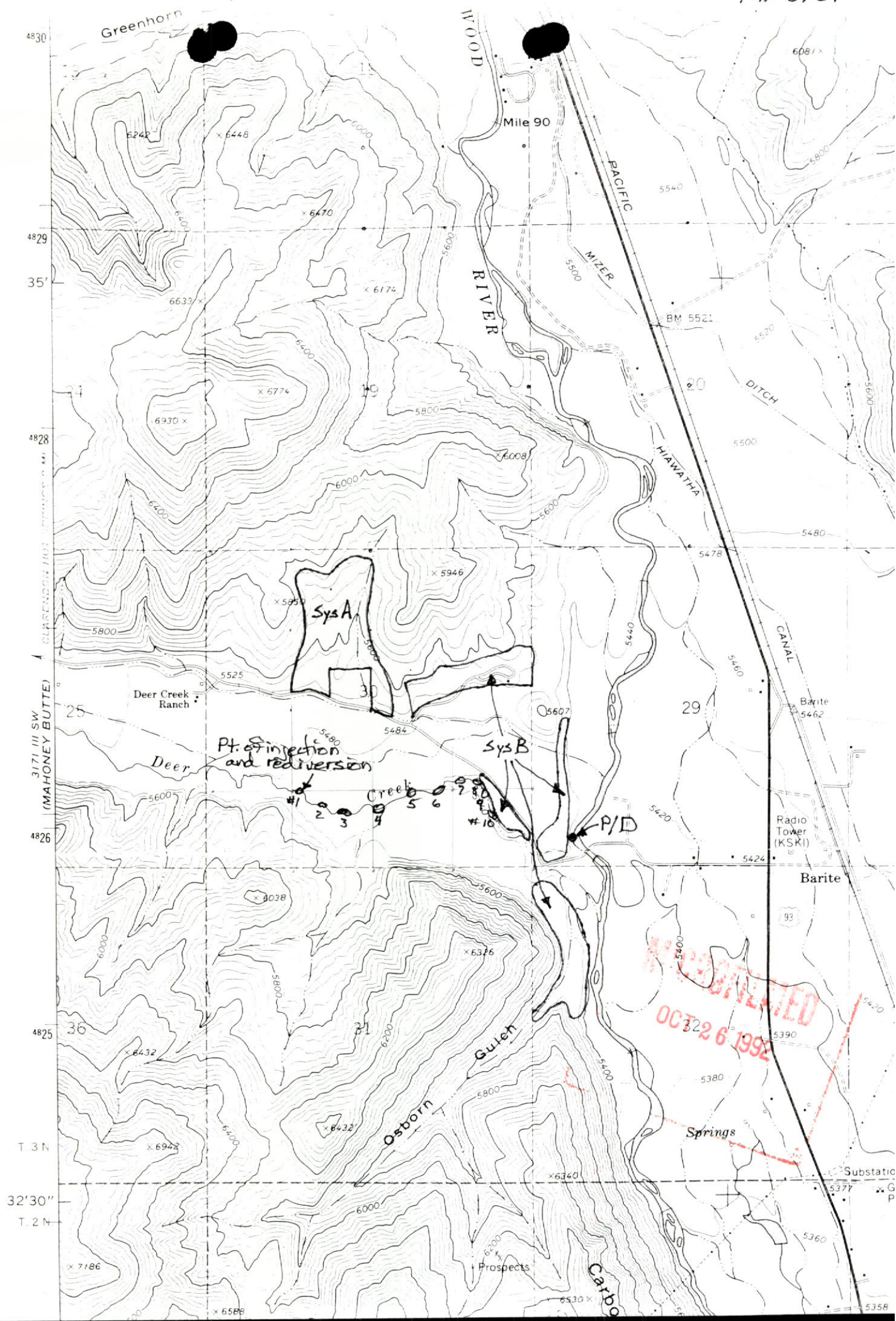
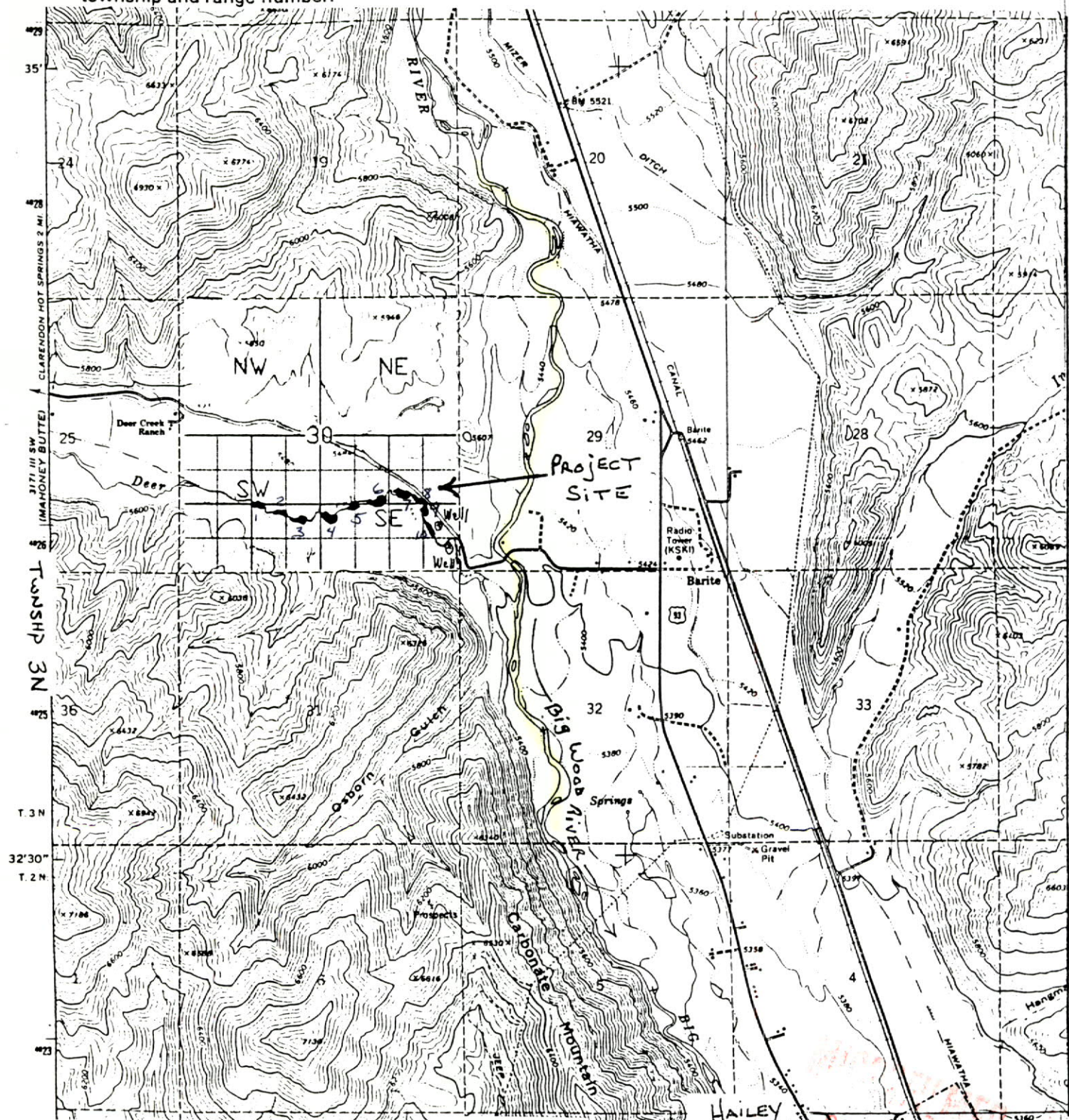


7 of 8

T# 3931



13. 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.

New Deer Creek Ranch Inc. by
Jay L. Seng president
 (Applicant)

37-08748

AFFIDAVIT of PUBLICATION

RECEIVED

JUL 01 1992

State of Idaho, }
County of Blaine } SS.

Department of Water Resources
Southern Region Office

On this 24th day of June, in the year 1992, before me a Notary Public of said State, personally appeared **DANIEL J. GORHAM**, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and 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 17 day of June, 1992, and the date of the last publication was on the 24 day of June, 1992.

David J. Gorham
Subscribed and sworn to before me this 24th day of June, 1992.
(SEAL)

Roberta M. Kuehn
NOTARY PUBLIC

8251
WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line	
Number of Lines in Notice	<u>144</u>
Number of Insertions	
Lines tabular at	<u>6c</u> / Pica
<u>144</u> Lines straight at	<u>72.00</u> 5c / Pica
<u>144</u> Subsequent lines at	<u>64.80</u> 4c / Pica
TOTAL COST	<u>141.80</u> <u>5.00</u>

COPY OF NOTICE
(Paste Here)

Hazen seeks change of
TITLE OF NOTICE
water right

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water Resources
BILL TO Turn Falls

Hazen seeks change of water right

NO. 37-00005, A37-00005

Notice is hereby given that MAXINE HAZEN of Bellevue, ID has applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of the IDAHO CODE.

This Application for Transfer proposes to change point(s) of diversion, change place of use, and change the nature of use.

WATER RIGHT AS RECORDED

Water Right No. 37-00005
Basis of right: Decreed to Henry W. Adams in case of Frost vs Alturas Water Company dated 12/13/1909 in Fourth District Court, Lincoln County, Transfer #41.

Source: Big Wood River tributary to Malad River
Priority: 3/10/1883
Amount: 3.00 cfs
Use: irrigation

Point(s) of diversion:
NE1/4SE1/4, S22, T02N, R18E;
(No. 44 Kohler Ditch);
SE1/4NE1/4, S26, T02N, R18E;
(Re-diversion); Blaine County.
Place of use: Unspecified acres within Lot 3 (SW1/4SW1/4), S25, T02N, R18E; E1/2SE1/4, S26, T02N, R18E; Lot 2 (NW1/4NW1/4), S36, T02N, R18E; Blaine County.

WATER RIGHT CLAIMED IN SNAKE RIVER BASIN ADJUDICATION AND RECORDED AS FOLLOWS:

Water Right No. A37-00005
Name: Maxine & Richard Hazen
Basis of right:
Decreed Right No. 37-00005
Priority: 3/10/1883
Source: Big Wood River tributary to Malad River
Amount: 3.00 cfs
Use: irrigation

Points of Diversion:
NE1/4SE1/4, S22, T02N, R18E;
SE1/4NE1/4, S26, T02N, R18E;
Blaine County.
Place of Use: 75 acres within W1/2SW1/4, S25, T02N, R18E; SE1/4NE1/4, NE1/4SE1/4, NW1/4SE1/4, SE1/4SE1/4, S26, T02N, R18E; Blaine County.

WATER RIGHT NO. 37-00005 & ADJUDICATION CLAIM NO. A37-00005 TO BE CHANGED AS FOLLOWS:

Water Right No.: 37-00005
Period of Use: 4/1 to 11/1
Water Use: irrigation
Amount: 1.16 cfs

Water Right No.: 37-00005
Period of Use: 4/1 to 11/1

Continued from prev. pg.

Roberta M. Ketcher

NOTARY PUBLIC

8251

*Error noted
NB
7-8-92*

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice 144
Number of Insertions _____
Lines tabular at _____ 6¢ / Pica
144 Lines straight at 22.00 5¢ / Pica
144 Subsequent lines at 64.80 4¢ / Pica
TOTAL COST 141.80 5.00

12/13/1909 in Fourth District Court, Lincoln County, Transfer #41.
Source: Big Wood River tributary to Malad River
Priority: 3/10/1883
Amount: 3.00 cfs
Use: irrigation
Point(s) of diversion: NE1/4SE1/4, S22, T02N, R18E; (No. 44 Kohler Ditch); SE1/4NE1/4, S26, T02N, R18E; (Re-diversion); Blaine County.
Place of use: Unspecified acres within Lot 3 (SW1/4SW1/4), S25, T02N, R18E; E1/2SE1/4, S26, T02N, R18E; Lot 2 (NW1/4NW1/4), S36, T02N, R18E; Blaine County.

WATER RIGHT CLAIMED IN SNAKE RIVER BASIN ADJUDICATION AND RECORDED AS FOLLOWS:

Water Right No. A37-00005
Name: Maxine & Richard Hazen
Basis of right:
Decreed Right No. 37-00005
Priority: 3/10/1883
Source: Big Wood River tributary to Malad River
Amount: 3.00 cfs
Use: irrigation
Points of Diversion: NE1/4SE1/4, S22, T02N, R18E; SE1/4NE1/4, S26, T02N, R18E; Blaine County.
Place of Use: 75 acres within W1/2SW1/4, S25, T02N, R18E; SE1/4NE1/4, NE1/4SE1/4, NW1/4SE1/4, SE1/4SE1/4, S26, T02N, R18E; Blaine County.

WATER RIGHT NO. 37-00005 & ADJUDICATION CLAIM NO. A37-00005 TO BE CHANGED AS FOLLOWS:

Water Right No.: 37-00005
Period of Use: 4/1 to 11/1
Water Use: irrigation
Amount: 1.16 cfs

Water Right No.: 37-00005
Period of Use: 4/1 to 11/1

Continued from prev. pg.
Water Use: Wildlife
Amount: 3.00 cfs

Water Right No.: 37-00005
Period of Use: 4/1 to 11/1
Water Use: Recreation
Amount: 3.00 cfs

Total amount being transferred: 3.00 cfs

Source: Big Wood River tributary to Malad River
Priority: 3/10/1883
Point of diversion: SW1/4SW1/4, S29, T03N, R18E; (Pump from River); SE1/4SW1/4, S30, T03N, R18E (Injection & Re-diversion from Deer Creek); Blaine County.
Place of use: Irrigation of 116 acres, of which 58 acres will be irrigated in any given year, within W1/2SW1/4, S29, T03N, R18E; S1/2NE1/4, E1/2NW1/4, E1/2SE1/4, S30, T03N, R18E; W1/2NW1/4, S32, T03N, R18E; also Recreational and Wildlife use within E1/2SW1/4, all quarter section tracts of SE1/4, S30, T03N, R18E; Blaine County.

Any protest against approval of the application for transfer must be filed with the Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 on or before July 6, 1992.

R. Keith Higginson, Director

Publish: Wood River Journal- June 17 & 24, 1992.

37-0005 Transfer



Two headgates on right deliver Hazen water from outflow from Kohler ditch terminal pond. Gate on left is Ted Divine's. Field is background is Hazen's upper 13 acres, looking toward the south.



Looking north at the upper field

REFILED
OCT 26 1992

DJ

37-0005

Transfer

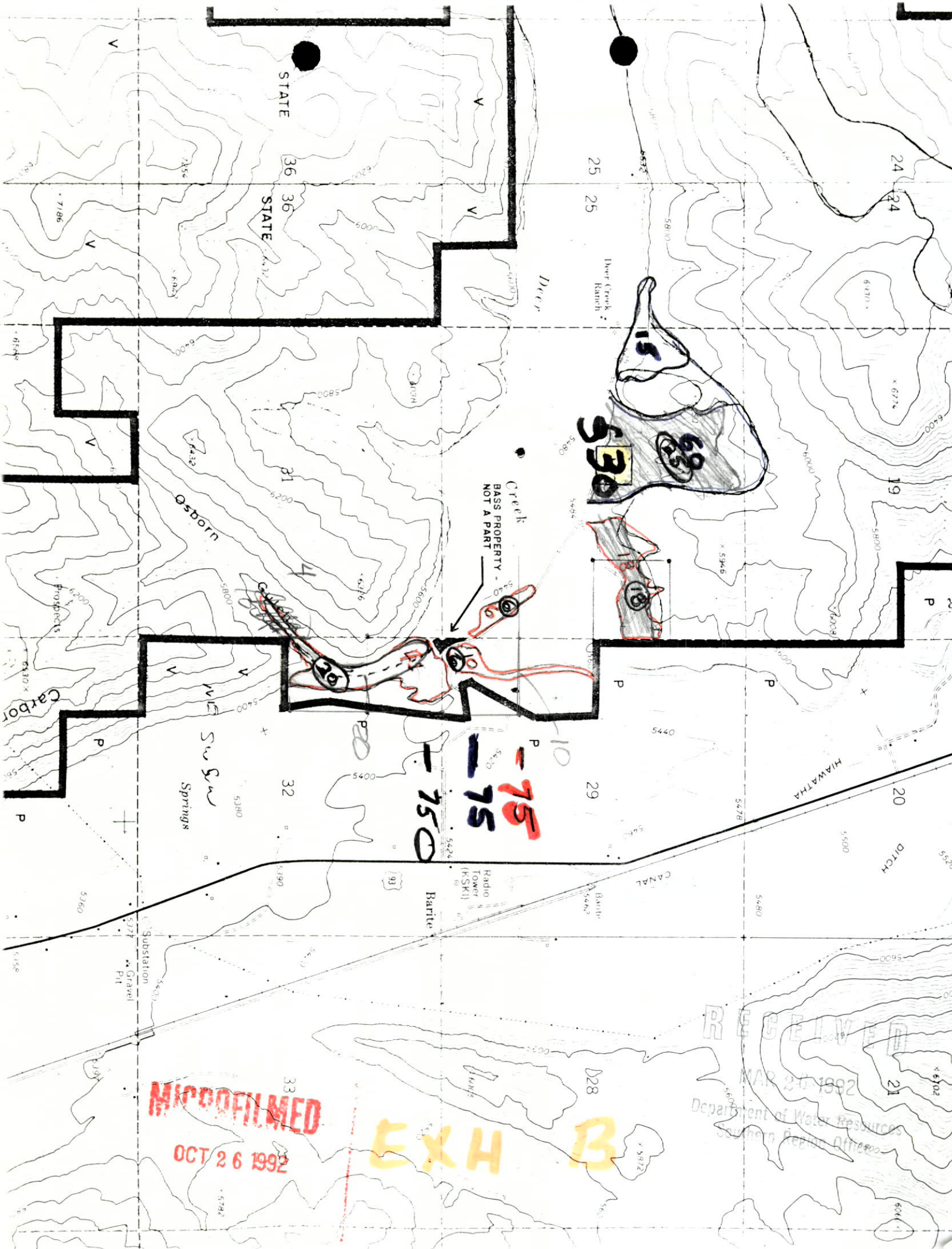


North end of lower Field. Trees on lateral meadows separating field into sections for flooding.



South end of lower Field.

