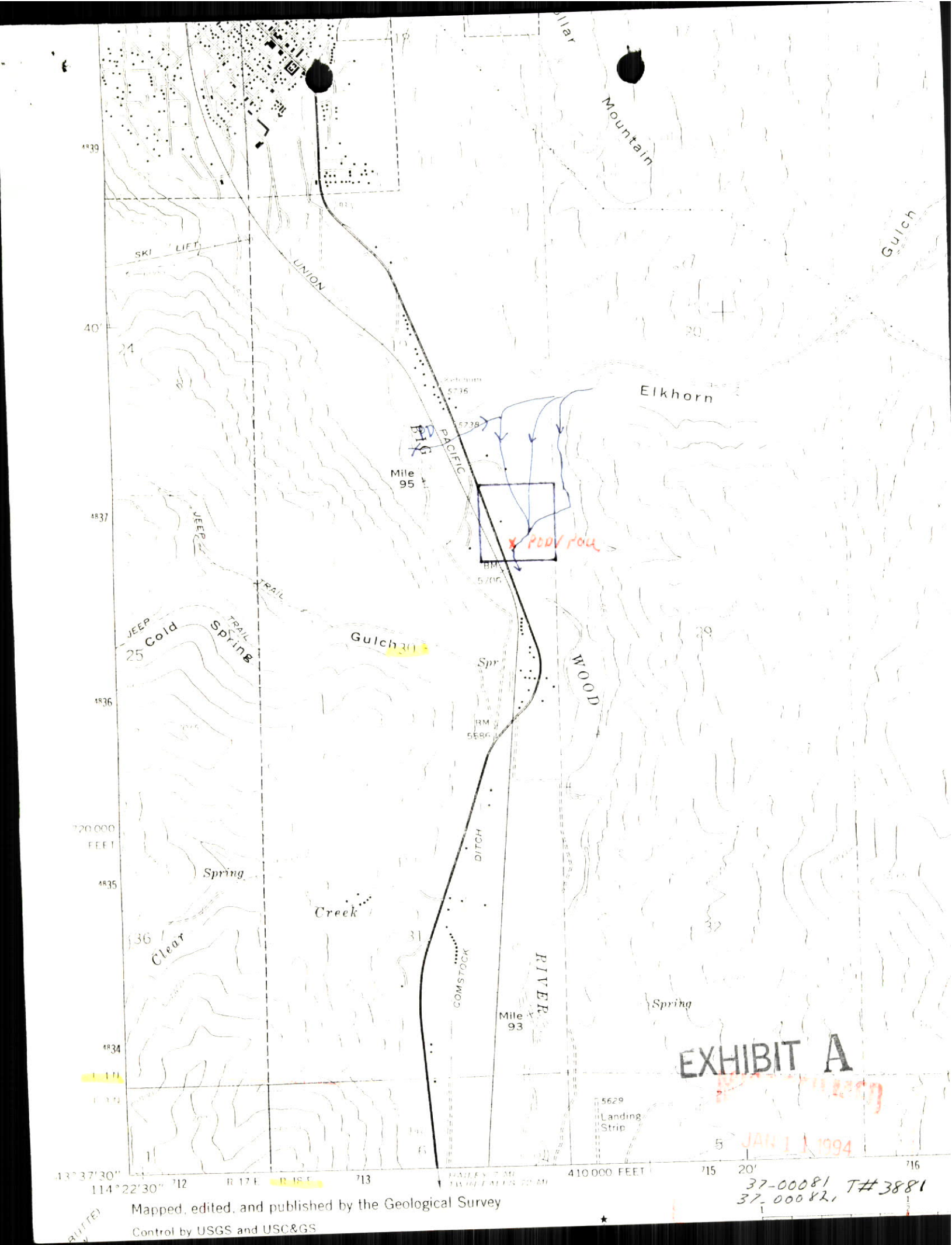


EXHIBIT A

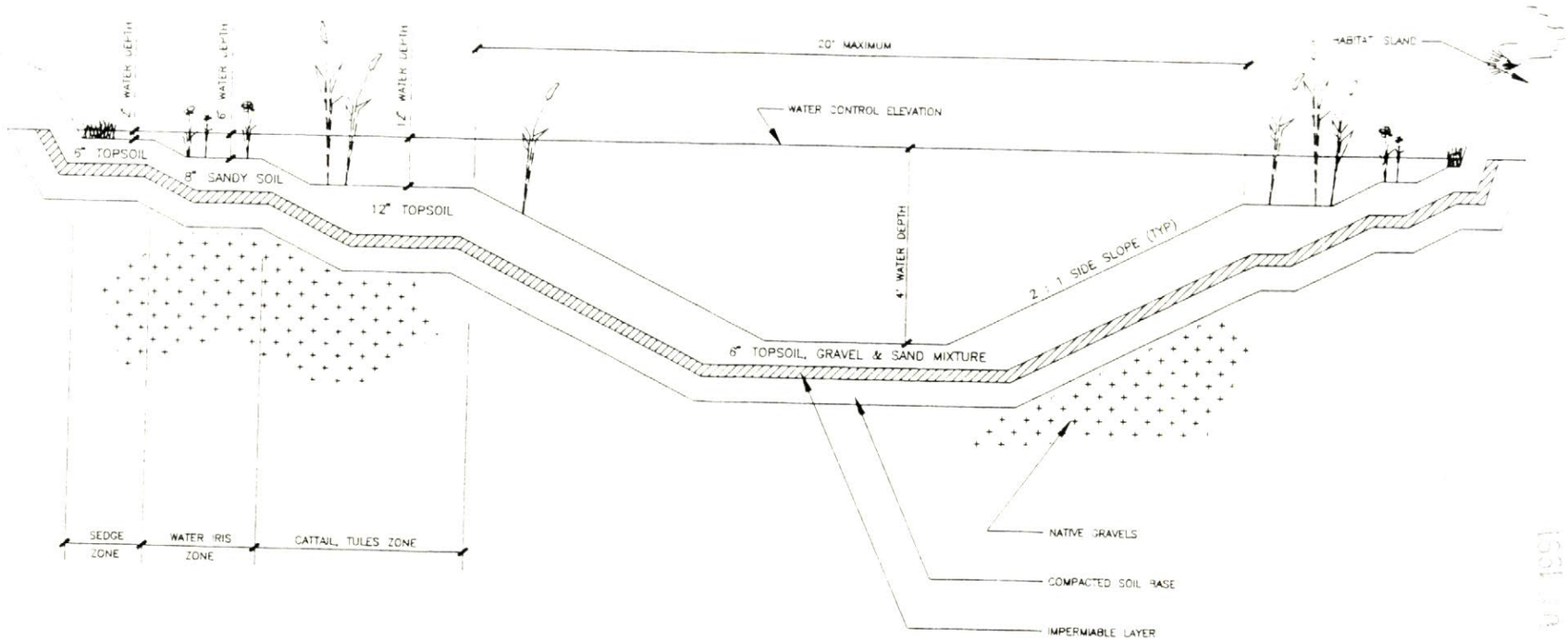
JAN 11 1994

37-00081 T#3881
37-00082,

Mapped, edited, and published by the Geological Survey

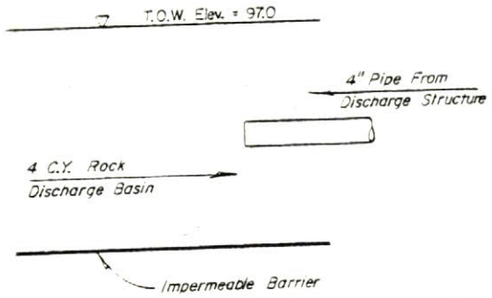
Control by USGS and USC&GS

LANE RANCH WETLANDS EXHIBIT ——— N.T.S.

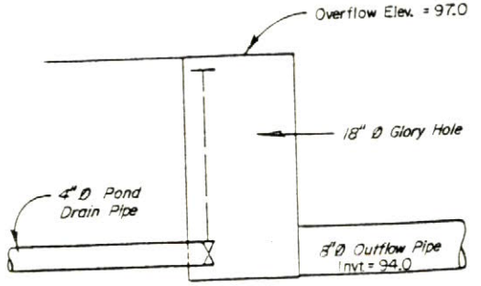


EHM Engineers Inc.
ENGINEERS – PLANNERS – SURVEYORS

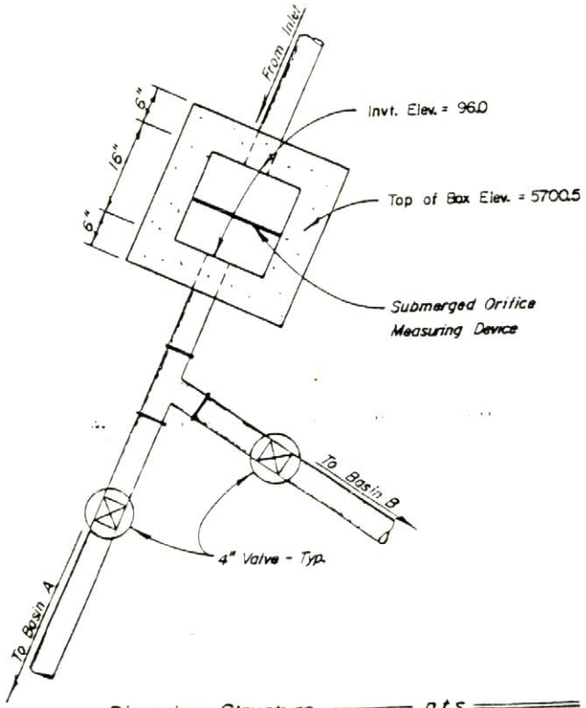
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37-00082



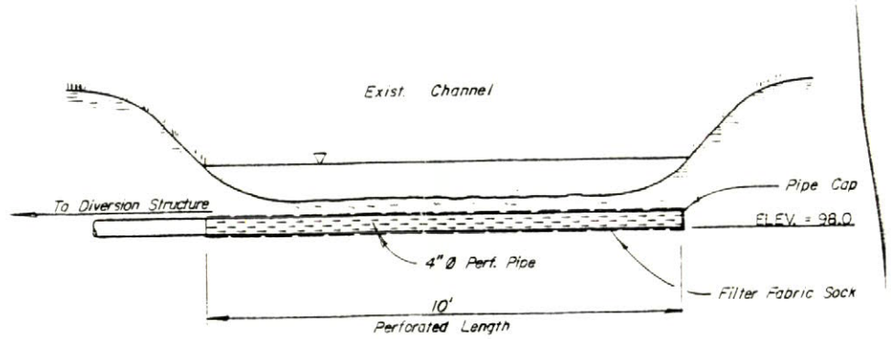
Discharge Detail n.t.s.



Glory Hole Detail n.t.s.

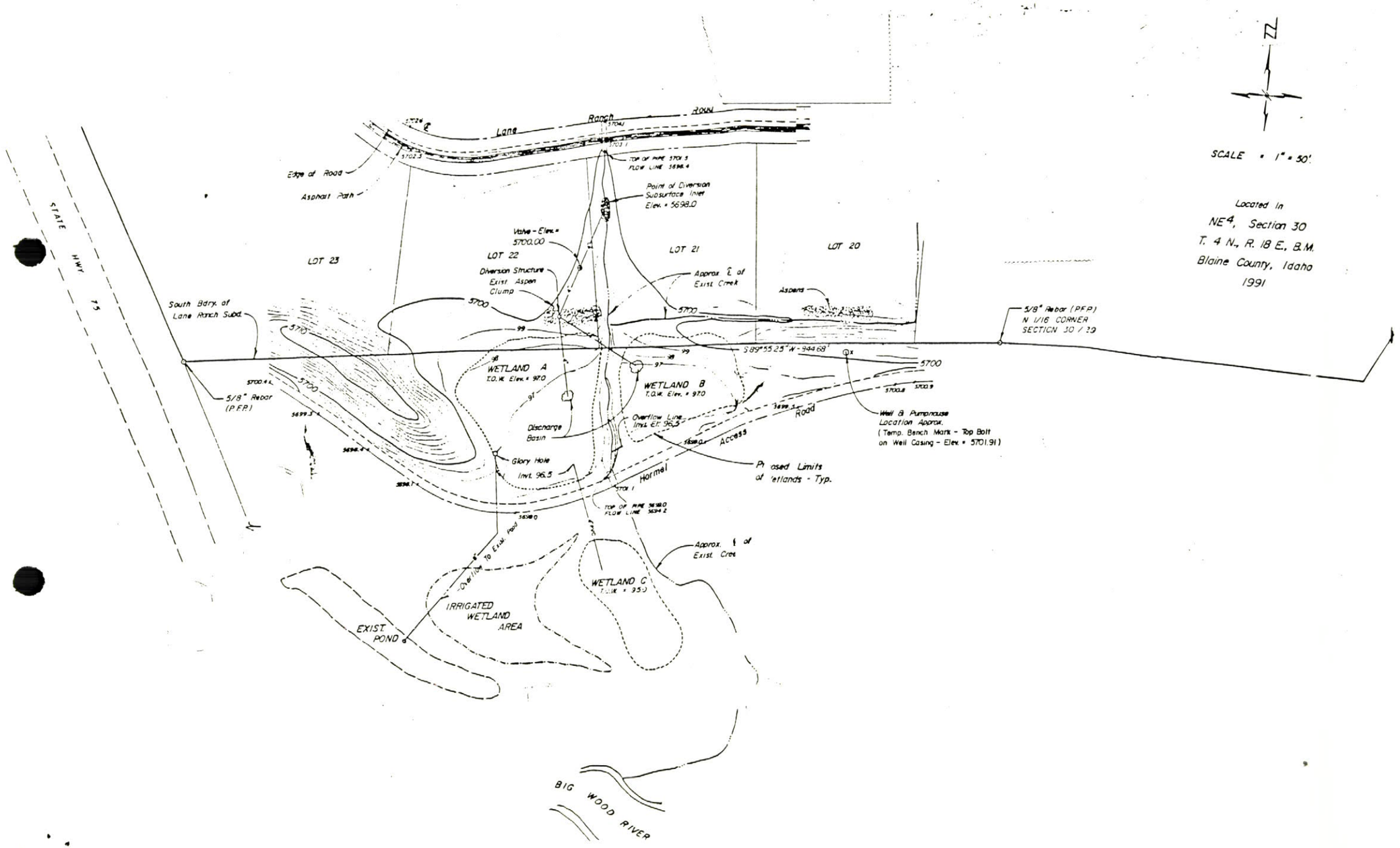


Diversion Structure n.t.s.



Inlet Detail n.t.s.

POINT OF DIVERSION


N
SCALE = 1" = 50'
Located in
NE¼, Section 30
T. 4 N., R. 18 E., B.M.
Blaine County, Idaho
1991
Lane Ranch ROAD
Edge of Road
Asphalt Path
STATE HWY 75
South Bdry. of Lane Ranch Subd.
5/8" Rebar (P.F.P.)
LOT 23
LOT 22
LOT 21
LOT 20
Valve - Elev. = 5700.00
Diversion Structure
Exist. Aspen Clump
Point of Diversion Subsurface Inlet Elev. = 5698.0
Approx. ℄ of Exist. Creek
Aspens
5/8" Rebar (P.F.P.) N 1/16 CORNER SECTION 30 / 19
S 89°55'25" W - 944.68'
WETLAND A
T.O.W. Elev. = 97.0
WETLAND B
T.O.W. Elev. = 97.0
Discharge Basin
Overflow Line Invt. El. 96.5
Glory Hole Invt. 96.5
Well & Pumphouse Location Approx. (Temp. Bench Mark - Top Bolt on Well Casing - Elev. = 5701.91)
Road Access
Hormel
Proposed Limits of Wetlands - Typ.
Overflow To Exist. Road
WETLAND C
T.O.W. = 95.0
Approx. ℄ of Exist. Creek
IRRIGATED WETLAND AREA
EXIST. POND
BIG WOOD RIVER

THE LANE RANCH SUBDIVISION

FIRST PHASE

LOCATED IN

SE¼ SECTION 19, SW¼ SECTION 20,

NW¼ NW¼ SECTION 29, NE¼ NE¼ SECTION 30,

T. 4 N., R. 18 E., B.M.

BLAINE COUNTY, IDAHO

1989

LEGEND

SUBD. BOUNDARY LINE

RIGHT-OF-WAY LINE

CENTERLINE OF ROAD

LOT LINE

RED AVALANCHE ZONE

BLUE AVALANCHE ZONE

BLDG. ENVELOPE WITH SWING TIE TO CENTROID

SET 1/2" x 24" REBAR & CAP

SET 5/8" x 30" REBAR & CAP

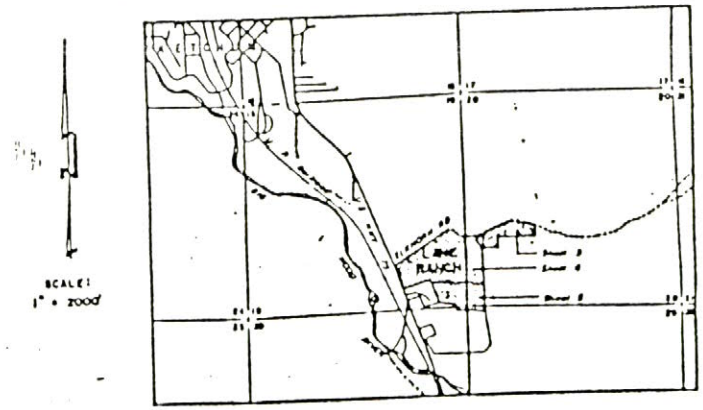
INITIAL POINT - SET BRASS CAP

FOUND B.L.M. BRASS CAP

SHEET INDEX

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

VICINITY SKETCH



SCALE: 1" = 2000'

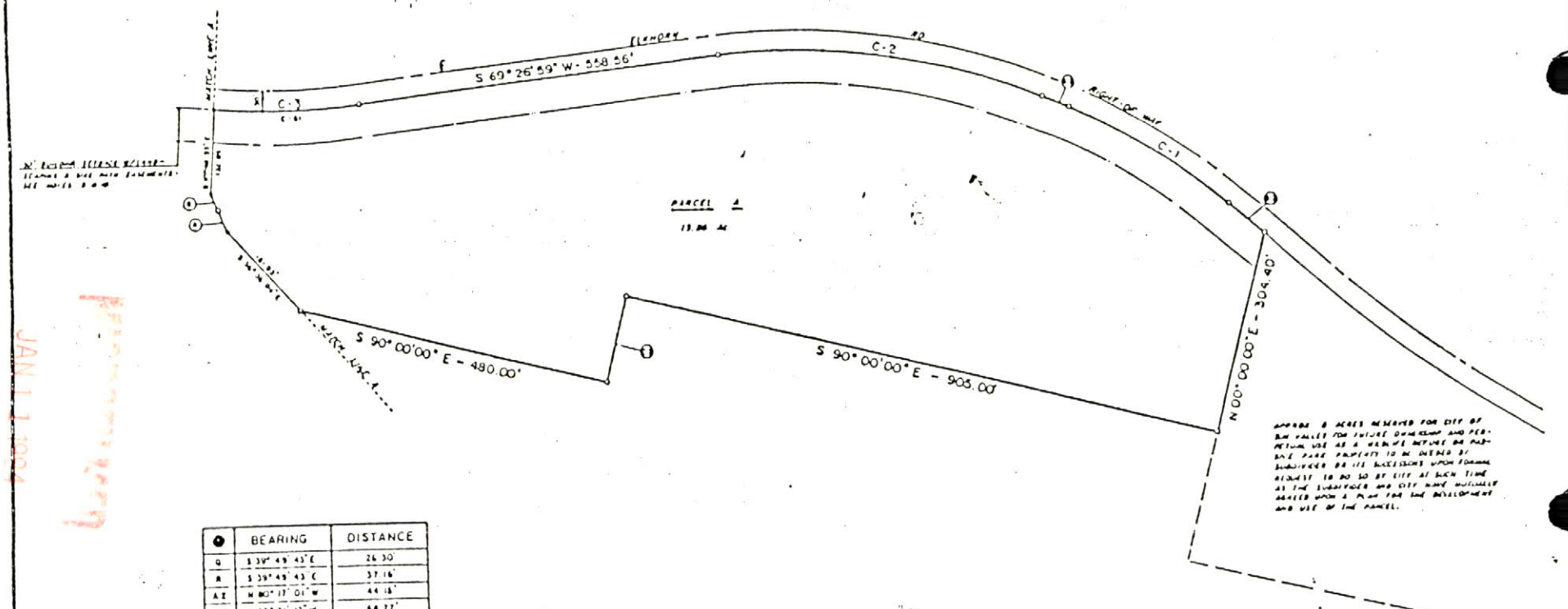
EHM Engineers Inc.

SHEET 1 OF 7

Recorded
JAN 11 1994
CASCEA ASSOCIATES, INC.

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

SCALE: 1" = 100'



	BEARING	DISTANCE
Q	S 39° 49' 43" E	26.30'
R	S 39° 49' 43" E	37.16'
A-Z	N 80° 13' 01" W	44.18'
B-Z	N 63° 31' 12" W	68.77'
C-Z	N 00° 00' 00" E	130.00'

JAN 1 1994

CASCEA ASSOCIATES, INC.

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

ELKHORN ROAD RIGHT OF WAY TO BE DEDICATED TO THE PUBLIC BY INSTRUMENT NO. _____.

SCALE 1" = 100'

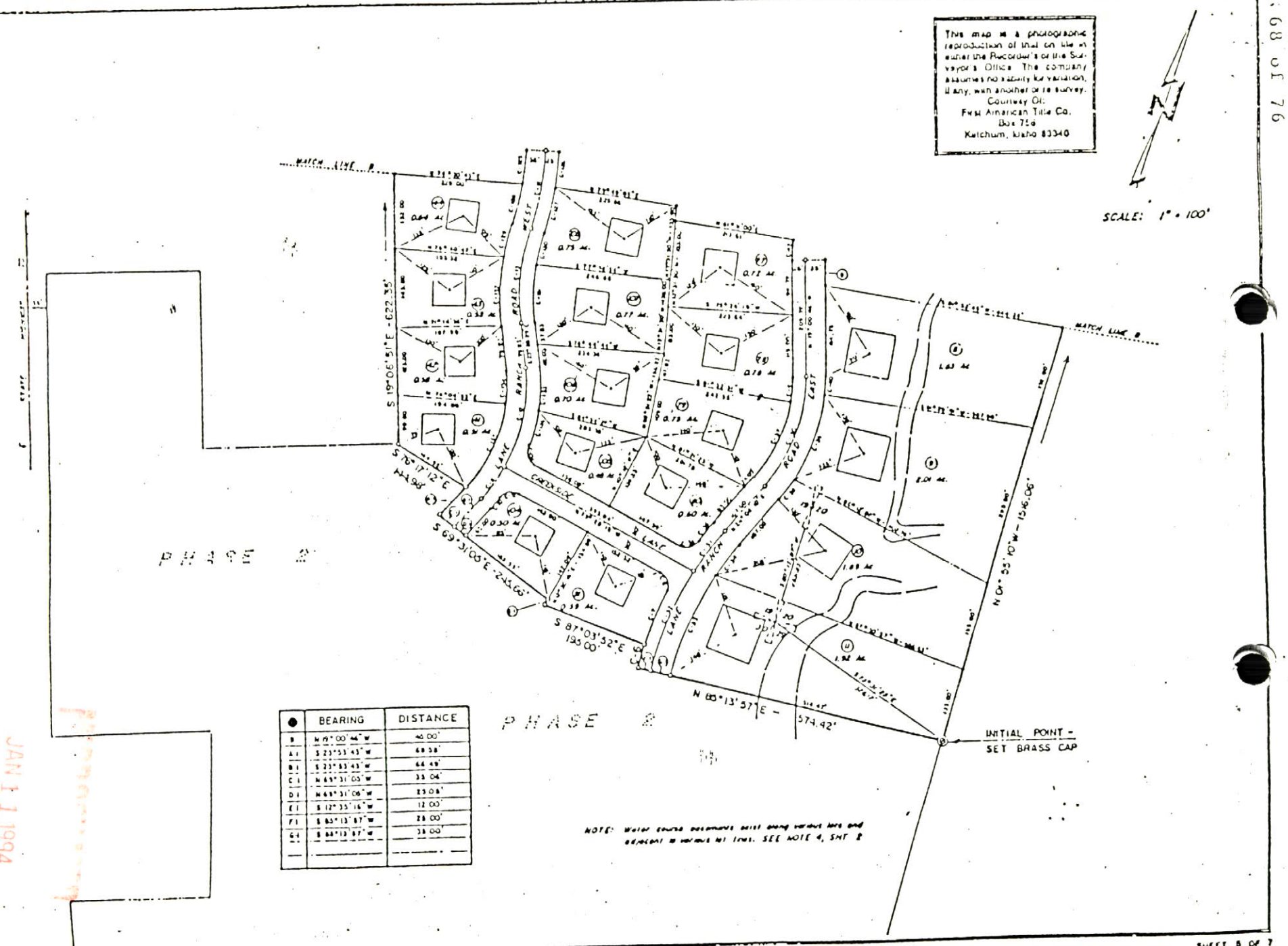
	BEARING	DISTANCE
A	N 33° 28' 19" E	34.77'
B	N 19° 00' 44" W	45.00'
C	S 86° 15' 39" W	20.56'
D	N 24° 14' 01" W	71.44'
E	N 44° 19' 41" W	27.20'
F	N 44° 19' 41" W	27.20'
G	S 64° 31' 34" W	6.00'
H	S 56° 33' 23" W	8.65'
I	S 56° 33' 23" W	8.65'
J	S 14° 07' 17" E	27.00'
K	S 14° 41' 50" E	28.81'
L	N 74° 14' 01" W	84.96'
M	N 74° 14' 01" W	20.00'
N	S 30° 09' 04" E	10.00'
O	N 83° 50' 14" W	30.00'
P	S 39° 49' 43" E	84.30'
Q	S 39° 49' 43" E	37.16'
R	N 12° 12' 02" E	11.86'

NOTE: WHERE WATER DRAINAGE CROSS ARMS NATURAL DRAINAGE TO NATURAL DRAINAGE SEE NOTE 4, SHT. 2

JAN 11 1994

CASCEA ASSOCIATES, INC.

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Courtesy Of:
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Ketchum, Idaho 83340

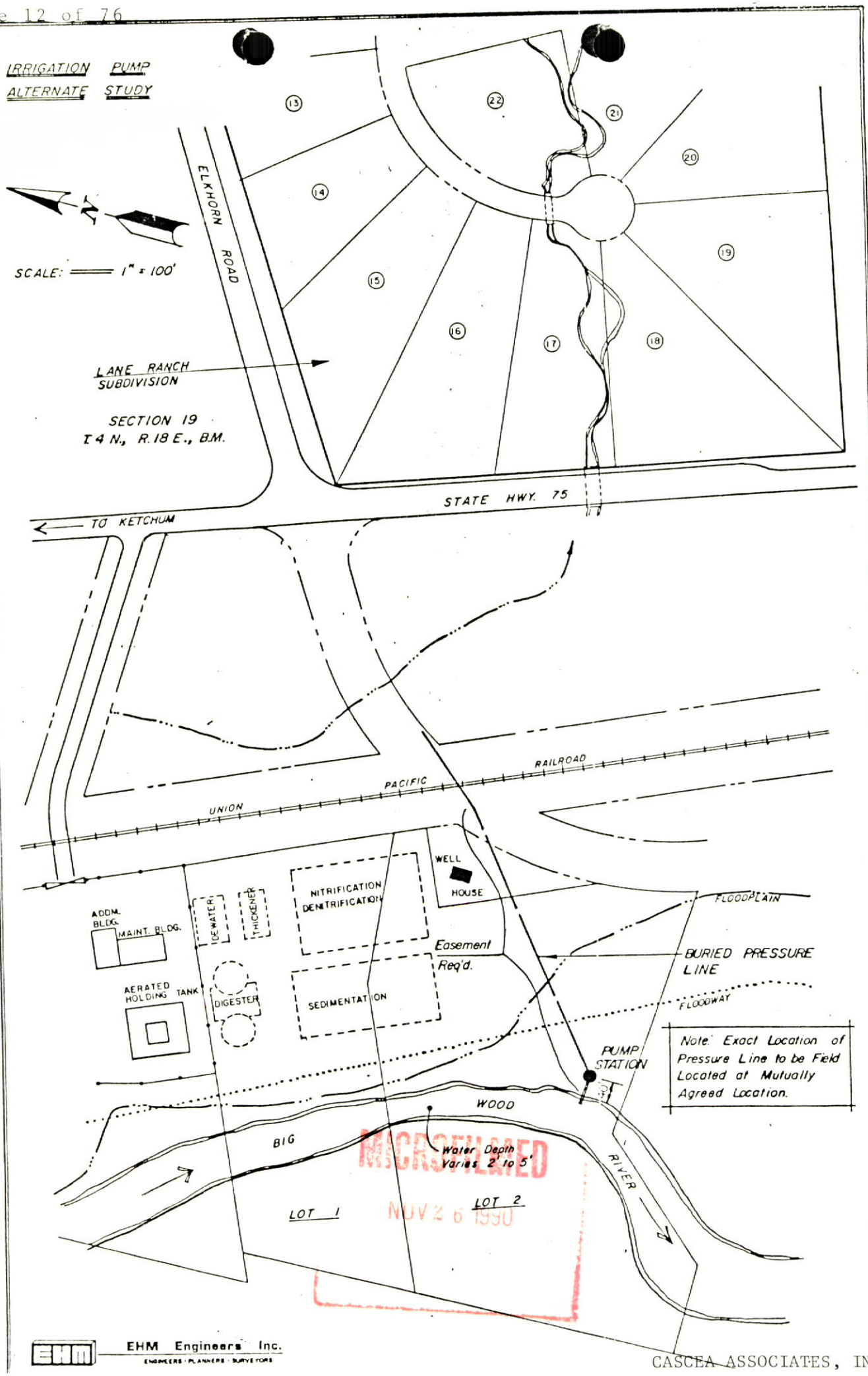


●	BEARING	DISTANCE
A	N 0° 00' 44" W	45.00'
A-1	S 23°53'43" W	69.38'
B-1	S 23°53'43" W	64.49'
C-1	N 69°31'03" W	33.06'
D-1	N 69°31'06" W	23.06'
E-1	S 12°35'15" W	12.00'
F-1	S 85°13'57" W	28.00'
G-1	S 85°13'57" W	33.00'
—	—	—

NOTE: Water source easements exist along various lots and easements in various lot lines. SEE NOTE 4, SHT 2

JAN 1 1 1994

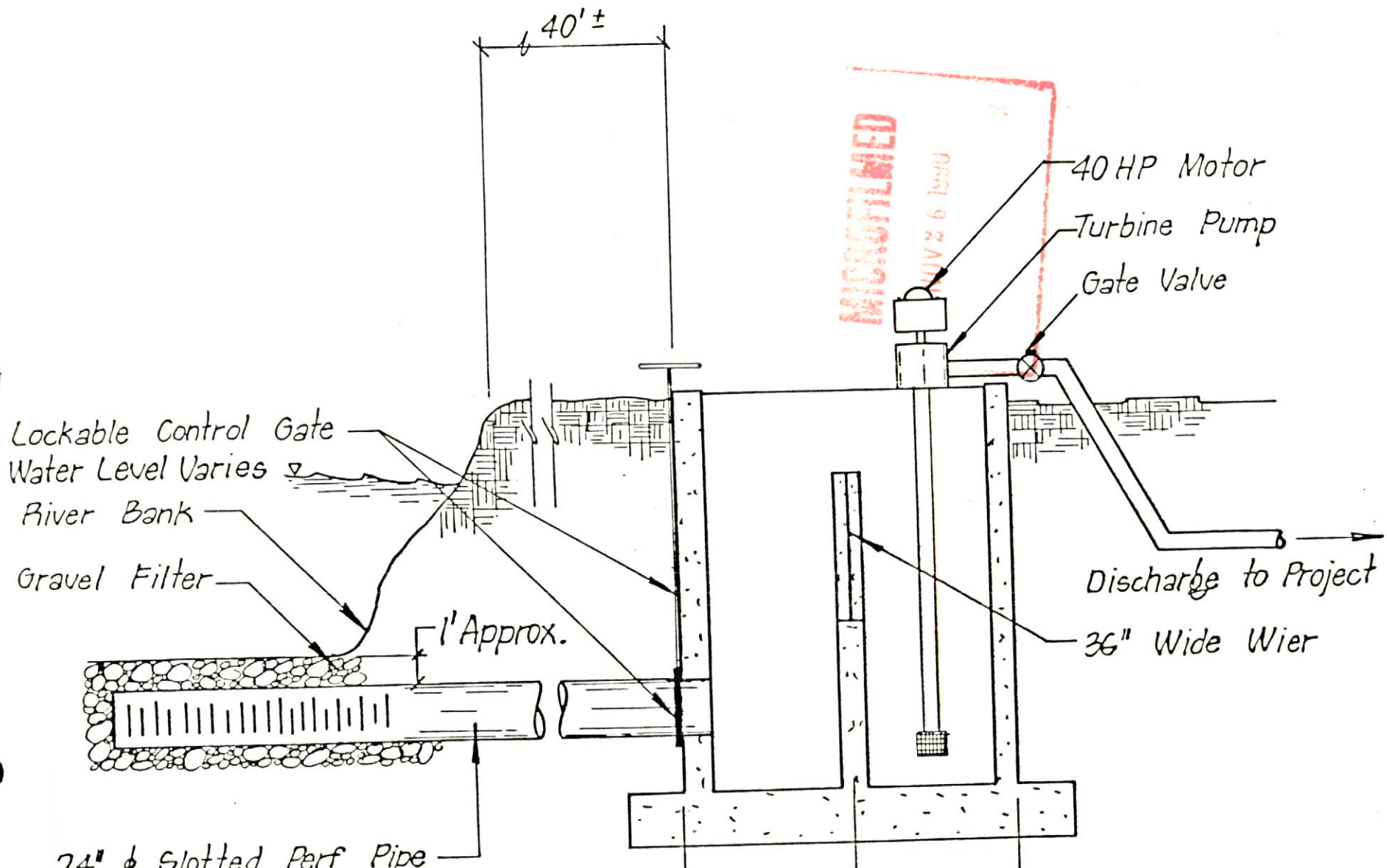
CASCEA ASSOCIATES; INC.



MICROFILMED
NOV 2 6 1990

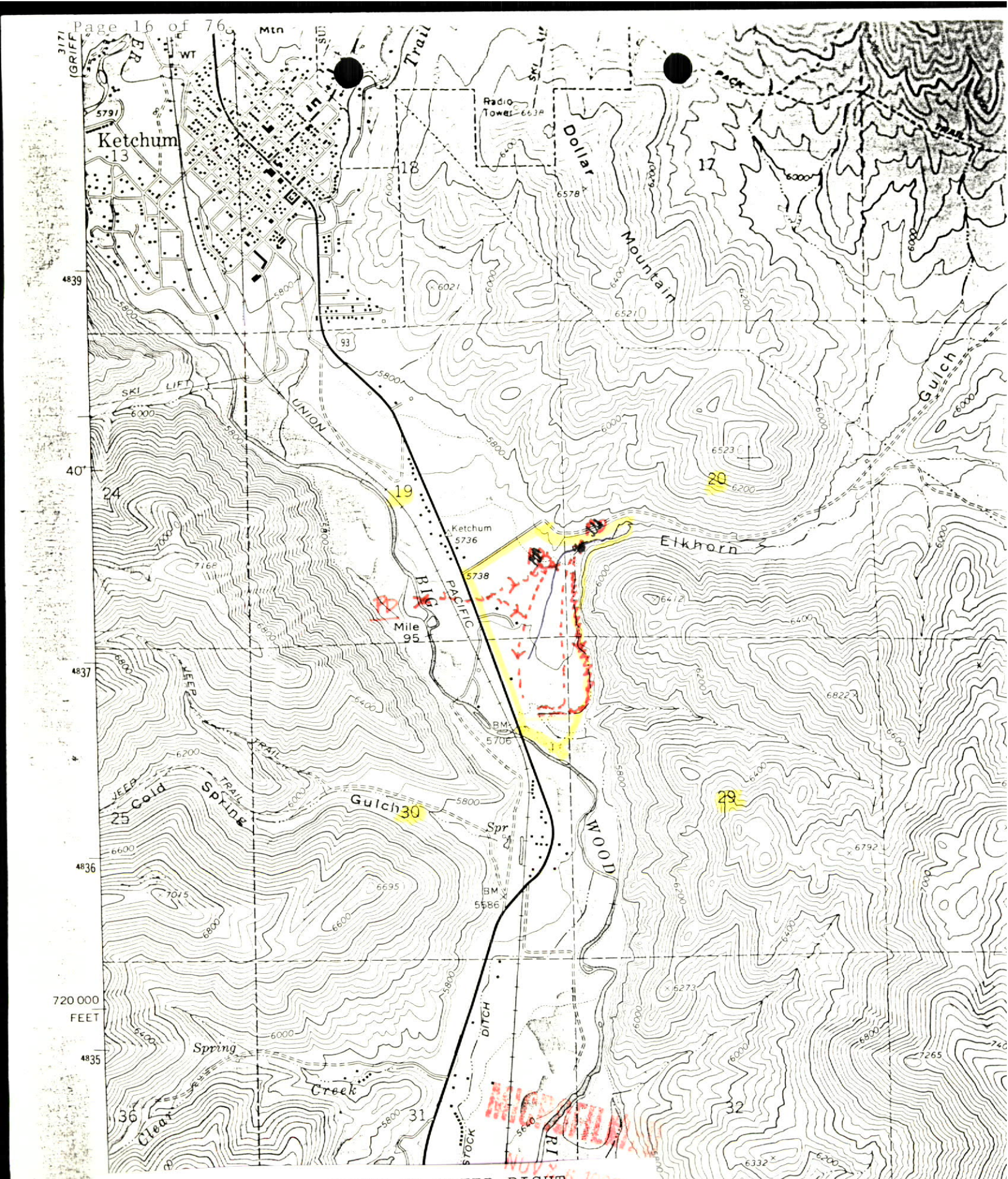
EHM Engineers Inc.
ENGINEERS · PLANNERS · SURVEYORS

CASCEA ASSOCIATES, INC.



LANE RANCH SUBD.
DIVERSION STRUCTURE
N.T.S.

CASCEA ASSOCIATES, INC.



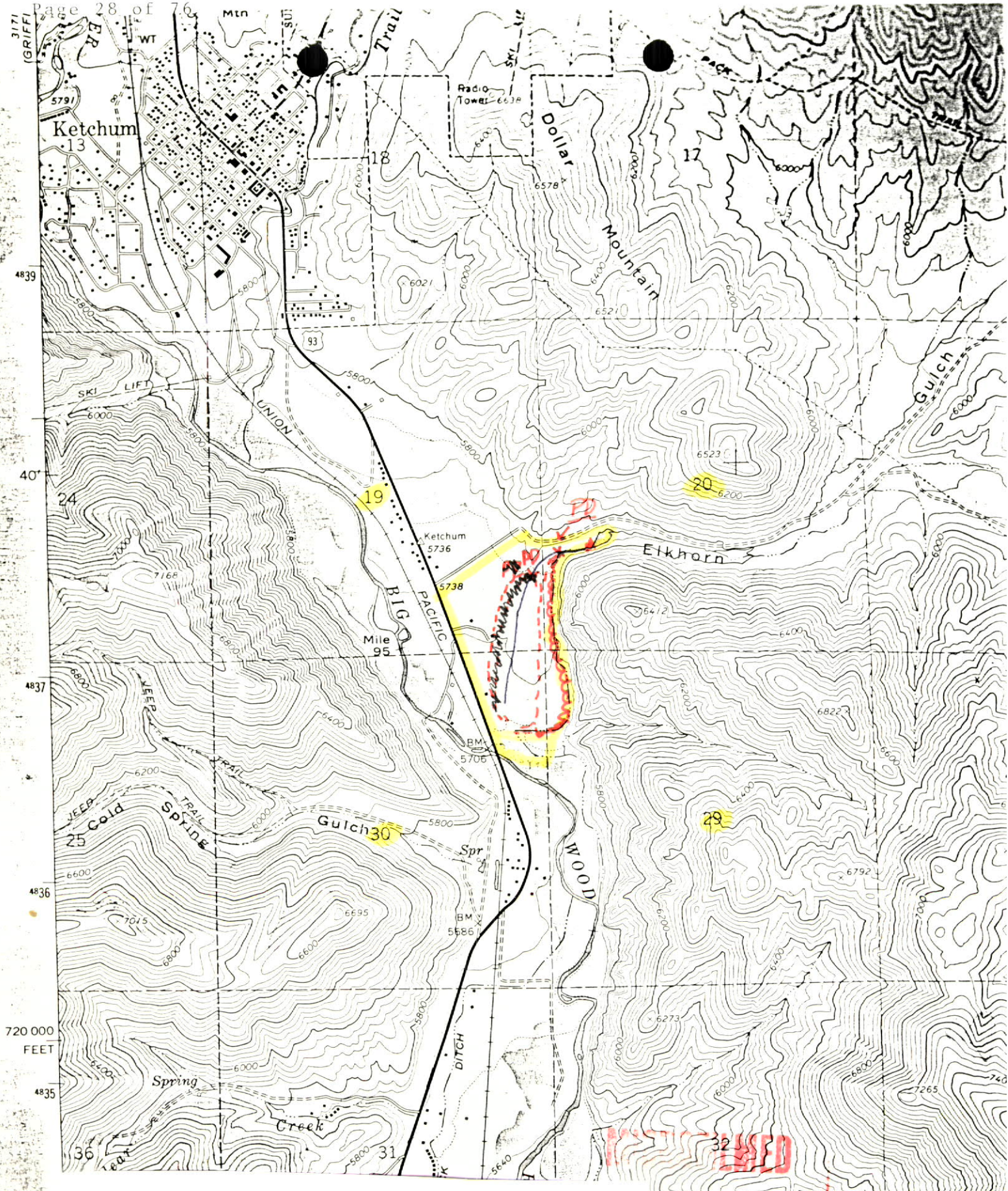
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3
A. Attach a USGS Map-Map 1 of 2.
Cascea Associates, Inc.-change in use app.
EXHIBIT C

RECEIVED
NOV 16 1990

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 3
A. Attach a USGS Map-Map 1 of 2.
Cascea Associates, Inc.-change in use app.
EXHIBIT C



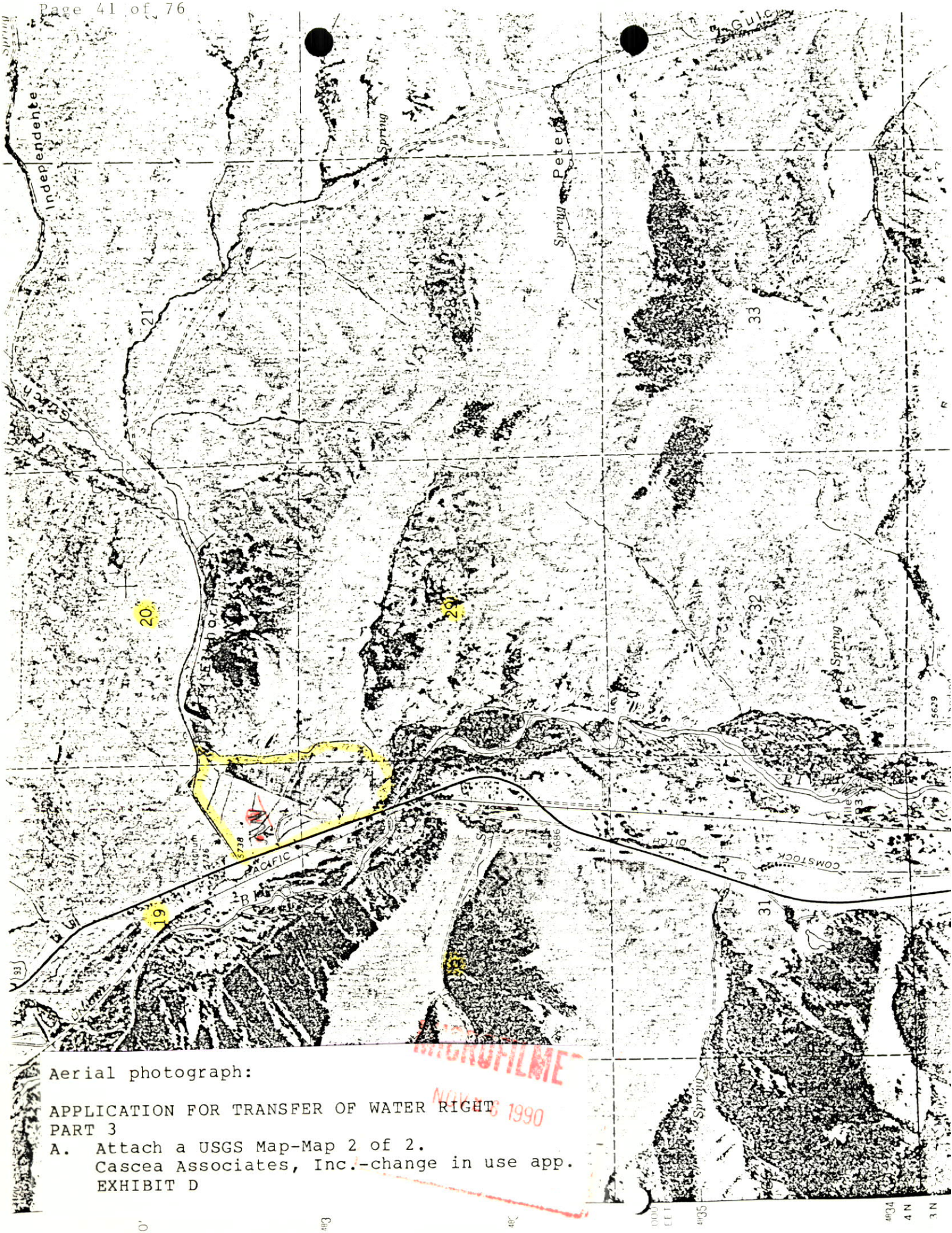
Aerial photograph:

