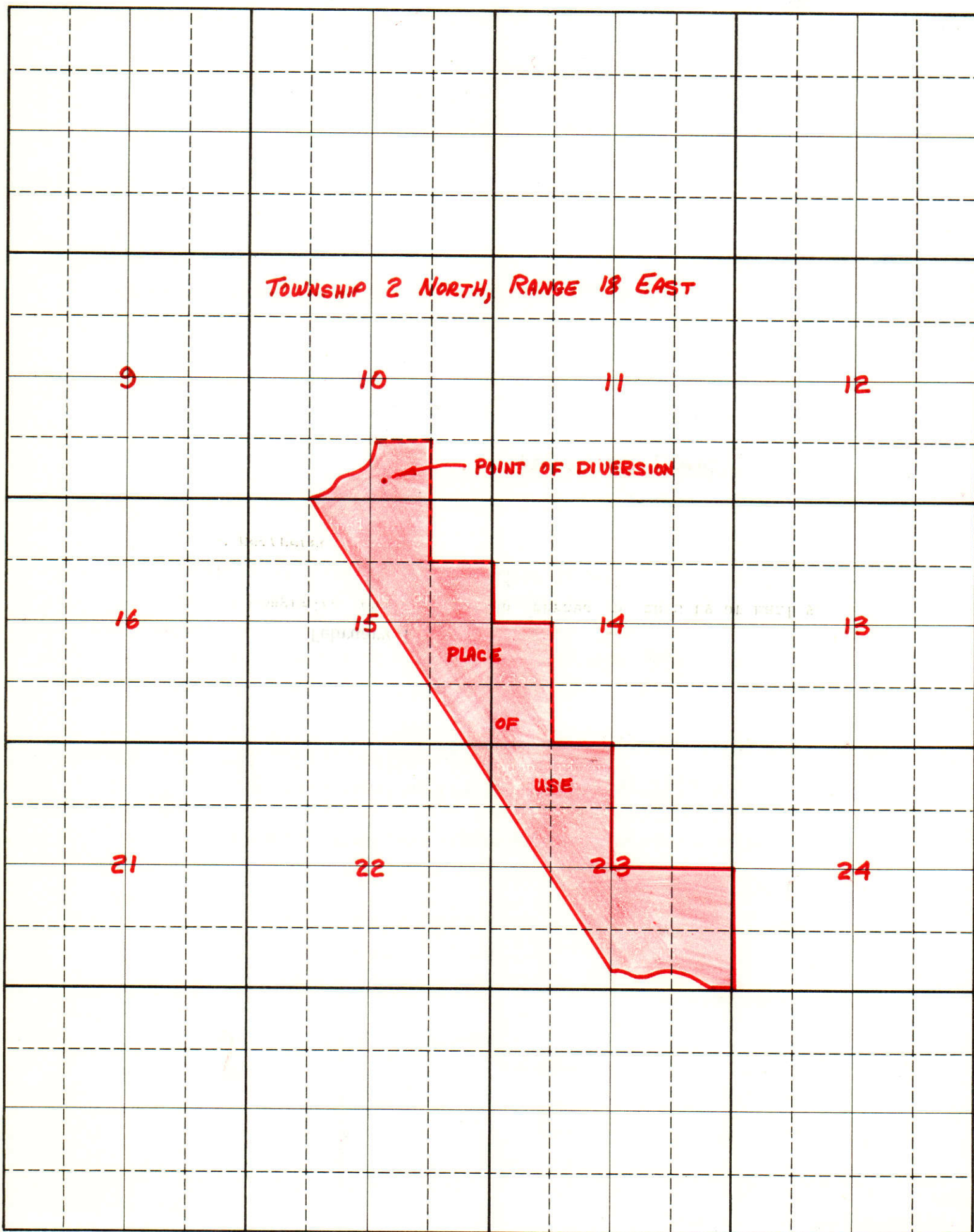


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

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

Mc Claffock Properties, Inc.
Donald J. Jeff
(Applicant) Vice President

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho, }
County of Blaine } SS.

NOV 20 1973

Department of Water Administration
Southern Idaho Division

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

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 8th day of November, 1973, and the date of the last publication was on the 15th day of November, 1973.

Subscribed and sworn to before me this 19 day of November, 1973.
(SEAL)

J. Schrader

NOTARY PUBLIC

WOOD RIVER JOURNAL

Hailey, Idaho

COST OF PUBLICATION

Number of Lines in Notice 42
Number of Insertions 2
Lines tabular at 315c
42 Lines straight at 21c 8.82
42 Subsequent lines at 15c 6.30
TOTAL COST 15.12

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COPY OF NOTICE

(Paste Here)

Notice of application for
TITLE OF NOTICE
water permit
37-7305-McCulloch
PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Adm.
BILL TO

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that McCulloch Properties, Inc. Box 1026, Hailey, ID has on October 16, 1973 submitted Application No. 37-7305 for a permit to appropriate 3.0 cubic feet per second of water from groundwater by means of well and pump with discharge into distribution mains and storage within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, T. 2N, R. 18E, B.M., Blaine County to be used from Jan. 1 to Dec. 31 for municipal use within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10; W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 14; NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15; NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 23; T. 2N, R. 18E, B.M.

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 Administration, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301 on or before November 26, 1973.

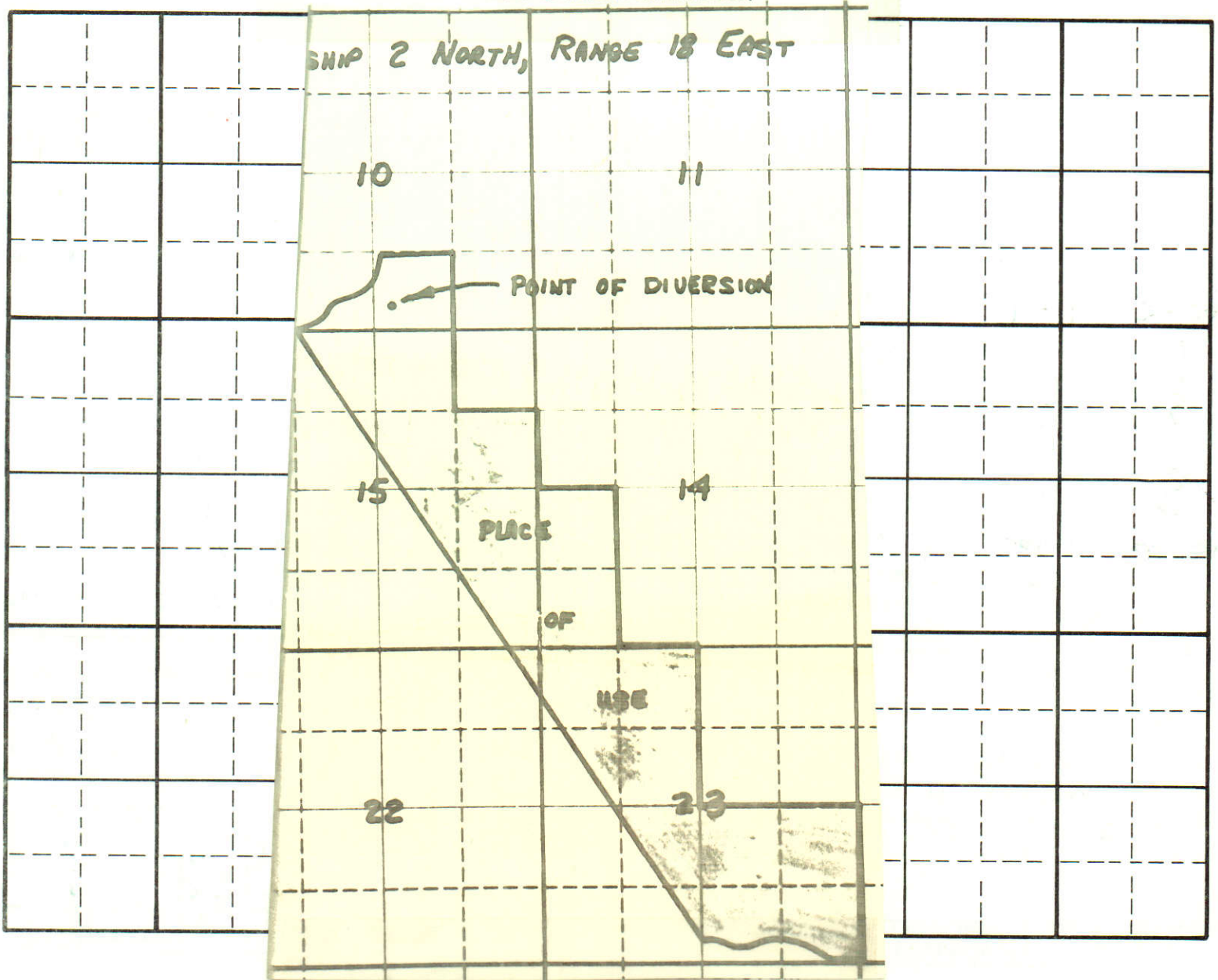
R. KEITH HIGGINSON
Director

Published in the Wood River Journal on November 8 and November 15, 1973.

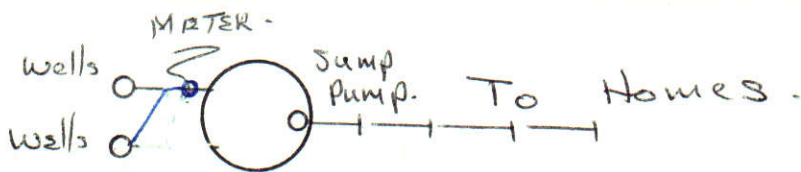
Nº

83

MAP (Attach Aerial Photo)



(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: 3w 1/4 SE 1/4; Sec 10 T.2 N. R. 18 E.

Place(s) of Use

TWP.	RGE.	SEC:	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2 N	18 E	10																	
		14	Within the city limits of Hailey, Woodside Sub																
		15																	
		23																	

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

Examiner's Signature Sally Funderburg Date 12/2/1980
 Checked by [Signature] Date 12-4-80
 Approved by [Signature] Date 9/9/81

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4508
WATER RIGHT NO(S). 37-02698/37-02699/37-07305

This is to certify that: CITY OF HAILEY
PO BOX 945
HAILEY ID 83333

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
Right No. 37-02698 : MUNICIPAL	01/01 to 12/31	2.56 CFS
Right No. 37-02699 : MUNICIPAL	01/01 to 12/31	2.00 CFS
Right No. 37-07305 : MUNICIPAL	01/01 to 12/31	2.62 CFS
TOTAL:		* 7.18 CFS

DATE OF PRIORITY:

Right No. 37-02698 : 10/29/1964
Right No. 37-02699 : 08/11/1964
Right No. 37-07305 : 11/04/1973

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 4, Township 02N, Range 18E
SENW , Sec. 9, Township 02N, Range 18E
SESE , Sec. 9, Township 02N, Range 18E
SWSE , Sec. 10, Township 02N, Range 18E
BLAINE County

PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

JUN 13 1995

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

(late proof)
License of Water Right No. 37-7305 Priority November 4, 1973 Amount 2.62 cfs

THIS IS TO CERTIFY, that City of Hailey
of Hailey, Idaho, has complied with the terms and conditions of Permit
No. 37-7305 issued pursuant to Application for Permit dated October 31, 1973,
and has submitted proof to the Department of Water Resources on March 20, 1980,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 2.62 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Municipal</u>	from <u>January 1</u> to <u>December 31</u>	at <u>2.62</u> cfs and <u>n/a</u>	
	from _____ to _____	_____ cfs and _____	
	from _____ to _____	_____ cfs and _____	

(both dates inclusive)

Subject, however, to the condition that no more than 2.62 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
n/a acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10
Twp. 2N., Rge. 18E in the County of Blaine

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 28 day of
September, 19 81.

Director

WATER RIGHT SPLIT

SUMMARY

ACTION	RIGHT #	NAME	AMOUNT C.F.S.
App. for Permit	37-7305	McCulloch Properties, Inc.	3.0
Assignment	37-7305	City of Hailey	3.0

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Department of Water Resources
Southern District Office

State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

McCULLOCH PROPERTIES, INC., (now known as MCO PROPERTIES INC.)

