

Show 40-acre subdivisions, townships, ranges and ditches.

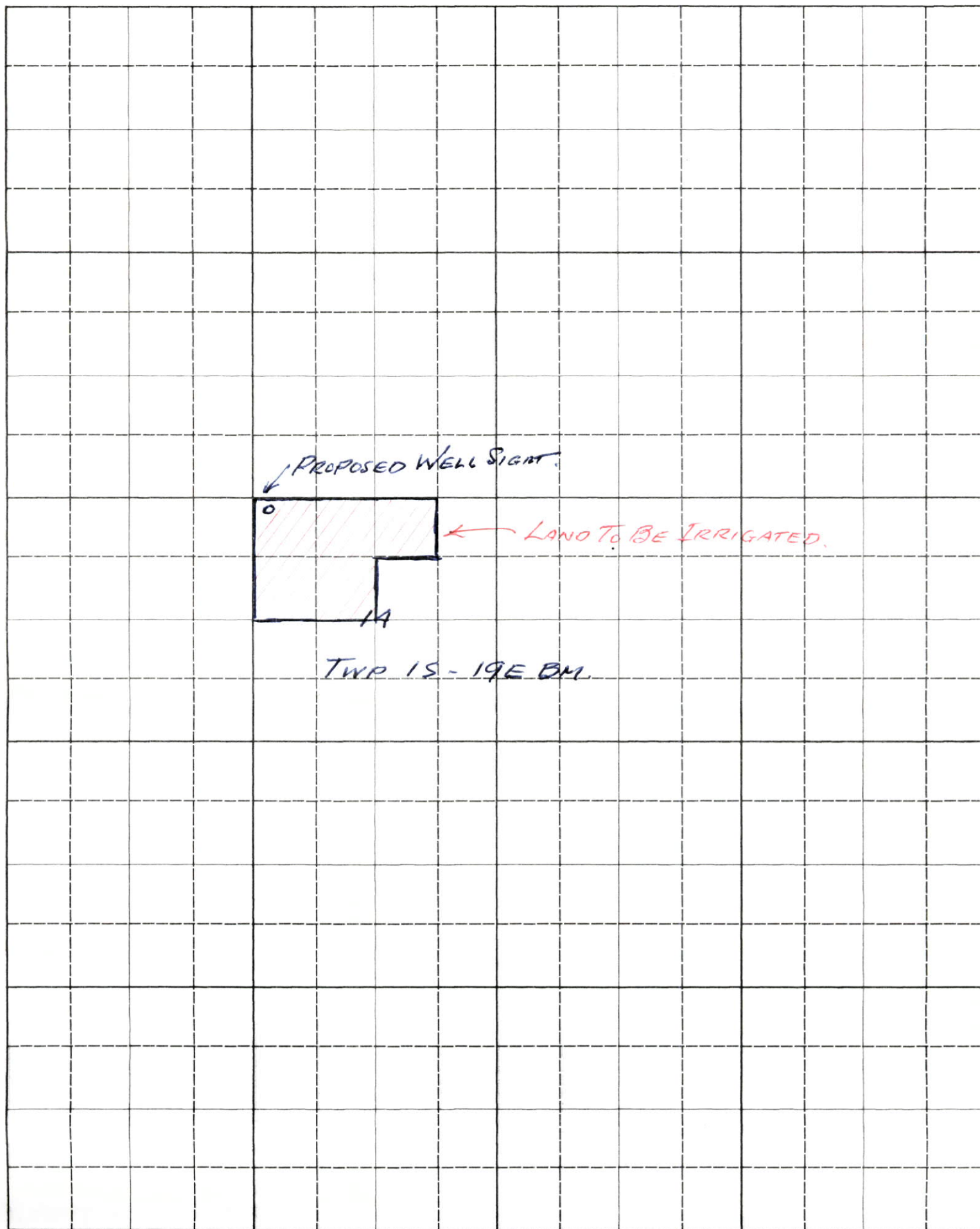
A 10x10 grid with a dashed horizontal line and a solid vertical line. The top-left corner, consisting of the first two rows and the first two columns, is shaded with diagonal lines. In the first row, first column, there is a small circle. In the second row, first column, the text "SEC 14" is written. In the second row, second column, the text "15-19 EBM" is written.

Kenneth F. Kelly
(Signature)

RECEIVED
JUN 19 1990

19 90
J. Glen Saxton
Chief, Water Alloc. Bureau

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

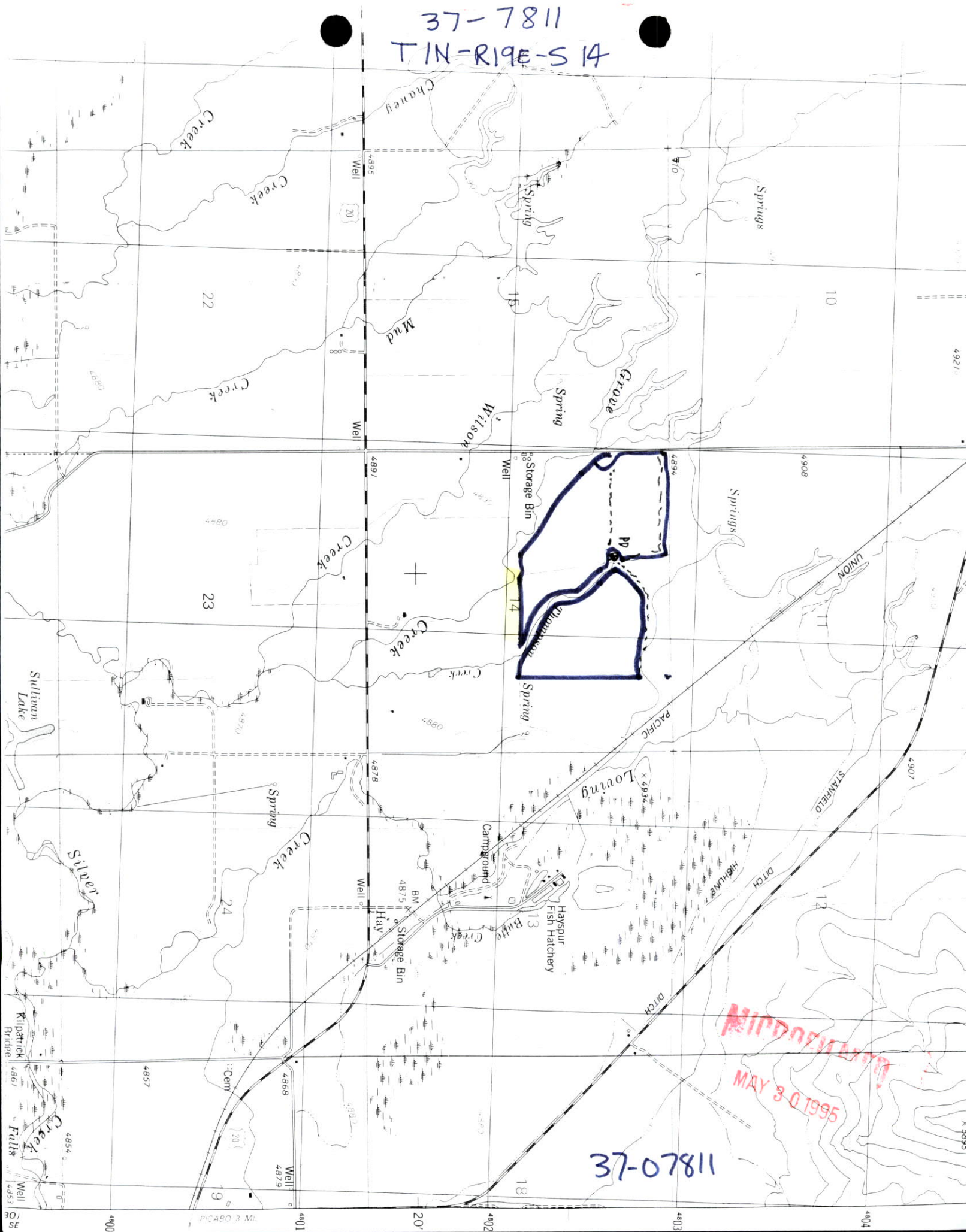


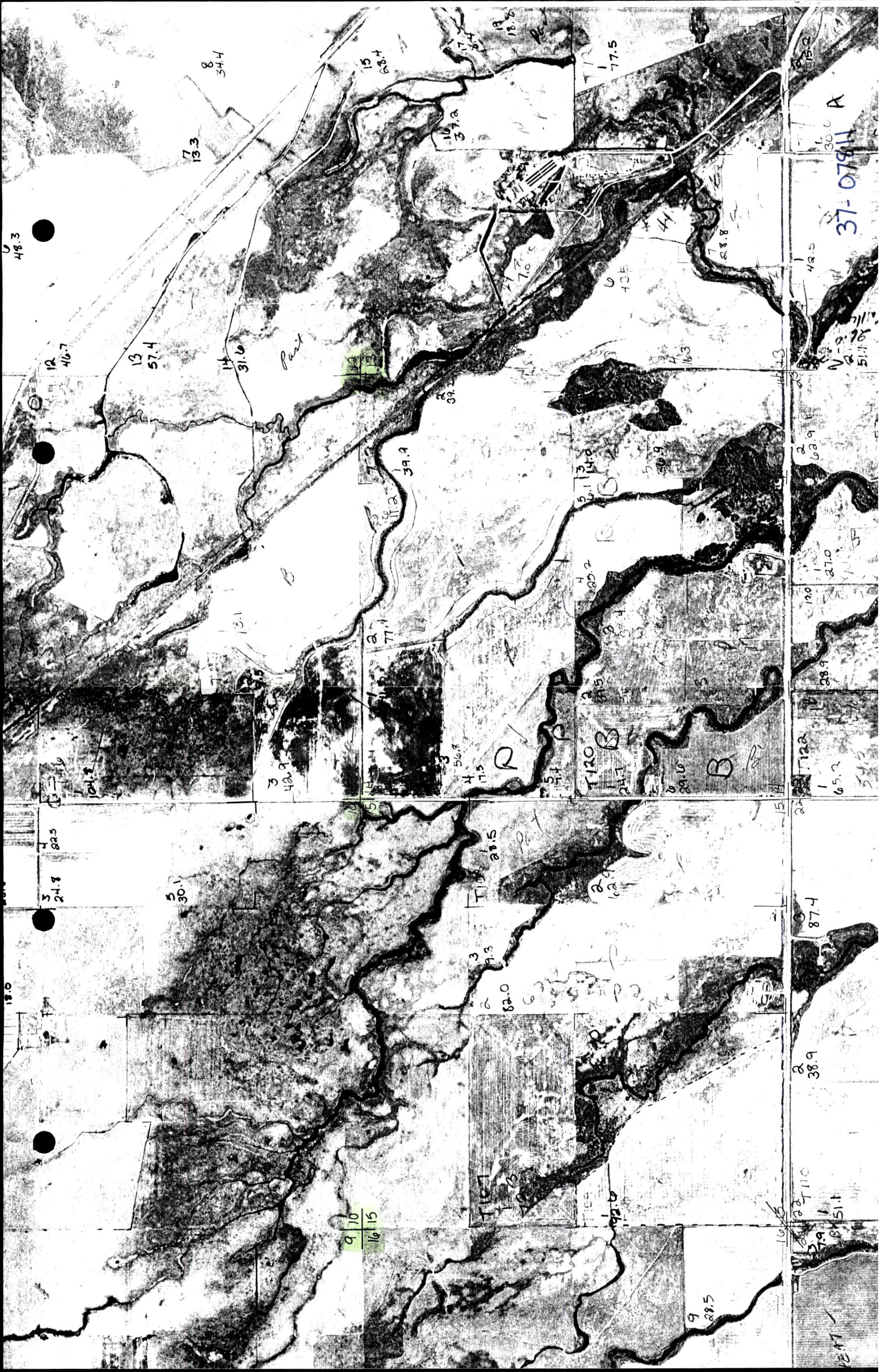
Scale: 2 inches equal 1 mile.

