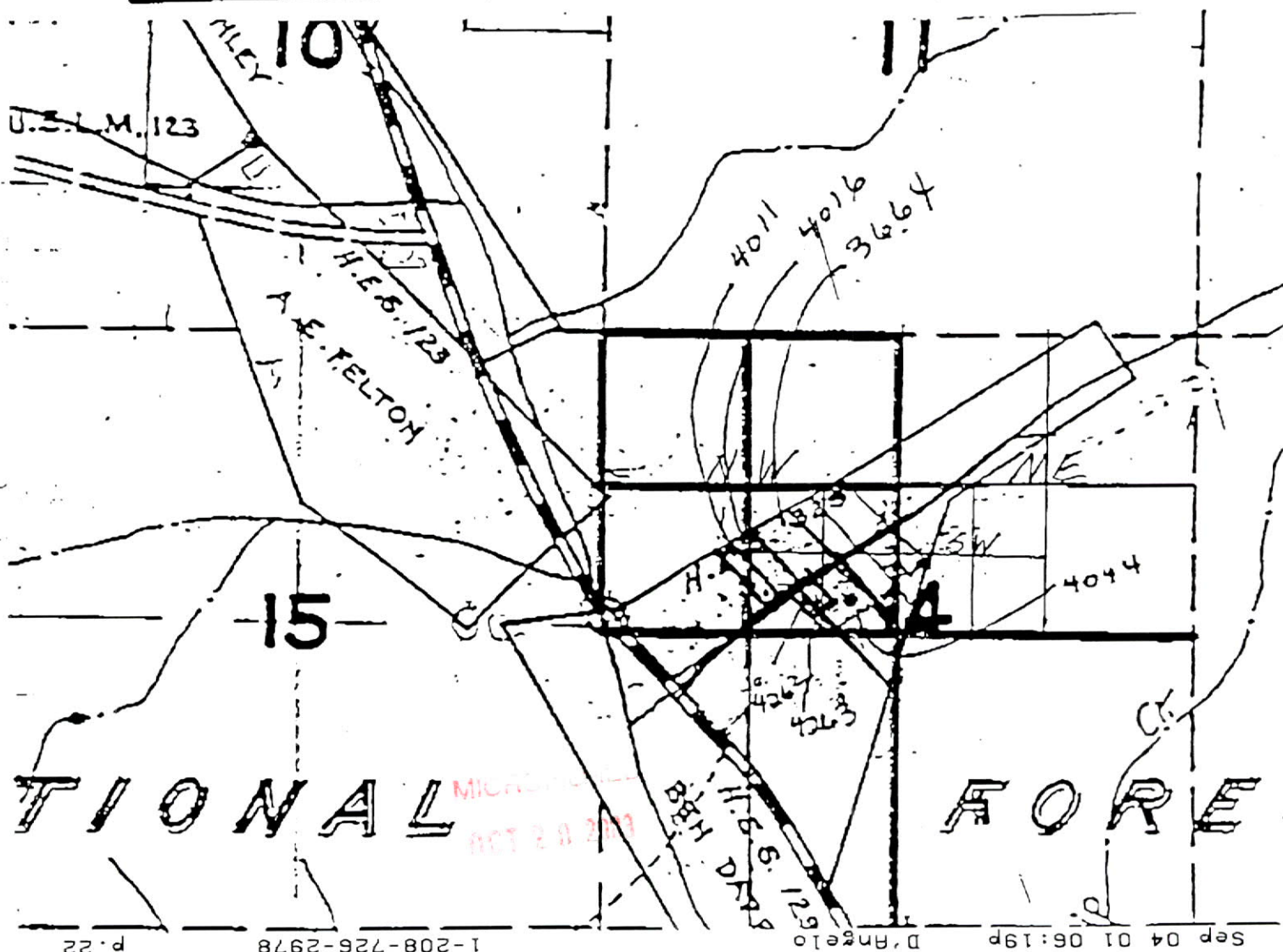


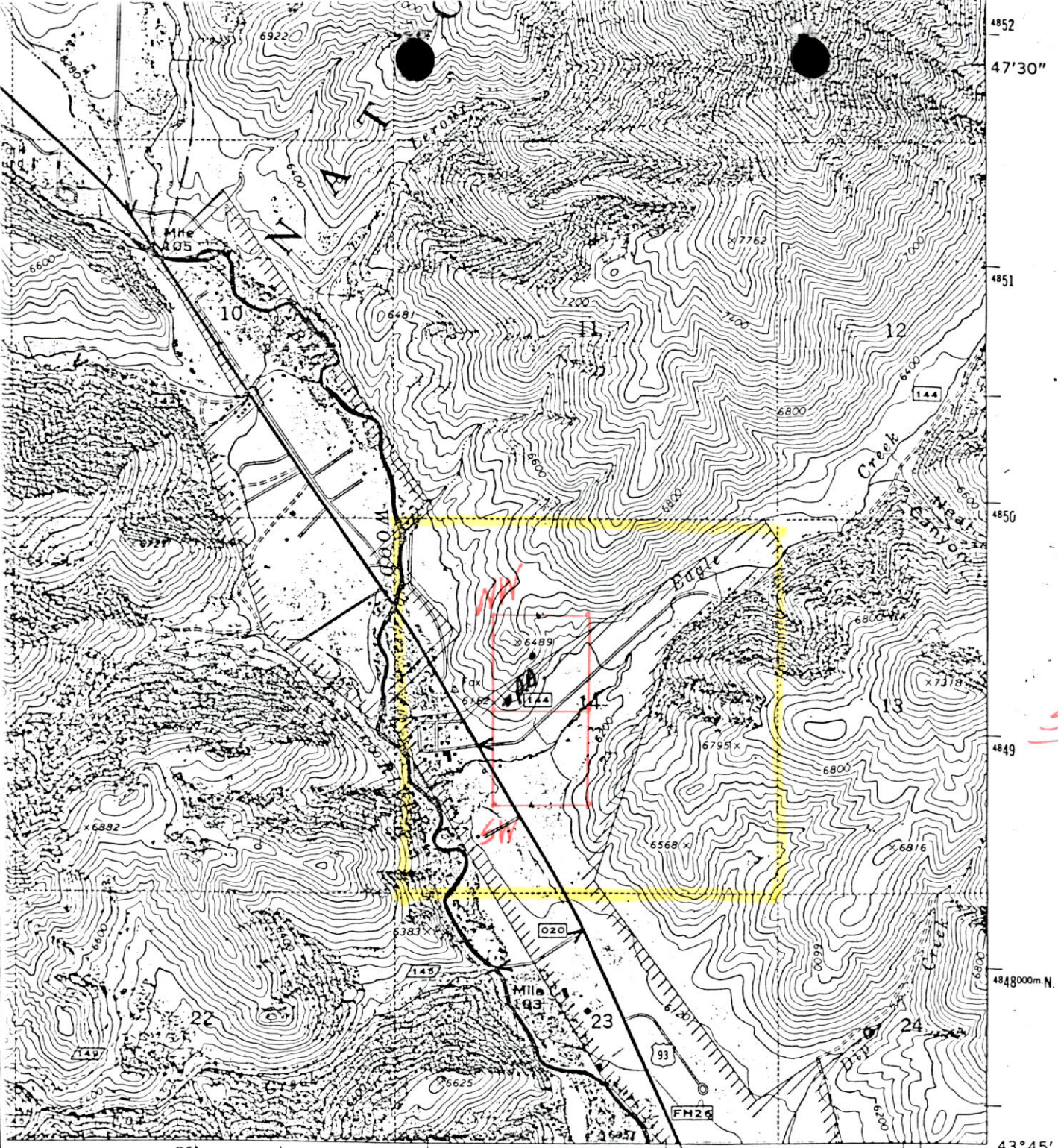
37-08515	Irrig	.09	3 acres	due 9/1/1991
	Stk	.02	15 horses	signed 8/30/1990
SENW 3	Dom	.04	1 home	
37-08516	Irrig	.06	3 acres	due 5/1/1991
SENW 3	Dom	.04	1 home	signed 4/23/1990
37-08517	Irrig	.05	3 acres	due 9/1/1991
SWNW 1.5	Stk	.02	9 horses	signed 8/13/1990
SENW 1.5	Dom	.04	1 home	
37-08518	Irrig	.04	3 acres	due 5/1/1991
	Stk	.02	10 horses	signed 4/23/1990
SENW 3	Dom	.05	1 home	

37-08515 Tax lot 3664 -- well drilled in 1986
 37-08516 4263 -- home on lot
 37-08517 4011 -- home removed in 1981
 37-08518 4016 -- home on lot

(all have domestic usage claimed)

(37-8327 - "Withdrawn" claim -- Tax lot 4044)





251 1709 710 KETCHUM 5 MI. HAILEY 17 MI. 711000m E. 43°45' 114°22'30"

1 MILE
0 7000 FEET
1 KILOMETER

R-17E

H.E.S. 329



MICROFILMED

AUG 15 1990

AMBER LAKES
SAWTOOTH NATIONAL FOREST
SAWTOOTH NRA
KETCHUM RANGER DISTRICT
(HAILEY 2 SW)

1974
214-3 I

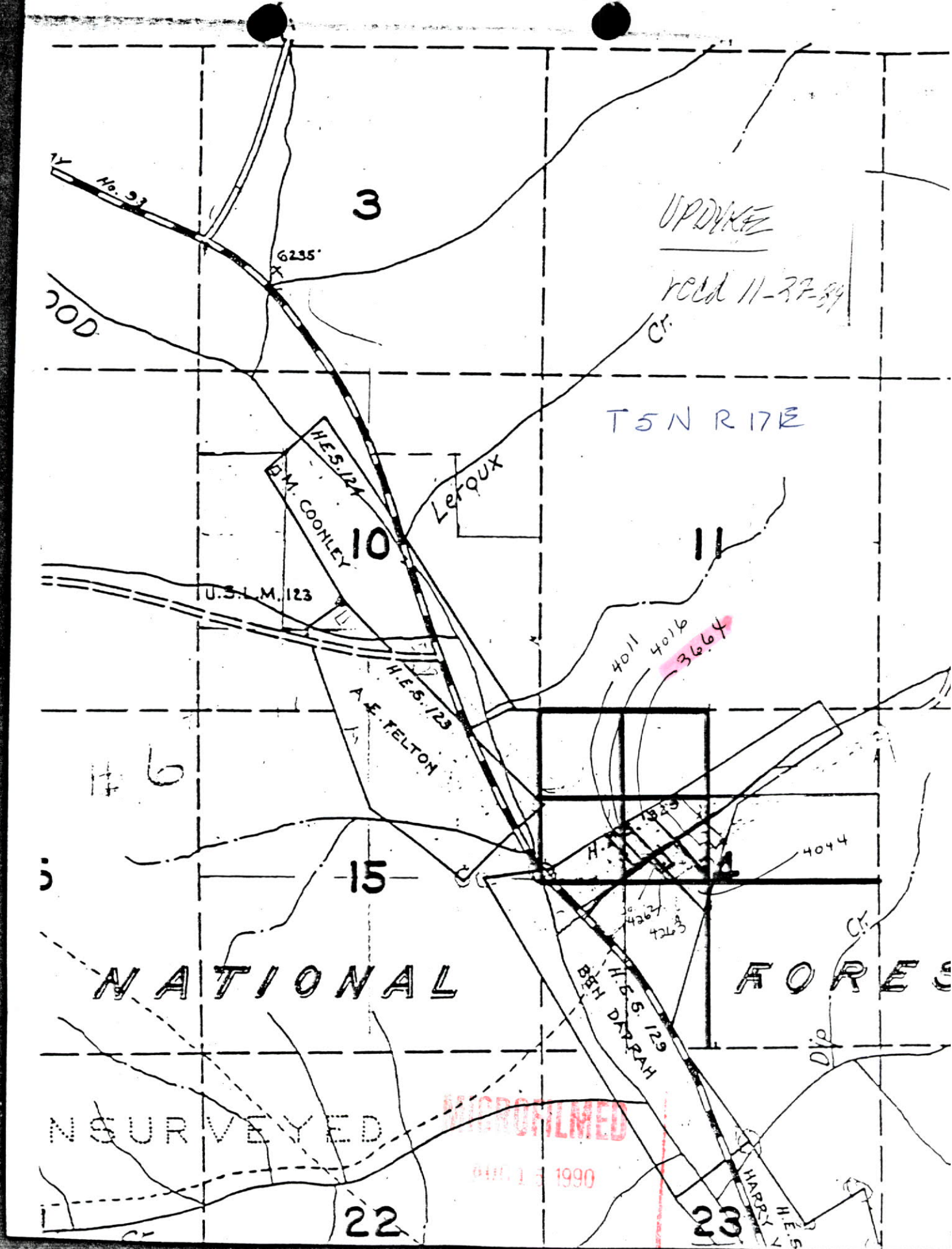
W-73

CTION LINE CLASSIFICATION
urveyed, location reliable
urveyed, location approximate
urveyed, Bureau of Land
management protraction

UPDYKE - application

37-08515

BLAINE COUNTY, IDAHO



NW
↑

88'

240'

352'

168'

280'

X - Sprinkler Head

Nelson Ag. Hds. flow
Rated At
60 gpm

Underground mainline

3"

2"

Tap

#1

#2
(#2 overlap
P/S. Hds. 37-8518)

☒ Photo of Diversion and System Attached

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
#1	Sta-Rite	5	#1186 Model # CP45021-04		
#2	Sta-Rite	1	Model # 20P4F025-38		

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
None						

2. **Measurements:** These Nelson Ag. Hds need a minimum of 50-55 psi to operate. The owner runs one head at a time.

JUN 27 1995

↑ N

37-8518 Irr 0.5 acres
Stock Troughs
House & Barn

37-8515 Irr 1.8 acres
Stock Troughs

Eagle Creek Rd.

