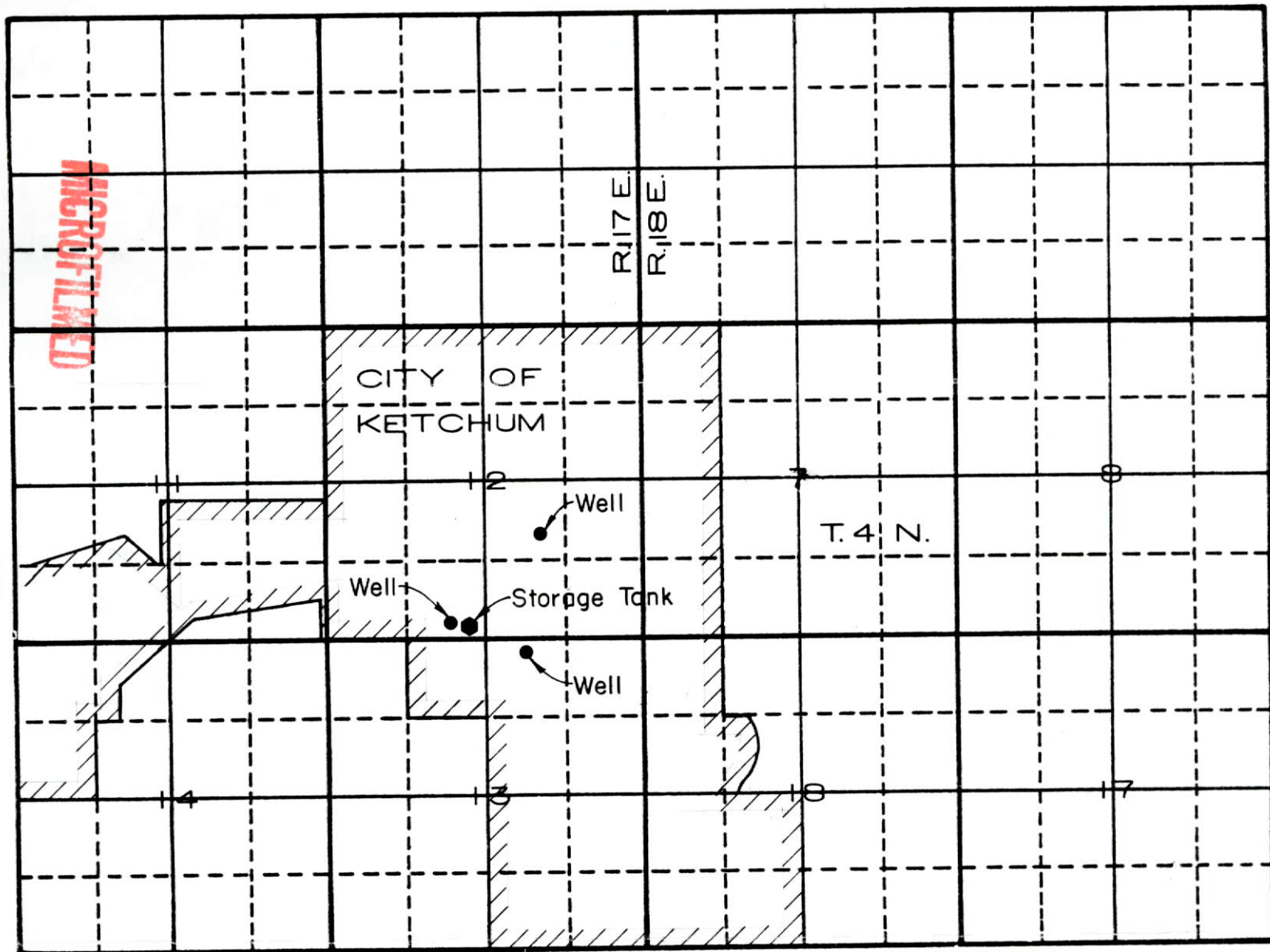


Complete the following map by showing land and point of diversion as proposed by this amendment.

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



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 Ketchum, Idaho, this 7th day of December, 19 83.

Mayor

(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by TB Fee = \$20.00

Received by JA Date 12-9-83 #32947

Publication prepared by maria Date 12/20/83

Published in _____

Publication dates 12/29 & 1/5/84

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, Director of the Department of Water Resources hereby

Approve the above referenced Amendment provided the conditions as set forth

on page 4 of Permit No. 37-7682 are met.

Witness my hand this 9th day of February

L. Glen Saxton
Chief, Operations Bureau

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Blaine } SS.

GORDON O. GLASIAANN

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 29 day of December

1983, and the date of the last publication was on the 5

day of January, 1984

Subscribed and sworn to before me this 4th

day of January, 1984

(SEAL)

Roberta McKencher

NOTARY PUBLIC

RECEIVED
JAN 5 1984

WOOD RIVER JOURNAL

Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 13

Number of Lines in Notice 42

Number of Insertions 2

Lines tabular at 42 4¢ / Pica

Lines straight at 42 16.38 3¢ / Pica

Subsequent lines at 42 10.92 2¢ / Pica

TOTAL COST 27.30

COPY OF NOTICE

(Paste Here)

Not. of Adm. # 37-7682

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Id. Dept. of Water Res.
1041 Blue Lakes Blvd N.
TF 83301

Change of water right filed by City of Ketchum

NOTICE OF AMENDMENT TO A WATER PERMIT NO. 37-7682

NOTICE IS HEREBY GIVEN, That the CITY OF KETCHUM, IDAHO, is the holder of Approved Permit No. 37-7682 authorizing the diversion of seven cubic feet per second (7 cfs) of water from Groundwater in the NW¼NE¼, Sec. 13; SE¼SW¼, Sec. 12, T4N, R17E, B.M., County of Blaine, to be used for municipal purposes from January 1 to December 31 within the City Limits of Ketchum, Idaho.

The permit holder has applied to the Department of Water Resources for an Amendment to the permit, add Point of Diversion as follows:

Point(s) of Diversion: NW¼SE¼, SE¼SW¼, Sec. 12; NW¼NE¼, Sec. 13, T4N, R17E

Place of Use: No change

Any protest against approval of the amending of Permit No. 37-7682 as set forth above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho 83301, ON OR BEFORE JANUARY 16, 1984.

A. KENNETH DUNN
Director

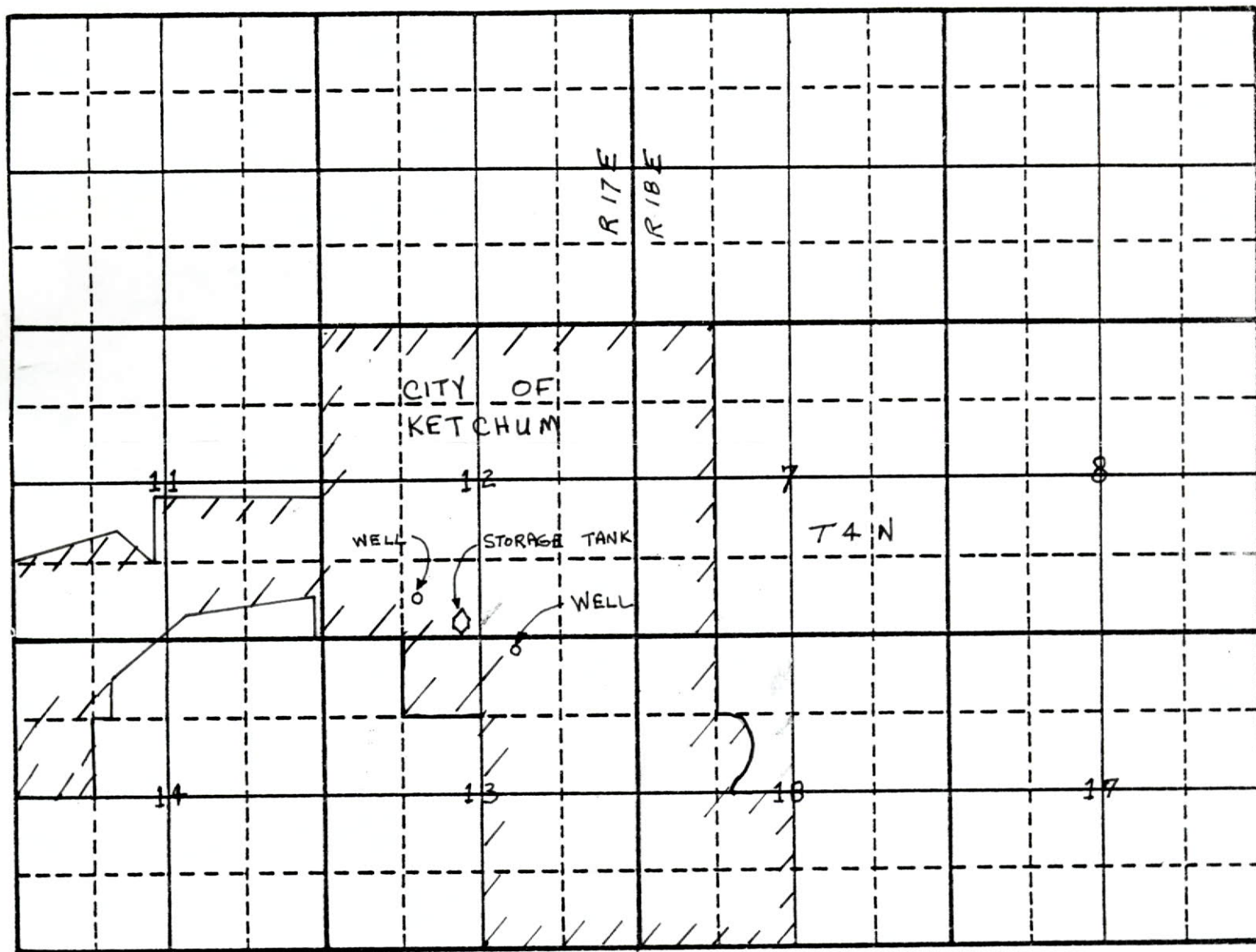
Publish: Wood River Journal--
December 29, 1983, and January 5, 1984.

No 2330

MICROFILMED

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

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



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 Ketchum, Idaho, this 19th day of May, 19 81.

Mayor (Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by Jim Fee = \$20.00

Receipted by sp Date 7-22-81

Publication prepared by N/A Date _____

Published in _____

Publication dates _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

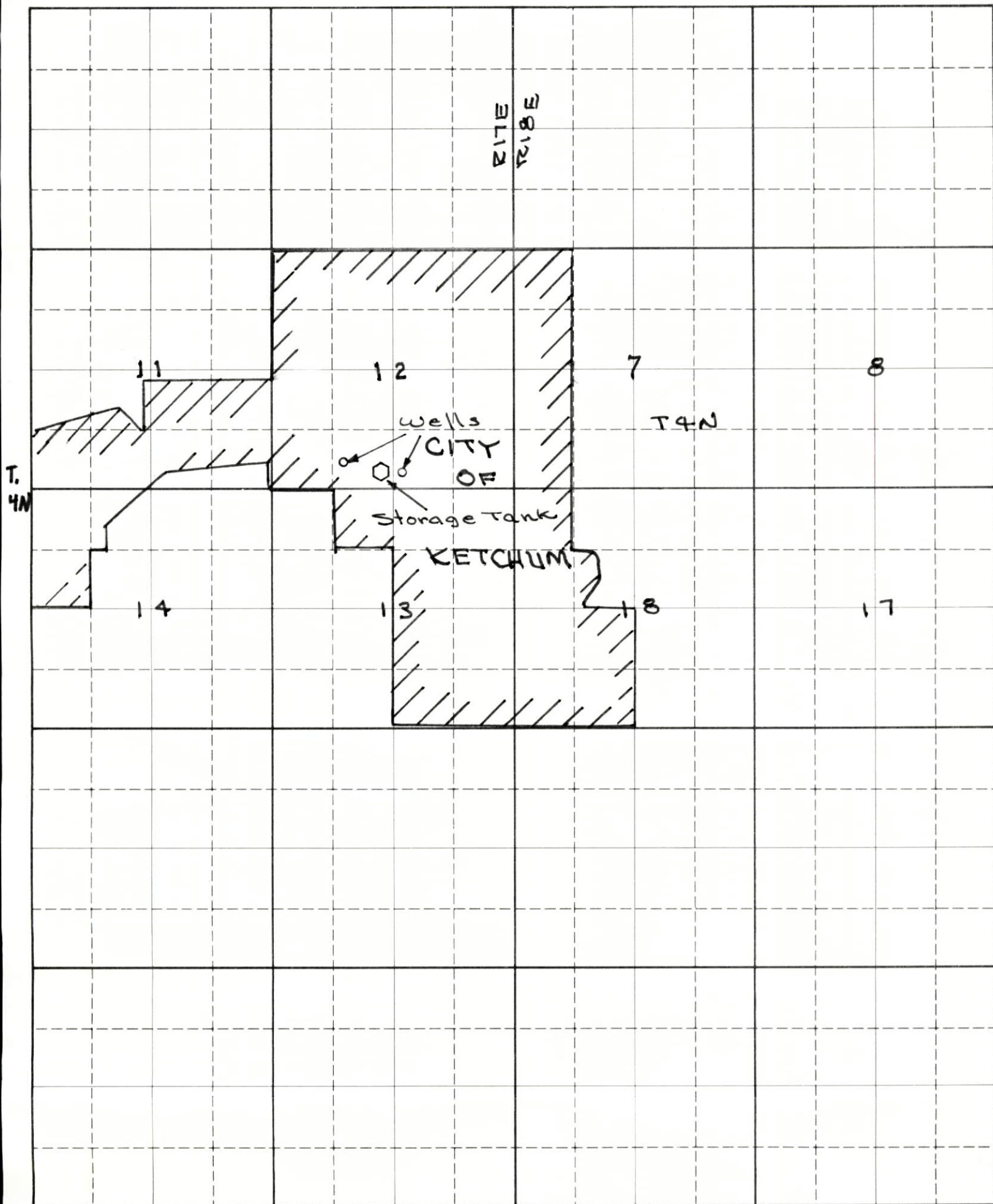
I, L. GLEN SAXTON Chief, Operations Bureau of the Department of Water Resources hereby

APPROVE the above referenced Amendment for Permit No. 37-7682.

Witness my hand this 28th day of July, 19 81.

L. Glen Saxton
Chief, Operations Bureau

11. Map of proposed project:



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.

Gerald Siefert
 (Applicant)
 Mayor, City of Ketchum, Idaho

AFFIDAVIT of PUBLICATION

State of Idaho, }
 Connty of Blaine } SS.

RECEIVED

NOV 3 1977

Gordon O. Glasman, 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 October, 1977, and the date of the last publication was on the 27 day of October, 1977.

Subscribed and sworn to before me this 31st day of October, 1977.
 (SEAL)

Raluta M. Fischer

NOTARY PUBLIC

WOOD RIVER JOURNAL
 Hailey, Idaho

COST OF PUBLICATION

Number of Lines in Notice 25
 Number of Insertions 2
 Lines tabular at 315c
25 Lines straight at 21c 6.50
25 Subsequent lines at 15c 3.75
 TOTAL COST 10.25

COPY OF NOTICE

(Paste Here)

Permit # 37-7682

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 PERMIT

NOTICE IS HEREBY GIVEN that the City of Ketchum, Ketchum, Idaho 83340, has on 10-7-77 submitted Application No. 37-7682 for a permit to appropriate 7 cubic feet per second of water from ground water by means of two well pumps, collection system, storage tanks, lines within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, Twp. 4N, Rge. 17E., B.M. Blaine County to be used from Jan. 1 to Dec. 31 for Municiple purposes within the City of Ketchum.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho 83301, on or before November 7, 1977.

C. Stephen Allred
 Director

Publish: Wood River Journal Oct. 20, 27, 1977.

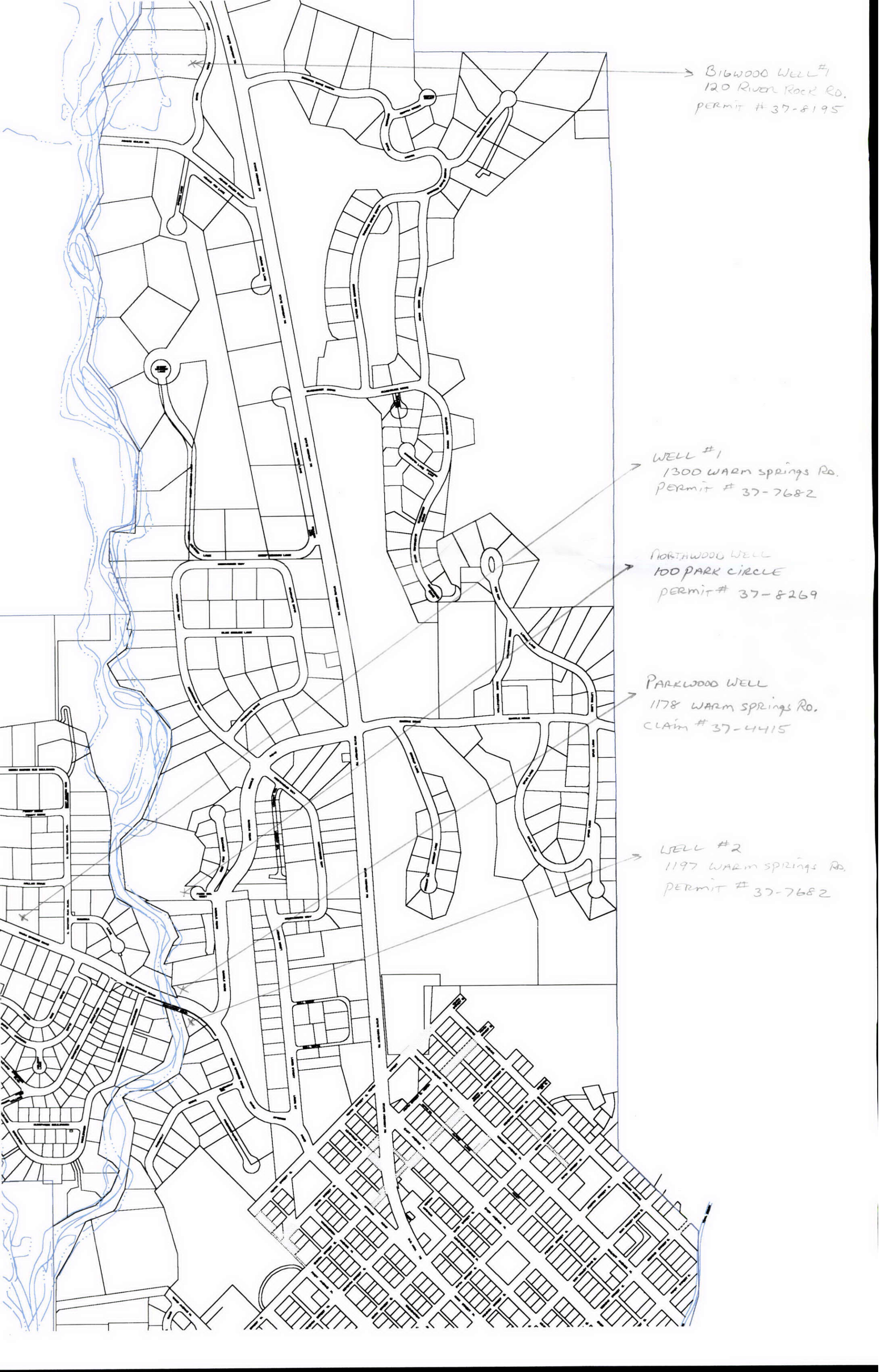
PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)

8 $\frac{1}{2}$ pt. per line, straight	21c
8 $\frac{1}{2}$ pt. per line, tabular	315c
8 $\frac{1}{2}$ pt. per line, successive insertions	15c

OK 11/4/77

Nº 1873



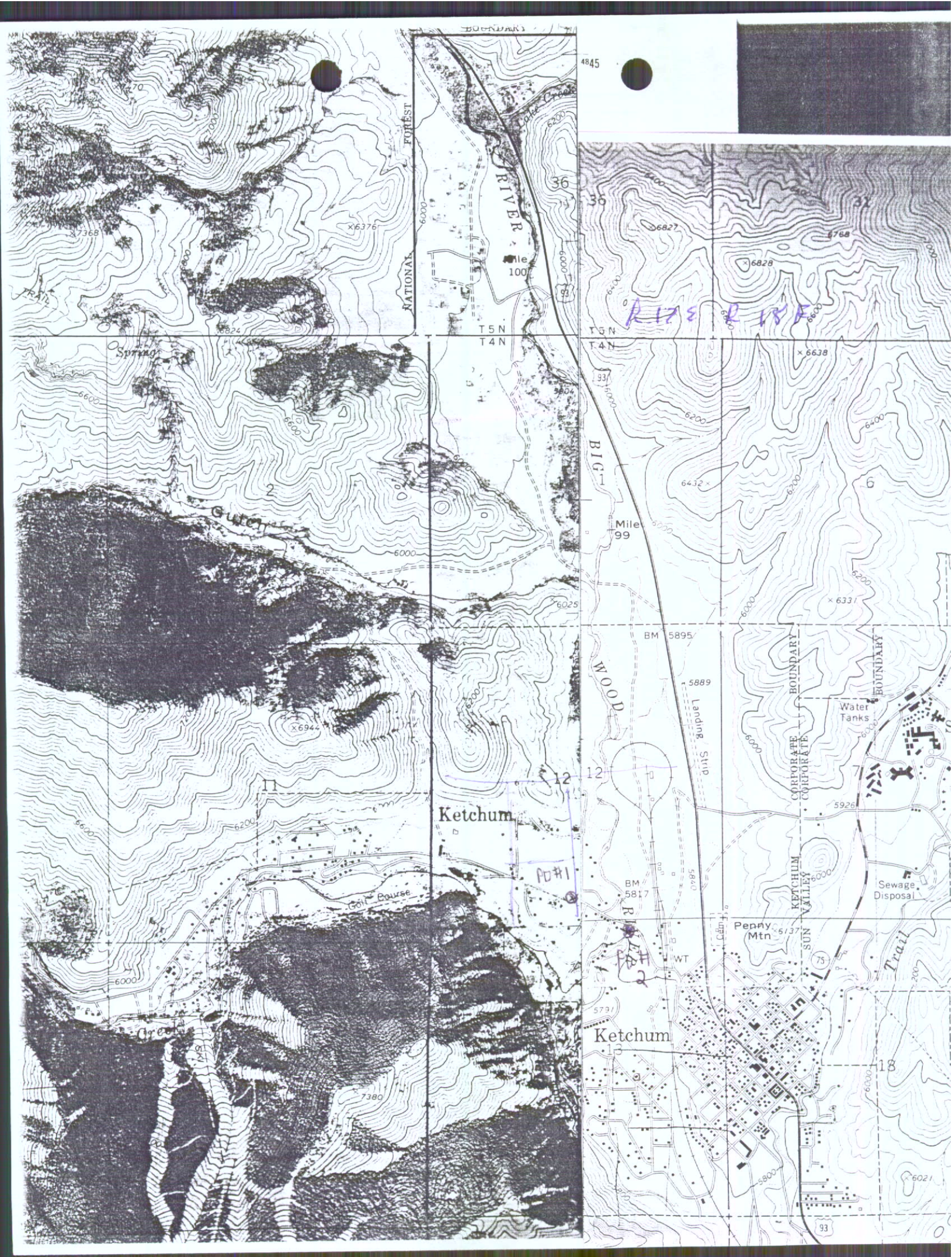
→ BIGWOOD WELL #1
120 RIVER ROCK RD.
PERMIT # 37-8195

→ WELL #1
1300 WARM SPRINGS RD.
PERMIT # 37-7682

→ NORTHWOOD WELL
100 PARK CIRCLE
PERMIT # 37-8269

→ PARKWOOD WELL
1178 WARM SPRINGS RD.
CLAIM # 37-4415

→ WELL #2
1197 WARM SPRINGS RD.
PERMIT # 37-7682



4845

R 17 E R 18 E

Ketchum

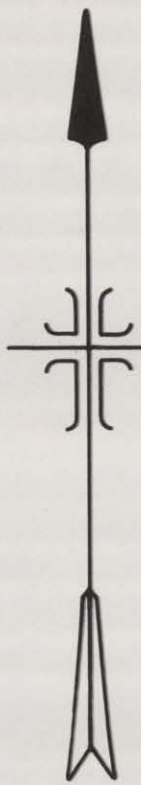
PO #1

Ketchum

93

Scanned

N



500 250 0 500 1000 1500
SCALE IN FEET

10 11
15 14

LEGEND

- 8" Existing Water Line And Size
- Existing Fire Hydrant

MATCH LINE

WEYAVIN

ELKHORN ROAD

LANE RANCH

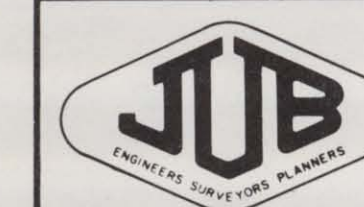
WEYAVIN

ELKHORN ROAD

LANE RANCH

FIGURE 1

EXISTING WATER SYSTEM
(CITY OF KETCHUM)



J-U-B ENGINEERS, INC.
Engineers Surveyors Planners
Twin Falls, Idaho

DES. DR. K.K. CK. SHEET OF
DATE NOVEMBER, 1984 DWG. NO. T841101

SCALE 1" = 500'

31-07682

City of Ketchikan



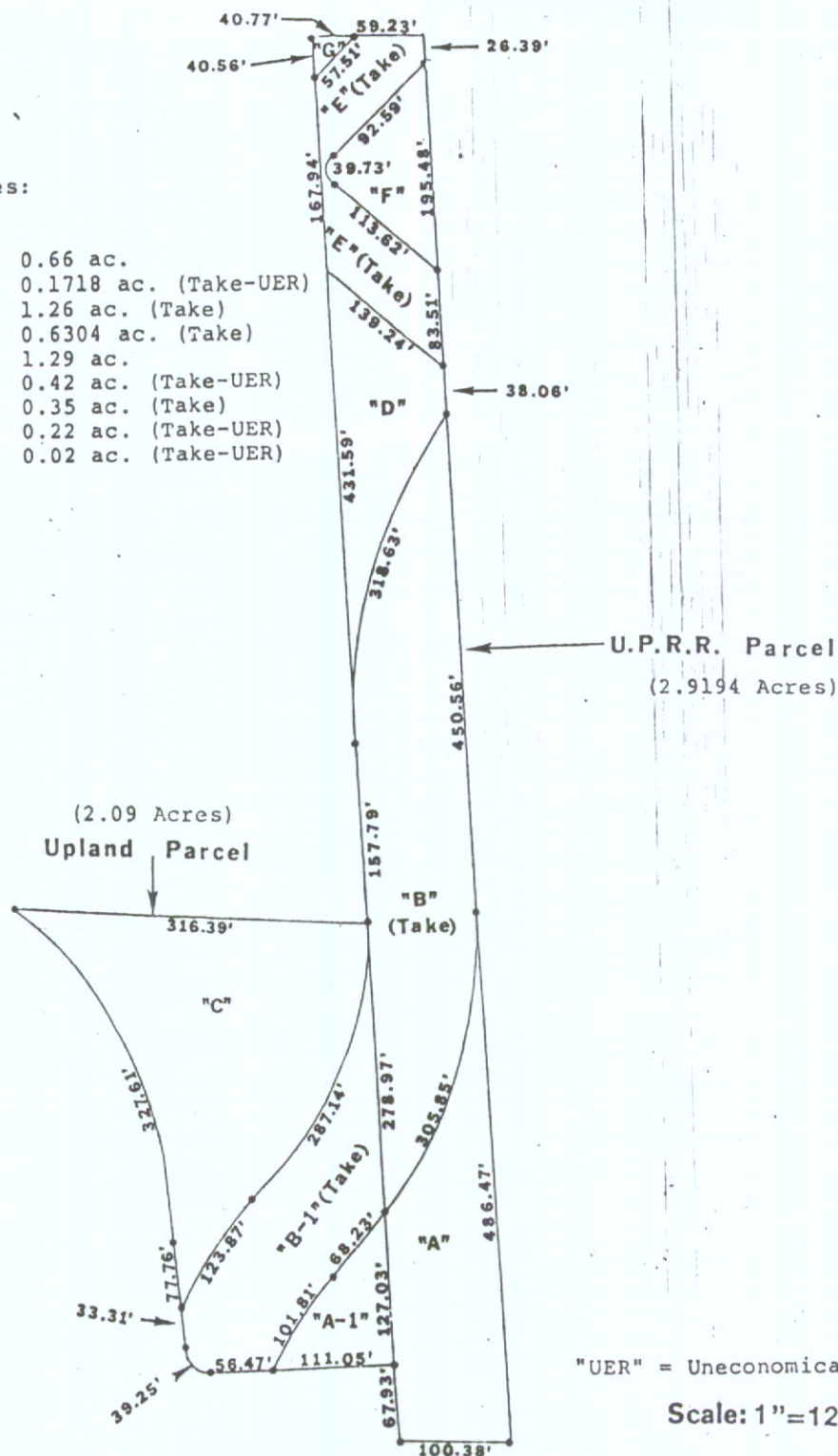
#1 Well



#2 Well

Parcel

A	0.66 ac.
A-1	0.1718 ac. (Take-UER)
B	1.26 ac. (Take)
B-1	0.6304 ac. (Take)
C	1.29 ac.
D	0.42 ac. (Take-UER)
E	0.35 ac. (Take)
F	0.22 ac. (Take-UER)
G	0.02 ac. (Take-UER)



"UER" = Uneconomical Remanc

Scale: 1"=128'

8 (a)

MICROFILMED

RECEIVED

10 1988

For Office Use Only
Fee Received \$150.
Date 10/10/88
Receipt # 2001285
Receipt by [Signature]
Reviewed by [Signature]
Sent to region

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 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. 37-7682 ✓
~~36-7682~~

Name(s) of Permit Holder: City of Ketchum

Post Office Address: P.O. Box 2315 Ketchum, ID 83340

Telephone No. (208) 726-5501

Source of Water: Ground Water ✓

Extent of Use:

Domestic 850 (Approx) (number of households) Stockwater _____ (number and type of stock)

Irrigation _____ (acres) Other/Remark Municipal

Total rate and/or volume for which proof is submitted 3.0 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: 1978

Measuring Device: Required? ☒ Yes ☐ No Fee enclosed \$ 150.00 ✓
Installed? ☒ Yes ☐ No (See License Examination Fee Schedule)

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

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

Steven A. Hansen (208) 726-7825
(Name) (Telephone Number)

P.O. Box 2315 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.

