65) - 064 (consump. use), 047-P04 (Payette Lake), NA  
Snake R(01/02/03) - 11A-P04 (01), 061-P07 (02/03 No WD Cond.), NA  
**USE:**  
Fish Propagation - 07A-042 (req) & 010/06A/09E(WQ)-P10  
044 (N 1000 Spr)  
Irrigation - 03A/~~57~~, 803 (if GW use SW 1st) (+5A PU comp), NA  
Power - 08A-17K-025-027 (req); 01F(MD)-P19; 09E(WQ)-P10;  
+25 cfs-P18; 17G(FERC) or 17M(FERC); 18B-P09  
Mining - 054 (req) & 06A/010/09E-P10  
Storage (✓ 3 compo.) - 18A (multi MD in WD), 18B-P09 (+10' dam), NA  
Domestic (surface) - 021 (Boise R ↑ L Peak), 064 (Payette R), NA  
**OWNERSHIP:**  
Non land owner - 004 (PD/PU)  
**PROTESTED:** protests w/D. - 020 (Prehearing agreement)/W19 (See Order)  
**OTHER CONDITIONS:** -  
**REMARKS:** - ① w/01/1 ② app. in conj. w/ surface use which will remain in B.W.R.  
③ flow rate of 0.05 cfs / (A37-00496C) ④ Water Master # 37  
⑤ GW regulation priority 10/3/94 ⑥ Retain jurisdiction ⑦ use conservative  
**BENEFICIAL USE DUE:** - 1-1-1997  
**COMMENTS:** - \* mitigated with portion of A37-00496C (0.05 cfs)

749NP  
P37-08759

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 12/07/94  
PAGE: 1

| OWNER<br>ODE     | NAME & ADDRESS                                                                                                             | PRIORITY<br>DATE | WATER USE                                                                 | USE PERIOD<br>FROM TO                                    | DIVERSION<br>RATE                | DIVERSION<br>VOLUME |
|------------------|----------------------------------------------------------------------------------------------------------------------------|------------------|---------------------------------------------------------------------------|----------------------------------------------------------|----------------------------------|---------------------|
| C                | SUSAN M CARTER<br>C/O JAMES P SPECK ESQ<br>HOGUE SPECK & AANESTAD<br>PO BOX 987<br>KETCHUM ID 83340-0987<br>(208) 726-4421 | 10/03/1991       | IRRIGATION<br>DOMESTIC<br>FIRE PROTECTION STORAGE<br>DIVERSION TO STORAGE | 04-15 10-15<br>01-01 12-31<br>01-01 12-31<br>01-01 12-31 | 0.05 CFS<br>0.04 CFS<br>0.05 CFS | 0.10 AFA            |
| TOTAL DIVERSION: |                                                                                                                            |                  |                                                                           |                                                          | 0.09 CFS                         |                     |

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T05N R17E S14 NESWNE BLAINE County

Primary Use Legal Description for: IRRIGATION

| NE          |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      |     |
|-------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-----|
| NENE        | NWNE | SWNE | SENE | NENW | NWNW | SWNW | SENW | NESW | NWSW | SWSW | SESW | NESE | NWSE | SWSE | SESE | SUM |
| Lt          | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   |     |
| 0.5         |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |     |
| 17E 14      |      |      | 01.5 |      |      |      |      |      |      |      |      |      |      |      |      | 1.5 |
| TOTAL ACRES |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 1.5 |

Primary Use Location for DOMESTIC is the same location as described for: IRRIGATION

County: BLAINE

Other Water Rights with Same Point(s) of Diversion and Source:  
37-07364 37-07871 37-08759

Other Water Rights Listing Overlapping Place(s) of use:  
37-00863A 37-07871 37-08759

Conditions of Approval:

- 26A - Project construction shall commence within one year from the  
- date of permit issuance and shall proceed diligently to  
- completion unless it can be shown to the satisfaction of the  
- Director of the Department of Water Resources that delays were  
- due to circumstances over which permit holder had no control.
- 046 - Right holder shall comply with the drilling permit  
- requirements of Section 42-235, Idaho Code.
- 46A - A well drilled pursuant to this permit must be located at least  
- 500 feet from any existing well. Well spacing closer than 500  
- feet must be approved by the Department of Water Resources.
- 46B - Construction of the well must comply with Idaho well  
- construction standards.
- 01J - 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.
- 057 - The rate of diversion of water for irrigation under this right  
- and all other water rights on the same land shall not exceed  
- 0.03 cubic feet per second for each acre of land.

Remarks: This water right application is approved in conjunction with an exchange of a surface water right which will remain in the Big Wood River pursuant to the exchange provisions contained in Section 42-105, Idaho Code.  
A flow rate of 0.05 cfs authorized by right no. 37-00496 (Adjudication Claim A37-00496C), must remain in the Big Wood River at its described point of diversion to compensate for depletion caused by the diversion of groundwater authorized by this permit. For purposes of regulating groundwater in conjunction with flows of the Big Wood River, water may be diverted pursuant to this permit if right no. 37-00496 is deliverable.  
For purposes of regulating this permit with respect to other groundwater rights, the priority of this right shall be October 3, 1991.  
The Director retains jurisdiction over this permit and any subsequent license to adjust the mitigation and to require the collection and reporting of pumpage and use data.  
Water must be applied to the land by an efficient method that conserves the quantity of water delivered.  
Domestic use is for 1 home.

Dates: App. Received: 10/03/1991 Priority Date: 10/03/1991  
Proof Due Date: ~~01/01/1997~~ Proof Made Date:  
Exam Made Date: Exam Sent to S.O.:  
Licensed Date:

Misc: Water District Number: 37 Field Exam Fee:

Audit: 12/07/94 CZIMMERM

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

Carter, Susan

INITIAL REVIEW BY J.F. Stanton DATE 10-8, 1991  
APPLICATION NO. 37-08759

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

10-3 1991

ADDITIONAL INFORMATION

- ☐ Overlapping place of use( Describe source & relationship to present application on the back.  
☐ Overlapping point of diversion.  
☐ Yes ☒ No Field check required  
☐ Yes ☐ No Field check by \_\_\_\_\_  
☐ Yes ☐ No Field report attached  
☐ Yes ☒ No Critical Ground water area  
☒ Yes ☐ No Groundwater management area  
☐ Yes ☒ No Send Dam safety information  
☐ Yes ☒ No Send power requirement letter  
☐ Yes ☒ No Send fish farm requirement letter Department of Water Resources  
☐ Yes ☒ No Power residency affidavit.  
☐ 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\_\_\_\_

RECEIVED  
NOV 30 1994

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

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

**FINAL REGIONAL PROCESSING REVIEW**

☒ Yes ☐ No Affidavit of publication received.  
☒ Yes ☐ No Application published correctly. If not, record action taken.  
☒ Yes ☐ No Publication dates and paper, recorded on App.  
☒ Yes ☐ No Protests received  
Final date for Protest \_\_\_\_\_  
☐ 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 10/3, 1991  
By ADM Date 11/29, 1994

**STATE OFFICE REVIEW**

See below for additional information  
By \_\_\_\_\_ Date \_\_\_\_\_, 19 \_\_\_\_

**ADDITIONAL INFORMATION:**

Water Right A37-00496C is <sup>valid</sup> ~~not valid~~ as  
mitigation for approval of this permit.  
Use under control of Watermaster 37 District  
to assure A37-00496C is <sup>used</sup> ~~not used~~ for mitigation.  
Copy of approved permit 37-08759 with conditions  
be included in file A37-00496C so that this claim  
is recommended as being used for mitigation.

