

3171 III NW
(GRIFFIN BUTTE)

BM
5817

RIVER

Ketchum
13

Penny Mtn

KETCHUM
SUN VALLEY

Sewage
Disposal

Trail

Radio
Tower

Dollar

Mountain

17

SKI LIFT

UNION

Guich

4839

40'

24

T4N

R18E

Elkhorn

BIG
PACIFIC
Mile
95

Ketchum
5736

5738

4837

25

Cold

TRAIL
SPRING

Guich

Spr



RIVER'S EDGE RANCH

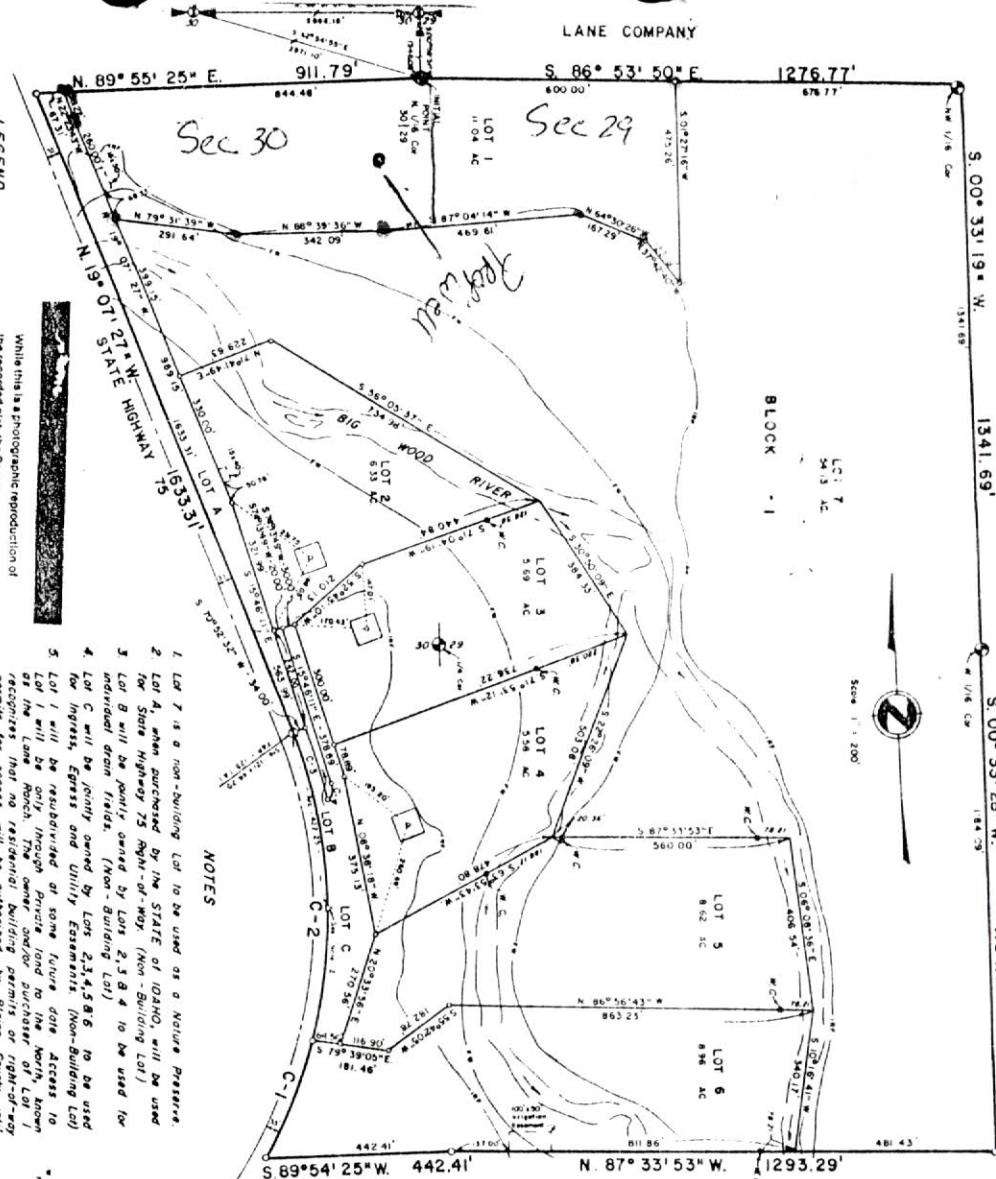
LOCATED IN

SE 1/4 NE 1/4, SECTION 30, NE 1/4 SE 1/4, SECTION 30, NW 1/4 NW 1/4, SECTION 29, NW 1/4 SW 1/4, SECTION 29, T. 4 N., R. 18 E., B.M.

BLAINE COUNTY, IDAHO

1981

37-08560



NOTES

1. Lot 1 is a non-building lot to be used as a Nature Preserve.
2. Lot 4, when purchased by the State of Idaho, will be used for State Highway 75 Right-of-Way (Non-Building Lot).
3. Lot B will be jointly owned by Lots 2, 3, 4 to be used for individual drain fields. (Non-Building Lot)
4. Lot C will be jointly owned by Lots 2, 3, 4, 5, 6, to be used for ingress, egress and utility easements. (Non-Building Lot)
5. Lot 1 will be resubdivided at some future date. Access to Lot 1 will be through private road to the north. Known as the Big Wood River. (Non-Building Lot)
6. Lot 1 and 4 will be jointly owned by Lots 2, 3, 4, 5, 6, to be used as an approved access is obtained through to the north.
7. Working and fishing easement, shall extend 10 feet above the mean high water mark along each side of the Big Wood River.
8. The 18F abutment at the center of the building easements are as follows: Lot 2-5689.13'; Lot 3-5681.05'; Lot 4-5683.00'; Lot 5-5681.05'; Lot 6-5681.05'.
9. No building is to be constructed east of the west bank of the Big Wood River on Lots 5 or 6.
10. There shall be a ten (10) foot Public Utility Easement centered on all side and rear Lot Lines.
11. All Building Easements may rotate around their centers.
12. 5C 20 Approach to State Highway 75 Right-of-Way.
13. Acres for Lot 4, 5, 6 are as follows: Lot A = 2.28 Acres; Lot B = 0.18 Acres; Lot C = 1.58 Acres.
14. No Building Permit will be issued for lots 2, 3 and 4 until the original access to State Highway 75 is abandoned and changed to that shown on Lot "C".

SUN TREE HOLLOW TRAILER COURT

C-1
DELTA 1079.44'
RADIUS 1179.00'
ARC 503.34'
CHORD 502.34'
TAN 132.53'
LCB 127.9544'

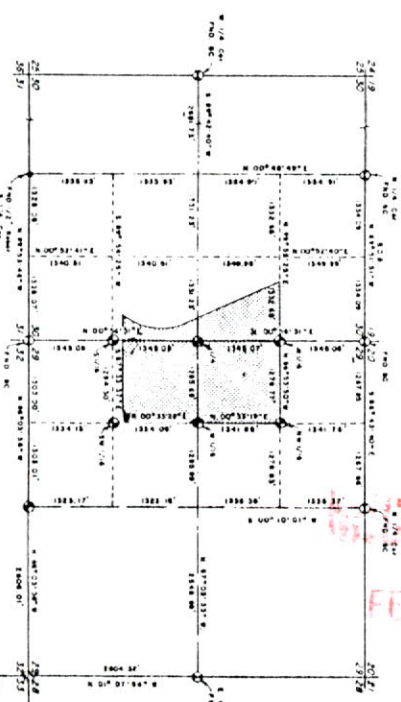
C-2
DELTA 1079.44'
RADIUS 1179.00'
ARC 211.44'
CHORD 179.16'
TAN 57.52'
LCB 127.9544'

C-3
DELTA 1079.44'
RADIUS 1179.00'
ARC 181.62'
CHORD 141.45'
TAN 90.98'
LCB 127.9544'

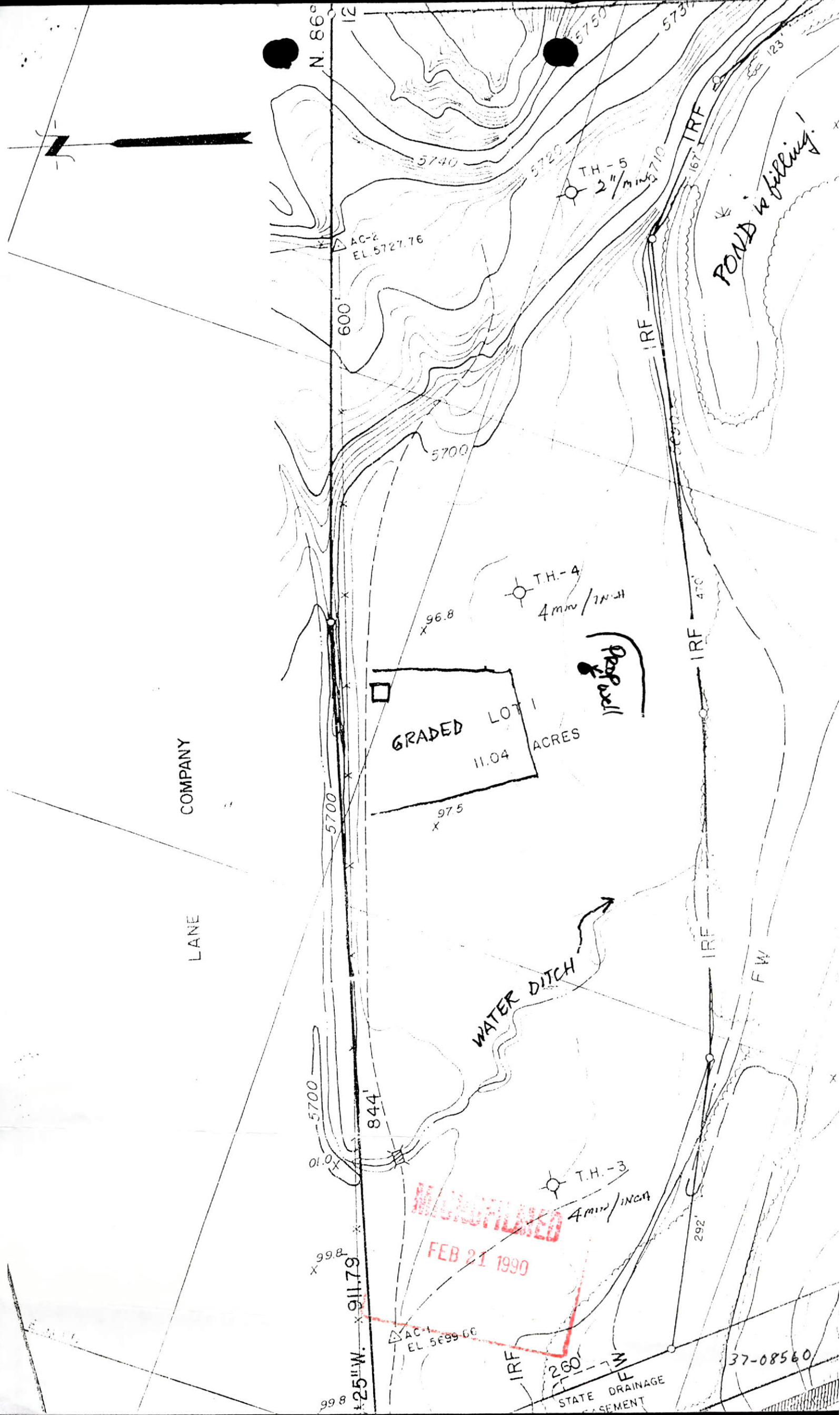
C-4
DELTA 1079.44'
RADIUS 1179.00'
ARC 32.31'
CHORD 50.20'
TAN 28.41'
LCB 127.9544'

VICINITY SKETCH

NOT TO SCALE



SECTION BREAKDOWN
SECTIONS 29 & 30
T. 4 N., R. 18 E., B.M.



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 1st day of Nov, 1989, and

the date of the last publication was on the 8th day of Nov, 1989.

Daniel J. Gorham
Subscribed and sworn to before me this 8th day of Nov, 1989.
(SEAL)

Robert McKenney
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11
Number of Lines in Notice 36
Number of Insertions 1
Lines tabular at 5.5¢/Pica
36 Lines straight at 19.80 4.5¢/Pica
36 Subsequent lines at 15.84 3.5¢/Pica
TOTAL COST 35.04

COPY OF NOTICE
(Paste Here)

Notice of Application #37-08560
TITLE OF NOTICE Hormel

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources
BILL TO

Hormel files on water right

NOTICE OF APPLICATION FOR WATER RIGHT

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

37-08560

HORMEL, THOMAS
P.O. BOX 2224
KETCHUM, ID 83340

Source: GROUNDWATER
Diversion Pt: SENE Sec 30 T 04N
R 18E

Use: IRRIGATION (.090 CFS)
DOMESTIC (.010 CFS)

Date Filed: 9/29/1989

In: T04N R18E S30 SENE
3.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code, and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2148 4th Avenue East, Twin Falls, Idaho 83301, on or before NOVEMBER 20, 1989.

