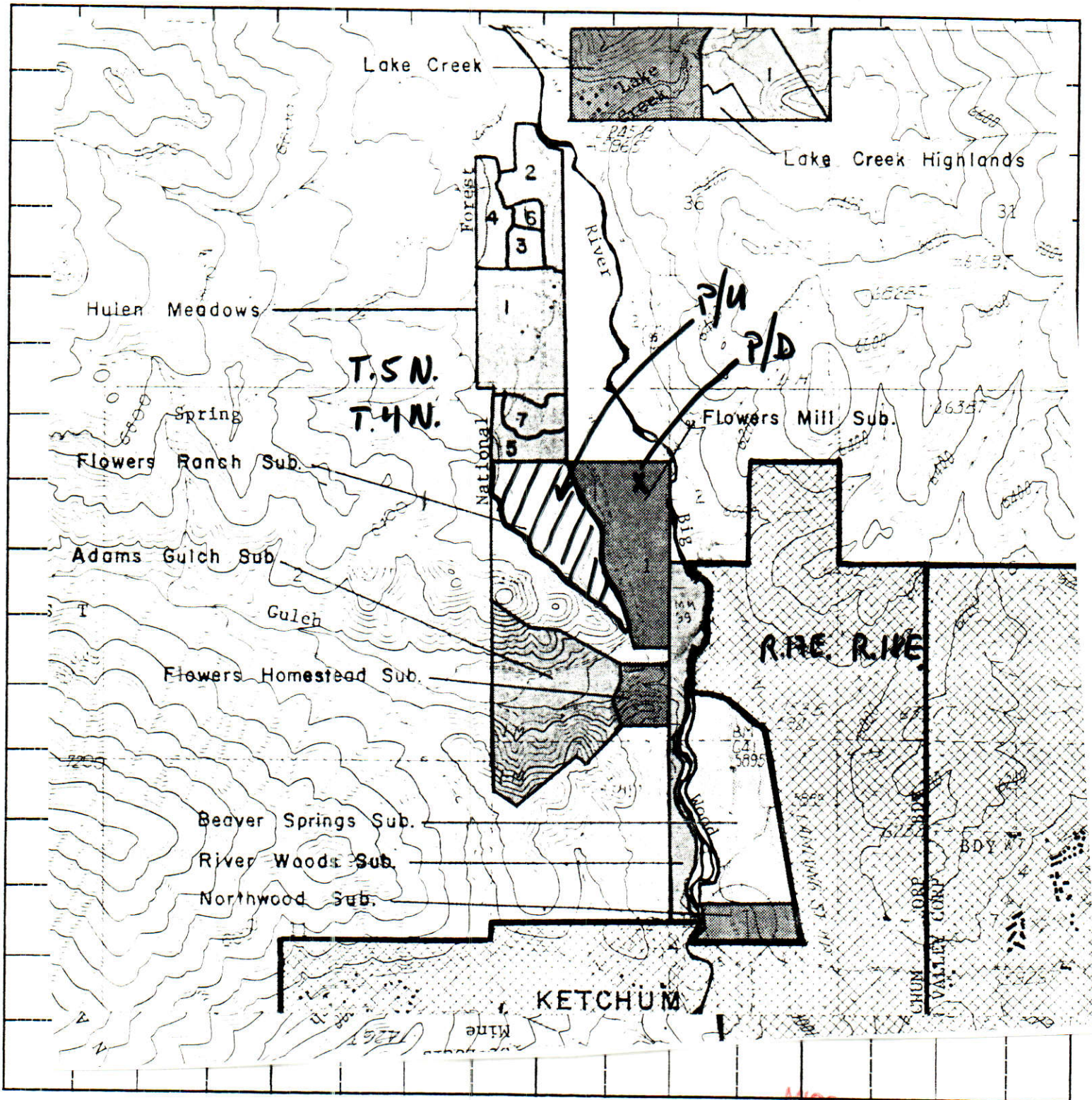


37-8752

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.

Constance K Gray
(Applicant)

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho, }
County of Blaine } ss.

OCT 24 1991

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 2 day of oct, 1991, and

the date of the last publication was on the 9 day of oct, 1991.

Daniel J. Gorham
Subscribed and sworn to before me this 9 day of oct, 1991.
(SEAL)

Roberta McKee
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice 38.25
Number of Insertions _____
Lines tabular at _____ 6¢ / Pica
38.25 Lines straight at 21.04 5¢ / Pica
38.25 Subsequent lines at 16.63 4¢ / Pica
TOTAL COST 42.87 5.00

COPY OF NOTICE

(Paste Here)

Gray / App # 37-08752
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

T. J. Dept Water
BILL TO

Grays file on trust water right

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

37-08752

GRAY, ELIZABETH K
GRAY, CONSTANCE K
C/O JAMES P SPECK ESQUIRE
HOGUE SPECK & AANESTAD
PO BOX 987
KETCHUM, ID 83340

Source: GROUNDWATER

Diversion Pt: NESENW Sec 1 T
04N R 17E

Use: IRRIGATION (.400 CFS)
DOMESTIC (.180 CFS)
FIRE PROTECTION (1.500 CFS)
Total Diversion: (1.500 CFS)

Date Filed: 7/22/1991

In: T04N R17E S01 SWNW SENW
NESW NWSW

25.0 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 Resources, 222 Shoshone St. East, Twin Falls, Idaho 83301, on or before OCTOBER 21, 1991.

R. Keith Higginson, Director
Publish: Wood River Journal-
October 2 & 9, 1991.

Publication Rates

As of Jan., 1990

(Idaho Code,
Reb. Statutes 1984)

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

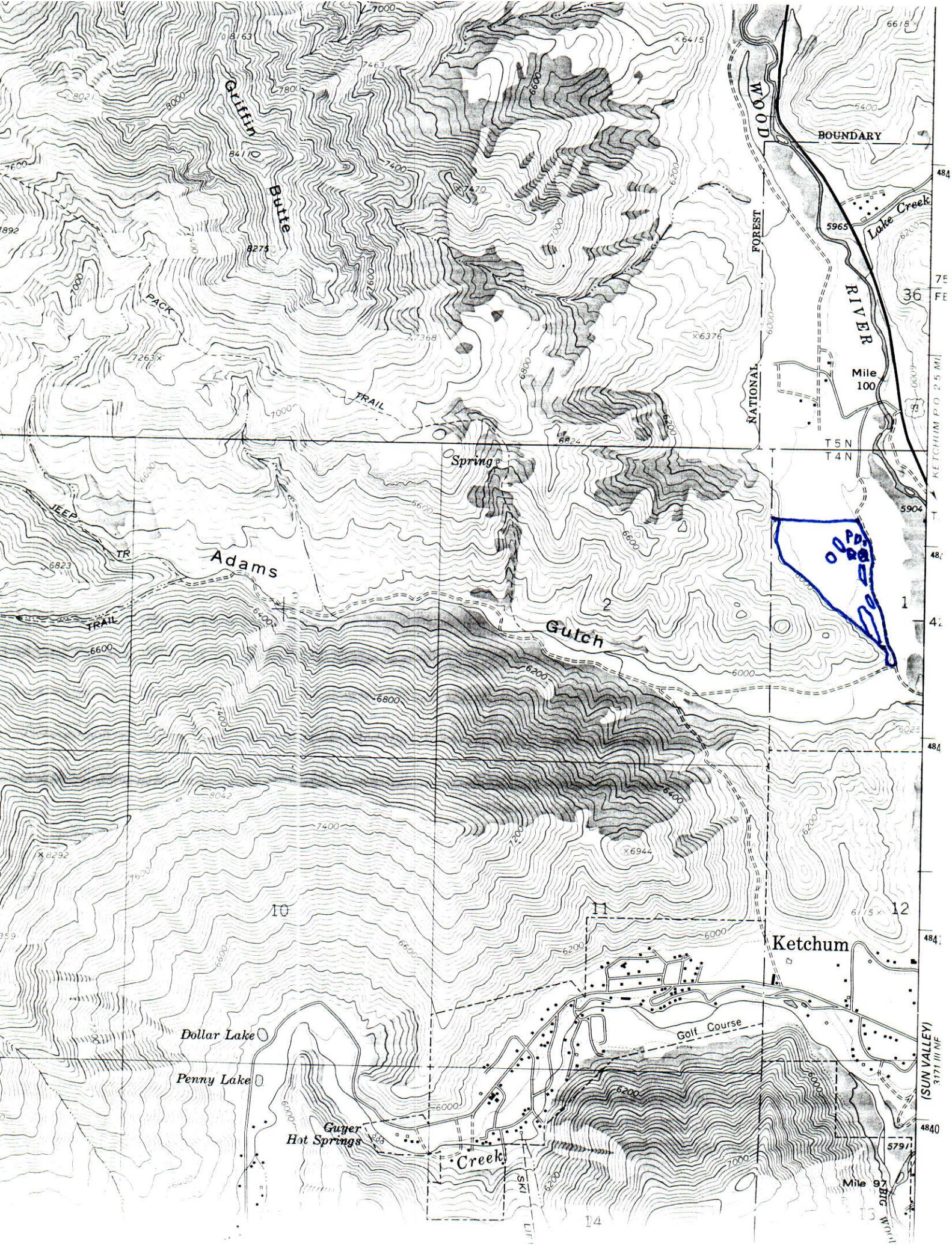
7-8 pt./line tabular: .6 pica

7-8 pt./line successive

insertion: .4 pica

MICROFILMED
NOV 05 1996

Nº 7863



Griffin Butte

Adams

Spring

Gulch

Ketchum

Dollar Lake

Penny Lake

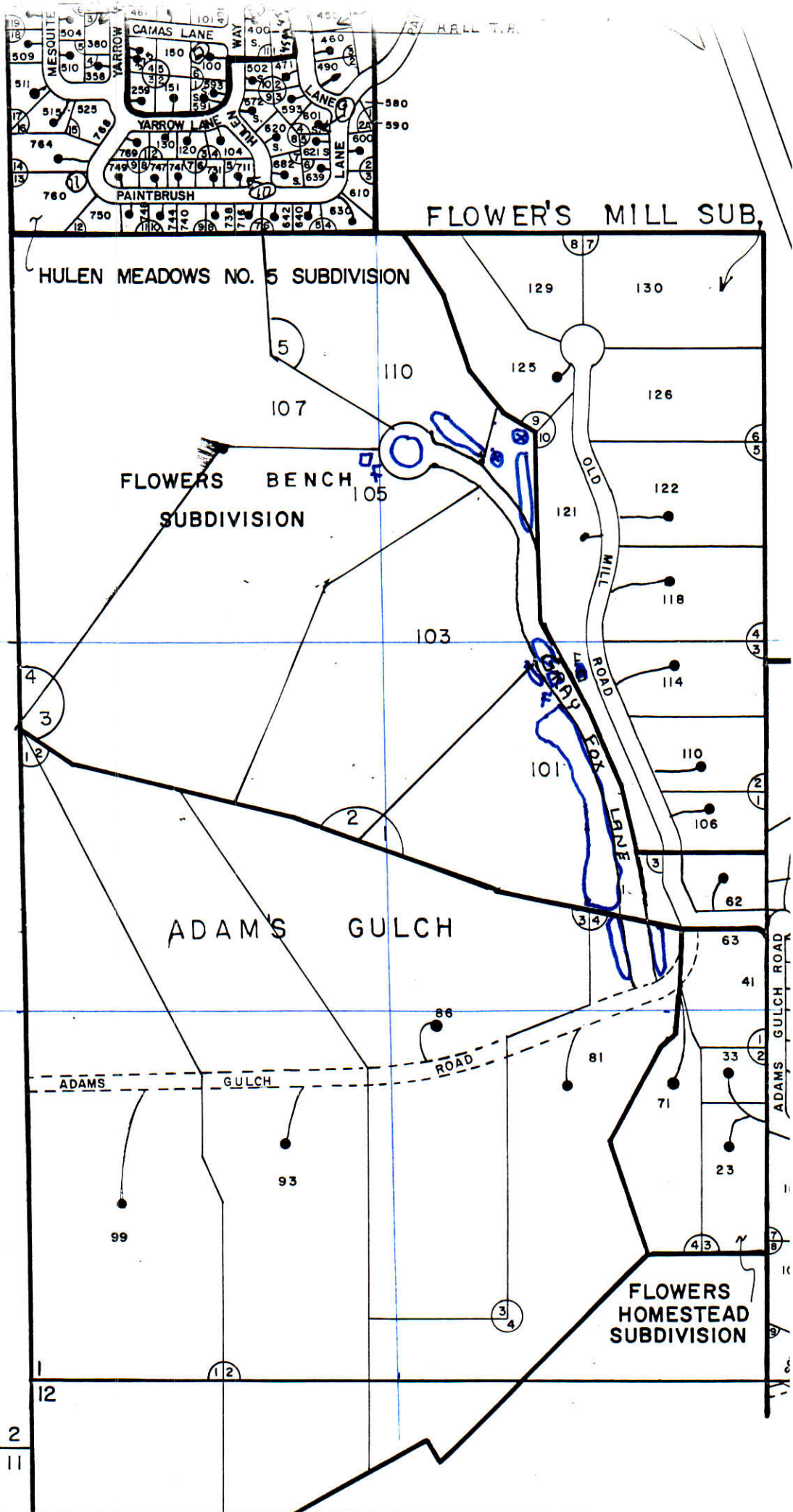
Guyer Hot Springs

Creek

Golf Course

Mile 97

(SUN VALLEY)
3171 III NE





Fire Protection Well



Irrig./ Domestic Well



Fire Hydrants (2)

37-8752 10-9-96

JES



Irrigated Areas With Trees

37-8752 10-9-96
JES



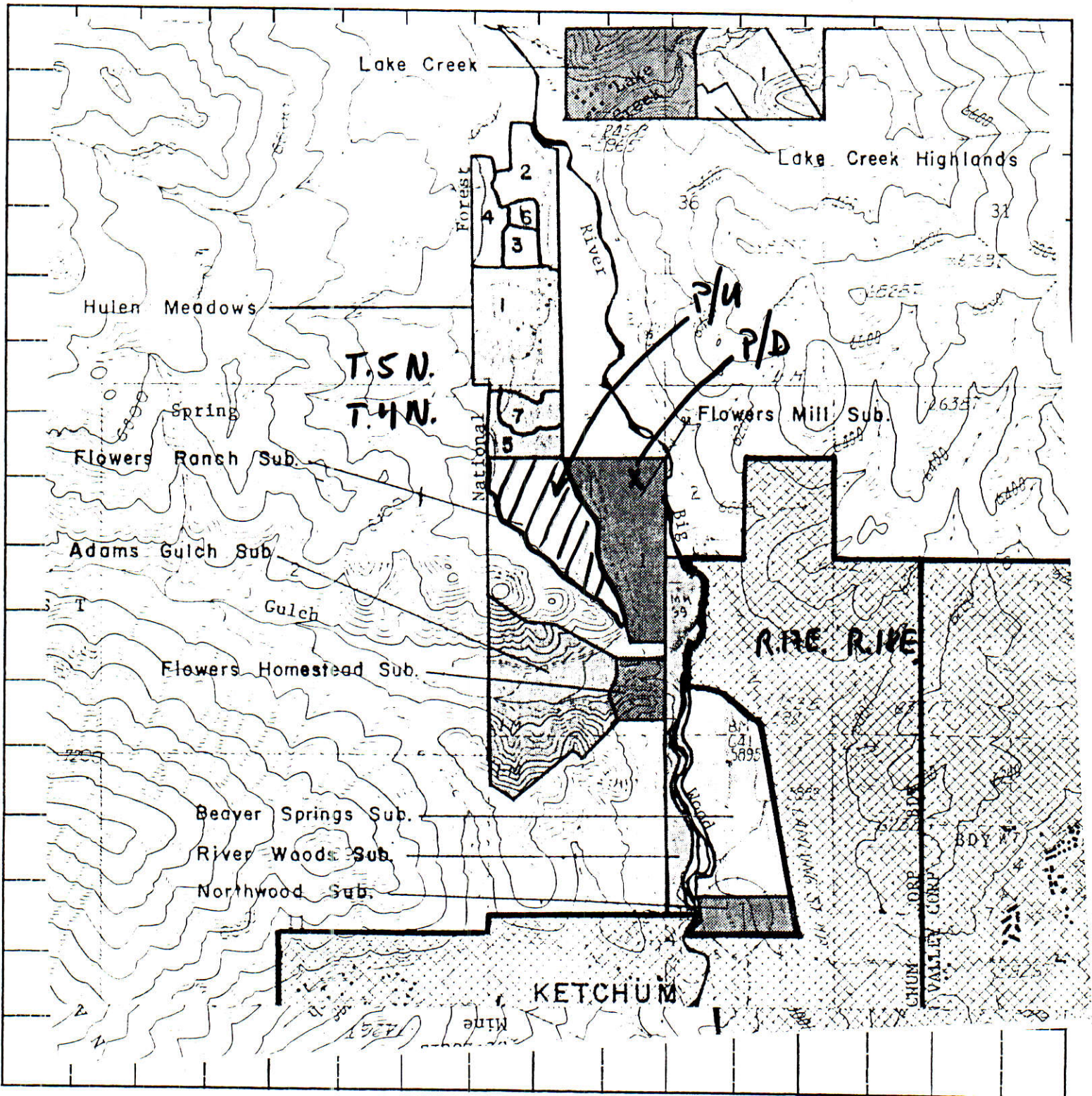
General View
of Subdivision-
Not Irrigated



37-8752 10-7-96
JES

37-8752

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

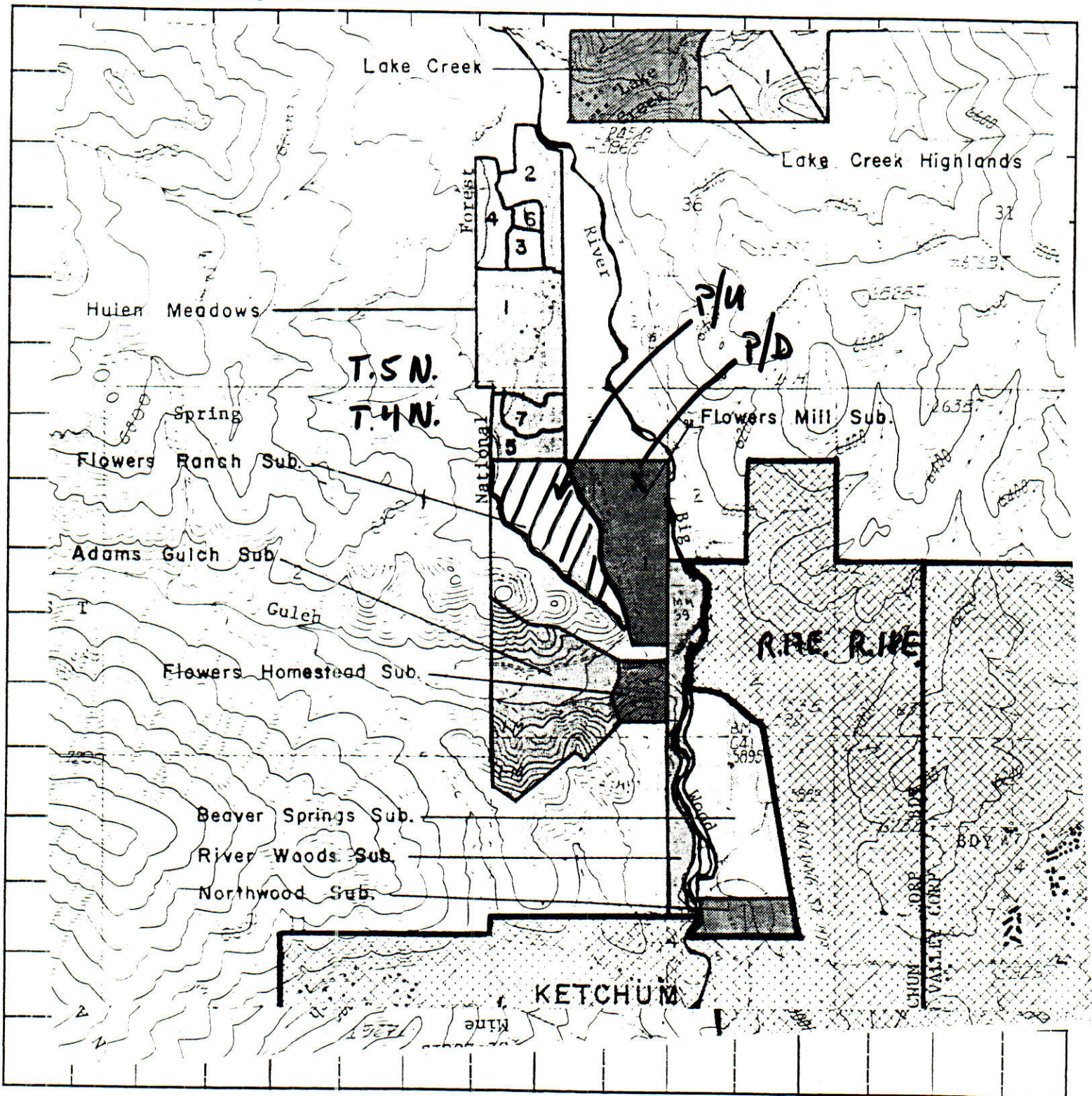


Scale: 2 inches equal 1 mile.

