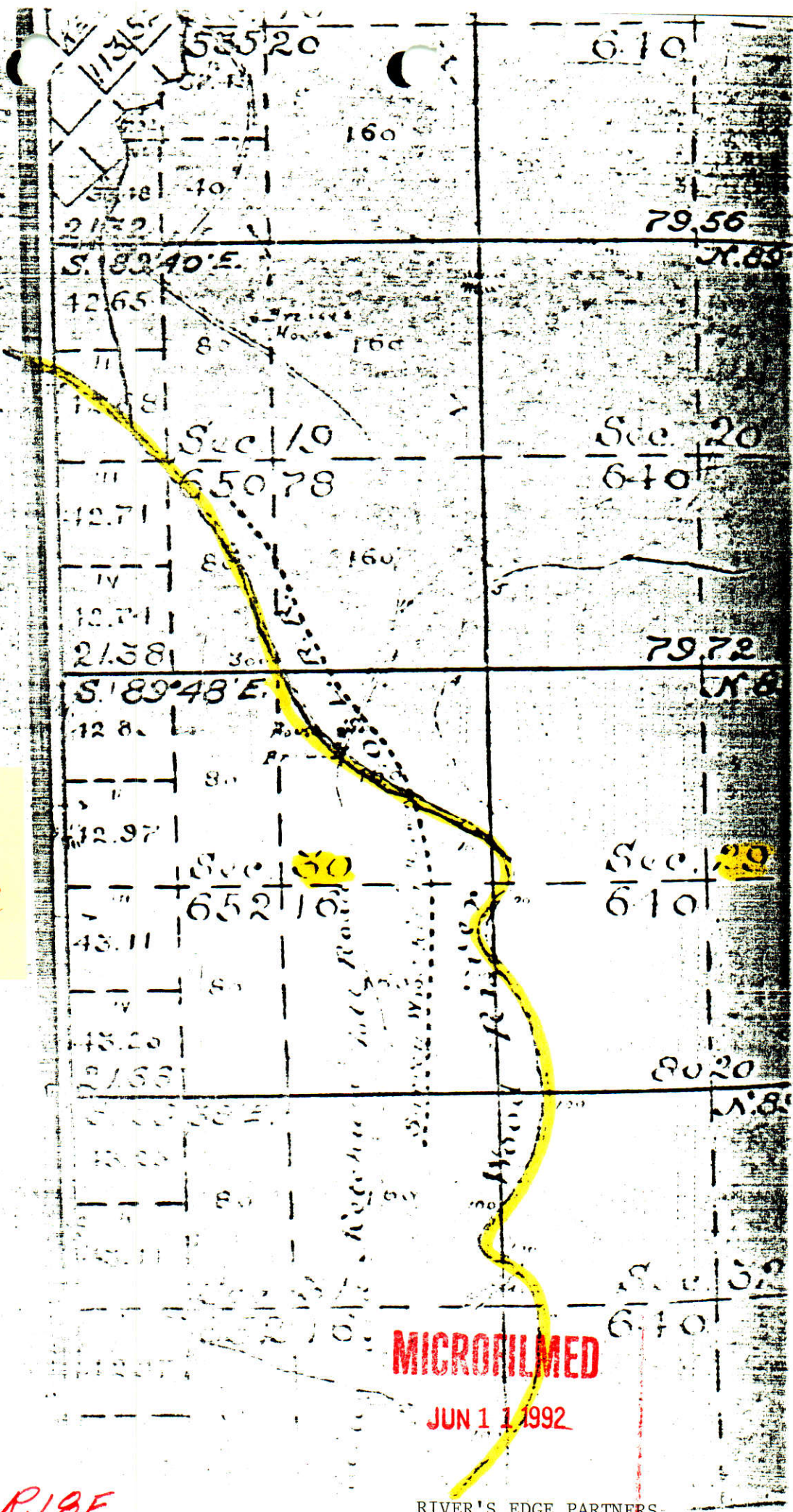


While this may be a photograph reproduction of that on file in either the recorder's or attorney's office, the company maintains no liability for version, if any, with another or to anyone.

SHEET 1 OF 2

Stream
Channel isn't
totally accurate
in S 30...



AFFIDAVIT of PUBLICATION

RECEIVED

JUL - 6 1990

State of Idaho,

County of Blaine

} ss. Department of Water Resources
Southern Region Office

DANIEL J. GORHAM

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

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

publication of said advertisement was on the 20th day of June, 19 90, and

the date of the last publication was on the 27th day of June, 19 90.

Subscribed and sworn to before me this 27th day of June, 19 90.
(SEAL)

NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions _____
Lines tabular at _____ 6¢ / Pica
52 Lines straight at 28.60 5¢ / Pica
52 Subsequent lines at 22.88 4¢ / Pica
TOTAL COST 51.48

COPY OF NOTICE
(Paste Here)

2 Applications

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Rec. TF

BILL TO

Two file on water rights

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

37-08611 ✓
RIVERS EDGE PARTNERS
C/O DICK FENTON
P.O. BOX 428
KETCHUM, ID 83340
Source: BIG WOOD RIVER
Tributary: MALAD RIVER
Diversion Pt: SESENE Sec 30 T
04N R 18E
Use: AESTHETIC (4.000 CFS)
Total Diversion: (4.000 CFS)
Date Filed: 5/10/1990
In: T04N R18E S30 SENE

37-08612 ✓
BULCHIS, EDWARD
C/O GREG K. STURTEVANT
P.O. BOX 2924
KETCHUM, ID 83340
Source: KEYSTONE GULCH
CREEK
Tributary: ELKHORN CREEK
Diversion Pt: NESWSE Sec 16 T
04N R 18E
Use: AESTHETIC (.180 CFS)
Total Diversion: (.180 CFS)
Date Filed: 4/12/1990
In: T04N R18E S16 SWSE

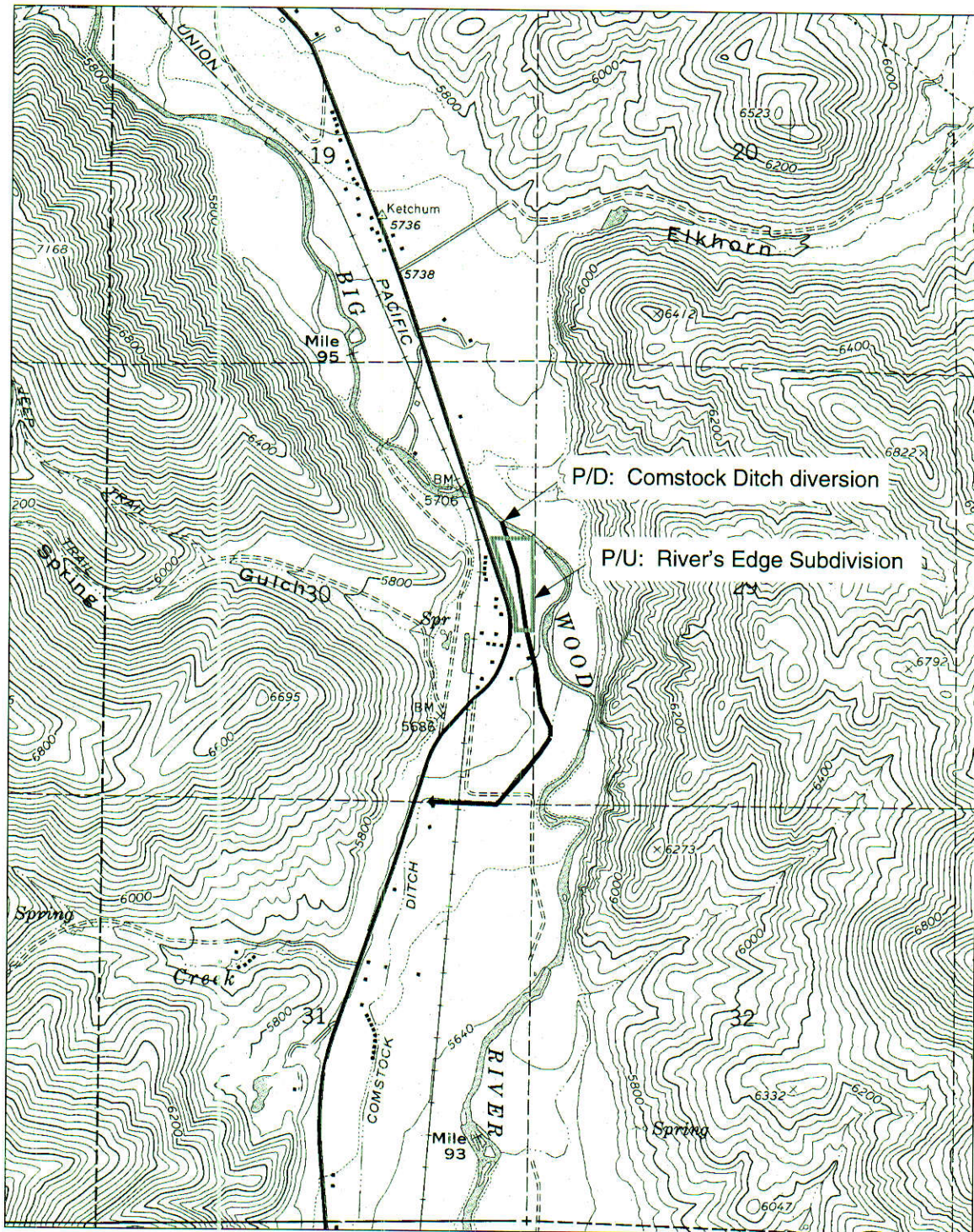
The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code, and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 222 Shoshone Street East, Twin Falls, Idaho 83301, on or before JULY 9, 1990.

R. Keith Higginson, Director
Publish: Wood River Journal-
June 20 & 27, 1990.

insertion: 4/pica

No 7084

Prepared by Brockway Engineering



Comstock Ditch Schematic for Water Use Rivers Edge Partners Permit 37-08611

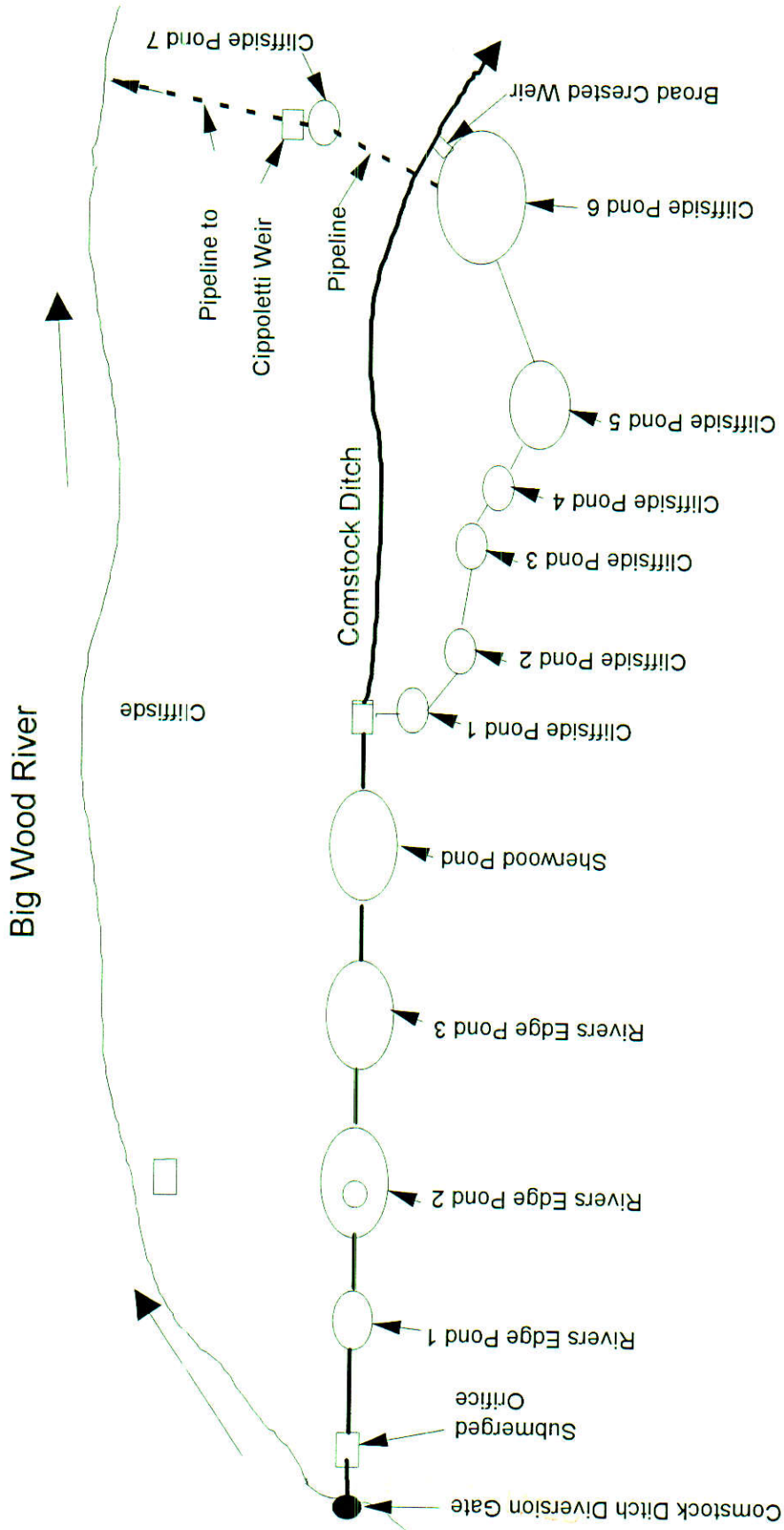




Figure 1. Comstock Ditch diversion from Big Wood River.



Figure 2. Comstock Ditch submerged orifice and River's Edge pond No. 1.

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JUN 10 1997

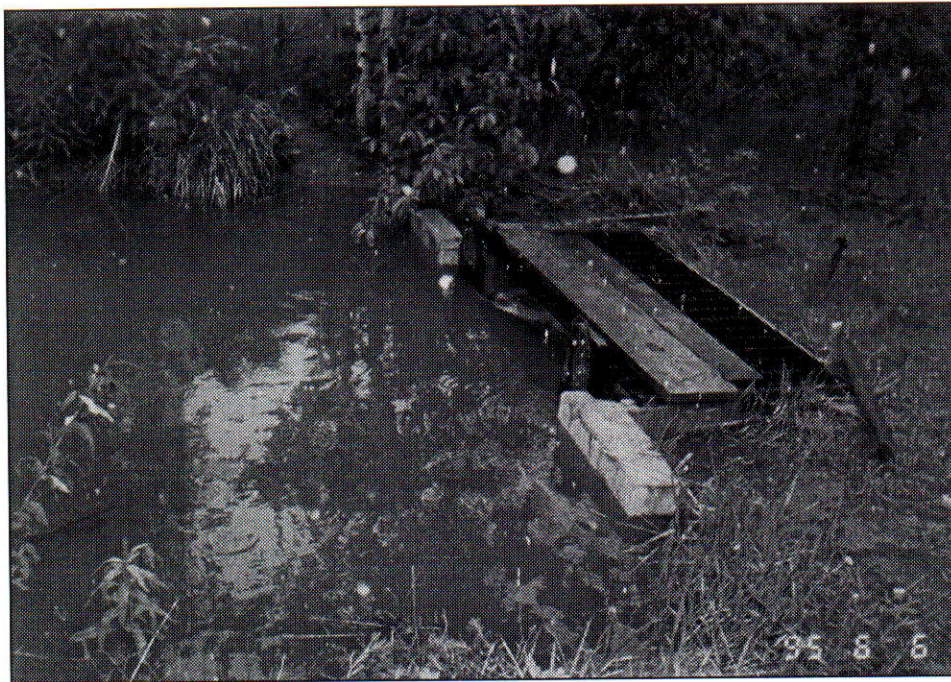
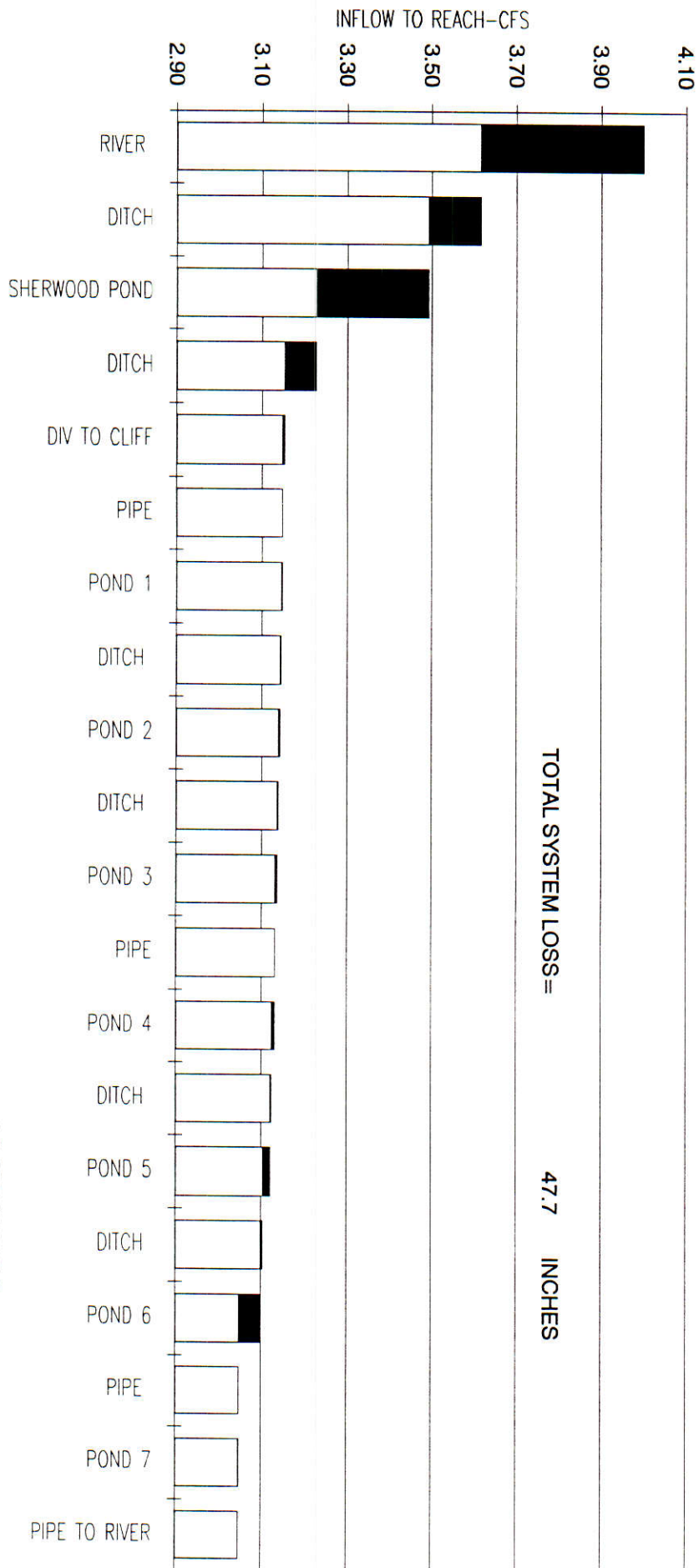


Figure 3. Cippoletti weir into pipeline to Big Wood River.

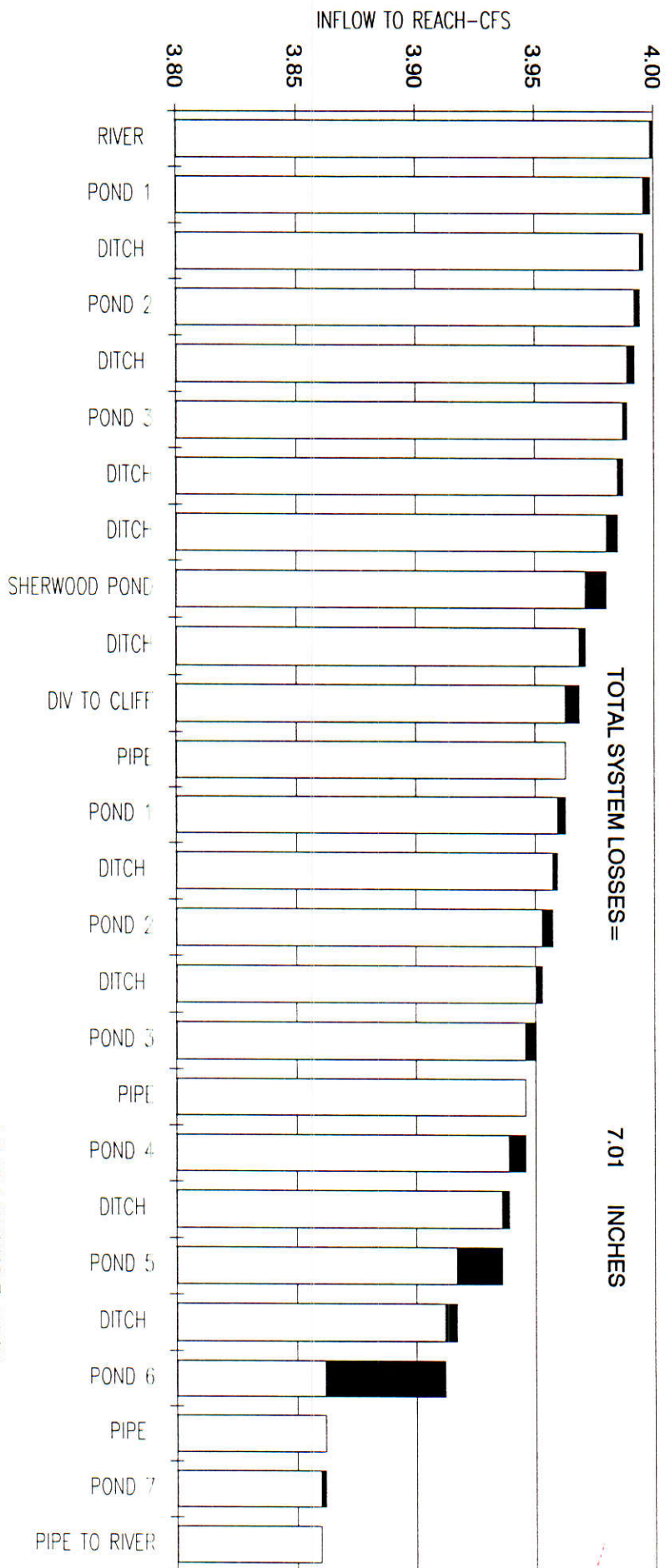
100' x 100' x 100'
100' x 100' x 100'

SEEPAGE AND EVAP.- COMSTOCK DITCH -NO NEW PONDS

MICROFILMED
JUN 11 1992



SEEPAGE AND EVAP. COMSTOCK DITCH WITH ALL PONDS
AND TOTAL SYSTEM LINED



C.E. BROCKWAY P.E. 12/8/91

MICROFILMED
JUN 11 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 37-8278

1. Owner: Helen M. Fassett

Phone No. _____

Current Address: Bx 273, Sun Valley, Idaho 83353

2. Accompanied by: Robert H. Sherwood

EXAM. DATE: 7/5/88

Address: SAME

Phone No. 5/26/88

Relationship to Permit Holder: Son

3. Source: Big Wood River tributary to Magie Res.

B. OVERLAP REVIEW

1. Other water rights with same place of use: No

☐ Copies Attached

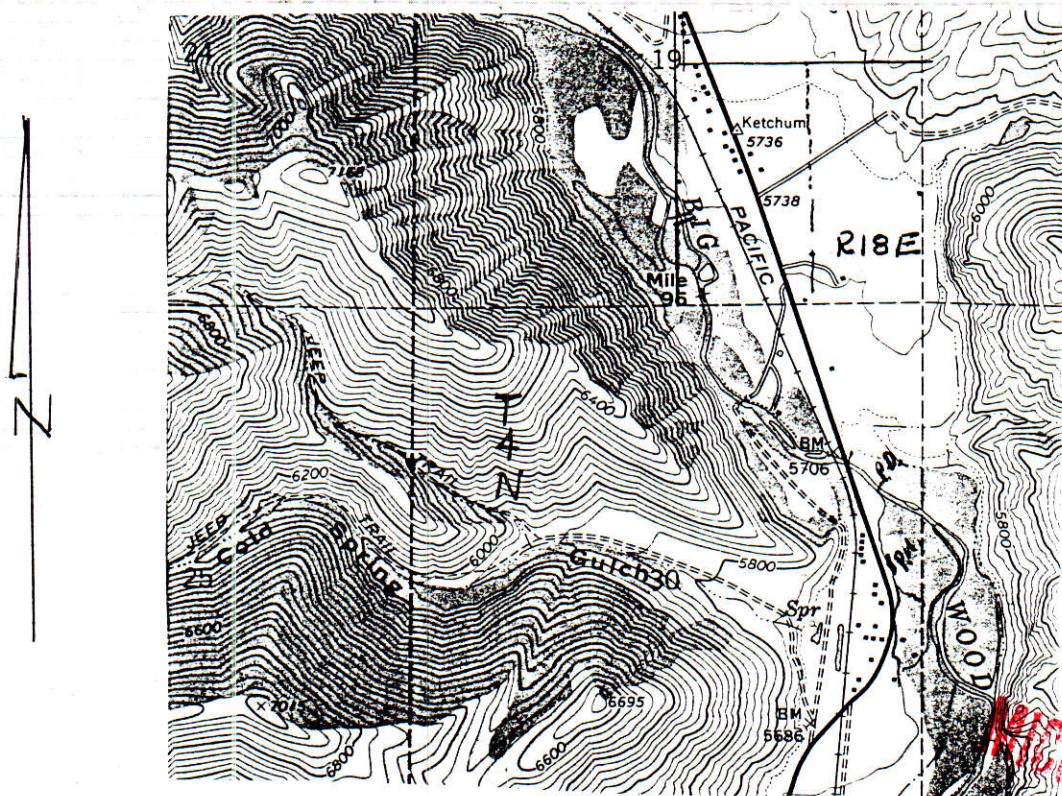
2. Other water rights with same point of diversion: No

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☐ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☐ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.

☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08611

Priority: May 10, 1990

Maximum Diversion Rate:

4.00 CFS

This is to certify, that RIVERS EDGE PARTNERS
C/O DAVID WATSON
13700 S BROADWAY
LOS ANGELES CA 90061

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated May 10, 1990; and
has submitted Proof of Beneficial Use on May 30, 1996. An examination indicates
that the works have a diversion capacity of 15.000 cfs of water from:

BIG WOOD RIVER

tributary to MALAD RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
AESTHETIC	01/01 to 12/31	4.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 30, Township 04N, Range 18E
BLAINE County

PLACE OF USE: AESTHETIC

TWN RGE SEC

04N 18E 30

SENE

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
5. Water used under this right when discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.

FILED
JUN 12 1990

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08611

CONDITIONS OF APPROVAL AND REMARKS

6. Use of water under this permit shall be non-consumptive. At such times in the future as he may determine necessary to protect the prior rights of other users, the Director may require determination of the rate of loss within the system using a procedure approved by the Director, and may require mitigation for all system losses, including losses which may injure users from the Comstock Ditch.
7. This project, when combined with other recreational, aesthetics, hydropower, fish propagation or other traditional "non-consumptive uses" of water must not cause a significant degradation of water quality of the Big Wood River and its tributaries.
8. Diversion of water under this right is subject to all prior water rights, including minimum streamflows established by Water Right Permit Nos. 37-07919 and 37-08307.
9. When delivery of water pursuant solely to this right is not possible because of earlier priority rights, including minimum streamflows, water diverted pursuant to Right No. 37-08278 may be delivered through the place of use for this right only if:
a) losses incurred from the point of diversion to the point of discharge of Right 37-08278 are fully compensated, and b) the water is discharged directly to the actively flowing channel of the Big Wood River.
10. Water exiting the system under this right must be discharged by the most direct route into the active channel of the Big Wood River by means of a non-leaking gravity flow pipeline after leaving the place of use for Right No. 37-08535.
11. The Director retains jurisdiction to review and amend any and all parameters of this right to assure continuing compliance with the "local public interest" criteria of Rule 5.1.5. Any person seeking review and amendment of the right shall file a request for an amendment with the Department, which request shall include the amendment sought, the reasons for the amendment, and a statement of the changes in circumstances since the license was issued or last reviewed that merit a review of the right. The Department shall mail a copy of the request by certified mail, return receipt requested, to the holder of this right and allow the holder not less than thirty (30) days from the date of his receipt of the copy of the request to file a response. Upon review of the request and the response, the Department may, in its discretion, decide the right needs to be reviewed. If so it shall notify the general public and specific persons or parties known to be interested in the

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 37-08611

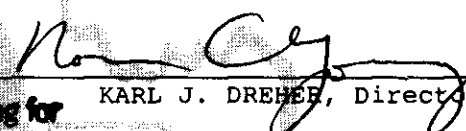
CONDITIONS OF APPROVAL AND REMARKS

proposed change, and conduct a hearing for the purpose of determining whether the right should be amended for the purpose of assuring it continues to comply with the "local public interest" criteria of Rule 5,1,5. The burden of proof at the hearing shall be upon the persons or parties seeking the amendment to establish that a material change in circumstances has occurred since the license was issued or was reviewed that that requires amendment of the right to prevent a conflict with the "local public interest."

13. This right, when combined with water diverted pursuant to Right No. 37-08278 shall not exceed 4.0 cfs.
14. A measuring device and lockable controlling works shall be maintained as part of the diverting works from the Big Wood River and at the point of discharge back to the Big Wood River.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 2ND day of JUNE, 1997.

Acting for


KARL J. DREHER, Director

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 37-08611	)	ORDER OF
	)	REINSTATEMENT
IN THE NAME OF RIVERS EDGE PARTNERS	)	
_____	)	

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before June 1, 1996; and,

WHEREAS, the permit holder submitted proof of beneficial use and a beneficial use field report to Southern Regional Office on May 30, 1996; and,

WHEREAS, on June 20, 1996, the Department lapsed the permit in error; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause; and,

WHEREAS, the permit holder provided a reasonable showing why the permit should be reinstated by submitting the proof and beneficial use field report on May 30, 1996; and,

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 37-08611 be REINSTATED with no advance in priority.

Dated this 24th day of July, 1996.



L. GLEN SAXTON, Chief
Water Allocation Bureau

RECEIVED

JUL 16 1996

RECEIVED

MAY 30 1996

FOR OFFICE USE ONLY

Amt. of Fee \$: _____

Receipt No. _____

Receipt By: _____

Date Received: _____

Department of Water Resources DEPARTMENT OF WATER RESOURCES
Southern Region

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. 37-08611 Telephone No. 208 726 3317

2. Name(s) of Permit Holder(s): Rivers Edge Partners

3. Mailing Address: c/o David Watson 13200 So. Broadway Los Angeles CA 90061

4. Source of Water: Big Wood River If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____

a. Well Driller: _____ Drilling Permit Number: _____ - _____ - _____

b. **OPTIONAL:**
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: Aesthetics

6. Total rate of diversion and/or volume for which proof is submitted: 4.0 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: \$ _____ (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: Charles E. Brockway Telephone Number: 208 753-0938

Address: 706 Sunrise Blvd N. Twin Falls, ID 83301

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: Charles E. Brockway Date: 5/29/96

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

Authorized Agent

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

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

AUG 09 1995

Department of Water Resources

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. 37-08611

Name(s) of Permit Holder: Rivers Edge Partners

Mailing Address: C/O DAVID WATSON 13700 50 BROADWAY L.A. CA 90061

Date Proof is Due: June 1, 1995

Telephone No. 726-3317

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".)

The entire project has been completed pursuant to the plans presented to IDWR at filing, and the system is operational. However, an extension of one year is being requested to determine how the system is working during this year's high water. Also, the conditions on the permit contain water quality restriction which the permittee is going to monitor this year to determine compliance before submitting proof of beneficial use.

Costing \$

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

If the Department does not feel this extension request is appropriate, the permittee requests an opportunity to immediately file proof of beneficial use, with appropriate license examination fee.

Permit holder(s) request an extension to June 1, 19 96.

FEE: \$50.00

[Signature]
(Signature)*

*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 June 1, 1996.

IT IS FURTHER ORDERED that the permit is REINSTATED and the priority date is advanced to July 18, 1990.

Signed this 12th day of September, 19 95.

[Signature]
Chief, Water Allocation Bureau

SEP 14 1995

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 37-08611

Proposed Priority: May 10, 1990 Maximum Diversion Rate: 4.00 CFS
This is to certify, that RIVERS EDGE PARTNERS

C/O DICK FENTON
PO BOX 428
KETCHUM ID 83340

has applied for a permit to appropriate water from:

BIG WOOD RIVER tributary of MALAD RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
AESTHETIC	01/01 to 12/31	4.00 CFS

LOCATION OF POINT(S) OF DIVERSION: SESENE , Sec. 30, Township 04N, Range 18E
BLAINE County

PLACE OF USE: AESTHETIC
TWN RGE SEC

04N 18E 30 SENE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 1995.
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. See final Order Adopting Proposed Memorandum Decision and Order for conditions of approval.

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

15TH day of April, 1992

for 
R. Keith Higginson, Director

MICROFILMED

JUN 1 1 1992

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR	)	
	)	
PERMIT TO APPROPRIATE WATER NO.	)	
	)	
37-8611 IN THE NAME OF RIVER'S EDGE	)	ORDER ADOPTING
	)	PROPOSED MEMORANDUM
PARTNERS, A GENERAL PARTNERSHIP	)	DECISION AND ORDER
	)	

A Proposed Memorandum Decision and Order in the above captioned matter was issued on February 26, 1992, and copies were served on all of the parties. Friends of the Big Wood River filed an exception regarding condition number three of the order which states:

Use of water under this permit shall be non-consumptive. At such times in the future as he may determine necessary to protect the prior rights of other users, the Director may require determination of the rate of loss within the system using a procedure approved by the Director, and may require mitigation for all system losses, including losses which may injure users from the Comstock Ditch.

Friends of the Big Wood River contend that use of the word "may" could be interpreted to mean that the non-consumptive condition is optional.

Water use pursuant to this permit must be non-consumptive. All of the language following the initial non-consumptive directive clarifies that the Director retains jurisdiction over this permit to further evaluate the consumption of water within the system and impose additional compensation requirements upon the right holder. There is no need to change the language.

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JUN 11 1992

In reviewing the conditions, condition number seven contained in the proposed decision is not necessary and can be stricken from the decision.

IT IS HEREBY ORDERED that the Findings of Fact and Conclusions of Law set forth in the Proposed Memorandum Decision and Order are adopted in this decision.

IT IS FURTHER ORDERED that application for permit no. 37-8611 is APPROVED subject to the following conditions:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 1995.

2. The permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

✓ 3. Use of water under this permit shall be non-consumptive. At such times in the future as he may determine necessary to protect the prior rights of other users, the Director may require determination of the rate of loss within the system using a procedure approved by the Director, and may require mitigation for all system losses, including losses which may injure users from the Comstock Ditch.

✓ 4. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works from the Big Wood

MICROFILMED
JUN 11 1992

River and at the point of discharge back to the Big Wood River prior to diversion of water under this permit.

5. Diversion and use of water under this permit shall be administered by the watermaster of State Water District #37.

6. Water used pursuant to this permit which is discharged into a natural channel shall satisfy Idaho Water Quality Standards.

7. This project, when combined with other recreational, aesthetics, hydropower, fish propagation or other traditional "non-consumptive uses" of water must not cause a significant degradation of water quality of the Big Wood River and its tributaries.

8. Diversion of water under this right is subject to all prior water rights, including minimum streamflows established by water right permit nos. 37-7919 and 37-8307.

9. When delivery of water pursuant solely to this permit is not possible because of earlier priority rights, including minimum streamflows, water diverted pursuant to permit no. 37-8278 may be delivered through the place of use for this permit only if: a) Losses incurred from the point of diversion to the point of discharge of right 37-8278 are fully compensated, and b) The water is discharged directly to the actively flowing channel of the Big Wood River.

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JUN 11 1992

✓ 10. Prior to diversion of water approved by this permit, the Comstock #10 diversion structure must be reconstructed to the satisfaction of IDWR.

✓ 11. Water exiting the system proposed by this permit must be discharged by the most direct route into the active channel of the Big Wood River by means of a non-leaking gravity flow pipeline after leaving the place of use for permit no. 37-08535.

✓ 12. The Director retains jurisdiction to review and amend any and all parameters of this Permit and subsequent license to assure continuing compliance with the "local public interest" criteria of Rule 5,1,5. Any person seeking review and amendment of the Permit or License shall file a request for an amendment with the Department, which request shall include the amendment sought, the reasons for the amendment, and a statement of the changes in circumstances since the Permit or License was issued or last reviewed that merit a review of the Permit or License. The Department shall mail a copy of the request by certified mail, return receipt requested, to the holder of this Permit or subsequent License and allow the holder not less than thirty (30) days from the date of his receipt of the copy of the request to file a response. Upon review of the request and the response, the Department may, in its discretion, decide the Permit or subsequent License needs to be reviewed. If so it shall notify the general public and specific persons or parties known to be interested in the proposed change, and conduct a hearing for the

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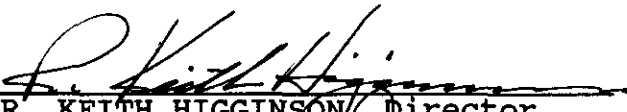
JUN 11 1992

purpose of determining whether the Permit or subsequent License should be amended for the purpose of assuring it continues to comply with the "local public interest" criteria of Rule 5,1,5. The burden of proof at the hearing shall be upon the persons or parties seeking the amendment to establish that a material change in circumstances has occurred since the Permit or License was issued or was reviewed that requires amendment of the Permit or License to prevent a conflict with the "local public interest."

✓ 13. This right, when combined with water diverted pursuant to permit no. 37-8278 shall not exceed four (4.0) cfs.

14. The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Dated this 1ST day of APRIL, 1992.


R. KEITH HIGGINSON, Director
Department of Water Resources

MICROFILMED

JUN 11 1992

CERTIFICATE OF MAILING

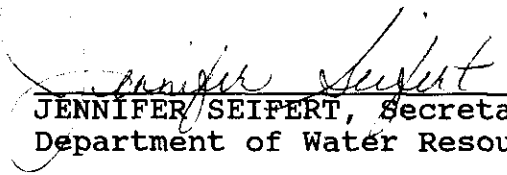
I hereby certify that on the 3rd day of April, 1992, I mailed a true and correct copy of the Order Adopting Proposed Memorandum Decision and Order, postage prepaid, to the following individuals:

River's Edge Partners
P.O. Box 428
Ketchum, ID 83340

Friends of the Big Wood River
P.O. Box 4411
Ketchum, ID 83340

Richard M. Oneida
Big Wood Canal Co.
P.O. Box C
Shoshone, ID 83352

Jim Speck
P.O. Box 987
Ketchum, ID 83340


JENNIFER SEIFERT, Secretary
Department of Water Resources

MICROFILMED

JUN 1 1 1992

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR PERMIT	)	
	)	
TO APPROPRIATE WATER NO. 37-8611 IN THE	)	
	)	
NAME OF RIVER'S EDGE PARTNERS, A GENERAL	)	PROPOSED MEMORANDUM
	)	DECISION AND ORDER
PARTNERSHIP	)	
	)	

River's Edge Partners (River's Edge) filed application for permit no. 37-8611, seeking to divert 4.0 cubic feet per second (cfs) for nonconsumptive, aesthetic purposes. The application was protested by Graystone, Inc., Friends of the Big Wood River (Friends), and Big Wood Canal Company. Prior to a hearing, Graystone, Inc. (Graystone), withdrew its protest based on several conditions set forth in a letter from Jim Speck, the attorney for Graystone. River's Edge stipulated to the conditions.

At the hearing, the Big Wood Canal Company agreed to withdraw its protest if the applicant would correspond with the Comstock Ditch users and if the applicants would measure flows in and out of the system. River's Edge agreed to these conditions.

Friends of the Big Wood River stipulated to withdraw their protest pertaining to all of the criteria set forth in Idaho Code § 42-203A except for the third criterion, which requires the Department to determine whether the application has been filed in good faith, for speculation, or for purposes of delay. River's Edge agreed to a limited scope of protest as agreed to by the Friends of the Big Wood River. After the stipulation, River's Edge, through its attorney, Evan Robertson, called a witness and presented information to the Department.

FINDINGS OF FACT

1. Application for permit no. 37-8611 proposes year-round diversion of 4.0 cfs from the Big Wood River within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 30, T4N, R18E, B.M. The location of the point of diversion is also the point of diversion for the Comstock Ditch. The proposed use is aesthetic purposes.

2. The Comstock Ditch flows through the proposed place of use, located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 30, T4N, R18E, B.M.

JUN 11 1992

3. The application proposes enlargement of the Comstock Ditch at three locations within River's Edge property which will form three ponds. A chemical liner will be installed which will reduce percolation of the surface water into the subsurface.

4. After flowing through the River's Edge property the water will be released in the Comstock Ditch south to land owned by Robert Sherwood, who owns a water right authorizing year-round diversion of 4.0 cfs. Sherwood's water right is water right no. 37-8278. After the water leaves Sherwood's property, it is also delivered to the Graystone Subdivision. Graystone owns water right no. 37-8535, which authorizes the year around diversion of up to 10.0 cfs.

5. Other water rights are also delivered into the Comstock Ditch. Consumptive irrigation rights totalling 13.76 cfs are delivered by the Comstock Ditch. These consumptive rights all have priority dates of 1887, and are not deliverable during most base flow periods. In addition, Graystone owns water rights which are diverted into the Comstock Ditch. A portion of water right no. 37-0577 (0.15 cfs) is delivered into the Comstock Ditch to compensate for losses in the Graystone nonconsumptive diversion.

6. The Comstock, Sherwood and Graystone rights are not cumulative. When the Comstock rights are being diverted, the nonconsumptive Sherwood and Graystone rights are satisfied by the Comstock Ditch flow.

7. Between 4.0 cfs and 10.0 cfs will be delivered through the Comstock Ditch to satisfy the Sherwood and Graystone nonconsumptive rights when the Comstock Ditch rights are not deliverable. The proposal by River's Edge will reduce the losses in the Comstock Ditch, and will ultimately discharge more water to the Big Wood River than is presently being discharged.

8. River's Edge will construct better measuring devices at the diversion from the Big Wood River. Coupled with the Graystone outlet measuring device, the watermaster can better determine the total flow diverted and also measure the flow discharging back to the Big Wood River.

9. The applicant is a partnership comprised of David P. Watson, Claudia G. Watson and Richard Fenton, Jr.

10. Richard Fenton, Jr., is a real estate broker with offices in Ketchum, Idaho. The Watsons are out of state investment partners.

11. The place of use is divided into three subdivision lots. Lots 2, 3 and 4 are presently owned by the partnership. The lots are not presently for sale, and the partnership is undecided

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whether the lots will be sold, or whether the partners will build homes on the lots.

12. The value of lots 2, 3 and 4 will be enhanced by completion of the ponds mentioned above.

13. The partnership intends to construct the ponds and the related structures in 1992.

CONCLUSIONS OF LAW

1. Idaho Code § 42-203A states, in pertinent part:

The director of the department of water resources shall find and determine from the evidence presented to what use or uses the water sought to be appropriated can be and are intended to be applied. In all applications whether protested or not protested, where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purposes for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant does not have sufficient financial resources with which to complete the work involved therein or (e) that it will conflict with the local public interest where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the State of Idaho; the director of the department of water resources may reject such application, refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions.

2. Rule 4,4,2,1. of the Water Appropriation Rules and Regulations states that the applicant shall bear the initial burden of coming forward with evidence of the evaluation of criteria (a) through (d) of Idaho Code § 42-203A.

3. Rule 4,4,4,2. of the Water Appropriation Rules and Regulations states that both the applicant and the protestant have the burden of coming forward with evidence regarding local public interest of which they are most cognizant.

4. An applicant's intention to pursue the project individually and complete the proposed development is a factor in determining whether an application is filed speculatively.

5. The mere fact that the diversion and use of water by the applicant will result in pecuniary gain is not speculation. Rule 5,1,3. of the Water Appropriation Rules and Regulations states:

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"Speculation does not prevent an applicant from subsequently selling the developed project for a profit or from making a profit from the use of the water."

6. Where an applicant files an application with no other intent than to hold the application or subsequent permit for resale, without any intention of developing the project himself, the application may be speculative. The holding of the application without significant action or intent to act is a particularly important consideration in determining speculation.

7. In this case, there is no showing that the applicant has filed a speculative application. The applicant owns the lots and intends to immediately develop the water use as proposed.

8. While the lots may be sold in the future, the improvement of the lots and subsequent sale is not speculation.

9. The proposed use of water will not injure other water users.

10. There is sufficient water for the purpose sought.

11. The application is not filed for purposes of delay, speculation or in bad faith.

12. The application does not conflict with the local public interest.

13. The applicant has sufficient financial resources to develop the project.

14. The application is consistent with the conservation of the water of the State of Idaho.

ORDER

IT IS HEREBY ORDERED that application for permit no. 37-8611 is APPROVED subject to the following conditions:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 1995.

2. The permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

3. Use of water under this permit shall be non-consumptive. At such times in the future as he may determine necessary to protect the prior rights of other users, the Director may require determination of the rate of loss within the system using a procedure approved by the Director, and may require mitigation

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for all system losses, including losses which may injure users from the Comstock Ditch.

4. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works from the Big Wood River and at the point of discharge back to the Big Wood River prior to diversion of water under this permit.

5. Diversion and use of water under this permit shall be administered by the watermaster of State Water District #37.

6. Water used pursuant to this permit which is discharged into a natural channel shall satisfy Idaho Water Quality Standards.

7. Notwithstanding other conditions of this permit, additional compensation for losses may be required, if necessary, pursuant to condition no. 8.

8. This project, when combined with other recreational, aesthetics, hydropower, fish propagation or other traditional "non-consumptive uses" of water must not cause a significant degradation of water quality of the Big Wood River and its tributaries.

9. Diversion of water under this right is subject to all prior water rights, including minimum streamflows established by water right permit nos. 37-7919 and 37-8307.

10. When delivery of water pursuant solely to this permit is not possible because of earlier priority rights, including minimum streamflows, water diverted pursuant to permit no. 37-8278 may be delivered through the place of use for this permit only if: a) Losses incurred from the point of diversion to the point of discharge of right 37-8278 are fully compensated, and b) The water is discharged directly to the actively flowing channel of the Big Wood River.

11. Prior to diversion of water approved by this permit, the Comstock #10 diversion structure must be reconstructed to the satisfaction of IDWR.

12. Water exiting the system proposed by this permit must be discharged by the most direct route into the active channel of the Big Wood River by means of a non-leaking gravity flow pipeline after leaving the place of use for permit no. 37-08535.

13. The Director retains jurisdiction to review and amend any and all parameters of this Permit and subsequent license to assure continuing compliance with the "local public interest" criteria of Rule 5,1,5. Any person seeking review and amendment of the Permit or License shall file a request for an amendment with the Department, which request shall include the amendment

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sought, the reasons for the amendment, and a statement of the changes in circumstances since the Permit or License was issued or last reviewed that merit a review of the Permit or License. The Department shall mail a copy of the request by certified mail, return receipt requested, to the holder of this Permit or subsequent License and allow the holder not less than thirty (30) days from the date of his receipt of the copy of the request to file a response. Upon review of the request and the response, the Department may, in its discretion, decide the Permit or subsequent License needs to be reviewed. If so it shall notify the general public and specific persons or parties known to be interested in the proposed change, and conduct a hearing for the purpose of determining whether the Permit or subsequent License should be amended for the purpose of assuring it continues to comply with the "local public interest" criteria of Rule 5,1,5. The burden of proof at the hearing shall be upon the persons or parties seeking the amendment to establish that a material change in circumstances has occurred since the Permit or License was issued or was reviewed that requires amendment of the Permit or License to prevent a conflict with the "local public interest."

14. This right, when combined with water diverted pursuant to permit no. 37-8278 shall not exceed four (4.0) cfs.

15. The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Dated this 26th day of February, 1992.


GARY SPACKMAN, Hearing Officer
Department of Water Resources

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CERTIFICATE OF MAILING

I hereby certify that on the 14th day of March, 1992, I mailed a true and correct copy of the Proposed Memorandum Decision and Order and the Order Issuing Proposed Memorandum Decision, postage prepaid, to the following individuals:

River's Edge Partners
P.O. Box 428
Ketchum, ID 83340

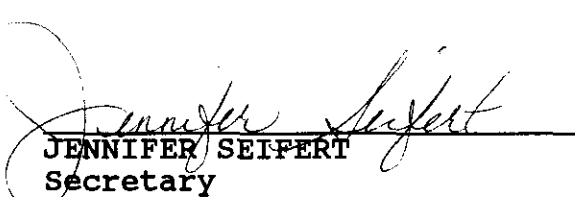
James P. Speck
P.O. Box 987
Ketchum, ID 83340

Friends of the Big Wood River
P.O. Box 4411
Ketchum, ID 83340

Richard M. Oneida
Big Wood Canal Co.
P.O. Box C
Shoshone, ID 83352

Lee Peterson
Watermaster
Box T
Shoshone, ID 83352

IDWR - Southern Region


JENNIFER SEIFERT
Secretary

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JUN 11 1992

BEFORE THE DIRECTOR OF THE DEPARTMENT
OF WATER RESOURCES OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT TO
APPROPRIATE WATER NO. 37-8611 IN THE NAME OF
RIVER'S EDGE PARTNERS, A GENERAL PARTNERSHIP

ORDER ISSUING
PROPOSED MEMORANDUM
DECISION

R. Keith Higginson, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by this appointee, Gary Spackman, who conducted the hearing or who has read the record in this case, hereby approves the same as a proposed decision pursuant to Idaho Code, Sec. 67-5211.

Each party to these proceedings who appeared at the hearing is given the opportunity, pursuant to Idaho Code, Sec. 42-1701A and 67-5211, to file exceptions to the proposed decision and to present briefs and oral arguments. If no timely and proper exceptions are received, an order by the Director will be entered adopting the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,

2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and

3. be sent to each of the parties who appeared or their attorneys.

II.
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. All response briefs to the exceptions must be filed with the Director within 15 days after the exceptions were served upon the responding party.

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III.

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exception.

B. If oral arguments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral argument in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposed decision shall be heard at the discretion of the Director, pursuant to Idaho Code, Sec. 42-1701A. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

IV.

CERTIFICATE OF SERVICE

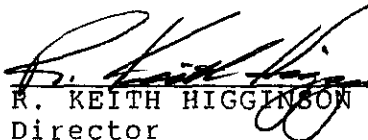
All exceptions, briefs, requests for oral argument and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.

FINAL DECISION

Following the submission of all exceptions, briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

Dated this 26th day of February, 19 92.


R. KEITH HIGGINSON
Director

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant River's Edge Partners, a general partnership Phone 208-726-3317

Post office address P.O. Box 428, Ketchum, Idaho 83340

Malad River

2. Source of water supply Big Wood River which is a tributary of Malad River

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

Sec. 30 Township 4N Range 18E B.M. Blaine County; additional

points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 4 cfs for aesthetic purposes from 01-01 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated is (a) 4 cfs and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Existing 36" pipe culvert with headgate leading to open ditch of 1200' in overall length serving 3 ponds spaced equally between the diversion point and a fourth existing pond that now discharges at the Comstock #10 headgate or into the Big Wood River.

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 N/A inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 90°F being sought? N/A

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

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

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

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	18E	30				J													

Total number of acres to be irrigated _____

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

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

12. Remarks: #1 David P. Watson, Claudia G. Watson, general partners, and Richard Fenton, Jr., managing partner.

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[illegible]

Richard Fenton
(Applicant)

Received by JS Date 5/10/90 Time 9:19 AM Preliminary check by CK [signature] DRJ
Fee \$ 105⁰⁰ Receipted by [signature] # 5012285 Date 5-10-90
Publication prepared by M. Baldwin Date 5/31/90 Published in Wood River Journal
Publication approved Ann [signature] Date 7-9-90

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:

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ATTACHMENT A

Item 8. Description of Proposed Uses - e. other;

Three ponds ranging in size from 4200 to 4800 square feet in area are proposed for the usages identified in Item No. 4. Each pond would be formed by widening and deepening the existing channel and lining both pond and channel with membrane or bentonite. The Comstock Ditch currently conveys irrigation water to five users with water rights for 13.76 cfs and a non-consumptive right for 4.0 cfs belonging to Mr. Robert H. Sherwood. The three ponds will comprise .31 acres with a total volume of 1.55 acre feet. Approximately 810 feet of ditch between the ponds will be lined with the previously mentioned materials.

