

A. Attach a USGS Map-Map 1 of 2.
Cascea Associates, Inc.-change in use app.
EXHIBIT C

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Attach a USGS Map-Map 2 of 2.
Cascea Associates, Inc.-change in use app.
EXHIBIT D

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Blaine, } ss.

GEORGE T. FRITZ, being first duly sworn deposes and says that he is now and all times herein mentioned has been the Editor and Publisher of the Wood River Journal (formerly The Hailey Times) which is now, and all times herein mentioned has been a newspaper as defined in Section 60-106 of the Idaho Code printed, regularly issued and published weekly at Hailey, in Blaine County, Idaho, and having a general circulation in said county, and having not less than 200 bona fide subscribers living within said county, and that said newspaper has been continuously and uninterruptedly so printed and published as a weekly newspaper in said county during the period of 78 consecutive weeks prior to the first publication of the annexed true copy and at all times since, and that said annexed true copy was so published in the regular edition of said newspaper, the Wood River Journal, and not in any supplement thereof, for two consecutive weeks commencing with the first publication thereof on the 6th day of APRIL, 1972 and ending with the last publication thereof on the 13th day of APRIL, 1972.

Cost of this publication is \$ 11.16


GEORGE T. FRITZ

Subscribed and sworn to before me, this 14th day
of APRIL, 1972.


Notary Public for Idaho
Residing at Hailey,
Blaine, County, Idaho.

NOTICE OF CLAIM TO A WATER RIGHT

No. 37-4016

Notice is hereby given that Lane Company, a partnership P. O. Box 6, Sun Valley, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 10.0 cubic feet per second of water from Elkhorn Creek, tributary to Big Wood River with point of diversion in the NW¹/₄SW¹/₄, Sec. 20, T. 4N, R. 18E, B. M., Blaine County.

The water is claimed to be used from April 1 to Oct. 1 for the irrigation of 160 acres and from Jan. 1 to Dec. 31 for stock-watering purposes with a priority of April 1, 1884; the place of use is within the S¹/₂SE¹/₄, Sec. 19; N¹/₂NE¹/₄, Sec. 30, T. 4N, R. 18E, B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON
Director

Published in the Wood River Journal, Hailey, Idaho on April 6 and April 13, 1972.

37 4016

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER)
)
NO. 3609 IN THE NAME OF CASCEA ASSOCIATES,)
) ORDER
WATER RIGHTS NOS. 37-00081, 37-00082,)
)
37-04016 AND 37-7201)
)

The Department having reviewed transfer no. 3609 in the name of Cascea Associates, finds that the transfer can be approved.

IT IS HEREBY ORDERED that transfer no. 3609 is APPROVED subject to the following conditions:

1. Right no. 37-0081 shall be changed as follows:

Source: Big Wood River
Priority: 6/1/1884

<u>Volume</u>	<u>Nature of Use</u>	<u>Period of Use</u>
0.74 cfs	irrigation	4/1 through 11/1
3.26 cfs	aesthetics	4/1 through 11/1
3.26 cfs	recreation	4/1 through 11/1
<u>3.26 cfs</u>	wildlife	4/1 through 11/1
4.00 cfs = Total flow rate		

- a. The place of use and point of diversion for right no. 37-0081 is approved as described in the transfer application.
- b. The total flow rate and annual volume diverted for irrigation pursuant to right no. 37-0081 and right no. 37-0082 shall not exceed 0.74 cfs and 73.4 acre-feet, respectively.

2. Right no. 37-0082 shall be changed as follows:

Source: Elkhorn Creek
Priority: 6/1/1884

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<u>Volume</u>	<u>Nature of Use</u>	<u>Period of Use</u>
0.74 cfs	irrigation	4/1 through 11/1
1.20 cfs	aesthetics	1/1 through 12/31
1.20 cfs	recreation	1/1 through 12/31
<u>1.20 cfs</u>	wildlife	1/1 through 12/31
1.20 cfs = Total flow rate		

- a. The place of use and point of diversion for right no. 37-0082 is approved as described in the transfer application.
- b. The total flow rate and annual volume diverted for irrigation purposes pursuant to right no. 37-0082 and right no. 37-0081 shall not exceed 0.74 cfs and 73.4 acre-feet, respectively.

3. Right no. 37-7201 shall be changed as follows:

Source: Elkhorn Creek
Priority: 3/21/1973

<u>Volume</u>	<u>Nature of Use</u>	<u>Period of Use</u>
1.00 cfs	aesthetics	1/1 through 12/31
1.00 cfs	recreation	1/1 through 12/31
<u>1.00 cfs</u>	wildlife	1/1 through 12/31
1.00 cfs = Total flow rate		

4. Right no. 37-4016 shall be changed as follows:

Source: Elkhorn Creek
Priority: 4/1/1884

<u>Volume</u>	<u>Nature of Use</u>	<u>Period of Use</u>
10.00 cfs	diversion to storage	1/1 through 12/31
17.0 acre-feet	storage for aesthetic	1/1 through 12/31
17.0 acre-feet	storage for recreation	1/1 through 12/31
<u>17.0 acre-feet</u>	storage for wildlife	1/1 through 12/31
17.0 acre-feet = Total storage		

- a. The approval of this transfer in no way confirms the validity of right no. 37-4016.
- b. Claim no. 37-4016 shall be considered a flood right available only for the one-time spring fill of the reservoirs and ponds on the property (to a total volume of 17 acre-feet) and not chargeable against the 315 acre-feet total, unless there are not spring flood flows available from Elkhorn Creek. If for purposes of regulation, Elkhorn Creek is found to be tributary to the Big Wood River, the

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watermaster may require release of water stored in the reservoirs and ponds to satisfy downstream storage rights.

5. Water rights diverted from Elkhorn Creek are conditioned as follows:

- a. The total annual volume authorized for diversion and use pursuant to right nos. 37-0082, 37-4016 and 37-7201 is limited to 315 acre-feet. The volumetric limitation shall not begin to accrue, however, until:
 - i. All rights on Elkhorn Creek cannot be satisfied by the watermaster of Water District No. 37, Big Wood River, and
 - ii. The owner of the rights approved by no. 3609 demands release of water from upstream users.
- b. Long standing man-made alteration in the natural channel of Elkhorn Creek requires construction of a channel through the development listed as the place of use. The right to diversion of Elkhorn Creek in the channels of the development and to demand flow in Elkhorn Creek is limited by the annual volume and flow rate of water rights nos. 37-0082, 37-4016 and 37-7201.
- c. Rights 37-0082, 37-4016 and 37-7201 may be subject to administration with the water rights of the Big Wood River, if, for purposes of regulation of water rights, Elkhorn Creek is found to be tributary to the Big Wood River.
- d. Diversion of water pursuant to rights 37-0082, 37-4016 and 37-7201 during the non-irrigation season is subject to any minimum streamflows established in the Big Wood River with later dates of priority.

6. All water rights are conditioned as follows:

The wildlife, aesthetic and recreational uses approved by this transfer shall be considered to have a consumptive component equal to the smaller of:

- (a) the irrigation consumption prior to this transfer less irrigation consumption after the transfer, or
- (b) actual consumption by the authorized wildlife, aesthetic and recreational uses.

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The purpose of this condition is to protect the consumptive nature of the water rights transferred to the extent consumption continues.

Dated this 9th day of October, 1990.

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

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APPLICATION FOR TRANSFER OF WATER RIGHT

PART I.

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

I. Right No. 37-00081

Applicant proposes taking 1 1/2 inches of water per acre for 24.4 acres from 37-00081 to continue the original IRRIGATION use as decreed and proposes to apply the balance of the 4.00 cfs for the following uses as listed:

WILDLIFE
AESTHETICS
RECREATION

II. Right No. 37-04016

Applicant proposes the utilization of the entire decreed amount of water from 37-04016 for the following uses as listed:

WILDLIFE
AESTHETICS
RECREATION

III. Right No. 37-00082

Applicant proposes taking 1 1/2 inches of water per acre for 24.4 acres from 37-00082 to continue the original IRRIGATION use as traditionally diverted by its permit and proposes to apply the balance of the 1.2 cfs for the following uses as listed:

WILDLIFE
AESTHETICS
RECREATION

IV. Right No. 37-07201

Applicant proposes utilizing the entire licensed amount of water from 37-07201 for the following uses as listed:

WILDLIFE
AESTHETICS
RECREATION

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APPLICATION FOR TRANSFER OF WATER RIGHT

PART I.

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

5. Lands irrigated or place of use: Master Water Course for the Lane Ranch Subdivision map included in folded format with notations attached.

REPRODUCED

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APPLICATION FOR TRANSFER OF WATER RIGHT

PART I.

