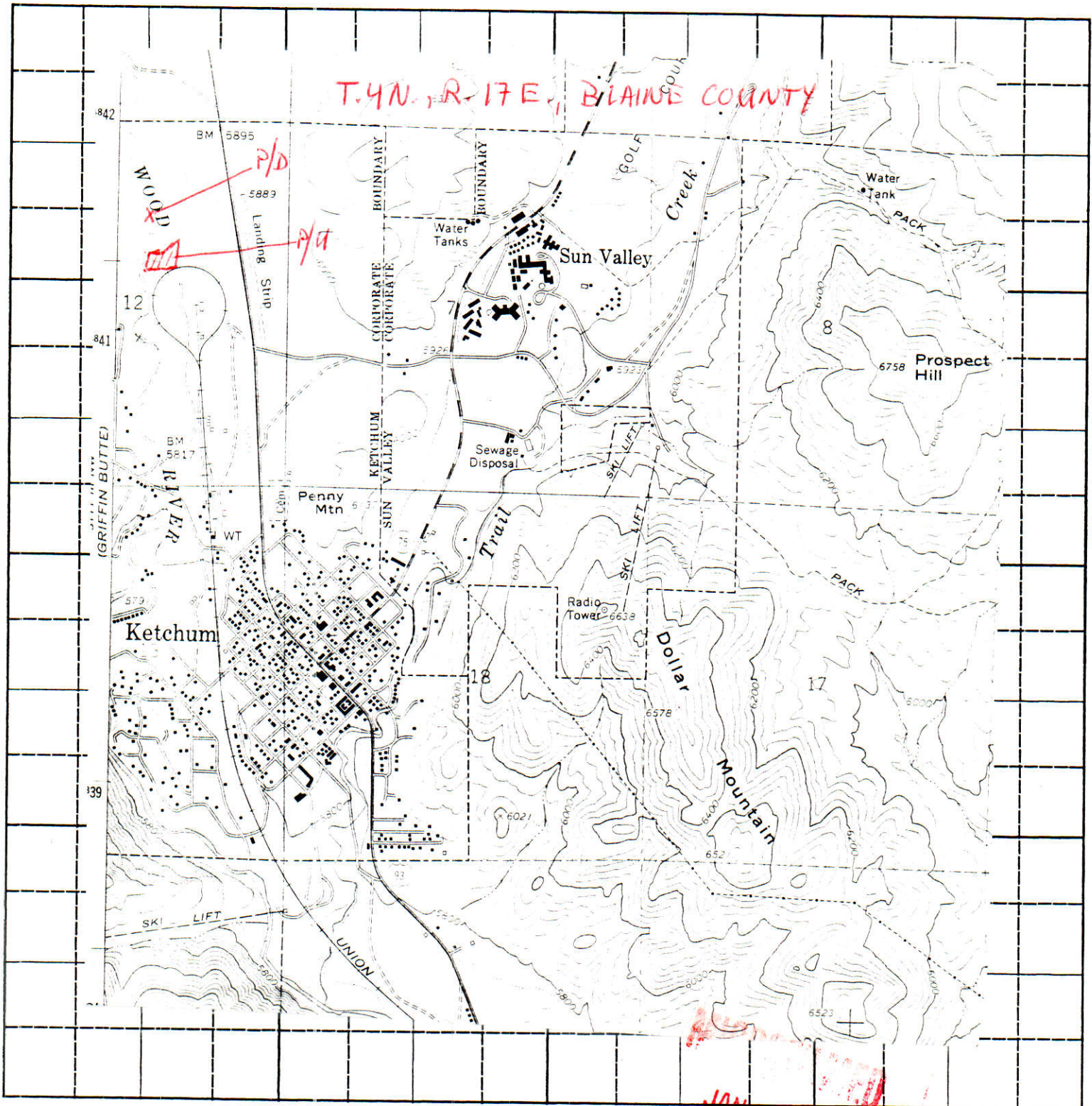


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



PLAT SHOWING BEAVER SPRINGS SUBDIVISION IN SECTIONS 18, 12, T.4N., R. 17E., B.M. BLAINE COUNTY, IDAHO 1978

SAWTOOTH TITLE CO., INC.
While this is a photographic reproduction of the recorded plat, the Company assumes no liability for variations, if any, with a re-survey.

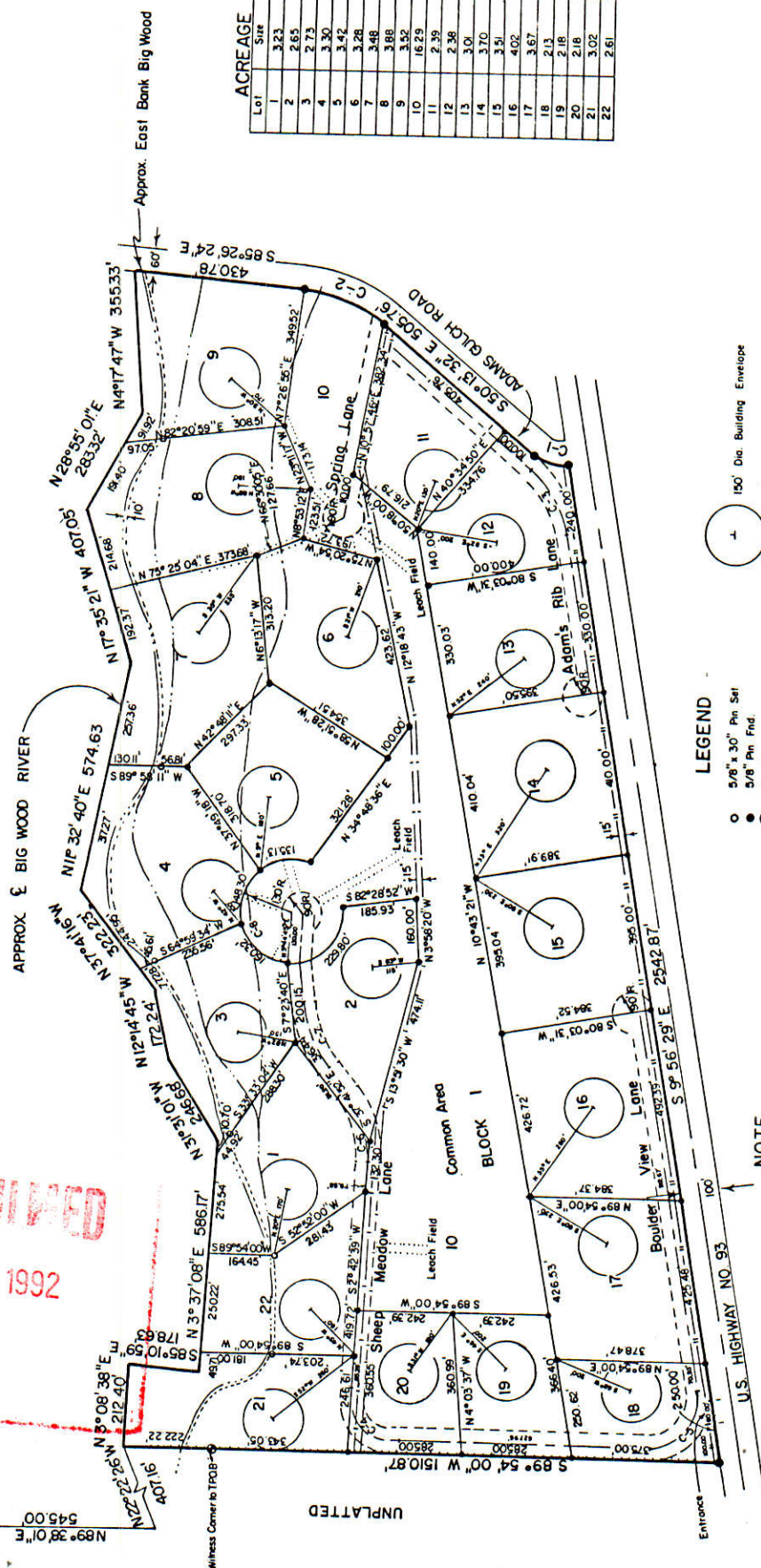


CURVE DATA

Curve	R	Δ	T	L	Ch L	Ch Bearings
C-1	103.42'	49° 46' 54"	47.50'	89.72'	86.92'	S 70° 04' 25" E
C-2	364.57'	39° 21' 52"	153.70'	270.17'	270.17'	S 67° 48' 54" E
C-3	272.64'	40° 17' 03"	100.00'	181.69'	181.69'	S 67° 48' 54" E
C-4	125.00'	92° 48' 30"	131.29'	202.48'	181.06'	S 67° 48' 54" E
C-5	"	99° 50' 29"	148.45'	217.82'	181.06'	S 67° 48' 54" E
C-6	270.73'	40° 24' 31"	100.00'	181.69'	181.69'	S 67° 48' 54" E
C-7	339.24'	30° 16' 12"	91.81'	170.43'	177.26'	S 67° 48' 54" E
C-8	130.00'	28° 59' 30"	67.35'	127.26'	127.26'	S 67° 48' 54" E

RECORDED
JAN 22 1992

RIVERWOODS SUBDIVISION



ACREAGE

Lot	Size
1	3.23
2	2.65
3	2.73
4	3.30
5	3.42
6	3.28
7	3.48
8	3.88
9	3.52
10	16.29
11	2.39
12	2.38
13	3.01
14	3.70
15	3.51
16	4.02
17	3.67
18	2.13
19	2.18
20	2.18
21	3.02
22	2.61

- LEGEND**
- 5/8" x 30" Pin Set
 - 5/8" Pin Find
 - Set Brass Cap
 - 1/2" x 24" Pin Set For Witness Corner
 - 1/2" x 24" Pin Set For Fisherman's Easement
 - 15" Pedestrian
 - 15" Bicycle
 - 60' Wide Private Roadway & Public Utility Easement
 - 3' Wide Sportsman Access To Wood River, South Boundary
 - 20' Wide Roadway & Utility Easement To Lots 4, 5, 6, 7, 8, 9
 - I.R.F. Line (Corps of Engineers)
 - Floodway Limits

NOTE

- Approx. average ground elev. at center of envelopes on Lots 3, 4, 7, 8 and 10 is certified to be above I.R.F. by the engineer.
- The 20' B.60' wide private roadway easements shown hereon are also designated pressure sewer line easements to leach fields for Lots 21, 22, 1, 3, 4, 5, 6, 7, 8, 9.

Jim W. Koone
Consulting Engineer
Ketchum, Idaho

ENTIRE LANDSCAPED AREA WILL BE IRRIGATED - THOSE PORTIONS OF THE SYSTEM WITHIN THE FLOODWAY
WILL BE OF A TEMPORARY NATURE, ALLOWING REMOVAL OF THE PIPE AND HEADS DURING HIGH WATER.
AS SOON AS PLANT MATERIAL IS ESTABLISHED IN THE FLOODWAY, THE SYSTEM CAN BE REMOVED.

