AFFIDAVIT of PUBLICATION

State of Idaho, } SS.
County of Blaine }

RECEIVED
JUN 06 1994
Resources
Office

On this 1 day of June, in the year 1994, before me a Notary Public of said State, personally appeared DANIEL J. GORHAM, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 25 day of May, 1994, and the date of the last publication was on the 1 day of June, 1994.

Daniel J. Gorham

Subscribed and sworn to before me this 1st day of June, 1994.
(SEAL)

Roberta McKercher
NOTARY PUBLIC

#9141

OK mB 6/10/94

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11.5
Number of Lines in Notice 50.267
Number of Insertions 2

	Lines tabular at		6¢ / Pica
50.267	Lines straight at	28.903	5¢ / Pica
50.267	Subsequent lines at	23.123	4¢ / Pica
TOTAL COST		+5.00 $57.03	

MICROFILMED
SEP 11 2002

COPY OF NOTICE
(Paste Here)

Application - Valley Land 446
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF
Dept. of Water Resources - TF
BILL TO

Application for water permit

NOTICE OF APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE OF A WATER RIGHT No. 37-02446

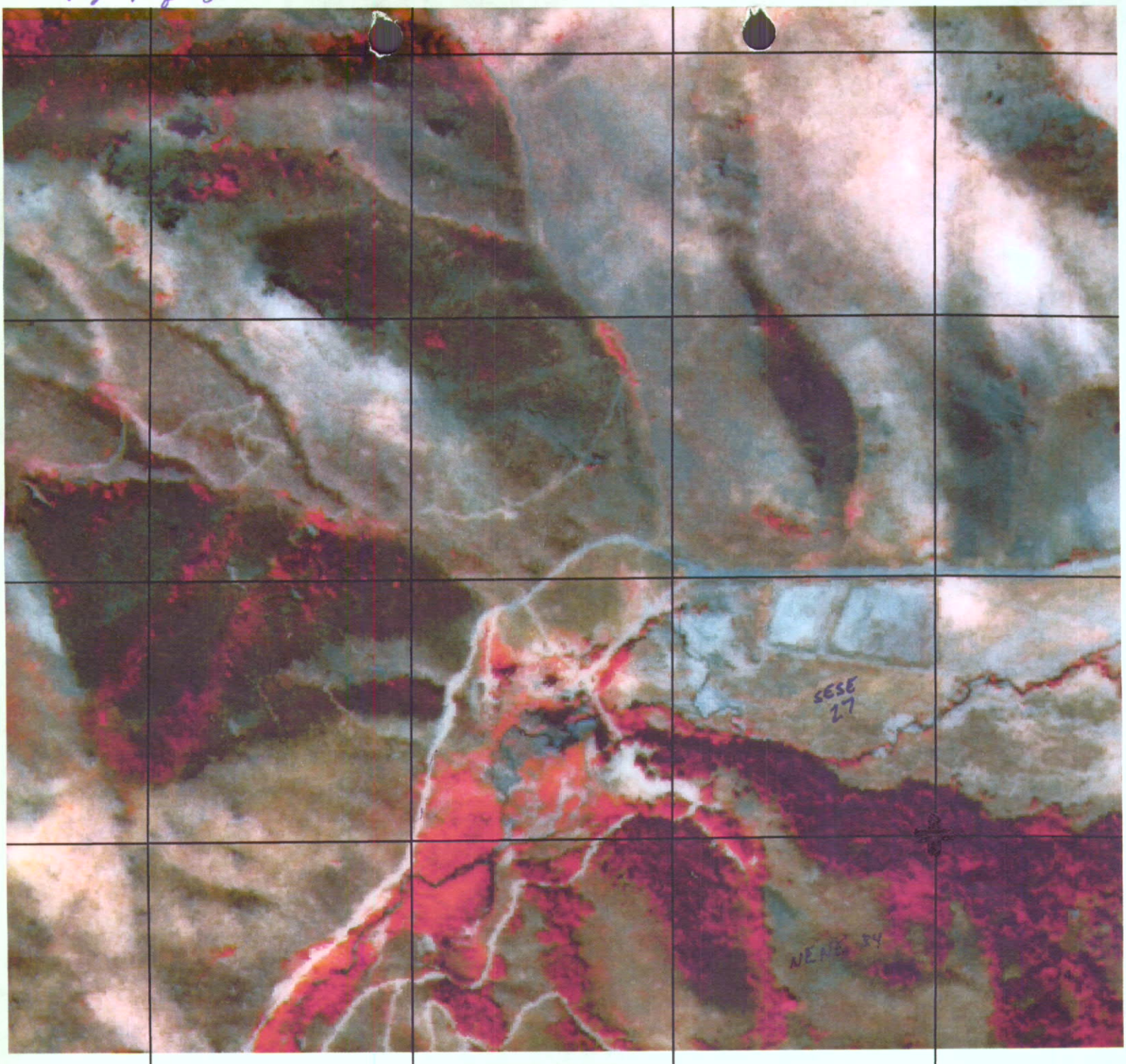
Notice is hereby given that SUN VALLEY LAND & MINERALS, INC., C/O James P. Speck, Esquire of Ketchum, ID has applied to the Department of Water Resources for an extension of time to avoid forfeiture of Licensed Water Right No. 37-02446.

The extension is requested to avoid loss of the water right due to non-use while ownership of the land is involved in litigation and repair work on Clarendon Dam is suspended.
Water Right No. 37-02446
Priority Date: 12/19/1932
Basis: License
Source: Deer Creek tributary to Big Wood River
Use: Power & Recreation (10.0 cfs) from 01/01 to 12/31
Point of Diversion: NWNE, S34, T03N, R17E (Clarendon Dam); Blaine County.
Place of Use: NWNE, S34, T03N, R17E; Blaine County.
A claim has been filed in the Snake River Basin Adjudication.
Any protests against the approval of the above proposed and described request must be filed with the applicant and with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 on or before June 13, 1994.

R. Keith Higginson, Director

Published in Wood River Journal on 5/25 & 6/1/94

Pg 778

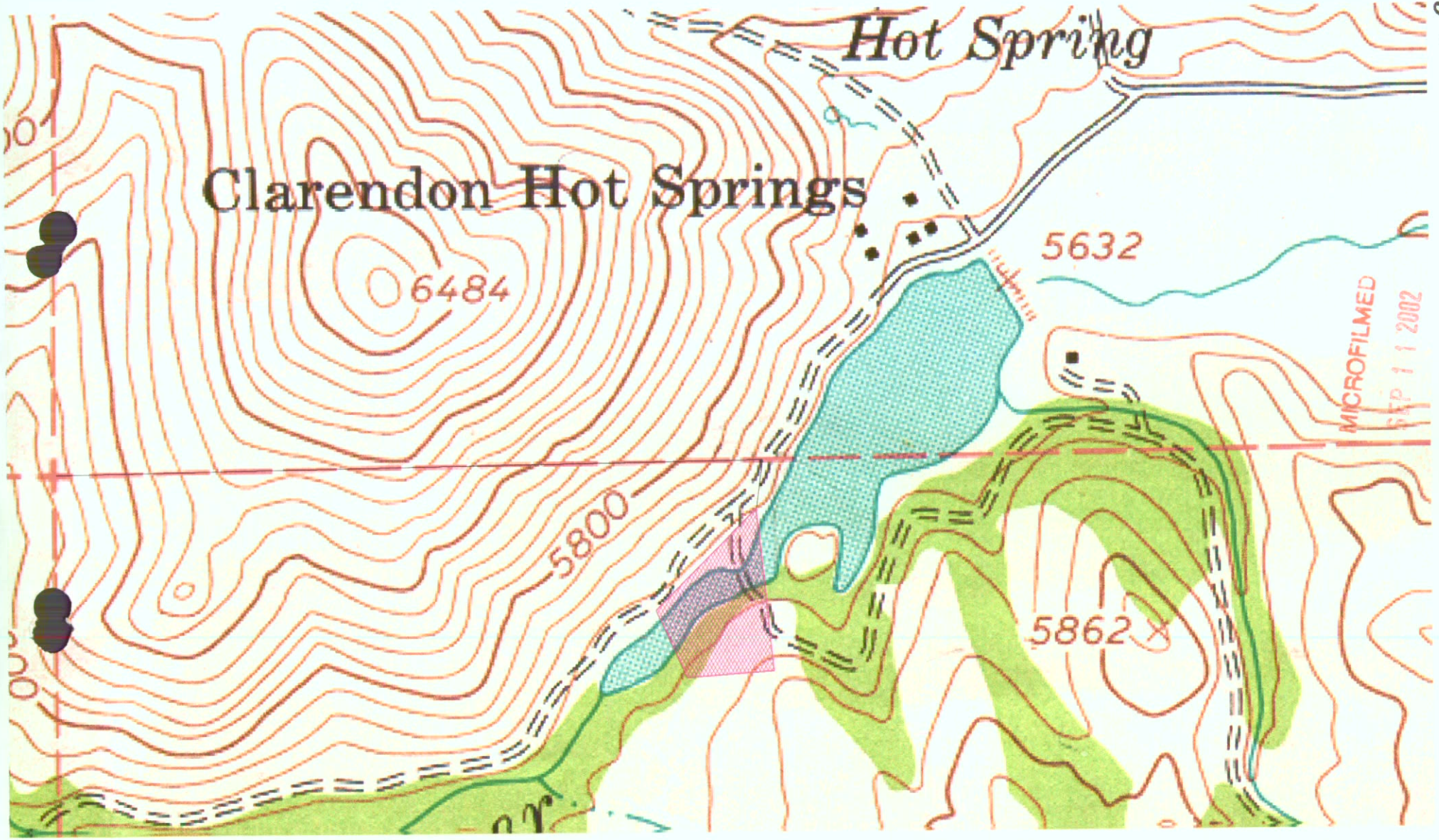


T03N
R17E

MICROFILMED
SEP 11 2002

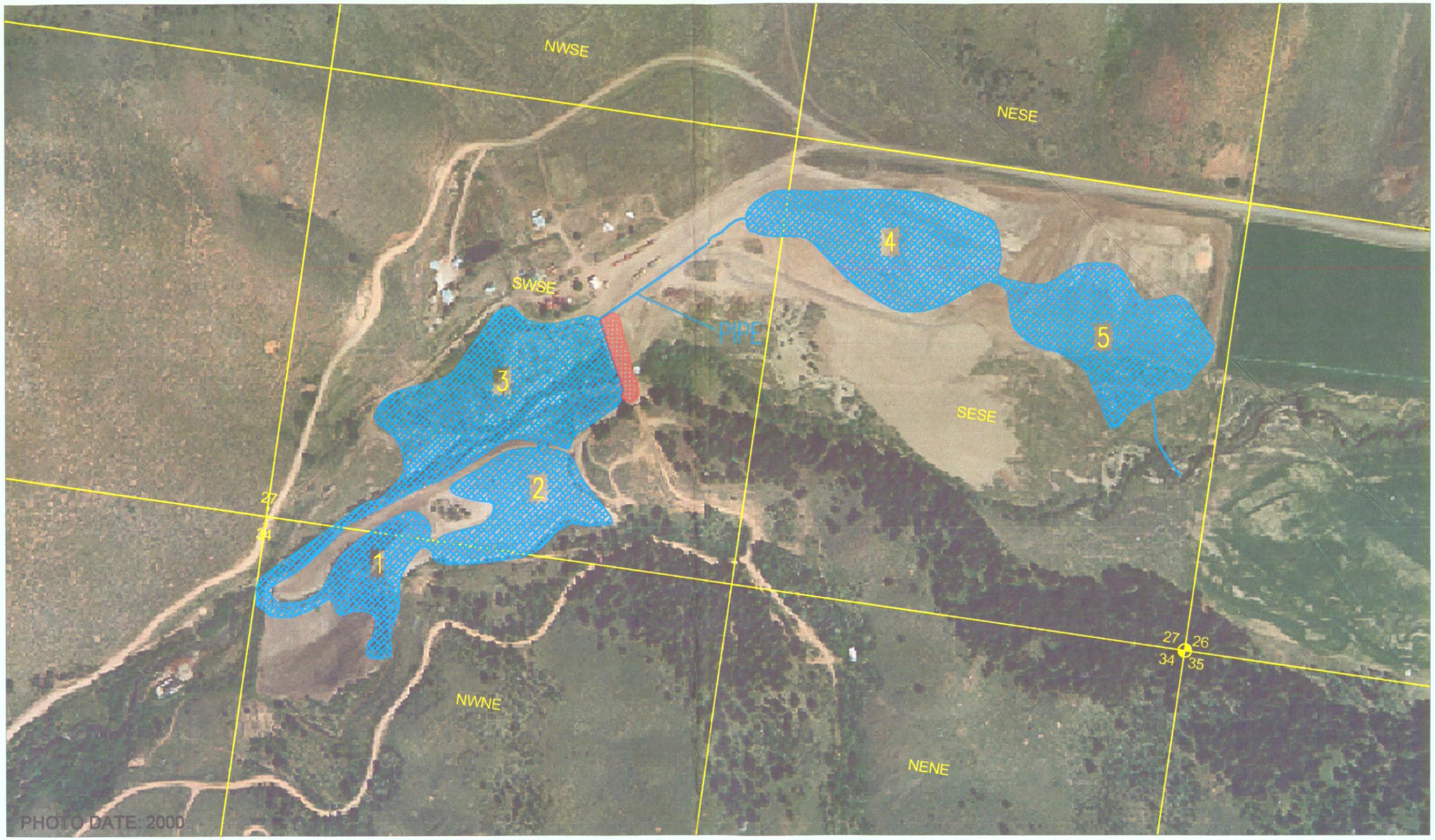
168545

68545



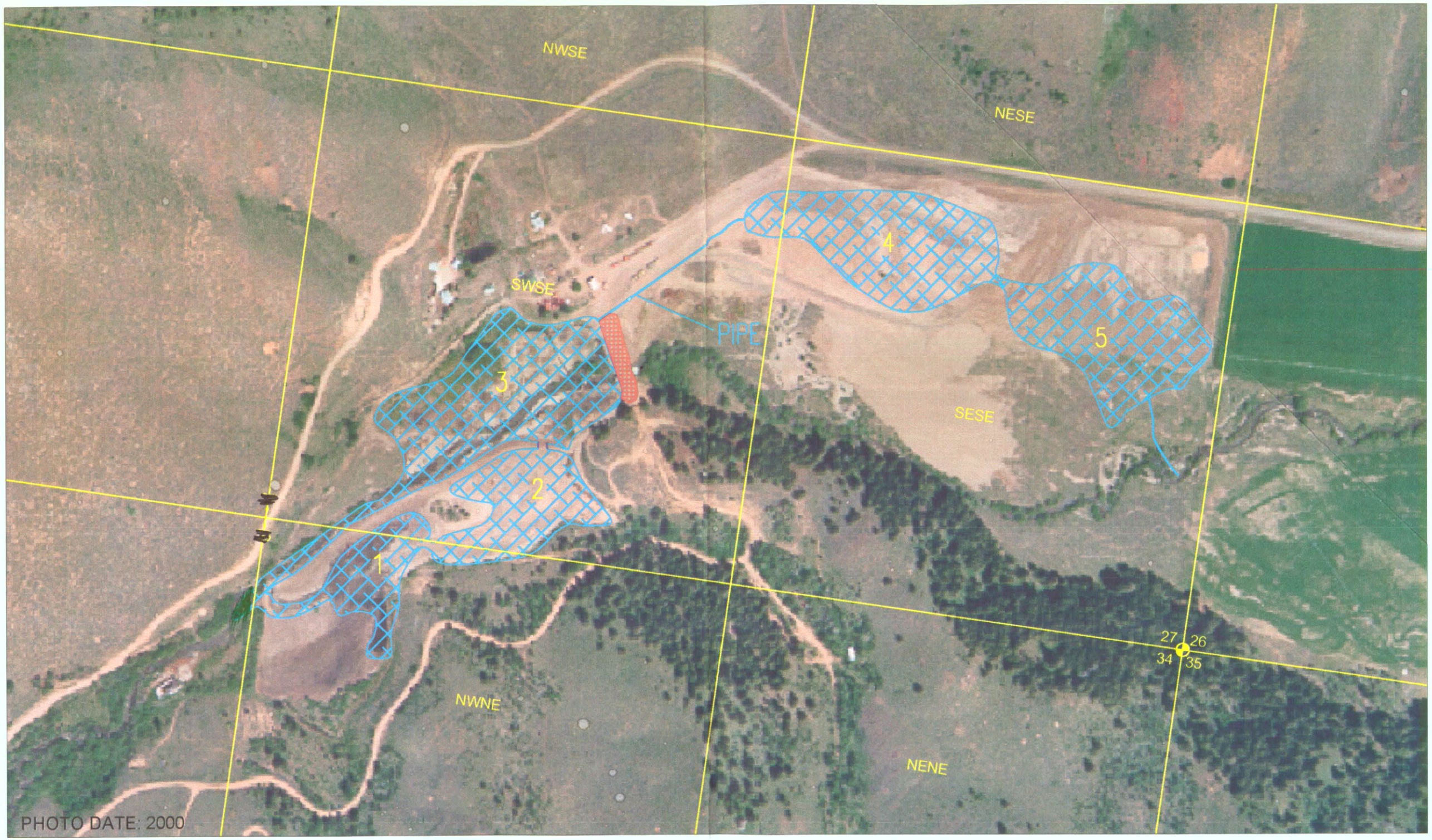
MICROFILMED
SEP 1 1 2002

Sun Valley Land & Minerals Inc.



BROCKWAY ENGINEERING, PLLC 10/9/2000 | REVISION DATE: 11/3/00

Sun Valley Minerals Inc.



5N

17E

BROCKWAY ENGINEERING, PLLC 10/9/2000

REVISION DATE: 11/3/00

*SUPERCEDED BY MAP RECEIVED 11/6/2000

68545


HISTORICAL
RESERVOIR
SITE
WSE = 5630.0'
MAP SOURCE = 1999 FSA PHOTO
CLARENDON RANCH
HISTORICAL RESERVOIR
AREA
BROCKWAY ENGINEERING, PLLC 5-18-00

68545

Sun Valley Minerals Inc.

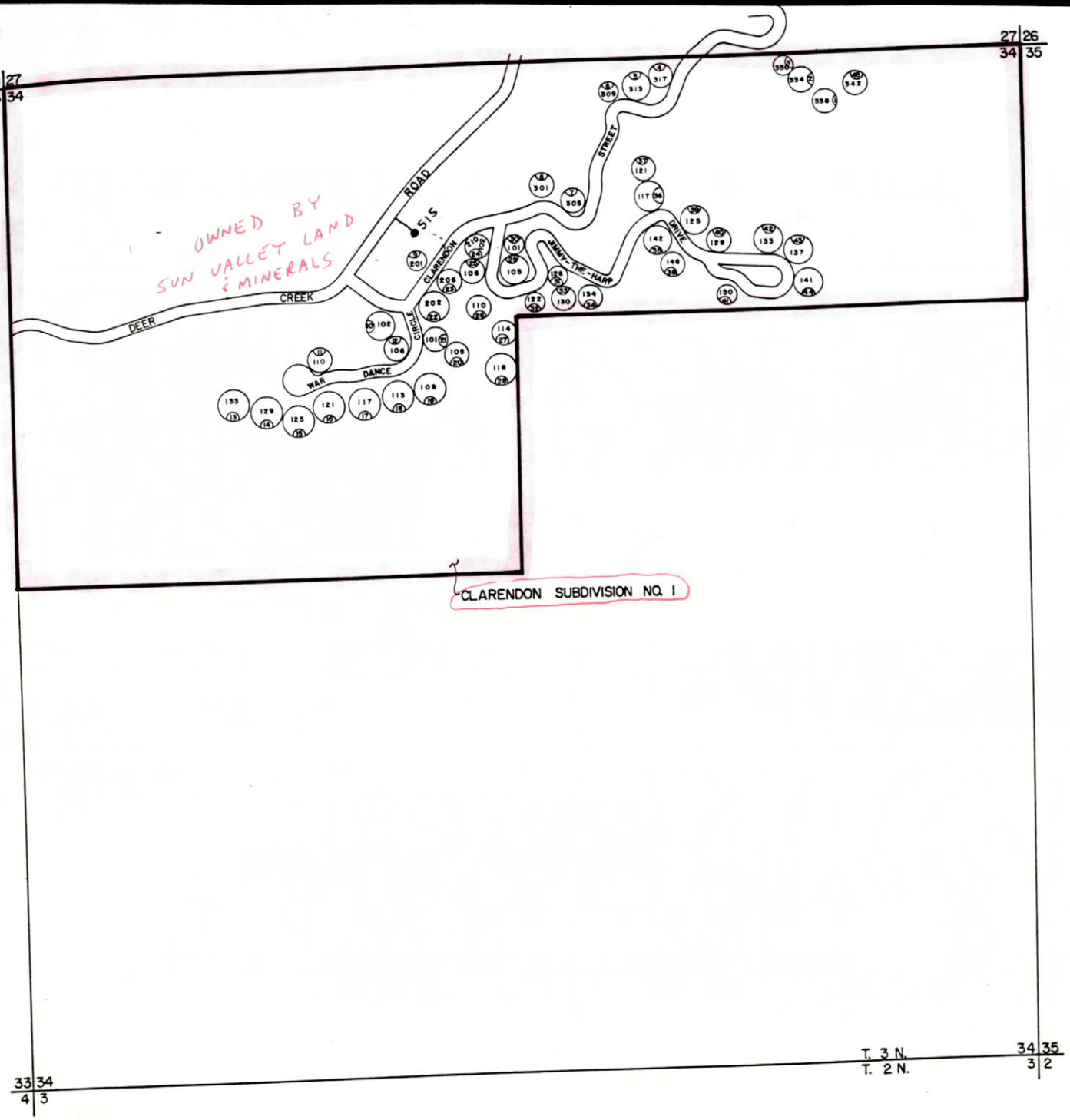


BROCKWAY ENGINEERING, PLLC 10/9/2000

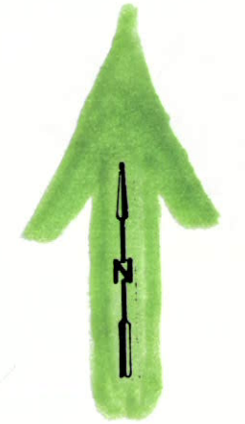
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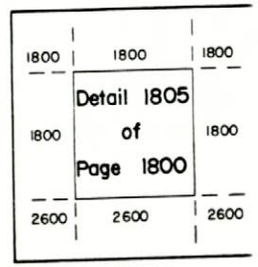


T03N, R17E



0 250 500 10

SCALE IN FEET



MICROFILMED
SEP 11 2002

Lawson

RECEIVED
APR 13 2001
Department of Water Resources
Southern Region

MARCH

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Mount St. Helen's National Volcanic Monument, Washington

April 2001

MAY

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SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1 All Fools' Day Daylight Saving Time Begins First Quarter	**2**	**3**	**4**	**5**	**6** Good Friday Thomas Jefferson, 1743	**7**
8 Palm Sunday Passover Full Moon	**9**	**10**	**11**	**12**	**13**	**14**
15 Easter Orthodox Easter Last Quarter	**16** Not Available	**17**	**18**	**19** Revolutionary War Began, 1775	**20**	**21**
22	**23** Not Available New Moon	**24**	**25**	**26**	**27**	**28**
29	**30** First Quarter					

MICROFILMED
SEP 11 2002

FARMERS INSURANCE GROUP
FARMERS

APRIL

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Middleton Place Gardens near Charleston, South Carolina

May 2001

RECEIVED
APR 13 2001
Department of Water Resources
Southern Region

Lawson

JUNE

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SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
FARMERS INSURANCE GROUP FARMERS		1 Not Available Loyalty Day	2	3 National Day of Prayer	4	5 Cinco de Mayo (Mexico)
6	7 Not Available Full Moon	8 Available V-E Day, 1945	9 Not Available	10 Available	11 Available	12
13 Mother's Day	14 Available	15 Last Quarter	16	17	18	19 Armed Forces Day
20	21 Not Available American Red Cross, 1881 Victoria Day (Canada)	22	23 New Moon	24 Ascension Day	25	26
27	28 Memorial Day	29 First Quarter	30	31		

MICROFILMED
SEP 1 2002

RECEIVED
APR 13 2001
Department of Water Resources
Southern Region

Gary Slette

MARCH

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Mount St. Helen's National Volcanic Monument, Washington

April 2001

MAY

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SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
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8 Palm Sunday Passover Full Moon	**9**	**10**	**11**	**12**	**13**	**14**
15 Easter Orthodox Easter Last Quarter	**16**	**17**	**18**	**19** Revolutionary War Began, 1775	**20**	**21**
22	**23** New Moon	**24**	**25** OK	**26** Afternoon OK	**27** OK	**28**
29	**30** First Quarter					

MICROFILMED
SEP 11 2002

FARMERS INSURANCE GROUP
FARMERS

RECEIVED
APR 13 2001
Department of Water Resources
Southern Region

Gary Slotte

APRIL

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Middleton Place Gardens near Charleston, South Carolina

May 2001

JUNE

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SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
FARMERS INSURANCE GROUP FARMERS		1 Afternoon OK Loyalty Day	2 OK	3 OK National Day of Prayer	4	5 Cinco de Mayo (Mexico)
6	7 Full Moon	8 OK V-E Day, 1945	9 OK	10	11 OK	12
13 Mother's Day	14 OK	15 OK Last Quarter	16	17	18	19 Armed Forces Day
20	21 American Red Cross, 1881 Victoria Day (Canada)	22	23 New Moon	24 Ascension Day	25	26
27	28 Memorial Day	29 First Quarter	30	31		

MICROFILMED
SEP 11 2002

AFFIDAVIT of PUBLICATION

RECEIVED
FEB 12 2001
Department of Water Resources
Southern Region

State of Idaho, } SS.
County of Blaine

On this 8 day of February, in the year 2001 before me a Notary Public of said State, personally appeared , known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 31 day of January 2001, and the date of the last publication was on the 7 day of February 2001

Subscribed and sworn to before me this 8 day of February 2001

(SEAL)

CRISTINA A. CARCEAU NOTARY PUBLIC STATE OF IDAHO

NOTARY PUBLIC

12278

OK MB 2/27/01

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

MICROFILMED
SEP 11 2002

Number of Picas per Line 11.5
Number of Lines in Notice 146
Number of Insertions 2

— Lines tabular at — 7¢ / Pica
146 Lines straight at 1.43 6¢ / Pica
— Subsequent lines at — 5¢ / Pica
TOTAL COST 213.78

COPY OF NOTICE
(Paste Here)

Proposed change of

TITLE OF NOTICE
Water Rights

PLAINTIFF ATTORNEY

DEFENDANT
2501

PLAINTIFF
Dept. of Water Resources

BILL TO

Proposed change of water rights

NOTICE OF PROPOSED
CHANGE OF WATER RIGHTS

Notice is hereby given that five (5) applications have been filed with the Department of Water Resources for changes to water rights within Blaine County as described below:

Transfer No. 68549 by LESLIE A. TIDWELL, PO BOX 2919; KETCHUM ID 83340 involves two ground water rights diverted within NWNE, S35, T02N, R18E for irrigation of 14 acres within S35, T08N, R18E; namely Right No. 37-07178 (0.14 irrigation, 0.04 cfs domestic), priority date 12/04/1972 and Right No. A37-12540 (0.28 cfs irrigation), priority date 12/31/1962.