MICROFILME
NOV 2 6 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.
EXHIBIT C

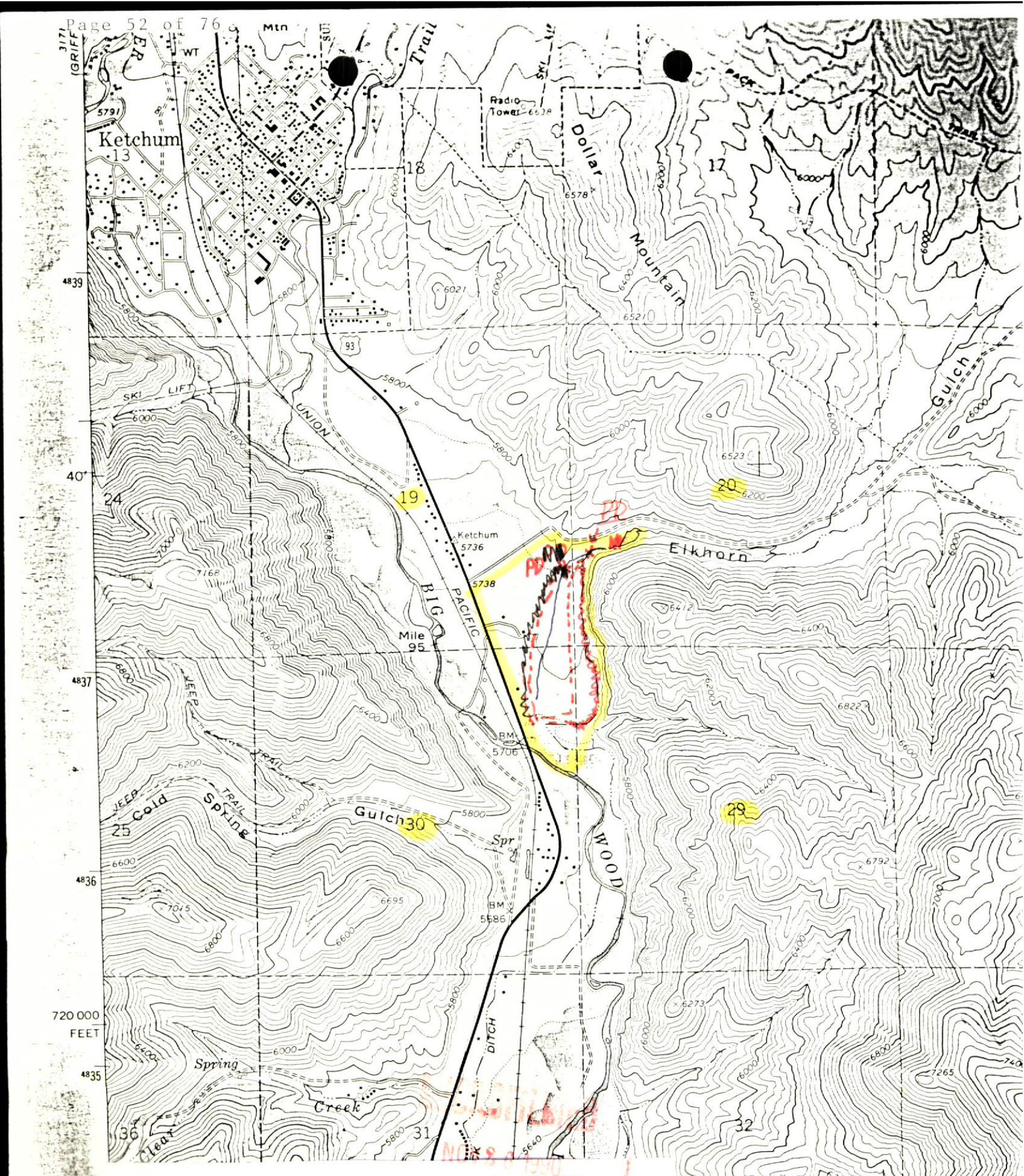
RECEIVED
NOV 26 1991



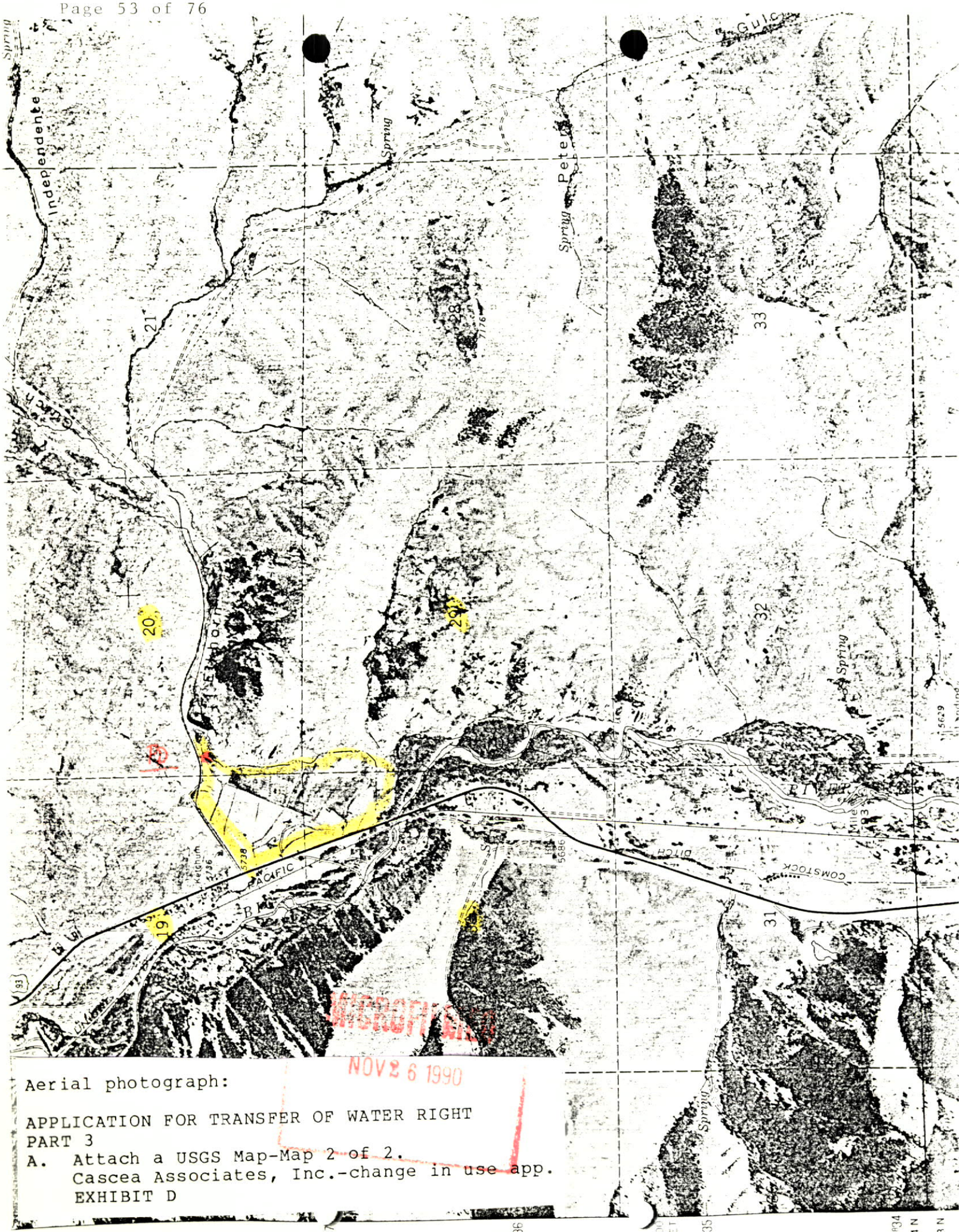
Aerial photograph:

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

MICROFILMED
NOV 13 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
PART 3
A. Attach a USGS Map-Map 2 of 2.
Cascea Associates, Inc.-change in use app.
EXHIBIT D

MICROFILMED
NOV 26 1990

THE LANE RANCH SUBDIVISION

FIRST PHASE

L O C A T E D I N

SE¼ SECTION 19, SW¼ SECTION 20,

NW¼ NW¼ SECTION 29, NE¼ NE¼ SECTION 30,

T. 4 N., R. 18 E., B.M.

BLAINE COUNTY, IDAHO

1989

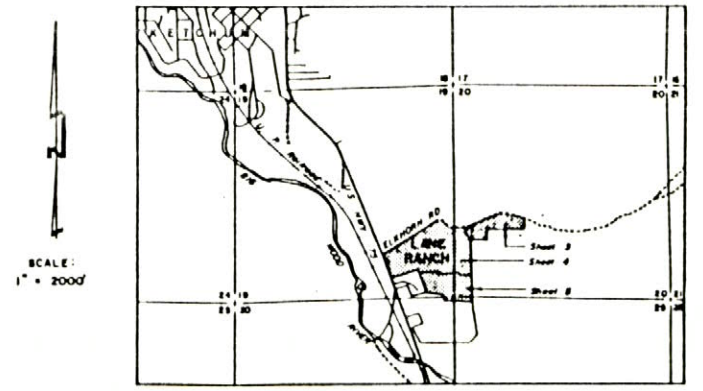
L E G E N D

SUBD. BOUNDARY LINE	BLDG. ENVELOPE WITH SWING TIE TO CENTROID
RIGHT OF WAY LINE	SET 1/2" x 24" REBAR & CAP
CENTERLINE OF ROAD	SET 5/8" x 30" REBAR & CAP
LOT LINE	INITIAL POINT - SET BRASS CAP
RED AVALANCHE ZONE	FOUND B.L.M. BRASS CAP
BLUE AVALANCHE ZONE	

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



EHM Engineers Inc.

SHEET 1 OF 7

CASCEA ASSOCIATES, INC.

CURVE DATA

CURVE	DELTA	RADIUS	ARC	CHORD	TAN	L.C.B.
C1	14° 55' 58"	870.00'	243.81'	243.09'	122.56'	N 71° 44' 08" W
C2	20° 14' 00"	530.00'	187.16'	186.20'	94.56'	N 79° 51' 08" W
C3	7° 30' 00"	530.00'	69.39'	69.34'	34.74'	N 86° 01' 08" W
C4	42° 30' 00"	84.70'	107.11'	104.59'	56.08'	N 69° 01' 08" W
C5	90° 00' 00"	200.00'	314.16'	282.84'	200.00'	S 44° 01' 08" E
C6	5° 00' 00"	1000.00'	87.27'	87.24'	43.65'	S 88° 31' 08" E
C7	5° 00' 00"	1000.00'	87.27'	87.24'	43.65'	S 83° 31' 08" E
C8	90° 00' 00"	33.00'	51.84'	46.67'	33.00'	S 45° 01' 08" E
C9	90° 00' 00"	33.00'	51.84'	46.67'	33.00'	S 44° 58' 52" W
C10	5° 00' 00"	333.00'	29.05'	29.04'	14.53'	S 47° 31' 08" E
C11	10° 00' 00"	330.00'	57.60'	57.52'	28.86'	S 42° 31' 08" E
C12	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 28° 01' 08" E
C13	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 5° 01' 08" E
C14	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 18° 01' 08" W
C15	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 41° 01' 08" W
C16	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 64° 01' 08" W
C17	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 87° 01' 08" W
C18	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 69° 58' 52" W
C19	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 46° 58' 52" W
C20	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 23° 58' 52" W
C21	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 0° 01' 08" W
C22	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 23° 01' 08" E
C23	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 46° 01' 08" E
C24	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 69° 01' 08" E
C25	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 87° 58' 52" W
C26	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 69° 58' 52" E
C27	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 46° 58' 52" E
C28	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 23° 58' 52" E
C29	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 0° 01' 08" E
C30	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 23° 01' 08" W
C31	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 46° 01' 08" W
C32	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 69° 01' 08" W
C33	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 87° 58' 52" E
C34	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 69° 58' 52" W
C35	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 46° 58' 52" W
C36	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 23° 58' 52" W
C37	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 0° 01' 08" W
C38	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 23° 01' 08" E
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C40	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 69° 01' 08" E
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C42	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 69° 58' 52" E
C43	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 46° 58' 52" E
C44	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 23° 58' 52" E
C45	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 0° 01' 08" E
C46	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 23° 01' 08" W
C47	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 46° 01' 08" W
C48	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 69° 01' 08" W
C49	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 87° 58' 52" E
C50	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 69° 58' 52" W
C51	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 46° 58' 52" W
C52	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 23° 58' 52" W
C53	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 0° 01' 08" W
C54	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 23° 01' 08" E
C55	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 46° 01' 08" E
C56	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 69° 01' 08" E
C57	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 87° 58' 52" W
C58	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 69° 58' 52" E
C59	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 46° 58' 52" E
C60	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 23° 58' 52" E
C61	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 0° 01' 08" E
C62	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 23° 01' 08" W
C63	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 46° 01' 08" W
C64	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 69° 01' 08" W
C65	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 87° 58' 52" E
C66	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 69° 58' 52" W
C67	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 46° 58' 52" W
C68	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 23° 58' 52" W
C69	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 0° 01' 08" W
C70	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 23° 01' 08" E
C71	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 46° 01' 08" E
C72	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 69° 01' 08" E
C73	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 87° 58' 52" W
C74	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 69° 58' 52" E
C75	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 46° 58' 52" E
C76	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 23° 58' 52" E
C77	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 0° 01' 08" E
C78	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 23° 01' 08" W
C79	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 46° 01' 08" W
C80	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 69° 01' 08" W
C81	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 87° 58' 52" E
C82	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 69° 58' 52" W
C83	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 46° 58' 52" W
C84	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 23° 58' 52" W
C85	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 0° 01' 08" W
C86	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 23° 01' 08" E
C87	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 46° 01' 08" E
C88	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 69° 01' 08" E
C89	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 87° 58' 52" W
C90	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 69° 58' 52" E
C91	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 46° 58' 52" E
C92	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 23° 58' 52" E
C93	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 0° 01' 08" E
C94	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 23° 01' 08" W
C95	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 46° 01' 08" W
C96	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 69° 01' 08" W
C97	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 87° 58' 52" E
C98	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 69° 58' 52" W
C99	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 46° 58' 52" W

CURVE DATA

CURVE	DELTA	RADIUS	ARC	CHORD	TAN	L.C.B.
C100	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 23° 58' 52" W
C101	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 0° 01' 08" W
C102	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 23° 01' 08" E
C103	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 46° 01' 08" E
C104	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 69° 01' 08" E
C105	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 87° 58' 52" W
C106	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 69° 58' 52" E
C107	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 46° 58' 52" E
C108	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 23° 58' 52" E
C109	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 0° 01' 08" E
C110	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 23° 01' 08" W
C111	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 46° 01' 08" W
C112	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 69° 01' 08" W
C113	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 87° 58' 52" E
C114	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 69° 58' 52" W
C115	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 46° 58' 52" W
C116	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 23° 58' 52" W
C117	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 0° 01' 08" W
C118	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 23° 01' 08" E
C119	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 46° 01' 08" E
C120	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 69° 01' 08" E
C121	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 87° 58' 52" W
C122	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 69° 58' 52" E
C123	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 46° 58' 52" E
C124	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 23° 58' 52" E
C125	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 0° 01' 08" E
C126	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 23° 01' 08" W
C127	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 46° 01' 08" W
C128	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 69° 01' 08" W
C129	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 87° 58' 52" E
C130	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 69° 58' 52" W
C131	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 46° 58' 52" W
C132	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 23° 58' 52" W
C133	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 0° 01' 08" W
C134	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 23° 01' 08" E
C135	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 46° 01' 08" E
C136	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 69° 01' 08" E
C137	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	N 87° 58' 52" W
C138	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 69° 58' 52" E
C139	23° 00' 00"	330.00'	132.47'	131.58'	67.08'	S 46° 58' 52" E

N O T E S

1. The real property within this plat is subject to the Annexation Agreement recorded as Instrument Number _____ as recorded in the office of the Blaine County Recorder, Hailey, Idaho.

2. The real property within this plat is subject to the ~~sphere~~ and water service independent resolution of the Sun Valley Water and Sewer District as recorded in the Blaine County Courthouse, Hailey, Idaho, Instrument Number _____.

3. There is a 10 foot wide utility and irrigation easement centered on all lot lines and adjacent to all street boundaries.

4. A 15 foot wide maintenance easement exists along the edge of all water courses and lakes. The easement shall be measured from the edge of water at design flow.

5. Portions of this property are located within defined avalanche zones. Avalanche studies and maps are available for inspection at the Sun Valley City Office.

6. No buildings, other than irrigation maintenance buildings, shall be allowed on Parcels B, C, D, and E. All buildings shall be approved by the City of Sun Valley.

7. Parcel A shall be utilized for the Lane Ranch Homeowners Association recreation facilities.

8. All roadways within this plat are private roadways and shall be maintained by the Lane Ranch Homeowners Association.

9. A 100 foot building setback exists along the Western boundary (S.H. 75) and a 50 foot building setback exists along the Northern boundary (Elkhorn Road). A Landscape and landscape maintenance easement shall exist over the above specified lands.

10. A bicycle path and maintenance easement is hereby provided along Elkhorn Road. The easement width is of sufficient width to maintain the bicycle path as constructed.

11. The minimum front building setback shall be 25 feet for Lots 4-11. All other lots shall have a minimum front setback of 20 feet.

12. The side line setback shall be a minimum of 25 feet for Lots 4-11. The side line setback shall be a minimum of 15 feet for Lots 66-72. All other lots shall have a minimum side lot setback of 20 feet.

13. The back of lot building setback shall be 15 feet for Lots 1-3, 90, 55-60, and 68-71. The back of lot building setback shall be 20 feet for Lots 61-89, 66-67, and 73. The back of lot building setback shall be 30 feet for Lots 73-81 and 104-112. The back of lot building setback shall be 50 feet for Lots 3, 81-54, and 60-63 along Elkhorn Road. The back of lot building setback shall be 100 feet for Lots 64-65 along Highway 75. The back of lot building setback for Lots 4-11 shall be determined by the avalanche zone lines.

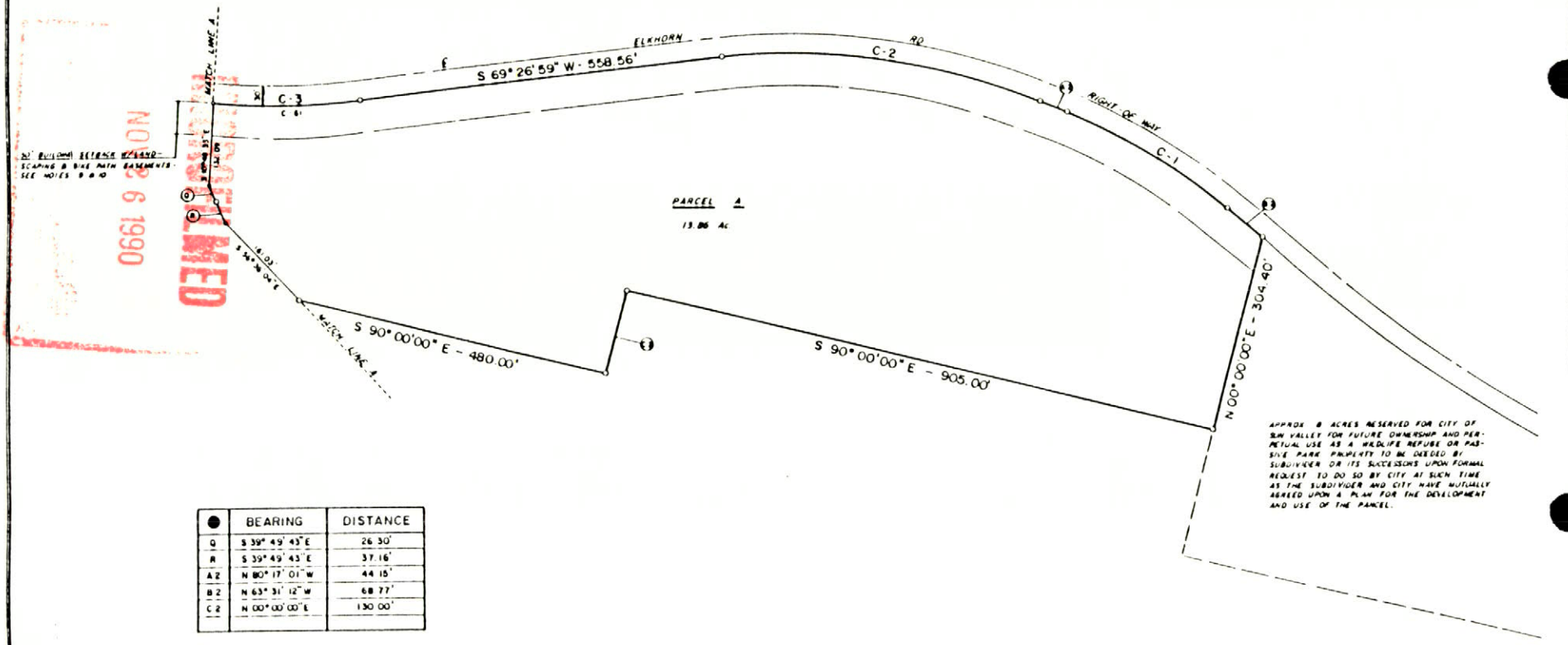
14. There exists along all walkways a maintenance easement of width sufficient for maintenance of walkways as constructed.

15. Roadway snow removal shall be by the Lane Ranch Homeowners Association.

CASCEA ASSOCIATES, INC.

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

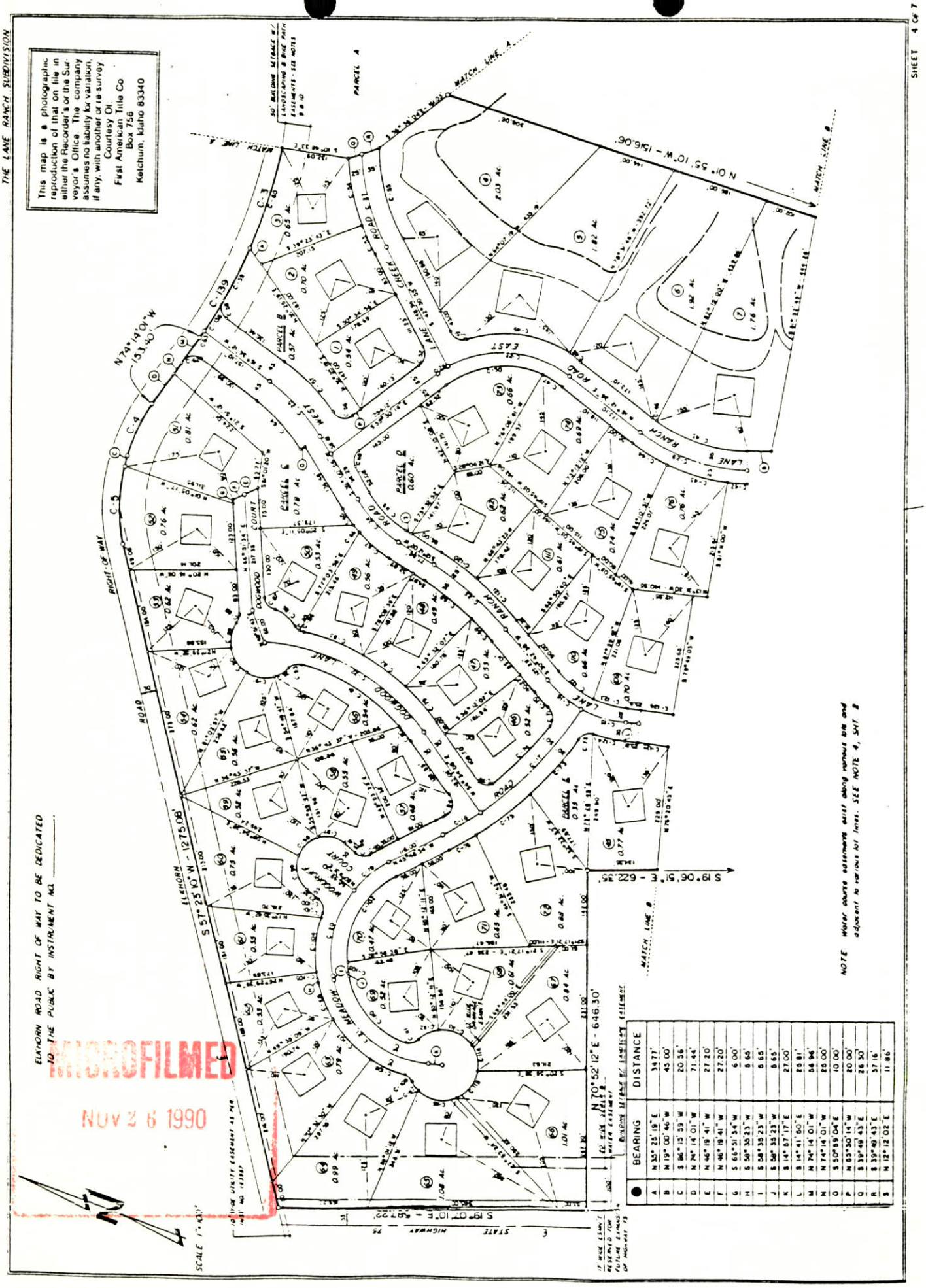
SCALE: 1" = 100'

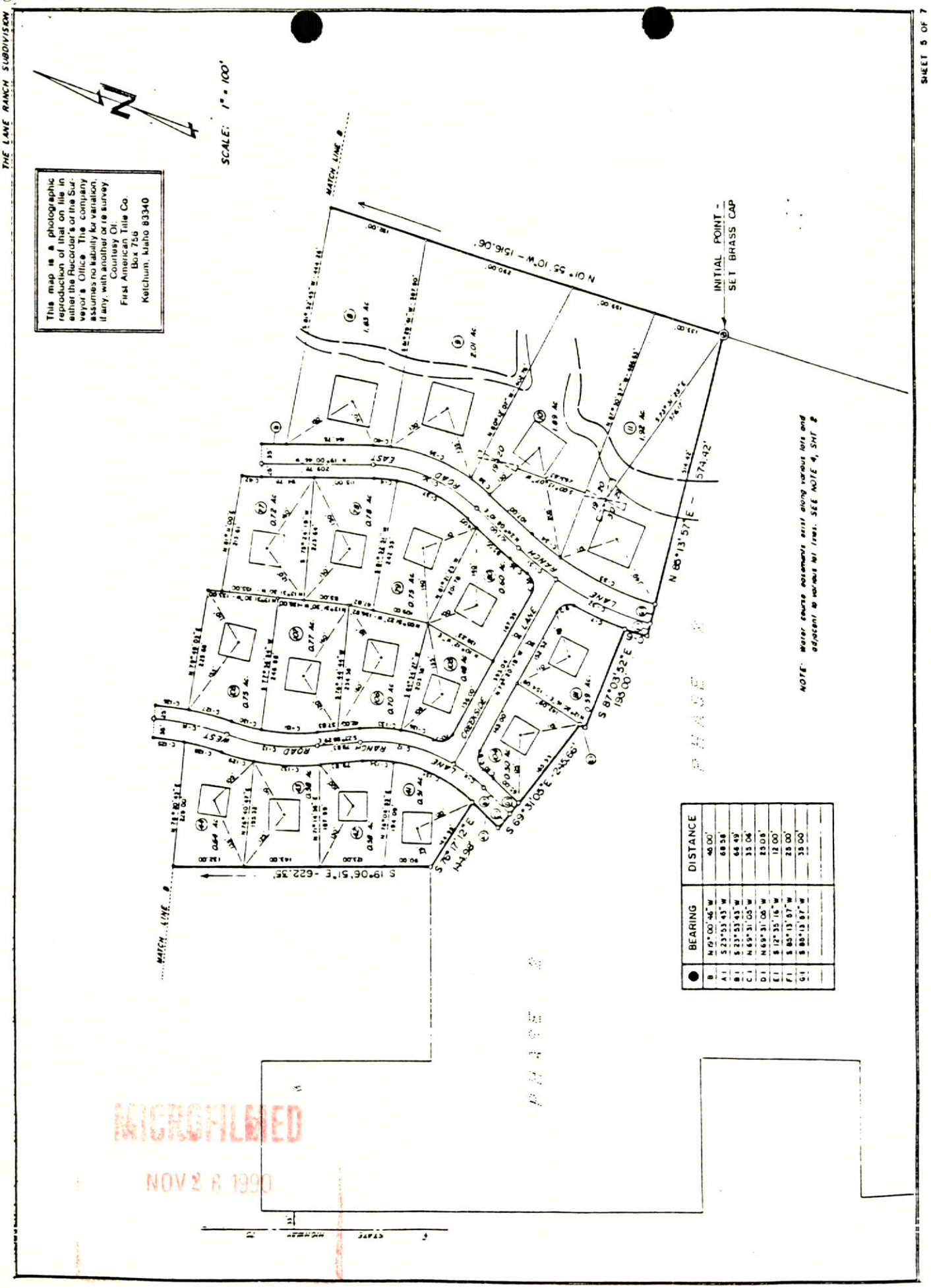


	BEARING	DISTANCE
Q	S 39° 49' 43" E	26.30'
R	S 39° 49' 43" E	37.16'
A2	N 80° 17' 01" W	44.15'
B2	N 63° 31' 12" W	68.77'
C2	N 00° 00' 00" E	130.00'

APPROX. 8 ACRES RESERVED FOR CITY OF SUN VALLEY FOR FUTURE OWNERSHIP AND PERPETUAL USE AS A WILDLIFE REFUGE OR PASSIVE PARK PROPERTY TO BE DEEDED BY SUBDIVIDER OR ITS SUCCESSORS UPON FORMAL REQUEST TO DO SO BY CITY AT SUCH TIME AS THE SUBDIVIDER AND CITY HAVE MUTUALLY AGREED UPON A PLAN FOR THE DEVELOPMENT AND USE OF THE PARCEL.

RECEIVED NOV 6 1990


THE LANE RANCH SUBDIVISION
SHEET 4 OF 7
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 756
Ketchum, Idaho 83340
ELKHORN ROAD RIGHT OF WAY TO BE DEDICATED TO THE PUBLIC BY INSTRUMENT NO. _____.
MICROFILMED
NOV 26 1990
N 70°52'12" E - 646.30'
S 19°06'51" E - 622.35'
S 19°07'10" E - 687.22'
N 0° 55' 10" W - 1546.06'
N 74°49'01" W 153.40'
S 57° 25' 10" W - 1275.08'
PARCEL A
PARCEL B 0.60 AC.
PARCEL C 0.57 AC.
PARCEL D 0.78 AC.
PARCEL E 0.55 AC.
PARCEL F 0.77 AC.
ROAD
LANE
COURT
RANCH
EAST
WEST
RIGHT-OF-WAY
ELKHORN
WOODWOOD
MEADOW
CHIEFTAIN
MATCH LINE A
MATCH LINE B
STATE HIGHWAY 75
SCALE 1" = 100'
NOTE WATER COURSE EASEMENTS WILL ALONG VARIOUS SIDE AND ADJACENT TO VARIOUS LOT LINES. SEE NOTE 4, SHT 2
BEARING
DISTANCE
A N 55° 25' 19" E 34.77'
B N 19° 00' 46" W 45.00'
C S 86° 15' 59" W 20.56'
D N 74° 14' 01" W 71.44'
E N 46° 19' 41" W 27.20'
F N 46° 19' 41" W 27.20'
G S 61° 51' 34" W 6.00'
H S 58° 35' 23" W 8.65'
I S 58° 35' 23" W 8.65'
J S 58° 35' 23" W 8.65'
K S 14° 57' 17" E 27.00'
L S 14° 41' 60" E 28.81'
M N 74° 14' 01" W 84.96'
N N 74° 14' 01" W 85.00'
O S 50° 59' 04" E 10.00'
P N 83° 30' 14" W 80.00'
Q S 39° 49' 43" E 26.50'
R S 39° 49' 43" E 37.16'
S N 12° 12' 02" E 11.86'



MICROFILMED
NOV 2 6 1990

AFFIDAVIT of PUBLICATION

State of Idaho, } SS.
County of Blaine

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.

Daniel J. Gorham

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

Roberta McKercher
NOTARY PUBLIC

#6764

OK MB 10/20/89

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line	11	
Number of Lines in Notice	198	
Number of Insertions	2	
____ Lines tabular at	____	5.5¢/Pica
198 Lines straight at	108.90	5¢/Pica
198 Subsequent lines at	87.12	5.5¢/Pica
TOTAL COST	196.02	

OK

MICROFILMED
NOV 6 1990

COPY OF NOTICE
(Paste Here)

Proposed Change #37-00081...
TITLE OF NOTICE (Cascea)

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, 37-04016

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: SE1/4-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; 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

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

AFFIDAVIT of PUBLICATION

State of Idaho, } SS.
County of Lincoln }

Cheri Miller, being first duly sworn, deposes and says that he is the printer (publisher) of the Lincoln County Journal, a newspaper published every week in Shoshone, Lincoln County, State of Idaho; that said newspaper has been continuously and uninteruptedly 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 21 day of February, 19 85, and the date of the last publication was on the 28 day of February, 19 85.

Cheri Miller

Subscribed and sworn to before me this 28 day of February, 19 85.
(SEAL)

Marylynn Hagen
NOTARY PUBLIC

LINCOLN COUNTY JOURNAL
Shoshone, Idaho

COST OF PUBLICATION

Number of Lines in Notice		
Number of Insertions		
Lines tabular at	315c	
44 Lines straight at	52 21c	22.88
44 Subsequent lines at	39 15c	17.16
TOTAL COST		40.04

MICROFILMED

COPY OF NOTICE

NOTICE OF APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE OF A WATER RIGHT NO. 37-0081

Notice is hereby given that Edward Downe, Jr., of Twin Falls, Idaho has applied to the Department of Water Resources for an extension of time to avoid forfeiture of a water right. The right is evidenced by decree to James H. Bonning in case of S.C. Frost vs Alturas Water Co., dated December 13, 1909 in the Fourth Judicial District Court, County of Lincoln and is further described as follows:

Amount: 4 cfs or 200 inches

Priority: June 1, 1884
Point of Diversion: S½SE¼, Sec. 19; N½NE¼, Sec. 30, T4N, R18E
The water is used for irrigation of 160 acres from April 1 to September 30 within the S½SE¼, Sec. 19; N½NE¼, Sec. 30, T4N, R18E
Reason for non-use: The delivery ditch has been removed due to landscaping.
Time will be required to restore it.
Any protest against the approval of the above proposed application must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301, on or before March 11, 1985.

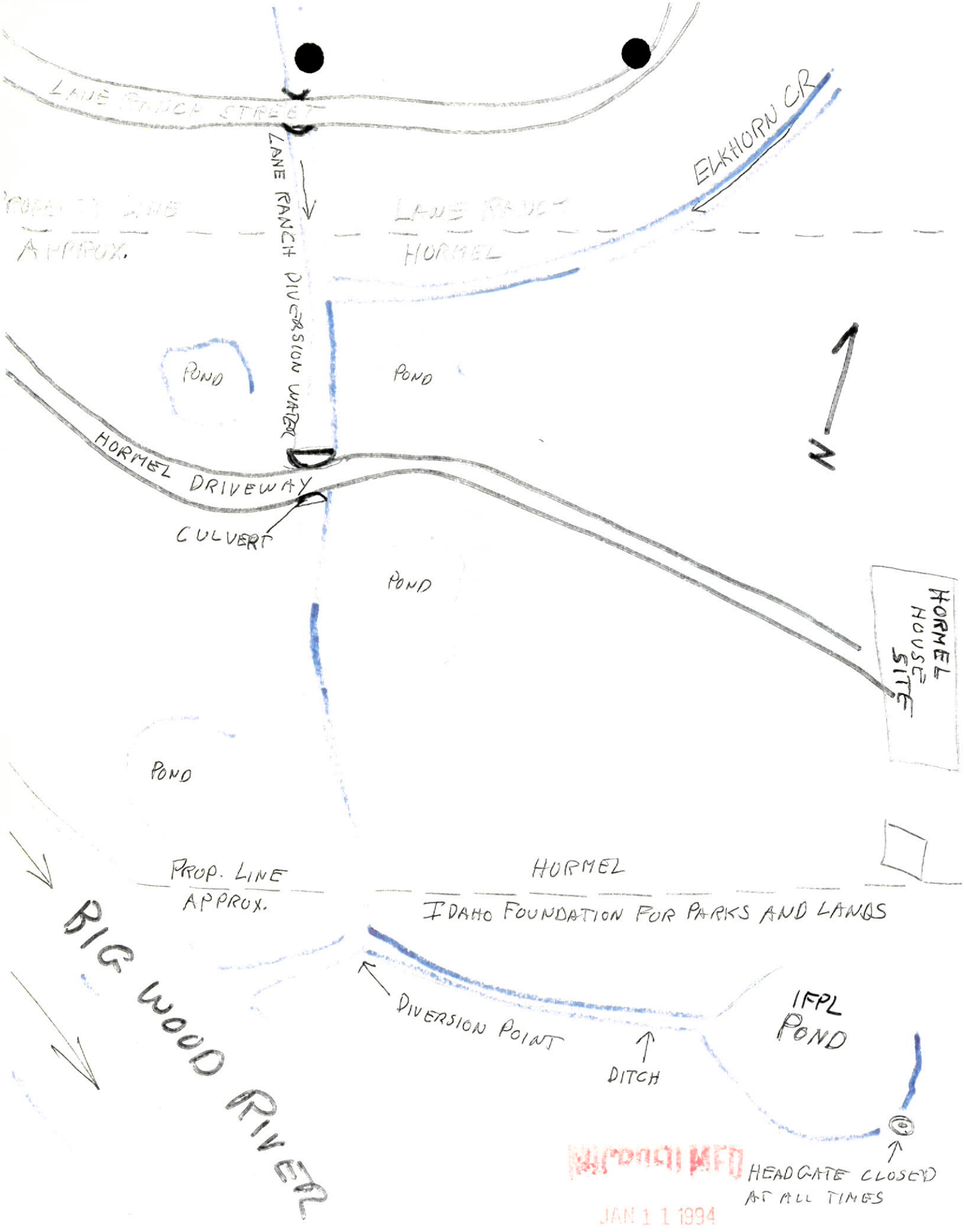
A. KENNETH DUNN
Director

Published in Lincoln County Journal on February 21 and February 28, 1985

PUBLICATION RATES
(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight	21c
7 pt. per line, tabular	315c
7 pt. per line, successive insertions	15c

RECEIVED
No. 2615
MAR 6 1985
Department of Water Resources
Southern District Office



RECEIVED
JAN 11 1994

AFFIDAVIT of PUBLICATION

RECEIVED
JAN 05 1992
Department of Water Resources
Southern Region Office

State of Idaho, } SS.
County of Blaine

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 11 day of Dec. 1991, and

the date of the last publication was on the 18 day of Dec., 1991.

Daniel J. Gorham

Subscribed and sworn to before me this 18 day of Dec., 1991.
(SEAL)

Roberta McKechan
NOTARY PUBLIC

7956

WOOD RIVER JOURNAL
Hailey, Idaho

PAID ON JAN 13 94

COST OF PUBLICATION

JAN 11 1994

Number of Picas per Line
Number of Lines in Notice 126
Number of Insertions

	Lines tabular at		6¢ / Pica
126	Lines straight at	69.30	5¢ / Pica
126	Subsequent lines at	55.44	4¢ / Pica
TOTAL COST		129.74 5.00	

COPY OF NOTICE
(Paste Here)

Proposed change
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

T.F. Water Dept
BILL TO

Cascea/Hormel seek water right change

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

Notice is hereby given that CASCEA ASSOCIATES, INC. & THOMAS D. HORMEL, c/o J. Evan Robertson, Twin Falls, ID, have 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 AS RECORDED
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; Transfer No. 3609.
Source: Big Wood River tributary to Malad River
Priority Date: 6/1/1884
Amount of Water: 0.74 cfs
Use: Irrigation
Amount of Water: 3.26
Use: Aesthetic, Recreation & Wildlife
Point(s) of Diversion: SW1/4SE1/4, S19, T4N, R18E; Blaine County.
Place of Use: 24.4 acres within NE1/4SE1/4, SW1/4SE1/4, SE1/4SE1/4, S19, T4N, R18E; NW1/4SW1/4, S20, T4N, R18E; NW1/4NW1/4, S29, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E; Blaine County.

Publication Rates
As of Jan., 1990
(Idaho Code, Reb. Statutes 1984)
7-8 pt./line straight: .5/pica
7-8 pt./line tabular: .6/pica
7-8 pt./line successive insertion: .4/pica

№ 7956

PORTION(S) OF RIGHTS TO BE CHANGED

Water Right No.: 37-00081, Transfer No. 3609
Amount of Water: .02 cfs
Point of Diversion: Same
Place of Use: 2.8 acres within NE1/4NE1/4, S30, T4N, R18E; Blaine County.

WATER RIGHT AS RECORDED

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; Transfer No. 3609.
Source: Elkhorn Creek tributary to Big Wood River
Priority Date: 6/1/1884
Amount of Water: .74 cfs
Use: Irrigation
Amount of Water: 1.20 cfs
Use: Wildlife, Aesthetic & Recreation
Point(s) of Diversion: SE1/4SE1/4, S19, T4N, R18E; NW1/4SW1/4, S20, T4N, R18E; Blaine County.
Place of Use: 24.4 acres within NE1/4SE1/4, SW1/4SE1/4, SE1/4SE1/4, S19, T4N, R18E; NW1/4SW1/4, S20, T4N, R18E; NW1/4NW1/4, S29, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E; Blaine County.

PORTION(S) OF RIGHTS TO BE CHANGED

Water Right No.: 37-00082, Transfer No. 3609
Amount of Water: .02 cfs
Point of Diversion: Same
Place of Use: 2.8 acres within NE1/4NE1/4, S30, T4N, R18E; Blaine County.

WATER RIGHT NO. 37-00081 & ADJUDICATION CLAIM NO. A37-00081 TO BE CHANGED AS FOLLOWS:

Water Right No.: 37-00081
Water Use: Aesthetic & Wildlife
Amount: .02 cfs
Period of Use: 4/1 to 11/1

WATER RIGHT NO. 37-00082 & ADJUDICATION CLAIM NO. A37-00082 TO BE CHANGED AS FOLLOWS:

Water Right No.: 37-00082
Water Use: Aesthetic & Wildlife
Amount: .02 cfs
Period of Use: 4/1 to 11/1

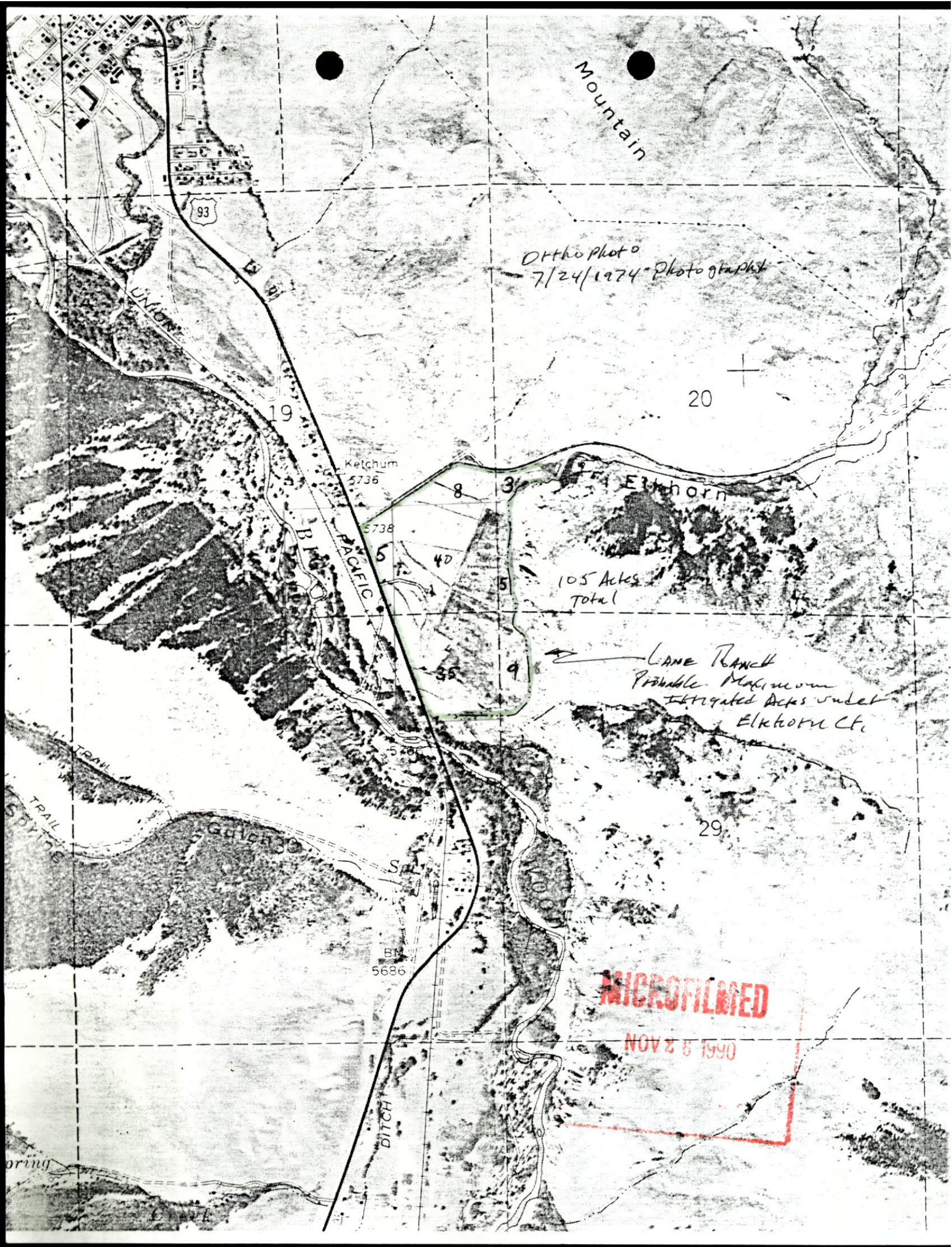
Total amount being transferred: .02 cfs

Source: Elkhorn Creek tributary to Big Wood River; Big Wood River tributary to Malad River
Priority Date: 6/1/1884
Point of Diversion: SW1/4SE1/4, S19, T4N, R18E (Diversion from Big Wood River); NE1/4NE1/4, S30, T4N, R18E (Diversion from Elkhorn Creek, re-diversion from Big Wood River); Blaine County.
Place of Use: 1.3 acres within NE1/4NE1/4, S30, T4N, R18E; Blaine County.