R. Keith Higginson, Director
Publish: Wood River Journal—
November 1 & 8, 1989.

PUBLICATION RATES

As of Oct. 1, 1988
(Idaho Code, Reb. Statutes 1984)

7-8 pt. per line straight....4.5/pica
7-8 pt. per line tabular....5.5/pica
7-8 pt. per line successive
insertion....3.5/pica

6797

RECEIVED

Form 219
6/86AUG 3 1999
DEPARTMENT OF WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JUL 28 1999

Department of Water Resources
Southern Region

A. GENERAL INFORMATION

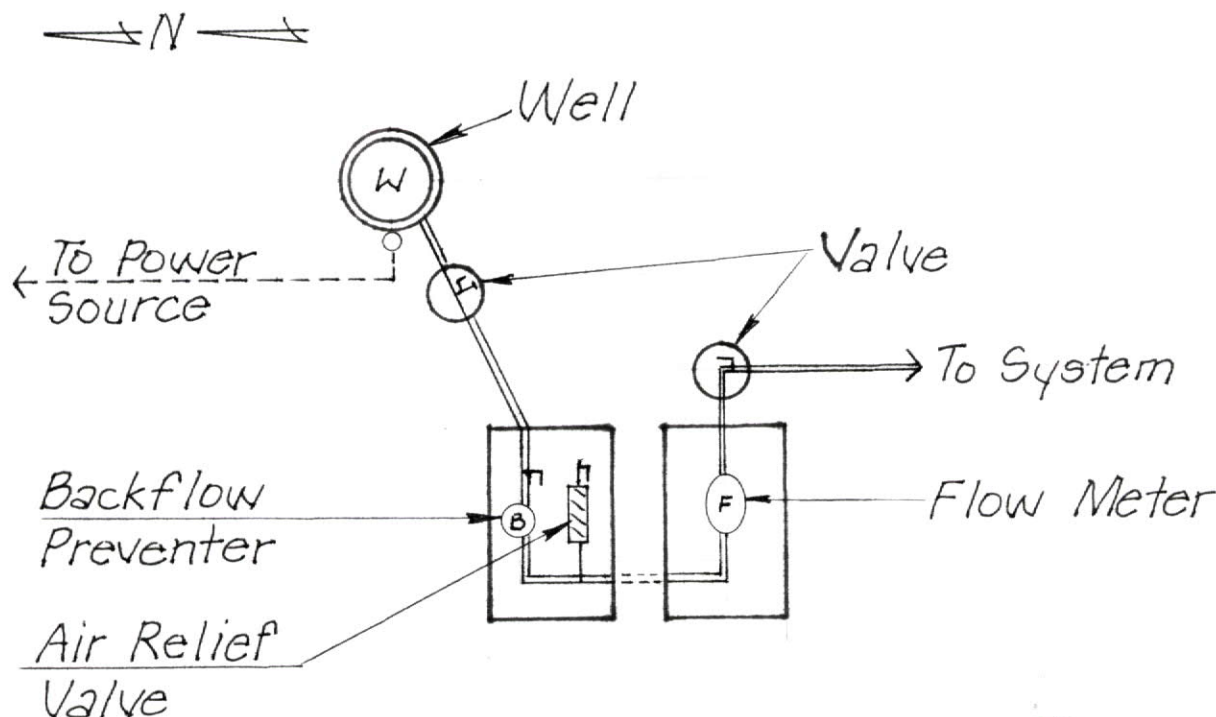
Permit No. 37-085601. Owner: Idaho Foundation for Parks and Lands Inc.Phone No. (208) 736-3033Current Address: % Jim Speck, Box 987 Ketchum, Idaho2. Accompanied by: Mark ReinemannEXAM. DATE: 7/17/99Address: Sun Valley, IdahoPhone No. (208) 726-7100Relationship to Permit Holder: Operator / Neighbor3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: None☐ Copies Attached2. Other water rights with same point of diversion: None☐ Copies Attached☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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

Scale: 1" = 2'-0"

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

- ☒
- Photo of Diversion and System Attached

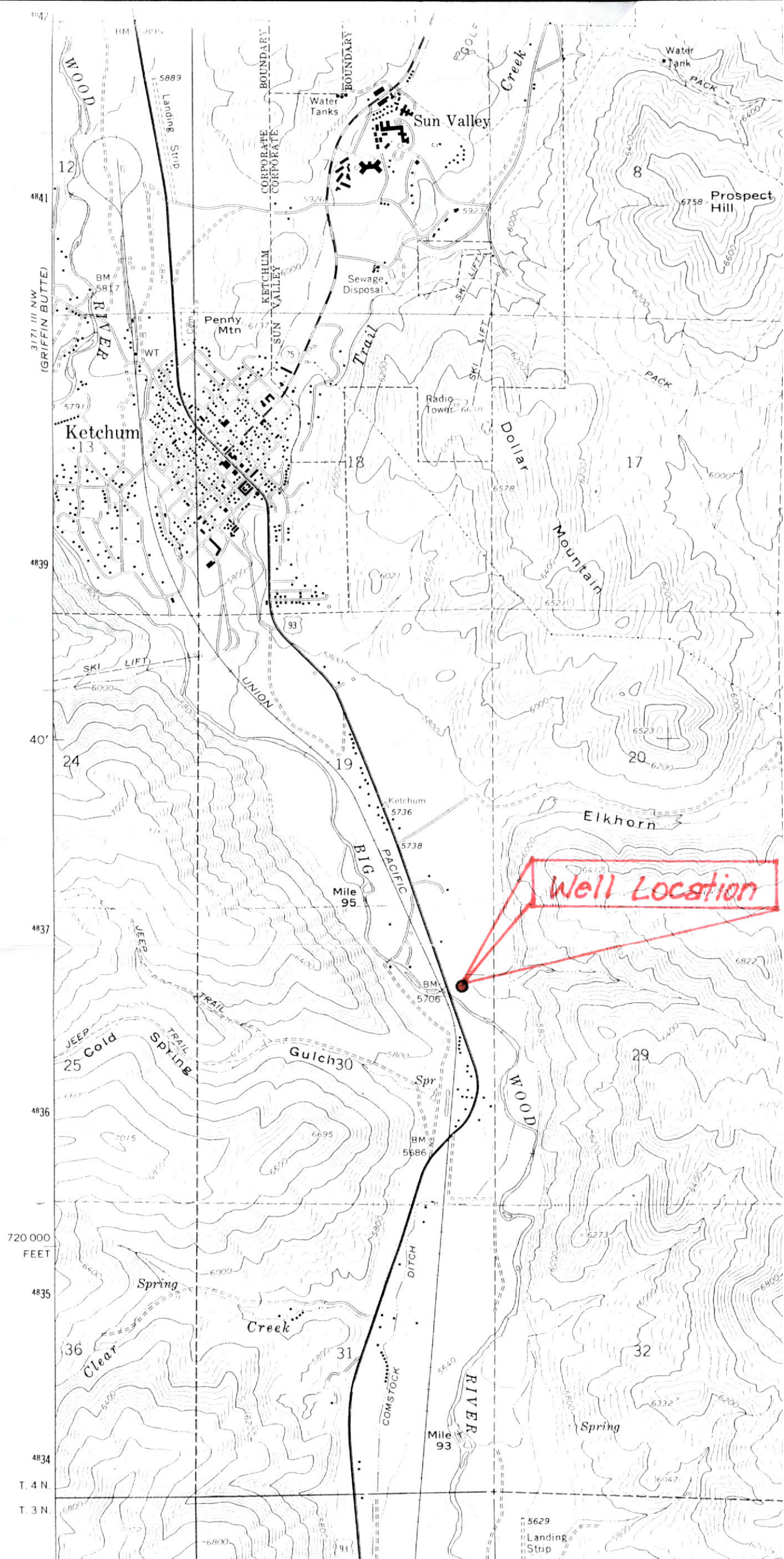
(required for all but single household domestic groundwater, and stockwater.)

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

MICROFILMED
MAR 24 2000



MICROFILMED
MAR 24 2000



State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-08560

Priority: September 29, 1989

Maximum Diversion Rate:

0.09 CFS

Maximum Diversion Volume:

11.1 AF

This is to certify, that IDAHO FOUNDATION FOR PARKS AND LANDS INC

C/O JAMES P SPECK

PO BOX 987

KETCHUM ID 83340

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 29, 1989; and has submitted Proof of Beneficial Use on December 24, 1991. 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 10/31	0.09 CFS	10.5 AF
DOMESTIC	01/01 to 12/31	0.01 CFS	0.6 AF
	Totals	0.09 CFS	11.1 AF

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 30, Township 04N, 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>
04N	18E	30	SENE	3		3

Total number of acres irrigated: 3

PLACE OF USE:

DOMESTIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Irrigation use under this right is authorized only in connection with a domestic use.
2. 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.
3. Point of diversion is located within Lot 1, River's Edge Ranch Subdivision.
4. Place of use is located within Lot 1, River's Edge Ranch Subdivision.
5. Domestic use is for a cleanup shed and/or drinking fountains.

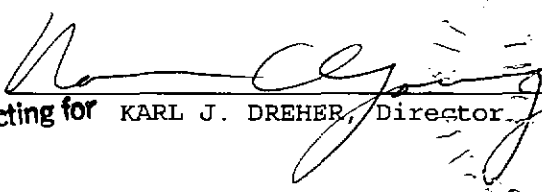
MICROFILMED

MAR 24 2000

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-08560

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 20TH day of, MARCH, 2000.


Acting for KARL J. DREHER, Director

MICROFILMED

MAR 24 2000

NOV 19 1998

RECEIVED

STATE OF IDAHO

NOV 17 1998

DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Southern Region

ASSIGNMENT OF PERMIT

ORIGINAL IN RED

THOMAS HORMEL (the "Assignor"), hereby assigns to IDAHO FOUNDATION FOR PARKS AND LANDS, INC. an Idaho non-profit corporation, whose address is c/o James P. Speck, Esq., Speck & Aanestad, A Professional Corporation, P.O. Box 987, Ketchum, Idaho, 83340 (the "Assignee"), all of his right, title and interest in and to Idaho Water Permit No. 37-08560 to appropriate the public waters of the State of Idaho.

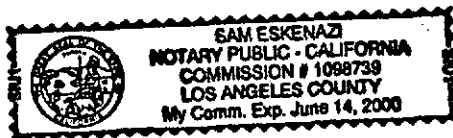
IN WITNESS WHEREOF, the Assignor has signed and executed this Assignment of Permit on the 5th day of November, 1998.

Thomas Hormel
THOMAS HORMEL

STATE OF CALIF.
County of LOS ANGELES ss.

On this 5th day of November, 1998, before me the undersigned notary public in and for said state, personally appeared THOMAS HORMEL, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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



Sam Eskenazi
Notary Public for CALIF.
Residing at: LOS ANGELES
Commission Expires: 6/14/00

Rept. = 5021632
Date. = 17 Nov 98
GLS

MICROFILMED

NOV 25 1998

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
37-08560 IN THE NAME OF THOMAS)
HORMEL)
_____) **REINSTATEMENT ORDER**

This matter having come before the Idaho Department of Water Resources (department), as a result of a Petition for Reconsideration, the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On October 19, 1998, the department issued a Preliminary Order lapsing Permit No. 37-08560 (permit) in the name of Thomas Hormel (permit holder).
2. On October 30, 1998, the permit holder filed a petition for reconsideration with the department advising that the permit holder would timely complete the examination of the water use and would submit an examination report to the department.

CONCLUSIONS OF LAW

1. The permit holder has shown sufficient cause why the department should rescind the Preliminary Order dated October 19, 1998 and should reinstate the permit with certain conditions and limitations.

ORDER

IT IS THEREFORE, HEREBY ORDERED as follows:

1. The Preliminary Order of the department dated October 19, 1998 is **RESCINDED** and Permit No. 37-08560 in the name of Thomas Hormel is **REINSTATED**.
2. The permit holder shall submit a completed field examination report to the department on or before August 1, 1999. Failure to timely submit the field examination report will cause the Preliminary Order of the department dated October 19, 1998, to again become **FULLY EFFECTIVE** without further notice to the permit holder.

Dated this 2nd day of November, 1998.


L. GLEN SAXTON, Chief
Water Allocation
MICROFILMED

NOV 06 1998

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 37-08560)
IN THE NAME OF THOMAS HORMEL)
_____)

**PRELIMINARY ORDER
LAPSING PERMIT**

This matter having come before the Department of Water Resources (Department) as a result of reviewing Permit No. 37-08560 for the issuance of a license, the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. On January 8, 1990, the Department approved Application for Permit No. 37-08560 to appropriate water with a proof due date of February 1, 1992.
2. On December 24, 1991, the permit holder submitted the proof of beneficial use statement. The permit holder did not submit the license examination fee with the proof statement and further indicated that field exam would be prepared and submitted by a certified water right examiner.
3. On January 9, 1992, the department acknowledged the proof statement submittal and stated that licensing of the water right would proceed when the field examination was received. To date, the field examination has not been received by the department.

CONCLUSIONS OF LAW

1. IDAPA 37.03.02055.01.b (Beneficial Use Examination Rule 55.01.b) provides the following:

Failure to submit either the license examination fee or an acceptable field examination field report prepared by or under the supervision of a certified water examiner within one (1) year of the sixty-first (61st) day after notification by the director that the submittal is due is cause for the director to reject the proof of beneficial use and lapse the permit.

2. The Department should issue an order lapsing the permit since the permit holder did not submit the required examination fee or the certified field examination.

ORDER

IT IS THEREFORE HEREBY ORDERED that Permit No. 37-08560 is **LAPSED** and is of no further force nor effect.