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

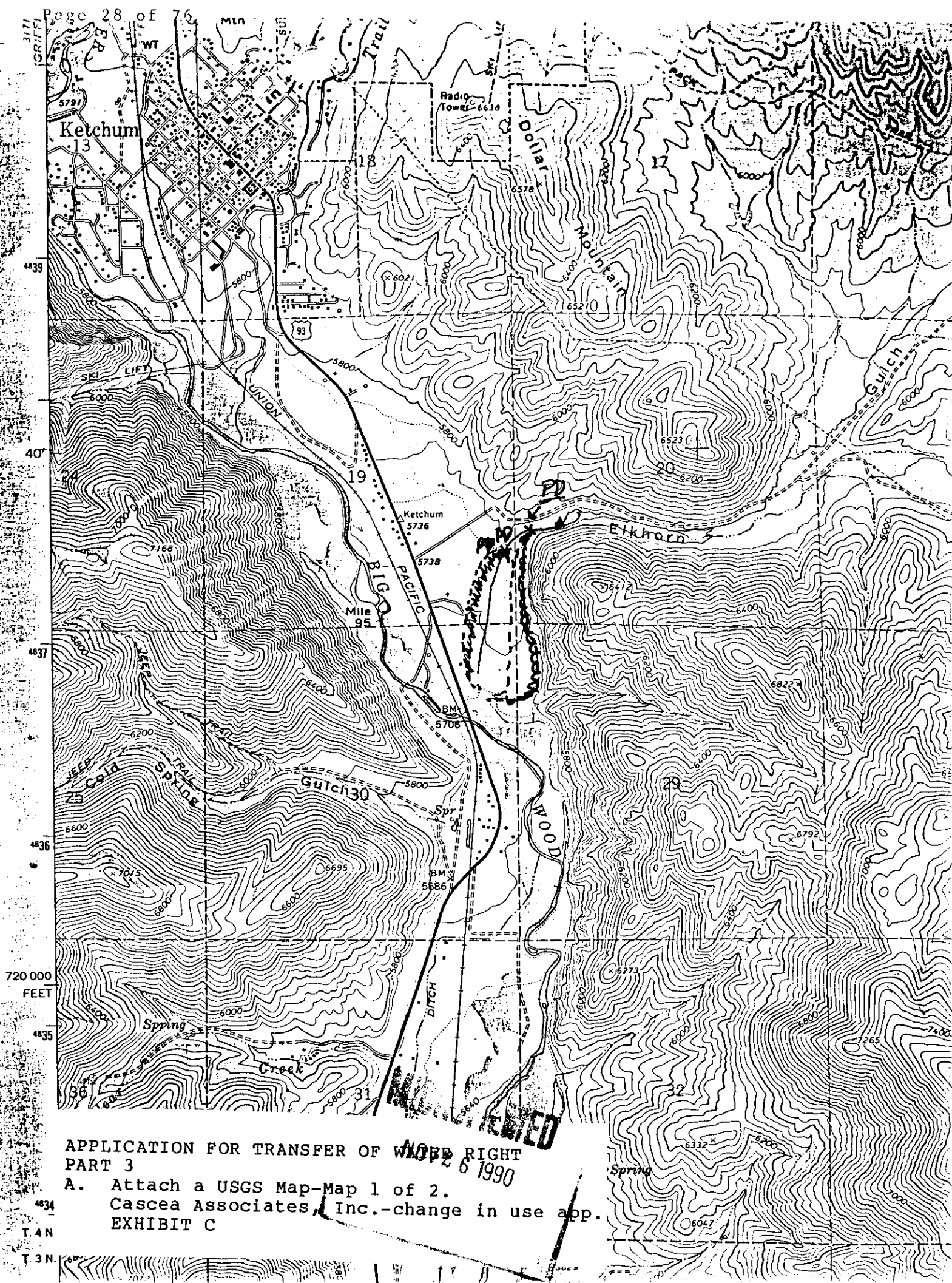
6. General Information

a. Description of Diversion System

Water in the Elkhorn Creek will flow through a series of lakes and storage ponds located within the Recreation Center parcel in the NW1/4 SW1/4 Section 20. It will leave the Recreation Center parcel channel and flow into the retention lake where it will be co-mingled with the waters from the Big Wood River. A portion of the Elkhorn water will be diverted at SE1/4 SE1/4 Sec 19 through a small stream which will traverse the easterly portion of the parcel prior to recombining with the center stream prior to entering the Wood River at the previously noted traditional discharge point for the historical use of the waters on the ranch.

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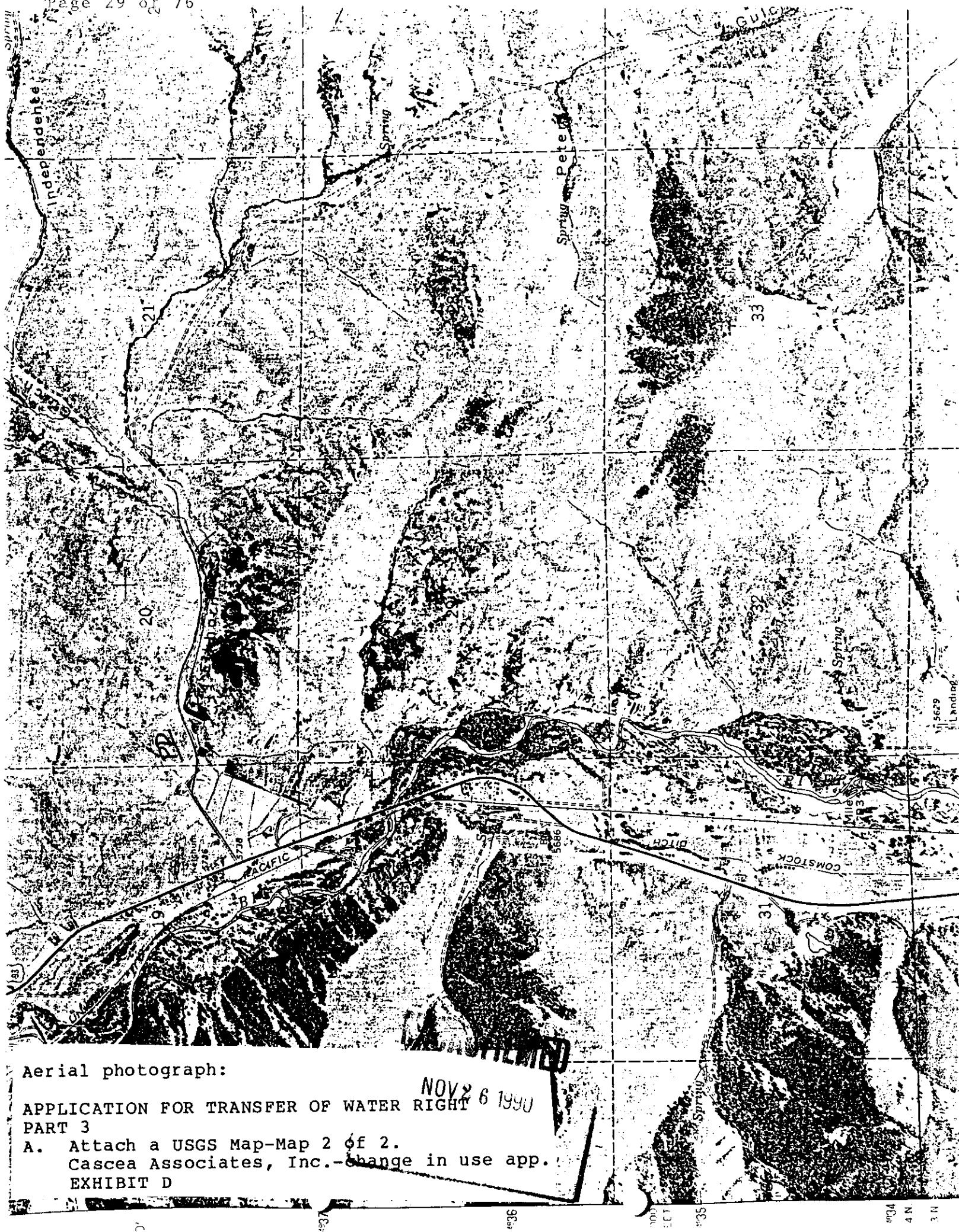


APPLICATION FOR TRANSFER OF WORK RIGHT
PART 3

A. Attach a USGS Map-Map 1 of 2.
Cascea Associates, Inc.-change in use app.
EXHIBIT C

T. 4 N

T. 3 N



Aerial photograph:

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Attach a USGS Map-Map 2 of 2.
Cascea Associates, Inc.-change in use app.
EXHIBIT D

APPLICATION FOR TRANSFER OF WATER RIGHT

PART III.

B. CHANGES IN NATURE OF USE

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

In the past all of the water not consumed by crops either seeped or flowed off the property, eventually to reach Wood River. After the proposed change, substantially less water will be consumed since only 24.7 acres will hereafter be irrigated. Discharges will vary due to water supply available for diversion when water is physically not available under the water rights. The flows in Elkhorn Creek will be co-mingled with Big Wood River flows above the point of discharge back into the river. Big Wood River diversions will be made as necessary up to 4.0 cfs as needed to stabilize flow rates. Historic records indicate, however, that Elkhorn flow rates may terminate during drought and high usage periods. Again, all return flows to the Big Wood River will utilize the traditional point of discharge as previously noted in EXHIBIT B, right No. 37-00081, SE1/4 NE1/4 NE1/4 of Section 30, 4N 18E.