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

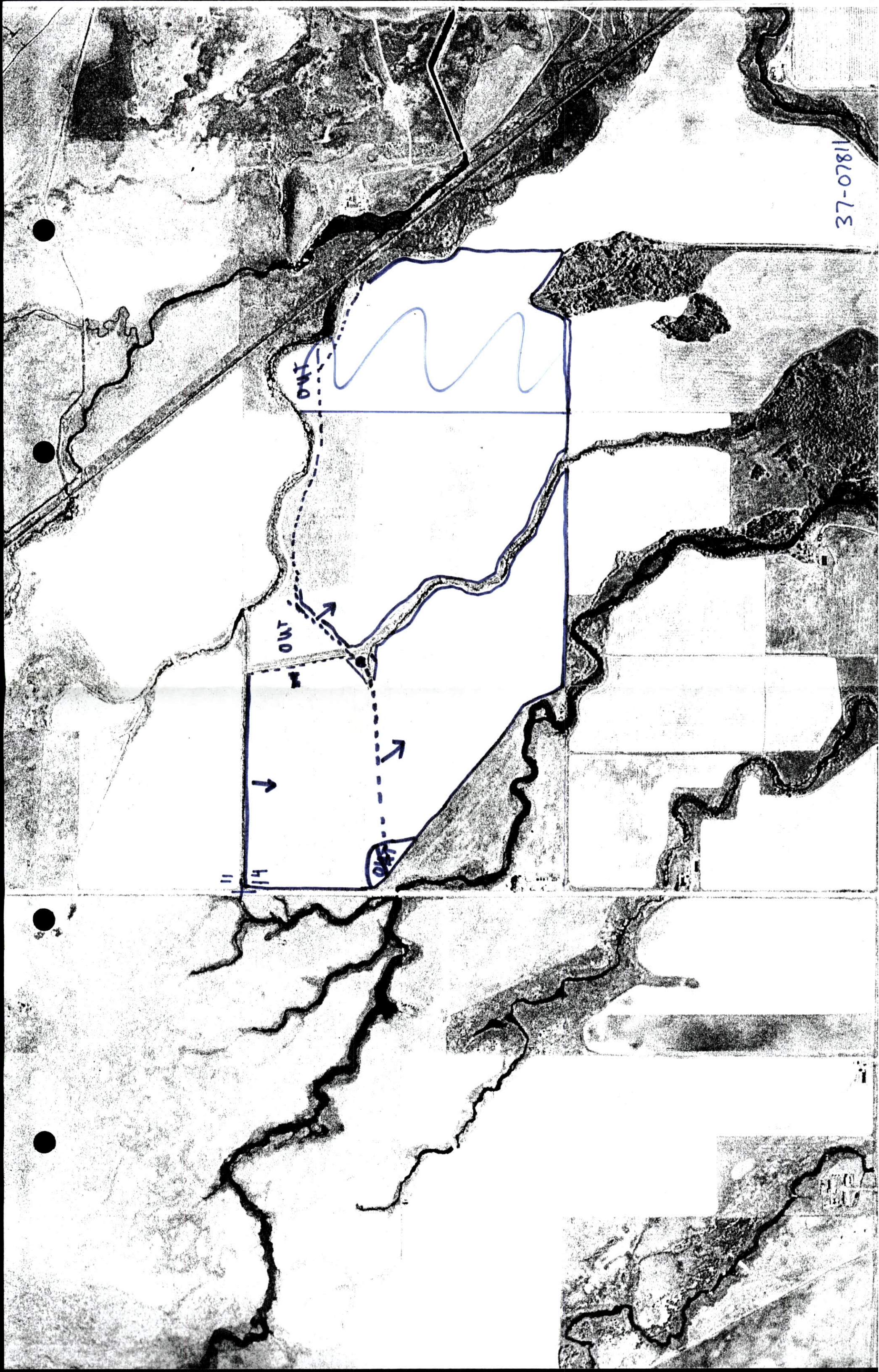
Kenneth J. Kelly
(Applicant)

37-7811
T1N-R19E-S14





37-07811



27-7811



Diversion Works

MICROFILMED
MAY 30 1995

87-7811



P/u

MICROFILMED

MAY 30 1995

MEMORANDUM

TO:TIM

FROM:ROXANNE MCCARTHY

RE: OVERLAP REVIEW/PERMIT 37-7811

DATE: 19-APR-1989

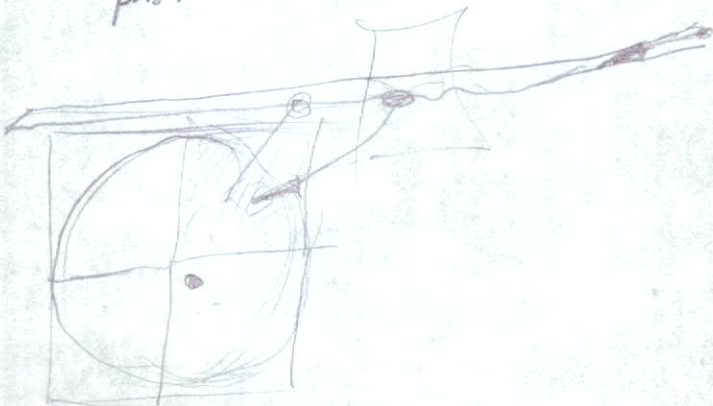
=====

This permit was approved for the irrigation of 200 acres with an application rate of 0.02 cfs per acre.

License 37-2553 was issued for 190 of these acres with an application rate of 0.01 cfs per acre. The source for this license is surface water from a drainage ditch. The right was issued in 1957.

Decree 37-1093 allows 100" of the Little Wood River on these lands.

Mr. Pierst called 5/15 - stated that drain under existing right (37-2553) has for many years not provided adequate water for irrig of these lands. Land has been dry farmed for past several years



MICROFILMED

AUG 21 1989

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07811

Priority: December 5, 1979

Maximum Diversion Rate:

3.36 CFS

This is to certify, that THREE CREEKS RANCH

PO BOX 1864

KETCHUM ID 83340-1864

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 5, 1979; and has submitted Proof of Beneficial Use on July 12, 1991. An examination indicates that the works have a diversion capacity of 4.010 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	3.36 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 14, Township 01S, Range 19E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01S	19E	14	NWNE 24	SWNE 37.5	NENW 26		
			NWNW 36	SWNW 9.5	SENW 35		168

Total number of acres irrigated: 168

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
5. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
6. The Director retains jurisdiction of the right issued to change, add or remove any requirement as determined to be appropriate.

COPIED
JENNIFER

MAY 30 1995

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07811

CONDITIONS/REMARKS:

7. The right holder shall use the full allotment of appurtenant surface water rights, to the extent they are available, in conjunction with groundwater diverted pursuant to this right.
8. This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.
9. This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 588 af for the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 24TH day of MAY, 1995.

Acting for  KARL J. DREHER, Director

44-100-107-105
8/19/95

APPROVED

State of Idaho
Department of Water Resources

RECEIVED

MAY 15 1995

Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-07811

Date of Priority: December 5, 1979 Maximum Diversion Rate: 3.36 CFS
Comes now THREE CREEKS RANCH
PO BOX 1864
KETCHUM ID 83340-1864 and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 37-07811, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	3.36 CFS	

LOCATION OF POINT(S) OF DIVERSION: NENW , Sec. 14, Township 01S, Range 19E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01S	19E	14	NWNE 24	SWNE 37.5	NENW 26	
			NWNW 36	SWNW 9.5	SENE 35	168

Total number of acres irrigated: 168

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at KETCHUM, IDAHO, this 12th day of MAY, 1995.

Thurston 3 Creeks
(Signature) Ranch
City of Boise

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-07811

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = 50. - Received by JW # C032637 Date 5-15-95

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 37-07811 with the following;

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
5. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
6. The Director retains jurisdiction of the right issued to change, add or remove any requirement as determined to be appropriate.
7. The right holder shall use the full allotment of appurtenant surface water rights, to the extent they are available, in conjunction with groundwater diverted pursuant to this right.
8. This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.
9. This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 588 af for the lands above.

Witness my hand this 24th day of May, 1995.

Acting for KARL J. DREHER, Director

301995

RECEIVED
JUL 12 1991

For Office Use Only
Amt. of Fee \$ 175.00
Date 7-12-91
Receipt No. 0021145
Received by myh

STATE OF IDAHO

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

Permit No. 37-07811 Telephone No. _____

Name(s) of Permit Holder(s): THREE CREEKS RANCH INC.

Post Office Address: P.O. Box 1864 KETCHUM, IDAHO 83340

Source of Water: Ground Water, well

If ground water, well driller's name: Gene Walker Date drilled: 12/20/89 - 5/21/90

Extent of Use:
Domestic _____ (No. of households) Irrigation 200 (No. of acres)
Stockwater _____ (No. and type of stock) Other _____

Total rate and/or volume for which proof is submitted 4 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: June 18, 1991

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

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

OR

Flow Measurement Port: Required? Yes ☒ No Installed? Yes ☒ No

Fee Enclosed: \$ 175.00 (See License Examination Fee Schedule)

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

Peter deLisser 726 0973 or 788-2309 (h)
Name Telephone No.
P.O. Box 1864 Ketchum, Idaho 83340
Address

SEP 27 1991

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

July 11, 1991
Date

Peter deLisser - Secretary THREE CREEKS RANCH INC.
Signature (and title if on behalf of a company or organization)

RECEIVED SEP 18 1990

For Office Use Only
\$15 FEE Received by DRS
Date 9/19/90
Receipt # 5012680

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

SEP 19 1990

Department of Water Resources
Southern Region Office

To provide additional time in which to submit proof
of beneficial use for a water right permit

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. A-37-04341-7811 (#09-19-1990)

Name(s) of Permit Holder: THREE CREEKS RANCH, INC.

Post Office Address: P.O. BOX 1864 KETCHUM, IDAHO 83340

Telephone No. 208-726-0973

Date Proof is Due: OCT. 1, 1990

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

Well drilled, pump installed, some land leveled, gravity system designed by soil conservation service, gated pipe ordered, conveyance pipe lines ordered and staked out.

Costing \$ 53,000.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Three Creeks Ranch Inc. contracted to purchase the property and close on the sale April 1, 1990. The seller of the property (Kenneth Hellyer) asked for an extension of the closing *

Permit holder(s) request an extension to 10/1, 1991. Peter D. Zinner - Secretary
(1 yr. minimum) (Signature) Three Creeks Ranch Inc.

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit the proof of beneficial use is extended to October 1, 1991.

Signed this 15th day of January, 1991

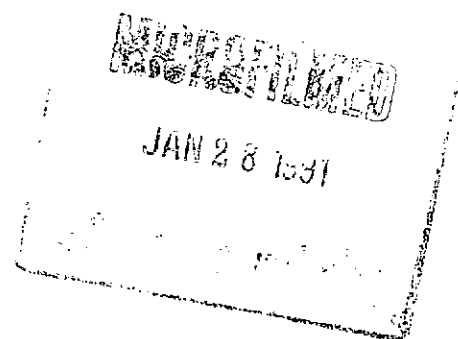
J. Glen Taylor
Chief, Water Allocation Bureau

*Continued on back

date to August 1, 1990. This extension prevented Three Creeks Ranch Inc. from completing the irrigation system prior to planting this years barley crop. Now that the crop has been cut we are finishing the work on the irrigation system. We may be completed by October 1, 1990, but would like an extension of time in case something goes wrong.

Signed - Peter deTisser

Secretary - Three Creeks Ranch
Inc.



WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	37-07811	Hellyer, Kenneth F.	4.00
Full Assignment	37-07811	Three Creeks Ranch, Inc.	

RECORDED

JAN 26 1951

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ASSIGNMENT OF PERMIT

(Hellyer/Three Creeks Ranch Corp.)

KENNETH F. HELLYER and MARJORIE P. HELLYER, husband and wife (the "Assignors"), hereby assign to THREE CREEKS RANCH, INC., an Idaho corporation, whose address is P. O. Box 1864, Ketchum, ID 83340 (the "Assignee"), all of their right, title and interest in and to Idaho Water Permit No. 37-07811 to appropriate the public waters of the State of Idaho.

IN WITNESS WHEREOF, the Assignors have signed and executed this Assignment of Permit on the 31 day of July, 1990.

FIRST AMERICAN TITLE CO.

322319

BLAINE CO. REQUEST

OF:

Miss
'90 AUG 1 PM 4 54

MARY GREEN, CLERK

FEES \$3.00

Kenneth F. Hellyer
KENNETH F. HELLYER

Marjorie P. Hellyer
MARJORIE P. HELLYER

STATE OF WASHINGTON)

County of Washington)

ss.

On this 31st day of July, 1990, before me the undersigned notary public in and for said state, personally appeared KENNETH F. HELLYER and MARJORIE P. HELLYER, known or identified to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



j/hellyer/asnprmit
7/27/90

Elena P. Kaul
Notary Public for Washington
Residing at: Seattle

affirm 1-19-94

ASSIGNMENT OF PERMIT - 1

RECEIVED

SEP 21 1990

Department of Water Resources
Southern Region Office

STATE OF IDAHO
COUNTY OF BLAINE

I, MARY GREEN, EX-OFFICIO RECORDER IN AND FOR SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT THE FOREGOING IS A FULL, TRUE AND CORRECT COPY OF THAT CERTAIN INSTRUMENT OR RECORD IN MY OFFICE, AS INSTRUMENT NO. 322319 Assign Permit
RECORDS OF BLAINE COUNTY, STATE OF IDAHO.
WITNESS MY HAND AND OFFICIAL SEAL THIS 19 DAY OF Sept, 19 90.

MP
BY Neala Rye Mary Green
DEPUTY EX-OFFICIO RECORDER

RECORDED

JAN 26 1991

RECEIVED
MAY 25 1990

Department of Water Resources

STATE OF IDAHO

Ident. No. _____

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

APPROVED

Comes now KENNETH F. HELLYER Phone 206-337-7428

of (address) 2409-143rd PLACE S.E. MILL CREEK WA. 98012, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. 37-7811, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NE 1/4 NW 1/4, Section 14, Township 13, Range 19E, B.M.,
County of BLAINE. Other points of diversion: _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 4.0 for IRRIGATION purposes from APR 1 to OCT 15 (both dates inclusive)
(cfs or acre feet per annum)

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

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

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

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>13</u>	<u>19E</u>	<u>14</u>		<u>40</u>			<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>									<u>200</u>

Total number of acres to be irrigated = 200

4. a. Who owns the property at the point of diversion? KENNETH F. HELLYER

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: _____

MICROFILMED

JUN 19 1990

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.

PROPOSED WELL SIGHT

[Hatched Area]																			
SEC 14 1S-19E BM																			

Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at MILL CREEK, WASH., this 22 day of MAY, 1990.

Kenneth F. Kelly
(Signature)

FOR DEPARTMENT USE ONLY

#C016987

Preliminary check by KW Fee = \$20.00 ☒

Receipted by gy Date 5-25-90

Publication prepared by N/A Date _____

Published in _____

Publication dates _____

MICROFILMED

JUN 19 1990

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON

of the Department of Water Resources hereby

Approve the above Amendment provided the conditions as set forth in Permit

No. 37-7811 are met.

Witness my hand this 13th day of June, 1990

L. Glen Saxton
Chief, Water Alloc. Bureau

1990 JUN 13 10:00 AM
[Stamp]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Received by D.K.
Date 10-10-89
Receipt # CO12093

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof
of beneficial use for a water right permit

RECEIVED

OCT 10 1989

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Department of Water Resources

Permit No. 37-7811

Name(s) of Permit Holder: KENNETH F. HELLYER

Post Office Address: 2409-143rd PLACE S.E.

MILL CREEK-WA. 98012 Telephone No. 206-337-7428

Date Proof is Due: JAN 1, 1990

Describe what work has been completed toward the development of this water right: NONE
(This must be filled out! If no work has been completed, show "none".)

