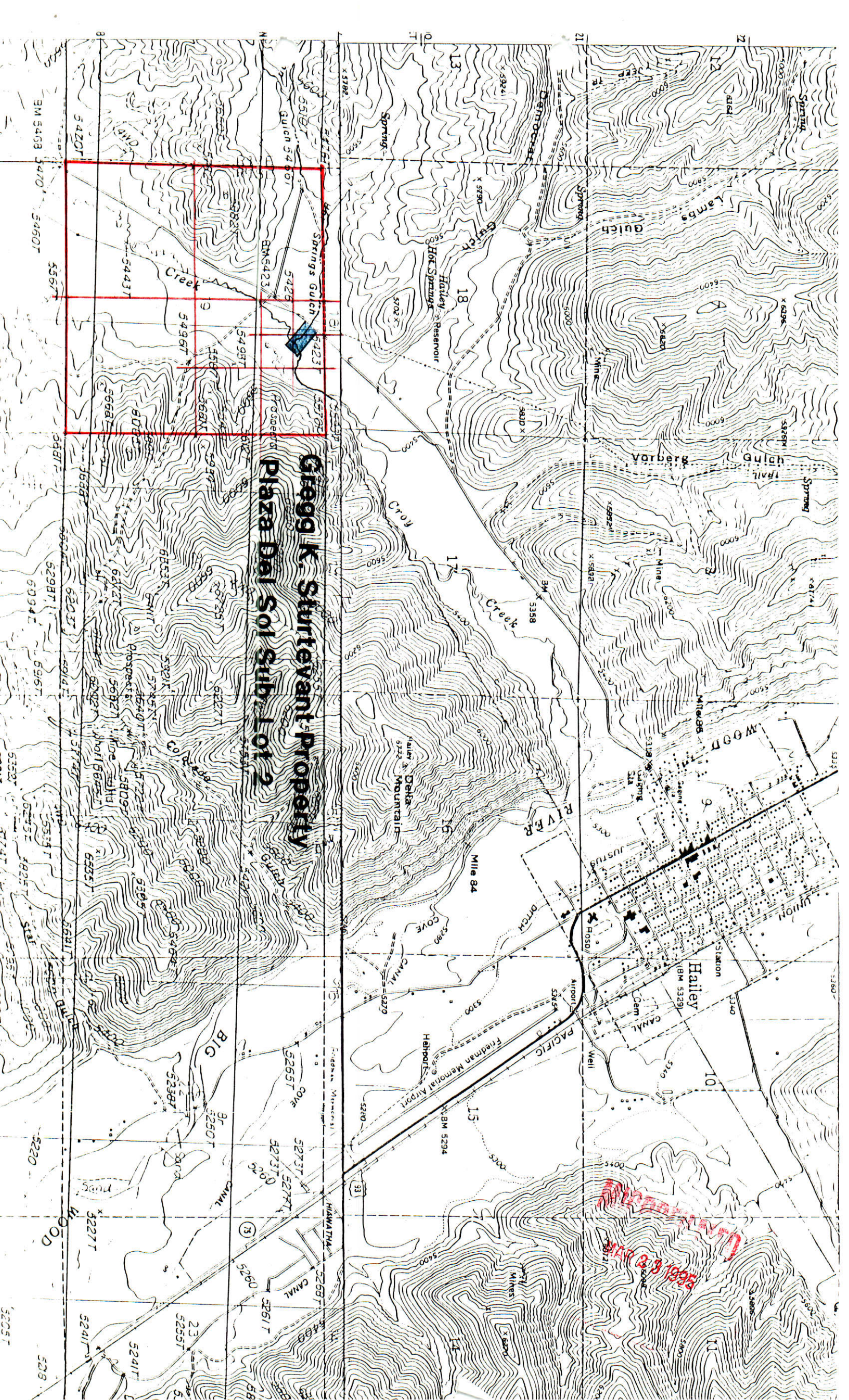




Gregg K. Sturtevant Property

Plaza Del Sol Sub L of 2

**COPIED
MAR 28 1995**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

MAR 10 1995

Department of Water Resources

A. GENERAL INFORMATION

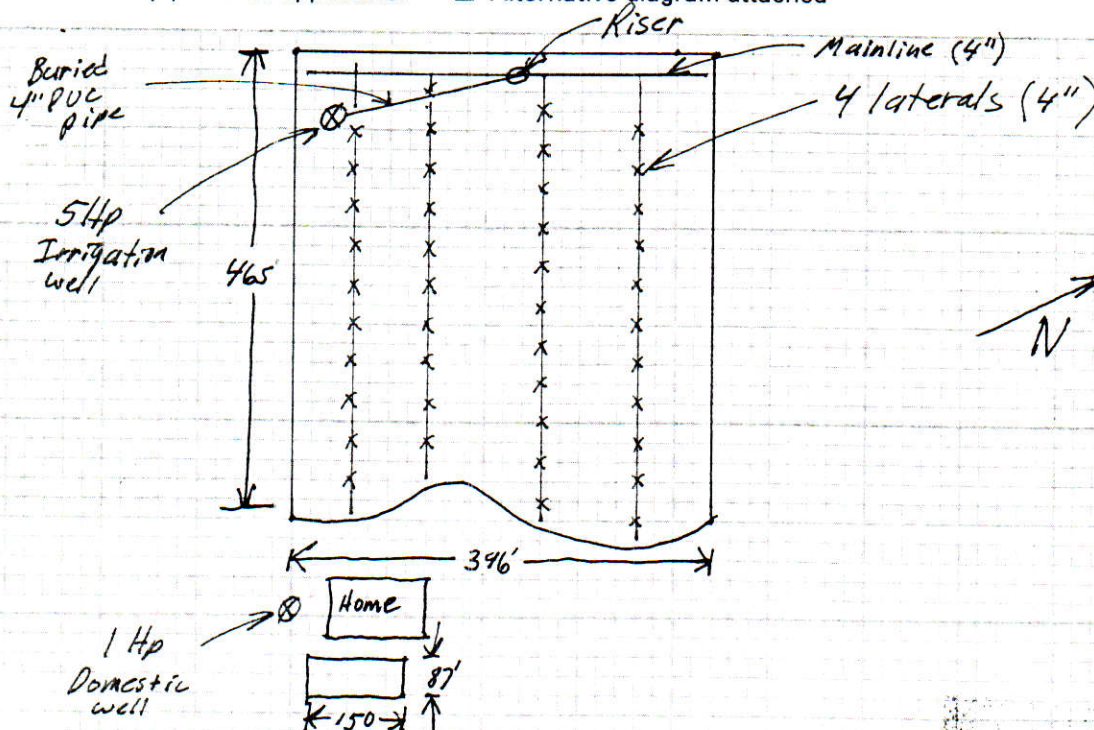
1. Owner: Gregg K. Sturtevant Permit No. 37-08359
Current Address: P.O. Box 2924, Ketchum, ID 83340 Phone No. 726-3250
2. Accompanied by: Owner EXAM. DATE: 6-30-94
Address: Same Phone No. Same
Relationship to Permit Holder: Owner
3. Source: groundwater tributary to None

B. OVERLAP REVIEW

1. Other water rights with same place of use: None ☐ Copies Attached
2. Other water rights with same point of diversion: 37-08587 (Application) ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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