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\_\_\_\_

INTER-DEPARTMENT MEMO

TO: A37-00496C

SUBJECT: \_\_\_\_\_

FROM: Allen Merritt

DATE: 11/30/94

This right is being used to indicate the  
dismissal of appeal of my son under  
permit 37-68759.

See Permit file 37-68759.

**RECORDED**

JAN 19 1995

( ) For your information

( ) Response required

Allen Merritt  
signature

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION  
ATTORNEYS

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

November 21, 1994

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

J E G E U V

NOV 29 1994

Department of Water Resources  
Southern Region Office

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

Mr. Allen Merritt  
Idaho Department of Water Resources  
2148 4th Avenue East  
Twin Falls, Idaho 83301

Re: Application for Permit No. 37-08759  
Susan M. Carter

Dear Allen:

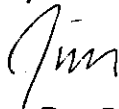
Enclosed you will find the letter written by Nick Cox,  
President of the Friends of the Big Wood River, withdrawing their  
protest of the above-referenced matter.

Per our telephone conversation, I understand you will  
forward this Application to Boise.

Please telephone me should you have any questions. Thank  
you.

Sincerely yours,

HOGUE, SPECK & AANESTAD



James P. Speck

JPS/sab  
enclosure

MICROFILMED

JAN 19 1995

November 18, 1994

Mr. James Speck  
Hogue, Speck & Aanestad  
PO Box 987  
Ketchum, ID 83340

Re: Application for Permit No. 37-08759  
Susan M. Carter

RECEIVED  
NOV 18 1994  
Hogue, Speck & Aanestad

NOV 29 1994

Department of Water Resources  
Southern Region Office



FRIENDS OF THE  
BIG WOOD RIVER

Dear Jim,

With regard to the above named Permit Application , The  
Friends of The Big Wood hereby withdraws their protest.

Sincerely,

Nick Cox, Pres.

cc IDWR. Mr. Gary Spackman

RECEIVED  
JAN 19 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

November 25, 1994

R. KEITH HIGGINSON  
Director

ATTN NICK COX PRESIDENT  
FRIENDS OF THE BIG WOOD RIVER  
PO BOX 4411  
KETCHUM ID 83340

RE: Application for Permit No. 37-08759 (Susan Carter)

Dear Mr. Cox:

This office acknowledges receipt of the withdrawal of your protest against the above referenced application.

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 please feel free to contact use.

Very truly yours,

Allen D. Merritt, P.E.  
Southern Region Manager

AM:MB

cc: James P. Speck Esquire

RECEIVED  
JAN 19 1995

RECEIVED

NOV 21 1994

Department of Water Resources



FRIENDS OF THE  
BIG WOOD RIVER

November 18, 1994

Mr. James Speck  
Hogue, Speck & Aarnestad  
PO Box 987  
Ketchum, ID 83340

Re: Application for Permit No. 37-08759  
Susan M. Carter

Dear Jim,

With regard to the above named Permit Application, The  
Friends of The Big Wood hereby withdraws their protest.

Sincerely,

  
Nick Cox, Pres.

cc IDWR. Mr. Gary Spackman

J E G E U V

NOV 23 1994

Department of Water Resources  
Southern Region Office

RECEIVED  
JAN 19 1995

## INTER-DEPARTMENT MEMO

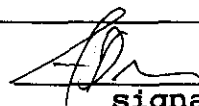
TO: File 37-08759

SUBJECT: \_\_\_\_\_

FROM: Allen MerrittDATE: 11/1/94

I phoned Jim Speck & told him that the only thing holding final processing of applic. was protest by Friends of Big Wood. I offered to schedule Pre-hearing Conf. but Jim indicated that he just today sent letter to those folk providing copy of Mel's memo. He indicated that he would follow up with a phone call & possibly get them to withdraw~~ed~~ protest. If they don't then he will contact me to schedule Pre-hearing Conference.

JAN 19 1995

☐ For your information☐ Response required

signature

2 6 6 1 1

HOGUE, SPECK & AANESTAD  
A PROFESSIONAL ASSOCIATION  
ATTORNEYS

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

October 31, 1994

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

NOV 04 1994

Department of Water Resources  
Southern Region Office  
HAILEY OFFICE:  
100 W. MAIN STREET  
SUITE K  
POST OFFICE BOX 460  
HAILEY, IDAHO 83333  
(208) 788-3567  
FAX (208) 788-4230

Nick Cox, President  
Friends of the Big Wood River  
Post Office Box 441  
Ketchum, Idaho 83340

RECEIVED

NOV 2 1994

Department of Water Resources

Re: Application for Permit No. 37-08759  
Susan M. Carter

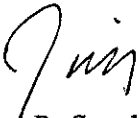
Dear Nick:

The Friends protested the above-referenced Application for Permit. However, in my letter dated March 18, 1992, to Gary Spackman (copy enclosed) you indicated the Friends were prepared to withdraw the protest pending approval of the acreage to be "dried up". Enclosed you will find a copy of a Memo to File prepared by Mel Schulte after his field examination of that acreage. If this is satisfactory, will you please direct a letter to Mr. Glen Saxton at the Idaho Department of Water Resources in Boise withdrawing the protest by the Friends.

Please do not hesitate to call me if you have any questions. Thank you.

Sincerely yours,

HOGUE, SPECK, & AANESTAD, P.A.

  
James P. Speck

JPS:jl

cc: Susan Carter (w/ encls.)  
Glen Saxton (w/ encls.)

MICROFILM

JAN 19 1995

37-08759

10/30/94 12:18:08

James P. Speck

Page 2 of 2

**HOGUE, SPECK & AANESTAD**  
A PROFESSIONAL ASSOCIATION OF  
ATTORNEYS

TERRY G. HOGUE  
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120 EAST AVENUE  
P. O. BOX 987  
KETCHUM, IDAHO 83340  
(208)726-4421  
FAX (208)726-0752

HAGLEY OFFICE:  
16 WEST CROY STREET  
SUITE K  
POST OFFICE BOX 460  
HAILEY, IDAHO 83333  
(208) 768-3567  
FAX (208) 768-4230

October 30, 1994

**VIA FACSIMILE - 1-208-327-7866**

Mr. L. Glen Saxton  
Idaho Department of Water Resources  
1301 North Orohard Street  
Statehouse Mail  
Boise, Idaho 83720-9000

120 E D

NOV 01 1994

Department of Water Resources  
Southern Region

Re: Ms. Susan M. Carter - Application for Permit No. 37-08759

Dear Glen:

I understand a field examination of the water right proposed to be used as mitigation replacement water for the above-referenced Application was done last August by Mel Schulte. Mel found evidence of use of the right which I believe is sufficient for the Department to now complete the processing of the Application. The protest by the Big Wood Canal Co. was withdrawn by letter dated March 19, 1992. The Friends of the Big Wood River requested an opportunity to inspect the place of use of the mitigation right. Hopefully, Mel's conclusions will satisfy them.

Please contact me at your earliest convenience to discuss how we can most expeditiously conclude the processing of the Application and issuance of the appropriate permit. Thank you for your continued cooperation and assistance in these matters.