37-8517
Irrigation
0.7 acres
Stockwater
Trough Present

37-8516
Irr 0.3 acres
Domestic Internal
& External

old well
Power & House
Removed

Both Lots are
irrigated from
well
adjacent to permit 37-8516's
well

Note:
Wells for
permit 37-8518 &
permit 37-8515
are connected

All measurements
of acreage are
approximate

Section 14 / TOSN / RITE

RECORDED

JUN 27 1995

HW 93

Ketchikan
6 miles

PERMIT 37-8515 INIT B.R.B.
 T. R. S. Q/Q
 P/D OSW 17E 14 SE NW
 SCALE _____
 PHOTO ID. 1974

1.8 acres of irrigation, also
 stockwater, no domestic use
 Overlap P/D with 37-8518
 Add P/D for recommendations

FIN BUTTE
 89-2 1)
 E 1:24000
 0
 3000 4000 5000 6000 7000 FEET
 0
 1 KILOMETER
 INTERVAL 40 FEET
 MEAN SEA LEVEL

37-8515
 S14 T5N JUN 27 1995

KETCHUM 5 MI.
 HAILEY 17 MI.
 11000m E 114
 AMBER LAKES
 SAWTOOTH NATIONAL FOREST
 SAWTOOTH NRA
 KETCHUM RANGER DISTRICT

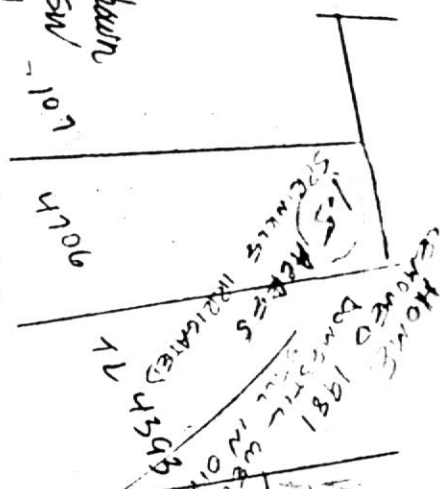
← KETCHUM 6 MI.

acc. to Hansen:
all property in
NE 1/4 NW



all 4 claims
shown:
SE 1/4 SW
containing 40's share
SE 1/4 & NE 1/4 SW - 10'

Acc. to permit TL # 3644
corresponds to 737-8515
Received this page from
Garry Stettin on July 14, 1993.



H.E.S. 329

Ac in
SECTION 14 T2S N2E 17E

EXISTING HM
AND DOMESTIC WELL
BOUGHT BY UPDYE
NOV. 188 - filling operation

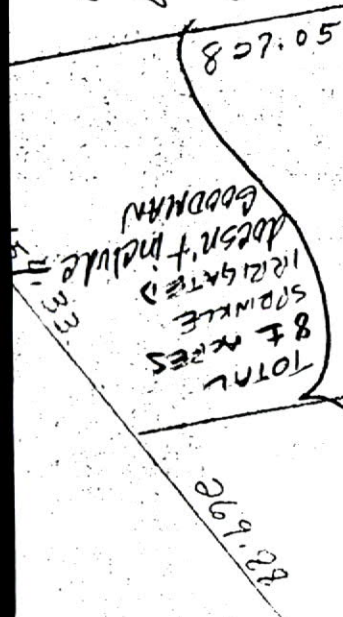
PURCHASED BY UPDYE SUMMER '87
HOME REMAINED STILL
DOMESTIC WELL STILL
IN OPERATION.

(power disconnected)

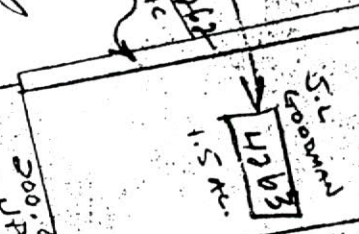
12pm 3/4 HP

4263: down?

4044: irrig?



500.00 AC
UPDYE'S SEC
8.33 AC



1.5 AC 1200' SIK

DM 5 AC 3.3 ACRES

3 AC 1200' SIK

200.00

39.60

39-08231

UPDYE

UPDYE

UPDYE

5084 5 AC

4017

3948

JUN 27 1995

I took these pictures on June 23, 1993. These photos are taken from Mr. Updyke's main house looking east to southeast.
P37-8515



P/D 37-8515



P/D 37-8515
P/D 37-8518

Another well
P/D
37-8515
37-8518

JUN 27 1995

Originally this well was for P37-8518
but the mainline between the two wells
was connected, so I will recommend
an amendment to a P.D.
on both permits. These

two wells
are usually
used separately
and are
rarely used
together.



P/D 37-8518

ALCOA

JUN 27 1995

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho, }
County of Blaine } ss.

JUL 6 1990

Department of Water Resources
Southern Region Office

DANIEL J. GORHAM

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

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

publication of said advertisement was on the 13th day of June, 1990, and

the date of the last publication was on the 20th day of June, 1990.

Subscribed and sworn to before me this 20th day of June, 1990.
(SEAL)

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 2
Lines tabular at 6c / Pica
Lines straight at 19.80 5c / Pica
Subsequent lines at 15.84 4c / Pica
TOTAL COST 35.64

COPY OF NOTICE
(Paste Here)

Amended Applic. #37-08515
TITLE OF NOTICE Updyke

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water Rec. TF

BILL TO

Updyke seeks amended permit

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

Notice is hereby given that the following application for permit to appropriate the public waters of the State of Idaho has been amended as follows:

37-08515

J. Randolph Updyke
1401 Walnut
Philadelphia PA 19102

Date Amended: 5/7/90
Source: groundwater

Diversion Pt: NW1/4SE1/4NW1/4, S14, T5N, R17E; Blaine County.
Use: Irrigation (.09 cfs)
Stockwater (.02 cfs)
Domestic (.04 cfs)

Total quantity to be appropriated: .11 cfs

In: Three acres within SE1/4-NW1/4, S14, T5N, R17E.

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301, on or before July 2, 1990.

R. Keith Higginson, Director
Publish: Wood River Journal—
June 13 & 20, 1990.

Publication Rates As of Jan., 1990

(Idaho Code, Rev. Statutes 1984)
7-8 pt./line straight: 5/ pica
7-8 pt./line tabular: 6/ pica
7-8 pt./line successive insertion: 4/ pica

No 7095

AFFIDAVIT of PUBLICATION

RECEIVED

FEB 9 - 1990

Department of Water Resources
Southern Region Office

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 17 day of Jan, 1990, and

the date of the last publication was on the 24 day of Jan, 1990.

Daniel J. Gorham

Subscribed and sworn to before me this 24 day of Jan, 1990.
(SEAL)

Robert McKee

NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice 31.5
Number of Insertions 2
Lines tabular at _____ 5.5¢/Pica
31.5 Lines straight at 17.33 5.5¢/Pica
31.5 Subsequent lines at 13.86 4.5¢/Pica
TOTAL COST 31.19

COPY OF NOTICE
(Paste Here)

Application
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

TF Water Resources
BILL TO

Four file on amended permits

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

Notice is hereby given that the following application for permit to appropriate the public waters of the State of Idaho has been amended as follows:

37-08515

J. RANDOLPH UPDYKE
1401 Walnut
Philadelphia, PA 19102

Date Amended: 1/4/90

Source: groundwater

Diversion Pt: NW1/4SE1/4NW1/4,
S14, T5N, R17E; Blaine County.

Use: Irrigation (.09 cfs)

Stockwater (.02 cfs)

In: Three acres within SE1/4-
NW1/4, S14, T5N, R17E.

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East, Twin Falls, ID 83301, on or before February 5, 1990.

R. Keith Higginson, Director
Publish: Wood River Journal-
January 17 & 24, 1990.

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

6897

3

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED**NOV - 9 2001**Department of Water Resources
Southern Region

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-8515					
37-8517					
37-8518					

RECEIVED**NOV 13 2001**

Department of Water Resources

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) J. Randolph Updyke
c/o Gary Slette
Box 1906, Twin Falls, ID 83301
4. New Owner/Claimant(s) Anthony C. and/or Judy D'Angelo
 Name Connector (Check one): ☐ and, ☐ or ☒ and/or
- New Mailing Address P.O. Box 3267
- City, State and ZIP Code Ketchum, ID. 83340
- New Telephone Number (208) 726-1415
5. Date you acquired the property June 6, 1995

MICROFILMED**OCT 20 2003**

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

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

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

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

Judy L. DiAngelo

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

For Office Use Only			
Received by <u>[Signature]</u>	Date <u>11/9/01</u>	Fee <u>75.00</u>	
Receipted by <u>[Signature]</u>	Date <u>11/9/01</u>	Receipt No. <u>5024422</u>	
Processed by <u>AJ</u>	Date _____	WR _____	Date _____

MICROFILMED
OCT 20 2003

SVTC Order No. 22-12953

QUITCLAIM DEED

For Value Received

Joseph R. Updyke and M. Carol Updyke, husband and wife, also shown of record as Joseph Randolph Updyke and Carol M. Updyke

do hereby convey, release, remise and forever quitclaim unto

Anthony C. D'Angelo and Judy L. D'Angelo, husband and wife

Whose current address is 2408 The Strand
Manhattan Beach, CA 90266

the following described premises, to-wit:

See attached exhibit "A"

together with their appurtenances.

379256

Deed

BLAINE CO. REQUEST

OF SUN VALLEY TITLE

'95 JUN 15 PM 2 49

MARY GREEN CLERK mpp

FEES \$ 24⁰⁰

Dated: June 6, 1995


Joseph R. Updyke
M. Carol UpdykeSTATE OF BLAINE
COUNTY OF BLAINEOn this 7th day of June,
1995, before me a Notary Public in and for
said State, personally appeared Joseph R.
Updyke and M. Carol Updyke known or
identified to me to be the persons whose names
are subscribed to the within instrument, and
acknowledged to me that they executed the
same.

Notary Public

Residing at

Comm. expires



MICROFILMED

OCT 20 2003

Exhibit 'A'

A water right No. 37-08515, licensed with the Idaho Department of Water Resources, priority date May 7, 1989, location of point of diversion: SENW, Sec. 14, Township 05N, Range 17E, Blaine County; place of use (irrigation) Township 05N Range 17E Sec. 14, as allowed on the Water Right License, a copy of which is attached hereto and incorporated herein by reference.

AND

A water right No. 37-08517 licensed with the Idaho Department of Water Resources, priority date May 7, 1989, location of point of diversion: SENW, Sec. 14, Township 05N, Range 17E, Blaine County; place of use (irrigation) Township 05N Range 17E Sec. 14, as allowed on the Water Right License, a copy of which is attached hereto and incorporated herein by reference.

AND

A water right No. 37-08518 licensed with the Idaho Department of Water Resources, priority date May 8, 1989, location of point of diversion: SENW, Sec. 14, Township 05N, Range 17E, Blaine County; place of use (irrigation) Township 05N Range 17E Sec. 14, as allowed on the Water Right License, a copy of which is attached hereto and incorporated herein by reference.

MICROFILMED

OCT 20 2003

SVTC Order No. 22-12953

WARRANTY DEED

FOR VALUE RECEIVED

Joseph R. Updyke and M. Carol Updyke, husband and wife, also shown of record as Joseph Randolph Updyke and Carol M. Updyke

the grantors, do hereby grant, bargain, sell and convey unto

Anthony C. D'Angelo and Judy L. D'Angelo, husband and wife

the grantee, whose current address is

2408 The Strand
Manhattan Beach CA 90266

the following described premises, in BLAINE COUNTY, IDAHO, to wit:

See Attached Exhibit "A"

379254

Deed

BLAINE CO. REQUEST

SUN VALLEY TITLE

'95 JUN 15 PM 2 47

MARY GREEN CLERK

FEES \$6⁰⁰

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all encumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: June 6, 1995

Joseph R. Updyke
Joseph R. Updyke

M. Carol Updyke
M. Carol Updyke

STATE OF IDAHO

COUNTY OF BLAINE

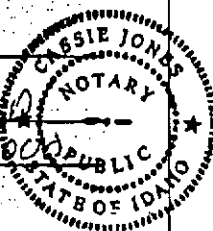
On this 10th day of June 1995, before me a Notary Public in and for said State, personally appeared Joseph R. Updyke and M. Carol Updyke known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Cassie Jones
Notary Public

Residing at: *Hailey, ID*

Comm. expires: *9-7-2000*

Notary Stamp



MICROFILM

OCT 20 2003

EXHIBIT A**PARCEL I**

TOWNSHIP 5 NORTH, RANGE 17 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO:

A parcel of land within H.E.S. 329, more particularly described as follows:

COMMENCING at corner 2 of H.E.S. 329; thence
South 57°05' W. 3306.02 feet to the TRUE POINT OF BEGINNING; thence
South 57°05' W. 351.64 feet along the northwesterly boundary of H.E.S. 329; thence
South 43°12' E. 661.03 feet; thence
North 46°48' E. 345.99 feet; thence
North 43°12' W. 598.23 feet to the TRUE POINT OF BEGINNING.

This parcel is designated as Tax Lot 3664 in the Blaine County Tax Assessor's Rolls.

PARCEL II

TOWNSHIP 5 NORTH, RANGE 17 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

A parcel of land within H.E.S. 329, more particularly described as follows:

COMMENCING at corner 2 of H.E.S. 329; thence
South 57°05' W. 3860.30 feet to the TRUE POINT OF BEGINNING; thence
South 43°12' E. 697.33 feet; thence
South 46°48' W. 200.00 feet; thence
North 43°12' W. 733.63 feet; thence
North 57°05' E. 203.27 feet to the TRUE POINT OF BEGINNING.

This parcel is designated as Tax Lot 4011 in the Blaine County Tax Assessor's Rolls.

PARCEL III

TOWNSHIP 5 NORTH, RANGE 17 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

A parcel of land within the H.E.S. 329, more particularly described as follows:

COMMENCING at corner 2 of said H.E.S. 329; thence
South 57°05' W. 3,657.66 feet to the TRUE POINT OF BEGINNING; thence
South 43°12' E. 661.03 feet; thence
South 46°48' W. 200.00 feet; thence
North 43°12' W. 697.33 feet; thence
North 57°05' E. 203.27 feet to the TRUE POINT OF BEGINNING.

This parcel is designated as Tax Lot 4016 in the Blaine County Tax Assessor's Rolls.

