

# AFFIDAVIT of PUBLICATION

RECEIVED

SEP 14 1989

State of Idaho, }  
County of Blaine } SS.

Department of Water Resources

**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 8<sup>th</sup> day of Spt., 19 89, and

the date of the last publication was on the 13<sup>th</sup> day of Sept., 19 89.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
(SEAL)

NOTARY PUBLIC

WOOD RIVER JOURNAL  
Hailey, Idaho

## COST OF PUBLICATION

|                               |                                |
|-------------------------------|--------------------------------|
| Number of Picas per Line      | <u>11</u>                      |
| Number of Lines in Notice     | <u>34</u>                      |
| Number of Insertions          | <u>2</u>                       |
| Lines tabular at              | <u>5.5¢/Pica</u>               |
| <u>34</u> Lines straight at   | <u>116.83</u> <u>4.5¢/Pica</u> |
| <u>34</u> Subsequent lines at | <u>1309</u> <u>3.5¢/Pica</u>   |
| TOTAL COST                    | <u>29.92</u>                   |

COPY OF NOTICE  
(Paste Here)

Existing Rights #37-7807  
TITLE OF NOTICE Potters

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources  
BILL TO (Boise)

## Potters seeks water right permit

### NOTICE OF EXISTING WATER RIGHT PERMIT

PERMIT NO. 37-7807

Presently Recorded as Follows:

Name: ROBERT POTTERS

Address: BOX 589

SUN VALLEY ID 83353

Source: GROUNDWATER

Diversion Pt.: LOT 4 (SESE) SEC.

23 T5N R17E BLAINE CO.

Use: IRRIGATION (0.15 CFS)

DOMESTIC (0.04 CFS)

Priority: 11/8/1979

Place of Use: LOT 4 (SESE) SEC.

23 T5N R17E

Total Acres: 5.0

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 September 25, 1989.

R. Keith Higginson, Director

Publish: Wood River Journal-September 6 & 13, 1989.

OCT 18 1989

## PUBLICATION RATES

As of Oct. 1, 1988

(Idaho Code, Reb. 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

6708

# AFFIDAVIT PUBLICATION

State of Idaho, }  
 Connty of Blaine } SS.

**GORDON O. GLASMANN**, 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 6 day of December, 1979, and the date of the last publication was on the 13 day of December, 1979.

Subscribed and sworn to before me this 14th day of December, 1979.  
 (SEAL)

*Roberta McKenney*  
 NOTARY PUBLIC

## WOOD RIVER JOURNAL Hailey, Idaho COST OF PUBLICATION

Number of Lines in Notice ..... 34  
 Number of Insertions ..... 2  
 Lines tabular at ..... 39c  
34 Lines straight at ..... 26c 8.84  
34 Subsequent lines at ..... 15c 5.10  
 TOTAL COST .... 13.94

## COPY OF NOTICE (Paste Here)

Permit 37-7807  
 TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water Resources  
1041 Blue Lakes Blvd N  
Twin Falls, Idaho 83301

### 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:

37-7807

Potters, Robert  
 P.O. Box 1589, Sun Valley, Id. 83353  
 Source: Groundwater  
 Date Filed: 11/08/1979  
 Amount: 0.19 cfs  
 Diversion Point: Lot 04 (SESE) Sec 23 T  
 05N R 17E, Blaine County  
 Use: Domestic--(0.04 cfs) from 01/01  
 to 12/31  
 Irrigation--(0.15 cfs) from 04/01  
 to 11/01  
 Place of Use: Lot 04 (SESE) Sec 23 T  
 05N R 17E for 5 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 Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before December 24, 1979.

C. Stephen Allred  
 Director

Publish: Wood River Journal--December 6, 13, 1979.

RECEIVED

No 26 1133

Department of Water Resources  
 Southern District Office

MICROFILMED

# WATER RIGHT SUMMARY

| ACTION          | RIGHT NO. | NAME            | AMOUNT CFS |
|-----------------|-----------|-----------------|------------|
| Original Permit | 37-7807   | Potters, Robert | .19 total  |
| Full Assignment | 37-7807   | Reid, James R.  | .19 total  |

RECORDED

MAY 23 1990

State of Idaho  
Department of Water Resources  
ASSIGNMENT OF PERMIT

RECEIVED  
MAY 07 1990

I, Robert Potter, hereby assign to James R. Reid  
of 13312 HWY 75 / P. O. Box 356, Ketchum, ID. 83340  
Address

All my right, title, and interest in and to Permit No. 37-7807  
to appropriate the public waters of the State of Idaho.

The following described portion of my right, title, and interest in and  
to Permit No. 37-7807 to appropriate the public waters of the  
State of Idaho.

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

COMPLETE PERMIT IS BEING ASSIGNED.

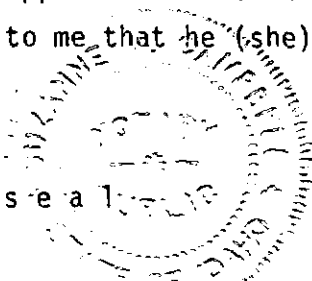
Made this 1<sup>ST</sup> day of MAY, 1990.

