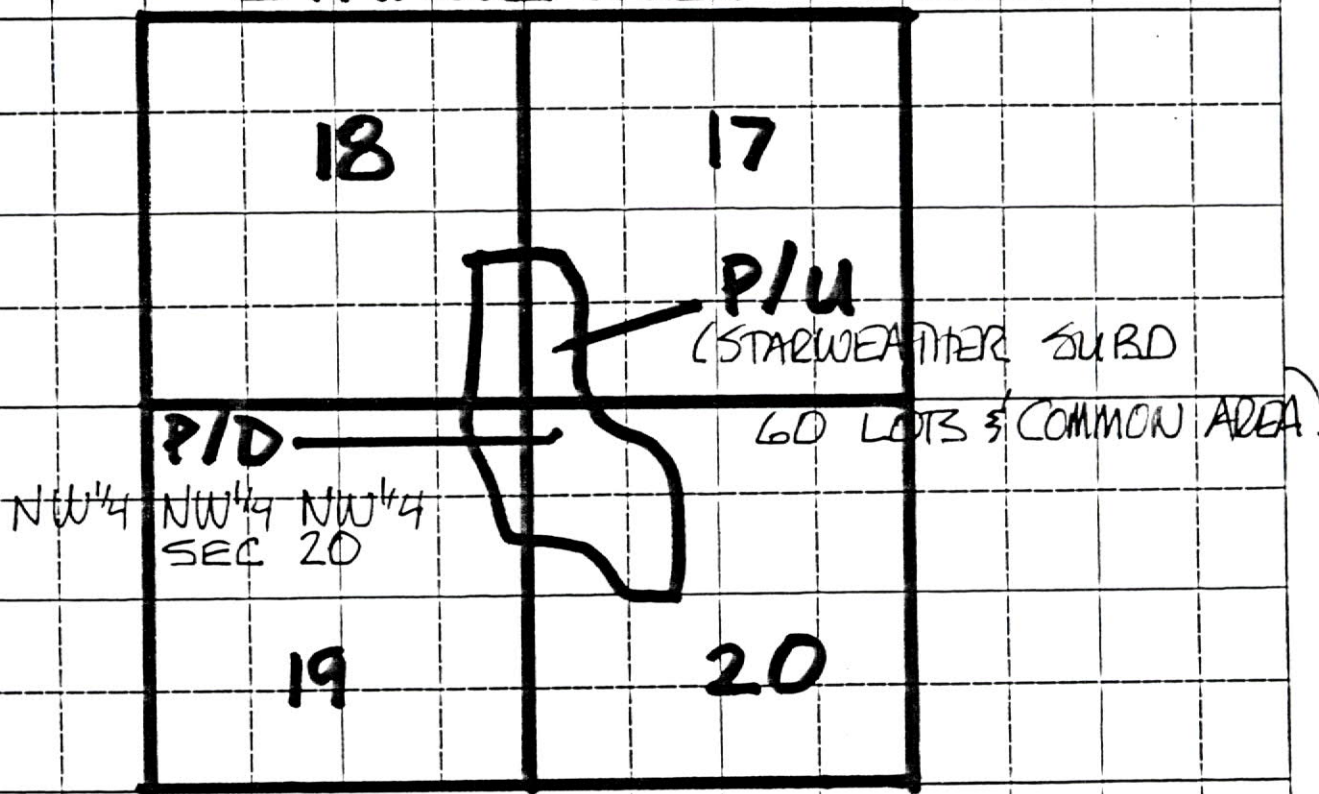


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

BLAINE COUNTY
3N, 18E, SEC. 17, 18, 19, 20
STARWEATHER SUBD.



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.

[Signature]
(Applicant)
ACTING SECRETARY / SSPOA
JUL 17 1996

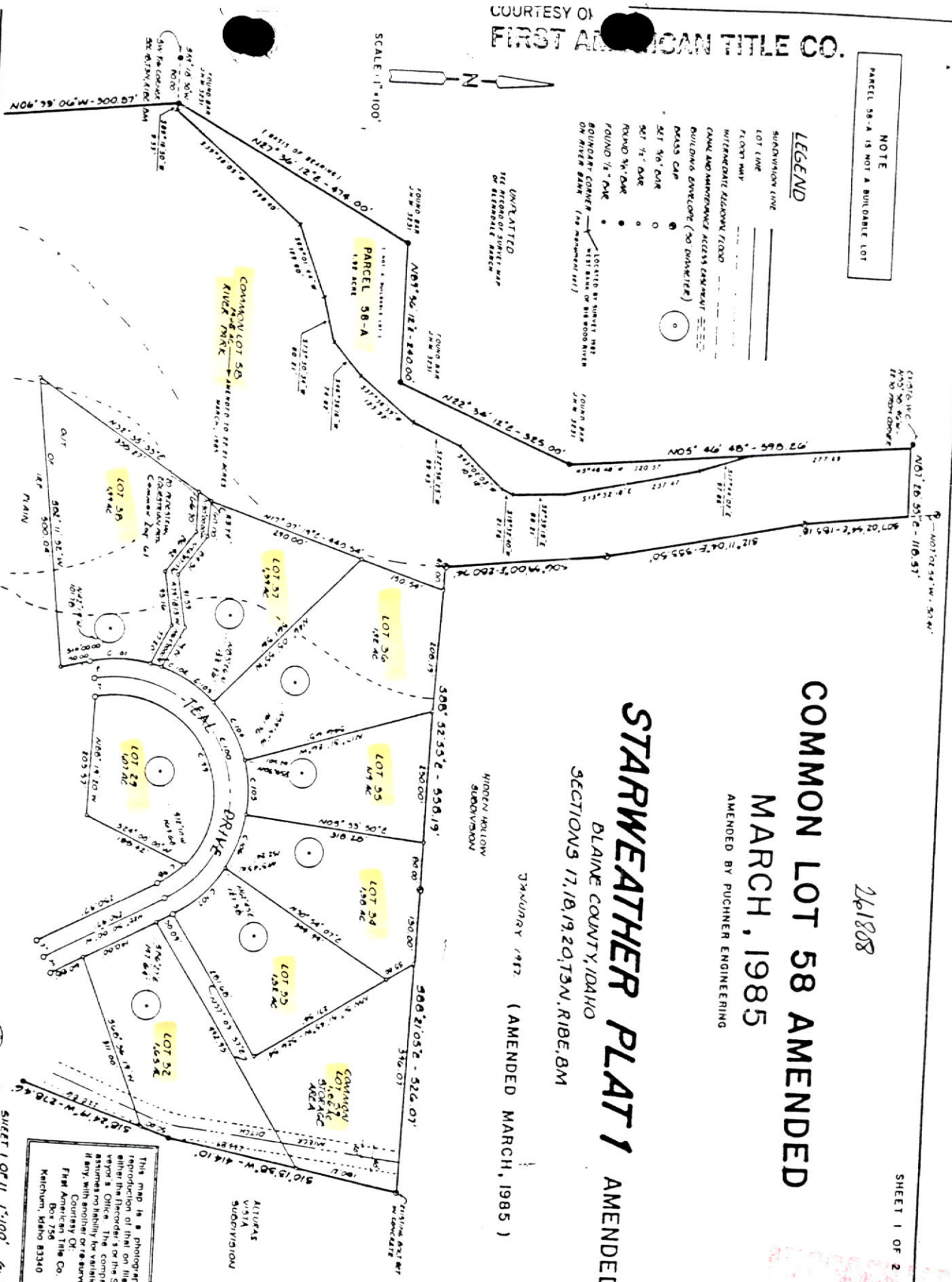
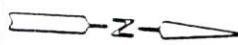
COURTESY OF
FIRST AMERICAN TITLE CO.

NOTE
PARCEL 58-A IS NOT A BUILDABLE LOT

LEGEND

- SUBDIVISION LINE
- LOT LINE
- PROPERTY MAP
- INTERIMMEDIATE ALLOWANCE (1000)
- CRASH AND IMPROVEMENT ACCESS (24' MINIMUM)
- BUILDING ENVELOPE (30' MINIMUM)
- PLASS CAP
- SET 3/4" DAK
- SET 1/2" DAK
- FOUND 3/4" DAK
- FOUND 1/2" DAK
- BOUNDARY CORNER (SEE MAP FOR LOCATION)
- LOCATED BY SURVEY (SEE WEST BANK OF BIG BEND RIVER)
- FOUND BAK (SEE MAP FOR LOCATION)

SCALE: 1"=100'



**COMMON LOT 58 AMENDED
MARCH, 1985**

AMENDED BY PUCHNER ENGINEERING

STARWEATHER PLAT 1 AMENDED

BLAINE COUNTY, IDAHO
SECTIONS 17, 18, 19, 20, 33N, R18E, B6M

MARCH, 1985 (AMENDED MARCH, 1985)

MURDER HOLLOW
SUBDIVISION

261808

SHEET 1 OF 2 SHEETS

AUG 07 1986

SEE SHEET 2



INSIGHT
DIGITAL • INFORMATION • INSIGHT

This map is a photographic reproduction of that on file in either the Recorder's or the Surveyor's Office. The company assumes no liability for violation if any, with another or the survey. Courtesy Of: First American Title Co. Box 756 Ketchum, Idaho 83340

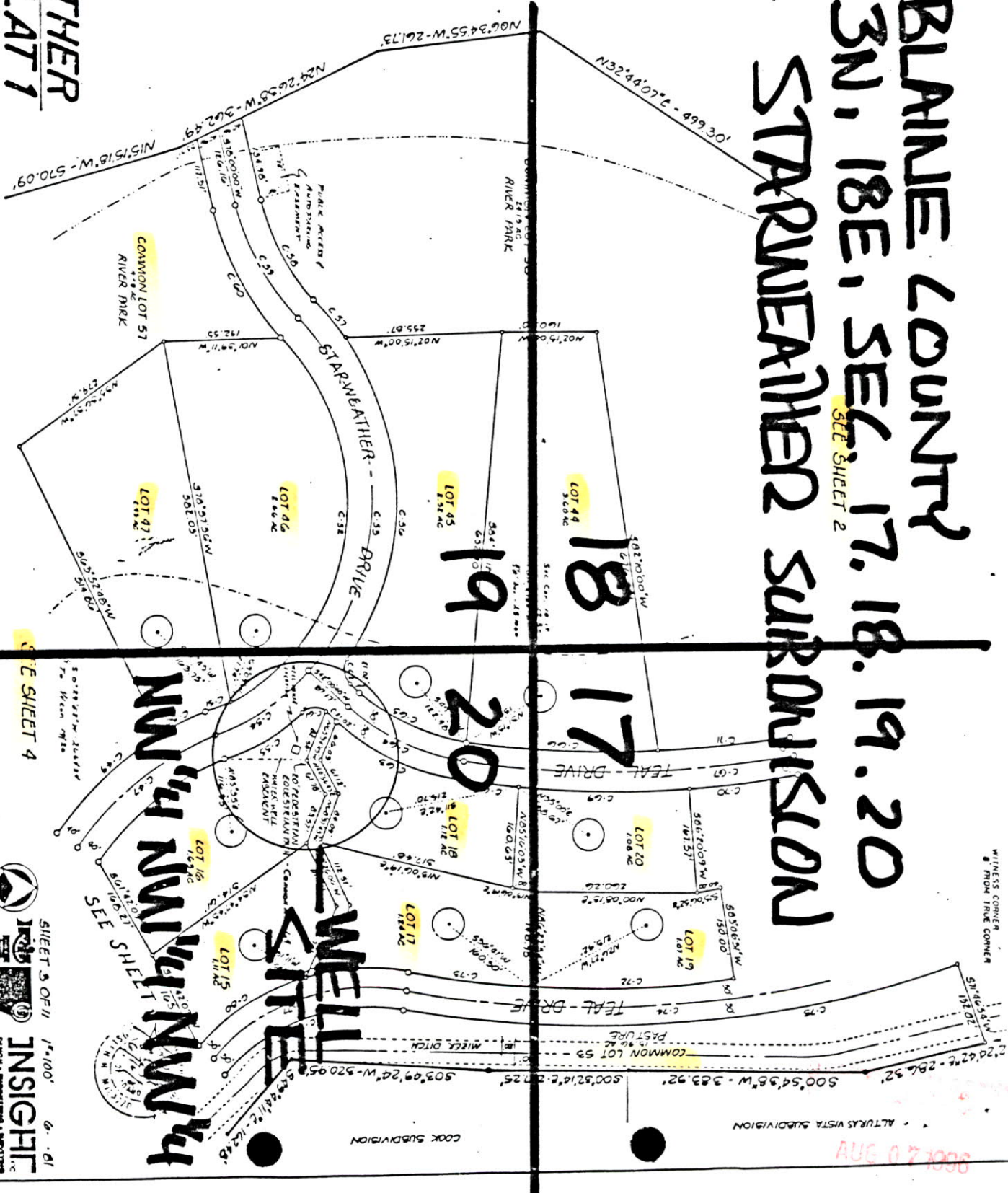
BLAINE COUNTY 3N, 18E, SEC. 17, 18, 19, 20 STARWEATHER SUBDIVISION

SEE SHEET 2

This map is a photographic reproduction of that on file in either the Recorder's or Surveyor's Office. The company assumes no liability for variations, if any, with another or a Survey. Country Of: First American Title Co. Box 756 Kelchum, Idaho 83310

UNPLATTED

STARWEATHER
PLAT 1



AUG 07 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE **RECEIVED**
MAY 21 1997