The applicant requests to move portions of the irrigation uses to a new point of diversion within SWNW for irrigation of two (2) acres at a new place of use within W1/2NW, both S33, T03N, R18E (also known as Lot 2, Block 1 of Sagebrush Subdivision) using Designated Right No. 37-07178B (0.02 cfs) and Designated Right No. 37-12540B (0.04 cfs). The remaining portions of the rights will continue to irrigate 12 acres at the original sites.

Transfer No. 68545 by SUN VALLEY LAND AND MINERALS INC., PO BOX 1969; SUN VALLEY ID 83353 involves two rights diverted year round from Deer Creek tributary to Big Wood River listed as follows:

Water Right No. 37-02446 (10.0 cfs) Recreation, (10.0 cfs) Power; Priority Date 12/19/1932 is diverted within NWNE, S34 and SWSE, S27, both T03N, R17E and used within parts of both sections.

Water Right No. 37-04369 (143.0 afa) Recreation Storage; Priority Date of 07/01/1939 is diverted within SWSE, S27 for uses within parts of Sections 27 & 34, all T03N, R17E. Using both rights listed, the applicant proposes to divert 10.0 from Deer Creek tributary to Big Wood River within SWSE, S27 & NWNE, S34 for recreation use and recreation storage (143.0 afa) within S1/2S27 and NWNE, S34; all T03N, R17E.

Transfer No. 68553 by WILLIAM J SWANSON TRUST, 125 GRADUATE DRIVE; KETCHUM ID 83340 involves three rights described as follows:

Right No. A37-00934 (1.60 cfs) is recorded with priority date of 11/01/1917 from Silver Creek tributary to Little Wood River within NENE, S27 for irrigation of 80 acres within parts of Sections 22, 26, & 27; all T01S, R20E.

Right No. 37-02683 (3.00 cfs) recorded with priority date of 08/23/1961 is diverted from ground water within NESW, S20 and SWSE, S22 & then rediverted from Silver Creek within NENE, S22 for irrigation of 157 acres within parts of Sections 22, 26, & 27; all T01S, R20E.

Right No. 37-07349 (1.60 cfs) recorded with priority date of 03/07/1974 is diverted from ground water within NESW, injected into Silver Creek within NESW, both S20; then rediverted from Silver Creek within NENE & NWNE, S27 for irrigation of 232 acres within parts of Sections 22, 26, & 27; all T01S, R20E.

The applicant requests to divert a total of 2.04 cfs to irrigate 62.2 acres in any one season within a 152 acre permissible place of use within parts of Sections 26 & 27, T01S, R20E using the rights listed below:

37-00934B diverting 0.80 cfs from Silver Creek within NESW, S26 and NENE, S27.
37-02683B (1.12 cfs) and 37-07349B (0.43 cfs) diverted from existing well within NESW, S20; injected into Silver Creek at that point and then rediverted within NESW, S26 & NENE, S27; all T01S, R20E. The remaining portions of the rights have been sold to another party with possible changes to the place of use.

Transfer No. 68554 by JOHN K. &/OR KATHERINE S. McCLATCHY, PO BOX 3226; HAILEY ID 83333 involves Right No. 37-02624 (2.22 cfs) recorded with priority date of 10/22/1959 is diverted from ground water within NENE for irrigation of 103.1 acres within E1/2, both S10, T01S, R19E. The applicant requests to divert 0.44 cfs from a new well to be drilled within either SENE or NENE for irrigation of 20 acres within E1/2, all S10, T01S, R19E using Designated Right No. 37-02624B. The remainder of the right (1.622 cfs) will continue to be used for irrigation of 81.1 acres at the original site.

Transfer No. 68560 by MICHAEL E. WILLARD, 1339 HAMPSHIRE CIRCLE; NEWPORT BEACH CA 92660 involves Right No. 37-00004C (1.10 cfs) recorded with priority date of 03/24/1883 is diverted from the Big Wood River tributary to Malad River within SWNW, S20, T03N, R18E for irrigation of 12 acres within parts of Section 4 & 9, both T02N, R18E. The applicant requests to divert 0.183 cfs within SWNW, S20 for irrigation of 2.0 acres in a 8.9 acre permissible place of use within E1/2, S29, all T03N, using Designated Right No. 37-00004D. The remainder, (0.917 cfs) will continue to irrigate 10 acres at the original site.

Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite #200; Twin Falls ID 83301 together with a protest fee of $25.00 on or before February 20, 2001 to be considered by the Department in its decision to grant or deny any part of the proposed change. (Each transfer requires a separate protest.) The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Publish: Wood River Journal—January 31 and February 7, 2001.

PUBLIC NOTICE

Transfer No. 68545 by SUN VALLEY LAND AND MINERALS INC., PO BOX 1969; SUN VALLEY ID 83353 involves two rights diverted year round from Deer Creek tributary to Big Wood River listed as follows:

Water Right No. 37-02446 (10.0 cfs) Recreation, (10.0 cfs) Power; Priority Date 12/19/1932 is diverted within NWNE, S34 and SWSE, S27, both T03N, R17E and used within parts of both sections.

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Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite #200; Twin Falls ID 83301 together with a protest fee of $25.00 on or before February 20, 2001 to be considered by the Department in its decision to grant or deny any part of the proposed change. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published: February 1, 8, 2001

OK
MB
2/26/01

MICROFILMED

SEP 1 1 2002

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 02/08/2001 INVOICE NO. 252522

Account No. 446620

Description 252522Transfer No 6854

Times 2 Lines 44

Tab. Lines

$ 65.78

LEGAL ADVERTISING INVOICE

SOLD TO: DEPT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 20
TWIN FALLS ID 833013380

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

252522

Transfer No. 68545 by SUN VALLEY LAND AND MINERALS INC., P0 BOX 1969; SUN VALLEY ID 83353 involves two rights diverted year round from Deer Creek tributary to Big Wood River listed as follows:
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Karl J. Dreher, Director
Published in the Idaho Statesman, Lewiston Morning Tribune, Times News & Post Register on 02/01 & 02/08/01

RF

Department of Water ... Southern Region

OK MB 2/26/01

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 252522Transfer attached hereto and which is made a part of this affadavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 02/01, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 02/01/2001, and the last publication thereof being on the 02/08/2001, and said 252522Transfer was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J Lewis

State of Idaho
S.S.
County of Nez Perce

On this 8th day of February in the year of 2001, before me, a Notary Public, personally appeared Karen J Lewis, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

SHERAL M. LANTZ NOTARY PUBLIC STATE OF IDAHO

Sheral M Lantz

Notary Public in and for the State of Idaho, residing at Lewiston, therein
Commission Expires June 4, 03

MICROFILMED
SEP 1 1 2002

The Idaho Statesman

P.O. Box 40, Boise, Idaho 83707-0040

LEGAL ADVERTISING PROOF OF PUBLICATION

Account #	DTI#	Identification	Amount:
208-736-3033	396007	NOTICE OF TRANSFER	$ 65.40

Ordered by:	P.O. #	Rate	Run Dates
MARY BALDWIN		NT	FEB. 1, 8, 2001

IDAHO DEPT. WATER RESOURCES - SOUTH
1341 FILLMORE ST, SUITE 200
TWIN FALLS, ID 83301-3380

Number of Lines: 40

Affidavit	Legal #
1	9441

LEGAL NOTICE
NOTICE OF TRANSFER

Transfer No. 68545 by SUN VALLEY LAND AND MINERALs INC., PO BOX 1969; SUN VALLEY ID 83353 involves two rights diverted year round from Deer Creek tributary to Big Wood River listed as follows:

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Karl J. Dreher, Director

Pub. Feb. 1,8, 2001 9441

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman,* a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in *The Idaho Statesman,* in conformity with Section 60-108, Idaho Code, as amended for: TWO

OK mb 2/12/01

[X] consecutive weekly [ ] single
[ ] consecutive daily [ ] odd skip
insertion(s)

beginning with the issue of: FEBRUARY 1, 2001
and ending with the issue of: FEBRUARY 8, 2001

Janice Hildreth

STATE OF IDAHO)
)ss
COUNTY OF ADA

On this 8 day of FEBRUARY in the year of 2001 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Sondra L. Brightman

Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: 6/20/06

SONDRA L. BRIGHTMAN NOTARY PUBLIC STATE OF IDAHO

MICROFILMED
SEP 11 2002

RECEIVED
FEB 09 2001
Department of Water Resources
Southern Region

PUBLIC NOTICE
Transfer No. 68545

by SUN VALLEY LAND AND MINERALS INC., PO BOX 1969; SUN VALLEY ID 83353 involves two rights diverted year round from Deer Creek Tributary to Big Wood River listed as follows:

Water Right No. 37-02446 (10.0 cfs) Recreation, (10.0 cfs) Power; Priority Date 12/19/1932 is diverted within NWNE, S34 and SWSE, S27, both T03N, R17E and used within parts of both sections.

Water Right No. 37-04369 (143.0 afa) Recreation Storage; Priority Date of 07/01/1939 is diverted within SWSE, S27 for uses within parts of Sections 27 & 34, all T03N, R17E.

Using both rights listed, the applicant proposes to divert 10.0 from Deer Creek tributary to Big Wood River within SWSE, S27 & NWNE, S34 for recreation use and recreation storage (143.0 afa) within S½S27 and NWNE, S34; all T03N, R17E.

Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite # 200; Twin Falls, Idaho 83301 together with a protest fee of $25.00 on or before February 20, 2001 to be considered by the Department in its decision to grant or deny any part of the proposed change. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

PUBLISH: February 1 and 8, 2001

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MAN
LIC
HO

Affidavit of Publication

STATE OF IDAHO
COUNTY OF TWIN FALLS } SS.

№ 33359

I, Ruby Ausderheide being first duly sworn upon oath, depose and say that I am principal clerk of the TIMES-NEWS, published daily at, Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated Feb 1, 2001, and ending with the issue dated Feb 8, 2001.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issue thereof, Thursday is announced as the day on which said legal notices will be published.

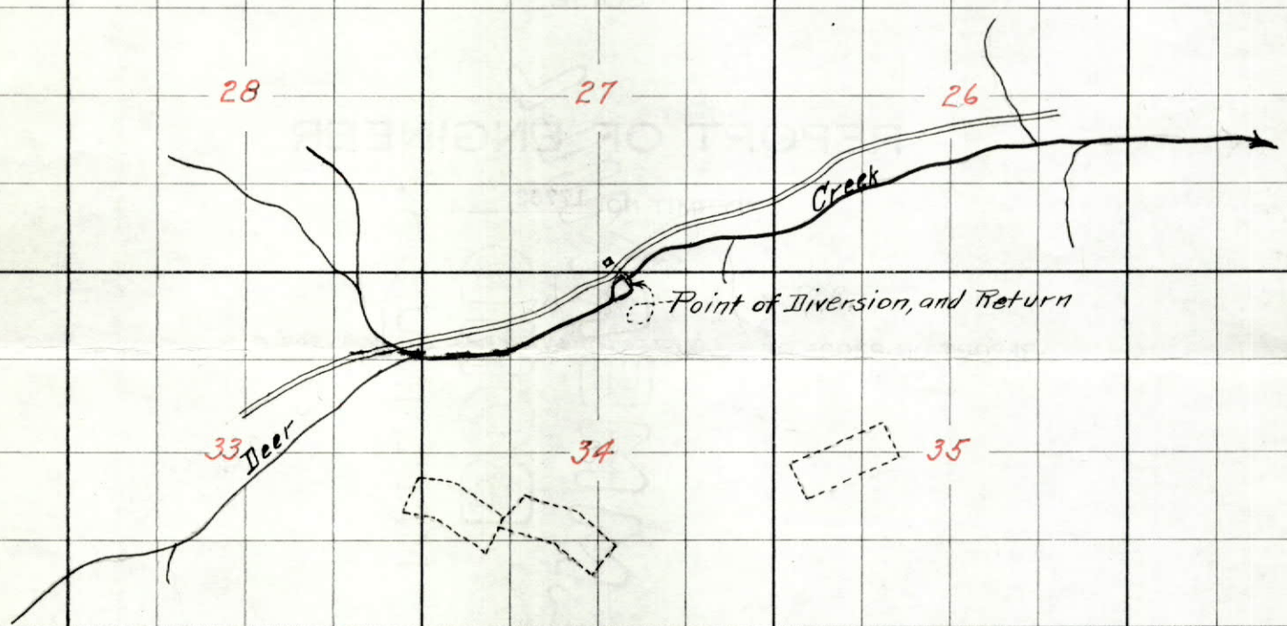
MICROFILMED
SEP 11 2002

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 8th day of February in the year 2001, before me, a Notary Public, personally appeared Ruby Ausderheide, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Treva Feltman
Notary Public for Idaho
Residing at Twin Falls, Idaho.
My commission expires: 5/16/06

OK mb 2/12/01



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

17762

RECEIVED
MAY 24 1934
DEPARTMENT OF RECLAMATION

NOTICE OF PROOF OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M. on the 21st day of May, 1934, at Hailey, County of Blaine State of Idaho, before J. J. McFadden, Notary Public, proof will be submitted of the completion of works for the diversion of 10 cubic feet per second of the waters of Deer Creek and of the application to beneficial use of said water in accordance with the terms and conditions of Permit No. 17762, heretofore issued by the Commissioner of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation, holding said permit, are E. C. Smith, Hailey, Idaho, c|o H. C. Beamer, Hailey, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of use, in accordance with the plans accompanying the application for such permit, is 10 cubic feet per second.

3. The use to which said water has been applied is power and pleasure resort purposes and the amount applied to beneficial use is 10 cubic feet per second.

4. The place where said water is used is in Sec. 34, T. 3 N., R. 17 E., B. M.

5. The date of priority which said user is prepared to establish is December 19, 1932.

R. W. FARIS,
Commissioner of Reclamation.

4-5-4-26

AFFIDAVIT OF PUBLICATION

I, M. F. Cunningham

Publisher of
(Publisher or Foreman)

THE HAILEY TIMES

published weekly at Hailey, Idaho, do solemnly swear that a copy of the above notice, as per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof,

for four consecutive issues,

commencing with the issue dated April 5, 1934,

and endng with the issue dated April 26, 1934.

M. F. Cunningham
(Signature)

Subscribed and sworn to before me this 27 th day

of April, 1934.

J. J. McFadden
Notary Public
Residence: Hailey, Idaho
(Official Designation)

17762

FORM No. 0

NAME OF APPLICANT E. C. Smith

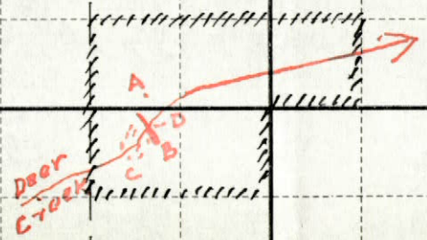
SYMS-YORK CO., BOISE 10888

SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK

17762

Twp 3 N. R 17 E B M

SEC. SEC. SEC. 27 SEC. 26 SEC. SEC.



SEC. SEC. SEC. 34 SEC. SEC. SEC.

Key.

Thatched--200 acres, owned by applican

A. Clarendon Hot Springs & Hotel.
B. Dam.
C Reservoir.
D Headgate.

SEC. SEC. SEC. SEC. SEC. SEC.

Permit Map No. 17762
As Approved
FEB 21 1953
R. W. PARIS
Commissioner of Reclamation

Form 3-222
12/99

RECEIVED
OCT 11 2000
Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RESUMPTION OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the water right holder(s) has/have resumed the use of water for the water right identified below. This form must be returned to the department or the water right will revert to the state of Idaho.

Water Right Number(s) 37-04369 and 37-02446

Name of Water Right Holder(s) Sun Valley Land & Minerals, Inc.

Mailing Address PO Box 1969 Sun Valley ID. 83353

Telephone Number (208) 726-4113

Source of Water (Groundwater/Surface) Deer Creek

Extent of Use:
Domestic _____ (number of households)
Stockwater _____ (number and type of stock)
Irrigation _____ (number of acres irrigated)
Other/Remarks Recreation/Aesthetics, Storage.

Total rate and/or volume of use 10 cfs cfs 143 of storage. acre feet

Show the date water use will be or was resumed under this water right August 1, 2000

Person to contact to accompany the Department representative if a field examination is conducted:

Name Charles E. Brockway Telephone No. (208) 736-8543

Address 2016 Washington St. North Twin Falls, ID 83301

The above information is my true statement of the extent to which diversion and use of the above described water right has been resumed.

Date 10-10-00 Signature Norman R. Kelly

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SEP 11 2002

Water Right No. 37-02446

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE OF A WATER RIGHT

Section 42-222 of the idaho Code provides that a water right shall be lost and forfeited and the water revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a shaowing of reasonable cause.

Complete fully the following application and submit it to the Department of Water Resources, Statehouse, Boise, Idaho, 83720, with the statutory fee of $50.00.

1. Name of water right holder: Sun Valley Land and Minerals, Inc.

2. Post office address: c/o James P. Speck, Hogue, Speck & Aanestad, P.O. Boc 987, Ketchum, Idaho, 83340.

3. The right was obtained or is evidenced by:

   a. License No. 37-02446 issued by the Department of Water Resources.

   b. Snake River Basin Adjudication Claim No. A37-02446

4. Source of water: Deer Creek.
   Tributary to: Big Wood River.

5. Date of priority: December 19, 1932.

6. Amount of water: 10.0 cfs.

7. Water is used for: 10.0 cfs for recreation and power from January 1 to December 31

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SEP 1 1 2002

8. Location of point of diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NW	NE	34	3N	17E	Blaine	Clarendon Dam

9. Lands irrigated or place of use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	17E	27 34		R/P															

Total acres _____

9. Give the last date when water was applied to beneficial use: 1990.

Length of extension of time requested: Until November 1, 2000.

10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and the reasons for non-use: Clarendon Dam is in a state of disrepair requiring a significant amount of work and expense to rehabilitate pursuant to specifications which must be approved by the Department (project D37-4369). Due to litigation over ownership of lands within the proposed development, Applicant requests the additional time to repair the dam and recommence beneficial use of the water pursuant to the water right.

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I hereby assert that noone will be injured by such extension. The information contained in this application is true to the best of my knowledge.

SUN VALLEY LAND AND MINERALS, INC.

By: Donna R. Kelsey
Donna R. Kelsey, president

SUBSCRIBED AND SWORN TO before me this 3rd day of March, 1994.

J. D. Syed
Notary public for Idaho
Residing at East Fork Id.
Commission expires 1/29/97

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby APPROVE said application subject to the following conditions or reasons:

Resumption of water to beneficial use must occur on or before November 1, 2000.

Witness my hand this 25th day of July, 1994.

J. Glen Saxton
Chief, Water Allocation Bureau

For Department Use Only

Received by J F & Curtis Date 3-9-94 Time 10 am Preliminary check by MES
Fee $ 50.00 Receipted by 50166 Date 3-10-94 Publication prepared by _____
Published in Wood River Journal Dates 5/25 & 6/1/94
Publication approved by MS Date 6/10/94 Protests filed by _____

Copies of protests forwarded by _____ Hearing held by _____ Date _____
Recommended for // Approval // Denial by _____

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SEP 1 1 2002

AFFIDAVIT of PUBLICATION

State of Idaho, } SS.
County of Blaine

RECEIVED
JUN 06 1994
Resources
Office

On this 1 day of June, in the year 1994, before me a Notary Public of said State, personally appeared DANIEL J. GORHAM, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 25 day of May, 1994, and the date of the last publication was on the 1 day of June, 1994.

Daniel J. Gorham

Subscribed and sworn to before me this 1st day of June, 1994.
(SEAL)

Roberta McTeacher
NOTARY PUBLIC

#9141

OK NB 6/10/94

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11.5
Number of Lines in Notice 50.267
Number of Insertions 2

____	Lines tabular at ____	6¢ / Pica
50.267	Lines straight at 28.903	5¢ / Pica
50.267	Subsequent lines at 23.123	4¢ / Pica
TOTAL COST	+5.00 $57.03	

MICROFILMED SEP 11 2002

COPY OF NOTICE
(Paste Here)

Application - Valley Land 446
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF
Dept. of Water Resources - TF
BILL TO

Application for water permit

NOTICE OF APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE OF A WATER RIGHT No. 37-02446

Notice is hereby given that SUN VALLEY LAND & MINERALS, INC., C/O James P. Speck, Esquire of Ketchum, ID has applied to the Department of Water Resources for an extension of time to avoid forfeiture of Licensed Water Right No. 37-02446.

The extension is requested to avoid loss of the water right due to non-use while ownership of the land is involved in litigation and repair work on Clarendon Dam is suspended.
Water Right No. 37-02446
Priority Date: 12/19/1932
Basis: License
Source: Deer Creek tributary to Big Wood River
Use: Power & Recreation (10.0 cfs) from 01/01 to 12/31
Point of Diversion: NWNE, S34, T03N, R17E (Clarendon Dam); Blaine County.
Place of Use: NWNE, S34, T03N, R17E; Blaine County.
A claim has been filed in the Snake River Basin Adjudication.
Any protests against the approval of the above proposed and described request must be filed with the applicant and with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 on or before June 13, 1994.

R. Keith Higginson, Director

Published in Wood River Journal on 5/25 & 6/1/94

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No. 37-02446

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R. Keith Higginson, Director

Published in Wood River Journal on 5/25 & 6/1/94

MICROFILMED
SEP 1 1 2002

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

13-May-1994

WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Gentlemen:

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

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

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

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

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

MICROFILMED
SEP 1 1 2002

NOTICE OF APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE OF A WATER RIGHT
No. 37-02446

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Point of Diversion: NWNE, S34, T03N, R17E (Clarendon Dam); Blaine County.
Place of Use: NWNE, S34, T03N, R17E; Blaine County.

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R. Keith Higginson, Director

Published in Wood River Journal on 5/25 & 6/1/94

MICROFILMED
SEP 1 1 2002

3786

State of Idaho

License and Certificate of Water Right

Water License No. 17762 Amount 10 Sec. Ft.

Water District No. Priority December 19, 1932

THIS IS TO CERTIFY that E. C. SMITH of Hailey, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 19, 19 32; that Permit No. 17762 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 10 second feet, was issued thereunder on March 4, 19 35, showing that said works were completed on the 21st day of May, 19 34; and that on the 21st day of May, 19 34,

E.C. SMITH

of Hailey, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Deer Creek, a tributary of Big Wood River, for the purpose of power and pleasure resort purposes, under Use Permit No. 17762 of the Commissioner of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7 of Licenses, at page 3786, on the 14th day of March, 19 35;

The right hereby confirmed dates from December 19, 19 32;

The Point of Diversion is located in the NW ¼ NE ¼, Sec. 34, Tp. 3 N., R. 17 E., B. M. Blaine County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 10 cubic feet per second.

Description and location of use: At applicant's pleasure resort located in NW¼NE¼ Sec. 34, T. 3 N., R. 17 E., B. M.

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 14th day of March, 19 35.

R. W. FARIS 37 2940
Commissioner of Reclamation

(SEAL)

State of Idaho

License and Certificate of Water Right

Water License No. 15872 Amount 40 Sec. Ft.

Water District No. Priority July 27, 1923

THIS IS TO CERTIFY that Boise Placer Company of Idaho City, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated July 27, 19 23; that Permit No. 15872 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 40 second feet, was issued thereunder on March 19, 19 29, showing that said works were completed on the 1st day of October, 19 28; and that on the 11th day of September, 19 33,

BOISE PLACER COMPANY

of Idaho City, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Moores Creek, a tributary of Boise River, for the purpose of placer mining, under Use Permit No. 15872 of the Commissioner of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7 of Licenses, at page 3785, on the 14th day of March, 19 35;

The right hereby confirmed dates from July 27, 19 23;

The Point of Diversion is located in the NE ¼ NW ¼, Sec. 10, Tp. 6 N., R. 6 E., B. M. Boise County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 40 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
On applicant's placer claims in Sections 23, 24, 25, 26, T. 6 N., R. 5 E., B. M.					

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 14th day of March, 19 35.

R. W. FARIS
Commissioner of Reclamation

(SEAL)

ER FILING UNDER CHAPTER 212, 1929 SESSION LAWS.

ce 12-21 1932
Posting 12-28 1932
r Protest 2-20 1933
IF PROTESTED
e of Hearing 19
ing 19
eal Filed 19

No. 17762

37- 2446

APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 24879
Permit No. 17762
District No.

1. Name of Applicant: E. C. Smith
(c/o H. C. Beamer)
Postoffice address: Hailey County: Blaine State: Idaho

I. If applicant is a corporation, give:
(a) Date and place of incorporation:
(b) Amount of capital stock:
(c) Amount paid in:
(d) Names and addresses of directors:

II. The financial resources of the applicant are:
(a) Cash on hand:
(b) Treasury stock
(c) Bonds to be issued:
(d) Other resources:

2. Quantity of water claimed: ten cubic feet per second.

3. Source of water supply: Deer Creek which is a tributary of

4. Location of point of diversion: 1800 feet distant from the NE corner of Section 34, T. 3 N, R. 17 E, B. M., and is in the $NW\frac{1}{4}NE\frac{1}{4}$ of Section 34, T. 3 N, R. 17 E, B. M., County of Blaine

5. Water is to be used for: Power and pleasure resort purposes

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: 1800 feet distant from NE corner of Section 34 T. 3 N, R. 17 E, B. M., in the $NW\frac{1}{4}NE\frac{1}{4}$ of Section 34, T. 3 N, R. 17 E, B. M.

(b) Amount of power generated: 10 to 15 H. P., under 6 feet head.

(c) Water is to be returned to creek at a point 1800 feet distant from the NE corner of Section 34, T. 3 N, R. 17 E, B. M., in the $NW\frac{1}{4}NE\frac{1}{4}$ of Section 34, T. 3 N, R. 17 E, B. M.