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OCT 26 1992



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OCT 26 1992

EXH B

RECEIVED
MAR 20 1992
Department of Water Resources
Southern Region Office

$\Sigma = 62$ (p.e. shell)
 $\Sigma = 58$ (per shell)
irregular

734
A-III
16-2

B
10.0

A
68.5

45

16.8

74

A
8.8

A
1.8

B
4.3

A
4.2

(175)

A
68.5

MICROFILMED

OCT 13 1992

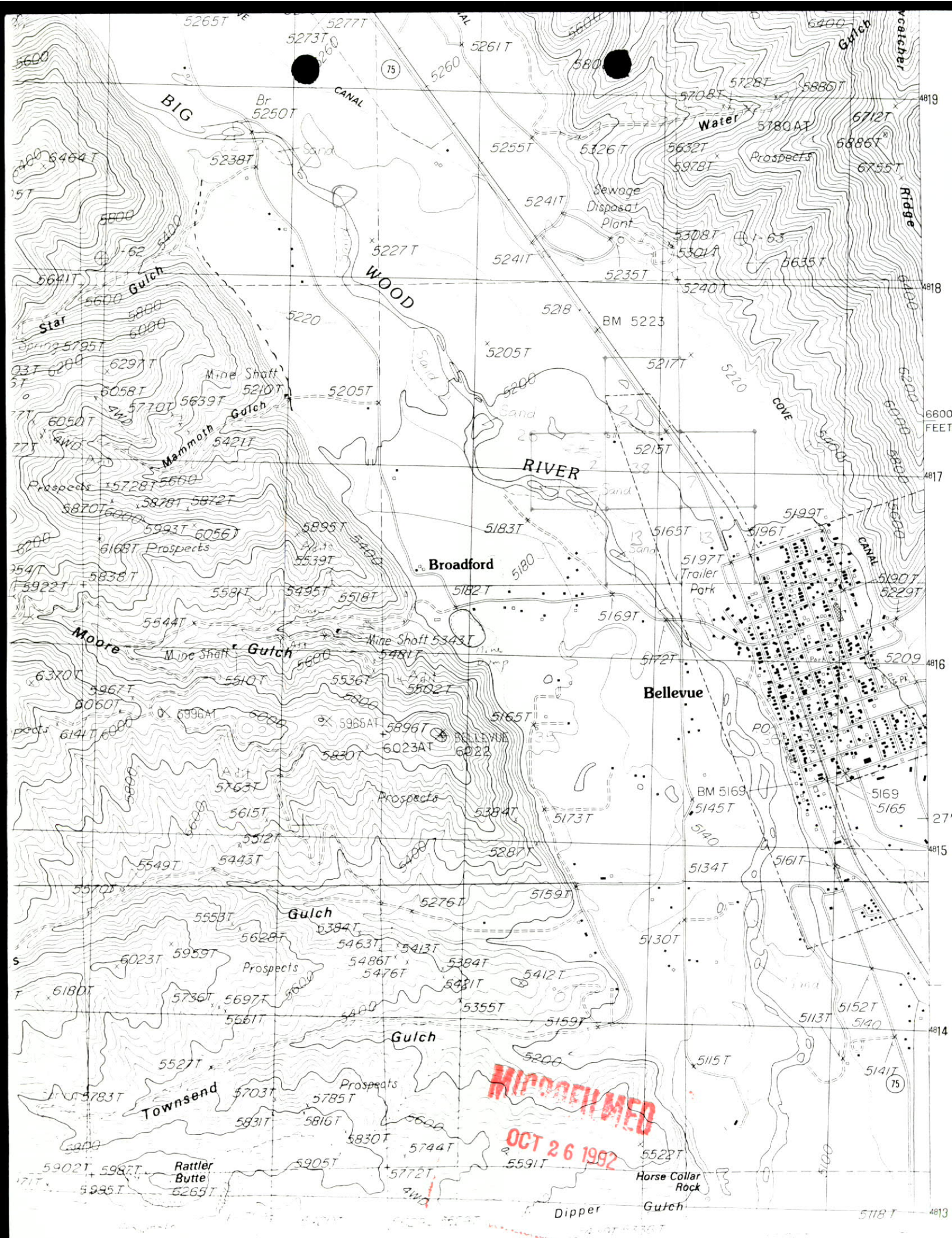
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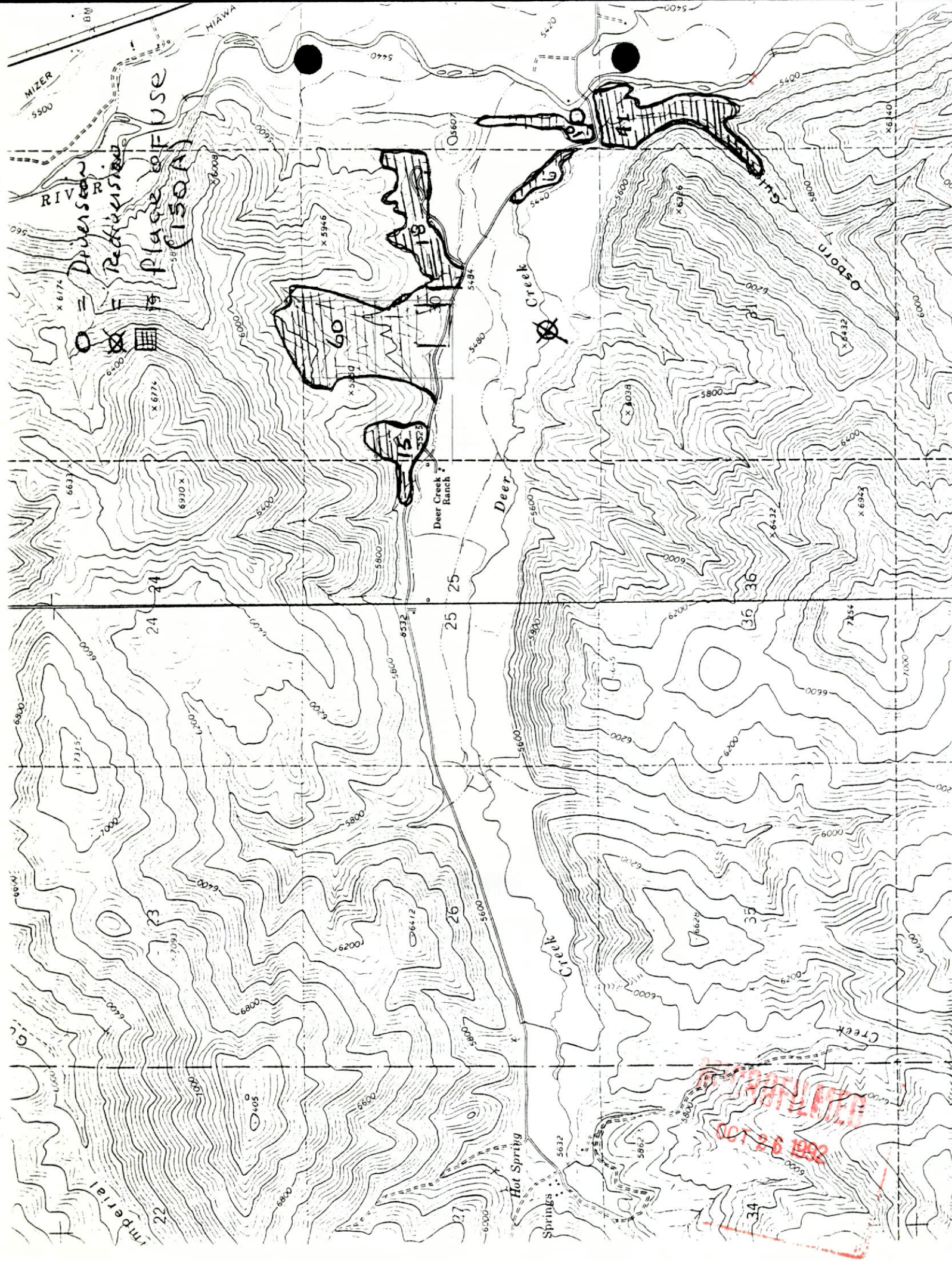
D
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G
3.3





Mizer

Riverton

Hiawa

Deer Creek

Osborn

Deer Creek Ranch

Creek

Hot Springs

Imperial

O = Driveway
X = Redwood
15 = Place of Use (150A)

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OCT 26 1992

60

19

15

41

RECEIVED

JUL 06 1993

Department of Water Resources

Before the Idaho Water Resource Board

WATER SUPPLY BANK RENTAL AGREEMENT

The Idaho Water Resource Board (Board) being authorized to operate a Water Supply Bank (bank) and to contract by and through the Director of the Idaho Department of Water Resources (Director) for rental of water from the bank agrees to rent water as follows:

1. Renter: Graystone, Inc.
2. Address: P.O. Box 2473, Ketchum, ID 83340.
3. Source of water: Big Wood River.
4. Volume of water rented 203 AF, Max rate 1.16 cfs.
5. Diversion period from July 1, 1993 to November 30, 1993.
6. Use of water: Water will be used for aesthetic purposes in conjunction with permit no. 37-08535 which authorizes the diversion of 10.0 cfs of water through the Comstock ditch for aesthetic purposes. Applicant uses approved transfer no. 3590 to mitigate the losses in the Comstock ditch due to the aesthetic use. The rented water would be used to maintain aesthetic pond levels when the 10.0 right is not deliverable.
7. a) Renter's point of diversion: Comstock ditch with heading located in the SE1/4NE1/4 Section 30, T4N, R18E,B.M., Blaine County.

b) Renter's place of use:

Legal description: SW1/4SW1/4 Section 29 and SE1/4SE1/4 Section 30, T4N, R18E,B.M.

The undersigned renter agrees to pay two thousand thirty dollars (\$2,030) to the Board for rental of the above described water and agrees to use the water in compliance with the Water Supply Bank rules and in compliance with the conditions of water use shown below:

Conditions of water use:

1. Use of water under this agreement is subject to all prior water rights.
2. Before diversion of water under this agreement, the renter shall provide for the measurement of the water diverted under this agreement in a manner acceptable to the Director.

3. Use of water under this agreement does not constitute a dedication of the water to renter's land and upon expiration of this agreement, the place of use of the water shall revert to its original place of use and/or again be available to rent from the bank.

4. Renter agrees to comply with all applicable state and federal laws in the use of water under this agreement.

5. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter in the use of water under this agreement.

6. Renter acknowledges and agrees that the Director may terminate diversion of water under the agreement if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.

7. Use of water under this rental is subject to the control of the water master of Water District 37, the Big Wood River.

Dated this 1 day of July, 1993.

D. W. Gray
Renter

I hereby execute this Rental Agreement on behalf of the
Idaho Water Resource Board this 7th day of July, 1993.

R. Keith Higginson
for R. KEITH HIGGINSON, Director
Idaho Department of Water Resources

Page 1 of 8STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3931

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

APR 20 1992

PART 1

APPROVED

Department of Water Resources
Name of applicant Maxine Hazen
Southern Region OfficePhone 788-4891Post Office address P.O. Box 94, Bellevue, ID 83313

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Water right to irrigate land not presently farmed and to augment flow through ponds covered under permit 37-8748

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

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|------------------|--------------------|-------------------|---------------------------|
| <u>37-0005</u> | <u>3/10/1883</u> | <u>1.16</u> | <u>Irrigation</u> | <u>4/1</u> to <u>11/1</u> |
| <u>37-0005</u> | <u>3/10/1883</u> | <u>3.00</u> | <u>Wildlife</u> | <u>4/1</u> to <u>11/1</u> |
| <u>37-0005</u> | <u>3/10/1883</u> | <u>3.00</u> | <u>Recreation</u> | <u>4/1</u> to <u>11/1</u> |
2. Total amount of water being transferred 3.00 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Big Wood River tributary to Malad River
4. Point(s) of Diversion: _____

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SW	29	3N	18E	Blaine	Pump from River
		SE	SW	30	3N	18E	Blaine	Injection & Rediversion from Deer Co

5. Lands irrigated or place of use:
- Permissible Place of Use, of which 58 ac. irr. per yr.

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	
3N	18E	29									3	7							10
		30			13	10	30			23				1			5		82
		32						10	14										24
3N	18E	30																	

Total acres 116

PART 1

6. General Information:

- a. Description of diversion system Pump in a sump in side channel of B.W. River,
pipeline to 1st of 10 ponds on Deer Cr., injected, rediversion pump in
same pond to irrigation system A or B (@ 58ac). Wildlife and Rec.
uses in 10 ponds.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Dry land

- d. Remarks:

System A place of use is described as: 5ac SWNE, 30ac
NENW, 23 ac. SENW.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-00005

And said application is hereby APPROVED, subject to the following limitations and conditions:
SEE ATTACHED SHEET FOR CONDITIONS OF APPROVAL.

MICROFILMED

OCT 26 1992

Witness my hand this

30th day ofSeptember19 92J. Glen Saylor
CHIEF, WATER ALLOC. BUREAU

CONDITIONS OF APPROVAL
Transfer of Water Rights
No. 37-00005

1. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
2. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
5. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained at the point of diversion from the Big Wood River. Additionally, a measuring device shall be installed at the mouth of Deer Creek for the purpose of verifying the equivalent flow of water being returned from the recreational and wildlife ponds.
6. This right is limited to the irrigation of 58 acres in the place of use described herein in a single irrigation season.
7. The Director retains jurisdiction to require compensation for evaporation losses from the ponds if determined to be necessary.

Dated this

30th day of

September, 1992

J. Glen Sauter
Chief, Water Alloc. Bureau

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OCT 26 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 37-00005 Decreed to Henry W. Adams
in case of Frost vs. Alturas Water Company
dated Dec. 13, 1909 in 4th JD county of Lincoln
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A37-00005 on file with the Idaho Department of Water Resources.
- d. Transfer No. 41 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice☒ Warranty Deed☐ Other _____3. Source of water Big Wood River tributary to Malad River4. Date or priority Mar 10, 1883

5. Water is used for the following purpose:

amount 3.0 cfs for irrigation purposes from 4/1 to 11/15
(cfs/ac-ft) ~~3/15~~ *724h 10-29-91*
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 3.0 cfs cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	22	2N	18E	Blaine	No 44 Kohler Ditch
		SE	NE	26	2N	18E	Blaine	Rediversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
2N	18E	25										7	Lt 3 13						20
		26				2									38	2		13	55

Total acres 75

9. Describe any other water rights used for the same purpose as described above

none

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

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

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place 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	

Total acres _____

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

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

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place 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	

RECORDED
 OCT 26 1992

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 37-00005 Decreed to Henry W. Adams
in case of Frost vs. Alturas Water Company
dated Dec 13, 1909 in 4th Dist. Court county of Lincoln
- b. License No. N/A issued by the Idaho Department of Water Resources.
- c. Claim No. N/A on file with the Idaho Department of Water Resources.
- d. Transfer No. 41 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water Big Wood River tributary to Malad River

4. Date or priority Mar 10, 1883

5. Water is used for the following purpose:

amount 3.0 cfs for irrigation purposes from 4/1 to 11/1
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

6. Total amount of water under right 3.0 cfs cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	22	2N	18E	Blaine	No. 44 Kohler Ditch
		SE	NE	26	2N	18E	Blaine	Rediversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
2N	18E	25											Lt3						-
		26													X			X	-
		36							Lt2										-

Total acres unspecified

9. Describe any other water rights used for the same purpose as described above

none

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED N/A

(If the entire right is to be changed by the applicant, omit part B and C.)

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

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place 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	

Total acres _____

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

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

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place 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	

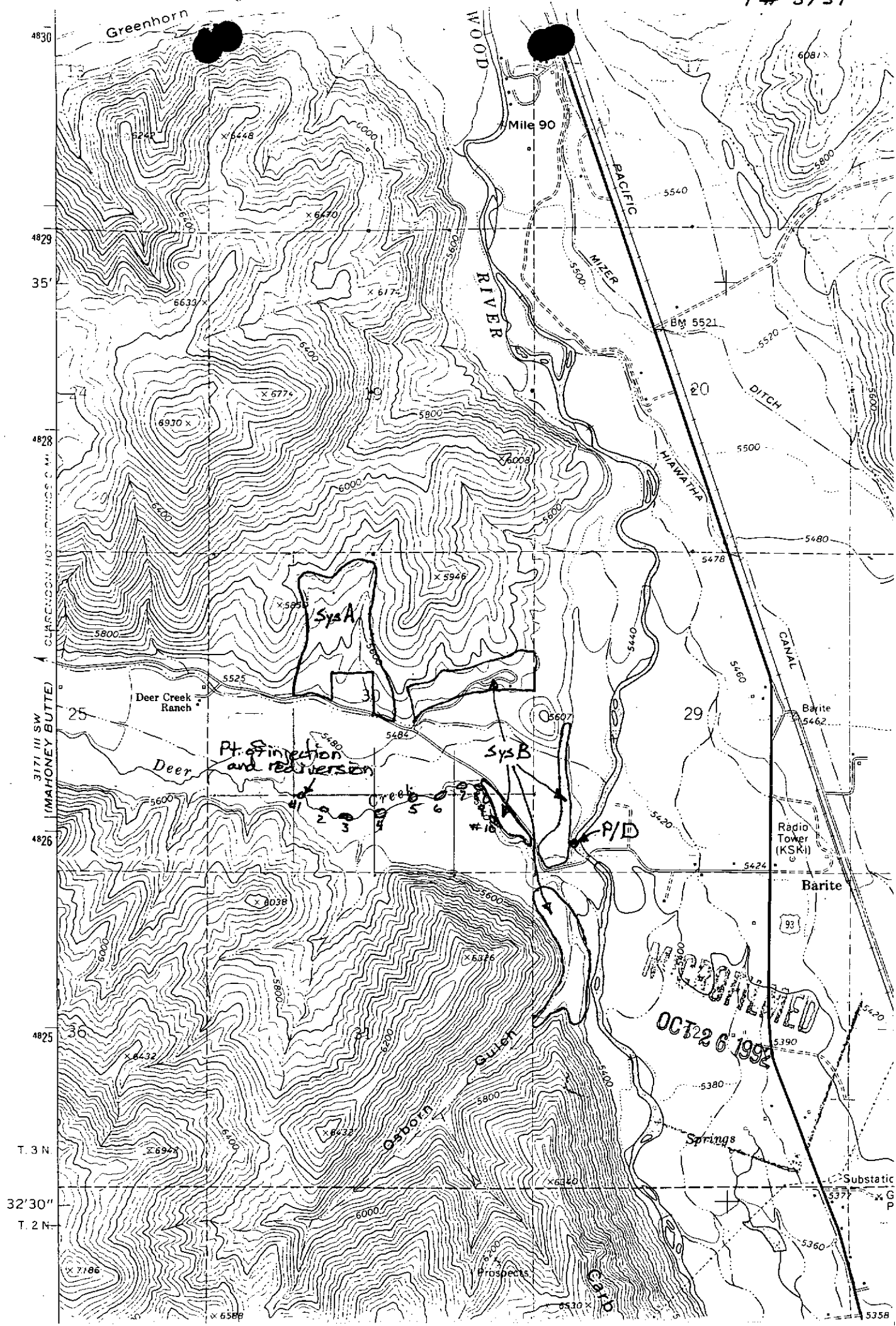
NOTED

OCT 26 1992

Total acres _____

7 of 8

T# 3931



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

A large grid for drawing a map, with a 'MICROFILMED' stamp and date 'OCT 26 1992' in the bottom right corner.

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	<u>Wildlife</u>	<u>3.0 cfs</u>	<u>24/215/yr</u>	<u>4/1</u> to <u>11/1</u>
	<u>Recreation</u>	<u>3.0 cfs</u>	<u>24/215/yr</u>	<u>4/1</u> to <u>11/1</u>

2. Quantity and quality of return flows and location of discharge:

Up to 1.84 cfs returned to system as seepage and direct flow from Deer Cr to Big Wood R. system; quality unchanged.

3. Describe effects on other water uses resulting from the proposed change:

None.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Marilyn Hazen

(Signature of Applicant)

Subscribed and sworn to before me this 20th day of April, 19 92.

Mary A. Baldwin

(Notary Public)

My commission expires

10/16/1992

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 9 attachmentsReceived by JE Stanton Date 4/20/92 Protest filed by _____Prelim. check by DJ Fee \$50.5013866Receipted by JS Date 11/2/91Published in Wood River Journal Copies of protest forwarded by _____Pub. dates 6/12 + 6/24/92 Hearing held by _____ Date _____Watermaster recommendation requested on 6/2/92 Recommended for ☐ approval ☐ denial_____ rec'd. 6/15/92 by _____

Copy of transfer sent to lien holder _____

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This is a detailed topographic map of the Big Lost River area in Idaho. The map features a grid with township and range coordinates. Key landmarks include the Big Lost River, Deer Creek Ranch, Barite, and a Radio Tower (MSK1). The project site is marked with a star and labeled 'PROJECT SITE'. The map also shows various contour lines, roads, and other geographical features. A scale bar is located in the upper left corner, and a north arrow is in the upper right corner.

Map Details:

- Grid:** Township 3N, Range 3E. Section numbers 24, 25, 29, 30, 32, 33, 36 are visible.
- Water Features:** Big Lost River, Deer Creek, Barite Creek, and various smaller streams.
- Landmarks:** Deer Creek Ranch, Barite, Radio Tower (MSK1), Substation, Gravel Pit, and various peaks.
- Project Site:** Marked with a star and labeled 'PROJECT SITE'.
- Scale:** 1 inch = 1 mile.
- North Arrow:** Located in the upper right corner.

RANGE 18E

HAILEY
0.4 mi

OCT 26 1992

New Over Creek Ranch Inc. b4

Jay L. Seng, president

(Applicant)

37-08745

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	<u>Wildlife</u>	<u>3.0 cfs</u>	<u>24/215/yr</u>	<u>4/1</u> to <u>11/1</u>
	<u>Recreation</u>	<u>3.0 cfs</u>	<u>24/215/yr</u>	<u>4/1</u> to <u>11/1</u>

2. Quantity and quality of return flows and location of discharge:

Up to 1.84 cfs returned to system as seepage and direct flow from Deer Cr to Big Wood R. system; quality unchanged.

3. Describe effects on other water uses resulting from the proposed change:

None.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Maureen Hazen

(Signature of Applicant)

Subscribed and sworn to before me this 20th day of April, 19 92.