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

1. Permit No. 37-08439 Telephone No. 208/726-4421

2. Name(s) of Permit Holder(s): Starweather Subdivision Property Owners

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

4. Source of Water: groundwater If **GROUNDWATER** (well), Date Drilled: mo. 9-10 / yr. 81

a. Well Driller: Ken Smith, Wood River Drilling Drilling Permit Number: N/A - - -

b. **OPTIONAL:**
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 60 Stockwater (No. and type of stock): _____
Irrigation (No. of acres): 30 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 0.96 cfs OR _____ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

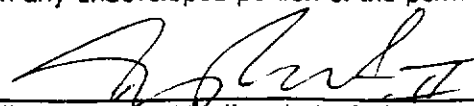
Measuring Device: Is a measuring device required? Yes _____ or No X
Has the measuring device been installed? Yes _____ or No X

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

8. Fee Enclosed: \$ 100.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.
Name: George Kirk Telephone Number: 208/788-2559
Address: P.O. Box 1885, Ketchum, ID 83340

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

Signature of permit holder:  Date: 11/2/96
(include your title, if on behalf of company of organization)
GEORGE KIRK, President

MICROFILMED

JUN 24 1997

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 37-08439

Proposed Priority: October 25, 1988 Maximum Diversion Rate: 0.96 CFS

This is to certify, that **STARWEATHER SUBDIVISION PROPERTY OWNERS**
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340-0987

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

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/15 to 10/15	0.60 CFS
DOMESTIC	01/01 to 12/31	0.36 CFS
	Totals	0.96 CFS

LOCATION OF POINT(S) OF DIVERSION: NWNW , Sec. 20, 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	17	NWSW 2.0	SWSW 5.0		7.0
		18	NESE 2.0	SESE 4.0		6.0
		19	NENE 2.0			2.0
		20	NENW 1.0	NWNW 6.0	SWNW 5.0	15.0
			SENW 3.0			

Total number of acres irrigated: 30.0

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **July 1, 1997**.
2. Subject to all prior water rights.
3. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
4. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
5. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

RECEIVED
OCT 27 1988

OCT 07 1986

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

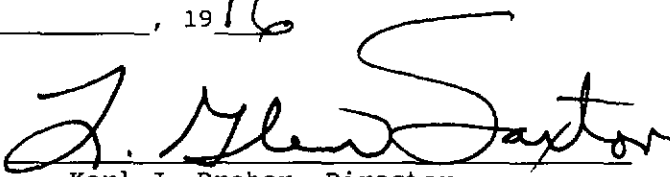
NO. 37-08439

CONDITIONS OF APPROVAL AND REMARKS

6. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
7. The Director retains jurisdiction over this right and may change, add, or remove any requirement as determined to be appropriate.
8. The issuance of this right does not grant any right-of-way or easement across the land of another.
9. Domestic use is for 60 homes.
10. Domestic use does not include lawn, garden, landscape, or other types of irrigation.
11. This approval authorizes continued use of groundwater for the irrigation of 16.7 acres within 21 lots of the Starweather Subdivision which were developed and irrigated prior to November 1987.
12. This approval also authorizes development of new groundwater use for 39 lots and limits the irrigation associated with these lots to a total of 13.3 acres. The amount of irrigation associated with a lot shall not exceed 1/2 acre.

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

22nd day of July, 1996


Karl J. Dreher, Director
for

AUG 1 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 37-08439

To appropriate the public waters of the State of Idaho

STARWEATHER SUBDIVISION PROPERTY

1. Name of applicant OWNER'S ASSOCIATION, INC Phone 726-5657

Post office address 910 P.O. Box 297, KETCHUM, ID. 83340

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

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

Sec. 20 Township 3N Range 18E B.M. BLAINE County; additional

points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .36 for DOMESTIC purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .60 for IRRIGATION purposes from APR 1 to NOV 1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 3.57 for FIRE PROTECT purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)

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

5. Total quantity to be appropriated is (a) 3.57 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. PUMP & WELL;
40 HP x 12" x 61'

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 12" inches; proposed depth of well is 61' 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

EXISTING years (minimum 1 year).
(Allow 1 Year)

AUG 07 1996

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. 60

e. Other; describe fully. FIRE PROTECTION SYSTEM; HYDRANTS
OFF MAINLINE SUPPLY

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	17									DF	DF							7
		18													DF			DF	6
		19	DF																2
		20					DF	DF	DF	DF									15

Total number of acres to be irrigated 30

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

ONE WELL OF TWO WELL COMMUNITY SYSTEM

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

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. HOMEOWNER'S ASSN HOLDS

EASEMENT RIGHTS

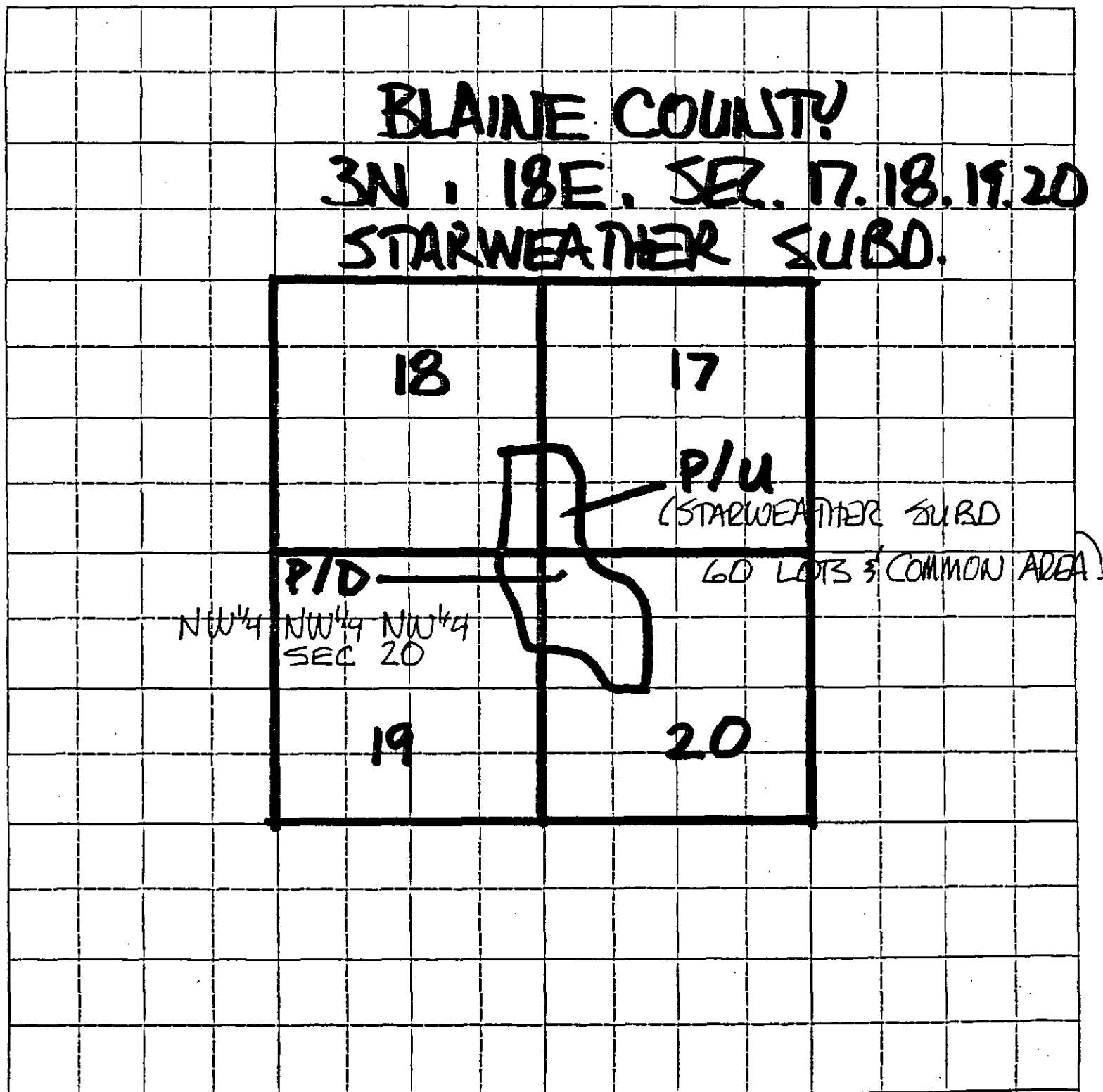
12. Remarks: EXISTING COMMUNITY WELL SYSTEM

Adjudication claim has been filed #A37-12027

use began in 10-5-1981

AUG 07 1996

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.

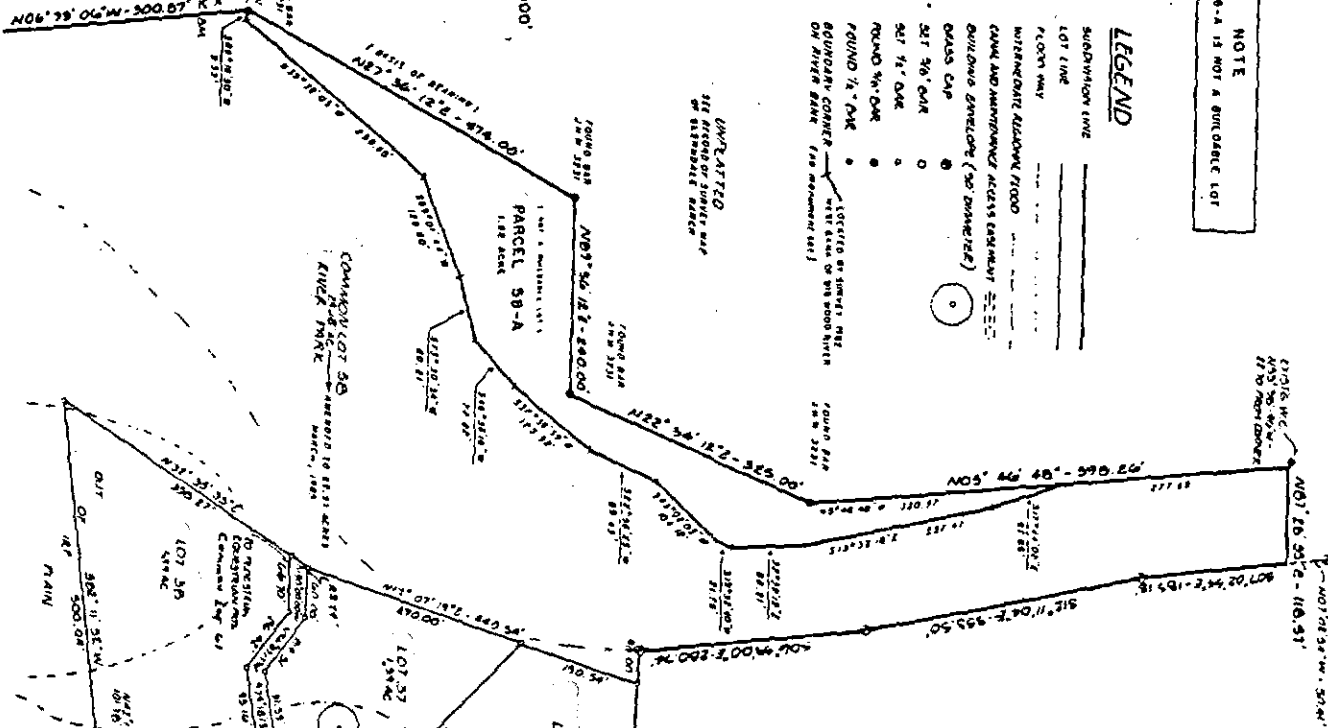
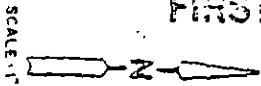
[Signature]
(Applicant)
ACTING SECRETARY / ASPOA
AUG 6 1996

COURTESY OF
FIRST AMERICAN TITLE CO.

NOTE
PARCEL 58-A IS NOT A SURVEYED LOT

LEGEND

- SUBDIVISION LINE
- LOT LINE
- PROPERTY
- WATERWAY
- COMMON AND ADJACENT ACCESS (EASEMENT) - SEE
- BUILDING EASEMENT (30' DIAMETER)
- GRASS CAP
- SET 30' OAK
- SET 12' OAK
- ROUND 1/2" OAK
- ROUND 1/2" OAK
- LOCATED BY SURVEY, THE
- BOUNDARY CORNER - WEST SIDE OF THE ROAD BRIDGE
- ON HIGH BANK (SEE EASEMENT SET)



COMMON LOT 58 AMENDED

MARCH, 1985

AMENDED BY PUCHNER ENGINEERING

STARWEATHER PLAT 1 AMENDED

BLAINE COUNTY, IDAHO
SECTIONS 17, 18, 19, 20, 15N, 18E, 8M

DRAWN BY 1982 (AMENDED MARCH, 1985)

MODERN MAPPING
SUBDIVISION

SEE SHEET 2



INSIGHT
A DIVISION OF FIRST AMERICAN TITLE CO.