Robert Potter  
Permit Holder

Gertrude M. Potter  
Spouse of Permit Holder

State of Idaho )  
County of Blaine ) ss

On this 1st day of May, 1990, personally  
appeared before me the signer(s) of the above instrument, who duly acknowledged  
to me that he (she) (they) executed the same.



Suzanne M. Campbell  
Notary Public residing at  
Blaine County, Idaho

My commission expires:

1994

MAY 23 1990

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF PERMIT  
NO. 37-7807 IN THE NAME  
OF ROBERT POTTERS

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. 37-7807 (permit) was issued to Robert Potters (permit holder) authorizing the diversion of 0.15 cfs of groundwater for irrigation of 5.0 acres.

OCT 18 1989

5. Information submitted by the permit holder shows that the irrigation of the 5.0 acres authorized under this permit did not occur prior to July 1, 1985.

6. The development and use of water 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. 37-7807 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 the Order Cancelling Permit previously issued on June 30, 1989 is RESCINDED.

IT IS FURTHER ORDERED that Permit No. 37-7807 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 October 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.

MICHAEL L. LIND

OCT 18 1989

\_\_\_\_\_

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

Dated this 22<sup>nd</sup> day of September, 1989.

L. Glen Saxton

L. GLEN SAXTON, Chief  
Water Allocation Bureau

MAILED

OCT 18 1989

# AFFIDAVIT of PUBLICATION

RECEIVED

SEP 14 1989

State of Idaho, }  
County of Blaine } ss.

Department of Water Resources

**DANIEL J. GORHAM**

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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 8<sup>th</sup> day of Sept. 1989, and

the date of the last publication was on the 18<sup>th</sup> day of Sept. 1989.

*Daniel J. Gorham*

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
(SEAL)

NOTARY PUBLIC

WOOD RIVER JOURNAL  
Hailey, Idaho

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(Paste Here)

Existing Rights #37-7807  
TITLE OF NOTICE Potters

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources  
BILL TO (Boise)

## Potters seeks water right permit

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Address: BOX 589

SUN VALLEY ID 83353

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Diversion Pt.: LOT 4 (SESE) SEC.

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DOMESTIC (0.04 CFS)

Priority: 11/8/1979

Place of Use: LOT 4 (SESE) SEC.

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Total Acres: 5.0

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R. Keith Higginson, Director

Publish: Wood River Journal-  
September 6 & 13, 1989.

OCT 18 1989

## PUBLICATION RATES

As of Oct. 1, 1988

(Idaho Code, Rev. Statutes 1984)

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

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

6708

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF PERMIT )  
NO. 37-7807 IN THE NAME OF )  
ROBERT POTTERS )  
\_\_\_\_\_ )

ORDER CANCELLING  
PERMIT

This matter having come before the Idaho Department of Water Resources (Department) as a requirement of Section 42-203D, Idaho Code, the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. Permit No. 37-7807 (permit) authorized the diversion of 0.15 cfs of water from a groundwater source for the irrigation of 5 acres of land.

2. The Department mailed notice to the permit holder(s) on April 6, 1989 informing them that Permit no. 37-7807 was subject to the review requirements of Section 42-203D, Idaho Code. The notice further informed the permit holder(s) that he must submit to the Department within 30 days either the readvertisement fee required by Section 42-221F, Idaho Code and Water Appropriation Rule 4,2,3,3., or evidence that the development proposed by the permit was completed prior to July 1, 1985.

3. The permit holder(s) failed to submit the required readvertisement fee or evidence of development completed prior to July 1, 1985.

CONCLUSIONS OF LAW

1. Water Appropriation Rule 4,2,3,4. specifies that failure to pay the required readvertisement fee within 30 days after the permit holder is notified to do so is cause for the Director of the Department to cancel the permit.

RECEIVED  
MIDWINTER

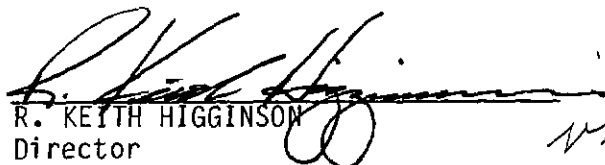
OCT 18 1989

2. The permit should be cancelled as provided in Water Appropriation Rule 4,2,3,4.

ORDER

IT IS HEREBY ORDERED that Permit No. 37-7807 be CANCELLED as provided in Water Appropriation Rule 4,2,3,4.

Dated this 30<sup>TH</sup> day of JUNE, 1989.

  
R. KEITH HIGGINSON  
Director

MICROFILMED

OCT 18 1989

CERTIFICATE OF MAILING

I hereby certify that on this the 5th day of July, 1989,  
a true and correct copy of the Order Cancelling Permit was mailed postage  
prepaid to Robert Potters, P.O. Box 1589, Sun Valley, ID 83353.

Heidi M. Mikel  
HEIDI M. MIKEL, Clerical Assistant

MICROFILMED

CC 18 1989

|                     |         |
|---------------------|---------|
| For Office Use Only |         |
| Fee Received        | 15.00   |
| Date                | 11-7-84 |
| Receipt #           | 35817   |

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  
NOV 7 1984

Poters, Robert

Department of Water Resources

~~XXXXXXXXXXXX~~  
Poters, Robert

of P.O. Box 1589, Sun Valley

(Address)

State of Idaho, 83353, 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. 37-7807

That under the terms and conditions of said permit, work thereunder was required to be completed on or before January 1, 1985

That he has heretofore performed the following work described under said permit:

(This must be filled out! If no work has been completed put none.)