Applicant proposes to line all sections of the ditch and ponds within the reach with the final channel cross-section being 10 feet wide on the bottom with 2:1 grassed side slopes. Approximate flow depth will be 1.0 feet. Maximum diversion through system would be 13.76 cfs. The 4 cfs non-consumptive right becomes part of the 13.76 diversion and does not return to the Big Wood River.

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ATTACHMENT B

Water users identified in Item No. 8 of the application:

OWNER	AMOUNT inches	DECREE	PRIORITY
Robert Bloomfield	10	Rockwell Bypass	11-12-1936
Robert Bloomfield	10	Martin Barry	05-01-1887
John McDonald	25	Martin Barry	05-01-1887
Richard Lindsey	165	Martin Barry	05-01-1887
Harry Rinker	176	M.H. Comstock	12-13-1887
Glenn Gould	302	M.H. Comstock	12-13-1887
Total	688 inches or 13.76 cfs		

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Department of Water Resources
Southern Region Office

ATTACHMENT D

Mr. David P. Watson and Mrs. Claudia G. Watson are general partners whose business address is:

River's Edge Partners, a general partnership
13700 South Broadway
Los Angeles, CA 90061

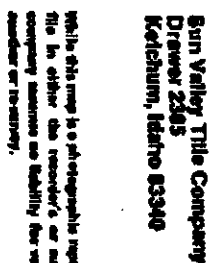
Dick Fenton is the managing partner and his address and phone number are shown in the identification of the applicant at #1.

3841m/c

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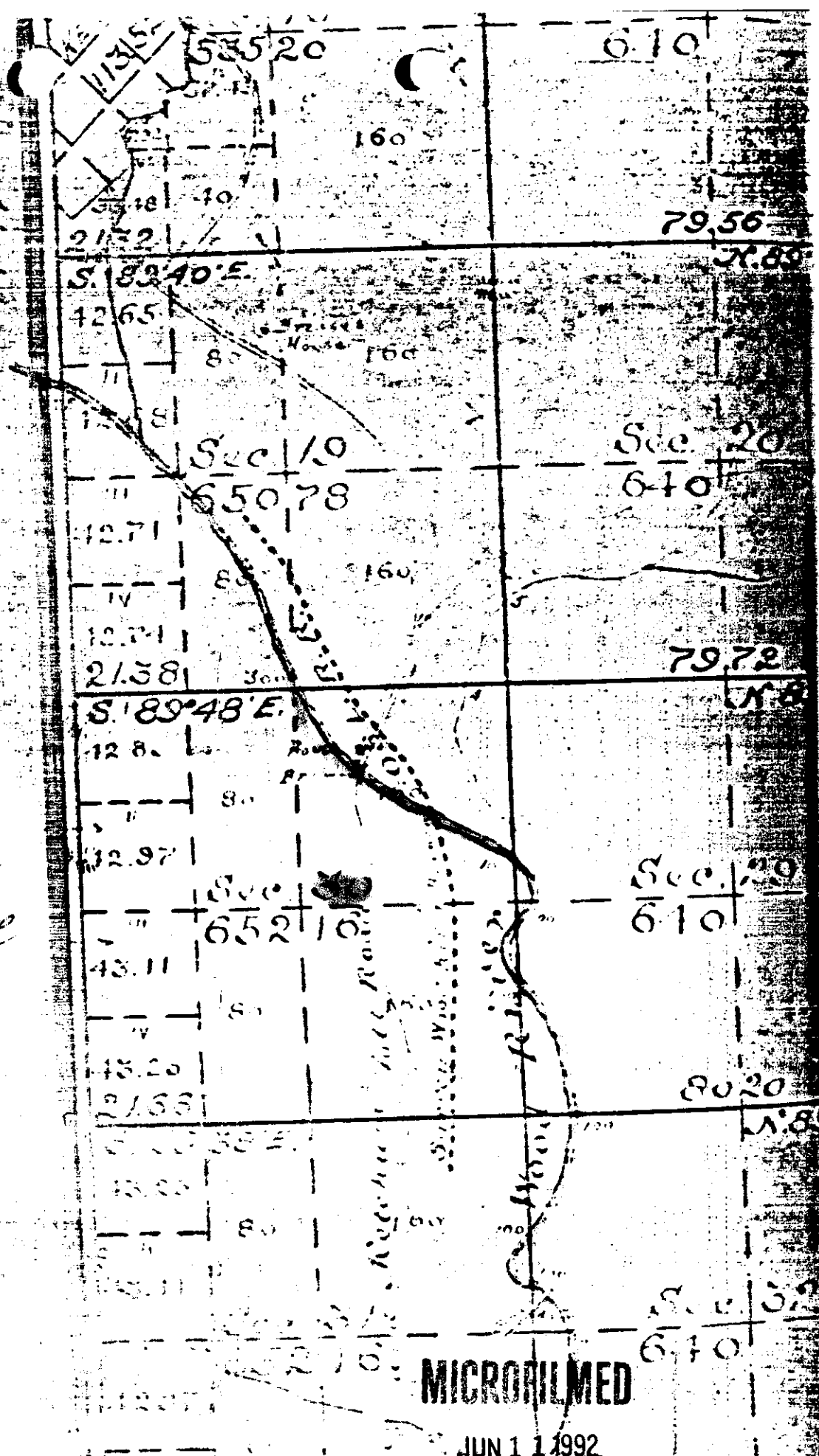
RIVER'S EDGE PARTNERS



RIVER'S EDGE RANCH
LOCATED IN
SE 1/4 NE 1/4, SECTION 30, NE 1/4 SE 1/4, SECTION 30,
SW 1/4 NW 1/4, SECTION 29, NW 1/4 SW 1/4, SECTION 29,
T. 4 N., R. 10 E., E. 1/4
BLAINE COUNTY, IDAHO

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Stream
Channel isn't
totally accurate
in S 30...



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T4N R18E

RIVER'S EDGE PARTNERS

AFFIDAVIT of PUBLICATION

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State of Idaho,

County of Blaine

ss. Department of Water Resources
Southern Region Office

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

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

publication of said advertisement was on the 20th day of June 19 90, and

the date of the last publication was on the 27th day of June 19 90.

Subscribed and sworn to before me this 27th day of Jun 19 90.
(SEAL)

NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice 52
Number of Insertions JUN 11 1992

Lines tabular at _____ 6c / Pica
52 Lines straight at 28.60 5c / Pica
52 Subsequent lines at 22.88 4c / Pica
TOTAL COST 51.48

COPY OF NOTICE
(Paste Here)

2 Applications
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Rec. TF
BILL TO

Two file on water rights

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

37-08611 ✓
RIVERS EDGE PARTNERS
C/O DICK FENTON
P.O. BOX 428
KETCHUM, ID 83340
Source: BIG WOOD RIVER
Tributary: MAHAD RIVER
Diversion Pt: SEBENE Sec 30 T
04N R 18E
Use: AESTHETIC (4,000 CFS)
Total Diversion: (4,000 CFS)
Date Filed: 5/10/1990
In: T04N R18E S30 SE NE

37-08612 ✓
BULCHIS, EDWARD
C/O GREG K. STURTEVANT
P.O. BOX 2924
KETCHUM, ID 83340
Source: KEYSTONE GULCH
CREEK
Tributary: ELKHORN CREEK
Diversion Pt: NESWSE Sec 16 T
04N R 18E
Use: AESTHETIC (.180 CFS)
Total Diversion: (.180 CFS)
Date Filed: 4/12/1990
In: T04N R18E S16 SWSE

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 Street East, Twin Falls, Idaho 83301, on or before JULY 9, 1990.

R. Keith Higginson, Director
Publish: Wood River Journal
June 20 & 27, 1990.

insertion: 4/pica

No 7084



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

June 2, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RIVERS EDGE PARTNERS
C/O DAVID WATSON
13700 S BROADWAY
LOS ANGELES CA 90061

RE: WATER RIGHT NO. 37-08611

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

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ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:ph

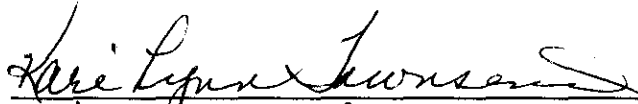
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of June, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 37-08611

RIVERS EDGE PARTNERS
C/O DAVID WATSON
13700 S BROADWAY
LOS ANGELES CA 90061


Kari Lynn Townsend
Secretary

1997 JUN 19 10:12

MEMORANDUM

TO: File 37-08611

FROM: Sharla

DATE: May 29, 1997

RE: Recommendation Adjustment(s)

The final license recommendations for Right 37-08611 are based on the following:

H. RECOMMENDATIONS

Aesthetic	1/1 - 12/31	4.0 cfs	2896.0 afa
-----------	-------------	---------	------------

Volume is required to be listed on the license and is based on continuous flow, however, the rate and volume are limited in combination with Right 37-08278.

Examiner: Chuck Brockway

Exam Date: June 6, 1995

Handwritten:
K. Brockway
June 10, 1995

LICENSE REVIEW CHECKLIST

PERMIT NO. 37-08611

DATE 5/28/97

REVIEWER: SHARLA

NAME	Change <u>—</u>	OK <u>✓</u>	Address Change <u>NO</u>
SOURCE	<u>—</u>	<u>✓</u>	Is change clarification of originally intended source? <u>—</u>
POINT OF DIV	<u>—</u>	<u>✓</u>	If not, prepare Notice of Intent to Void <u>—</u>
PLACE OF USE	<u>—</u>	<u>✓</u>	Amendment required <u>NO</u>

Does map agree with written description? ✓ yes — no

OVERLAPS — P/D — P/U

RATE OF DIV

Permitted Rate 4.0 cfs

Fee limit N/A cfs *certified examiners*

Measured 4.0 cfs

Theoretical — cfs

Recommended Total Div Rate 4.0 cfs

ANNUAL VOLUME/
NATURE OF USES —

Use ✓

Aesth.

Volume Calculation

<u>—</u>	af
<u>—</u>	af
<u>—</u>	af
<u>—</u>	af
<u>—</u>	af
<u>SUBTOTAL</u>	af

Flow rate 4.0 cfs X 365 days X 1.9835 = 2896.0 af

Total volume recommended — af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

WBS (37-08278, 4.0, 2896.0 af)

CONDITIONS R04 Watermaster Control WD# 37

— GW Measurement/Measuring Device

— Overlap

— Use-specific conditions 02T, 09E

Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed N/A

1st Amend Letter N/A

Adjustment Memo volume comb

2nd Amend Letter N/A

etc

RECEIVED

MAY 30 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Department of Water Resources
Southern Region

A. GENERAL INFORMATION

Permit No. 37-08611

1. Owner: Rivers Edge Partners Phone No. 208 726 3317

Current Address: c/o David Watson 13700 So. Broadway Los Angeles CA
90061

2. Accompanied by: _____ EXAM DATE: JUNE 6, 1995

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Big Wood River tributary to Maled / Snake River

B. OVERLAP REVIEW

- Other water rights with the same place of use: —
- Other water rights with the same point of diversion: 12 other rights. See attached list

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NE	SE	NE	30	4N	18E	Blaine	USGS Quad (Sun Valley)

2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	18E	30				J													

J: Aesthetics

RECEIVED
JUN 10 1997

F. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

Measured Method:

Submerged Orifice & river diversion and other devices.

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:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<i>Aesthetics</i>	<i>1/1</i>	<i>12/31</i>	<i>4.0</i>	
Totals:			<i>4.0</i>	

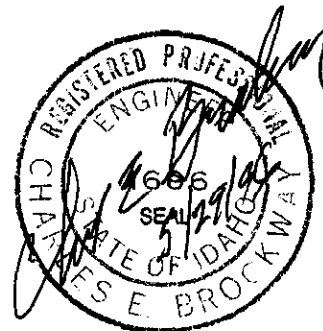
2. Recommended Amendments

☒ 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 *5/29/96*

Reviewer _____ Date _____



RECEIVED
JUN 10 1996

E. NARRATIVE/REMARKS/COMMENTS

See attached Narrative

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

JUN 10 2017

Water Permit Rivers Edge Partners 37-08611

Priority date May 10, 1990

Irrigated area 0 acres

Diversion rate 4.0 cfs

Point of Diversion SESENE Sec 30 T4N R18E BM Blaine County

Place of Use SENE Sec 30 T4N R18E

Proof Date June 1, 1995 extended to June 1, 1996

Beneficial Use Aesthetic

Pertinent permit conditions:

Use shall be non consumptive

Subject to all prior water rights including minimum streamflows 37-7919 and 37-8307

A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works from the Big Wood River prior to diversion of water under this permit-Comstock ditch diversion structure must be constructed.

Prior to diversion of water, measuring devices shall be installed at the pint of discharge back to the Comstock Ditch and at the point of discharge to the Big Wood River.

Water used pursuant to this permit which is discharged into a natural channel shall satisfy Idaho Water Quality Standards.

When delivery of water pursuant solely to this permit is not possible because of earlier priority rights, including minimum stream flows, water diverted pursuant to permit No. 37-8278 may be delivered through the place of use for this permit only if: a) losses incurred from the point of diversion to the point of discharge of right 37-8278 are fully compensated, and b) the water is discharged directly to the actively flowing channel of the Big Wood River.

Water exiting the system proposed by this permit must be discharged by the most direct route into the active channel of the Big Wood river by means of a non-leaking gravity flow pipeline after leaving the place of use for Permit No 37-8535(Greystone for Cliffside Subdivision)

Proof of Beneficial Use Exam by C.E. Brockway PE

Area survey June 6, 1995

Water measurement June 6, 1995

Devices: Installed submerged orifice, return flow Cippoletti weir

Recommend:

Discharge 4.0 cfs January 1, through December 31

Water is diverted from the Big Wood River through a 38 inch wide by 24 inch rectangular slide gate operating as a submerged orifice. The measuring gate is installed in a concrete structure discharging into the Comstock Ditch.

JUN 10 1995

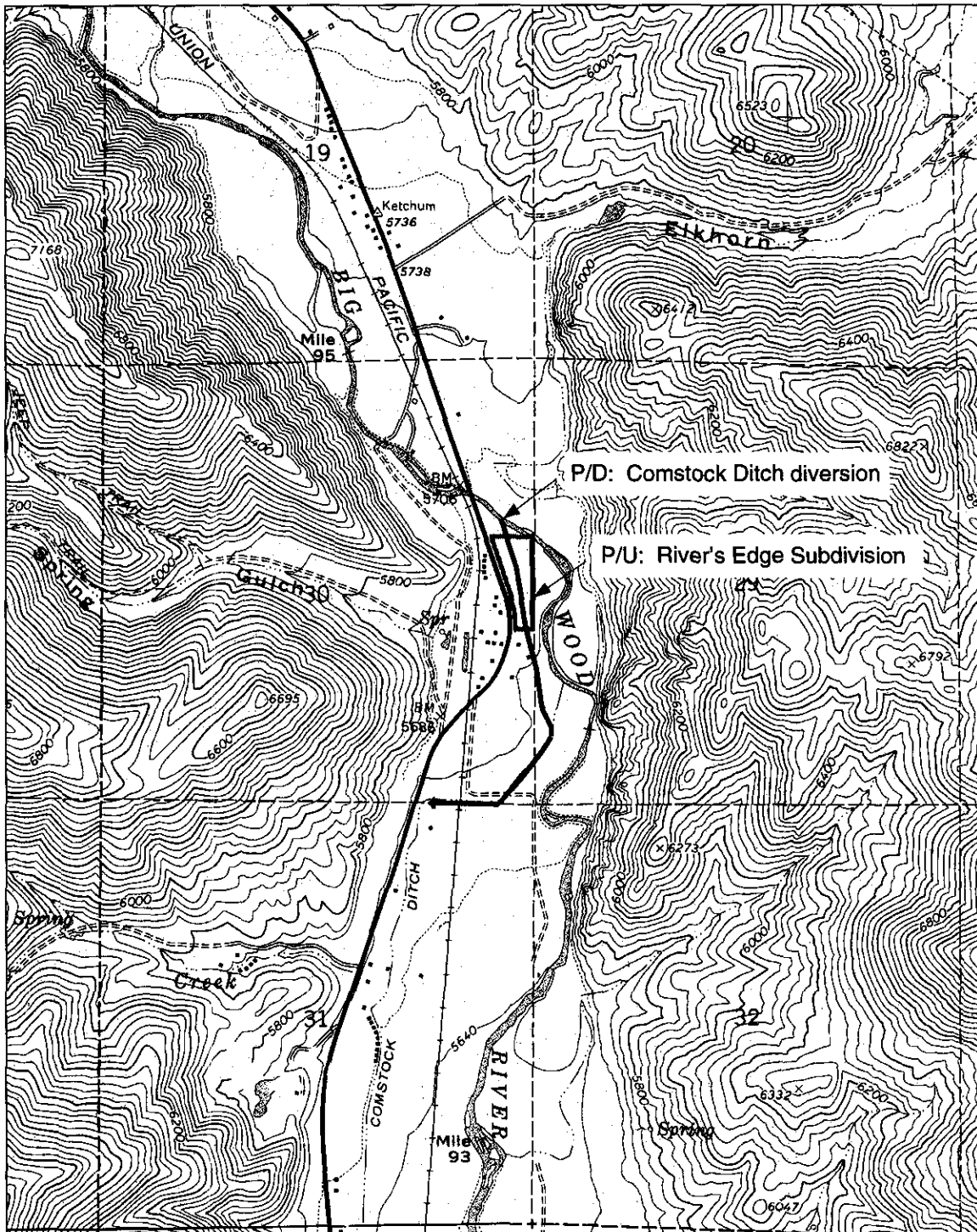
This diversion serves several water rights including non-consumptive rights for Robert Sherwood(37-0828) and Greystone(Cliffside Sub, 37-8535) and irrigation rights downstream comprising some 13 cfs. The Comstock Ditch traverses the Rivers Edge subdivision where three lined ponds, with an area of approximately 0.33 acres have been constructed in the ditch. The ponds and ditch through the Rivers Edge property are lined with ESS 13 chemical sealant. The ditch then flows through the property owned by Robert Sherwood who also has a pond installed in the ditch and a non consumptive use right (37-0828). The Greystone Inc. diversion from the Comstock Ditch serves ponds and ditches in the Cliffside Subdivision. Outflow from the last pond can be returned either to the Comstock Ditch through a broad crested weir measuring device or into the active channel of the Big Wood River through a Cippoletti weir and pipeline leading from the last Cliffside pond. (See schematic)

During normal operation of the Comstock ditch, all water diverted through the Big Wood diversion flows through the Rivers Edge ponds, the Sherwood pond and is diverted into the Cliffside system. Any flow in excess of 10.0 cfs(Permit 37-0835) is not diverted to Cliffside but is allowed to flow down the Comstock to fulfill irrigation rights. From the Cliffside system, water is normally all returned to the active flowing channel of the river through the Cippoletti weir and pipeline unless irrigation water is called for downstream. If irrigation water is called for, those flows enter the Comstock ditch through the broad crested weir(see schematic) and any excess water flows back to the river through the pipeline.

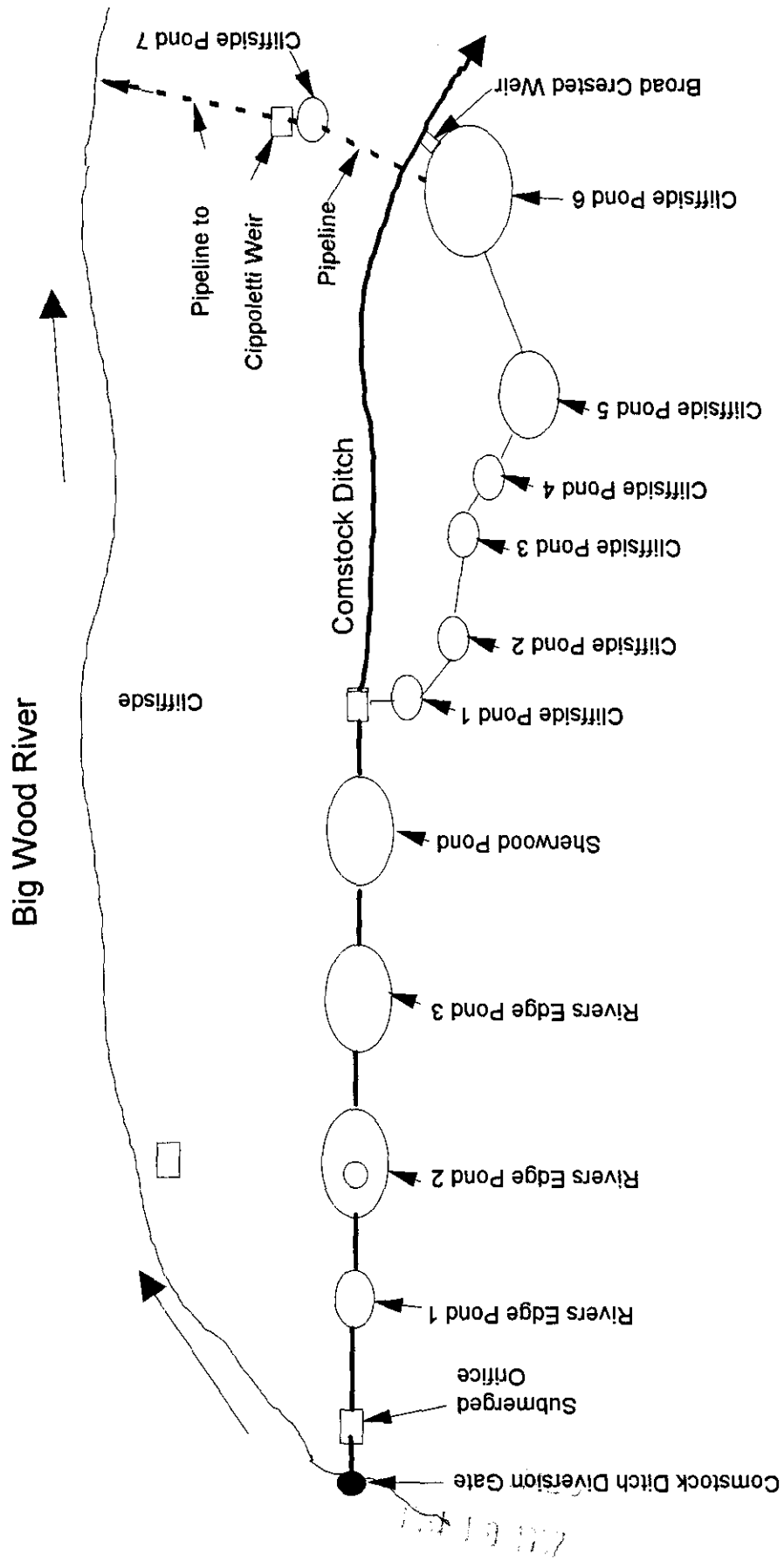
All conditions of the permit have been met..

FILED
NOV 20 1997

Graystone, Inc.
37-08611
Prepared by Brockway Engineering



Comstock Ditch Schematic for Water Use Rivers Edge Partners Permit 37-08611



Comstock Ditch Diversion from Big Wood River

Water Rights diverting through Comstock Ditch #10 headgate

Data from Water Master District 37 Decree Book 3/4/96

Name	Number	Original Decree	Priority Date	Amount-cfs
Bloomfield	37-0048	Martin Barry	05/01?1887	0.20
Bloomfield	37-0833E	Rockwell by-pass	11/12/1936	0.20
Bloomfield	37-08830	Bloomfield	08/04/1994	0.10 non con
Graystone Inc	37-0577BL	W.T. Riley	03/24/1883	0.15
Graystone Inc	37-0419B	Horace D. Lewis	08/01/1889	0.18
Graystone Inc	37-0703E	A.D. Williams	06/15/1891	0.40
Graystone Inc	37-08535	Graystone Inc	07/11/1989	10.0 non con
Kansar c/o Sharp	37-0048	Martin Barry	05/01?1887	3.30
John McDonald	37-0048	Martin Barry	05/01?1887	0.50
Harry S. Rinker	37-0154A	M.H. Comstock	12/13/1887	6.04
Harry S. Rinker	37-0154A	M.H. Comstock	12/13/1887	3.52
Robert Sherwood	37-8278	Helen Fassett	09/25/1986	4.00 non con
Rivers Edge Part***	37-08611	Rivers Edge Part	05/10/1990	4.00 non con

*** Not included on Watermaster Decree Book 3/4/1996

Rivers Edge Partners Water Permit Beneficial Use Exam C.E. Brockway P.E.					
Permit No 37-08611					
Measurements taken June 6, 1995					
Water Measurement					
Diversion from Big Wood River to Comstock Ditch					
	Rectangular gate submerged orifice				
	Width =	38	inches		
	Opening	22	inches		
	Diff. Head	1.75	inches		
	Orifice C	0.61			
	Discharge	10.85	cfs		
Diversion from Comstock Ditch to Cliffside					
	Rectangular gate submerged orifice				
	Width =	36	inches		
	Opening	18	inches		
	Diff. Head	2.8	inches		
	Orifice C	0.61			
	Discharge	10.64	cfs		
Broadcrested Weir		Small leak into Comstock Ditch			
		0.05	cfs		
Cippoletti Weir					
	Width	3	feet		
	Head	1.02	feet		
	Discharge	10.41	cfs		
Leak around weir embankment					
	Est. Q	0.2	cfs		
Total Inflow from Big Wood River			10.85	cfs	
Total Outflow			10.66	cfs	
Difference			0.20	cfs or	9.9 min in.



Figure 1. Comstock Ditch diversion from Big Wood River.

