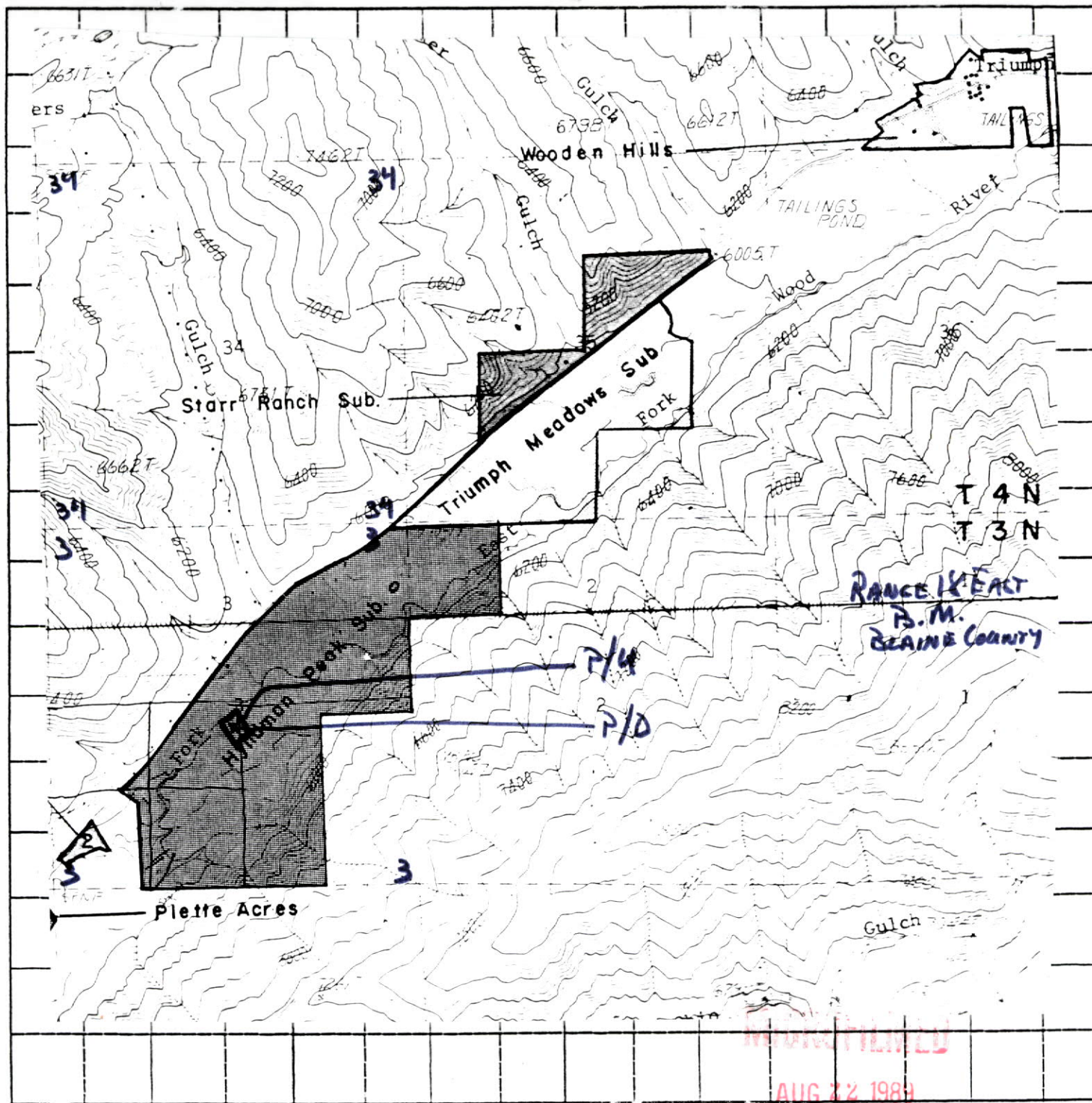


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

Dr. Craig Brandman, by
James H. Smith, his attorney
 (Applicant) *in fact*

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Blaine } SS.

DANIEL J. GORHAM

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

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

publication of said advertisement was on the 3rd day of May, 1989, and

the date of the last publication was on the 10th day of May, 1989.

David J. Gorham
Subscribed and sworn to before me this 10th day of May, 1989.
(SEAL)

Robert McGowan
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice 38
Number of Insertions 2

Lines tabular at _____ 5¢/Pica
38 Lines straight at 18.81 4¢/Pica
38 Subsequent lines at 14.63 3¢/Pica
TOTAL COST 33.44

COPY OF NOTICE

(Paste Here)

Notice of Application (Brandman)
TITLE OF NOTICE #37-08491

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water Resources
BILL TO

Brandman files for water right

NOTICE OF APPLICATION FOR WATER RIGHT

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

37-08491

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

Source: GROUNDWATER
Diversion Pt: NENESW Sec 3 T
03N R 18E

Use: DOMESTIC (.040 CFS)
IRRIGATION (.075 CFS)

Date Filed: 2/01/1989

In: T03N R18E S03 NESW NWSE
2.5 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 MAY 23, 1989.