5/23/88
Date

X Lawrence J. Young - Mayor
Signature of Permit Holder (and title, if appropriate)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Received 19
Date 6-3-86
Receipt # 37772

REQUEST FOR EXTENSION OF TIME

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

City of Ketchum

(Name)

P. O. Box 2315

(Address)

State of Idaho, 83340

, 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. 37-7682

RECEIVED
JUN 2 1986

That under the terms and conditions of said permit, work thereunder was required to be completed on or before
July 1, 1986, 1986.
Department of Water Resources

continued work
That he has heretofore performed the following work described under said permit: Drilling of
(This must be filled out! If no work has been completed put none.)
well #1, construction of a Booster Facility, construction of a
1,000,000 Gal. Reservoir, Drilling of well #2. Total capacity of
wells #1 and #2 = 1250 G.P.M. (2.78 C.F.S.). Design of pumping
Facility for future well #3. Costing \$ 589,566

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:
Construction of Additional well delayed due to Litigation, see
Attachment 1

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations
under said permit to July 1, 1988
(1 yr. minimum,
5 yrs. maximum)

[Signature]
(Signature)
*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

FEE: \$15.00

MICROFILMED

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 proof of beneficial use is extended to July 1, 1988.

Signed this 9th day of June, 19 86.

[Signature]
Chief, Operations Bureau

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

JAN 24 1985

Department of Water Resources

City of Ketchum

of

P. O. Box 2315

(Name)

(Address)

State of Idaho, 83340, 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. 37-7682

That under the terms and conditions of said permit, work thereunder was required to be completed on or before February 01, 19 85.

That he has heretofore performed the following work described under said permit: Drilling of well #1, construction of a Booster Facility, construction of a 1,000,000 Gal. Reservoir, Drilling of well #2. Total capacity of wells #1 and #2 = 1250 G.P.M. (2.78 C.F.S.)

Costings \$ 580,566

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Construction of Additional well delayed due to Litigation, see Attachment 1

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to February 01, 19 90
(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]
(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 proof of beneficial use is extended to July 1, 1986.

Signed this 19th day of February, 19 86

[Signature]
Chief, Operations Bureau

MICROFILMED

ATTACHMENT 1

Construction of the well has been delayed through the 1984 construction season as a result of litigation. First, the City of Ketchum had to institute an action in eminent domain to acquire certain real property necessary to provide access and water lines to the site of the well. This litigation was filed in the Fifth District Court of Blaine County as Case Number 12414 and thereafter transferred to the United States District Court for the District of Idaho as Case Number 84-1124. The Court ordered the Plaintiff to take possession of certain parcels sought in the action on the 29th day of June, 1984. Second, Ketchum Spring Water Supply Company vs. City of Ketchum and Northwood, Inc., State of Idaho Fifth District Court, Blaine County Case Number 12149, and Ketchum Spring Water Supply Company vs. City of Ketchum, Federal District Court for Idaho, Case Number 84-1327, seeks to enjoin extension of the municipal water system to connect to said well and service to parcels of real property recently annexed by the Applicant. The lawsuits are in the pre-trial motion and discovery stage with no trial date having been set. The litigation prevented the City of Ketchum from beginning construction in the early spring of 1984 as originally planned.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

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

APPROVED

Comes now City of Ketchum, Idaho

of (address) P.O. Box ²³¹⁵~~567~~, Ketchum, Idaho 83340, 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. 37-7682, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NW ¼ SE ¼, Section 12, Township 4 N., Range 17E., B.M.,
County of Blaine. Other points of diversion: _____

SE¼ SW¼, Section 12, T.4N., R.17E.

NW¼ NE¼, Section 13, T.4N., R.17E.

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.) (No Change)

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)

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

3. Place of use or land to be irrigated: (No Change)

TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

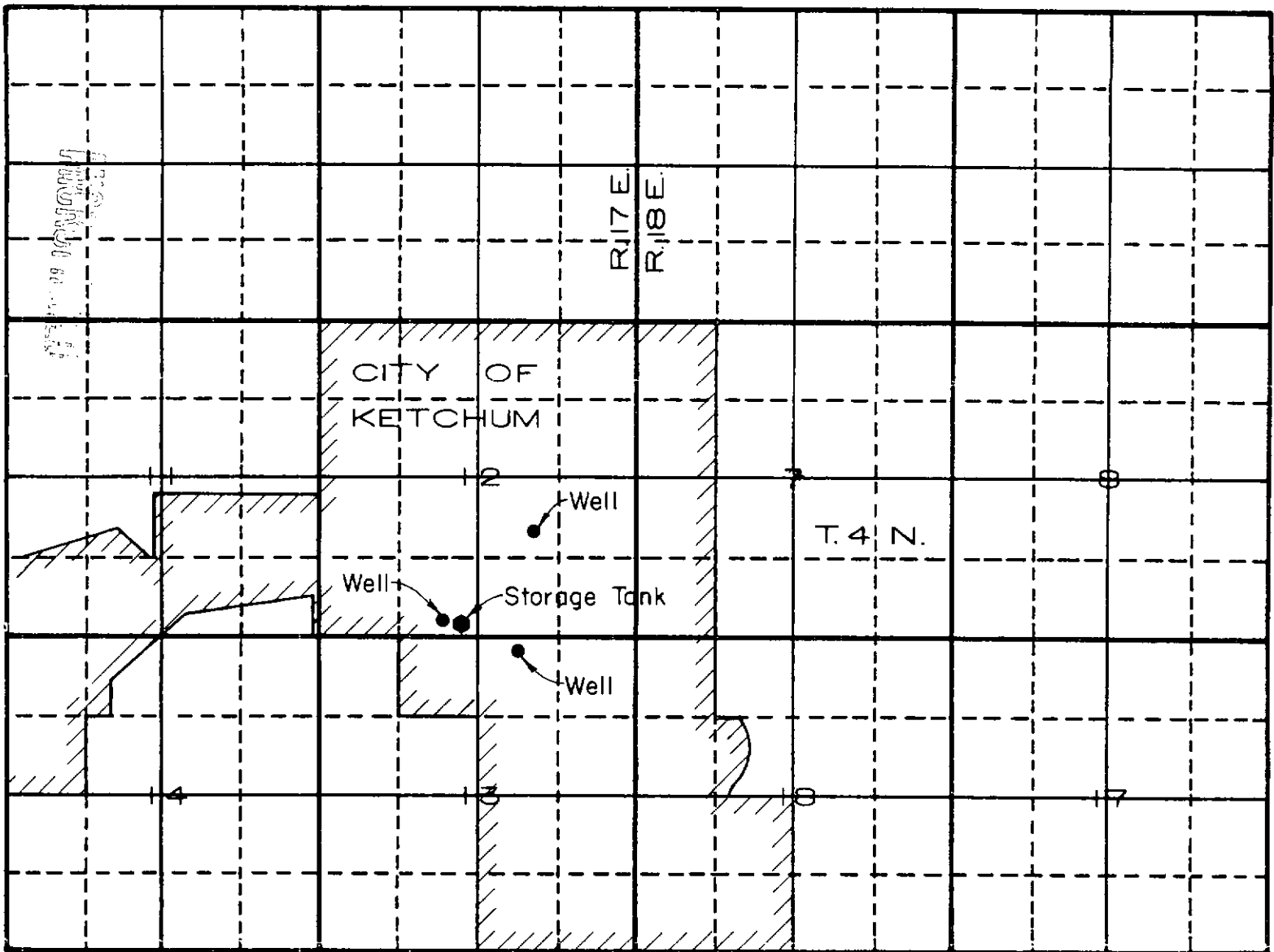
Total number of acres to be irrigated = _____

4. a. Who owns the property at the point of diversion? Northwood Associates
- b. Who owns the land to be irrigated or the place of use? No Change
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: By means of an annexation agreement, property at
well site will be dedicated to the City of Ketchum.

MICROFILMED

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

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



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 Ketchum, Idaho, this 7th day of December, 19 83.

Mayor

(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by YB Fee = \$20.00

Received by JA Date 12-9-83 #32947

Publication prepared by mayor Date 12/20/83

Published in _____

Publication dates 12/29 & 1/5/84

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, Director of the Department of Water Resources hereby

Approve the above referenced Amendment provided the conditions as set forth

on page 4 of Permit No. 37-7682 are met.

Witness my hand this 9th day of February

19 84

L. Glen Saxton
Chief, Operations Bureau

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Blaine } SS.

GORDON O. GLASIMANN

_____, 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 29 day of December 1983, and the date of the last publication was on the 5 day of January 1984.

Subscribed and sworn to before me this 4th day of January 1984.
(SEAL)

Robert McKenney
NOTARY PUBLIC

RECEIVED
JAN 5 1984

WOOD RIVER JOURNAL

Hailey, Idaho

COST OF PUBLICATION

Number of Pages per Line 13
Number of Lines in Notice 42
Number of Insertions 2

MICROFILMED

42 Lines tabular at _____ 4¢ / Pica
42 Lines straight at 16.38 3¢ / Pica
42 Subsequent lines at 10.92 2¢ / Pica

TOTAL COST 27.30

COPY OF NOTICE

(Paste Here)

Not. of Adm. #37-7682
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Id. Dept. of Water Res.
1041 Blue Lakes Blvd N.
TF 83301

Change of water right filed by City of Ketchum

NOTICE OF AMENDMENT TO A WATER PERMIT NO. 37-7682

NOTICE IS HEREBY GIVEN, That the CITY OF KETCHUM, IDAHO, is the holder of Approved Permit No. 37-7682 authorizing the diversion of seven cubic feet per second (7 cfs) of water from Groundwater in the NW¼NE¼, Sec. 13; SE¼SW¼, Sec. 12, T4N, R17E, B.M., County of Blaine, to be used for municipal purposes from January 1 to December 31 within the City Limits of Ketchum, Idaho.

The permit holder has applied to the Department of Water Resources for an Amendment to the permit, add Point of Diversion as follows:

Point(s) of Diversion: NW¼SE¼, SE¼SW¼, Sec. 12; NW¼NE¼, Sec. 13, T4N, R17E

Place of Use: No change

Any protest against approval of the amending of Permit No. 37-7682 as set forth above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho 83301, ON OR BEFORE JANUARY 16, 1984.

A. KENNETH DUNN
Director

Publish: Wood River Journal--
December 29, 1983, and January 5, 1984.

No 2330

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 15 1981

APPLICATION FOR AMENDMENT OF A PERMIT

Department of Water Resources

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

Comes now City of Ketchum, Idaho

of (address) P.O. Box 567, Ketchum, Idaho 83340, 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. 37-7682, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NW 1/4 NE 1/4, Section 13, Township 4N, Range 17E, B.M.,
County of Blaine. Other points of diversion: SE 1/4 SW 1/4, Section 12, T4N R17E

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.) No change

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

3. Place of use or land to be irrigated: No change

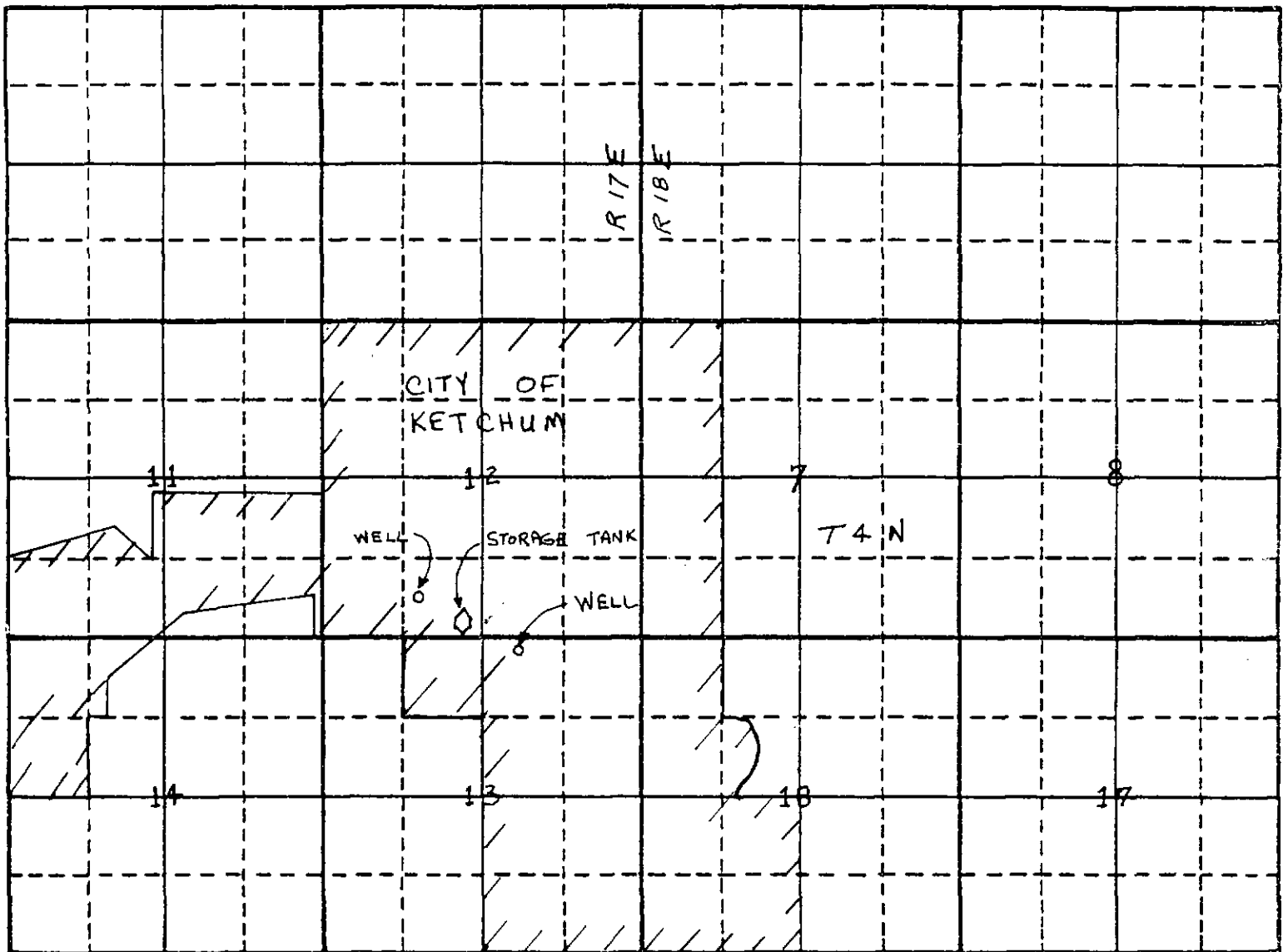
TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres to be irrigated = _____

4. a. Who owns the property at the point of diversion? City of Ketchum, Idaho
b. Who owns the land to be irrigated or the place of use? No change
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: _____

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

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



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 Ketchum, Idaho, this 19th day of May, 19 81.

Mayor (Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by Jmi Fee = \$20.00

Received by sp Date 7-22-81

Publication prepared by N/A Date _____

Published in _____

Publication dates _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON Chief, Operations Bureau of the Department of Water Resources hereby

APPROVE the above referenced Amendment for Permit No. 37-7682.

Witness my hand this 28th day of July, 19 81.

L. Glen Saxton
Chief, Operations Bureau

RECEIVED

Form 204

5/78
DEC 13 1979

Identification No. 37-7682

Department of Water Resources

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

City of Ketchum, Idaho of P. O. Box 567, Ketchum
(Name) (Address)

State of Idaho, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public
Waters of the State of Idaho No. 37-7682.

That under the terms and conditions of said permit, work thereunder was required to be completed on or
before February 1, 1980.

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

One well has been dug; complete delivery system has been installed including a 1-million-
gallon storage tank.

Costing \$2.4 million

That he is unable to complete the remainder of the work within the required time for the following
reasons, to-wit: Money appropriated for the second well was used to complete the delivery
system to city residents. Also, the second well was not needed at this time. Due
to city growth, a second well will probably be needed within 1-2 years.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of
obligations under said permit to February 1, 1985.

GERALD N. SEIFFERT (Signature)*
Mayor
City of Ketchum

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

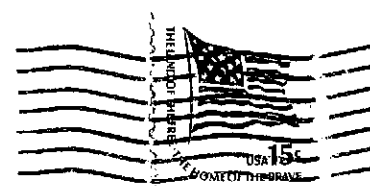
IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time
within which to submit proof of beneficial use of water is extended to February 1, 1985.

Signed this 2nd day of January, 1980.

L. Glen Saxton
Chief, Operations Bureau



BETTY A. COLES, CITY CLERK
P.O. BOX 567
KETCHUM, IDAHO 83340



Idaho Department of Water Resources
State House
Boise, Idaho 83720

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 37-7682

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "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"; and,

WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows: "The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 18th day of August, 1978.


C. STEPHEN ALLRED
Director

MICROFILMED

RECEIVED

OCT 7 1977

Identification No. _____

Department of Water Resources
Southern District Office

Application No. 37-7682

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

1. Name of applicant City of Ketchum, Idaho
post office address P.O. Box 567, Ketchum, Idaho 83340
2. Source of water supply Ground Water which is a tributary of -
3. a. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12 Township 4N.
Range 17E. B.M. Blaine County; additional points of diversion if any: -
SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 12, Township 4N. Range 17E., B.M.
- b. If water is not consumed, it will be discharged into Storage Tank at a point in SE $\frac{1}{4}$
of SW $\frac{1}{4}$ of Section 12 Township 4N. Range 17E. B.M. Blaine County
4. Water will be used for the following purposes:
Amount 7 for Municipal purpose from January 1 to December 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount - for - purpose from - to - (both dates inclusive)
(cfs or acre-feet per annum)
Amount - for - purpose from - to - (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 7 cubic feet per second and/or
b. 5,000 acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Two (2) well pumps, collection
system, one (1) million gallon storage tank, booster pumping plant and
distribution lines
- b. Height of storage dam - feet, active reservoir capacity - acre feet; total reservoir
capacity - acre feet, materials used in storage dam: -
Period of year during which storage will occur - to - inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is 20 inches; proposed depth of well is 120 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 1.5 years.
b. Estimated construction cost is \$ Unknown.
8. Description of proposed uses:
a. If water is **not** for irrigation: See Map
(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: - hp under - feet of head.
(3) List number of each kind of livestock to be watered -
- (4) Name of municipality to be served City of Ketchum, or number of families to be
supplied with domestic water -.
- (5) If water is to be used for other purposes describe: -

MICROFILMED

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

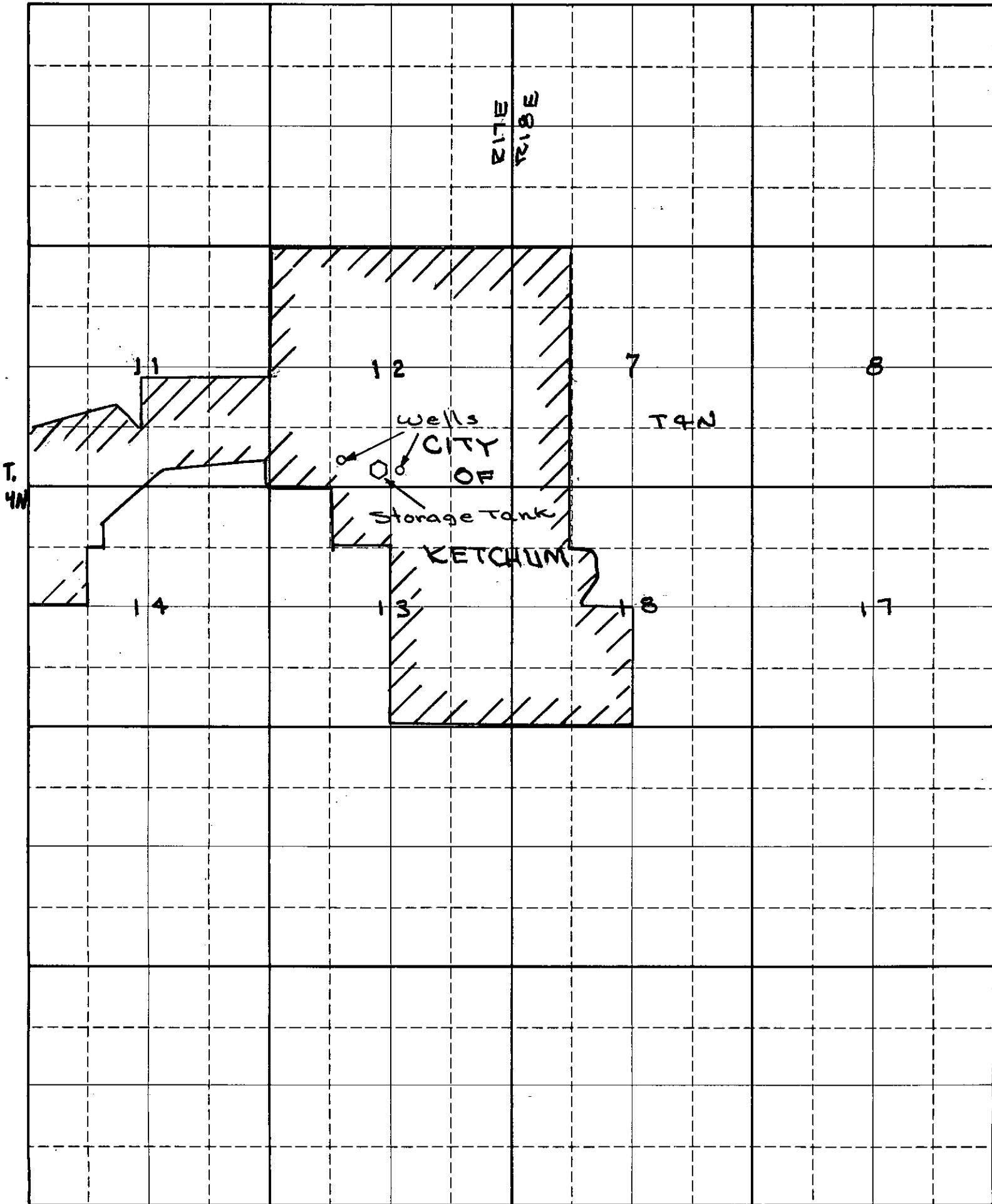
Total number of acres to be irrigated_____

c. Describe any other water rights used for the same purposes_____

9. a. Who owns the property at the point of diversion Mr. Joseph Koenig
- b. Who owns the land to be irrigated or place of use city of Ketchum & residents not served by Ketchum Spring Water Co
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing City of Ketchum will acquire all land necessary to construct wells, tanks and appurtenances. Deeds to point of diversion attached.

10. Remarks Item 8.a.4. Est. population for Ketchum, 16,000 in the year 1990.

11. Map of proposed project:



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.

Gerald Siefert
 (Applicant)
 Mayor, City of Ketchum, Idaho

Received by JS Date 10-7-77 Time 3pm
Preliminary check by DS Fee \$ 85.00
Received by of Date 10/11/77 # 8796
Publication prepared by of Date 10/12/77
Published in Wood River Journal
Publication dates 10/20 + 10/27
Publication approved of Date 11/4/77
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by mls

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 37-7682, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions: 1.0 19 7.

... -- -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 February 1, 1980.

c. Other: For licensing purposes a scientific measurement of the diversion rate of the system as it is normally operated shall be provided by either properly installing an approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department prior to submitting proof of beneficial use of water.

2. Denial of said application is for the following reasons: _____

Witness my hand this 29 day of January 19 78

[Signature]
Deputy Director

AFFIDAVIT of PUBLICATION

State of Idaho, }
 County of Blaine } SS.

RECEIVED

NOV 3 1977

Gordon O. Glasman, 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 October, 1977, and the date of the last publication was on the 27 day of October, 1977.