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AS SOON AS PLANT MATERIAL IS ESTABLISHED IN THE FLOODWAY, THE SYSTEM CAN BE REMOVED.

NEW MEASURING WEIR

EXIST WEIR

EXISTING WATER CHANNEL

POND LEVEL APPROX 41.5

WILLOW AND DOGWOOD

TY LINE

FLOWERING CRAB

EXIST TREES

MAIN LEVEL PFR53

LOWER LEVEL PFR50

REPRODUCTION
JAN 22 1992

37-08605

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 6th day of June, 1990, and

the date of the last publication was on the 13th day of June, 1990.

Daniel J. Gorham
Subscribed and sworn to before me this 13th day of June, 1990.
(SEAL)

Rolanta McKee
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice 52
Number of Insertions 2
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.
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:

37-08605 ✓ ok

GROSSMAN, SAM S.
GROSSMAN, PEGGY
C/O JAMES P. SPECK
P.O. BOX 987
KETCHUM, ID 83340

Source: BIG WOOD RIVER
Tributary: MALAD RIVER
Diversion Pt: NESWNE Sec 12 T
04N R 17E
Use: RECREATION (10.000 CFS)
Total Diversion: (10.000 CFS)
Date Filed: 4/17/1990
In: T04N R17E S12 SWNE

37-08606 ✓ ok

EDSALL, STEVE F.
EDSALL, MIA
P.O. BOX 584
BELLEVUE, ID 83313

Source: GROUNDWATER
Diversion Pt: LOT 2 (SWSWNW)
Sec 30 T 02N R 18E
Use: IRRIGATION (.090 CFS)
DOMESTIC (.040 CFS)
Total Diversion: (.130 CFS)
Date Filed: 4/24/1990
In: T02N R18E S30 Lot 2 (SWNW)
3.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 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 JUNE 25, 1990.

R. Keith Higginson, Director
Publish: Wood River Journal-
June 6 & 13, 1990.

No 7067

RECEIVED

AUG 11 1998

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

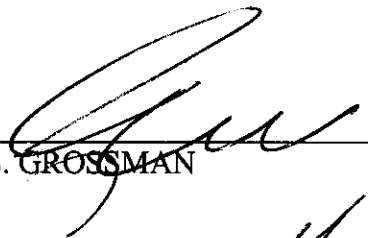
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AUG 20 1998

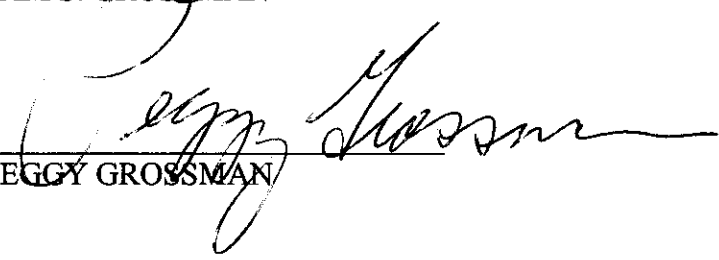
Department of Water Resources
Southern Region

SAM S. GROSSMAN and PEGGY GROSSMAN (the "Assignors"), hereby assign to SOUTHWEST ASSOCIATES, an Illinois general partnership, whose address is c/o Mr. Sam Grossman, Grossman Company Properties, 3101 North Central Avenue, Suite 1390, Phoenix, AZ 85012 (the "Assignee"), all of their right, title and interest in and to Idaho Water Permit No. 37-08605 to appropriate the public waters of the State of Idaho.

IN WITNESS WHEREOF, the Assignors have signed and executed this Assignment of Permits on the 13 day of August, 1998.



SAM S. GROSSMAN

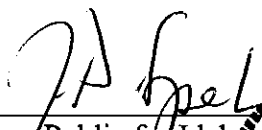


PEGGY GROSSMAN

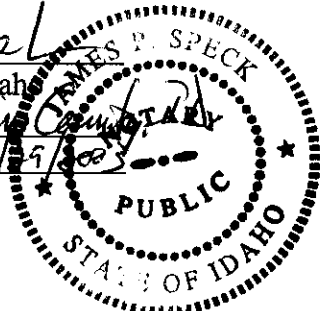
STATE OF IDAHO)
) ss.
County of Blaine)

On this 13th day of August, 1998, before me, the undersigned notary public in and for said state, personally appeared SAM S. GROSSMAN and PEGGY GROSSMAN known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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



Notary Public for Idaho
Residing at: Blaine, Campbell, ID
Comm. Expires 1/25/2003



Receipt # SO 21441

MICROFILMED
SEP 21 1998

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 37-08605

Proposed Priority: April 17, 1990 Maximum Diversion Rate: 10.00 CFS

This is to certify, that **SAM S GROSSMAN**
PEGGY GROSSMAN
C/O JAMES P SPECK
PO BOX 987
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>
RECREATION	01/01 to 12/31	10.00 CFS

LOCATION OF POINT(S) OF DIVERSION: NESWNE , Sec. 12, Township 04N, Range 17E
BLAINE County

PLACE OF USE: RECREATION
TWN RGE SEC

04N 17E 12 SWNE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 1992.
2. Subject to all prior water rights.
3. Use of water under this right is subject to control by the watermaster of State Water District No. 37.
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 prior to diversion of water under this right.
5. Use of water under this right shall be non-consumptive.
6. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
7. Water used pursuant to this permit which is discharged into a natural channel shall satisfy Idaho Water Quality Standards. The Director may require water quality monitoring if necessary to protect the local public interest.
8. At such times in the future as he may determine necessary to protect the prior rights or 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.
9. Notwithstanding other conditions of this permit, additional compensation for losses may be required if necessary pursuant to condition no. 8.

RECORDED

JAN 22 1992

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

NO. 37-08605

CONDITIONS/REMARKS:

10. The Director retains jurisdiction to review and amend any and all parameters of the 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 purpose of determining whether the Permit or subsequent License should be amended for the purpose of assuring it continues to comply with the 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."
- This right, when combined with water diverted pursuant to Permit 37-08248 shall not exceed ten (10) cfs.

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

18th day of December, 1991.

for R. Keith Higginson, Director

MICROFILMED

JAN 22 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Sam S. Grossman &/or Peggy Grossman Phone (208) 726-4421
 Post office address c/o James P. Speck, Hogue, Speck & Aanestad,
P.O. Box 987, Ketchum, Idaho 83340
2. Source of water supply Big Wood River which is a tributary of Malad River
3. Location of point of diversion is NE 1/4 of SW 1/4 of NE 1/4, Govt. Lot _____
 Sec. 12 Township 4N Range 17E B.M. Blaine County; additional
 points of diversion if any: none
4. Water will be used for the following purposes:
 Amount 10 for recreation purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
 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) 10.0 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 Headgate in Big Wood River
diverts water into channel/ditch through adjacent property to
ditch/pond system on Applicant's property.
 - b. Height of storage dam 2.0 feet; active reservoir capacity 0.25 acre-feet; total
 reservoir capacity 0.25 acre-feet; period of year when water will be diverted to storage:
Jan. 1 to Dec. 31 inclusive.
 - c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year).

JAN 22 1992

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. Swimming, fishing, and other recreational uses.

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	17E	12			R														N/A

Total number of acres to be irrigated N/A

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

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

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

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

12. Remarks: See attached Addendum

This application proposes to use the diversion established by Dan Olmstead under Permit 37-8248. We will redivert water from the Olmstead ditch for a short distance thru our land. Water will return to the Wood River below

US.

37-08605

Received by SG Date 4-17-90 Time 9:50 AM Preliminary check by CHATTAGHED
Fee \$ 225⁰⁰ Receipted by J. E. Stanton # 5012116 Date 4-18-90
Publication prepared by MB Date 5/15/90 Published in Wood River Journal
Publication approved Ann Barner 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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37-08605

**ADDENDUM TO
APPLICATION FOR PERMIT
BY
SAM S. GROSSMAN &/OR PEGGY GROSSMAN**

Applicant is the owner of Lot 22, Beaver Springs Subdivision, Blaine County, Idaho ("Lot 22"); a copy of the plat for the Subdivision is attached. The point of diversion is located on the adjacent property, Lot 1, Beaver Springs Subdivision ("Lot 1"), now owned by John McCaw. In 1987, Applicant and former owners of Lot 1, R. Daniel Olmstead and Jacqueline M. Franks, entered into a Reciprocal Easement Agreement, a copy of which is attached (the "Agreement"), to provide for the maintenance and repair of the diversion works and reciprocal easements to convey water across Lots 1 and 22 for non-consumptive, aesthetic and recreational purposes. The Agreement allows Applicant to use the diversion works for the water right sought by this Application.

The amount of water (10.0 cfs) proposed to be diverted by this Application is the SAME water diverted by Water Right No. 37-8248 - no additional diversion will be required. Instead of the original ditch across Applicant's property (Lot 22) used to conduct water back to the Big Wood River for 37-8248, Applicant proposes to conduct the water through a new stream/ditch to a pond holding approximately 0.25 acre feet, which can be filled in less than 24 hours, then from the pond through a measuring device and back to the Big Wood River. The locations of the original ditch or channel and weir and the new stream/ditch, pond and weir are shown on the attached map. The point of return to the river is the SAME as that required under Water Right No. 37-8248. The total distance traversed by the water across Lot 22 is approximately 250 feet. The pond and stream/ditch will be sealed to prevent seepage losses and the use shall be non-consumptive.