R. Keith Higginson, Director
Publish: Wood River Journal—
May 3 & 10, 1989.

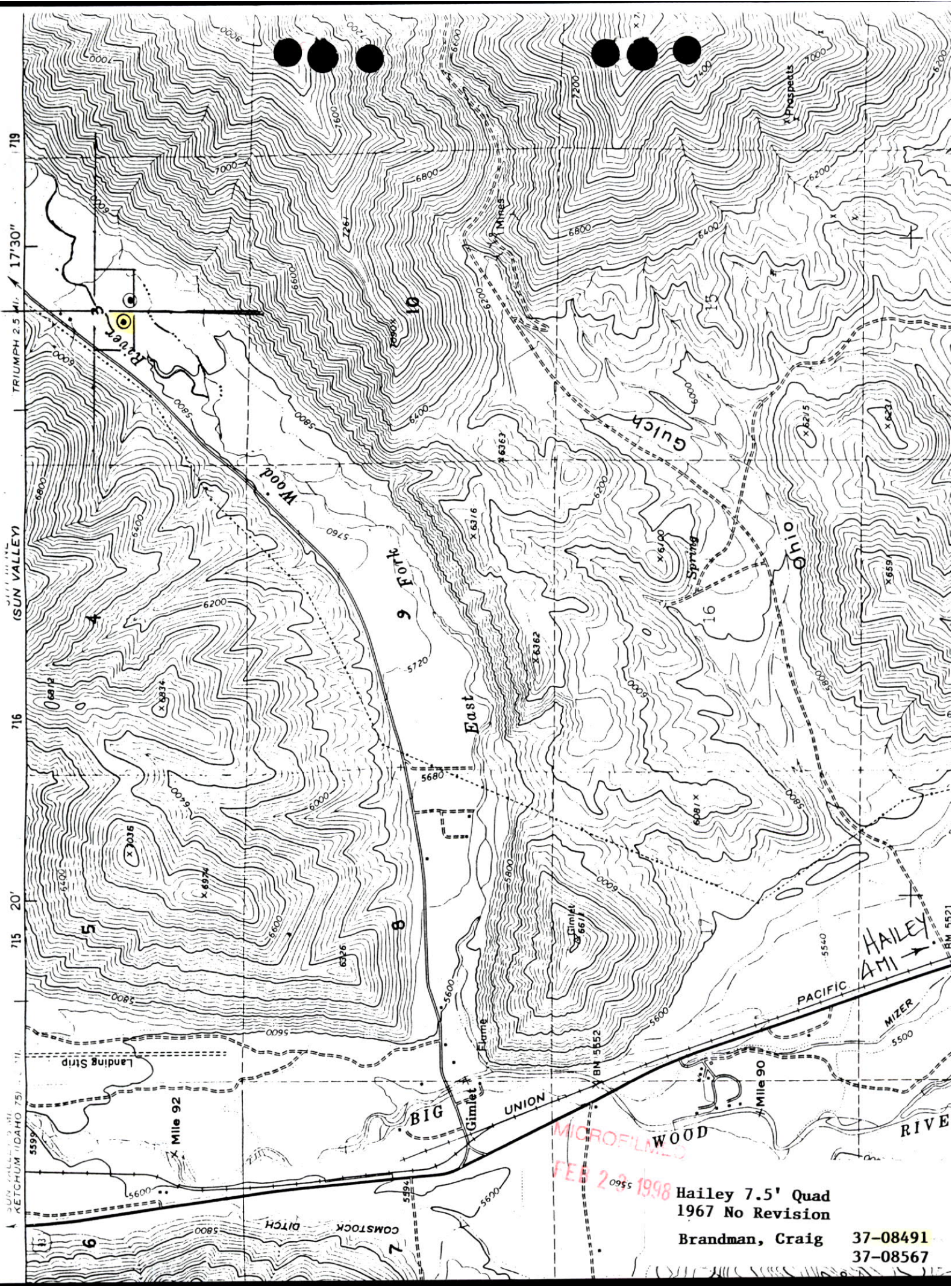
7-8 pt. per line straight....4.5/pica
7-8 pt. per line tabular....5.5/pica
7-8 pt. per line successive
insertion....3.5/pica

RECEIVED

AUG 22 1989

MAY 12 1989

Department of Water Resources
Southern Region Office



Hailey 7.5' Quad
1967 No Revision

Brandman, Craig

37-08491

37-08567

7059

AREA
IRRIGATED

7057

7061

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

ROAD

EAST FORK WOOD RIVER

TL 5710

058

A0002820

A0002823

REPLAT OF LOTS 9, 10 & 11

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

HYNDMAN PEAK SUBDIVISION

U.S.

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

FILED
FEB 23 1998

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

River 150' from p/d

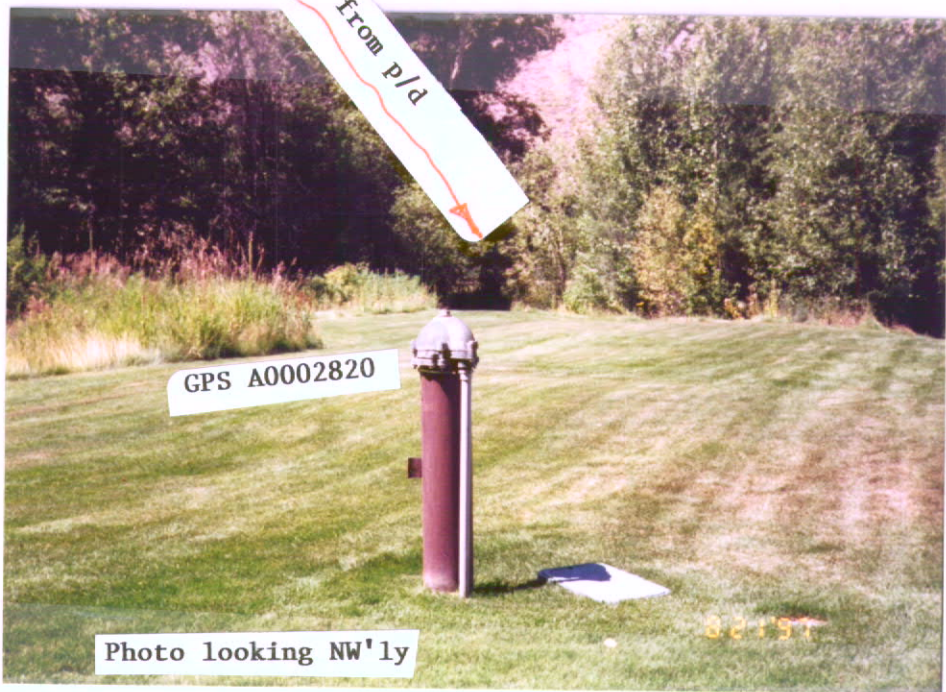


Photo looking NW'ly



Photo looking NE'ly
Impact sprinklers surrounds Lot 15.

MICROFILMED
FEB 23 1998

Brandman, Craig and Deleys
21 Aug 1997 1330 hrs
Examiner: G. Satterlee



Photo looking SW'ly

Impact Sprinklers at frontage of the Hyndman View Drive.



House on Lot 15, looking NE'ly

Brandman, Craig and Deleys
21 Aug 1997 1330 hrs.
Examiner: Satterlee, G.

MICROFILMED
FEB 23 1998



Standing at River Bank looking towards
Lot 15, P/D 150' East



East Fork Wood River looking downstream

MICROFILMED
FEB 23 1998

Brandman, Craig and Deleys
21 Aug 1997 1330 hrs.
Examiner: Satterlee, G.

37-08491

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08491

Priority: February 1, 1989

Maximum Diversion Rate: 0.08 CFS
Maximum Diversion Volume: 7.6 AF

This is to certify, that CRAIG BRANDMAN
DELEYS BRANDMAN

C/O JAMES P SPECK ESQ
PO BOX 987

KETCHUM ID 83340-0987

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 1, 1989; and has submitted Proof of Beneficial Use on July 31, 1990. An examination indicates that the works have a diversion capacity of 0.090 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.06 CFS	7.0 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF
	Totals	0.08 CFS	7.6 AF

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 3, Township 03N, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	18E	3	NESW	2		2

Total number of acres irrigated: 2

PLACE OF USE:

DOMESTIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

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

MICROFILMED
FEB 23 1998

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

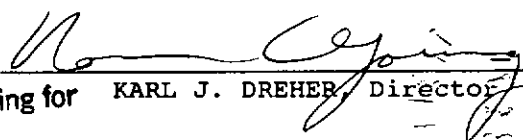
WATER RIGHT NO. 37-08491

CONDITIONS OF APPROVAL AND REMARKS

5. Diversion and use of water under this right is subject to rules that may subsequently be promulgated for existing rights used for supplemental purposes.
6. Irrigation use under this right is authorized only in connection with a domestic use.
7. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. Point of diversion and place of use are located within Lot 15, Blk. 2, Hyndman Peak Subdivision.
9. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 16TH
day of JANUARY, 1978.