Subscribed and sworn to before me this 31st day of October, 1977.
 (SEAL)

Robert M. Fischer

NOTARY PUBLIC

WOOD RIVER JOURNAL
 Hailey, Idaho

COST OF PUBLICATION

Number of Lines in Notice 25
 Number of Insertions 2
 Lines tabular at 315c
25 Lines straight at 24c 6.50
25 Subsequent lines at 15c 3.75
 TOTAL COST 10.25

COPY OF NOTICE

(Paste Here)

Permit # 37-7682

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 PERMIT

NOTICE IS HEREBY GIVEN that the City of Ketchum, Ketchum, Idaho 83340, has on 10-7-77 submitted Application No. 37-7682 for a permit to appropriate 7 cubic feet per second of water from ground water by means of two well pumps, collection system, storage tanks, lines within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, Twp. 4N, Rge. 17E, B.M. Blaine County to be used from Jan. 1 to Dec. 31 for Municipal purposes within the City of Ketchum.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho 83301, on or before November 7, 1977.

C. Stephen Alfred
 Director

Publish: Wood River Journal Oct. 20, 27, 1977.

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)

8 $\frac{1}{2}$ pt. per line, straight 21c
 8 $\frac{1}{2}$ pt. per line, tabular 315c
 8 $\frac{1}{2}$ pt. per line, successive insertions 15c

OK 11/4/77

No 1873

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

OCT 17 1996

Department of Water Resources

A. GENERAL INFORMATION

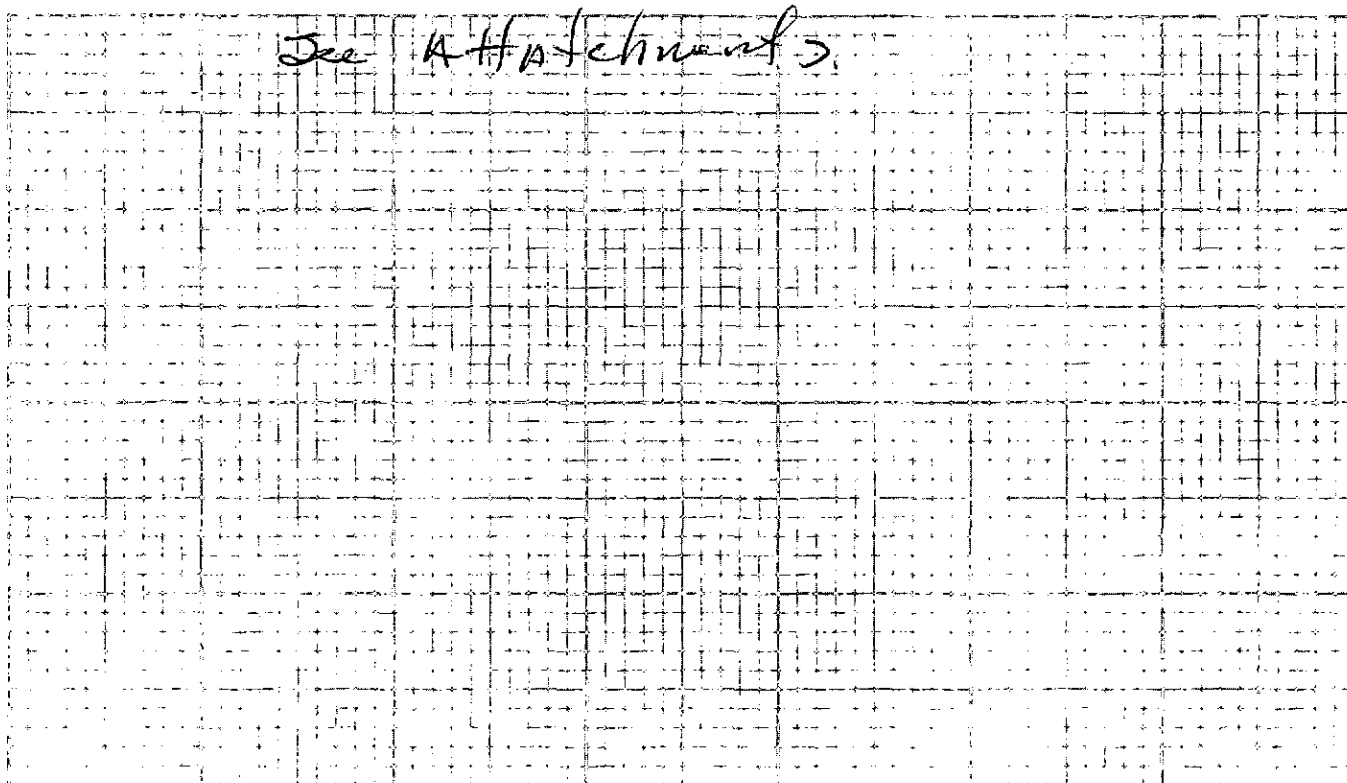
1. Owner: City of Ketchum, Idaho Permit No. 37-7682
Current Address: P.O. Box 2315 Ketchum Phone No. 726-7825
Ida.
2. Accompanied by: City Engineer EXAM. DATE: 6-8-89
Address: P.O. Box 2315 Ketchum, Ida Phone No. 726-~~550~~7825
Relationship to Permit Holder: _____
3. Source: groundwater tributary to ✓

B. OVERLAP REVIEW

1. Other water rights with same place of use: 37-4415, 4413, 4414, 4416, 8269 ☐ Copies Attached
2. Other water rights with same point of diversion: ~~37-4415~~ None ☐ 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).
☒ 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.)

~~Approximately 650 Domestic~~
Two wells & pumps, common mainline. Four other wells feed the same mainline as of 1995. Well #1 also supplies a million-gallon storage tank. The other wells do not supply the storage tank. Wells #1 & 2, along with the well developed under 37-8269, run most of the time. The other wells (see claims) only run when needed for peak demands.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
1	Newman Electric.	40	31314102		
2	G.E.	60	GTJ722327		

*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
		NE	W	NE	13	4N	17E	Blaine	To-PO map
		SE	SE	SW	12	4N	17E	"	To-PO map.

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	17E	12																	
		13																	
		11																	
		14																	
4N	18E	7																	
		18																	
		6																	
4N	17E	1																	

15

=====

WR-NUMBER:	CURRENT OWNER:	PRIORITY DATE:	STAGE:
37-02628	CITY OF KETCHUM	12/10/1959	LICENSE
	COUNTY: BLAINE		
	SOURCE: GROUNDWATER	TRIBUTARY:	
WATER USE:	DIVERSION RATE:	DIVERSION VOLUME:	PERIOD FROM: PERIOD TO:
MUNICIPAL	2.460		
DOMESTIC			
TOTAL:	2.460		

POINT OF DIVERSION: Twp Rge Sec Tract Lot
 04N 18E 07 SW SE

REMARKS: GEN 2 P/D SWSE, SEC. 7, T4N, R18E.
 P/U WITHIN KETCHUM CITY LIMITS.

=====

WR-NUMBER:	CURRENT OWNER:	PRIORITY DATE:	STAGE:
37-04413	CITY OF KETCHUM	06/01/1949	STATUTORY CLAIM
	COUNTY: BLAINE		
	SOURCE: GROUNDWATER	TRIBUTARY:	
WATER USE:	DIVERSION RATE:	DIVERSION VOLUME:	PERIOD FROM: PERIOD TO:
MUNICIPAL	2.672		01/01 12/31
TOTAL:	2.672		

POINT OF DIVERSION: Twp Rge Sec Tract Lot
 04N 18E 07 NE SW

REMARKS: P/U IN CITY LIMITS OF KETCHUM

=====

WR-NUMBER:	CURRENT OWNER:	PRIORITY DATE:	STAGE:
37-04414	CITY OF KETCHUM	06/01/1949	STATUTORY CLAIM
	COUNTY: BLAINE		
	SOURCE: GROUNDWATER	TRIBUTARY:	
WATER USE:	DIVERSION RATE:	DIVERSION VOLUME:	PERIOD FROM: PERIOD TO:
MUNICIPAL	2.227		01/01 12/31
TOTAL:	2.227		

POINT OF DIVERSION: Twp Rge Sec Tract Lot
 04N 18E 07 NE SW

REMARKS:

=====

WR-NUMBER:	CURRENT OWNER:	PRIORITY DATE:	STAGE:
37-04415	CITY OF KETCHUM	06/01/1962	STATUTORY CLAIM
	COUNTY: BLAINE		
	SOURCE: GROUNDWATER	TRIBUTARY:	
WATER USE:	DIVERSION RATE:	DIVERSION VOLUME:	PERIOD FROM: PERIOD TO:
MUNICIPAL	3.340		01/01 12/31
TOTAL:	3.340		

POINT OF DIVERSION: Twp Rge Sec Tract Lot
 04N 17E 12 SW SE
 13 NW NE

WR-NUMBER: 37-04415 (cont'd)

REMARKS: GEN P/U IN CITY LIMITS OF KETCHUM
THERE IS ONLY ONE WELL IN THIS SYSTEM.

WR-NUMBER: 37-04416
CURRENT OWNER: CITY OF KETCHUM
COUNTY: BLAINE
SOURCE: GROUNDWATER
WATER USE: MUNICIPAL
DIVERSION RATE: 1.158
TOTAL: 1.158
PRIORITY DATE: 06/01/1962
STAGE: STATUTORY CLAIM
PERIOD FROM: 01/01
PERIOD TO: 12/31

POINT OF DIVERSION: Twp Rge Sec Tract Lot
04N 17E 12 NE SE

REMARKS: P/U IN CITY LIMITS OF KETCHUM

WR-NUMBER: 37-07018
CURRENT OWNER: CITY OF KETCHUM
COUNTY: BLAINE
WATER USE: DIVERSION RATE: DIVERSION VOLUME: PERIOD FROM: PERIOD TO:
LAPSED

WR-NUMBER: 37-07041
CURRENT OWNER: CITY OF KETCHUM
COUNTY: BLAINE
WATER USE: DIVERSION RATE: DIVERSION VOLUME: PERIOD FROM: PERIOD TO:
LAPSED

WR-NUMBER: 37-07150
CURRENT OWNER: CITY OF KETCHUM
COUNTY: BLAINE
SOURCE: GROUNDWATER
WATER USE: IRRIGATION
DIVERSION RATE: 0.300
TOTAL: 0.300
PRIORITY DATE: 07/16/1972
STAGE: LICENSE
PERIOD FROM: 04/01
PERIOD TO: 10/15

POINT OF DIVERSION: Twp Rge Sec Tract Lot
04N 17E 13 NW NE

CONDITIONS: R01 - A measuring device of a type approved by this Department shall
- be maintained as a part of the diverting works.

REMARKS: TOTAL AC. IRR. = 15.

WR-NUMBER: 37-07682
CURRENT OWNER: CITY OF KETCHUM
COUNTY: BLAINE
SOURCE: GROUNDWATER
PRIORITY DATE: 10/07/1977
STAGE: PERMIT
TRIBUTARY:

=====

WR-NUMBER: 37-07682 (cont'd)

WATER USE:	DIVERSION RATE:	DIVERSION VOLUME:	PERIOD FROM:	PERIOD TO:
MUNICIPAL	7.000		01/01	12/31
TOTAL:	7.000			

POINT OF DIVERSION:	Twp	Rge	Sec	Tract	Lot
	04N	17E	12	SE SW	
				NW SE	
			13	NW NE	

CONDITIONS: 01B - The right holder shall either install a measuring device or

- provide a certified measurement by a professional engineer or
- install an access port or other device as specified by the
- Department.

REMARKS: GEN P/U WITHIN CITY LIMITS OF KETCHUM.

=====

WR-NUMBER: 37-08195

CURRENT OWNER:
CITY OF KETCHUM
COUNTY: BLAINE
SOURCE: GROUNDWATER

PRIORITY DATE:
10/05/1984

STAGE:
APPLICATION

	TRIBUTARY:			
WATER USE:	DIVERSION RATE:	DIVERSION VOLUME:	PERIOD FROM:	PERIOD TO:
IRRIGATION	0.500		04/01	10/15
MUNICIPAL	1.500		01/01	12/31
DOMESTIC	0.750		01/01	12/31
TOTAL:	2.750			

POINT OF DIVERSION:	Twp	Rge	Sec	Tract	Lot
	04N	17E	01	NW SE	
				SW SE	

REMARKS: Application being held pending withdrawal of drought moratorium.

=====

WR-NUMBER: 37-08202

CURRENT OWNER:
CITY OF KETCHUM
COUNTY: BLAINE
SOURCE: GROUNDWATER

PRIORITY DATE:
12/24/1985

STAGE:
LICENSE
WATER-DIST: 37

	TRIBUTARY:			
WATER USE:	DIVERSION RATE:	DIVERSION VOLUME:	PERIOD FROM:	PERIOD TO:
IRRIGATION	0.180	31.50	04/15	10/15
TOTAL:	0.180	31.50		

POINT OF DIVERSION:	Twp	Rge	Sec	Tract	Lot
	04N	17E	12	SW SE	

CONDITIONS: R55 - 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.

R56 - 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.

R57 - The Director retains jurisdiction of the right and may change,

- add, or remove any requirement as determined to be appropriate.

R04 - Use of water under this water right will be regulated by the

- watermaster of State Water District No. 37.

WR-NUMBER: 37-08202 (cont'd)

CONDITIONS:

- R30 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 3.5 afa per acre for
- irrigation of the lands above.

WR-NUMBER:
37-08269

CURRENT OWNER:
CITY OF KETCHUM
COUNTY: BLAINE
SOURCE: GROUNDWATER

PRIORITY DATE:
04/28/1986

STAGE:
PERMIT
WATER-DIST: 37

WATER USE:	DIVERSION RATE:	DIVERSION VOLUME:	PERIOD FROM:	PERIOD TO:
IRRIGATION	0.300		04/15	10/15
DOMESTIC	0.500		01/01	12/31
FIRE PROTECTION STORAGE	5.000		01/01	12/31
TOTAL:	5.000			

POINT OF DIVERSION: Twp Rge Sec Tract Lot
04N 17E 12 NE SW SE

- CONDITIONS: 01G - Prior to the diversion of water under this right a flow
- measurement port or other device as specified by the Department
- shall be installed to provide for the installation of measuring
- equipment and the determination of the rate of diversion by the
- Department.
- 005 - Use of water under this right is subject to control by the
- watermaster of State Water District No. 37.
- 03A - The rate of diversion of water for irrigation under this right
- and all other water rights on the same land shall not exceed 0.02
- cubic feet per second for each acre of land.

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

WR-NUMBER:
37-08575B

CURRENT OWNER:
CITY OF KETCHUM
COUNTY: BLAINE
SOURCE: GROUNDWATER

PRIORITY DATE:
10/26/1989

STAGE:
PERMIT
WATER-DIST: 37

WATER USE:	DIVERSION RATE:	DIVERSION VOLUME:	PERIOD FROM:	PERIOD TO:
COMMERCIAL	0.200		01/01	12/31
DOMESTIC	0.800		01/01	12/31
TOTAL:	0.800			

POINT OF DIVERSION: Twp Rge Sec Tract Lot
04N 17E 24 NE NE 1

- CONDITIONS: 046 - Right holder shall comply with the drilling permit
- requirements of Section 42-235, Idaho Code.
- 004 - The issuance of this right does not grant any right-of-way
- or easement across the land of another.
- 01M - After specific notification by the department, the right holder
- shall install a suitable measuring device or shall enter into an
- agreement with the department to determine the amount of water
- diverted from power records and shall annually report the
- information to the department.

WR5812NP
SELECTION-FILE: CZ-KETCHUM

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS SUMMARY REPORT

DATE: 03/31/98
PAGE: 5

=====

WR-NUMBER: 37-08575B (cont'd)

REMARKS: GEN Commercial use is for a restaurant and four
commercial buildings.
Domestic use is for 100 homes.
This right when combined with 37-08575A shall not exceed a total
rate of diversion of 4.46 cfs.

=====

END OF REPORT

=====

AJ-NUMBER:	CURRENT OWNER:	PRIORITY DATE:	STAGE:
A37-04413	CITY OF KETCHUM	06-01-1949	STATUTORY CLAIM
COUNTY:	BLAINE		
SOURCE:	GROUNDWATER	TRIBUTARY:	
WATER USE:	DIVERSION RATE:	DIVERSION VOLUME:	PERIOD FROM: PERIOD TO:
IRRIGATION	2.672		04/01 11/01
MUNICIPAL	2.672		01/01 12/31
DOMESTIC	2.672		01/01 12/31
TOTAL:	2.672		

POINT OF DIVERSION: Twp Rge Sec Tract Lot
04N 18E 07 SW NE SW

REMARKS: GEN P/U IN CITY LIMITS OF KETCHUM
P/U OUTSIDE CITY LIMITS: NORTHWOOD SUBD. #1, WEYAKIN SUBD.
SEE REMARKS OF REF. RT. A37-07682 ATTACHED.

=====

AJ-NUMBER:	CURRENT OWNER:	PRIORITY DATE:	STAGE:
A37-04414	CITY OF KETCHUM	06-01-1949	STATUTORY CLAIM
COUNTY:	BLAINE		
SOURCE:	GROUNDWATER	TRIBUTARY:	
WATER USE:	DIVERSION RATE:	DIVERSION VOLUME:	PERIOD FROM: PERIOD TO:
IRRIGATION	2.227		04/01 11/01
MUNICIPAL	2.227		01/01 12/31
DOMESTIC	2.227		01/01 12/31
TOTAL:	2.227		

POINT OF DIVERSION: Twp Rge Sec Tract Lot
04N 18E 07 SW NE SW

REMARKS: GEN P/U IN CITY LIMITS OF KETCHUM
P/U OUTSIDE THE CITY LIMITS: NORTHWOOD SUBD. #1, WEYAKIN SUBD.
SEE REMARKS OF REF. RT. A37-07682.

=====

AJ-NUMBER:	CURRENT OWNER:	PRIORITY DATE:	STAGE:
A37-04415	CITY OF KETCHUM	06-01-1962	STATUTORY CLAIM
COUNTY:	BLAINE		
SOURCE:	GROUNDWATER	TRIBUTARY:	
WATER USE:	DIVERSION RATE:	DIVERSION VOLUME:	PERIOD FROM: PERIOD TO:
IRRIGATION	3.340		04/01 11/01
MUNICIPAL	3.340		01/01 12/31
DOMESTIC	3.340		01/01 12/31
TOTAL:	3.340		

POINT OF DIVERSION: Twp Rge Sec Tract Lot
04N 17E 12 SE SW SE
13 NE NW NE

REMARKS: GEN P/U IN CITY LIMITS OF KETCHUM
THERE IS ONLY ONE WELL IN THIS SYSTEM. P/D IS ON THE LINE.
P/U OUTSIDE CITY LIMITS: NORTHWOOD SUBD. #1, WEYAKIN SUBD.
SEE REMARKS OF REF. RT. A37-07682 ATTACHED.

=====

AJ-NUMBER:	CURRENT OWNER:	PRIORITY DATE:	STAGE:
A37-04416	CITY OF KETCHUM	06-01-1962	STATUTORY CLAIM
	COUNTY: BLAINE		
	SOURCE: GROUNDWATER	TRIBUTARY:	
WATER USE:	DIVERSION RATE:	DIVERSION VOLUME:	PERIOD FROM: PERIOD TO:
IRRIGATION	1.158		04/01 11/01
MUNICIPAL	1.158		01/01 12/31
DOMESTIC	1.158		01/01 12/31
TOTAL:	1.158		

POINT OF DIVERSION: Twp Rge Sec Tract Lot
04N 17E 12 NE NE SE

REMARKS: GEN P/U IN CITY LIMITS OF KETCHUM
P/U OUTSIDE CITY LIMITS: NORTHWOOD SUBD. #1, WEYYAKIN SUBD.
SEE REMARKS OF REF. RT. A37-07682 ATTACHED.

=====

AJ-NUMBER:	CURRENT OWNER:	PRIORITY DATE:	STAGE:
A37-07150	CITY OF KETCHUM	07-16-1972	LICENSE
	COUNTY: BLAINE		
	SOURCE: GROUNDWATER	TRIBUTARY:	
WATER USE:	DIVERSION RATE:	DIVERSION VOLUME:	PERIOD FROM: PERIOD TO:
IRRIGATION	0.300	45.00	04/01 10/15
TOTAL:	0.300	45.00	

POINT OF DIVERSION: Twp Rge Sec Tract Lot
04N 17E 13 NW NE SW

CONDITIONS: R01 - A measuring device of a type approved by this Department shall
- be maintained as a part of the diverting works.

REMARKS: GEN TOTAL AC. IRR. = 15.
WATER IS USED TO IRRIGATE CITY PARK.

=====

AJ-NUMBER:	CURRENT OWNER:	PRIORITY DATE:	STAGE:
A37-07682	CITY OF KETCHUM	10-07-1977	PERMIT
	COUNTY: BLAINE		
	SOURCE: GROUNDWATER	TRIBUTARY:	
WATER USE:	DIVERSION RATE:	DIVERSION VOLUME:	PERIOD FROM: PERIOD TO:
IRRIGATION	7.000		04/01 11/01
MUNICIPAL	7.000		01/01 12/31
DOMESTIC	7.000		01/01 12/31
TOTAL:	7.000		

POINT OF DIVERSION: Twp Rge Sec Tract Lot
04N 17E 12 SE SE SW
SE NW SE
13 NW NW NE

CONDITIONS: 01B - The right holder shall either install a measuring device or
- provide a certified measurement by a professional engineer or
- install an access port or other device as specified by the
- Department.

REMARKS: GEN P/U WITHIN CITY LIMITS OF KETCHUM IS SUPPLIED UNDER THE M/ CLAIM.

=====

AJ-NUMBER: A37-07682 (cont'd)

REMARKS:

P/U OUTSIDE THE CITY LIMITS IS SUPPLIED UNDER THE D/ & I/ CLAIM
ALL USES ARE A PART OF ONE SYSTEM. THE UNRECORDED TRANS. DID NOT
CHANGE ACTUAL USE BUT SINCE IT IS OUTSIDE THE CITY LIMITS THE
DEFINITION OF THAT USE CHANGED TO D/ & I/. THE WEYAKKIN SUBD.
SERVES 100 HOUSEHOLDS AND 50 ACRES. THE NORTHWOOD SUBD. SERVES
8 HOUSEHOLDS AND 10 ACRES. CITY OF KETCHUM IS NOT THE P/U
PROPERTY OWNER; THE CITY SUPPLIES WATER PURSUANT TO MUNICIPAL
WATER SYSTEM. THIS IS REFERENCE WR FOR THE OTHER LISTED WR.

=====

END OF REPORT



P.O. BOX 2315
KETCHUM, ID 83340-2315
(208) 726-3841
FAX: 726-7848

RECEIVED

MAY 28 1998

Department of Water Resources

MAYOR
GUY P. COLES

COUNCILMEMBERS
NAN GRABLE EMERICK
DAVID HUTCHINSON
SUE NOËL
CHRISTINA POTTERS

May 22, 1998

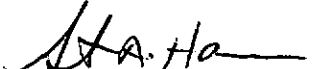
Cindy Zimmerman
Idaho Department of Water Resources
1301 N. Orchard
Boise, Idaho 83706

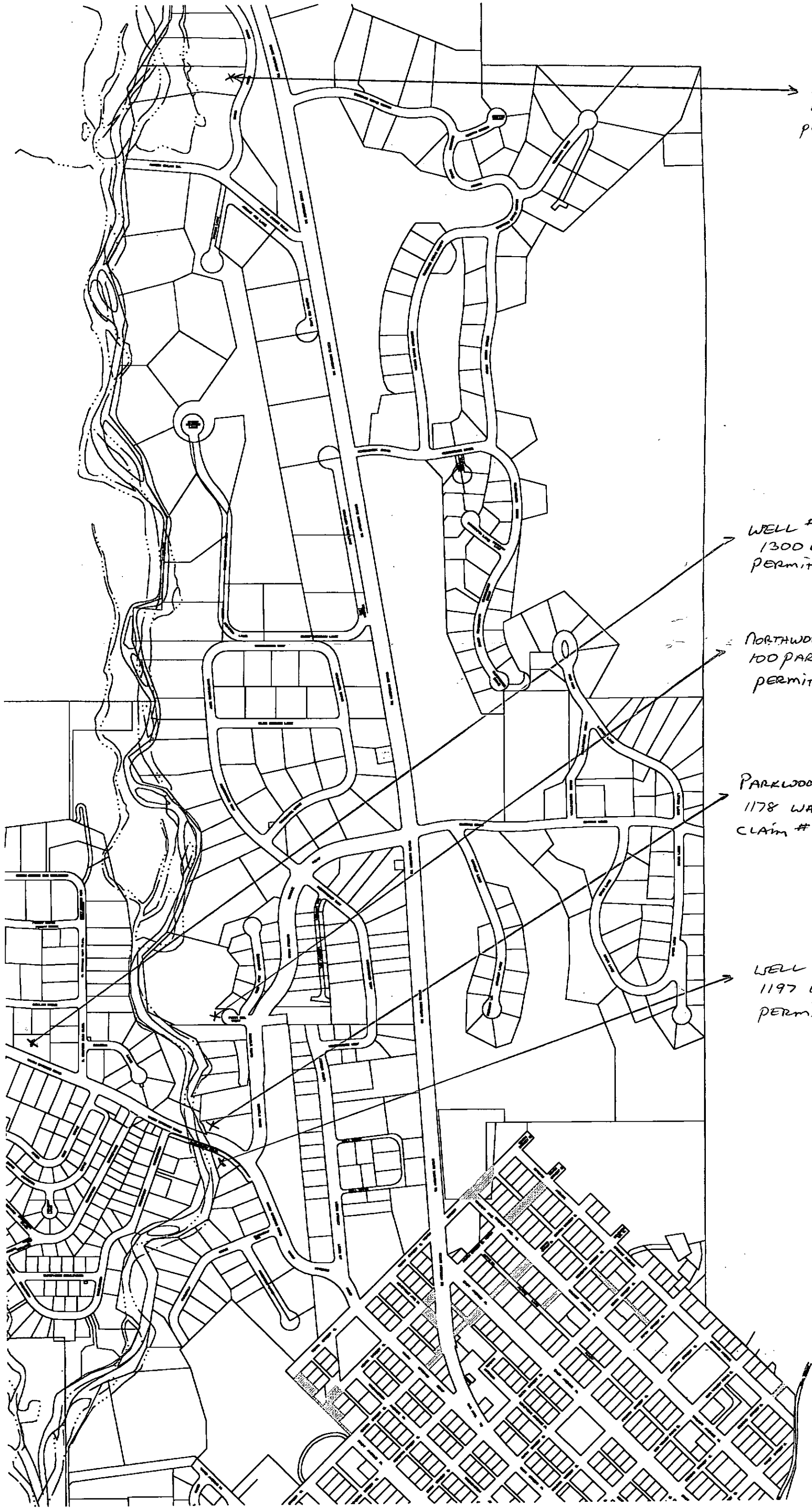
Re: City of Ketchum Permit locations

Dear Cindy;

The attached map shows the locations of the wells that you are working on. The street names are a little small, and if you need any further descriptions of locations please give me a call.