Well drilled and casing installed.

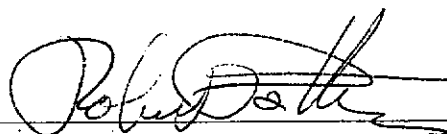
Costing \$2000.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:

Building of Home can not begin because of weather until Spring 1985.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to January 1, 1990, 19 ( 1 yr. minimum, 5 yrs. maximum)

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

  
(Signature)\*

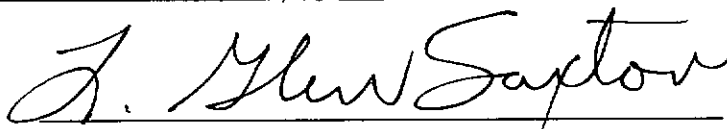
\*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

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 beneficial use postcard is extended to January 1, 1990.

MICROFILMED

Signed this 19<sup>th</sup> day of November, 1984

  
Chief, Operations Bureau

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 37-1807  
**RECEIVED**

NOV 8 1978  
**APPROVED**

Department of Water Resources  
Southern District Office

1. Name of applicant Robert Potters Phone 726-8820  
Post office address P.O. Box 1589, Sun Valley, Idaho 83353  
2. Source of water supply Groundwater which is a tributary of \_\_\_\_\_  
3. Location of point of diversion is <sup>Lot 4</sup> (SE ¼ of SE) ¼ of Section 23 Township 5 N.  
Range 17E B.M. Blaine County, additional points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

Amount .04 for Domestic purposes from JAN 1 to Dec 31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount .15 for Irrigation purposes from Apr 1 to Nov 1 (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. .19 cubic feet per second and/or b. \_\_\_\_\_ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well, pump and  
Pipeline to sprinkler system, to stubs & house

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

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

c. Proposed well diameter is 8 inches; proposed depth of well is 50 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: <sup>Lot 4</sup> (SE ¼ of SE) ¼ of Section 23 Township 5 N  
Range 17E 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 2 horses

(4) Name of municipality to be served \_\_\_\_\_, or number of families to be  
supplied with domestic water ONE.

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

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

| TWP | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |          |     | TOTALS |
|-----|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|----------|-----|--------|
|     |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SE¼      | SW¼ |        |
| 5N  | 17E   | 23   |     |     |     |     |     |     |     |     |     |     |     |     |     |     | 1.4<br>5 |     | 5      |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |          |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |          |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |          |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |          |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |          |     |        |
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|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |          |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |          |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |          |     |        |

Total number of acres to be irrigated 5

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 Applicant

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

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 The land described in this Application is located in an unsurveyed portion of Blaine County and is part of HES 128. The legal description given was projected on a USGS Quad sheet "Griffin Butte".

More than 1" to the acre was applied for because of the small size of the system.

Will send copy of Map

With some copy on a grid

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.

Robert H. Lee

(Applicant)

11/8/11

Received by TCB Date Nov. 8 Time 12:00

Preliminary check by J Fee \$ 20.00

Received by Marya Date 11-9-79 #13386

Publication prepared by eh Date 1/26/79

Published in Wood River Journal

Publication dates 12/6 + 12/13/79

Publication approved Jim Date 1/21/80

Protests filed by:

Copies of protests forwarded by

Hearing held by Date

Recommended for approval denial by L.H. 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. 37-7807, and said application is hereby approved.

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

- SUBJECT TO ALL PRIOR WATER RIGHTS.
- Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 1985.
- 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.
- Other:

Witness my hand this 29 day of January, 1980.

J. Glen Saxton

# WARRANTY DEED

For Value Received

C. FRED BORDEN and MADELYN H. BORDEN,  
husband and wife

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto

ROBERT POTTERS, a married man, as his sole and separate property  
whose address is: P.O. Box 1589, Sun Valley, ID 83353

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

A parcel of land within H.E.S. 128 in unsurveyed Township 5 North,  
Range 17 East., B.M., Blaine County, Idaho, and more particularly  
described by metes and bounds as follows:

COMMENCING at Cor. 1 of said H.E.S. 128;  
THENCE N 13°54' W., 525.00 feet to the true point of beginning.  
THENCE N 13°54' W., 267.32 feet along the westerly boundary of said  
H.E.S. 128;  
THENCE N 63°58' E., 263.08 feet;  
THENCE N 69°40' E., 305.58 feet to the westerly boundary of U.S. High-  
way 93;  
THENCE S 23° 29' E., 262.50 feet along the westerly boundary of U.S.  
Highway 93;  
THENCE S 66°53' W., 612.49 feet to the TRUE POINT OF BEGINNING.

SUBJECT Restrictions contained in Warranty Deeds recorded in Book 176  
of Deeds, page 615, and Book 178 of Deeds, page 94, records of Blaine  
County, Idaho.

THIS DEED OF TRUST, Made this 13th day of September, 1978  
BETWEEN  
ROBERT POTTERS, a married man as his sole and separate property  
herein called GRANTOR,  
whose address is 75 Devon Road Essex Falls, New Jersey 07021

SAWTOOTH TITLE CO., Inc., an Idaho Corporation, herein called TRUSTEE, and  
CHARLES SCHRIEBER and HELEN HASTINGS SCHRIEBER, husband and wife  
herein called BENEFICIARY.

