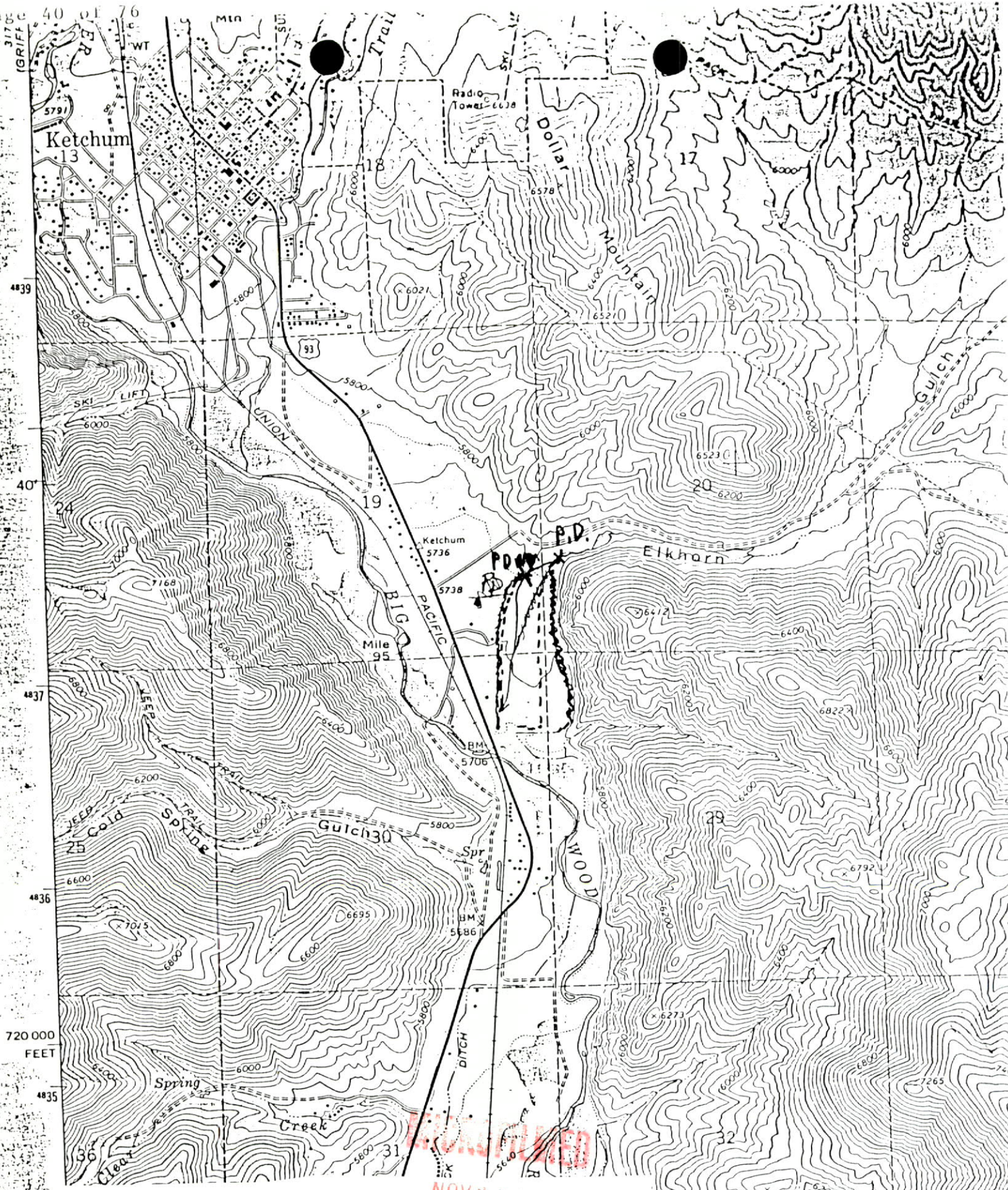


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(GRIFF)



APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Attach a USGS Map-Map 1 of 2.
Cascea Associates, Inc.-change in use app.
EXHIBIT C

T.4N
T.3N

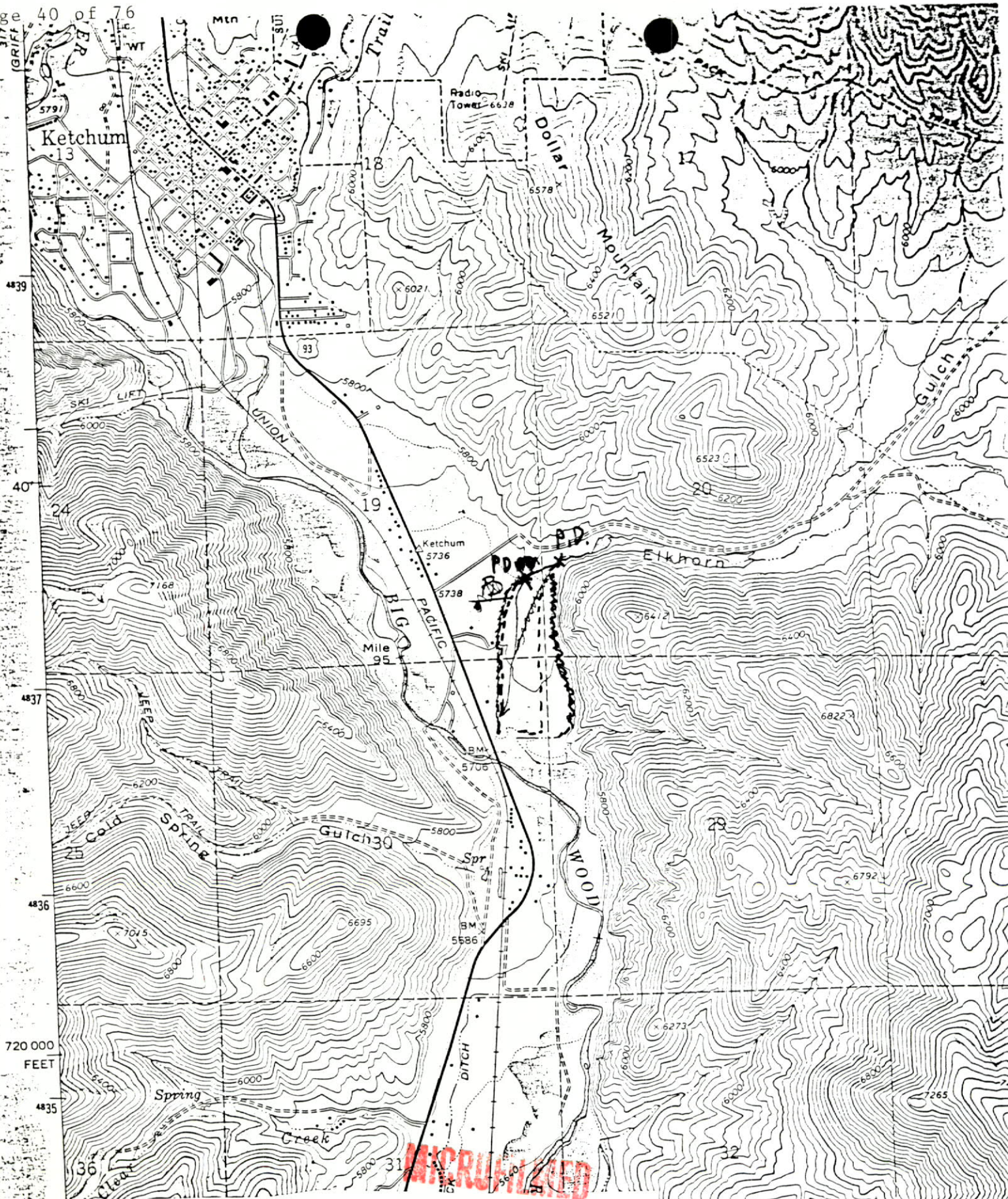


Aerial photograph:

NOV 26 1990

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Attach a USGS Map-Map 2 of 2.
Cascea Associates, Inc.-change in use app.
EXHIBIT D



APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Attach a USGS Map-Map 1 of 2.
Cascea Associates, Inc.-change in use app.



Aerial photograph:

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Attach a USGS Map-Map 2 of 2.
Cascea Associates, Inc.-change in use app.
EXHIBIT D

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 3881
WATER RIGHT NO(S). 37-00081/37-00082

This is to certify that: CASCEA ASSOC INC
THOMAS D HORMEL
C/O J EVAN ROBERTSON
PO BOX 1906
TWIN FALLS ID 833031906

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
Right No. 37-00081 :		
IRRIGATION	04/15 to 10/15	0.71 CFS
WILDLIFE	04/15 to 10/15	3.29 CFS
RECREATION	04/15 to 10/15	3.29 CFS
AESTHETIC	04/15 to 10/15	3.29 CFS
	Total	4.00 CFS

Priority: 06/01/1884

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIG WOOD RIVER	MALAD RIVER

LOCATION OF POINT(S) OF DIVERSION: SWSE , Sec. 19, Township 04N, Range 18E
BLAINE County

Right No. 37-00082 :		
IRRIGATION	04/15 to 10/15	0.71 CFS
WILDLIFE	01/01 to 12/31	1.20 CFS
RECREATION	01/01 to 12/31	1.20 CFS
AESTHETIC	01/01 to 12/31	1.20 CFS
	Total	1.20 CFS

Priority: 06/01/1884

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
ELKHORN CREEK	BIG WOOD RIVER

LOCATION OF POINT(S) OF DIVERSION: SESE , Sec. 19, Township 04N, Range 18E
NWSW , Sec. 20, Township 04N, Range 18E
BLAINE County

JAN 11 1994

TRANSFER NO. 3881
WATER RIGHT NO(S). 37-00081/37-00082

Right Nos. 37-00081 and 37-00082 :

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	18E	19	NESE 3.7	SWSE 3.5	SESE 5.6	12.8
		20	NWSW 3.1			3.1
		29	NWNW 0.5			0.5
		30	NENE 6.9			6.9
Total number of acres irrigated:						23.3

PLACE OF USE: WILDLIFE

TWN RGE SEC

04N 18E 30 NENE

PLACE OF USE: RECREATION, same as WILDLIFE use

PLACE OF USE: AESTHETIC, same as WILDLIFE use

CONDITIONS/REMARKS:

1. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
2. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. Use of water under Right No. 37-00081 will be regulated by the watermaster of State Water District No. 37.
5. Right Nos. 37-00081 and 37-00082, when combined, shall not exceed a total flow rate of 0.71 cubic feet per second nor an annual volume of 69.9 acre feet for irrigation purposes.
6. Prior to diversion of water, flow measuring devices as specified by the department &/or watermaster shall be installed by the right holder at the following three (3) locations: a) at the points where water is diverted from the Big Wood River and/or Elkhorn Creek, b) at the point where 0.03 cfs is rediverted to the identified ponds, and c) at a point where water diverted under Right Nos. 37-00081 and 37-00082 is returned to the Big Wood River.
7. The amount of water under Right Nos. 37-00081 and 37-00082 to be discharged to the river shall equal the amount approved for aesthetic, recreation and wildlife purposes, less a reasonable loss as determined by the Director or watermaster.
8. Water consumed under Transfer #3881 by diverting water for wildlife, aesthetic and recreation uses shall not exceed 3.3 acre feet.

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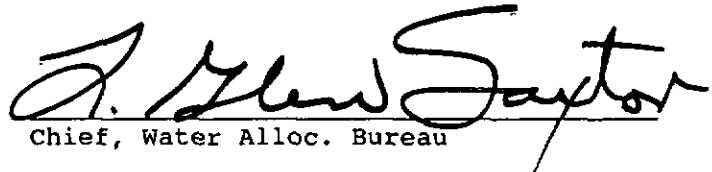
JAN 11 1994

TRANSFER NO. 3881
WATER RIGHT NO(S). 37-00081/37-00082

CONDITIONS/REMARKS:

9. The total annual volume of water authorized for diversion and use pursuant to Right No. 37-00082 shall not begin to accrue until: a) all rights on Elkhorn Creek cannot be satisfied by the watermaster of Water District No. 37, Big Wood River, and b) the right holder demands release of water from the upstream users.
10. Right No. 37-00082 may be subject to administration with the water rights of the Big Wood River, if for purposes of regulation of water rights, Elkhorn Creek is found to be tributary to the Big Wood River.

Dated this 9th day of December, 1993.


Chief, Water Alloc. Bureau

RECORDED

JAN 11 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER
NO. 3609 IN THE NAME OF CASCEA ASSOCIATES,
WATER RIGHTS NOS. 37-00081, 37-00082,
37-04016 AND 37-7201

ORDER

The Department having reviewed transfer no. 3609 in the name of Cascea Associates, finds that the transfer can be approved.

IT IS HEREBY ORDERED that transfer no. 3609 is APPROVED subject to the following conditions:

1. Right no. 37-0081 shall be changed as follows:

Source: Big Wood River
Priority: 6/1/1884

<u>Volume</u>	<u>Nature of Use</u>	<u>Period of Use</u>
0.74 cfs	irrigation	4/1 through 11/1
3.26 cfs	aesthetics	4/1 through 11/1
3.26 cfs	recreation	4/1 through 11/1
<u>3.26 cfs</u>	wildlife	4/1 through 11/1
4.00 cfs = Total flow rate		

- a. The place of use and point of diversion for right no. 37-0081 is approved as described in the transfer application.
- b. The total flow rate and annual volume diverted for irrigation pursuant to right no. 37-0081 and right no. 37-0082 shall not exceed 0.74 cfs and 73.4 acre-feet, respectively.

2. Right no. 37-0082 shall be changed as follows:

Source: Elkhorn Creek
Priority: 6/1/1884

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<u>Volume</u>	<u>Nature of Use</u>	<u>Period of Use</u>
0.74 cfs	irrigation	4/1 through 11/1
1.20 cfs	aesthetics	1/1 through 12/31
1.20 cfs	recreation	1/1 through 12/31
<u>1.20 cfs</u>	wildlife	1/1 through 12/31
1.20 cfs = Total flow rate		

a. The place of use and point of diversion for right no. 37-0082 is approved as described in the transfer application.

b. The total flow rate and annual volume diverted for irrigation purposes pursuant to right no. 37-0082 and right no. 37-0081 shall not exceed 0.74 cfs and 73.4 acre-feet, respectively.

3. Right no. 37-7201 shall be changed as follows:

Source: Elkhorn Creek
Priority: 3/21/1973

<u>Volume</u>	<u>Nature of Use</u>	<u>Period of Use</u>
1.00 cfs	aesthetics	1/1 through 12/31
1.00 cfs	recreation	1/1 through 12/31
<u>1.00 cfs</u>	wildlife	1/1 through 12/31
1.00 cfs = Total flow rate		

4. Right no. 37-4016 shall be changed as follows:

Source: Elkhorn Creek
Priority: 4/1/1884

<u>Volume</u>	<u>Nature of Use</u>	<u>Period of Use</u>
10.00 cfs	diversion to storage	1/1 through 12/31
17.0 acre-feet	storage for aesthetic	1/1 through 12/31
17.0 acre-feet	storage for recreation	1/1 through 12/31
<u>17.0 acre-feet</u>	storage for wildlife	1/1 through 12/31
17.0 acre-feet = Total storage		

a. The approval of this transfer in no way confirms the validity of right no. 37-4016.

b. Claim no. 37-4016 shall be considered a flood right available only for the one-time spring fill of the reservoirs and ponds on the property (to a total volume of 17 acre-feet) and not chargeable against the 315 acre-feet total, unless there are not spring flood flows available from Elkhorn Creek. If for purposes of regulation, Elkhorn Creek is found to be tributary to the Big Wood River, the

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watermaster may require release of water stored in the reservoirs and ponds to satisfy downstream storage rights.

5. Water rights diverted from Elkhorn Creek are conditioned as follows:

- a. The total annual volume authorized for diversion and use pursuant to right nos. 37-0082, 37-4016 and 37-7201 is limited to 315 acre-feet. The volumetric limitation shall not begin to accrue, however, until:
 - i. All rights on Elkhorn Creek cannot be satisfied by the watermaster of Water District No. 37, Big Wood River, and
 - ii. The owner of the rights approved by no. 3609 demands release of water from upstream users.
- b. Long standing man-made alteration in the natural channel of Elkhorn Creek requires construction of a channel through the development listed as the place of use. The right to diversion of Elkhorn Creek in the channels of the development and to demand flow in Elkhorn Creek is limited by the annual volume and flow rate of water rights nos. 37-0082, 37-4016 and 37-7201.
- c. Rights 37-0082, 37-4016 and 37-7201 may be subject to administration with the water rights of the Big Wood River, if, for purposes of regulation of water rights, Elkhorn Creek is found to be tributary to the Big Wood River.
- d. Diversion of water pursuant to rights 37-0082, 37-4016 and 37-7201 during the non-irrigation season is subject to any minimum streamflows established in the Big Wood River with later dates of priority.

6. All water rights are conditioned as follows:

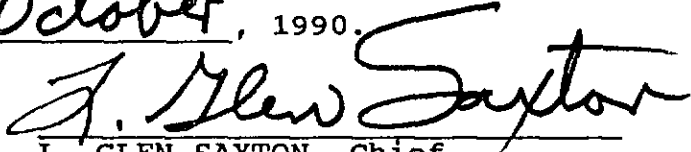
The wildlife, aesthetic and recreational uses approved by this transfer shall be considered to have a consumptive component equal to the smaller of:

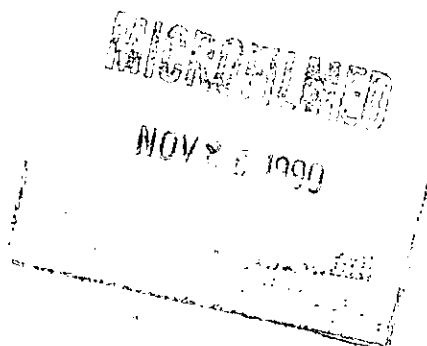
- (a) the irrigation consumption prior to this transfer less irrigation consumption after the transfer, or
- (b) actual consumption by the authorized wildlife, aesthetic and recreational uses.

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The purpose of this condition is to protect the consumptive nature of the water rights transferred to the extent consumption continues.

Dated this 9th day of October, 1990.


L. GLEN SAXTON, Chief
Water Allocation Bureau



APPLICATION FOR TRANSFER OF WATER RIGHT

PART I.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

I. Right No. 37-00081

Applicant proposes taking 1 1/2 inches of water per acre for 24.4 acres from 37-00081 to continue the original IRRIGATION use as decreed and proposes to apply the balance of the 4.00 cfs for the following uses as listed:

WILDLIFE
AESTHETICS
RECREATION

II. Right No. 37-04016

Applicant proposes the utilization of the entire decreed amount of water from 37-04016 for the following uses as listed:

WILDLIFE
AESTHETICS
RECREATION

- III. Right No. 37-00082

Applicant proposes taking 1 1/2 inches of water per acre for 24.4 acres from 37-00082 to continue the original IRRIGATION use as traditionally diverted by its permit and proposes to apply the balance of the 1.2 cfs for the following uses as listed:

WILDLIFE
AESTHETICS
RECREATION

IV. Right No. 37-07201

Applicant proposes utilizing the entire licensed amount of water from 37-07201 for the following uses as listed:

WILDLIFE
AESTHETICS
RECREATION

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APPLICATION FOR TRANSFER OF WATER RIGHT

PART I.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

5. Lands irrigated or place of use: Master Water Course for the Lane Ranch Subdivision map included in folded format with notations attached.

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EXHIBIT A

CASCEA ASSOCIATES, INC.

APPLICATION FOR TRANSFER OF WATER RIGHT

PART I.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

6. General Information

a. Description of Diversion System

Water in the Elkhorn Creek will flow through a series of lakes and storage ponds located within the Recreation Center parcel in the NW1/4 SW1/4 Section 20. It will leave the Recreation Center parcel channel and flow into the retention lake (parcel D) where it will be co-mingled with water from the Big Wood River.

An equalizing pipe joins the two ponds identified as parcel C and parcel D near the section line of the NE1/4 SE1/4 and the SE1/4 SE1/4 of Section 19 where the Lane Ranch Road goes between the two parcels. Elkhorn Creek water gravity flows to parcel E in the SE1/4 SE1/4 of Section 19 where an irrigation pump structure is located. A 30-horsepower pump will distribute water through a six-inch main line to a permanent buried sprinkler system irrigating approximately 24 acres. The pumping capacity will be approximately 1,200 gallons per minute.

A portion of the Elkhorn water will be diverted at SE1/4 SE1/4 Sec. 19 through a small stream which will traverse the easterly portion of the parcel prior to recombining with the center stream before entering the Wood River at the previously noted traditional discharge point for the historical use of the waters on the ranch.

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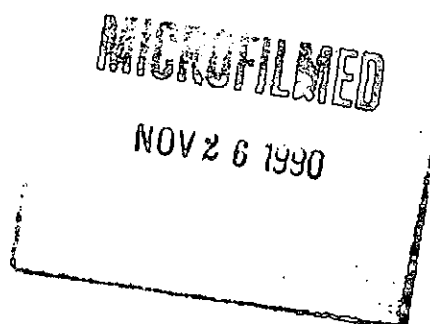
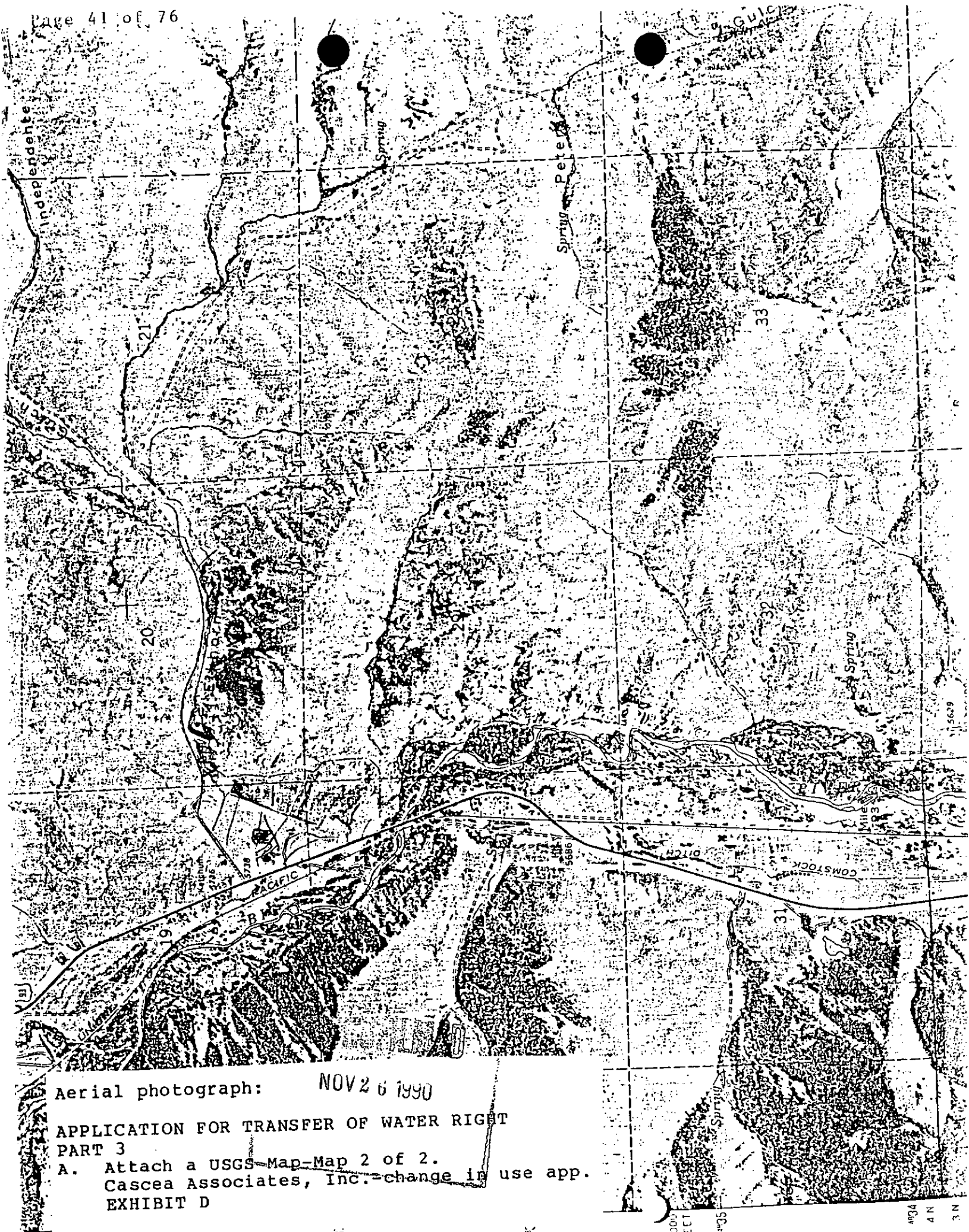


EXHIBIT B

CASCEA ASSOCIATES, INC.



