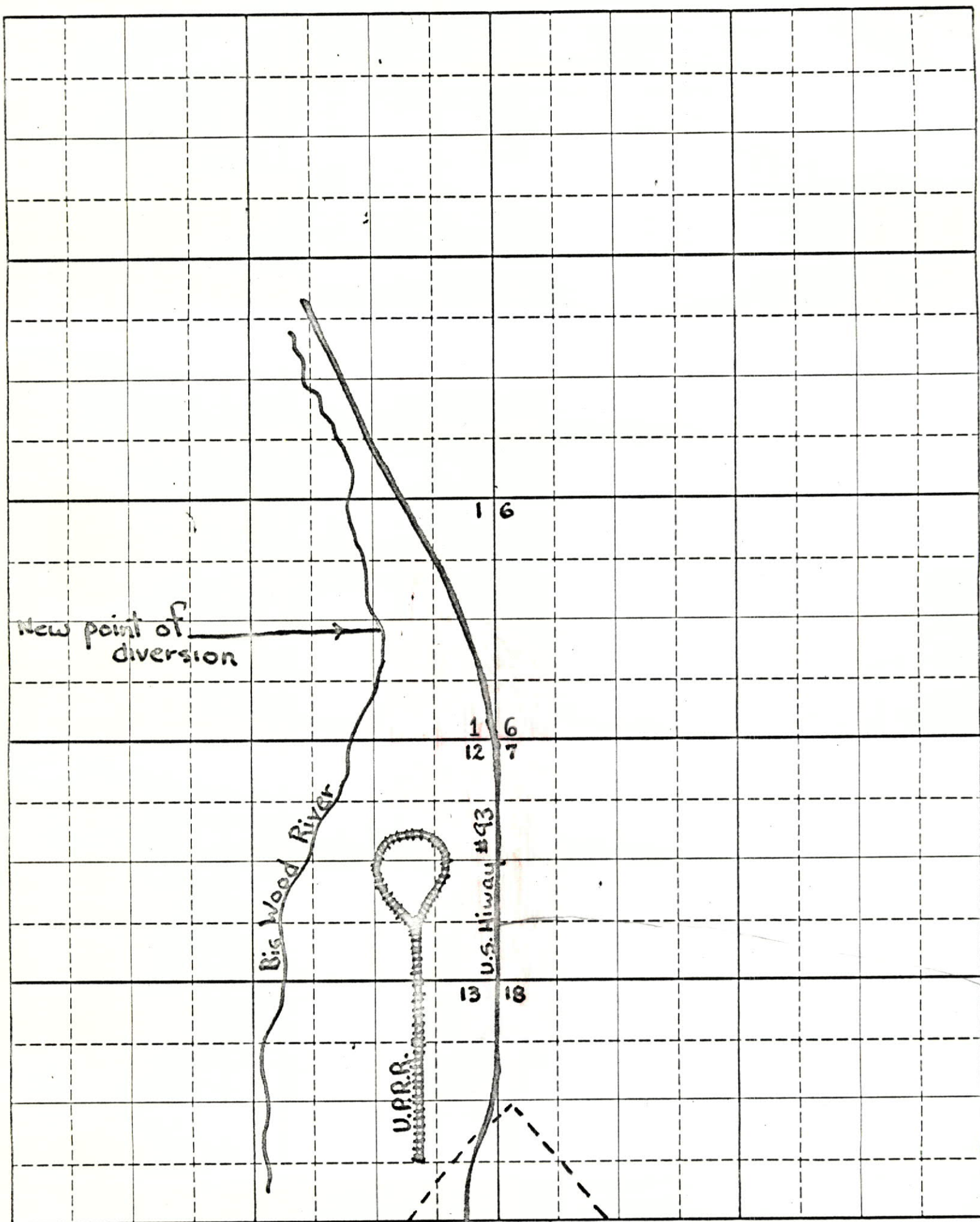




SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

proposed general area to be irrigated

RECEIVED

AFFIDAVIT OF PUBLICATION 16 1971

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 29th day of JULY, 19 71 and ending with the last publication thereof on the 5th day of AUGUST, 19 71.