j:\grsmnper.add
3/29/90

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JAN 22 1992

37-08605

PLAT SHOWING BEAVER SPRINGS SUBDIVISION IN SECTIONS 18, 12, 14 N., R. 17 E., B.M. BLAINE COUNTY, IDAHO 1978

SAWTOOTH TITLE CO., INC.
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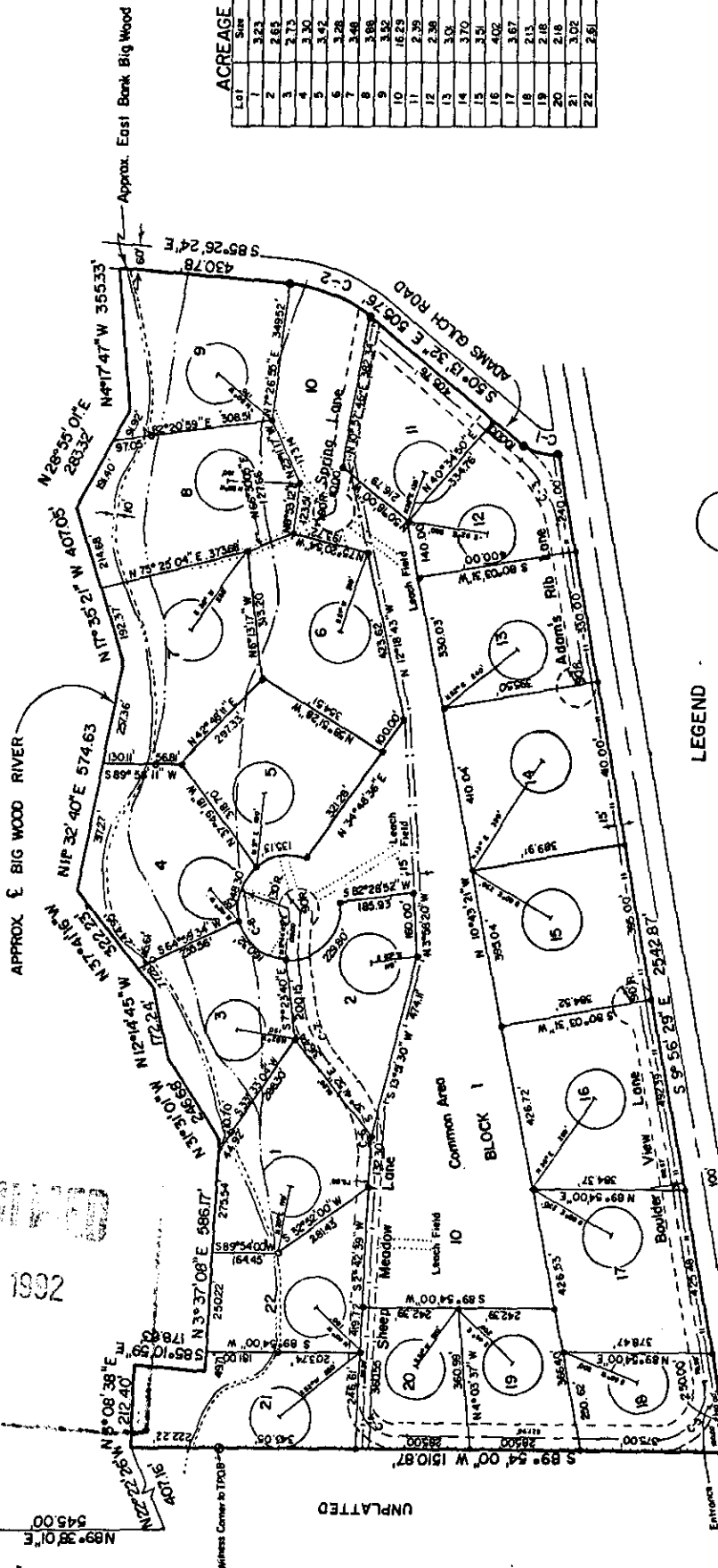
100 50 0 100 200 300



CURVE DATA

Curve	R	Δ	T	L	Ch. L.	Ch. Bearing
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C-3	272.84'	47° 17' 00"	150.00'	187.77'	187.77'	S 42° 04' 12" E
C-4	125.00'	92° 46' 38"	38.75'	102.84'	102.84'	S 18° 04' 12" E
C-5	97.50'	92° 46' 38"	38.75'	102.84'	102.84'	S 18° 04' 12" E
C-6	207.17'	67° 24' 32"	60.00'	117.43'	117.43'	S 18° 04' 12" E
C-7	358.29'	32° 08' 12"	91.98'	173.43'	173.43'	S 18° 04' 12" E
C-8	150.00'	28° 33' 30"	47.90'	88.32'	86.32'	S 72° 04' 12" E

RIVERWOODS SUBDIVISION



ACREAGE

Lot	Acres
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13	3.02
14	3.70
15	3.51
16	4.02
17	3.67
18	2.13
19	2.18
20	2.18
21	3.02
22	2.61

- ### LEGEND
- 5/8" x 30" Pin Set
 - 5/8" Pin Find
 - Set Brass Cap
 - 1/2" x 24" Pin Set
 - 1/2" x 24" Pin Set For Witness Corner
 - 60' Wide Private Roadway & Public Utility Easement
 - 3' Wide Spurway Access To Wood River, South Boundary
 - 20' Wide Roadway & Utility Easement To Lot 4, 5, 6, 9
 - IRE Line (Corner of Engineers)
 - Property Limits
 - 150' Dia. Building Envelope
 - 10' Wide Fisherman's Easement
 - Pedestrian
 - Bicycle

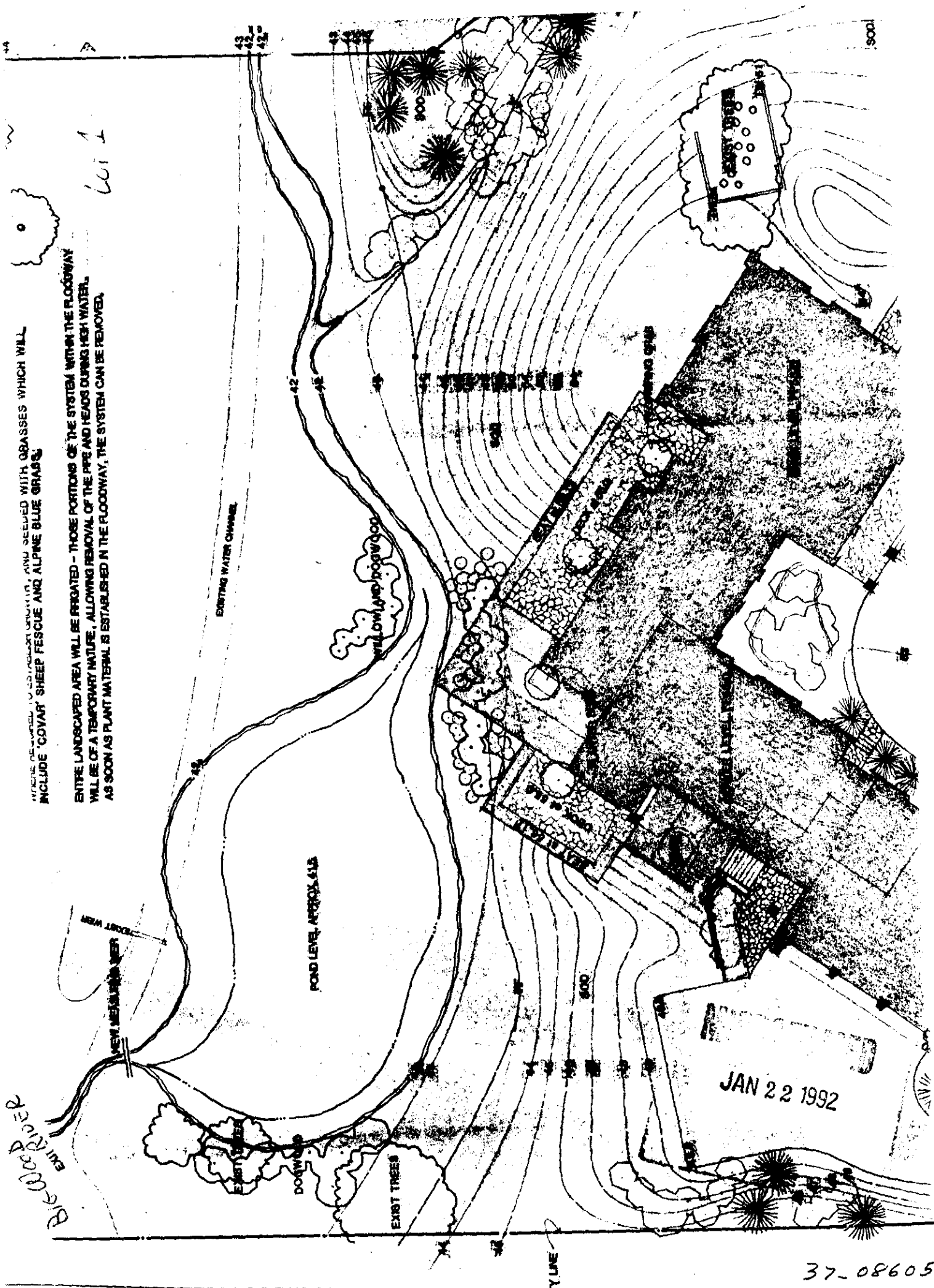
- ### NOTE
- Approx. average ground elev. at center of envelopes on Lots 3, 4, 7, 8 and 10 is certified to be above I.R.F. by the engineer.
 - The 20' x 8.60' wide private roadway easements shown hereon are also designated pressure sewer line easements to leach fields for Lots 21, 22, 1, 3, 4, 5, 6, 7, 8, & 9.

Jim W. Koonce
Consulting Engineer
Ketchum, Idaho

Lot 1

WHERE NECESSARY, PLANT MATERIAL SHALL BE SEEDLING WITH GRASSES WHICH WILL INCLUDE 'COVAT' SHEEP FESCUE AND ALPINE BLUE GRASS.

ENTIRE LANDSCAPED AREA WILL BE FLOATED - THOSE PORTIONS OF THE SYSTEM WITHIN THE FLOODWAY WILL BE OF A TEMPORARY NATURE. ALLOWING REMOVAL OF THE PIPE AND HEADS DURING HIGH WATER. AS SOON AS PLANT MATERIAL IS ESTABLISHED IN THE FLOODWAY, THE SYSTEM CAN BE REMOVED.



37-08605



RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

James P. Speck, Esq.
Hogue, Speck & Aanestad
Post Office Box 987
Ketchum, Idaho 83340

1 FEB 24 PM 1 04
J. GREEN, CLERK
DEPUTY
1000
H. J. Speck

2822229

(Space above line for Recorder's use)

RECIPROCAL EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT is made this 2 day of December, 1986 by and between R. DANIEL OLMSTEAD, a divorced man, of 4621 Teller Avenue, Suite 130, Newport Beach, California 92660 ("Olmstead") JACQUELINE M. FRANKS, a married woman dealing in her sole and separate property, of P. O. Box 2736, Sun Valley, Idaho 83353 ("Franks") and SAM S. GROSSMAN and PEGGY GROSSMAN, husband and wife, of 625 Pacific Coast Highway, Santa Monica, California 90402 ("Grossman").

RECITALS

A. Olmstead is the record owner of certain residential real property situated in Blaine County, Idaho, more particularly described as follows:

Lot 1, Beaver Springs Subdivision,
Blaine County, Idaho, according to
the official plat thereof recorded
in the office of the County Recorder
for Blaine County, Idaho.

(hereinafter "Lot 1").

B. Franks is the owner of an equitable interest in Lot 1 pursuant to a Contract of Sale dated January 2, 1987 between Olmstead as seller and Franks as buyer.

C. Grossman is the owner of certain residential real property situated in Blaine County, Idaho, adjacent to Lot 1, and more particularly described as follows:

Lot ~~2~~ ²² Beaver Springs Subdivision,
Blaine County, Idaho, according to
the official plat thereof recorded
in the office of the County Recorder
for Blaine County, Idaho.