Dated this 19th day of October, 1998.

MICROFILMED

NOV 06 1998

J. Glen Saxton
J. GLEN SAXTON, Chief
Water Allocation Bureau

RECEIVED

DEC 24 1991

Department of Water Resources
Southern Region Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only

Amnt. of Fee \$

Date

Receipt No.

Received by

RECEIVED
JAN 09 1992

The Idaho Department of Water Resources will consider this form as a statement that the permit holder has 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 37-08560 Telephone No. 734-4888

Name(s) of Permit Holder(s): Thomas Hormel

Post Office Address: Box 2224 Ketchum Idaho 83340

Source of Water: Groundwater

If ground water, well driller's name: KEN Smith - Wood River Drilling Date drilled: 1990

Extent of Use:

Domestic _____ (No. of households) Irrigation 3 (No. of acres)

Stockwater _____ (No. and type of stock) Other _____

Diversion of 0.09 CFS

Total rate and/or volume for which proof is submitted 0.09 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: 8/21/91

One of the following may be a condition of approval of your permit:

Measuring device: Required? Yes X No Installed? Yes X No

OR

Flow Measurement Port: Required? Yes X No Installed? Yes X No

Fee Enclosed: \$ _____ (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

FIELD REPORT TO BE PREPARED BY GERALD MARTENS - 734-4888
Name Telephone No.

Address

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

MICROFILMED

JAN 22 1992

12/23/91
Date

[Signature]
Signature (and title if on behalf of a company or organization)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 37-08560

Proposed Priority: September 29, 1989 Maximum Diversion Rate: 0.09 CFS

This is to certify, that **THOMAS HORMEL**
P.O. BOX 2224
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	0.09 CFS
DOMESTIC	04/01 to 11/01	0.01 CFS
	Totals	0.09 CFS

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

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N 18E 30	SENE 3			3
Total number of acres irrigated:				3

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 1992.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.03 cubic feet per second for each acre of land.
5. Irrigation use under this permit is authorized only in connection with a domestic use.
6. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

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

8th day of January, 1990

RECEIVED

FEB 21 1990

for

R. Keith Higginson
R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 37-08560

To appropriate the public waters of the State of Idaho

1. Name of applicant THOMAS HORMEL Phone 726-4629

Post office address Box 2224 Ketchum, ID 83340

2. Source of water supply WELL (Groundwater) which is a tributary of ~~WOOD RIVER~~

3. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____
Sec. 30 Township T4N Range 18E B.M. BLAINE County; additional
points of diversion if any: NONE

4. Water will be used for the following purposes:

Amount 0.09 for IRRIGATION purposes from April 1st to NOV 1st (both dates inclusive)
(cfs ~~acre-feet per annum~~)

Amount 0.01 for Domestic purposes from " to " (both dates inclusive)
(cfs ~~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) 0.09 cubic feet per second and/or (b) _____ acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. WELL, Pump, WATER LINES AND Hoses
to Green House AND GARDEN AREA

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 100" feet.

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

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

MICROFILMED

FEB 21 1990

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

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. CLEAN-UP SHED IN ASSO. with GREEN HOUSE AND GARDEN OPERATION

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	18E	30				30													3 ACRES

Total number of acres to be irrigated 3-D

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

11. a. Who owns the property at the point of diversion? THOMAS HORMEL
- b. Who owns the land to be irrigated or place of use? THOMAS HORMEL
- 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: IN A ONE ACRE plot, there will be A GREEN HOUSE, AN OUTSIDE GARDEN plot, AND A STORAGE SHED with A WASH BASIN, IN THE FUTURE A POSSIBLE EXPANSION OF NOT MORE than 1 1/2 to 2 ACRES.

FEB 21 1990

3171 III NW
(GRIFFIN BUTTE)

Ketchum
13

Penny Mtn
6737

Sewage
Disposal

Radio
Tower

Dollar
Mountain

Mountain

Guich

T4N

RISE

Ketchum
5736

BIG
PACIFIC

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333

334

[illegible]

Harrell E. Hamble, agent
(Applicant)

Received by 36 Date 9/27/89 Time 11:00 Preliminary check by all attached to 123
Fee \$ 30.00 Receipted by LPP # 5009484 Date 9-29-89
Publication prepared by M. Baldwin Date 10/20/89 Published in Wood River Journal
Publication approved M. Baldwin Date 11/13/89

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

RIVER'S EDGE RANCH

LOCATED IN

SE 1/4 NE 1/4, SECTION 30, NE 1/4 SE 1/4, SECTION 30, NW 1/4 NW 1/4, SECTION 29, NW 1/4 SW 1/4, SECTION 29, T. 4 N., R. 18 E., B.M.

BLAINE COUNTY, IDAHO

1981

7-08560

SUN TREE HOLLOW TRAILER COURT

C-1
DELTA 1484-38"
RADIUS 1173.00"
ARC 301.48"
CHORD 302.34"
TAN 132.31"
L.C.B. 12759.244"

C-2
DELTA 3579-44"
RADIUS 1173.00"
ARC 211.44"
CHORD 218.15"
TAN 107.1244"

C-3
DELTA 6074-45"
RADIUS 1218.00"
ARC 181.42"
CHORD 181.45"
TAN 90.748"

C-4
DELTA 5874-45"
RADIUS 54.05"
ARC 32.31"
CHORD 50.80"
TAN 26.41"
L.C.B. 5179.614"

VICINITY

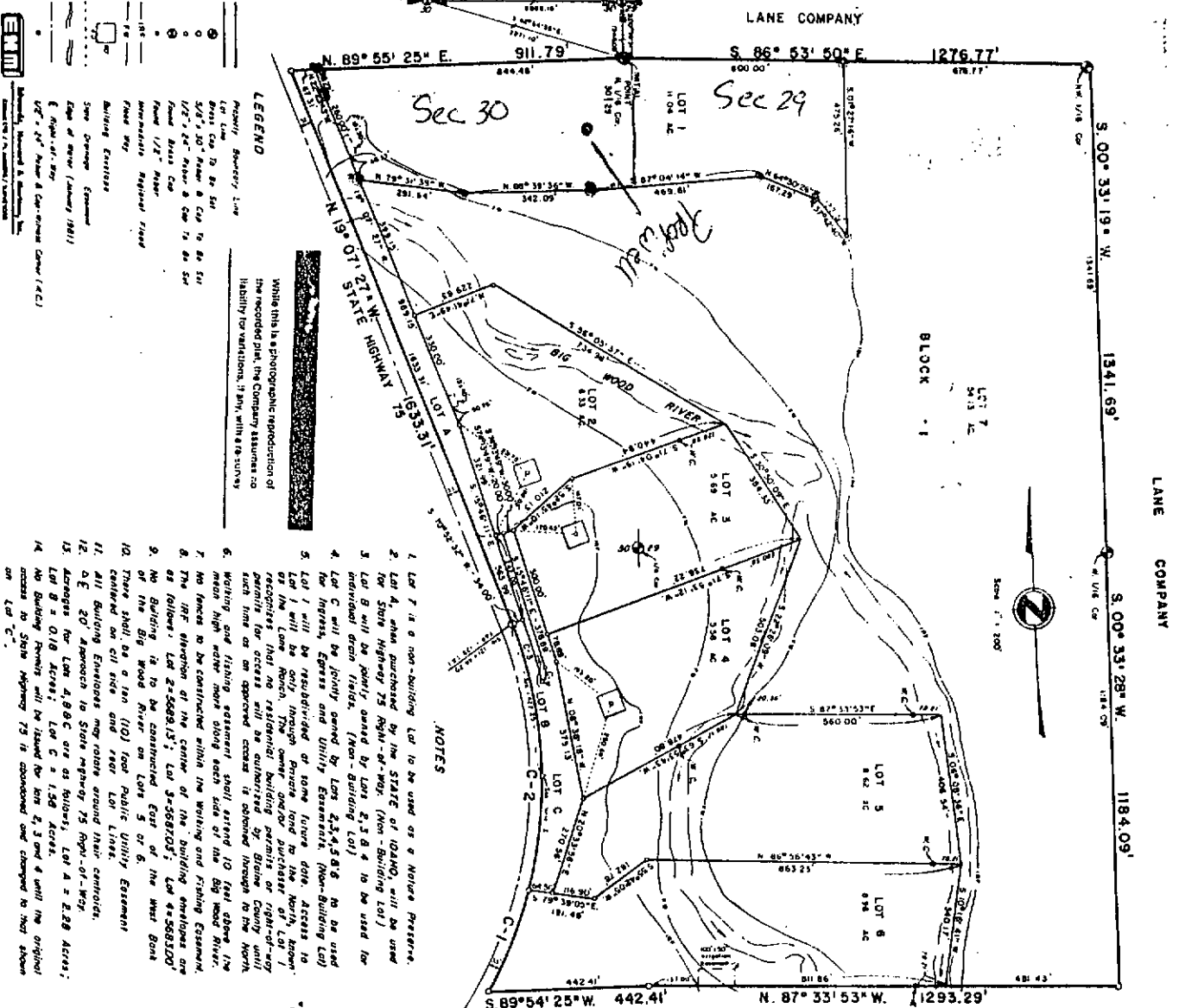
FEB 21 1990

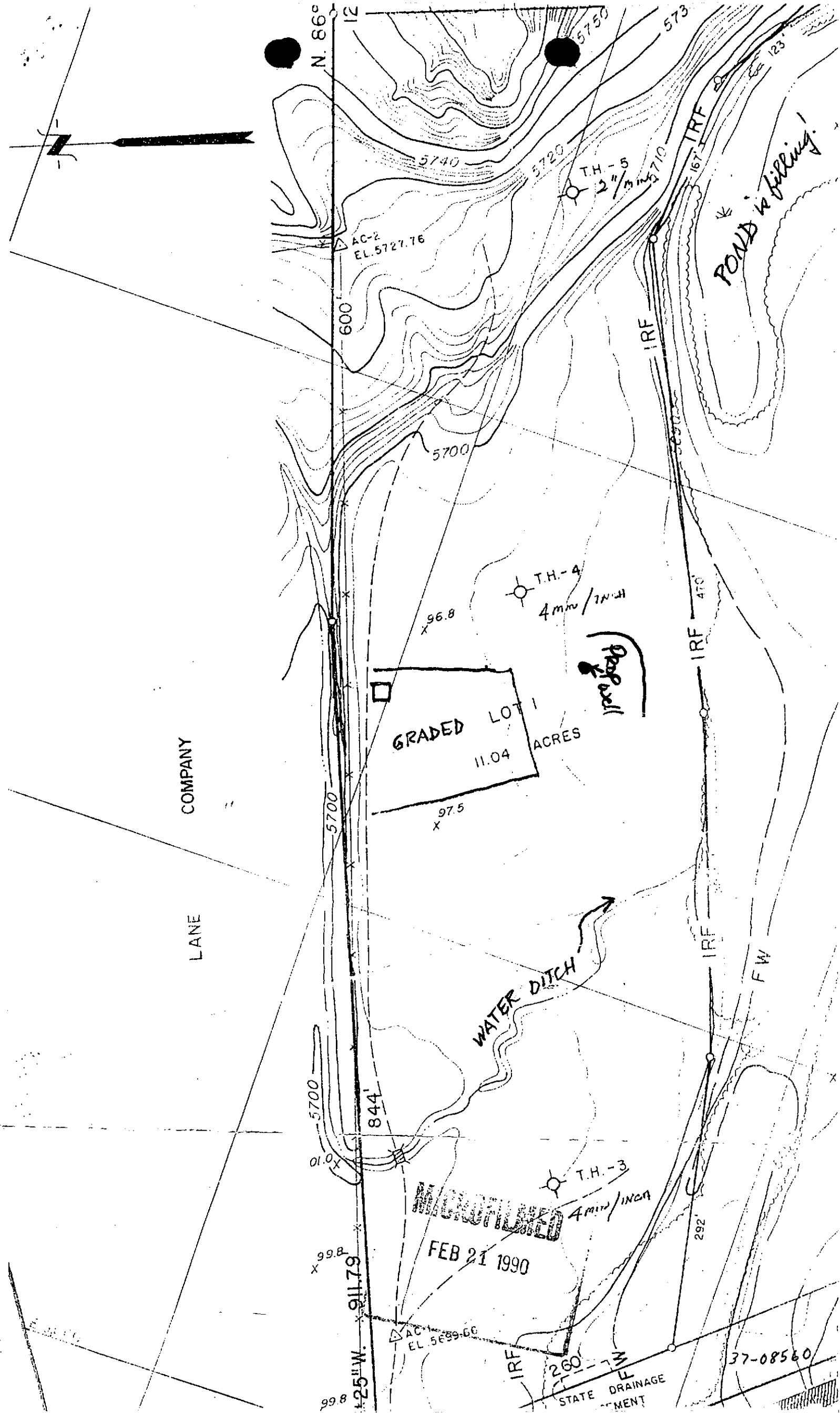
SECTION BREAKDOWN

SECTION 29 & 30

T. 4 N., R. 18 E., B.M.

SHEET 1 OF 2





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 1st day of Nov., 1989, and

the date of the last publication was on the 8th day of Nov., 1989.