Sincerely yours,

HOGUE, SPECK & AANESTAD



James P. Speck

JPS/j

cc: client

RECEIVED  
JAN 19 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  
GOVERNORR. KEITH HIGGINSON  
DIRECTORTRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-7866

NOV 01 1994

Department of Water Resources  
Southern Region OfficeDATE: 11-1-94TO: Alan  
Merritt  
\_\_\_\_\_  
\_\_\_\_\_FROM: Julie Y.  
\_\_\_\_\_  
\_\_\_\_\_DOCUMENT DESCRIPTION: \_\_\_\_\_  
\_\_\_\_\_COVER SHEET + 1 PAGES

CONTACT: \_\_\_\_\_ IF YOU DO NOT RECEIVE ALL THE PAGES

MICROFILMED  
JAN 18 1995

## COMMUNICATION DOCUMENTATION

Claim No. Permit Applic  
37-08759

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent ADm Date 8/31/94Contact Person(s) John Seiller affiliated with  
Jim Speck's firm (726-4421)Nature of Contact Needed to know status of application

Substance of Communication I found file & told him  
Friends of D's Wood protest needs to be  
resolved. We discussed 8/29/94 memo from  
him & I fixed him 2 copy. I also  
placed copy of same memo in 437-00496C  
file.

ADm

MICROFILMED

JAN 19 1995

MEMO TO FILE

DATE: AUGUST 29, 1994

FROM: MEL SCHULTE *MTL*

RE: APPLICATION 37-08759  
N/O SUSAN M. CARTER

ON AUGUST 26, 1994 I MET WITH ELIZABETH COOK TO INSPECT THE TWO ACRE PARCEL PROPOSED TO BE DRIED UP IN THE MITIGATION PLAN FOR THE ABOVE REFERENCED APPLICATION.

THE PROPERTY CONSISTS OF A VACANT FIELD IN ADDITION TO LAWN, SHRUBS AND GARDEN ADJACENT TO A RESIDENCE. THE LAWN AND GARDEN AREA OF LESS THAN ONE/HALF ACRE IS CURRENTLY IRRIGATED FROM A DOMESTIC WELL. WHILE THE SURFACE WATER APPURTENANT TO THE PARCEL WAS NOT CURRENTLY BEING APPLIED, THERE WAS SUFFICIENT PHYSICAL EVIDENCE TO INDICATE IT HAD BEEN USED IN THE PAST. I DID NOT MEASURE THE AREA BUT IT DID APPEAR TO BE ABOUT TWO ACRES IN SIZE. THE PROPERTY IS AN UNPLATTED AREA ADJACENT TO STARWEATHER SUBDIVISION THAT WAS RETAINED BY THE OWNERS WHEN THE LARGER PLATTED PARCEL WAS SOLD TO THE SUBDIVIDERS.

THERE IS A PROBLEM WITH THE LEGAL DESCRIPTION USED IN THE SRBA CLAIM (A37-00496C). THE PARCEL IS LOCATED IN 3N, 18E, S20, SENW NOT IN 3N, 18E, S18, NENE.

ELIZABETH COOK INDICATED THE LAST TIME THE SURFACE WATER WAS APPLIED TO THE SUBJECT PARCEL WAS ABOUT FOUR YEARS AGO. THE WATER MASTER RECORDS INDICATED ELIZABETH COOK WAS LAST BILLED AND DELIVERED WATER IN 1990. THE DELIVERY SYSTEM FROM THE MIZER DITCH TO HER PROPERTY IS NO LONGER SERVICEABLE BUT THERE IS STILL EVIDENCE OF A SMALL ADJACENT IRRIGATION DITCH.

IN A TELEPHONE CONVERSATION WITH LEE PETERSON, WATERMASTER, HE EXPRESSED CONCERN WITH THE ABILITY TO MAINTAIN CONTROL OF THE MITIGATED SURFACE RIGHT. IF THE APPLICATION IS APPROVED HE INSISTS THE WELL BE VALVED SO HE CAN TURN OFF THE IRRIGATION COMPONENT WHEN NECESSARY WITHOUT INTERFERING WITH THE DOMESTIC COMPONENT.

THE PROPOSED P/U IN THE APPLICATION IS IN THE EAGLE CREEK AREA ABOUT 13 MILES NORTH OF THE P/U FOR THE PROPOSED MITIGATION RIGHT. THE INTERRELATIONSHIP OF THE AQUIFER UNDER EAGLE CREEK AND THE BIG WOOD RIVER NEEDS TO BE ADDRESSED BEFORE THE APPLICATION IS APPROVED.

*Microfilm*

JAN 19 1995



A37-00496C  
3N, 18E  
Correct legal

JAN 19 1995

Sandy Frederick

726-3333

Big Wood Realty

2 acres on Audubon Place





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

Mr. James Speck  
Hogue, Speck & Aanestad  
P. O. Box 987  
Ketchum, ID 83340

11/15/1993

RE: Applications for Carter (37-8759), Harris (37-8698), and Blaine  
County Recreation Dist. (37-8747).

Dear Jim,

I am writing in response to your 10/27 letter requesting status on the above referenced applications. Blaine County's application is on Loren's desk awaiting response to this letter, then signoff and forwarding to the State Office on the next day he is in the office. During review of the file I noticed a few things which you may be able to clear up. In recent trips through the Big Wood area I noticed that construction of the distribution system for this proposal is nearly complete, apparently without benefit of a water right. Has a well been drilled? Are the water rights to be considered for mitigation still available for use? If not, is there another right, or rights, available for mitigation? Will the systems for the two areas which will need ongoing watering operate on 18 gpm (0.04 cfs) of water, or less (domestic definition limitation, Part B)?

A water right agent is planning a field review of existing water usage under rights proposed for mitigation purposes in applications 37-8759 and 37-8698 in the next week to ten days. Depending on issues found during the field review, the applications may be forwarded to the state office by the end of November. Should questions arise the agent will contact you.

Hopefully this addresses the questions raised in the 10/27 letter. If you have any other questions please contact this office.

Sincerely,

Douglas Jones, EIT  
Engineering Specialist

cc L. Holmes  
G. Spackman  
Files: 37-8759  
37-8698  
37-8747

RECEIVED  
JAN 19 1995

## MEMORANDUM

TO: LOREN HOLMES

FROM: GARY SPACKMAN *Gary*

DATE: AUGUST 6, 1993

RECEIVED

RECEIVED

AUG 16 1993

OCT 21 1993

Hogge Speck forwarded

Department of Water Resources  
Southern Region Office

RE: PENDING APPLICATIONS FOR DIVERSION OF GROUNDWATER IN THE BIG WOOD RIVER BASIN

Enclosed is a letter to Jim Johnson from Jim Speck which discusses several pending applications for permit. The Figge permit has been approved and transmitted. Beginning in the second paragraph, Jim discusses several applications for permit which are still pending. As I recall, approximately one year ago, you agreed to investigate the beneficial use of surface water rights proposed for mitigation use. Some of these applications may also be protested. The following summary is my recollection of the status of the applications, and the agreed upon action.

| <u>App. Permit</u> | <u>Name</u>                          | <u>Mitigation Right</u>                              | <u>Anticipated Action</u>                                                                                                                                                                                                                                          |
|--------------------|--------------------------------------|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 37-08759           | Susan M. Carter                      | 37-00496<br>(A37-00496C)                             | Protested. Also need to investigate validity of adjudication A37-00496C.                                                                                                                                                                                           |
| 37-08698           | Timothy H. Harris                    | 37-02165<br>(A37-02165B)                             | Determine whether the right proposed for mitigation, 37-02165, which is a surface water right, should be regulated with other rights on the Big Wood River. If so, the mitigation right is not early enough in time to compensate for the ground water withdrawal. |
| 37-08747           | Blaine County<br>Recreation District | 37-00028<br>(A37-00028F)<br>37-00297<br>(A37-00297K) | Protested. Determine validity of water rights.                                                                                                                                                                                                                     |
| 37-08276           | Pat Millington                       |                                                      | I am pursuing the final submittal of a hydrologic evaluation.                                                                                                                                                                                                      |

On the first paragraph of the second page of Speck's letter, he refers to several applications he recently filed. I believe the application in the name of Blaine County School District may relate to a proposal to irrigate some soccer fields which has been pending in rough form before the Department. I am not acquainted with the application in the names of Keith Friedly and Rod Thornton.