Costing \$

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Authorization to proceed with development under my
permit was not received until about August 1, 1989
therefore to drill the well, get pump and put to beneficial use
is physically impossible by 11/1/90
Permit holder(s) request an extension to Oct. 10, 1990. Kenneth F. Hellyer
(1 yr. minimum) (Signature)*

FEE: \$15.00

Attached CK # 3357

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

MICROFILMED

ACTION OF THE DEPARTMENT OF WATER RESOURCES

NOV 02 1989

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to October 1, 1990.

Signed this 13th day of October, 19 89.

J. Glen Saylor
Chief, Water Allocation Bureau

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT)

NO. 37-7811 IN THE NAME)

OF KENNETH F. HELLYER)

CONTINUATION ORDER

This matter having come before the Idaho Department of Water Resources (IDWR) as a requirement of Section 42-203D, Idaho Code, the Department Finds, Concludes and Orders as follows:

FINDINGS OF FACT

1. Section 42-203D, Idaho Code, directs IDWR to review all permits issued prior to July 1, 1985, located within the Swan Falls Trust Water Area, to determine if water was beneficially used prior to said date.

2. If water was not beneficially used until after July 1, 1985, Section 42-203D further directs IDWR to review the permit under the provisions of Section 42-203C, Idaho Code.

3. Section 42-203C requires IDWR to determine whether diversion of water under a permit issued prior to July 1, 1985, causes a significant reduction of trust water available for power production and, if there is a significant reduction, to determine whether the reduction is in the public interest.

4. Permit No. 37-7811 (permit) was issued to Kenneth F. Hellyer (permit holder) authorizing the diversion of 4.0 cfs of groundwater for irrigation of 200 acres of land.

5. Information submitted by the permit holder shows that the irrigation of the 200 acres authorized under this permit did not occur prior to July 1, 1985.

MICROFILMED

AUG 21 1985

6. The development and use of groundwater authorized under this permit does not cause a significant reduction of trust water.

CONCLUSIONS OF LAW

1. The water authorized for diversion under Permit No. 37-7811 is trust water.

2. The use of water under the permit satisfies the provisions of Sections 42-203C and 42-203D, Idaho Code.

3. An order continuing the permit shall be issued.

ORDER

IT IS HEREBY ORDERED that Permit No. 37-7811 is valid and may CONTINUE as provided in Section 42-203D, Idaho Code, subject to the following additional conditions and limitations:

1. Proof of construction of works and application of water to beneficial use shall be submitted to IDWR on or before January 1, 1990.

2. The use of trust water authorized by this right is subject to review 20 years after the date of this order to determine availability of trust water and to reevaluate the public interest.

3. Diversion and use of trust water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

4. The Director retains jurisdiction of this right to change, add or remove any requirement as determined to be appropriate.

MICROFILMED

AUG 21 1989

5. All conditions of approval contained on the permit are incorporated into and made part of this order.

Dated this 14th day of July, 1989.

L. Glen Saxton
L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED
AUG 21 1989

For Office Use Only
Fee Received 1500.00
Date 12-11-84
Receipt # 35884

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME
To provide additional time in which to submit
proof of beneficial use on a water right permit

RECEIVED
DEC 10 1984

Department of Water Resources

KENNETH F. HELLYER

(Name)

of 3300 Wailea Alanui - 35A, Kihei, Maui

(Address)

State of HAWAII 96753, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of the State of Idaho No. 37-7811

That under the terms and conditions of said permit, work thereunder was required to be completed on or before December 5, 19 84.

That he has heretofore performed the following work described under said permit: X NONE
(This must be filled out! If no work has been completed put none.)

Costing \$ _____

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:
the applicant is a named defendant in the Idaho Power Company vs. Idaho
Department of Water Resources case and has been unable to get
electrical hook-up because of the Idaho Power Company's moratorium on
such hook-ups.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to December 5, 19 89.
(1 yr. minimum, 5 yrs. maximum)

NOTE
AS OF JULY 1, 1980,
THERE IS A \$15.00
CHARGE FOR REQUESTS
FOR EXTENSION OF
TIME.

Kenneth F. Hellyer
(Signature)*
*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit the statement of beneficial use is extended to January 1, 1990.

It is further ordered that the Department reserves jurisdiction of this permit for the purpose of adding any applicable conditions to protect the public interest.

Signed this 17th day of December, 19 84.

MICROFILMED

A. Glen Saxton
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
DEC 5 1979
APPROVED
SALT LAKE DISTRICT OFFICE

To appropriate the public waters of the State of Idaho

1. Name of applicant KENNETH F. HELLYER Phone 206-437-2625

Post office address P.O. Box 37, PORT LUDLOW, WA. 98365

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

3. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 14 Township 15

Range 19E B.M. BLAINE County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 4.0 for IRRIGATION purposes from APR 1 to OCT. 15 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 4.0 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. UNKNOWN AT THIS TIME
(Well and pump) 12-6-79

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

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

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

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

8. Description of proposed uses:

a. If water is not for irrigation:

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

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

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

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

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

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

[illegible]

Total number of acres to be irrigated 200

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

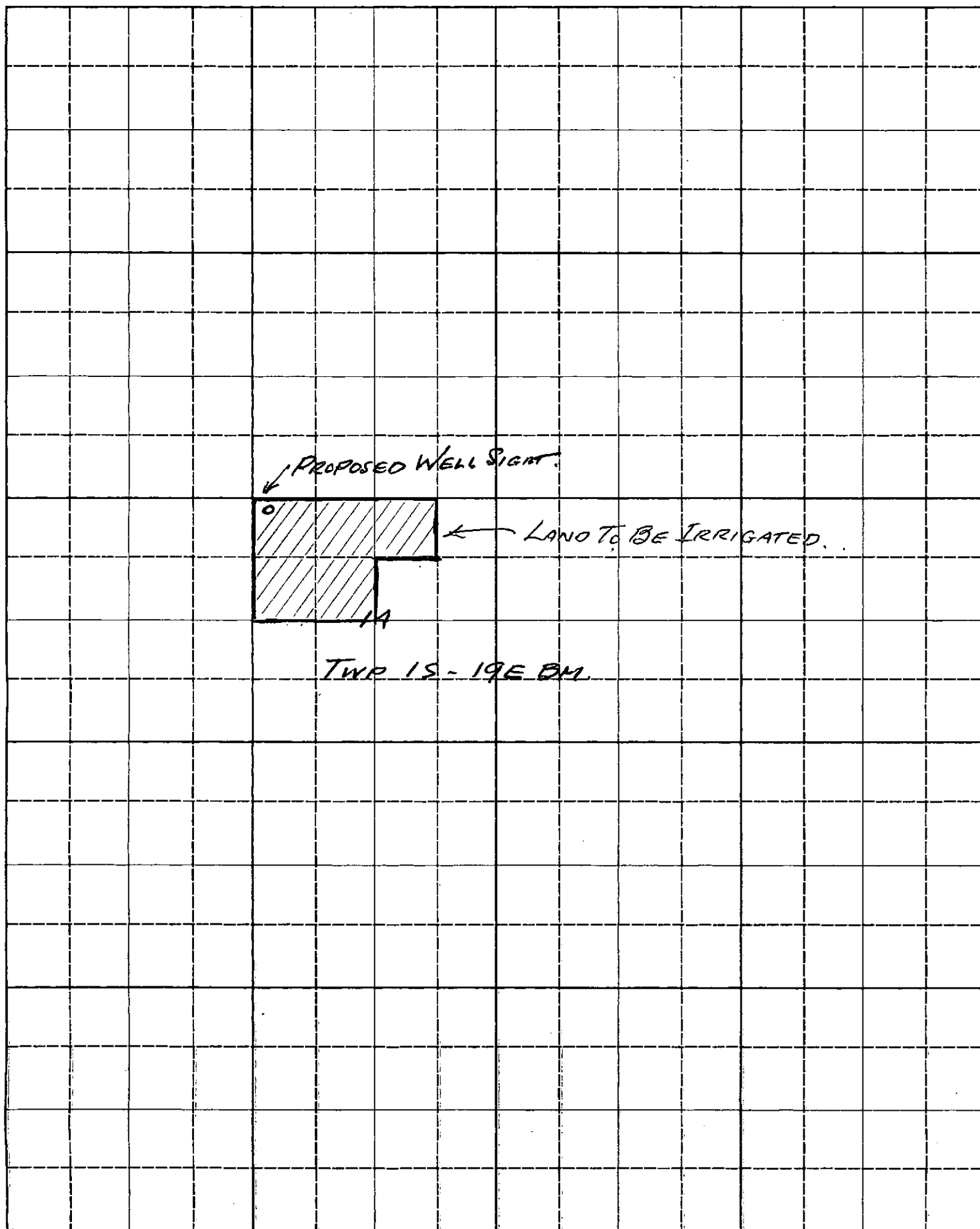
9. a. Who owns the property at the point of diversion KENNETH F. HELLYER

	16	17	18
b. Who owns the land to be irrigated or place of use			

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

10. Remarks _____

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



Scale: 2 inches equal 1 mile.

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

Kenneth J. Kelly
(Applicant)

Proposed Priority 12/5/79

Received by marva Date 12/5/79 Time 1:00 pm
Preliminary check by QA Fee \$ 65.00 # 17007
Receipted by marva Date 12/5/79
Publication prepared by marva Date 12/7/79
Published in Wood River Journal
Publication dates 12/20 & 12/27/79
Publication approved marva Date 12/13/79
Protests filed by: _____

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

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 37-7811, and said application is hereby approved.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 19 85.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: (1) An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 22nd day of January, 19 80.

J. Glen Saylor
Chief, Operations Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 25, 1995

THREE CREEKS RANCH
PO BOX 1864
KETCHUM ID 833401864

RE: WATER RIGHT NO. 37-07811

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved Application for Amendment.

Should you have any questions regarding these documents, please contact me.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

8002 1 1 200
SCANNED

RECEIVED

MAY 30 1995



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

R. KEITH HIGGINSON
DIRECTOR

May 4, 1995

THREE CREEKS RANCH
PO BOX 1864
KETCHUM ID 833401864

RE: WATER RIGHT NO. 37-07811

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the place(s) of use description. Please review carefully and if you concur, sign the amendment and return with the \$50.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of CONDITIONS/REMARKS proposed for the license when it is issued. These conditions/remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

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MAY 30 1995

LICENSE REVIEW CHECKLIST



PERMIT NO. 37-07811 DATE 4-28-95

NAME	<u>Change OK</u>	Or Address Change?
PRIORITY DATE	<u>Advance?</u>	Advanced to: <u>Order to reinstate needed?</u> Incorrect fee for rate recommended?
SOURCE	<u>Changes or just clarification of originally intended source?</u>	Notice of Intent to Void necessary? <u>NO</u>
POINT OF DIV	<u>Amendment needed?</u>	<u>Add SWNE 1/4</u>
PLACE OF USE	<u>Overlaps?</u>	<u>Surface water rights</u>
DIV RATE	<u>Permit/fee limits:</u>	<u>4 CFS</u> Meas Q = <u> </u> Theo Q = <u>5.05</u> Recommend: <u>3.36</u> <u>Pump rated at 1800 gpm or 4.01 CFS</u> <u>168 x .02 = 3.36 CFS</u> Combined rates exceed capacity
ANNUAL VOLUME	<u>Volume Limit:</u>	Season: <u>8/3.5 (4-15 to 10-15)</u> ^(NEW) Calculations: <u>168 x 3.5 = 588 af</u> Flow limit: <u> </u> cfs x <u> </u> x 1.9835 = <u> </u> Combined volumes exceed capacity/allowable
USES	<u>Change in Nature of Use or additional uses?</u>	<u>Amendment necessary?</u>
ADDITIONAL INFO	Supplemental Groundwater <u>YES</u>	PPU Scenario <u>NO</u> Irr/Dom Combination <u>NO</u> Shared G/W System <u>NO</u>
NEW REMARKS	<u>Multiple p/d(s) in 1/4 1/4?</u>	<u>YES</u> Other <u>WB3 WB8 WB7 (.02/588 af)</u>
NEW CONDITIONS	<u>Watermaster control - District</u>	<u>Measuring/Locking Devices</u> <u>Irrigation Overlap</u> <u>YES</u> Other <u>R55 R56 R57 (TRUST)</u> <u>Water Quality</u> Heat/Cool/Fish verified

COMMENTS: REDUCE ACRES AND DATE
Amend P/U

RECOMMENDATION	CFS	VOLUME	SRBA Claim Filed	Adjustment Memo Needed
<u>(Irrigation)</u>	<u>3.36</u>	<u>588</u>	<u>NO</u>	<u>NO</u>
		<u>(in remarks)</u>	LICENSE	
			1ST AMEND LETTER	<u>P41 + P38 + S05</u>
			2ND AMEND LETTER	<u>P42 + S05</u>