Daniel J. Gorham
Subscribed and sworn to before me this 8th day of Nov., 1989.
(SEAL)

Roberta McKencher
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice 36
Number of Insertions 1

Lines tabular at 5.5¢/Pica
36 Lines straight at 19.80 5.5¢/Pica
36 Subsequent lines at 15.84 3.5¢/Pica
TOTAL COST 35.64

COPY OF NOTICE
(Paste Here)

Notice of Application #37-08560
TITLE OF NOTICE Hormel

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources
BILL TO

Hormel files on water right

NOTICE OF APPLICATION FOR WATER RIGHT

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

37-08560

HORMEL, THOMAS
P.O. BOX 2224
KETCHUM, ID 83340

Source: GROUNDWATER
Diversion Pt: SENE Sec 30 T 04N
R 18E

Use: IRRIGATION (.090 CFS)
DOMESTIC (.010 CFS)

Date Filed: 9/29/1989

In: T04N R18E S30 SENE
3.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code, and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2148 4th Avenue East, Twin Falls, Idaho 83301, on or before NOVEMBER 20, 1989.

R. Keith Higginson, Director
Publish: Wood River Journal-
November 1 & 8, 1989.

PUBLICATION RATES

As of Oct. 1, 1988

(Idaho Code, Reb. Statutes 1984)

7-8 pt. per line straight....4.5/pica

7-8 pt. per line tabular....5.5/pica

7-8 pt. per line successive
insertion....3.5/pica

6797



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

March 21, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

IDAHO FOUNDATION FOR PARKS AND LANDS INC
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

RE: WATER RIGHT NO. 37-08560

Dear Water Right Holder(s):

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

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

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

Sincerely,

for Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

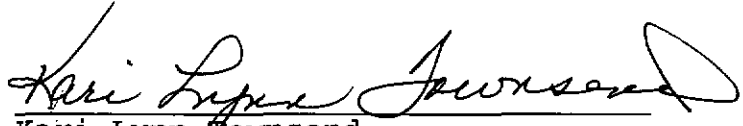
MICROFILMED
MAR 24 2000

CERTIFICATE OF MAILING

I hereby certify that on the 21st day of March, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 37-08560

IDAHO FOUNDATION FOR PARKS AND LANDS INC
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340


Kari Lynn Townsend
Secretary

MICROFILMED
MAR 24 2000

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the 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 a 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, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a 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.

ORAL ARGUMENT

If the Department grants a petition to review a 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.

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MAR 24 2000

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MEMORANDUM

To: Shelley Keen
From: L. Glen Saxton 
RE: LICENSING OF PERMIT 37-08560
Date: March 17, 2000

Conclusion:

After reviewing this file, discussing it with Norm and reviewing Special Master Bilyeu's decision, I am of the opinion we should issue a license for both irrigation and domestic.

Reasoning:

- To rescind Condition of Approval No. 5, as I proposed in my 3-13-2000 memo to Norm, we might have to give notice to IPCO or seek their concurrence in the change. I don't want to do that.
- If Bilyeu's position is supportable, domestic use can probably be licensed (along with irrigation use) and Condition of Approval No. 5 will not need to be rescinded.
- I don't think this matter justifies spending much more time on it.

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MAR 24 2000

MEMORANDUM

TO: GLEN SAXTON
FROM: NORM YOUNG *NY*
RE: LICENSING OF PERMIT 37-08560
DATE: March 15, 2000

Some comments as requested.

1. Special Master Bilyeu recently ruled that camping and similar transitory occupation and use of water on a lot was sufficient to develop a domestic use without a permanent dwelling. This may have some application to determining that the domestic use was exercised during the permit development period. It may also validate Speck's observation that water will be used from drinking fountains if the permit is licensed. Attached is a copy of Bilyeu's decision.

2. Perhaps we should seek and formally process (advertise, give notice to IPCO, etc.) if we are going to remove the condition providing for irrigation only if associated with domestic use. I do not agree with Speck's argument that the purpose of the requirement was to assure that uses occurring with irrigation were limited to 13,000 gpd. There couldn't be such other uses. The purpose was to limit irrigation uses to domestic lots, some of which were and are platted with more than ½ acre. Going the formal amendment route would be consistent with the way the limiting conditions were handled on United Water's permits.

3. The well log indicates that the source of water is the alluvial aquifer. The map shows the well is located a few hundred feet from the river. Conjunctive management appears to be an issue.

I realize that there is not much consistency in direction in this memo. Let's talk.

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MAR 24 2000

MEMORANDUM

To: Norman C. Young
From: L. Glen Saxton *WJ*
RE: LICENSE FOR PERMIT 37-08560
Date: March 13, 2000

Shelley Keen recommends issuing a Preliminary Order Voiding the above referenced permit. His analysis is accurate and commendable, but for practical reasons, I prefer to rescind Condition of Approval No. 5 and issue a license for the irrigation use only. Reasons are as follows:

1. The irrigation use is developed and the impact of the use has existed for some time.
2. When the permit was issued in 1990, the department was aware that the "domestic use" on the application was not the usual home which would be occupied as a residence but instead was "a storage shed and proposed greenhouse". Note the rate of 0.01 cfs instead of 0.04 and the season of April 1 to November 1 rather than year-round for the domestic use.
3. The anticipated use in a "storage shed" was perfected in the authorized development period even though the shed has since been removed by the permit holder resulting in the domestic use not being recommended by the certified examiner.
4. The issuance of a license for this permit likely will not have a far reaching precedent in the basin, since there probably are not many permits to be licensed in Basin 37 and the department is not issuing new permits for irrigation without suitable mitigation.

Your comments will be appreciated.

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MAR 24 2000

FAX TRANSMISSION

SPECK & AANESTAD

P. O. Box 987

Ketchum, ID 83340

1-208-726-4421

Fax: 1-208-726-0752

To: Shelly Keen

Date: February 22, 2000

Fax #: 1-208-327-7866

Pages: 3, including this cover sheet.

From: James P. Speck

Subject: Permit No. 37-08560 - Idaho Foundation for Parks & Lands, Inc.

COMMENTS:

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

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS

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

120 EAST AVENUE
P. O. BOX 987
KETCHUM, IDAHO 83340

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

February 22, 2000

VIA FACSIMILE (208) 327-7866

NO ORIGINAL WILL FOLLOW

Mr. Shelly Keen

Idaho Department of Water Resources

1301 North Orchard Street

Statehouse Mail

Boise ID 83720-9000

RE: Permit No. 37-08560 - Idaho Foundation for Parks and Lands, Inc.
Our File No: 980223

Dear Shelly:

This letter is in response to your letter to me dated February 4, 2000. Please note the following for the licensing of the above-referenced permit:

1. A home was under construction on the property pursuant to a valid Blaine County building permit, but never completed. There is a building site on the property on which a partial foundation had been erected. That structure has now been removed by the Foundation.

2. A shed was erected on the property. The well pumped water into a pressure tank inside the shed which, in turn, supplied water to a hose bib located on the outside of the shed. The hose bib was used for personal and equipment cleanup in connection with construction operations on the property. The shed and holding tank were removed by the Foundation after it acquired the property.

3. The Application for Permit is somewhat unusual. The typical "domestic" use allows 0.04 cfs from January 1 through December 31. This Application, and the Permit issued, allow only 0.01 cfs from April 1 through October 31. The Application does not refer to a household. Instead, the "domestic" use proposed was the cleanup shed in association with a greenhouse. The greenhouse was never built. Since the amount for domestic uses on the Permit is limited to the 0.01 cfs from April 1 through October 31, the proper assumption is that the permitted domestic use is not for a household but, instead, for the use described in the Application.

4. Although the shed was no longer onsite when proof of beneficial use was filed, that "domestic" use had been developed during the time allotted for constructing the works and applying

MICROFILMED
MAR 24 2000

Mr. Shelly Keen
February 22, 2000
Page 2

the water to beneficial use. Therefore, we believe the requirements for developing the permitted uses under the Permit were timely met.

5. The Permit includes the condition that irrigation use "is authorized only in connection with a domestic use." The Foundation does not intend to construct a home on this property. Furthermore, the limited period of use and rate of diversion are not adequate or appropriate for a household. However, the Foundation will install a drinking fountain usable during the period of April through October to re-establish the permitted domestic use.

The "1180 Contract" signed by the State of Idaho and Idaho Power Company in 1984 was the basis for processing the Permit for irrigation in excess of one-half (1/2) acre. Although the wording of that Contract specifically refers to "households," the primary concern was that uses other than the authorized irrigation of a residential lot not exceed 13,000 gallons per day. The use of water in or about the shed and the proposed drinking fountain certainly meet this limitation.

Finally, the water right license is necessary to provide adequate water to irrigate the property and maintain the current vegetation, which includes more than 480 spruce trees!. The loss of this vegetation will significantly detract from the value of the property. The Foundation acquired a substantial investment in this irrigation system and vegetation and it would be most unfortunate if that investment were lost due to a literal reading of the term "domestic" for the purposes of this water right. The Foundation and I sincerely hope the Department will concur in this position and proceed to license this water right for both the domestic and irrigation uses authorized by the Permit. Kindly call me right away if you have any further questions or need any additional information.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: _____
James P. Speck

JPS:rsd
cc: Mark Reinemann
Sharon Hubler

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MAR 24 2000

MEMORANDUM

DATE: February 11, 2000

TO: Water Right File 37-08560

FROM: Shelley W. Keen ^{SWK}

RE: Visit from Sharon Hubler

This morning I met with Sharon Hubler of Idaho Foundation for Parks and Lands, Inc., to discuss Permit 37-08560. I explained the reasons for my 2/4/2000 letter to Jim Speck, and I agreed to hold the file for 60 days to allow Idaho Foundation for Parks and Lands, Inc., to work on a response.

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MAR 24 2000



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

February 4, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

IDAHO FOUNDATION FOR PARKS AND LANDS INC
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

RE: Water Appropriation Permit 37-08560

Dear Jim:

Thank you for your response to my inquiry about the beneficial use of water developed under Permit 37-08560 on Lot 1 of River's Edge Ranch Subdivision. When I wrote you, I was under the impression that a house existed on the lot. My inquiry was not focused on the existence of a home, but on the shed and greenhouse described in the application filed by Thomas Hormel. From your letter, however, I gathered that there is no home on the property. This morning the Blaine County assessor's office confirmed for me that there is no home or building site on Lot 1 of River's Edge Ranch Subdivision because it is in the floodway. I was also told that the lot is being used as a nature preserve.

Approval Condition No. 5 on Permit 37-08560 states, "Irrigation use under this permit is authorized only in connection with a domestic use." Irrigation of three acres in association with a domestic use met the definition for domestic use in the contract to implement the Swan Falls agreement. By requiring the existence of a domestic use, IDWR issued the permit in accordance with the contract. Without requiring a domestic use, IDWR would have had to process the application with all the other irrigation applications processed or re-processed as trust water. In all likelihood, Permit 37-08560 would not have been approved before the creation of the Big Wood River Groundwater Management Area in June of 1991.

Because there is no domestic use, the irrigation occurring on Lot 1 of River's Edge Ranch Subdivision violates the conditions of Permit 37-08560. Section 42-219(6), *Idaho Code*, authorizes IDWR to void permits if the applicant has not fully complied with the conditions of the permit. If you believe that a water right license should be issued to you, please supply information by March 3, 2000, to show how the permit conditions were met. If I do not receive the requested information from you within thirty days, I will recommend that your permit be voided.

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MAR 24 2000

Idaho Foundation for Parks and Lands Inc
C/O James P. Speck
February 4, 2000
Page 2

If you agree that the irrigation of Lot 1 of River's Edge Ranch Subdivision is not in accordance with the permit, you can shorten the voiding process by completing the enclosed relinquishment form and returning it to IDWR.

If you have any questions, or if you want to explore what other options may be available for authorizing the irrigation on Lot 1 in River's Edge Ranch , please contact me at 208-327-7946.

Sincerely,

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

Shelley Walter Keen
Water Rights Supervisor

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MAR 24 2000

MEMORANDUM

DATE: February 3, 2000

TO: Water Right File 37-08560

FROM: Shelley W. Keen *SWK*

RE: No domestic use

Today I called the Blaine County assessor's office (208-788-5535) to inquire about the domestic use on Lot 1 of River's Edge Ranch Subdivision. I was told by Vivian the lot is in the floodway and, therefore, there is no dwelling on the lot and no residential building permits will be issued for the lot.

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MAR 24 2000

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 31, 2000

RECEIVED

FEB - 3 2000

Department of Water Resources

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

RE: Water Right No. 37-08560
Idaho Foundation for Parks & Lands, Inc.
Our File No.: 786/980223

Dear Shelly:

A domestic use is not presently developed on the Foundation's property. In the event the Foundation decides to erect a structure requiring water for domestic purposes, its property is served by the Sun Valley Water and Sewer District. Water from the District presently pressurizes fire hydrants and frost-free hose bibs located on the property. Therefore, I believe it is appropriate and request the Department to issue the license for irrigation use only.

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

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:rsd

MICROFILMED
MAR 24 2000



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 27, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

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

RE: Licensing of Water Right 37-08560

Dear Jim:

As you requested yesterday, I reviewed the field report for Permit 37-08560 to see if it can be licensed. I have enclosed a draft license for you to review. Please note that the draft license does not show any domestic use as indicated on the permit because the examiner did not recommend any domestic use. He did not, however, say that the domestic use was not developed. The application describes the domestic use as being for a clean up shed and a greenhouse. I understand the domestic water for the house comes from a separate well. Before proceeding further, I would like to hear from you whether the domestic use for the shed, etc., exists or not. If the domestic use exists, please submit evidence showing the extent of beneficial use within 30 days. If I have not received a response from you within 30 days, I will recommend that the license be issued for irrigation only.