MICROFILMED

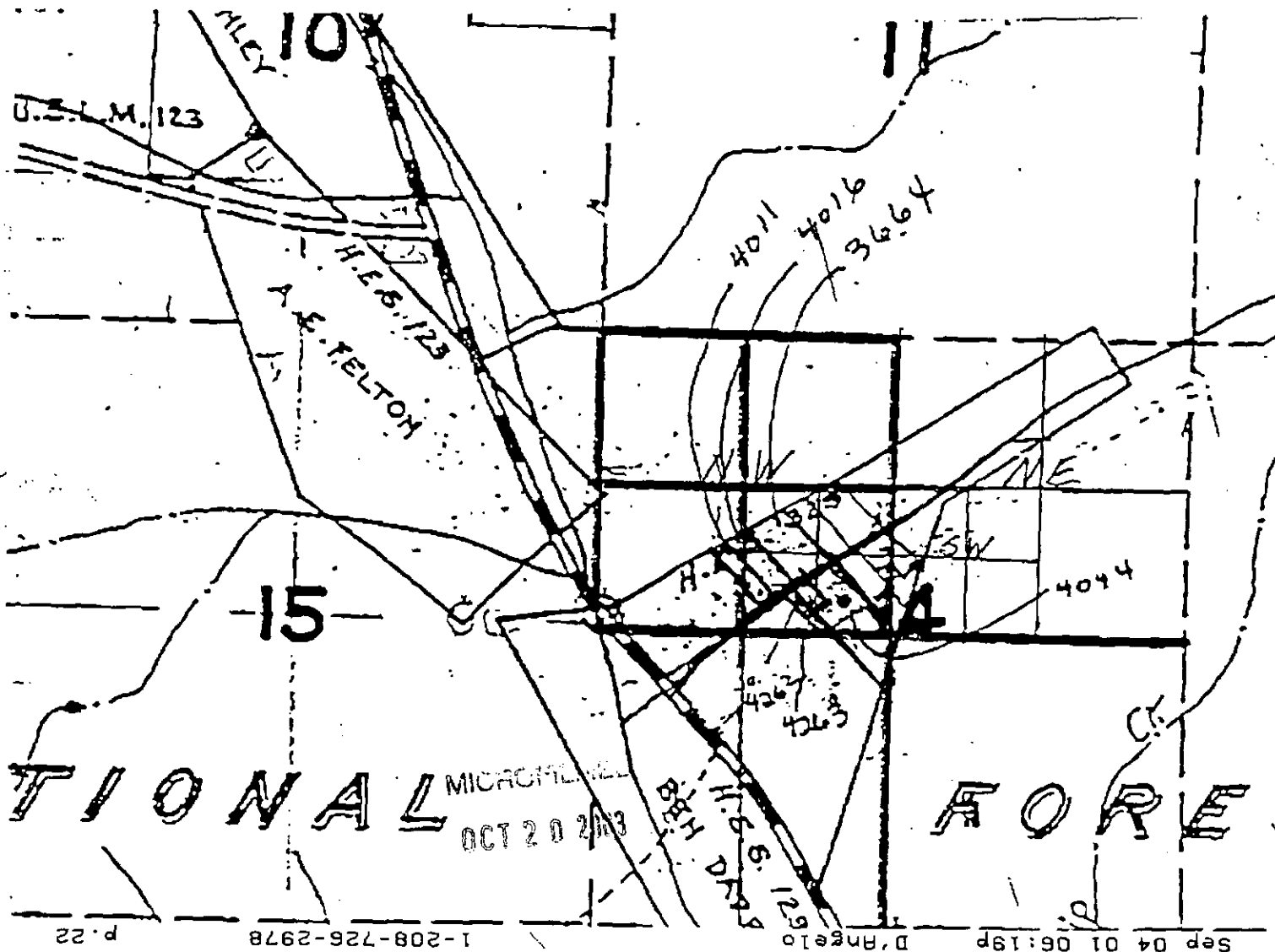
OCT 20 2003

12. d

p. 21

37-08515	Tax lot	3664	-- well drilled in 1986
37-08516		4263	-- home on lot
37-08517		4011	-- home removed in 1981
37-08518		4016	-- home on lot

(37-8327 - "Withdrawn" claim -- Tax lot 4044)



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08515

Priority: May 7, 1989

Maximum Diversion Rate: 0.06 CFS
Maximum Diversion Volume: 6.5 AF

This is to certify, that J RANDOLPH UPDYKE
C/O GARY SLETTE
ROSHOLT ROBERTSON & TUCKER
PO BOX 1906

TWIN FALLS ID 83301 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 8, 1989; and has submitted Proof of Beneficial Use on August 6, 1991. An examination indicates that the works have a diversion capacity of .200 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.05 CFS	6.3 AF
STOCKWATER	01/01 to 12/31	0.01 CFS	0.2 AF
	Totals	0.06 CFS	6.5 AF

LOCATION OF POINT(S) OF DIVERSION:

SENW , Sec. 14, Township 05N, Range 17E
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>
05N	17E	14	SENW	1.8		1.8

Total number of acres irrigated: 1.8

PLACE OF USE:

STOCKWATER, same as IRRIGATION use

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Irrigation use under this right is authorized only in connection with a domestic use.

RECORDED
JUN 27 1995

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08515

CONDITIONS/REMARKS:

6. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.5 afa per acre for the lands above.
7. Two points of diversion are located within SENW, S14, T05N, R17E.
8. Right 37-08518 is also diverted through the point(s) of diversion described above.
9. Stockwater use is for 15 horses.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code, Witness the seal and signature of the Director, affixed at Boise, this 12TH day of MARCH, 1974.

Acting for


R. Keith Higginson, Director

RECORDED
JUN 27 1995

RECEIVED

AUG 05 1991

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

Department of Water Resources

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

1. Permit No. 37-8515 Telephone No. 734-0700
2. Name(s) of Permit Holder(s): J. Randolph Updyke
3. Post Office Address: 90 G. Stette Box 1906 Twin Falls, ID 83301
4. Source of Water: Groundwater
 - a. If ground water, well driller's name: Gene Walker Date drilled: Approx 1984
 - b. Pump horsepower: 5 Pressure (psi): 60 Dynamic pumping level (ft.): 50 (?)
5. Extent of Use:

Domestic <u>1</u> (No. of households)	Irrigation <u>3</u> (No. of acres)
Stockwater <u>✓</u> (No. and type of stock)	Other _____
<u>15 horses</u>	
6. Total rate and/or volume for which proof is submitted .11 cfs _____ acre/feet
7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device:	Required? <u>Yes</u> <u>X</u> No	Installed? <u>Yes</u> <u> </u> No
	OR	
Flow Measurement Port:	Required? <u>Yes</u> <u>X</u> No	Installed? <u>Yes</u> <u> </u> No
8. Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)
9. Person to contact to accompany the Department representative during the field examination:

<u>Kevin O'Brien</u>	<u>726-5267</u>
Name	Telephone No.
<u>Box 1157 Ketchum, ID 83340</u>	
Address	
10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

8/21/91
Date[Signature]
Signature (and title if on behalf of a company or organization)

AUG 22 1991

State of Idaho
Department of Water Resources

Permit To Appropriate Water

AMENDED

NO. 37-08515

AMENDED

Proposed Priority: May 7, 1989 Maximum Diversion Rate: 0.11 CFS

This is to certify, that J. RANDOLPH UPDYKE
1401 WALNUT

PHILADELPHIA, PA 19102

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
STOCKWATER	04/01 to 11/01	0.02 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
Totals		0.11 CFS

LOCATION OF POINT(S) OF DIVERSION: NWSNW Sec. 14, Township 05N, Range 17E
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>
05N	17E	14	SENW	3		3
Total number of acres irrigated:						3

PLACE OF USE: STOCKWATER, same as IRRIGATION use

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 September 1, 1991.
2. Subject to all prior water rights.
3. Irrigation use under this permit is authorized only in connection with a domestic use.
4. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. 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.
6. Stockwater use is for 15 horses; domestic use is for 1 home.

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

30th day of August, 1990.

MICROFILMED

SEP 12 1990

for *[Signature]*
R. Keith Higginson, Director

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 37-08515

Proposed Priority: May 7, 1989 Maximum Diversion Rate: 0.11 CFS
This is to certify, that J. RANDOLPH UPDYKE

1401 WALNUT
PHILADELPHIA, PA 19102

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
STOCKWATER	04/01 to 11/01	0.02 CFS
	Totals	0.11 CFS

LOCATION OF POINT(S) OF DIVERSION: NWSEW Sec. 14, Township 05N, Range 17E
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>
05N	17E	14	SEW	3		3
Total number of acres irrigated:						3

PLACE OF USE: STOCKWATER, 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 **September 1, 1991**.
2. Subject to all prior water rights.
3. Irrigation use under this permit is authorized only in connection with a domestic use.
4. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. 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.
6. Stockwater use is for 15 horses.

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

13 day of August, 1990.

MICROFILMED

AUG 15 1990

R. Keith Higginson
for R. Keith Higginson, Director

RECEIVED

STATE OF IDAHO MAY 8 1989

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

Ident. No. 37-08515
RECEIVED

MAY 7 1988

Amended

To appropriate the public waters of the State of Idaho

Department of Water Resources
Southern Region Office
215-242-9419
208-726-4255

1. Name of applicant J. RANDOLPH UPDYKE Phone 208-726-4255

Post office address 1401 WALNUT, PHILADELPHIA PA 19102

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

3. Location of point of diversion is NW 1/4 of SE 1/4 of NW 1/4, Govt. Lot

Sec. 14 Township 5N Range 17E B.M. BLAINE County; additional

points of diversion if any:

4. Water will be used for the following purposes:

Amount .09 for IRRIGATION purposes from 04-01 to 11-1 (both dates inclusive)

Amount .02 for STOCK WATER purposes from 04-01 to 11-1 (both dates inclusive)

Amount .04 for DOMESTIC purposes from 01-01 to 12-31 (both dates inclusive)

Amount for purposes from to (both dates inclusive)

5. Total quantity to be appropriated is (a) .11 and/or (b)

cubic feet per second

acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well and 5 HP pump-50gpm

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 90 feet.

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

7. Time required for the completion of the works and application of the water to the proposed beneficial use is

1 years (minimum 1 year).

MICROFILMED

AUG 15 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. 15 horses
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

9. Description of place of use:

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

01-04-90

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
05N	17E	14								3									3

Total number of acres to be irrigated 3

10. Describe any other water rights used for the same purposes as described above. _____

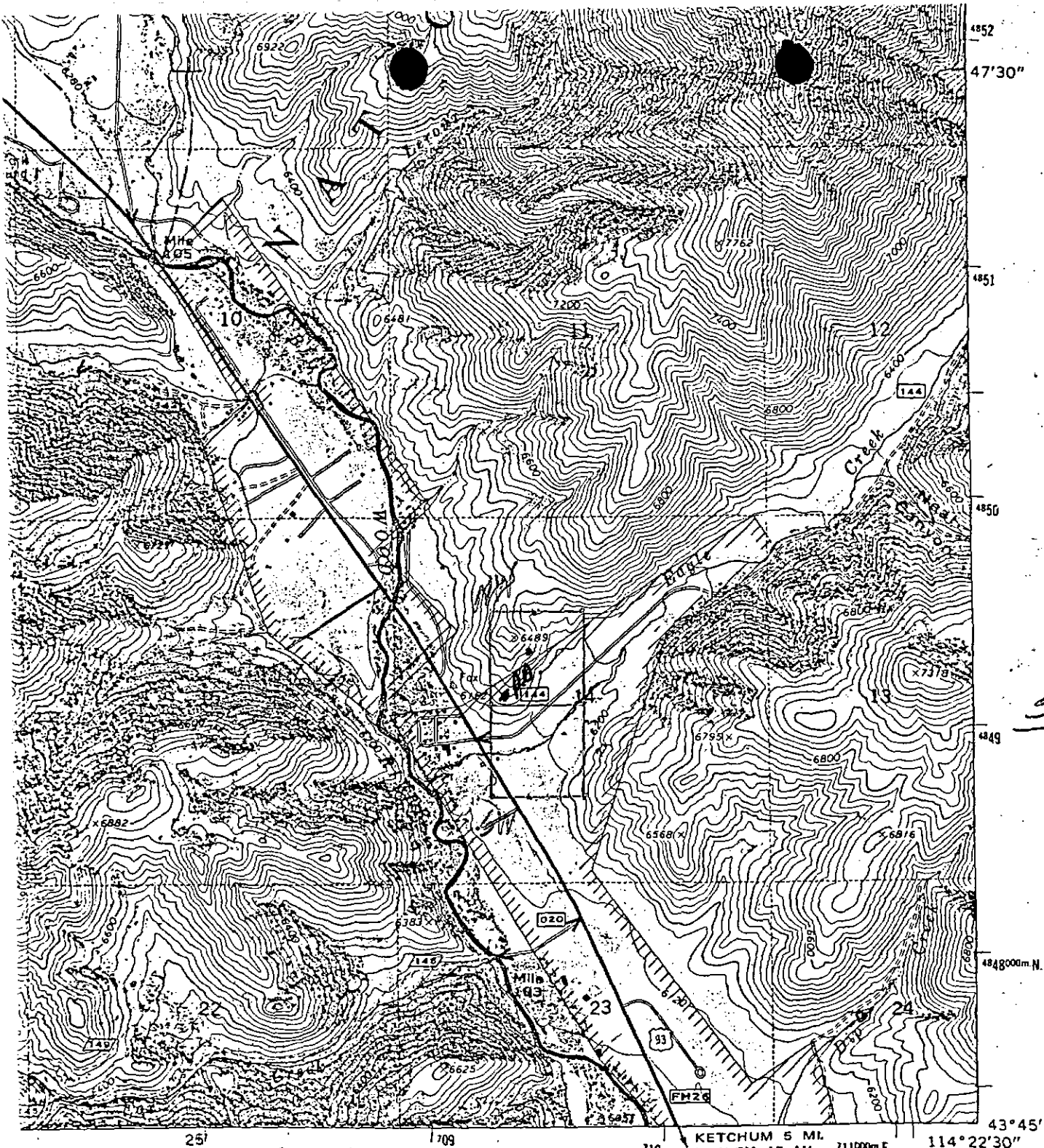
11. a. Who owns the property at the point of diversion? APPLICANT
- b. Who owns the land to be irrigated or place of use? SAME
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

#9 -- Homestead entry survey #329

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AUG 15 1990

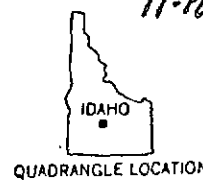


SN

1 MILE
7000 FEET
1 KILOMETER

SECTION LINE CLASSIFICATION

urveyed, location reliable
urveyed, location approximate
urveyed, Bureau of Land
management protraction