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.

Constance K Gray
(Applicant)

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

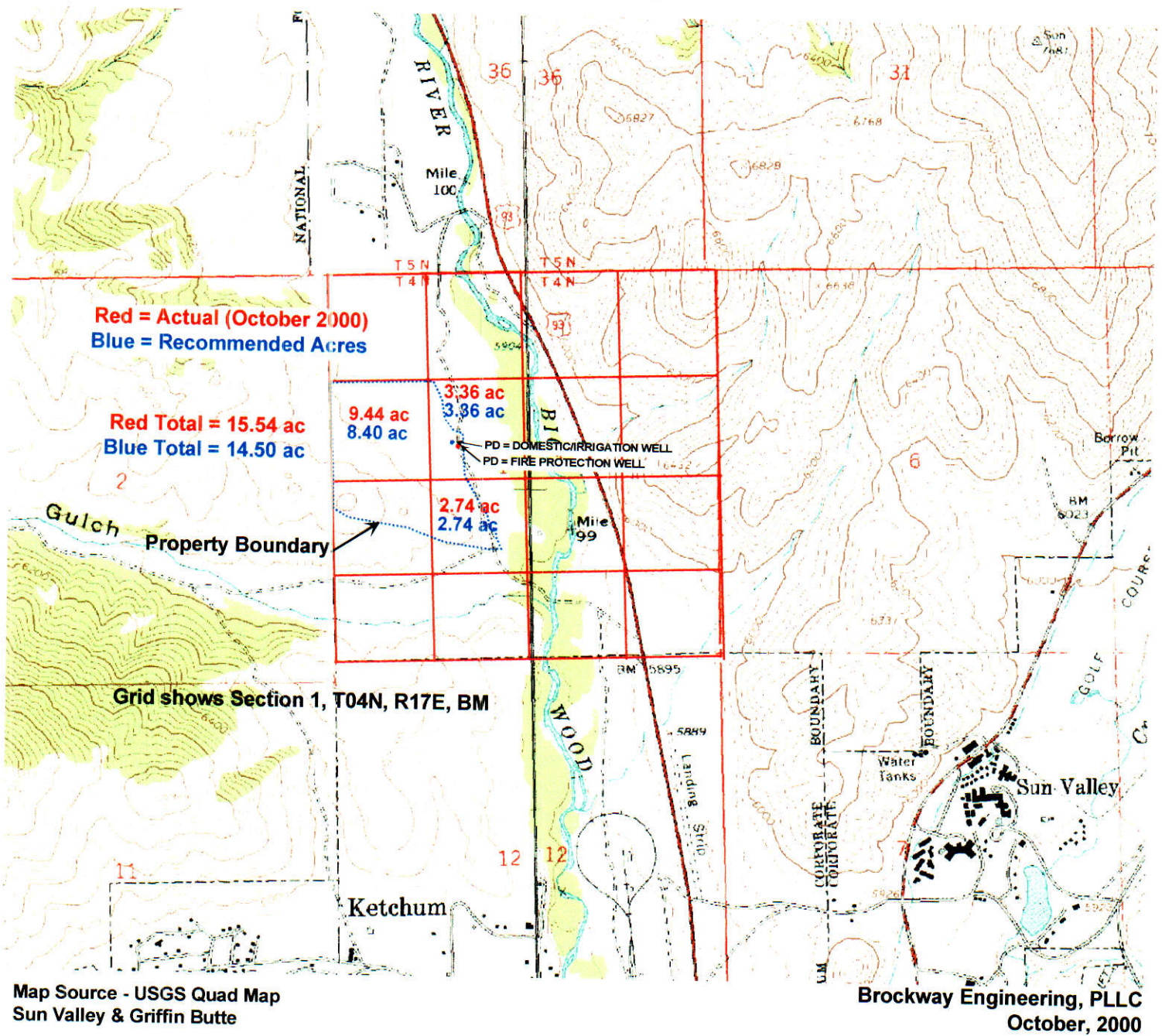


Scale: 2 inches equal 1 mile.

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.

Constance K. Gray
(Applicant)

FLOWERS BENCH SUBDIVISION BENEFICIAL USE FIELD REPORT USGS MAP



FLOWERS BENCH SUBDIVISION - BLAINE COUNTY, ID
IRRIGATED ACRES FOR BENEFICIAL USE EXAM
OCTOBER 2000



**Flowers Bench Subdivision
Beneficial Use Exam Site Photos
WR #37-08752**



10" Dia Fire Protection Well - SE 1/4 NW 1/4 Section 1



8" Dia Domestic/Irrigation Well - SE 1/4 NW 1/4 Section 1

**Flowers Bench Subdivision
Beneficial Use Exam Site Photos
WR #37-08752**



Inside well house showing pressure tanks, inlet lines, flow meter, & outlet line.



6" Water Specialties Meter - Serial #9317186 - Model ML-04 - Calibrated 5/6/97

**Flowers Bench Subdivision
Beneficial Use Exam Site Photos
WR #37-08752**



Fire hydrant & Yard Hydrant - Total = 2 within subdivision



Domestic stub out location - marked with steel fence post

**Flowers Bench Subdivision
Beneficial Use Exam Site Photos
WR #37-08752**



Tree, shrub, & grass area irrigated with underground irrigation system.



Tree, shrub, & grass area irrigated with underground irrigation system.

RECEIVED

OCT 31 2000

Department of Water Resources

RECEIVED

OCT 24 2000

Department of Water Resources
Southern Region

FOR OFFICE USE ONLY

Amt. Of Fee \$ _____

Receipt No. _____

Receipt By: _____

Date Received: _____

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. 37-08752 Telephone No. 726-4421

2. Name(s) of Permit Holder(s) ELIZABETH K. GRAY AND/OR CONSTANCE K. GRAY
C/O JAMES P. SPECK

3. Mailing Address: P.O. Box 987 KETCHUM, ID 83340

4. Source of Water: GROUNDWATER If GROUNDWATER (well), Date Drilled: mo. NOV / yr. 1992
(A) 37 92 5 0197
(B) 37 92 5 0196

a. Well driller: WOOD RIVER DRILLING + PUMP Drilling Permit Number: 37 - 92 - 5 - 0196

b. **OPTIONAL:** A) 20HP MOTOR ON 10 HP PUMP
Pump Horsepower B) 25 HP PUMP Pressure (psi): N/A Dynamic pumping level (ft): N/A
AND MOTOR

5. Use(s) (as authorized by the water right permit):
STUB OUT LOCATIONS FOR 5 LOTS

Domestic (No. of households): 0.180 cfs Stockwater (No. and type of stock): N/A

Irrigation (No. of acres): 0.290 cfs Other: 14.5 ACRES FIRE PROTECTION = 1,500 cfs

6. Total rate of diversion and/or volume for which proof is submitted: 1,500 cfs OR _____ acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly will be considered incomplete)

Measuring Device: Is a measuring device required? ☐ Yes or ☒ No
Has the measuring device been installed? ☒ Yes or ☐ No

Flow Measurement Port: Is a flow measurement port required? ☒ Yes or ☐ No
Has the measurement port been installed? ☐ Yes or ☒ No

8. Fee Enclosed: \$ 0 PER JIM STANTON (See Fee Schedule on back of the instructions for filing proof of beneficial use)
X BENEFICIAL USE FIELD REPORT BY BROCKWAY

9. Person to contact to accompany the Department representative during field examination of the water system:

Name: JAMES P. SPECK Telephone Number: 726-4421

Address: P.O. Box 987, KETCHUM, ID 83340

7. 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: Elizabeth K. Gray - owner Date: 10/20/00
(include your title, if on behalf of company or organization)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

** AMENDED **

REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF **OCT 31 1996**
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. 37-08752

Name(s) of Permit Holder: Elizabeth K. Gray and/or Constance K. Gray

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

Date Proof is Due: November 1, 1996

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".)

Two wells have been drilled and the water distribution system has been completed with stubouts to each of the five residential lots. Approximately .7 acres are currently under irrigation. The intent is to allow each lot to irrigate 1½ acres for the additional 7½ acres, with the irrigation to be commenced at the time of construction of the homes.

Costing \$ Appx. \$130,000

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

None of the proposed homes have been constructed and permit holder desires to install the irrigated landscaping at the same time as the homes are completed.

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

FEE: \$50.00

Elizabeth K. Gray
(Signature)* Elizabeth K. Gray

*If other than permit holder, Power of Attorney must be supplied.

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 **November 1, 2000.**

MICROFILMED

Signed this 5th day of November, 19 96

J. Howard Sactor
Chief, Water Allocation Bureau
NOV 05 1996

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 37-08752

Proposed Priority: July 22, 1991 Maximum Diversion Rate: 1.50 CFS

This is to certify, that **CONSTANCE K GRAY**
ELIZABETH K GRAY
C/O JAMES P SPECK ESQUIRE
HOGUE SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/15 to 10/15	0.29 CFS
DOMESTIC	01/01 to 12/31	0.18 CFS
FIRE PROTECTION	01/01 to 12/31	1.50 CFS
Totals		1.50 CFS

LOCATION OF POINT(S) OF DIVERSION: NESWNW , Sec. 1, Township 04N, 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>
04N	17E	1	SWNW 10	SESW 0.5	NESW 4	14.5
Total number of acres irrigated:						14.5

PLACE OF USE: DOMESTIC, same as IRRIGATION use

PLACE OF USE: FIRE PROTECTION, 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 **November 1, 1996**.
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. Prior to the diversion of water under this right a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

MICROFILMED
NOV 05 1996

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

NO. 37-08752

CONDITIONS/REMARKS:

6. 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.
7. Construction of the well must comply with Idaho well construction standards.
8. Use of water for domestic purposes under this right shall be limited to in-house use and watering of household stock.
9. The issuance of this right in no way grants any right-of-way or easement across the land of another.
10. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
11. Two points of diversion are located within NESWNW, S01, T04N, R17E.
12. The place of use is located within the Flowers Bend Subdivision.
13. Domestic use is for 15 homes.

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

27th day of October, 1972.

R. Keith Higginson
for R. Keith Higginson, Director

MICROFILMED

NOV 05 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant ELIZABETH K. GRAY AND/OR CONSTANCE K. GRAY Phone (208) 726-4421
Post office address C/O JAMES P. SPECK, ESQ., 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 ¼ of SW SE ¼ of _____ NW ¼, Govt. Lot _____
Sec. 1 Township 4N Range 17E B.M. BLAINE County; additional
points of diversion if any: THERE ARE TWO (2) WELLS AT THIS POINT OF DIVERSION.

4. Water will be used for the following purposes:

* Amount 0.18 for DOMESTIC purposes from JAN. 1 to DEC. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.40 for IRRIGATION purposes from 4-15 to 10-15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 1.50 for FIRE PROTECTION purposes from JAN. 1 to DEC. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 1.5 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. SEE ADDENDUM

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

c. ~~Proposed~~ well diameter is SEE ADDENDUM inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 90°F being sought? NO

7. Time required for the completion of the works and application of the water to the proposed beneficial use is
5 years (minimum 1 year).

MICROFILMED
NOV 05 1996

* Standard season of use. BLM
* Per James Speck's 9-28-92 letter. BLM

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in KW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; show name of municipality. _____
 - Domestic; show number of households. FIFTEEN (15)
 - Other; describe fully. FIRE PROTECTION FOR ALL STRUCTURES IN FIVE (5) LOT SUBDIVISION

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
* 4N	17E	1							10 11	.5 1	4 8								25 14.5
									D, F	D, F	D, F	D, F							

D = Domestic Use, F = Fire Protection

Total number of acres to be irrigated 25 / 14.5

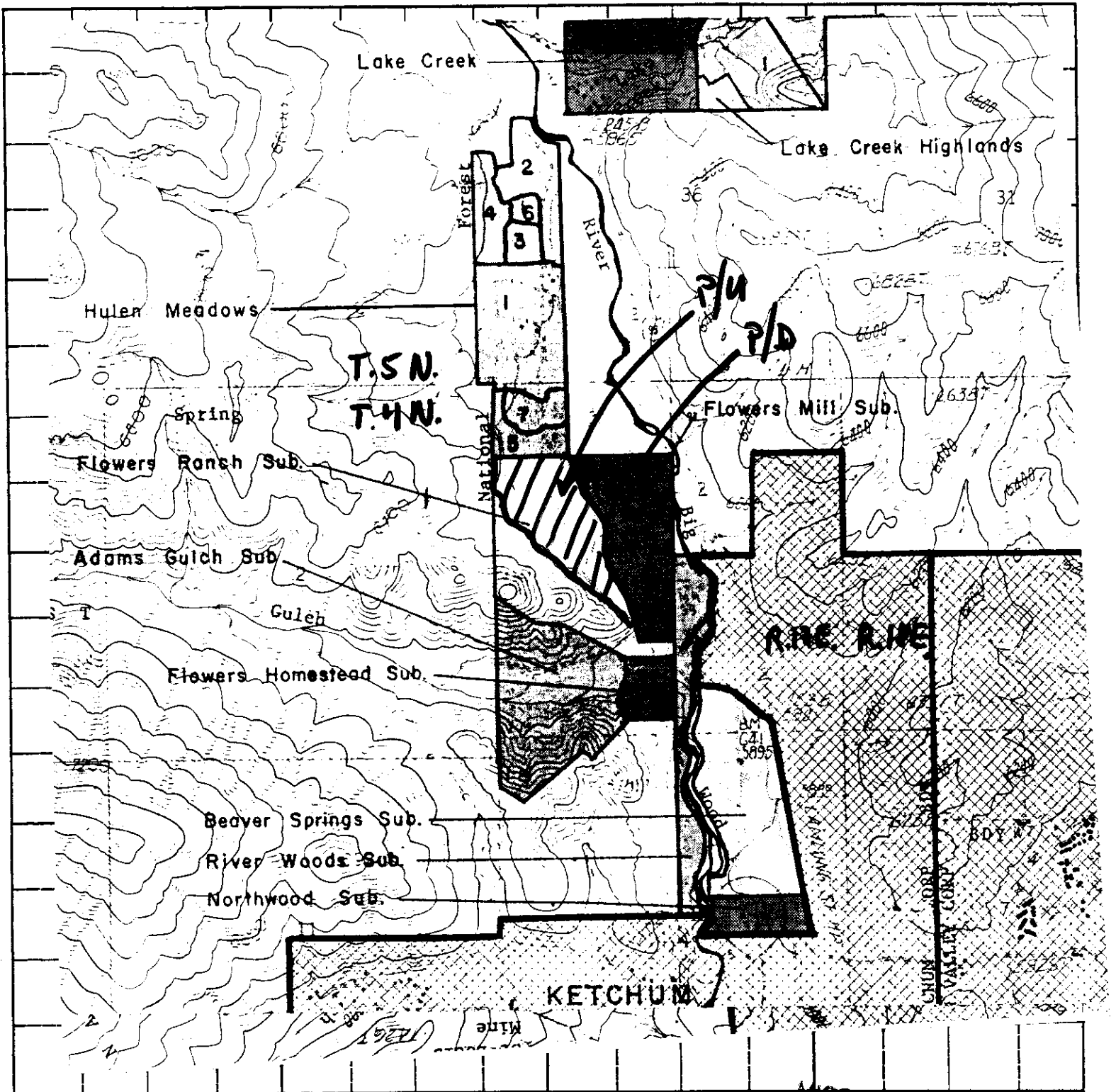
10. Describe any other water rights used for the same purposes as described above. NONE
11. a. Who owns the property at the point of diversion? FLOWERS MILL SUBDIVISION ASSOCIATES, INC.
- b. Who owns the land to be irrigated or place of use? APPLICANT
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. SEE ADDENDUM
12. Remarks: SEE ADDENDUM

MICROFILMED
NOV 05 1996

* Per James Speck's 9-28-92 letter. BLM

37-8752

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.

MICROFILMED

NOV 05 1996

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.

Constance K Gray
(Applicant)

Received by J. P. Stenton Date 7-22-91 Time 10:00 am Preliminary check by MS
Fee \$ 65.00 Received by JO # 5013561 Date 7-22-91
Publication prepared by MB Date 9-24-91 Published in Wood River Journal
Publication approved M Baldwin Date 10-29-91

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:

MICROFILMED
NOV 05 1996

**ADDENDUM TO
APPLICATION FOR PERMIT
BY
ELIZABETH K. GRAY &/OR CONSTANCE K. GRAY**

The following is an Addendum to the Application for Permit submitted by Elizabeth K. Gray &/or Constance K. Gray:

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc.: One (1) well and pump, a mainline with stubouts to each lot in the subdivision for domestic water and residential irrigation and an underground sprinkler system for common area landscaping; a second well, mainline and fire hydrants for fire protection. The wells currently serve the adjacent Flowers Mill Subdivision (see below).

11. c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Paragraph 3 of that certain Agreement, dated July 23, 1984, a copy of which is attached hereto as Exhibit A and made a part hereof by this reference (the "Agreement"), specifically provides for the use of Flowers Mill Subdivision water system for any other subdivision within the original Flowers Ranch Subdivision, as long as the capacity limits of the system are not exceeded. The proposed system will not exceed that capacity. 37-08203 is the water right for the Flowers Mill Subdivision water system.

12. Remarks: This Application is to acquire the water right necessary for the domestic, residential irrigation and fire protection water system for a proposed five (5) lot subdivision to be known as Flowers Bend Subdivision (this will be a resubdivision of Lot 3 of the original Flowers Ranch Subdivision - Flowers Mill Subdivision is a resubdivision of Lot 1 of Flowers Ranch Subdivision). Domestic use is for five (5) single family homesites in a large lot subdivision, with each homesite having the capacity, under current zoning and proposed subdivision restrictions, for one (1) single family residence, one (1) guest house and one (1) caretakers quarters, for a total of fifteen (15) potential households. The irrigated acreage will include not more than two (2) acres associated with each homesite and fifteen (15) acres of common area landscaping, for a total of twenty-five (25) acres. Fire protection will be provided by a separate on-demand system with fire hydrants.

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho, }
County of Blaine } ss.

OCT 24 1991

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 2 day of Oct, 1991, and

the date of the last publication was on the 9 day of Oct, 1991.

Daniel J. Gorham
Subscribed and sworn to before me this 9 day of Oct, 1991.
(SEAL)

Roberta K. Ketchum
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice 36.25
Number of Insertions _____
Lines tabular at _____ 6c / Pica
38.25 Lines straight at 21.04 5c / Pica
38.25 Subsequent lines at 16.53 4c / Pica
TOTAL COST \$42.87 5.00

COPY OF NOTICE
(Paste Here)

Gray / App. # 37-08752
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

T. J. Dept. Water
BILL TO

trust water right

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

37-08752

GRAY, ELIZABETH K
GRAY, CONSTANCE K
C/O JAMES P SPECK ESQUIRE
HOGUE SPECK & AANESTAD
PO BOX 987
KETCHUM, ID 83340

Source: GROUNDWATER

Diversion Pt: NESENW Sec 1 T
04N R 17E

Use: IRRIGATION (.400 CFS)
DOMESTIC (.180 CFS)
FIRE PROTECTION (1.500 CFS)
Total Diversion: (1.500 CFS)

Date Filed: 7/22/1991

In: T04N R17E S01 SWNW SENW
NESW NWSW

25.0 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 Resources, 222 Shoshone St. East, Twin Falls, Idaho 83301, on or before OCTOBER 21, 1991.