Aerial photograph:

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Attach a USGS Map-Map 2 of 2.
Cascea Associates, Inc.-change in use app.
EXHIBIT D

APPLICATION FOR TRANSFER OF WATER RIGHT

PART III.

B. CHANGES IN NATURE OF USE

2. Quantity and quality of return flows and location of discharge:

In the past all of the water not consumed by crops either seeped or flowed off the property, eventually to reach Wood River. After the proposed change, substantially less water will be consumed since only 24.7 acres will hereafter be irrigated. Discharges will vary due to water supply available for diversion when water is physically not available under the water rights. The flows in Elkhorn Creek will be co-mingled with Big Wood River flows above the point of discharge back into the river. Big Wood River diversions will be made as necessary up to 4.0 cfs as needed to stabilize flow rates. Historic records indicate, however, that Elkhorn flow rates may terminate during drought and high usage periods. Again, all return flows to the Big Wood River will utilize the traditional point of discharge as previously noted in EXHIBIT B, right No. 37-00081, SE1/4 NE1/4 NE1/4 of Section 30, 4N 18E.

Seepage from lined lakes will be significantly less than the flood irrigation practices previously used. The lakes will be lined with clays to minimize seepage. Clays from existing lake deposits are available and will be utilized to minimize seepage. Lakes will be kept full during winter months to protect integrity of the clay liner. Elkhorn flows and pumped Big Wood River waters will have significant retention periods resulting in increased opportunity for settlement of water-carried sediment. Waters discharged from the property will have less sediment load than experienced prior to this change.

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APPLICATION FOR TRANSFER OF WATER RIGHT

PART III.

B. CHANGES IN NATURE OF USE

3. Describe effects on other water uses resulting from the proposed change:

Since there will be less consumption under the proposed uses, more water will be returning to the stream. In the case of the Big Wood River right, the new diversion point will allow a more efficient distance between the diversion and the place of use resulting in additional water returning to the Big Wood.

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AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Blaine } ss.

DANIEL J. GORHAM

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

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

publication of said advertisement was on the 4th day of Oct. 1989, and

the date of the last publication was on the 11th day of Oct. 1989.

Subscribed and sworn to before me this 18th day of Oct. 1989.
(SEAL)

NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line	<u>11</u>
Number of Lines in Notice	<u>198</u>
Number of Insertions	<u>2</u>
Lines tabular at	<u>5.5¢/Pica</u>
Lines straight at	<u>108.90</u>
Subsequent lines at	<u>82.12</u>
TOTAL COST	<u>196.02</u>

COPY OF NOTICE
(Paste Here)

Proposed Change #37-00081...
TITLE OF NOTICE (Case No.)

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources
BILL TO

Associates seek water right change

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
NOS. 37-00081, 37-07201,
37-00082, 37-04018

Notice is hereby given that Cascea Associates, Inc., c/o Arthur Emil of New York, NY has applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of the IDAHO CODE.

Water right No. 37-00081
Basis of right: Decreed to James H. Bonning in case of S.C. Frost, et al., vs. Alturas Water Company, et al., dated 12/13/1909 in Fourth District Court, Lincoln County, Source: Big Wood River tributary to Malad River

Priority Date: 6/10/1884
Amount of water: 4.0 cfs
Water use: Irrigation
Point(s) of diversion: SE1/4-NW1/4, S19, T4N, R18E (Bonning #7 Headgate, ditch) Blaine County.

Place of use: 85 acres within S1/2SE1/4, S19, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right No.: 37-00081
Amount of water: 4.0 cfs

Water right No. 37-00082
Basis of right: Decreed to James H. Bonning in case of S.C. Frost, et al., vs. Alturas Water Company, et al., dated 12/13/1909 in Fourth District Court, Lincoln County, Source: Elkhorn Creek tributary to Big Wood River

Priority Date: 6/1/1884
Amount of water: 1.2 cfs
Water use: Irrigation
Point(s) of diversion: NW1/4-SW1/4, S20, T4N, R18E, Blaine County.

Place of use: S1/2SE1/4, S19, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right No.: 37-00082
Amount of water: 1.2 cfs

Water right No. 37-07201
Basis of right: License
Source: Elkhorn Creek tributary to Wood River

Priority Date: 3/21/1973
Amount of water: 1.0 cfs, .08 cfs
Water use: Irrigation, Stockwater
Point(s) of diversion: NW1/4-SW1/4, S20, T4N, R18E; Blaine County.

Place of use: 120 acres within S1/2SE1/4, S19, T4N, R18E; N1/2NE1/4, S30, T4N, R18E.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right No.: 37-07201
Amount of water: 1.0 cfs, .08 cfs
Water use: Irrigation, Stockwater
Point of diversion: No change.

Place of use: 85 acres within S1/2SE1/4, S19, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E.
License was incorrect. Actual place of use is 85 acres east of

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Basis of right: Statutory Claim
Source: Elkhorn Creek tributary to
Big Wood River
Priority Date: 4/1/1884
Amount of water: 10.0 cfs
Water use: Irrigation & stockwa-
ter
Point(s) of diversion: NW1/4-
SW1/4, S20, T4N, R18E; Blaine
County.
Place of use: 160 acres within
S1/2SE1/4, S19, T4N, R18E;
N1/2NE1/4, S30, T4N, R18E.

PORTION(S) OF RIGHTS
TO BE CHANGED

Water right No.: 37-04016
Amount of water: 10.0 cfs
Point of diversion: No change.
Place of use: 85 acres within
S1/2SE1/4, S19, T4N, R18E;
NE1/4NE1/4, S30, T4N, R18E.

TO BE CHANGED AS FOLLOWS

Water right No.: 37-00081
Amount: .732 cfs
Use: Irrigation
AMOUNT: 3.268 CFS
Use: Wildlife, Recreation,
Aesthetics

Total amount
being transferred: 4.0 cfs

Source: Big Wood River tributary
to Maled River
Point of diversion: SW1/4SE1/4,
S19, T4N, R18E; Blaine County.
Place of use: 24.4 acres within
E1/2SE1/4, SW1/4SE1/4, S19,
T4N, R18E; NW1/4SW1/4, S20,
T4N, R18E; NE1/4NE1/4, S30,
T4N, R18E; NW1/4NW1/4, S29,
T4N, R18E.

Water right No.: 37-00082
Amount: .732 cfs
Use: Irrigation
Amount: .468 cfs
Use: Wildlife, Recreation,
Aesthetics

Total amount
being transferred: 1.2 cfs

Source: Elkhorn Creek tributary to
Big Wood River
Point of diversion: NW1/4SW1/4,
S20, T4N, R18E (Headgate & East
Ditch); SE1/4SE1/4, S19, T4N,
R18E (Equalizing pipeline to West
ditch, pump); Blaine County.
Place of use: 24.4 acres within
E1/2SE1/4, SW1/4SE1/4, S19,
T4N, R18E; NW1/4SW1/4, S20,
T4N, R18E; NE1/4NE1/4, S30,
T4N, R18E; NW1/4NW1/4, S29,
T4N, R18E.

Water right No.: 37-07201
Amount: 1.0 cfs
Use: Wildlife, Aesthetics, Recrea-
tion

Total amount
being transferred: 1.0 cfs

Source: Elkhorn Creek tributary to
Big Wood River
Point of diversion: NW1/4SW1/4,
S20, T4N, R18E (the East
channel); SE1/4SE1/4, S19, T4N,
R18E (Equalizing pipeline to West
ditch); Blaine County.
Place of use: E1/2SE1/4, S19,
T4N, R18E; NE1/4SW1/4, S20,
T4N, R18E; NE1/4NE1/4, S30,
T4N, R18E; NW1/4NW1/4, S29,
T4N, R18E.

Water right No.: 37-04016
Amount: 10.0 cfs
Use: Wildlife, Aesthetics, Recrea-
tion

Total amount
being transferred: 10.0 cfs

Source: Elkhorn Creek tributary to
Big Wood River
Point of diversion: NW1/4SW1/4,
S20, T4N, R18E (Headgate & East
ditch); SE1/4SE1/4, S19, T4N,
R18E (Equalizing pipeline & West
ditch); Blaine County.
Place of use: E1/2SE1/4, S19,
T4N, R18E; NW1/4SW1/4, S20,
T4N, R18E; NW1/4NW1/4, S29,
T4N, R18E; NE1/4NE1/4, S30,
T4N, R18E.

Any protest against approval of
the application for transfer must
be filed with the Department of
Water Resources, 2148 4th Ave
East, Twin Falls, ID 83301, on or
before October 23, 1989.

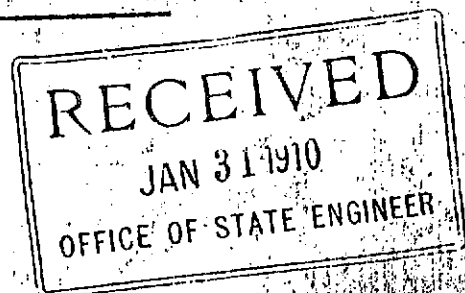
R. Keith Higginson, Director

Publish: Wood River Journal-
October 4 & 11, 1989.

REPRODUCED

1990

In the District Court of the Fourth Judicial District
of the
State of Idaho, in and for the County of Lincoln.



S. C. Frost, et al.,

Plaintiffs,

vs.

Alturas Water Company, et al.,

Defendants.

DECREE.

This cause coming on to be heard this 6th day of October, 1909, upon the Report of F. J. Cowen, Referee heretofore appointed for the purpose of taking the testimony and making recommendations as to Findings of Fact, Conclusions of Law and Decree, to be entered herein, and the said F. J. Cowen having filed his Report of the testimony taken, and his recommendations as to Findings of Fact, Conclusions of Law, which have heretofore been adopted, and the respective plaintiffs and defendants and cross-complainants appearing herein by their respective counsel, and the court being fully informed and advised in the premises, and having ordered that judgment be entered in accordance with the Report and recommendations of the said Referee, Wherefore, by reason of the law and the Report and Findings of Fact and Conclusions of Law aforesaid,

It is Ordered, Adjudged and Decreed, that the several parties, plaintiffs and defendants herein named, do have judgment respectively for

right to use, for irrigation and other purposes, the following number of inches of water, each fifty inches thereof to be equivalent to a flow of one cubic foot per second, as prescribed by the law of Idaho, from the waters of the Malad or Big Wood River and its tributaries, situated in the counties of Blaine and Lincoln, State of Idaho, their priorities to date from the times hereinafter named, to-wit:

37 0003	Abbott, George H.	100 inches.	June 18, 1883.	Soldier Creek. Trans #901
37 0004	Abbott, William G.	105 "	Mch. 24, 1883.	Big Wood River. TRANS #3589 (From Riley ditch.)
37 0005	Adams, Henry W.	150 "	Mch. 10, 1883.	Big Wood River.
	Adams, Jacob	150 "	May 1, 1881.	Silver Creek.
	"	125 "	Apr. 1, 1885.	" "
	"	30 "	Apr. 1, 1887.	" "
	Adamsen, Margaret			Little Wood River Canal Company shares.
	Ainsworth, James	80 "	Apr. 15, 1884.	Little Wood River.
	"	80 "	June 20, 1883.	" " "
	Ainsworth, J. L.	20 "	Apr. 15, 1884.	" " "
	"	8 "	May 15, 1883.	" " "
	Ainsworth, Joseph	72 "	May 15, 1883.	" " "
	"	70 "	Apr. 15, 1884.	" " "
	Albrethson, Albert	110 "	May 1, 1883.	" " "
	"	50 "	July 9, 1886.	" " "
	"	50 "	Apr. 1, 1889.	" " "
	"	20 "	June 30, 1889.	" " "
	"			Little Wood River Canal Company shares.
	Albrethson, Martin	200 "	Sept. 1, 1887.	Silver Creek.
	"	50 "	June 17, 1899.	" " "
	"	60 cubic ft.	Aug. 2, 1902.	(Exclusive right from pond.)
	"	160 inches.	Mch. 23, 1883.	Silver Creek. (For power purposes.)
	"			Big Wood River. TRANS #359 (From Riley ditch.)

37-0081

37-0082

Bonning, James H.	200 inches.	June 1, 1884.	Big Wood River.
" "	60	June 1, 1884.	Elkhorn Creek.
Boren, Leonard	40	July 27, 1909.	Big Wood River.
Bostrom, E. W.	214	May 15, 1897.	" " Trans 269-270
Bowman, J. W.	480	Apr. 1, 1893.	Little Wood River.
Braga, Antonio C.	160	June 11, 1906.	Big Wood River.
Braga, Mary A.	80	Feb. 4, 1908.	" " "
Brett, Charles F.	20	Nov. 1, 1885.	Silver Creek.
" "	40	Apr. 1, 1888.	" "
" "	80	June 30, 1895.	" "
Brinegar, Albert E.	280	July 15, 1880.	Willow Creek.
" "	260	June 15, 1887.	" "
" "	240	May 1, 1890.	" "
Broadhurst, James B.	50	Apr. 1, 1890.	Chaney Creek.
Broadie, J. R.	130	May 29, 1893.	Silver Creek. #900
Brooks, James H.	100	May 1, 1883.	Little Wood River.
" "	35	Apr. 1, 1886.	" " "
Brown, Elmer	60	June 1, 1886.	Rock Creek.
Brown, George M.			Big Cottonwood Canal Company shares.
Brown, James N.	110	Apr. 1, 1884.	Little Wood River. Muldoon Cr.
" "	120	July 1, 1889.	East Fork of Big Wood River.
Brown, Marcus L.	240	Apr. 26, 1903.	Big Wood River.
Brown, Mary & Sarah & Catherine Sweet	400	June 1, 1887.	" " " Trans #259
Brown, Mary, Sarah and Michael, and Catherine Sweet	160	Aug. 1, 1884.	" " "
Brown, Michael and Eliza	75	May 15, 1882.	" " "
" "	380	May 1, 1887.	" " " Trans #326
Brown, Minnie B.	240	May 15, 1892.	" " " Trans #115-127
Brown, R.L., Estate	100	June 15, 1888.	Little Wood River. (Also shares in Big Cottonwood Canal Co.)

MICROFILMED

MEMORANDUM

TO: FILE 37-00082

FROM: PAM SKAGGS

RE: TRANSFER # 3881

DATE: 08-18-93

=====

Original Transfer Application, Form and correspondence regarding the above referenced Transfer is located within file # 37-00081.

RECEIVED

JAN 11 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

November 8, 1990

RE: Transfer of Water Right Nos. 37-0081/0082/4016/7201

Cascea Associates, Inc.
c/o Arthur Emil, Jones, Day Reavis & Pogue
599 Lexington Ave.
New York, NY 10022

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Trans. No. 3609). Be sure to note any conditions of approval as listed on the enclosed Department of Water Resources ORDER dated October 9, 1990.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

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NOV 26 1990

INTER-DEPARTMENT MEMO--1

DATE November 8, 1990

FROM Brenda Miller

TO File (s) 37-0081/0082/4016/7201

SUBJECT Approved Transfer No. 3609 Distribution

Copies of the October 9, 1990 ORDER and approved Application for Transfer were also sent to:

Reid Newby
Box T
Shoshone, ID 83352

J. Evan Robertson
P.O. Box 1906
Twin Falls, ID 83303

Brenda Miller

Signature

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NOV 26 1990

INTER-DEPARTMENT MEMO--1

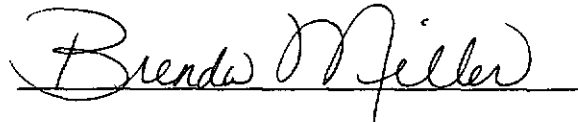
DATE October 10, 1990

FROM Brenda Miller

TO File (s) 37-0082/4016/7201

SUBJECT TRANSFER NO. 3609

Please see File 37-0081 for all correspondence
regarding the above transfer.


Signature

RECEIVED

NOV 26 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

September 10, 1990

John Rosholt
Attorney at Law
P.O. Box 1906
Twin Falls, ID 83303-1906

Reid Newby
Watermaster Water District #37
Box T
Shoshone, ID 83352

RE: Application for Transfer No. 3609 in the Name of Cascea
Associates; Water Rights Nos. 37-00081, 37-00082, 37-04016
and 37-07201

Gentlemen:

Enclosed is my latest attempt to draft language to satisfy concerns about the Cascea (Lane Ranch) transfer. Will you please review the draft, and comment once more. I would like to resolve this matter expeditiously.

Sincerely,

A handwritten signature in cursive script that reads 'Gary Spackman'.

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

cc: Southern Region

RECORDED

NOV 26 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 17, 1990

Cascea Associates, Inc.
c/o Arthur Emil, Jones, Day, Reavis & Pogue
599 Lexington Avenue
New York, NY 10022

RE: Application for Transfer of Water Right no. 3609, Proposing
the Transfer of Water Rights Nos. 37-00081, 37-00082,
37-04016, 37-7201 in the Name of Cascea Associates, Inc.

Gentlemen:

I have reviewed the above listed transfer, and will attempt to address questions that have arisen as a result of the review. As a preface to my comments, let me say that the transfer stretches the limits of some traditional standards used to review transfers. Strict imposition of these standards might be viewed as a hypertechnical analysis, perhaps missing the mark of proper review. As a result, I have attempted to apply the standards with leniency while still addressing the statutory requirements.

Idaho Code § 42-222 states that the Department must review a transfer by applying three tests: (1) Whether the transfer will injure other water rights, (2) Whether the transfer will result in an enlargement of use, and (3) Whether the transfer is in the public interest. There is also a fourth test that requires evaluation of whether the proposal will adversely affect the agricultural base of the area. I do not see that the fourth test is applicable.

I wish to analyze the enlargement question, which I think raises secondary questions about injury and local public interest. The Department has traditionally reviewed a transfer which proposes a change in the nature of use by looking at three components of the original water use: (a) The flow rate, (b) The annual volume authorized for diversion, and (c) The consumptive use. The most restrictive of the three components must control the change in the nature of use.

The analysis of Gerald Martens, professional engineer, concludes that the amount of water lost from surface water will be approximately the same amount of water authorized for loss in the original right, either by consumption or percolation. Consumptive use does not appear to restrict the application.

NOV 26 1990

Furthermore, the application does not propose diversion of a higher flow rate than is authorized, except that the claim alleges the right to divert an inordinate amount of water which generally is not available in Elkhorn Creek at the rate claimed. The third standard, however, the annual volume diverted, would restrict the flow rate considerably. If the Department applied the traditional review standard related to annual volume diverted, the Department would first determine the number of acres which have been irrigated. The maximum allowable annual volume would be calculated from the number of acres irrigated. The flow rate would be limited to the continuous year-round flow that would produce the annual volume.

The Department has determined that 105 acres were irrigated by these water rights. In the Wood River Valley, the Department has allowed an annual diversion for irrigation of not more than 3.0 acre-feet/acre annually. Subtraction of the 24.4 acres which will still be irrigated from the 105 acres previously irrigated results in a remainder of 80.5 acres. The product of 80.5 acres times 3.0 acre-feet/acre annually equals 241.5 acre-feet remaining for the residual volume of water that could be diverted annually. The volume of 241.5 acre-feet must be converted to a continuous year-round flow rate. The continuous flow rate calculated from annual volume equals 0.33 cubic feet per second.

I am not certain that our traditional approach should apply in this case. I believe we can be more lenient provided no more water is lost by the change. I propose that we accept the engineer's calculation of losses resulting from evaporation, seepage and irrigation, and determine that these volumes will not exceed the volume which would normally be lost.

The flow rates of the respective rights need to be discussed. Rights nos. 37-00081 and 37-00082 describe identical places of use. Right no. 37-00081 authorizes diversion of 4.0 cfs from the Big Wood River. Right no. 37-00082 authorizes diversion of 1.2 cfs from Elkhorn Creek. A total diversion from both rights of 0.732 cfs is proposed for irrigation use. All of the other remaining water rights authorize diversion from Elkhorn Creek. The remaining rights, 37-04016 and 37-07201, represent flow rates of 10.0 cfs and 1.0 cfs, respectively.

I understand that flows in Elkhorn Creek have not been regulated by the watermaster of Water District #37. Non-regulation in the past does not prevent future regulation if Elkhorn Creek is tributary to the Big Wood River. As a result, water supplies from Elkhorn Creek may not be available year round.

Finally, I understand that the natural channel of Elkhorn Creek may have been changed to flow through the proposed ponds.

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Right no. 37-00081, diverted from the Big Wood River, must be treated separately from the Elkhorn Creek rights. I suggest that we subtract 0.732 cfs, the flow rate needed for irrigation, from the total flow rate of 4.0 cfs. This leaves a remainder of 3.268 cfs. A flow rate of 3.268 cfs diverted over an entire irrigation season of 214 days will equal 1,386.88 acre-feet per year. Rather than diversion for just the irrigation season, however, the transfer proposes diversion year-round. Converting 1,386.88 acre-feet per year to a flow rate equals 1.92 cfs. I propose that Cascea be allowed to divert 1.92 from the Big Wood River for the entire year for aesthetics, plus .732 cfs for irrigation during the irrigation season, except when water is not available as described below.

Although the flow rates for the remaining filings diverted from Elkhorn Creek total a much larger flow than necessary for irrigation of 105 acres ($1.2 + 10.0 + 1.0 = 12.2$ cfs) the Department is willing to approve the transfer with a disclaimer that the transfer does not in any way validate claim no. 37-04016. Furthermore, a condition will be added specifically finding that a claim of 10.0 cfs for irrigation of the lands listed in the place of use is exorbitant, and that the total amount of water diverted from Elkhorn Creek should not exceed the amount decreed for diversion from the Big Wood River, or 4.0 cfs. Using the same analysis as above, 0.732 cfs can be diverted from either source or a combination of the sources not to exceed a total of 0.732 cfs for irrigation. By the same reasoning 1.92 cfs may be diverted year round from either source, or a combination of the sources not to exceed a total of 1.92 cfs, except when water is not available as described below.

As I mentioned before, the analysis of Gerald Martens concludes that the amount of water the proposed use will lose through irrigation, seepage and evaporation is 237.7 acre-feet. Assuming a full supply of water during the irrigation season, the maximum volume that could have been diverted for irrigation of 105 acres is 315 acre-feet annually. While there is a difference of 77 acre-feet, the upper number of 315 acre-feet annually presumes a full supply of water. A water right diverted from the Big Wood River with a priority of 1884 is not a reliable source of water every year, and the entire 315 acre-feet may not have been available in most years.

I will recommend that diversions for the proposed uses be cut-off according to their respective priorities. If Cascea is allowed to continue diverting when earlier consumptive rights would be cut-off, water which should remain in the stream to satisfy earlier rights will be lost. This is particularly true with right no. 37-00081, which authorizes diversion from the Big Wood River. If Elkhorn Creek is ever regulated with the Big Wood River, the rights from Elkhorn Creek will also be cut-off, unless a more reliable water right is acquired and left in the Big Wood River to mitigate for lost water.