Cost of this publication is \$ 14.76


GEORGE T. FRITZ

Subscribed and sworn to before me, this 6th day
of AUGUST, 19 71.


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

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 37-0274

Notice is hereby given that Sprenger Land Investment, Inc. of Box #249, Sun Valley, Idaho has applied to the Department of Water Administration for a change of point of diversion and place of use of the waters of Big Wood River, tributary to the Snake River. The right sought to be changed is evidenced by Decree to Fred W. Gooding in Case of S. C. Frost et al v.s. Alturas Water Co. and is recorded as follows. Amount: 0.8 c.f.s. Priority: June 1, 1882 Point of Diversion: SW 1/4 SW 1/4, Sec. 25, Twp. 5N, Rge. 17E, B.M., Blaine County The water is used for irrigation purposes from April 15 to October 15 within Lot 4, Sec. 1, Twp. 4N, Rge. 17E, B.M.
TO BE CHANGED AS FOLLOWS
Point of Diversion: NW 1/4 SE 1/4, Sec. 1, Twp. 4N, Rge. 17E, B.M. The water will be used for irrigation purposes within the NW 1/4 SE 1/4, SE 1/4 SE 1/4, Sec. 1, Twp. 4N, Rge. 17E, B.M.

Any protests against approval of the proposed change of water right application must be filed with the Department of Water Administration on or before August 16, 1971.

R. KEITH HIGGINSON
Director

Published in the Wood River Journal, Hailey, Idaho on July 29, 1971 and August 5, 1971.

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
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Gooding, Fred W. 0.8 37-0274