I, _____, hereby assign to THE CITY OF HAILEY

of Hailey, Idaho

Address

CHECK ONE



All my right, title, and interest in and to Permit No. 37-7305
to appropriate the public waters of the State of Idaho.



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

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

Made this 8th day of September, 19 80.

[Signature]
Permit/Holder
MCO PROPERTIES INC. Vice President

N/a

Spouse of Permit Holder

State of ~~Idaho~~ ARIZONA)
County of Maricopa) ss.

On this 8th day of September, 19 80, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same, as Vice President of MCO PROPERTIES INC.

seal

Elizabeth F. Collins
Notary Public residing at
Fountain Hills, Arizona

My commission expires:

My Commission Expires March 15, 1983

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 37-7305
IN THE NAME OF MCCULLOCH PROPERTIES, INC.

ORDER OF REINSTATEMENT

WHEREAS, on October 16, 1973, McCulloch Properties, Inc. applied to the Department of Water Resources for a permit to appropriate 3.00 cubic feet per second of water from a groundwater source to be diverted within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, Twp. 2N, Rge. 18E B.M., Blaine County, to be used for municipal purposes; and,

WHEREAS, on March 6, 1975, the Department approved said application and issued Permit No. 37-7305 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before March 1, 1980; and,

WHEREAS, on December 31, 1979, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on March 21, 1980, the Department notified the permit holder that Permit No. 37-7305 lapsed for failure to submit proof of beneficial use of water; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days from the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on March 20, 1980;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 37-7305 be REINSTATED and the priority advanced to November 4, 1973.

Dated this 17th day of April, 1980.


L. GLEN SAXTON

Chief, Operations Bureau

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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 37-7305
3

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,

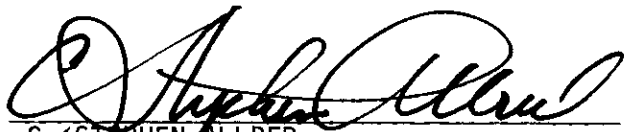
WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

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

MICROFILM

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO.'S)
37-7305, 37-7306 and 37-7307 in the name of) ORDER
MCCULLOCH PROPERTIES, INC.)
_____)

WHEREAS, on October 16, 1973, McCulloch Properties, Inc., filed with the Department of Water Resources (formerly the Department of Water Administration) for Applications for Permit No.'s 37-7305 and 37-7306 to appropriate 3.0 cubic feet per second of groundwater, from a well in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, Twp. 2N, Rge. 18E, B.M.(37-7305); and .044 cubic feet per second of groundwater from a well in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, Twp. 2N, Rge. 18E, B.M.,(37-7306) for municipal use; and,

WHEREAS, on October 18, 1973, McCulloch Properties, Inc., filed with the Department of Water Resources (formerly the Department of Water Administration) an Application for Permit No. 37-7307 to appropriate 3.0 cubic feet per second of groundwater for municipal use from a well in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, Twp. 2N, Rge. 18E, B.M.; but later amended on June 5, 1974, to a point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10, Twp. 2N, Rge. 18E, B.M., all in Blaine County; and,

WHEREAS, on November 8, 1973 and November 15, 1973, notice of this proposed appropriation was published in the Wood River Journal at Hailey, Idaho; and, on June 27, 1974, and July 4, 1974, notice of amended Application No. 37-7307 was published in the Wood River Journal, Hailey, Idaho; and,

WHEREAS, on November 23, 1973, the Department received a protest against the approval of these applications from Moffatt, Thomas, Barrett & Blanton, Attorneys at Law, in behalf of Mr. Spencer F. Eccles; and,

WHEREAS, on January 29, 1975, the parties were sent notice that a hearing had been set; and,

WHEREAS, on February 20, 1975, a hearing concerning this matter was held at Hailey, Idaho; and,

WHEREAS, the protestant or his representatives failed to appear at that hearing; and,

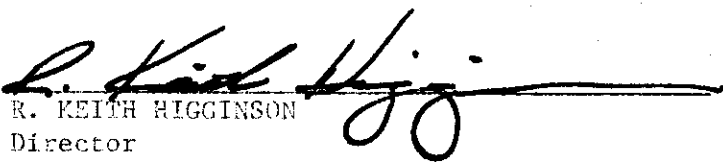
IT IS, THEREFORE, ORDERED that the protests are set aside and Applications for Permit No.'s 37-7305, 37-7306 and 37-7307, are hereby APPROVED subject to the

MICROFILMED

following conditions:

1. That the permits be and are subject to all prior existing water rights.
2. That proof of construction of works and application of water to beneficial use shall be submitted to the Department on or before March 1, 1980.
3. That measuring devices of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

Dated this 6 day of March, 1975.


R. KEITH HIGGINSON
Director

BH/BDF:jg

cc: Protestants

ASSIGNED TO:
The City of Hailey
Hailey, Idaho 83333
Sept. 12, 1980

Identification No. _____
Application No. 37-7305

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant McCULLOCH PROPERTIES, INC. (See Remarks)
post office address P.O. Box 1026 Hailey, Idaho 83333
2. Source of water supply Underground Well which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 10 Township 2 North
Range 18 East B.M. Blaine County; additional points of diversion if any: _____
- b. If water is not consumed, it will be discharged into Storage at a point in SW $\frac{1}{4}$
of NW $\frac{1}{4}$ of Section 11 Township 2 North Range 18 East B.M. Blaine County
4. Water will be used for the following purposes:
Amount 3.0 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. 3.0 cubic feet per second and/or
b. _____ acre feet per annum. (See Remarks)
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Drilled well with 12" casing equipped with vertical turbine or submersible pump driven by electric motor, discharge into distribution mains and storage.
- 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 12 inches; proposed depth of well is 150 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
b. Estimated construction cost is \$ 5000.
8. Description of proposed uses: See enclosed Exhibit "A" for place of use.
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____
(4) Name of municipality to be served Woodside Subdivision, or number of people to be supplied with domestic water 6000 City of Hailey
(5) If water is to be used for other purposes describe: _____

RECORDED

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

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

Total number of acres to be irrigated_____

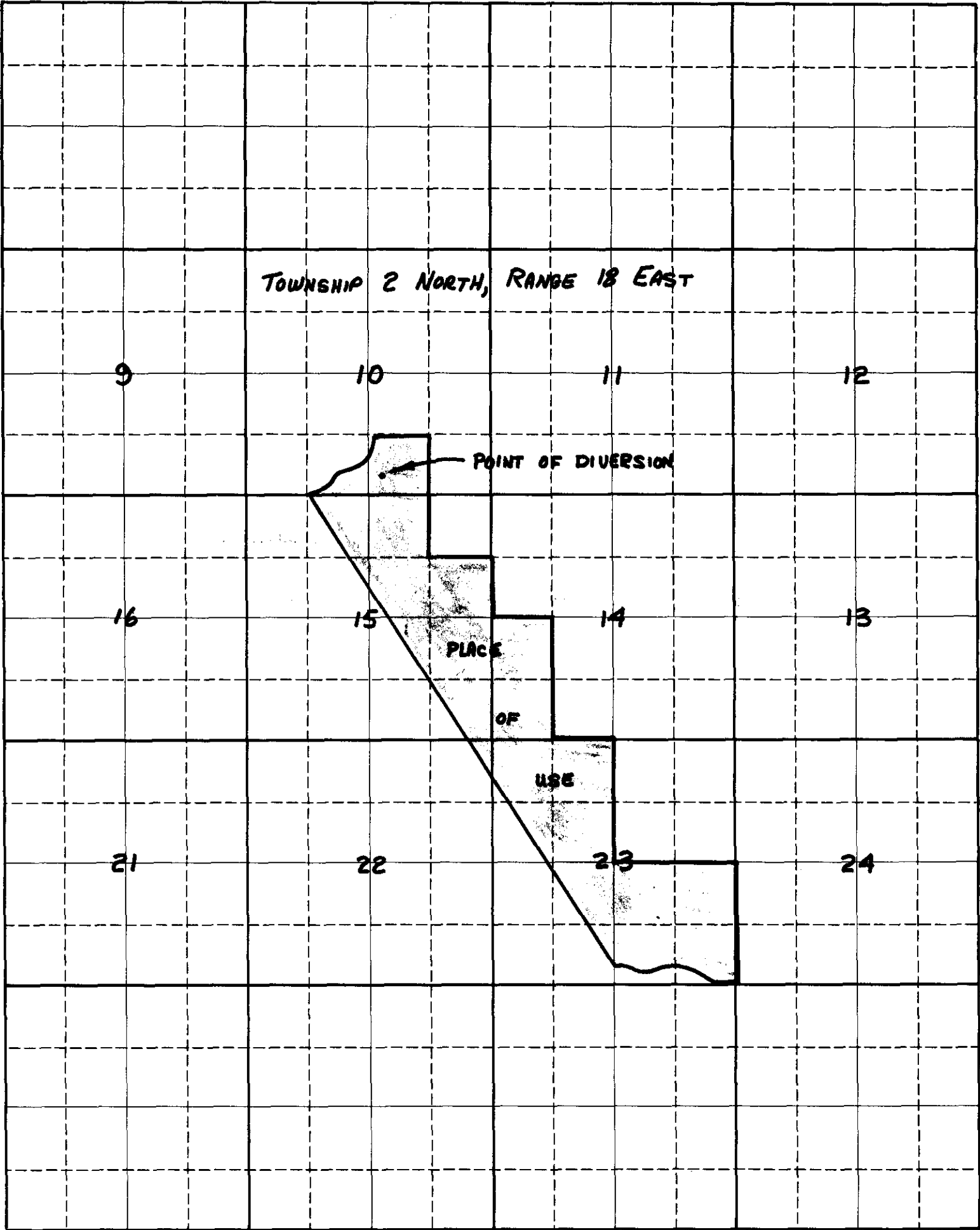
c. Describe any other water rights used for the same purposes as described above._____

9. a. Who owns the property at the point of diversion McCulloch Properties, Inc.
- b. Who owns the land to be irrigated or place of use McCulloch Properties, Inc.
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks 1. Upon completion the well will be deeded to the City of Hailey.

5. 323 gal/person/day x 6000 people x 1 cfs/646,360 gal/day = 3 cfs.

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



Scale: 2 inches equal 1 mile

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

Mc Caslock Properties, Inc.
Harold J. Mc Caslock
(Applicant) Vice President

Proposed Priority 10-31-1973

Received by mls Date 10-16-73 Time 9:30 A
Preliminary check by mls Fee \$ 45.00
Receipted by jmm Date 10-31-73 # 11693
Publication prepared by jmm Date 10-31-73
Published in Wood River Journal
Publication dates 11-8 & 11-15-73
Publication approved jmm Date 11-20-73
Priority reduced to _____ Reason _____

Protests filed by: _____

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

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

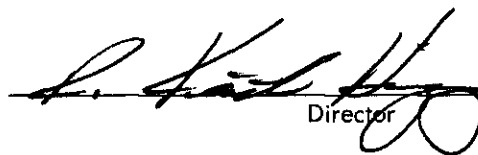
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 37-7305, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1 19 80.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

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

Witness my hand this 4 day of March 19 75.


Director

Following described property situate in Township 2 North, Range 18 East of the Boise Meridian, Blaine County, Idaho.

Fractional part of S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 10, Township 2 North, Range 18 East, B.M., more particularly described as follows: Beginning at a point on Section line North 89°32' West 865 feet from the South quarter corner of said Section 10,

THENCE North 23°03' West, 197.32 feet to center of Ranch road;
THENCE along said road South 40°09' West, 16.85 feet;
THENCE along said road South 66°22' West, 411.0 feet to South line of said Section 10;
THENCE South 89°32' East, 464.6 feet along said section line to place of beginning.

Fractional part of SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, Township 2 North, Range 18 East, B.M., more particularly described as follows: That portion of SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, aforesaid described as follows: Beginning at the South quarter corner of said Section 10,

THENCE North 2°10' East, 735.22 feet along the North-South center line of said Section 10 to the ranch road;
THENCE South 14°08' West, 130.20 feet along said road;
THENCE South 75°25' West, 720.00 feet along said road;
THENCE South 51°15' West, 160 feet along said road;
THENCE South 40°09' West, 183.15 feet along said road;
THENCE South 23°03' East, 197.32 feet to the South line of said Section 10;
THENCE South 89°52' East, 865 feet to the S $\frac{1}{2}$ corner of the place of beginning.