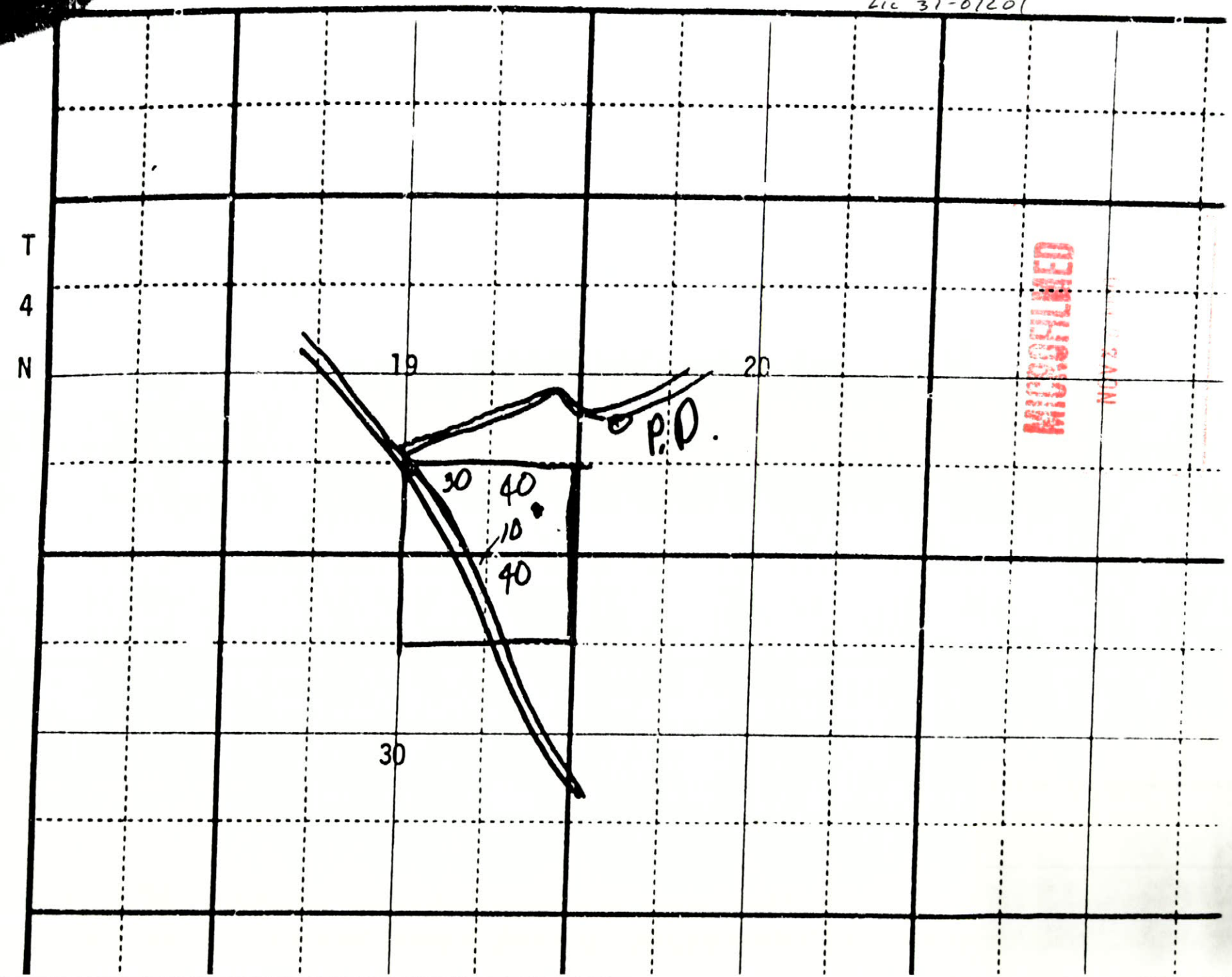
Any protest against approval of the application for transfer must be filed with the Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301, on or before December 30, 1991.

R. Keith Higginson, Director

Publish: Wood River Journal--December 11 & 18, 1991.


Mountain
Ortho Photo
7/24/1974 - Photograph
93
UNION
19
20
Ketchum
5736
5738
PACIFIC
Elkhorn
105 Acres
Total
LANE RANCH
Probable Maximum
Irrigated Acres under
Elkhorn Ct.
TRAIL
TRAIL
Gulch
BM
5686
29
DITCH
MICROFILMED
NOV 2 6 1990

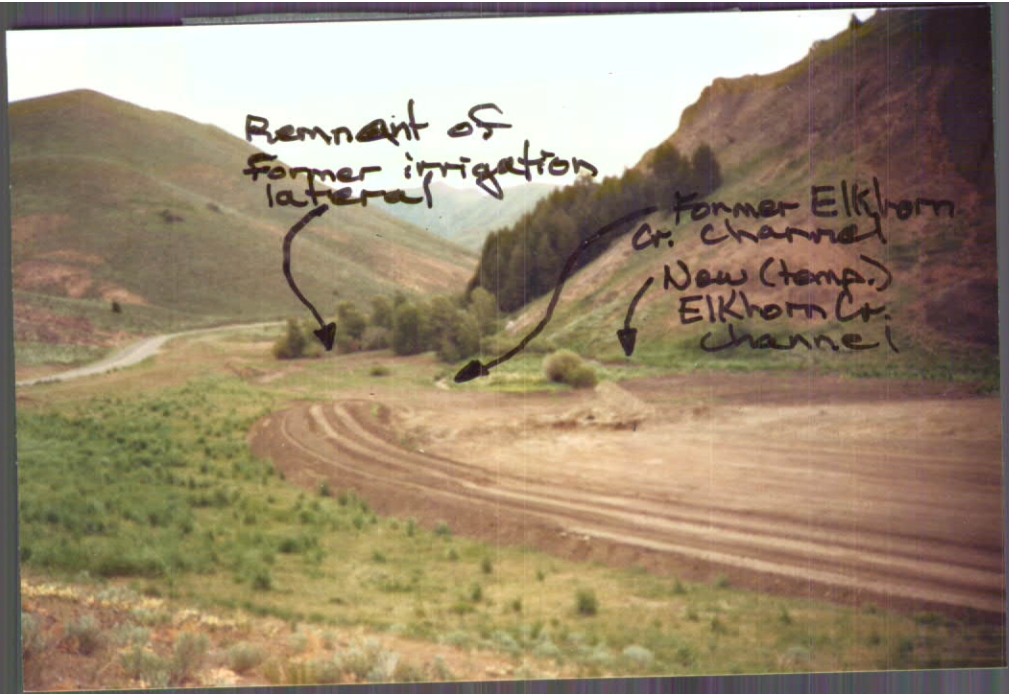
Rge. 18E Field Report
Lic 37-07201










Remnant of former irrigation lateral
Former Elkhorn Cr. channel
New (temp.) Elkhorn Cr. channel













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.

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE
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

SOURCE	TRIBUTARY OF
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/~~01~~ 31	1.20 CFS
RECREATION	01/01 to 12/~~01~~ 31	1.20 CFS
AESTHETIC	01/01 to 12/~~01~~ 31	1.20 CFS
	Total	1.20 CFS

Priority: 06/01/1884

SOURCE	TRIBUTARY OF
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 1 1 1994

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

Right Nos. 37-00081 and 37-00082 :
PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
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. 37-000081 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.

APPROVED

JAN 1 1 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.

R. Glen Saxton
Chief, Water Alloc. Bureau

JAN 11 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 3881 OF WATER RIGHT NOS. 37-0081 AND 37-0082 IN THE NAME OF CASCEA ASSOCIATES, INC. AND THOMAS D. HORMEL

PRELIMINARY ORDER

This matter having come before the Idaho Department of Water Resources (department) in the form of a protested application for transfer, the department having held a conference in the matter, the Director of the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On October 9, 1990, the department approved Transfer No. 3609 of water right no. 37-0081 in the name of CASCEA Associates, Inc. The transfer changed and limited the right as follows:

Source: Big Wood River
Priority: June 1, 1884
Point of div: SW1/4SE1/4 Section 19, T4N, R18E,BM.
Place of use: Parts of Sections 19, 20, 29 and 30, T4N, R18E,BM. There are 24.4 irrigated acres.

Rate	Nature of Use	Period of Use
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 total flow rate and annual volume diverted for irrigation purposes when considering this right and right no. 37-0082 together was limited to not exceed a combined total of 0.74 cfs nor 73.4 acre feet.

2. Transfer No. 3609 also changed and limited water right no. 37-0082 as follows:

Source: Elkhorn Creek
Priority: June 1, 1884
Point of div: SE1/4SE1/4 Section 19, T4N, R18E,BM.
NW1/4SW1/4 Section 20, T4N, R18E,BM.
Place of use: Parts of Sections 19, 20, 29 and 30, T4N,

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R18E,BM. There are 24.4 irrigated acres.

Rate	Nature of Use	Period of Use
0.74 cfs	irrigation	4-1 through 11-01
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

The total rate and annual volume diverted for irrigation purposes when considering this right and right no. 37-0081 together was limited to not exceed a combined total of 0.74 cfs and 73.4 acre feet.

3. On July 9, 1991, CASCEA Associates, Inc. and Thomas D. Hormel (applicant) filed application for transfer no. 3881 of water rights 37-0081 and 37-0082 with the department. The application proposed to change the nature and the place of use of 0.02 cfs of water. The proposed change in place of use is from 2.8 acres within the northern part of the NE1/4NE1/4 Section 30, T4N, R18E,BM. to 1.3 acres in the southern part of the same tract. The proposed change in nature of use was described on the application as being from irrigation of lawn, trees and shrubs to use in a natural wetland. The wetland actually consists of four (4) small ponds constructed on land owned by Thomas D. Hormel.

4. The department advertised the application which was subsequently protested by Friends of the Big Wood River.

5. The department scheduled a hearing in the matter but cancelled the hearing since the protestant withdrew its protest.

6. The applicant plans to forego the irrigation of 2.8 acres of the 24.4 authorized for irrigation in the northern part of the NE1/4NE1/4 Section 30, T4N, R18E,B.M. and to use the water for wetland purposes.

7. The amount of water annually consumed in the irrigation of one (1) acre of land is approximately equal to the amount of water which would evaporate from a pond with a one (1) acre surface area.

CONCLUSIONS OF LAW

1. Section 42-222, Idaho Code, provides in pertinent part as follows:

> The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original

JAN 11 1994

right, the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code.

2. Water rights 37-0081 and 37-0082 provide a diversion rate of 0.03 cfs per irrigated acre (0.74 cfs/24.4 acres). The volume of water for each acre is 3 AF (73.4/24.4).

3. For each acre of new irrigation development or new use with an equivalent consumption of water, the applicant should forego the irrigation of an existing acre of land together with its associated rate and volume of water.

4. Approval of the application will not injure existing water rights if the approval is properly conditioned.

5. Approval of the application will not constitute an enlargement in water use over that amount already authorized for use if the approval is properly conditioned.

6. The application is consistent with the conservation of water resources in Idaho provided the applicant complies with the conditions of approval.

7. The department should approve the application with certain conditions and limitations.

ORDER

IT IS THEREFORE, hereby ORDERED that Application for Transfer no. 3881 of water right nos. 37-0081 and 37-0082 is **APPROVED** subject to the conditions shown on the approved transfer document.

Signed this 9th day of December, 1993.

L. GLEN SAXTON, Chief
Water Allocation Bureau

JAN 11 1994

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 21st day of December, 1993, I mailed a true and correct copy, postage prepaid, of the foregoing Preliminary Order to the following:

Cascea Assoc. Inc.
Thomas D. Hormel
C/O J. Evan Robertson
PO Box 1906
Twin Falls ID 83303-1906

Donna L. Corless
Clerical Specialist

JAN 11 1994

Form 222
1-87

Page 1 of 8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUL 29 1991
Southern Region Office

Transfer No. 3881

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

RECEIVED
AUG 12 1993
Department of Water Resources

Name of applicant CASCEA Associates, Inc., an Idaho corporation and Thomas D. Hormel Phone 734-0700

Post Office address c/o J. 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.				to
				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 / Big Wood River tributary to 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

JAN 11 1994

Total acres 1.3

Transfer No. 3881

PART 1

6. General Information:

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

DIVISION OF WATER

JAN 11 1994

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

Transfer No. 3881

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

RECEIVED
AUG 12 1993
Department of Water Resources

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

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

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

6. Total amount of water under right 4.0 200" 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
		SW	SE	19	04N	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	
04N	18E	19													3.7		3.5	5.6	12.8
		20										3.1							3.1
		30	8.0																8.0
		29						.5											.5

JAN 11 1994

Total acres 24.4

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

PART 2

Transfer No. 3881

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

2. Point(s) of Diversion: Same

Lot	¼	¼	¼	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 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	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" (cfs/ac-ft) for Irrigation purposes from 4-1 to 11-1
amount 3.26 163" (cfs/ac-ft) for Wildlife, Aesthetic, and Recreation purposes from 4-1 to 11-1
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	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 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	–												3.7		3.5	5.6	12.8
		20										3.1							3.1
		30	5.2																5.2
		29						.5											.5

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WATER RESOURCES

Total acres 21.6

Transfer No. 3881

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

RECEIVED
AUG 12 1993
Department of Water Resources

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 River

4. Date or priority 6-1-1884

5. Water is used for the following purpose:

amount 74 cfs 37" (cfs/ac-ft) for Irrigation purposes from 4-1 to 11-1

amount 1.20 cfs 60" (cfs/ac-ft) for Wildlife, Aesthetic, and Recreation purposes from 1-01 to 12-31

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

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	¼	¼	¼	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 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										"			3.7		3.5	5.6	12.8
		20										3.1							3.1
		30	8																8.0
		29						.5											.5

JAN 11 1994

Total acres 24.4

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

PART 2

Transfer No. 3881

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

2. Point(s) of Diversion: Same

Lot	¼	¼	¼	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 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	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 (cfs/ac-ft) 3½ for Irrigation purposes from 4-1 to 11-1
   amount 1.2 (cfs/ac-ft) 60' for Wildlife, Aesthetic, and Recreation purposes from 1-1 to 12-31
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	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 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	–												3.7		3.5	5.6	12.8
		20										3.1							3.1
		30	5.2																5.2
		29						.5											.5

RECEIVED JAN 11 1994

Total acres 21.6

Transfer No. 3881

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"

JAN 1 1 1994

SCALE: 2 inches equal 1 mile. Draw plan in ink.

Transfer No. 3881

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	Aesthetic + Wildlife	0.02	24hr/215d/yr	4/1 to 11/1
				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 attachments
Received by HB Date 7/9/91
Prelim. check by J.G. Stanton Fee $30 ch # 18601
Receipted by DF Date 7/9/91 5013515
Published in Wood River Journal
Pub. dates 12/11 + 12/18/91
Watermaster recommendation requested on 12/6/91
_____ rec'd. 1/17/92
Copy of transfer sent to lien holder _____

Protest filed by _____
Copies of protest forwarded by _____
Hearing held by _____ Date _____
Recommended for ☑ approval ☐ denial
by _____

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JAN 11 1994

I hereby assert that no one will be injured by such change and that the change does not consitute 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.

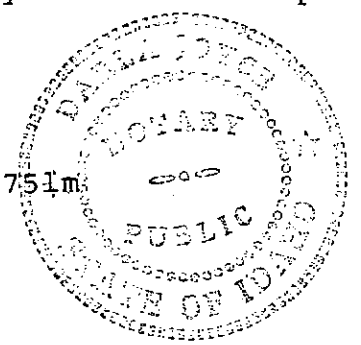
(Signature of Applicant)

Subscribed and sworn to before me this 14th day of June, 1991.

(Notary Public)

My commission expires 4-26-95

5751m



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OCT 02 1991
Department of Water Resources
Southern Region Office

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JAN 11 1994

I hereby assert that no one will be injured by such change and that the change does not consitute 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. Hormel, by [illegible] C/H/L
(Signature of Applicant)
Its attorney in fact

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

[illegible]
(Notary Public)

My commission expires 6-96

5751m

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JUL 08 1991
Department of [illegible]
Southern Region

MICROFILMED
JAN 11 1994

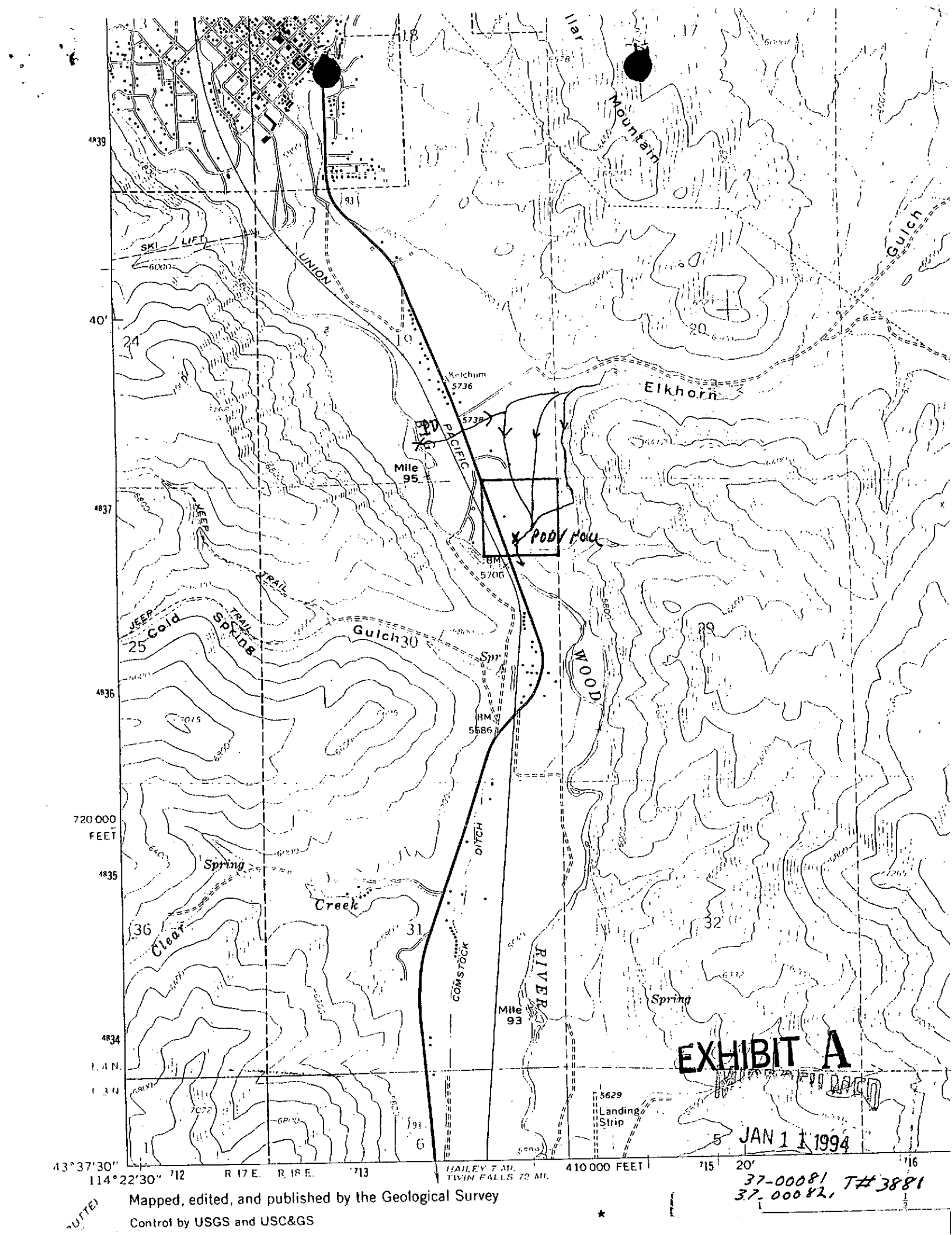


EXHIBIT A

JAN 1 1 1994

37-00081 T#3881
37-00082,

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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JAN 11 1994

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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I hereby assert that no one will be injured by such change and that the change does not consitute 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.

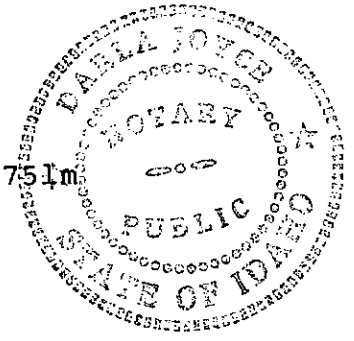
(Signature of Applicant)

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

(Notary Public)

My commission expires 4-26-95

5751m



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JUL 02 1991
Department of Water Resources
Southern Region Office
JAN 11 1994

I hereby assert that no one will be injured by such change and that the change does not consitute 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. Hamel, by J.C. Hall
(Signature of Applicant)
Its attorney in fact

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

Carolyn Graham
(Notary Public)

My commission expires 6-96

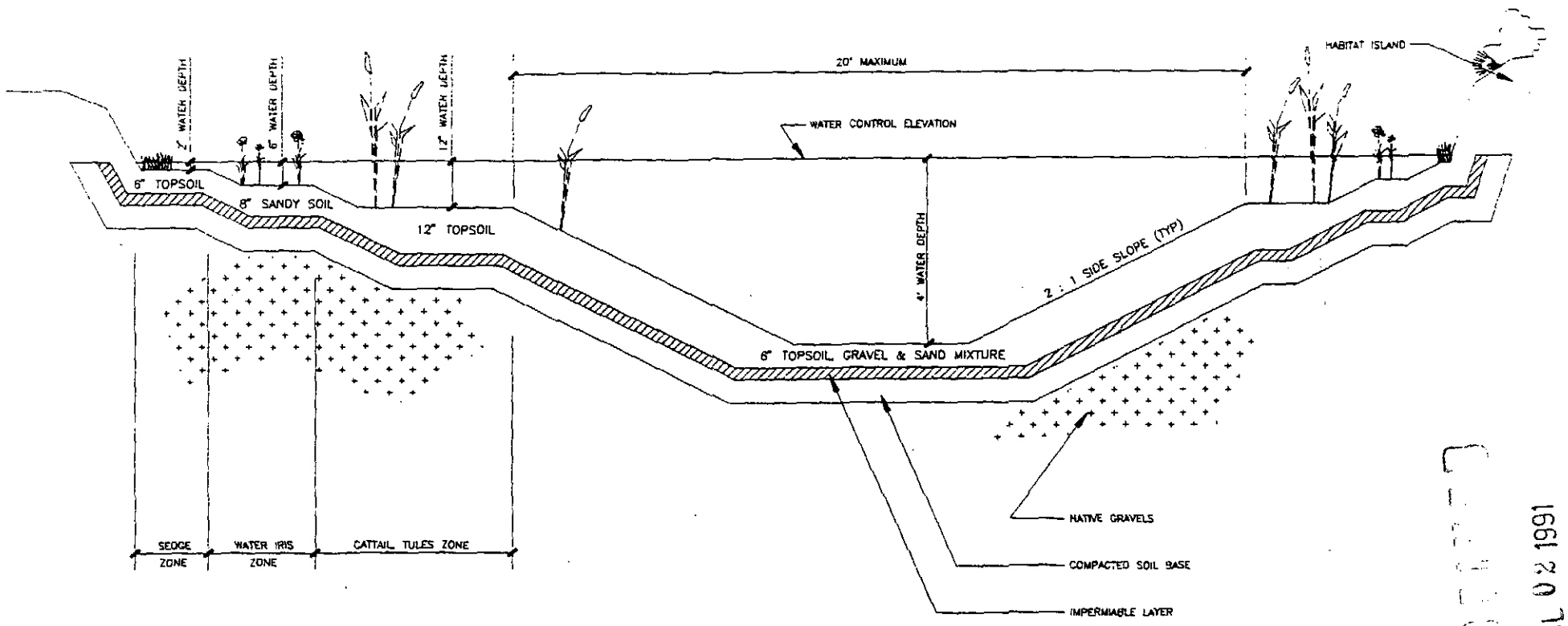
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Department of Water Resources
Southern Region Office

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JAN 11 1994

37-00081 T## 3881
37-00082

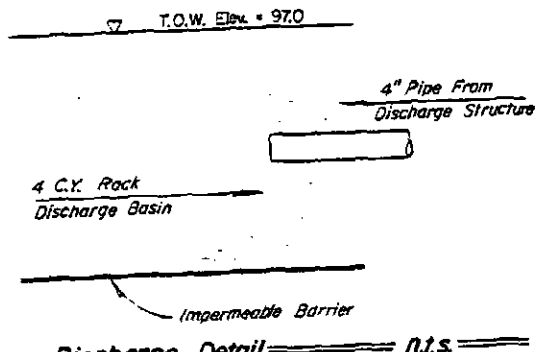
LANE RANCH WETLANDS EXHIBIT N.T.S.



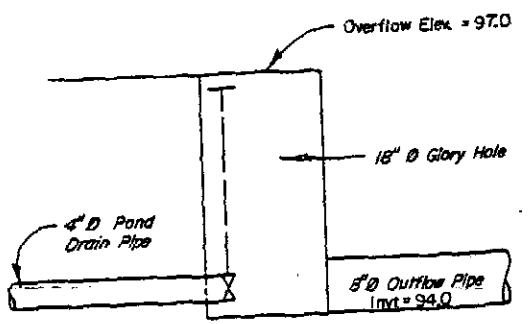
EHM Engineers Inc.
ENGINEERS - PLANNERS - SURVEYORS

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Department of Water Resources
Southern Region Office

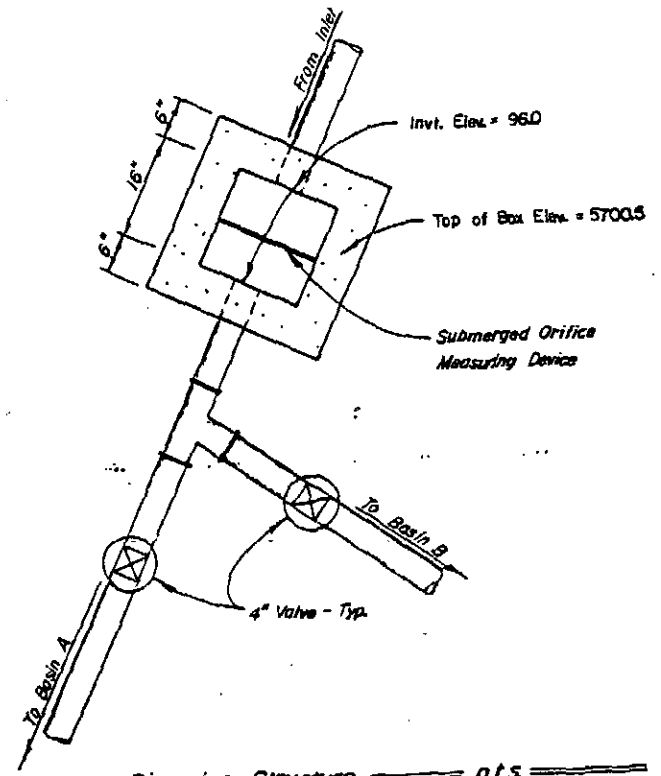
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JUL 02 1991
Department of Water Resources
Southern Region Office



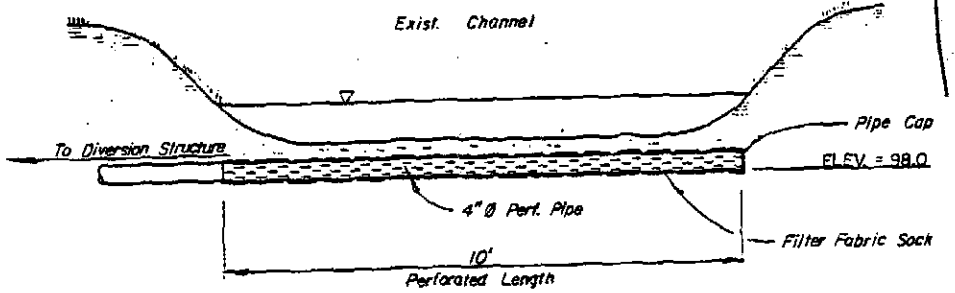
Discharge Detail n.t.s.



Glory Hole Detail n.t.s.

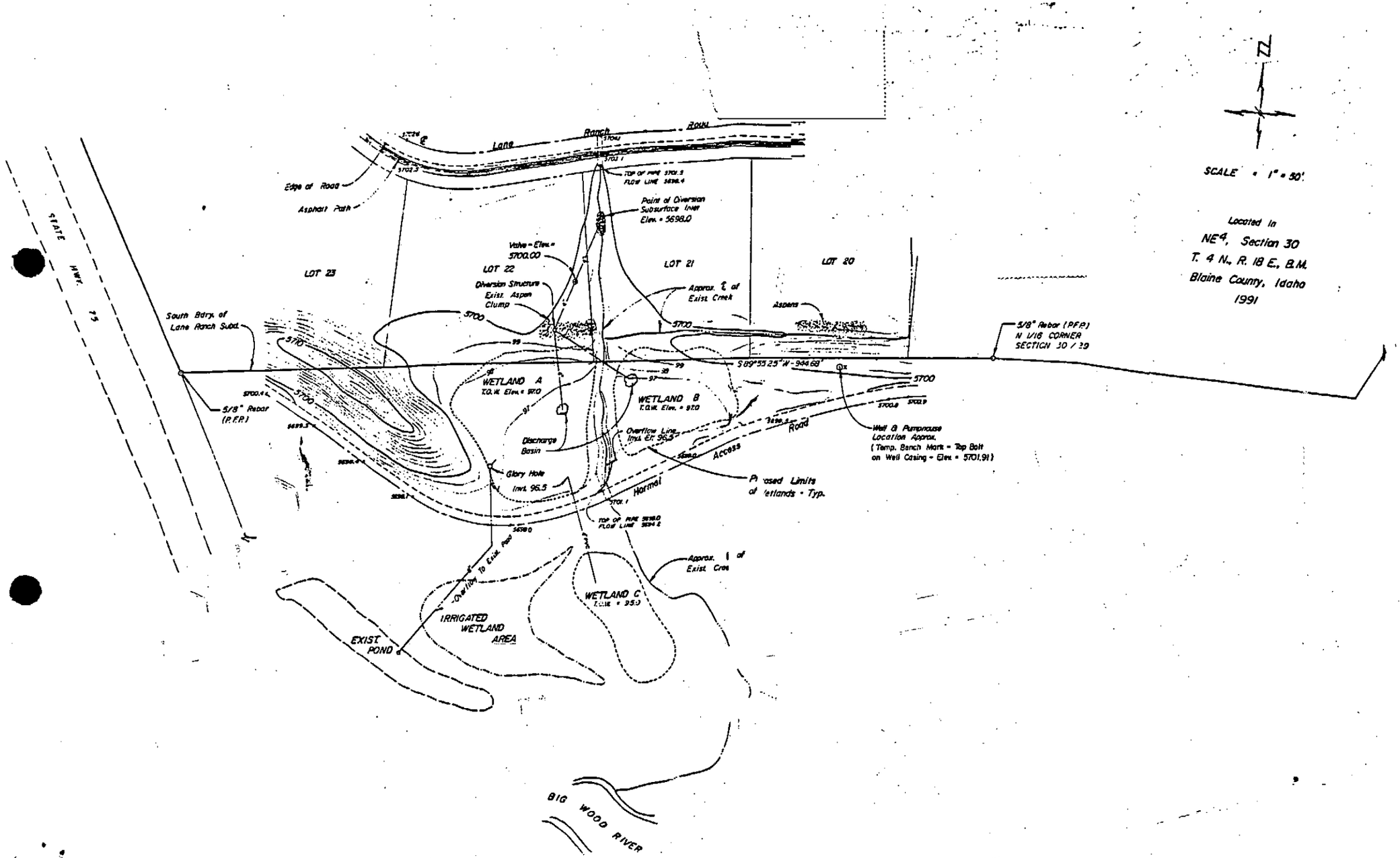


Diversion Structure n.t.s.



Inlet Detail n.t.s.

POINT OF DIVERSION



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JUL 02 1991
Department of Water Resources
Southern Region Office

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.

__x__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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JUL 02 1991
Department of Water Resources
Southern Region Office

Attachment "A"

COPY
JAN 11 1994
CASCEA ASSOCIATES, INC.
37-00081
37-00082 T# 3881

Form WA-5 (6/76)
Commitment Face Page

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 Conditionsland 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

JAN 1 1 1994

CASCEA ASSOCIATES, INC.

Form WA-5 (6/76)
Commitment Face Page

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

JAN 1 1 1994

CASCEA ASSOCIATES, INC.

Form WA-5A (6/76)
Commitment, Schedule A

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.

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.

CASCEA ASSOCIATES, INC.

JAN 1 1 1994

Form WA-5B2 (6/76)
Commitment

No. 12690

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 $99.60, which are paid in full. (Billing #15083 - As to E1/2SW, W1/2SE, E1/2NW, SWNE, SEC 29 4N 18E)

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JAN 1 1 1994

CASCEA ASSOCIATES, INC.

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.

JAN 11 1994

CASCEA ASSOCIATES, INC.

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

PHOTOCOPIED

JAN 1 1 1994 CASCEA ASSOCIATES, INC.

THE LANE RANCH SUBDIVISION

FIRST PHASE

L O C A T E D I N

SE¼ SECTION 19, SW¼ SECTION 20,

NW¼ NW¼ SECTION 29, NE¼ NE¼ SECTION 30,

T. 4 N., R. 18 E., B.M.

BLAINE COUNTY, IDAHO

1989

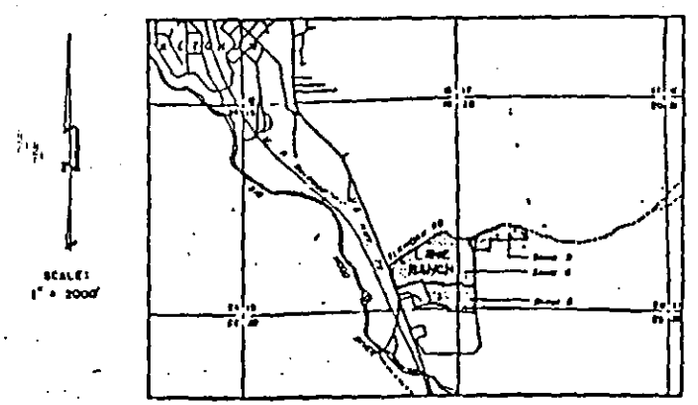
L E G E N D

- SUBD. BOUNDARY LINE
- RIGHT-OF-WAY LINE
- CENTERLINE OF ROAD
- LOT LINE
- RED AVALANCHE ZONE
- BLUE AVALANCHE ZONE
- BLDG. ENVELOPE WITH SWING TIE TO CENTROID
- SET 1/2" x 24" REBAR & CAP
- SET 5/8" x 30" REBAR & CAP
- INITIAL POINT - SET BRASS CAP
- FOUND B.L.M. BRASS CAP

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



EHM Engineers Inc.

SHEET 1 OF 7

Preliminary Plat

JAN 1 1990

CASCEA ASSOCIATES, INC.

POOR QUALITY

CURVE DATA

CURVE	RADIUS	LENGTH	ARC	CHORD	DIR	DELTA

CURVE DATA

CURVE	RADIUS	LENGTH	ARC	CHORD	DIR	DELTA

N O T E S

1. The real property within this plat is subject to the Declaration Agreement recorded as Instrument Number _____ in Book _____, Page _____, Valley, Idaho.

2. The real property within this plat is subject to the rules and other matters appearing hereupon on file in the Valley County Courthouse, Valley, Idaho, Instrument Number _____.

3. There is a 10 foot wide utility and irrigation easement centered on all lot lines and adjacent to all street boundaries.

4. A 10 foot wide maintenance easement exists along each side of all canal courses and lakes. The easement shall be measured from the edge of water at design flow.

5. Portions of this property are located within designated Special Flood Hazard Areas. Ordinance studies and maps are available for inspection at the Lake Valley City offices.

6. No buildings, other than irrigation maintenance buildings, shall be allowed on Parcels A, C, D, and E. All buildings shall be approved by the City of Lake Valley.

7. Parcel A shall be utilized for the Lake Almoy Homeowners Association swimming facilities.

8. All roadways within this plat are private roadways and shall be maintained by the Lake Almoy Homeowners Association.

9. A 100 foot building setback exists along the Western boundary (U.S. 31) and a 50 foot building setback exists along the Northern boundary (Almoy Road). A landscape and landscape maintenance easement shall exist over the above specified lands.

10. A bicycle path and maintenance easement is hereby provided along Almoy Road. The easement within it at subdivision within is variable but minimum is 10 feet.

11. The minimum front building setback shall be 30 feet for Lots 1-11. All other lots shall have a minimum front setback of 20 feet.

12. The side line setback shall be a minimum of 15 feet for Lots 1-11. The side line setback shall be a minimum of 15 feet for Lots 11-11. All other lots shall have a minimum side lot setback of 15 feet.

13. The back of lot building setback shall be 15 feet for Lots 1-3, 10, 11-11, and 11-11. The back of lot building setback shall be 25 feet for Lots 11-11, 11-11, and 11. The back of lot building setback shall be 30 feet for Lots 73-11 and 111-111. The back of lot building setback shall be 30 feet for Lots 3, 11-11, and 11-11 along Almoy Road. The back of lot building setback shall be 50 feet for Lots 11-11 along Highway 31. The back of lot building setback for Lots 1-11 shall be determined by the evaluation zone lines.

14. There exists along all walkways a maintenance easement of width sufficient for maintenance of walkways as constructed.

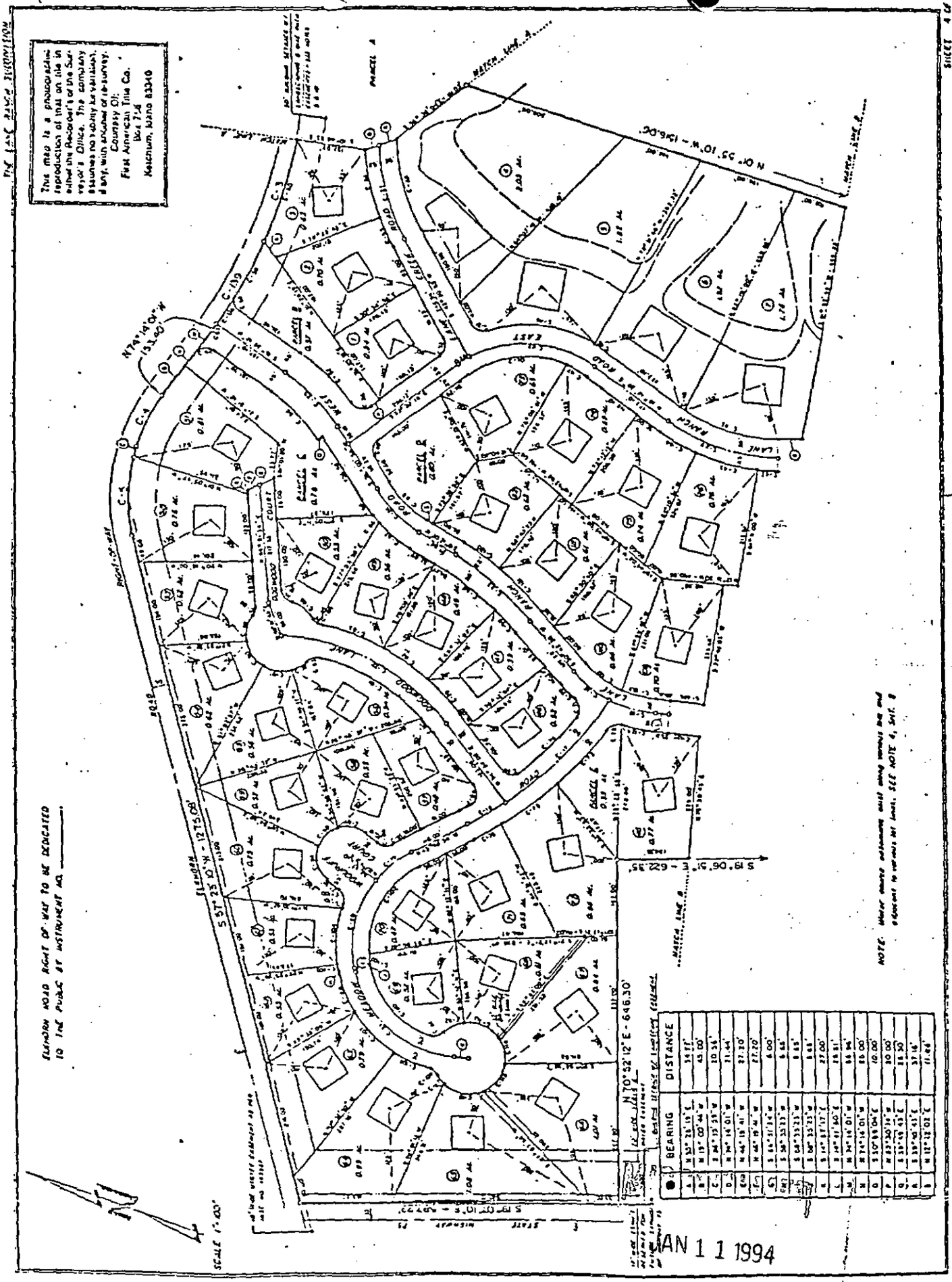
15. Annual snow removal shall be by the Lake Almoy Homeowners Association.

SHEET 8 OF 7

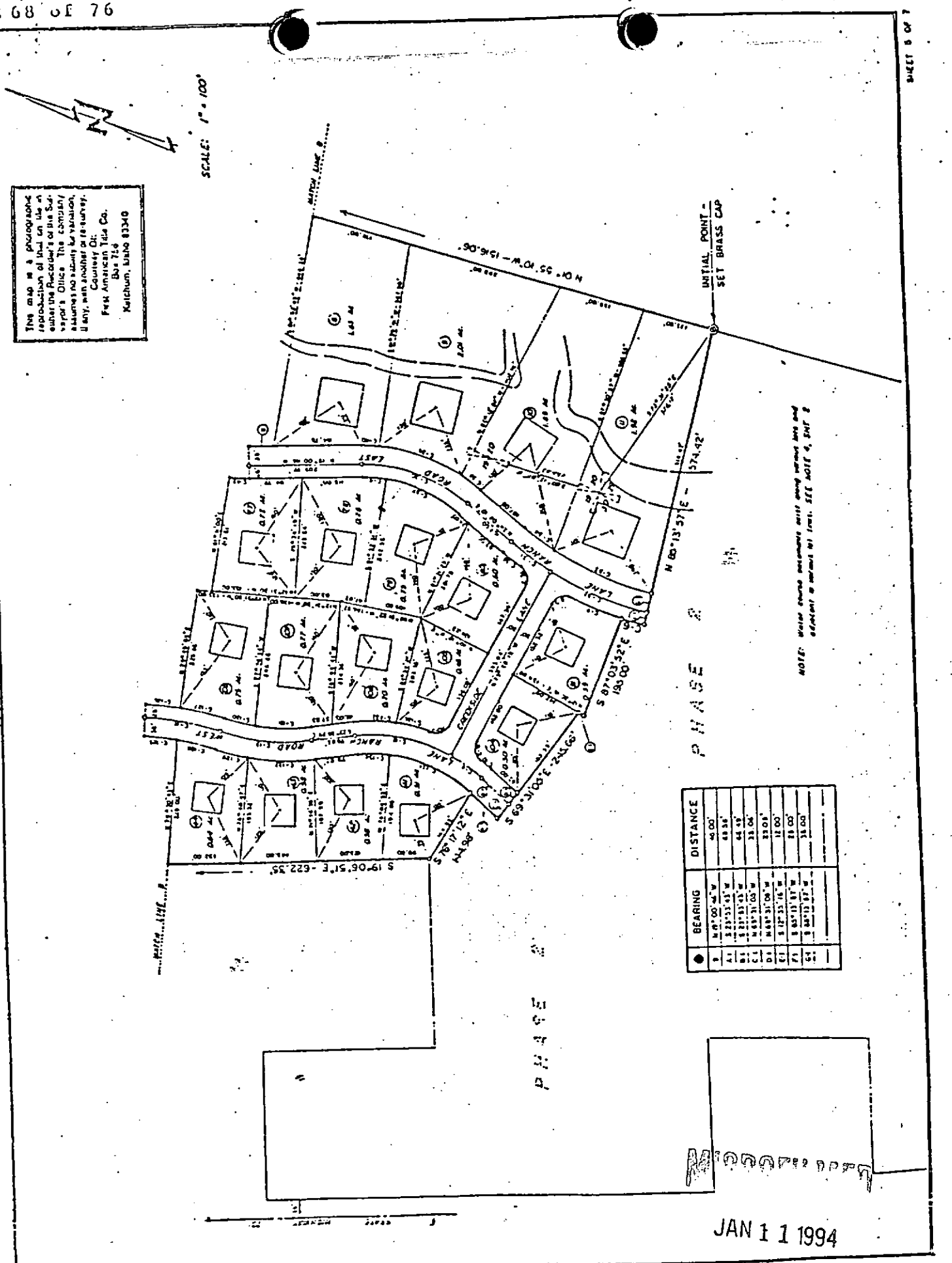
JAN 1 1994

CASCEA ASSOCIATES, INC.

THE LAKE RANCH SUBDIVISION
SHEET 3 OF 7
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 additional surveys.
Courtesy Of:
First American Title Co.
Box 758
Ketchum, Idaho 83340
N 00°00'00" E - 304.40'
S 90°00'00" E - 905.00'
S 90°00'00" E - 480.00'
S 69°26'59" W - 558.56'
C-1
C-2
C-3
PARCEL 2
BEARING
DISTANCE
JAN 1 1 1994
CASCEA ASSOCIATES, INC.