Acting for


KARL J. DREHER, DirectorMICROFILMED
FEB 23 1988

RECEIVED

STATE OF IDAHO

JUL 31 1990

DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Southern Region Office

PROOF OF BENEFICIAL USE

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.

Permit No. 37-08491 Telephone No. 726-4421Name(s) of Permit Holder(s): Dr. Craig Brandman and/or Dr. Deleys BrandmanPost Office Address: c/o James P. Speck, Esq., P.O. Box 987, Ketchum, ID 83340Source of Water: GroundwaterIf ground water, well driller's name: Wood River Drilling Date drilled: 9/23/88

Extent of Use:

Domestic	<u>1</u>	(No. of households)	Irrigation	<u>2.5</u>	(No. of acres)
Stockwater		(No. and type of stock)	Other		

Total rate and/or volume for which proof is submitted 0.12 cfs acre/feetShow date water was first diverted and beneficially used under this permit:

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

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

OR

Flow Measurement Port: Required? Yes X No Installed? Yes X NoFee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

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

Name Dr. Craig Brandman or Dr. Deleys Brandman Telephone No. 415-925-3414Address 14 Laurel Lane, Sausalito, CA 94965

NOV 15 1991

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.

Date 7/31/90 Signature Dr. Craig Brandman James P. Speck, his attorney-in-fact
(and title if on behalf of a company or organization)

RECEIVED

JUL 31 1990

SPECIAL POWER OF ATTORNEY
(WATER RIGHTS)

Department of Water Resources
Southern Region Office

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

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

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

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

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

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

SPECIAL POWER OF ATTORNEY - 1

RECEIVED

NOV 15 1991

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

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

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

Craig Brandman
DR. CRAIG BRANDMAN

GENERAL ACKNOWLEDGMENT

State of CALIFORNIA

County of MARIN

On this the 20th day of OCTOBER, 1988, before me,

SS. T.M. MCCARTHY

the undersigned Notary Public, personally appeared

CRAIG BRANDMAN

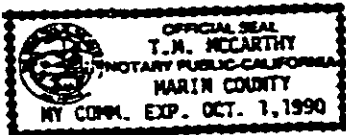
☒ personally known to me

☐ proved to me on the basis of satisfactory evidence

to be the person whose name is subscribed to the within instrument, and acknowledged that HE executed it.

WITNESS my hand and official seal.

T.M. McCarthy
Notary's Signature



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

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

Title or Type of Document SPECIAL POWER OF ATTORNEY

Number of Pages 2 Date of Document OCTOBER 20, 1988

Signer(s) Other Than Named Above NONE

RECORDED

NOV 15 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 37-08491

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Dr. Craig Brandman &/or Deleys Phone 208-726-4421
Brandman
Post office address c/o James P Speck, Hoque, Speck & Aanestad, P.O. Box 987
Ketchum, ID 83340
2. Source of water supply groundwater which is a tributary of _____
3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____
Sec. 3 Township 3N Range 18E B.M. Blaine County; additional
points of diversion if any: None
4. Water will be used for the following purposes:
Amount 0.04 cfs for domestic purposes from Jan 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Allow 0.08 cfs*
Amount 0.075 cfs for irrigation purposes from April 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Allow 0.12 cfs*
5. Total quantity to be appropriated is (a) 0.115 cfs and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works: *kw 7/12/1989
a. Description of ditches, flumes, pumps, headgates, etc. _____
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 37 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).

AUG 22 1989

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

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. one (1) household
- e. Other; describe fully. _____

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3N	18E	3									1.5 D					1.0			2.5

Total number of acres to be irrigated 2.5

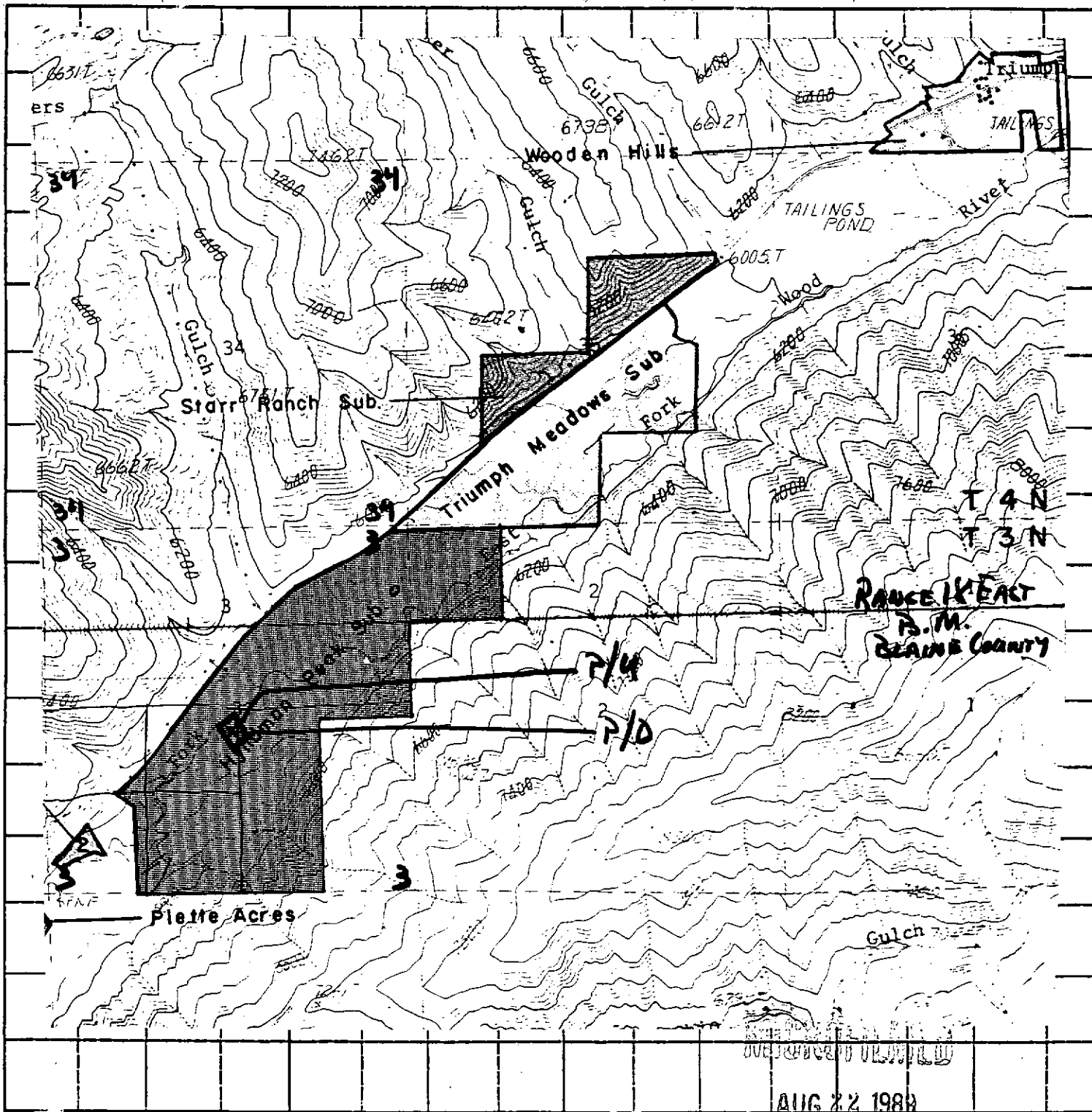
10. Describe any other water rights used for the same purposes as described above. 37-0539E