(hereinafter "Lot ~~2~~ ²²").

JAN 22 1992

37-08605

D. Olmstead has obtained a stream alteration permit from Blaine County and Idaho Water Permit No. 37-8248 from the Idaho Department of Water Resources (the "Permit") to erect a diversion structure in the Big Wood River and divert up to 10.0 cfs of water for non-consumptive recreational and aesthetic purposes to and across Lot 1, into an old channel of the Big Wood River which traverses both Lot 1 and Lot ~~21~~ 22. Olmstead has agreed to deliver water from this source to the common boundary of Lot 1 and Lot ~~21~~ 22 for use by Grossman on Lot 21 prior to return of the water to the Big Wood River. *RDO Jos*

22 *RDO Jos*
D. Olmstead and Franks have agreed to grant Grossman an easement across Lot 1 for the purposes of conveying the water from the Big Wood River to the common boundary of Lot 1 and Lot ~~21~~ 22 and for maintaining and repairing the diversion works, all on the terms and conditions hereinafter set forth.

E. The parties desire to enter into an agreement pertaining to the mutual use of The Permit for the mutual benefit of Lot 1 and Lot ~~21~~ 22. *RDO Jos*

TERMS AND CONDITIONS

The parties covenant and agree as follows:

1. Compliance with Permit. Each of the parties agrees to comply in all respects with the terms and conditions of the Permit and the requirements of all governmental agencies having jurisdiction over the use of said channel and diversion waters, including but not limited to the letter of December 27, 1985, from the Blaine County Planning & Zoning Commission pertaining to said use. Each of the parties further agrees not to make any use or further diversion which would place the Permit or any governmental approval for said use in jeopardy.

2. Maintenance and Repair of Diversion Works. The term "diversion works" shall mean and refer to the devices placed in the Big Wood River to divert the water pursuant to the Permit and across Lot 1 and Lot ~~21~~ 22. The parties agree Olmstead and Franks shall maintain and repair at their expense the diversion works for the Permit which existed as of June 25, 1986, but all parties shall share the cost of constructing, maintaining and repairing any subsequent improvements to these diversion works proposed by Dick Fosbury of Galena Engineering and implemented. The diversion works shall be maintained in a good and operable condition. The easement granted herein to Grossman shall not impose on Grossman any further or additional obligation for such maintenance and repair. However, Grossman may use the easement for maintaining and repairing any existing or future diversion works, and Olmstead or Franks shall reimburse Grossman for the cost of such maintenance and repair which is his obligation under this Agreement. *RDO Jos*

RECEIVED
JAN 22 1992

3. Maintenance and Repair of Channels and Weirs. 22
Until such time as the channel or ditch and weir on Lot 21 have been relocated to accommodate Grossman's landscaping plan, Olmsted and Franks shall be responsible and pay for the maintenance and repair of the channel or ditch traversing both Lot 1 and Lot 21 and the weirs located on Lot 1 and Lot 21. It is specifically agreed that this relocation shall be at the sole expense of Olmsted and Franks, and that the new location of the ditch and weir on Lot 21 shall be determined solely by Grossman. After this relocation, each party shall be responsible and pay for the maintenance and repair of the channel or ditch and weir located on their respective lots. At all times the channel and weirs shall be maintained in a clean and operable condition.

4. Grant of Reciprocal Easements. Each of the parties grants to the other a permanent and perpetual easement across the property of the other for the purpose of maintaining said water system in the event either of the parties fails to comply with his obligations for maintenance and repair under this Agreement. In the event one of the parties defaults with regard to his maintenance or repair obligations under this Agreement, the other party shall have the right to make all necessary and reasonable repairs and/or improvements and shall have the right to be reimbursed for all expenses incurred on behalf of the defaulting party. Each of the parties further grants to the other a permanent and perpetual easement across the property of the other for conveying water from the Big Wood River pursuant to the Permit for non-consumptive recreational and aesthetic purposes.

5. Termination. The obligations of the parties under this Agreement and the easements provided for herein shall be terminated upon the occurrence of any of the following events.

a. A termination or cancellation of the right to divert the water from the Big Wood River;

b. A change in the course of the river which renders the diversion pipe under the permit ineffectual and/or makes it economically unfeasible in the mutual opinion of Olmsted or Franks and Grossman to continue to maintain and operate the diversion works;

c. The inability of the parties for any reason to maintain, install or operate the diversion works on land of others, namely Lot 3 of the Beaver Springs Subdivision;

d. In the event an act of nature, such as a substantial change in the flow or course of the Big Wood River, renders further use of the diversion works impractical.

6. Binding Effect. This Agreement shall be binding upon the parties hereto, their successors and assigns, and the easement granted herein shall be for the benefit of and appurtenant to Lot 1 and Lot 21. 22

IN WITNESS WHEREOF, the parties hereto have executed the foregoing Agreement the date first above written.

R. Daniel Olmstead
R. DANIEL OLMSTEAD

Jacqueline M. Franks
JACQUELINE M. FRANKS

SAM S. GROSSMAN
SAM S. GROSSMAN

PEGGY GROSSMAN
PEGGY GROSSMAN

STATE OF Idaho)
County of Blaine) ss.

On this 14th day of January, 1987, before me, the undersigned notary public in and for said state, personally appeared R. DANIEL OLMSTEAD, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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



Shirley H. Hark
Notary Public for Idaho
Residing at Blaine County

STATE OF Idaho)
County of Blaine) ss.

On this 14th day of January, 1987, before me, the undersigned notary public in and for said state, personally appeared JACQUELINE M. FRANKS, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

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



Shirley H. Hark
Notary Public for Idaho
Residing at Blaine County
JAN 22 1992

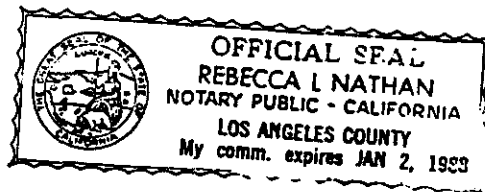
STATE OF California)
County of Los Angeles) ss.

On this 18 day of February, 1987, before me, the undersigned notary public in and for said state, personally appeared SAM S. GROSSMAN and PEGGY GROSSMAN, known or identified to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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

Rebecca L. Nathan
Notary Public for Los Angeles
Residing at _____

J25:16



RECEIVED
JAN 22 1992

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho,
County of Blaine

} SS.

JUL - 6 1990

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 6th day of June 1990, and

the date of the last publication was on the 13th day of June 1990.

Subscribed and sworn to before me this 6th day of June, 1990.
(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 2

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.
BILL TO

TWO IN
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:

37-08805 ✓

GROSSMAN, SAM B.
GROSSMAN, PEGGY
C/O JAMES P. SPECK
P.O. BOX 987
KEETCHUM, ID 83340

Source: BIG WOOD RIVER
Tributary: MALAD RIVER
Diversion Pt: NESWNE Sec 12 T
04N R 17E
Use: RECREATION (10,000 CFS)
Total Diversion: (10,000 CFS)
Date Filed: 4/17/1990
In: T04N R17E S12 SWNE

37-08806 ✓

EDSALL, STEVE F.
EDSALL, MIA
P.O. BOX 884
BELLEVUE, ID 83313

Source: GROUNDWATER
Diversion Pt: LOT 2 (SWNW)
Sec 30 T 02N R 18E
Use: IRRIGATION (1,000 CFS)
DOMESTIC (100 CFS)
Total Diversion: (1,100 CFS)
Date Filed: 4/24/1990
In: T02N R18E S30 Lot 2 (SWNW)
3.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 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, Ellet, Twin Falls, Idaho 83301, on or before JUNE 25, 1990.

R. Keith Haggerson, Director
Publish: Wood River Journal
June 6 & 13, 1990

No 7067



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

August 24, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SOUTHWEST ASSOCIATES
C/O SAM GROSSMAN
GROSSMAN CO PROPERTIES
3101 N CENTRAL AVE STE 1390
PHOENIX AZ 85012

RE: ASSIGNMENT OF PERMIT 37-08605

Dear Mr. Grossman:

We acknowledge receipt of the correspondence changing ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership. A computer generated report is enclosed for your information.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

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

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosure

MICROFILMED
SEP 21 1998

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

RECEIVED

AUG 25 1998

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

August 17, 1998

RECEIVED

AUG 20 1998

Department of Water Resources
Southern Region

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

Re: Permit No. 37-08605

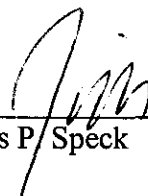
Dear Allen:

Enclosed you will find an Assignment of Permit for the above-referenced Permit together with my firm's check in the sum of \$25.00. I trust this is sufficient to change the name and owner of a Permit and that a Notice of Change of Water Right Ownership is not required. Please call me if you have any questions.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:jal
Enclosures
cc: Sam Grossman (w/encl)

MICROFILMED
SEP 21 1998

September 25, 1992

SAM S GROSSMAN
PEGGY GROSSMAN
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08605

Dear Permit Holder:

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

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)736-3033.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

MICROFILMED
OCT 26 1992

RECEIVED

SEP 21 1992

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 37-08605 Telephone No. (208) 726-4421
2. Name(s) of Permit Holder(s): SAM S. GROSSMAN AND/OR PEGGY GROSSMAN
3. Mailing Address: C/O JAMES P. SPECK, HOGUE, SPECK & AANESTAD, P. O. BOX 987, KETCHUM, ID 83340
4. Source of Water: BIG WOOD RIVER

If **GROUNDWATER**, Well Driller's Name: N/A Date Drilled: _____

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

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

Irrigation _____ (No. of acres) Other RECREATION - 10 CFS

6. Total rate and/or volume for which proof is submitted 10 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Lookable
Measuring device: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No

OR

Flow Measurement Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

8. Fee Enclosed: \$ 325 (See License Fee Schedule on back of Instruction Sheet)

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

DOUG CLEMENS (208) 726-5331
Name Telephone No.

POST OFFICE BOX 300, KETCHUM, IDAHO 83340
Address

10. The above information 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.

MICROFILMED
OCT 26 1992

Date _____ Signature (and title, if on behalf of a company or organization)
Samuel S. Grossman
September 10, 1992

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 37-08605

Reviewed by Klg

Date 9/23/92

GENERAL CONSIDERATIONS

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

TYPES OF USE

recreation

Correct Uses? yes

SOURCE OF WATER

☒ Surface water source
☐ Ground water source

NA Drilling permit required?

/ Copy in the file? Drilling Permit No. _____

/ Amount paid for permit _____ Correct?

/ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
325 Amount Submitted
yes Correct?

MEASURING DEVICE

yes Required?
yes Installed?
NA Waiver requested?