This map is a photographic reproduction of the original survey plat on file in the office of the County Clerk, Blaine County, Idaho. The County Clerk assumes no liability for the accuracy of the map, with neither the County Clerk nor the County Clerk's Office. Courtesy of: First American Title Co. Box 756 Ketchum, Idaho 83340

SHEET 1 OF 2 SHEETS

Aug 07 1986

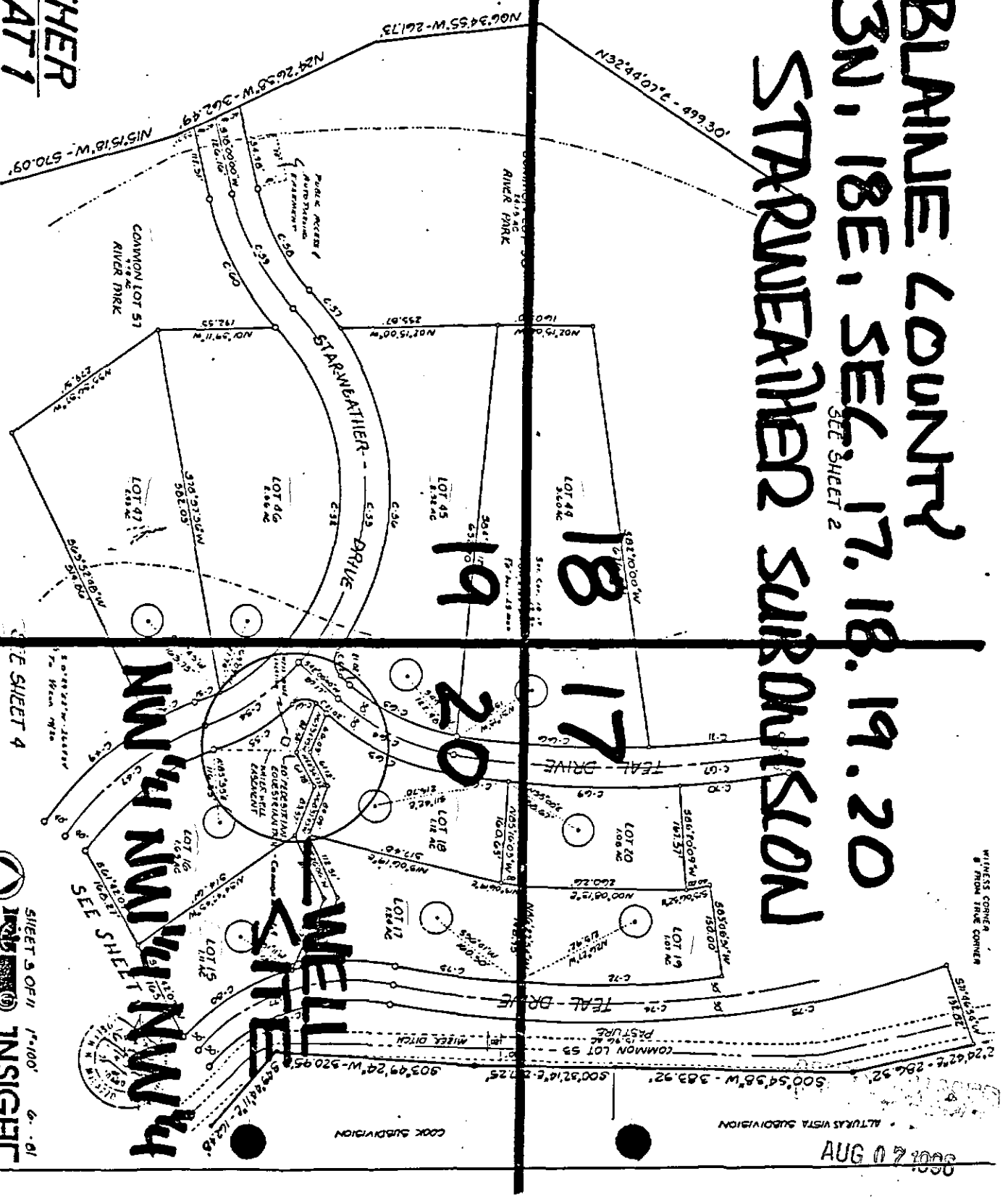
BLAINE COUNTY 3N, 18E, SEC. 17, 18, 19, 20 STARWEATHER SUBDIVISION

SEE SHEET 2

STARWEATHER
 PLAT 1

This map is a photographic reproduction of that on file in either the Recorder's or Surveyor's Office. The company assumes no liability for variation, if any, with another or resurvey.
 Courtesy Of:
 First American Title Co.
 Box 126
 Helena, Idaho 83103

UNPLATTED



SEE SHEET 4

SHEET 5 OF 11 1"=100' 6" x 6"
 INSIGHT
 DESIGN - ENGINEERING - SURVEYING

AUG 07 2006

Received by SCC Date 10/25/88 Time 4:00p Preliminary check by AK
Fee \$ 45⁰⁰ Receipt by SCC # 5003228 Date 10/25/88
Publication prepared by M. Baldwin Date 6/14/89 Published in Wood River Journal
Publication approved M. Baldwin Date 7/14/89

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

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

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

e. Other:

RECEIVED
AUG 07 1995

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 July, 1989, and

the date of the last publication was on the 12th day of July, 1989

Daniel J. Gorham
Subscribed and sworn to before me this 12th day of July, 1989
(SEAL)

Rabuta Dreyfus
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11
Number of Lines in Notice 115
Number of Insertions 2
Lines tabular at 5¢/Pica
115 Lines straight at 56.93 4¢/Pica
115 Subsequent lines at 44.68 3¢/Pica
TOTAL COST 101.61

RECEIVED

JUL 13 1989

Department of Water Resources
Southern Region Office

#6612

COPY OF NOTICE
(Part Here)

Le Applications
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources
BILL TO

Six water right applications filed

NOTICE OF APPLICATION FOR WATER RIGHT

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

37-08429

FLYING HEART
RANCH II SUBD.
P.O. BOX 2183
HAILEY, ID 83333
Source: GROUNDWATER
Diversification Pt: SWNENE Sec 5 T
02N R 18E
Use: DOMESTIC (.190 CFS)
IRRIGATION (.400 CFS)
FIRE PROTECTION (1.180 CFS)
Date Filed: 10/20/1988
In: T02N R18E S04 SWNW; S05
NENE NWNE SEVE
20.0 ACRES TOTAL

37-08439

STARWEATHER SUBD.
PROP. OWNERS ASSN. INC.
C/O BRIAN BALLARD, ATTY.
P.O. BOX 297
KETCHUM, ID 83340
Source: GROUNDWATER
Diversification Pt: NVNWNW Sec 20 T
03N R 18E
Use: DOMESTIC (.360 CFS)
IRRIGATION (.600 CFS)
FIRE PROTECTION (3.570 CFS)
Date Filed: 10/25/1988
In: T03N R18E S17 NWSW
SWSW; S18 NESE SESE; S19
NENE; S20 NENW NVNWNW
SWNW SENW
30.0 ACRES TOTAL

37-08508

BUTTRAM, KENNETH
THORNTON, ROD
P.O. BOX 487
HAILEY, ID 83333
Source: GROUNDWATER
Diversification Pt: SESESW Sec 33 T
03N R 18E
Use: DOMESTIC (.080 CFS)
IRRIGATION (.150 CFS)
Date Filed: 5/22/1989
In: T02N R18E S04 NWNE NENW
T03N R18E S33 SESE SWSE
5.01 ACRES TOTAL

37-08509

HANWRIGHT, JOSEPH C.
HANWRIGHT, PATRICIA L.
P.O. BOX 478
KETCHUM, ID 83340
Source: GROUNDWATER
Diversification Pt: NVNWNW Sec 9 T 02N
R 18E
Use: DOMESTIC (.10 CFS)
IRRIGATION (.12 CFS)
Date Filed: 5/02/1989
In: T02N R18E S09 NVNWNW
4.0 ACRES TOTAL

37-08521

GIRTON, RALPH
C/O JAMES P. SPECK, ESQ.
P.O. BOX 987
KETCHUM, ID 83340
Source: GROUNDWATER
Diversification Pt: NENESE Sec 35 T
02N R 18E
Use: DOMESTIC (.040 CFS)
IRRIGATION (.090 CFS)
Date Filed: 8/02/1989
In: T02N R18E S35 NESE
3.0 ACRES TOTAL

37-08522

HANSON, RONDELL B.
HANSON, JOYCE P.
C/O JAMES P. SPECK
P.O. BOX 987
KETCHUM, ID 83340
Source: GROUNDWATER
Diversification Pt: SWSWNE Sec 35 T
02N R 18E
Use: DOMESTIC (.060 CFS)
IRRIGATION (.090 CFS)
Date Filed: 6/02/1989
In: T02N R18E S35 SWNE
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 JULY 24, 1989.

R. Keith Higginson, Director
Publish: Wood River Journal-July 3 & 12, 1989.

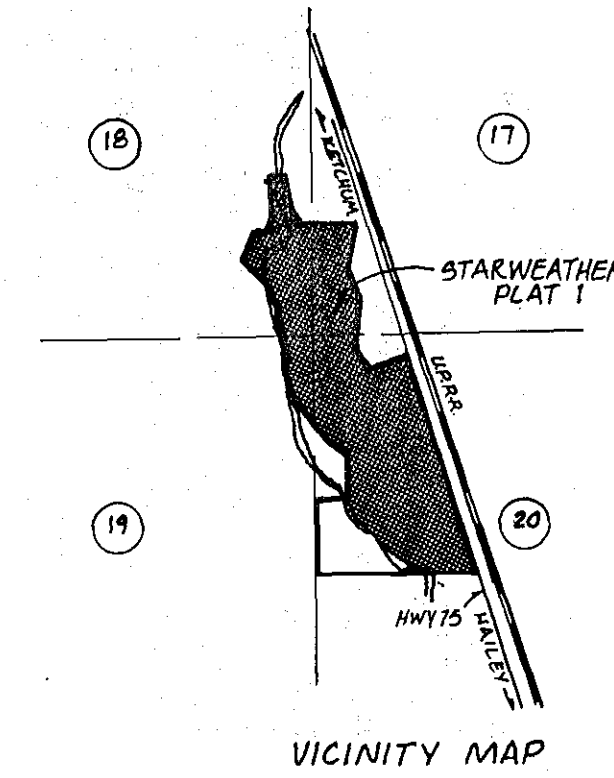
AUG 07 1989

STARWEATHER PLAT 1
AMENDED
1 of 11

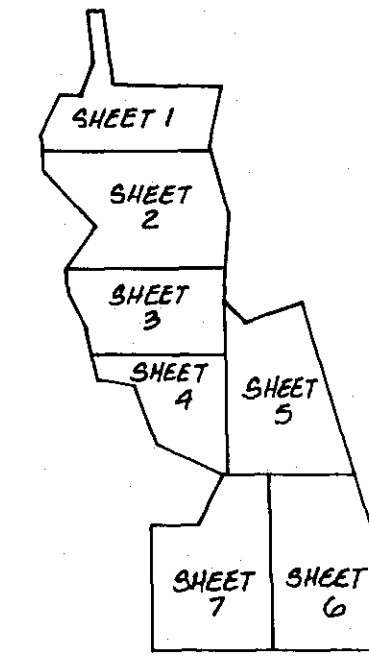
Folder 5 S-14
STARWEATHER PLAT 1 AMENDED
PAGE 1 of 11

LEGEND

SUBDIVISION LINE	———
LOT LINE	———
FLOOD WAY	———
INTERMEDIATE REGIONAL FLOOD	———
CANAL AND MAINTENANCE ACCESS EASEMENT	———
BUILDING CENTROID (50' DIAMETER)	○
BRASS CAP	●
SET 5/8" BAR	○
SET 1/2" BAR	○
FOUND 5/8" BAR	●
FOUND 1/2" BAR	●
BUILDING'S ENVELOPE	———



VICINITY MAP



SHEET INDEX

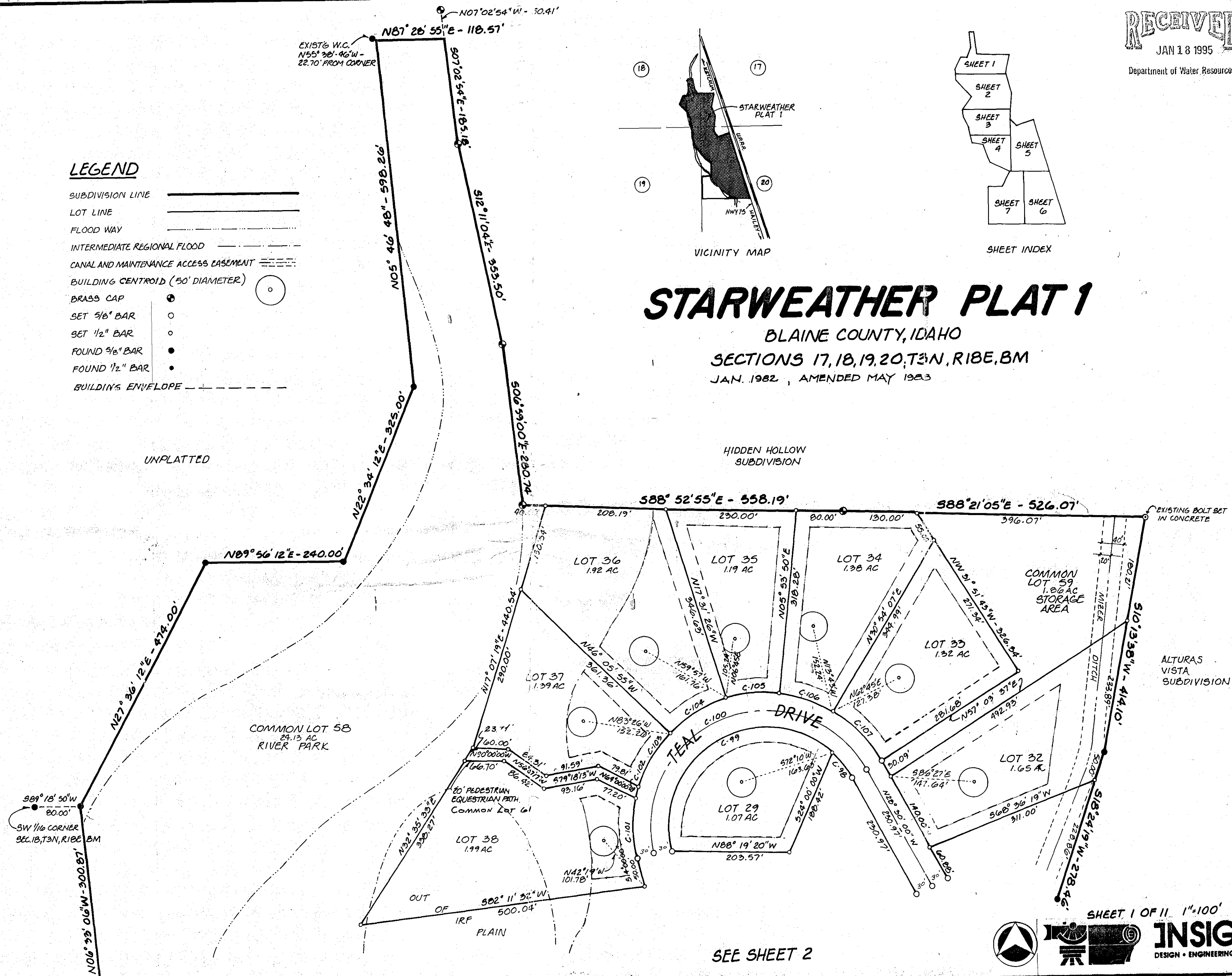
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JAN 18 1995
Department of Water Resources