Seepage from lined lakes will be significantly less than the flood irrigation practices previously used. The lakes will be lined with clays to minimize seepage. Clays from existing lake deposits are available and will be utilized to minimize seepage. Lakes will be kept full during winter months to protect integrity of the clay liner. Elkhorn flows and pumped Big Wood River waters will have significant retention periods resulting in increased opportunity for settlement of water-carried sediment. Waters discharged from the property will have less sediment load than experienced prior to this change.

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APPLICATION FOR TRANSFER OF WATER RIGHT

PART III.

B. CHANGES IN NATURE OF USE

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

Since there will be less consumption under the proposed uses, more water will be returning to the stream. In the case of the Big Wood River right, the new diversion point will allow a more efficient distance between the diversion and the place of use resulting in additional water returning to the Big Wood.

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AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Blaine } SS.

DANIEL J. GORHAM

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

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

publication of said advertisement was on the 4th day of Oct. 1989, and

the date of the last publication was on the 11th day of Oct. 1989.

Subscribed and sworn to before me this 18th day of Oct. 1989.
(SEAL)

[Signature]
NOTARY PUBLIC

#6764

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11
Number of Lines in Notice 198
Number of Insertions 2

198 Lines tabular at 5.5¢/Pica
198 Lines straight at 108.90 5¢/Pica
198 Subsequent lines at 8.12 5¢/Pica

TOTAL COST 196.02

OK
MB
10/20/89

COPY OF NOTICE
(Paste Here)

Proposed Change #37-00081...
TITLE OF NOTICE (Cascea)

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources
BILL TO

Associates seek water right change

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NOS. 37-00081, 37-07201, 37-00082, 37-04016

Notice is hereby given that Cascea Associates, Inc., c/o Arthur Emil of New York, NY 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.

Water right No. 37-00081
Basis of right: Decreed to James H. Bonning in case of S.C. Frost, et al., vs. Alturas Water Company, et al., dated 12/13/1909 in Fourth District Court, Lincoln County.
Source: Big Wood River tributary to Maled River
Priority Date: 6/10/1884
Amount of water: 4.0 cfs
Water use: Irrigation
Point(s) of diversion: SE1/4-NW1/4 S19 T4N R18E (Banning #7 Headgate, ditch) Blaine County.

Place of use: 85 acres within S1/2SE1/4, S19, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right No.: 37-00081
Amount of water: 4.0 cfs

Water right No. 37-00082
Basis of right: Decreed to James H. Bonning in case of S.C. Frost, et al., vs. Alturas Water Company, et al., dated 12/13/1909 in Fourth District Court, Lincoln County.
Source: Elkhorn Creek tributary to Big Wood River
Priority Date: 6/1/1884
Amount of water: 1.2 cfs
Water use: Irrigation
Point(s) of diversion: NW1/4-SW1/4, S20, T4N, R18E; Blaine County.

Place of use: S1/2SE1/4, S19, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right No.: 37-00082
Amount of water: 1.2 cfs

Water right No. 37-07201
Basis of right: License
Source: Elkhorn Creek tributary to Wood River
Priority Date: 3/21/1973
Amount of water: 1.0 cfs, .06 cfs
Water use: Irrigation, Stockwater
Point(s) of diversion: NW1/4-SW1/4, S20, T4N, R18E; Blaine County.

Place of use: 120 acres within S1/2SE1/4, S19, T4N, R18E; N1/2NE1/4, S30, T4N, R18E.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right No.: 37-07201
Amount of water: 1.0 cfs, .06 cfs
Water use: Irrigation, Stockwater
Point of diversion: No change.
Place of use: 85 acres within S1/2SE1/4, S19, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E.
License was incorrect. Actual place of use is 85 acres east of

Basis of right: Statutory Claim
Source: Elkhorn Creek tributary to
Big Wood River
Priority Date: 4/1/1884
Amount of water: 10.0 cfs
Water use: Irrigation & stockwa-
ter
Point(s) of diversion: NW1/4-
SW1/4, S20, T4N, R18E; Blaine
County.
Place of use: 160 acres within
S1/2SE1/4, S19, T4N, R18E;
N1/2NE1/4, S30, T4N, R18E.

**PORION(S) OF RIGHTS
TO BE CHANGED**

Water right No.: 37-04016
Amount of water: 10.0 cfs
Point of diversion: No change.
Place of use: 85 acres within
S1/2SE1/4, S19, T4N, R18E;
NE1/4NE1/4, S30, T4N, R18E.

TO BE CHANGED AS FOLLOWS

Water right No.: 37-00081
Amount: .732 cfs
Use: Irrigation
AMOUNT: 3.268 CFS
Use: Wildlife, Recreation,
Aesthetics

Total amount
being transferred: 4.0 cfs

Source: Big Wood River tributary
to Maled River
Point of diversion: SW1/4SE1/4,
S19, T4N, R18E; Blaine County.
Place of use: 24.4 acres within
E1/2SE1/4, SW1/4SE1/4, S19,
T4N, R18E; NW1/4SW1/4, S20,
T4N, R18E; NE1/4NE1/4, S30,
T4N, R18E; NW1/4NW1/4, S29,
T4N, R18E.

Water right No.: 37-00082
Amount: .732 cfs
Use: Irrigation
Amount: 468 cfs
Use: Wildlife, Recreation,
Aesthetics

Total amount
being transferred: 1.2 cfs

Source: Elkhorn Creek tributary to
Big Wood River
Point of diversion: NW1/4SW1/4,
S20, T4N, R18E (Headgate & East
Ditch); SE1/4SE1/4, S19, T4N,
R18E (Equalizing pipeline to West
ditch, pump); Blaine County.
Place of use: 24.4 acres within
E1/2SE1/4, SW1/4SE1/4, S19,
T4N, R18E; NW1/4SW1/4, S20,
T4N, R18E; NE1/4NE1/4, S30,
T4N, R18E; NW1/4NW1/4, S29,
T4N, R18E.

Water right No.: 37-07201
Amount: 1.0 cfs
Use: Wildlife, Aesthetics, Recrea-
tion

Total amount
being transferred: 1.0 cfs

Source: Elkhorn Creek tributary to
Big Wood River
Point of diversion: NW1/4SW1/4,
S20, T4N, R18E (the East
channel); SE1/4SE1/4, S19, T4N,
R18E (Equalizing pipeline to West
ditch); Blaine County.
Place of use: E1/2SE1/4, S19,
T4N, R18E; NE1/4SW1/4, S20,
T4N, R18E; NE1/4NE1/4, S30,
T4N, R18E; NW1/4NW1/4, S29,
T4N, R18E.

Water right No.: 37-04018
Amount: 10.0 cfs
Use: Wildlife, Aesthetics, Recrea-
tion

Total amount
being transferred: 10.0 cfs

Source: Elkhorn Creek tributary to
Big Wood River
Point of diversion: NW1/4SW1/4,
S20, T4N, R18E (Headgate & East
ditch); SE1/4SE1/4, S19, T4N,
R18E (Equalizing pipeline & West
ditch); Blaine County.
Place of use: E1/2SE1/4, S19,
T4N, R18E; NW1/4SW1/4, S20,
T4N, R18E; NW1/4NW1/4, S29,
T4N, R18E; NE1/4NE1/4, S30,
T4N, R18E.

Any protest against approval of
the application for transfer must
be filed with the Department of
Water Resources, 2148 4th Ave
East, Twin Falls, ID 83301, on or
before October 23, 1989.

R. Keith Higginson, Director

Publish: Wood River Journal-
October 4 & 11, 1989.

MICROFILMED

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Identification No. _____
Claim No. 37-4016
Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT
Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Lane Company, a partnership
post office address P. O. Box 6, Sun Valley, Idaho 83353
2. The point of diversion is in NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 20 Township 4 North
Range 18 East B.M. located on Elkhorn Creek
(name of source)
tributary to Wood River in Blaine County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
 - a. Date of priority claimed:

<u>April 1, 1884</u>	amount: <u>10</u> c.f.s. or _____ acre feet
_____	amount: _____ c.f.s. or _____ acre feet
_____	amount: _____ c.f.s. or _____ acre feet
Total claimed <u>10</u> c.f.s. or _____ acre feet.	
 - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use <u>Irrigation</u>	period of use from <u>April 1</u>	to <u>Oct. 1</u>	(both dates inclusive)
use <u>Stockwater</u>	period of use from <u>Jan. 1</u>	to <u>Dec. 31</u>	(both dates inclusive)
use _____	period of use from _____	to _____	(both dates inclusive)
use _____	period of use from _____	to _____	(both dates inclusive)
4. Description of diverting works:
 - a. Surface water diversion dam and/or headgate: material is composed of earth fill
_____; length is 328 feet; height is 16 feet;
width at bottom is 80 feet; with at top is 16 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known Reservoir holds 1200 A/F - Built in 1949 - S.C.S. engineered

 - b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____
_____;

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

- c. Conveying works: length of ditch to place of use is 4000 feet; width of ditch at top is 4 feet; width of bottom of ditch is 3 feet; depth of water is 3 feet; grade of ditch per 1000 feet is 2 feet; material through which ditch passes is dirt, rock, porous, some, shale maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____. Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____