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

12. Remarks: Well drilling completed September 23, 1988. Place of use and point of diversion are on Lots 14 & 15, Hyndman Peak Subdivision (see attached map). Irrigation is for residential landscaping in connection with a single family residence.

AUG 22 1989

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



Scale: 2 inches equal 1 mile.

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

Dr. Craig Brandman, by
James A. Spahr, his attorney
(Applicant) *in fact*

Proposed Priority 2/1/89
Received by T. Jasper 2/1/89 Time 3:31 Preliminary check by DRS
Fee \$ (30) Receipted by T. Jasper # 5006255 Date 2/8/89
Publication prepared by M. Baldwin Date 4/17/89 Published in Wood River Journal
Publication approved M. Baldwin Date 6/5/89

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 37-8491, and said application is hereby APPROVED.

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 August 1, 19 90.

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: Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Irrigation use under this permit is authorized only in connection with a domestic use.

Witness my hand this 13th day of July, 1989.

J. Glen Saylor

MICROFILMED

AUG 22 1989

(815)

PLAT SHOWING

WYNDMAN PEAK SUBDIVISION

LOCATED WITHIN SECTION 3, T.3N., R.18E., B.M.

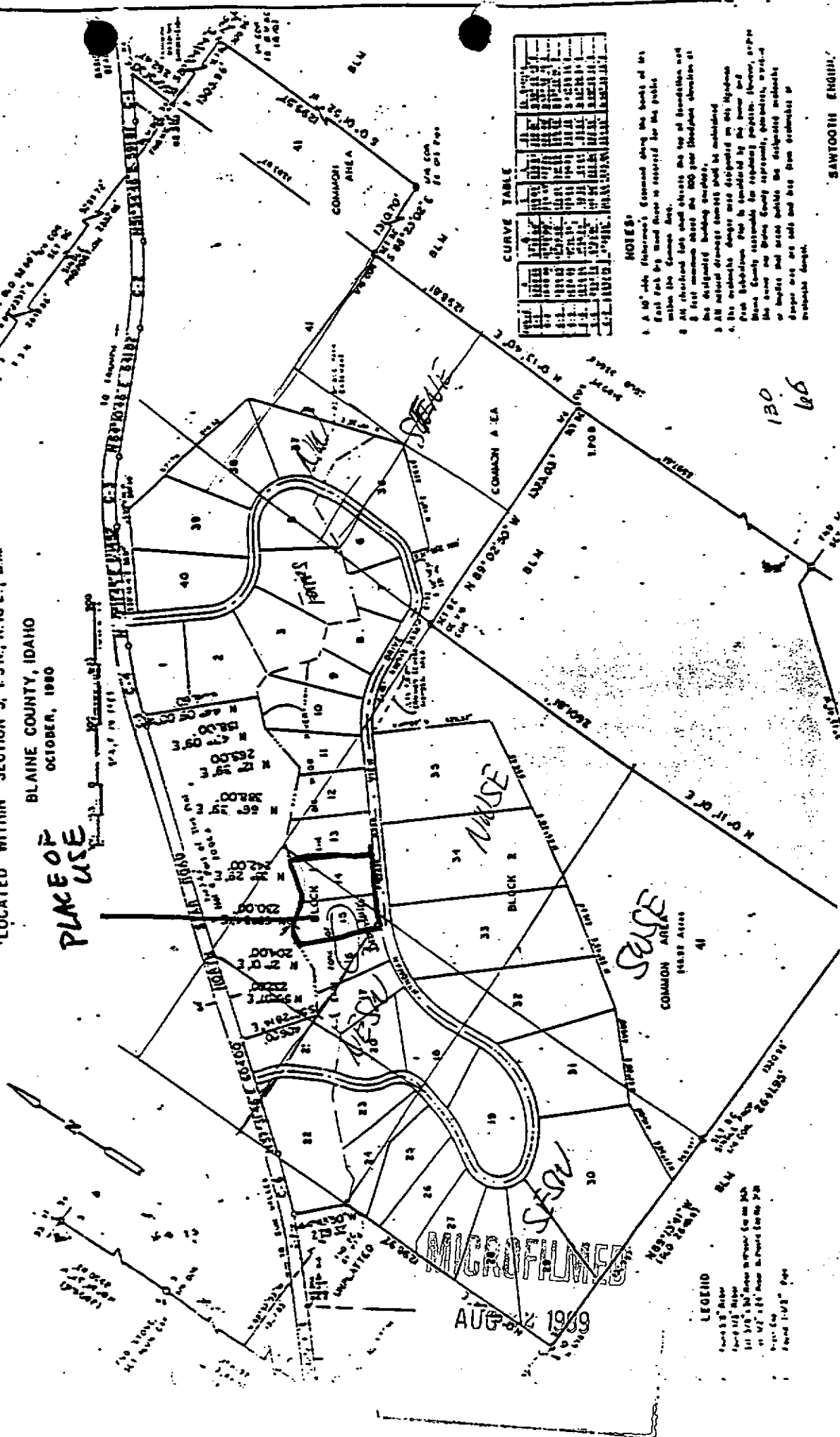
BLAINE COUNTY, IDAHO

OCTOBER, 1980

PLEASE USE

SANFORD SMITH CO., INC.
 Why this is a photograph is production of the
 record plan, the Company assumes no liability
 in connection with the same, with a company.

Ergebnis



CURVE TABLE

[illegible]

WY 80

3. A 10' wide ROWS (ROW) is formed along the back of the East Park by using trees to restrict for the public within the Science Area.
4. All thickets and shrub thicket on the top of Foundation at 8 feet maximum and the 200 year floodplain elevation at the designated building envelope.
5. All natural drainage cannot be subdivided
6. The wetlands design was designed by the Hydrology Park Foundation Park is controlled by the owner and Mount Community intended for the public. However, water from the owner on State County properties, residents, water or insects and water plants the designated wetlands or deeper are not and they have ecological or ecological design.