WITNESSETH: That Grantor does hereby irrevocably GRANT, BARGAIN, SELL AND CONVEY TO  
TRUSTEE IN TRUST, WITH POWER OF SALE, that property in the County of Blaine  
State of Idaho, described as follows and containing not more than twenty acres:

A parcel of land within H.E.S. 128 in unsurveyed Township 5 North,  
Range 17 E., B.M., Blaine County, Idaho, and more particularly  
described by metes and bounds as follows:

Commencing at Cor. 1 of said H.E.S. 128;  
THENCE N 13°54' W., 792.32 feet to the TRUE POINT OF BEGINNING:  
THENCE N 13°54' W., 218.79 feet along the westerly boundary of said  
H.E.S. 128;  
THENCE N 62°02' E., 533.13 feet to the westerly boundary of U.S. High-  
way 75;  
THENCE S 23°29' E., 262.50 feet along the westerly boundary of U.S. High-  
way 75;  
THENCE S 69°40' W., 305.58 feet;  
THENCE S 63°58' W., 263.08 feet to the TRUE POINT OF BEGINNING.

MICROFILMED

# WARRANTY DEED

For Value Received

C. FRED BORDEN and MADELYN H. BORDEN,  
husband and wife

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto

ROBERT POTTERS, a married man, as his sole and separate property  
whose address is: P.O. Box 1589, Sun Valley, ID 83353

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

A parcel of land within H.E.S. 128 in unsurveyed Township 5 North,  
Range 17 East., B.M., Blaine County, Idaho, and more particularly  
described by metes and bounds as follows:

COMMENCING at Cor. 1 of said H.E.S. 128;  
THENCE N 13°54' W., 525.00 feet to the true point of beginning.  
THENCE N 13°54' W., 267.32 feet along the westerly boundary of said  
H.E.S. 128;  
THENCE N 63°58' E., 263.08 feet;  
THENCE N 69°40' E., 305.58 feet to the westerly boundary of U.S. High-  
way 93;  
THENCE S 23° 29' E., 262.50 feet along the westerly boundary of U.S.  
Highway 93;  
THENCE S 66°53' W., 612.49 feet to the TRUE POINT OF BEGINNING.

SUBJECT Restrictions contained in Warranty Deeds recorded in Book 176  
of Deeds, page 615, and Book 178 of Deeds, page 94, records of Blaine  
County, Idaho.

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 Grantor does hereby  
covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises;  
that they are free from all incumbrances except as described above and that Grantor will warrant  
and defend the same from all lawful claims whatsoever.

Dated: October 4, 1978

C. Fred Borden

Madelyn H. Borden

STATE OF \_\_\_\_\_, COUNTY OF \_\_\_\_\_  
On this \_\_\_\_\_ day of October, 19 78  
before me, a notary public in and for said State, per-  
sonally appeared C. Fred Borden and  
Madelyn H. Borden, husband and  
wife

known to me to be the person<sup>s</sup> whose name<sup>s</sup> are  
subscribed to the within instrument, and acknowledged to  
me that they have executed the same.

Notary Public  
Idaho

Residing at  
Comm. Expires

STATE OF IDAHO, COUNTY OF \_\_\_\_\_  
I hereby certify that this instrument was filed for record at  
the request of \_\_\_\_\_  
at \_\_\_\_\_ minutes past \_\_\_\_\_ o'clock \_\_\_\_\_ m.,  
this \_\_\_\_\_ day of \_\_\_\_\_  
19 \_\_\_\_\_, in my office, and duly recorded in Book  
of Deeds at page \_\_\_\_\_

Ex-Officio Recorder

By \_\_\_\_\_ Deputy.

Fees \$  
Mail to:

# AFFIDAVIT PUBLICATION

State of Idaho, }  
 Connty of Blaine } SS.

## GORDON O. GLASMANN

, 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 6 day of December 1979, and the date of the last publication was on the 13 day of December, 1979.

Subscribed and sworn to before me this 14th

day of December, 1979.  
 (SEAL)

NOTARY PUBLIC

## WOOD RIVER JOURNAL

Hailey, Idaho

## COST OF PUBLICATION

Number of Lines in Notice 34  
 Number of Insertions 2  
34 Lines tabular at ..... 39c  
34 Lines straight at ..... 26c 8.84  
34 Subsequent lines at ..... 15c 5.10  
 TOTAL COST .... 13.94

## COPY OF NOTICE

(Paste Here)

Permit 37-7807  
 TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water Resources  
1041 Blue Lakes Blvd N  
Twin Falls, Idaho 83301

## 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: 37-7807

Potters, Robert  
 P.O. Box 1589, Sun Valley, Id. 83353  
 Source: Groundwater  
 Date Filed: 11/08/1979  
 Amount: 0.19 cfs  
 Diversion Point: Lot 04 (SESE) Sec 23 T 05N R 17E, Blaine County  
 Use: Domestic--(0.04 cfs) from 01/01 to 12/31  
 Irrigation--(0.15 cfs) from 04/01 to 11/01  
 Place of Use: Lot 04 (SESE) Sec 23 T 05N R 17E for 5 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 Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before December 24, 1979.