CASCEA ASSOCIATES, INC.


THE LAKE RANCH SUBDIVISION
SHEET 6 OF 7
SCALE: 1" = 100'
INITIAL POINT - SET BRASS CAP
N 0° 55' 10" W - 1516.06'
N 89° 13' 37" E - 374.42'
S 87° 03' 32" E 1900.00'
S 69° 30' 00" E - 245.00'
S 19° 06' 51" E - 622.35'
RANCH ROAD EAST
CASCADE
LAKE
PLACE
BEARING
DISTANCE
JAN 1 1 1994
CASCEA ASSOCIATES, INC.

Order No. 12690 THIS BLANK FURNISHED BY FIRST AMERICAN TITLE CO.

QUITCLAIM DEED

For Value Received

Edward R. Downe, Jr., a married man dealing 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
Deed
'89 MAY 24 PM 2 18
MARY GREEN, CLERK
FEES $ 12.00
Correction

together with their appurtenances.

Dated: March 28, 1989

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. Gleeson

RITA P. GLEESON Notary Public
Residing at Notary Public, State of New York
No. 4643043
Commission Expires: Qualified in Rockland County
Commission Expires October 31, 1990

305738

BLAINE CO. REQUEST
OF: FIRST AMERICAN TITLE CO
Deed
'89 MAY 17 PM 4 45
MARY GREEN, CLERK
FEES $ 12.00
Correction

JAN 11 1994

CASCEA ASSOCIATES, INC.

Legal Description
Order No. 12690E752

EXHIBIT "A"

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:

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JAN 11 1994

CASCEA ASSOCIATES, INC.

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 Southest 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
N. 18° 59' 15" W., 300.00 feet along said Easterly Highway Boundary; thence
N. 71° 00' 45" E., 290.40 feet to the TRUE POINT OF BEGINNING.

AND

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

JAN 11 1994

CASCEA ASSOCIATES, INC.

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. ER-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.

MICROFILMED

JAN 11 1994

CASCEA ASSOCIATES, INC.

 Order No. 12690 THIS BLANK FURNISHED BY FIRST AMERICAN TITLE CO.

QUITCLAIM DEED

For Value Received

Edward R. Downe, Jr., a married man dealing 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

Sole Contractor

together with their appurtenances.

Dated: March 28, 1989

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. Gleeson

RITA P. GLEESON Notary Public
Residing at Notary Public, State of New York
No. 4943043
Commission Expires: Qualified in Rockland County
Commission Expires October 31, 1990

FIRST AMERICAN TITLE CO
BLAINE CO. REQUEST
'89 MAY 17 PM 4 45
MARY GREEN, CLERK
FEES $ 12.00 DEPUTY

305738

JAN 11 1994

CASCEA ASSOCIATES, INC.

Legal Description
Order No. 12690E75.

EXHIBIT "A"

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JAN 1 1 1994

CASCEA ASSOCIATES, INC.

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AND

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N. 18° 59' 15" W., 322.50 feet; thence
N. 71° 00' 45" E., 6.50 feet; thence
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S. 71° 00' 45" W., 290.40 feet to the Easterly Boundary of State Highway 75; thence
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RECEIVED
JAN 11 1994
CASCEA ASSOCIATES, INC.

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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 (10) 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.

JAN 1 1 1994

CASCEA ASSOCIATES, INC.

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

Volume	Nature of Use	Period of Use
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		

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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NOV 26 1990

Volume	Nature of Use	Period of Use
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

Volume	Nature of Use	Period of Use
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		

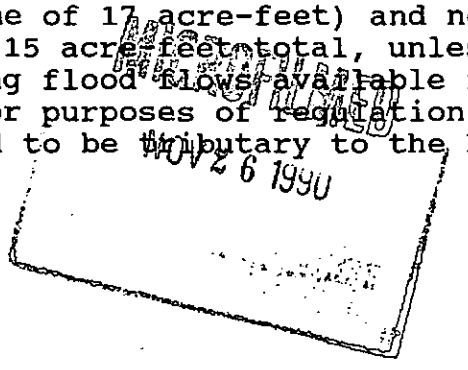
4. Right no. 37-4016 shall be changed as follows:

Source: Elkhorn Creek
Priority: 4/1/1884

Volume	Nature of Use	Period of Use
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
17.0 acre-feet	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



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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NOV 26 1990

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

L. GLEN SAXTON, Chief
Water Allocation Bureau

RECORDED
NOV 8 1990

Form 222
1-87

Page 1 of 76

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3609

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

APPROVED

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

Name of applicant CASCEA ASSOCIATES INC., an Idaho corp. Phone

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
See individual transfers (attached)				to
				to
				to
				to

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

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

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
See individual transfers (attached)								

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	
See individual transfers (attached)																			

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Total acres

 Transfer No. _____

PART 3

B. CHANGES IN NATURE OF USE

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

CASCEA ASSOCIATES, Inc

(Signature of Applicant) President

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

(Notary Public)

Twin Falls, Idaho

My commission expires 12-3-92

FOR DEPARTMENT USE ONLY

Transfer contains 3 pages and 31 attachments

Received by 56 Date 7/19/89 Protest filed by _____

Prelim. check by J F Stanton Fee $50.00 500 8617

Receipted by 56 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 _____

RECEIVED

NOV 6 1990

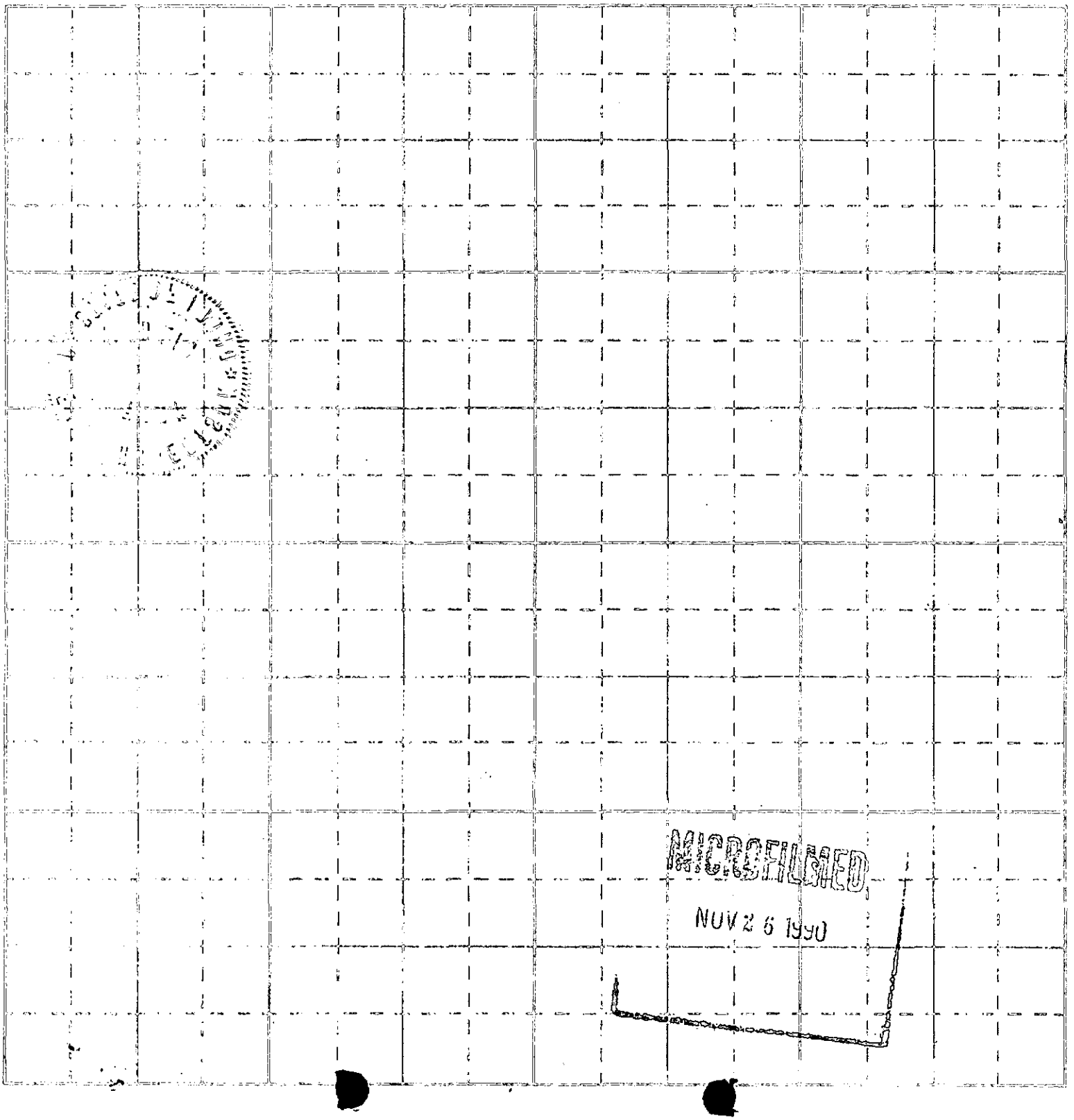
Page _____ of _____ Transfer No. _____

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.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

Form 222
1-87

Page 3 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

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	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	Wildlife,	01-01	to	12-31
additional information)			Aesthetics &		to	
			Recreation		to	

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	¼	¼	¼	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 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 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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Note: W, F, J, R uses indicated in tracts with an X. Total acres 24.4

 Transfer No. _____

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.

RECORDED

NOV 26 1990

Witness my hand this 9th day of October, 19 90.

L. Glenn Saxton

Chief, Water Alloc. Bureau

Transfer No. _____

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

Page _____ of _____ **PART 2** Transfer No. _____

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

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 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	

Total acres _____

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

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

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 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	

Total acres _____

 Transfer No. _____

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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SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3

B. CHANGES IN NATURE OF USE

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

Transfer contains 5 pages and 12 attachments

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

Prelim. check by J F Stanton Fee #50.00 500 8617

Receipted by DC 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

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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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 38, Idaho Code) and the Idaho Lake Protection Act, Section 58-142 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. [X], Couer d'Alene [ ]; ID Dept. Lands [ ], Corps of Engineers - Walla Walla [X].

AGENCY USE — PLEASE TYPE OR PRINT

1. Corps of Engineers # _____ Date Received _____

2. State of Idaho # 37-S-542 Date Received _____

3. NAME OF APPLICANT Lane Ranch Partnership
MAILING ADDRESS Box 300
Ketchum, Idaho 83340
PHONE Work Area (208) 726-5331 Home Area ( )
Date of Application 11-15-88

4. AUTHORIZED AGENT Gerald L. Martens, P.E.
MAILING ADDRESS EHM Engineers, Inc.
1139 Falls Ave. East, Twin Falls ID 8330
PHONE Work Area (208 734-4888 Home Area (208 324-4066

5. Location where proposed activity exists or will occur.

Name of waterway Bigwood River Tributary of Snake River

Ketchum (In or near city or town)
Assessor's Desc. (Tax Number or Subdivision, Lot & Block No.) Lot 2 Johns Meadow Subdivision SW¼ SE¼

Blaine (County) Idaho (State) 83340 (Zip Code) 19 (Section) 4N (Township) 18 E (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.

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CASCEA ASSOCIATES, INC.

7. Preparation of drawings. One set of original or good quality reproducible drawings must be attached to this application. NOTE: DRAWINGS NO LARGER THAN 8½ 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 _____

Describe _____

9. Proposed Starting Date Nov. 20, 1988 Estimated Duration 2 days

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

MAILING ADDRESS Box 43 City, State, Zip Code Sun Valley, Idaho 83353

PHONE Work Area ( ) _____ Home Area ( ) _____

13. List other applications, approvals or certifications from other Federal, Interstate, state, or local agencies for any 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

Signature of Applicant (Required)

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

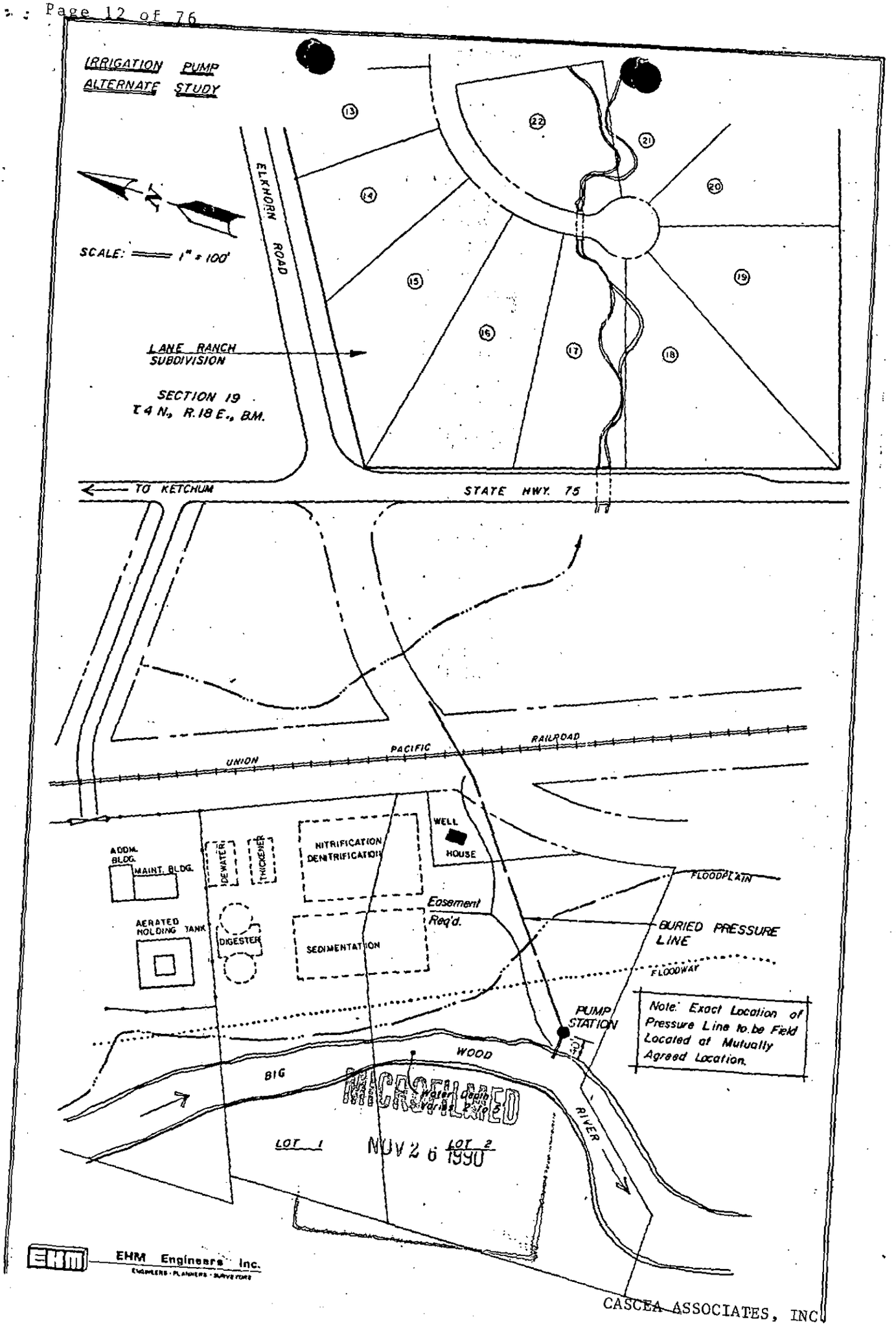
Date

Signature of Authorized Ageny (if applicable)

Signature of Applicant (if applicable)

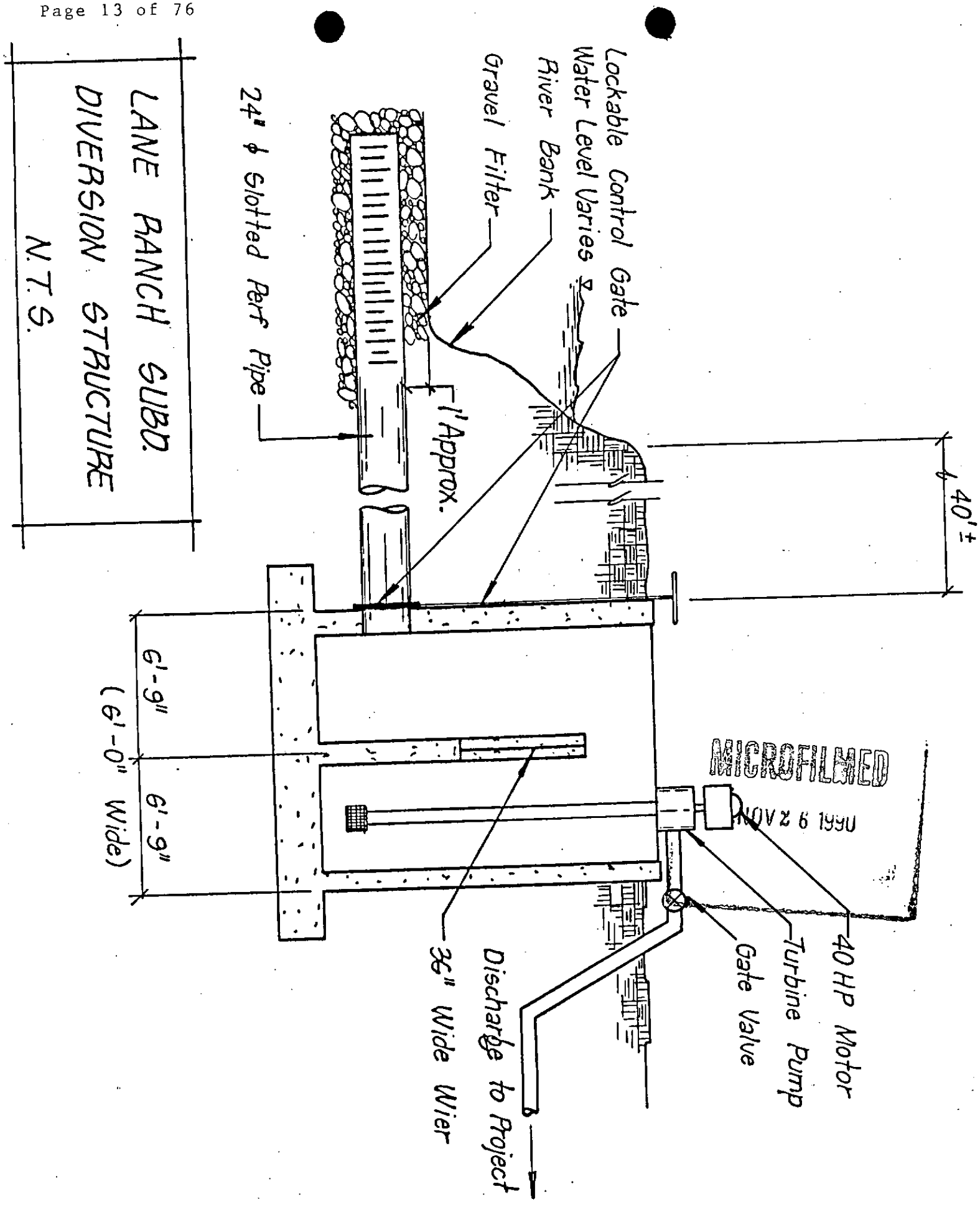
18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations 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



EHM Engineers Inc.
ENGINEERS · PLANNERS · SURVEYORS

CASCEA ASSOCIATES, INC



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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:

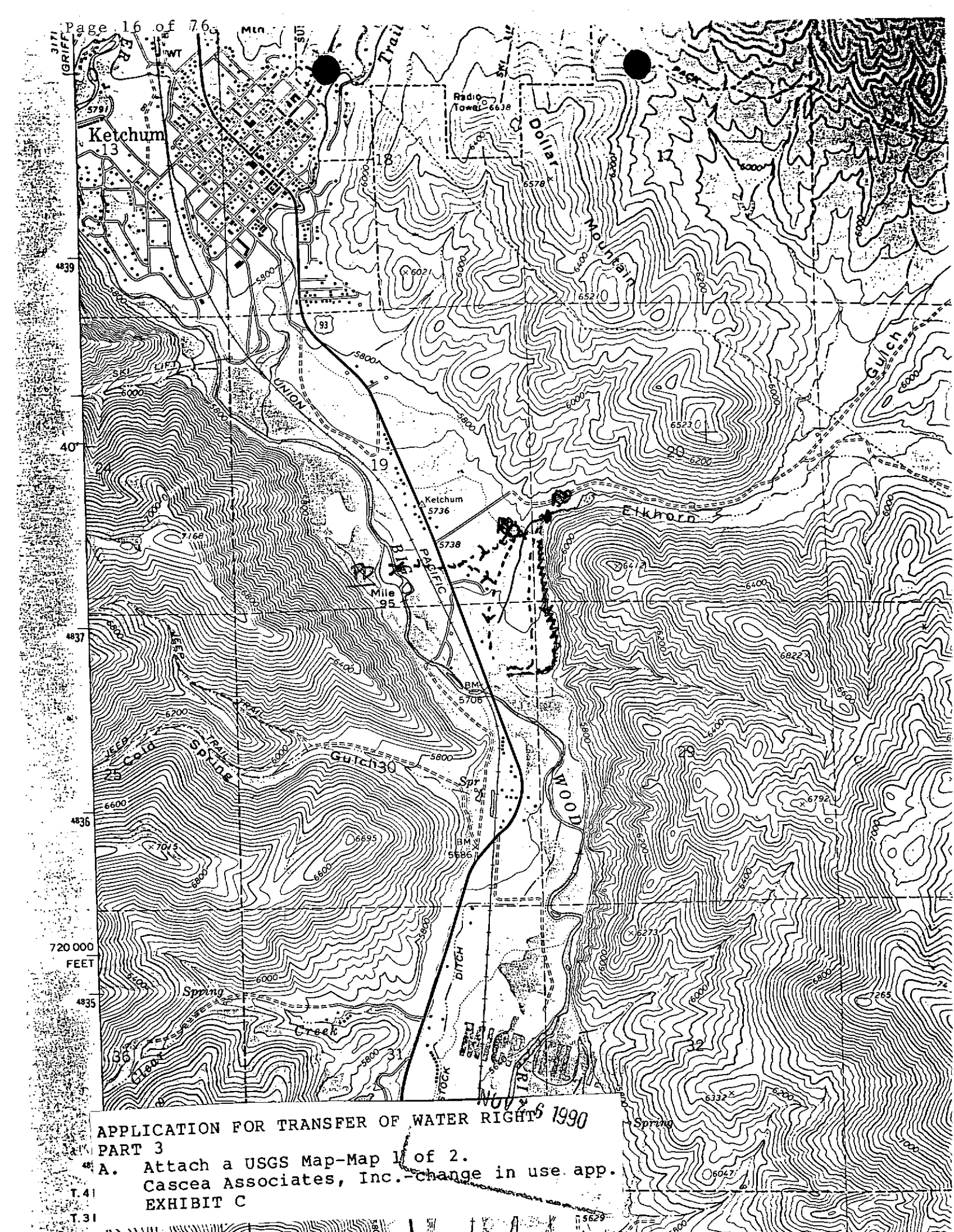
a. Description of diversion system:

Water 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.

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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
PART 3

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

NOV 26 1990

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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Form 222
1-87

Page 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

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

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	¼	¼	¼	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 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							
		29						X											
		30	X																

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

Total acres _____

 Transfer No. _____

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.

MICROFILMED
NOV 26 1990

Witness my hand this 9th day of October, 1990.

L. Glen Saxton
Chief, Water Alloc. Bureau

PART 2

Transfer No. _____

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 (cfs/ac-ft) _____ for Stockwater purposes from 1-1 to 12-31
   amount (cfs/ac-ft) _____ for _____ purposes from _____ to _____
   amount (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: Actual historical P/U

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

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

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

NOV 26 1990

Total acres _____

Page _____ of _____ Transfer No. _____

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

   amount _____ (cfs/ac-ft) for Stockwater purposes from 1-1 to 12-31

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

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

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Total acres 160

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

Transfer No. _____

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 2 6 1990

SCALE: 2 inches equal 1 mile. Draw plan in ink.

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 12-3
			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 Stanton Fee $50. 5008617 _____

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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NOV 2 6 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

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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.

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NOV 26 1990

APPLICATION FOR TRANSFER OF WATER RIGHT

PART I.

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

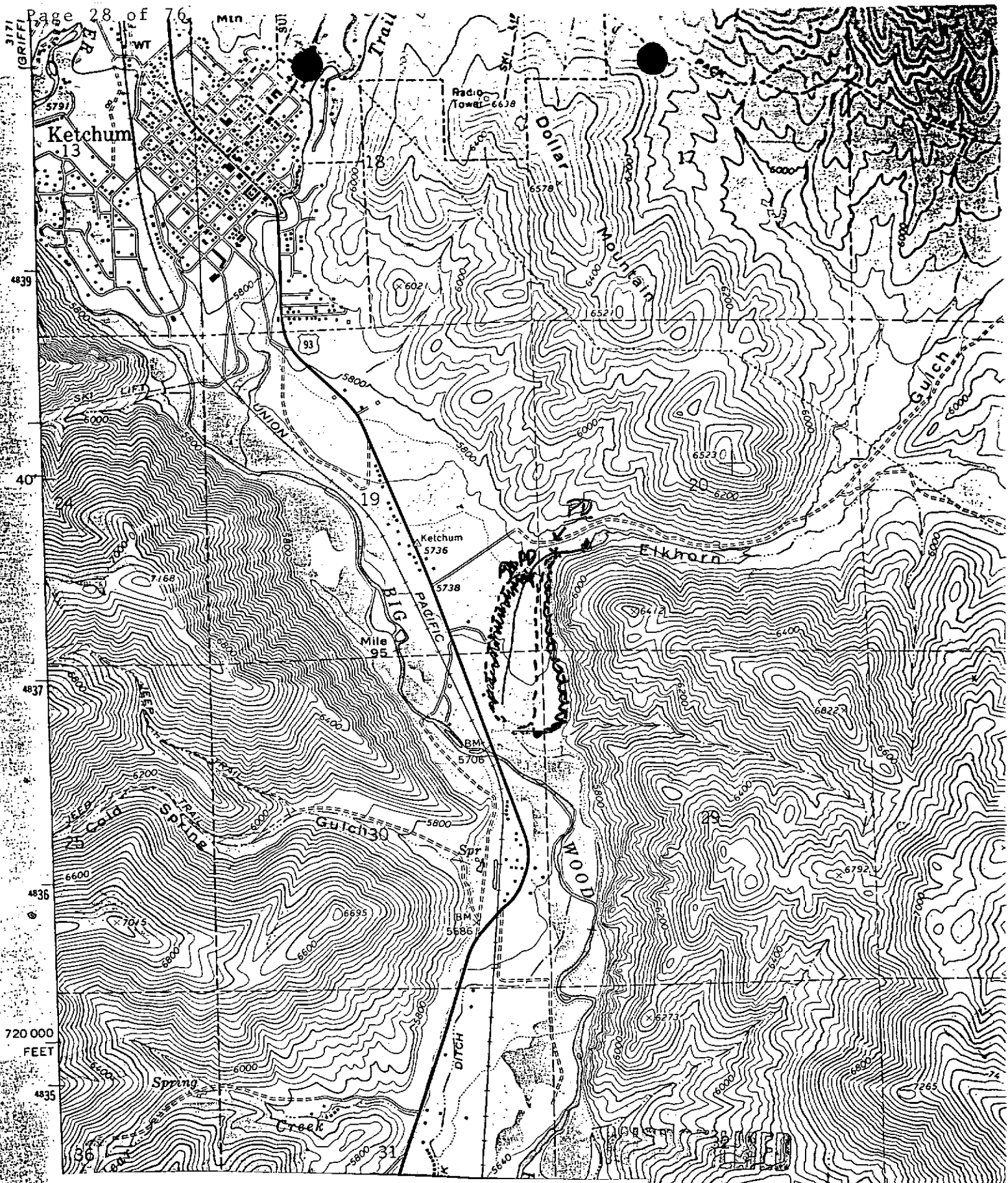
6. General Information

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 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.

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NOV 2 6 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:

MICROFILME

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

NOV 26 1990

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.

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NOV 6 1990

Form 222
1-87

Page 32 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

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	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use	
37-00082	06-01-1884	.732 cfs	Irrigation	04-01	to 11-01
(		0.468 cfs	WILDLIFE	01-01	to 12/31
			AESTHETICS & RECREATION		to
					to

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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		~~SE~~	~~SE~~	~~19~~	~~04N~~	~~18E~~		
		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 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 3.7			X	12.8
		20										3.1 X							3.1
		30	8 X																8.0
		29						X .5											.5

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

Total acres 24.4

 Transfer No. _____

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. 37-00082

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

Per Order of the Department dated October 3, 1990.

MICROFILMED

NOV 26 1990

Witness my hand this 9th day of October, 19 90.

L. Glen Saxton

Chief, Water Alloc. Bureau

Transfer No. _____

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

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NOV 26 1990

Total acres 85

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

Page _____ of _____ **PART 2** Transfer No. _____

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

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 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	

Total acres _____

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

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

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 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	

Total acres _____

Transfer No. _____

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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NOV 26 1990

SCALE: 2 inches equal 1 mile. Draw plan in ink.

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,	.468 cfs	24/365	01-01 to 12-31
Recreation,	ea. usage		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 Stanton Fee $50. 50086/7 _____

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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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

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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.

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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

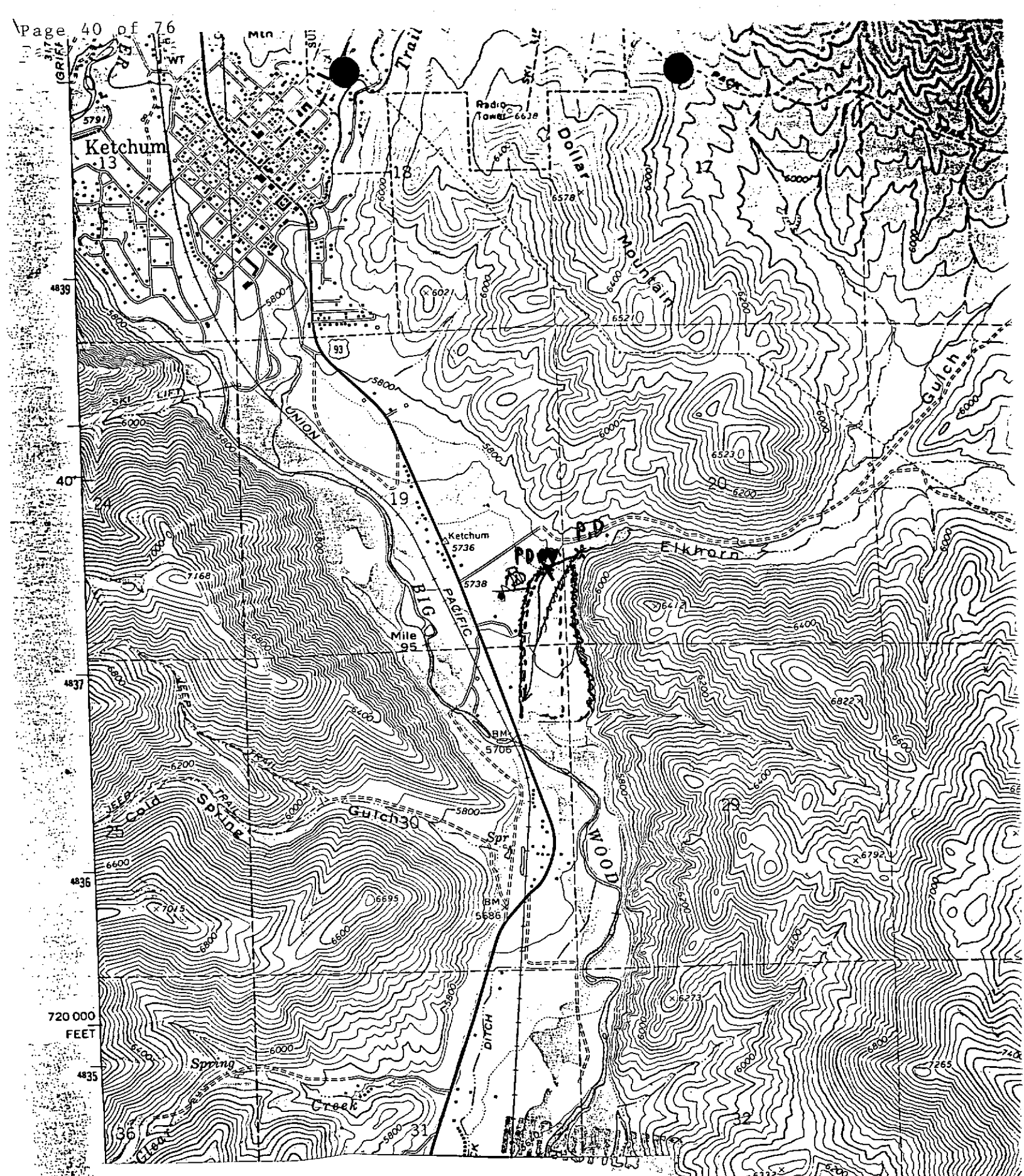
Water in the Elkhorn Creek will flow through a series of lakes and storage ponds located within the Recreation Center parcel in the NW1/4 SW1/4 Section 20. It will leave the Recreation Center parcel channel and flow into the retention lake (parcel D) where it will be co-mingled with water from the Big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

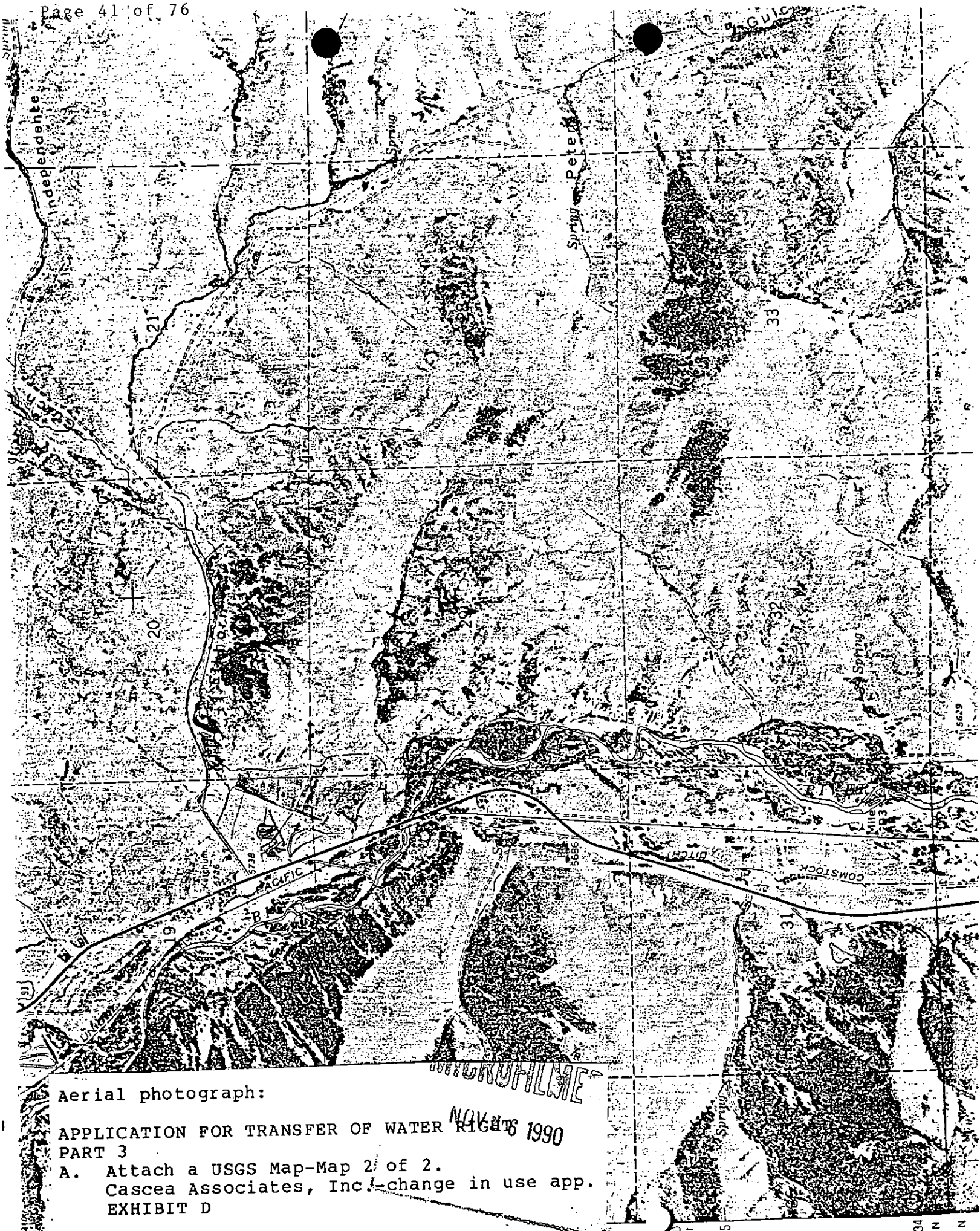
END/mw
2186m

MICROFILMED
NOV 2 6 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

NOV 26 1991



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

MICROFILMED NOV 27 1990

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 2 6 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.

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NOV 2 6 1990

Form 222
1-87

Page 44 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

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	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use		
37-07201	03-21-1973	1.00 cfs	Wildlife	01-01	to	12-31
			Aesthetics	01-01	to	12-31
			Recreation	01-01	to	12-31
					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.

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																	
		30	X																
		29						X											

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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.

RECORDED

NOV 26 1990

Witness my hand this 9th day of October, 19 90.

L. Glen Sayton

Chief, Water Alloc. Bureau

Transfer No. _____

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

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	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															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.

Page _____ of _____ **PART 2** Transfer No. _____

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 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

*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 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	

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Total acres _____

 Transfer No. _____

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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SCALE: 2 inches equal 1 mile. Draw plan in ink.

 Transfer No. _____

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 J F Stanton Fee $50, 5008617 _____

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.

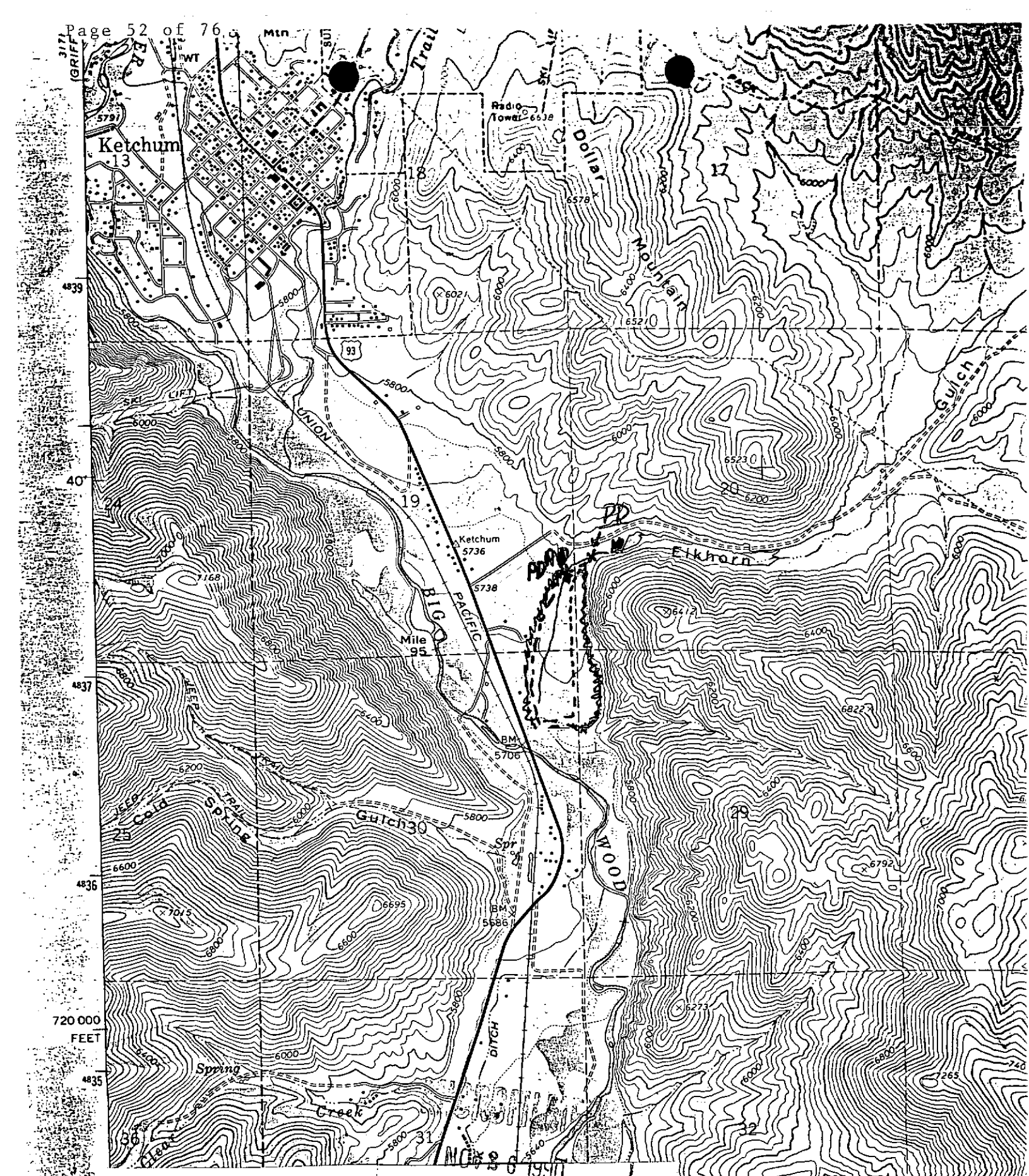
B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

6. General Information

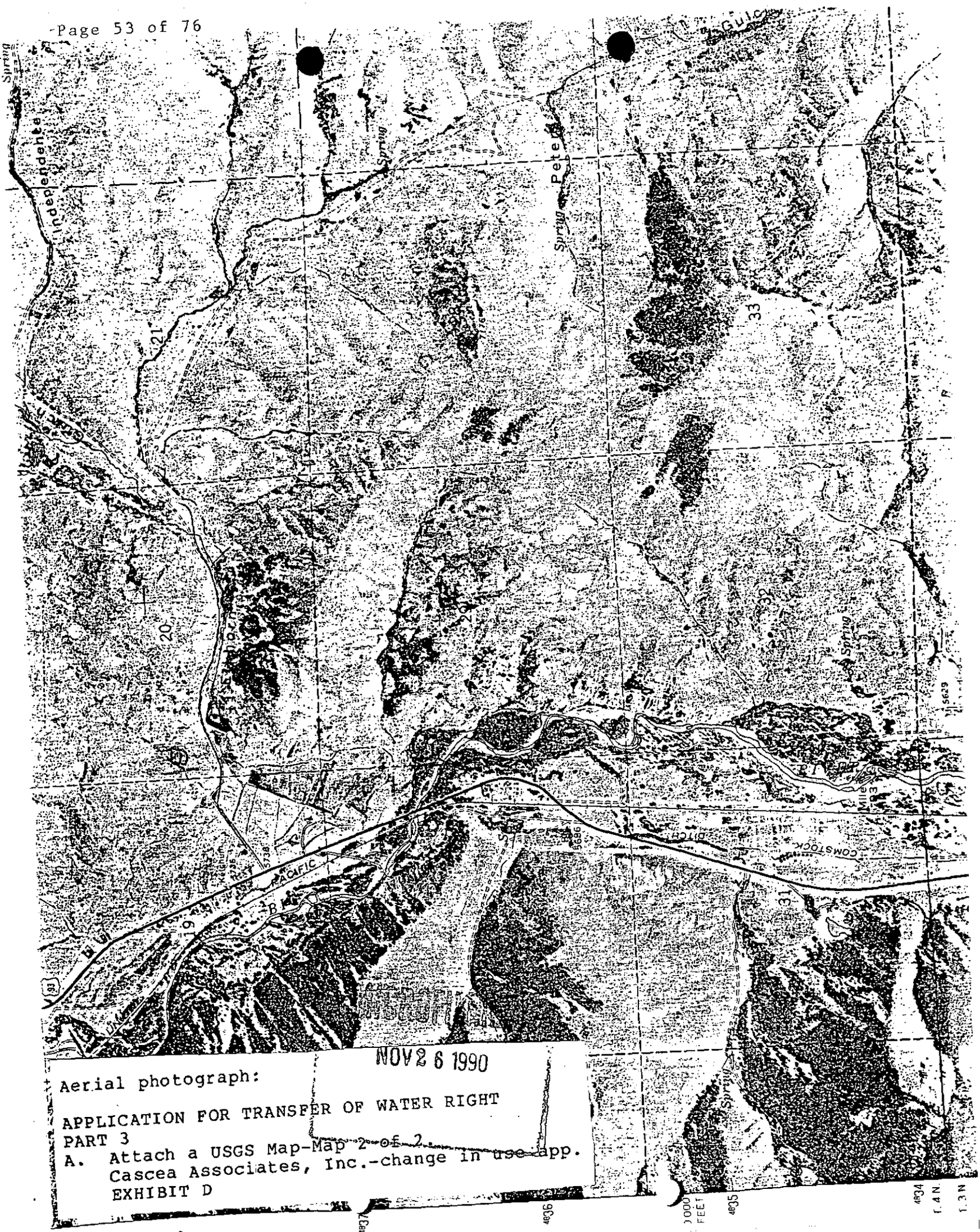
a. Description of Diversion System

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.

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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



NOV 26 1990

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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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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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.

__x__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.

Form WA-5 (6/76)
Commitment Face Page

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

MICROFILMED

ATTEST _____ SECRETARY

NOV 26 1990

BY _____ COUNTERSIGNED

CASCEA ASSOCIATES, INC.

Form WA-5 (6/76)
Commitment Face Page

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

MICROFILMED

ATTEST _____ SECRETARY

NOV 2 6 1990

BY _____ COUNTERSIGNED

Form WA-5A (6/76)
Commitment, Schedule A

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.