STARWEATHER PLAT 1

BLAINE COUNTY, IDAHO

SECTIONS 17, 18, 19, 20, T3N, R18E, 8M

JAN. 1982, AMENDED MAY 1983



SEE SHEET 2



INSIGHT inc.
DESIGN • ENGINEERING • SURVEYING

SHEET 1 OF 11 1"=100' 6"=81

RECEIVED
JAN 18 1995

Department of Water Resources

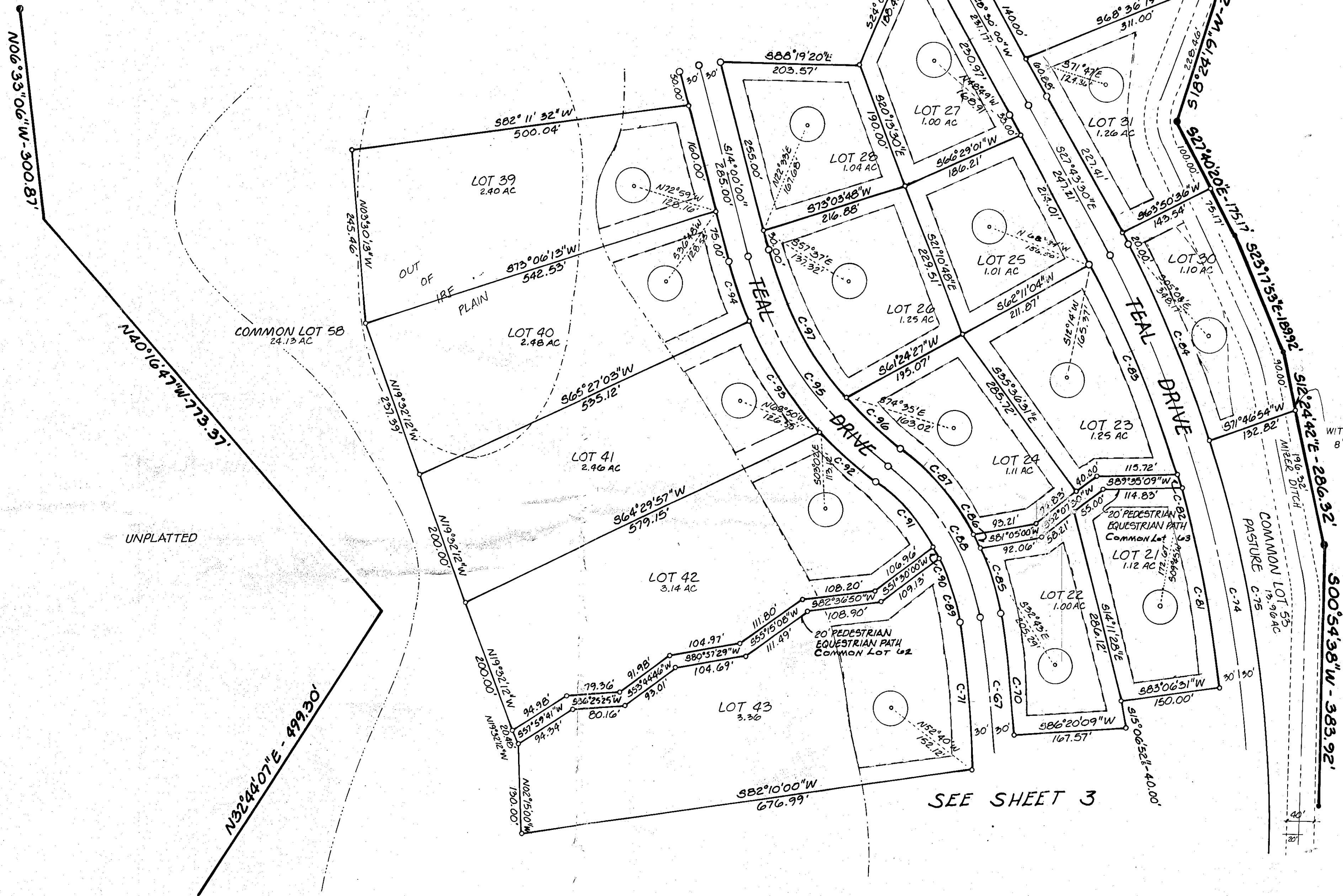
SEE SHEET 1

SEE SHEET 3

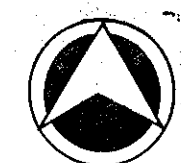
ALTURAS
VISTA
SUBDIVISION

WITNESS CORNER
8' FROM TRUE CORNER

UNPLATTED



STARWEATHER PLAT 1



SHEET 2 OF 11

1"=100'

6.81

INSIGHT
DESIGN • ENGINEERING • SURVEYING

DRAWING NUMBER
STARWEATHER PLAT 1
AMENDED
2 OF 11

Folder 5
S-14
STARWEATHER PLAT 1 AMENDED
PAGE 2 OF 11

DRAWING NUMBER

STARWEATHER PLAT 1
AMENDED 3 OF 11

PLAN HOLD CORPORATION • PRIME SURVEYING
ADDRESS: 11111 N. 111TH ST., SUITE 100, OMAHA, NE 68148

Folder 5 S-14

STARWEATHER PLAT 1 AMENDED

Page 3 of 11

RECEIVED
JAN 18 1991

Department of Water Resources

ALTURA VISTA SUBDIVISION

COOK SUBDIVISION

SEE SHEET 2

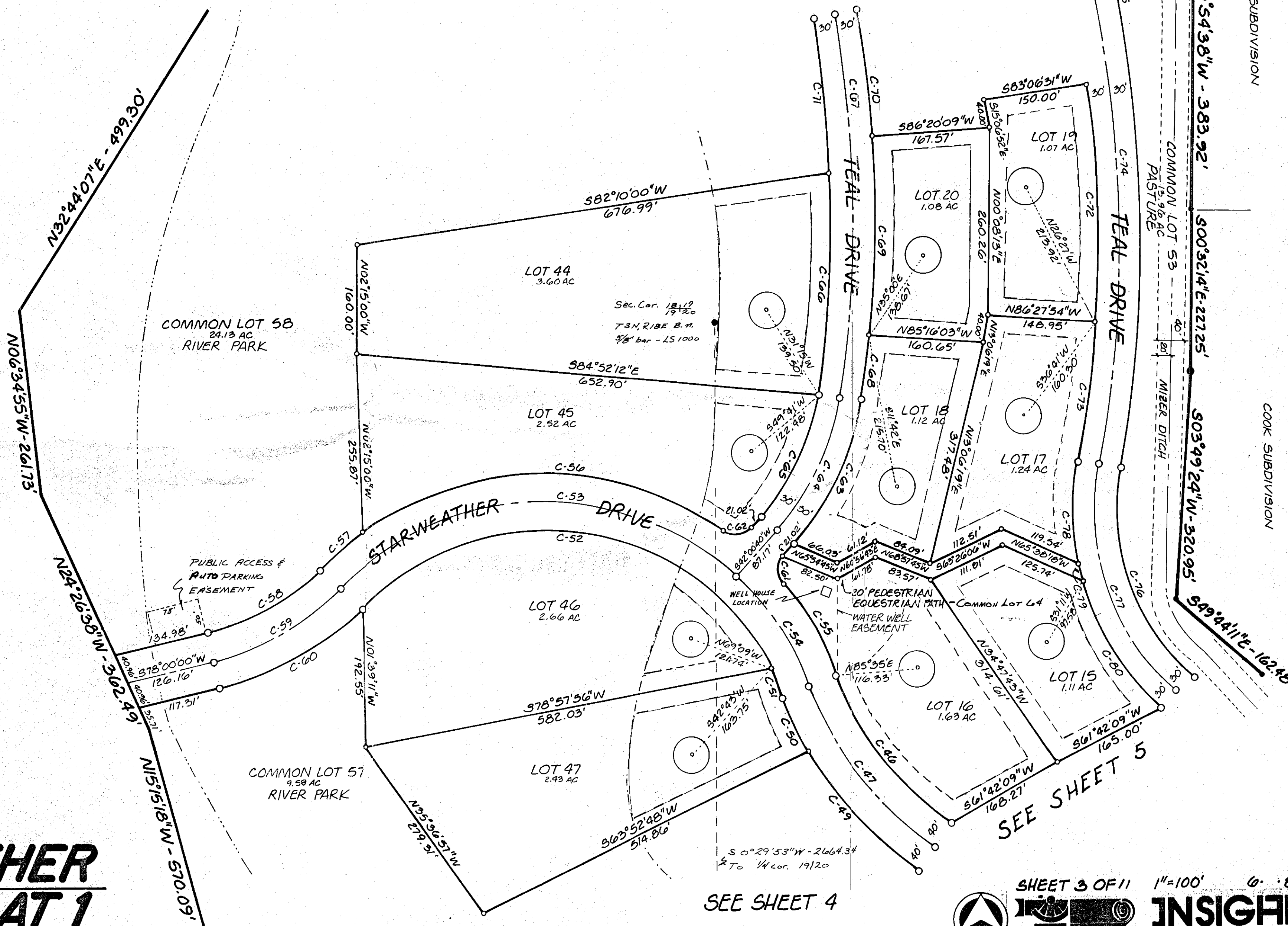
UNPLATTED

STARWEATHER
PLAT 1

SEE SHEET 4

SEE SHEET 5

WITNESS CORNER
8' FROM TRUE CORNER



OF

PLAN HOLE

Folder 5 S-14

STARWEATHER PLAT 1 AMENDED
Page 5 of 11

DRAWING NUMBER
STARWEATHER PLAT 1
AMENDED 5 of 11

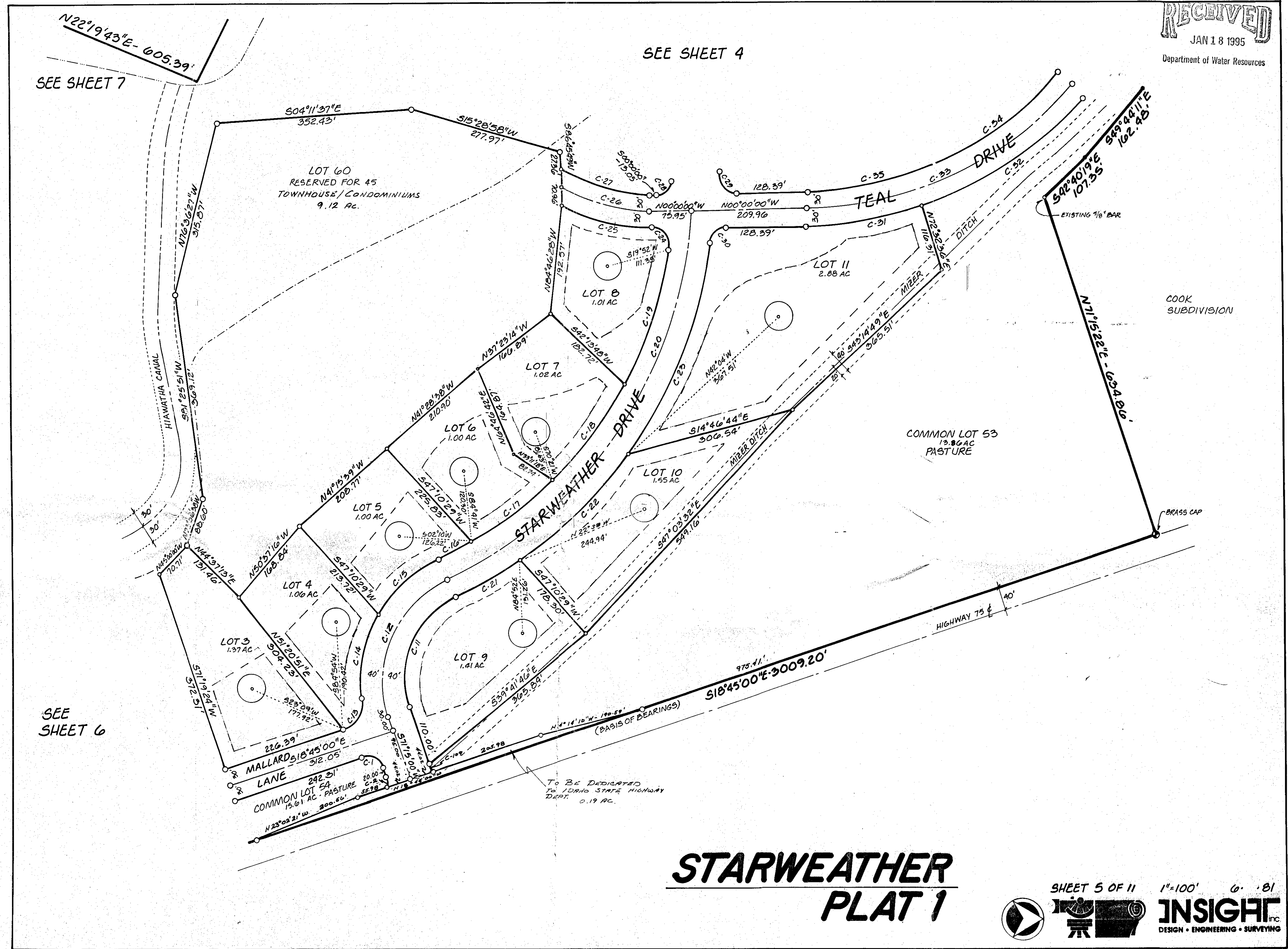
DRAWING NUMBER
STARWEATHER PLAT 1
AMENDED 5 of 11