- d. If water is stored: name of reservoir _____;
total capacity of reservoir is 1200 acre feet; active capacity of reservoir is 1200 acre feet;
year construction commenced 1949; year completed 1949; date first used 1949
period of storage is from Jan. 1 to Dec. 31; is reservoir drained each year yes;
is reservoir on or off stream on explain Located on Elkhorn Creek

if feeder canal is used give maximum carrying capacity_____c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions_____

has there been any enlargement of the reservoir since it was first built, _____, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated 160

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

None

b. Do you get water through a ditch owned by several users? No If yes, give the name of the ditch _____ The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered 300-400 lambs

7. Where water is used for domestic or municipal purposes give number of families served No name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities No

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

The Lane Ranch, south of Ketchum, was acquired by claimant in 1944. A predecessor in interest to the ranch, Mr. James H. Bonning, was decreed 60 inches of the waters of Elkhorn Creek with a priority date of June 1, 1884, by the "Frost Decree" of 1909. Bonning, and his successors, including the Lane Company, have used the waters of Elkhorn Creek continuously since that date. In 1946 or 1947, the Lane Company built a 1200 acre-foot reservoir on the ranch in the Southwest Quarter of Section 20, Township 4 North, Range 18 East, Boise Meridian. In addition to this man-made reservoir, engineered by the Soil Conservation Service, upper Elkhorn Creek contains several beaver ponds which also serve as storage sites. The Lanes, and their predecessors, have used up to 10 cfs from the creek when it is in flood stage in the spring months. Their system is so constructed that, if more than 10 cfs is flowing in the creek channel, the amount above 10 cfs by-passes the ranch and flows into Wood River in Section 30, Township 4 North, Range 18 East, Boise Meridian. Generally the flow of Elkhorn Creek after flood stage varies from less than 60 inches to a maximum of 100 inches at times during the latter part of the irrigation season. However, in most years, the flow is 60 inches or below after July 1. Consequently, the historic use of Elkhorn water by the Lane ranch has been to use all that is available except during very high flood stage. Toward the end of the flood stage, the reservoir located on the ranch is filled and this storage, together with the remaining natural flows of Elkhorn Creek, is utilized throughout the remaining irrigation months. The reservoir is generally empty by September 1 of each year. No effort has been made to disturb the beaver ponds in the upper reaches of the Elkhorn Creek Canyon since they provide natural storage and their out-flow is approximately the same as their in-flow during the summer months.

John A. Koshalet
Notary Public
Residing at Twin Falls

My commission expires 1975

For Department Use Only

Received by <u>[Signature]</u>	Date <u>3-24-72</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>KB</u>	Date <u>3-24-72</u> <u>8217</u>			
Fee received by <u>[Signature]</u>	Date <u>3-24-72</u> Fee <u>\$10.00</u>			
Approved for publication by <u>[Signature]</u>				
Published in <u>Wood River Journal</u>	Dates <u>4-6 & 4-13-72</u>			

37 4016

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	<u>May 18, 1871</u>	amount:	<u>0.8 c.f.s. or</u>	<u> </u>	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s. or</u>	<u> </u>	acre feet
	Total claimed:		<u>1.2 c.f.s. or</u>	<u> </u>	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

IN THE MATTER OF)
)
Lane Company, a partnership)
_____)

AFFIDAVIT

Department of Agriculture
Bureau of Reclamation

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

W. H. UHRIG, being first duly sworn, deposes and says:

That I reside in Hailey, Idaho, and am 63 years of age.

I have worked for the Lane Company since 1946 and have personally irrigated the Lane Ranch.

For so long as I can remember, all of the waters of Elkhorn Creek except those available in extreme flood stage, have been used by the Lanes on the ranch for irrigation and stock watering purposes. Since I have been employed at the ranch in 1946, it has been the practice to put as much water on the fields in the early spring as possible so as to hold the moisture in the gravel and porous soil so that successful crops might be produced.

The additional amounts of water of Elkhorn Creek have been used by the Lane Company and are necessary to successfully irrigate the lands of the ranch. These amounts have totalled 10 cfs.

In some years stock have been on the ranch throughout the year and have utilized the overflows of Elkhorn Creek for stock watering. The ranch has carried up to 400 lambs and 200 cows at various times.

W. H. Uhrig
W. H. Uhrig

SUBSCRIBED AND SWORN TO before me this 20 day of June, 1972.

John A. Roschelt
Notary Public for Idaho
Residing at: Twin Falls

My Commission Expires 1975

IN THE MATTER OF

Lane Company, a partnership

AFFIDAVIT

STATE OF IDAHO

County of Twin Falls

ss.

J. P. LANE, being first duly sworn, deposes and says:

I am eighty-two years of age and have resided in the Blaine County area since Dec 1916.

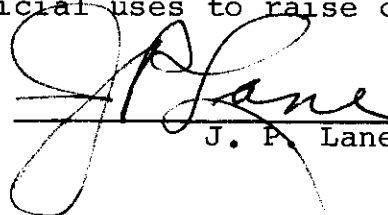
I purchased the ranch now operated by the Lane Company in 1944.

Of my own personal knowledge, I am aware that the lands on the current Lane Ranch have been irrigated with the waters of Elkhorn Creek up to maximum diversions of up to ten cubic feet per second during flood stage for as long as I can remember.

That it is common knowledge in Blaine County that additional amounts of Elkhorn Creek water in excess of the 60 decreed inches have been used on this ranch since the ranch was owned by James H. Bonning with the priority date of his decree of June 1, 1884.

Since 1944, the year the undersigned purchased the ranch, waters of Elkhorn Creek up to 10 cfs of flow have been utilized by the Lane Ranch for irrigation and stock watering purposes. Only in exceptional flood years has any water by-passed the ranch.

The beneficial use of large amounts of spring flood waters is necessary to provide moisture to the ranch so that a successful crop can be obtained during the summer season. The soil is porous and gravel and consequently causes many transmission losses as well as heavier amounts of water for beneficial uses to raise crops.


J. P. Lane

SUBSCRIBED AND SWORN TO before me this 20th day of March, 1972.


Notary Public for Idaho
Residing at: Twin Falls

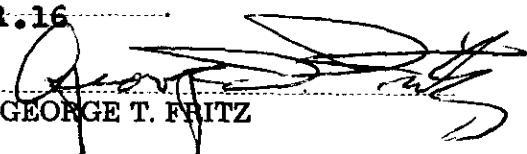
My Commission Expires: 1975

AFFIDAVIT OF PUBLICATION

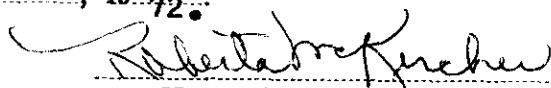
STATE OF IDAHO, }
County of Blaine, } ss.

GEORGE T. FRITZ, being first duly sworn deposes and says that he is now and all times herein mentioned has been the Editor and Publisher of the Wood River Journal (formerly The Hailey Times) which is now, and all times herein mentioned has been a newspaper as defined in Section 60-106 of the Idaho Code printed, regularly issued and published weekly at Hailey, in Blaine County, Idaho, and having a general circulation in said county, and having not less than 200 bona fide subscribers living within said county, and that said newspaper has been continuously and uninterruptedly so printed and published as a weekly newspaper in said county during the period of 78 consecutive weeks prior to the first publication of the annexed true copy and at all times since, and that said annexed true copy was so published in the regular edition of said newspaper, the Wood River Journal, and not in any supplement thereof, for two consecutive weeks commencing with the first publication thereof on the 6th day of APRIL, 1972 and ending with the last publication thereof on the 13th day of APRIL, 1972.

Cost of this publication is \$ 11.16


GEORGE T. FRITZ

Subscribed and sworn to before me, this 14th day
of APRIL, 1972.


Notary Public for Idaho
Residing at Hailey,
Blaine County, Idaho.

A WATER RIGHT

No. 37-4018

Notice is hereby given that Lane Company, a partnership P. O. Box 6, Sun Valley, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 10.5 cubic feet per second of water from Elkhorn Creek, tributary to Big Wood River with point of diversion in the NW 1/4, Sec. 20, T. 4N, R. 18E, B. M., Blaine County.

The water is claimed to be used from April 1 to Oct. 1 for the irrigation of 160 acres and from Jan. 1 to Dec. 31 for stock-watering purposes with a priority of April 1, 1894; the place of use is within the S 1/4 NE 1/4, Sec. 19; N 1/4 NE 1/4, Sec. 20, T. 4N, R. 18E, B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83737.