7. Estimated cost of works: $ 500.00 (exclusive of power plant)

8. Kind of works: Dam and headgate

9. Height of dam 8 feet; length of dam at top 350 feet; length of dam at bottom 300 feet; material used in dam: Rock, earth and cement

10. Size of headgate: Width 16 feet; height 8 feet.

11. Ditch: Width at bottom feet; width at water line feet; depth of water feet; dimensions of flume:
Diameter of pipe inches; length of conduit miles.
Average grade per mile feet.

12. The time required for the completion of such work is one years.

13. The time required for the complete application of the water to the proposed use is two additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. (a) Is reservoir to be used? Yes--about five acres If so, fill in (b) and (c) below.
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

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

E. C. Smith *Applicant.*

By J. J. McFadden
Hailey, Idaho *Agent.*

Date of first receipt at Department of Reclamation: 9:00 A. M. December 19, 1932.

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 17762
Recorded in Book 64 Page 17762 Approved February 21, 1933
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of $ to be filed on or before
Work to begin on or before April 22, 1933 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before August 21, 1933
The whole of said work to be completed on or before February 21, 1934
Beneficial use of water appropriated in accordance herewith, to be made on or before February 21, 1936

Witness my hand this 21st day of February, 1933.

R. W. FARIS
Commissioner of Reclamation.

Remarks: Land on which power plant and reservoir will be located are all owned by applicant. The plan is to rebuild and replace an old dam built years ago, which was at one time partly washed out by spring freshet, and to put in concrete headgate to develop power from the natural flow of the water.
14. The reservoir will be filled during high water season.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

PERMIT NO. 17762

EXTENSION OF TIME FOR COMPLETION OF WORKS

"Upon proper request of the holder of the above numbered permit, I have this 30th day of December, 1933, extended the time for completion of works thereunder to the 21st day of May, 1934.

R. W. FARIS
Commissioner of Reclamation.

PERMIT NO. 17762

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that H. N. BEAMER, Agent for E. C. Smith of Reno, County of , and State of Nevada, the holder of Permit No. 17762, issued upon Application No. 24879, bearing date of priority of December 19, 1932, authorizing the diversion of ten second feet of the waters of Deer Creek, County of Blaine, State of Idaho, for power and pleasure resort purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use ten second feet of the waters of Deer Creek; that the point of diversion of said waters is 1800' distant from the NE corner of Section 34, T. 3 N., R. 17 E., B. M., and is in the $NW\frac{1}{4}$ $NE\frac{1}{4}$ of Section 34, T. 3 N., R. 17 E., B. M., Blaine County.

Witness my hand this 4th day of March, A. D. 1935.

R. W. FARIS
Commissioner of Reclamation

Proof of Completion of Works made May 21, 1934.
Certificate issued March 4, 1935.

LICENSE ISSUED FOR 10 SEC. FT.
Vol. 7 Page 3786

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

TRANSFER OF WATER RIGHT

TRANSFER NO. 68545

This is to certify that: SUN VALLEY LAND & MINERALS INC
PO BOX 1969
SUN VALLEY ID 83353
(208)726-1868

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
37-2446	AJC/License	12/19/1932	10.00 cfs			N/A	DEER CREEK
37-4369	AJC/Beneficial Use	12/19/1932		143.0 af		N/A	DEER CREEK

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
37-2446	NO	NO	YES	YES	NO	NO
37-4369	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-2446	**37-2446**	10 cfs		N/A	N/A		N/A	N/A		N/A
37-4369	**37-4369**		102 af	N/A	N/A		N/A	N/A		N/A
TOTALS		**10 cfs**	**102 af**				N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 26 day of March, 20 03

for Chief, Water Allocation Bureau

MICROFILMED
APR 16 2003

SCANNED
MAR 26 2003

AMENDED

WATER RIGHT NO. 37-2446
As Modified by Transfer No. 68545

In accordance with the approval of Transfer No. 68545, Water Right No. 37-2446 is now described as follows.

Right Holder: SUN VALLEY LAND & MINERALS INC
PO BOX 1969
SUN VALLEY ID 83353

Priority Date: 12/19/1932

Source: DEER CREEK **Tributary:** BIG WOOD RIVER

BENEFICIAL USE	From	To	Diversion Rate
RECREATION	01/01	12/31	10.00 CFS
			10.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

DEER CREEK	SWSE	Sec. 27 Twp 03N	Rge 17E	BLAINE County
DEER CREEK	NWNE	Sec. 34 Twp 03N	Rge 17E	BLAINE County

PLACE OF USE: RECREATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 17E 27															X	X	
03N 17E 34		X															

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within three (3) years of the date of this approval.
2. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. The total instantaneous diversion of water from all points of diversion under Rights 37-2446 and 37-4369 shall not exceed 10.0 cfs.
5. Use of water under this right may be affected by agreements between the protestants and the right holder.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
7. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

MICROFILMED
APR 16 2003

SCANNED
MAR 26 2003

AMENDED

WATER RIGHT NO. 37-2446

As Modified by Transfer No. 68545

CONDITIONS OF APPROVAL

8. After specific notification by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.

9. The right holder shall construct and maintain a structure(s) to allow passage of fish from the natural stream channel downstream of the outflow of the lowermost pond to the natural stream channel above the uppermost pond.

10. Approval of this transfer authorizes the storage of water within three (3) existing ponds and one (1) new pond to be excavated and developed. The combined storage volume of the four (4) ponds shall not exceed 102 af.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 26 day of March, 2003

For Chief, Water Allocation Bureau

MICROFILMED
APR 16 2003

SCANNED
MAR 26 2003

AMENDED

WATER RIGHT NO. 37-4369

As Modified by Transfer No. 68545

In accordance with the approval of Transfer No. 68545, Water Right No. 37-4369 is now described as follows.

Right Holder: SUN VALLEY LAND & MINERALS INC
PO BOX 1969
SUN VALLEY ID 83353

Priority Date: 07/01/1939

Source: DEER CREEK **Tributary:** BIG WOOD RIVER

BENEFICIAL USE	From	To	Diversion Rate	Volume
RECREATION STORAGE	01/01	to 12/31		102.0 AF
				102.0 AF

LOCATION OF POINT(S) OF DIVERSION:

DEER CREEK	SWSE	Sec. 27 Twp 03N	Rge 17E	BLAINE County
DEER CREEK	NWNE	Sec. 34 Twp 03N	Rge 17E	BLAINE County

PLACE OF USE: RECREATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 17E 27															X	X	
03N 17E 34		X															

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MICROFILMED
APR 16 2003
SCANNED
MAR 26 2003

AMENDED

WATER RIGHT NO. 37-4369
As Modified by Transfer No. 68545

CONDITIONS OF APPROVAL

8. After specific notification by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.

9. Approval of this transfer is not a determination of the historical volume of water stored.

10. The right holder shall construct and maintain a structure(s) to allow passage of fish from the natural stream channel downstream of the outflow of the lowermost pond to the natural stream channel above the uppermost pond.

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Dated this 26 day of March, 2003

for Chief, Water Allocation Bureau

MICROFILMED
APR 16 2003

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

TRANSFER OF WATER RIGHT

TRANSFER NO. 68545

This is to certify that: SUN VALLEY LAND & MINERALS INC
PO BOX 1969
SUN VALLEY ID 83353
(208)726-1868

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Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
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37-4369	AJC/Beneficial Use	12/19/1932		143.0 af		N/A	DEER CREEK

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
37-2446	NO	NO	YES	YES	NO	NO
37-4369	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-2446	**37-2446**	10 cfs		N/A	N/A		N/A	N/A		N/A
37-4369	**37-4369**		102 af	N/A	N/A		N/A	N/A		N/A
TOTALS		**10 cfs**	**102 af**				N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 7th day of March, 2003

L. Glen Saxton

Chief, Water Allocation Bureau

MICROFILMED
APR 16 2003

SCANNED
MAR 07 2003

AMENDED

WATER RIGHT NO. 37-2446

As Modified by Transfer No. 68545

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Right Holder: SUN VALLEY LAND & MINERALS INC
PO BOX 1969
SUN VALLEY ID 83353

Priority Date: 12/19/1932

Source: DEER CREEK **Tributary:** BIG WOOD RIVER

BENEFICIAL USE	From	To	Diversion Rate
RECREATION	01/01	12/31	10.00 CFS
			10.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

DEER CREEK	SWSE	Sec. 27	Twp 03N	Rge 17E	BLAINE County
DEER CREEK	NWNE	Sec. 34	Twp 03N	Rge 17E	BLAINE County

PLACE OF USE: RECREATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 17E 27															X	X	
03N 17E 34		X															

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within three (3) years of the date of this approval.
2. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. The total instantaneous diversion of water from all points of diversion under Rights 37-2446 and 37-4369 shall not exceed 10.0 cfs.
5. Use of water under this right may be affected by agreements between the protestants and the right holder.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
7. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

MICROFILMED
APR 16 2003

SCANNED
MAR 07 2003

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WATER RIGHT NO. 37-2446

As Modified by Transfer No. 68545

CONDITIONS OF APPROVAL

8. After specific notification by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.

9. The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.

10. The right holder shall construct and maintain a structure(s) to allow passage of fish from the natural stream channel downstream of the outflow of the lowermost pond to the natural stream channel above the uppermost pond.

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This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of March, 20 03

Chief, Water Allocation Bureau

MICROFILMED
APR 16 2003

SCANNED
MAR 07 2003

AMENDED

WATER RIGHT NO. 37-4369
As Modified by Transfer No. 68545

In accordance with the approval of Transfer No. 68545, Water Right No. 37-4369 is now described as follows.

Right Holder: SUN VALLEY LAND & MINERALS INC
PO BOX 1969
SUN VALLEY ID 83353

Priority Date: 07/01/1939

Source: DEER CREEK **Tributary:** BIG WOOD RIVER

BENEFICIAL USE	From	To	Diversion Rate	Volume
RECREATION STORAGE	01/01	12/31		102.0 AF
				102.0 AF

LOCATION OF POINT(S) OF DIVERSION:

DEER CREEK	SWSE	Sec. 27	Twp 03N	Rge 17E	BLAINE County
DEER CREEK	NWNE	Sec. 34	Twp 03N	Rge 17E	BLAINE County

PLACE OF USE: RECREATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 17E 27															X	X	
03N 17E 34		X															

CONDITIONS OF APPROVAL

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APR 16 2003
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Dated this 7th day of March, 2003

Chief, Water Allocation Bureau

MICROFILMED
APR 16 2003

SCANNED
MAR 07 2003

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF TRANSFER NO. 68545 IN THE NAME OF SUN VALLEY LAND AND MINERALS INC.	**ORDER GRANTING PETITION FOR RECONSIDERATION**

This matter having come before the Department of Water Resources (Department) as a petition to reconsider the approval of a water right transfer, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On July 16, 2002 the Department approved Water Right Transfer No. 68545 (transfer) in the form of a preliminary order (order). A Copy of the order was mailed to Sun Valley Land & Minerals Inc. (applicant) on July 23, 2002.

2. On July 31, 2002, the Department received a Petition for Reconsideration (petition) in connection with the order from Charles E. Brockway P.E., PhD., on behalf of the applicant. The petition seeks a change to some of the conditions of the approval of the transfer.

CONCLUSIONS OF LAW

1. Section 67-5243(3) , *Idaho Code*, provides in pertinent part as follows:

> Unless otherwise provided by statute or rule, any party may file a motion for reconsideration of a recommended order or a preliminary order within fourteen (14) days of the issuance of that order. The presiding officer shall render a written order disposing of the petition.

2. The petition was filed timely.

3. The Department should grant the petition pursuant to Section 67-5243(3), *Idaho Code*, so that it can review the issues raised in the petition and make any changes to the transfer, if appropriate, by amending the transfer and re-issuing as a new preliminary order.

MICROFILMED
SEP 1 1 2002

ORDER

IT IS HEREBY ORDERED that the petition is **GRANTED** pursuant to Section 67-5243(3), *Idaho Code*, so that the Department can review the issues raised in the petition.

Dated this 1st day of August, 2002.

L. GLEN SAXTON
Chief, Water Allocation Bureau

MICROFILMED
SEP 1 1 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 68545

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PO BOX 1969
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Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
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37-4369	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-2446	**37-2446**	10 cfs		N/A	N/A		N/A	N/A		N/A
37-4369	**37-4369**		102 af	N/A	N/A		N/A	N/A		N/A
TOTALS		**10 cfs**	**102 af**				N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 16th day of July, 2002

Chief, Water Allocation Bureau

MICROFILMED
SEP 11 2002

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As Modified by Transfer No. 68545

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Right Holder: SUN VALLEY LAND & MINERALS INC
PO BOX 1969
SUN VALLEY ID 83353

Priority Date: 12/19/1932

Source: DEER CREEK **Tributary:** BIG WOOD RIVER

BENEFICIAL USE	From	To	Diversion Rate
RECREATION	01/01	to 12/31	10.00 CFS
			10.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

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PLACE OF USE: RECREATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 17E 27															X	X	
03N 17E 34		X															

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
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MICROFILMED

SEP 1 1 2002

WATER RIGHT NO. 37-2446

As Modified by Transfer No. 68545

CONDITIONS OF APPROVAL

9. Prior to diversion of water under this right, the right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.

10. The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.

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Dated this 16th day of July, 2002

Chief, Water Allocation Bureau

MICROFILMED

SEP 1 1 2002

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PO BOX 1969
SUN VALLEY ID 83353

Priority Date: 07/01/1939

Source: DEER CREEK **Tributary:** BIG WOOD RIVER

BENEFICIAL USE	From	To	Diversion Rate	Volume
RECREATION STORAGE	01/01	to 12/31		102.0 AF
				102.0 AF

LOCATION OF POINT(S) OF DIVERSION:

DEER CREEK	SWSE	Sec. 27 Twp 03N	Rge 17E	BLAINE County
DEER CREEK	NWNE	Sec. 34 Twp 03N	Rge 17E	BLAINE County

PLACE OF USE: RECREATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
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03N	17E	34		X															

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SEP 1 1 2002

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10. The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.

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This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 16th day of July, 2002

Chief, Water Allocation Bureau

MICROFILMED
SEP 11 2002

12-90

Page 1 of 8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. ~~5862~~ 68545

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Sun Valley Land and Minerals Inc. Phone 208 726 4113

Post Office address P.O. Box 1969 Sun Valley ID 83353

RECEIVED
OCT 11 2000
Department of Water Resources
Southern Region

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point CLP ☒ Change place of use
   ☐ Change nature of use ☐ Change period of use ☐ Other

2. Describe the reason for the proposed changes To restore storage volume to historic levels

RECEIVED
SEP 26 2001
Department of Water Resources

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use	
37-02446	12-12-1932	10 cfs	Rec. ~~Des.~~ CLP	1-1	to 12-31
37-04369	7-01-1939	143 af	Recreation Storage CLP	1-1	to 12-31
					to
					to

2. Total amount of water being transferred 10 cubic feet per second and/or 143 acre-feet per annum.

3. Source of water Deer Creek tributary to Big Wood River

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SW	SE	27	3N	17E	Blaine	
		NW	NE	34	3N	17E	Blaine CLP	

5. Lands irrigated or place of use: R/A=Rec

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	17E	27															R/A	R/A	
		34		R/A															

MICROFILMED
SEP 11 2002

Printed 10/9/00 16:13

Total acres

Transfer No. ~~5862~~ 68545

PART 1

6. General Information:

a. Description of diversion system Deer Creek water is stored in rebuilt reservoir and ponds in the historic reservoir area and in two new ponds downstream of the rebuilt dam.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

☐ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

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

d. Remarks:

See narrative in support of transfer

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19 _____.

_____

MICROFILMED
SEP 11 2002

Transfer No. 5862
68545

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

   a. Decree No. _____ Decreed to _____

   in case of _____ vs. _____

   dated _____ in _____ county of _____

   b. License No. 37-02446 issued by the Idaho Department of Water Resources.

   c. Claim No. _____ on file with the Idaho Department of Water Resources.

   d. Transfer No. _____ which produced this right.

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

   ☒ Tax notice ☐ Warranty Deed ☐ Other _____

3. Source of water Deer Creek tributary to Big Wood River

4. Date of priority 12-19-1932

5. Water is used for the following purpose:

   Amount 10 cfs (cs. cfs) for Rec. ~~Acs~~ (cs. cfs) purposes from 1-1 to 12-31
   (cfs/ac-ft)

   Amount 10 cfs (cs. cfs) for Power purposes from 1-1 to 12-31
   (cfs/ac-ft)

   Amount _____ for _____ purposes from _____ to _____
   (cfs/ac-ft)

6. Total amount of water under right 10 (cs. cfs) cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

	Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
			NW	NE	34	3N	17E	Blaine	
*			SW	SE	27	3N	17E	Blaine	

* per SRBA Claim

8. Lands irrigated or place of use:

	Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
				NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
	3N	17E	34		R/P															
*	3N	17E	27															R/S		
	3N	17E	34		R			R												

* per SRBA Claim

Total acres _____

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

MICROFILMED
SEP 1 1 2002

PART 2

Transfer No. ~~5862~~ 68545

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

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

MICROFILMED SEP 1 1 2002

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. ~~5862~~ 68545

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

   a. Decree No. _____ Decreed to _____

   in case of _____ vs. _____

   dated _____ in _____ county of _____

   b. License No. 37-04369 issued by the Idaho Department of Water Resources.

   c. Claim No. _____ on file with the Idaho Department of Water Resources.

   d. Transfer No. _____ which produced this right.

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

   ☒ Tax notice ☐ Warranty Deed ☐ Other _____

3. Source of water Deer Creek tributary to Big Wood River

4. Date of priority 7/01/1939

5. Water is used for the following purpose: * FROM SRBA CLAIM C.S.

   Amount 143 ac ft * for Recreation purposes from 1-1 to 12-31
   (cfs/ac-ft)
   Amount _____ for Storage purposes from 1-1 to 12-31
   (cfs/ac-ft)
   Amount _____ for _____ purposes from _____ to _____
   (cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or 143 * acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SW	SE	27	3N	17E	Blaine	

8. Lands irrigated or place of use: R/S=Recreation Storage

			NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
Twp.	Rge.	Sec.	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	17E	27															R/S		
		34		R/S			R/S												

MICROFILMED SEP 1 1 2002

Total acres _____

9. Describe any other water rights used for the same purpose as described above 37-02446

PART 2

Transfer No. ~~53865~~ 68545

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

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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

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

2. Point(s) of Diversion:

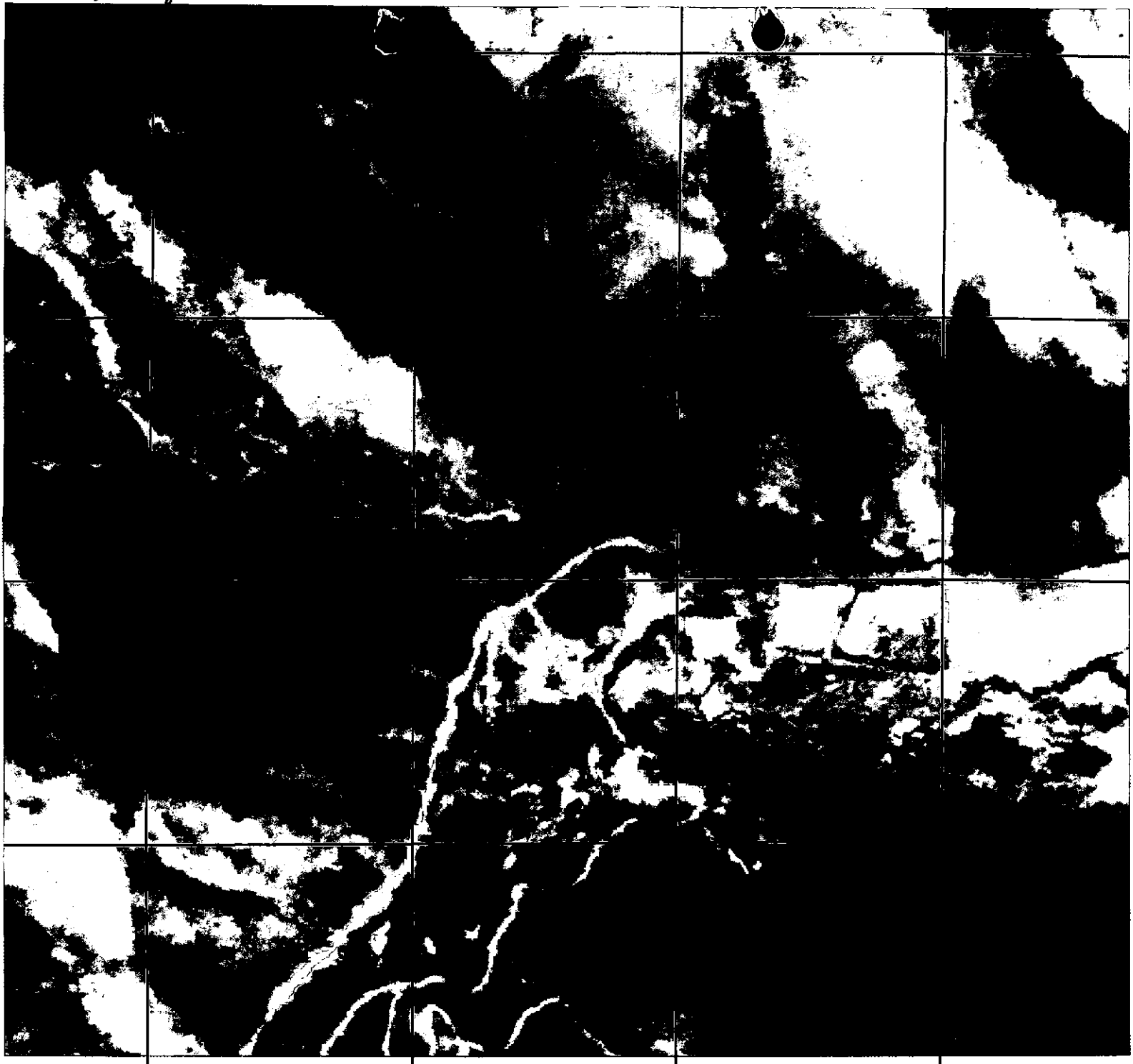
Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

MICROFILMED
SEP 1 1 2002

Total acres _____



T03N
R17E

MICROFILMED
SEP 1 1 2002

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. ~~68542~~ 68545

A. Draw a map or attach a USGS map indicating the new

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

MICROFILMED
SEP 1 1 2002

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

Transfer No. ~~63662~~ 68545

PART 3

B. CHANGES IN NATURE OF USE

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

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

Water will be returned to Deer Creek at the historical reservoir outlet and at the outlet of new ponds in SE1/4 SE1/4 Sec 27

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

None

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

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

Darrell Kilburg
(Signature of Applicant)

Subscribed and sworn to before me this 10 +/- day of October 2000.

KELLI L. YOUNG
NOTARY PUBLIC
STATE OF IDAHO
(Notary Public)

My commission expires 2-11-2002

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 7 attachments

Received by C. SKINNER Date 10/11/2000 Protest filed by Blaine Co. (withdrawn)

Prelim. check by C. SKINNER Fee $610.00 S023435 F&G (withdrawn)

Receipted by C. SKINNER Date 10/11/2000 Deer Ck. Ranch (withdrawn)

Published in WJ Copies of protest forwarded by

Pub. dates 1/31 & 2/7/01 Hearing held by Date

Watermaster recommendation requested on 1/29/01 Recommended for [X] Approval [ ] Denial

rec'd. 2/7/01 by

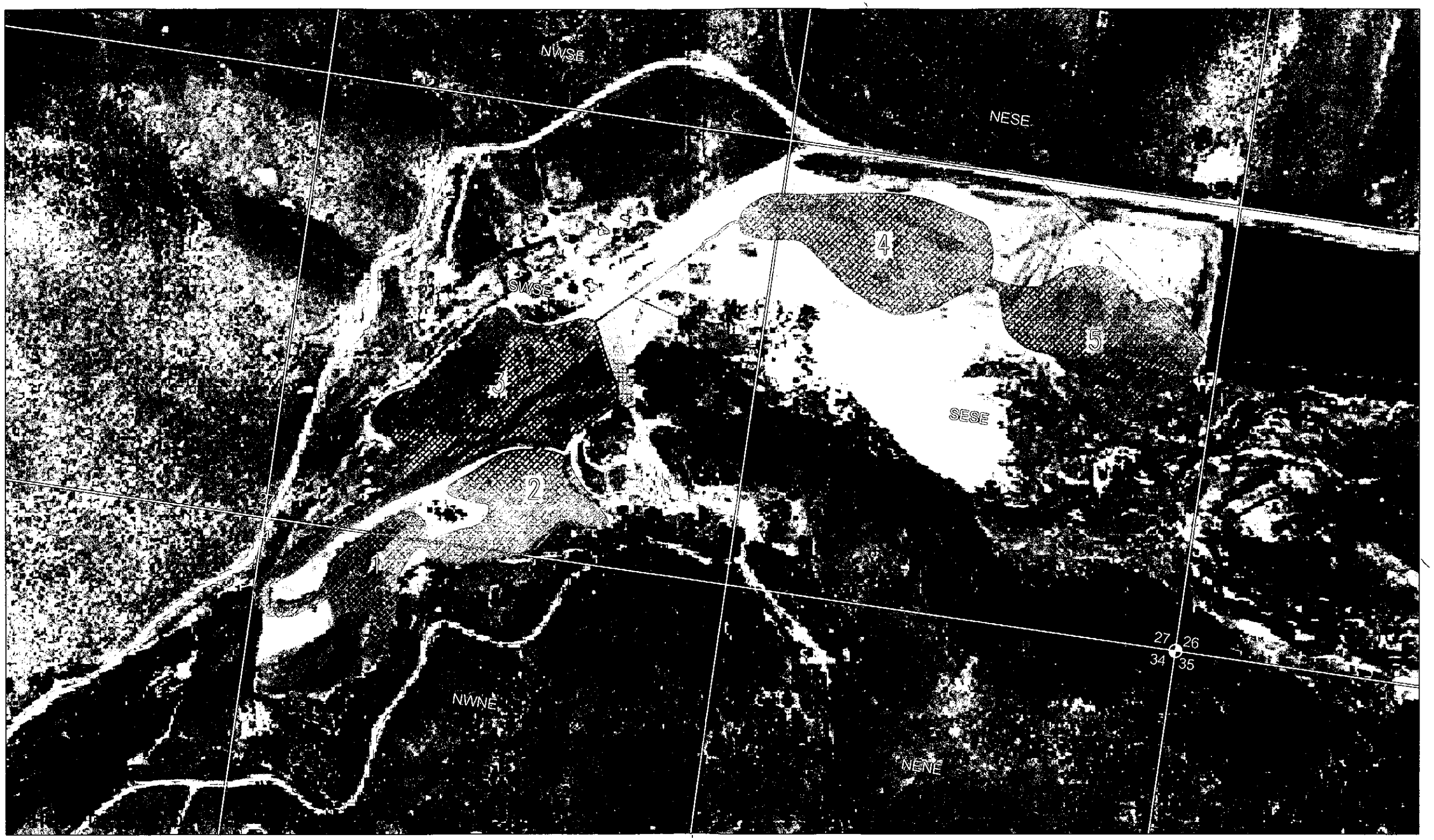
Copy of transfer sent to lien holder

MICROFILMED

SEP 1 1 2002

MICROFILMED
SEP 11 2002

Sun Valley Land & Minerals Inc.



