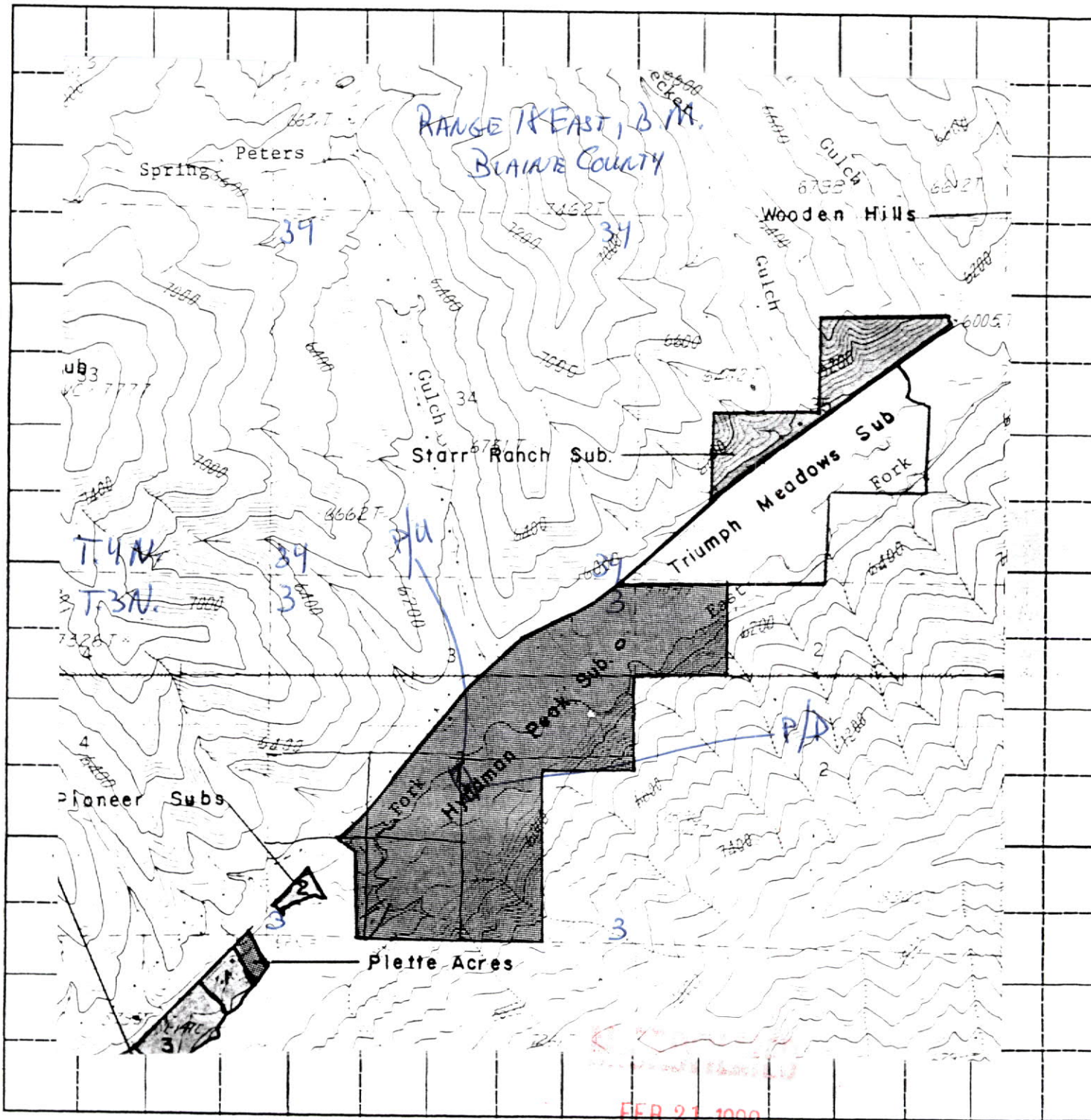


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Dr. Craig Boardman by *Reuben P. Smith*,
(Applicant) his attorney-in-fact

WYNIDMAN PEAK SUBDIVISION

PLAT SHOWING

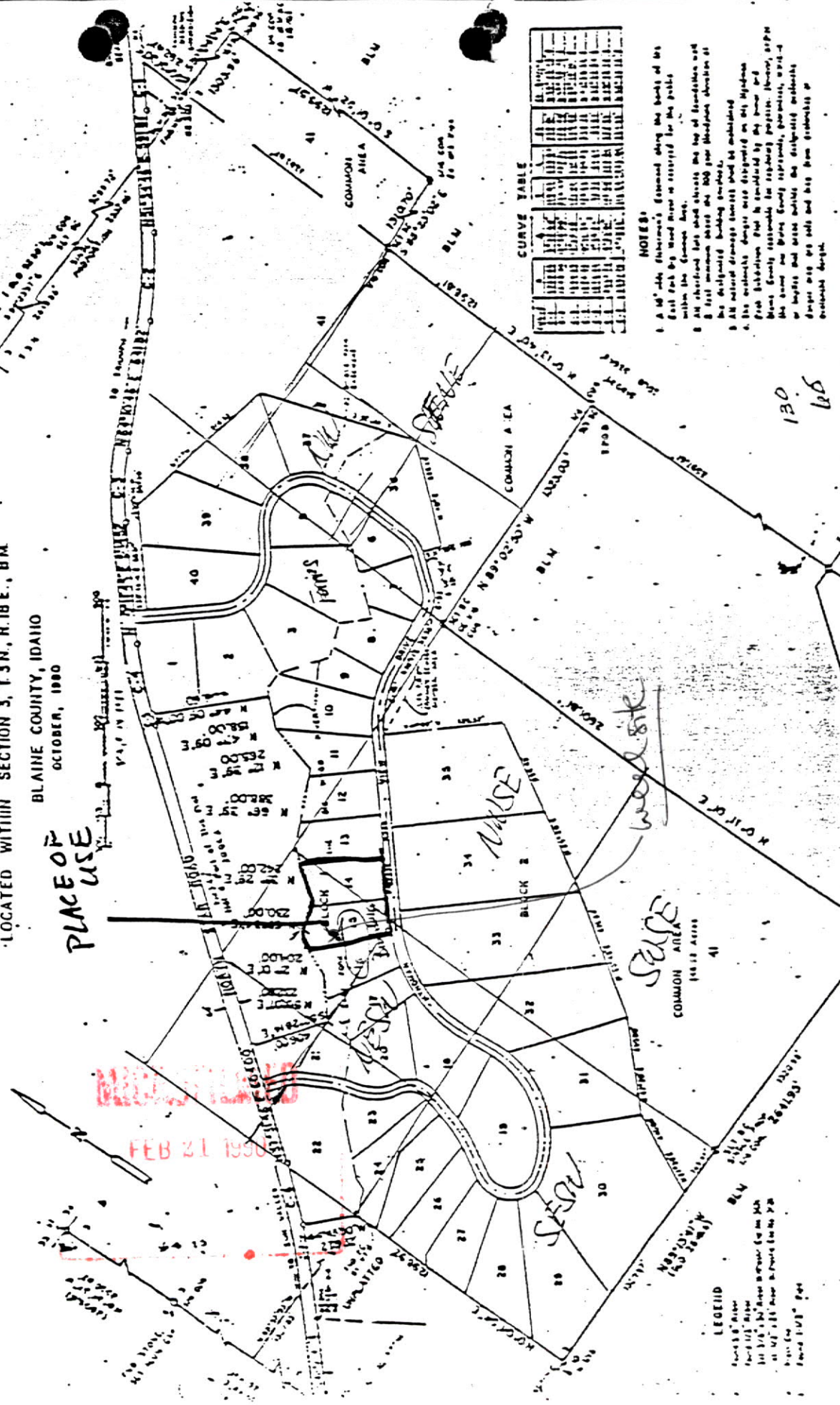
LOCATED WITHIN SECTION 3, T3N, R1E, BM.

BLAINE COUNTY, IDAHO

OCTOBER, 1980

PLACE OF
USE

SAWTOOTH HILL CO., INC.
This plat is a photographic reproduction of the
original plat. The Company assumes no liability
for inaccuracies, errors, or omissions.



CURVE TABLE

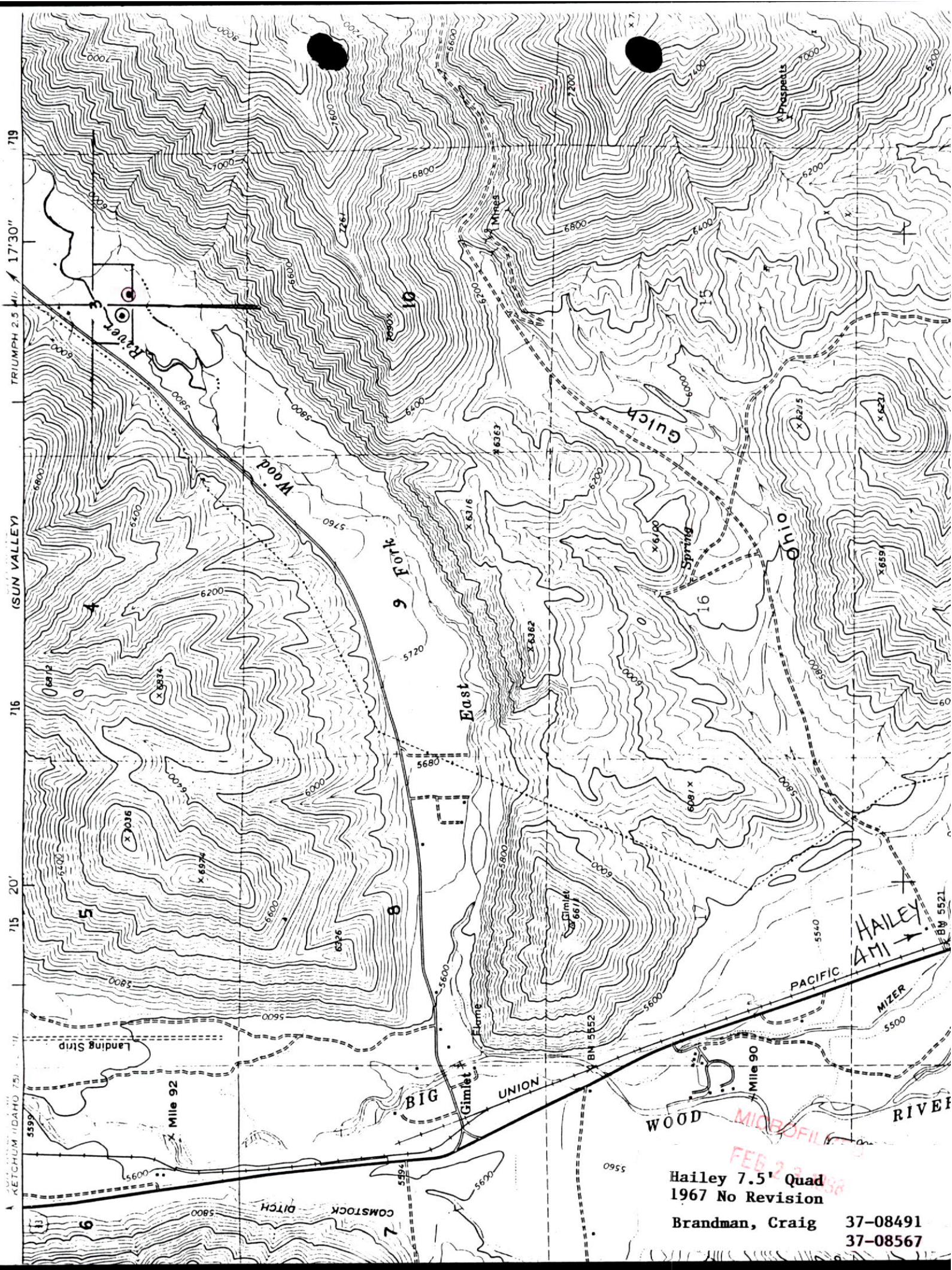
STATION	CHORD BEARING	CHORD DISTANCE	CHORD BEARING	CHORD DISTANCE	CHORD BEARING	CHORD DISTANCE	CHORD BEARING	CHORD DISTANCE	CHORD BEARING	CHORD DISTANCE
1	N 89° 02' 30"	100.00	N 89° 02' 30"	100.00	N 89° 02' 30"	100.00	N 89° 02' 30"	100.00	N 89° 02' 30"	100.00
2	N 89° 02' 30"	100.00	N 89° 02' 30"	100.00	N 89° 02' 30"	100.00	N 89° 02' 30"	100.00	N 89° 02' 30"	100.00
3	N 89° 02' 30"	100.00	N 89° 02' 30"	100.00	N 89° 02' 30"	100.00	N 89° 02' 30"	100.00	N 89° 02' 30"	100.00
4	N 89° 02' 30"	100.00	N 89° 02' 30"	100.00	N 89° 02' 30"	100.00	N 89° 02' 30"	100.00	N 89° 02' 30"	100.00
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12	N 89° 02' 30"	100.00	N 89° 02' 30"	100.00	N 89° 02' 30"	100.00	N 89° 02' 30"	100.00	N 89° 02' 30"	100.00
13	N 89° 02' 30"	100.00	N 89° 02' 30"	100.00	N 89° 02' 30"	100.00	N 89° 02' 30"	100.00	N 89° 02' 30"	100.00
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83	N 89° 02' 30"	100.00	N 89° 02' 30"	100.00	N 89° 02' 30"	100.00	N 89° 02' 30"	100.00	N 89° 02' 30"	100.00

NOTES:

1. A 10' wide easement is shown along the back of the lot for the road shown in the plat.
2. All other lots shown in the plat are subject to the same easement.
3. All other lots shown in the plat are subject to the same easement.
4. All other lots shown in the plat are subject to the same easement.
5. All other lots shown in the plat are subject to the same easement.
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39. All other lots shown in the plat are subject to the same easement.
40. All other lots shown in the plat are subject to the same easement.
41. All other lots shown in the plat are subject to the same easement.

LEGEND

- 1. 10' wide easement
- 2. 10' wide easement
- 3. 10' wide easement
- 4. 10' wide easement
- 5. 10' wide easement
- 6. 10' wide easement
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- 38. 10' wide easement
- 39. 10' wide easement
- 40. 10' wide easement
- 41. 10' wide easement



7059

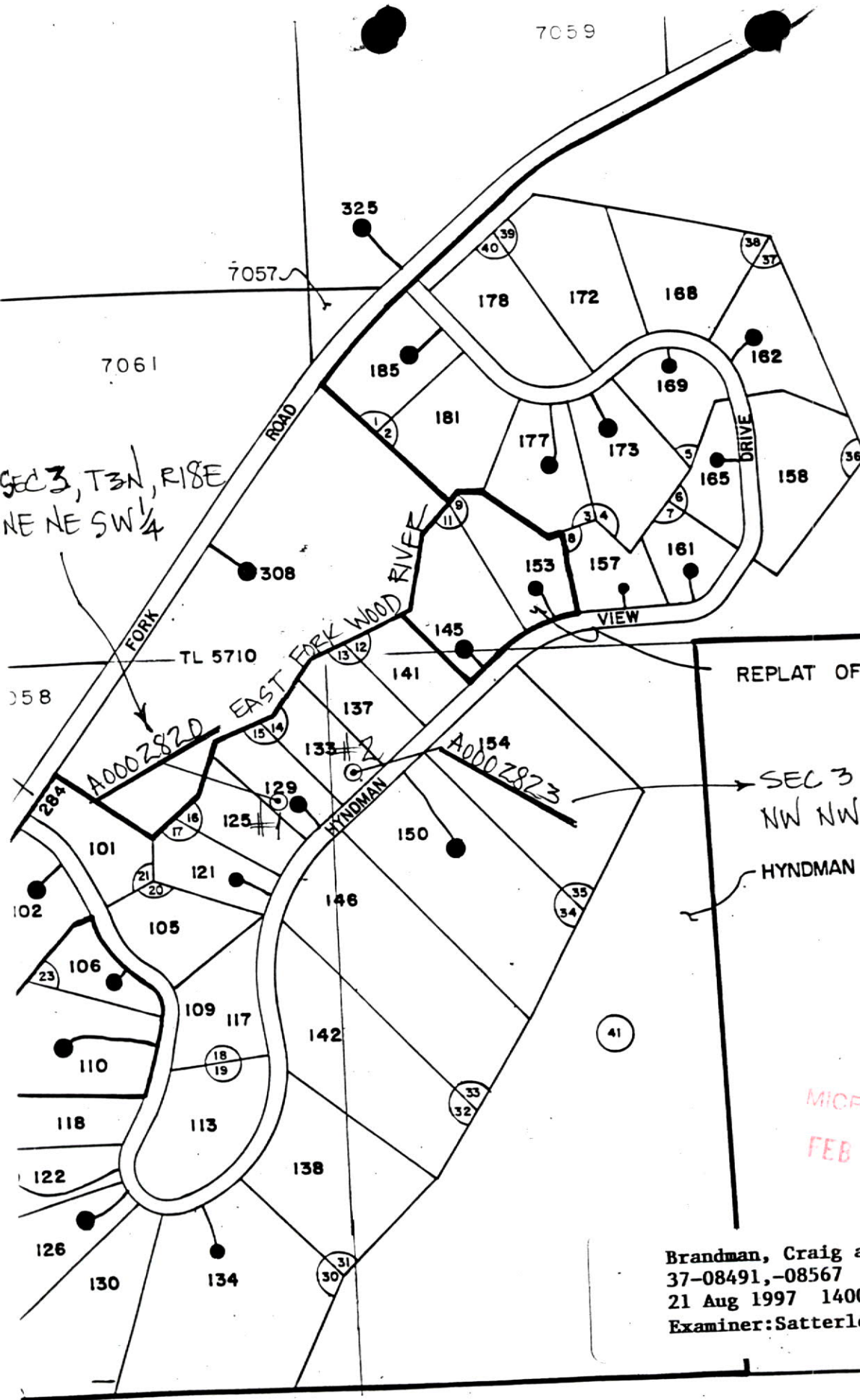
41

7057

7061

41

SEC 3, T3N, R18E
NE NE SW 1/4



REPLAT OF LOTS 9, 10 & 11

SEC 3, T3N, R18E
NW NW SE 1/4

HYNDMAN PEAK SUBDIVISION

MICROFILMED
U.S.
FEB 23 1998

Brandman, Craig and Deleys
37-08491, -08567
21 Aug 1997 1400 hrs.
Examiner: Satterlee

SEC. 3. T. 3 N., R. 18 E.