APR 29 1996

Scale: 1" = NO scale

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

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JAN 04 1999



photo looking SE'ly



photo looking SW'ly

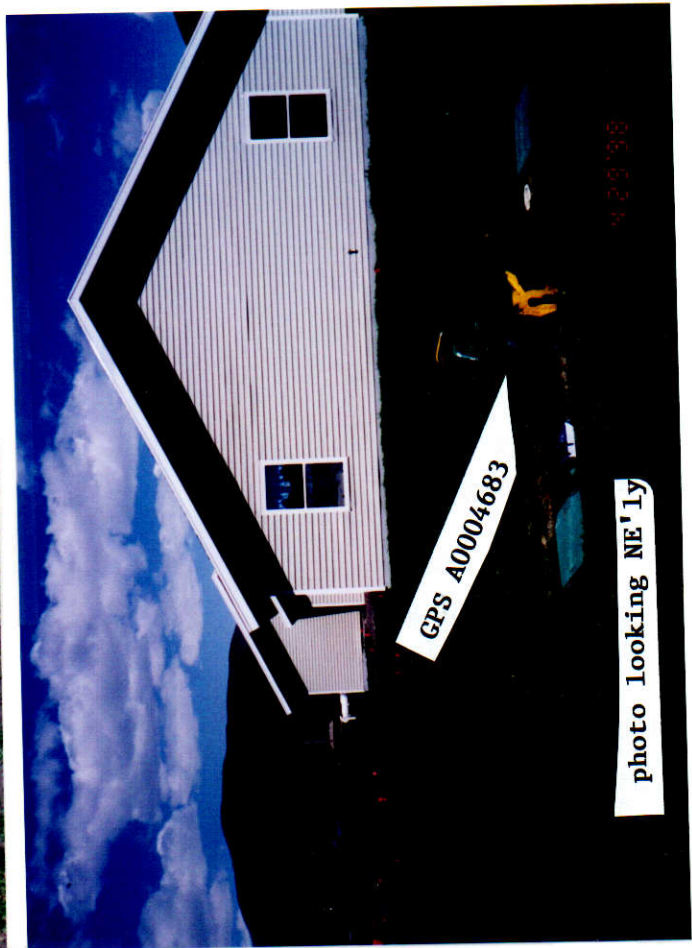


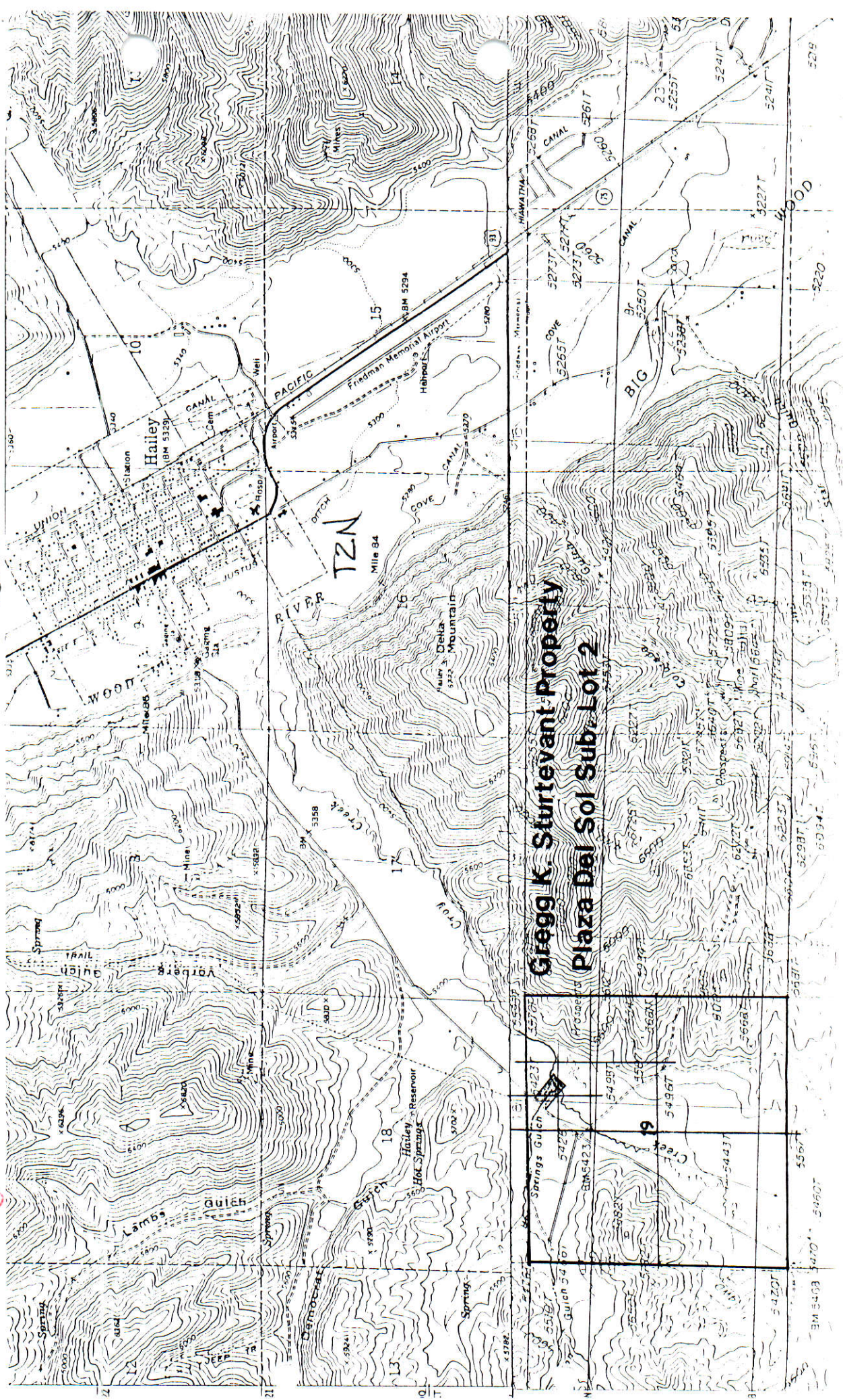
photo looking NE'ly

MICROFILMED
JAN 04 1999

Sturtevant, Gregg 29 Ap 98
1500 hrs. Examiner: Satterlee
37-08587

R18E

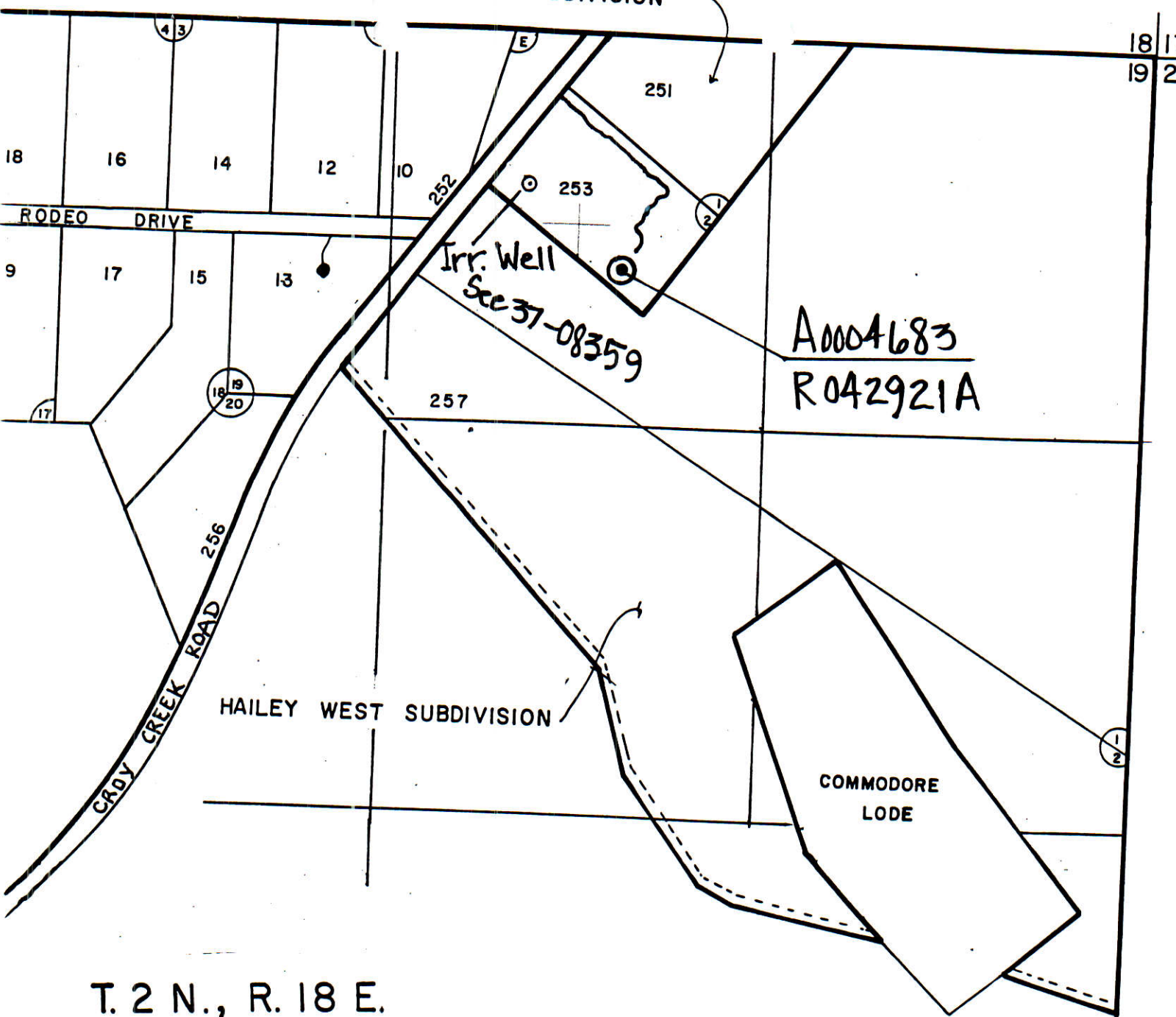
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JAN 04 1999



Gregg K. Sturtevant Property
Plaza Del Sol Sub Lot 2

PLAZA DEL SOL SUBDIVISION

18 17
19 20



18

16

14

12

10

9

17

15

13

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17

18 19
20

257

251

253

A0004683
R042921A

HAILEY WEST SUBDIVISION

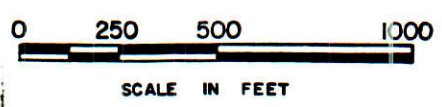
COMMODORE
LODGE

T. 2 N., R. 18 E.

SEC 19, T02N, R18E, SE, NW, NE 1/4

Sturtevant, Gregg K.
29 April 1998
1500 hrs.
37-08587

MICROFILMED
JAN 04 1999



4 3
R18E

CLAIM 437-12818 INIT
T. R. S. Q/Q

P/D

PHOTO ASCS

DT. & ID. C. 1987

10

T
2
N

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MAR 23 1995

1988
NAPP

CLAIM A37-12818 INIT SC

T. R. S. Q/Q

P/D

PHOTO NAPP 444-60 X74 SE

DT.&ID. 9-15-88

DELIVERY
IRRIGATION DITCH
ALONG THIS
EDGE OF FIELD

NON-IRRIGATED
LANDS

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

MICROFILMED

MAR 23 1995

AFFIDAVIT of PUBLICATION

RECEIVED

SEP 28 1993

State of Idaho, }
County of Blaine } SS.

Department of Water Resources
Southern Region Office

On this 22nd day of Sept, in the year 1993, before me a Notary Public of said State, personally appeared DANIEL J. GORHAM, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 15 day of Sept, 1993, and the date of the last publication was on the 22 day of Sept, 1993.

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

Roberta McKee
NOTARY PUBLIC

#8868

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

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

COPY OF NOTICE

(Paste Here)

Application for water right
TITLE OF NOTICE

"Sturtevant"
PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water - T.F.
BILL TO

Application for trust water right

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

37-08587

GREGG K. STURTEVANT
PO BOX 2924
KETCHUM ID 83340

Source: groundwater

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

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

Date Filed: 01/09/1990

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

37-08819

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

Source: groundwater

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

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

Date Filed: 04/29/1993

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

37-08820

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

Source: groundwater

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

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

Date Filed: 04/29/1993

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

37-08821

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

Source: groundwater

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

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

Date Filed: 05/24/1993

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

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

R. Keith Higginson, Director

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

RECEIVED

APR - 1 2002

RECEIVED

Form 42-248/42-1409(6) July, 2000

STATE OF IDAHO ~~Department of Water Resources~~
 DEPARTMENT OF WATER RESOURCES
 NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

MAR 26 2002

Department of Water Resources
 Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-08587					
37-08359					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Greg Sturtevant
P.O. Box 2924 Ketchum, ID 83340
4. New Owner/Claimant(s) John and/or Sandi Blackburn
 Name Connector (Check one): [] and, [] or, ☒ and/or
- New Mailing Address P.O. Box 3582
- City, State and ZIP Code Hailey, ID 83333
- New Telephone Number (208) 788-0888
5. Date you acquired the property August 29, 2001

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OCT 20 2003

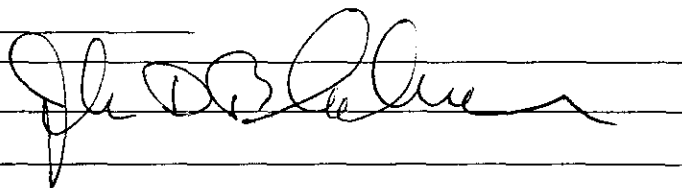
See file # 37-8359 for support data

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

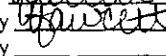
DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)



For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by  Date 3/28/02 Fee 50.00
 Received by  Date 3/28/02 Receipt No. 5024676
 Processed by AJ Date _____ WR _____ Date _____

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OCT 20 2003

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 37-08587

Priority: January 9, 1990

Maximum Diversion Rate:

0.07 CFS

Maximum Diversion Volume:

7.7 AF

This is to certify, that GREGG K STURTEVANT
PO BOX 2924

KETCHUM ID 83340-2924 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 9, 1990; and has submitted Proof of Beneficial Use on February 28, 1997. An examination indicates that the works have a diversion capacity of 0.280 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.07 CFS	7.7 AF

LOCATION OF POINT(S) OF DIVERSION: NWNE , Sec. 19, Township 02N, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N	18E	19	NWNE	2.2		2.2

Total number of acres irrigated: 2.2

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this right may be affected by an agreement between the protestant and the right holder.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
3. This right is used in conjunction with an exchange of surface water rights which will remain in the Big Wood River pursuant to the exchange provisions in Section 42-105, Idaho Code.
4. Diversion and use of water under this right shall only occur at those times when water is available to fill the portion of Right 37-30000 exchanged for use of water under this right. That portion of Right 37-30000 used as mitigation for diversion under this right has been claimed in the Snake River Basin Adjudication as A37-12818A. In the event that claim A37-12818A is not decreed by the court and is found to be invalid, use of water under this right must cease or another source of mitigation must be authorized through an approved transfer of this water right pursuant to Section 42-222, Idaho Code.

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JAN 04 1999

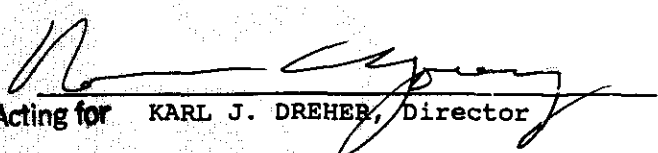
State of Idaho
Department of Water Resources**Water Right License**

WATER RIGHT NO. 37-08587

CONDITIONS OF APPROVAL AND REMARKS

5. For purposes of regulating this right with respect to other groundwater rights, the priority of this right shall be January 9, 1990. For purposes of conjunctive administrative of groundwater and surface water diversions, this right shall have a priority date of March 24, 1883, the same priority date as the surface water exchange right.
6. The Director retains jurisdiction to require the collection and reporting of water diverted.
7. This right when combined with all other rights shall provide no more than .032 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the land described above.
8. Two points of diversion are located within NWNE, S19, T2N, R18E.
9. Right 37-08359 is also diverted through the point(s) of diversion described above.
10. Place of use is located within Lot 2, Blk. 1, Plaza Del Sol Subdivision.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 26th day of NOVEMBER, 1990.


Acting for KARL J. DREHER, Director

MICROFILMED

JAN 04 1999

State of Idaho
Department of Water Resources

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NOV 19 1998

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-08587

Department of Water Resources

Date of Priority: January 9, 1990

Maximum Diversion Rate:

0.07 CFS

Maximum Diversion Volume:

7.7 AF

Comes now

GREGG K STURTEVANT

PO BOX 2924

KETCHUM ID 83340-2924

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 37-08587, and requests that the permit be changed as follows:

Source: **GROUNDWATER**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.07 CFS	7.7 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 19, Township 02N, Range 18E
BLAINE County

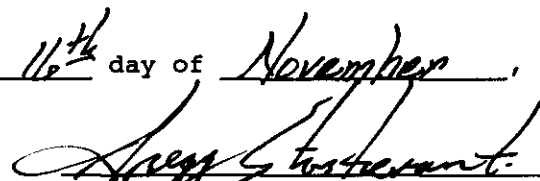
PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N	18E	19	NWNE	2.2		2.2

Total number of acres irrigated: 2.2

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at 3:00 pm, this 16th day of November, 1998.


(Signature)

MICROFILMED

JAN 04 1999

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-08587

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = 50⁰⁰ Received by BG # W43953 Date 11-20-98

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 37-08587 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this right may be affected by an agreement between the protestant and the right holder.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
3. This right is used in conjunction with an exchange of surface water rights which will remain in the Big Wood River pursuant to the exchange provisions in Section 42-105, Idaho Code.
4. Diversion and use of water under this right shall only occur at those times when water is available to fill the portion of Right 37-30000 exchanged for use of water under this right. That portion of Right 37-30000 used as mitigation for diversion under this right has been claimed in the Snake River Basin Adjudication as A37-12818A. In the event that claim A37-12818A is not decreed by the court and is found to be invalid, use of water under this right must cease or another source of mitigation must be authorized through an approved transfer of this water right pursuant to Section 42-222, Idaho Code.
5. For purposes of regulating this right with respect to other groundwater rights, the priority of this right shall be January 9, 1990. For purposes of conjunctive administrative of groundwater and surface water diversions, this right shall have a priority date of March 24, 1883, the same priority date as the surface water exchange right.
6. The Director retains jurisdiction to require the collection and reporting of water diverted.
7. This right when combined with all other rights shall provide no more than .032 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the land described above.
8. Two points of diversion are located within NWNE, S19, T2N, R18E.
9. Right 37-08359 is also diverted through the point(s) of diversion described above.

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JAN 04 1999

State of Idaho
Department of Water Resources

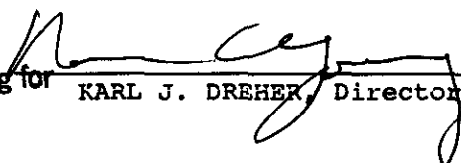
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-08587

CONDITIONS OF APPROVAL AND REMARKS

10. Place of use is located within Lot 2, Blk. 1, Plaza Del Sol
Subdivision.

Witness my hand this 20TH day of NOVEMBER, 1998.