PRIORITY CALCULATION

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

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY

New Address _____

Proof Made 9/23/92
9/25/92 Klg

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
FAX (208) 788-4230

September 17, 1992

RECEIVED

SEP 21 1992

Department of Water Resources

Ms. Karen L. Gustafson
Secretary/Records Manager
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Re: Idaho Water Permit No. 37-08605
- Sam and Peggy Grossman

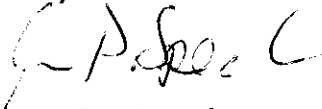
Dear Ms. Gustafson:

As a follow-up to your letter of July 31, 1992, please find enclosed the completed and signed Proof of Beneficial Use together with the license examination fee of \$325.00.

Please call if you have any questions. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS\dmk
Enclosures

cc: Mr. and Mrs. S. Grossman
Mr. D. Clemens

j\corres92\gustafkl

RECEIVED

OCT 26 1992

July 31, 1992

SAM S GROSSMAN
PEGGY GROSSMAN
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

PROOF DUE NOTICE

RE: PERMIT NO. 37-08605

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 October 1, 1992. (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,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

MICROFILMED

OCT 26 1992

CERTIFIED MAIL

NO. 139245



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

December 30, 1991

SAM S GROSSMAN
PEGGY GROSSMAN
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08605

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.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

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,

PAMELA SKAGGS
Technical Records Specialist

PS:blm

Enclosures

MICROFILMED

JAN 22 1992

APPLICATION FOR PERMIT REVIEW

Application #: 37-8605
Date: 10-15-91

Reviewer: Pam Skaggs *CS*

Existing:

☒ No - 26A-P17
☒ Complete in 1 year - P16

Yes

Proof not submitted - P16
Proof submitted - N/A

Groundwater:

GT. 0.2 cfs - 01G-P03, 01C-P03(existing well)
LT. 0.2 cfs - N/A

Drilling Permit:

Approved w/permit - P99
Not included - 046-P23(All GW, even existing wells)

Location:

☒ Water Districts - WD No. 37
☒ Surface water - 005, 005-01H-P01(LT.2 w/pump)
005-01J-P08(GT.2)

Groundwater - P05
Irrigation Districts - 023
Canal Co. Areas - 023
Drainage Districts - 024

Boise Front (63) - 058 (Groundwater)

☒ Swan Falls Flag - 7 (1, Blank or Other)

☒ Trust - 051-052-053-P74(Consumptive Uses)
Non Trust - 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 or 010, 09E-P10 & 054(req.)
Storage - 18A-for multiple measuring devices(In WD),
18B-P09(Size)

☒ Rec. & Aesthetic - 027 Non-Consumptive)

Domestic - 021(restricted areas)

Ownership:

☒ Non land owner - 004

Protested:

Agreement - 020

Beneficial Use Due Date:

Other Conditions Recommended

10-01-1992

Waine Rule 4.5.3 per T. Luke

RECEIVED

JAN 22 1992

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY AS DATE 9-27-90 APPLICATION NUMBER 37-08605

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow 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)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt ***PROPOSED PRIORITY DATE 4-17-90

ADDITIONAL INFORMATION

☐ Overlapping place of use (Describe source & relationship to present application on the back.)

☐ Overlapping point of diversion

☒ Yes ☐ No Field check required
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

RECEIVED

OCT 09 1991

Department of Water Resources

SWAN FALLS HOLD? _____

*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
☐ Adjudication Bureau Unit 37. ☐ 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 6/25/90
☐ 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. 37
☒ Yes ☐ No Special conditions of approval or cover letter below.

01J, 05<37, Big wood R., 27

See below for additional information

Date of priority recommended 4/17/90

By Loren D. Huber Date 10/3/91

STATE OFFICE REVIEW

See below for additional information

By _____ Date _____

ADDITIONAL INFORMATION

- No more than the amount diverted under Lic. 37-8248

- No more than 10 cfs combined with 37-8248

LOCAL PUBLIC INTEREST

Comments received from:

<u> </u> City	<u> </u> Idaho Fish & Game	<u> </u> Irrigation District
<u> </u> County	<u> </u> Idaho Health & Welfare	<u> </u> Canal Company
<u> </u> Reservations	<u> </u> Division of Environment	<u> </u> Other _____

Project impacts/implications report

COMMENTS

Event
Date

Party

Akeru	<u>Protest</u> 5/21/90			<u>Prot withdrawn</u> 7/30/91
Seklin	<u>Protest</u> 5/22/90			<u>Prot withdrawn</u> 7/30/91
FBW	<u>Protest</u> 5/23/90	<u>Prot withdrawn</u> 5/30/90	<u>Prot Reinstated</u> 10/11/90	<u>Prot withdrawn</u> 7/3/91
Fish & GANE	<u>Protest</u> 5/31/90	<u>Prot withdrawn</u> ✓ 10/15/90		
BWCL	<u>Protest</u> 6/8/90	<u>Prot withdrawn</u> ✓ 10/18/90		

Pre-149 Conference 2/7/91

✓ = Ack letter sent.

NOT FILMED

JAN 22 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

July 29, 1991

RECEIVED

JUL 30 1991

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

Department of Water Resources
Southern Region Office

Re: Application for Permit No. 37-08605
Sam and Peggy Grossman

Dear Loren:

Enclosed you will find copies of letters from each of the protestants to the above-referenced Application for Permit withdrawing their protest. I assume you will now be able to complete regional review of the Application and send it on to Boise for final processing. Will you kindly notify me when your office has completed the regional processing and the Application has been sent to Boise.

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

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS\dmk
Enclosures
cc: Mr. Doug Clemens
Mr. and Mrs. Sam Grossman

MICROFILMED

JAN 22 1992

RECEIVED

JUL 15 1991

Hogue, Speck & Aarstad

virginia b. serlin

7-12-91

Re: Application
37-08605

Dear Jim -

As per your letter and request of
July 9th I hereby withdraw my protest
to the above noted Application -

Sincerely,

Virginia B. Serlin

RECEIVED
JAN 22 1992

RECEIVED

JUL 20 1991

Department of Public Health
Social Services Office

box 2017, ketchum, idaho 83340

July 15, 1991

RECEIVED

JUL 25 1991

Mr. James Speck
P.O. Box 987
Ketchikan, Id 83340

Hopie Speck & Arrested

Dear Mr Speck

I, Sarah Ahern, withdraw my
protest on the application #
37-08605

Sincerely
Sarah Ahern

RECEIVED

JUL 10 1991

Department of Justice
Seal of the Department

MICROFILMED

JAN 22 1992

RECEIVED

JUL 03 1991

Department of Water Resources
Southern Region Office



FRIENDS OF THE
BIG WOOD RIVER

July 2, 1991

Mr. James Speck
Hogue, Speck and Annestad
PO Box 987
Ketchum, ID 83340

Re: Application # 37-08605

Dear Jim,

The Friends of the Big Wood River hereby withdraw their protest of the above named application.

Sincerely,

Nick Cox, Pres

cc Loren Holmes

RECEIVED

JAN 22 1992

Conference held by: Loren Holmes

NOT REPLIED
JAN 22 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

24-Jan-1991

Virginia B. Serlin
2012 Seascape Blvd.
Aptos, CA 95003

Re: Application for permit 37-08605, Grossman

Dear Ms. Serlin:

Enclosed is notice of a pre-hearing conference scheduled for February 7, 1991.

Since you have notified me that you will not be able to attend, I will not automatically move to dismiss your protest for failure to appear at this stage. However, in the event that the parties present resolve the matter, and the application is still before the department, you may be required to show cause why your protest should not be dismissed for failure to appear.

You may wish to designate someone to represent you at the conference or you may want to arrange for a speakerphone in the conference room so you can participate by phone.

If you have any questions about this matter, please feel free to contact me.

RECEIVED

FEB - 4 1991

Department of Water Resources
Southern Region Office

Sincerely,

Loren O. Holmes

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

1-31-91

Dear Mr. Holmes - As noted I will not be at the Feb. 7th hearing - Nix Cox, friend of the Big Wood, is hereby designated to speak for me.

Sincerely,

Virginia B. Serlin

RECEIVED

JAN 22 1992

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

Put your address in 1. **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:

VIRGINIA B SERLIN
2012 SEASCAPE BLVD
APTOS CA 950

4. Article Number

1079

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)

FEB - 1 1991

Department of Motor Vehicles

1/29/91

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.

MAILED
2 1992



PENALTY FOR PRIVATE
USE, \$300

RETURN
TO



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

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



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

Put your address in the "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:

FRIENDS OF THE BLACKWOOD RIVER
PO BOX 4411
KETCHUM ID 83340

4. Article Number

1080

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 - Addressee

X

6. Signature - Agent

X

7. Date of Delivery

1/31/91

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

JAN 22 1992

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.

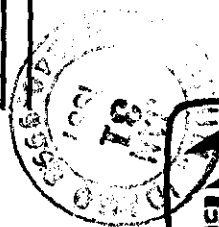
RETURN
TO



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

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

MAILED
JAN 22 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. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

SAM S &/OR PEGGY GROSSMAN
C/O JAMES P SPECK ESQUIRE
PO BOX 987
KETCHUM ID 83340

JAN 22 1992

4. Article Number

1077

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

1-25-92

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

JAN 28 1991

Department of Health and Human Services

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

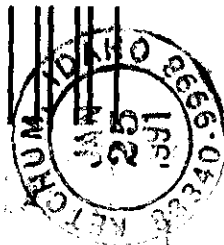
- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN
TO



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

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



JAN 22 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. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

SARAH AHERN
PO BOX 1228
KETCHUM ID 83340

4. Article Number

1078

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 Sarah Ahern

6. Signature — Agent

X

7. Date of Delivery

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

JAN 28 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 WATER RESOURCES,
SOUTHERN REGION
222 Shoshone Street East
Twin Falls, ID 83301



RECEIVED

JAN 22 1982



PENALTY FOR PRIVATE
USE, \$300

PS Form 3877, Feb. 1982

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

NAME AND ADDRESS OF SENDER		NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS		Indicate type of mail		Check appropriate Registered Mail:	
Line	Number of Article			☒ Certified	☐ Express Mail	☐ Registered	☐ With Postal In Charge (if Regd)
1	1071	Wayne L. Brown	11-27-90 47-8096		.25	.85	.90 2.90
2	1072	Richard Egleston					
3	1073	Red Griffith					
4	1074	Jeff Langlois					
5	1075	Ernest Weaver City of Bull Wall	(5) R: 47-8255 12-13-90		.25	.85	.90 2.00
6							
7	1076 ✓	Elving Whiting & Pump					
8							
9		IDUR	11-24-91 R: 37-8605				
10	1077 ✓	90 James R. Spack, Esq. Shannon, Sam Legg			.25	.85	.90 2.00
11	1078 ✓	Sarah Alton					
12	1079 ✓	Virginia B. Berlin					
13	1080 ✓	Friends of the Big Bad River					
14							
15							
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 the maximum indemnity reconstruction in occurrence. The maximum is \$500. The maximum in \$400 for Insured Mail parcels. Special delivery	

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT

RECEIVED

JAN 22 1992

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT TO APPROPRIATE)
WATER NO. 37-08605)

NOTICE OF
PRE-HEARING CONFERENCE

Sam S. Grossman and/or)
Peggy Grossman,)
Applicants)

SOURCE: Big Wood River

Sarah Ahern, Virginia Serlin,)
Friends of the Big Wood River,)
Protestants)

COUNTY: Blaine

On April 17, 1990, Sam S. Grossman and/or Peggy Grossman, applicants, filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. Legal notice of the application was published June 6 and 13, 1990, setting June 25, 1990 as the final date for accepting protests. The Department received protests against the approval of said application from Sarah Ahern, Virginia Serlin, Friends of the Big Wood River, Idaho Department of Fish & Game, and Big Wood Canal Company. Idaho Department of Fish & Game, and Big Wood Canal Company subsequently withdrew their protests

The Department has set the matter of protest for conference for Thursday, February 7, 1991, at 10:00 AM, in the Blaine County Planning & Zoning Meeting Room, in the Old Courthouse, First & Croy Streets, Hailey

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 24 day of January, 1991.