32
10 11

1/2

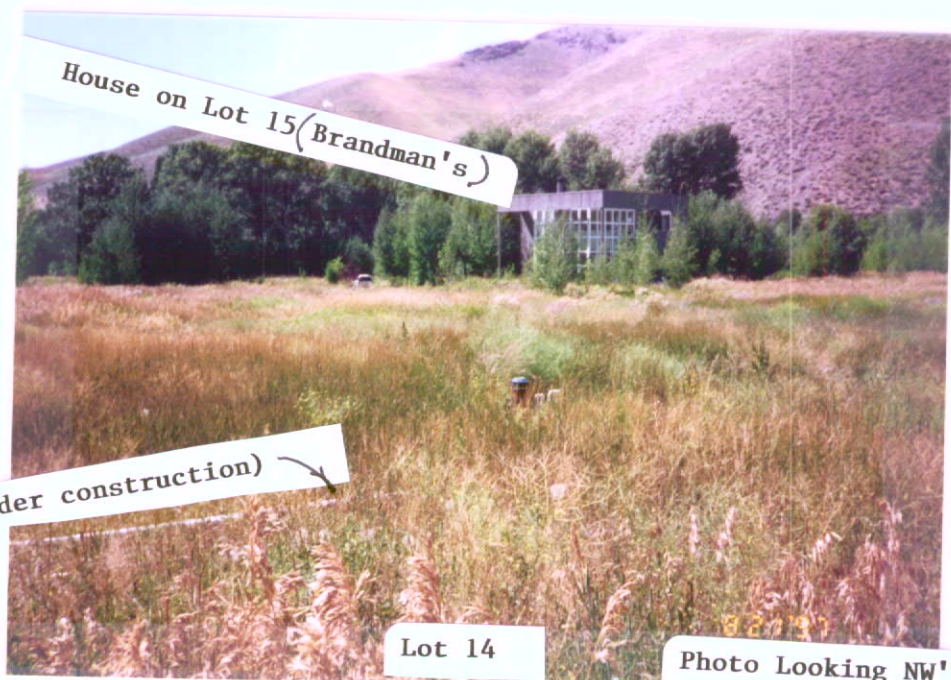
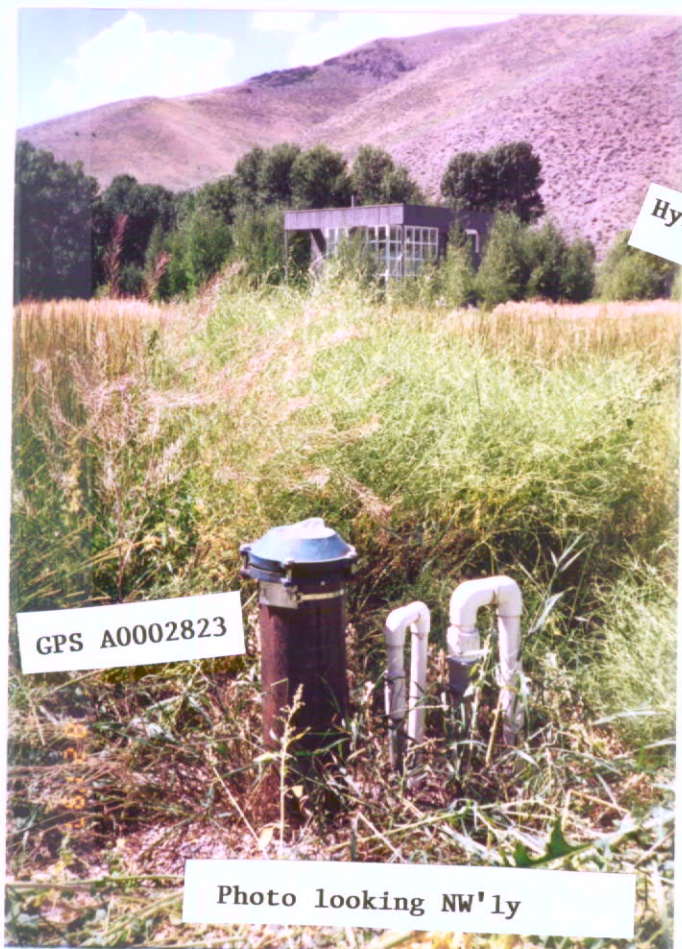


Photo Looking NW'ly

MICROFILMED
FEB 23 1998

Brandman, Craig & Deleys
21 Aug 97 1330 hrs.
Examiner: Satterlee

37-08567



Photo looking N'ly



Photo looking SE'ly

MICROFILMED
FEB 23 1998

Brandman, Craig and Deleys
21 Aug 97 1330 hrs.
Examiner: Satterlee

37-08567

8. POSSIBLE CONTAMINATION SOURCES:

Is there evidence of Chemigation? ☐ Yes ☒ No

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

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

If yes, what Type? _____

How far away from the well is this source? _____

9.

REMARKS:

LOT 14 HYNDMAN PEAK SUBD.

W. Satterlee WR Agent
Signature of Dept. Representative & Title

21 Aug 97

Inspection Date

HOUSE IS ON LOT 15

PHOTOS, DRAWINGS, OTHER ATTACHMENTS:

GPS#
A0002923



MICROFILMED

FEB 23 1998

LOOKING NW'LY

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08567

Priority: August 31, 1989

Maximum Diversion Rate:

0.06 CFS

Maximum Diversion Volume:

7.0 AF

This is to certify, that CRAIG BRANDMAN
DELEYS BRANDMAN

C/O JAMES P SPECK ESQ

PO BOX 987

KETCHUM ID 83340-0987

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 31, 1989; and has submitted Proof of Beneficial Use on May 28, 1996. An examination indicates that the works have a diversion capacity of 0.090 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	0.06 CFS	7.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 3, Township 03N, 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>
03N	18E	3	NWSE	2		2

Total number of acres irrigated: 2

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. Diversion and use of water under this right is subject to rules that may subsequently be promulgated for existing rights used for supplemental purposes.

MICROFILMED
FEB 23 1998

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08567

CONDITIONS OF APPROVAL AND REMARKS

7. Point of diversion and place of use are located within Lot 14,
Blk. 2, Hyndman Peak Subdivision.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 16TH
day of JANUARY, 1998.

Acting for


KARL J. DREHER, Director

MICROFILMED

FEB 23 1998

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. 0635733
Receipt By: RB
Date Received: 6/5/96

RECEIVED

JUN 05 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 28 1996

Department of Water Resources

PROOF OF BENEFICIAL USE

Hogue, Speck & Aanestad

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. 37-08567 Telephone No. (208) 726-4421
2. Name(s) of Permit Holder(s): Craig & Deleys Brandman, c/o James P. Speck, HOGUE, SPECK & AANESTAD,
3. Mailing Address: P.O. Box 987, Ketchum, ID 83340
4. Source of Water: groundwater If **GROUNDWATER** (well), Date Drilled: mo. 5 / yr. 96
 - a. Well Driller: WOOD RIVER DRILLING Drilling Permit Number: 37-96-S-0042-000
 - b. **OPTIONAL:**
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): _____
Irrigation (No. of acres): 2 Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: _____ cfs OR 2 acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes _____ or No <u>X</u>
	Has the measuring device been installed?	Yes _____ or No _____
Flow Measurement Port:	Is a flow measurement port required?	Yes _____ or No <u>X</u>
	Has the measurement port been installed?	Yes _____ or No _____
8. Fee Enclosed: \$ 50.00 (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: CRAIG BRANDMAN Telephone Number: 800-423-5439
Address: 600 WILSHIRE BLVD #700 LOS ANGELES, CA 90017
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:

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

Date

6/5/96

AUG 07 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
37-08567 IN THE NAME OF DR.)
CRAIG BRANDMAN AND DR. DELEYS)
BRANDMAN)
_____)

PRELIMINARY ORDER

On February 13, 1995, Dr. Craig Brandman and Dr. Deleys Brandman (permit holders) submitted a Request for Extension of Time in which to submit proof of beneficial use of water to the Department of Water Resources (department) for Permit No. 37-08567 (permit).

On February 16, 1995, the department issued an order denying the request for extension of time and on February 22, 1995, advised the permit holders that the permit had lapsed and was of no further force nor effect.

On March 8, 1995, the permit holders submitted a Petition for Hearing (petition) to the department stating that adverse weather conditions had prevented the permit holders from drilling the well and applying water to beneficial use.

Based upon the information provided in the petition and the applicant's subsequent Memorandum relative to the matter, THE DEPARTMENT HEREBY ORDERS as follows:

1. The order of the department dated February 16, 1995, which denied the Request for Extension of Time is **RESCINDED**.
2. The Notice of Lapsing of Permit No. 37-08567 is **SET ASIDE** and the permit is **REINSTATED**.
3. The permit holders shall submit proof of construction of works and application of water to beneficial use to the department on or before July 1, 1996.

Dated this 18TH day of July, 1995.

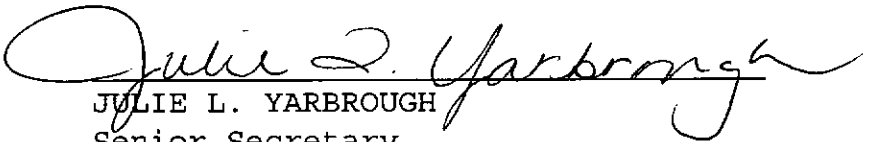

NORMAN C. YOUNG
Administrator

AUG 07 1996

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 19th day of July, 1995, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the following:

Dr. Craig Brandman
Dr. Deleys Brandman
c/o James P. Speck
HOGUE SPECK & AANESTAD
P.O. Box 987
Ketchum, ID 83340


JULIE L. YARBROUGH
Senior Secretary


AUG 07 1995

RECEIVED

FEB 13 1995

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

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

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

Permit No. 37-08567

Name(s) of Permit Holder: Dr. Craig Brandman and/or Dr. Deleys Brandman

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

Date Proof is Due: March 1, 1995 Telephone No. (208) 726-4421

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

None

Costing \$ _____

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

Permit holders reside out of state and are not able to make arrangements for a well
driller to drill the well until this summer due to present snow conditions. The
extension is merely requested to allow the permit holders until the end of the
summer season to complete the work.

Permit holder(s) request an extension to September 30, 1995

FEE: \$50.00

Craig Brandman by J-P. Speck, his attorney-in-fact
(Signature)*

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

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be **DENIED** since the department is not authorized to grant an additional extension request.

Signed this 16th day of February, 19 95

AUG 07 1996
R. Keith Higginson
R. KEITH HIGGINSON, Director

4/86

STATE OF IDAHO

For Office Use Only

\$15 FEE Received by [Signature]Date 2-7-92Receipt # C023153**RECEIVED**

FEB 7 1992

DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
 Department of Water Resources **BENEFICIAL USE FOR A WATER RIGHT PERMIT**

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

Permit No. 37-08567Name(s) of Permit Holder: DR. CRAIG BRANDMAN AND/OR DR. DELEYS BRANDMAN

Post Office Address: C/O JAMES P. SPECK, HOGUE, SPECK & AANESTAD, POST OFFICE BOX 987,
KETCHUM, IDAHO 83340
 Telephone No. (208) 726-4421

Date Proof Is Due: MARCH 1, 1992

Describe what work has been completed toward the development of this water right: _____

(This must be filled out! If no work has been completed, show "none".)

Landscape plans have been prepared and plans for a guesthouse and/or barn are being prepared. The place of use is a subdivision lot adjacent to the subdivision lot on which the main residence is located. The plans for completion of buildout on both lots never anticipated the original beneficial use due date. The requested extension would merely grant the maximum allowable time for proof of beneficial use in the first instance - five years.

Costing \$ _____

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

Permit holder(s) request an extension to March 1, 1995.
 (1 yr. minimum)

Craig Brandman for his
 (Signature) * attorney in fact

*IF OTHER THAN PERMIT HOLDER,
 POWER OF ATTORNEY MUST BE SUPPLIED!

FEE: \$15.00

ACTION OF THE DEPARTMENT OF WATER RESOURCES

MAR 05 1992

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED
 and the time within which to submit proof of beneficial use is extended to
 March 1, 1995.

Signed this 11th day of February, 1992.

[Signature]
 Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 37-08567

Proposed Priority: August 31, 1989

Maximum Diversion Rate:

0.10 CFS

This is to certify, that **CRAIG BRANDMAN**
DELEYS BRANDMAN
C/O JAMES P. SPECK, ESQ.
P.O. BOX 987
KETCHUM, ID 83340

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 11/01	0.06 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.10 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWNWSE Sec. 3, Township 03N, 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>
03N	18E	3	NESW 1	NWSE 1		2

PLACE OF USE: DOMESTIC

TWN RGE SEC

03N 18E 3 NWSE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **March 1, 1992.**
2. Subject to all prior water rights.
3. Place of use also known as Lot 14, Hyndman Peak Subd.
4. Domestic use is for one home.

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

13th day of February, 1990.

for 
R. Keith Higginson, Director

MICROFILMED

FEB 21 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Dr. Craig Brandman and/or Deleys Brandman Phone 208-726-4421
Post office address c/o James P. Speck, Esq., P.O. Box 987, Ketchum, ID 83340
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____
Sec. 3 Township 3N Range 18E B.M. Blaine County; additional
points of diversion if any: None
4. Water will be used for the following purposes:
Amount 0.04 for domestic purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs ~~or acre-feet per annum~~)
Amount .06 for irrigation purposes from April 1 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)
5. Total quantity to be appropriated is (a) .10 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Well & pump
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is 8 inches; proposed depth of well is 40 feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
5 years (minimum 1 year).