R. KEITH HIGGINSON
Director

Published in the Wood River Journal, Hailey, Idaho on April 14, 1972.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

November 8, 1990

RE: Transfer of Water Right Nos. 37-0081/0082/4016/7201

Cascea Associates, Inc.
c/o Arthur Emil, Jones, Day Reavis & Pogue
599 Lexington Ave.
New York, NY 10022

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Trans. No. 3609). Be sure to note any conditions of approval as listed on the enclosed Department of Water Resources ORDER dated October 9, 1990.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

MICROFILMED

NOV 26 1990

INTER-DEPARTMENT MEMO--1

DATE November 8, 1990

FROM Brenda Miller

TO File (s) 37-0081/0082/4016/7201

SUBJECT Approved Transfer No. 3609 Distribution

Copies of the October 9, 1990 ORDER and approved Application for Transfer were also sent to:

Reid Newby
Box T
Shoshone, ID 83352

J. Evan Robertson
P.O. Box 1906
Twin Falls, ID 83303

Brenda Miller

Signature

INDEXED

NOV 26 1990

INTER-DEPARTMENT MEMO--1

DATE October 10, 1990

FROM Brenda Miller

TO File (s) 37-0082/4016/7201

SUBJECT TRANSFER NO. 3609

Please see File 37-0081 for all correspondence
regarding the above transfer.


Signature

NOV 8 1990

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH

P.O. BOX 1906

TWIN FALLS, IDAHO 83303-1906

TELEPHONE (208) 734-0700

FAX (208) 736-0041

Boise Office

1020 MAIN ST., SUITE 400

P.O. BOX 2139

BOISE, IDAHO 83701-2139

TELEPHONE (208) 336-0700

FAX (208) 344-6034

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

June 21, 1990

RECEIVED
JUN 22 1990

Department of Water Resources

Mr. Gary Spackman, Manager
Water Rights Permit Section
Idaho Department of Water Rights
Statehouse Mail
1301 North Orchard
Boise, ID 83720

Re: CASCEA--APPLICATION FOR TRANSFER 3609

Dear Gary:

Thanks for the letter of May 22, 1990 and our telephone time of June 7, 1990.

I have taken the liberty of marking two inserts to page 3 of your May 22, 1990, letter and enclose it as marked for ease of reference. I add only 2 inserts.

I think the inserts contain suggestions as we talked on June 7.

Thanks again for your attention to this matter.

Respectfully submitted,

John A. Rosholt
JOHN A. ROSHOLT

JAR:cc
58261

Enclosure

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NOV 26 1990

Insert A

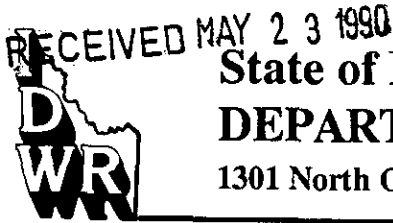
However said annual volume shall not begin to accrue until June 1 of each year or the date the spring flood is over if later than June 1, (or the date that irrigation season regulation begins if the Elkhorn Creek Basin is hereafter regulated by a watermaster) but said 315 A/F shall not be accrued at more than the lesser of the actual water diversion measurement or a maximum of 80 A/F in any July or August, or 60 A/F in any irrigation season month thereafter.

Insert B

Provided that Right #37-4016 shall be considered a flood right available only for the one-time spring fill of the reservoirs and ponds on the property (to a total volume of 17 A/F) and not chargeable against the 315 A/F total, unless there are no spring flood flows available from Elkhorn Creek.

MAINTAINED

NOV 8 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 22, 1990

John Rosholt, Attorney at Law
P.O. 1906
Twin Falls, ID 83301

RE: Application for Transfer No. 3609 in the Name of Cascea
Associates Proposing a Change in Water Rights Nos. 37-00081,
37-00082, 37-04016 & 37-7201

Dear John:

Based on our conversation and my observations of the Cascea
(Lane Ranch) development, I propose approval of the transfer with
qualifying language.

1. Right no. 37-0081 shall be changed as follows:

Source: Big Wood River
Priority: 6/1/1884

<u>Volume</u>	<u>Nature of Use</u>	<u>Period of Use</u>
0.74 cfs	irrigation	4/1 through 11/1
3.26 cfs	aesthetics	4/1 through 11/1
3.26 cfs	recreation	4/1 through 11/1
3.26 cfs	wildlife	4/1 through 11/1
4.00 cfs =	Total flow rate	

- The place of use and point of diversion for right
no. 37-0081 is approved as described in the
transfer application.
- The total flow rate and annual volume diverted for
irrigation pursuant to right no. 37-0081 and right
no. 37-0082 shall not exceed 0.74 cfs and 73.4
acre-feet, respectively.

MICROFILMED

NOV 2 1990

2. Right no. 37-0082 shall be changed as follows:

Source: Elkhorn Creek
Priority: 6/1/1884

<u>Volume</u>	<u>Nature of Use</u>	<u>Period of Use</u>
0.74 cfs	irrigation	4/1 through 11/1
1.20 cfs	aesthetics	1/1 through 12/31
1.20 cfs	recreation	1/1 through 12/31
1.20 cfs	wildlife	1/1 through 12/31
1.20 cfs = Total flow rate		

- a. The place of use and point of diversion for right no. 37-0082 is approved as described in the transfer application.
- b. The total flow rate and annual volume diverted for irrigation purposes pursuant to right no. 37-0082 and right no. 37-0081 shall not exceed 0.74 cfs and 73.4 acre-feet respectively.

3. Right no. 37-7201 shall be changed as follows:

Source: Elkhorn Creek
Priority: 3/21/1973

<u>Volume</u>	<u>Nature of Use</u>	<u>Period of Use</u>
1.00 cfs	aesthetics	1/1 through 12/31
1.00 cfs	recreation	1/1 through 12/31
1.00 cfs	wildlife	1/1 through 12/31
1.00 cfs = Total flow rate		

4. Right no. 37-4016 shall be changed as follows:

Source: Elkhorn Creek
Priority: 4/1/1884

<u>Volume</u>	<u>Nature of Use</u>	<u>Period of Use</u>
10.00 cfs	diversion to storage	1/1 through 12/31
— acre-feet	storage for aesthetic	1/1 through 12/31
— acre-feet	storage for recreation	1/1 through 12/31
— acre-feet	storage for wildlife	1/1 through 12/31
— acre-feet = Total flow rate		

- a. The approval of this transfer in no way confirms the validity of right no. 37-4016.

Water rights diverted from Elkhorn Creek should be conditioned as follows:

NOV 26 1990

1. The total annual volume authorized for diversion and use pursuant to right nos. 37-0082, 37-4016 and 37-7201 is limited to 315 acre-feet, **(Insert A)**

2. ^{Creek} Long standing man-made alteration in the natural channel of Elkhorn requires construction of a channel through the development listed as the place of use. The right to diversion of Elkhorn Creek in the channels of the development and to demand flow in Elkhorn Creek is limited by the annual volume and flow rate of water rights nos. 37-0082, 37-4016 and 37-7201, **(Insert B)**.

3. This right may be subject to administration with the water rights of the Big Wood River, if, for purposes of regulation of water rights, Elkhorn Creek is found to be tributary to the Big Wood River.

All of the water rights transferred should be conditioned as follows:

1. All uses of water authorized by this transfer are presumed to be consumptive uses of water. Diversion of water pursuant to these rights may be prohibited if necessary to supply water to earlier in time priority rights.

2. Adequate measuring devices and lockable headgates satisfactory to the watermaster of Water District #37 shall be permanently installed and maintained as part of the diverting and delivery works.

3. The Department of Water Resources retains jurisdiction over this filing to require determination of the amount of losses in the delivery system and the ponds.

The conditions are only proposals, and I welcome discussion. I suspect there are a couple of areas where questions may arise. I will try to address some of these.

Claim no. 37-4016 appears to be more in the nature of a storage right than a flow right. I recognize that the reservoir is located on the creek itself, and that 10.0 cfs may, at some point in time, flow through the reservoir. I hesitate, however, to authorize, by this transfer the right to demand up to 10.0 cfs of flow with an 1884 priority at the expense of other water users, when, in fact, the right was limited by irrigation of the place of use. Perhaps the proper number to insert is 315 acre-feet, since 315 acre-feet is the amount of water necessary for irrigation of 105 acres.

You may also question the volume limitations on the right from Elkhorn Creek. My reasoning is that Cascea is a downstream user, and should not have the right to demand a full flow of 2.2 cfs or whatever is available in the creek continuously at the expense of downstream water users. The right should be limited by the volume that would have been allowed for the irrigation use.

MICROFILMED
NOV 26 1990

I am not as worried about the volume limitation on the Big Wood River because there are not intervening water users between your diversion and reinjection back to the river.

Sincerely,



GARY SPACKMAN, Manager
Water Right Permit Section

GS:js

cc: Reid Newby
Southern Region

MICROFILMED

NOV 26 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 17, 1990

Cascea Associates, Inc.
c/o Arthur Emil, Jones, Day, Reavis & Pogue
599 Lexington Avenue
New York, NY 10022

RE: Application for Transfer of Water Right no. 3609, Proposing
the Transfer of Water Rights Nos. 37-00081, 37-00082,
37-04016, 37-7201 in the Name of Cascea Associates, Inc.

Gentlemen:

I have reviewed the above listed transfer, and will attempt to address questions that have arisen as a result of the review. As a preface to my comments, let me say that the transfer stretches the limits of some traditional standards used to review transfers. Strict imposition of these standards might be viewed as a hypertechnical analysis, perhaps missing the mark of proper review. As a result, I have attempted to apply the standards with leniency while still addressing the statutory requirements.