C. Stephen Allred  
 Director

Publish: Wood River Journal--December 6, 13, 1979.

RECORDED

Nº 1133

Department of Water Resources  
 Southern District Office

MICROFILMED

December 17, 1990

JAMES R. REID  
13312 HWY. 75  
P.O. BOX 356  
KETCHUM, ID 83340

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-07807

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.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)734-3578.

Sincerely,

Rita Fleck  
Secretary/Records Manager

c: IDWR - Region

RECEIVED

JAN 17 1991

ANALYSIS SHEET  
for  
PROOF OF BENEFICIAL USE

Permit No. 37-7807

Date 12-17-90

GENERAL CONSIDERATIONS

Y Name same as permit?  
N Address change? If yes, prepare data entry form.  
X Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

   Surface water source  
   Ground water source  
   N Drill permit req'd?    Copy in file?  
   Well log in file?  
   Amt paid for drilling permit?    Correct?

*Drilled 1982*

LICENSE EXAMINATION FEE

   Required?  
50 Amount submitted?  
   Correct amount?

MEASURING DEVICE

   N Measuring device or access port required?  
   Installed?  
   Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

*proof acceptable*

PRIORITY CALCULATION

|                     |           |             |
|---------------------|-----------|-------------|
| Date proof received | <u>  </u> | <u>  </u>   |
| Date proof due      | <u>  </u> | - <u>  </u> |
| No. of days late    | <u>  </u> | = <u>  </u> |
| Priority date       | <u>  </u> | + <u>  </u> |
| NEW PRIORITY DATE   | <u>  </u> | = <u>  </u> |

*[Handwritten signature/initials]*

For Office Use Only  
Amt. of Fee \$ 50.00  
Date 8/10/90  
Receipt No. 2017977  
Received by J. J. J.

**RECEIVED**  
AUG 9 1990

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
PROOF OF BENEFICIAL USE

Department of Water Resources

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. 37-07807 Telephone No. 208-726-1546

Name(s) of Permit Holder(s): JAMES R. REID

Post Office Address: P.O. Box 356 KETCHUM, ID. 83340

Source of Water: WELL

If ground water, well driller's name: \_\_\_\_\_ Date drilled: APPROX. 1982  
USE STARTED 1984

Extent of Use:  
Domestic 1 (No. of households) Irrigation 3 (No. of acres)  
Stockwater \_\_\_\_\_ (No. and type of stock) Other \_\_\_\_\_

Total rate and/or volume for which proof is submitted .12 cfs \_\_\_\_\_ acre/feet

Show date water was first diverted and beneficially used under this permit: USE STARTED 1984

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

Measuring device: Required? Yes XNo Installed? Yes No

OR

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

Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

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

JAMES R. REID 208-726-1546  
Name Telephone No.  
P.O. Box 356 KETCHUM, ID. 83340  
Address

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.

AUG. 7, 1990  
Date

J. R. Reid  
Signature (and title if on behalf of a company or organization)

**RECORDED**  
JAN 17 1991

138009  
July 31, 1990

JAMES R. REID  
13312 HWY. 75  
P.O. BOX 356  
KETCHUM, ID 83340

PROOF DUE NOTICE

RE: PERMIT NO. 37-07807

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

MICROFILMED

JAN 67 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

May 16, 1990

Re: Water Right No. 37-7807

James R. Reid  
13312 Hwy 75  
P.O. Box 356  
Ketchum, ID 83340

Dear Water Right Holder(s):

We acknowledge receipt of the correspondence transferring ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

*Sharla Curtis*

SHARLA CURTIS  
Clerical Specialist

SC:js

MICROFILMED

MAY 23 1990

JAMES R. REID  
P. O. BOX 356  
KETCHUM, ID. 83340

RECEIVED  
MAY 07 1990

Department of Water Resources

CERTIFIED:

May 3, 1990

State of Idaho  
Department of Natural Resources  
1301 North Orchard Street  
State House Mail  
Boise, ID. 83720

ATT: Mr. Tim Luke

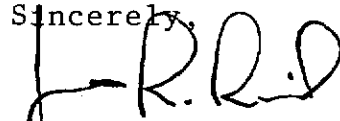
RE: Permit No. 37-7807

Tim,

Enclosed please find the completed Assignment of  
Permit for the above referenced permit.

Thank you for your patience in this matter.

Sincerely,

  
James R. Reid

MICROFILMED

MAY 23 1990

1

JAMES R. REID  
P. O. BOX 356  
KETCHUM, ID. 83340

RECEIVED  
APR 30 1990

Department of Water Resources

April 27, 1990

State of Idaho  
Department of Water Resources  
1301 North Orchard Street  
State House Mail  
Boise, ID. 83720

ATT: Mr. Tim Luke

RE: Permit No. 37-7807

Tim,

Enclosed please find a copy of the letter that I have sent Mr. Robert Potter regarding the assignment of the above referenced permit. Apparently Mr. Potter is out of town at this time. I do not know when he will return. I have also enclosed a copy of a letter that our realtor sent to Mr. Potter on February 23, 1990. As far as I can tell there was not a response at that time.