Mary A. Baldwin

(Notary Public)

My commission expires 10/16/1992

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 9 attachments

Received by Stanton Date 4/20/92 Protest filed by _____

Prelim. check by DL Fee \$50 5013866

Receipted by JS Date 11/7/91

Published in Wood River Journal Copies of protest forwarded by _____

Pub. dates 6/2 & 6/24/92 Hearing held by _____ Date _____

Watermaster recommendation requested on 6/2/92 Recommended for ☐ approval ☐ denial

_____ rec'd. 6/15/92 by _____

Copy of transfer sent to lien holder _____

RECORDED
OCT 26 1992

LEGAL DESCRIPTIONS OF DAMS AND PONDS
(DAM = Location of impoundment structure)

Pond #	Surface Area (acres)	Storage Capacity (ac.ft.)	1/4	1/4	1/4	Section	
1	0.57	2.28	NW	SE	SW 1 ✓	30	DAM
			SW	NE	SW 2 ✓	30	
2	0.50	2.00	NW	SE	SW 1 ✓	30	DAM
3	0.67	2.68	NE	SE	SW 3 ✓	30	DAM
4	1.00	4.00	NW	SW	SE 4 ✓	30	DAM
5	0.58	2.32	SE	NW	SE 5 ✓	30	DAM
			NW	SW	SE 4 ✓	30	
			SW	NW	SE 11 ✓	30	
			NW	SW	SE 4 ✓	30	
6	1.10	4.40	SE	NW	SE 5 ✓	30	DAM
			NE	SW	SE 6 ✓	30	
7	0.87	3.48	SW	NE	SE 7 ✓	30	DAM
8	0.48	1.90	SW	NE	SE 7 ✓	30	DAM
9	0.45	1.78	NW	SE	SE 8 ✓	30	DAM
			NE	SE	SE 9 ✓	30	
10	0.47	1.86	NE	SE	SE 9 ✓	30	DAM

④ 3 p.d. ✓
NWSESE
① 2 p.d. ✓
NWSESE
⑤ 2 p.d. ✓
SE NWSE
⑦ 2 p.d. ✓
SW NWSE
⑧ 3 p.d. ✓
NWSESE

6.7 ac.

GROUNDWATER DIVERSIONS

NE 1/4 SE 1/4 SE 1/4 Sec. 30 T. 3N R. 18E (existing well) 9 ✓
SE 1/4 SE 1/4 SE 1/4 Sec. 30 " " (new well to be drilled) 10

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37-08748

COMMENCING at Corner Number 1 of said H.E.S. 128,

THENCE N 13°54' W 525 feet along the Westerly boundary of said H. E. S. 128;

THENCE N 66°53' E 612.49 feet to the Westerly boundary of U. S. Highway 93;

THENCE S 23°29' E 375 feet along the Westerly boundary of U. S. Highway 93;

THENCE S55°18' W 713.52 feet along the Southerly boundary of said H.E.S. 128 to the point of beginning.

Subject to restrictions contained in Deeds from Frederick H. Blechmann and Clarice E. Blechmann, husband and wife to Eric H. Zahn and Herta Zahn, husband and wife, recorded in Book 176 of Deeds, page 628, and 180 of Deeds, page 342, records of Blaine County, Idaho.

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

Dated: August 20, 1968

Eric Zahn
Eric Zahn

Herta Zahn
Herta Zahn

STATE OF WASHINGTON, COUNTY OF KING

On this 16th day of Sept., 1968, before me, a notary public in and for said State, personally appeared Eric Zahn and Herta Zahn, husband and wife known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

(SEAL)

Rae Azose
Notary Public
Residing at Seattle, Washington
Comm. Expires May 4, 1969

Filed for record at the request of Sawtooth Title Company at 10:30 o'clock A. M., October 7, 1968.

George F. McCoy, Ex-Officio Recorder
Hazel Barber, Deputy

No. 130990

WARRANTY DEED

STELLA KIMBALL ET AL TO VERNON D. HAZEN ET UX

THIS INDENTURE, Made this 30th day of March, in the year of our Lord one thousand nine hundred and sixty-seven, between STELLA KIMBALL, GLENN RICE and CHARLOTTE RICE, husband and wife, of Hailey, Blaine County, Idaho, the parties of the first part, and VERNON D. HAZEN and MAXINE HAZEN, husband and wife, of Bellevue, Blaine County, Idaho, the parties of the second part;

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of TEN DOLLARS, lawful money of the United States of America, to them in hand paid by the said parties of the second part, and other good and valuable considerations, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate,

RECORDED
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situated in Blaine County, State of Idaho, to-wit:

A tract of land in Lot two (2) of Section thirty-six (36) Lot three (3) of Section twenty-five (25), the Northwest Quarter Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section twenty-five (25), the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$), the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section twenty-six (26) and including Lots two (2), three (3), four (4), five (5), and six (6) of Block forty-four and one-half (44 $\frac{1}{2}$), all of Block forty-three and one-half (43 $\frac{1}{2}$) and forty-two and one-half (42 $\frac{1}{2}$) of the original Bellevue, Idaho Townsite, Township two (2) North, Range eighteen (18) East of the Boise Meridian in Blaine County, Idaho, more particularly described as follows:

Beginning at the Section corner common to Sections 25, 26, 35, and 36 described as an iron bolt; thence running South zero degrees one minute East (S0°01'E) along the West boundary of said Lot 2 of Section 36 for seven hundred sixty-two and two tenths (762.2) feet; thence due East for three hundred eighty-five and four tenths (385.4) feet; thence due North for one hundred twelve and eight tenths (112.8) feet to a point on the North boundary of Broadford Road; thence North sixty-four degrees fifty-one minutes West (N64°51'W) along said North boundary of Broadford Road for forty and eight tenths (40.8) feet; thence North thirty-four degrees twenty-four minutes West (N34°24'W) for one hundred eighty and three tenths (180.3) feet; thence North twelve degrees forty-one minutes West (N12°41'W) for one hundred forty-five and one tenth (145.1) feet; thence North thirty-one degrees thirty-three minutes West (N31°33'W) for three hundred seventy-six and one tenth (376.1) feet to a point which lies South forty degrees forty-five minutes East (S40°45'E) twenty-eight and no tenths (28.0) feet; thence North sixty-four degrees fifty-one minutes East (N64°51'E) for three hundred twelve feet (312'); thence South twenty-one degrees fifty-one minutes East (S21°51'E) fifty feet (50'); thence North sixty-four degrees fifty-one minutes East (N64°51'E) for seventy-six feet (76'); thence South twenty-one degrees fifty-one minutes East (S21°51'E) for three hundred twenty-seven and two tenths (327.2) feet; thence South thirty degrees forty-two minutes East (S30°42'E) for one hundred ninety-six and eight tenths (196.8) feet to a point which lies South fifty-six degrees twenty minutes East (S56°20'E) seven hundred twenty-four and no tenths (724.0) feet from said common section corner; thence South thirty-eight degrees twenty-two minutes East (S38°22'E) for ninety and eight tenths feet (90.8); thence South forty-one degrees thirty minutes East (S41°30'E) for two hundred thirty-eight and no tenths (238.0) feet to the Northeast corner of a parcel of land owned by Dixie Lee and W. W. Ivie as recorded on Correction Deed No. 118982 of Book 178 of Deeds page 66 in the County Court House; thence South thirty-five degrees thirteen minutes East (S35°13'E) along the East boundary of the property described in the above named deed as South thirty-five degrees fifty-seven minutes East (S35°57'E) for three hundred sixty-seven and no tenths (367.0) feet to the North boundary of Broadford Road and the Southeast corner of the property described in the above mentioned deed; thence South sixty-five degrees thirty-five minutes East (S65°35'E) along the North boundary of Broadford Road for one hundred thirty-nine and nine tenths (139.9) feet more or less to the Northwesterly boundary of the town of Bellevue; thence North eighteen degrees twenty-one minutes West (N18°21'W) along said Northwesterly boundary for three hundred nineteen and no tenths (319.0) feet more or less to the Southwest corner of Lot two (2) of Block forty-four and one-half (44 $\frac{1}{2}$) of the town of Bellevue; thence North seventy-one degrees thirty-nine minutes East (N71°39'E) along the southerly boundary of said Lot 2 for one hundred twenty and no tenths (120.0) feet to the Southeasterly corner of said Lot 2 and the Easterly boundary of said Block 44 $\frac{1}{2}$; thence North eighteen degrees twenty-one minutes West (N18°21'W) along said Easterly

RECORDED
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boundary for two hundred fifty and no tenths (250.0) feet to the Northeasterly corner of said Block 44½; thence South seventy-one degrees thirty-nine minutes West (S71°39'W) for one hundred twenty and no tenths (120.0) feet to the Northwesterly corner of said Block 44½ and the Northwesterly boundary of the town of Bellevue; thence North eighteen degrees twenty-one minutes West (N18°21'W) along said Northwesterly town boundary for eighty and no tenths (80.0) feet to the Southwesterly corner of Block 43½ of the town of Bellevue; thence North seventy-one degrees thirty-nine minutes East (N71°39'E) along the Southerly boundary of said Block 43½ for one hundred twenty and no tenths (120.0) feet to the Southeasterly corner of said Block 43½; thence North eighteen degrees twenty-one minutes West (N18°21'W) along the Easterly boundary of said Block 43½ for three hundred and no tenths (300.0) feet to the Northeasterly corner of said Block 43½; thence South seventy-one degrees thirty-nine minutes West (S71°39'W) along the Northerly boundary of said Block 43½ for one hundred twenty and no tenths (120.0) feet to the Northwesterly corner of Block 43½ and the Northwesterly boundary of the town of Bellevue; thence North eighteen degrees twenty-one minutes West (N18°21'W) along said Northwesterly town boundary for eighty and no tenths (80.0) feet to the Southwesterly corner of Block 42½ of the town of Bellevue; thence North seventy-one degrees thirty-nine minutes East (N71°39'E) along the Southerly boundary of said Block 42½ for one hundred twenty and no tenths (120.0) feet to the Southeasterly corner of said Block 42½; thence North eighteen degrees twenty-one minutes West (N18°21'W) along the Easterly boundary of said Block 42½ for three hundred and no tenths (300.0) feet to the Northeasterly corner of said Block 42½; thence South seventy-one degrees thirty-nine minutes West (S71°39'W) along the Northerly boundary of said Block 42½ for one hundred twenty and no tenths (120.0) feet to the Northwesterly corner of said Block 42½ and the Northwesterly boundary of the town of Bellevue; thence North eighteen degrees twenty-one minutes West (N18°21'W) along said Northwesterly town boundary for eighty and no tenths (80.0) feet to the Northerly boundary of the town of Bellevue; thence North seventy-one degrees thirty-nine minutes East (N71°39'E) along said Northerly boundary for one hundred thirty and no tenths (130.0) feet to the West Right-of-Way boundary of Federal Highway Number 93 as is monumented; thence North eighteen degrees twenty-one minutes West (N18°21'W) along said Westerly Right-of-Way boundary for one thousand fourteen and seven tenths (1014.7) feet to a concrete Right-of-Way marker marking the point of curvature of a recorded two thousand eight hundred twenty-four and seventy-nine hundredths (2824.79) foot radius curve to the left; thence along said curved right-of-way line for eight hundred thirty and seven tenths (830.7) feet more or less to a concrete Right-of-Way marker marking the point of tangency of the above described curve; thence North thirty-five degrees twelve minutes West (N35°12'W) along said Westerly right-of-way boundary for seven hundred seven and three tenths (707.3) feet more or less to the North boundary of said NE¼SE¼ of Section 26; thence North eighty-nine degrees fifty-eight and one-half minutes West (N89°58½'W) along said North boundary for one thousand one hundred fourteen and nine tenths (1,114.9) feet to the Northwest corner of said NE¼SE¼ Section 26; thence South zero degrees thirty and one-half minutes East (S0°30'E) along the West boundary of said NE¼SE¼ Section 26 for one thousand three hundred twenty-three and eight tenths (1,323.8) feet to the Northwest corner of said SE¼SE¼ of Section 26; thence South zero degrees thirty and one-half minutes East (S0°30½'E) along the West boundary of said SE¼SE¼ Section 26 for six hundred eighteen and eight tenths (618.8) feet more or less to a point which lies seven hundred five and no tenths (705.0) feet from the Southwest corner of said SE¼SE¼ of Section 26; thence South fifty-nine degrees thirty and one-half minutes East along the North boundary of a tract of land owned by the Assembly of God Church for

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four hundred twenty (420) feet; thence South eighty-four degrees one-half minute East (S84°00½'E) along said North boundary for three hundred fifty-six (356) feet; thence South forty-five degrees thirty and one-half minutes East (S45° 30½'E) along said North boundary for two hundred eighty-two (282) feet; thence South sixty-four degrees thirty and one-half minutes East (S64°30½'E) for four hundred forty-eight and three tenths (448.3) feet more or less to the East boundary of said SE¼SE¼ of Section 26; thence South zero degrees twenty-three minutes East along said East boundary for sixty and seven tenths (60.7) feet more or less to the point of beginning. Excepting the Idaho Consolidated Mines Company Power Canal right-of-way located in the NE¼SE¼ of Section 26.

The above described tract of land contains one hundred fourteen (114) acres more or less and is subject to the rights of a county road which runs in a East-West direction across Lot 2 of Section 36, and also subject to the rights of a private road approach which wanders across the North twenty-five (25) feet of the NE¼SE¼ of Section 26.

The above described parcel of land is subject to the rights of a canal which runs in a Southeasterly direction across the SE¼SE¼ of Section 26 and Lot 2 of Section 36.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever, and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, all and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals, the day and year first above written.

Stella Kimball
STELLA KIMBALL

Glenn Rice
GLENN RICE

Charlotte Rice
CHARLOTTE RICE

STATE OF IDAHO,)
 ss:
County of Blaine)

On this 30th day of March, in the year 1967, before me, a Notary Public in and for said State, personally appeared STELLA KIMBALL; GLENN RICE, and CHARLOTTE RICE, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Ruth C. Myers
NOTARY PUBLIC for Idaho

Residing at Bellevue, Idaho

(SEAL)
My commission expires: 11-8-70

Filed for record at the request of Sawtooth Title Company at 4:00 o'clock P. M., October 7, 1968.

George F. McCoy, Ex-Officio Recorder

By Hazel Barber, Deputy

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OCT 26 1992

RECEIVED

OCT 16 1991

AGREEMENT

THIS AGREEMENT is made this 9th day of October ^{Department of Water Resources} ~~Southern Region Office~~ 1991, by and between Maxine Hazen, a single person dealing with her sole and separate property, and New Deer Creek Ranch, Inc., an Idaho Corporation, (hereinafter "NDCR");

W I T N E S S E T H:

WHEREAS, Hazen is the owner and holder of Idaho Department of Water Resources ("IDWR") Water Right No. A37-00005 as decreed in Frost v. Alturas Water Company, dated December 13, 1909 (the "Water Right"), which right entitles Hazen to receive one hundred and fifty (150) miner's inches of water from the Big Wood River via the Kohler 44 ditch with a priority date of March 10, 1883; and

WHEREAS, Hazen desires to sell said Water Right; and

WHEREAS, NDCR desires to purchase the Water Right being sold by Hazen;

NOW, THEREFORE, for and in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

1. Hazen agrees to sell and NDCR agrees to purchase one hundred and fifty (150) inches of IDWR Water Right No. A37-00005, the source of which is the Big Wood River via the Kohler 44 ditch, with a priority date of March 10, 1883.

2. The purchase price for the Water Right is Six Hundred Dollars (\$600.00) per miner's inch, or Ninety Thousand Dollars (\$90,000.00), if all one hundred and fifty (150) inches shall be approved for transfer, which amount shall be paid in the following manner:

(a) On an even date herewith, NDCR shall pay to Hazen a cash down payment of One Thousand Dollars (\$1,000.00), receipt of which is hereby acknowledged by the Hazen.

(b) The remaining balance of Eighty-Nine Thousand Dollars (\$89,000.00), without interest, shall be paid to Hazen within ten (10) days of the receipt of notification by IDWR of approval of the requested transfer in point of diversion and place of use of the Water Right herein conveyed.

3. Hazen warrants that the portion of the Water Right herein conveyed has been applied to beneficial use during previous years, and that the same is not subject to a claim of

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abandonment or forfeiture for failure to apply such water to beneficial use.

4. NDCR agrees to diligently undertake an application for change in point of diversion and place of use of the Water Right herein conveyed. All costs associated therewith shall be borne by NDCR. In the event the IDWR fails to approve the application for transfer of all of the Water Right, NDCR shall pay to Hazen the sum of Six Hundred Dollars (\$600.00) multiplied by the number of miner's inches approved for transfer by the IDWR. In the event the IDWR fails to, or will not, approve the request for transfer in point of diversion or place of use of the Water Right herein conveyed, then Hazen agrees to refund the down payment of One Thousand Dollars (\$1,000.00), and the parties agree that this contract shall be terminated.

5. Hazen is not retaining any of the Water Right to be used on land currently owned by Hazen.

6. In the event this Agreement should become the subject matter of litigation, the prevailing party shall be entitled to recover all of its costs and attorney's fees from the non-prevailing party.

7. Hazen, or her personal representatives, successors, or assigns, agree to cooperate to accomplish the transfer herein contemplated, and further agree to execute such documents as are necessary to effectuate the final transfer herein contemplated.

8. This Agreement constitutes the full and entire agreement of the parties hereto. Any conditions or amendments to this Agreement must be in writing, and subscribed by the parties hereto.

9. This Agreement is binding upon the heirs, successors, assigns and personal representatives of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have set their hands on the day and year first above written.

MAXINE HAZEN

Maxine Hazen

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OCT 26 1992

NEW DEER CREEK RANCH, INC.

By Jay Sevy
Jay Sevy, President

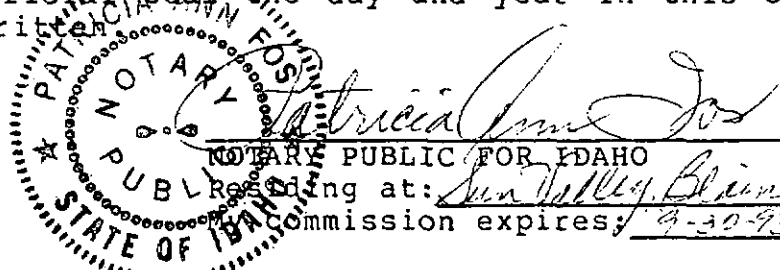
ATTEST:

Secretary

STATE OF IDAHO)
County of Blaine) ss.
=)

On this 9th day of October, 1991, before me, a Notary Public, in and for said County and State, personally appeared Maxine Hazen, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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



STATE OF IDAHO)
County of Twin Falls) ss.
~~Blaine~~)

On this 3rd day of October, 1991, before me, a Notary Public, in and for said County and State, personally appeared Jay Sevy and _____, known or identified to me to be the President and Secretary, respectively, of New Deer Creek Ranch, Inc., the corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

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

Marilee Ann Brass
NOTARY PUBLIC FOR IDAHO
Residing at: Jerome
My commission expires: 10-20-93

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6044m

OCT 26 1992

AFFIDAVIT of PUBLICATION

RECEIVED

JUL 01 1992

State of Idaho,
County of Blaine

} ss.

Department of Water Resources
Southern Region Office

On this 24th day of June, in the year 1992, before me a Notary Public of said State, personally appeared **DANIEL J. GORHAM**, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and 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 17 day of June, 1992, and the date of the last publication was on the 24 day of June, 1992.

Daniel J. Gorham
Subscribed and sworn to before me this 24th day of June, 1992.
(SEAL)

Roberta J. Ketchum
NOTARY PUBLIC

8251
WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line	
Number of Lines in Notice	<u>144</u>
Number of Insertions	
Lines tabular at	6c / Pica
<u>144</u> Lines straight at	<u>72.00</u> 5c / Pica
<u>144</u> Subsequent lines at	<u>64.80</u> 4c / Pica
TOTAL COST	<u>141.80</u> <u>5.00</u>

COPY OF NOTICE
(Paste Here)

Hazen seeks change of
TITLE OF NOTICE
water right

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water Resources
BILL TO Turn Falls

Hazen seeks change of water right

NO. 37-00005, A37-00005

Notice is hereby given that MAXINE HAZEN of Bellevue, ID has applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of the IDAHO CODE.

This Application for Transfer proposes to change point(s) of diversion, change place of use, and change the nature of use.

WATER RIGHT AS RECORDED

Water Right No. 37-00005
Basis of right: Decreed to Henry W. Adams in case of Frost vs Alturas Water Company dated 12/13/1909 in Fourth District Court, Lincoln County, Transfer #41.
Source: Big Wood River tributary to Maled River
Priority: 3/10/1883
Amount: 3.00 cfs
Use: Irrigation
Point(s) of diversion: NE1/4SE1/4, S22, T02N, R18E; (No. 44 Kohler Ditch); SE1/4NE1/4, S26, T02N, R18E; (Re-diversion); Blaine County.
Place of use: Unspecified acres within Lot 3 (SW1/4SW1/4), S25, T02N, R18E; E1/2SE1/4, S26, T02N, R18E; Lot 2 (NW1/4NW1/4), S36, T02N, R18E; Blaine County.

