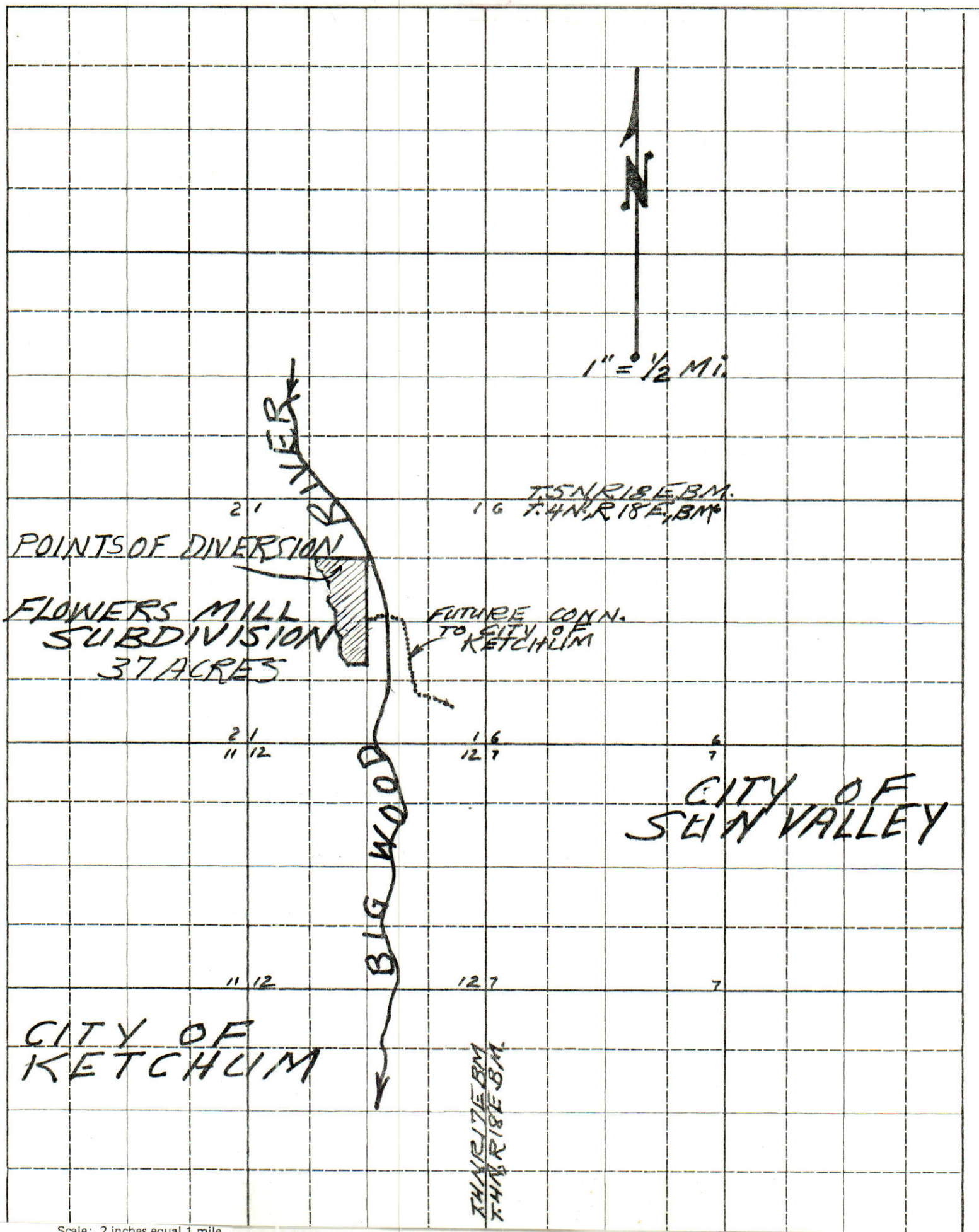


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

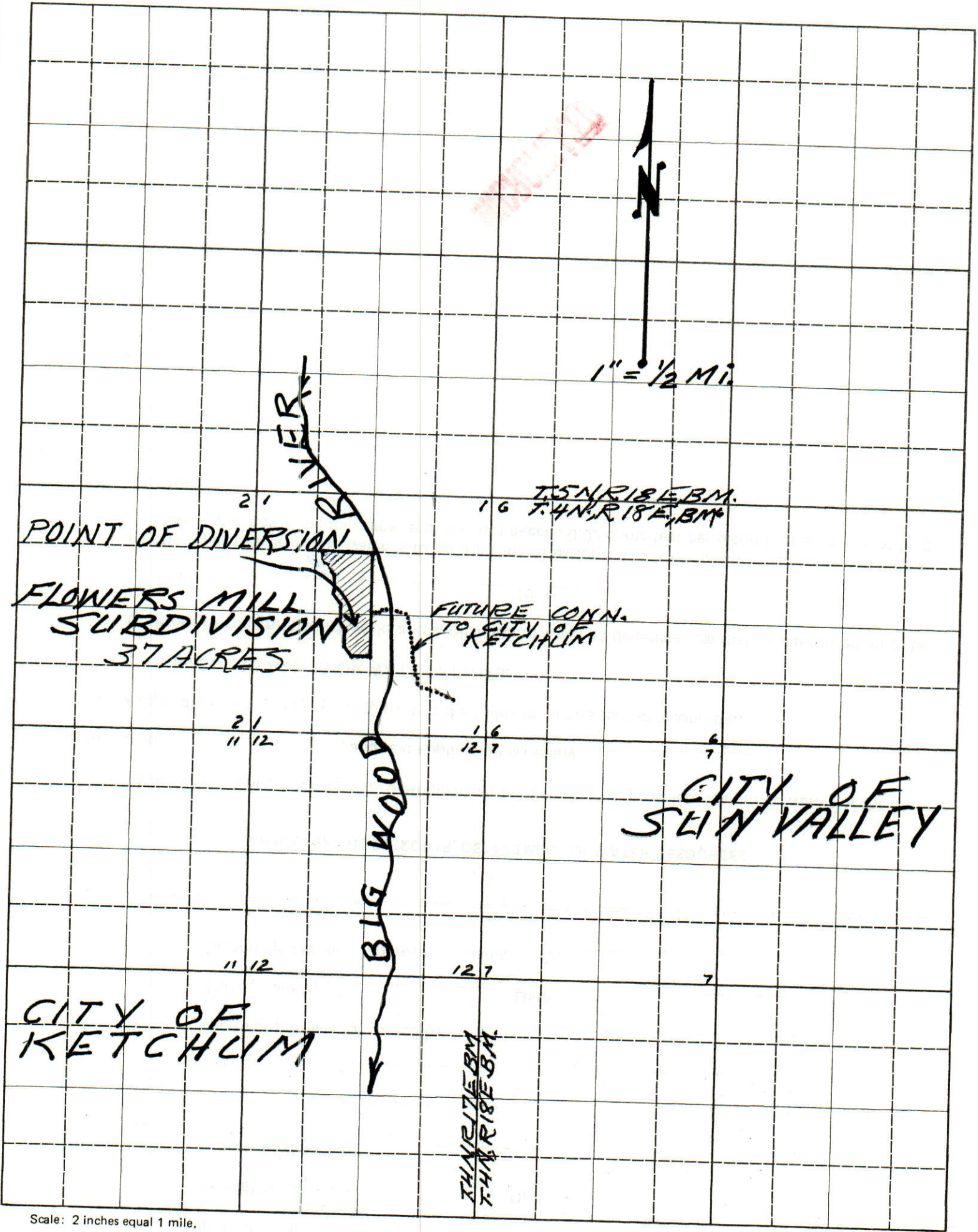
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Jeffrey Lee (pres. of W. W. W. Corp.)
(Applicant)

RECEIVED

6060000

11. 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.

RECEIVED

Sraig Hansen
(Applicant)

**Permit amendment
filed by Winn Mngmt.**

**NOTICE OF AMENDMENT
TO A WATER PERMIT
NO. 37-8203**

Notice is hereby given that WINN MANAGEMENT CORPORATION is the holder of approved permit No. 37-8203 authorizing the diversion of approximately 2.11 cubic feet per second of water from groundwater in the County of Blaine, to be used for irrigation, domestic and fire protection (on 37 acres) within NESW, SENW, Sec. 1, T4N, R17E, B.M.

The permit holder has applied to the Department of Water Resources for an Amendment to the permit to change the point(s) of diversion (and place of use) as follows:

Point(s) of Diversion: SENW, Sec. 1, T4N, R17E, B.M.
Place of Use: SENW, NESW, Sec. 1, T4N, R17E, B.M., to be used for irrigation of 30 acres, domestic and fire protection.

Any protest against approval of the amending of Permit No. 37-8203 as set forth above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301, on or before September 8, 1986.

A. KENNETH DUNN
Director
Journal-

Publish: Wood River
August 21 & 28, 1986.

**Water right app.
filed by Winn Corp.**

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following application has been filed to appropriate the public waters of the State of Idaho:

37-8203

WINN MANAGEMENT CORP.

P.O. Box 4028

Ketchum, Idaho 83340

Source: Groundwater

Diversion Pt: Two diversion points within SENW, Sec. 1, T4N, R17E, B.M., Blaine County; 2 miles N & 3/4 miles W of Ketchum, ID.

Use: DOMESTIC (0.15 CFS)

IRRIGATION (0.46 CFS)

FIRE

PROTECTION (1.5 CFS)

Date Filed: 02/05/85

In: SENW, NESW Sec. 1, T4N, R17E, B.M., to be used for irrigation of 30 acres, domestic and fire protection.

The permit will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 1041 Blue Lakes Blvd. N., Twin Falls, Idaho 83301, on or before OCTOBER 20, 1986.

KEN DUNN, Dir.

Publish: Wood River Journal-October 2 & 9, 1986.

R17E K18E

FLOWER'S MILL
SUBDIVISION



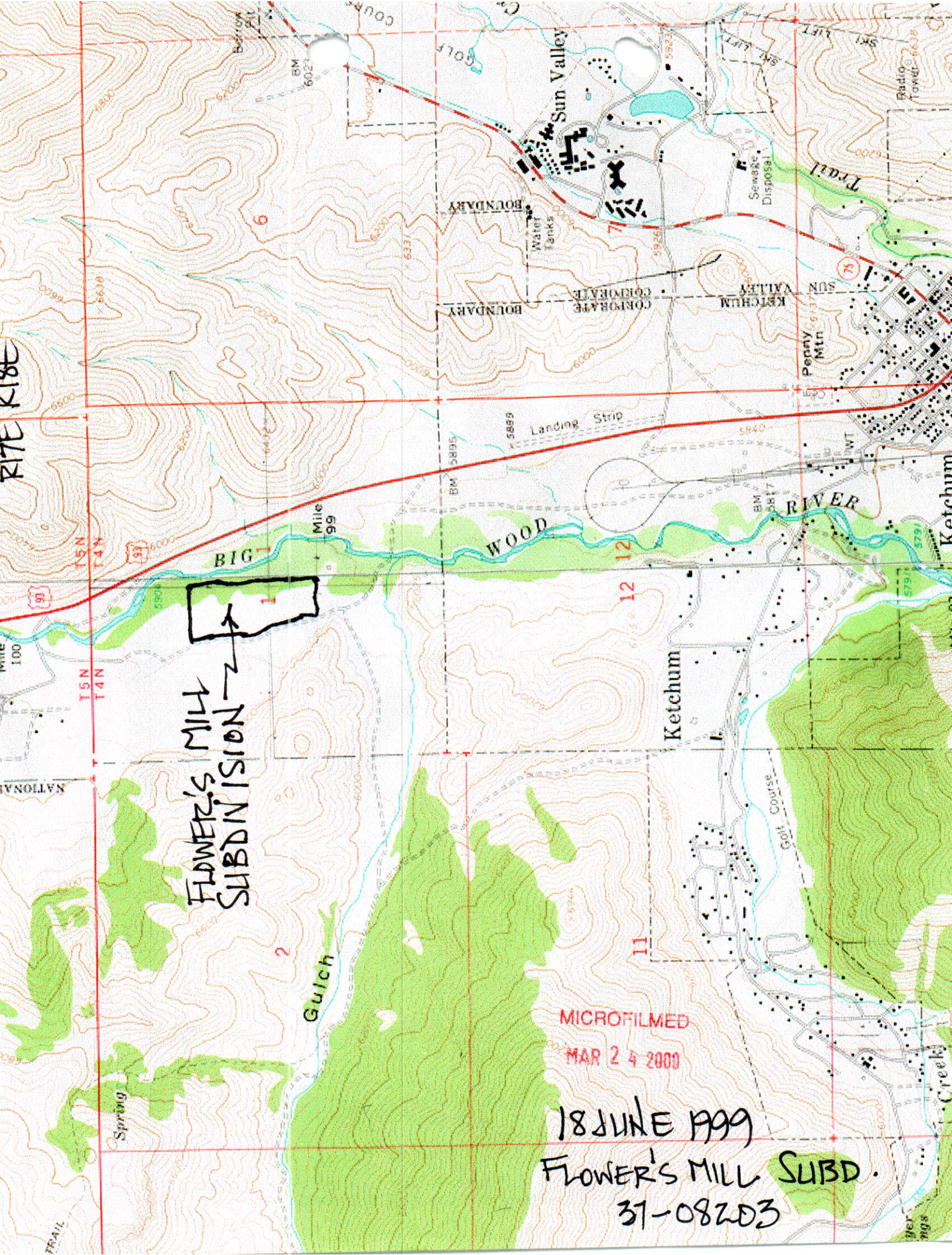
2

Gulch

WOOD RIVER

MICROFILMED
MAR 24 2000

18 JUNE 1999
FLOWER'S MILL SUBD.
31-08203



U-1 6-7-97

6000

UAP BIG WOOD RIVER

9-5

N 24

Lot 1 11.5 acres
Lot 2 2.8 acres
Lot 3 3.3 acres
Lot 4 3.5 acres

Lot 5 3.8 acres
Lot 6-8 12.3 acres
Lot 9 2.8 acres
Lot 10 1.7 acres

Total Acres 31.7

Lot 9

Lots 6-8

Lot 10

Lot 5

Lot 4

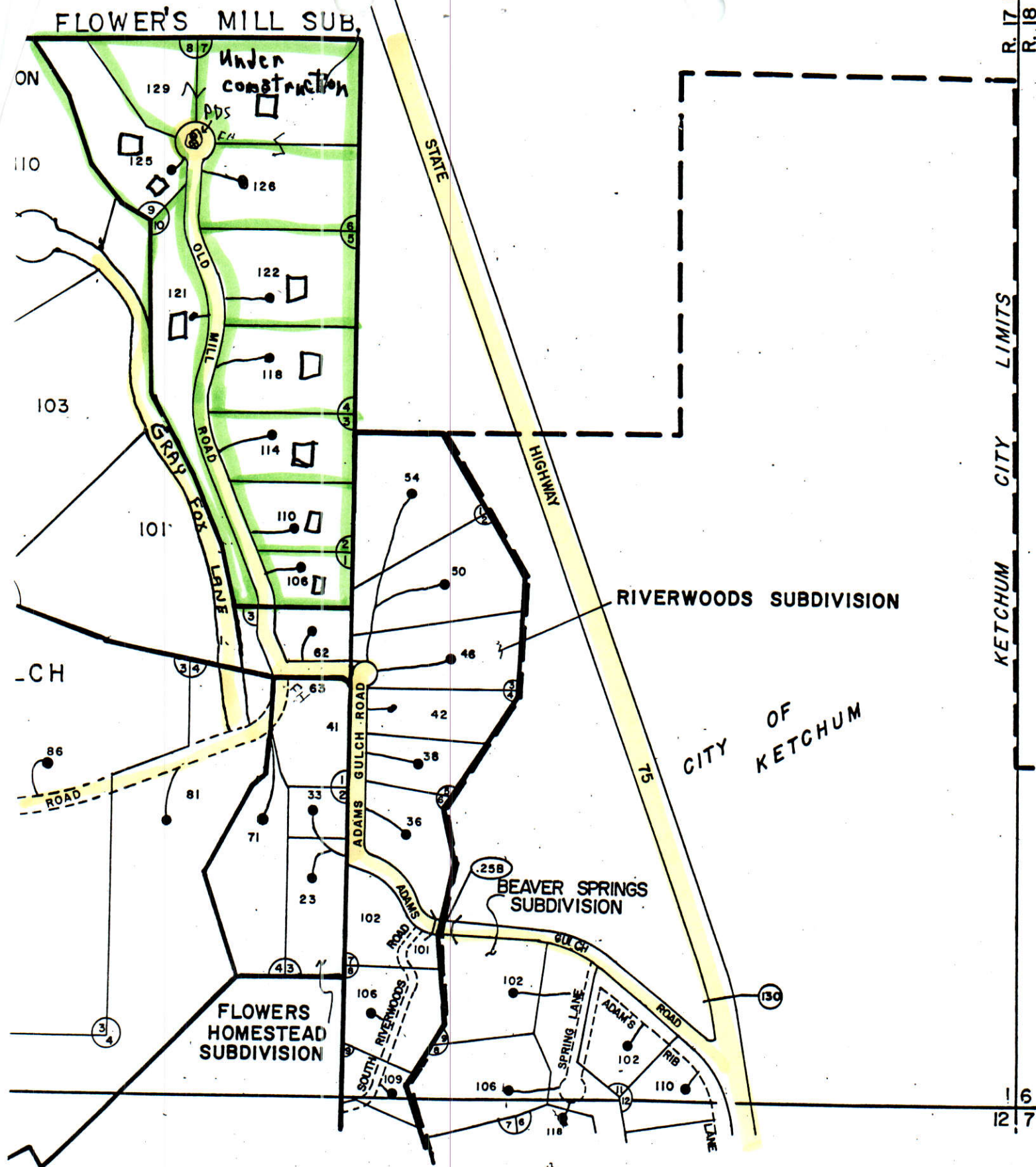
Lot 3

Lot 2

Lot 1

ADAM'S GULCH
BRIDGE OVER
BIG WOOD RIVER

ST HWY 75



SEC. 1, T. 4 N., R. 17 E.

MICROFILMED
MAR 27 1996
MAR 24 2000

T4NR17E Sec. 1



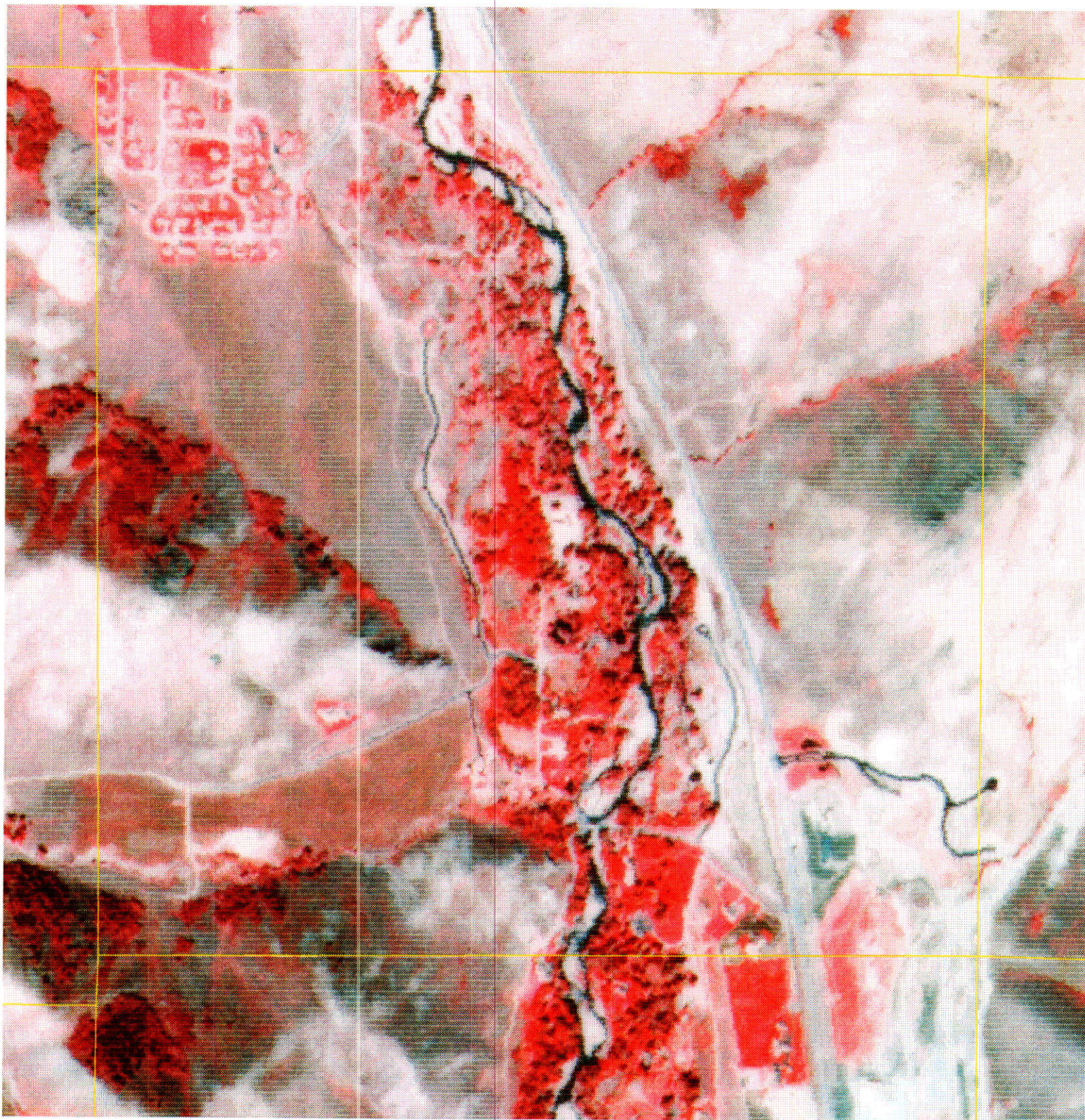
1987 NAPP

MICROFILMED
MAR 24 2000

copy



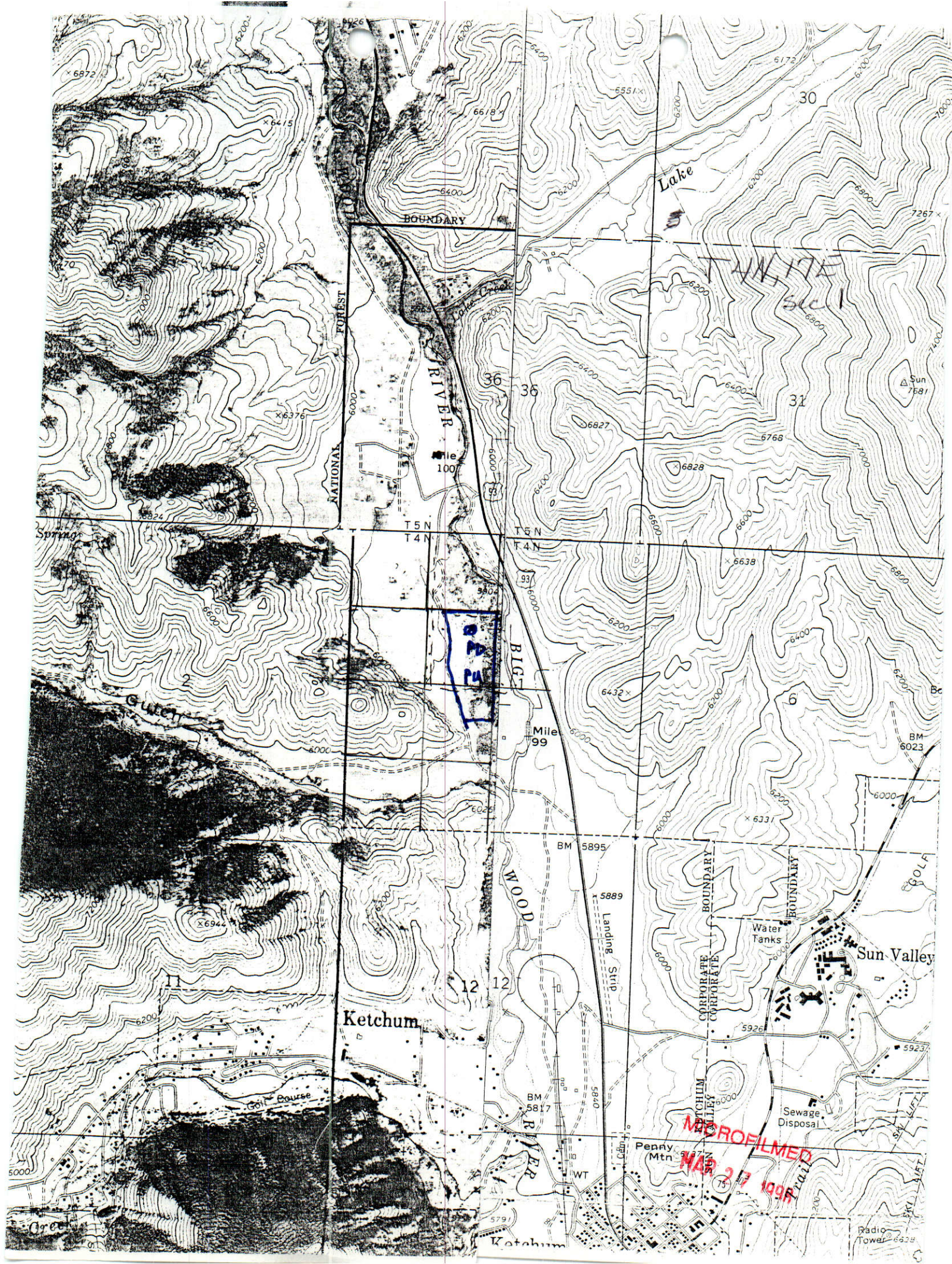
T4NR17E Sec. 1



1987 NAPP

MICROFILMED
MAR 24 2000

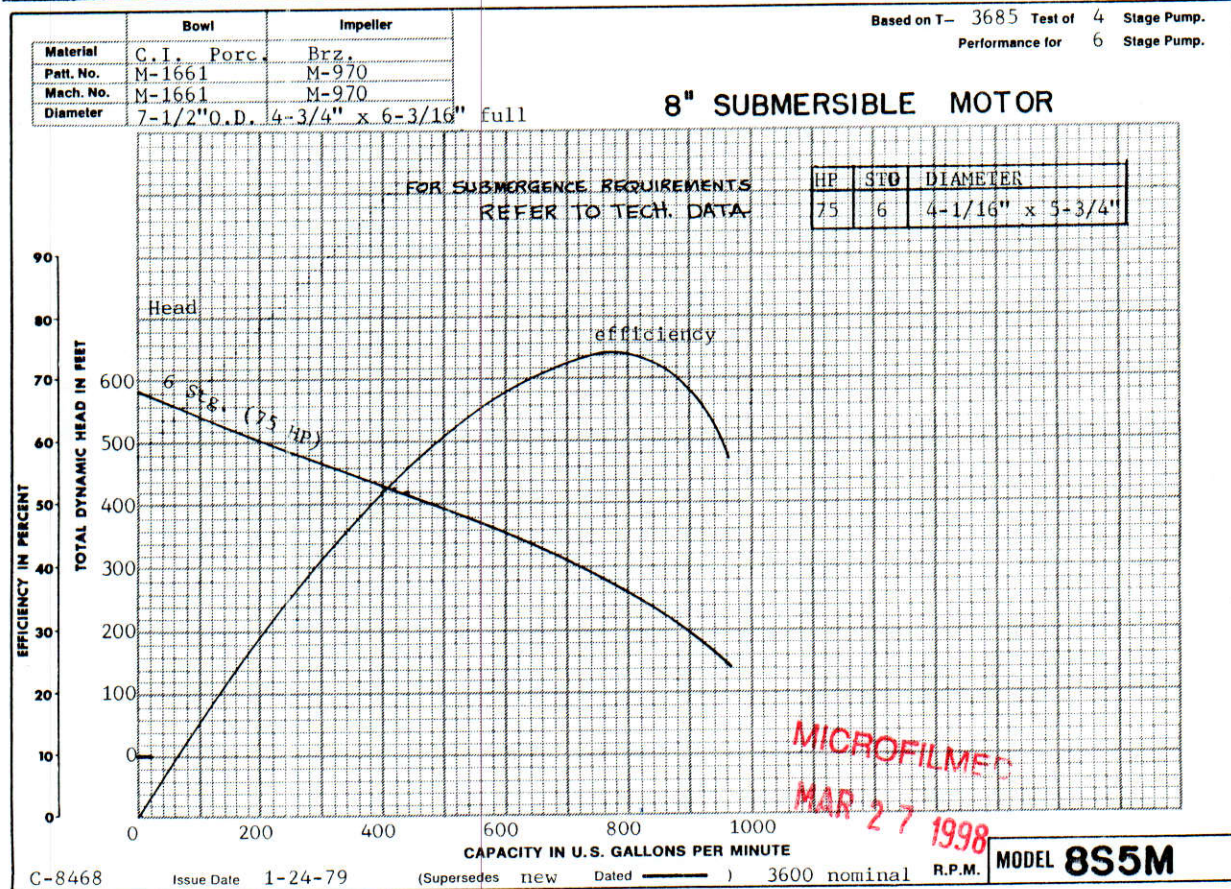
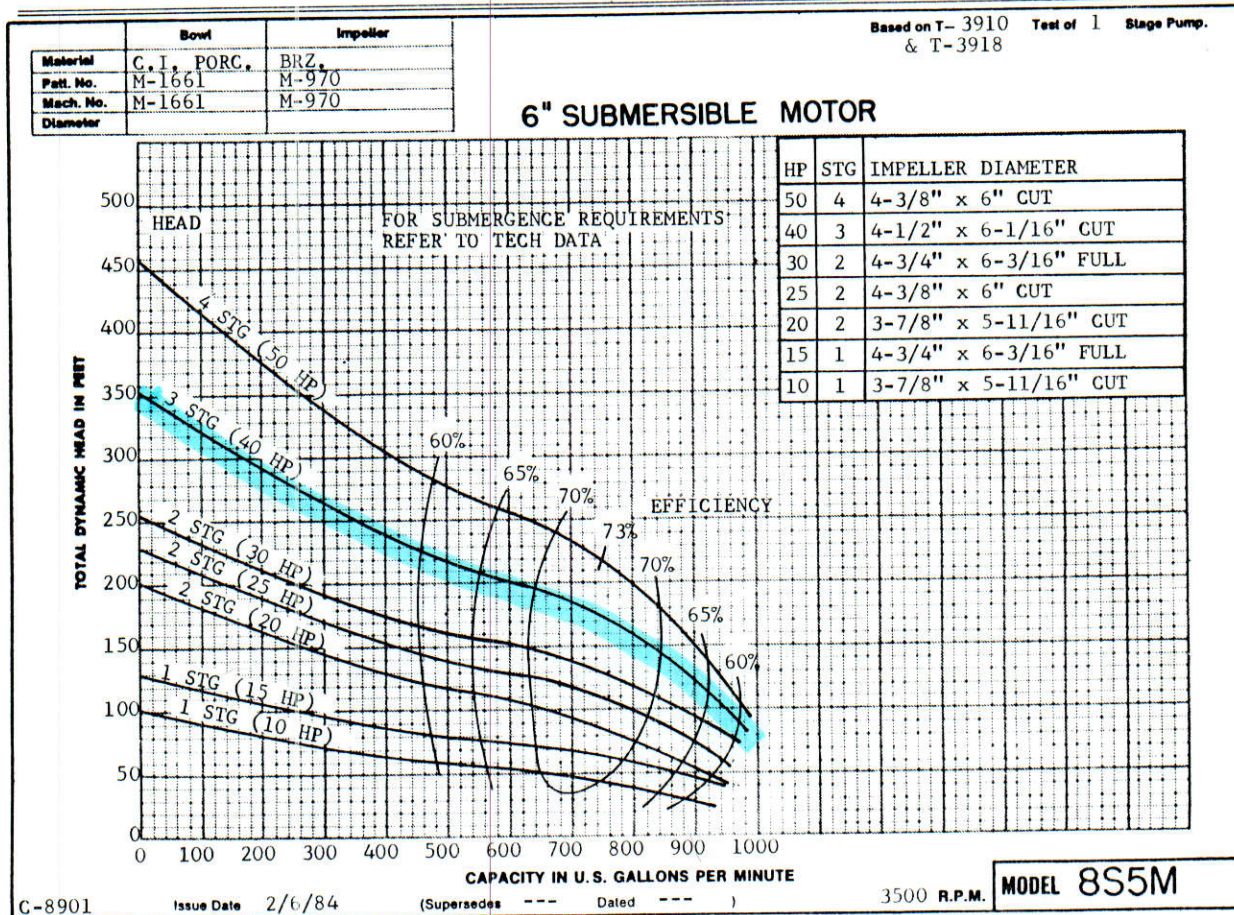