EXHIBIT "A"

RECEIVED

OCT 18 1973

Department of Water Administration

ENCLOSURE

Fractional part of SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10, Township 2 North, Range 18 East, B.M., more particularly described as follows: All that portion of SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10 aforesaid, excepting the following described tract: Beginning at a point North 2°16' East, 735.22 feet from the South quarter corner of said Section 10 on the ranch road,

THENCE North 14°08' East, 429.80 feet along said road;

THENCE North 81°30' East, 491.00 feet to the North line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$;

THENCE North 82°58' West, along said North line 570 feet to a fence corner accepted as the NW corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$,

THENCE South 2°16' West, 501.78 feet to the place of beginning.

Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) Section 14;
ALL of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$)
Section 14, all in Township 2 North, Range 18 East, B.M., Blaine County, Idaho.

Fractional part of the North Half of the Northwest Quarter (Fr. N $\frac{1}{2}$ NW $\frac{1}{4}$), Section 15, being all of said N $\frac{1}{2}$ NW $\frac{1}{4}$, lying Easterly of railroad right of way, in Township 2 North, Range 18 East, B.M., Blaine County, Idaho.

Fractional part of the Southeast quarter of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) Section 15, Township 2 North, Range 18 East, B.M., being all of the said Southeast Quarter of Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) lying Easterly of the railroad right of way.

Township 2 North, Range 18 East, B.M., Blaine County, Idaho.
Section 15: Northwest Quarter Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) Southeast Quarter Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$), Fractional Southwest Quarter Northeast Quarter (Fr. SW $\frac{1}{4}$ NE $\frac{1}{4}$), being all of the said Southwest Quarter Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) lying East of railroad right of way.

Fractional Northwest Quarter Southeast Quarter (Fr. NW $\frac{1}{4}$ SE $\frac{1}{4}$) Section 15, Township 2 North, Range 18 East, B.M., being all of said Northwest Quarter Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) lying East of railroad right of way.

All of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) Section 15, Township 2 North, Range 18 East, B.M., Blaine County, Idaho.

Fractional Southeast Quarter of the Southeast Quarter (Fr. SE $\frac{1}{4}$ SE $\frac{1}{4}$) Section 15, Township 2 North, Range 18 East, B.M., Blaine County, Idaho, being all of said Southeast Quarter Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) lying East of the railroad right of way.

Fractional Northeast Quarter of the Northeast Quarter (Fr. NE $\frac{1}{4}$ NE $\frac{1}{4}$) Section 22, Township 2 North, Range 18 East, B.M., being all of said Northeast Quarter Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) lying Easterly of railroad right of way.

North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 23, Township 2 North, Range 18 East, B.M., Blaine County, Idaho

Fractional SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, Township 2 North, Range 18 East, B.M., Blaine County, Idaho, described as follows:

All of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ aforesaid, excepting the following described tract, to wit: Beginning at a point North 88°06' West, 263.4 feet from the the SE corner of Section 23, Township 2 North, Range 18 East, B.M.,

THENCE North 47°16' West, 401.0 feet along an irrigation ditch;

THENCE North 78°37' West 425.4 feet along said ditch;

THENCE South 81°15' West, 348.51 feet along said irrigation ditch to the West line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;

THENCE South 263 feet to South line of said Section 23;

THENCE South 80°06' East, 1056.6 feet along said South line to point of beginning.

Fractional Southwest Quarter Southeast Quarter (Fr. SW $\frac{1}{4}$ SE $\frac{1}{4}$), Section 23, Township 2 North, Range 18 East, B.M., Blaine County, Idaho, and more particularly described as follows: All that portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, aforesaid lying Easterly of the railroad right of way, excepting therefrom the following described tract;

Beginning at the SE corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$

THENCE North 88°06' West, along South line of said Section 23, 618 feet to the East line of U.P.R.R. right of way;

THENCE North 35°50' West 591.9 feet along said railroad right of way;

THENCE South 66°55' East 379 feet along an irrigation ditch;

THENCE South 65°40' East, 366.3 feet along said ditch;

THENCE North 75°26' East, 231.8 feet along said ditch;

THENCE North 81°15' East, 58 feet along said ditch to East line of SW $\frac{1}{4}$ SE $\frac{1}{4}$;

THENCE South along said East line 268 feet to place of beginning.

Fractional Northeast Quarter Southwest Quarter (Fr. NE $\frac{1}{4}$ SW $\frac{1}{4}$) Section 23, Township 2 North, Range 18 East, B.M., Blaine County, Idaho, and more particularly described as follows: All that portion of the Northeast Quarter Southwest Quarter lying on the Easterly side of railroad right of way;

Fractional Southeast Quarter of the Southwest Quarter (Fr. SE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 23, Township 2 North, Range 18 East, B.M., Blaine County, Idaho, and more particularly described as follows: All that portion of SE $\frac{1}{4}$ SW $\frac{1}{4}$ aforesaid lying North and East of railroad right of way.

East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 23, Township 2 North, Range 18 East, B.M., Blaine County, Idaho.

Fractional Northwest Quarter of the Northwest Quarter (Fr. NW $\frac{1}{4}$ NW $\frac{1}{4}$) Section 23, Township 2 North, Range 18 East, B.M., being all of said Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) lying Easterly of the railroad right of way.

Fractional Southwest Quarter of the Northwest Quarter (Fr. SW $\frac{1}{4}$ NW $\frac{1}{4}$) Section 23, Township 2 North, Range 18 East, B.M., Blaine County, Idaho, being all of the Southwest Quarter Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) lying Easterly of railroad right of way.

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

MCCULLOCH PROP. INC.

Item Initial Date

- (1) mls 10.30.73 Application No. 37-7305
- (2) ☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee
- (3) mls 10.30.73 In form to receipt
mls 10.30.73 Send Copies to:
☒ Idaho State Health Department
☐ Idaho Fish and Game Department
☐ Bureau of Land Management
- (4) ☐ Request Special Use Permit from U. S. F. S.
☐ Request Easement from B. L. M.
☐ Request Information from Applicant
- (5) mls 10.30.73 In form for advertising
- (6) Located within Water District No.
- (7) Critical groundwater area: yes no ☒
- (8) Groundwater levels:
 Decline (comment)
☒ Stable (comment)
 Increasing (comment)
- (9) Comments:
- (10) jmm 10-20 Affidavit of Publication received (date)
- (11) Final date for protests November 26, 1973
Protests received: yes no ☒
- (12) Date and Place of hearing
Decision reached at hearing
- (13) All requested information received from agencies or applicant
yes ☒ no
- (14) Action recommended:
☒ Approve Priority 10-18-73
 Deny Reason for Reduction
☒ Measuring device required
 See attached sheet for additional conditions of approval
 No additional conditions for approval
- (15) District Southern By Bob Ayres Date 11-28-73

RECEIVED

FEB 27 1975

Department of Water Resources

MICROFILMED

AFFIDAVIT of PUBLICATION

State of Idaho, }
 County of Blaine } SS.

London O. Schumann, 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 8th day of November, 1973, and the date of the last publication was on the 15th day of November, 1973.

Subscribed and sworn to before me this 19 day of November, 1973.
 (SEAL)

J. Schneider
 NOTARY PUBLIC

WOOD RIVER JOURNAL

Hailey, Idaho

COST OF PUBLICATION

Number of Lines in Notice	<u>42</u>	
Number of Insertions	<u>2</u>	
Lines tabular at	315c	
<u>42</u> Lines straight at	21c	<u>8.82</u>
<u>42</u> Subsequent lines at	15c	<u>6.30</u>
TOTAL COST		<u>15.12</u>

COPY OF NOTICE

(Paste Here)

Notice of application for
 TITLE OF NOTICE
water permit
37-7305-MCulloch
 PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Adm.
 BILL TO

FOR WATER PERMIT

Notice is hereby given that McCulloch Properties, Inc. Box 1000, Hailey, ID has on October 18, 1973 submitted Application No. 37-7305 for a permit to appropriate 3.0 cubic feet per second of water from ground water by means of well and pump with discharge into distribution mains and storage within the SW 1/4 SE 1/4, Sec. 10, T. 2N, R. 12E, B.M., Blaine County to be used from Jan. 1 to Dec. 31 for municipal use within the SW 1/4 SE 1/4, Sec. 10; W 1/4 SW 1/4, Sec. 14; NE 1/4 NW 1/4, NW 1/4 NE 1/4, S 1/4 NE 1/4, N 1/4 SE 1/4, SE 1/4 SE 1/4, Sec. 15; NW 1/4, E 1/4 SW 1/4, SE 1/4, Sec. 20, T. 2N, R. 12E, B.M.

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 Administration, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301 on or before November 26, 1973.

R. KEITH HIGGINSON
 Director

Published in the Wood River Journal on November 8 and November 15, 1973.

No. 83

IDAHO DEPARTMENT OF WATER RESOURCES WELL DRILLER'S REPORT

Use Typewriter
or
Ball Point Pen

1. DRILLING PERMIT NO. 37-95-S-0070-000
Other IDWR No. T-4508 37-02698, 37-2699, 37-07305

2. OWNER:
Name EMB HAILEY
Address 9530 PICO BLVD.
City LOS ANGELES State CA Zip 90035

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N		Twp. <u>2</u> North ☐ or South ☐	
E		Rge. <u>18</u> East ☐ or West ☐	
S		Sec. <u>4</u> 1/4 NE 1/4 SW 1/4	
700' W OF BUTTERCUP		Gov't Lot <u>10 acres</u> County <u>BLAINE</u> 40 acres 160 acres	
Address of Well Site <u>CENENNIAL BLVD.</u>		City <u>HAILEY</u>	
(Give at least name of road - Distance to Road or Landmark)			

Sub. Name NORTHRIDGE

4. PROPOSED USE:

☐ Domestic ☒ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other

5. TYPE OF WORK

☐ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD

☐ Mud Rotary ☐ Air Rotary ☒ Cable ☐ Other

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
CEMENT	0	20	80 SKS	OVERBORE

Was drive shoe used? ☐ Y ☐ N Shoe Depth(s) _____
Was drive shoe seal tested? Y ☐ N ☒ How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
16	+	159.5	.375	STEEL	☒	☐	☒	☐
12.75	-155	-190	.375	STEEL	☐	☒	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

☐ Perforations Method MILLS KNIFE
☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
40	-110	.5	400			☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

25 ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or control devices: _____

11. WELL TESTS:

☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
1566 w/ Air	108'	133'	20HR
825		41'	.5HR

Water Temp. 48 Bottom hole temp. _____

Water Quality test or comments: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
20	0	8	SURFACE DIRT		X
	8	14	BOULDERS & GRAVEL		X
	14	20	GRAVEL SAND & CLAY		X
16	20	38	GRAVEL SAND & CLAY		X
	38	61	GRAVEL & SAND		X
	61	66	CEMENTED GRAVEL		X
	66	81	SMALL GRAVEL & SAND		X
	81	89	GRAVEL & CLAY		X
	89	105	GRAVEL & CLAY		X
	105	110	COURSE GRAVEL & CLAY		X
	110	120	GRAVEL & CLAY		X
	120	140	CLAY GRAVEL & SAND		X
	140	155	CLAY GRAVEL & SAND		X
	155	160	CLAY GRAVEL & SAND		X
	160	175	CEMENTED CONGLOMERATE		X
	175	183	CEMENTED CONGLOMERATE		X
	183	186	HARD SAME AS PREV.		X
	186	190	VERY HARD		X

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NOV 2 1995

Department of Water Resources
Southern Region

Completed Depth 190' (Measurable)
Date: Started 08/10/95 Completed 10/19/95

13. DRILLER'S CERTIFICATION

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

Firm Name WALKER WATER SYSTEMS INC. Firm No. 15
Firm Official Paul Walk Date 11/14/95
and
Supervisor or Operator _____ Date 11/14/95

(Sign once if Firm Official & Operator)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JUNE 9, 1995

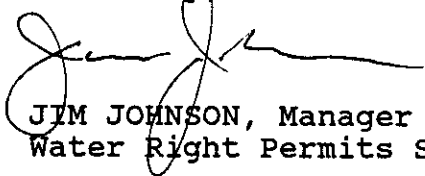
CITY OF HAILEY
P O BOX 945
HAILEY ID 83333

Transfer of Water Right Nos. 37-02698/37-02699/37-07305

Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water rights (Transfer No. 4508). Please be sure to thoroughly review the "Conditions/Remarks:" as listed on the transfer.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:rl

Enclosure

RECEIVED
JUN 13 1995

MEMORANDUM

TO: FILE 37-7305

FROM: PAM SKAGGS

RE: TRANSFER # 4508

DATE: 12/21/94

=====

Original Transfer Application, Form and correspondence regarding the above referenced Transfer is located within file # 37-2698.