MICROFILMED

FEB 21 1990

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in KW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; show name of municipality. _____
 - Domestic; show number of households. 1
 - Other; describe fully. _____

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3N	18E	3									1					D			2

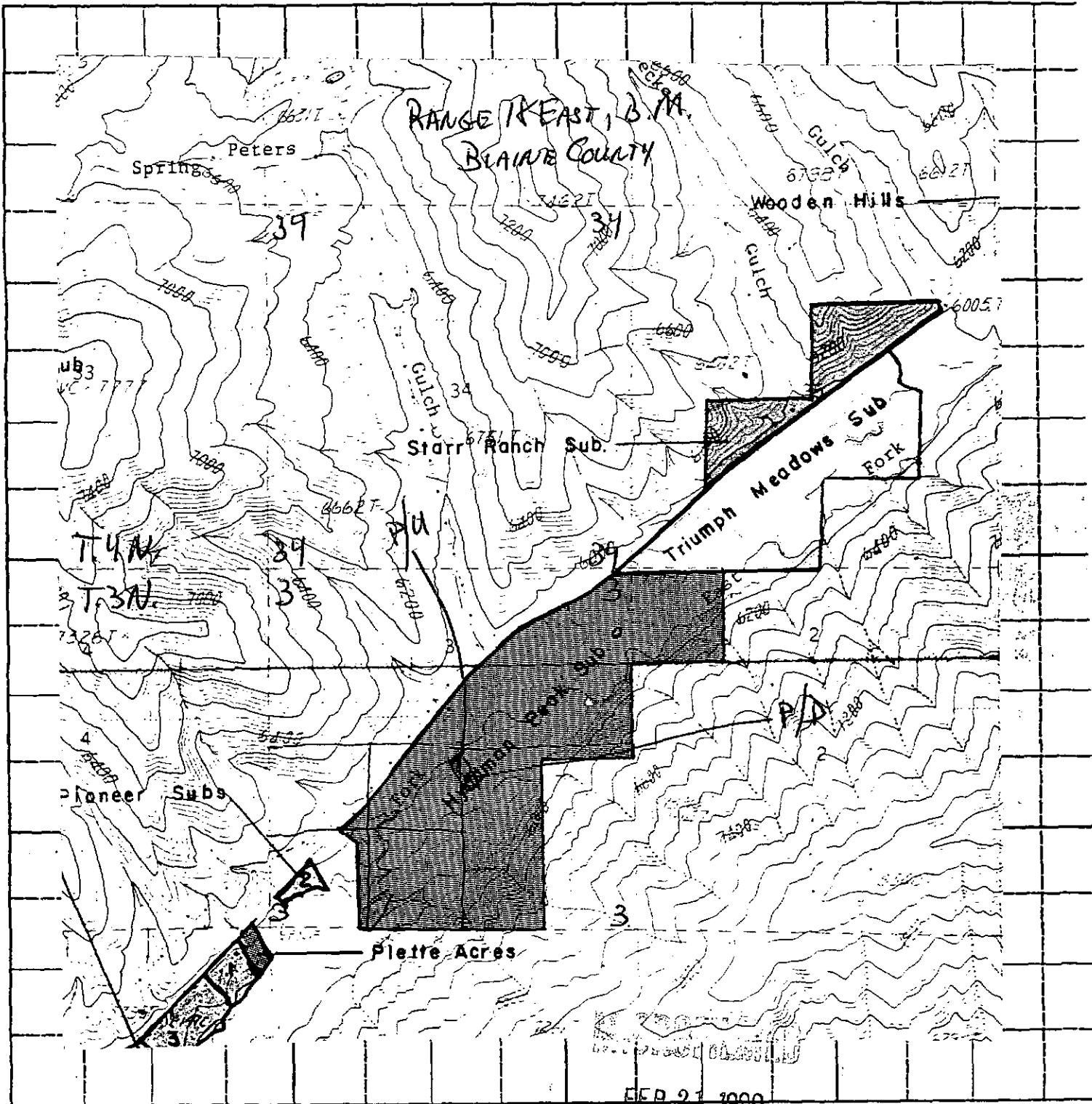
Total number of acres to be irrigated 2

10. Describe any other water rights used for the same purposes as described above. 37-0539E
11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____
12. Remarks: Place of use and point of diversion are on Lot 14 Hyndman Peak Subdivision. Irrigation is for residential landscaping in connection with a single family residence.

MICROFILMED

FEB 21 1990

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



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Dr. Craig Brandon by *James A. Speck*,
(Applicant)
his attorney in fact

Received by 126 Date 1/31/89 Time 11:00 am Preliminary check by checked & attached J. Stanton
Fee \$ 30.00 Receipted by DRJ # 5009813 Date 8/31/89
Publication prepared by M. Baldwin Date 10/26/89 Published in Wood River Journal
Publication approved T. Goober Date 11/28/89

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

MICROFILMED

FEB 21 1990

PLAT SHOWING

WYNDMAN PEAK SUBDIVISION

LOCATED WITHIN SECTION 3, T3N, R18E, BM.

BLAINE COUNTY, IDAHO

OCTOBER, 1980

PLACE OF
USE

FEB 21 1980

SAWTOOTH INC. CO., INC.

While this is a platographic reproduction of the original plat, the Company assumes no liability for variations, except with a 1:10 scale map.

CURVE TABLE

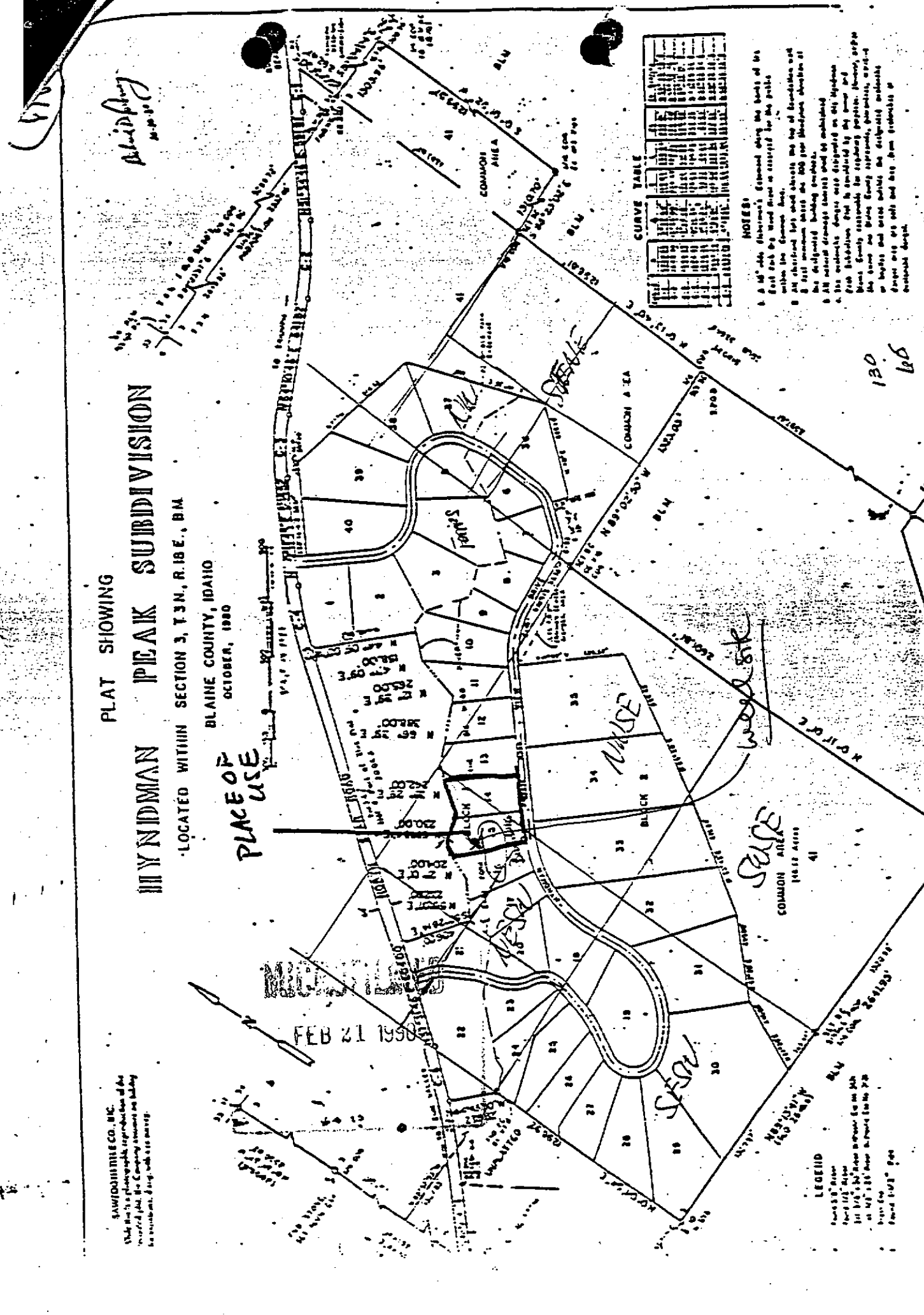
Curve Length	Radius	Chord	Area	Perimeter
100	100	100	7854	314
200	200	200	3142	628
300	300	300	7069	942
400	400	400	12560	1256
500	500	500	19635	1571
600	600	600	27386	1885
700	700	700	35813	2199
800	800	800	44916	2513
900	900	900	54695	2827
1000	1000	1000	65150	3142

NOTES

1. All "old" lines, shown along the back of the plat, are to be used as a guide for the plat.
2. All "new" lines, shown along the back of the plat, are to be used as a guide for the plat.
3. All "old" lines, shown along the back of the plat, are to be used as a guide for the plat.
4. All "new" lines, shown along the back of the plat, are to be used as a guide for the plat.
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8. All "new" lines, shown along the back of the plat, are to be used as a guide for the plat.
9. All "old" lines, shown along the back of the plat, are to be used as a guide for the plat.
10. All "new" lines, shown along the back of the plat, are to be used as a guide for the plat.

LEGEND

- 1. Sawtooth Inc. Co., Inc.
- 2. Sawtooth Inc. Co., Inc.
- 3. Sawtooth Inc. Co., Inc.
- 4. Sawtooth Inc. Co., Inc.
- 5. Sawtooth Inc. Co., Inc.
- 6. Sawtooth Inc. Co., Inc.
- 7. Sawtooth Inc. Co., Inc.
- 8. Sawtooth Inc. Co., Inc.
- 9. Sawtooth Inc. Co., Inc.
- 10. Sawtooth Inc. Co., Inc.



6. GOVERNING LAW. This Special Power of Attorney is executed and delivered in the State of Idaho and the laws of the State of Idaho shall govern all questions as to the validity of this power and as to the construction of its provisions.

7. COUNTERPARTS. This Special Power of Attorney may be executed in counterparts. Each executed counterpart of this Special Power of Attorney shall have the force and effect of this original.

IN WITNESS WHEREOF, I have executed this Special Power of Attorney this _____ day of _____, 1988.

DR. CRAIG BRANDMAN

STATE OF IDAHO)
) ss.
County of Blaine)

On this _____ day of _____, 1988, before me, the undersigned notary public in and for said state, personally appeared _____, known to me to be the person whose name is subscribed to the within Special Power of Attorney, and acknowledged to me that he executed the same.

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

Notary Public for Idaho
Residing at: _____

SPPWRATY.MIS

SPECIAL POWER OF ATTORNEY - 2

RECEIVED

FEB 21 1990

SPECIAL POWER OF ATTORNEY
(WATER RIGHTS)

I, DR. CRAIG BRANDMAN, of Sausalito, California, designate and appoint JAMES P. SPECK, of Blaine County, Idaho, as my attorney in fact and agent (subsequently called "Agent") to act in my name and for my benefit for the specific purposes stated herein only. I grant to my Agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as I might or could do if personally present and fully competent, hereby ratifying and confirming all that my Agent shall lawfully do or cause to be done by virtue of this Special Power of Attorney and the powers herein granted.

1. SPECIFIC GRANT OF POWER. My agent shall have power to exercise or perform any act, power, duty, right or obligation whatsoever that I now have or may hereafter acquire, RELATING ONLY TO the preparation and filing of claims for water rights in Twin Falls County District Court Civil No. 39576, In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System, and the preparation and filing of applications for permits to or transfers of water rights, or claims to water rights, with the Idaho Department of Water Resources.

2. REVOCABILITY. This Special Power of Attorney is revocable, provided, that insofar as any governmental agency, bank, trust company, insurance company, transfer agent, or other person shall rely upon this power, this power may be revoked only by a notice in writing executed by me or my Agent and delivered to such person or institution.

3. INTERPRETATION. This instrument is to be construed and interpreted as a Special Power of Attorney and shall be limited in accordance herewith.

4. DISABILITY OF PRINCIPAL. This Special Power of Attorney shall not be affected by disability of the principal.

5. THIRD-PARTY RELIANCE. Third parties may rely upon the representations of the Agent as to all matters relating to any power granted to my Agent, and no person who may act in reliance upon the representations of the Agent or the authority granted to my Agent shall incur any liability to us or our estates as a result of permitting the Agent to exercise any power.

SPECIAL POWER OF ATTORNEY - 1

MICROFILMED

FEB 21 1990

37508567

SPECIAL POWER OF ATTORNEY
(WATER RIGHTS)

COPY OF SPA
from APP 37-8491

I, DR. CRAIG BRANDMAN, of Sausalito, California, designata and appoint JAMES P. SPECK, of Blaine County, Idaho, as my attorney in fact and agent (subsequently called "Agent") to act in my name and for my benefit for the specific purposes stated herein only. I grant to my Agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as I might or could do if personally present and fully competent, hereby ratifying and confirming all that my Agent shall lawfully do or cause to be done by virtue of this Special Power of Attorney and the powers herein granted.

1. SPECIFIC GRANT OF POWER. My agent shall have power to exercise or perform any act, power, duty, right or obligation whatsoever that I now have or may hereafter acquire, RELATING ONLY TO the preparation and filing of claims for water rights in Twin Falls County District Court Civil No. 39576, In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System, and the preparation and filing of applications for permits to or transfers of water rights, or claims to water rights, with the Idaho Department of Water Resources.

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SPECIAL POWER OF ATTORNEY - 1

MICROFILMED

FEB 21 1990

37-08567

6. GOVERNING LAW. This Special Power of Attorney is executed and delivered in the State of Idaho and the laws of the State of Idaho shall govern all questions as to the validity of this power and as to the construction of its provisions.

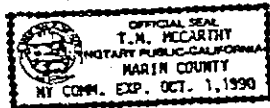
7. COUNTERPARTS. This Special Power of Attorney may be executed in counterparts. Each executed counterpart of this Special Power of Attorney shall have the force and effect of this original.

IN WITNESS WHEREOF, I have executed this Special Power of Attorney this 20 day of OCTOBER, 1988.

Craig Brandman
DR. CRAIG BRANDMAN

GENERAL ACKNOWLEDGMENT

State of CALIFORNIA On this the 20th day of OCTOBER, 1988, before me,
County of MARIN SS. T.M. MCCARTHY
the undersigned Notary Public, personally appeared CRAIG BRANDMAN



☒ personally known to me
☐ proved to me on the basis of satisfactory evidence
to be the person(s) whose name(s) is subscribed to the
within instrument, and acknowledged that he executed it.
WITNESS my hand and official seal.

T.M. McCarthy
Notary's Signature

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to another document.

THIS CERTIFICATE
MUST BE ATTACHED
TO THE DOCUMENT
DESCRIBED AT RIGHT:

Title or Type of Document SPECIAL POWER OF ATTORNEY
Number of Pages 7 Date of Document OCTOBER 20, 1988
Signer(s) Other Than Named Above NONE

7120 122

NATIONAL NOTARY ASSOCIATION • 6226 Remmet Ave. • P.O. Box 7184 • Canoga Park, CA 91304-7184

SPECIAL POWER OF ATTORNEY - 2

MICROFILMED

FEB 21 1990

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Blaine } ss.

DANIEL J. GORHAM

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

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

publication of said advertisement was on the 15th day of Nov 1989, and

the date of the last publication was on the 22nd day of Nov 1989

Daniel J. Gorham
Subscribed and sworn to before me this 24th day of Nov 1989
(SEAL)

Roberta McKencher
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11
Number of Lines in Notice 115
Number of Insertions 2
Lines tabular at 5.50/Pica
Lines straight at 63.25 6.50/Pica
Subsequent lines at 2.60 3.50/Pica
TOTAL COST 1138.5

COPY OF NOTICE
(Paste Here)

7 Applications
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water Resources
BILL TO

Seven water right applications filed

NOTICE OF APPLICATION FOR WATER RIGHT

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

37-08561

PETER TRUST
C/O E. PARRY THOMAS
P.O. BOX 642
SUN VALLEY, ID 83353
Source: GROUNDWATER
Diversion Pt: SESENE Sec 5 T
02N R 18E
Use: DOMESTIC (.040 CFS)
IRRIGATION (.090 CFS)

Date Filed: 9/15/1989
In: T02N R18E S05 SENE
3.0 ACRES TOTAL

37-08562

HEMINGWAY, JOHN H.
P.O. BOX 387
SUN VALLEY, ID 83353
Source: GROUNDWATER
Diversion Pt: SENW Sec 23 T 05N
R 17E
Use: IRRIGATION (.050 CFS)
FIRE PROTECTION (.050 CFS)
Date Filed: 8/29/1989
In: T05N R17E S23 SENW
1.5 ACRES TOTAL

37-08563

REITER, GAIL L.
C/O GARY D. SLETTE ESO.
P.O. BOX 1906
TWIN FALLS, ID 833031906
Source: GROUNDWATER
Diversion Pt: SWNW Sec 5 T 03N
R 18E
Use: DOMESTIC (.040 CFS)
IRRIGATION (.090 CFS)
Date Filed: 8/16/1989
In: T03N R18E S05 SWNW
3.0 ACRES TOTAL

37-08564

PUCHNER, PHILIP F.
P.O. BOX 240
KETCHUM, ID 83340
Source: SPRING
Tributary: SINKS
Diversion Pt: SWNESE Sec 20 T
01N R 18E
Use: STOCKWATER (.020 CFS)
Date Filed: 8/23/1989
In: T01N R18E S20 SESE: S28
SWNW NESW NWSW: S29
NENE SENE

37-08565

RINKER, HARRY
C/O GARY D. SLETTE ESO.
P.O. BOX 1906
TWIN FALLS, ID 833031906
Source: GROUNDWATER
Diversion Pt: SENE Sec 7 T 02N R
18E
Use: DOMESTIC (.040 CFS)
Date Filed: 8/17/1989
In: T02N R18E S07 SENE

37-08566

ENGL, MICHAEL S.
C/O HUGHIE SPECK
6 AMESTAD
P.O. BOX 987
KETCHUM, ID 83340
Source: SPRINGS
Tributary: BIG WOOD RIVER
Diversion Pt: SWNESW Sec 31 T
04N R 18E
Use: DOMESTIC (.040 CFS)
Date Filed: 8/10/1989
In: T04N R18E S31 NESW

37-08567

BRANDMAN, CRAIG
BRANDMAN, DELEYS
C/O JAMES P. SPECK ESO.
P.O. BOX 987
KETCHUM, ID 83340
Source: GROUNDWATER
Diversion Pt: NWNWSE Sec 3 T
03N R 18E
Use: DOMESTIC (.040 CFS)
IRRIGATION (.060 CFS)
Date Filed: 8/31/1989
In: T03N R18E S03 NESW NWSE
2.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code, and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2148 4th Avenue East, Twin Falls, Idaho 83301, on or before DECEMBER 4, 1989.