BERKELEY PUMP COMPANY
SUBMERSIBLE TURBINE PUMPS
8" AND 10" BOWLS
PERFORMANCE CURVES

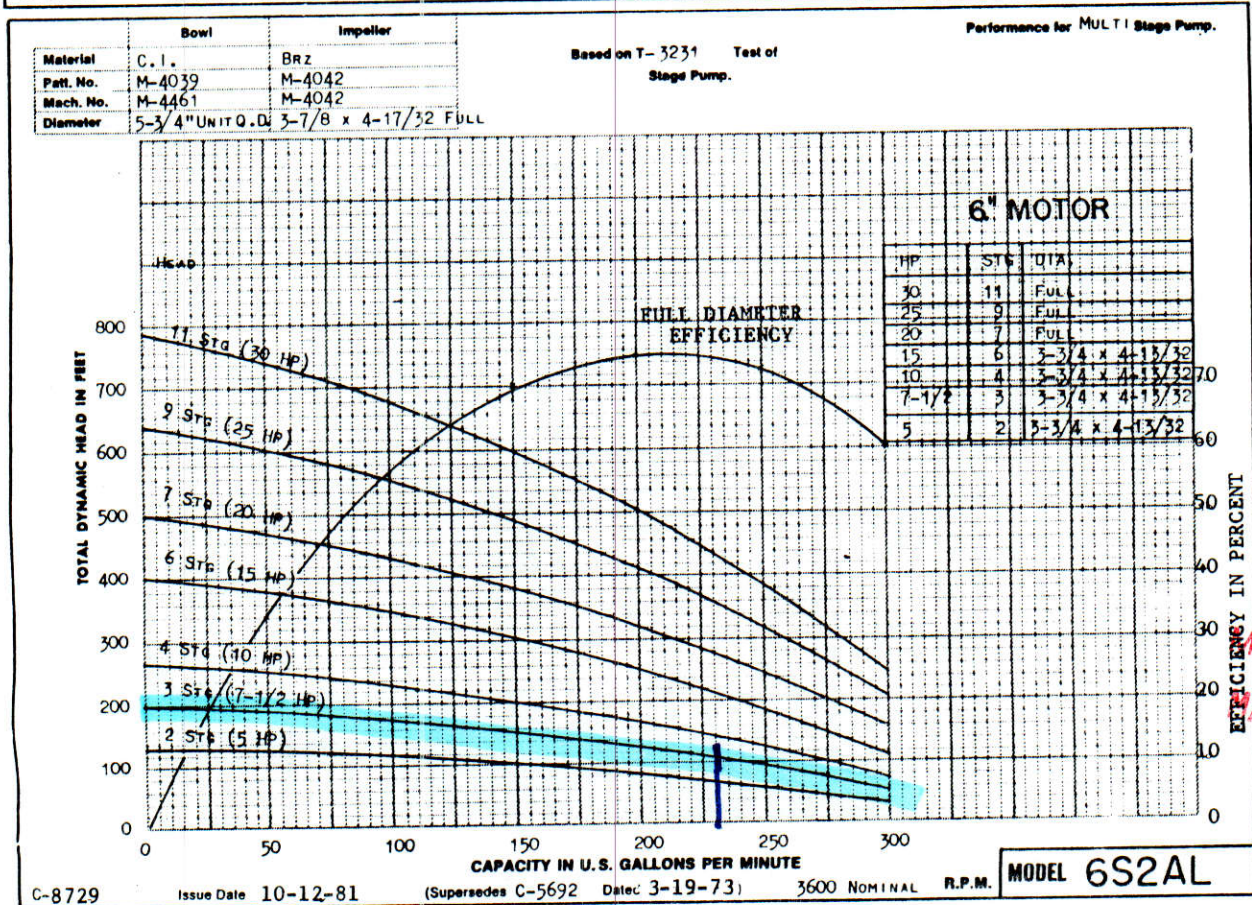
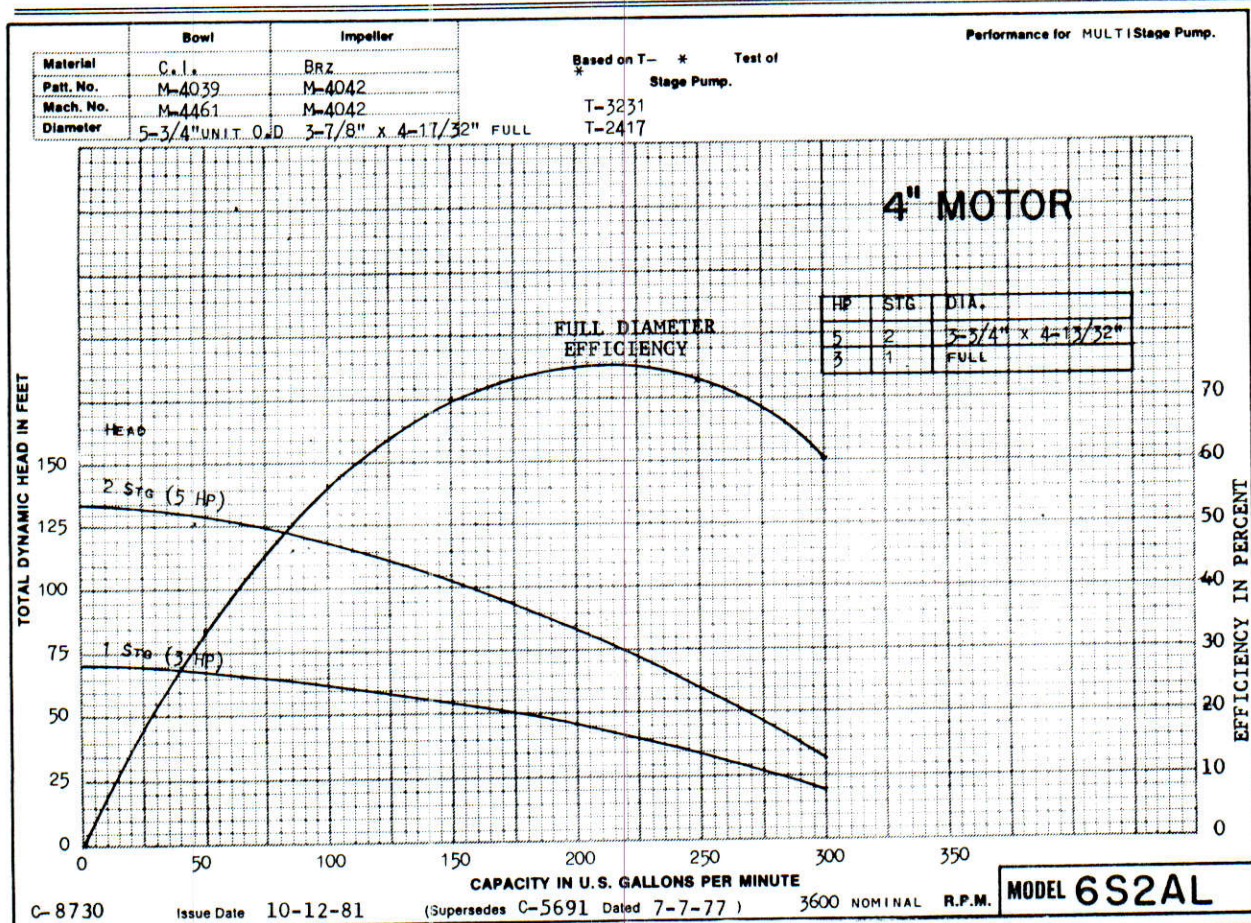
CURVE	2500
DATE	3-1-84
PAGE	8.01
SUPERSEDES	
All Previously Issued	
2800 Curves	





BERKELEY PUMP COMPANY
SUBMERSIBLE TURBINE PUMPS
6" AND 7" BOWLS
PERFORMANCE CURVES

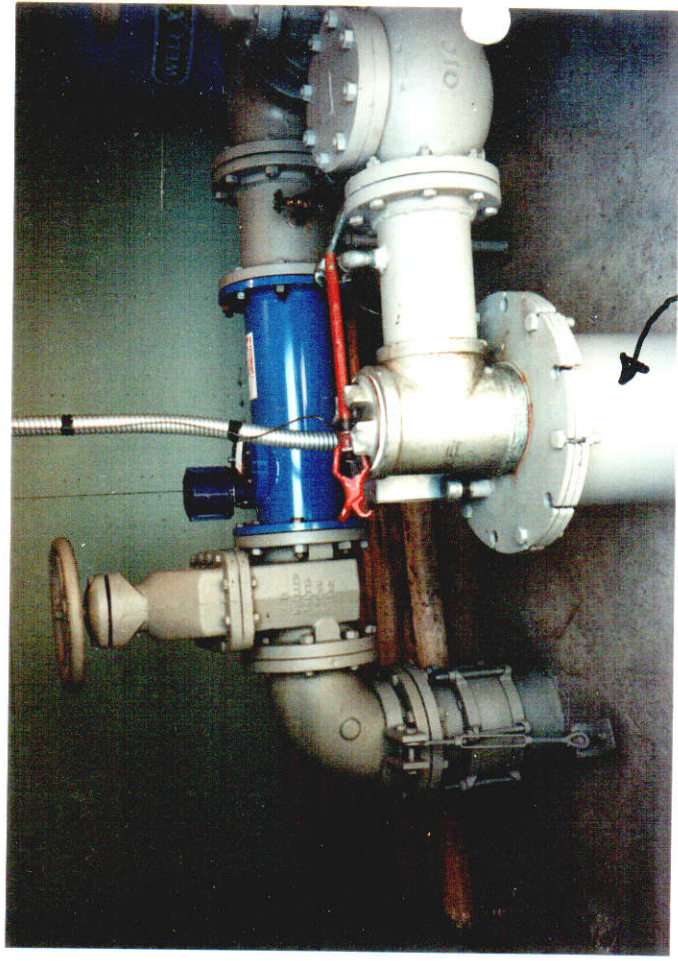
CURVE	2500
DATE	1-15-82
PAGE	1.62
SUPERSEDES	
Curve 2500 Page 1.62	
Dated 6-5-78	



MICROFILMED
 MAR 27 1998



Pressure Tanks in Well house



well's with meter 12"



Well House



Fire Hydrant across from Well house



Some of the
A/U



MICROFILMED
MAR 27 1998

37-8203 10-9-96
JES

**FEDERAL
EXPRESS®**USE THIS AIR
WAYBILL FOR
QUESTIONS? U.S.DOMESTIC SHIPMENTS WITHIN THE CONTINENTAL U.S.A., ALASKA AND HAWAII.
AIR WAYBILL FOR SHIPMENTS TO PUERTO RICO.
1-238-5355 TOLL FREE.**AIRBILL****PACKAGE
TRACKING NUMBER**

9573090520

823 9573090520

Date

11/28/88

From (Your Name) Please Print

Your Phone Number (Very Important)

(717) 784 2970

To (Recipient's Name) Please Print

Recipient's Phone Number (Very Important)

(208) 384-740

Company

Department/Floor No.

Company

Department/Floor No.

TELESCO, STEPHANIE

Dept of Water Resources State of Idaho

Street Address

Exact Street Address (We Cannot Deliver to P.O. Boxes or P.O. Zip Codes.)

714 E 3RD ST BOX 751

1301 N Orchard St. Silverdale

City

State

ZIP Required

BLOOMSBURG PA

17815

City

State

ZIP Required

Boise ID

83720

YOUR BILLING REFERENCE INFORMATION (FIRST 24 CHARACTERS WILL APPEAR ON INVOICE.)**IF HOLD FOR PICK-UP, Print FEDEX Address Here**Street
Address**PAYMENT**☐ Bill Sender☐ Bill Recipient's FedEx Acct. No.☐ Bill 3rd Party FedEx Acct. No.☐ Bill Credit Card☐ Cash

City

State

ZIP Required

SERVICES**DELIVERY AND SPECIAL HANDLING**

PACKAGES

WEIGHT

YOUR DECLARED
VALUEOVER
SIZE

Emp. No.

Date

Federal Express Use

1 ☐ **PRIORITY 1**
Overnight Delivery6 ☒ **OVERNIGHT
LETTER***1 ☐ **HOLD FOR PICK-UP** (Fill in Box H)2 ☒ **DELIVER WEEKDAY**2 ☐ **COURIER-PAK**
OVERNIGHT
ENVELOPE*7 ☐3 ☐ **DELIVER SATURDAY** (Extra charge)3 ☐ **OVERNIGHT
BOX**8 ☐4 ☐ **DAANGEROUS GOODS**
(Extra charge)5 ☐ **CONSTANT SURVEILLANCE SERVICE (CSS)**
(Extra charge) (Release Signature Not Applicable)6 ☐ **DRY ICE** _____ Lbs.4 ☐ **OVERNIGHT
TUBE**9 ☐7 ☐ **OTHER SPECIAL SERVICE** _____8 ☐9 ☐ **SATURDAY PICK-UP**
(Extra charge)5 ☐ **STANDARD**
AIR Delivery
not later than
second business day10 ☐10 ☐11 ☐12 ☐ **HOLIDAY DELIVERY** (If offered)
(Extra charge)Received At
1 ☐ Regular Stop
2 ☐ On-Call Stop
3 ☐ Drop Box 4 ☐ B.S.C. 5 ☐ Station

FEDEX Corp. Employee No.

51667

Date/Time for FEDEX Use

1130 1000

☐ Cash Received☐ Return Shipment☐ Third Party☐ Chg. To Del.☐ Chg. To Hold

Street Address

City

State

Zip

Received By

X

Date/Time Received FedEx Employee Number

Sender authorizes Federal Express to deliver this shipment without obtaining a delivery signature and shall indemnify and hold harmless Federal Express from any claims resulting therefrom.

Release
Signature: _____

Base Charges

Declared Value Charge

Other 1

Other 2

Total Charges

PART #111800
REVISION DATE 7/88
PRINTED IN U.S.A. SRCEP

009

© 1988 F.E.C.

*Declared Value Limit \$100.

MULTIPLE PACKAGE SERVICE

IF YOU ARE MAKING A MPS SHIPMENT, APPLY THE SELF ADHESIVE MPS COPY HERE

DEFINITIONS

On this Airbill, we, our and us refer to Federal Express Corporation, its employees and agents. You and your refer to the sender, its employees and agents.

AGREEMENT TO TERMS

By giving us your package to deliver, you agree to all the terms on this Airbill and in our current Service Guide, which is available on request. If there is a conflict between the current Service Guide and this Airbill, the Service Guide will control. No one is authorized to alter or modify the terms of our Agreement.

RESPONSIBILITY FOR PACKAGING AND COMPLETING AIRBILL

You are responsible for adequately packaging your goods and for properly filling out this Airbill. Omission of the number of packages and weight per package from this Airbill will result in a billing based on our best estimate of the number of packages received from you and an estimated "default" weight per package, as determined and periodically adjusted by us.

AIR TRANSPORTATION TAX INCLUDED

Our basic rate includes a federal tax required by Internal Revenue Code Section 4271 on the air transportation portion of this service.

LIMITATIONS ON OUR LIABILITY AND LIABILITIES NOT ASSUMED

Our liability for loss or damage to your package is limited to your actual damages or \$100, whichever is less, unless you pay for and declare a higher authorized value. We do not provide cargo liability insurance, but you may pay forty cents for each additional \$100 of declared value. If you declare a higher value and pay the additional charge, our liability will be the lesser of your declared value or the actual value of your package.

In any event, we will not be liable for any damages, whether direct, incidental, special or consequential in excess of the declared value of a shipment, whether or not Federal Express had knowledge that such damages might be incurred including, but not limited to, loss of income or profits.

We will not be liable for your acts or omissions, including but not limited to improper or insufficient packing, securing, marking or addressing or for negligent omissions of the recipient or anyone else with an interest in the package. Also, we won't be liable if you or the recipient violates any of the terms of our agreement. We won't be liable for loss of or damage to contents of cash, currency or other prohibited items.

We won't be liable for loss, damage or delay caused by events we cannot control, including but not limited to acts of God, perils of the air, weather conditions, mechanical delays, acts of public enemies, war, strikes, civil commotions, or acts or omissions of public authorities (including customs and quarantine officials) with actual or apparent authority.

DECLARED VALUE LIMITS

The highest declared value we allow for Overnight Letter and Courier Pak Overnight Envelope shipments is \$100. For other Priority-1 and Standard SurePost shipments, the highest declared value we allow is \$25,000 unless your package contains items of "extraordinary value" in which case the highest declared value we allow is \$500. Items of "extraordinary value" include artwork, jewelry, furs, money, precious metals, negotiable

TERMS AND CONDITIONS

instruments, and other items listed in our current Service Guide.

If you send more than one package on this Airbill, you may fill in the total declared value for all packages, not to exceed the \$100, \$500 or \$25,000 per package limit described above. (Example: 5 packages can have a total declared value of up to \$125,000.) If more than one package is shipped on this Airbill, our liability for loss or damage will be limited to the actual value of the package(s) lost or damaged (not to exceed the lesser of the total declared value or the per package limits described above). You have the responsibility of proving the actual loss or damage.

FILING A CLAIM

ALL CLAIMS MUST BE MADE BY YOU IN WRITING. You must notify us of your claim within strict time limits. See current Service Guide.

We'll consider your claim filed if you call and notify our Customer Service Department at 800-238-5355 and notify us in writing as soon as possible.

Within 90 days after you notify us of your claim, you must send us all relevant information about it. We are not obligated to act on any claim until you have paid all transportation charges, and you may not deduct the amount of your claim from those charges.

If the recipient accepts your package without noting any damage on the delivery record, we will assume that the package was delivered in good condition. In order for us to process your claim, you must, to the extent possible, make the original shipping cartons and packing available for inspection.

RIGHT TO INSPECT

We may, at our option, open and inspect your packages prior to or after you give them to us to deliver.

NO C.O.D. SERVICES

We don't provide C.O.D. services.

RESPONSIBILITY FOR PAYMENT

Even if you give us different payment instructions, you will always be primarily responsible for all delivery costs, as well as any costs we may incur in either returning your package to you or warehousing it pending disposition.

QUALIFIED ACCEPTANCE

We reserve the right to reject a shipment at any time when such shipment would be likely to cause damage or delay to other shipments, equipment or personnel, or if the transportation of which is prohibited by law or is in violation of any rules contained in this Airbill or our Service Guide.

MONEY-BACK GUARANTEE

In the event of untimely delivery, Federal Express will at your request and with some limitations, refund or credit all transportation charges. See current Service Guide for further information.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

USE TYPEWRITER OR
BALLPOINT PEN

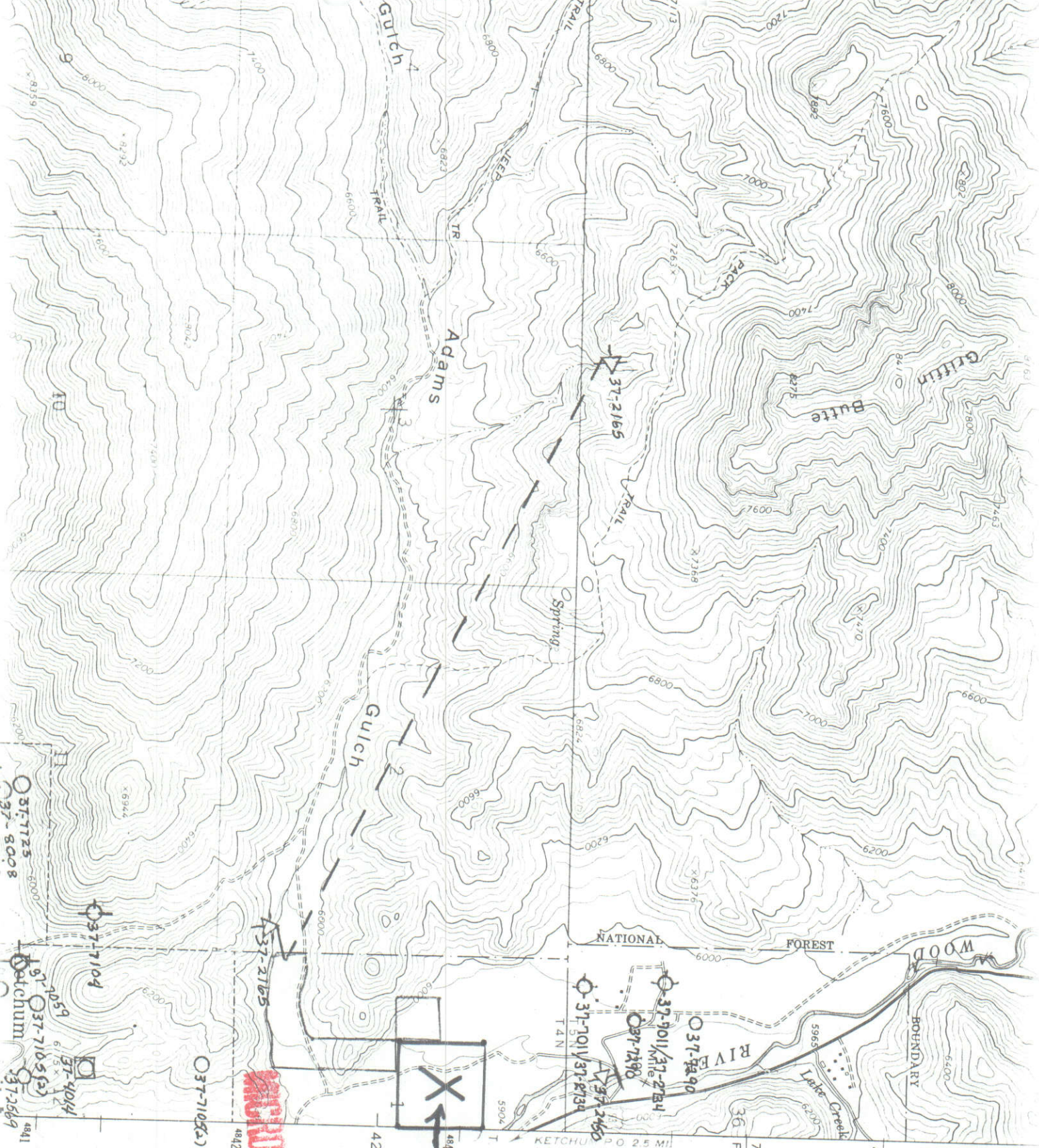
State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

RECEIVED

[illegible]

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

A topographic map of the Ocala National Forest area. The map features contour lines indicating elevation, with a prominent peak labeled '6800'. A road, likely U.S. Highway 1, runs horizontally across the middle of the map. A stream or river flows from the upper left towards the center. The text 'O C A L A' is spread across the top left, and 'N A T I O N A L F O R E S T' is spread across the top right. The map is partially obscured by two punch holes on the left side.



37-2165(2)
-proposed
p/d

37-7011 (2)/37-37-2450

37-7290(3)

37-7105(Δ) 31
37-7059
37-7123
37-7074

Disk: NEW/1H20

**Permit amendment
filed by Winn Mngmt.**

**NOTICE OF AMENDMENT
TO A WATER PERMIT
NO. 37-8203**

Notice is hereby given that WINN MANAGEMENT CORPORATION is the holder of approved permit No. 37-8203 authorizing the diversion of 2.11 cubic feet per second of water from groundwater in the County of Blaine, to be used for irrigation, domestic and fire protection (on 37 acres) within NESW, SENW, Sec. 1, T4N, R17E, B.M.

The permit holder has applied to the Department of Water Resources for an Amendment to the permit, to change the (point(s) of diversion) (and place of use) as follows:

Point(s) of Diversion: SENW, Sec. 1, T4N, R17E, B.M.

Place of Use: SENW, NESW, Sec. 1, T4N, R17E, B.M., to be used for irrigation of 30 acres, domestic and fire protection.

Any protest against approval of the amending of Permit No. 37-8203 as set forth above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301, on or before September 8, 1986.

A. KENNETH DUNN

Director

RECEIVED
Published: Wood River Journal
August 21 & 28, 1986

AUG 12 1986

Department of Water Resources
Southern District Office

OK
MB
8/13/86

RECEIVED

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 37-08203

Priority: February 5, 1985

Maximum Diversion Rate:

2.11 CFS

Maximum Diversion Volume:

85.9 AF

This is to certify, that FLOWERS MILL SUBDIVISION ASSN INC

PO BOX 1604

KETCHUM ID 83340-1604

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 5, 1985; and has submitted Proof of Beneficial Use on October 20, 1988. An examination indicates that the works have a diversion capacity of 3.340 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/31	0.46 CFS	80.5 AF
DOMESTIC	01/01 to 12/31	0.15 CFS	5.4 AF
FIRE PROTECTION	01/01 to 12/31	1.50 CFS	
	Totals	2.11 CFS	85.9 AF

LOCATION OF POINT(S) OF DIVERSION:

SENW , Sec. 1, Township 04N, Range 17E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	17E	1	SENW 16	NESW 7		23

Total number of acres irrigated: 23

PLACE OF USE:

DOMESTIC, same as IRRIGATION use

PLACE OF USE:

FIRE PROTECTION, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Irrigation use under this right is authorized only in connection with a domestic use.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
4. Two points of diversion located in the SENW, S1, T4N, R17E.
5. Domestic use is for 9 homes and does not include lawn, garden, landscape, or other types of irrigation.

MICROFILMED

MAR 24 2000

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 37-08203

CONDITIONS OF APPROVAL AND REMARKS

6. The irrigation occurring under this right shall not exceed three acres for each subdivision lot upon which a home has been constructed. Where multiple homes have been constructed on a single lot, irrigation under this right is limited to three acres on that lot regardless of the number of homes on the lot. Where a single home is associated with multiple lots, no more than three acres shall be irrigated under this right regardless of the number of lots. This right does not provide for the irrigation of common areas.
7. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
8. Place of use is located within Lots 1-10, Flowers Mill Subdivision.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 2nd day of

MARCH, 2000.


Acting for KARL J. DREHER, Director

MICROFILMED
MAR 24 2000

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF LICENSE NO. 37-08203)
IN THE NAME OF FLOWERS MILL)
SUBDIVISION ASSN. INC.)
_____)

**ORDER GRANTING PETITION
FOR RECONSIDERATION**

This matter having come before the Department of Water Resources (Department) as a petition to reconsider the issuance of a water right license, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On February 15, 2000, the Department issued a preliminary order (order) granting Water Right License No. 37-08203 (license) in the name of Flowers Mill Subdivision Assn. Inc. (petitioners).
2. On February 28, 2000, attorney James P. Speck filed a Petition for Reconsideration (petition) with the Department in connection with the order. The petitioners assert that some of the beneficial use of water developed in accordance with Permit No. 37-08203 was not recognized in the license.

CONCLUSIONS OF LAW

1. Section 67-5243(3), *Idaho Code*, provides in pertinent part as follows:

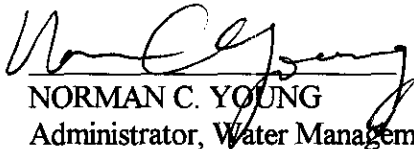
Unless otherwise provided by statute or rule, any party may file a motion for reconsideration of a recommended order or a preliminary order within fourteen (14) days of the issuance of that order. The presiding officer shall render a written order disposing of the petition.

2. The Department should grant the petition for reconsideration of the order pursuant to Section 67-5243(3), *Idaho Code*, and should review the assertions made in the petition.

ORDER

IT IS HEREBY ORDERED that the petition is **GRANTED** pursuant to Section 67-5243(3), *Idaho Code*.

Dated this 2ND day of MARCH, 2000.


NORMAN C. YOUNG
Administrator, Water Management Division

MICROFILMED
MAR 24 2000

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08203

Priority: February 5, 1985

Maximum Diversion Rate:

1.78 CFS

Maximum Diversion Volume:

21.2 AF

This is to certify, that FLOWERS MILL SUBDIVISION ASSN INC
109 FIR DR

KETCHUM ID 83340

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 5, 1985; and has submitted Proof of Beneficial Use on October 20, 1988. An examination indicates that the works have a diversion capacity of 3.340 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	0.14 CFS	15.8 AF
DOMESTIC	01/01 to 12/31	0.14 CFS	5.4 AF
FIRE PROTECTION	01/01 to 12/31	1.50 CFS	
	Totals	1.78 CFS	21.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 1, Township 04N, Range 17E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	17E	1	SENE 3	NESW 1.5		4.5

Total number of acres irrigated: 4.5

PLACE OF USE:

DOMESTIC, same as IRRIGATION use

PLACE OF USE:

FIRE PROTECTION, 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 made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

RECORDED

MAR 27 1988

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08203

CONDITIONS OF APPROVAL AND REMARKS

- ✓ 5. Irrigation use under this right is authorized only in connection with a domestic use.
- ✓ 6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
- ✓ 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. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
- ✓ 9. Two points of diversion located in the SENW, S1, T4N, R17E.
- ✓ 10. Domestic use is for 9 homes 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 23RD
day of FEBRUARY, 1998.

Acting for


KARL J. DREHER, Director

MICROFILMED

MAR 27 1998

OCT 20 1966

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

Department of Water Resources

Fee Received 150

Date 10/2/08

Receipt # 0602994

Receipt by

Reviewed by OS

Sent to region

Permit No. 37-8203 ✓

Name(s) of Permit Holder: Flower's Mill Subdivision Association, Inc. ✓

Post Office Address: 109 Fir Drive, Ketchum, Idaho 83340

Telephone No. _____

Source of Water: Groundwater ✓

Extent of Use:

Domestic 10 (number of households) Stockwater (number and type of stock)

Irrigation	30	✓ (acres)	Other/Remark	Fire Protection	✓
------------	----	-----------	--------------	-----------------	---

Total rate and/or volume for which proof is submitted 2.11 cfs ✓ acre-feet

Show the date water was first diverted and beneficially used under this permit: September 12, 1986 ✓

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

Fee enclosed \$ 150⁰⁰
(See License Examination Fee Schedule)

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

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

Mark Koffer

(Name)

(208) 733-4744

(Telephone Number)

Walker Water Systems, Inc.

624 Pierce

Twin Falls, Idaho

(Address)

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

MICROFILMED

DEC 20 1988

10/13/68
Date

Signature of Permit Holder (and title, if appropriate)
President, Flower's Mill Subdivision Association, Inc.

WATER RIGHT SUMMARY

<u>ACTION</u>	<u>RIGHT NO.</u>	<u>NAME</u>	<u>AMOUNT CFS</u>
Original Permit	37-8203	Winn Management Corp.	2.11 total
Full Assignment	37-8203	Flower's Mill Subd. Assn. Inc.	2.11 total

MICROFILMED

DEC 23 1988

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

RECEIVED
OCT 20 1988

I, Winn Management Corp., hereby assign to Flower's Mill Subdivision Assn., Inc.
of 109 Fir Drive, Ketchum, Idaho 83340
Address

All my right, title, and interest in and to Permit No. 37-8203
to appropriate the public waters of the State of Idaho.

The following described portion of my right, title, and interest in and
to Permit No. _____ to appropriate the public waters of the
State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage
within each 40 acre subdivision, the point of diversion and the amount of
water in cubic feet per second for direct diversion, or acre feet for storage)

Made this 11 day of October, 19 88.

Jeffrey Lee by Stephen Velas
Permit Holder, President
Winn Management Corporation Attorney in Fact
Stephen Velas
Spouse of Permit Holder

State of ~~Idaho~~ Pennsylvania
County of Columbia) ss

On this 11th day of October, 1988, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

s e a l

Ann R. Casey
Notary Public residing at

My commission expires:

NOTARIAL SEAL
ANN R. CASEY, Notary Public
Town of Bloomsburg, Columbia Co., Pa.
My Commission Expires Jan. 26, 1989

MICROFILMED

DEC 23 1988

RECEIVED

Form 202

3/78
JUL 28 1986

Ident. No. 37-8203

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

Southern District Office

AMENDED

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant WINN MANAGEMENT CORP. Phone 726-7717

Post office address P. O. Box 4028, Ketchum, Idaho 83340

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

3. Location of point of diversion is 2 points NW 1/4 of SE 1 of Section 1 Township 4 N

Range 17 E B.M. Blaine County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.15 ^{cfs} for domestic purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.46 ^{cfs} for irrigation purposes from Apr. 1 to Oct. 15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 1.5 ^{cfs} for fire protection 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:

a. 2.11 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 2 wells and pumps

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 8, 12 inches; proposed depth of well is 80 feet.