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

NOV 02 1994

Department of Water Resources

A. GENERAL INFORMATION

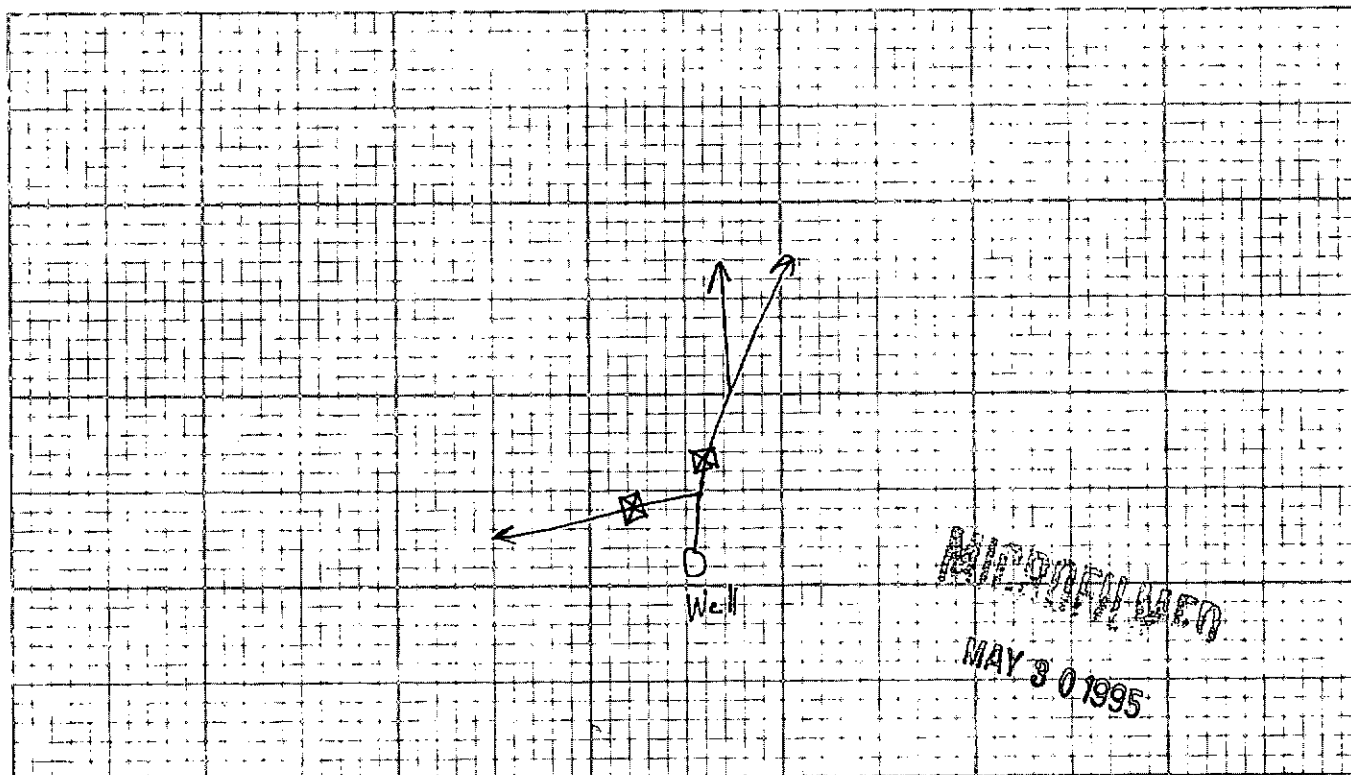
1. Owner: Three Creeks Ranch Permit No. 37-7811
Current Address: P.O. Box 1864, Ketchum, ID 83340 Phone No. 726-0973
2. Accompanied by: Peter DeLisser EXAM. DATE: 8-19-92
Address: _____ Phone No. _____
Relationship to Permit Holder: Manager
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: 37-01093, 2553, 4341 (all surface water)
_____ ☐ Copies Attached
2. Other water rights with same point of diversion: _____
_____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached ☒ Aerial Photo Attached
Showing location(s) of point(s) of diversion and (required for irrigation of 10 acres or more).
place(s) of use (required).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

System Description (continued)

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

Well, motor, pump, mainline to gated pipe for gravity irrigation.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	GE	50	252195	Layne & Bowler	LP 90385

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

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SW	NE	NW	14	1S	19E	Blaine	

6. **Place(s) of Use:**

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1S	19E	14	~~24~~	24	325	~~24~~	26	~~24~~	9.5	35									~~319~~ 168

P/U

[Handwritten signature]
C.

[Faint stamp]

SEP 30 1995

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

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

2. Measurements:

Not measured. Well off during exam. Driller's test showed 1825 gpm at 0 psi & 61' lift (see well log). Pump was then installed that would pump 1800 gpm at same lift & psi - per Walker Water Systems.

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

1800 gpm $\approx$ 4.01 cfs Allow 168 qc. $\times$.02 cfs/qc. = 3.36 cfs

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: 0 psi $\times$ 2.31 = 0 ft (1); Dynamic pumping level: 61 ft (2)

Total Head: (1) + (2) = 61 (3)

Flow rate: 5.05 cfs (4)
Theoretical

Water HP: (3) $\times$ (4) $\div$ 8.8 = _____ (5)

Meter Input KW: 3.6 $\times$ _____ KH $\times$ _____ CTR or _____ MULT $\times$ _____ PTR $\times$ _____ N/ _____ T = _____ (6)

Meter Input HP: (6) $\times$ 1.34 = _____ (7)

Panel Input KW: _____ Ave PF $\times$ _____ Ave Volts $\times$ _____ Ave Amps $\times$.001732 = _____ (6)

Panel Input HP: (6) $\times$ 1.34 = _____ (7) Efficiency: (5)/(7) $\times$ 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 168 \times 3.5 = 588 \text{ AFA}$

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

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 588$

2. Volume Calculations for Other Uses:

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MAY 30 1995

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Surface water & checks in old ditches also waters areas close to the ditches, but the well is the primary water source.

Property grows barley at this time.

The small unirrigated patch on the west side of the farm appears to be watered. But the manager said that crop yield on this piece are much less than normal, indicating that it is not getting enough water. So I am not including this in the P/U (about 3 acres).

Also, the pasture between ~~Living~~^{Grove} Cr. & the SW corner of the grain field is not shown as P/U. It would get natural sub water from ~~Living~~^{Grove} Cr., & does get some wastewater from the grain. But water is not pumped specifically for the pasture, according to the manager, so I do not consider it in the P/U.

Well is on slightly higher ground just north of the boggy area at the head of Thompson Cr.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	4-15	10-15	3.36	588
Totals:			3.36	588

2. Recommended Amendments

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

J. AUTHENTICATION

Field Examiner's Name J. E. Stanton

Signature J. E. Stanton

Certification Date _____

Field Report Preparation Date 9-9-92

CONSULTANT SEAL

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

MAY 3 0 1995

INTER-DEPARTMENT MEMO

TO: File

SUBJECT: Permits 37-07810 & 7811

FROM: Jim Stanton

DATE: 8-26-92

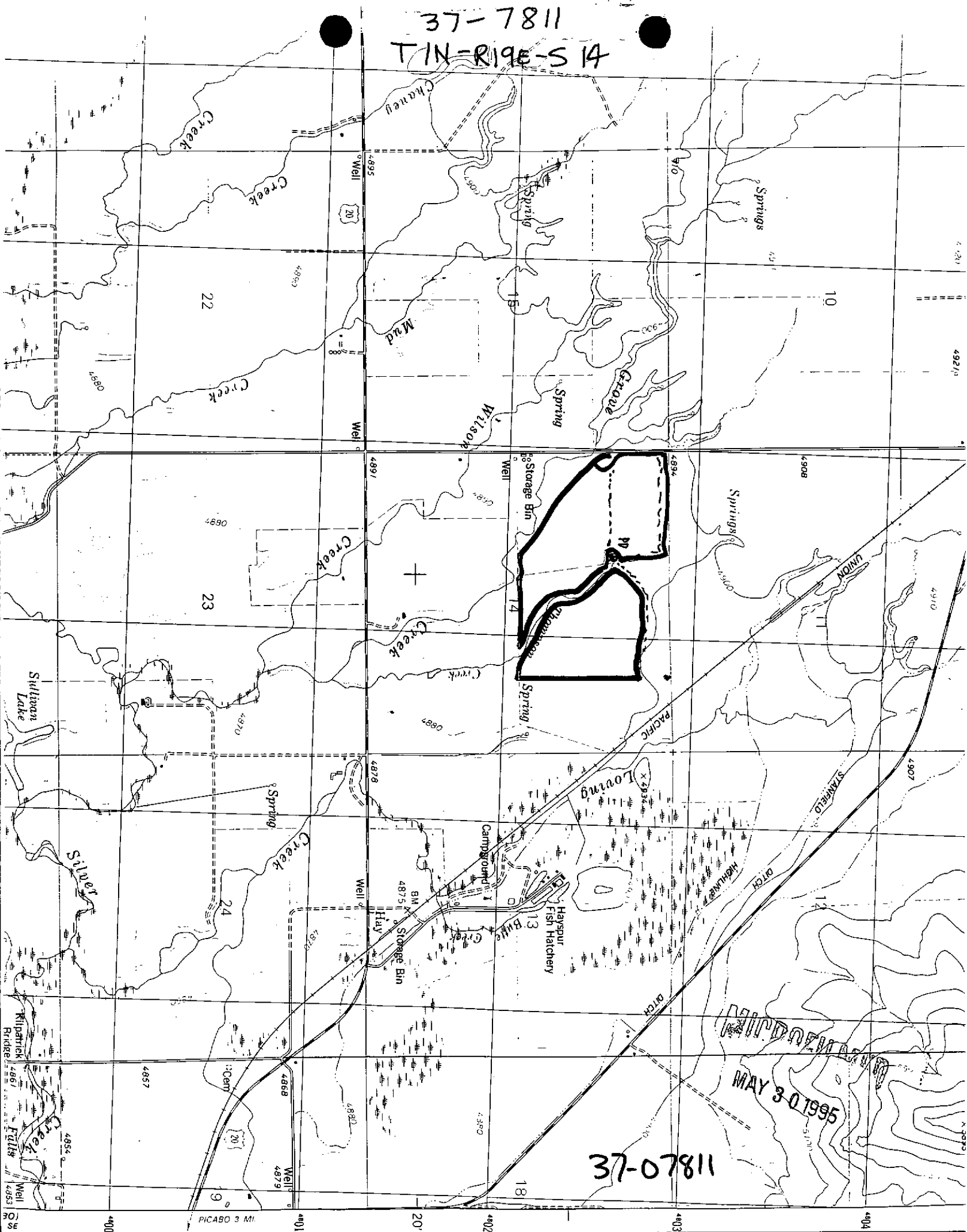
Last week I did the licensing exam for 37-7811. This permit covers the NW $\frac{1}{4}$ & the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 14. Permit 7810 covers the E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 14 & other lands. Both the ASCS & Blaine Co. assessor shwo that Three Creeks Ranch owns the NW $\frac{1}{4}$ & W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 14. I have seen deeds to Three Creeks Ranch that further confirm this. However, only Permit 37-7811 has been assigned to Three Creeks Ranch. 7810 has been assigned to William McMahan. This leaves water for the SW $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 14 in question. My exam shows less than 200 acres irrigated on the Three Creeks property, so I will recommend that this permit be amended to include the SW/NE S. 14. Apending amendment on 7810 will remove this permit from that tract, so there appears to be no conflict here. Proof is not due on 7810 until 10-1-93.