JUN 13 1995

HOGUE, SPECK & AANESTAD
A PROFESSIONAL ASSOCIATION OF
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
TRACY DUNLAP
JOHN A. SEILLER

120 EAST AVENUE
P. O. BOX 987
KETCHUM, IDAHO 83340
(208)726-4421
FAX (208)726-0752

RECEIVED

AUG 12 1994

Department of Water Resources

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

August 11, 1994

VIA FACSIMILE - 1-208-327-7866

Mr. Norman C. Young
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Re: City of Hailey

Dear Norm:

On behalf of the City of Hailey and the Blaine County School District I want to thank you very much for taking the time from your extremely busy schedule to meet with Mayor Steve Kearns, Councilwoman Mary Ann Mix, City Attorney Steve Crabtree, City Administrator Daryle James, Evan Robertson and me in the Hailey City Offices on July 27, 1994. We all came away with a better understanding of the options available for water rights to serve the growing needs of the City and the District. This letter is meant to formalize our request for your opinion on the following issues left open at the meeting:

1. Can the City, within the licensed or decreed amounts of its existing water rights, provide water for the irrigation of new City parks, school grounds, playing fields, golf courses or other irrigated parcels in excess of the one-half acre limit of Idaho Code § 42-111A within the City limits as part of the currently licensed or decreed municipal use, notwithstanding the restrictions of the Big Wood River Ground Water Management Area (the "BWRGWMA")?
2. Can the City limits, and thus the place of use of the City's current water rights, expand with annexation?
3. Can the City obtain new water rights for municipal uses limited to providing water for "domestic uses", as defined by Idaho Code § 42-111A, for each new residential lot within newly annexed parcels without providing a "mitigation plan" as required by the BWRGWMA for new consumptive uses?

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JUN 13 1995

Mr. Norman C. Young
August 11, 1994
Page 2

4. The new Middle School is to be constructed on approximately 22 acres that are currently zoned for residential use. Assuming the answer to issue 3, above, is "yes", can the City obtain a new water right to irrigate school grounds equal in area to the residential landscaping which would otherwise be acceptable as part of the "domestic use" for each lot that will not be subdivided and built upon?

5. The City owns two irrigation water rights delivered through the Hiawatha Canal. One is a portion of the W. T. Riley water right with a March 24, 1883 priority date which, according to the Watermaster records, was acquired by the City in 1953, and used to irrigate the City cemetery and other lands within the City limits which are now the Friedman Memorial Airport. Irrigation of lands within the City limits stopped in approximately 1979 when the cemetery irrigation system was hooked into the City water system served by various wells and Indian Springs. Since that time, this water right has been leased to certain farmers along the Hiawatha Canal and used to irrigate their lands outside the City limits. No transfers for such leases have been approved by IDWR. Unlike private landowners, can the City and other municipalities in Idaho hold such irrigation water rights for future municipal needs without using them for irrigation of any other beneficial use for periods of five (5) or more consecutive years and not lose the water rights to forfeiture pursuant to Idaho Code § 42-222? The answer appears to be "yes" on the basis of Beus v. City of Soda Springs, 62 Idaho 1, 107 P.2d 151 (1940) (see the discussion in A. Lynn Krogh-Hampe, *Injury and Enlargement in Idaho Water Right Transfers*, 27 Idaho Law Review 249, 294-95 (1990-91)).

6. Can the City transfer the point of diversion of its Big Wood River rights to its wells and use these rights for irrigation of new City parks, school grounds, playing fields, golf courses or other irrigated parcels in excess of the one-half acre limit of Idaho Code § 42-111A within the City limits?

7. If the City desires to change the nature and season of use of all or a portion of its irrigation water rights to municipal and yearround, respectively, what guidelines apply to convert the irrigation amount to municipal?

SEP 13 1995

Mr. Norman C. Young
August 11, 1994
Page 3

Although we have previously discussed the general position of IDWR on most of these issues, the City and the District are very anxious to have a written response prior to proceeding to implement any of there plans for annexation and construction. I look forward to your reply at the earliest possible date. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD

James P. Speck

JPS/j

cc: Mayor Steve Kearns
Mr. Steve Crabtree
Mr. Evan Robertson
Mr. Ed Dumke, Jr.
Mr. Rand Peebles
Mr. Larry Lloyd

JUN 1 94

[NICK SPEER] represents

6/21/94
4:30 PM

Jim Speck

- WANTS to explore in conjunction w/ city of Hailly the possibility of using a city natural flow right as mitigation for school wall.
- 142 inches in the city's Irr. right.
- 20 acres needs to be irrigated for ball fields
- Big Wood River Ground water management plan
- Mar 1883 right owned by the city
 - Part W.T. Riker right.
 - Landed 40 farmers over the year
 - defunct through the Hawkley Canal
- never been a review of the city's irrigation right
- CLAIM Adj # A37-10717
 - listed as municipal year-round use by city
- Ground water management per restrictions

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JUN 13 1995

AJ0723NP
(OD-26)IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT06/22/94 14:10:28
Page 1

Water Right Number - A37-10717

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

CITY OF HAILEY

1 - P.O. BOX 945

2 -

3 -

City- HAILEY

State- ID Zip- 83333

Phone - 208-788-4221

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
03/24/1883 ERROR IN REGION D - DECREED+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
BIG WOOD RIVER MALAD RIVER+ - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name

03N 18E 20 SE SW NW (13) BLAINE

+ - - - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

40 - MUNICIPAL 01/01 12/31 2.860

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
2.860 0.0+ - - - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

| | | | | | | | | |
|-----|-----|----|--|--|--|----|-----------|--------------|
| 02N | 18E | 4 | | | | 40 | MUNICIPAL | (13) BLAINE |
| 02N | 18E | 9 | | | | 40 | MUNICIPAL | (13) BLAINE |
| 02N | 18E | 10 | | | | 40 | MUNICIPAL | (13) BLAINE |
| 02N | 18E | 14 | | | | 40 | MUNICIPAL | (13) BLAINE |
| 02N | 18E | 15 | | | | 40 | MUNICIPAL | (13) BLAINE |
| 02N | 18E | 16 | | | | 40 | MUNICIPAL | (13) BLAINE |
| 02N | 18E | 22 | | | | 40 | MUNICIPAL | (13) BLAINE |
| 02N | 18E | 23 | | | | 40 | MUNICIPAL | (13) BLAINE |
| 03N | 18E | 33 | | | | 40 | MUNICIPAL | (13) BLAINE |

+ - - Diversion Means - VIA HIAWATHA CANAL

+ - - Non-Irrigation Use - MUNICIPAL FOR CITY OF HAILEY

+ - - Other Rights for Same Use - 37-02698, 37-02699, 37-00296, 37-07854, 37-00906, 37-07305

+ - - - - - - - - - - - - - Remarks - - - - - +

THIS CLAIM IS BASED ON A PORTION OF THE W.T. RILEY RIGHT 37-00577
P/U WITHIN CITY LIMITS OF HAILEY AND SURROUNDING AREA

#22 Hiawatha

AJ0723NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

06/22/94 14:10:28
Page 2

Water right number - A37-10717

Prefix Translation: ADJUDICATION CLAIM

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - +
S.C. FROST, ET. AL.

+ - - - Decree Defendant - - - +
ALTURAS WATER COMPANY, ET. AL.

+ - Decree Date - +
00/00/0000

+ - - Audit Fields - 10/25/88 MOBILE2

+ - - - - Comments - - - - - +
No Comments Found

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

| | | | | | |
|-----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 00/00/0000 | Old Judicial District | - |
| Claim Received Date | - 10/26/1988 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| Proof Due Date | - 00/00/0000 | Proof Made Date | - 00/00/0000 | Water District | - |
| Licensed Date | - 00/00/0000 | Receipt Number | - M001759 | Federal/State Indicator | - S |
| Claims Tape Error Flg | - | POU Ownership Flag | - N | Presumption Flag | - |
| Fee Exempt Flag | - | Name Connector | - | Notice of Error Flag | - |

Water Right Number - R37-10717

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
CITY OF HAILEY

1 - P.O. BOX 945
2 -
3 -
City- HAILEY State- ID Zip- 83333
Phone - 208-788-4221

*** K - ALSO KNOWN AS ***
HAILEY

CITY OF

1 - P.O. BOX 945
2 -
3 -
City- HAILEY State- ID Zip- 83333
Phone - 208-788-4221

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
03/24/1883 ERROR IN REGION D - DECREED

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
BIG WOOD RIVER MALAD RIVER

+ - - - - Point of Diversion - - - - - +
+ - - - - Tw n Rng Sec Tract Lot RFlg County Diversion Name
03N 18E 20 SE SW NW (13) BLAINE

+ - - - - Water Use - - - - - +
+ - - - - Code Description Period From Period To Diversion Rate Diversion Volume
40 - MUNICIPAL 01/01 12/31 2.860

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
2.860 0.0

+ - - - - Place of Use - - - - - +
+ - - - - Tw n Rng Sec Tract Lot Acres Code Description County
02N 18E 4 40 MUNICIPAL (13) BLAINE
02N 18E 9 40 MUNICIPAL (13) BLAINE
02N 18E 10 40 MUNICIPAL (13) BLAINE
02N 18E 14 40 MUNICIPAL (13) BLAINE
02N 18E 15 40 MUNICIPAL (13) BLAINE
02N 18E 16 40 MUNICIPAL (13) BLAINE
02N 18E 22 40 MUNICIPAL (13) BLAINE
02N 18E 23 40 MUNICIPAL (13) BLAINE
03N 18E 33 40 MUNICIPAL (13) BLAINE

+ - - Diversion Means - VIA HIAWATHA CANAL

+ - - Non-Irrigation Use - MUNICIPAL/CITY LIMITS OF HAILEY

+ - - Other Rights for Same Use - SEE REMARKS

Water right number - R37-10717

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - - +

P/U WITHIN CITY LIMITS OF HAILEY.

*

OTHER WATER RIGHTS:

A37-00296, A37-00717, A37-00906, A37-01216, A37-02698, A37-02699,
A37-07305 & A37-07854.

+ - - - - Old Water Right Numbers - - - - - +

A3700577

+ - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +
S.C. FROST, ET AL

+ - - - - Decree Defendant - - - +
ALTURAS WATER CO., ET AL

+ - Decree Date - +
00/00/0000

+ - - Audit Fields - 05/15/90 CLELLAND 07/02/90 CLELLAND 08/29/90 SHAW

+ - - - - Comments - - - - - +

No Comments Found

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

| | | | | | |
|-----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 00/00/0000 | Old Judicial District | - |
| Claim Received Date | - 10/26/1988 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| Proof Due Date | - 00/00/0000 | Proof Made Date | - 00/00/0000 | Water District | - |
| Licensed Date | - 00/00/0000 | Receipt Number | - F000000 | Federal/State Indicator | - S |
| Claims Tape Error Flg | - | POU Ownership Flag | - N | Presumption Flag | - D |
| Fee Exempt Flag | - | Name Connector | - | Notice of Error Flag | - |



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

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

October 2, 1981

RE: Permit No. 37-7305

City of Hailey
Hailey,
Idaho 83333

Gentlemen:

Enclosed is a copy of the Water Right License issued on the above
referenced Permit.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

Enclosure

10/2/81



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

September 11, 1981

RE: Permit No. 37-7305

The City of Hailey
Hailey,
Idaho 83333

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permit No. 37-7305, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 2.62 cfs Source: a groundwater source

The maximum quantity diverted shall not exceed n/a acre feet per year.

Point(s) of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, T. 2N, R. 18E, Blaine County.