Acting for


KARL J. DREHER, Director

MICROFILMED

JAN 04 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF CHANGING THE)
LOCKABLE DEVICE CONDITION OF)
APPROVAL FOR PERMIT NO. 37-08587)
IN THE NAME OF GREGG K. STURTEVANT)
_____)

ORDER

WHEREAS, the Department of Water Resources (department) has issued the above captioned water right permit with a condition of approval requiring the permit holder to install a lockable device on the diverting works under this permit; and

WHEREAS, the department has determined that the lockable device is not presently needed to regulate the water in question; and

WHEREAS, the department has determined that the lockable device is not necessary for suitable control of the water; and

IT IS THEREFORE HEREBY ORDERED that the condition of approval requiring the installation of a lockable device for the above captioned permit is **WAIVED**. The department retains jurisdiction to reinstate the condition in the future upon a finding of need by the department.

Dated this 21st of April, 1998.



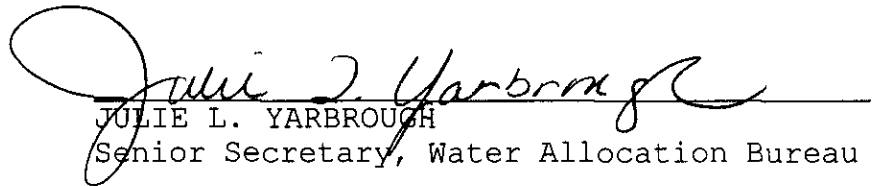
L. GLEN SAXTON
Chief, Water Allocation Bureau

MICROFILMED
JAN 04 1999

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that on this 21st day of April, 1998, the above and foregoing document was served upon the following by placing a copy of the same in the United States Mail, postage prepaid and properly addressed to the following:

Gregg K Sturtevant
PO Box 2924
Ketchum ID 83340


JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. 0028106
Receipt By: KUT
Date Received: 2-28-97

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 28 1997

PROOF OF BENEFICIAL USE

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

1. Permit No. 37-08587 Telephone No. 208-726-3250

2. Name(s) of Permit Holder(s): Gregg K. Sturtevant

3. Mailing Address: P.O. Box 2924 Ketchum, Idaho 83340

4. Source of Water: Groundwater If **GROUNDWATER** (well), Date Drilled: mo. Oct. / yr. 90

a. Well Driller: Wood River Drilling & Pump, Inc. Drilling Permit Number: 37 - 90 - 5 - 092

b. **OPTIONAL:**

Pump Horsepower: 2 hp Pressure (psi): 50 Dynamic pumping level (ft): 25 ft

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

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

Irrigation (No. of acres): 3 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: .07 cfs OR _____ acre feet

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

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

Measuring Device: Is a measuring device required? Yes X or No _____

Has the measuring device been installed? Yes _____ or No X

Flow Measurement Port: Is a flow measurement port required? Yes _____ or No X

Has the measurement port been installed? Yes _____ or No X

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name: Gregg K. Sturtevant Telephone Number: 208-726-3250 W
208-788-9226 H

Address: P.O. Box 2924 Ketchum, Idaho 83340

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Gregg K. Sturtevant Date: 2/26/97
(include your title, if on behalf of company or organization)

MICROFILMED

APR 10 1997

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 37-08587

Proposed Priority: January 9, 1990 Maximum Diversion Rate: 0.07 CFS

This is to certify, that **GREGG K STURTEVANT**

PO BOX 2924

KETCHUM ID 83340-2924

has applied for a permit to appropriate water from: **GROUNDWATER**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/15 to 10/15	0.07 CFS

LOCATION OF POINT(S) OF DIVERSION: NWNWNE , Sec. 19, Township 02N, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N	18E	19	NWNE	3.0		3.0

Total number of acres irrigated: 3.0

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **March 1, 1997**.
2. Subject to all prior water rights.
3. Use of water under this right may be affected by an agreement between the protestant and the right holder.
4. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Construction of the well must comply with Idaho well construction standards.
7. Use of water under this right is subject to control by the watermaster of State Water District No. 37.
8. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this right.
9. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.03 cubic feet per second for each acre of land.

MAR 23 1995

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

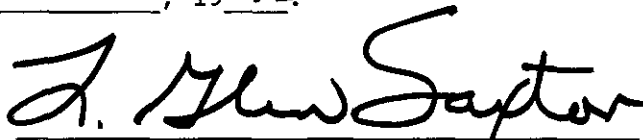
NO. 37-08587

CONDITIONS/REMARKS:

10. Place of use is located within Lot 2, Blk. 1, Plaza Del Sol Subdivision.
11. This right is approved in conjunction with an exchange of surface water rights which will remain in the Big Wood River pursuant to the exchange provisions in Section 42-105, Idaho Code.
12. Diversion and use of water shall only occur at those times when water is available to fill right no. 37-00577BN.
13. The Director retains jurisdiction to require the collection and reporting of water diverted.
14. For purposes of regulating this right with respect to other groundwater rights, the priority of this right shall be January 9, 1990.

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

15th day of March, 1995



for
R. Keith Higginson, Director


MAR 23 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Gregg K. Sturtevant Phone 208/726-3250

Post office address P. O. Box 2924, Ketchum, ID 83340
(Groundwater)

2. Source of water supply well which is a tributary of well

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

Sec. 19 Township 2N Range 18E B.M. Blaine County; additional
Lot 2, Blk 1, Plaza Del Sol Subdivision
points of diversion if any: _____

4. Water will be used for the following purposes:

*¹ 0.079
Amount 11 for Irrigation purposes from April 15 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated is (a) 11 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well with submersible pump

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

c. Proposed well diameter is 8 inches; proposed depth of well is 100 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
2 years (minimum 1 year).

*¹ reduced per mitigation plan.

*² standard irrigation season

MAR 23 1995

8. Description of proposed use: *irrigation only, go to item 9*;

- a. Hydropower; show total feet of head and proposed capacity in KW. N/A
- b. Stockwatering; list number and kind of livestock. N/A
- c. Municipal; show name of municipality. N/A
- d. Domestic; show number of households. N/A
- e. Other; describe fully. _____

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2N	18E	19		*															
				3.74															

Total number of acres to be irrigated 3.74

10. Describe any other water rights used for the same purposes as described above. N/A

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

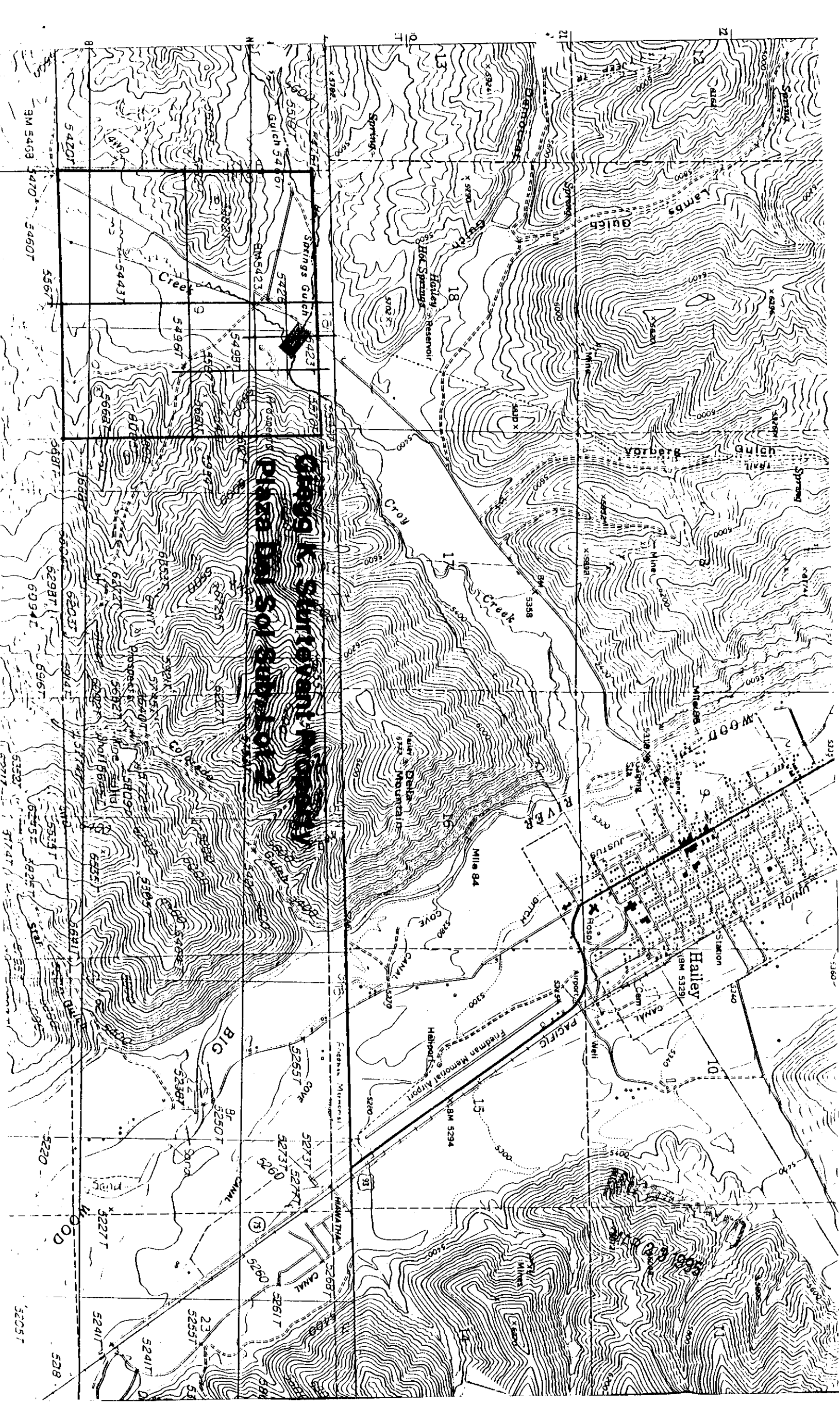
b. Who owns the land to be irrigated or place of use? "

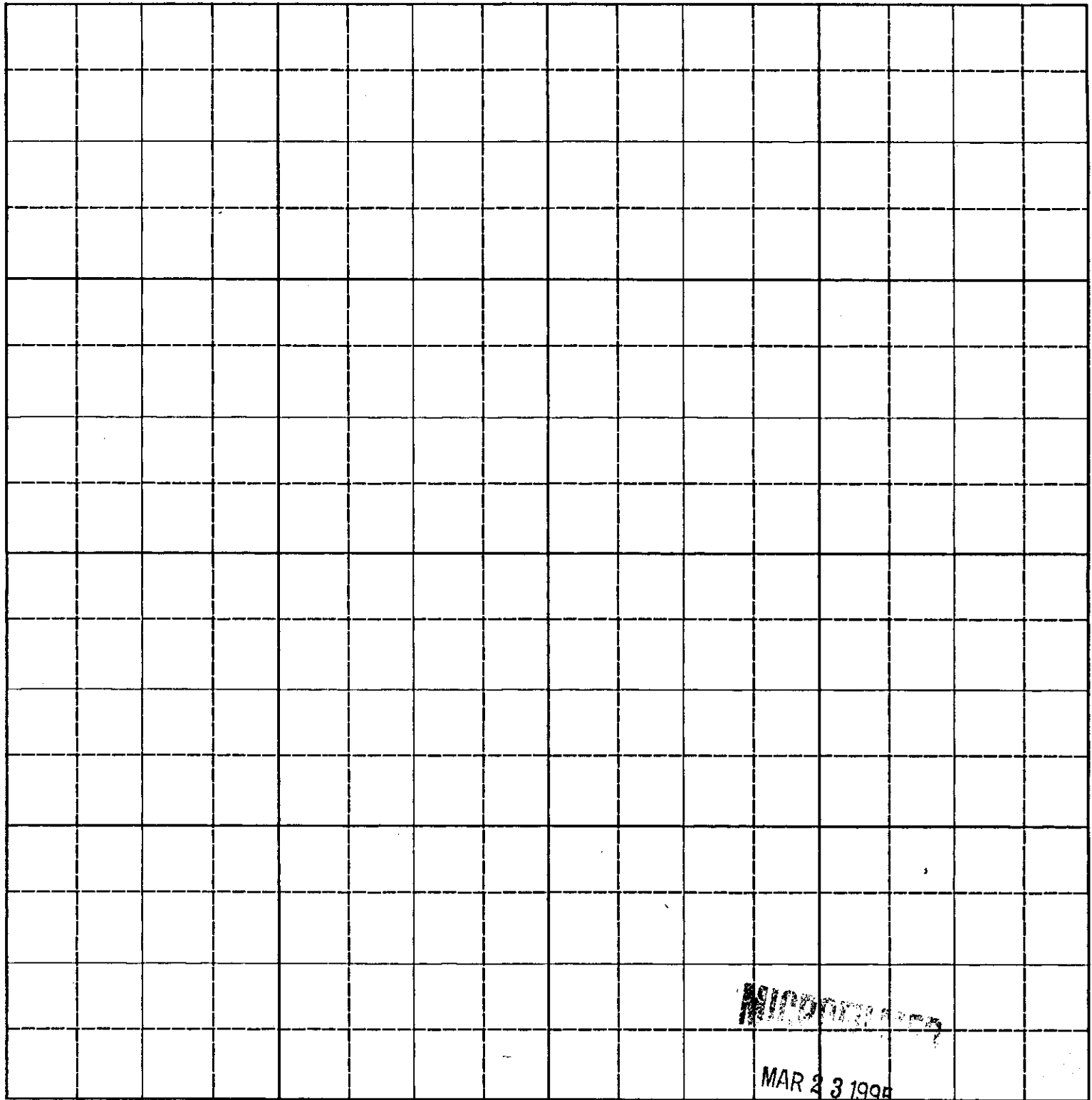
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

MAR 23 1995

* reduced to 3 acres per mitigation plan



A large grid of graph paper, consisting of 20 columns and 20 rows of squares. In the bottom right corner, there is a date stamp that reads "MAR 23 1998". The stamp is oriented diagonally and appears to be a photocopy of a physical stamp. The grid lines are thin and black, and the background is white. The date stamp is located in the bottom right corner, approximately at the intersection of the 18th column and the 18th row. The text "MAR 23 1998" is clearly visible within the stamp. The stamp itself is a rectangular shape with a slightly irregular border, suggesting it was scanned from a physical document. The overall image is a high-contrast black and white scan of a graph paper sheet.