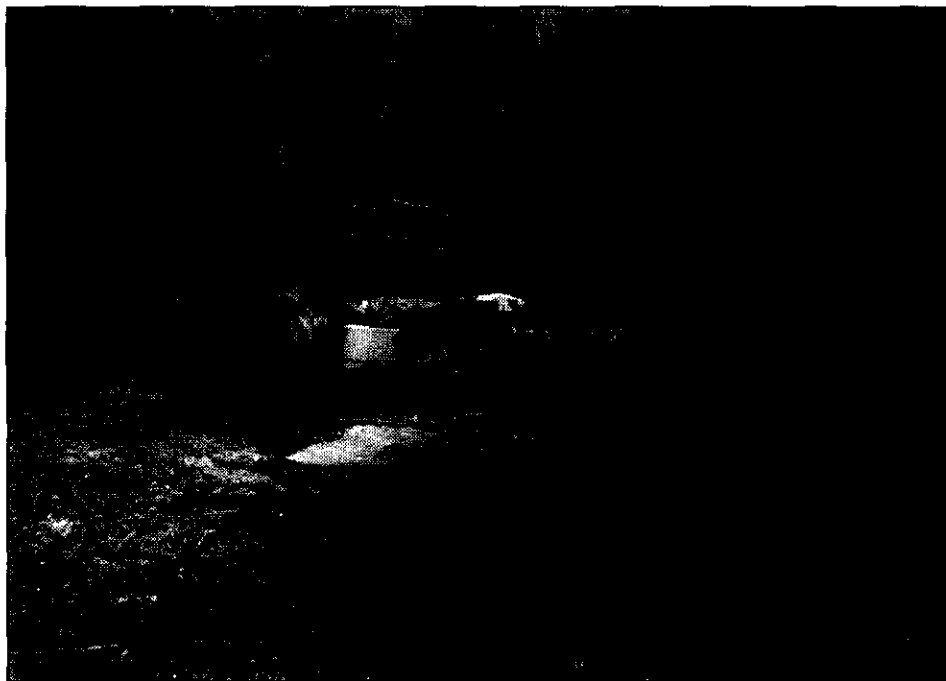


Figure 2. Comstock Ditch submerged orifice and River's Edge pond No. 1.

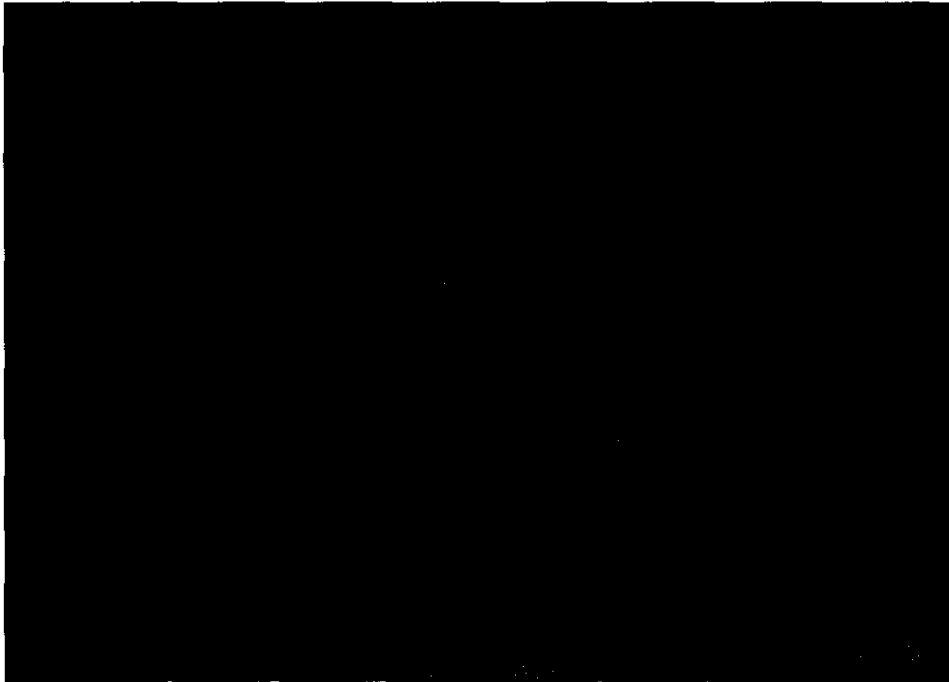


Figure 3. Cippoletti weir into pipeline to Big Wood River.

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 37-08611 Reviewed by [Signature] Date 7-22-96

GENERAL CONSIDERATIONS

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

TYPES OF USE

Aesthetics

Correct Uses? yes

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☒ Drilling permit required?

☒ Copy in the file? Drilling Permit No. _____

☒ Amount paid for permit

☒ Well log in the file?

_____ Correct?

LICENSE EXAMINATION FEE

no Required? - exam submitted
____ Amount Submitted
____ Correct?

MEASURING DEVICE

____ Required?
____ Installed?
____ Waiver requested?

PRIORITY CALCULATION

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

DEFICIENCIES OR ACTION ITEMS

*Reinstated w/ no advance in priority since permit was
lapsed in error.
Proof acceptable*

DATA ENTRY

New Address _____ Proof Made 530-96



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
July 24, 1996

RIVERS EDGE PARTNERS
C/O DAVID WATSON
13700 S BROADWAY
LOS ANGELES CA 90061

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 37-08611

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form and beneficial use field report 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 report for licensing.

Enclosed is an order which reinstates this permit since it was lapsed in error. Please note that the priority date has not been advanced.

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.

If you have questions concerning this matter, please contact Sharla Curtis at (208)327-7900.

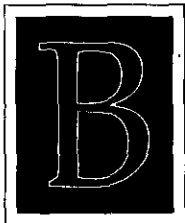
Sincerely,

JULIE L. YARBROUGH
Senior Secretary

C: IDWR - Region

RECEIVED

JUN 10 1996



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

May 29, 1996

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

Subject: Beneficial Use Field Exam 37-08611 Rivers Edge Partners

Dear Allen:

Enclosed is the completed Proof of Beneficial Use form and a completed Beneficial Use Field Exam report for the Rivers Edge Partners water right, 37-08611. This right is in the Comstock Ditch and is intimately related to the Graystone Inc. right (37-08535) for operation of the Cliffside Subdivision pond system. I have therefore shown the entire common system for both rights to allow an understanding of the relationships in the Comstock Ditch.

Please call if you have any questions.

Sincerely,



C. E. Brockway, P.E.

cc: Evan Robertson

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

CHARLES G.
BROCKWAY,
PH.D., E.I.T.

706 SUNRISE
BOULEVARD
NORTH

TWIN FALLS,
IDAHO 83301

208•733•0938
208•734•2580

FAX: 736•1746

RECEIVED

MAY 30 1996

Department of Water Resources
Southern Region

RECEIVED

JUN 10 1996

June 20, 1996

RIVERS EDGE PARTNERS
C/O DAVID WATSON
13700 S BROADWAY
LOS ANGELES CA 90061

LAPSE NOTICE

RE: PERMIT NO. 37-08611

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated March 31, 1996. No further construction or additional development is authorized under this permit unless it is reinstated.

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

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

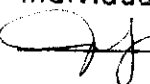
L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

RECEIVED
JUN 10 1996

CERTIFICATION OF MAILING

I hereby certify that on 6/20/96
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.



March 31, 1996

RIVERS EDGE PARTNERS
C/O DAVID WATSON
13700 S BROADWAY
LOS ANGELES CA 90061

PROOF DUE NOTICE

RE: PERMIT NO. 37-08611

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 June 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.

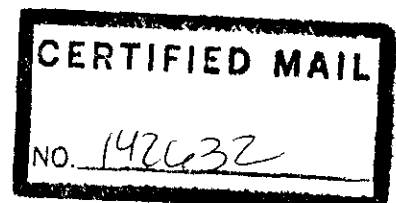
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECEIVED

JUN 19 1996



ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 37-08611 Reviewed by [Signature] Date 9-12-95

BASIC INFORMATION

8-9-95 Date stamp received
no Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
yes 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 June 1, 1996 on basis of due diligence.
Reinstall & advance priority to July 18, 1990.*

PRIORITY CALCULATION

Date extension received	<u>8-9-95</u>	=	<u>221</u>
Proof due date ^{raised} <u>4/12/95</u>	<u>6-1-95</u>	=	<u>152</u>
Number of days late		=	<u>69</u>
Priority date	<u>5-10-90</u>	=	<u>130</u>
New Priority Date	<u>7-18-90</u>	=	<u>199</u>

DATA ENTRY

New Address % David Watson, 13700 S. Broadway, L.A. CA 90061
Change Proof Due Date 6-1-96
Change Priority Date 7-18-90



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

September 13, 1995

Rivers Edge Partners
c/o David Watson
13700 S Broadway
Los Angeles, CA 90061

RE: Permit No. 37-08611

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to **June 1, 1996**. Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department will not be able to grant additional requests based on due diligence.

Please be advised that since the extension was received after the proof due date of June 1, 1995, it was necessary for the department to reinstate your permit and advance your priority date to July 18, 1990.

If you have any questions or if I can be of any assistance, please feel free to contact me at (208)327-7900.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Regional Office

SEP 14 1995

ROSHOLT, ROBERTSON & TUCKER

Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
JOHN K. SIMPSON
PATRICK D. MADIGAN
PAUL W. SAMUELSON
TIMOTHY J. STOVER
NORMAN M. SEMANKO
ERIK P. SMITH

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

August 8, 1995

RECEIVED

AUG 09 1995

Department of Water Resources

L. Glen Saxton, Chief
Water Allocation Bureau
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Re: Permit No. 37-08611
Extension Request

Dear Mr. Saxton:

Enclosed herewith is a Request for Extension of Time to provide proof of beneficial use for the above-referenced permit, accompanied with the required \$50.00 fee. As the request indicates, all of the improvements have been completed, but this permit is for an in-stream pond system in the Comstock Ditch, and is consequently part of a larger system involving other users on the Comstock Ditch. We are attempting to work all of the "bugs" out of the system, and are particularly interested in how it functions this year, because of the high water. Also, the permit and the relationship of the uses to other Comstock uses, require more extensive water quality monitoring, which will be completed this year.

Knowing that the granting of an extension is discretionary with IDWR, I am concerned that if the extension is not granted, we be given a short window in which to file proof of beneficial use and request an inspection by the Department.

I look forward to hearing from you.

Sincerely,

J. Evan Robertson

J. EVAN ROBERTSON

JER:je/07249503
Enclosure

SEP 14 1995

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

June 12, 1995

RIVERS EDGE PARTNERS
C/O DICK FENTON
PO BOX 428
KETCHUM ID 83340

LAPSE NOTICE

RE: PERMIT NO. 37-08611

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated March 31, 1995. No further construction or additional development is authorized under this permit unless it is reinstated.

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

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

L. GLEN SAXTON
Chief, Water Allocation Bureau

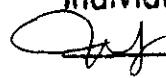
Enclosures

Enclosures

SEP 14 1995

CERTIFICATION OF MAILING

I hereby certify that on 6-12-95
a ~~copy~~/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.



March 31, 1995

RIVERS EDGE PARTNERS
C/O DICK FENTON
PO BOX 428
KETCHUM ID 83340

PROOF DUE NOTICE

RE: PERMIT NO. 37-08611

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 June 1, 1995.

(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.

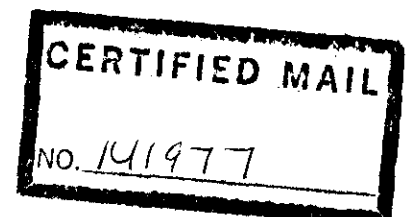
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECEIVED

SEP 14 1995





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 29, 1992

Jim Speck, Attorney at Law
P.O. Box 987
Ketchum, ID 83440

RE: Permits Nos. 37-08535 (Graystone, Inc.) and 37-08611 (Rivers Edge Partners)

Dear Jim:

This letter confirms our telephone conversation of July 27, 1992, and also responds to your letter dated July 16, 1992. The Department has determined that an application for transfer must be filed before it can approve a mitigation plan which will leave water rights owned by Brennan (or Rockwell bypass water) as compensation for losses in the Rivers Edge-Sherwood-Graystone system. This is especially true because of low flow conditions and the fact that the system has not had water in it during the 1992 season.

Respectfully,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc: Southern Region
Lee Peterson
Evan Robertson

RECEIVED

SEP 14 1992

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYSTERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP
DONALD E. MITCHELL120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
FAX (208) 726-0752HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

July 16, 1992

VIA FACSIMILE - 1-327-7866
ORIGINAL TO FOLLOW BY MAILMr. Gary Spackman
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

Re: Permits Nos. 37-08535 (Graystone, Inc.) and 37-08611 (Rivers Edge Partners)

Dear Gary:

This letter will confirm our telephone conversation earlier today. Condition No. 16 to Permit No. 37-08535 requires the 0.15 cfs of Water Right No. 37-00577 owned by Graystone, Inc. to remain in the River to compensate for losses incurred whenever the Comstock Ditch irrigation rights have been cut off and water is to be delivered through the Graystone system. This is presently the situation. However, as of today Water Right No. 37-00577 has been cut back to 50% delivery and the Watermaster believes it will be cut entirely by the beginning of next week.

Graystone and Rivers Edge (as well as Sherwood in between for Permit No. 37-08278) desire to call for 4.0 cfs for their permits at the end of next week to provide the water necessary to complete the ditch and pond system sealing for the elimination of seepage losses. Graystone has arranged to lease for the balance of the irrigation season 0.2 cfs of Water Right No. 37-00657 from Robert Brennan. Mr. Brennan purchased 1.16 cfs of this right from Gary and Donna Hibbard (see Claim No. A37-00657B and the enclosed Warranty Deed copy). Water Right No. 37-00657 has a priority date of May 1, 1881 and Mr. Brennan's portion is delivered through the Hiawatha Canal. The leased 0.2 cfs of 37-00657 will remain in the Big Wood River and not be diverted into the Hiawatha Canal for as long as it remains good during the balance of this irrigation season. Mr. Brennan has agreed to file the appropriate Notice of Change of Ownership and Amended Notice of Claim for his portion of 37-00657 as soon as possible.

It is my understanding you will approve this arrangement to provide the compensation water necessary for the delivery of 4.0 cfs under Permits Nos. 37-08535 and 37-08611. We

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SEP 14 1995

Post-It™ brand fax transmittal memo 7671		# of pages
To	Gary Spackman	From
Co.		Co.
Dept.		Phone #
Fax #	327-7866	Fax #
		7

Mr. Gary Spackman
July 16, 1992
Page 2

must have this water available by Friday, July 24, 1992, or the sealing process may have to be repeated! If 37-00657 receives a priority cut, we understand the 4.0 cfs for the Permits will also be cut off. You will as soon as possible send a letter to Lee Peterson, Watermaster for District 37, confirming your approval. Mr. Brennan will contact the Watermaster to confirm the lease arrangement.

Thank you very much for once again cooperating and assisting my clients in what is proving to be one of the worst water years on record for the Big Wood River Valley.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS/j

cc: Mr. Peter Gray
Mr. Will Miller
Mr. Evan Robertson

RECEIVED
SEP 14 1995

JUL-16-92 THU 15:55

FA (KETCHUM)

FAX NO. 20872 97

P. 01

For and in favor of Gary J. Hibbard and Donna G. Hibbard, husband and wife

Hereinafter called the Grantor, hereby gave, bargained, sold and conveyed unto

Robert M. Brennan, a single person

whose address is 1411 Marsh Street, Suite 207, San Luis Obispo, CA 93401

Hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to-wit:

See Attached Schedule "A" Made a Part Hereof

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: May 31, 1990

Gary J. Hibbard
Gary J. Hibbard

Donna G. Hibbard
Donna G. Hibbard

State of Idaho

County of Blaine

On June 4 1990 before me, the undersigned, a Notary Public in and for said State, personally appeared Gary J. Hibbard and Donna G. Hibbard personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Signature Susan K. Rubel

Commission Expires: 3-11-93



#320427

FEES \$ 6.00

MARY GREEN, CLERK

90 DEC 3 PM 3 46

Cal. and

BLAINE CO. REQUEST
FIRST AMERICAN TITLE CO.

325921

Post-It™ brand fax transmittal memo 7871		# of pages > 2
To <u>Jim Sporn</u>	From <u>[Signature]</u>	
Co.	Co. <u>F&F</u>	
Dept.	Phone #	
Fax # <u>726-0752</u>	Fax #	

SEP 14 1995

JUL-18-82 THU 15:56

FA (KETCHUM)

FAX NO. 20872 37

P. 02

Order No. 13240
Legal Description

Exhibit "A"

PARCEL I:

Lot 2 in Block 2 of ZINC SPUR - UNIT FOUR, according to the official plat thereof, recorded as Instrument No. 21089, records of Blaine County, Idaho.

PARCEL II:

Lot 2 in Block 1 of ZINC SPUR - UNIT FIVE, according to the official plat thereof, recorded as Instrument No. 233533, records of Blaine County, Idaho.

PARCEL III:

TOWNSHIP 3 NORTH, RANGE 18 EAST, BOICE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 20: S1/2 SW1/4

Excepting therefrom all that portion of ZINC SPUR RANCH UNITS TWO AND THREE, BLAINE COUNTY, IDAHO, lying within said S1/2 SW1/4.

AND

SECTION 29: W1/2 NW1/4, NE1/4 NW1/4

Excepting therefrom all that portion of ZINC SPUR RANCH UNIT TWO, BLAINE COUNTY, IDAHO, lying within said NE1/4 NW1/4.



SEP 14 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 20, 1992

RIVERS EDGE PARTNERS
C/O DICK FENTON
P.O. BOX 428
KETCHUM ID 83340

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08611

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 and lockable controlling works that will enable the watermaster to control the rate of diversion.

Sincerely,

BRENDA L. MILLER
Technical Records Specialist

BLM:cz

Enclosures

PROOF FILMED

JUN 11 1992

APPLICATION FOR PERMIT REVIEW

Application #: 37-08611
Date: 5-18-92

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 <fl ch>, A of C
LT. 0.2 cfs - No measurement required <flow chart>

Drilling Permit:

Approved w/permit - P99
Not included - 046-P23 (existing wells-7/1/87 to present)

SURFACE WATER: not in w/d - 01C-P03 (=GT.2 w/pump), NMR <flow chart>

LOCATION:

Water Districts - WD No. 37
Surface water - 005, 005-01H-P01 (LT.2 w/pump)
005-01J-P08 (GT.2), NMR <flow chart>
Groundwater - P05 *L special from order*
Irrigation Districts - 023
Canal Co. Areas - 023
Drainage Districts - 024
Boise Front (63) - 058 (Groundwater)
Swan Falls Flag - A (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) *special in order*
Domestic - 021(restricted areas)

OWNERSHIP:

Non land owner - 004

PROTESTED:

Agreement - 020

Beneficial Use Due Date: -

Other Conditions Recommended

6-1-1995
SEE MEMORANDUM + DECISION
IN BIG WOOD GUMA



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 3, 1992

River's Edge Partners
P.O. Box 428
Ketchum, ID 83340

RE: Application for Permit to Appropriate Water No. 37-8611 in
the Name of River's Edge Partners, A General Partnership

Dear Applicant:

Please find enclosed a copy of the Order Adopting Proposed
Memorandum Decision and Order on the above referenced permit.

Any party who disagrees with the decision of the Director
may request a rehearing before the Director within twenty (20)
days or may appeal to the district court within thirty (30) days
from the date this decision is mailed.

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

MICROFILMED

JUN 11 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 3, 1992

Richard M. Oneida
Big Wood Canal Co.
P.O. Box C
Shoshone, ID 83352

RE: Application for Permit to Appropriate Water No. 37-8611 in
the Name of River's Edge Partners, A General Partnership

Dear Mr. Oneida:

Please find enclosed a copy of the Order Adopting Proposed
Memorandum Decision and Order on the above referenced permit.

Any party who disagrees with the decision of the Director
may request a rehearing before the Director within twenty (20)
days or may appeal to the district court within thirty (30) days
from the date this decision is mailed.

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

RECORDED

JUN 11 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 3, 1992

Friends of the Big Wood River
P.O. Box 4411
Ketchum, ID 83340

RE: Application for Permit to Appropriate Water No. 37-8611 in
the Name of River's Edge Partners, A General Partnership

Dear Interested Party:

Please find enclosed a copy of the Order Adopting Proposed
Memorandum Decision and Order on the above referenced permit.

Any party who disagrees with the decision of the Director
may request a rehearing before the Director within twenty (20)
days or may appeal to the district court within thirty (30) days
from the date this decision is mailed.

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

MICROFILMED

JUN 1 1 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 3, 1992

Jim Speck
Box 987
Ketchum, ID 83340

RE: Application for Permit to Appropriate Water No. 37-8611 in
the Name of River's Edge Partners, A General Partnership

Dear Mr. Speck:

Please find enclosed a copy of the Order Adopting Proposed
Memorandum Decision and Order on the above referenced permit.

Any party who disagrees with the decision of the Director
may request a rehearing before the Director within twenty (20)
days or may appeal to the district court within thirty (30) days
from the date this decision is mailed.

Sincerely,

A handwritten signature in cursive script that reads 'Gary Spackman'.

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

MICROFILMED

JUN 11 1992

March 10, 1992

IN THE MATTER OF APPLICATION FOR PERMIT	)	
	)	
TO APPROPRIATE WATER NO. 37-8611 IN THE	)	EXCEPTION TO
	)	PROPOSED ORDER
NAME OF RIVER'S EDGE PARTNERS, A GENERAL	)	BY
	)	FRIENDS OF THE BIG
PARTNERSHIP	)	WOOD RIVER

With regard to Paragraph No. 3 of the Order which reads:
"The use of the water under this permit shall be non-consumptive. At such times in the future as he may determine necessary to protect the prior rights of other users, the Director may require determination of the rate of loss within the system using a procedure approved by the Director and may require mitigation for all system losses, including losses which may injure users in the Comstock Ditch." [Emphasis added]

It was determined during the hearing that there would be losses in the system. It was our clear understanding that there would be regular measurements of the amount of water going back into the river and that if these amounts were not equal to the amounts being diverted from the river, the system would be cut off.

It was our belief from the beginning and continues to be our belief that the three users on line in that non-consumptive system could not and will not be able to return the full amount of water to the river. This was the basis of our protest from the beginning. In the hearing considerable discussion took place about the matter of returning the full amount.

The wording of the order clearly states that the Director of the IDWR "may" require a determination of the rate of loss with the clear implication that he also may not require such a determination.

If this means that the amount of the return to the river may not be determined, and that if there is a measurable loss the diversion may not be cut off, then it is not what the Friends agreed to when they withdrew their protest to all but the question of speculation.

The Friends would like to have assurances from the IDWR that the return from this diversion will be checked at regular intervals to determine whether or not there is a loss, and if there is a loss that the diversion be cut off. This is what was discussed and agreed upon at the hearing.

If such regularly scheduled checking of the return is a burden on the Watermaster and his assistants, the code provides that the Watermaster may charge non-consumptive water users for such work and pay another assistant to do it. Section 42-Paragraph (3)].

Nick Cox

Nick Cox, Pres
for Friends of the Big Wood River

MICROFILMED
JUN 11 1992

cc. River's Edge Partners
James Speck
Lee Peterson
Richard M. Oneida

RECEIVED
JUN 11 1992

March 9, 1992

Mr. Gary Spackman
Department of Water Resources
1301 N. Orchard Street
Boise, ID 83720



Department of Water Resources



Dear Gary,

Inclosed is our "exception" to the proposed order on the #37-8611 water right application. I don't know if it is in exactly the correct form, but I'm sure you understand what we are getting at. If not, Please let me know.

With regard to Section 42-605A Paragraph (3) of the Idaho Code, I would think that if the Watermaster is not already doing it, he should start assessing non-consumptive water rights under this authority so he can hire extra help if needed.

It is clear to us that one of the problems with water use in this district is that the ditch rider has too much to do and cannot adequately check the diversions and returns for non-consumptive rights.

We look forward to the Department's response to our exception.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nick Cox".

Nick Cox, Pres.

RECEIVED
JUN 11 1992



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

March 4, 1992

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Lee Peterson
Box T
Shoshone, ID 83352

Dear Mr. Peterson:

Please find enclosed a copy of the Proposed Memorandum Decision and Order and Order Issuing Proposed Memorandum Decision for application for permit to appropriate water no. 37-8611 in the name of River's Edge Partners, A General Partnership.

Any party who disagrees with the Proposed Decision may file exceptions to the decision within fifteen (15) days of service of the Proposed Decision.

Respectfully,

A handwritten signature in cursive script that reads 'Gary Spackman'.

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

MICROFILMED

JUN 1 1 1992



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

March 4, 1992

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

River's Edge Partners
P.O. Box 428
Ketchum, ID 83340

Dear Applicant:

Please find enclosed a copy of the Proposed Memorandum Decision and Order and Order Issuing Proposed Memorandum Decision for application for permit to appropriate water no. 37-8611 in the name of River's Edge Partners, A General Partnership.

Any party who disagrees with the Proposed Decision may file exceptions to the decision within fifteen (15) days of service of the Proposed Decision.

Respectfully,

A handwritten signature in cursive script that reads 'Gary Spackman'.

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

MICROFILMED

JUN 11 1992



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

March 4, 1992

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Richard M. Oneida
Big Wood Canal Co.
P.O. Box C
Shoshone, ID 83352

Dear Mr. Oneida:

Please find enclosed a copy of the Proposed Memorandum Decision and Order and Order Issuing Proposed Memorandum Decision for application for permit to appropriate water no. 37-8611 in the name of River's Edge Partners, A General Partnership.

Any party who disagrees with the Proposed Decision may file exceptions to the decision within fifteen (15) days of service of the Proposed Decision.

Respectfully,

A handwritten signature in cursive script that reads 'Gary Spackman'.

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

RECEIVED

JUN 11 1992



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

March 4, 1992

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

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

Dear Mr. Speck:

Please find enclosed a copy of the Proposed Memorandum Decision and Order and Order Issuing Proposed Memorandum Decision for application for permit to appropriate water no. 37-8611 in the name of River's Edge Partners, A General Partnership.

Any party who disagrees with the Proposed Decision may file exceptions to the decision within fifteen (15) days of service of the Proposed Decision.

Respectfully,

Gary Shackman
GARY SHACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

MAILED
JUN 11 1992



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

March 4, 1992

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Friends of the Big Wood River
P.O. Box 4411
Ketchum, ID 83340

Dear Mr. Brearey:

Please find enclosed a copy of the Proposed Memorandum Decision and Order and Order Issuing Proposed Memorandum Decision for application for permit to appropriate water no. 37-8611 in the name of River's Edge Partners, A General Partnership.

Any party who disagrees with the Proposed Decision may file exceptions to the decision within fifteen (15) days of service of the Proposed Decision.

Respectfully,

A handwritten signature in cursive script that reads 'Gary Spackman'.