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

Sincerely,

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

Shelley Walter Keen
Water Rights Supervisor

Enclosure

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MAR 24 2000

D R A F T

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT NO. L37-08560

IDAHO FOUNDATION FOR PARKS AND LANDS INC
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

Priority Date: 09/29/1989
Stage: LICENSE

Source: GROUNDWATER

Beneficial Use	From:	To:	Diversion Rate	Volume
IRRIGATION	04-15	10-31	0.09 CFS	10.50 AFA
		Total:	0.09 CFS	10.50 AFA

Point(s) of Diversion: SENE, Sec. 30, Township 04N, Range 18E

Place(s) of Use: IRRIGATION

Twp:	Rng:	Sec:	Tract:	Acres:
04N	18E	30	SENE	3.0

Total Acres: 3.0

Conditions of Approval and Remarks:

1. Irrigation use under this right is authorized only in connection with a domestic use.
2. 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.
3. Point of diversion is located within Lot 1, River's Edge Ranch Subdivision.
4. Place of use is located within Lot 1, River's Edge Ranch Subdivision.

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MAR 24 2000

MEMORANDUM

DATE: January 27, 2000

TO: Water Right File 37-08560

FROM: Shelley W. Keen *SK*

RE: Adjusted licensing recommendations

The field report indicates the point of diversion is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, T4N, R18E, but based on the following evidence the right will be licensed with the point of diversion listed as the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, T4N, R18E, as permitted.

- The field examiner's map shows the point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, T4N, R18E.
- The well driller's report completed by Wood River Drilling in 1990 shows the well in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, T4N, R18E.
- The well is on Lot 1 of River's Edge Ranch subdivision, which is in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, T4N, R18E.
- The field examiner did not recommend amending the permit to change the point of diversion.

The field examiner also recommends an annual diversion volume of 38.20 AF, but he provided no justification for exceeding the standard field headgate volume of 3.5 AF/acre. Therefore, the annual volume will be limited to 10.5 AF, or 3.5 AF times 3.0 acres.

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MAR 24 2000

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '**' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM			
		NE		NW		SW		SE		NE		NW		SW		SE					
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac				
L3708560	T04N R18E S30	GROUNDWATER																			
	:					03	:											:	3		
3700081	BIG WOOD R :	06					:											:	6		
A3700081	BIG WOOD R :	06					:											:	6		
R3700081	BIG WOOD R :	06					:											:	6		
3700082	ELKHORN CR :	06					:											:	6		
A3700082	ELKHORN CR :	06					:											:	6		
R3700082	ELKHORN CR :	06					:											:	6		
A3700419B	BIG WOOD R :						:											06	:	6	
R3700419B	BIG WOOD R :						:											06	:	6	
A3700703E	BIG WOOD R :						:											06	:	6	
R3700703E	BIG WOOD R :						:											06	:	6	
3702270A	HYNDMAN CR :						:						08					:	8		
3702574	TRAIL CREE :	35					:											:	35		
3702635	GROUNDWATE :	17					:											:	17		
3702677	GROUNDWATE :						:									I		:			
3704375	COLD SPRIN :					05	:									15		08	32	:	60
A3704375	COLD SPRIN :					05	:									15		08	32	:	60
3708538	GROUNDWATE :						:											06	:	6	
3708560	GROUNDWATE :					03	:												:	3	
3708584	GROUNDWATE :						:											01	:	1	
A3710913	BIG WOOD R :						:											06	:	6	
R3710913	BIG WOOD R :						:											06	:	6	
A3712757	GROUNDWATE :						:									01			:	1	
3730035	BIG WOOD R :						:											06	:	6	

MICROFILMED
MAR 24 2000

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.

1. WELL OWNER Name <u>Thomas Hornel</u> Address <u>Box 2444, Pritchard, ID. 83340</u> Water permit no. <u>37-08560</u> Owner's Permit No. <u>37-89-2-005</u>	7. WATER LEVEL Static water level <u>12</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature _____ °F. Quality <u>good</u> <i>Describe artesian or temperature zones below</i>																																		
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement Well diameter increase _____ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)	8. WELL TEST DATA ☐ Pump ☐ Bailor ☒ Air ☐ Other _____ <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> <tr> <td><u>100</u></td> <td><u>35</u></td> <td><u>1</u></td> </tr> </table>	Discharge G.P.M.	Pumping Level	Hours Pumped	<u>100</u>	<u>35</u>	<u>1</u>																												
Discharge G.P.M.	Pumping Level	Hours Pumped																																	
<u>100</u>	<u>35</u>	<u>1</u>																																	
3. PROPOSED USE ☒ Domestic ☒ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (Specify type)	9. LITHOLOGIC LOG <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Bore Diam.</th> <th colspan="2">Depth</th> <th rowspan="2">Material</th> <th colspan="2">Water</th> </tr> <tr> <th>From</th> <th>To</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td><u>8</u></td> <td><u>0</u></td> <td><u>6</u></td> <td><u>Topsoil</u></td> <td></td> <td><u>x</u></td> </tr> <tr> <td><u>8</u></td> <td><u>6</u></td> <td><u>12</u></td> <td><u>Sand and gravel</u></td> <td><u>x</u></td> <td></td> </tr> <tr> <td><u>8</u></td> <td><u>12</u></td> <td><u>35</u></td> <td><u>Gravel</u></td> <td><u>x</u></td> <td></td> </tr> <tr> <td><u>6</u></td> <td><u>35</u></td> <td><u>40</u></td> <td><u>Sand and gravel</u></td> <td><u>x</u></td> <td></td> </tr> </tbody> </table>	Bore Diam.	Depth		Material	Water		From	To	Yes	No	<u>8</u>	<u>0</u>	<u>6</u>	<u>Topsoil</u>		<u>x</u>	<u>8</u>	<u>6</u>	<u>12</u>	<u>Sand and gravel</u>	<u>x</u>		<u>8</u>	<u>12</u>	<u>35</u>	<u>Gravel</u>	<u>x</u>		<u>6</u>	<u>35</u>	<u>40</u>	<u>Sand and gravel</u>	<u>x</u>	
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<u>6</u>	<u>35</u>	<u>40</u>	<u>Sand and gravel</u>	<u>x</u>																															
4. METHOD DRILLED ☒ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary ☐ Cable ☐ Dig ☐ Other _____	10. Work started <u>5-15-90</u> finished <u>5-16-90</u>																																		
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Thickness</th> <th>Diameter</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td><u>250</u> inches</td> <td><u>8</u> inches</td> <td><u>1</u> feet</td> <td><u>38</u> feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> </tbody> </table> Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☒ Yes ☐ No How perforated? ☐ Factory ☒ Knife ☐ Torch ☐ Gun Size of perforation <u>1 3/8</u> inches by <u>5</u> inches <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Number</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td><u>250</u> perforations</td> <td><u>28</u> feet</td> <td><u>35</u> feet</td> </tr> <tr> <td>_____ perforations</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ perforations</td> <td>_____ feet</td> <td>_____ feet</td> </tr> </tbody> </table> Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>20</u> Material used in seal: ☐ Cement grout ☒ Bentonite ☐ Pudding clay ☐ _____ Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☒ Overbore to seal depth Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent _____ Weld ☐ Cemented between strata Describe access port _____	Thickness	Diameter	From	To	<u>250</u> inches	<u>8</u> inches	<u>1</u> feet	<u>38</u> feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	Number	From	To	<u>250</u> perforations	<u>28</u> feet	<u>35</u> feet	_____ perforations	_____ feet	_____ feet	_____ perforations	_____ feet	_____ feet	11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. WOOD RIVER DRILLING AND PUMP Firm <u>BOX 1165</u> <u>788-3163</u> Firm No. <u>265</u> Address <u>HAILEY, IDAHO 83333</u> Date <u>5-21-90</u> Signed by (Firm Official) <u>Ken Smith</u> and (Operator) <u>BOB McLaughlin</u>		
Thickness	Diameter	From	To																																
<u>250</u> inches	<u>8</u> inches	<u>1</u> feet	<u>38</u> feet																																
_____ inches	_____ inches	_____ feet	_____ feet																																
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_____ perforations	_____ feet	_____ feet																																	
_____ perforations	_____ feet	_____ feet																																	
6. LOCATION OF WELL Sketch map location must agree with written location. N <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:25%; text-align: center;">W</td> <td style="width:25%; text-align: center;">X</td> <td style="width:25%; text-align: center;">X</td> <td style="width:25%; text-align: center;">E</td> </tr> <tr> <td style="text-align: center;">S</td> <td colspan="3"></td> </tr> </table> Subdivision Name <u>RIVER</u> <u>EDGE RANCH</u> Lot No. <u>1</u> Block No. _____ County <u>BLAINE</u> Section <u>NE 1/4</u> T. <u>4</u> S. R. <u>18</u> W.	W	X	X	E	S				USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT																										
W	X	X	E																																
S																																			

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MAR 24 2000

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Form 219
6/86

AUG 3 1999
Ketch
Ketch
DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

JUL 28 1999
Department of Water Resources
Southern Region

A. GENERAL INFORMATION

Permit No. 37-08560

1. Owner: Idaho Foundation for Parks and Lands Inc. Phone No. (208) 736-3033

Current Address: % Jim Speck, Box 987 Ketchum, Idaho

2. Accompanied by: Mark Reinemann EXAM. DATE: 7/17/99

Address: Sun Valley, Idaho Phone No. (208) 726-7100

Relationship to Permit Holder: Operator / Neighbor

3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: None

☐ Copies Attached

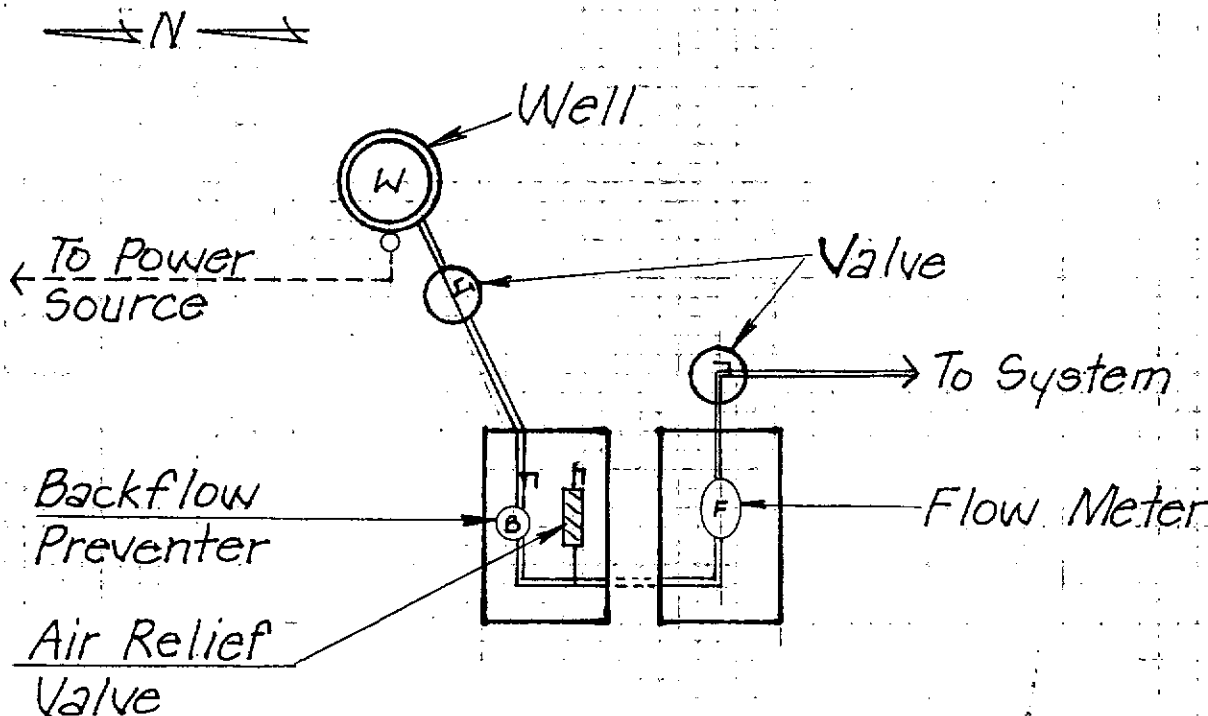
2. Other water rights with same point of diversion: None

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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



Scale: 1" = 2'-0"

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

☒ Photo of Diversion and System Attached

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

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

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System Description (continued)

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

The submersable well pump pumps through the flow meter directly to a clock controlled irrigation system consisting of 10 circuits. At time of measurement approx. 10 sprinkler heads were operating.

☐ See Remarks on page 4 for continuation

4.