37-0274 Sprenger Land Investment, Inc. 0.8 0 37-0274

R

E

E

S

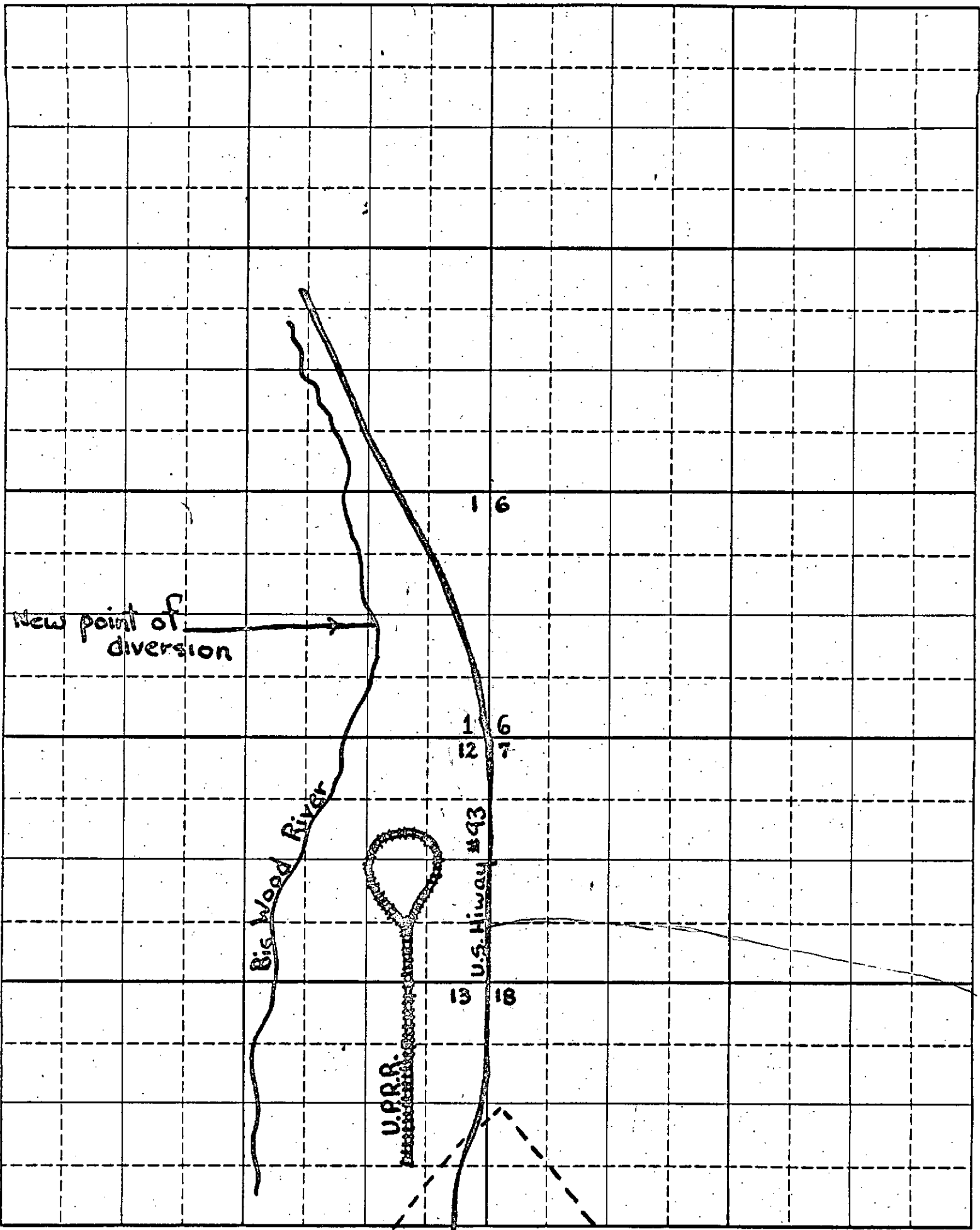
N

A

R

UNRECORDED

MICROFILMED



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

City of Ketchum
proposed general area to be irrigated

9. If applicant was not the original holder of this right explain how it was acquired: Contract of
Purchase (see paragraph # 2. above)

10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new point: .8 c.f.s. and/or _____ acre feet
- b. New point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, Township 4 N
17 E, B.M.
- c. Description of method of diversion and conveyance from new points of diversion: sump, pump and ditches
- d. Is water to be conveyed to the lands previously irrigated? Yes _____ No X
If not, the place of use should be changed below.
- e. Describe the reasons for applying for a change in the point of diversion:
New Owner
- f. Do you intend to make the transfer permanent? yes
- g. Do you intend to abandon completely the old point of diversion? yes
- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

- a. Describe the new lands on which you wish to use your right.

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 $\frac{1}{4}$	
4N	17E	1														20		20	40

Total number of acres to be irrigated 40.00

b. Do you intend to make the transfer permanent? yes

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

yes

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: 184 inches purchased 3/11/70 from Hulen Meadows, Inc., and 159.2 inches purchased 6/1/70 from John Feldhusen and Gladys Feldhusen (Application For Transfer of Water Right for both bearing same date as this application).

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

SPRENGER LAND INVESTMENT, INC.

By: Irene Sprenger

(signature of applicant)

President

Subscribed and sworn to before me this 3 day of June, 1971

(notary public)

My commission expires 3-11-73

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

APPROVED

This is to certify that I have examined Application for Transfer of Water Rights No. 37-0274

and said application is hereby APPROVED

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

The applicant shall permanently install and maintain adequate measuring devices of a type approved by this Department.