RECEIVED
JAN 18 1995
Department of Water Resources

SEE SHEET 4

SEE SHEET 7

SEE SHEET 6



STARWEATHER PLAT 1

DRAWING NUMBER
STARWEATHER PLAT 1
AMENDED 6 OF 11

PLAN HOLD CORPORATION • IRVINE, CALIFORNIA
REORDER BY NUMBER 075497

DRAWING NUMBER

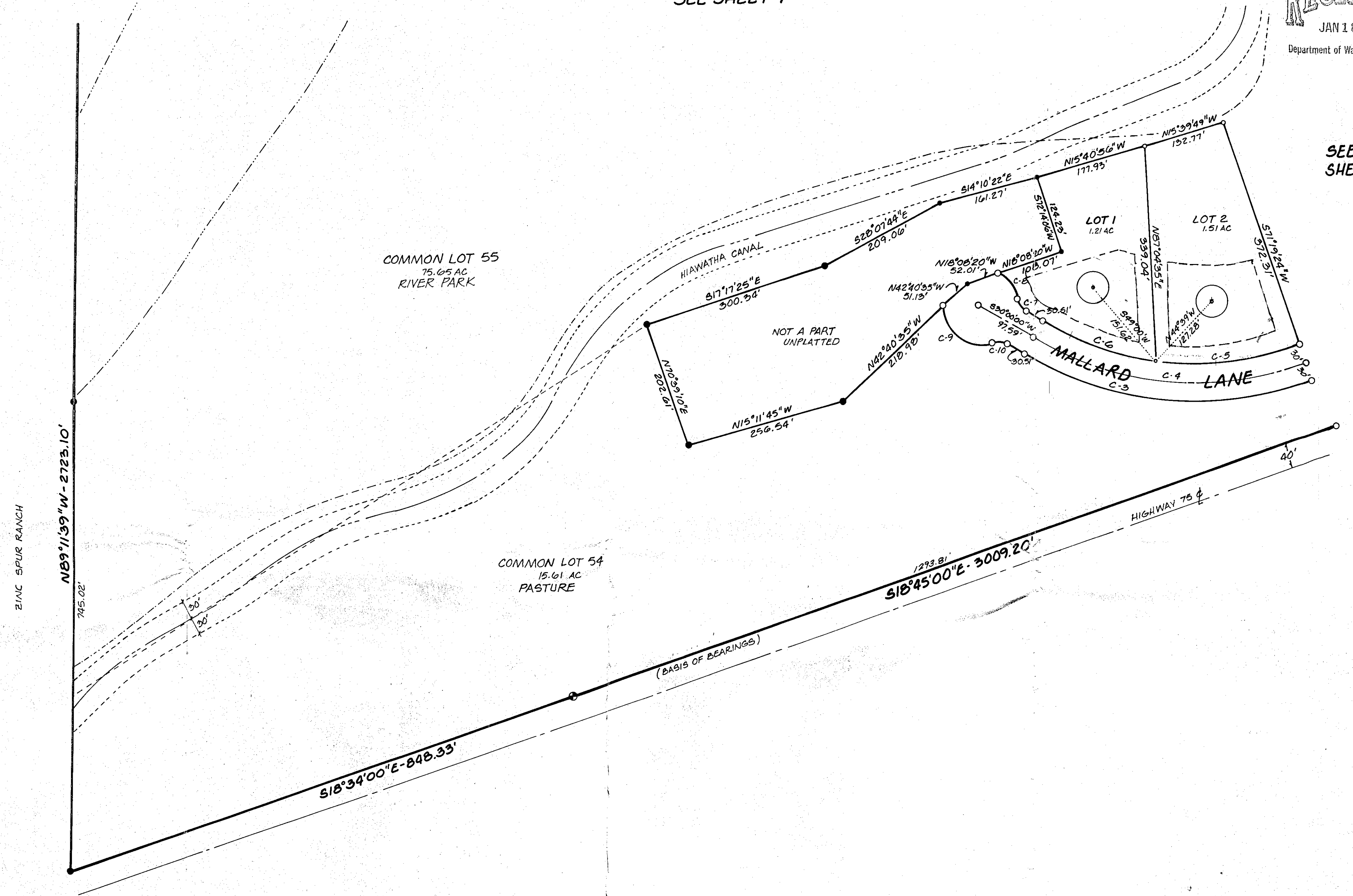
PLAN HOLD CORPORATION • IRVINE, CALIFORNIA
REORDER BY NUMBER 075497

Folder 5 S-14
STARWEATHER PLAT 1 AMENDED
PAGE 6 of 11

SEE SHEET 7

RECEIVED
JAN 18 1995
Department of Water Resources

SEE
SHEET 5



STARWEATHER PLAT 1

RECEIVED
JAN 18 1995

Department of Water Resources

UNPLATTED

N00°29'53"E-1332.17'

EXISTING 3/8" BAR
5 1/16 CORNER
S19°20'
T3N, R18E

1/4 CORNER, SEC 19/20
T3N, R18E INITIAL POINT

N0°29'53"E-2464.54'
To Sec. Cor. 17-18-19-20

SEE
SHEET 4

S 87°47'35"E - 134.18'

N22°19'45"E-605.39'

COMMON LOT 55
75.65 AC
RIVER PARK

UNPLATTED

N89°11'39"W-2723.10'

S04°11'37"E
352.43'

SEE
SHEET 5



SEE SHEET 6

STARWEATHER PLAT 1

SHEET 7 OF 11

1"=100'

6-81



INSIGHT
DESIGN • ENGINEERING • SURVEYING

Folder 5
S-14
STARWEATHER PLAT 1 AMENDED
Page 7 of 11

STARWEATHER PLAT 1
AMENDED
7 OF 11

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT R. WAYNE GANN AND KATHLEEN KERR GANN, HUSBAND AND WIFE AS COMMUNITY PROPERTY, ARE THE OWNERS OF THE FOLLOWING DESCRIBED PARCEL:

This parcel is situated in Sections 17, 18, 19 and 20, Township 3 North, Range 18 East B.M.

Beginning at the 1/4 corner common to Section 19 and 20;
Thence S 87°47'35" E - 434.18 feet to the center of Big Wood River;
Thence following said Big Wood River: N 22°19'43" E - 605.39 feet; N 62°03'46" W - 747.06 feet; N 15°04'07" W - 269.26 feet; N 37°44'48" W - 392.05 feet; N 77°16'32" W - 317.80 feet; N 15°15'18" W - 570.09 feet; N 24°26'38" W - 362.49 feet; N 6°34'55" W - 261.72 feet; N 32°44'07" E - 499.30 feet; N 40°16'48" W - 773.37 feet; N 6°33'06" W - 300.89 feet to a 5/8" bar;
Thence N 27°36'12" E - 474.00 feet to a 5/8" bar;
Thence N 89°56'12" E - 240.00 feet to a 5/8" bar;
Thence N 22°34'12" E - 325.00 feet to a 5/8" bar;
Thence N 5°46'48" W - 598.26 feet;
Thence N 87°28'55" E - 118.57 feet to the west boundary of Hidden Hollow Subdivision;
Thence following the west and south boundary of said Hidden Hollow Subdivision: S 7°02'54" E - 185.18 feet to a Brass Cap; S 12°11'04" E - 353.50 feet to a Brass Cap; S 6°59'00" E - 280.74 feet to a Brass Cap; S 88°52'55" E - 558.19 feet to a Brass Cap; S 88°21'05" E - 526.07 feet to the westerly boundary of Alturas Vista Subdivision, a bolt in concrete;
Thence following said boundary of Alturas Vista Subdivision: S 10°13'34" W - 414.10 feet to a 5/8" bar; S 18°24'19" W - 278.46 feet to a 5/8" bar; S 27°40'20" E - 175.17 feet to a 1/2" bar; S 23°17'53" E - 182.92 feet to a 1/2" bar; S 12°24'42" E - 286.32 feet to a 5/8" bar; S 0°54'38" W - 383.90 feet to the boundary of Cook Subdivision, a 1/2" bar;
Thence following boundary of said Cook Subdivision: S 0°32'14" E - 227.25 feet to a 5/8" bar; S 3°49'24" W - 320.95 feet to a 1/2" bar; S 49°44'11" E - 162.48 feet to a 1/2" bar; S 42°40'19" E - 107.35 feet to a 5/8" bar; N 71°15'22" E - 634.86 feet to the westerly right-of-way line of Highway 75; a Brass Cap;
Thence following said right-of-way: S 18°45'00" E - 3009.22 feet to a Brass Cap; S 18°34'00" E - 848.33 feet to a point on the north boundary of Zinc Spur Ranch, a 5/8" bar;
Thence N 89°11'39" W - 2723.10 feet to the S 1/16 corner common to Sections 19 and 20, a 5/8" bar;
Thence N 0°29'53" E - 1332.17 feet to the point of Beginning.
Except therefrom the following parcel:
Commencing at the 1/4 corner common to Sections 19 and 20;
Thence N 83°32'46" E - 1638.18 feet to the True Point of Beginning, a 1/2" bar;
Thence N 72°14'06" E - 124.23 feet to a 1/2" bar;
Thence S 18°08'20" E - 160.08 feet to a 1/2" bar;
Thence S 42°40'35" E - 270.11 feet to a 5/8" bar;
Thence S 15°11'45" E - 256.54 feet to a 5/8" bar;
Thence S 70°39'10" W - 202.61 feet to a 5/8" bar;
Thence N 17°17'25" W - 300.34 feet to a 5/8" bar;
Thence N 28°07'44" W - 209.06 feet to a 1/2" bar;
Thence N 14°10'22" W - 161.27 feet to the True Point of Beginning.

This total parcel contains 259.03 acres.

THE PURCHASER AND/OR OWNER OF ANY LOT OR PARCEL UNDERSTANDS AND AGREES THAT THE PRIVATE ROAD CONSTRUCTION, MAINTENANCE, AND SNOW REMOVAL SHALL BE THE OBLIGATION OF THE OWNER, HIS SUCCESSORS IN INTEREST, OR HOME OWNERS' ASSOCIATION, AND THAT BLAINE COUNTY IS IN NO WAY OBLIGATED TO ACCEPT, MAINTAIN OR IMPROVE THESE ROADS, AND THAT EACH OWNER SHALL NOTIFY IN WRITING ANY SUCCESSOR IN INTEREST OF THESE FACTS.

THE EASEMENTS INDICATED ON THIS PLAT ARE NOT DEDICATED TO THE PUBLIC, BUT THE RIGHTS TO USE SAID EASEMENTS ARE HEREBY PERPETUALLY RESERVED FOR PUBLIC UTILITIES AND HIAWATHA AND HIZER CANAL COMPANIES AND NO STRUCTURES OTHER THAN FOR SUCH UTILITY OR CANAL COMPANY PURPOSES ARE TO BE ERRECTED WITHIN THE LINES OF SAID EASEMENTS. PROVIDED THAT AN EASEMENT FOR THE PURPOSE OF PROVIDING AUTOMOBILE AND PEDESTRIAN ACCESS TO THE BIG WOOD RIVER ADEQUATELY SIGNED AND IDENTIFIED AS SUCH, IS HEREBY DEDICATED AND GRANTED TO AND IN FAVOR OF THE PUBLIC OVER AND ACROSS THE RIGHT-OF-WAY EASEMENTS IDENTIFIED ON THIS PLAT AS STARWEATHER DRIVE, FROM IDAHO STATE HIGHWAY 75 TO THE BIG WOOD RIVER.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS THIS 12th DAY OF JANUARY, 1982 A.D.
R. Wayne Gann
R. WAYNE GANN
KATHLEEN KERR GANN
BY GERALD C. WEAVER AS ATTORNEY IN FACT

STATE OF IDAHO }
COUNTY OF BLAINE } ss.

ON THIS 12th DAY OF JANUARY, 1982, BEFORE ME,
A NOTARY PUBLIC FOR THE STATE OF IDAHO, PERSONALLY
APPEARED R. WAYNE GANN, KNOWN TO ME TO BE THE PERSON
WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT,
AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE
SAME.

WITNESS MY HAND AND OFFICIAL SEAL.

Gerald C. Weaver
NOTARY PUBLIC FOR IDAHO
RESIDING AT 7120 N. 1st St.