Beneficial use: Municipal use within the city limits of Hailey, Woodside
Subdivision.

Priority date established: November 4, 1973 [late proof]

Conditions (if any):

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

317305
Permit No.

CONTACT WITH PERMIT HOLDER

| | DATE | INITIALS | REMARKS |
|--|-----------|----------|---------|
| ☒ Appointment letter mailed: | 4-21-1980 | MS | |
| ☒ Telephone call made:
(List Telephone No. used) | 6-20-1980 | MS | |
| ☒ Appointment scheduled for:
(Date, time, location) | 6-20-1980 | MS | |

EXAMINATION

Date 6-20-1980 Accompanied by City Mayor Total Q measured 2.62 C.F.S.
If source is surface water, estimate total flow of source 2
Methods of measurement McCrometer Meets Permit requirements? yes-

Measurement calculations: MEAS: (1175 gal/min) + (448.8 gal/min) = 2.62 C.F.S. capacity

| WELL/DIVERSION* NO. | HP | MOTOR MAKE | MOTOR SERIAL NO. | PUMP MAKE | PUMP SERIAL NO. | MEASURING DEVICE TYPE | CONDITION OF MEAS. DEV. | REMARKS |
|---------------------|-----|------------|------------------|------------|-----------------|-----------------------|-------------------------|---------|
| 1 | 7.5 | G.E. | JM1908267 | Verti-Line | | | | |
| 2 | 100 | G.E. | 5K6267XHA | " | | | | |
| Sump Pump | 40 | G.E. | EMJ512360 | " | | McCrometer | good | |

System Description Two (2) WELLS Pump INTO 76-6-508 A BASIN
WHERE THE Sump Pump DIVERTS THE WATER TO THE (750 HOMES)

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

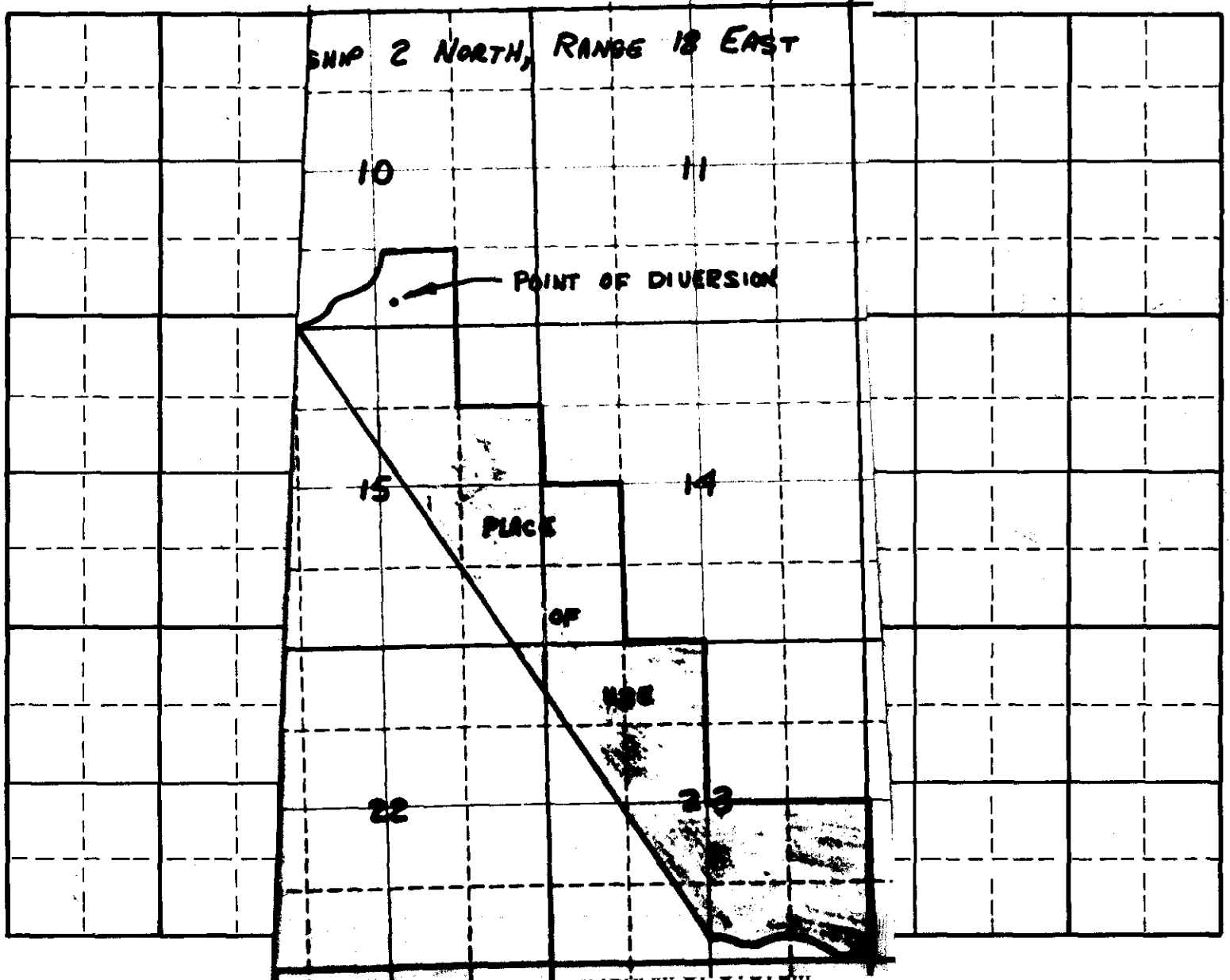
| USE | Irrigation requirement = | AFA/Acre | FROM | TO |
|----------------------|--------------------------|----------------|--------|---------|
| DOMESTIC (MUNICIPAL) | Q (cfs)
2.62 C.F.S. | V (afa)
N/A | JAN. 1 | DEC. 31 |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| Total | 2.62 C.F.S. | N/A | JAN 1 | DEC. 31 |

Remarks

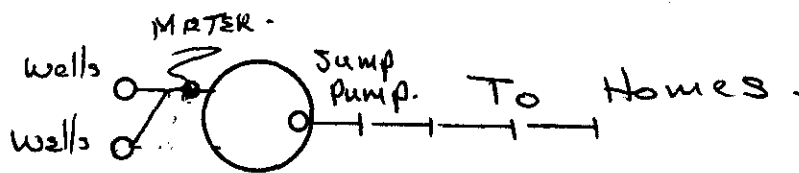
No Overlapping rights

NOT FILLED

MAP (Attach Aerial Photo)



(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: SW 1/4 SE 1/4; Sec 10 T.2 N. R. 18 E.

Place(s) of Use

| TWP. | RGE. | SEC. | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | TOTALS |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | | | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | |
| 2 N | 18 E | 10 | | | | | | | | | | | | | | | | | |
| | | 14 | | | | | | | | | | | | | | | | | |
| | | 15 | | | | | | | | | | | | | | | | | |
| | | 23 | | | | | | | | | | | | | | | | | |
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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

Examiner's Signature

Sony Funderburg
R. E. Clayton

Date 12/2/1980

Checked by

Date 12-4-80

Approved by

Date 9/9/81

3/79

IDENT. NO. 37-7305

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

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

September 18, 1980

The City of Hailey
Hailey, Idaho 83333
Permit #37-7305

Dear Wateruser:

This office acknowledges receipt of the Assignment of the above referenced permit to you.

Enclosed for your records is a copy of the permit. Be sure to note the special conditions of approval on the fourth page that identify requirements necessary for developing the permit into a licensed water right.

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:mr

Enclosure

MICROFILMED

**MCO
Properties
Inc.**

16838 East Palisades Boulevard
P.O. Box 17795, Fountain Hills, Arizona 85268
(602) 837-9660

RECEIVED

SEP 10 1980

Department of Water Resources

September 8, 1980

RECEIVED

SEP 12 1980

Department of Water Resources
Southern Division Office

Richard White
City of Hailey
P. O. Box 945
Hailey, ID 83333

RE: Woodside Water Rights
Permit No. 37-7305

Dear Mr. White:

As we discussed on the telephone last week, enclosed is the executed Assignment of Permit No. 37-7305 transferring certain water rights at the Woodside development to the City of Hailey.

Also enclosed is a copy of a letter from Sprenger, Grubb & Associates, Inc., developers of Woodside, consenting to this assignment of water rights.

Very truly yours,

MCO PROPERTIES INC.

Barbara Light
efc

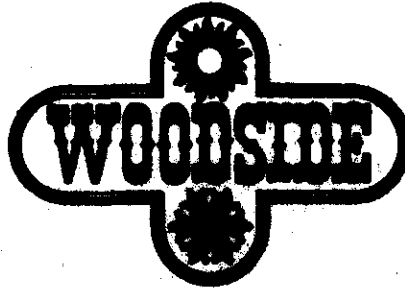
Barbara Light
Legal Coordinator

BL/efc

Enc.

cc: Sid Kibrick
Don Kircher
Sprenger, Grubb & Associates, Inc.

MICROFILMED



RECEIVED

AUG 19 1980

RECEIVED

SEP 15 1980

Department of Water Resources

15 August 1980

MCO Properties, Inc.
P. O. Box 17795
Fountain Hills, Arizona 85268

ATTENTION: Barbara Light, Legal Coordinator

Gentlemen:

In response to your letter of August 11, 1980, the following information is submitted:

a. The Woodside Property Owners Association is not functioning and the Association is in arrears with the Secretary of State's office for failure to renew the corporate registration and, subsequently, is not in a position to legally conduct business.

b. The City of Hailey is currently the owner of the well and improvements at Woodside, and the developers of the project, Sprenger, Grubb & Associates, Inc., are in agreement that the water rights under Permit No. 37-7305 should be assigned to the City of Hailey.

Yours truly,

SPRENGER, GRUBB & ASSOCIATES, INC.

C. A. GRUBB, President

CAG:ak

SPRENGER, GRUBB & ASSOCIATES, INC.
WOODSIDE OFFICE CENTER
P. O. BOX 1570
HAILEY, IDAHO 83333
TEL: (208) 788-4563

WOODSIDE DEVELOPERS

RECEIVED
AUG 19 1980



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

B. Light
McCulloch Properties, Inc.
16838 East Palisades Blvd.
Fountain Hills, Arizona
85268

April 25, 1980

RE: Water Permit 37-7305

Dear Sirs;

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

Field examinations must be done while the system is in operation. For this reason we concentrate on irrigation permits during the summer months and do examinations on permits for other uses during the non-irrigating months.

If you have any questions regarding the field examination, please contact our office.

Sincerely,

Gary L. Funderburg
Senior Water Resource Agent

MICROFILMED

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. 37-730.

Name(s) of Permit Holder: McCulloch Properties, Inc.

Post Office Address: 16838 East Palisades Boulevard

Fountain Hills, Arizona 85268

Tel. No. (602) 837-9660

Attention: B. Light

Source of Water: Underground well

Extent of Use: ☒ Domestic 6000 (number of ~~households~~ people)
☐ Stockwater (number and type of stock) subdivi-
☐ Irrigation (acres) sion
☐ Other

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

March 14, 1980

Date

James G. Thomas
Signature of Permit Holder

VERTICAL

McIlloch Properties, Inc.
16838 East Palisades Boulevard
Fountain Hills, Arizona 85268

Attention: Barbara Light

PLACE
POSTAGE HERE
PHOENIX STAMP
HERE 85026

RECEIVED

MAR 20 1980

Department of Water Resources



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

MC CULLOCH PROPERTIES INC.
P.O. BOX 1026
HAILEY, ID 83333

MARCH 18, 1980

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A OF THE IDAHO CODE, PERMIT NO. 37-7305 HAS LAPSED SINCE YOU HAVE NOT NOTIFIED US THAT YOU HAVE COMPLETED THE PROJECT BY THE DATE REQUIRED ON YOUR PERMIT. YOU WERE PROVIDED FORMS FOR THAT PURPOSE IN OUR NOTICE TO YOU DATED DECEMBER 31, 1979.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT THE PROOF OF BENEFICIAL USE AFFIDAVIT, ENCLOSED, OR SHOW OTHER REASONABLE CAUSE WHY THE PERMIT SHOULD BE REINSTATED WITHIN 60 DAYS FROM THE DATE OF THIS LAPSE NOTICE.