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

8. Description of proposed uses:

a. If water is not for irrigation: SE 1/4 NW 1/4
(1) Give the place of use of water: NE 1/4 of SW 1/4 of Section 1 Township 4 N
Range 17 E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

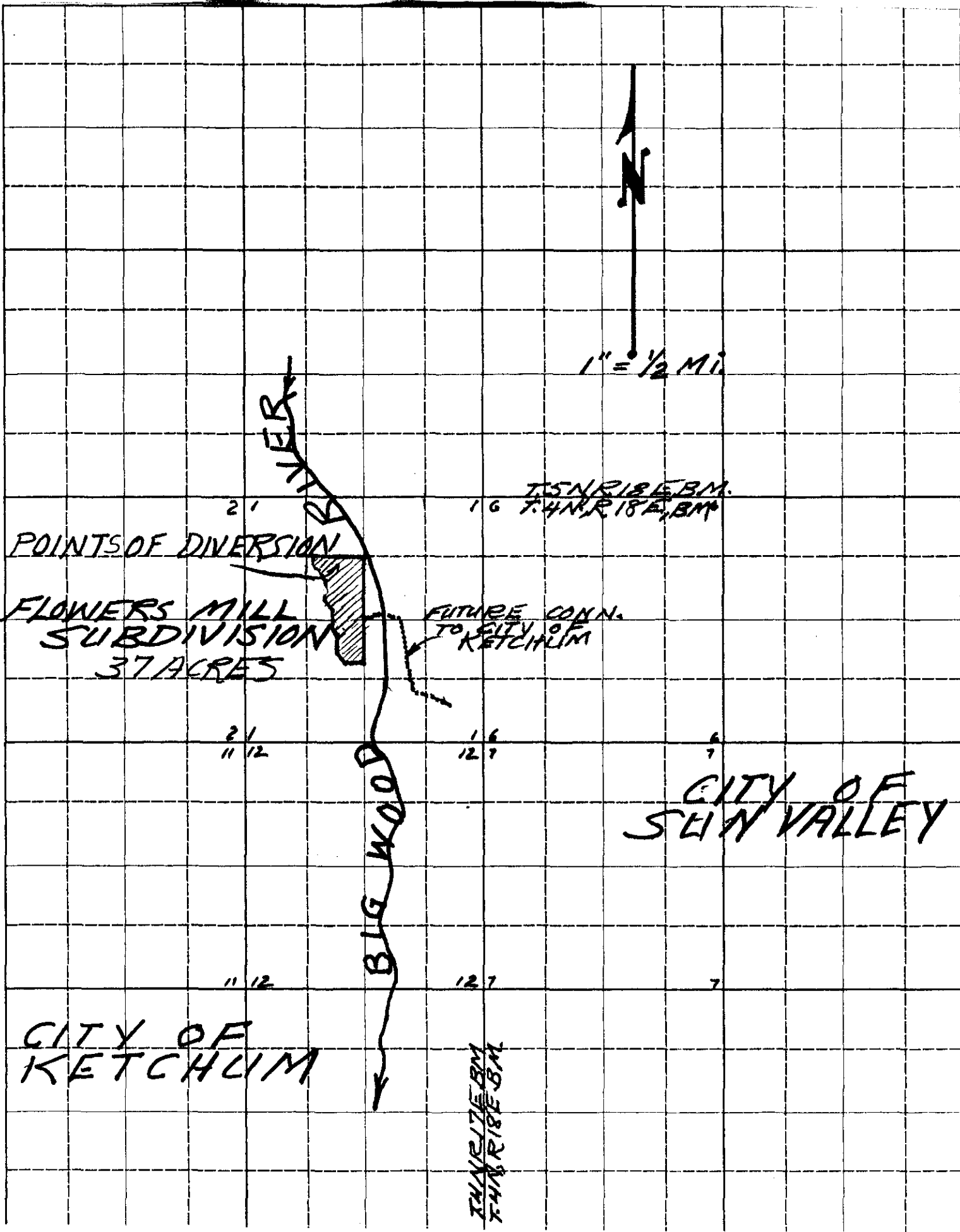
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water 10.

(5) If water is to be used for other purposes describe: In addition to domestic uses water will be used for fire protection and irrigation of the subdivision lots.

RECEIVED

11. 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] (pres. of W. N. N. Hydrop)
(Applicant)

RECEIVED
JUL 10 1950

20000000

Proposed Priority 2/5/85

Amended

Received by MB Date 7/28/86 Time 1:00 pm

original app.
rec'd 2/5/85
\$85.00 fee

Preliminary check by TB Fee \$ 20⁰⁰

R# 38651

Receipted by M. Baldwin Date 8/6/86

Receipt # 35274

Publication prepared by M. Baldwin Date 8/6/86

Published in Wood River Journal

Publication dates 08/21/86 ; 08/28/86 10/24/86

Publication approved MB Date 9/3/86

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by ADM kw

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. 37-8203, 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 December 1, 19 88.

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. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Use of water under this permit is subject to control by the watermaster of State Water District No. 37, Big Wood River.

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

Witness my hand this 3rd day of November, 1986.

A. Glen Saxton
Chief, Operations Bureau

RECORDED

RECEIVED

State of Idaho

JUL 28 1986

Department of Water Administration

Department of Water Resources
Southern District Office

APPLICATION FOR

ASSIGNMENT OF /PERMIT

Partnership, by and through its general partner, Winn Management Corp.

I, Flowers Mill Limited/, hereby assign to Winn Management Corp.

of P. O. Box 4028, Ketchum, Idaho 83340

Address

application for



All my right, title, and interest, in and to Permit No. 37-8203 to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Permit No. _____ to appropriate the public waters of the State of Idaho. (Describe that portion of the permit being assigned by listing the acreage within each 40-acre subdivision, the point of diversion and the amount of water in cubic feet per second for direct diversion, or acre feet for storage.)

Made this _____ day of _____, 19 _____.

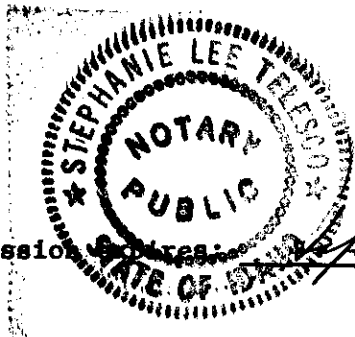
[Signature]
President of Winn Management Corp.,
the general partner for Flower Mill
Limited Partnership

Spouse of Permit Holder

State of Idaho)

County of Blaine) ss.

On this 17 day of July, 19 86, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.



[Signature]
Notary Public residing at

Ketchum, ID

My commission expires: _____

RECORDED & FILED

RECEIVED

JUL 28 1986

State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

Department of Water Resources
Southern District Office

I, Craig H. Neilsen, hereby assign to Flowers Mill Limited Partnership
of c/o J. H. Milazzo, P. O. Box 1386, Sun Valley, ID 83353
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 37-8203
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 4th day of September, 19 84.

Craig H. Neilsen
Permit Holder

Spouse of Permit Holder

State of Idaho)
County of Twin Falls) ss.

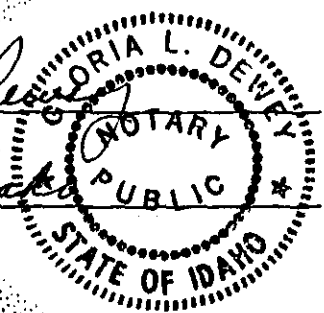
On this 4th day of September, 19 85, personally
appeared before me the signer(x) of the above instrument, who duly acknowledged to me
that he (~~she~~) (~~they~~) executed the same.

seal

My commission expires:
Jan 7, 1991

UNRECORDED

Gloria L. Dewey
Notary Public residing at
Twin Falls, Idaho



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

FEB 5 1985

To appropriate the public waters of the State of Idaho

Department of Water Resources
Southern District Office
(208) 733-2282

1. Name of applicant Craig H. Neilsen Phone _____

Post office address P. O. Box 452, Twin Falls, Idaho 83303

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

3. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 1 Township 4 N.

Range 17E B.M. Blaine County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.15cfs for domestic purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.46cfs for irrigation purposes from Apr. 1 to Oct. 15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 1.50cfs for municipal purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum) (fire protection)

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

5. Total quantity to be appropriated:

a. 2.11 cfs cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Pump(s) will be installed in the well. Various size piping will then extend throughout the residential subdivision areas being served.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 16 inches; proposed depth of well is 150 feet.

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

use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____

Range _____ B.M. SEE REMARKS SECTION 10.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served Blaine County, Ketchum Fire, or number of families to be supplied with domestic water See Remarks Section 10.
District _____

(5) If water is to be used for other purposes describe: _____

MICROFILMED

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	17E	1								28	9								37

Total number of acres to be irrigated 37

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

9. a. Who owns the property at the point of diversion Craig Neilsen

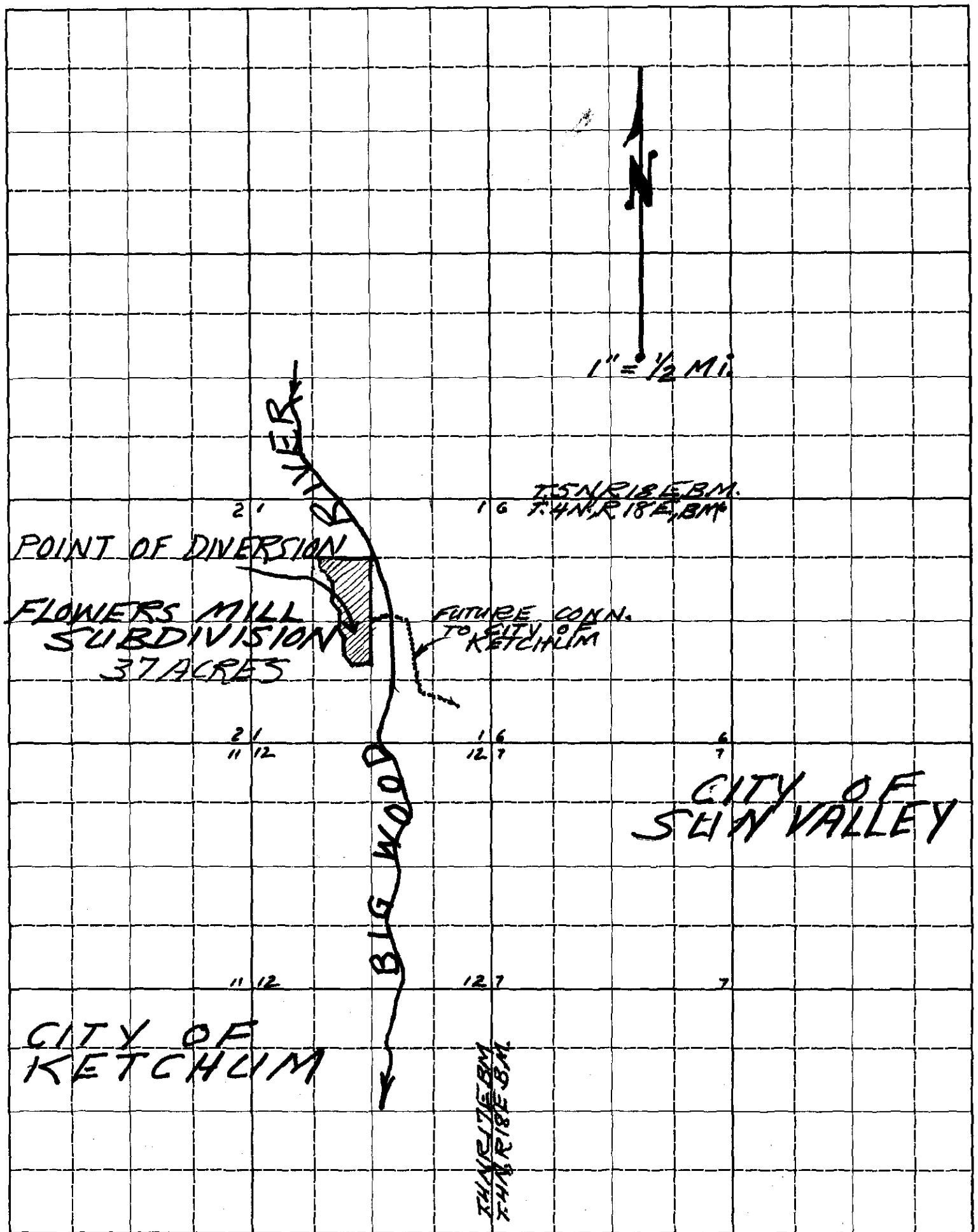
b. Who owns the land to be irrigated or place of use Craig Neilsen

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Craig H. Neilsen owns the above land in the West ½ of Section One.

10. Remarks This application is for a water well to be drilled on Craig Neilsen's land; the well is to supply water for human consumption, fire protection and limited irrigation (lawn sprinkling) for approximately 10 homesites in the Flowers Mill Subdivision area on the west side of Big Wood River. The well will be connected to the distribution system for all homesites. Facilities will be developed so that the entire system can be connected to the City of Ketchum Municipal Water System in the future.



11. 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.

RECEIVED

Sraig Gelsun
(Applicant)

Received by maria Date 2/5/85 Time 11:30 a
Preliminary check by ADN Fee \$ 85.00 # 35274
Receipted by maria Date 2/8/85
Publication prepared by _____ Date _____
Published in _____
Publication dates _____
Publication approved _____ Date _____
Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by _____

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. Other:

RECEIVED

AFFIDAVIT OF PUBLICATION

OCT 10 1986

State of Idaho, }
County of Blaine } SS.

Department of Water Resources
Southern Region Office

CLINT STENNETT

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 2nd day of Oct. 1986, and the date of the last publication was on the 9th day of Oct. 1986

Clint Stennett

Subscribed and sworn to before me this 9th

day of October, 1986.
(SEAL)

Robert J. Jorgensen
NOTARY PUBLIC

WOOD RIVER JOURNAL

Hailey, Idaho

COST OF PUBLICATION

Numer of Picas per Line 11

Number of Lines in Notice 38

Number of Insertions 2

Lines tabular at 5/Pica

38 Lines straight at 16.72 4/Pica

38 Subsequent lines at 12.54 3/Pica

TOTAL COST 29.26

COPY OF NOTICE

(Paste Here)

Not. of Application
TITLE OF NOTICE
#37-8203 Winn Mngt. Corp.

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Res.
BILL TO

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1984)

7-8 pt. per line straight 4/Pica

7-8 pt. per line tabular 5/Pica

7-8 pt. per line successive

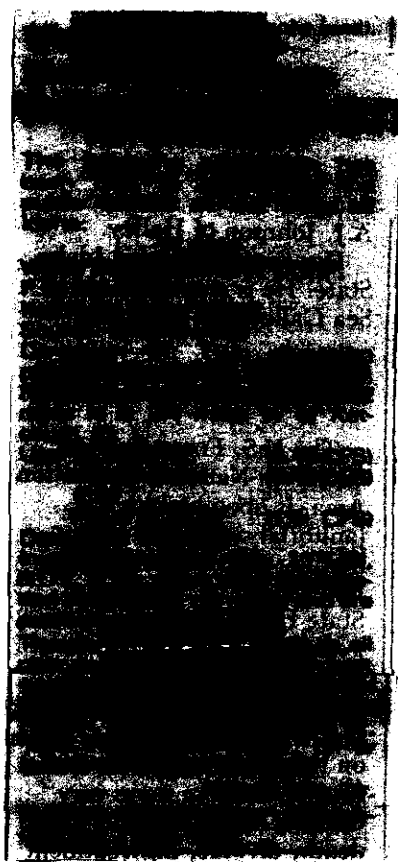
insertions 3/Pica

RECEIVED

4969

OK MB
10/10/86

00 00



AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho, }
County of Blaine } SS.

SEP 3 1986

CLINT STENNETT

Department of Water Resources
Subdividing Division Chief

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 21st day of Aug. 1986 and the date of the last publication was on the 28th day of Aug. 1986

Subscribed and sworn to before me this 28th day of October 1986
(SEAL)

Roberta McGee

NOTARY PUBLIC

WOOD RIVER JOURNAL

Hailey, Idaho

COST OF PUBLICATION

Numer of Picas per Line 11
Number of Lines in Notice 43
Number of Insertions 2

Lines tabular at 5/Pica
43 Lines straight at 18.92 4/Pica
43 Subsequent lines at 14.19 3/Pica

TOTAL COST 33.11

OF NOTICE

(Paste Here)

Not. of Amendment
TITLE OF NOTICE
#37-8203 Winn Mngt.

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Res.
BILL TO

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1984)

7-8 pt. per line straight 4/Pica
7-8 pt. per line tabular 5/Pica
7-8 pt. per line successive
insertions 3/Pica

4891

OK
mb
9/3/86

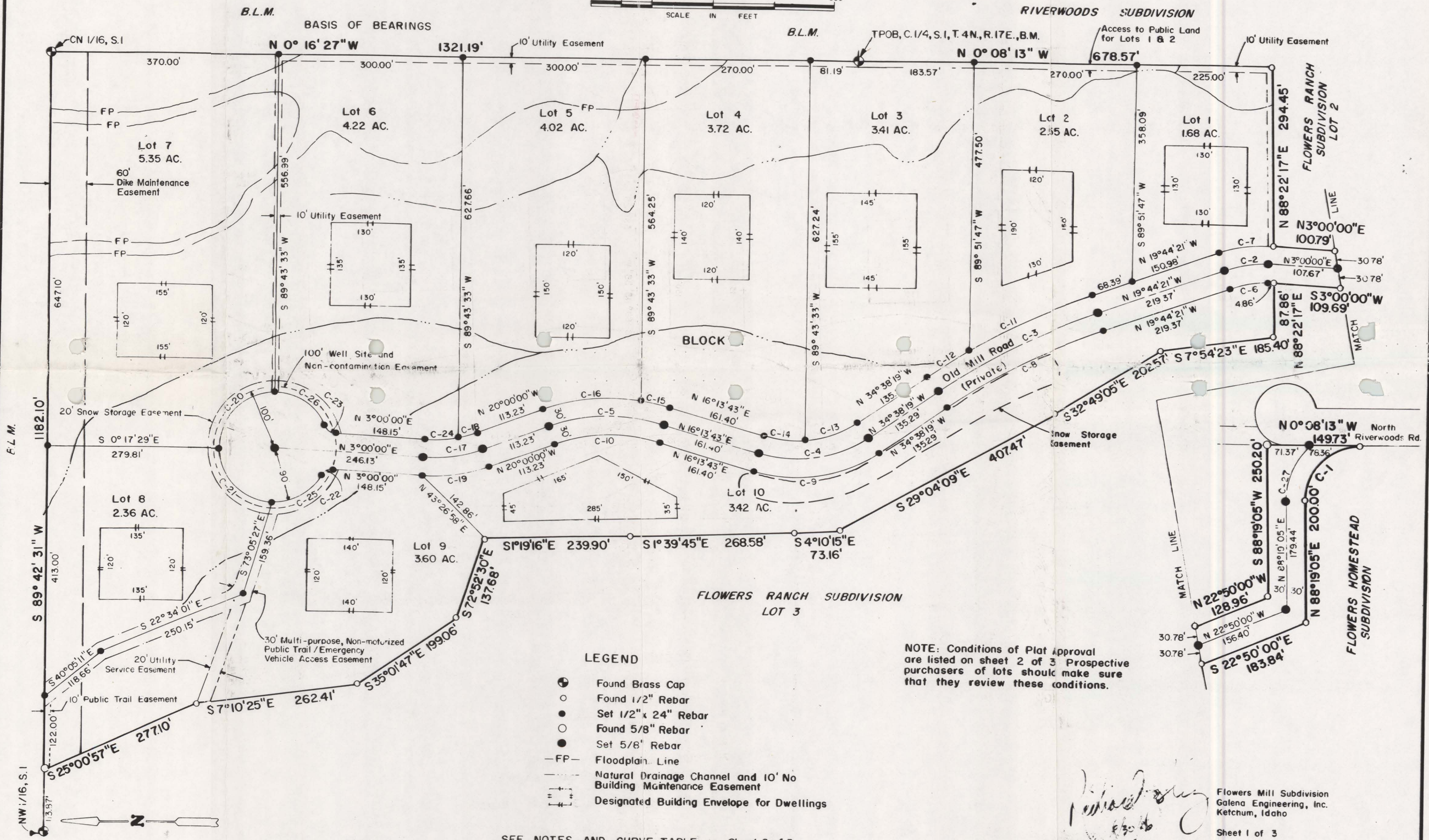
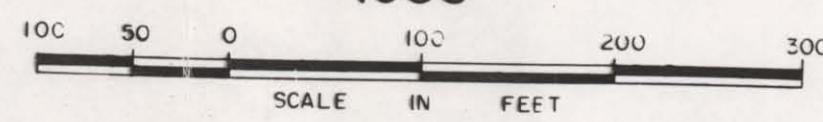


POCKET 2
F-13
REPLAT OF LOT 1
FLOWERS MILL SUB

MAR 27 1998
MICROFILMED
To Large & small
Note & make

PLAT SHOWING FLOWERS MILL SUBDIVISION

A REPLAT OF LOT 1, FLOWERS RANCH SUBDIVISION
BLAINE COUNTY, IDAHO
1986



- LEGEND**
- Found Brass Cap
 - Found 1/2" Rebar
 - Set 1/2" x 24" Rebar
 - Found 5/8" Rebar
 - Set 5/8" Rebar
 - FP Floodplain Line
 - Natural Drainage Channel and 10' No Building Maintenance Easement
 - Designated Building Envelope for Dwellings

NOTE: Conditions of Plat approval are listed on sheet 2 of 3 Prospective purchasers of lots should make sure that they review these conditions.

SEE NOTES AND CURVE TABLE on Sheet 2 of 3

Handwritten signature
230.50

Flowers Mill Subdivision
Galena Engineering, Inc.
Ketchum, Idaho

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

FLOWERS MILL SUBDIVISION
PO BOX 566
SUN VALLEY ID 83353-0566
MICROFILMED
MAR 26 2003

4. Article Number

Z 433 942 028

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and **DATE DELIVERED**.

5. Signature - Address

X

6. Signature - Agent

X

DIANE MORRIS

7. Date of Delivery

8. Addressee's Address (ONLY if requested and fee paid)

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RECEIVED

MAR 14 2000

Department of Water Resources



PENALTY FOR PRIVATE
USE, \$300

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

MICROFILMED

MAR 24 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 NORTH ORCHARD STREET
BOISE, IDAHO 83706-2237

Ref
WA 37-08203

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

FLOWERS MILL SUBDIVISION
ASSN. INC.
PO BOX 1604
KETCHUM ID 83340-1604

4. Article Number
E 433 942 023

Type of Service:

☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED

5. Signature - Address
X *Frederick W. Miller*

6. Signature - Agent
X *Frederick W. Miller*

7. Date of Delivery
2-28-00

8. Addressee's Address (ONLY if requested and fee paid)

SPS FT 7th 2000 83340-0996 M.O.

UNITED STATES POST SERVICE

OFFICIAL BUSINESS



SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete Items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RECEIVED

MAR 1 - 2000

Department of Water Resources



PENALTY FOR PRIVATE
USE, \$300

**RETURN
TO**



Print Sender's name, address, and ZIP Code in the space below.

MICROFILMED

MAR 24 2000

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

1801 NORTH ORCHARD STREET

BOISE, IDAHO 83706-2237

WA - 37-08203

Z 433 942 028

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	Flowers Mill Subdivision
Street & Number	PO Box 566
Post Office, State, & ZIP Code	Sun Valley ID 83353-0566
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	3-7-00

PS Form 3800, April 1995

MAR 24 1999

RECEIVED

Stick postage stamps to article to cover First-Class postage, certified mail fee and charges for selected optional services (See front).

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier *(no extra charge)*.
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make an inquiry.

102595-98-M-0548

PS Form 3800, April 1995 (Reverse)

CERTIFIED

Z 433 942 026

MAIL

NOT DELIVERABLE
As ADDRESSED -
UNABLE TO FORWARD

Handwritten:
Rendle @ Speck Remitted
3.7.00 - Rendle @ Speck Remitted
your current address is:
PO Box 566
Sun Valley, ID 83353
We updated & mail
delivered - Kat

RECEIVED
MAR 6 . 2000

Department of Water Resources

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

- Print your name, address and ZIP Code in the space below.
- Complete items 1, 2, 3, and 4 on the reverse.
 - Attach to front of article if space permits, otherwise affix to back of article.
 - Endorse article "Return Receipt Requested" adjacent to number.

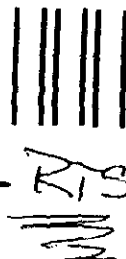
RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 NORTH ORCHARD STREET
BOISE, IDAHO 83708-2257

Handwritten:
Kat
CA 37-08203



PENALTY FOR PRIVATE
USE, \$300

Thank you for using
Return Receipt Service.

NOT RECORDED

Z 433 942 026

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
Flowers Mill Subdivision	
Street & Number	
PO BOX 1604	
Post Office, State, & ZIP Code	
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3-2-00	

PS Form 3800, April 1995

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4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
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6. Save this receipt and present it if you make an inquiry.

102595-98-M-0548

PS Form 3800, April 1995 (Reverse)



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 2, 2000

FLOWERS MILL SUBDIVISION ASSN INC
PO BOX 1604
KETCHUM ID 83340-1604

RE: Water Right No. 37-08203

Dear Water Right Holder:

I have enclosed a copy of the order granting your petition for reconsideration of Water Right License 37-08203 and a copy of the license as it was re-issued on March 2, 2000. The license is a preliminary order of the Department issued pursuant to Section 67-5243, *Idaho Code*, and Rule 730 of the Department's Rules of Procedure. A preliminary order issued by the Department can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Sincerely,

Shelley Walker Keen
Water Rights Supervisor

Cc: James P. Speck

Enclosure

MICROFILMED
MAR 24 2000

CERTIFICATE OF MAILING

I hereby certify that on the **2nd** day of **March, 2000**, I mailed a true and correct copy, certified mail, postage prepaid, of the foregoing **AMENDED PRELIMINARY ORDER (License to Appropriate Water)** to the person(s) listed below:

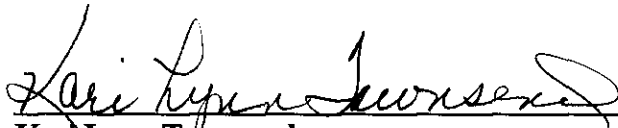
Water Right No. 37-08203

**FLOWERS MILL SUBDIVISION ASSN INC
PO BOX 1604
KETCHUM ID 83340-1604**

I further hereby certify that on the **2nd** day of **March, 2000**, I mailed a true and correct copy, postage prepaid, of the foregoing **AMENDED PRELIMINARY ORDER (License to Appropriate Water)** to the person(s) listed below:

Water Right No. 37-08203

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


Kari Lynn Townsend
Secretary

MICROFILMED
MAR 24 2000

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

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MAR 24 2000

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

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SPL22

1 From
Date 2/08/00

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Company SPECK & AANESTAD

Address 120 EAST AVENUE 2ND FLOOR

City KETCHUM State ID ZIP 83340 Dept./Floor/Suite/Room

2 Your Internal Billing Reference Information 980231

3 To
Recipient's Name Mr. Norman C. Young Phone

Company Idaho Department of Water Resources

Address 1301 North Orchard St. Statehouse Mall (To "HOLD" at FedEx location, print FedEx address here) Dept./Floor/Suite/Room

City Boise State ID ZIP 83780-9000

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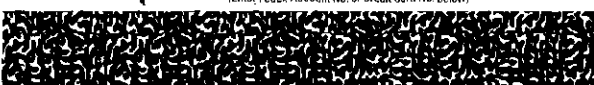
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APR 24 2000

Terms And Conditions

Definitions On this Airbill, "we," "our" and "us" refer to Federal Express Corporation, its employees, and agents. "You" and "your" refer to the sender, its employees, and agents.

Agreement To Terms By giving us your package to deliver, you agree to all the terms in our current Service Guide, which is available on request. You also agree to those terms on behalf of any third party with an interest in the package. If there is a conflict between the Service Guide and this Airbill, the Service Guide will control. No one is authorized to change the terms of our Agreement.

Responsibility For Packaging And Completing Airbill You are responsible for adequately packaging your goods and properly filling out this Airbill. If you omit the number of packages and/or weight per package, our billing will be based on our best estimate of the number of packages we received and/or an estimated "default" weight per package as determined by us.

Responsibility For Payment Even if you give us different payment instructions, you will always be primarily responsible for all delivery costs, as well as any cost we incur in either returning your package to you or warehousing it pending disposition.

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- Our liability for loss or damage to your package is limited to your actual damage or \$100, unless you declare a higher value, pay an additional charge, and document your actual loss in a timely manner. You may pay an additional charge for each additional \$100 of declared value. The declared value does not constitute, nor do we provide cargo liability insurance.
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- We won't be liable:
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- if you or the recipient violate any of the terms of our Agreement
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SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

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(208) 726-0752

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

February 28, 2000

VIA FACSIMILE (208) 327-7910
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1301 North Orchard Street
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Boise ID 83720-9000

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FEB 29 2000

Department of Water Resources

RE: Water Right No. 37-08203 - Flowers Mill Subdivision Association, Inc.

Dear Norm:

Enclosed please find the original and two copies of the following pleadings with respect to the above-referenced water right:

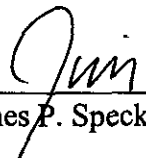
1. Petition for Reconsideration; and
2. Affidavit of Diane Nini Morris.

Please have your office place the Department's date stamp on the two copies and return them to me in the postage paid and addressed envelope I have enclosed for that purpose.

Please call me if you have any questions or comments about these pleadings. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:rsd
enclosures
cc: Diane Morris, w/encl.
Phil J. Rassier, w/encl., via fax

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MAR 24 2000

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FEB 29 2000

Department of Water Resources

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

Attorneys for Flowers Mill Subdivision Association, Inc.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF WATER RIGHT)
LICENSE NO. 37-08203 IN THE NAME OF) AFFIDAVIT OF DIANE NINI
FLOWERS MILL SUBDIVISION) MORRIS
ASSOCIATION, INC.)
_____)

STATE OF IDAHO)
) ss.
COUNTY OF BLAINE)

DIANE NINI MORRIS, being first duly sworn under oath, hereby deposes and states as follows:

1. I am now and have been since 1988 president of the Flowers Mill Subdivision Association, Inc. (the "Association"), the Idaho non-profit corporation whose members are the owners of the ten residential lots in the Flowers Mill Subdivision ("Subdivision") located north of the City of Ketchum in Blaine County, Idaho. I was formerly known as Diane Cetera.

2. In October, 1988 I was asked to sign the Proof of Beneficial Use form for the Association's water right for its central water system. I don't recall who prepared the form, but in good faith I certainly believed all of the statements and representations in the form were true and it

AFFIDAVIT OF DIANE NINI MORRIS - 1

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MAR 24 2000

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2/24/00

was appropriate to submit it at that time to the Idaho Department of Water Resources ("IDWR").

3. I definitely understood that the Proof of Beneficial Use could be filed once the entire central water system was completed and operational with stub-out lines to each residential lot in the Subdivision, whether or not homes were built or landscaping installed on any of the lots. In other words, I understood the water right for the central system was fully developed at that time even though very little irrigated landscaping had been installed. I am certain all of the other lot owners and members of the Association had the same understanding. If the Association had been aware in the fall of 1988 that the irrigated landscaping for each lot had to be actually installed and under irrigation to protect and perfect the Association's water right for irrigation purposes, it would have requested extensions of time to allow complete build out of the Subdivision.

4. In the fall of 1991, the owners of an adjoining subdivision requested the Association to determine the costs involved in allowing that subdivision to use the Association's existing wells and pumps as the source of water for domestic, irrigation and fire protection purposes for the residential lots in that subdivision. A report was prepared by Galena Engineering, Inc., a local engineering firm, to determine the existing capacities and future demands on the Association's water system in light of this request. A copy of the report is attached hereto as Exhibit A. I understand that Michael D. Choat, from Galena Engineering, Inc., who authored the report, spoke to an IDWR agent who informed him the Association water right allowed the irrigation of 23 acres within the Subdivision. The Association relied on this report and had no reason to believe any of it was not accurate.

5. Since I have been president of the Association it has not employed any attorneys to review or otherwise address any water right issues for the Association. The Subdivision is now fully developed and there are approximately 23 acres of irrigated landscaping within the entire

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MAR 24 2000

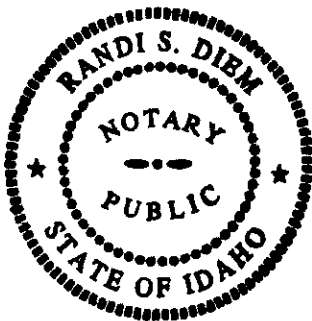
Subdivision. The homeowners have collectively spent more than \$1,500,000 on the installation of irrigation systems and landscaping in direct reliance upon their understanding of the number of irrigated acres under the Association water right.

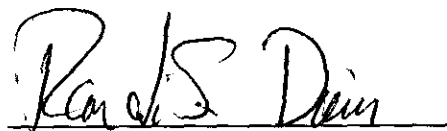
6. In October, 1996 I met with Mr. Jim Stanton, an IDWR agent, at the Subdivision. I don't recall the specific purpose of the meeting. The only discussion of irrigated landscaping had to do with the amount which would be installed on the three lots at the north end of the Subdivision which are under single ownership. Mr. Stanton did not say anything about any changes to the Association's water right. He certainly did not tell me he was going to recommend that IDWR reduce the allowable irrigated acreage to only 4.5 acres. At that time I still understood the Association water right allowed the irrigation of 23 acres.

DATED this 25 day of February, 2000.


DIANE NINI MORRIS

SUBSCRIBED AND SWORN TO before me this 25th day of February, 2000.




Notary Public for Idaho
Residing at Hailey, ID
Comm. Exp. 8-29-03

OPE Milazzo - 619-544-1488 (W)

NARRATIVE REPORT

for

Flowers Mill Subdivision and Lot 3, Flowers Ranch Subdivision → Peter Gray
Water Supply and Water Distribution SystemINTRODUCTION

Flowers Mill Subdivision contains ten lots and is located North of Ketchum near Adams Gulch. Six of the ten lots are built on at this time. The purpose of this report is to evaluate and recommend improvements to the existing system and also evaluate connection of a possible 5 lot development (Lot 3, Flowers Ranch Subdivision) to the existing water system.

WATER RIGHTS

We contacted Doug Jones of the Idaho Department of Water Resources to determine the existing water rights for Flowers Mill Subdivision. Mr. Jones reported the following water rights:

- 1) Domestic - 10 Lots at 0.015 CFS per lot results in 0.15 CFS or 67 GPM.
- 2) Irrigation - 23 Acres at 0.02 CFS per acre results in 0.46 CFS or 206 GPM.
- 3) Total domestic and irrigation water right is 273 GPM.