NOV 26 1990

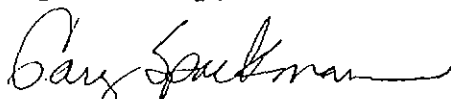
The applicant has the duty to show that out-of-priority diversion will not result in loss of water that will injure other appropriators. The information submitted shows that uncompensated losses will cause injury to other users unless a proposal such as mine is followed. It is possible that out of priority diversion might be permitted if all losses are mitigated. You may also consider the filing of a new application for permit to appropriate water.

I am also concerned about the water supply for the land within the subdivision. This application for transfer proposes irrigation of only 24 acres, which include berms and common areas. The actual lost acreage apparently will be irrigated from some other source, but it is unclear to me what source of water will be sought for irrigation. This question probably should be clarified. I think there will be a temptation on the part of homeowners to divert water directly from the streams running through the subdivision itself. Please provide assurances that irrigation can be limited to 24 acres.

I have not discussed all of the conditions that might be imposed. Other standard conditions requiring measuring devices, watermaster control and compliance with water quality standards will be made a part of the approval.

Please indicate whether my proposal is acceptable. If I do not hear from you within thirty (30) days, I'll assume my proposal is acceptable, and I will prepare the transfer for approval.

Respectfully,



GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc. John Rosholt
Ed Miller
Reid Newby

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Page 1 of 8STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3881

APPLICATION FOR TRANSFER OF WATER RIGHT

Southern Region Office

PART 1

Name of applicant CASCEA Associates, Inc., an Idaho corporation Phone 734-0700
and Thomas D. Hormel
Post Office address c/o I. Evan Robertson, P.O. Box 1906, Twin Falls, Idaho 83303-1906

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Change the place of irrigation of lawn, trees, shrubs, and riparian zones from a northerly area in the NE 1/4 NE 1/4 Sec. 30 T 04N R 18E BM to a southerly area in the NE 1/4 NE 1/4 Sec. 30 T 04N R 18E BM for watering of grasses, shrubs, trees and other plant communities indigenous to a natural wetland.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
Please see attached.				
<u>A37-00081</u>				to _____
<u>A37-00082</u>				to _____
				to _____
				to _____

2. Total amount of water being transferred .02 Please see attached. cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Elkhorn Creek tributary to Big Wood River
Big Wood River Malad River

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	30	04N	18E	Blaine	Div. from Elkhorn Cr. re-div ^{for} from Big Wood R.
		SW	SE	19	"	"	"	Div. from Big Wood R.

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
04N	18E	30	1.3																1.3

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NOV 21 1996Total acres 1.3

PART 1

6. General Information:

a. Description of diversion system A submerged orifice penetrating banks of channel of Elkhorn Cr.
Elkhorn Cr. has been split into 3 branches thru Layne Ranch Subdiv. Branches
rejoin above the proposed diversion for this wetland. The Big Wood River is diverted
Cr.
into Elkhorn above the proposed diversion for this wetland.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

The area of land now irrigated by the .02 cfs of water shall be forgone.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 37-0081 Decreed to James H. Bonning
In case of S.C. Frost et al. vs. Alturas Water Company, et al.
dated 12-13-1904 in Fourth District county of Lincoln
- b. License No. _____ Issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3609 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water Big Wood River tributary to Malad River

4. Date or priority 6-1-1884

5. Water is used for the following purpose:

amount 0.74 cfs 37" for Irrigation purposes from 4/1 to 11/1
(cfs/ac-ft)
amount 3.26 cfs 163" for Aesthetic, Recreation purposes from 4/1 to 11/1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 4.0 700' cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	19	04N	18E	Blaine	

8. Lands irrigated or place of use:

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	
04N	18E	19													X 3.7		X 3.5	5.6	12.8
		20										3.1							3.1
		30	X 8.0																8.0
		29						.5											.5

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Total acres 24.4

9. Describe any other water rights used for the same purpose as described above 37-0082, 4016, 7201

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount .02 cfs 1" for Irrigation purposes from 4-1 to 11-1
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion: Same

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	30	04N	18E	Blaine	

3. Lands irrigated or place of use:

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	
04N	18E	30	2.8																2.8

Total acres 2.8

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount .72 36' for Irrigation purposes from 4-1 to 11-1
 (cfs/ac-ft) _____
 amount 3.26 163" for Wildlife, Aesthetic, and Recreation purposes from 4-1 to 11-1
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	19	04N	18E	Blaine	

3. Lands irrigated or place of use:

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	
04N	18E	19	-												3.7		3.5	5.6	12.8
		20										3.1							3.1
		30	X																5.2
		29						.5											.5

Total acres 21.6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 37-0082 Decreed to James H. Bonning
In case of S.C. Frost, et al. vs. Alturas Water Company, et al.
dated 12-13-1909 in Fourth District county of Lincoln
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3609 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water Elkhorn Creek tributary to Big Wood River4. Date or priority 6-1-1884

5. Water is used for the following purpose:

amount 74 cfs 37" for Irrigation purposes from 4-1 to 11-1
(cfs/ac-ft)
amount 1.20 cfs 62" for Wildlife, Aesthetic, and Recreation purposes from 1-01 to 12-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.2 60" cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	%	%	%	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	20	04N	18E	Blaine	Headgate and east ditch
		SE	SE	19	04N	18E	Blaine	Equalizing pipeline to west ditch pump

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	
04N	18E	19													3.7		3.5	5.6	12.8
		20										3.1							3.1
		30	8 ^x																8.0
		29						5											.5

MICROFILMED

NOV 21 1996

Total acres 24.49. Describe any other water rights used for the same purpose as described above 37-0081, 4016, 7201

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount .02 cfs for Irrigation purposes from 4-1 to 11-1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion: Same

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	30	04N	18E	Blaine	

3. Lands irrigated or place of use:

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	
04N	18E	30	2.8																2.8

Total acres 2.8

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount .72 cfs for Irrigation purposes from 4-1 to 11-1
 (cfs/ac-ft)
 amount 1.2 for Wildlife, Aesthetic, and Recreation purposes from 1-1 to 12-31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	20	04N	18E	Blaine	Headgate and east ditch
		SE	SE	19	04N	18E	Blaine	Equalizing pipeline to west ditch pump

3. Lands irrigated or place of use:

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	
04N	18E	19	-												3.7		3.5	5.6	12.8
		20									3.1								3.1
		30	5.2																5.2
		29					5.5												.5

Total acres 21.6

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**

Please See Exhibit "A"

MICROFILMED
NOV 21 1996

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	<u>Aesthetic + Wildlife</u>	<u>0.02</u>	<u>24 hr / 252 / yr</u>	<u>4/1</u> to <u>11/1</u>
				to

2. Quantity and quality of return flows and location of discharge:

Please see attached

3. Describe effects on other water uses resulting from the proposed change:

Please see attached

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Please see attached
(Signature of Applicant)

Subscribed and sworn to before me this _____ day of _____, 19____.

(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 3 attachmentsReceived by HB Date 7/9/91

Protest filed by _____

Prelim. check by J. Stanton Fee \$30 ch # 18601Receipted by DF Date 7/9/91 5013515Published in Wood River Journal

Copies of protest forwarded by _____

Pub. dates 12/11 + 12/18/91

Hearing held by _____ Date _____

Watermaster recommendation requested on 12/2/91Recommended for ☒ approval ☐ denial_____ rec'd. 1/17/92by DA

Copy of transfer sent to lien holder _____

Transfer No. 3609
APPROVED
 Miller Esq.

Ed Miller, Esq.
Givens, McDevitt
208-342-6571

Name of applicant CASCEA ASSOCIATES INC., 200 Phone
Post Office address c/o Arthur Emil, Jones, Day, Reavis & Pogue, 599 Lexington
Avenue, New York, New York 10022

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use

☒ Change nature of use ☒ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes Convert from agricultural irrigation to irrigation of lawn, trees, shrubs, and riparian zones and provide amenities for residential development.

1.	Right Number	Priority	Amount (a/c or %)	Nature of Use	Period of Use
----	--------------	----------	----------------------	------------------	---------------

See individual transfers (attached) _____ to _____

_____ to _____

_____ to _____

18 _____

2. Total amount of water being transferred 16.2 cubic feet per second and/or _____ acre-feet per annum.

2. Total amount of water being transferred _____ 1) Malad River

3. Source of water 1) Big Wood River tributary to 2) ~~Malad River~~

3. Source of water
2) Elkhorn Creek

4. Point(s) of Diversion:
2) Maind River
Big Wood

[illegible][illegible]

Total acres _____

PART 3

B. CHANGES IN NATURE OF USE

	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
1.	<u>See individual transfers</u>			to _____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

CABER ASSOCIATES Inc.

[Signature]
(Signature of Applicant)

Subscribed and sworn to before me this 13 day of July, 19 89.

[Signature]
(Notary Public)

Twin Falls, Idaho

My commission expires 12-3-92

FOR DEPARTMENT USE ONLY

Transfer contains 3 pages and 31 attachments

Received by SG Date 7/19/89 Protest filed by _____

Prelim. check by JF Stanton Fee \$50.00 500 8617

Received by SG Date 7/19/89

Published in Wood River Journal Copies of protest forwarded by _____

Pub. dates 10/4 & 10/11/89 Hearing held by _____ Date _____

Watermaster recommendation requested on 9/25/89 Recommended for ☒ approval ☐ denial

_____ rec'd. 10/10/89 by Lt. Gary

Copy of transfer sent to lien holder _____

NOT RECORDED
NOV 21 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3609

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Ed Miller, Esq.
Givens, McDevitt
208-342-6571

Name of applicant CASCEA ASSOCIATES, INC., an Idaho corporation Phone 208-342-6571
Post Office address c/o Arthur Emil, Jones, Day, Reavis & Pogue, 599 Lexington Avenue,
New York, New York 10022

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Convert from agricultural irrigation to irrigation
of lawn, trees, shrubs, and riparian zones and provide amenities for residential
development.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-------------------------|------------|-----------------------|------------------|----------------|
| 37-00081 | 06-01-1884 | .732 cfs | Irrigation | 04-01 to 11-01 |
| (see attachment for | | 3.268 cfs | Wild life, | 01-01 to 12-31 |
| additional information) | | | Aesthetics & | |
| | | | Recreation | |
2. Total amount of water being transferred 4.00 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Big Wood River tributary to Malad River
4. Point(s) of Diversion: See attachment 2.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	19	04N	18E	Blaine	

5. Lands irrigated or place of use: See enclosed map.

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	
04N	18E	19													3.7		3.5	5.6	12.8
		20									3.1								3.1
		21																	8.0
		22																	.5
		23																	
		24																	
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		36																	
		37																	
		38																	
		39																	
		40																	

Note: W, F, J, R uses indicated in tracts with an X.

Total acres 24.4

PART 1

6. General Information:

a. Description of diversion system See attached - exhibit B.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Usage will go from agricultural to residential.

d. Remarks:

This is a change from agricultural use to residential use.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-00081
 And said application is hereby APPROVED, subject to the following limitations and conditions:
Per Order of the Department dated October 3, 1990.

MICROFILMED
NOV 21 1996

Witness my hand this _____

day of _____

October

, 19 90

[Signature]
 Chief, Water Alloc. Bureau

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 37-0081 Decreed to James H. Bonning / Bonning
 in case of S. C. Frost, Et. Al. vs. Alturas Water Company, Et. Al.
 dated 12-13-1909 in Fourth District county of Lincoln
 b. License No. _____ issued by the Idaho Department of Water Resources.
 c. Claim No. _____ on file with the Idaho Department of Water Resources.
 d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☐ Other _____

3. Source of water Big Wood River tributary to Malad River
 4. Date or priority 6-10-1884

5. Water is used for the following purpose:

amount 4.0 cfs for Irrig purposes from Apr 1 to Nov 1
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____

6. Total amount of water under right 4.0 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	19	4N	18E	Blaine	Bonning #7 Headgate, ditch

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4N	18E	19															10	40	50
		30	35																35

Total acres 85

9. Describe any other water rights used for the same purpose as described above 37-0082, 4016, 7201

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

SEE ATTACHED
EXHIBITS C & D

WICHOFILMED
NOV 21 1996

PART 3**B. CHANGES IN NATURE OF USE**

1.	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	<u>Wildlife, ~~Fire Protection~~, Aesthetic, Recreation</u>	<u>3.268 cfs</u>	<u>24/365</u>	<u>01-01</u> to <u>12-31</u> to _____

2. Quantity and quality of return flows and location of discharge:

See attachment - Exhibit E.

3. Describe effects on other water uses resulting from the proposed change:

See attached exhibit F.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

(Signature of Applicant)

Subscribed and sworn to before me this _____ day of _____, 19 _____.

(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLYTransfer contains 5 pages and 12 attachmentsReceived by JG Date 7/19/89 Protest filed by _____Prelim. check by J.F. Stinton Fee \$50.00 500 8617Received by GC Date 7/19/89Published in Wood River Journal Copies of protest forwarded by _____Pub. dates 10/4 & 10/11/89 Hearing held by _____ Date _____Watermaster recommendation requested on 9/25/89 Recommended for ☐ approval ☐ denial_____ rec'd. 10/10/89 by _____

Copy of transfer sent to lien holder _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART I.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

I. Right No. 37-00081

Applicant proposes taking 1 1/2 inches of water per acre for 24.4 acres from 37-00081 to continue the original IRRIGATION use as decreed and proposes to apply the balance of the 4.00 cfs for the following uses as listed:

WILDLIFE
AESTHETICS
RECREATION

II. Right No. 37-04016

Applicant proposes the utilization of the entire decreed amount of water from 37-04016 for the following uses as listed:

WILDLIFE
AESTHETICS
RECREATION

III. Right No. 37-00082

Applicant proposes taking 1 1/2 inches of water per acre for 24.4 acres from 37-00082 to continue the original IRRIGATION use as traditionally diverted by its permit and proposes to apply the balance of the 1.2 cfs for the following uses as listed:

WILDLIFE
AESTHETICS
RECREATION

IV. Right No. 37-07201

Applicant proposes utilizing the entire licensed amount of water from 37-07201 for the following uses as listed:

WILDLIFE
AESTHETICS
RECREATION

MICROFILMED
NOV 21 1996

APPLICATION FOR TRANSFER OF WATER RIGHT

PART I.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

4. Point(s) of Diversion:

Copy of application for permit to alter stream channel
- State of Idaho, Department of Water Resources State of Idaho,
Department of Lands.

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NOV 21 1996

JOINT APPLICATION FOR PERMIT
U.S. ARMY CORPS OF ENGINEERS
AND
STATE OF IDAHO, DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO, DEPARTMENT OF LANDS

The Department of the Army permit program is authorized by Section 10 of the River and Harbor Act of 1899 and Section 404 of the Clean Water Act. These laws require permits authorizing structures and work in or affecting navigable waters of the United States and the discharge of dredged or fill material into waters of the United States, including their adjacent wetlands. State permits are required under the State of Idaho, Stream Channel Protection Act (Title 42, Chapter 30, Idaho Code) and the Idaho Lake Protection Act, Section 5B-142 et. seq, Idaho Code. This application will meet the requirements of the above agencies.

The applicant has sent copies of this application to the agencies checked: ID Dept. Water Res. - ☒ T.F.
Cover d'Alene ☐ ; ID Dept. Lands ☐ , Corps of Engineers - Walla Walla ☒ .

PLEASE TYPE OR PRINT

AGENCY
U.S.C.

AGENCY
U.S.C.

1. Corps of Engineers / Date Received _____	2. State of Idaho / <u>37-S-542</u> Date Received _____
3. NAME OF APPLICANT <u>Lane Ranch Partnership</u> MAILING ADDRESS <u>Box 300</u> <u>Ketchum, Idaho 83340</u> PHONE Work <u>(208) 726-5331</u> Home () Date of Application <u>11-15-88</u>	4. AUTHORIZED AGENT <u>Gerald L. Martens, P.E.</u> MAILING ADDRESS <u>EHM Engineers, Inc.</u> <u>1139 Falls Ave. East, Twin Falls ID 833</u> PHONE Work <u>(208) 734-4888</u> Home <u>(208) 324-4066</u>

5. Location where proposed activity exists or will occur.

Name of waterway <u>Bigwood River</u>	Tributary of <u>Snake River</u>
<u>Ketchum</u>	Assessor's Desc. (Tax Number or Subdivision, Lot & Block No.)
In or near city or town	<u>Lot 2</u> <u>Johns Meadow Subdivision</u> <u>SW 1/4 SE 1/4</u>
<u>Blaine</u> <u>Idaho</u> <u>83340</u>	<u>19</u> <u>4N</u> <u>18 E</u>
County State Zip Code	Section Township Range

6. Describe the proposed activity, including description of the type of structures, if any, to be erected on fills, or pile or float-supported platforms. If additional space is needed, use a separate sheet or Section 15 (Remarks).

Describe the proposed activity in detail: Install a 24" pipe 30' into the Bigwood River at a depth of 1' below the bottom of the river. This pipe will be slotted and will terminate at a concrete sump to be utilized for irrigation of a subdivision East of the river.

Describe construction methods and equipment: During low water, a track hoe will reach into the river to complete the trench (approx 30' in distance). The pipe will be installed and covered with a clean river rock cobble.

Length of project along the stream or extension into lake or reservoir: Approx 30' into river

Stream gradient: Approximately 2.5%

Will material be placed waterward of ordinary high water mark? No

Will material be placed in adjacent wetlands? No

Type of fill material: Clean river rock (i.e. sand, etc.) Material Source: Stockpile

Volume of material to be placed 20 (cubic yards)

Will excavation be required? Yes Disposal Site Location: Lane Ranch Subdivision berms?

Method of diverting flow, if needed: N/A

Method of controlling turbidity: Clean river rock, disposal of exc. material away from stream.

7. Preparation of drawings. One set of original or good quality reproduction drawings must be attached to this application. NOTE: DRAWINGS NO LARGER THAN 8" X 11 INCHES IN SIZE. See the instruction pamphlet for instructions and a checklist for completing the drawings.

8. Purpose and intended use:
Commercial _____ Public _____ Private X Other _____

Description _____ Estimated Duration 2 days

9. Proposed Starting Date Nov. 20, 1988

10. If any portion of the activity is complete indicate month and year of completion _____
Indicate the existing work on the drawings.

11. Names, addresses and telephone numbers of adjoining property owners, lessees, etc., whose property also adjoins the waterway.

Sun Valley Water & Sewer District
Box 2410
Sun Valley, Idaho 83353

12. LEGAL OWNER
IF OTHER THAN
APPLICANT

Johns Meadow Partnership

City, State

Sun Valley, Idaho 83353

MAILING ADDRESS

Box 43

Zip Code

Area

PHONE

Work ()

Home ()

13. List other applications, approvals or certifications from other Federal, Interstate, state, or local agencies for structures, constructions, discharges, deposits, or other activities described in this application.

Issuing Agency	Type Approval	Identification No.	Date of Application	Date of Approval
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

14. Has any agency denied approval for the activity described herein or for any activity directly related to the activity described herein? ☐ YES ☒ NO (If "Yes" explain)

15. Remarks or additional information:

16. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to come upon the above-described location to inspect the proposed or completed work.

November 15, 1988
Date

P. S. O'Neill
Signature of Applicant (Required)

The application must be signed by the applicant. If an authorized agent is to be designated, Item 4 and the following information should be completed.

I hereby designate Gerald L. Martens, P.E. to act as my agent in matters related to this permit application. I understand that if a Federal permit is issued, I must sign the permit.

Date

Signature of Authorized Agency (if applicable)

P. S. O'Neill
Signature of Applicant (if applicable)

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both. Do not send a permit processing fee with this application. The appropriate fee will be assessed when a permit is issued.