RECEIVED
JAN 22 1992

Loren O. Holmes
Loren O. Holmes
Southern Region Manager

CONFERENCE AND HEARING PROCEDURE

IN THE MATTER OF A PROTESTED APPLICATION FOR PERMIT

In accordance with IDAHO CODE, Section 42-203, the following issues are involved in the 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 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.



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

24-Jan-1991

Virginia B. Serlin
2012 Seascape Blvd.
Aptos, CA 95003

Re: Application for permit 37-08605, Grossman

Dear Ms. Serlin:

Enclosed is notice of a pre-hearing conference scheduled for February 7, 1991.

Since you have notified me that you will not be able to attend, I will not automatically move to dismiss your protest for failure to appear at this stage. However, in the event that the parties present resolve the matter, and the application is still before the department, you may be required to show cause why your protest should not be dismissed for failure to appear.

You may wish to designate someone to represent you at the conference or you may want to arrange for a speakerphone in the conference room so you can participate by phone.

If you have any questions about this matter, please feel free to contact me.

Sincerely,

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

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

MICROFILMED

JAN 22 1992

RECEIVED

December 26, 1990

JAN 8 1991

Department of Water Resources
Southern Region Office

Mr. Jim Speck
Hogue, Speck and Aanestad
PO Box 987
Ketchum, ID 83340

Dear Jim,

In accordance with IDWR procedures, Loren Holmes has asked me to contact the applicants directly on the matter of protests of water rights applications.

Jim Baldwin called me about a week ago and said he would contact me this week to go over his project. I received a copy of your letter requesting an informal hearing on the Grossman application. I am assuming here that you are handling both applications for the applicants and that you are the person to contact for direct talks on these matters.

I'm at 726 2515 for the next several weeks. I may go away for a week or so around the 22nd of January. Other than that I'll be around and willing to talk with anyone about these applications.

Sincerely,

Nick Cox
PO Box 430
Ketchum

cc Loren Holmes
Water rights applications #37-8590 and #37-08605

RECEIVED

JAN 22 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

02-Jan-1991

Virginia B. Serlin
P.O. Box 2017
Ketchum, ID 83340

RECEIVED

JAN 18 1991

Department of Water Resources
Southern Region Office

Re: Application for permit 37-8605, Grossman

Dear Ms. Serlin:

At the request of the applicant, the pre-hearing conference scheduled for January 15, 1991 has been postponed to February 7, 1991.

Formal notice of the time and place for the conference will be mailed about January 24.

Please let me know if any questions arise concerning this matter.

Sincerely,

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

Dear Mr. Holmes - your notice reached me in California where we will be until late April - ergo I can not attend the hearing to be held 2/7/91.

MICROFILMED

JAN 22 1992

As I told Jim Spick - I am opposed to all more consumptive use of water. The Grossman's stated they would use the quarter acre pond(?) for fishing & swimming - which seems to me

2) To be a most unlikely state of affairs - I
feel it is but a ploy on their part -

I also told Jim I would only withdraw
my objection if & or when all the rest
of those opposed did so -

As the Grosmont property is on the Bay
Wood River - and if he/she truly want
to fish the river is there - If they wish
to swim a conventional swimming pool
should suffice -

Which brings us back to what I feel
they really want is a private lake fed
with public water to adorn their estate!

Sincerely,

Virginia B. Sellen

2012 Seascape Blvd.

Capto, California

95003

MICROFILMED

JAN 22 1992

Goodman 37-8605 -

Filed: 4/17/90

Adv 6/6 & 13/90

Final Prot 6/23/90

Protest:

✓ Satah Akern 5/21/90

✓ Virginia Setlin 5/22/90

FBW 5/23/90

FBW withdraws Prot 5/30/90

✓ F&G 5/31/90

✓ RWCC 6/8/90

* Copies & Prot to speak - 9/24/90

FBW Petition to Reinstate Prot 10/11/90

F&G - Withdraws Prot 10/15/90

RWCC - withdraws Prot 10/18/90

Letter

Letter to
Protest

Akern

Setlin

FBW

F&G

F&G - Protest

Newby

Advisory
Committee
< 1st Sec
Bureau

MICROFILMED

JAN 22 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

02-Jan-1991

Sam S. Grossman and/or Peggy Grossman
c/o James P. Speck
P.O. Box 987
Ketchum, ID 83340

Re: Application for permit 37-8605, Grossman

Dear Mr. Speck:

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Please let me know if any questions arise concerning this matter.

Sincerely,

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

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

MICROFILMED

JAN 22 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

02-Jan-1991

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

Re: Application for permit 37-8605, Grossman

Gentlemen:

At the request of the applicant, the pre-hearing conference scheduled for January 15, 1991 has been postponed to February 7, 1991.

Formal notice of the time and place for the conference will be mailed about January 24.

Please let me know if any questions arise concerning this matter.

Sincerely,

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

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

MAILED

JAN 22 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

02-Jan-1991

Virginia B. Serlin
P.O. Box 2017
Ketchum, ID 83340

Re: Application for permit 37-8605, Grossman

Dear Ms. Serlin:

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Please let me know if any questions arise concerning this matter.

Sincerely,

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

RECEIVED

JAN 22 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

December 26, 1990

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

Re: Sam S. and/or Peggy Grossman
Application for Permit No. 37-08605

Dear Loren:

This letter will confirm our telephone conversation of December 20, 1990. Due to my unavailability from January 14 through January 30, 1991, you have agreed to reschedule the pre-hearing conference for sometime during the first three weeks of February, 1991. Please notify me when you have selected a date. I also request the conference be scheduled for Blaine County as all the protestants are residents and the project is located there.

Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD

JPS
James P. Speck

RECEIVED

DEC 27 1990

JPS:jal
cc: Mr. Sam Grossman

Department of Water Resources
Southern Region Office

RECEIVED
JAN 22 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

19-Dec-1990

Sam S. Grossman and/or Peggy Grossman
c/o James P. Speck
P.O. Box 987
Ketchum, ID 83340

Re: Application for permit No. 37-8605, Grossman

Dear Mr. Speck:

You have previously been sent copies of protests filed in this matter. Since your correspondence with the protestants, the Department of Fish and Game and the Big Wood Canal Company have withdrawn their protests. The Friends of the Big Wood River has requested reinstatement of its protest after withdrawing initially. Copies of this correspondence are enclosed.

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 Tuesday, January 15, 1991. Notices formally setting the conference time and place will be mailed about January 2.

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

Sincerely,

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

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

RECEIVED
JAN 22 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

19-Dec-1990

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

Re: Application for permit No. 37-8605, Grossman

Dear Mr. Cox:

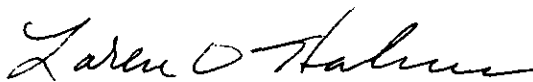
Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to determine if it is possible to resolve the 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 Tuesday, January 15, 1991. Notices formally setting the conference time and place will be mailed about January 2.

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

Sincerely,


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

RECEIVED
JAN 22 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

19-Dec-1990

Virginia B. Serlin
P.O. Box 2017
Ketchum, ID 83340

Re: Application for permit No. 37-8605, Grossman

Dear Ms. Serlin:

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 Tuesday, January 15, 1991. Notices formally setting the conference time and place will be mailed about January 2.

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

Sincerely,

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

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

RECEIVED
JAN 22 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

19-Dec-1990

Sarah Ahern
P.O. Box 1228
Ketchum, ID 83340

Re: Application for permit No. 37-8605, Grossman

Dear Ms. Ahern:

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 Tuesday, January 15, 1991. Notices formally setting the conference time and place will be mailed about January 2.

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

Sincerely,

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

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JAN 22 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

19-Dec-1990

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

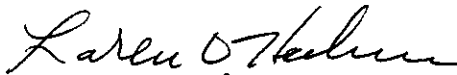
Re: Application for permit No. 37-8605, Grossman

Dear Mr. Oneida:

This office acknowledges receipt of your letter withdrawing your protest in the above matter.

The withdrawal of the protest removes you as an original party in further actions on this application by the department.

Sincerely,


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

RECEIVED
JAN 22 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

19-Dec-1990

Carl H. Nellis, Regional Supervisor
Idaho Dept. of Fish & Game Region 4
P.O. Box 428
Jerome, ID 83338

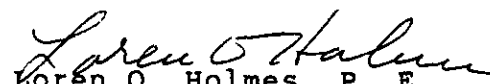
Re: Application for permit No. 37-8605, Grossman

Dear Mr. Nellis:

This office acknowledges receipt of your letter withdrawing your protest in the above matter.

The withdrawal of the protest removes you as an original party in further actions on this application by the department.

Sincerely,


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

MICROFILMED
JAN 22 1992

Attachment to letter dated 19-Dec-1990

To all parties in the matter of
Application for permit No. 37-8605
In the name of Sam and/or Peggy Grossman

**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 the Rules for Practice and Procedure adopted under the Idaho Administrative Procedures Act.

RECEIVED
JAN 22 1992

RECEIVED

NOV 20 1990

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

Department of Water Resources
Southern Region Office
TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP

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

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

November 19, 1990

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

Re: Application for Permit No. 37-08605
Sam and Peggy Grossman

Dear Loren:

I believe there are several outstanding and unresolved protests to the above-referenced Permit. In late September I sent letters out in an effort to resolve the protests and have been contacted only by Mrs. Virginia Serlin. I now believe an informal conference is the most expedient way to resolve these matters and go forward with the Application for Permit. Therefore, will you please schedule the informal conference as soon as possible. I will be happy to make the conference room in our offices in Ketchum available for the conference. Please call me to reserve a time if this proposal is appropriate.