Idaho Code § 42-222 states that the Department must review a transfer by applying three tests: (1) Whether the transfer will injure other water rights, (2) Whether the transfer will result in an enlargement of use, and (3) Whether the transfer is in the public interest. There is also a fourth test that requires evaluation of whether the proposal will adversely affect the agricultural base of the area. I do not see that the fourth test is applicable.

I wish to analyze the enlargement question, which I think raises secondary questions about injury and local public interest. The Department has traditionally reviewed a transfer which proposes a change in the nature of use by looking at three components of the original water use: (a) The flow rate, (b) The annual volume authorized for diversion, and (c) The consumptive use. The most restrictive of the three components must control the change in the nature of use.

The analysis of Gerald Martens, professional engineer, concludes that the amount of water lost from surface water will be approximately the same amount of water authorized for loss in the original right, either by consumption or percolation. Consumptive use does not appear to restrict the Application.

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Furthermore, the application does not propose diversion of a higher flow rate than is authorized, except that the claim alleges the right to divert an inordinate amount of water which generally is not available in Elkhorn Creek at the rate claimed. The third standard, however, the annual volume diverted, would restrict the flow rate considerably. If the Department applied the traditional review standard related to annual volume diverted, the Department would first determine the number of acres which have been irrigated. The maximum allowable annual volume would be calculated from the number of acres irrigated. The flow rate would be limited to the continuous year-round flow that would produce the annual volume.

The Department has determined that 105 acres were irrigated by these water rights. In the Wood River Valley, the Department has allowed an annual diversion for irrigation of not more than 3.0 acre-feet/acre annually. Subtraction of the 24.4 acres which will still be irrigated from the 105 acres previously irrigated results in a remainder of 80.5 acres. The product of 80.5 acres times 3.0 acre-feet/acre annually equals 241.5 acre-feet remaining for the residual volume of water that could be diverted annually. The volume of 241.5 acre-feet must be converted to a continuous year-round flow rate. The continuous flow rate calculated from annual volume equals 0.33 cubic feet per second.

I am not certain that our traditional approach should apply in this case. I believe we can be more lenient provided no more water is lost by the change. I propose that we accept the engineer's calculation of losses resulting from evaporation, seepage and irrigation, and determine that these volumes will not exceed the volume which would normally be lost.

The flow rates of the respective rights need to be discussed. Rights nos. 37-00081 and 37-00082 describe identical places of use. Right no. 37-00081 authorizes diversion of 4.0 cfs from the Big Wood River. Right no. 37-00082 authorizes diversion of 1.2 cfs from Elkhorn Creek. A total diversion from both rights of 0.732 cfs is proposed for irrigation use. All of the other remaining water rights authorize diversion from Elkhorn Creek. The remaining rights, 37-04016 and 37-07201, represent flow rates of 10.0 cfs and 1.0 cfs, respectively.

I understand that flows in Elkhorn Creek have not been regulated by the watermaster of Water District #37. Non-regulation in the past does not prevent future regulation if Elkhorn Creek is tributary to the Big Wood River. As a result, water supplies from Elkhorn Creek may not be available year round.

Finally, I understand that the natural channel of Elkhorn Creek may have been changed to flow through the proposed ponds.

RECEIVED

NOV 2 1990

Right no. 37-00081, diverted from the Big Wood River, must be treated separately from the Elkhorn Creek rights. I suggest that we subtract 0.732 cfs, the flow rate needed for irrigation, from the total flow rate of 4.0 cfs. This leaves a remainder of 3.268 cfs. A flow rate of 3.268 cfs diverted over an entire irrigation season of 214 days will equal 1,386.88 acre-feet per year. Rather than diversion for just the irrigation season, however, the transfer proposes diversion year-round. Converting 1,386.88 acre-feet per year to a flow rate equals 1.92 cfs. I propose that Cascea be allowed to divert 1.92 from the Big Wood River for the entire year for aesthetics, plus .732 cfs for irrigation during the irrigation season, except when water is not available as described below.

Although the flow rates for the remaining filings diverted from Elkhorn Creek total a much larger flow than necessary for irrigation of 105 acres ($1.2 + 10.0 + 1.0 = 12.2$ cfs) the Department is willing to approve the transfer with a disclaimer that the transfer does not in any way validate claim no. 37-04016. Furthermore, a condition will be added specifically finding that a claim of 10.0 cfs for irrigation of the lands listed in the place of use is exorbitant, and that the total amount of water diverted from Elkhorn Creek should not exceed the amount decreed for diversion from the Big Wood River, or 4.0 cfs. Using the same analysis as above, 0.732 cfs can be diverted from either source or a combination of the sources not to exceed a total of 0.732 cfs for irrigation. By the same reasoning 1.92 cfs may be diverted year round from either source, or a combination of the sources not to exceed a total of 1.92 cfs, except when water is not available as described below.

As I mentioned before, the analysis of Gerald Martens concludes that the amount of water the proposed use will lose through irrigation, seepage and evaporation is 237.7 acre-feet. Assuming a full supply of water during the irrigation season, the maximum volume that could have been diverted for irrigation of 105 acres is 315 acre-feet annually. While there is a difference of 77 acre-feet, the upper number of 315 acre-feet annually presumes a full supply of water. A water right diverted from the Big Wood River with a priority of 1884 is not a reliable source of water every year, and the entire 315 acre-feet may not have been available in most years.

I will recommend that diversions for the proposed uses be cut-off according to their respective priorities. If Cascea is allowed to continue diverting when earlier consumptive rights would be cut-off, water which should remain in the stream to satisfy earlier rights will be lost. This is particularly true with right no. 37-00081, which authorizes diversion from the Big Wood River. If Elkhorn Creek is ever regulated with the Big Wood River, the rights from Elkhorn Creek will also be cut-off, unless a more reliable water right is acquired and left in the Big Wood River to mitigate for lost water.

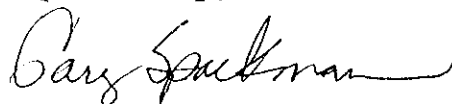
The applicant has the duty to show that out-of-priority diversion will not result in loss of water that will injure other appropriators. The information submitted shows that uncompensated losses will cause injury to other users unless a proposal such as mine is followed. It is possible that out of priority diversion might be permitted if all losses are mitigated. You may also consider the filing of a new application for permit to appropriate water.

I am also concerned about the water supply for the land within the subdivision. This application for transfer proposes irrigation of only 24 acres, which include berms and common areas. The actual lost acreage apparently will be irrigated from some other source, but it is unclear to me what source of water will be sought for irrigation. This question probably should be clarified. I think there will be a temptation on the part of homeowners to divert water directly from the streams running through the subdivision itself. Please provide assurances that irrigation can be limited to 24 acres.

I have not discussed all of the conditions that might be imposed. Other standard conditions requiring measuring devices, watermaster control and compliance with water quality standards will be made a part of the approval.

Please indicate whether my proposal is acceptable. If I do not hear from you within thirty (30) days, I'll assume my proposal is acceptable, and I will prepare the transfer for approval.

Respectfully,



GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc. John Rosholt
Ed Miller
Reid Newby

NOV 19 1984

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: G.E. Stanton

1. Right number 37-4016 Applicant _____
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 no expansion - reduction in acres irrigated
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) ~~37-0081~~ 37-0081, 0082, 7201
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 37

FINAL PROCESSING REVIEW BY: _____

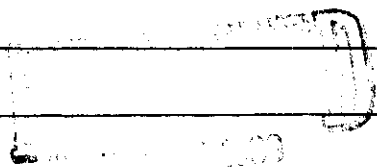
1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☐ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny
3. Conditions* _____

4. By _____ Date _____

* All uses within Watermaster Districts require special conditions.


 Department of Water Resources

APPLICATION FOR TRANSFER OF WATER RIGHT
NO. _____

RECOMMENDATION OF WATERMASTER

I, Reid J. Newby, watermaster of Big Wood River,
of Water District No. 37, County of Blaine, State of Idaho,
whose address is P. O. Box T, Shoshone, ID 83352
have read the attached copy of the application for transfer of water right for _____
Cascea Associates, Inc., 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: see attached sheet.

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 5th day of October 1989.

MICROFILMED

NOV 26 1990

(signature)

RECEIVED

OCT 10 1989

Please use reverse side if needed.

Department of Water Resources
Southern Region Office

Recommendations regarding Transfer of Water Right #37-00081

This water right has not been used for many years. However, an application for extension of time was filed and does not expire until June 30, 1990.

This diversion as proposed will be from river to pump through closed pipe. We request there be a method of control installed so the Watermaster can shut this system off as priority cuts dictate. Also, there be a reliable acceptable means to measure this water.

If the nature of this water use is charged from consumptive to non-consumptive, there will need to be an acceptable measuring device at the point of return to the river. If this water remains as a consumptive use right, we will not require a measuring device back to the river.

Also it is indicated they are planning to use $1\frac{1}{2}$ inches of water per acre on 24.4 acres of land. I understand this water was originally decreed at the rate of 1.63 inches of water per acre. It is also indicated that the applicant proposes to use $1\frac{1}{2}$ inches of State Water Right #37-00082 on the same 24.4 acres of land making a total of 2.5 inches of water per acre on 24.4 acres of land when 1.63 inches of water was decreed.