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

MICROFILMED

JUN 11 1992

ROSHOLT, ROBERTSON & TUCKER
Chartered

ATTORNEYS AT LAW

1020 MAIN STREET
SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

Twin Falls Office
142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
GARY L. QUIGLEY
JUSTIN R. SEAMONS
JOHN O. FITZGERALD
D. BERNARD ZALEHA

RECEIVED
JAN 13 1992

Department of Water Resources

January 10, 1992

Mr. Gary Spackman, Manager
Water Right Permits Section
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

RE: Application for Permit No. 37-08611

Dear Gary:

I received your letter dated January 6, 1992, in which you indicated your intent to withhold the issuance of a decision in the protest hearing over the above-referenced application until details of the permit request have been submitted by the applicant (River's Edge Partnership) to the other users on the Comstock Ditch. I have no problem in submitting copies of the application and a brief description of the proposed project to the Comstock Ditch users, but do wish to remind you that at the protest hearing you specifically agreed that it would be inappropriate to give those users veto power over the issuance of the permit or, to put it another way, an unofficial way for them to protest the application even though the application has been properly noticed and no protest were received from any other Comstock Ditch user during the statutory protest period. We did agree to give notice to the other Comstock Ditch users, and I have done so, in the form enclosed with this letter, which was sent to R. Bloomfield, J. McDonald, H. Rinker, and G. Gould, and Kanshar Partnership. However, given your statement that the Department was not going to allow objections by the other ditch users to be viewed as a protest, I would ask that you proceed with your decision prior to the 30 day period granted to the other Comstock Ditch users to respond to the enclosed letter. As of this date, the enclosed letter has been sent to the Comstock Ditch users, and I think it is appropriate for you to proceed with the issuance of your decision.

Sincerely,

J. Evan Robertson
J. Evan Robertson

MICROFILMED
JUN 11 1992

JER/dj

ROSHOLT, ROBERTSON & TUCKER
Chartered

ATTORNEYS AT LAW

1020 MAIN STREET

SUITE 400

P.O. BOX 2139

BOISE, IDAHO 83701-2139

TELEPHONE (208) 336-0700

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JOHN A. ROSHOLT
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JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
GARY L. QUIGLEY
JUSTIN R. SEAMONS
JOHN O. FITZGERALD
D. BERNARD ZALEHA

Twin Falls Office
142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

January 10, 1992

Dear Comstock Ditch User:

I represent River's Edge Partners, owners of Lots 2, 3 and 4 of River's Edge Subdivision, Blaine County, which is located just south of the bridge crossing the Wood River along the highway at the south edge of Ketchum (roughly across the highway from Dean Tire Company). As you may know, the Comstock Ditch runs through Lots 2, 3 and 4 and is presently unlined, meaning that substantial seepage losses occur in that stretch of the ditch. Downstream from Lots 2, 3 and 4 water is diverted from the ditch to ponds on the Fassett/Sherwood property, which ponds are also unlined and are the source of extremely high seepage losses.

My clients have filed with the Idaho Department of Water Resources for Permit No. 37-08611, to permit the non-consumptive use of 4 cfs of water from the Comstock Ditch for aesthetic ponds on Lots 2, 3 and 4. The proposed project includes the lining of the ditch and ponds on Lots 2, 3 and 4, and the ditch and ponds on the Fassett/Sherwood property, with a synthetic liner. The project has been extensively reviewed by Dr. Charles Brockway, P.E., who has found that the final result of the project will be, under normal operating conditions of the ditch, a substantial decrease in the seepage losses presently occurring in that reach of the ditch. I have enclosed for your review and consideration a copy of the application for permit and two separate statistical reports on the project completed by Dr. Brockway.

The application for permit was originally reviewed and protested by the Big Wood Canal Company. However, the Canal Company has reviewed the application and the materials which I am sending to you herewith, and withdrew its protest after being satisfied that the proposed project would not be detrimental to the interests of the Canal Company. A protest was also received by Friends of the Big Wood River, and a formal hearing on that protest was held on December 11, 1991, the results of which have not yet been issued by the Department of Water Resources. While we receive no protests from any other Comstock Ditch water user, the Department of Water Resources asked that we inform you of the proposed project, and provide you with 30 days to make written comment to Mr. Gary Spackman, Water Right Permit Section, Idaho Department of Water Resources, 1301 N. Orchard Street, Boise, Idaho 83702. Further, if you have any questions concerning the project

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January 10, 1991
Page -2-

please feel free to contact me at any time during that same 30-day period. I believe you can see from the enclosed information that the proposed project will be of considerable benefit to each of the downstream Comstock Ditch users and will, when irrigation water is not called for, return substantially more water to the mainstem of the Big Wood River than is presently being returned from the Fassett/Sherwood pond system.

Sincerely,



J. Evan Robertson

JER/dj

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JUN 11 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 6, 1992

Evan Robertson
142 3rd Ave. N.
P.O. Box 1906
Twin Falls, ID 83303

RE: Application for Permit No. 37-08611

Dear Evan:

I acknowledge receipt of your brief in opposition to the protest by the Friends of the Big Wood River. I have worked on a decision, but will withhold its issuance until I have received evidence that you have communicated with the Comstock Ditch water users to obtain their consent to the River's Edge proposal. I will wait long enough in issuing the decision to grant the Comstock Ditch users thirty (30) days to respond to your letter.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc: Southern Region
Friends of the Big Wood River

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DEC 18 1991

Department of Water Resources

J. Evan Robertson
Rosholt, Robertson & Tucker
142 3rd Avenue North
P.O. Box 1906
Twin Falls, ID 83303
(208) 734-0700
469lp/mw/12-13-91

STATE OF IDAHO

BEFORE THE DEPARTMENT OF WATER RESOURCES

RIVER'S EDGE PARTNERS, a general
partnership,

Applicant,

vs.

FRIENDS OF THE BIG WOOD RIVER,

Protestant.

APPLICANT'S BRIEF IN
OPPOSITION TO A PROTEST
OF APPLICATION FOR PERMIT
TO APPROPRIATE PUBLIC
WATERS OF THE STATE OF
IDAHO NO. 37-08611
FILED BY FRIENDS OF THE
BIG WOOD RIVER

I. STATEMENT OF FACTS

This brief is being submitted in support of application for permit to appropriate the public waters of the State of Idaho No. 37-08611 heretofore filed by River's Edge Partners, a general partnership, P.O. Box 428, Ketchum, Idaho 83340, and presently pending before the Idaho Department of Water Resources, and in opposition to a protest filed against said application by Friends of the Big Wood River. Initially, said application for permit was duly protested by Friends of the Big Wood River on grounds that the granting of said permit would be contrary to the local public interest. At a protest hearing held on December 11, 1991, in Hailey, Blaine County,

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1 Idaho, before Hearing Officer Gary Spackman, that protest was
2 radically altered, with the consent of the applicant, by
3 deleting all allegations that the granting of the permit would
4 be contrary to the local public interest and basing the
5 protest, instead, on the criteria set forth in Idaho Code
6 §42-203A(5)(c), which instructs the Director of the Department
7 of Water Resources to deny any application for a permit to
8 appropriate water "where it appears to the satisfaction of the
9 Director that such application is not made in good faith, is
10 made for delay or speculative purposes, . . . ". The nature
11 and content of the amended protest by the Friends of the Big
12 Wood River is contained exclusively in a memorandum from that
13 entity to the Idaho Department of Water Resources dated
14 December 11, 1991, signed by Mr. Nick Cox and submitted to
15 Hearing Officer Gary Spackman at the above-referenced protest
16 hearing by stipulation of the parties to the protest hearing.
17 By stipulation of the parties to the protest hearing, all other
18 issues theretofore raised by the Friends of the Big Wood River
19 protesting the approval of application for permit No. 37-08611
20 were withdrawn and waived. There being no other protests
21 remaining concerning application for permit No. 37-08611, the
22 memorandum of December 11, 1991, filed by the Friends of the
23 Big Wood River sets forth the exclusive issues to be ruled upon
24 by Hearing Officer Spackman.

25 Also stipulated to by the parties at the protest
26 hearing held on December 11, 1991, were the facts to be
27 considered by the Hearing Officer in determining whether, in
28 fact, application for permit No. 37-08611

provisions of Idaho Code §42-203A(5)(c), quoted hereinabove.

Those facts included the following:

1. Application 37-08611 sought the appropriation of 4 cfs for aesthetic purposes from January 1 through December 31 of each year, to be used to provide water to three ponds to be placed in the channel of the Comstock Ditch, using water diverted from the Big Wood River.

2. The purpose of the ponds is to provide aesthetic features for Lots 2, 3 and 4 of River's Edge Ranch Subdivision, Blaine County, Idaho.

3. Lots 2, 3 and 4 are presently owned by the applicant, a general partnership comprised of David P. Watson, Claudia G. Watson, and Richard Fenton, Jr.

4. Richard Fenton, Jr., is a real estate broker with offices in Ketchum, Idaho.

5. Lots 2, 3 and 4 are not presently listed for sale by the applicant, although in testimony, Richard Fenton, Jr., indicated that in the future one or more of said lots may be offered for sale by the partnership.

6. It is the opinion of Richard Fenton, Jr., that the value of Lots 2, 3 and 4 will be enhanced by the completion of the ponds mentioned hereinabove.

7. Richard Fenton, Jr., testified that River's Edge Partners presently have sufficient

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resources with which to construct the proposed ponds, including the lining of the ponds and the remainder of the Comstock Ditch crossing Lots 2, 3 and 4, and he also testified that it was the intent of the Applicant to complete the project during 1992.

II. DISCUSSION OF LAW

As mentioned above, the Protestant, at the hearing held before the Idaho Department of Water Resources on December 11, 1991, has alleged that the above stated facts establish that the water appropriation is being sought for speculative purposes by the applicant and is not being made in good faith, in violation of the provisions of Idaho Code §42-203A(5)(c). It is respectfully submitted that the Protestant has misinterpreted or misapplied that section of the Idaho Code.

The Applicant would direct the attention of the reader to the Rules and Regulations for Water Appropriation by the Department of Water Resources, dated October, 1986, which states as follows concerning the criteria for determining whether an application is made in good faith, Section 5, 1, 3, at page 23:

"The criteria requiring that the Director evaluate whether an application is made in good faith or whether it is made for delay or speculative purposes requires an analysis of the intentions of the Applicant with respect to the filing and diligent pursuit of application requirements. The judgment of another person's intent can only be based upon substantive actions that encompass the proposed project."

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1 Speculation for the purpose of this rule is
2 an intention to obtain a permit to appropriate
3 water without the intention of applying the water
4 to beneficial use with reasonable diligence.
5 Speculation does not prevent an Applicant from
6 subsequently selling the developed project for a
7 profit or from making a profit from the use of
8 the water. An application will be found to have
9 been made in good faith if:

10 The Applicant shall have legal access
11 to the property necessary to construct and
12 operate the proposed project, has the
13 authority to exercise eminent domain
14 authority to obtain such access, or in the
15 instance of a project diverting water from
16 or conveying water across land in state or
17 federal ownership, has filed all
18 applications for a right-of-way." (Emphasis
19 added)

20 It is clear from the Department's own rules and
21 regulations that the proposed use of the water sought in
22 application 37-08611 for the enhancement of three residential
23 lots does not render the application speculative within the
24 meaning of Idaho Code §42-203A.

25 The "good faith" standard relating to appropriations
26 of water is not intended to preclude the appropriator from
27 enhancing the value of the property on which the beneficial use
28 will occur, nor does it preclude the appropriator from
realizing a profit from that enhanced value. Rather, its
intent is to prevent an applicant from tying up water which he
neither can nor intends to apply to a beneficial use in a
reasonable period of time. Quite simply, the intent of the
statutory provisions is to preclude anyone from speculating on
the water right itself, holding in abeyance the development of
that water in hopes that the water can be sold or, perhaps in
the future, the applicant can obtain sufficient water over

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1 property rights or financial resources which are necessary to
2 develop the water for which a permit has been issued. The
3 Idaho Supreme Court in Lemmon v. Hardy, 95 Idaho 778, at
4 Pages 780 and 781 illuminate the type of speculation which is
5 prohibited by the statute:

6 "In the case at bar, the land designated as
7 the point of diversion and place of use in
8 appellant's original application was private
9 property not owned by the appellants and
10 therefore no valid water right could be developed
11 on it. Since no valid water right was possible,
12 it can be concluded that the application was
13 filed for speculative purposes, not for
14 development of a water right.

15 . . .

16 The appellant's filing an application for a
17 water permit with no possessory right in the land
18 designated as the place of use amounted to
19 speculation in of itself. . . . lack of a
20 possessory interest in the property designated as
21 the place of use is speculation. Persons may not
22 file an application for a water right and then
23 seek a place for use thereof." (Emphasis added)

24 It is clear from the Supreme Court opinion in Lemmon
25 v. Hardy and the Rules and Regulations for Water Appropriation
26 issued by the Department of Water Resources, that speculation
27 as set forth in Idaho Code §42-203A seeks only to prohibit
28 appropriators from obtaining control over public water without
the means or intent of applying that water within a reasonable
time to the stated beneficial use. That is clearly not the
case with application No. 37-08611. The unrefuted testimony in
the protest hearing clearly establishes that the Applicant has
the financial resources to construct the project for which the
water is sought, and owns the land on which the project will be
situated.

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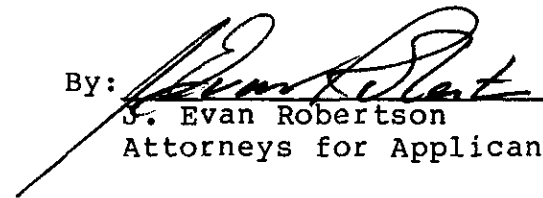
III. CONCLUSION

The Protestant has clearly misinterpreted the standard of good faith with respect to permit application No. 37-08611. The standard is admittedly a bit difficult to understand from the statutory language alone, but its interpretation contained in the rules and regulations of the Idaho Department of Water Resources and in the cited rulings of the Idaho Supreme Court lead to only one conclusion: the protest of the Friends of the Big Wood River, as set forth in its December 11, 1991, memorandum to the Idaho Department of Water Resources is not well founded, and should preclude the approval of permit application No. 37-08611.

DATED this 17th day of December, 1991.

Respectfully submitted,

ROSHOLT, ROBERTSON & TUCKER

By: 
S. Evan Robertson
Attorneys for Applicant

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CERTIFICATE OF MAILING

I hereby certify that on this 13th day of December, 1991, I served a copy of the foregoing APPLICANT'S BRIEF IN OPPOSITION TO A PROTEST OF APPLICATION FOR PERMIT TO APPROPRIATE PUBLIC WATERS OF THE STATE OF IDAHO NO. 37-08611 FILED BY FRIENDS OF THE BIG WOOD RIVER, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Loren D. Holmes, P.E.
Southern Region Manager
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

Gary Spackman, Hearing Officer
Water Right Permit Section
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83702

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Friends of the Big Wood River
Attn: Mr. Nick Cox
P. O. Box 4411
Ketchum, Idaho 83340


J. Evan Robertson

FILED
JUN 11 1992

Application no. 37-8611
Rivers Edge Partners

4 cfs aesthetics -

Protested by: Friends of Big Wood River
with drew protest ← Graystone Inc & Clifside Homeowners
Association, Inc.
Big Wood Canal Company

4 cfs

Does Comstock agree $\approx 17^{3/4} \text{ per day}$

0.04 inches evaporation

$1/10 \text{ } 17^{3/4} \text{ per day}$

Use chemical sealant in the soil

.02 $17^{3/4} \text{ per day}$ (manufacturers info)

Brackway used 0.05 $17^{3/4}$ for his
calculations

48 minus inches lost - without the project
7 minus inches

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Net depletion .04 ~~5~~ inches

JUN 11 1992

No of a decrease in temperature in the
system itself act in the river
10 cfs ?

Comstock users - consent -

Control & access -

Richard Fenton - Warm Springs Road

Real Estate broker - Been a partner in several recreational developments.

Fenton is a partner - general partner
Partner is some "Watsons" (Dave Watson)

Purchased lots 2, 3, & 4

Rivers Edge Partners own the lots -
Are lots listed for sale -

No decision to list or offer lots for sale -

Broad conceptual questions -

Many plans have been completed

Will Miller, Chuck Brockway

Cost of construction -

~~to~~ Partnership can pay for the construction
Funded by cash forwarded to the partnership
Improve by this spring

Benefit for aesthetic pleasure -
Purpose is to benefit -

APR 11 1992

JUN 11 1992

Big Wood Canal Company

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

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DEC 13 1991

Department of Water Resources
Southern Region Office

December 12, 1991

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

RE: Application No. 37-8611
River's Edge Partners

I would like to withdraw my protest on Application No.
37-8611.

Sincerely,


Richard M. Oneida
Manager

RMO/mae

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JUN 11 1992

JUN 11 1992

37-8611

River's Edge Partners
P.O. Box 428
Ketchum, ID 83340

1264

37-8611

James P. Speck
Attorney for Graystone Inc.
P.O. Box 987
Ketchum, ID 83340

37-8611

Friends of the Big Wood River
P.O. Box 4411
Ketchum, ID 83340

37-8611

Richard M. Oneida, Manager
Big Wood Canal Co.
P.O. Box C
Shoshone, ID 83352

Info copy to Lee Peterson WM

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JUN 11 1992

December 11, 1991

To: The Idaho Department of Water Resources

From: The Friends of the Big Wood River

Re: Application for Permit No. 37-08611
Rivers Edge Partners



In processing all applications for permit, the department (of water resources) must consider the following issue, which is specified in Section 42-203A of the IDAHO CODE:

3) Is the application made in good faith or for delay or speculative purposes.

With regard to permit No. 37-08611 in the name of River's Edge Partners the Friends of the Big Wood River, Inc believe that the application is for speculative purposes and argue as follows.

Background:

Historically, during the settlement of the American West, water rights(as well as land) were intended to accrue to the owner of land or applicant for land in so far as the owner/applicant used the land and water for beneficial purposes. The Homestead Act (and, we assume, the act of Feb 10, 1881) were intended, in part, to prevent the acquisition of land and water rights for the purpose of speculation in the form of resale for a profit.

Section 42-101 of the IDAHO CODE, Nature of property in water, states "water being essential to the industrial prosperity of the state, and all agricultural development throughout the greater portion of the state depending on its just apportionment, and economical use by those making a beneficial application of the same...." (Emphasis added)

We construe this to mean that water rights would be granted only to those who would benefit economically from the use and not the resale or transfer of the right. In the case of a non-consumptive use the benefit would be aesthetic or recreational enjoyment rather than a purely economic one.

We believe that the law contemplates the continuous use of the right for a period of time by the owner for his or her personal economic benefit or aesthetic enjoyment. We believe this is true because in the cases where land or water was to be acquired from the federal or state government, proof of beneficial use over time by the owner or applicant was a requirement for being given title. The federal government to some pains to try to avoid the intervention of speculators into the process of land and water distribution.

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Conversely and logically, we do not think it was the intent of the Idaho Code to consider that the simple resale or transfer of a water right for a profit would be construed as an "economical use" thereof. Quite the contrary. Such a use must be considered speculative.

In his book The overtapped Oasis Mark Reisen notes, "The Desert Land Act of 1877 offered 640-acre tracts in the western states and territories to anyone who promised to irrigate them in three years; the standards of "proof" were so lax that the act's main result was sepulation on an almost heroic scale." The point being that from the very beginning Western water and land was intended for the "user" or appropriator and not for speculation. Hence, we believe, is the reason and purpose for paragraph (3) of 42-203A.

It needs to be pointed out that intent is a key factor in the consideration of this Application. In *Jenkins v State of Idaho* department of water resources in a case involving the abandonment of a right the court said, "Intent to abandon must be proved by clear and convincing evidence of unequivocal acts and mere unuse of a water right is not sufficient for a per se abandonment. Intent to abandon is a question of fact to be decided by the trier of fact".

We contend that in the Application before you the question of whether or not the applicants intend to use the water right for aesthetic benefit or simply to resell for a speculative profit is a germane and critical consideration.

Section 42-101 goes on to state "and the right to the use of any public waters..., shall not be considered as being a property right in itself, but such right shall become the compliment of, or one of the appurtenances of, the land or other thing(in this case pond) to which, through necessity, said water is being applied..."

We believe that the test for use versus speculation lies not only in the intent of the applicant, but also in his or her behavior.

The current situation:

In our examination of the River's Edge Partners or their representatives and other expert witnesses, we will show that the sole purpose of the application is speculative and not for the personal use and enjoyment of the partners by both their intent and their behavior which are the basis of the facts in this argument.

First we would like to set forth a scenario in which application and acquisition of a similar water right is not

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speculative. In this case Mr. A, Ms B and Mr. C, without prior agreement but by happenstance, purchase lots 2,3 and 4 respectively of the River's Edge Ranch Subdivision. they buy the lots for the purpose of building single family homes for themselves.

After they have purchased the lots, they get together and decide that they would like to have ponds in front of their building sites for the aesthetic benefits and the increased value of their property which would accrue from such improvements. To do so they apply as a group for a non-consumptive water right with which to fill their ponds.

Whether or not they sell their lots for a profit later on does not create a speculative intent. Any improvement to the lot would do the same. The key factor is that they did not get together before buying their lots for the purpose of getting a water right and reselling their property.

We believe that the purpose and intent of the Rivers Edge Partners was and is to buy land subdivide it acquire a non-consumptive water right, build ponds and then sell the lots off individually for a profit. In other words, a speculative venture.

The critical questions are:

1) How is the property held? Is it held in a legally constituted partnership as tenants in common; Or is each lot held as separate property by each of the partners or combination of partners.

2) Did the partners get together for the purpose of purchase, subdivision and resale of the River's Edge Ranch. Or do the partners intend to improve the property with single family residences for their own use or possible resale?

3) Because the land and the water are inseparable in that the water right is not a property right that can be transferred unless it is appurtenant to a particular piece of land (Section 42-101), if the intent is to resell the property for a profit (ie. a speculative venture) then the water right is part and parcel of the same speculative venture. The question is: Is the land and water right intended to be owned and enjoyed by the appropriators, or are they intended for sale and transfer for profit?

As the Friends have pointed out before, the entities competing for water are agriculture, recreation and most recently, real estate speculation and development.

Furthermore it is common knowledge and an abiding fact that the value of land is greatly increased by attaching a water right to it. Let there be no mistake or doubt in anyone's mind that the true and only purpose of the water right for the River's edge partners is to increase the value of the land for speculative purpose.

COMSTOCK DITCH CURRENT WATER RIGHTS

WATERMASTER DATA

CURRENT OWNER	NUMBER	AMOUNT CFS	PRIORITY	ORIGINAL OWNER	FREQUENCY OF CUT	EARLIEST	LATEST
R. BLOOMFIELD	37-00833	0.20	ROCKWELL		NA		
R. BLOOMFIELD	37-0048C	0.20	5/1/1887	M. BARRY	34	23-Jun	29-Aug
J. MCDONALD	37-0048B	0.50	5/1/1887	M. BARRY	34	23-Jun	29-Aug
G. GLASSMAN	37-00048	3.30	5/1/1887	M. BARRY	34	23-Jun	29-Aug
H. RINKER	37-00154B	3.52	12/13/1887	COMSTOCK	35	23-Jun	8-Sep
G. GOULD	37-00154	6.04	12/13/1887	COMSTOCK	35	23-Jun	8-Sep
	SUBTOTAL	13.76					
GREYSTONE	37-0577BL	0.15	3/24/1883	W.T RILEY	8	25-Jul	28-Aug
GREYSTONE	37-0419B	0.18	8/2/1889		36	11-Jun	6-Sep
GREYSTONE	37-0703E	0.40	6/15/1891		39	14-May	27-Aug
	SUBTOTAL	0.73					
GREYSTONE	37-08535	10.00	7/11/89				
SHERWOOD	37-8278	4.00					
	TOTAL CONSUMPTIVE	14.49					

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PROPOSED COMSTOCK DITCH SYSTEM OPERATION WITH RIVERS EDGE PROJECT

OPERATION SCENARIOS	INFLOW	MAKEUP	MAKEUP	RETURN	IN
	WATER RIGHT	DIVERTED	LEFT IN	TO RIVER	COMSTOCK BELOW CLIFFSIDE
COMSTOCK USERS FULL DEMAND ALL IRRIGATION RIGHTS ON	CFS 13.76	CFS 0.15	CFS 0.00	CFS 0.00	CFS 13.75 12.96
COMSTOCK USERS PART DEMAND AT LEAST ROCKWELL AND 3/24/83 ON	10.00	0.15	0.00	0.00	10.01 9.20
NO COMSTOCK USERS(3/24/83 ON) CLIFFSIDE,RIVERSEEDGE,SHERWOOD	<=10.00	0.00	0.15	9.86 9.05	0.00
NO COMSTOCK USERS(3/24/83 OFF)** SHERWOOD ON ONLY	4.00	0.00	0.00	3.86 3.05	0.00
MINIMUM INSTREAM FLOW REACHED** SHERWOOD ON ONLY	4.00	0.00	0.00	3.86 3.05	0.00

NOTE: INSTREAM FLOW REQUIREMENT OF 189 CFS WILL NOT CONSTRAIN CLIFFSIDE
OR RIVERS EDGE POTENTIAL PERMIT SINCE 3/24/83 CONSUMPTIVE RIGHT WILL
BE OFF BEFORE INSTREAM FLOW IS VIOLATED

BOLD NUMBERS INDICATE EQUIVALENT FLOWS WITH NO RIVERS EDGE
PONDS AND NO LINED DITCH OR LINED SHERWOOD POND-ONLY CLIFFSIDE
OPERATING AS CURRENTLY CONSTRUCTED

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ESTIMATED POND AND DITCH EVAPORATION AND SEEPAGE LOSSES

C.E. BROCKWAY P.E. 12/2/91

RIVERS EDGE AND CLIFFSIDE SUBDIVISIONS AND SHERWOOD PROPERTY

NO PONDS ON RIVERSEGE-RIVERSEGE AND SHERWOOD UNLINED

POND AND DITCH SYSTEM COMSTOCK DITCH FINAL DATA FROM W. MILLER

EVAPORATION DATA FROM J.L. WRIGHT AND MARVIN E. JENSEN 1975

1975 EVAPOTRANSPIRATION AND CLIMATIC DATA FOR THE SILVER CREEK

TRIANGLE BLAINE COUNTY, IDAHO FEBRUARY 1976

LAKE OR POND EVAPORATION CALCULATED USING THE

KOHLER-NORDENSON-FOX PROC.