PROTECTIVE COVENANTS

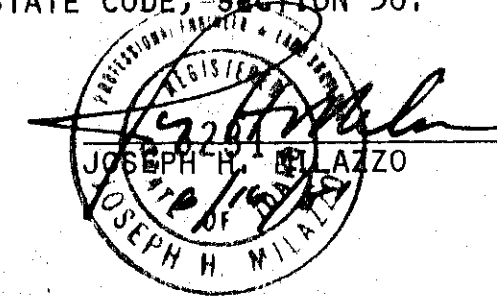
PROTECTIVE COVENANTS FILED AS INST. NO. _____ IN VOL. _____ ON _____ 19____ BY _____

SANITARY RESTRICTION

RECORDER

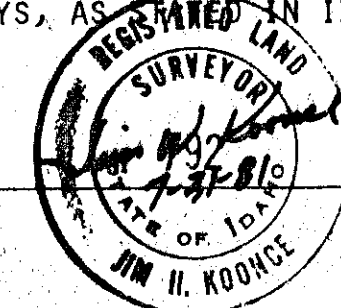
ENGINEER'S CERTIFICATE

I, JOSEPH H. MILAZZO, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF IDAHO DO HEREBY CERTIFY THAT THIS PLAT OF STARWEATHER SUBDIVISION IS A TRUE AND ACCURATE MAP OF LAND SURVEYED BY ME, THAT THE LOT CORNERS ARE MARKED AS SHOWN AND THAT THE SURVEY WAS DONE IN STRICT ACCORDANCE WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS, AS STATED IN IDAHO STATE CODE, SECTION 50.



COUNTY ENGINEER'S CERTIFICATE

THIS IS TO CERTIFY THAT I, JIM KOONCE, COUNTY ENGINEER OF BLAINE COUNTY, IDAHO, HAVE CHECKED THE FOREGOING PLAT AND COMPUTATIONS FOR MAKING THE SAME AND HAVE DETERMINED THAT THEY COMPLY WITH THE LAWS OF THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS, AS STATED IN IDAHO STATE CODE, SECTION 50.



BLAINE COUNTY COMMISSION'S APPROVAL

THE FOREGOING PLAT OF STARWEATHER SUBDIVISION WAS APPROVED AND ACCEPTED THIS 12th DAY OF JANUARY, 1982 A.D., BY THE BOARD OF COUNTY COMMISSIONERS, BLAINE COUNTY, IDAHO.

BY: Ray Smith

BLAINE COUNTY PLANNING AND ZONING COMMISSION'S APPROVAL

THE FOREGOING PLAT OF STARWEATHER SUBDIVISION WAS APPROVED AND ACCEPTED THIS 12th DAY OF JANUARY, 1982 A.D., BY THE BLAINE COUNTY PLANNING AND ZONING COMMISSION.

BY: Whitney Ender
Planning & Zoning Commission

COUNTY RECORDER'S CERTIFICATE

I CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AT THE REQUEST OF STARWEATHER AT 10:08 MINUTES PAST 1:00 O'CLOCK P.M. THIS 22 DAY OF OCT, 1984 A.D. IN MY OFFICE AND DULY RECORDED IN BOOK PLAT.

M. H. Miller
RECORDER

COUNTY TREASURER'S CERTIFICATE

I CERTIFY THAT THERE ARE NO COUNTY PROPERTY TAXES DUE, EITHER OR BOTH DELINQUENT AND CURRENT, UPON THE PROPERTY INCLUDED IN THIS PLAT.

Marilyn Lanier
TREASURER 1-12-82 DATE:



**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 37-08439 Reviewed by Jay Date 6-12-97

GENERAL CONSIDERATIONS

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

TYPES OF USE

dom., irr.

Correct Uses? yes

SOURCE OF WATER

 Surface water source

✓ Ground water source

no Drilling permit required?

 Copy in the file? Drilling Permit No.

/ Amount paid for permit Correct?

 Well log in the file?

LICENSE EXAMINATION FEE

yes Required?

100- Amount Submitted

yes Correct?

MEASURING DEVICE

no Required?

/ Installed?

 Waiver requested?

PRIORITY CALCULATION

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

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address X Proof Made 5-21-97



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR
June 17, 1997

STARWEATHER SUB PROPERTY OWNERS
CO JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08439

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.

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

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

C: IDWR - Region

MICROFILMED

JUN 24 1997

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

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

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

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

May 19, 1997

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

Re: Starweather Subdivision Property Owners -- Permit No. 37-08439

Dear Julie:

Enclosed you will find the Proof of Beneficial Use for the above-referenced permit together with our check payable to IDWR for the \$100 license examination fee. Please call me immediately if you have any questions about this filing.

Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD



James P. Speck

JPS:jrs
encl.
c: client (w/ encl.)

MICROFILMED

JUN 24 1997



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

May 21, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Jim Speck
Hogue, Speck & Aanestad
PO Box 987
Ketchum, Idaho 83340-0987

RE: Starweather Property Owners Association -- Permit 37-08439

Dear Jim:

Jim Johnson forwarded your letter of May 15, 1997, to me. In your letter you asked that we determine the location of 6.5 acres of irrigation of which you will be submitting an application for permit. I am not certain where you want these acres to go so I am sending you all appurtenant information I could find in the above file.

On June 17, 1996, Michele C. Meske of your office sent us a list of irrigated acres per lot for Starweather Subdivision. I have enclosed a copy of that list for you. The twenty-one lots Ms. Merske identified total 16.7 acres of irrigation. As you know, the subdivision has a total of sixty subdivision lots numbered Lot 1 to Lot 60. Lot 60 is reserved for 45 townhouse/condominiums. Lots 53-58 are identified as common lots, parks or pasture. The lots are of varying size.

If you have any questions or require further assistance, you may contact me directly at (208) 327-7944.

Respectfully,

A handwritten signature in cursive script that reads 'Cindy Zimmerman'.

Cindy Zimmerman
Water Resource Agent

Enclosure

MICROFILMED

JUN 24 1997

RECEIVED

MAY 16 1997

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

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

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

Department of Water Resources

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

May 15, 1997

VIA FACSIMILE - (208) 327-7866
ORIGINAL TO FOLLOW BY MAIL

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

Re: Starweather Property Owners Association - Permit 37-08439

Dear Jim:

Last summer IDWR issued Permit 37-08439 allowing irrigation of 30 acres since that was the amount in the Application for Permit. We supplied you with a list of irrigated acres for each of the 21 developed lots - a total of approximately 17 acres. The other 13 irrigated acres would be allotted to the remaining 39 undeveloped lots. However, under the restrictions of the Big Wood River Ground Water Management Area, each such lot is entitled to a maximum of 1/2 acre of irrigated lands for a total of 19.5 additional irrigated acres. Thus, I propose to file a new application for permit to provide for the additional 6.5 acres for these 39 lots.

In preparing the new application, I realize I have no accurate way of identifying the location of these 6.5 acres. You somehow arrived at locations for the 30 acres and so specified in the Permit. Can you do the same for the 6.5 acres using the information we provided you? I would like to file the new application as soon as possible and look forward to your prompt response as always! Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.



James P. Speck

JPS/j

cc: Client

NOTED - L123

JUN 24 1997

April 30, 1997

STARWEATHER SUBDIVISION PROPERTY OWNERS
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 833400987

PROOF DUE NOTICE

RE: PERMIT NO. 37-08439

Dear Permit Holder:

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

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

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

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

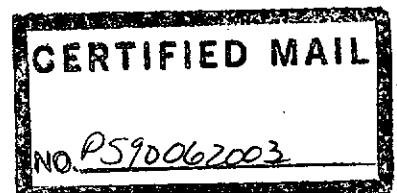
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

MICROFILMED

Enclosures

JUN 24 1997





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 22, 1996

STARWEATHER SUBDIVISION PROPERTY OWNERS
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340-0987

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08439

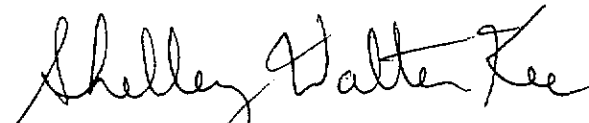
Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "Conditions of Approval and Remarks" listing on the permit.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

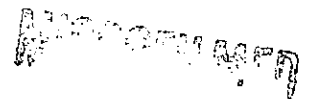
This permit authorizes the appropriation of trust water. Trust water is defined as that portion of a particular hydropower water right which exceeds certain minimum stream flows established by state action, and is held in trust by the State of Idaho for the use and benefit of the people within the state. Conditions pertaining to a term review, annual use fee and jurisdiction of the permit are trust water conditions.

Sincerely,


Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosures



AUG 07 1996

MEMORANDUM

Date: July 11, 1996
From: Jim Johnson
To: File
Subject: Application for Permit 37-08439
=====

This application was first received in October 1988. Processing for approval was delayed because of the backlog of trust water applications filed before it. Later re-review of the application determined that it could be processed and notice of the application was published in the local paper in July 1989. On November 8, 1989 requested names of corporate officers were received. No other action to approve the application was taken and on August 28, 1991 the applicant was informed that a Ground Water Management Area had been designated and additional information was needed before the processing could continue.

Jim Speck's letter of September 6, 1994 summarizes the above facts and states the reason for originally filing the application. I subsequently requested a plat of the subdivision to confirm size of lots.

On May 16, 1996 the Department received information from Mr. Speck that only irrigation of 16.7 acres had been developed to date for 21 lots. Per telephone conversation I requested a description of which lots had been developed. On June 17, 1996 I received this information.

The director, in a memorandum dated July 1, 1992, allowed processing of applications for permit proposing to cover water uses developed prior to November 1987. The applicant has shown that a portion of the 60 units identified in this application were developed prior to November 1987.

Therefore, the application can be approved for a total of 30 acres irrigation, acknowledging that 16.7 acres were irrigated prior to November 1987 and prior to the establishment of the Big Wood Groundwater Management Area (BWGWMA) and the 1992 Snake River Basin Moratorium. The remaining 39 lots with a total 13.3 acres can be irrigated provided that they comply with the current BWGWMA restrictions. The following condition should added to the permit approval.

This approval authorizes continued use of groundwater for the irrigation of 16.7 acres within 21 lots of the Starweather Subdivision which were developed and irrigated prior to November 1987.

This approval also authorizes development of new groundwater use for 39 lots and limits the irrigation associated with these lots to a total of 13.3 acres. The amount of irrigation associated with a lot shall not exceed 1/2 acre.

RECEIVED
AUG 07 1996

**APPLICATION FOR PERMIT
STATE OFFICE REVIEW**
by Cindy Zimmerman

No.: 37-8439 Name: Star Weather Subd POA Date: 5/28/96 Ad OK? ☒
Correct Fee? ☒ Receipt #: 5003228 Priority: 10/25/88 ☒ Gvmt Lts:

AREA OF CONCERN? 42-111 exempt No/Yes ESRP Mor BWR GWMA Trust/Non-trust
PROTESTED: 020(Protest Agr) or W19(See Final/Prelim Order)

SYSTEM COMPLETED:

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

GROUNDWATER: <✓ FLO-CH>

+ 0.2 cfs - 01M
=/- 0.2 cfs - No MD
=/+ 5 a. - 01M, ~~065~~(if GW use SW 1st)

Drilling Permit:

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

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

Water District (~~dem~~) - 005 (req) WD # <SEE MAP & LISTING>
+ 0.2 cfs - 01J(meas dev)-P08
=/- 0.2 cfs - 01H(lock dev)-P01 or No MD
In-WD + 0.2 cfs - 01M or No MD (in-stream)
- 0.2 cfs - No MD
=/+ 5 a. irr. - 01M

RIVER BASINS (*Surface water):

SNAKE R (01) - 11A-P04, NA
(02/03-irr) - 007-P07 (w/remark WB9-↑ Weiser), NA
Boise R (63) - 05A (if WD), 11E (not 42-111 use), NA
Payette R (65) - 064(regulated uses), 047-P04(Payette Lake), NA

USE:

Domestic (surface) - 021(Boise R ↑ Star Bridge); 27A(Payette R); NA
Fish Propagation - 07A-042(rq)-010/06A/09E(WQ)-P10; 044(N 1000 Spr)
Irr <POU> =/- 5 a - 057 (0.03 cfs/A)
+ 5 a - 03A (0.02 cfs/A)
Mining - 054 (req) & 06A/010/09E-P10
Power - 08A-17K-025-027-01M-01F(P19)-09E(P10);
+25 cfs-P18; 17G(FERC) or 17M(FERE); 18B-P09
Storage(✓ 3 compo.) - 18A(multi MD in WD), 18B-P09 (+10' dam), NA

LOCATION:

Boise Front LoGeo - 058 (-85° GW temp only)
In-stream dev. - P52 (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - 7 <SEE CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA

OWNERSHIP: Non-land owner

OTHER CONDITIONS:

STANDARD REMARKS:

① WB5/60 ② 1004 ③ 005 ④ 2-3 Jim's remarks

BENEFICIAL USE DUE:

COMMENTS:

7-1-1997

Corp off

RECEIVED

JUN 19 1996

Department of Water Resources

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

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

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

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

June 17, 1996

Jim Johnson
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Re: Application for Permit No. 37-08439

Dear Mr. Johnson:

Enclosed is a summary of the number of irrigated acres per lot for Starweather Subdivision. Jim Speck directed me to forward this information to you for use in issuing the above-referenced permit. If you have questions, or require additional information, please contact me.

Sincerely,

HOGUE, SPECK & AANESTAD, P.A.