R. Keith Higginson, Director

Publish: Wood River Journal-
October 2, 1991.

Publication Rates As of Jan., 1990

(Idaho Code,
Rev. Statutes 1984)
7-8 pt./line straight: .5/pica
7-8 pt./line tabular: .6/pica
7-8 pt./line successive
insertion: .4/pica

No 7863



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

November 6, 1996

Elizabeth & Constance Gray
c/o James P. Speck
HOGUE SPECK & AANESTAD
P.O. Box 987
Ketchum, ID 83340

RECEIVED

NOV 12 1996

Department of Water Resources
Southern Region

RE: Permit No. 37-08752

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 **November 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

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Regional Office

37-08752

RECEIVED
NOV 12 1996
Department of Water Resources
Southern Region

For Office Use Only
\$50 Fee Received by TDS
Date 9-27-96
Receipt No. 500000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

** AMENDED **

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

112 6 12 1996

OCT 31 1996

Department of Water Resources
Southern Region

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. 37-08752

Name(s) of Permit Holder: Elizabeth K. Gray and/or Constance K. Gray

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

Date Proof is Due: November 1, 1996 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".)

Two wells have been drilled and the water distribution system has been completed with
stubouts to each of the five residential lots. Approximately 7 acres are currently
under irrigation. The intent is to allow each lot to irrigate 1½ acres for the additional
7½ acres, with the irrigation to be commenced at the time of construction of the homes.

Costing \$ Appx. \$130,000

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

None of the proposed homes have been constructed and permit holder desires to install the
irrigated landscaping at the same time as the homes are completed.

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

FEE: \$50.00

Elizabeth K. Gray
(Signature)* Elizabeth K. Gray

*If other than permit holder, Power of Attorney must be supplied.

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 November 1, 2000.

Signed this 5th day of November, 19 96

J. M. Sactor
Chief, Water Allocation Bureau



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

November 1, 1996

James P. Speck
HOGUE SPECK & AANESTAD
PO Box 987
Ketchum, ID 83340

RECEIVED
NOV 05 1996
Department of Water Resources
Southern Region

RE: Water Right No. 37-08752 (Gray)

Dear Mr. Speck:

I have returned the Proof of Beneficial Use form filed on September 27, 1996, as you requested in your letter of October 28, 1996.

I will apply \$50.00 of the \$125.00 exam fee submitted with the proof to the Extension of Time Request submitted October 28, 1996. The remaining \$75.00 will be refunded and you should receive the refund in seven (7) to ten (10) working days.

You should be notified of the department's decision regarding the extension request in approximately one week.

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region
Fiscal

37-08752

7/94

RECEIVED

FOR OFFICE USE ONLY

Amt. of Fee \$: 125.00

Receipt No. 5019562

Receipt By: R. F. Hinton

Date Received: 9-27-96

SEP 27 1996

STATE OF IDAHO

Department of Water Resources
Southern Region

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. 37-08752 Telephone No. (208) 726-4421
2. Name(s) of Permit Holder(s): Elizabeth K. Gray and/or Constance K. Gray
3. Mailing Address: c/o James P. Speck, Hogue, Speck & Aanstad, PO Box 987, Ketchum, ID 83340
4. Source of Water: Groundwater If **GROUNDWATER** (well), Date Drilled: mo. 11 / 92
04 / yr. 93
37-92-S-0197
- a. Well Driller: Wood River Drilling Drilling Permit Number: 37 - 92 - S - 0196
- b. **OPTIONAL:**
 Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____
5. Use(s) (as authorized by the water right permit): (See attached copy of IDWR Memorandum to file)
- Domestic (No. of households): 15 Stockwater (No. and type of stock): _____
- Irrigation (No. of acres): 14.5 Other: fire protection
6. Total rate of diversion and/or volume for which proof is submitted: 1.5 cfs OR _____ acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
 (This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
- Measuring Device:** Is a measuring device required? Yes _____ or No X
 Has the measuring device been installed? Yes _____ or No X
- Flow Measurement Port:** Is a flow measurement port required? Yes X or No _____
 Has the measurement port been installed? Yes X or No _____
8. Fee Enclosed: \$ 125.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
- Name: Peter Gray Telephone Number: (208) 726-5997
- Address: PO Box 2473, Ketchum, ID 83340
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder:

Elizabeth K. Gray
 (include your title, if on behalf of company or organization)

Date:

9/25/96

37-08752

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

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

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

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

September 26, 1996

RECEIVED

SEP 27 1996

Department of Lands & Resources
Cody, Idaho 83401

Mr. Allen Merritt, P.E.
Southern Region Manager
Department of Water Resources
222 Shoshone St. East
Twin Falls, Idaho 83301-6106

Re: Permit No. 37-08752
Elizabeth K. Gray and/or Constance K. Gray

Dear Allen:

Enclosed you will find the Proof of Beneficial Use for the above-referenced Permit together with a check to IDWR for the examination fee in the sum of \$125.00. Please be certain that your field examiner reviews the copy of Gary Spackman's memorandum to the file which I have attached to the Proof of Beneficial Use. It is our understanding that complete beneficial use for irrigation has been established by placing twelve acres under irrigation and stubbing out the central system to each of the five residential lots on which one-half acre per lot may be developed at the time the residential structures are built. Jim Johnson suggested this memorandum be specifically referred to so the field examiner understands the scope of this project.

Kindly call if you have any questions. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS:jrs
encl.
c: Peter Gray
Jim Johnson

MEMORANDUM

TO: Files Nos. 37-08752, 37-08533, 37-08534, 37-08539, 37-08540,
37-08541 and 37-08542
FROM: Gary Spackman *Gary*
DATE: September 18, 1992

RE: Proposed Plan of Mitigation

By letter dated February 17, 1992, Jim Speck, representing Elizabeth K. Gray &/or Constance K. Gray, proposed a plan of mitigation for application for permit no. 37-08752. The Grays acquired six permits, 37-08533, 37-08534, 37-08539 through 37-08542, which authorized the irrigation of two acres associated with a domestic use. The plan of mitigation proposed relinquishment of the six existing permits and resulting non-development for approval of application no. 37-08752. A plan of mitigation was proposed rather than an amendment because the six permits would have been difficult to overlay on the land to which the water is being moved. Jim Speck is proposing to replace the multiple permits with application for permit no. 37-08752.

Application for permit no. 37-08752 contemplates a subdivision of five lots with three homes built on each lot. One-half acre of irrigation for each lot is permissible, for a total irrigation of 2.5 acres. The number of acreage authorized by the previous permits was twelve acres. The application for permit should authorize a total irrigation of 14.5 acres. The place of use should be described as follows:

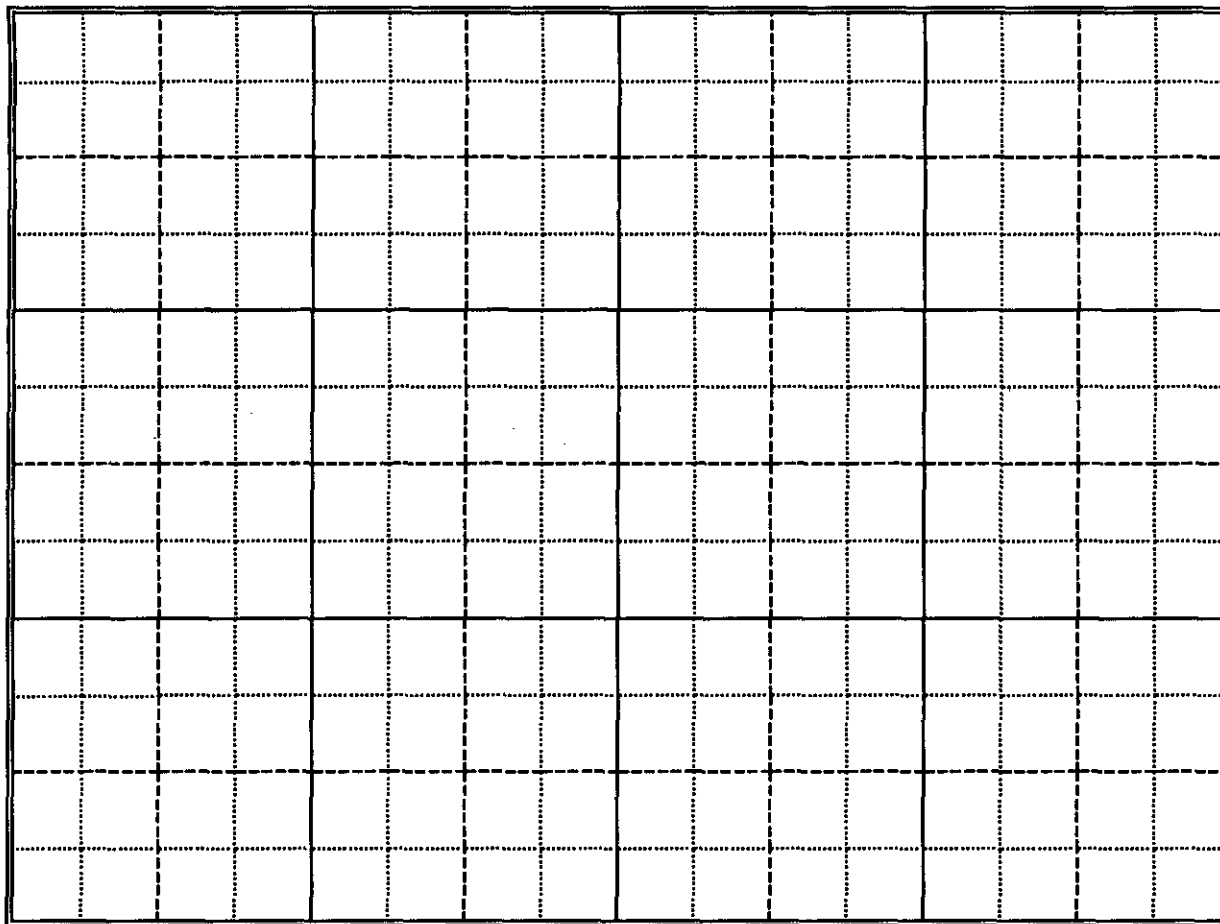
T4N, R17E, Section 1		<u>Acres</u>
	SENW	10.0
	SENW	0.5
	NESW	<u>4.0</u>
		14.5

In addition to the irrigation use, there will be a domestic use of 0.18 cfs for fifteen domestic units. The domestic component of the right will only authorize diversion of water for in-house or culinary use.

Finally, a separate well may be drilled for fire protection, and the Department will authorize 1.50 cfs for fire protection.

[illegible]

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



Scale: 1" = _____

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

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

____ Photo of Diversion and System Attached

4. * 10 hp inlet size to reduce pumping capacity

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Franklin	*20		Gould	150H-104
	"	25		Berkeley	7T25-450

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: Not measured. Small pump rated 150 gpm at 25' lift & 50 psi.
 Large pump rated 500 gpm. open discharge, ~~450 gpm under pressure~~.
 Fire marshall in ketchum requires 500 gpm at 20 psi for fire protection.

E. NARRATIVE/REMARKS/COMMENTS

Two wells & submersible pumps. The larger pump supplies 2 fire hydrants. The smaller pump supplies domestic & irrigation water. The two wells are not connected to each other. Mainlines run along both sides of Gray Fox Lane. Each of the 5 lots has one stub off the mainline. Scattered patches of trees are being watered with pop-up sprinklers on both sides of the road, including trees outside the subdivision gate.

There has been absolutely no development of homes on this subdivision. Mr. Gray told me that he plans to keep this property as a family retreat instead of offering the lots for sale. The land was subdivided in order to avoid future restrictions, according to him.

Although the permit says that this development will use the wells of the Flowers Mill Subdivision, Flowers Bench has its own wells on its own property. So a licensing amendment is needed to change P/D. County zoning rules allow up to 3 dwellings on lots larger than 5 acres provided the lots stays in single ownership. The smallest lot in this subdivision exceeds 8 acres. The permit calls for 3 homes per lot - a main house, guest house, & caretaker's residence. With no construction, however, I can only recommend domestic use for 5 homes. As a family retreat, this number of dwellings should be adequate for any family's needs. I would also allow 1/2 acre of irrigation per lot for lawns & landscaping, in addition to what is already being irrigated along the road.

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

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

*Domestic - Allow 0.11 cfs standard rate for 5 homes***G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

*Domestic - 5 homes $\times$ 0.6 AFA/home = 3.0 AFA***H. RECOMMENDATIONS**

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<i>Irrigation</i>	<i>4-15</i>	<i>10-15</i>		
<i>Domestic</i>	<i>1-1</i>	<i>12-31</i>	<i>0.11</i>	<i>3.0</i>
<i>Fire Protection</i>	<i>1-1</i>	<i>12-31</i>	<i>1.0</i>	
Totals:				

2. Recommended Amendments

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

I. AUTHENTICATION

Field Examiner's Name _____ Date _____

Reviewer _____ Date _____

SEAL

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

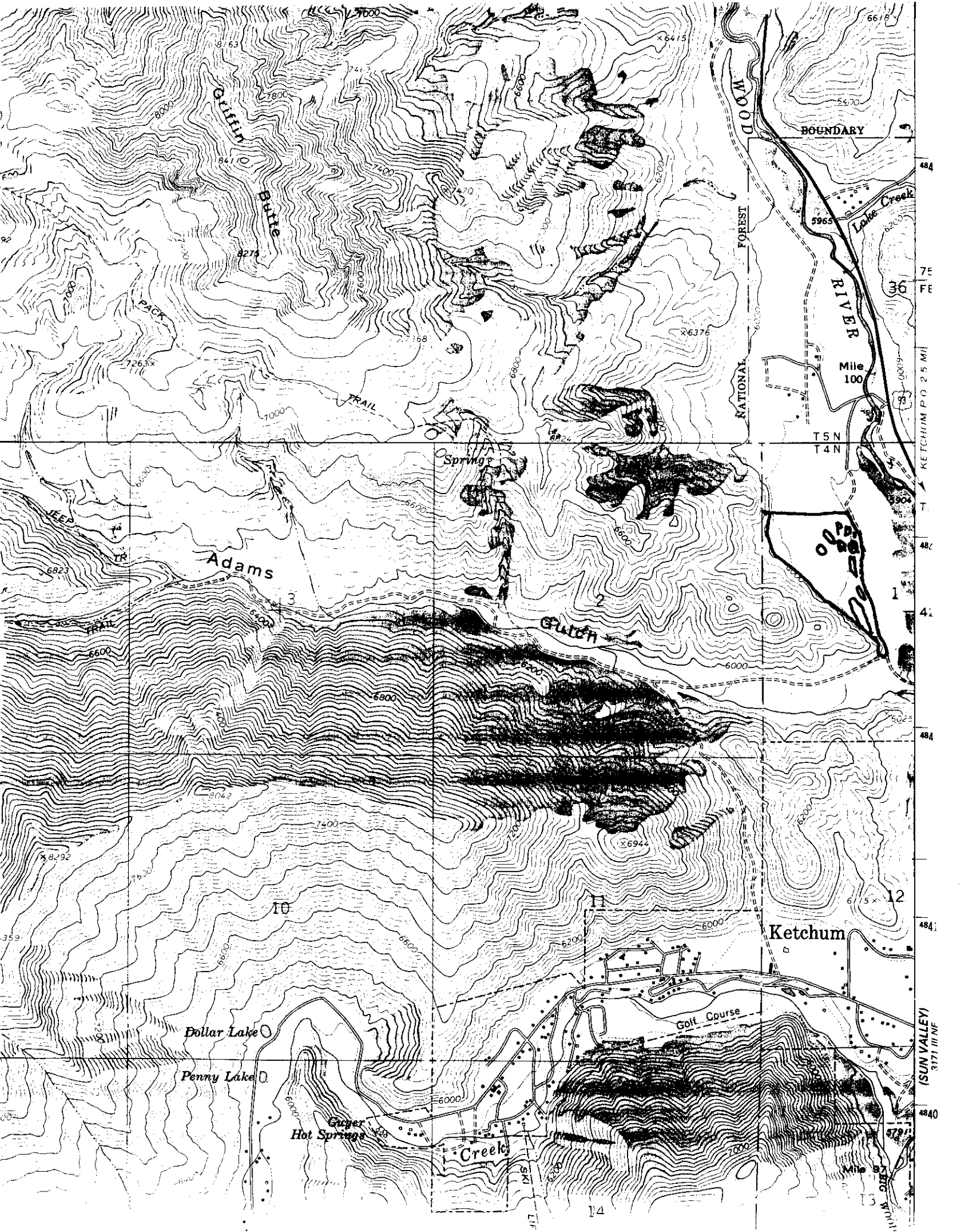
[illegible]

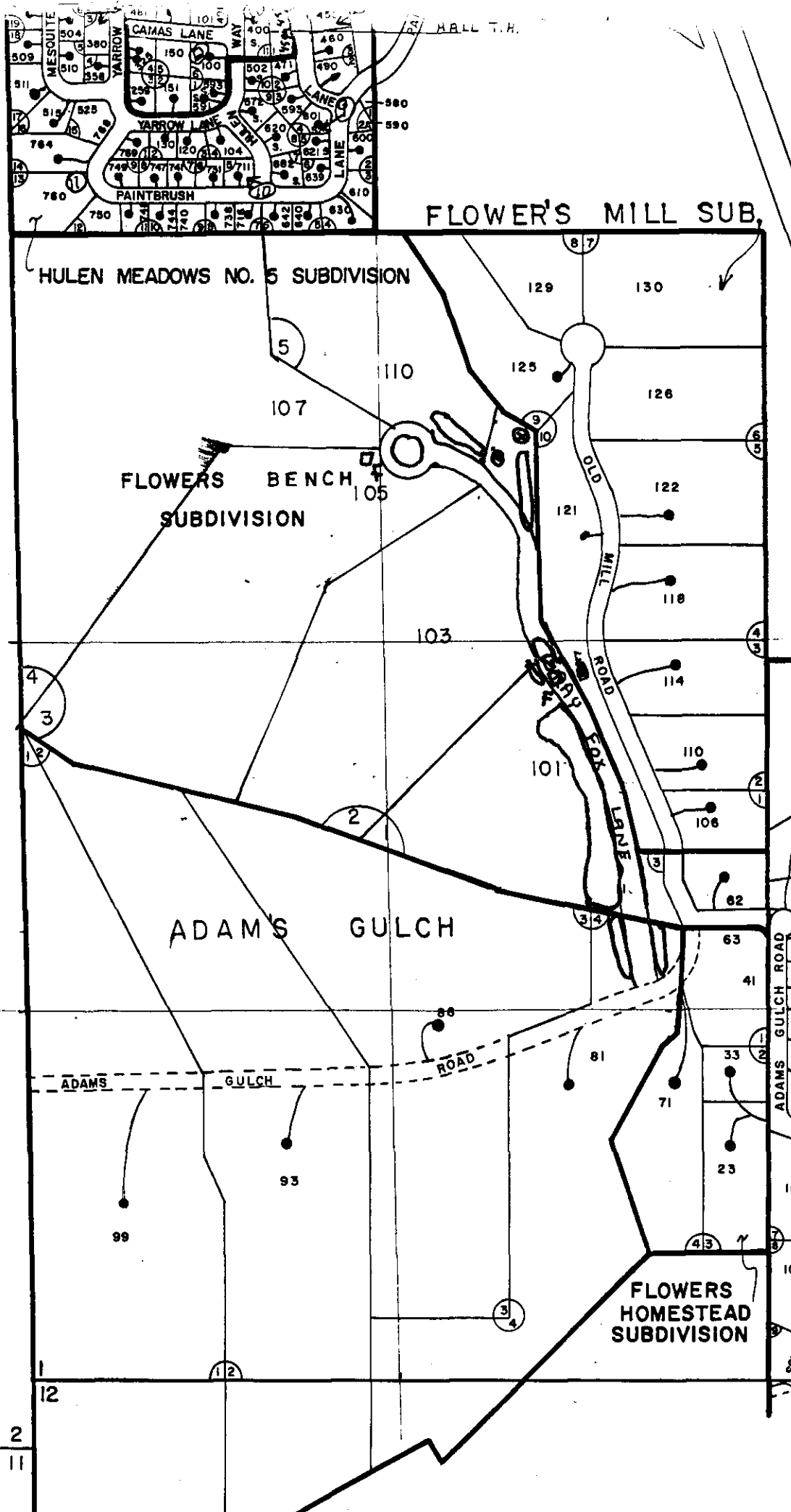
53/53
T42 RLE 501

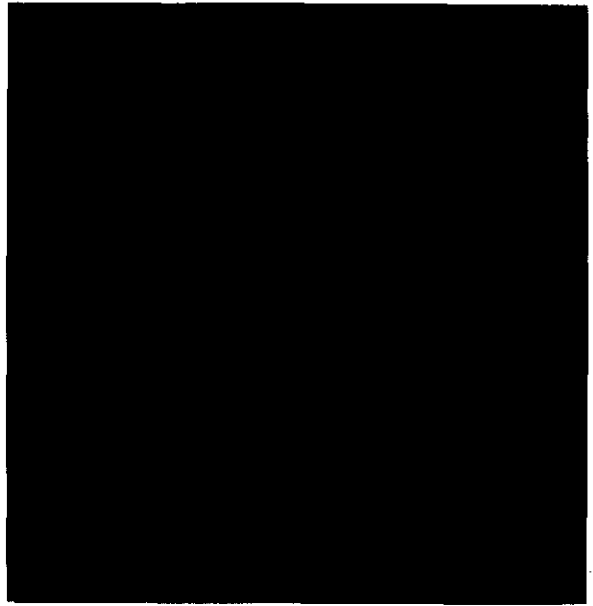
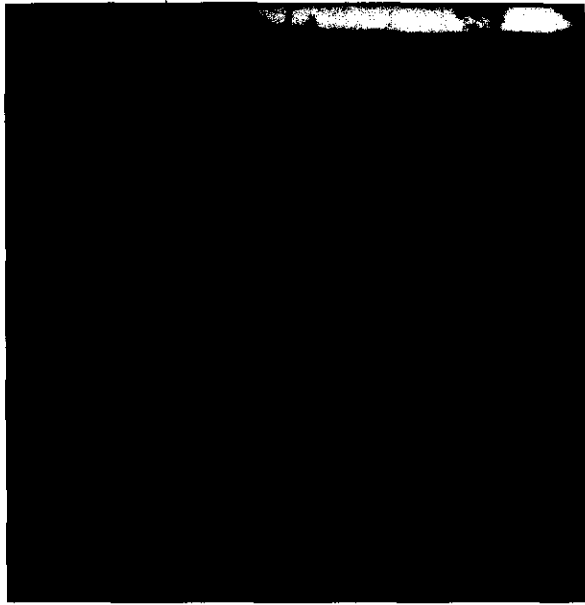
State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