Aluminum

MAR 23 1995

Gregory K. Stanton
(Applicant)

Received by AS Date 9/90 Time 11:30 AM Preliminary check by DRJ
Fee \$ 30 Receipted by DRJ # 500892 Date 1/9/90
Publication prepared by MB Date 8/30/93 Published in Wood River Journal
Publication approved MBalderson Date 10/18/93

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

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

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

e. Other:

MAR 23 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 20, 2003

JOHN D BLACKBURN
SANDI K BLACKBURN
PO BOX 3582
HAILEY ID 83333

RE: Change of Ownership for Water Rights 37-8359 and 37-8587

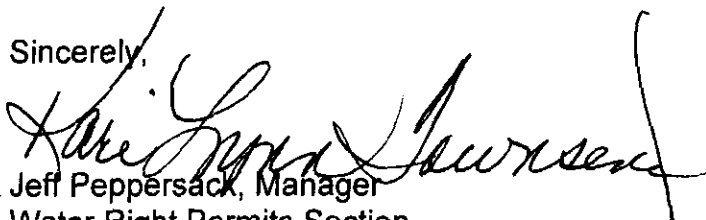
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records.

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

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

Sincerely,

for 
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED
OCT 20 2003



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

November 30, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GREGG K STURTEVANT
PO BOX 2924
KETCHUM ID 83340-2924

RE: WATER RIGHT NO. 37-08587

Dear Water Right Holder(s):

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

RECEIVED

NOV 4 1998

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 37-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

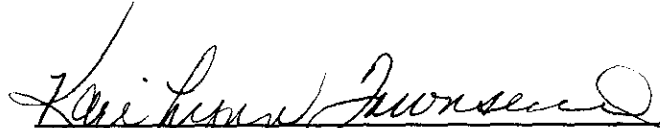
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of November, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 37-08587

GREGG K STURTEVANT
PO BOX 2924
KETCHUM ID 83340-2924


Kari Lynn Townsend
Secretary

MICROFILMED
JAN 04 1999



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

November 5, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GREGG K STURTEVANT
PO BOX 2924
KETCHUM ID 83340-2924

RE: WATER RIGHT NO. 37-08587

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that you developed more points of diversion than were described on your permit. Therefore, before a license can be issued, your permit must be amended to include the additional point(s) of diversion.

The enclosed Application for Amendment form describes the additional point(s) of diversion and other information that will be included on the license when it is issued. In some cases, the reference to multiple points of diversion is contained in the list of conditions of approval and remarks on the last page of the amendment form. Please review the amendment carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208)327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

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JAN 04 1999

MEMORANDUM

TO: File 37-08587

FROM: Sharla

DATE: October 28, 1998

RE: Recommendation Adjustment(s)

The adjustments to licensing recommendations for Permit 37-08587 are as follows:

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

T2N, R18E, S19 - NWNE (2 pts)

2. Place(s) of Use

T2N, R18E, S19 - NWNE (2.2 acres)

H. RECOMMENDATIONS

Irrigation	4/15 - 10/15	0.07 cfs	7.7 afa
------------	--------------	----------	---------

When the overlapping right (37-08359) was inspected, the examiner found 4.2 acres being irrigated from one well, domestic use of 1 home and 0.3 acres of lawn irrigation from a second well. The total irrigation taking place at the time of that exam was 4.5 acres. The license was issued for irrigation of a total of 3.3 acres, leaving 1.2 acres uncovered from the first well. When 37-08587 was examined, the examiner found 0.7 acres additional lawn irrigation and 0.3 acres by the corral being irrigated in addition to the 1.2 acres uncovered by the first right, for a total of 2.2 acres; the rate and volume have been calculated accordingly. Keeping in mind that the lawn is irrigation from the second well, both wells have to be listed on this license.

Exam Date: April 29, 1998
Examiner: Georgia Satterlee

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JAN 04 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

MAR 10 1995

Department of Water Resources

A. GENERAL INFORMATION

1. Owner: Gregg K. Sturtevant
Current Address: P.O. Box 2924, Ketchum, ID 83340
2. Accompanied by: Owner
Address: Same
Relationship to Permit Holder: Owner
3. Source: Groundwater tributary to None

Permit No. 37-08359

Phone No. 726-3250

EXAM. DATE: 6-30-94

Phone No. Same

B. OVERLAP REVIEW

1. Other water rights with same place of use: None
2. Other water rights with same point of diversion: 37-08587 (Application)

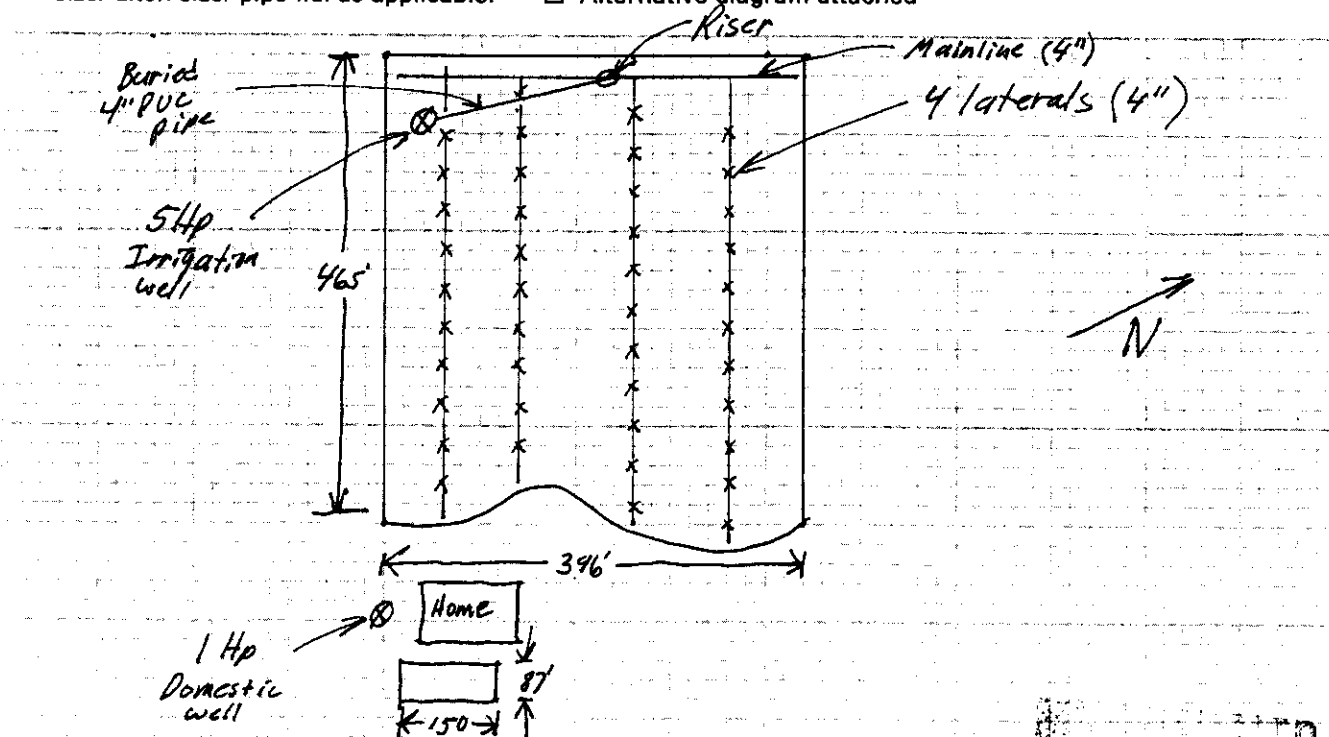
☐ Copies Attached

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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



APR 29 1996

Scale: 1" = No scale

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

☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.

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

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JAN 04 1999

37-08359
Narrative Attachment

No overlapping water-rights were found for the place of use. Water-right number 37-08587 overlaps the point of diversion and is presently in application phase. It is for an additional irrigated area of 3.74 acres in addition to the 3 acres covered by this water-right. 37-08587 has not been approved because it is in the Big Wood Ground Water Management Area.

According to the permit, there is only one well on the property and that this well will supply water for the 3 acres as well as the domestic use. However, at the time of the exam it was found that there are two wells on the property. The original well has a 5 Hp pump in it and is used solely to irrigate 4.2 acres and is in no way connected to the domestic use or the domestic well, therefore, the two systems are considered separate.

The irrigation system for the 4.2 acres operates at about 50 psi. 4 inch pipe is used for the entire system. Water from the well is transported through buried pvc pipe to a central riser. From this riser the water flows through the mainline to one of the four laterals. 1/8 inch nozzles are installed in 11 Rainbird sprinkler heads on each of the laterals. Only one lateral is operated at a time.

The well used for the domestic use is a 1 Hp submersible pump. This well supplies water to the home and a native grassed area of .3 acres.

The first well was drilled in October of 1981 and George Arkoosh owned the property at the time. Gregg Sturtevant acquired the property and the permit was assigned to him in September of 1988. In November of 1990, he drilled a second well for the domestic use and built a home on the property keeping the existing well separate from the new domestic well.

The examiner recommends that 3 acres be approved for irrigation and that the domestic component be allowed with a diversion rate of .04 cfs and an annual volume of 1.2 afa.

MICROFILMED

JAN 04 1999

WR5809NP
No. 37-08359

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/28/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GREGG STURTEVANT PO BOX 2924 KETCHUM ID 83340-2924 (208) 726-3250	06/03/1988	IRRIGATION DOMESTIC	04/15 10/15 01/01 12/31	0.090 CFS 0.020 CFS	11.60 AFA 0.60 AFA
TOTAL DIVERSION:					0.110 CFS	12.20 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 0.250 CFS

Point(s) of Diversion: T02N R18E S19

NWNE

BLAINE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
02N	18E	19	:		03													:	3.3
TOTAL ACRES																		3.3	

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

Pou County: BLAINE

Conditions of Approval:

- 041 - Irrigation use under this right is authorized only in connection with a domestic use.
- R50 - This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.
- 050 - Diversion and use of water under this right is subject to rules that may subsequently be promulgated for existing rights used for supplemental purposes.

Remarks: GEN Two points of diversion are located within NWNE, S19, T02N, R18E.
Domestic use is for 1 home.
Domestic use does not include lawn, garden, landscape, or other types of irrigation.

Dates: App. Received: 06/03/1988 Priority Date: 06/03/1988
Proof Due Date: 03/01/1992 Proof Made Date: 02/20/1992
Exam Made Date: 06/30/1994 Exam Sent to S.O.: 03/01/1995
Licensed Date: 04/12/1996

Misc: Water District Number: Field Exam Fee: R (Received)

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JAN 04 1999

Comments: Date: 03/28/1996 User-ID: CZIMMERM Subject: IRRIGATION USE
During the licensing examination on this right, the examiner
found a 4.2 acre pasture being irrigated from one well, and a
one home with a 0.5 acre lawn being irrigated from another well.
This license is being limited to the permitted 3.0 acres of
irrigation and in-house domestic use for 1 home.