Respectfully,


Steven A. Hansen,
Water Superintendent



→ BIGWOOD WELL #1
120 RIVER ROCK RD.
PERMIT # 37-8195

→ WELL #1
1300 WARM SPRINGS RD.
PERMIT # 37-7682

→ NORTHWOOD WELL
100 PARK CIRCLE
PERMIT # 37-8269

→ PARKWOOD WELL
1178 WARM SPRINGS RD.
CLAIM # 37-4415

→ WELL #2
1197 WARM SPRINGS RD.
PERMIT # 37-7682

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:

1 well 1054.30 G.P.M. (see Attachments) = 3.12 CFS
2 well 347.00 G.P.M. (see Attachments)

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

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

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

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

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

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

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Wells serve Ketchum & Sun Valley residents.
Permit is for 7.0 cfs, so 3.12 cfs is allowable. However, proof was made on 3.0 cfs. To license full recommended amount, another \$25. exam fee is required.
I visited with the city engineer on 10-11-95 to gather additional data on system operation. JE Stanton.
Claim A37-04415 covers a separate well not under this permit.
The 3rd well under this permit is covered by Permit 37-8267, so is not included here. See that exam (completed 10-11-95).

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
municipal	1-1	12/31	3.12 cfs	N/A
Totals:			3.12 cfs	N/A

2. Recommended Amendments

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

J. AUTHENTICATION

Field Examiner's Name Gary Funderburg
Signature Gary Funderburg
Certification Date _____
Field Report Preparation Date 10-12-95

CONSULTANT SEAL

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

PUMP TEST SUMMARY

OWNER OF PUMP: CITY OF KETCHUM

PUMP I.D.: WELL # 2

DATE OF PUMP TEST: 9/29/88

TOTAL DYNAMIC HEAD:

- A) PUMPING WATER LEVEL 39.30 FT (WATER LEVEL TO CENTER OF DISCHARGE PIPE)
- B) HEIGHT OF PRESSURE GAUGE 1.00 FT (CENTER OF DISCHARGE PIPE TO GAUGE)
- C) FRICTION LOSS 0.40 FT (PUMP INTAKE TO GAUGE)
- D) DISCHARGE PRESSURE 122.00 PSI (281.82 FT)

TOTAL DYNAMIC HEAD (A+B+C+D)= 322.52 FT

FLOW MEASUREMENT:

- A) COLLINS METER 0.00 GPM
- B) HALL METER 347.00 GPM
- C) ANNUBAR METER 0.00 GPM

*maybe
Meyer*

INPUT HORSEPOWER:

KW= 5. REV X 43.2 KH X 1.0 CTR X 1.00 PTR X 3.6 / 27.53 SEC= 28.25

HP= 37.85

OUTPUT HORSEPOWER:

HP= 347.00 GPM X 322.52 TDH / 3960= 28.26

PLANT EFFICIENCY:

EFF= OUTPUT HP / INPUT HP X 100= 74.67%

PUMP TEST SUMMARY

OWNER OF PUMP: CITY OF KETCHUM

PUMP I.D.: WELL # 1

DATE OF PUMP TEST: 9/29/88

TOTAL DYNAMIC HEAD:

- A) PUMPING WATER LEVEL 75.60 FT (WATER LEVEL TO CENTER OF DISCHARGE PIPE)
- B) HEIGHT OF PRESSURE GAUGE 0.30 FT (CENTER OF DISCHARGE PIPE TO GAUGE)
- C) FRICTION LOSS 2.00 FT (PUMP INTAKE TO GAUGE)
- D) DISCHARGE PRESSURE 18.50 PSI (42.74 FT)

TOTAL DYNAMIC HEAD (A+B+C+D)= 120.64 FT

FLOW MEASUREMENT:

- | | |
|------------------|-------------|
| A) COLLINS METER | 0.00 GPM |
| B) HALL METER | 1054.30 GPM |
| C) ANNUBAR METER | 0.00 GPM |

INPUT HORSEPOWER:

KW= 1. REV X 3.6 KH X 120.0 CTR X 1.00 PTR X 3.6 / 39.27 SEC= 39.60

HP= 53.07

OUTPUT HORSEPOWER:

HP= 1054.30 GPM X 120.64 TDH / 3960= 32.12

PLANT EFFICIENCY:

EFF= OUTPUT HP / INPUT HP X 100= 60.52%

WELL # 1

40hp

Ser.# S1314102

177

m

480volt

50amp

Newman Electric Motor

frame #324TP/DD2792PB

1. Lubricate every 6 months

Thrust bearing: 3.9 qts. Hyd. oil #722

Guide bearing: grease at zirk fitting

2. Non-reverse backstops: Remove top and clean every 6 months

3. Clean, dip, bake motor every 2 years in service

1984 - INDUSTRIAL ELEC. TEST MOTOR + CHANGED OIL

11-13-85 - PUT motor in SERVICE Hour meter: 23900.6

5-5-86 CHANGE OIL AND LUBE LOWER BEARING

3/24/87 CHANGE OIL, GREASE 27725 HR.

1-5-88 Change oil, Grease 29570 HR

WELL #2

Motor GE Induction Motor Model # 5K6254XM655A Ser. #GTJ722327

HP 60 FL RPM 1765 Volts 230/460 Cycles 60 PH 3 FL AMP 146/73

Type K Frame C364TP16 Class B Code G Insulation Class F

Lubrication Oil Capacity--upper 3.3qt. Use ball bearing grease GE Spec.D6A

BEARINGS: Upper Thrust Cat# 629A219ABG001 Lower Guide Cat# K5903493P013

10-13-83 - CHANGE OIL + GREASE Lower Bearing

4-29-85 - CHANGE OIL + GREASE Bearing

3/25/87 CHANGE OIL & GREASE 6843 HR

1-5-88 - change oil & Grease 12575⁸ HRS

10. Description of Place of Use:

All areas within current existing City Limits of Ketchum further defined as:

T4N., R18E., B.M. Blaine County
Section 6, 7, 18

T4N., R17E., B.M. Blaine County
Section 1, 12, 13, 11, 14, 15

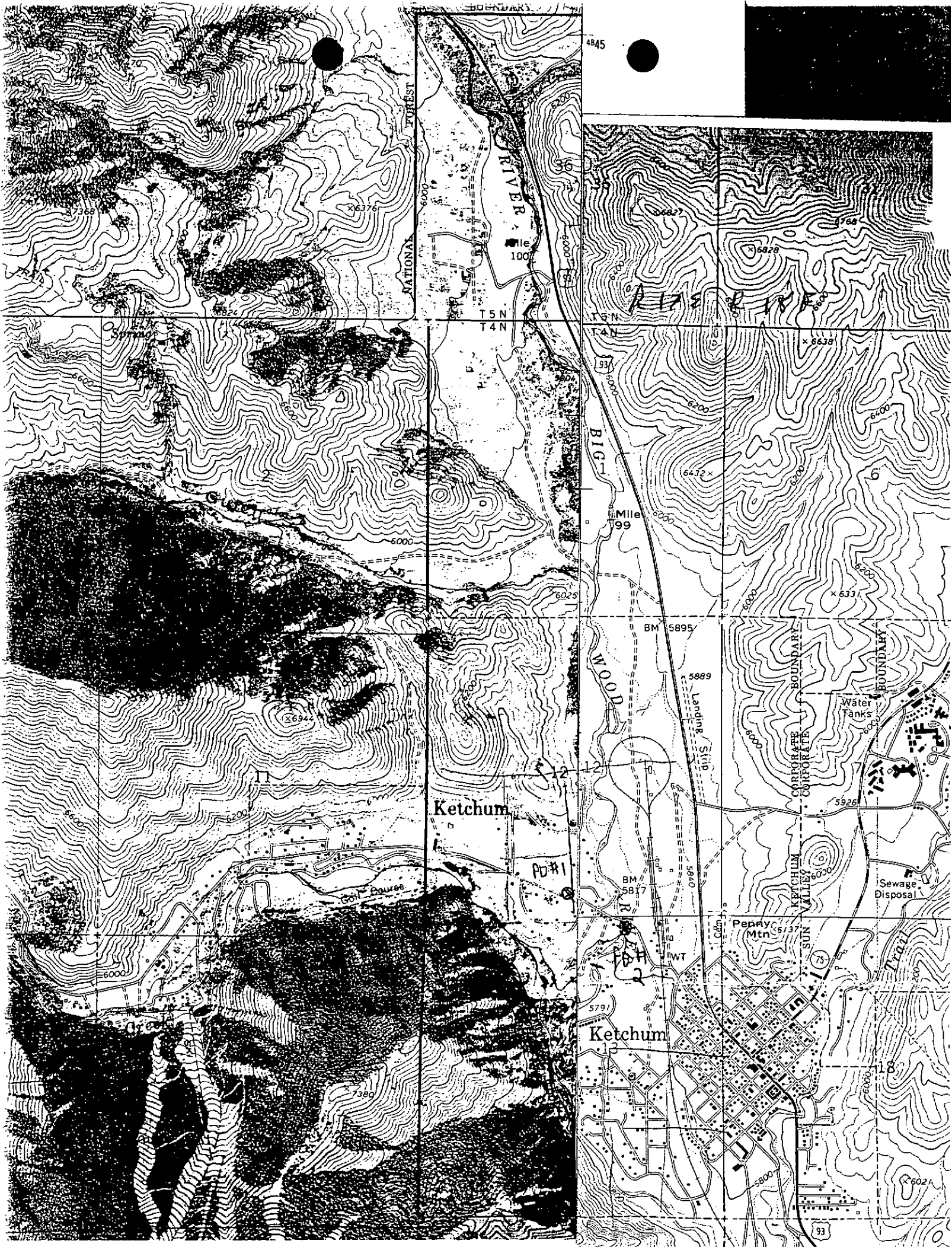
Areas outside current City Limits defined as:

Northwood Subdivision No. 1 in Blaine County, Idaho, is located in a portion of Section 12, Township 4 North, Range 17 East, Boise Meridian, Blaine County, Idaho, and more specifically within:

a portion of SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, and
a portion of S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, and
a portion of NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, and
a portion of N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12.

Weyyakin Subdivision in Blaine County, Idaho, is located in a portion of Section 19, Township 4 North, Range 18 East, Boise Meridian, Blaine County, Idaho, and more specifically within:

a portion of NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, and
a portion of NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, and
a portion of SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, and
all of SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, and
a portion of SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, and
a portion of NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, and
all of E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of section 19,
a portion of SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, and
all of SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, and
a portion of NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of section 19, and
all of NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19, and
a portion of SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19, and
a portion of NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19, and
a portion of NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19, and
a portion of SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19, and
a portion of SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19.

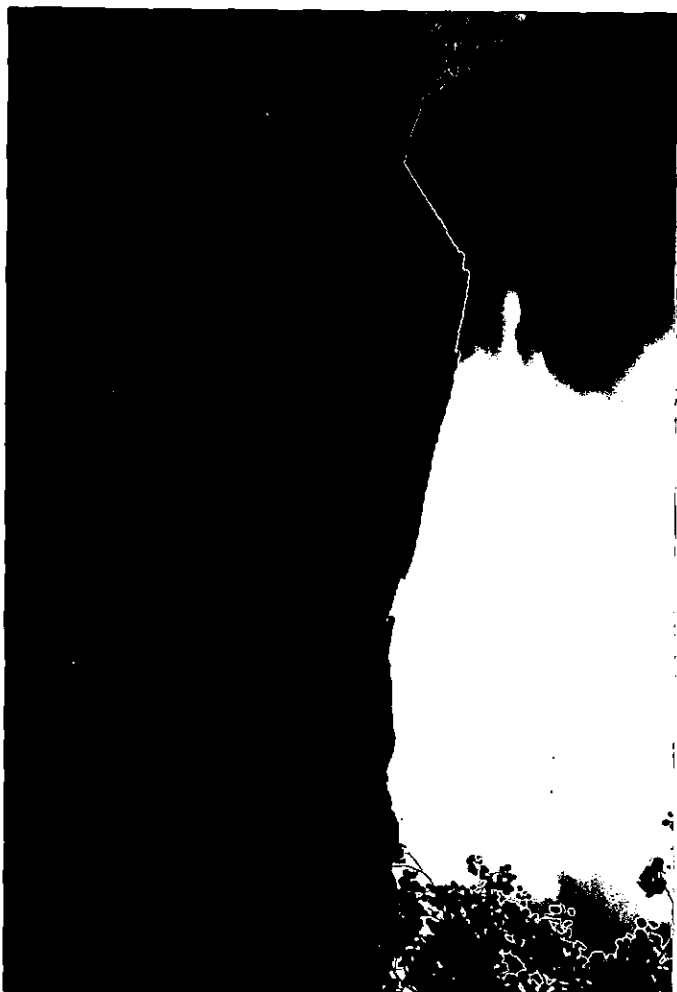


31-01622

City of Ketchikan



#1 Well



#2 Well



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 22, 1994

Brian L. Ballard
Hawley, Troxell et. al.
877 Main St, Suite 1000
P.O. Box 1617
Boise, ID 83701-1617

RE: WATER RIGHTS - CITY OF KETCHUM

Dear Mr. Ballard:

I have reviewed your letter dated February 14, 1994 in connection with the above referenced matter. Our meeting on February 10, 1994 primarily dealt with lapsed Permit No. 37-08269 and pending Application No. 37-08195.

With respect to the other water rights identified in your letter, I checked to determine whether Snake River Basin Adjudication (SRBA) claims have been filed. I determined that claims have been filed on the rights you have shown as 37-04413, 37-04414, 37-04415, 37-04416, 37-07150 and 37-07682. Beyond this checking, however, I did not further review these rights. Adjudication claims have not been filed on Permit No. 37-08202, lapsed Permit No. 37-08269 nor pending Application No. 37-08195.

As I indicated to you during our February 10 meeting, the department needs to take the following actions with respect to lapsed permit no. 37-08269:

- a) Reinstate the permit since the permit inadvertently lapsed due to a filing error by the department. Enclosed is an order reinstating the permit and advancing the priority, since the proof was submitted late to the department.
- b) The department should refund \$25 of the \$225 license examination fee submitted by the city, since the fee submitted was based on 5.8 cfs rather than the permitted rate of 5.0 cfs. The department will send this refund to you under separate cover.
- c) The department will change its records to show the assignment of the permit to the city of Ketchum by Northwood.
- d) After the department conducts a field examination to determine the extent of beneficial use under this permit, the department may request amendment of the permit to show

"municipal" use.

The department needs to further review pending Application No. 37-08195 relative to the "municipal" use shown on the amended application and relative to the issuance of a permit.

It is my understanding that future correspondence in connection with lapsed Permit No. 37-08269 and pending Application No. 37-08195 should be directed to you rather than to the city of Ketchum.

You should contact our Twin Falls office in you have questions relative to the SRBA adjudication claims.

Sincerely,

A handwritten signature in cursive script, reading "L. Glen Saxton".

L.GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 1

c: IDWR - S. Region
IDWR - Jim Johnson
IDWR - Accounting

MEMORANDUM

TO: FILE/PERMIT NO. 37-7682

FROM: TIM LUKE

RE: SWAN FALLS PROCESSING

DATE: 3-9-90

Pemit holder, City of Ketchum has returned the Department's trust water questionnaire. Review of the questionnaire with correspondence and extension requests in the file show that municipal use under this permit commenced and was developed prior to 1985. The permit therefore is not subject to any of the review requirements of Section 42-203D, Idaho Code.

319 WALNUT AVENUE
POST OFFICE BOX 297
KETCHUM, IDAHO 83340

LAWSON & PEEBLES
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

TELEPHONE
(208) 726-5657
FACSIMILE
(208) 726-9743

December 7, 1989

State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

RECEIVED
DEC 8 1989

Attn: Jim Johnson
Re: 37-8195; 37-7682; and 37-8269

Department of Water Resources

Gentlemen:

Enclosed please find completed Trust Water Information Questionnaires as regards application for permit No. 37-8195 and permit No. 37-7682. If you have further inquiry in these matters, kindly contact Steve Hansen at 726-7825.

Please note that as regards application No. 37-8195, corrections should be made to the amended application, at line 5, to show that total quantity to be appropriated is 2.75 cfs. instead of 1.5 cfs. Mr. Johnson has previously spoken with Mr. Hansen as regards this correction.

Finally, this is to inquire as to the status of permit No. 37-8269. It is my understanding that there has been a problem with changing the nature of use under this permit from a mixed use to one that is municipal only. Your advice as to the status of this permit would be appreciated.

Very truly yours,

LAWSON & PEEBLES

Brian L. Ballard

ls\hansen.wat
Encl.

cc: Steve Hansen
Jim Jaquet

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

RECEIVED
DEC 8 1989

Permit No. 37-7682

Department of Water Resources

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

B. IF YOU ARE INTERESTED IN HAVING THE PERMIT PROCESSED, please answer the following questions as thoroughly as possible. Use the reverse side of this form or attach additional paper if neccessary to answer the questions.

1. If the diverting works described under the permit have been completed, please list the dates the diversion was complete and the water was put to beneficial use. Diverting works in this case refers to type of diversion (i.e.; groundwater well and pump; headgate and canal etc., refer to item 6 of the enclosed permit). If the diverting works are not yet complete, please state the planned completion date.

2. Please describe the present type of uses associated with this diversion. If for municipal use, describe the relation of this diversion to the entire supply system and estimate percentage of use from this source for irrigation, domestic, commercial etc. If the diversion is not yet complete, describe how the source will be used.

3. What is the present average daily discharge and average daily volume of water diverted? Has the average daily discharge and volume changed since the diversion was first complete and put to use? If so, please describe.

4. Of the average daily volume of water diverted, what percentage is consumptively used. Please estimate if possible.

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/Contact Person

S. A. Hansen

Position/Title

Water Superintendent

Date: 12-6-89

IDAHO DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

1. Two wellsites exist under this permit, referred to as #1 and #2.
The diverting works for both wellsites are complete. Diversion
was complete for #1 in 1978; for #2 in May of 1981; #1 was
put to beneficial use in 1978; #2 was put to beneficial use
in 1982.
2. Use is 100% municipal. It is estimated that 50% is applied
for irrigation, 40% for domestic and 10% for commercial
estimations are subject to adjustment of plus or minus 5%.
3. Present average daily discharge is approximately 1,300
gallons per minute. When on line, use is 24 hours per day,
for an average daily volume of water diverted of approximately
1,900,000 gallons.
4. It is estimated that up to 50% of daily volume of water is
consumptively used during irrigation season.



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 24, 1989

RE: PERMIT NO. 37-7682

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.

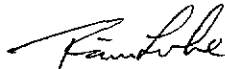
Page 2

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

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 37-7682

Date: 9/21/88

General Considerations:

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

Source of Water:

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

Extent of Use and Rate of Diversion:

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

Measuring Device:

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

Remarks:

Proof acceptable

N/A

Priority Calculation:

Date proof received _____

Date proof due _____

No. of days late _____

Priority date _____

NEW PRIORITY DATE _____

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

SEP 30 1988

138503
CERTIFIED MAIL
April 30, 1988

CITY OF KETCHUM
P.O. BOX 2315
KETCHUM, ID 83340

PROOF DUE NOTICE

RE: Permit No. 37-7682

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 July 1, 1988. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed 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, or the permit will no longer be of any force nor effect.

Sincerely,

RITA FLECK
Secretary/Records Manager

Enclosures

RECEIVED

SEP 30 1988

To: File 37-7682

From: Groundwater Protection

Date: 7/19/88

Drilling Permit: X Not Applicable
Found and in file
Not Found

Well Drillers Report:

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

Follow-up

X Request from permit holder the well
drillers report and/or the name of the
well driller.
Ask permit holder when well was drilled
and notify holder of drilling permit
requirement if after July 11, 1987.

MAY be 2 or more wells

RECEIVED

SEP 30 1988

August 29, 1988

City of Ketchum
P. O. Box 2315
Ketchum, ID 83340

RE: Permit No. 37-7682

Dear Permit Holder:

The department received your Proof of Beneficial Use form, however, before completing processing, additional information is needed.

If you have a well driller's report, please send a copy to the department. If you do not have one, please let me know who drilled the well and when it was drilled. If more than one well has been drilled, the pertinent information for each well is required.

Please remit the requested information by September 29, 1988 to keep your permit from losing priority.

If you have any questions, feel free to call me.

Sincerely,

RITA FLECK
Secretary/Records Manager

c: S. Region

RECEIVED
SEP 30 1988

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.

[illegible]



P.O. Box 2315
KETCHUM, IDAHO 83340
(208) 726-3841

September 7, 1988

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

Attn: Rita Fleck
Re: Permit #37-7682

Dear Rita:

We have received your letter dated August 29, 1988 and as you requested, have attached all available information regarding the wells for permit #37-7682.

The original permit, taken out in 1977, was for two wells. Then, in February of 1984, an application for amendment of a permit was approved. This amendment included a change in point of diversion for well #2 and also included an additional well, however the third well was not drilled. To this date we have been unable to locate a well drillers report for well #1, however our records indicate that its location or point of diversion is as follows: SE ¼ of SW ¼ of Section 12, Township 4 N., Range 17 E. B.M., Blaine County, Idaho. The well was drilled by Walker Walker Systems of Twin Falls in February, 1978, with J.U.B. Engineers overseeing the project. Well depth is 105 feet and casing diameter is 20 inches. Casing material is steel with a thickness of .375 inches. Static water level when drilled was 52 feet, 6 inches.

Well #2 was drilled by Andrews Well Drilling in May of 1981. I have attached a copy of the well drilling report for your files. Its actual point of diversion is the NW ¼ of NE ¼, Section 13, Township 4 N., Range 17 E. as stated on the application for amendment of a permit. Please let me know if any other information is necessary.

Sincerely,

Steven A. Hansen
Water Superintendent

Attachment

MAYOR
LAWRENCE J. YOUNG

COUNCILMEN
THOMAS F. HELD
SUZANNE E. ORB
WILLIAM H. VANDERBILT
SUSAN H. WOLFORD

CLERK
BETTY A. COLES

RECEIVED
SEP 08 1988

Department of Water Resources

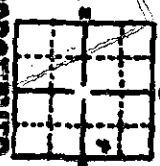
MAILED
SEP 30 1988

USE TYPEWRITER OR
BALL POINT PEN

State of Idaho
Department of Water Resources

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 <u>City of Kelchum</u> Address <u>Kelchum, Idaho</u> Owner's Permit No. <u>37-2682</u>	7. WATER LEVEL Static water level <u>50.2</u> feet below land surface Fluctuating? ☐ Yes ☒ No G.P.M. flow _____ Temperature _____ ° F. Quality _____ Artesian closed-in pressure _____ p.s.i. Controlled by ☐ Valve ☐ Cap ☐ Plug																																																																																		
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (Describe method of abandoning) _____	8. WELL TEST DATA ☒ Pump ☐ Sucker ☐ Other <table border="1"> <thead> <tr> <th>Discharge G.P.M.</th> <th>Draw Down</th> <th>Water Pumped</th> </tr> </thead> <tbody> <tr> <td><u>300</u></td> <td><u>26 ft</u></td> <td><u>9'</u></td> </tr> </tbody> </table>	Discharge G.P.M.	Draw Down	Water Pumped	<u>300</u>	<u>26 ft</u>	<u>9'</u>																																																																												
Discharge G.P.M.	Draw Down	Water Pumped																																																																																	
<u>300</u>	<u>26 ft</u>	<u>9'</u>																																																																																	
3. PROPOSED USE ☐ Domestic ☐ Irrigation ☐ Test ☐ Other (Specify type) _____ ☒ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection	9. LITHOLOGIC LOG <table border="1"> <thead> <tr> <th rowspan="2">Main Column</th> <th colspan="2">Depth</th> <th rowspan="2">Material</th> <th rowspan="2">Notes</th> </tr> <tr> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td><u>24</u></td> <td><u>0</u></td> <td><u>2</u></td> <td><u>Surface Soil & Gravel</u></td> <td></td> </tr> <tr> <td><u>24</u></td> <td><u>2</u></td> <td><u>5</u></td> <td><u>Reddish-brown clay</u></td> <td></td> </tr> <tr> <td><u>24</u></td> <td><u>5</u></td> <td><u>20</u></td> <td><u>Heavy clay</u></td> <td></td> </tr> <tr> <td><u>20</u></td> <td><u>20</u></td> <td><u>26</u></td> <td><u>Heavy clay</u></td> <td></td> </tr> <tr> <td><u>20</u></td> <td><u>26</u></td> <td><u>34</u></td> <td><u>Clay & Gravel</u></td> <td></td> </tr> <tr> <td><u>20</u></td> <td><u>34</u></td> <td><u>44</u></td> <td><u>Heavy clay & Gravel</u></td> <td></td> </tr> <tr> <td><u>20</u></td> <td><u>44</u></td> <td><u>55</u></td> <td><u>Gravel & Clay</u></td> <td></td> </tr> <tr> <td><u>20</u></td> <td><u>55</u></td> <td><u>64.8</u></td> <td><u>Clay & Gravel & Sand</u></td> <td></td> </tr> <tr> <td><u>20</u></td> <td><u>64.8</u></td> <td><u>66.8</u></td> <td><u>Gravel & Sand</u></td> <td></td> </tr> <tr> <td><u>20</u></td> <td><u>66.8</u></td> <td><u>74</u></td> <td><u>Compacted Gravel & Sand</u></td> <td></td> </tr> <tr> <td><u>20</u></td> <td><u>74</u></td> <td><u>82</u></td> <td><u>Clay & Sand</u></td> <td></td> </tr> <tr> <td><u>20</u></td> <td><u>82</u></td> <td><u>96.8</u></td> <td><u>Clay & Gravel & Sand</u></td> <td></td> </tr> <tr> <td><u>20</u></td> <td><u>96.8</u></td> <td><u>99.8</u></td> <td><u>Gravel & Sand & Silt</u></td> <td></td> </tr> <tr> <td><u>20</u></td> <td><u>99.8</u></td> <td><u>110</u></td> <td><u>Clay</u></td> <td></td> </tr> <tr> <td><u>20</u></td> <td><u>99.8</u></td> <td><u>110</u></td> <td><u>Rock</u></td> <td></td> </tr> </tbody> </table>	Main Column	Depth		Material	Notes	From	To	<u>24</u>	<u>0</u>	<u>2</u>	<u>Surface Soil & Gravel</u>		<u>24</u>	<u>2</u>	<u>5</u>	<u>Reddish-brown clay</u>		<u>24</u>	<u>5</u>	<u>20</u>	<u>Heavy clay</u>		<u>20</u>	<u>20</u>	<u>26</u>	<u>Heavy clay</u>		<u>20</u>	<u>26</u>	<u>34</u>	<u>Clay & Gravel</u>		<u>20</u>	<u>34</u>	<u>44</u>	<u>Heavy clay & Gravel</u>		<u>20</u>	<u>44</u>	<u>55</u>	<u>Gravel & Clay</u>		<u>20</u>	<u>55</u>	<u>64.8</u>	<u>Clay & Gravel & Sand</u>		<u>20</u>	<u>64.8</u>	<u>66.8</u>	<u>Gravel & Sand</u>		<u>20</u>	<u>66.8</u>	<u>74</u>	<u>Compacted Gravel & Sand</u>		<u>20</u>	<u>74</u>	<u>82</u>	<u>Clay & Sand</u>		<u>20</u>	<u>82</u>	<u>96.8</u>	<u>Clay & Gravel & Sand</u>		<u>20</u>	<u>96.8</u>	<u>99.8</u>	<u>Gravel & Sand & Silt</u>		<u>20</u>	<u>99.8</u>	<u>110</u>	<u>Clay</u>		<u>20</u>	<u>99.8</u>	<u>110</u>	<u>Rock</u>	
Main Column	Depth		Material	Notes																																																																															
	From	To																																																																																	
<u>24</u>	<u>0</u>	<u>2</u>	<u>Surface Soil & Gravel</u>																																																																																
<u>24</u>	<u>2</u>	<u>5</u>	<u>Reddish-brown clay</u>																																																																																
<u>24</u>	<u>5</u>	<u>20</u>	<u>Heavy clay</u>																																																																																
<u>20</u>	<u>20</u>	<u>26</u>	<u>Heavy clay</u>																																																																																
<u>20</u>	<u>26</u>	<u>34</u>	<u>Clay & Gravel</u>																																																																																
<u>20</u>	<u>34</u>	<u>44</u>	<u>Heavy clay & Gravel</u>																																																																																
<u>20</u>	<u>44</u>	<u>55</u>	<u>Gravel & Clay</u>																																																																																
<u>20</u>	<u>55</u>	<u>64.8</u>	<u>Clay & Gravel & Sand</u>																																																																																
<u>20</u>	<u>64.8</u>	<u>66.8</u>	<u>Gravel & Sand</u>																																																																																
<u>20</u>	<u>66.8</u>	<u>74</u>	<u>Compacted Gravel & Sand</u>																																																																																
<u>20</u>	<u>74</u>	<u>82</u>	<u>Clay & Sand</u>																																																																																
<u>20</u>	<u>82</u>	<u>96.8</u>	<u>Clay & Gravel & Sand</u>																																																																																
<u>20</u>	<u>96.8</u>	<u>99.8</u>	<u>Gravel & Sand & Silt</u>																																																																																
<u>20</u>	<u>99.8</u>	<u>110</u>	<u>Clay</u>																																																																																
<u>20</u>	<u>99.8</u>	<u>110</u>	<u>Rock</u>																																																																																
4. METHOD DRILLED ☒ Cable ☐ Rotary ☐ Aug ☐ Other																																																																																			
5. WELL CONSTRUCTION Diameter of hole <u>20</u> inches Total depth <u>110</u> feet Casing schedule: ☒ Steel ☐ Concrete <table border="1"> <thead> <tr> <th>Thickness</th> <th>Diameter</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td><u>3/16</u> inches</td> <td><u>20</u> inches</td> <td><u>2</u> feet</td> <td><u>25</u> feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> </tbody> </table> Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☒ Yes ☐ No Perforated? ☐ Yes ☒ No How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation _____ inches by _____ inches <table border="1"> <thead> <tr> <th>Number</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>_____ perforations</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ perforations</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ perforations</td> <td>_____ feet</td> <td>_____ feet</td> </tr> </tbody> </table> Well screen installed? ☒ Yes ☐ No Manufacturer's name <u>Johnson</u> Type <u>304 Stainless</u> Model No. _____ Diameter <u>22</u> Slot size <u>20</u> Set from <u>24</u> feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>20'</u> Material used in seal ☒ Cement grout ☐ Pudding clay ☐ Well cuttings Sealing procedure used ☐ Shrink pit ☐ Temporary surface casing ☐ Overlays to seal depth	Thickness	Diameter	From	To	<u>3/16</u> inches	<u>20</u> inches	<u>2</u> feet	<u>25</u> feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	Number	From	To	_____ perforations	_____ feet	_____ feet	_____ perforations	_____ feet	_____ feet	_____ perforations	_____ feet	_____ feet	SURFACE SEAL TO BE COMPLETED IN APRIL-78 AFTER COMPLETION OF WATER STORAGE TANK CONSTRUCTION.																																														
Thickness	Diameter	From	To																																																																																
<u>3/16</u> inches	<u>20</u> inches	<u>2</u> feet	<u>25</u> feet																																																																																
_____ inches	_____ inches	_____ feet	_____ feet																																																																																
_____ inches	_____ inches	_____ feet	_____ feet																																																																																
_____ inches	_____ inches	_____ feet	_____ feet																																																																																
_____ inches	_____ inches	_____ feet	_____ feet																																																																																
Number	From	To																																																																																	
_____ perforations	_____ feet	_____ feet																																																																																	
_____ perforations	_____ feet	_____ feet																																																																																	
_____ perforations	_____ feet	_____ feet																																																																																	
6. LOCATION OF WELL Sketch map location must agree with written location.  Subdivision Name _____ Lot No. _____ Block No. _____ County <u>Blaine</u> SW 1/4 Sec. 12, T. 24 N., R. 18 E.	10. Work started <u>Dec 28</u> finished <u>April 12-78</u> 11. DRILLER'S CERTIFICATION Firm Name <u>WALKER WATER SYSTEM</u> Firm No. <u>15</u> Address <u>624 Pierce St</u> Phone <u>44-28-25</u> Signed by (Print Name) <u>Richard B. Walker</u> and <u>Richard B. Walker</u>																																																																																		