MICROFILMED

AUG 15 1990

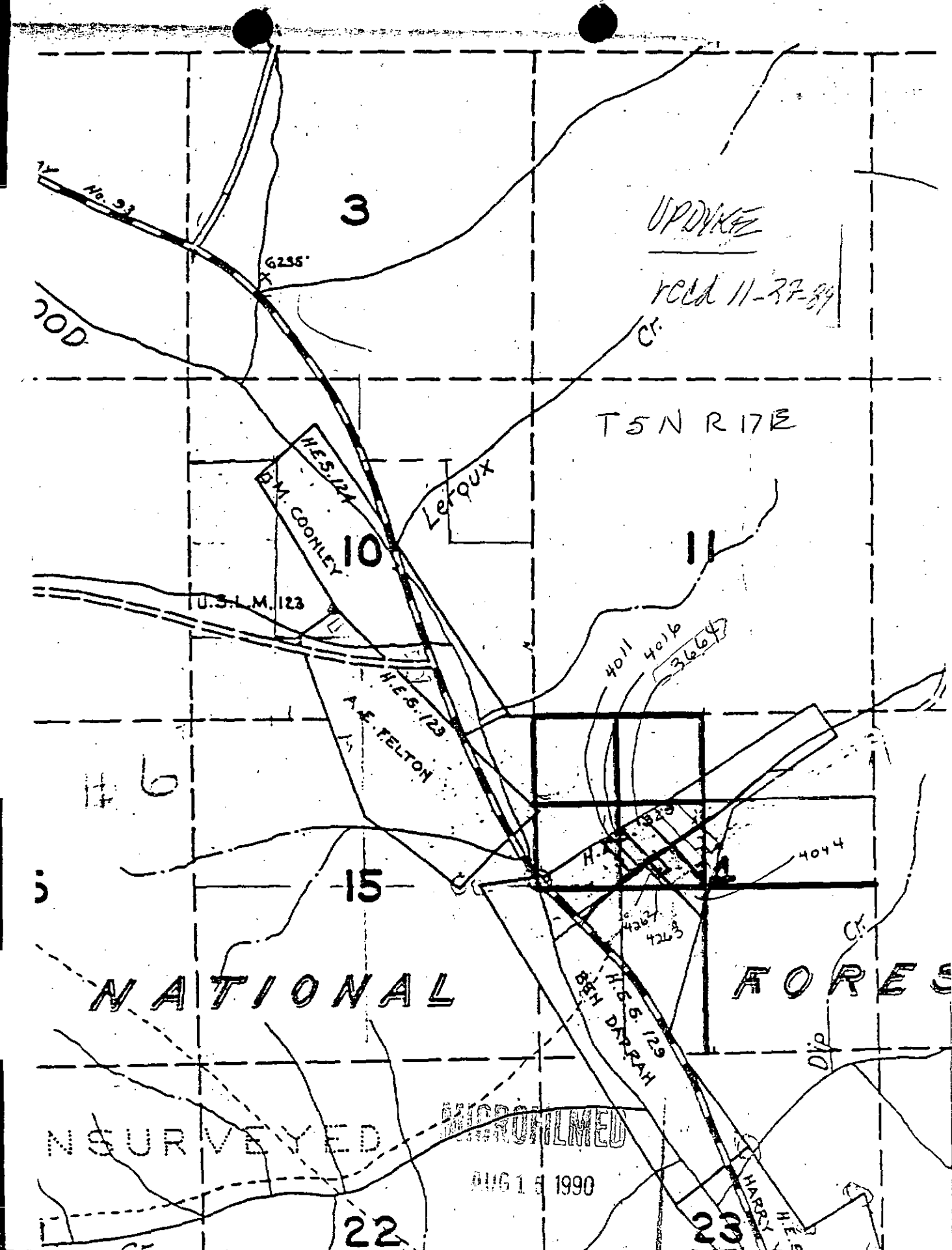
AMBER LAKES
SAWTOOTH NATIONAL FOREST
SAWTOOTH NRA
KETCHUM RANGER DISTRICT
(HAILEY 2 SW)

1974
214-3 I

W-73

UPDKFE - application

37-08515



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

A grid of 20 columns and 10 rows of squares. In the bottom right corner, there is a stamp that reads "MICROFILMED" in a bold, sans-serif font, with "AUG 15 1990" printed below it in a smaller font.

MACROFILMED

AUG 15 1990

Scale: 2 inches equal 1 mile.

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

BE IT KNOWN that the
the State of Idaho as

Attorney-in-Fact

J. Kenneth Updell
(Applicant)

Amended: DRJ

Received by LP Date 5/8/89 Time 10:00 am Preliminary check by HD
M. Baldwin 5016899-16
Fee \$ 30.00 Receipted by LP # 5007060 Date 5-8-89
Publication prepared by M. Baldwin Date 5/31/89 Published in Wood River Journal
Publication approved Cornel Phyl Payne M. Baldwin Date 6-22-89 2/12/90 7-9-90

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

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AUG 15 1990

LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

J. Randolph Updyke hereby nominates and appoints Gary D. Slette of Nelson, Rosholt, Robertson, Tolman & Tucker, P.O. Box 1906, Twin Falls, ID 83303, as attorney-in-fact with full authority to act for and on behalf of J. Randolph Updyke to execute any and all documents required or necessary to apply for and obtain water rights for my property located in Blaine County.

My agent is hereby authorized to sign, seal, and deliver, as my act in deed, those said instruments of writing that may be necessary or proper to carry into execution and effect the acquisition of water rights as above-mentioned. Further, I hereby declare that each and every agreement, receipt, or payment which shall be by my said agent given, made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or concerning the said premises by virtue of these presents.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 16 day of May, 1990.

J. Randolph Updyke
J. Randolph Updyke

STATE OF Penna.)
County of Phila.) ss.

On this 16th day of May, 1990, before me, a Notary Public, in and for said County and State, personally appeared J. Randolph Updyke, known or identified to me to be the individual whose name is subscribed to the within 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 in this certificate first above written.

MICROFILMED

AUG 15 1990

3708m

Sandra T. Norbeck
NOTARY PUBLIC FOR Pennsylvania
Residing at: 2954 Juncoy Trail, Bensalem,
My commission expires: Sept. 2, 1991

NOTARIAL SEAL
SANDRA T. NORBECK, Notary Public
City of Philadelphia, Phila. County
My Commission Expires Sept. 2, 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 27, 2003

ANTHONY C D ANGELO
JUDY L D ANGELO
PO BOX 3267
KETCHUM ID 83340

RE: Change of Ownership for Water Rights 37-8515, 37-8517 & 37-8518

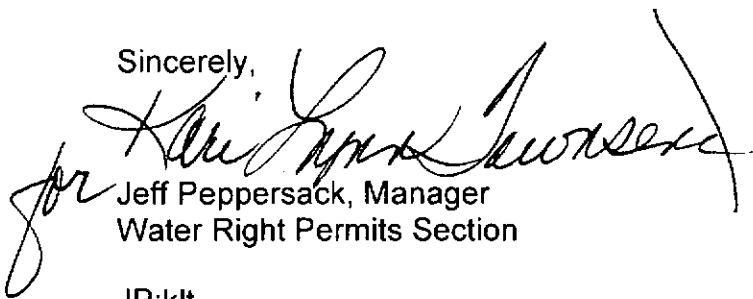
Dear Water Right Holder(s):

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

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

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

Sincerely,


for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

OCT 20 2003

**ROBERTSON, HEPWORTH, SLETTE,
WORST & STOVER,
P.L.L.C.
ATTORNEYS AT LAW**

J. EVAN ROBERTSON
JEFFREY J. HEPWORTH
GARY D. SLETTE
RICHARD J. "TUG" WORST
TIMOTHY J. STOVER

142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700 or 736-8002
FAX (208) 736-0041 or 736-8888



GARY D. SLETTE
gslette@idlawyer.com

November 7, 2001

State of Idaho
Department of Water Resources
Attn: Trish
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RECEIVED

NOV - 9 2001

Department of Water Resources
Southern Region

RECEIVED

NOV 13 2001

Department of Water Resources

RE: **Water Right Nos. 37-8515, 37-8517, 37-8518
Change of Ownership**

Dear Trish:

Enclosed please find a Notice of Change in Water Right Ownership with regard to the above-referenced water rights, together our firm's check in the amount of \$75 to cover your filing fees. Please process this change of ownership and provide me with notification of such change. Should you need any further information to complete this change, please contact me at your earliest convenience and I will obtain any necessary information. Thank you.

Yours truly,



GARY D. SLETTE

GDS:rlw

Encls.

cc: Mr. & Mrs. D'Angelo

rlw\gds\letter\IDWR7

MICROFILMED
OCT 20 2003



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

June 20, 1995

PHILIP E. BATT
Governor

KARL J. DREHER
Director

ANTHONY C AND JUDY L D'ANGELO
2408 THE STRAND
MANHATTAN BEACH CA 90266

RE: CHANGE OF OWNERSHIP

Dear Mr. and Mrs. D'Angelo:

The Department acknowledges receipt of Change of Ownership documents for Water Right License No's. 37-08517, 37-08518 and 37-08515.

The water rights in question having a priority date of 1989 are not subject to proceedings in the Snake River Basin Adjudication (SRBA), therefore; they will be forwarded to our State Office and the documents incorporated in the original water right files as evidence for change of ownership.

The rights, in fact, have not been recorded as adjudication claims nor is it necessary to do so since they were established after the commencement date of the SRBA.

Idaho law provides that water rights normally run with the land unless specifically withheld in a conveyance and our procedure in changes of ownership with a license is to simply file the evidence of ownership change. No other action is necessary by the parties in this case.

If you have any questions regarding this matter, please feel free to give me a call.

Sincerely,

Trish Fawcett
Technical Records Specialist

/TF

JUN 27 1995

June 15, 1995

Idaho Department of Water Resources
Attn: Adjudication Bureau
Statehouse Mail
Boise, ID 83720-9000

RE: 22-12953
Joseph R. Updyke
Anthony C. D'Angelo
T5N R17E HES 329

Dear Ladies:

Regarding the above, I have enclosed the following:

- Notice of Change of Water Right Ownership #37-08517
- Notice of Change of Water Right Ownership #37-08518
- Notice of Change of Water Right Ownership #37-08515

Sincerely,

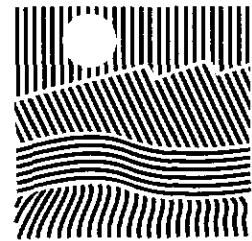


Cassie Jones
Manager/Escrow Officer

RECEIVED

JUN 16 1995

Department of Water Resources



SUN VALLEY
TITLE
COMPANY

RECEIVED

JUN 20 1995

Department of Water Resources
Southern Region

RECEIVED
JUN 27 1995

Form 42-1409(7)

No SRBA claim



**NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

Please print or type
(see instructions on back of page)

RECEIVED

JUN 16 1995

DATE OF CLOSING: 6/15/95

LEGAL DESCRIPTION OF PROPERTY: Township 05N Range 17E
Section 14, 1/4 of 1/4 of 1/4 Govt. Lot Department of Water Resources
Lot , Block , Subdivision/Townsite
If you have additional legal descriptions, please attach separate sheet.

RECEIVED

JUN 20 1995

Department of Water Resources
Southern Region

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s) 37-08515
Assigned by IDWR:

☐ Name and Address of Former Owner/Claimant(s)(Seller): Joseph Randolph Updyke and M. Carol Updyke
Rt 2, Box 35, Yemasee, SC 29945

☐ New Owner/Claimant (Purchaser): Anthony C. D'Angelo and Judy L. D'Angelo

☐ New Mailing Address: 2408 The Strand
Manhattan Beach CA 90266

☐ New Telephone Number: (310) 546-7611 office

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes x no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s) _____ Date _____

☐ Signature of Former Owner/Claimant(s): Joseph Randolph Updyke Date 6-7-95
M. Carol Updyke Date 6-7-95

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:

Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

RECEIVED

JUN 27 1995

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

JUN 20 1995

DATE OF CLOSING: 6/15/95

LEGAL DESCRIPTION OF PROPERTY: Township 05N Range 17E Southern Region
Section 14 1/4 of 1/4 of 1/4 Govt. Lot BM.

Lot Block Subdivision/Townsite

If you have additional legal descriptions, please attach separate sheet.

RECEIVED
JUN 16 1995

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s) 37-08515
Assigned by IDWR:

☐ Name and Address of Former Owner/Claimant(s)(Seller): Joseph Randolph Updyke and M. Carol Updyke
Rt 2, Box 35, Yemasee, SC 29945

☐ New Owner/Claimant (Purchaser): Anthony C. D'Angelo and Judy L. D'Angelo

☐ New Mailing Address: 2408 The Strand
Manhattan Beach CA 90266

☐ New Telephone Number: (310) 546-7611 office

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes x no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s) [Signature] Date 6/8/95

☐ Signature of Former Owner/Claimant(s): [Signature] Date 6/8/95

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

RECEIVED

JUN 27 1995

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 10, 1995

RE: License Nos. 37-08515/08516/08517/08518

Gary D. Slette
Rosholt, Robertson & Tucker
PO Box 1906
Twin Falls, ID 83303-1906

Dear Gary:

In April of 1994, you sent correspondence to the department concerning the number of acres licensed under the above referenced rights. You provided tax notices and a copy of the Blaine County Assessor's map of Mr. Updyke's property. After reviewing the documents you provided and the water right license files, I offer the following.

Right 37-08515 covers Tax Lot #3664
Right 37-08516 covers Tax Lot #4263
Right 37-08517 covers Tax Lot #4011
Right 37-08518 covers Tax Lot #4016

These rights were licensed for a total of 3.5 acres. You stated in your correspondence that Mr. Updyke irrigates a total of approximately 12 acres. There are two remaining lots not included under these rights, Tax Lots 4022 and 4044. Mr. Updyke filed an application for permit to cover eight (8) acres within these two lots, Application for Permit No. 37-08327. This application was caught in the Big Wood River-Silver Creek Ground Water Management Area. On August 30, 1991, the department notified Mr. Updyke of the management area and requested information to show that the proposed use would not reduce flows in the river &/or Silver Creek. If found to impact the surface flows, a plan of mitigation and/or compensation was requested. The opportunity to withdraw the application was also given in this letter, and on September 20, 1991 the application was withdrawn (copy enclosed).

Between the eight acres in Tax Lots 4022 and 4044 and the 3.5 acres licensed under the valid rights, Mr. Updyke's irrigable

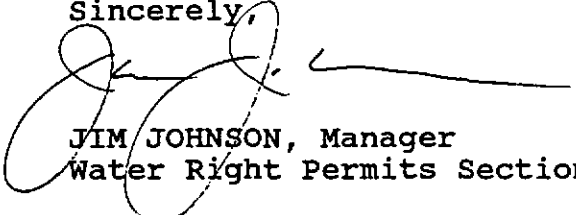
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JUN 27 1995

Gary D. Slette
April 7, 1995
Page 2

land is accounted for. However as shown above, the eight acres on the two larger lots are not covered by water rights for use of groundwater.

If you have further concerns or questions regarding this matter, we can discuss them. My phone number is 327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:sc

Enclosure

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JUN 27 1995

ROSHOLT, ROBERTSON & TUCKER

**Chartered
ATTORNEYS AT LAW**

JOHN A. ROSHOLT
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TIMOTHY I. STOVER
NORMAN M. SEMANCO

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

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6734

DATE:

TO:

FROM:

RE:

NUMBER OF PAGES INCLUDING THIS ONE:

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL US BACK AS SOON AS POSSIBLE AT (208) 734-0700.