Please bear with me. If I need any assistance I may write to you for help.

Thank you very much.

Sincerely,

J.R.R.D.  
James R. Reid

RECEIVED

MAY 23 1990

JAMES R. REID  
P. O. BOX 356  
KETCHUM, ID. 83340

April 27, 1990

Mr. Robert Potter  
P. O. Box 1589  
Sun Valley, ID. 83353

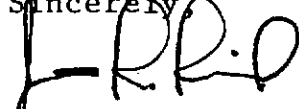
RE: State of Idaho, Dept. of Water Resources  
Assignment of Permit

Dear Bob,

Enclosed please find the above referenced assignment. This needs to be filled out by you and returned to me as soon as possible. Time is of the essence in regard to this matter. I have enclosed a self addressed stamped envelope for your convenience.

Thank you very much for your expedient cooperation in this matter.

Sincerely,

  
James R. Reid

MicroFILMED

MAY 23 1990

BICK, NORRIS, SAMPSON, MACKENZIE & CO.  
R E A L E S T A T E

291 North Main Street, Ketchum - P.O. Box 2050, Sun Valley, Idaho 83353  
Telephone 208-726-5300 - FAX 208-726-4311

February 23, 1990

Mr. Robert Potters  
P. O. Box 1589  
Sun Valley, ID 83353

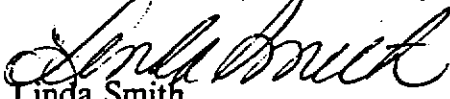
Dear Mr. Potters:

Since I have been unable to reach you by phone, enclosed is a copy of the Department of Water Resources Assignment of Permit. Bob Reid has asked Bill Norris if we would send you this Assignment for your signature regarding your property. If you would like to come to the office and sign the Assignment, some one in the office would be happy to notarize your signature. If you have any questions about the form or the assignment, would you please contact Bill Norris.

Thank you very much for your cooperation.

Sincerely,

BICK, NORRIS, SAMPSON, MACKENZIE & CO.



Linda Smith  
Office Manager

Encl.

MICROFILMED  
MAY 23 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

October 10, 1989

RE: Permit No. 37-7807

Robert G. Reid  
212 Hawthorne Rd.  
Bellingham, WA 98225

Dear Mr. Reid:

Enclosed is an order that authorizes you to continue development under Permit to Appropriate Water No. 37-7807. Please note in condition #1., page two of the order that you must develop your system and beneficially use the water prior to October 1, 1990. Failure to beneficially use the water before October 1, 1990 could result in a loss of the water right permit.

You must also have the permit assigned to you by the present permit holder of record, Mr. Robert Potters. An assignment form has been enclosed. If our records are not properly updated, future correspondence may not reach you and you will again run the risk of having the permit lapse or become cancelled.

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

Sincerely,

TIM LUKE  
Sr. Water Resource Agent

TL:sc

Ministerial

OCT 16 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

August 30, 1989

Wood River Journal  
Box 988  
Hailey, ID 83333

Dear Legal Department:

Enclosed you will find a legal notice which we wish to have published on September 7 and September 14 (once a week for two consecutive weekly issues) in your newspaper. If your paper is published weekly, the notice must appear in the issue that is distributed during the weeks of September 4 and September 11. 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 billing to the office below before September 25, 1989.

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

Sincerely,

SHARLA R. CURTIS  
Secretary

Minuteman

OCT 18 1989

NOTICE OF EXISTING  
WATER RIGHT PERMIT

PERMIT NO. 37-7807  
Presently Recorded as Follows:

Name: ROBERT POTTERS -  
Address: BOX 589 -  
SUN VALLEY, ID 83353 -  
Source: GROUNDWATER -  
Diversion Pt.: LOT 4 (SESE) SEC. 23 T5N R17E  
BLAINE CO. -  
Use: IRRIGATION (0.15 CFS) -  
DOMESTIC (0.04 CFS) -  
Priority: 11/8/1979 -  
Place of Use: LOT 4 (SESE) SEC. 23 T5N R17E -  
Total Acres: 5.0 -

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 September 25, 1989.

R. Keith Higginson, Director

MINUTEMAN

OCT 18 1989

FROM

Tim

DATE

7-13-89

TO

File

SUBJECT

Present LAND Owner under this Permit &  
to which correspondence should be sent:

Robert G. Reid

212 Hawthorne Rd

Bellingham, WA

REPROFILMED

98225

OCT 18 1989

phone Bellingham WA.  
Bellevue ID

206-733-5814

208-726-1546

SIGNATURE

**RECEIPT**  
**For Monies Paid**  
**to the**  
**IDAHO DEPARTMENT OF WATER RESOURCES**

**Receipt No:** C008B60

**Date:** 08/04/89  
**Time:** 09:25:17

**Received**

**From:** REID, ROBERT G./JEAN

| <b>Type of Payment</b> | <b>Program Acct Class</b> | <b>Amount</b>  |
|------------------------|---------------------------|----------------|
| TRUST WATER RE-AD FEE  | 0610199 1238 6490         | \$20.00        |
|                        | <b>Total</b>              | <b>\$20.00</b> |

CHECK 3744

Idaho Department of Water Resources

Region: STATE

Signature: C. Wong

**MICROFILMED**

**OCT 18 1989**



State of Idaho  
DEPARTMENT OF WATER RESOURCES

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

May 23, 1989

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Robert Poters  
P.O. Box 1589  
Sun Valley, ID 83353

Re: Permit No. 37-7807

Dear Mr. Poters:

NOTICE OF PENDING ORDER CANCELLING PERMIT

On January 24, 1980, the Department of Water Resources (Department) issued Permit No. 37-7807 which authorized the diversion of 0.15 of water from a groundwater source for the irrigation of 5 acres.