The available water right for Flowers Ranch Subdivision will be based on 5 lots for domestic and 12.5 acres for irrigation. Using the allocations listed above results in a total domestic and irrigation water right of .325 CFS or 146 GPM.

The total possible domestic and irrigation water supply for both developments as diverted at the existing well is 419 GPM.

The above analysis of water rights is intended as a preliminary review for the purpose of this report. A detailed investigation should be provided since water rights often become a complex issue.

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MAY 14 2000

EXHIBIT A

PUMPING SYSTEM

Well logs and pump curves were provided by Walker Water Systems, Inc. In addition, we met with Walker Water Systems' personnel on site to test the performance of the existing water system.

To test the water system, we opened a fire hydrant adjacent to the pump house. Each pump was manually started and the flow meter was read to determine the individual discharges. The system pressure was also monitored for approximately 20 minutes to evaluate possible major water leaks within the distribution system. The result of these tests indicate that the pumps operate in accordance with the pump curves provided and no major leaks are apparent within the existing distribution system. Comparing the system operating conditions with the pump curves indicates the 7-1/2 hp pump is operating near the center of its curve at an efficiency of approximately 70%. The 40-hp pump appears to operate at the end of the pump curve at an efficiency of approximately 60%. With the 40-hp pump operating at the end of the curve, it may exceed the motor rating. This condition may drastically reduce the life of the 40-hp motor. Since this pump should only operate when fire flows are required, we do not recommend replacing this pump at this time with a pump that more closely matches the operating conditions.

The piping, valving, and pressure tanks within the pump station appear to be adequate and well maintained.

Mark Koffer of Walker Water Systems, Inc. observed the fire pump operating one summer evening in 1990 while visiting the pump house. Apparently he walked into the building as the pressure dropped to 20 psi and the fire pump started. He observed the pump running for approximately one minute until the pressure reached 35 psi and the fire pump turned off. For the remainder of his observation, the domestic and irrigation pump provided for the demand on the system without the fire pump starting. This observation of the fire pump running may be an isolated incident or it may be indicative of excessive water use. The pressure tank system is not sized to provide minimum cycle times for the fire pump. As a result, if demand exceeds the supply provided by the domestic and irrigation pump, the fire pump will experience excessive starts and stops which is both inefficient and will drastically shorten the life of the pump.

It is our recommendation that an hour meter be installed on the fire pump so its running time can be monitored. This information will allow the homeowners to know whether or not the water demand is exceeding the supply provided by the domestic and irrigation pump.

CONNECTION OF FLOWERS RANCH SUBDIVISION

It is proposed to use the Flowers Mill pump system to supply water to the proposed replat of Lot 3, Flowers Ranch Subdivision. An eight inch pipe line will be connected to the existing water distribution system and looped through the proposed development. The new pipe line will be connected to the existing distribution system on both ends eliminating dead end lines, enhancing pressure and flow for both developments, and also providing the ability to shut down part of the water distribution system for maintenance without shutting off the water supply to all of the users.

The new development is at a higher elevation than the existing development. The highest proposed lot is approximately 48 feet above the existing pump station. This elevation difference will result in approximately 20 psi of pressure drop with static conditions. At this time, the domestic and irrigation pump is set to start at 40 psi and stop at 60 psi. It is our recommendation that the pressure switches be changed so that the pump starts at 50 psi and stops at 70 psi. These settings should provide normal pressure at the highest lot in the range of approximately 30 to 50 psi while maintaining acceptable high pressures in the lower existing development.

As homes are constructed in both the existing and proposed developments, a time will come when the domestic and irrigation pump system will require upgrading to provide for the increased demand. The time for upgrading will be established by monitoring the previously mentioned fire pump hour meter. If the fire pump is running during periods of peak water use, the homeowners will know that the demand is exceeding the supply. At this point, a larger pump supplying approximately 419 GPM can be installed to replace the 250 GPM pump currently in place. The well was test pumped in excess of 500 GPM with only seven feet of draw down. This indicates the well should provide this increased supply with no improvement. Additional pressure tanks will need to be provided to prevent excessive cycling of the larger pump. It appears that

sufficient room is available within the existing pump house for adding four or five additional pressure tanks. Replacing the existing pressure tanks with larger tanks is also an option available to provide additional storage to prevent cycling.

SUMMARY

Our preliminary analysis indicates that the existing pump station should be adequate to supply water for both Flowers Mill and Flowers Ranch Subdivisions. We recommend the operating pressures be increased to provide adequate pressure and flow for lots in the Flowers Ranch Subdivision and that an hour meter be installed on the fire pump to monitor its running time. A looped water distribution system for Flowers Ranch will be connected to the existing Flowers Mill water distribution system. When water demand increases due to build out of available lots, the domestic and irrigation pump and pressure tank system will require upgrading to meet that demand. As a final note, it is likely that when these subdivisions approach saturated development, water conservation measures will probably be required to bring the water demand in line with the water supply provided with the available ground water rights.

MDC:cdb
5/23/91

MICRO
MAR 24 2000

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FEB 29 2000

Department of Water Resources

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

Attorneys for Flowers Mill Subdivision Association, Inc.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF WATER RIGHT)
LICENSE NO. 37-08203 IN THE NAME OF) PETITION FOR
FLOWERS MILL SUBDIVISION) RECONSIDERATION
ASSOCIATION, INC.)
_____)

FLOWERS MILL SUBDIVISION ASSOCIATION, INC. (the "Association"), through its attorneys, the law firm of Speck & Aanestad, A Professional Corporation, hereby petitions the Idaho Department of Water Resources (the "Department") pursuant to I.C. § 67-5243 for reconsideration of the Preliminary Order entered herein on February 15, 2000 issuing Water Right License No. 37-08203 (the "License"). In support thereof, the Association files the Affidavit of Diane Nini Morris and states as follows:

1. The Permit for Water Right No. 37-08203 was issued November 3, 1986 pursuant to the Amended Application for Permit filed by Winn Management Corp. The Permit sought a water right for domestic, irrigation and fire protection purposes for the Flowers Mill Subdivision, a ten lot residential subdivision north of the City of Ketchum, Idaho (the "Subdivision"). The Permit provided for the irrigation of 30 acres. The official plat for the Subdivision was recorded August

PETITION FOR RECONSIDERATION - 1

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2/24/00

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MAR 24 2000

29, 1986 in the records of Blaine County, Idaho.

2. Proof of Beneficial Use was due pursuant to the Permit on or before December 1, 1988, thus allowing approximately two years to complete the project. On October 11, 1988 the Permit was assigned to the Association. On October 21, 1988, the Association, through its president, Diane Nini Morris (formerly known as Diane Cetera), submitted Proof of Beneficial Use stating it had completed the development of the water right for domestic use in 10 homes, the irrigation of 30 acres and fire protection with a total rate of diversion of 2.11 cfs. At that time and at all times since then the Association believed and understood the water right was fully developed when the wells were drilled, pumps installed and the water distribution system completed and operational with stub-outs to each residential lot. The Proof also stated water was first diverted and beneficially used on September 12, 1986. The Proof was submitted and all statements therein made in good faith on the basis of this belief and understanding.

3. Attached to this Petition as Exhibit A is a letter dated December 21, 1998 from Charles L. Irwin to James P. Speck. Mr. Irwin is the general manager of Mountain States Excavation which constructed and installed the water mainline system. Mr. Irwin states the project was completed and operational in the fall of 1986. Mr. Irwin also informed Mr. Speck he did not believe as-built plans for the system were ever prepared.

4. Mr. Gary Funderburg, an agent with the Idaho Department of Water Resources ("IDWR") did the original Beneficial Use Field Examination on July 8, 1989, accompanied by Mr. Gene Walker, the well driller. Upon information and belief, Mr. Funderburg originally recommended the Permit be licensed for the irrigation of 23 acres. Mr. Funderburg did not tell Mr. Walker or any other agent or representative of the Association, at the time of the field examination or any other time, that the water right could only be licensed for the amount of irrigated acreage

actually developed prior to the deadline for submitting proof of beneficial use.

5. In 1991, Galena Engineering, Inc. was asked to evaluate the Association's existing water system and the possible addition of service to an adjoining five lot residential development. Attached to the Affidavit of Diane Nini Morris is a copy of the Narrative Report prepared by Michael D. Choat of Galena Engineering, Inc.. It indicates Mr. Doug Jones, an agent from IDWR, informed Mr. Choat that the Flowers Mill water right provided for the irrigation of 23 acres. The Report was provided to and relied upon by the Association, which had no reason to believe any of it was not accurate.

6. In October, 1996, Jim Stanton, an IDWR agent, met at the Subdivision with Ms. Diane Nini Morris, president of the Association. Mr. Stanton, upon information and belief, conducted another field examination and revised the recommendations previously made by Mr. Funderburg. However, Mr. Stanton did not say anything to Ms. Morris during that meeting about making changes to the Association's water right. Ms. Morris then continued to understand the Association's water right allowed the irrigation of 23 acres within the Subdivision. The Beneficial Use Field Report signed by Mr. Stanton is dated October 11, 1996. A copy was never sent to the Association.

7. At no time prior to issuing the License on February 23, 1998, did Mr. Stanton or any other agent or representative of IDWR contact Ms. Morris or any other agent or representative of the Association to inform them that the License would be issued to irrigate anything less than the 23 acres previously reported to Mr. Choat, or that lands within the Subdivision had to be actually irrigated to establish beneficial use for irrigation within the Subdivision.

8. The Subdivision was fully developed before it was notified the License would be issued for only 4.5 irrigated acres. There are a total of approximately 23 irrigated acres within the

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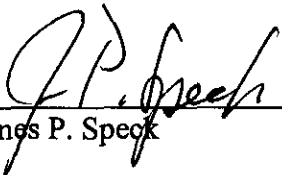
Subdivision. More than \$1,500,000 was spent by the owners of lots in the Subdivision to develop their irrigated landscaping in reliance upon their understanding of the requirements to perfect the License and the direct representations of agents of the Department.

9. The Association believes it should have the right to irrigate the lands presently developed which are approximately 23 acres.

WHEREFORE, the Association respectfully requests the Department to grant this Petition and amend the License to provide for the irrigation of 23 acres.

DATED this 28 day of February, 2000.

SPECK & AANESTAD
A Professional Corporation
Attorneys for Flowers Mill Subdivision Association, Inc

By 
James P. Speck

Tristate Excavation

General Excavation Contractor

188 Glendale Road • Bellevue, Idaho 83402 • Box 358 • Hailey, Idaho 83333
(208) 788-9501 • FAX (208) 788-5732

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DEC 23 1998

SPECK & AANESTAD

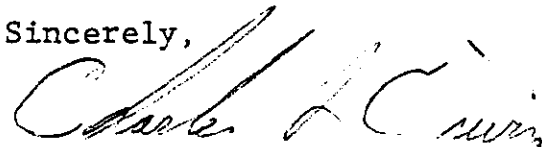
Date: December 21, 1998

James P. Speck
120 East Avenue
Box 987
Ketchum, ID 83340

Dear Jim,

Mountain States Excavation was the pipeline contractor that installed the water mainline system and water services for Flowers Mill Subdivision in the summer of 1986. I believe that the system was tested and signed off by the Engineer and usable in the fall of 1986. To the best of my knowledge, all of the above statements are true.

Sincerely,



Charles L. Erwin
G.M. of Mountain States Excavation
1982 thru 1988

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MAR 24 2002

EXHIBIT A

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FEB 29 2000

Department of Water Resources

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

Attorneys for Flowers Mill Subdivision Association, Inc.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF WATER RIGHT)
LICENSE NO. 37-08203 IN THE NAME OF) AFFIDAVIT OF DIANE NINI
FLOWERS MILL SUBDIVISION) MORRIS
ASSOCIATION, INC.)
_____)

STATE OF IDAHO)
) ss.
COUNTY OF BLAINE)

DIANE NINI MORRIS, being first duly sworn under oath, hereby deposes and states as follows:

1. I am now and have been since 1988 president of the Flowers Mill Subdivision Association, Inc. (the "Association"), the Idaho non-profit corporation whose members are the owners of the ten residential lots in the Flowers Mill Subdivision ("Subdivision") located north of the City of Ketchum in Blaine County, Idaho. I was formerly known as Diane Cetera.

2. In October, 1988 I was asked to sign the Proof of Beneficial Use form for the Association's water right for its central water system. I don't recall who prepared the form, but in good faith I certainly believed all of the statements and representations in the form were true and it

AFFIDAVIT OF DIANE NINI MORRIS - 1

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MAR 24 2000

was appropriate to submit it at that time to the Idaho Department of Water Resources ("IDWR").

3. I definitely understood that the Proof of Beneficial Use could be filed once the entire central water system was completed and operational with stub-out lines to each residential lot in the Subdivision, whether or not homes were built or landscaping installed on any of the lots. In other words, I understood the water right for the central system was fully developed at that time even though very little irrigated landscaping had been installed. I am certain all of the other lot owners and members of the Association had the same understanding. If the Association had been aware in the fall of 1988 that the irrigated landscaping for each lot had to be actually installed and under irrigation to protect and perfect the Association's water right for irrigation purposes, it would have requested extensions of time to allow complete build out of the Subdivision.

4. In the fall of 1991, the owners of an adjoining subdivision requested the Association to determine the costs involved in allowing that subdivision to use the Association's existing wells and pumps as the source of water for domestic, irrigation and fire protection purposes for the residential lots in that subdivision. A report was prepared by Galena Engineering, Inc., a local engineering firm, to determine the existing capacities and future demands on the Association's water system in light of this request. A copy of the report is attached hereto as Exhibit A. I understand that Michael D. Choat, from Galena Engineering, Inc., who authored the report, spoke to an IDWR agent who informed him the Association water right allowed the irrigation of 23 acres within the Subdivision. The Association relied on this report and had no reason to believe any of it was not accurate.

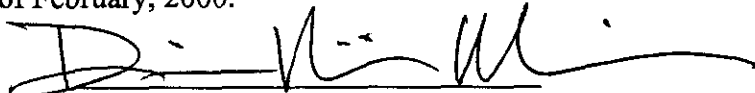
5. Since I have been president of the Association it has not employed any attorneys to review or otherwise address any water right issues for the Association. The Subdivision is now fully developed and there are approximately 23 acres of irrigated landscaping within the entire

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MAR 24 2000

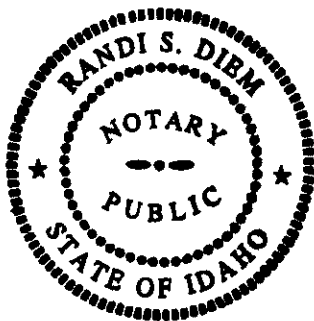
Subdivision. The homeowners have collectively spent more than \$1,500,000 on the installation of irrigation systems and landscaping in direct reliance upon their understanding of the number of irrigated acres under the Association water right.

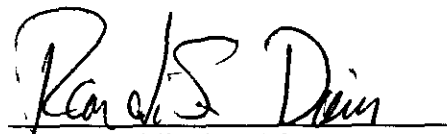
6. In October, 1996 I met with Mr. Jim Stanton, an IDWR agent, at the Subdivision. I don't recall the specific purpose of the meeting. The only discussion of irrigated landscaping had to do with the amount which would be installed on the three lots at the north end of the Subdivision which are under single ownership. Mr. Stanton did not say anything about any changes to the Association's water right. He certainly did not tell me he was going to recommend that IDWR reduce the allowable irrigated acreage to only 4.5 acres. At that time I still understood the Association water right allowed the irrigation of 23 acres.

DATED this 25 day of February, 2000.


DIANE NINI MORRIS

SUBSCRIBED AND SWORN TO before me this 25th day of February, 2000.




Notary Public for Idaho
Residing at Hailey, ID
Comm. Exp. 8-29-03

JRE Milazzo - 619-544-1488 (W)

NARRATIVE REPORT

for
Flowers Mill Subdivision and Lot 3, Flowers Ranch Subdivision → Peter Gray
Water Supply and Water Distribution System

INTRODUCTION

Flowers Mill Subdivision contains ten lots and is located North of Ketchum near Adams Gulch. Six of the ten lots are built on at this time. The purpose of this report is to evaluate and recommend improvements to the existing system and also evaluate connection of a possible 5 lot development (Lot 3, Flowers Ranch Subdivision) to the existing water system.

WATER RIGHTS

We contacted Doug Jones of the Idaho Department of Water Resources to determine the existing water rights for Flowers Mill Subdivision. Mr. Jones reported the following water rights:

- 1) Domestic - 10 Lots at 0.015 CFS per lot results in 0.15 CFS or 67 GPM.
- 2) Irrigation - 23 Acres at 0.02 CFS per acre results in 0.46 CFS or 206 GPM.
- 3) Total domestic and irrigation water right is 273 GPM.

The available water right for Flowers Ranch Subdivision will be based on 5 lots for domestic and 12.5 acres for irrigation. Using the allocations listed above results in a total domestic and irrigation water right of .325 CFS or 146 GPM.

The total possible domestic and irrigation water supply for both developments as diverted at the existing well is 419 GPM.

The above analysis of water rights is intended as a preliminary review for the purpose of this report. A detailed investigation should be provided since water rights often become a complex issue.

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EXHIBIT A

PUMPING SYSTEM

Well logs and pump curves were provided by Walker Water Systems, Inc. In addition, we met with Walker Water Systems' personnel on site to test the performance of the existing water system.

To test the water system, we opened a fire hydrant adjacent to the pump house. Each pump was manually started and the flow meter was read to determine the individual discharges. The system pressure was also monitored for approximately 20 minutes to evaluate possible major water leaks within the distribution system. The result of these tests indicate that the pumps operate in accordance with the pump curves provided and no major leaks are apparent within the existing distribution system. Comparing the system operating conditions with the pump curves indicates the 7-1/2 hp pump is operating near the center of its curve at an efficiency of approximately 70%. The 40-hp pump appears to operate at the end of the pump curve at an efficiency of approximately 60%. With the 40-hp pump operating at the end of the curve, it may exceed the motor rating. This condition may drastically reduce the life of the 40-hp motor. Since this pump should only operate when fire flows are required, we do not recommend replacing this pump at this time with a pump that more closely matches the operating conditions.

The piping, valving, and pressure tanks within the pump station appear to be adequate and well maintained.

Mark Koffer of Walker Water Systems, Inc. observed the fire pump operating one summer evening in 1990 while visiting the pump house. Apparently he walked into the building as the pressure dropped to 20 psi and the fire pump started. He observed the pump running for approximately one minute until the pressure reached 35 psi and the fire pump turned off. For the remainder of his observation, the domestic and irrigation pump provided for the demand on the system without the fire pump starting. This observation of the fire pump running may be an isolated incident or it may be indicative of excessive water use. The pressure tank system is not sized to provide minimum cycle times for the fire pump. As a result, if demand exceeds the supply provided by the domestic and irrigation pump, the fire pump will experience excessive starts and stops which is both inefficient and will drastically shorten the life of the pump.

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It is our recommendation that an hour meter be installed on the fire pump so its running time can be monitored. This information will allow the homeowners to know whether or not the water demand is exceeding the supply provided by the domestic and irrigation pump.

CONNECTION OF FLOWERS RANCH SUBDIVISION

It is proposed to use the Flowers Mill pump system to supply water to the proposed replat of Lot 3, Flowers Ranch Subdivision. An eight inch pipe line will be connected to the existing water distribution system and looped through the proposed development. The new pipe line will be connected to the existing distribution system on both ends eliminating dead end lines, enhancing pressure and flow for both developments, and also providing the ability to shut down part of the water distribution system for maintenance without shutting off the water supply to all of the users.

The new development is at a higher elevation than the existing development. The highest proposed lot is approximately 48 feet above the existing pump station. This elevation difference will result in approximately 20 psi of pressure drop with static conditions. At this time, the domestic and irrigation pump is set to start at 40 psi and stop at 60 psi. It is our recommendation that the pressure switches be changed so that the pump starts at 50 psi and stops at 70 psi. These settings should provide normal pressure at the highest lot in the range of approximately 30 to 50 psi while maintaining acceptable high pressures in the lower existing development.

As homes are constructed in both the existing and proposed developments, a time will come when the domestic and irrigation pump system will require upgrading to provide for the increased demand. The time for upgrading will be established by monitoring the previously mentioned fire pump hour meter. If the fire pump is running during periods of peak water use, the homeowners will know that the demand is exceeding the supply. At this point, a larger pump supplying approximately 419 GPM can be installed to replace the 250 GPM pump currently in place. The well was test pumped in excess of 500 GPM with only seven feet of draw down. This indicates the well should provide this increased supply with no improvement. Additional pressure tanks will need to be provided to prevent excessive cycling of the larger pump. It appears that

MAR 24 2000

sufficient room is available within the existing pump house for adding four or five additional pressure tanks. Replacing the existing pressure tanks with larger tanks is also an option available to provide additional storage to prevent cycling.

SUMMARY

Our preliminary analysis indicates that the existing pump station should be adequate to supply water for both Flowers Mill and Flowers Ranch Subdivisions. We recommend the operating pressures be increased to provide adequate pressure and flow for lots in the Flowers Ranch Subdivision and that an hour meter be installed on the fire pump to monitor its running time. A looped water distribution system for Flowers Ranch will be connected to the existing Flowers Mill water distribution system. When water demand increases due to build out of available lots, the domestic and irrigation pump and pressure tank system will require upgrading to meet that demand. As a final note, it is likely that when these subdivisions approach saturated development, water conservation measures will probably be required to bring the water demand in line with the water supply provided with the available ground water rights.

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5/23/91

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FEB 29 2000

Department of Water Resources

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

Attorneys for Flowers Mill Subdivision Association, Inc.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF WATER RIGHT)
LICENSE NO. 37-08203 IN THE NAME OF) PETITION FOR
FLOWERS MILL SUBDIVISION) RECONSIDERATION
ASSOCIATION, INC.)
_____)

FLOWERS MILL SUBDIVISION ASSOCIATION, INC. (the "Association"), through its attorneys, the law firm of Speck & Aanestad, A Professional Corporation, hereby petitions the Idaho Department of Water Resources (the "Department") pursuant to I.C. § 67-5243 for reconsideration of the Preliminary Order entered herein on February 15, 2000 issuing Water Right License No. 37-08203 (the "License"). In support thereof, the Association files the Affidavit of Diane Nini Morris and states as follows:

1. The Permit for Water Right No. 37-08203 was issued November 3, 1986 pursuant to the Amended Application for Permit filed by Winn Management Corp. The Permit sought a water right for domestic, irrigation and fire protection purposes for the Flowers Mill Subdivision, a ten lot residential subdivision north of the City of Ketchum, Idaho (the "Subdivision"). The Permit provided for the irrigation of 30 acres. The official plat for the Subdivision was recorded August

PETITION FOR RECONSIDERATION - 1

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29, 1986 in the records of Blaine County, Idaho.

2. Proof of Beneficial Use was due pursuant to the Permit on or before December 1, 1988, thus allowing approximately two years to complete the project. On October 11, 1988 the Permit was assigned to the Association. On October 21, 1988, the Association, through its president, Diane Nini Morris (formerly known as Diane Cetera), submitted Proof of Beneficial Use stating it had completed the development of the water right for domestic use in 10 homes, the irrigation of 30 acres and fire protection with a total rate of diversion of 2.11 cfs. At that time and at all times since then the Association believed and understood the water right was fully developed when the wells were drilled, pumps installed and the water distribution system completed and operational with stub-outs to each residential lot. The Proof also stated water was first diverted and beneficially used on September 12, 1986. The Proof was submitted and all statements therein made in good faith on the basis of this belief and understanding.

3. Attached to this Petition as Exhibit A is a letter dated December 21, 1998 from Charles L. Irwin to James P. Speck. Mr. Irwin is the general manager of Mountain States Excavation which constructed and installed the water mainline system. Mr. Irwin states the project was completed and operational in the fall of 1986. Mr. Irwin also informed Mr. Speck he did not believe as-built plans for the system were ever prepared.

4. Mr. Gary Funderburg, an agent with the Idaho Department of Water Resources ("IDWR") did the original Beneficial Use Field Examination on July 8, 1989, accompanied by Mr. Gene Walker, the well driller. Upon information and belief, Mr. Funderburg originally recommended the Permit be licensed for the irrigation of 23 acres. Mr. Funderburg did not tell Mr. Walker or any other agent or representative of the Association, at the time of the field examination or any other time, that the water right could only be licensed for the amount of irrigated acreage

actually developed prior to the deadline for submitting proof of beneficial use.

5. In 1991, Galena Engineering, Inc. was asked to evaluate the Association's existing water system and the possible addition of service to an adjoining five lot residential development. Attached to the Affidavit of Diane Nini Morris is a copy of the Narrative Report prepared by Michael D. Choat of Galena Engineering, Inc.. It indicates Mr. Doug Jones, an agent from IDWR, informed Mr. Choat that the Flowers Mill water right provided for the irrigation of 23 acres. The Report was provided to and relied upon by the Association, which had no reason to believe any of it was not accurate.

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7. At no time prior to issuing the License on February 23, 1998, did Mr. Stanton or any other agent or representative of IDWR contact Ms. Morris or any other agent or representative of the Association to inform them that the License would be issued to irrigate anything less than the 23 acres previously reported to Mr. Choat, or that lands within the Subdivision had to be actually irrigated to establish beneficial use for irrigation within the Subdivision.

8. The Subdivision was fully developed before it was notified the License would be issued for only 4.5 irrigated acres. There are a total of approximately 23 irrigated acres within the

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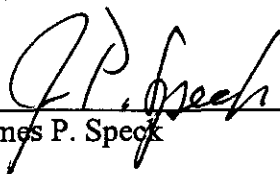
Subdivision. More than \$1,500,000 was spent by the owners of lots in the Subdivision to develop their irrigated landscaping in reliance upon their understanding of the requirements to perfect the License and the direct representations of agents of the Department.

9. The Association believes it should have the right to irrigate the lands presently developed which are approximately 23 acres.

WHEREFORE, the Association respectfully requests the Department to grant this Petition and amend the License to provide for the irrigation of 23 acres.

DATED this 28 day of February, 2000.

SPECK & AANESTAD
A Professional Corporation
Attorneys for Flowers Mill Subdivision Association, Inc

By 
James P. Speck

Tristate Excavation

General Excavation Contractor

188 Glendale Road • Bellevue, Idaho 83402 • P.O. Box 358 • Hailey, Idaho 83333

(208) 788-9501 • FAX (208) 788-5732

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DEC 23 1998

SPECK & AANESTAD

Date: December 21, 1998

James P. Speck
120 East Avenue
Box 987
Ketchum, ID 83340

Dear Jim,

Mountain States Excavation was the pipeline contractor that installed the water mainline system and water services for Flowers Mill Subdivision in the summer of 1986. I believe that the system was tested and signed off by the Engineer and usable in the fall of 1986. To the best of my knowledge, all of the above statements are true.

Sincerely,



Charles L. Erwin
G.M. of Mountain States Excavation
1982 thru 1988

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MAR 24 2000

EVLIDIT A

SPECK & AANESTAD
A PROFESSIONAL CORPORATION**ATTORNEYS**
P. O. Box 987
Ketchum, ID 83340
1-208-726-4421
Fax: 1-208-726-0752**FAX COVER SHEET/MEMO**

To: Mr. Norman C. Young Mr. Phil J. Rassier	Date: February 28, 2000
Fax #: 208-327-7866	Pages: 14, including this cover sheet.
From: James P. Speck	
Subject: Water Right No. 37-08203	Our File No: 980231

COMMENTS:

*Fax documents
received 2/28/2000.
Replaced by originals after
they were received on 2/29/2000*

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.

Z 433 942 023

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to FLOWERS HILL SUBDIVISION ASSN INC	
Street & Number PO BOX 1604	
Post Office, State, & ZIP Code KECKUM ID 23340-1604	
Postage	\$
Certified Fee	MICROFILMED MAR 24 1995
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date MAILED 2-15-08	

PS Form 3800, April 1995

Stick postage stamps to article to cover First-Class postage, certified mail, and charges for selected optional services (See front).

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (*no extra charge*).
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make an inquiry.

102595-98-M-0548

PS Form 3800, April 1995 (Reverse)



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 15, 2000

FLOWERS MILL SUBDIVISION ASSN INC
PO BOX 1604
KETCHUM ID 83340-1604

RE: Water Right No. 37-08203

Dear Water Right Holder:

I recently received a letter from your attorney, James P. Speck, pointing out that IDWR did not notify you by certified mail when it issued Water Right License 37-08203 in February of 1998. To correct this procedural error, I am forwarding a copy of the license to you via certified mail.

The license is a preliminary order of the Department issued pursuant to Section 67-5243, *Idaho Code*, and Rule 730 of the Department's Rules of Procedure. A preliminary order issued by the Department can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

cc: James P. Speck

Enclosure

ADDRESS SUPPLIED BY
JIM SPECK'S OFFICE.

PO BOX 1604
KETCHUM 83340 -
1604

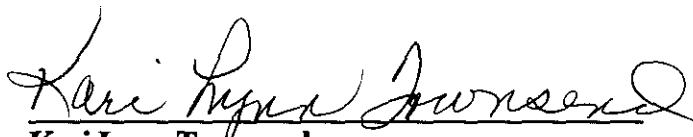
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MAR 24 2000

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of February, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

Water Right No. 37-08203

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


**Kari Lynn Townsend
Secretary**

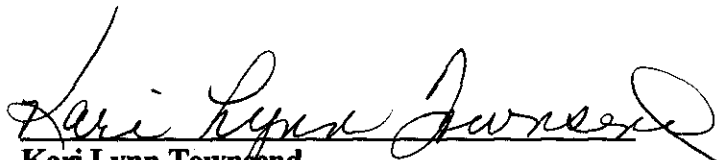
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MAR 24 2000

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I hereby certify that on the 15th day of February, 2000, I mailed a true and correct copy, certified mail, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

Water Right No. 37-08203

**FLOWERS MILL SUBDIVISION ASSN INC
PO BOX 1604
KETCHUM ID 83340-1604**


**Kari Lynn Townsend
Secretary**

MICROFILMED
MAR 24 2000

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS
P. O. Box 987
Ketchum, ID 83340
1-208-726-4421
Fax: 1-208-726-0752

FAX COVER SHEET/MEMO

To:	Mr. Norman C. Young	Date:	February 9, 2000
Fax #:	1-208-327-7866	Pages:	2, including this cover sheet.
From:	James P. Speck		
Subject:	Flowers Mill Owners Association - Water Right 37-08203	Our File No.	898/980231

COMMENTS:

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

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

February 9, 2000

VIA FACSIMILE - 1-208-327-7866**ORIGINAL WILL NOT FOLLOW**Mr. Norman C. Young
IDAHO DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000**Re: *Flowers Mill Owners Association - Water Right 37-08203***
Our File No. 898/980231

Dear Norm:

I.C. § 42-219(8) provides as follows:

In the event that the department shall find that the applicant has not fully complied with the law and the conditions of permit, it may issue a license for that portion of the use which is in accordance with the permit, or may refuse issuance of a license and void the permit. Notice of such action shall be forwarded to the permit holder by certified mail. The applicant may contest such action by the department pursuant to section 42-1701A(3), Idaho Code (emphasis added).

In the present case, the license was issued for less than the allowable amount and irrigated acres under the permit. Therefore, notice of this action was required to be sent to my client by certified mail. It was not. The best way to correct this procedural defect is to re-issue the preliminary order for the license. We will, of course, then timely re-file our Petition for Reconsideration.

Please call if there are any questions. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

James P. Speck

JPS/j
cc: client

MICROFILMED

MAR 24 2000

MEMO

TO: FILE/37-8203

FROM: GFUNDERBURG

DATE: 10/22/1999

This memo is in reference to the field exam I completed for Flower Mills Sub.

As I recall I met Gene Walker with Walker Water System of Twin Falls, Idaho, at the well head. We discussed the operation of the system and I recommended the permit as the application was applied for. I do not recall if the ground was irrigated at this time. I do know at this time the Dept. was issuing the lic. with the stubbed in connections for the homes and irrigated lands with the homes. I don't recall measuring the system.

RECEIVED

OCT 1999

Department of Water Resources

MICROFILMED

MAR 24 2000

MEMO

RECEIVED
OCT 14 1999
Department of Water Resources

TO: Shelley Keen

DATE: 10-12-1999

FROM: J E STANTON

SUBJECT: License 37-08203, Flowers Mill Subdivision

This memo is being written per your request concerning the question of irrigated acreage within this subdivision. Gary did the original exam, and I received it for staff review prior to sending the exam to Boise for licensing. The exam was incomplete. Since the missing data could not be provided from memory, and since Gary no longer does licensing exams, it was necessary for me to do my own field review in order to complete the exam. I met with Ms. Nini, who showed me the wells. We talked about the water system, then I left her to walk around the area in order to determine the irrigated acreage and other aspects of the system. I looked at each lot in order to estimate what was watered. Although these lots may average 3 acres, most of the area was in roads, buildings, and areas of natural vegetation. There is a color photo in Georgia's re-exam that shows all of this. A good portion of this property is naturally-watered river bottom. I did not walk over every square foot of this property in order not to disturb the residents, but felt that I saw what I needed to in order to make an accurate recommendation. I did not see Ms. Nini again after she showed me the water system, so was not in a position to discuss my findings with her while in the field. Unless requested to do otherwise, I prefer to send my findings to Boise for their review and pre-license letter to the permit holder. It is either that, or spend extra time explaining to every land owner why I didn't recommend 100% of their permitted amounts.