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

Witness my hand this 12th day of October, 1971

Director

State Reclamation Engineer

FOR DEPARTMENT USE ONLY

Received by D Date 6-11-71

Protest filed by: _____ Date _____

Prelim. check by D Date 6-11-71

Fee received by ej Date 6/11/71 Fee \$ 30⁰⁰

Approved for publication by _____

Published in Wood River Journal Dates 7-29-71 8-5-71

Hearing held _____

Watermaster Recommendation sent _____

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

STATEMENT

WOOD RIVER JOURNAL

FORMERLY THE HAILEY TIMES

Phone (208) 788-4250

P.O. Box 188

HAILEY, IDAHO 83333

Date AUGUST 13, 1971

DECEMBER 1971

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

Description	Amount
- LEGAL PUBLICATION -	
Published: 7/29/71 thru 8/5/71-	
NOTICE OF PROPOSED CHANGE OF WATER RIGHT.	
Sprenger Land Investment Co. Appl. # 37-0274	
	41/11 14.76
" 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>	
	14.76

RECEIVED

AFFIDAVIT OF PUBLICATION 16 1971

Department of Water Administration

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

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
NO. 37-0274

Notice is hereby given that Sprenger Land Investment, Inc. of Box #249, Sun Valley, Idaho has applied to the Department of Water Administration for a change of point of diversion and place of use of the waters of Big Wood River, tributary to the Snake River. The right sought to be changed is evidenced by Decree to Fred W. Gooding in Case of S. C. Frost et al v.s. Alturas Water Co. and is recorded as follows. Amount: 0.8 c.f.s. Priority: June 1, 1882 Point of Diversion: SW 1/4 SW 1/4, Sec. 25, Twp. 5N, Rge. 17E, B.M., Blaine County The water is used for irrigation purposes from April 15 to October 15 within Lot 4, Sec. 1, Twp. 4N, Rge. 17E, B.M.

TO BE CHANGED AS FOLLOWS Point of Diversion: NW 1/4 SE 1/4, Sec. 1, Twp. 4N, Rge. 17E, B.M. The water will be used for irrigation purposes within the NW 1/4 SE 1/4, SE 1/4 SE 1/4, Sec. 1, Twp. 4N, Rge. 17E, B.M.

Any protests against approval of the proposed change of water right application must be filed with the Department of Water Administration on or before August 16, 1971.

R. KEITH HIGGINSON
Director

Published in the Wood River Journal, Hailey, Idaho on July 29, 1971 and August 5, 1971.

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 29th day of JULY, 1971 and ending with the last publication thereof on the 5th day of AUGUST, 1971.

Cost of this publication is \$ 14.76

GEORGE T. FRITZ

Subscribed and sworn to before me, this 6th day of AUGUST, 1971.

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

AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT

THIS AGREEMENT is made this 28th day of August, 1970 between RALPH FAULKNER and RALPH FAULKNER LAND, INC., an Idaho corporation, hereinafter referred to as Sellers, and SPRENGER LAND INVESTMENT, INC., an Idaho corporation, hereinafter referred to as Buyer.

In consideration of the payment by the Buyer to the Sellers of the sum of \$6,000.00 in the manner and at the times hereinafter set forth, Sellers agree to sell to Buyer and Buyer agrees to buy from Sellers, Seller's water right appurtenant to property situated in Blaine County, Idaho, which water right consists of 40 inches in the Big Wood River with a date of priority as determined by the Frost Decree of June 1, 1881.

Payment shall be made as follows: \$2000.00 upon the execution of this agreement; \$2000.00 together with interest on the unpaid balance at the rate of 7% per annum one year from the date hereof, and the balance together with interest at 7% per annum on the unpaid balance two years from the date hereof.

Sellers agree that upon the full performance of the terms and conditions hereof by the Buyer, the Sellers will transfer said water right to the Buyer free and clear of all mortgages or other encumbrances, and by good and sufficient water deed.

Buyer proposes to change the point of diversion of said water and to apply it to beneficial use on all or part of the following described property:

The East half of the East half and the West half of the Northeast quarter and all of the East side of the West half of the Southeast quarter lying East of the middle of Wood River,

MICROFILMED

all in Section Twelve, and all of the East side of the Northwest quarter of the Northeast quarter lying East of the middle of Wood River, and Lot One and all of Lot Two lying East of the middle of Wood River all in Section Thirteen, and the Southeast quarter and the Southeast quarter of the Northeast quarter of Section One, all in Township Four North of Range Seventeen East, also Lots One, Two, Three and Four and the Southeast quarter of the Northwest quarter of Section Seven, and Lot Seven in Section Six in Township Four, North of Range Eighteen East.