C. STEPHEN ALLRED
DIRECTOR

ENCLOSURE

cc: Cynthia S. Rutter

CERTIFICATION OF MAILING
3/21/80
I hereby certify that this document was
deposited in the mail, postage paid, to the
individual named below.
Rita Fleck

MICROFILMED

March 5, 1980

Re: Permit No. 37-7305

Campion & Hogue
Cynthia S. Rutter
220 E. Ave., Box PP
Ketchum, ID 83340

Dear Ms. Rutter:

In your letter of February 29, 1980, you stated that the project covered by this permit is completed, however, a two-week delay in forwarding the proof of beneficial use card is imminent.

Our procedure in granting an extension of time is to extend those ~~projects~~ projects not yet completed and needing one to five years to complete. However, this permit will not lapse permanently during the two week delay. There is a 60-day reinstatement period past the date that our notice of lapsing is sent, and if the proof of beneficial use card is submitted during that time this permit will automatically be reinstated. There will be a loss of days in the priority date based on the number of days the proof card is late.

If you have any further questions, please contact us.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:j

MICROFILMED

RECEIVED

FEB 29 1980

Department of Water Resources
THOMAS B. CAMPION
TERRY G. HOGUE
JAMES P. SPECK
CYNTHIA S. RUTTER

CAMPION & HOGUE

ATTORNEYS
220 EAST AVENUE
POST OFFICE BOX PP

KETCHUM, IDAHO 83340

(208) 726-4421

February 29, 1980

HAILEY OFFICE:
120 N. MAIN STREET
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567

REPLY TO:

Ketchum Office

State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

Attention: Ms. Rita Fleck

Re: Application No. 37-7305

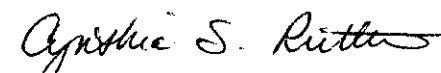
Dear Ms. Fleck:

Please be informed that I am an attorney-in-fact for McCulloch Properties, applicant for the above-entitled permit. Pursuant to I. C. §42-204(4), this letter is to request an extension of time to provide proof of completion of works and application of the water to full beneficial use. Said well is completed, in use and has been deeded to the City of Hailey as provided in the Application. However, due to a sale of the real property, the notice requiring evidence of extent of development did not reach the offices of McCulloch Properties in Scottsdale, Arizona until Tuesday, February 26, 1980. An extension of two (2) weeks is requested in order to provide McCulloch Properties with the proper forms, complete them and return them to the Department of Water Resources.

Thank you for your cooperation.

Sincerely,

CAMPION AND HOGUE



Cynthia S. Rutter

CSR/ddl

cc: Mr. Frank Duckworth
Mr. Chuck Grubb

MICROFILMED

CAMPION & HOGUE

ATTORNEYS-AT-LAW

P. O. BOX 528

KETCHUM, IDAHO 83340

MICROFILMED

State of Idaho
Department of Water Resources
450 West State
Towers Building between 4th and 5th Streets
Boise, Idaho 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

MC CULLUCH PROPERTIES INC.
P.O. BOX 1026
HAILEY, ID

101644

DECEMBER 31, 1979

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 37-7305 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE MARCH 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

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

August 16, 1979

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

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

MICROFILMED

March 12, 1975

Re: Permit Nos. 37-7305, 37-7306 & 37-7307

McCulloch Properties, Inc.
Box 1026
Hailey, Idaho 83333

Gentlemen:

Enclosed are copies of your approved application for permits issued on the above referenced permits. We direct your attention to the conditions of approval as listed on the fourth pages.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your points of diversion has been placed on all three permits. We are enclosing a letter describing different types of measuring devices accepted by this office.

Also enclosed is a copy of the Order issued on the above referenced permits.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosures

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF Applications for Permit
No.s 37-7305, 37-7306 and 37-7307 in the
name of McCULLOCH PROPERTIES, INC.

ORDER

WHEREAS, on October 16, 1973, McCulloch Properties, Inc. filed with the Department of Water Resources (formerly the Department of Water Administration) Applications for Permit No.s 37-7305 and 37-7306 to appropriate 3.0 cubic feet per second of groundwater ^{for municipal use from a well} in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, T 2N, R 18E, B.M. (37-7305); and .044 cubic feet per second of groundwater ^{from a well} in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, T 2N, R 18E, B.M. (37-7306); ^{for municipal use; and,} on October 18, 1973, McCulloch Properties, Inc. filed with the

^{Whereas,} Department of Water Resources (formerly the Department of Water Administration) Application for Permit No. 37-7307 to appropriate 3.0 cubic feet per second of ^{for municipal use} groundwater ^{from a well} in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, T 2N, R 18E, B.M.; ^{but later amended} and on June 5, 1974, McCulloch Properties, Inc. ~~subsequently filed Amended Application No. 37-7307,~~ ^{to a} with the point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10, T 2N, R 18E, B.M., all in Blaine County, ~~from a well and pump to be used for municipal purposes; and,~~

WHEREAS, on November 8, 1973 and November 15, 1973, notice of this proposed appropriation was published in the Wood River Journal at Hailey, Idaho; and, on June 27, 1974, and July 4, 1974 notice of amended application No. 37-7307 was published in the Wood River Journal, Hailey, Idaho; and

WHEREAS, on November 23, 1973, The Department received a ^{protest against the approval of these applications} letter from Moffatt, Thomas, Barrett & Blanton, Attorneys At Law, in behalf of Mr. Spencer F. Eccles ~~protesting the granting of these permits; and,~~

^{Whereas, on January 29, 1975 the parties were sent notice that a hearing had been set; and,} WHEREAS, on February 20, 1975, a hearing concerning this matter was held at Hailey, Idaho; and,

WHEREAS, the protestant ^{or his representative} failed to appear at that hearing;

IT IS, THEREFORE, ORDERED that the protest ^{are} be set aside and Applications for Permit No.s 37-7305, 37-7306 and 37-7307, are hereby APPROVED subject to the following conditions:

- (1) That the permits be and are subject to all prior existing water rights.
- (2) That proof of construction of works and application of water to beneficial use shall be submitted to the Department on or before February 1, 1980.

MICROFILMED

IN THE MATTER OF , Applications for Permit)
No.s 37-7305, 37-7306 and 37-7307 in the)
name of McCULLOCH PROPERTIES, INC.)

ORDER

- (3) That measuring devices of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

Dated this ____ day of _____, 1975.

R. KEITH HIGGINSON
Director

BH:cc

RECEIVED

37-7305, 37-7306 & 37-7307 - McCulloch Properties, Inc.

Courtroom, Blaine County Courthouse, Hailey, Idaho

February 20, 1975 - 10:00 a.m.

ROSTER OF ATTENDANCE

Name

Address

Representing

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protest Against Approval)
of Application for Permit No.'s 37-7305,)
37-7306 & 37-7307, in the name of) NOTICE OF CONFERENCE AND/OR HEARING
McCulloch Properties, Inc.)
.)

On October 16, 1973, McCulloch Properties, Inc. filed with the Department of Water Resources application No.'s 37-7305 & 37-7306; and on October 18, 1973, McCulloch Properties, Inc. filed with the Department of Water Resources application No. 37-7307, to appropriate the public waters of the State of Idaho. On June 5, 1974, McCulloch Properties, Inc. subsequently filed Amended Application No. 37-7307. On November 23, 1973, the Department received a protest against approval of said applications from Spencer F. Eccles.

The Department has set the matter of protest for conference and/or hearing for Thursday, February 20, 1975, at 10:00 a.m., in the Blaine County Courthouse, Hailey, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party desiring the taking of stenographic notes by a qualified court reporter must request such in writing at least five (5) days before the date set for hearing and must submit to the director the name of a qualified reporter who is available on the date set for hearing. The party requesting the reporter shall bear the expense of the reporter's attendance fees. A taped record of the proceedings will be maintained for the appeal period.

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

Dated this twenty-ninth day of January 1975.



BOB HAYNES
Southern District Engineer

MICROFILMED

January 29, 1975

Mrs. Marie Ivie, Clerk
Blaine County Courthouse
Hailey, Idaho 83333

Dear Mrs. Ivie:

This is to confirm the use of the Courtroom for conference and/or hearing to be held by this office on Wednesday, February 19, 1975, at 10:00 a.m. and 1:30 p.m., and on Thursday, February 20, 1975, at 10:00 a.m.

Thank you for your cooperation in this matter.

Sincerely,

Bob Haynes
Southern District Engineer

BH:cc

RECEIVED

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

☐

Show address
where delivered

☐

Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

538621

INSURED NO.

DATE DELIVERED

①

Debbie Kimple

②

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

MTB & B

③

SHOW WHERE DELIVERED *(Only if requested, and include ZIP Code)*

Return Receipt Requested

U.S. POSTAL SERVICE
OFFICIAL BUSINESS

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Postmark of Delivering Office

SENDER INSTRUCTIONS

Print in the space below your name, address, including ZIP Code.

- If special services are desired, check block(s) on other side.
- Moisten gummed ends and attach to back of article.

**RETURN
TO**

PS Form 3811
June 1973

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

☐

Show address
where delivered

☐

Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

FIRST SECURITY BANK

CERTIFIED NO.

538620

1

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

2

WELLS FARGO INSURED SERVICE

DATE DELIVERED

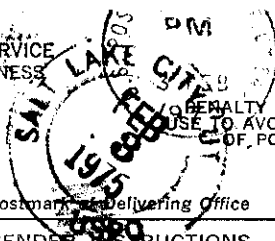
SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

FEB 3 1973

3

Return Receipt Requested

U.S. POSTAL SERVICE
OFFICIAL BUSINESS



PERMIT NO. 1000
PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Postmark of Delivering Office

SENDER INSTRUCTIONS

Print in the space below your name, address, including ZIP Code.

- If special services are desired, check block(s) on other side.
- Moisten gummed ends and attach to back of article.

RETURN
TO

PS Form 3811
June 1973

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

☐

Show address
where delivered

☐

Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

538619

①

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

②

DATE DELIVERED

SHOW WHERE DELIVERED *(Only if requested, and include ZIP Code)*

JAN 30 1975

③

Return Receipt Requested

U.S. POSTAL SERVICE
OFFICIAL BUSINESS

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$300



Postmark of originating Office

SENDER INSTRUCTIONS

Print in the space below your name and address, including ZIP Code.

- If special services are desired, check block(s) on other side.
- Moisten gummed ends and attach to back of article.

RETURN
TO

PS Form 3811
June 1973

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

No. 538619

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

| | | |
|---|--|---------------------|
| SENT TO | | POSTMARK
OR DATE |
| MCCULLOCH PROPERTIES | | |
| STREET AND NO | | |
| P. O. Box 1026 | | |
| P. O., STATE AND ZIP CODE | | |
| Hailey, Idaho 83333 | | |
| OPTIONAL SERVICES FOR ADDITIONAL FEES | | |
| RETURN
RECEIPT
SERVICES | 1. Shows to whom and date delivered 15¢
With delivery to addressee only 65¢ | |
| | 2. Shows to whom, date and where delivered .. 35¢
With delivery to addressee only 85¢ | |
| DELIVER TO ADDRESSEE ONLY 50¢ | | |
| SPECIAL DELIVERY (extra fee required) | | |

PS Form 3800
Apr. 1971

**NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL**

(See other side)

☆ GPO : 1972 O - 460-743

**STICK POSTAGE STAMPS TO ARTICLE TO COVER POSTAGE (first class or airmail),
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, ~~leaving the receipt attached~~, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, Form 3811, and attach it to the back of the article by means of the gummed ends. Endorse front of article RETURN RECEIPT REQUESTED.
4. If you want the article delivered only to the addressee, endorse it on the front DELIVER TO ADDRESSEE ONLY. Place the same endorsement in line 2 of the return receipt card if that service is requested.
5. Save this receipt and present it if you make inquiry.