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

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

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	NE	NE	30	4N	18E	Blaine	Survey Plat

6. **Place(s) of Use:**

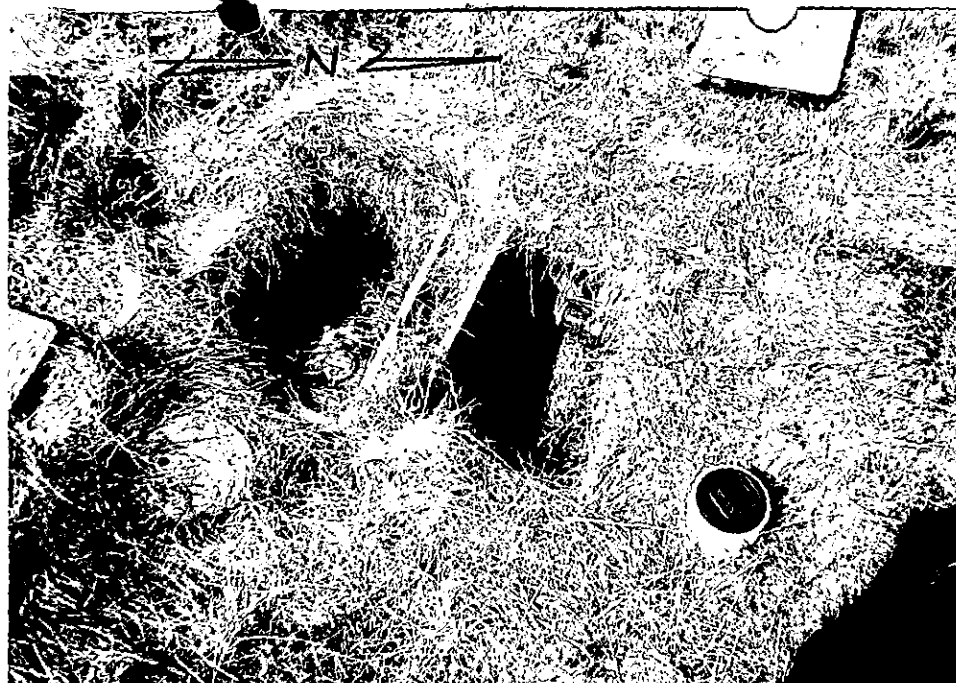
Indicate Method of Determination Survey Map

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	18E	30				3													3

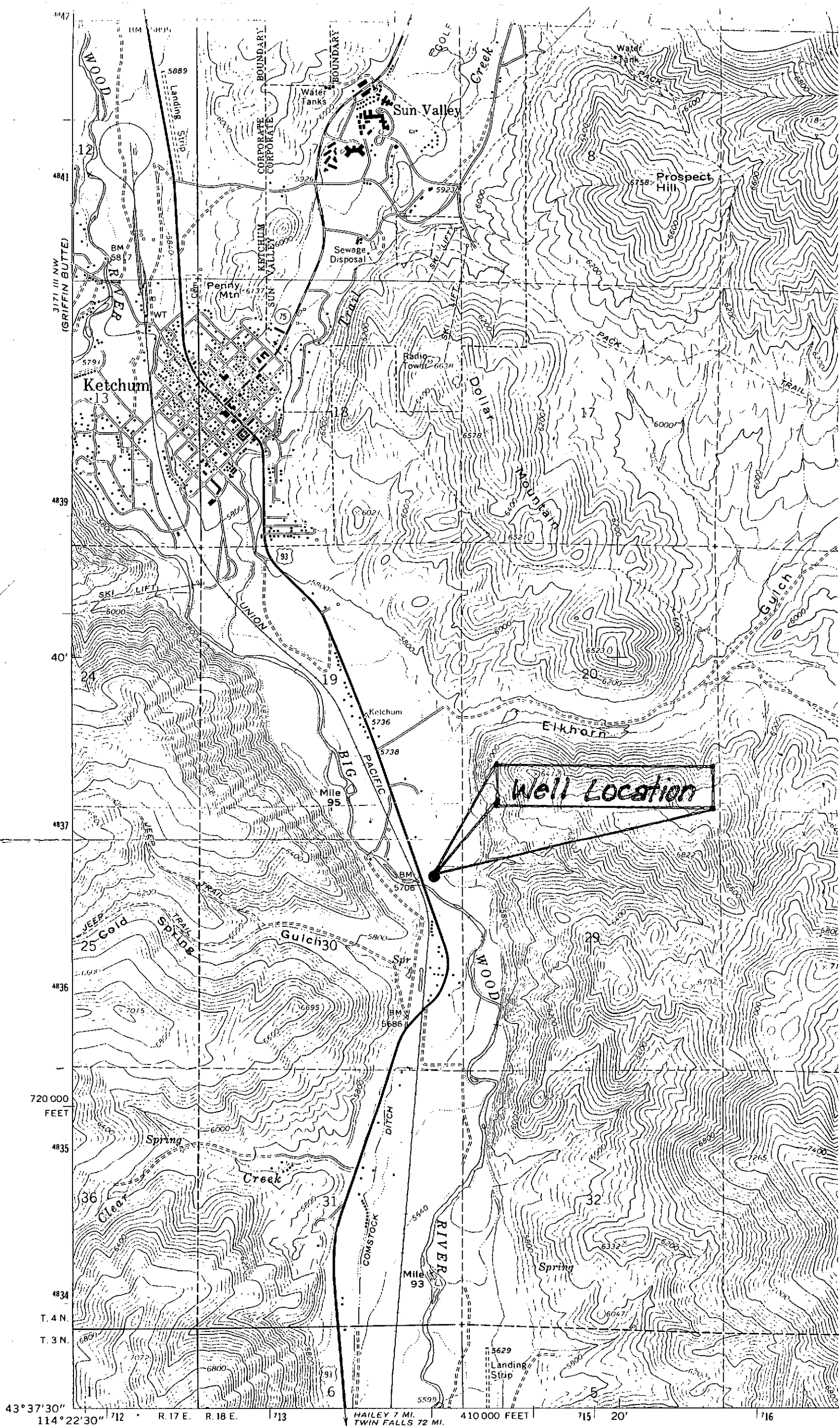
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Do not use this space



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Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

Topography by photogrammetric methods from aerial photographs taken 1966. Field checked 1967

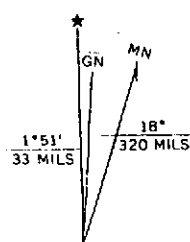
Polyconic projection. 1927 North American datum
10,000-foot grid based on Idaho coordinate system,
central zone

1000-meter Universal Transverse Mercator grid ticks,
zone 11, shown in blue

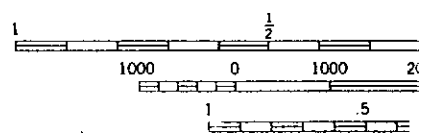
To place on the predicted North American Datum 1983
move the projection lines 13 meters north and
72 meters east as shown by dashed corner ticks

There may be private inholdings within the boundaries of
the National or State reservations shown on this map

Fine red dashed lines indicate selected fence lines



UTM GRID AND 1967 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET



CONT
DOTTED LINE
NATIONAL GE

THIS MAP COMPLIES
FOR SALE BY U. S. GEOLOGICAL SURVEY
A FOLDER DESCRIBING TOPOGR

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Flowmeter	Inline	Sensus		47077912	2"	1996

2. Measurements:

Flow meter recorded a total of 213 gallons in a timed 5 minute interval:

Flow Rate = 42.6 gallons per minute

42.6 G.P.M. = 0.0949 = 0.095 CFS

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

Flowmeter VRS Flow Time

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

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

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

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

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

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

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

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 38.20$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 38.20$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 38.20$

2. Volume Calculations for Other Uses:

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MAR 24 2000

[illegible]

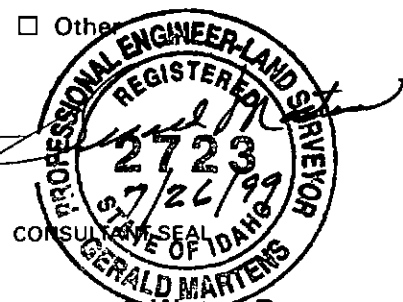
1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	4/11	11/1	0.095	38.20
		Totals:	0.095	38.20

☐ 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

Field Examiner's Name GERALD MARTENS, P.E.
Signature [Signature]
Certification Date 7/26/99
Field Report Preparation Date 7/18/99



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

MICROFILMED
MAR 24 2000

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

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

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

May 21, 1999

Ms. Georgia Satterlee
Idaho Department of Water Resources
1341 Fillmore Street
Suite 200
Twin Falls ID 83301-3380

RECEIVED
RECEIVED
MAY 24 1999
MAY 26 1999
Department of Water Resources
Department of Water Resources

RE: Permit No. 37-08560
Idaho Foundation for Parks and Lands, Inc.

Dear Georgia:

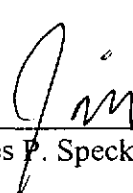
Thank you for your letter of May 19, 1999. The Idaho Foundation for Parks and Lands, Inc. will submit its own beneficial use field examination conducted by a licensed water right examiner on or before the pending deadline of August 1, 1999. It will not be necessary for the Department to conduct an examination. Please call me if you have any questions.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: _____


James P. Speck

JPS:rsd
cc: client
Marc Reinemann
Glen Saxton
Gerald Martens

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MAR 24 2000



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 19, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

IDAHO FOUNDATION FOR PARKS & LANDS INC
C/O JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

RE: ASSIGNMENT OF PERMIT 37-08560

Dear Water Right Holder(s):

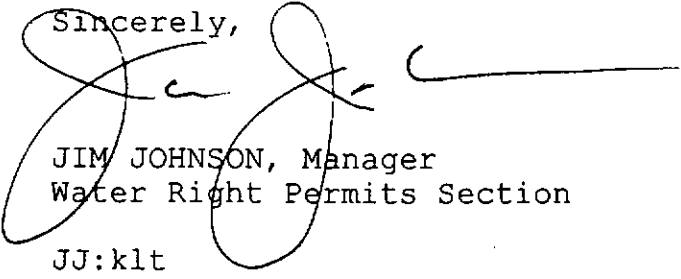
We acknowledge receipt of the correspondence changing ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership. A computer generated report is enclosed for your information.

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

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

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

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosure

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NOV 25 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

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NOV 19 1998

DEPARTMENT OF WATER RESOURCES

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

November 16, 1998

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

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NOV 17 1998
Department of Water Resources
Southern Region

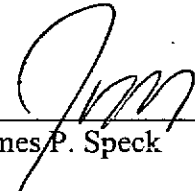
RE: Permit No. 37-08560/Thomas Hormel

Dear Allen:

Enclosed is the Assignment of Permit for the above-referenced permit along with our firm's check in the amount of \$25 for the filing fee. Please call me if you have any questions about this Assignment. If not, kindly send me copies of the computer printouts once the information has been entered into the IDWR database.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:rsd
enclosures

RECEIVED
NOV 25 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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 3, 1998

RE: In the Matter of Permit No. 37-08560 in the name of Thomas Hormel

Dear Interested Parties:

I have enclosed a copy of the order which reinstates the above referenced permit and extends the deadline in which to file a completed field examination to August 1, 1999.

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

Sincerely,

JULIE L. YARBROUGH, Senior Secretary
Water Allocation Bureau

Enclosure

c: IDWR - Southern Region

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NOV 06 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

RECEIVED

October 30, 1998

NOV 02 1998

Department of Water Resources

**VIA FACSIMILE 208-327-7866
ORIGINAL WILL FOLLOW**

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

RE: Water Right Permit No. 37-08560

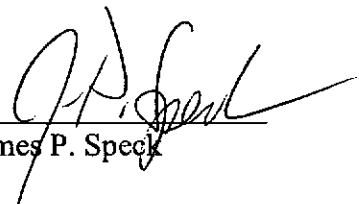
Dear Mr. Saxton:

Enclosed you will find the original and a copy of the Petition for Reconsideration of the Preliminary Order entered October 19, 1998, lapsing Permit No. 37-08560. The copy of the Petition will accompany the original of this letter together with a postage paid and addressed envelope. Please have the Department file stamp the copy and return it to me in that envelope.

Should you have any questions about the Petition, please call me immediately. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 

James P. Speck

JPS:rsd

enclosures

cc: Barry Luboviski, w/encl., via fax 726-3750
Mark Reinemann, w/encl., via fax 726-8376

NOT FILMED

NOV 06 1998

RECEIVED

NOV 02 1998

Department of Water Resources

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

Attorneys for Thomas Hormel

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF WATER RIGHT)
PERMIT NO. 37-08560 IN THE NAME OF) PETITION FOR
THOMAS HORMEL) RECONSIDERATION
_____)

THOMAS HORMEL, ("Petitioner"), through his attorneys, the law firm of Speck & Aanestad, A Professional Corporation, hereby petitions the Idaho Department of Water Resources (the "Department") pursuant to I.C. § 67-5243 for reconsideration of the Preliminary Order entered herein on October 19, 1998 lapsing Permit No. 37-08560 (the "Permit"). In support thereof, Petitioner states as follows:

1. In 1991 Petitioner retained Gerald Martens to do the beneficial use field examination for the Permit as his engineering firm, Edwards, Howard & Martens, had worked on the design and construction of the project.

2. Mr. Martens completed and filed with the Department the Proof of Beneficial Use, dated December 21, 1991 (the "Proof"), a copy of which is attached hereto as Exhibit A and made a part hereof by this reference. It was received by the Department on December 24, 1991. The

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NOV 06 1998

beneficial use field examination did not accompany the Proof. Instead, the Proof simply stated the field report was to be prepared by Mr. Martens.