The Department mailed a letter and questionnaire to you on April 6, 1989 in connection with the permit. The letter provided notice that the Department was reviewing the permit in connection with development which was not complete prior to July 1, 1985.

This letter also requested that you return the Department's questionnaire concerning any prior development under the permit and/or your plans for pursuing completion of the proposed project. The correspondence further requested that you submit with the questionnaire either a re-advertisement fee in the amount of twenty dollars (\$20) and/or evidence showing that development under the permit was complete prior to July 1, 1985. Finally, the letter notified you that failure to submit the required fee or information within thirty (30) days of the date of the letter was cause for the Department to cancel the permit.

The purpose of this letter is to provide a second and final opportunity for you to submit the requested information. If you fail to respond to this inquiry within fifteen (15) days of the date of this letter, the Department will issue an order cancelling the permit pursuant to Water Appropriation Rule 4,2,3,4.

If no development has been completed as authorized by the permit, and you are no longer interested in pursuing the development, please complete and return the enclosed relinquishment form.

Please feel free to contact me if you have any questions concerning this matter.

Sincerely,

TIM LUKE  
Sr. Water Resource Agent

Enclosure  
cc: Region

RECEIVED

OCT 18 1989



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. 37-7807

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.

MICROFILMED

OCT 18 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

OCT 18 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

RECEIVED

OCT 18 1985

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
COMMENCEMENT OF WORKS

Permit No. 37-7807  
Name(s) of Permit Holder(s): ROBERT POTTERS  
Post Office Address: P.O. Box 1589  
SUN VALLEY, ID. 83353 Telephone 726-8820

☒ I hereby certify that construction of diversion works for the above referenced permit began on MAY 25, 1983. I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

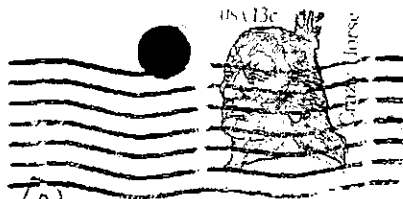
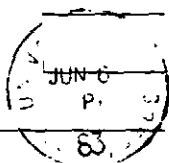
☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control\*:

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

6/6/83  
Date

Robert Potters  
Signature of Permit Holder

ROBERT [REDACTED] ERS  
P O BOX 1589  
SUN VALLEY, IDA.  
83353



MICROFILMED

OCT 18 1989



RECEIVED  
JUN 7 1983  
Idaho Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES  
STATEHOUSE

BOISE, IDAHO 83720

WATER RIGHT NUMBER 37-7807

OWNER LAST NAME - POTTERS ✓  
ADDRESS LINE 1 - P.O. BOX 1589 ✓  
ADDRESS LINE 3 -FIRST NAME - ROBERT  
ADDRESS LINE 2 -  
CITY - SUN VALLEY ✓

ORIG OWNER -

STATE - ID ZIP CODE - 83353

SOURCE - GROUNDWATER ✓

TRIBUTARY OF -

STAGE - PERMIT ✓

STATUS -

PRIORITY - 11-08-1979 COUNTY - BLAINE

TOTAL DIV. RATE - .1900 -CFS

TOTAL DIV. VOLUME -

.00 AFA TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SESE 23 05N 17E LOT 04 REDIV -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

FROM - 01-01 TO - 12-31 ✓ USE - DOMESTIC

USE DIV. RATE - .0400 ✓ CFS USE DIV. VOLUME - .00 AFA

FROM - 04-01 TO - 11-01 ✓ USE - IRRIGATION

USE DIV. RATE - .1500 ✓ CFS USE DIV. VOLUME - .00 AFA

USE - IRRIGATION ✓

PLACE OF USE - TWN 05N RNG 17E SEC 23 TRACT SESE LOT 04 AC 05 ✓

DECREE NAME -

DATE -

TOTAL ACRES

5.2

REMARKS -

NON IRRIG USE - 0.7

OTHER RIGHTS FOR SAME USE -

PROOF DUE - 01-01-1990 ✓ PERMIT/DENIED - 01-24-1980

PROTESTED -

HEARING -

OLD NO. -

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS - WELL AND PUMP ✓

November 19, 1984

Robert Potters  
P. O. Box 1589  
Sun Valley, ID 83353

Dear Mr. Potters:

Re: Permit No. 37-7807

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

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 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.