Let me know if you need any more on this matter.

MICROFILMED

MAR 24 2000

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: C045480

Date: 5/19/1999
Time: 09:45:54

Received
From: SPECK & HANESTAD

Type of Payment	Program Acct	Amount
RE-EXAMINATION FEE__FLOWERS MILL	56104 229 21 1155	150.00

CHECK 29039

Total \$ 150.00

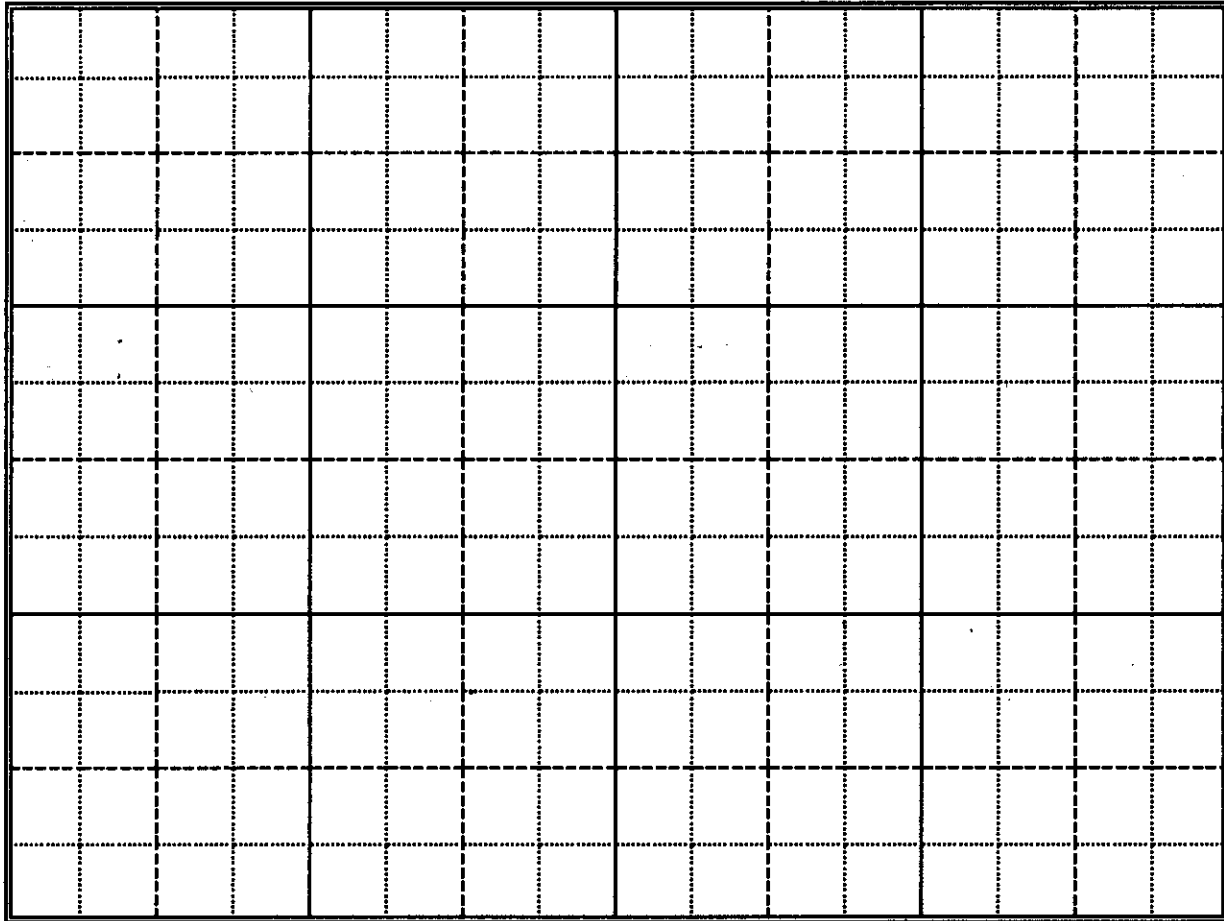
Region: STATE

Signature: U Wilcomb

MICROFILMED
MAR 24 2000

MAR 24 2000

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
12" diam.	Hotochi	40	H86	Berkeley	179776
8" diam.	Franklin	7.5	G85	" "	1943236
			Mod. 236611600		

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

D. FLOW MEASUREMENTS

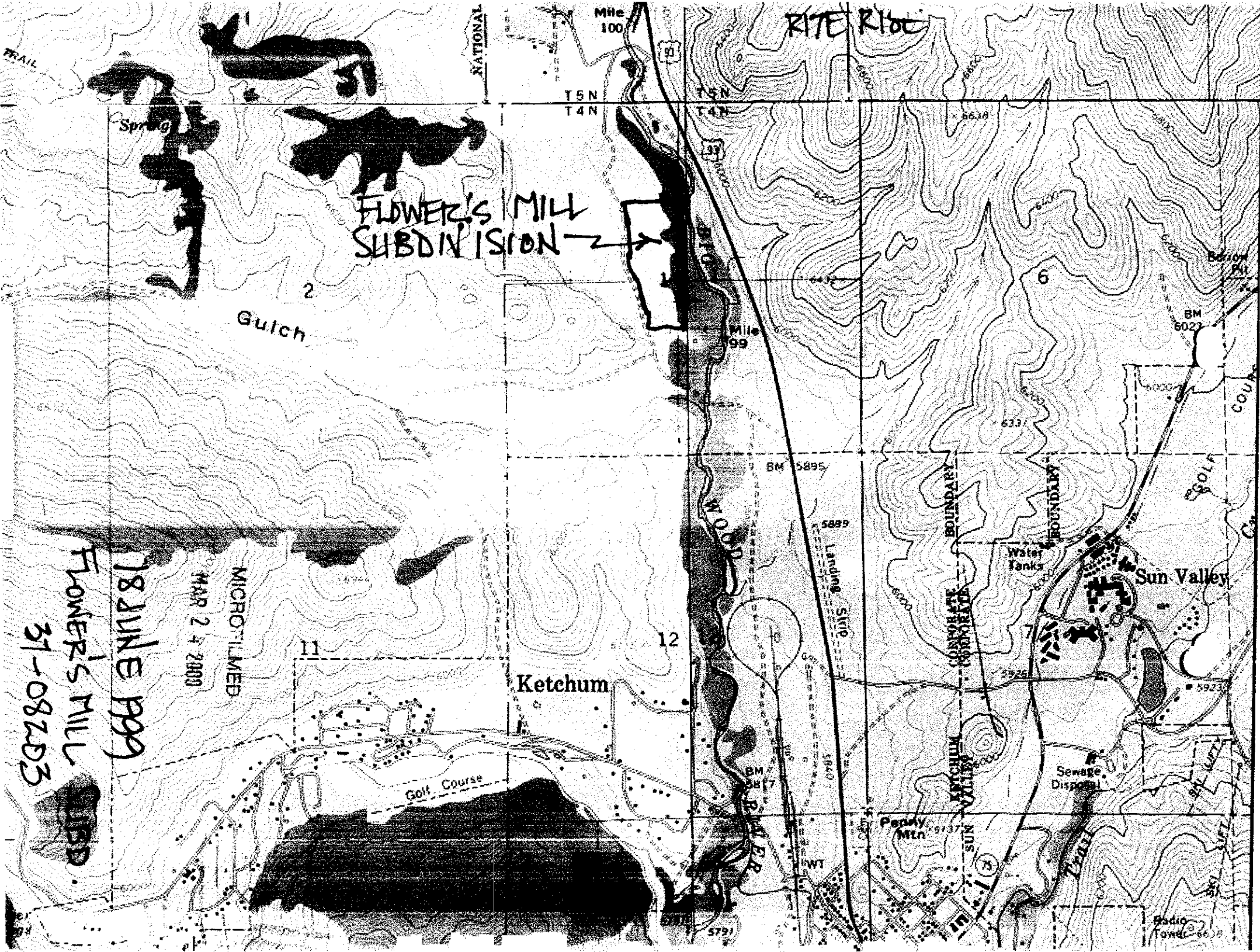
1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
McCrometer				86-8-1402	8"	

2. Measurements: 1500 gpm 3.342 cfs both pump on w/ hydrant open 40-60 PSI w/ 18' lift (actual pumping level)

MAR 24 2000

By 1989, 1996 Field Exams



E. NARRATIVE/REMARKS/COMMENTS

The information previously gathered (1989 & 1996) is included in the file.

TO THE FILE: 37-08203

FROM: Georgia Satterlee
DATE: 18 June 1999

I met with Diane Nini, Association President, and Jim Speck, Attorney for Association, at approximately 1100 hrs., on 16 June 1999 to verify irrigation of the Flower's Mill Subdivision.

In order to observe what was irrigated, I walked the entire perimeter of the subdivision. Then I walked through each lot and looked at the individual sprinkler systems.

With the exception of portions of several of the lots, the majority of the subdivision is irrigated. An example of a non-irrigated area is the south 1000 feet of Lot 10. Similarly, the east area of Lots 1-2 and Lots 4-5 have areas without sprinkler systems, however, I observed matured, natural vegetation. A few of these lots have sub-water. The river runs parallel with the east boundary of the subdivision.

The location of the irrigated acres is 25 acres in the SENW $\frac{1}{4}$, and 6.7 acres in the NESW $\frac{1}{4}$. All in Section 1, T04N, R17E.

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

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MAR 24 2000

F. FLOW CALCULATIONSX Additional Computation Sheets Attached

Measured Method:

McCrometer Used: July 1989

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 30 (3.5) = 105$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 3.34 (215) 1.98 = 142.2$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 105$$

2. Volume Calculations for Other Uses:

Capacity of well(s) measured @ 1500 gpm;
Pump curves included in file.

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
	From	To	Q (cfs)	V (afa)
Domestic (In House Only)	1/1	12/31	0.14 cfs	5.4
Irrigation	4/15	10/15	0.60	105
Fire Protection	1/1	12/31	1.5	N/A
Totals:			2.24 cfs	110.4

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☒ OtherAugment
Irrigation**I. AUTHENTICATION**

Field Examiner's Name

George Sutterlee

Date

18 June 1999

Reviewer

Date

MICROFILMED

MAR 24 2000

NC4

Lot 1	1.5 acres
Lot 2	2.8 acres
Lot 3	3.3 acres
Lot 4	3.5 acres
Lot 5	3.8 acres
Lot 6-8	12.3 acres
Lot 9	2.8 acres
Lot 10	1.7 acres
<u>Total Acres 31.7</u>	

Lot 9

Lot 10

Lots 6-8

Lot 5

Lot 4

Lot 3

Lot 2

Lot 1

Adams Green
Bridges over
Big Wood River

RECEIVED

MAY 19 1999

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

Department of Water Resources

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

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

May 18, 1999

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

Re: Water Right No. 37-08203 - Flowers Mill Subdivision

Dear Shelly:

In response to your May 13, 1999 letter I am enclosing our check payable to IDWR for the sum of \$150 to cover the re-examination. I look forward to hearing soon from someone in the Twin Falls office to schedule the re-examination.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 

James P. Speck

JPS:jal
Enclosure
cc: Client
Mr. Philip Rassier

MICROFILMED
MAR 24 2000

Receipt
C045480



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

May 13, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

RE: Water Right 37-08203 -- Flowers Mill Subdivision

Dear Jim:

Earlier this year you asked IDWR to reconsider the number of acres authorized to be irrigated in Flowers Mill Subdivision under Water Right 37-08203. In response to your request, I suggested obtaining recent aerial photography from the Farm Service Agency to verify the number of acres irrigated in the subdivision. I was informed this week that there is no recent aerial photography available from the FSA for the Flowers Mill Subdivision area, and I can find no other source of aerial photography. Therefore, it appears that the only way to verify the irrigated acreage under Water Right 37-08203 is for IDWR to conduct another on-site examination.

Beneficial Use Rule 50.01.e. requires that a fee equal to the original examination fee be paid to IDWR for a re-examination. The original examination fee paid for Water Right 37-08203 was \$150.00. Therefore, I must ask you to submit an examination fee of \$150.00 before a re-examination is conducted. Once IDWR receives the fee, I will ask IDWR staff in Twin Falls to contact you to schedule a re-examination.

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

Respectfully,

Shelley Walter Keen
Water Rights Supervisor

cc: IDWR Southern Region

MICROFILMED

MAR 24 2000

MEMORANDUM

TO: File 37-08203

FROM: Sharla

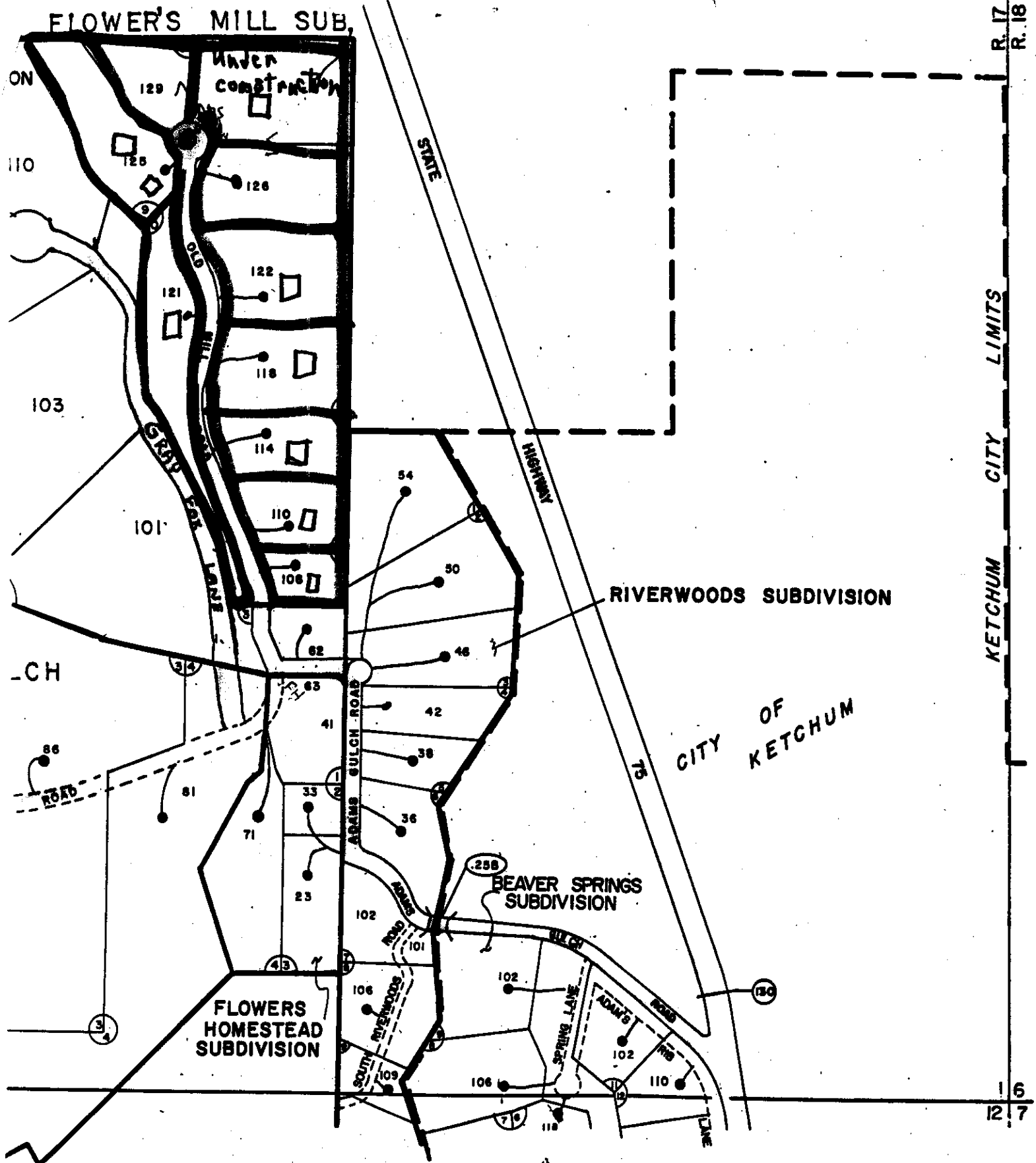
DATE: May 12, 1999

RE: FSA Photography

In response to Jim Speck's request for petition for reconsideration under this right, I contacted Dee Jennings of the Blaine County FSA office and asked for the latest photography for this area. A slide was sent and Jeff Peppersack scanned it in for our use in GIS processing. Jeff and I found that the slide was for the wrong area.

I contacted Dee again and told her the slide we'd received was for the wrong area. After checking their photography again, Dee called me on this date and informed me that they have no photography north of Ketchum. They don't make flights that far north since that area doesn't contain a lot of irrigated lands. So the only photography we have is the 1987 NAPP which Jeff printed a copy of for us.

MICROFILMED
MAR 24 2000



T. 4 N., R. 17 E.

MICROFILMED
MAR 2 7 1958
MAR 2 4 2000

T4NR17E Sec. 1



1987 NAPP

MICROFILMED
MAR 24 2000

Copy



T4NR17E Sec. 1



1987 NAPP

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MAR 24 2000



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SPECK & AANESTAD

FEB 22 1999

A PROFESSIONAL CORPORATION
ATTORNEYS

Department of Water Resources

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

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

February 19, 1999

Mr. Philip J. Rassier
Idaho Department of Water Resources
1301 North Orchard St.
Statehouse Mail
Boise ID 83720-9000

RE: Flowers Mill Subdivision Association, Inc. - Water Right No. 37-08203

Dear Phil:

Enclosed please find the original and two copies of the following pleadings with respect to the above-referenced water right:

1. Petition for Reconsideration and Amendment of License; and
2. Affidavit of Diane Nini Morris.

I have sent these pleadings directly to you because I would like you to investigate the similarities of this case with Permit No. 37-08464 issued to Greenhorn Owners Association, Inc. In that case, the Application for Permit was filed in October, 1988, the Permit issued July 13, 1989 and a Proof of Beneficial Use deadline set for August 1, 1990. That Permit included the condition that irrigation use was authorized only in connection with domestic use. In the present case, an Amended Application for Permit was filed July 28, 1986, the Permit issued November 3, 1986 setting December 1, 1988 as the deadline for Proof of Beneficial Use. It included the same condition with respect to irrigation. In both cases, Proof of Beneficial Use was filed with IDWR with the understanding that the beneficial use of water for domestic and irrigation purposes could be accomplished by completing a water system stubbed out to each lot within the Subdivision. Both systems were in place and operational at the time Proofs of Beneficial Use were filed and the applicants, in both cases, believed in good faith they were proceeding properly.

In both cases, two Beneficial Use Field Exams were conducted. In the Greenhorn Subdivision case, I had been involved with the Association from the beginning of the process and kept current on the recommendations made after the second field examination. We were thus able to take action before the License was issued and, as you will see, allowed to withdraw the original Proof of Beneficial Use and obtain an extension of time to permit build out of the Subdivision and full development of the Permit.

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MAR 24 2000

Mr. Philip J. Rassier
Idaho Department of Water Resources
February 19, 1999
Page 2

In the present case, I was not retained by the Association until it became aware in December, 1998, that the irrigation component of the water right for this 10 residential lot subdivision had been reduced to 4.5 acres by the terms of the License issued in February, 1998. The Association was thus not given the opportunity to timely act before the License was issued. The other important distinction is that this Subdivision is now fully developed and the total irrigated acreage is significantly less than the amount of the Permit. The same argument I made for the Greenhorn Subdivision with respect to the Big Wood River Ground Water Management Area ("BWRGWMA") applies to this Subdivision. The BWRGWMA was created by Order in 1991. Proof of Beneficial Use was timely filed in 1988 pursuant to my client's understanding of IDWR guidelines for subdivisions at the time. The licensing of my client's water right should not be subject to the restrictions of the BWRGWMA. However, it is not necessary for the License to be issued for the full amount of the Permit or even the 23 acres initially recommended. Instead, my client merely desires the License to reflect the current actual development which represents the full amount of irrigated landscaping that will ever take place in the Subdivision.

Please call me as soon as you have had an opportunity to review this letter, the Petition and Affidavit. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:rsd
enclosures
cc: client, w/encl.

MICROFILMED
MAR 24 2000

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

Attorneys for Flowers Mill Subdivision Association, Inc.

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

IN THE MATTER OF WATER RIGHT	)	
LICENSE NO. 37-08203 IN THE NAME OF	)	PETITION FOR
FLOWERS MILL SUBDIVISION	)	RECONSIDERATION AND
ASSOCIATION, INC.	)	AMENDMENT OF LICENSE
_____	)	

FLOWERS MILL SUBDIVISION ASSOCIATION, INC. (the "Association"), through its attorneys, the law firm of Speck & Aanestad, A Professional Corporation, hereby petitions the Idaho Department of Water Resources (the "Department") pursuant to I.C. § 67-5243 for reconsideration of the Preliminary Order entered herein on February 23, 1998 issuing Water Right License No. 37-08203 (the "License") and for amendment of the License. In support thereof, the Association files the Affidavit of Diane Nini Morris and states as follows:

1. The Permit for Water Right No. 37-08203 was issued November 3, 1986 pursuant to the Amended Application for Permit filed by Winn Management Corp. The Permit sought a water right for domestic, irrigation and fire protection purposes for the Flowers Mill Subdivision, a ten lot residential subdivision north of the City of Ketchum, Idaho (the "Subdivision"). The Permit provided for the irrigation of 30 acres. The official plat for the Subdivision was recorded August

**PETITION FOR RECONSIDERATION
AND AMENDMENT OF LICENSE - 1**

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2/18/99
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MAR 24 2000

29, 1986 in the records of Blaine County, Idaho.

2. Proof of Beneficial Use was due pursuant to the Permit on or before December 1, 1988, thus allowing approximately two years to complete the project. On October 11, 1988 the Permit was assigned to the Association. On October 21, 1988, the Association, through its president, Diane Nini Morris (formerly known as Diane Cetera), submitted Proof of Beneficial Use stating it had completed the development of the water right for domestic use in 10 homes, the irrigation of 30 acres and fire protection with a total rate of diversion of 2.11 cfs. At that time and at all times since then the Association believed and understood the water right was fully developed when the wells were drilled, pumps installed and the water distribution system completed and operational with stub-outs to each residential lot. The Proof also stated water was first diverted and beneficially used on September 12, 1986. The Proof was submitted and all statements therein made in good faith on the basis of this belief and understanding.

3. Attached to this Petition as Exhibit A is a letter dated December 21, 1998 from Charles L. Irwin to James P. Speck. Mr. Irwin is the general manager of Mountain States Excavation which constructed and installed the water mainline system. Mr. Irwin states the project was completed and operational in the fall of 1986. Mr. Irwin also informed Mr. Speck he did not believe as-built plans for the system were ever prepared.

4. Mr. Gary Funderburg, an agent with the Idaho Department of Water Resources ("IDWR") did the original Beneficial Use Field Examination on July 8, 1989, accompanied by Mr. Gene Walker, the well driller. Upon information and belief, Mr. Funderburg originally recommended the Permit be licensed for the irrigation of 23 acres. Mr. Funderburg did not tell Mr. Walker or any other agent or representative of the Association, at the time of the field examination

or any other time, that the water right could only be licensed for the amount of irrigated acreage actually developed.

5. In 1991, Galena Engineering, Inc. was asked to evaluate the Association's existing water system and the possible connection of an adjoining five lot residential development. Attached to the Affidavit of Diane Nini Morris is a copy of the Narrative Report prepared by Michael D. Choat of Galena Engineering, Inc.. It indicates Mr. Doug Jones, an agent from IDWR, informed Mr. Choat that the Flowers Mill water right provided for the irrigation of 23 acres. The Report was provided to and relied upon by the Association, which had no reason to believe any of it was not accurate.

6. In October, 1996, Jim Stanton, an IDWR agent, met at the Subdivision with Ms. Diane Nini Morris, president of the Association. Mr. Stanton, upon information and belief, conducted another field examination and revised the recommendations previously made by Mr. Funderburg. However, Mr. Stanton did not say anything to Ms. Morris during that meeting about making changes to the Association's water right. Ms. Morris then continued to understand the Association's water right allowed the irrigation of 23 acres within the Subdivision. The Beneficial Use Field Report signed by Mr. Stanton is dated October 11, 1996. A copy was never sent to the Association.

7. At no time prior to issuing the License on February 23, 1998, did Mr. Stanton or any other agent or representative of IDWR contact Ms. Morris or any other agent or representative of the Association to inform them that the License would be issued to irrigate anything less than the 23 acres previously reported to Mr. Choat, or that lands within the Subdivision had to be actually irrigated to establish beneficial use for irrigation within the Subdivision.

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MAR 24 2000

8. Ms. Morris did not receive the License until approximately March 9, 1998. Ms. Morris candidly admits she did not closely read the License and related materials nor did she seek any legal advice as to their significance. It was not until she was contacted by Mr. Speck in December, 1998, that Ms. Morris became aware that the License was issued for the irrigation of only 4.5 acres within the entire Subdivision.

9. The Subdivision is now fully developed and there are a total not more than 23 irrigated acres within the Subdivision.

10. The Association believes it should have the right to irrigate the lands presently developed which are not more than 23 acres, the exact amount of which can be determined once the snow is gone this Spring.

WHEREFORE, the Association respectfully requests the Department to grant this Petition and amend the License to provide for the irrigation of not more than 23 acres, the exact amount to be determined once the snow is gone this Spring.

DATED this 19 day of February, 1999.

SPECK & AANESTAD
A Professional Corporation
Attorneys for Flowers Mill Subdivision Association, Inc

By 
James F. Speck

MICROFILMED
MAR 24 2000

Tristate Excavation

General Excavation Contractor

188 Glendale Road • Bellevue, Idaho 83404 • P.O. Box 358 • Hailey, Idaho 83333

(208) 788-9501 • FAX (208) 788-5732

RECEIVED

DEC 23 1998

SPECK & AANESTAD

Date: December 21, 1998

James P. Speck
120 East Avenue
Box 987
Ketchum, ID 83340

Dear Jim,

Mountain States Excavation was the pipeline contractor that installed the water mainline system and water services for Flowers Mill Subdivision in the summer of 1986. I believe that the system was tested and signed off by the Engineer and usable in the fall of 1986. To the best of my knowledge, all of the above statements are true.

Sincerely,



Charles L. Erwin
G.M. of Mountain States Excavation
1982 thru 1988

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MAR 24 2000

EXHIBIT A

RECEIVED

FEB 22 1999

Department of Water Resources

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

Attorneys for Flowers Mill Subdivision Association, Inc.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF WATER RIGHT)
LICENSE NO. 37-08203 IN THE NAME OF) AFFIDAVIT OF DIANE NINI
FLOWERS MILL SUBDIVISION) MORRIS
ASSOCIATION, INC.)
_____)

STATE OF IDAHO)
) ss.
COUNTY OF BLAINE)

DIANE NINI MORRIS, being first duly sworn under oath, hereby deposes and states as follows:

1. I am now and have been since 1988 president of the Flowers Mill Subdivision Association, Inc. (the "Association"), the Idaho non-profit corporation whose members are the owners of the ten residential lots in the Flowers Mill Subdivision ("Subdivision") located north of the City of Ketchum in Blaine County, Idaho. I was formerly known as Diane Cetera.

2. In October, 1988 I was asked to sign the Proof of Beneficial Use form for the Association's water right for its central water system. I don't recall who prepared the form, but in good faith I certainly believed all of the statements and representations in the form were true and it

AFFIDAVIT OF DIANE NINI MORRIS - 1

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2/19/99

MICROFILMED

MAR 24 2000

was appropriate to submit it at that time to the Idaho Department of Water Resources ("IDWR").

3. I definitely understood that the Proof of Beneficial Use could be filed once the entire central water system was completed and operational with stub-out lines to each residential lot in the Subdivision, whether or not homes were built or landscaping installed on any of the lots. In other words, I understood the water right for the central system was fully developed at that time even though very little irrigated landscaping had been installed. I am certain all of the other lot owners and members of the Association had the same understanding. If the Association had been aware in the fall of 1988 that the irrigated landscaping for each lot had to be actually installed and under irrigation to protect and perfect the Association's water right for irrigation purposes, it would have requested extensions of time to allow complete build out of the Subdivision.

4. In the fall of 1991, the owners of an adjoining subdivision requested the Association to determine the costs involved in allowing that subdivision to use the Association's existing wells and pumps as the source of water for domestic, irrigation and fire protection purposes for the residential lots in that subdivision. A report was prepared by Galena Engineering, Inc., a local engineering firm, to determine the existing capacities and future demands on the Association's water system in light of this request. A copy of the report is attached hereto as Exhibit A. I understand that Michael D. Choat, from Galena Engineering, Inc., who authored the report, spoke to an IDWR agent who informed him the Association water right allowed the irrigation of 23 acres within the Subdivision. The Association relied on this report and had no reason to believe any of it was not accurate.

5. Since I have been president of the Association it has not employed any attorneys to review or otherwise address any water right issues for the Association. The Subdivision is now fully developed and there are less than 23 acres of irrigated landscaping within the entire Subdivision.

The exact amount can be determined this Spring once the snow melts.

6. In October, 1996 I met with Mr. Jim Stanton, an IDWR agent, at the Subdivision. I don't recall the specific purpose of the meeting. The only discussion of irrigated landscaping had to do with the amount which would be installed on the three lots at the north end of the Subdivision which are under single ownership. Mr. Stanton did not say anything about any changes to the Association's water right. He certainly did not tell me he was going to recommend that IDWR reduce the allowable irrigated acreage to only 4.5 acres. At that time I still understood the Association water right allowed the irrigation of 23 acres.

7. I did not receive the License for the Water Right until approximately March 9, 1998. I didn't closely read the License and related materials nor did I seek any legal advice as to their significance. There was nothing in the materials that specifically drew my attention to the fact that the amount of water and number of irrigated acres had been drastically reduced from the Permit. No one from IDWR had contacted me since my meeting with Mr. Stanton. I had absolutely no reason to believe there would be any change to the Water Right. It was not until I was contacted by Mr. James P. Speck in December, 1998, that I became aware that the License was issued for the irrigation of only 4.5 acres within the entire Subdivision.

DATED this 18 day of February, 1999.


DIANE NINI MORRIS

SUBSCRIBED AND SWORN TO before me this 18th day of February, 1999.


Notary Public for Idaho
Residing at Hailey, ID
Comm. Exp. 8-29-03

Joe Milazzo - 619-544-1488 (W)

NARRATIVE REPORT

for
Flowers Mill Subdivision and Lot 3, Flowers Ranch Subdivision → Peter Gray
Water Supply and Water Distribution System

INTRODUCTION

Flowers Mill Subdivision contains ten lots and is located North of Ketchum near Adams Gulch. Six of the ten lots are built on at this time. The purpose of this report is to evaluate and recommend improvements to the existing system and also evaluate connection of a possible 5 lot development (Lot 3, Flowers Ranch Subdivision) to the existing water system.

WATER RIGHTS

We contacted Doug Jones of the Idaho Department of Water Resources to determine the existing water rights for Flowers Mill Subdivision. Mr. Jones reported the following water rights:

- 1) Domestic - 10 Lots at 0.015 CFS per lot results in 0.15 CFS or 67 GPM.
- 2) Irrigation - 23 Acres at 0.02 CFS per acre results in 0.46 CFS or 206 GPM.
- 3) Total domestic and irrigation water right is 273 GPM.

The available water right for Flowers Ranch Subdivision will be based on 5 lots for domestic and 12.5 acres for irrigation. Using the allocations listed above results in a total domestic and irrigation water right of .325 CFS or 146 GPM.

The total possible domestic and irrigation water supply for both developments as diverted at the existing well is 419 GPM.

The above analysis of water rights is intended as a preliminary review for the purpose of this report. A detailed investigation should be provided since water rights often become a complex issue.

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EXHIBIT A

PUMPING SYSTEM

Well logs and pump curves were provided by Walker Water Systems, Inc. In addition, we met with Walker Water Systems' personnel on site to test the performance of the existing water system.

To test the water system, we opened a fire hydrant adjacent to the pump house. Each pump was manually started and the flow meter was read to determine the individual discharges. The system pressure was also monitored for approximately 20 minutes to evaluate possible major water leaks within the distribution system. The result of these tests indicate that the pumps operate in accordance with the pump curves provided and no major leaks are apparent within the existing distribution system. Comparing the system operating conditions with the pump curves indicates the 7-1/2 hp pump is operating near the center of its curve at an efficiency of approximately 70%. The 40-hp pump appears to operate at the end of the pump curve at an efficiency of approximately 60%. With the 40-hp pump operating at the end of the curve, it may exceed the motor rating. This condition may drastically reduce the life of the 40-hp motor. Since this pump should only operate when fire flows are required, we do not recommend replacing this pump at this time with a pump that more closely matches the operating conditions.

The piping, valving, and pressure tanks within the pump station appear to be adequate and well maintained.