Thank you.

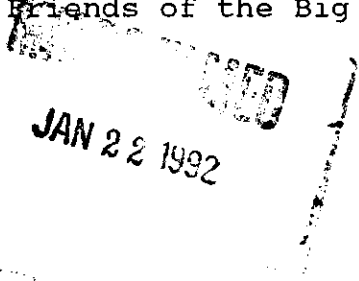
Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS/jal

cc: Mr. Sam Grossman
Mr. Doug Clemens
Mr. Gary Spackman
Ms. Sarah Ahern
Mr. Carl H. Nellis, Idaho Fish & Game
Mr. Richard M. Oneida, Big Wood Canal Co.
Ms. Virginia B. Serlin
Mr. Nick Cox, Friends of the Big Wood River


JAN 22 1992

Big Wood Canal Company

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

RECEIVED
OCT 18 1990
Department of Water Resources
Southern Region Office

Oct. 17, 1990

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

RE: Application #37-08605
Sam and Peggy Grossman

Dear Sir:

The Big Wood Canal Company would like to withdraw the protest to the applications filed by Sam and Peggy Grossman.

Sincerely,



Richard M. Oneida
Manager

RMO/lma

RECEIVED
JAN 22 1992



IDAHO FISH & GAME

REGION 4
868 East Main Street
Jerome, ID 83338
(208) 324-4350

October 12, 1990

RECEIVED

OCT 15 1990

Department of Water Resources
Southern Region Office

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

RE: Application 37-08605, Sam and Peggy Grossman

Dear Loren:

After further review, we have decided to withdraw our protest of this application. The applicants should be aware that concerns about potential damage to water quality from lawn chemicals, etc. still exist, and should take steps to avoid them.

Sincerely,

Carl H. Nellis
Regional Supervisor

cc: Jim Speck, 120 East Ave., Ketchum, ID 83340

Cecil D. Andrus / Governor
Jerry M. Conley / Director



Working for wildlife since 1938

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JAN 22 1992

RECEIVED

OCT 11 1990

Department of Water Resources
Southern Region Office



October 6, 1990

Mr. Loren O. Holmes, Southern Regional Manager
Department of Water Resources
222 Shoshone ST. E.
Twin Falls, ID 83301

Dear Loren,

I spoke to Gary Spackman about this matter and he said the application was still in your office and to direct this petition to you. He also suggested that I put it in a legal format as in a formal pleading.

Thank you for your attention to this matter.

Sincerely,

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

Nick Cox, Pres.

RECEIVED

JAN 22 1992

Nicholas R. Cox, Pres.
Friends of the Big Wood River, Inc.
Post Office Box 4411
Ketchum, Idaho 83340

RECEIVED
OCT 11 1990
Department of Water Resources
Southern Region Office

THE DEPARTMENT OF WATER RESOURCES TWIN FALLS, IDAHO

SAM & PEGGY GROSSMAN,	)	
	)	
Applicant	)	Application No. 37-08605
	)	
FRIENDS OF THE BIG WOOD RIVER,	)	PETITION TO REINSTATE PROTEST
	)	
Protestant	)	and/or
	)	
	)	PERMISSION TO INTERVENE
	)	

TO MR. LOREN O. HOLMES

Friends of the Big Wood River(Friends) protested the above named application in a letter to the Department of Water Resources dated May 20, 1990. In a conversation with the Grossman's attorney Friends were told that the application was nothing more than a transfer of the application from the previous applicant to the Grossmans.

At that time the Friends reviewed the original application and the accompanying stream alteration permit with the Blaine County Planning and Zoning Director, Mr. Ralph Cisco. Mr. Cisco informed us that the stream alteration permit had been issued and that the work had been completed and inspected.

At that time the Friends also spoke to Mr. Ried Newby, the District Water Master and was informed that the application was of long standing and as far as he knew had been completed.

The Friends then toured the site and noted that the work had indeed been completed. The work consisted of a channel with a small pond with a weir and landscaping right to the edge of the channel. In no way could the work be considered incomplete or in need of "improvement".

The Friends did not know and was in no way made to understand or given the opportunity to find out that an Addendum to the above named application had been made by the applicants on March 29, 1990.

The Friends understood and believed that no change be made and that the existing stream alteration and 10 cfs diversion were the sum and substance of the application.

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JAN 22 1992

The Friends were further misled by the fact that there is to our knowledge, no stream alteration permit associated with the Addenda when the Addenda clearly constitutes a stream alteration and is not a water rights application in itself.

The Friends were told and believed that the only matter at hand was the transfer of the application from the name of the prior applicant to the Grossmans.

Given the above information and seeing that work had already been completed, The Friends saw no purpose in disputing the matter and withdrew their protest.

Subsequently the Friends have discovered that an addendum to the original application was filed by the applicants on 3/29/90. To the best of the Friend's knowledge, the substance of the Addendum was never published or made public in any way.

The Friends herein contend that they were deprived of the necessary information with which to make a considered judgement of the application and therefor were denied due process in the matter.

The Friends also contend that due to the fact that the originally permitted work had been completed, and due to the extensive nature of the changes described in the Addenda, that the Addenda, in fact, constitutes an entirely new stream alteration which must be subject to a new and different application, permit and hearing procedure.

The Friends contend that the original application was duly permitted, completed and inspected and therefore the applicants had received all the rights and privileges associated with the above named permit.

The Friends also contend that the Addenda constitutes an expansion of the use of the water (for swimming, fishing and other recreational use) provided for in the original application and is therefore illegal without being subject to a separate water rights application, hearing and permit procedure.

If the Friends had known or been informed that an Addenda to the above named application existed and that the application was for a .25 acre ft pond (10,890 cu/ft or 81,675 gal) capacity, the Friends would not have withdrawn their protest.

On the basis of the above facts and contentions, the Friends of Big Wood River, Inc. plead to be reinstated as protestants and be invited to all hearings on the applications and to be able to testify at these hearings.

FILED
JAN 22 1992

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

ATTORNEYS

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

120 EAST AVENUE
POST OFFICE BOX 907
KETCHUM, IDAHO 83340
(208) 726-4421
FAX (208) 726-0752

RECEIVED

OCT - 1 1990

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

September 28, 1990 Department of Water Resources
Southern Region Office

Ms. Sarah Ahren
Box 1175
Sun Valley, Idaho 83353

Re: Application for Water Permit No. 37-08605
Sam and Peggy Grossman

Dear Ms. Ahren:

My law firm represents Sam and Peggy Grossman who have filed Application for Permit No. 37-08605 with the Idaho Department of Water Resources. Enclosed is a copy of the Application. I have received and reviewed a copy of the Protest to the Application which you filed with the Department of Water Resources and hope we can resolve your protest without the necessity of further proceedings before the Department of Water Resources.

I would like to direct your attention to the Addendum to the Application for Permit. As explained in the Addendum, the water which Mr. and Mrs. Grossman will divert is exactly the SAME water which is currently diverted under Idaho Water License No. 37-8248. In other words, no more water will be diverted or removed from the Big Wood River than is currently being diverted under a valid, licensed water right. Furthermore, the water which is diverted pursuant to License No. 37-8248 currently runs through the Grossmans' property and is returned to the Big Wood River in exactly the same place as we are proposing to return it under our Application. Thus, this Application will not in any way decrease the flow of the Big Wood River. The only change from the approved, existing situation is an improvement of the streams and ditches returning the water to the Big Wood River across the Grossmans' property and the creation of a pond holding only 0.25 acre feet of water through which the 10 cfs flow passes rather quickly. Thus, there is really no increased impact on the Big Wood River as a result of this new Application.

Enclosed you will also find a copy of the March 27, 1990 letter to Mr. Gary Spackman, Manager of the Water Permit Section of the Idaho Department of Water Resources, from the friends of the Big Wood River. As you can see, the Friends thoroughly reviewed this Application and determined it did not merit a protest. I am certain the Friends considered the factors I have discussed above in reaching this decision. I hope you

RECEIVED
JAN 22 1992

Ms. Sarah Ahern
September 28, 1990
Page - 2

concur and withdraw your protest. If so, please write Mr. Loren Holmes at the Southern Region Office of the Department of Water Resources and send a copy of your letter to me.

I will be out of the office until November 5, 1990. However, if you have any questions about this Application and your protest, please do not hesitate to call me when I return. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS/jal
Enclosures

cc: Mr. Sam Grossman
Mr. Gary Spackman
Mr. Loren Holmes
Mr. Doug Clemens

RECORDED
JAN 22 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 28, 1990

OCT - 1 1990

Mr Carl H. Nellis
Idaho Fish & Game, Region 4
868 East Main Street
Jerome, Idaho 83338

Department of Water Resources
Southern Region Office

Re: Application for Water Permit No. 37-08605
Sam and Peggy Grossman

Dear Carl:

My law firm represents Sam and Peggy Grossman who have filed Application for Permit No. 37-08605 with the Idaho Department of Water Resources. Enclosed is a copy of the Application. I have received and reviewed a copy of the Protest to the Application which you filed with the Department of Water Resources and hope we can resolve your protest without the necessity of further proceedings before the Department of Water Resources.

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JAN 22 1992

Mr. Carl H. Nellis
September 28, 1990
Page - 2

discussed above in reaching this decision. I hope you will concur and withdraw your protest. If so, please write Mr. Loren Holmes at the Southern Region Office of the Department of Water Resources and send a copy of your letter to me.

I will be out of the office until November 5, 1990. However, if you have any questions about this Application and your protest, please do not hesitate to call me when I return. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD



James P. Speck

JPS/jal
Enclosures

cc: Mr. Sam Grossman
Mr. Gary Spackman
Mr. Loren Holmes
Mr. Doug Clemens

RECEIVED
JAN 22 1992

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

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

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

September 28, 1990

Mr. Richard M. Oneida, Manager
Big Wood Canal Company
P.O. Box C
Shoshone, Idaho 83352

Re: Application for Water Permit No. 37-08605
Sam and Peggy Grossman

Dear Dick:

My law firm represents Sam and Peggy Grossman who have filed Application for Permit No. 37-08605 with the Idaho Department of Water Resources. Enclosed is a copy of the Application. I have received and reviewed a copy of the Protest to the Application which you filed with the Department of Water Resources and hope we can resolve your protest without the necessity of further proceedings before the Department of Water Resources.

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OCT - 1 1990

Department of Water Resources
Southern Region Office

JAN 22 1992

Mr. Richard M. Oneida
September 28, 1990
Page - 2

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Sincerely yours,

HOGUE, SPECK & AANESTAD



James P. Speck

JPS/jal
Enclosures

cc: Mr. Sam Grossman
Mr. Gary Spackman
Mr. Loren Holmes
Mr. Doug Clemens

MICROFILMED

JAN 22 1992

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

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

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

September 28, 1990

Ms. Virginia B. Serlin
Box 2017
Ketchum, Idaho 83340

Re: Application for Water Permit No. 37-08605
Sam and Peggy Grossman

Dear Ginny:

My law firm represents Sam and Peggy Grossman who have filed Application for Permit No. 37-08605 with the Idaho Department of Water Resources. Enclosed is a copy of the Application. I have received and reviewed a copy of the Protest to the Application which you filed with the Department of Water Resources and hope we can resolve your protest without the necessity of further proceedings before the Department of Water Resources.