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

No. 12690

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 $99.60, which are paid in full. (Billing #15083 - As to E1/2SW, W1/2SE, E1/2NW, SWNE, SEC 29 4N 18E)

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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 26 1990

THE LANE RANCH SUBDIVISION

FIRST PHASE

L O C A T E D I N

SE¼ SECTION 19, SW¼ SECTION 20,

NW¼ NW¼ SECTION 29, NE¼ NE¼ SECTION 30,

T. 4 N., R. 18 E., B.M.

BLAINE COUNTY, IDAHO

1989

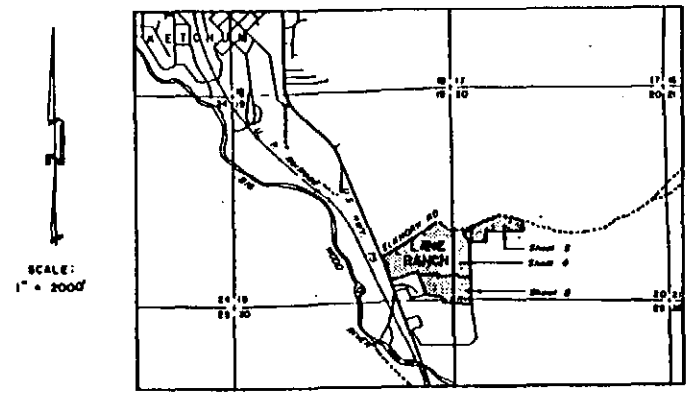
L E G E N D

SUBD. BOUNDARY LINE	BLDG. ENVELOPE WITH SWING TIE TO CENTROID
RIGHT-OF-WAY LINE	SET 1/2" x 24" REBAR & CAP
CENTERLINE OF ROAD	SET 5/8" x 30" REBAR & CAP
LOT LINE	INITIAL POINT - SET BRASS CAP
RED AVALANCHE ZONE	FOUND B.L.M. BRASS CAP
BLUE AVALANCHE ZONE	

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



EHM Engineers Inc.

SHEET 1 OF 7

CASCEA ASSOCIATES, INC.

CURVE DATA

CURVE	DELTA	RADIUS	ARC	CHORD	TAN	L.C.B.

CURVE DATA

CURVE	DELTA	RADIUS	ARC	CHORD	TAN	L.C.B.

N O T E S

1. The real property within this plat is subject to the Annexation Agreement recorded as Instrument Number _____ as recorded in the office of the Blaine County Recorder, Hailey, Idaho.

2. The real property within this plat is subject to the sewer and water service agreement recorded as of the Sun Valley Water and Sewer District as recorded in the Blaine County Courthouse, Hailey, Idaho. Instrument Number _____.

3. There is a 10 foot wide utility and irrigation easement centered on all lot lines and adjacent to all street boundaries.

4. A 10 foot wide maintenance easement exists along the edge of all water courses and lakes. The easement shall be measured from the edge of water at bankfull flow.

5. Portions of this property are located within defined avalanche zones. Avalanche studies and maps are available for inspection at the Sun Valley City office.

6. No buildings, other than irrigation maintenance buildings, shall be allowed on Parcels B, C, D, and E. All buildings shall be approved by the City of Sun Valley.

7. Parcel A shall be utilized for the Lake Ranch Homeowners Association recreation facilities.

8. All roadways within this plat are private roadways and shall be maintained by the Lake Ranch Homeowners Association.

9. A 100 foot building setback exists along the Western boundary (U.S. 75) and a 50 foot building setback exists along the Northern boundary (Elkhorn Road). A landscape and landscape maintenance easement shall exist over the above specified lands.

10. A bicycle path and maintenance easement is hereby provided along Elkhorn Road. The easement width is of sufficient width to maintain the bicycle path as constructed.

11. The minimum front building setback shall be 25 feet for Lots 4-11. All other lots shall have a minimum front setback of 20 feet.

12. The side line setback shall be a minimum of 25 feet for Lots 4-11. The side line setback shall be a minimum of 15 feet for Lots 66-72. All other lots shall have a minimum side lot setback of 10 feet.

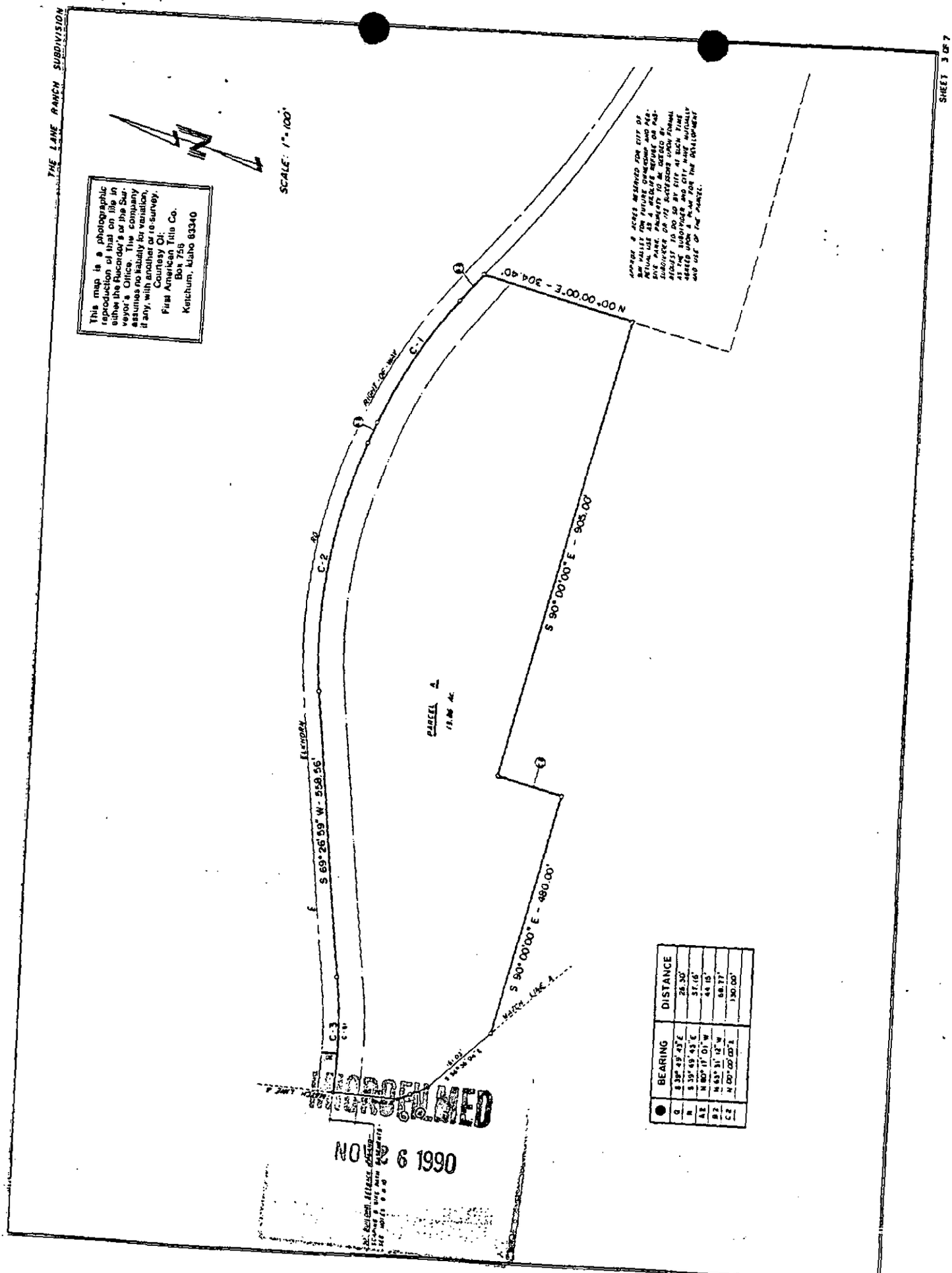
13. The back of lot building setback shall be 15 feet for Lots 1-3, 90, 93-95, and 68-71. The back of lot building setback shall be 20 feet for Lots 41-48, 66-67, and 73. The back of lot building setback shall be 30 feet for Lots 73-81 and 104-112. The back of lot building setback shall be 50 feet for Lots 1, 81-91, and 68-93 along Elkhorn Road. The back of lot building setback shall be 100 feet for Lots 64-65 along Highway 75. The back of lot building setback for Lots 4-11 shall be determined by the avalanche zone lines.

14. There exists along all walkways a maintenance easement of width sufficient for maintenance of walkways as constructed.

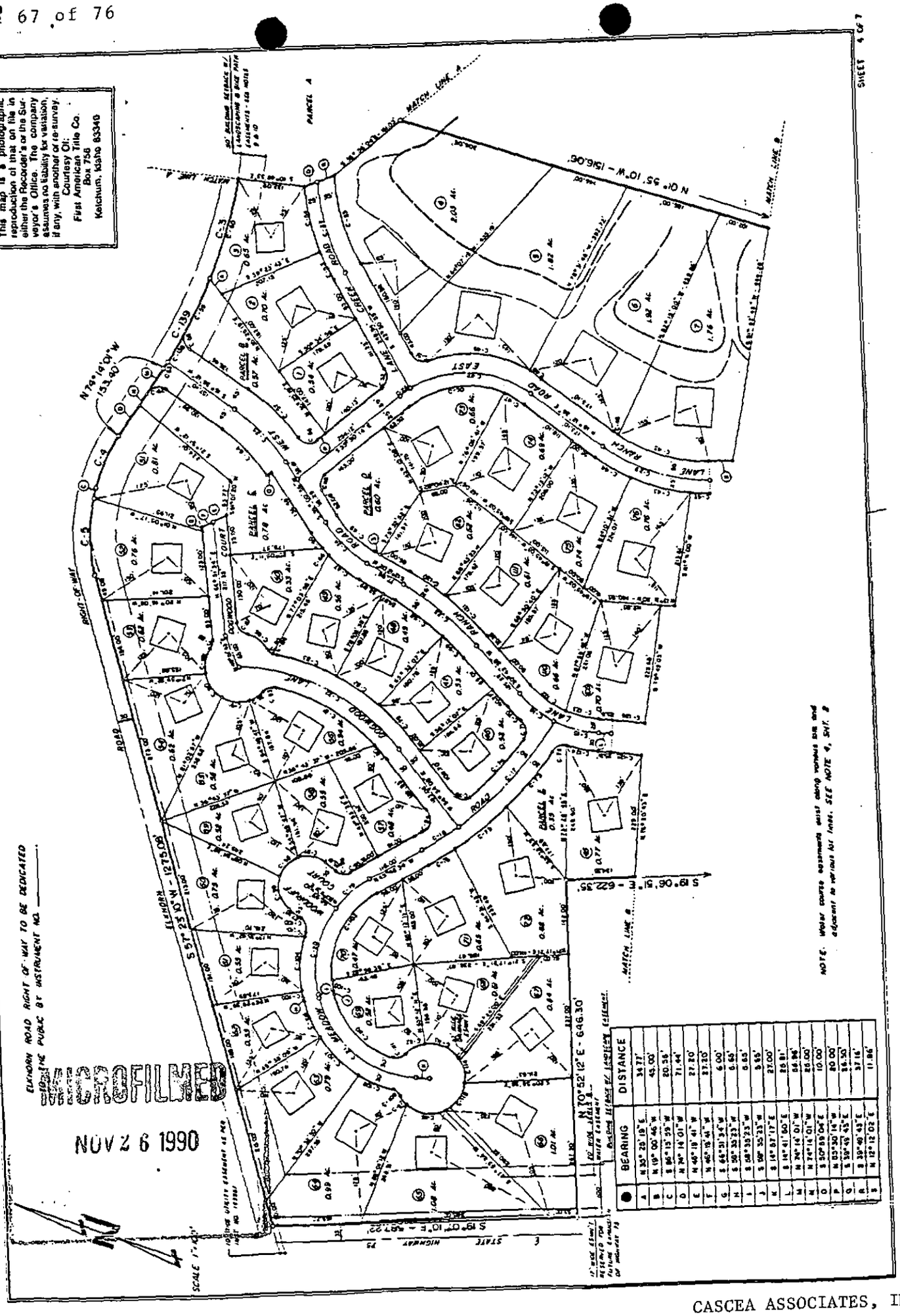
15. Roadway snow removal shall be by the Lake Ranch Homeowners Association.

NOV 26 1990

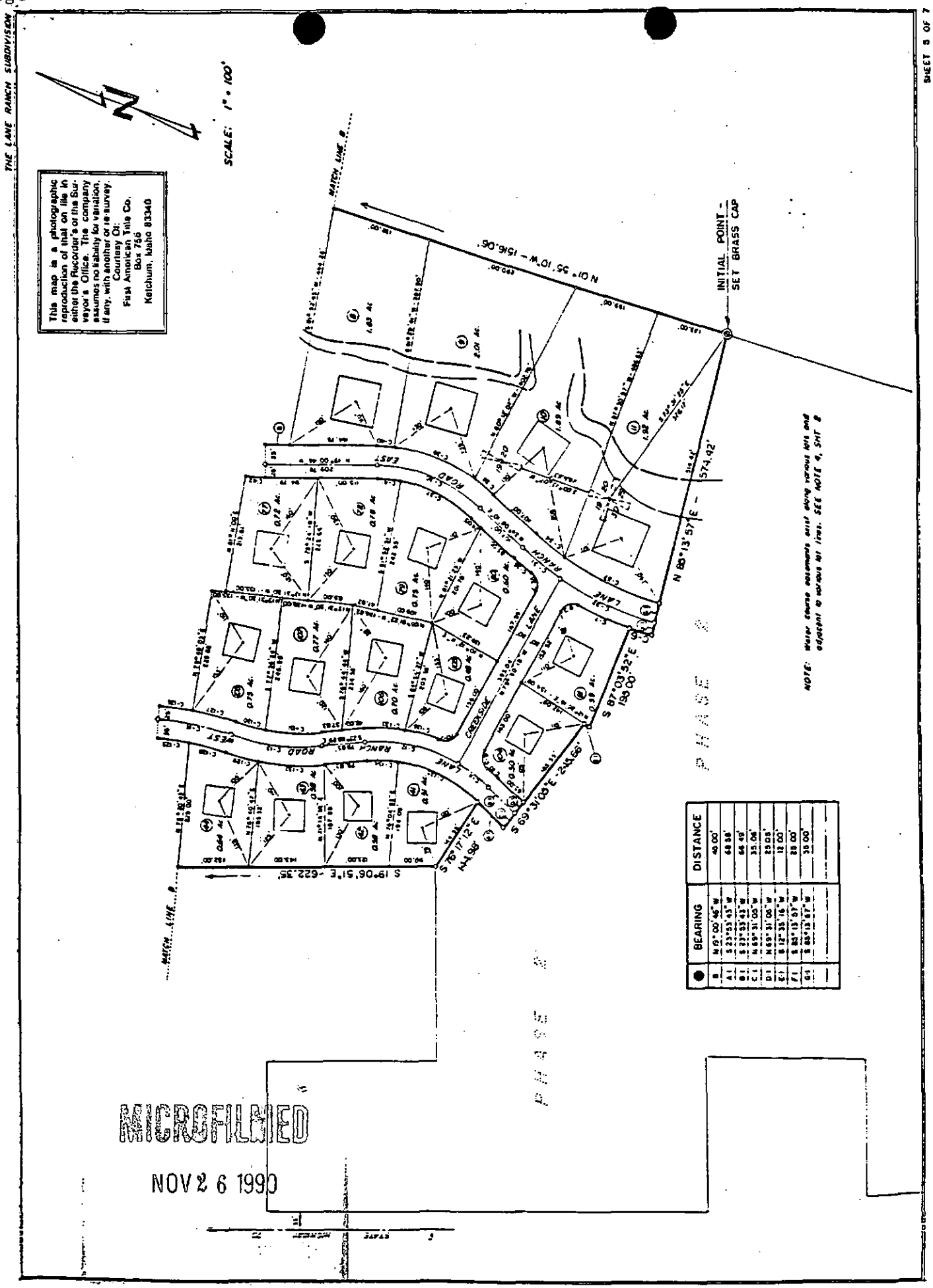
CASCEA ASSOCIATES, INC.



CASCEA ASSOCIATES, INC.



CASCEA ASSOCIATES, INC.


THE LANE RANCH SUBDIVISION
SHEET 5 OF 7
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 756
Ketchum, Idaho 83340
INITIAL POINT - SET BRASS CAP
N 01° 55' 10" W - 1516.06'
N 88°13'57" E - 574.42'
S 87°03'32" E 1900.00'
S 69°31'00" E - 245.66'
S 76°17'12" E 444.98'
S 19°06'51" E - 622.35'
MATCH LINE
EAST RANCH ROAD
RANCH LANE
CREEKSIDE LANE
PHASE 2
PHASE 3
NOTE: Water course easements exist along various lots and adjacent to various lot lines. SEE NOTE 4, SHT 8
BEARING
DISTANCE
MICROFILMED
NOV 2 6 1990

Order No. 12690 THIS BLANK FURNISHED BY FIRST AMERICAN TITLE CO.

QUITCLAIM DEED

For Value Received

Edward R. Downe, Jr., a married man dealing 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

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

305859

together with their appurtenances.

Dated: March 28, 1989

MICROFILMED
NOV 26 1990

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. Gleeson

RITA P. GLEESON Notary Public
Notary Public, State of New York
No. 4943049
Qualified in Rockland County
Commission Expires October 17, 1990

Residing at
Commission Expires:

BLAINE CO. REQUEST
OF: FIRST AMERICAN TITLE CO
Deed
'89 MAY 17 PM 4 45
MARY GREEN, CLERK
FEES $ 10.00

305738

CASCEA ASSOCIATES, INC.

Legal Description
Order No. 12690E752

EXHIBIT "A"

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 26 1990

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 Southest 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
N. 18° 59' 15" W., 300.00 feet along said Easterly Highway Boundary; thence
N. 71° 00' 45" E., 290.40 feet to the TRUE POINT OF BEGINNING.

AND

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

RECEIVED
NOV 26 1990

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.

MICROFILMED
NOV 26 1990

 Order No. 12690 THIS BLANK FURNISHED BY FIRST AMERICAN TITLE CO.

QUITCLAIM DEED

For Value Received

Edward R. Downe, Jr., a married man dealing 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

See Correction

together with their appurtenances.

Dated: March 28, 1989

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. Gleeson

RITA P. GLEESON Notary Public
Notary Public, State of New York
No. 4943043
Qualified in Rockland County
Commission Expires October 17, 1990

Residing at

Commission Expires:

MICROFILMED

NOV 26 1990

'89 MAY 17 PM 4 45

MARY GREEN, CLERK

FEES $ 12.00

DEPUTY

BLAINE CO. REQUEST

FIRST AMERICAN TITLE CO

305738

Legal Description
Order No. 12690E75

EXHIBIT "A"

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

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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
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N. 71° 00' 45" E., 147.81 feet to the TRUE POINT OF BEGINNING.

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

MICROFILMED
NOV 2 6 1990

Legal Description
Page 2

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S. 74° 06' 25" E., 153.40 feet; thence
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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

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S. 71° 00' 45" W., 366.50 feet; thence
N. 18° 59' 15" W., 322.50 feet; thence
N. 71° 00' 45" E., 6.50 feet; thence
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AND

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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 2 6 1990

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.

MICROFILMED
NOV 26 1990

AFFIDAVIT of PUBLICATION

State of Idaho, } ss.
County of Blaine }

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.

Daniel J. Gorham

Subscribed and sworn to before me this 18th day of Oct., 1989.

(SEAL)

Robin Ann McKenzie
NOTARY PUBLIC

#6764

OK NB 10/20/89

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line		11
Number of Lines in Notice		198
Number of Insertions		2
	Lines tabular at	5.5¢/Pica
198	Lines straight at 108.90	5¢/Pica
198	Subsequent lines at 87.12	5¢/Pica
TOTAL COST		196.02

OK

COPY OF NOTICE
(Paste Here)

Proposed Change #37-00081...
TITLE OF NOTICE (Cascade)

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, 37-04016

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: SE1/4-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

PRE-FILMED
NOV 26 1990

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

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

MICROFILMED
NOV 2 6 1990

AFFIDAVIT of PUBLICATION

State of Idaho, } SS.
County of Blaine

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.

Daniel J. Gorham

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

Roberta McKeehan
NOTARY PUBLIC

#6764

OK MB 10/20/89

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line
Number of Lines in Notice 198
Number of Insertions

198 Lines tabular at 5.5¢/Pica
198 Lines straight at 108.90 55¢/Pica
198 Subsequent lines at 87.12 44¢/Pica
TOTAL COST 196.02

OK

MICROFILMED
NOV 6 1990

COPY OF NOTICE
(Paste Here)

Proposed Change #37-00081...
TITLE OF NOTICE (Cascea)

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, 37-04016

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: SE1/4-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; 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

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

Water Right No. 37-0081

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED
SEP 24 1984
Department of Water Resources

Application for Extension of Time to Avoid Forfeiture of a Water Right

Section 42-222 of the Idaho Code provides that a water right shall be lost and forfeited and the water revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

Complete fully the following application and submit it to the Department of Water Resources, Statehouse, Boise, Idaho, 83720, with the statutory fee of ~~$10.00~~ 30.00 if the application involves 0.2 cfs or 20 acre feet or ~~$30.00~~ 50.00 if in excess of these amounts.

1. Name of water right holder Edward Downe, Jr.
   Post office address c/o J. Evan Robertson, PO Box 1906, Twin Falls, ID 83303
2. The right was obtained or is evidenced by:
   a. Decree to James H. Bonning (Name) in Case of S. C. Frost
   vs. Alturas Water Company, Dated Dec. 13, 1909 in the Fourth Judicial District (Name of Court)
   Court, County of Lincoln. Fully describe decree _____
   b. Decree No. 37-0081 issued by the Department of Water Resources.
   c. Claim No. _____ on file with the Department of Water Resources.
3. Source of water Big Wood River (Name of stream or source) tributary to _____
4. Date of priority of right June 1, 1884
5. Amount of water a. 200 inches or 4 c.f.s. and/or
   b. _____ acre feet/annum
6. Water is used for Irrigation (Purpose) from April 1st (Month-Day) to September 30th (Month-Day)
   _____ from _____ to _____
   _____ from _____ to _____
7. Location of point of diversion is S 1/2 SE 1/4 of Section 19
   Township 4 North, Range 18 East, B.M., in _____ County;
   Additional points of diversion, if any Section 30, N 1/2 NE 1/4, Township 4 North, Range 18 East, 160 Acres
8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4 N	18 E	19															40	40	80
4 N	18 E	30	40	40															80

Total number of acres irrigated 160

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9. Give last date when water was applied to beneficial use June 30, 1980

Length of extension of time requested five (5) years, or until _____ (Date)

10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use Because of above-average rainfall during the past several years, other surface water rights held by the applicant have proven sufficient for irrigation purposes. However, during normal years, the Big Wood decree is essential for agricultural application. Additionally, a homeowner, through whose property our delivery ditch runs, has filled in a portion of the ditch to accomodate landscaping. Consequently, our ability to turn the water on to the land has been impeded. Legal proceedings will be undertaken to resolve the matter.

I hereby assert that no one will be injured by such extension. The information contained in this application is true to the best of my knowledge.

Edward Downe Jr
(Signature of Applicant)
By Reg Robertson, his atty.

Subscribed and sworn to before me this 21 day of September, 19 84.

Susan M. Borchard
(Notary Public)

My commission expires lifetime Residing at Wendell, Idaho

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby APPROVE said application subject to the following conditions or reasons.

Use of water under this right shall resume on or before June 30, 1990.

Witness my hand this 17th day of May, 19 85.

L. Glen Saxton
Chief, Operations Bureau

For Department Use Only

Received by LS Date 9-24-84 Time 10:01 AM Preliminary check by 10-10-84

Fee $ 50.00 Receipted by CCW#35093 Date 9-24-84 Publication prepared by mdeps

Published in Lincoln Co Journal Dates 2/21 & 2/28/85

Publication approved by mdeps Date 3/6/85 Protests filed by: None

Copies of protests forwarded by _____ Hearing held by _____ Date _____

Recommended for // (Approval) // Denial by ADM

Bonning, James H.	B	200 inches.		June 1, 1884.	Big Wood River.
" "		60 "		June 1, 1884.	Elkhorn Creek.
Boren, Leonard	F	40 "		July 27, 1909.	Big Wood River.
Bostrom, E. W.	O	214 "		May 15, 1897.	" " " Trans 219-220
Bowman, J. W.	L	480 "		Apr. 1, 1893.	Little Wood River.
Braga, Antonio C.	C	160 "		June 11, 1906.	Big Wood River.
Braga, Mary A.	C	80 "		Feb. 4, 1908.	" " "
Brett, Charles F.	F	20 "		Nov. 1, 1885.	Silver Creek.
" "	"	40 "		Apr. 1, 1888.	" "
" "	"	80 "		June 30, 1895.	" "
Brinegar, Albert E.	C	280 "		July 15, 1880.	Willow Creek.
" "	"	260 "		June 15, 1887.	" "
" "	"	240 "		May 1, 1890.	" "
Broadhurst, James B.	C	50 "		Apr. 1, 1890.	Chaney Creek.
Broadie, J. R.	C	130 "		May 29, 1893.	Silver Creek. Trans P.D. 44, 900
Brooks, James E.	B	100 "		May 1, 1883.	Little Wood River.
" "	"	35 "		Apr. 1, 1886.	" " "
Brown, Elmer	B	60 "		June 1, 1886.	Rock Creek. superceded by Brown v.s. Reardon
Brown, George M.					Big Cottonwood Canal Company shares.
Brown, James N.	B	110 "		Apr. 1, 1884.	~~Little Wood River~~. Muldoon
" "	"	120 "		July 1, 1889.	East Fork of Big Wood River.
Brown, Marcus L.	B	240 "		Apr. 26, 1903.	Big Wood River.
Brown, Mary & Sarah & Catherine Sweet	C	400 "		June 1, 1887.	" " " Trans 259
Brown, Mary, Sarah and Michael, and Catherine Sweet		160 "		Aug. 1, 1884.	" " "
Brown, Michael and Eliza	B	75 "		May 15, 1882.	" " "
		380 "		May 31, 1887.	" " " Trans 326
Brown, Minnie B.	O	240 "		May 15, 1892.	" " " Trans 115-12
Brown, R.L., Estate	L	100 "		June 15, 1888.	Little Wood River. (Also shares in Big Cottonwood Canal Co.)

End of List.

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AFFIDAVIT of PUBLICATION

State of Idaho, } SS.
County of Lincoln }

Cheri Miller, being first duly sworn, deposes and says that he is the printer (publisher) of the Lincoln County Journal, a newspaper published every week in Shoshone, Lincoln County, State of Idaho; that said newspaper has been continuously and uninteruptedly 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 21 day of February 1985, and the date of the last publication was on the 28 day of February, 1985.

Cheri Miller

Subscribed and sworn to before me this 28 day of February, 1985.
(SEAL)

Mary Lou Hagen
NOTARY PUBLIC

COPY OF NOTICE

NOTICE OF APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE OF A WATER RIGHT
Docket No. 37-0081

Notice is hereby given that Edward Downe, Jr., of Twin Falls, Idaho has applied to the Department of Water Resources for an extension of time to avoid forfeiture of a water right. The right is evidenced by decree to James H. Bonning in case of S.C. Frost vs Alturas Water Co., dated December 13, 1909 in the Fourth Judicial District Court, County of Lincoln and is further described as follows:

Amount: 4 cfs or 200 inches

Priority: June 1, 1884
Point of Diversion: S½SE¼, Sec. 19; N½NE¼, Sec. 30, T4N, R18E
The water is used for irrigation of 160 acres from April 1 to September 30 within the S½SE¼, Sec. 19; N½NE¼, Sec. 30, T4N, R18E
Reason for non-use: The delivery ditch has been removed due to landscaping.
Time will be required to restore it.

Any protest against the approval of the above proposed application must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301, on or before March 11, 1985.

A. KENNETH DUNN
Director

Published in Lincoln County Journal on February 21 and February 28, 1985

LINCOLN COUNTY JOURNAL
Shoshone, Idaho

COST OF PUBLICATION

Number of Lines in Notice		
Number of Insertions		
Lines tabular at	315c	
44 Lines straight at	52 ~~21c~~	22.88
44 Subsequent lines at	39 ~~15c~~	17.16
TOTAL COST		40.04

PUBLICATION RATES
(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight	21c
7 pt. per line, tabular	315c
7 pt. per line, successive insertions	15c

RECEIVED
No. 2615
MAR 6 1985
Department of Water Resources
Southern Idaho District Office

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 21, 1993

CASCEA ASSOC INC
THOMAS D HORMEL
C/O J EVAN ROBERTSON
PO BOX 1906
TWIN FALLS ID 83303-1906

RE: Transfer of Water Right Nos. 37-00081 and 37-00082

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 3881). Please be sure to thoroughly review the "CONDITIONS/REMARKS:" as listed on the transfer.

Also enclosed is a Preliminary Order regarding the approval of this transfer.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures

RECEIVED

JAN 1 1 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 10, 1993

CASCEA ASSOCIATES INC.
THOMAS D HORMEL
C/O J EVAN ROBERTSON
PO BOX 1906
TWIN FALLS ID 83303-1906

RE: Permit Nos. 37-00081 and 37-00082

Dear Permit Holder:

The accompanying order is a "preliminary order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or

JAN 1 1 1994

taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) the petition for reconsideration is disposed of; or
> (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final

JAN 1 1 1994

order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

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

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

Enclosure

c: Southern Region

JAN 1 1 1994

MEMORANDUM

To: Files 37-0081 and 37-0082

From: L. Glen Saxton

RE: RATE, VOLUME AND SEASON RECOMMENDATIONS ASSOCIATED WITH THE APPROVAL OF TRANSFER NO. 3881

Date: October 26, 1993

Water rights 37-0081 and 37-0082, after the approval of prior transfer no. 3609 provide for the irrigation of a total of 24.4 acres. The rate and volume associated with each acre to be irrigated is 0.03 cfs per acre and 3.0 AF per acre per annum.

The applicant (Cascea Associates, Inc. and Thomas D. Hormel) have filed application for transfer no. 3881 proposing to cease the irrigation of 2.8 acres, to transfer a rate of diversion of 0.02 cfs and to impound the water in ponds which have a total surface area of 1.1 acres.

In order to approve this transfer, the department needs to make the following changes to the water rights:

Rate:

1.1 acres (0.03) = 0.03 cfs.

This analysis assumes that the amount of water transpired from one acre of a growing crop is about equal to the amount of water evaporated off from 1 acre of pond surface. This also means that about 1.1 acres of irrigation need to be foregone rather than the 2.8 acres proposed.

Acreage:

24.4 acres minus 1.1 acres = 23.3 acres remaining.

Volume:

23.3 (3) = 69.9 AF

Season of use:

The season of use for irrigation should be April 15 to October 15 of each year to be consistent with SRBA recommendations.

JAN 11 1994

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
THOMAS J. RYAN
GARY L. QUIGLEY
JUSTIN R. SEAMONS
JOHN K. SIMPSON
PATRICK D. MADIGAN
PAUL W. SAMUELSON
TIMOTHY J. STOVER
NORMAN M. SEMANKO

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

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

RECEIVED
OCT 26 1993
Department of Water Resources

October 25, 1993

L. Glen Saxton, Chief
Water Allocation Bureau
Department of Water Resources
1301 North Orchard Street
Boise, ID 83720-9000

Re: Application for Transfer No. 3881 of Water Rights 37-0081 and 37-0082 in the Name of Cascea Associates, Inc.

Dear Mr. Saxton:

Enclosed please find the documents you requested in your letter dated August 19, 1993.

Sincerely,

J. Evan Robertson /KB
J. EVAN ROBERTSON

JER:kb
10259303.JER.93

Enclosures

JAN 11 1994

EHM Engineers, Inc.
ENGINEERS/SURVEYORS/PLANNERS

IN THE FIELDS OF:
PLANNING
SURVEYING
HIGHWAYS
WATER
SEWAGE
STRUCTURAL
SUBDIVISIONS
BRIDGES
ENVIRONMENTAL
QUALITY CONTROL
CONSTRUCTION MNGMT.

DATE: 10/21/93

TO: Evan Robertson

FROM: Gerald Martens

SUBJECT: Water Right Transfer (37-0081 & 37-0082)

The following are my input on questions raised by L. Glen Saxton in a letter of August 19, 1993.

1. The 0.02 CFS proposed for transfer in the water needed to sustain the wet land. The wet land basin was sealed to preclude water loss. The 0.02 CFS is proving to be more than adequate for sustaining the wet land.

2. The area from which the irrigation has been transferred is NE4, Section 30, Township 4 North, Range 18 East, Boise, Meridian.

3. The total pond surface area (4 ponds) is approximately 1.1 areas.

4. Please find attached a plan that shows the point of division, method of measurement, and method of flow control.

5. The water flow to the Idaho Foundation for Parks and Land Pond requires no diversion. The flow follows an old channel that has been in use for at least 40 years. There is no structure to control the flow. Portions of the return flow returns to the Wood River through a "wash out" that was partially repaired in coordination with the Department of Water Resources.

Please call me if you need any additional details.

JAN 11 1994

1139 Falls Ave. E., Suite B • Twin Falls, Idaho 83301 • (208) 734-4888 • FAX 734-6049
Westside Office Building, 5th St. and 1st. Ave., Ketchum, Idaho 83340, (208) 726-4479

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 20, 1993

Cindy Thiede
PO Box 895
Ketchum, ID 83340

Dear Cindy:

Enclosed are the documents you requested from both L. Glen Saxton and myself.

As we discussed, these files are quite large and lengthy and contain much information that may be of help to you. If you wish to view the files or make copies of the files for your records, please notify me in advance so that an appointment can be made.

In the mean time, if you have any questions, or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson

Karen L. Gustafson
Senior Secretary

Enclosures

MICROFILMED

JAN 1 1 1994

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
I. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
THOMAS J. RYAN
GARY L. QUIGLEY
JUSTIN R. SEAMONS
JOHN K. SIMPSON
PATRICK D. MADIGAN
PAUL W. SAMUELSON
TIMOTHY J. STOVER
NORMAN M. SEMANKO

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

Boise Office
1221 WEST IDAHO, SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

October 4, 1993

VIA FACSIMILE 327-7866

L. Glen Saxton, Chief
Water Allocation Bureau
Idaho Department of Water Resources
1301 N. Orchard Street
Statehouse Mail
Boise, ID 83720-9000

RE: Application for Transfer No. 3881 of Water Rights 37-0081 and 37-0082 in the Name of Cascea Associates, Inc.

Dear Mr. Saxton:

I apologize for not responding sooner to your letter dated August 19 concerning additional information on the following application. The information requested required me to contact EHM Engineers of Twin Falls, the project engineers for both the transferor and the transferee. I am still awaiting that information, but have redoubled my efforts to see that it gets to you in a timely fashion.

Again, I apologize for the delay, but your request sought a substantial amount of new information which had not previously been requested during the pendency of the long awaited protest proceedings on this transfer. I hope you will take into consideration the extremely long period of time which my client waited for the Department to schedule a hearing on the protest lodged against this transfer by Friends of the Big Wood River when considering the allowance of additional time now to provide you with the requested material. My client was quite patient with the Department, and we would sincerely appreciate a little patience from the Department at this time. Again, we are in the process of obtaining the information you have requested and I will get it to you just as quickly as possible.

Sincerely,

J. EVAN ROBERTSON

MICROFILMED
JAN 11 1994

JER:mw\092993ltr.JER

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 15, 1993

J. Evan Robertson
Rosholt, Robertson & Tucker
P.O. Box 1906
Twin Falls, ID 83303-1906

RE: APPLICATION FOR TRANSFER NO. 3881 OF WATER RIGHTS 37-0081 AND 37-0082 IN THE NAME OF CASCEA ASSOCIATES, INC.

Dear Mr. Robertson:

Enclosed is a copy of my August 19, 1993 letter to you asking for certain information which, to date, I have not received. Please provide the requested information within thirty (30) days or advise me why additional time is needed.

If you do not timely provide the information, the department will reject the application for transfer.

Feel free to contact the department if you have questions.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 1

c: IDWR - S. Region

RECEIVED
JAN 11 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 19, 1993

J. Evan Robertson
Rosholt, Robertson & Tucker
P.O. Box 1906
Twin Falls, ID 83303-1906

RE: APPLICATION FOR TRANSFER NO. 3881 OF WATER RIGHTS 37-0081 AND 37-0082 IN THE NAME OF CASCEA ASSOCIATES, INC.

Dear Mr. Robertson:

The above referenced application for transfer file has been forwarded to this office from our Twin Falls office, since the Friends of the Big Wood River has withdrawn its protest.

A review of the file shows that before the department can take final action on the application, some additional information is needed. Please provide the following information at your earliest convenience in order that the department can further consider the application:

1. How was the 0.02 cfs (9 gallons per minute) proposed in this transfer determined? This is about the amount of water a garden hose will discharge.

2. Specifically describe the location of the 2.8 acres which will not be irrigated within the 24.4 acre authorized place of use in order to divert aesthetic water to the ponds? Please describe the land to the nearest 10-acre tract or submit a map which clearly delineates the legal description and the location of the 2.8 acres.

3. What is the combined surface area of the four (4) ponds on the Hormel property?

4. Specifically describe the location where the 0.02 cfs of water will be rediverted from the water system within the Lane Ranch Subdivision to the ponds? Describe the type of diversion and/or control works planned and/or existing at this point. Is there a means to shut off this rediversion? Is this point of rediversion readily accessible to the watermaster of the Big Wood River? Please describe.

5. Who controls the flow of water to and/or from the pond on the land owned by the Idaho Foundation for Parks & Lands?

RECEIVED
JAN 11 1994

Your prompt response to this letter will allow the department to further review this matter. If you have questions, please feel free to contact the department.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - S. Region

JAN 1 1 1994

Form 222a
6/78. Jm S.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: J. E. Stanton Date [illegible]

1. Right number 37-0081, 0082 Applicant CASCEA Associates INC.
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
   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: [signature]

1. Watermaster recommendation requested on 1/15/92 Received on 1/17/92
2. Is transfer published correctly? ☑ Yes ☐ No
3. Protest received? ☑ Yes ☐ No — Withdrawn

RECOMMENDED ACTION

1. ☑ Approve
2. ☐ Deny
3. Conditions* - See Memo
4. By [signature] Date 8/10/93

** All uses within Watermaster Districts require special conditions.*

MEMORANDUM

DATE: 10-Aug-1993

FROM: Loren Holmes

TO: File 37-0081, 37-0082 T3881 - CASCEA

SUBJECT: Outcome of pre-hearing conference on 6/29/93 and subsequent action

This transfer is a proposed on rights as changed by T# 3609. This application proposes to convert .02 cfs of each right from irrigation of 2.8 acres to "irrigation" 1.3 acres of wetland. the proposed combined rate of diversion is .02 cfs.

Friends of the Big Wood River (FBW) contends this application is not in the public interest because it represents additional consumptive use of water.

At the conference, FBW indicated that their real concern is with non-compliance with conditions of T# 3609, which converts some of the water rights to non-consumptive uses. FBW maintains that the non-consumed water must be discharged to the river.

The Lane Ranch discharge has been diverted before it reaches the river and channeled to a pond on land owned by the Idaho Foundation for Parks & Lands (IFPL) which is a private entity. FBW alleges that Hormel is responsible for this diversion and that the pond had been dredged and enlarged by Hormel

Nick Cox handed me a diagram of the area showing the Hormel ponds and the diversion to the IFPL pond. A field inspection on July 9, 1993 by me indicated the diagram to be essentially accurate.

The four wetland ponds proposed as place of use under this transfer are in place. The ponds are connected to each other by buried plastic pipes and any water not consumed is discharged back into the Lane Ranch ditch. I did not measure the ponds but, based on observation, they total to considerably less than the 2.8 acres to be taken out of irrigation and possibly less than the 1.3 acres proposed to be put in wetland.

On August 3, 1993, the protest against this transfer was withdrawn by FBW.

This transfer does not appear to cause expansion or injury to other rights if it is assumed that the consumptive use of an acre of wetland is no greater than an acre of irrigated land. The transfer does not seek to change the period of use from the April 1-November 1 irrigation season.

RECEIVED

JAN 1 1 1994

The diversion of unconsumed water to the IFPL pond is not authorized by a water right. If pond surface area consumes water equivalent to irrigated area, the diversion creates a consumptive burden on the resource not authorized by T 3609 and not proposed by this transfer.

The diversion also may reduce river flows available to downstream rights and to minimum streamflows. The diversion impairs the ability of CASCEA to exercise its right under T 3609 without injury to to other water rights.

This transfer should be conditioned similar to the approval of T 3609.

An additional condition should be added to each transfer requiring that all unconsumed water be discharged directly to the Big Wood River.

JAN 1 1 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

03-Aug-1993

J EVAN ROBERTSON
PO BOX 1906
TWIN FALLS ID 83303-1906

RE: Protested Application for Transfer No. 3881 (37-00081, 37-00082, CASCEA ASSOCIATES, INC.)

Dear Mr. Robertson:

We have received a withdrawal of the protest filed by The Friends of the Big Wood River against approval of the above referenced application.

Since they were the only protestant, the issue of the protest has been resolved and the Department is now prepared to proceed with the normal processing of the application which includes regional review prior to being forwarded to our State Office.

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

Very truly yours,

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

LH:MB

RECEIVED
JAN 1 1 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

03-Aug-1993

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

NICK COX PRESIDENT
FRIENDS OF THE BIG WOOD RIVER
PO BOX 4411
KETCHUM ID 83340

RE: Application for Transfer No. 3881 (37-00081, 37-00082, CASCEA ASSOCIATES, INC)

Dear Mr. Cox:

This office acknowledges receipt of the withdrawal of your protest against the above referenced application.

Since you were the only protestant, the issue of the protest has been resolved and the Department is now prepared to proceed with the normal processing of the application which includes regional review prior to being forwarded to our State Office.

The Department will continue review of the application without further contact with you unless information is requested.

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

Very truly yours,

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

LH:MB

JAN 1 1 19

RECEIVED
AUG 03 1993
Department of Water Resources
Southern Region Office

FRIENDS OF THE
BIG WOOD RIVER

July 30, 1993

Mr. Loren Holmes, P. E.
Southern Region Manager
IDWR
222 Shoshone St. East
Twin Falls, ID 83301

Re: Transfer #37-0081 and 0082

Dear Loren,

The Friends of the Big Wood hereby withdraw their protest of the above named water rights transfer application.

Sincerely,

Nick Cox, Pres.

cc Evan Robertson

JAN 11 1994

POST OFFICE BOX 4411 • KETCHUM, IDAHO 83340

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

28-Jul-1993

J EVAN ROBERTSON
PO BOX 1906
TWIN FALLS ID 83303-1906

Re: hearing date for application for transfer 37-0081, 0082, CASCEA/Hormel

Dear Mr. Robertson:

The hearing date for the transfer is now scheduled for August 17, 1993 at 10:30 AM in Hailey.

Formal notice of the hearing will be mailed on or before August 3.

If there are conflicts, please let me know as soon as possible.

Sincerely,

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

MICROFILMED

JAN 1 1 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

28-Jul-1993

FRIENDS OF THE BIG WOOD RIVER
PO BOX 4411
KETCHUM ID 83340

Re: hearing date for application for transfer 37-0081, 0082, CASCEA/Hormel

Gentlemen:

The hearing date for the transfer is now scheduled for August 17, 1993 at 10:30 AM in Hailey.

Formal notice of the hearing will be mailed on or before August 3.

If there are conflicts, please let me know as soon as possible.

Sincerely,

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

JAN 1 1 1994

Robertson:
Total amt is .02 cfs

Cox: Lone Rock Previous Transfer change
- Issue - Elkhorn

MY Q - Application indicates Lone Rock
Acreage will change from 24.4 to 21.6 A-28
- WR Removed from 2.8 Ac - & used on Home!
1.3 Acres - Wetland? - Y -

FBW Issue is Performance under Previous
Transfer - Is Lone Rock required to
Discharge Non-Consumptive water to River.
- Argues Lone Rock Obligated to Return 163"
to R.