Mark Koffer of Walker Water Systems, Inc. observed the fire pump operating one summer evening in 1990 while visiting the pump house. Apparently he walked into the building as the pressure dropped to 20 psi and the fire pump started. He observed the pump running for approximately one minute until the pressure reached 35 psi and the fire pump turned off. For the remainder of his observation, the domestic and irrigation pump provided for the demand on the system without the fire pump starting. This observation of the fire pump running may be an isolated incident or it may be indicative of excessive water use. The pressure tank system is not sized to provide minimum cycle times for the fire pump. As a result, if demand exceeds the supply provided by the domestic and irrigation pump, the fire pump will experience excessive starts and stops which is both inefficient and will drastically shorten the life of the pump.

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It is our recommendation that an hour meter be installed on the fire pump so its running time can be monitored. This information will allow the homeowners to know whether or not the water demand is exceeding the supply provided by the domestic and irrigation pump.

CONNECTION OF FLOWERS RANCH SUBDIVISION

It is proposed to use the Flowers Mill pump system to supply water to the proposed replat of Lot 3, Flowers Ranch Subdivision. An eight inch pipe line will be connected to the existing water distribution system and looped through the proposed development. The new pipe line will be connected to the existing distribution system on both ends eliminating dead end lines, enhancing pressure and flow for both developments, and also providing the ability to shut down part of the water distribution system for maintenance without shutting off the water supply to all of the users.

The new development is at a higher elevation than the existing development. The highest proposed lot is approximately 48 feet above the existing pump station. This elevation difference will result in approximately 20 psi of pressure drop with static conditions. At this time, the domestic and irrigation pump is set to start at 40 psi and stop at 60 psi. It is our recommendation that the pressure switches be changed so that the pump starts at 50 psi and stops at 70 psi. These settings should provide normal pressure at the highest lot in the range of approximately 30 to 50 psi while maintaining acceptable high pressures in the lower existing development.

As homes are constructed in both the existing and proposed developments, a time will come when the domestic and irrigation pump system will require upgrading to provide for the increased demand. The time for upgrading will be established by monitoring the previously mentioned fire pump hour meter. If the fire pump is running during periods of peak water use, the homeowners will know that the demand is exceeding the supply. At this point, a larger pump supplying approximately 419 GPM can be installed to replace the 250 GPM pump currently in place. The well was test pumped in excess of 500 GPM with only seven feet of draw down. This indicates the well should provide this increased supply with no improvement. Additional pressure tanks will need to be provided to prevent excessive cycling of the larger pump. It appears that

sufficient room is available within the existing pump house for adding four or five additional pressure tanks. Replacing the existing pressure tanks with larger tanks is also an option available to provide additional storage to prevent cycling.

SUMMARY

Our preliminary analysis indicates that the existing pump station should be adequate to supply water for both Flowers Mill and Flowers Ranch Subdivisions. We recommend the operating pressures be increased to provide adequate pressure and flow for lots in the Flowers Ranch Subdivision and that an hour meter be installed on the fire pump to monitor its running time. A looped water distribution system for Flowers Ranch will be connected to the existing Flowers Mill water distribution system. When water demand increases due to build out of available lots, the domestic and irrigation pump and pressure tank system will require upgrading to meet that demand. As a final note, it is likely that when these subdivisions approach saturated development, water conservation measures will probably be required to bring the water demand in line with the water supply provided with the available ground water rights.

MDC:cdb
5/23/91

MAK 4 7 2000

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MAR 24 2000

M E M O R A N D U M

DATE: March 5, 1998

TO: File 37-08203

FROM: Kari Lynn Townsend

RE: Returned Mail

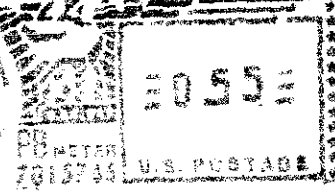
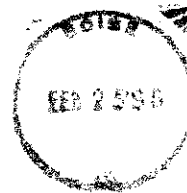
=====

The license that was mailed out on 2-23-98 was returned by the postoffice for address correction.

I telephoned Mark Koffer (name and phone number on Proof of B/U form) and he gave me the address for Diane Nini, President of Flowers Mill Subdivision Assn, Inc.

Her mailing address is: PO BOX 566, Sun Valley, ID 83353-0566

I re-mailed the license to Diane Nini at the address shown above today.



RECEIVED
FEB 26 1998
Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES

1301 N. Orchard St.
P.O. Box 83720
Boise, ID 83720-0098
(208) 327-7900

TO

L37-08203
FLOWERS MILL SUBDIVISION ASSN INC
109 FIR DR
KETCHUM

ID 83340

PO BOX 4
REQUIRED
No Street Delivery in Ketchum.
Please Help Us Serve you better
by Completely Addressing your Mail



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

February 23, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FLOWERS MILL SUBDIVISION ASSN INC
109 FIR DR
KETCHUM ID 83340

RE: WATER RIGHT NO. 37-08203

Dear Water Right Holder(s):

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

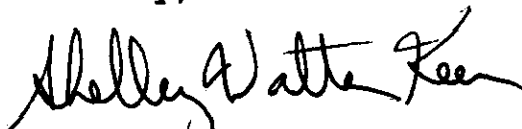
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The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 23rd day of February, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 37-08203

FLOWERS MILL SUBDIVISION ASSN INC
109 FIR DR
KETCHUM ID 83340


Kari Lynn Townsend
Secretary

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MAR 27 1998

MEMORANDUM

TO: File 37-08203

FROM: Sharla

DATE: February 10, 1998

RE: Licensing Recommendation Adjustments

The adjustments to licensing recommendations for Permit No. 37-08203 are as follows:

H. RECOMMENDATIONS

Irrigation	4/15 - 10/15	0.14 cfs	15.8 afa
Domestic	1/1 - 12/31	0.14 cfs	5.4 afa
Fire Protection	1/1 - 12/31	1.50 cfs	n/a
	TOTALS	1.78 cfs	21.2 afa

The place of use as described in the field report is 4.5 acres ($\frac{1}{2}$ acre/lot X 9 lots). The rate of diversion and volume are calculated accordingly, changing also the total rate of diversion and total annual volume.

Examiner: Gary Funderberg

Exam Date: July 8, 1989/October 9, 1996

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LICENSE REVIEW CHECKLIST

PERMIT NO. 37-08203

DATE 2/10/98

REVIEWER: SHARLA

NAME	Change <u>—</u>	OK <u>✓</u>	Address Change <u>—</u>
SOURCE	<u>—</u>	<u>✓</u>	Is change/clarification of originally intended source? <u>—</u>
POINT OF DIV	<u>—</u>	<u>✓</u>	If not, prepare Notice of Intent to Void <u>—</u>
PLACE OF USE	<u>—</u>	<u>✓</u>	Amendment required <u>NO</u>

Does map agree with written description? ✓ yes — no

OVERLAPS — P/D — P/U
Overlap file pulled & reviewed —

RATE OF DIV

Permitted Rate	<u>2.11</u> cfs	
Fee limit	<u>3.0</u> cfs	\$150 ⁰⁰
Measured	<u>3.34</u> cfs	
Theoretical	<u>—</u> cfs	

10 homes permit
3 end lots = 1 home -2
Lot 9 = 2 homes +1
-1 10-1-
(9)

Recommended Total Div Rate — cfs

ANNUAL VOLUME/ NATURE OF USES

Use	cfs	Volume Calc
<u>Dom</u>	<u>.14</u>	<u>45 x 3.5 = 15.8</u> af
<u>Dom</u>	<u>.14</u>	<u>9 x 6 = 5.4</u> af
<u>Fire</u>	<u>1.5</u>	<u>—</u> af
		<u>—</u> af
SUBTOTAL	<u>1.78</u>	<u>21.2</u> af

Flow rate .14 cfs X 214 days X 1.98 = 59.3 af
Total volume recommended 15.8 af
(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

WBS(9)

CONDITIONS

R04 Watermaster Control WD# 37
R07 GW Measurement/Measuring Device
R07 Overlap 041,
— Use-specific conditions

Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed ✓

Adjustment Memo acres 1/2 ea x 9 = 4.5
rate/vol

1st Amend Letter NA

2nd Amend Letter NA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
NOV 12 1996

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 37-8203

1. Owner: Flower's Mill Subdivision Ass Inc. Phone No. _____

Current Address: 109 Fir Drive, Ketchum, Ida 83340

2. Accompanied by: Gene Walker, Digne Nini EXAM. DATE: 7-8-1989, 10-9-96

Address: _____ Phone No. _____

Relationship to Permit Holder: Agent/Driller, president of homeowners assn.

3. Source: groundwater tributary to ✓

B. OVERLAP REVIEW

1. Other water rights with same place of use: ✓

☐ Copies Attached

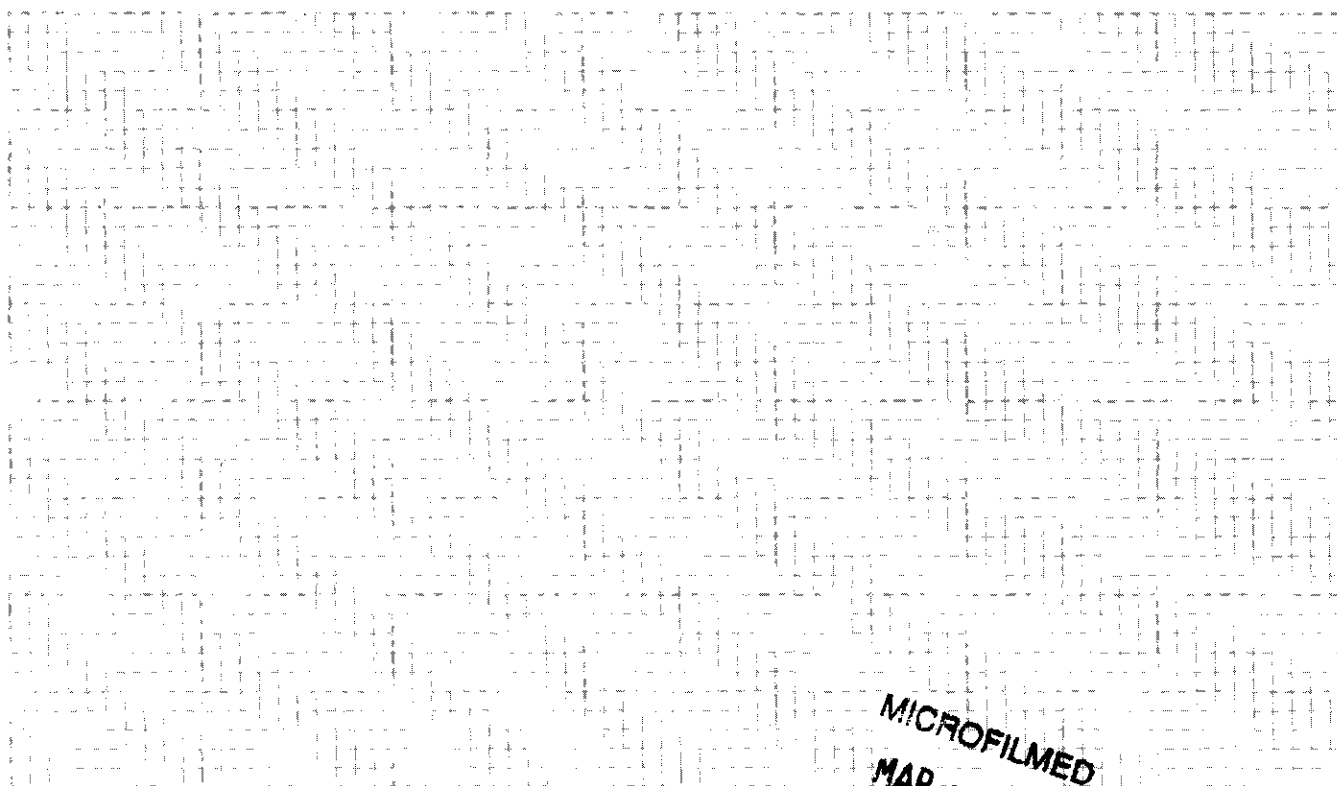
2. Other water rights with same point of diversion: ✓

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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



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Scale: 1" = _____

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

☒ Photo of Diversion and System Attached

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

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

System Description (continued)

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

(2) wells located in pump house, supplies water to (10) Building Lots for domestic and irrigation. Fire Hydrants are located thru out the Subdivision. Large pump supplies water for fire protection, smaller pump supplies domestic & irrigation water, & pressure tanks. Large pump is also a backup source if the smaller pump goes out.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
1) 12" Diam	Hotchi	40	H 86	Berkley	179776
2) 8" Diam	Franklin	7.5	1943236	Berkley	
			G 85		
			Mod. 236616010		

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SE	NW	1	4N	17E	Robaine	Two wells
				NW					

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	17E	1																	
"	"	1																	2.0
"	"	1								F	F								
"	"	1								D	D								
										2.0	1.5								4.5
																			2.0

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MAR 27 1998

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D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
McCrometer				86-8-1402	8"	

2. Measurements:

1500 gal/minute - 3.342 cfs. both pumps on w/ hydrant open
40-60
50 psi & ~18' lift (actual pumping level)

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

Fire Protection - Measured 3.34 cfs, Allow 1.5 cfs permitted amount

Irrigation - 40 ac x 0.03 cfs/acre = 0.12 cfs

Domestic - Allow 0.14 cfs for 8 homes per 9-25-1980 chart

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional) 7.5 hp pump

Discharge Pressure: 40 psi x 2.31 = 92.4 ft (1); Dynamic pumping level: 18 ft (2)

Total Head: (1) + (2) = 110.4 (3)

; Flow rate: 0.58 cfs (4)
per pump chart

Water HP: (3) x (4) ÷ 8.8 = (5)

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

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

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

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \frac{4}{2.5} \text{ Acres} \left(\frac{3.5}{1.98} \text{ ac ft/ac} \right) = 70.2 \text{ ac ft}$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (2.5)(3.34)(1.98) = 1421.8$

V = Smaller of $V_{I.R.}$ and $V_{D.R.} = 14$

2. Volume Calculations for Other Uses:

Domestic - 8 homes at 0.6 AFA/home for culinary use only = 5.4 AFA

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

There were 2 homes & about 1 acre irrigated during the original exam in 1989. About 1 home & year has been added since then. Lawns have averaged 1/2 acre per lot. The last 3 lots at the north end of the subdivision have just been purchased by one person, & a large home is being built now. Allow 4 acres of irrigation total. There are 2 full-time residents, other lots have summer homes for absentee owners. Lot 9 has 2 homes. On 10-9-96, I met with homeowners' association president & subdivision resident Diane Mini (PO Box 566, Sun Valley, ID; 726-7191) to obtain additional data needed to complete the exam. I previously spoke to Walker Drilling, who put in the wells & maintain the system. Send all correspondence to Ms. Mini. Address on permit may no longer be valid.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa) ~~4.8~~ 5.4
	From	To		
Domestic	~~Jan 1~~ Jan 1	Dec 31	~~0.15~~ 0.15	~~0.6~~
Irrigation	April 15	Oct 15	~~0.4~~ 0.12	~~0.48~~ 14.0
Fire Protection	Jan 1	Dec 31	1.5	N/A
Totals:			~~2.1~~ 1.75	~~7.5~~ 18.8

2. Recommended Amendments

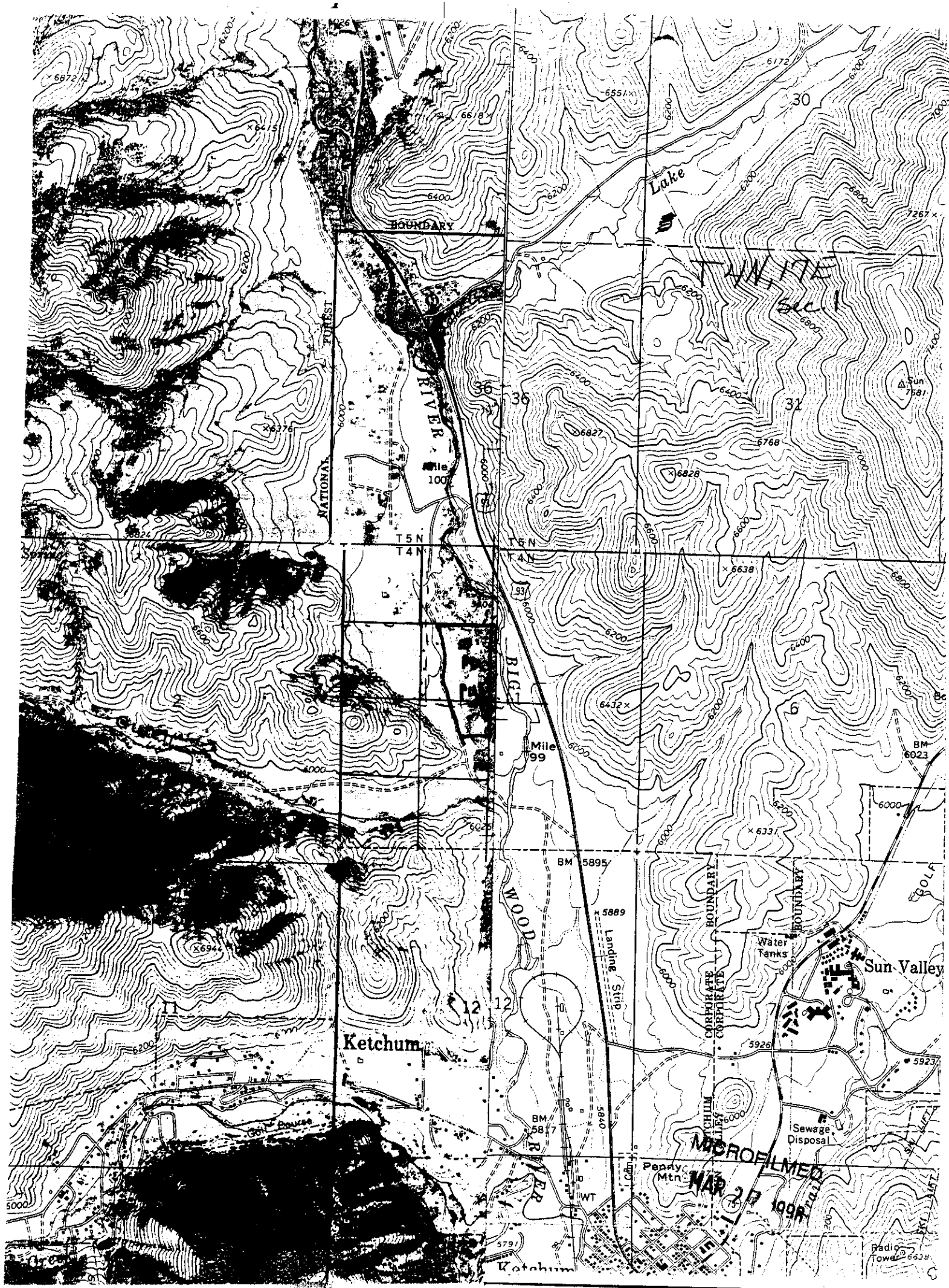
- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

J. AUTHENTICATION

Field Examiner's Name GARY FUNDERBURG J E Stanton
 Signature Gary Funderburg J E Stanton
 Certification Date _____
 Field Report Preparation Date 10-11-96 CONSULTANT SEAL

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

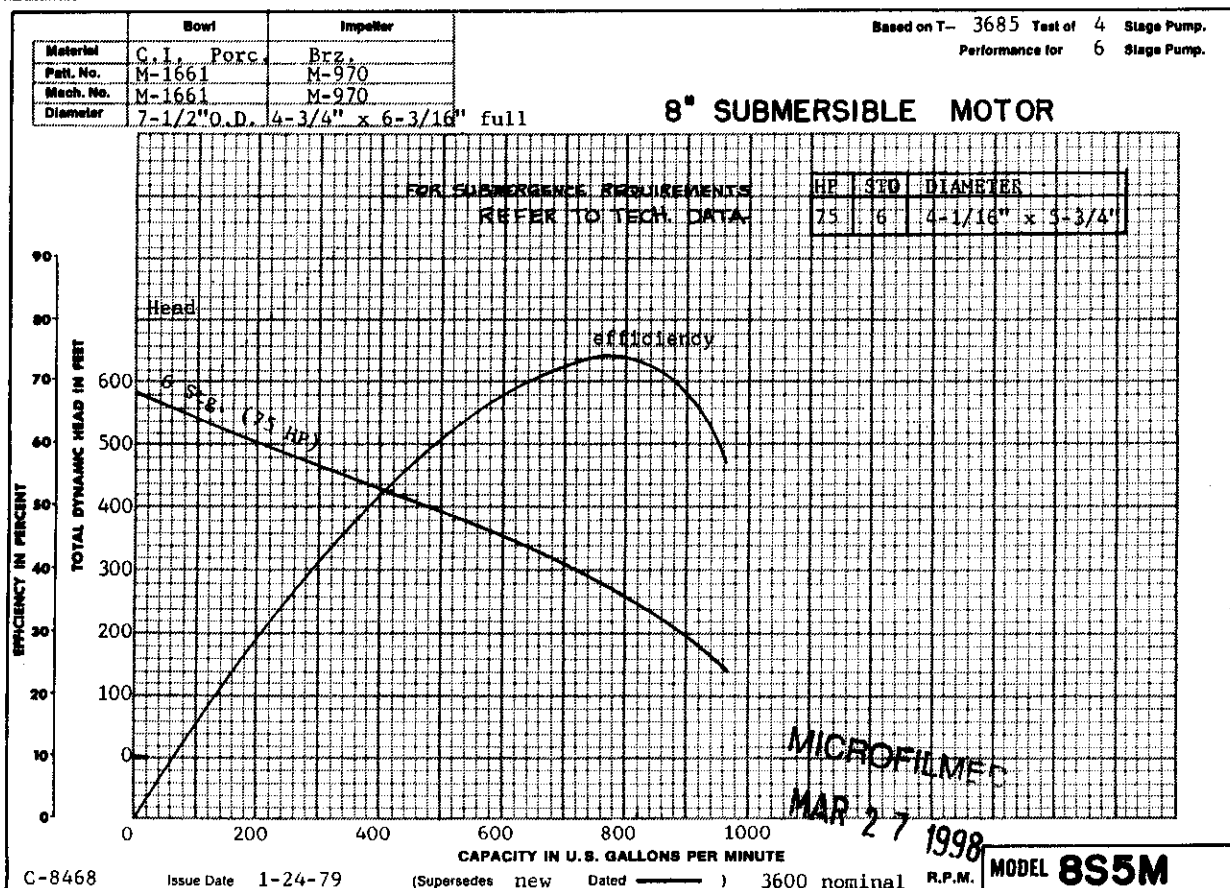
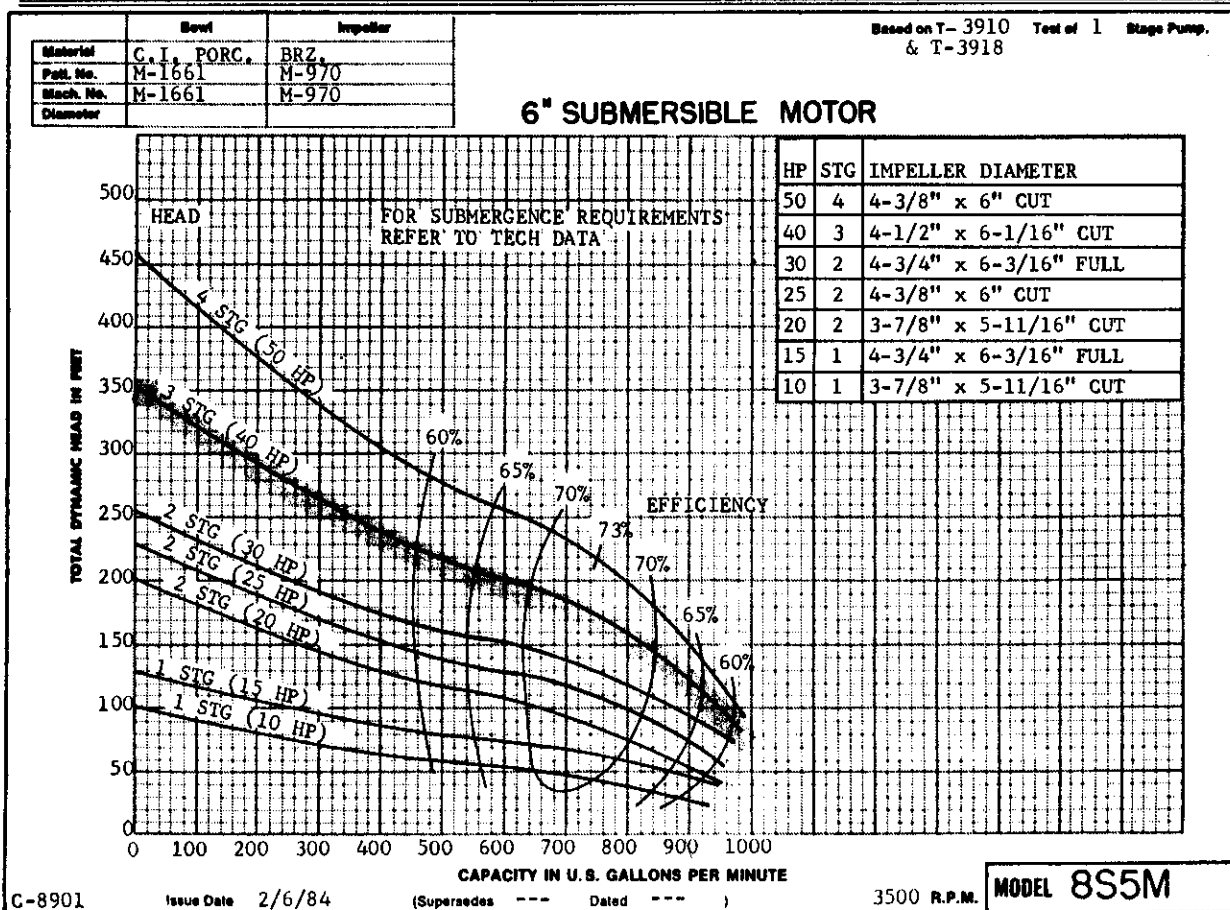
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 MAR 27 1998





BERKELEY PUMP COMPANY
SUBMERSIBLE TURBINE PUMPS
8" AND 10" BOWLS
PERFORMANCE CURVES

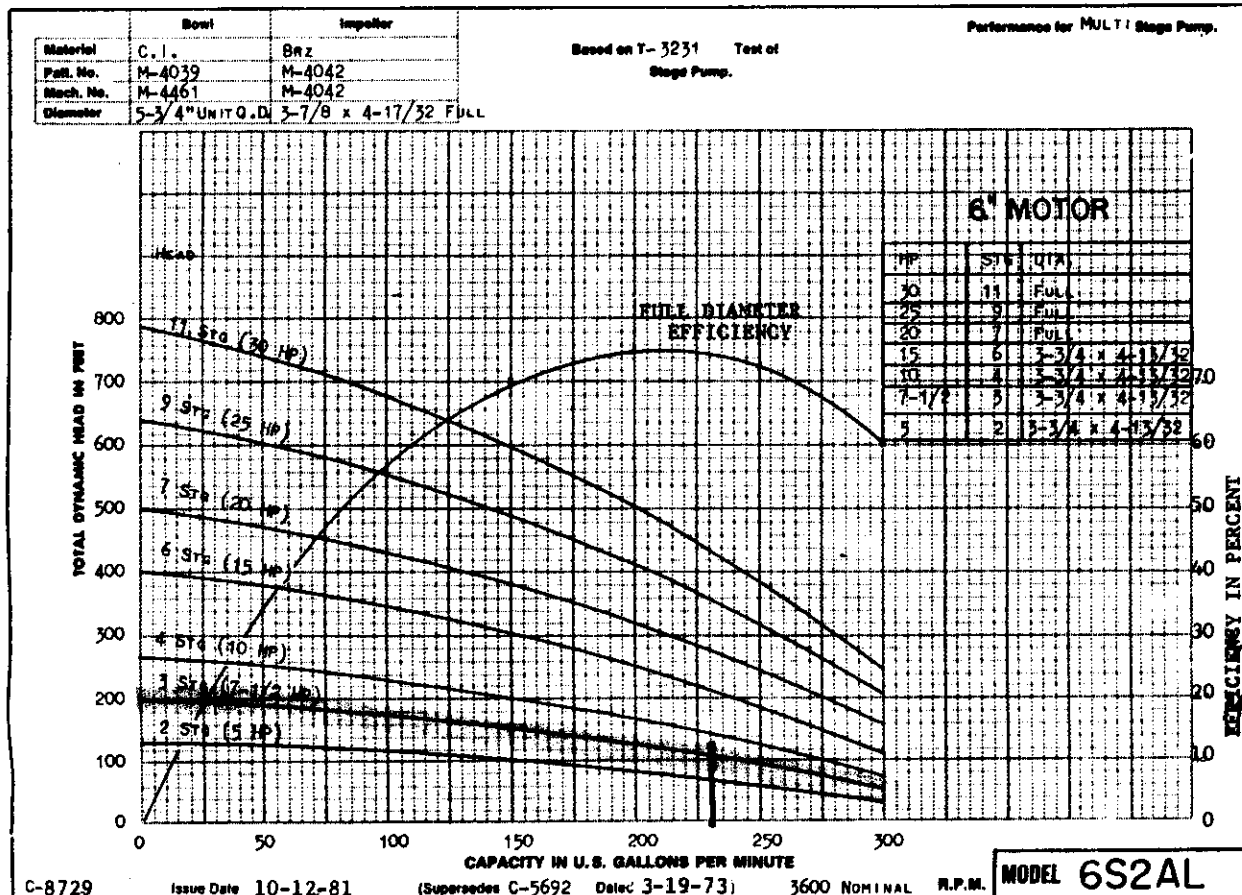
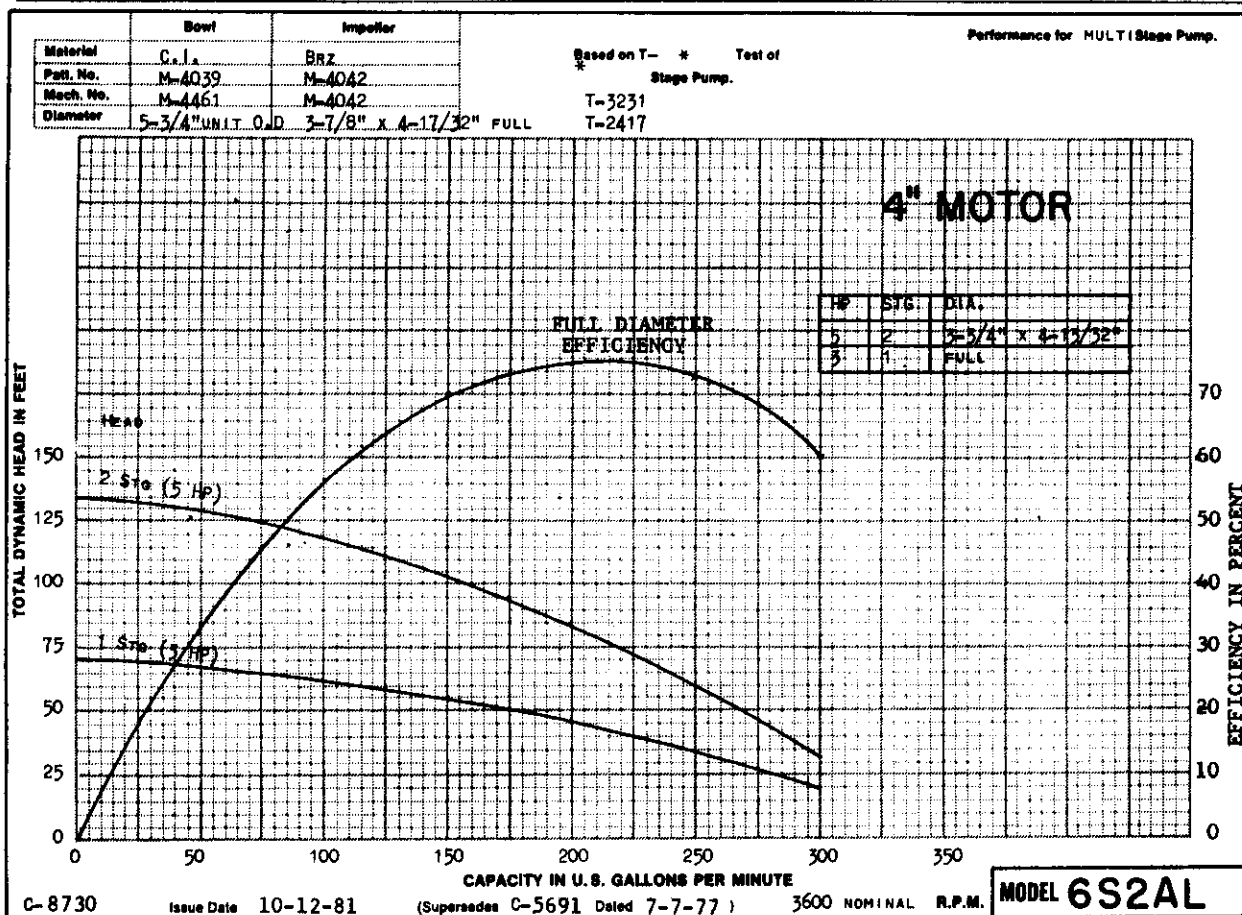
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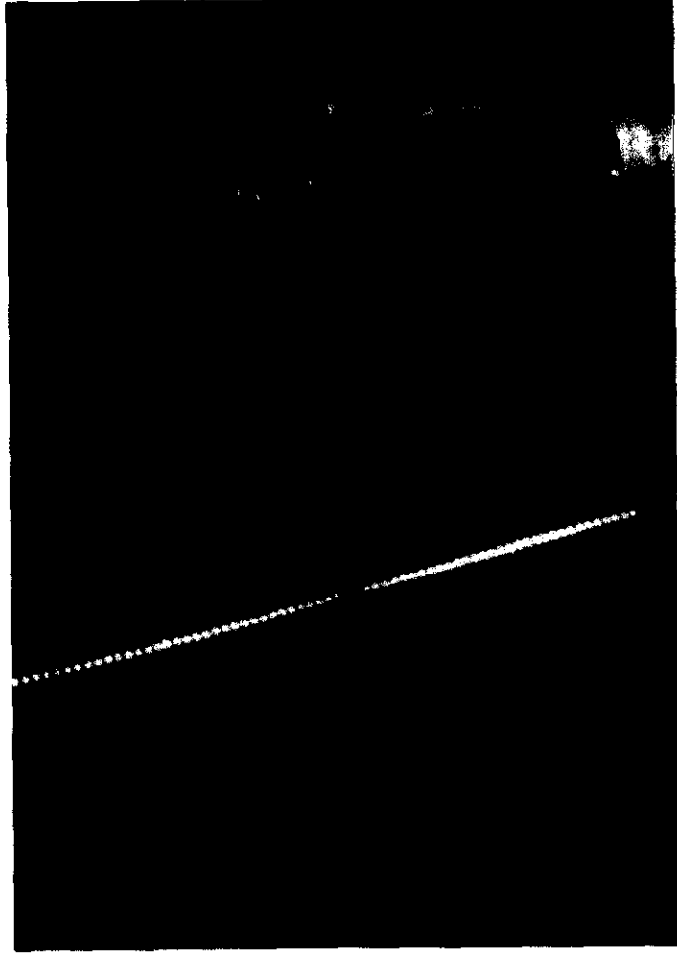