This sale is conditioned upon the successful transfer of the point of diversion by the Buyer, who shall proceed without undue delay to make application for change of point of diversion and change of beneficial use of this water right. All proceedings for change of the point of diversion and change of place of beneficial use shall be undertaken at the sole expense of Buyer, but the Sellers shall reasonably cooperate with the Buyer as to the execution of any or all instruments required by the State of Idaho, Department of Reclamation, or otherwise in attempting to bring about said changes.

In the event that the change of point of diversion and change of use is denied, the Buyer may declare this contract terminated and Sellers shall immediately refund to Buyer any payments made hereunder.

That time and a faithful performance is of the essence of this agreement and in case of the failure of the Buyer to make the payments of principal and interest due hereunder, or to perform any of the covenants and conditions herein on its part to be kept and performed, and such failure continuing for a period of thirty (30) days after demand in writing to the last known address of the Buyer, for such payment or performance, whether or not actually received by the Buyer, this agreement shall, at the option of the Sellers, be declared

AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT - 4

STATE OF IDAHO,)
County of Blaine) ss:

On this _____ day of August, in the year 1970, before me, the undersigned Notary Public in and for said State, personally appeared RALPH FAULKNER, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.

NOTARY PUBLIC for Idaho
Residing at Ketchum, Idaho.

STATE OF IDAHO,)
County of Blaine) ss:

On this 28th day of August, in the year 1970, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared John Faulkner, known to me to be the vice president of 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.

Stuart R. Ray

NOTARY PUBLIC for Idaho
Residing at Ketchum

STATE OF IDAHO,)
County of Blaine) ss:

On this _____ day of August, in the year 1970, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared RALPH THOMAS and G. R. KNEELAND, known to me to be the Vice President and the Secretary, respectively, of 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.

NOTARY PUBLIC for Idaho
Residing at Ketchum, Idaho.

AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT - 3

forfeited and terminated and the Sellers shall retain as liquidated damages for the non-performance of this contract all sums of money heretofore paid by the Buyer hereunder and Buyer shall immediately surrender said rights and the Sellers shall have the right to take possession thereof, using any and all remedies that may be afforded it by the laws of the State of Idaho.

In the event of the default of the Buyer as aforesaid, and of the cancellation and termination of this agreement, the Sellers shall have the immediate right to undertake proceedings to have the point of diversion and the place of beneficial use changed back to their original locations or to such other place or places as the Sellers may elect and such changes shall be undertaken by and at the sole expense of the Sellers, provided, however, that the Buyer shall cooperate with the Sellers in executing any and all instruments that may be required by the State of Idaho, Department of Reclamation, or otherwise, in order to effectuate such change.

THIS AGREEMENT is binding on the successors, transferees, and assigns of the parties hereto.

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

RALPH FAULKNER

RALPH FAULKNER LAND, INC.

X By:

"Sellers"

SPRING ER LAND INVESTMENT, INC.

By:

By:

"Buyer"

RECORDED

M E M O R A N D U M

TO: Bobby D. Fleenor
FROM: Donald W. McEldowney
SUBJECT: Transfer No. 37-0276
DATE: October 6, 1971

At your request, Bob Hamilton contacted Mr. Reid Newby, Watermaster of District #37 for clarification of his recommendation of July 28, 1971. Mr. Newby advised that although the decree listed the point of diversion as found under item 7 of Transfer No. 37-0276, the applicant or his predecessors had, in fact, previously under the constitutional method, changed the point of diversion and now the point of diversion is actually being moved downstream, even though the paper work shows the reverse.