FBW - Pond/wetland already in place - Operating
illegally

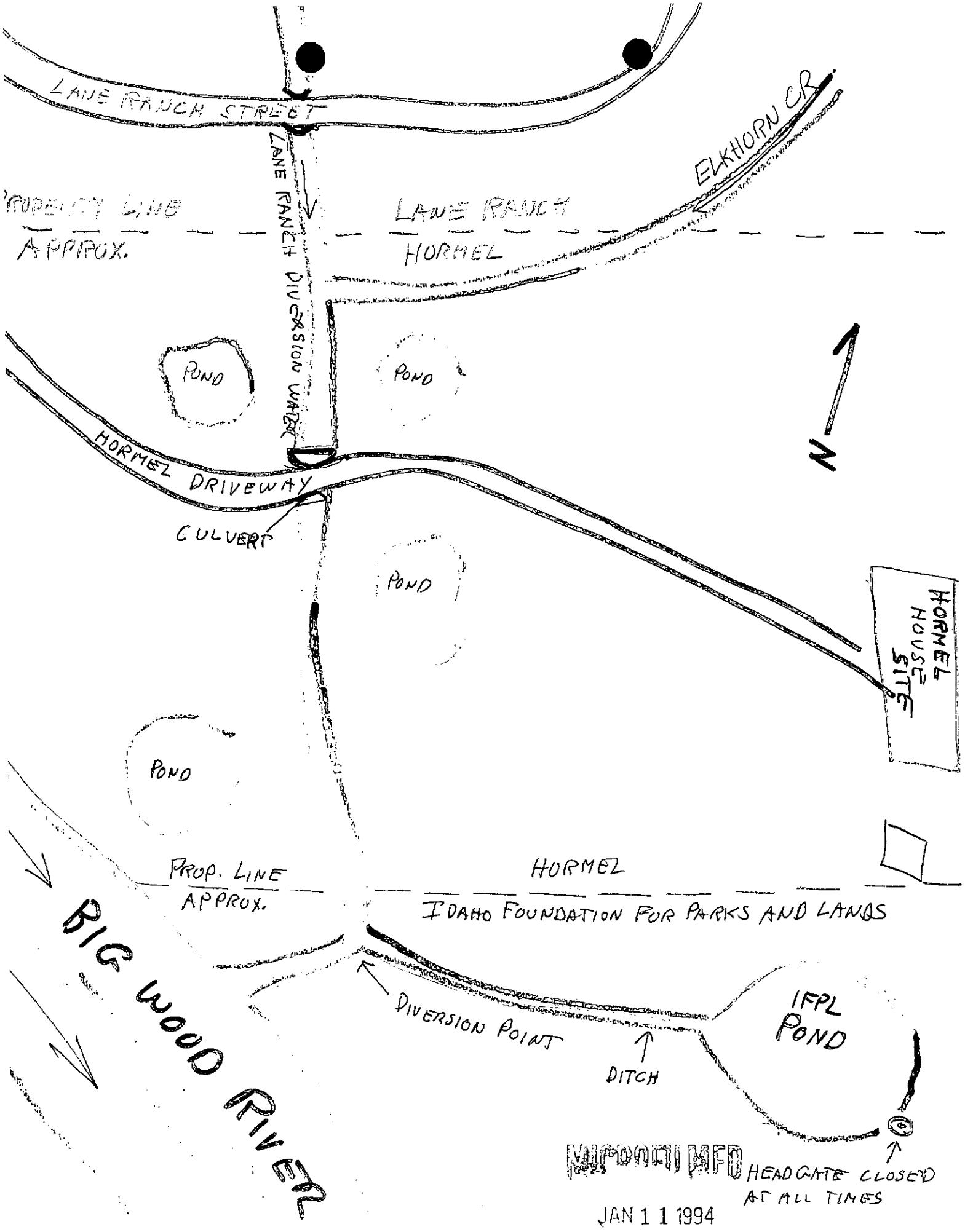
~~If~~ Pond - A natural feature - Utilizes
Built to continue water supply

APPROVED

JAN 1 1 1994

- His July 20 -

Send FBW complete copy of AAI E



RECEIVED
JAN 11 1994

Re: Application for transfer 3881, CASCEA, Hormel

Place: Hailey

Date: 29-Jun-1993

Conference held by: Loren Holmes

ROSTER OF ATTENDANCE

NAME	ADDRESS	REPRESENTING
NICK COX	PO BOX 4411	FRIENDS OF THE BIG WOOD
DOUG BREARLY	BOX 1625 HAILEY	" " " "
EVAN ROBERTSON	BOX 1906, TWIN FALLS	APPLICANT

JAN 11 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER OF WATER RIGHTS NO. 37-0081 & 37-0082	NOTICE OF PRE-HEARING CONFERENCE
Cascea Associates, Inc. and Thomas D. Hormel, Applicant	SOURCE: Big Wood River Elkhorn Creek
Friends of the Big Wood River, Protestant	COUNTY: Blaine

On July 9, 1991, Cascea Associates, Inc. and Thomas D. Hormel, applicant, applied to the Department of Water Resources to change the places of use and nature of use of portions of water rights No. 37-0081 and 37-0082. On December 18, 1991, the Department received a protest against the approval of said application from Friends of the Big Wood River.

The Department has set the matter of protest for conference for Tuesday, June 29, 1993, at 10:30 AM, in the BLaine County P & Z meeting room in the old courthouse, .

The purpose of the conference is to formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

The conference will be held in accordance with chapter 2, Title 42 of the Idaho Code and the adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded to all parties to respond and present evidence and argument on all issues involved.

If you require special accomodations for a disability in order to participate in or attend the conference, please advise the department within ten (10) days prior to the meeting.

Dated this 16 day of June, 1993.

Loren O. Holmes
Southern Region Manager

PROCESSED

JAN 11 1994

NFERENCE AND HEARING PROCEDURE

IN THE MATTER OF A PROTESTED APPLICATION FOR TRANSFER

In accordance with IDAHO CODE, Section 42-222, the following issues are involved in the consideration of the application and protest(s):

1) Are other water rights injured by the transfer?

2) Does the change constitute enlargement in the use of the original water right?

3) Is the change consistent with the conservation of water resources within the state of Idaho?

4) Does the change conflict with the local public interest?

BURDEN OF PROOF

The Applicant has the initial burden of proof on issues 1,2, & 3 above, that is, the applicant has the burden of coming forward with evidence for evaluation of those criteria.

The initial burden of proof on issue 4, local public interest, lies with the both the applicant and protestant as to factors which they are most knowledgable and cognizant of. The applicant has the ultimate burden of persuasion with respect to this issue.

PROCEDURE

The procedure normally followed by the department in arriving at a decision on the issues which must be considered is to first hold a conference in the matter and then, if necessary, hold a hearing. If a hearing is held a written decision is issued based on the hearing record.

CONFERENCE

Preliminary to holding a hearing, a pre-hearing conference is held to to familiarize the department and the parties with the matter and to determine if a resolution of the protest(s) is possible without the need for a hearing.

At the conference the department may formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

HEARING

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be issued and the parties will be afforded the opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by IDAHO CODE, Section 42-1701A.

The parties by written stipulation, may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not predjudice the director's review of a party's evidence and arguments. However, such a waiver will shorten the decision making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the District Court.

Under the provisions of the IDAHO CODE, Sections 42-1701A and 67-5215, any court review of the department's decision on appeal shall be confined to the record created before the department.

EFFECT OF FAILURE TO APPEAR AT A CONFERENCE OR HEARING

Failure to appear at the time and place set for a conference or hearing by the applicant or protestant(s) may allow the department to dismiss without predjudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

JAN 1 1 1994

NAME AND ADDRESS OF SENDER

Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☐ Certified ☐ Express Mail

Check appropriate block for Registered Mail:
☐ With Postal Insurance
☐ Without Postal Insurance

Affix stamp here if issued certificate of mailing or f additional copies of this

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FOR REGISTERED, INSURED, C.O.D., CERTIFIED, AND EXPRESS MAIL

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If C.O.D.	R. Re Fee	S. D. Fee
1	1416	6/16/83/LH J. Evan Robertson TR37-0081,82	.29	1.00	1.00	2.29				
2	1417	Friends of Big Wood River	〃	〃	〃	〃				
3										
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15										

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The full declaration of value is required on all domestic and in
The maximum indemnity payable for nonnegotiable document
ment reconstruction insurance is $50,000 per piece subject t
occurrence. The maximum indemnity payable on Express Mai
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parcels. Special delivery service also includes special handling ser

PS Form 3877, Feb. 1982

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

☆ U.S. GOVERNMENT PRI

JAN 11 1984

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3 and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece next to the article number.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
TR 37-0081,0082
J EVAN ROBERTSON
PO BOX 1906
TWIN FALLS ID 83303-1906

RECEIVED
JUN 22 1993
Department of Water Resources
Southern Region Office

4a. Article Number
1416

4b. Service Type
☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery
6/6-93

5. Signature (Addressee)

6. Signature (Agent)
K Timmerman

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

JAN 11 1994

PS Form **3811**, October 1990 ☆U.S. GPO: 1990—273-861 **DOMESTIC RETURN RECEIPT**

United States Postal Service

Official Business

U.S. MAIL

PENALTY FOR PRIVATE USE, $300

RECEIVED

JAN 1 1 1994

Print your name, address and ZIP Code here

IDAHO DEPT. OF WATER RESOURCES
SOUTHERN REGION
222 Shoshone Street East
Twin Falls, ID 83301

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3 and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece next to the article number.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: TR 37-0081.0082

FRIENDS OF THE BIG WOOD RIVER
PO BOX 4411
KETCHUM ID 83340

4a. Article Number 1417

4b. Service Type
☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)

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

6. Signature (Agent)

JAN 1 1 1994

PS Form **3811**, October 1990 ☆U.S. GPO: 1990—273-861 **DOMESTIC RETURN RECEIPT**

.al Service

Business



RECEIVED

JUN 18 1993

Department of Water Resources
Southern Region Office

JAN 11 1994



PENALTY FOR PRIVATE
USE, $300

Print your name, address and ZIP Code here

IDAHO DEPT. OF WATER RESOURCES
SOUTHERN REGION
222 Shoshone Street East
Twin Falls, ID 83301

NAME AND ADDRESS OF SENDER

Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☐ Certified ☐ Express Mail

Check appropriate block for Registered Mail:
☐ With Postal Insurance
☐ Without Postal Insurance

Affix stamp here if issuec certificate of mailing or additional copies of this

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Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee
1	1416 ✓	6/16/93/44 J. Evan Robertson TR37-008182	.29	1.00	1.00	2.29				
2	1417 ✓	Friends of Big Wood River								
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5										
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15										

PS Form 3877, Feb. 1982

Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	POSTMASTER, PER *(Name of receiving employee)*

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The maximum indemnity payable for nonnegotiable document
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occurrence. The maximum indemnity payable on Express Mai
$500. The maximum indemnity payable is $25,000 for Register
$400 for Insured Mail. Special handling charges apply only
parcels. Special delivery service also includes special handling serv

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

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JAN 11 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

08-Jun-1993

J EVAN ROBERTSON
P O BOX 1906
TWIN FALLS ID 83303-1906

Re: Application for Transfer 37-0081,82 - Prehearing conference date

Dear Mr. Robertson:

This office is tentatively scheduling a prehearing conference in this matter for Tuesday, June 29, 1993, in Hailey.

Formal notices will be mailed about June 14. Please let me know if there are conflicts prior to that date.

Sincerely,

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

JAN 1 1 1994

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

08-Jun-1993

FRIENDS OF THE BIG WOOD RIVER
P O BOX 4411
KETCHUM ID 83340

Re: Application for Transfer 37-0081,82 - Prehearing conference date

Gentlemen:

This office is tentatively scheduling a prehearing conference in this matter for Tuesday, June 29, 1993, in Hailey.

Formal notices will be mailed about June 14. Please let me know if there are conflicts prior to that date.

Sincerely,

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

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ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
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THOMAS J. RYAN
GARY L. QUIGLEY
JUSTIN R. SEAMONS
JOHN K. SIMPSON
VINCE T. GULLETTE
PATRICK D. MADIGAN
PAUL W. SAMUELSON

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MAY 14 1993
Department of Water Resources
Southern Region Office

May 13, 1993

Mr. Loren O. Holmes, P.E.
Manager, Southern Regional Office
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

RE: Status of Protest Applications Nos. 37-0081 & 37-0082

Dear Loren:

On February 1, 1993, I sent you a letter asking for an update on the pending protest of the above-referenced applications by Friends of the Big Wood River, but to date I have received no response. The applicant desires to move this application along, and I would again ask you to schedule a pre-hearing conference if you feel that would be productive, and, if not, schedule a protest hearing. My client is anxious to hear about the status of this matter.

Sincerely,

J. Evan Robertson

JER:mw
05139302.JER

JAN 11 1994

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Department of Water Resources

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FEB 02 1993
Department of Water Resources
Southern Region Office

February 1, 1993

Mr. Loren O. Holmes, P.E.
Manager, Southern Regional Office
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, ID 83301

RE: Status of Protest
Applications Nos. 37-0081 and 37-0082

37-0081

Dear Loren:

John Fitzgerald had been working on the above-captioned application for transfers for sometime before leaving our employment several months ago. At the time of his departure, it was my understanding that the applications had been protested by Friends of the Big Wood River, and that while a substantial amount of correspondence between the parties has taken place in an effort to settle the differences, no resolution has been reached. I know John requested a pre-hearing conference several months ago, but I currently do not know the status of that request or of the protest. Would you please provide me with an update from your files, and, if the protest from Friends of the Big Wood River, or any other person or entity, remains outstanding, I request that you schedule a pre-hearing conference on the matter as quickly as possible. Because of the extensive negotiations which have gone on to date between the parties, I am not optimistic that a pre-hearing conference will lead to a settlement, but I do think it is worth trying before a protest hearing is scheduled.

Thank you.

Sincerely,

J. Evan Robertson/mw

J. EVAN ROBERTSON

JER:mw/02019314.JER

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JUL 17 1992
Department of Water Resources

FRIENDS OF THE
BIG WOOD RIVER

July 15, 1992

Mr. John Fitzgerald
Rosholt, Robertson & Tucker
PO Box 1906
Twin Falls, Id 83303

RE: Proposed change of Water Right
Nos. 37-00081 and 37-00082

Dear John,

I want to preface my comments here by saying that prior to our phone conversation I was under the impression that the riparian area to be watered with the .02cfs was the pond south west of the house which is on land owned by the Idaho Foundation for Parks & Land(not the Idaho Parks Foundation).

Pursuant to our conversation I went down and took a look at the area to which the .02dfs is to be diverted. My first comment is that the water is already being diverted without a permit having been issued which is, of course, a violation in itself. Diverting water, drilling wells and the like before getting a permit to do so is an all too common in the Wood River Valley.

Second, you said in your letter of May 15 that the "water shall be use beneficially to water grasses, shrubs, trees and other plant communities indigenous to a natural wetland". The fact is that the diversion is for a pond pure and simple. The pond is artificial. It is not in a riparian area. It is on a bench well above the river which would be a desert if it were not irrigated. The pond does not irrigate any riparian vegetation to speak of. There are a couple of rushes in the pond. There are no willows, cottonwoods or other typical riparian species contiguous to the pond. There is a berm adjacent to the pond on which is planted both aspens and conifers. These are watered by means of a sprinkler system and are no way watered by or dependent on the pond. Moreover, as I'm sure you are aware, conifers are not a riparian species. I am describing this in some detail because I know that you are at a considerable disadvantage for never having been on the site.

I said in our phone conversation that .02cfs is not much water and is not of a concern to us(The Friends of the Big Wood River) if it is truly watering a riparian area. However, in this case there are two very significant issues that we need to address. First, it is clear that the use of the water is for a pond and not for the watering of a riparian area. A pond is an aesthetic and therefor non-consumptive use of water and must be permitted as such, and any water used for this non-consumptive purpose must be returned to the river in accordance with the law.

Second, permitting the present situation would, in our view, represent a precedent which would allow anyone with property anywhere to build a pond and fill it with consumptive water and say that it is being used to water a riparian area. We cannot allow this to happen for it would definitely have a negative

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JAN 11 1994

impact the water available to the river and to others with prior rights.

Furthermore, in your letter of May 15, 1992 you say that the water going into the pond eventually seeps back into the Big Wood river. First of all, you cannot know that for a fact and certainly cannot prove it. Second, there is an evaporation factor which exists in relation to the surface area of the pond. It is certain that what evaporates does not go back in the river. The amount from the Hormel pond may be less than insignificant, but the evaporation from hundreds or even thousands of ponds that may result from this precedent setting application would be very significant.

The mere fact that some riparian vegetation may be planted around a pond does not mean that the pond or the water is watering a riparian area. The riparian area, must, in our view, be (1) preexisting and (2) immediately contiguous to the Big Wood River or a waterway that flows into it in order to qualify for being watered by means of a consumptive water right.

The other issue, which may be peripheral to the above, but very significant to us and the downstream water users is the problem of the 163inches of non-consumptive water from the Lane Ranch not being returned to the Big Wood River as required by law. The point at which the water would normally return to the river has been blocked by boulders brought to the site and placed by someone. You say that Tom Hormel had nothing to do with this work and is not in the slightest interested in the diversion or the pond below his house on the Idaho Foundation for Parks and Land donated by Helen Fassett many years ago. I know for a fact that the pond was dredged within the last three or so years, and that the diversion has been improved both last fall and this spring. Who is ordering and paying for this work? We are interested because we know that water that belongs in the Big Wood is being diverted to the pond which is directly below and in view of the Hormel house site.

Lee Peterson, the Watermaster and Loren Holmes, the Southern Region Manger, agree with me that the 163 inches of non-consumptive water from the Lane Ranch must be returned to the river. All that remains is to find a way.

May I again recommend that you, and representatives from the IDWR, Lane Ranch, the IFP&L and I get together on site and review the situation. Another logical person to join this group would be Tom Hormel himself.

In the meantime our protest to the above named application shall remain in effect.

Very sincerely,

Nick Cox, Pres.

cc Lee Peterson, Watermaster Dist 37
Loren Holmes, IDWR Southern Region Manager
Gary Spackman, IDWR, Water Rights Permits Section
Dick Oneida, Big Wood Canal Company

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JAN 11 1994

NOT INCLUDED Because IT IS THOUGHT TO BE OUR CONCERNS

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JUN 15 1992
Department of Water Resources

FRIENDS OF THE BIG WOOD RIVER

June 11, 1992

Mr. John O. Fitzgerald
PO Box 1906
Twin Falls, ID 83303

Re: Water Rights App. Nos. 37-00081 & 82

Dear John,

Thank you for your lengthy, detailed and informative letter of May 15. There has definitely been a lot of monkeying with the water course over the years.

Our main concern remains the 163 inches of non-consumptive water from the Lane Ranch. Your letter did not address this situation. All except a small seep is being diverted into the pond. Virtually none of the 163 inches is being returned to the Big Wood River.

Since neither Hormel, nor the Park Service, nor anyone else has a permit for this water, our view is that it must be returned to the river.

If the IDWR sees fit to give a permit of .02cfs(9gpm) for "wetlands development" we really don't have a problem with that. In fact we agree that it is probably a good thing.

We are rapidly approaching the low water season. It is quite possible that the river may reach historic low flows. The 163 inches of non-consumptive water from the Lane Ranch will be important to fish and wildlife. It will also be important to the downstream irrigators who are ultimately entitled to it.

What we see happening is that water being diverted without a permit and not returned to the river. I check the site periodically and at this writing the non-consumptive water from Lane ranch is not being returned to the river.

Until this situation is resolved to our satisfaction, we will not remove our protest in this matter.

Sincerely,

Nick Cox, Pres.

cc Lee Peterson
Loren Holmes
Gary Spackman

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JAN 11 1994

ROSHOLT, ROBERTSON & TUCKER
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ATTORNEYS AT LAW

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JOHN O. FITZGERALD
D. BERNARD ZALEHA

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March 18, 1992

Friends of the Big Wood River
P.O. Box 4411
Ketchum, Idaho 83340

RE: Notice of Proposed Change of Water Right Nos. 37-00081 and 37-00082

Dear Doug:

1 With regard to the protest, filed on behalf of your organization, to the above-referenced matter, we would like to respond to your questions and concerns set forth therein.

2. Regarding your first question, the changes in the place and nature of use of the water will not reduce the quantity of water available under the water rights. To the contrary, the changes will very likely increase the quantity of the water returning to the Big Wood River. The source of the water diverted under these two rights comes from the flow of Elkhorn Creek and the Big Wood River. The water from the Big Wood River is diverted by pump and commingled with the flow of Elkhorn Creek. Presently, the water from Elkhorn Creek and the Big Wood River which is not consumed by the sprinkler irrigation use flows back to the Big Wood River. In other words, the water under the water rights which exceeds the irrigation needs returns to the Big Wood River. The proposed changes change the use of the water sprinkler irrigation to wetland development. This change from sprinkler irrigation to wetland development will very likely result in increased return flow to the river.

3 Concerning your second question, sufficient water does exist for wetland development. Normal flows in Elkhorn Creek far exceed the irrigation demands and uses. An efficient irrigation system demonstrates a significant surplus in available water. The proposed change in the nature of use of the water from sprinkler irrigation to wetland

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development will not effect the sufficiency of the water available. Further, when the application is approved, the changes will not constitute an expansion of use.

4 As to your third question, the point of return of the water will not change under the proposed and submitted plans to develop the wetland. The return flow of the water to the Big Wood River will be monitored by a wier located at the bridge structure immediately upstream from the Big Wood River. This wier will be periodically monitored to determine and manage the return flow of the water to the Big Wood River.

5 Regarding your fourth question, the developed wetland area shall be lined with a native seal consisting of a soil bentanite mixture. The native seal shall preclude percolation, thereby forcing the water to seep to the existing distinct point of discharge back to the Big Wood River. Losses, if any, will be extremely minimal.

6 With regard to your fifth and sixth questions, the proposed changes in place and nature of use neither constitute nor are for speculate purposes or reasons. And, finally, the watermaster rules and regulations for administration of water rights and diversions govern the procedure for turn-off and turn-on of the water.

7 In essence, the proposed changes 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. Further, the proposed changes will decrease the velocity of the water returning to the Big Wood River, thereby significantly improving the water quality of the return flow to the Big Wood River.

8 Previously, the water under the subject water rights not consumed by the lawn, trees, shrubs and riparian zones either seeped or flowed off the property, eventually returning to the Big Wood River. This decreased velocity of the water returning to the river caused by the wetland development will reduce the water's ability to carry sediments. The dense vegetative cover in the wetlands area will slow and filter the water. Nutrients and pollutants will be dropped from the water as the sediment load settles. Further, some wetland species, particularly cattail and bullrush, ingest water-borne nutrients. The wetland area will improve the quality of the return flow of the water to the Big Wood River by chemical detoxification, and nutrient retention and removal.

9 Further, as stated above, the change from sprinkler irrigation to wetland development will very likely result in increased flow to the river. Not only will the quality of the return flow to the Big Wood River improve, but the quantity of the water returning to the Big Wood River will likely increase.

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We hope this answers your questions and eliminates your concerns over the proposed changes, and your organization will withdraw its protest. However, should it be necessary, we would like to discuss further your questions and concerns over these changes. We, like your organization, do not desire to be antagonistic. Rather, we desire to answer and resolve your questions and concerns as set forth in your protest. Should you have any questions or comments, please feel free to call me.

Very truly yours,

John O. Fitzgerald

JOHN O. FITZGERALD

JOF:kab
03139203.JOF

JAN 1 1 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 3, 1992

Friends of the Big Wood River
P.O. Box 4411
Ketchum, ID 83340

RE: Blaine Ranch Transfer and General Water Administration within the Big Wood River

Gentlemen:

I have received several letters from you within the last week. I appreciate your diligence in gathering data for the Department, and in helping to point out problems which may still exist in the Big Wood River drainage. I am concerned, however, about the biting tone of the letters. I sense that the Friends of the Big Wood River are taking a more adversarial position with the Department than in the past.

I apologize if you do not believe the Department is adequately performing its responsibilities. The control exerted by the Department of Water Resources is dictated by statutory limitations. The Department is also slow to act at times because there are legitimate disputes of fact. The extent to which the Department will involve itself in the administration of water is determined by these considerations.

You raised several questions which I will try to address. You asked whether a ground water use approved because of a surface water mitigation plan will be limited to season of use of April 1 through September 30. Water use will be limited to a season of April 15 through October 15.

The implementation plan for the Big Wood River Ground Water Management Area must be liberal enough to allow general compensation, without imposing a burden that every drop of water be traced both in time and quantity for full mitigation. It may be that the one-for-one contribution of surface water rights to the river in exchange for ground water pumping will actually result in more water in the river because some of the water pumped probably would never reach the Big Wood River anyway. There are also questions about the lag time between when the water is pumped and when the pumping will finally diminish the flows of the Big Wood River. These questions, while capable of resolution at substantial cost, do not appear to be worthy of analysis at the present time.

JAN 1 1 1994

You asked how the non-irrigation of lands from which a surface water right is transferred will be monitored or administered. The Department of Water Resources has not traditionally inspected parcels from which water rights have been transferred. When the Department is apprised of the illegal use of water (described by you as an enlargement in the use of a water right) the Department has issued cease and desist orders to water users who are using water in excess of the use allowed by their water right.

The purpose of mitigation is to compensate for depletions in river flows caused by well pumping. Mitigation water rights left in the river enhance the flow to a theoretical level that would have been flowing in the river had the ground water development not taken place. Junior users who normally would have received water depleted by ground water diversions should now be able to divert the excess water. I do not see how the diversion by junior user results in "double dipping."

With respect to the diversion of Elkhorn Creek into the Hormel Property, I will ask someone from the regional office to look at the discharge to the Hormel Pond and also the discharge to the Big Wood River. Some administrative action may be necessary to insure proper release of Elkhorn Creek water to the Big Wood River.

Respectfully,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc: Loren Holmes
Evan Robertson
Lee Peterson
Dick Oneida

JAN 1 1 1994

3-21-92

DEAR GARY

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MAR 25 1992
Department of Water Resources

FRIENDS OF THE
BIG WOOD RIVER

The Friends have some very serious reservations about the purchase and transfer of water for mitigating larger than .04 CFS wells for domestic and landscaping use.

1. When water is transferred up stream and then removed it is ecologically damaging to the entire system.

2. Water that is purchased from a particular irrigation ditch and transferred to a well has several very damaging consequences. Irrigation ditch water is under control of a watermaster. It is not available until april 1 and is usually cut off on Sept. 30. When X amount is transferred to a well, it is under who's control? It is also available for the entire year. To us this definitely constitutes an expansion of use. Not only a use expansion but a consumption expansion as well. Who is going to monitor this situation? Who is going to pay for it?

3. When water is transferred from a particular piece of ground, that piece of ground is to be "dried up". Who is going to administer this? Who is going to check on it and control this? What is keeping somebody who traditionally flood irrigated to sell some water then use a sprinkle system to water that portion of land he sold his or her water from?

4. If this mitigation water is to be left in the river so that somebody can have a larger well who is going to control this? It has been the case that a certain flow volume in most ditches is crucial to keep it flowing so the on line users will get water delivered to their headgates. Once this water is left in the river, and a larger than .04 CFS well is approved, what is to stop some junior user down the line to come back on board because their is now more water in the river system? This would result in a "double dipping " to the system.

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JAN 1 1 1994

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FRIENDS OF THE
BIG WOOD RIVER

The Friends feel that the time has arrived for the I.D.W.R. to step forward and make some hard decisions before this entire situation gets any further out of hand . These are critical questions and the losers are going to be farmers, ranchers, fish, game,riparian vegetation and the local economy.

We know the Department needs help and we have been trying to give constructive help for a long time. The Friends feel it is now your turn to give some constructive help back to the system.

Sincerely,

Doug

Board of Directors
Friends of The Big Wood River

cc. I.D.W.R.
DICK ONEIDA
JIM EAKIN
JIM SPECK

JAN 11 1994

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MAR 3 1 1992
Department of Water Resources

FRIENDS OF THE BIG WOOD RIVER

March 20, 1992

Mr. Gary Spackman
Idaho Department of Water Resources
1301 Orchard Street
Boise, ID 83720

Re: Hormel project Water Rights Applications
Nos. 37-00081 & 82

Dear Gary,

On a more personal note I want to say that Doug and I feel that we are doing the heavy lifting on these deals. Why should we have to point out to Hormel's lawyer what the rules are in these situations. I thought we had covered this ground in the River's Edge hearings.

How could the IDWR agree to put an outfall measuring weir more than 100 yards from the river and far above the mean high water mark without piping it to the river. Who is doing these things?

Just as in the Willis case, Hormel has no right whatsoever to divert water into a pond from Elkhorn Creek. Yet he has been doing so for more than a year and not returning any of it to the river.

Willis had a headgate and drop structure and was at times running more than 3 cfs of water into his pond and he had no non-consumptive water rights. He only acquired them within the last few months and still hasn't had them transferred to his property.

I want to emphasize the fact that Hormel's pond is in no way anywhere near the natural channel of Elkhorn Creek. If the Department thinks it is, then the Department is capable of swallowing any kind of baloney tossed at them by a water rights applicant.

If this seems a bit harsh, I think it is deserved. The Department, by not laying out some ground rules from the beginning, is leading people to believe they can do things that are not according the rules(as we understand them). Then the Department is faced with denying a project after it has gone in.

By not cutting people like Hormel and Willis off from the very beginning, you are tacitly telling them that it is OK to divert water without a permit, and that whenever they get around to applying for a permit, you will approve it.

Peter Gray had his whole pond project built and the lots sold on these ponds before he got a right to one drop of water. Then the Friends of the Big Wood come up looking like cops because we start asking the hard questions.

Then, when it gets to the hearings, we follow the Department's lead and back off of our protests so we don't hang you up forever in endless hearings and debates. We think that the River's Edge/Sherwood/Graystone project doesn't have a prayer of returning the full amount to the river. On the other hand, you, the Department, have to give them an opportunity to prove it up.

POST OFFICE BOX 4411 • KETCHUM, IDAHO 83340

JAN 1 1 1994

We understand that. But we worry about two things:
1) Is the Watermaster going to check it, and
2) If they are not returning the water, is the Department going to have the stomach to shut the water off and dry up seven ponds on a couple of million dollars worth of real estate that is only worth that much because it has water on it?

We shall see.

Sincerely

Nick Cox

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JAN 11 1994

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MAR 23 1992
Department of Water Resources

March 20, 1992

Mr. Gary Spackman
Idaho Department of Water Resources
1301 Orchard Street
Boise, ID 83720

FRIENDS OF THE BIG WOOD RIVER

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Nos. 37-00081 & 82

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Willis had a headgate and drop structure and was at times running more than 3 cfs of water into his pond and he had no non-consumptive water rights. He only acquired them within the last few months and still hasn't had them transferred to his property.

Returning tho the Hormel situation, I want to emphasize the fact that Hormel's pond is in no way anywhere near the natural channel of Elkhorn Creek. If the Department thinks it is, then the Department is capable of swallowing any kind of baloney tossed at them by a water rights applicant.

If this seems a bit harsh, I think it is deserved. The Department, by not laying out some ground rules from the beginning, is leading people to believe they can do things that are not according the rules(as we understand them). Then the Department is faced with denying a project after it has gone in.

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POST OFFICE BOX 4411 • KETCHUM, IDAHO 83340

JAN 11 1994

We understand that. But we worry about two things:
1) Is the Watermaster going to check the River's Edge situation, and
2) If they are not returning the the full amount of non-consumptive waterr, is the Department going to have the stomach to shut the water off and dry up seven ponds on a couple of million dollars worth of real estate that is only worth that much because it has water on it?

We shall see.

Sincerely

Nick Cox

JAN 11 1994

RECEIVED
MAR 23 1992
Department of Water Resources

March 20, 1992

Mr. John O. Fitzgerald
PO Box 1906
Twin Falls, ID 83303

RE: Right Nos. 37-00081 & 82

FRIENDS OF THE BIG WOOD RIVER

Dear Mr. Fitzgerald,

As we are sure you are aware the Friends of the Big Wood River is concerned, among other things having to do with protecting the Big Wood, with the maintenance of the quantity of water therein. This is of particular concern during these times of drought and low stream flows

With regard to the second paragraph of your letter of March 18, and in order clarify the existing situation, we would like to point out that as of the end of last fall no water from Elkhorn Creek or the Big Wood River was returning to the river from the Lane Ranch project. The Elkhorn Creek channel has been blocked and all the water has been diverted through a man-made ditch to a man-made pond in the wetlands below the Hormel house site.

We wish to repeat the fact that none of the water leaving the Lane Ranch and flowing through the ditch and into the pond returned to the river via surface flow. Last year we inquired of the Department of Water resources if Mr. Hormel had a water rights and stream alteration permit covering this situation. So far we have received no answer to those questions, and we assume that no such permits exist. This would indicate to us that this is and has been an illegal diversion of water which should have been returning to the river.

We understand that the Lane Ranch has the right to divert 200 inches of water from the Big Wood via their pump system. Of this 163 inches is non-consumptive and the rest consumptive. Our understanding of the rules governing non-consumptive water is that it must be returned to the river below the mean high water mark. This was the case in the Peter Grey development on the Comstock ditch where he was required to put in some 800 ft of buried pipe between the out-fall measuring weir and the mean high water mark in order that there be no loss of his non-consumptive water below the weir.

In your third paragraph you say that the point of return of the water to the river will not change. First, the bridge above the river is nowhere near the mean high water mark; and, second, no water was returned to the river below this bridge or anywhere else. If the 163 inches of water is not being returned to the river below the mean high water mark, we consider it to be a violation of the rules governing non-consumptive water and we will petition the Department of Water Resources to correct this situation. As I said we have already asked many questions of the IDWR concerning this situation.

You make reference to wetland development in place of sprinkler irrigation. We are not aware that "wetland development" constitutes a beneficial consumptive use of water.

POST OFFICE BOX 4411 • KETCHUM, IDAHO 83340

JAN 11 1994

We know that a pond such as the one to which the water now flows represents a non-consumptive use of water and, as such, must be returned to the river in its entirety.

We now have a truly arcane situation being proposed: Non-consumptive water is being commingled with consumptive water on the Lane Ranch; the non-consumptive water is not being returned to the river from the Lane Ranch. The water is then to be run through a ditch into a pond and into a wetlands after which it will supposedly "seep to the existing distinct point of discharge back into the Big Wood River."

Paragraph 7 says that the water will create habitat ranging from grasses to shrub and tree zones". We take this to mean that these plants will be irrigated in some fashion which is a consumptive use. The notion that "losses, if any will be extremely minimal" is both conjectural and irrelevant in so much as there can be no proof that all the non-consumptive water is returning to the river, and non-consumptive water must be measured back into the river.

Our position is that the Lane Ranch has 163 inches of non-consumptive water which must be returned to the river below the mean high water mark. This is entirely possible given the exisiting natural layout. However, the measuring weir is now located in the wrong place. We are troubled by the fact that the IDWR is not applying its own rules regarding non-consumptive water in the case of the Lane Ranch.

If you are watering a wetlands the use is consumptive. If the use is consumptive the right is cut off after the irrigation season is over - September 30 - or when the right itself is cut off due to low flows. In the case of Elkhorn Creek, any consumptive right on the creek would cease after September 30.

If the water is being used in a pond, it is necessarily non-consumptive and must be returned. To use it for both a pond and to water vegetation is an expansion of use. Since there are always losses in situations like this, a non-consumptive right must be cut off because there can be no consumptive water available outside the irrigations season.

We have inquired and wish to inquire again as to the status of the Elkhorn Creek water. We assume it is a consumptive right and can only be use to irrigate or to replace non-consumptive water which may be lost. As such it cannot be used to fill a pond. The Lane Ranch water right from the Big Wood River has a priority date of 06/01/1884. Water with this priority date was cut off last year due to low flows. In all likelihood it will be cut off this year for the same reason and will undoubtedly be cut off at times in future years. (We would like to know the priority date of the Elkhorn Creek right. Perhaps you could provide that information.)

With the situation being as described above, and with the acknowledgement by hydrologists and the IDWR as well as the Friends that there are always going to be losses from non-consumptive use that need to be replaced by consumptive rights, it is axiomatic that non-consumtive rights must be cut off

JAN 1 1 1994

because there can be no consumptive water available to replace the loss. This holds true for consumptive rights from both the Big Wood and Elkhorn Creek. In simple terms, consumptive water from neither the Big Wood nor Elkhorn Creek is available for any purpose after September 30.

We wish to add here that the maximum possible flows are critical to the winter survival of trout. Every drop of available water must be kept in the river for its whole length.

The only way we can conceive that water could be used for the Hormel pond and wetlands (during the irrigation season only) is that, first, the 163 inches of Lane Ranch non-consumptive water be measured and returned to the Big Wood not at the bridge over Hormel's driveway but at the mean high water mark. After that, Elkhorn Creek water and the remainder of unused Lane Ranch 1883 consumptive water be divided into consumptive and non-consumptive use in some proportions, and that all of the amount of Elkhorn Creek water converted to non-consumptive use be measured back into the river below the mean high water mark; and that after the end of the irrigation season all of the Elkhorn Creek water be allowed to return to the Big Wood and that no water be withdrawn from the Big Wood through the pump system.

Another very critical consideration is the location of Elkhorn Creek. We understand that the pond below the Hormel house site was alleged to be in the natural channel of Elkhorn Creek. This is not true. The natural channel of Elkhorn Creek empties into the Big Wood some 400 feet downstream of the Hwy 75 bridge below Ketchum. In no way does it now or did it ever flow anywhere near the Hormel pond. The only reason the water from Elkhorn Creek gets over there now is because the natural channel was blocked and a ditch was dug to the pond. The wetlands in the area of the pond is a result of subsurface seepage probably coming down the canyon above the house site.

Let us suggest that an on-site tour be conducted with all the interested parties including the IDWR. This is a thorny problem that is difficult grasp even when the layout is well understood.

Needless to say, we will not withdraw our protest at this time. If you would like to discuss this on the phone please call either Doug Brearey(788-3621) or me(726-2515).

Sincerely,

Nick Cox, Pres.

DB

Doug Brearey, Vice Pres.

cc Gary Spackman
Loren Holmes
Lee Peterson
Dick Oneida

JAN 11 1994

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
GARY L. QUIGLEY
JUSTIN R. SEAMONS
JOHN O. FITZGERALD
D. BERNARD ZALEHA

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

Boise Office
1020 MAIN STREET, SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 334-6034

March 18, 1992

RECEIVED
MAR 23 1992
Department of Water Resources

Friends of the Big Wood River
P.O. Box 4411
Ketchum, Idaho 83340

RE: Notice of Proposed Change of Water Right Nos. 37-00081 and 37-00082

Dear Doug:

1 With regard to the protest, filed on behalf of your organization, to the above-referenced matter, we would like to respond to your questions and concerns set forth therein.

2 Regarding your first question, the changes in the place and nature of use of the water will not reduce the quantity of water available under the water rights. To the contrary, the changes will very likely increase the quantity of the water returning to the Big Wood River. The source of the water diverted under these two rights comes from the flow of Elkhorn Creek and the Big Wood River. The water from the Big Wood River is diverted by pump and commingled with the flow of Elkhorn Creek. Presently, the water from Elkhorn Creek and the Big Wood River which is not consumed by the sprinkler irrigation use flows back to the Big Wood River. In other words, the water under the water rights which exceeds the irrigation needs returns to the Big Wood River. The proposed changes change the use of the water sprinkler irrigation to wetland development. This change from sprinkler irrigation to wetland development will very likely result in increased return flow to the river.

3 Concerning your second question, sufficient water does exist for wetland development. Normal flows in Elkhorn Creek far exceed the irrigation demands and uses. An efficient irrigation system demonstrates a significant surplus in available water. The proposed change in the nature of use of the water from sprinkler irrigation to wetland

JAN 11 1994

development will not effect the sufficiency of the water available. Further, when the application is approved, the changes will not constitute an expansion of use.

4 As to your third question, the point of return of the water will not change under the proposed and submitted plans to develop the wetland. The return flow of the water to the Big Wood River will be monitored by a wier located at the bridge structure immediately upstream from the Big Wood River. This wier will be periodically monitored to determine and manage the return flow of the water to the Big Wood River.

5 Regarding your fourth question, the developed wetland area shall be lined with a native seal consisting of a soil bentanite mixture. The native seal shall preclude percolation, thereby forcing the water to seep to the existing distinct point of discharge back to the Big Wood River. Losses, if any, will be extremely minimal.

6 With regard to your fifth and sixth questions, the proposed changes in place and nature of use neither constitute nor are for speculate purposes or reasons. And, finally, the watermaster rules and regulations for administration of water rights and diversions govern the procedure for turn-off and turn-on of the water.

7 In essence, the proposed changes 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. Further, the proposed changes will decrease the velocity of the water returning to the Big Wood River, thereby significantly improving the water quality of the return flow to the Big Wood River.

8 Previously, the water under the subject water rights not consumed by the lawn, trees, shrubs and riparian zones either seeped or flowed off the property, eventually returning to the Big Wood River. This decreased velocity of the water returning to the river caused by the wetland development will reduce the water's ability to carry sediments. The dense vegetative cover in the wetlands area will slow and filter the water. Nutrients and pollutants will be dropped from the water as the sediment load settles. Further, some wetland species, particularly cattail and bullrush, ingest water-borne nutrients. The wetland area will improve the quality of the return flow of the water to the Big Wood River by chemical detoxification, and nutrient retention and removal.

9 Further, as stated above, the change from sprinkler irrigation to wetland development will very likely result in increased flow to the river. Not only will the quality of the return flow to the Big Wood River improve, but the quantity of the water returning to the Big Wood River will likely increase.

MICROFILMED

JAN 1 1 1994

We hope this answers your questions and eliminates your concerns over the proposed changes, and your organization will withdraw its protest. However, should it be necessary, we would like to discuss further your questions and concerns over these changes. We, like your organization, do not desire to be antagonistic. Rather, we desire to answer and resolve your questions and concerns as set forth in your protest. Should you have any questions or comments, please feel free to call me.

Very truly yours,

John O. Fitzgerald

JOHN O. FITZGERALD

JOF:kab
03139203.JOF

JAN 1 1 1994

RECEIVED
MAR 23 1992
Department of Water Resources
Southern Region Office

March 20, 1992

Mr. John O. Fitzgerald
PO Box 1906
Twin Falls, ID 83303

RE: Right Nos. 37-00081 & 82

Dear Mr. Fitzgerald,

As we are sure you are aware the Friends of the Big Wood River is concerned, among other things having to do with protecting the Big Wood, with the maintenance of the quantity of water therein. This is of particular concern during these times of drought and low stream flows

With regard to the second paragraph of your letter of March 18, and in order clarify the existing situation, we would like to point out that as of the end of last fall no water from Elkhorn Creek or the Big Wood River was returning to the river from the Lane Ranch project. The Elkhorn Creek channel has been blocked and all the water has been diverted through a man-made ditch to a man-made pond in the wetlands below the Hormel house site.

We wish to repeat the fact that none of the water leaving the Lane Ranch and flowing through the ditch and into the pond returned to the river via surface flow. Last year we inquired of the Department of Water resources if Mr. Hormel had a water rights and stream alteration permit covering this situation. So far we have received no answer to those questions, and we assume that no such permits exist. This would indicate to us that this is and has been an illegal diversion of water which should have been returning to the river.

We understand that the Lane Ranch has the right to divert 200 inches of water from the Big Wood via their pump system. Of this 163 inches is non-consumptive and the rest consumptive. Our understanding of the rules governing non-consumptive water is that it must be returned to the river below the mean high water mark. This was the case in the Peter Grey development on the Comstock ditch where he was required to put in some 800 ft of buried pipe between the out-fall measuring weir and the mean high water mark in order that there be no loss of his non-consumptive water below the weir.

In your third paragraph you say that the point of return of the water to the river will not change. First, the bridge above the river is nowhere near the mean high water mark; and, second, no water was returned to the river below this bridge or anywhere else. If the 163 inches of water is not being returned to the river below the mean high water mark, we consider it to be a violation of the rules governing non-consumptive water and we will petition the Department of Water Resources to correct this situation. As I said we have already asked many questions of the IDWR concerning this situation.

You make reference to wetland development in place of sprinkler irrigation. We are not aware that "wetland development" constitutes a beneficial consumptive use of water.

FRIENDS OF THE BIG WOOD RIVER

POST OFFICE BOX 4411 • KETCHUM, IDAHO 83340

JAN 11 1994

We know that a pond such as the one to which the water now flows represents a non-consumptive use of water and, as such, must be returned to the river in its entirety.

We now have a truly arcane situation being proposed: Non-consumptive water is being commingled with consumptive water on the Lane Ranch; the non-consumptive water is not being returned to the river from the Lane Ranch. The water is then to be run through a ditch into a pond and into a wetlands after which it will supposedly "seep to the existing distinct point of discharge back into the Big Wood River."

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Our position is that the Lane Ranch has 163 inches of non-consumptive water which must be returned to the river below the mean high water mark. This is entirely possible given the exisiting natural layout. However, the measuring weir is now located in the wrong place. We are troubled by the fact that the IDWR is not applying its own rules regarding non-consumptive water in the case of the Lane Ranch.

If you are watering a wetlands the use is consumptive. If the use is consumptive the right is cut off after the irrigation season is over - September 30 - or when the right itself is cut off due to low flows. In the case of Elkhorn Creek, any consumptive right on the creek would cease after September 30.

If the water is being used in a pond, it is necessarily non-consumptive and must be returned. To use it for both a pond and to water vegetation is an expansion of use. Since there are always losses in situations like this, a non-consumptive right must be cut off because there can be no consumptive water available outside the irrigations season.

We have inquired and wish to inquire again as to the status of the Elkhorn Creek water. We assume it is a consumptive right and can only be use to irrigate or to replace non-consumptive water which may be lost. As such it cannot be used to fill a pond. The Lane Ranch water right from the Big Wood River has a priority date of 06/01/1884. Water with this priority date was cut off last year due to low flows. In all likelihood it will be cut off this year for the same reason and will undoubtedly be cut off at times in future years. (We would like to know the priority date of the Elkhorn Creek right. Perhaps you could provide that information.)

With the situation being as described above, and with the acknowledgement by hydrologists and the IDWR as well as the Friends that there are always going to be losses from non-consumptive use that need to be replaced by consumptive rights, it is axiomatic that non-consumtive rights must be cut off

JAN 1 1 1994

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Another very critical consideration is the location of Elkhorn Creek. We understand that the pond below the Hormel house site was alleged to be in the natural channel of Elkhorn Creek. This is not true. The natural channel of Elkhorn Creek empties into the Big Wood some 400 feet downstream of the Hwy 75 bridge below Ketchum. In no way does it now or did it ever flow anywhere near the Hormel pond. The only reason the water from Elkhorn Creek gets over there now is because the natural channel was blocked and a ditch was dug to the pond. The wetlands in the area of the pond is a result of subsurface seepage probably coming down the canyon above the house site.

Let us suggest that an on-site tour be conducted with all the interested parties including the IDWR. This is a thorny problem that is difficult grasp even when the layout is well understood.

Needless to say, we will not withdraw our protest at this time. If you would like to discuss this on the phone please call either Doug Brearey(788-3621) or me(726-2515).

Sincerely,

Nick Cox, Pres.

D.B.

Doug Brearey, Vice Pres.

cc Gary Spackman
Loren Holmes
Lee Peterson
Dick Oneida

JAN 11 1994

RECEIVED
JAN 17 1992
Department of Water Resources
Southern Region Office

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 3881

RECOMMENDATION OF WATERMASTER

I, Lee R. Peterson, watermaster of Big Wood River, Little Wood River & Silver Creek of Water District No. 37 & 37M, County of Lincon1, Blaine, Gooding State of Idaho, whose address is P O Box T, Shoshone, Idaho 83352 have read the attached copy of the application for transfer of water right for Cascea Assoc. & Thomas Hormel (name), and to the best of my knowledge believe the 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: _____

OR

B. I do not endorse approval of the above numbered Application for Transfer as requested for the following reasons: Following a review of this Transfer I do not feel I can approve it, If any of this water is being applied to the Hormel property. By my records he has no decreed right to use any Big Wood water upon his property and he should not be allowed to do so until he acquires such a right.