THE INFORMATION CONTAINED IN THIS FACSIMILE COMMUNICATION IS ATTORNEY/CLIENT PRIVILEGED AND/OR CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS COVER PAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION OR THE INFORMATION CONTAINED HEREIN IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY CALL AT (208) 734-0700, AND RETURN THIS FACSIMILE TO US BY MAIL AT THE ABOVE ADDRESS. WE APPRECIATE YOUR COOPERATION.

ADDITIONAL MESSAGE:

JUN 27 1995

ROSHOLT, ROBERTSON & TUCKER**Chartered
ATTORNEYS AT LAW**

JOHN A. ROSHOLT
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BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-0234

April 13, 1994

VIA FACSIMILE #327-7866

Jim Johnson
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83720

Re: License Nos. 37-08515, 37-08516, 37-08517 and 37-08518 (Updyke)

Dear Jim:

Please reference my earlier letter of March 28, 1994. As you requested, I am providing you with a copy of the Blaine County Assessor's map of Mr. Updyke's property. Additionally, I am enclosing tax notices which indicate the amount of acreage in each of the tax lots owned by Mr. Updyke. I have highlighted the acreage as well as the tax lot identification number for ease of review. The total acreage owned by Mr. Updyke is 26.41 acres.

Once you have had an opportunity to review this information, as well as the contents of the field examination, please contact me at your earliest convenience to discuss this matter. Obviously, it is a matter of great importance to my client, and he believes a rather substantial error has occurred regarding the amount of acreage he actually irrigates.

Yours truly,

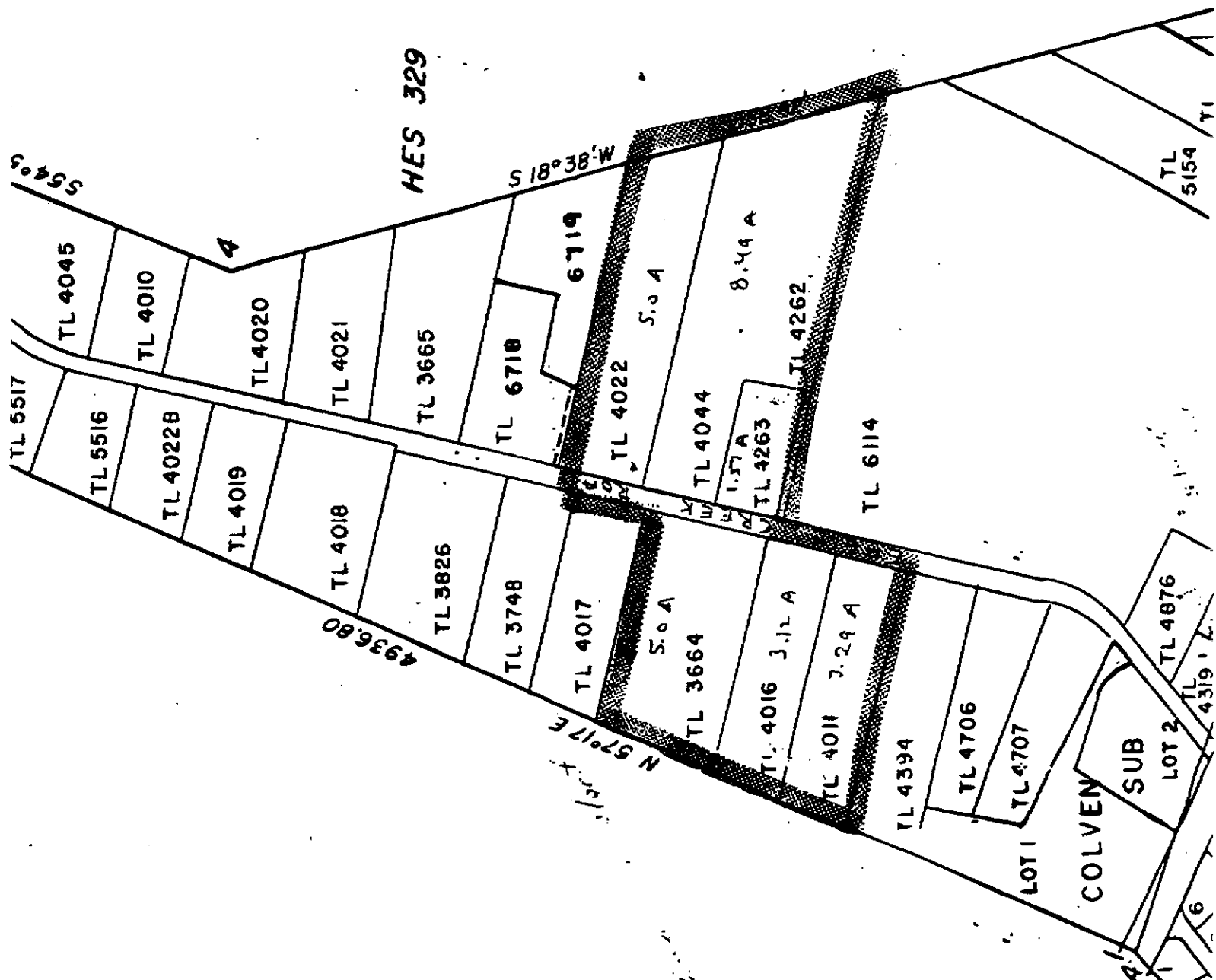

GARY D. SLETTE

GDS:kb
04129404.GDS

Enclosure

cc: Randy Updyke via facsimile

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RECORDED

JUN 27 1995

BLAINE COUNTY ASSESSOR
P. O. BOX 816
HAILEY, ID 83333

ADDRESS CORRECTION REQUESTED

CATEGORY DESCRIPTION

12 RURAL RES TR

THIS IS NOT A BILL

PARCEL NO. RP 05N170140150 A

TAX CODE 65-00

LOTS / ACRES

5.000 AC

MARKET VALUE

400,000

5.000

400,000*

1991
TAXPAYERS
VALUATION

ASSESSMENT NOTICE

Taxes are based on the valuation
listed on this statement.

IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 24, 1991

See the reverse side for further references.
KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS

PREVIOUS NUMBER

EAGLE CREEK HES 329
TL 4022, SEC 14

Mail To:

UPDYKE, JOSEPH R & CAROL M
1401 WALNUT ST
PHILADELPHIA, PA 19102

BLAINE COUNTY ASSESSOR
P. O. BOX 816
HAILEY, ID 83333

ADDRESS CORRECTION REQUESTED

CATEGORY DESCRIPTION

12 RURAL RES TR
34 BLDG RES TR

THIS IS NOT A BILL

PARCEL NO. RP 05N17014014A A

TAX CODE 65-00

LOTS / ACRES

1.510 AC

MARKET VALUE

151,000

74,645

1.510

225,645*

1991
TAXPAYERS
VALUATION

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PROPERTY ADDRESS

PREVIOUS NUMBER

EAGLE CREEK HES 329
TL 4263, SEC 14

Mail To:

UPDYKE, JOSEPH R & CAROL M
1401 WALNUT STREET
PHILADELPHIA, PA 19102

MAILED
JUN 27 1995

BLAINE COUNTY ASSESSOR
P. O. BOX 816
HAILEY, ID 83333

ADDRESS CORRECTION REQUESTED

CATEGORY DESCRIPTION

12 RURAL RES TR
34 BLDG RES TR

THIS IS NOT A BILL

PARCEL NO. RP 05N170140148 A

TAX CODE 65-00

LOTS / ACRES	MARKET VALUE
8.490 AC	432,480 117,440

8.490	549,920*
-------	----------

1991
TAXPAYERS
VALUATION

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JUNE 24, 1991

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KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS

PREVIOUS NUMBER

EAGLE CREEK HES 329
TL 4044 & 4262, SEC 14
SN 17E

Mail To:

UPDYKE, JOSEPH R & CAROL M
1401 WALNUT STREET
PHILADELPHIA, PA 19102

BLAINE COUNTY ASSESSOR
P. O. BOX 816
HAILEY, ID 83333

ADDRESS CORRECTION REQUESTED

CATEGORY DESCRIPTION

12 RURAL RES TR

THIS IS NOT A BILL

PARCEL NO. RP 05N170140030 A

TAX CODE 64-00

LOTS / ACRES	MARKET VALUE
3.290 AC	296,100

3.290	296,100*
-------	----------

1991
TAXPAYERS
VALUATION

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JUNE 24, 1991

See the reverse side for further references
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PROPERTY ADDRESS

PREVIOUS NUMBER

HES 329 TL 4011, SEC 14
SN 17E

Mail To:

UPDYKE, JOSEPH R & M CAROL
1401 WALNUT STREET
PHILADELPHIA, PA 19102

JUN 27 1995

BLAINE COUNTY ASSESSOR
P. O. BOX 816
HAILEY, ID 83333
ADDRESS CORRECTION REQUESTED
CATEGORY DESCRIPTION
12 RURAL RES TR

THIS IS NOT A BILL
PARCEL NO. RP 05N170140050 A
TAX CODE 64-00
LOTS / ACRES 5.000 AC 400,000
5.000 400,000*

1991
TAXPAYERS
VALUATION

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JUNE 24, 1991

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS
PREVIOUS NUMBER
EAGLE CREEK HES 389
TL 3664, SEC 14

Mail To:
UPDYKE, JOSEPH R & M CAROL
1401 WALNUT STREET
PHILADELPHIA, PA 19102

BLAINE COUNTY ASSESSOR
P. O. BOX 816
HAILEY, ID 83333
ADDRESS CORRECTION REQUESTED
CATEGORY DESCRIPTION
12 RURAL RES TR
34 BLDG RES TR

THIS IS NOT A BILL
PARCEL NO. RP 05N170140040 A
TAX CODE 64-00
LOTS / ACRES 3.120 AC 280,800
3.120 243,254
3.120 524,054*

1991
TAXPAYERS
VALUATION

ASSESSMENT NOTICE
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NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 24, 1991

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS
PREVIOUS NUMBER
EAGLE CREEK HES 329
TL 4016, SEC 14

Mail To:
UPDYKE, JOSEPH R & M CAROL
1401 WALNUT STREET
PHILADELPHIA, PA 19102

JUN 27 1995

ROSHOLT, ROBERTSON & TUCKER

**Chartered
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FAX (208) 344-0034

March 28, 1994

VIA FACSIMILE

Mr. Jim Johnson
Idaho Department of Water Resources
1301 North Orchard
Statehouse Mail
Boise, ID 83720

RE: License No. 37-08515, 37-08516, 37-08517, and 37-08518 (Updyke)

Dear Jim:

My client, J. Randolph Updyke, filed permit applications for the above-numbered currently licensed water rights, each of which applications proposed an irrigation component of three (3) acres. The permits were approved, and thereafter, Mr. Updyke hired Kevin O'Brien of Evergreen Landscaping in Ketchum to supervise the installation of the irrigation equipment. Mr. O'Brien placed the irrigation facilities on the property in such a way as to assure Mr. Updyke that he was irrigating not less than twelve (12) acres with those rights.

The licenses were ultimately issued, and it has only now come to light that the acreage licensed by the IDWR is substantially less than that which has been irrigated by Mr. Updyke since the first day the irrigation equipment was turned on. Mr. Updyke and Mr. O'Brien are both knowledgeable about the size and extent of the Updyke property that is being irrigated, and can state with certainty that not less than twelve (12) acres is being irrigated. Mr. O'Brien recalls being present at the time of the field examination, at which time he spent more than two and one-half (2 1/2) hours with the agent who was apparently conducting one of his first-ever field exams. Somewhere along the way, there appears to have been an error. Mr. Updyke and Mr. O'Brien are both prepared to submit affidavits, if necessary, attesting to the amount of ground on the Updyke property that has been irrigated from these four licensed wells. I would request that you review the field exam information and determine if sufficient information exists to amend the licenses to show that each well is being utilized on three (3) acres of Mr. Updyke's property. Alternatively, I will

JUN 27 1995

Mr. Jim Johnson
March 28, 1994
Page 2

provide you with the affidavits of Mr. Updyke and Mr. O'Brien, and perhaps others, to attest to the amount of property actually irrigated, as well as the time that the property has been irrigated.

Because a sale of a portion of the property is currently pending, it is extremely important that we proceed as expeditiously as possible in reaching a resolution of this matter. Please advise me at your earliest convenience of what you will need in order to issue an amended license for each of those wells. Thank you for your consideration.

Yours truly,



GARY D. SLETTE

GDS:mw
03289404.GDS

cc: Randy Updyke
Evergreen Landscaping
Bob Korb (via fax)

RECEIVED
JUN 27 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 14, 1994

J RANDOLPH UPDYKE
C/O GARY SLETTE
ROSHOLT ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83301

RE: WATER RIGHT NO. 37-08515

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', with a long horizontal line extending to the right.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

A faint, circular stamp or seal, possibly a departmental or archival mark, located in the lower right area of the page.

JUN 27 1995

NR0749NP
No. L37-08515

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/07/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	J RANDOLPH UPDYKE C/O GARY SLETTE ROSHOLT ROBERTSON & TUCKER PO BOX 1906 TWIN FALLS ID 83301 (208) 734-0700	05/07/1989	IRRIGATION STOCKWATER	04-15 10-15 01-01 12-31	0.05 CFS 0.01 CFS	6.30 AFA 0.20 AFA
TOTAL DIVERSION:					0.06 CFS	6.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 0.20 CFS

Point(s) of Diversion: T05N R17E S14 SENW BLAINE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
05N	17E	14	:															:	1.8	
TOTAL ACRES																			1.8	

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

Pou County: BLAINE

Other Water Rights with Same Point(s) of Diversion and Source:
L35-08518 L37-08518

Other Water Rights Listing Overlapping Place(s) of use:
37-00863A 37-08515 37-08516 37-08517 37-08518 L35-08518 L37-08518

Conditions of Approval:

- 041 - Irrigation use under this right is authorized only in
- connection with a domestic use.
R50 - This right when combined with all other rights shall provide no-
- more than .03 cfs per acre nor more than 3.5 afa per acre for the
- lands above.

Remarks: Two points of diversion are located within SENW, S14, T05N,
R17E.
Right 37-08518 is also diverted through the point(s) of
diversion described above.
Stockwater use is for 15 horses.

Dates: App. Received: 05/08/1989 Priority Date: 05/07/1989
Proof Due Date: 09/01/1991 Proof Made Date: 08/06/1991
Exam Made Date: 06/23/1993 Exam Sent to S.O.: 03/03/1994
Licensed Date:

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

LICENSE REVIEW CHECKLIST

Permit # 37-8515 Date 3-7-94 Brenda Chapman

NAME Yes No ☒ Or Address Change?