Mr. Newby and Mr. Hamilton both agree that the 4-inch loss should remain. It was also clearly stated that the streamflow loss pertaining only to 37-0276 and not to the other two transfers.

DONALD W. McELDOWNEY
Appropriation Supervisor

October 15, 1971

Re: Transfer Nos. 37-0274
37-0276
37-0892

C Sprenger Land Investment, Incorporated
Post Office Box # 249
Sun Valley, Idaho 83353

Gentlemen:

O Please find enclosed copies of the three (3) above referenced Applications for Transfer of a Water Right, as APPROVED by this Department. We wish to draw your attention to the limitations and conditions of approval, as listed on the fourth page of each of the three approved transfers.

P If you should have any further questions in reference to this matter, please do not hesitate to contact this office.

Very truly yours,

Y Donald W. McEldowney
Appropriation Supervisor

DWM:CS

Enclosures

cc; Stratton P. Laggis
Kneeland & Laggis

MICROFILMED

July 22, 1971

Re: Transfer Applications No. 37-0274)
37-0276) - Sprenger Land Investment, Inc.
37-0892)

Mr. Reid Newby, Watermaster
Post Office Box #128
Shoshone, Idaho 83352

Dear Mr. Newby:

Please find enclosed copies of the three above referenced applications for transfer of a water right. The Department would request that you give your recommendation for approval or denial of these applications.

If you have any questions in this matter, please do not hesitate to contact this Department.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:CM

Enclosures

RECEIVED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 37-0274

Notice is hereby given that Sprenger Land Investment, Inc.
of Box #249, Sun Valley, Idaho has applied to the Department of Water
Administration for a change of point of diversion and / place of use
Big Wood River, tributary to the Snake River of the waters of
The right sought to be changed is evidenced by Decree to Fred W. Gooding in Case of
S. C. Frost et al v.s. Altura^S Water Co. and is recorded as follows.
Amount: 0.8 c.f.s. Priority: June 1, 1882
Point of Diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25, Twp. 5N, Rge. 17E, B.M., Blaine County
The water is used for irrigation purposes from April 15 to October 15
within Lot 4, Sec. 1, Twp. 4N, Rge. 17E, B.M.

TO BE CHANGED AS FOLLOWS

~~XXXXXXXX~~

Point of Diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, Twp. 4N, Rge. 17E, B.M.
The water will be used for irrigation purposes within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 1, Twp. 4N, Rge. 17E, B.M.

Any protests against approval of the proposed change of water right appli-
cation must be filed with the Department of Water Administration on or before
August 16, 1971.

R. KEITH HIGGINSON
Director

Published in the Wood River Journal, Hailey, Idaho
on July 29, 1971 and August 5, 1971.



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215

July 20, 1971

Re: Application for Transfer No. 37-0274 - Sprenger Land Investment, Inc.
" " " " 37-0276 - " " " "
" " " " 37-0892 - " " " "

Stratton P. Laggis
KNEELAND and LAGGIS
Saddle Road, Bigwood
Ketchum, Idaho 83340

Dear Mr. Laggis:

We have received your completed applications for transfer in the name of Sprenger Land Investment, Inc. As we discussed over the phone, the reason for describing the area to be irrigated with regard to any particular water right is for administrative purposes and in order to meet the requirements of the Idaho Code to insure that no enlargement of the water right is contemplated.

With regard to your comment that I assured you that you would not be restricted in the future, as you recognize, I can not give you absolute assurance. It would appear from the priority of the water right you have purchased that in most years water would be available to you, however, in the event that water right priorities are cut to the point that water would not be available, you would be prohibited from diverting water to those lands irrigated. To do otherwise could cause a substantial injury to senior water rights. Our real concern at that point would be the total amount of water depleted from the stream and we would be concerned with the total acreage irrigated with that water right.

We will continue to process the transfers and notify you of their completion.

Very truly yours,

C. STEPHEN ALLRED
Deputy Director

CSA:bb

RECEIVED
JUL 21 1971