R. Keith Hoggins, Director
Publish: Wood River Journal
November 15 & 22, 1989.

MICROFILMED

FEB 21 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

January 20, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CRAIG BRANDMAN
DELEYS BRANDMAN
C/O JAMES P SPECK ESQ
PO BOX 987
KETCHUM ID 83340-0987

RE: WATER RIGHTS 37-08491/37-08567

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed licenses confirming that water rights have been established in accordance with the permits referenced above. The licenses are preliminary orders issued by the Department pursuant to section 67-5243, Idaho Code. They can and will become final 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.

FEB 23 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.

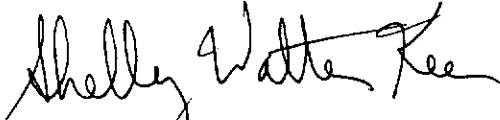
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FEB 23 1998

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

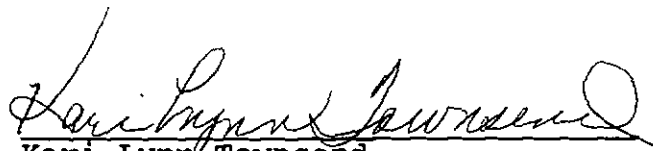
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of January, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Rights 37-08491/37-08567

CRAIG BRANDMAN
DELEYS BRANDMAN
C/O JAMES P SPECK ESQ
PO BOX 987
KETCHUM ID 83340-0987


Kari Lynn Townsend
Secretary

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FEB 23 1998

B/U FIELD EXAM REVIEW

by *Cindy Lou*

12/97

Permit #: 37-8567 Name: Brandman Date: 1/15/98 ✓ Lots ✓

NAME	<u>Chng</u>	<u>Same</u>	Or Address Change?
SOURCE	<u>Chng</u>	<u>Same</u>	Clarify source Prelim. Order to Void - Source change.
P/D (GPS #A0002823)	<u>Chng</u>	<u>Same</u>	Amendment Needed? Addn'l 1/4? <u>Legal</u> <u>NNNWSE</u> P39 Same 1/4? <u>W32</u> P36 Overlap(s) <u>none</u>
P/U	<u>Chng</u>	<u>Same</u>	Amendment Needed? <u>delete NESW, increase NWSE to 2ac.</u> P41 Overlap(s) _____ (Gov't use special T's) _____ *P/D & P/U Amend? P37
RATE	<u>Chng</u>	<u>Same</u>	Permit/proof fee limits <u>0.10</u> / <u>0.10</u> Measured Quantity = _____ cfs Theoretical Quantity = <u>0.09</u> cfs <u>2ac x 0.03 cfs/ac = 0.06 cfs</u> (HP) $\frac{8.8 \times 0.70 \times 2}{26 + (2.31 \times 50)} = 0.09$ cfs Recommended capacity <u>0.09</u> cfs Recommended rate <u>0.06</u> cfs
VOLUME	<u>Chng</u>	<u>Same</u>	Season: <u>(B 13.5)</u> <u>4/15-10/15</u> = <u>184</u> days Calculations: <u>20ac x 3.5 AF/ac = 7.0 AF</u> Flow limit: <u>0.06</u> cfs x <u>184</u> days/yr. x 1.9835 = <u>21.9</u> AF Recommended volume <u>7.0</u> AF
USES	<u>Chng</u>	<u>Same</u>	Same Nature of Use? <u>delete dom use</u> P46 Amendment Needed? <u>N/A</u>
REMARKS	<u>Multiple p/d's in same 1/4? Use W32</u> <u>DW60/LT14.82, Hyndman Peak Subd. @ 1005 ft</u>		
CONDITIONS	<u>Measuring Device (R43) or Lockable Controlling Works (R02)</u> <u>Watermaster Control (R04) - WD #</u> <u>R67</u> Irrigation rate/annual volume overlap <u>050</u> GW irrigation replaces surface water (050) <u>---</u> GW irrigation supplements surface water (065) <u>---</u> Water Quality <u>---</u> Other <u>---</u>		
PRIORITY	App Rod <u>8/31/89</u> Receipt# <u>C035733</u> Order to Reinstate Needed? Yes <u>(No)</u> Done? <u>1/18/95</u> Priority <u>8/31/89</u>	Due <u>3/1/92</u> Fee OK? <u>(Yes)</u> No \$50 ⁰⁰ (to 0.20) Examined <u>8/21/97</u>	Rc'd <u>5/28/96</u> Advanced to: <u>NA</u>

COMMENTS: delete dom use; license 2 ac via in NWSE.

USE	CFS	VOLUME
<u>irr / 2ac</u>	<u>0.06</u>	<u>7.0</u>
<u>---</u>	<u>---</u>	<u>---</u>
<u>---</u>	<u>---</u>	<u>---</u>
TOTAL	<u>0.06</u>	<u>7.0</u>

37-00589H claimed a A37-000589J
to be ac. for disallowed
SRBA Overlap due to non-use
Adjustment Memo ✓
LICENSE
#1 AMEND: _____/P38
#2 AMEND: (R)P42/(C)P47

MEMORANDUM

DATE: January 15, 1998
TO: File No. 37-08567
FROM: Cindy Zimmerman *CS*
SUBJECT: Review of Beneficial Use Field Report

The following adjustments¹ were made on the field report to reflect the irrigation use developed under this permit:

F. Flow Calculations.

a. Irrigation.

$$F_{I.R.} = \text{acres} \times \text{cfs/acre} = 2.0 \times 0.03 = \underline{\underline{0.06}} \text{ cfs.}$$

G. Volume Calculations.

a. Irrigation.

$$V = \text{acres} \times \text{AF/acre} = 2.0 \times 3.5 = \underline{\underline{7.0}} \text{ AF.}$$

H. Recommendations.

1. Recommended amounts:

Beneficial Use	Period of Use	Rate of diversion	Annual Volume
Irrigation	<u>4/15-10/15</u>	<u>0.06</u> cfs	<u>7.0</u> AF
	Totals:	<u>0.06</u> cfs	<u>7.0</u> AF

Examiner: Georgia Satterlee
Examined: August 21, 1997

¹ Adjustments are **bolded and underlined**.

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FEB 23 1998

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

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

January 12, 1998

RECEIVED

JAN 15 1998

Department of Water Resources

Ms. Shelly Keen
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

Re: Craig and Deleys Brandman - Water Right No. 37-08567

Dear Shelly:

Do you need any additional information to proceed with licensing this water right for the Brandmans? If so, please call me as soon as possible. If not, when do you project the license will be issued?

Thank you again for all your help in this matter.

Sincerely yours,

SPECK & AANESTAD
a professional corporation



James P. Speck

JPS:rsd
cc: clients

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FEB 23 1998

MEMORANDUM

DATE: December 9, 1997

TO: Water Right File 37-08567

FROM: Shelley W. Keen *SWK*

RE: Irrigation System

This morning I contacted Jim Speck and asked if he could obtain from C. U. Next Storm a schematic of the irrigation system installed in 1996 for the Brandmans. It appears that the examiner's recommendation to void the permit should be reversed, and I hoped that the schematic would be useful in determining a diversion rate and other elements of the right.

Jim Speck called back to inform me that C. U. Next Storm does not have a schematic. Shaun Speer asked Jim to explain that the system first installed and used in 1996 was very simple. The 1 1/4" PVC mainline ran down the center of the lot for the length of the lot. Six standpipes with 3/4" hose bibs attached to the mainline, facing in alternate directions. Irrigation was accomplished by leaving the valves open and allowing water to flow out of the hose bibs and onto the ground, flooding the lot. This is consistent with the fact that the examiner found two of the standpipes, but not sprinklers.

Assuming that the pump and motor in the well are the same as in the Brandmans' other well (37-08481) developed during the same period, the system should theoretically produce far in excess of the permitted diversion rate. I have attached a copy of the calculation sheet from the exam for 37-08481. Note that 37-08481 is a pressurized system, whereas the system developed under this permit is not pressurized.

This afternoon I called the field examiner to discuss these points. She concurred that the additional information supports the conclusion that a beneficial use of water was developed under the permit and that a license should be issued for two acres of irrigation.

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FEB 23 1998

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

FILE: 37-08491
DATE: 2 SEPT 97
BY: SATTERLEE

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8) \times (H.P.) \times (EFF.)}{TDH}$

Q = CFS
H.P. = Total Brake Horsepower of pumping plant (including booster)
EFF. = Pumping plant efficiency (ASSUME 70% OR 0.70)
TDH = total dynamic head = [(LIFT) + (PSI X 2.31)]
LIFT = depth to water in FEET from land surface to pumping water level
PSI = pumping pressure measured in psi near pump (if open discharge assume zero [0])

$$Q = \frac{(8.8) \times (... 2.0 ...) \times (0.70)}{[(... 26 ...) + (... 50 ... \times 2.31)]} = \frac{12.32}{141.5} = 0.09 \text{ cfs}$$

LIFT FROM:	PSI FROM:	NOTES ON PUMP:
measurement ()	measurement ()	Motor Make, Serial or ID
owner ()	owner ☒	
area estimate ()	estimate ()	Pump Make, Serial or ID, rating
well logs ☒	owner gage ()	
Booster (Y) ☒	(N)	

REMARKS

APPLICANT WILL SEND
21 AUGUST 97

ANNUAL VOLUME ANALYSIS

POTENTIAL Acre Feet/Acre/Annum = $\frac{(\text{DAYS IN SEASON}) \times (1.98) \times (Q)}{(\text{RECOMMENDED ACRES IRRIGATED})}$

(season)	(days)	
3/15 - 11/15	246	
4/1 - 11/1	215	
4/15 - 10/15	184	
3/1 - 12/1	276	

POTENTIAL = $(.....) \times (1.98) \times (.....)$

POTENTIAL =

REQUIRED Acre Feet/Acre/Annum =
(AF/Ann/Ac irrigation requirement from chart for area)

NOTE that this is NOT Consumptive use

IF POTENTIAL IS GREATER THAN REQUIRED THEN NO MEASUREMENT NECESSARY ()

IF POTENTIAL IS LESS THAN REQUIRED THEN MEASUREMENT IS NECESSARY ()

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FEB 23 1998

Copy for file 37-08567

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

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

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

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

December 4, 1997

RECEIVED

DEC 08 1997

Mr. Shelly Keen
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

Department of Water Resources

Re: Craig & Deleys Brandman - Water Right No. 37-08567

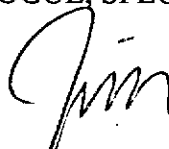
Dear Shelly:

I represent Drs. Craig and Deleys Brandman. They have asked me to respond to the November 18, 1997 Notice of Intent to Void Permit. I have reviewed the Beneficial Use Field Report and discussed the matter with my clients. I believe the field examiner did not fully understand the system in place for this Water Right. I have enclosed a copy of a letter to you from the landscape contractors who installed the system and were in the process of repairing it on the day of the field exam. The original above-ground system was used to flood irrigate Lot 14 to grow grass and help with weed control. Extensive landscaping has not yet been installed since the ultimate use of the property has not yet been determined. It will likely become, at least in part, horse pasture, as long as the two lots are controlled by the Brandmans.

I believe this is sufficient to establish the required beneficial use for licensing the water right for the irrigation of two acres. The Brandmans concede the domestic use has not been established. The Permit does not require the irrigation use be in connection with a domestic use. If you would like more information from the Brandmans and/or their contractors, please contact me immediately

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.



James P. Speck

JPS/j

(enclosure)

cc: clients (w/ enclosure)
Shaun Speer

MICROFILMED

FEB 23 1998



**C - U
NEXT STORM**

LANDSCAPING

New Construction and Maintenance

SNOW REMOVAL

Driveways • Roofs • Sidewalks • Etc.

December 4, 1997

State of Idaho Department of Water Resources
Shelly Walter Keen
Water Rights Supervisor
1301 N. Orchard / Box 83720
Boise, Idaho 83720

Dear Shelly:

This letter is regarding work performed at Craig Brandman's residence, 129 Hyndman View on a secondary lot just east of Craig's primary lot.

In the summer of 1996, your board asked Mr. Brandman to start using his water rights on this piece of property. On June 21, 1996, in coordination with Walker Water and a local electrical company, C U Next Storm Landscaping installed a flood irrigation system for Craig. We installed a clock at the electrical hook-up with the electrical company installing the power supply and a pump start. C U Next Storm installed a clock, double check and one 1" valve. The main line was 1 1/4" PVC originally with 3/4" hose bibs for a flood irrigation type system. The system was installed originally above ground. The clock was set to water daily throughout the summer.

In the Fall of 1996, we had an early hard freeze that froze and cracked the PVC line. Per discussion with Mr. Brandman, we came in and re-did the main line system. The main water well is centered approximately fifty feet from the main road on the lot, we installed a 1 1/2" poly line below ground and reinstalled the hose bibs, approximately 6 hose bibs over 320 feet of main line due directly North.

The system was again operated this year until approximately October 15th, on a daily watering schedule.

Because Mr. Brandman was unsure of how he was going to use this property i.e. a guest house, horse pasture, barn or whatever, Craig and I decided on the above system to give us as many options in the future as possible but to still adhere to the requests your office made on him.

MICROFILMED

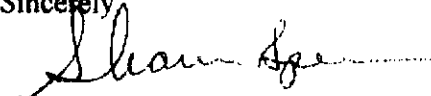
SHAUN SPEER
FULLY INSURED - FREE ESTIMATES
(208) 788-3202 - P.O. BOX 3292 - HAILEY, IDAHO 83333

FEB 23 1998

Water Resource Board
Page 2

If you need further information, please don't hesitate to call me at my office, 788-3202.

Sincerely,



Shaun Speer

cc: Mr. Craig Brandman
Jim Speck, Hogue, Speck & Aanestad, Atty.

MICROFILMED

FEB 23 1998



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 26, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

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

RE: Water Right No. 37-08567 (Brandman)

Dear Jim:

As you requested, I have enclosed a photocopy of the Beneficial Use Field Report prepared for Permit 37-08567.

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

Respectfully,

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

Shelley Walter Keen
Water Rights Supervisor

Enclosure

MICROFILMED
FEB 23 1998

HOGUE, SPECK & AANESTADA PROFESSIONAL ASSOCIATION
ATTORNEYSTERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
TRACY DUNLAP
MICHELE C. MESKE120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
FAX (208) 726-0752HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

November 26, 1997

SENT VIA FACSIMILE: 1-208-327-7866**NO ORIGINAL TO FOLLOW**Mr. Shelley W. Keen
Water Rights Supervisor
IDWR
Post Office Box 83720
Boise, Idaho 83720-0098**Re: Permit No. 37-08567
Craig and Deleys Brandman**

Dear Shelley:

On November 20, 1997 our office received your Notice of Intent to Void Permit for Permit No. 37-08567 in the Name and Craig and Deleys Brandman. Please immediately send me a copy of any written report prepared by the IDWR field examiner relating to the August 21, 1997 inspection. I have sent the notice on to the Brandmans for their review and comment.

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.


James P. Speck

JPS:jal

MICROFILMED
FEB 23 1998



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 18, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CRAIG BRANDMAN
DELEYS BRANDMAN
C/O JAMES P. SPECK, ESQ.
PO BOX 987
KETCHUM ID 83340

Notice of Intent to Void Permit

RE: Water Appropriation Permit 37-08567

Dear Permit Holder(s):

In 1990 IDWR issued permit 37-08567 authorizing you to develop a right to use 0.10 cfs of ground water for irrigation and domestic purposes in Section 3, Township 3 North, Range 18 East. Under the provisions of your permit, you were to have completed your development by July 1, 1996. On May 28, 1996, IDWR received your Proof of Beneficial Use statement indicating you had completed the development authorized by the permit. However, on August 21, 1997, an IDWR field examiner inspected your development and reported that she could find no evidence of water use at the proposed place of use. Therefore, she could not verify that a beneficial use of water has been developed in accordance with your permit.