PRIORITY DATE ☒ Advance? ☒ Advanced to: ☒
☒ Order to Reinstate Needed?
☒ Incorrect Fee for rate recommended?

SOURCE ☒ Changes? Clarification of Originally Intended source
☒ Notice of Intent to Void - Source change.

P/D ☒ Amendment Needed? Add 2nd well
☒ Overlap(s) 37-8518

P/U ☒ Amendment Needed?
☒ Overlap(s)

TOTAL CFS ☒ Measurement ☐ Theoretical only ☐
well #1 = .16
well #2 = .04
1st HORSES = .01
 Allowable Amount: 1.8 X .03 = .05 CFS
 Capacity of system: .20

TOTAL VOLUME Season of Use: B/3.5 (4-15 to 10-15)
☒ Calculations:
1st HORSES = .2
1.8 acres @ 3.5 = 6.3
 Flow limit: .05 X 134 X 1.9835 = 13.2

USES ☒ Change(s) in Nature of Use?
☒ Amendment Needed?

REMARKS W32 Multiple P/Ds in 1/4 1/4?
W36 Special Overlap 37-8518

CONDITIONS ☒ Measuring/Locking Devices
☒ W/Master Control - District ☐
R30 ☒ Irrigation Overlap
☒ Water Quality
041 ☒ Other In in conj. with domestic use

COMMENTS: Delete domestic use - covered under 37-8518.
Reduction in stock not necessary. REDUCE ACRES
& RATE

RECOMMENDED	CFS	DIV VOL	LICENSE
<u>Irrigation</u>	<u>.05</u>	<u>6.3</u>	☒
<u>Stockwater</u>	<u>.01</u>	<u>.2</u>	1ST AMEND LETTER ☐
			2ND AMEND LETTER ☐

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
MAR 04 1994
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 37-8515

1. Owner: J. Randolph Updyke Phone No. 734-0700
Current Address: 40 Gary Slette of Rosholt, Robertson, + Tucker P.O. Box 1906
Twin Falls 83301
2. Accompanied by: Kevin O'Brien EXAM DATE: 6-23-93
Address: Evergreen Landscaping Box 1157 Ketchum Phone No. 726-5267
83340
Relationship to Permit Holder: Landscaper (Designed irr. system)
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE
2. Other water rights with the same point of diversion: 37-8518

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
#1			SE	NW	14	OSW	17E	Blaine	USGS Topo, Inspection
#2			SE	NW	14	OSW	17E	Blaine	USGS Topo, Inspection

2. Place(s) of Use:

Indicate Method of Determination: Inspection

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
OSW	17E	14							1.8									1.8	
									5									5	

JUN 27 1995

Hand-drawn site plan on grid paper showing a proposed irrigation system. The plan includes a mainline pipe labeled "x Ducting 6 inch mainline" and several risers labeled "x" leading to "x Sprinkler Head". Dimensions are given in feet (80', 240', 362', 168', 280', 3') and inches (2", 3"). A north arrow points towards the top. A note indicates "Nelson Ag. Hds. 60 gpm". A circled "2" is labeled "#2 overlap 1/2 in. 37-8518". The plan shows a rectangular area with a diagonal line and various riser and head placements.

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
#1	Sta-Rite	5	#1086		
			Model # CP45021-04		
#2	Sta-Rite	1	Model # 20P4E025-38		

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
None						

2. **Measurements:** These Nelson Ag. Hds need a minimum of 50-55 psi to operate. The owner runs one head at a time.

JUN 27 1995

E. NARRATIVE/REMARKS/COMMENTS

The Nelson Ag. Heads (16 of them) usually need a minimum of 50-55 psi to operate. The owner runs one head (rated at 60 gpm hrs) at a time. ($60 \div 448.8 = .13$ g/s)

This well overlaps P37-8518 because each respective well trench permit are connected together through a mainline. This connection was made for future emergencies. But normally, Well #1 supplies the water for the 1.8 acres and stockwater on this permit.

The well log attached applies to a particular one of Updyke's permits, but it is uncertain to which one because the log on the well log is certainly incorrect. Because all 4 permits are close in proximity, the static water level for the well log was used to determine the lift in theoretical calculations.

Domestic component covered under 37-8518

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

APPROVED
JUN 27 1995

F. FLOW CALCULATIONS

Measured Method:

☒ Additional Computation Sheets Attached

$$1.8 \text{ acres at } 0.03 \text{ cfs/acre} = 0.054 \approx 0.05$$

acres can carry up to 10 horses

$$\approx 0.02 \text{ cfs}$$

(see Field Examiner's Handbook Table 6)

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (1.8 \text{ acres}) (3.5 \text{ cfs/acre}) = 6.3 \text{ cfs}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (0.16 \text{ cfs}) (184 \text{ days}) (1.9835) = 58.4 \text{ cfs}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 6.3 \text{ cfs}$$

2. Volume Calculations for Other Uses:

10 horses $\approx 0.2 \text{ cfs/yr}$ (see Field Examiner's Handbook Table 6)

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	4/15	10/15	0.05 cfs	6.3 cfs
Stockwater	1/1	12/31	0.02 cfs	0.2 cfs
Totals:			0.07 cfs	6.5 cfs

2. Recommended Amendments

☐ Change P.D. as reflected above

☒ Add P.D. as reflected above

☐ None

☐ Change P.U. as reflected above

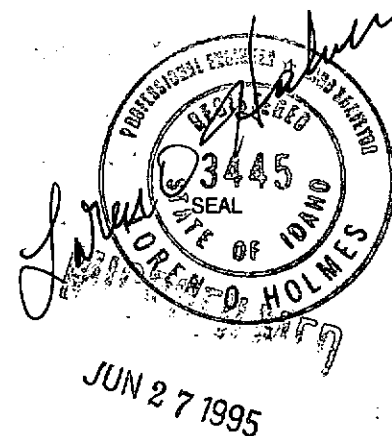
☐ Add P.U. as reflected above

☒ Other add 2nd well to permit

I. AUTHENTICATION

Field Examiner's Name Brett Baum Date 9-21-93

Reviewer _____ Date _____



DATE: July 24, 1993

FROM: Brett Barry

TO: FILES 37-8515, 37-8516, 37-8517, 37-8518

SUBJECT: Interpretation of the above water permits

On June 23, 1993, the field examinations for the above water permits were conducted. J. Randolph Updyke from Philadelphia, Pennsylvania is the permit holder for the permits. Kevin O'Brien of Evergreen Landscaping of Sun Valley accompanied myself during these field examinations. Kevin was responsible for the construction and design of the irrigation and lawn systems for Mr. Updyke. Presently, Kevin takes care of the maintenance and upkeep for these systems because Mr. Updyke is rarely in town.

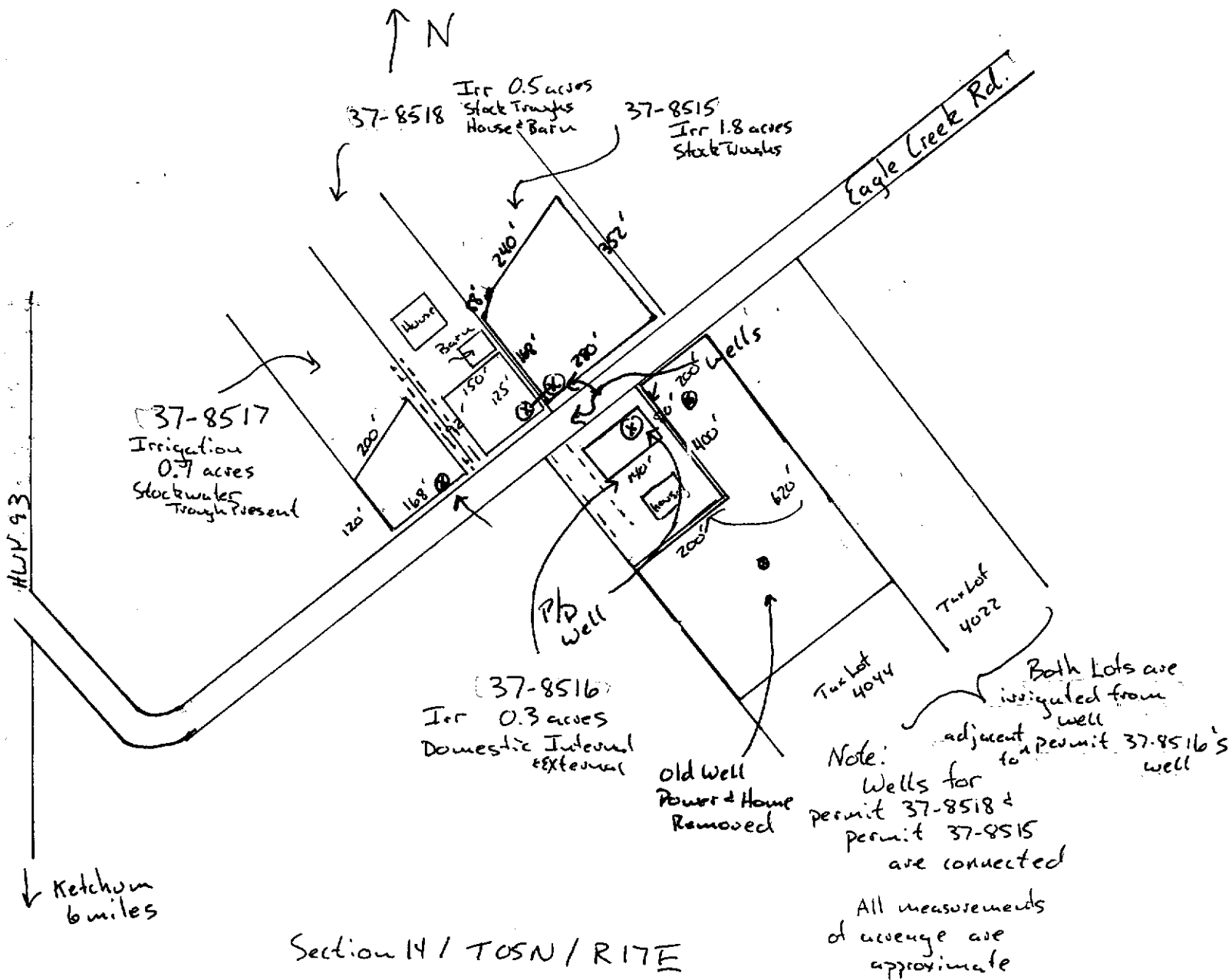
The above permits are very closely associated to each other in use and proximity. The applications for the permits were very ambiguous to the precise point of diversion and place of use.

On July 14, 1993, Gary Slette, Mr. Updyke's lawyer, and I met to discuss the precise locations of the permits. Gary Slette supplied me with information from their file regarding the permits. This information is attached to the files.

The following is a graphical sketch of my interpretation of the point of diversion and place of use for each respective water permit.

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JUN 27 1995



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JUN 27 1995

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

FILE: 37-8515

DATE: 7-21-93

BY: Fred Barry

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

Q = CFS

H.P. = Total Brake Horsepower of pumping plant (including booster)

EFF. = Pumping plant efficiency (ASSUME 70% OR 0.70)

TDH = total dynamic head = [(LIFT) + (PSI X 2.31)]

LIFT = depth to water in FEET from land surface to pumping water level

PSI = pumping pressure measured in psi near pump
(if open discharge assume zero [0])

$$Q = \frac{(8.8) \times (5 \text{ H.P.}) \times (0.70)}{[(60) + (60 \text{ psi} \times 2.31)]} = 0.16 \text{ cfs}$$

LIFT FROM:
measurement ()

owner ()

area estimate (✓)

well logs ()

Booster (Y) (N)

PSI FROM:
measurement ()

owner ()

estimate (✓)

owner gage ()

NOTES ON PUMP:

Motor Make, Serial or ID

Pump Make, Serial or ID, rating

REMARKS A well log that is not associated with a particular right of Udyke's states the static water level to be around 52'. The P.H. is based on this static water level. The legal on the well log is incorrect.

ANNUAL VOLUME ANALYSIS

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

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

POTENTIAL = $\frac{(184 \text{ days}) \times (1.98) \times (0.16 \text{ cfs})}{(1.8 \text{ acres})}$

POTENTIAL = 32.3 ac-ft/acre

REQUIRED Acre Feet/Acre/Annum = 3.5 ac-ft/acre
(AF/Ann/Ac irrigation requirement from chart for area)

NOTE that this is NOT Consumptive use

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

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

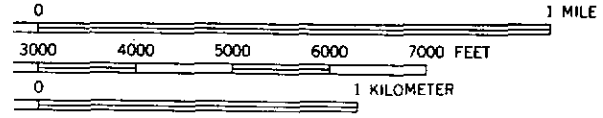
JUN 27 1995

PERMIT 37-8515 INIT B.R.B.
 T. R. S. Q/Q
 P/D OSW 17E 14 SE NW
 SCALE _____
 PHOTO ID. 1974

1.8 acres of irrigation, also
 stockwater, no domestic use
 Overlap P/d with 37-9518
 Add P/d for recommendations

IN BUTTE

1:24000



37-8515
 SIM TSN JUN 27 1995

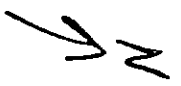
KETCHUM 5 MI.
 HAILEY 17 MI.
 114
 AMBER LAKES
 SAWTOOTH NATIONAL FOREST
 SAWTOOTH NRA
 KETCHUM RANGER DISTRICT



4044.
—
1719.
342.

12 gm $\frac{3}{4}$ HP

11/19/23
11/19/23
5th



all 4 claims
shown;
SESW
direct 40's shown
SENN & NESW

All 4 claims
shown;

ALL IN
SECTION 14/TSN/P.17E

PURCHASED BY U.S. ARMY
MAY 1877

815571

11/20/14

110

10. Mr. [redacted]

EAST
PASTOR King & V
15 March

1.5M 1205
575

3 AC 11610.	200
-------------	-----

395.04

NO
WELL

JUN 27 1935

3748

300 11 5

Name Randy Updyke
 % Evergreen Landscaping
 Address P. O. Box 1157 Ketchum, ID 83340
 Owner's Permit No. 37-87-S-026 *ct 11/23*

Static water level 57 feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature 48 °F. Quality Good
Describe artesian or temperature tones below.