JAN 19 1995

Steve Clelland investigated the mitigation water right proposed for permit no. 37-08587 in the name of Gregg K. Sturtevant. We are corresponding with Speck at the present time. Finally, I am not acquainted with the transfer file in the name of J. Peter Fitzpatrick.

Please provide an update regarding the status of the applications for permit, and estimate the likely time when they will be forwarded to the state office for review.

C: Jim Speck, PO Box 987, Ketchum, Idaho 83340

JAN 19 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

May 21, 1992

RE: Water Right No.

Certified Mail No.

Dear Water Right Holder(s):

In response to record low streamflows and declining groundwater levels resulting from drought conditions, the Director of the Department of Water Resources has declared a moratorium on approval on certain pending and future applications to appropriate water in the Snake River Basin. The moratorium applies to both surface water and groundwater appropriations.

Department records show that you filed an application to appropriate water for irrigation which has not been approved by the Department. Unless you can demonstrate that your proposal qualifies for a narrow exemption to the moratorium, the department will hold your application, and will not process it until the moratorium is lifted.

An application for groundwater to supplement a normally sufficient surface water irrigation supply is exempt from the moratorium. If you can demonstrate that you normally receive an adequate supply of irrigation water from a surface water source, and that you will continue to fully use the surface water, when available, the Department will continue processing your application. If there are other impediments to approval such as a protest or necessary consent from other agencies, the other obstacle to approval must also be removed independent of the moratorium.

The enclosed form requests information which will determine whether your proposed use will qualify for the supplemental irrigation exemption. IF YOU FEEL YOUR PROPOSED USE QUALIFIES AS AN EXEMPT USE, YOU MUST COMPLETE THE FORM AND RETURN IT TO THIS OFFICE. If the form is not completed and returned, your application will be held without action. If you return the application but the use does not qualify, the Department will notify you that the application will be held without further processing.

JAN 19 1995

Certain domestic and non-consumptive uses are also exempt from the moratorium. If your application proposes one of these uses in addition to irrigation, the department will resolve the exemption issue by reviewing the file.

The Department has scheduled public meetings on May 29, 1992 where the details of the moratorium can be discussed. Below is a list of time and locations.

Boise, Idaho      May 29, 1992      10:00 am  
Boise City Hall  
150 North Capital Boulevard  
Les Bois Room - 3rd floor

Idaho Falls, Idaho      May 29, 1992      10:00 am  
Bonneville County Courthouse  
605 North Capital  
Centennial Court Room

Twin Falls, Idaho      May 29, 1992      10:00 am  
College of Southern Idaho  
315 Falls Avenue  
Shields Building - Room 115

Sincerely,

GARY SPACKMAN, Supervisor  
Water Right Permits Section

GS:cz

**MICROFILMED**

JAN 19 1995

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

ATTORNEYS

TERRY G. HOGUE  
JAMES P. SPECK  
DOUGLAS J. AANESTAD  
J. STEPHEN CRABTREE  
TRACY DUNLAP  
DONALD E. MITCHELL

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

April 30, 1992

Mr. Loren Holmes  
Department of Water Resources  
222 Shoshone Street  
Twin Falls, Idaho 83301

Re: Application for Permit No. 37-08759  
-Susan M. Carter

Dear Loren:

I will be out of the office until May 18, 1992. I understand you intend to conduct the inspection of the lands irrigated by the Water Right we are proposing as mitigation to the above-referenced Application for Permit. Would you kindly make arrangements to do this after I return to the office?

Thank you for your patience and cooperation in these matters.

Sincerely yours,

HOGUE, SPECK & AANESTAD

*James P. Speck by dc*  
James P. Speck

JPS\dc

CC: Susan M. Carter  
Gary Spackman

f:\wpdata\jim\corres92

JAN 19 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

22-Apr-1992

R. KEITH HIGGINSON  
Director

RECEIVED

APR 20 1992

Department of Water Resources  
Southern Region Office

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

RE: Application for Permit No. 37-08759 (CARTER)

Dear Mr. Oneida:

This office acknowledges receipt of the withdrawal of your protest against the above referenced application.

The concerns of the other protestant will need to be addressed by the Department before final processing of the application can be completed.

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

37-8759  
JAN 19 1995

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION  
ATTORNEYS

TERRY G. HOGUE  
JAMES P. SPECK  
DOUGLAS J. AANESTAD  
J. STEPHEN CRABTREE  
TRACY DUNLAP  
DONALD E. MITCHELL

120 EAST AVENUE  
POST OFFICE BOX 987  
KETCHUM, IDAHO 83340  
(208) 726-4421  
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HAILEY OFFICE:  
16 WEST CROY STREET  
SUITE K  
POST OFFICE BOX 460  
HAILEY, IDAHO 83333  
(208) 788-3567  
FAX (208) 788-4230

April 7, 1992

Mr. Nick Cox  
Friends of the Big Wood River  
Post Office Box 4411  
Ketchum, Idaho 83340

Re: Application for Permit No. 37-08759  
- Susan M. Carter

Dear Nick:

This letter will confirm our telephone conversation of April 2, 1992. I understand the Department will conduct an investigation through its southern regional office of the actual use of the mitigation water right to be acquired by Ms. Carter from Ms. Elizabeth P. Cook. This water right (0.05 cfs of 37-00496 with a July 1, 1883 priority date) has been diverted through the Mizer ditch to irrigate two acres owned by Ms. Cook. Ms. Carter will only irrigate 1.5 acres of her property in Eagle Creek.

It is my understanding that, upon confirmation of the historical irrigated acreage and Ms. Cook's agreement to "dry up" those lands, the Friends of the Big Wood River will withdraw its protest subject, of course, to final approval by the Department of a mitigation plan.

Please call me if you have any questions. Thank you for your cooperation on this matter.

Sincerely yours,

HOGUE, SPECK & AANESTAD

  
James P. Speck

JPS\dmk

cc: Ms. Susan Carter  
Mr. Loren Holmes ✓  
Mr. Gary Spackman

JAN 19 1992

**Big Wood Canal Company**

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

**RECEIVED**  
MAR 20 1992

**Department of Water Resources**

**RECEIVED**

APR 01 1992

CLERK OF DISTRICT COURT  
BOISE, IDAHO

March 19, 1992

Mr. Gary Spackman  
Department of Water Resources  
1301 North Orchard St..  
Boise, Idaho 83720

RE: Application No. 37-08759  
Susan Carter

I would like to withdraw my protest against Application  
No. 37-08759 with specifications as indicated in the Plan of  
Mitigation.