Dated at Shoshone, Idaho, this 16th day of January 19 92.

Lee R. Peterson
(signature)

Please use reverse side if needed.

JAN 1 1 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

15-Jan-1992

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

J EVAN ROBERTSON
PO BOX 1906
TWIN FALLS ID 83301

RE: APPLICATION FOR TRANSFER NO. 37-00081 & 37-00082 (Cascea Associates & Thomas D. Hormel)

Dear Mr. Robertson:

Enclosed is a copy of a protest filed against the above referenced application filed on behalf of your clients.

The Department suggests you contact the protestant directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application for transfer. It also gives a brief description of the conference and hearing procedure follo applications.

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

Very truly yours,

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

LH:MB
Enclosure(s)

RECEIVED
JAN 1 1 199

CONFERENCE AND HEARING PROCEDURE

IN THE MATTER OF A PROTESTED APPLICATION FOR TRANSFER

In accordance with IDAHO CODE, Section 42-222, the following issues are involved in the consideration of the application and protest(s):

1) Are other water rights injured by the transfer?

2) Does the change constitute enlargement in the use of the original water right?

3) Is the change consistent with the conservation of water resources within the state of Idaho?

4) Does the change conflict with the local public interest?

PROCEDURE

The procedure normally followed by the department in arriving at a decision on the issues which must be considered is to first hold a conference in the matter and then, if necessary, hold a hearing. If a hearing is held a written decision is issued based on the hearing record.

CONFERENCE

Preliminary to holding a hearing, a pre-hearing conference is held to to familiarize the department and the parties with the matter and to determine if a resolution of the protest(s) is possible without the need for a hearing.

At the conference the department may formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

HEARING

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be issued and the parties will be afforded the opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by IDAHO CODE, Section 42-1701A.

The parties by written stipulation, may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not predjudice the director's review of a party's evidence and arguments. However, such a waiver will shorten the decision making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the District Court.

Under the provisions of the IDAHO CODE, Sections 42-1701A and 67-5215, any court review of the department's decision on appeal shall be confined to the record created before the department.

EFFECT OF FAILURE TO APPEAR AT A CONFERENCE OR HEARING

Failure to appear at the time and place set for a conference or hearing by the applicant or protestant(s) may allow the department to dismiss without predjudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

JAN 1 1 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

15-Jan-1992

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

ATTN DOUG BREARY
FRIENDS OF THE BIG WOOD RIVER
PO BOX 4411
KETCHUM ID 83340

RE: APPLICATION FOR TRANSFER NO. 37-00081 & 37-00082 (Cascea Assoc. & Thomas D. Hormel)

Dear Mr. Breary:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application for permit. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

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

Very truly yours,

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

LH:MB
Enclosure(s)

JAN 1 1 1994

AFFIDAVIT of PUBLICATION

RECEIVED
JAN 09 1992
Department of Water Resources
Southern Region Office

State of Idaho, } ss.
County of Blaine }

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 11 day of Dec. 1991, and

the date of the last publication was on the 18 day of Dec., 1991.

David Gorham

Subscribed and sworn to before me this 18 day of Dec., 1991.
(SEAL)

Roberta McFarlen

NOTARY PUBLIC

7956

WOOD RIVER JOURNAL
Hailey, Idaho

PAID IN FULL

JAN 11 1994

COST OF PUBLICATION

Number of Picas per Line
Number of Lines in Notice 126
Number of Insertions

	Lines tabular at		6¢ / Pica
126	Lines straight at	69.30	5¢ / Pica
126	Subsequent lines at	55.44	4¢ / Pica
TOTAL COST		129.74	5.00

COPY OF NOTICE
(Paste Here)

Proposed Change
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

T.F. Water Dept
BILL TO

Cascea/Hormel seek water right change

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

Notice is hereby given that CASCEA ASSOCIATES, INC. & THOMAS D. HORMEL, c/o J. Evan Robertson, Twin Falls, ID, have 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 AS RECORDED
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; Transfer No. 3609.
Source: Big Wood River tributary to Malad River
Priority Date: 6/1/1884
Amount of Water: 0.74 cfs
Use: Irrigation
Amount of Water: 3.26
Use: Aesthetic, Recreation & Wildlife
Point(s) of Diversion: SW1/4-SE1/4, S19, T4N, R18E; Blaine County.
Place of Use: 24.4 acres within NE1/4SE1/4, SW1/4SE1/4, SE1/4SE1/4, S19, T4N, R18E; NW1/4SW1/4, S20, T4N, R18E; NW1/4NW1/4, S29, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E; Blaine County.

Publication Rates
As of Jan., 1990
(Idaho Code, Reb. Statutes 1984)
7-8 pt./line straight: .5/pica
7-8 pt./line tabular: .6/pica
7-8 pt./line successive insertion: .4/pica

Nº 7956

PORTION(S) OF RIGHTS TO BE CHANGED

Water Right No.: 37-00081, Transfer No. 3609
Amount of Water: .02 cfs
Point of Diversion: Same
Place of Use: 2.8 acres within NE1/4NE1/4, S30, T4N, R18E; Blaine County.

WATER RIGHT AS RECORDED

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; Transfer No. 3609.
Source: Elkhorn Creek tributary to Big Wood River
Priority Date: 6/1/1884
Amount of Water: .74 cfs
Use: Irrigation
Amount of Water: 1.20 cfs
Use: Wildlife, Aesthetic & Recreation
Point(s) of Diversion: SE1/4SE1/4, S19, T4N, R18E; NW1/4SW1/4, S20, T4N, R18E; Blaine County.
Place of Use: 24.4 acres within NE1/4SE1/4, SW1/4SE1/4, SE1/4SE1/4, S19, T4N, R18E; NW1/4SW1/4, S20, T4N, R18E; NW1/4NW1/4, S29, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E; Blaine County.

PORTION(S) OF RIGHTS TO BE CHANGED

Water Right No.: 37-00082, Transfer No. 3609

Amount of Water: .02 cfs
Point of Diversion: Same
Place of Use: 2.8 acres within NE1/4NE1/4, S30, T4N, R18E; Blaine County.

WATER RIGHT NO. 37-00081 & ADJUDICATION CLAIM NO. A37-00081 TO BE CHANGED AS FOLLOWS:

Water Right No.: 37-00081
Water Use: Aesthetic & Wildlife
Amount: .02 cfs
Period of Use: 4/1 to 11/1

WATER RIGHT NO. 37-00082 & ADJUDICATION CLAIM NO. A37-00082 TO BE CHANGED AS FOLLOWS:

Water Right No.: 37-00082
Water Use: Aesthetic & Wildlife
Amount: .02 cfs
Period of Use: 4/1 to 11/1

Total amount being transferred: .02 cfs

Source: Elkhorn Creek tributary to Big Wood River; Big Wood River tributary to Malad River
Priority Date: 6/1/1884
Point of Diversion: SW1/4SE1/4, S19, T4N, R18E (Diversion from Big Wood River); NE1/4NE1/4, S30, T4N, R18E (Diversion from Elkhorn Creek, re-diversion from Big Wood River); Blaine County.
Place of Use: 1.3 acres within NE1/4NE1/4, S30, T4N, R18E; Blaine County.

Any protest against approval of the application for transfer must be filed with the Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301, on or before December 30, 1991.

R. Keith Higginson, Director

Publish: Wood River Journal–December 11 & 18, 1991.

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

15-Jan-1992

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

J EVAN ROBERTSON
PO BOX 1906
TWIN FALLS ID 83301

RE: APPLICATION FOR TRANSFER NO. 37-00081 & 37-00082 (Cascea Associates & Thomas D. Hormel)

Dear Mr. Robertson:

Enclosed is a copy of a protest filed against the above referenced application filed on behalf of your clients.

The Department suggests you contact the protestant directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application for transfer. It also gives a brief description of the conference and hearing procedure follo applications.

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

Very truly yours,

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

LH:MB
Enclosure(s)

MICROFILMED

JAN 1 1 1994

CONFERENCE AND HEARING PROCEDURE

IN THE MATTER OF A PROTESTED APPLICATION FOR TRANSFER

In accordance with IDAHO CODE, Section 42-222, the following issues are involved in the consideration of the application and protest(s):

1) Are other water rights injured by the transfer?

2) Does the change constitute enlargement in the use of the original water right?

3) Is the change consistent with the conservation of water resources within the state of Idaho?

4) Does the change conflict with the local public interest?

PROCEDURE

The procedure normally followed by the department in arriving at a decision on the issues which must be considered is to first hold a conference in the matter and then, if necessary, hold a hearing. If a hearing is held a written decision is issued based on the hearing record.

CONFERENCE

Preliminary to holding a hearing, a pre-hearing conference is held to to familiarize the department and the parties with the matter and to determine if a resolution of the protest(s) is possible without the need for a hearing.

At the conference the department may formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

HEARING

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be issued and the parties will be afforded the opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by IDAHO CODE, Section 42-1701A.

The parties by written stipulation, may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not prejudice the director's review of a party's evidence and arguments. However, such a waiver will shorten the decision making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the District Court.

Under the provisions of the IDAHO CODE, Sections 42-1701A and 67-5215, any court review of the department's decision on appeal shall be confined to the record created before the department.

EFFECT OF FAILURE TO APPEAR AT A CONFERENCE OR HEARING

Failure to appear at the time and place set for a conference or hearing by the applicant or protestant(s) may allow the department to dismiss without prejudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

MICROFILMED

JAN 1 1 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

15-Jan-1992

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

ATTN DOUG BREARY
FRIENDS OF THE BIG WOOD RIVER
PO BOX 4411
KETCHUM ID 83340

RE: APPLICATION FOR TRANSFER NO. 37-00081 & 37-00082 (Cascea Assoc. & Thomas D. Hormel)

Dear Mr. Breary:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application for permit. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

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

Very truly yours,

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

LH:MB
Enclosure(s)

JAN 1 1 1994

12-15-91

Department of Water Resources
222 Shoshone St. E.
Twin Falls, Idaho 83301

RECEIVED
DEC 18 1991
Department of Water Resources
Southern Region Office

FRIENDS OF THE
BIG WOOD RIVER

Re: Notice of proposed change of water
Right Nos. 37-00081 & 37-00082

Please accept this as our protest of above mentioned changes. In keeping with Section 42-203A of the Idaho Code, the Friends must protest this change so that questions we have may be answered.

1. Will this change reduce the quantity of water under existing rights?

2. Is there sufficient water for the purpose intended? Is this right owned by the applicant? Does this constitute an expansion of use?

3. Does this change conflict with the local public interest? Where is the point of return to the River? How often will it be monitored to insure that a correct flow is returning to the River?

4. Is the Proposed use contrary to conservation of water resources withing the State of Idaho? If this system is to be lined and it does leak, how will the applicant determine where the problem is?

5. Is the proposed change being made for speculative reasons?

6. If the proposed change does leak and gets "cut-off" by the Watermaster, when and how does it get turned back on?

RECEIVED
JAN 11 1994

It is not our intention to be antagonistic but to protect the Big Wood River in every aspect as is set forth in our organizations primary mandate.

POST OFFICE BOX 4411 • KETCHUM, IDAHO 83340

We would like the opportunity to
met with you in regards to a discussion
of the above requested changes.

Sincerely,

Board of Directors
Friends of The Big Wood River



FRIENDS OF THE
BIG WOOD RIVER

JAN 1 1 1994

POST OFFICE BOX 4411 • KETCHUM, IDAHO 83340

12-15-91

Department of Water Resources
222 Shoshone St. E.
Twin Falls, Idaho 83301

RECEIVED
DEC 18 1991
Department of Water Resources
Southern Region Office

FRIENDS OF THE
BIG WOOD RIVER

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Right Nos. 37-00081 & 37-00082

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6. If the proposed change does leak and gets "cut-off" by the Watermaster, when and how does it get turned back on?

[illegible] RED

JAN 11 1994

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Sincerely,

Board of Directors
Friends of The Big Wood River

FRIENDS OF THE
BIG WOOD RIVER

JAN 1 1 1994

POST OFFICE BOX 4411 • KETCHUM, IDAHO 83340

Disk: Legals/Cascea

Cascea/Hormel seek water right change

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

Notice is hereby given that CASCEA ASSOCIATES, INC. & THOMAS D. HORMEL, c/o J. Evan Robertson, Twin Falls, ID, have 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 AS RECORDED

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; Transfer No. 3609.
Source: Big Wood River tributary to Malad River
Priority Date: 6/1/1884
Amount of Water: 0.74 cfs
Use: Irrigation
Amount of Water: 3.26
Use: Aesthetic, Recreation & Wildlife
Point(s) of Diversion: SW1/4-SE1/4, S19, T4N, R18E; Blaine County.
Place of Use: 24.4 acres within NE1/4SE1/4, SW1/4SE1/4, SE1/4SE1/4, S19, T4N, R18E; NW1/4SW1/4, S20, T4N, R18E; NW1/4NW1/4, S29, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E; Blaine County.

PORTION(S) OF RIGHTS TO BE CHANGED

Water Right No.: 37-00081, Transfer No. 3609
Amount of Water: .02 cfs
Point of Diversion: Same
Place of Use: 2.8 acres within NE1/4NE1/4, S30, T4N, R18E; Blaine County.

WATER RIGHT AS RECORDED

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; Transfer No. 3609.
Source: Elkhorn Creek tributary to Big Wood River
Priority Date: 6/1/1884
Amount of Water: .74 cfs
Use: Irrigation
Amount of Water: 1.20 cfs
Use: Wildlife, Aesthetic & Recreation
Point(s) of Diversion: SE1/4SE1/4, S19, T4N, R18E; NW1/4SW1/4, S20, T4N, R18E; Blaine County.
Place of Use: 24.4 acres within NE1/4SE1/4, SW1/4SE1/4, SE1/4SE1/4, S19, T4N, R18E; NW1/4SW1/4, S20, T4N, R18E; NW1/4NW1/4, S29, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E; Blaine County.

PORTION(S) OF RIGHTS TO BE CHANGED

Water Right No.: 37-00082, Transfer No. 3609
Amount of Water: .02 cfs
Point of Diversion: Same
Place of Use: 2.8 acres within NE1/4NE1/4, S30, T4N, R18E; Blaine County.

WATER RIGHT NO. 37-00081 & ADJUDICATION CLAIM NO. A37-00081 TO BE CHANGED AS FOLLOWS:

Water Right No.: 37-00081
Water Use: Aesthetic & Wildlife
Amount: .02 cfs
Period of Use: 4/1 to 11/1

WATER RIGHT NO. 37-00082 & ADJUDICATION CLAIM NO. A37-00082 TO BE CHANGED AS FOLLOWS:

Water Right No.: 37-00082
Water Use: Aesthetic & Wildlife
Amount: .02 cfs
Period of Use: 4/1 to 11/1

Total amount being transferred: .02 cfs

Source: Elkhorn Creek tributary to Big Wood River; Big Wood River tributary to Malad River
Priority Date: 6/1/1884
Point of Diversion: SW1/4SE1/4, S19, T4N, R18E (Diversion from Big Wood River); NE1/4NE1/4, S30, T4N, R18E (Diversion from Elkhorn Creek re- ver n fr m

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Southern Reg[illegible]

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MB
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Transfer No. 3609.
Source: Big Wood River tributary to Malad River
Priority Date: 6/1/1884
Amount of Water: 0.74 cfs
Use: Irrigation
Amount of Water: 3.26
Use: Aesthetic, Recreation & Wildlife
Point(s) of Diversion: SW1/4-SE1/4, S19, T4N, R18E; Blaine County.
Place of Use: 24.4 acres within NE1/4SE1/4, SW1/4SE1/4, SE1/4SE1/4, S19, T4N, R18E; NW1/4SW1/4, S20, T4N, R18E; NW1/4NW1/4, S29, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E; Blaine County.

PORTION(S) OF RIGHTS TO BE CHANGED

Water Right No.: 37-00081, Transfer No. 3609
Amount of Water: .02 cfs
Point of Diversion: Same
Place of Use: 2.8 acres within NE1/4NE1/4, S30, T4N, R18E; Blaine County.

WATER RIGHT AS RECORDED

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; Transfer No. 3609.
Source: Elkhorn Creek tributary to Big Wood River
Priority Date: 6/1/1884
Amount of Water: .74 cfs
Use: Irrigation
Amount of Water: 1.20 cfs
Use: Wildlife, Aesthetic & Recreation
Point(s) of Diversion: SE1/4SE1/4, S19, T4N, R18E; NW1/4SW1/4, S20, T4N, R18E; Blaine County.
Place of Use: 24.4 acres within NE1/4SE1/4, SW1/4SE1/4, SE1/4SE1/4, S19, T4N, R18E; NW1/4SW1/4, S20, T4N, R18E; NW1/4NW1/4, S29, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E; Blaine County.

PORTION(S) OF RIGHTS TO BE CHANGED

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Amount of Water: .02 cfs
Point of Diversion: Same
Place of Use: 2.8 acres within NE1/4NE1/4, S30, T4N, R18E; Blaine County.

WATER RIGHT NO. 37-00081 & ADJUDICATION CLAIM NO. A37-00081 TO BE CHANGED AS FOLLOWS:

Water Right No.: 37-00081
Water Use: Aesthetic & Wildlife
Amount: .02 cfs
Period of Use: 4/1 to 11/1

WATER RIGHT NO. 37-00082 & ADJUDICATION CLAIM NO. A37-00082 TO BE CHANGED AS FOLLOWS:

Water Right No.: 37-00082
Water Use: Aesthetic & Wildlife
Amount: .02 cfs
Period of Use: 4/1 to 11/1

Total amount being transferred: .02 cfs

Source: Elkhorn Creek tributary to Big Wood River; Big Wood River tributary to Malad River
Priority Date: 6/1/1884
Point of Diversion: SW1/4SE1/4, S19, T4N, R18E (Diversion from Big Wood River); NE1/4NE1/4, S30, T4N, R18E (Diversion from Elkhorn Creek, re-diversion from Big Wood River); Blaine County.
Place of Use: 1.3 acres within NE1/4NE1/4, S30, T4N, R18E; Blaine County.

Any protest against approval of the application for transfer must be filed with the Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301, on or before December 30, 1991.

R. Keith Higginson, Director

Publish: Wood River Journal--December 11 & 18, 1991.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NOS.37-00081, 37-00082

Notice is hereby given that CASCEA ASSOCIATES, INC. & THOMAS D. HORMEL, c/o J. Evan Robertson, Twin Falls, ID have applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of the IDAHO CODE.

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Source: Big Wood River tributary to Malad River
Priority Date: 6/1/1884
Amount of water: 0.74 cfs Use: irrigation
3.26 cfs Aesthetic, Recreation & Wildlife
Point(s) of diversion: SW1/4SE1/4, S19, T4N, R18E; Blaine County.
Place of use: 24.4 acres within NE1/4SE1/4, SW1/4SE1/4, SE1/4SE1/4, S19, T4N, R18E; NW1/4SW1/4, S20, T4N, R18E; NW1/4NW1/4, S29, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E; Blaine County.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right no.: 37-00081, Transfer No. 3609
Amount of water: .02 cfs
Point of diversion: Same.
Place of use: 2.8 acres within NE1/4NE1/4, S30, T4N, R18E; Blaine County.

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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; Transfer No. 3609.
Source: Elkhorn Creek tributary to Big Wood River
Priority Date: 6/1/1884
Amount of water: .74 cfs Use: irrigation
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Point(s) of diversion: SE1/4SE1/4, S19, T4N, R18E; NW1/4SW1/4, S20, T4N, R18E; Blaine County.
Place of use: 24.4 acres within NE1/4SE1/4, SW1/4SE1/4,

JAN 1 1 1994

SE1/4SE1/4, S19, T4N, R18E; NW1/4SW1/4, S20, T4N, R18E; NW1/4NW1/4, S29, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E; Blaine County.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right no.: 37-00082, Transfer No. 3609
Amount of water: .02 cfs
Point of diversion: Same.
Place of use: 2.8 acres within NE1/4NE1/4, S30, T4N, R18E; Blaine County.

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Water right No.: 37-00081 Period of Use: 4/1 to 11/1
Water Use: Aesthetic & Wildlife Amount: .02 cfs

WATER RIGHT NO. 37-00082 & ADJUDICATION CLAIM NO. A37-00082 TO BE CHANGED AS FOLLOWS:

Water Right No. 37-00082 Period of Use: 4/1 to 11/1
Water Use: Aesthetic & Wildlife Amount: .02 cfs

Total amount being transferred: .02 cfs

Source: Elkhorn Creek tributary to Big Wood River
Big Wood River tributary to Malad River
Priority Date: 6/1/1884
Point of diversion: SW1/4SE1/4, S19, T4N, R18E (Diversion from Big Wood River); NE1/4NE1/4, S30, T4N, R18E (Diversion from Elkhorn Creek, re-diversion for Big Wood River); Blaine County.
Place of use: 1.3 acres within NE1/4NE1/4, S30, T4N, R18E; Blaine County.

Any protest against approval of the application for transfer must be filed with the Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 on or before December 30, 1991.

R. Keith Higginson, Director

Published in Wood River Journal on 12/11 & 12/18/91.

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JAN 11 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

02-Dec-1991

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

WOOD RIVER JOURNAL
PO 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

JAN 1 1 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

02-Dec-1991

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

J EVAN ROBERTSON
PO BOX 1906
TWIN FALLS ID 83303-1906

Re: Application for Transfer Nos. 37-00081 & 37-00082

Dear Mr. Robertson:

The Department of Water Resources acknowledges receipt of the Application for Transfer on behalf of your clients, Cascea Associates, Inc. and Thomas D. Hormel.

This office will be advertising the application in the Wood River Journal on 12/11 & 12/18/91. 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.

The department's review process may have to include field investigation and verification of the claims which is required as part of the Snake River Basin Adjudication.

In order to complete regional review, a list of corporate officers and addresses should be submitted to this office.

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
Sr. Water Resource Agent

JAN 1 1 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

02-Dec-1991

LEE PETERSON WATERMASTER
WATER DISTRICT #37
PO BOX T
SHOSHONE ID 83352

Re: Application for Transfer of Water Right No. 37-00081, 37-00082

Dear Mr. Peterson:

Enclosed is a copy of an Application for Transfer of a Water Right within your District, and Watermaster's Recommendation Form.

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 form and return it 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
Sr. Water Resource Agent

JS:MB

Enclosures

JAN 11 1994

FRIENDS OF THE
BIG WOOD RIVER

October 15, 1991

Mr. Loren Holmes
Idaho Department of Water Resources
222 Shoshone Street E.
Twin Falls, ID 83301

Re: Lane Ranch

Dear Loren,

The Friends of the Big Wood have a number of concerns and questions pertaining to water rights and water use in the Big Wood River valley. We will be outlining these in a series of letters each of which will address a particular situation.

In no way do we intend these letters to be a criticism of the IDWR or anyone associated with it. Our interest is to preserve as much water as possible in the Big Wood with its obvious benefits to the environment, the fishery, and the general public not to mention the rights of downstream users.

We believe that we have this goal in common with the IDWR. We were most gratified by and strongly endorse the IDWR ruling designating the Big Wood drainage as a Groundwater Management Area. We believe that this ruling will help preserve flows in the Big Wood and protect water resources for everyone in the Valley and below. We also endorse the minimum stream flow proposed for the Big Wood by the IDWR.

The Friends have another interest which pertains to maintaining water in the Big Wood. We are interested in improving trout habitat. One of the best ways to do this is to open side or overflow channels and maintain a flow in them during all but periods of very low flow. Side channels provide excellent habitat for both large and juvenile trout as well as the aquatic insects upon which they feed.

However, we have been told by the IDWR that no side channels should be developed to flow during "the period when water is being diverted for existing water rights"(or words to that effect). The reason given is that the extra surface area produced by the side channel will result in excessive evaporation.

We believe that the amount of water evaporating in a side channel is minuscule and amounts to nothing compared, for instance, to non-consumptive water which is not being returned to the river. We also believe that in certain cases more water is being diverted than is allowed by certain rights and that water is being diverted for longer than certain rights allow.

Our first set of questions concerns water use by the Lane Ranch. As we understand it, the Lane Ranch Home owners association has a 06/01/1884 water right, #37-00081 (formerly under the name James H. Bonning), for 4cfs(200 inches). Of this

JAN 1 1 1994

POST OFFICE BOX 4411 • KETCHUM, IDAHO 83340

water 163 inches was converted to non-consumptive use. We also understand that there is no device for measuring this non-consumptive water either our of or back into the Big Wood River.

We are concerned that the Lane Ranch Homeowners are diverting more water than they are entitled to from the Big Wood for a longer time than their priority date allows and not returning the non-consumptive portion to the river.

Will the Lane Ranch be required to install measuring devices? Will they be required to do this before they are allowed to divert more water? Is their non-consumptive right for the regular irrigation season, or is it for 12 months?

We also understand that Lane Ranch has rights to water out of Elkhorn Creek. Is this water consumptive or non-consumptive? If consumptive what are the priority dates and when and where is it cut off? If it is non-consumptive, where is it being returned either to the creek or into the Big Wood. As of late September Elkhorn Creek was flowing into the Lane Ranch at the rate of at least 45gpm or 5 inches.

The natural mouth of Elkhorn Creek on the Big Wood is located about 400ft downstream of the Hwy 75 bridge below Ketchum. Approximately 100 feet upstream of its mouth, the Creek has been blocked off and the flow diverted through a recently constructed ditch about 500 ft to an area on to property owned by Tom Hormel. The ditch in no way follows the natural course of the creek. There is a pond with headgates on this diversion, but as of late September the water is simply spilling out on the ground and none of it returns to the Big Wood. It appears that the water from the Lane Ranch comes down through a ditch which carries the Elkhorn Creek water.

Some questions about this diversion:

1) Does the IDWR know about this diversion?
2) Was there a permit issued for this work?
3) Does Tom Hormel have a right to this water?
4) Is the water consumptive or non-consumptive?
5) If the right is consumptive what is its beneficial use and priority date?
6) If it is non-consumptive, where is the water being measured into his system or pond and back into the creek or into the Big Wood?
7) Is the Lane Ranch commingling water from the Big Wood and Elkhorn Creek and consumptive and non-consumptive rights from these sources and flowing them down the ditch into Hormel's system?
8) Does Hormel have rights to water from the Big Wood?
9) If not, is it legal for him to receive water from the Lane Ranch?

It is obvious to us that no water diverted from the Big Wood by Lane Ranch nor any of the water from Elkhorn Creek returned to the river this summer. We would be glad to show the IDWR the evidence that leads us to this conclusion. There is a significant amount of water involved here, and we feel that it is

JAN 1 1 1994

not being handled properly by either Lane Ranch or Tom Hormel.

If the Lane Ranch has redirected the flow of Elkhorn Creek so that its natural course no longer flows through Tom Hormel's property, can he still claim that he is simply using water that normally flows through his property? We wish to emphasize that the natural mouth of Elkhorn Creek is well away from where it is being diverted. If water is being commingled by Lane Ranch should it be?

We are not trying to be nit-picky about this. We consider it a serious matter. The situation is highly complex and raises many questions. We are basically concerned with two things: First, that all of the non-consumptive water diverted by Lane Ranch is measured out of the Big Wood and then measured back into the river below the mean high water mark(and than none of it goes through Hormel's property unless he has a specific right to it). This is physically possible. Appropriate measuring devices should be in place before any non-consumptive water is diverted next year.

Second, that all the water from Elkhorn Creek that is diverted through Hormel's property is measured into his property and then back into the river. Any consumptive water diverted from the Big Wood and not used by Lane Ranch should also be returned to the river and not diverted through Hormel's property unless he has a right to it.

Due to the complexity of this situation, we ought to try to go over it face to face. I expect that we will be seeing you at one or more protest meetings in the near future. Perhaps we could get together after one of these and discuss it then.

We appreciate your attention to this matter.

Very sincerely,

Nick Cox

Board of Directors
Nick Cox, Chairman

cc Gary Spackman
Lee Peterson
Wood River Canal Co
Jim Eakin
Department of Fish & Game

JAN 1 1 1994

RECEIVED
OCT 16 1991
Department of Water Resources

FRIENDS OF THE
BIG WOOD RIVER

October 15, 1991

To: Gary Spackman

Fm: Friends of the Big Wood River

Re: Letters of concern about certain water use situations on the Big Wood.

Dear Gary,

Inclosed is a copy of the first of a series of letters about water use situations that we think need attention and possibly correction or at least clarification. We believe strongly that as much as 20 to 30 cfs were either illegally withdrawn or not returned to the Big Wood during the summer of 1991.

We believe that this problem will increase with the trend toward converting consumptive water to non-consumptive use. We think that close scrutiny of the situations that we outline in these letters is the natural progression of the steps that have already been taken to preserve and protect the big Wood. Namely: the Groundwater Management area ruling, the minimum stream flow proposal, and the County's Riparian Management and Set Back ordinance as well as the new fishing regulations and the river stabilization program.

We are well aware of the constraints placed upon the IDWR in general and the water master and the ditch rider specifically. We stand ready to help the IDWR in any way that is appropriate to investigate, clarify, and, if necessary, correct the situations we describe.

Thank you for anything you can do to help us on this matter.

Sincerely,

Nick Cox, Pres.

JAN 11 1994

POST OFFICE BOX 4411 • KETCHUM, IDAHO 83340

TER-DEPARTMENT MEMO — 1

DATE 7/12/91

FROM Doug Jones

TO Pending Transfer file on 37-00814-0082

SUBJECT Calculation of volumes, acres & rates

Applicants plan to divert 0.02 cfs for 24 hrs per day, 245 days per year for changed nature of use; this equates to 8.5 AF. At 3 AFA headgate volume per acre of irrigation, the amount of foregone irr. use would need to be 2.8 acres to meet demand. Headgate volume is limiting criteria on change of nature of use.

RECEIVED

JAN 11 1994

Douglas Jones
SIGNATURE

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

7/3/91

John Fitzgerald
Rosholt, Robertson & Tucker
PO Box 1906
Twin Falls, ID 83303-1906

Dear John,

Everything on the application is correct as we last discussed. Unfortunately I may not have discussed the need to include all water rights appurtenant to the land being vacated. To that end it is necessary to include 37-00081 as approved in Transfer #3609. It will be necessary to add a Part 2 for this right and include it in Part 1, B, 1.

The result will be a total maximum irrigation of 24.4 acres, instead of a possible 25.7 (including the new aesthetic use) if 37-00081 is not included.

Any questions, you know where to find me. Keep the title pgs, we have them already.

Sincerely,
T Douglas Jones

RECEIVED
JAN 11 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

J. Evan Robertson, Atty
Rosholt, Robertson & Tucker, P.A.
P.O. Box 1906
Twin Falls, ID 83303-1906

17-Jun-1991

RE: CASCEA and Hormel Transfer

Dear Mr. Robertson,

Preliminary review of the above referenced transfer application revealed some problems which need to be considered before the application can be considered complete. The initial concern involves the water right data presented in Part 2. The second problem involves the mechanics of the change in nature of use proposed in Part 3. The transfer application and check #18601 are enclosed.

The data included in Part 2A should reflect the water right as approved on transfer #3609, order dated 10/9/91, copy attached. The presently submitted Part 2A specifies the right as applied for in that transfer not the right as approved. Before I discuss Parts 2B and 2C it would be helpful to address Part 3.

CASCEA and Hormel apparently plan to forego some irrigation and use the water instead for aesthetic and wildlife. Based on some verbal exchange with John Fitzgerald and Kathy D(?) of CASCEA I have the impression that the use is planned to be similar to an irrigation application, though for non-crop use, and without a pond. Statements within the transfer appear to support this conclusion. Changing the nature of use seems to be an attempt to account for the non-traditional irrigation planned, i.e. wetland beneficial use. Please submit informaton answering the topics included in Part 3B1, e.g. hours/days/year, etc. Also needed is a plan of the proposed development on 8.5x11 or 8.5x14 paper with sufficient detail of the diverting works and other physical features of the system to ascertain scope, scale and effects of the proposal.

Parts 2B and 2C present conflicting information. Part 2A says that there is 24.4 acres of irrigation. Part 2B says that 1.3 (1.33 is too precise) acres will be moved, and 2C says that 24.4 acres will be untouched. An analysis of this data would conclude that there will be 25.7 acres irrigated after the transfer, an expansion in use. The following is an example of how a change, such as seems to be intended, could be structured. Assume 0.02 cfs is diverted: this represents 0.67 acres of the original right; however, diverting this continuously for 215 days equals 8.5 acre-feet (about 2.8 acres

MICROFILMED

JAN 1 1 1994

of irrigation diversion volume). Part 2B would then have to show 2.8 acres of irrigation foregone and Part 2C would have 21.6 acres. Part 3B would read something like Aesthetics/Wildlife with 0.02 diverted 24 hrs per 215 days per year between 4/1 and 11/1. It would mean that irrigation within the subdivision would have to decrease by 2.8 acres from what was actually developed.

The order approving transfer #3609 with conditions specifies limitations attached to the developed system. This application shall be considered on criteria pertaining to diversion volume, consumptive volume, and diversion rate as related to those conditions.

In summary, the water right data in Part 2A is incorrect, the sum of Parts 2B and 2C cannot exceed the whole, and information in Part 3 is incomplete. Please correct, and/or add the requested information, keeping in mind the above stated concerns, and return the application with fee. I have retained a copy of the returned application for our future reference. If you have any questions please contact us.

Sincerely,

Douglas Jones, EIT
Water Resources Engineering Specialist

JAN 1 1 1994

ROSHOLT, ROBERTSON
and TUCKER, CHARTERED
P.O. BOX 1906 734-0700
TWIN FALLS, ID 83303-1906

18601

First Interstate Bank

First Interstate Bank
of Idaho, N.A.
Twin Falls Office
113 Main Ave. West P.O. Box 57
Boise, Idaho 83757-0002

92-9/1241
18136B-6J

PAY Thirty & no/100 ----------

DATE 6/14/91

AMOUNT $30.00

TO THE ORDER OF Idaho Dept. of Water Resources

ROSHOLT, ROBERTSON
AND TUCKER, CHARTERED
AUTHORIZED REPRESENTATIVE

Judith F. Fortschneck

⑈018601⑈ ⑆124000931⑆ 2203651⑈

Rocky Mountain Bank Note

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

MICROFILMED
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

MICROFILMED
NOV 26 1990

MEMORANDUM

November 2, 1990

TO: FILE 37-0081

FROM: RITA I FLECK

RE: EXTENSION OF TIME TO AVOID FORFEITURE

On May 7, 1985, the department granted a request for extension of time to avoid forfeiture until June 30, 1990. Prior to that date, the department was to notify the licensee that a statement that the water was being used again was needed. The notice was not sent.

The department will waive the requirement of the statement of resuming use of water since the license was pending approval of a transfer.

MICROFILMED
NOV 2 6 1990

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered
ATTORNEYS AT LAW

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JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
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GARY D. SLETTE
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JOHN O. FITZGERALD

142 3rd AVENUE NORTH
P.O. BOX 1906
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Boise Office
1020 MAIN ST., SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

RECEIVED
OCT 1 1990
Department of Water Resources

September 28, 1990

Gary Spackman, Manager
Water Right Permits Section
Idaho Department of Water Resources
1301 N. Orchard Street
Statehouse Mail
Boise, ID 83720

RE: Application for Transfer No. 3609, Cascea Associates

Dear Gary:

As I mentioned to you on the telephone last week, your letter of September 10, 1990, appears to satisfy our objectives in obtaining changes in water rights Nos. 37-00081, 37-00082, 37-04016, and 37-07201. We are prepared to accept the provisions as outlined in the proposed order accompanying your September 10 letter, and want to thank you for your diligence in sorting out this problem with us.

Sincerely,

J. Evan Robertson/mw
J. Evan Robertson

JER:mw
71111

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NOV 2 6 1990

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SEP 24 1990
Department of Water Resources

WATER DISTRICT 37 & 37-M
BIG WOOD RIVER SILVER CREEK AND LITTLE WOOD RIVER

September 21, 1990

Gary Spackman, Manager
Water Rights Permits Section
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Re: Application for transfer No. 3609 in the Name of Cascea Associates.

Dear Gary:

As Watermaster of Water District # 37 Big Wood River I respectfully request that this application for transfer NOT BE APPROVED until the means for measuring the non-consumptive water diverted from both the Big Wood River and Elkhorn Creek, back to the Big Wood River has been determined. Also what impact does the storage of water from Elkhorn have on the Storage rights of the Big Wood Canal Co in Magic Reservoir.

Once the water has been delivered to the diversion point how will we be able to determine, that only the 0.74 C.F.S. is being used for irrigation? How do we measure the remaining water? What measuring device will be installed to show when the 17 acre-feet of storage for the various purposes has been fulfilled?

These are the questions that came to my mind as I studied this proposed transfer.

Respectfully

Reid

Reid J Newby
Watermaster
Big Wood River

MICROFILMED
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,

Gary Spackman

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

cc: Southern Region

MICROFILMED
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

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

Volume	Nature of Use	Period of Use
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		

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.

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NOV 26 1990

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

Source: Elkhorn Creek
Priority: 6/1/1884

Volume	Nature of Use	Period of Use
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

Volume	Nature of Use	Period of Use
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

Volume	Nature of Use	Period of Use
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 shall be conditioned as follows:

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NOV 3 6 1990

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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NOV 26 1990

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

GARY SPACKMAN, Manager
Water Right Permit Section

GS:js

cc: Reid Newby
Southern Region

MICROFILMED
NOV 2 6 1990

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered
ATTORNEYS AT LAW

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
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BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

April 25, 1990

RECEIVED
APR 26 1990
Department of Water Resources

Mr. Gary Spackman
Idaho Department of Water Resources
1301 N. Orchard
Statehouse Mail
Boise ID 83720

RE: CASCEA -- Application for Transfer

Dear Gary:

We're in receipt of your April 17, 1990, letter discussing the above referenced application.

We do plan to continue to irrigate the common areas in the development. About 7 acres of the 24.4 acres is a riparian zone adjacent to the channels for which no diversion is contemplated. That "bank seepage" should accommodate this area. The remaining irrigation (17.4 acres) will be sprinkler irrigated.

It is hoped that the irrigation of the 17.4 acres can be handled with 1884 priority Wood River water. While we would like to be able to draw the Wood River water for up to 180 days for irrigation and aesthetics (April 15 -- October 15), the Wood River water would not be diverted between October 15 -- April 15 for any purpose.

The 10 cfs Elkhorn Creek right was a statutory claim filed by Lane to evidence a right to fill the 10 acre foot upper pond, which had essentially been constructed and in use since the early 1970's. It is very junior in priority. It is only good when the spring floods occur. The pond also provides some flood control. We can limit this right to a pond fill although all the flood flows will pass through the landscaped channel through the ranch.

The natural channel of Elkhorn Creek below the upper pond has not been in existence for at least since Lane built the pond, and perhaps earlier. All the Elkhorn water ran through a ditch to be used for irrigation, or if there was too much, it went down the ditch and back to Wood River.

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NOV 26 1990

While it's not mine to second guess the Director's basin report or the court's decree, it seems unlikely that Elkhorn Creek would be regulated as a tributary of Wood River after a century of not doing it. In any event, the Lane Ranch Elkhorn right is the senior right on Elkhorn Creek, and if that regulation occurred and the Elkhorn Basin water were called downstream to fill an earlier right, it would pass through the constructed channel on the ranch.

The issue of the 1884 Wood River priority being shut off as to nonconsumptive uses is an interesting question. We would think that the diversion should be allowed so long as there is no injury and the same amount as diverted from Wood River would be measured back into the river. (This would include Elkhorn flows.) I don't believe there are any diversions between the Wood River diversion for the ranch and the discharge.

The homes within the project shall be supplied by Sun Valley Water and Sewer District. The covenants provide no access across the homeowner association common area to facilitate private diversions.

One possible misunderstanding is the contention that the seep from these uses is lost to the system. I suspect there isn't any geologist that would testify that the seepage is lost to the system, and for the most part is directly tributary to Wood River.

In summary, the proposed changes will facilitate less consumption than the previous uses. We contend the change makes more water available in the system for other uses.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

JAR:dcb
53441

cc: Cascea Associates, Inc.
Reid Newby
Gerald Martens
J. Evan Robertson

MICROFILMED
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.

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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

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc. John Rosholt
Ed Miller
Reid Newby

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NOV 2 6 1990

MEMORANDUM

TO: FILE

FROM: TIM LUKE

DATE: December 15, 1989

RE: TRANSFER NO. 3609

==========

This transfer proposes a reduction in irrigation and change in nature of use involving four separate rights (2 decreed rights, 1 claim and 1 license), all appurtenant to the same land.

As evidenced by a 1974 orthophoto (in file), and noted by Loren Holmes' memo of 11-29-89, the maximum irrigated acreage, or historical irrigation use appears to be limited to 105 acres.

The transfer application proposes an irrigation use of 24.4 acres within a subdivision. Water is also to be used for aesthetic, wildlife, and recreation uses which consist of diversion to a series of ponds and interconnecting channels. Water not consumptively used returns to Big Wood River. The map filed with the transfer (1:100 scale) was used to determine surface area for all of the ponds within the planned system. Total surface area of all ponds within the system is about 3.79 acres (using 10x10 to the inch graph paper). Assumed 3.79 acres was not part of the 24.4 irrigable acres identified in application. Assumed no consumptive use due to seepage.

Analysis

Use before transfer:

Field headgate volume: 105 acres x 3.0 af/acre = 315 af/yr
Consumptive use vol.: 105 acres x 2.13 af/acre* = 224 af/yr
* Consumptive irrigation requirement for alfalfa at Hailey, Id. Data from Brockway-Allen (1983).

Use after transfer:

Field headgate volume: 24.4 acres x 3.0 af/acre = 73.2 af/yr
Consumptive use vol.: 24.4 acres x 2.13 af/acre = 52.0 af/yr
Total pond evaporation: 3.79 acres x 2.13 af/acre* = 8.1 af/yr
* As per Bill Ondrechen of DWR Hydrology Section, alafalfa CIR is an acceptable estimate for lake evaporation in this area.

Maximum allowable volume: 73.2 af/yr + 8.1 af/yr = 81.3 af/yr
(FOR IRRIGATION)

Rate of Diversion for Right No. 37-0081:
Before Transfer: 4.00 cfs
After Transfer: .732 cfs for irrigation, with 3.268 cfs remaining for aesthetic purposes etc. over full year as follows:
3.268 cfs x 1.983 af/day/cfs x 214 days/yr = 1,386.8 af/yr
1,386.8 af/yr x 1 cfs/724af/yr = 1.92 cfs for 1/1 to 12/31

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Rate of Diversion for Right No. 37-0082:
Before Transfer: 1.2 cfs
After Transfer: .732 cfs for irrigation, with .468 cfs remaining for aesthetic purposes etc. over full year. Using same calculation as in 37-0081, allow 0.27 cfs for aesthetics etc. over full year.

Claim 37-4016 and license 37-7012 appear to involve the same water already appropriated by 37-0082. Diversion rate and volume of use under these two rights will be the same as 37-0082.

Suggested Data Base Changes
Change points of diversions and place of use for individual rights as shown under transfers in each file.

Right No. 37-0081:
Change total rate of diversion to 2.65 cfs; assign 0.73 cfs for irrigation from 4/1 to 11/01 and 1.92 cfs for aesthetics, wildlife, and recreation from 1/1 to 12/31.

Right No. 37-0082:
Change total rate of diversion to 1.00 cfs; assign 0.73 cfs for irrigation from 4/1 to 11/01 and 0.27 cfs for aesthetics, wildlife, and recreation from 1/1 to 12/31.

Claim No. 37-4016 and license 37-7012:
Change diversion rates and periods of use for irrigation, aesthetics etc. as shown in 37-0082.
Also, delete condition from license 37-7012.

Transfer Conditions:

<<R17A>> The combined annual volume of water under Right No(s). 37-0081, 37-0082, 37-4016 and 37-7201 shall not exceed 81.3 afa FOR IRRIGATION OF 24.4 ACRES.
The maximum combined rate of diversion under Right Nos. 37-0081, 37-0082, 37-4016 and 37-7201 shall not exceed 3.65 cfs during the irrigation season and 2.19 cfs during the non-irrigation season.

<<T01>> Approval of this transfer in no way confirms the right(s) claimed under 37-4016.

<<R39>> A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

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1. Harry S
2. Jim T
3. Tim L.

MEMORANDUM

TO: Glen

FROM: Norm

RE: Application for Transfer 37-00082 (Cascea)

DATE: December 14, 1989

Reid Newby is concerned that this transfer application is going to be difficult to administer unless some special review and conditioning is involved. Apparently the application appears to be changing the use from irrigation to aesthetics. Reid seems to think the irrigation use will continue and that the rights are being stacked onto duplicate acreage with right 37-00081. Reid also wants a Watermaster control condition, locking headgate, and measuring devices on diversion and return with a clear requirement as to rate to be returned and location of the return.

I may be putting some of those words in Newby's mouth, and I realize we routinely review the applications for these factors; but I did want you to be aware of Reid's conversation with me.

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Form 222a
6/78

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: _____

1. Right number _____ 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 _____
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 _____
   _____
   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? _____

FINAL PROCESSING REVIEW BY: LK.

1. Watermaster recommendation requested on 9/25/89 Received on 10/10/89
2. Is transfer published correctly? ☑ Yes ☐ No
3. Protest received? ☐ Yes ☑ No

RECOMMENDED ACTION

1. ☑ Approve
2. ☐ Deny
3. Conditions* See Attached Memo
   _____
   _____
4. By Loren O Thelen Date 11/21/89

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OCT 04 1990
Department of Water Resources

* *All uses within Watermaster Districts require special conditions.*

MEMORANDUM

DATE: 21-Nov-1989

FROM: Loren Holmes LH

TO: Cascea Associates Transfer file

SUBJECT: Regional review of application, recommended conditions

File organization

This transfer is somewhat unusually organized due to it's size. There is a separate file for each water right plus a "cover file" which has all the water right numbers and describes the final intent of the application.