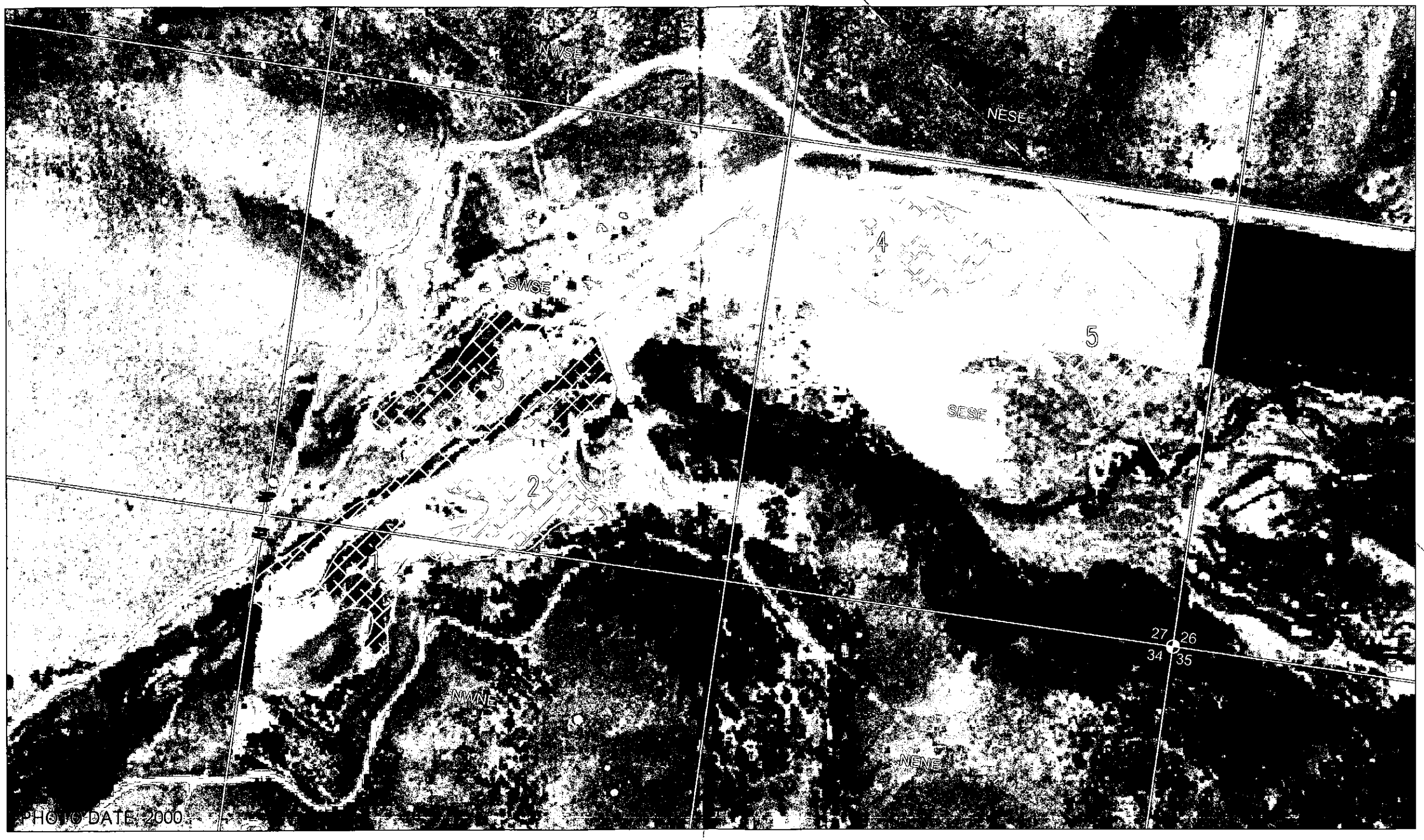
T3N

R17E

BROCKWAY ENGINEERING, PLLC 10/9/2000 | REVISION DATE: 11/3/00

68545

Sun Valley Minerals Inc.



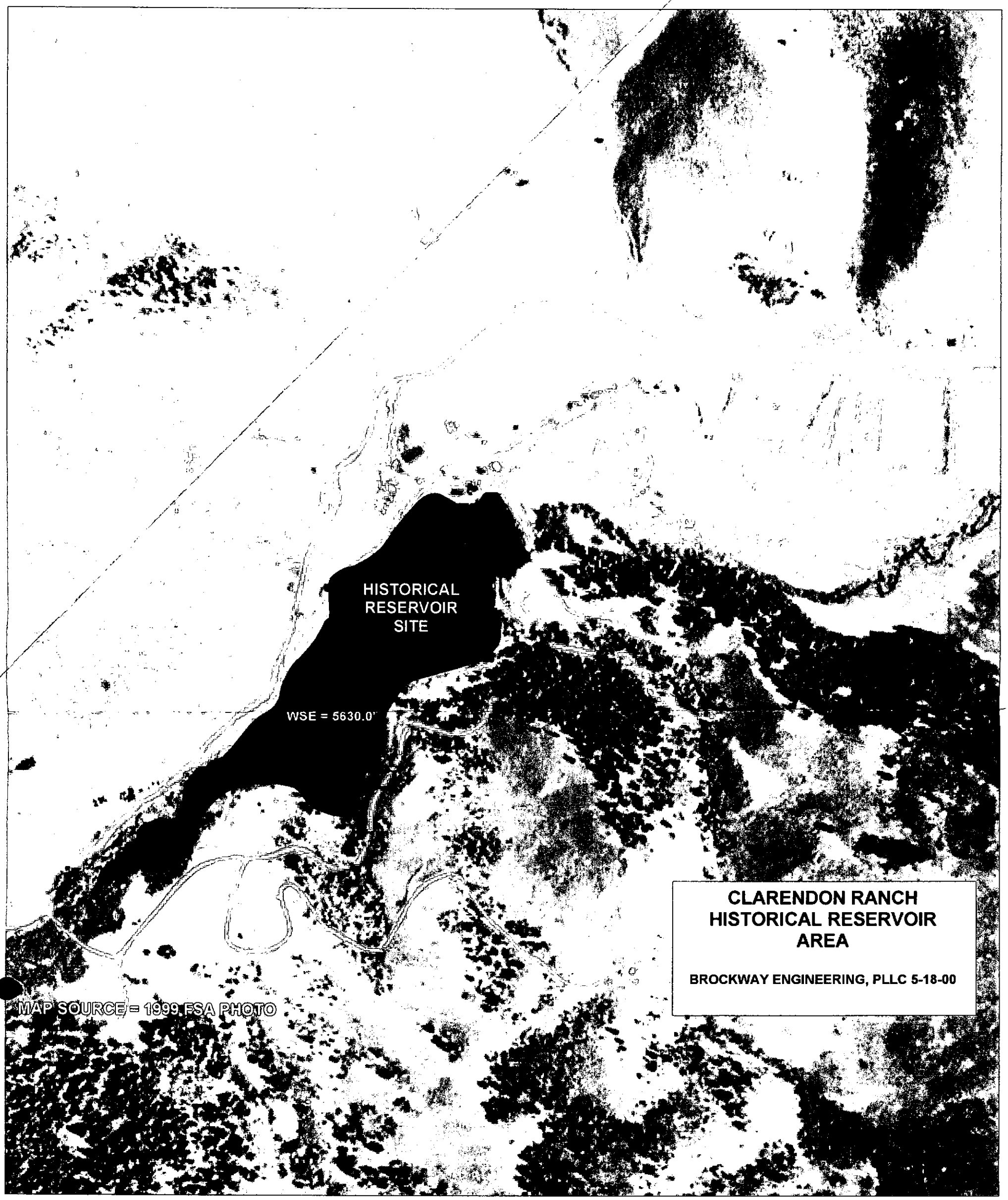
3N

17E

BROCKWAY ENGINEERING, PLLC 10/9/2000 | REVISION DATE: 11/3/00

*SUPERCEDED BY MAP RECEIVED 11/6/2000

68545



CLARENDON RANCH
HISTORICAL RESERVOIR
AREA

BROCKWAY ENGINEERING, PLLC 5-18-00

68545

Sun Valley Minerals Inc.

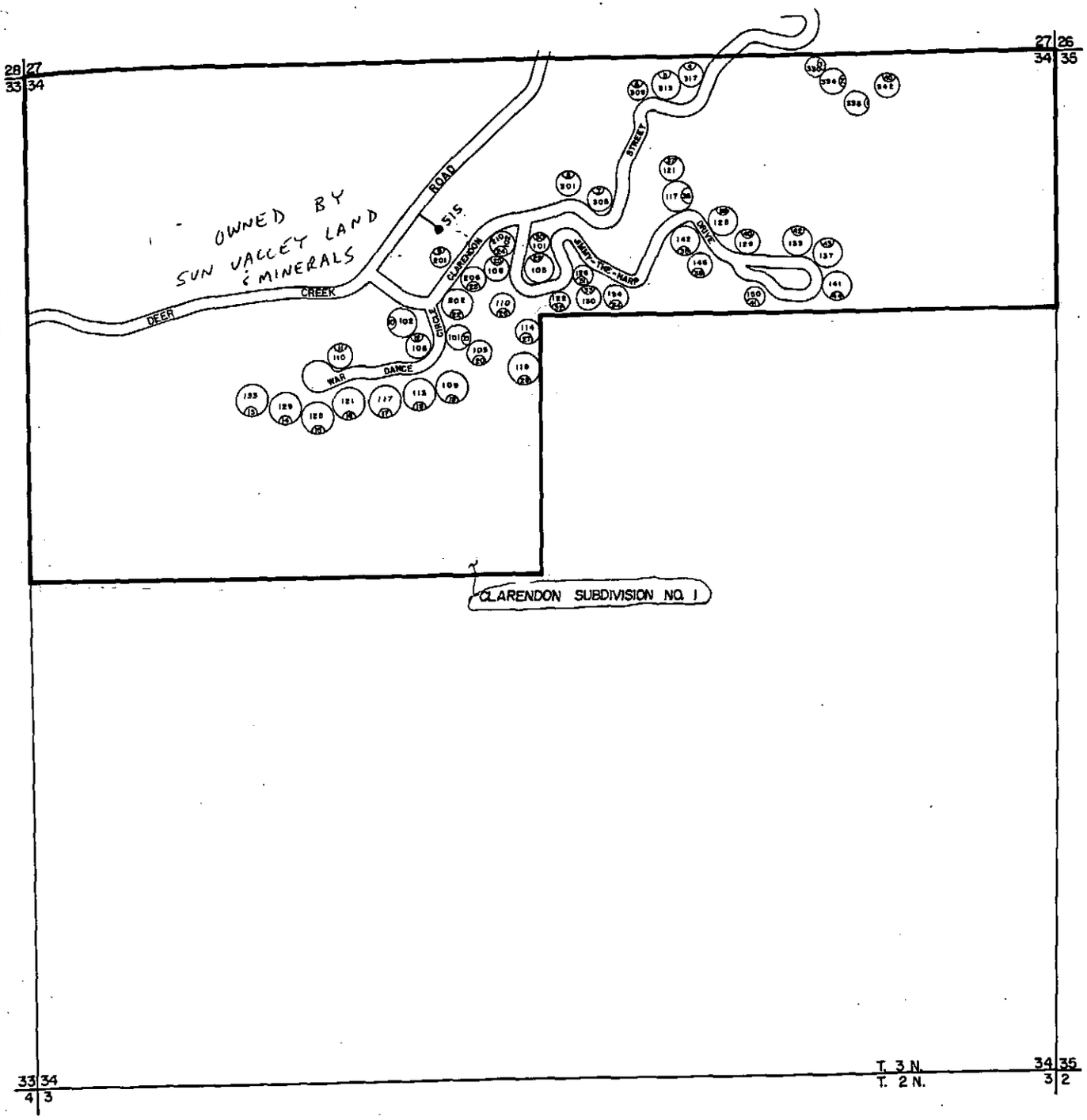


BROCKWAY ENGINEERING, PLLC 10/9/2000

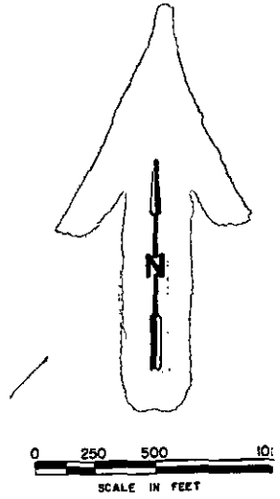
SUPERCEDED BY MAP RECEIVED 11/6/2000

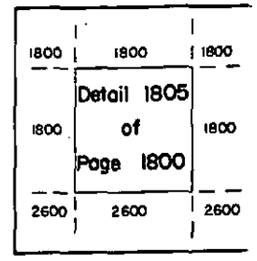
L68545

68545



T03N, R17E





MICROFILMED
SEP 11 2002

'AKE CHECK PAYABLE TO:
'ICKI L. DICK
LAINE COUNTY TAX COLLECTOR
06 1ST AVE SO., SUITE 205
AILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

BILL# 17637 CODE AREA 83-00 L

PARCEL NUMBER
RP03N170275220A
6,900

1ST HALF DUE		2ND HALF DUE		FULL DUE		TOT MV	6,900
AX	20.64	TAX	20.64	TAX	41.28		
ATE		LATE		LATE			
NT		INT		INT			
OST		COST		COST			
OT		TOT		TOT		TOT ACS	.230

KELSEY DONNA R
4840 N CAMINO LUZ
TUCSON AZ 85718-5938

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	7.24
AMBULANCE	.000152952	1.06
RECREATION	.000135430	.92
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	22.74
SCHOOL BOND	.000254370	1.76
HAILEY CEM	.000133861	.92
RURAL FIRE	.000964170	6.64
AMOUNT DUE	.005985967	41.28

FR SWSE TL 4847, SEC 27
3N 17E

2nd Vouchers
1096.13
pd. 6-13-2000

Pd 1st & 2nd 1999
pd 12-1-99

SEP 11 2002
MICROFILMED

L 68545

★ ★ ★ PLEASE RE
★ ★ ★ MONTHLY
PAYMENTS RE
APPLIED T
TO AVOID L
RECEIVED (
KEEP TO
PERSO
SU

80 acres ★ ★ ★

** FOR TAX

1096.13

MAKE CHECK PAYABLE TO:
VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

BILL# 17636 CODE AREA 83-00

PARCEL NUMBER
RP03N170275210A

L	3,900				
I	30,119				
TOT MV	34,019				
TOT ACS	.130				

1ST HALF DUE		2ND HALF DUE		FULL DUE	
TAX	101.79	TAX	101.79	TAX	203.58
LATE		LATE		LATE	
INT		INT		INT	
COST		COST		COST	
TOT		TOT		TOT	

KELSEY DONNA
4840 N CAMINO LUZ
TUCSON AZ 85718-5938

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	35.68
AMBULANCE	.000152952	5.20
RECREATION	.000135430	4.60
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	112.12
SCHOOL BOND	.000254370	8.64
HAILEY CEM	.000133861	4.54
RURAL FIRE	.000964170	32.80
AMOUNT DUE	.005985967	203.58

F SWSE TL 3321, SEC 27
3 17E

MICROFILMED
SEP 1 1 2002

★ ★ ★IMPORTANT★ ★ ★
PLEASE READ BOTH FRONT AND BACK
★ ★ ★ MONTHLY PAYMENTS ARE ACCEPTED ★ ★ ★

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE APPLIED TO THE OLDEST DELINQUENT YEAR.
TO AVOID LATE CHARGES, PAYMENTS MUST BE RECEIVED OR POSTMARKED BY THE DUE DATE.
KEEP TOP PORTION FOR YOUR RECORDS.
PERSONAL CHECKS ARE YOUR RECEIPT SUBJECT TO BANK CLEARANCE.

PLEASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX

MAKE CHECK PAYABLE TO:
VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

BILL# 17635 CODE AREA 83-00

PARCEL NUMBER
RP03N17027520CA

L	293,063
I	3,671
TOT MV	296,734
TOT ACS	79.290 acres

1ST HALF DUE		2ND HALF DUE		FULL DUE	
TAX	912.66	TAX	912.66	TAX	1,825.32
LATE		LATE		LATE	
INT		INT		INT	
COST		COST		COST	
TOT		TOT		TOT	

KELSEY DONNA
4840 N CAMINO LUZ
TUCSON AZ 85718-5938

FR S1/2SE TL 7595, SEC 27
3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	311.30
AMBULANCE	.000152952	45.38
RECREATION	.000135430	40.18
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	978.06
SCHOOL BOND	.000254370	75.48
HAILEY CEM	.000133861	39.72
RURAL FIRE	.000964170	286.10
DISTRICT TOTAL	.005985967	1,776.22
FIRE CHARGE		45.18
FPA		3.92
AMOUNT DUE		1,825.32

SEP 11 2002
MICROFILMED

321 DEER CREEK RD 80000

★ ★ ★IMPORTANT★ ★ ★
PLEASE READ BOTH FRONT AND BACK
★ ★ ★ MONTHLY PAYMENTS ARE ACCEPTED ★ ★ ★

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS *MUST BE* RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT SUBJECT TO BANK CLEARANCE.

** PLEASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX

AKE CHECK PAYABLE TO:
/ICKI L. DICK
LAINE COUNTY TAX COLLECTOR
06 1ST AVE SO., SUITE 205
AILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

BILL# 17634 CODE AREA 83-00

PARCEL NUMBER
RP03N17027520BA
L 20,400
TOT MV 20,400

1ST HALF DUE		2ND HALF DUE		FULL DUE	
AX	61.04	TAX	61.04	TAX	122.08
ATE		LATE		LATE	
NT		INT		INT	
OST		COST		COST	
OT		TOT		TOT	

TOT ACS .680

KELSEY DONNA
4840 N CAMINO LUZ
TUCSON AZ 85718-5938

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	21.40
AMBULANCE	.000152952	3.12
RECREATION	.000135430	2.76
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	67.24
SCHOOL BOND	.000254370	5.18
HAILEY CEM	.000133861	2.72
RURAL FIRE	.000964170	19.66
AMOUNT DUE	.005985967	122.08

R SWSE TL 6478, SEC 27
17E

MICROFILMED
SEP 1 1 2002

★ ★ ★IMPORTANT ★ ★ ★
PLEASE READ BOTH FRONT AND BACK
★ ★ ★ MONTHLY PAYMENTS ARE ACCEPTED ★ ★ ★

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT SUBJECT TO BANK CLEARANCE.

EASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX

HECK PAYABLE TO: 1999 TAX BILL/RECEIPT PARCEL NUMBER
L. DICK RP000900000000
COUNTY TAX COLLECTOR BILL# 13306 CODE AREA 83-00 L 104,97
T AVE SO., SUITE 205
, IDAHO 83333

SEP 11 2002

1ST HALF DUE	2ND HALF DUE	FULL DUE	TOT MV	104,97
314.17	TAX 314.17	TAX 628.34		
	LATE	LATE		
	INT	INT		
	COST	COST		
	TOT	TOT	TOT ACS	225.92

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	110.12
AMBULANCE	.000152952	16.06
RECREATION	.000135430	14.22
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	346.00
SCHOOL BOND	.000254370	26.70
HAILEY CEM	.000133861	14.04
RURAL FIRE	.000964170	101.20
AMOUNT DUE	.005985967	628.34

CLARENDON SUB #1
SEC 34 3N 17E

240 acres

Pd # 1085 Po
12-1-99
Pd # 2127 VOID
CK # 2128 Pd
3528.80
(1/2) CK # 2179
6/11/2002

★ ★ ★IMPORTANT★ ★ ★
PLEASE READ BOTH FRONT AND BACK
★ MONTHLY PAYMENTS ARE ACCEPTED ★ ★ ★
PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE APPLIED TO THE OLDEST DELINQUENT YEAR.
TO AVOID LATE CHARGES, PAYMENTS MUST BE RECEIVED OR POSTMARKED BY THE DUE DATE.
KEEP TOP PORTION FOR YOUR RECORDS.
PERSONAL CHECKS ARE YOUR RECEIPT SUBJECT TO BANK CLEARANCE.

RETURN STUBS WITH TAX PAYMENT ** FOR TAX
D QUESTIONS CALL (208) 788-5530

AKE CHECK PAYABLE TO:
ICKI L. DICK
LAINE COUNTY TAX COLLECTOR
06 1ST AVE SO., SUITE 205
AILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

BILL# 13306 CODE AREA 83-00

PARCEL NUMBER
RP000900000000A

L 104,972

TOT MV 104,972

TOT ACS 225.920

1ST HALF DUE		2ND HALF DUE		FULL DUE	
AX	314.17	TAX	314.17	TAX	628.34
ATE		LATE		LATE	
NT		INT		INT	
OST		COST		COST	
OT		TOT		TOT	

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

CLARENDON SUB #1
SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	110.12
AMBULANCE	.000152952	16.06
RECREATION	.000135430	14.22
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	346.00
SCHOOL BOND	.000254370	26.70
HAILEY CEM	.000133861	14.04
RURAL FIRE	.000964170	101.20
AMOUNT DUE	.005985967	628.34

240 acres

RECEIVED
OCT 16 2000
Department of Water Resources
Southern Region

MICROFILMED
SEP 11 2002

★ ★ ★IMPORTANT★ ★ ★
PLEASE READ BOTH FRONT AND BACK
★ ★ ★ MONTHLY PAYMENTS ARE ACCEPTED ★ ★ ★
PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE APPLIED TO THE OLDEST DELINQUENT YEAR.
TO AVOID LATE CHARGES, PAYMENTS MUST BE RECEIVED OR POSTMARKED BY THE DUE DATE.
KEEP TOP PORTION FOR YOUR RECORDS.
PERSONAL CHECKS ARE YOUR RECEIPT SUBJECT TO BANK CLEARANCE.

PD # 1050
12-1-99
1400 CK # 2127 VOID
2128 PD
2528.80
(1/2) CK # 2179

EASE RETURN STUBS WITH T X P YMENT ** FOR TAX

MAKE CHECK PAYABLE TO:
VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

PARCEL NUMBER
RP000900000040A

BILL# 13310 CODE AREA 83-00 L 26,008

1ST HALF DUE		2ND HALF DUE		FULL DUE		TOT MV	26,008
TAX	77.84	TAX	77.84	TAX	155.68		
LATE		LATE		LATE			
INT		INT		INT			
COST		COST		COST			
TOT		TOT		TOT		TOT LTS	1.000

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

CLARENDON SUB #1
LOT 4
.282 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	27.28
AMBULANCE	.000152952	3.98
RECREATION	.000135430	3.52
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	85.72
SCHOOL BOND	.000254370	6.62
HAILEY CEM	.000133861	3.48
RURAL FIRE	.000964170	25.08
AMOUNT DUE	.005985967	155.68

SEP 1 1 2002
MICROFILMED

★ ★ ★IMPORTANT★ ★ ★
PLEASE READ BOTH FRONT AND BACK
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PERSONAL CHECKS ARE YOUR RECEIPT SUBJECT TO BANK CLEARANCE.

PLEASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX

MAKE CHECK PAYABLE TO:
VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

PARCEL NUMBER
RP000900000050A

BILL# 13311 CODE AREA 83-00 L 28,898

TOT MV 28,898

1ST HALF DUE		2ND HALF DUE		FULL DUE	
TAX	86.47	TAX	86.47	TAX	172.94
LATE		LATE		LATE	
INT		INT		INT	
COST		COST		COST	
TOT		TOT		TOT	

TOT LTS 1.000

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

CLARENDON SUB #1
LOT 5
.406 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	30.32
AMBULANCE	.000152952	4.42
RECREATION	.000135430	3.90
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	95.24
SCHOOL BOND	.000254370	7.34
HAILEY CEM	.000133861	3.86
RURAL FIRE	.000964170	27.86
AMOUNT DUE	.005985967	172.94

SEP 11 2002
MICROFILMED

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PLEASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX

AKE CHECK PAYABLE TO:
/ICKI L. DICK
3LAINE COUNTY TAX COLLECTOR
?06 1ST AVE SO., SUITE 205
AILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

BILL# 13312 CODE AREA 83-00 L

PARCEL NUMBER
RP000900000060A
23,119

1ST HALF DUE		2ND HALF DUE		FULL DUE		TOT MV	23,119
AX	69.17	TAX	69.17	TAX	138.34		
ATE		LATE		LATE			
NT		INT		INT			
OST		COST		COST			
OT		TOT		TOT		TOT LTS	1.000

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

MICROFILMED
SEP 1 1 2002

CLARENDON SUB #1
LOT 6
.181 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	24.24
AMBULANCE	.000152952	3.54
RECREATION	.000135430	3.12
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	76.20
SCHOOL BOND	.000254370	5.88
HAILEY CEM	.000133861	3.08
RURAL FIRE	.000964170	22.28
AMOUNT DUE	.005985967	138.34

★ ★ ★IMPORTANT★ ★ ★
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ASE RETUR STUBS WITH TAX PAYMENT ** FOR TAX

MAKE CHECK PAYABLE TO:
VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

BILL# 13313 CODE AREA 83-00 L

PARCEL NUMBER
RP000900000070A 26,008

1ST HALF DUE		2ND HALF DUE		FULL DUE		TOT MV	26,008
TAX	77.84	TAX	77.84	TAX	155.68		
LATE		LATE		LATE			
INT		INT		INT			
COST		COST		COST			
TOT		TOT		TOT		TOT LTS	1.000

SEP 11 2002 MICROFILMED

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

CLARENDON SUB #1
LOT 7
.282 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	27.28
AMBULANCE	.000152952	3.98
RECREATION	.000135430	3.52
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	85.72
SCHOOL BOND	.000254370	6.62
HAILEY CEM	.000133861	3.48
RURAL FIRE	.000964170	25.08
AMOUNT DUE	.005985967	155.68

★ ★ ★IMPORTANT ★ ★ ★
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PLEASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX

MAKE CHECK PAYABLE TO:
VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

BILL# 13314 CODE AREA 83-00 L

PARCEL NUMBER
RP000900000080A
26,008

1ST HALF DUE		2ND HALF DUE		FULL DUE		TOT MV	26,008
TAX	77.84	TAX	77.84	TAX	155.68		
LATE		LATE		LATE			
INT		INT		INT			
COST		COST		COST			
TOT		TOT		TOT		TOT LTS	1.000

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

SEP 1 1 2002
MICROFILMED

CLARENDON SUB #1
LOT 8
.282 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	27.28
AMBULANCE	.000152952	3.98
RECREATION	.000135430	3.52
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	85.72
SCHOOL BOND	.000254370	6.62
HAILEY CEM	.000133861	3.48
RURAL FIRE	.000964170	25.08
AMOUNT DUE	.005985967	155.68

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MAKE CHECK PAYABLE TO:
VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

BILL# 13315 CODE AREA 83-00 L

PARCEL NUMBER
RP000900000090A
23,119

1ST HALF DUE		2ND HALF DUE		FULL DUE		TOT MV	23,119
TAX	69.17	TAX	69.17	TAX	138.34		
LATE		LATE		LATE			
INT		INT		INT			
COST		COST		COST			
TOT		TOT		TOT		TOT LTS	1.000

SEP 1 1 2002 MICROFILMED

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

CLARENDON SUB #1
LOT 9
.181 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	24.24
AMBULANCE	.000152952	3.54
RECREATION	.000135430	3.12
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	76.20
SCHOOL BOND	.000254370	5.88
HAILEY CEM	.000133861	3.08
RURAL FIRE	.000964170	22.28
AMOUNT DUE	.005985967	138.34

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MAKE CHECK PAYABLE TO:
VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

BILL# 13316 CODE AREA 83-00 L

PARCEL NUMBER
RP000900000100A 28,898

TOT MV 28,898

TOT LTS 1.000

1ST HALF DUE		2ND HALF DUE		FULL DUE	
TAX	86.85	TAX	86.85	TAX	173.70
LATE		LATE		LATE	
INT		INT		INT	
COST		COST		COST	
TOT		TOT		TOT	

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

SEP 11 2002
MICROFILMED

CLARENDON SUB #1
LOT 10
.406 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	30.32
AMBULANCE	.000152952	4.42
RECREATION	.000135430	3.90
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	95.24
SCHOOL BOND	.000254370	7.34
HAILEY CEM	.000133861	3.86
RURAL FIRE	.000964170	27.86
DISTRICT TOTAL	.005985967	172.94
FIRE CHARGE		.68
FPA		.08
AMOUNT DUE		173.70

★ ★ ★IMPORTANT★ ★ ★
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PLEASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX

MAKE CHECK PAYABLE TO:
VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

BILL# 13317 CODE AREA 83-00 L

PARCEL NUMBER
RP000900000110A
26,008

TOT MV 26,008

TOT LTS 1.000

1ST HALF DUE		2ND HALF DUE		FULL DUE	
TAX	78.10	TAX	78.10	TAX	156.20
LATE		LATE		LATE	
INT		INT		INT	
COST		COST		COST	
TOT		TOT		TOT	

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

SEP 1 1 2002
MICROFILMED

CLARENDON SUB #1
LOT 11
.282 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	27.28
AMBULANCE	.000152952	3.98
RECREATION	.000135430	3.52
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	85.72
SCHOOL BOND	.000254370	6.62
HAILEY CEM	.000133861	3.48
RURAL FIRE	.000964170	25.08
DISTRICT TOTAL	.005985967	155.68
FIRE CHARGE		.48
FPA		.04
AMOUNT DUE		156.20

★ ★ ★IMPORTANT★ ★ ★
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PERSONAL CHECKS ARE YOUR RECEIPT SUBJECT TO BANK CLEARANCE.

PLEASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX

AKE CHECK PAYABLE TO:
ICKI L. DICK
LAINE COUNTY TAX COLLECTOR
06 1ST AVE SO., SUITE 205
AILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

PARCEL NUMBER
RP000900000120A

BILL# 13318 CODE AREA 83-00 L 26,008

1ST HALF DUE		2ND HALF DUE		FULL DUE		TOT MV	26,008
AX	78.10	TAX	78.10	TAX	156.20		
ATE		LATE		LATE			
NT		INT		INT			
OST		COST		COST			
OT		TOT		TOT		TOT LTS	1.000

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

ARENDON SUB #1
OT 12
282 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	27.28
AMBULANCE	.000152952	3.98
RECREATION	.000135430	3.52
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	85.72
SCHOOL BOND	.000254370	6.62
HAILEY CEM	.000133861	3.48
RURAL FIRE	.000964170	25.08
DISTRICT TOTAL	.005985967	155.68
FIRE CHARGE		.48
FPA		.04
AMOUNT DUE		156.20

SEP 1 1 2002

MICROFILMED

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AKE CHECK PAYABLE TO:
ICKI L. DICK
LAINE COUNTY TAX COLLECTOR
06 1ST AVE SO., SUITE 205
AILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

BILL# 13319 CODE AREA 83-00 L

PARCEL NUMBER
RP000900000130A
28,898

1ST HALF DUE		2ND HALF DUE		FULL DUE	
AX	86.95	TAX	86.95	TAX	173.90
ATE		LATE		LATE	
NT		INT		INT	
OST		COST		COST	
OT		TOT		TOT	

TOT MV 28,898

TOT LTS 1.000

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

MICROFILMED
SEP 1 1 2002

CLARENDON SUB #1
LOT 13
.500 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	30.32
AMBULANCE	.000152952	4.42
RECREATION	.000135430	3.90
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	95.24
SCHOOL BOND	.000254370	7.34
HAILEY CEM	.000133861	3.86
RURAL FIRE	.000964170	27.86
DISTRICT TOTAL	.005985967	172.94
FIRE CHARGE		.86
FPA		.10
AMOUNT DUE		173.90

★ ★ ★IMPORTANT ★ ★ ★
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EASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX

MAKE CHECK PAYABLE TO:
VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

BILL# 13320 CODE AREA 83-00 L

PARCEL NUMBER
RP000900000140A
28,898

TOT MV 28,898

1ST HALF DUE		2ND HALF DUE		FULL DUE	
TAX	86.95	TAX	86.95	TAX	173.90
LATE		LATE		LATE	
INT		INT		INT	
COST		COST		COST	
TOT		TOT		TOT	

TOT LTS 1.000

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

MICROFILMED
SEP 11 2002

CLARENDON SUB #1
LOT 14
.500 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	30.32
AMBULANCE	.000152952	4.42
RECREATION	.000135430	3.90
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	95.24
SCHOOL BOND	.000254370	7.34
HAILEY CEM	.000133861	3.86
RURAL FIRE	.000964170	27.86
DISTRICT TOTAL	.005985967	172.94
FIRE CHARGE		.86
FPA		.10
AMOUNT DUE		173.90

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PLEASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX

MAKE CHECK PAYABLE TO:
VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

PARCEL NUMBER
RP000900000150A

BILL# 13321 CODE AREA 83-00 L 28,898

1ST HALF DUE		2ND HALF DUE		FULL DUE		TOT MV	28,898
TAX	86.95	TAX	86.95	TAX	173.90		
LATE		LATE		LATE			
INT		INT		INT			
COST		COST		COST			
TOT		TOT		TOT		TOT LTS	1.000

SEP 11 2002
MICROFILMED

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

CLARENDON SUB #1
LOT 15
.500 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	30.32
AMBULANCE	.000152952	4.42
RECREATION	.000135430	3.90
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	95.24
SCHOOL BOND	.000254370	7.34
HAILEY CEM	.000133861	3.86
RURAL FIRE	.000964170	27.86
DISTRICT TOTAL	.005985967	172.94
FIRE CHARGE		.86
FPA		.10
AMOUNT DUE		173.90

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MAKE CHECK PAYABLE TO:
VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

PARCEL NUMBER
RP000900000160A

BILL# 13322 CODE AREA 83-00 L 28,898

1ST HALF DUE		2ND HALF DUE		FULL DUE		TOT MV	28,898
TAX	86.95	TAX	86.95	TAX	173.90		
LATE		LATE		LATE			
INT		INT		INT			
COST		COST		COST			
TOT		TOT		TOT		TOT LTS	1.000

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

MICROFILMED
SEP 11 2002

CLARENDON SUB #1
LOT 16
.500 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	30.32
AMBULANCE	.000152952	4.42
RECREATION	.000135430	3.90
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	95.24
SCHOOL BOND	.000254370	7.34
HAILEY CEM	.000133861	3.86
RURAL FIRE	.000964170	27.86
DISTRICT TOTAL	.005985967	172.94
FIRE CHARGE		.86
FPA		.10
AMOUNT DUE		173.90

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LEASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX

AKE CHECK PAYABLE TO:
ICKI L. DICK
LAINE COUNTY TAX COLLECTOR
06 1ST AVE SO., SUITE 205
AILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

BILL# 13323 CODE AREA 83-00 L

PARCEL NUMBER
RP0009000000170A
28,898

TOT MV 28,898

TOT LTS 1.000

1ST HALF DUE		2ND HALF DUE		FULL DUE	
AX	86.95	TAX	86.95	TAX	173.90
ATE		LATE		LATE	
NT		INT		INT	
OST		COST		COST	
OT		TOT		TOT	

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

CLARENDON SUB #1
LOT 17
.500 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	30.32
AMBULANCE	.000152952	4.42
RECREATION	.000135430	3.90
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	95.24
SCHOOL BOND	.000254370	7.34
HAILEY CEM	.000133861	3.86
RURAL FIRE	.000964170	27.86
DISTRICT TOTAL	.005985967	172.94
FIRE CHARGE		.86
FPA		.10
AMOUNT DUE		173.90

SEP 1 1 2002
MICROFILMED

★ ★ ★IMPORTANT★ ★ ★
PLEASE READ BOTH FRONT AND BACK
★ ★ ★ MONTHLY PAYMENTS ARE ACCEPTED ★ ★ ★

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT SUBJECT TO BANK CLEARANCE.

EASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX

AKE CHECK PAYABLE TO:
ICKI L. DICK
LAINE COUNTY TAX COLLECTOR
06 1ST AVE SO., SUITE 205
AILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

BILL# 13324 CODE AREA 83-00 L

PARCEL NUMBER
RP000900000180A 28,898

TOT MV 28,898

TOT LTS 1.000

1ST HALF DUE		2ND HALF DUE		FULL DUE	
AX	86.95	TAX	86.95	TAX	173.90
ATE		LATE		LATE	
NT		INT		INT	
OST		COST		COST	
OT		TOT		TOT	

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

CLARENDON SUB #1
LOT 18
.500 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	30.32
AMBULANCE	.000152952	4.42
RECREATION	.000135430	3.90
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	95.24
SCHOOL BOND	.000254370	7.34
HAILEY CEM	.000133861	3.86
RURAL FIRE	.000964170	27.86
DISTRICT TOTAL	.005985967	172.94
FIRE CHARGE		.86
FPA		.10
AMOUNT DUE		173.90

MICROFILMED
SEP 1 1 2002

★ ★ ★IMPORTANT★ ★ ★
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PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE APPLIED TO THE OLDEST DELINQUENT YEAR.

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KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT SUBJECT TO BANK CLEARANCE.

EASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX

MAKE CHECK PAYABLE TO:
VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

PARCEL NUMBER
RP000900000190A

BILL# 13325 CODE AREA 83-00 L 28,898

TOT MV 28,898

TOT LTS 1.000

1ST HALF DUE		2ND HALF DUE		FULL DUE	
TAX	86.95	TAX	86.95	TAX	173.90
LATE		LATE		LATE	
INT		INT		INT	
COST		COST		COST	
TOT		TOT		TOT	

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353-5938

CLARENDON SUB #1
LOT 19
.500 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	30.32
AMBULANCE	.000152952	4.42
RECREATION	.000135430	3.90
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	95.24
SCHOOL BOND	.000254370	7.34
HAILEY CEM	.000133861	3.86
RURAL FIRE	.000964170	27.86
DISTRICT TOTAL	.005985967	172.94
FIRE CHARGE		.86
FPA		.10
AMOUNT DUE		173.90

MICROFILMED
SEP 11 2002

★ ★ ★IMPORTANT★ ★ ★
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KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT SUBJECT TO BANK CLEARANCE.

PLEASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX

MAKE CHECK PAYABLE TO:
VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

BILL# 13326 CODE AREA 83-00 L

PARCEL NUMBER
RP000900000200A
26,008

1ST HALF DUE		2ND HALF DUE		FULL DUE		TOT MV	26,008
TAX	78.10	TAX	78.10	TAX	156.20		
LATE		LATE		LATE			
INT		INT		INT			
COST		COST		COST			
TOT		TOT		TOT		TOT LTS	1.000

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

MICROFILMED
SEP 1 1 2002

CLARENDON SUB #1
LOT 20
.282 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	27.28
AMBULANCE	.000152952	3.98
RECREATION	.000135430	3.52
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	85.72
SCHOOL BOND	.000254370	6.62
HAILEY CEM	.000133861	3.48
RURAL FIRE	.000964170	25.08
DISTRICT TOTAL	.005985967	155.68
FIRE CHARGE		.48
FPA		.04
AMOUNT DUE		156.20

★ ★ ★IMPORTANT★ ★ ★
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KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT SUBJECT TO BANK CLEARANCE.

PLEASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX

MAKE CHECK PAYABLE TO:
VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

PARCEL NUMBER
RP000900000210A

BILL# 13327 CODE AREA 83-00 L 26,008

1ST HALF DUE		2ND HALF DUE		FULL DUE		TOT MV	26,008
TAX	78.10	TAX	78.10	TAX	156.20		
LATE		LATE		LATE			
INT		INT		INT			
COST		COST		COST			
TOT		TOT		TOT		TOT LTS	1.000

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

CLARENDON SUB #1
LOT 21
.282 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	27.28
AMBULANCE	.000152952	3.98
RECREATION	.000135430	3.52
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	85.72
SCHOOL BOND	.000254370	6.62
HAILEY CEM	.000133861	3.48
RURAL FIRE	.000964170	25.08
DISTRICT TOTAL	.005985967	155.68
FIRE CHARGE		.48
FPA		.04
AMOUNT DUE		156.20

SEP 1 1 2002
MICROFILMED

★ ★ ★IMPORTANT★ ★ ★
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PERSONAL CHECKS ARE YOUR RECEIPT SUBJECT TO BANK CLEARANCE.

PLEASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX

MAKE CHECK PAYABLE TO:
VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

BILL# 13328 CODE AREA 83-00 L

PARCEL NUMBER
RP000900000220A
28,898

TOT MV 28,898

1ST HALF DUE		2ND HALF DUE		FULL DUE	
TAX	86.85	TAX	86.85	TAX	173.70
LATE		LATE		LATE	
INT		INT		INT	
COST		COST		COST	
TOT		TOT		TOT	

TOT LTS 1.000

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

CLARENDON SUB #1
LOT 22
.406 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	30.32
AMBULANCE	.000152952	4.42
RECREATION	.000135430	3.90
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	95.24
SCHOOL BOND	.000254370	7.34
HAILEY CEM	.000133861	3.86
RURAL FIRE	.000964170	27.86
DISTRICT TOTAL	.005985967	172.94
FIRE CHARGE		.68
FPA		.08
AMOUNT DUE		173.70

SEP 11 2002
MICROFILMED

★ ★ ★IMPORTANT★ ★ ★
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** PLEASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX

MAKE CHECK PAYABLE TO:
VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

BILL# 13329 CODE AREA 83-00 L

PARCEL NUMBER
RP000900000230A
26,008

TOT MV 26,008

TOT LTS 1.000

1ST HALF DUE		2ND HALF DUE		FULL DUE	
TAX	77.84	TAX	77.84	TAX	155.68
LATE		LATE		LATE	
INT		INT		INT	
COST		COST		COST	
TOT		TOT		TOT	

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

SEP 11 2002
MICROFILMED

CLARENDON SUB #1
LOT 23
.282 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	27.28
AMBULANCE	.000152952	3.98
RECREATION	.000135430	3.52
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	85.72
SCHOOL BOND	.000254370	6.62
HAILEY CEM	.000133861	3.48
RURAL FIRE	.000964170	25.08
AMOUNT DUE	.005985967	155.68

★ ★ ★IMPORTANT★ ★ ★
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** PLEASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX

AKE CHECK PAYABLE TO:
ICKI L. DICK
LAINE COUNTY TAX COLLECTOR
06 1ST AVE SO., SUITE 205
AILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

BILL# 13330 CODE AREA 83-00 L

PARCEL NUMBER
RP000900000240A
26,008

TOT MV 26,008

TOT LTS 1.000

1ST HALF DUE		2ND HALF DUE		FULL DUE	
AX	77.84	TAX	77.84	TAX	155.68
ATE		LATE		LATE	
NT		INT		INT	
OST		COST		COST	
OT		TOT		TOT	

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

MICROFILMED
SEP 11 2002

CLARENDON SUB #1
LOT 24
.282 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	27.28
AMBULANCE	.000152952	3.98
RECREATION	.000135430	3.52
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	85.72
SCHOOL BOND	.000254370	6.62
HAILEY CEM	.000133861	3.48
RURAL FIRE	.000964170	25.08
AMOUNT DUE	.005985967	155.68

★ ★ ★IMPORTANT★ ★ ★
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KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT SUBJECT TO BANK CLEARANCE.

** SEE RETURN STUBS WITH TAX PAYMENT ** FOR TAX

MAKE CHECK PAYABLE TO:
VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

BILL# 13331 CODE AREA 83-00 L

PARCEL NUMBER
RP000900000250A
26,008

TOT MV 26,008

TOT LTS 1.000

1ST HALF DUE		2ND HALF DUE		FULL DUE	
TAX	77.84	TAX	77.84	TAX	155.68
LATE		LATE		LATE	
INT		INT		INT	
COST		COST		COST	
TOT		TOT		TOT	

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

MICROFILMED SEP 11 2002

CLARENDON SUB #1
LOT 25
.282 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	27.28
AMBULANCE	.000152952	3.98
RECREATION	.000135430	3.52
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	85.72
SCHOOL BOND	.000254370	6.62
HAILEY CEM	.000133861	3.48
RURAL FIRE	.000964170	25.08
AMOUNT DUE	.005985967	155.68

★ ★ ★IMPORTANT ★ ★ ★
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PERSONAL CHECKS ARE YOUR RECEIPT SUBJECT TO BANK CLEARANCE.

PLEASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX

MAKE CHECK PAYABLE TO:
VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

BILL# 13332 CODE AREA 83-00

PARCEL NUMBER
RP000900000260A

L	26,008				
TOT MV	26,008				
TOT LTS	1.000				

1ST HALF DUE		2ND HALF DUE		FULL DUE	
TAX	78.10	TAX	78.10	TAX	156.20
LATE		LATE		LATE	
INT		INT		INT	
COST		COST		COST	
TOT		TOT		TOT	

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

MICROFILMED
SEP 1 1 2002

CLARENDON SUB #1
LOT 26
.282 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	27.28
AMBULANCE	.000152952	3.98
RECREATION	.000135430	3.52
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	85.72
SCHOOL BOND	.000254370	6.62
HAILEY CEM	.000133861	3.48
RURAL FIRE	.000964170	25.08
DISTRICT TOTAL	.005985967	155.68
FIRE CHARGE		.48
FPA		.04
AMOUNT DUE		156.20

★ ★ ★IMPORTANT★ ★ ★
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PERSONAL CHECKS ARE YOUR RECEIPT SUBJECT TO BANK CLEARANCE.

** PLEASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX

MAKE CHECK PAYABLE TO:
VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

BILL# 13333 CODE AREA 83-00 L

PARCEL NUMBER
RP000900000270A
26,008

TOT MV 26,008

TOT LTS 1.000

1ST HALF DUE		2ND HALF DUE		FULL DUE	
TAX	78.10	TAX	78.10	TAX	156.20
LATE		LATE		LATE	
INT		INT		INT	
COST		COST		COST	
TOT		TOT		TOT	

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353-5938

MICROFILMED
SEP 11 2002

CLARENDON SUB #1
LOT 27
.282 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	27.28
AMBULANCE	.000152952	3.98
RECREATION	.000135430	3.52
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	85.72
SCHOOL BOND	.000254370	6.62
HAILEY CEM	.000133861	3.48
RURAL FIRE	.000964170	25.08
DISTRICT TOTAL	.005985967	155.68
FIRE CHARGE		.48
FPA		.04
AMOUNT DUE		156.20

★ ★ ★IMPORTANT★ ★ ★
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KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT SUBJECT TO BANK CLEARANCE.

** PLEASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX

MAKE CHECK PAYABLE TO:
VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

PARCEL NUMBER
RP000900000280A

BILL# 13334 CODE AREA 83-00 L 28,898

1ST HALF DUE		2ND HALF DUE		FULL DUE		TOT MV	28,898
TAX	87.03	TAX	87.03	TAX	174.06		
LATE		LATE		LATE			
INT		INT		INT			
COST		COST		COST			
TOT		TOT		TOT		TOT LTS	1.000

SEP 11 2002 MICROFILMED

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

CLARENDON SUB #1
LOT 28
.500 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	30.32
AMBULANCE	.000152952	4.42
RECREATION	.000135430	3.90
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	95.24
SCHOOL BOND	.000254370	7.34
HAILEY CEM	.000133861	3.86
RURAL FIRE	.000964170	27.86
DISTRICT TOTAL	.005985967	172.94
FIRE CHARGE		.98
FPA		.14
AMOUNT DUE		174.06

★ ★ ★IMPORTANT★ ★ ★
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** FASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX

MAKE CHECK PAYABLE TO:
VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

BILL# 13335 CODE AREA 83-00 L

PARCEL NUMBER
RP000900000290A
28,898

1ST HALF DUE		2ND HALF DUE		FULL DUE		TOT MV	28,898
TAX	86.47	TAX	86.47	TAX	172.94		
LATE		LATE		LATE			
INT		INT		INT			
COST		COST		COST			
TOT		TOT		TOT		TOT LTS	1.000

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

MICROFILMED
SEP 11 2002

CLARENDON SUB #1
LOT 29
.406 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	30.32
AMBULANCE	.000152952	4.42
RECREATION	.000135430	3.90
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	95.24
SCHOOL BOND	.000254370	7.34
HAILEY CEM	.000133861	3.86
RURAL FIRE	.000964170	27.86
AMOUNT DUE	.005985967	172.94

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MAKE CHECK PAYABLE TO:
VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

BILL# 13336 CODE AREA 83-00 L

PARCEL NUMBER
RP000900000300A 23,119

1ST HALF DUE		2ND HALF DUE		FULL DUE		TOT MV	23,119
TAX	69.17	TAX	69.17	TAX	138.34		
LATE		LATE		LATE			
INT		INT		INT			
COST		COST		COST			
TOT		TOT		TOT		TOT LTS	1.000

SEP 1 1 2002 MICROFILMED

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

CLARENDON SUB #1
LOT 30
.181 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	24.24
AMBULANCE	.000152952	3.54
RECREATION	.000135430	3.12
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	76.20
SCHOOL BOND	.000254370	5.88
HAILEY CEM	.000133861	3.08
RURAL FIRE	.000964170	22.28
AMOUNT DUE	.005985967	138.34

★ ★ ★IMPORTANT★ ★ ★
PLEASE READ BOTH FRONT AND BACK
★ ★ ★ MONTHLY PAYMENTS ARE ACCEPTED ★ ★ ★

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT SUBJECT TO BANK CLEARANCE.

** PLEASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX

MAKE CHECK PAYABLE TO:
VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

BILL# 13337 CODE AREA 83-00 L

PARCEL NUMBER
RP00090000031 0A
23,119

TOT MV 23,119

1ST HALF DUE		2ND HALF DUE		FULL DUE	
TAX	69.17	TAX	69.17	TAX	138.34
LATE		LATE		LATE	
INT		INT		INT	
COST		COST		COST	
TOT		TOT		TOT	

TOT LTS 1.000

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	24.24
AMBULANCE	.000152952	3.54
RECREATION	.000135430	3.12
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	76.20
SCHOOL BOND	.000254370	5.88
HAILEY CEM	.000133861	3.08
RURAL FIRE	.000964170	22.28
AMOUNT DUE	.005985967	138.34

SEP 1 1 2002
MICROFILMED

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

CLARENDON SUB #1
LOT 31
.181 SEC 34 3N 17E

★ ★ ★IMPORTANT★ ★ ★
PLEASE READ BOTH FRONT AND BACK
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PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE APPLIED TO THE OLDEST DELINQUENT YEAR.
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MAKE CHECK PAYABLE TO:
VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

BILL# 13338 CODE AREA 83-00 L

PARCEL NUMBER
RP000900000320A
23,119

TOT MV 23,119

1ST HALF DUE		2ND HALF DUE		FULL DUE	
TAX	69.17	TAX	69.17	TAX	138.34
LATE		LATE		LATE	
INT		INT		INT	
COST		COST		COST	
TOT		TOT		TOT	

TOT LTS 1.000

SEP 11 2002 MICROFILMED

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	24.24
AMBULANCE	.000152952	3.54
RECREATION	.000135430	3.12
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	76.20
SCHOOL BOND	.000254370	5.88
HAILEY CEM	.000133861	3.08
RURAL FIRE	.000964170	22.28
AMOUNT DUE	.005985967	138.34

CLARENDON SUB #1
LOT 32
.181 SEC 34 3N 17E

★ ★ ★IMPORTANT★ ★ ★
PLEASE READ BOTH FRONT AND BACK
★ ★ ★ MONTHLY PAYMENTS ARE ACCEPTED ★ ★ ★

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PERSONAL CHECKS ARE YOUR RECEIPT SUBJECT TO BANK CLEARANCE.

** PLEASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX

MAKE CHECK PAYABLE TO:
VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

BILL# 13339 CODE AREA 83-00 L

PARCEL NUMBER
RP000900000330A 26,008

TOT MV 26,008

TOT LTS 1.000

1ST HALF DUE		2ND HALF DUE		FULL DUE	
TAX	77.84	TAX	77.84	TAX	155.68
LATE		LATE		LATE	
INT		INT		INT	
COST		COST		COST	
TOT		TOT		TOT	

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

MICROFILMED
SEP 1 1 2002

CLARENDON SUB #1
LOT 33
.282 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	27.28
AMBULANCE	.000152952	3.98
RECREATION	.000135430	3.52
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	85.72
SCHOOL BOND	.000254370	6.62
HAILEY CEM	.000133861	3.48
RURAL FIRE	.000964170	25.08
AMOUNT DUE	.005985967	155.68

★ ★ ★IMPORTANT★ ★ ★
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PLEASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX

MAKE CHECK PAYABLE TO:
VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

BILL# 13340 CODE AREA 83-00 L

PARCEL NUMBER
RP000900000340A 26,008

1ST HALF DUE		2ND HALF DUE		FULL DUE			
TAX	77.84	TAX	77.84	TAX	155.68	TOT MV	26,008
LATE		LATE		LATE			
INT		INT		INT			
COST		COST		COST			
TOT		TOT		TOT		TOT LTS	1.000

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

MICROFILMED
SEP 11 2002

CLARENDON SUB #1
LOT 34
.282 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	27.28
AMBULANCE	.000152952	3.98
RECREATION	.000135430	3.52
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	85.72
SCHOOL BOND	.000254370	6.62
HAILEY CEM	.000133861	3.48
RURAL FIRE	.000964170	25.08
AMOUNT DUE	.005985967	155.68

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VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

BILL# 13341 CODE AREA 83-00 L

PARCEL NUMBER
RP000900000350A
28,898

TOT MV 28,898

TOT LTS 1.000

1ST HALF DUE		2ND HALF DUE		FULL DUE	
TAX	86.47	TAX	86.47	TAX	172.94
LATE		LATE		LATE	
INT		INT		INT	
COST		COST		COST	
TOT		TOT		TOT	

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

MICROFILMED
SEP 1 1 2002

CLARENDON SUB #1
LOT 35
.406 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	30.32
AMBULANCE	.000152952	4.42
RECREATION	.000135430	3.90
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	95.24
SCHOOL BOND	.000254370	7.34
HAILEY CEM	.000133861	3.86
RURAL FIRE	.000964170	27.86
AMOUNT DUE	.005985967	172.94

★ ★ ★IMPORTANT★ ★ ★
PLEASE READ BOTH FRONT AND BACK
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PLEASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX

MAKE CHECK PAYABLE TO:
VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

BILL# 13342 CODE AREA 83-00 L

PARCEL NUMBER
RP000900000360A
28,898

1ST HALF DUE		2ND HALF DUE		FULL DUE		TOT MV	28,898
TAX	86.47	TAX	86.47	TAX	172.94		
LATE		LATE		LATE			
INT		INT		INT			
COST		COST		COST			
TOT		TOT		TOT		TOT LTS	1.000

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

MICROFILMED
SEP 11 2002

CLARENDON SUB #1
LOT 36
.406 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	30.32
AMBULANCE	.000152952	4.42
RECREATION	.000135430	3.90
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	95.24
SCHOOL BOND	.000254370	7.34
HAILEY CEM	.000133861	3.86
RURAL FIRE	.000964170	27.86
AMOUNT DUE	.005985967	172.94

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MAKE CHECK PAYABLE TO:
VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

BILL# 13343 CODE AREA 83-00 L

PARCEL NUMBER
RP000900000370A 26,008

1ST HALF DUE		2ND HALF DUE		FULL DUE			
TAX	77.84	TAX	77.84	TAX	155.68	TOT MV	26,008
LATE		LATE		LATE			
INT		INT		INT			
COST		COST		COST		TOT LTS	1.000
TOT		TOT		TOT			

SEP 1 1 2002 MICROFILMED

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

CLARENDON SUB #1
LOT 37
.282 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	27.28
AMBULANCE	.000152952	3.98
RECREATION	.000135430	3.52
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	85.72
SCHOOL BOND	.000254370	6.62
HAILEY CEM	.000133861	3.48
RURAL FIRE	.000964170	25.08
AMOUNT DUE	.005985967	155.68

★ ★ ★IMPORTANT★ ★ ★
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** PLEASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX

MAKE CHECK PAYABLE TO:
VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

BILL# 13344 CODE AREA 83-00 L

PARCEL NUMBER
RP000900000380A
26,008

TOT MV 26,008

TOT LTS 1.000

1ST HALF DUE		2ND HALF DUE		FULL DUE	
TAX	77.84	TAX	77.84	TAX	155.68
LATE		LATE		LATE	
INT		INT		INT	
COST		COST		COST	
TOT		TOT		TOT	

MICROFILMED
SEP 1 1 2002

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

CLARENDON SUB #1
LOT 38
.282 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	27.28
AMBULANCE	.000152952	3.98
RECREATION	.000135430	3.52
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	85.72
SCHOOL BOND	.000254370	6.62
HAILEY CEM	.000133861	3.48
RURAL FIRE	.000964170	25.08
AMOUNT DUE	.005985967	155.68

★ ★ ★IMPORTANT★ ★ ★
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KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT SUBJECT TO BANK CLEARANCE.

** PLEASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX

MAKE CHECK PAYABLE TO:
VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

BILL# 13345 CODE AREA 83-00 L

PARCEL NUMBER
RP000900000390A
28,898

1ST HALF DUE		2ND HALF DUE		FULL DUE		TOT MV	28,898
TAX	86.47	TAX	86.47	TAX	172.94		
LATE		LATE		LATE			
INT		INT		INT			
COST		COST		COST			
TOT		TOT		TOT		TOT LTS	1.000

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

SEP 11 2002
MICROFILMED

CLARENDON SUB #1
LOT 39
.406 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	30.32
AMBULANCE	.000152952	4.42
RECREATION	.000135430	3.90
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	95.24
SCHOOL BOND	.000254370	7.34
HAILEY CEM	.000133861	3.86
RURAL FIRE	.000964170	27.86
AMOUNT DUE	.005985967	172.94

★ ★ ★IMPORTANT★ ★ ★
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** RETURN STUBS WITH TAX PAYMENT ** FOR TAX

MAKE CHECK PAYABLE TO:
VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

PARCEL NUMBER
RP000900000400A

BILL# 13346 CODE AREA 83-00 L 26,008

1ST HALF DUE		2ND HALF DUE		FULL DUE			
TAX	77.84	TAX	77.84	TAX	155.68	TOT MV	26,008
LATE		LATE		LATE			
INT		INT		INT			
COST		COST		COST			
TOT		TOT		TOT		TOT LTS	1.000

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

MICROFILMED
SEP 11 2002

CLARENDON SUB #1
LOT 40
.282 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	27.28
AMBULANCE	.000152952	3.98
RECREATION	.000135430	3.52
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	85.72
SCHOOL BOND	.000254370	6.62
HAILEY CEM	.000133861	3.48
RURAL FIRE	.000964170	25.08
AMOUNT DUE	.005985967	155.68

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PERSONAL CHECKS ARE YOUR RECEIPT SUBJECT TO BANK CLEARANCE.

** STUB WITH TAX PAYMENT ** FOR TAX

MAKE CHECK PAYABLE TO:
VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

BILL# 13347 CODE AREA 83-00 L

PARCEL NUMBER
RP000900000410A
23,119

TOT MV 23,119

1ST HALF DUE		2ND HALF DUE		FULL DUE	
TAX	69.17	TAX	69.17	TAX	138.34
LATE		LATE		LATE	
INT		INT		INT	
COST		COST		COST	
TOT		TOT		TOT	

TOT LTS 1.000

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	24.24
AMBULANCE	.000152952	3.54
RECREATION	.000135430	3.12
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	76.20
SCHOOL BOND	.000254370	5.88
HAILEY CEM	.000133861	3.08
RURAL FIRE	.000964170	22.28
AMOUNT DUE	.005985967	138.34

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

MICROFILMED
SEP 1 1 2002

CLARENDON SUB #1
LOT 41
.181 SEC 34 3N 17E

★ ★ ★IMPORTANT★ ★ ★
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PERSONAL CHECKS ARE YOUR RECEIPT SUBJECT TO BANK CLEARANCE.

PLEASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX

MAKE CHECK PAYABLE TO:
VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

1999 TAX BILL/RECEIPT

BILL# 13348 CODE AREA 83-00 L

PARCEL NUMBER
RP000900000420A
28,898

1ST HALF DUE		2ND HALF DUE		FULL DUE		TOT MV	28,898
TAX	86.47	TAX	86.47	TAX	172.94		
LATE		LATE		LATE			
INT		INT		INT			
COST		COST		COST			
TOT		TOT		TOT		TOT LTS	1.000

SEP 1 1 2002
MICROFILMED

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001049091	30.32
AMBULANCE	.000152952	4.42
RECREATION	.000135430	3.90
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	95.24
SCHOOL BOND	.000254370	7.34
HAILEY CEM	.000133861	3.86
RURAL FIRE	.000964170	27.86
AMOUNT DUE	.005985967	172.94

CLARENDON SUB #1
LOT 42
.406 SEC 34 3N 17E

★ ★ ★IMPORTANT★ ★ ★
PLEASE READ BOTH FRONT AND BACK
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KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT SUBJECT TO BANK CLEARANCE.

** STUBS WITH TAX PAYMENT ** FOR TAX

VICKI L. DICK
BLAINE COUNTY TAX COLLECTOR
206 1ST AVE SO., SUITE 205
HAILEY, IDAHO 83333

BILL# 13349 CODE AREA 83-00 L 28,89

1ST HALF DUE		2ND HALF DUE		FULL DUE		TOT MV	28,89
TAX	86.47	TAX	86.47	TAX	172.94		
LATE		LATE		LATE			
INT		INT		INT			
COST		COST		COST			
TOT		TOT		TOT		TOT LTS	1.00

SUN VALLEY LAND & MINERALS
BOX 1959
SUN VALLEY ID 83353

CLARENDON SUB #1
LOT 43
.406 SEC 34 3N 17E

TAXING DISTRICT	RATE	AMOUN
STATE	.000000000	
COUNTY	.001049091	30.3
AMBULANCE	.000152952	4.4
RECREATION	.000135430	3.9
REC. BOND	.000000000	
SCHOOL DIST #61	.003296093	95.2
SCHOOL BOND	.000254370	7.3
HAILEY CEM	.000133861	3.8
RURAL FIRE	.000964170	27.8
AMOUNT DUE	.005985967	172.9

MICROFILMED
SEP 1 1 2002

★ ★ ★IMPORTANT★ ★ ★
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PLEASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX RELATED QUESTIONS CALL (208) 788-5530

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 31, 2003

SUN VALLEY LAND & MINERALS INC
PO BOX 1969
SUN VALLEY ID 83353

RE: Transfer No.: 68545 - Water Rights 37-2446, 37-4369 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved ***amended*** Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's homepage on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

MICROFILMED
APR 16 2003

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,

Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

MICROFILMED
APR 16 2003

CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 68545 - WATER RIGHTS 37-2446, 37-4369

SUN VALLEY LAND & MINERALS INC
PO BOX 1969
SUN VALLEY ID 83353

Kari Lynn Townsend
Secretary

MICROFILMED
APR 16 2003

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 31, 2003

LEE PETERSON
WATERMASTER
PO BOX T
SHOSHONE ID 83352

RE: TRANSFER OF WATER RIGHTS 37-2446, 37-4369 - (Transfer 68545)

Dear Lee:

Enclosed is a copy of the recently approved ***amended*** Transfer of Water Right for the above referenced water rights (Transfer 68545) in the name of Sun Valley Land & Minerals, Inc.

If you have any questions, please call me at 208-327-7940.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED
APR 16 2003

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED
APR 16 2003

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) the petition for reconsideration is disposed of; or
> (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED
APR 16 2003

MEMORANDUM

Date: March 24, 2003

To: WR File No. 37-2446
Transfer 68545

From: Jeff Peppersack

Re: Conditions on Transfer Approval

I spoke with Chuck Brockway regarding the petition for reconsideration filed for the transfer approval. Regarding condition 7 – lockable device, I asked Dr. Brockway to describe the system. He indicated that ponds 1, 2 and 3 are on-stream ponds; ponds 1 and 2 have no control because they fill and then overflow to the next pond. Pond 3 is impounded by the original embankment and includes controls to pond 4 and to Deer Creek. The controls are lockable. I explained that it appears the condition is already met and should remain on the approval to ensure that the watermaster can control the flow from pond 3 if it ever becomes necessary. Regarding condition 8 – measuring device, I explained that the condition does not require measuring devices at this time but the department may require them in the future. The condition should remain on the approval. Regarding condition 9 – dam certification, since the dam was recently de-listed by the department, the condition can be removed. The department should issue an amended approval to reflect the change.

MICROFILMED
APR 16 2003

BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics
Hydrology
Water Resources

CHARLES E. BROCKWAY, PH.D., P.E.

CHARLES G. BROCKWAY, PH.D., P.E.

2016 NORTH WASHINGTON STREET • SUITE 4

TWIN FALLS, IDAHO 83301

208•736•8543

FAX: 736•8506

RECEIVED
MAR 20 2003
Department of Water Resources

March 18, 2003

Mr. Jeff Peppersack
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83706

Subject: Transfer No. 68545 - Petition for Reconsideration

Dear Jeff:

The amended order for Transfer No. 68545 was issued and received on March 7, 2003, after an initial petition for reconsideration was submitted requesting the Department to review some of the conditions of the preliminary order.

The amended order contains some 12 conditions, at least three of which I would request be reconsidered.

Specifically, condition 7 requires a "lockable device------on the diverting works in a manner that will provide the Watermaster suitable control of the diversion". The outlet of the reservoir is a 6 ft canal gate with rising stem and hand wheel. This outlet has historically and still passes all of the flow of Deer Creek through the reservoir; therefore, to lock the outlet would jeopardize the operation of the pond above the outlet and prevent control of the water level in the pond. In effect, this project has no "diversion" in the normal sense of the transfer of water out of the stream. It would seem that this requirement should not be a condition for this project.

Condition 8 indicates "After specific notification by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works". As you indicated in our telephone conversation of March 18, 2003, this would only be ordered by the Department if, at some time in the future, it was determined that a measuring device was required. Again, I refer you to the letter of February 6, 2003, from Lee Peterson, Watermaster of District 37, where he indicated that "..we have a measurement device just down stream for water delivery to New Deer Creek Ranch, so we will be able to use this measurement system to charge Sun Valley Land and Minerals their licensed 10 cfs..." Therefore, it appears that no new measurement device is required under the transfer.

MICROFILMED
APR 16 2003

Condition 9 of the transfer states that "The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code." The Order dated August 29, 2002 from Guy E. Paul, P.E. Manager Dam Safety Section, indicates "the dam, as reconstructed, is too small to regulate in accordance with §42-1711, Idaho Code, since it has a hydraulic height of less than 10 feet and stores less than 50 ac-ft. The facility is being removed from our active inventory and will no longer be inspected by the Department." Based on this order, Condition 9 is no longer necessary since there is nothing contemplated in the transfer that would somehow make the structure higher or place it back on the inventory. I would request that this condition be eliminated from the transfer. Please consider this letter as a petition for reconsideration of the amended Transfer No. 68545.

Sincerely,

Charles E. Brockway

Enclosures

cc: Sun Valley Land & Minerals, Inc

MICROFILMED
APR 16 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER DISTRICT NO. 37 & 37 M
P.O. Box T
Shoshone, Idaho 83352
(208) 886-2451

LEE R. PETERSON
Watermaster

COPY

Sharla Curtis, IDWR
1301 North Orchard St
P O Box 83720
Boise, Idaho 83706

February 6, 2003

RE: Sun Valley Land & Mineral Inc., Transfer 68545

Dear Sharla,

Following a review and research of this transfer, my opinion is this project does not require head gates or measurement systems.

The creek was measured just above the requested ponds and also below the fourth pond to be constructed and these measurements prove this part of Deer Creek to be a gaining stream, and we have a measurement device just down stream for water delivery to New Deer Creek Ranch, so we will be able to use this measurement system to charge Sun Valley Land and Minerals, their licensed10 CFS or what ever less may be naturally flowing down through the creek. This water use will now be under control and measurement of the Watermaster of Water District 37.

If I can be of further assistance do feel free to call me.

Sincerely,

Lee R. Peterson
Watermaster

MICROFILMED
APR 16 2003

State of Idaho
Department of Water Resources
Transfer of Water Right(s)

RECOMMENDATION OF WATERMASTER

Application No: 68545 Water Right No(s): 37-2446

Applicant's Name: Sun Valley Land & Minerals Inc

Watermaster's Recommendation:

a) _____ I do not oppose approval of this application.

b) ___X___ I do not oppose approval of this application if it is conditioned as follows.
SEE ATTACHED LETTER

c) _____ I oppose approval of this application for the following reasons:

d) _____ Additional Comment:

Dated this 6th day of February, 2003.

Water District No. 37

Watermaster's Signature

MICROFILMED

APR 16 2003

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

August 29, 2002

MICROFILMED
SEP 04 2002

CERTIFIED MAIL

Donna Kelsey
Sun Valley Land and Minerals, Inc.
P.O. Box 1969
Sun Valley, ID 83353

RE: Clarendon Hot Springs Dam **PRELIMINARY ORDER** D37-4369

Dear Ms. Kelsey:

The Department's latest inspection indicated Clarendon Hot Springs Dam has been modified recently by cutting the embankment down and installing a new spillway and outlet. The dam, as reconstructed, is too small to regulate in accordance with §42-1711, Idaho Code, since it has a hydraulic height of less than 10 feet and stores less than 50 ac-ft. The facility is being removed from our active inventory and will no longer be inspected by the Department.

The Department, pursuant to §67-5243, Idaho Code, has issued this Preliminary Order. It can and will become a final order without further action of IDWR, unless a party petitions for reconsideration within fourteen (14) days, after issuance, as indicated in the Explanatory Information, enclosed.

The Department recommends that routine maintenance be performed as needed to keep the dam operating safely, including eliminating woody vegetative growth on the embankment (spray/cut and burn or remove brush and trees). Also, maintain the cross section of the dam, and eradicate rodents as necessary. We recommend all large animal burrows be backfilled with suitable soil material, compacted in place, and eroded areas, which may develop on the embankment, be repaired by adding fill or granular material or rock riprap as necessary to maintain the integrity of the dam.

Should you have any questions, please contact me, phone 327-7947, or contact Mike Stubblefield, phone 327-7952, in the Dam Safety Section.

Sincerely,

Guy E. Paul, P.E.
Manager, Dam Safety Section

MICROFILMED
APR 16 2003

Cc: IDWR – Western Region
Charles Brockway, Brockway Engineering
Sharla Curtis

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 7, 2003

SUN VALLEY LAND & MINERALS INC
PO BOX 1969
SUN VALLEY ID 83353

RE: Transfer No.: 68545 - Water Right 37-2446, 37-4369 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved ***amended*** Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,

Sharla Curtis

for Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

MICROFILMED
APR 16 2003

CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 68545 - WATER RIGHTS 37-2446, 37-4369

SUN VALLEY LAND & MINERALS INC
PO BOX 1969
SUN VALLEY ID 83353

Kari Lynn Townsend
Secretary

MICROFILMED
APR 16 2003

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED
APR 16 2003

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) the petition for reconsideration is disposed of; or
> (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED
APR 16 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER DISTRICT NO. 37 & 37 M
P.O. Box T
Shoshone, Idaho 83352
(208) 886-2451

RECEIVED
FEB 10 2003
Department of Water Resources

LEE R. PETERSON
Watermaster

Sharla Curtis, IDWR
1301 North Orchard St
P O Box 83720
Boise, Idaho 83706

February 6, 2003

RE: Sun Valley Land & Mineral Inc., Transfer 68545

Dear Sharla,

Following a review and research of this transfer, my opinion is this project does not require head gates or measurement systems.

The creek was measured just above the requested ponds and also below the fourth pond to be constructed and these measurements prove this part of Deer Creek to be a gaining stream, and we have a measurement device just down stream for water delivery to New Deer Creek Ranch, so we will be able to use this measurement system to charge Sun Valley Land and Minerals, their licensed10 CFS or what ever less may be naturally flowing down through the creek. This water use will now be under control and measurement of the Watermaster of Water District 37.

If I can be of further assistance do feel free to call me.

Sincerely,

Lee R. Peterson
Watermaster

MICROFILMED
APR 16 2003

State of Idaho
Department of Water Resources
Transfer of Water Right(s)

RECOMMENDATION OF WATERMASTER

Application No: 68545 Water Right No(s): 37-2446

Applicant's Name: Sun Valley Land & Minerals Inc

Watermaster's Recommendation:

a) _____ I do not oppose approval of this application.

b) ___X___ I do not oppose approval of this application if it is conditioned as follows.
SEE ATTACHED LETTER

c) _____ I oppose approval of this application for the following reasons:

d) ——— Additional Comment:

Dated this 6th day of February, 2003.

Water District No. 37

Watermaster's Signature

MICROFILMED
APR 16 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1[redacted]North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

[redacted]rn Service Requested

STON



RECEIVED
AUG 19 2002
Department of Water Resources

MICROFILMED
SEP 11 2002

MICROFILMED
SEP 11 2002

STON969 T833532001 1702 05 08/15/02
STONE
RETURN TO SENDER
TEMPORARILY AWAY
RETURN TO SENDER

[redacted]

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 12, 2002

SUN VALLEY LAND & MINERALS INC
PO BOX 1969
SUN VALLEY ID 83353

RE: Order In the Matter of Transfer No. 68545 -

Dear Water Right Holder(s):

Enclosed please find Order Granting Petition for Reconsideration issued by the department in reference to the above listed information.

If you have any questions regarding this matter, please call me at 327-7940.

Sincerely,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

cc: Charles E. Brockway
Brockway Engineering
2016 North Washington St., #4
Twin Falls, ID 83301

MICROFILMED
SEP 1 1 2002

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF TRANSFER NO. 68545 IN THE NAME OF SUN VALLEY LAND AND MINERALS INC.	**ORDER GRANTING PETITION FOR RECONSIDERATION**

This matter having come before the Department of Water Resources (Department) as a petition to reconsider the approval of a water right transfer, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On July 16, 2002 the Department approved Water Right Transfer No. 68545 (transfer) in the form of a preliminary order (order). A Copy of the order was mailed to Sun Valley Land & Minerals Inc. (applicant) on July 23, 2002.

2. On July 31, 2002, the Department received a Petition for Reconsideration (petition) in connection with the order from Charles E. Brockway P.E., PhD., on behalf of the applicant. The petition seeks a change to some of the conditions of the approval of the transfer.

CONCLUSIONS OF LAW

1. Section 67-5243(3) , *Idaho Code*, provides in pertinent part as follows:

> Unless otherwise provided by statute or rule, any party may file a motion for reconsideration of a recommended order or a preliminary order within fourteen (14) days of the issuance of that order. The presiding officer shall render a written order disposing of the petition.

2. The petition was filed timely.

3. The Department should grant the petition pursuant to Section 67-5243(3), *Idaho Code*, so that it can review the issues raised in the petition and make any changes to the transfer, if appropriate, by amending the transfer and re-issuing as a new preliminary order.

MICROFILMED
SEP 1 1 2002

ORDER

IT IS HEREBY ORDERED that the petition is **GRANTED** pursuant to Section 67-5243(3), *Idaho Code*, so that the Department can review the issues raised in the petition.

Dated this 1st day of August, 2002.

L. GLEN SAXTON
Chief, Water Allocation Bureau

MICROFILMED
SEP 11 2002

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

August 15, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CHUCK BROCKWAY
2016 N WASHINGTON STE 3
TWIN FALLS ID 83301

RE: Modifications of Conditions - Transfer 68545
(Sun Valley Land & Minerals Inc.)

Dear Mr. Brockway:

This letter is being sent in response to the Petition for Reconsideration which was recently granted for the above referenced transfer. After receiving comments from Allen Merritt in our Southern Regional Office and discussing the issues with Jeff Peppersack, I will address each of your modification requests as follows:

The department will extend the time for completion of the changes identified in the transfer to 3 years.

The watermaster condition is placed on all surface water rights within a water district. Although the watermaster may not have regulated the stream up to this point, the condition will remain in place for future regulation that may be required.

The department will defer to the watermaster's input on required measuring devices listed in conditions 4 and 9. We ask that you contact the watermaster for his comments regarding this issue. If he does not feel that any measuring devices are warranted, please have him submit that recommendation to us IN WRITING. If he feels that devices are warranted, again we ask that he submit that recommendation to us IN WRITING, being specific as to the type of device(s) he feels are necessary.

The existing dam and the dam to be constructed on the fourth pond are equal to or greater than 10 feet in height. The department's Dam Safety Rules and Regulations define a dam as "any artificial barrier together with appurtenant works, which is or will be ten (10) feet or more in height". All such dams are under the jurisdiction of the Dam Safety section of this department. Therefore, the condition regarding certification of the dam must remain in place.

MICROFILMED
SEP 1 1 2002

The department will hold further action on the petition for 30 days to allow you to follow up on the watermaster comments. At the end of the 30-day period, we will prepare an amended preliminary order based on the above modifications. If we have not heard from you or the watermaster by the end of the 30 days, the measuring device conditions will remain the same as previously approved.

Please give me a call if you have any questions or if I can be of any further assistance. I look forward to hearing from you.

Sincerely,

Sharla Curtis

SHARLA CURTIS
Sr. Water Resource Agent

MICROFILMED
SEP 1 1 2002

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 12, 2002

SUN VALLEY LAND & MINERALS INC
PO BOX 1969
SUN VALLEY ID 83353

RE: Order In the Matter of Transfer No. 68545 -

Dear Water Right Holder(s):

Enclosed please find Order Granting Petition for Reconsideration issued by the department in reference to the above listed information.

If you have any questions regarding this matter, please call me at 327-7940.

Sincerely,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

cc: Charles E. Brockway
Brockway Engineering
2016 North Washington St., #4
Twin Falls, ID 83301

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BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics
Hydrology
Water Resources

RECEIVED
AUG - 5 2002
Department of Water Resources

July 31, 2002

Mr. Glen Saxton
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706

37-2446

Via Fax & U.S. Mail

Subject: Transfer 68545 Sun Valley Land and Minerals Inc.

Dear Glen:

Transfer #68545 in the name of Sun Valley Land and Minerals Inc. was approved on July 16, 2002. I received a copy on July 24 and, on behalf of the applicant, I am asking for reconsiderations of some of the conditions on the transfer.

Specifically, condition #1 requires the completion of works authorized by the transfer within one (1) year of the date of approval. It is unlikely, in view of the fact that the completion date falls in the middle of the summer season, that construction schedules can meet this deadline especially since a fish ladder, which has not been designed, is required by IDFG. I am requesting that the time for completion be extended to three (3) years.