The final step in the water appropriation process is the issuance of a Water Right License. By issuing a license, IDWR recognizes that you have met the requirements for establishing a water right. If you have not developed a beneficial use of water within the development period authorized by your permit, however, no water right has been established, and no license can be issued. Once the development period authorized by your permit expires, your permit cannot be retained to cover future development of the resource.

Please supply information to demonstrate that you have developed a beneficial use of water in accordance with permit 37-08567. If I do not receive the requested information from you within thirty days, I will take action to void your permit under the provision of Section 42-219(6) of the Idaho Code.

If you concur that no development occurred under permit 37-08567, you can shorten the voiding process by completing the enclosed relinquishment form and returning it to IDWR.

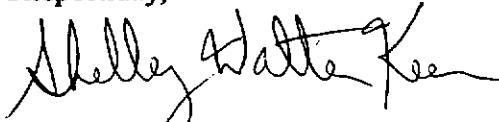
MICROFILMED

FEB 23 1998

Brandman
November 18, 1997
Page 2

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

Respectfully,

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

Shelley Walter Keen
Water Rights Supervisor

Enclosure

MICROFILMED
FEB 23 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

SEP 08 1997

Department of Water Resources

A. GENERAL INFORMATIONPermit No. 37-085671. Owner: BRANDMAN CRAIG AND DELEYS Phone No. 788-5709Current Address: 70 JAMES SPECK, PO BX 987, KETCHUM, ID., 833402. Accompanied by: CRAIG BRANDMAN EXAM DATE: 21 Aug 97

Address: _____ Phone No. _____

Relationship to Permit Holder: SAME3. Source: GROUNDWATER tributary to _____**B. OVERLAP REVIEW**1. Other water rights with the same place of use: NONE2. Other water rights with the same point of diversion: NONE**C. DIVERSION AND DELIVERY SYSTEM**

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
#2		NW	NW	SE	03	03N	18E	BLAINE	FIELD EXAM
									GPS (LOCATION)

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	

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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
GPS A0002823	SEE PHOTO	PG. 1/2			

*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: _____

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E. NARRATIVE/REMARKS/COMMENTS

FROM: Georgia Satterlee
DATE: 02 September 1997
RE: 37-08491,-08567 (37-00539H,A37-00539J)

At 1330 hrs. on 21 August 1997, I met with Craig Brandman to perform a field examination regarding the above permit numbers. I asked Mr. Brandman if they used the surface right out of the East Fork of the Wood River. He said no. I took a photo (Photo Page 3/3) of the only area by the river that was clear of brush. I did not see a pump or other paraphernalia for surface water irrigation.

The first well associated with 37-08491 is located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, T03N, R18E. The well is approximately 150 ft. south-easterly of the East Fork Wood River and 40 ft. north-easterly of the westerly lot line of Lot 15 in the Hyndman Peak Subdivision.

The place of use is approximately 2.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 3, T03N, R18E. There is one house on Lot 15. The partially landscaped lot is irrigated by Rainbird R-50 Pop-Up Turf Birds. The rest of Lot 15 is irrigated by Rainbird 2045PJ Maxi-Birds impact sprinklers. The majority of irrigation is not for a manicured landscape. Regardless, it is being irrigated.

The second well on Lot 14 associated with 37-08567 is in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, T03N, R18E. The well is approximately 75 ft. north-easterly of the lot line of Lots 15-14 and 50 ft. north-westerly of Hyndman View Drive.

On 02 May 1996 a verbal was issued for the approval of drilling the well on Lot 14. Proof of Beneficial Use was signed by Deleys Brandman 27 May 1996.

The attached photos show Lot 14 with sage brush and long grass. The two faucets were the only spigots found. I walked the majority of the lot and I found no sprinklers.

At the time of the examination, three employees from the landscape company "C U Next Season" were present. Two of the employees were clearing brush near the river on Lot 15. The third employee was measuring and laying out what looked like 2" PVC pipe. Mr. Brandman said the landscape company was repairing the system from the harsh winter of 1996. I asked for schematic of the design of irrigation system. He told me I could get the design from "C U Next Season".

Due to obvious reasons (no house, questionable irrigation system and hardware) I am unable to recommend any use for Lot 14.

The surface water right 37-00539H, with the adjudication claim A37-00539J, can be disallowed due to non-use. This was verified by Mr. Brandman's statement (see the first paragraph) and the documentation dated October 18, 1995, from Norma Peterson of Water District No. 37.

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

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* **F. FLOW CALCULATIONS**
Measured Method:

_____ Additional Computation Sheets Attached

* **G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

* **H. RECOMMENDATIONS**

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
	From	To	Q (cfs)	V (afa)
NONE				
			Totals:	

2. Recommended Amendments

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

I. AUTHENTICATION

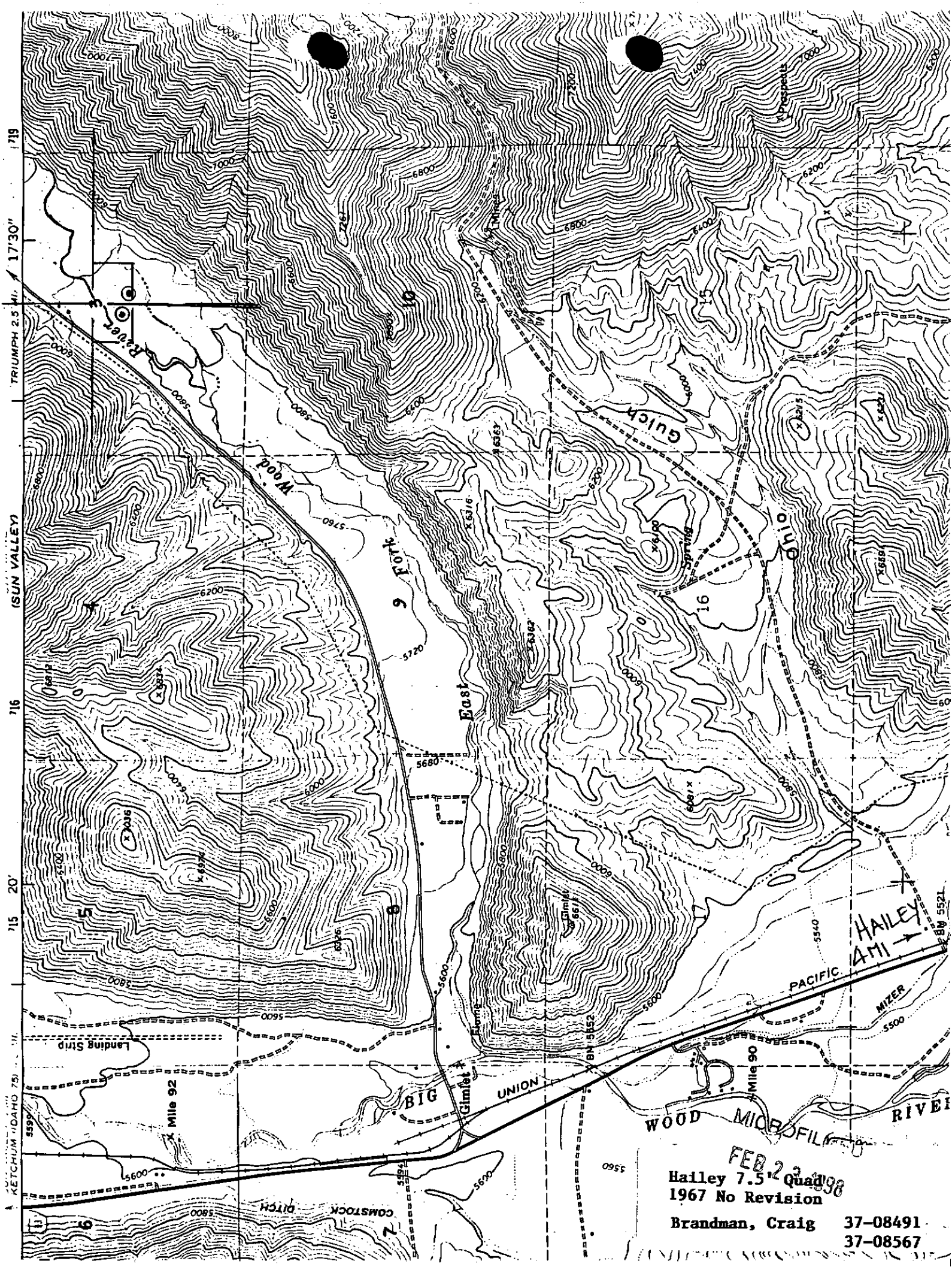
Field Examiner's Name Georgia Satterlee Date 2 Sept 97

Reviewer _____ Date _____

SEAL

* Adjustments made during review of this right for license approval.
See Memo for additional information. 11/15/98 CS.

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FEB 23 1998



FEB 23 1968
Hailey 7.5 Quad
1967 No Revision

Brandman, Craig 37-08491
37-08567

7059

7057

7061

SEC 3, T3N, R18E
NE NE SW 1/4

TL 5710

REPLAT OF LOTS 9, 10 & 11

SEC 3, T3N, R18E
NW NW SE 1/4

HYNDMAN PEAK SUBDIVISION

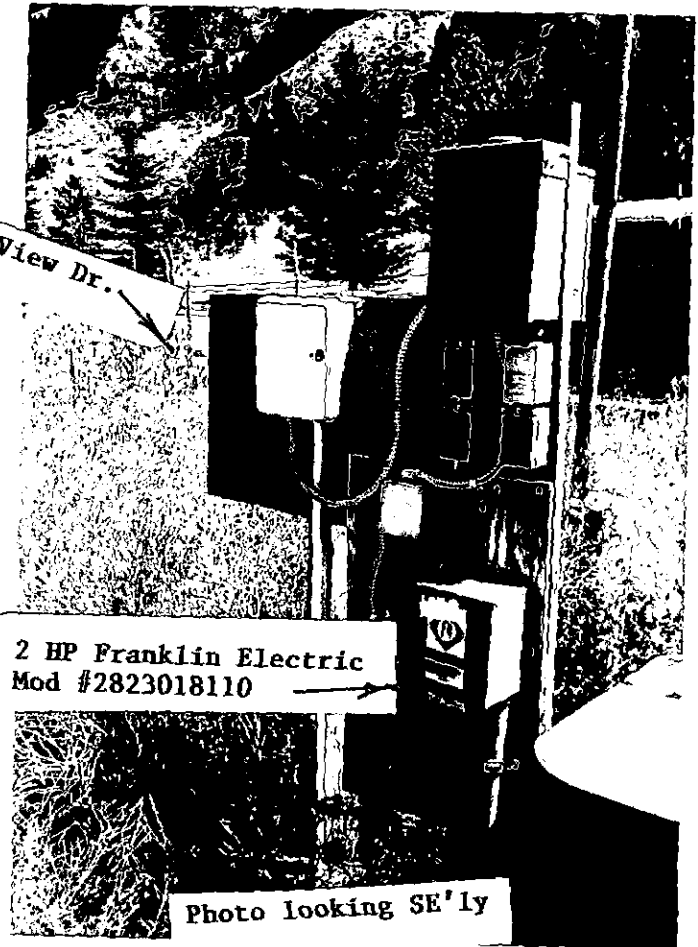
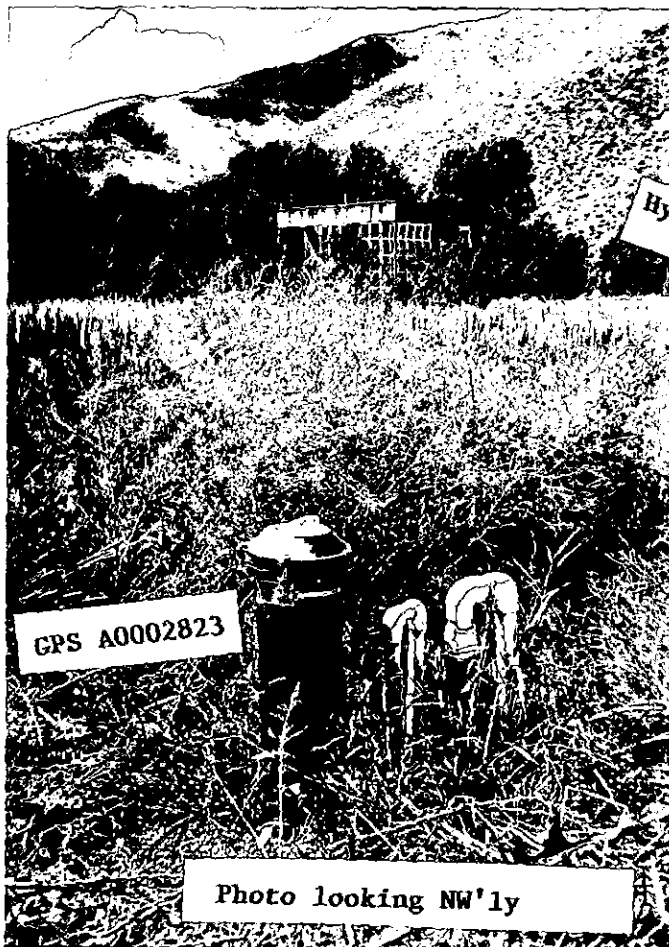
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U.S.
FEB 23 1998

Brandman, Craig and Deleys
37-08491, -08567
21 Aug 1997 1400 hrs.
Examiner: Satterlee

SEC. 3. T. 3 N., R. 18 E.

3 2
10 11

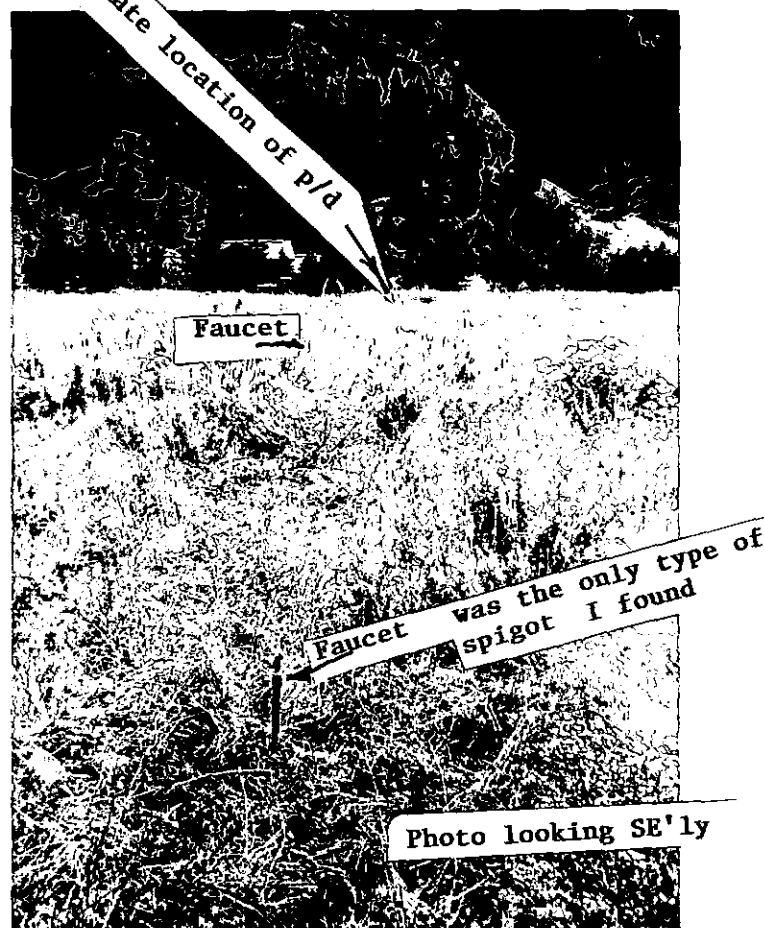
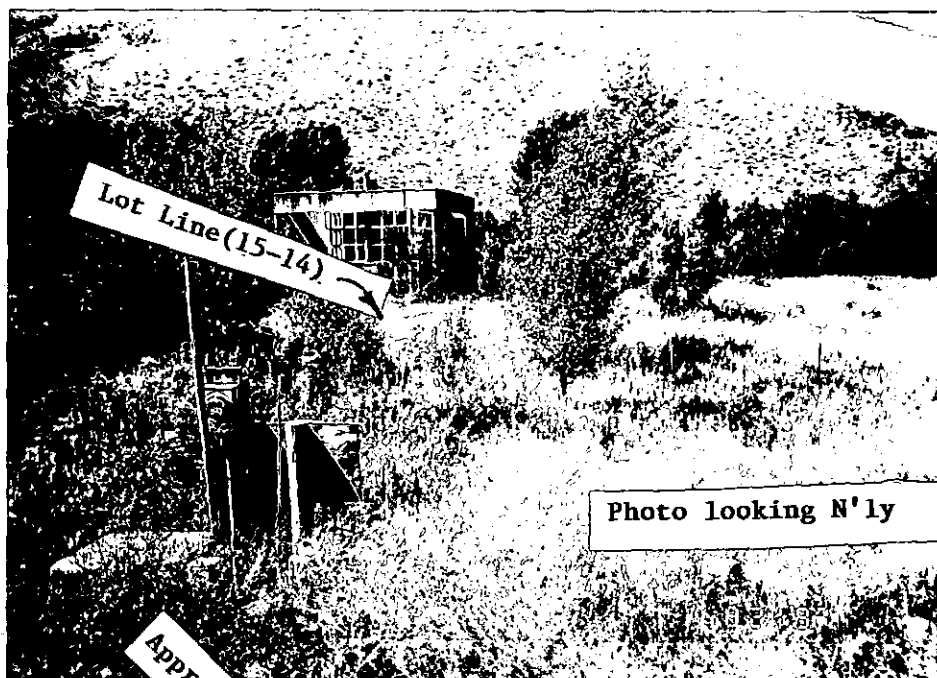
1/2



FEB 23 1998

Brandman, Craig & Deleys
21 Aug 97 1330 hrs.
Examiner: Satterlee

37-08567



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FEB 23 1998

Brandman, Craig and Deleys
21 Aug 97 1330 hrs.
Examiner: Satterlee

37-08567

FROM: Allen Merritt *AM*

DATE: October 20, 1995

TO: Doug Jones for SRBA files, Transfer #4671 file

SUBJECT: Review and Recommendation of Transfer #4671 and other issues related to 37-00539.