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

☐ Pump ☐ Bailer ☒ Air ☐ Other

☐ Domestic ☒ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☒ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

☒ Rotary ☒ Air ☐ Hydraulic ☐ Reverse rotary
☐ Cable ☐ Dug ☐ Other

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness		Diameter		From		To		
.250	inches	8 5/8	inches	+	1 1/2	feet	104	feet
_____	inches	_____	inches	_____	_____	feet	_____	feet
_____	inches	_____	inches	_____	_____	feet	_____	feet
_____	inches	_____	inches	_____	_____	feet	_____	feet

Was casing drive shoe used? ☒ Yes ☐ No

Was a packer or seal used? ☐ Yes ☒ No

Perforated? ☒ Yes ☐ No

How perforated? ☐ Factory ☒ Knife ☐ Torch

Size of perforation 1/4 inches by 1 1/2 inches

Number		From		To	
500	perforations	55	feet	99	feet
_____	perforations	_____	feet	_____	feet
_____	perforations	_____	feet	_____	feet

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 19 Material used in seal: ☐ Cement grout

☒ Bentonite ☐ Puddling 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 _____ well cap

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
8	0	3	Surface dirt		
	3	11	Gravel		
	11	55	Clay & gravel		
	55	57	Gravel	X	
	57	65	Clay & gravel		
	65	84	Gravel & clay	X	
	84	91	Clay & gravel	?	
	91	99	Gravel & clay	X	
	99	104	Clay & broken black lime- stone		X
	104	105	Black limestone		

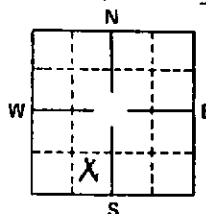
RECEIVED

~~OCT 20 1987~~

Department of Water Resources
Southern Region Office

Legal is incorrect

Sketch map location must agree with written location.



Subdivision Name APR 1981

Lot No. _____ Block No. 1A1

County _____ Blaine, _____
SE ¼ SW ¼ Sec. 14 T. 5 N. 3 R. 17 E. W.

10.

Work started 10/8/87 finished 10/9/87

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

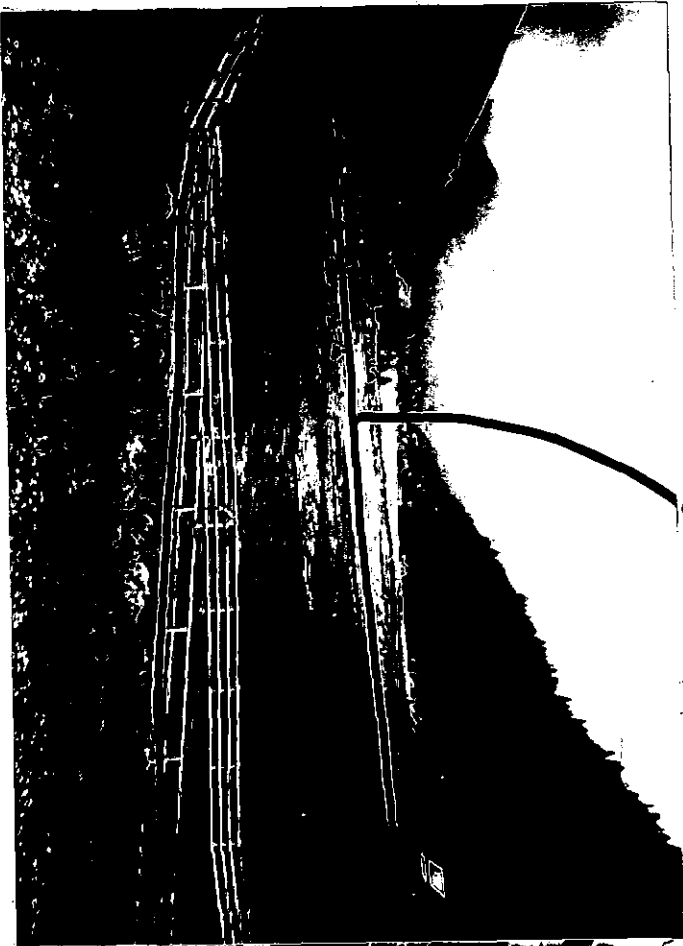
Firm Name Walker Water Systems, Inc. Firm No. 15
624 Pineda Street
Twin Falls, Idaho 83301 Address
 Date 10/12/87

Signed by: (Firm Official) Paul Walk
and
(Operator) Paul Walk

I took these pictures on June 23, 1993. These photos are taken from Mr. Updyke's main house looking east to southeast.
P37-8515

P/O 37-8515

P/O 37-8515
37-8518



Another well
P/O
37-8515
37-8518

JUN 27 1995

Originally this well was for P37-8518
but the mainline between the two wells
was connected, so I will recommend
P/D an amendment to a P.D.
on both permits. These

two wells
are usually
used separately
and are
rarely used
together.



P/D 37-8518

JUN 27 1995

August 14, 1991

J. RANDOLPH UPDYKE
C/O GARY SLETTE
ROSHOLT, ROBERTSON & TUCKER
P.O. BOX 1906
TWIN FALLS, ID 83301

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08515

Dear Permit Holder:

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

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

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

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AUG 22 1991

ROSHOLT, ROBERTSON & TUCKER
Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH

P.O. BOX 1906

TWIN FALLS, IDAHO 83303-1906

TELEPHONE (208) 734-0700

FAX (208) 736-0041

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
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
AUG 05 1991

August 2, 1991

Department of Water Resources

Idaho Department of Water Resources
Attn: Rita Fleck
1301 North Orchard St.
Statehouse Mail
Boise, ID 83720-9000

RE: Water Right Nos. 37-08515 and 37-08517

Dear Ms. Fleck:

Enclosed please find two Proofs of Beneficial Use pertaining to the above-numbered water rights. I am enclosing two of our firm's checks in the amount of \$50.00 each. Additionally, I am enclosing a copy of a Power of Attorney issued to me with regard to Mr. Updyke's water rights. If you have any questions regarding this matter, please contact me.

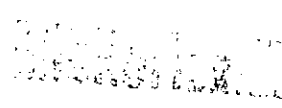
Yours truly,


Gary D. Slette

GDS/mw
03471

Enclosures

cc: Randy Updyke


AUG 22 1991

LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

J. Randolph Updyke hereby nominates and appoints Gary D. Slette of Nelson, Rosholt, Robertson, Tolman & Tucker, P.O. Box 1906, Twin Falls, ID 83303, as attorney-in-fact with full authority to act for and on behalf of J. Randolph Updyke to execute any and all documents required or necessary to apply for and obtain water rights for my property located in Blaine County.

My agent is hereby authorized to sign, seal, and deliver, as my act in deed, those said instruments of writing that may be necessary or proper to carry into execution and effect the acquisition of water rights as above-mentioned. Further, I hereby declare that each and every agreement, receipt, or payment which shall be by my said agent given, made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or concerning the said premises by virtue of these presents.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 16 day of May, 1990.

J. Randolph Updyke
J. Randolph Updyke

STATE OF Penna.)
County of Phila.) ss.

On this 16th day of May, 1990, before me, a Notary Public, in and for said County and State, personally appeared J. Randolph Updyke, known or identified to me to be the individual whose name is subscribed to the within 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 in this certificate first above written.

Sandra T. Norbeck
NOTARY PUBLIC FOR Pennsylvania
Residing at: 2954 Juncoy Run, Bensalem, Pa.
My commission expires:

NOTARIAL SEAL
SANDRA T. NORBECK, Notary Public
City of Philadelphia, Phila. County
My Commission Expires Sept. 2, 1991

138789
June 30, 1991

J. RANDOLPH UPDYKE
1401 WALNUT
PHILADELPHIA, PA 19102

PROOF DUE NOTICE

RE: PERMIT NO. 37-08515

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 September 1, 1991. (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,

Rita Fleck
Secretary/Records Manager

Enclosures

AUG 22 1991

S T A T E O F I D A H O

DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
September 4, 1990

J. RANDOLPH UPDYKE
1401 WALNUT
PHILADELPHIA, PA 19102

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08515

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.

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. Also enclosed for your convenience is a form entitled "Proof of

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SEP 12 1990

Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

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SEP 12 1990

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

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

J. RANDOLPH UPDYKE
1401 WALNUT
PHILADELPHIA, PA 19102

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08515

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.

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RECEIVED

AUG 15 1990

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Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

RECORDED

AUG 15 1990

05-Jun-1990

NELSON ROSHOLT & ASSOCIATES
c/o Francis G. Hitchcock
PO BOX 1906
TWIN FALLS ID 83303-1906

Re: Amended Applications for Permit Nos. 37-08515, 37-08517

Dear Mr. Hitchcock:

The Department of Water Resources acknowledges the changes made to the applications for permit as referenced above.

This office will be advertising the amended applications in the Wood River Journal on 6/13 & 6/20/90. A period of ten days following the second publication will be allowed for the submittal of protests.

If the applications are 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 applications are not protested, they 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 applications and will notify you of the outcome of this review.

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

Very truly yours,

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

DJ:MB

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AUG 15 1990

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho, }
County of Blaine } ss.

JUL 6 1990

Department of Water Resources
Southern Region Office

DANIEL J. GORHAM

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

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

publication of said advertisement was on the 13th day of June 1990, and

the date of the last publication was on the 20th day of June 1990.

Subscribed and sworn to before me this 20th day of June 1990.
(SEAL)

NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice 36
Number of Insertions 2
Lines tabular at 36 6c / Pica
Lines straight at 36 19.80 5c / Pica
Subsequent lines at 36 15.84 4c / Pica
TOTAL COST 35.64

COPY OF NOTICE

(Paste Here)

Amended Applic. #37-08515

TITLE OF NOTICE

Updyke

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water Rec. T-F

BILL TO

Updyke seeks amended permit

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

Notice is hereby given that the following application for permit to appropriate the public waters of the State of Idaho has been amended as follows:

37-08515

J. Randolph Updyke
1401 Walnut
Philadelphia PA 19102

Date Amended: 5/7/90

Source: groundwater

Diversion Pt: NW1/4SE1/4NW1/4;

S14, T5N, R17E; Blaine County.

Use: Irrigation (.09 cfs)

Stockwater (.02 cfs)

Domestic (.04 cfs)

Total quantity to be appropriated: .11 cfs

In: Three acres within SE1/4-NW1/4, S14, T5N, R17E.

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301, on or before July 2, 1990.

R. Keith Higginson, Director
Publish: Wood River Journal—
June 13 & 20, 1990.

okd
A.D. 90
7-9-90

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AUG 15 1990

Publication Rates As of Jan., 1990

(Idaho Code,
Reb. Statutes 1984)
7-8 pt./line straight: .5/pica
7-8 pt./line tabular: .6/pica
7-8 pt./line successive
insertion: .4/pica

No 7095

05-Jun-1990

Wood River Journal
P.O. Box 988
Hailey, ID 83333

Gentlemen:

Enclosed you will find 2 legal notices which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the required publication dates. If time allows, please submit galley proofs for review before publication.

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

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

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

MICROFILMED

AUG 15 1990

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J. Randolph Updyke
1401 Walnut
Philadelphia, PA 19102

Date Amended: 5/7/90

Source: groundwater

Diversion Pt: NW1/4SE1/4NW1/4, S14, T5N, R17E; Blaine County.

Use: Irrigation	(.09 cfs)
Stockwater	(.02 cfs)
Domestic	(.04 cfs)

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R. Keith Higginson, Director

Published in Wood River Journal on 6/13 & 6/20/90.

MicroFILMED

AUG 15 1990

Updyke seeks amended permit

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J. Randolph Updyke
1401 Walnut
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Date Amended: 5/7/90

Source: groundwater

Diversion Pt: NW1/4SE1/4NW1/4,
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Use: Irrigation (.09 cfs)
Stockwater (.02 cfs)
Domestic (.04 cfs)

Total quantity to be appropriated:
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NW1/4, S14, T5N, R17E.

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R. Keith Higginson, Director

Publish: Wood River Journal-
June 13 & 20, 1990.

OK
mb
6/11/90

Doc
6/12/90

MICROFILMED

AUG 15 1990

M E M O R A N D U M

TO: IDWR Southern Region/Kay Walker/Orchard Straight
FROM: FH
DATE: May 7, 1990
RE: Addition of Domestic Usage for J. Randolph Updyke
Applications for Permits: 37-08515 and 37-08517

The enclosed original applications for permit should have had the Domestic usage included at the time of their amendment. In order to present a sequential trail regarding these applications for permit numbers I have not only added the Domestic usage to the original application form but an attorney in fact signature line.

Please note the date and initial of the attorney in fact, Mr. Gary Slette, on the original forms and the attached Limited Power of Attorney signed by the original claimant, Mr. J. Randolph Updyke.

While the result is not as clean a copy as both the client and the agency would prefer, it does document the sequence of events so that the history of the process is clear to the reviewer.

3724m

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MAY 7 1990

Department of Water Resources

Southern Region Office

MICROFILMED

AUG 15 1990

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: 6012266

Date: 05/07/90
Time: 16:16:39

Received From: SLETTE, MR. GARY

Type of Payment	Program Acct Class	Amount
APPLICATION FOR AMENDMENT 37-08515	0640199 1238 6390	\$20.00
APPLICATION FOR AMENDMENT 37-08517	0640199 1238 6390	\$20.00

Total
\$40.00

CHECK 13061

Idaho Department of Water Resources

Region: SOUTHERN

Signature: Gary Slette

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AUG 15 1990

MEMORANDUM

RECEIVED

MAY 3 1990

Department of Water Resources
Southern Region Office

TO: FILES 37-8515 AND 37-8517

FROM: KAY WALKER *Kay*

RE: STATUS

DATE: 1-MAY-1990

=====

Frank Hitchcock called me this morning about the above referenced applications and my correspondence of 4/26/90. He has talked with the region and it was decided that the applications should be amended to include a domestic use so that we could finalize the processing. I am, therefore, returning these files to the region for the processing of the amended applications.

RECEIVED

MAY 7 1990

Department of Water Resources
Southern Region Office

MICROFILMED

AUG 15 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 26, 1990

RE: Applications for Permit No. 37-8515 and 37-8517

J. Randolph Updyke
1401 Walnut
Philadelphia, PA 19102

Dear Mr. Updyke:

We have received the above referenced applications for permit, from our Southern Regional Office in Twin Falls, for final review. We will not, however, be able to process these applications at this time.

The applications are within the "trust water area" and because they are for irrigation and stockwater purposes only, we cannot process them until we have processed prior applications that have been held pending the outcome of the Idaho Power lawsuit. Our Department is presently working on processing applications that were filed in 1983 and 1984.