[illegible]

USE ADDITIONAL SHEETS IF NECESSARY. FORWARD THE WHITE COPY TO THE DEPARTMENT.

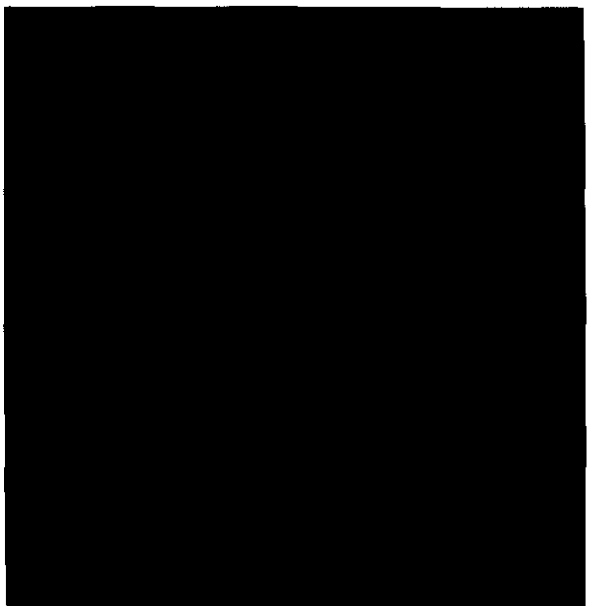
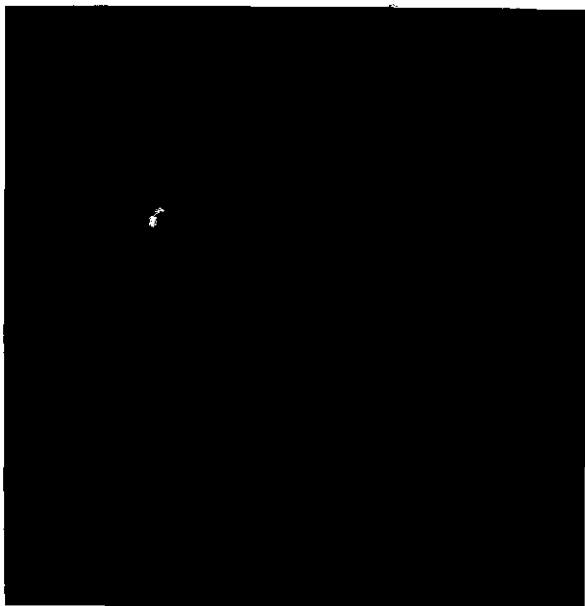






Fire Protection Well

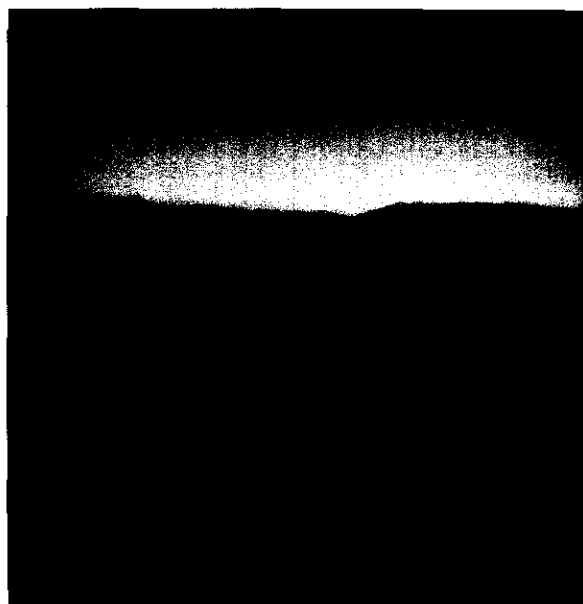
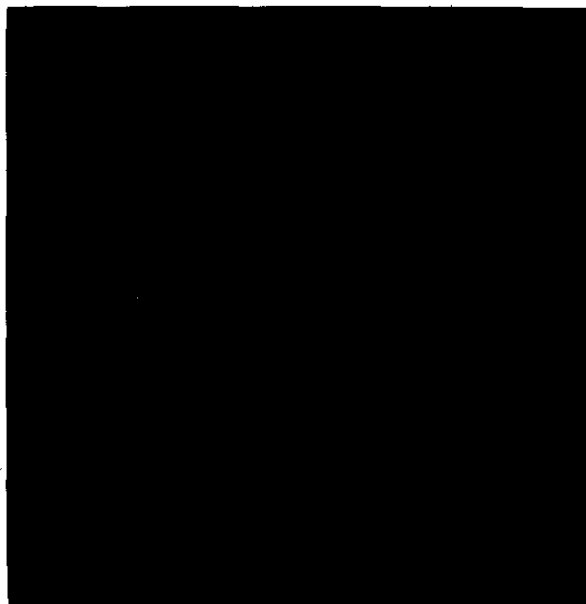
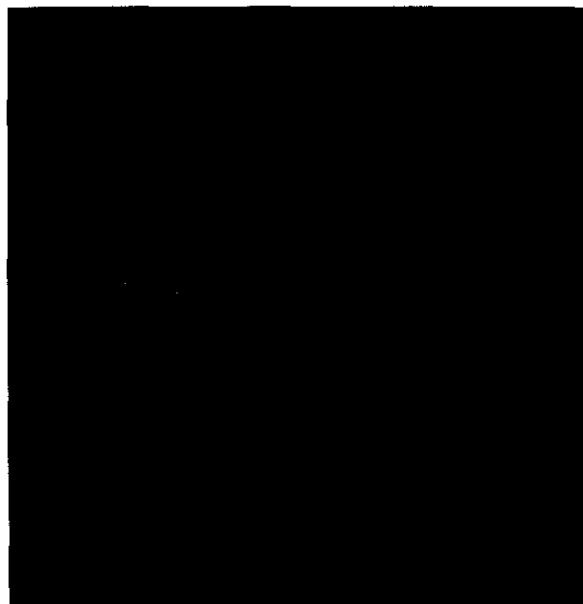
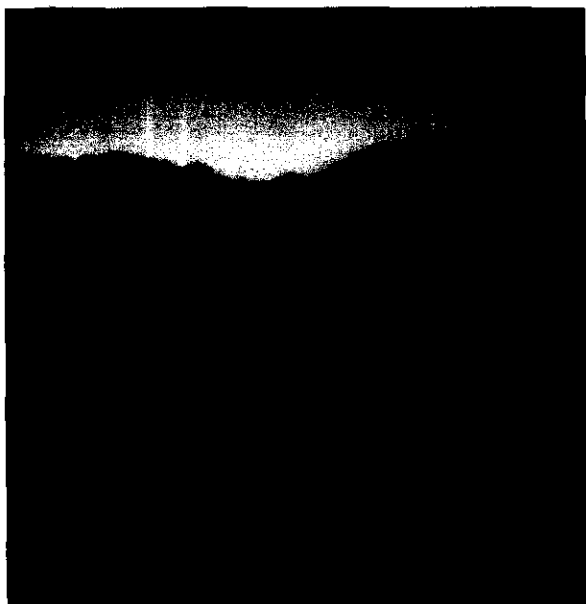
Irrig./ Domestic Well



Fire Hydrants (2)

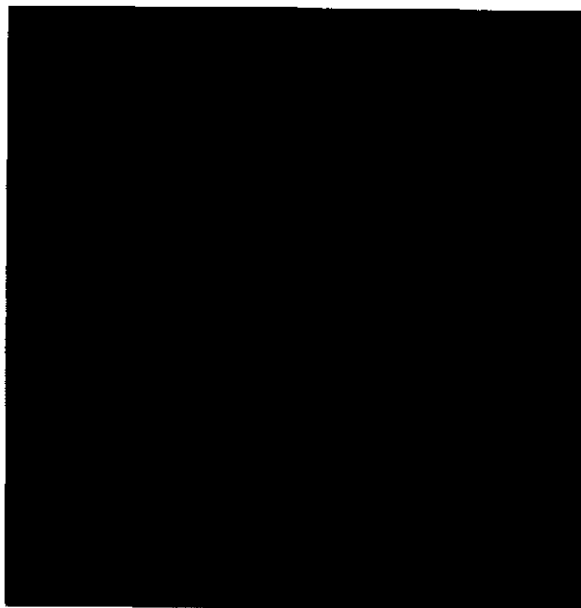
37-8752 10-9-96

JES



Irrigated Areas With Trees

37-8752 10-9-96
JES



General View
of Subdivision-
Not Irrigated



37-8752 10-7-90
JES

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 37-08752

Proposed Priority: July 22, 1991 Maximum Diversion Rate: 1.50 CFS

This is to certify, that **CONSTANCE K GRAY**
ELIZABETH K GRAY
C/O JAMES P SPECK ESQUIRE
HOGUE SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/15 to 10/15	0.29 CFS
DOMESTIC	01/01 to 12/31	0.18 CFS
FIRE PROTECTION	01/01 to 12/31	1.50 CFS
Totals		1.50 CFS

LOCATION OF POINT(S) OF DIVERSION:

NESWNW , Sec. 1, Township 04N, 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>
04N	17E	1	SWNW 10	SESW 0.5	NESW 4	14.5
Total number of acres irrigated:						14.5

PLACE OF USE: DOMESTIC, same as IRRIGATION use

PLACE OF USE: FIRE PROTECTION, 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 **November 1, 1996**.
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. Prior to the diversion of water under this right a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

37-8752

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

NO. 37-08752

CONDITIONS/REMARKS:

6. 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.
7. Construction of the well must comply with Idaho well construction standards.
8. Use of water for domestic purposes under this right shall be limited to in-house use and watering of household stock.
9. The issuance of this right in no way grants any right-of-way or easement across the land of another.
10. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
11. Two points of diversion are located within NESWNW, S01, T04N, R17E.
12. The place of use is located within the Flowers Bend Subdivision.
13. Domestic use is for 15 homes.

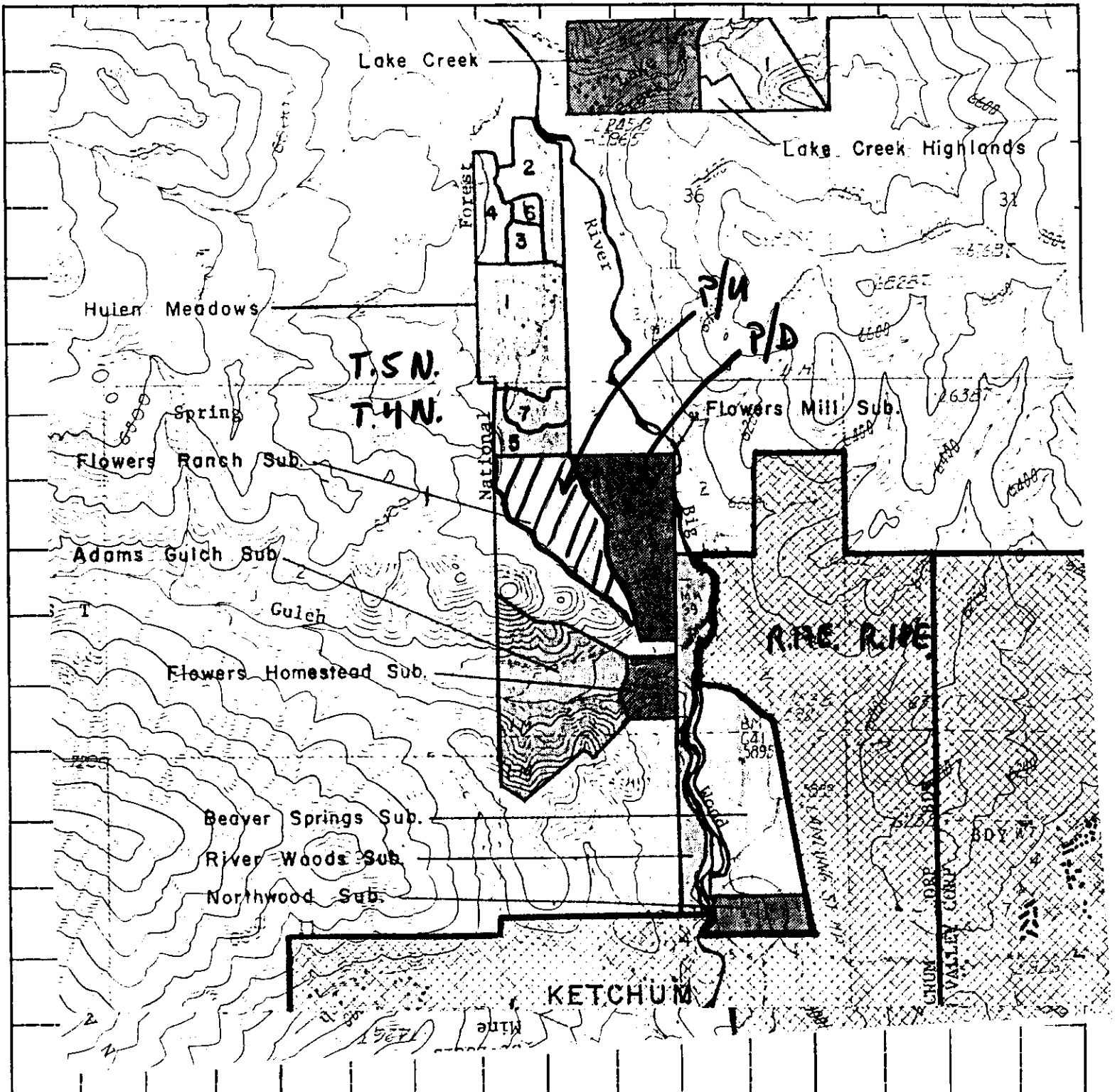
This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

27th day of October, 1992.

R. Keith Higginson
for R. Keith Higginson, Director

37-8752

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.

Constance K Gray
(Applicant)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant ELIZABETH K. GRAY AND/OR CONSTANCE K. GRAY Phone (208) 726-4421
Post office address C/O JAMES P. SPECK, ESQ., 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 ¼ of _____ SE ¼ of _____ NW ¼, Govt. Lot _____
Sec. 1 Township 4N Range 17E B.M. BLAINE County; additional
points of diversion if any: THERE ARE TWO (2) WELLS AT THIS POINT OF DIVERSION.
4. Water will be used for the following purposes:
Amount 0.18 for DOMESTIC purposes from JAN. 1 to DEC. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.40 for IRRIGATION purposes from APR. 1 to NOV. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 1.50 for FIRE PROTECTION purposes from JAN. 1 to DEC. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 1.5 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. SEE ADDENDUM
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. ~~Proposed~~ well diameter is SEE ADDENDUM inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? NO
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
5 years (minimum 1 year).

37-08752

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. FIFTEEN (15)
- e. Other; describe fully. FIRE PROTECTION FOR ALL STRUCTURES IN FIVE (5) LOT SUBDIVISION

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	17E	1							11	4	8	2							25
									D, F	D, F	D, F	D, F							

D = Domestic Use, F = Fire Protection

Total number of acres to be irrigated 25

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

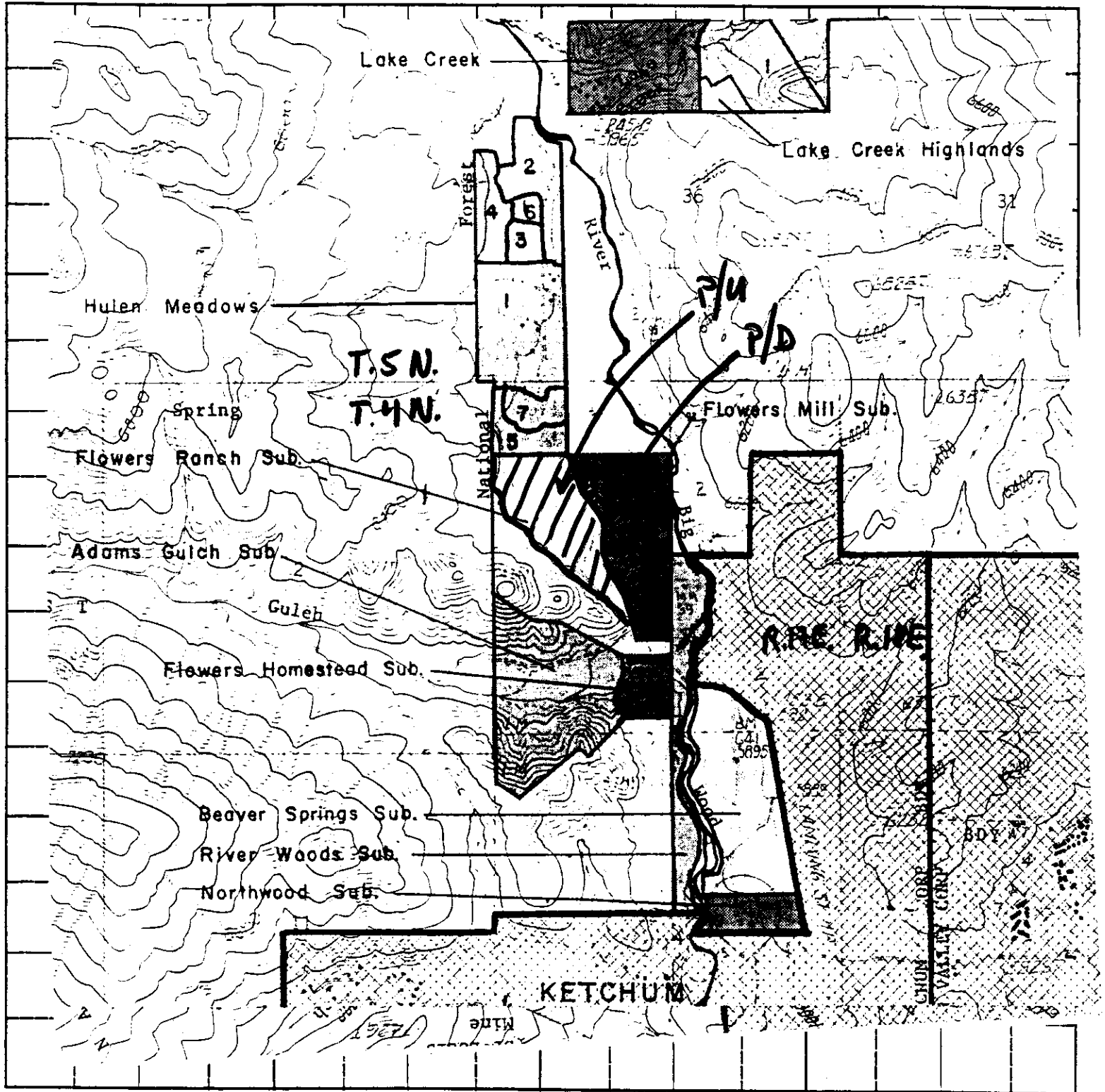
11. a. Who owns the property at the point of diversion? FLOWERS MILL SUBDIVISION ASSOCIATES, INC.