NOV 20 1984

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

Sincerely,

RITA I. FLECK  
Secretary/Records Manager

Enclosure

RECEIVED  
MAY 1960

STAFF REVIEW OF REQUESTS FOR EXTENSION OF TIME

Permit Number 37-7807

Y Date received stamp  
Y Fee received and receipted  
Y Name on request same as on permit  
Y Address same permit as on latest correspondence  
Y Proof due date within six months of due date  
Y Signature same as permit  
Y Source of water the same  
N Permit holder named in Swan Falls lawsuit  
Y Proceed diligently  
N Is delay caused by litigation:

Date lit. completed \_\_\_\_\_

Date lit. began \_\_\_\_\_

Period of delay \_\_\_\_\_

New proof due date \_\_\_\_\_

ACTION: *Recommend approval based on due diligence*

Y Is the extension timely received?  
N Reinstate: Extension received \_\_\_\_\_  
Proof due date \_\_\_\_\_  
Days late \_\_\_\_\_  
Priority date \_\_\_\_\_  
Adjusted priority date \_\_\_\_\_  
X Is there commencement of works?  
Cover letter \_\_\_\_\_  
Coding sheet \_\_\_\_\_  
Rolodex card updated and refiled \_\_\_\_\_

Reviewed by [Signature] Date: 11-19-84

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

November 8, 1984

Robert Potters  
P. O. Box 1589  
Sun Valley, ID 83353

PERMIT NO. 37-7807

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. 35817.

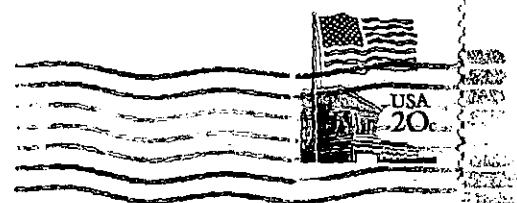
Roberta Garrett  
Records Supervisor

Enclosure

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Robert Potters  
P.O. Box 1589  
Sun Valley, ID 83353



Department of Water Resources  
Attn: Rita Fleck  
State House  
Boise, ID. 83720

MICROFILMED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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

138383

POTTERS, ROBERT  
P.O. BOX 1589  
SUN VALLEY, ID 83353

PROOF DUE NOTICE

OCTOBER 31, 1984

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 37-7807 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

IDENT. NO. 37-7807

WATER RIGHT  
DATA ENTRY LOG[illegible]



State of Idaho

## DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS  
Governor

C. STEPHEN ALLRED  
Director

Mailing address:  
Statehouse  
Boise, Idaho 83720  
(208) 334-4440

January 25, 1980

Robert Potters  
P.O. Box 1589  
Sun Valley, Idaho 83353

Dear Mr. Potters,

RE: Permit No. 37-7807

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

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.*

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

DRT:mr

Enclosure

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State of Idaho  
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

37-7807

INITIAL REVIEW BY: J. E. Stanton  
CHECK:

APPLICATION NUMBER: POTTERS, Robert

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

Field check by: \_\_\_\_\_  
Date: \_\_\_\_\_  
Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: \_\_\_\_\_ Date: \_\_\_\_\_  
☐ Idaho Fish and Game Department. \_\_\_\_\_  
☐ Idaho Department of Lands. \_\_\_\_\_  
☐ U.S. Bureau of Land Management. \_\_\_\_\_  
☐ U.S. Forest Service. \_\_\_\_\_  
☐ Other \_\_\_\_\_

PROCESSING:

- ☐ Yes ☒ No Platted by: JS Map No. X-23  
☐ Yes ☐ No Other rights on same place of use. \_\_\_\_\_  
☒ Yes ☐ No\* In form for advertising.  
Final date for protests: 12/24/79  
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 12-26-79  
☒ Application published correctly. If not, record action taken: \_\_\_\_\_  
☒ Fee amount, receipt date & number, recorded on application.  
☒ Publication dates and paper, recorded on application.  
☒ Protests, dates, withdrawal, etc., recorded on application.  
☒ Recommendation & initial, recorded on application.  
☐ Yes ☒ No Measuring device required.  
☐ Yes ☒ No Access port required.  
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? \_\_\_\_\_  
☒ 11-8-79 Date of priority recommended.  
Special conditions of approval or cover letter. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

By: Loren O. Halmer Date: 1-7-80

STATE OFFICE REVIEW:

Idaho Power letter w/ conditions

☐ See attached sheet for more information.  
By: J. E. Stanton Date: 1/21/80

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:

32-2802-

POTTERS, ROBERT

P.O. BOX 1589, SUN VALLEY, ID 83353

Source: GROUNDWATER

Date Filed: 11/08/1979

Amount: 0.19 CFS

Diversion Point: LOT 04 (SESE) Sec 23 T 05N R 17E, BLAINE Co.

Use: DOMESTIC (0.04 CFS) from 01/01 to 12/31  
IRRIGATION (0.15 CFS) from 04/01 to 11/01

Place of Use: LOT 04 (SESE) Sec 23 T 05N R 17E FOR 5 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 DECEMBER 24, 1979.

C. STEPHEN ALLRED

Director

Published 12/6 & 12/13/79.

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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Southern Region

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

NOVEMBER 26, 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 billing to this office before DECEMBER 24, 1979.

Yours truly,

Mary R. Hill  
Secretary

Encl.

MICROFILMED



**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

November 16, 1979

Robert Potters  
P. O. Box 1589  
Sun Valley, Idaho 83353

Re: Application for Permit No. 37-7807

Dear Mr. Potters:

Enclosed is your receipt No. 13386 for check No. 1-131 in the amount of \$20.00 for the above referenced Application for Permit, which was received in this office November 9, 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:

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