THE PROBLEM

130. 606

SPECIAL POWER OF ATTORNEY
(WATER RIGHTS)

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

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

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

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

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

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

SPECIAL POWER OF ATTORNEY - 1

MICROFILMED

AUG 22 1989

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

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

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

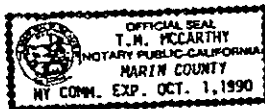
Craig Brandman
DR. CRAIG BRANDMAN

GENERAL ACKNOWLEDGMENT

NO. 201

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

the undersigned Notary Public, personally appeared CRAIG BRANDMAN



☒ personally known to me
☐ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed it.

WITNESS my hand and official seal.

T.M. McCarthy
Notary's Signature

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

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

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

7120 122

NATIONAL NOTARY ASSOCIATION • 8206 Perimeter Ave. • P.O. Box 7184 • Caroga Park, CA 91304-7184

SPECIAL POWER OF ATTORNEY - 2

MICROFILMED

AUG 22 1989

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Blaine } SS.

DANIEL J. GORHAM

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

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

publication of said advertisement was on the 3rd day of May, 1989, and

the date of the last publication was on the 10th day of May, 1989.

David J. Galt
Subscribed and sworn to before me this 10th day of May, 1989.
(SEAL)

R. Keith Higginson
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11
Number of Lines in Notice 38
Number of Insertions 2
Lines tabular at 5¢/Pica
38 Lines straight at 1881 4¢/Pica
38 Subsequent lines at 14.63 3¢/Pica
TOTAL COST 33.44

COPY OF NOTICE

(Paste Here)

Notice of Application (Brandman)
TITLE OF NOTICE #37-08491

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources
BILL TO

Brandman files for water right

NOTICE OF APPLICATION FOR WATER RIGHT

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

37-08491

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

Source: GROUNDWATER
Division Pt: NENESW Sec 3 T
03N R 18E
Use: DOMESTIC (.040 CFS)
IRRIGATION (.075 CFS)
Date Filed: 2/01/1989
In: T03N R18E S03 NESW NWSE
2.5 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 MAY 23, 1989.

R. Keith Higginson, Director
Publish: Wood River Journal-
May 3 & 10, 1989.

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

AUG 22 1989

MAY 12 1989

Department of Water Resources
Southern Region Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

January 20, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

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

RE: WATER RIGHTS 37-08491/37-08567

Dear Water Right Holder(s):

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

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ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

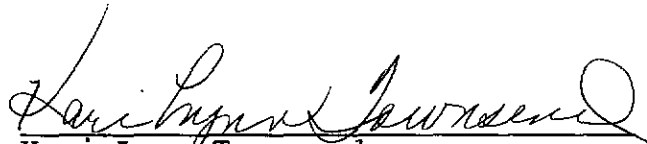
Enclosure

CERTIFICATE OF MAILING

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

Water Rights 37-08491/37-08567

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


Kari Lynn Townsend
Secretary

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FEB 23 1998

B/U FIELD EXAM REVIEW

by Cindy Lou

Permit #: 37-08491 Name: Brandman Date: 1/15/98 ✓ Lots _____

NAME Chng Same ✓ Or Address Change?

SOURCE ✓ Clarify source _____
 Prelim. Order to Void - Source change.

P/D ✓ Amendment Needed? Addn'l 1/4? _____ Legal _____ P39
 (GPS# A0002820) Same 1/4? W32 _____ P36
 Overlap(s) none

P/U ✓ Amendment Needed? delete NWSE No increase NESW to 2.0 ac + P41
 Overlap(s) 37-00539 H (Big Wood R.)
 (Gov't use special 1/4's) 21-00539 H (Big Wood R.) 1A. *P/D & P/U Amend? P37
 * (NO LOT DIMENSIONS OR BACK-UP FOR REDUCING ACRBS)

(RATE) ✓ Permit/proof fee limits 0.12 1 0.12
✓ Measured Quantity = _____ cfs Theoretical Quantity = 0.09 cfs
 $(Dom = 0.02) + (irr = 2.0 ac \times 0.03 = 0.06) = 0.08$
 (HP) $\frac{8.8 \times 0.70 \times 2.0}{26 + (2.31 \times 50)} = 0.09$ cfs
✓ Recommended capacity 0.09 cfs
✓ Recommended rate 0.08 cfs

VOLUME DOM 1/1 - 12/31 = 365
 Season: (B 1 3.5) 4/15 - 10/15 = 184 days
 Calculations: $(Dom = 0.6) + (irr = 2.0 ac \times 3.5 AF/ac = 7.0 AF)$
 Flow limit: 0.06 cfs x 184 days/yr. x 1.9835 = 21.9 AF
 Recommended volume 0.6 AF

USES ✓ Same Nature of Use? _____ P46
— Amendment Needed? _____

REMARKS — Multiple p/d's in same 1/4? Use W32
✓ OPD & PU/UT 15, B2; Hyndman Peak Subd. (2) WBS/1

CONDITIONS — Measuring Device (R43) or Lockable Controlling Works (R02)
— Watermaster Control (R04) - WD # _____
R67 Irrigation rate/annual volume overlap
050 GW irrigation replaces surface water (050)
— GW irrigation supplements surface water (065)
— Water Quality
✓ Other 041

PRIORITY App Rcd 2/1/89 Due 8/1/90 Rcd 7/31/90
 Receipt# 5012531 Fee OK? Yes No *50
 Order to Reinstate Needed? Yes No Done? _____ Advanced to: _____
 Priority 2/1/89 Examined 8/21/97

COMMENTS: reduce irr. average & rate of flow.

USE	CFS	VOLUME
<u>irr / 2ac</u>	<u>0.06</u>	<u>7.0</u>
<u>Dom / 1</u>	<u>0.02</u>	<u>0.6</u>
<u>✓</u>	<u>✓</u>	<u>✓</u>
TOTAL	0.08	7.6

37-00539 H
 SRBA Overlap ✓ 37-00539 H (Rec. to be disallowed)
 Adjustment Memo ✓
 LICENSE
 #1 AMEND: _____ /P38
 #2 AMEND: (R)P42/(C)P47

MEMORANDUM

DATE: January 15, 1998
TO: File No. 37-08491
FROM: Cindy Zimmerman³
SUBJECT: Review of Beneficial Use Field Report

The following adjustments¹ were made on the field report to reflect the irrigation diversion rate, domestic diversion rate, and irrigation season of use developed under this permit:

F. Flow Calculations.

a. Irrigation.

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

b. Domestic, 1 home, in-house use = 0.02 cfs.

c. Maximum rate of diversion = a + b = 0.06 + 0.02 = 0.08 cfs.