Conditions #4 and #9 require measurement from all authorized points of diversion and measurement of the amount of water entering the reservoir and the amount of water released from the reservoir. The pond complex consists of three ponds within the old reservoir footprint, one of which is retained by the re-built overflow structure with outlet gate and overflow spillway. Inflow and outflow from the old reservoir was never measured since it passed all of the inflow. The new plan will also pass all of the inflow either through the existing outflow gate and/or spillway and the new outlet through the fish ladder to Pond 4 and thence back to Deer Creek. The flow through the fish ladder can and will be measured. However, measurement of Deer Creek inflow and outflow is superfluous and would serve only to try to determine seepage loss in the upper three ponds. Historical flow measurements indicate that the upper pond area (old reservoir area) is a gaining reach and inflow-outflow measurements would not be useful.

CHARLES E. BROCKWAY, PH.D., P.E.

CHARLES G. BROCKWAY, PH.D., P.E.

2016 NORTH WASHINGTON STREET • SUITE 4

TWIN FALLS, IDAHO 83301

208•736•8543

FAX: 736•8506

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I am requesting that Condition #4 be modified to require only measurement of flow through the diversion to the fish ladder and that Condition #9 be deleted. Deer Creek has been decreed as a 'dry stream' under the Frost Decree and has never been regulated by the Watermaster of District 37. Condition #7 appears to require that the Watermaster of District 37 regulate use of water under these water rights. Previous transfers have been structured to require that 'if the stream is determined to be tributary to the Big Wood River' that it will be regulated by the Watermaster of District 37. I am requesting that wording similar to the above be added to Condition #4 to reflect the current decreed status of Deer Creek.

Condition #10 indicates that storage is contingent upon the certification of the dam and authorization of storage per the dam safety. This retention structure is designed to have a height (operating water level to bottom of the outlet pipe of 10.0 feet and storage of less than 50 acre feet. My understanding of the Dam Safety rules are that this type of facility does not require certification by IDWR and this condition should be removed.

Sincerely,

C E Brockway

Charles E. Brockway P.E., PhD.

cc: Jim Stone
Donna Kelsey

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State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 23, 2002

SUN VALLEY LAND & MINERALS INC
PO BOX 1969
SUN VALLEY ID 83353

RE: Transfer No.: 68545 - Water Right 37-2446, 37-4369 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,

Sharla Curtis

for Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

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CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 68545 - WATER RIGHTS 37-2446, 37-4369

SUN VALLEY LAND & MINERALS INC
PO BOX 1969
SUN VALLEY ID 83353

Kari Lynn Townsend
Secretary

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State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

July 23, 2002

LEE PETERSON
WATERMASTER
PO BOX T
SHOSHONE ID 83352

RE: TRANSFER OF WATER RIGHTS 37-2446, 37-4369 (Transfer 68545)

Dear Lee:

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water rights (Transfer 68545) in the name of Sun Valley Land & Minerals Inc.

If you have any questions, please call me at 208-327-7940.

Sincerely,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

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EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

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FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) the petition for reconsideration is disposed of; or
> (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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TRANSFER OF WATER RIGHT ANALYSIS

Reviewed by Sharla Curtis on 7/15/02

Trans # 68545 **WR No(s).** 37-2446 4369 _____ _____ _____

Resulting Splits N/A N/A _____ _____ _____

Name: Sun Valley L&M **Correct Fee Pd** _____ **Ad ok** ✓

AREA OF CONCERN: **No/Yes** _____ **Moratorium**
_____ **GWMA**
TRUST/NON-TRUST

XFER TYPE:
B - Change p/d
C - Add p/d
D - Change p/u
E - Change use
F - Change use period
G - Other
H - Change p/d & add p/d
I - Change p/d & p/u
J - Add p/d & change p/u

GROUNDWATER:

DRILLING PERMIT
- All wells - 046

WMD
- ≤ 0.24 cfs/5 acres - No MD
- > 0.24 cfs/5 acres - 067

~~WMD~~
- Supp irr (irr = only use) - 065-104
- Supp irr (+ other uses) - 100-105
- ≤ 0.24 cfs/5 acres - No MD
- > 0.24 cfs/5 acres - 01M

SURFACE WATER:

~~WD~~ ~~R04~~ (WD# 37)
- ≤ 0.20 cfs/others - R02, 01P or No MD
- > 0.20 cfs - R43

~~WD~~, SPRINGS/SINK, INACTIVE WD & REST OF STATE
- ≤ 0.24 cfs/5 acres - No MD
- ~~> 0.24 cfs/5 acres.~~ - ~~01M or 01Q~~

LOCATION:
- Boise Front LowGeo - 058 (<85 GW)
- Mitigation - 121
- Trust - R55 (consumptive uses)
- Non-Trust N/A - 048 (cons uses or non-cons. > 1.0 cfs)

USES: 18C
- STORAGE - ~~18A~~-R02-01P-~~18B~~-NA
- IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
- > 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
- STOCKWATER - R37 (BLM/USFS)
- MINING - 054-106
- FISH PROP - 029(70'S only)-007-122-106
- HEAT/COOL - R07(injection well)
- FIRE PROT. - 077

USES:
- POWER - 17H-17K (+uses)-025--106
- MUNICIPAL
  - Restricted area - 022,075
  - Irr., GW supp to SW - 102
- DOMESTIC
  - Surface water - WB5 (Big Wood or Boise above Star Bridge) 27A (Payette River)
  - >1 in restricted area - 070-071-075(no parks/common areas, etc)
  - Irr use listed separate - WB5

MISC CONDITIONS/REMARKS:

T07 - 1 yr to develop
T08 - comply or rescind
T09 - on-going Snake River Basin Adjudication
T17 - measure all p/d's (used with WB4)

Protested - 020-W19 + 2 spec cond from agreements
Multiple pd's per ¼¼ - W32
Non-consumptive - 027
Water Quality - 106-R07 re: stor
Subd lot desc (pd) - W59 Cap #0
Subd lot desc (pu) - W60 ponds, fish passage
Use definitions - W02 ie – S/50 range
Single p/d intended - 076
Zoning ord. (dairys only) - 082

W51 - 2+ yrs to develop
W54 - forfeited ac/rate (used rarely)
W55 - (transfer shrinks total water to less ac)
W57 - no right-of-way
W58 - pending claim (statutory or AJ b/u claim)
W59 - measure p/d's (source changed to original trib)
W61 - extended irr season
WB4 - + p/ds, cfs & afa (used with T17)
WD5 - remaining right (only if specifically requested, i.e. protest)
WD6 - measure & report "
WD7 - irr ac removed "
WD8 - land application of waste water
T18 - Special T17 & R43 combined - multiple pds in WD
N/A **01Q** - used instead of 01M when there's another meas. Cond (i.e. T17 & 01m)

W62 - replaces N05/08/09-14
W63 - replaces C12
T19 - replaces C18
(Before Director's Report, go back to T09)

IRRIGATION SEASON _____ - _____ (Per updated map) **IRRIGATION VOLUME/AC** _____

OTHER CONDITIONS/REMARKS N08 modify for 4369 & comb. w/ W58 ✓

COMMENTS _____

T files created/updated ✓ **Approval form printed** ✓ **Transfer Memo** ✓

Post approval update ✓

MEMORANDUM

To: Files 37-2446 & 37-4369

From: Sharla

Date: July 12, 2002

Re: Recommendation for Transfer 68545

As stated in Allen Merritt's memo of 9/19/2001, this transfer was filed to add a point of diversion in Section 34 and change the place of use under both rights to include two (now limited to one) new ponds in addition to the three ponds which have already been excavated and developed in lieu of the one reservoir which was developed in the early 1900's.

The transfer was protested by Fish and Game, Deer Creek Ranch and Blaine County. All three protests were resolved by agreements between the parties.

After a thorough review of department Dam Safety files and all the materials submitted as exhibits with the transfer application, I offer the following timeline and information as a basis for my final recommendation.

1975 This is the first documentation found in Dam Safety files; storage capacity is not mentioned at this point

1976 In a letter from Chuck Brockway, he refers to the height of the dam as 18.4 feet and asks for processing of the Application for Construction of a Small Dam because the maximum storage would be less than 100 feet, and the application identifies 70 af as the amount of water that would be stored behind the dam

1977 Allen Merritt measures height of dam at 18.8 ft with a 10-acre surface area and 80 af of estimated stored water

1980 Documents prepared by Allen Merritt reference 10-acre surface area and estimated storage of 70 – 80 af.

1984 Because of an invasive problem of silt, the reservoir was documented as an 8-acre surface area and 30 af storage

1985 Silt remained a problem and owner wanted to re-construct and re-dredge

1988 Reservoir remained heavily silted with estimates of 8-acre surface area and 30 af storage. In this year, the ownership of the facility had changed and the new owners were notified of a list of deficiencies that needed to be addressed or the dam needed to be breached.

1991 Excavation work had been done, silt was wasted on flat area, no estimation listed for surface area of storage

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1992 Mike Stubblefield and Sunny Hornbaker made an inspection, no storage at all was occurring, dam height was 18 ft., gate had been removed from impoundment and this dam was taken off of Dam Safety's "active" inventory list

1994 An application for extension of time to avoid forfeiture is submitted and approved, with a resumption date set as November 1, 2000.

1995 Corey Skinner made a field inspection and reported that facility was not capable of storing water in its current condition

1997 Still no water being stored

1999 Chuck Brockway was present at an inspection, no storage taking place and admission that water had not been stored for years.

2000 The extension of time to avoid forfeiture expired and a Resumption of Beneficial Use form was submitted.

2002 In June of this year, Corey prepared a report that verified the existence of 3 ponds current storing water; the records at the State Office contain no verification of the storage capacity of the three ponds, however.

Brockway Engineering has prepared a document entitled Determination of Historical Reservoir Volume and has used the "claimed" volume listed under 37-4369 as the only documentation to base the requested transfer on. Documentation in the department's own records do not necessarily confirm those figures. The maximum storage capacity that has been documented in the department's records is 80 af with a maximum surface area of 10 acres.

After discussing this application with Glen Saxton, we have determined that approval of the transfer can occur with a condition limiting the volume to 102 af as agreed by all parties and a condition stating that approval of the transfer is not a determination of the historical volume of water stored. In this way, we leave the option open for future review of the question of forfeiture due to decreased storage capacity as a result of siltation.

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MEMO

FROM: Allen Merritt AM DATE: September 19, 2001

TO: Transfer File No. T5862 (68545)

In the name of: **Sun Valley land and Minerals Inc.**

Water Right(s): 37-02446
37-04369

SUBJECT: **Review and Recommendation**

This transfer proposes to add a diversion point and change the place of use of the rights associated with storage and flows through the old Clarendon Dam and Reservoir. Due to the extensive silt deposition in the old reservoir this transfer proposed to modify the facility to provide for 5 ponds replacing the old reservoir. Three ponds have been constructed near the old footprint of the Clarendon Reservoir and two additional ponds were proposed slightly downstream. The transfer proposed a total storage volume of 143 acre feet reported to be the historical storage volume in the old Clarendon Reservoir.

The transfer was processed and protested by Idaho Department of Fish and Game (F&G), Deer Creek Ranch (DCR), and Blaine County (BC).

F&G resolved their protest with the applicant agreeing to provide fish passage through the ponds.

DCR resolved their protest with a private agreement with the applicant that I understand involves the release of water to DCR downstream during certain times to protect their water rights.

A hearing was scheduled to hear the matter with BC but just prior to the hearing an agreement was made resolving this protest. The agreement limited the storage volume to 102.35 acre feet and to four ponds total (three ponds in the old reservoir area and the fourth downstream).

An issue relating to the protests of this transfer was that of forfeiture or partial forfeiture of the storage volume in the reservoir. As the file indicates there has been a time when some of the storage has been degraded due to deposition of silt in the reservoir and for some time the reservoir was drained as ownership evolved. There was an extension of time to avoid forfeiture filed for the subject water right with resumption due 11/1/2000. It appears that resumption was made for ponds 1, 2 and 3 at the old reservoir site around 8/1/2000 and then this transfer filed 10/11/2000 which is essentially for construction of ponds 4 & 5 downstream (Now limited to just one pond). Administration or legal staff needs to look at this forfeiture issue. I feel this issue deserves close consideration since most reservoirs in the state have capacities that are affected by silt deposition and most often if efforts are made to clean them forfeiture of water rights are not considered. I think that a precedence may be established here that may have consequences for reservoir owners and their maintenance programs.

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Recommendation

I recommend that this transfer be approved subject to the following conditions:

-Review by administration or legal staff.
-Limit approval to 4 ponds and 102.4 af total volume per agreement with BC.
-Subject to other agreements with F&G and DCR.
-Provide fish passage through all ponds.
-Subject to watermaster control in district 37.

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68545

FILE PROGRESS SUMMARY

APPLICANT: LL Land & Minerals, Inc WATER RIGHT NO. 37-02446 etc

INIT.	DATE	COMMENT
ddl	10/11/2000	Stafford & Carey Skeen
CS	11/3/2000	MET WITH BROCKWAY TO GO OVER APPLICATION AND
		MAKE CORRECTIONS TO APPLICATION.
CS	11/6/2000	AMENDED SRBA CLAIMS AND NEW MAP SUBMITTED.
CS	11/7/2000	GAVE TO MARY FOR ADVERTISING.
MB	1/26/01	Adv. Sch - WJ 1/31 & 2/7/01; IS, PR, LT, TN 2/1 & 2/8/01 2/20/01
MB	2/12/01	Pub. aff. rec. (2/9/01) (2/12/01) (2/22/01)
MB	3/2/01	Prot. ack; ltr of Notice Prot. sent
AM	4/10/01	LTR. & calendar sent to all parties
MB	4/26/01	Notice of Pre-Hearing Conference Sent: 5/14/01 @ 4 pm
MB	5/4/01	Chg. of Address Form sent to Blaine Co.
MB	5/10/01	Updated records; chg. address form rec. 5/10/01
AB	5/25/01	Notice of HRG sent 7/3/01 @ 9:00 - Hailey (P+2)
MB	8/27/01	Rec'd Stipulated Agreement, Protest Withdrawn
AM	9/5/01	LTR to all parties; Continue processing
AM	9/6/01	to ADM for signoff

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SEP 1 1 2002

FORM 222a
9/96

IDWR TRANSFER ANALYSIS SHEET

APPLICANT SV Land & Minerals, Inc TRANSFER NO. 68545 ~~5062~~

1. Right number(s) 37-02446 - 37-04369

2. Type of right
___ Decree X License X Statutory Claim
___ SRBA Beneficial Use Claim

3. Purpose of transfer
___ Change P/D ___ Add P/D X Change P/U
___ Change N/U ___ Change Source ___ Split Right
___ Other:

4. Check Existing Right:
X Source X Priority X Amount X Purpose
X Period X SRBA Claim
X Description of original point(s) of diversion
X Description of original place of use
X Overlapping rights on original place of use

Comments: NO PERIOD OF USE ON LICENSE 37-02446, CLAIM A37-02446 DOES NOT CLAIM POWER USE, ~~AND PLACE OF USE IS DIFFERENT ON CLAIM A37-02446~~ AND PLACE OF USE IS DIFFERENT ON CLAIM A37-02446 (AMENDED) OK 11/6/00 PS ~~OK 11/6/00 PS~~. CLAIM A37-04369 HAS DIFFERENT PRIORITY DATE THAN ORIGINAL STATUTORY CLAIM, AND DIFFERENT DIVERSION VOLUME, ~~AND DIFFERENT PLACE OF USE INCREASED~~ ONLY RIGHTS ASSOCIATED WITH STORAGE FACILITIES ARE PART OF THIS TRANSFER. OK 11/6/00 PS (AMENDED)

5. Check Proposed Right for amount of land &/or water transferred:

___ Also see attached memo for more analysis information

a. X All of right

b. ___ Part of right (*NOTE! Part B should be filled in only if part of right is owned by the applicant*)

c. X Description of point(s) of diversion

d. X Description of place of use

e. X Map showing P/D & P/U after transfer

f. X Correct notarized signature and $100 fee DONNA KELSEY IS PRESIDENT OF SUN VALLEY LAND & MINERALS INC.

g. X Proof of ownership of right &/or land from which water is transferred APPLICANT OWNS LAND IN SECTION 34 DONNA KELSEY OWNS LAND IN SECTION 27 (SOUTH ½ OF SE¼)

h. X Expansion in use of right - Comments: HISTORICAL ASPECTS (PRIORITY & AMOUNTS) OF CLAIM 37-04369 ?

i. X Existing rights from same source, on land water is being transferred to; right number(s): NONE FOR STORAGE FACILITIES

j. X SRBA claim(s) - Comments (*NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain*) SOME ISSUES WITH CURRENT SRBA FILINGS, TRANSFER WILL MORE ACCURATELY DESCRIBE RIGHTS.

k. X Comment letters X Yes ___ No
If yes X Water District # 37
___ Lienholder, others, see #2 below for name and address

INITIAL ALLOCATION REVIEW BY 11/6/2000 DATE [signature]
SRBA SUPERVISOR REVIEW BY ___ DATE ___
PUBLICATION REVIEW BY ___ DATE ___

1. Legal Notice electronically sent to DWR03::VAULT ✓ Yes

2. COMMENT LETTERS Copy of Pg 1 to AJ ✓ Yes 1/30/01

Watermaster recommendation requested on _____, Received on _____

Other comments letters - send to the following name(s) & address(es):

3. Transfer published correctly? ___ Yes ___ No

4. Affidavit of publication received? ___ Yes ___ No

5. Protests received? ___ Yes ___ No; Acknowledgement sent? ___ Yes

6. Copies made for Region file (see attached supplemental page)? ___ Yes

RECOMMENDED ACTION

1. ___ Approve

2. ___ Deny due to _____

3. Conditions (special conditions in Water Districts) _____

___ Also see attached memo for recommendation dated: _____

4. By _____ Date _____

ROBERTSON, HEPWORTH, SLETTE, WORST & STOVER, P.L.L.C.
ATTORNEYS AT LAW

142 THIRD AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, ID 83303-1906
(208) 734-0700 or 736-8002
FAX (208) 736-0041 or 736-8888

FACSIMILE TRANSMISSION

DATE: September 20, 2001

FAX TO: Allen D. Merritt - IDWR

FAX NO.: 736-3037

FROM: Gary Slette

RE: **Deer Creek Ranch/Sun Valley Land & Minerals, Inc.**

RECEIVED
SEP 20 2001
Department of Water Resource
Southern Region

NUMBER OF PAGES INCLUDING THIS ONE: 5

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL US BACK AS SOON AS POSSIBLE AT (208) 734-0700.

INFORMATION CONTAINED IN THIS FACSIMILE COMMUNICATION IS ATTORNEY/CLIENT PRIVILEGED AND/OR CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS COVER PAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION OR THE INFORMATION CONTAINED HEREIN IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY CALL AT (208) 734-0700, AND RETURN THIS FACSIMILE TO US BY MAIL AT THE ABOVE ADDRESS. WE APPRECIATE YOUR COOPERATION.

ADDITIONAL MESSAGE:

PER YOUR REQUEST. PLEASE CALL IF YOU HAVE ANY QUESTIONS. THANKS.

MICROFILMED
SEP 11 2002

AGREEMENT

THIS AGREEMENT is made and entered into this 14 day of May, 2001, by and between SUN VALLEY LAND & MINERALS, INC., an Idaho Corporation (hereinafter "SVLM") and DEER CREEK RANCH, INC., an Idaho Corporation (hereinafter "DCR")

WITNESSETH

WHEREAS, on or about October 11, 2000, SVLM filed an Application for Transfer No. 58505 (hereinafter the "Transfer Application") with the Idaho Department of Water Resources (hereinafter the "IDWR"); and

WHEREAS, DCR filed a protest to the Transfer Application consistent with Chapter 2, Title 42 of the Idaho Code; and

WHEREAS, SVLM and DCR desire to resolve DCR's protest on the following terms and conditions.

NOW THEREFORE, for and in consideration of the mutual covenants set forth herein, which the parties agree is good and sufficient consideration, the parties agree as follows:

1. The Transfer Application contemplates the construction five (5) ponds in Sections 27 and 34 of Township 5 North, Range 17 East, Boise Meridian, Blaine County, Idaho. For purposes of this Agreement, the ponds will be numbered serially from west to east, with three ponds lying west of the impoundment structure (the "Structure") that was formerly known as the Clarendon Dam, and two ponds lying east of the Structure. The pond located immediately to the west of the Structure will be referred to herein as "Pond 3."

2. SVLM agrees, at its sole cost and expense, to obtain the following prior to filling any of the ponds contemplated by the Transfer Application:

   (a) A flow measurement immediately below the face of the Structure in the Deer Creek Channel.

   (b) A flow measurement at the DCR weir located in the natural channel of Deer Creek on property owned by DCR.

3. The parties acknowledge that DCR's right to divert groundwater for irrigation purposes is predicated on the amount of water in Deer Creek passing over the DCR weir.

4. The parties agree that it is their intent to preserve the historical flow of the flow in Deer Creek at the DCR weir. The parties further agree that the difference in the flow measurements measured pursuant to paragraphs 2(a) and 2(b) above is a reasonable estimate of water loss in Deer Creek for which SVLM would not be responsible if the Transfer Application was approved. A loss over and above that amount, however, is more probably attributable to the construction of Ponds 4 and 5.

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3. In the event that the flow at the DCR weir is less than seven cubic feet per second, reduced by the difference in flow between the measurements in paragraphs 3(a) and (b), then DCR shall have the right to call upon SVL&I to drain the available storage space in Pond 3 to a depth of one half (1/2) of the height of the outlet pipe that provides water to Ponds 4 and 5.

4. The parties acknowledge that such drafting of storage from Pond 3 to meet flow requirements at the DCR weir is temporal, given the limited amount of storage space available in Pond 3. SVL&I makes no warranty or representation that it can provide any additional flows in the event DCR has previously called for the drafting of Pond 3 at a time when there have been insufficient inflows to Pond 3 necessary to refill the storage right therein.

5. This Agreement shall inure to the benefit of, and be binding upon, the heirs, executors, administrators, successors and assigns of the respective parties hereto.

6. Should any litigation be commenced between the parties to this Agreement concerning the rights and duties of either party in relation thereto, the prevailing party, in such case, shall be entitled to, in addition to such other relief as may be granted, a reasonable sum for attorney's fees and costs in such action.

7. Time is of the essence in this Agreement.

8. This Agreement shall be construed in accordance with the laws of the State of Idaho.

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

"SVL&I"
SUN VALLEY LAND & MINERAL, INC.

By: Edward C. Kelley
Its: President

"DCR"
DEER CREEK RANCH, INC.

By: Deer Creek Ranch, Inc.
Its: President

AGREEMENT - 3

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AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of May, 2001, by and between **SUN VALLEY LAND & MINERALS, INC.**, an Idaho Corporation (hereinafter "SVLM"), and **DEER CREEK RANCH, INC.**, an Idaho Corporation (hereinafter "DCR").

WITNESSETH:

WHEREAS, on or about October 11, 2000, SVLM filed an Application for Transfer No. 68545 (hereinafter the "Transfer Application") with the Idaho Department of Water Resources (hereinafter the "IDWR"); and

WHEREAS, DCR filed a protest to the Transfer Application consistent with Chapter 2, Title 42 of the Idaho Code; and

WHEREAS, SVLM and DCR desire to resolve DCR's protest on the following terms and conditions.

NOW THEREFORE, for and in consideration of the mutual covenants set forth herein, which the parties agree is good and sufficient consideration, the parties agree as follows:

1. The Transfer Application contemplates the construction five (5) ponds in Sections 27 and 34 of Township 3 North, Range 17 East, Boise Meridian, Blaine County, Idaho. For purposes of this Agreement, the ponds will be numbered serially from west to east, with three ponds lying west of the impoundment structure (the "Structure") that was formerly known as the Clarendon Dam, and two ponds lying east of the Structure. The pond located immediately to the west of that Structure will be referred to herein as "Pond 3".

2. SVLM agrees, at its sole cost and expense, to obtain the following prior to filling any of the ponds contemplated by the Transfer Application:

   (a) A flow measurement immediately below the face of the Structure in the Deer Creek Channel.
   (b) A flow measurement at the DCR weir located in the natural channel of Deer Creek on property owned by DCR.

3. The parties acknowledge that DCR's right to divert groundwater for irrigation purposes is predicated on the amount of water in Deer Creek passing over the DCR weir.

4. The parties agree that it is their intent to preserve the *status quo* of the flow in Deer Creek at the DCR weir. The parties further agree that the difference in the flow measurements measured pursuant to paragraphs 2(a) and 2(b) above is a naturally occurring water loss in Deer Creek for which SVLM would not be responsible if the Transfer Application was approved. A loss over and above that amount, however, is most probably attributable to the construction of Ponds 4 and 5.

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DRAFT

5. In the event that the flow at the DCR weir is less than seven cubic feet per second, reduced by the difference in flow between the measurements in paragraphs 2(a) and (b), then DCR shall have the right to call upon SVLM to draft the available storage space in Pond 3 to a depth of one-half (1/2) of the height of the outlet pipe that provides water to Ponds 4 and 5.

6. The parties acknowledge that such drafting of storage from Pond 3 to meet flow requirements at the DCR weir is temporal, given the limited amount of storage space available in Pond 3. SVLM makes no warranty or representation that it can provide any additional flows in the event DCR has previously called for the drafting of Pond 3 at a time when there have been insufficient inflows to Pond 3 necessary to refill the storage right therein.

7. This Agreement shall inure to the benefit of, and be binding upon, the heirs, executors, administrators, successors and assigns of the respective parties hereto.

8. Should any litigation be commenced between the parties to this Agreement concerning the rights and duties of either party in relation thereto, the prevailing party, in such case, shall be entitled to, in addition to such other relief as may be granted, a reasonable sum for attorney's fees and costs in such action.

9. Time is of the essence in this Agreement.

10. This Agreement shall be construed in accordance with the laws of the State of Idaho.

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

"SVLM"
SUN VALLEY LAND &
MINERAL, INC.

By:_____

Its:_____

"DCR"
DEER CREEK RANCH, INC.