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. SEE ADDENDUM

12. Remarks: SEE ADDENDUM

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.

Constance K. Gray
(Applicant)

Received by J. F. Stanton Date 7-22-91 Time 10:00 am Preliminary check by HS
Fee \$ 65.00 Receipted by JS # 50/3561 Date 7-22-91
Publication prepared by MB Date 9-24-91 Published in Wood River Journal
Publication approved M. Baldwin Date 10-29-91

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:

ADDENDUM TO
APPLICATION FOR PERMIT
BY
ELIZABETH K. GRAY &/OR CONSTANCE K. GRAY

The following is an Addendum to the Application for Permit submitted by Elizabeth K. Gray &/or Constance K. Gray:

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc.: One (1) well and pump, a mainline with stubouts to each lot in the subdivision for domestic water and residential irrigation and an underground sprinkler system for common area landscaping; a second well, mainline and fire hydrants for fire protection. The wells currently serve the adjacent Flowers Mill Subdivision (see below).

11. c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Paragraph 3 of that certain Agreement, dated July 23, 1984, a copy of which is attached hereto as Exhibit A and made a part hereof by this reference (the "Agreement"), specifically provides for the use of Flowers Mill Subdivision water system for any other subdivision within the original Flowers Ranch Subdivision, as long as the capacity limits of the system are not exceeded. The proposed system will not exceed that capacity. 37-08203 is the water right for the Flowers Mill Subdivision water system.

12. Remarks: This Application is to acquire the water right necessary for the domestic, residential irrigation and fire protection water system for a proposed five (5) lot subdivision to be known as Flowers Bend Subdivision (this will be a resubdivision of Lot 3 of the original Flowers Ranch Subdivision - Flowers Mill Subdivision is a resubdivision of Lot 1 of Flowers Ranch Subdivision). Domestic use is for five (5) single family homesites in a large lot subdivision, with each homesite having the capacity, under current zoning and proposed subdivision restrictions, for one (1) single family residence, one (1) guest house and one (1) caretakers quarters, for a total of fifteen (15) potential households. The irrigated acreage will include not more than two (2) acres associated with each homesite and fifteen (15) acres of common area landscaping, for a total of twenty-five (25) acres. Fire protection will be provided by a separate on-demand system with fire hydrants.

Gray - Elizabeth for Constance
IDAHO DEPARTMENT OF WATER RESOURCES

STAFF ANALYSIS SHEET FOR BENEFICIAL USE FIELD EXAMS:

PERMIT NO. 37-08752

A. Items To Be Placed In Exam File (Items A & B to be Completed by Compiler:

- () Blank Field Report & Notice of Completed Exam
- () Copy of App. for Permit, Approved Permit, Amendments, Orders, Assignments.
Proof of Beneficial Use, SRBA Claim (Claim Filed? _____ Required? _____)
- () Well Inspection Form, Dairy Water-Use Worksheet (if applicable)
- () Well Log(s) & Groundwater Measurement Analysis Form (if applicable)
- () Copy of Orthophotoquad Map
- () 660-Scale Aerial Photo (Examiner Will Obtain If Applicable)
- () Government Lot Plats (If Applicable)

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Department of Water Resources

B.1. P/D Overlap - Yes or No? If Yes, Include Copy of Overlapping Rights & Claims

- If Yes, Type of Overlap: () Add Acres or Uses to Existing System
() Increase Rate of Flow or Volume

B.2. P/U Overlap - Yes or No? If Yes, Include Copies of Overlapping Rights & Claims

- If Yes, Type of Overlap: () Increase Rate of Flow or Volume
() Add Supplemental Water Source
() Increase Acres Within Tracts

C. Field Exam Appointment Made:

Date _____ Time _____ Place _____

Contact Person & Phone _____

D. Post-Exam Review & Processing

Exam Completed _____ Notice of Completion Turned In _____

Field Report Completed _____
Signature of Examiner & Date _____

Field Report Reviewed by Sr. Agent _____ (Initial & Date)

Field Report Reviewed by Region Mgr. _____ (Initial & Date)

Field Report Sent to S.O. _____ Region Card File Updated _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

Memorandum

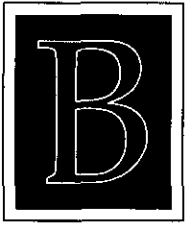
To: 37-08752

From: John Freitag, Water Resource Agent

Re: Receipt

Date: 10/24/00

On this day I received a Proof of Beneficial Use and a Field Exam for WR 37-08752 from Brockway Engineering.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

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OCT 24 2000
Department of Water Resources
Southern Region

October 24, 2000

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

Re: Proof of Beneficial Use & Beneficial Use Field Exam
WR #37-08752

Dear Allen:

Following is a Proof of Beneficial Use Form and a Beneficial Use Field Exam Report for WR#37-08752. The owners of this water right are Elizabeth K. Gray and/or Constance K. Gray. Submission of these forms satisfy the proof due date listed on the permit of November 1, 2000.

The Beneficial Use Exam was completed by our office and is included with this package. Please contact our office if you have any questions concerning the report or exam. I have spoken with Jim Stanton concerning the fee for the Proof of Beneficial Use form. According to Jim, since the field exam was completed by our office, the necessary fee to IDWR is zero.

Please review the enclosed documents and contact our office or Mr. Jim Speck if you have any questions or concerns. Thank you and have a great day.

Sincerely,

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.



Jeffrey S. Rau, PE

Enclosures: Proof of Beneficial Use Form
Beneficial Use Exam Report

Cc: Peter Gray
Jim Speck

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

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Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORTRECEIVED
OCT 24 2000
Department of Water Resources
Southern Region

A. GENERAL INFORMATION

Permit No. 37-08752

ELIZABETH K. GRAY AND/OR CONSTANCE K. GRAY

1. Owner: C/O JAMES P. SPECK Phone No. 726-4421Current Address: P.O. Box 987, KETCHUM, ID 833402. Accompanied by: CHARLES E. BROCKWAY EXAM DATE: OCTOBER 6, 2000
BROCKWAY ENGINEERING PLLCAddress: 2016 NORTH WASHINGTON STREET, SUITE 4, TWIN FALLS Phone No. 208-736-8543Relationship to Permit Holder: CONSULTANT3. Source: GROUNDWATER - TWO WELLS tributary to N/A

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SE	NW	1	4N	17E	BLAINE	ASSESSORS MAP - TWO WELLS

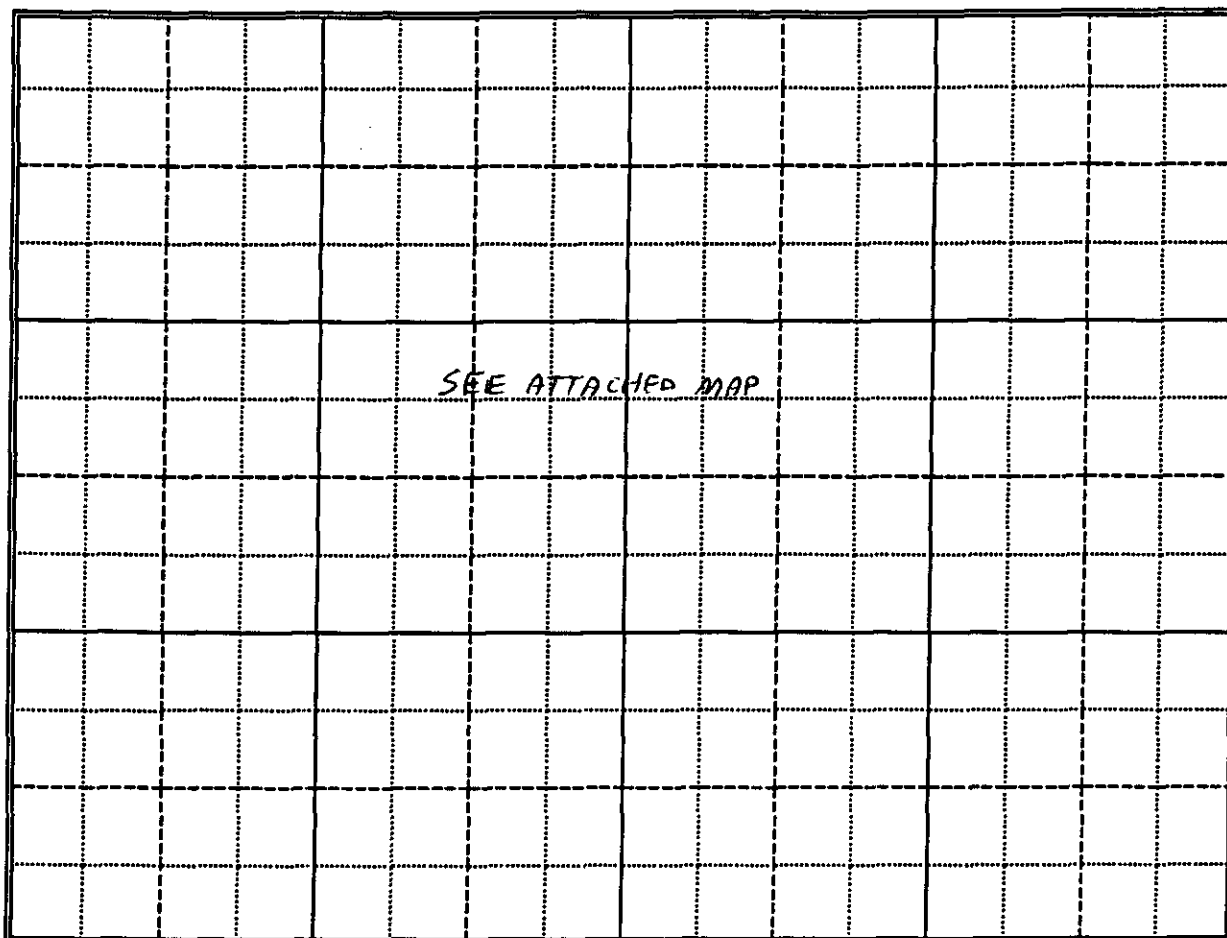
2. Place(s) of Use:

Indicate Method of Determination SURVEY + AERIAL PHOTO

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	17E	1							9.44	3.36	2.74								15.54
04N	17E	1							D	D	D								*

* STOB OUT LOCATIONS ONLY.

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



Scale: 1" = _____

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

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

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
FIRE PROTECTION 37-92-S-0197	FRANKLIN	25	N/A	BERKELEY	7T-450-25
DOMESTIC/IRRIGATION 37-92-S-0196	FRANKLIN	20	N/A	GOULDS	150 L 10 .. *

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

* PUMP = 10 HP PUMP ON 20 HP MOTOR

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
WATER SPECIALTIES CORPORATION	PROPELLOR		ML-04	9317186	6"	5/6/97

2. **Measurements:** SUSTAINED DISCHARGE FROM IRRIGATION/DOMESTIC WELL = 210 GPM PER
WATER SPECIALTIES METER. SUSTAINED DISCHARGE FROM FIRE PROTECTION
PUMP = 839 GPM PER KETCHUM FIRE DEPARTMENT TEST.

E. NARRATIVE/REMARKS/COMMENTS

- SEE ATTACHMENT FOR NARRATIVE -

Have conditions of permit approval been met? X yes ___ no

PERMIT IS ATTACHED.

F. FLOW CALCULATIONS

Measured Method:

A = IRRIGATION / DOMESTIC PUMP $\Rightarrow$ IRRIGATION ZONES #1 & #9 OPERATED FOR 20 MINUTES.
- MEASURED SUSTAINED DISCHARGE OF 210 GPM PER DIAL ON WATER SPECIALTIES METER.

B = FIRE PROTECTION PUMP $\Rightarrow$ PER OCT 2000 TEST BY KETCHUM FIRE DEPARTMENT.

- SUSTAINED DISCHARGE = 839 GPM @ COLDE SAC HYDRANT (XGF2)
= 805 GPM

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 14.5 \text{ ac} \times 3.5 \text{ AFA} = 50.75 \text{ AC FT}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.29 \times 184 \times 1.9835 = 105.8 \text{ AC FT}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 50.75 \text{ AC FT}$$

2. Volume Calculations for Other Uses: N/A

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	4/15	10/15	0.290 cfs	50.75 AFA
DOMESTIC	1/01	12/31	0.180 cfs	N/A
FIRE PROTECTION	1/01	12/31	1.500 cfs	N/A
Totals:			1.500 cfs	

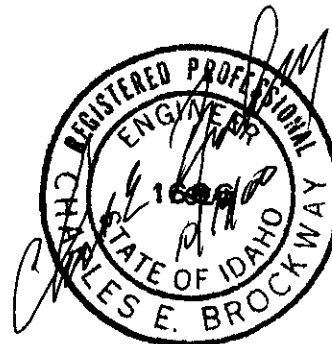
2. Recommended Amendments

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

I. AUTHENTICATION

Field Examiner's Name Charles E. Brockway Date 10/17/00

Reviewer _____ Date _____



OWNER CODE C C ELIZABETH K GRAY C CONSTANCE K GRAY C/O JAMES P SPECK ESQUIRE HOGUE SPECK & AANESTAD PO BOX 987 KETCHUM ID 83340 (208) 726-4421

PRIORITY DATE 07/22/1991

WATER USE IRRIGATION DOMESTIC FIRE PROTECTION

USE PERIOD FROM TO 04/15 10/15 01/01 12/31 01/01 12/31

DIVERSION RATE 0.290 CFS 0.180 CFS 1.500 CFS

DIVERSION VOLUME

TOTAL DIVERSION: 1.500 CFS

Water Source: GROUNDWATER Tributary to: Stage: PERMIT

Point(s) of Diversion: T04N R17E S01 NESWNW 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
04N	17E	1									
										TOTAL ACRES	14.5
											14.5

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

Place of use location for FIRE PROTECTION 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.

01G - Prior to the diversion of water under this right a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

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 - The right holder shall comply with Idaho well construction standards when constructing a well pursuant to this right.

021 - Use of water for domestic purposes under this right shall be limited to in-house use and watering of household stock.

004 - The issuance of this right does not grant any right-of-way

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Department of Water Resources

Conditions of Approval:

- or easement across the land of another.
- 03A - The rate of diversion of water for irrigation under this right
- and all other water rights on the same land shall not exceed 0.02
- cubic feet per second for each acre of land.

Remarks: GEN Two points of diversion are located within NESMW, S01, T04N, R17E.

The place of use is located within the Flowers Bend
Subdivision.
Domestic use is for 15 homes.

Dates: App. Received: 07/22/1991 Priority Date: 07/22/1991
Proof Due Date: 11/01/2000 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 37 Field Exam Fee:

Comments: Date: 09/03/1991 User-ID: BALDWIN Subject: MISC INFORMATION
THE PLACE OF USE IS ALSO KNOWN AS FLOWERS BEND SUBDIVISION.
THIS APPLICATION IS WITHIN BOUNDARIES OF BIG WOOD GROUNDWATER
MANAGEMENT AREA.

Date: 09/03/1991 User-ID: BALDWIN Subject:

Date: 10/21/1992 User-ID: MILLER Subject: GMA & MORATORIUM EXEMPTION
This permit falls within the acceptable parameters of the Big
Wood GMA and the Snake River Basin Moratorium.

Date: 09/27/1996 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

Date: 10/29/1996 User-ID: VAULT Subject: Extension of Time Received
Extension of Time Received

Audit: 09/03/91 BALDWIN 09/05/91 BALDWIN 10/01/91 BALDWIN 10/10/91 BALDWIN
10/18/91 LUKE 04/22/92 BALDWIN 10/21/92 MILLER 10/22/92 MILLER
10/26/92 MILLER 09/27/96 COMMENTS 09/27/96 ABATES 10/29/96 COMMENTS
11/06/96 JYARBROU

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Department of Water Resources

TO: SECRETARY/OFFICE COORDINATOR-SOUTHERN REGION

NOTICE OF COMPLETED FIELD EXAM

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Department of Water Resources

The field work has been completed on the following exam:

Permit No.

37-08752

Owner Name

Gray

Elizabeth Gray
Constance

Date Completed: _____

Please enter the exam completed date on the Database.

Examiner: _____

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BENEFICIAL USE FIELD EXAM NARRATIVE
WR #37-08752
FLOWERS BENCH SUBDIVISION

Department of Water Resources

Delivery System – Water is supplied to the subdivision by way of two groundwater wells located in the SE ¼ NW ¼ Section 1, T04N, R17E. A single 8" diameter well (37-92-S-0196) contains a 10 hp pump & 20 Hp motor to supply domestic & irrigation water. A second 10" diameter well (37-92-S-0197) contains a 25 Hp pump and 25 Hp motor and is intended for fire protection. Both discharge lines pass through a well house which contains eight (8) Well Mate WM-35WB pressure tanks, a 6" Water Specialties flow meter, check valves, control panels, and pressure limit switches for the pumping systems.

A single 6" discharge line exits the well house and connects to an underground 6" PVC main line within Jack Rabbit Way, the roadway servicing the subdivision. The 6" distribution system contains two fire hydrants, 5 domestic stub out locations marked with a steel fence post, and numerous 4" branches to the irrigation system. At each fire hydrant location, a single yard hydrant and associated drywell have been installed. Domestic stub-out locations have been made on the system to each of the 5 lots and are marked with a steel fence post.

A flow test was completed on the domestic/irrigation well to measure the maximum discharge for the irrigation/domestic pump. Several sprinkler zones were turned on and the flow monitored with the Water Specialties Meter located in the well house. With pressurized storage in the Well Mate tanks, the system was able to produce a flow greater than 300 gpm. Once the storage in the Well Mate tanks had been emptied, the well pump was able to maintain a sustained flow rate of 210 – 215 gpm based on the dial readings on the meter. On October 13, 2000 the City of Ketchum Fire Department flow tested the two fire hydrants in the subdivision. Reported sustained discharge from this the hydrants were 805 gpm at the hydrant near Lot 1 and 839 gpm at the hydrant located on the cul-de-sac. The hydrant list from the Ketchum Fire Department is attached with this report.

Irrigated Acres – Irrigation within the subdivision is comprised of tree, shrub, and grass patches watered with underground pressure irrigation systems. Irrigation of the area within the subdivision has been completed in two phases. Both phases are complete and a total of 15.54 acres is irrigated under the irrigation water right which is 1.04 acres over that allowed under the permit. No land within the domestic building envelopes is currently irrigated under this right. The developer has indicated that each domestic site will be entitled to 0.5 acres of irrigation within the building envelope. At the time of construction and landscaping within each building envelope, an area equal to the landscape within the building envelope which will not exceed 0.5 acres will be dried up from the existing irrigated tree, shrub, and grass patches.