3. On January 9, 1992, the Department sent Petitioner its Proof Acknowledgment Letter, a copy of which is attached hereto as Exhibit B and made a part hereof by this reference. It advises Petitioner that the Department "will continue with the licensing process as soon as we receive the completed field exam." Petitioner was not notified by this letter or by any other means that there was any kind of a deadline for submitting the field exam.

4. The next time Petitioner was contacted by or received any correspondence from the Department was the October 19, 1998 letter enclosing the Preliminary Order.

5. The Department's present Rules governing beneficial use examinations provide that a permit only can be lapsed if the field examination is not submitted within one year after notification that it is due. No such notification was ever given to Petitioner.

6. The irrigation system has been continuously used since the Proof was filed. Mr. Martens is prepared to complete the beneficial use field examination and report right away. However, a deadline of August 1, 1999 would allow for on-site inspection while the system is in operation next summer and adequate time to prepare the written report. In the alternative, Petitioner is prepared to immediately pay the Department's field examination fee and have the Department conduct the field exam according to its regular schedule.

7. The property on which the project is located, including the well and irrigated lands, was sold on October 30, 1998 to the Idaho Foundation for Parks and Lands, Inc. (the "Foundation"). As soon as the Assignment of Permit is completed it will be forwarded to the Department at which time the Foundation shall be substituted into this matter as Petitioner.

MICROFILMED
NOV 06 1998

WHEREFORE, Petitioner respectfully requests the Department to grant this Petition for Reconsideration, reinstate the Permit and either (a) extend the time for submitting a beneficial use field examination by a non-department certified water right examiner to August 1, 1999, or (b) accept payment of the scheduled license examination fee within five (5) days of the date of the Order granting the Petition and have the Department proceed to conduct the examination.

DATED this 30th day of October, 1998.

SPECK & AANESTAD
A Professional Corporation
Attorneys for Thomas Hormel

By


James P. Speck

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NOV 06 1998

Form 217
08/89

RECEIVED

DEC 24 1991

Department of Water Resources
Southern Region Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only

Amt. of Fee \$

Date

Receipt No.

Received by

RECEIVED
JAN 09 1992

The Idaho Department of Water Resources will consider this form as a statement that the Department of Water Resources has 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 37-08560Telephone No. 734-4888Name(s) of Permit Holder(s): Thomas HormelPost Office Address: Box 2224 Ketchum Idaho 83340Source of Water: GroundwaterIf ground water, well driller's name: Ken Smith Wood River Drilling Date drilled: 1990

Extent of Use:

Domestic (No. of households)Irrigation 3 (No. of acres)Stockwater (No. and type of stock)Other Diversion of 0.09 CFSTotal rate and/or volume for which proof is submitted 0.09 cfs acre/feetShow date water was first diverted and beneficially used under this permit: 8/21/91

One of the following may be a condition of approval of your permit:

Measuring device: Required? Yes X No Installed? Yes X No

OR

Flow Measurement Port: Required? Yes X No Installed? Yes X NoFee Enclosed: \$ (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

FIELD REPORT TO BE PREPARED BY GERALD MORTON - 734-4888

Name

Telephone No.

Address

Post-it® Fax Note

7671

Date

of pages 2To RANDFrom Jim Stanton

Co./Dept.

Co. IDWR

Phone #

Phone #

Fax #

Fax #

The above information is my true statement of the extent to which I relinquish any undeveloped portion of the permit to the state of Idaho.

12/23/91
Date

Signature (and title if on behalf of a company or organization)

MICROFILMED

EXHIBIT 06 1998



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
GOVERNORR. KEITH HIGGINSON
DIRECTOR

January 9, 1992

Thomas Hormel
P.O. Box 2224
Ketchum, ID 83340

Re: Permit No. 37-08560

RECEIVED

JAN 14 1992

Department of Water Resources
Southern Region Office

PROOF ACKNOWLEDGEMENT LETTER

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for this permit.

Since you have chosen to hire a certified water right examiner to complete the field exam, we will continue with the licensing process as soon as we receive the completed field exam.

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

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

Enclosure

C: IDWR-Regional Office

Post-It® Fax Note	7671	Date	10/29/98	# of pages	1
To	BEN WORST	From	COREY SKINNER		
Co./Dept.		Co.	IDWR		
Phone #		Phone #			
Fax #	(208) 726-0752	Fax #			

MICROFILMED

NOV 06 1998

EXHIBIT B

09580-66

FAX TRANSMISSION**SPECK & AANESTAD**

P. O. Box 987

Ketchum, ID 83340

1-208-726-4421

Fax: 1-208-726-0752

To:	Mr. L. Glen Saxton	Date:	October 30, 1998
Fax #:	208-327-7866	Pages:	7, including this cover sheet.
From:	Jim Speck		
Subject:	Water Right Permit No. 37-08560		

COMMENTS:

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

MICROFILMED

NOV 06 1998

SPECK & AANESTADA PROFESSIONAL CORPORATION
ATTORNEYSJAMES P. SPECK
DOUGLAS J. AANESTAD
BENJAMIN W. WORST120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

October 30, 1998

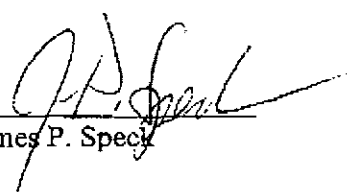
**VIA FACSIMILE 208-327-7866
ORIGINAL WILL FOLLOW**Mr. L. Glen Saxton
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000**RE: Water Right Permit No. 37-08560**

Dear Mr. Saxton:

Enclosed you will find the original and a copy of the Petition for Reconsideration of the Preliminary Order entered October 19, 1998, lapsing Permit No. 37-08560. The copy of the Petition will accompany the original of this letter together with a postage paid and addressed envelope. Please have the Department file stamp the copy and return it to me in that envelope.

Should you have any questions about the Petition, please call me immediately. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional CorporationBy: 

James P. Speck

JPS:rsd
enclosurescc: Barry Luboviski, w/encl., via fax 726-3750
Mark Reinemann, w/encl., via fax 726-8376MICROFILMED
NOV 06 1998

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

Attorneys for Thomas Hormel

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF WATER RIGHT	)	
PERMIT NO. 37-08560 IN THE NAME OF	)	PETITION FOR
THOMAS HORMEL	)	RECONSIDERATION
_____	)	

THOMAS HORMEL, ("Petitioner"), through his attorneys, the law firm of Speck & Aanestad, A Professional Corporation, hereby petitions the Idaho Department of Water Resources (the "Department") pursuant to I.C. § 67-5243 for reconsideration of the Preliminary Order entered herein on October 19, 1998 lapsing Permit No. 37-08560 (the "Permit"). In support thereof, Petitioner states as follows:

1. In 1991 Petitioner retained Gerald Martens to do the beneficial use field examination for the Permit as his engineering firm, Edwards, Howard & Martens, had worked on the design and construction of the project.

2. Mr. Martens completed and filed with the Department the Proof of Beneficial Use, dated December 21, 1991 (the "Proof"), a copy of which is attached hereto as Exhibit A and made a part hereof by this reference. It was received by the Department on December 24, 1991. The

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NOV 06 1998

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3. On January 9, 1992, the Department sent Petitioner its Proof Acknowledgment Letter, a copy of which is attached hereto as Exhibit B and made a part hereof by this reference. It advises Petitioner that the Department "will continue with the licensing process as soon as we receive the completed field exam." Petitioner was not notified by this letter or by any other means that there was any kind of a deadline for submitting the field exam.

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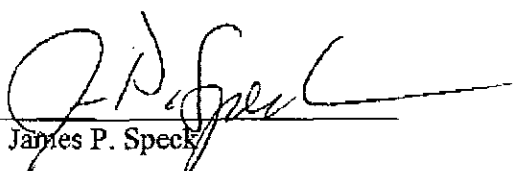
MICROFILMED
NOV 06 1998

WHEREFORE, Petitioner respectfully requests the Department to grant this Petition for Reconsideration, reinstate the Permit and either (a) extend the time for submitting a beneficial use field examination by a non-department certified water right examiner to August 1, 1999, or (b) accept payment of the scheduled license examination fee within five (5) days of the date of the Order granting the Petition and have the Department proceed to conduct the examination.

DATED this 30th day of October, 1998.

SPECK & AANESTAD
A Professional Corporation
Attorneys for Thomas Hormel

By


James P. Speck

MICROFILMED
NOV 06 1998

OCT-30-98 FRI 17:16
10/28/1998 14:54

SPECK & AANESTAD
2087 7

FAX NO. 2087260752
IDWR SOUTHERN REGION

P. 06/07
PAGE 01

Form 217
08/89

RECEIVED

DEC 24 1991

Department of Water Resources
Southern Region Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED
JAN 09 1992

For Office Use Only
Amt. of Fee \$
Date
Receipt No.
Received by

The Idaho Department of Water Resources will consider this form as a statement that the Department of Water Resources 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 37-08560 Telephone No. 734-4888

Name(s) of Permit Holder(s): Thomas Hornel

Post Office Address: Box 2224 Ketchum Idaho 83340

Source of Water: Groundwater

If ground water, well driller's name: KEN SMITH - Wood River Drilling Date drilled: 1990

Extent of Use:

Domestic (No. of households) Irrigation 3 (No. of acres)

Stockwater (No. and type of stock) Other

Diversion of 0.09 CFS

Total rate and/or volume for which proof is submitted 0.09 cfs acre/feet

Show date water was first diverted and beneficially used under this permit: 8/21/91

One of the following may be a condition of approval of your permit:

Measuring device: Required? Yes X No Installed? Yes X No

OR

Flow Measurement Port: Required? Yes X No Installed? Yes X No

Fee Enclosed: \$ (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

FIELD REPORT TO BE PREPARED BY GERALD MATTHEWS - 734-4888
Name Telephone No.

Address

Post-it Fax Note	7671	Date	# of pages <u>2</u>
To	<u>Rand:</u>	From	<u>Jim Stanton</u>
Co./Dept.		Co.	<u>IDWR</u>
Phone #		Phone #	
Fax #		Fax #	

The above information is my true statement of the extent to which I relinquish any undeveloped portion of the permit to the state of Idaho

12/23/91
Date

[Signature]
Signature (and title if on behalf of a company or organization)

EXHIBIT A

MICROFILMED

NOV 06 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
 GOVERNOR

R. KEITH HIGGINSON
 DIRECTOR

January 9, 1992

Thomas Hormel
 P.O. Box 2224
 Ketchum, ID 83340

Re: Permit No. 37-08560

RECEIVED

JAN 14 1992

Department of Water Resources
 Southern Region Office

PROOF ACKNOWLEDGEMENT LETTER

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for this permit.

Since you have chosen to hire a certified water right examiner to complete the field exam, we will continue with the licensing process as soon as we receive the completed field exam.

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

Sincerely,

Karen L. Gustafson
 Karen L. Gustafson
 Secretary/Records Manager

Enclosure

C: IDWR-Regional Office

Post-It Fax Note	7671	Date	10/29/98	# of pages	1
To	BEN WORST	From	COREY SKINNER		
Co./Dept.		Co.	IDWR		
Phone #		Phone #			
Fax #	(208) 726-0752	Fax #			

MICROFILMED
 EXHIBIT B

NOV 06 1998

37-08560

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, P.O. Box 83720, Boise, Idaho 83720-0098

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

October 19, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Thomas Hormel
PO Box 2224
Ketchum ID 83340

RE: Permit No. 37-08560

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218a, Idaho Code, that the above referenced permit is **lapsed** and is of no further force nor effect. Further development under this permit is not authorized.

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

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NOV 06 1998

- 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

c: IDWR - Region

MICROFILMED
NOV 06 1998

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.

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:



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 9, 1992

Thomas Hormel
P.O. Box 2224
Ketchum, ID 83340

Re: Permit No. 37-08560

PROOF ACKNOWLEDGEMENT LETTER

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for this permit.

Since you have chosen to hire a certified water right examiner to complete the field exam, we will continue with the licensing process as soon as we receive the completed field exam.

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

Sincerely,

Karen L. Gustafson
Karen L. Gustafson
Secretary/Records Manager

Enclosure

C: IDWR-Regional Office

MICROFILMED

JAN 22 1992

3/89

Drilling Permit No. 37-89-2-009Water Permit No. 37-08560

Injection Permit No. _____

RECEIVED

SEP 13 1989

Department of Water Resources
Southern Region OfficeState of Idaho
Department of Water Resources2148 4th Ave East
Twin Falls, ID 83301
RECEIVED

DRILLING PERMIT

SEP 21 1989

1. Applicant THOMAS HORMEL Department of Water Resources
Southern Region Office2. Address Box 2224 Ketchum IDAHO 83340Telephone 726-4629☒ Well Owner () Well Operator () Other, specify _____3. Proposed well location SE 1/4 NE 1/4, or Gov't lot No. _____Sec. 30, Twp. T4N, Rge. R18E, County Blaine, B.M.Lot, block and subdivision Lot 1 Rivers Edge Ranch

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 () ReplaceProposed surface diameter 8" Maximum depth 100 ft.

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)received 9/7
6207.0106. Anticipated construction start date 9-15-897. Well Driller (if known) KEN Smith - Bellevue ID #265Address Wood River Drilling & Pump8. Applicant's signature Harrell E. DumbleTitle AGENTDate SEPT 8, 1989

Please send copy to director

ACTION OF DEPARTMENT OF WATER RESOURCES

This Permit is Approved.

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 8th day of January, 1990

Signed L. Glen Sator

Title Chief, Water Alloc. Bur.