Sincerely,

*Richard M. Oneida*

Richard M. Oneida  
Manager

cc: James P. Speck

RMO/mae

**RECEIVED**

JAN 19 1995

37-8759

MEMORANDUM

RECEIVED

1992 APR 1

Department of Water Resources  
Southern Region Office

TO: Loren Holmes  
FROM: Gary Spackman *Gary*  
DATE: March 30, 1992

RE: Processing of Application for Permit No. 37-08759 in the  
Name of Susan M. Carter

Enclosed is a letter which I received from Jim Speck dated March 17, 1992. The letter proposes a plan of mitigation for application for permit no. 37-08759. The plan proposes to leave a portion of water right no. 37-00496 (represented to be Adjudication Claim no. A37-00496C) in the Big Wood River to compensate for withdrawal of ground water proposed by application for permit no. 37-08759. The priority date of July 1, 1883, is early enough to compensate fully for an irrigation season diversion of ground water. We should probably investigate the use of the surface water right prior to approving the plan of compensation for the ground water withdrawal. If the water right proves to be valid, we should inform the protestants of the proposal, and, if necessary, conduct a prehearing conference.

cc: Jim Speck  
Dick Oneida  
Doug Brearey

RECEIVED

JAN 19 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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HAILEY, IDAHO 83333  
(208) 788-3567  
FAX (208) 788-4230

March 17, 1992

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

**RECEIVED**  
MAR 18 1992

Re: Application for Permit No. 37-08759  
Susan M. Carter - Plan of Mitigation

Department of Water Resources

Dear Gary:

I represent Ms. Susan M. Carter who has filed Application for Permit No. 37-08759 (the "Application"). Among the beneficial uses sought by the Application is the diversion of 0.05 cfs for the irrigation of 1.5 acres of residential landscaping for a single family residential lot located in the Eagle Creek drainage approximately five (5) miles north of Ketchum. Please accept this letter as a proposed "plan of mitigation" for the presumed impact of this consumptive use portion of the Application on the surface flows of the Big Wood River.

Ms. Carter has arranged to purchase 0.05 cfs of Water Right No. 37-00496 from Mrs. Elizabeth P. Cook (see enclosed copy of executed Quitclaim Deed). This water right has a priority date of July 1, 1883. Mrs. Cook filed Claim No. A37-00496C in the Snake River Basin Adjudication claiming this right has been used to irrigate 2.0 acres. Ms. Cook will no longer irrigate this land - A37-00496C is the only water right she has used to irrigate her property. Ms. Carter proposes to "exchange" this water right by no longer diverting it from the Big Wood River in return for approval of the Application. Since the consumptive use of A37-00496C (5.0 AFA) is less than the consumptive use of the Application (3.75 AFA), there will be a net gain to the interconnected ground water - surface flow resource. Thus, this proposal fully compensates for any presumed injury to prior surface flow right holders. It should be noted that any return flows from A37-00496C are 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 aquifers.

j\corres92\spackmg

**RECEIVED**  
JAN 19 1995

Mr. Gary Spackman  
March 17, 1992  
Page 2

The Application was protested by the Big Wood Canal Company and Friends of the Big Wood River. I am requesting both protestants to withdraw their protests contingent upon the Department's approval of this proposed plan of mitigation.

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  
(enclosure)

cc: Ms. Susan M. Carter (w/ enclosure)  
Mr. Richard Oneida (w/ enclosure)  
Mr. Doug Breary (w/ enclosure)  
Ms. Elizabeth Cook (w/enclosure)

RECEIVED  
JAN 18 1992

RECEIVED

MAR 16 1992

Hogue, Speck & Aarnestad

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

James P. Speck, Esq.  
HOGUE, SPECK & AARNESTAD, P.A.  
Post Office Box 987  
Ketchum, Idaho 83340

---

(space above line for Recorder's use)

**QUITCLAIM DEED**

FOR VALUE RECEIVED, ELIZABETH P. COOK, a single woman, whose current mailing address is Post Office Box 1626, Hailey, Idaho 83333 (hereinafter referred to as the "Grantor"), does hereby convey, release, remise and forever quitclaim unto SUSAN M. CARTER, a single woman, whose current mailing address is Post Office Box 4679, Ketchum, Idaho 83340 (hereinafter referred to as the "Grantee"), any and all interest Grantor may have in the following described water rights, appurtenant to premises, situated in Blaine County, Idaho, to wit:

0.050 cfs of that certain water right for the diversion of the waters of the Big Wood River for irrigation purposes with priority date of July 1, 1883, decreed to Thomas Mizer in S.C. Frost, et al. v. Alturas Water Company, et ux, dated December 13, 1909, and identified as water right 37-00496, a portion of which is claimed by Grantor in Twin Falls County District Court Civil No. 39576, In Re Adjudication of Rights to the Use of Water from the Snake River Basin Water System, as Claim No. A37-00496C.

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.

QUITCLAIM DEED - 1

MICROFILMED  
JAN 19 1995

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the Grantee, and to Grantee's heirs and assigns forever.

DATED this 13 day of March, 1992.

GRANTOR:

Elizabeth P. Cook  
ELIZABETH P. COOK

STATE OF Idaho )  
County of Blaire ) ss.

On this 13 day of March, 1992, before me, the undersigned Notary Public in and for said state, personally appeared ELIZABETH P. COOK, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

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

Janet Key  
Notary Public for Idaho  
Residing at: Hailey  
Commission Expires: 10-10-94

f:\don\jps\carterqt.clm  
March 2, 1992

QUITCLAIM DEED - 2

RECORDED  
JAN 19 1995

RECEIVED

MAR 10 1992

March 18, 1992

Mr. Gary Spackman  
Department of Water Resources  
1301 North Orchard Street  
Statehouse Mail  
Boise, ID 83720

RECEIVED  
MAR 20 1992

Department of Water Resources



Re: Application for Permit No. 37-08752, Elizabeth Gray; and No. 37-08759, Susan M. Carter

Dear Gary,

The Friends of the Big Wood River are prepared to withdraw their protests against these Permit Application after we have been given an on-site tour of the acreage to be "dried up" and that this acreage is precisely described in surveying terms and that this description is included in the deeds of the properties involved as well as the permit applications.

We look forward to hearing from the parties as to these requests.

Sincerely,

Nick Cox, Pres.

cc James Speck  
Loren Holmes

MICROFILMED

JAN 19 1995



State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

06-Dec-1991

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

JAMES P SPECK ESQUIRE  
HOGUE SPECK & AANESTAD  
PO BOX 987  
KETCHUM ID 83340

RE: APPLICATION FOR PERMIT NO. 37-08759

Dear Mr. Speck:

Enclosed are copies of protests filed against the issuance of a permit pursuant to the above referenced application filed on behalf of your client, Susan M. Carter.

The Department suggests you contact the protestant(s) directly to determine the exact nature of the protest(s) 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 for permit. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

Also enclosed is an attachment that addresses additional requirements pertaining to the Big Wood River Groundwater Management Area.

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)

**Microfilm**

JAN 19 1992

Attachment to letter dated 06-Dec-1991

To all parties in the matter of  
Applications for permit Nos. 37-08759, 37-08760, 37-08762, 37-08763

PROTESTED APPLICATION FOR PERMIT:  
ISSUES CONSIDERED, CONFERENCE PROCEDURE

In processing all applications for permit, the department must consider the following issues, which are specified in Section 42-203A of the IDAHO CODE:

- 1) Will the proposed use reduce the quantity of water under existing rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the proposed project?
- 5) Will the proposed use conflict with the local public interest?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

When an application is protested, the statute requires the department to conduct a hearing to create a record of the evidence considered in approving or denying the application.

Normally, an informal pre-hearing conference is held prior to the actual hearing. The objectives of the informal conference are as follows:

- 1) To familiarize all parties with the application and the issues being raised.
- 2) To provide a forum for discussion and possible resolution of the matter among the parties.
- 3) To provide information to the parties about the department's hearing procedure in deciding protested applications.
- 4) To discuss scheduling of the matter for hearing.