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22 1992

Ms. Virginia B. Serlin
September 28, 1990
Page - 2

concur and withdraw your protest. If so, please write Mr. Loren Holmes at the Southern Region Office of the Department of Water Resources and send a copy of your letter to me.

I will be out of the office until November 5, 1990. However, if you have any questions about this Application and your protest, please do not hesitate to call me when I return. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD



James P. Speck

JPS/jal
Enclosures

cc: Mr. Sam Grossman
Mr. Gary Spackman
Mr. Loren Holmes
Mr. Doug Clemens

MICROFILMED

JAN 22 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

James P. Speck
Attorney At Law
P. O. Box 987
Ketchum, ID
83340

September 24, 1990

RE: Application for Permit 37-08605, Sam/Peggy Grossman

Dear Mr. Speck;

Per your request, copies of protest to the above-referenced application are enclosed.

If we may be of further assistance, please feel free to contact this office.

Sincerely,

James E. Stanton
James E. Stanton
Sr. Water Resource Agent

RECEIVED

JAN 22 1992

Big Wood Canal Company

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

RECEIVED

JUN 8 - 1990

Department of Water Resources
Southern Region Office

June 7, 1990

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

RE: Application #37-08605 Grossman, Sam
S & Peggy

Dear Sir:

The Big Wood Canal Company would like to protest to the applications filed by Sam S. & Peggy Grossman on grounds that this diversion could be detrimental to the delivery of water of Big Wood Canal Company.

Sincerely,



Richard M. Oneida
Manager

RMO/lma

MICROFILMED

JAN 22 1992



IDAHO FISH & GAME

REGION 4
868 East Main Street
Jerome, ID 83338
(208) 324-4350

May 30, 1990

RECEIVED

MAY 31 1990

Department of Water Resources
Southern Region Office

Idaho Department of Water Resources
ATTN: Jim Stanton
222 Shoshone Street East
Twin Falls, Idaho 83301

RE: Application #37-08605, Sam and Peggy Grossman

Dear Mr. Stanton:

We recently received notification from the Friends of the Big Wood River that they were protesting this application. To our knowledge, we have not received notification of this application. Because of the large quantity of water which will reportedly be removed from the stream for some distance, we are concerned about potential impacts to fish populations.

Please send us a notification regarding this application. In the event the deadline for filing protests will occur prior to our being able to review the application, we wish to protest this application until such time as we are able to more completely analyze the proposal and make a better informed decision.

Sincerely,

Carl H. Nellis
Regional Supervisor

Cecil D. Andrus / Governor
Jerry M. Conley / Director



Working for wildlife since 1938

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JAN 22 1992

March 27, 1990

RECEIVED

MAY 30 1990

Department of Water Resources

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



Re: Right No. 37-08605
Sam and Peggy Grossman

Dear Mr. Spackman,

As you know it is the policy and practice of the Friends of the Big Wood to oppose and protest all applications for non-consumptive water rights.

After reviewing the history and inspecting the site of the Grossman application and consulting with the Water Master, it appears that no useful purpose will be served by our pursuing this particular matter. Denial of this application would not improve or restore the values of the river that we seek to protect.

Therefore the Friends of the Big Wood hereby withdraw their protest of the above referenced application.

Sincerely,

Phil Cox, Pres.
Board of Directors

cc Loren Holmes
Ried Newby
Ralph Cisco
Sam and Peggy Grossman
Len Harlig
Tom Blanchard
Linda Haavik
James Speck
Chip Corsi
Jack Onieda

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JUN 1 - 1990

Department of Water Resources
Southern Region Office

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JAN 22 1992

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MAY 23 1990

Department of Water Resources

May 20, 1990

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



Re: Right No. 37-08605
Ten cfs for Recreational Purposes
Sam and Peggy Grossman
Northwood Subdivision

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MAY 29 1990

Dear Mr. Spackman,

Department of Water Resources
Southern Region Office

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 my 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.

JAN 22 1992

It should also be noted that the Big Wood River in the area of this application will drop to a level of 80cfs or less by September. We believe that it is unacceptable for any private individual to be allowed to take between 10% and 15% of an existing stream flow. The resulting damage to the fisheries, the riparian zone and other wildlife would be counter to the public interest.

Page Two: Grossman Application

In addition, the above application indicates no consumptive water right available to replace the non-consumptive water lost through evaporation and seepage. Without such replacement water the downstream users may have their rights impaired.

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
Sam and Peggy Grossman, Applicants
Len Harlig, County P & Z Board
Tom Blanchard, County Commissioner
Linda Haavik, Ketchum Planning Director
James Speck, Attorney for Applicant
Chip Corsi, Regional Fisheries Biologist, IDEFG
Jack Onieda, Big Wood Canal Co

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JAN 22 1992

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MAY 22 1990

Department of Water Resources
Southern Region Office

virginia b. serlin

May 20, 1990

Dear Mr. Holmes -

It has been brought to my attention that one Samuel Grossman of Ketchum, Idaho has requested a diversion of the Big Lost River to & thru his private property via request # 37-08605-100F.

I like many others who live here & deeply love the Big Lost River are all up in arms & firmly against any such use of our river. Please refuse!!

Please excuse my hand writing - I hurt my right hand working in garden but felt a letter to you was more important than a more painfree hand -

Most sincerely,

Virginia B. Serlin

box 2017, ketchum, idaho 83340

MICROFILMED

JAN 22 1992

Doren Holmes
Sr. Regional Manager
Dept. of Resources
222 Shoshone St. E.
Twin Falls, Id 83301

May 17, 1990

RECEIVED

MAY 21 1990

Department of Water Resources
Southern Region Office

Dear Mr. Holmes

I have just learned of the application for wood river water use by Samuel Grossman for 6,480,000 gallons per day - 365 days this water is to flow continuously thru his property - He is not a fulltime resident here in the valley -

This application # 37-086-05
IUC.F.S.

is asking for more water than the City of Ketchum uses on the hottest day in the summer -

We are under drought conditions -

I vehemently protest this application
being approved

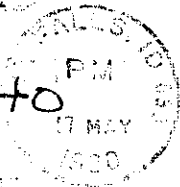
JAN 22 1992

1228 P.O. Box

Ketchum, Id 83340

Sincerely
Sarah Ahern

1228 P.O. Box
Ketchum, Id 83340



Mr. Loren Holmes
So. Regional Manager
Dept. of Resources
222 Shoshone St. E.
Twin Falls, Id 83301

JUN 22

37-08605

GROSSMAN, SAM S.
GROSSMAN, PEGGY
C/O JAMES P. SPECK
P.O. BOX 987
KETCHUM, ID 83340

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

Diversion Pt: NESWNE Sec 12 T 04N R 17E

Use: RECREATION (10.000 CFS)

 Total Diversion: (10.000 CFS)

Date Filed: 4/17/ 1990

In: T04N R17E S12 SWNE

MISSING

JAN 22 1992

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 JUNE 25, 1990.

R. Keith Higginson, Director

Published 6/6/1990 & 6/13/1990

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JAN 22 1992

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MAY 20 1990

Department of Resources
Southern Region Office

Disk: Legals/2-App

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:

37-08605

GROSSMAN, SAM S.

GROSSMAN, PEGGY

C/O JAMES P. SPECK

P.O. BOX 987

KETCHUM, ID 83340

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

Division Pt: NESWNE Sec 12 T

04N R 17E

Use: RECREATION (10,000 CFS)

Total Diversion: (10,000 CFS)

Date Filed: 4/17/1990

In: T04N R17E S12 SWNE

37-08606

EDSALL, STEVE F.

EDSALL, MIA

P.O. BOX 584

BELLEVEUE, ID 83313

Source: GROUNDWATER

Division Pt: LOT 2 (SWSWNE)

Sec 30 T 02N R 18E

Use: IRRIGATION

(.090 CFS)

DOMESTIC

(.040 CFS)

Total Diversion:

(.130 CFS)

Date Filed: 4/24/1990

In: T02N R18E S30 Lot 2 (SWMW)

3.0 ACRES TOTAL

The permit(s) will be subject to all

prior water rights. Protests may

be submitted based on the criteria

of Sec. 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 JUNE 25, 1990.

R. Keith Higginson, Director

Publish: Wood River Journal-

June 6 & 13, 1990.

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JAN 2 1992

18-May-1990

Idaho Dept. of Fish & Game
P.O. Box 428
Jerome, ID 83338

Re: Application(s) for Permit

Gentlemen:

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,

Gary Funderburg
Sr. Water Resource Agent

GF:MB

Enclosure(s)

RECEIVED

JAN 22 1992

18-May-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,

Gary Funderburg
Sr. Water Resource Agent

GF:MB

Enclosure(s)

MICROFILMED
JAN 22 1992

17-May-1990

SAM &/OR PEGGY GROSSMAN
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

Re: Application for Permit No. 37-08605

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 6/6 & 6/13/90. 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,

Gary Funderburg
Sr. Water Resource Agent

GF:MB

RECEIVED

JAN 22 1992

~~S~~ T A T E O F I D A H O
P A R T M E N T O F W A T E R R E S O U R C E S
Southern Region
222 Shoshone Street East
Twin Falls, ID 83301
(208)734-3578

MAY 15, 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 JUNE 25, 1990.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

MICROFILMED

JAN 22 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

April 16, 1990

CERTIFIED MAIL; RETURN RECEIPT REQUESTED

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

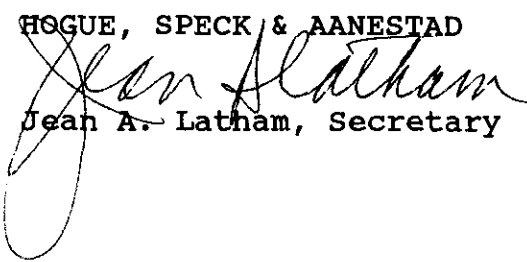
Re: Application for Permit
Sam S. Grossman and Peggy Grossman

Dear Mr. Holmes:

Enclosed please find Application for Permit for the
above-referenced individuals together with filing fee of \$225.00.
If you have any questions, please give our office a call.

Very truly yours,

HOGUE, SPECK & AANESTAD


Jean A. Latham, Secretary

jal
Enclosures
cc: Mr. Sam S. Grossman

RECEIVED

APR 17 1990

Department of Water Resources
Southern Region Office

NOT RECORDED

JAN 22 1992

37-08605