Receipt No. 5009485 Received by LPP Fee 100.00 Date 9-29-89

EXTENSION OF DRILLING PERMIT

Approval Date 5/1/90 Extension approved by L. Glen Sator

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

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 37-08560 Reviewed by Klg Date 12/26/91

GENERAL CONSIDERATIONS

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

SOURCE OF WATER

 Surface water source
✓ Ground water source
yes Drilling permit required?
yes Copy in the file? Drilling Permit No. 37-89-2-009
100 Amount paid for permit yes Correct?
yes Well log in the file?

LICENSE EXAMINATION FEE

NA Required?
/ Amount Submitted
/ Correct?

MEASURING DEVICE

NA Required?
/ Installed?
/ Waiver requested?

PRIORITY CALCULATION

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

DEFICIENCIES OR ACTION ITEMS

need to know well drillers name -OK
is employing private examiner - no fee necessary
proof acceptable

DATA ENTRY

New Address

Proof Made 12/24/91
1/10/92 Klg

ROSHOLT, ROBERTSON & TUCKER
Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH

P.O. BOX 1906

TWIN FALLS, IDAHO 83303-1906

TELEPHONE (208) 734-0700

FAX (208) 736-0041

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

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

RECEIVED

JUN 20 1991

Department of Water Resources
Southern Region Office

June 19, 1981

Mr. Loren Holmes
Idaho Department of Water Resources
Southern Regional Office
222 Shoshone Street E.
Twin Falls, ID 83301

RE: Permit No. 37-08560/Thomas Hormel

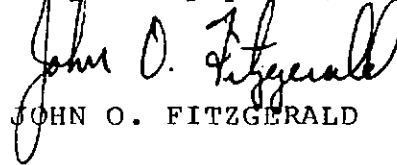
Dear Mr. Holmes:

Enclosed please find a copy of Permit To Appropriate Water No. 37-08560 for Thomas Hormel.

Inadvertently, the domestic period of use is for the irrigation season, 4/01 to 11/01. The domestic use should be for the full year, 1/01 to 12/31. Additionally, the total rate of diversion states 0.09 CFS. The total rate of diversion should read 0.10 CFS, as the rates of diversion for irrigation and domestic is 0.09 CFS and 0.01 CFS respectively. Please review and amend the permit as appropriate.

Thank you for your prompt consideration of this matter.

Very truly yours,


JOHN O. FITZGERALD

JOF/kab
99291

Enclosure

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 37-08560

Proposed Priority: September 29, 1989 Maximum Diversion Rate: 0.09 CFS

This is to certify, that **THOMAS HORMEL**
P.O. BOX 2224
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	0.09 CFS
DOMESTIC	04/01 to 11/01	0.01 CFS
	Totals	0.09 CFS

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

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N 18E 30	SENE 3			3

Total number of acres irrigated: 3

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 1992.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.03 cubic feet per second for each acre of land.
5. Irrigation use under this permit is authorized only in connection with a domestic use.
6. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

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

8th day of January, 1990.

for R. Keith Higginson, Director

Form 235-1

3/89

RECEIVED

SEP 13 1989

Department of Water Resources
Southern Region Office

100.00

State of Idaho
Department of Water Resources

Drilling Permit No. 37-89-2-009

Water Permit No. 37-08560

Injection Permit No. _____

2148 4th Ave East
Twin Falls ID 83301

RECEIVED

DRILLING PERMIT

SEP 21 1989

Department of Water Resources
Southern Region Office

1. Applicant THOMAS HORMEL

2. Address Box 2224 Ketchum Idaho 83340

Telephone 726-4629

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

3. Proposed well location SE 1/4 NE 1/4, or Gov't lot No. _____

Sec. 30, Twp. T4N, Rge. R18E, County Blaine, B.M.

Lot, block and subdivision Lot 1 Rivers Edge Ranch

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

(X) Domestic () Stockwater () Monitoring
No. of households 1 No. of livestock _____

(X) Irrigation () Industrial () Municipal

() Injection () Other, Specify _____

5. Well construction information:

(X) New well () Deepen () Replace

Proposed surface diameter 8" Maximum depth 100 ft.

Anticipated bottom hole temperature:

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

received 9/7
6207.010

6. Anticipated construction start date 9-15-89

7. Well Driller (if known) KEN Smith - Bellevue ID #265

Address Wood River Drilling & Pump

8. Applicant's signature Harrell E. Dumble JAN 22 1992

Title AGENT

Date SEPT 8, 1989

Please send copy to Doble

ACTION OF DEPARTMENT OF WATER RESOURCES

This Permit is Approved.

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 8th day of January, 1990.

Signed

Title

H. Glen Saylor
Chief, Water Alloc. Bur.

Receipt No. 5009485 Received by LPP Fee 100⁰⁰ Date 9-29-89

EXTENSION OF DRILLING PERMIT

Approval Date _____ Extension approved by _____

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

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]

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



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 26, 1991

Thomas Hormel
P.O. Box 2224
Ketchum, ID 83340

RE: Permit No. 37-08560

Dear Permit Holder:

Returned is your Proof of Beneficial Use Form. Before we can complete processing, additional information is required.

A drilling permit is required for all wells drilled, deepened or enlarged after July 1, 1987 (Section 42-235, Idaho Code). You have not indicated the well driller. Since your well was drilled after July 1, 1987 please submit a copy of the drilling permit. Also, it will be necessary for you to supply us with the well drillers name so that we can locate a copy of the well log. The well log should be submitted by the driller within 30 days of the completion of the well. If you have a copy of the well log, that would be helpful also.

Please provide the appropriate information within 15 days of the date of this mailing. At that time, I will continue to process your proof of beneficial use.

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
Secretary/Records Manager

Enclosure

MICROFILMED
JAN 22 1992

THOMAS HORMEL
P.O. BOX 2224
KETCHUM ID 83340

138219
November 30, 1991

PROOF DUE NOTICE
RE: PERMIT NO. 37-08560

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 February 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
JAN 22 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 37-08560

Name(s) of Permit Holder(s): Thomas Hornel

Post Office Address: Box 2224

Ketchum ID 83340

Tel. No. 726-4629

☒ I hereby certify that construction of diversion works for the above referenced permit began on MAY 29 90 (date) and I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is not an acceptable reason.

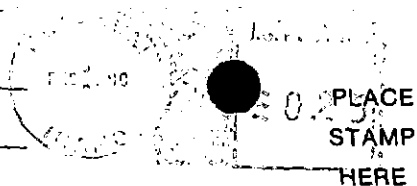
DEC 1, 1990
Date

David Hornel (Agent)
Signature of Permit Holder

Thomas Hoel

Box 2224

Ketchum ID 83340



RECEIVED



RECEIVED

JAN 02 1991

2 1992

Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
January 8, 1990

THOMAS HORMEL
P.O. BOX 2224
KETCHUM, ID 83340

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P37-08560

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 permit was approved.

RECORDED

FEB 21 1990

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.

Also enclosed is a copy of the approved drilling permit submitted in connection with this water right.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

RECEIVED

FEB 21 1990

3/89

RECEIVED

SEP 13 1989

Department of Water Resources
Southern Region OfficeState of Idaho
Department of Water ResourcesDrilling Permit No. 37-89-2-009Water Permit No. 37-08560

Injection Permit No. _____

2148 4th Ave East
Twin Falls, ID 83301
RECEIVED

DRILLING PERMIT

SEP 21 1989

1. Applicant THOMAS HORMELDepartment of Water Resources
Southern Region Office2. Address Box 2224 Ketchum Idaho 83340Telephone 726-4629☒ Well Owner ☐ Well Operator ☐ Other, specify _____3. Proposed well location SE 1/4 NE 1/4, or Gov't lot No. _____Sec. 30, Twp. T4N, Rge. R18E, County Blaine, B.M.Lot, block and subdivision Lot 1 Rivers Edge Ranch

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

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

5. Well construction information:

☒ New well ☐ Deepen ☐ ReplaceProposed surface diameter 8" Maximum depth 100 ft.

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)received 9/7
6207.0106. Anticipated construction start date 9-15-897. Well Driller (if known) KEN Smith - Hailey ID. #265Address Wood River Drilling & Pump8. Applicant's signature Harold E. DumbleTitle AGENT FEB 21 1990Date SEPT 8, 1989

Please send copy to Driller.

ACTION OF DEPARTMENT OF WATER RESOURCES

This Permit is

Approved

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 8th day of January, 1990

Signed

J. Glen Saylor

Title

Chief, Water Alloc. Bur.

Receipt No. 5009485 Received by LAP Fee 100⁰⁰ Date 9-29-89

MICROFILMED

EXTENSION OF DRILLING PERMIT

FEB 21 1990

Approval Date _____ Extension approved by _____
This extension is good 60 days beyond the above extension approval date.

Form No. 202a

4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY DRJ DATE 10/20/89 APPLICATION NUMBER 37-08560REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- ☒ County
- ☒ Quantity (flow and/or volume)
- ☒ Period of Use
- ☒ Nature of proposed use (Include description of use.)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map
- ☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
- ☐ Overlapping point of diversion
- ☐ Yes ☒ No Field check required
- ☐ Field check by _____
- ☐ Yes ☒ No Field report attached
- ☐ Yes ☒ No Critical groundwater area
- ☐ Yes ☒ No Groundwater management area
- ☐ Yes ☒ No Send dam safety information
- ☐ Yes ☒ No Send power requirement letter
- ☐ Yes ☒ No Send fish farm requirement letter
- ☐ Yes ☒ No Power residency affidavit
- ☐ Yes ☒ No Power efficiency form
- ☒ Yes ☐ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
- See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested

RECEIVED
DEC 05 1989

Department of Water Resources

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

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

FINAL REGIONAL PROCESSING REVIEW

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

☒ Yes ☐ No Publication dates & paper, recorded on application
☒ Yes ☐ No Protests received
Final date for protest 11/20/89
☒ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☒ Yes ☐ No Recommendations attached
☒ Yes ☐ No Measuring device required
☒ Yes ☐ No Access port required
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. 37
☒ Yes ☐ No Special conditions of approval or cover letter below.

24A, 46

See below for additional information

Date of priority recommended 1/21/89
BY Loren O. Hahn Date 4/27/89

STATE OFFICE REVIEW P05, P23 P17, P99 46 57 41 26

See below for additional information

BY kw Date 12-27-89

ADDITIONAL INFORMATION

App. in TRUST area - DCMI
Allow 2 yrs. for BIL development
Process drilling permit too.

This is a Copy of the Check I sent with the App. for Permit, It was not returned with the App. when sent back for changes.

Thank you
Darrell Gamble

DARRELL E. OR DEBBIE GAMBLE
518-68-2621 518-68-7051
P. O. BOX 2864 788-3389
KETCHUM, ID 83340

Pay to the ORDER OF State of ID Water Resources \$ 30.00
Thirty and 00/100 DOLLARS

FIRST FEDERAL SAVINGS
AND LOAN ASSOCIATION OF TWIN FALLS
MAGIC VALLEY MALL OFFICE
1465 POLE LINE ROAD EAST SUITE 111
TWIN FALLS, IDAHO 83301

MEMO Not Negotiable for form Darrell E. Gamble

⑆324170179⑆ 2 000030 7⑈ 1647

Rock Mountain Bank Note

This check was not receipted & was either lost or returned. Applicant says it has not cleared & is not in his possession as of 10/20/89.
DR

NOTED

FEB 21 1990

37-08560

20-Oct-1989

Thomas Hormel
P.O. Box 2224
Ketchum, ID 83340

Re: Application for Permit No. 37-08560

Dear MR. Hormel:

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

This office will be advertising the application in the Wood River Journal on 11/1 & 11/8/89. 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.

The Department also acknowledges the drilling permit you submitted. The two applications will be approved simultaneously.

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

Very truly yours,

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

DJ:MB
cc: Darrell E. Gamble

MICROFILMED

FEB 21 1990

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

OCTOBER 20, 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 NOVEMBER 20, 1989.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

RECEIVED
FEB 21 1990

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILMED

FEB 21 1990

37-08560

HORMEL, THOMAS
P.O. BOX 2224
KETCHUM, ID 83340

Source: GROUNDWATER

Diversion Pt: SENE Sec 30 T 04N R 18E

Use: IRRIGATION (.090 CFS)
DOMESTIC (.010 CFS)

Date Filed: 9/29/1989

In: T04N R18E S30 SENE

3.0 ACRES TOTAL

Handwritten signature/initials

RECORDED

FEB 21 1990

RECEIVED

OCT 30 1989

Department of Water Resources
Southern Region Office

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

37-08560

HORMEL, THOMAS
P.O. BOX 2224
KETCHUM, ID 83340

Source: GROUNDWATER
Diversion Pt: SENE Sec 30 T 04N
R 18E

Use: IRRIGATION (.090 CFS)
DOMESTIC (.010 CFS)

Date Filed: 9/29/1989

In: T04N R18E S30 SENE
3.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code, and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2148 4th Avenue East, Twin Falls, Idaho 83301, on or before NOVEMBER 20, 1989.

R. Keith Higginson, Director

Publish: Wood River Journal-
November 1 & 8, 1989.

OK
MB
10/30/89

MICROFILMED

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 NOVEMBER 20, 1989.

R. Keith Higginson, Director

Published 11/01/1989 & 11/08/1989

REPRODUCED

FEB 21 1990