H. Recommendations.

1. Recommended amounts:

Beneficial Use	Period of Use	Rate of diversion	Annual Volume
Irrigation	<u>4/15-10/15</u>	<u>0.06</u> cfs	7.0 AF
Domestic	1/1-12/31	<u>0.02</u> cfs	0.6 AF
	Totals:	<u>0.08</u> cfs	7.6 AF

Examiner: Georgia Satterlee
Examined: August 21, 1997

¹ Adjustments are **bolded and underlined**.

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FEB 23 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

SEP 08 1997

Department of Water Resources

A. GENERAL INFORMATIONPermit No. 37-084911. Owner: BRANDMAN, CRAIG & DELEYS Phone No. 788-5709Current Address: 70 JAMES SPECK, PO BOX 987, KETCHUM, ID. 833402. Accompanied by: CRAIG BRANDMAN EXAM DATE: 21 AUG 97

Address: _____ Phone No. _____

Relationship to Permit Holder: SAME3. Source: GROUNDWATER tributary to _____**B. OVERLAP REVIEW**1. Other water rights with the same place of use: NONE2. Other water rights with the same point of diversion: " "**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		NE	NE	SW	03	03N	18E	BLAINE	FIELD EXAM
									LOCATION BY GPS

2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	03									D								
"	"	"									Z								2

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

Scale: 1" = _____



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

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



Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
#1 GPS A00028210					

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: _____

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E. NARRATIVE/REMARKS/COMMENTS

FROM: Georgia Satterlee

DATE: 02 September 1997

RE: 37-08491,-08567 (37-00539H,A37-00539J)

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

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

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

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

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

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

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

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

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

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

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Additional Computation Sheets Attached

THEORETICAL ATTACHED

1. Volume Calculations for Irrigation:

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.04(215)1.9835 = 17.1$$

$$V = \text{Smaller of } V_{IB} \text{ and } V_{RB} = 7.0 \text{ af}$$

2. Volume Calculations for Other Uses:

er Uses:

PERMIT RATE	0.12
EXAM FEE LIMIT	0.20
MEASURED RATE	0.09
THEORETICAL	

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
	From	To	Q (cfs)	V (afa)
DOMESTIC	1/1	12/31	0.04 *	0.6
IRRIGATION	4/1 *	11/1 *	0.04 *	7.0
		Totals:	0.08 cfs	7.6 af

2. Recommended Amendments

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

Field Examiner's Name

Georgia Satterlee Date 2 Sept 97

Reviewer

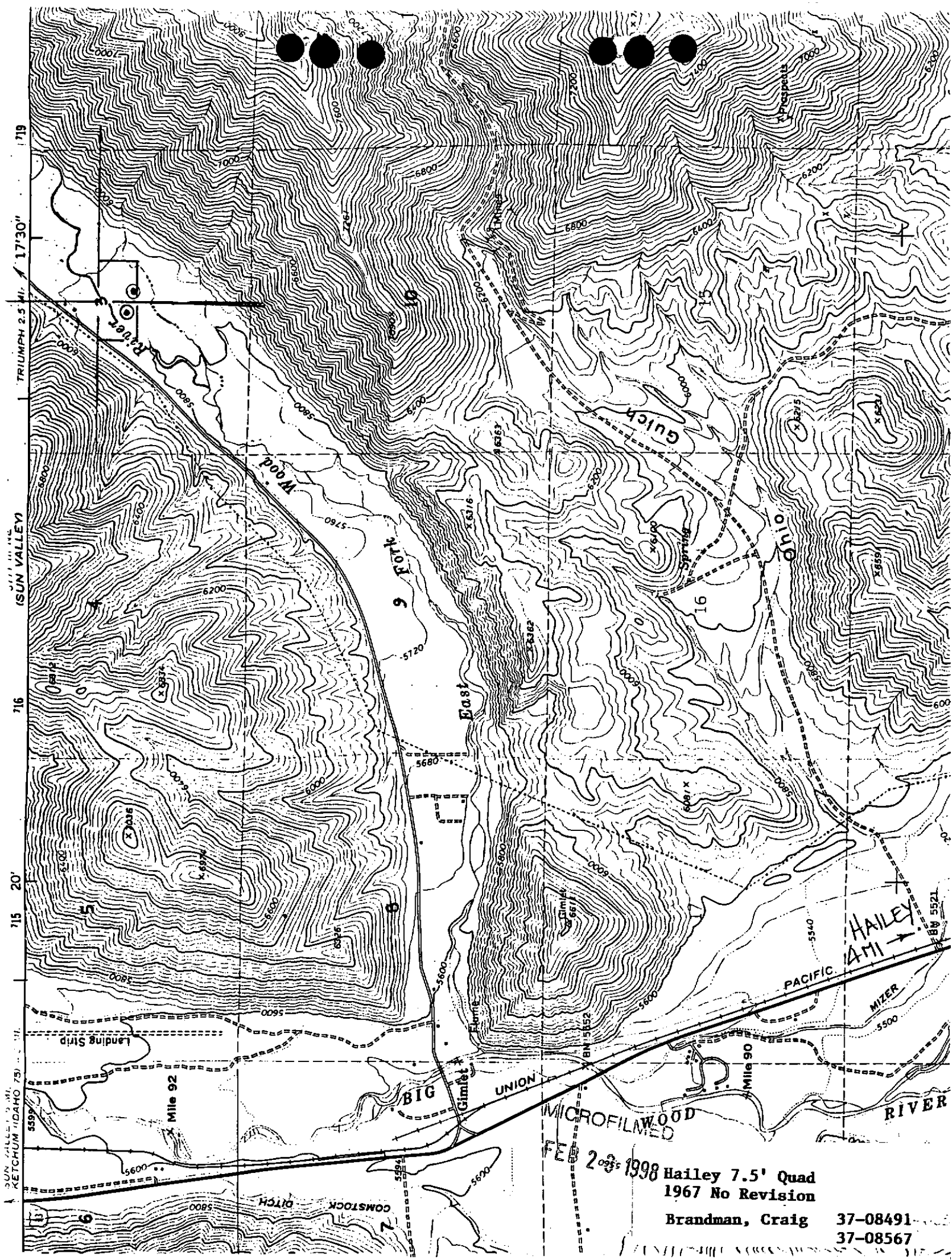
Date _____

SEAL

* Adjustments made during review of this right for license approval.
See Memo for additional information. 1/15/98 CS.

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FEB 20 1998

Hailey 7.5' Quad
1967 No Revision

Brandman, Craig 37-08491
37-08567

7059

AREA
IRRIGATED

7057

7061

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

058

TL 5710

REPLAT OF LOTS 9, 10 & 11

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

HYNDMAN PEAK SUBDIVISION

U.S.