DO NOT SEND PROCESSING FEE WITH APPLICATION

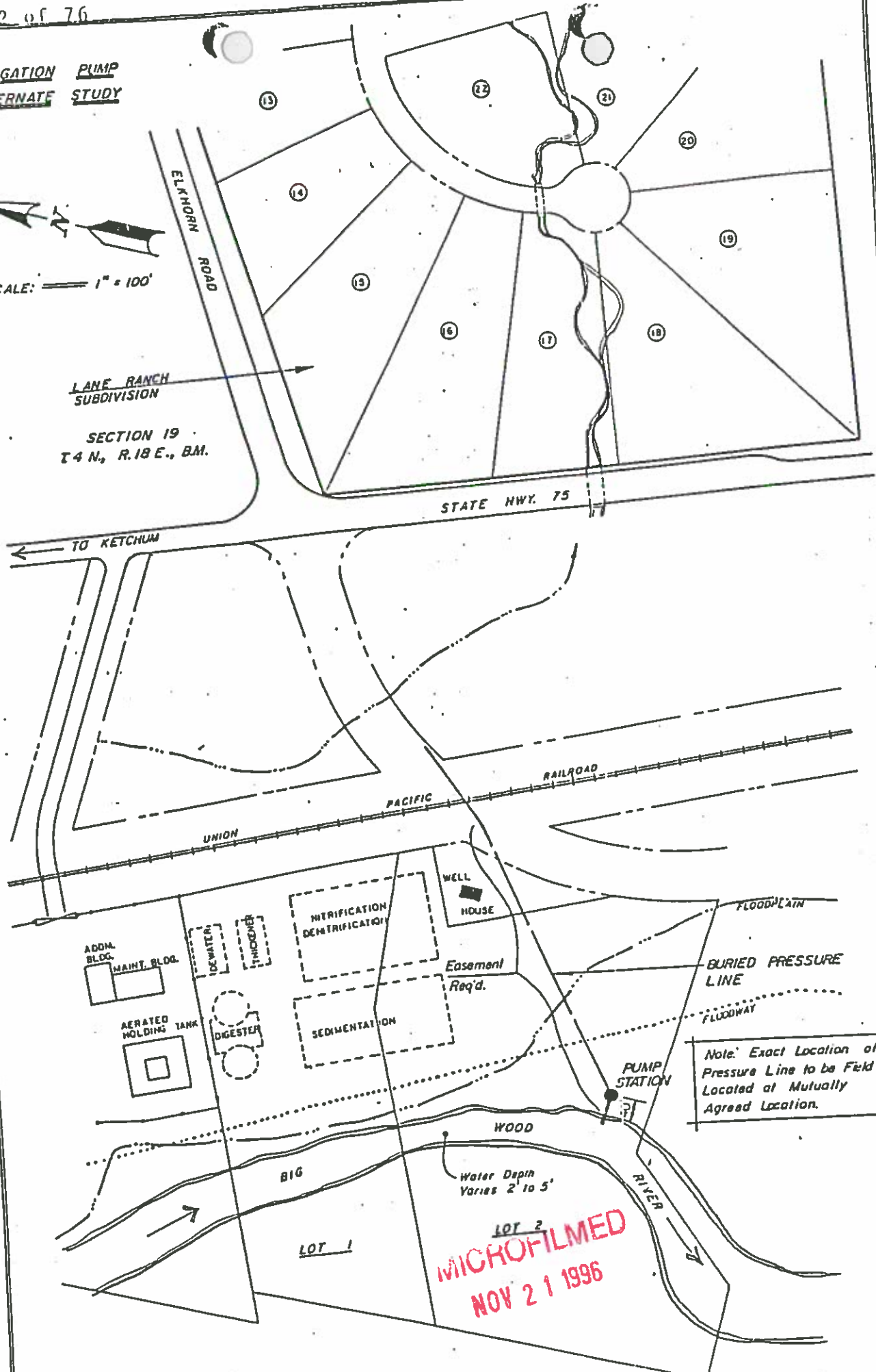
**IRRIGATION PUMP
ALTERNATE STUDY**

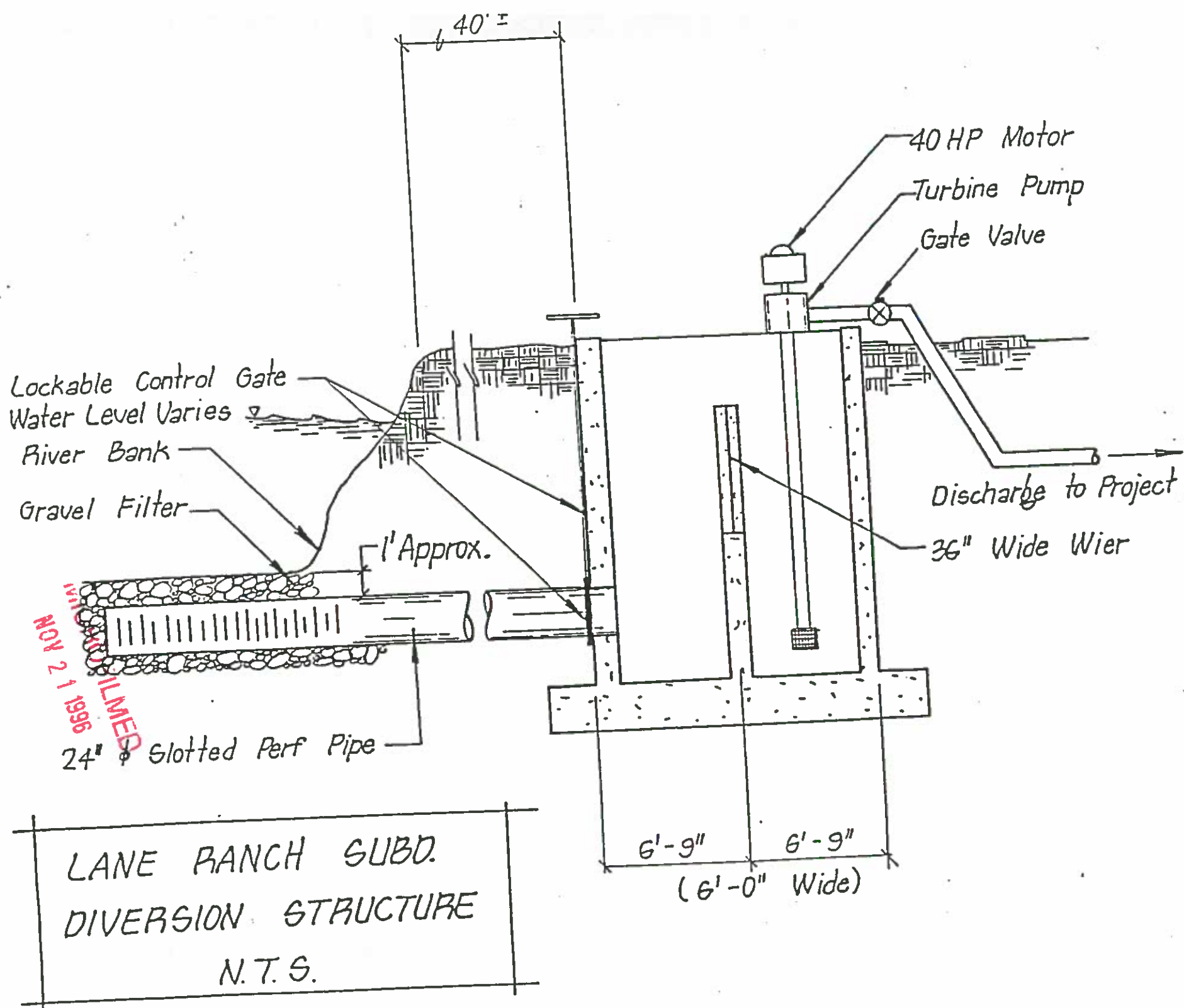


SCALE: 1" = 100'

LANE RANCH
SUBDIVISION

SECTION 19
T 4 N., R. 18 E., BM.





APPLICATION FOR TRANSFER OF WATER RIGHT

PART I.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

5. Lands irrigated or place of use: Master Water Course for the Lane Ranch Subdivision map included in folded format with notations attached.

MICROFILMED
NOV 21 1996

APPLICATION FOR TRANSFER OF WATER RIGHT

PART I.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

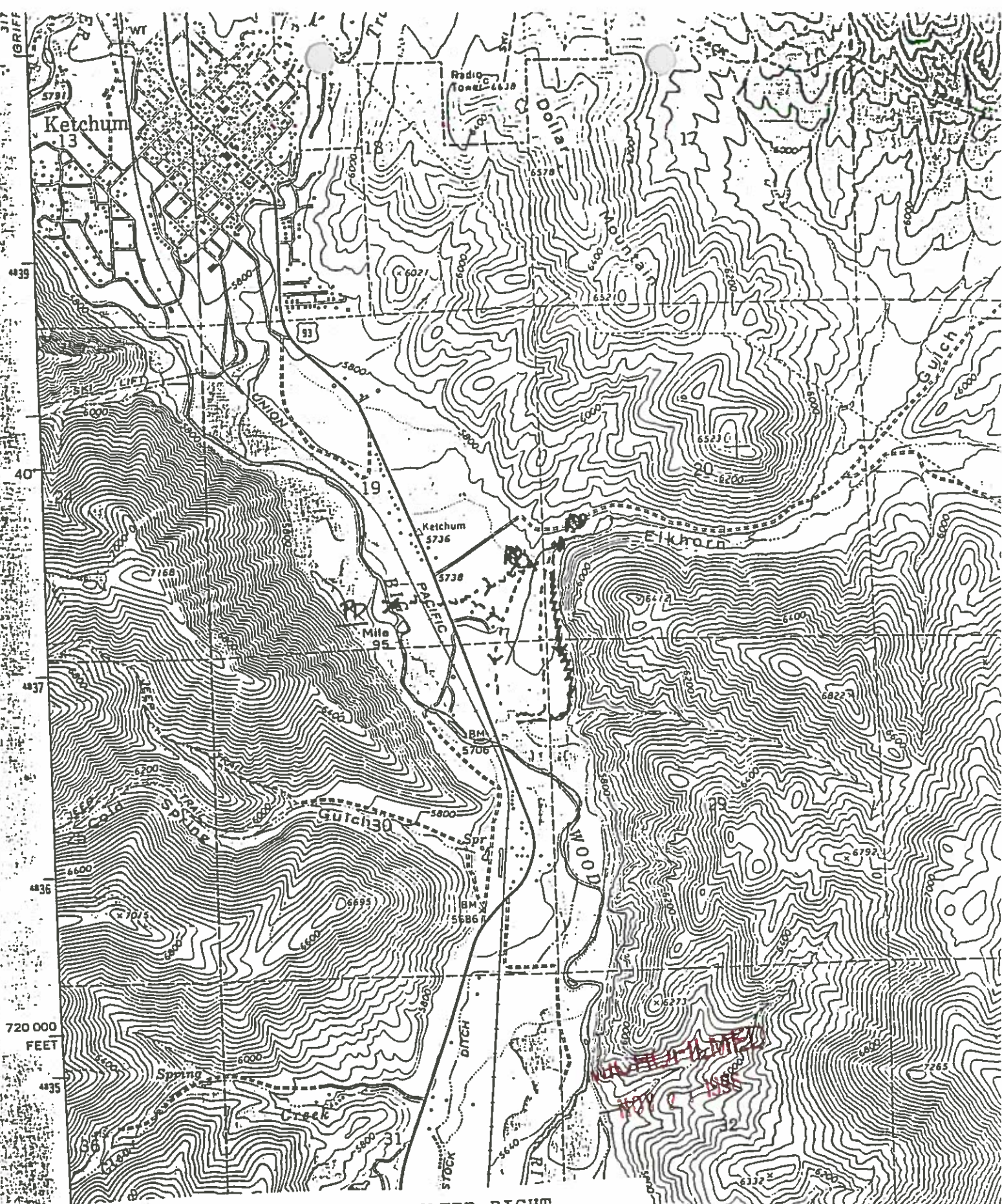
6. General information:

a. Description of diversion system:

Water from the Big Wood River will be diverted through the new diversion structure at the proposed new diversion point as described in application attachment No. 2 previously. Flow will be via perforated pipeline to 8 ft diameter pump sump. A 50-horsepower pump will pump water through a flow meter into a 10 in. pipeline for a distance of 2800 feet to a point of discharge into the retention lake in the NE1/4 SE1/4, Section 19, Block 3 of the subdivision at Parcel C shown on the Master Water Course map included as Exhibit A. Water will be directed via headgate into two streams. The westerly stream will flow approximately 700 feet to an irrigation pump structure located in Parcel E. The 30-horsepower pump will distribute water through a six-inch main line to a permanent buried sprinkler system irrigating approximately 24 acres. The pumping capacity will be approximately 1,200 gallons per minute.

Surplus water will flow southerly approximately 2,200 feet through a series of small impoundments that will sub-irrigate adjacent landscaped areas. The water will reconnect with water flowing in the center stream, described hereafter, and continue in the existing ditch until discharging back into Wood River at the traditional point of discharge for historical water uses on this land in the SE1/4 NE1/4 NE1/4 of Section 30, 4N 18E. Waters entering the streams will flow through a series of small impoundments providing sub-irrigation to streamside vegetation before discharging off the property at the previously noted point of traditional discharge.

MICROFILMED
NOV 21 1996



APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. Attach a USGS Map-Map 1 of 2.
Cascea Associates, Inc.-change in use app.
EXHIBIT C

T.41

T.31

5629

Landing



Aerial photograph:

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Attach a USGS Map-Map 2 of 2.
Cascea Associates, Inc.-change in use app.
EXHIBIT D

APPLICATION FOR TRANSFER OF WATER RIGHT

PART III.

B. CHANGES IN NATURE OF USE

2. Quantity and quality of return flows and location of discharge:

In the past all of the water not consumed by crops either seeped or flowed off the property, eventually to reach Wood River. After the proposed change, substantially less water will be consumed since only 24.7 acres will hereafter be irrigated. Discharges will vary due to water supply available for diversion when water is physically not available under the water rights. The flows in Elkhorn Creek will be co-mingled with Big Wood River flows above the point of discharge back into the river. Big Wood River diversions will be made as necessary up to 4.0 cfs as needed to stabilize flow rates. Historic records indicate, however, that Elkhorn flow rates may terminate during drought and high usage periods. Again, all return flows to the Big Wood River will utilize the traditional point of discharge as previously noted in EXHIBIT B, right No. 37-00081, SE1/4 NE1/4 NE1/4 of Section 30, 4N 18E.

Seepage from lined lakes will be significantly less than the flood irrigation practices previously used. The lakes will be lined with clays to minimize seepage. Clays from existing lake deposits are available and will be utilized to minimize seepage. Lakes will be kept full during winter months to protect integrity of the clay liner. Elkhorn flows and pumped Big Wood River waters will have significant retention periods resulting in increased opportunity for settlement of water-carried sediment. Waters discharged from the property will have less sediment load than experienced prior to this change.

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NOV 21 1996

APPLICATION FOR TRANSFER OF WATER RIGHT

PART III.

B. CHANGES IN NATURE OF USE

3. Describe effects on other water uses resulting from the proposed change:

Since there will be less consumption under the proposed uses, more water will be returning to the stream. In the case of the Big Wood River right, the new diversion point will allow a more efficient distance between the diversion and the place of use resulting in additional water returning to the Big Wood.

MICROFILMED
NOV 21 1996

ge 20 of 76

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3609

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Ed Miller, Esq.
Givens, McDevitt
Phone 208-342-6571

ame of applicant CASCEA ASSOCIATES, INC., an Idaho corporation
ost Office address c/o Arthur Emil, Jones, Day, Reavis & Pogue, 599 Lexington Avenue,
New York, New York 10022

PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Convert from agricultural irrigation to irrigation
of lawn, trees, shrubs, and riparian zones and provide amenities for residential
development.

DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use	
<u>37-04016</u>	<u>04-01-1884</u>	<u>10 cfs</u>	<u>Wildlife</u>	<u>01-01</u>	<u>to 12-31</u>
<u>(see attachment for</u>			<u>Aesthetics</u>	<u>01-01</u>	<u>to 12-31</u>
<u>additional information)</u>			<u>Recreation</u>	<u>01-01</u>	<u>to 12-31</u>
					<u>to</u>

2. Total amount of water being transferred 10 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Elkhorn Creek tributary to Big Wood River
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	20	04N	18E	Blaine	Headgate & east ditch
		~~SE~~	~~SE~~	~~19~~	~~04N~~	~~18E~~	~~Blaine~~	
		SE	SE	19	4N	18E	Blaine	Equalizing pipeline & west ditch

5. Lands irrigated or place of use: See enclosed map.

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
04N	18E	19													X			X	
		20										X							
		29						X											
		30	X																

RECORDED
NOV 21 1996

PART 1

6. General Information:

- a. Description of diversion system Existing channel into retention lake in Section 19, SE SE.
lots 73, 74 and 112 in Parcel D of the subdivision (see attachment for complete
description of Elkhorn Creek water).
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Usage will go from agricultural to residential.
- d. Remarks:
This is a change from agricultural use to residential use.
Late season Elkhorn flows are substantially less than rights.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-04016
 And said application is hereby APPROVED, subject to the following limitations and conditions:

Per the Order of the Department dated October 3, 1990.

Witness my hand this

9th

day of

October

. 19 90

J. Glen Saylor
 Chief, Water Alloc. Bureau

MICROFILMED
 NOV 21 1996

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
 In case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 37-4016 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☐ Other _____

3. Source of water Elkhorn Creek tributary to Big Wood River

4. Date or priority 4-1-1884

5. Water is used for the following purpose:

amount 10.0 cfs for Irrig. purposes from 4-1 to 11-1
 (cfs/ac-ft) _____ for Stockwater purposes from 1-1 to 12-31
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

6. Total amount of water under right 10.0 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	20	4N	18E	Blaine	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4N	18E	19															40	40	80
		30	40	40															80

Total acres 160

9. Describe any other water rights used for the same purpose as described above 37-0081, 0082, 7201

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 10.0 cfs for Irrig. purposes from 4-1 to 11-1
 amount _____ for Stockwater purposes from 1-1 to 12-31
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion: Same

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use: Actual historical P/U

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	18E	19															10	40	50
		30	35																35

Total acres 85

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

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	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

SEE ATTACHED
EXHIBITS C & D

MICROFILMED
NOV 21 1996

PART 3

B. CHANGES IN NATURE OF USE

1.	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	Wildlife, Aesthetics, Recreation,	10 cfs	24/365	01-01 to 12-31
				to

2. Quantity and quality of return flows and location of discharge:
See Exhibit E.

3. Describe effects on other water uses resulting from the proposed change:
See Exhibit F.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

(Signature of Applicant)

Subscribed and sworn to before me this _____ day of _____, 19____.

(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains 5 pages and 7 attachments

Received by JG Date 7/19/89

Prelim. check by JF Altam Fee \$50, 5008517

Received by JG Date 7-19-89

Published in Wood River Journal

Pub. dates 10/4 & 10/11/89

Watermaster recommendation requested on 9/25/89

_____ rec'd. 10/10/89

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for ☐ approval ☐ denial

by _____

Copy of transfer sent to lien holder _____

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NOV 21 1996

APPLICATION FOR TRANSFER OF WATER RIGHT

PART I.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

I. Right No. 37-00081

Applicant proposes taking 1 1/2 inches of water per acre for 24.4 acres from 37-00081 to continue the original IRRIGATION use as decreed and proposes to apply the balance of the 4.00 cfs for the following uses as listed:

WILDLIFE
AESTHETICS
RECREATION

II. Right No. 37-04016

Applicant proposes the utilization of the entire decreed amount of water from 37-04016 for the following uses as listed:

WILDLIFE
AESTHETICS
RECREATION

III. Right No. 37-00082

Applicant proposes taking 1 1/2 inches of water per acre for 24.4 acres from 37-00082 to continue the original IRRIGATION use as traditionally diverted by its permit and proposes to apply the balance of the 1.2 cfs for the following uses as listed:

WILDLIFE
AESTHETICS
RECREATION

IV. Right No. 37-07201

Applicant proposes utilizing the entire licensed amount of water from 37-07201 for the following uses as listed:

WILDLIFE
AESTHETICS
RECREATION

MICROFILMED
NOV 21 1996

APPLICATION FOR TRANSFER OF WATER RIGHT

PART I.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

5. Lands irrigated or place of use: Master Water Course for the Lane Ranch Subdivision map included in folded format with notations attached.

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NOV 21 1996

APPLICATION FOR TRANSFER OF WATER RIGHT

PART I.

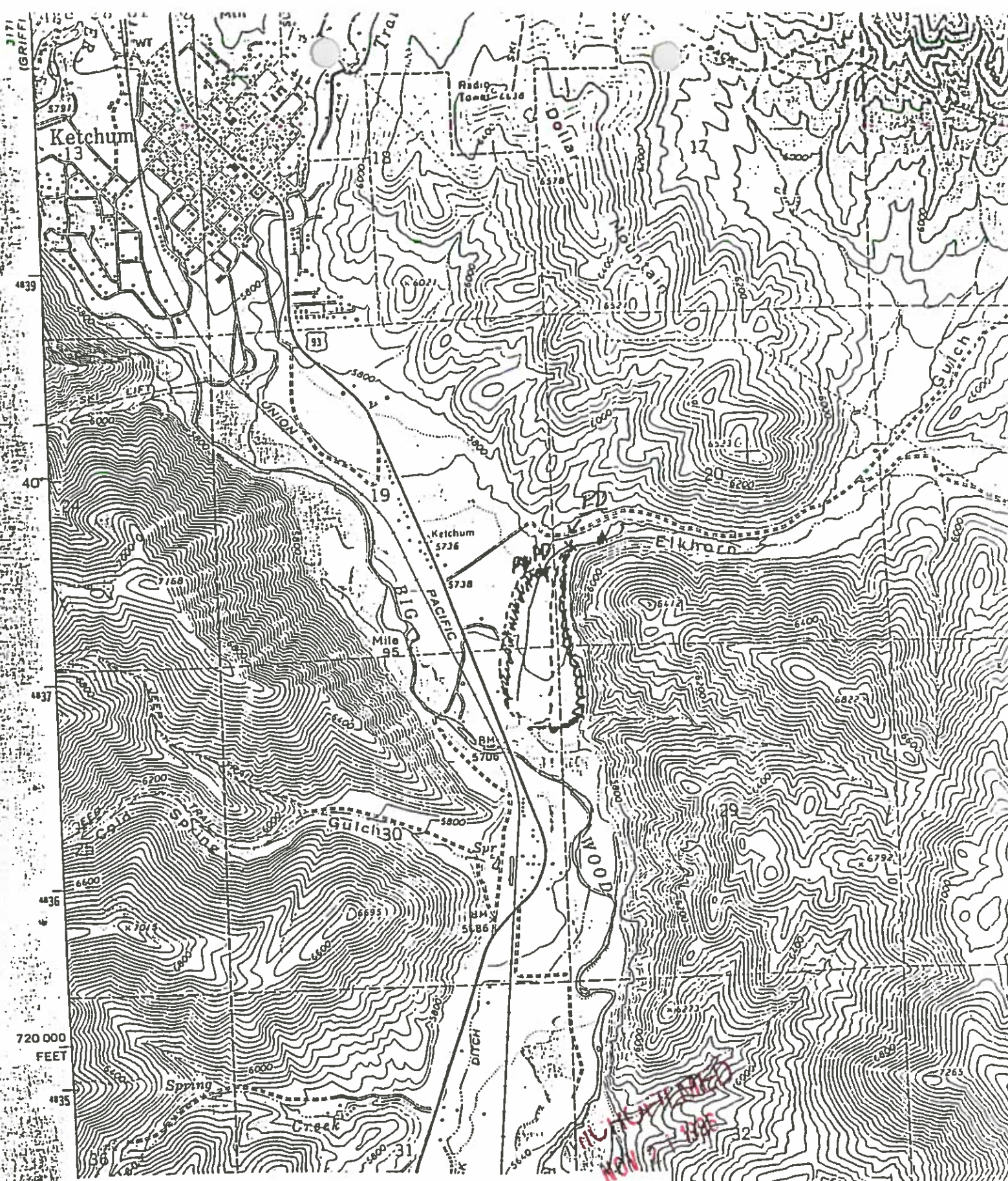
B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

6. General Information

a. Description of Diversion System

Water in the Elkhorn Creek will flow through a series of lakes and storage ponds located within the Recreation Center parcel in the NW1/4 SW1/4 Section 20. It will leave the Recreation Center parcel channel and flow into the retention lake where it will be co-mingled with the waters from the Big Wood River. A portion of the Elkhorn water will be diverted at SE1/4 SE1/4 Sec 19 through a small stream which will traverse the easterly portion of the parcel prior to recombining with the center stream prior to entering the Wood River at the previously noted traditional discharge point for the historical use of the waters on the ranch.

MICROFILMED
NOV 21 1996



APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Attach a USGS Map-Map 1 of 2.
Cascea Associates, Inc.-change in use app.
EXHIBIT C

dep. endente

Aerial photograph:

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

PART 3
A. Attach a USGS Map-Map 2 of 2.
Cascea Associates, Inc.-change in use app.
EXHIBIT D

NOT RECORDED
NOV 21 1996
Smithsonian Institution

APPLICATION FOR TRANSFER OF WATER RIGHT

PART III.

B. CHANGES IN NATURE OF USE

2. Quantity and quality of return flows and location of discharge:

In the past all of the water not consumed by crops either seeped or flowed off the property, eventually to reach Wood River. After the proposed change, substantially less water will be consumed since only 24.7 acres will hereafter be irrigated. Discharges will vary due to water supply available for diversion when water is physically not available under the water rights. The flows in Elkhorn Creek will be co-mingled with Big Wood River flows above the point of discharge back into the river. Big Wood River diversions will be made as necessary up to 4.0 cfs as needed to stabilize flow rates. Historic records indicate, however, that Elkhorn flow rates may terminate during drought and high usage periods. Again, all return flows to the Big Wood River will utilize the traditional point of discharge as previously noted in EXHIBIT B, right No. 37-00081, SE1/4 NE1/4 NE1/4 of Section 30, 4N 18E.

Seepage from lined lakes will be significantly less than the flood irrigation practices previously used. The lakes will be lined with clays to minimize seepage. Clays from existing lake deposits are available and will be utilized to minimize seepage. Lakes will be kept full during winter months to protect integrity of the clay liner. Elkhorn flows and pumped Big Wood River waters will have significant retention periods resulting in increased opportunity for settlement of water-carried sediment. Waters discharged from the property will have less sediment load than experienced prior to this change.

MICROFILMED
NOV 21 1996

APPLICATION FOR TRANSFER OF WATER RIGHT

PART III.

B. CHANGES IN NATURE OF USE

3. Describe effects on other water uses resulting from the proposed change:

Since there will be less consumption under the proposed uses, more water will be returning to the stream. In the case of the Big Wood River right, the new diversion point will allow a more efficient distance between the diversion and the place of use resulting in additional water returning to the Big Wood.

MICROFILMED
NOV 21 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
Transfer No. 3609
SEP 21 1989

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Department of Water Resources
Ed Miller, Esq.
Givens, McDevitt

Name of applicant CASCEA ASSOCIATES, INC., an Idaho corporation Phone 208-342-6571

Post Office address c/o Arthur Emil Jones, Day, Reavis & Pogue, 599 Lexington Avenue,
New York, New York 10022

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Convert from agricultural irrigation to irrigation of lawn, trees, shrubs, and riparian zones and provide amenities for residential development.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 37-00082 Priority 06-01-1884 Amount (cfs/ac-ft) .732 cfs Nature of Use Irrigation Period of Use 04-01 to 11-01
(See attachment for additional information)
2. Total amount of water being transferred 1.2 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Elkhorn Creek tributary to Big Wood River
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	20	4N	18E	Blaine	Headgate & east ditch
		SE	SE	19	"	"	"	Equalizing pipeline to west ditch, pump

5. Lands irrigated or place of use: See enclosed map.

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
04N	18E	19													X 3.7		3.5	5.6 X	12.8
		20										3.1							3.1
		30				X													8.0
		29						X .5											.5

Note: W, E, J, R represented by the symbol "X".