Transfer #4671 is the fifth transfer relating to right 37-00539. The right was originally decreed for 3.0 cfs and made appurtenant to 4 tracts of land (SWNE, NWSE, NESW, SESW in Section 3, Twp.03N, Rge.18E, B.M.). The actual number of acres irrigated was not decreed.

In 9/4/1986 Rupert House filed the first transfer #3291 which split off 0.40 cfs for irrigation of 12 acres. This transfer was approved. In the process Jim Stanton conducted a field review and made a determination that the historical lands irrigated amounted to 57 acres. (See transfer for legal) House split of 15 acres for irrigation of 12 acres. On microfilm there is a aerial photo where Jim has drawn the A and B parts of the right. The photo shows 55.2 acres and a 11.2 acre parcels. The 11.2 acre tract appears to be Rupert House's part. Jim cuts off the southern portion of the 55.2 acre parcel resulting in 42 acres being left for this part. On the transfer in remarks there is a statement that the House portion has been used but the other portion has not been used since 1979. The remaining portion after House takes his was reported to have been sold to Brennan who developed the Hyndman Peak Subdivision.

On 9/22/1986 Joseph Cirillo filed the second transfer #3280 which split off 0.41 cfs to a pump for irrigation of 6.65 acres in Lots 23, 24 and 25 of Block 2 of the Hyndman Peak Subdivision. The transfer was approved. ***Note that lots 23, 24 & 25 are in both the NESW and SESW of Section 3. The transfer only lists NESW. During the review of this transfer a letter from Reid Newby, watermaster addresses delivery of the Brennan 130" and Spackman concludes there is no evidence of forfeiture for the period of 1980 through 1985.

On 5/19/1987 Joseph Cirillo filed the third transfer #3332 which split off 0.146 cfs to the same pump for transfer #3280 for irrigation of 2.36 acres in lot 26 of Block 2 of the Hyndman Peak Subdivision. The transfer was approved. ***Note that lot 26 is in the SESW but transfer list P/U in NESW. No possible forfeiture since 1985 at that time.

On 2/1/1989 Craig Brandman filed the fourth transfer #3551 which split off 0.155 cfs to a pump for irrigation of 2.5 acres in lots 14 and 15 of Block 1 of the Hyndman Peak Subdivision. The transfer was approved. No possible forfeiture since 1985 at that time.

On 3/9/92 Richard Porter sent an application for transfer through his attorney Kenneth Arment. Doug Jones returned the application on 8/14/95 to attorney Brian Ballard because the application did

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FEB 23 1995 37-08491, -08567

37-00539 K, T # 4671

not make sense with the record of water rights. On 9/2/1994 a replacement transfer application was filed for Richard Porter by a different attorney, Richard Burleigh. This application is numbered #4671 and subject of this memo. With the new application there were documents filed to attempt to show more acres were irrigated than the department has been tracking as based on Jim Stanton's original estimate.

On 10/17/95 I called the watermaster's office and talked with Norma Peterson. As a result of our conversation she went back into her records and prepared the attached letter describing the delivery of the right back to 1980. In reviewing this letter it appears clear and convincing to me that the portion of the right subject of Transfer #4671 has not been used for 10 years.

Based on this I recommend the transfer be disallowed.

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EE

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

RECEIVED
OCT 18 1995
Department of Water Resources
Southern Region

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

October 18, 1995

Alan:

The following is a list of owners of water right 37-0539 of 150 inches and the use record for that right. By using the past Watermaster's work sheet I was able to go back as far as 1980.

Year	Owner	Inches Owned	Used
1980	Robert Brennan	130.00	no
	Rupert House	20.00	no
1981	Robert Brennan	130.00	yes
	Rupert House	20.00	yes
1982	Robert Brennan	130.00	no
	Rupert House	20.00	yes
1983	Robert Brennan	130.00	no
	Rupert House	20.00	yes
1984	Robert Brennan	130.00	yes
	Rupert House	20.00	yes
1985	Robert Brennan	130.00	yes
	Rupert House	20.00	yes
1986	Robert Brennan	130.00	no
	Rupert House	20.00	yes
1987	Robert Brennan	102.20	no
	Joseph Cirillo	27.80	yes
	Rupert House	20.00	yes
1988	Robert Brennan	102.20	no
	Joseph Cirillo	27.80	no
	Rupert House	20.00	yes

Years on hold

1 1
2 2
3 3

6/3/1998
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FEB 23 1998

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. PETERS
Watermaster

Page 2

1989	Robert Brennan	94.45	no	4	
	Joeseeph Cirillo	27.80	yes		4
	Dr. Craig Brandman	7.75	no		
	Rupert House	20.00	yes		
1990	Robert Brennan	54.01	no	5	
	Bruce McCaw	27.80	yes		5
	Dr Craig Brandman	7.75	no		
	Robert Mitchell	40.44	no		
	Rupert House	20.00	yes		
1991	Robert Brennan	54.01	no	6	
	Bruce McCaw	28.50	yes		6
	Dr Craig Brandman	7.75	no		
	Robert Mitchell	40.44	yes		
	Rupert House	20.00	yes		
1992	Robert Brennan	54.01	no	7	
	Bruce Mc Caw	27.80	yes		7
	Dr Craig Brandman	7.75	no		
	Robert Mitchell	40.44	yes		
	Rupert House	20.00	yes		
1993	Robert Brennan	54.01	no	8	
	Bruce Mc Caw	27.80	yes		8
	Dr Craig Brandman	7.75	no		
	Robert Mitchell	40.44	yes		
	Rupert House	20.00	yes		
1994	Robert Baugh	10.85	no	9	
	Hyndman Homeowners	43.16	no		9
	Bruce Mc Caw	27.80	yes		
	Dr Craig Brandman	7.75	no		
	Robert Mitchell	40.44	yes		
	Rupert House	20.00	yes		
1995	Robert Baugh	10.85	no	10	
	Hyndman Homeowners	43.16	no		10
	Bruce Mc Caw	27.80	yes		
	Dr Craig Brandman	7.75	no		
	Robert Mitchell	40.44	yes		
	Rupert House	20.00	yes		

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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

Page3

In way of explanation for non-use of some portions of this water right. Robert Brennan is a developer, his practice is to buy up land and water rights. As a rule he never uses the water. He then develops the land, sells off parcels and the water right may or may not be used by the new owner. Mr. Brennan has held more water rights in non use situations and has caused much controversy because of this practice.

I hope you find this information useful. If there is anything further we can do to be of help please let us know.

Sincerely,

A handwritten signature in cursive script that reads "Norma Peterson".

Norma Peterson
Secretary/Treasurer

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FEB 23 1998

IDAHO DEPARTMENT OF WATER RESOURCES

WELL INSPECTION FORM

1. DRILLING PERMIT NO: 37-96-S-0042-000 OTHER APPLICABLE NO: 37-08567
2. OWNER: BRANDMAN, CRAIG & DELEYS Phone: 788-5709
Address: 129 HYNDMAN VIEW DR., HAILEY
3. WELL LOCATION: Twp 03N, Rge. 18E, Sec. 03, NW 1/4 SE 1/4
County BLAINE (Provide sketch map and photo on reverse.)
4. DRILLER: WOOD RVR Lic. No. 1996
When Drilled? 1996
5. WELL CONSTRUCTION:
Casing Diameter 6" inches Water tight cap? ☒ Yes ☐ No Access Port: ☒ Yes ☐ No
Casing $\geq$ 12 inches above ground? ☒ Yes ☐ No - Describe 8" o.g.
Depth of Casing _____ ft. Method Drilled _____
Condition of Well Casing: ☐ Good ☒ Fair ☐ Poor Describe _____
Control Valve? ☐ Yes ☐ No Pressure Gauge: ☐ Yes ☐ No
Condition of Piping and Valving _____
Auger to a depth of _____ ft. Evidence of Annular Seal ☐ Yes ☐ No
Are there obvious constuction problems that may be a source for contamination or waste of water?
☐ Yes ☐ No (Describe in Remarks and Attach Photo - On Reverse)
6. HYDROLOGIC INFORMATION:
Depth to Static Water _____ ft. Water Temperature _____ °F
Flowing Artesian ☐ Yes ☐ No Pressure: _____ (psi)
Water Sample Taken? ☐ Yes ☒ No If yes, describe purpose _____
Water Quality Measurements/Observations (Describe) _____
7. WELL USE:
☐ Domestic No ☒ Irrigation ? ☐ Stock
☐ Test HOUSE ☐ Municipal ☐ Industrial
☐ Abandoned ☐ Waste Disposal/Injection MICROFILMED ☐ Not Used
☐ Other: _____

FEB 23 1998

8. POSSIBLE CONTAMINATION SOURCES:

Is there evidence of Chemigation? ☐ Yes ☒ No

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

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

If yes, what Type? _____

How far away from the well is this source? _____

9.

REMARKS: LOT 14 HYNDMAN PEAK SUBD.

W. Satterlee WRAgent
Signature of Dept. Representative & Title

21 Aug 97

Inspection Date

HOUSE IS ON LOT 15

PHOTOS, DRAWINGS, OTHER ATTACHMENTS:

GPS#
A0002823



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FEB 23 1998

LOOKING NW'LY

Use Typewriter or Ballpoint Pen

Office Use Only
Inspected by _____
Twp _____ Rge _____ Sec _____
_____ 1/4 _____ 1/4 _____ 1/4
Lat: : : Long: : :

1. DRILLING PERMIT NO. 37 - 95 - 1 - 3042 - 000
Other IDWR No. 3708567

2. OWNER:

Name BRANDMAN, CRAIG
Address 14 LAUREL LANE
City SAUSALITO State CA Zip 94965

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N

	X		

W E

S

Twp. 3 North ☒ or South ☐
Rge. 18 East ☒ or West ☐
Sec. 3, 1/4 NW 1/4 SE 1/4
10 acres 40 acres 160 acres
Gov't Lot _____ County BLAINE
Lat: : : Long: : :
Address of Well Site 133 HYNDMAN VIEW DRIVE
City HAILEY
(Give at least name of road + Distance to Road or Landmark)

Lt.14 Blk. Sub. Name HYNDMD PEAK SUB.

4. USE:

☐ Domestic ☐ Municipal ☐ Monitor ☒ Irrigation
☐ Thermal ☐ Injection ☐ Other

5. TYPE OF WORK check all that apply (Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

☒ Air Rotary ☒ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
BENTONITE	0	20	12	OVERBORE

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) _____

Was drive shoe seal tested? ☐ Y ☒ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
5	+2	60	.250	STEEL	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

☐ Perforations Method _____

☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

_____ ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or
control devices:

11. WELL TESTS:

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
50			1 HR

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments: _____

Depth first Water Encountered _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

[illegible]

Completed Depth 60' EG 23 (Measurable)
Date: Started 05/15/96 Completed 05/15/96

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name **WOOD RIVER DRILLING INC.** Firm No. **265**

Firm Official Kerr Smith Date 25/06/96

Supervisor or Operator RSCD Personnel Date 6-6-96

(Sign once if Firm Official & Operator)

June 27, 1996

CRAIG BRANDMAN
DELEYS BRANDMAN
C/O JAMES P SPECK ESQ
PO BOX 987
KETCHUM ID 83340

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08567

Dear Permit Holder:

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

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED

AUG 07 1996

RECEIVED

JUN 05 1996

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

ATTORNEYS

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

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

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

June 4, 1996

Ms. Julie L. Yarbrough
Senior Secretary
Idaho Department of Water Resources
1301 N. Orchard St.
Statehouse Mail
Boise, ID 83720-9000

Re: Permit No. 37-08567
Drs. Craig and Deleys Brandman

Dear Julie:

Enclosed you will find the completed Proof of Beneficial Use and my client's check to IDWR for the \$50.00 filing fee. Please confirm your receipt and contact me if you have any further questions. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD



James P. Speck

JPS:jrs
encl.
c: client

AUG 07 1996

April 30, 1996

CRAIG BRANDMAN
DELEYS BRANDMAN
C/O JAMES P SPECK ESQ
PO BOX 987
KETCHUM ID 83340

PROOF DUE NOTICE

RE: PERMIT NO. 37-08567

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 July 1, 1996.

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

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

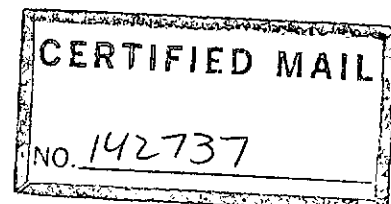
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

AUG 07 1996





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

July 19, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RE: In the matter of Application for Permit No. 37-08567 in the name of Dr. Craig Brandman and Dr. Deleys Brandman

Dear Interested Party:

The accompanying order 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 within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of this order. The hearing officer 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 to the Director. Otherwise, this preliminary order will become a final order of the agency.

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 Director. The

AUG 07 1996

Director retains the right to review the preliminary order on his own motion.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director 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 Director 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 Director 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 Director 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.

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APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Sincerely,



L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

cc: IDWR - Region

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JUN 20 1995

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

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

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

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

June 19, 1995

904

VIA OVERNIGHT MAIL

Mr. Glen Saxton
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise ID 83720-9000

Re: In the Matter of Permit No. 37-08567 - Craig and Deleys Brandman

Dear Glen:

Pursuant to our agreement to submit evidence in the form of Affidavits and written legal arguments rather than conduct an evidentiary hearing, I am enclosing the original and a copy of a Memorandum and Affidavit of Deleys Brandman in support of our petition contesting the denial of a request for extension of time to submit proof of beneficial use and the decision to lapse Permit No. 37-08567. Please have the copy stamped as filed and return to me in the self addressed stamped envelope I have enclosed for that purpose. Please call me if you have any questions. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.



James P. Speck

JPS:sab
enclosure
cc: Client (w/encl.)

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JUN 12 1995

Hogue, Speck & Aanestad

James P. Speck, Esq.
HOGUE, SPECK & AANESTAD
Post Office Box 987
120 East Avenue
Ketchum, Idaho 83340
Telephone: (208) 726-4421
Facsimile: (208) 726-0752

Attorneys for Permittees

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
37-08567 IN THE NAME OF CRAIG &) AFFIDAVIT OF DELEYS
DELEYS BRANDMAN) BRANDMAN

STATE OF CALIFORNIA)
COUNTY OF San Francisco SS.

1. My husband, Craig Brandman, and I are the holders of Idaho Water Permit No. 37-08567 (the "Permit") and the owners of Lot 15, Hyndman Peak Subdivision, Blaine County, Idaho. Lot 14, adjacent to Lot 15, is owned by the pension and profit sharing plan set up by the professional corporation through which my husband and I operate our medical practices (the "Plan"). Lots 14 and 15 are located along the East Fork of the Big Wood River.

AFFIDAVIT - 1

AUG 07 1996

P:\WPDATA\JIM\BRANDMAN\AFFIDELY.002

2. In 1988, we constructed our house on Lot 15 and installed irrigated landscaping. The water for these purposes is provided from a well on Lot 15 pursuant to Permit 37-08491.

3. In February, 1990, we obtained the Permit to provide water for another residence and additional irrigated landscaping on Lot 14. The Permit provided only two (2) building seasons to complete the project. However, we never contemplated completion of the entire project within such a short period of time. We had only completed the landscaping plans by the end of the second building season. We then asked our attorney to file for an extension of time to submit proof of beneficial use under the Permit. The request was granted giving us until March 1, 1995 to comply.

4. Since Lot 14 became an asset of the Plan, we are required, in our fiduciary capacity as trustees of the Plan, to manage its assets according to the prudent investor standard. From 1992 through the end of the 1994 building season, the Plan has not had sufficient financial resources to complete the entire project and we did not believe it was prudent for the Plan to attempt to finance the project through borrowing.