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

RECORDED
FEB 23 1998

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

3 2
10 11

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

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

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

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

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

LIFT FROM:	PSI FROM:	NOTES ON PUMP:
measurement ()	measurement ()	Motor Make, Serial or ID
owner ()	owner ☒	
area estimate ()	estimate ()	Pump Make, Serial or ID, rating
well logs ☒	owner gage ()	
Booster (Y) ☒	(N)	
REMARKS		APPLICANT WILL SEND 21 AUGUST 97

ANNUAL VOLUME ANALYSIS

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

(season)	(days)	
3/15 - 11/15	246	
4/1 - 11/1	215	POTENTIAL = (.....) X (1.98) X (.....)
4/15 - 10/15	184	
3/1 - 12/1	276	(.....)

POTENTIAL = _____

REQUIRED Acre Feet/Acre/Annum = _____
(AF/Ann/Ac irrigation requirement from chart for area)
NOTE that this is NOT Consumptive use

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

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

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FEB 23 1998

FROM: Allen Merritt *AM*

DATE: October 20, 1995

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

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

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

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

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

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

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

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

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FEB 23 1998

37-08491, -08567

37-00539 K, T # 4671

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

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

Based on this I recommend the transfer be disallowed.

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FEB 23 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER DISTRICT NO. 37 & 37 M

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



LEE R. PETERSON
Watermaster

RECEIVED
OCT 18 1995
Department of Water Resources
Southern Region

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

October 18, 1995

Alan:

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

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

Years on hold

1 1
2 2
3 3

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



LEE R. PETERSON
Watermaster

WATER DISTRICT NO. 37 & 37 M

P.O. Box T
Shoshone, Idaho 83352

(208) 886-2451

Page 2

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

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER DISTRICT NO. 37 & 37 M

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



LEE R. PETERSON
Watermaster

Page 3

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

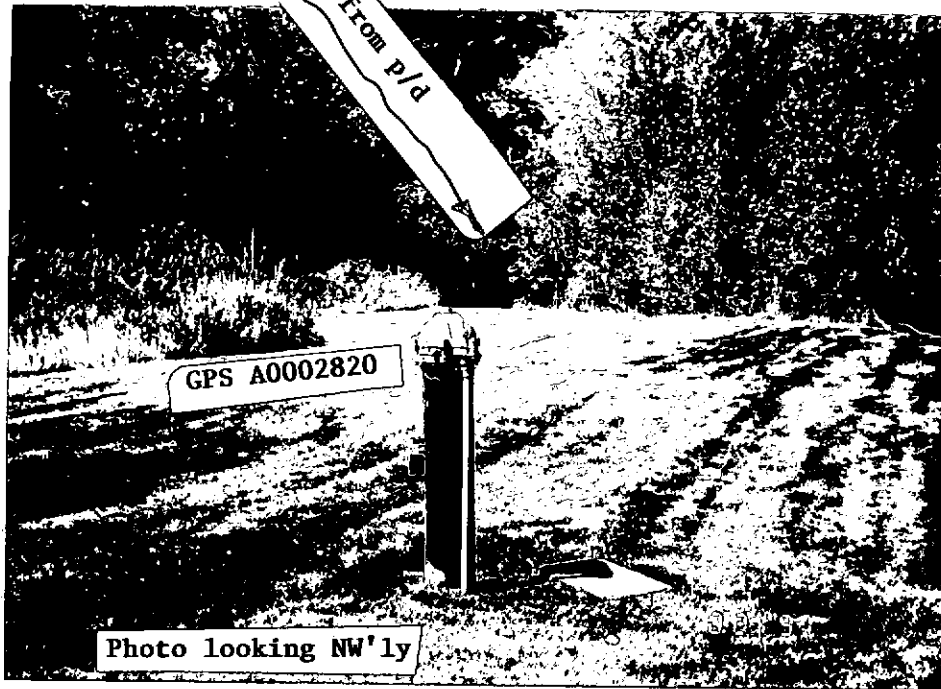
I hope you find this information useful. If there is anything further we can do to be of help please let us know.

Sincerely,

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

Norma Peterson
Secretary/Treasurer

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FEB 23 1982



MICROFILM
FEB 23 1998

Brandman, Craig and Deleys
21 Aug 1997 1330 hrs
Examiner: G. Satterlee



sprinkler



Impact sprinklers every 25'

Photo looking SW'ly

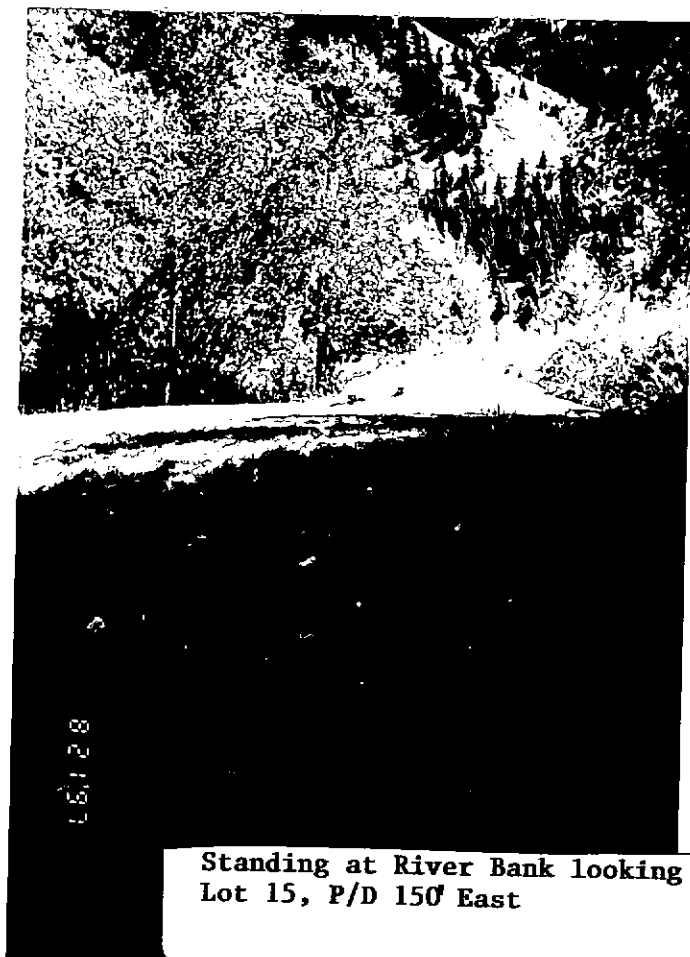
Impact Sprinklers at frontage of the Hyndman View Drive.