Total acres 24.4

PART 1**6. General Information:**

- a. Description of diversion system Existing channel into retention lake in Section 19, SE SE.
lots 73, 74 and 112 in Parcel D of the subdivision (see attachment for complete
description of Elkhorn Creek water).
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Usage will go from agricultural to residential.
- d. Remarks:
This is a change from agricultural use to residential use.
Late season Elkhorn flows are substantially less than rights.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____

RECORDED**NOV 26 1990**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 37-0082 Decreed to James H. Bonning
in case of S. C. Frost, Et. Al. vs. Alturas Water Company, Et. Al.
dated 12-13-1909 in Fourth District county of Lincoln
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water Elkhorn Creek tributary to Big Wood River

4. Date or priority 6-1-1884

5. Water is used for the following purpose:

amount 1.2 cfs for Irrig. purposes from 4-1 to 11-1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.2 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	20	4N	18E	Blaine	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4N	18E	19															10	40	50
		30	35																35

Total acres 85

9. Describe any other water rights used for the same purpose as described above 37-0081, 4016, 7201

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

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	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

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	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

SEE ATTACHED
EXHIBITS C & D

MICROFILMED

NOV 26 1989

PART 3**B. CHANGES IN NATURE OF USE**

1.	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	<u>Wildlife, Aesthetics,</u>	<u>.468 cfs</u>	<u>24/365</u>	<u>01-01 to 12-31</u>
	<u>Recreation,</u>	<u>ea. usage</u>		<u>to</u>

2. Quantity and quality of return flows and location of discharge:

See Exhibit E.

3. Describe effects on other water uses resulting from the proposed change:

See Exhibit F.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

(Signature of Applicant)

Subscribed and sworn to before me this _____ day of _____, 19 _____.

(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLYTransfer contains 5 pages and 7 attachmentsReceived by JG Date 7/19/89 Protest filed by _____Prelim. check by JF Clinton Fee \$50.5008617Receipted by JG Date 7-19-89

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____

Copy of transfer sent to lien holder _____

MICROFILMED

NOV 26 1990

APPLICATION FOR TRANSFER OF WATER RIGHT

PART I.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

I. Right No. 37-00081

Applicant proposes taking 1 1/2 inches of water per acre for 24.4 acres from 37-00081 to continue the original IRRIGATION use as decreed and proposes to apply the balance of the 4.00 cfs for the following uses as listed:

WILDLIFE
AESTHETICS
RECREATION

II. Right No. 37-04016

Applicant proposes the utilization of the entire decreed amount of water from 37-04016 for the following uses as listed:

WILDLIFE
AESTHETICS
RECREATION

- III. Right No. 37-00082

Applicant proposes taking 1 1/2 inches of water per acre for 24.4 acres from 37-00082 to continue the original IRRIGATION use as traditionally diverted by its permit and proposes to apply the balance of the 1.2 cfs for the following uses as listed:

WILDLIFE
AESTHETICS
RECREATION

IV. Right No. 37-07201

Applicant proposes utilizing the entire licensed amount of water from 37-07201 for the following uses as listed:

WILDLIFE
AESTHETICS
RECREATION

RECEIVED

NOV 26 1990

APPLICATION FOR TRANSFER OF WATER RIGHT

PART I.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

5. Lands irrigated or place of use: Master Water Course for the Lane Ranch Subdivision map included in folded format with notations attached.

RECORDED

NOV 26 1990

APPLICATION FOR TRANSFER OF WATER RIGHT

PART I.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

6. General Information

a. Description of Diversion System

Water in the Elkhorn Creek will flow through a series of lakes and storage ponds located within the Recreation Center parcel in the NW1/4 SW1/4 Section 20. It will leave the Recreation Center parcel channel and flow into the retention lake (parcel D) where it will be co-mingled with water from the Big Wood River.

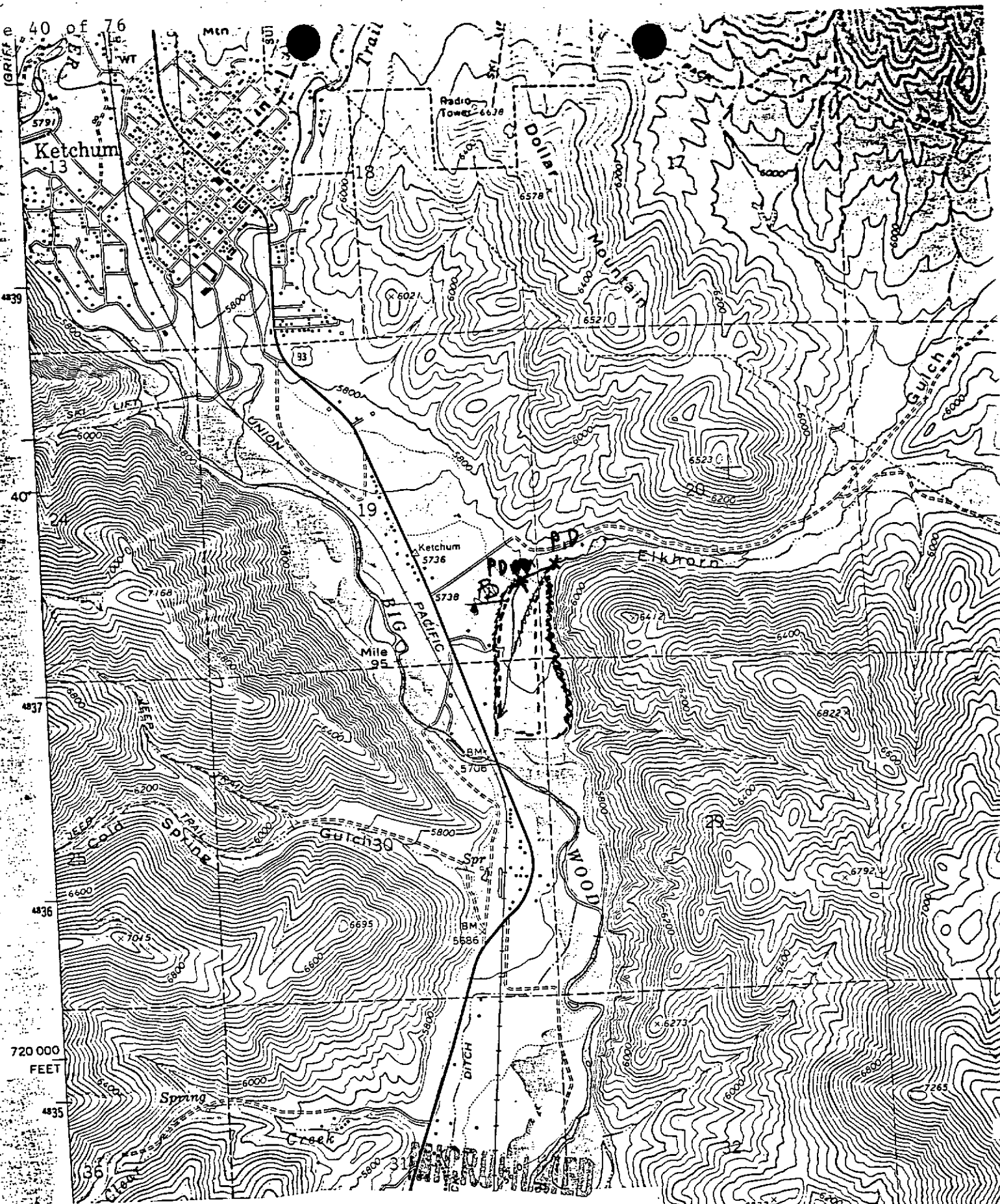
An equalizing pipe joins the two ponds identified as parcel C and parcel D near the section line of the NE1/4 SE1/4 and the SE1/4 SE1/4 of Section 19 where the Lane Ranch Road goes between the two parcels. Elkhorn Creek water gravity flows to parcel E in the SE1/4 SE1/4 of Section 19 where an irrigation pump structure is located. A 30-horsepower pump will distribute water through a six-inch main line to a permanent buried sprinkler system irrigating approximately 24 acres. The pumping capacity will be approximately 1,200 gallons per minute.

A portion of the Elkhorn water will be diverted at SE1/4 SE1/4 Sec. 19 through a small stream which will traverse the easterly portion of the parcel prior to recombining with the center stream before entering the Wood River at the previously noted traditional discharge point for the historical use of the waters on the ranch.

END/mw
2186m

RECEIVED

NOV 26 1990



APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Attach a USGS Map-Map 1 of 2.
Cascea Associates, Inc.-change in use app.
EXHIBIT C



Aerial photograph:

APPLICATION FOR TRANSFER OF WATER RIGHT NOV 6 1990
PART 3

A. Attach a USGS Map-Map 2 of 2.
Cascea Associates, Inc.-change in use app.
EXHIBIT D

APPLICATION FOR TRANSFER OF WATER RIGHT

PART III.

B. CHANGES IN NATURE OF USE

2. Quantity and quality of return flows and location of discharge:

In the past all of the water not consumed by crops either seeped or flowed off the property, eventually to reach Wood River. After the proposed change, substantially less water will be consumed since only 24.7 acres will hereafter be irrigated. Discharges will vary due to water supply available for diversion when water is physically not available under the water rights. The flows in Elkhorn Creek will be co-mingled with Big Wood River flows above the point of discharge back into the river. Big Wood River diversions will be made as necessary up to 4.0 cfs as needed to stabilize flow rates. Historic records indicate, however, that Elkhorn flow rates may terminate during drought and high usage periods. Again, all return flows to the Big Wood River will utilize the traditional point of discharge as previously noted in EXHIBIT B, right No. 37-00081, SE1/4 NE1/4 NE1/4 of Section 30, 4N 18E.

Seepage from lined lakes will be significantly less than the flood irrigation practices previously used. The lakes will be lined with clays to minimize seepage. Clays from existing lake deposits are available and will be utilized to minimize seepage. Lakes will be kept full during winter months to protect integrity of the clay liner. Elkhorn flows and pumped Big Wood River waters will have significant retention periods resulting in increased opportunity for settlement of water-carried sediment. Waters discharged from the property will have less sediment load than experienced prior to this change.

MICROFILMED

NOV 26 1990

APPLICATION FOR TRANSFER OF WATER RIGHT

PART III.

B. CHANGES IN NATURE OF USE

3. Describe effects on other water uses resulting from the proposed change:

Since there will be less consumption under the proposed uses, more water will be returning to the stream. In the case of the Big Wood River right, the new diversion point will allow a more efficient distance between the diversion and the place of use resulting in additional water returning to the Big Wood.

MICROFILMED

NOV 26 1971

EXHIBIT F

CASCEA ASSOCIATES, INC.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3609

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Ed Miller, Esq.
Givens, McDevitt
208-342-6571Name of applicant CASCEA ASSOCIATES, INC., an Idaho corporation Phone 208-342-6571
Post Office address c/o Arthur Emil, Jones, Day, Reavis & Pogue, 599 Lexington Avenue,
New York, New York 10022

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Convert from agricultural irrigation to irrigation of lawn, trees, shrubs and riparian zones and provide amenities for residential development.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>37-07201</u>	<u>03-21-1973</u>	<u>1.00 cfs</u>	<u>Wildlife</u>	<u>01-01</u> to <u>12-31</u>
_____	_____	_____	<u>Aesthetics</u>	<u>01-01</u> to <u>12-31</u>
_____	_____	_____	<u>Recreation</u>	<u>01-01</u> to <u>12-31</u>
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 1.00 cubic feet per second and/or _____ acre-feet per annum.3. Source of water Elkhorn Creek tributary to Big Wood River

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	20	04N	18E	Blaine	the East channel (see map)
		~~SE~~	~~SE~~	~~19~~	~~04N~~	~~18E~~	~~Blaine~~	~~the West channel (see map)~~
		SE	SE	19	4N	18E	Blaine	Equalizing pipeline to west ditch, 1994

5. Lands irrigated or place of use: See enclosed map.

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
04N	18E	19													X			X	
		20								X									
		30	X																
		29						X											

Note: W, F, J, R uses represented by the symbole "X".

Total acres

PART 1

6. General Information:

- a. Description of diversion system Existing channel into retention lake in Section 19, 04N, 18E
at lots 78, 79, 117 in subdivision (see attachment for complete description of
Elkhorn Creek water).
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Usage will go from agricultural to residential.
- d. Remarks:
This is a change from agricultural use to residential use.
Late season Elkhorn flows are substantially less than rights.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-07201
And said application is hereby APPROVED, subject to the following limitations and conditions:
Per Order of the Department dated October 3, 1990.

Witness my hand this

9th

day of

October, 19 90L. Glen Saxton

Chief, Water Alloc. Bureau

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NOV 2 1995

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 1.0 cfs for Irrigation purposes from 4-1 to 10-1
 (cfs/ac-ft)
 amount 0.06 cfs for Livestock purposes from 1-1 to 12-31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: Same

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use: *

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	
4N	18E	19															10	40	50
		30	35																35

*License was incorrect. Actual P/U is 85 acres east of Hwy. 75.

Total acres 85

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) None

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	

Total acres _____

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**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
 In case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. 37-7201 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

Big

☐ Other _____

3. Source of water Elkhorn Creek tributary to Wood River

4. Date or priority 03-21-73

5. Water is used for the following purpose:

amount 1.0 cfs for Irrigation purposes from 04-01 to 10-01
 (cfs/ac-ft)
 amount .06 cfs for Stockwater purposes from 01-01 to 12-31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 1.00 cubic feet per second and/or 363.6 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	20	4N	18E	Blaine	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	18E	19															S 30	S 40	70
		30	S 40	S 10															50

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Total acres 120

9. Describe any other water rights used for the same purpose as described above 37-0081; 37-0082; 37-4016;

Sec 19 & Sec 30.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

SEE ATTACHED
EXHIBITS C & D

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PART 3

B. CHANGES IN NATURE OF USE

1.	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	Wildlife, Aesthetics	1.0 cfs	24/365	01-01 to 12-31
	Recreation.			to

2. Quantity and quality of return flows and location of discharge:

See Exhibit E.

3. Describe effects on other water uses resulting from the proposed change:

See Exhibit F.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

(Signature of Applicant)

Subscribed and sworn to before me this _____ day of _____, 19 _____.

(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains 5 pages and 7 attachments

Received by JG Date 7/19/89

Protest filed by _____

Prelim. check by JF Sturton Fee \$50,500.86/7

Receipted by JG Date 7-19-89

Published in Wood River Journal

Copies of protest forwarded by _____

Pub. dates 10/4 + 10/11/89

Hearing held by _____ Date _____

Watermaster recommendation requested on 9/25/89

Recommended for ☐ approval ☐ denial

_____ rec'd. 10/10/89

by _____

Copy of transfer sent to lien holder _____

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APPLICATION FOR TRANSFER OF WATER RIGHT

PART I.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

I. Right No. 37-00081

Applicant proposes taking 1 1/2 inches of water per acre for 24.4 acres from 37-00081 to continue the original IRRIGATION use as decreed and proposes to apply the balance of the 4.00 cfs for the following uses as listed:

WILDLIFE
AESTHETICS
RECREATION

II. Right No. 37-04016

Applicant proposes the utilization of the entire decreed amount of water from 37-04016 for the following uses as listed:

WILDLIFE
AESTHETICS
RECREATION

III. Right No. 37-00082

Applicant proposes taking 1 1/2 inches of water per acre for 24.4 acres from 37-00082 to continue the original IRRIGATION use as traditionally diverted by its permit and proposes to apply the balance of the 1.2 cfs for the following uses as listed:

WILDLIFE
AESTHETICS
RECREATION

IV. Right No. 37-07201

Applicant proposes utilizing the entire licensed amount of water from 37-07201 for the following uses as listed:

WILDLIFE
AESTHETICS
RECREATION

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APPLICATION FOR TRANSFER OF WATER RIGHT

PART I.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

5. Lands irrigated or place of use: Master Water Course for the Lane Ranch Subdivision map included in folded format with notations attached.

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APPLICATION FOR TRANSFER OF WATER RIGHT

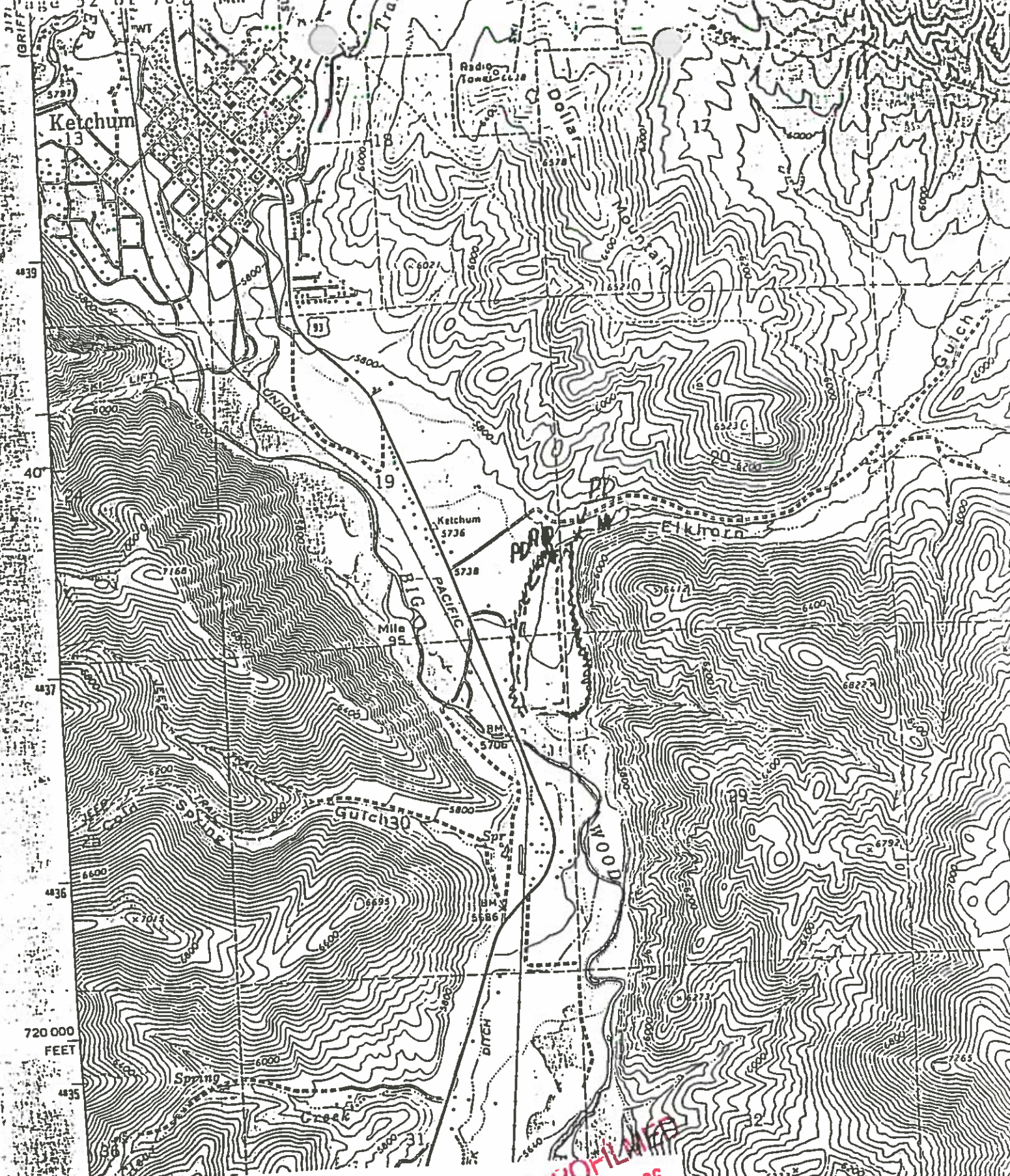
PART I.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

6. General Information

a. Description of Diversion System

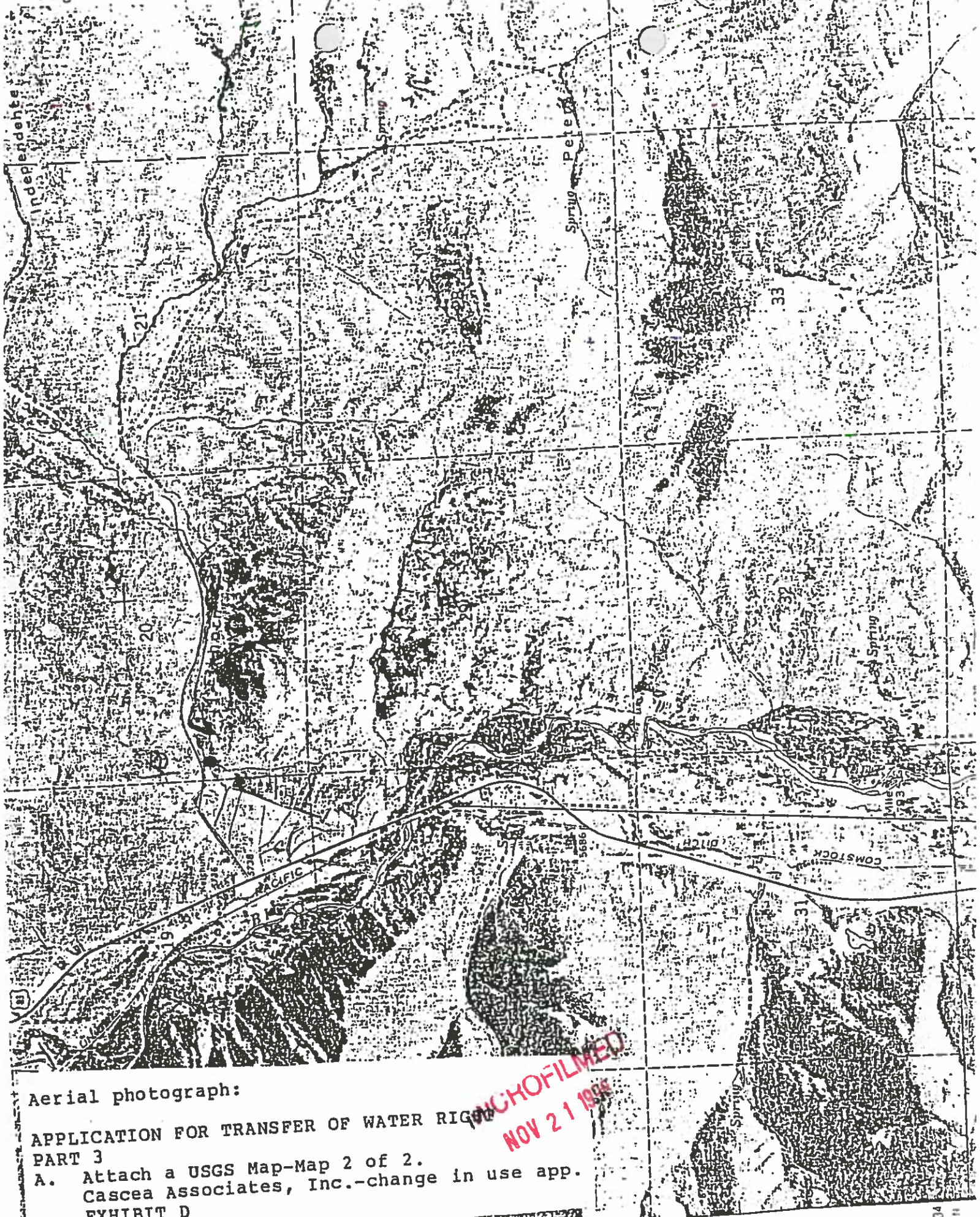
Water in the Elkhorn Creek will flow through a series of lakes and storage ponds located within the Recreation Center parcel in the NW1/4 SW1/4 Section 20. It will leave the Recreation Center parcel channel and flow into the retention lake where it will be co-mingled with the waters from the Big Wood River. A portion of the Elkhorn water will be diverted at SE1/4 SE1/4 Sec 19 through a small stream which will traverse the easterly portion of the parcel prior to recombining with the center stream prior to entering the Wood River at the previously noted traditional discharge point for the historical use of the waters on the ranch.



APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Attach a USGS Map-Map 1 of 2.
Cascea Associates, Inc.-change in use app.
EXHIBIT C

T.4N.
T.3N.



Aerial photograph:

APPLICATION FOR TRANSFER OF WATER RIGHTS
PART 3

A. Attach a USGS Map-Map 2 of 2.
Cascea Associates, Inc.-change in use app.
EXHIBIT D

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NOV 21 1994

APPLICATION FOR TRANSFER OF WATER RIGHT

PART III.

B. CHANGES IN NATURE OF USE

2. Quantity and quality of return flows and location of discharge:

In the past all of the water not consumed by crops either seeped or flowed off the property, eventually to reach Wood River. After the proposed change, substantially less water will be consumed since only 24.7 acres will hereafter be irrigated. Discharges will vary due to water supply available for diversion when water is physically not available under the water rights. The flows in Elkhorn Creek will be co-mingled with Big Wood River flows above the point of discharge back into the river. Big Wood River diversions will be made as necessary up to 4.0 cfs as needed to stabilize flow rates. Historic records indicate, however, that Elkhorn flow rates may terminate during drought and high usage periods. Again, all return flows to the Big Wood River will utilize the traditional point of discharge as previously noted in EXHIBIT B, right No. 37-00081, SE1/4 NE1/4 NE1/4 of Section 30, 4N 18E.

Seepage from lined lakes will be significantly less than the flood irrigation practices previously used. The lakes will be lined with clays to minimize seepage. Clays from existing lake deposits are available and will be utilized to minimize seepage. Lakes will be kept full during winter months to protect integrity of the clay liner. Elkhorn flows and pumped Big Wood River waters will have significant retention periods resulting in increased opportunity for settlement of water-carried sediment. Waters discharged from the property will have less sediment load than experienced prior to this change.

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APPLICATION FOR TRANSFER OF WATER RIGHT

PART III.

B. CHANGES IN NATURE OF USE

3. Describe effects on other water uses resulting from the proposed change:

Since there will be less consumption under the proposed uses, more water will be returning to the stream. In the case of the Big Wood River right, the new diversion point will allow a more efficient distance between the diversion and the place of use resulting in additional water returning to the Big Wood.

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APPLICATION FOR TRANSFER OF WATER RIGHT

PART II.

A. DESCRIPTION OF RIGHT AS RECORDED

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as Attachment A.

Warranty Deed - Attachment A.

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NOV 21 1996



First American Title Company

371 WASHINGTON AVENUE NORTH, P.O. BOX 756 • KETCHUM, IDAHO 83340
TELEPHONE (208) 726-5688 • FAX (208) 726-3567

July 7, 1989

Escrow Officer-Jan L. Burrell

Mr. Ed Miller, Attorney
P.O. Box 2720
277 North 6th, Suite 200
Boise, Idaho 83702

Re: Cascea Associates, Inc.

Dear Mr. Miller,

Relative to the above captioned order, we are attaching/enclosing the following:

- ____ Recorded Deed of Trust, Instrument No.
- ____ Recorded Warranty Deed, Instrument No.
- ☒ Updated Commitment for Title Insurance
- ____ Owner's Policy No.
- ____ Extended Mortgagee's Policy No.
- ____ Standard Mortgagee's Policy No.
- ____ Preliminary Billing for Title Insurance
- ____ Final Billing for Title Policy and Recording Fees

Sincerely,

FIRST AMERICAN TITLE COMPANY

Maureen
Maureen A. Wheeler
Title Officer

MAW/di

Attachment(s)

cc: River Run Development/Greg
Jon Gorski (Via Fax 345-2340)

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COPY

CASCEA ASSOCIATES, INC.

COMMITMENT FOR TITLE INSURANCE

ISSUED BY

First American Title Insurance Company

FIRST AMERICAN TITLE INSURANCE COMPANY, herein called the Company, for valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent indorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six (6) months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company. This Commitment shall not be valid or binding until countersigned by an authorized officer or agent.

IN WITNESS WHEREOF, the Company has caused this Commitment to be signed and sealed, to become valid when countersigned by an authorized officer or agent of the Company, all in accordance with its By-Laws. This Commitment is effective as of the date shown in Schedule A as "Effective Date."



First American Title Insurance Company

BY *[Signature]* PRESIDENT

ATTEST *William C. Ziegler* SECRETARY

BY *Maureen A. Wheeler* COUNTERSIGNED

MICROFILMED
NOV 21 1996

CASCEA ASSOCIATES, INC.

COMMITMENT FOR TITLE INSURANCE

ISSUED BY

First American Title Insurance Company

FIRST AMERICAN TITLE INSURANCE COMPANY, herein called the Company, for valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent indorsement.

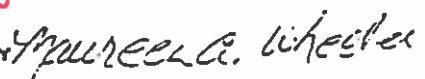
This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six (6) months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company. This Commitment shall not be valid or binding until countersigned by an authorized officer or agent.

IN WITNESS WHEREOF, the Company has caused this Commitment to be signed and sealed, to become valid when countersigned by an authorized officer or agent of the Company, all in accordance with its By-Laws. This Commitment is effective as of the date shown in Schedule A as "Effective Date."

*First American Title Insurance Company*

BY  PRESIDENT

ATTEST  SECRETARY

BY  COUNTERSIGNED

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NOV 21 1995

SCHEDULE A

1. Effective Date: July 3, 1989
at 8:00 a.m.

Commitment No: 12690
Your No: Cascea Assoc.

TO: Mr. Ed Miller, Attorney
P.O. Box 2720
277 North 6th, Suite 200
Boise, Idaho 83702

Proposed Insured: Lane Ranch Partnership

2. Policy or Policies to be issued:

Amount

Premium

- (x) Owner's standard coverage
- () Purchaser's standard coverage
- () Mortgagee's standard coverage
- () Mortgagee's extended coverage
- () Indorsements
- ()

3. The estate or interest in the land described or referred to in this commitment and covered herein is fee simple and title thereto is at the effective date hereof vested in:

Cascea Associates, Inc., an Idaho corporation

4. The land referred to in this commitment is described as follows:

All that land platted as the Lane Ranch Subdivision First Phase, according to the official plat thereof, recorded as Instrument No. 306890, records of Blaine County, Idaho.

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NOV 21 1996

NOTE: Investigation should be made to determine if there are any service, installation, maintenance or construction charges for sewer, water, telephone, gas, electricity or garbage and refuse collection, or any covenants, conditions and restrictions under which an estate, lien or interest in property has been, or may be, cut off, subordinated or otherwise impaired.

Form WA-5B2 (6/76)
Commitment

SCHEDULE B - SECTION 2

Exceptions

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company.

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. Unpatented mining claims; reservations or exceptions in patents or in acts authorizing the issuance thereof; water rights, claims, or title to water.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
7. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this commitment.
8. General taxes for the year 1988, in the amount of \$186.48, which are paid in full. (Billing #15061 - As to FR SESE TL 5997, FR NESE TL 5996, SEC 19 4N 18E)
9. General taxes for the year 1988, in the amount of \$13.20, which are paid in full. (Billing #15062 - As to FR SWSE TL 5995, SEC 19 4N 18E)
10. General taxes for the year 1988, in the amount of \$218.50, which are paid in full. (Billing #15074 - As to S1/2NW, SW, NENW, SEC 20 4N 18E)
11. General taxes for the year 1988, in the amount of \$11.32, which are paid in full. (Billing #15082 - As to NWNW, SEC 29 4N 18E)
12. General taxes for the year 1988, in the amount of \$98.60, which are paid in full. (Billing #15083 - As to E1/2SW, W1/2SE, E1/2NW, SWNE, SEC 29 4N 18E)

RECORDED
NOV 21 1996

Commitment for Title Insurance No. 12690
Schedule B II
Page 2

13. General taxes for the year 1988, in the amount of \$121.28, which are paid in full. (Billing #15113 - As to FR NWNE TL 5802, FR NENE TL 6000 & 1627, SEC 30 4N 18E)
14. General taxes for the year 1988, in the amount of \$11.26, which are paid in full. (Billing #15142 - As to NENW, SEC 32 4N 18E)
15. General taxes for the year 1989, a lien, not yet due or payable.
16. Levies and Assessments for service charges of the City of Sun Valley Water and Sewer Department.
17. Easements, Restrictions, Building Envelopes, and Avalanche Zone Areas as shown on the official plat of The Lane Ranch Subdivision First Phase.
18. Power Line Easement in favor of Idaho Power Company, recorded February 20, 1962, as Instrument No. 116798, records of Blaine County, Idaho. (As to Sections 20 and 29)
19. Easements in favor of Sun Valley Water and Sewer District as set forth in that certain Judgment and Decree of Condemnation recorded June 15, 1972, as Instrument No. 143967, records of Blaine County, Idaho.
20. Grant of Easement in favor of Weyyakin Partners, an Idaho limited partnership, recorded March 22, 1982, as Instrument No. 224855, records of Blaine County, Idaho.
21. Grant of Easement in favor of Sun Valley Water and Sewer District, recorded December 30, 1982, as Instrument No. 233957, records of Blaine County, Idaho.
22. Certificate of Assumed or Fictitious Business Name of CASCEA ASSOCIATES JOINT VENTURE, recorded July 9, 1986, as Instrument No. 274641, records of Blaine County, Idaho.
23. Annexation Agreement by and between City of Sun Valley Idaho, a municipal corporation and CASCEA Associates Joint Venture, recorded December 17, 1986, as Instrument No. 280132, records of Blaine County, Idaho.
24. Memorandum of Real Property Option Agreement and Escrow Instructions, by and between CASCEA ASSOCIATES, INC., an Idaho corporation (Seller) and LANE RANCH PARTNERSHIP, an Idaho General Partnership (Buyer), recorded March 6, 1989, as Instrument No. 303465, records of Blaine County, Idaho.
25. Certificate of Assumed Business Name of Lane Ranch Partnership, recorded as Instrument No. 303466, records of Blaine County, Idaho.
26. Order for Annexation, recorded May 16, 1989, as Instrument No. 305669, records of Blaine County, Idaho.
27. Prior to the issuance of any Policy of Title Insurance, this office will require a Partnership Agreement of the Lane Ranch Partnership.

Commitment for Title Insurance No. 12690
Schedule B II
Page 3

28. Prior to the issuance of any policy of title insurance, this office will require a Corporate Resolution of the Board of Directors of the vestee herein, signed by the Secretary of the Corporation, authorizing the sale of the property and directing the person authorized to sign on behalf of said Corporation.
29. In the event that this transaction fails to close, a fee will be charged to comply with the state insurance code.

NOTE: Power of Attorney filed by EDWARD R. DOWNE, JR., in favor of J. EVAN ROBERTSON of Twin Falls, Idaho, recorded June 12, 1984, as Instrument No. 252584, records of Blaine County, Idaho.

END OF SCHEDULE B II

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NOV 21 1998

THE LANE RANCH

SUBDIVISION

FIRST PHASE

L O C A T E D I N

SE⁴ SECTION 19, SW⁴ SECTION 20,
NW⁴ SECTION 29, NE⁴ SECTION 30,
T. 4 N., R. 18 E., B.M.
BLAINE COUNTY, IDAHO
1989

L E G E N D

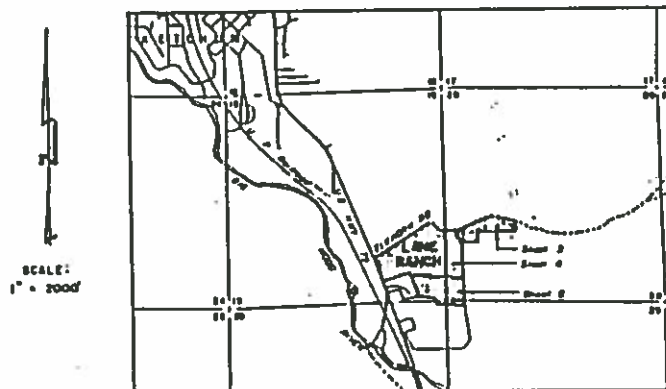
SUBD. BOUNDARY LINE	BLOG. ENVELOPE WITH SHINGLES TO CENTROID
RIGHT-OF-WAY LINE	SET 1/2" x 24" REBAR & CAP
CENTERLINE OF ROAD	SET 3/8" x 30" REBAR & CAP
LOT LINE	INITIAL POINT - SET BRASS CAP
RED AVALANCHE ZONE	FOUND B.L.M. BRASS CAP
BLUE AVALANCHE ZONE	

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NOV 21 1996

S H E E T I N D E X

SHEET NO.	DESCRIPTION
1	COVER SHEET
2	CURVE DATA NOTES
3-5	PLAT SHEETS
6	CERTIFICATE OF OWNERS
7	SIGNATURE SHEET

V I C I N I T Y S K E T C H



[illegible]

- SHEET 2 OF 7

CASCADE ASSOCIATES, INC.

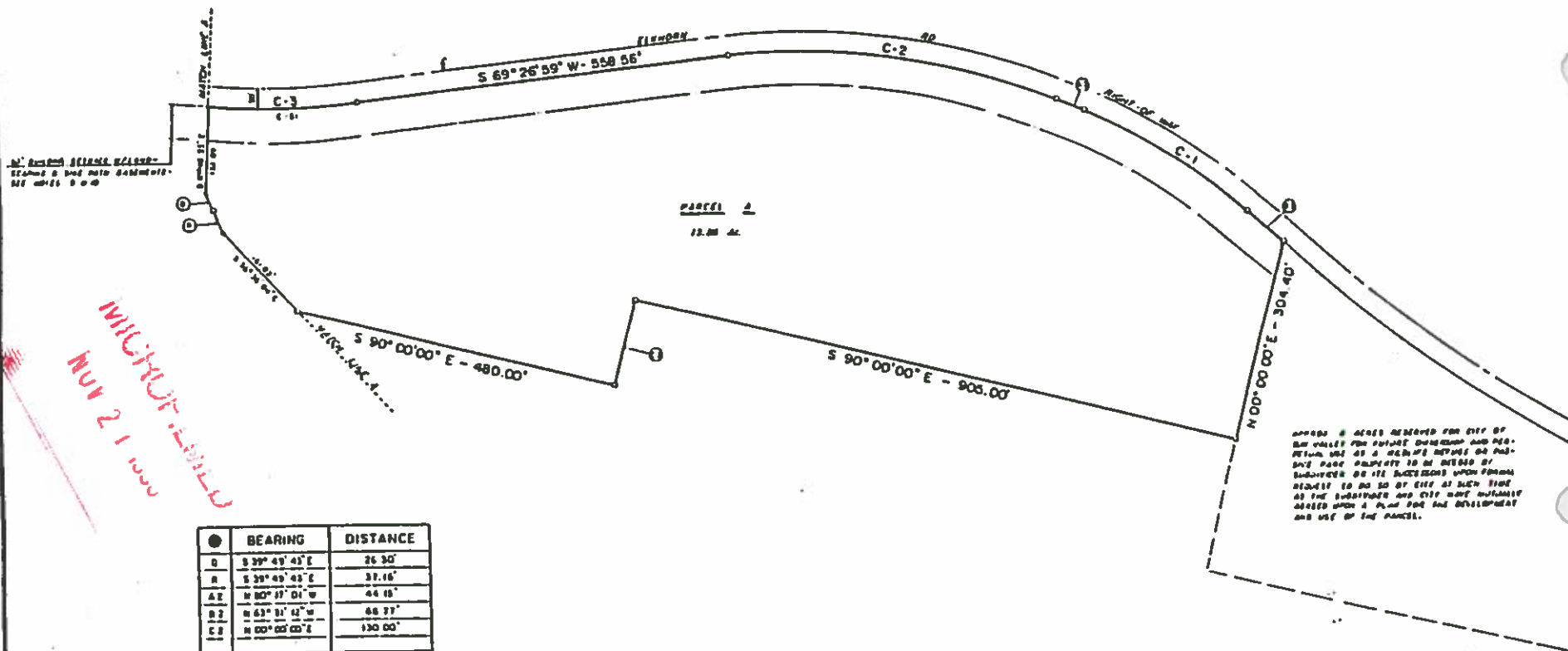
MICROFILM
NOV 21 1996

This map is a photographic reproduction of that on file in either the Recorder's or the Surveyor's Office. The company assumes no liability for variation, if any, with another or re-survey.

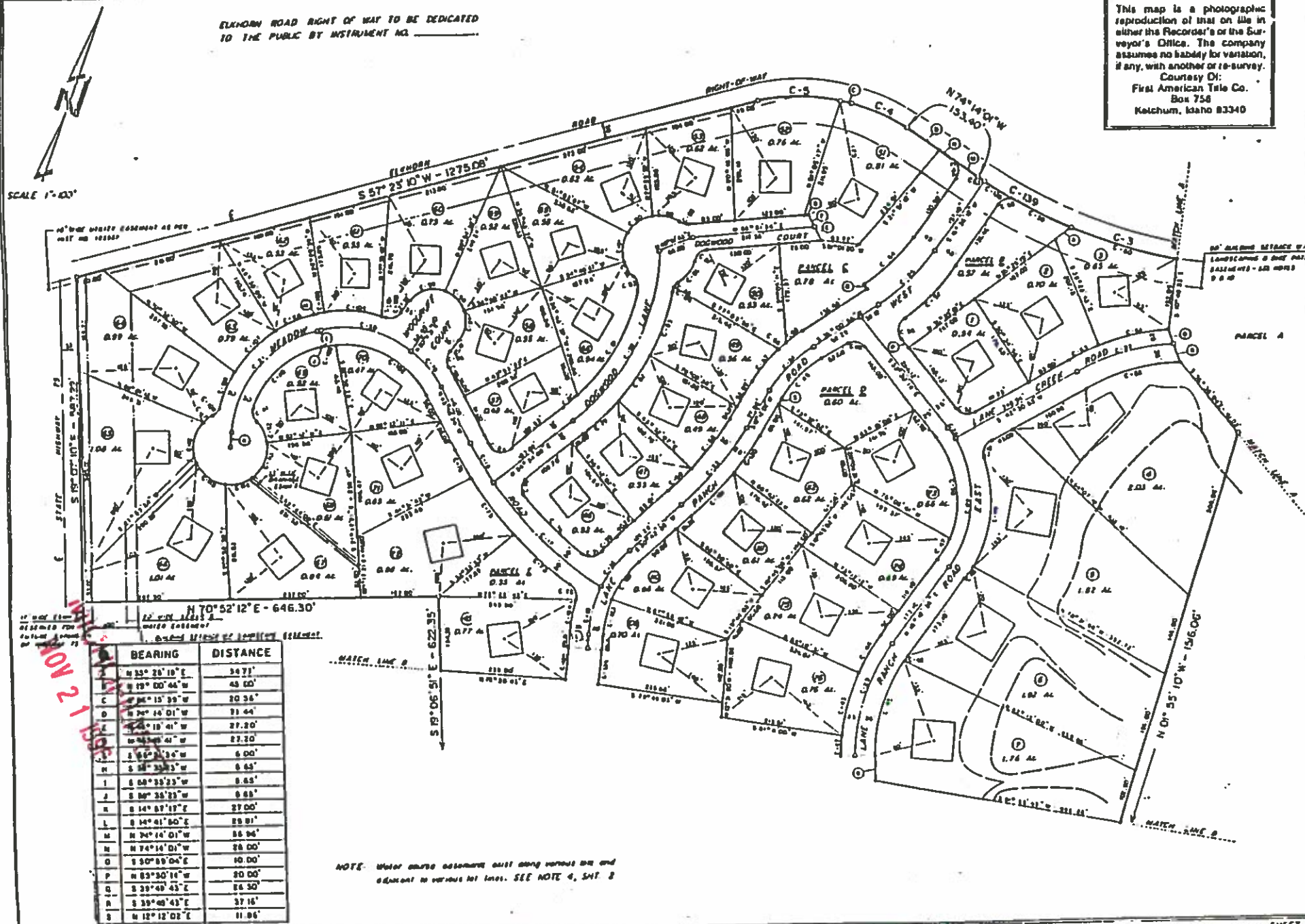
Courtesy Of:
First American Title Co.
Box 758
Kelchum, Idaho 83340



SCALE: 1" = 100'



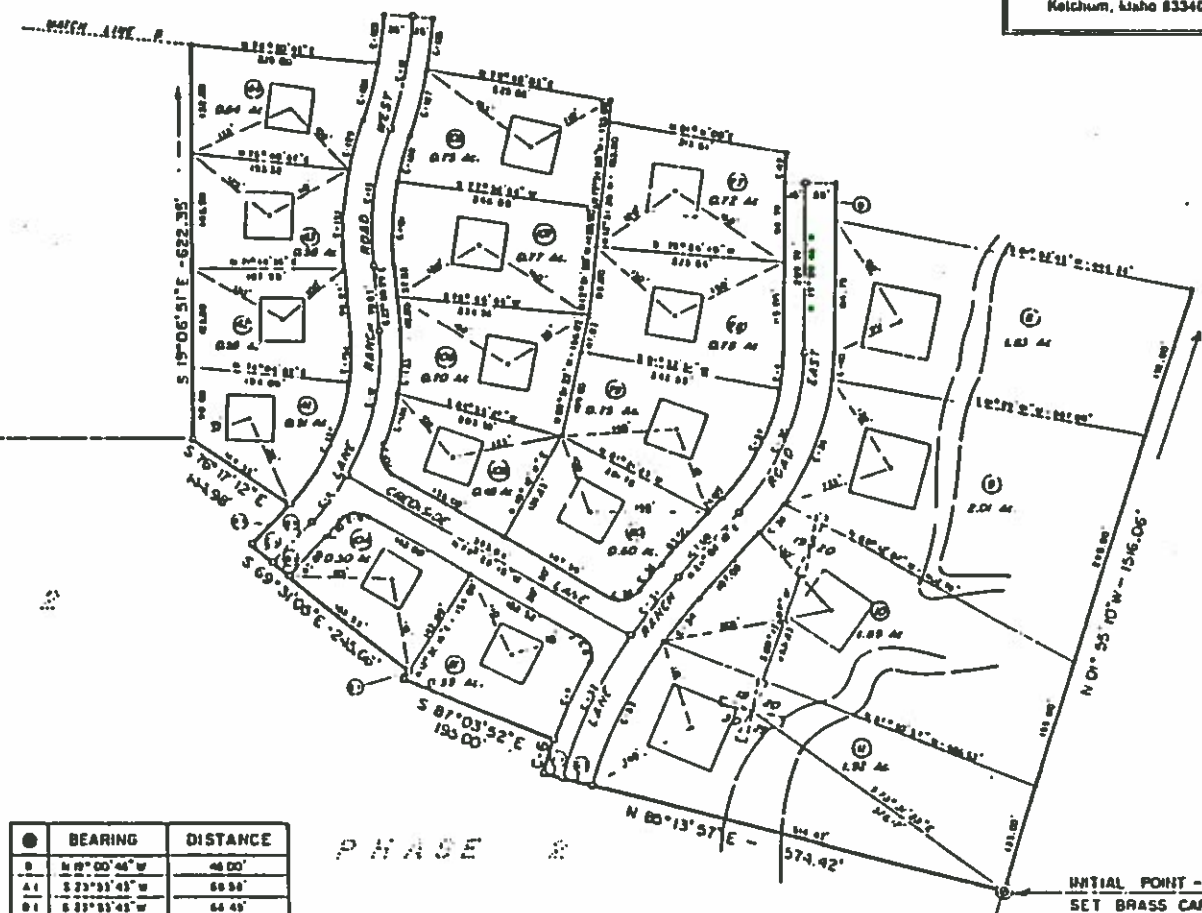
This map is a photographic reproduction of that on file in either the Recorder's or the Surveyor's Office. The company assumes no liability for variation, if any, with another or re-survey.
Courtesy Of:
First American Title Co.
Box 758
Ketchum, Idaho 83340



This map is a photographic reproduction of that on file in either the Recorder's or the Surveyor's Office. The company assumes no liability for variation. Many wish another or re-survey. Courtesy Of:
First American Title Co.
Box 788
Kelchum, Idaho 83340



SCALE: 1" = 100'



	BEARING	DISTANCE
1	S 82° 00' 46" W	48.00'
2	S 23° 33' 43" W	66.34'
3	S 33° 13' 43" W	64.43'
4	S 65° 16' 28" W	33.06'
5	S 65° 31' 08" W	23.03'
6	S 12° 35' 16" W	12.00'
7	S 83° 13' 57" W	33.00'
8	S 83° 13' 57" W	33.00'

PHASE B

NOTE: Water impoundment shown on this map is not shown on the original survey. SEE NOTE 4, SHEET 2

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NOV 21 1995

QUITCLAIM DEED

For Value Received

Edward R. Downe, Jr., a married mandealing with his sole and separate property

do hereby convey, release, remise and forever quit claim unto

Cascea Associates, Inc., an Idaho corporation
whose address is: c/o Arthur Emil, Jones, Day, Reavis & Pogue
599 Lexington Avenue, New York, New York 10022
the following described premises situated in Blaine County, Idaho, to-wit:

See Exhibit "A" Attached Hereto and Made a Part Hereof

This Quitclaim Deed is being re-recorded to correct the Legal Description.