NUMBER OF LOTS=

3

DIVERSION PER ACRE= 0 GPM USING SPRINKLERS

DIVERSION RATE= 200 INCHES-SHERWOOD NON-CONSUMPTIVE

ALL DITCHES HAVE 1 TO 1 SIDE SLOPES

MON	AVG	AVG	TOTAL	PRECIP	PROJECT	AVG	AVG	AVG	PRECIP	PROJECT	AVG	PRECIP	PROJECT	AVG	PRECIP	PROJECT
EVAP	EVAP	EVAP	ONTHLY	ETCHU	EVAP	EVAP	EVAP	EVAP	EVAP	EVAP	EVAP	EVAP	EVAP	EVAP	EVAP	EVAP
MM/DA	IN/DAY	INCHES	INCHES	INCHES	CFS	GPM	MIN. IN.	IN/DAY	CFS	GPM	MIN. IN.	IN/DAY	CFS	GPM	MIN. IN.	IN/DAY
JAN	0.56	0.022	0.68	2.26	0.002	0.96	0.11	0.00	0.000	0.00	0.00	0.00	0.000	0.00	0.00	0.00
FEB	0.91	0.036	1.00	2.04	0.003	1.57	0.17	0.00	0.000	0.00	0.00	0.00	0.000	0.00	0.00	0.00
MAR	1.43	0.056	1.75	1.86	0.005	2.46	0.27	0.00	0.000	0.00	0.00	0.00	0.000	0.00	0.00	0.00
APR	2.29	0.090	2.70	1.50	0.009	3.94	0.44	0.04	0.004	1.75	0.20	0.04	0.004	1.75	0.20	0.04
MAY	4.32	0.170	5.27	1.57	0.017	7.43	0.83	0.12	0.012	5.22	0.58	0.12	0.012	5.22	0.58	0.12
JUN	5.19	0.204	6.13	1.09	0.020	8.93	0.99	0.17	0.016	7.34	0.82	0.17	0.016	7.34	0.82	0.17
JUL	5.19	0.204	6.13	1.26	0.020	8.93	0.99	0.16	0.016	7.15	0.80	0.16	0.016	7.15	0.80	0.16
AUG	4.55	0.179	5.55	0.89	0.017	7.83	0.87	0.15	0.015	6.57	0.73	0.15	0.015	6.57	0.73	0.15
SEP	3.96	0.156	4.68	1.32	0.015	6.81	0.76	0.11	0.011	4.89	0.54	0.11	0.011	4.89	0.54	0.11
OCT	2.07	0.081	2.53	0.95	0.008	3.56	0.40	0.05	0.005	2.22	0.25	0.05	0.005	2.22	0.25	0.05
NOV	1.01	0.040	1.19	1.94	0.004	1.74	0.19	0.00	0.000	0.00	0.00	0.00	0.000	0.00	0.00	0.00
DEC	0.63	0.025	0.77	2.68	0.002	1.08	0.12	0.00	0.000	0.00	0.00	0.00	0.000	0.00	0.00	0.00
MAX MONTHLY			6.33	2.68	0.02	8.93	0.99	0.17	0.016	7.34	0.82	0.17	0.016	7.34	0.82	0.17
ANNUAL TOTAL			38.59	19.36												
APR-SEP TOTAL			30.67	7.63												

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JUN 11 1992

RIVERS EDGE AND CLIFFSIDE SUBDIVISIONS AND SHERWOOD PROPERTY
SYSTEM LOSS ESTIMATES DO NOTHING ALTERNATIVE-NO PONDS,NO LINING
COMSTOCK DITCH SYSTEM-RIVERSEGE,CLIFFSIDE, SHERWOOD
FIELD DATA BY D. CLEMENS AND W. MILLER

	SEEP RATE	L FT	W FT	D FT	AREA FT^2	ACRES	WET AREA FT^2	ACRES	INFLO CFS	SEEPAGE CFS	EVAP (MAX) CFS	OUT- FLOW CFS	EFFICIENCY %
RIVER	2	1210	10.8	1	13068	0.300	16490	0.379	4.00	0.38172	0.00325	3.62	
DITCH	2	388	10.8	1	4190	0.096	5288	0.121	3.62	0.12240	0.00104	3.49	
SHERWOOD POND	2			3	10388	0.238	11323	0.260	3.49	0.26210	0.00223	3.23	2.5
DITCH	2	232	10.8	1	2506	0.058	3162	0.073	3.23	0.07319	0.00062	3.15	
TO CLIFF	0.1	284	10.8	1	3067	0.070	3870	0.089	3.15	0.00448	0.00076	3.15	
PIPE	0	25			PIPE	0.000	0	0.000	3.15	0.00000	0.00000	3.15	
POND 1	0.1			2	2250	0.052	2453	0.056	3.15	0.00284	0.00048	3.14	0.4
DITCH	0.1	100	10	1	1000	0.023	1283	0.029	3.14	0.00148	0.00025	3.14	
POND 2	0.1			2	3000	0.069	3270	0.075	3.14	0.00378	0.00064	3.14	0.5
DITCH	0.1	140	10	1	1400	0.032	1796	0.041	3.14	0.00208	0.00035	3.14	
POND 3	0.1			2.5	3000	0.069	3270	0.075	3.14	0.00378	0.00064	3.13	0.7
PIPE	0	75			PIPE	0.000	0	0.000	3.13	0.00000	0.00000	3.13	
POND 4	0.1			4	4750	0.109	5178	0.119	3.13	0.00599	0.00102	3.12	1.7
DITCH	0.1	150	10	1	1500	0.034	1924	0.044	3.12	0.00223	0.00038	3.12	
POND 5	0.1			5	12750	0.293	13898	0.319	3.12	0.01609	0.00274	3.10	5.7
DITCH	0.1	250	10	1	2500	0.057	3207	0.074	3.10	0.00371	0.00063	3.10	
POND 6	0.1			5	34000	0.781	37060	0.851	3.10	0.04289	0.00730	3.05	15.2
PIPE	0	25			PIPE	0.000	0	0.000	3.05	0.00000	0.00000	3.05	
POND 7	0.1			3	1400	0.032	1526	0.035	3.05	0.00177	0.00030	3.05	0.4
PIPE TO RIVER	0	1300			PIPE	0.000	0	0.000	3.05	0.00000	0.00000	3.05	
TOTAL DITCHES		4179			100769	2.313	114997	2.640		0.931	0.023		
PONDS		2754			29231	0.671	37021	0.850		0.591	0.007		
PIPES		1425			71538	1.642	77976	1.790		0.339	0.015		

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RIVERS EDGE AND CLIFFSIDE SUBDIVISIONS AND SHERWOOD PROPERTY
 PROJECT SEEPAGE LOSS= 0.931 CFS= 46.5 MINERS INCHES 418 GPM
 PROJECT DESIGN EVAP LOSS= 0.023 CFS= 1.1 MINERS INCHES 10 GPM
 PROJECT IRRIG. REQ'T= 0.000 CFS= 0.0 MINERS INCHES 0 GPM
 TOTAL PROJECT WATER REQ'T= 0.953 CFS= 47.7 MINERS INCHES 428 GPM
 PROJECT DIVERSION AVAILABLE= 4.000 CFS= 200.0 MINERS INCHES 1795 GPM
 AVAIL. FOR POND REPLACEMENT= 3.047 CFS= 152.3 MINERS INCHES 1367 GPM

MAX. TURNOVER TIME- ALL PONDS= 19.6 HOURS TOTAL WATER REPLACEMENT
 MAX TURNOVER TIME W/O IRRIGATION= 19.6 HOURS

USES ATTRIBUTABLE TO EACH SUBDIVISION
 RIVERS EDGE 19.1 IN. SEEPAGE= 41.0 PERCENT 0.2 IN. EVAP = 14.3 PERCENT NOT INCLUDED
 SHERWOOD 22.9 IN. SEEPAGE= 49.2 PERCENT 0.2 IN. EVAP = 17.2 PERCENT
 CLIFFSIDE 4.6 IN. SEEPAGE= 9.8 PERCENT 0.8 IN. EVAP = 68.5 PERCENT
 TOTAL 46.5 IN. SEEPAGE= 100.0 PERCENT 1.1 IN. EVAP = 100.0 PERCENT

PROJECT SEASONAL WATER BUDGET
 RIVERS EDGE, SHERWOOD AND CLIFFSIDE SUBDIVISIONS
 WITHOUT RIVERSEDE PONDS -NO LINING EXCEPT CLIFFSIDE

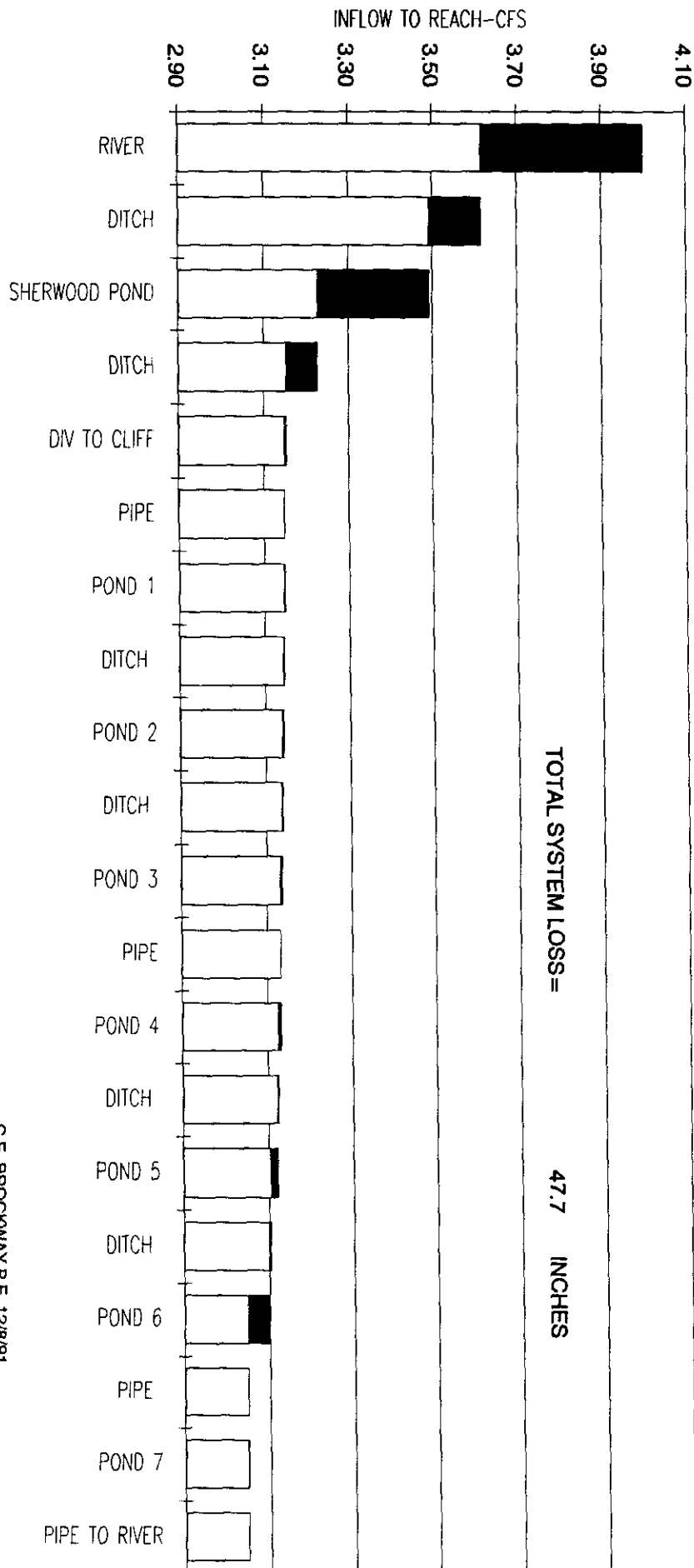
TOTAL WATER DIVERTED (4CFS FOR 180 DAYS)	PONDS
IRRIGATION	1425.6 ACRE FEET
SEASONAL DIVERSION /ACRE	0.0 ACRES
CROP IRRIG. REQ'T	0.00 ACRE FEET/ACRE
EST. SURFACE RETURN FLOW(40%)	0.00 ACRE FEET/ACRE
DEEP PERCOLATION	0.00 ACRE FEET/ACRE
DIVERTED FOR IRRIGATION	0.0 ACRE FEET
CROP CONSUMPTIVE USE	0.0 ACRE FEET
DEEP PERCOLATION FROM IRRIGATION	0.0 ACRE FEET
SEASONAL TOTAL POND AND DITCH EVAP.	5.9 ACRE FEET(180 DAY SEASON)
SEEPAGE FROM PONDS AND DITCHES	331.6 ACRE FEET(180 DAY SEASON)
GROUND-WATER RECHARGE	331.6 ACRE FEET
NET FLOW TO RIVER	1088.0 ACRE FEET

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SEEP6.XLC

SEEPAGE AND EVAP. - COMSTOCK DITCH -NO NEW PONDS

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C.E. BROCKWAY P.E. 12/2/91

ESTIMATED POND AND DITCH EVAPORATION AND SEEPAGE LOSSES
RIVERS EDGE AND CLIFFSIDE SUBDIVISIONS AND SHERWOOD PROPERTY

FINAL DATA FROM W. MILLER

ALL CURRENT AND PROPOSED PONDS INCLUDED

POND AND DITCH SYSTEM COMSTOCK DITCH
EVAPORATION DATA FROM J.L. WRIGHT AND MARVIN E. JENSEN 1975
1975 EVAPOTRANSPIRATION AND CLIMATIC DATA FOR THE SILVER CREEK
TRIANGLE BLAINE COUNTY, IDAHO FEBRUARY 1976
LAKE OR POND EVAPORATION CALCULATED USING THE
KOHLER-NORDENSON-FOX PROC.

NUMBER OF LOTS =

3

(X. DIVERSION PER ACRE =

0 GPM USING SPRINKLERS

DIVERSION RATE =

200 INCHES-SHERWOOD NON-CONSUMPTIVE

ALL DITCHES HAVE

2 TO 1 SIDE SLOPES

MON	AVG	AVG	TOTAL	PRECIP	PROJECT	AVG	AVG	AVG	PRECIP	PROJECT	AVG	PRECIP	PRECIP	EVAP.
EVAP	EVAP	EVAP	ONTHLY	ETCHU	EVAP	EVAP	EVAP	EVAP	PRECIP	EVAP	PRECIP	PRECIP	PRECIP	PRECIP
MM/DA	IN/DAY	INCHES	INCHES	INCHES	CFS	GPM	MIN. IN.	IN/DAY	CFS	GPM	MIN. IN.	IN/DAY	CFS	GPM
JAN	0.56	0.022	0.68	2.26	0.002	0.99	0.11	0.00	0.000	0.00	0.00	0.00	0.00	0.00
FEB	0.91	0.036	1.00	2.04	0.004	1.61	0.18	0.00	0.000	0.00	0.00	0.00	0.00	0.00
MAR	1.43	0.056	1.75	1.86	0.006	2.53	0.28	0.00	0.000	0.00	0.00	0.00	0.00	0.00
APR	2.29	0.090	2.70	1.50	0.009	4.04	0.45	0.04	0.004	1.80	0.20	0.00	0.00	0.00
MAY	4.32	0.170	5.27	1.57	0.017	7.63	0.85	0.12	0.012	5.36	0.60	0.00	0.00	0.00
JUN	5.19	0.204	6.13	1.09	0.020	9.16	1.02	0.17	0.017	7.53	0.84	0.00	0.00	0.00
JUL	5.19	0.204	6.13	1.26	0.020	9.16	1.02	0.16	0.016	7.34	0.82	0.00	0.00	0.00
AUG	4.55	0.179	5.55	0.89	0.018	8.03	0.90	0.15	0.015	6.75	0.75	0.00	0.00	0.00
SEP	3.96	0.156	4.68	1.32	0.016	6.99	0.78	0.11	0.011	5.02	0.56	0.00	0.00	0.00
OCT	2.07	0.081	2.53	0.95	0.008	3.66	0.41	0.05	0.005	2.28	0.25	0.00	0.00	0.00
NOV	1.01	0.040	1.19	1.94	0.004	1.78	0.20	0.00	0.000	0.00	0.00	0.00	0.00	0.00
DEC	0.63	0.025	0.77	2.68	0.002	1.11	0.12	0.00	0.000	0.00	0.00	0.00	0.00	0.00
MAX MONTHLY			6.33	2.68	0.02	9.16	1.02	0.17	0.017	7.53	0.84			
ANNUAL TOTAL			38.59	19.36										
APR-SEP TOTAL			30.67	7.63										

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JUN 11 1992

RIVERS EDGE AND CLIFFSIDE SUBDIVISIONS AND SHERWOOD PROPERTY
 SYSTEM LOSS ESTIMATES-ALL PONDS AND DITCHES LINED
 COMSTOCK DITCH SYSTEM-RIVERSEGE,CLIFFSIDE, SHERWOOD
 FIELD DATA BY D. CLEMENS AND W. MILLER

	SEEP RATE	L FT	W FT	D FT	AREA FT ²	ACRES	WET AREA FT ²	ACRES	INFLO CFS	SEEPAGE CFS	EVAP (MAX) CFS	OUT- FLOW CFS	TOTAL LOSS CFS
RIVER	0.05	125	10.8	1	1350	0.031	1909	0.044	4.00	0.00110	0.00038	4.00	0.00038
POND 1	0.05			3	3277	0.075	3572	0.082	4.00	0.00207	0.00070	4.00	0.00070
DITCH	0.05	140	10.8	1	1512	0.035	2138	0.049	4.00	0.00124	0.00042	3.99	0.00042
POND 2	0.05			3	2508	0.058	2734	0.063	3.99	0.00158	0.00054	3.99	0.00054
DITCH	0.05	265	10.8	1	2862	0.066	4047	0.093	3.99	0.00234	0.00080	3.99	0.00080
POND 3	0.05			3	2115	0.049	2305	0.053	3.99	0.00133	0.00045	3.99	0.00045
DITCH	0.05	195	10.8	1	2106	0.048	2978	0.068	3.99	0.00172	0.00059	3.98	0.00059
DITCH	0.05	388	10.8	1	4190	0.096	5926	0.136	3.98	0.00343	0.00117	3.98	0.00117
SHERWOOD POND	0.05			3	10388	0.238	11323	0.260	3.98	0.00655	0.00223	3.97	0.00223
DITCH	0.05	232	10.8	1	2506	0.058	3543	0.081	3.97	0.00205	0.00070	3.97	0.00070
DIV TO CLIFF	0.1	284	10.8	1	3067	0.070	4337	0.100	3.97	0.00502	0.00085	3.96	0.00085
PIPE	0	25			PIPE	0.000	0	0.000	3.96	0.00000	0.00000	3.96	0.00000
POND 1	0.1			2	2250	0.052	2453	0.056	3.96	0.00284	0.00048	3.96	0.00048
DITCH	0.1	100	10	1	1000	0.023	1447	0.033	3.96	0.00168	0.00029	3.96	0.00029
POND 2	0.1			2	3000	0.069	3270	0.075	3.96	0.00378	0.00064	3.95	0.00064
DITCH	0.1	140	10	1	1400	0.032	2026	0.047	3.95	0.00235	0.00040	3.95	0.00040
POND 3	0.1			2.5	3000	0.069	3270	0.075	3.95	0.00378	0.00064	3.95	0.00064
PIPE	0	75			PIPE	0.000	0	0.000	3.95	0.00000	0.00000	3.95	0.00000
POND 4	0.1			4	4750	0.109	5178	0.119	3.95	0.00599	0.00102	3.94	0.00102
DITCH	0.1	150	10	1	1500	0.034	2171	0.050	3.94	0.00251	0.00043	3.94	0.00043
POND 5	0.1			5	12750	0.293	13898	0.319	3.94	0.01609	0.00274	3.92	0.00274
DITCH	0.1	250	10	1	2500	0.057	3618	0.083	3.92	0.00419	0.00071	3.91	0.00071
POND 6	0.1			5	34000	0.781	37060	0.851	3.91	0.04289	0.00730	3.86	0.00730
PIPE	0	25			PIPE	0.000	0	0.000	3.86	0.00000	0.00000	3.86	0.00000
POND 7	0.1			3	1400	0.032	1526	0.035	3.86	0.00177	0.00030	3.86	0.00030
PIPE TO RIVER	0	1300			PIPE	0.000	0	0.000	3.86	0.00000	0.00000	3.86	0.00000
TOTAL		3694			103431	2.374	120728	2.772			0.116		
DITCHES		2269			23993	0.551	34140	0.784			0.028		
PIPES		1425			79438	1.824	86587	1.988			0.089		

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RIVERS EDGE AND CLIFFSIDE SUBDIVISIONS AND SHERWOOD PROPERTY
 PROJECT SEEPAGE LOSS= 0.116 CFS= 5.82 MINERS INCHES 52 GPM
 PROJECT DESIGN EVAP LOSS= 0.024 CFS= 1.19 MINERS INCHES 11 GPM
 PROJECT IRRIG. REQ= 0.000 CFS= 0.00 MINERS INCHES 0 GPM
 TOTAL PROJECT WATER REQ= 0.140 CFS= 7.01 MINERS INCHES 63 GPM
 PROJECT DIVERSION AVAILABLE= 4.000 CFS= 200.00 MINERS INCHES 1795 GPM
 AVAIL. FOR POND REPLACEMENT= 3.860 CFS= 192.99 MINERS INCHES 1732 GPM

MAX. TURNOVER TIME- ALL PONDS= 17.2 HOURS TOTAL WATER REPLACEMENT
 MAX TURNOVER TIME W/O IRRIGATION= 17.2 HOURS

(USES ATTRIBUTABLE TO EACH SUBDIVISION)
 RIVERS EDGE 0.6 IN. SEEPAGE= 9.8 PERCENT 0.2 IN. EVAP= 16.3 PERCENT NOT INCLUDED
 SHERWOOD 0.6 IN. SEEPAGE= 10.3 PERCENT 0.2 IN. EVAP= 17.2 PERCENT
 CLIFFSIDE 4.6 IN. SEEPAGE= 79.9 PERCENT 0.8 IN. EVAP= 66.5 PERCENT
 TOTAL 5.8 IN. SEEPAGE= 100.0 PERCENT 1.2 IN. EVAP= 100.0 PERCENT

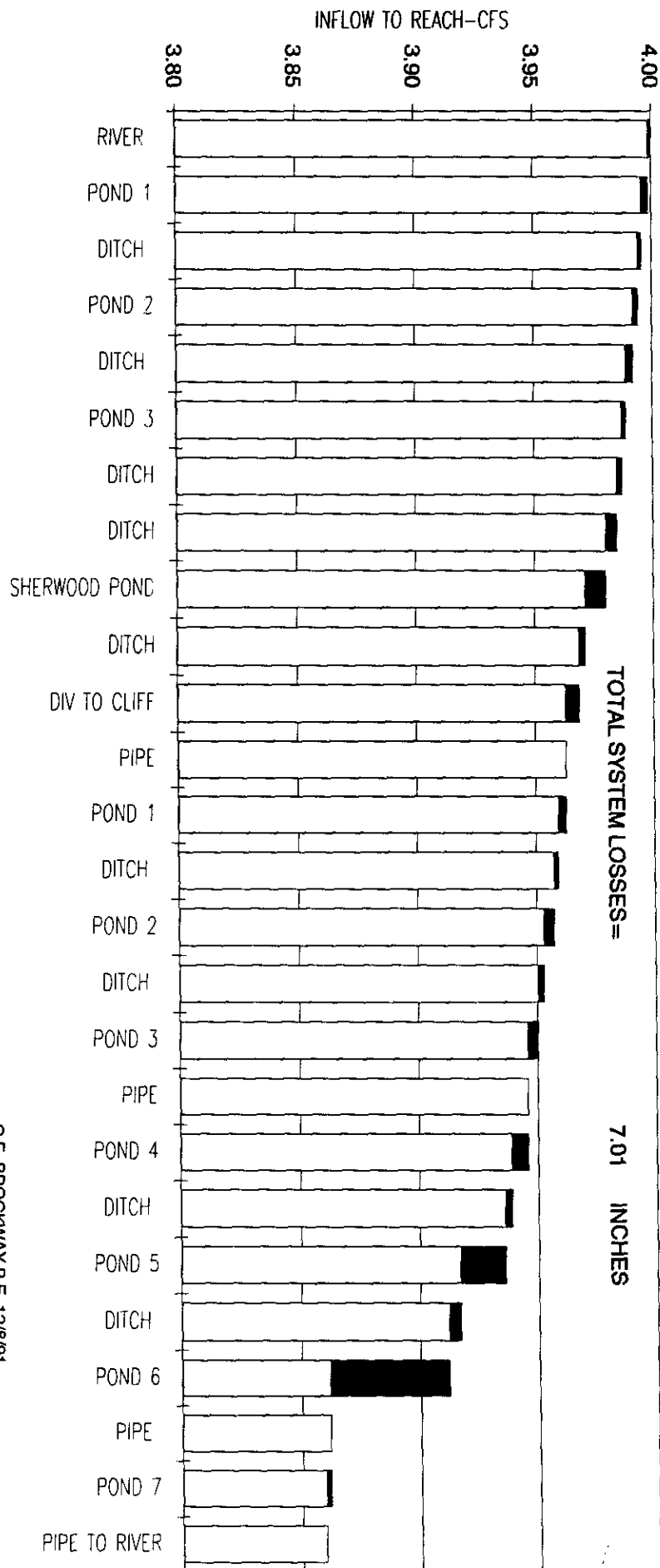
PROJECT SEASONAL WATER BUDGET
 RIVERS EDGE, SHERWOOD AND CLIFFSIDE SUBDIVISIONS

	PRE-PROJECT	PROJECT
	1210 FT DITCH	ALL PONDS
SHERWOOD CLIFFSIDE+RIVERSEDGE DITCH	1425.6	1425.6 ACRE FEET
TOTAL WATER DIVERTED (4CFS FOR 180 DAYS)	0.0	0.0 ACRES
IRRIGATION		
SEASONAL DIVERSION /ACRE	0.00	0.00 ACRE FEET/ACRE
CROP IRRIG. REQ	0.00	0.00 ACRE FEET/ACRE(MAX)
EST. SURFACE RETURN FLOW(40%)	0.00	0.00 ACRE FEET/ACRE
DEEP PERCOLATION	0.00	0.00 ACRE FEET/ACRE
STARTED FOR IRRIGATION	0.0	0.0 ACRE FEET
CROP CONSUMPTIVE USE	0.0	0.0 ACRE FEET
DEEP PERCOLATION FROM IRRIGATION	0.0	0.0 ACRE FEET
SEASONAL TOTAL POND AND DITCH EVAP.	1.8	6.1 ACRE FEET(180 DAY SEASON)
SEEPAGE FROM PONDS AND DITCHES	275.8	41.5 ACRE FEET(180 DAY SEASON)
GROUND-WATER RECHARGE	275.8	41.5 ACRE FEET
NET FLOW TO RIVER	1148.0	1378.1 ACRE FEET