USE ADDITIONAL SHEETS IF NECESSARY

FORWARD THE WHITE COPY TO THE DEPARTMENT

SE SW 12 24 N 18 E

SEP 30 1978

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.

Name City of Ketchum
Address Ketchum, Idaho 83340
Owner's Permit No. 37-7682

Static water level 9198 feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-to pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature 60 OF. Quality Good

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning) _____

☐ Pump ☐ Baller ☐ Air ☐ Other

Discharge G.P.M.	Pumping Head	Hours Pumped
500	371' ±	22

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

Hole Diagn.	Depth		Material	Water Yes No
	From	To		
16 ¹⁰	0	3	Bank fill.	X
16	3	21	Gravel & clay & boulders	X
16	21	25	Large gravel & clay	X
16	25	38	Large gravel & little clay	X
16	38	40	Large gravel, clay, coarse sand	X
16	40	45	All nice gravel & some sand	X
16	45	50	Large gravel sand & clay	X
16	50	55	Gravel clay	X
16	55	60	Gravel clay & some gravel	X

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

Casing schedule: ☒ Steel ☐ Concrete ☐ Other

Thickness		Diameter		From	To
<u>.375</u>	inches	<u>16"</u>	inches +	<u>2'</u>	feet
<u>.375</u>	inches	<u>16</u>	inches	<u>50</u>	feet
	inches		inches		feet
	inches		inches		feet

Was casing drive shoe used? ☒ Yes ☐ No
Was a packer or seal used? ☒ Yes ☐ No
Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation _____ inches by _____ inches

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

Well screen installed? ☒ Yes ☐ No

Manufacturer's name Johnson

Type Stainless Steel Model No.

Diameter 16" Shot size 100 Set from 40 feet to 50 feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☒ Yes ☐ No ☐ Size of gravel 2

Placed from 22° east to 60° feet

Surface seal depth 22' Material used in seal: ☒ Cement grout

☐ Pudding clay ☐ Well cuttingsSealing procedure used: ☐ Slurry pit ☐ Temp. surface casing

☐ Overbore to seal depth

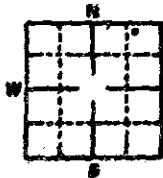
Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent

□ Connected between same

☐ Cemented between strata
Welded shale zone.

Describe each part Welded angle plate.

Sketch map location must agree with written location.



Subdivision Name _____

Lot No. _____ Block No. _____

County _____ State _____

Work started 5/4/81 finished 6/26/81

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Andrew Hall Drilling Firm No. 6

Address 1268 E. 17th Street Date 5/2/81

Signed by (Firm Official) _____

and
(Operator) *Daniel P. [illegible]*

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

NW NE

17 E

To: File 37- 7692

From: Groundwater Protection

Date: 9/14/88

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

Well Drillers Report:

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

Follow-up

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

*Both Logs were incorrectly
marked by Driller*

RECEIVED
SEP 30 1988

J. Beal

OK now



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

June 11, 1986

City of Ketchum
P.O. Box 2315
Ketchum, ID 83340

Re: Extension of Time Request for Permit No. 37-7682

Gentlemen:

Enclosed please find a copy of the approved Request for Extension of Time. Time within which to submit proof of beneficial use is extended to July 1, 1988.

If you have any questions about this extension, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in cursive script, reading "Rita I. Fleck".

RITA I. FLECK
Secretary/Records Manager

1s

Enclosure

MICROFILMED

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 37-7682Reviewed by *[Signature]*Date 6-9-1986

BASIC INFORMATION

- Y Date stamp received
Y Extension received timely
 (not prior to 6 month before proof due date or after reinstatement period)
Y Fee received and receipted
Y Name and signature same as permit
N Address change (indicate on coding sheet)

BASIS FOR EXTENSION REQUEST

- Y Has adequate work been completed to demonstrate due diligence?
Y Has the cost incurred been adequate to demonstrate an intent to complete the project?
Y Has the permit been involved in litigation?
 a. Swan Falls _____ Dismissed from Swan Falls _____
 Other _____ Identify Dispute between water Companies
 b. Is supporting documentation needed to complete the file? _____
 Requested _____
 c. Calculate the period of delay

Date litigation completed _____

Date litigation began _____

Total period of delay = _____

Present proof due date + _____

NEW PROOF DUE DATE = _____

Is delay by a government agency? _____

Is supporting documentation needed to complete the file? _____
 Requested? _____

ACTION TAKEN

Recommend approval as requested. - for 2 yrs.

Special conditions or remarks:

Reinstate	Date extension received	=	_____
	Proof due date	=	_____
	No. of days late	=	_____
	Priority date	=	_____ + _____
	ADJUSTED PRIORITY DATE	=	_____

✓ Prepare coding sheet
✓ Change rolodex card

MICROFILMED

Attachment #1

The development of this well has been delayed due to litigation between Ketchum Spring Water Supply Company, Inc. and the City of Ketchum. A Memorandum Decision entered by the trial court on March 27, 1986 prevents the City of Ketchum from competing with Ketchum Spring Water Supply Company, Inc., a private water company, for provision of water to Northwood and Bigwood for a period of 20 years from the date of September 6, 1977. A final judgement has not been entered by the trial court and it has not been determined if any party will appeal the decision.

Resolution No. 296 was passed by the Ketchum City Council on April 2, 1986. This resolution is intended to resolve the litigation between the parties consistent with the Memorandum Decision and allows the City to provide water to Northwood and Bigwood for an interim period not to exceed two years from the date enacted or until such time as Ketchum Spring Water can "provide adequate water flows". If Ketchum Spring Water Supply Company, Inc. cannot provide "adequate flows" at the end of the two year period, they would consent to decertification of the Northwood area, and upon application by any party to the litigation, they may receive municipal water service.

The Northwood well, which the City hoped to develop under an amendment to our current water permit, is located in the area affected by the court's ruling. If, at the end of the two year period, Ketchum Spring Water is unable to provide water to Northwood, the City can immediately develop the Northwood well and provide water service to Northwood. If Ketchum Spring Water does provide water to Northwood at any time during this two year period, the City will then begin immediately to develop another water well on another site within the City.

Construction plans for the Northwood well are complete and these plans can be used with some modification at another well site now owned by the City.

We wish to request an extension of time for a period of two years to permit resolution of the current situation consistent with Resolution No. 296 and consistent with the Memorandum Decision entered by the trial court.

MICROFILMED

RESOLUTION NO. 296

WHEREAS, the Ketchum City Council in public meetings involving the parties in the lawsuit Ketchum Spring Water Supply Company, Inc. vs. City of Ketchum, a political subdivision of the State of Idaho; Neilson, Monroe, Inc., an Idaho corporation; River Rock, LTD., a limited partnership; Northwood, Inc., an Idaho corporation; and Northwood Associates, a limited partnership, has attempted to resolve the litigation and disputes between the parties consistent with the Memorandum Decision and order entered by the trial court in the above-entitled matter dated March 17, 1986 and,

WHEREAS, the Ketchum City Council desires to outline the discussed settlement in this Resolution of Intent.

NOW, THEREFORE, be it resolved by the Mayor and City Council of the City of Ketchum, Idaho that the City of Ketchum hereby outlines proposed settlement of the lawsuit consistent with said decision and order entered by the trial court as follows:

1. Within the existing I.P.U.C. area of convenience and necessity of Ketchum Spring Water Supply Company, Inc. (hereinafter referred to as Ketchum Spring Water) the City will not compete with Ketchum Spring Water for new domestic water services except as set forth in this Resolution. Specifically, unless otherwise permitted by this Resolution, Ketchum will: a) require that any request for domestic water service within Ketchum Spring Water certificated area include a written permission signed by Ketchum Spring Water prior to the City connecting said service for domestic water consumption; b) customers currently on the municipal

MICROFILMED

water system for domestic service within the Ketchum Spring Water certificated area may remain on the municipal water system or if they can adequately be served by Ketchum Spring Water, then they may switch to Ketchum Spring Water; c) new or existing buildings within the Ketchum Spring Water certificated area that require fire sprinkler systems may connect said fire sprinkler systems to the municipal water system if the developer's engineer determines that Ketchum Spring Water cannot provide adequate fire flow and/or pressures in the most cost effective manner to properly operate said fire sprinkler systems in accordance with municipal regulations; existing fire sprinkler systems connected to the City water system may remain on the City water system for fire service.

2. Outside of the existing I.P.U.C. certificated area of Ketchum Spring Water, Ketchum Spring Water shall not install any new water lines and shall limit any future extensions of or service from its water lines currently in existence to a maximum additional length of 500 feet. Within those areas outside of the existing Ketchum Spring certificated area and served by the water lines referred to herein above both the City of Ketchum and Ketchum Spring Water may compete for water service both for fire sprinkler connections and domestic water service. Beyond this limited area, Ketchum Spring Water will not supply water service.

3. During an interim period, not to exceed two years from the date hereof or until such time as Ketchum Spring Water can "provide the adequate water flows (as defined herein) the Northwood P.U.D. may receive water service from the municipal system. The term "provide adequate water flows" shall mean that Ketchum Spring Water and Northwood have executed an agreement under the uniform extension rule and where applicable I.P.U.C. rules and regulations, in conformance with a water service improvement plan approved by

appropriate governmental entities and certified in writing by engineers licensed by the State of Idaho that Ketchum Spring Water can provide peak domestic demand in addition to fire flows of 3,500 gpm at 20 psi residual pressure for three hours duration with backup power for the Northwood P.U.D., and that Ketchum Spring Water has constructed all the improvements, and that those flows have been certified through field tests within the Northwood P.U.D. consistent with the testing procedures used by the Idaho Survey and Rating Bureau when they conduct their own fire flow tests. Upon Ketchum Spring Water providing adequate water flows, the City of Ketchum shall have no duty or obligation to provide water service to and shall disconnect municipal service from the Northwood P.U.D. Ketchum Spring Water shall not object, and hereby gives its permission to the provision of that municipal service through existing and future water connections within the Northwood P.U.D. under the City's water regulations. Specifically, these water customers shall comply with all municipal regulations, including permits for water service, install water meters and be billed and pay City rates for water until such time as Ketchum Spring Water can provide adequate water flows to and has taken over the water distribution lines in the Northwood P.U.D. These same provisions shall apply to the Bigwood P.U.D. under terms of the Bigwood Annexation Services and Development Agreement. All water mains and improvements installed by Bigwood shall remain the property of Bigwood during this interim period. If at the end of the two year period Ketchum Spring Water has not satisfied the requirements to "provide adequate water flows" to the Northwood P.U.D. and Bigwood P.U.D, then Ketchum Spring Water hereby irrevocably consents to decertification of Northwood and Bigwood from its I.P.U.C. area of certificate and convenience, upon application by any party to the litigation

therefor with the I.P.U.C., and Northwood and Bigwood may thereafter receive municipal water service.

4. If Ketchum Spring Water wishes to use the existing City water line within the Northwood LI Subdivision immediately south of the Northwood P.U.D. to connect its 10" water main on Lewis Street to the 10" water main in the Northwood P.U.D., Ketchum Spring Water shall purchase said water line within the Northwood LI Subdivision from the City prior to its use by Ketchum Spring Water for a fair purchase price based on depreciated replacement cost valuation and all existing water customers on said line will become customers of Ketchum Spring Water. Said purchase may take place provided Ketchum Spring Water obtains the Northwood P.U.D. water lines. If the certificate of convenience and necessity of Ketchum Spring Water is amended to exclude Northwood or Bigwood, or Northwood or Bigwood does not receive water service from Ketchum Spring Water then Ketchum Spring Water shall not purchase said water line. Until said purchase is made by Ketchum Spring Water, all existing and new water connections on this line shall be served by and remain customers of the City of Ketchum.

5. The City of Ketchum will forfeit to Northwood its right and obligation under Section 2(c) of the Supplemental Annexation Agreement dated July 17, 1984 to purchase the Northwood well upon the City of Ketchum not providing fire or domestic water service to the Northwood P.U.D. Furthermore, in such instance, the City of Ketchum will deed back the water lines dedicated by Northwood in the Northwood P.U.D. together with a maintenance easement thereto and City of Ketchum will grant a well site easement of sufficient size to include the Northwood well and irrigation well sites to Northwood upon payment by Northwood to Ketchum in the sum of \$27,367.00 as the out-of-pocket costs incurred by the City of Ketchum in

construction of the oversizing of the water line and stubs from the Presbyterian Church up the Connector Road to Highway 75. Furthermore, upon receipt of that payment, the City of Ketchum will deed back to Northwood the pressure reducing station site heretofore dedicated by Northwood to the City of Ketchum. The City of Ketchum by relinquishing the rights and obligations set forth in this paragraph does not relinquish, forfeit or convey the City's water rights intended for the Northwood well site and the City of Ketchum will utilize said water rights at such location as the City hereafter determines appropriate.

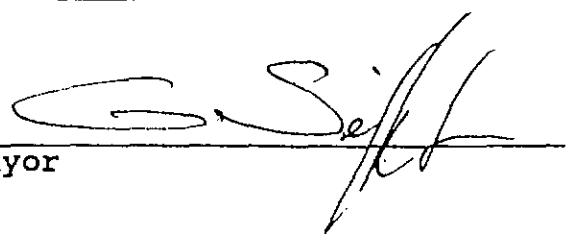
6. This Resolution by the City of Ketchum is subject to written approval and acceptance by Ketchum Spring Water Supply Company, Inc., Neilson, Monroe, Inc., an Idaho corporation, River Rock, LTD., a limited partnership, Northwood, Inc., an Idaho corporation, Northwood Associates, a limited partnership, and approval by order of the trial court. Acceptance of this Resolution by Northwood, Inc., an Idaho corporation and Northwood Associates, a limited partnership, (jointly referred to in this Resolution as "Northwood") shall constitute an amendment of the Northwood Annexation Services and Development Agreement, including amendments thereto, with the City of Ketchum. Acceptance of this Resolution by Neilson, Monroe, Inc., an Idaho corporation, and River Rock, LTD, a limited partnership, (jointly referred to in this Resolution as "Bigwood") shall constitute an amendment to the Bigwood Annexation Services and Development Agreement, including amendments thereto, with the City of Ketchum.

This Agreement is not intended by any of the parties to violate any laws and should any portion of this Agreement be declared invalid or a violation of law, then this Resolution shall be void. This Agreement is not intended nor shall it be constructed to limit the police powers of the City

of Ketchum nor waive or modify any ordinances, rules or regulations of the City of Ketchum.

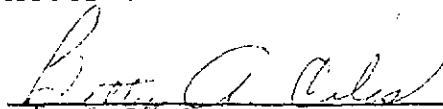
This Agreement shall be null and void if any party to above referenced lawsuit shall appeal the decision of the trial court dated March 17, 1986, or any subsequent judgment or order of the trial court in said lawsuit. The terms of this Resolution have been negotiated by the parties in good faith in order to settle the lawsuit and disputes between the parties. By adopting or accepting the terms hereof no party admits or concedes any position or claim taken by an other party to said lawsuit or any finding of fact, decision, judgment or order of the trial court in said lawsuit.

Passed and approved this 2nd day of April, 1986.



Mayor

Attest:



City Clerk



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

June 4, 1986

City of Ketchum
P. O. Box 2315
Ketchum, ID 83340

PERMIT NO. 37-7682

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. 37772.

Roberta Garrett
Records Supervisor

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

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
CHIEF, OPERATIONS BUREAU

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
APRIL 30, 1986

CITY OF KETCHUM
P.O. BOX 2315
KETCHUM, ID 83340

138343

PROOF DUE NOTICE

RE: PERMIT NO. 37-7682

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 JULY 1, 1986. (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 COMPLETED 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

February 19, 1985

City of Ketchum
P. O. Box 2315
Ketchum, ID 83340

Gentlemen:

Re: Permit No. 37-7682

Enclosed is a copy of your approved Application for Amendment and a copy of the approved Request for Extension of Time. The time within which to submit the proof of beneficial use is extended to July 1, 1986.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

ENCLOSURE

FILED
U.S. DISTRICT COURT

1984 AUG 10 PM 3:50

CLERK OF COURT
JUDICIAL BRANCH

1 STANLEY W. WELSH
2 RORY R. JONES
3 CLEMONS, COSHO & HUMPHREY, P.A.
4 Attorneys at Law
5 1110 First Interstate Bldg.
6 Boise, Idaho 83702
7 (208) 344-7811

Attorneys for Plaintiff

8 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

9
10 KETCHUM SPRING WATER SUPPLY)
11 COMPANY, INC., a public utility,)

12 Plaintiff,)

13 v.)

14 CITY OF KETCHUM, a political)
15 subdivision of the State of Idaho,)

16 Defendant.)

CIV 84 1327

Case No. _____

COMPLAINT AND DEMAND FOR
JURY TRIAL

17 COMES NOW the Plaintiff, and for a cause of action against
18 the Defendant, states and alleges as follows:

19 JURISDICTION

20 The jurisdiction of this court is based upon the Sherman Act
21 and the Clayton Act, 15 U.S.C. Section 1, et seq., more
22 specifically, 15 U.S.C. Sections 4 and 15, 28 U.S.C. Section 1337,
23 and Idaho Code Section 48-114.

24 Pursuant to 15 U.S.C. Section 22, venue is properly laid in
25 the District of Idaho in that the acts and transactions
26 constituting the violations of the above-mentioned acts occurred
in the state of Idaho and that the Defendant is a resident of the
state of Idaho.

MICROFILMED

CLEMONS, COSHO & HUMPHREY, P.A.
COUNSELORS AND ATTORNEYS AT LAW
ELEVENTH FLOOR, FIRST INTERSTATE BUILDING
700 WEST IDAHO
BOISE, IDAHO 83702

CLEMONS, COSHO & HUMPHREY, P.A.
COUNSELORS AND ATTORNEYS AT LAW
ELEVENTH FLOOR, FIRST INTERSTATE BUILDING
700 WEST IDAHO
BOISE, IDAHO 83702

GENERAL ALLEGATIONS

I

Ketchum Spring Water Supply Company, Inc. ("Ketchum Spring") is a licensed private utility organized and existing under the laws of the state of Idaho with its principal place of business in Ketchum, Idaho.

II

Defendant City of Ketchum ("City") is a corporate municipality organized and existing under the laws of the state of Idaho.

III

The principal business of Ketchum Spring is the provision of potable water to both residential and business customers in the Ketchum area. Ketchum Spring has obtained a certificate of Public Convenience and Necessity for the provision of such water both within the incorporated area of Ketchum and outside the city limits of Ketchum.

IV

Northwood Associates is an Idaho limited partnership and Northwood, Inc. is an Idaho corporation. Northwood seeks to develop 58.6 acres of land located north of Ketchum on the west side of Highway 93. The Northwood property is contained wholly within the Certificate of Public Convenience and Necessity held by Ketchum Spring.

V

In 1978 the City received a federal grant for the construction and development of a water distribution system to

1 areas of Ketchum not at that time served by Ketchum Spring.
2 Since that time the City has maintained and expanded that water
3 distribution system.

4 VI

5 The City has utilized its annexation powers and other powers
6 it inherently possesses by virtue of its status as a municipality
7 to coerce residential and business customers of Ketchum Spring, as
8 well as developers of parcels of land outside the city limits, and
9 not yet served by any water company, into purchasing water from
10 the City. On December 19, 1983, Ketchum entered into an
11 annexation and development agreement with Northwood. As a
12 condition of annexing Northwood the City required that the
13 developers construct a water distribution system and donate it to
14 the city for hookup with the municipal system.

15 VII

16 As a condition of annexation, Ketchum required Northwood to
17 construct a water distribution system, such system to include the
18 drilling of test wells and actual use wells, construction of a
19 pump system and installation of associated telemetry and required
20 Northwood to connect the telemetry to the municipal system and to
21 connect the wells drilled by Northwood to the municipal system.
22 As a further condition of annexation, Northwood was required by
23 Ketchum to then donate said water distribution system to the City
24 without cost to Ketchum without cost to Ketchum. The donations
25

CLEMONS COSHO & HUMPHREY, P.A.
COUNSELORS AND ATTORNEYS AT LAW
ELEVENTH FLOOR, FIRST INTERSTATE BUILDING
700 WEST IDAHO
BOISE, IDAHO 83702

1 extracted from Northwood by Ketchum include not only the water
2 distribution system and the components thereof, but also real
3 estate and real estate easements.

4 VIII

5 At all times relevant hereto, Ketchum Spring has been ready,
6 willing and able to provide potable water and to develop a water
7 distribution system for Northwood. The actions of the City have
8 effectively foreclosed the opportunity of Ketchum Spring to
9 compete on a free market basis with the City for the provision of
10 potable water and the construction of a water distribution system
11 at Northwood.

12 IX

13 Despite repeated requests the principals of Northwood
14 continue to indicate that the actions of the city have foreclosed
15 Northwood from even considering obtaining potable water and/or a
16 water distribution system from Ketchum Spring.

17 COUNT ONE

18 X

19 Ketchum Spring realleges the allegations contained in
20 Paragraphs I through IX as if fully set forth herein.

21 XI

22 Defendant City of Ketchum violated Section 1 of the Sherman
23 Act, (15 U.S.C. Section 1) as it acted by contract and/or in a
24 combination or conspiracy to tie the annexation of Northwood by
25 the City to the purchase by Northwood of potable water and/or a
26 water distribution system from the City. The City has the sole

CLEMONS, COSHO & HUMPHREY, P.A.
COUNSELORS AND ATTORNEYS AT LAW
ELEVENTH FLOOR, FIRST INTERSTATE BUILDING
700 WEST IDAHO
BOISE, IDAHO 83702

1 power of annexation, such power being sufficient economic power in
2 annexation so that it is able to impose significant restrictions
3 in the marketing of water in the Ketchum area. The acts of
4 Ketchum in tying annexation to the development of a water distribu-
5 tion system and donation thereof to Ketchum constitutes an illegal
6 tying relationship, illegal per se under the Sherman Act. By
7 reason of the foregoing acts of Ketchum there has been a substan-
8 tial lessening of competition and a substantial impact on
9 interstate commerce resulting from Ketchum's coerced extraction of
10 a free water distribution system from Northwood. Ketchum Spring
11 has been substantially damaged thereby in its business and prop-
12 erty within the meaning of the antitrust laws of the United
13 States.

XII

15 As a result of Defendant's acts alleged above, Ketchum Spring
16 has sustained injury to its business and property in excess of
17 \$10,000.00, and is entitled under 15 U.S.C. Section 15 to treble
18 damages in the amount to be proved at trial.