Re: Water Right #37-00082

This water was decreed to the same lands as #37-00081, see comments on Transfer of Water Right #37-00081.

Regards W.R. #37-04016

This right is a claim from Elkhorn Creek and the Watermaster does not deliver claims.

Regards W.R. #37-07201

This water right has not been delivered by the Watermaster's office because it was delivered from Elkhorn Creek, and there was no measuring device or means of control.

We request that the Watermaster should have access to all diversion points and places of use twelve (12) months of the year.

RECEIVED

NOV 8 1990

WISCONSIN

OCT 1989

Department of Water Resources
Disk: Patty-153-Passa Region Office

Associates seek water right change

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NOS. 37-00081, 37-07201, 37-00082, 37-04018

Notice is hereby given that Cescea Associates, Inc., c/o Arthur Emil of New York, NY 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.

Water right No. 37-00081
Basis of right: Decreed to James H. Bonning in case of S.C. Frost, et al., vs. Alturas Water Company, et al., dated 12/13/1909 in Fourth District Court, Lincoln County.
Source: Big Wood River tributary to Melad River

Priority Date: 6/10/1884
Amount of water: 4.0 cfs
Water use: Irrigation
Point(s) of diversion: SE1/4-NW1/4, S19, T4N, R18E (Bonning #7 Headgate, ditch) Blaine County.

Place of use: 85 acres within S1/2SE1/4, S19, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right No.: 37-00081
Amount of water: 4.0 cfs

Water right No. 37-00082
Basis of right: Decreed to James H. Bonning in case of S.C. Frost, et al., vs. Alturas Water Company, et al., dated 12/13/1909 in Fourth District Court, Lincoln County.
Source: Elkhorn Creek tributary to Big Wood River

Priority Date: 6/1/1884
Amount of water: 1.2 cfs
Water use: Irrigation
Point(s) of diversion: NW1/4-SW1/4, S20, T4N, R18E; Blaine County.
Place of use: S1/2SE1/4, S19, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right No.: 37-00082
Amount of water: 1.2 cfs

Water right No. 37-07201
Basis of right: License
Source: Elkhorn Creek tributary to Wood River
Priority Date: 3/21/1973
Amount of water: 1.0 cfs, .06 cfs
Water use: Irrigation, Stockwater
Point(s) of diversion: NW1/4-SW1/4, S20, T4N, R18E; Blaine County.
Place of use: 120 acres within S1/2SE1/4, S19, T4N, R18E; N1/2NE1/4, S30, T4N, R18E.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right No.: 37-07201
Amount of water: 1.0 cfs, .06 cfs
Water use: Irrigation, Stockwater
Point of diversion: No change.
Place of use: 85 acres within S1/2SE1/4, S19, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E.
License was incorrect. Actual place of use is 85 acres east of Hwy. 75.

Water right No. 37-04018
Basis of right: Statutory Claim
Source: Elkhorn Creek tributary to Big Wood River

Priority Date: 4/1/1884
Amount of water: 10.0 cfs
Water use: Irrigation & stockwater
Point(s) of diversion: NW1/4-SW1/4, S20, T4N, R18E; Blaine County.
Place of use: 180 acres within S1/2SE1/4, S19, T4N, R18E; N1/2NE1/4, S30, T4N, R18E.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right No.: 37-04018
Amount of water: 10.0 cfs
Point of diversion: No change.
Place of use: 85 acres within S1/2SE1/4, S19, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E.

TO BE CHANGED AS FOLLOWS

Water right No.: 37-00081
Amount: .732 cfs
Use: Irrigation
AMOUNT: 3.268 cfs
Use: Wildlife, Recreation, Aesthetics

Total amount
being transferred: 4.0 cfs
Source: Big Wood River tributary to Melad River
Point of diversion: SW1/4SE1/4, S19, T4N, R18E; Blaine County.
Place of use: 24.4 acres within E1/2SE1/4, SW1/4SE1/4, S19, T4N, R18E; NW1/4SW1/4, S20, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E; NW1/4NW1/4, S29, T4N, R18E.

Water right No.: 37-00082
Amount: .732 cfs
Use: Irrigation
Amount: 468 cfs
Use: Wildlife, Recreation, Aesthetics

Total amount
being transferred: 1.2 cfs
Source: Elkhorn Creek tributary to Big Wood River
Point of diversion: NW1/4SW1/4, S20, T4N, R18E (Headgate & East Ditch); SE1/4SE1/4, S19, T4N, R18E (Equalizing pipeline to West ditch, pump); Blaine County.
Place of use: 24.4 acres within E1/2SE1/4, SW1/4SE1/4, S19, T4N, R18E; NW1/4SW1/4, S20, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E; NW1/4NW1/4, S29, T4N, R18E.

Water right No.: 37-07201
Amount: 1.0 cfs
Use: Wildlife, Aesthetics, Recreation

Total amount
being transferred: 1.0 cfs
Source: Elkhorn Creek tributary to Big Wood River
Point of diversion: NW1/4SW1/4, S20, T4N, R18E (the East channel); SE1/4SE1/4, S19, T4N, R18E (Equalizing pipeline to West ditch); Blaine County.
Place of use: E1/2SE1/4, S19, T4N, R18E; NW1/4SW1/4, S20, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E; NW1/4NW1/4, S29, T4N, R18E.

Water right No.: 37-04018
Amount: 10.0 cfs
Use: Wildlife, Aesthetics, Recreation

Total amount
being transferred: 10.0 cfs
Source: Elkhorn Creek tributary to Big Wood River
Point of diversion: NW1/4SW1/4, S20, T4N, R18E (Headgate & East ditch); SE1/4SE1/4, S19, T4N, R18E (Equalizing pipeline & West ditch); Blaine County.
Place of use: E1/2SE1/4, S19, T4N, R18E; NW1/4SW1/4, S20, T4N, R18E; NW1/4NW1/4, S29, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E.

Any protest against approval of the application for transfer must be filed with the Department of Water Resources, 2148 4th Ave East, Twin Falls, ID 83301, on or before October 23, 1989.

R. Keith Higginson, Director
Publish: Wood River Journal-October 4 & 11, 1989.

OK
MB
10/2/89
Galley
Proof
WRS

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NOS. 37-00081, 37-07201, 37-00082, 37-04016

Notice is hereby given that Cascea Associates, Inc., c/o Arthur Emil of New York, NY 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.

Water right No. 37-00081

Basis of right: Decreed to James H. Bonning in case of S. C. Frost, Et. Al. vs. Alturas Water Company, Et. Al. dated 12/13/1909 in Fourth District Court, Lincoln County.

Source: Big Wood River tributary to Malad River

Priority Date: 6/10/1884

Amount of water: 4.0 cfs

Water use: Irrigation

Point(s) of diversion: SE1/4NW1/4, S19, T4N, R18E (Bonning #7 Headgate, ditch) Blaine County.

Place of use: 85 acres within S1/2SE1/4, S19, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right No.: 37-00081

Amount of water: 4.0 cfs

Water right No. 37-00082

Basis of right: Decreed to James H. Bonning in case of S. C. Frost, Et. Al. vs. Alturas Water Company, Et. Al. dated 12/13/1909 in Fourth District Court, Lincoln County.

Source: Elkhorn Creek tributary to Big Wood River

Priority Date: 6/1/1884

Amount of water: 1.2 cfs

Water use: Irrigation

Point (s) of diversion: NW1/4SW1/4, S20, T4N, R18E; Blaine County.

Place of use: S1/2SE1/4, S19, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right No.: 37-00082

Amount of water: 1.2 cfs

Water right No. 37-07201

Basis of right: License

Source: Elkhorn Creek tributary to Wood River

Priority Date: 3/21/1973

Amount of water: 1.0 cfs

Water use: Irrigation

.06 cfs

Stockwater

Point(s) of diversion: NW1/4SW1/4, S20, T4N, R18E Blaine County.

Place of use: 120 acres within S1/2SE1/4, S19, T4N, R18E; NE1/2NE1/4, S30, T4N, R18E.

NOV 26 1990

MICROFILMED

PORTION(S) OF RIGHTS TO BE CHANGED

Water right No.: 37-07201

Amount of water: 1.0 cfs
.06 cfs

Water use: Irrigation
Stockwater

Point of diversion: No change.

Place of use: 85 acres within S1/2SE1/4, S19, T4N, R18E;
NE1/4NE1/4, S30, T4N, R18E. License was incorrect. Actual place
of use is 85 acres east of Hwy. 75.

Water right No. 37-04016

Basis of right: Statutory Claim

Source: Elkhorn Creek tributary to Big Wood River

Priority Date: 4/1/1884

Amount of water: 10.0 cfs

Water use: Irrigation & stockwater

Point(s) of diversion: NW1/4SW1/4, S20, T4N, R18E; Blaine County.

Place of use: 160 acres within S1/2SE1/4, S19, T4N, R18E;
N1/2NE1/4, S30, T4N, R18E.