Other rights

the database shows rights 37-2574 (Trail Creek) and 37-2635 (Groundwater) overlapping on part of the place of use.

Delivery

Rights on Elkhorn Creek have not historically been regulated by the watermaster but the diversions are within District 37.

Existing use

A field inspection (see photos) indicated that an existing dam and diversion system has been removed. The 1974 orthophotoquad shows the probable maximum irrigated acreage as 105 acres. The distribution of irrigated acres does not agree with claim 37-4016 or license 37-7201.

Recommended conditions of approval

1. Under the regulation of Water Dist. 37 (condition 05)

2. Measuring devices and locking headgates (condition 01J)

3. This transfer does not validate or confirm claim 37-4016

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WR-NUMBER: 37-00081
CURRENT OWNER: JAMES H. BONNING
PRIORITY DATE: 06-01-1884
STAGE: DECREED

COUNTY: BLAINE
WATER-DIST: 37
SOURCE: BIG WOOD RIVER
TRIBUTARY: MALAD RIVER

WATER USE:	DIVERSION RATE:	DIVERSION VOLUME:	PERIOD FROM:	PERIOD TO:
IRRIGATION	4.000			
TOTAL:	4.000			

DECREE PLAINTIFF: S. C. FROST, ET. AL.
DECREE DEFENDANT: ALTURAS WATER COMPANY, ET. AL.

REMARKS: P/D NOT GIVEN IN DECREE BUT VERIFIED BY WATERMASTER.

PLACE OF USE:	Twp	Rge	Sec	Tract	Lot	Acres
	04N	18E	19	SW SE		
	04N	18E	19	SE SE		
	04N	18E	30	NE NE		
	04N	18E	30	NW NE		

WR-NUMBER: 37-00082
CURRENT OWNER: JAMES H. BONNING
PRIORITY DATE: 06-01-1884
STAGE: DECREED

SOURCE: ELKHORN CREEK
TRIBUTARY: BIG WOOD RIVER

WATER USE:	DIVERSION RATE:	DIVERSION VOLUME:	PERIOD FROM:	PERIOD TO:
IRRIGATION	1.200			
TOTAL:	1.200			

DECREE PLAINTIFF: S. C. FROST, ET. AL.
DECREE DEFENDANT: ALTURAS WATER COMPANY, ET. AL.

PLACE OF USE:	Twp	Rge	Sec	Tract	Lot	Acres
	04N	18E	19	SW SE		
	04N	18E	19	SE SE		
	04N	18E	30	NE NE		
	04N	18E	30	NW NE		

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WR-NUMBER: 37-04016
CURRENT OWNER: LANE CO.
PRIORITY DATE: 04-01-1884
STAGE: STATUTORY CLAIM

COUNTY: BLAINE
WATER-DIST: 37
SOURCE: ELKHORN CREEK
TRIBUTARY: BIG WOOD RIVER

WATER USE:	DIVERSION RATE:	DIVERSION VOLUME:	PERIOD FROM:	PERIOD TO:
IRRIGATION	10.000		04/01	10/01
STOCKWATER			01/01	12/31
TOTAL:	10.000			

REMARKS: WATER STORED IN LANE DAM.

PLACE OF USE:	Twp	Rge	Sec	Tract	Lot	Acres
	04N	18E	30	NE NE		40.0
	04N	18E	30	NW NE		40.0
	04N	18E	19	SW SE		40.0

WR-NUMBER: 37-04016 (cont'd)

PLACE OF USE:	Twp	Rge	Sec	Tract	Lot	Acres
	04N	18E	19	SE SE		40.0
				TOTAL ACRES:		160.0

WR-NUMBER: 37-07201

CURRENT OWNER: LANE CO.

PRIORITY DATE: 03-21-1973

STAGE: LICENSE

COUNTY: BLAINE
SOURCE: ELKHORN CREEK
TRIBUTARY: WOOD RIVER

WATER USE:	DIVERSION RATE:	DIVERSION VOLUME:	PERIOD FROM:	PERIOD TO:
IRRIGATION	1.000	360.00	04/01	10/01
STOCKWATER	0.060	3.60	01/01	12/31
TOTAL:	1.000	363.60		

REMARKS: THE TOTAL AMOUNT OF WATER DIVERTED UNDER THIS RIGHT SHALL NOT EXCEED 360 AF WHEN COMBINED WITH OTHER RIGHTS FOR THE IRRIGATION OF THE SAME LAND.

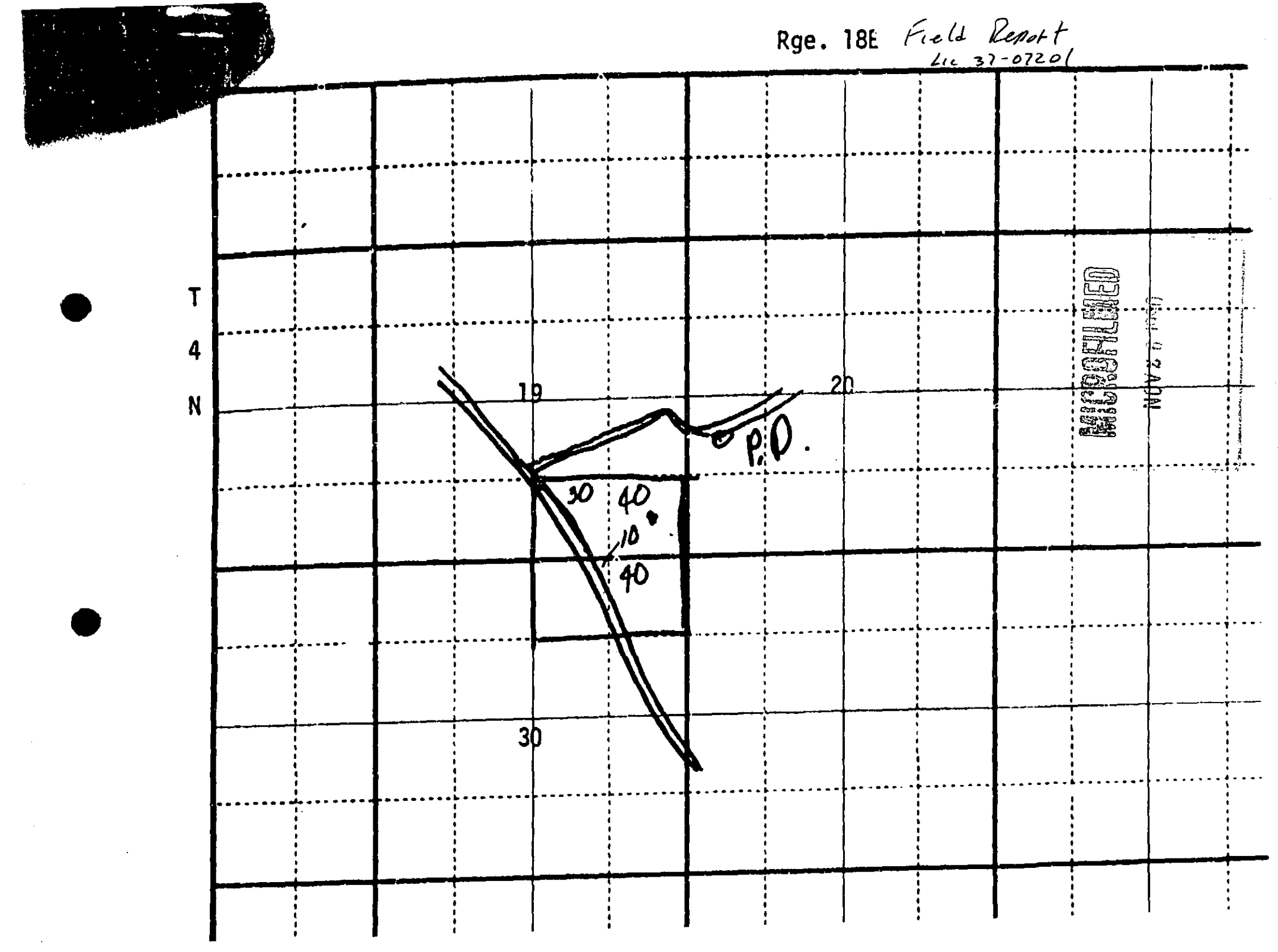
PLACE OF USE:	Twp	Rge	Sec	Tract	Lot	Acres
	04N	18E	30	NE NE		40.0
	04N	18E	30	NW NE		10.0
	04N	18E	19	SW SE		30.0
	04N	18E	19	SE SE		40.0
				TOTAL ACRES:		120.0

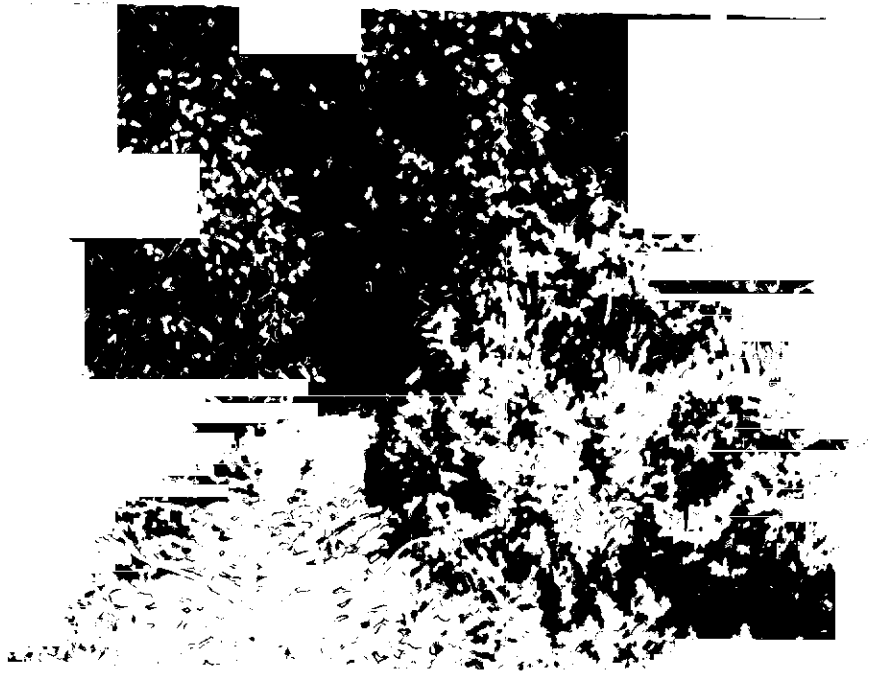
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NOV 26 1990

END OF REPORT

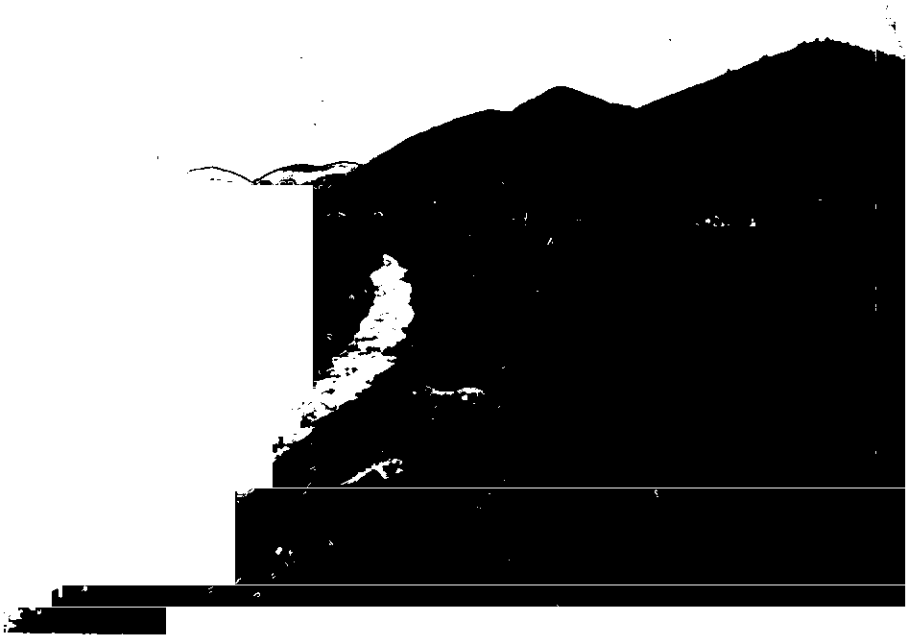

Mountain
93
Ortho photo
7/24/1974 Photography
20
19
Ketchum
5736
8
3
Elkhorn
5738
5
40
105 Acres
Total
PACIFIC
4
Lane Ranch
Probable Maximum
Irrigated Acres under
Elkhorn Cr.
TRAIL
TRAIL
29
5686
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NOV 2 5 1990

Rge. 18E Field Report
Lic 37-07201

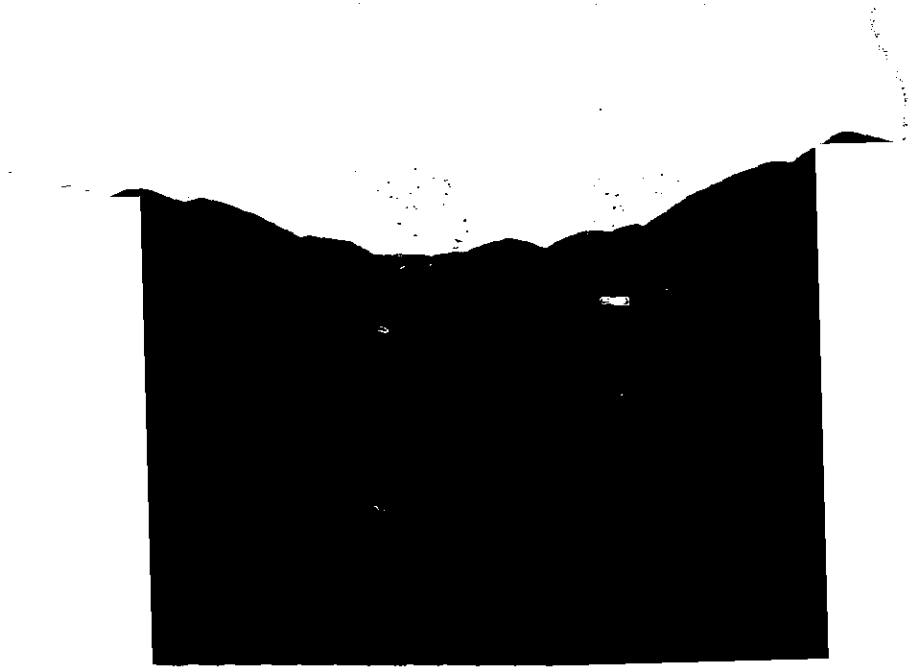









Remnant of
former irrigation
lateral



View upstream toward headgate of former channel of Elkhorn Cr.

Downstream view of former Elkhorn Cr. channel

Relocated Elkhorn Cr. channel. Excavated to bypass flow around subdivision.

View from mound seen in picture 2nd from top (this page)

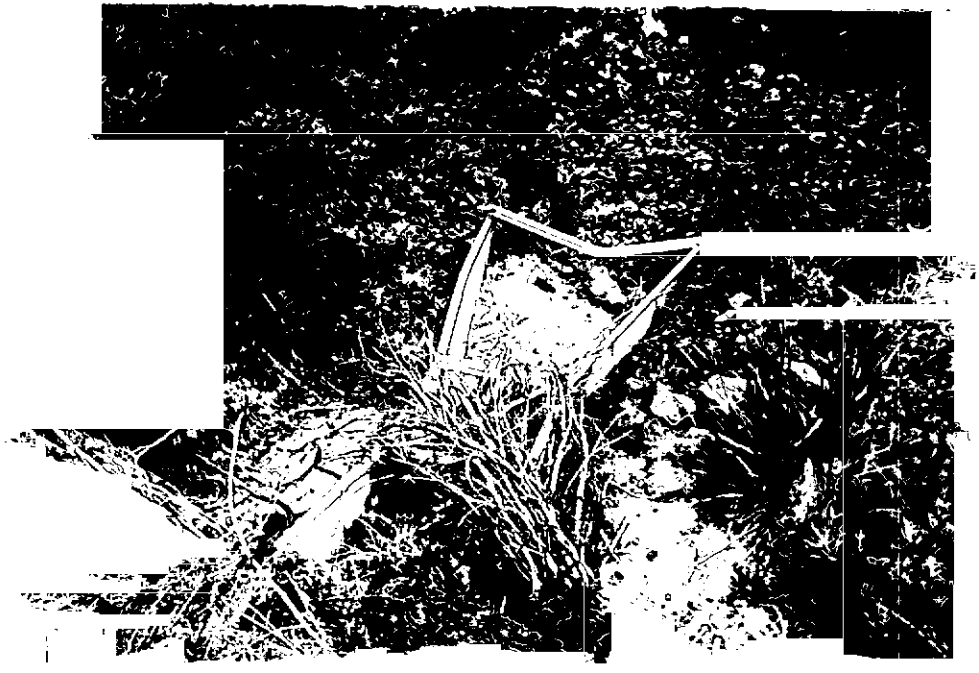
View from mound of former irrigated acres

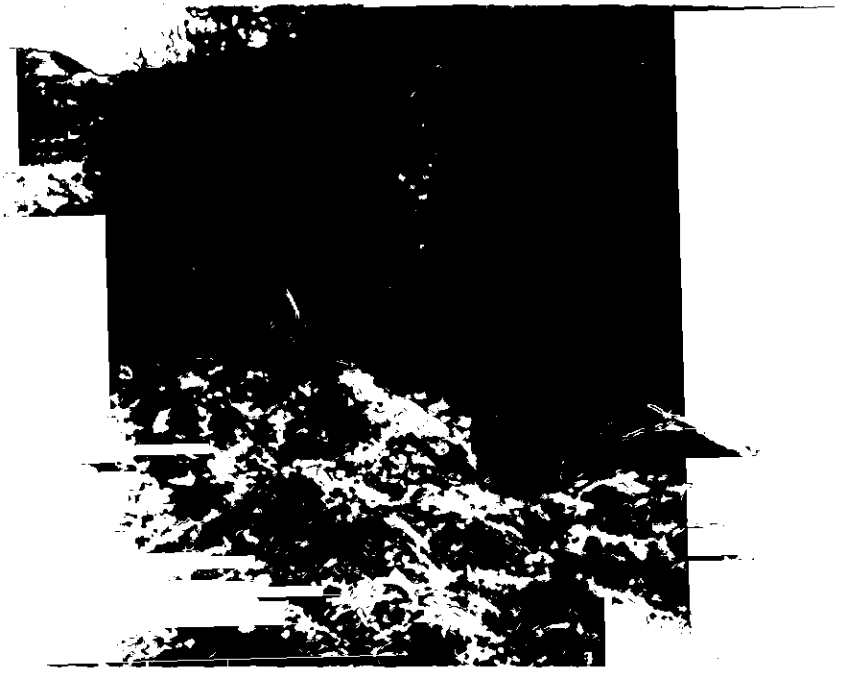
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37-4016 Field review of statutory claim beneficial use









View across former reservoir toward breached dam.

Breach in dam looking upstream.

Concrete headgate in channel well below dam. Foreground: take-out for lateral.

Metal measuring flume 20' below headgate. Headgate is off top of photo.

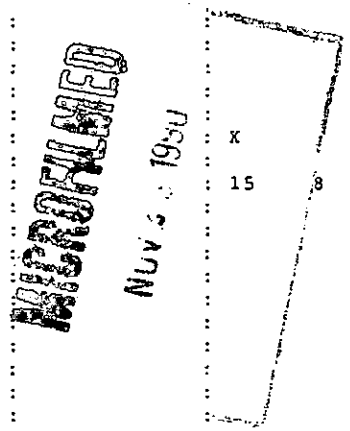
Remnant of lateral below measuring flume. Beyond vegetation lateral has been obliterated by recent earthmoving.

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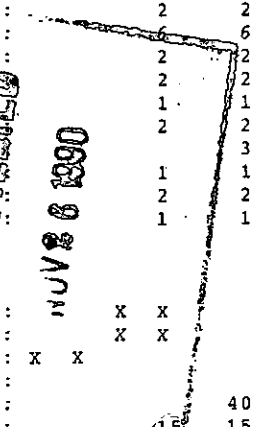
37-4016 Field review of statutory claim beneficial use

IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE 1/4 1/4 COMPARISON REPORT

WR-NUMBER	NAME	STG	SOURCE	T	R	S	NE NW SW SE	NE NW SW SE	NE NW SW SE	SE NE NW SW SE	SUM
3700081											
3700081	BONNING	D	BIG WOOD RIVER	04N	18E	19				X X	
3700082	BONNING	D	ELKHORN CREEK	04N	18E	19				X X	
3700289	GREEN	D	TRAIL CREEK	04N	18E	19	X X	X	X	X X	
3700457	MC COY	D	TRAIL CREEK	04N	18E	19	X	X			
3702330	POTHIER	L	TRAIL CREEK	04N	18E	19	40				40
3702574	LANE	L	TRAIL CREEK	04N	18E	19				15	15
3702635	LANE	L	GROUNDWATER	04N	18E	19			14	4 37	55
3704016	LANE CO.	S	ELKHORN CREEK	04N	18E	19				40 40	80
3704042	FARNLUN	S	GROUNDWATER	04N	18E	19	1	1			2
3704345	WADE	S	GROUNDWATER	04N	18E	19	X		X	X	
3707142A	POTHIER	L	GROUNDWATER	04N	18E	19				3	3
3707143	POTHIER	L	GROUNDWATER	04N	18E	19				1	1
3707201	LANE CO.	L	ELKHORN CREEK	04N	18E	19				30 40	70
3708100	WADE	P	GROUNDWATER	04N	18E	19		3			3
3700081											
3700081	BONNING	D	BIG WOOD RIVER	04N	18E	30	X X				
3700082	BONNING	D	ELKHORN CREEK	04N	18E	30	X X				
3702270A	KNEEBONE	L	HYNDMAN CREEK	04N	18E	30					8
3702574	LANE	L	TRAIL CREEK	04N	18E	30	35				35
3702635	LANE	L	GROUNDWATER	04N	18E	30	17				17
3702677	MC HAN	L	GROUNDWATER	04N	18E	30			X		
3704016	LANE CO.	S	ELKHORN CREEK	04N	18E	30	40 40				80
3704375	DRASHNER	S	COLD SPRINGS	04N	18E	30	5		15	8 32	60
3707201	LANE CO.	L	ELKHORN CREEK	04N	18E	30	40 10				50
3708122	LAW	P	GROUNDWATER	04N	18E	30				1	1
3708533	GRAYSTONE INC.	A	GROUNDWATER	04N	18E	30				1	1
3708534	GRAYSTONE INC.	A	GROUNDWATER	04N	18E	30				2	2
3708538	GRAYSTONE INC.	A	GROUNDWATER	04N	18E	30				6	6
3708539	GRAYSTONE INC.	A	GROUNDWATER	04N	18E	30				2	2
3708540	GRAYSTONE INC.	A	GROUNDWATER	04N	18E	30				2	2
3708541	GRAYSTONE INC.	A	GROUNDWATER	04N	18E	30				1	1
3708542	GRAYSTONE INC.	A	GROUNDWATER	04N	18E	30				2	2
3708560	HORMEL	A	GROUNDWATER	04N	18E	30	3				3
P3708533	GRAYSTONE INC.	P	GROUNDWATER	04N	18E	30				1	1
P3708534	GRAYSTONE INC.	P	GROUNDWATER	04N	18E	30				2	2
P3708541	GRAYSTONE INC.	P	GROUNDWATER	04N	18E	30				1	1
3700082											
3700081	BONNING	D	BIG WOOD RIVER	04N	18E	19				X X	
3700082	BONNING	D	ELKHORN CREEK	04N	18E	19				X X	
3700289	GREEN	D	TRAIL CREEK	04N	18E	19	X X	X	X	X X	
3700457	MC COY	D	TRAIL CREEK	04N	18E	19	X	X			
3702330	POTHIER	L	TRAIL CREEK	04N	18E	19	40				40
3702574	LANE	L	TRAIL CREEK	04N	18E	19				15	15
3702635	LANE	L	GROUNDWATER	04N	18E	19			14	4 37	55
3704016	LANE CO.	S	ELKHORN CREEK	04N	18E	19				40 40	80
3704042	FARNLUN	S	GROUNDWATER	04N	18E	19	1	1			2
3704345	WADE	S	GROUNDWATER	04N	18E	19	X		X	X	
3707142A	POTHIER	L	GROUNDWATER	04N	18E	19				3	3

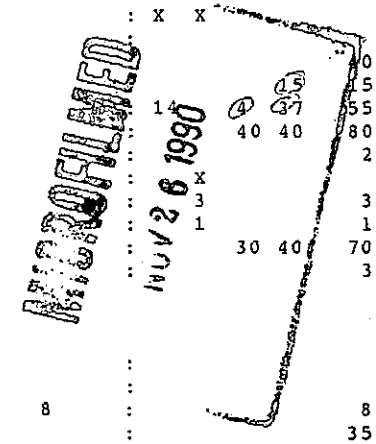


WR-NUMBER	NAME	STG	SOURCE	T	R	S	NE				NW				SW				SE				SUM
							NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3707143	POTHIER	L	GROUNDWATER	04N	18E	19														1			1
3707201	LANE CO.	L	ELKHORN CREEK	04N	18E	19															30	40	70
3708100	WADE	P	GROUNDWATER	04N	18E	19								3									3
3700082																							
3700081	BONNING	D	BIG WOOD RIVER	04N	18E	30	X	X															
3700082	BONNING	D	ELKHORN CREEK	04N	18E	30	X	X															
3702270A	KNEEBONE	L	HYNDMAN CREEK	04N	18E	30										8							8
3702574	LANE	L	TRAIL CREEK	04N	18E	30	35																35
3702635	LANE	L	GROUNDWATER	04N	18E	30	17																17
3702677	MC HAN	L	GROUNDWATER	04N	18E	30													X				
3704016	LANE CO.	S	ELKHORN CREEK	04N	18E	30	40	40															80
3704375	DRASHNER	S	COLD SPRINGS	04N	18E	30				5									15		8	32	60
3707201	LANE CO.	L	ELKHORN CREEK	04N	18E	30	40	10															50
3708122	LAW	P	GROUNDWATER	04N	18E	30																1	1
3708533	GRAYSTONE INC.	A	GROUNDWATER	04N	18E	30																1	1
3708534	GRAYSTONE INC.	A	GROUNDWATER	04N	18E	30																2	2
3708538	GRAYSTONE INC.	A	GROUNDWATER	04N	18E	30																6	6
3708539	GRAYSTONE INC.	A	GROUNDWATER	04N	18E	30																2	2
3708540	GRAYSTONE INC.	A	GROUNDWATER	04N	18E	30																2	2
3708541	GRAYSTONE INC.	A	GROUNDWATER	04N	18E	30																1	1
3708542	GRAYSTONE INC.	A	GROUNDWATER	04N	18E	30																2	2
3708560	HORMEL	A	GROUNDWATER	04N	18E	30				3													3
P3708533	GRAYSTONE INC.	P	GROUNDWATER	04N	18E	30																1	1
P3708534	GRAYSTONE INC.	P	GROUNDWATER	04N	18E	30																2	2
P3708541	GRAYSTONE INC.	P	GROUNDWATER	04N	18E	30																1	1
3704016																							
3700081	BONNING	D	BIG WOOD RIVER	04N	18E	19														X	X		
3700082	BONNING	D	ELKHORN CREEK	04N	18E	19														X	X		
3700289	GREEN	D	TRAIL CREEK	04N	18E	19		X	X						X				X	X			
3700457	MC COY	D	TRAIL CREEK	04N	18E	19					X			X									
3702330	POTHIER	L	TRAIL CREEK	04N	18E	19				40													40
3702574	LANE	L	TRAIL CREEK	04N	18E	19																15	15
3702635	LANE	L	GROUNDWATER	04N	18E	19													14		4	37	55
3704016	LANE CO.	S	ELKHORN CREEK	04N	18E	19															40	40	80
3704042	FARNLUN	S	GROUNDWATER	04N	18E	19					1			1									2
3704345	WADE	S	GROUNDWATER	04N	18E	19			X						X					X			
3707142A	POTHIER	L	GROUNDWATER	04N	18E	19														3			3
3707143	POTHIER	L	GROUNDWATER	04N	18E	19														1			1
3707201	LANE CO.	L	ELKHORN CREEK	04N	18E	19															30	40	70
3708100	WADE	P	GROUNDWATER	04N	18E	19								3									3
3704016																							
3700081	BONNING	D	BIG WOOD RIVER	04N	18E	30	X	X															
3700082	BONNING	D	ELKHORN CREEK	04N	18E	30	X	X															
3702270A	KNEEBONE	L	HYNDMAN CREEK	04N	18E	30										8							8
3702574	LANE	L	TRAIL CREEK	04N	18E	30	35																35
3702635	LANE	L	GROUNDWATER	04N	18E	30	17																17
3702677	MC HAN	L	GROUNDWATER	04N	18E	30													X				



IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE 1/4 1/4 COMPARISON REPORT

WR-NUMBER	NAME	STG	SOURCE	T	R	S	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	SUM
3704016	LANE CO.	S	ELKHORN CREEK	04N	18E	30	40	40															80
3704375	DRASHNER	S	COLD SPRINGS	04N	18E	30				5									15		8	32	60
3707201	LANE CO.	L	ELKHORN CREEK	04N	18E	30	40	10															50
3708122	LAW	P	GROUNDWATER	04N	18E	30															1	1	1
3708533	GRAYSTONE INC.	A	GROUNDWATER	04N	18E	30															1	1	1
3708534	GRAYSTONE INC.	A	GROUNDWATER	04N	18E	30															2	2	2
3708538	GRAYSTONE INC.	A	GROUNDWATER	04N	18E	30															6	6	6
3708539	GRAYSTONE INC.	A	GROUNDWATER	04N	18E	30															2	2	2
3708540	GRAYSTONE INC.	A	GROUNDWATER	04N	18E	30															2	2	2
3708541	GRAYSTONE INC.	A	GROUNDWATER	04N	18E	30															1	1	1
3708542	GRAYSTONE INC.	A	GROUNDWATER	04N	18E	30															2	2	2
3708560	HORMEL	A	GROUNDWATER	04N	18E	30				3													3
P3708533	GRAYSTONE INC.	P	GROUNDWATER	04N	18E	30															1	1	1
P3708534	GRAYSTONE INC.	P	GROUNDWATER	04N	18E	30															2	2	2
P3708541	GRAYSTONE INC.	P	GROUNDWATER	04N	18E	30															1	1	1
3707201																							
3700081	BONNING	D	BIG WOOD RIVER	04N	18E	19															X	X	
3700082	BONNING	D	ELKHORN CREEK	04N	18E	19															X	X	
3700289	GREEN	D	TRAIL CREEK	04N	18E	19		X	X						X				X	X			
3700457	MC COY	D	TRAIL CREEK	04N	18E	19					X			X									
3702330	POTHIER	L	TRAIL CREEK	04N	18E	19				40													40
3702574	LANE	L	TRAIL CREEK	04N	18E	19																	15
3702635	LANE	L	GROUNDWATER	04N	18E	19													14	4	37		55
3704016	LANE CO.	S	ELKHORN CREEK	04N	18E	19															40	40	80
3704042	FARNLUN	S	GROUNDWATER	04N	18E	19					1			1									2
3704345	WADE	S	GROUNDWATER	04N	18E	19			X						X					X			
3707142A	POTHIER	L	GROUNDWATER	04N	18E	19														3			3
3707143	POTHIER	L	GROUNDWATER	04N	18E	19														1			1
3707201	LANE CO.	L	ELKHORN CREEK	04N	18E	19															30	40	70
3708100	WADE	P	GROUNDWATER	04N	18E	19								3									3
3707201																							
3700081	BONNING	D	BIG WOOD RIVER	04N	18E	30	X	X															
3700082	BONNING	D	ELKHORN CREEK	04N	18E	30	X	X															
3702270A	KNEEBONE	L	HYNDMAN CREEK	04N	18E	30											8						8
3702574	LANE	L	TRAIL CREEK	04N	18E	30	35																35
3702635	LANE	L	GROUNDWATER	04N	18E	30	17																17
3702677	MC HAN	L	GROUNDWATER	04N	18E	30													X				
3704016	LANE CO.	S	ELKHORN CREEK	04N	18E	30	40	40															80
3704375	DRASHNER	S	COLD SPRINGS	04N	18E	30				5									15		8	32	60
3707201	LANE CO.	L	ELKHORN CREEK	04N	18E	30	40	10															50
3708122	LAW	P	GROUNDWATER	04N	18E	30															1	1	1
3708533	GRAYSTONE INC.	A	GROUNDWATER	04N	18E	30															1	1	1
3708534	GRAYSTONE INC.	A	GROUNDWATER	04N	18E	30															2	2	2
3708538	GRAYSTONE INC.	A	GROUNDWATER	04N	18E	30															6	6	6
3708539	GRAYSTONE INC.	A	GROUNDWATER	04N	18E	30															2	2	2
3708540	GRAYSTONE INC.	A	GROUNDWATER	04N	18E	30															2	2	2
3708541	GRAYSTONE INC.	A	GROUNDWATER	04N	18E	30															1	1	1
3708542	GRAYSTONE INC.	A	GROUNDWATER	04N	18E	30															2	2	2
3708560	HORMEL	A	GROUNDWATER	04N	18E	30				3													3



IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE 1/4 1/4 COMPARISON REPORT

WR-NUMBER	NAME	STG	SOURCE	T	R	S	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	SUM
P3708533	GRAYSTONE INC.	P	GROUNDWATER	04N	18E	30					:				:				:				1
P3708534	GRAYSTONE INC.	P	GROUNDWATER	04N	18E	30					:				:				:				2
P3708541	GRAYSTONE INC.	P	GROUNDWATER	04N	18E	30					:				:				:				1

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IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE LOTS COMPARISON REPORT

WR-NUMBER	NE				NW				SW				SE				LOT	+	SUM
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
3700081	T04N R18E S19																		
3700081	T04N R18E S30																		
3700082	T04N R18E S19																		
3700082	T04N R18E S30																		
3704016	T04N R18E S19																		
3704016	T04N R18E S30																		
3707201	T04N R18E S19																		
3707201	T04N R18E S30																		

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Form 222a
6/78

Cascea Associates Inc

TBJS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: JE Stanton

1. Right number 37-0081 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 _____
      none - reduction in acreage
   i. ☒ Check for existing water rights from same source, on land water is being transferred to.
      Right number(s) 37-0083, 4016, 7201
   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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Department of Water Resources

** All uses within Watermaster Districts require special conditions.*

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. (name), and to the best of my knowledge believe the 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 requested for the following reasons: _____

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

(signature)

Please use reverse side if needed.

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Department of Water Resources

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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 1½ inches of water per acre on 24.4 acres of land. I understand thhis 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 1½ 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.

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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.

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PORTION(S) OF RIGHTS TO BE CHANGED

Water right No.: 37-07201
Amount of water: 1.0 cfs Water use: Irrigation
.06 cfs 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

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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

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Department of Water Resources
Southern Region Office

Disk: Patty-15

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 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 Maled 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, .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; 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

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

OK MB 10/2/89

MICROFILMED
NOV 2 6 1990

September 25, 1989

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

Gentlemen:

Enclosed you will find a legal notice which we wish to have published 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

MICROFILMED
NOV 26 1990

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
Sr. Water Resource Agent

JS:MB

MICROFILMED

NOV 2 6 1990

September 25, 1989

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
Sr. Water Resource Agent

JS:MB

Enclosures

MICROFILMED
NOV 2 6 1990

ER-DEPARTMENT MEMO — 1

DATE 8-28-89

FROM Jim Stanton

TO File

SUBJECT Analysis of Consumptive Use, Cascea Associates Transfers

Transfers describe original p/u as 85 acres of irrigated land. At 3.0 AFA/acre, the annual consumptive volume would be 255 AFA. The data from their engineer shows 237.7 AFA of consumptive use. There appears to be an actual reduction in the annual consumptive use if these transfers are approved.

MICROFILMED
NOV 2 6 1990

SIGNATURE

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
ATTORNEYS AT LAW
142 3RD AVENUE N.
P.O. BOX 1906
TWIN FALLS, IDAHO 83301
(208) 734-0700

RECEIVED
AUG 25 1989
Department of Water Resources
Southern Region Office

DATE: 8/22/89

TO: Tim Stanton
IDWR

RE: Lake Ranch

Dear Tim,

As I understand, These are the changes you asked for they look all right, Please call and I'll formalize them.

I've asked the engineer to do a piece on evaporation and seepage from the ponds and water courses. I should have that to you in a week.

BY: Travis Thomas Rosholt

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
RECEIVED
NOV 20 1989

Edwards, Howard & Martens, Inc.

ENGINEERS / PLANNERS / SURVEYORS

1139 Falls Ave. E., Suite B
Twin Falls, Idaho 83301
Phone 734-4888

IN THE FIELDS OF:
PLANNING
SURVEYING
HIGHWAYS
WATER
SEWAGE
STRUCTURAL
SUBDIVISIONS
AIRPORTS
BRIDGES

August 24, 1989

Nelson, Rosholt, Robertson
Tolman & Tucker
142 Third Ave. North
Twin Falls, Idaho 83301

ATTN: John Rosholt

RE: Lane Ranch
Job #25-87

Dear Mr. Rosholt:

Please find attached a brief summary of water loss within the Lane Ranch Subdivision. It should be noted that the losses include evaporation, evapotranspiration, and seepage. Seepage losses potentially return to the Big Wood River.

Seepage rates for lakes and streams are highly variable due to variations in the site subsurface soils. Lake seepage losses are minimized due to lining efforts while stream seepage has been encouraged by introduction of stream bank wetland vegetation.

Please call me if there are any questions.

Respectfully yours,

EHM ENGINEERS, INC.

Gerald L. Martens, P.E.

GM:mt
Enclosure

MICROFILMED
NOV 26 1990

The following is a summary of estimated losses of surface waters within the Lane Ranch Subdivision. Waters originate from Elkhorn Creek and the Big Wood River and are commingled near the upper end of the project.

1. Berm Irrigation

   Area: 13 acres
   Seasonal Potential ET: 37.3 in.
   Plant Coefficient (turf-trees): 0.77
   Actual Seasonal ET: (0.77 X 37.3) = 28.7 in.
   Application efficiency: 60 percent
   Seasonal ET: 51.8 acre feet

2. Water Course Irrigation

   Area: 9 acres
   Seasonal Potential ET: 37.3 in.
   Plant Coefficient: 0.80
   Actual Seasonal ET: (0.8 X 37.3) = 29.8 in.
   Application efficiency: 60 percent
   Seasonal ET: 37.3 acre feet

3. Lake Seepage

   Area: 6 acres
   Seepage Rate: 0.38 in/day
   Seasonal Seepage: 69.3 acre feet

4. Stream Seepage

   Area: 3.5 Acres
   Seepage Rate: 0.50 in/day
   Usage factor: 0.75
   Seasonal Seepage: 53.2 acre feet

5. Lake Evaporation

   Area: 6 acres
   Seasonal Evaporation: 33.0 in.
   Seasonal Evaporation: 16.5 acre feet

6. Stream Evaporation: (Includes numerous instream ponds)

   Area: 3.5 acres
   Seasonal Evaporation: 33 in.
   Seasonal Evaporation: 9.6 area feet

MICROFILMED
NOV 2 6 1990

SUMMARY OF SURFACE WATER LOSSES

1.	Berm Irrigation	51.8 Acre feet
2.	Water Course Irrigation	37.3 Acre feet
3.	Lake Seepage	69.3 Acre feet
4.	Stream Seepage	53.2 Acre feet
5.	Lake Evaporation	16.5 Acre feet
6.	Stream Evaporation	9.6 Acre feet
TOTAL LOSSES		237.7 Acre feet

RECEIVED
NOV 26 1990

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered
ATTORNEYS AT LAW

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

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

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

July 19, 1989

RECEIVED
JUL 19 1989
Department of Water Resources
Southern Region Office

Mr. Loren Holmes, Supervisor
Idaho Department of Water Resources
Southern Region
2148 4th Avenue East
Twin Falls, ID 83301

Dear Loren:

Please find enclosed an application for transfer of water right describing a request for changes in current usage for four rights and a change in point of diversion for one of them. As per your suggestion, I have shown the water rights in question using the face sheet of the Part 1 section form. All four of the water rights are described completely as well as the acreage to be irrigated after the requested change. Complete forms Parts 1 through 3 for each water right follow the cover sheet with exhibits and attachments including an engineering map and title company documents that define the status of the property.

The applicant, Cascea Associates, Inc., an Idaho corporation, has identified Ed Miller, Esq., of the firm Givens, McDevitt, Pursley, Webb & Buser of Boise, Idaho, as its representative regarding any business of the corporation. Mr. Miller's name and phone number therefore is indicated on the department's forms throughout this application. Any questions regarding this application in terms of the transfer of the identified water rights appurtenant to Cascea Associates, Inc. property should be directed to Mr. J. Evan Robertson, Esq. of this firm at the number of the Twin Falls office indicated on the letterhead.

Please note that the request for irrigation usage while quite small in terms of the total amount of water being transferred is more than the statute figure. In view of the present usage of 813 inches of water on 160 acres of land, there is no significant change in terms of proportioned use.

MICROFILMED
NOV 26 1990

Gains to the Big Wood River in terms of the requested use filtering back into the river and the obvious increased gain due to the reduction of irrigated acres will certainly make other right holders the ultimate beneficiaries of this requested change.

Please advise if you have questions or require additional information in addition to that which we have submitted with this application.

Very truly yours,

Frank

FRANCIS G. HITCHCOCK
LEGAL ASSISTANT

FGH/mw
23261

Enclosures

MICROFILMED
NOV 26 1990

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

October 2, 1986

Reid Newby
Box T
Shoshone, ID 83352

Dear Reid:

Enclosed for your use and/or information is a copy of an approved application for extension of time to avoid forfeiture of a water right. Norm Young asked that I forward a copy to you.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

ls

Enclosure

MICROFILMED
NOV 2 6 1990

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

May 9, 1985

RE: Water Right No. 37-0081

Edward Downe, Jr.
c/o J. Evan Robertson
Box 1906
Twin Falls, ID 83303

Dear Mr. Downe:

Enclosed is a copy of your approved Application for Extension of Time to Avoid Forfeiture of a Water Right.

Please note that use of water must resume on or before June 30, 1990.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosure

MICROFILMED

NOTICE OF APPLICATION FOR EXTENSION OF TIME TO AVOID

FORFEITURE OF A WATER RIGHT

NO. 37-0081

Notice is hereby given that Edward Downe, Jr., of Twin Falls, Idaho has applied to the Department of Water Resources for an extension of time to avoid forfeiture of a water right. The right is evidenced by decree to James H. Bonning in case of S. C. Frost vs Alturas Water Co., dated December 13, 1909 in the Fourth Judicial District Court, County of Lincoln and is further described as follows:

Amount: 4 cfs or 200 inches

Priority: June 1, 1884

Point of Diversion: S½SE¼, Sec. 19; N½NE¼, Sec. 30, T4N, R18E

The water is used for irrigation of 160 acres from April 1 to September 30 within the S½SE¼, Sec. 19; N½NE¼, Sec. 30, T4N, R18E

Reason for non-use: The delivery ditch has been removed due to landscaping. Time will be required to restore it.

Any protest against the approval of the above proposed application must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301, on or before ~~November 26, 1984~~ March 11, 1985.

A. KENNETH DUNN
Director

Published in Lincoln County Journal on ~~November 8 and November 15, 1984~~ February 21 and February 28, 1985

RECEIVED
MAR 29 1985
Department of Water Resources

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

February 7, 1985

~~October 30, 1984~~

Lincoln County Journal
P. O. Box 704
Shoshone, Idaho 83352

Re: Notice of Application for Extension of Time to Avoid forfeiture of a water right No. 37-0081

Gentlemen:

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

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

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

Very truly yours,

mary a newby

Mary A. Newby
Sec/Office Coord.

Encl:

MICROFILMED

NOTICE OF APPLICATION FOR EXTENSION OF TIME TO AVOID

FORFEITURE OF A WATER RIGHT

NO. 37-0081

Notice is hereby given that Edward Downe, Jr., of Twin Falls, Idaho has applied to the Department of Water Resources for an extension of time to avoid forfeiture of a water right. The right is evidenced by decree to James H. Bonning in case of S. C. Frost vs Alturas Water Co., dated December 13, 1909 in the Fourth Judicial District Court, County of Lincoln and is further described as follows:

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Reason for non-use: The delivery ditch has been removed due to landscaping. Time will be required to restore it.

Any protest against the approval of the above proposed application must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301, on or before November 26, 1984.

A. KENNETH DUNN
Director

Published in Lincoln County Journal on November 8 and November 15, 1984

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

October 30, 1984

Lincoln County Journal
P. O. Box 704
Shoshone, Idaho 83352

Re: Notice of Application for Extension of Time to Avoid forfeiture of a water right No. 37-0081

Gentlemen:

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

Very truly yours,

Mary A. Newby
Sec/Office Coord.

Encl:

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

October 24, 1984

Reid J. Newby
Watermaster District 37
Box T
Shoshone, Idaho 83301

Re: Application for Extension of Time to Avoid Forfeiture of a Water Right No. 37-0081

Dear Mr. Newby:

Enclosed is a copy of the above referenced application for your information and files.

Very truly yours,

Mary A. Newby
Sec/Office Coord.

Encl:

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

EXTENSION OF TIME

September 24, 1984

Nelson, Rosholt, Robertson, Tolman &Tucker
P.O. Box 1906
Twin Falls, ID 83303-1906

PERMIT NO. **37-0081 (Edward Downe, Jr.)**

We are in receipt of the **$50** extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosed is our receipt No. **35093**

Roberta Garrett
Records Supervisor

Enclosure

MICROFILMED