5. We did not purchase Lot 14, transfer it into the Plan, and propose the improvements described above for speculation. We, as trustees of the Plan, do not intend to sell Lot 14. Instead, we intend to keep the two lots together and eventually construct the additional residence. Last fall, portions of the landscaping for Lot 14 were seeded but we were unable to complete the landscaping and line up a well driller to drill the well on Lot 14. This past winter was one of the heaviest snowfalls in many years in the Big Wood River valley and even if the well had been drilled it would have been physically impossible to irrigate this spring by March 1 as the lot was still covered with snow and the ground frozen. We had planned to have the well drilled and the landscaping completed and irrigated as soon as weather permitted this spring. However, given the uncertainty created by

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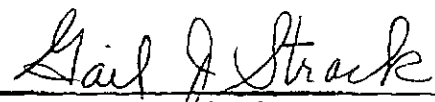
AUG 07 1995

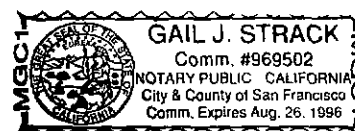
the denial of our request for additional time, we cannot, in our fiduciary capacity as trustees of the Plan, expend the Plan's funds to complete the well and landscaping until we are certain we have not lost the Permit. If the extension of time requested is approved, we will complete the work this summer.

DATED this 7th day of June, 1995.


DELEYS BRANDMAN

SUBSCRIBED AND SWORN to before me this 7th day of June, 1995.


Notary public for California
Residing at San Francisco
Commission expires 8-26-96



Fork of the Big Wood River in Blaine County, Idaho. (Affidavit of Deleys Brandman ("Affidavit"), ¶ 1). Lot 14, adjacent to Lot 15, is owned by the pension and profit sharing plan of the professional corporation through which Permittees conduct their medical practices in California (the "Plan"). (Affidavit, ¶ 1). In 1988, Permittees constructed a home on Lot 15 and drilled a well for the home and irrigated landscaping pursuant to Permit 37-08491. (Affidavit, ¶ 2). In August, 1989, Permittees filed the application for the Permit to provide water for another residence and irrigated landscaping on Lot 14, and requested five (5) years to complete the project. The Permit was issued by IDWR on February 13, 1990, subject to the condition, among others, that "proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1992." The Permit allows the appropriation of ground water to irrigate two (2) acres on Lot 14 during a period of use from April 1 to November 1 each year and to provide domestic water for one (1) home year-round. The Permit does NOT require the development of both the domestic and irrigation uses.

The Permittees had never contemplated completing this entire project within the two (2) building seasons allotted by the Permit and, in fact, had only completed landscaping plans by the end of the second building season. (Affidavit, ¶ 3). Permittees then sought an extension of time to submit proof of beneficial use. The request was granted in February, 1992 extending the deadline to March 1, 1995.

Permittees, in their capacity as trustees of the Plan, are not holding Lot 14 and the Permit for speculation. Instead, they intend to keep both Lot 14 and Lot 15 together and eventually construct the additional residence. (Affidavit, ¶ 5). To date, the Plan has not had sufficient financial resources to construct the residence and Permittees did not believe it was prudent for the Plan to borrow money for the construction. (Affidavit, ¶ 4). Portions of the landscaping for Lot 14 were seeded in the fall

AUG 07 1996

of 1994, but Permittees were unable to complete the landscaping and have the well drilled before winter set in. (Affidavit, ¶ 5). Due to the heavy snowfall of the past winter, it was not possible to get the well drilled by the March 1, 1995 deadline, and even if the well had been in place, no irrigation could have been done by the deadline as the property was still covered with snow and the ground frozen. (Affidavit, ¶ 5).

On February 13, 1995, Permittees filed with IDWR another Request for Extension of Time to submit proof of beneficial use seeking additional time only through the upcoming irrigation season to drill the well, complete the landscaping and apply the water to the landscaping. This request was denied by Order dated February 16, 1995. On February 22, 1995, Permittees' attorneys received this Order and a letter from IDWR stating the Permit is "lapsed" and "of no further force or effect". If the Permit is reinstated with a minimal extension of time through the current irrigation season to submit proof of beneficial use, Permittees, as trustees of the Plan, will complete the landscaping, have the well drilled and the irrigation system installed and in operation this summer. (Affidavit, ¶ 5).

ARGUMENT

I.C. § 42-218 AUTHORIZES IDWR TO GRANT A SECOND EXTENSION OF TIME TO SUBMIT PROOF OF BENEFICIAL USE WITHIN A TOTAL OF FIVE YEARS AND SEVEN MONTHS FROM PERMIT ISSUANCE.

Permittees are requesting a second extension of time to submit beneficial use under the Permit¹. The total time under both extensions would be five (5) years and seven (7) months from issuance of the Permit. The Order denying the second extension states "[IDWR] is not authorized

¹ Permittees are abandoning the domestic use portion of the Permit and will complete only the irrigation portion. The Permit does not require that the irrigation use be developed only in conjunction with a domestic use.

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to grant an additional extension request." Permittees disagree and contend I.C. § 42-218 provides IDWR with such authority in this case.

In their Application for Permit filed in August, 1989, Permittees stated five (5) years was the time required to complete the project. I.C. § 42-204 provides in part as follows:

[IDWR] shall require that actual construction work and application of the water to full beneficial use shall be complete within a period of five (5) years from the date of such approval, but may limit the permit to a less period than is named in the application, and the permit shall set forth the date when beneficial application of the water to be diverted by such works shall be made.

In issuing the Permit in February, 1990, IDWR, notwithstanding the Permittees' request for a full five (5) years to complete the project, gave Permittees only two (2) years. Therefore, the provisions of I.C. § 42-218 apply:

Whenever a less period of time than the maximum prescribed in section 42-204 has been granted by [IDWR] for making proof of beneficial use, upon a satisfactory showing being made by the permit holder, [IDWR] can extend the time for making such proof of beneficial use, but in no case shall such extension or extensions, including the original time granted, exceed the maximum prescribed in section 42-204. [IDWR] shall grant no extension unless the application therefor be filed with it prior to the date upon which the proof of beneficial use was required to be made under the original terms of the permit. (emphasis added).

With limited exceptions, none of which apply to this case, the maximum period for developing a project and making proof of beneficial use is ten (10) years - a maximum of five (5) years set by the permit and a five (5) year extension beyond that original deadline pursuant to I.C. § 42-204(5). It is also possible to interpret I.C. § 42-204(5) to set the maximum period to five (5) years beyond the

AUG 07 1990

original deadline of the Permit, i.e. a total of seven (7) years in the present case². Under either interpretation, Permittees' request falls well short of this maximum time period.

IDWR has apparently taken the position that I.C. § 42-204(5) authorizes it to grant only one (1) extension of time to submit proof of beneficial use no matter how short the original time provided by the Permit and a prior extension. However, this provision must be construed together with I.C. § 42-218 when, as here, less than five (5) years is granted by the Permit to submit proof of beneficial use. Under the latter statute, IDWR can extend the time "upon a satisfactory showing" by the permit holder up to the maximum extension period prescribed in I.C. § 42-204. The legislature specifically included the phrase "such extension or extensions" in I.C. § 42-218. Unless it is permissible for IDWR to grant Permittees' a second extension, this phrase would be rendered meaningless.

In addition, Permittees have presented "good cause" for the second extension. They have pursued the project by developing landscaping plans and seeding a portion of the property. The March 1 deadline in the East Fork area of the Big Wood River Valley is effectively shortened by the winter months preceding it and thus, for practical purposes, results is a deadline in the preceding November. Permittees have only requested sufficient extra time to complete construction and installation of the well and landscaping, work on which was on-going when winter set in last year.

² I.C. § 42-204(5) reads as follows:

In all other situations not governed by these provisions the department may grant one (1) extension of time, not exceeding five (5) years beyond the date originally set for completion of works and application of the water to full beneficial use, upon request for extension received on or before the date set for completion, provided good cause appears therefor. (emphasis added).

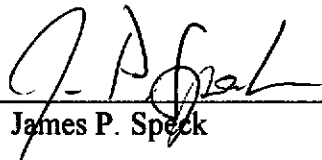
Thus, one can argue that the maximum time under this provision varies from six (6) years (when the minimum of one (1) year to complete the project is set by a permit) to ten (10) years.

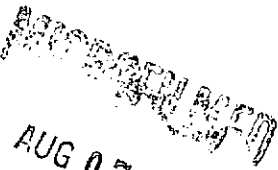
AUG 07 1996

The Permit is a valuable asset of the Plan. Under the current restrictions of the Big Wood River Ground Water Management Area, it is not possible to obtain a similar permit without implementing a plan of mitigation or purchasing and transferring to the property a valid, existing water right for the irrigation of two (2) acres. IDWR should not penalize Permittees and their Plan through a technical and rigid interpretation of its authority under the provisions of the Idaho Code. Permittees have proceeded in good faith, but have been given a total of only five (5) years to complete the project - only half the maximum of ten (10) years granted to many projects. The denied request for further extension would add a mere seven (7) months to the March 1, 1995 deadline. This is a very reasonable request, especially when you consider that winter effectively shortened the deadline by several months to November, 1994. IDWR should conclude that I.C. § 42-218 provides it with the authority in this case to approve Permittees' second extension request which would provide them with a total of five (5) years and seven (7) months to complete the project.

RESPECTFULLY SUBMITTED this 17th day of June, 1995.

HOGUE, SPECK & AANESTAD, P.A.
Attorneys for Permittees

By 
James P. Speck


AUG 07 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 22, 1995

James P. Speck
HOGUE, SPECK & AANESTAD
120 E. Avenue
P.O. Box 987
Ketchum, ID 83340

RE: PERMIT NO. 37-08567 IN THE NAME OF CRAIG AND DELEYS BRANDMAN

Dear Mr. Speck:

Enclosed is a copy of my March 15, 1995 letter to you in connection with the above referenced matter. I have not yet received your memorandum or brief which you planned to submit to the department in mid-May 1995.

Please provide the memorandum or brief soon in order that the department can keep this pending matter moving.

If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 1

c: IDWR - S. Region

RECEIVED
AUG 07 1996



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 15, 1995

James P. Speck
HOGUE, SPECK & AANESTAD
120 E. Avenue
P. O. Box 987
Ketchum, ID 83340

RE: PERMIT NO. 37-08567 IN THE NAME OF CRAIG AND DELEYS BRANDMAN

Dear Mr. Speck:

This letter is a follow-up to our telephone conversation on March 15, 1995 concerning the Petition for Hearing you submitted to the department on March 8, 1995, in connection with the department's denial of a request for an extension of time in which to submit proof of beneficial use for the above referenced permit.

The department acknowledges receipt of the petition and wants to provide the opportunity for hearing to you.

As we discussed on March 15, 1995, rather than hold a tape recorded hearing in Ketchum, I suggested that you could submit a memorandum or brief concerning the matter for the department's consideration. The brief would then essentially constitute the hearing which is provided for in Section 42-1701A(3), Idaho Code. You stated that this approach appeared to be reasonable to you provided you could include appropriate affidavits and had until about mid-May 1995 to submit the information to the department. This procedure is satisfactory with the department.

I will assume this letter correctly describes the procedure we have agreed upon and will constitute the right for a hearing provided in Section 42-1701A(3), Idaho Code, unless you advise me otherwise within ten (10) days.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - S. Region

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AUG 07 1996

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

ATTORNEYS

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

120 EAST AVENUE
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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 7, 1995

VIA EXPRESS MAIL - USPS

Mr. Keith Higginson
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise ID 83720-9000

RECEIVED
MAR 8 1995
Department of Water Resources

Re: In the Matter of Permit No. 37-08567 In the Name of Craig and Deleys Brandman

Dear Keith:

I represent Craig and Deleys Brandman, the Permittees under Permit No. 37-08567. Enclosed you will find the original and a copy of a Petition for Hearing which I request be filed with Idaho Department of Water Resources ("IDWR") to allow my clients to contest the denial of a Request for Extension of Time to submit proof of beneficial use and the decision to lapse their Permit 37-08567. Please file the original, stamp the copy to show the date and time of filing, and return the copy to me in the self addressed stamped envelope I have enclosed for that purpose. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.


James P. Speck

JPS:sab
enclosure
cc: Clients (w/encl.)

MAR 07 1995

James P. Speck, Esq.
HOGUE, SPECK & AANESTAD
Post Office Box 987
120 East Avenue
Ketchum, Idaho 83340
Telephone: (208) 726-4421
Facsimile: (208) 726-0752

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

CRAIG and DELEYS BRANDMAN (the "Permitees"), through their attorneys, the law firm of Hogue, Speck & Aanestad, P.A., hereby petition the Idaho Department of Water Resources ("IDWR") for a hearing before the Director of IDWR pursuant to I.C. §§ 42-204 and 42-1701A(3), to contest the denial by IDWR of a Request for Extension of Time to Submit Proof of Beneficial Use and the decision to lapse Permit 37-08567 (the "Permit"), dated February 16, 1995 and February 21, 1995, respectively. In support thereof, the Permitees state as follows:

1. The Permit was issued by IDWR on February 13, 1990, subject to the condition, among others, that "proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1992." A copy of the Permit is attached hereto as Exhibit A and made a part hereof by this reference.

AUG 27 1995
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2. On February 11, 1992, IDWR granted Permittees' request for extension of time to submit proof of beneficial use to March 1, 1995 (see Exhibit B attached hereto and made a part hereof by this reference). At that time, landscape plans for the place of use had been prepared by or on behalf of Permittees.

3. On February 13, 1995, Permittees filed with IDWR another Request for Extension of Time to submit proof of beneficial use seeking additional time only through the upcoming irrigation season to drill the well, complete the landscaping and apply the water to the landscaping. This request was denied by Order dated February 16, 1995 (see Exhibit C attached hereto and made a part hereof by this reference).

4. On February 22, 1995, Permittees attorneys received the Order described in paragraph 3, above, and a letter from IDWR stating the Permit is "lapsed" and "of no further force or effect" (see Exhibit D attached hereto and made a part hereof by this reference).

5. Permittees intend to arrange for the well to be drilled as soon as possible given the current snow coverage on their lot in the East Fork area of the Big Wood River valley. They then intend to immediately complete the landscaping and put the water to beneficial use. This should be finished no later than June 1, 1995, only three (3) months after the present deadline for submitting proof of beneficial use. In the East Fork area of the Big Wood River Valley, where the proof of beneficial use deadline occurs during winter months and minimal work needs to be done to complete the project and put water to beneficial use, "good cause" exists for the further extension.

6. This Petition is timely filed with IDWR within the fifteen (15) days provided by I.C. § 42-1703A(3).

WHEREFORE, Permittees respectfully request IDWR to do the following:

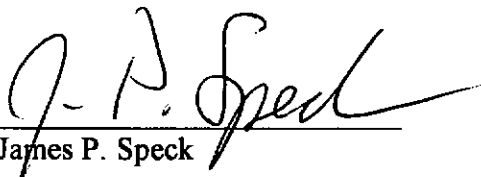
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a. Set a hearing before the Director of IDWR pursuant to I.C. §§ 42-204 and 42-1701A(3) to allow them to contest the denial by IDWR of a Request for Extension of Time to Submit Proof of Beneficial Use and the decision to lapse the Permit; and

b. Grant them an extension of time sufficient to allow them to drill a well and apply the water to irrigate landscaping as provided by the Permit once the snow melts and water is needed for irrigation at the place of use this season, which should be no later than June 1, 1995.

RESPECTFULLY SUBMITTED this 7th day of March, 1995.

HOGUE, SPECK & AANESTAD, P.A.
Attorneys for Applicant

By 
James P. Speck

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 37-08567

Proposed Priority: August 31, 1989

Maximum Diversion Rate:

0.10 CFS

This is to certify, that **CRAIG BRANDMAN**
DELEYS BRANDMAN
C/O JAMES P. SPECK, ESQ.
P.O. BOX 987
KETCHUM, ID 83340

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 11/01	0.06 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
Totals		0.10 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWNWSE Sec. 3, Township 03N, 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>
03N	18E	3	NESW 1	NWSE 1		2

PLACE OF USE: DOMESTIC

TWN RGE SEC

03N 18E 3 NWSE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1992.
2. Subject to all prior water rights.
3. Place of use also known as Lot 14, Hyndman Peak Subd.
4. Domestic use is for one home.

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

3th day of February, 1990.

for R. Keith Higginson
R. Keith Higginson, Director

AUG 07 1996

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FEB 7 1992

REQUEST FOR EXTENSION OF TIME

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

Department of Water Resources

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

Permit No. 37-08567

Name(s) of Permit Holder: DR. CRAIG BRANDMAN AND/OR DR. DELEYS BRANDMAN

Post Office Address: C/O JAMES P. SPECK, HOGUE, SPECK & AANESTAD, POST OFFICE BOX 987,
KETCHUM, IDAHO 83340

Telephone No. (208) 726-4421

Date Proof Is Due: MARCH 1, 1992

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

Landscape plans have been prepared and plans for a guesthouse and/or barn are being prepared. The place of use is a subdivision lot adjacent to the subdivision lot on which the main residence is located. The plans for completion of buildout on both lots never anticipated the original beneficial use due date. The requested extension would merely grant the maximum allowable time for proof of beneficial use in the first instance - five years.