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SEEP5.XLC

SEEPAGE AND EVAP.- COMSTOCK DITCH WITH ALL PONDS
AND TOTAL SYSTEM LINED



C.E. BROCKWAY P.E. 12/8/91

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

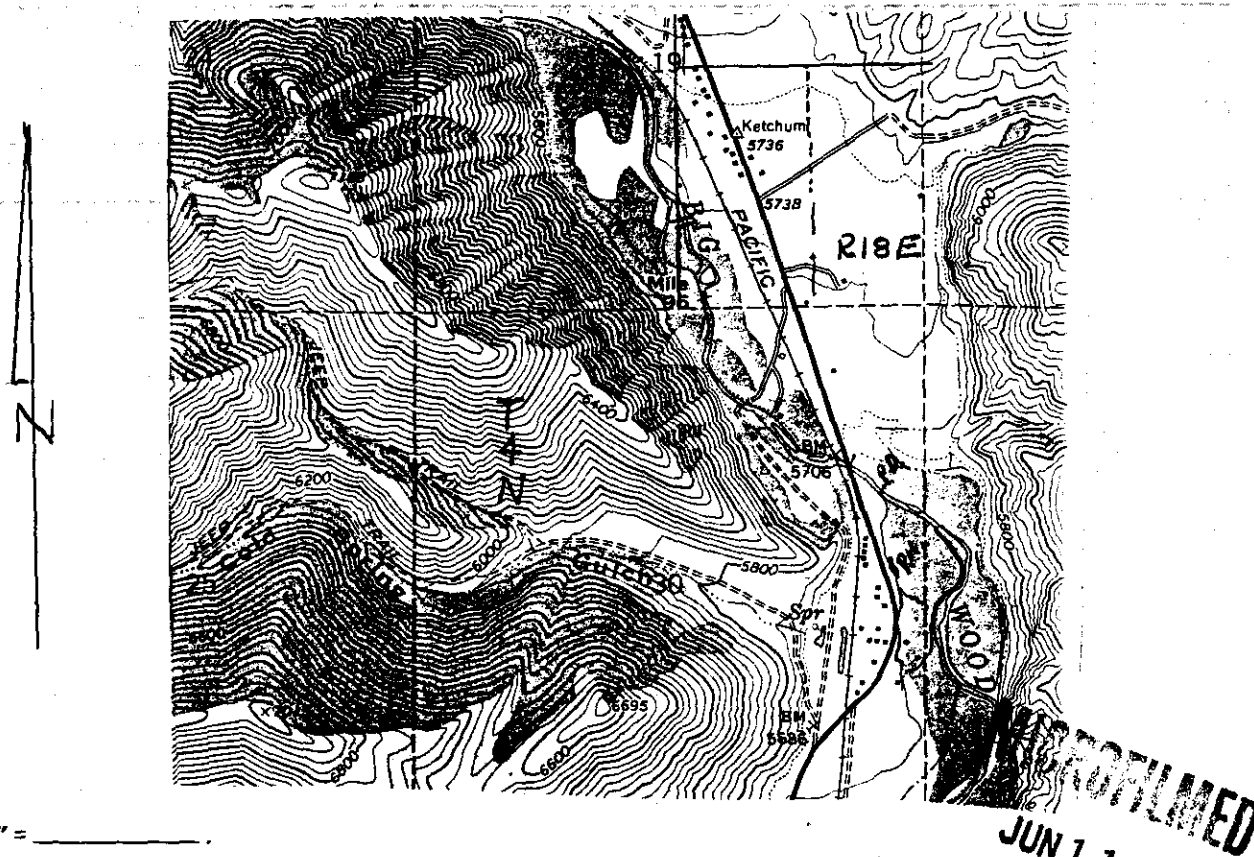
Permit No. 37-8278
1. Owner: Helen M. Fassett Phone No. _____
Current Address: Bx 273, Sun Valley, Idaho 83353
2. Accompanied by: Robert H. Sherwood EXAM. DATE: 7/1/88
Address: SAME Phone No. 5/26/88
Relationship to Permit Holder: Son
3. Source: Big Wood River tributary to Magic Res.

B. OVERLAP REVIEW

1. Other water rights with same place of use: No ☐ Copies Attached
2. Other water rights with same point of diversion: No ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☐ Copy of U.S.G.S. 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 or more).
☐ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Water is diverted from the Bear Wood River to Place of use. The Water is diverted at the lower end of the large Pond into the Comstock ^{Canal} used for Irrigation.

The pond is 250' Lg x 120' Wd x 3.5' Deep.

☐ See Remarks on page 4 for continuation

4.

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

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	SE	NE	30	4N	18E	Blaine	See U.S.G.S. Map.

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	18E	30				X									X				

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JUN 11 1992

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

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

2. Measurements:

*Water measurements were retained from Wood River
Watermaster - See AH.*

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (4.0)(365 \text{ days})(1.9835) 2895.9 \text{ A.F.A.}$

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

2. Volume Calculations for Other Uses:

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

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I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
	From To	Q (cfs)	V (afa)
Wild Life Habitat	Jan 1 Dec. 31	40	2895.0

Totals: 40 2895.0

2. Recommended Amendments

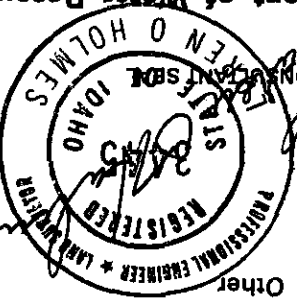
- ☐ Change P.D. as reflected above
☐ Change P.U. as reflected above
☐ Add P.D. as reflected above
☐ Add P.U. as reflected above

- ☒ None
☐ Other

J. AUTHENTICATION

Field Examiner's Name: Stacy Lunderburg
 Signature: [Signature]
 Certification Date: 4/10/91
 Field Report Preparation Date: 3/22/89

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.



WATER DISTRICT 37 & 37-M

=====							
CANAL NAME	COMSTOCK			CANAL NUMBER	10	YEAR	1988
=====							
OWNER LINDSEY, MCDON, BLOOM, GOULD				PAGE	1	USER SAME	
=====							
DATE	APRIL	MAY	JUNE	JULY	AUG.	SEPT.	DATE
=====							
1		4.00	9.80	4.00			1
2		4.00	9.80	4.00			2
3		4.00	8.00	4.00			3
4		3.50	8.00	3.50			4
5		3.50	8.00	3.50			5
6		3.50	14.00	OFF			6
7		3.50	14.00				7
8		3.50	6.40				8
9		3.50	6.40				9
10		3.50	5.70				10
11		3.50	5.70				11
12		3.50	5.70				12
13		4.00	4.90				13
14		4.00	4.90				14
15		4.00	4.90				15
16		14.00	4.90				16
17		14.00	4.90				17
18		14.00	4.90				18
19		14.00	4.90				19
20		9.80	4.00				20
21		9.80	4.00				21
22		9.80	4.00				22
23		12.70	4.00				23
24		12.70	4.00				24
25		15.00	4.00				25
26		15.00	4.00				26
27		14.00	4.00				27
28		14.00	4.00				28
29		9.80	4.00				29
30		9.80	4.00				30
31		9.80					31
=====							
TOTAL	0.00	253.70	179.80	19.00	0.00	0.00	

YEARLY C.F.S. 452.50

YEARLY ACRE FEET 897.49

TOTAL NUMBER OF DAYS 66

MICROFILMED
JUN 11 1982

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH

P.O. BOX 1906

TWIN FALLS, IDAHO 83303-1906

TELEPHONE (208) 734-0700

FAX (208) 736-0041

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER
TERRY R. McDANIEL
GARY D. SLETTE
JERRY JENSEN
F. BRUCE COVINGTON
CAROLYN M. MINDER
BRUCE M. SMITH
G. RICHARD BEVAN
GARY L. QUIGLEY
TIM J. WILLIAMS
JUSTIN R. SEAMONS
JOHN O. FITZGERALD

Boise Office
1020 MAIN ST., SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

October 30, 1990

RECEIVED
NOV 1 1990

Department of Water Resources

Gary Spackman, Manager
Water Right Permit Section
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83702

RE: Application No. 37-08611 River's Edge Partners

Dear Gary:

Together with Dr. Charles Brockway, I have been working hard to settle with the protestants of the above-referenced permit application. We have met with representatives of the Wood River Canal Company and the Graystone project (Application 37-08535), and I believe we have come close to working out the problems in principal. I do believe that a pre-hearing would resolve all the remaining issues and would allow us to proceed to permit. We are anticipating conditions similar to those placed on the Graystone application, and I believe the Department, in a pre-hearing, could assist us in formulating appropriate conditions to be incorporated in the permit. I know your schedule is busy, but would appreciate holding such a conference as quickly as your calendar will permit.

Thanks for your help.

Sincerely,

J. Evan Robertson/mw

J. Evan Robertson

JER:mw
75011

MICROFILMED

JUN 11 1992

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT TO APPROPRIATE)
WATER NO. 37-8611)

River's Edge Partners,)

Applicant)

Friends of the Big Wood River,)
Big Wood Canal Company,)
Graystone Inc.,)

Protestants)

NOTICE OF HEARING

SOURCE: Big Wood River

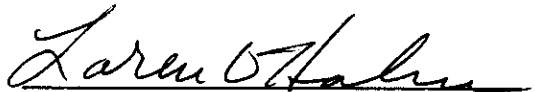
COUNTY: Blaine

On May 10, 1990, River's Edge Partners, applicant, applied to the Department of Water Resources to appropriate the public waters of the State of Idaho. The Department has received protests against the approval of the application from Big Wood Canal Company, Friends of the Big Wood River, and Graystone Inc. A pre-hearing conference was held on April 23, 1991. Parties have since been unable to privately resolve the matter and a hearing has been requested by the applicant.

The Department has set the matter of protest for hearing for Wednesday, December 11, 1991, at 10:00 AM, in the Blaine County Planning & Zoning conference room, in the Old Courthouse, First and Croy Streets, Hailey.

The hearing will be held in accordance with chapter 2, Title 42 of the Idaho Code and the adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded to all parties to respond and present evidence and argument on all issues involved.

Dated this 26 day of November, 1991.


Loren O. Holmes
Southern Region Manager

MICROFILMED

JUN 11 1992

IN THE MATTER OF A PROTESTED APPLICATION FOR PERMIT

In accordance with IDAHO CODE, Section 203, the following issues are involved in consideration of the application and protest(s):

- 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?

BURDEN OF PROOF

The Applicant has the initial burden of proof on issues 1,2,3,4,& 6 above, that is, the applicant has the burden of coming forward with evidence for evaluation of those criteria.

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

PROCEDURE

The procedure normally followed by the department in arriving at a decision on the issues which must be considered is to first hold a conference in the matter and then, if necessary, hold a hearing. If a hearing is held a written decision is issued based on the hearing record.

CONFERENCE

Preliminary to holding a hearing, a pre-hearing conference is held to to familiarize the department and the parties with the matter and to determine if a resolution of the protest(s) is possible without the need for a hearing.

At the conference the department may formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

HEARING

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be issued and the parties will be afforded the opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by IDAHO CODE, Section 42-1701A.

The parties by written stipulation, may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not prejudice the director's review of a party's evidence and arguments. However, such a waiver will shorten the decision making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the District Court.

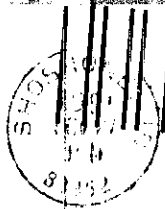
Under the provisions of the IDAHO CODE, Sections 42-1701A and 67-5215, any court review of the department's decision on appeal shall be confined to the record created before the department.

EFFECT OF FAILURE TO APPEAR AT A CONFERENCE OR HEARING

Failure to appear at the time and place set for a conference or hearing by the applicant or protestant(s) may allow the department to dismiss without prejudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

MICROFILMED
JUN 11 1992

Official Business



PENALTY FOR PRIVATE
USE, \$300

Printed on

Print your name, address and ZIP Code here

• Name, address and ZIP Code here

SENDER:

- Complete items and/or 2 for additional services.
- Complete items and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece next to the article number.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: 37-8611

4a. Article Number 1267

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

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

JUN 11 1991
JUN 10 1991

5. Signature (Addressee)

8. ☐ Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

Richard M. Oneida

NOV 29 1991

PS Form 3811, October 1990

☆U.S. GPO: 1990-273-861

Domestic Return Receipt

Southern Region Office

Official Business

JUN 1 1992
MICROFILMED



PENALTY FOR PRIVATE
USE, \$300

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IDAHO DEPT. OF WATER RESOURCES
SOUTHERN REGION
222 Shoshone Street East
Twin Falls, ID 83301

SENDER:

- Complete items and/or 2 for additional services.
- Complete items and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
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I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

37-8611

4a. Article Number

1266

FRIENDS OF THE BIG WOOD RIVER
PO BOX 4411
KETCHUM ID 83434

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

RECEIVED

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

DEC 03 1991

PS Form 3811, October 1990

★U.S. GPO: 1990-273-861

Department of Water Resources
DOMESTIC RETURN RECEIPT
Southern Region Office

United States Postal Service

Official Business



PLEASE MAIL
REPLY FOR
CHRISTMAS



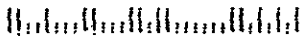
JUN 1 1992

NOT FILMED

PENALTY FOR PRIVATE
USE, \$300

Print your name, address and ZIP Code here

IDAHO DEPT. OF WATER RESOURCES
SOUTHERN REGION
222 Shoshone Street East
Twin Falls, ID 83301



SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3 and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece next to the article number.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: 37-8611

JAMES P SPECK

ATTORNEY FOR GRAYSTONE INC

PO BOX 987

KETCHUM ID 83340

4a. Article Number

1265

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

RECEIVED

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

DEC 03 1991

6. Signature (Agent)

[Signature]

PS Form 3811, October 1990

☆U.S. GPO: 1990-273-861

Department of Water Resources
DOMESTIC RETURN RECEIPT
Southern Region Office

United States Postal Service

Official Business

JUN 1 1992

NOT RECORDED



PENALTY FOR PRIVATE
USE, \$300

Print your name, address and ZIP Code here

IDAHO DEPT. OF WATER RESOURCES
SOUTHERN REGION
222 Shoshone Street East
Twin Falls, ID 83301

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3 and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
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I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: 37-8611

4a. Article Number

1264

RIVER'S EDGE PARTNERS

PO BOX 428

KETCHUM ID 83340

Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

Department of Water Resources

NAME AND ADDRESS OF SENDER

ID W R

Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☐ Certified☐ Express MailCheck appropriate block for
Registered Mail:
☐ With Postal Insurance
☐ Without Postal InsuranceAffix stamp here if issued as
certificate of mailing or for
additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

PS Form 3877, Feb. 1982

FOR REGISTERED, INSURED, C.O.D., CERTIFIED, AND EXPRESS MAIL

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge (if Reg.)	Act. Value (if Reg.)	Insured Value	Due Sender if C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee
1	1261	Ed Grager 11-25-91 47-7169	.29	1.00	1.00	2.29					
2	1262	Rept Schell									
3	1263	Long Hette									
4	1264	Long Hette									
5	1265	Long Hette									
6	1266	Long Hette									
7	1267	Long Hette									
8	1268	Long Hette									
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13	1273	Long Hette									
14	1274	Long Hette									
15	1275	Long Hette									
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	POSTMASTER, PER (Name of receiving employee)								

The full declaration of value is required on all domestic and international mail. The maximum indemnity payable for nonnegotiable documents under Federal Insurance Act is \$50,000 per piece subject to a limit of \$500. The maximum indemnity payable on Express Mail merchandise is \$400 for insured mail. Special handling charges apply only to Third-Class parcels. Special delivery service also includes special handling service.

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

* U.S. GOVERNMENT PRINTING OFFICE

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JUN 11 1992

11-1-91

Mr. Jim Johnson
Department of Water Resources
1301 N. Orchard St.
Boise, Idaho 83702

RECEIVED
NOV 04 1991

Department of Water Resources



Re: Water Right Application 37-08611
Rivers Edge Homeowners

RECEIVED FRIENDS OF THE
BIG WOOD RIVER

NOV 22 1991

Dear Mr. Johnson:

Department of Water Resources
Southern Region

The questions that we have concerning the above application is one that will also have to be answered about others of the same nature.

This application proposes to widen the Comstock Irrigation Ditch in three places to form three decorative non-consumptive ponds. These ponds are to be located a short distance from the source of the Comstock Headgate the Big Wood River.

The situation as we understand it is as follows;
This application as of this date does not have a water right, so if approved will carry a priority date some time in 1990. This will make this water right junior to the minimum streamflow for the Big Wood when and if it goes in to affect.

These ponds will be on a irrigation system that has water rights that are senior to the Big Wood Minimum Streamflow down the course of it's delivery system.

We are concerned and have the following questions.

1. If the minimum streamflow falls below the 189.23 CFS, how will this system be able to be turned off if it is located on line in the present ditch?

MICROFILMED
JUN 11 1992

37-08611

2. If it can't be cut off, what will the I.D.W.R. tell other users who get cut off because their water right is also junior to the minimum streamflow in some other section of the river?



3. There are many irrigation ditch systems in this valley that flow through established subdivisions. What is the I.D.W.R. going to tell other people who want to widen the ditch going through their yards? Especially those who are located on systems with very early priority rights.

4. Since this is a non-consumptive water application, if they are located right on the irrigation canal and they loose some water and can't return their full amount, how could they be cut off?

5. How are these types of projects going to be measured and monitored, especially after the irrigation season ends?

6. If this project obtains some type of consumptive right to replenish lost water how can they be cut off, when the irrigation season ends if they are on the ditch system?

7. If they are in line on the ditch system and can't be cut off, how is the minimum streamflow going to be maintained in this reach?

The Friends feel that the idea of non-consumptive water in most cases really does not exist. The reason being, most of these projects try to buy some type of consumptive water to replenish their loss.

If this project is approved we feel it must be an off-line system or that these applicants should enjoy the water in the ditch without a pond system.

MICROFILMED
JUN 11 1992

We also feel that this will be a poor precedent to establish given the many numbers of similar situations that will certainly come up.

Doug Breeny

Board of Directors
Friends of The Big Wood River



cc

Lee Peterson
Jim Eakin
Gary Spackman
Wood River Canal Co.
Fish & Game
County Commissioners

Michael L. ...
JUN 11 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

15-Nov-1991

R. KEITH HIGGINSON
Director

RIVER'S EDGE PARTNERS
PO BOX 428
KETCHUM ID 83340

Re: Application 37-8611, River's Edge Partners

Gentlemen:

This office is tentatively scheduling this matter for hearing on Wednesday, December 11, 1991 in Hailey.

Notices officially setting the hearing will be mailed about November 26.

If this date presents a scheduling problem, please let me know before November 26.

Sincerely,

A handwritten signature in cursive script that reads 'Loren O. Holmes'.

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

c: Evan Robertson

MICROFILMED
JUN 11 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

15-Nov-1991

R. KEITH HIGGINSON
Director

JAMES P SPECK
ATTORNEY FOR GRAYSTONE INC
PO BOX 987
KETCHUM ID 83340

Re: Application 37-8611, River's Edge Partners

Dear Mr. Speck:

This office is tentatively scheduling this matter for hearing on Wednesday, December 11, 1991 in Hailey.

Notices officially setting the hearing will be mailed about November 26.

If this date presents a scheduling problem, please let me know before November 26.

Sincerely,

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

UNRECORDED

JUN 11 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

15-Nov-1991

R. KEITH HIGGINSON
Director

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

Re: Application 37-8611, River's Edge Partners

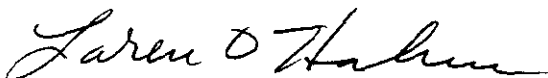
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Loren O. Holmes, P. E.
Southern Region Manager

RECEIVED

JUN 13 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

15-Nov-1991

R. KEITH HIGGINSON
Director

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

Re: Application 37-8611, River's Edge Partners

Dear Mr. Oneida:

This office is tentatively scheduling this matter for hearing on Wednesday, December 11, 1991 in Hailey.

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Sincerely,

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

NOV 11 1991

11-1-91

Mr. Jim Johnson
Department of Water Resources
1301 N. Orchard St.
Boise, Idaho 83702

RECEIVED

NOV 04 1991

Department of Water Resources
Southern Region Office



Re: Water Right Application 37-08611
Rivers Edge Homeowners

Dear Mr. Johnson:

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We are concerned and have the following questions.

1. If the minimum streamflow falls below the 189.23 CFS, **NOT FILMED**
will this system be able to be turned off if it is located on line in
the present ditch?

JUN 11 1992

2. If it can't be cut off, what will the I.D.W.R. tell other users who get cut off because their water right is also junior to the minimum streamflow in some other section of the river?



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4. Since this is a non-consumptive water application, if they are located right on the irrigation canal and they loose some water and can't return their full amount, how could they be cut off?

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MAILED
JUN 11 1992

We also feel that this will be a poor precedent to establish given the many numbers of similar situations that will certainly come up.

Doug Bremer

Board of Directors
Friends of The Big Wood River



cc

Lee Peterson
Jim Eakin
Gary Spackman
Wood River Canal Co.
Fish & Game
County Commissioners

RECEIVED
JUN 11 1992

ROSHOLT, ROBERTSON & TUCKER
Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
GARY L. QUIGLEY
JUSTIN R. SEAMONS
JOHN O. FITZGERALD
D. BERNARD ZALEHA

Boise Office
1020 MAIN ST., SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

October 15, 1991

RECEIVED

OCT 16 1991

Department of Water Resources
Southern Region Office

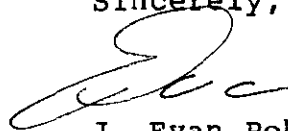
Loren Holmes
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, ID 83301

RE: River's Edge

Dear Loren:

As mentioned to you in my earlier correspondence on this matter, we have been unable to reach a settlement with the protestants to the above-referenced application for permit. I do think the only protest remaining for hearing will be that of the Friends of the Big Wood River. I would ask again that a formal hearing be scheduled at your earliest convenience. If, in the meantime, a settlement can be reached with either or both of the protestants, I will let you know immediately.

Sincerely,



J. Evan Robertson

JER:mw
10671

MICROFILMED

JUN 11 1992

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 14, 1991

RECEIVED

OCT 16 1991

Department of Water Resources
Southern Region Office

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

Re: Rivers Edge Partners - Application for Permit No.
37-08611

Dear Loren:

The protest by Graystone, Inc. and Cliffside Homeowners Association, Inc. (the "Protestants") to Application for Permit No. 37-08611 (the "Application") is hereby withdrawn subject to the following conditions which must be imposed on the permit:

1. Water used pursuant to the permit to be issued for the Application (the "permit") must satisfy Idaho Water Quality Standards where it leaves the permit holder's property and where it is discharged into the Big Wood River. Furthermore, the use of water under the permit, when combined with other recreational, aesthetic, hydropower, fish propagation or other traditional "non-consumptive" uses of water, must not cause a significant degradation of water quality of the Big Wood River and its tributaries.

2. Use of water under the permit shall be non-consumptive. The Department may, at anytime in the future, require a determination of the rate of loss within the system using a procedure approved by the Department and, to protect the prior rights of other users, require mitigation for all system losses, including losses which may injure other Comstock Ditch users. The "system" shall commence at the point of diversion from the Big Wood River and end at the point of return to the Big Wood River, thus encompassing the places of use under Permit No. 37-08278 and Protestant's Permit No. 37-08535. The Protestants agree such losses, if any, shall include those associated with their Permit No. 37-08535 and, accordingly, the 0.15 cfs of Water Right no. 37-00577 and Transfer no. 3590, as described in Conditions Nos. 15 and 16 of Permit No. 37-08535, shall be used to compensate for such "system" losses for both permits.

j/grystne/protwdrl.ltr
10/14/91

UNRECORDED

JUN 11 1992

10/16/91
Graystone - Conditions
for withdrawal

Mr. Loren O. Holmes
October 14, 1991
Page 2

3. If delivery of water under the permit is not possible due to earlier priority rights, including minimum streamflows under Permit No. 37-07919 and Application for Permit No. 37-8307, water diverted pursuant to Permit No. 37-08278 may be delivered through the place of use for the permit if all "system" losses are fully compensated and the water is discharged directly from the "system" to the actively flowing channel of the Big Wood River.

4. A condition identical to Condition No. 19 of Permit No. 37-08535 shall be imposed to allow the Department to retain jurisdiction to assure continuing compliance with the "local public interest" criteria of Rule 5,1,5.

Please call me if you have any questions concerning this letter. Thank you for your continuing cooperation and assistance in these matters.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS/j

cc: Mr. Peter Gray
Mr. Evan Robertson
Dr. Charles Brockway

j/grystne/protwdrl.ltr
10/14/91

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OCT 14 1991

JUN 11 1992

Form No. 202a
4/87STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY TRJ DATE 5/24/90 APPLICATION NUMBER 32-08611REQUIRED 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 and/or volume)
- ☒ County
- ☒ Quantity (flow and/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) * Title given in Remarks
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt ***PROPOSED PRIORITY DATE 5/10/90
- Add language to Attachment to indicate addresses of partners

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 groundwater 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 trust water 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

SWAN FALLS HOLD? NO

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

Date Requested _____

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

SEND COPIES TO ☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☒ Water District 37
☐ Adjudication Bureau Unit ☐ Other

FINAL REGIONAL PROCESSING REVIEW

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

☐ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☐ No Protests received
Final date for protest _____
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☐ No Recommendations attached
☐ Yes ☐ No Measuring device required
☐ Yes ☐ No Access port required
☐ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. _____
☐ Yes ☐ No Special conditions of approval or cover letter below. _____

_____ See below for additional information
Date of priority recommended _____
By _____ Date _____

STATE OFFICE REVIEW

_____ See below for additional information
By _____ Date _____

ADDITIONAL INFORMATION

* Camstock 1/4 diversion used for all or some
of rights 37-0048, - 0154A, - 08330.