Recommendation – With the exception of the slight overage on the irrigated acres, the water right holder has met the conditions under water right Permit #37-08752. Following are the recommendations for the permit:

Water Use =	Irrigation	04/15	10/15	0.290 cfs
	Domestic	01/01	12/31	0.180 cfs
	Fire Protection	01/01	12/31	<u>1.500 cfs</u>
	Total Diversion			1.500 cfs

PD = Two wells located in NE ¼ NW ¼, Section 1, T4N, R17E, BM

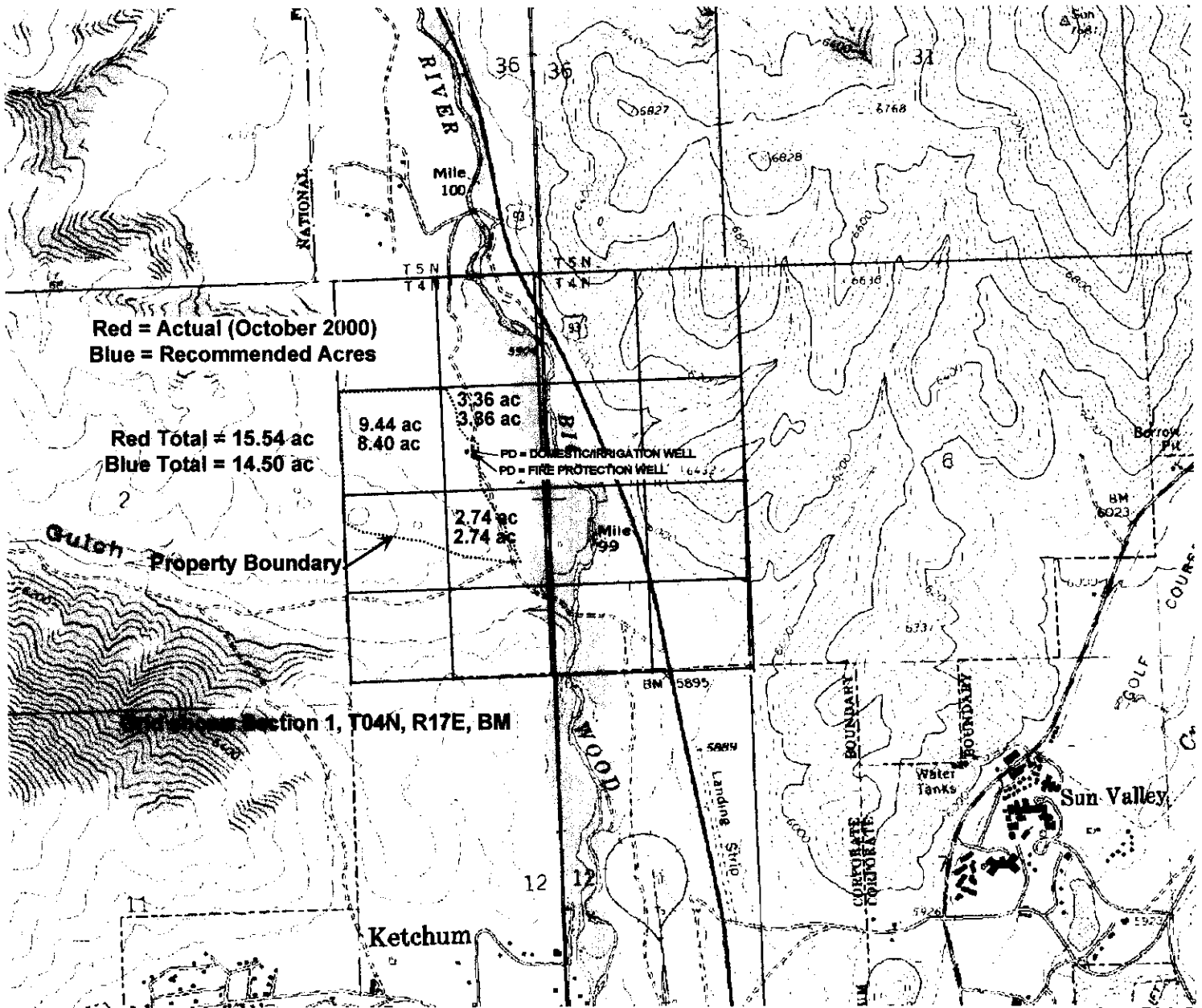
POU =	NE NW Section 1	3.36 acres
	NW NW Section 1	8.40 acres*
	SE NW Section 1	2.74 acres
	Total =	14.5 acres

* Land owner will "dry up" 1.04 acres in this 40 acres tract to stay within permit limits.

Total Diversion Volume for Irrigation = 14.5 acres @ 3.5 AFA = 50.75 AF

The conditions of approval in the permit have been met by the landowner.

**FLOWERS BENCH SUBDIVISION
BENEFICIAL USE FIELD REPORT
USGS MAP**



**Map Source - USGS Quad Map
Sun Valley & Griffin Butte**

Brockway Engineering, PLLC
October, 2000

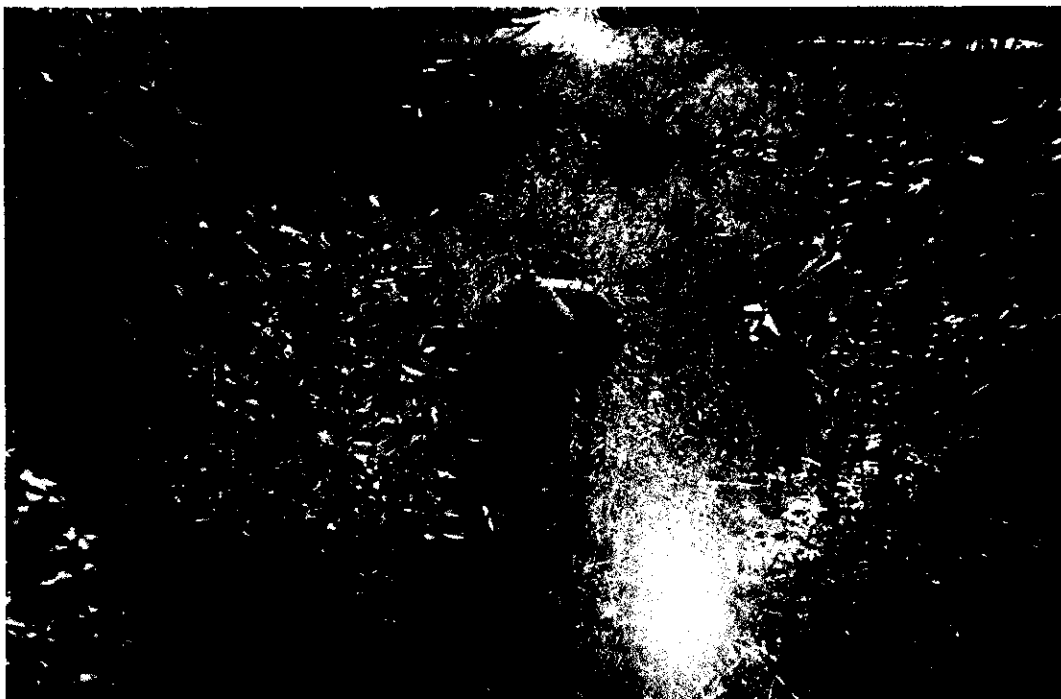
Ketchum Fire Department

Hydrant Summary List

All Applicable Records

Hydrant No	Location	Make/Mod/Yr	Out of Srv
XFM2	110 Old Mill Road Last Flow Test: 06/02/1997 1074 gpm	Waterous	
XFM3	114 Old Mill Road Last Flow Test: 06/02/1997 1021 gpm	Waterous	
XFM4	122 Old Mill Road Last Flow Test: 06/02/1997 1074 gpm	Waterous	
XFM5	130 Old Mill Road Last Flow Test: 02/03/1997 1186 gpm	Waterous	
XGE1	XGE1 Golden Eagle Drive S. & Greenhorn Gulch Rd. Last Flow Test: 08/09/1998 1021 gpm	Waterous	97
XGE10	140 Lake View Circle Last Flow Test: 08/09/1998 888 gpm	Waterous	97
XGE11	305 Golden Eagle Drive S. Last Flow Test: 08/09/1998 872 gpm	Waterous	97
XGE12	315 Golden Eagle Drive S. Last Flow Test: 08/09/1998 1034 gpm	Waterous	97
XGE13	345 Golden Eagle Drive S. Last Flow Test: / / 0 gpm	Waterous	97
XGE2	115 Golden Eagle Drive S. Last Flow Test: 08/09/1998 1100 gpm	Waterous	97
XGE3	145 Golden Eagle Drive S. Last Flow Test: 02/07/2000 0 gpm	Waterous	97
XGE4	185 Golden Eagle Drive S. Last Flow Test: 08/09/1998 1210 gpm	Waterous	97
XGE5	205 Golden Eagle Drive S. Last Flow Test: 08/09/1998 1210 gpm	Waterous	97
XGE6	S109 Golden Eagle Drive S. & Whispering Pine Drive Last Flow Test: 08/09/1998 1061 gpm	Waterous	97
XGE7	285 Golden Eagle Drive S. Last Flow Test: / / 0 gpm	Waterous	97
XGE8	105 Elk View Circle Last Flow Test: 06/15/1998 888 gpm	Waterous	97
XGE9	125 Lake View Circle Last Flow Test: 06/03/1998 887 gpm	Waterous	97
XGF1	XGF1 Gray Fox Lane Last Flow Test: 10/13/2000 805 gpm	Clow 966G	1998 ←
XGF2	XGF2 Gray Fox Lane At Cordeville Last Flow Test: 10/13/2000 839 gpm	Clow 966G	1998 ←
XG14	700 Golden Eagle Drive S. Last Flow Test: 06/15/1998 1074 gpm	PSCIP 966G	

**Flowers Bench Subdivision
Beneficial Use Exam Site Photos
WR #37-08752**



10" Dia Fire Protection Well - SE 1/4 NW 1/4 Section 1

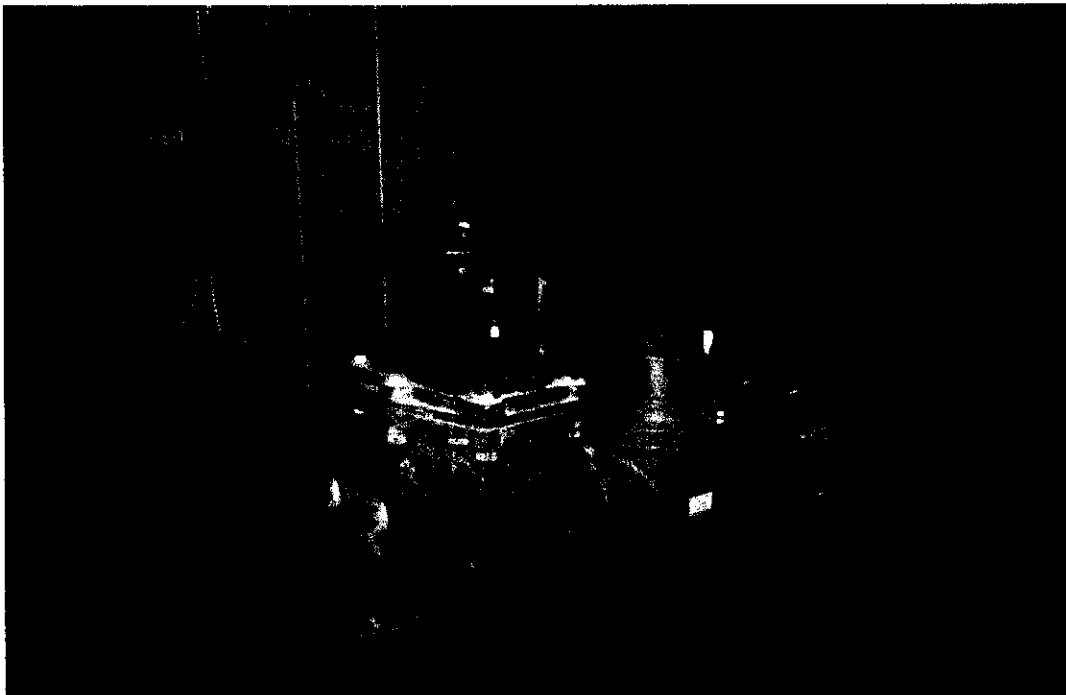


8" Dia Domestic/Irrigation Well - SE 1/4 NW 1/4 Section 1

**Flowers Bench Subdivision
Beneficial Use Exam Site Photos
WR #37-08752**



Inside well house showing pressure tanks, inlet lines, flow meter, & outlet line.



6" Water Specialties Meter - Serial #9317186 - Model ML-04 - Calibrated 5/6/97

**Flowers Bench Subdivision
Beneficial Use Exam Site Photos
WR #37-08752**



Fire hydrant & Yard Hydrant - Total = 2 within subdivision



Domestic stub out location - marked with steel fence post

**Flowers Bench Subdivision
Beneficial Use Exam Site Photos
WR #37-08752**



Tree, shrub, & grass area irrigated with underground irrigation system.



Tree, shrub, & grass area irrigated with underground irrigation system.

IDAHO DEPARTMENT OF WATER RESOURCES

WELL INSPECTION FORM

1. DRILLING PERMIT NO: _____ OTHER APPLICABLE NO: _____
2. OWNER: _____ Phone: _____
Address: _____
3. WELL LOCATION: Twp _____, Rge. _____, Sec. _____, _____ 1/4 _____ 1/4
County _____ (Provide sketch map and photo on reverse.)
4. DRILLER: _____ Lic. No. _____
When Drilled? _____
5. WELL CONSTRUCTION:
Casing Diameter _____ inches Water tight cap? ☐ Yes ☐ No Access Port: ☐ Yes ☐ No
Casing $\geq$ 12 inches above ground? ☐ Yes ☐ No - Describe _____
Depth of Casing _____ ft. Method Drilled _____
Condition of Well Casing: ☐ Good ☐ Fair ☐ Poor Describe _____
Control Valve? ☐ Yes ☐ No Pressure Gauge: ☐ Yes ☐ No
Condition of Piping and Valving _____
Auger to a depth of _____ ft. Evidence of Annular Seal ☐ Yes ☐ No
Are there obvious constuction problems that may be a source for contamination or waste of water?
☐ Yes ☐ No (Describe in Remarks and Attach Photo - On Reverse)
6. HYDROLOGIC INFORMATION:
Depth to Static Water _____ ft. Water Temperature _____ °F
Flowing Artesian ☐ Yes ☐ No Pressure: _____ (psi)
Water Sample Taken? ☐ Yes ☐ No If yes, describe purpose _____
Water Quality Measurements/Observations (Describe) _____
7. WELL USE:
☐ Domestic ☐ Irrigation ☐ Stock
☐ Test ☐ Municipal ☐ Industrial
☐ Abandoned ☐ Waste Disposal/Injection ☐ Not Used
☐ Other: _____

8. POSSIBLE CONTAMINATION SOURCES:

Is there evidence of Chemigation? ☐ Yes ☐ No

If yes, is there a check-valve present? ☐ Yes ☐ No

Is there a possible source of contamination nearby? ☐ Yes ☐ No

If yes, what Type? _____

How far away from the well is this source? _____

9. REMARKS:

Signature of Dept. Representative & Title

Inspection Date

PHOTOS, DRAWINGS, OTHER ATTACHMENTS:

**AUTHORIZATION TO MAKE INQUIRY OF THE
U.S.D.A., FARM SERVICE AGENCY
A US GOVERNMENT AGENCY, AND WAIVER OF PROVISIONS OF
THE PRIVACY ACT OF 1994**

TO WHOM IT MAY CONCERN: I, (WE),

_____, DO HEREBY
AUTHORIZE THE UNITED STATES OF AMERICA; ACTING THROUGH THE, **FARM
SERVICE AGENCY**, UNITED STATES DEPARTMENT OF AGRICULTURE, (FSA)
[FORMERLY KNOWN AS THE FARMERS HOME ADMINISTRATION, (FmHA) AND THE
AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (ASCS)]; TO RELEASE
FOR INSPECTION TO: _____

CHECK APPLICABLE LINE

_____ SPECIFIC INFORMATION INCLUDING _____

_____ AERIAL PHOTOGRAPHY OF MY FARM

_____ MY (OUR) FILE, INCLUDING PHOTOCOPIES OF ANY AND ALL INFORMATION
WHATSOEVER FROM ANY RECORDS MAINTAINED BY THE **FARM SERVICE AGENCY**
CONCERNING MY DIRECT OR GUARANTEED LOAN(S), COMMODITY LOAN(S) OR LOAN
RELATIONSHIP, OR OTHER FSA PROGRAM PARTICIPATION

ANY RIGHTS WHICH I (WE) MAY HAVE TO THE CONTRARY PURSUANT TO THE PRIVACY
ACT ARE HEREBY EXPRESSLY WAIVED.

SIGNATURE _____

SIGNATURE _____

DONE THIS _____ DAY OF _____ YEAR _____

AN EQUAL OPPORTUNITY EMPLOYER

FOR MORE INFORMATION ABOUT FSA, VISIT OUR WEB SITE AT <http://www.fsa.usda.gov>

December 8, 2000

CONSTANCE K GRAY
C/O JAMES P SPECK ESQUIRE
HOGUE SPECK & AANESTAD
PO BOX 987
KETCHUM, ID 83340

ELIZABETH K GRAY
C/O JAMES P SPECK ESQ
HOGUE SPECK & AANESTAD
PO BOX 987
KETCHUM, ID 83340

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 37-20327

Dear Permit Holder(s):

The department acknowledges receipt of the proof of beneficial use form and field examination 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.

Please 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 Western Regional Office in Boise, Idaho at 2083342190

Sincerely,

<Name>

<Title>

c: IDWR - Region



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

November 2, 2000

KARL J. DREHER
DIRECTOR

ELIZABETH K GRAY
CONSTANCE K GRAY
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08752

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form and field examination submitted for the above referenced permit. The next step in the process of developing a water right is for the department to review the field examination for licensing.

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.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

c: IDWR - Regional Office

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 37-08752 Reviewed by D. Gibson Date 11/1/00

GENERAL CONSIDERATIONS

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

TYPES OF USE

Domestic, Irrigation,
& Fire Protection

Correct Uses? Yes

SOURCE OF WATER

No Surface water source

Yes Ground water source

Yes Drilling permit required?

Yes Copy in the file?

Amount paid for permit

Well log in the file?

37-92-S-0196

Drilling Permit No. 37-92-S-0197

Correct?

LICENSE EXAMINATION FEE

No Required?

0 Amount Submitted

Correct?

MEASURING DEVICE

No Required?

Yes Installed?

Waiver requested?

PRIORITY CALCULATION

Date proof received	<u>10/24/00</u>	
Date proof due	<u>11/1/00</u>	-
No. of days late		=
Priority Date		+
New Priority Date		

DEFICIENCIES OR ACTION ITEMS

acknowledge proof

DATA ENTRY

New Address No

Proof Made 10/24/00

August 31, 2000

ELIZABETH K GRAY
CONSTANCE K GRAY
C/O JAMES P SPECK ESQUIRE
HOGUE SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

PROOF DUE NOTICE

RE: PERMIT NO. 37-08752

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 November 1, 2000. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

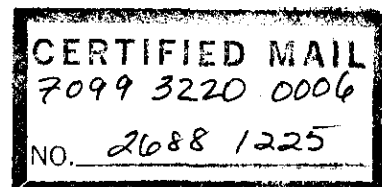
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

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

SINCERELY,

DEBORAH DREW-ELLIS
Administrative Assistant

Enclosures



ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 37-08752 Reviewed by [Signature] Date 11-5-96

BASIC INFORMATION

10-31-96 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 Nov 1, 2000.
Based on 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 11-1-2000
Change Priority Date V _____



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

November 6, 1996

Elizabeth & Constance Gray
c/o James P. Speck
HOGUE SPECK & AANESTAD
P.O. Box 987
Ketchum, ID 83340

RE: Permit No. 37-08752

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 **November 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

MICROFILMED

NOV 05 1996

From: DWR60::AMERRITT 29-OCT-1996 10:14:34.45
To: MBALDWIN,GSATTERL,CSKINNER,JSTANTON
CC: AMERRITT
Subj: EXTENSION OF TIME IN THE NAME OF GRAY →

*Give to MB
please
Thp*

SPECK'S OFFICE PHONED AND INDICATED THAT THEY MAILED AN EXTENSION REQUEST YESTERDAY WITH A TYPO ON IT. IT SAYS 17 ACRES WHERE IT SHOULD SAY 7 ACRES. THEY WANTED TO KNOW WHAT TO DO. I TOLD THEM THAT THEY SHOULD JUST SEND AN AMENDED REQUEST AND WE WOULD JUST RECEIPT THE ORIGINAL AND PROCESS THE AMENDED ONE WHEN IT GETS HERE.