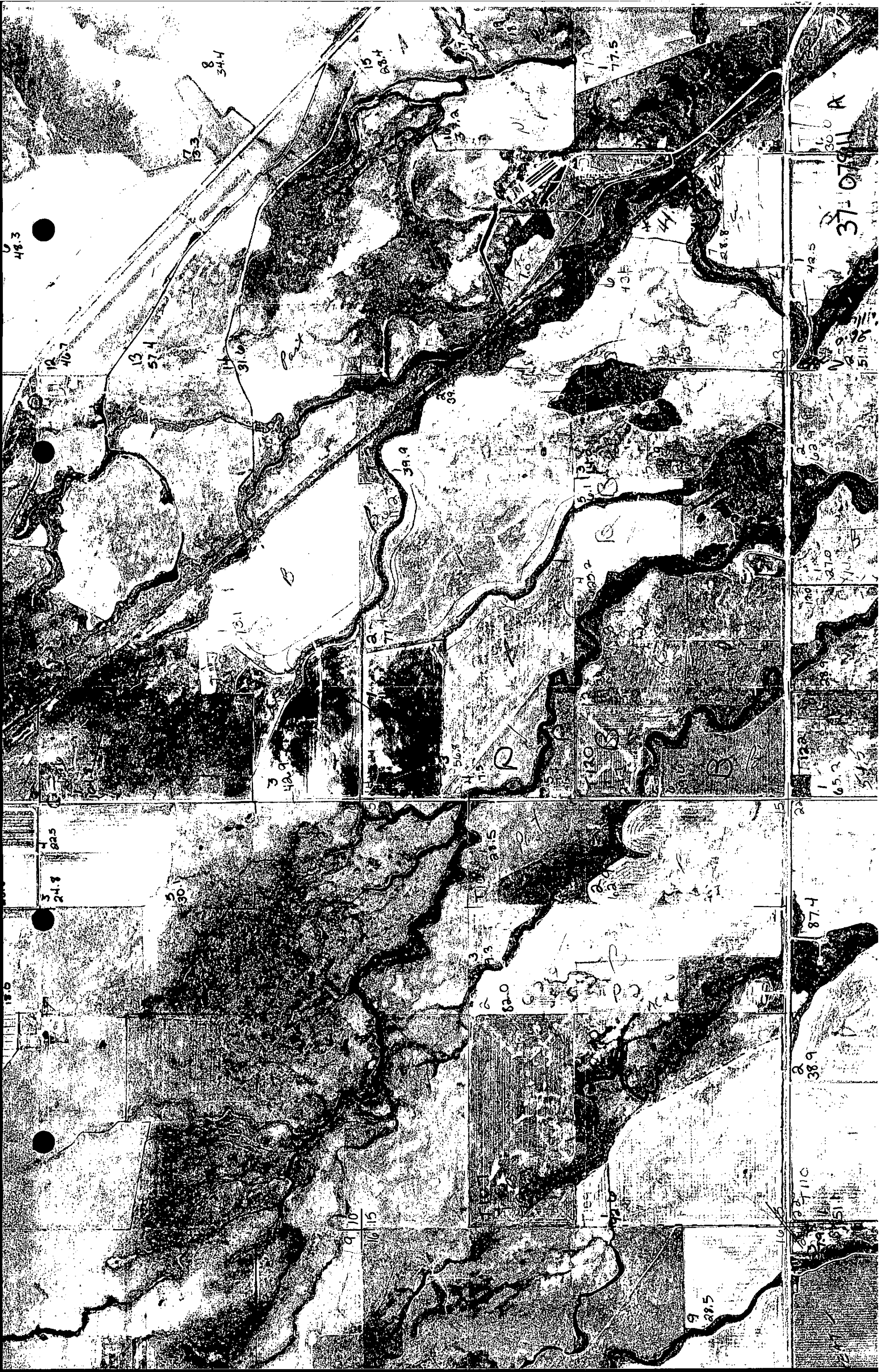
() For your information

() Response required

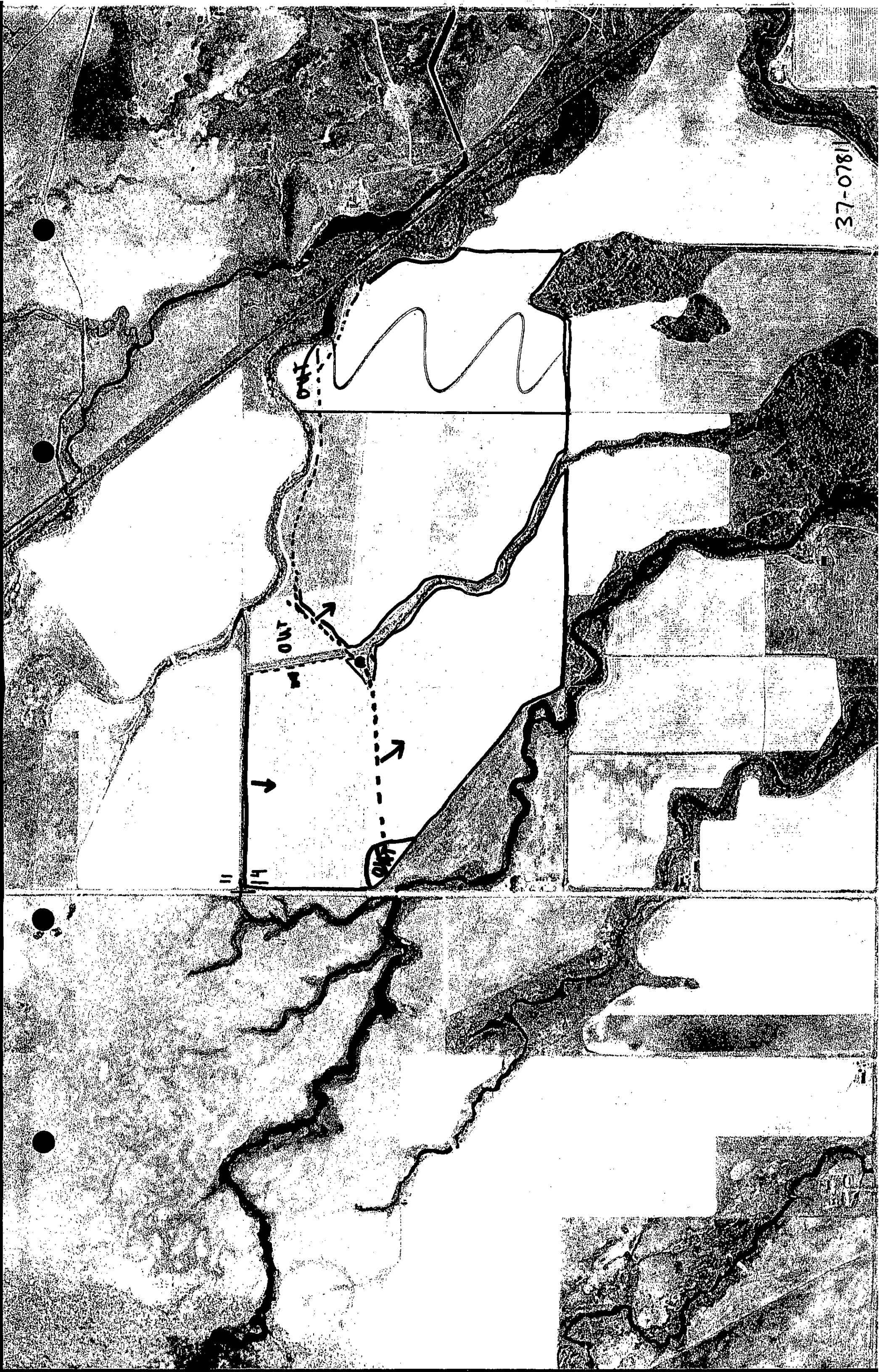
J. Stanton 1995
signature

37-7811
TIN-RIG-S 14

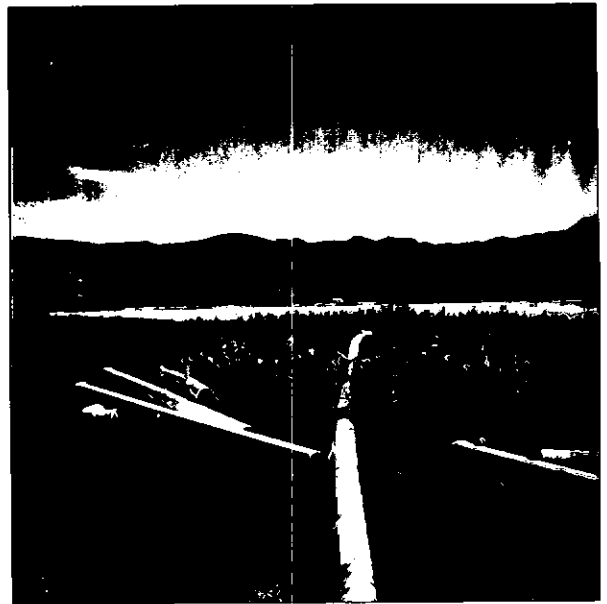
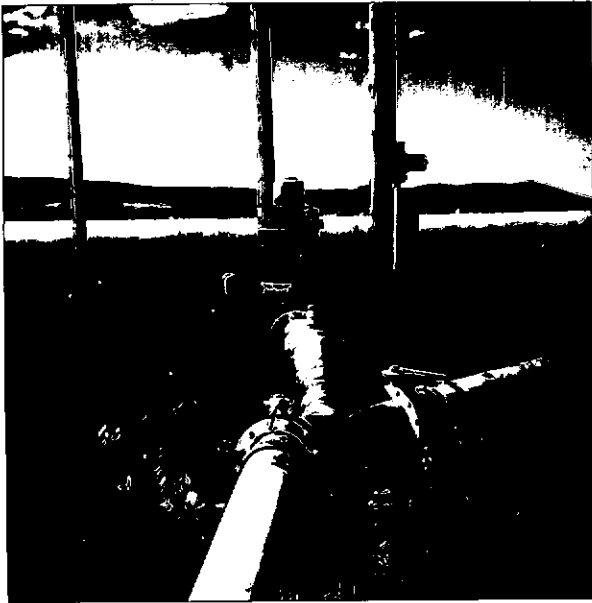




37-0781



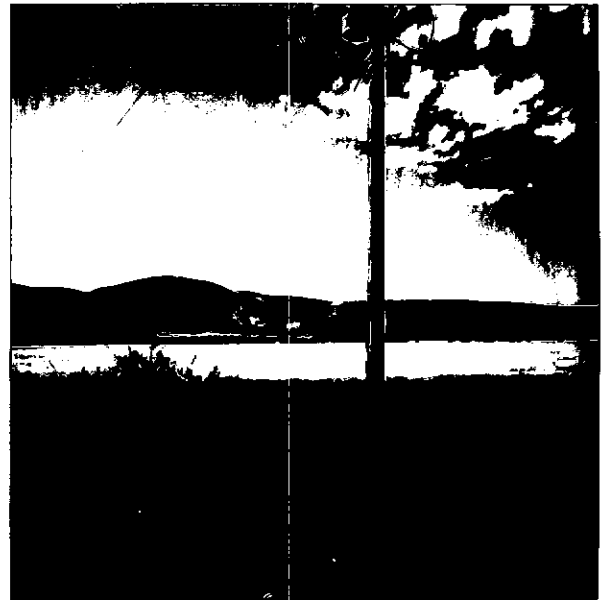
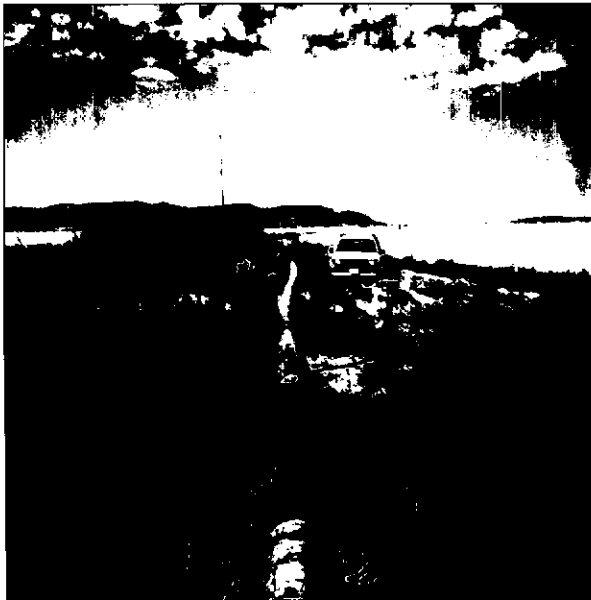
32-7811



Diversion Works

MICROFILMED
MAY 30 1995

87-7811



P/U

MICROFILMED

MAY 30 1985

September 11, 1991

THREE CREEKS RANCH
P.O. BOX 1864
KETCHUM ID 83340

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-07811

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

I note that the permit issued to you by the department requires the installation of a measuring device to allow the department to determine the rate of diversion. The proof which you submitted does not show that you have installed this equipment.

The installation of the measuring device must be complete by the time the department representative conducts the examination of your system unless the department has rescinded the requirement prior to the field examination. In some cases, the equipment requirement can be rescinded because the equipment cannot be physically installed, is not appropriate or can be accommodated with other measuring methods.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)736-3033.

Sincerely,

Nina Shields
Secretary/Records Manager

c: IDWR - Region

SEP 27 1991

WELL DRILLER'S REPORT

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

1. WELL OWNER

Name Kenneth F. Hellyer
2409 143rd Place SE
Address Mill Creek, WA 98012
Owner's Permit No. 37-89-S-128

7. WATER LEVEL

Static water level _____ feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure 0 p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature 52 °F. Quality Excellent
Describe artesian or temperature zones below.

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Well diameter increase
☐ Abandoned (describe abandonment procedures such as
materials, plug depths, etc. in lithologic log)

8. WELL TEST DATA

☒ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
1875	61	6 hours
2550	85	1/2 hour

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☒ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
.250 inches	16 inches	+ 1 feet	62 feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☒ Yes ☐ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun
Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ NoManufacturer's name _____
Type _____ Model No. _____Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feetGravel packed? ☐ Yes ☒ No ☐ Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth 65 Material used in seal: ☐ Cement grout☐ Bentonite ☒ Puddling clay ☐ _____Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing☒ Overbore to seal depthMethod of joining casing: ☐ Threaded ☒ Welded ☐ Solvent

at rock Weld

☐ Cemented ☒ WeldedDescribe access port 1 1/2 inch pipe welded

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
16	0	6	Surface & clay		X
	6	20	Clay & sand, gravel	X	
	20	30	Clay & gravel		X
	30	35	Gravel & clay	X	
	35	40	Gravel, sand & clay	X	
	40	60	Clay & gravel		X
	60	62	Sand, lots of water	X	
	62	65	Basalt, lots of sand		X

Cemented 60-62'
Water tight

RECEIVED

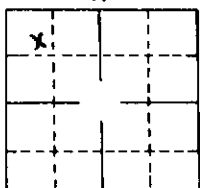
AUG 02 1990

Department of Water Resources
Southern Region Office

10.

Work started 12/20/89 finished 5/21/90

6. LOCATION OF WELL

Sketch map location must agree with written location

Subdivision Name _____
Lot No. _____ Block No. _____

County BlaineNW 1/4 NW 1/4 Sec. 14, T. 1 N ☐ E ☒
S ☒ R. 19 W ☐

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were
complied with at the time the rig was removed.Walker Water Systems, Inc.Firm Name 624 Pierce Street Firm No. 15Twin Falls, Idaho 83401Address _____ Date 7/24/90Signed by (Firm Official) _____and
(Operator) _____

January 17, 1990

THREE CREEKS RANCH, INC
P O BOX 1864
KETCHUM ID 83340

Gentlemen:

Re: Permit No. 37-7811

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to October 1, 1991.

Note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

If you have any questions concerning this matter, please contact the department.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

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JAN 28 1991

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH

P.O. BOX 1906

TWIN FALLS, IDAHO 83303-1906

TELEPHONE (208) 734-0700

FAX (208) 736-0041

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER
TERRY R. McDANIEL
GARY D. SLETTE
F. BRUCE COVINGTON
JERRY JENSEN
CAROLYN M. MINDER
BRUCE M. SMITH
G. RICHARD BEVAN
GARY L. QUIGLEY
TIM J. WILLIAMS
JUSTIN R. SEAMONS

Boise Office
1020 MAIN ST., SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

September 18, 1990

RECEIVED

SEP 19 1990

Department of Water Resources
Southern Region Office

Mr. Douglas Jones, EIT
Idaho Department of Water Resources
Twin Falls Office -- Southern Region
222 Shoshone Street E.
Twin Falls ID 83301

Dear Doug:

I enclose a copy of a Request for Extension of Time for Three Creeks Ranch, Inc. of Ketchum, Idaho, who is having difficulty getting all of their acreage ready for irrigation as per the statement by the corporation's secretary, Peter deLisser.

The corporation is the recent purchaser of the property from Kenneth F. and Marjorie P. Hellyer. The application for this permit was originally in the name of the seller who requested an extension of time on December 11, 1984, citing the Swan Falls litigation and IPCO's moratorium on electrical hook-ups. The Department approved the request and extended the deadline to January 1, 1990. The Department also issued a continuation order identifying the permit as valid and that work could continue towards proof of beneficial use with the same deadline in place. The order was issued July 14, 1989.

On October 10, 1989, Hellyer filed a second request for extension of time to pursue development under the permit and was given a new deadline for proof of beneficial use of October 1, 1990. On May 22, 1990, Hellyer applied to the Department for an amendment of the permit to change the point of diversion which was approved provided that the October 1, 1990, deadline and conditions set forth in the permit were met.