The above referenced applications will be held in our office until we can process them. If you have any questions in regard to this matter, please feel free to contact either this office or our office in Twin Falls.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:k

cc: Southern Region
Francis Hitchcock of NELSON, RSHOLT & ASSOCIATES

RECEIVED

AUG 15 1990

FROM Loten Holmes

TO Water Alloc -

SUBJECT VPdyke Applications 37-8515, 16, 17, 18

INTER-DEPARTMENT MEMO — 1

DATE 4/2/90

The applications have been amended & readvertised to
clear up problems with legal descriptions.

The question remains whether two of the applications are
eligible for processing under the 1180 Contract because the
applications propose only stockwater & irrigation use.

MICROFILMED

AUG 15 1990

SIGNATURE

11-Jan-1990

NELSON, ROSHOLT & ASSOCIATES
c/o Francis G. Hitchcock
P.O. Box 1906
TWIN FALLS ID 83303-1906

Re: Amended Applications for Permit Nos. 37-08515, 37-08516,
37-08517, 37-08518

Dear Mr. Hitchcock:

The Department of Water Resources acknowledges receipt of amended applications for permit on behalf of your client, J. Randolph Updyke, as referenced above.

This office will be advertising the applications in the Wood River Journal on 1/17 & 1/24/90. A period of ten days following the second publication will be allowed for the submittal of protests.

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

If the applications are not protested, they 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 applications and will notify you of the outcome of this review.

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

Very truly yours,

Gary Funderburg
Sr. Water Resource Agent

GF:MB

MICROFILMED

AUG 15 1990

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho, }
County of Blaine } ss.

FEB 9 - 1990

Department of Water Resources
Southern Region Office

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

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

publication of said advertisement was on the 17 day of JAN, 1990, and

the date of the last publication was on the 24 day of JAN, 1990.

Daniel J. Gorham
Subscribed and sworn to before me this 24th day of JAN, 1990.
(SEAL)

Robert McKeecher

NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice 31.5
Number of Insertions 2
Lines tabular at 5.5¢/Pica
31.5 Lines straight at 17.33 54.5¢/Pica
31.5 Subsequent lines at 13.86 43.5¢/Pica
TOTAL COST 31.19

COPY OF NOTICE
(Paste Here)

Application
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

TF Water Resources
BILL TO

Four file on amended permits

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

Notice is hereby given that the following application for permit to appropriate the public waters of the State of Idaho has been amended as follows:

37-08515

J. RANDOLPH UPDYKE
1401 Walnut
Philadelphia, PA 19102

Date Amended: 1/4/90

Source: groundwater

Diversion Pt: NW1/4SE1/4NW1/4, S14, T5N, R17E; Blaine County,

Use: Irrigation (.09 cfs)

Stockwater (.02 cfs)

In: Three acres within SE1/4 NW1/4, S14, T5N, R17E.

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East, Twin Falls, ID 83301, on or before February 5, 1990.

R. Keith Higginson, Director

Publish: Wood River Journal-
January 17 & 24, 1990.

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

62897

3

11-Jan-1990

Wood River Journal
P.O. Box 988
Hailey, ID 83333

Gentlemen:

Enclosed you will find 4 legal notices which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

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

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

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

MICROFILMED

AUG 15 1990

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

Notice is hereby given that the following application for permit to appropriate the public waters of the State of Idaho has been amended as follows:

37-08515

J. RANDOLPH UPDYKE
1401 Walnut
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Date Amended: 1/4/90

Source: groundwater

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Use: Irrigation (.09 cfs)
Stockwater (.02 cfs)

In: Three acres within SE1/4NW1/4, S14, T5N, R17E.

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East., Twin Falls, ID 83301 on or before February 5, 1990.

R. Keith Higginson, Director

Published in Wood River Journal on 1/17 & 1/24/90

RECORDED

AUG 15 1990

21

Disk: Legals/4AmendI

**Four file on
amended permits**

**NOTICE OF AMENDED
APPLICATION FOR
WATER PERMIT**

Notice is hereby given that the following application for permit to appropriate the public waters of the State of Idaho has been amended as follows:

37-08515

J. RANDOLPH UPDYKE
1401 Walnut
Philadelphia, PA 19102

Date Amended: 1/4/90

Source: groundwater

Diversion Pt: NW1/4SE1/4NW1/4,
S14, T5N, R17E; Blaine County.

Use: Irrigation (.09 cfs)
Stockwater (.02 cfs)

In: Three acres within SE1/4-
NW1/4, S14, T5N, R17E.

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East, Twin Falls, ID 83301, on or before February 5, 1990.

R. Keith Higginson, Director

Publish: Wood River Journal-
January 17 & 24, 1990.

OK
MB
1/16/90

RECEIVED

JAN 16 1990

Department of Water Resources
Southern Region Office

MICROFILMED

AUG 15 1990

MEMORANDUM

RECEIVED

AUG 24 1989

Department of Water Resources
Southern Region Office

TO: LOREN, SOUTHERN REGION

FROM: KAY WALKER

RE: UPDYKE APPLICATIONS

DATE: 14-AUG-1989

=====

Loren: While reviewing applications I noticed that Mr. Updyke has filed these four applications (37-8515/8516/8517/8518) for the irrigation of 12 acres and what appears to me to be only one home. Prior to further action we need to know exactly how many homes will be on these 12 acres. We should not process the ones that do not include homes if he only intends stock and irrigation use, until his time in priority. It looks to me like he was trying to get water rights for his 12 acres by submitting four separate applications which is not acceptable for the Swan Falls area. We can process one of them for 3 acres and one home but should not let the others slip through.

I am also confused with the maps attached to the applications. The legal description on App. 37-8515 describes the NESW but the attached map clearly shows the point of diversion in SENW. This is also true with Application 37-8516. The description on App. 37-8517 is okay. On App. 37-8518 the legals and map are not consistent, again describing the NESW but map showing the SENW.

Could you also request that the staff analysis sheets in the new application files be placed on the top of the right side of the file instead of the bottom. It sure would make our jobs easier over here. We have to re-arrange the files every time we receive them. Maybe you could explain to Mary that the files are to be in chronological order with oldest correspondence on the bottom of the right side??? THANKS

MICROFILMED

AUG 15 1990

*Cart: 7/2 Contact Applicant or Flusht's office to
straighten up problems - IF they can't produce convincing
evidence that these developments meet processing requirements
of the 1180 Contract they will have to be held -*

LM

31-May-1989

Nelson, Rosholt & Associates
P.O. Box 1906
Twin Falls, ID 83301

Re: Applications for Permit No. 37-08515 thru 37-08518, inclusive
Gentlemen:

The Department of Water Resources acknowledges receipt of the water right applications for permit on behalf of your client, J. Randolph Updyke. The applications have been assigned the above referenced identification numbers. Please refer to these numbers in all further correspondence.

This office will be advertising the applications in the Wood River Journal on 6/7 & 6/14/89. A period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Very truly yours,

Gary Funderburg
Sr. Water Resource Agent

GF:MB

MICROFILMED

AUG 15 1990

Updyke, Gache file on water rights

NOTICE OF APPLICATION FOR WATER RIGHT

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

37-08515

UPDYKE, J. RANDOLPH
1401 WALNUT
PHILADELPHIA, PA 19102

Source: GROUNDWATER
Diversion Pt.: NWNESW Sec 14 T
05N R 17E

Use: IRRIGATION (0.090 CFS)
STOCKWATER (0.020 CFS)

Date Filed: 5/08/1989
In: T05N R17E S14 NESW
3.0 ACRES TOTAL

37-08516

UPDYKE, J. RANDOLPH
1401 WALNUT
PHILADELPHIA, PA 19102

Source: GROUNDWATER
Diversion Pt.: NENESW Sec 14 T
05N R 17E

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

Date Filed: 5/08/1989
In: T05N R17E S14 NESW
3.0 ACRES TOTAL

37-08517

UPDYKE, J. RANDOLPH
1401 WALNUT
PHILADELPHIA, PA 19102

Source: GROUNDWATER
Diversion Pt.: NWNESW Sec 14 T
05N R 17E

Use: IRRIGATION (.045 CFS)
STOCKWATER (.045 CFS)

Date Filed: 5/08/1989
In: T05N R17E S14 SESW
3.0 ACRES TOTAL

37-08518

UPDYKE, J. RANDOLPH
1401 WALNUT
PHILADELPHIA, PA 19102

Source: GROUNDWATER
Diversion Pt.: NWNESW Sec 14 T
05N R 17E

Use: DOMESTIC (053 CFS
STOCKWATER (053 CFS
IRRIGATION (053 CFS

Date Filed: 5/08/1989
In: T05N R17E S14 NESW
3.0 ACRES TOTAL

37-08519

GACHE, PETER DJONAL
C/O JAMES P. SPECK, ESQ.
P.O. BOX 987

Source: GROUNDWATER
Diversion Pt: SWSWNE Sec 10

Use: DOMESTIC (040 CFS)
IRRIGATION (090 CFS)

Date Filed: 5/24/1989
In: T05N R17E S10 SWNE NW
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

Criteria 01, Sec. 42-2030, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2148 4th Avenue

East, Twin Falls, Idaho 83301, on or before JUNE 26, 1989.

R: Keith Higginson, Director

Publish: Wood River Journal
June 7 & 14, 1989.

DATE		CUSTOMER'S ORDER NO.	PHONE	NAME Dept of water Res					
6-17-89									
PAID OUT		MOUSE RET'D	CHARGE	ON ACCT	X	COD	CASH	ADDRESS	
TAX		TOTAL	RECEIVED BY						
43.56		88 @ 49.5	SOLD BY						
33.88		88 @ 38.5							
88		88							

WOOD RIVER JOURNAL
112 S. Main Street
P.O. Box 988
HAILEY, IDAHO 83333
(208) 788-3444

AUG 15 1991

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho, }
County of Blaine } SS.

JUN 22 1989

Department of Water Resources
Southern Region Office

DANIEL J. GORHAM

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

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

publication of said advertisement was on the 7th day of June, 1989, and

the date of the last publication was on the 14th day of July, 1989.

Subscribed and sworn to before me this 21st day of June, 1989.
(SEAL)

Roberta M. Kaul

NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11
Number of Lines in Notice 88
Number of Insertions 2
Lines tabular at 5¢/Pica
88 Lines straight at 43.56 4¢/Pica
88 Subsequent lines at 33.88 3¢/Pica
TOTAL COST 77.44

RECEIVED

JUN 22 1989

Department of Water Resources
Southern Region Office

COPY OF NOTICE
(Paste Here)

5 Applications (Updyke,
TITLE OF NOTICE Cache)

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources
BILL TO

PUBLICATION RATES

As of Oct. 1, 1988

(Idaho Code, Rev. 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

No 6572

MICROFILMED

AUG 15 1990

OK
27 APR
6-22-89

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

MAY 31, 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 JUNE 26, 1989.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

MICROFILMED

AUG 15 1990

37-08515

UPDYKE, J. RANDOLPH
1401 WALNUT
PHILADELPHIA, PA 19102

Source: GROUNDWATER

Diversion Pt: NWNESW Sec 14 T 05N R 17E

Use: IRRIGATION (.090 CFS)
 STOCKWATER (.020 CFS)

Date Filed: 5/08/1989

In: T05N R17E S14 NESW

3.0 ACRES TOTAL

MICROFILMED

AUG 15 1990

2/1

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

37-08515

UPDYKE, J. RANDOLPH
1401 WALNUT
PHILADELPHIA, PA 19102
Source: GROUNDWATER
Diversion Pt.: NWNESW Sec 14 T
05N R 17E
Use: IRRIGATION (.090 CFS)
STOCKWATER (.020 CFS)
Date Filed: 5/08/1989
In: T05N R17E S14 NESW
3.0 ACRES TOTAL

37-08516

UPDYKE, J. RANDOLPH
1401 WALNUT
PHILADELPHIA, PA 19102
Source: GROUNDWATER
Diversion Pt.: NENESW Sec 14 T
05N R 17E
Use: DOMESTIC (.040 CFS)
IRRIGATION (.060 CFS)
Date Filed: 5/08/1989
In: T05N R17E S14 NESW
3.0 ACRES TOTAL

37-08517

UPDYKE, J. RANDOLPH
1401 WALNUT
PHILADELPHIA, PA 19102
Source: GROUNDWATER
Diversion Pt.: NWNESW Sec 14 T
05N R 17E
Use: IRRIGATION (.045 CFS)
STOCKWATER (.045 CFS)
Date Filed: 5/08/1989
In: T05N R17E S14 SESW
3.0 ACRES TOTAL

37-08518

UPDYKE, J. RANDOLPH
1401 WALNUT
PHILADELPHIA, PA 19102
Source: GROUNDWATER
Diversion Pt.: NWNESW Sec 14 T
05N R 17E
Use: DOMESTIC (.053 CFS)
STOCKWATER (.053 CFS)
IRRIGATION (.053 CFS)
Date Filed: 5/08/1989
In: T05N R17E S14 NESW
3.0 ACRES TOTAL

37-08519

GACHE, PETER DJONALD
C/O JAMES P. SPECK, ESQ.
P.O. BOX 987
KETCHUM, ID 83340
Source: GROUNDWATER
Diversion Pt.: SWSWNE Sec 10 T
05N R 17E
Use: DOMESTIC (.040 CFS)
IRRIGATION (.090 CFS)
Date Filed: 5/24/1989
In: T05N R17E S10 SWNE NWSE
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 JUNE 26, 1989.

R. Keith Higginson, Director

Publish: Wood River Journal-
June 7 & 14, 1989.

OK
MB
6/5/89

MICROFILMED

AUG 15 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 JUNE 26, 1989.

R. Keith Higginson, Director

Published 6/07/1989 & 6/14/1989

MICROFILMED

AUG 15 1990

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered

ATTORNEYS AT LAW

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

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER
TERRY T. UHLING
TERRY R. McDANIEL
F. BRUCE COVINGTON
JERRY JENSEN
GARY D. SLETTE
CAROLYN M. MINDER
VICKI L. YRAZABAL
BRUCE M. SMITH
G. RICHARD BEVAN
BRAD M. PURDY
GARY L. QUIGLEY

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

RECEIVED

MAY 8 1989

Department of Water Resources
Southern Region Office

May 8, 1989

Mr. Loren Holmes, Supervisor
Idaho Department of Water Resources
Twin Falls Office -- Southern Region
2148 Fourth Avenue E.
Twin Falls ID 83301

Dear Loren:

Please find enclosed Applications for Permit for usages in Blaine County by our client, J. Randolph Updyke. As these are applications for usages of less than three acres, I look forward to their being processed at once.

Please advise if you have questions.

Very truly yours,

Francis G. Hitchcock
FRANCIS G. HITCHCOCK
LEGAL ASSISTANT

FGH/dcb
21161

Enclosures

MicroFILMED

AUG 15 1990

37-08515