Michele C. Meske

Michele C. Meske

MCM

RECEIVED
AUG 07 1996

**STARWEATHER PROPERTY OWNERS
OF ACRES IRRIGATED**

<u>NAME</u>	<u>LOT #</u>	<u>ACRES</u>
August	45	.5 - .75
Armstrong Jensen	6	.5
Epperson	1	1.0
Giacobbi	17	.5
Heston	34	1.3
Kimmich	28	.75
Kirk	19	0
Kresge	20	.5
Levenstein	41	1.0
Miller	35	.5
Mills	25	1.0
Mosher	12	1.37
Newcomb	11	2.0
Parnes	49	.5
Stone	9	.75
Werth	47	1.0
TOTAL	16	14.17

No Response:

Chase	32	.5
Christopher/Hurst	33	.5
Gortner	40	.5
Peebles	22	.5
Thornton	27	.5
TOTAL	5	2.5

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AUG 07 1986

MEMORANDUM

DATE: May 28, 1996
TO: File No. 37-08439
FROM: Cindy Zimmerman^{CJ}
SUBJECT: Trustwater Review

=====

This application proposes to divert 0.96 cfs of trustwater from groundwater for domestic use (in-house) on 60 homes^{an} to irrigate 30 acres (1/2 acre per home) located within W $\frac{1}{2}$ SW, S17; E $\frac{1}{2}$ SE, S18; NENE, S19; and NW, S20, T03N, R18E. This application satisfies 42-203A & C requirements.

PROCESSED

AUG 07 1996

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MAY 20 1996

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

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

May 16, 1996

Department of Water Resources

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

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

VIA FACSIMILE - 1-208-327-7866
ORIGINAL TO FOLLOW BY MAIL

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

RE: Starweather Subdivision - Application for Permit No. 37-08439

Dear Jim:

We have determined that there are 16.7 irrigated acres within the 19 developed lots of the Subdivision. 33 lots remain undeveloped. I understand the Department is willing to issue the Permit to cover 33.2 irrigated acres (16.7 acres plus 16.5 acres for the 33 undeveloped lots). Please confirm this and let me know how soon the permit will be issued.

Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.



James P. Speck

JPS/jps

cc: Client

RECEIVED

AUG 07 1996

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

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

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(208) 788-3567
FAX (208) 788-4230

January 17, 1995

Ms. Cindy Zimmerman
State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise ID 83720-9000

RECEIVED
JAN 18 1995
Department of Water Resources

Re: Starweather Subdivision Application for
Permit No. 37-08439

Dear Ms. Zimmerman:

Enclosed you will find a complete copy of the plat for the Starweather Subdivision showing the location and size of all of the lots. There are 52 residential lots. Lot 60, originally reserved for townhouse condominiums, remains undeveloped and is not a part of this Application. Please let me hear from you as soon as possible on the status of this Application.

Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.

James P. Speck
James P. Speck *By SAB*

JPS:sab
enclosure
cc: client (w/o encl.)

AUG 07 1996

HOGUE, SPECK & AANESTAD
A PROFESSIONAL ASSOCIATION
ATTORNEYS

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

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

January 4, 1995

RECEIVED
JAN 05 1995
Department of Water Resources
HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

Cindy Zimmerman
State of Idaho
Dept. of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise ID 83720-9000

Re: Starweather Subdivision Application for
Permit No. 37-08439

Dear Ms. Zimmerman:

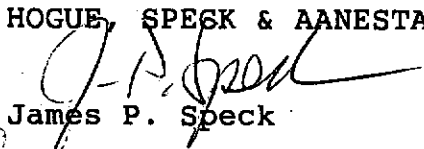
Thank you for your letter of December 30, 1994. I will provide you with the requested information as quickly as possible.

As you know, this Application was filed when the Association's prior attorney discovered, in the course of his water rights review for the SRBA filing requirements, that the subdivision's central water system did not have a water right. The central water system and it's associated wells and distribution system have been completed and in operation for many years. I am aware of at least two other subdivisions in Blaine County (Riverwoods and Flying Heart) which, in 1988, found themselves in exactly the same position as Starweather. The applications for permit for the central water systems for those two subdivisions, filed at approximately the same time as that for the Starweather Subdivision, have been processed, approved and the permits issued. For some reason, which I do not understand, the Starweather Subdivision Application of Permit continues it's struggle through the approval process. I cannot think of any reason why these three applications should be viewed or treated any differently by IDWR. Please pass these comments on to Jim Johnson and Keith Higginson.

Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.


James P. Speck

JPS:sab
cc: client

AUG 07 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

December 30, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

JAMES P SPECK
HOGUE SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340-0987

RE: Application for Permit No. 37-08439

Dear Mr. Speck:

In response to your fax of December 29, 1994, we did receive the subdivision plat map you submitted; however, before the application process can continue, I will need some additional information.

My review of the subdivision plat map that you sent showed that map to be incomplete. You sent page 1 of the plat map but omitted to include the complete subdivision plat map(s).

At this time, I am requesting a certified copy or copies of the approved subdivision plat in its entirety, as well as any subsequent amendments or changes to the originally approved subdivision plat. Please indicate on the certified copy of the subdivision plat map(s) the location and number of homes as identified on this application for permit.

I will hold further processing on this application for 14 days. Please submit this information as quickly as possible within the 14-day period to prevent any further delay in processing this application.

Sincerely,

Cindy Zimmerman
Water Resource Agent

FILED
AUG 07 1996

HOGUE, SPECK & AANESTAD
A PROFESSIONAL ASSOCIATION
Attorneys at Law
120 East Avenue
Post Office Box 987
Ketchum, Idaho 83340
Phone: (208) 726-4421
FAX: (208) 726-0752

FAX MEMO/COVER SHEET

To: Jim Johnson		From : James P. Speck
Fax Number : 327-7866		Number of Pages: 2 (including cover page)
Date : 12/29/94	Time : 10:11:52	For Information Call: 1-208-726-4421
Subject : Starweather Application for Permit No. 37-08439		Fax Number : 1-208-726-0752

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

RECEIVED
AUG 07 1996

HOGUE, SPECK & AANESTAD
A PROFESSIONAL ASSOCIATION OF
ATTORNEYS

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

120 EAST AVENUE
P. O. BOX 987
KETCHUM, IDAHO 83340
(208)726-4421
FAX (208)726-0752

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

December 29, 1994

VIA FACSIMILE - 1-208-327-7866

Mr. Jim Johnson
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Re: Starweather Property Owners Association - Application for Permit No. 37-08439

Dear Jim:

What is the status of the above-referenced Application for Permit? I have not heard from you since I sent you a copy of the subdivision plat in early November. Happy New Year!

Sincerely yours,

HOGUE, SPECK & AANESTAD



James P. Speck

JPS/j
cc: client

RECEIVED
AUG 07 1996

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

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

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FAX (208) 788-4230

November 11, 1994

Jim Johnson
Water Permits Section
State of Idaho
Dept. of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise ID 83720-9000

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NOV 15 1994

Department of Water Resources

Re: Application for Permit No. 37-8439
Starweather Subdivision Property Owner's Association

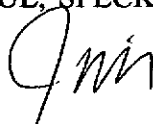
Dear Jim:

Enclosed you will find a copy of the Subdivision Plat for Starweather Subdivision. Please call me as soon as you have had an opportunity to review the Plat and let me know the status of this Application.

Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD



James P. Speck

JPS/sab
enclosure
cc: Ken Oring-w. encl.

RECORDED

AUG 07 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 9, 1994

Hogue Speck & Aanestad
120 East Avenue
P O Box 987
Ketchum, Idaho 83340
attn:Jim Speck

Re: Application for permit no 37-8439, Starweather Subdivision

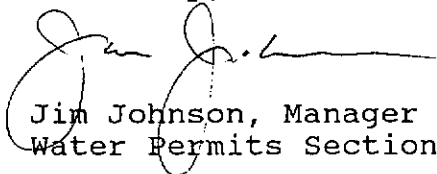
Dear Jim;

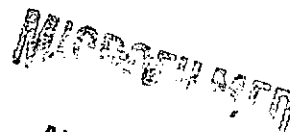
I received your Faxed inquiry of the status of this application. Your summary of events related to this application is accurate, however, you will recall that I requested a copy of the Subdivision plat in my September 12, 1994 letter. Now that I have received the application from Southern Region I find the map submitted with the application only shows, in detail, the area adjacent to the well location.

The reason I need the plat is to determine if we can agree that irrigation of each lot falls within the provisions of 42-111, Idaho Code.

I will defer any further review until I receive the Subdivision Plat.

Sincerely,


Jim Johnson, Manager
Water Permits Section


AUG 07 1996

AJ5809NP

No. A37-12027

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/09/94

PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	STARWEATHER SUBD. PROPERTY OWNERS ASSOC. P.O. BOX 297 KETCHUM ID 83340 (208) 726-5657	10/05/1981	IRRIGATION	04-01 11-01	0.60 CFS	
			DOMESTIC	01-01 12-31	0.36 CFS	
			FIRE PROTECTION	01-01 12-31	3.57 CFS	
TOTAL DIVERSION:					3.57 CFS	
CONSUMPTIVE USE:						75.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T03N R18E S20

NWNWNW

BLAINE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
03N	18E	17	:					:					:		02	05		:					:	7.0
03N	18E	18	:					:					:					:	02			04	:	6.0
03N	18E	19	:	02				:					:					:					:	2.0
03N	18E	20	:					:	01	06	05	03	:					:					:	15.0
																						TOTAL ACRES		30.0

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
03N	18E	17	:					:					:		D	D		:					:	
03N	18E	18	:					:					:					:	D			D	:	
03N	18E	19	:	D				:					:					:					:	
03N	18E	20	:					:	D	D	D	D	:					:					:	

Place of use Legal Description for: FIRE PROTECTION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
03N	18E	17	:					:					:		F	F		:					:	
03N	18E	18	:					:					:					:	F			F	:	
03N	18E	19	:	F				:					:					:					:	
03N	18E	20	:					:	F	F	F	F	:					:					:	

POU County: BLAINE

Non-Irrigation Uses: D/ 60 LOTS(HOUSES) FIRE PROTECTION & COMMUNITY WATER.

Other Rights: A37-12029

AJ5809NP
No. A37-12027

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/09/94
PAGE: 2

Other Water Rights with Same Point(s) of Diversion and Source:
A37-12029 A37-12282 A37-12504 R37-12282 R37-12504

Other Water Rights Listing Overlapping Place(s) of use:
A37-00153 A37-00153A A37-00154 A37-00159A A37-00159B A37-00496A A37-00496B A37-00497A A37-00497B A37-02632
A37-12029 A37-14257 R37-00497A

Remarks: PROPERTY OWNED BY HOMEOWNERS, COMMUNITY WELL SYSTEM OWNED BY
HOMEOWNER'S ASSOCIATION.
APPLICATION FOR PERMIT HAS BEEN FILED.

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 10/25/88 CLELLAND

HOGUE, SPECK & AANESTAD
A PROFESSIONAL ASSOCIATION OF
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
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(208) 788-3567
FAX (208) 788-4230

October 29, 1994

VIA FACSIMILE - 1-208-327-7866

Mr. Jim Johnson
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Re: Starweather Property Owners Association - Application for Permit No. 37-08439

Dear Jim:

What is the status of this Application? When we last spoke on September 15, 1994, you were in the process of obtaining the file from the Twin Falls office. This Application is for a central water system which has been in place and use since 1981! Unfortunately, the proper permit was not obtained by the original developer. The Association is naturally concerned that this error now be corrected through approval of the Application which was filed in 1988. Please let me know as soon as possible if you need anything further from me before proceeding with approval.

Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD



James P. Speck

JPS/j
cc: client

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AUG 07 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 12, 1994

HOGUE, SPECK & AANESTAD
120 East Avenue
P O Box 987
Ketchum, Idaho 83340
Atten: James P. Speck

Re: Application for Permit No. 37-08439

Dear Jim;

I am in receipt of your September 6, 1994 letter to Norm Young in reference to status of the above application.

Since the original application file is still located in our Twin Falls office, I have not been able to make a complete review of the file by looking only at the computer record. I am requesting that the file be forwarded to the State Office for my review.

In the meanwhile, I need to request that you send me a copy of the Subdivision Plat that is on file with the county. I may need additional information, such as, is and when the subdivision was fully developed.

Once I can review the file I will know what action we can take.

If you have any questions please let me know.

Sincerely,

Jim Johnson, Manager
Water Permits Section

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AUG 07 1996

HOGUE, SPECK & AANESTAD
A PROFESSIONAL ASSOCIATION OF
ATTORNEYS

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

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(208) 788-3567
FAX (208) 788-4230

September 6, 1994

VIA FACSIMILE - 1-208-327-7866

Mr. Norman C. Young
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Re: Application for Permit No. 37-08439
Starweather Subdivision Property Owners Association

Dear Norm:

I represent the Starweather Subdivision Property Owners Association whose members are the owners of the 60 lots in the Starweather Subdivision in Blaine County, Idaho (the "Association"). In 1988, while preparing to file claims for water rights in the SRBA, the Association discovered it did not have a water right for its central water system which was completed and put into use in 1981! Brian Ballard, then attorney for the Association, prepared and filed Application for Permit No. 37-08439 (the "Application") to obtain the proper water right. The Application was advertised in July, 1989, and not protested. However, processing was never completed due to the "trust water" holdup, Big Wood River Ground Water Management Area (the "BWRGWMA") restrictions and, finally, the Snake River Basin moratorium.

The Application seeks to divert ground water for domestic use in 60 households, the irrigation of 30 acres, and fire protection. The domestic and fire protection uses are "non-consumptive" and, therefore, not subject to the mitigation requirements of the BWRGWMA. Since the total irrigated area equals 1/2 acre per lot or residence, shouldn't the entire Application fall outside the restrictions of the BWRGWMA? Furthermore, I understand that any application which may be processed within the restrictions of the BWRGWMA is not subject to the Snake River Basin moratorium.