WATER RIGHT CLAIMED IN SNAKE RIVER BASIN ADJUDICATION AND RECORDED AS FOLLOWS:

Water Right No. A37-00005
Name: Maxine & Richard Hazen
Basis of right: Decreed Right No. 37-00005
Priority: 3/10/1883
Source: Big Wood River tributary to Maled River
Amount: 3.00 cfs
Use: Irrigation
Points of Diversion: NE1/4SE1/4, S22, T02N, R18E; SE1/4NE1/4, S26, T02N, R18E; Blaine County.
Place of Use: 75 acres within W1/2SW1/4, S25, T02N, R18E; SE1/4NE1/4, NE1/4SE1/4, NW1/4SE1/4, SE1/4SE1/4, S26, T02N, R18E; Blaine County.

WATER RIGHT NO. 37-00005 & ADJUDICATION CLAIM NO. A37-00005 TO BE CHANGED AS FOLLOWS:

Water Right No.: 37-00005
Period of Use: 4/1 to 11/1
Water Use: Irrigation
Amount: 1.16 cfs

Water Right No.: 37-00005
Period of Use: 4/1 to 11/1

Continued from prev. pg.

Roberta J. Ketchum

NOTARY PUBLIC

8251

*Error noted
MB
7-8-92*

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line	
Number of Lines in Notice	144
Number of Insertions	
Lines tabular at	6¢ / Pica
144 Lines straight at	72.00 5¢ / Pica
144 Subsequent lines at	64.80 4¢ / Pica
TOTAL COST	141.80 5.00

12/13, in Fol. Di. Ct.
Court, Lincoln County, Transfer
#41.
Source: Big Wood River
tributary to Malad River
Priority: 3/10/1883
Amount: 3.00 cfs
Use: Irrigation
Point(s) of diversion:
NE1/4SE1/4, S22, T02N, R18E;
(No. 44 Kohler Ditch);
SE1/4NE1/4, S26, T02N, R18E;
(Re-diversion); Blaine County.
Place of use: Unspecified acres
within Lot 3 (SW1/4SW1/4), S25,
T02N, R18E; E1/2SE1/4, S26,
T02N, R18E; Lot 2 (NW1/4NW1/4),
S36, T02N, R18E; Blaine County.

WATER RIGHT CLAIMED IN SNAKE
RIVER BASIN ADJUDICATION AND
RECORDED AS FOLLOWS:

Water Right No.: A37-00005
Name: Maxine & Richard Hazen
Basis of right:
Decreed Right No. 37-00005
Priority: 3/10/1883
Source: Big Wood River
tributary to Malad River

Amount: 3.00 cfs
Use: Irrigation
Points of Diversion:
NE1/4SE1/4, S22, T02N, R18E;
SE1/4NE1/4, S26, T02N, R18E;
Blaine County.
Place of Use: 75 acres within
W1/2SW1/4, S25, T02N, R18E;
SE1/4NE1/4, NE1/4SE1/4,
NW1/4SE1/4, SE1/4SE1/4, S26,
T02N, R18E; Blaine County.

WATER RIGHT NO. 37-00005 &
ADJUDICATION CLAIM NO.
A37-00005 TO BE CHANGED AS
FOLLOWS:

Water Right No.: 37-00005
Period of Use: 4/1 to 11/1
Water Use: Irrigation
Amount: 1.16 cfs

Water Right No.: 37-00005
Period of Use: 4/1 to 11/1

Continued from prev. pg.

Water Use: Wildlife
Amount: 3.00 cfs

Water Right No.: 37-00005
Period of Use: 4/1 to 11/1
Water Use: Recreation
Amount: 3.00 cfs

Total amount being transferred:
3.00 cfs

Source: Big Wood River
tributary to Malad River
Priority: 3/10/1883
Point of diversion: SW1/4SW1/4,
S29, T03N, R18E; (Pump from
River); SE1/4SW1/4, S30, T03N,
R18E (Injection & Re-diversion
from Deer Creek); Blaine
County.

Place of use: Irrigation of 116
acres, of which 58 acres will
be irrigated in any given year,
within W1/2SW1/4, S29, T03N,
R18E; S1/2NE1/4, E1/2NW1/4,
E1/2SE1/4, S30, T03N, R18E;
W1/2NW1/4, S32, T03N, R18E;
also Recreational and Wildlife
use within E1/2SW1/4, all
quarter section tracts of
SE1/4, S30, T03N, R18E; Blaine
County.

Any protest against approval of
the application for transfer
must be filed with the
Department of Water Resources,
222 Shoshone Street East, Twin
Falls, ID 83301 on or before
July 6, 1992.

R. Keith Higginson, Director

Publish: Wood River Journal-
June 17 & 24, 1992.

STATE OF IDAHO,
County of Blaine } ss.

Corjia Arkoosh being first duly sworn, upon her oath deposes and says:

That she is the owner of a decreed water right appurtenant to the following described land to-wit:
E1/2, SE1/4 Sec. 26, Lot 3, Sec. 25, Lot 2 Sec. 36, Tp. 2 N. R. 18, E. B. M.
excepting 25.8 acres deeded to John Q. Packard and Henry Miller, and
except part of Lot 3 lying East of what would be main street of
Bellevue if extended North.
as evidenced by the decree dated 10th day of March, 1883
to W. H. Adams.
in the cause entitled S. C. Frost et. al Plaintiff,
vs. Alturas Water Co. et. al. Defendant, brought
in the District Court of the fourth Judicial District of the State of Idaho; or,

That she is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No.

That she intends to change the point of diversion, as described in said decree or permit, to the following described point:

upon the Section line between the NE1/4 SE1/4, and the SE1/4
of the NE1/4 Sec. 26, where a ditch comes out of the reservoir
of the Rockwell White Power Company.

That such change will be made for the following reasons, to-wit:
That she and her predecessors in interest owned this land
long before this power plant was built and in the building of
the plant her predecessor gave the power company a right of way
for a tail race through her present land upon condition that he be
allowed to take his water from tail race, his old ditch was wholly
destroyed when the plant was built, she has been using this water
through herself and predecessors, from this present point of diversion
since the plant was built in 1912, but now desires to change for the
reason that the proposed point is upon a bench and will permit the
irrigation of more ground which is higher than the lower ditch.

That no one will be injured by such change and that deponent will make such change at his own risk.

And further deponent saith not.

Corjia Arkoosh

Subscribed and sworn to before me this 11th day of May, 1917.

C. J. Jansen
Notary Public.



My commission expires Feb. 2nd, 1920
(Over.)

STATE ENGINEER'S OFFICE

*Regulations as to Change of
Point of Diversion.*

Section 3247 of the Revised Codes provides that a person entitled to the use of water, may change the place of diversion if others are not injured by such change. The Board of Irrigation has adopted the following regulations as to procedure under said section.

The person desiring to change point of diversion must file with the State Engineer an affidavit describing his water right, setting forth his intent to change point of diversion and the reasons for such change, together with an averment that no one will be injured thereby and that deponent will make such change at his own risk.

The point to which it is desired to change the place of diversion must be described as follows:

When the amount claimed does not exceed 25 cubic feet per second and point of diversion will be on surveyed land, locate same by giving the legal description of the 40 acre tract in which it will be situated. If upon unsurveyed land, give approximate distance to mouth of stream from which water is claimed or to the mouth of some creek flowing into said stream. Where there is more than one point of diversion, describe each separately and specify the amount claimed from each.

Where the water claimed exceeds 25 cubic feet per second, locate the point to which it is desired to change the place of diversion as follows:

If upon or near surveyed land, tie point of diversion by course and distance to section or quarter section corner. If said point will be more than two miles from the corner of a public survey, the tie may be made to the mouth of the stream from which the water is claimed or to the mouth of some creek flowing into said stream.

The affidavit must be accompanied by maps in duplicate, showing the following details:

1. If for irrigation and domestic use:
 - (a) Name of applicant.
 - (b) Section, town and range numbers, where public survey has been made.
 - (c) Source or sources of supply.
 - (d) Point or points of diversion.
 - (e) Route of ditch or ditches, including laterals delivering water within one mile of each 160 acre tract of the land to be irrigated.
 - (f) Lands to be irrigated to be shown by cross-hatching, outlining, or coloring.
2. If for other than irrigation and domestic purposes:
 - (a) Name of applicant.
 - (b) Section, town and range numbers, where public survey has been made.
 - (c) Source or sources of supply.
 - (d) Point or points of diversion.
 - (e) Route of ditch or ditches.
 - (f) Point or points of use.
 - (g) Point or points of return to stream after use.

If application is for more than 25 cubic feet per second, the maps must be prepared from actual survey and must be certified to by the engineer in charge of survey, in the following form:

I hereby certify that this map was prepared from an actual survey made by me.....191..., and correctly shows position of points indicated thereon.

.....
Engineer.

P. O.....

Date.....191...

(Over.)

Gorjia Arkoosh
Big Wood River-Blaine Co.

713

In the District Court of the Fourth Judicial District
of the
State of Idaho, in and for the County of Lincoln.

S. C. Frost, et al.,

Plaintiffs,

vs.

Alturas Water Company, et al.,

Defendants.

RECEIVED

JAN 31 1910

OFFICE OF STATE ENGINEER

DECREE.

This cause coming on to be heard this 6th day of October,
1909, upon the Report of F. J. Cowen, Referee heretofore appointed for
the purpose of taking the testimony and making recommendations as to Find-
ings of Fact, Conclusions of Law and Decree, to be entered herein, and the
said F. J. Cowen having filed his Report of the testimony taken, and his
recommendations as to Findings of Fact, Conclusions of Law, which have
heretofore been adopted, and the respective plaintiffs and defendants and
cross-complainants appearing herein by their respective counsel, and the
court being fully informed and advised in the premises, and having ordered
that judgment be entered in accordance with the Report and recommenda-
tions of the said Referee, Wherefore, by reason of the law and the Report
and Findings of Fact and Conclusions of Law aforesaid,

It is Ordered, Adjudged and Decreed, that the several parties, plain-
tiffs and defendants herein named, do have judgment respectively for a

OCT 26 1992

right to use, for irrigation and other purposes, the following number of inches of water, each fifty inches thereof to be equivalent to a flow of one cubic foot per second, as prescribed by the law of Idaho, from the waters of the Malad or Big Wood River and its tributaries, situated in the counties of Blaine and Lincoln, State of Idaho, their priorities to date from the times hereinafter named, to-wit:

37 0003	Abbott, George H.	100 inches.	June 18, 1883.	Soldier Creek. Trans #901
37 0004	Abbott, William G.	105 "	Mch. 24, 1883.	Big Wood River. (From Riley ditch.)
37 0005	Adams, Henry W.	150 "	Mch. 10, 1883.	Big Wood River.
37 0006	Adams, Jacob	150 "	May 1, 1881.	Silver Creek.
37 0007	"	125 "	Apr. 1, 1885.	" "
37 0008	"	30 "	Apr. 1, 1887.	" "
37 0009	Adamson, Margaret			Little Wood River Canal Company shares.
37 0010	Ainsworth, James	80 "	Apr. 15, 1884.	Little Wood River.
37 0011	"	80 "	June 20, 1883.	" " "
37 0012	Ainsworth, J. L.	20 "	Apr. 15, 1884.	" " "
37 0013	"	8 "	May 15, 1883.	" " "
37 0014	Ainsworth, Joseph	72 "	May 15, 1883.	" " "
37 0015	"	70 "	Apr. 15, 1884.	" " "
37 0016	Albrethson, Albert	110 "	May 1, 1883.	" " "
37 0017	"	50 "	July 9, 1886.	" " "
37 0018	"	50 "	Apr. 1, 1889.	" " #771-
37 0019	"	20 "	June 30, 1889.	" " "
37 0020	"			Little Wood River Canal Company shares.
37 0021	Albrethson, Martin	200 "	Sept. 1, 1887.	Silver Creek.
37 0022	"	50 "	June 17, 1899.	" " (Exclusive right from pond.)
37 0023	"	60 cubic ft.	Aug. 2, 1902.	Silver Creek. (For power purposes.)
37 0024	"	160 inches.	Mch. 23, 1883.	Big Wood River. (From Riley ditch.)

MEMORANDUM

TO: FILE NO. 37-00005

FROM: PAM SKAGGS/^{CS}STATE OFFICE

SUBJECT: PROOF OF COMPLETION OF TRANSFER

DATE: October 25, 1993

=====

This right was routinely called-up for proof of completion of Transfer No. 3931, which was due 09-30-93. Due to a water supply bank agreement, an extension of 1 year was given. This right will be reviewed again next year.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 7, 1993

Graystone, Inc.
c/o Peter Gray
P.O. Box 2473
Ketchum, ID 83340

RE: WATER SUPPLY BANK RENTAL

Dear Mr. Gray:

Enclosed is a copy of a fully executed Water Supply Rental Agreement for your records. Also enclosed is a copy of the receipt for the rental in the amount of \$2,030 which you submitted to the department.

By copy of this letter, we are notifying Lee Peterson, the watermaster on the Big Wood River, of the rental. I suggest you coordinate with Mr. Peterson the specific time(s) when you want the water delivered through the Comstock ditch.

If you have questions, please feel free to contact the department or Mr. Peterson.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 2

c: Lee Peterson
IDWR - S. Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 7, 1993

New Deer Creek Ranch, Inc.
c/o Jay Sevy
P.O. Box 187
Hailey, ID 83333

RE: WATER SUPPLY BANK RENTAL - 37-00005

Dear Mr. Sevy:

This letter is to notify you that the department has rented water right no. 37-00005 which you placed in the Water Supply Bank operated by the Idaho Water Resource Board.

The department has asked the State Auditor to send you a state warrant in the amount of \$1,624 which will be sent to you under separate cover in about three (3) weeks. The \$1,624 was determined as follows:

203 Acre feet (\$8.00 per Acre Foot) = \$1,624.

If you have questions, please feel free to contact the department.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Glen Saxton'.

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: John Rosholt

MEMORANDUM

To: Debbie Allen
From: L. Glen Saxton *LGS*
RE: WATER SUPPLY BANK RENTAL FEE RECEIVED FROM GRAYSTONE,
INC.
Date: July 7, 1993

On July 6, 1993, Graystone, Inc. rented 203 Acre Feet of water from the Board's Water Supply Bank at \$10 per AF and submitted a check in the amount of \$2,030 for the rental. The funds which have been receipted should be distributed as follows:

Return to the owner is \$8.00 (203 AF) = \$1,624

Deposit in the Water Administration Acct
per Water Bank Rule 5,1. should be
0.10 (\$2,030) = 203

Remainder to Water Management Acct per
Water Supply Bank Rule 5,2. = 203

Total \$2,030

Please prepare a State Warrant in the amount of \$1,624 payable to New Deer Creek Ranch, Inc., P.O. Box 187, Hailey, ID 83333.

Attachment: 1

c: 37-0005

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resource

Receipt No: 0028074

Date: 7/ 7/1992
Time: 10:14:37

Received
From: GRAYSTONE INC

Type of Payment	Program A cct	Amount
WATER SUPPLY BANK		
	55109 229 21 1205	1,624.00
WATER SUPPLY BANK		
	55109 229 21 1205	203.00
WATER SUPPLY BANK		
	13602 490 2 ^{Total} 1205	203.00
		\$2,030.00
CHECK 497		

Region: STATE

Signature: C. Anderson



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 29, 1993

Graystone, Inc.
c/o Peter Gray
P.O. Box 2473
Ketchum, ID 83340

RE: WATER SUPPLY BANK RENTAL

Dear Mr. Gray:

Enclosed is a Water Supply Bank Rental Agreement which you need to sign and return to the department together with a rental fee in the amount of \$2,030 made payable to the Idaho Department of Water Resources. Upon submittal of the requested information, the department will also sign the agreement and return a copy to you for your records. Please return the signed agreement and the fee marked to my attention.

If you have questions, please feel free to contact me at 327-7955.

Sincerely,

A handwritten signature in black ink, reading 'L. Glen Saxton', is written over the typed name.

L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 1

c: IDWR - S. Region

Before the Idaho Water Resource Board

WATER SUPPLY BANK RENTAL AGREEMENT

The Idaho Water Resource Board (Board) being authorized to operate a Water Supply Bank (bank) and to contract by and through the Director of the Idaho Department of Water Resources (Director) for rental of water from the bank agrees to rent water as follows:

1. Renter: Graystone, Inc.
2. Address: P.O. Box 2473, Ketchum, ID 83340.
3. Source of water: Big Wood River.
4. Volume of water rented 203 AF, Max rate 1.16 cfs.
5. Diversion period from July 1, 1993 to November 30, 1993.
6. Use of water: Water will be used for aesthetic purposes in conjunction with permit no. 37-08535 which authorizes the diversion of 10.0 cfs of water through the Comstock ditch for aesthetic purposes. Applicant uses approved transfer no. 3590 to mitigate the losses in the Comstock ditch due to the aesthetic use. The rented water would be used to maintain aesthetic pond levels when the 10.0 right is not deliverable.
7. a) Renter's point of diversion: Comstock ditch with heading located in the SE1/4NE1/4 Section 30, T4N, R18E,B.M., Blaine County.

b) Renter's place of use:

Legal description: SW1/4SW1/4 Section 29 and SE1/4SE1/4 Section 30, T4N, R18E,B.M.

The undersigned renter agrees to pay two thousand thirty dollars (\$2,030) to the Board for rental of the above described water and agrees to use the water in compliance with the Water Supply Bank rules and in compliance with the conditions of water use shown below:

Conditions of water use:

1. Use of water under this agreement is subject to all prior water rights.
2. Before diversion of water under this agreement, the renter shall provide for the measurement of the water diverted under this agreement in a manner acceptable to the Director.

3. Use of water under this agreement does not constitute a dedication of the water to renter's land and upon expiration of this agreement, the place of use of the water shall revert to its original place of use and/or again be available to rent from the bank.

4. Renter agrees to comply with all applicable state and federal laws in the use of water under this agreement.

5. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter in the use of water under this agreement.

6. Renter acknowledges and agrees that the Director may terminate diversion of water under the agreement if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.

7. Use of water under this rental is subject to the control of the water master of Water District 37, the Big Wood River.

Dated this _____ day of _____, 199__.

Renter

I hereby execute this Rental Agreement on behalf of the
Idaho Water Resource Board this _____ day of _____, 199__.

R. KEITH HIGGINSON, Director
Idaho Department of Water Resources

11/92

Before the Idaho Water Resource Board

APPLICATION TO RENT WATER

FROM THE

WATER SUPPLY BANK

RECEIVED

JUN 17 1993

Department of Water Resources

Applicant Graystone, Inc Phone 726-5997
Address P.O. Box 2473, Ketchum, ID 83340.

A. DESCRIPTION OF WATER SOUGHT FOR RENTAL

1. Source of water Big Wood River
which is tributary to _____.
2. Maximum volume of water sought 203 AF.
3. Maximum rate of diversion 1.16 cfs.

B. DESCRIPTION OF USE PROPOSED

1. Nature of use Mitigation
2. Location of point of diversion See Remarks $\frac{1}{4}$ $\frac{1}{4}$, Section _____, Twp _____, Rge _____, B.M. _____ County. _____
Additional points of diversion, if any: _____
3. Season of use: From July 1 to ≈ Dec 31
4. Description of diverting works: N/A
Pump HP _____ Lift _____ Pump type _____
Canal name, if appropriate Comstock Ditch
5. Place of use:
a. If water is for irrigation, describe the number of acres to be irrigated by 40 acre tract, section, township and range.
Comstock Ditch or Big Wood River.

b. If water is not for irrigation, describe the nature of the intended use and the place of use.

Mitigation for water diverted
under permit No. 37-08535.

6. Describe any other water rights used for the same purposes as the rental water sought under this application.

None Parts of 37-0577, 37-0419B,
and 37-0703E.

7. Who owns the property at the point of diversion?

Comstock Ditch users

8. Who owns the property at the place of use?

N/A

9. Are you seeking a rental for more than one (1) year? No.

If so, how many years? _____

9. Remarks:

Applicant is seeking a
permanent water rt. for
mitigation purposes.