BERKELEY PUMP COMPANY
SUBMERSIBLE TURBINE PUMPS
6" AND 7" BOWLS
PERFORMANCE CURVES

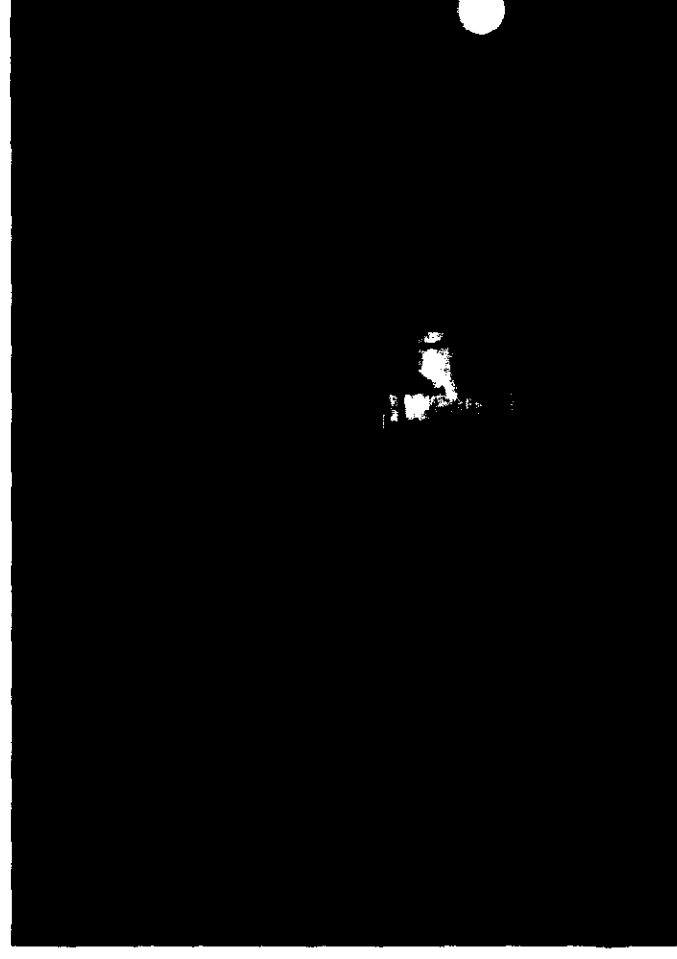
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Dated 6-5-78	



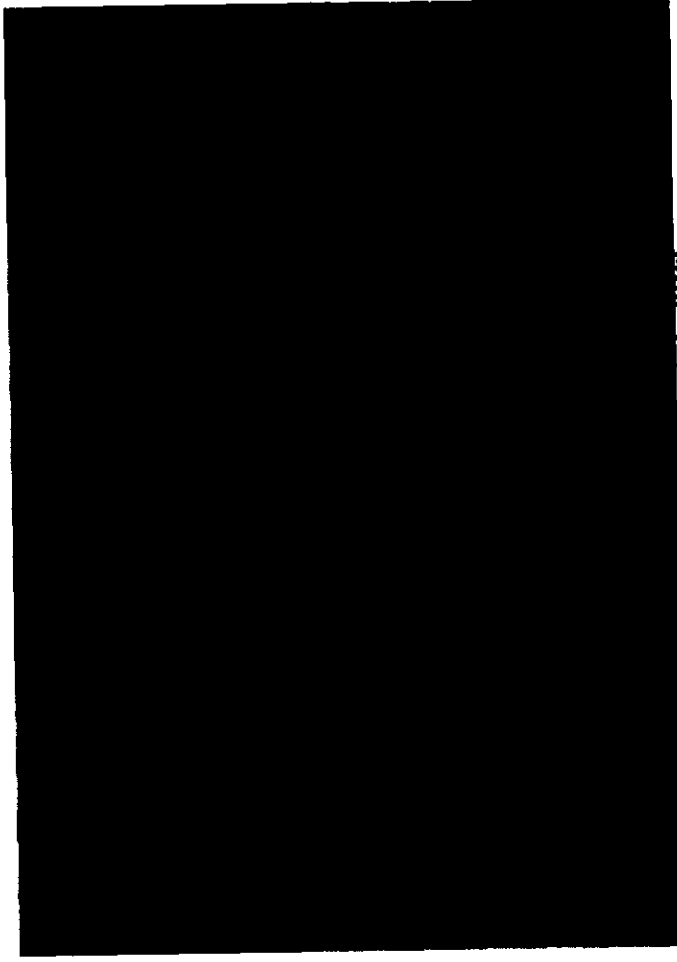
RECORDED
 MAR 27 1998



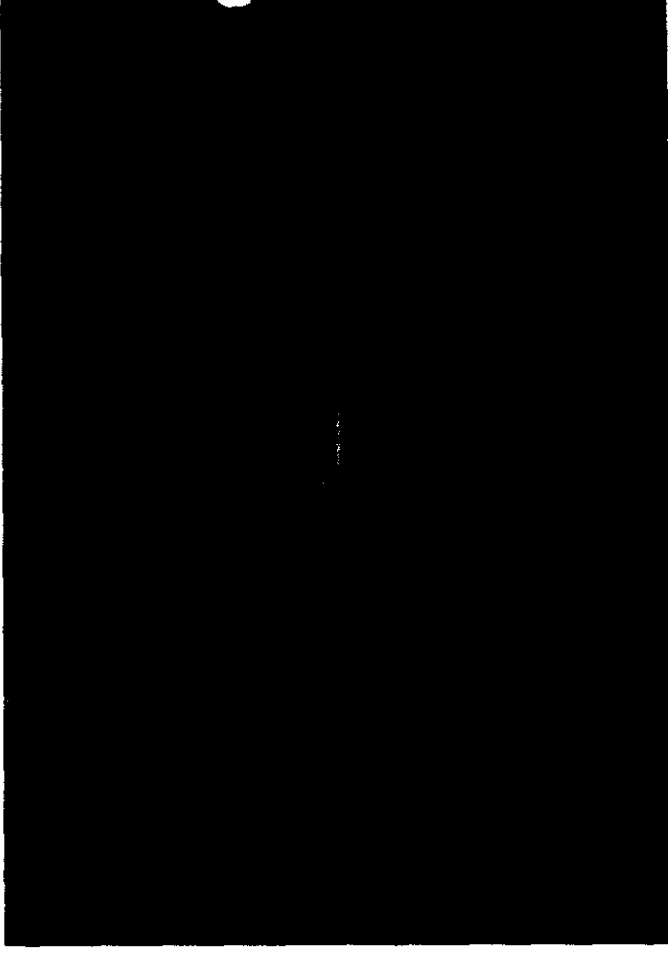
Pressure Tanks in Well house



well's with meter '12"

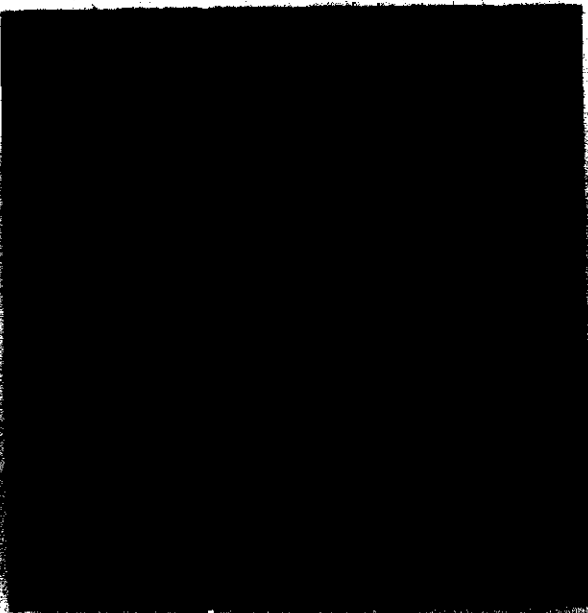


Well House

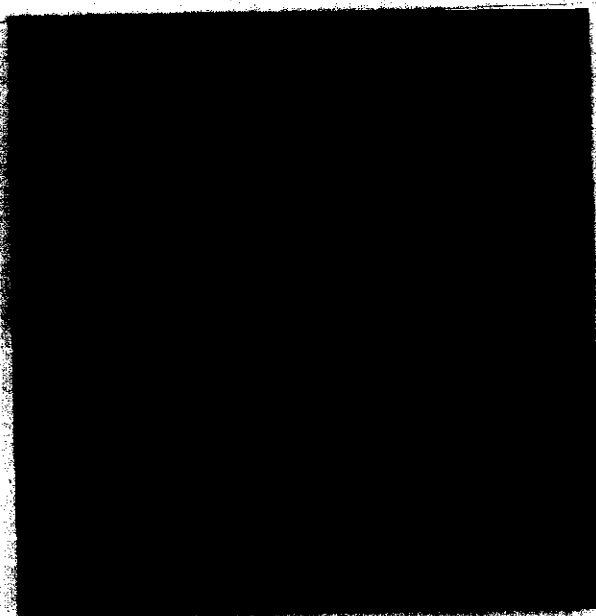


MICROFILMED
MAR 27 1966

Fire Hydrant across from Well house



Some of the
P/U



MICROFILMED
MAR 27 1998

37-8203 10-9-96
JES

MEMORANDUM

TO: FILE/PERMIT NO. 37-8203

FROM: TIM LUKE

RE: SWAN FALLS PROCESSING

DATE: 5-17-89

This permit is considered a domestic filing under the terms of the Swan Falls agreement. The filing involves a subdivision consisting of 10 homesites with a 3 acre lot per homesite. Note that the original permit was amended to reduce the acreage to 30 acres or 3 acre lots.

Since the individual lots do not exceed 3 acres, the filing falls within the domestic definition of the agreement and can therefore be exempt from the review of Section 42-203D, Idaho Code. The permit can be removed from the Swan Falls list.

Note: The 1.5 cfs allocated to fire protection can be considered non-consumptive.

Copy: Southern Region

MICROFILMED

MAR 27 1989

1/00.

PROOF OF BENEFICIAL

ANALYSIS SHEET

Permit No. 37-8203

Date: 12.1.88

General Considerations:

Y Name same as permit
Y Signature the same as permit holder
N Address change If yes, prepare a data entry
Y Proof received timely
Reinstated

Source of Water:

Y Surface water
Y Groundwater
Y 1. well log in file
N/A 2. drilling permit
A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

Y Rate of diversion appropriate for uses
Y Is rate or volume and fee appropriate?
Y Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

Y Is a measuring device or access port required?
Y Has one been installed?
N/A Waiver or modification of measuring device requested

Remarks:

Proof acceptable

N/A Priority Calculation:
Date proof received

Date proof due

No. of days late

Priority date

NEW PRIORITY DATE

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

COPY DISTRIBUTION

White - PWS Owner

Canary - Laboratory

Pink - H & W Region/District

Goldenrod - H & W Region/District

STATE OF IDAHO
DEPARTMENT OF HEALTH & WELFARE

WATER QUALITY REPORT

COLIFORM BACTERIA DEC 01 1988

PUBLIC DRINKING WATER SYSTEM

See Back For Instructions Department of Water Resources

NAME (Check One)

- ☐ Boise
☐ Caldwell
☐ Coeur D'Alene
☐ Idaho Falls
☐ Lewiston
☐ Pocatello
☒ Twin Falls

Name of Water System

Flowers Mill Subdivision Well #2

County

Blaine

OFFICE USE ONLY

PWS Ident. (1-7)

Name

Walker Water Systems Inc.

Collected By

Gene

Lab Ident. (8-12)

0 0 0 0 7

Address

624 Pierce St.

Date Collected: (19-24)

City

Twin Falls

State

Id.

Zip Code

83301

Month

Day

Year

7

2

2

8

6

Contam. Ident. (13-16)

3 0 0 0

Trans Code (17-18)

0 5

For Sampler's Use

For Lab Use

TIME
OF
COLLECTIONSAMPLING
LOCATION

CHECK METHOD USED

☐ TUBE

FERMENTATION

3 0 5

☒ MEMBRANE
FILTER

3 0 3

10 cc 10 cc 10 cc 10 cc 10 cc No. Confirmed
Tests Pos.

COLIFORMS / 100 ml.

Count

Office Use

(25-28)

5:37
7:43

(30-32)

(33)

<1

(34-37)

☐ AM ☒ PM

(29)

(38-41)

(43-45)

(46)

(47-50)

☐ AM ☐ PM

(42)

(51-54)

(56-58)

(59)

(60-63)

☐ AM ☐ PM

(55)

(64-67)

(69-71)

(72)

(73-76)

☐ AM ☐ PM

(68)

(77-80)

(82-84)

(85)

(86-89)

☐ AM ☐ PM

(81)

(90-93)

(95-97)

(98)

(99-102)

☐ AM ☐ PM

(94)

Type of Sample (Mark only one. Use a separate (103)
form for each type of sample) See Reverse Side for Explanations.

- ☐ C - Check Sample—Previous Sample Contaminated
☐ D - Reg. Distribution
☐ P - Plant Tap
☐ R - Raw
☐ S - Special
☐ N - Survey Sample
☐ No Charge

*Must be submitted by an environmentalist.

Testing Date (104-109)

Month Day Year

0 7 2 3 8 6

Time

1 4 : 1 5

☐ AM☒ PM

Test Performed By

David Lullo

D.H.W.
T. Falls Lab

JUL 24 1986

Date Reported

INVOICE TO:

MICROFILMED

DEC 23 1988

RECORD
DATE AND TIME

COPY DISTRIBUTION

White - PWS Owner
 Canary - Laboratory
 Pink - H & W Region/District
 Goldenrod - H & W Region/District

STATE OF IDAHO
 DEPARTMENT OF HEALTH

WATER QUALITY REPORT

COLIFORM BACTERIA

PUBLIC DRINKING WATER SYSTEM

See Back For Instructions

DEC 01 1988

2240

LAB NAME (Check One)

- ☐ Boise
☐ Caldwell
☐ Coeur D' Alene
☐ Idaho Falls
☐ Lewiston
☐ Pocatello
☒ Twin Falls

Name of Water System

Flowers Mill Subdivision Well #1

REPORT RESULTS TO:

Name

Walker Water Systems, Inc.

Address

624 Pierce St.

City

Twin Falls

State

ID

Zip Code

83301

Month

7

Day

22

Year

86

Date Collected (19-24)

OFFICE USE ONLY

PWS Ident. (1-7)

Lab Ident. (8-12)

Contam. Ident. (13-16)

3 0 0 0

Trans Code (17-18)

0 5

For Sampler's Use

For Lab Use

TIME OF COLLECTION	SAMPLING LOCATION	CHECK METHOD USED						COLIFORMS / 100 ml.	
		TUBE FERMENTATION					No. Confirmed Tests Pos.	Count	Office Use
10 cc	10 cc	10 cc	10 cc	10 cc					
(25-28) 7:13 5:23 ☐ AM ☒ PM	(30-32)						(33)	<1	(34-37)
(29) (38-41) ☐ AM ☐ PM	(43-45)						(46)		(47-50)
(42) (51-54) ☐ AM ☐ PM	(56-58)						(59)		(60-63)
(55) (64-67) ☐ AM ☐ PM	(69-71)						(72)		(73-76)
(68) (77-80) ☐ AM ☐ PM	(82-84)						(85)		(86-89)
(81) (90-93) ☐ AM ☐ PM	(95-97)						(98)		(99-102)
(94) (103)									

Type of Sample (Mark only one. Use a separate form for each type of sample) See Reverse Side for Explanations.

- ☐ C - Check Sample—Previous Sample Contaminated
☐ D - Reg. Distribution
☐ P - Plant Tap
☐ R - Raw
☐ S - Special
☐ N - Survey Sample
 No Charge*

*Must be submitted by an environmentalist.

Testing Date (104-109)

Month Day Year

07 23 86

Time

14:15

☐ AM☒ PM

Test Performed By

Date Reported

D.H.W.
T. Falls Lab

JUL 24 1986

7-24-86

MICROFILMED

DEC

NOTES

RECORD
 DATE AND TIME

INVOICE TO:



WALKER WATER SYSTEMS, INC.

624 Pierce Street • Twin Falls, Idaho 83301 •
Area Code 208 • 733-4744

RECEIVED

DEC 01 1988

Department of Water Resources

July 9, 1986

Flowers Mill Subdivision

Well Test: July, 8, 1986

Water Temperature: 46° Fahrenheit

Measuring from 11½ inches above ground level

8 inch discharge pipe with a 6 inch orifice

<u>TIME</u>	<u>WATER LEVEL</u>	<u>P TUBE</u>	<u>GPM</u>
9:35 AM	7'		
9:40	14'		671
9:43	15'	23½	767
9:50	15'		761
9:55	17'	30	867
10:05	19'	40	1001
10:13	19'	40	1001
10:20	19'	40	1001
10:25	19'		
10:30	19'		
11:00	19'	40	1001
11:30	19'	40	
12:00 PM	19'	40	
1:00	19'	40	
1:30	19'	40	
2:45	19'	40	
3:00	19'	40	
3:10	19'	40	1500-1600 Estimate, Motor on test pump running 1500 RPM
3:20 Off	24'		

Recovered to 7½ feet in 3 minutes.

MICROFILMED

DEC 2 • 1989

EW Walker



WALKER WATER SYSTEMS, INC. DEC 01 1988

624 Pierce Street • Twin Falls, Idaho 83301 •
Area Code 208 • 733-4744

Department of Water Resources

Flowers Mill Observation Well
Well Test: July 8, 1986
Casing 22 inches above ground

<u>TIME</u>	<u>WATER LEVEL</u>
9:35 AM	7'6 $\frac{1}{2}$ "
9:40	10'6"
9:45	10'7"
9:48	11'
9:53	11'
9:55	11'2"
9:56	11'5 $\frac{1}{2}$ "
9:58	11'6"
10:00	11'7"
10:03	11'6 $\frac{1}{2}$ "
10:05	12'3"
10:07	12'3 $\frac{1}{2}$ "
10:13	12'3 $\frac{3}{4}$ "
10:15	12'4 $\frac{1}{2}$ "
10:20	12'5 $\frac{1}{4}$ "
10:25	12'5 $\frac{3}{8}$ "
10:30	12'6"
10:35	12'6 $\frac{1}{4}$ "
10:40	12'7"
10:45	12'7"
10:50	12'7"
11:00	12'7 $\frac{1}{8}$ "
11:05	12'7 $\frac{3}{8}$ "
11:10	12'7 $\frac{1}{8}$ " (No mistake)
11:15	12'7 $\frac{1}{2}$ "
11:30	12'7 $\frac{3}{4}$ "
11:45	12'8"
12:00 PM	12'8 $\frac{3}{8}$ "
12:15	12'8 $\frac{1}{2}$ "
12:30	12'8 $\frac{3}{8}$ "
1:00	12'8 $\frac{5}{8}$ "
1:15	12'8 $\frac{5}{8}$ "
1:30	12'8 $\frac{1}{2}$ " Missed a reading
2:07	12'9"
2:15	12'8 $\frac{5}{8}$ "
2:30	12'8 $\frac{3}{4}$ "
2:45	12'8 $\frac{3}{4}$ "
3:00	12'8 $\frac{3}{4}$ "
3:10	14'
3:15	14'10 $\frac{1}{2}$ "
3:20 Shut off	

Recovered to 8'5" almost immediately

E. J. Walker

MICROFILMED

DEC 23 1988

RPM 1500 on test pump motor

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.

RECEIVED

~~DEC 01 1988~~

[illegible]

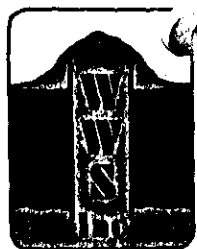
USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

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.

DEC 01 1989

[illegible]

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



WALKER WATER SYSTEMS, INC.

624 Pierce Street • Twin Falls, Idaho 83301 •
Area Code 208 • 733-4744

RECEIVED

DEC 01 1988

Department of Water Resources

WELL TEST: Flowers Mill Subdivision

Date: August 29, 1985

Water Temperature: 46° Fahrenheit

Static Water Level: 13'2"

Discharge pipe 6" with 5" orifice

TIME	WATER LEVEL	P TUBE	GPM
8:40 AM Start		17"	510
8:41		16 3/4 - 17"	510
8:43		16 3/4 - 17"	510
8:47		17"	510
8:49	23.77"	16 1/2 - 16 3/4"	503
8:51	23.77"	16 1/2"	503
8:53	23.77"	16 1/2"	503
8:55	23.77"	16 1/2"	503
9:00	23.77"	16 1/2"	503
9:02 new guage	20.13"	16 1/2"	503
9:05	20.13"	16 1/2"	503
9:10	20.13"	16 - 16 1/2"	495
9:15	20.13"	16"	495
9:20	20.13"	16"	495
9:25	20.13"	15 3/4 - 16"	495
9:30	20.13"	16"	495
9:45	No reading	17"	510 Adjusted throttle
10:00		17 1/2"	517
10:15		19 1/2"	542
10:30		19"	536
11:00		19"	536
11:15		19"	536
11:30		19"	536
12:00 PM		19"	536
12:30		19"	536
1:00		18 1/2"	530
1:30		18 1/2"	530
2:00		18 1/2"	530
2:30		18 1/2"	530
2:50 End test		18 1/2"	530 Water samples taken

MICROFILMED

DEC 23 1988

COPY DISTRIBUTION:

White - PWS Owner

Canary - Laboratory

Pink - H & W Region/District

Goldenrod - H & W Region/District

STATE OF IDAHO
DEPARTMENT OF HEALTHWATER QUALITY REPORT
COLIFORM BACTERIA

PUBLIC DRINKING WATER SYSTEM

See Back For Instructions
Department of Water Resources

LAB NAME (Check One)

- ☐ Boise
☐ Caldwell
☐ Coeur D' Alene
☐ Idaho Falls
☐ Lewiston
☐ Pocatello
☒ Twin Falls

Name of Water System

FLOWER'S MILL

County

BLAINE

OFFICE USE ONLY

PWS Ident. (1-7)

REPORT RESULTS TO:

Name

WALKER WATER SYSTEMS

Collected By

FRED WALKER

Lab Ident. (8-12)

00007

Address

624 PIERCE ST.

Date Collected (19-24)

City

TWIN FALLS

State

IDAHO

Zip Code

83301

Month

08

Day

29

Year

85

Contam. Ident.
(13-16)

3 0 0 0

Trans Code
(17-18)

0 5

For Sampler's Use

For Lab Use

TIME OF COLLECTION	SAMPLING LOCATION	CHECK METHOD USED										No. Confirmed Tests Pos.	COLIFORMS / 100 ml.		
		☐ TUBE FERMENTATION					☒ MEMBRANE FILTER						Count	Office Use	
		10 cc	10 cc	10 cc	10 cc	10 cc	3	0	5	3	0				
(25-28) 2:30 ☐ AM ☐ PM (29)	WELL SITE SAMPLE 1	(30-32)										(33)	0	<1	(34)
(38-41) : (42)		(43-45)										(46)			(47)
(51-54) : (55)		(56-58)										(59)			(60)
(64-67) : (68)		(69-71)										(72)			(73)
(77-80) : (81)		(82-84)										(85)			(86)
(90-93) : (94)		(95-97)										(98)			(99-10)

Type of Sample (Mark only one. Use a separate form for each type of sample) See Reverse Side for Explanations. (103)

- ☐ C - Check Sample—Previous Sample Contaminated
☐ D - Reg. Distribution
☐ P - Plant Tap
☐ R - Raw
☐ S - Special
☐ N - Survey Sample
☐ No Charge

*Must be submitted by an environmentalist.

Testing Date (104-109)

Month Day Year
08 30 85

Time

1:45 PM

Test Performed By

D.H.W. T. Falls Lab

SEP 03 1985

MICROFILMED

NOTES

INVOICE TO:

DEC 23 1988

RECORD
DATE AND TIME



PHONE 733-3284

P. O. BOX 640

TWIN FALLS, IDAHO 83301

DEC 01 1988

Department of Water Resources

WELL TESTING REPORT AND AGREEMENT

ORIFICE SIZE 6 DISCHARGE PIPE 8 COLUMN & LENGTH 80 AIRLINE 80

MICROFILMED

DEC 23 1988

APPROVED BY:

(LAYNE & BOWLER, INC.)

(OWNER OF WELL)

INSTALLED BY: DAVID REYNOLDS

DATE 7-8-86



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

RECEIVED

DEC 01 1988

Department of Water Resources

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

November 7, 1988

Flower's Mill Subdiv. Assoc., Inc.
109 Fir Dr.
Ketchum, ID 83340

Re: Permit No. 37-8203

Gentlemen:

The department received your proof of beneficial use form, however, before completing processing, additional information is needed.

If you have a well driller's report, please send a copy to the department. If you do not have one, please let me know who drilled the well and when it was drilled. If there is more than one well, please provide the above information for all the wells.

Please submit the requested information by December 1, 1988 to keep your permit in good standing.

If you have any questions concerning this matter, feel free to contact this office.

Sincerely,

Jodi I. Schultz
JODI I. SCHULTZ
Clerical Assistant

Jodi -
Reports on both wells enclosed.

Our attorney, Steve Bradbury with
Ethel Berlin, Boise. (208. 3448535) can

be reached easily should you need **MICROFILMED**
anything further. Thank you.

DEC 23 1988

Stephanie Telasco Flower's Mill Subdiv.

9573093520

Date 11/13/84

RECIPIENT'S COPY

From (Your Name) Please Print TELESLO, STEPHANIE		Your Phone Number (Very Important) (714) 344-7716		To (Recipient's Name) Please Print Jodi Schultz		Recipient's Phone Number (Very Important) (504) 384-1400	
Company TELESLO, STEPHANIE		Department/Floor No. A		Company Dept 11 Warehouse		Department/Floor No. Salisbury 1660	
Street Address 714 E 3RD ST BOX 751				Exact Street Address (Do Not Leave Blank - Cannot Deliver to P.O. Boxes or P.O. Zip Codes.) 1301 N Orchard			
City BLOOMSBURG		State PA		City Bloomington		State IL	
ZIP Required 17015		ZIP Required 61702		ZIP Required 61702		ZIP Required 61702	

YOUR BILLING REFERENCE INFORMATION (FIRST 24 CHARACTERS WILL APPEAR ON INVOICE.)

IF MAIL FOR PICK-UP, Print FEDEX Address Here

PAYMENT		☐ Bill Sender	☐ Bill Recipient's FedEx Acct. No.	☐ Bill 3rd Party FedEx Acct. No.	☐ Bill Credit Card	Card #	State	ZIP Required
		☐ Cash						

SERVICES		DELIVERY AND SPECIAL HANDLING		PACKAGES WEIGHT YOUR DECLARED VALUE OVER SIZE		Date		Federal Express Use	
1 ☐ PRIORITY 1 Overnight Delivery	6 ☒ OVERNIGHT LETTER*	1 ☐ HOLD FOR PICK-UP (Fill in box #)		LBS		☐ Express Received		Base Charges	
2 ☐ COURIER-PAK Overnight Envelope*	3 ☐	2 ☒ DELIVER WEEKDAY		LBS		☐ Express Shipment		Declared Value Charge	
3 ☐ OVERNIGHT BOX	8 ☐	4 ☐ DANGEROUS GOODS (Extra charge)		LBS		☐ Express Party	☐ Chg. To Receiver	Other 1	
4 ☐ OVERNIGHT TUBE	9 ☐	5 ☐ CONSTANT SURVEILLANCE SERVICE (CSS) (Extra charge) (Release Signature Not Applicable)		LBS		State Zip		Other 2	
		6 ☐ DRY ICE _____ Lbs.	Total	Total	Total	DEC 10 1988		Total Charges	
		7 ☐ OTHER SPECIAL SERVICE _____	Received At			FED EX TIME RECEIVED		FedEx Employee Number	
		8 ☐	1 ☐ Regular Stop			PART #111800		REVISION DATE 7/88	
		9 ☐ SATURDAY PICK-UP (Extra charge)	2 ☐ On-Call Stop			PRINTED IN U.S.A. SREF		009	
		10 ☐	3 ☐ Drop Box			Sender authorizes Federal Express to deliver this shipment without obtaining a delivery signature or a return receipt and to hold unclaimed Federal Express from any addressee residing therefrom.		© 1988 F.E.C.	
		11 ☐	4 ☐ B.S.C.			Date/Time for FEDEX Use			
		12 ☐ HOLIDAY DELIVERY (if offered) (Extra charge)	5 ☐ Station			Signature: _____			
5 ☐ STANDARD AIR Delivery not later than second business day	10 ☐		FEDEX Corp. Employee No. 57667			Signature: _____			
			Date/Time for FEDEX Use 11/30/88			Signature: _____			

*Declared Value Limit \$100.

**IF YOU ARE
MAKING A MPS
SHIPMENT, APPLY
THE SELF ADHESIVE
MPS COPY HERE**

segment

ACKNOWLEDGMENTS

NO RESPONSIBILITY FOR ACCIDENTS - AND CONSEQUENT LOSS OF SKILL

40 18443273761024 104 380 10794

**LIMITATIONS OF OUR LIABILITY
AND EXCLUSIONS OF OUR ASSURANCE**

For example, if you have a car with a value of \$10,000 and you have a liability of \$100,000, you would need to pay 10% of the value of the car (\$1,000) to cover the liability. If you have a car with a value of \$10,000 and a liability of \$100,000, you would need to pay 10% of the value of the car (\$1,000) to cover the liability.

1. The first step is to identify the problem. This involves understanding the current situation and the goals that need to be achieved.

[illegible][illegible]

For overnight stays, the average number of people per room was 1.6, with a maximum of 3 people per room. The average number of people per room was 1.4 for the 100% occupancy rate. The average number of people per room was 1.4 for the 100% occupancy rate.

If we have more than one package, we will bill you for the cost of all packages. For example, if the \$100, \$500 or \$20,000 package is selected above, for example, 5 packages will have a total cost of up to \$125,000. If more than one package is selected, the amount of liability for loss or damage will be limited to the first package selected. For example, if you select the \$100 package and the \$500 package, the liability for loss or damage will be limited to the \$100 package.

1. The first two steps are the same as in the previous example. The third step is to find the value of λ that minimizes the function $f(\lambda)$. This is done by setting the derivative of $f(\lambda)$ with respect to λ equal to zero and solving for λ . The fourth step is to substitute the value of λ back into the function $f(\lambda)$ to find the minimum value.

[illegible]

On the other hand, given the fact that the analysis of the image of the deceased is not a *per se* violation of the right to privacy, we will assume that the message was not sent in good faith and that the sender's purpose was to cause harm to the victim. In the context of the present case, the sender's purpose was to cause harm to the victim's reputation.

We may, at our option, open an end user's account and accept payment from it if you give them to us to deliver.

© 1997 by Blackwell Science Ltd

Even if you give us direct payment instructions, you will always be responsible for the bill. If you do not pay the bill, we may, without notice, report the delinquency to credit bureaus, sue you, or take other action to collect the bill. We will not be responsible for the loss or disposal of

We reserve the right to cancel your reservation at any time when such cancellation is necessary for the safety of our guests. In the event of a cancellation by the guest, the guest will be charged a fee as prohibited by law. The fee will be charged to the guest's credit card. After a guest's reservation is cancelled, the guest will not be eligible for a refund.