XIII

20 On information and belief, the Defendant unless restrained
21 will continue to perform pursuant to the contract which
22 constitutes the illegal tying relationship and hook up Northwood's
23 water system to that of the City, thereby precluding Plaintiff
24 from continuing as a competitor for the distribution of potable
25 water in the Ketchum area; and Plaintiff is entitled under 15
26 U.S.C. Section 26 to injunctive relief against the threatened loss

CLEMONS, COSHO & HUMPHREY, P.A.
COUNSELORS AND ATTORNEYS AT LAW
ELEVENTH FLOOR, FIRST INTERSTATE BUILDING
700 WEST IDAHO
BOISE, IDAHO 83702

1 of its business through the Defendant's continuation of the
2 illegal tying relationship.

3 XIV

4 Pursuant to 15 U.S.C. Section 15, Ketchum Spring is entitled
5 to recover from Defendant its reasonable attorney fees and costs.

6 COUNT TWO

7 XV

8 Ketchum Spring realleges the allegations contained in Count
9 One as if fully set forth herein.

10 XVI

11 Defendant Ketchum violated Section 3 of the Clayton Act (15
12 U.S.C. Section 14), as it acted by contract and/or in a
13 combination or conspiracy to tie the annexation of Northwood by
14 Ketchum to the purchase by Northwood of potable water and/or a
15 water distribution system from the City. The City has the sole
16 power of annexation such power being sufficient economic power in
17 annexation so that the City is able to impose significant
18 restrictions in the marketing of water in the Ketchum area. The
19 acts of Ketchum in tying annexation to the development of a water
20 distribution system and donation thereof constitutes an illegal
21 tying relationship, illegal per se under the Clayton Act. By
22 reason of the foregoing acts of Ketchum, there has been a
23 substantial lessening of competition and a substantial impact on
24 interstate commerce resulting from Ketchum's coerced extraction of
25 a free water distribution system from Northwood. Ketchum Spring
26 has been substantially damaged thereby in its business and

MICROFILMED

1 property within the meaning of the anti-trust laws of the United
2 States.

3
4 XVII

5 As a result of Defendant's acts alleged above, Ketchum Spring has
6 sustained injury to its business and property in excess of
7 \$10,000.00, and is entitled under 15 U.S.C. Section 15 to treble
8 damages in an amount to be proved at trial.

9 XVIII

10 On information and belief, the Defendant unless restrained
11 will continue to perform pursuant to the contract which
12 constitutes the illegal tying relationship and hook up Northwood's
13 water system to that of the City, thereby precluding Plaintiff
14 from continuing as a competitor for the distribution of potable
15 water in the Ketchum area; and Plaintiff is entitled under 15
16 U.S.C. Section 26 to injunctive relief against the threatened loss
17 of its business through the Defendant's continuation of the
18 illegal tying relationship.

19 XIX

20 Pursuant to 15 U.S.C. Section 15, Ketchum Spring is entitled
21 to recover from Defendant its reasonable attorney fees and costs.

22 COUNT THREE

23 XX

24 Ketchum Spring realleges the allegations contained in Counts
25 One and Two as if fully set forth herein.
26

CLEMONS, COSHO & HUMPHREY, P.A.
COUNSELORS AND ATTORNEYS AT LAW
ELEVENTH FLOOR, FIRST INTERSTATE BUILDING
700 WEST IDAHO
BOISE, IDAHO 83702

XXI

By forcing Northwood to agree to the terms of the annexation agreement referred to above the City is undertaking to monopolize or is attempting to monopolize or is in pursuance of a conspiracy to monopolize the marketing and distribution of water in the area of Ketchum in violation of 15 U.S.C. Section 2.

XXII

As a result of Ketchum's monopoly, attempted monopoly or conspiracy to monopolize the market for potable water in interstate commerce, Plaintiff was preempted from competing for the provision of such water and precluded from obtaining the service charges and users fees which will be assessed monthly against eventual owners of the property developed by Northwood. As a result thereof, Ketchum Spring is unable to conduct its business except on the arbitrary, unlawful and unreasonable terms dictated by the Defendant, which actions effectively preclude Ketchum Spring from competing on a free market basis.

XXIII

As a result of Defendant's monopoly or attempted monopoly or conspiracy to monopolize the market for potable water, as alleged above, Plaintiff has been injured in its business in the amount of at least \$10,000.00, in an amount to be proven at trial, and is entitled under 15 U.S.C. Section 15 to treble damages from Defendant.

CLEMONS, COSHO & HUMPHREY, P.A.
COUNSELORS AND ATTORNEYS AT LAW
ELEVENTH FLOOR, FIRST INTERSTATE BUILDING
700 WEST IDAHO
BOISE, IDAHO 83702

XXIV

On information and belief, Defendant unless restrained, will continue with its monopoly, attempted monopoly or conspiracy to monopolize the marketing and distribution of water in interstate commerce, thereby precluding Plaintiff from continuing as a competitor for such business; and Plaintiff is entitled under 15 U.S.C. Section 26 to injunctive relief against the threatened loss of its business through the Defendant's continuation of the monopoly, attempted monopoly or conspiracy to monopolize the marketing and distribution of water.

XXV

Pursuant to 15 U.S.C. Section 15 Plaintiff is entitled to recover from Defendant its reasonable attorney fees and costs.

COUNT FOUR

XXVI

Ketchum Spring realleges the allegations contain Counts One, Two and Three herein as if fully set forth herein.

XXVII

The City violated Idaho Code Section 48-101 by tying annexation of Northwood to Northwood's provision, at no cost to the city, of a complete water distribution system to the city. The acts of Ketchum in tying annexation to the provision of a water distribution system is illegal per se under the Idaho Code. Annexation into the City is totally controlled by Ketchum city government and the officials thereof and is not obtainable from any other source.

MICROFILMED

CLEMENS, COSHO & HUMPHREY, P. A.
COUNSELLORS AND ATTORNEYS AT LAW
ELEVENTH FLOOR, FIRST INTERNATIONAL BUILDING
700 WEST IDAHO
BOISE, IDAHO 83702

XXVIII

As a result of Ketchum's acts alleged above, Plaintiff has sustained injury to its business and property in an amount in excess of \$10,000.00 and is entitled under Idaho Code Section 48-114 to treble damages from the City.

XXIX

Pursuant to Idaho Code Section 48-114, Plaintiff is entitled to recover from Ketchum its reasonable attorney fees and costs.

COUNT FIVE

XXX

Ketchum Spring realleges the allegations contain Counts One, Two, Three and Four herein as if fully set forth herein.

XXXI

The City violated Idaho Code Section 48-101 by forcing Northwood to agree to the terms of the annexation agreement, specifically with regard to the provision of water in return for annexation. By so acting, the City is undertaking to monopolize or is attempting to monopolize or is in pursuance of a conspiracy to monopolize the marketing and distribution of water in the area of Ketchum.

XXXII

As a result of Ketchum's acts alleged above, Plaintiff has sustained injury to its business and property in an amount in excess of \$10,000.00 and is entitled under Idaho Code Section 48-114 to treble damages from the City.

CLEMONS, COSHO & HUMPHREY, P.A.
COUNSELORS AND ATTORNEYS AT LAW
ELEVENTH FLOOR, FIRST INTERNATIONAL BUILDING
700 WEST IDAHO
BOISE, IDAHO 83702

XXXIII

Pursuant to Idaho Code Section 48-114, Plaintiff is entitled to recover from Ketchum its reasonable attorney fees and costs.

WHEREFORE, Plaintiff prays for judgment jointly and severally against the Defendant as follows:

1. For damages in excess of \$10,000.00 against Defendant, such sum to be trebled as required by law.

2. For injunctive relief barring the Defendant from continuing the illegal tying relationship which it has created with Northwood Associates and to enjoin the City from entering into any such further tying relationships.

3. For reasonable attorney fees and costs.

4. For such other and further relief as the court may deem just and proper.

DATED this 10th day of August, 1984.

CLEMONS, COSHO & HUMPHREY, P.A.


Rory R. Jones
Attorneys for Plaintiff

MICROFILMED

FILED
U.S. DISTRICT COURT
1984 JUN 29 PM 2:39

DISTRICT OF IDAHO
L. CLAPP, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

CITY OF KETCHUM, IDAHO, a
municipal corporation,

Plaintiff,

-vs-

THE OREGON SHORT LINE
RAILROAD COMPANY, a Utah
corporation, THE UNION
PACIFIC RAILROAD COMPANY, a
Utah corporation, and UNION
PACIFIC LAND RESOURCES
CORPORATION, a Nebraska
corporation,

Defendants.

Civil No. 84-1124

O R D E R

The Court has examined the entire record concerning plaintiff's motion for immediate possession of property under Idaho Code § 7-721. In accordance with the views expressed in the memorandum decision filed with this order,

IT IS HEREBY ORDERED:

1. That the plaintiff is entitled to possession of Parcels B, B-1 and E, as fully described in the attachments to plaintiff's complaint, pending trial on the final determination of just compensation pursuant to Idaho Code § 7-721;

2. That as a condition to obtaining possession of the property, the plaintiff shall deposit with the registry of this Court the sum of \$291,000.00 which has been found to be the total

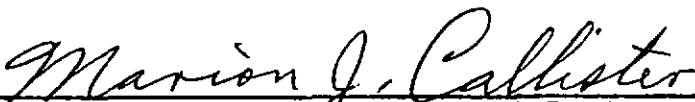
MICROFILMED

estimated fair market value of said parcels pursuant to Idaho Code § 7-721.

IT IS FURTHER ORDERED that the parties notify this Court within ten (10) days from the date of this decision whether they intend to go to trial on the issue of just compensation pursuant to Idaho Code § 7-721.

IT IS FURTHER ORDERED that the plaintiff shall be allowed to take possession of the property two (2) days after it has deposited the required funds with the registry of the Court and so notified counsel for the defendants.

DATED this 28th day of June, 1984.


MARION J. CALLISTER, CHIEF JUDGE
UNITED STATES DISTRICT COURT

JAMES W. PHILLIPS
Ketchum City Attorney
P.O. Box 2315
Ketchum, Idaho 83340
Telephone: (208) 726-5501

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

CITY OF KETCHUM, IDAHO,	)	
a municipal corporation,	)	Case Number
	)	
Plaintiff,	)	
	)	
vs.	)	COMPLAINT
	)	
THE OREGON SHORT LINE	)	
RAILROAD COMPANY, a Utah	)	
corporation, THE UNION	)	
PACIFIC RAILROAD COMPANY, a	)	
Utah corporation, and UNION	)	
PACIFIC LAND RESOURCES	)	
CORPORATION, a Nebraska	)	
corporation,	)	
	)	
Defendants.	)	

COMES NOW the Plaintiff and for cause of action against
the Defendants states and alleges as follows:

FIRST CAUSE OF ACTION

I

The Plaintiff is a municipal corporation and political
subdivision of the State of Idaho, duly organized and created
pursuant to and by virtue of the laws of the State of Idaho,
and has, among other things, the power to acquire and construct
streets and related improvements, to construct, improve and
extend municipal sewerage systems, and to construct, improve
and extend municipal water systems, and the power to exercise
the right of eminent domain under Idaho Code Sections 7-701,
7-720 and 7-721 for said purposes.

II

Defendant, Union Pacific Railroad Company, is a corporation
organized and existing under the laws of the State of Utah
having its principal place of business in the State of
Nebraska.

COMPLAINT/1

MICROFILMED

III

Defendant, Oregon Short Line Railroad Company, is a corporation organized and existing under the laws of the State of Utah having its principal place of business in the State of Nebraska. Oregon Short Line Railroad Company is a wholly owned subsidiary of Defendant, Union Pacific Railroad Company.

IV

The Ketchum City Council has determined the need to construct a public arterial street and related improvements (hereinafter referred to as "Connector Road") connecting State Highway 75 to Warm Springs Road, and to construct local access public streets and related improvements (hereinafter referred to as "Northwood Way") with the Connector Road, and to construct extensions of the municipal sewerage system and municipal water system within said street rights-of-way, all within its municipal boundaries. Construction of said streets (including structures and appurtenances thereto) and extensions of the municipal sewerage system and municipal water system requires acquisition by the Plaintiff of certain real property owned by Defendants Oregon Short Line Railroad Company and Union Pacific Railroad Company. A map establishing the general location of said public streets and improvements through the Defendants' property is attached hereto and incorporated herein by reference as "Exhibit 1", and the parcel of real property owned by said Defendants is described in "Exhibit 2", attached hereto and made a part hereof by reference. The parcels of real property owned by said Defendants and required by the Plaintiff for construction of said public improvements are separately described in "Exhibit 3", attached hereto and incorporated herein by reference, and the parcels of real property rendered uneconomic remnants by this action are each described in "Exhibit 4", attached hereto and incorporated herein by reference.

COMPLAINT/2

MICROFILMED

V

That the Plaintiff has sought, in good faith, to purchase the said parcels of real property from said Defendants.

VI

The uses which the Plaintiff is to apply said properties are authorized by law, and the taking of said real properties by the Plaintiff under its power of eminent domain is authorized by law, and if said property is already appropriated for public use, the public use to which it is to be applied by the Plaintiff is a more public use.

SECOND CAUSE OF ACTION

I

Paragraphs I, II, V, and VI of Plaintiff's First Cause of Action are hereby incorporated by reference.

II

Union Pacific Land Resources Corporation is a corporation organized and existing under the laws and having its principal place of business in the State of Nebraska and is a wholly owned subsidiary of Defendant Union Pacific Railroad Company.

III

The Ketchum City Council has determined the need to construct a public arterial street and related improvements (hereinafter referred to as "Connector Road") connecting State Highway 75 to Warm Springs Road, and to construct extensions of the municipal sewerage system and municipal water system within said street rights-of-way, all within its municipal boundaries. Construction of the Connector Road (including structures and appurtenances thereto) and extensions of the municipal sewerage system and municipal water system requires acquisition by the Plaintiff of certain real property owned by Defendant Union Pacific Land Resources Corporation and Defendant Union Pacific Railroad Company. A map establishing the general location of said public streets

and improvements through the Defendants' property is attached hereto and incorporated herein by reference as "Exhibit 1" and the parcel of real property owned by said Defendants is described in "Exhibit 5", attached hereto and made a part hereof by reference. The parcels of real property owned by said Defendants and required for the City for construction of said public improvements are each described in "Exhibit 6", attached hereto and incorporated herein by reference, and the parcels of real property rendered uneconomic remnants by this action are each described in "Exhibit 7", attached hereto and incorporated herein by reference.

WHEREFORE, the Plaintiff prays this Court as follows:

1. That the parcels of real property described in Exhibit 2 and Exhibit 3, each be condemned by the Plaintiff for public use as authorized by law and title thereto be vested in the Plaintiff, City of Ketchum, Idaho.

2. That the parcels of real property described in Exhibit 6 and Exhibit 7, each be condemned by the Plaintiff for public use as authorized by law and title thereto be vested in the Plaintiff, City of Ketchum, Idaho.

3. That the Court determine the just compensation due the Defendants for said takings.

4. That the Court, upon subsequent motion to be filed herein by Plaintiff, issue an Order granting the Plaintiff possession of said parcels of real property pursuant to the provisions of Idaho Code Section 7-721.

5. For such other relief as the Court deems just and proper.

DATED this 12th day of March, 1984.


JAMES W. PHILLIPS
Ketchum City Attorney

STATE OF IDAHO)
) ss.
County of Blaine)

VERIFICATION

GERALD N. SEIFFERT, being first duly sworn, on his oath
states:

That he is the Mayor of Ketchum, Idaho, Plaintiff in the
above entitled action; that he has read the foregoing Complaint
and that the same is true and correct to the best of his
knowledge and belief.


GERALD N. SEIFFERT
Mayor, City of Ketchum

SUBSCRIBED AND SWORN to before me this 12th day of
March, 1984.


Notary Public
Residing at: Belleme
Commission Expires: 1987

Parcel

.66 ac.
.1718 ac. (Take-UER)
.26 ac. (Take)
.6304 ac. (Take)
.29 ac.
.42 ac. (Take-UER)
.35 ac. (Take)
.22 ac. (Take-UER)
.02 ac. (Take-UER)

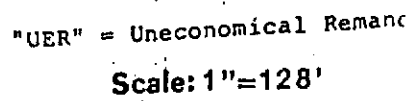


EXHIBIT 1

MICROFILMED

LEGAL DESCRIPTION OREGON SHORT LINE RAILROAD COMPANY AND
UNION PACIFIC RAILROAD COMPANY PARCEL:

A parcel of land in Section 12, Township 4 North, Range 17 East, Boise Meridian, City of Ketchum, Blaine County, State of Idaho, more fully described as follows:

Commencing at the Southeast corner of Section 12, Township 4 North, Range 17 East, Boise Meridian;

Thence North 35°23'54" West a distance of 760.72 feet to a point;

Thence South 89°59'04" West a distance of 689.76 feet to the True Point of Beginning, said point being on the easterly boundary of the Oregon Short Line Railroad right-of-way;

Thence North 04°58'12" West a distance of 1280.48 feet to a point;

Thence South 85°01'48" West a distance of 100 feet to a point;

Thence South 04°58'12" East a distance of 797.88 feet along the westerly boundary of said railroad right-of-way to a point;

Thence continuing South 4°58'30" East along said westerly boundary of the right-of-way for a distance of 405 feet to a point;

Thence continuing South 4°58'11" East along the said westerly boundary of said right-of-way a distance of 60 feet to a point;

Thence South 89°59'04" West a distance of 100.38 feet to the Point of Beginning, said tract containing 2.9194 acres, more or less.

LEGAL DESCRIPTION - CONNECTOR ROAD - (Parcel B as shown on Exhibit 1):

This parcel is situated in Section 12, Township 4 North, Range 17 East, Boise Meridian, and is more particularly described as follows:

Commencing at the Southeast corner of said Section 12;

Thence North 56°52'32" West a distance of 1489.79 feet to the True Point of Beginning;

Thence North 4°58'12" West a distance of 436.76 feet;

Thence along a curve to the right a distance of 318.63 feet with a radius of 490.00 feet and central angle of 37°15'29" and a long chord of 313.05 feet bearing North 13°39'32" East;

Thence South 4°58'12" East a distance of 450.56 feet;

Thence along a curve to the right a distance of 305.85 feet with a radius of 450.00 feet and central angle of 38°56'33" and a long chord of 300.00 feet bearing South 14°30'05" West to the True Point of Beginning, containing 54,930 square feet or 1.26 acres.

LEGAL DESCRIPTION - NORTHWOOD WAY - (Parcel E as shown on Exhibit 1):

This parcel is situated in Section 12, Township 4 North, Range 17 East, Boise Meridian, and is more particularly described as follows:

Beginning at a point that is North 37°21'34" West a distance of 2002.08 feet from the Southeast corner of said Section 12;

Thence North 50°52'37" West a distance of 139.24 feet;

Thence North 4°58'12" West a distance of 167.94 feet;

Thence North 40°10'41" East a distance of 57.51 feet;

Thence North 85°01'48" East a distance of 59.23 feet;

Thence South 4°58'12" East a distance of 26.39 feet;

Thence along a curve to the left a distance of 22.39 feet with a radius of 520.00 feet and central angle of 2°28'00" and long chord of 22.38 feet bearing South 41°24'41" West;

Thence South 40°10'41" West a distance of 92.59 feet;

Thence along a curve to the left a distance of 39.73 feet with a radius of 25.00 feet and central angle of 91°03'18" and long chord of 35.68 feet bearing South 5°20'58" East;

Thence South 50°52'37" East a distance of 113.62 feet;

Thence South 4°58'12" East a distance of 83.51 feet to the Point of Beginning;

This parcel contains 0.35 acres.

LEGAL DESCRIPTION - UNECONOMIC REMNANT - (Parcel D as shown
on Exhibit 1):

This parcel is situated in Section 12, Township 4 North, Range 17 East, Boise Meridian, and is more particularly described as follows:

Beginning at a point that is North 37°57'09" West a distance of 1970.05 feet from the Southeast corner of said Section 12;

Thence along a curve to the left a distance of 318.63 feet with a radius of 490.00 feet and a central angle of 37°15'28" and long chord of 313.05 feet bearing South 13°39'32" West;

Thence North 4°58'12" West a distance of 431.59 feet;

Thence South 50°52'37" East a distance of 139.24 feet;

Thence South 4°58'12" East a distance of 38.06 feet to the Point of Beginning;

This parcel contains 0.42 acres.

LEGAL DESCRIPTION - UNECONOMIC REMNANT - (Parcel F as shown
on Exhibit 1):

This parcel is situated in Section 12, Township 4 North, Range 17 East, Boise Meridian, and is more particularly described as follows:

Beginning at a point that is North 36°07'23" West a distance of 2073.08 feet from the Southeast corner of said Section 12;

Thence North 50°52'37" West a distance of 113.62 feet;

Thence along a curve to the right a distance of 39.73 feet with a radius of 25.00 feet and a central angle of 91°03'18" and long chord of 35.68 feet bearing North 5°20'58" West;

Thence North 40°10'41" East a distance of 92.59 feet;

Thence along a curve to the right a distance of 22.39 feet with a radius of 520.00 feet and a central angle of 2°28'00" and long chord of 22.38 feet bearing North 41°24'41" East;

Thence South 4°58'12" East a distance of 195.48 feet to the Point of Beginning;

This parcel contains 0.22 acres.

LEGAL DESCRIPTION - UNECONOMIC REMNANT - (Parcel G as shown
on Exhibit 1):

This parcel is situated in Section 12, Township 4 North, Range 17 East, Boise Meridian, and is more particularly described as follows:

Beginning at a point that is North 35°54'59" West a distance of 2279.99 feet from the Southeast corner of said Section 12;

Thence North 4°58'12" East a distance of 40.56 feet;

Thence North 85°01'48" East a distance of 40.77 feet;

Thence South 40°10'41" West a distance of 57.51 feet to the Point of Beginning;

This parcel contains 0.02 acres.

LEGAL DESCRIPTION UNION PACIFIC LAND RESOURCES CORPORATION
AND UNION PACIFIC RAILROAD COMPANY PARCEL:

A parcel of land in Section 12, Township 4 North, Range 17 East, Boise Meridian, City of Ketchum, Blaine County, State of Idaho, more fully described as follows:

Commencing at the Southeast corner of Section 12, Township 4 North, Range 17 East, Boise Meridian; thence North 60°54'54" West 1414.81 feet to the Point of Beginning, said point being 50 feet distant westerly, measured at right angles of the main track of the Ketchum Branch of the Oregon Short Line Railroad tracks;

Thence South 84°28'50" West 168.08 feet;

Thence 39.27 feet along a curve to the right with a central angle of 90°00'00" and a radius of 25 feet with a long chord of 35.36 feet bearing North 50°31'10" West;

Thence North 5°31'10" West 111.18 feet;

Thence 327.28 feet along a curve to the left with a central angle of 43°22'32" and a radius of 432.21 feet with a long chord of 319.51 feet bearing North 27°12'26" West;

Thence North 89°24'01" East 316.18 feet more or less to the said westerly boundary of the Oregon Short Line Railroad right-of-way;

Thence South 4°58'30" East 405 feet along the westerly right-of-way to the Point of Beginning, said tract containing 91,006 square feet or 2.09 acres.

LEGAL DESCRIPTION - NORTHWOOD WAY - (Parcel B-1 as shown on Exhibit 1):

This parcel is situated in Section 12, Township 4 North, Range 17 East, Boise Meridian, and is more particularly described as follows:

Commencing at the Southeast corner of said Section 12;

Thence North 63°19'33" West a distance of 1507.66 feet to the True Point of Beginning;

Thence South 84°26'41" West a distance of 56.47 feet;

Thence along a curve to the right a distance of 39.25 feet with a radius of 25.00 feet and central angle of 89°57'42" and long chord of 35.34 feet bearing North 50°34'28" West;

Thence North 5°35'36" West a distance of 33.31 feet;

Thence along a curve to the right a distance of 123.87 feet with a radius of 450.00 feet and central angle of 15°46'20" and long chord of 123.48 feet bearing North 34°46'55" East;

Thence along a curve to the left a distance of 287.14 feet with a radius of 350.00 feet and central angle of 47°00'16" and long chord of 279.15 feet bearing North 19°09'57" East;

Thence South 4°58'12" East a distance of 278.97 feet;

Thence along a curve to the right a distance of 68.03 feet with a radius of 450.00 feet and central angle of 8°41'44" and long chord of 68.23 feet bearing South 38°19'13" West;

Thence along a curve to the left a distance of 101.81 feet with a radius of 350.00 feet and central angle of 16°39'58" and long chord of 101.45 feet bearing South 34°20'06" West to the True Point of Beginning, containing 27,462 square feet or 0.6304 acres.

LEGAL DESCRIPTION - UNECONOMIC REMNANT - (Parcel A-1 as shown on Exhibit 1):

This parcel is situated in Section 12, Township 4 North, Range 17 East, Boise Meridian, and is more particularly described as follows:

Commencing at the Southeast corner of said Section 12;

Thence North $60^{\circ}55'37''$ West a distance of 1414.956 feet;

Thence North $4^{\circ}58'12''$ West a distance of 67.93 feet to the True Point of Beginning;

Thence South $84^{\circ}26'41''$ West a distance of 111.05 feet;

Thence along a curve to the right a distance of 101.81 feet with a radius of 350.00 feet and central angle of $16^{\circ}39'59''$ and a long chord of 101.45 feet bearing North $34^{\circ}20'06''$ East;

Thence along a curve to the left a distance of 68.30 feet with a radius of 450.00 feet and a central angle of $8^{\circ}41'44''$ and a long chord of 68.23 feet bearing North $38^{\circ}19'13''$ East;

Thence South $4^{\circ}58'12''$ East a distance of 127.03 feet to the True Point of Beginning;

containing 7,485 square feet or 0.1718 acres.

1 SCHLENDER & PRAGGASTIS

251 MAIN STREET SOUTH

P. O. BOX 2288

KETCHUM, IDAHO 83340

TELEPHONE: (208) 726-5651

3 Attorneys for Plaintiff

4
5
6
7 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
8 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE
9

10 KETCHUM SPRING WATER SUPPLY)
11 COMPANY, INC., a public)
12 utility,)

Plaintiff,)

13 vs.)

14 NORTHWOOD ASSOCIATES, a)
15 limited partnership; and)
16 CITY OF KETCHUM, a political)
17 subdivision of the State)
18 of Idaho,)

Defendants.)

Case No.

COMPLAINT

Fee Category: A(1)

Fee: \$44.00

18 COMES NOW Plaintiff and for cause of action
19 states:

20 I

21 Northwood Associates is a limited partnership
22 filed of record in Blaine County. The City of Ketchum
23

24 COMPLAINT, P.1

MICROFILMED

1 is a municipality organized under the laws of the State
2 of Idaho. Plaintiff is a public utility organized and
3 operated under the laws of the State of Idaho regarding
4 public utilities and utility corporations.

5 II

6 The present dispute involves the development of
7 real property located on the northern boundary of the
8 City of Ketchum and the present attempt by the City of
9 Ketchum to expand its water supply system to serve this
10 area, planned to be annexed into the city. The area is
11 in the "Certificate of Convenience and Necessity" of
12 Ketchum Spring Water which Plaintiff company, asserts
13 contract and grandfather rights to serve. A real and
14 present controversy exists; the developer Northwood
15 Associates intends within one or two weeks of the date
16 of this Complaint, to commence construction in the
17 certificated area without entering into a contract for
18 construction and payment, in accordance with the
19 Plaintiff's rights under the Uniform Extension Rule.
20 Further, Plaintiff asserts that the City of Ketchum is
21 interfering with contractual rights between Northwood.