Costing \$

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

Permit holder(s) request an extension to March 1, 1995.
(1 yr. minimum)

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to March 1, 1995.

Signed this 11 day of February, 19 92.

Chief, Water Allocation Bureau

on Bureau
JUN 6 7 1936

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FEB 13 1995

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

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

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

Permit No. 37-08567

Name(s) of Permit Holder: Dr. Craig Brandman and/or Dr. Deleys Brandman

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

Date Proof is Due: March 1, 1995 Telephone No. (208) 726-4421

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

None

Costing \$ _____

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

Permit holders reside out of state and are not able to make arrangements for a well
driller to drill the well until this summer due to present snow conditions. The
extension is merely requested to allow the permit holders until the end of the
summer season to complete the work.

Permit holder(s) request an extension to September 30, 1995.

FEE: \$50.00

Craig Brandman by J-P. Speck, his attorney-in-fact
(Signature)*

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

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be **DENIED** since the department is not authorized to grant an additional extension request.

Signed this 16th day of February, 19 95

R. Keith Higginson
R. KEITH HIGGINSON, Director
FEB 07 1996

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

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



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

R. KEITH HIGGINSON
DIRECTOR

February 21, 1995

Craig & Deleys Brandman
c/o James P. Speck
HOGUE SPECK & AANESTAD
P.O. Box 987
Ketchum, ID 83340

RE: Permit No. 37-08567

Dear Permit Holder:

Enclosed is a copy of the denied request for extension of time submitted to the department in connection with the above referenced permit. The extension was denied since no work has been completed towards development and the department previously granted an extension request in connection with this permit.

Please be advised that this permit is **lapsed** and is of no further force nor affect. No further development under this permit is authorized.

If you have any questions, please do not hesitate to contact the department.

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

C: IDWR - Regional Office

RECEIVED

AUG 07 1996

December 31, 1994

CRAIG BRANDMAN
DELEYS BRANDMAN
C/O JAMES P. SPECK, ESQ.
P.O. BOX 987
KETCHUM ID 83340

PROOF DUE NOTICE

RE: PERMIT NO. 37-08567

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, 1995.

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

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

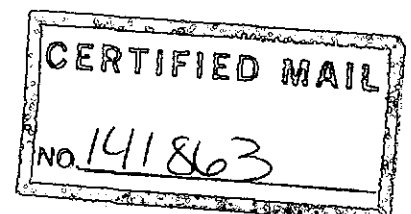
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

AUG 07 1993





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 11, 1992

Dr.'s Craig or Deleys Brandman
c/o James P. Speck
Hogue, Speck and Aanestad
P.O. Box 987
Ketchum, ID 83340

Re: Permit No. 37-08567

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to March 1, 1995. Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

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

Sincerely,

Karen L. Gustafson

Karen L. Gustafson
Secretary/Records Manager

Enclosure

C: IDWR-Regional Office

RECEIVED

MAR 05 1992

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

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

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

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

February 5, 1992

RECEIVED
FEB 7 1992

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

Department of Water Resources

Re: Permit No. 37-08567
Dr. Craig Brandman and/or Dr. Deleys Brandman

Dear Gary:

Enclosed is the request for extension of time for the above-referenced permit. As you will note, I am only asking for an extension out to five years from the date of issuance of the permit. Please call me if you have any questions about this request.

Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS\dmk
Enclosure
cc: Drs. Craig and Deleys Brandman (w/encls.)

j\corres92\spackmg

FEB 5 1992

SPECIAL POWER OF ATTORNEY
(WATER RIGHTS)

I, DR. CRAIG BRANDMAN, of Sausalito, California, designate and appoint JAMES P. SPECK, of Blaine County, Idaho, as my attorney in fact and agent (subsequently called "Agent") to act in my name and for my benefit for the specific purposes stated herein only. I grant to my Agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as I might or could do if personally present and fully competent, hereby ratifying and confirming all that my Agent shall lawfully do or cause to be done by virtue of this Special Power of Attorney and the powers herein granted.

1. SPECIFIC GRANT OF POWER. My agent shall have power to exercise or perform any act, power, duty, right or obligation whatsoever that I now have or may hereafter acquire, RELATING ONLY TO the preparation and filing of claims for water rights in Twin Falls County District Court Civil No. 39576, In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System, and the preparation and filing of applications for permits to or transfers of water rights, or claims to water rights, with the Idaho Department of Water Resources.

2. REVOCABILITY. This Special Power of Attorney is revocable, provided, that insofar as any governmental agency, bank, trust company, insurance company, transfer agent, or other person shall rely upon this power, this power may be revoked only by a notice in writing executed by me or my Agent and delivered to such person or institution.

3. INTERPRETATION. This instrument is to be construed and interpreted as a Special Power of Attorney and shall be limited in accordance herewith.

4. DISABILITY OF PRINCIPAL. This Special Power of Attorney shall not be affected by disability of the principal.

5. THIRD-PARTY RELIANCE. Third parties may rely upon the representations of the Agent as to all matters relating to any power granted to my Agent, and no person who may act in reliance upon the representations of the Agent or the authority granted to my Agent shall incur any liability to us or our estates as a result of permitting the Agent to exercise any power.

SPECIAL POWER OF ATTORNEY - 1

RECORDED

MAR 05 1992

6. GOVERNING LAW. This Special Power of Attorney is executed and delivered in the State of Idaho and the laws of the State of Idaho shall govern all questions as to the validity of this power and as to the construction of its provisions.

7. COUNTERPARTS. This Special Power of Attorney may be executed in counterparts. Each executed counterpart of this Special Power of Attorney shall have the force and effect of this original.

IN WITNESS WHEREOF, I have executed this Special Power of Attorney this 20 day of OCTOBER, 1988.

Craig Brandman
DR. CRAIG BRANDMAN

GENERAL ACKNOWLEDGMENT

NO. 2

State of CALIFORNIA } On this the 20th day of OCTOBER, 1988, before me,
County of MARIN } SS. T.M. MCCARTHY

the undersigned Notary Public, personally appeared

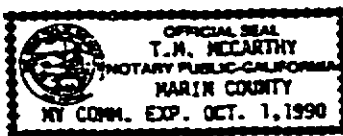
CRAIG BRANDMAN

☒ personally known to me

☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) IS subscribed to the within instrument, and acknowledged that HE executed it.

WITNESS my hand and official seal.



T.M. McCarthy
Notary's Signature

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to another document.

THIS CERTIFICATE
MUST BE ATTACHED
TO THE DOCUMENT
DESCRIBED AT RIGHT:

Title or Type of Document SPECIAL POWER OF ATTORNEY
Number of Pages 2 Date of Document OCTOBER 20, 1988
Signer(s) Other Than Named Above NONE

RECORDED

MAR 05 1992

138369
December 31, 1991

CRAIG BRANDMAN
DELEYS BRANDMAN
C/O JAMES P. SPECK, ESQ.
P.O. BOX 987
KETCHUM ID 83340

PROOF DUE NOTICE

RE: PERMIT NO. 37-08567

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, 1992. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

RECEIVED
MAR 05 1992

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 327-7900
February 13, 1990

CRAIG BRANDMAN
DELEYS BRANDMAN
C/O JAMES P. SPECK, ESQ.
P.O. BOX 987
KETCHUM, ID 83340

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. P37-08567

Dear Permit Holder:

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

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

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

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the

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FEB 21 1990

permit was approved.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

RECORDED

FEB 21 1990

3/89

Drilling Permit No. 37-90-5-001Water Permit No. 37-08567

Injection Permit No. _____

\$ 10000

2148 4th Ave East
Twin Falls, Id 83301

State of Idaho
 Department of Water Resources

DRILLING PERMIT

RECEIVED

NOV 9 1989

1. Applicant Craig Brandman Department of Water Resources
 2. Address 129 Hyndman View Drive, Blaine County, Idaho Southern Region Office
 Telephone 208/788-5709

() Well Owner () Well Operator () Other, specify _____

3. Proposed well location SE 1/4 SW 1/4, or Gov't lot No. _____,
 Sec. 3, Twp. 3N, Rge. 18E, County Blaine,
 Lot, block and subdivision Lot 15, Hyndman Peak Subdivision

4. Proposed use of well: (Check all that apply)

☒ Domestic () Stockwater () Monitoring
 No. of households 1 No. of livestock _____
☒ Irrigation () Industrial () Municipal
 () Injection () Other, Specify _____

5. Well construction information:

☒ New well () Deepen () Replace
 Proposed surface diameter 8" Maximum depth 37

Anticipated bottom hole temperature:

☒ 85°F or less (Cold water well)
 () 85°F to 212°F (Low temp. geothermal well)
 () 212°F or more (Geothermal well)

6. Anticipated construction start date Sept 23 - 1988

7. Well Driller (if known) WOOD RIVER DRILLING AND PUMP

Address BOX 1165 788 3163
HAILEY, IDAHO 83333

8. Applicant's signature Craig Brandman **NOTED**

Title owner FEB 21 1990

Date 11/16/89

Please send copy to Driller

ACTION OF DEPARTMENT OF WATER RESOURCES

This Permit is Amended.

If approved, this permit authorizes the construction of a well subject to the following conditions:

GENERAL CONDITIONS

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from its date of issuance for the start of construction and is valid for one (1) year from the date of issuance for completion of the well unless an extension has been granted.
3. This permit does not constitute the approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Issuance of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85°F or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.

SPECIFIC CONDITIONS

Dated this 15 day of January, 1990.

Signed

Title

Loren O. Hansen
MANAGER, SOUTHERN REGION

Receipt No. 5010539 Receipted by IG Fee \$100.00 Date 11/27/89

EXTENSION OF DRILLING PERMIT

FEB 21 1990

Approval Date _____ Extension approved by _____

This extension is good for 60 days beyond the above extension approval date.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

November 9, 1989

R. KEITH HIGGINSON
Director

Graig Brandman, M.D.
14 Laurel Lane
Sausalito, CA 94965

Dear Applicant:

We are returning your application for a well drilling permit because the information required on the application is not complete.

Please complete the following items and return the application and fee to this office for processing.

✓ Proposed well location. Please indicate 1/4 1/4 section (40-acre tract), Section, Township, and Range the well is to be located in.

✓ A copy of a map showing your area is attached. If you wish, simply mark the well location on the map and return it with your application. We will complete the legal description here.

___ The proposed use of the well.

___ Well construction information.

✓ Signature.

___ Fee:

\$ _____ is due with this application.

\$ _____ is the correct fee for this application.

Your check # _____ in the amount of \$ _____ is enclosed.

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Very truly yours,

FEB 21 1990

Loren O. Holmes

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

✓ On what water right number is this appropriation made? We have records of WR #'s 37-8491 (permit) & 37-8567 (application).
✓ Need a complete address, "Baine County" is not a suitable mailing address

27-Oct-1989

Craig &/or Deleys Brandman
c/o James P. Speck, Esq.
P.O. Box 987
Ketchum, ID 83340

Re: Application for Permit No. 37-08567

Dear Mr. Speck:

The Department of Water Resources acknowledges receipt of the water right application for permit on behalf of Craig & Deleys Brandman. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office will be advertising the application in the Wood River Journal on 11/15 & 11/22/89. A period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

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FEB 21 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
2148 4th Avenue East
Twin Falls, ID 83301
(208)734-3578

OCTOBER 26, 1989

WOOD RIVER JOURNAL
P.O. BOX 988
HAILEY, ID 83333

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before DECEMBER 4, 1989.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

MICROFILMED

FEB 21 1990

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILMED

FEB 21 1990

37-08567

BRANDMAN, CRAIG
BRANDMAN, DELEYS
C/O JAMES P. SPECK ESQ.
P.O. BOX 987
KETCHUM, ID 83340

Source: GROUNDWATER

Diversion Pt: NWNWSE Sec 3 T 03N R 18E

Use: DOMESTIC (.040 CFS)
IRRIGATION (.060 CFS)

Date Filed: 8/31/1989

In: T03N R18E S03 NESW NWSE

2.0 ACRES TOTAL

MICROFILMED
FEB 21 1991

Notice of Applicant.

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

37-08581

PETER TRUST
C/O E. PARRY THOMAS
P.O. BOX 642
SUN VALLEY, ID 83353
Source: GROUNDWATER
Diversion Pt: SESENE Sec 5 T
02N R 18E
Use: DOMESTIC (.040 CFS)
IRRIGATION (.090 CFS)
Date Filed: 9/15/1989
In: 102N R18E S05 SENE
3.0 ACRES TOTAL

37-08582

HEMINGWAY, JOHN H.
P.O. BOX 387
SUN VALLEY, ID 83353
Source: GROUNDWATER
Diversion Pt: SENW Sec 23 T 05N
R 17E
Use: IRRIGATION (.050 CFS)
FIRE PROTECTION (.050 CFS)
Date Filed: 8/28/1989
In: 105N R17E S23 SENW
1.5 ACRES TOTAL

37-08583

REITER, GAIL L.
C/O GARY D. SLETTE ESQ.
P.O. BOX 1906
TWIN FALLS, ID 833031906
Source: GROUNDWATER
Diversion Pt: SWNW Sec 5 T 03N
R 18E
Use: DOMESTIC (.040 CFS)
IRRIGATION (.090 CFS)
Date Filed: 8/16/1989
In: 103N R18E S05 SWNW
3.0 ACRES TOTAL

37-08584

PUCHNER, PHILIP F.
P.O. BOX 240
KETCHUM, ID 83340
Source: SPRING
Tributary: SINKS
Diversion Pt: SWNESE Sec 20 T
01N R 18E
Use: STOCKWATER (.020 CFS)
Date Filed: 8/23/1989
In: 101N R18E S20 SESE; S28
SWNW NESW NWSW; S28
NENE SENE

37-08585

RINKER, HARRY
C/O GARY D. SLETTE ESQ.
P.O. BOX 1906
TWIN FALLS, ID 833031906
Source: GROUNDWATER
Diversion Pt: SENE Sec 7 T 03N R
18E
Use: DOMESTIC (.040 CFS)
Date Filed: 8/17/1989
In: 103N R18E S07 SENE

37-08586

ENGL, MICHAEL S.
C/O HOGUE, SPECK
& AINESTAD
P.O. BOX 987
KETCHUM, ID 83340
Source: SPRINGS
Tributary: BIG WOOD RIVER
Diversion Pt: SWNESW Sec 31 T
04N R 18E
Use: DOMESTIC (.040 CFS)
Date Filed: 8/10/1989
In: 104N R18E S31 NESW

37-08587

BRANDMAN, CRAIG
BRANDMAN, DELEYS
C/O JAMES P. SPECK ESQ.
P.O. BOX 987
KETCHUM, ID 83340
Source: GROUNDWATER
Diversion Pt: NWNWSE Sec 3 T
03N R 18E
Use: DOMESTIC (.040 CFS)
IRRIGATION (.060 CFS)
Date Filed: 8/31/1989
In: 103N R18E S03 NESW NWSE
2.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code, and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2148 4th Avenue East, Twin Falls, Idaho 83301, on or before DECEMBER 4, 1989.

R. Keith Higginson, Director
Publish: Wood River Journal--
November 15 & 22, 1989.

RECEIVED

NOV 6 1989

Department of Water Resources
Southern Region Office

RECEIVED

FEB 21 1990

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before DECEMBER 4, 1989.

R. Keith Higginson, Director

Published 11/15/1989 & 11/22/1989

MICROFILMED

FEB 21 1990

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

HOGUE, SPECK & AANESTAD
A PROFESSIONAL ASSOCIATION
OF
ATTORNEYS
120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
TELECOPIER (208) 726-0752

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

August 29, 1989

RECEIVED

AUG 31 1989

Mr. Loren Holmes
Department of Water Resources
2148 4th Ave. East
Twin Falls, Idaho 83301

Department of Water Resources
Southern Region Office

RE: Application for Permit
Dr. and Mrs. Craig Brandman

Dear Loren:

Enclosed you will find an Application for Permit for Dr. and Mrs. Craig Brandman together with a check payable to the Department in the sum of \$30.00 as the filing fee and a copy of a Special Power of Attorney. The Application seeks the right to drill a well and divert groundwater for domestic purposes for one single family residence and irrigation of not more than 2 acres on Lot 14, Block 2 of Hyndman Peak Subdivision. Please notify me as soon as you are able to schedule the required publication of notice for this Application. Kindly call me if there are any questions.

Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD

Jim
James P. Speck

JPS/rlk
enc.
cc: Dr. and Mrs. Craig Brandman

MICROFILMED

FEB 21 1990

37-0856'

WELL DRILLER'S REPORT

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

[illegible]