Audit: 10/04/88 BALDWIN 10/05/88 BALDWIN 11/02/88 BALDWIN 02/06/89 CURTIS
02/28/90 CURTIS 04/08/91 BILBAO 02/20/92 COMMENTS 02/28/92 GUSTAFSO
07/13/94 BATES 03/01/95 ABATES 03/28/96 CZIMMERM 04/02/96 CZIMMERM
02/08/98 CLEARFLD

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JAN 04 1999

LICENSE REVIEW CHECKLIST

PERMIT NO. 37-08587 DATE 10/28/98 REVIEWER: SHARLA

NAME Change/OK
Address OK
SOURCE OK Does change clarify orig. intended source? If no, Void permit

POINT OF DIV Chg Change (P39 /P47) Add (P45/P42) Feds - P40

W32 (multiple in 1/4)
W36 (overlap)
W59 (subd. desc)

when examined, 4.2 ac. from 1 well, dom and .3 ac lawn 2nd well, extended area incl. addl ac to 4.2 and .7 ac lawn. so both wells have to be shown on this lic. too

Overlaps: Right(s): 37-08359
File reviewed Profile reports printed

PLACE OF USE OK Change (P41/P47) Add (P41/P42) Feds - P43

W60 (subd. desc)
W27 (ppu acre limit)

1994 exam found 4.2 ac pasture then .3 ac lawn 2nd well

Overlaps: Right(s): Profile reports printed
File reviewed Profile reports printed

4.6
- 3.3 licensed
1.2 '98 exam .7 ac lawn addl .3 ac corrval
1.0
2.2 ac

PD & PU amend (P37) Feds - P48

RATE OF DIV
Permitted Rate .07 cfs
Fee limit .20 cfs \$5000
Measured 1 cfs
Theoretical .28 cfs

Recommended Total Div Rate 1 cfs

WATER USES	Change (P46)	Irrig -	Domestic	Power	Fish (042)	Fire (077)	Wtr Quality (081/R07)
<u>Dom.</u>	<u>.07</u> cfs	<u>2.2 x 3.5</u> af					
TOTALS	<u>.07</u> cfs	<u>7.7</u> af					

Flow rate .07 cfs X 184 days X 1.98 = 25.5 af

REMARKS _____

ADD'L CONDITIONS 204 Watermaster Control WD# 37
_____ GW Measurement/Measuring Device
_____ Others Trust (052/R55 - remove 051) Non-trust (048/049)

Advance Priority yes no SRBA Claim NA Adjust Memo 2 wells
Amend letters P45, P38
P42

ac/rate/volume

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER DISTRICT NO. 37 & 37 M

P.O. Box T
Shoshone, Idaho 83352
(208) 886-2451



LEE R. PETERSON
Watermaster

July 13, 1998

Georgia Satterlee
IDWR
1341 Fillmore St.
Suite 200
Twin Falls, Id 83301-3380

208 (208) (208) (208) (208)

JUL 13 1998

Department of Water Resource
Southern Region

Dear Georgia,

This is a copy of the permit #37-08587. The way this is administered now is the .07 CFS is left in the Big Wood River to mitigate the groundwater diversion, and not diverted into the Hiawatha Canal.

Mr. Sturtevant is allowed to pump .07 CFS as long as the 37-0577 W T Riley right is good. In the event the 3/24/1883 rights are cut he would have to stop pumping.

If you have any further questions feel free to give us a call.

Sincerely,

Lee R. Peterson
Watermaster

Post-it Fax Note	7671	Date	30 Oct	# of pages	1
To	SHARLA C.	From	GLS		
Co./Dept.	S.O.	Co.	Southern		
Phone #		Phone #			
Fax #		Fax #			

MICROFILMED

JAN 04 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
SEP 29 1998
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 37-08587

1. Owner: GREGG STURTEVANT Phone No. 726-3250

Current Address: PO BOX 2924, KETCHUM, ID 83346

2. Accompanied by: same EXAM DATE: 29 APRIL 98

Address: _____ Phone No. _____

Relationship to Permit Holder: same

3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 37-08359

2. Other water rights with the same point of diversion: 37-08359

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
#1		NW	NW	NE	19	T02N	R18E	BLAINE	FIELD EXAM
#2		SE	NW	NE	19	T02N	R18E	BLAINE	" " GPS A0004683

2. Place(s) of Use:

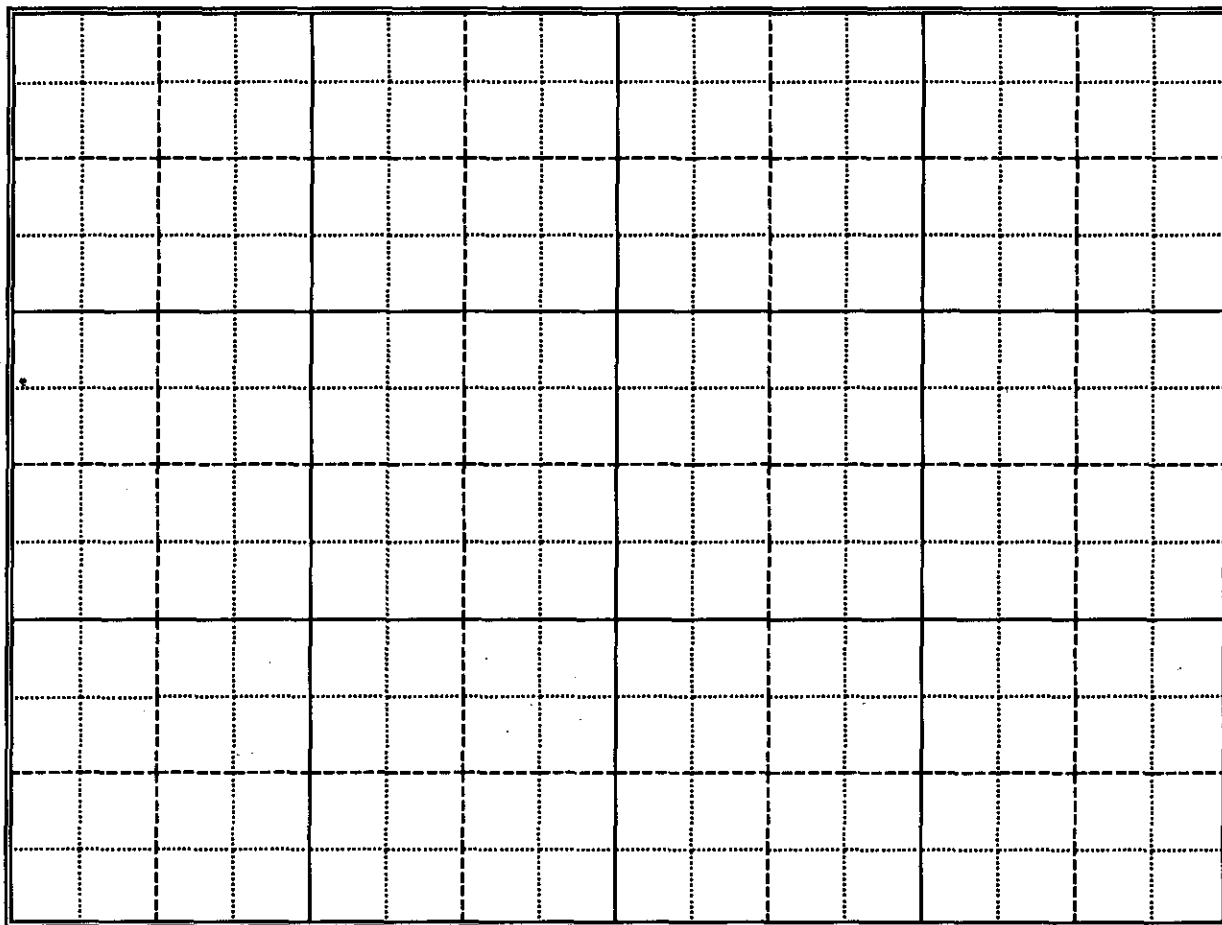
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	19		1.9														1.9	

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JAN 04 1999

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



Scale: 1" = _____

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

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

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
SEE 37-08359					

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: SEE 37-08359

JAN 27 1959

E. NARRATIVE/REMARKS/COMMENTS

E. NARRATIVE/REMARKS/COMMENTS

FROM: Georgia Satterlee
DATE: 26 May 1998
RE: 37-08587

On 29 April 1998 at 1430 hrs., I met with Gregg Sturtevant to conduct a field examination on the permit for irrigation of 3.0 acres.

In June 1994, Alan Hansten examined permit 37-08359 and found two wells on Lot 2 Block 1 of the Plaza Del Sol Subdivision.

The first well is located in the NWNWNE $\frac{1}{4}$, Sec 19, T02N, R18E, irrigating 4.2 acres of pasture.

The second well is associated with the domestic use (and at that time 0.3 acre lawn/grass). This well is located in the SENWNE $\frac{1}{4}$, Sec 19, T02N, R18E.

On the 29th of April, I found the lawn area around the house has expanded from 0.3 acre to 1.0 acre (the orange flags in photos are sprinkler heads on a timer). Also, the corral located in the south-east portion of the lot has 0.3 acre of irrigation. There are no changes to the front pasture per the 1994 examination.

The 1994 examiner noted that the newer well had a 1 HP submersible pump. Mr. Sturtevant stated this well, as of 1995, has a 2 HP pump with an average 50 PSI.

According to Condition #9 on the permit, "... the diversion rate for irrigation shall not exceed 0.03 cfs for each acre of land..." Using this criteria: $1.9 \text{ acres}(0.03 \text{ cfs})=0.06 \text{ cfs}$ diversion rate.

According to Condition #12 on the permit, "...use of water shall only occur at those times when water is available to fill right no. 37-00577BN..." Please see letter from Lee R. Peterson acknowledging the mitigated right.

Irrigation 1994 4.2	Additional Irrigation 1998 1.0
Licensed 1996 3.3	Excess 1994 0.9
Excess 1994 0.9	Sub-Total 1.9
Licensed 1996 3.3	
Sub-Total 1.9	
TOTAL ACRES 5.2	

The recommendation for 37-08587 is additional irrigation of 1.9 acres within a 5.2 acre permissible place of use. Total diversion capacity for the two wells has increased to 0.28 cfs.

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

MICROFILMED

JAN 04 1999

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

NO MEASUREMENTS TAKEN, REFER TO 37-08359
FOR MOTOR/PUMP INFORMATION

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 1.9(3.5) = 6.7$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (0.06)184(1.9835) = 21.9$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 6.7$$

2. Volume Calculations for Other Uses:

$$\text{Well \#2} = \frac{8.8(2.0)0.7}{25+50(2.31)} = 0.09 \text{ cfs}$$

$$\text{Well \#1 (1994)} = \frac{8.8(5)0.7}{25+60(2.31)} = 0.19 \text{ cfs}$$

0.09 cfs

0.19 "

0.28 cfs total div. capacity

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	4/15	10/15	0.06	6.7 af
Totals:			0.06 cfs	6.7 af

2. Recommended Amendments

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

I. AUTHENTICATION

Field Examiner's Name Georgia Sattler Date 26 May 98

Reviewer _____ Date _____

SEAL

MICROFILMED
JAN 04 1999

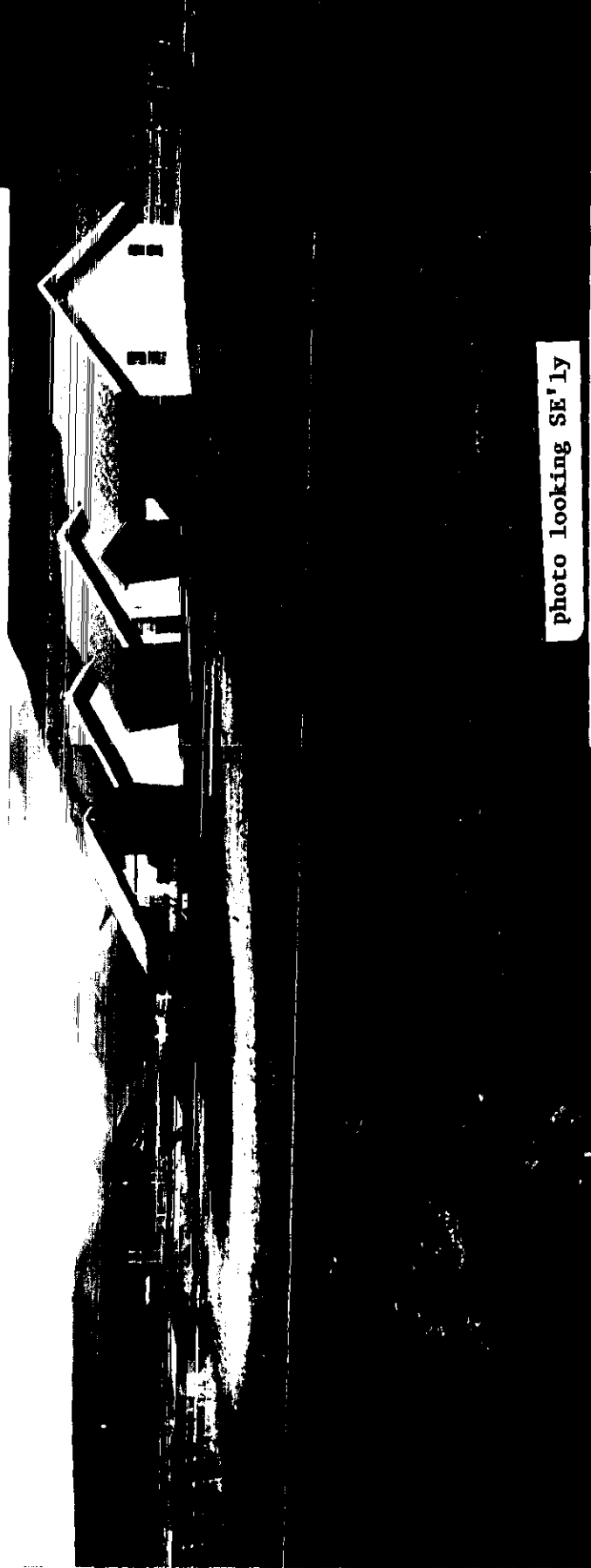
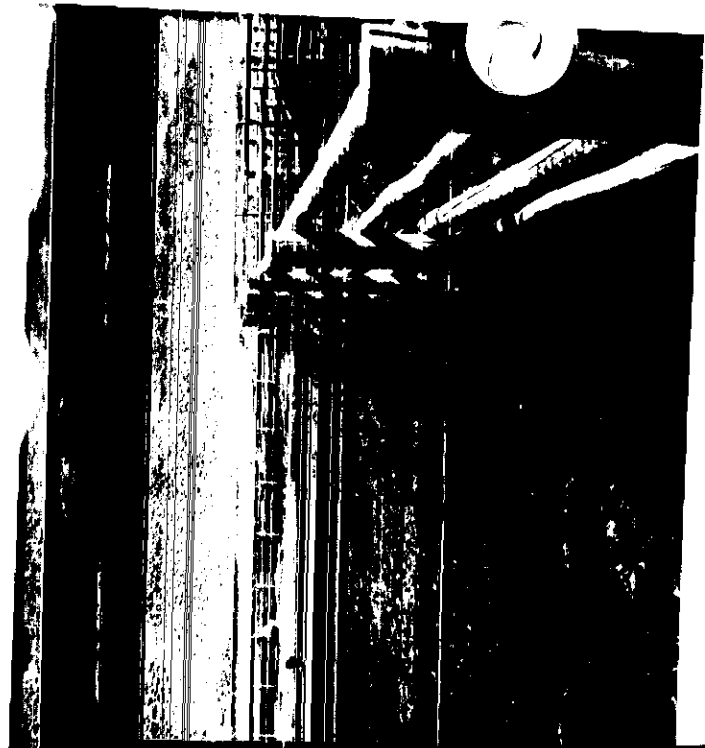