Date

6/17/93

Signature of applicant

Peter Gray

FOR DEPARTMENT USE ONLY

Rec'd by

VLS

Date

6-17-93

Time

8:20^{a.m.}

Published in _____

Pub. dates _____

Protests filed by _____

Peter Gray

Hearing held by _____

Date _____

Action recommended _____

TO: FILE 37-0005

FROM: NORM YOUNG *NY*

RE: WATER BANK RENTAL

DATE: JUNE 29, 1993

I talked to Lee Peterson, Watermaster, about this rental. He indicated that he was aware of the application and did not believe that the approval would require any particular conditions to be workable. Graystone has adequate measuring devices and control works in place.

Peterson asked for a copy of the rental agreement to be sent to him when it is approved.

MEMORANDUM

TO: Southern Region

FROM: Karen Gustafson

DATE: June 1, 1993

RE: Water Supply Bank

RECEIVED

JUN 03 1993

Department of Water Resources
Southern Region Office

As you can see from the attached correspondence, two water rights have become available to the water supply bank. Notice has been sent to the Times News and the Wood River Journal. You may be receiving phone calls so we wanted to fill you in. I have also attached a copy of the Water Supply application to rent form. You may want to make copies and keep them on hand. If you have questions, please feel free to contact Glen or I.

Karen L. Gustafson
Karen L. Gustafson

70000-1.5

MEMORANDUM

To: Karen
From: Glen *WJ*
RE: ADVERTISEMENT OF WATER SUPPLY BANK WATER
Date: June 1, 1993

Please send the attached advertisement to the newspapers. I would like it published once a week for two consecutive weeks in the Times News in Twin Falls and the Wood River Journal in Hailey. The days of publication should be June 10 and 17, 1993. We probably should request that the billing and the proof of publication be sent to your attention when mailed to the department.

We need to send copies of our notices to Southern region and to the watermaster Lee Peterson so they will know what is going on.

We also should send the attached copy of an application to rent water from the bank to S. Region and advise them to make any needed copies from it.

Klg
6/1/93



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 1, 1993

Wood River Journal
PO Box 988
Hailey, ID 83333

Attn: Legal Advertising Department

Please cause the attached legal advertisement to be published in your weekly paper on June 9 and June 16, 1993.

Please send the affidavit of publication and charges directly to my attention.

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

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 1, 1993

The Times News
PO Box 548
Twin Falls, ID 83303

Attn: Legal Advertising Department

Please cause the attached legal advertisement to be published in your weekly paper on June 10 and June 17, 1993.

Please send the affidavit of publication and charges directly to my attention.

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

Sincerely,

Karen L. Gustafson
Karen L. Gustafson
Secretary/Records Manager

Enclosures

NOTICE OF WATER FOR RENT

FROM THE WATER SUPPLY BANK

Notice is hereby given that the Idaho Water Resource Board has accepted water rights 37-0005 and 37-0833J into the Water Supply Bank and that the rights are available for rent from the bank pursuant to provisions of Section 42-1761, et. seq., Idaho Code, and the Water Supply Bank rules.

Water right 37-0005 authorizes the diversion of 1.16 cubic feet per second (cfs) of water from the Big Wood River for the irrigation of 58 acres near Hailey, Idaho. The maximum annual volume of water for diversion under this right for irrigation is 203 acre feet. The priority of use is March 10, 1883.

Water right 37-0833J authorizes the diversion of 1.0 cfs of water from the Big Wood River for the irrigation of 50 acres near Hailey. The maximum annual volume for diversion under this right for irrigation is 175 AF. The priority of use is 1883.

These rights are available for rent during 1993 only. The cost to rent the water is \$10 per acre foot. In addition, the renter of right 37-00833J shall pay a \$200 fee for the maintenance of the Rockwell by-pass. A potential renter must rent all of one of the rights, not just part of one. The rental process requires review and evaluation of any rental with respect to the point of diversion, place of use and nature of use as provided in Section 42-222, Idaho Code.

Applications to rent the water are available from the Director, Idaho Department of Water Resources at 1301 N. Orchard St., Boise, ID 83706 or from the department's regional offices. Applications received in the office of the Director on or before 5:00 p.m. June 25, 1993, will be considered.

R. KEITH HIGGINSON
Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 1, 1993

John Rosholt
Rosholt, Robertson, et. al.
P.O. Box 1906
Twin Falls, ID 83303-1906

RE: LEASE OFFER TO WATER SUPPLY BANK - NEW DEER CREEK RANCH, INC.

Dear Mr. Rosholt:

At its regularly scheduled Board meeting on May 21, 1993, the Idaho Water Resource Board (Board) accepted water rights 37-0005 and 37-00833J into the Board's Water Supply Bank. Enclosed is a copy of the resolution of the Board.

The department will advertise the availability of the rights for rent in the Times News and in the Wood River Journal on June 10, and June 17, 1993. If the rights are rented, the department will advise you accordingly.

If you have questions, please contact the department.

Sincerely,

A handwritten signature in black ink, reading "L. Glen Saxton". The signature is written in a cursive, flowing style. The first letter 'L' is large and prominent, followed by 'Glen' and 'Saxton'.

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - S. Region

BEFORE THE IDAHO WATER RESOURCE BOARD
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
TO LEASE WATER WATER RIGHT)
NOS. 37-00005 AND 37-00833J)
TO THE WATER SUPPLY BANK)
_____)

RESOLUTION

WHEREAS, New Deer Creek Ranch, Inc. (applicant) has submitted an application to place water right nos. 37-00005 and 37-00833J into the Water Supply Bank (bank) which is administered by the Idaho Water Resource Board (Board); and

WHEREAS, the Director of the Department of Water Resources (Director) has investigated the water right and the application to lease the right to the bank as required by Water Supply Bank Rule 3,3.; and

WHEREAS, the Director and the Board find that the requirements for leasing water to the bank have been met by the applicant;

NOW, THEREFORE, BE IT RESOLVED:

1. That the Board accept the right into the bank on a contingency basis with payment to be made to the applicant only upon rental of the rights from the bank.

2. That in addition to other appropriate conditions of rental from the bank as determined by the Director, the following shall apply to any rental of the rights:

a. The rental rate paid by an applicant seeking water from the bank shall be in the amount of ten dollars (\$10) per acre foot. The return to the applicant shall be eight dollars (\$8) per AF. Ten percent (10%) of the total funds received from a rental shall be credited to the Water Administration Account and the remainder of the funds shall be credited to the Water Management Account.

b. In addition to the cost in paragraph 2.a. above, the renter is responsible to separately pay the delivery cost of the water to Water District No. 37, said cost estimated to be approximately 35 cents per AF.

c. The renter of right no. 37-00833J is also responsible to separately pay the applicant's proportionate share of maintaining the Rockwell by-pass channel during 1993, said share estimated to be approximately \$200 per year.

3. That the renter agree to rent all of water right no. 37-00833J or all of water right no. 37-00005.

Adopted this 21st day of MAY, 1993.

F. Don Sylvestre
Chairman

Attest:

[Signature]
Secretary

BEFORE THE IDAHO WATER RESOURCE BOARD

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
TO LEASE WATER WATER RIGHT)
NOS. 37-00005 AND 37-00833J)
TO THE WATER SUPPLY BANK)

RESOLUTION

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WHEREAS, the Director of the Department of Water Resources (Director) has investigated the water right and the application to lease the right to the bank as required by Water Supply Bank Rule 3,3.; and

WHEREAS, the Director and the Board find that the requirements for leasing water to the bank have been met by the applicant;

NOW, THEREFORE, BE IT RESOLVED:

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2. That in addition to other appropriate conditions of rental from the bank as determined by the Director, the following shall apply to any rental of the rights:

a. The rental rate paid by an applicant seeking water from the bank shall be in the amount of ten dollars (\$10) per acre foot. The return to the applicant shall be eight dollars (\$8) per AF. Ten percent (10%) of the total funds received from a rental shall be credited to the Water Administration Account and the remainder of the funds shall be credited to the Water Management Account.

b. In addition to the cost in paragraph 2.a. above, the renter is responsible to separately pay the delivery cost of the water to Water District No. 37, said cost estimated to be approximately 35 cents per AF.

c. The renter of right no. 37-00833J is also responsible to separately pay the applicant's proportionate share of maintaining the Rockwell by-pass channel during 1993, said share estimated to be approximately \$200 per year.

3. That the renter agree to rent all of water right no. 37-00833J or all of water right no. 37-00005.

Adopted this 21st day of MAY, 1993.

Attest:

Secretary

F. Dore Gwalt
Chairman

MEMORANDUM

To: Water Bank Application File A37-00005 and 37-00833J

From: L. Glen Saxton

RE: ANALYSIS OF APPLICATION TO LEASE A WATER RIGHT TO
THE WATER SUPPLY BANK - (NEW DEER CREEK RANCH, INC)

Date: April 23, 1993

On April 12, 1993, New Deer Creek Ranch, Inc. (applicant) submitted an application to the department to lease water right nos. A37-00005 and 37-00833J to the Board's Water Supply Bank.

Water Supply Bank Rules 3.2, 3.3 and 3.5 require:

- The submittal of certain information to accompany an application to place water in the Board's Water Supply Bank.
- That the Director review the application and brief the Board on its merits, and
- The Board to consider certain matters before accepting an application into the bank.

RULE 3.2 REVIEW

A37-00005

- The right is represented by a decree authorizing the diversion of 3.0 cfs of water from the Big Wood River for the irrigation of land near Hailey, Idaho. The right was subsequently transferred in a manner that 1.16 cfs of the right is used for the irrigation of 58 acres with the remainder being used for wildlife and recreation. The total volume of water associated with the irrigation portion of the right is $3.0 (58) = 174$ AF and the consumptive use volume is $2.5 (58) = 145$.
- The priority of use is March 10, 1883.
- The applicant purchased the right from the former owner.

A-37-00833J

- The right is a portion of a decreed and authorizes the diversion of 1.0 cfs of water from the Big Wood River for the irrigation of 50 acres near Hailey, Idaho. The total volume

of water assoicated with the right is 150 AF and the consumptive volume is 125 AF.

- The priority of use is 11-12-36 but is Rockwell Bypass water which is exercised as an 1883 right.

- The applicant purchased the right from the former owner.

RULE 3.5 REVIEW

- Information available indicates that the rights are valid and have not been abandoned or forfeited since the department has recently approved transfers for each of the rights.

- The offering rental rate is \$10 per AF as compared to \$3.25 per AF with other rights the Board has accepted into the bank.

- The offering also requests that all of the rights be rented, not just part of the rights.

- The offering is for 1993 only.

- The application is not contrary to the state water plan.

- The application is in the local public interest.

- The probability of renting the right from the bank is unknown.

RECOMMENDATION

- If the Board accepts the right into the bank, the acceptance should be on a contingency basis with payment to the lessor only if the right or part thereof is rented from the bank.

— ROSHOLT, ROBERTSON & TUCKER —
ATTORNEYS AT LAW

142 3RD AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
(208) 734-0700

RECEIVED
APR 12 1993
Department of Water Resources

DATE:

3/7/93

TO:

WAYNE HAAS
TWRB

RE:

LENSIE

Please Find 2 Flow
Rights (wood River) of New
Deer Creek Ranch, Inc. for
Placement in the TWRB

Water Bank, per Paragraph D.2.
of the Form.

Charles

ROSHOLT, ROBERTSON & TUCKER

BY

from Rosholt

cc: Sevy

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE
WATER SUPPLY BANK

Name of Seller/Lessor NEW DEER CREEK RANCH, INC. Phone (208) 788-9813Post office address P.O. BOX 187, HAILEY, ID 83333**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

a. Decree No. A37-00005 Decreed to Henry W. Adams
(Name)in case of Frost vs Alturas Water Companydated December 13, 1909 in 4th Jud. District county of Lincoln
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources.

c. Permit No. A37-00005 issued by the Idaho Department of Water Resources.2. Source of water Big Wood River tributary to Malad - Snake3. Date of priority March 10, 1883

4. Water is used for the following purposes:

amount 1.16 c/f/s for Irrigation purposes from 4/1 to 11/1

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)5. Total amount of water under right: a. 3 cubic feet per second
&/orb. 450 acre feet per annum6. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 29Township 3N. Range 18E., B.M., in Blaine County

Additional points of diversion, if any _____

7. Lands irrigated or place of use: Permissible places of use of which only 58 acres
can be irrigated in any particular year are as follows:

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 $\frac{1}{4}$	
3N	18E	29									3	7							10
		30			13	10	30			23									82
		32						10	14										24
3N	18E	30									RW			RW	RW	RW	RW	RW	

Total number of acres to be irrigated

116

B. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE (If the entire right is for sale or lease, omit part B.)

1. Amount of water: a. 1.16 cubic feet per second
&/or
b. 174 acre feet per annum
2. Point of diversion SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29 Township 3N.
Range 18E., B.M., Blaine County
Additional points _____

3. Place of use: Same as shown under Item 7.

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

Total number of acres to be irrigated _____

C. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

1. Explain how the right, or portion thereof, was acquired and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right.

Water right was purchased from Maxine Hazen, in approved IDWR Transfer #3931 which was on 9/30/92. (Copy attached.)

2. Describe the frequency of water use under the right, or portion thereof, during the past 5 years. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture:

IDWR investigated as to abandonment or forfeiture as part of examination during transfer process. Transfer #3931 to New Deer Creek Ranch was approved September 30, 1992.

3. Describe the relative availability of water to fill the right, or portion thereof. Attach evidence to support this description:

The right has a priority date of March 10, 1883.

4. Describe any other water rights with the same purpose and place of use as the right, or portion thereof. Will the present place of use no longer receive water from any source?

The right was purchased in 1992 to water 50 dry acres. Facilities are not yet in place to divert.

5. Describe the anticipated effect of this sale or lease upon other water users.

None.

6. List any assessments, charges or fees currently being paid for the use of the water.

7. If the water right is a permit, describe the work accomplished toward developing the right.

8. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

9. Draw a map indicating the point(s) of diversion and place of use of the right, or portion thereof. Show clearly the land involved by section, township and range.

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

10. Remarks _____

D. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:
_____ For sale
_____ For lease for the period from _____ to _____
_____ As a gift to the State of Idaho.
2. The minimum payment acceptable to the Seller/Lessor is: (Include the method of determining the minimum payment)
Lessee must divert all water available from start of regulation until end
of irrigation season on or about September 15, 1993 at a charge of \$10/acre foot
measured by State Watermaster.
3. Payment contingent on subsequent sale or leasing of this right, or portion thereof, is:
☒ Acceptable _____ Not Acceptable

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer the sale or lease of this right to the Idaho Water Resource Board.

4/3/93
(Date)

NEW DEER CREEK RANCH, INC.
By: Jay Sevy (Signature of applicant)
President

ACTION OF THE WATER RESOURCE BOARD

This is to certify that the Board has reviewed Application to Sell or Lease a Water Right No. _____
and said Application is hereby _____

Witness my hand this _____ day of _____, 19____

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Prelim. check by _____

Watermaster recommendation requested on _____ rec'd. _____

Recommended for _____ approval _____ denial by _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3932

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

JUL 20 1991

PART 1

APPROVED

Department of Water Resources

Name of applicant: NEW DEER CREEK RANCH, INCORPORATEDPhone 208/788-9615Post Office address P O BOX 187, HAILEY ID 83333

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes PURCHASE OF 1 cfs BY NEW DEER CREEK RANCH, INC.

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

1. Right Number 37-00833J part Priority 11-12-1936 Amount (cfs/ac-ft) 1.0 cfs Nature of Use Irrig. Period of Use 4-1 to 11-1
2. Total amount of water being transferred 1.0 cubic feet per second and/or 150 acre-feet per annum.
3. Source of water BIG WOOD RIVER tributary to MALAD RIVER
4. Point(s) of Diversion: Approximately 1/4 mile north of Deer Creek Bridge

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SW	29	3N	18E	BLAINE	pump

5. Lands irrigated or place of use: Approximately 50 acres of land within:

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	
3N	17E	26											40						40
3N	18E	30							20										20
									10										10

* Changed Per Letter From John Roskoff Dated 3-26-92 *

Total acres 50

PART 1

6. General Information:

a. Description of diversion system Pump and pipeline, sprinklers

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Will no longer be irrigated

d. Remarks:

DIVERSION WILL NOT BE EASILY VISIBLE TO PASSERSBY AND ULTIMATELY WILL BE LANDSCAPED
TO MASK EVEN THE CURRENT SETUP.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-00833P

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

SEE ATTACHED SHEET FOR CONDITIONS OF APPROVAL.

Witness my hand this

22nd day of

December

, 19 92

L. Glen Saylor
CHIEF, WATER ALLOC. BUREAU

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 37-00833J Decreed to IRVIN E. ROCKWELL
in case of IRVIN ROCKWELL vs. MANS H. COFFIN
dated 8-25-49 in 4TH DISTRICT county of BLAINE
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water BIG WOOD RIVER tributary to MALAD RIVER

4. Date or priority 11-12-36

5. Water is used for the following purpose:

amount 1.66 for Irrig. purposes from _____ to _____
(cfs/ac-ft)
amount _____ for Stockwater purposes from _____ to _____
(cfs/ac-ft)
amount _____ for Domestic purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	16	2N	18E	BLAINE	
		NE	SW	8	3N	18E	BLAINE	
		SW	SE	11	4N	17E	BLAINE	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3N	18E	32	X		X	X				X	X				X	X			
3N	18E	33										X	X	X					UNSPECIFIED

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A37-00833L on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water BIG WOOD RIVER tributary to MALAD RIVER

4. Date or priority 11-12-36

5. Water is used for the following purpose:

amount .333 cfs for Irrig purposes from 4-1 to 11-1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.333 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	SW	8	3N	18E	BLAINE	Cramer #13 Headgate on East Fork
	SE	NE	NE	18	3N	18E	BLAINE	Headgate #20 & Mizer Ditch on Big Wood

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3N	18E	20			10										10	30			50

Total acres 50

9. Describe any other water rights used for the same purpose as described above A37-00159A, A37-00833K, N, N

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A37-00833M on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water BIG WOOD RIVER tributary to MALAD RIVER

4. Date or priority 11-26-36

5. Water is used for the following purpose:

amount .333 cfs for irrigation purposes from 4-1 to 11-1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.333 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	SW	8	3N	18E	BLAINE	Cramer #13 Headgate on East Fork
	SE	NE	NE	18	3N	18E	BLAINE	Headgate #20 & Mizer Ditch

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3N	18E	20			10										10	30			50

Total acres 50

9. Describe any other water rights used for the same purpose as described above A37-00159A, A37-00833K, L, M

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED**1. Right evidenced by:**

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A37-00833N on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water BIG WOOD RIVER tributary to MALAD RIVER

4. Date or priority 11-26-91 11-12-1936

5. Water is used for the following purpose:

amount .333 cfs for irrigation purposes from 4-1 to 11-1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.333 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	SW	8	3N	18E	BLAINE	Cramer #13 Headgate on East Fork
	SE	NE	NE	18	3N	18E	BLAINE	Headgate #20 & Mizer Ditch

8. Lands irrigated or place 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	
3N	18E	20			10										10	30			50

Total acres 50

9. Describe any other water rights used for the same purpose as described above A37-00159A, A37-00833N

PART 3

B. CHANGES IN NATURE OF USE

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

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Allen, Deer Creek Ranch Inc. by Jan L. L.
(Signature of Applicant) Spikes: 2077

Subscribed and sworn to before me this 14th day of June, 19 91

Murray L. Call
(Notary Public)

My commission expires 3/19/92

FOR DEPARTMENT USE ONLY

Transfer contains 12 pages and 7 attachments

Received by [Signature] Date 7/31/91

Protest filed by _____

Prelim. check by [Signature] Fee \$50 5013594

Receipted by [Signature] Date 7/31/91

Published in Wood River Journal

Copies of protest forwarded by _____

Pub. dates 6/17 + 6/24

Hearing held by _____ Date _____

Watermaster recommendation requested on 6/3/92

Recommended for ☐ approval ☐ denial

_____ rec'd. 6/15/92

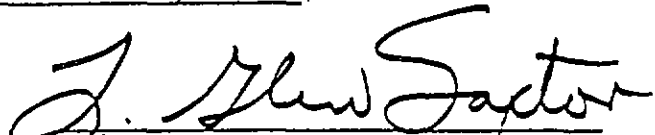
by [Signature]

Copy of transfer sent to lien holder _____

CONDITIONS OF APPROVAL
Transfer of Water Rights
No. 37-00833P

1. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
2. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
5. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre for the lands above.
7. All right holders entitled to use of water under portions of Right No. 37-00833 are required to maintain the Rockwell Bypass from its entrance to its discharge into the Broadford Slough sufficient to provide free flowing conveyance for not less than 17.36 cfs during the irrigation season.