COPY

305859
BLAINE CO. REQUEST
OF: FIRST AMERICAN TITLE CO
89 MAY 24 PM 2 18
MARY GREEN, CLERK
FEES \$12.00
Correction

together with their appurtenances.

Dated: March 28, 1989

[Signature]

Edward R. Downe, Jr.

STATE OF NY COUNTY OF NY
On this 9th day of May, 1989,
before me, a notary public in and for said State, personally
appeared

Edward R. Downe, Jr.

known or identified to me to be the person who name
is subscribed to the within instrument and acknowledged
to me that he executed the same.

[Signature]

RITA P. GLEESON Notary Public
Notary Public, State of New York
No. 4943043
Residing at
Commission Expires: Qualified in Rockland County
Commission Expires October 11, 1990

305738
BLAINE CO. REQUEST
OF: FIRST AMERICAN TITLE CO
89 MAY 17 PM 4 45
MARY GREEN, CLERK
FEES \$ 12.00
NOV 21 1996
GLEESON & ASSOCIATES
NOTARY PUBLIC
STATE OF NEW YORK

TOWNSHIP 4 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 19: A Parcel of Land more particularly described as follows:

COMMENCING at the Southeast corner of said Section 19, from which the South 1/4 Corner lies N. 89° 44' 07" W., 2668.40 feet and said Southeast corner being THE TRUE POINT OF BEGINNING; thence
N. 89° 44' 07" W., 1401.65 feet to the Easterly Boundary of State Highway 75; thence
N. 18° 59' 15" W., 1330.36 feet along said Easterly Highway Boundary; thence
S. 89° 55' 38" E., 339.94 feet; thence
N. 57° 30' 37" E., 859.66 feet along the Southerly Boundary of the Pothier Parcel and the Wyndemere Subdivision; thence
N. 57° 27' 19" E., 928.38 feet along the Southeasterly Boundary of the Weyyakin Subdivision to the Easterly Boundary of said Section 19; thence
S. 00° 20' 20" W., 2225.25 feet along said Easterly Boundary to the TRUE POINT OF BEGINNING.

AND

Section 20: The SW1/4 NW1/4, E1/2 NW1/4 and SW1/4

Section 29: The NW1/4 NW1/4, E1/2 NW1/4, SW1/4 NE1/4, W1/2 SE1/4 and the E1/2 SW1/4

Section 30: COMMENCING at the Northeast Corner of said Section 30, from which the North 1/4 Corner lies N. 89° 44' 07" W., 2668.40 feet, and said Northeast Corner being the TRUE POINT OF BEGINNING; thence
S. 01° 04' 17" W., 1345.12 feet along the Easterly Boundary of said Section 30 to the N 1/16 Corner common to Section 30 and 29; Thence
N. 89° 55' 17" W., 911.93 feet along the Southerly Boundary of the NE 1/4 NE 1/4 of said Section 30 to the Easterly Boundary of State Highway 75; thence
N. 18° 59' 15" W., 1427.80 feet along said Easterly Highway Boundary to the Northern Boundary of said Section 30; thence
S. 89° 44' 07" E., 1401.65 feet along said Northern Boundary to the TRUE POINT OF BEGINNING.

AND

COMMENCING at said Northeast Corner of Section 30; thence
S. 80° 25' 25" W., 1408.25 feet to a point on the Westerly Boundary of State Highway 75 and the TRUE POINT OF BEGINNING; Thence
S. 18° 59' 15" E., 1173.30 feet along said Highway Boundary to the Southerly Boundary of the NE1/4 NE1/4 of said Section 30; Thence
N. 89° 55' 17" W., 50.35 feet along said Southerly Boundary to the Easterly Boundary of the Union Pacific Railroad Right-of-Way; Thence
N. 23° 56' 20" W., 1161.19 feet along said Railroad Right-of-Way; Thence
N. 71° 00' 45" E., 147.81 feet to the TRUE POINT OF BEGINNING.

Section 32: The NE1/4 NW1/4

EXCEPTING THEREFROM

A Tract of Land belonging to Blaine County more particularly described as follows:

MICROFILMED
NOV 21 1996

Legal Description
Page 2

COMMENCING at said Southeast Corner of Section 19; thence
N. 11° 44' 26" W., 1939.93 feet to the TRUE POINT OF BEGINNING; Thence
S. 58° 01' 27" W., 151.56 feet; thence
127.52 feet along a curve to the right with a central angle of 19° 30' 00", a radius
of 374.70 feet; and a long chord of 126.91 feet that bears S. 83° 51' 24" E.; thence
S. 74° 06' 25" E., 153.40 feet; thence
19.30 feet along a curve to the left with a central angle of 01° 11' 44", a radius of
924.93 feet, and a long chord of 19.30 feet that bears S. 74° 42' 17" E.; thence
N. 49° 17' 05" W., 216.06 feet to the TRUE POINT OF BEGINNING.

AND

Lot 5: A parcel of land in Section 19, more particularly described as follows:

COMMENCING at the Southeast Corner of said Section 19; thence
N. 64° 53' 27" W., 942.35 feet to the TRUE POINT OF BEGINNING; Thence
S. 71° 00' 45" W., 646.50 feet to the Easterly Boundary of State Highway 75; thence
N. 18° 59' 15" W., 300.00 feet along said Highway Boundary; Thence
N. 71° 00' 45" E., 646.50 feet; thence
S. 18° 59' 15" E., 300.00 feet to the TRUE POINT OF BEGINNING.

AND

Lot 6: A Parcel of Land in Section 19 and Section 30, more particularly described as follows:

COMMENCING at the Southeast Corner of said Section 19; thence
N. 82° 46' 15" W., 754.36 feet to the TRUE POINT OF BEGINNING; Thence
S. 71° 00' 45" W., 366.50 feet; thence
N. 18° 59' 15" W., 322.50 feet; thence
N. 71° 00' 45" E., 366.50 feet; thence
S. 18° 59' 15" E., 322.50 feet to the TRUE POINT OF BEGINNING.

AND

Lot 7: A Parcel of Land in Section 30, more particularly described as follows:

COMMENCING at the Northeast Corner of said Section 30; thence
S. 61° 32' 13" W., 1047.15 feet to the TRUE POINT OF BEGINNING; Thence
S. 18° 59' 15" E., 300.00 feet; thence
S. 71° 00' 45" W., 290.40 feet to the Easterly Boundary of State Highway 75; thence
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SECTION 30: That portion of NE1/4 NE1/4, more particularly described as follows:

COMMENCING at the East Quarter Corner of Section 30, Township 4 North, Range 18 East,
Boise Meridian; thence
Northerly along the East line of the SE1/4 NE1/4 of said Section 30 a distance of
1,345.00 feet, more or less, to the Northeast Corner of said SE1/4 NE1/4; thence
N. 89° 57' 44" W. (shown of record of be N. 89° 55' 17" W) along the South Line of the
NE1/4 NE1/4 of said Section 30 a distance of 911.54 feet to the Southwest Corner

MICROFILMED
NOV 21 1996

Legal Description
Page 3

of the tract of land as described in that certain Warranty Deed dated October 14, 1980, recorded October 17, 1980, as Instrument No. 207984 records of Blaine County, Idaho, and being the REAL PLACE OF BEGINNING.

N. 19° 00' W. (Shown of Record to be N. 18° 59' 15" W.) along the Northwesterly line of said tract which is coincident with the Northeasterly right of way line of existing State Highway No. 75 (formerly U.S. Highway No. 93) 493.25 feet to the most Westerly Corner of said tract; thence

N. 71° 00' E. (Shown of Record to be N. 71° 00' 45" E.) 34.15 feet to a point that bears N. 69° 25' 04" E. 62.80 feet from Station 1651+77.92 of said State Highway No. 75, Project No. BR-F-2392 (30) Highway Survey; thence

S. 22° 16' 16" E., 516.03 feet to a Point in the South Line of said NE1/4 NE1/4 that bears N. 70° 42' 14" E. 79.75 feet from Station 1646+63.89 of said Highway Survey; thence

N. 89° 57' 44" W. (Shown of Record to be N. 89° 55' 17" W.) along said South Line 67.27 feet to the REAL PLACE OF BEGINNING.

EXCEPTING THEREFROM: The Right-of-Way for Elkhorn Road.

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NOV 21 1996

QUITCLAIM DEED

For Value Received

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whose address is: c/o Arthur Emil, Jones, Day, Reavis & Pogue
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See Exhibit "A" Attached Hereto and Made a Part Hereof

*See
connection*

together with their appurtenances.

Dated: March 28, 1989

Edward R. Downe, Jr.

Edward R. Downe, Jr.

STATE OF NY COUNTY OF NY
On this 9th day of May, 1989.
before me, a notary public in and for said State, personally
appeared

Edward R. Downe, Jr.

known or identified to me to be the person who name
is subscribed to the within instrument and acknowledged
to me that he executed the same.

Rita P. Olsson

Residing at
Commission Expires:

RYTA P. OLSSON Notary Public
Notary Public, State of New York
No. 4943043
Qualified in Rockland County
Commission Expires October 12, 1992

305738
FIRST AMERICAN TITLE CO.
BLAINE CO. REQUEST
OF
MARY GREEN, CLERK
FEE \$12.00
NOV 28 1989
MICHOFF

Legal Description
Order No. 12690E75

EXHIBIT "A"

TOWNSHIP 4 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

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NOV 21 1996

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EXCEPTING THEREFROM: The Right-of-Way for Elkborn Road.

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37-00082

TRANSFER NUMBER T-3609

SEE 37-00081

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NOV 21 1996

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

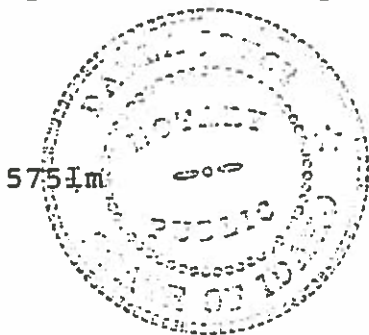
I understand that any willful misrepresentations made in this application may result in voiding its approval.

B. S. O'Neil
(Signature of Applicant)

Subscribed and sworn to before me this 11th day of June, 1991.

Doris J. Jope
(Notary Public)

My commission expires 4-26-95



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JUN 10 1991
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NOV 21 1996
Resources
Regular Office

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Thomas D. Hornel, by J. C. He
(Signature of Applicant)
his attorney in fact

Subscribed and sworn to before me this 13TH day
of JUNE, 1991.

Snobly Saha
(Notary Public)

My commission expires 6-96

5751m

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U.S. DEPT. OF JUSTICE

Department of Justice
Copyright © 1991

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER
THE REQUESTED CHANGE

1. Right Number: 37-00081;
Priority: 06-01-1884;
Amount: .02 cfs;
Nature of Use: Aesthetic and Wildlife;
Period of Use: 4-01 to 11-01.

Right Number: 37-00082;
Priority: 06-01-1884;
Amount: .02 cfs;
Nature of Use: Aesthetic and Wildlife;
Period of Use: 4-01 to 11-01.

2. Applicants propose to change the nature and place of use of .02 cfs from 37-00082 for watering of a 58,000 sq/ft area of ground. The change in the nature of use from irrigation to aesthetic and wildlife shall consist of watering and fostering the development of a natural wetland.

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as Attachment A.

Warranty Deed - Attachment A.

PART 3

B. CHANGES IN NATURE OF USE

1. The transfer consists of changing the place of irrigation from a northerly area in the NE 1/4 NE 1/4 Sec. 30 T 04N R 18E BM to a southerly area in the NE 1/4 NE 1/4 Sec. 30 T 04N R 18E BM for the purpose of watering and fostering the development of a habitat essential to the preservation of wildlife. Hence, the change shall be to aesthetic/wildlife with .02 cfs diverted 24 hours per 215 days per year between 4/1 and 11/1.

The change in the nature of use shall be from irrigation to aesthetic and wildlife. The change in the place of use and nature of use shall create a habitat for diverse structural plant communities, ranging from grasses to shrub and tree zones, and shall provide food, shelter, cover, nesting and denning sites to a large number of mammals, migrating waterfowl, birds and fish.

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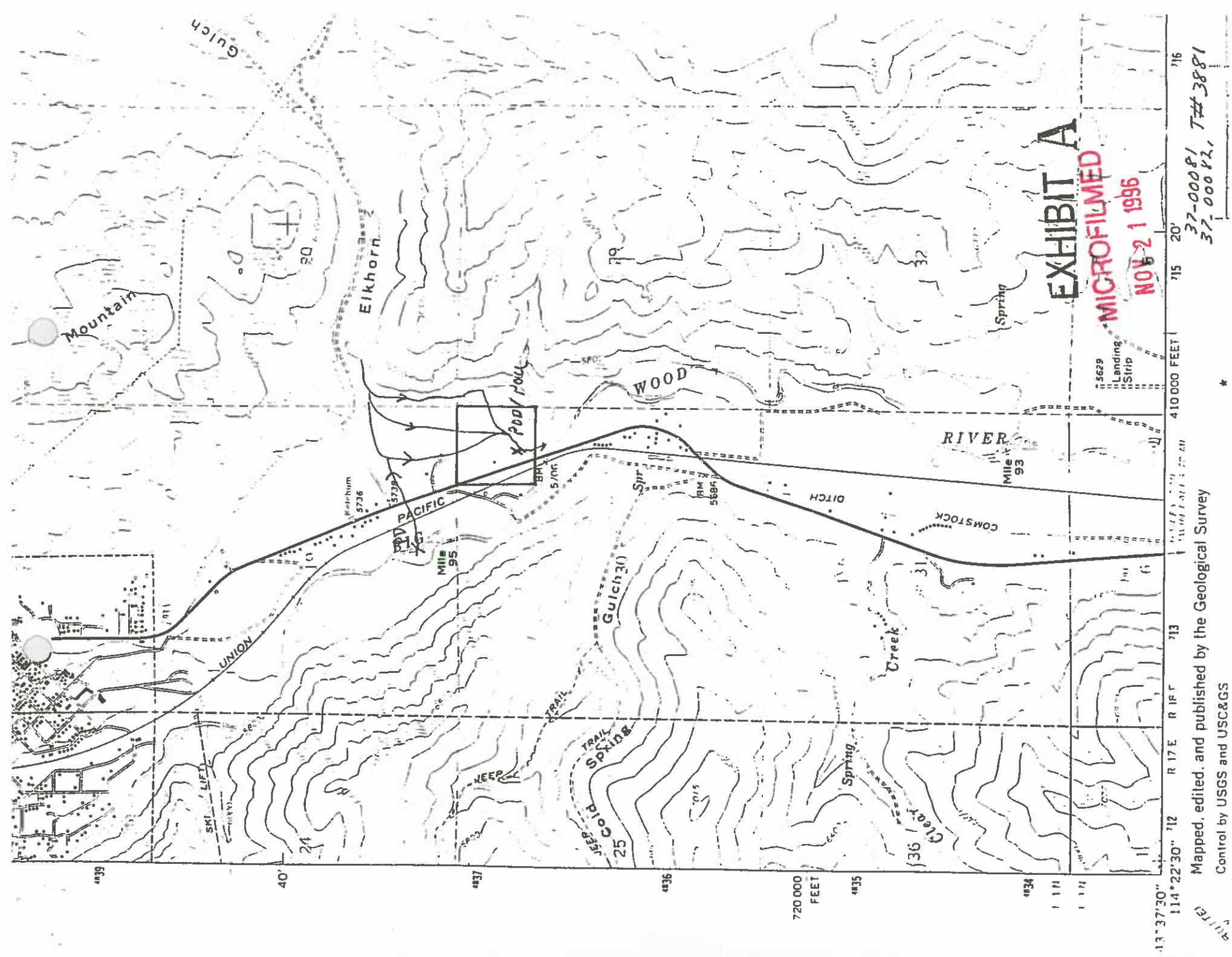
2. Applicants propose to change the place of use of .02 cfs of water. The diversion of the water shall cause the water to seep through the ground consisting of 58,000 sq/ft of surface area. The 58,000 sq/ft area shall be lined with a native seal consisting of a soil metanite mixture. The native seal shall preclude percolation, thereby forcing the water to seep to a distinct point of discharge. The wetlands area's estimated consumption approximates .01 cfs. Of the .02 cfs of water transferred, applicants anticipate approximately .01 cfs of the transferred water discharging and returning to the Big Wood River.

In the past all of the water not consumed by the lawn, trees, shrubs, and riparian zones either seeped or flowed off the property, eventually to reach Big Wood River. The proposed change shall substantially decrease the velocity of the water returning to the Big Wood River. The substantial decrease in the velocity of the water returning to the Big Wood River shall significantly improve the quality of the return flow of water into the Big Wood River. As water loses velocity it loses the ability to carry sediments. The dense vegetative cover associated with wetlands slows and filters the water. Nutrients and pollutants are dropped from the water as the sediment load settles. Some wetland species, particularly cattail and bullrush, ingest many water-borne nutrients associated with some agricultural and urban fertilization practices. In sum, the water quality improves through chemical detoxification, and nutrient retention and removal.

3. The creation of a wetland shall cause an increase in the quality of the water returning to the Big Wood River. The increased quality of the water returning to the Big Wood River shall be manifested through chemical detoxification, and nutrient retention and removal.

5714m

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NOV 21 1996



Maped, edited, and published by the Geological Survey
Control by USGS and USC&GS

37-00081, T# 3881
37, 000 P2,

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: JF Stanton

1. Right number 37-0082 Applicant _____
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Other change nature of use
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☐ Check description of place of use.
 - e. ☐ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments no expansion - change to non-consumptive uses
 - i. ☐ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 37

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☐ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny
3. Conditions* _____

4. By _____ Date _____

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OCT 04 1989
Department of Water Resources

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NOV 21 1989

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. _____

RECOMMENDATION OF WATERMASTER

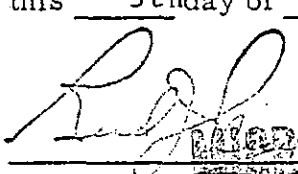
I, Reid J. Newby, watermaster of Big Wood River,
of Water District No. 37, County of Blaine, State of Idaho,
whose address is P. O. Box T, Shoshone, ID 83352
have read the attached copy of the application for transfer of water right for _____
Cascea Associates, Inc., and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: see attached sheet.

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at Shoshone, Idaho, this 5th day of October 1989.


(signature)

NOV 10 1989
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Please use reverse side if needed.

Department of Water Resources
Southern Region Office

Recommendations regarding Transfer of Water Right #37-00081

This water right has not been used for many years. However, an application for extension of time was filed and does not expire until June 30, 1990.

This diversion as proposed will be from river to pump through closed pipe. We request there be a method of control installed so the Watermaster can shut this system off as priority cuts dictate. Also, there be a reliable acceptable means to measure this water.

If the nature of this water use is charged from consumptive to non-consumptive, there will need to be an acceptable measuring device at the point of return to the river. If this water remains as a consumptive use right, we will not require a measuring device back to the river.

Also it is indicated they are planning to use $1\frac{1}{2}$ inches of water per acre on 24.4 acres of land. I understand this water was originally decreed at the rate of 1.63 inches of water per acre. It is also indicated that the applicant proposes to use $1\frac{1}{2}$ inches pf State Water Right #37-00082 on the same 24.4 acres of land making a total of 2.5 inches of water per acre on 24.4 acres of land whan 1.63 inches of water was decreed.

Re: Water Right #37-00082

This water was decreed to the same lands a #37-00081, see comments on Transfer of Water Right #37-00081.

Regards W.R. #37-04016

This right is a claim from Elkhorn Creek and the Watermaster does not deliver claims.

Regards W.R. #37-07201

This water right has not been delivered by the Watermaster's office because it was delivered from Elkhorn Creek, and there was no measuring device or means of control.

We request that the Watermaster should have access to all diversion points and places of use twelve (12) months of the year.

RECORDED

NOV 26 1990

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OCT 1999

Department of Water Resources
Disk: Patty-134, Fern Region Office

Associates seek water right change

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NOS. 37-00081, 37-07201, 37-00082, 37-04016

Notice is hereby given that Cesces Associates, Inc., c/o Arthur Emil of New York, NY has applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of the IDAHO CODE.

Water right No. 37-00081
Basis of right: Decreed to James H. Bonning in case of S.C. Frost, et al., vs. Alturas Water Company, et al., dated 12/13/1909 in Fourth District Court, Lincoln County.
Source: Big Wood River tributary to Malad River
Priority Date: 8/10/1884
Amount of water: 4.0 cfs
Water use: Irrigation
Point(s) of diversion: SE1/4-NW1/4, S19, T4N, R18E (Bonning #7 Headgate, ditch) Blaine County.
Place of use: 85 acres within S1/2SE1/4, S19, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right No.: 37-00081
Amount of water: 4.0 cfs

Water right No. 37-00082
Basis of right: Decreed to James H. Bonning in case of S.C. Frost, et al., vs. Alturas Water Company, et al., dated 12/13/1909 in Fourth District Court, Lincoln County.
Source: Elkhorn Creek tributary to Big Wood River
Priority Date: 6/1/1884
Amount of water: 1.2 cfs
Water use: Irrigation
Point(s) of diversion: NW1/4-SW1/4, S20, T4N, R18E; Blaine County.
Place of use: S1/2SE1/4, S19, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right No.: 37-00082
Amount of water: 1.2 cfs

Water right No. 37-07201
Basis of right: License
Source: Elkhorn Creek tributary to Wood River
Priority Date: 3/21/1973
Amount of water: 1.0 cfs, .06 cfs
Water use: Irrigation, Stockwater
Point(s) of diversion: NW1/4-SW1/4, S20, T4N, R18E; Blaine County.
Place of use: 120 acres within S1/2SE1/4, S19, T4N, R18E; N1/2NE1/4, S30, T4N, R18E.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right No.: 37-07201
Amount of water: 1.0 cfs, .06 cfs
Water use: Irrigation, Stockwater
Point of diversion: No change.
Place of use: 85 acres within S1/2SE1/4, S19, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E.
License was incorrect. Actual place of use is 85 acres east of Hwy. 75.