photo looking SE'ly

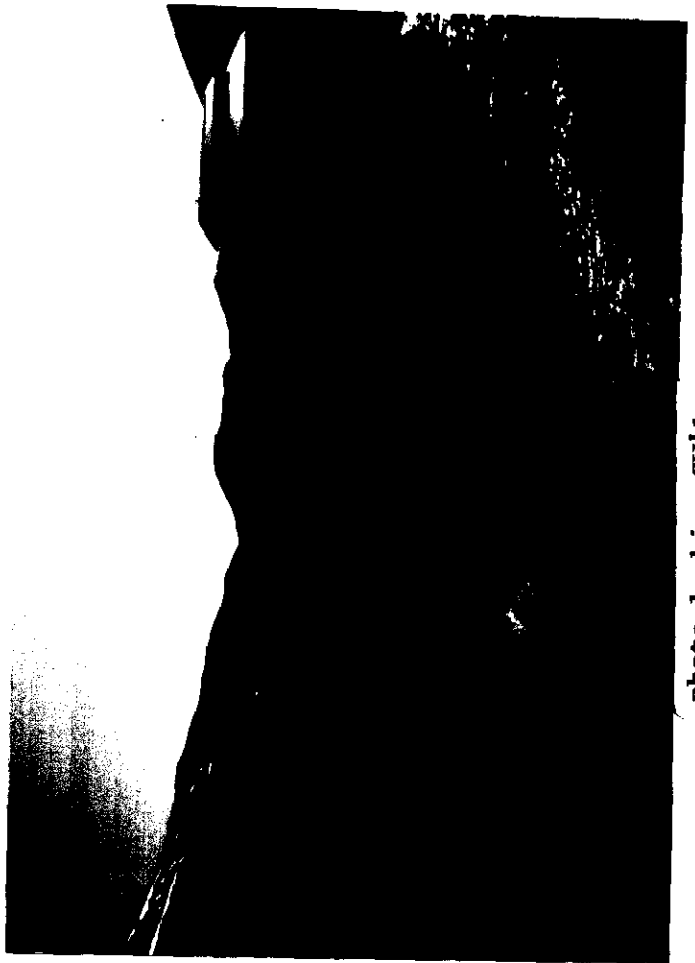


photo looking SW'ly

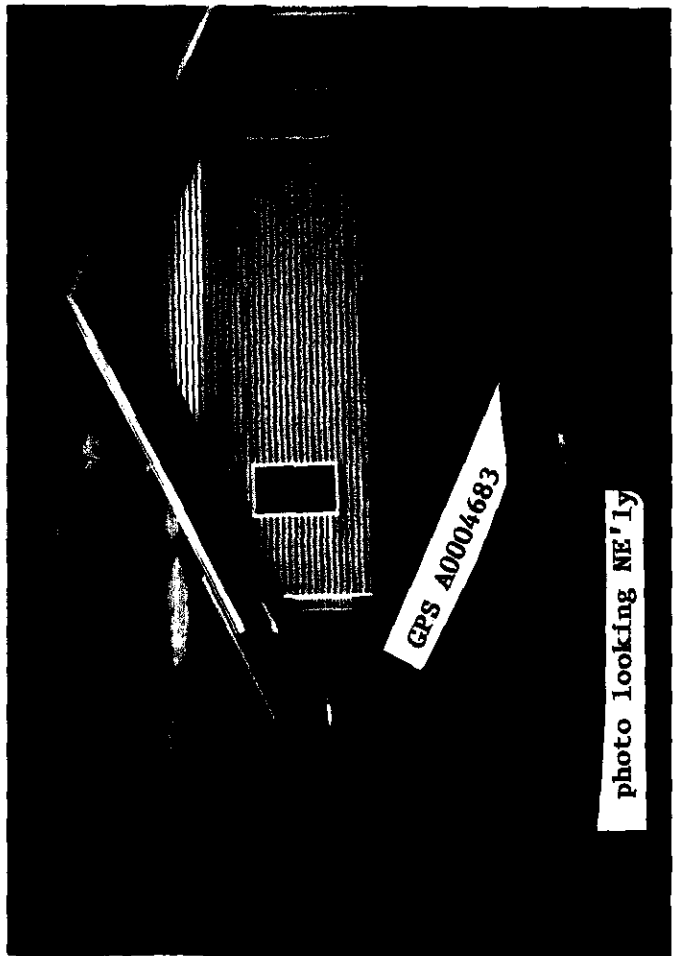


photo looking NE'ly

GPS 40004683

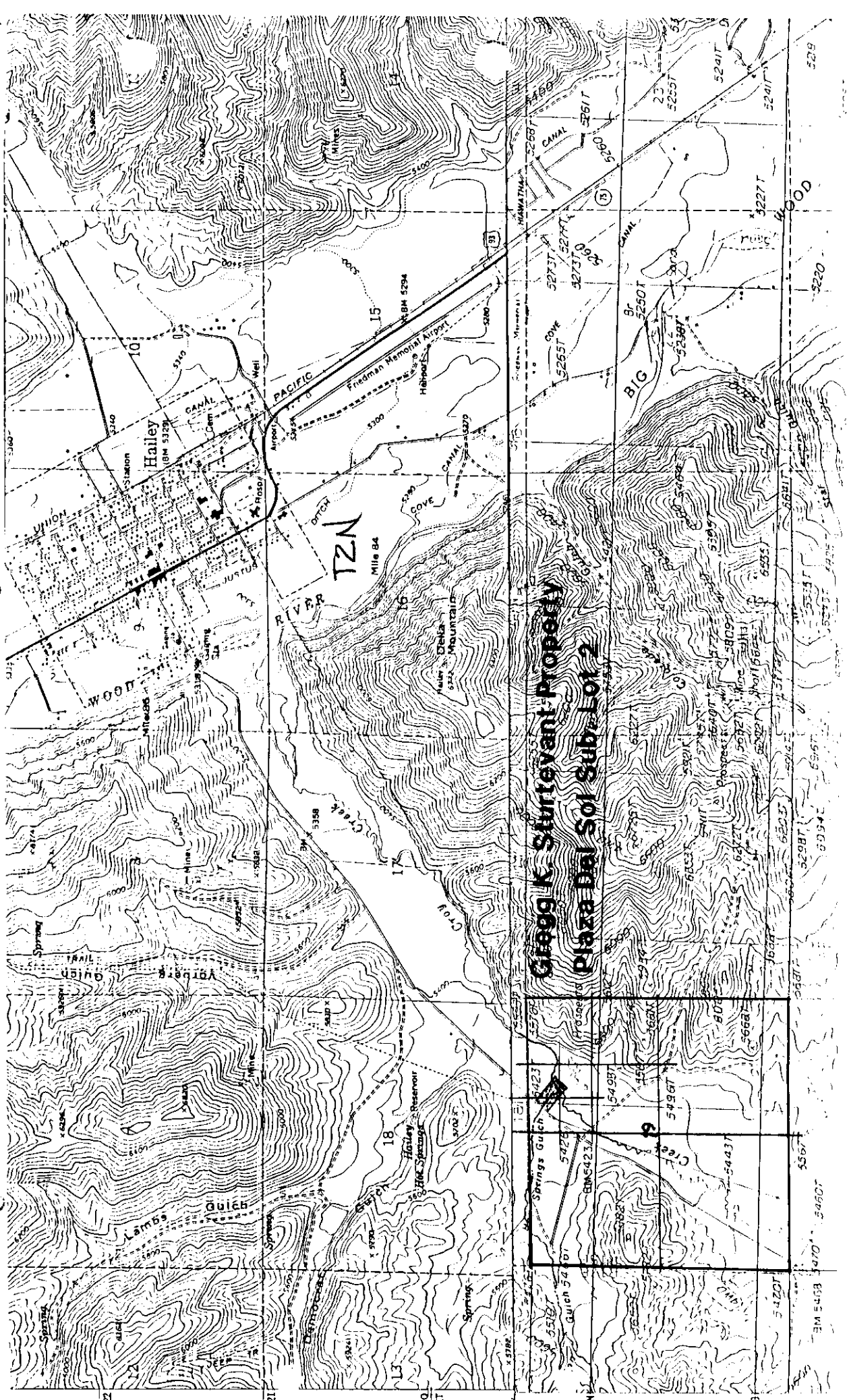
PHOTO FILMED
JAN 04 1999

Sturtevant, Gregg 29 Ap 98
1500 hrs. Examiner: Satterlee
37-08587

R18E

MICROFILMED

IAN 04 1999



Received by AS Date 9/10 Time 11:30 AM Preliminary check by DRJ
Fee \$ 30 Receipted by DRJ # 500892 Date 1/9/90
Publication prepared by MB Date 8/30/93 Published in Wood River Journal
Publication approved MBaldwin Date 10/18/93

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

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

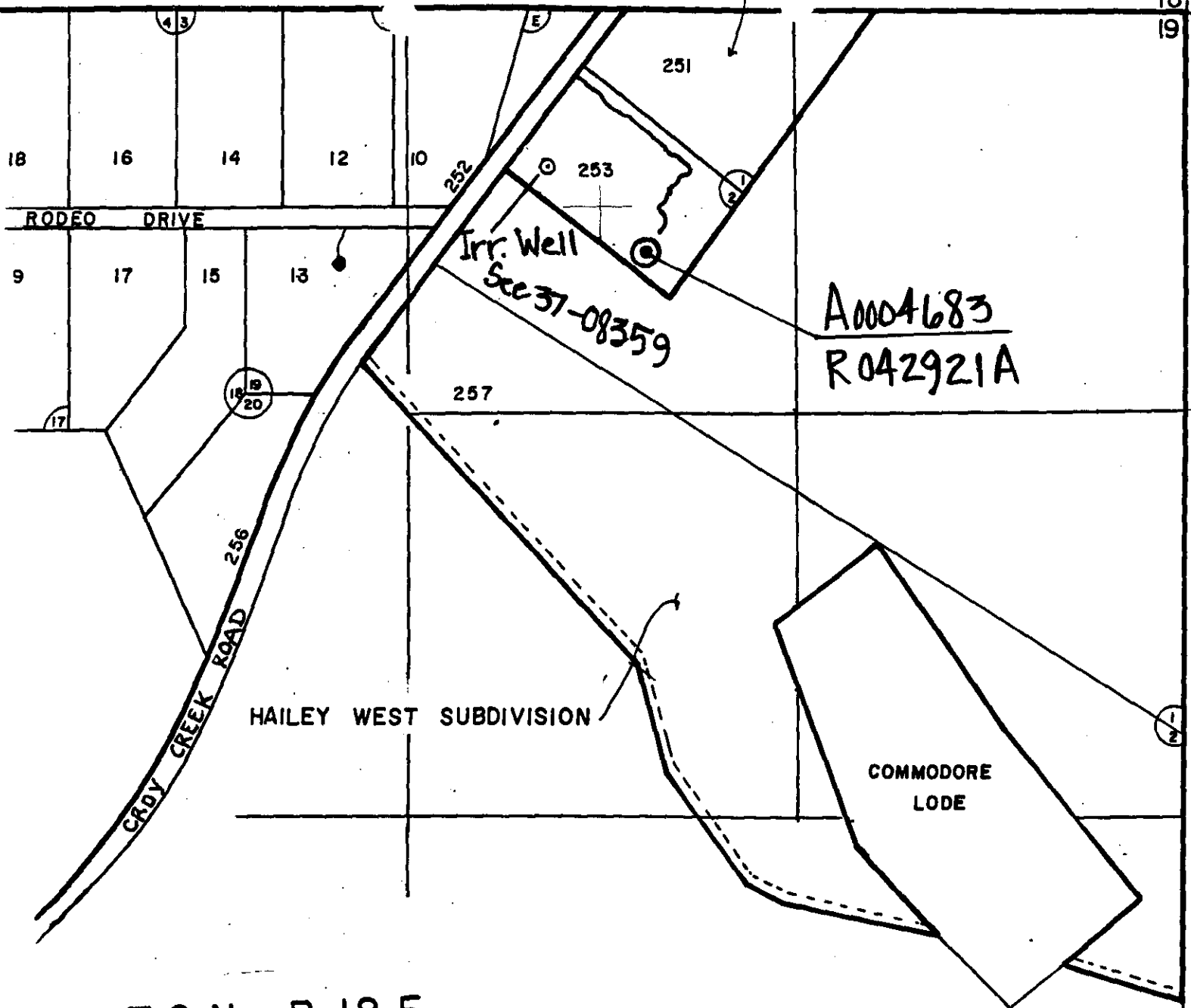
d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim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

e. Other:

JAN 09 1990

PLAZA DEL SOL SUBDIVISION

18 17
19 2



T. 2 N., R. 18 E.

SEC 19, T. 02 N., R. 18 E., SE, NW, NE 1/4

MICROFILMED

JAN 04 1999

0 250 500 1000
SCALE IN FEET

Sturtevant, Gregg K.
29 April 1998
1500 hrs.
37-08587



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 21, 1998

RE: In the Matter of Application for Permit No. 37-
08587 in the name of Gregg K. Sturtevant

Dear Mr. Sturtevant:

I have enclosed a copy of the Order waiving the lockable measuring device condition from the above referenced water right permit.