Dated this 22nd day of December, 1992.


Chief, Water Alloc. Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 6, 1992

MAXINE HAZEN
PO BOX 94
BELLEVUE ID 83313-0094

RE: Transfer of Water Right No. 37-00005

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 3931). Be sure to note any conditions of approval as listed on the second page.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', written over the typed name and title.

JIM JOHNSON
Water Rights Supervisor

JJ:cz

Enclosure

MICROFILMED

OCT 26 1992

MEMORANDUM

TO: File 37-00005
FROM: Sharla
DATE: September 30, 1992
RE: Transfer Review (No. 3931)

The above referenced transfer proposes to change the point of diversion, place of use and nature of use under this right.

Advertising was completed correctly. Proof of ownership is included in the form of a Warranty Deed.

While the transfer has been filed by Maxine Hazen, New Deer Creek Ranch desires to purchase the right and has entered into an agreement with Mrs. Hazen for such purchase (a copy of the agreement was filed with the transfer application).

The original transfer application listed 150 acres. Due to the field inspection made by Doug Jones, a new application was filed listing a permissible place of use of 116 acres with only 58 acres irrigated per year. The field visit is documented by memo dated 4/23.

The transfer can be approved with the following conditions:

- T07 The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained at the point of diversion from the Big Wood River. Additionally, a measuring device shall be installed at the mouth of Deer Creek for the purpose of verifying the equivalent flow of water being returned from the recreational and wildlife ponds.

OCT 26 1992

This right is limited to the irrigation of 58 acres in the place of use described herein in a single irrigation season.

The Director retains jurisdiction to require compensation for evaporation losses from the ponds if determined to be necessary.

UNRECORDED

OCT 26 1992

11/19/91

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: Jones

1. Right number 37-0005 Applicant Hazen, Maxine
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Other Change nature of use
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments Attached analysis indicates new uses on right caused by increased efficiency. Moves right upstream & into tributary stream.
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) Ø
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 37

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 6/4/92 Received on 6/15/92
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* OIS, OS < 37 - Big Wood R >
Special Conditions Per Doug Jones memo.
4. By Loren O. Tubman Date 7/14/92

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

JUN 15 1992

NO. 3931

Department of Water Resources
Southern Region Office

RECOMMENDATION OF WATERMASTER

I, Lee R. Peterson, watermaster of Big Wood River,
of Water District No. 37, County of Blaine, State of Idaho,
whose address is P O Box T, Shoshone, Idaho 83352
have read the attached copy of the application for transfer of water right for
Maxine Hazen, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: With this approval, I request a flow meter
(preferably MCCrometer) be installed on the pump to record water use
and a lockable control valve.

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at Shoshone, Idaho, this 12 day of June 19 92.


(signature)

OCT 26 1992

Please use reverse side if needed.

NOTICE OF PROPOSED CHANGE OF
WATER RIGHT

NO. 37-00005, A37-00005

Notice is hereby given that MAXINE HAZEN of Bellevue, ID has applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of the IDAHO CODE.

This Application for Transfer proposes to change point(s) of diversion, change place of use, and change the nature of use.

WATER RIGHT AS RECORDED

Water Right No. 37-00005

Basis of right: Decreed to Henry W. Adams in case of Frost vs Alturas Water Company dated 12/13/1909 in Fourth District Court, Lincoln County, Transfer #41.

Source: Big Wood River tributary to Malad River

Priority: 3/10/1883

Amount: 3.00 cfs

Use: irrigation

Point(s) of diversion:
NE1/4SE1/4, S22, T02N, R18E;
(No. 44 Kohler Ditch);
SE1/4NE1/4, S26, T02N, R18E;
(Re-diversion); Blaine County.
Place of use: Unspecified acres within Lot 3 (SW1/4SW1/4), S25, T02N, R18E; E1/2SE1/4, S26, T02N, R18E; Lot 2 (NW1/4NW1/4), S36, T02N, R18E; Blaine County.

WATER RIGHT CLAIMED IN SNAKE
RIVER BASIN ADJUDICATION AND
RECORDED AS FOLLOWS:

Water Right No. A37-00005

Name: Maxine & Richard Hazen

Basis of right:

Decreed Right No. 37-00005

Priority: 3/10/1883

Source: Big Wood River tributary to Malad River

Amount: 3.00 cfs

Use: irrigation

Points of Diversion:
NE1/4SE1/4, S22, T02N, R18E;
SE1/4NE1/4, S26, T02N, R18E;
Blaine County.

Place of Use: 75 acres within
W1/2SW1/4, S25, T02N, R18E;
SE1/4NE1/4, NE1/4SE1/4,
NW1/4SE1/4, SE1/4SE1/4, S26,
T02N, R18E; Blaine County.

WATER RIGHT NO. 37-00005 &
ADJUDICATION CLAIM NO.
A37-00005 TO BE CHANGED AS
FOLLOWS:

Water Right No.: 37-00005

Period of Use: 4/1 to 11/1

Water Use: irrigation

Amount: 1.16 cfs

Water Right No.: 37-00005

Period of Use: 4/1 to 11/1

Water Use: Wildlife

Amount: 3.00 cfs

Water Right No.: 37-00005

Period of Use: 4/1 to 11/1

Water Use: Recreation

Amount: 3.00 cfs

Total amount being transferred:
3.00 cfs

Source: Big Wood River tributary to Malad River

Priority: 3/10/1883

Point of diversion: SW1/4SW1/4, S29, T03N, R18E; (Pump from River); SE1/4SW1/4, S30, T03N, R18E (Injection & Re-diversion from Deer Creek); Blaine County.

Place of use: Irrigation of 116 acres, of which 58 acres will be irrigated in any given year, within W1/2SW1/4, S29, T03N, R18E; S1/2NE1/4, E1/2NW1/4, E1/2SE1/4, S30, T03N, R18E; W1/2NW1/4, S32, T03N, R18E; also Recreational and Wildlife use within E1/2SW1/4, all quarter section tracts of SE1/4, S30, T03N, R18E; Blaine County.

Any protest against approval of the application for transfer must be filed with the Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 on or before July 6, 1992.

R. Keith Higginson, Director

Published in Wood River Journal
on 6/17 & 6/24/92.

RECORDED

OCT 26 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

04-Jun-1992

R. KEITH HIGGINSON
Director

WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Gentlemen:

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

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

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

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

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

MICROFILMED

OCT 26 1992

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 37-00005, A37-00005

Notice is hereby given that MAXINE HAZEN of Bellevue, ID has applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of the IDAHO CODE.

This Application for Transfer proposes to change point(s) of diversion, change place of use, and change the nature of use.

WATER RIGHT AS RECORDED

Water Right No. 37-00005

Basis of right: Decreed to Henry W. Adams in case of Frost vs Alturas Water Company dated 12/13/1909 in Fourth District Court, Lincoln County, Transfer #41.

Source: Big Wood River tributary to Malad River

Priority: 3/10/1883

Amount: 3.00 cfs

Use: irrigation

Point(s) of diversion: NE1/4SE1/4, S22, T02N, R18E; (No. 44 Kohler Ditch); SE1/4NE1/4, S26, T02N, R18E; (Re-diversion); Blaine County.

Place of use: Unspecified acres within Lot 3 (SW1/4SW1/4), S25, T02N, R18E; E1/2SE1/4, S26, T02N, R18E; Lot 2 (NW1/4NW1/4), S36, T02N, R18E; Blaine County.

WATER RIGHT CLAIMED IN SNAKE RIVER BASIN ADJUDICATION AND RECORDED AS FOLLOWS:

Water Right No. A37-00005

Name: Maxine & Richard Hazen

Basis of right: Decreed Right No. 37-00005

Priority: 3/10/1883

Source: Big Wood River tributary to Malad River

Amount: 3.00 cfs

Use: irrigation

Points of Diversion: NE1/4SE1/4, S22, T02N, R18E; SE1/4NE1/4, S26, T02N, R18E; Blaine County.

Place of Use: 75 acres within W1/2SW1/4, S25, T02N, R18E; SE1/4NE1/4, NE1/4SE1/4, NW1/4SE1/4, SE1/4SE1/4, S26, T02N, R18E; Blaine County.

WATER RIGHT NO. 37-00005 & ADJUDICATION CLAIM NO. A37-00005 TO BE CHANGED AS FOLLOWS:

Water Right No.: 37-00005

Period of Use: 4/1 to 11/1

Water Use: irrigation

Amount: 1.16 cfs

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Water Right No.: 37-00005
Period of Use: 4/1 to 11/1
Water Use: Wildlife
Amount: 3.00 cfs

Water Right No.: 37-00005
Period of Use: 4/1 to 11/1
Water Use: Recreation
Amount: 3.00 cfs

Total amount being transferred: 3.00 cfs

Source: Big Wood River tributary to Malad River
Priority: 3/10/1883
Point of diversion: SW1/4SW1/4, S29, T03N, R18E; (Pump from River); SE1/4SW1/4, S30, T03N, R18E (Injection & Re-diversion from Deer Creek); Blaine County.
Place of use: Irrigation of 116 acres, of which 58 acres will be irrigated in any given year, within W1/2SW1/4, S29, T03N, R18E; S1/2NE1/4, E1/2NW1/4, E1/2SE1/4, S30, T03N, R18E; W1/2NW1/4, S32, T03N, R18E; also Recreational and Wildlife use within E1/2SW1/4, all quarter section tracts of SE1/4, S30, T03N, R18E; Blaine County.

Any protest against approval of the application for transfer must be filed with the Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 on or before July 6, 1992.

R. Keith Higginson, Director

Published in Wood River Journal on 6/17 & 6/24/92.

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OCT 26 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

02-Jun-1992

R. KEITH HIGGINSON
Director

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

Re: Application for Transfer of Water Right No. 37-0005
(HAZEN)

Dear Mr. Peterson:

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

Section 42-222 of the IDAHO CODE requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

Please complete the enclosed recommendation form and return it to this office.

Processing of the application can be completed in 20 days, therefore, your prompt response to this request will be appreciated.

If you have any questions about the application, please contact this office or the applicant.

Sincerely,

Douglas Jones, E. I. T.
Water Resources Engineering Specialist

DJ:MB

Enclosures

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

02-Jun-1992

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

JOHN A ROSHOLT ESQUIRE
PO BOX 1906
TWIN FALLS ID 83303-1906

Re: Application for Transfer No. 37-00005, (Hazen)

Dear Mr. Rosholt:

The Department of Water Resources acknowledges receipt of the Application for Transfer filed on behalf of Maxine Hazen.

This office will be advertising the application in the Wood River Journal on 6/17 and 6/24/92. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

State Office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

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

Sincerely,

Douglas Jones, E. I. T.
Water Resources Engineering Specialist

DJ:MB

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OCT 26 1992

MEMORANDUM

TO: FILE HAZEN

FROM: DOUGLAS JONES

DATE: 23-Apr-1992

RE: TRANSFER

WALKED PROPERTY TO REVIEW DIVERSION, DISTRIBUTION AND BENEFICIAL USE OF WATER. THERE WERE NO DIVERSIONS BEING MADE FROM THE BIG WOOD.

UPPER BENCH HAS EVIDENCE OF FURROWS - THE QUESTION IS WHEN IRRIGATION WAS LAST DONE. THERE WAS NO EVIDENCE OF VOLUNTEER GROWTH OF ANY TYPE OF CROP. THE FIELD WAS COMPLETELY OVERGROWN WITH WEEDS. A LATER PHONE CALL TO THE LAST LEASEE, TED DIVINE, REVEALED THAT THE UPPER BENCH AND THE LOWER BENCH WERE LAST IRRIGATED IN 1990.

THE SLOPE DOWN FROM THE BENCH IS NOT IRRIGATED. THERE ARE ERODED CHANNELS WHERE WATER HAD FLOWED DOWN FROM THE BENCH TO THE EDGE OF THE FLOOD PLANE BELOW.

THE AREA BELOW THE BENCH WAS IRRIGATED BETWEEN PARALLEL RIDGES. THESE RIDGES ARE SPACED 150 TO 200 FEET APART AND ACT AS LATERAL BARRIERS TO FLOOD BETWEEN. THE RIDGES HAVE LARGE TREES AND BUSHES GROWING IN THEM. THE SPACES BETWEEN THE RIDGES ARE SPARSE GRASS, WEEDS, AND IN THE SOUTH END OF THE LOWER FIELD SAGE AND OTHER BRUSH.

THE GATES AND DITCHES ON THE OUTFLOW OF THE KOHLER DITCH TERMINAL POND TOWARD THE HAZEN PROPERTY ARE NOT MAINTAINED, WHEREAS GATES AND DITCHES TOWARD ADJACENT PROPERTY ARE WELL MAINTAINED. THAT IS, THE OTHER GATES ARE OILED AND THE DITCHES CLEAN. HAZEN'S DITCHES ARE DEBRIS FILLED. AGAIN, THE QUESTION IS WHEN WATER WAS LAST RUN THROUGH THEM - POSSIBLY A COUPLE OF YEARS.

THE HAZEN PROPERTY HAS 58 ACRES OF IRRIGATION BASED ON ASCS, NAPP, OPQ, AND VISUAL OBSERVATION. FULL DIVERSION RATE LIKELY WAS NEEDED TO MOVE WATER THROUGH KOHLER DITCH AND SPREAD IT OVER GRAVELLY SOILS OBSERVED ONSITE.

CONCLUSIONS:

1. DESTINATION PLACE OF USE IS 116 ACRES, DESIGNATED AS A PERMISSIBLE PLACE OF USE WHEREIN ONLY 58 ACRES WILL BE IRRIGATED IN ANY YEAR. THE SYSTEMS ARE IDENTIFIED AS "A" AND "B", WHICH SYSTEM WILL BE RUN IN A YEAR WILL BE SPECIFIED PRIOR TO DELIVERY BY THE WATERMASTER.

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PAGE 2
HAZEN TRANSFER
23-Apr-1992

2. DISCUSSION WITH JIM JOHNSON REVEALED THAT THE TRANSFER WILL LIKELY ONLY BE APPROVED FOR DIVERSION FOR IRRIGATION AT A RATE OF 1.16 CFS (1" PER ACRE). THE REMAINING WATER THAT WAS NEEDED TO OFFSET CONVEYANCE LOSSES AND DISTRIBUTION UNDER THE OLD SYSTEM WILL PROBABLY BE LOST. THE REASONING BEING THAT THE IMPROVED EFFICIENCY DOES NOT CREATE AN ADDITIONAL WATER RIGHT (BENEFICIAL USES) OF THE SAME PRIORITY, PARTICULARLY WHERE INJURY IS PROBABLE.

3. TRANSFERING THE RIGHT UPSTREAM COULD ADVERSELY AFFECT DIVERSIONS OCCURRING BETWEEN THE KOHLER HEADGATE AND THE PROPOSED PUMP SITE IF THE FULL RIGHT IS DIVERTED.

4. TOTALIZING METERS NEED TO BE REQUIRED, AND KEPT IN GOOD OPERATING CONDITION, AT THE PUMP FROM THE BIG WOOD RIVER AND THE PUMP FROM POND #1 FOR IRRIGATION.

001 - 1992

37-0005 Transfer



Two headgates on right deliver Hazen water from outflow from Kohler ditch terminal pond. Gate on left is Ted Divine's. Field is background is Hazen's upper 13 acres, looking toward the south.



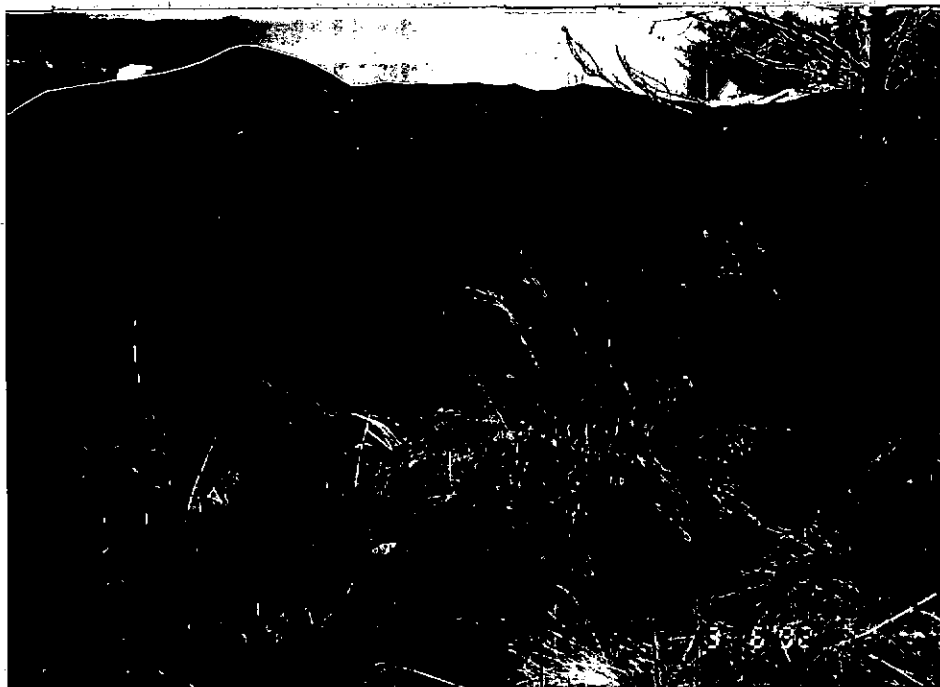
Looking north at the upper field

RECEIVED
OCT 26 1992

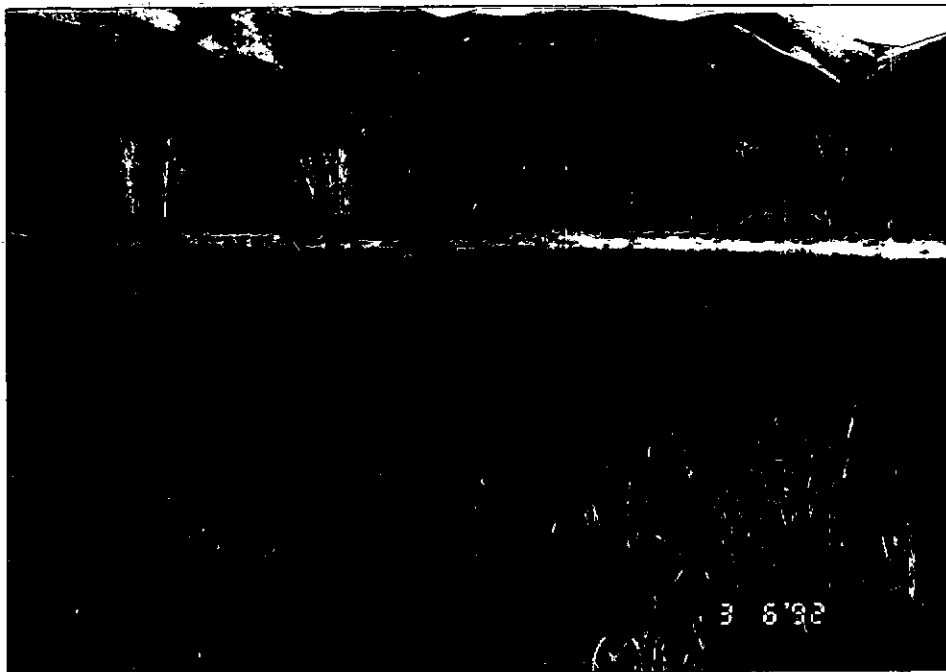
df

37-0005

Transfer



North end of lower field. Trees on lateral mounds separating field into sections for flooding.



South end of lower field.