ALLEN

MICROFILMED

NOV 05 1996

RECEIVED

TO: Shelley Keen

NOV 0 5 1996

DATE: October 31, 1996

FROM: Jim Stanton

Department of Water Resources

SUBJECT: Permit 37-08752, Betty & Connie Gray

This permit covers the Flowers Bench Subdivision. Proof was filed 9-25-96, although it was not due until tomorrow. At the request of Jim Speck's office, I conducted the licensing exam on 10-9-96. I spent at least an hour walking around the property and taking pictures. I spoke with Peter Gray (husband of Betty) on the phone a couple of times, but no mention was made of withdrawing the proof of beneficial use. I found about 3 acres irrigated along the entrance road during my visit, but Mr. Gray said that an additional 10 acres was also being irrigated in the north end of the property away from the road. He was going to send me an engineer's drawing of the water system, but so far I have not received it. I also talked to the people that installed the water system, and they indicated that only land along the road (actually a few scattered patches on small trees) was being watered. The buried sprinklers for the trees were operating during my visit. The other 10 acres described by Mr. Gray looked completely natural, with no signs of disturbance; I was waiting for the additional data before making a final decision on the place of use, but did mention to Jim Speck that I had only found the 3 acres during my visit. I was going to recommend additional irrigation of 1/2 acre per lot, and domestic use for 1 home per lot, plus fire protection. Obviously there is conflicting information on what is presently irrigated, and a lot of speculation at this time as far as what will eventually be developed.

Because the licensing exam has already been completed, I strongly disagree with allowing the proof to be withdrawn and more development time granted. Since there has been absolutely no home-building activity on this subdivision, they should have requested more time instead of filing proof. I would have less problem with this if they hadn't requested the exam, but they did and we complied. At the very least, their examination fee has been used up and should not be allowed to count as payment for the requested extension of time. I have been told that the Gray family is very rich, so this is certainly not a hardship situation. I think it would be highly unprofessional to give these people whatever they want whenever they snap their fingers, which seems to be what they expect.

MICROFILMED

NOV 0 5 1996

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

ATTORNEYS

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

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

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

OCT 31 1996

Department of Water Resources

October 30, 1996

Mr. Allen Merritt
Idaho Department of Water Resources
222 Shoshone East
Twin Falls, ID 83301

Re: Constance K. Gray and Elizabeth K. Gray
Permit No. 37-08752

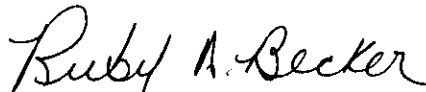
Dear Allen:

Enclosed you will find the Amended Request for Extension of Time to Provide Additional Time in Which to Submit Proof of Beneficial Use for the above-referenced water right permit. As discussed there are currently 7 acres under irrigation *not* 17 as indicated on the previous Request.

Thank you for your assistance..

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.



Ruby A. Becker, CLA

rb
enc.
pc: client (w/enc.)
Jim Johnson (w/enc.)

MICROFILMED
NOV 05 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 1, 1996

James P. Speck
HOGUE SPECK & AANESTAD
PO Box 987
Ketchum, ID 83340

RE: Water Right No. 37-08752 (Gray)

Dear Mr. Speck:

I have returned the Proof of Beneficial Use form filed on September 27, 1996, as you requested in your letter of October 28, 1996.

I will apply \$50.00 of the \$125.00 exam fee submitted with the proof to the Extension of Time Request submitted October 28, 1996. The remaining \$75.00 will be refunded and you should receive the refund in seven (7) to ten (10) working days.

You should be notified of the department's decision regarding the extension request in approximately one week.

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region
Fiscal

MICROFILMED

NOV 05 1996

SEP 27 1996

STATE OF IDAHO

Department of Water Resources
Southern Region

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED
SEP 30 1996
Department of Water Resources

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

1. Permit No. 37-08752 Telephone No. (208) 726-4421
2. Name(s) of Permit Holder(s): Elizabeth K. Gray and/or Constance K. Gray
3. Mailing Address: c/o James P. Speck, Hogue, Speck & Aanstad, PO Box 987, Ketchum, ID 83340
4. Source of Water: Groundwater If **GROUNDWATER** (well), Date Drilled: mo. 11 / 92 / yr. 04 / yr. 93
37-92-S-0197
a. Well Driller: Wood River Drilling Drilling Permit Number: 37 - 92 - S - 0196
b. **OPTIONAL:**
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____
5. Use(s) (as authorized by the water right permit): (See attached copy of IDWR Memorandum to file)
Domestic (No. of households): 15 Stockwater (No. and type of stock): _____
Irrigation (No. of acres): 14.5 Other: fire protection
6. Total rate of diversion and/or volume for which proof is submitted: 1.5 cfs OR _____ acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes _____ or No X
Has the measuring device been installed? Yes _____ or No X
Flow Measurement Port: Is a flow measurement port required? Yes X or No _____
Has the measurement port been installed? Yes X or No _____
8. Fee Enclosed: \$ 125.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Peter Gray Telephone Number: (208) 726-5997
Address: PO Box 2473, Ketchum, ID 83340
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Elizabeth K. Gray

(include your title, if on behalf of company or organization)

Date: 9/25/96

NOV 05 1996

RECEIVED

OCT 29 1996

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

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

Department of Water Resources

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

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

October 28, 1996

Mr. Allen Merritt
Idaho Department of Water Resources
222 Shoshone East
Twin Falls, ID 83301

Re: Constance K. Gray and Elizabeth K. Gray
Permit No. 37-08752

Dear Allen:

Enclosed you will find a Request for Extension of Time to Provide Additional Time in Which to Submit Proof of Beneficial Use for the above-referenced water right permit. The current deadline is November 1, 1996. As you know, Proof of Beneficial Use was previously submitted for this permit. Please withdraw and return to me that Proof of Beneficial Use and apply the \$125 fee paid at that time to the extension request. There was a misunderstanding between my client and I as to the amount of land that had to actually be under irrigation by the deadline. My client believed the stub outs to the lots would satisfy the requirement to irrigate 1½ acres per lot rather than ½ acre per lot. Therefore, due to the extensive and expensive investment in this project to date, the extension request is now timely submitted.

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

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.



James P. Speck

JPS:rb
enc.
pc: client (w/enc.)
Jim Johnson (w/enc.)

MICROFILMED

NOV 05 1996

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
TRACY DUNLAP
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HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

September 26, 1996

RECEIVED

SEP 27 1996

Department of Water Resources
Southern Region

Mr. Allen Merritt, P.E.
Southern Region Manager
Department of Water Resources
222 Shoshone St. East
Twin Falls, Idaho 83301-6106

Re: Permit No. 37-08752
Elizabeth K. Gray and/or Constance K. Gray

Dear Allen:

Enclosed you will find the Proof of Beneficial Use for the above-referenced Permit together with a check to IDWR for the examination fee in the sum of \$125.00. Please be certain that your field examiner reviews the copy of Gary Spackman's memorandum to the file which I have attached to the Proof of Beneficial Use. It is our understanding that complete beneficial use for irrigation has been established by placing twelve acres under irrigation and stubbing out the central system to each of the five residential lots on which one-half acre per lot may be developed at the time the residential structures are built. Jim Johnson suggested this memorandum be specifically referred to so the field examiner understands the scope of this project.

Kindly call if you have any questions. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS:jrs
encl.
c: Peter Gray
Jim Johnson

MICROFILMED

NOV 9 5 1996

MEMORANDUM

TO: Files Nos. 37-08752, 37-08533, 37-08534, 37-08539, 37-08540,
37-08541 and 37-08542
FROM: Gary Spackman *Gary*
DATE: September 18, 1992

RE: Proposed Plan of Mitigation

By letter dated February 17, 1992, Jim Speck, representing Elizabeth K. Gray &/or Constance K. Gray, proposed a plan of mitigation for application for permit no. 37-08752. The Grays acquired six permits, 37-08533, 37-08534, 37-08539 through 37-08542, which authorized the irrigation of two acres associated with a domestic use. The plan of mitigation proposed relinquishment of the six existing permits and resulting non-development for approval of application no. 37-08752. A plan of mitigation was proposed rather than an amendment because the six permits would have been difficult to overlay on the land to which the water is being moved. Jim Speck is proposing to replace the multiple permits with application for permit no. 37-08752.

Application for permit no. 37-08752 contemplates a subdivision of five lots with three homes built on each lot. One-half acre of irrigation for each lot is permissible, for a total irrigation of 2.5 acres. The number of acreage authorized by the previous permits was twelve acres. The application for permit should authorize a total irrigation of 14.5 acres. The place of use should be described as follows:

T4N, R17E, Section 1		<u>Acres</u>
	SEnw	10.0
	SEnw	0.5
	NEsw	<u>4.0</u>
		14.5

In addition to the irrigation use, there will be a domestic use of 0.18 cfs for fifteen domestic units. The domestic component of the right will only authorize diversion of water for in-house or culinary use.

Finally, a separate well may be drilled for fire protection, and the Department will authorize 1.50 cfs for fire protection.

MICROFILMED

NOV 05 1996

August 31, 1996

ELIZABETH K GRAY
CONSTANCE K GRAY
C/O JAMES P SPECK ESQUIRE
HOGUE SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

PROOF DUE NOTICE

RE: PERMIT NO. 37-08752

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 November 1, 1996. (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.

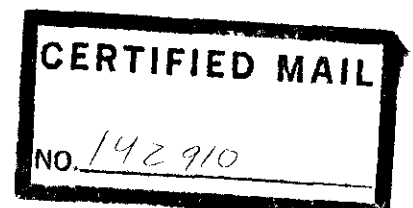
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

NOV 05 1996





State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

October 27, 1992

ELIZABETH K GRAY
CONSTANCE K GRAY
C/O JAMES P SPECK ESQUIRE
HOGUE SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08752

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

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. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

MICROFILMED

NOV 05 1996

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

Sincerely,

Brenda L. Miller

BRENDA L. MILLER
Water Resource Agent

BLM:cz

Enclosures

MICROFILMED
NOV 05 1996

APPLICATION FOR PERMIT REVIEW

BM

Application #: 37-8752 Date: 10-21-92 Reviewer: Brenda Miller

SYSTEM COMPLETED:

- No - 26A-P17
- Complete in 1 year - P16
- Yes
- Proof not submitted - P16
- Proof submitted - N/A

GROUNDWATER:

- GT. 0.2 cfs <flo-ch> - 01G-P03, 01C-P03 (existing well)
- NMR <flo ch>, A of C BIG WOOD GUMA
- LT. 0.2 cfs - No measurement required <flow chart>
- Drilling Permit:
- Approved w/permit - P99
- Not included - 046-46A-46B-P23 (after 7/1/87), N/A
- SURFACE WATER: not in w/d - 01C-P03 (=GT.2 w/pump), NMR <flow chart>

LOCATION:

- Water Districts - WD No. 37
- Surface water - R04, R04-01H-P01(LT.2 w/pump)
- R04-01J-P08(GT.2), NMR <flow chart>
- Groundwater - P05
- Irrigation Districts - 023
- Canal Co. Areas - 023
- Drainage Districts - 024
- Boise Front (63) - 058 (Groundwater)
- Swan Falls Flag - (1, Blank or Other)
- Trust - 051-052-053-P74(Consumptive Uses)
- Non Trust <1> - 048-049

RIVER BASINS:

- (Surface Water) Water District Control Condition &....
- Boise (63) - 05A & 11E
- Payette (65) - 047-P04, 059-P71
- Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

USE:

- Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
- 042(req.), 002-P06(MD), 07A(Spec.),
- 044(Policy 5G)
- Power - Use Power Review
- Mining - 06A, 010, or 09E-P10 & 054(req.)
- Storage - 18A-for multiple measuring devices(In WD),
- 18B-P09(Size)
- Rec/Wildlf/Aes - 027(Non-Consumptive)
- Domestic - 021 (Boise River - upstream from L Peak)
- (restricted areas) - ~~27A~~ (Payette River & main tributaries)

OWNERSHIP:

- Non land owner - 004

PROTESTED:

- Agreement - 020

Beneficial Use Due Date: - 11-01-1996

Other Conditions:

NOTE: MITIGATION PLAN ACCEPTED.

Don't use → ① 1/2 acre per sub lot to be irrigated

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

September 28, 1992

VIA FACSIMILE - 1-327-7866
ORIGINAL TO FOLLOW BY MAIL

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

RECEIVED

SEP 29 1992

Department of Water Resources

Re: Application for Permit No. 37-08752
Elizabeth K. Gray &/or Constance K. Gray

Dear Gary:

I understand the Department is now ready to adopt the proposed mitigation plan and issue the above-referenced Permit. The following should be included in the Permit:

1. An agreement could not be reached on the terms for sharing the Flowers Mill Subdivision wells. Thus, two (2) wells (1 for domestic and irrigation use, 1 for fire protection) will be drilled within Applicant's property, the proposed Flowers Bench Subdivision, and the point of diversion should be changed to NE1/4SW1/4NW1/4, S.1, T.4N., R.17E., B.M., Blaine County, Idaho.

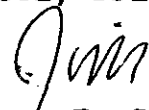
2. The irrigated acreage is reduced to 14.5 acres, located within S.1, T.4N., R.17E., B.M., as follows:

SW1/4NW1/4	-	10.0
SE1/4NW1/4	-	0.5
NE1/4SW1/4	-	4.0

Please call if there are any questions. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS/j
cc: Peter Gray

MICROFILMED

NOV 05 1996

MEMORANDUM

TO: Files Nos. 37-08752, 37-08533, 37-08534, 37-08539, 37-08540,
37-08541 and 37-08542

FROM: Gary Spackman *Gary*

DATE: September 18, 1992

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Application for permit no. 37-08752 contemplates a subdivision of five lots with three homes built on each lot. One-half acre of irrigation for each lot is permissible, for a total irrigation of 2.5 acres. The number of acreage authorized by the previous permits was twelve acres. The application for permit should authorize a total irrigation of 14.5 acres. The place of use should be described as follows:

T4N, R17E, Section 1		<u>Acres</u>
	SENW	10.0
	SENW	0.5
	NESW	<u>4.0</u>
		14.5

In addition to the irrigation use, there will be a domestic use of 0.18 cfs for fifteen domestic units. The domestic component of the right will only authorize diversion of water for in-house or culinary use.

Finally, a separate well may be drilled for fire protection, and the Department will authorize 1.50 cfs for fire protection.

MICROFILMED

NOV 05 1996

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
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(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 15, 1992

RECEIVED
SEP 16 1992

Department of Water Resources

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

Re: Application for Permit No. 37-08752

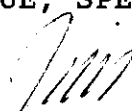
Dear Gary:

Enclosed you will find the fully-executed Conditional Relinquishment of Permits Nos. 37-08533, 37-08534, 37-08539, 37-08540, 37-08541 and 37-08542. It is my understanding the Department will now proceed to approve the plan of mitigation and issue Permit No. 37-08752 to my clients.

Please call if you have any questions. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS\dmk
Enclosures

cc: Ms. Constance K. Gray
Ms. Elizabeth K. Gray

j\corres92\spackmg.1

MICROFILMED
MICROFILMED
SEP 16 1992

RECEIVED

SEP 16 1992

CONDITIONAL RELINQUISHMENT
OF

Department of Water Resources

PERMITS NOS. 37-08533, 37-08534, 37-08539,
37-08540, 37-08541 & 37-08542

THE UNDERSIGNED, ELIZABETH K. GRAY AND CONSTANCE K. GRAY, the owners and holders of the Idaho Water Permits Nos. 37-08533, 37-08534, 37-08539, 37-08540, 37-08541 & 37-08542 (the "Permits") hereby agree to relinquish all of their right, title and interest in and to the Permits and agree the Permits may be voided and revoked by the Idaho Department of Water Resources (the "Department"); provided, however, such agreement is subject to and contingent upon the Department approving the plan of mitigation for the undersigned's Application for Permit No. 37-08752 (the "Application") submitted by letter to Mr. Gary spackman dated February 17, 1992 and issuing to the undersigned a permit for the Application as amended by the mitigation plan proposal.

DATE: 8/31/92

Elizabeth K. Gray
ELIZABETH K. GRAY

DATE: 9/3/92

Constance K. Gray
CONSTANCE K. GRAY

STATE OF IDAHO)

County of Blaine)

ss.

On this 31st day of August, 1992, before me the undersigned notary public in and for said state, personally appeared ELIZABETH K. GRAY, known or identified to me to be the person whose name are 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.

Deborah H. Kirby
Notary Public for Idaho
Residing at : Peterburg, Idaho
Commission Expires: 11/1/97

CONDITIONAL RELINQUISHMENT - 1

j\gray\prmr1nq
August 27, 1992

MICROFILMED

NOV 05 1996

STATE OF IDAHO)
)
County of Blaine) ss.

On this 3rd day of September, 1992, before me the undersigned notary public in and for said state, personally appeared CONSTANCE K. GRAY, known or identified to me to be the person whose name are 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.

Deborah H. Kirby
Notary Public for Idaho
Residing at : Pekin, Idaho
Commission Expires: 11/1/97

CONDITIONAL RELINQUISHMENT - 2

j\gray\prmrlnq
August 27, 1992

MICROFILMED
NOV 05 1996

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
Attorneys at Law
120 East Avenue
Post Office Box 987
Ketchum, Idaho 83340
Phone: (208) 726-4421
FAX: (208) 726-0752

FAX MEMO/COVER SHEET

DATE: August 26, 1992

TIME: 5:59pm

PAGE 1 OF 2 PAGES

TO: Gary Spackman

FAX NUMBER: 1-327-7866

FROM: James P. Speck, Esq.

RE: Application for Permit No. 37-08752

MESSAGE: Attached is a proposed Conditional Relinquishment
- what do you think?

Jim

THE INFORMATION CONTAINED IN THIS FAX TRANSMISSION IS CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE ABOVE-NAMED RECIPIENT AND MAY BE THE SUBJECT OF ATTORNEY/CLIENT PRIVILEGE. IF THE READER OF THIS MESSAGE IS NOT THE ABOVE-NAMED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISTRIBUTION, DISSEMINATION, COPYING OR OTHER USE OF THIS COMMUNICATION IS STRICTLY PROHIBITED AND NO PRIVILEGE IS WAIVED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE. THANK YOU.

MICROFILMED

NOV 05 1996

**CONDITIONAL RELINQUISHMENT
OF
PERMITS NOS. 37-08533, 37-08534, 37-08539,
37-08540, 37-08541 & 37-08542**

THE UNDERSIGNED, ELIZABETH K. GRAY AND CONSTANCE K. GRAY, the owners and holders of the Idaho Water Permits Nos. 37-08533, 37-08534, 37-08539, 37-08540, 37-08541 & 37-08542 (the "Permits") hereby agree to relinquish all of their right, title and interest in and to the Permits and agree the Permits may be voided and revoked by the Idaho Department of Water Resources (the "Department"); provided, however, such agreement is subject to and contingent upon the Department approving the plan of mitigation for the undersigned's Application for Permit No. 37-08752 (the "Application") submitted by letter to Mr. Gary spackman dated February 17, 1992 and issuing to the undersigned a permit for the Application as amended by the mitigation plan proposal.

DATE: _____

ELIZABETH K. GRAY

DATE: _____

CONSTANCE K. GRAY

STATE OF IDAHO)
)
County of Blaine) ss.

On this _____ day of _____, 1992, before me the undersigned notary public in and for said state, personally appeared ELIZABETH K. GRAY, known or identified to me to be the person whose name are 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.

Notary Public for Idaho
Residing at : _____
Commission Expires: _____

NOV 05 1996

STATE OF IDAHO)
)
County of Blaine) ss.