* This diversion does not appropriate
additional water, but "preuses" the
4 cfs of oldest right - 37-0048

LOCAL PUBLIC INTEREST

Comments received from:

☐ City	☐ Idaho Fish & Game	☐ Irrigation District
☐ County	☐ Idaho Health & Welfare	☐ Canal Company
☐ Reservations	☐ Division of Environment	☐ Other _____

Project impacts/implications report

COMMENTS

MEMORANDUM

DATE: 03-May-1991

FROM: Loren Holmes *LH*

TO: file 37-8611, River's Edge Partners

SUBJECT: Outcome of pre-hearing conference on 4/23/91

The day prior to the conference, I received a call from the Big Wood Canal Co. indicating that they would withdraw their protest. BWCC did not appear at the conference.

River's Edge, represented by Evan Robertson, described their proposal as "piggybacking" the proposed uses on existing diverted flows. This application is based on a 4 cfs flow under what was referred to as the Sherwood right, apparently 37-8278, which is, in turn, based on continuous use of flows diverted under 37-0048.

The plan is to develop aesthetic ponds along the existing Comstock ditch upstream from Sherwood and Graystone (37-8535).

Although our computer record gives a priority of 1/16/1986 for the 200 cfs instream flow, I seem to recall that it is either junior to or subordinated to 37-8278 (the Sherwood right). If this is the case, it means that Sherwood holds the key to diversion of the other aesthetic rights in the non-irrigation season.

Graystone expressed the following concerns:

- Water Quality. Graystone's permit requires they meet state water quality standards. They are concerned that upstream activities such as landscaping, spraying, etc. will affect the quality of their supply.
- Water Loss. Graystone wants any losses between the diversion and it's discharge shared among the users. River's Edge maintains that each user should carry his own losses.

Friends of the Big Wood River had the following concerns:

- FBW maintains that this is not a beneficial use and will degrade water quality.
- Diversion for aesthetic purposes is not in the public interest.
- The proposal is not in the interest of water conservation.

UNRECORDED

JUN 11 1992

Conf outcome memo

DATE: 05/03/91
TIME: 13:49:18
PAGE: 1

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION WATER MASTER REPORT
BY WATER SOURCE/PRIORITY DATE

CO-XXX
WR5813NP
SELECTION FILE: LH_COMSTOCK

WATER RIGHT NUMBER	CURRENT OWNER NAME	PRIORITY DATE	STG/STS	POINT OF DIVERSION	TOTAL DIVERSION	WATER USES
WATER SOURCE: BIG WOOD RIVER						
37-00048	BARRY MARTIN	05/01/1887	D/	04N 18E 29 NWSW	4.000 CFS	01
37-07919	STATE OF IDAHO	06/19/1981	P/	02N 18E 36 SWNW	70.000 CFS	34
37-07919	STATE OF IDAHO	06/19/1981	P/	04N 17E 13 SENW	70.000 CFS	34
37-08258	STATE OF IDAHO	01/16/1986	A/	05N 17E 10 SENW	200.000 CFS	34,34
37-08258	STATE OF IDAHO	01/16/1986	A/	02N 18E 36 SWNW	200.000 CFS	34,34
37-08258	STATE OF IDAHO	01/16/1986	A/	04N 17E 13 SENW	200.000 CFS	34,34
37-08278	FASSETT HELEN M.	09/25/1986	P/	04N 18E 30 SESENE	4.000 CFS	16
37-08535	GRAYSTONE INC.	07/11/1989	P/	04N 18E 30 SESENE	10.000 CFS	52
37-08611	RIVERS EDGE PARTNERS	05/10/1990	A/	04N 18E 30 SESENE	4.000 CFS	52

MAILED

JUN 1 1 1992

Conference held by: Loren Holmes

ROSTER OF ATTENDANCE

[illegible]

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

JAMES P SPECK
ATTY FOR GRAYSTONE
PO BOX 987
KETCHUM ID 83340

37-8611

4. Article Number

1101

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Address

X

6. Signature - Agent

X

7. Date of Delivery

4-16-91

8. Addressee's Address (ONLY if requested and fee paid)

RECEIVED

APR 17 1991

UNITED STATES POST SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete Items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

~~IDAHO DEPT. OF WATER RESOURCES~~

~~322 S. 1st St.~~

~~Twin Falls, ID 83301~~

NO FILMED

JUN 1 1 1992



PENALTY FOR PRIVATE
USE, \$300

● **SENDER:** Complete Items 1 and 2 when additional services are desired, and complete Items 3 and 4.

Put your address "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

37-8611

FRIENDS OF THE BIG WOOD RIVER

PO BOX 4411

KETCHUM ID 83340

RECEIVED

JUN 1 1 1992

4. Article Number

1102

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Address

X

6. Signature — Agent

X

7. Date of Delivery

8. Addressee's Address (ONLY if requested and fee paid)

APR 17 1991

Department of Water Resources

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

IDAHO DEPT. OF NATURAL RESOURCES
215 N. 1ST ST.
TWIN FALLS, ID 83301



APR 16

MICROFILMED

JUN 1 1 1992



PENALTY FOR PRIVATE
USE, \$300

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery
(Extra charge) (Extra charge)

3. Article Addressed to:

37-8611

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

4. Article Number

1103

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt
for Merchandise

Always obtain signature of addressee
or agent and DATE DELIVERED.

5. Signature -- Address

X

6. Signature -- Agent

X

7. Date of Delivery

4/15/91

8. Addressee's Address (ONLY if
requested and fee paid)

APR 16 1991

Department of Water Resources

Southern Region, USFS

UNITED STATES POST SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

IDAHO DEPT. OF WILDLIFE & FORESTRY
COLUMBIA RIVER
725 N. 1ST ST.
TWIN FALLS, ID 83301



MICROFILMED
JUN 1 1 1992



PENALTY FOR PRIVATE
USE, \$300

Twins Falls

NAME AND ADDRESS OF SENDER

Line 1: 1094 John D Courtney 47-2075 3/14/91 224

Line 2: 1095 Roger Jones

Line 3: 1096 Ruth Owen

Line 4: 1097 Robert Denton Well Drilling 3/15/91 224 Violation # 47-5-107

Line 5: 1098 Twin Falls Hwy DISTRICT violation 47-5-101 (TB)

Line 6: 1099 Jim A. HARPE 3/25/91

Line 7: 1100 RIVERS Edge 4/12/91 224

Line 8: 1101 James P. Speck, Atty. for Graystone

Line 9: 1102 Friends of Big Wood River

Line 10: 1103 Big Wood Canal Co. VM-37

Line 11: Lee Peterson Non Sent

Indicate type of mail

☐ Registered ☐ Insured ☐ COD ☒ Certified ☐ Express Mail

Check appropriate block for Registered Mail:

☐ With Postal Insurance ☐ Without Postal Insurance

POSTMASTER, PER (Name of receiving employee)

POSTMASTER, PER (Name of receiving employee)

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge (if Regs.)	Act. Value (if Regs.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. F
1	1094	John D Courtney 47-2075 3/14/91 224	.29	1.00	1.00	2.29						
2	1095	Roger Jones										
3	1096	Ruth Owen										
4	1097	Robert Denton Well Drilling 3/15/91 224 Violation # 47-5-107	.29	1.00	1.00	2.29						
5	1098	Twin Falls Hwy DISTRICT violation 47-5-101 (TB)	.29	1.00	1.00	2.29						
6	1099	Jim A. HARPE 3/25/91	.29	1.00	1.00	2.29						
7	1100	RIVERS Edge 4/12/91 224	.29	1.00	1.00	2.29						
8	1101	James P. Speck, Atty. for Graystone										
9	1102	Friends of Big Wood River										
10	1103	Big Wood Canal Co. VM-37										
11	1104	Lee Peterson Non Sent										
12												
13												
14												
15												

NAME AND ADDRESS OF SENDER

Line 1: 1094 John D Courtney 47-2075 3/14/91 224

Indicate type of mail

☐ Registered ☐ Insured ☐ COD ☒ Certified ☐ Express Mail

POSTMASTER, PER (Name of receiving employee)

POSTMASTER, PER (Name of receiving employee)

RECEIVED

JUN 11 1992

NAME AND ADDRESS OF SENDER

Line 1: 1094 John D Courtney 47-2075 3/14/91 224

Indicate type of mail

☐ Registered ☐ Insured ☐ COD ☒ Certified ☐ Express Mail

POSTMASTER, PER (Name of receiving employee)

POSTMASTER, PER (Name of receiving employee)

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

* U.S. GOVERNMENT PRINTING OFFICE: 1984-465-1

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT TO APPROPRIATE)
WATER NO. 37-8611)

River's Edge Partners,)

Applicant)

Big Wood Canal Company,)
Friends of the Big Wood River,)
Graystone, Inc.,)

Protestants)

NOTICE OF
PRE-HEARING CONFERENCE

SOURCE: Big Wood River

COUNTY: Blaine

On May 10, 1990, River's Edge Partners, applicant, filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. The Department has received timely protests from the Big Wood Canal Company, Friends of the Big Wood River, and Graystone, Inc.

The Department has set the matter of protest for conference for Tuesday, April 23, at 10:00 AM, at the Ketchum-Sun Valley Chamber of Commerce office, 4th & Main, Ketchum. (Please park in the city parking lot at 6th & Main)

The purpose of the conference is to formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

The conference will be held in accordance with chapter 2, Title 42 of the Idaho Code and the adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded to all parties to respond and present evidence and argument on all issues involved.

Dated this 12 day of April, 1991.

MICROFILMED

JUN 11 1992

Loren O. Holmes
Loren O. Holmes
Southern Region Manager

CONFERENCE AND HEARING PROCEDURE

IN THE MATTER OF A PROTESTED APPLICATION FOR AMENDMENT OF A PERMIT

In accordance with IDAHO CODE, Section 42-211, the following issues are involved in the consideration of the application and protest(s):

- 1) Will the change result in the diversion and use of more water than originally permitted?
- 2) Will the rights of others be adversely affected by the change?

PROCEDURE

The procedure normally followed by the department in arriving at a decision on the issues which must be considered is to first hold a conference in the matter and then, if necessary, hold a hearing. If a hearing is held a written decision is issued based on the hearing record.

CONFERENCE

Preliminary to holding a hearing, a pre-hearing conference is held to to familiarize the department and the parties with the matter and to determine if a resolution of the protest(s) is possible without the need for a hearing.

At the conference the department may formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

HEARING

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be issued and the parties will be afforded the opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by IDAHO CODE, Section 42-1701A.

The parties by written stipulation, may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not prejudice the director's review of a party's evidence and arguments. However, such a waiver will shorten the decision making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the District Court.

Under the provisions of the IDAHO CODE, Sections 42-1701A and 67-5215, any court review of the department's decision on appeal shall be confined to the record created before the department.

EFFECT OF FAILURE TO APPEAR AT A CONFERENCE OR HEARING

Failure to appear at the time and place set for a conference or hearing by the applicant or protestant(s) may allow the department to dismiss without prejudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

RECEIVED
JUN 11 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

18-Mar-1991

River's Edge Partners
P.O. Box 428
Ketchum, ID 83340

Re: Application 37-08611

Gentlemen:

The pre-hearing conference previously scheduled for April 2, 1991 is being rescheduled for April 23, 1991 due to scheduling conflicts with parties.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Loren O. Holmes".

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

RECEIVED

JUN 11 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

18-Mar-1991

James P. Speck
Attorney for Graystone Inc.
P.O. Box 987
Ketchum, ID 83340

Re: Application 37-08611

Dear Mr. Speck:

The pre-hearing conference previously scheduled for April 2, 1991 is being rescheduled for April 23, 1991 due to scheduling conflicts with parties.

Please let me know if you have any questions.

Sincerely,


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

MICROFILMED

JUN 11 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

18-Mar-1991

Doug Brearey
Friends of the Big Wood River
P.O. Box 4411
Ketchum, ID 83340

Re: Application 37-08611

Dear Mr. Brearey:

The pre-hearing conference previously scheduled for April 2, 1991 is being rescheduled for April 23, 1991 due to scheduling conflicts with parties.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads 'Loren O. Holmes'.

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

MICROFILMED

JUN 11 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

18-Mar-1991

Richard M. Oneida, Manager
Big Wood Canal Co.
P.O. Box C
Shoshone, ID 83352

Re: Application 37-08611

Dear Mr. Oneida:

The pre-hearing conference previously scheduled for April 2, 1991 is being rescheduled for April 23, 1991 due to scheduling conflicts with parties.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads 'Loren O. Holmes'.

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

MICROFILMED

JUN 11 1992

March 5, 1991

Friends of the Big Wood River
P.O. Box 4411
Ketchum, ID 83340

Re: Application for permit No. 37-08611, River's Edge Partners

Gentlemen:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to determine if it is possible to resolve the protest 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.

This office is tentatively scheduling the matter of protests for a pre-hearing conference for April 2, 1991. Notices formally setting the conference time and place will be mailed about March 18.

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

Very Truly yours,

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

MICROFILMED

JUN 11 1992

March 5, 1991

James P. Speck
Attorney for Graystone Inc.
P.O. Box 987
Ketchum, ID 83340

Re: Application for permit No. 37-08611, River's Edge Partners

Dear Mr. Speck:

Your protest on behalf of Graystone Inc. against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to determine if it is possible to resolve the protest 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.

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

Very Truly yours,

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

MICROFILMED

JUN 11 1992

March 5, 1991

Richard M. Oneida, Manager
Big Wood Canal Co.
P.O. Box C
Shoshone, ID 83352

Re: Application for permit No. 37-08611, River's Edge Partners

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. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to determine if it is possible to resolve the protest 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.

This office is tentatively scheduling the matter of protests for a pre-hearing conference for April 2, 1991. Notices formally setting the conference time and place will be mailed about March 18.

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

Very Truly yours,

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

MICROFILMED
JUN 11 1992

Attachment to letter dated 05-Mar-1991

To all parties in the matter of
Application for permit No. 37-08611
In the name of River's Edge Partners

**PROTESTED APPLICATION FOR PERMIT:
ISSUES CONSIDERED, CONFERENCE PROCEDURE**

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

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

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

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

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

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

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

RECEIVED
JUN 11 1992

ROSHOLT, ROBERTSON, TOLMAN & TUCKER

Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH

P.O. BOX 1906

TWIN FALLS, IDAHO 83303-1906

TELEPHONE (208) 734-0700

FAX (208) 736-0041

JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER
TERRY R. McDANIEL
GARY D. SLETTE
JERRY JENSEN
F. BRUCE COVINGTON
BRUCE M. SMITH
G. RICHARD BEVAN
GARY L. QUIGLEY
JUSTIN R. SEAMONS
JOHN O. FITZGERALD

Boise Office
1020 MAIN ST., SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

RECEIVED

February 11, 1991

FEB 12 1991

Department of Water Resources
Southern Region Office

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

Re: River's Edge Partners

Dear Loren:

We have had an application pending before you on behalf of the above-named partnership for a considerable length of time. My clients have proposed to divert Wood River water from the Comstock ditch just south of Ketchum to use for decorative ponds and other aesthetic uses. The application was protested by Friends of the Big Wood River and the Big Wood Canal Company. We have been unable to get all the parties together to discuss the resolution of the protest, and consequently suggested the scheduling of a hearing or prehearing conference to determine if the problems could be resolved. Could you kindly provide me with an update on the status of this matter?

Sincerely,

J. Evan Robertson/mw
J. Evan Robertson

JER/mw
87081

JUN 11 1992

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH
P.O. BOX 1906
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JOHN O. FITZGERALD

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1020 MAIN ST., SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

October 30, 1990

RECEIVED

OCT 31 1990

Department of Water Resources
Southern Region Office

Gary Spackman, Manager
Water Right Permit Section
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83702

RE: Application No. 37-08611 River's Edge Partners

Dear Gary:

Together with Dr. Charles Brockway, I have been working hard to settle with the protestants of the above-referenced permit application. We have met with representatives of the Wood River Canal Company and the Graystone project (Application 37-08535), and I believe we have come close to working out the problems in principal. I do believe that a pre-hearing would resolve all the remaining issues and would allow us to proceed to permit. We are anticipating conditions similar to those placed on the Graystone application, and I believe the Department, in a pre-hearing, could assist us in formulating appropriate conditions to be incorporated in the permit. I know your schedule is busy, but would appreciate holding such a conference as quickly as your calendar will permit.

Thanks for your help.

Sincerely,

J. Evan Robertson/mw
J. Evan Robertson

JER:mw
75011

cc: Lorea Holmes

MICROFILMED

JUN 11 1992

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

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

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

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

September 21, 1990

RECEIVED

SEP 24 1990

Department of Water Resources
Sawtooth Region Office

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

Re: Application for Permit No. 37-08611

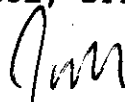
Dear Loren:

I understand it is possible the informal conference on the protest on the above-referenced Application for Permit will be held in October, 1990. I will be out of the office from October 1, 1990 until November 5, 1990. Could you possibly schedule that informal conference for sometime after November 5, 1990 so I might attend or advise my client concerning the matter.

Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD



James P. Speck

JPS:rmb

cc: Mr. Peter Gray
River's Edge Partners

MICROFILMED

JUN 11 1992

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

July 3, 1990

RECEIVED

JUL - 5 1990

Department of Water Resources
Southern Region Office

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

Re: Application for Permit No. 37-08611

Dear Loren:

I represent Graystone, Inc. ("Graystone"), the owner of Permit 37-08535. This letter shall constitute a protest by Graystone to the Application for Permit No. 37-08611 filed by River's Edge Partners (the "Application"). The Application apparently seeks to divert 4.0 cfs of the SAME water which will be a portion of that diverted by Graystone pursuant to its Permit. The Department has imposed a number of stringent conditions upon Graystone's Permit, some of which may be directly and/or adversely impacted by the Application.

The following are among the grounds for this protest:

1. Any increase in loss in the diversion works resulting from seepage or evaporation from the 3 new ponds will reduce the quantity of water available for Graystone unless otherwise compensated.
2. The diversions proposed by the Application may adversely impact the quality or temperature of water available for Graystone's Permit, or may cause discharges from Graystone's system to violate conditions of its Permit.
3. The applicant should be required to share in any improvements to the Comstock Ditch and headgate system which were made conditions of Graystone's Permit.

See 37-8535.

RECEIVED

JUN 11 1992

7/5/90
Graystone

Mr. Loren O. Holmes, P.E.
July 3, 1990
Page - 2

Please notify me of the time and place set for any conference or hearing you may schedule in this matter. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD



James P. Speck

JPS/j

cc: Mr. Peter Gray
River's Edge Partners

RECEIVED
JUN 11 1992

Big Wood Canal Company

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

RECEIVED

JUN 25 1990

Department of Water Resources
Southern Region Office

June 21, 1990

R. Keith Higginson
Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

RE: Application #37-08611 Rivers Edge
Partners

Dear Sir:

The Big Wood Canal Company would like to protest to the applications filed by Rivers Edge Partners on grounds that this diversion could be detrimental to the delivery of water of Big Wood Canal Company.

Sincerely,

Richard M. Oneida
Richard M. Oneida
Manager

RMO/lma

MICROFILMED

JUN 1 1 1992

6/25/90
BWC Protest

June 18, 1990

RECEIVED
JUN 22 1990

Department of Water Resources

Mr. Gary Spackman, Manager
Water Right Permits Section
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83720

RECEIVED



Re: Right No. 37-08611
Four cfs for Aesthetic Purposes
River's Edge Partners

JUN 29 1990

Department of Water Resources
Southern Region Office

Dear Mr. Spackman,

The Friends of the Big Wood River protests the above application for the following reasons:

To protect the natural environs of the Big Wood River and its tributaries in the public interest; it is the policy of the Friends of The Big Wood River to discourage, oppose and protest all applications for non-consumptive water rights for private aesthetic or recreational purposes.

Removal of water from the Big Wood River system, in whatever amount and for whatever distance, impairs and reduces that reach of the river where the water ceases to flow insofar as its fisheries and wildlife habitat, and its recreational and aesthetic qualities are concerned; and where depletion of stream flows occur, the concentration of existing pollutants, both thermal and chemical, will increase to the impairment of other uses and values of that water.

Furthermore, we hold as self-evident that all uses of water can affect the quality of that water adversely especially in so much as impoundment of water for various uses can cause physical alterations of that water. Oxygen levels may be depleted, mineralization may be increase, chemical pollutants may be introduced, temperatures may be increased, and sediment levels changed.

And we hold that the individual and cumulative degradation and impairment of the Big Wood River and its environs by the pollution and depletion of its waters is counter to the public interest.

Furthermore, the widening and alteration of existing irrigation ditches creates special, and we feel insurmountable, problems (especially in the case of the Comstock ditch, see FBW letter dated May 18, 1990).

The River's Edge project asserts that they can line the ponds so that there is no loss of water through seepage. Under ideal circumstances and for some length of time this may be true.

RECEIVED
JUN 11 1992

Page Two - Rivers Edge

However, the probability that a leakage will occure in measurable amounts approaches 100% over time. When that happens the applicants will not be able to replace the losses because they have no consumptive rights with which to replace them; and the ditch cannot be shut off without impairing other rights down the ditch and down the river.

Since we know that there is an existing loss of four cfs or more from the Comstock ditch and Sherwood's pond, the concept of adding another non-consumptive user or two along that ditch is surely unfeasible. It will be impossible for the Water Master to determine where and how much each user is losing and impossible to cut off the locations where the losses are occuring without cutting off legitimate rights.

The whole concept of property owners widening and deepening irrigation ditches to create ponds is already a serious problem in the Wood River Valley. Impairment of existing consumptive rights and litigation are looming in at least one situation.

If River's Edge Partners are given a right to non-consumptive water on the Comstock ditch, there is reason to believe that every property owner on any irrigation ditch in the Wood River Valley will file for such rights. It is a totally unmanageable situation.

The losses and degradation of the water which will inevitable occur from this and other projects like it will negatively effect the the River and therefor are not in the public interest.

Sincerely,

Board of Directors

Friends of the Big Wood River

cc Loren Holmes, IDWR, Southern Regional Manager
Ried Newby, Water Master Dist. 37
Ralph Cisco, Blaine County Planning Director
Len Harlig, County P & Z Board
Tom Blanchard, County Commissioner
James Speck, Attorney for Applicant
Chip Corsi, Regional Fisheries Manager, IDEFG
Jack Onieda, Big Wood Canal Co

RECEIVED

JUN 11 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

November 7, 1990

RECEIVED
CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR
NOV 9 1990
Department of Water Resources
Southern Region Office

J. Evan Robertson
Attorney at Law
P.O. Box 1906
Twin Falls, ID 83303-1906

RE: Application to Appropriate Water No. 37-08611; River's Edge Partners

Dear Evan:

Loren Holmes has acknowledged receipt of a copy of your letter to me dated October 30, 1990, requesting a pre-hearing conference. Loren plans to schedule a conference. Loren will conduct the conference, unless you feel there is a special need for me to attend.

Sincerely,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc: Loren Holmes

MICROFILMED
JUN 11 1992

37-08611

RIVERS EDGE PARTNERS
C/O DICK FENTON
P.O. BOX 428
KETCHUM, ID 83340

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

Diversion Pt: SESENE Sec 30 T 04N R 18E

Use: AESTHETIC (4.000 CFS)
Total Diversion: (4.000 CFS)

Date Filed: 5/10/ 1990

In: T04N R18E S30 SENE

MICROFILMED

JUN 1 1 1992

24
✓

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

37-08611
RIVERS EDGE PARTNERS
C/O DICK FENTON
P.O. BOX 428
KETCHUM, ID 83340
Source: BIG WOOD RIVER
Tributary: MALAD RIVER
Division Pt: SESENE Sec 30 T
04N R 18E
Use: AESTHETIC (4,000 CFS)
Total Diversion: (4,000 CFS)
Date Filed: 5/10/1990
In: T04N R18E S30 SENE

37-08612
BULCHIS, EDWARD
C/O GREG K. STURTEVANT
P.O. BOX 2924
KETCHUM, ID 83340
Source: KEYSTONE GULCH
CREEK
Tributary: ELKHORN CREEK
Division Pt: NESWSE Sec 16 T
04N R 18E
Use: AESTHETIC (180 CFS)
Total Diversion: (180 CFS)
Date Filed: 4/12/1990
In: T04N R18E S16 SWSE

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 Street East, Twin Falls, Idaho 83301, on or before JULY 9, 1990.
R. Keith Higginson, Director
Publish: Wood River Journal-
June 20 & 27, 1990.

RECEIVED

JUN 1990

DEPT. OF WATER RESOURCES
BOISE, IDAHO 83725

RECEIVED
JUN 1 1992

6/15/90
MLB
OLC

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 JULY 9, 1990.

R. Keith Higginson, Director

Published 6/20/1990 & 6/27/1990

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JUN 11 1992

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

MAY 31, 1990

WOOD RIVER JOURNAL
P.O. BOX 988
HAILEY, ID 83333

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before JULY 9, 1990.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

RECEIVED

JUN 11 1992

01-Jun-1990

RIVERS EDGE PARTNERS
C/O DICK FENTON
PO BOX 428
KETCHUM ID 83340

Re: Application for Permit No. 37-08611

Dear Applicant (s):

The Department of Water Resources acknowledges receipt of your water right application for permit. 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 6/20 & 6/27/90. 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 feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Douglas Jones, E. I. T.
Water Resources Engineer

DJ:MB

cc: Nelson, Rosholt & Associates

JUN 11 1990

01-Jun-1990

REID J NEWBY WATERMASTER
WATER DISTRICT #37
BOX T
SHOSHONE ID 83352

Re: Application(s) for Permit

Dear Mr. Newby:

Please find enclosed copy(ies) of an Application(s) for Permit for your information and files.

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

Very truly yours,

Douglas Jones, E. I. T.
Water Resources Engineer

DJ:MB

Enclosure(s)

JUN 1 1992

FROM Doug Jones

DATE

5/25/90

TO River's Edge Partners app for permit

SUBJECT Partnership addresses

This day spoke with Frank Hitchcock, Aide to Nelson, Rasholt, et al, and requested addresses to individual partners. He indicated that the address explanations can be submitted as Attachment D

MICROFILMED

JUN 11 1992

Doug Jones
SIGNATURE