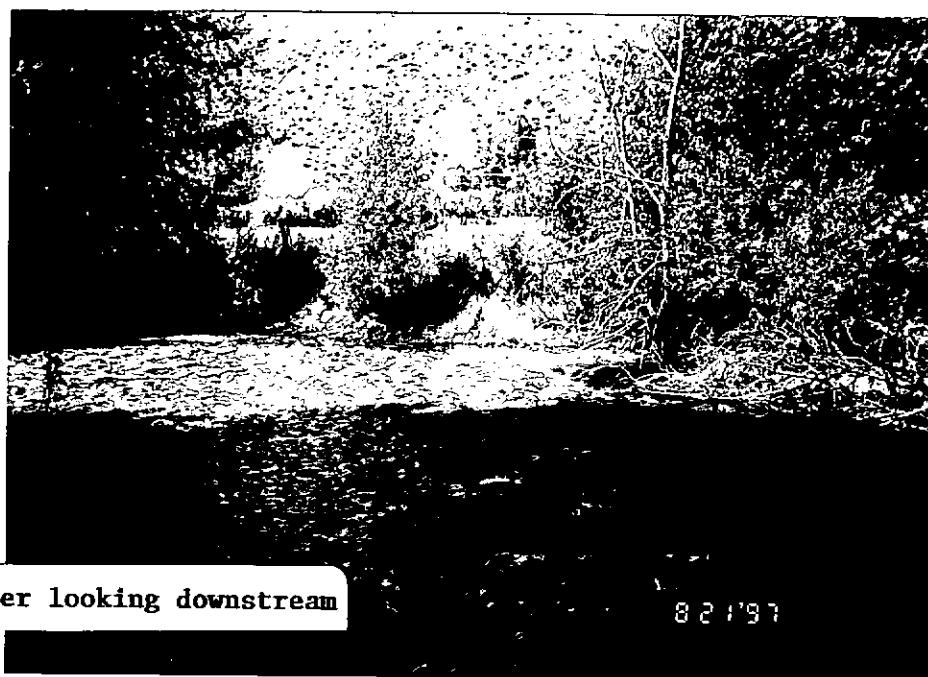
House on Lot 15, looking NE'ly

Brandman, Craig and Deleys
21 Aug 1997 1330 hrs.
Examiner: Satterlee, G.

MICRO
FEB 23 1998



Standing at River Bank looking towards
Lot 15, P/D 150 East



East Fork Wood River looking downstream

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FEB 23 1998

Brandman, Craig and Deleys
21 Aug 1997 1330 hrs.
Examiner: Satterlee, G.

37-08491

November 15, 1991

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

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08491

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,

Nina Shields
Secretary/Records Manager

c: IDWR - Region

RECEIVED

NOV 15 1991

Accepted

Drilling Permit No. 37-90-S-001
Water Permit No. 37-08567
Injection Permit No. _____

RECEIVED

\$10000

NOV 06 1991

Department of Water Resources
Southern Region Office
State of Idaho

*2148 4th Ave East
Twin Falls, Id 83301*

Department of Water Resources

RECEIVED

DRILLING PERMIT

NOV 9 1989

Pay \$1200

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

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

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

4. Proposed use of well: (Check all that apply)
- | | | |
|--|--|----------------|
| ☒ Domestic
No. of households <u>1</u> | () Stockwater
No. of livestock _____ | () Monitoring |
| ☒ Irrigation | () Industrial | () Municipal |
| () Injection | () Other, Specify _____ | |

5. Well construction information:
- | | | |
|--|------------|-------------|
| ☒ New well | () Deepen | () Replace |
|--|------------|-------------|
- Proposed surface diameter 8" Maximum depth 37
- Anticipated bottom hole temperature:
- | |
|--|
| ☒ 85°F or less (Cold water well) |
| () 85°F to 212°F (Low temp. geothermal well) |
| () 212°F or more (Geothermal well) |

6. Anticipated construction start date Sept 23 - 1988
7. Well Driller (if known) _____

- Address _____
8. Applicant's signature Craig Brandman
- Title owner
- Date 11/16/88

NOV 15 1991

Please send copy to Driller

ACTION OF DEPARTMENT OF WATER RESOURCES

This Permit is Amended.

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

GENERAL CONDITIONS

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

SPECIFIC CONDITIONS

Dated this 15 day of January, 1990.

Signed

Title

Loren O. Hansen

MANAGER, SOUTHERN REGION

Receipt No. SO-0539 Received by TJ Fee \$100.00 Date 11/27/79

EXTENSION OF DRILLING PERMIT

NOV 15 1991

Approval Date _____ Extension approved by _____

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

**USE TYPEWRITER OR
BALLPOINT PEN**

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

[illegible]

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

138784

~~138784~~

May 31, 1990

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

PROOF DUE NOTICE

RE: PERMIT NO. 37-08491

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 August 1, 1990. (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.

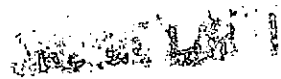
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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



NOV 15 1990

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

Statehouse
Boise, Idaho 83720
(208) 334-7900
July 14, 1989

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

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

RE: PERMIT NO. 37-08491

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

MILWAUKEE

AUG 22 1989

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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AUG 22 1989

3

17-Apr-1989

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

Re: Application for Permit No. 37-08491

Dear Mr. Speck:

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

This office will be advertising the application in the Wood River Journal on 5/3 & 5/10/89. A period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Very truly yours,

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

DJ:MB

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AUG 66 1989

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

APRIL 17, 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 MAY 23, 1989.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

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AUG 22 1989

NOTICE OF APPLICATION FOR WATER RIGHT

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

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AUG 22 1989

37-08491

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

Source: GROUNDWATER

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

Use: DOMESTIC (.040 CFS)
IRRIGATION (.075 CFS)

Date Filed: 2/01/1989

In: T03N R18E S03 NESW NWSE

2.5 ACRES TOTAL

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AUG 22 1989

Disk: Legals/1NoAp6

Brandman files for water right

NOTICE OF APPLICATION FOR WATER RIGHT

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

37-08491

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

Source: GROUNDWATER
Diversion Pt: NENESW Sec 3 T
03N R 18E

Use: DOMESTIC (.040 CFS)
IRRIGATION (.075 CFS)

Date Filed: 2/01/1989

In: T03N R18E S03 NESW NWSE
2.5 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 MAY 23, 1989.

R. Keith Higginson, Director

Publish: Wood River Journal-
May 3 & 10, 1989.

OK
JH
8-1-89

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AUG 24 1989

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 MAY 23, 1989.

R. Keith Higginson, Director

Published 5/03/1989 & 5/10/1989

MICROFILMED

AUG 22 1989

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

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

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

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

RECEIVED

FEB 01 1989

January 31, 1989

Department of Water Resources
Southern Region Office

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

RE: Dr. and Mrs. Craig Brandman
Application for Transfer of Water Right No. A37-00539E
Application for Permit

Dear Loren:

Enclosed you will find the following for filing with
the Department:

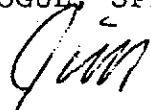
- 1) Application for Transfer of Water Right - A37-00539E
(original);
- 2) Application for Permit (original);
- 3) Special Power of Attorney (copy);
- 4) Our check payable to the Department in the
sum of \$60.00 as the total filing fee for the two
Applications.

Please notify me as soon as you are able to schedule
the required publication of notice of these Applications. Kindly
call me if there are any questions.

Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD


James P. Speck

JPS/rlk
encl.

cc: Dr. & Mrs. Brandman(w/encl.)

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AUG 22 1989