As Mr. deLisser notes in his statement on the form, the corporation had contracted to purchase the property and close the sale on April 1, 1990, but seller asked for an extension of the closing to August 1, 1990. The postponement

RECEIVED

JAN 28 1991

Mr. Douglas Jones, EIT
Idaho Department of Water Resources
Twin Falls Office -- Southern Region
September 18, 1990
Page - 2

of the closing of the sale effectively prevented Three Creeks Ranch, Inc. from meeting the deadline date for proof of beneficial use. Please review the remainder of the claimant's statement on the back of the form.

I enclose copies of all filings noted in this letter for your review as the permit file in the vault of your office does not have all of the exhibits that I have described.

Thank you for your help on this matter.

Best wishes.

Very truly yours,



FRANCIS G. HITCHCOCK
LEGAL ASSISTANT

FGH/dcb
69931

Enclosures

MICROFILMED

JAN 24 1991

Order No. 14220

WARRANTY DEED

For Value Received Kenneth F. Hallyer and Marjorie P. Hallyer, trustees under Trust Agreement dated May 23, 1973

Hereinafter called the Grantor, hereby grant, bargain, sell and convey unto Western Exchange Corporation, an Idaho corporation whose address is P. O. Box 297, Ketchum, ID. 83340

Hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to-wit:

TRACTS 1 SOUTH OF RANGE 19 EAST of the BOISE MERIDIAN, BLAINE COUNTY, STATE OF IDAHO:

SECTION 14: NW1/4 and W1/2 NE1/4 of 14-15-19E

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantee does hereby covenant to and with the said Grantee, that the Grantee is the owner in fee simple of said premises; that said premises are free from all encumbrances except current year taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and covenants visible upon the premises, and that Grantee will warrant and defend the same from all claims whatsoever.

Dated July 23, 1990

Kenneth F. Hallyer
Kenneth F. Hallyer, Trustee

Marjorie P. Hallyer
Marjorie P. Hallyer, Trustee

State of Washington
County of Spokane

On July 25, 1990 before me, the undersigned, a Notary Public in and for said State, personally appeared Kenneth F. Hallyer and Marjorie P. Hallyer, trustees under Trust Agreement dated May 23, 1973, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Signature Sharon A. Hansen
Commissioner Expires 7-18-91



BLAINE CO. REQUEST
65 FIRST AMERICAN TITLE CO.
Cred
30 Rps 1 PM 4 50
MARY GREEN CRESSK MP
FEES \$ 3.00
322315

MICROFILMED

JAN 28 1991

Order No. 14220

CORPORATION WARRANTY DEED

FOR VALUE RECEIVED, Western Exchange Corporation

a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto

Threes Creeks Ranch, Inc., an Idaho Corporation
whose address is P. O. Box 1864, Ketchum, ID, 83340

grantee, the following described real estate, situated in Blaine County, Idaho, to-wit:

TOWNSHIP 1 SOUTH OF RANGE 19 EAST of the BOISE MERIDIAN, BLAINE COUNTY,
STATE OF IDAHO:

SECTION 14: NW1/4 and W1/2 NW1/4 of 14-15-19E

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; and that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate seal to be hereunto subscribed by its (Vice) President and its (Asst.) Secretary.

Dated July 23, 1990

By *David L. Geller, Pres.*
PRESIDENT.

ATTEST:

SECRETARY.

STATE OF Idaho

County of Blaine

On this 1 day of August, 1990, before me, a Notary public in and for said State, personally appeared *David L. Geller* and *Susan K. Kubel* known to me to be the (Vice) President and (Asst.) Secretary of the corporation that executed this instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this 1st day and year in this certificate first above written.



Susan K. Kubel
Notary Public,
Residing at *Hailey*
Commission Expires *3-11-93*

MICROFILMED
JAN 28 1991

322315
BLAINE CO. REQUEST
FIRST AMERICAN TITLE CO.
OF: *Queda*
'90 AUG 1 PM 4 51
MARY GREEN, CLERK
FEES \$3.00

AMENDED ARTICLES OF INCORPORATION
OF
THREE CREEKS RANCH, INCORPORATED

ORIGINAL

Pursuant to the Idaho Business Corporation Act, Three Creeks Ranch, Incorporated, an Idaho corporation, hereby adopts this Amendment to its Articles of Incorporation.

1. The name of the corporation is Three Creeks Ranch, Incorporated.

2. Pursuant to resolution adopted at the First Meeting of the Board of Directors, dated July 17, 1990, the following Amendment to the Articles of Incorporation was unanimously adopted:

That the number of aggregate shares which this corporation shall have the authority to issue should be increased to 1000 common shares, no par value.

3. No shares of stock have been issued as of the date the resolution was passed and consequently, the resolution was adopted by the Board of Directors.

IN WITNESS WHEREOF, this Amendment to Articles of Incorporation of Three Creeks Ranch, Incorporated has been executed in duplicate original this 19 day of July, 1990.

James J. Todd
James Todd, President

Peter deLisser
Peter deLisser, Secretary

RECORDED
JAN 28 1991

[illegible]

04
RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Received by D.R.
Date 10-10-89
Receipt # 0012043

OCT 25 1989

REQUEST FOR EXTENSION OF TIME

Department of Water Resources
Southern Region Office

To provide additional time in which to submit proof
of beneficial use for a water right permit

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Department of Water Resources

Permit No. 37-7811

Name(s) of Permit Holder: KENNETH F. HELLYER

Post Office Address: 2409-143rd PLACE S.E.

MILL CREEK - WA. 98012

Telephone No. 206-337-7428

Date Proof Is Due: JAN 1, 1990

Describe what work has been completed toward the development of this water right: NONE
(This must be filled out! If no work has been completed, show "none".)

Costing \$

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Authorization to proceed with development under my
permit was not received until about August 1, 1989
Therefore to drill the well, get power and put to beneficial use
is physically impossible by 11/90
Permit holder(s) request an extension to Oct. 10, 1990 Kenneth F. Hellyer
(1 yr. minimum) (Signature)*

FEE: \$15.00

Attached CK # 3357

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

JAN 28 1991

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to October 1, 1990.

Signed this 13th day of October, 19 89.

J. Glen Saylor
Chief, Water Allocation Bureau

37-7811

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT

NO. 37-7811 IN THE NAME

OF KENNETH F. HELLYER

CONTINUATION ORDER

This matter having come before the Idaho Department of Water Resources (IDWR) as a requirement of Section 42-203D, Idaho Code, the Department Finds, Concludes and Orders as follows:

FINDINGS OF FACT

1. Section 42-203D, Idaho Code, directs IDWR to review all permits issued prior to July 1, 1985, located within the Swan Falls Trust Water Area, to determine if water was beneficially used prior to said date.

2. If water was not beneficially used until after July 1, 1985, Section 42-203D further directs IDWR to review the permit under the provisions of Section 42-203C, Idaho Code.

3. Section 42-203C requires IDWR to determine whether diversion of water under a permit issued prior to July 1, 1985, causes a significant reduction of trust water available for power production and, if there is a significant reduction, to determine whether the reduction is in the public interest.

4. Permit No. 37-7811 (permit) was issued to Kenneth F. Hellyer (permit holder) authorizing the diversion of 4.0 cfs of groundwater for irrigation of 200 acres of land.

5. Information submitted by the permit holder shows that the irrigation of the 200 acres authorized under this permit did not occur prior to July 1, 1985.

37-7811

6. The development and use of groundwater authorized under this permit does not cause a significant reduction of trust water.

CONCLUSIONS OF LAW

1. The water authorized for diversion under Permit No. 37-7811 is trust water.

2. The use of water under the permit satisfies the provisions of Sections 42-203C and 42-203D, Idaho Code.

3. An order continuing the permit shall be issued.

ORDER

IT IS HEREBY ORDERED that Permit No. 37-7811 is valid and may CONTINUE as provided in Section 42-203D, Idaho Code, subject to the following additional conditions and limitations:

1. Proof of construction of works and application of water to beneficial use shall be submitted to IDWR on or before January 1, 1990.

2. The use of trust water authorized by this right is subject to review 20 years after the date of this order to determine availability of trust water and to reevaluate the public interest.

3. Diversion and use of trust water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

4. The Director retains jurisdiction of this right to change, add or remove any requirement as determined to be appropriate.

5. All conditions of approval contained on the permit are incorporated into and made part of this order.

Dated this 14th day of July, 1989.

L. Glen Saxton
L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

JAN 28 1991

For Office Use Only
Fee Received <u>1500.00</u>
Date <u>12-11-84</u>
Receipt # <u>35884</u>

RECEIVED
DEC 18 1984
Department of Water Resources
Southern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

RECEIVED
DEC 10 1984

To provide additional time in which to submit
Proof of beneficial use on a water right permit

Department of Water Resources

KENNETH F. HELLYER
(Name)

of 3300 Wailea Alanui - 35A, Kihei, Maui
(Address)

State of HAWAII 96753, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of
the State of Idaho No. 37-7811

That under the terms and conditions of said permit, work thereunder was required to be completed on or before
December 5, 19 84.

That he has heretofore performed the following work described under said permit: NONE
(This must be filled out! If no work has been completed put none.)

Costing \$ _____

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:
the applicant is a named defendant in the Idaho Power Company vs. Idaho
Department of Water Resources case and has been unable to get
electrical hook-up because of the Idaho Power Company's moratorium on
such hook-ups.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations
under said permit to December 5, 19 89.
(1 yr. minimum, 5 yrs. maximum)

NOTE
AS OF JULY 1, 1980,
THERE IS A \$15.00
CHARGE FOR REQUESTS
FOR EXTENSION OF
TIME

Kenneth F. Hellyer
(Signature)*

*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

State of HAWAII 96753, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of the State of Idaho No. 37-7811

That under the terms and conditions of said permit, work thereunder was required to be completed on or before December 5, 19 84.

That he has heretofore performed the following work described under said permit: ✓ None
(This must be filled out! If no work has been completed put none.)

Costing \$ _____

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:
the applicant is a named defendant in the Idaho Power Company vs. Idaho
Department of Water Resources case and has been unable to get
electrical hook-up because of the Idaho Power Company's moratorium on
such hook-ups.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to December 5, 19 89.
(1 yr. minimum, 5 yrs. maximum)

NOTE
AS OF JULY 1, 1980,
THERE IS A \$15.00
CHARGE FOR REQUESTS
FOR EXTENSION OF
TIME

Kenneth J. Williams
(Signature)*

*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit the statement of beneficial use is extended to January 1, 1990.

It is further ordered that the Department reserves jurisdiction of this permit for the purpose of adding any applicable conditions to protect the public interest.

Signed this 17th day of December, 19 84.

A. Glen Saxton
Chief, Operations Bureau

37-7811

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

BLAINE CO. REQUEST
FIRST AMERICAN TITLE CO
322318
90 AUG 1 PM 4 53
MARY GREEN, ELENK M P
REES \$6.00

(space above line for Recorder's use)

QUITCLAIM DEED

FOR VALUE RECEIVED, WESTERN EXCHANGE CORPORATION, a corporation duly organized and existing under the laws of the State of Idaho, whose address is P. O. Box 297, Ketchum, ID 83340 (the "Grantor"), does hereby convey, release, remise and forever quitclaim unto THREE CREEKS RANCH, INC., an Idaho corporation, whose address is P. O. Box 1864, Ketchum, ID 83340 (the "Grantee"), any and all interest it may have in the following described water rights:

Any and all water rights appurtenant to the following-described premises:

NW1/4 AND W1/2NE1/4 OF SECTION 14, TOWNSHIP 1 SOUTH OF RANGE 19 EAST OF BOISE MERIDIAN, BLAINE COUNTY, IDAHO,

Including, but not limited to, the following:

1. 2.0 cfs of Idaho Water Right No. 37-02553; and

2. Claim No. A37-04341 in Twin Falls County District Court Civil No. 39576, In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System;

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the Grantee, and to Grantee's heirs and assigns forever.

QUITCLAIM DEED - 1

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its board of directors, has caused its corporate name to be hereunto subscribed by its president and secretary.

DATED this 1st day of August, 1990.

GRANTOR:

WESTERN EXCHANGE CORPORATION

By: Brian L. Ballard, president

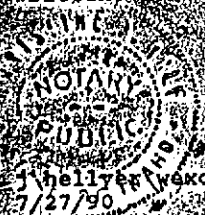
By: Rand L. Peebles, secretary

STATE OF IDAHO

County of Blaine

On this 1st day of August, 1990, before me, the undersigned notary public in and for said state, personally appeared BRIAN L. BALLARD and Rand L. Peebles, known or identified to me to be the president and secretary of WESTERN EXCHANGE CORPORATION, and the persons who executed the foregoing instrument on behalf of said corporation and acknowledged to me that said corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.



Christine A. Pelt
Notary Public for Idaho
Residing at Donley, Idaho
Commission expires 7/27/90

helley@kxc3cks.qcd
7/27/90

QUITCLAIM DEED - 2

RECEIVED

SEP 21 1990

Department of Water Resources
Southern Region Office

STATE OF IDAHO
COUNTY OF BLAINE

I, MARY GREEN, EX OFFICIO RECORDER IN AND FOR SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THAT CERTAIN INSTRUMENT OF RECORD IN MY OFFICE, AS INSTRUMENT NO. 322318 Quitclaim Deed
RECORDS OF BLAINE COUNTY, STATE OF IDAHO
WITNESS MY HAND AND OFFICIAL SEAL THIS 19 DAY
OF Sept, 19 90

By Marilyn Ryne Mary Green
DEPUTY EX OFFICIO RECORDER

138090
July 31, 1990

KENNETH F. HELLYER
2409 143RD PLACE S.E.
MILL CREEK, WA 98012

PROOF DUE NOTICE

RE: PERMIT NO. 37-07811

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 1, 1990. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

RECEIVED

JAN 28 1991



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

June 18, 1990

RE: Permit No. 37-7811

Kenneth F. Hellyer
2409 143rd Place S.E.
Mill Creek, WA 98012

Dear Permit Holders:

Enclosed is a copy of your approved Application for Amendment submitted in connection with the above referenced permit.