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44	E KOHLER	BUD ROSEBERRY	19-A37	37-0577	W.T.RILEY	03-24-1883	7.50	0.15	0.15	0.15
44	E KOHLER	BUD ROSEBERRY	78-A3	37-0419	HORACE C.LEWIS	08-02-1889	9.00	0.18	0.33	0.33
44	E KOHLER	BUD ROSEBERRY	86-C3	37-0703	A.D.WILLIAMS	06-15-1891	20.00	0.40	0.73	0.73
44	E KOHLER	C.L.SCOFIELD	40-B11	37-0113	E.F.& ROSA BUHLER	07-10-1884	5.00	0.10	0.10	0.83
44	E KOHLER	C.L.SCOFIELD	70-B9	37-0418	HORACE C.LEWIS	06-23-1888	5.00	0.10	0.20	0.93
44	E KOHLER	C.L.SCOFIELD	86-C2	37-0703	A.D.WILLIAMS	06-15-1891	10.00	0.20	0.40	1.13
44	E KOHLER	JAMES EAKIN	35-A2	37-0886	W.D.SCHARIFF ET AL	06-01-1884	9.90	0.19	0.19	1.32
44	E KOHLER	JAMES EAKIN	70-B5	37-0418	HORACE C.LEWIS	06-23-1888	2.00	0.04	0.23	1.36
44	E KOHLER	MAXINE HAZEN	18-A	37-0005	HENRY A.ADAMS	03-10-1883	150.00	3.00	3.00	4.36

NRSE 522 T20 R18E
6ENE 526

PAGE NO. 11

WATER DIST. 37 BIG WOOD RIVER DECREE BOOK ABOVE MAGIC RES. as of:

10/07/88

DIVER NO	DIVER R NAME	OWNER	DIST. PRIOR.	ST. ID	ORIG DECREE TO	PRIORITY DATE	INCHES	C.F.S.	OWNER/CFS	CANAL/CFS
44	E KOHLER	STEVE GRANDALL	35-A6	37-0886	W.D.SCHARIFF ET AL	06-01-1884	2.80	0.05	0.05	4.42
44	E KOHLER	STEVE GRANDALL	70-B7	37-0418	HORACE C.LEWIS	06-23-1888	10.00	0.20	0.25	4.62
44	E KOHLER	TED DIVINE	19-A36	37-0577	W.T.RILEY	03-24-1883	175.00	3.50	3.50	8.12
44	E KOHLER	TED DIVINE	35-A8	37-0886	W.D.SCHARIFF ET AL	06-01-1884	35.40	0.70	4.20	8.83
44	E KOHLER	TED DIVINE	86-C	37-0703	A.D.WILLIAMS	06-15-1891	40.00	0.80	5.00	8.63
44	E KOHLER	TED DIVINE	86-D	37-0704	M.H.WILLIAMS	06-15-1891	160.00	3.20	8.20	8.83
44	E KOHLER	W.H.CASTLE	35-A9	37-0886	W.D.SCHARIFF ET AL	06-01-1884	1.00	0.02	0.02	12.85
44	E KOHLER	W.H.CASTLE	70-B6	37-0418	HORACE C.LEWIS	06-23-1888	5.00	0.10	0.12	12.95
45	E DISTRICT	ANN BEVERSTOCK	86-A5	37-0480	ANNIE I.MILLER ET AL	06-15-1891	30.00	0.60	0.60	0.60
45	E DISTRICT	ANN SWEET	86-A7	37-0480	ANNIE I.MILLER ET AL	06-15-1891	31.00	0.62	0.62	1.22
45	E DISTRICT	BELLEVUE FARMS	19-A1	37-0577	W.T.RILEY	03-24-1883	252.80	5.05	5.05	6.27
45	E DISTRICT	BELLEVUE FARMS	40-A4	37-0664	UTAH & IDAHO IMP.CO.	07-10-1884	15.00	0.30	5.35	6.57
45	E DISTRICT	BELLEVUE FARMS	48-B2	37-0298	S.G.HAMLETT	09-18-1885	150.00	3.00	8.35	9.57
45	E DISTRICT	BELLEVUE FARMS	52-A6	37-0666	UTAH & IDAHO IMP.CO.	06-12-1886	15.00	0.30	8.65	9.87
45	E DISTRICT	BELLEVUE FARMS	86-A3	37-0480	ANNIE I.MILLER ET AL	06-15-1891	350.00	7.00	15.65	16.87
45	E DISTRICT	BELLEVUE FARMS	86-B13	37-0667	UTAH & IDAHO IMP.CO.	06-15-1891	30.00	0.60	16.25	17.47
45	E DISTRICT	BICKETT & CHEMS	49-C1	37-0501A	W Y MORGAN	05-01-1886	210.00	4.20	4.20	21.67

RECORDED

OCT 26 1992

Justus SENW9

1. ☒ Add diversion point(s) ☒ Change place of use
☐ Change ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes _____

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
37-00005				to _____
A37-00005				to _____
				to _____
				to _____

2. Total amount of water being transferred 3.0 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Big Wood River tributary to Molad River

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SW	SW	29	3N	18E	Blaine	Pump from River

5. Lands irrigated or place of use:

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	
3N 18E	31													4				4
3N 18E	32					25	12											37
3N 18E	29							12		4	6							10
3N 18E	30					5	13	33		12	30					6		24

MICROFILMED

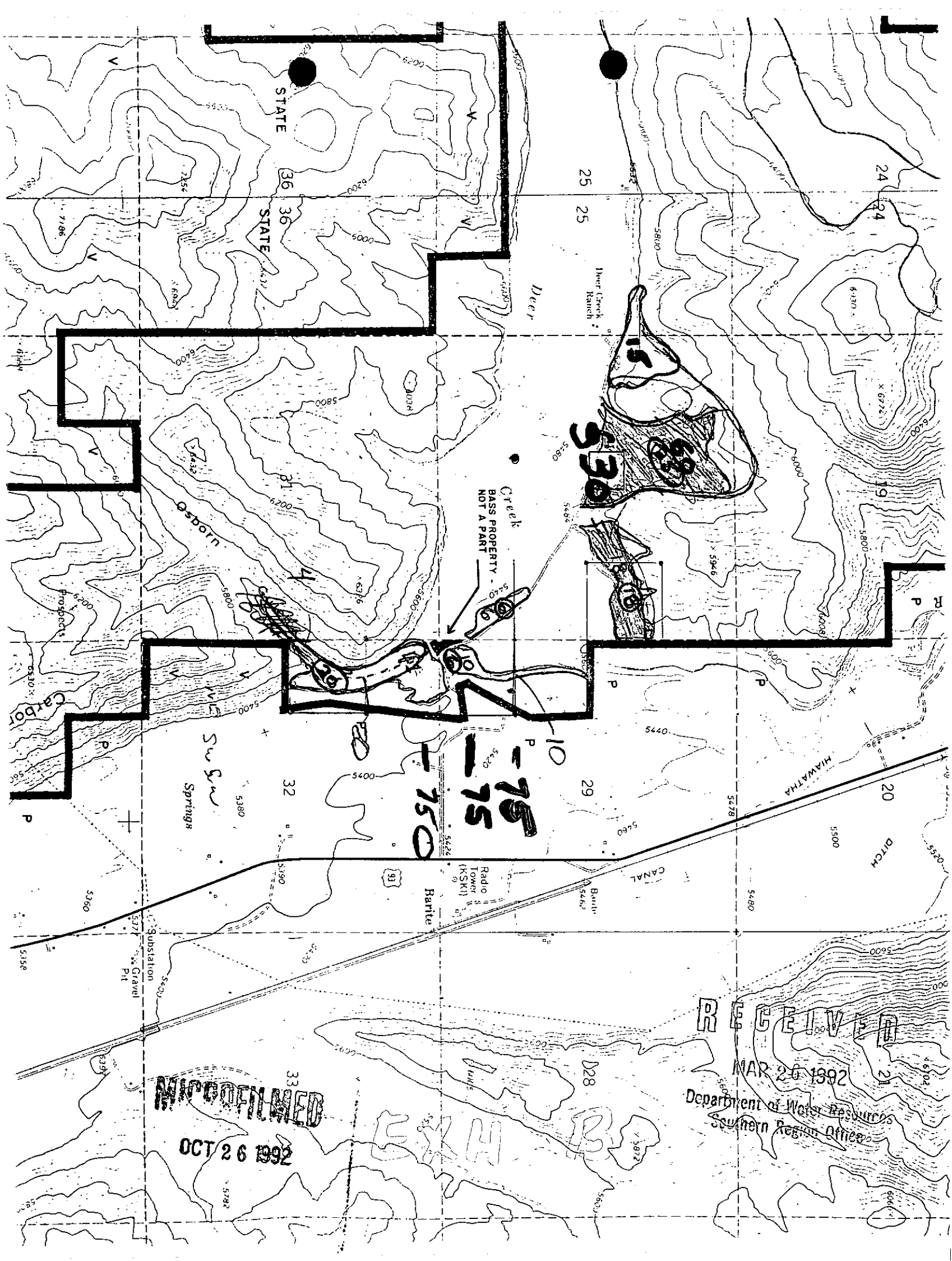
OCT 26 1992

EX-11

RECEIVED

MAR 26 1992

Department of Water Resources
Southern Region Office



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OCT 26 1992

RECEIVED
MAR 26 1992
Department of Water Resources
Southern Region Office

EXHIBIT

Σ = 62 (ple. 5th)
Σ = 58 (ple. 5th)

T 34
A-III
10.2

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45

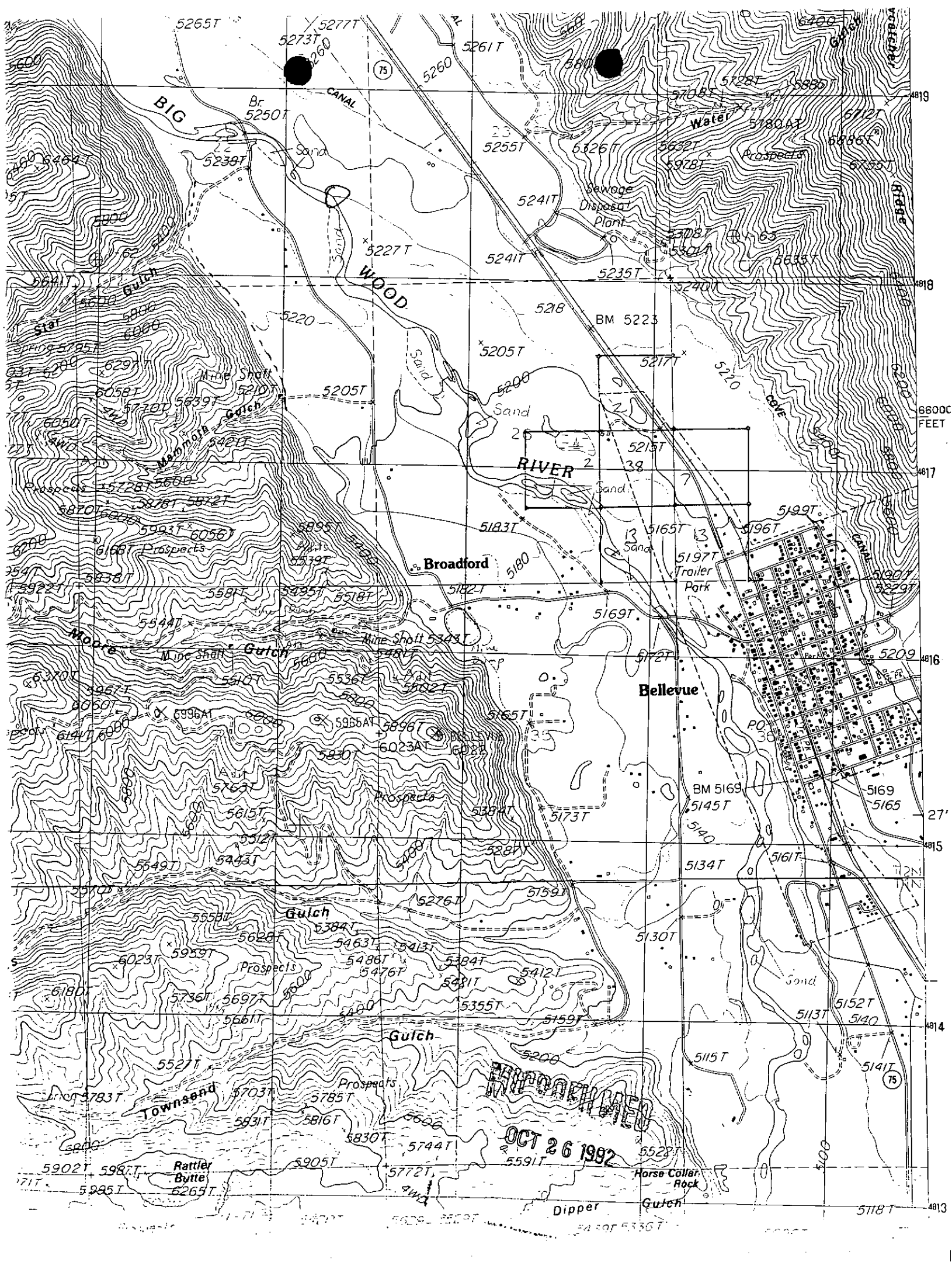
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173

OCT 28 1992

6.6





IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT POU REVIEW REPORT

DATE: 10/16/91

OPTION: IRRIGATION USES ONLY

WATER RIGHT NUMBER: 37-00005

PAGE: 1

A. ROOT WATER RIGHT NUMBERS: 37-00005

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	WR #/USE/ACRES	AJ #/USE/ACRES	LANDSAT DATA
02N	18E	25	SW	SW	3	ARCOOSH, CORJIA	37-00005 /01/	A37-00005 /01/13.0	
			SW	SW	3	WILLIAMS, A. D.		- / /	
			SW	SW		DIVINE, TED C.		R37-11977 /01/ 6.0	
			SW	SW		SCOFIELD, C.L.		A37-10723 /01/ 1.0	
			SW	SW		SCOFIELD, C.L.		A37-10724 /01/ 1.0	
			SW	SW		SCOFIELD, C.L.		A37-10725 /01/ 1.0	
			SW	SW		DIVINE, TED C.		A37-11975 /01/ 6.0	
			SW	SW		DIVINE, TED C.		A37-11976 /01/ 6.0	
			SW	SW		DIVINE, TED C.		A37-11977 /01/ 6.0	
			SW	SW		DIVINE, TED C.		A37-11978 /01/ 6.0	
			SW	SW		DIVINE, TED C.		A37-00703C /01/	
			SW	SW	3	SPLIT RIGHT		R37-00005 /01/13.0	
			SW	SW	3	HAZEN, RICHARD		R37-10723 /01/ 1.0	
			SW	SW		SCOFIELD, C.L.		R37-10724 /01/ 1.0	
			SW	SW		SCOFIELD, C.L.		R37-10725 /01/ 1.0	
			SW	SW		DIVINE, TED C.		R37-11975 /01/ 6.0	
			SW	SW		DIVINE, TED C.		R37-11976 /01/ 6.0	
			SW	SW		DIVINE, TED C.		R37-11978 /01/ 6.0	
02N	18E	26	NE	SE		ARCOOSH, CORJIA	37-00005 /01/	A37-00005 /01/38.0	
			NE	SE		ROSEBERRY, CHESTER D.	37-004198 /01/	- / /	
			NE	SE		MOORE, GREGORY A.		A37-00885A /01/ 1.0	
			NE	SE		HAZEN, RICHARD		R37-00005 /01/38.0	
			NE	SE		MOORE, VICTORIA S.		R37-00885A /01/ 1.0	
02N	18E	26	SE	SE		ARCOOSH, CORJIA	37-00005 /01/	A37-00005 /01/13.0	
			SE	SE		BRAMON, FRANK	37-00363F /01/ 4.8	R37-00363F /01/ 4.7	
			SE	SE		BRAMON, FRANK	37-00364E /01/ 4.8	- / /	
			SE	SE		ROSEBERRY, CHESTER D.	37-004198 /01/	- / /	
			SE	SE		BRAMON, FRANKLIN L.		A37-00363F /01/ 4.7	
			SE	SE		BRAMON, FRANKLIN L.		A37-00364F /01/ 4.7	
			SE	SE		BRAMON, FRANKLIN L.		R37-00364F /01/ 4.7	
02N	18E	36	NW	NW	2	ARCOOSH, CORJIA	37-00005 /01/	- / /	1.0
			NW	NW		MARTINDALE, WILLIAM D.	37-08081 /01/ 5.0	- / /	
			NW	NW		ROSEBERRY, EUGENE		A37-004198 /01/ 2.0	
			NW	NW		ROSEBERRY, EUGENE		A37-00703E /01/ 2.0	
			NW	NW		ROSEBERRY, EUGENE		A37-10913 /01/ 2.0	
			NW	NW		ACKER, RANDALL L.		A37-11902 /01/ 0.5	
			NW	NW		ACKER, RANDALL L.		A37-11904 /01/ 0.5	
			NW	NW		ACKER, RANDALL L.		A37-11895 /01/ 0.5	
			NW	NW		ROSEBERRY, EUGENE		R37-004198 /01/ 2.0	
			NW	NW		ROSEBERRY, EUGENE		R37-00703E /01/ 2.0	

TWP	RNG	SEC	1/4	1/4	LOT	NAME	WR #/USE/ACRES	AJ #/USE/ACRES	LANDSAT DATA
NW	NW	NW	NW	NW	NW	ROSEBERRY, EUGENE	R37-10913	/01/ 2.0	
NW	NW	NW	NW	NW	NW	ACKER, RANDALL L.	R37-11895	/01/ 0.5	
NW	NW	NW	NW	NW	NW	ACKER, RANDALL L.	R37-11902	/01/ 0.5	
NW	NW	NW	NW	NW	NW	ACKER, RANDALL L.	R37-11904	/01/ 0.5	
TOTAL ACRES							64.00	1.00	

ROSHOLT, ROBERTSON & TUCKER

Chartered
ATTORNEYS AT LAW

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

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

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

RECEIVED

March 26, 1992

MAR 26 1992

Department of Water Resources
Southern Region Office

Mr. Douglas Jones, EIT
Water Resources Engineering Specialist
Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

Re: New Deer Creek Ranch, Inc. - Hazen Transfer - 37-00005

Dear Doug:

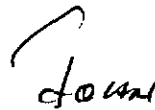
As to appurtenancies, if the Hazen transfer of the 3 c/f/s is approved from 75 acres, New Deer Creek Ranch, Inc. would like to make it appurtenant to 150 acres with the right to use it on any 75 acres in any year.

Exhibit A hereto lists the full 150 acres. Exhibit B hereto shows where they are on the map. The red and blue numbers on Exhibit A should equal 75 acres each.

If you feel that the transferred water must be appurtenant to only 75 acres in total, the 75 acres preferred by New Deer Creek Ranch, Inc. are on Exhibit B in black ink and are circled.

Jay and I are available for questions or to meet with you.

Thanks,



JOHN A. ROSHOLT

JAR:le
03269206.JAR
Enclosures
cc: Jay Sevy

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OCT 26 1992

ROSHOLT, ROBERTSON & TUCKER
ATTORNEYS AT LAW

142 3RD AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
(208) 734-0700

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DATE:

3/19/92

TO:

Doug Jones

MAR 20 1992

Department of Water Resources
Southern Region Office

RE:

New Lee Creek Ranch - Hazen

Tom and I are waiting for
your call to work out the
appurtenances. We are
and continue anxious.

MICROFILMED

OCT 26 1992

Rebano,

ROSHOLT, ROBERTSON & TUCKER

BY:

Tom Rosholt

cc: Sev,

MAY & MAY LAW OFFICES
P. O. BOX 1846 516 2ND STREET EAST
TWIN FALLS, IDAHO 83303-1846

JAY D. SUDWEEKS
J. DEE MAY
MARK D. STUBBS
THOMAS D. KERSHAW, JR
BART D. BROWNING

TELEPHONE
(208)733-7180

TELEFAX
(208)733-7967

March 5, 1992

RECEIVED

MAR 06 1992

Department of Water Resources
Attention: Doug Jones
220 Shoshone East
Twin Falls, ID 83301

Department of Water Resources
Southern Region Office

RE: Hazen Water Rights Transfer

Dear Doug:

This letter will confirm our telephone conversation wherein you indicated that you would be out to the Hazen property the end of this week or the beginning of next week to personally inspect the property after which you would get with John Rosholt to finalize the legal description for the place of use. You thought that would only take ten or fifteen minutes to do.

Thereafter, it is my understanding that the transfer will be advertised so we can see if there are any objections to the transfer.

If there are any problems that you encounter or if there is anything further by way of information that you need from me, please let me know.

Thanks for your help in this matter. As always any speed that could be put on getting this transfer

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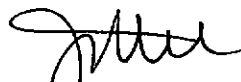
OCT 26 1992

Department of Water Resources
March 5, 1992
Page 2

approved would be greatly appreciated.