No. 538620

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

| | | |
|--|---|---------------------|
| SENT TO | | POSTMARK
OR DATE |
| Mr. Spencer F. Eccles | | |
| STREET AND NO. | | |
| P. O. Box 390 | | |
| P. O., STATE AND ZIP CODE | | |
| Salt Lake City, Utah 84110 | | |
| OPTIONAL SERVICES FOR ADDITIONAL FEES | | |
| RETURN
RECEIPT
SERVICES | 1. Shows to whom and date delivered | 15¢ |
| | With delivery to addressee only | 65¢ |
| | 2. Shows to whom, date and where delivered .. | 35¢ |
| | With delivery to addressee only | 85¢ |
| DELIVER TO ADDRESSEE ONLY | | 50¢ |
| SPECIAL DELIVERY (extra fee required) | | |

PS Form
Apr. 1971

3800

**NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL**

* (See other side)

☆ GPO : 1972 O - 480-743

**STICK POSTAGE STAMPS TO ARTICLE TO COVER POSTAGE (first class or airmail),⁴
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, **leaving the receipt attached**, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article. ~~Do not detach and~~ retain the receipt, and mail the article.
3. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, Form 3811, and attach it to the back of the article by means of the gummed ends. Endorse front of article RETURN RECEIPT REQUESTED.
4. If you want the article delivered only to the addressee, endorse it on the front DELIVER TO ADDRESSEE ONLY. Place the same endorsement in line 2 of the return receipt card if that service is requested.
5. Save this receipt and present it if you make inquiry.

No. 538621

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

| | | |
|---|---|---------------------|
| SENT TO | | POSTMARK
OR DATE |
| Moffatt, Thomas, Barrett & Blanton | | |
| STREET AND NO. | | |
| P. O. Lock Box 829 | | |
| P. O., STATE AND ZIP CODE | | |
| Boise, Idaho 83701 | | |
| OPTIONAL SERVICES FOR ADDITIONAL FEES | | |
| RETURN
RECEIPT
SERVICES | 1. Shows to whom and date delivered | 15¢ |
| | With delivery to addressee only | 65¢ |
| | 2. Shows to whom, date and where delivered .. | 35¢ |
| | With delivery to addressee only | 85¢ |
| | DELIVER TO ADDRESSEE ONLY | 50¢ |
| SPECIAL DELIVERY (extra fee required) | | |

P5 Form
Apr. 1971

3800

**NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL**

(See other side)

☆ GPO : 1972 O - 460-743

**STICK POSTAGE STAMPS TO ARTICLE TO COVER POSTAGE (first class or airmail),
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, ~~leaving the receipt attached~~ and present the article at a post office service window or hand it to your rural carrier (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, Form 3811, and attach it to the back of the article by means of the gummed ends. Endorse front of article RETURN RECEIPT REQUESTED.
4. If you want the article delivered only to the addressee, endorse it on the front DELIVER TO ADDRESSEE ONLY. Place the same endorsement in line 2 of the return receipt card if that service is requested.
5. Save this receipt and present it if you make inquiry.

1-29-75

NAME AND
ADDRESS
OF SENDERF DWR
Twin Falls, Ida 37-7305, 647
Re: McCulloch Prop.

Indicate type of mail

☐ INSURED ☐ C. O. D.
☒ CERTIFIEDAffix stamp here if issued as
certificate of mailing or for
additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

| NUMBER OF
ARTICLE | NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS | POSTAGE | FEE | DUE SENDER
IF C. O. D. | ENDORSE-
MENT ¹ | R. R.
FEE | S. D.
FEE | S. H.
FEE ² | RESTRICTED DELIVERY FEE
Remarks |
|----------------------|---|---------|-----|---------------------------|-------------------------------|--------------|--------------|---------------------------|------------------------------------|
| 1 | 538619 McCulloch (Properties), Bailey, Ida 83222 | 10 | 30 | | | 15 | | | |
| 2 | 538620 Spencer F. Eccles, P.O. Box 390, SLC, Utah 84110 | 10 | 30 | | | 15 | | | |
| 3 | 538621 Moffatt, Thomas, Barrett & Blanton | 10 | 30 | | | 15 | | | |
| 4 | B. O. Lock Box 829, Boise Id. 83701 | | | | | | | | |
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TOTAL NUMBER OF
PIECES LISTED
BY SENDERTOTAL NUMBER OF
PIECES RECEIVED
AT POST OFFICE

POSTMASTER, PER (Name of receiving employee)

¹ Mark "F" if "Fragile," "P" if "Perishable," "E" if "Eggs," "EH" if "Eggs for Hatching," "B" if "Butter," "FL" if "Fragile-Liquid," and "FLU" if "Fragile-Liquid - This Side Up."² Special-handling charges apply only to third- and fourth-class parcels. Special-delivery service also includes special-handling service.

MICROFILMED

May 14, 1974

Re: McCulloch Properties, Inc.
Application Nos. 37-7305, 37-7306 and 37-7307

Mr. Horace Self
McCulloch Properties, Inc.
P.O. Box 1026
Hailey, Idaho 83333

Dear Mr. Self:

The Department of Water Administration has not scheduled the above referenced files for hearings in the matter of protest at your request. Please advise the status of this case and if the situation has changed in any way. The matter has been pending for quite some time and we would like to complete processing of our files.

If you have any questions, please don't hesitate to contact us.

Very truly yours,

Bob Haynes
Southern District Engineer

bh:lt

MICROFILMED

November 28, 1973

RE: Application Nos. 37-7305, 37-7306, 37-7307

McCulloch Properties, Inc.
P.O. Box 1026
Hailey, Idaho 83333

Gentlemen:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application Nos. 37-7305, 37-7306, and 37-7307. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Very truly yours,

Bob Haynes
District Engineer
Southern District

BH:jmm

Enc: Copy of protest

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
SOUTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

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

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

November 27, 1973

RE: Application Nos. 37-7305, 37-7306, and 37-7307 - McCulloch Properties, Inc.

Mr. Spencer F. Eccles
P.O. Box 390
Salt Lake City, Utah 84110

Dear Mr. Eccles:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

Bob Haynes
District Engineer
Southern District

cc: Moffatt, Thomas, Barrett & Blanton
P.O. Lock Box 829
Boise, Idaho 83701

BH:jmm

MICROFILMED

WILLIS C. MOFFATT
EUGENE C. THOMAS
JOHN W. BARRETT
J. CHARLES BLANTON
R. B. ROCK
RICHARD C. FIELDS
RICHARD E. HALL
MYRON D. GABBERT, JR.
MICHAEL G. BRADY
DON G. BROOKS
DONALD W. LOJEK
CHARLES W. HOSACK
JOHN R. ROWE

LAW OFFICE
MOFFATT, THOMAS, BARRETT & BLANTON
CHARTERED
FIRST SECURITY BANK BUILDING
P. O. LOCK BOX 829
BOISE, IDAHO 83701

OFFICE ADMINISTRATOR
THOMAS D. MCINTYRE

TELEPHONE
AREA CODE 208
344-7825

November 23, 1973

RECEIVED

NOV 26 1973

Department of Water Administration
Southern District Office

Idaho Department of Water Administration
Statehouse Annex #2
Boise, Idaho
and

1041 Blue Lakes Blvd.
North Twin Falls, Idaho 83301

Attention: Mr. R. Keith Higginson

Re: McCulloch Properties Inc.
Application Nos. 37-7305, 37-7306 & 37-7307

Gentlemen:

Pursuant to Section 42-203, Idaho Code, Spencer F. Eccles, P. O. Box 390, Salt Lake City, Utah, 84110, hereby protests the granting of the applications of McCulloch Properties, Inc., identified as Application Nos. 37-7305, 37-7306 and 37-7307, to appropriate waters of this state by the drilling of wells in Blaine County, Idaho, until and unless said applicant establishes that the drilling of said wells and the appropriation of water pursuant to said applications will not adversely effect the supply of water already appropriated in the general area in which the wells under said applications are to be located and particularly the prior appropriations which are now held by this protestant on the lands described on Exhibit "A" attached hereto and by this reference made a part hereof.

Protestant respectfully submits that the burden should be upon the applicant to affirmatively show that the granting of the applications and the appropriation of the water

NOV 26 1973

thereby requested will not result in a reduction of the available water supply of those persons who have heretofore appropriated water and have put the same to beneficial use on the lands for which it has been appropriated.

Protestant further requests the right to present evidence in support of this protest but by so requesting does not alter his position that the burden vests with applicant of proving that the granting of the applications and the appropriation of the water as therein requested will not adversely effect other established appropriations.

Respectfully submitted,

MOFFATT, THOMAS, BARRETT & BLANTON

By


J. Charles Blanton
Attorneys for Protestant

B:rw

cc: Mr. Spencer F. Eccles

C
O
P
Y

RECEIVED

NOV 26 1973

Department of Water Administration
Southern District Office

TRACT 1: TOWNSHIP 2 NORTH OF RANGE 18 EAST OF THE
BOISE MERIDIAN, BLAINE COUNTY, STATE OF IDAHO:

Section 15: All that part of the S 1/2 SE 1/4 described as follows: From the South of said Section North 563 feet and East to the right of way of the O.S.L. Railroad, being all of said S 1/2 SE 1/4 of said Section 15 lying south of the line 563 feet North of the South Section line and West of the right of way of the said railroad aforesaid and of the Highway right of way, designated as Tax Lots 1529 and 1530 on Blaine County Tax Assessor's Rolls;

Section 22: The NW 1/4 NE 1/4; SE 1/4 NE 1/4; All that part of the NE 1/4 NE 1/4 lying South of Highway right of way designated as Tax Lot 1527 on Blaine County Tax Assessor's Rolls;

All that part of the NE 1/4 SE 1/4 EXCEPT canal right of way, designated as Tax Lot 70 on Blaine County Tax Assessor's Rolls;

Section 23: All that part of the SW 1/4 NW 1/4 and of the NW 1/4 SW 1/4 lying South and West of Highway right of way designated as Tax Lots 1525 and 1524, respectively, on Blaine County Tax Assessor's Rolls; EXCEPT tract conveyed by William T. Riley to Idaho Consolidated Mines Company, Ltd., a corporation, by Deed dated December 24, 1907, and recorded January 25, 1908, in Book 64 of Deeds, Page 623, Records of Blaine County, Idaho.

All that part of the NW 1/4 NW 1/4 lying South and West of Highway right of way, designated as Tax Lot 1526 on Blaine County Tax Assessor's Rolls;

All that part of the S 1/2 SE 1/4 described as follows: Commencing at 2 1/2" galvanized pipe marking the corner common to Sections 23, 24, 25, and 26, Township 2 North, Range 18 East, Boise Meridian, thence North 88°06' West 263.4 feet along the South boundary of said Section 23 to a 1/2" reinforcing rod on the

RECORDED

EXHIBIT "A"

Southerly bank of an irrigation ditch, said rod marking the true point of beginning; thence North $88^{\circ}06'$ West 1674.6 feet along the South boundary of said Section 23, to a $1/2$ " reinforcing rod on the Easterly boundary of the Union Pacific Railroad right of way, thence North $35^{\circ}50'$ West 591.9 feet along the Easterly boundary of the Union Pacific Railroad right of way to a $1/2$ " reinforcing rod on the Southerly bank of an irrigation ditch; thence South $66^{\circ}55'$ East 379.0 feet along the Southerly bank of an irrigation ditch to a $1/2$ " reinforcing rod, thence South $65^{\circ}40'$ East 366.3 feet along the Southerly bank of an irrigation ditch to a $1/2$ " reinforcing rod; thence North $75^{\circ}26'$ East 231.8 feet along the Southerly bank of an irrigation ditch to a $1/2$ " reinforcing rod; thence North $81^{\circ}15'$ East 406.5 feet along the Southerly bank of an irrigation ditch to a $1/2$ " reinforcing rod; thence South $78^{\circ}37'$ East 425.4 feet along the Southerly bank of an irrigation ditch to a $1/2$ " reinforcing rod; thence South $47^{\circ}16'$ East 401.0 feet along the Southerly bank of an irrigation ditch to a $1/2$ " reinforcing rod on the South boundary of said Section 23, and said rod being the true point of beginning, said parcels designated as Tax lots 2900 and 2902, on Blaine County Tax Assessor's Rolls.