Water right No. 37-04016
Basis of right: Statutory Claim
Source: Elkhorn Creek tributary to Big Wood River
Priority Date: 4/1/1884
Amount of water: 10.0 cfs
Water use: Irrigation & stockwater
Point(s) of diversion: NW1/4-SW1/4, S20, T4N, R18E; Blaine County.
Place of use: 160 acres within S1/2SE1/4, S19, T4N, R18E; N1/2NE1/4, S30, T4N, R18E.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right No.: 37-04016
Amount of water: 10.0 cfs
Point of diversion: No change.
Place of use: 85 acres within S1/2SE1/4, S19, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E.

TO BE CHANGED AS FOLLOWS

Water right No.: 37-00081
Amount: .732 cfs
Use: Irrigation
AMOUNT: 3.268 cfs
Use: Wildlife, Recreation, Aesthetics

Total amount
being transferred: 4.0 cfs
Source: Big Wood River tributary to Malad River
Point of diversion: SW1/4SE1/4, S19, T4N, R18E; Blaine County.
Place of use: 24.4 acres within E1/2SE1/4, SW1/4SE1/4, S19, T4N, R18E; NW1/4SW1/4, S20, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E; NW1/4NW1/4, S29, T4N, R18E.

Water right No.: 37-00082
Amount: .732 cfs
Use: Irrigation
Amount: .468 cfs
Use: Wildlife, Recreation, Aesthetics

Total amount
being transferred: 1.2 cfs
Source: Elkhorn Creek tributary to Big Wood River
Point of diversion: NW1/4SW1/4, S20, T4N, R18E (Headgate & East Ditch); SE1/4SE1/4, S19, T4N, R18E (Equalizing pipeline to West ditch, pump); Blaine County.
Place of use: 24.4 acres within E1/2SE1/4, SW1/4SE1/4, S19, T4N, R18E; NW1/4SW1/4, S20, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E; NW1/4NW1/4, S29, T4N, R18E.

Water right No.: 37-07201
Amount: 1.0 cfs
Use: Wildlife, Aesthetics, Recreation

Total amount
being transferred: 1.0 cfs
Source: Elkhorn Creek tributary to Big Wood River
Point of diversion: NW1/4SW1/4, S20, T4N, R18E (the East channel); SE1/4SE1/4, S19, T4N, R18E (Equalizing pipeline to West ditch); Blaine County.
Place of use: E1/2SE1/4, S19, T4N, R18E; NW1/4SW1/4, S20, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E; NW1/4NW1/4, S29, T4N, R18E.

Water right No.: 37-04016
Amount: 10.0 cfs
Use: Wildlife, Aesthetics, Recreation

Total amount
being transferred: 10.0 cfs
Source: Elkhorn Creek tributary to Big Wood River
Point of diversion: NW1/4SW1/4, S20, T4N, R18E (Headgate & East ditch); SE1/4SE1/4, S19, T4N, R18E (Equalizing pipeline & West ditch); Blaine County.
Place of use: E1/2SE1/4, S19, T4N, R18E; NW1/4SW1/4, S20, T4N, R18E; NW1/4NW1/4, S29, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E.

Any protest against approval of the application for transfer must be filed with the Department of Water Resources, 2148 4th Ave East, Twin Falls, ID 83301, on or before October 23, 1989.

R. Keith Higginson, Director
Publish: Wood River Journal-
October 4 & 11, 1989.

OK
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10/2/89
Galley
Proof
WRS

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NOV 26 1990

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NOS. 37-00081, 37-07201, 37-00082, 37-04016

Notice is hereby given that Cascea Associates, Inc., c/o Arthur Emil of New York, NY has applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of the IDAHO CODE.

Water right No. 37-00081

Basis of right: Decreed to James H. Bonning in case of S. C. Frost, Et. Al. vs. Alturas Water Company, Et. Al. dated 12/13/1909 in Fourth District Court, Lincoln County.

Source: Big Wood River tributary to Malad River

Priority Date: 6/10/1884

Amount of water: 4.0 cfs

Water use: Irrigation

Point(s) of diversion: SE1/4NW1/4, S19, T4N, R18E (Bonning #7 Headgate, ditch) Blaine County.

Place of use: 85 acres within S1/2SE1/4, S19, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right No.: 37-00081

Amount of water: 4.0 cfs

Water right No. 37-00082

Basis of right: Decreed to James H. Bonning in case of S. C. Frost, Et. Al. vs. Alturas Water Company, Et. Al. dated 12/13/1909 in Fourth District Court, Lincoln County.

Source: Elkhorn Creek tributary to Big Wood River

Priority Date: 6/1/1884

Amount of water: 1.2 cfs

Water use: Irrigation

Point(s) of diversion: NW1/4SW1/4, S20, T4N, R18E; Blaine County.

Place of use: S1/2SE1/4, S19, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right No.: 37-00082

Amount of water: 1.2 cfs

Water right No. 37-07201

Basis of right: License

Source: Elkhorn Creek tributary to Wood River

Priority Date: 3/21/1973

Amount of water: 1.0 cfs

Water use: Irrigation

.06 cfs

Stockwater

Point(s) of diversion: NW1/4SW1/4, S20, T4N, R18E; Blaine County.

Place of use: 120 acres within S1/2SE1/4, S19, T4N, R18E; N1/2NE1/4, S30, T4N, R18E.

NOV 23 1990

PORTION(S) OF RIGHTS TO BE CHANGED

Water right No.: 37-07201

Amount of water: 1.0 cfs
.06 cfs

Water use: Irrigation
Stockwater

Point of diversion: No change.

Place of use: 85 acres within S1/2SE1/4, S19, T4N, R18E;
NE1/4NE1/4, S30, T4N, R18E. License was incorrect. Actual place
of use is 85 acres east of Hwy. 75.

Water right No. 37-04016

Basis of right: Statutory Claim

Source: Elkhorn Creek tributary to Big Wood River

Priority Date: 4/1/1884

Amount of water: 10.0 cfs Water use: Irrigation & stockwater

Point(s) of diversion: NW1/4SW1/4, S20, T4N, R18E; Blaine County.

Place of use: 160 acres within S1/2SE1/4, S19, T4N, R18E;

N1/2NE1/4, S30, T4N, R18E.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right No.: 37-04016

Amount of water: 10.0 cfs

Point of diversion: No change.

Place of use: 85 acres within S1/2SE1/4, S19, T4N, R18E;

NE1/4NE1/4, S30, T4N, R18E.

TO BE CHANGED AS FOLLOWS

Water right No.: 37-00081

Amount: .732 cfs

Use: Irrigation

AMOUNT: 3.268 CFS

Use: Wildlife, Recreation, Aesthetics

Total amount being transferred: 4.0 cfs

Source: Big Wood River tributary to Malad River

Point of diversion: SW1/4SE1/4, S19, T4N, R18E; Blaine County.

Place of use: 24.4 acres within E1/2SE1/4, SW1/4SE1/4, S19, T4N,
R18E; NW1/4SW1/4, S20, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E;
NW1/4NW1/4, S29, T4N, R18E.

Water right No.: 37-00082

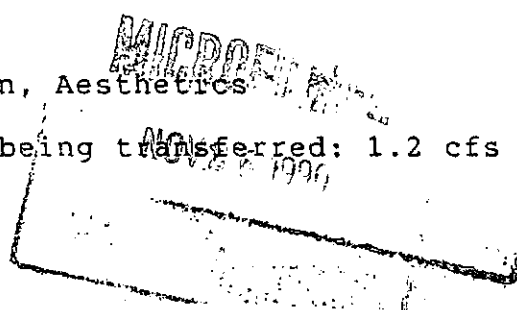
Amount: .732 cfs

Use: Irrigation

Amount: .468 cfs

Use: Wildlife, Recreation, Aesthetics

Total amount being transferred: 1.2 cfs



Source: Elkhorn Creek tributary to Big Wood River
Point of diversion: NW1/4SW1/4, S20, T4N, R18E (Headgate & East Ditch); SE1/4SE1/4, S19, T4N, R18E (Equalizing pipeline to West ditch, pump); Blaine County.
Place of use: 24.4 acres within E1/2SE1/4, SW1/4SE1/4, S19, T4N, R18E; NW1/4SW1/4, S20, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E; NW1/4NW1/4, S29, T4N, R18E.

Water right No.: 37-07201
Amount: 1.0 cfs
Use: Wildlife, Aesthetics, Recreation

Total amount being transferred: 1.0 cfs

Source: Elkhorn Creek tributary to Big Wood river
Point of diversion: NW1/4SW1/4, S20, T4N, R18E (the East channel); SE1/4SE1/4, S19, T4N, R18E (Equalizing pipeline to West ditch); Blaine County.
Place of use: E1/2SE1/4, S19, T4N, R18E; NE1/4SW1/4, S20, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E; NW1/4NW1/4, S29, T4N, R18E.

Water right No.: 37-04016
Amount: 10.0 cfs
Use: Wildlife, Aesthetics, Recreation

Total amount being transferred: 10.0 cfs

Source: Elkhorn Creek tributary to Big Wood River
Point of diversion: NW1/4SW1/4, S20, T4N, R18E (Headgate & East ditch); SE1/4SE1/4, S19, T4N, R18E (Equalizing pipeline & West ditch); Blaine County.
Place of use: E1/2SE1/4, S19, T4N, R18E; NW1/4SW1/4, S20, T4N, R18E; NW1/4NW1/4, S29, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E.

Any protest against approval of the application for transfer must be filed with the Department of Water Resources, 2148 4th Ave East, Twin Falls, ID 83301 on or before October 23, 1989.

R. Keith Higginson, Director

Published in Wood River Journal on 10/4 & 10/11/89.

NOV 26 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

September 25, 1989

R. KEITH HIGGINSON
Director

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

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 required publication dates. If time allows, please submit a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice 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 Baldwin
Secretary/Office Coordinator

Enclosure

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

September 25, 1989

R. KEITH HIGGINSON
Director

Reid J. Newby, Watermaster
Water District #37
Box T
Shoshone, ID 83352

Re: Application for Transfer of Water Right Nos. 37-00081,
37-00082, 37-07201, 37-0416

Dear Mr. Newby:

Enclosed is a copies of a 4-part Application for Transfer of
a Water Right within your District, and Watermaster's
Recommendation Forms.

Section 42-222 of the IDAHO CODE requires that the
watermaster must be advised of proposed changes in water
rights in the water district and must notify the Department
of his recommendation on the application.

Please complete the enclosed recommendation forms and return
them to this office.

Processing of the application can be completed in 20 days,
therefore, your prompt response to this request will be
appreciated.

If you have any questions about the application, please
contact this office or the applicant.

Very truly yours,

James E. Stanton

James E. Stanton
Sr. Water Resource Agent

JS:MB

Enclosures

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

September 25, 1989

Cascea Associates, Inc.
c/o John Rosholt, Esquire
P.O. Box 1906
Twin Falls, ID 83301

Re: Application for Transfer (Cascea Assoc., Inc.)

Dear Mr. Rosholt:

The Department of Water Resources acknowledges receipt of the Application for Transfer on behalf of Cascea Assoc., Inc.

This office will be advertising the application in the Wood River Journal on 10/4 and 10/11/89. 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.

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

Very truly yours,

James E. Stanton

James E. Stanton
Sr. Water Resource Agent

JS:MB

NOV 26 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 22, 1990

John Rosholt, Attorney at Law
P.O. 1906
Twin Falls, ID 83301

RE: Application for Transfer No. 3609 in the Name of Cascea
Associates Proposing a Change in Water Rights Nos. 37-00081,
37-00082, 37-04016 & 37-7201

Dear John:

Based on our conversation and my observations of the Cascea
(Lane Ranch) development, I propose approval of the transfer with
qualifying language.

1. Right no. 37-0081 shall be changed as follows:

Source: Big Wood River
Priority: 6/1/1884

<u>Volume</u>	<u>Nature of Use</u>	<u>Period of Use</u>
0.74 cfs	irrigation	4/1 through 11/1
3.26 cfs	aesthetics	4/1 through 11/1
3.26 cfs	recreation	4/1 through 11/1
3.26 cfs	wildlife	4/1 through 11/1
4.00 cfs = Total flow rate		

- The place of use and point of diversion for right
no. 37-0081 is approved as described in the
transfer application.
- The total flow rate and annual volume diverted for
irrigation pursuant to right no. 37-0081 and right
no. 37-0082 shall not exceed 0.74 cfs and 73.4
acre-feet, respectively.

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2. Right no. 37-0082 shall be changed as follows:

Source: Elkhorn Creek
Priority: 6/1/1884

<u>Volume</u>	<u>Nature of Use</u>	<u>Period of Use</u>
0.74 cfs	irrigation	4/1 through 11/1
1.20 cfs	aesthetics	1/1 through 12/31
1.20 cfs	recreation	1/1 through 12/31
1.20 cfs	wildlife	1/1 through 12/31
1.20 cfs = Total flow rate		

- a. The place of use and point of diversion for right no. 37-0082 is approved as described in the transfer application.
- b. The total flow rate and annual volume diverted for irrigation purposes pursuant to right no. 37-0082 and right no. 37-0081 shall not exceed 0.74 cfs and 73.4 acre-feet respectively.

3. Right no. 37-7201 shall be changed as follows:

Source: Elkhorn Creek
Priority: 3/21/1973

<u>Volume</u>	<u>Nature of Use</u>	<u>Period of Use</u>
1.00 cfs	aesthetics	1/1 through 12/31
1.00 cfs	recreation	1/1 through 12/31
1.00 cfs	wildlife	1/1 through 12/31
1.00 cfs = Total flow rate		

4. Right no. 37-4016 shall be changed as follows:

Source: Elkhorn Creek
Priority: 4/1/1884

<u>Volume</u>	<u>Nature of Use</u>	<u>Period of Use</u>
10.00 cfs	diversion to storage	1/1 through 12/31
— acre-feet	storage for aesthetic	1/1 through 12/31
— acre-feet	storage for recreation	1/1 through 12/31
— acre-feet	storage for wildlife	1/1 through 12/31
— acre-feet = Total flow rate		

- a. The approval of this transfer in no way confirms the validity of right no. 37-4016.

Water rights diverted from Elkhorn Creek should be conditioned as follows:

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1. The total annual volume authorized for diversion and use pursuant to right nos. 37-0082, 37-4016 and 37-7201 is limited to 315 acre-feet.

2. Long standing man-made alteration in the natural channel of Elkhorn requires construction of a channel through the development listed as the place of use. The right to diversion of Elkhorn Creek in the channels of the development and to demand flow in Elkhorn Creek is limited by the annual volume and flow rate of water rights nos. 37-0082, 37-4016 and 37-7201.

3. This right may be subject to administration with the water rights of the Big Wood River, if, for purposes of regulation of water rights, Elkhorn Creek is found to be tributary to the Big Wood River.

All of the water rights transferred should be conditioned as follows:

1. All uses of water authorized by this transfer are presumed to be consumptive uses of water. Diversion of water pursuant to these rights may be prohibited if necessary to supply water to earlier in time priority rights.

2. Adequate measuring devices and lockable headgates satisfactory to the watermaster of Water District #37 shall be permanently installed and maintained as part of the diverting and delivery works.

3. The Department of Water Resources retains jurisdiction over this filing to require determination of the amount of losses in the delivery system and the ponds.

The conditions are only proposals, and I welcome discussion. I suspect there are a couple of areas where questions may arise. I will try to address some of these.

Claim no. 37-4016 appears to be more in the nature of a storage right than a flow right. I recognize that the reservoir is located on the creek itself, and that 10.0 cfs may, at some point in time, flow through the reservoir. I hesitate, however, to authorize, by this transfer the right to demand up to 10.0 cfs of flow with an 1884 priority at the expense of other water users, when, in fact, the right was limited by irrigation of the place of use. Perhaps the proper number to insert is 315 acre-feet, since 315 acre-feet is the amount of water necessary for irrigation of 105 acres.

You may also question the volume limitations on the right from Elkhorn Creek. My reasoning is that Cascea is a downstream user, and should not have the right to demand a full flow of 2.2 cfs or whatever is available in the creek continuously at the expense of upstream water users. The right should be limited by the volume that would have been allowed for the irrigation use.

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I am not as worried about the volume limitation on the Big Wood River because there are not intervening water users between your diversion and reinjection back to the river.

Sincerely,



GARY SPACKMAN, Manager
Water Right Permit Section

GS:js

cc: Reid Newby
Southern Region

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State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 17, 1990

Cascea Associates, Inc.
c/o Arthur Emil, Jones, Day, Reavis & Pogue
599 Lexington Avenue
New York, NY 10022

RE: Application for Transfer of Water Right no. 3609, Proposing
the Transfer of Water Rights Nos. 37-00081, 37-00082,
37-04016, 37-7201 in the Name of Cascea Associates, Inc.

Gentlemen:

I have reviewed the above listed transfer, and will attempt to address questions that have arisen as a result of the review. As a preface to my comments, let me say that the transfer stretches the limits of some traditional standards used to review transfers. Strict imposition of these standards might be viewed as a hypertechnical analysis, perhaps missing the mark of proper review. As a result, I have attempted to apply the standards with leniency while still addressing the statutory requirements.

Idaho Code § 42-222 states that the Department must review a transfer by applying three tests: (1) Whether the transfer will injure other water rights, (2) Whether the transfer will result in an enlargement of use, and (3) Whether the transfer is in the public interest. There is also a fourth test that requires evaluation of whether the proposal will adversely affect the agricultural base of the area. I do not see that the fourth test is applicable.

I wish to analyze the enlargement question, which I think raises secondary questions about injury and local public interest. The Department has traditionally reviewed a transfer which proposes a change in the nature of use by looking at three components of the original water use: (a) The flow rate, (b) The annual volume authorized for diversion, and (c) The consumptive use. The most restrictive of the three components must control the change in the nature of use.

The analysis of Gerald Martens, professional engineer, concludes that the amount of water lost from surface water will be approximately the same amount of water authorized for loss in the original right, either by consumption or percolation. Consumptive use does not appear to restrict the application.

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Furthermore, the application does not propose diversion of a higher flow rate than is authorized, except that the claim alleges the right to divert an inordinate amount of water which generally is not available in Elkhorn Creek at the rate claimed. The third standard, however, the annual volume diverted, would restrict the flow rate considerably. If the Department applied the traditional review standard related to annual volume diverted, the Department would first determine the number of acres which have been irrigated. The maximum allowable annual volume would be calculated from the number of acres irrigated. The flow rate would be limited to the continuous year-round flow that would produce the annual volume.

The Department has determined that 105 acres were irrigated by these water rights. In the Wood River Valley, the Department has allowed an annual diversion for irrigation of not more than 3.0 acre-feet/acre annually. Subtraction of the 24.4 acres which will still be irrigated from the 105 acres previously irrigated results in a remainder of 80.5 acres. The product of 80.5 acres times 3.0 acre-feet/acre annually equals 241.5 acre-feet remaining for the residual volume of water that could be diverted annually. The volume of 241.5 acre-feet must be converted to a continuous year-round flow rate. The continuous flow rate calculated from annual volume equals 0.33 cubic feet per second.

I am not certain that our traditional approach should apply in this case. I believe we can be more lenient provided no more water is lost by the change. I propose that we accept the engineer's calculation of losses resulting from evaporation, seepage and irrigation, and determine that these volumes will not exceed the volume which would normally be lost.

The flow rates of the respective rights need to be discussed. Rights nos. 37-00081 and 37-00082 describe identical places of use. Right no. 37-00081 authorizes diversion of 4.0 cfs from the Big Wood River. Right no. 37-00082 authorizes diversion of 1.2 cfs from Elkhorn Creek. A total diversion from both rights of 0.732 cfs is proposed for irrigation use. All of the other remaining water rights authorize diversion from Elkhorn Creek. The remaining rights, 37-04016 and 37-07201, represent flow rates of 10.0 cfs and 1.0 cfs, respectively.

I understand that flows in Elkhorn Creek have not been regulated by the watermaster of Water District #37. Non-regulation in the past does not prevent future regulation if Elkhorn Creek is tributary to the Big Wood River. As a result, water supplies from Elkhorn Creek may not be available year round.

Finally, I understand that the natural channel of Elkhorn Creek may have been changed to flow through the proposed ponds.

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Right no. 37-00081, diverted from the Big Wood River, must be treated separately from the Elkhorn Creek rights. I suggest that we subtract 0.732 cfs, the flow rate needed for irrigation, from the total flow rate of 4.0 cfs. This leaves a remainder of 3.268 cfs. A flow rate of 3.268 cfs diverted over an entire irrigation season of 214 days will equal 1,386.88 acre-feet per year. Rather than diversion for just the irrigation season, however, the transfer proposes diversion year-round. Converting 1,386.88 acre-feet per year to a flow rate equals 1.92 cfs. I propose that Cascea be allowed to divert 1.92 from the Big Wood River for the entire year for aesthetics, plus .732 cfs for irrigation during the irrigation season, except when water is not available as described below.

Although the flow rates for the remaining filings diverted from Elkhorn Creek total a much larger flow than necessary for irrigation of 105 acres ($1.2 + 10.0 + 1.0 = 12.2$ cfs) the Department is willing to approve the transfer with a disclaimer that the transfer does not in any way validate claim no. 37-04016. Furthermore, a condition will be added specifically finding that a claim of 10.0 cfs for irrigation of the lands listed in the place of use is exorbitant, and that the total amount of water diverted from Elkhorn Creek should not exceed the amount decreed for diversion from the Big Wood River, or 4.0 cfs. Using the same analysis as above, 0.732 cfs can be diverted from either source or a combination of the sources not to exceed a total of 0.732 cfs for irrigation. By the same reasoning 1.92 cfs may be diverted year round from either source, or a combination of the sources not to exceed a total of 1.92 cfs, except when water is not available as described below.

As I mentioned before, the analysis of Gerald Martens concludes that the amount of water the proposed use will lose through irrigation, seepage and evaporation is 237.7 acre-feet. Assuming a full supply of water during the irrigation season, the maximum volume that could have been diverted for irrigation of 105 acres is 315 acre-feet annually. While there is a difference of 77 acre-feet, the upper number of 315 acre-feet annually presumes a full supply of water. A water right diverted from the Big Wood River with a priority of 1884 is not a reliable source of water every year, and the entire 315 acre-feet may not have been available in most years.

I will recommend that diversions for the proposed uses be cut-off according to their respective priorities. If Cascea is allowed to continue diverting when earlier consumptive rights would be cut-off, water which should remain in the stream to satisfy earlier rights will be lost. This is particularly true with right no. 37-00081, which authorizes diversion from the Big Wood River. If Elkhorn Creek is ever regulated with the Big Wood River, the rights from Elkhorn Creek will also be cut-off, unless a more reliable water right is acquired and left in the Big Wood River to mitigate for lost water.

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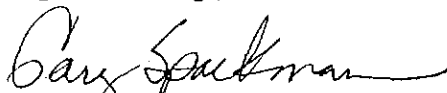
The applicant has the duty to show that out-of-priority diversion will not result in loss of water that will injure other appropriators. The information submitted shows that uncompensated losses will cause injury to other users unless a proposal such as mine is followed. It is possible that out of priority diversion might be permitted if all losses are mitigated. You may also consider the filing of a new application for permit to appropriate water.

I am also concerned about the water supply for the land within the subdivision. This application for transfer proposes irrigation of only 24 acres, which include berms and common areas. The actual lost acreage apparently will be irrigated from some other source, but it is unclear to me what source of water will be sought for irrigation. This question probably should be clarified. I think there will be a temptation on the part of homeowners to divert water directly from the streams running through the subdivision itself. Please provide assurances that irrigation can be limited to 24 acres.

I have not discussed all of the conditions that might be imposed. Other standard conditions requiring measuring devices, watermaster control and compliance with water quality standards will be made a part of the approval.

Please indicate whether my proposal is acceptable. If I do not hear from you within thirty (30) days, I'll assume my proposal is acceptable, and I will prepare the transfer for approval.

Respectfully,



GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc. John Rosholt
Ed Miller
Reid Newby

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