Very truly yours,

MAY & MAY LAW OFFICES



J. DEE MAY

JDM:mab

cc: John Rosholt
Rosholt, Robertson & Tucker
P. O. Box 1906
Twin Falls, ID 83303-1906

Greg Blake
P. O. Box 568
Hailey, ID 83333

Maxine Hazen
P. O. Box 94
Bellevue, ID 83313

MICROFILMED

OCT 26 1992

ROSHOLT, ROBERTSON & TUCKER
Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH

P.O. BOX 1906

TWIN FALLS, IDAHO 83303-1906

TELEPHONE (208) 734-0700

FAX (208) 736-0041

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
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Boise Office
1020 MAIN ST., SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

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DEC 31 1991

Department of Water Resources
Southern Region Office

December 30, 1991

Mr. Jim Johnson
Idaho Department of Water Resources
1301 North Orchard - Statehouse Mail
Boise, ID 83720

FAX 327-7866

Re: New Deer Creek Ranch, Inc.
Application Nos. 37-08748 and 37-00466

Dear Jim:

Big Wood Canal Company withdrew their protests to the s/w to g/w Application (37-00466) and the "Pond Application" (37-08748).

As I read the withdrawal letter, the withdrawal is conditioned on 37-00466 being conditioned as IDWR and New Deer Creek, Inc. agreed, plus we would agree to measuring devices and enforcement of the conditions in said agreement by the Watermaster. New Deer Creek, Inc. will so agree including the payment of water district assessments or charges as appropriate.

IF&G protested Application No. 37-08748, but have also agreed to withdraw the protest according to Jay Sevy. His contact is named Partridge.

As you know, we're most anxious to get an approved 37-00466 in hand so we can contract for the system.

Thanks,

John A. Rosholt
JOHN A. ROSHOLT

JAR:le
17811

Enclosures

cc: Doug Jones
Dick Oneida
Jay Sevy

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OCT 26 1992

RECEIVED DEC 23 1991

Big Wood Canal Company

112 S. Apple P.O. Box C
Shoshone, Idaho 83352
886-2331

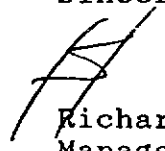
December 19, 1991

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

RE: Application Nos. 37-08748
37-00466
New Deer Creek Ranch, Inc.

I would like to withdraw my protests on Application
Nos. 37-08748 & 37-00466 provided the attached agreements
are met and measuring devices are installed with the
watermaster to measure and assess as he sees fit.

Sincerely,


Richard M. Oneida
Manager

RMO/mae

ENCLOSURE

CC: John Rosholt

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OCT 26 1992

October 28, 1991

Item B. 6. d. Remarks:

NDCR owns four surface water rights to the waters of Deer Creek totaling approximately 21 c/f/s. NDCR wishes to add additional points of diversion for the surface water, and to add points of diversion for groundwater so as to be able to pump groundwater (in lieu of) or instead of surface water when it is more convenient for NDCR's operation.

NDCR agrees to the following:

1. NDCR's Surface Water Right No. 37-00466 (priority 4/1/1880) may be reduced to a total of 9.77 c/f/s appurtenant to 488 acres of NDCR as previously identified. The remainder of Right No. 37-00466, and all of Rights No. 37-00508, 37-00467, and 37-00889 shall be deemed relinquished.

2. NDCR agrees not to divert more than a total of 9.77 c/f/s of surface and groundwater for irrigation purposes at any one time, and NDCR further agrees that the diversion of up to 9.77 c/f/s of groundwater under Right No. 37-00466 shall be contingent upon an equivalent amount of water being measured (at a weir to be installed by NDCR), subject to the approval of the IDWR, across the Deer Creek natural channel above the diversion point of NDCR in SESW of Section 26, Township 3 North, Range 17 E.B.M., Blaine County, Idaho. If flows less than 9.77 c/f/s are measured, NDCR agrees to limit their groundwater diversions accordingly, e.g., if 5 c/f/s is measured at the weir, NDCR could not divert more than 5 c/f/s of groundwater under 37-00466.

3. Any time 9.77 c/f/s or more is being measured over the weir above identified, NDCR may take a total of 9.77 c/f/s from irrigation from any or all approved groundwater points of diversion on the Ranch.

4. Pumping reductions must be made within 24 hours after a daily measurement shows flows at the weir of less than 9.77 c/f/s.

5. NDCR understands that additional conditions of approval may be imposed by IDWR as further review of this transfer application is conducted.

NEW DEER CREEK RANCH, INC.

By

JAY SEVY

President and General Manager

Approved:

MICROFILMED

OCT 26 1992

JOHN A. ROSHOLT

6316m

-- TOTAL PAGE 003 --

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DEC 12 1991

Department of Water Resources
Southern Region Office

MAY & MAY LAW OFFICES
P. O. BOX 1846 516 2ND STREET EAST
TWIN FALLS, IDAHO 83303-1846

JAY D. SUDWEEKS
J. DEE MAY
MARK D. STUBBS
THOMAS D. KERSHAW, JR
BART D. BROWNING

TELEPHONE
(208)733-7180

TELEFAX
(208)733-7967

December 12, 1991

Mr. Doug Jones
Idaho Department of Water Resources
220 Shoshone East
Twin Falls, ID 83301

RE: Hazen Water Transfer Application

Dear Doug:

I am having my secretary hand deliver a copy of the aerial photograph from the ASCS office in Hailey. The scale, they informed me, is as you desired, 660 feet to the inch. I have circled in orange the section markers to give you a reference and have roughly circled in red the outline of Mrs. Hazen's property.

I wanted to verify one thing and that was on the thirteen acres located on the bluff, I had talked with you with the understanding that that property was not irrigated. However, I have learned since then that in fact it was irrigated as a row crop, which clearly is shown on the aerial photograph. The balance of the property was used for pasture.

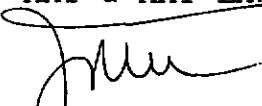
I am also having my secretary deliver to you the survey done for the final plat of the subdivision that Mrs. Hazen is forming.

I called John Rosholt and he is getting the information together with regard to the rediversion project for New Deer Creek, and I should have that to you shortly.

Thank you very much.

Very truly yours,

MAY & MAY LAW OFFICES


J. DEE MAY

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JDM:mab

OCT 26 1992

MAY & MAY LAW OFFICES
P. O. BOX 1846 516 2ND STREET EAST
TWIN FALLS, IDAHO 83303-1846

JAY D. SUDWEEKS
J. DEE MAY
MARK D. STUBBS
THOMAS D. KERSHAW, JR
BART D. BROWNING

TELEPHONE
(208)733-7180

TELEFAX
(208)733-7967

October 24, 1991

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NOV 07 1991

Department of Water Resources
Southern Region Office

Doug Jones
Dept. of Water Resources
Southern Region
222 Shoshone St. East
Twin Falls, ID 83301

RE: Hazen Transfer Application, 37-00005

Dear Doug:

I have amended the period of use and apologize for that error. I took those figures off the rough draft that I made while I was in your office. I have corrected the period of use throughout the transfer application.

In addition, I have attached to the application a legal description for Maxine Hazen's property as well as the details for the fish, wildlife and recreation uses.

Concerning the first paragraph of your October 16th letter on the difference between the 75 acres of original use and the proposed transfer indicating a use on 150 acres, I believe it would be advantageous to contact Jim Johnson out of the Boise office. He is intimately associated with this particular transfer application and has given approval to New Deer Creek to utilize the 3.0 cfs on the 150 acres. Apparently there is an arrangement so New Deer Creek will not ever use the water on more than 75 acres at a time but wants the flexibility to utilize 75 acres within the whole 150 acres.

I have also enclosed a \$50.00 filing fee for the application.

Could you please look the application over and see if there is anything else that is required.

RECEIVED

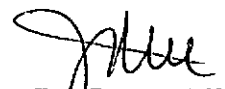
OCT 26 1992

Doug Jones
October 24, 1991
Page 2

If everything is in order, could we please
start the publication? Thank you very much.

Very truly yours,

MAY & MAY LAW OFFICES


J. DEE MAY

JDM:mab

Enclosures

cc: John Rosholt
Rosholt, Robertson & Tucker
P. O. Box 1906
Twin Falls, ID 83303-1906

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OCT 26 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

10/16/91

J. Dee May, Atty
May & May Law Offices
PO Box 1846

Twin Falls, ID 83303-1846

Re: Hazen Transfer Application, 37-00005

Dear Mr. May,

I am returning the above referenced application for several reasons. Cursory review indicates that a possible expansion in the use of water for irrigation is proposed. Adjudication claim for the water right shows 25 acres irrigated. The proposed transfer indicates 150 acres would be irrigated. This would be an expansion in either, or both, the diversion volume or consumptive use volume and would not be approved. Before processing in the region is complete an examination of the place of use and measurement of the water diverted is required.

Another problem is the period of use is incorrectly recorded on the original claim and this error has been carried forward in this transfer. The correct period of use for the area is 4/1 to 11/1.

In addition to proposing an expansion of acres on page 1 the legal descriptions and details of the "Fish & Wildlife" & "Recreation" uses are omitted. Please add codes corresponding to the locations of the uses and provide details of them and the redirection means.

Complete the requested information and return w/ the filing fee of \$50. Call for an appointment with an agent if necessary.

Sincerely,

[Signature]

PS. charges must be
initialed by applicant
and dated

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OCT 16 1991

MAY & MAY LAW OFFICES
P. O. BOX 1846 516 2ND STREET EAST
TWIN FALLS, IDAHO 83303-1846

Department of Water Resources

Southern Region Office

TELEPHONE
(208)733-7180

TELEFAX
(208)733-7967

JAY D. SUDWEEKS
J. DEE MAY
MARK D. STUBBS
THOMAS D. KERSHAW, JR
BART D. BROWNING

October 14, 1991

Attn: Doug Jones
Idaho Department of Water Resources
220 Shoshone Ave. East
Twin Falls, ID 83301

Dear Doug:

I have enclosed Application for Transfer that I previously discussed with you involving the applicant, Maxine Hazen, in the Wood River Valley.

Could you please start processing the application as soon as possible as my clients are quite anxious to have this matter concluded.

I have also enclosed three letters which give explanation as to the use of the water rights since Mrs. Hazen has owned the property in Blaine County.

Thank you very much and if there are any problems, please let me know as soon as possible.

Very truly yours,

J. Dee May
J. DEE MAY

JDM/kb

cc: John Rosholt (w/application and letters)

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OCT 26 1992

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Page 1 of 8

STATE OF IDAHO NOV 07 1991

Transfer No. _____

DEPARTMENT OF WATER RESOURCES

Department of Water Resources
OFFICE OF WATER RESOURCES
 Southern Region Office

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

OCT 16 1991

Name of applicant Maxine Hazen

Department of Water Resources
Southern Region Office

Post Office address P.O. Box 94, Bellvue, Id. 83313

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes _____
 Water right purchase to supplement existing rights

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

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use | |
|--|---------------------|-----------------------|------------------------------|-------------------------------|--------------|
| <u>37-00005</u> | <u>Mar 10, 1883</u> | <u>3.0 cfs.</u> | <u>Irrigation</u> | <u>4/1</u>
3/15 | <u>11/15</u> |
| <u>37-00005</u> | <u>Mar 10, 1883</u> | <u>3.0 cfs</u> | <u>Fish & Wildlife</u> | <u>4/1</u>
3/15 | <u>11/15</u> |
| <u>37-00005</u> | <u>Mar 10, 1883</u> | <u>3.0 cfs</u> | <u>Recreation</u> | <u>4/1</u>
3/15 | <u>11/15</u> |
| <u>nk 10-29-81</u> | | | | | |
| | | | | | |
| to _____ | | | | | |
| 2. Total amount of water being transferred | | <u>3.0</u> | cubic feet per second and/or | acre-feet per annum | |
| 3. Source of water | | <u>Big Wood River</u> | tributary to | <u>Malad</u> | |
| 4. Point(s) of Diversion: | | | | | |

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total acres 150

PART 1

6. General Information:

a. Description of diversion system pick up water from river with a sump in a side channel of Big Wood River---pressurize and pump water via pipeline to place of use.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? No Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
dry land

d. Remarks:

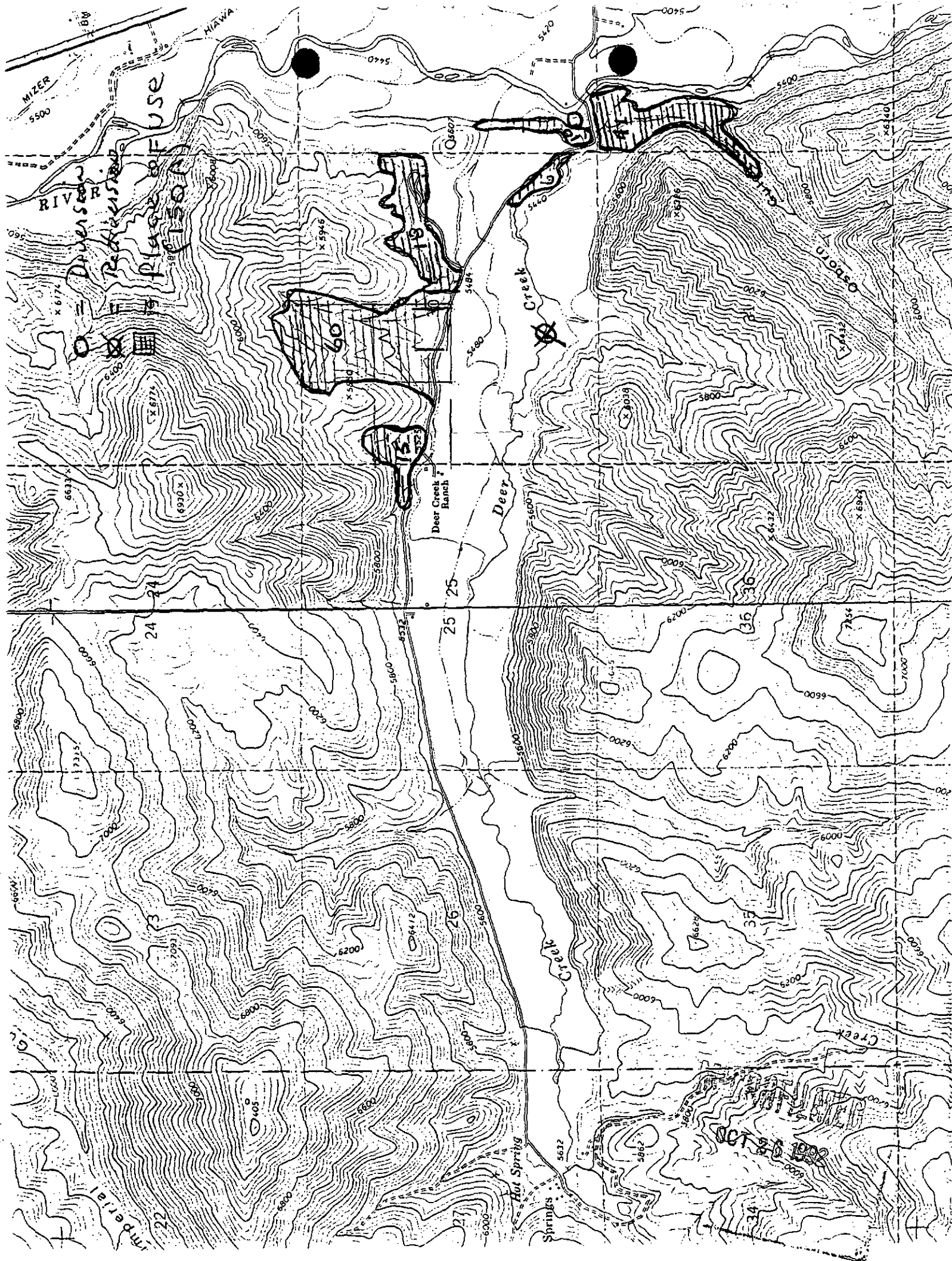
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

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

Witness my hand this _____ day of _____, 19____

MICROFILMED
OCT 26 1992



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number. See Attached Map

The form consists of a large grid of squares, intended for drawing a map. The grid is approximately 10 units wide by 10 units high. In the bottom right corner of the grid, there is a stamp that reads "MICROFILMED" in a bold, sans-serif font, with the date "OCT 26 1992" printed below it.

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

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	fish & wildlife	3.0 cfs	24/240/every yr	4/1 to 11/15
	recreation	3.0 cfs		to

2. Quantity and quality of return flows and location of discharge:

1.5 cfs quality unchangeMouth of Deer Creek is location of discharge

3. Describe effects on other water uses resulting from the proposed change:

none

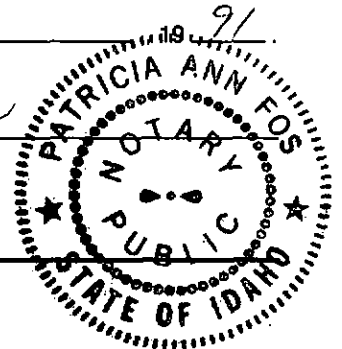
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this Ninth (9) day of October 1991

(Signature of Applicant)

Patricia Ann Fos
(Notary Public)

My commission expires September 30, 1993**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by J. P. Stanton Date 11-7-91

Protest filed by _____

Prelim. check by _____ Fee \$50.00 5013866Receipted by JS Date 11-7-91

Published in _____

Copies of protest forwarded by _____

Pub. dates _____

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____

by _____

Copy of transfer sent to lien holder _____

MICROFILMED

OCT 26 1992

RECEIVED

OCT 16 1991

Department of Water Resources
Southern Region Office

Maxine Hazen
P.O. Box 94
Bellevue, ID 83333

September 30, 1991

Department of Water Resources
220 Shoshone Ave. East
Twin Falls, ID 83301

Dear Sirs,

I purchased the property on which I now reside in the Summer of 1966. At that time we put portions of the property into alfalfa, with the remainder being in pasture for stock until 1972, at which time James Pigg took over the actual farming operation until he became ill after farming in 1987.

During the next 3 years, from the fall of 1987 until the Spring of 1990, Ted Divine, our neighbor on the same canal, took over those operations until he too became ill in the Spring of 1990.

This summer I have considered my options, and, with the costs associated with hiring "Custom Farmers" and the short growing season; upon the advice of my attorney, feel it may be best at this time to sell my Water Rights.

If you have any questions, please feel free to contact my attorney, Mr. J. Dee May.

Sincerely,

Maxine Hazen

Maxine Hazen

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OCT 26 1992

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OCT 16 1991

Department of Water Resources
Southern Region Office

SEPTEMBER 23, 1991

TO WHOM IT MAY CONCERN,

IN THE YEAR OF 1972 I BEGAN FARMING THE LAND OWNED BY MAXINE HAZEN AND FOR THE NEXT 12 YEARS I RAISED ALFALFA ON A PORTION OF THE SAID PROPERTY. IN 1985 I PLANTED GRAIN INSTEAD OF ALFALFA AND CONTINUED TO DO SO FOR THE NEXT THREE YEARS UNTIL THE FALL OF 1987. THE REMAINDER OF THE PROPERTY I IRRIGATED FOR PASTURE LAND. I KEPT MY HORSES AND RAISED CALVES ON THIS PASTURE UNTIL THE FALL OF 1987 AT WHICH TIME I WAS FORCED TO GIVE UP FARMING DUE TO HEALTH REASONS. TED DIVINE THEN CONTINUED TO FARM THE PROPERTY OWNED BY MAXINE HAZEN.

IF YOU HAVE ANY QUESTIONS PLEASE FEEL FREE TO CONTACT ME AT 788-4645. THANK YOU.

SINCERELY,

Jones W. Pegg

RECORDED

OCT 26 1992

RECEIVED

OCT 16 1991

SEPTEMBER 24, 1991

DEAR GENTLEMEN, Department of Water Resources
Southern Region Office

I WAS LIVING IN BELLEVUE AT THE TIME WHEN HAZENS PURCHASED THE PROPERTY THAT THEY CURRENTLY OWN. THEY FARMED THIS LAND UNTIL MR. PICG TOOK OVER THE FARMING FOR THEM. IN THE FALL OF 1987 I TOOK OVER THE RESPONSIBILITY OF FARMING MAXINE HAZEN'S PROPERTY AND WAS ABLE TO DO SO UNTIL THE SPRING OF 1990. I HOPE TO BE FARMING FOR HER AGAIN BY NEXT SPRING.

I SUPERVISE THE HEADGATE WHERE MAXINE HAZEN'S WATER ORIGINATES ON HER PROPERTY AND HAVE DONE SO SINCE SHE BOUGHT THE PROPERTY SO I AM AWARE THAT MAXINE HAZEN HAS IN FACT USED THE WATER DEEDED TO HER FOR THE PURPOSE OF FARMING HER PROPERTY.

IF YOU NEED ANY FURTHER INFORMATION PLEASE CALL ME AT
788-2785.

SINCERELY,



RECEIVED

OCT 26 1992