Section 25: W $1/2$ NW $1/4$;

Section 26: All that part of the NW $1/4$ NE $1/4$ lying East of Railroad right of way, designated as Tax Lot 1309 on Blaine County Tax Assessor's Rolls;

All that part of the NE $1/4$ NE $1/4$ lying East of Railroad right of way, designated as Tax Lot 1311 on Blaine County Tax Assessor's Rolls;

All that part of the SE $1/4$ NE $1/4$ lying East of Railroad right of way, designated as Tax Lot 1313 on Blaine County Tax Assessor's Rolls;

RECORDED

TRACT 2: TOWNSHIP 2 NORTH OF RANGE 18 EAST OF THE
BOISE MERIDIAN, BLAINE COUNTY, STATE OF IDAHO:

Section 23: All that portion of the SW 1/4 SW 1/4
EXCEPT canal right of way designated as Tax
Lot 76 on Blaine County Tax Assessor's Rolls;

All that portion of the NE 1/4 SW 1/4 lying
West of Highway right of way, designated as
Tax Lot 1523 on Blaine County Tax Assessor's
Rolls;

All of that portion of the SE 1/4 SW 1/4 lying
West of Highway right of way, EXCEPT canal
right of way and EXCEPT the following de-
scribed portion: Beginning at a point on
center line of Highway right of way in Blaine
County, Project E-122D, said point being sta-
tion 786-00 of survey, said point being approxi-
mately 1380 feet North and 3083 feet West of
SE corner of Section 23, T. 2 N., R. 18 E.,
thence South $11^{\circ}13'$ W. 36.40 feet; thence South
 $08^{\circ}38'$ E. 118.05 feet, thence South $06^{\circ}21'$ E.
137.07 feet, thence South $09^{\circ}54'$ E. 156.58 feet,
thence South $19^{\circ}48'$ E. 43.58 feet, thence South
 $38^{\circ}38'$ E. 115.13 feet, thence South $46^{\circ}33'$ E.
70.05 feet, thence South $47^{\circ}53'$ E. 81.5 feet,
thence South $58^{\circ}35'$ E. 291.0 feet, thence North
 $65^{\circ}10'$ E. 77.65 feet, thence North $35^{\circ}34'$ W.
along the center line 978.55 feet more or less
to point of beginning, being that portion of the
SE 1/4 SW 1/4, NE 1/4 SW 1/4 and SW 1/4 SE 1/4 of
Section 23, T. 2 N. R. 18 E., lying between what
is known as the Cover Ditch and the Highway
right of way, designated as Tax Lot 1423 on
Blaine County Tax Assessor's Rolls;

All that portion of the SW 1/4 SE 1/4 lying
West of Highway right of way, designated as Tax
Lot 1522 on Blaine County Tax Assessor's Rolls;

SECTION 26: NW 1/4 NW 1/4; SE 1/4 NW 1/4;

All that portion of the NE 1/4 NW 1/4 EXCEPT
canal right of way designated as Tax Lot 79 on
Blaine County Tax Assessor's Rolls;

All that portion of the NW 1/4 NE 1/4 lying

South and West of Highway right of way and EXCEPT canal right of way, designated as Tax Lot 1521 on Blaine County Tax Assessor's Rolls;

All that portion of the SW 1/4 NE 1/4 EXCEPT canal right of way, designated as Tax Lot 83 on Blaine County Tax Assessor's Rolls;

All that portion of the SE 1/4 NE 1/4 lying West of Highway right of way, being the portion in the extreme Northwest corner of said SE 1/4 NE 1/4 and North of Tax Lot 981 and designated as Tax Lot 1519 on Blaine County Tax Assessor's Rolls;

All that portion of the NE 1/4 NE 1/4 lying South and West of Highway right of way designated as Tax Lot 1520 on Blaine County Tax Assessor's Rolls;

All that portion of the SE 1/4 NE 1/4 lying in the Southwest corner thereof, and bounded on the Easterly and Northerly sides by Canal right of way, designated as Tax Lot 1315 on Blaine County Tax Assessor's Rolls;

TOGETHER WITH ALL RIGHT, TITLE, AND INTEREST OF THE PARTIES OF THE FIRST PART IN AND TO THE FOLLOWING DESCRIBED WATER RIGHTS:

One hundred fifty miners inches of the waters of the Big Wood River, with priority date of August 1, 1882, which water right was originally decreed to ANNIE I. MILLER et al in the case of S. C. Frost et al vs. Alturas Water Company et al (4th Judicial District, in and for Lincoln County, 1909);

One hundred fifty miners inches of the waters of the Big Wood River, with priority date of August 1, 1884, which water right was originally decreed to ANNIE I. MILLER et al in the case of S. C. Frost et al vs. Alturas Water Company et al (4th Judicial District, in and for Lincoln County, 1909);

One hundred fifty miners inches of the waters of the Big Wood River, with priority date of August 1, 1902, which water right was originally decreed to ANNIE I. MILLER et al in the case of S. C. Frost et al vs. Alturas Water Company et al (4th Judicial District, in and for Lincoln County, 1909);

March 24, 1933, which water right was originally decreed to W. T. RILEY in the case of S. C. Frost et al vs. Alturas Water Company et al (4th Judicial District in and for Lincoln County, 1939);

One hundred twenty seven and nineteen-one hundredths inches of the waters of the Big Wood River, with priority date of April 1, 1940, which water right was originally decreed to DON SPENCER in the case of Barker et al vs. Coffin (4th Judicial District, in and for Lincoln County, 1951);

Five hundred minors inches of subterranean water from two wells, with actual beneficial use limited to 1,980 acre feet per year and priority date of August 18, 1965, under Water License No. 32491/37-2713, and to be used for the purpose of irrigation from May 1 through September 1 of each year; the points of diversion for the wells are located in:

SW 1/4 SE 1/4, Sec. 23, T. 2 N., R. 18 E. B.M.
and SE 1/4 SE 1/4, Sec. 15, T. 2 N., Range 18 E.
B.M., County of Blaine;

Any other ditches, canals, waters, and water rights of any nature belonging or appurtenant to the real estate described herein.

SUBJECT TO:

1. Easements and rights of way of record;
2. Real Estate mortgage dated December 13, 1967, executed by Edward A. Gage and Anne A. Gage, husband and wife, to the Federal Land Bank of Spokane, a corporation, organized and existing under the Federal Farm Loan Act as amended, with its principal place of business in the City of Spokane, County of Spokane, State of Washington, to secure the payment of \$51,000.00 and interest; recorded December 22, 1967, under Recorder's Instrument No. 128890, records of Blaine County, Idaho.
3. Lis Pendens dated March 21, 1969, and recorded March 24, 1969, under Recorder's Instrument No. 132201, records of Blaine County, Idaho.

TOGETHER with all and singular the tenements, hereditaments, water rights, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

STATE OF IDAHO
DEPARTMENT OF ENVIRONMENTAL AND COMMUNITY SERVICES

Cecil D. Andrus
Governor

Statehouse
Boise, Idaho
83720

James A. Bax
Administrator

ENVIRONMENTAL SERVICES
November 5, 1973

Mr. Bob Haynes
Southern District Engineer
State Dept. of Water Administration
1041 North Blue Lakes
Twin Falls, Idaho 83301

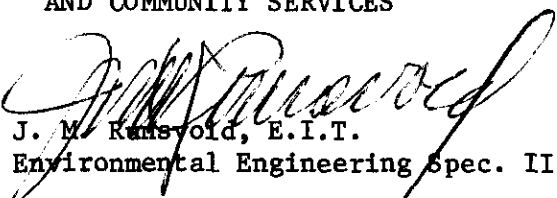
RE: Application # 37-7305-7307 for Permits to Appropriate Waters,
McCulloch Properties, Inc., applicant.

Dear Mr. Haynes:

The referenced applications to appropriate water for wells to serve Woodside Subdivision in the City of Hailey are approved by this Department. We are in contact with the developer regarding the required approval of the system design. Thank you for bringing this matter to our attention.

Yours very truly,

DEPARTMENT OF ENVIRONMENTAL
AND COMMUNITY SERVICES


J. M. Ramsdell, E.I.T.
Environmental Engineering Spec. II

JMR/sj

cc: Ron Twilliger, Legal
Bob Olson
Lee Stokes
Alex Schaefer
Dave Dingman

MICROFILMED

October 31, 1973

RE: Application Nos. 37-7305 - McCulloch Properties, Inc.
37-7306 - McCulloch Properties, Inc.
37-7307 - McCulloch Properties, Inc.

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

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the 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.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Bob Haynes
District Engineer
Southern District

Bill submitted _____ by _____

BH:jmm

Enc.: Legal Notices (3)

MICROFILMED

NOTICE OF APPLICATION
FOR WATER PERMIT

mm OK mm 7-73
Notice is hereby given that McCulloch Properties, Inc. Box 1026, Hailey, ID has on October 16, 1973 submitted Application No. 37-7305 for a permit to appropriate 3.0 cubic feet per second of water from groundwater by means of well and pump with discharge into distribution mains and storage within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, T. 2N, R. 18E, B.M., Blaine County to be used from Jan. 1 to Dec. 31 for municipal use within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10; W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 14; NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15; NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 23; T. 2N, R. 18E, B.M.

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 Administration, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301 on or before November 26, 1973.

R. KEITH HIGGINSON
Director

Published in the Wood River Journal on November 8 and November 15, 1973.

RECEIVED
NOV 15 1973
TWIN FALLS, ID

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that McCulloch Properties, Inc.
Box 1026, Hailey, ID 83
has on October 18, 1973 submitted Application No. 37-7307
for a permit to appropriate 3.0 cubic feet per second ~~4000 feet per second~~
of water from groundwater
by means of well and pump with discharge into distribution mains and storage
within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, T. 2N, R. 18E, B.M.

to be used from Jan. 1 to Dec. 31
for municipal use

within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10; W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 14; NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$,
N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15; NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 23; T. 2N, R. 18E, B.M.

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 Administration, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301 on
or before November 26, 1973.

R. KEITH HIGGINSON

Director

Published in the Wood River Journal
on November 8 and November 15, 1973

MICROFILMED

October 31, 1973

RE: Application Nos. 37-7305 - McCulloch Properties, Inc.
37-7306 - McCulloch Properties, Inc.
37-7307 - McCulloch Properties, Inc.

Mr. Jim Runsvold
Idaho Department of Health
Statehouse
Boise, Idaho 83720

Dear Mr. Runsvold:

We are enclosing a copy of the above referenced applications for permit, which may be of interest to your agency.

Please review the applications and if you have any comments, please submit them to our Department as soon as possible.

We normally complete the processing of an application within a six (6) week period and we are required to take final action shortly thereafter.

If we may be of any assistance to you in the meantime, please do not hesitate to contact this department.

Very truly yours,

Bob Haynes
District Engineer
Southern District

BH:jmm

Enc.

MICROFILMED

October 31, 1973

RE: Application Nos. 37-7305, 37-7306, 37-7307

McCulloch Properties, Inc.
P.O. Box 1026
Hailey, ID 83333

Gentlemen:

Enclosed is your Receipt No. 11693 for Check No. 92-232 in the amount of \$100.00 for the above referenced applications for permit which were received in our Twin Falls office from Boise on October 29, 1973.

Very truly yours,

Janet M. Messersmith
Secretary
Southern District

MICROFILMED

51-7305

October 17, 1973

McCulloch Properties, Inc.
P.O. Box 1828
Scottsdale, Arizona 85252

Gentlemen:

I am returning your applications for permit to appropriate public waters of the State of Idaho.

In Item No. 3a(4) of each application please indicate the approximate number of residents for the Woodside Subdivision when it is fully developed.

In the application relating to the smaller well under Item No. 4 the amount to be appropriated would be the rate of withdrawal from the underground source, which I assume would be .044 cfs. I have so indicated on that application.

In both of the applications the amount in Item No. 5b does not relate to your application, as it was intended where a seasonal storage of water is involved.

In addition to the above, no filing fees were received with the applications. The filing fee on the small well is \$10.00 and the filing fee on the large well is \$45.00, for a total of \$55.00 for both applications. Please return the applications to us with the proper filing fees to our office at 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

In addition to the requirement for an application for permit to appropriate water from the State of Idaho, you are also required by state law to have plans and specifications for your water system approved by the Idaho Department of Environmental and Community Services.

If you have any

If you have any further questions, don't hesitate to contact us.

Very truly yours,

Bob Haynes
Southern District Engineer

BH:jmm

Enc.

MICROFILMED