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

Microfilmed

JUN 19 1990

9/89

Drilling Permit No. 37-89-5-128Water Right Permit No. 37-7811

Injection Permit No. _____

State of Idaho
Department of Water Resources

DRILLING PERMIT

RECEIVED

NOV 14 1989

Department of Water Resources

1. Applicant Kenneth F. Hellyer
2. Mailing Address 2409 143rd Place SE, Mill Creek, WA 98012 in summer
215 Pahi St., Wailea Golf Estates #1, Kihei, Maui, Hawaii 96753 in winter
Telephone _____
- (X) Well Owner () Well Operator () Other, specify NE NW 1/4 5-14-90
3. Proposed well location NW 1/4 NW 1/4, or Gov't lot No. _____,
Sec. 14, Twp. 1S, Rge. 19E, County Blaine,
Street Address of Well Site _____,
Lot, block and subdivision _____
4. Proposed use of well:
 - () Single family or stockwater use (less than 13,000 gallons per day)
 - (X) Irrigation (more than 1/2 acre)
 - () Monitoring - A well bore schematic and map is required for each well.
No. of proposed wells: _____
 - () Other (describe fully) _____
5. Well construction information:
 - A. (X) New well () Deepen () Replace - See Condition 9.
 - B. Proposed surface diameter 16" Maximum depth 300 estimated
 - C. Anticipated bottom hole temperature:
 - (X) 85°F or less (Cold water well)
 - () 85°F to 212°F (Low temp. geothermal well)
 - () 212°F or more (Geothermal well)
6. Construction Start Date within 30 days
7. Anticipated Well Driller Walker Water Systems, Twin Falls, ID
NOTE: The actual well driller must be identified prior to drilling
8. Applicant's signature Eugene T. Walker Date 13 Nov 1989
Title Pres. Walker Water Systems
(Owner, Firm Representative, Other)

MICROFILMED

JUN 19 1990

ION OF DEPARTMENT OF WATER RESOURCES

This Permit is A. M. H. & C. Date 11/13/89

If approved, this permit authorizes the construction of a well subject to the following conditions. READ CAREFULLY!

GENERAL CONDITIONS:

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

SPECIFIC CONDITIONS:

RECEIVED

JUN 19 1990

Larry O'Halloran
Signature of Authorized Department Representative

Southern Regional Mgt
Title

Receipt No. 5010439 Received by JS Fee \$100.00 Date 11-13-89

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 37-7811
Name(s) of Permit Holder(s): KENNETH F. HELLYER
Post Office Address: 2409 - 143RD PLACE SE
MILL CREEK WA 98012 Telephone: 206-337-7421

☒ I hereby certify that construction of diversion works for the above referenced permit began on 12-20-89 (date). I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

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

5/22/90
Date

Kenneth F. Hellyer
Signature of Permit Holder

1 PM 10 83
25 MAY 1990
KENNETH P. HELLYER
2405-143RD PL. S.E.
MILL CREEK, WA 98012

MANUALLY
JUN 19 1990
DEPARTMENT OF
WATER RESOURCES

RECEIVED
MAY 29 1990

Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

|||||

October 23, 1989

Kenneth Hellyer
2409 143rd Place S.E.
Mill Creek, WA 98012

Dear Mr. Hellyer:

Re: Permit No. 37-7811

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to October 1, 1990.

If you have any questions concerning these permits, please feel free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

MICROFILMED
NOV 02 1989

KENNETH F. HELLYER
2409-143RD PL. S.E.
MILL CREEK, WA 98012

10/2/89

Dear Mr. Luke:

Keno Walker sent me
the forms for extending my
Well Permit.

Keno has drilled several
big wells for me in the
past and may get some
basic work done before
bad weather sets in but
in that country completing
a 200 to 300' well would
be next to impossible by
the end of the year.

I hope my application
is properly made out.

We leave for Hawaii
on Oct 18th so you may
want to respond to me
there

Kenneth F. Hellyer
215 Pahi Street
Wailea Golf Estates I
Kihei, Maui, Hawaii 96753

MICROFILMED

NOV 02 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

July 17, 1989

RE: Permit No. 37-7811

Kenneth F. Hellyer
Box 37
Port Ludlow, WA 98365

Dear Mr. Hellyer:

Enclosed is an order that authorizes you to continue development under permit to appropriate water no. 37-7811. Please note in condition #1., page two of the order that you must develop your system and beneficially use the water prior to January 1, 1990. Failure to beneficially use the water before January 1, 1990 could result in a loss of your water right permit.

Please note the conditions of approval contained in your permit and the continuation order. You must comply with the conditions to fully complete beneficial use.

Sincerely,

TIM LUKE
Sr. Water Resource Agent

TL:hm

Enclosure

RECEIVED

AUG 41 1989

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Blaine } SS.

DANIEL J. GORHAM

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

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

publication of said advertisement was on the 7th day of June 1989, and

the date of the last publication was on the 14th day of June, 1989.

Daniel J. Gorham
Subscribed and sworn to before me this 21st day of June 1989.
(SEAL)

Robert McFarlane
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11
Number of Lines in Notice 36
Number of Insertions 2
36 Lines tabular at 5¢/Pica
36 Lines straight at 17.82 4¢/Pica
36 Subsequent lines at 13.86 3¢/Pica
TOTAL COST _____

MICROFILMED

AUG 21 1989

COPY OF NOTICE

(Paste Here)

Existing Rights # 37-7811
TITLE OR NOTICE Hellyer

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources
BILL TO (Boise)

PUBLICATION RATES

As of Oct. 1, 1988
(Idaho Code, Rev. Statutes 1984)

7-8 pt. per line straight....4.5/pica

7-8 pt. per line tabular....5.5/pica

7-8 pt. per line successive
insertion....3.5/pica

RECEIVED
No. 6570

JUN 22 1989

Department of Water Resources

**Hellyer seeks
water right permit**

**NOTICE OF EXISTING
WATER RIGHT PERMIT**

PERMIT NO. 37-7811

Presently Recorded as Follows:

Name: KENNETH F. HELLYER

Address: BOX 37

PORT LUDLOW

WA 98365

Source: GROUNDWATER

Diversion Pt.: NWNW SEC. 14
T1S R19E, BLAINE COUNTY

Use: IRRIGATION (4.0 CFS)

Priority: 12/5/1979

Place of Use: NW1/4 SEC. 14 T1S
R19E

Total Acres: 200

This permit was not developed by
July 1, 1985, and is being
reprocessed in compliance with
Section 42-203D, Idaho Code.
Protests against the continuance
of the permit must be filed with
the Director, Dept. of Water
Resources, Statehouse Mail,
Boise, ID 83720, on or before
June 26, 1989. A protest must
overcome the presumption of
Water Appropriation Rule 5.2.1.

R. Keith Higginson, Director

Publish: Wood River Journal--
June 7 & 14, 1989.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 31
~~June 26~~, 1989

Wood River Journal
Box 988
Hailey, ID 83333

Dear Legal Department:

Enclosed you will find legal notices which we wish to have published on June 8 and June 15, 1989 (once a week for two consecutive weekly issues) in your newspaper. If your paper is published weekly, the notices must appear in the issue that is distributed during the weeks of June 5 and June 12. If you cannot publish the notices on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and billing to the office below before June 23, 1989.

Idaho Department of Water Resources
1301 North Orchard St.
Statehouse Mail
Boise, ID 83720

Sincerely,

HEIDI M. MIKEL
Secretary

MICROFILMED
AUG 21 1989

NOTICE OF EXISTING
WATER RIGHT PERMIT

PERMIT NO. 37-7811
Presently Recorded as Follows:

Name: KENNETH F. HELLYER
Address: BOX 37
PORT LUDLOW WA 98365

Source: GROUNDWATER
Diversion Pt.: NWNW SEC. 14 T1S R19E
BLAINE COUNTY

Use: IRRIGATION (4.0 CFS)
Priority: 12/5/1979
Place of Use: NW1/4 SEC. 14 T1S R19E
Total Acres: 200

This permit was not developed by July 1, 1985, and is being reprocessed in compliance with Section 42-203D, Idaho Code. Protests against the continuance of the permit must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, ID 83720 on or before June 26, 1989. A protest must overcome the presumption of Water Appropriation Rule 5,2,1.

R. Keith Higginson, Director

MICROFILMED

AUG 21 1989

MEMORANDUM

TO: FILE/PERMIT NO. 37-7811

FROM: TIM LUKE *TL*.

RE: SWAN FALLS PROCESSING

DATE: 5-16-89

=====

On May 15, the current farm manger for the lands under this permit, Mr Lucky Pierret, called concerning my earlier questions about overlapping rights. Pierret's knowledge about paast use of water under the existing right, license no. 37-2553, was not strong.

Mr. Pierret stated that the source of water under 37-2553, a drainage ditch, has for many years generally been inadequate to irrigate all of the lands under that right. Pierret stated that the source is generally sufficient to irrigate only 40 or 50 acres. The 200 acres described under permit no. 37-7811 has been dry farmed for the past few years.

Based on Pierrets statement and the apparent lack of knowledge about the earlier right by both Pierret and Mr. Hellyer, (Mr Hellyer has been ill for the past few years), it is possible that a portion of license no. 37-2553 has been forfeited due to non-use. It appears that a majority of the lands under permit 37-7811 are no longer irrigated under the earlier license. Due to a lack of information about the earlier right and the apparent non-use of it on the lands in question, permit 37-7811 should not be considered as a supplemental right.

It is recomended that permit 37-7811 be counted as a trust water diversion. The permit should be readvertised and the 200 acres should count toward the 20,000 acre per year trust water development limitation.

MICROFILMED

AUG 21 1989

KENNETH F. HELLYER
2409-143RD PL. S.E.
MILL CREEK, WA 98012

5/7/89

RECEIVED

MAY 11 1989

State of Idaho
Dept. of Water
1301 Orchard St.
Boise, Ida. 83720

Dear Mr. Luke: Department of Water Resources

Thank you for your letter of 4/21/89. We have just arrived home in Wash. from Hawaii and I have to admit that my recollections of the fine points of some of my land is pretty weak.

I do remember asking for and receiving 3 well permits for my ranch. Since that time I have sold 2 parcels each with a drilling permit and I kept the one in this case. Then along came the suit with ~~WILKINSON~~ and also bits were ~~WILKINSON~~ for a few years.

I do remember that

My tenant Farmer, Frank
Pierret pursued, several
years ago a license for
ditch water on the piece I
still own and I'm not sure
what use was or is being
made of the water right.

With your indulgence I
am sending "Lucky" a copy
of your letter and will ask
him to advise me & perhaps
call you direct to clarify
the matter.

I was apparently wrong
in filling out some of the
form but since I haven't
been active for some 15 yrs
I must agree that I'm not
as acquainted with my
affair as I should be.

I do hope ~~that~~ ^{microfilm} my plan
is acceptable to you and I'm
sure you will hear further
from me or Pierret soon.

Kindest regards
Ken Bellger



State of Idaho

DEPARTMENT OF WATER RESOURCES

(208) 327-7900

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - [REDACTED]

April 21, 1989

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

RE: Permit No. 37-7811

Kenneth F. Hellyer
3300 Wailea Alanui - 35A
Kihei, Maui, HI 96753

Dear Mr. Hellyer:

I have received the re-advertisement fee and trust water information questionnaire for the above referenced permit. I wish to thank you for your cooperation and prompt reply.

In reviewing both the original permit and the returned questionnaire, I have noticed that there is no reference to existing licensed or decreed rights which cover the same lands described under this permit. In addition, the permit and the questionnaire seem to indicate that the land was undeveloped and not irrigated prior to July 1, 1985. The existing license, 37-2553, covers 190 of the 200 acres under the permit and has a 1954 priority. There is also an 1890 decreed surface water right, 37-1093, for 100 inches which in general lists the same lands. A drainage ditch is the water source for the licensed right 37-2553. The fact that there is a licensed right for most of the lands described under the permit indicates that the land was, in fact, irrigated at one point. I also have other information here at the Department such as aerial photography reports which show that the land was irrigated prior to July of 1985.

Before I pursue any reprocessing or reauthorization of this permit, I would like you to provide me with information about the use of the water on the same lands under existing rights. In particular, I would like to know if there has been an abandonment or forfeiture of the earlier rights and whether or not Permit No. 37-7811 represents a replacement or supplemental filing. Any other specific information concerning the status and use of water under the earlier rights may be helpful.

I will withhold re-advertising the permit until after I have received a response to this inquiry. I would appreciate it if you could provide a response within 30 days. You or your ranch manager may call me directly at 327-7864 if there are any questions concerning this correspondence. I look forward to your reply.

Sincerely,

TIM LUKE
Sr. Water Resource Agent

RECORDED

AUG 21 1989

MEMORANDUM

TO: TIM

FROM: ROXANNE MCCARTHY

RE: OVERLAP REVIEW/PERMIT 37-7811

DATE: 19-APR-1989

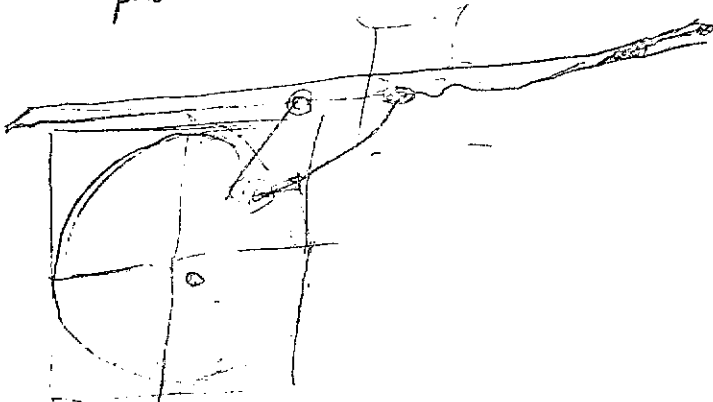
=====

This permit was approved for the irrigation of 200 acres with an application rate of 0.02 cfs per acre.