1 Associates and the Plaintiff public utility which is
2 subject to injunctive proceeding.

3 III

4 The controversy before the Court has historic
5 development. On December 2, 1975 Ketchum Spring Water
6 Supply Company, Inc. (Ketchum Spring Water) filed an
7 Application with the Idaho Public Utilities Commission
8 for a Certificate of Public Convenience and Necessity
9 in order to serve an area then belonging to Sprenger
10 Land Investment, Inc. (Sprenger) of approximately 700
11 acres of land adjacent and North of Ketchum, Idaho,
12 then known as "Bigwood". The Northwood Associates
13 Development (Northwood) is located in the same 700
14 acres of land. Northwood Associates is a successor and
15 assign of Sprenger. After intervention in that action
16 before the Idaho Public Utilities Commission by
17 Sprenger and the City of Ketchum and the Sun Valley
18 Water and Sewer District, the Idaho Public Utilities
19 Commission entered an Order on December 30, 1975,
20 authorizing Ketchum Spring Water to serve the contested
21 area. A true copy of the Order is attached hereto as
22 Exhibit "A" and by reference made part hereof.
23
24

1 Important for reference is page 2 thereof wherein it
2 references the position of the City of Ketchum as of
3 October 14, 1975, that the City of Ketchum had no
4 interest in assuming responsibility for the proposed
5 water systems and a similar position being stated by
6 the Sun Valley Water and Sewer District. Further, it
7 is re-stated on page 5 thereof, at that time the City
8 of Ketchum had no interest in assuming the respon-
9 sibility of providing water service to the area which
10 was the same position stated by the Sun Valley Water
11 and Sewer District. After the Idaho Public Utilities
12 Commission Order (Exhibit "A") was entered, Sprenger
13 and Ketchum Spring Water entered into a contract, a
14 copy of which is attached hereto as Exhibit "B" and by
15 reference made part hereof, by which Ketchum Spring
16 Water purchased all the existing assets of the proposed
17 Sprenger water system pursuant to the Uniform Main
18 Extension Rule for Water Utilities, promulgated by the
19 Idaho Public Utilities Commission. A true copy of said
20 Uniform Extension Rule is attached hereto as Exhibit
21 "C" and by reference made part hereof. Ketchum Spring
22 Water thereafter commenced serving the Bigwood area and
23
24

1 has at all times, held itself ready and willing to
2 serve the entire 700 acre area as per its Certificate
3 of Convenience and Necessity and further, in accordance
4 with its contract with Sprenger, which is Exhibit "B".
5 Ketchum Spring Water has advanced its water supply and
6 distribution system into the 700 acre area in a uniform
7 and reasonable manner as demand has been made for water
8 utility services.

IV

10 A binding and enforceable part of the contract to
11 purchase the Sprenger Water System (Exhibit "B") is the
12 bilateral agreement between the parties as provided by
13 page 4, paragraph 14 thereof, was and is the following:

14 "AGREEMENT TO PROVIDE SERVICE. Buyer
15 agrees to provide water to any other develop-
16 ment within the area herein described pursu-
17 ant to the terms of the Uniform Extension
18 Rule."

19 Therefore, settlement of the dispute between Ketchum
20 Spring Water and Sprenger included contractual rights
21 and duties between Sprenger and Ketchum Spring Water
22 that extension of the utilities water supply system
23
24

1 into the Bigwood 700 acre area was mutually beneficial;
2 that the orderly development of the 700 acre area
3 required that any further extensions of the water
4 system to be done are in accordance with the Uniform
5 Extension Rule.

V

7 Subsequent to the agreements mentioned, Sprenger
8 sold a major portion of the 700 acre area to Northwood
9 Associates. Northwood Associates has commenced
10 development of the area as Planned Unit Developments
11 for residential and industrial use. Application has
12 been made by Northwood Associates to annex the area
13 into the City of Ketchum.

VI

15 In the past several years, the City of Ketchum has
16 developed its own water supply system. The City of
17 Ketchum desires to serve the Northwood Associates
18 development with the city water supply system.
19 Furthermore, City of Ketchum has made annexation of the
20 Northwood Associates area into the City of Ketchum
21 contingent upon the developers of Northwood Associates
22 agreeing to furnish and construct their own water
23
24

1 utility system and thereafter, donate the same to the
2 City of Ketchum after annexation, to then be linked to
3 the City of Ketchum water supply system. See Exhibit
4 "D". City of Ketchum therefore refuses not only to
5 honor the Certificate of Convenience and Necessity of
6 Ketchum water supply but also, to act in derogation of
7 the contractual rights of said Plaintiff public utility
8 by requiring Northwood Associates, a successor of
9 Sprenger with respect to contracts and land development
10 rights, duties and obligations, to use the City of
11 Ketchum system rather than honor the prior contractual
12 agreement of November 30, 1975, attached hereto as
13 Exhibit "B".

14 VII

15 Defendant Northwood Associates is presently
16 building and constructing and plans to continue
17 construction of its own water supply system contrary to
18 the express provisions of the previously referenced
19 Public Utilities Commission Order and Contract by
20 reason of the following: said plans and construction
21 are in violation of the contractual agreements that
22 Ketchum Spring Water would furnish a water supply
23
24

1 system and water utility for this parcel of real
2 property. Further, before the private developer can
3 put in its own water supply system, that must be done
4 pursuant to the Uniform Main Extension Rule, Section C
5 thereof entitled "Extensions to Serve Subdivisions,
6 Tracts, Housing Projects, Industrial Developments or
7 Organized Commercial Districts." Specifically,
8 Defendant Northwood Associates has failed pursuant to
9 Section 1.C thereof, to follow the procedure therein
10 outlined. In accordance with that section, a developer
11 can if qualified in the judgment of Ketchum Water
12 Supply, construct and install the water system and
13 after connection with the public utility, receive
14 reimbursement for the same at the rate of 22% of the
15 revenue received from the area served. That procedure
16 has not been followed.

VIII

18 The City of Ketchum presently is interfering with
19 the contractual rights, duties and obligations of
20 Plaintiff Ketchum Spring Water and forcing an
21 anticipatory breach of those contractual rights in the
22 manner herein described. Said actions of Defendant
23

1 Northwood Associates and Defendant City of Ketchum are
2 illegal and in violation of not only the Certificate of
3 Convenience and Necessity of Plaintiff Utility but also
4 the contractual rights referenced.

5 IX

6 A genuine and real controversy now exists between
7 these parties and the Plaintiff has no plain and speedy
8 remedy at law.

9 X

10 In the event a breach of the contract does occur
11 and the Northwood Associates area is served by a water
12 utility system other than the Plaintiff, the Plaintiff
13 will sustain damages, the exact amount of which at the
14 present time is unknown but are believed to be not less
15 than \$1,000,000.00, for which alternatively, Plaintiff
16 seeks compensation.

17 WHEREFORE, Plaintiff seeks Judgment as follows:

18 1. That this Court issue preliminary and perma-
19 nent injunction enjoining these Defendants and prohib-
20 iting them from breaching and continuing to breach, the
21 contract herein referenced binding upon Defendant
22 Northwood Associates and the Plaintiff.
23
24

COMPLAINT, P.9

MICROFILMED

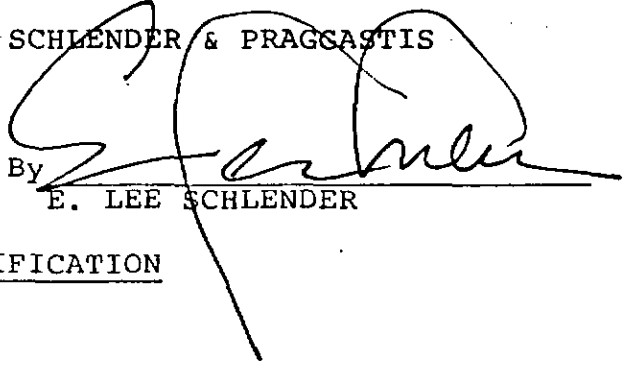
SCHLENDER & PRAGGASTIS
251 MAIN STREET SOUTH
P.O. BOX 2288
KETCHUM, IDAHO 83340
TELEPHONE: (208) 728-5651

1 2. Alternatively, that Plaintiff receive damages
2 as against these Defendants jointly and severally,
3 incidental to the injunction proceeding, in the sum of
4 not less than \$1,000,000.00.

5 3. That Plaintiff receive its reasonable attor-
6 ney's fees and costs of suit and such other relief as
7 the Court may deem just.

8 DATED this 30 day of August, 1983.

9 SCHLENDER & PRAGGASTIS

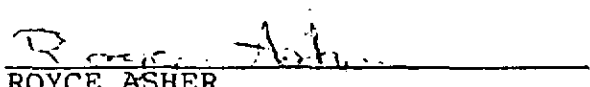
10
11 By 

12 E. LEE SCHLENDER

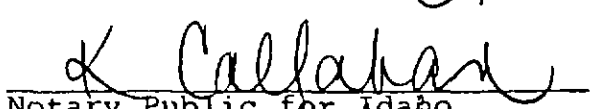
13 VERIFICATION

14 STATE OF IDAHO)
15) ss.
County of Blaine)

16 ROYCE ASHER, President of KETCHUM SPRING WATER
17 SUPPLY CO., INC., Plaintiff in the above-entitled
18 action, having read the above Complaint believes the
19 same to be true and correct.

20 
ROYCE ASHER

21 SUBSCRIBED and SWORN to before me this 31 day
22 of August, 1983.

23 
Notary Public for Idaho
24 Residing at: Ketchum

COMPLAINT, P.10

MICROFILMED

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION
OF BIGWOOD WATER COMPANY FOR A)
CERTIFICATE OF CONVENIENCE AND)
NECESSITY, PURSUANT TO SECTION)
61-526, IDAHO CODE.....)

CASE NO. U-1114-1

IN THE MATTER OF THE APPLICATION)
OF KETCHUM SPRINGS WATER AND)
SUPPLY CO., INC. FOR AN AMEND-)
MENT TO ITS CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
NO. 265 TO SERVE THE TERRITORY)
FORMERLY REQUESTED BY BIGWOOD)
WATER COMPANY IN CASE NO.)
U-1114-1. APPLICANT FURTHER RE-)
QUESTS APPROVAL TO BORROW)
\$150,000 TO PURCHASE BIGWOOD'S)
ASSETS.....)

CASE NO. U-1045-7

ORDER NO. 12280

Due to the commonality of issues, the Commission has consolidated the above referenced dockets for purposes of making a decision therein.

On December 2, 1975, Ketchum Water & Supply Company, Inc. (Ketchum) filed an application with the Commission in Case No. U-1045-7 for an amendment to its certificate of public convenience and necessity No. 265. In support of its application, the Applicant states that Sprenger Land Investment, Inc., (Sprenger) owns approximately 700 acres of land adjacent and north of Ketchum, Idaho, known as Bigwood. The comprehensive development plan for this area requires by necessity, a water distribution system in order to satisfy state and local requisites for the platting and subdivisions and orderly growth. That the following subdivisions and structures have been constructed within the area identified as Bigwood:

Parkwood Subdivision
Saddleview Subdivision
Saddleview Subdivision #2
Bigwood Condominiums
Bigwood Golf Course
Holiday Inn
Kneeland Building

A condition by local authorities to subdividing is the supply of water to the subdivisions. The closest operating licensed water systems are Ketchum and the Sun Valley Water and Sewer District. There are no other adequate facilities

EXHIBIT A

MICROFILMED

available to expand into the area and service said subdivisions and structures. Therefore, the Bigwood Water Company (Bigwood Water) system was installed.

Bigwood Water applied for a certificate of convenience and necessity with this Commission on August 15, 1973, in Case No. U-1114-1. A hearing was held in Ketchum, Idaho, on October 16, 1973, and to date the Commission has not issued an order in that proceeding. Ketchum was an intervenor in said proceeding. Since that proceeding, negotiations have commenced between Sprenger, Bigwood Water and Ketchum for the sale of the Bigwood Water distribution system. The final sale is contingent upon approval by the Idaho Public Utilities Commission of the present application for an amendment to Ketchum's certificate of public convenience and necessity. A copy of the memorandum purchase and sale agreement is attached to the present application as Exhibit A.

A complete legal description of the proposed area is attached to the application as Exhibit F. Maps showing the existing water system including wells and lines serving the proposed area are attached to the application as Exhibits B, C-1, C-2 and C-3. A legal description of the parcels of land to be purchased by Ketchum is attached to the application as Exhibits D and E.

Ketchum further submits that an adequate water source is presently available from the Bigwood facilities to provide service to the Bigwood area, and that if the amendment to Ketchum's certificate sought herein is granted, the Bigwood water system will be connected to the Ketchum system at a later date.

Ketchum further submits that to its knowledge, there are no other public utilities that are agreeable to expand into this area. Attached to the application is a letter from Glen Branen, acting mayor for the City of Ketchum, dated October 14, 1975, stating that the City of Ketchum at present has no interest in assuming responsibility for the Parkwood and Bigwood water system (Exhibit G-1) and

a letter from Clayton L. Stewart, Manager of the Sun Valley Water and Sewer District, dated October 15, 1975, indicating that at a regular meeting of the Board of Directors of the District held Monday, October 13, 1975, the Board by unanimous vote declined to serve the Bigwood and Parkwood areas (Exhibit G-2). Also submitted with the application is a letter signed by Ralph W. Thomas, Vice-President of Bigwood Water, dated November 25, 1975, stating that in the event Bigwood Water completes the sale of its water distribution system to Ketchum, Bigwood Water will withdraw its application for a certificate of convenience and necessity as originally filed in Case No. U-1114-1.

Ketchum proposes to pay for the assets of Bigwood Water through borrowings in the amount of \$150,000 from First Security Bank through participation of the Small Business Administration. The rate of interest on said loan will be determined at the time the loan is negotiated, and repayment will be made by monthly payments of approximately \$1,700 over a fifteen year period. Ketchum will pledge the remaining twenty years of a twenty-five year sales agreement of its prior business, Woodriver Cable TV, as security for the loan.

Ketchum proposes to provide service to the Bigwood area under its existing tariffs presently on file with the Commission.

In the original hearing (Case No. U-1114-1) involving Bigwood Water's application for a certificate, Ketchum, as an intervenor, opposed the application of Bigwood Water on the grounds that Bigwood Water proposed to provide a domestic water supply system and serve customers within a portion of the territory already served by Ketchum and in other areas immediately adjacent to Ketchum's existing boundary. Ketchum contended that grant of a certificate to Bigwood Water would seriously hamper the ability of Ketchum to grow and expand its existing system in the future and such lack of potential growth would be detrimental to its

existing customers. Ketchum further argued that it was willing to expand to the area proposed to be served by Bigwood Water.

Upon review of the record in Case No. U-1114-1, we are of the opinion that a certificate of convenience and necessity should be issued to a public utility to provide water service to the area identified as Bigwood. However, the Commission has not felt that it would be in the public interest to authorize a new, small water utility to operate immediately adjacent to the already existing Ketchum water utility, particularly where Ketchum remains ready and willing to expand its services to the area in question. Experience has demonstrated that the operation of a small water utility is marginal at best, and that rates and service are most favorable when the proliferation of small, independent water companies operating in the same general area can be avoided.

In view of the fact that Bigwood Water is now willing to sell its assets to Ketchum, and withdraw its original application in Case No. U-1114-1, and that Ketchum is desirous of amending its own certificate and commencing water service to the area in question, and inasmuch as there are no other entities presently willing or desirous of providing water service to the area in question, we conclude that the amendment to Ketchum's certificate of convenience and necessity should be granted, and the loan of \$150,000 approved, so that Ketchum can commence providing water service to the Bigwood area.

F I N D I N G S

I.

THAT Ketchum Springs Water Supply Company is a public utility presently providing water service in the area of Ketchum, Idaho, and is subject to the jurisdiction of this Commission.

II.

THAT based upon the record in Case No. U-1114-1,

and the present filings before the Commission in Case No. U-1045-7, a certificate of public convenience and necessity should be issued to a public utility to provide water service to the area identified as Bigwood, and as more particularly described in Exhibit F, attached to the application herein.

II.

THAT Bigwood applied for a certificate of convenience and necessity on August 15, 1973, in Case No. U-1114-1, and has since offered to sell its water distribution system to Ketchum and withdraw its application in said hearing.

III.

THAT Ketchum has entered into a memorandum of purchase and sale agreement (Exhibit A attached to the application herein) wherein it has agreed to purchase the water distribution system of Bigwood Water, with the final sale contingent upon approval by the Commission of Ketchum's application for an amendment of its certificate of public convenience and necessity.

IV.

THAT adequate water source is presently available from the Bigwood Water system to provide service to the Bigwood area; and that if this application is granted, the Bigwood Water system would be connected to the Ketchum water system at a later date.

V.

THAT there are no other public utilities agreeable to expand into the area of the Bigwood development at the present time; that the City of Ketchum does not presently have an interest in assuming the responsibility of providing water service to the Bigwood area; and that the Sun Valley Water and Sewer District, by unanimous vote of its Board of Directors held Monday, October 13, 1975, has declined service to said area.

VI.

THAT it would be in the public interest to have the Bigwood area served by Ketchum rather than through certification of a new independent public utility; and that the amendment to Ketchum's certificate of public convenience and necessity No. 265, as requested herein, is required by public convenience and necessity and should be granted.

VII.

THAT a loan of \$150,000, to be secured by Ketchum for purchase of the assets of Bigwood Water is necessary and proper to carry out its proposed service to the Bigwood area, and should also be approved.

VIII.

THAT in view of the above findings, the application of Bigwood Water requesting authority to withdraw its application in Case No. U-1114-1 should be granted.

O R D E R

IT IS THEREFORE ORDERED AS FOLLOWS:

I.

THAT the certificate of public convenience and necessity No. 265, held by Ketchum Springs Water and Supply Company, Inc., be amended to authorize service to the area as set forth in Exhibit F of its application;

II.

THAT Applicant is authorized to borrow \$150,000 for the purpose and under the terms as set forth in its application; and

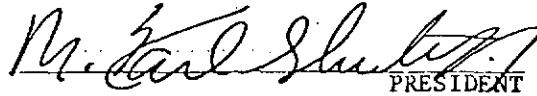
III.

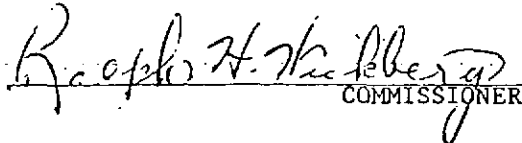
THAT the request of Bigwood Water Company to withdraw its application in Case No. U-1114-1 is granted.

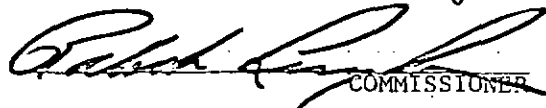
IT IS FURTHER ORDERED that Ketchum Springs Water and Supply Company, Inc., shall not sell, lease, assign or otherwise dispose of the whole or any substantial part of its franchises, properties or facilities, which are necessary or useful in the performance of its duties to the public, nor shall Ketchum Springs Water and Supply Company, by any

means, whatsoever, directly or indirectly, merge or consolidate any of its franchises, properties or facilities with any other public utility, without having secured from the Commission an order authorizing it to do so.

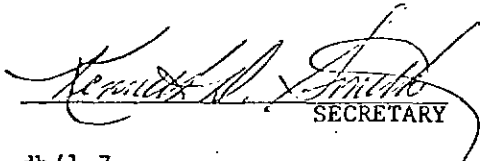
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho, this 30th day of December, 1975.


PRESIDENT


COMMISSIONER


COMMISSIONER

ATTEST:


SECRETARY

dh/1-7

MEMORANDUM PURCHASE & SALE AGREEMENT

THIS AGREEMENT is made on the 30th day of November, 1975 by and between SPRENGER LAND INVESTMENT, INC., and BIGWOOD WATER COMPANY, INC., Idaho corporations, herein referred to as "Seller", and KETCHUM SPRING WATER CO., INC., an Idaho corporation, herein referred to as "Buyer".

The parties hereto agree as follows:

1. PURCHASE AND SALE. Buyer hereby agrees to purchase and Seller hereby agrees to sell to Buyer the following described property:

(a) All well water rights in Well No. 1 and Well No. 2, described in paragraphs 1(c) and 1(d) below.

(b) Parkwood domestic water supply system, as shown in Exhibit B., attached hereto and made a part hereof.

(c) Bigwood water supply system, as shown in Exhibit C., attached hereto and made a part hereof.

(d) Real property, Parkwood system well situated comprised of 0.10 acres, described in Exhibit D., attached hereto and made a part hereof.

(e) Real property, Bigwood well situated, comprised of 0.23 acres, described in Exhibit E., attached hereto and made a part hereof.

2. PURCHASE PRICE. The total purchase price shall be the sum of the following:

<u>Description of Asset</u>	<u>Price</u>
Water Rights; Parkwood system; and Bigwood system; (a), (b), (c)	\$152,031.24
Real Property, Parkwood well, (d)	900.00
Real Property, Bigwood well, (e)	<u>1,150.00</u>
TOTAL	\$154,081.24

- 1 -

EXHIBIT 1

EXHIBIT B

MICROFILMED

3. TERMS OF PAYMENT. The total purchase price determined, as provided in paragraph 2. above, shall be paid by Buyer as follows:

(a) \$10,000.00 cash on execution of this agreement, receipt of which is hereby acknowledged.

(b) \$40,000.00 note payable to Seller on March 1, 1976, with accrued interest at ten percent (10%) per annum, from date of this agreement. Said note shall be secured by a mortgage on the real property described in paragraph 1.(d) & (e), above.

(c) \$104081.24 balance, with no interest, payable in monthly installments comprised of twentytwo percent (22%) of the revenue billed water customers located within the territory described in Exhibit F. attached hereto and made a part hereof. Said installments shall commence the 20th day of February, 1976, and shall be paid on the 20th day of each month thereafter, until the balance is satisfied in full.

4. STOCKHOLDERS WARRANTY OF OWNERSHIP. Stockholders of Bigwood Water Company, Inc. jointly and severally represent and warrant to Buyer that they are the owners and holders of all the issued and outstanding capital stock of Bigwood Water Company, Inc. and hereby consent to the sale of the assets described hereinabove, on the terms and conditions set forth herein.

5. CLOSING DATE. The closing date shall be the day of _____, 1975. The title insurance premium and recording costs shall be borne by Buyer. Any other costs and charges shall be borne by the parties in accordance with the prevailing custom. On date of closing, Seller shall deliver to Buyer good and sufficient Warranty Deed conveying

marketable title to property described in paragraph 1.(d) & (e), above; Buyer shall delivery promissory note in the amount of \$40,000.00, as described in paragraph 3.(b), above, together with mortgage securing payment of the same.

6. CONTINGENCY. This sale is contingent upon approval of Buyer's application for the water distribution system comprising this sale, by the Idaho Public Utilities Commission.

7. ACCELERATION. In the event Buyer or its successors in interest sell, assign, lease or convey its interest in the water distribution system comprising this sale, to the City of Ketchum, or other governmental entity, the balance remaining to be paid hereunder shall become immediately due.

8. APPROVAL. The Ketchum City Council and the Sun Valley Sewer Association approves of the transfer of the water distribution system to Buyer. Letters of approval are attached hereto as Exhibit G. and made a part hereof.

9. ACCOUNTS PAYABLE, DEBTS AND LIABILITIES. Buyer shall indemnify Seller against and save them harmless from any and all debts, liabilities and obligations accruing or based upon or rising out of facts occurring after the closing date, and connected with the property and business sold hereunder, or the operations thereof.

10. NONASSIGNABILITY: SUCCESSORS AND ASSIGNS. Neither this agreement, nor any interest herein shall be assignable by Buyer, without the prior written consent of Seller.

11. WARRANTIES OF SELLER. Buyer has been afforded full opportunity to examine the property to be purchased by it hereunder, and no representations or warranties whatever with respect thereto are made by Seller and stockholders, or any of them.

12. ATTORNEY'S FEES. In the event legal action is commenced to enforce any of the terms or provisions of this agreement, the prevailing party shall be entitled, in addition to damages, to reasonable attorney's fees as determined by a court of law.

13. BINDING ON SUCCESSORS. This agreement shall inure to the benefit and be binding upon, the heirs, administrators, and assigns of each of the parties hereto.

14. AGREEMENT TO PROVIDE SERVICE. Buyer agrees to provide water to any other development within the area herein described pursuant to the terms of the Uniform Extension Rule.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first above written.

BUYER

KETCHUM SPRING WATER CO., INC.

By [Signature]
Secretary

By [Signature]
President

SPRENGER LAND INVESTMENT, INC.,

By [Signature]
Secretary

By [Signature]
Vice-President

BIGWOOD WATER COMPANY, INC.

By [Signature]
Secretary

By [Signature]
Vice President

DESCRIPTION OF A PARCEL OF LAND FOR
SPRENGER INVESTMENT CO. (Well No. 2)

A parcel of land within Secs. 12 & 13, T4N, R17E, B1
Tetchum, Blaine County, Idaho, and more particularly
described as follows:

Commencing at the SE Cor. of said Sec. 12; thence
S89°01'04"W, 1586.53 feet to the true point
of beginning.

Thence N66°30'52"W, 72.00 feet;

thence N23°29'08"E, 54.74 feet;

thence N78°34'08"E, 14.43 feet;

thence S66°30'52"E, 60.17 feet;

thence S23°29'08"W, 63.00 feet to the true
point of beginning,

and said parcel containing 0.10 acres.

EXHIBIT B.

DESCRIPTION OF A PARCEL OF LAND FOR
SPRENGER INVESTMENT CO.
(WELL No. 1)

A parcel of land within Sec. 12, T4N, R17E, B.M.,
Blaine County, Idaho, and more particularly
described as follows:

Commencing at the SE Cor. of said Sec. 12;
thence N $14^{\circ}12'04''$ W, 2326.85 feet to the true
point of beginning.

Thence S $80^{\circ}10'09''$ W, 99.94 feet;

thence N $9^{\circ}49'51''$ W, 100.00 feet;

thence N $80^{\circ}10'09''$ E, 100.00 feet;

thence S $9^{\circ}49'51''$ E, 75.00 feet;

thence 25.00 feet along a curve to the right
with a central angle of $0^{\circ}15'03''$, a radius of
5680.00 feet and a long chord of 25.00 feet
that bears S $9^{\circ}41'35''$ E to the true point of
beginning,

and said parcel containing 0.23 acres.

BIGWOOD LEGAL DESCRIPTION

T 4 N, R 17 E, B.M., Blaine County, Idaho

Section 1:

SE1/4NE1/4
SE1/4

Section 12:

E1/2E1/2
W1/2NE1/4

All that part of the W1/2SE1/4 lying East of the following described line: Beginning at the East quarter-corner of Sec. 12, T 4 N, R 17 E, B.M., running thence S89°38'00" W, 2041.70 feet to the intersection of the East and West centerline of said Sec. 12, and the Big Wood River. Thence along the centerline of the Big Wood River by the following courses: S21°08'05"W, 242.82 feet; thence S56°01'46" W, 170.02 feet; thence S20°15'56" E, 207.87 feet; thence S12°47'27" W, 189.71 feet; thence S26°57'56" W, 255.81 feet; thence S24°46'30" E, 171.81 feet; thence S45°37'30" E, 194.47 feet; thence S11°07'31" E, 243.58 feet; thence S29°52'58" W, 154.55 feet; thence S6°25'43" E, 357.25 feet; thence S64°52'33" E, 355.65 feet; thence S26°24'08" E, 157.42 feet; thence S23°46'29" W, 248.05 feet; thence S11°44'33" E, 184.94 feet; thence S69°44'00" E, 28.41 feet to the Northwest corner of the Parkwood Subdivision, according to the plat thereof filed with the Blaine County recorder.