Notices setting the time and place for the conference will be sent by certified mail to all parties at least 10 days prior to the conference. This is the same procedure specified by law for serving notice of hearings.

Conferences are conducted under Rules for Practice and Procedure adopted under the Idaho Administrative Procedures Act.

RECEIVED  
JAN 19 1995



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

06-Dec-1991

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

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

RE: APPLICATION FOR PERMIT NOS:

|          |                          |
|----------|--------------------------|
| 37-08759 | Carter, Susan M.         |
| 37-08760 | Figge, James &/or Sandra |
| 37-08762 | North Star Funding, Inc. |
| 37-08763 | Ryan, Ronald D.          |

Dear Mr. Oneida:

Your protest against the approval of the above referenced applications has 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 describe the issues which the Department must consider in taking action on an application for permit. 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  
Enclosure9s)

**Microfilm**

JAN 19 1995

AFFIDAVIT of PUBLICATION

RECEIVED

DEC 04 1991

State of Idaho, }  
County of Blaine } SS.

Department of Water Resources  
Southern Region Office

DANIEL J. GORHAM

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

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

publication of said advertisement was on the 16 day of NOV 1991, and

the date of the last publication was on the 13 day of NOV 1991.

Subscribed and sworn to before me this 13 day of NOV 1991.  
(SEAL)

Rolanta McKeen

NOTARY PUBLIC

#7916  
WOOD RIVER JOURNAL  
Hailey, Idaho

COST OF PUBLICATION

|                           |                |
|---------------------------|----------------|
| Number of Picas per Line  |                |
| Number of Lines in Notice | 90             |
| Number of Insertions      |                |
| Lines tabular at          | 6c / Pica      |
| 90 Lines straight at      | 49.5 5c / Pica |
| 90 Subsequent lines at    | 39.6 4c / Pica |
| TOTAL COST                | \$94.10 5.00   |

COPY OF NOTICE  
(Paste Here)

Notice of Application  
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

If Dept of Water  
BILL TO

Four trust water rights

NOTICE OF APPLICATION  
FOR TRUST WATER RIGHT

37-08768

CARTER, SUSAN M.  
C/O JAMES P SPECK ESQ  
HOGUE SPECK & AANESTAD  
PO BOX 987  
KETCHUM, ID 83340

Source: GROUNDWATER  
Diversion Pt: NESWNE Sec 14 T  
05N R 17E in BLAINE County.

Use: IRRIGATION (.050 CFS);  
DOMESTIC (.040 CFS); FIRE  
PROTECTION STORAGE (.10  
AF); DIVERSION TO STORAGE  
(.050 CFS)

Total Diversion: (.090 CFS)

Date Filed: 10/3/1991

In: T05N R17E S14 SWNE  
1.5 ACRES TOTAL

37-08760

FIGGE, JAMES K  
FIGGE, SANDRA D  
C/O JAMES P SPECK ESQ  
HOGUE SPECK & AANESTAD  
PO BOX 987  
KETCHUM, ID 83340

Source: GROUNDWATER  
Diversion Pt: NESWNE Sec  
05N R 17E in BLAINE County.

Use: IRRIGATION (.100 CFS);  
DOMESTIC (.020 CFS);  
(.060 CFS); FIRE  
PROTECTION STORAGE (.100  
AF); DIVERSION TO STORAGE  
(.100 CFS)

Total Diversion: (.160 CFS)

Date Filed: 10/3/1991

In: T05N R17E S10 SWNE NENW  
SENE  
4.5 ACRES TOTAL

37-08762

NORTH STAR FUNDING INC  
43-876 WASHINGTON ST D  
PALM DESERT, CA 92260

Source: GROUNDWATER

Diversion Pt: SENESE Sec 1 T  
01N R 18E in BLAINE County.

Use: IRRIGATION (.500 CFS)  
Total Diversion: (.500 CFS)

Date Filed: 6/21/1991

In: [REDACTED] SE

RYAN, RONALD D  
PO BOX 5240  
KETCHUM, ID 83340

Source: GROUNDWATER

Diversion Pt: SENE Sec 26 T 05N  
R 17E in BLAINE County.

Use: IRRIGATION (.090 CFS)  
DOMESTIC (.040 CFS)  
Total Diversion: (.130 CFS)

Date Filed: 7/12/1991

In: T05N R17E S26 SENE  
3.0 ACRES TOTAL

The permit(s) will be subject to all  
prior water rights. Protests may  
be submitted based on the criteria  
of Sec. 43-203A, Idaho Code,  
and/or the new public interest  
criteria of Sec. 43-203C, Idaho  
Code. Protests must be filed with  
the Director, Dept. of Water  
Resources, Statehouse Mail,  
Boise, Idaho 83720, on or before  
NOVEMBER 26, 1991.

R. Keith Haggston, Director  
Publish: Wood River Journal  
November 6 & 13, 1991



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

06-Dec-1991

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

ATTN DOUG BREARY  
FRIENDS OF THE BIG WOOD RIVER  
PO BOX 4411  
KETCHUM ID 83340

RE: APPLICATION FOR PERMIT NOS:

|          |                          |
|----------|--------------------------|
| 37-08759 | Carter, Susan M.         |
| 37-08760 | Figge, James &/or Sandra |
| 37-08762 | North Star Funding, Inc. |
| 37-08763 | Ryan, Ronald D.          |

Dear Mr. Breary:

Your protest against the approval of the above referenced applications has 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 attachments to this letter describe the issues which the Department must consider in taking action on an application for permit. 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)

RECEIVED  
JAN 19 1995

**Big Wood Canal Company**

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

**RECEIVED**  
NOV 15 1991

Department of Water Resources

November 14, 1991

**RECEIVED**

NOV 27 1991

Department of Water Resources  
Southern Region Office

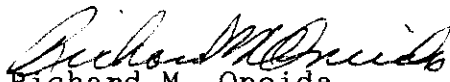
Director  
Department of Water Resources  
Statehouse Mail  
Boise, Idaho 83720

RE: Application No. 37-08759  
CARTER, SUSAN M.

Dear Sir:

I would like to protest the application filed by CARTER, SUSAN M. on grounds this use of water could be detrimental to the storage of irrigation water at Magic Reservoir.

Sincerely,

  
Richard M. Oneida  
Manager

RMO/mae

**RECEIVED**  
JAN 19 1995

11-1-91

MR. GARY SPACKMAN  
DEPARTMENT OF WATER RESOURCES  
1301 N. ORCHARD ST.  
BOISE, IDAHO 83702

**RECEIVED**  
NOV 04 1991

Department of Water Resources



FRIENDS OF THE  
BIG WOOD RIVER

RE: RIGHT NUMBER APPLICATION 37-08759

Susan M. Carter  
C/O James P. Speck ESQ  
Box 987  
Ketchum Id 83340

**RECEIVED**

NOV 22 1991

Department of Water Resources  
Southern Region Office

In conjunction with the I.D.W.R. establishing the Big Wood River Drainage as a Ground Water Management Area, which the Friends of The Big Wood River fully support, please accept this as our formal protest of above mentioned application.

It is not the position of the Friends of The Big Wood River to protest domestic water applications ( .04 CFS for up to 1/2 acre) or reasonable Municipal water applications. However appropriations larger than this amount will have the following effects and it is not in keeping with the I.D.W.R. Ground Water Management Policy.

The Friend's also feel that ponds as requested for fire protection are nothing more than a means to try and acquire a water right, that might be used some day , for personal reasons for the entire year.