If you have any questions concerning the enclosed document, please contact me directly at (208)327-7953.

Sincerely,

JULIE L. YARBROUGH, Senior Secretary
Water Allocation Bureau

Enclosure

c: IDWR - Southern Region

MICROFILMED

JAN 04 1999

RECEIVED

FEB 13 1998

Department of Water Resources

February 10, 1998

Ms. Julie L. Yarbrough
State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Dear Julie,

This letter is a formal request for a waiver of condition #8 on the Permit to appropriate water #37-08587.

This request is being made because of the extreme expense of installing a measuring device that will work under such low flows. The water in question is used to irrigate grass areas with one automatic irrigation system on a pump. This system has been designed to deliver only the appropriated water.

Thank you for your consideration of this matter. If you have any questions, please do hesitate to contact me.

Sincerely,

Gregg K. Sturtevant

MICROFILMED

JAN 04 1999

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 37-08587 Reviewed by Jef Date 3-26-97

GENERAL CONSIDERATIONS

TYPES OF USE

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

SOURCE OF WATER

 Surface water source
✓ Ground water source
yes Drilling permit required?
no Copy in the file? Drilling Permit No. 37-90-S-0092-000
13.00 Amount paid for permit yes Correct?
no Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
50- Amount Submitted
yes Correct?
yes Required?
no Installed?
no Waiver requested?

PRIORITY CALCULATION

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

DEFICIENCIES OR ACTION ITEMS

*advise of measuring device requirement
Proof acceptable*

DATA ENTRY

New Address X Proof Made 2-28-97



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR
April 3, 1997

GREGG K STURTEVANT
PO BOX 2924
KETCHUM ID 83340-2924

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08587

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.

Condition #8 of your water right permit requires that the permit holder install and maintain a permanent measuring device as part of this diversion. This condition must be complied with before the department conducts the license examination or you can request, in writing, a waiver of the condition.

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

If you have questions concerning the field examination or measuring device requirement, please contact the SOUTHERN Regional Office in Twin Falls, at (208)736-3033.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

C: IDWR - Region

MICROFILMED

APR 10 1997

December 31, 1996

GREGG K STURTEVANT
PO BOX 2924
KETCHUM ID 833402924

PROOF DUE NOTICE

RE: PERMIT NO. 37-08587

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before March 1, 1997.

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

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

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

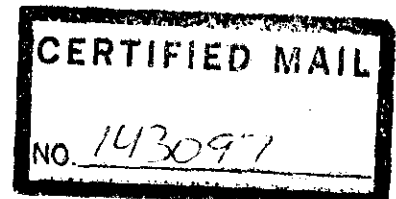
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

APR 10 1997





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 17, 1995

GREGG K STURTEVANT
PO BOX 2924
KETCHUM ID 83340-2924

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08587

Dear Permit Holder:

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

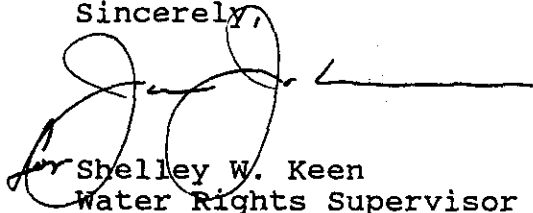
As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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

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

Sincerely,


Shelley W. Keen
Water Rights Supervisor



MAR 23 1995

SK:rl

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

No.: 37-8587 Name: Stutevant Date: 2/22/95 ^{23/14/95} Ad OK? ☒
Correct Fee? ☒ Receipt #: 5010892 Priority: 1/9/90 ☒ Gvmt Lts: ☒

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

SYSTEM COMPLETED:

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

GROUNDWATER: <✓ FLO-CH>

+ 0.2 cfs - 01M
- 0.2 cfs - No MD
+ 5 a. (POU cmp) - 01M, 803(if GW use SW 1st)

Drilling Permit:

Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. _____, P99
No WD permit? - 046-46B-P23 (post 7/1/87)
irr. in WD - P05 (new well)

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

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

RIVER BASINS (*Surface water):

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

USE:

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

LOCATION:

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

OWNERSHIP: Non-land owner

OTHER CONDITIONS:

STANDARD REMARKS:

See attached sheet

BENEFICIAL USE DUE:

3-1-1997

COMMENTS:

SD-0410-1
MODIFY RIGHT

Idaho Department of Water Resources
Water Rights Remarks Screen

Date: 03/14/95
Time: 15:36:16

Water Right Number: P37-08587

FIRST PAGE

13. Remarks: 1. Place of use is located within Lot 2, Blk. 1, Plaza Del Sol _____
Subdivision. _____
2. This right is approved in conjunction with an exchange of surface
water rights which will remain in the Big Wood River pursuant to _____
the exchange provisions in Section 42-105, Idaho Code. _____
3. Diversion and use of water shall only occur at those times when _____
water is available to fill right no. 37-00577BN. _____
4. The Director retains jurisdiction to require the collection _____
and reporting of water diverted. _____
5. For purposes of regulating this right with respect to other _____
groundwater rights, the priority of this right shall be _____
January 9, 1990. _____

(GOLD2=Update)	(GOLD4=Prev Screen)	(GOLD6=End of Data)	(Enter=Exit)
(GOLD3=Add Std Rmk)	(GOLD5=Next Screen)		(GOLD8=Cancel)



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

October 7, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

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

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

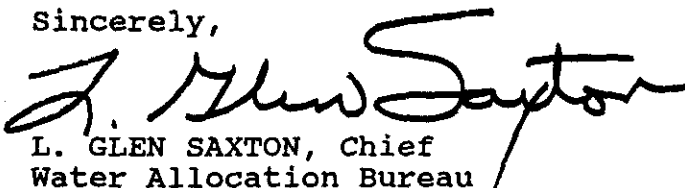
Dear Mr. Speck:

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

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

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

Sincerely,


L. GLEN SAXTON, Chief
Water Allocation Bureau

RECORDED

c: IDWR S. Region

MAR 23 1995

MEMORANDUM

DATE: 28-Oct-1993

FROM: Loren Holmes *LH*

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

SUBJECT: Final region review of files

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

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

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

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

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

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

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

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

RECEIVED
MAR 23 1995

Page 2

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

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

RECEIVED
MAR 23 1995

R 18 E

CLAIM 437-12818 INIT

T. R. S. Q/Q

P/D

PHOTO ASCS

DT.&ID. C. 1987

10

T
2
W

MAR 23 1995

1988
NAPP

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

P/D

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

DELIVERY
IRRIGATION DITCH
ALONG THIS
EDGE OF FIELD

NON-IRRIGATED
LANDS

DELIVERY Ditches to this
POU SHOW NO EVIDENCE OF
CARRYING WATER. POU LOOKS
UNIRRIGATED IN THIS PHOTO.

MAR 23 1995

Water Right Number - R37-12818

Prefix Translation: RESEARCH

Old (D) Number

*** A - ATTORNEY ***
SPECK

JAMES P

1 - PO BOX 987
2 -
3 -
City- KETCHUM
Phone - 208-000-0000

State- ID Zip- 83340

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

1 - 4540 CAMPUS DR
2 -
3 -
City- NEWPORT BEACH
Phone - 714-852-8600

State- CA Zip- 92660

Priority Date - 03/24/1983

Region - ERROR IN REGION

Stage -

Status - 1 - DISALLOWED

Source - BIG WOOD RIVER

Tributary - MALAD RIVER

Twn Rng Sec Tract Lot Rflg County Point of Diversion

03N 18E 20 SE SW NW (13) BLAINE HIAMATHA CANAL

Code Description Period From Period To Water Use Diversion Rate Diversion Volume

01 - IRRIGATION 04/01 11/01

2.720

Total Div. Rate - 2.720

Total Consumptive Use - 257.5

Twn Rng Sec Tract Lot Acres Place of Use Code Description County

02N 18E 9 NE NE 01 IRRIGATION (13) BLAINE
02N 18E 10 NW NW 01 IRRIGATION (13) BLAINE
02N 18E 10 SW NW 01 IRRIGATION (13) BLAINE
02N 18E 10 SE NW 01 IRRIGATION (13) BLAINE
02N 18E 10 NE SW 01 IRRIGATION (13) BLAINE

Total Acres: 103.0

- - - Diversion Means - VIA HEADGATE #22 & HIAMATHA CANAL
- - - Non-Irrigation Use -
- - - Other Rights for Same Use - NONE

MAR 23 1995

Water right number - R37-12818

Prefix Translation: RESEARCH

FORFEITED/ABANDONED.

3700577

Old Water Right Numbers

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

Decree Plaintiff - S.C. FROST ET AL

Decree Defendant - ALTURUS WATER CO., ET AL

Decree Date - 00/00/0000

Date: 10/15/1993 User Id: CLELLAND Subject: RECOMMENDATION/DISALLOWAL
SEE FILE FOR DETAILS OF REVIEW. WATER HAS NOT BEEN USED FOR A PERIOD OF AT LEAST 5 YEARS; 1987-1992.

Audit Fields - 10/15/93 CLELLAND

Adjudication Rights Dates and Flags Area

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

RECEIVED
OCT 23 1993

- A37-12818

Comparison of Evidences & Review

10-15-93
STEVE CLELAND

	1974	X74 OPQ irrigation not shown
(ABANDONED)	1980	Plats filed to Subdivide w/ County.
	1984	Landact does not support irrigation uses
	1985	W. Master bills for Water.
(FORGOTTEN)	1986	W. Master Bills for Water.
①	1987	No Billing. Napp shows Non-irrigation
②	1988	No Billing. Napp shows Non-irrigation
③	1989	No Billing.
④	1990	Billed. 6-11 Field Exam no irrigation, no system
⑤	1991	Billed.
⑥	1992	Billed.
	1993	9-30 Field Exam - No irrigation, system reditched. 5-14 Field Exam (by Mel Schulte) no irrigation - no Delivery System.

Affidavits claim:

GREGORY MANN (OCT 1 1993)

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

(replaces an earlier sworn statement.)

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

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

MAR 23 1995

P. 2 of 5

A37-12818 review

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

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

Evidence does not support this affiant's statements.

AFFIDAVIT:

BURR SMITH (9-22-93)

1983

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

MAR 23 1995

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

AFFIDAVIT:

CLINT STENNETT (9-15-93)

1983, 84, 85 Says he farmed & irrigated the property
North of Dingley Road. also pastured
Horses there.

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

RECORDED

MAR 23 1995

P. 4 of

A37-12818

AFFIDAVIT:

GEORGE MANN (9-7-93)

1991

July

1993

Aug

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

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

Summary:

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

In 1974 when the downstream rights on
Hiawatha Canal were abandoned, this place became
the last delivery on the ditch. A reduced flow
in the Canal made economical use of this
land and water impractical. (See CVR page 10 ✓
for analysis.) Finally, in 1980 the Deerfield
Plats were filed to Subdivide this property.
Some partial use occurred around 1983
& 84. By 1987 no use was ~~being~~ made of
MAR 3 1995

595

437-12818

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

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

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

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

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

Recommend: ^{MAR 28 1995} Disallowed by Forfeiture/Abandonment

Steve Callahan 10-15-93

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1b. CALCULATIONS

1a. IRRIGATION RATE
ACRES x 0.02 CFS/ACRE = CFS
(Taken from p/u review)

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 257.5 AF/A

ACRES x CONSUMPTIVE VOL. AF/A FOR AREA =

TOTAL CONSUMPTIVE USE AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES x DIVERSION VOL. AF/A FOR AREA =

TOTAL DIVERSION VOLUME AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

May need to run a Hubble analysis on this system.