$\mathcal{L}_{\text{reg}} = \frac{1}{2} \sum_{i=1}^n \left(\frac{\partial \mathcal{L}}{\partial \mathbf{w}_i} \right)^2 + \frac{1}{2} \sum_{i=1}^n \left(\frac{\partial \mathcal{L}}{\partial \mathbf{b}_i} \right)^2$

Part #11180012041738900
Rev 7.88

November 7, 1988

Flower's Mill Subdiv. Assoc., Inc.
109 Fir Dr.
Ketchum, ID 83340

Re: Permit No. 37-8203

Gentlemen:

The department received your proof of beneficial use form, however, before completing processing, additional information is needed.

If you have a well driller's report, please send a copy to the department. If you do not have one, please let me know who drilled the well and when it was drilled. If there is more than one well, please provide the above information for all the wells.

Please submit the requested information by December 1, 1988 to keep your permit in good standing.

If you have any questions concerning this matter, feel free to contact this office.

Sincerely,

JODI I. SCHULTZ
Clerical Assistant

MICROFILMED
DEC 23 1988

To: File 37-P203

From: Groundwater Protection

Date: 11/4/88

1
4A
17E

Drilling Permit: ☒ Not Applicable
☐ Found and in file
☐ Not Found

Well Drillers Report:

☐ Not found, due to reported age of well
probably not available
☐ Found and is in file
☐ Not found

Follow-up

☐ Request from permit holder the well
drillers report and/or the name of the
well driller, ~~and date drilled.~~
☐ Ask permit holder when well was drilled
and notify holder of drilling permit
requirement if after July 01, 1987.

1 Log found - Legal diffrent
for file.

→ ASK how many wells and
who drilled.

JB

MICROFILMED

DEC 20 1988

Permit No. 37-8703

ASSIGNMENT REVIEW CHECK LIST

1. Signature of Permit Holder? - Amy ^{REPRESENTING} ~~OF PDES~~
 2. Notary? ✓
 3. a. Full Assignment? ✓
b. Partial Assignment?
 4. "No assignment" condition on permit? N/A
 5. Commencement of Works received? Yes
 - a. Commencement of works requested?
 - b. Show Cause Order drafted & sent?
 - c. Cancellation necessary?
 6. Affidavit of residency required?
 7. Extension granted due to litigation?
(If yes, commencement of works is not required.)
-
1. Type permit summary sheet. ✓
 2. Coding sheet.
 3. Acknowledgement letter type. Pite - w/bk
 4. Copy to region. ✓

Date 10-28-88

Employee S Curtis

WINN MANAGEMENT CORP.
P.O. BOX 4028
KETCHUM, ID 833400000

September 30, 1988

138486

PROOF DUE NOTICE

RE: PERMIT NO. 37-08203

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 December 1, 1988. (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

MICROFILMED

DEC 23 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 37-8203
Name(s) of Permit Holder(s): WINN MANAGEMENT CORP.
Post Office Address: P.O. BOX 4028
83340
LETTERMAN, ID.
202-7217

- ☒ I hereby certify that construction of diversion works for the above referenced permit began on 9/1/86. I understand that I must continue to develop the water system with due diligence to maintain a valid permit.
- ☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

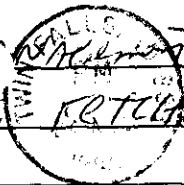
*Note: A financing difficulty is not an acceptable reason.

11/24/86 Date
Wynn Management Corp Signature of Permit Holder
Jeffrey R. E.

WINN

BOX 4028

83340



PLEASE MAIL
REPLY FOR
CHRISTMAS



USA
22

MICROFILMED

DEC 23 1988



Idaho Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
NOVEMBER 11, 1986

WINN MANAGEMENT CORP.
P.O. BOX 4028
KETCHUM, ID 83340

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-8203

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

BE SURE TO NOTE THE SPECIAL CONDITION REQUIRING YOU TO INSTALL A MEASURING DEVICE, OR A FLOW MEASUREMENT PORT TO PROVIDE FOR THE INSTALLATION OF MEASURING EQUIPMENT BY THE DEPARTMENT. ENCLOSED PLEASE FIND A LIST OF MEASURING DEVICE OPTIONS, AND SPECIFICATIONS FOR THE INSTALLATION OF THE FLOW MEASUREMENT PORT.

PLEASE NOTE THAT ONE OF THE CONDITIONS OF APPROVAL IS THAT THE DIVERSION OF WATER UNDER THIS PERMIT IS SUBJECT TO THE CONTROL OF A STATE WATERMASTER. THE REASON FOR THIS IS THAT SOME HYDROLOGIC STUDIES OF RIVERS IN THE STATE INDICATE THAT WELLS CONSTRUCTED IN THE SAND AND GRAVEL AQUIFERS OF THE RIVER AREAS MAY INTERCEPT WATER THAT OTHERWISE WOULD HAVE ENTERED THE RIVER. HOWEVER, THE EXTENT OF THE ALLUVIAL MATERIAL THICKNESS IS NOT KNOWN NOR IS THE PRECISE DEGREE OF INTERFERENCE OF WELLS WITH SURFACE WATER FLOWS. STUDIES DO INDICATE THAT AS MUCH AS 50% OF THE WATER DIVERTED FROM A WELL LOCATED ONE MILE FROM THE RIVER WOULD HAVE REACHED THE RIVER IF IMPERMEABLE LAYERS OF CLAY ON HARD ROCK DO NOT SEPARATE THE RIVER FROM THE ACQUIFER FROM WHICH THE WELL IS PRODUCING.

THE INFORMATION AVAILABLE TO US AT THIS TIME DOES NOT WARRANT REFUSING TO ISSUE YOU A PERMIT BUT DOES MERIT CAUTIONING YOU THAT ANY PERMIT ISSUED BY THE DEPARTMENT CANNOT DEPRIVE WATER USERS, WITH EARLIER RIGHTS, OF THEIR WATER SUPPLY.

RECEIVED
NOV 12 1986
DEPT. OF WATER RESOURCES
BOISE, IDAHO

THE REASON FOR CONDITIONING THE PERMIT AND EXPLAINING THE POTENTIAL INTERFERENCE PROBLEM IS TO MAKE YOU AWARE THAT FUTURE TESTS MAY DEFINITELY SHOW THAT DIVERSION OF WATER FROM YOUR WELL SHOULD BE ADMINISTERED TOGETHER WITH THE OLDER SURFACE WATER PRIORITIES OF THE RIVER AND ITS TRIBUTARIES. IF THIS WERE TO OCCUR, IT WOULD ESSENTIALLY MEAN THAT THERE WOULD NOT BE WATER AVAILABLE FOR A DIVERSION FROM YOUR WELL SINCE THE SURFACE WATER SYSTEM IS FULLY APPROPRIATED. BY LOCATING YOUR WELL AS FAR FROM THE RIVER AS POSSIBLE AND BY CASING OUT UPPER WATER PRODUCING ZONES AS THE WELL IS CONSTRUCTED, YOU MAY BE ABLE TO REDUCE THE AMOUNT OF INTERFERENCE WITH THE RIVER.

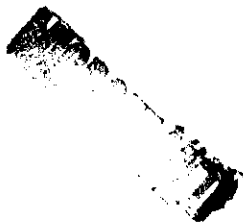
PLEASE NOTE THE REQUIREMENT THAT AS A PERMIT HOLDER YOU MUST COMMENCE THE EXCAVATION OR CONSTRUCTION OF DIVERTING WORKS WITHIN ONE YEAR OF THE DATE THE PERMIT WAS ISSUED, AND YOU MUST PROCEED DILIGENTLY UNTIL THE PROJECT IS COMPLETED. THE ENCLOSED BLUE CARD MUST BE COMPLETED AND RETURNED TO THIS OFFICE AS SOON AS YOU COMMENCE CONSTRUCTION, NO LATER THAN ONE YEAR FROM THE DATE THE PERMIT WAS APPROVED.

WE HAVE ENCLOSED A FORM ENTITLED "INSTRUCTIONS FOR PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

GARY SPACKMAN
SUPERVISOR, WATER ALLOCATION SECTION

GS: SC
ENCLOSURES



State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

NEILSEN, Craig H.

INITIAL REVIEW BY: ADM

APPLICATION NUMBER: 37-8203

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.

Field check by: _____

Date: _____

Comments: _____

- ☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

2000 Field fee

SEND COPIES TO:

- ☒ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
☐ Yes ☐ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising.
Final date for protests: _____
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: _____
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☒ Yes ☐ No Measuring device required.
☒ Yes ☐ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? 37
Date of priority recommended. _____
Special conditions of approval or cover letter. OIC

see Tom Nelson's letter of 10/29/86
dismissing this app. from Sunnyside
allow 2 yrs. for B/U development -

By: ADM Date: 9/15/86

STATE OFFICE REVIEW:

103, L21, L17

41

OIC

RECEIVED
SEP 16 1986
37, Big Wood River

- ☐ See attached sheet for more information.

By: KW Date: 11/3/86

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----

IDAHO STREAM CODE INDEX

INTER-DEPARTMENT MEMO — 1

FROM

Kay Walker *KW*

DATE

9/17/86

TO

Application for Permit No. 37-8203

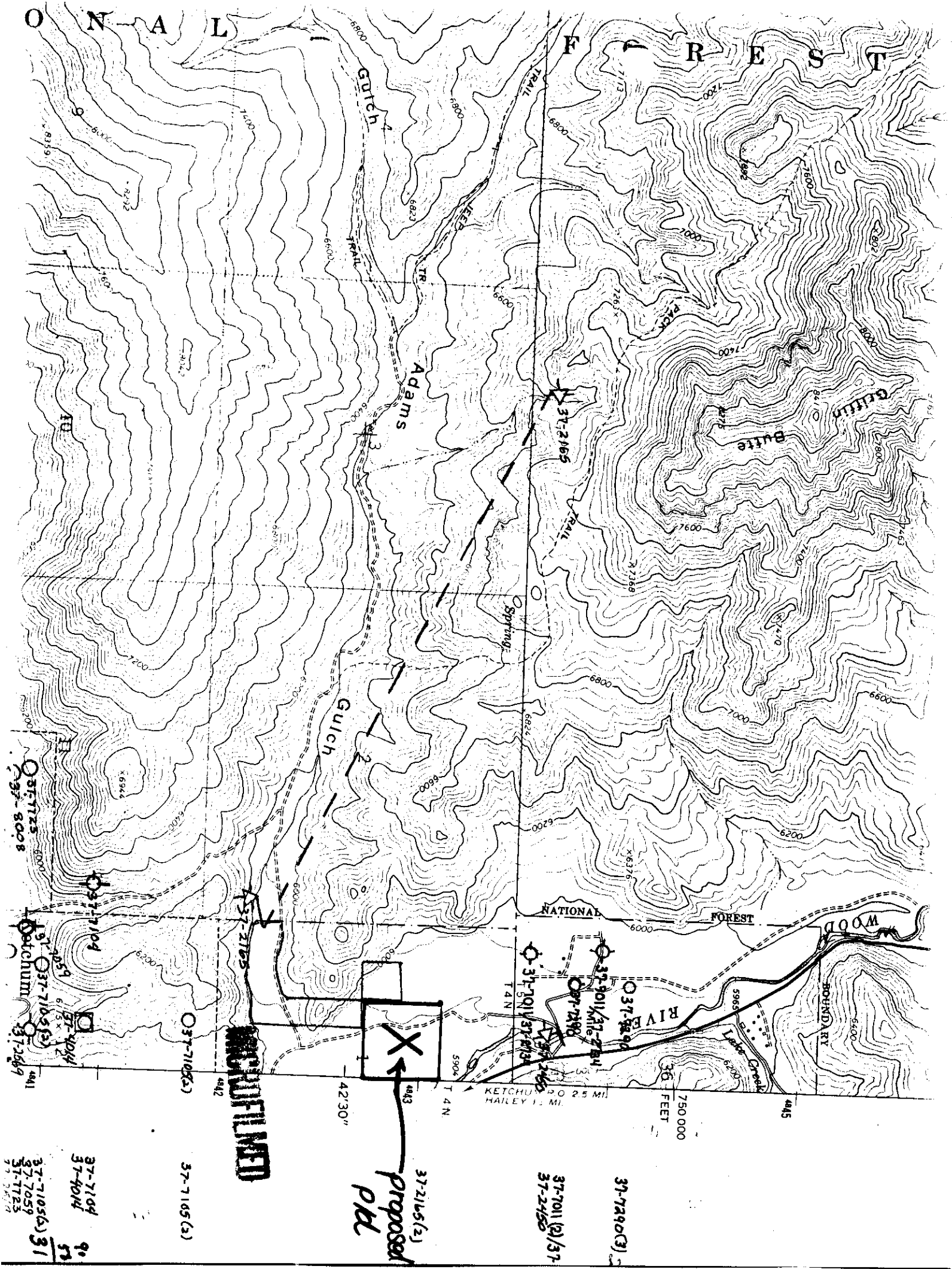
SUBJECT

Watermaster Control Recommendation

Pursuant to review of this application, I recommend that it be subject to watermaster control because of the close proximity of the well to the river and the shallowness of the well itself. (80')

MICROFILMET

SIGNATURE



NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH

P.O. BOX 1906

TWIN FALLS, IDAHO 83303-1906

TELEPHONE (208) 734-0700

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER

TERRY T. UHLING
F. BRUCE COVINGTON
LAIRD B. STONE
JERRY JENSEN
GARY D. SLETTE
CAROLYN M. MINDER
RUTH D. SIMPSON

RECEIVED

OCT 30 1986

Department of Water Resources
Southern Region Office

Boise Office
1020 MAIN ST., SUITE 390
P.O. BOX 2139
BOISE, IDAHO 83702-2139
TELEPHONE (208) 336-0700

October 29, 1986

Idaho Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls ID 83301

ATTENTION: Terry Blau

RE: Application for Permit No. 37-8203

Gentlemen:

It is our understanding that Winn Management Corporation has applied for water rights for 10 homesites on 30 acres under the above application.

Idaho Power Company does not object to such application, as it considers such to be DCMU use under SB 1180 contract.

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

Yours very truly,

TG Nelson

Thomas G. Nelson *By dcb*

TGN:dcb
16881

cc: Kathy Brooks

RECEIVED

September 22, 1986

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

Re: 37-8203

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

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

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

Very truly yours,

Mary A. Baldwin
Sec/Office Coord.

Encl:

RECEIVED
SEP 23 1986

NOTICE OF APPLICATION FOR WATER RIGHT

The following application has been filed to appropriate the public waters of the State of Idaho:

37-8203

WINN MANAGEMENT CORPORATION

P.O. Box 4028, Ketchum, Idaho 83340

SOURCE: groundwater

Diversion Pt: Two diversion points within SENW, Sec. 1, T4N, R17E., B.M., Blaine County; 2 miles N & 3/4 miles W of Ketchum, ID.

Use: DOMESTIC	(0.15 CFS)
IRRIGATION	(0.46 CFS)
FIRE PROTECTION	(1.5 CFS)

Date Filed: 2/5/85

In: SENW, NESW Sec. 1, T4N, R17E., B.M. to be used for irrigation of 30 acres, domestic and fire protection.

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 1041 Blue Lakes Blvd. N., Twin Falls, Idaho 83301 on or before October 20, 1986.

KEN DUNN, Dir.

Published in the WOOD RIVER JOURNAL on 10/02/86 & 10/09/86.

RECEIVED

September 22, 1986

Reid J. Newby
Watermaster, #37
Box 1
Shoshone, ID 83352

RE: Application for Water Permit No. 37-8203

Dear Mr. Newby:

Enclosed for your information is a copy of an application and legal ad for water permit which has been filed with this office.

This application was previously advertised as an Amended Application but our State Office gave instructions for re-advertisement as a new application in order to provide another opportunity to file protests as they felt the previous legal description and use was too confusing to the general public. Our State Office also recommended jurisdiction within a water district due to the close proximity of the well to the river and the shallowness of the well itself.

If you have any questions or need additional information regarding this application, please feel free to contact this office.

Very truly yours,

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

LH:MB

Enclosures

RECEIVED

STAFF ANALYSIS SUPPLEMENT

1) Water District 37

2) Local Description: (of one P/D)

☐ At the above street address

☒ 2 miles N/S N and 3/4 miles E/W W
of Ketchikan ID (City or landmark).

☐ Other (describe) _____



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

August 6, 1986

Howard W. Carsman
Attorney at Law
P.O. Box 1368
Boise, ID 83701

Re: Application for Permit No. 37-8203

Dear Mr. Carsman:

The Department of Water Resources acknowledges receipt of your Amended water right application for permit. The application has been assigned identification No. 37-8203. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in the Wood River Journal on August 21 & 28th. The advertisement will be published for two weeks, and 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.

Enclosed please find your receipt no. 38651_ for the amount of \$20.00.

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 Supervisor

LOH:mb

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

A. Kenneth Dunn
Director

August 6, 1986

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

Re: 37-8203

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

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

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

Very truly yours,

Mary A. Baldwin
Sec/Office Coord.

Encl:

RECEIVED

NOTICE OF AMENDMENT TO A WATER PERMIT

NO. 37-8203

Notice is hereby given that WINN MANAGEMENT CORPORATION is the holder of approved permit No. 37-8203 authorizing the diversion of 2.11 cubic feet per second of water from groundwater in the _____

County of Blaine, to be used for irrigation, domestic and fire protection.
(on 37 acres) within NESW, SENW, Sec. 1, T4N, R17E., B.M.

The permit holder has applied to the Department of Water REsources for an Amendment to the permit, to change the (Point(s) of diversion)(and place of use) as follows:
Point(s) of Diversion: SENW, Sec. 1, T4N, R17E., B.M.

Place of Use: SENW, NESW, Sec. 1, T4N, R17E., B.M., to be used for irrigation of 30 acres, domestic and fire protection.

Any protest against approval of the amending of Permit No. 37-8203 as set forth above must be filed with the Idaho Department of Water Resources 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301, on or before September 8, 1986.

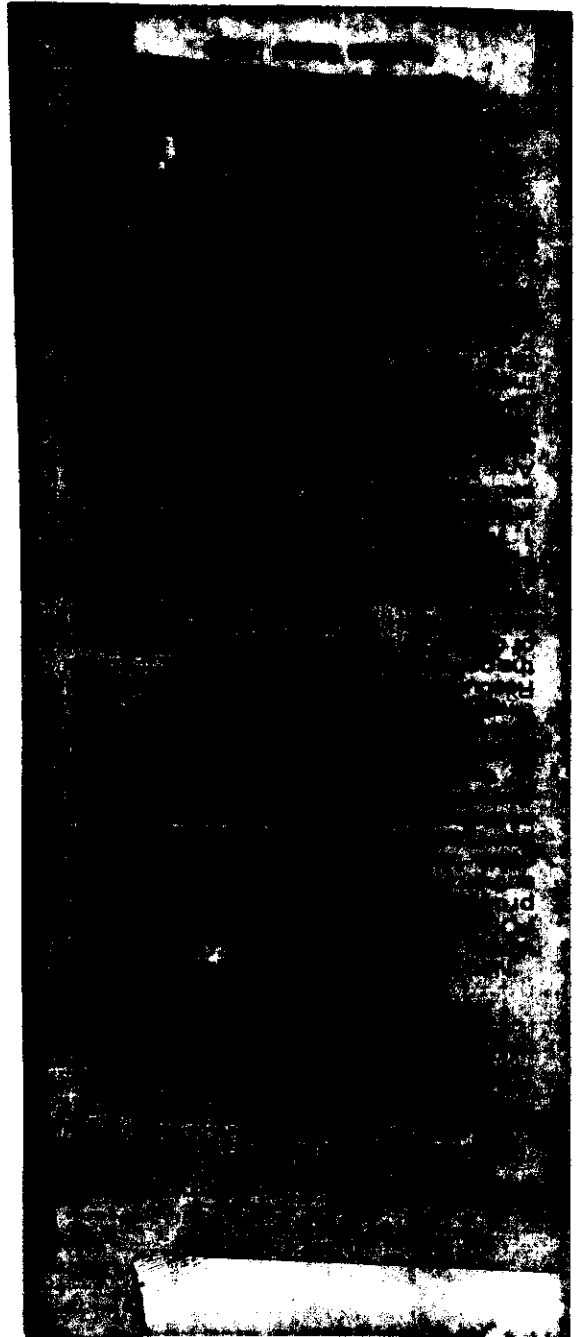
A. KENNETH DUNN
Director

Published in the Wood River Journal

on 8/21/86 AND 8/28/86

MICROFILMED

RECEIVED



OK
8/13/86

EBERLE, BERLIN, KADING, TURNBOW & GILLESPIE,
CHARTERED

JAMES L. BERLIN
R. B. KADING, JR.
R. M. TURNBOW
JAMES R. GILLESPIE
WILLIAM J. MCKLVEEN
DALE G. HIGER
WARREN E. JONES
MARK S. GESTON
B. NEWAL SOUYRES, JR.
WILLIAM L. VASCONCELLOS
THOMAS R. LINVILLE
RICHARD A. RILEY
JAMES J. DAVIS
JOE H. UBERUAGA II
T. A. BANDUCCI
MARY S. HOBSON
JOHN MICHAEL BRASSEY
ROBERT L. BERLIN
HOWARD W. CARSMAN
SCOTT D. HESS
BRADLEY G. ANDREWS
KATHY PERKINS BROOKS
WILLIAM A. FUHRMAN
J. BRENT FERY
KAY C. MANWEILER

ATTORNEYS AND COUNSELORS AT LAW
CAPITOL PARK PLAZA
300 NORTH SIXTH STREET
POST OFFICE BOX 1368
BOISE, IDAHO 83701

RECEIVED

TELEPHONE
(208) 344-8535

AUG 6 1986

August 5, 1986

DEPARTMENT OF WATER RESOURCES
SOUTHERN REGIONAL OFFICE

J. L. EBERLE (1890-1964)
T. H. EBERLE (1922-1977)

Terry Blau
Department of Water Resources
Southern Region
1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301

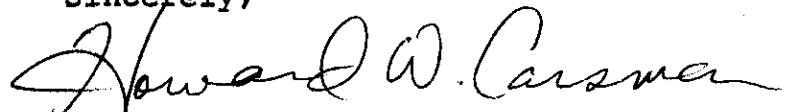
Re: Application for Permit No. 37-8203

Dear Terry:

Enclosed is the check for \$20.00 which you requested for re-advertising the Amended Application. We certainly appreciate your help in the application process and your careful review of our Amended Application and supporting documents.

Please feel free to call me if I can answer any questions or be of any assistance to you.

Sincerely,


Howard W. Carsman

HWC:ngr
Enclosure

MAILED

State of Idaho
Department of Water Resources

AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY: T. Blau WINN MANAGEMENT CORP.
Right Number 37-8203 Applicant _____

Purpose of Amendment: ☒ Change point of diversion. ☐ Add diversion point(s).
☐ Increase amount. ☐ Change place of use. ☒ Other Reduce place of use

CHECK:

- ☒ Description of amended point(s) of diversion.
- ☒ Amount, nature and period of use. If increased, delay date of priority.
- ☒ Description of amended places of use. If expanded, delay date of priority.
- ☒ Ownership of point of diversion and place of use.
- ☒ Map.
- ☒ Signature (must be permit holder).
- ☐ Fee. Request 8/5/86
- ☒ Existing water rights from the same source, amended place of use.
- ☐ Right number(s) _____
- ☒ Yes ☐ No Should amendment be advertised?
- ☐ Yes ☒ No Should date of priority be delayed? If yes, to what date? _____

FINAL REGIONAL PROCESSING REVIEW:

- ☐ Affidavit of publication received.
- ☐ Amendment published correctly.
- ☐ Protests processed.
- ☐ Approve.
- ☐ Deny.

Conditions _____

By _____ Date _____

STATE OFFICE PROCESSING:

- ☐ Amendment correct and complete. By _____ Date _____
- ☐ Approved copy sent to applicant and to Region. By _____ Date _____

EBERLE, BERLIN, KADING, TURNBOW & GILLESPIE,
CHARTERED

JAMES L. BERLIN
R. B. KADING, JR.
R. M. TURNBOW
JAMES R. GILLESPIE
WILLIAM J. MCKLVEEN
DALE G. HIGER
WARREN E. JONES
MARK S. GESTON
B. NEWAL SOUYRES, JR.
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THOMAS R. LINVILLE
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BRADLEY G. ANDREWS
KATHY PERKINS BROOKS
WILLIAM A. FUHRMAN
J. BRENT FERY
KAY C. MANWEILER

ATTORNEYS AND COUNSELORS AT LAW

CAPITOL PARK PLAZA
300 NORTH SIXTH STREET
POST OFFICE BOX 1368
BOISE, IDAHO 83701

TELEPHONE
(208) 344-8535

July 25, 1986

RECEIVED

JUL 28 1986

Department of Water Resources
Southern Region

J. L. EBERLE (1890-1984)
T. H. EBERLE (1922-1977)

Terry Blau
Department of Water Resources
Southern Region
1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301

Re: Application for Permit No. 37-8203

Dear Terry:

Enclosed are the following documents:

- 1) Copy of Assignment of Permit from Craig H. Neilsen to Flowers Mill Limited Partnership;
- 2) Original Assignment of Application for Permit from Flowers Mill Limited to Winn Management Corp.; and
- 3) Original Amended Application for Permit.

Please contact me if you have any questions concerning the processing of these documents.

Sincerely,

Norma Rice
for Howard W. Carsman

HWC:ngr
Enclosures

MICROFILMED

EBERLE, BERLIN, KADING, TURNBOW & GILLESPIE,
CHARTERED

JAMES L. BERLIN
R. B. KADING, JR.
R. M. TURNBOW
JAMES R. GILLESPIE
WILLIAM J. MCKLVEEN
DALE G. HIGER
WARREN E. JONES
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J. BRENT FERY
KAY C. MANWEILER

ATTORNEYS AND COUNSELORS AT LAW
CAPITOL PARK PLAZA
300 NORTH SIXTH STREET
POST OFFICE BOX 1368
BOISE, IDAHO 83701

RECEIVED

TELEPHONE
(208) 344-8535

JUL 16 1986

July 15, 1986

DEPARTMENT OF WATER RESOURCES
Southern District
J. L. EBERLE (1890-1964)
T. H. EBERLE (1922-1977)

Terry Blau
Department of Water Resources
Southern Region
1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301

Re: Application for Permit No. 37-8203

Dear Terry:

This letter will confirm our telephone conversations of July 14th regarding the above-referenced water right permit application. After you reviewed the application on file with the department, you advised me that the 2.11 cfs sought in the application, for domestic, fire protection, and irrigation, would be approved by the department if the application were amended to reduce the number of irrigated acres from 37 to 30. You advised me that an application so amended would not be subjected to the Swan Falls "hold" file, and would instead be approved without delay by the department. Based upon our conversation, I have prepared an amended application and an assignment of application for permit, both for signature by our clients. I will forward these documents to you upon receipt of them.

If I have misunderstood any of our conversation, or if any of the statements contained in this letter are incorrect, please notify me immediately. We appreciate your assistance and cooperation in this matter, and I will be forwarding to you an amended application and an assignment of application for permit in the near future.

Sincerely,

Howard W. Carsman

Howard W. Carsman

HWC:ngr

MICROFILMED

RECEIVED

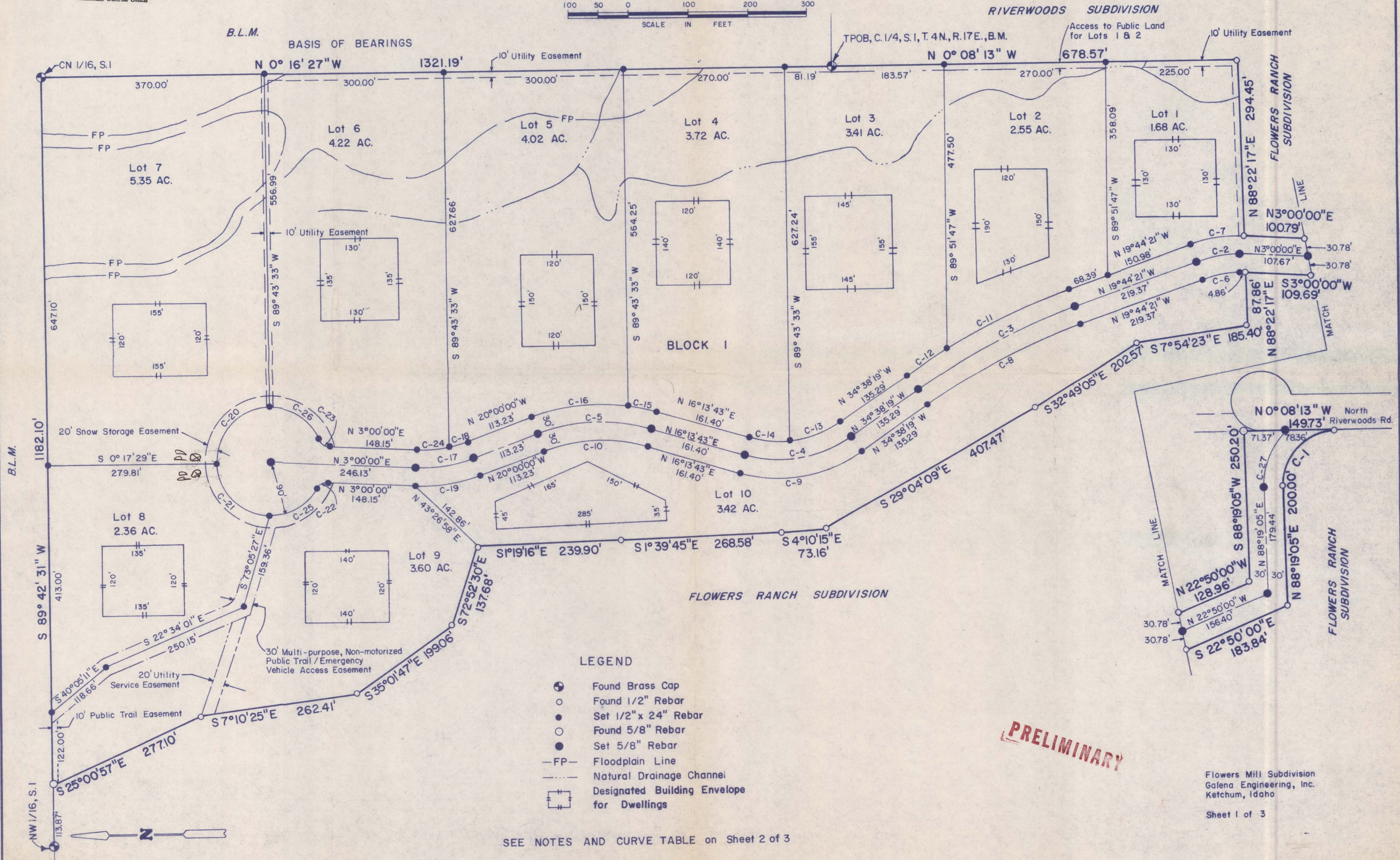
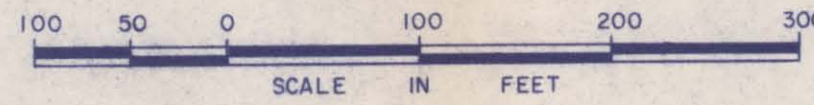
JUL 24 1985

Department of Water Resources
Southern District Office

PRELIMINARY

PLAT SHOWING FLOWERS MILL SUBDIVISION

A REPLAT OF LOT 1, FLOWERS RANCH SUBDIVISION
BLAINE COUNTY, IDAHO
1985



PRELIMINARY

Flowers Mill Subdivision
Galena Engineering, Inc.
Ketchum, Idaho

Sheet 1 of 3

SEE NOTES AND CURVE TABLE on Sheet 2 of 3



Neilsen & Company

January 31, 1985

RECEIVED

FEB 5 1985

Department of Water Resources
Sawtooth District Office

Mr. Allen Merritt
Water Resource Engineer
State of Idaho
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301

RE: Sec. 1, T.4 N., R.17 E., B.M.

Dear Mr. Merritt:

I am modifying the Application for Permit for Craig H. Neilsen filed October 5, 1984, by:

1. Filing an Application Permit for a well on the Flowers Mill Subdivision to serve ten homesites.
2. Amending the October 5, 1984, filing with these comments:
 - a. Referring to your October 9th letter and my October 31st response, change Section 4, line 1 to read 0.691 c.f.s. for domestic, change line 2 to read 0.275 c.f.s. for irrigation and change Section 5a to read 2.466 c.f.s.
 - b. In Section 8b, delete 15 acres shown in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 3 acres shown in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ thus making the line total 16 acres instead of 34 and the total number of acres to be 22 instead of 40.
 - c. In Section 10, delete the wording "for approximately 30 homesites in the Flowers Mill Subdivision area on the westside of the Big Wood River."
 - d. In Section 11, delete all reference to the Flowers Mill Subdivision.

The two applications now total:

Bigwood Household Units	290
Flowers Mill Household Units	10
	<u>300</u>

Sincerely,

J. Milar
J. Milar

JM/gd
enclosure

Developers/Contractors

P.O. Box 452 • Twin Falls, Idaho 83301

(208) 733-2402

MICROFILMED

Original letter filed with
37-8195

3/83

IDEAL NO. 37-8203

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT DATA ENTRY LOG

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