PORTION(S) OF RIGHTS TO BE CHANGED

Water right No.: 37-04016

Amount of water: 10.0 cfs

Point of diversion: No change.

Place of use: 85 acres within S1/2SE1/4, S19, T4N, R18E;
NE1/4NE1/4, S30, T4N, R18E.

TO BE CHANGED AS FOLLOWS

Water right No.: 37-00081

Amount: .732 cfs

Use: Irrigation

AMOUNT: 3.268 CFS

Use: Wildlife, Recreation, Aesthetics

Total amount being transferred: 4.0 cfs

Source: Big Wood River tributary to Malad River

Point of diversion: SW1/4SE1/4, S19, T4N, R18E; Blaine County.

Place of use: 24.4 acres within E1/2SE1/4, SW1/4SE1/4, S19, T4N,
R18E; NW1/4SW1/4, S20, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E;
NW1/4NW1/4, S29, T4N, R18E.

Water right No.: 37-00082

Amount: .732 cfs

Use: Irrigation

Amount: .468 cfs

Use: Wildlife, Recreation, Aesthetics

Total amount being transferred: 1.2 cfs

MICROFILMED

NOV 8 6 1990

Source: Elkhorn Creek tributary to Big Wood River
Point of diversion: NW1/4SW1/4, S20, T4N, R18E (Headgate & East Ditch); SE1/4SE1/4, S19, T4N, R18E (Equalizing pipeline to West ditch, pump); Blaine County.
Place of use: 24.4 acres within E1/2SE1/4, SW1/4SE1/4, S19, T4N, R18E; NW1/4SW1/4, S20, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E; NW1/4NW1/4, S29, T4N, R18E.

Water right No.: 37-07201
Amount: 1.0 cfs
Use: Wildlife, Aesthetics, Recreation

Total amount being transferred: 1.0 cfs

Source: Elkhorn Creek tributary to Big Wood river
Point of diversion: NW1/4SW1/4, S20, T4N, R18E (the East channel); SE1/4SE1/4, S19, T4N, R18E (Equalizing pipeline to West ditch); Blaine County.
Place of use: E1/2SE1/4, S19, T4N, R18E; NE1/4SW1/4, S20, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E; NW1/4NW1/4, S29, T4N, R18E.

Water right No.: 37-04016
Amount: 10.0 cfs
Use: Wildlife, Aesthetics, Recreation

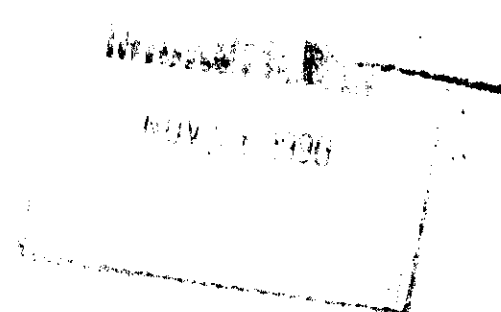
Total amount being transferred: 10.0 cfs

Source: Elkhorn Creek tributary to Big Wood River
Point of diversion: NW1/4SW1/4, S20, T4N, R18E (Headgate & East ditch); SE1/4SE1/4, S19, T4N, R18E (Equalizing pipeline & West ditch); Blaine County.
Place of use: E1/2SE1/4, S19, T4N, R18E; NW1/4SW1/4, S20, T4N, R18E; NW1/4NW1/4, S29, T4N, R18E; NE1/4NE1/4, S30, T4N, R18E.

Any protest against approval of the application for transfer must be filed with the Department of Water Resources, 2148 4th Ave East, Twin Falls, ID 83301 on or before October 23, 1989.

R. Keith Higginson, Director

Published in Wood River Journal on 10/4 & 10/11/89.





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

September 25, 1989

R. KEITH HIGGINSON
Director

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

Gentlemen:

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

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

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

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

MICROFILMED

NOV 26 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

September 25, 1989

R. KEITH HIGGINSON
Director

Reid J. Newby, Watermaster
Water District #37
Box T
Shoshone, ID 83352

Re: Application for Transfer of Water Right Nos. 37-00081,
37-00082, 37-07201, 37-0416

Dear Mr. Newby:

Enclosed is a copies of a 4-part Application for Transfer of
a Water Right within your District, and Watermaster's
Recommendation Forms.

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 forms and return
them 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.

Very truly yours,

James E. Stanton

James E. Stanton
Sr. Water Resource Agent

JS:MB

Enclosures

MICROFILMED

NOV 8 6 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

September 25, 1989

Cascea Associates, Inc.
c/o John Rosholt, Esquire
P.O. Box 1906
Twin Falls, ID 83301

Re: Application for Transfer (Cascea Assoc., Inc.)

Dear Mr. Rosholt:

The Department of Water Resources acknowledges receipt of the Application for Transfer on behalf of Cascea Assoc., Inc.

This office will be advertising the application in the Wood River Journal on 10/4 and 10/11/89. 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.

If the application is not protested, it will be forwarded to our State Office in about five weeks. 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.

Very truly yours,

James E. Stanton

James E. Stanton
Sr. Water Resource Agent

JS:MB

1522071

NOV 8 1989

April 27, 1972

Re: Claim to a Water Right No. 37-4016

Lane Company
P. O. Box 6
Sun Valley, Idaho 83353

Gentlemen:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions, or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:bb
Enclosure: Copy of Claim

37 4016

March 30, 1972

Re: Claim to a Water Right No. 37-4016 - Lane Company, a partnership

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

Gentlemen:

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

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

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

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

(signature of claimant)

Very truly yours,

Fred Eisenbarth
Appropriation Examiner

FE/BL
Enc: legal notice

Bill submitted 4-19-72. ck

37 4016

- ★ Advertising Results
- ★ Commercial Printing
- ★ Office Equipment
- ★ Business Supplies
- ★ Creative Promotions
- ★ Newspaper Publishers

STATEMENTS

WOOD RIVER JOURNAL

FORMERLY THE HAILEY TIMES

Phone (208) 788-4250

P.O. Box 988

HAILEY, IDAHO 83333

Date APRIL 14, 1972

- ◆ STATE OF IDAHO
- DEPARTMENT OF WATER ADMINISTRATION
- ◆ STATEHOUSE, ANNEX 2
- BOISE, IDAHO 83707
- ◆

Description	Amount
- LEGAL PUBLICATION -	
PUBLISHED: 4/6/72 thru 4/13/72	
NOTICE OF CLAIM TO A WATER RIGHT: No. 37-4016	
(Lane Company- Sun Valley) 31/11	11.16
" I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid." <i>George S. [Signature]</i>	
	\$ 11.16
	37 4016

NOTICE OF CLAIM TO A WATER RIGHT

No. 37-4016

Notice is hereby given that Lane Company, a partnership
P. O. Box 6, Sun Valley, Idaho
has filed a claim to a water right established by diversion and appli-
cation to beneficial use of 10.0 cubic feet per second ~~more or less~~
of water from Elkhorn Creek, tributary to Big Wood River
with point of diversion in the NW $\frac{1}{4}$ Sec. 20, T. 4N, R. 18E, B.M.,
Blaine County.

The water is claimed to be used from April 1 to Oct. 1 for the irri-
gation of 160 acres and from Jan. 1 to Dec. 31 for stockwatering purposes
with a priority of April 1, 1884;
the place of use is within the S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 19; N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 30, T. 4N,
R. 18E, B.M.

Any exception to this claim of water right may be filed with the
Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707,
~~more or less~~ _____.

R. KEITH HIGGINSON

Director

Published in the Wood River Journal, Hailey, Idaho
on April 6 and April 13, 1972.

37-4016

March 22, 1972

PARRY, ROBERTSON, DALY & LARSON
The Idaho First National Bank Building
Post Office Box #525
Twin Falls, Idaho 83301

ATTENTION: John A. Posholt

Dear Mr. Posholt:

We are returning the Claim to a Water Right that you submitted in the behalf of the Lane Company, along with your check #92-39, for \$25.00.

The claim form is in proper order. However, the proper filing fee for this claim is \$10.00.

Please return the form with the proper filing fee as soon as possible.

If we can be of any further assistance in this matter, please contact this Department.

Very truly yours,

James Booker
Appropriation Examiner

JB:cs

Enc: check #92-39 (\$25.00)

37 4016

PARRY, ROBERTSON, DALY & LARSON

LAWYERS

THE IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 525

TWIN FALLS, IDAHO 83301

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY (1913-1968)
BERT LARSON
C. G. MCINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
ROBERT C. PAINE

Department of Water Administration

TELEPHONE
(208) 733-3722

March 20, 1972

Mr. R. Keith Higginson, Director
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Attention: Water Rights Division

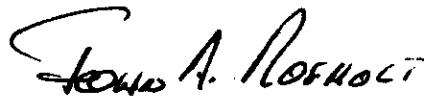
Dear Mr. Higginson:

Enclosed please find the claim of the Lane Company together with the attached affidavits. Also enclosed is our check in the amount of \$25.00 to cover the filing fee.

If there are any questions or additional information needed, don't hesitate to be in contact with us.

Thank you for your cooperation.

Sincerely,


JOHN A. ROSHOLT

JAR:php

37 4216