On this _____ day of _____, 1992, before me the undersigned notary public in and for said state, personally appeared CONSTANCE K. GRAY, known or identified to me to be the person whose name are 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.

Notary Public for Idaho
Residing at : _____
Commission Expires: _____

MICROFILMED
NOV 05 1996

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

ATTORNEYS

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

120 EAST AVENUE
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16 WEST CROY STREET
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POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

August 18, 1992

RECEIVED

AUG 19 1992

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

Department of Water Resources

Re: Application for Permit No. 37-08752
Elizabeth K. Gray and/or Constance K. Gray

Dear Gary:

Please look into the status of the above-referenced application for permit. It was my understanding when we last spoke in July, 1992 that approval of the mitigation plan proposed in my February 17, 1992, letter was imminent and would require only a formal relinquishment by my clients of all of their rights in Permits Nos. 37-08533, 37-08534, 37-08539, 37-08540, 37-08541 and 37-08542. Please let me hear from you as soon as possible on this matter.

Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS\dmk
cc: Mr. Peter Gray

MICROFILMED
NOV 05 1996

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
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FAX (208) 788-4230

May 27, 1992

VIA FACSIMILE - 1-327-7866
ORIGINAL TO FOLLOW BY MAIL

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

Re: Elizabeth K. Gray - Application for Permit No. 37-
08752

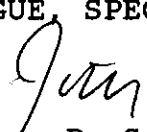
Dear Gary:

I am in receipt of your letter of May 21, 1992 stating the above-referenced Application for Permit will be held without further processing during the pendency of the recently declared moratorium on approval of certain pending and future applications to appropriate either surface water or groundwater in the Snake River Basin upstream from Weiser. However, I understand from our telephone conversation yesterday that the moratorium will NOT apply to this and similar Applications for which plans of mitigation have been or will be submitted under the restrictions of the Big Wood River Ground Water Management Area. Will you please clarify this by a short reply to this letter, and include a status report on the processing of the Application.

Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS/j
cc: Elizabeth K. Gray

MICROFILMED
NOV 05 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET GRAY, ELIZABETH/CONSTANCE

INITIAL REVIEW BY AS DATE 8/27, 1991
APPLICATION NO. 37-08752

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

7-22-91
++++PROPOSED PRIORITY DATE
7/27 1991
10:00 AM

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
☐ 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____

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

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

☒ Yes ☐ No Publication dates and paper, recorded on App.
☒ Yes ☐ No Protests received withdwn 4/1/92
☐ Yes ☐ No Final date for Protest 10/21/91
☐ Yes ☒ No Protests, dates, resolution of protest, recorded on app.
☐ Yes ☒ No Recommendations attached
☐ Yes ☒ No Measuring device required
☐ Yes ☒ No Access port required
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what dist. 37
☐ Yes ☐ No Special conditions of approval or cover letter below. 46, 26A

Date of priority recommended 7/22, 1991
By [Signature] Date 8/21, 1992

By _____ See below for additional information
Date _____, 19____

ADDITIONAL INFORMATION:

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

ATTORNEYS

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

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

April 30, 1992

RECEIVED

MAY 01 1992

DEPARTMENT OF WATER RESOURCES
TWIN FALLS, IDAHO

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

Re: Flowers Bench Subdivision
Application for Permit No. 37-08752
-Elizabeth K. and Constance K. Gray

Dear Loren:

Thank you for your recent letter concerning the status of the above-referenced permit. I will be out of the office until May 18, 1992. If you have any questions concerning this application during my absence, please contact my secretary, Deborah Kirby, and she will contact me.

I will call you as soon as I return to check on the status of the application. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD

James P. Speck by dc

James P. Speck

JPS\dc

CC: Peter Gray
Gary Speckman

f:\wpdata\jim\corres92

MICROFILMED
NOV 05 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

22-Apr-1992

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 No. 37-08752 (Gray)

Dear Mr. Oneida:

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

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

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

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

Very truly yours,

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

LH:MB

MICROFILMED

NOV 05 1996



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

ELIZABETH &/OR CONSTANCE GRAY
C/O JAMES P SPECK ESQUIRE
PO BOX 987
KETCHUM ID 83340

RE: Protested Application for Permit No. 37-08752

Dear Mr. Speck:

We have received a withdrawal of the protest filed by the Big Wood Canal Company against approval of the above referenced application.

Please be advised that at this time no protest filed by the Friends of the Big Wood River has been located, even though correspondence from your office to them refers to this application.

Therefore, 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.

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

MICROFILMED

NOV 15 1992

MEMORANDUM

TO: FILE, 37-8752

FROM: MARY BALDWIN

DATE: 22-Apr-1992

SUBJECT: Protest

On this date I telephoned the State Office regarding a protest filed by the Friends of the Big Wood against this application. Pam Skaggs checked the duplicate file there and verified that no copy of a protest was in that file.

After checking the original file at Southern Region, it appears that the Friends of the Big Wood River did not protest this application.

MICROFILMED

NOV 05 1996

Big Wood Canal Company

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

RECEIVED
APR 1 1992

Department of Water Resources

RECEIVED

APR 17 1992

Department of Water Resources
Southern Region Office

March 31, 1992

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

RE: Application No. 37-08752
Gray, Elizabeth K. & Constance K.

I would like to withdraw my protest against Application No. 37-08752 with conditions as indicated in the Plan of Mitigation.

Sincerely,

Richard M. Oneida
Richard M. Oneida
Manager

RMO/mae

MICROFILMED
NOV 05 1996

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
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HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

April 6, 1992

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

Re: Application for Permit No. 37-08752
Elizabeth K. Gray and/or Constance K. Gray

Dear Nick:

I would like to confirm and elaborate on the matters we discussed by telephone on April 2, 1992. As you know, the above-referenced application for permit seeks a water right for a central water system to serve a 5-lot residential subdivision to be known as the Flowers Bench Subdivision on my client's property immediately south of Hulen Meadows. The consumptive use portion of this application consists of the irrigation of twelve acres. This does NOT include the one-half acre of irrigation permitted for each homesite as a domestic use which is not subject to the requirements of the Big Wood River Groundwater Management Area.

To "mitigate" this new consumptive use, my client proposes to "retire" Permits Nos. 37-08533, 37-08534, 37-08539, 37-08540, 37-08541 and 37-08542. These permits are currently appurtenant to the six residential lots in the Cliffside Subdivision south of Ketchum. Each lot owner in the Cliffside Subdivision will then be restricted to a domestic well and one-half acre of irrigation for his lot. As we also discussed, the Cliffside Homeowners Association has Permit No. 37-08538 for the irrigation of six acres of bermed areas within the subdivision which are to be maintained by the Association.

Since the irrigated acreage under the permits to be "retired" has not yet been developed, I understand you agree it is not necessary to physically inspect those lands. With the exception of the protest by the Friends of the Big Wood River (the Big Wood Canal Company withdrew its protest), I believe the mitigation plan can proceed to approval and my clients should be able to obtain the water right for the central water system for their new subdivision. Please let me know what, if any, further

MICROFILMED

NOV 05 1996

Mr. Nick Cox
April 6, 1992
Page 2

questions you might have before the Friends is willing to withdraw its protest contingent upon approval of a mitigation plan by the Department.

Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD



James P. Speck

JPS\dmk

cc: Mr. P. Gray
Mr. C. Brockway
Mr. L. Holmes ✓
Mr. G. Spackman

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

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

March 13, 1992

RECEIVED

MAR 16 1992

Department of Water Resources
Southern Region Office

Doug Brearey
Friends of the Big Wood River
Post Office Box 4411
Ketchum, ID 83340

RE: Application for Permit No. 37-08752 (the "Application") -
Elizabeth K. Gray &/or Constance K. Gray - Mitigation Plan
for Big Wood River Groundwater Management Area (the "BWRGMA")

Dear Doug:

As you should now know from copies of my February 17, 1992 letter to Gary Spackman and Gary's February 27, 1992 reply, the department has tentatively approved the mitigation plan I have proposed for the irrigation portion of the above-referenced application for permit. It has been my understanding the protest you filed is based on the precise concerns leading to the creation of the Big Wood River Groundwater Management Area. Therefore, I am requesting you to agree to conditionally withdraw your protest subject to the approval by the Department of a plan of mitigation. Then, if for some reason the plan is not ultimately approved by the Department, your protests remain valid and we can proceed to a conference or hearing. Your agreement to a conditional withdrawal will avoid the necessity of a conference and we can continue to work with the Department on finalizing an approved plan of mitigation.

Please call me with your comments or questions as soon as possible. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD



James P. Speck

JPS\dmk

cc: Peter Gray
Chuck Brockway
Gary Spackman
Loren Holmes

MICROFILMED

NOV 05 1996

RECEIVED

MAR 26 1992

Department of Water Resources
Southern Region Office



March 18, 1992

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

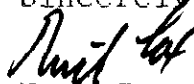
Re: Application for Permit No. 37-08752, Elizabeth
Gray; and No. 37-08759, Susan M. Carter

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

NOV 05 1993



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. KETH HIGGINS
DIRECTOR

February 27, 1992

RECEIVED

MAR 04 1992

James P. Speck
Box 987
Ketchum, ID 83340

Department of Water Resources
Southern Region Office

RE: Application for Permit No. 37-08752 Mitigation Plan

Dear Jim:

I have reviewed your letter dated February 17, 1992, and have discussed its general principles with Glen Saxton and Norm Young of this office.

I am in general agreement with your proposal for mitigation. The domestic portion of your application could be approved under the Big Wood Ground Water Management Plan. Only one-half acre of irrigation per lot will be allowed, however. The remainder of the irrigation will be authorized by the six Graystone permits. I understand that if permit no. 37-08752 is approved, the six Graystone permits will be removed from the records of the Department. In our original discussion, I also understood that the irrigation portion of application no. 37-08752 would retain its own date of priority, and would not relate back to the priority date of some or all of the Graystone permits. I thought we had resolved this particular matter during our telephone conversation.

Your proposal for mitigation cannot finally be approved, however, until the protests against application for permit no. 37-08752 have been resolved. I suggest that you contact the protestants directly to discuss possible resolution.

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc: Loren Holmes
Doug Brearey
Big Wood Canal Co.

MICROFILMED

NOV 05 1996

37-8752

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
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February 17, 1992

RECEIVED
FEB 19 1992

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

Department of Water Resources

Re: Application for Permit No. 37-08752 (the
"Application") - Elizabeth K. Gray &/or Constance
K. Gray - Mitigation Plan for Big Wood River
Groundwater Management Area (the "BWRGMA")

Dear Gary:

This letter shall propose a plan of mitigation for the presumed impact on the flows of the Big Wood River by the consumptive use portion of the Application which is subject to the requirements of the BWRGMA. As you know, the Application requests permission to divert groundwater for a central water system to serve a five (5) lot residential subdivision. The following beneficial purposes are proposed:

1. Domestic use for fifteen (15) households. Under current zoning and proposed subdivision restrictions, each of the five (5) lots may have a single family residence, a guest house and a caretakers quarters, for a total of fifteen (15) households. Included in the domestic use, as provided by I.C. Section 42-111, is irrigation of one-half (1/2) acre of land for each lot. It is my understanding this use is not subject to the mitigation requirements of the BWRGMA.

2. Fire Protection. A separate well serving an underground pipeline distribution system to fire hydrants will be constructed to satisfy the fire protection requirements which will be imposed on the subdivision by Blaine County. The amount requested is hereby amended and reduced from 1.5 cfs to 1.1 cfs, which is the maximum flow rate required by the governing fire department. It is my understanding this use is not subject to the mitigation requirements of the BWRGMA.

3. Irrigation. This is the consumptive use portion of the Application which must meet the mitigation requirements of the BWRGMA. The amount requested is hereby amended and reduced from 0.4 cfs to 0.24 cfs and the proposed irrigated acreage is reduced from 25 acres to 12 acres (not including the irrigation which is part of the domestic use described in paragraph 1, above).

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NOV 05 1996

Mr. Gary Spackman
February 17, 1992
Page 2

As you know, my clients have acquired Permits Nos. 37-08533, 37-08534, 37-08539, 37-08540, 37-08541 and 37-08542 (the "Permits") from the owners of the six (6) residential lots in the Cliffside Subdivision south of Ketchum, Idaho. The groundwater diversions for each of the Cliffside lots will now be limited to domestic use as defined in I.C. Section 42-111 and not subject to the permit filing requirements of I. C. Section 42-229. Each of the Permits acquired by my clients includes irrigation of two (2) acres, for a total of twelve (12) acres. Our mitigation proposal is to retire and cancel these six (6) permits in return for approval of the Application as modified by this letter.

The Director's December 10, 1991 letter to me stated acceptable mitigation is to "dry up" an existing irrigated acre in return for each new acre of irrigated land. The lands to be irrigated under the Permits will be "dried up" in that they will never be irrigated. In other words, a comparable consumptive use which was permitted to be developed under the BWRGMA will cease and never be developed. The permitted consumptive use under the Permits was 30 AFA (12 acres X 2.5 AFA/acre). The consumptive use of the irrigation portion of the Application will be the same: 12 acres X 2.5 AFA/acre = 30 AFA.

Under this proposal, the irrigation portion of the Application should be administered under the priority of the Permits, July 11, 1989. However, until there is a decree or other order from the Department providing for conjunctive management of groundwater permits and other groundwater rights (decreed or licensed), diversion of the irrigation portion of the Application should be allowed during the entire irrigation season, i.e. exactly the way the Permits would have been administered.

Please review and comment upon this proposed plan of mitigation. Kindly call me if you have any questions. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS/j

cc: Mr. Peter Gray
Dr. Charles Brockway
Mr. Loren Holmes
Mr. Richard Oneida
Mr. Doug Breary

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NOV 05 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

01-Nov-1991

R. KEITH HIGGINSON
Director

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

RE: APPLICATION FOR PERMIT NO. 37-08752

Dear Mr. Speck:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to the above referenced application filed on behalf of your client.

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.

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)

MICROFILMED
NOV 05 1996

Attachment to letter dated 01-Nov-1991

To all parties in the matter of
Application for permit No. 37-08752
In the name of Elixabeth K. &/or Constance K. Gray

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.

MICROFILMED
NOV 05 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

01-Nov-1991

R. KEITH HIGGINSON
Director

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

RE: APPLICATION FOR PERMIT NO. 37-08752 (GRAY)

Dear Mr. Oneida:

Your protest against the approval of the above referenced application 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 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.

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

MICROFILMED
NOV 05 1996

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

October 18, 1991

RECEIVED

OCT 21 1991

Department of Water Resources
Southern Region Office

Gary Funderburg
Sr. Water Resource Agent
Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301

Re: Application for Permit No. 37-08752
Elizabeth K. Gray &/or Constance K. Gray

Dear Gary:

37-08752
Thank you for your letter of September 26, 1991 and the attachment concerning the requirements of the Big Wood River Groundwater Management Area. My clients do not wish to withdraw their Application for Permit. However, I would like additional time until January 1, 1992 to submit the required information concerning the hydrologic evaluation and the resulting plan of action. I am attempting, in conjunction with Dr. Charles Brockway and other attorneys actively involved in the water rights field in the Wood River Valley, to arrive at a consistent proposal for plans of mitigation for surface flow reductions.

Thank you for your continuing cooperation and assistance in these matters.

Sincerely yours,

HOGUE, SPECK & AANESTAD

Jim
James P. Speck

JPS\dmk
cc: clients

j\corres91\stantoj

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NOV 05 1996

Big Wood Canal Company

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

RECEIVED

OCT 07 1991

Department of Water Resources
Southern Region Office

October 4, 1991

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

RE: Application No. 37-08752
Gray, Elizabeth K. & Constance K.

Dear Sir:

I would like to protest the application filed by Gray, Elizabeth K. & Constance K. on grounds that the use of this water could be detrimental to the storage of water at Magic Reservoir.

Sincerely,



Richard M. Oneida
Manager

RMO/mae

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NOV 05 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

26-Sep-1991

R. KEITH HIGGINSON
Director

JAMES P SPECK ESQUIRE
PO BOX 987
KETCHUM ID 83340

Re: Application for Permit No. 37-08752 (Gray)

Dear Mr. Speck:

The Department of Water Resources acknowledges receipt of the water right application for permit on behalf of Elizabeth K. Gray &/or Constance K. Gray. 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 10/2 & 10/9/91. 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,

Gary Funderburg
Sr. Water Resource Agent

GF:MB

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NOV 05 1996

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

Attachment to acknowledgement letter

Application No. 37-08752

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.

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NOV 05 1996

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

37-08752

GRAY, ELIZABETH K
GRAY, CONSTANCE K
C/O JAMES P SPECK ESQUIRE
HOGUE SPECK & AANESTAD
PO BOX 987
KETCHUM, ID 83340

Source: GROUNDWATER

Diversion Pt: NESENW Sec 1 T 04N R 17E

Use: IRRIGATION (.400 CFS)
DOMESTIC (.180 CFS)
FIRE PROTECTION (1.500 CFS)
Total Diversion: (1.500 CFS)

Date Filed: 7/22/ 1991

In: T04N R17E S01 SWNW SENW NESW NWSW

25.0 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 Resources, 222 Shoshone St. East, Twin Falls, Idaho 83301 on or before OCTOBER 21, 1991.

R. Keith Higginson, Director

Published 10/ 2/1991 & 10/ 9/1991

MICROFILMED
NOV 05 1996

**Grays file on
trust water right**

**NOTICE OF APPLICATION
FOR TRUST WATER RIGHT
37-08762**

GRAY, ELIZABETH K
GRAY, CONSTANCE K
C/O JAMES P SPECK ESQUIRE
HOGUE SPECK & AANESTAD
PO BOX 987
KETCHUM, ID 83340

Source: GROUNDWATER

Diversion Pt: NESENW Sec 1 T
04N R 17E

Use: IRRIGATION (.400 CFS)
DOMESTIC (.180 CFS)
FIRE PROTECTION (1.500 CFS)
Total Diversion: (1.500 CFS)

Date Filed: 7/22/1991

In: T04N R17E S01 SWNW SENW
NESW NWSW
25.0 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
Resources, 222 Shoshone St.
East, Twin Falls, Idaho 83301, on
or before OCTOBER 21, 1991.

R. Keith Higginson, Director

Publish: Wood River Journal-
October 2 & 9, 1991.

RECEIVED

SEP 30 1991

Department of Water Resources
Southern Region Office

of
ind
9-30-91

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NOV 05 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
222 Shoshone Street East
Twin Falls, ID 83301
(208) 734-3578

SEPTEMBER 24, 1991

WOOD RIVER JOURNAL
PO BOX 988
HAILEY, ID 83333

Post-It™ brand fax transmittal memo 7671 # of pages ▶

To	Legals	From	Mary Baldwin
Co.		Co.	Id. Dept. Water Resources
Dept.		Phone #	
Fax #	788-0083	Fax #	

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 OCTOBER 21, 1991.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

MICROFILMED
NOV 05 1991

MESSAGE CONFIRMATION
TRANSMISSION

SEP-26-'91 THU 14:06

TERM ID: IDMR SOUTHERN
TEL NO.: 1-800-736-3837

P-9999

NO.	DATE	ST. TIME	TOTAL TIME	ABBR. USED	ID	DEPT. CODE	#PGS
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HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
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JAMES P. SPECK
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HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567

July 16, 1991

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

Re: Elizabeth K. Gray and/or Constance K. Gray
Application for Permit

Dear Loren:

I represent Elizabeth K. Gray and Constance K. Gray, the owners of Lot 3 of Flowers Ranch Subdivision just north of Ketchum, Idaho. My clients are proposing a five lot, residential subdivision of this property. I have prepared and enclosed an Application for Permit for the water right necessary for the water system for the proposed subdivision. You will note the proposed uses are domestic for the maximum number of potential households (15) within the subdivision, irrigation of not more than two acres for each lot plus fifteen acres of common area landscaping and fire protection for all of the structures within the subdivision.

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

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS\dmk
Enclosure

cc: Ms. Constance K. Gray/
Ms. Elizabeth K. Gray

RECEIVED

JUL 22 1991

Department of Water Resources
Southern Region Office

MICROFILMED
NOV 25 1993

37-08752