1. They will reduce the quantity of water under existing rights.
2. The question of a sufficient water supply for the purposes intended is in question.
3. The proposed use will conflict with the local public interest.

**RECEIVED**  
JAN 19 1992

37-08759

4. The proposed use will be contrary  
to conservation of water  
resources within the State of Idaho.

Thank You

*Domy*

Board of Directors

Friends of The Big Wood River



P.S. It is not our intention to be  
antagonistic but to support the position  
taken by the I.D.W.R. to help protect  
this precious resource, which is ultimately  
linked to the over all water table, quality and water system.

cc. Speck

Board of Directors

Fish & Game

Wood River Canal Co.

County Commissioners

Jim Eakin

Lee Peterson

RECEIVED  
JAN 19 1995

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION  
ATTORNEYS

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

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

November 15, 1991

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

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NOV 18 1991

Department of Water Resources  
Southern Region Office

Re: Application for Permit No. 37-08759  
Susan Carter

Dear Gary:

I have received from Jim Stanton the standard notice concerning the requirements of the Big Wood River Groundwater Management Area for the above-referenced Application for Permit filed by my client, Susan Carter. My client does not wish to withdraw this Application for Permit or limit it to the requested domestic use.

On October 17, 1991, Gary Slette, Brian Ballard and I wrote Keith Higginson with a proposal for the requested plan of mitigation (enclosed is a copy of this letter). We would like to meet at the earliest possible date to discuss this proposal and hopefully arrive at an agreement on the mitigation concept which can be uniformly applied and does not require significant hydrologic engineering time and expense for each application for permit. For example, as I testified at the hearing on the minimum streamflow applications, if a groundwater diversion causes a delayed depletion of flows in the Big Wood River, must there be compensation for the loss to the minimum streamflow? Or, can there be a presumption that all groundwater diversions will not cause measurable non-irrigations season flow depletions?

When these discussions have concluded I will be in a position to submit a plan of mitigation for Ms. Carter. Please consider this letter as the schedule for the submission of the information required by the notice.

37-08759  
JAN 19 1995

Mr. Gary Spackman  
November 15, 1991  
Page 2

Thank you for your continuing and assistance in these matters.

Sincerely yours,

HOGUE, SPECK & AANESTAD



James P. Speck

JPS\dmk  
cc: Dr. Charles Brockway  
Ms. Susan Carter  
Mr. Loren Holmes

**REPRODUCTION**

JAN 19 1995

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OCT 23 1991

Hogue, Speck & Aanestad

October 17, 1991

RECEIVED

NOV 18 1991

Department of Water Resources  
Southern Region Office

Keith Higginson  
Idaho Department of Water Resources  
1301 North Orchard Street  
Boise, ID 83720

Dear Keith:

Over the course of the past weeks, we have each received letters from the IDWR concerning the Big Wood River Groundwater Management Area (the "BWRGMA"), and its effects on existing permit applications. The letter basically provides that if a hydrologic evaluation of a newly proposed groundwater well results in a conclusion that such well cannot be constructed without depleting surface flows of the Big Wood River, a mitigation plan must be submitted that will ameliorate the depletions of surface water caused by the proposed groundwater withdrawal.

Many of the unimproved residential lots in Blaine County are in large lot subdivisions where residential landscaping in excess of 1/2 acre is desirable and was contemplated by the owner when the lot was purchased. Other large lot subdivisions were developed and sold with provisions for small horse pastures (2 - 3 acres) which require irrigation to maintain the property at acceptable levels. Until now, applications for new groundwater rights to serve these purposes were reasonably straightforward. We are concerned that the requirements for hydrologic evaluation and mitigation/compensation plans, when imposed on a case-by-case basis, will result in significant engineering and legal expenses for our clients.

To our knowledge, there has not yet been a directive issued as to the nature and scope of the mitigation contemplated by the Department. Our goal is to arrive at an

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JAN 19 1995

Keith Higginson  
Page 2  
October 17, 1991

equitable procedure on the mitigation/compensation issue so we can properly advise our clients on those actions and procedures necessary to acquire new, consumptive groundwater rights within the BWRGMA. Hopefully, one policy can be developed which can be applied consistently and uniformly to those withdrawals which impact the flows of the Big Wood River and storage rights in Magic Reservoir, and perhaps a separate policy for withdrawals impacting the flows of Silver Creek.

We have concluded that mitigation should be based on volumetric consumptive use depletion, as opposed to overall volume of diversion. It stands to reason that the impact on the river and ultimate storage would only be the amount of water that was consumptively used from the groundwater diversion. Water that had been pumped to the surface and not consumptively used could ultimately increase the surface flows of the river over what they would have been without the groundwater pumping. The volumetric basis for pumping would be determined by the storage volume of an undiverted surface water right that is permitted to remain in the river and accumulate in Magic Reservoir.

As an example, a landowner seeking approval of a groundwater right application could obtain a water right, and mitigate his consumptive use depletion of the river by not diverting the surface water right during the period that it was "on" during the early part of the year. The entire volume of water not diverted from the surface water right would be permitted to accumulate in Magic Reservoir, and its volume would set the basis for the volume of groundwater that could ultimately be consumptively used under the groundwater application. The beneficiaries of this mitigative program would be both the river itself, as well as the holders of the storage rights in Magic Reservoir.

Since we all have applications pending, we would appreciate your review of this matter at your earliest convenience. If you agree with our analysis and approach, we can proceed to work with the Department in arriving at mitigation responses for our respective clients. If you request, we will make ourselves available at the earliest possible date for a meeting to arrive at an agreement.

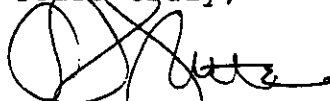
**MICROFILMED**

JAN 19 1995

Keith Higginson  
Page 3  
October 17, 1991

If you have any questions, please feel free to contact  
us.

Yours truly,



Gary D. Slette

HOGUE, SPECK & AANESTAD



James Speck

LAWSON, PEEBLES, BALLARD  
& EDSON



Brian Ballard

GDS/mw  
07441

cc: Loren Holmes

**MICROFILMED**

**JAN 19 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

31-Oct-1991

R. KEITH HIGGINSON  
Director

JAMES P SPECK ESQUIRE  
HOGUE SPECK & AANESTAD  
PO BOX 987  
KETCHUM ID 83340

Re: Application for Permit No. 37-08759 (CARTER)

Dear Mr. Speck:

The Department of Water Resources acknowledges receipt of the water right application for permit on behalf of your client, Susan M. Carter. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office will be advertising the application in the Wood River Journal on 11/6 & 11/13/91. A period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the 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 see attached list for additional information requirement.

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

Very truly yours,

James E. Stanton  
Sr. Water Resource Agent

JS:MB

**RECEIVED**

JAN 19 1992

**Big Wood River Groundwater Management Area  
Management Policy Requirements**

Attachment to acknowledgement letter

Application No. 37-08759

You have filed the above referenced application(s) which proposes a point of diversion within the Big Wood River Groundwater Management Area (GWMA).

The Department intends to process pending applications within the GWMA. Any applicant who proposes a consumptive water use, other than domestic use not exceeding one-half acre of irrigation for each home supplied, must show that his proposed use will not reduce flows in the Big Wood River or Silver Creek, or he must propose a reasonable plan to mitigate the reduction in flow.