Section 13:

The Parkwood Subdivision according to the plat thereof filed with the Blaine County recorder. Lot 1 and all that part of NW1/4NE1/4 lying East of the line described in Sec. 12 above and East of the Parkwood Subdivision. All that part of Lot 2 lying East of the Parkwood Subdivision.

T 4 N, R 18 E, B.M., Blaine County, Idaho

Section 6:

Lot 7.

Section 7:

Lots 1, 2, 3 and 4.

EXCERPTING:

A parcel of land in Sec. 12 and Sec. 13, T4N, R17E, B.M., Ketchum, Blaine County, Idaho, and more particularly described as follows:

Commencing at the N.E. Cor. of said Sec. 13; thence S77°14'43"E, 262.30 feet to the North Corner of the original Ketchum Townsite; thence S45°23'42"W, 869.75 feet along the northwesterly boundary of the original Ketchum Townsite to the westerly boundary of U. S. Highway 93, and the true point of beginning.

Thence S45°23'42"W, 572.71 feet;
thence N14°31'47"W, 59.79 feet;
thence 135.75 feet along a curve to the left with a central angle of 41°48'47", a radius of 186.02 feet, and a long chord of 132.76 feet that bears N35°26'03"W;
thence N4°58'29"W, 165.29 feet;
thence N45°23'42"E, 38.98 feet;
thence N6°38'18"W, 100.00 feet;
thence S81°21'42"W, 27.13 feet;
thence N4°58'29"W, 887.82 feet;
thence 102.41 feet along a curve to the left with a central angle of 8°57'53", a radius of 654.52 feet, and a long chord of 102.30 feet that bears N9°27'25"W;
thence N83°21'42"E, 556.02 feet to the westerly boundary of U.S. Highway 93;
thence S3°25'51"E, 1103.46 feet along the westerly boundary of U.S. Highway 93 to the true point of beginning,

BIGWOOD LEGAL DESCRIPTION

T 4 N, R 17 E, B.M., Blaine County, Idaho

Section 1:

SE1/4NE1/4
SE1/4

Section 12:

E1/2E1/2
W1/2NE1/4

All that part of the W1/2SE1/4 lying East of the following described line: Beginning at the East quarter-corner of Sec. 12, T 4 N, R 17 E, B.M., running thence S89°38'00" W, 2041.70 feet to the intersection of the East and West centerline of said Sec. 12, and the Big Wood River. Thence along the centerline of the Big Wood River by the following courses: S21°08'05" W, 242.82 feet; thence S56°01'46" W, 170.02 feet; thence S20°15'56" E, 207.87 feet; thence S12°47'27" W, 189.71 feet; thence S26°57'56" W, 255.81 feet; thence S24°46'30" E, 171.81 feet; thence S45°37'30" E, 194.47 feet; thence S11°07'31" E, 243.58 feet; thence S29°52'58" W, 154.55 feet; thence S6°25'43" E, 357.25 feet; thence S64°52'33" E, 355.65 feet; thence S26°24'08" E, 157.42 feet; thence S23°46'29" W, 248.05 feet; thence S11°44'33" E, 184.94 feet; thence S69°44'00" E, 28.41 feet to the Northwest corner of the Parkwood Subdivision, according to the plat thereof filed with the Blaine County recorder.

Section 13:

The Parkwood Subdivision according to the plat thereof filed with the Blaine County recorder. Lot 1 and all that part of NW1/4NE1/4 lying East of the line described in Sec. 12 above and East of the Parkwood Subdivision. All that part of Lot 2 lying East of the Parkwood Subdivision.

T 4 N, R 18 E, B.M., Blaine County, Idaho

Section 6:

Lot 7.

Section 7:

Lots 1, 2, 3 and 4.

MICROFILMED

EXHIBITING:

A parcel of land in Sec. 12 and Sec. 13, T4N, R17E, B.M., Ketchum, Blaine County, Idaho, and more particularly described as follows:

Commencing at the N.E. Cor. of said Sec. 13; thence S77°14'43"E, 262.30 feet to the North Corner of the original Ketchum Townsite; thence S45°23'42"W, 869.75 feet along the northwesterly boundary of the original Ketchum Townsite to the westerly boundary of U. S. Highway 93, and the true point of beginning.

Thence S45°23'42"W, 572.71 feet;
thence N14°31'47"W, 59.79 feet;
thence 135.75 feet along a curve to the left with a central angle of 41°48'47", a radius of 186.02 feet, and a long chord of 132.76 feet that bears N35°26'03"W;
thence N4°58'29"W, 165.29 feet;
thence N45°23'42"E, 38.98 feet;
thence N6°38'18"W, 100.00 feet;
thence S81°21'42"W, 27.13 feet;
thence N4°58'29"W, 887.82 feet;
thence 102.41 feet along a curve to the left with a central angle of 8°57'53", a radius of 654.52 feet, and a long chord of 102.30 feet that bears N9°27'25"W;
thence N83°21'42"E, 556.02 feet to the westerly boundary of U.S. Highway 93;
thence S3°25'51"E, 1103.46 feet along the westerly boundary of U.S. Highway 93 to the true point of beginning,

A. General Provisions and Definitions

1. Applicability

- a. All extensions of distribution mains from the utility's existing distribution system, to serve new customers, except for those specifically excluded below, shall be made under the provisions of this rule unless specific authority is first obtained from the Commission to deviate therefrom.
A main extension contract shall be executed by the utility and the applicant or applicants for the main extension before the utility commences construction work on said extensions or, if constructed by applicant or applicants, before the facilities comprising the main extension are transferred to the utility.
- b. Extensions solely for fire hydrant, private fire protection, resale, temporary, standby, or supplemental service shall not be made under this rule.
- c. The utility may, but will not be required to, make extensions under this rule in easements or rights of way where final grades have not been established, or where street grades have not been brought to those established by public authority. If extensions are made when grades have not been established and there is a reasonable probability that the existing grade will be changed, the utility shall require that the applicant or applicants for the main extension deposit, at the time of execution of the main extension agreement, the estimated net

EXHIBIT C

MICROFILMED

cost of relocating raising or lowering facilities upon establishment of final grades. Adjustment of any difference between the amount so deposited and the actual cost of relocating, raising or lowering facilities shall be made within ten days after the utility has ascertained such actual cost. The net deposit representing actual cost is not subject to refund. The entire deposit related to the proposed relocation, raising or lowering shall be refunded when such displacements are determined by proper authority to be not required.

2. Definitions

- a. A "bona fide customer", for the purposes of this rule, shall be a customer (excluding any customer formerly served at the same location) who has given satisfactory evidence that service will be reasonably permanent to the property which has been improved with a building of a permanent nature, and to which service has commenced. The provision of service to a real estate developer or builder, during the construction or development period, shall not establish him as a bona fide customer.
- b. A "real estate developer" or "builder", for purposes of this rule, shall include any individual, association of individuals, partnership, or corporation that divides a parcel of land into two or more portions.
- c. The "adjusted construction cost", for the purposes of this rule, shall be reasonable and shall not exceed the costs recorded in conformity with generally accepted water utility

- c. In the event a main extension contract with the utility is executed within 180 days after the utility furnishes the detailed plans and specifications, the deposit shall become a part of the advance, and shall be refunded in accordance with the terms of the main extension contract. If such contract is not so executed, the deposit to cover the cost of preparing plans, specifications and cost estimates shall be forfeited by the applicant for the main extension and the amount of the forfeited deposit shall be credited to the account or accounts to which the expense of preparing said material was charged.
- d. When detailed plans, specifications and cost estimates are requested, the applicant for a main extension shall furnish a map to a suitable scale showing the street and lot layouts and, when requested by the utility, contours or other indication of the relative elevation of the various parts of the area to be developed. If changes are made subsequent to the presentation of this map by the applicant, and these changes require additional expense in revising plans, specifications and cost estimates, this additional expense shall be borne by the applicant, not subject to refund, and the additional expense thus recovered shall be credited to the account or accounts to which the additional expense was charged.

5. Timing and Adjustment of Advances

- a. Unless the applicant for the main extension elects to arrange for the installation of the extension himself, as permitted by

Section C.1.c. the full amount of the required advance or an acceptable surety bond must be provided to the utility at the time of execution of the main extension agreement.

- b. If the applicant for a main extension posts a surety bond in lieu of cash, such surety bond must be replaced with cash not less than ten calendar days before construction is to commence; provided, however, that if special facilities are required primarily for the service requested, the applicant for the extension may be required to deposit sufficient cash to cover the cost of such special facilities before they are ordered by the utility.
- c. An applicant for a main extension who advances funds shall be provided with a statement of actual construction cost and adjusted construction cost showing in reasonable detail the cost incurred for material, labor, any other direct and indirect costs, overheads, and total costs; or unit costs; or contract costs, whichever are appropriate.
- d. Said statement shall be submitted within sixty days after the actual construction costs of the installation have been ascertained by the utility. In the event that the actual construction costs for the entire installation shall not have been determined within 120 days after completion of construction work, a preliminary determination of actual and adjusted construction costs shall be submitted, based upon the best available information at that time.

e. Any differences between the adjusted construction costs and the amount advanced shall be shown as a revision of the amount of advance and shall be payable within thirty days of submission of statement.

6. Assignment of Main Extension Contracts

Any contract entered into under Sections B and C of this rule, or under similar provisions of former rules, may be assigned, after settlement of adjusted construction costs, after written notice to the utility by the holder of said contract as shown by the utility's records. Such assignment shall apply only to those refunds which become due more than thirty days after the date of receipt by the utility of the notice of assignment. The utility shall not be required to make any one refund payment under such contract to more than a single assignee.

7. Interpretations and Deviations

In case of disagreement or dispute regarding the application of any provision of this rule, or in circumstances where the application of this rule appears unreasonable to either party, the utility, applicant or applicants may refer the matter to the Commission for determination.

B. Extensions to Serve Individuals

1. Free-Footage Allowance

The utility shall extend its water distribution mains to serve new bona fide customers at its own expense, other than to serve

subdivisions, trams, housing projects, industrial developments or organized commercial districts, when the required total length of main extensions from the nearest existing utility facility is not in excess of fifty feet per service connection.

2. Advances

If the total length of main extension is in excess of 50 feet per service connection applied for, the applicant or applicants for such service shall be required to advance to the utility, before construction is commenced, that portion of the estimated reasonable cost of such extension which exceeds the estimated reasonable cost of 50 feet of the main extension per service connection, exclusive of the cost of service pipes, meter boxes and meters. Such estimated reasonable cost shall be based upon the cost of a main not in excess of 6 inches in diameter except where a larger main is required by the special needs of the applicant or applicants. The amount of the advance is subject to adjustment in accordance with the provisions of Section A.5.e. of this rule.

3. Refunds

The money so advanced shall be refunded by the utility, in cash, without interest, in payments equal to the adjusted construction cost of 50 feet of the main extension for which advance was made, for each additional service connection made to said main extension exclusive of that of any customer formerly served in a reasonable

manner at the same location. At the request of an applicant, refunds shall be made within 180 days after the date of first service to a bona fide customer. If no request is received from applicant, the utility shall initiate refunds on an annual basis. No refunds shall be made after a period of ten years from the date of completion of the main extension and the total refund shall not exceed the amount advanced.

4. Exceptions

Where a group of five or more individual applicants requests service from the same extension, or in unusual cases after obtaining Commission authorization, the utility, at its option, may require that the individual or individuals advance the entire cost of the main extension as herein provided and the utility shall refund this advance as provided in Section C.2. of this rule.

C. Extensions to Serve Subdivisions, Tracts, Housing Projects, Industrial Developments or Organized Commercial Districts

1. Advances

a. Unless the procedure outlined in Section C.1.c. is followed, an applicant for a main extension to serve a new subdivision, tract, housing project or industrial development or organized commercial district shall be required to advance to the utility, before construction is commenced, the estimated reasonable cost of the extension to be actually installed, from the nearest utility facility at least equal in size or

capacity to the main required to serve both the new customers and a reasonable estimate of the potential customers who might be served directly from the main extension without additional extension. The costs of the extension shall include necessary service stubs or service pipes, fittings, gates and housing therefor, and meter boxes, but shall not include meters. To this shall be added the cost of fire hydrants when requested by the applicant for the main extension or required by public authority, whenever such hydrants are to become the property of the utility.

- b. If, for any purpose, special facilities are required primarily for the service requested, the cost of such special facilities may be included in the advance, subject to refund, as hereinafter provided, along with refunds of the advance of the cost of the extension facilities described in Section C.1.a. above.
- c. In lieu of providing the advances in accordance with Sections C.1.a. and C.1.b., the applicant for a main extension shall be permitted, if qualified in the judgement of the utility to construct and install the facilities himself, or arrange for their installation pursuant to competitive bidding procedures initiated by him and limited to qualified bidders. The cost, including the cost of inspection and supervision by the utility, shall be paid directly by applicant. The applicant shall provide the utility with a statement of actual construction cost in reasonable detail. The amount to be treated as an advance subject to refund shall be the lesser of (1)

the actual cost or () the price quoted in the utility's detailed cost estimate. The installation shall be in accordance with the plans and specifications submitted by the utility pursuant to Section A.4.b.

2. Refunds

- a. The amount advanced under Sections C.1.a., C.1.b. and C.1.c. shall be subject to refund by the utility in cash, without interest, to the party or parties entitled thereto as set forth in the following two paragraphs. The total amount so refunded shall not exceed the total of the amount advanced. Except as hereinafter provided, the refunds shall be made in annual, semiannual or quarterly payments, at the election of the utility, and for a period not to exceed 20 years after the date of the contract.
- b. Whenever costs of main extensions have been advanced pursuant to Sections C.1.a. or C.1.c., the utility shall determine the revenue received from customers other than residential, including fire protection agencies, supplied by service pipes connected directly to the extension for which the cost was advanced. The refund shall be 22% of the revenue so received. For residential customers connected directly to the extension for which the cost was advanced, the utility shall refund 22% of the average revenue per residential customer of the entire system for the immediately preceding 12 month period. (See Section C.2.d. & B-3.)

- c. Whenever costs of special facilities have been advanced pursuant to Sections C.l.b. or C.l.c., the amount so advanced shall be divided by the number of lots to be served by the special facilities. This advance per lot shall be refunded for each lot on which one or more bona fide customers are served by those facilities.
- d. With respect to a contract entered into on and after the effective date of this rule, if, at any time during the 20 year refund period specified above, 80% of the bona fide customers for which the extension or special facilities were designed are being served therefrom, the utility shall immediately notify the contract holder of that fact, and at that time shall become obligated to pay, in cash, any balance which may remain unrefunded at the end of said 20 year period. Such balance shall be refunded in five equal annual installments, payable beginning 21 years after the date of the contract.
- e. Where a contract has been entered into under a former main extension rule, and where 80% of the bona fide customers for which the extension or special facilities were designed are being served therefrom the utility may negotiate and enter into a new and substitute contract, identical in all respects with the original contract, including the original termination date, except that said substitute contract shall include the following provisions: "Notwithstanding any other provisions hereof, any unrefunded balance remaining at the termina-

tion date of this contract shall be paid in five equal annual installments beginning one year after said termination date."

3. Termination of Main Extension Contracts

a. Any contract entered into under Section C of this rule, or under similar provisions of former rules, may be purchased by the utility and terminated, after first obtaining the authorization of the Commission, at any time after the number of bona fide customers then receiving service from the extension for which the advance was made equals at least 60% of the total number of bona fide customers for which such extension was designed by the utility and the terms are otherwise mutually agreed to by the parties or their assignees and that Section C.3.b. and Section C.3.c. hereof are complied with.

b. The utility, in requesting authorization for such termination, shall furnish to the Commission the following information in writing by an advice letter in the event the termination is to be accomplished by payment in cash, or by a formal application.

(1) A copy of the main extension contract, together with data adequately describing the development for which the advance was made and the total adjusted construction cost of the extension.

(2) The balance unpaid on the contract, as above defined, as of the date of termination and terms under which

the obligation is requested to be terminated.

(3) The name of the holder of the contract when terminated.

(4) The total number of bona fide customers for which the extension was designed and the number of bona fide customers actually receiving service on said extension as of the proposed termination date of contract.

c. Discounts obtained by the utility from contracts terminated under the provisions of this section shall be accounted for by credits to Ac. 265, Contributions in Aid of Construction.



P.O. Box 2315
KETCHUM, IDAHO 83340
(208) 726-3841

MAYOR
GERALD N. SEIFFERT

COUNCILMEN
JACK C. CORROCK
TIM CRAWFORD
THOMAS F. HELD
SUSAN H. WOLFORD

CLERK
BETTY A. COLES

July 12, 1983

Mr. Barry J. Luboviski
Luboviski, Wygle & Fallowfield
P.O. Box 1172
Ketchum, Idaho 83340

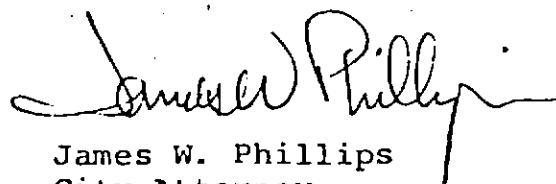
Re: Northwood Water Supply

Dear Barry:

In response to your letter of July 1, 1983, please be advised that the City of Ketchum has the ability and right to provide water to the Northwood Planned Unit Development. It is my legal opinion after researching the issue that the Ketchum Spring Water Company's certificate issued by the Idaho Public Utilities Commission restricts competition between private water companies, but does not restrict the municipalities right to provide water to the proposed development. The provision of such water service will be covered in an annexation agreement executed between Northwood and the City of Ketchum if and when Northwood is annexed and approved.

Should you have any other questions, please advise.

Very truly yours,



James W. Phillips
City Attorney

JWP:jj

RECEIVED

AUG 1 1983

EXHIBIT D

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

January 25, 1985

City of Ketchum
P. O. Box 2315
Ketchum, ID 83340

PERMIT NO. 37-7682

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. 36204.

Roberta Garrett
Records Supervisor

Enclosure

MICROFILMED

S T E O F I D A H O
DEPARTMENT OF WATER RESOURCES

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

138468

CITY OF KETCHUM
P.O. BOX 2315
KETCHUM, ID 83340

PROOF DUE NOTICE

NOVEMBER 30, 1984

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 37-7682 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE FEBRUARY 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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

37-7682

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

April 5, 1984.

Mr. James W. Phillips
City Attorney
P. O. Box 2315
Ketchum, ID 83340

Dear Mr. Phillips:

I researched our records for water rights with diversions from groundwater sources (wells) within the legal descriptions you related in our telephone conversation of April 4. Listed below are the legal descriptions of the lands researched along with the water right identification number and/or comments:

T. 4 N., R. 17 E.

- Sec. 12: NE $\frac{1}{4}$ SE $\frac{1}{4}$ -- No valid water rights were found in Department records for diversions from wells.
- Sec. 12: SW $\frac{1}{4}$ SE $\frac{1}{4}$ -- Claim 37-4316 in the name of Ramona Water Co. for two wells.
- License 37-7397 in the name of Ketchum Presbyterian Church.
- Application 37-8128 in the name of William D. O'Neill/Patritia O'Neill.
- Sec. 13: NW $\frac{1}{4}$ NE $\frac{1}{4}$ -- License 37-7150 in the name of the City of Ketchum.
- Permit 37-7682 in the name of the City of Ketchum. The permit also describes points of diversion within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 12, T. 4 N., R. 17 E.

MICROFILMED

Mr. James W. Phillips

2

April 5, 1984

If you have any questions or need further assistance, please do not hesitate to contact us.

Sincerely,

Roberta Garrett

ROBERTA GARRETT
Records Supervisor

RECEIVED

On this 5th day of April 1984 I, Roberta Harrett,
do hereby certify that to the best of my knowledge there are no valid water
right filings recorded with Idaho Department of Water Resources with points
of diversion from groundwater (wells) within the following legal description:
Township 4 North, Range 17 East

Section 12: NE $\frac{1}{4}$ SE $\frac{1}{4}$

MICROFILMED

On this 5th day of April 1984, I, Roberta Garrett,
do hereby certify that the water right filings listed by identification number
describe points of diversion for groundwater (wells) within the following legal
descriptions and are recorded with Idaho Department of Water Resources.

Township 4 North, Range 17 East

Section 12: SW $\frac{1}{4}$ SE $\frac{1}{4}$ -- Claim 37-4316
-- License 37-7397
-- Application 37-8128

Section 13: NW $\frac{1}{4}$ NE $\frac{1}{4}$ -- License 37-7150
-- Permit 37-7682

RECEIVED
APR 11 1984

February 10, 1984

RE: Permit No. 37-7682

City of Ketchum
Box 2315
Ketchum, ID 83340

Gentlemen:

Enclosed is a copy of the approved application for amendment submitted in connection with the above referenced permit.

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosure

NOTICE OF AMENDMENT TO A WATER PERMIT

NO. 37-7682

Notice is hereby given that City of Ketchum, Idaho is the holder of approved permit No. 37-7682 authorizing the diversion of 7 cubic feet per second of water from groundwater in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13; SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12, T4N, R17E, B.M., County of Blaine, to be used for municipal purposes from Jan. 1 to Dec. 31 within City Limits of Ketchum, Idaho

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

Point(s) of Diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12; NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, T4N, R17E

Place of Use: No change

Any protest against approval of the amending of Permit No. 37-7682 as set forth above must be filed with the Idaho Department of Water Resources 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301, on or before Jan. 16, 1984

A. KENNETH DUNN
Director

Published in the Wood River Journal
on Dec. 29, 1983 AND Jan. 5, 1984

RECORDED

OK
Adm
12/20/83



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

SOUTHERN DISTRICT

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

December 20, 1983

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

Re: Notice of Proposed Change of Water Right 37-0230-37-0231-37-0232
Notice of Amendment to a Water Permit 37-7682

Gentlemen:

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

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

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

Sincerely,

Mary A. Newby
Sec/Office Coord

Encl:

ENCLOSURE

July 29, 1981

City of Ketchum
P.O. Box 567
Ketchum, ID 83340

Dear Sirs,

RE: Permit No. 37-7682

Enclosed is a copy of the approved application for amendment submitted in connection with the above referenced permit.

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

Enclosure

JIM JOHNSON

January 7, 1980

City of Ketchum
P. O. Box 567
Ketchum, ID 83340

Gentlemen:

Enclosed is a copy of the approved application for extension of time in connection with the above referenced permit.

The time within which to submit proof of beneficial use of water has been extended to **February 1, 1985!**

Sincerely,

Jan Grover
Water Rights Supervisor

RECEIVED

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 37-7682

Name(s) of Permit-Holder: City of Ketchum

Post Office Address: P.O. Box 567

Ketchum, Id. 83340 Tel. No. 726-1881

Source of Water: Well

Extent of Use: ☒ Domestic 120 (number of households)
☐ Stockwater 5 (number and type of stock)
☐ Irrigation _____ (acres)
☐ Other _____

Measuring Device: Required? ☐ Yes ☐ No Installed? ☒ Yes ☐ No

Access Port: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

12/3/79 See memo
 Date

James B. Jaquet
 Signature of Permit Holder

City of Ketchum
Box 567
Ketchum, Id. 83340

PEOPLE'S RIGHT
USA 10c



RECEIVED

DEC 5 1979

Department of Water Resources



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

CONVERSATION MEMORANDUM

DATE 12-21-79

NAME OF PARTY

James B. Laquet

EMPLOYEE

Patricia L. Lockett

FILE _____

RE:

Permit No. 37-7182

Pursuant to a telephone conversation of this date, the City of Litchum wishes to request an extension of time to develop the additional well and withdraw the statement of beneficial use.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

CITY OF KETCHUM
P.O. BOX 567
KETCHUM, ID 83340

101551

NOVEMBER 30, 1979

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 37-7682 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE FEBRUARY 01, 1980. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

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

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

RECEIVED
NOV 30 1979
WATER RESOURCES



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

August 15, 1979

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition is less restrictive and provides you the option to install an access port or have your system measured and certified by a professional engineer. Instructions for access port installation are also enclosed.

If you have questions regarding this matter, please contact the Regional Office nearest to you.

Sincerely,

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

DRT:lr

Enclosures

Northern Region Office
Rt. #5, Box 203 Government Way
Coeur d'Alene, Idaho 83814

Eastern Region Office
1515 Lincoln Street
Idaho Falls, Idaho 83401

Southern Region Office
1041 Blue Lake Blvd. North
Twin Falls, Idaho 83301

Western Region Office
92 S. Cole Road
Boise, Idaho 83705

MICROFILM

January 30, 1978

Re: Permit No. 37-7682

City of Ketchum, Idaho
P. O. Box 567
Ketchum, ID 83340

Gentlemen:

Enclosed is a copy of your approved Application for Permit No. 37-7682 . We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to either install and maintain a measuring device at your point of diversion or to provide the Department a certified measurement of the systems diversion capacity prior to submitting proof of beneficial use of water. We have enclosed a letter describing the different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Operations Bureau

BDF/cah

Enclosure

RECEIVED
JAN 31 1978
FLEENOR

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 37-7682 - City of Ketchum

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water Allow 2 yrs.
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) AS 10/11/77

In form to receipt

(2) _____

Send Copies to:

_____ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management

(3) AS 10/11/77

_____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant
_____ Request Dam Safety Information

(4) mls 10-14-77

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) mls 11-10-77

Critical groundwater area: yes _____ no ☒

(8) mls 11-10-77

Groundwater levels:

_____ Declining, ☒ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) Dj 11/4/77

Affidavit of Publication received (date) 11/3/77

(12) Dj 10/12/77

Final date for protests 11/7/77
Protests received: yes _____ no ☒

(13) _____

All requested information received from agencies or applicant: yes _____ no _____

(14) mls 11-10-77

Action recommended:

☒ Approve _____ Deny

10-7-77 Proposed Priority

_____ Reason for Reduction _____

☒ Measuring device required

_____ See attached sheet for other conditions of approval

_____ No special conditions for approval

(15) District Southern By Michael Stule Date 11-10-77

cc: sent to Boise 10/14/77

RECEIVED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that City of Ketchum
Ketchum, Idaho 83340
has on 10/7/77 submitted Application No. 37-7692
for a permit to appropriate 7 cubic feet per second ~~acre feet per annum~~
of water from ground water
by means of Two well pumps, collection system, storage tanks, lines
within the SE1/4, SW1/4, Sec. 12, Twp. 4N, Rge. 17E, B. M. Blaine County

to be used from Jan. 1 to Dec. 31 for Municipal purposes
for xxx
within the City of Ketchum

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before November 7, 1977.

C. Stephen Allred

Director

Published in the Wood River Journal
on 10/20 and 10/27/77

MICROFILMED

October 12, 1977

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

Re: Application for Permit No. 37-7682 - City of Ketchum

Gentlemen:

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

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

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

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS/dj

Bill submitted: _____