The Association is understandably concerned about perfecting a water right to its central water system. It accepts the fact it cannot get a priority date back to the time of construction and commencement of use. However, it seems appropriate to now complete the processing of the Application and issue the permit so the Association can file its proof of beneficial use and finalize the licensing of the

AUG 07 1996

Mr. Norman C. Young
September 6, 1994
Page 2

water right. Please call me as soon as possible about this matter. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD

A handwritten signature in black ink, appearing to read "JPS", is written over the typed name.

James P. Speck

JPS/j

cc: Mr. Ken Oring
Mr. Andrew Parnes

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AUG 07 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 21, 1992

RE: Water Right No.

Certified Mail No.

Dear Water Right Holder(s):

In response to record low streamflows and declining groundwater levels resulting from drought conditions, the Director of the Department of Water Resources has declared a moratorium on approval on certain pending and future applications to appropriate water in the Snake River Basin. The moratorium applies to both surface water and groundwater appropriations.

Department records show that you filed an application to appropriate water for irrigation which has not been approved by the Department. Unless you can demonstrate that your proposal qualifies for a narrow exemption to the moratorium, the department will hold your application, and will not process it until the moratorium is lifted.

An application for groundwater to supplement a normally sufficient surface water irrigation supply is exempt from the moratorium. If you can demonstrate that you normally receive an adequate supply of irrigation water from a surface water source, and that you will continue to fully use the surface water, when available, the Department will continue processing your application. If there are other impediments to approval such as a protest or necessary consent from other agencies, the other obstacle to approval must also be removed independent of the moratorium.

The enclosed form requests information which will determine whether your proposed use will qualify for the supplemental irrigation exemption. IF YOU FEEL YOUR PROPOSED USE QUALIFIES AS AN EXEMPT USE, YOU MUST COMPLETE THE FORM AND RETURN IT TO THIS OFFICE. If the form is not completed and returned, your application will be held without action. If you return the form but the use does not qualify, the Department will notify you that the application will be held without further processing.

AUG 07 1996

Certain domestic and non-consumptive uses are also exempt from the moratorium. If your application proposes one of these uses in addition to irrigation, the department will resolve the exemption issue by reviewing the file.

The Department has scheduled public meetings on May 29, 1992 where the details of the moratorium can be discussed. Below is a list of time and locations.

Boise, Idaho May 29, 1992 10:00 am
Boise City Hall
150 North Capital Boulevard
Les Bois Room - 3rd floor

Idaho Falls, Idaho May 29, 1992 10:00 am
Bonneville County Courthouse
605 North Capital
Centennial Court Room

Twin Falls, Idaho May 29, 1992 10:00 am
College of Southern Idaho
315 Falls Avenue
Shields Building - Room 115

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS:cz

RECEIVED

AUG 07 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

KEITH HIGGINSON
DIRECTOR

October 22, 1991

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OCT 24 1991

FCS
Kenneth R. Arment
Attorney at Law
P.O. 448
Boise, ID 83701-0448

Department of Water Resources
Southern Region Office

RE: Application for Permit No. 37-8689 in the Name of Flying
Heart Ranch II Subdivision and Application for Permit No.
37-8439 in the Star Weather Subdivision

Dear Ken:

This letter acknowledges receipt of your response regarding
the two above listed applications for permit. I recognize that a
hydrologic evaluation may take some time.

Our rules and regulations allow for a deferment of
processing of up to one year. This letter grants an additional
ninety (90) days deferment prior to commencement of processing.
Further extensions of the deferment may be requested.

Respectfully,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

37-8439

RECEIVED

AUG 07 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

28-Aug-1991

Starweather Subdivision Property Owners
c/o Brian Ballard, Atty.
P.O. Box 297
Ketchum, ID 83340

Re: Application number 37-8439

Dear Applicant:

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

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

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

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

37-8439

APPROVED

AUG 07 1996

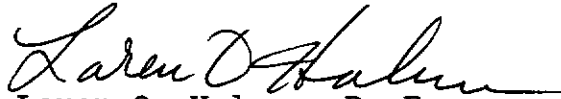
Page 2

28-Aug-1991

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

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

Sincerely,



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

RECEIVED
AUG 07 1996

319 WALNUT AVENUE
POST OFFICE BOX 297
KETCHUM, IDAHO 83340

LAWSON & PEEBLES
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

TELEPHONE
(208) 726-5657
FACSIMILE
(208) 726-9743

November 8, 1989

RECEIVED

Department of Water Resources
2148 4th Avenue East
Twin Falls, Idaho 83301

NOV 9 1989

Re: Application for Permit No. 37-08429
Starweather Subdivision Property
Owners Association, Inc.

Department of Water Resources
Southern Region Office

Gentlemen:

Please be advised that the names and addresses of the above-referenced corporation's directors and officers are as follows:

Bob Brennan
1411 Marsh Street
Suite 207
San Luis Obispo, CA 93401

Director/President

Jim Chase
P. O. Box 2061
Hailey, ID 83333

Director/Vice-President

Doug Woodcock
P. O. Box 5117
Ketchum, ID 83340

Director/Secretary/Treasurer

Very truly yours,

LAWSON & PEEBLES

Brian L. Ballard

AUG 07 1996

Form No. 202a
87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY LM DATE 11/23/88 APPLICATION NUMBER 37-08439

REQUIRED INFORMATION

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

ADDITIONAL INFORMATION

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

REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

List of Corporate Directors -

Date Requested 2/8/89

☒ Yes
☐ Yes
☒ Yes

☐ No
☒ No
☐ No

Statewide advertising

Fee amount, receipt date & No. recorded on application

None

☐ Idaho Dept. of Fish & Game, *Regina*

☐ Idaho Dept. of Lands

☐ Adjudication Bureau Unit

☐ U.S. BLM, District

☐ U.S. Forest Service, Forest☐ Water District #☐ Other

☒ Yes ☐ No Affidavit of publication received

☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application

☐ Yes ☒ No Protests received

Final date for protest 7/24/88

☐ Yes ☒ No Protests, dates, resolution of protest, recorded on application

☐ Yes ☒ No Recommendations attached

☐ Yes ☒ No Measuring device required

☒ Yes ☐ No Access port required

☐ Yes ☒ No Will water be delivered by watermaster? If yes, what Dist.

☒ Yes ☐ No Special conditions of approval or cover letter below.

01 G

☐ See below for additional information

Date of priority recommended 10/25/88

By _____ Date _____

☐ See below for additional information

By _____ Date _____

ADDITIONAL INFORMATION

24-Aug-1989

Starweather Subd. Prop.
Owners' Assn. Inc.
c/o Brian Ballard, Esquire
P.O. Box 297
Ketchum, ID 83340

Re: Application for permit No. 37-08439

SECOND REQUEST

Dear Mr. Ballard:

In order to complete our regional review, we need a list of officers as requested in our correspondence dated 6/14/89.

Department Rules and Regulations state the following:

1) If the Application is filed in the name of a corporation, the names and addresses of its directors and officers shall be provided. If the application is filed by or in behalf of a partnership or joint venture, the application shall provide the names and addresses of all partners and shall designate the managing partner, if any. (Rule 3,3,2,1)

We will continue to hold the application until the requested information is received.

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

Very truly yours,

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

LH:MB

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AUG 07 1986

DATE 6/28/89

FROM Mary Baldwin, Sec/Office Coordinator

TO File

SUBJECT Change of publication date

Verified by telephone this date that the Wood River Journal will be publishing on 7/3/89 as the first publishing date of July due to the holiday, instead of the 5th as their normal schedules requires.

Mary Baldwin
SIGNATURE

AUG 07 1996

14-Jun-1989

Starweather Subd. Prop.
Owners' Assn. Inc.
c/o Brian Ballard, Esquire
P.O. Box 297
Ketchum, ID 83340

Re: Application for Permit No. 37-08439

Dear Mr. Ballard:

Correspondence from our Department dated 2/8/89 stated that the above referenced application for permit qualified for the "trust water" status. Additional analysis revealed this to be untrue due to the number of irrigated acres within each lot of the subdivision.

Therefore, this office will be advertising the application in the Wood River Journal on 7/5 & 7/12/89. 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 see attached list for additional information requirement.

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

Very truly yours,

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

LH:MB

Enc.

RECEIVED

AUG 07 1986

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

JUNE 14, 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 JULY 24, 1989.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

RECEIVED
JUN 14 1989

AUG 07 1996

37-08439

Starweather Subd. Prop. Owners Assn. Inc..
C/O BRIAN BALLARD, ATTY.
P.O. BOX 297
KETCHUM, ID 83340

Source: GROUNDWATER

Diversion Pt: NWNWNW Sec 20 T 03N R 18E

Use: DOMESTIC	(.360 CFS)
IRRIGATION	(.600 CFS)
FIRE PROTECTION	(3.570 CFS)

Date Filed: 10/25/1988

In: T03N R18E S17	NWSW	SWSW		
S18	NESE	SESE		
S19	NENE			
S20	NENW	NWNW	SWNW	SENW

30.0 ACRES TOTAL

RECEIVED

AUG 07 1996

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

37-08428

FLYING HEART
RANCH II SUBD.
P.O. BOX 2183
HAILEY, ID 83333
Source: GROUNDWATER
Diversion Pt: SWNENE Sec 5 T
02N R 18E
Use: DOMESTIC (.190 CFS)
IRRIGATION (.400 CFS)
FIRE PROTECTION (1.180 CFS)
Date Filed: 10/20/1988
In: T02N R18E S04 SWNW; S05
NENE NWNE SENE
20.0 ACRES TOTAL

37-08439

STARWEATHER SUBD.
PROP. OWNERS ASSN. INC.
C/O BRIAN BALLARD, ATTY.
P.O. BOX 297
KETCHUM, ID 83340
Source: GROUNDWATER
Diversion Pt: NWNWNW Sec 20 T
03N R 18E
Use: DOMESTIC (.380 CFS)
IRRIGATION (.600 CFS)
FIRE PROTECTION (3.570 CFS)
Date Filed: 10/25/1988
In: T03N, R18E S17 NWSW
SWSW; S18 NESE SESE; S19
NENE; S20 NENW NWNW
SWNW SENW
30.0 ACRES TOTAL

37-08508

BUTTRAM, KENNETH
THORNTON, ROD
P.O. BOX 487
HAILEY, ID 83333
Source: GROUNDWATER
Diversion Pt: SESESW Sec 33 T
03N R 18E
Use: DOMESTIC (.080 CFS)
IRRIGATION (.150 CFS)
Date Filed: 5/22/1989
In: T02N R18E S04 NWNE NENW
T03N R18E S33 SESE SWSE
5.01 ACRES TOTAL

37-08509

HANWRIGHT, JOSEPH C.
HANWRIGHT, PATRICIA L.
P.O. BOX 478
KETCHUM, ID 83340
Source: GROUNDWATER
Diversion Pt: NWNW Sec 9 T 02N
R 18E
Use: DOMESTIC (.10 CFS)
IRRIGATION (.12 CFS)
Date Filed: 5/02/1989
In: T02N R18E S09 NWNW
4.0 ACRES TOTAL

37-08521

GIRTON, RALPH
C/O JAMES P. SPECK, ESQ.
P.O. BOX 987
KETCHUM, ID 83340
Source: GROUNDWATER
Diversion Pt: NENESE Sec 35 T
02N R 18E
Use: DOMESTIC (.040 CFS)
IRRIGATION (.090 CFS)
Date Filed: 6/02/1989
In: T02N R18E S35 NESE
3.0 ACRES TOTAL

37-08522

HANSON, RONDELL B.
HANSON, JOYCE P.
C/O JAMES P. SPECK
P.O. BOX 987
KETCHUM, ID 83340
Source: GROUNDWATER
Diversion Pt: SWSWNE Sec 35 T
02N R 18E
Use: DOMESTIC (.060 CFS)
IRRIGATION (.090 CFS)
Date Filed: 6/02/1989
In: T02N R18E S35 SWNE
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 JULY 24, 1989.

R. Keith Higginson, Director
Publisher: Wood River Journal—July
3 & 12, 1989.

AUG 07 1996

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-3A, 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 JULY 24, 1989.

3

R. Keith Higginson, Director

Published 7/05/1989 & 7/12/1989

RECEIVED

AUG 07 1986

NOTICE OF APPLICATION FOR WATER RIGHT

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

RECORDED

AUG 07 1936

S. Region
5/89

Application No. 37-08439

ADDITIONAL INFORMATION REQUIREMENTS
FOR APPLICATIONS IN THE NAME OF A CORPORATION,
COMPANY, OR PARTNERSHIP

In reviewing the application for compliance with the requirements of the Department's Rules and Regulations for Water Appropriations, we have determined that the following information is required to make the Application complete for processing.

- 1) If the Application is filed in the name of a corporation, the names and addresses of its directors and officers shall be provided. If the application is filed by or in behalf of a partnership or joint venture, the application shall provide the names and addresses of all partners and shall designate the managing partner, if any. (Rule 3,3,2,1)

Because the required information does not appear in the legal notice, we are proceeding with advertising of your Application. If the required information is received within ten days of the second publication date, no additional delay should be incurred in processing.

RECEIVED
AUG 07 1983

February 8, 1989

Starweather Subd. Prop.
Owners Assoc., Inc.
c/o P.O. Box 297
Ketchum, ID 83340

Re: Application for permit No. 37-08439

Dear Applicant (s):

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

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

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

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

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

Very truly yours,

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

LH:MB

RECEIVED
FEB 10 1989

AUG 07 1996