License 37-2553 was issued for 190 of these acres with an application rate of 0.01 cfs per acre. The source for this license is surface water from a drainage ditch. The right was issued in 1957.

Decree 37-1093 allows 100" of the Little Wood River on these lands.

Mr. Pierst called 5/15 - stated that drain under existing right (37-2553) has for many years not provided adequate water for irrig of these lands. Land has been dry for many years for past several years



MICROFILMED

AUG 21 1989

Town- ship	Ran- ge	Sec	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
Permit	37-7811																		
15	19E	14		40			40*	40	40	40								200	
License	37-2553																		
15	19E	14		30			40	40	40	40								190	
Decree	37-1093		100" Little Wood River																
	NEW ACRES		10																10
Note: Additional LANDS under 37-2553 brings that acres to a total of 390 acres																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

RECEIVED
APR 18 1989

PERMIT NO. 37-7811

Department of Water Resources

IF YOU ARE NOT INTERESTED IN HAVING YOUR PERMIT PROCESSED,
PLEASE COMPLETE AND RETURN THE ENCLOSED RELINQUISHMENT FORM.

INSTRUCTIONS: Please answer the following questions as
thoroughly as possible and submit the \$20.00 readvertisement
fee if applicable.

1. Did irrigation occur on the lands identified under your
permit prior to July 1, 1985? Yes _____ No ✓

If yes, you are requested to submit clear evidence that shows the
number and location of acres irrigated.

Aerial photographs taken prior to July 1, 1985, located in area
ASCS offices, are best forms of evidence. Photos submitted to the
the Department must be accompanied by a signed statement from an
ASCS representative which verifies the photo date and that the
lands were irrigated prior to July 1, 1985. If ASCS does not have
photos for the land and/or time in question, you must have the ASCS
provide the Department with a statement that photos are not avail-
lable and then proceed to submit other forms of suitable evidence.

2. Please state the number of acres you have irrigated under this
permit since July 1, 1985. -0-

3. If you have not irrigated lands under this permit, please
state the number of acres you plan to complete. 200

NOTE: You must submit the \$20.00 readvertisement fee if any or
all of the lands were not irrigated before July 1, 1985.

4. If the permit is a supplemental filing please identify other
water rights which are used on the same land.

Use the reverse side of this form if you wish to add any comments.

I hereby assert that the responses provided above are true to the
best of my knowledge. I understand that any willful misrepresentations
may result in voiding of the application.

Permit Holder Kenneth F. Helgeson

Date 4/14/89

MICROFILMED

AUG 21 1989

5. REMARKS/COMMENTS:

[illegible]

ALL INFORMATION CONTAINED



State of Idaho

DEPARTMENT OF WATER RESOURCES

(208) 327-7900

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - [REDACTED]

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 6, 1989

RE: PERMIT NO. 37-7811

Dear PERMIT HOLDER:

Due to the Swan Falls litigation, development proposed by the enclosed permit may have been delayed. The Department is presently reviewing the permit and may authorize completion of development proposed under the permit.

The purpose of this letter is to determine: (1) the extent of development under the permit, and (2) your continued interest in developing or completing development under the permit.

Enclosed are two forms which will help the Department expedite the reprocessing of the permit.

Please complete and return the enclosed questionnaire if you wish to continue with your plans of development or have completed all or a portion of your development before July 1, 1985.

Please complete the enclosed relinquishment form and return it to the Department if you have abandoned or have no interest in continuing with your plans for development of the project.

If the entire project was not completed prior to July 1, 1985, and you still wish to proceed with your plans of development, then you must submit a \$20.00 re-advertisement fee to the Department as required by Water Appropriation Rule 4,2,3. and Section 42-221F, Idaho Code.

Failure to return the questionnaire and pay any required re-advertisement fee within thirty (30) days of the date of this letter is cause for the Department to cancel the permit.

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AUG 21 1989

Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720
Attn: Tim Luke - Water Allocation/Trust Water

Please note that a copy of your permit is enclosed. The permit number is shown on the enclosed questionnaire.

Sincerely,

TIM LUKE
Sr. Water Resource Agent

Enclosures

MICROFILMED
AUG 21 1989



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

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT. (2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. Glen Saxton
L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED

AUG 21 1989

December 17, 1984

Kenneth F. Hellyer
3300 Wailea Alanui - 35A
Kihei, Maui, HI 96753

Dear Mr. Hellyer:

Re: Extension of Time for Permit No. 37-7811

Enclosed is the approved extension of time in connection with the above referenced permit. The time within which to submit the statement of beneficial use is extended to January 1, 1990. The request has been approved with the following condition:

The Department reserves jurisdiction of this permit for the purpose of adding any applicable conditions to protect the public interest.

Such conditions may be necessary due to statutory or regulatory changes occurring after the date of the extension and before the date that beneficial use is made. However, if conditions are added to your permit, you will be given an opportunity to object to them.

In connection with the development of a water right under this permit, the Department wishes to call to your attention an Idaho Supreme Court decision issued in November 1982 which could affect your future use of water.

The decision in the case of Idaho Power Company vs the State of Idaho, et al stated in part that Idaho Power Company's use of water for power generation purposes at the Swan Falls dam on the Snake River is not subordinated to upstream depletion by later-in-time uses. Ongoing negotiations to resolve this water right controversy without further court action has resulted in the signing of a contract in October 1984, between the State of Idaho and Idaho Power Company. The contract essentially describes certain categories of water uses from which the company will seek no restitution for depletion of water availability at Swan Falls Dam in exchange for certain concessions. In addition, an agreement was also signed by the Attorney General, Governor, and Idaho

MICROFILMED

Power Company. The agreement outlines additional actions which could be implemented to further resolve the Swan Falls controversy. Some of the additional actions include suggested changes in legislation, suggested changes in the State Water Plan, and the reduction of Idaho Power Company's water rights provided certain concessions are made to the company.

The Department urges you to follow the actions taken relative to the contract and agreement, since your water use could be affected.

In 1982 the Idaho Legislature added a requirement that as a permit holder you should commence the excavation or construction of diverting works within one year of the date a permit is issued or in the case of this extension, within one year of the date the extension is signed. The enclosed blue postcard must be completed and returned to this office as soon as you commence construction. The commencement of works requirement and the approval of this extension of time should not, however, be considered as encouraging you to commence construction. The Swan Falls litigation is still pending and there are inherent risks in making expenditures on a project that is subject to litigation. Pending litigation will be considered as a cause for delaying the commencement of works construction and applying for and receiving additional extensions of time for the proof of beneficial use submittal if the Swan Falls matter is not resolved in the near future.

If you have questions on this extension approval, please feel free to contact the department.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enclosures

cc: Douglas Rose - Attorney

MICROFILMED

Murphy & Rose

Attorneys At Law

Jack M. Murphy

Douglas F. Rose

110 North Latah

Boise, Id. 83706

208/343-1200

Post Office Box 666

Shoshone, Id. 83352

208/886-2405-2454

December 7, 1984

RECEIVED

DEC 10 1984

Idaho Department of Water Resources
Statehouse
Boise, ID 83720

RE: Request for Extension of Time

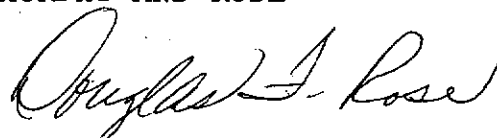
Department of Water Resources

Dear Sir:

Enclosed please find the executed Request for Extension of Time Form 204 and my law account check #188 in the amount of \$15.00. Please proceed appropriately with this Request. I assume I will be notified of the Department's decision.

Very truly yours,

MURPHY AND ROSE



DOUGLAS F. ROSE

DFR/sc

Enclosure

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

December 11, 1984

Murphy & Rose
P. O. Box 666
Shoshona, ID 83352

PERMIT NO. 37-7811, Kenneth F. Hellyer

We are in receipt of the \$15 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. 35884.

Roberta Garrett
Records Supervisor

Enclosure

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

158385

KENNETH F. HELLYER
3300 WAILIA ALANUI - 35A
KIHEI, HI 96753

PROOF DUE NOTICE

OCTOBER 31, 1984

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 37-7811 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JANUARY 01, 1985. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED

INTER-DEPARTMENT MEMO — 1

DATE August 10, 1984

FROM IDWR - Southern

TO File - Permit # 37-7811

SUBJECT Change of Address - Please send all correspondence to addresses below during designated times.

Kenneth F. Hellyer

3300 Wailia Alanui - 35A
Kihei, HI 96753

- Oct. 22 - April 20

2409 - 143rd Place SE
Mill Creek, Wash.

98012 - April -to - October

MICROFILMED

SIGNATURE



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address

Statehouse

Boise, Idaho 83720

(208) 384-2215

January 22, 1980

Kenneth F. Hellyer
P. O. Box 37
Port Ludlow, Washington 98365

Dear Mr. Hellyer,

RE: Permit No.'s 37-7810, 37-7811 & 37-7812

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval on the fourth page.

Be sure to note the special condition requiring you to install an access port or other device to provide for the installation of measuring equipment by the Department. Enclosed are specifications for the installation of the access port, as well as a list of measuring device options.

The exercise of this permit may also be affected by the court's determination of water rights in the case of Idaho Power Company v. State of Idaho, et al., Civil No. 62237, currently pending before the District Court of Ada County.

Idaho Power officials tell us that because of Case No. U-1006-124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Snake River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

Since the use of water under your permit may affect the flows in this reach of the Snake River, the final decision in Idaho Power Company v. State of Idaho, et al. (Ada County Civil No. 62237) may determine to what extent the exercise of your permit may be subject to the water rights of Idaho Power.

While the Ada County court is examining this question, Idaho Power Company has not filed a specific protest to your permit. However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permit or a subsequent license or water right.

If you have any questions, please let us know.

Sincerely,

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

Enclosures

WMT
DRT:lcw
1/22/80

AFFIDAVIT of PUBLICATION

State of Idaho, }
 Connty of Blaine } SS.

GORDON O. GLASHANN

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 20 day of December 19 79, and the date of the last publication was on the 27 day of December, 19 79.

[Signature of Gordon O. Glashann]

Subscribed and sworn to before me this 27th

day of December, 19 79.
 (SEAL)

[Signature of Robert J. Kender]

NOTARY PUBLIC

WOOD RIVER JOURNAL

Hailey, Idaho

COST OF PUBLICATION

Number of Lines in Notice 33
 Number of Insertions 2
 _____ Lines tabular at 39c
33 Lines straight at 26c 8.58
33 Subsequent lines at 15c 4.95
 TOTAL COST 13.53

ok merge 1/3/80

COPY OF NOTICE

(Paste Here)

Permit 37-7811
 TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water Resources
1041 Biltmore Lake Blvd N
Twin Falls, Idaho 83301

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)

8 pt. per line, straight 26c
 8 pt. per line, tabular 39c
 8 pt. per line, successive
 insertions 15c

RECEIVED
 No 1147

Department of Water Resources
 MICROFILMED

**NOTICE OF APPLICATION
FOR WATER RIGHT**

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:
37-7811

Hellyer, Kenneth F.
P.O. Box 37, Port Ludlow, Wa. 98365
Source: Groundwater
Date Filed: 12 / 05 / 1979
Amount: 4.00 cfs
Diversion Point: NWNW Sec 14 T 01S R
19E, Blaine Co.
Use: Irrigation--(4.00 cfs) from 04 / 01
to 10 / 15
Place of Use: NWNE NENW NWNW
SWNW SENW Sec 14 T 01S R 19E for
200 acres
Diversion Means: Well and Pump

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301 and received on or before January 7, 1980.

C. Stephen Allred
Director

PUBLISH: Wood River Journal--
December 20, 27, 1979.

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

3Z-2811

HELLYER, KENNETH F.

P.O. BOX 37, PORT LUDLOW, WA 98365

Source: GROUNDWATER

Date Filed: 12/05/1979

Amount: 4.00 CFS

Diversion Point: NWNW Sec 14 T 01S R 19E, BLAINE Co.

Use: IRRIGATION (4.00 CFS) from 04/01 to 10/15

Place of Use: NWNE NENW NWNW SWNW SENW Sec 14 T 01S R 19E FOR 200 ACRES

Diversion Means: WELL AND PUMP

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before JANUARY 7, 1980.

C. STEPHEN ALLRED

Director

Published 12/20 & 12/27/79.

MICROFILMED

**NOTICE OF APPLICATION
FOR WATER RIGHT**

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

37-7811

Hellyer, Kenneth F.

P.O. Box 37, Port Ludlow, Wa. 98365

Source: Groundwater

Date Filed: 12/05/1979

Amount: 4.00 cfs

Diversion Point: NWNW Sec 14 T 01S R 19E, Blaine Co.

Use: Irrigation--(4.00 cfs) from 04/01 to 10/15

Place of Use: NWNE NENW NWNW SWNW SENW Sec 14 T 01S R 19E for 200 acres

Diversion Means: Well and Pump

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301 and received on or before January 7, 1980.

C. Stephen Alfred
Director

PUBLISH: Wood River Journal--
December 20, 27, 1979.

*ok
merged
12/13/79*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

DECEMBER 7, 1979

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

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billings to this office before JANUARY 7, 1980.

Yours truly,

Mary A. Hill
Secretary

Encl.

ENCLOSURE



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

JOHN V. EVANS
GOVERNOR

C. Stephen Allred
Director

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

December 6, 1979

Kenneth F. Hellyer
P. O. Box 37
Port Ludlow, Washington 98365

Re: Application for Permits No. 37-7810, 37-7811, 37-7812

Dear Mr. Hellyer:

Enclosed is your receipt No. 17009 for checks No. 19-2 in the amounts of \$45.00, \$65.00 and \$85.00 for the above referenced applications for permits which were received in this office December 5, 1979.

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

Sincerely,

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

MICROFILMED