Prior to further processing of your application, or conducting a hearing if the application is protested, you must submit the following information:

1. Hydrologic evaluation of the ground water aquifer at the proposed point of diversion and its relationship to surface water, including timing of potential impacts.
2. If the hydrologic evaluation results in a conclusion that a well can be constructed without impact, a prospectus discussing well construction methods and standards must be submitted which will be implemented to prevent depletion of surface flow.
3. If the hydrologic evaluation results in a conclusion that a well cannot be constructed without depleting surface flow, a plan of mitigation and/or compensation must be submitted that will replace depletions of surface water caused by proposed ground water withdrawal.

If you do not wish to submit the above information, you may withdraw your application. If your application includes a domestic component, you may wish to limit the application to domestic use.

Failure to respond to this request within thirty (30) days of this notice with either the required information or a schedule for it's submission is cause for the department to void the application.

If you have any questions or wish to change or withdraw your application, please contact The Southern Region Office, 222 Shoshone St. E., Twin Falls, ID 83301, (208)736-3033.

RECEIVED  
JAN 10 1995

**Broadie files on  
trust water right**

**NOTICE OF APPLICATION  
FOR TRUST WATER RIGHT**

37-08678

BROADIE, MOJ  
BROADIE, DEBBIE  
P.O. BOX 707  
PICABO, ID 83348

Source: GROUNDWATER  
Diversion Pt: NENW Sec 1 T 02S  
R 20E in BLAINE County.

Use: IRRIGATION (5.000 CFS)  
Total Diversion: (5.000 CFS)

Date Filed: 9/21/1990

In: T01S R20E S35 SESW NESE  
SWSE SESE; S36 NWSW SWSW;  
T02S R20E S01 NENW NWNW  
SWNW SENW; S02 NENE SENE  
287.0 ACRES TOTAL

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 Director, Dept. of Water

*Copy made to S.O.  
before 11-4-91 mp*

**RECEIVED**

NOV 04 1991

Department of Water Resources  
Southern Region Office

**MICROFILMED**

JAN 19 1995

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

37-08759

CARTER, SUSAN M  
C/O JAMES P SPECK ESQ  
HOGUE SPECK & AANESTAD  
PO BOX 987  
KETCHUM, ID 83340

Source: GROUNDWATER

Diversion Pt: NESWNE Sec 14 T 05N R 17E in BLAINE County.

|                         |             |           |
|-------------------------|-------------|-----------|
| Use: IRRIGATION         | ( .050 CFS) |           |
| DOMESTIC                | ( .040 CFS) |           |
| FIRE PROTECTION STORAGE |             | ( .10 AF) |
| DIVERSION TO STORAGE    | ( .050 CFS) |           |
| Total Diversion:        | ( .090 CFS) |           |

Date Filed: 10/ 3/1991

T05N R17E S14 SWNE

1.5 ACRES TOTAL

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 Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before NOVEMBER 25, 1991.

R. Keith Higginson, Director

Published: 11/ 6/1991 & 11/13/1991

RECORDED  
JAN 19 1995

S T A T E   O F   I D A H O  
DEPARTMENT OF WATER RESOURCES  
Southern Region  
222 Shoshone Street East  
Twin Falls, ID 83301  
(208) 736-3033

OCTOBER 30, 1991

WOOD RIVER JOURNAL  
PO BOX 988  
HAILEY, ID 83333

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before NOVEMBER 25, 1991.

Yours truly,

Mary Baldwin  
Secretary/Office Coordinator

Enclosure

RECEIVED  
JAN 19 1995



te 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

23-Sep-1991

Mr. James P. Speck  
P.O. Box 987  
Ketchum, ID 83340

RE: Carter and Figge Applications

Dear Jim,

Loren and I have reviewed the submitted applications and have reached a reasonable approach to proposals of this sort. The basic problem with the applications as submitted is that the total diversion (Item 5) exceeds the amount that would be drawn from the ground. Our recommendation is that the diversion to storage amount equal the proposed irrigation quantity. The following is an example of this scenario based of the Figge application:

Item 4.

|          |                  |              |
|----------|------------------|--------------|
| 0.06 cfs | Domestic         | 1/1 to 12/31 |
| 0.02 cfs | Stockwater       | 1/1 to 12/31 |
| 0.10 cfs | Div. to Stor.    | 1/1 to 12/31 |
| 1.0 afa  | Fire Prot. Stor. | 1/1 to 12/31 |
| 0.10 cfs | Irrigation       | 4/1 to 11/1  |

Item 5.

Total a) 0.16      b) blank

The above recommendation relied on the system description wherein it was interpreted that the stockwater was provided by a tap from the diversion to storage line and that the capacity of the line would be 0.10 cfs. Equalizing the diversion to storage with the irrigation amounts prevents not having fire protection available after irrigation and utilizing the pond as irrigation storage. Hopefully, the applicants have considered that the ponds could freeze severely and not have fire protection volume available.

If you do not concur with these conclusions at least make changes to the total diversion rate coming from the ground. We can not accept the total amounts as presently described because diversion from the pond is not counted as part of diversion from the source. Also, please round diversion amounts to two decimal places (X.XX) and not to third decimal place.

If you have any questions please contact us.

Sincerely,

Douglas Jones, EIT  
Water Resources Engineering Specialist

RECEIVED  
JAN 19 1995

37-08759

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

ATTORNEYS

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

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

September 16, 1991

Mr. Douglas Jones, EIT  
Water Resources Engineering Specialist  
Department of Water Resources  
222 Shoshone Street East  
Twin Falls, Idaho 83301

RECEIVED

SEP 17 1991

Department of Water Resources  
Southern Region Office

Re: Application for Permit  
Susan Carter

Dear Doug:

I have now revised the above-referenced Application for Permit after our telephone conversation and am returning it to you together with our check for the application fee. Please call me if you have any further questions. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD



James P. Speck

JPS\dmk  
Enclosure

RECEIVED

SEP 25 1991

Department of Water Resources  
Southern Region Office

Microfilm

JAN 19 1995

37-08759



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

03-Sep-1991

James P. Speck, Atty  
Hogue, Speck & Aanestad  
PO Box 987  
Ketchum, ID 83340

RE: Carter application

Dear Jim,

Review of the above referenced application showed that information relating to the amounts of water needs to be altered. I am returning the application, and check #12699, for your review and editing.

An application proposing storage of water off of a stream channel requires that a diversion to storage flow rate be included on it. Please add another line to Item 4 with this information. Volumes of water are appropriated with reference to time, i.e. cubic feet per second and acre-feet per annum. Therefore, blocking out the "per annum" on the storage component is inappropriate.

Item 6 needs to be filled out as well. Part 6a should specify whether the pond is a separate tap from the mainline and whether irrigation is made from the well or pond. Part 6b should detail the components of the storage system. If the pond is to be totally dug out of the ground without a berm or dam then there is 0 active storage and 0.23 total storage. The period of diversion is self explanatory.

If you have any questions please contact us.

Sincerely,

Douglas Jones, EIT  
Water Resources Engineering Specialist

MAILED  
JAN 19 1995

37-08759

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

ATTORNEYS

TERRY G. HOGUE  
JAMES P. SPECK  
DOUGLAS J. AANESTAD  
J. STEPHEN CRABTREE  
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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

August 29, 1991

CERTIFIED MAIL P 450 412 162  
RETURN RECEIPT REQUESTED

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

Re: Susan Carter - Application for Permit

Dear Loren:

Please find enclosed an Application for Permit for Susan Carter. Also enclosed is our check in the amount of \$30.00 for the processing fee.

Please call me if you have any questions concerning this Application. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD

  
James P. Speck

JPS\dmk  
Enclosures  
cc: Ms. Susan Carter

RECEIVED

SEP 03 1991

Department of Water Resources  
Southern Region Office

  
JAN 19 1995

37-08759