This Field is now the last place on the ditch, a ditch claimed by others upstream and the watermaster to be heavy on conveyance losses.

When the places downstream, Woodside area, were taken out of production in 1974, the flow in the Canal was reduced. Without those additional flows, this rate of 1.32"/acre may not have been sufficient to sustain an economical crop. This led to the non use of the land & water as found.

See 10-15-92

MAR 23 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY DRJ DATE 1/9/90 APPLICATION NUMBER 37-08587

REQUIRED INFORMATION *See attached "Analysis Summary"*

- ☒ 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
- SF. Hold Yes*
Priority Date 1/9/90

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

*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 ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

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

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

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

STATE OFFICE REVIEW

_____ See below for additional information
By _____ Date _____

ADDITIONAL INFORMATION

Permit 37-8359 for Dam/3ac irrig for
same lot 2 BIKI Plaza Del Sol Subd.

LOCAL PUBLIC INTEREST

Comments received from:

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

Project impacts/implications report

COMMENTS



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

27-Oct-1993

R. KEITH HIGGINSON
Director

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

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

Dear Mr. Oneida:

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

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

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

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

Very truly yours,

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

LH:MB

RECEIVED
MAR 23 1995

Big Wood Canal Company

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

RECEIVED

OCT 26 1993

Department of Water Resources
Southern Region Office

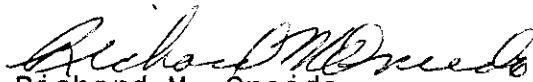
Oct. 25, 1993

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

RE: Application for Permit No.
37-08587
Gregg K. Sturtevant

The Big Wood Canal Company will release the protest filed on application #37-08587 by Gregg K. Sturtevant provided the mitigation plan is strictly followed.

Sincerely,


Richard M. Oneida
Manager

RMO/mae

RECEIVED

MAR 23 1995

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

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

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

MAR 23 1995

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

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

APR 23 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

18-Oct-1993

R. KEITH HIGGINSON
Director

GREG K STURTEVANT
PO BOX 2924
KETCHUM ID 83340

RE: APPLICATION FOR PERMIT NO. 37-08587

Dear Mr. Sturtevant:

Enclosed is a copy of a protest filed against the above referenced application.

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

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

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

Very truly yours,

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

LH:MB
Enclosure(s)

RECORDED

MAR 23 1995

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

ISSUES

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

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

BURDEN OF PROOF

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

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

PROCEDURE

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

CONFERENCE

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

HEARING

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

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

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

EXHIBITS

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

AMERICANS WITH DISABILITIES ACT

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

MAR 23 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

18-Oct-1993

R. KEITH HIGGINSON
Director

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

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

Dear Mr. Oneida:

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

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

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

Very truly yours,

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

LH:MB
Enclosure(s)

MAR 23 1996

AFFIDAVIT of PUBLICATION

RECEIVED

SEP 28 1993

State of Idaho, } ss.
County of Blaine

Department of Water Resources
Southern Region Office

On this 22nd day of Sept, in the year 1993, before me a Notary Public of said State, personally appeared DANIEL J. GORHAM, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 15 day of Sept, 1993 and the date of the last publication was on the 22 day of Sept, 1993

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

Roberta M. Knecher
NOTARY PUBLIC

#8868

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

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

COPY OF NOTICE
(Paste Here)

Application for water
TITLE OF NOTICE right

"Shawtoot"

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water - T.F.
BILL TO

Application for trust water right

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

37-08819

GREGG K. STURTEVANT
PO BOX 2924
KETCHUM ID 83340

Source: groundwater

Diversion Pt: NAME, S19, T02N, R10E (Lot 2, Blk 1, Plaza Del Sol Subdivision; Blaine County.

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

Date Filed: 01/09/1990

In: 3.74 acres within NAME, S19, T02N, R10E.

37-08819

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

Source: groundwater

Diversion Pt: SUMME, S33, T03N, R10E; Blaine County.

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

Date Filed: 04/29/1993

In: One (1) acre within SUMME, S33, T03N, R10E.

37-08820

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

Source: groundwater

Diversion Pt: SEBEN, S33, T03N, R10E; Blaine County.

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

Date Filed: 04/29/1993

In: One (1) acre within SEBEN, S33, T03N, R10E.

37-08821

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

Source: groundwater

Diversion Pt: NAME, S15, T02N, R10E; Blaine County.

Use: irrigation (.80 cfs) from 04/15 to 10/01

Date Filed: 04/29/1993

In: 40 acres within M1/2SE, S10, T02N, R10E, S15, T02N, R10E.

The permit (a) was issued to all prior water rights. Protests may be filed under the criteria in Sec. 42-203A, Idaho Code and the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the applicant and with the Director, Dept. of Water Resources, P.O. Box 987, Ketchum, Idaho 83340, by October 1, 1993.

R. Keith Hightower, Director
Publish: Wood River Journal
September 15 & 22, 1993

Big Wood Canal Company

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

RECEIVED

SEP 20 1993

Department of Water Resources
Southern Region Office

Sept. 17, 1993

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

RE: Application for Permit No.
37-08587 Gregg K. Sturtevant

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

Sincerely,


Richard M. Oneida
Manager

RMO/mae

RECORDED

MAR 23 1995

NOTICE OF APPLICATIONS FOR
TRUST WATER RIGHT

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

37-08587

GREGG K. STURTEVANT
PO BOX 2924
KETCHUM ID 83340

Source: groundwater

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

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

Date Filed: 01/09/1990

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

37-08819

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

Source: groundwater

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

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

Date Filed: 04/29/1993

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

37-08820

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

Source: groundwater

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

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

Date Filed: 04/29/1993

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

37-08821

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

Source: groundwater

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

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

Date Filed: 05/24/1993

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

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

R. Keith Higginson, Director

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

RECEIVED
MAR 23 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

30-Aug-1993

R. KEITH HIGGINSON
Director

WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Gentlemen:

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

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

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

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

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

ENCLOSURE

MAR 29 1993

NOTICE OF APPLICATIONS FOR TRUST WATER RIGHT

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

37-08587

GREGG K. STURTEVANT
PO BOX 2924
KETCHUM ID 83340

Source: groundwater

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

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

Date Filed: 01/09/1990

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

37-08819

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

Source: groundwater

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

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

Date Filed: 04/29/1993

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

37-08820

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

Source: groundwater

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

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

Date Filed: 04/29/1993

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MAR 23 1995

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

37-08821

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

Source: groundwater

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

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

Date Filed: 05/24/1993

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

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

R. Keith Higginson, Director

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

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MAR 23 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

27-Aug-1993

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

JAMES P SPECK ESQUIRE
PO BOX 987
KETCHUM ID 83340

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

Dear Mr. Speck:

The Department of Water Resources acknowledges receipt of the above referenced applications. The applications have been assigned the above referenced identification numbers. Please refer to these numbers in all further correspondence.

This office has scheduled advertising the applications in the Wood River Journal for 9/15 & 9/22/93. A period of ten days following the second publication will be allowed for the submittal of protests.

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

If an application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Very truly yours,

Mel Schulte
Water Right Agent

MS:MB

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MAR 23 1995

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

ATTORNEYS

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

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

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

March 25, 1993

RECEIVED

MAR 29 1993

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

Department of Water Resources
Southern Region Office

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

Dear Glen:

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

MITIGATION PLAN

I. THE MITIGATION RIGHT.

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

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MAR 23 1995

Mitigation Plan.

Mr. Glen Saxton
March 25, 1993
Page 2

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

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

II. EXCHANGE OF WATER RIGHTS.

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

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

Total number of irrigated acres: 3

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

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

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

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

4. A measuring device and lockable controlling works

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Mr. Glen Saxton
March 25, 1993
Page 3

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

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

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

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

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

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

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

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MAR 23 1995

Mr. Glen Saxton
March 25, 1993
Page 4

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

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

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS\dmk
(enclosures)

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

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MAR 23 1995

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

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

(space above line for Recorder's use)

QUITCLAIM DEED

FOR VALUE RECEIVED, MARATHON PARTNERS, an Idaho general partnership, whose address is c/o Edmund E. Dumke, P. O. Box 3118, Ketchum, ID 83340 (hereinafter referred to as the "Grantor"), does hereby convey, release, remise and forever quitclaim unto GREGG K. STURTEVANT, whose address is P. O. Box 2924, Ketchum, ID 83340 (hereinafter referred to as the "Grantee"), any and all interest Grantor may have in the following described water right, appurtenant to premises, situated in Blaine County, Idaho, to wit:

0.079 cfs of the Big Wood River
with a March 24, 1883 priority date
pursuant to Idaho Water Right No.
37-00577 and Claim No. A37-12818 in
In Re the General Adjudication of
Rights to the Use of Water From the
Snake River Basin Water System,
Twin Falls District Court Case No.
39576, used for the irrigation of
three (3) acres within lands
commonly referred to as the Hidden
Meadows Subdivision parcel in the
NW1/4NW1/4, S.10, T.2N., R.18E.,
B.M., Blaine County, Idaho.

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

QUITCLAIM DEED - 1

RECORDED
MAR 23 1995

and profits thereof.

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

DATED this 15 day of March, 1993.

GRANTOR:

MARATHON PARTNERS, an Idaho general partnership

By:

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

STATE OF IDAHO)

County of Blaine)

ss.

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

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

Deborah H. Erickson
Notary Public for Idaho

Residing at: Shelby, Idaho

Commission expires: 9/22/98

QUITCLAIM DEED - 2

MAR 23 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

18-Nov-1991

Gregg K. Sturtevant
P.O. Box 2924
Ketchum, ID 83340

Re: Application for permit 37-8587

Dear Applicant:

You have requested additional time to prepare a response to my previous letter of August 28, 1991 in which you were advised of the requirements for additional hydrologic information to aid in the review of your application or, alternatively, for a plan for mitigation of impacts on stream flows.

I am uniformly extending the deadline for submittal of a response to February 1, 1992 to allow time for you to proceed.

Please let me know if you have any questions regarding this matter.

Sincerely,

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

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MAR 23 1995

37-8587

STURTEVANT & ASSOCIATES

LANDPLANNING • LANDSCAPE ARCHITECTURE • ENVIRONMENTAL DESIGN

P.O. Box 2924 • Ketchum, Idaho 83340 • (208) 726-3250

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OCT 04 1991

Department of Water Resources
Southern Region Office

October 3, 1991

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

Re: Application Number 37-8587

Dear Loren:

Please accept this letter as my intention to continue with the above referenced Application for Permit for irrigation water.

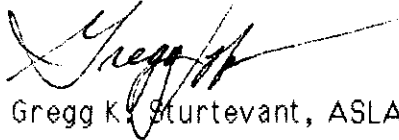
The hydrologic evaluation information you have requested due to the designation of the Big Wood area as a groundwater management area is somewhat more involved than I first believed. Consequently, it is going to take some time to produce this type of evaluation.

I will try to keep you apprised of the progress of this evaluation as the information is gathered so that you are aware of what stage we are at in the process.

Timing as of yet is unclear, but I hope to have a handle on the information soon.

If you have any other questions, do not hesitate to call.

Sincerely,



Gregg K. Sturtevant, ASLA

GKS/jfp

RECORDED

MAR 23 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

28-Aug-1991

Gregg K. Sturtevant
P.O. Box 2924
Ketchum, ID 83340

Re: Application number 37-8587

Dear Applicant:

The Department of Water Resources recently designated a ground water management area (GWMA) which encompasses the upper Big Wood River Valley, the Bellevue Triangle, a portion of the Silver Creek drainage, and the Camas Prairie. You have filed the above referenced application(s) which proposes a point of diversion within the ground water management area.

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

Your application proposes a consumptive use of water. Prior to further processing of your application, or conducting a hearing if the application is protested, you must submit the following information:

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

37-8587

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Page 2

28-Aug-1991

If you do not wish to submit the above information, you may withdraw your application by completing the enclosed withdrawal form. if your application includes a domestic component, and you wish to limit the application to domestic use, please inform this office.

Failure to respond to this inquiry within thirty (30) days, with either the withdrawal or a schedule for submittal of the above information, is cause for the Department to void the application for failure to submit the requested information.

Sincerely,



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

MAR 23 1995

10-Jan-1990

Gregg K. Sturtevant
P.O. Box 2924
KETCHUM ID 83340

Re: Application for permit No. 37-08587

Dear Mr. Sturtevant:

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.

Because your application proposes to appropriate water which has been identified as "trust water" in the Swan Falls agreement, it will be processed under rules and regulations for water appropriation that have been adopted as required by law.

Under the rules, applications will be processed at a rate which allows development of 20,000 acres per year. The oldest applications will be processed first, provided that applicants are willing and able to proceed.

For this reason, it is not possible to estimate at this time when action will be taken on your application.

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

Very truly yours,

Douglas Jones, E. I. T.
Water Resources Engineer

DJ:MB

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MAR 23 1995