By:_____

Its:_____

f:\lw\special agree\water transfer agrmt

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SEP 1 1 2002

FACSIMILE TRANSMISSION FROM:

LAW OFFICE OF DOUGLAS A. WERTH

P.O. Box 2360 • Ketchum, ID 83340
Tel. 208.726.0847
Fax 208.727.6853

RECEIVED
SEP 18 2001
Department of Water Resources
Southern Region

Sep. 18, 2001

TO: Allen D. Merritt
Southern Region Manager, IDWR

FAX #: 208.736.3037

SUBJECT: Sun Valley Land & Minerals

FROM: Douglas A. Werth

PAGES: 4 (including cover page)

ENCLOSED: • Exhibits A & B

ENCLOSED DOCUMENTS, IF ANY, ☑ WILL NOT FOLLOW BY MAIL

CONFIDENTIALITY NOTICE: The contents of this fax transmission are confidential, intended only for the use of the above-named recipient, and also may be the subject of attorney-client privilege. Any distribution, dissemination, copying or other use of this communication by anyone other than the above-named recipient is strictly prohibited and no privilege is waived. If you received this fax transmission in error, please notify us at 208-726-0847. Thank you.

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SEP 11 2002

RECEIVED
MAY 17 2001
HAWLEY TROXELL

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

******

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 68545 SUN VALLEY LAND & MINERALS, INC., Applicant Blaine County Commissioners & Deer Creek Ranch, Protestants.	**NOTICE OF WITHDRAWAL OF PROTEST**

****

The undersigned, as attorney for Deer Creek Ranch, Inc., hereby withdraws the Notice of Protest with regard to Transfer No. 68545 which was filed with the Department on February 20, 2001.

DATED this 16 day of May, 2001.

ROSHOLT & ROBERTSON

By: _____
GARY D. SLETTE, Attorney for
Protestant Deer Creek Ranch, Inc.

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EXHIBIT A
SEP 11 2002

CERTIFICATE OF MAILING

I hereby certify that on this 16 day of May, 2001, I served a copy of the foregoing NOTICE OF WITHDRAWAL OF PROTEST, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Deer Creek Ranch, Inc.
Attn: Jay Sevy
P. O. Box 187
Hailey, ID 83333

Sun Valley Land & Minerals, Inc.
P. O. Box 1969
Sun Valley, ID 83353

Attn: Mary Ann Mix
Blaine County Commissioners
206 First Ave. S - Ste 300
Hailey, ID 83333

C.E. Brockway, P.E.
Brockway Engineering
2016 N Washington - STE 4
Twin Falls, ID 83301

Edward A. Lawson
Attorney at Law
P.O. Box 297
Ketchum, ID 83340

Douglas A. Werth
Attorney at Law
P.O. Box 2360
Ketchum, ID 83340

Gary D. Slette

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SEP 1 1 2002

726-0630

IDAHO FISH & GAME
MAGIC VALLEY REGION
[illegible] Main Street
P.O. Box 428
Jerome, Idaho 83338-0428

Dirk Kempthorne / Governor
Ed Bauer / Director

April 9, 2001

Mr Allen Merritt
Idaho Dept. of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RE: Water Right Transfer Application #68545, Sun Valley Land and Minerals Inc. - Deer Creek

Dear Allen,

We are withdrawing our protest of the above referenced water right transfer application under the following conditions:

> The owners of Sun Valley Land and Minerals Inc. (Jim Stone and Donna Kelsey) have agreed to modify their water diversion structures to allow for the upstream movement of fish through their existing ponds and proposed ponds. Their plans as described to the Idaho Department of Fish and Game are to build and modify these structures to permit the unfettered movement of fish from the natural stream channel downstream of the outflow of their lowermost pond to the natural stream channel upstream of their current point of diversion.

In summary, we request the withdrawal of our protest to their water right transfer application as long as fish passage is provided through their pond system to allow fish to migrate upstream into the natural Deer Creek channel from downstream of the ponds. Thank you for your attention to this matter. If you have any questions please contact Chuck Warren, our Environmental Staff Biologist at this office.

Sincerely,

David Parrish

David Parrish
Magic Valley Regional Supervisor

cc: IDFG-NRPB (Robertson)
State of Idaho A.G.'s Office (Ampe)
Sun Valley Land and Minerals, Inc.

EXHIBIT B

Keeping Idaho's Wildlife

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State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 4, 2001

EDWARD A LAWSON
HAWLEY TROXELL & ASSOCIATES
PO BOX 297
KETCHUM ID 83340

DONNA R. KELSEY, PRESIDENT
SUN VALLEY LAND & MINERALS INC
PO BOX 1969
SUN VALLEY ID 83353

Re: Application for Transfer No. 68545 (37-02446, 37-04369)-Sun Valley Land & Minerals

Ladies and Gentlemen:

This office acknowledges receipt of the Settlement Agreement regarding the above referenced application.

Since the issue of the protest has been resolved, the Department is now prepared to proceed with the normal processing of the application which includes regional review prior to being forwarded to our State Office.

The Department will continue review of the application without further contact with the parties unless information is requested.

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

Very truly yours,

Allen D. Merritt,P.E.
Southern Region Manager

AM:mb

Cc:
C E BROCKWAY P E
BROCKWAY ENGINEERING
2016 NORTH WASHINGTON ST-STE 4
TWIN FALLS ID 83301

ATTN MARY ANN MIX
BLAINE COUNTY COMMISSIONERS
206 FIRST AVE SOUTH-STE# 300
HAILEY ID 83333

DOUGLAS A WERTH
ATTORNEY AT LAW
PO BOX 2360
KETCHUM ID 83340

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SEP 1 1 2002

HAWLEY TROXELL ENNIS & HAWLEY LLP
ATTORNEYS AT LAW

RECEIVED
AUG 27 2001
Department of Water Resources
Southern Region

MEMORANDUM

TO: Mr. Allen Merritt
IDWR
1341 Fillmore St., Suite 200
Twin Falls, ID 83301

FROM: Edward A. Lawson

DATE: August 24, 2001

RE: Sun Valley Land & Minerals, Inc./Application No. 68545

Attached is the **original** fully executed Settlement Agreement and Stipulation for Withdrawal of Protest in the above matter.

EAL/jrt

encl.
cc: C. Brockway
J. Stone

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SEP 11 2002

DOUGLAS A. WERTH
Attorney at Law
P.O. Box 2360
160 Second Street East, Suite 107
Ketchum, ID 83340
Tel. 208.726.0847
Fax 208.727.6853
ISB #3660

Attorney for Protestant Blaine County

RECEIVED
AUG 27 2001
Department of Water Resources
Southern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 68545, SUN VALLEY LAND & MINERALS, INC., Applicant, BLAINE COUNTY, Protestant.	SETTLEMENT AGREEMENT AND STIPULATION FOR WITHDRAWAL OF PROTEST

COME NOW, Protestant Blaine County and Applicant Sun Valley Land & Minerals, Inc. and stipulate to the withdrawal of the protest of Blaine County in the above-captioned matter upon the following terms, conditions and understandings:

1. That the Applicant has certain water rights designated under License No. 37-2446 and Claim No. 37-4369 with the Idaho Department of Water Resources (hereinafter "Water Rights").

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SEP 1 1 2002

2. That the Water Rights are intended to be amended or changed pursuant to this stipulation and agreement.

3. That the Water Rights have been used in connection with the Clarendon Reservoir in the Deer Creek drainage, a tributary to the Big Wood River in Blaine County.

4. That over the years sediment has build up in the Clarendon Reservoir decreasing the capacity of said reservoir, and various attempts have been made to remove the sediment and thereby increase the capacity of said reservoir.

5. That instead of excavating and refilling the reservoir, Applicant filed the transfer application in the above-captioned matter which would have allowed three (3) smaller ponds to be constructed in the footprint of Clarendon Reservoir and also would have allowed two (2) ponds to be constructed a short distance downstream from the reservoir.

6. That initially Blaine County, Deer Creek Ranch, Inc., and the Idaho Department of Fish and Game protested Applicant's transfer application in the above-captioned matter.

7. That Deer Creek Ranch, Inc. has withdrawn its protest pursuant to and in accordance with the terms and conditions of the agreement attached hereto as Exhibit "A".

8. That the Idaho Department of Fish and Game has withdrawn its protest pursuant to and in accordance with the terms and conditions of the letter agreement attached hereto as Exhibit "B".

9. That the Applicant does hereby agree to amend or change the Water Rights and any claims relating thereto to allow: (a) no more than three (3) ponds

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SEP 1 1 2002

to be located within the footprint of the original Clarendon Reservoir with a combined surface area of 9.35 acres or less and a combined volume of 67.6 acre feet or less; and (b) subject to approval of the Idaho Department of Water Resources in the above-captioned matter, no more than one (1) pond below the aforementioned three (3) ponds in the general intended vicinity of ponds 4 and 5 described in the letter of Charles E. Brockway to Corey Skinner dated September 20, 2000, which pond shall have a surface area of 3.78 acres or less and a combined volume of 34.75 acre feet or less.

10. That, accordingly, the Water Rights in their entirety shall claim no more than 102.35 acre feet, and the approval of the Idaho Department of Water Resources of the transfer application in the above-captioned matter shall condition said approval on the limitation of the Water Rights as provided herein including the terms relating to the ponds described herein, and also upon the terms for withdrawal of the other two protests in this matter as described in Exhibits "A" and "B".

11. Based upon the foregoing terms and conditions, Blaine County agrees to withdraw its protest and the parties stipulate that the same may be withdrawn.

12. This instrument constitutes the entire integrated agreement between the parties hereto and may be altered, amended or revoked only by an instrument in writing duly signed by both parties. All prior and contemporaneous oral and written agreements between and among themselves and their agents or representatives relating to the subject of this agreement are merged in or revoked by this agreement.

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13. No presumptions shall exist in favor of or against any party to this agreement as a result of the drafting and preparation of this agreement.

14. If action is brought to enforce the terms and provisions of this agreement, the prevailing party in such action shall be entitled to recover from the other party its reasonable attorney fees, together with all costs authorized by law (including any fees and costs on appeal).

DATED this 20th day of ~~July~~ August, 2001.

MARY ANN MIX
Chairman, Blaine County Board of Comm'rs

Approved:
Douglas A. Werth, Attorney for
Protestant Blaine County

DATED this 22 day of ~~July~~ August, 2001.

SUN VALLEY LAND & MINERALS, INC.
By: Donna R. Kelsey, its President

Approved:
Edward A. Lawson, Attorney for
Applicant Sun Valley Land & Minerals, Inc.

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SEP 1 1 2002

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 29, 2001

ATTN: GARY SLETTE
ROSHOLT & ROBERTSON
PO BOX 1906
TWIN FALLS ID 83303-1906

Re: Application for Transfer No. 68545 (37-2446, 37-4369)
Sun Valley Land and Minerals, Inc.

Dear Mr. Slette:

This office acknowledges receipt of the withdrawal of the protest against the above referenced application on behalf of Jay Sevy, DEER CREEK RANCH

The concerns of the other protestants will need to be addressed by the Department before final processing of the application can be completed.

The Department will continue review of the application without further contact with you unless information is requested.

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

Very truly yours,

Allen D. Merritt,P.E.
Southern Region Manager

AM:mb
Cc:

SUN VALLEY LAND & MINERALS INC
PO BOX 1969
SUN VALLEY ID 83353

EDWARD A LAWSON
HAWLEY TROXELL & ASSOCIATES
PO BOX 297
KETCHUM ID 83340

C E BROCKWAY P E
BROCKWAY ENGINEERING
2016 NORTH WASHINGTON ST-STE 4
TWIN FALLS ID 83301

ATTN MARY ANN MIX
BLAINE COUNTY COMMISSIONERS
206 FIRST AVE SOUTH-STE# 300
HAILEY ID 83333

DOUGLAS A WERTH
ATTORNEY AT LAW
PO BOX 2360
KETCHUM ID 83340

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SEP 1 1 2002

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 29, 2001

ATTN: SHER BRODOSKI
BLAINE COUNTY P & Z CONF ROOM
~~PO BOX 400~~ 206 1st Ave So - Ste # 300
HAILEY ID 83333 - 8429

Dear Ms. Brodoski:

The purpose of this letter is to confirm our reservation of the Commissioners Conference Room for a meeting to be held by this office on **Friday-July 13, 2001 from 9:00 a.m. - 5:00 p.m.**

If you have any questions please feel free to contact me or Allen Merritt, Southern Regional Office Manager.

Thank you very much for your assistance in this matter.

Very truly yours,

Mary Baldwin

Mary Baldwin
Administrative Assistant

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SEP 1 1 2002

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, [redacted] 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

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SEP 1 2002

ATTN MARY ANN MIX
BLAINE COUNTY COMMISSIONER
206 FIRST AVE SOUTH-STE# 300
HAILEY ID 83333

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please [redacted] clearly)* B. Date of Delivery

Shes Broadbent 9-5-02

C. Signature

X Shes Broadbent ☐ Agent ☐ Addressee

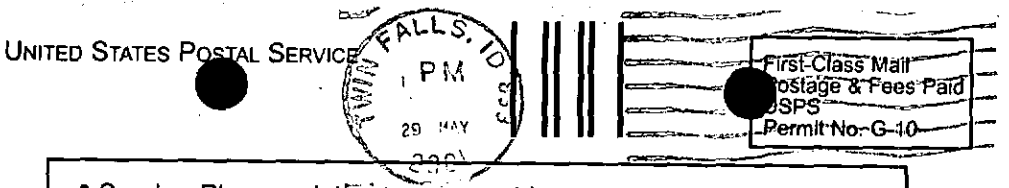
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Copy from service label)*
7000 0520 0020 3619 6090

PS Form 3811, July 1999 Domestic Return Receipt 102595-99-M-1789


UNITED STATES POSTAL SERVICE
TWIN FALLS, ID
PM
29 MAY
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10
• Sender: Please print your name, address, and ZIP+4 in this box •
MICROFILMED
SEP 1 1 2002
RECEIVED
JUN 0 4 2001
Department of Water Resources
Southern Region
IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, [illegible] 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DOUGLAS A WERTH
ATTORNEY AT LAW
PO BOX 2360
KETCHUM ID 83340

MICROFILMED SEP 11 2002

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please P[illegible]early)*: Douglas Werth
B. Date of Delivery:

C. Signature
X [signature]
☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

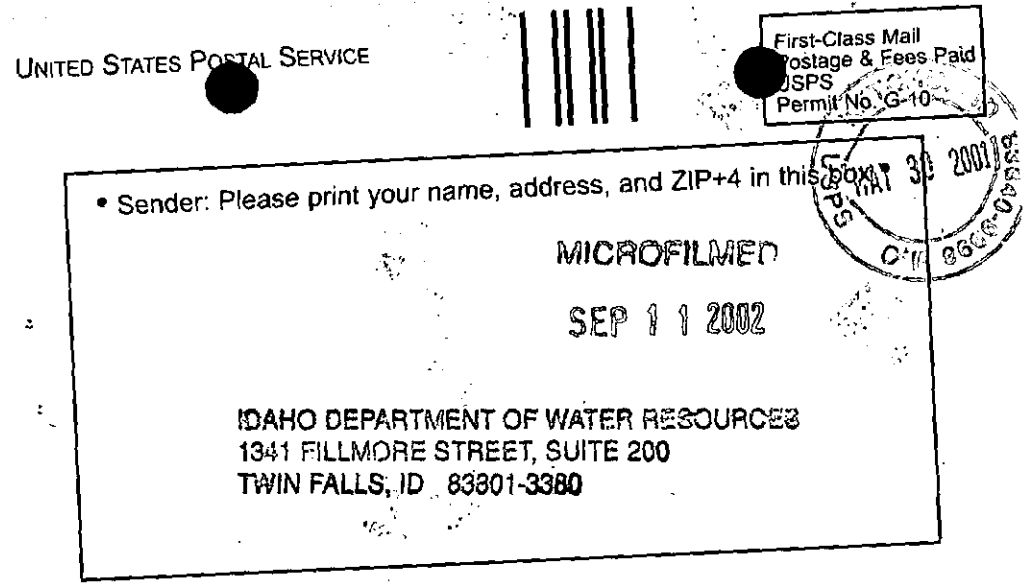
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MAY 31 2001
Department of Water Resource
Southern Region

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Copy from service label)*
7000 0520 0020 3619 6106

PS Form 3811, July 1999 Domestic Return Receipt 102595-99-M-1789


UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box

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SEP 1 1 2002

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380

83301=3380

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

SUN VALLEY LAND & MINERALS
PO BOX 1969
SUN VALLEY ID 83353

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please P[illegible]early)*: JIM STONE

B. Date of Delivery: 5-29-01

C. Signature: X

☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES enter delivery address below: ☐ No

MICROFILMED
SEP 1 1 2002

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Copy from service label)*
7000 0520 0020 3619 6069

PS Form 3811, July 1999 Domestic Return Receipt 102595-99-M-1789

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

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SEP 1 1 2002

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380

RECEIVED
JUN 04 2001
Department of Water Resources
Southern Region

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2 [redacted] 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

EDWARD A LAWSON
HAWLEY TROXELL & ASSOCI
PO BOX 297
KETCHUM ID 83340

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please P[redacted]early)* B. Date of Delivery

C. Signature

X

☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

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SEP 11 2002

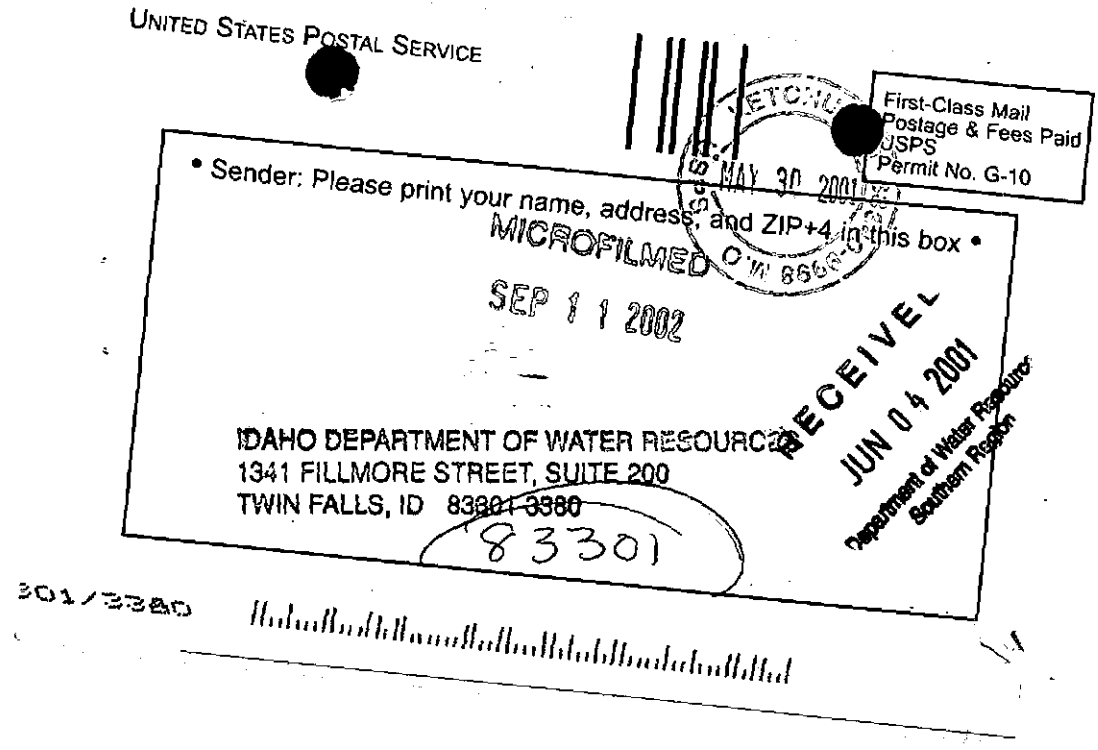
3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Copy from service label)*
7000 0520 0020 3619 6083

ATHOL ID 83801 MAY 30 2001 U.S. POSTAGE PITNEY BOWES

PS Form 3811, July 1999 Domestic Return Receipt 102595-99-M-1789


UNITED STATES POSTAL SERVICE
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10
• Sender: Please print your name, address, and ZIP+4 in this box •
MAY 30 2001
MICROFILMED
SEP 1 1 2002
RECEIVED
JUN 04 2001
Department of Water Resources
Southern Region
IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380
83301
301/3380

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0520 0020 3619 6069

Postage	$ .34
Certified Fee	1.90
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 3.74

TWIN FALLS ID 83301 MAY 25 2001 PIONEER STA USPS

Recipient's Name (Please Print Clearly) (To be completed by mailer)
SV Land + Minerals
Street, Apt. No.; or PO Box No.
P.O. Box 1969
City, State, ZIP+4
S.V. Id 83353

PS Form 3800, February 2000 See Reverse for Instructions

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0520 0020 3619 6090

Postage	$ .34
Certified Fee	1.90
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 3.74

TWIN FALLS ID 83301 MAY 25 2001 PIONEER STA USPS Postmark Here

Recipient's Name (Please Print Clearly) (To be completed by mailer)
ATTN: Mary Ann Mix Blaine Co Pty 2
Street, Apt. No.; or PO Box No.
206 First Ave S. STE # 300
City, State, ZIP+4
Hailey ID 83333

PS Form 3800, February 2000 See Reverse for Instructions

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0520 0020 3619 6083

Postage	$ .34
Certified Fee	1.90
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 3.74

TWIN FALLS ID 83301 MAY 25 2001 PIONEER STA USPS Postmark Here

Recipient's Name (Please Print Clearly) (To be completed by mailer)
Edward N Lawson
Street, Apt. No.; or PO Box No.
PO Box 297
City, State, ZIP+4
Ketchum Id 83340

PS Form 3800, February 2000 See Reverse for Instructions

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0520 0020 3619 6106

Postage	$ .34
Certified Fee	1.90
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 3.74

TWIN FALLS ID 83301 MAY 25 2001 PIONEER STA USPS Postmark Here

Recipient's Name (Please Print Clearly) (To be completed by mailer)
Doug Werth, Atty
Street, Apt. No.; or PO Box No.
PO Box 2360
City, State, ZIP+4
Ketchum ID 83340

PS Form 3800, February 2000 See Reverse for Instructions

MICROFILMED
SEP 11 2002

Re: Tr # 68545 (37.2446, 4369)
Sun Valley Land & Minerals, Inc.

* all returned
mb 6/5/01

MEMORANDUM

DATE: May 24, 2001

TO: File, T# 68545 (37-2446, 36-4369)-Sun Valley Land & Minerals Inc.

FROM: Mary A. Baldwin, Southern Region

SUBJECT: Notice of hearing

3:50 p.m./Received phone call from Gary Spackman who had concerns about pending Motion to Authorize Discovery before the Department and dates to exchange exhibits. He will call Glen Saxton to check on status of the Motion.

4:30 p.m./Received follow-up phone call from Gary Spackman. Glen was unaware of any recent action on the Motion and was unable to immediately locate the document. Hold off sending out of Hearing Notice—Gary will call Allen Merritt on Fri. for a discussion on the matter.

MICROFILMED
SEP 1 1 2002

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO.68545	)	NOTICE OF HEARING AND
Sun Valley Land & Minerals, Inc., Applicant	)	PRE-HEARING ORDER
	)	SOURCE: Deer Creek
Blaine County Commissioners, Protestant	)	COUNTY: Blaine

On October 11, 2000 Sun Valley Land & Minerals, Inc (applicant), filed with the Department of Water Resources (department) an application to transfer the public waters of the State of Idaho. The Department received protests against the approval of said application, with the remaining protestant listed above. The Pre-hearing Conference held on May 14, 2001 did not resolve the matter of protest,

THEREFORE, The Department has set the matter for hearing on **Friday-July 13, 2001 commencing at 9:00 a.m. in the Blaine County Commissioners Conference Room, 206 First Avenue South; Hailey, ID.**

The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the department and Water Appropriation Rules 40 and 45. A copy of the rules may be obtained from the department upon request. **The presiding officer at the hearing will be Gary Spackman.**

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within (10) days prior to the hearing.

On May 18, 2001 the protestant filed with the department a motion to allow discovery.

IT IS HEREBY ORDERED, pursuant to Rule of Procedure 37.01.01521 and 37.01.0101522 (Rules of Procedure 521 and 522) that all parties may commence discovery. Discovery shall conclude on **June 22, 2001.**

IT IS HEREBY ORDERED, pursuant to Rule of Procedure 37.01.01510 (Rule of Procedure 510) that each party will mail to Gary Spackman, the hearing officer, at Western Regional Office, 2735 Airport Way, Boise, ID 83705-5082 and to the other parties of record the following information as prescribed below:

On or before June 8, 2001, an initial list of witnesses, including expert witnesses the party will call or rely on.

On or before June 8, 2001, all initial copies of documents and proposed exhibits the party may offer at hearing.

The applicant shall pre-mark all proposed documents or exhibits with sequential numbers beginning with "01". The protestant shall pre-mark all proposed documents or exhibits with sequential letters beginning with "A". For contested cases with multiple protestants, each protestant shall precede the letter with their initial. (For example: John Doe's first exhibit or document shall be pre-marked "JD-A")

MICROFILMED

SEP 1 1 2002

IT IS FURTHER HEREBY ORDERED as follows:

On or before June 8, 2001, the applicant shall submit a detailed description or report of the calculations made or other information relied on for determining the historical volume stored in Clarendon Reservoir. The report shall be mailed to the hearing officer and to the other parties and may be included as an exhibit.

On or before June 29, 2001, the parties shall request any subpoenas the party wishes the Director to issue.

On or before June 29, 2001, the parties shall submit a final list of witnesses and copies of all exhibits not provided on June 8, 2001.

On or before June 29, 2001, the parties shall exchange a brief statement of the substance of testimony from each witness and shall provide a copy to the hearing officer by this date.

On or before July 6, 2001, the parties shall determine which exhibits will be admitted without objection and shall so advise the hearing officer in writing by this date.

Failure to comply with this pre-hearing order is cause for the hearing officer to issue a Notice of Proposed Default to dismiss a party's pleading as provided in IDAPA 37.01.01700 (Rule of Procedure 700).

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved. **Only witnesses or exhibits properly disclosed will be considered at the hearing.**

Dated this 25th day of May, 2001.

Allen D. Merritt, P.E.
Southern Region Manager

MICROFILMED
SEP 1 1 2002

CERTIFICATE OF MAILING

I hereby certify that on the 25th day of May, 2001 a true and correct copy of the foregoing Notice of Hearing and Pre-Hearing Order were forwarded with all required charges prepared, by the method indicated, to the parties listed:

Secretary

SUN VALLEY LAND & MINERALS INC PO BOX 1969 SUN VALLEY ID 83353	Hand delivered U.S. Mail-Regular U.S. Mail-Certified Fax	_____ _____ __x__ _____
EDWARD A LAWSON HAWLEY TROXELL & ASSOCIATES PO BOX 297 KETCHUM ID 83340	Hand delivered U.S. Mail-Regular U.S. Mail-Certified Fax	_____ _____ __x__ _____
C E BROCKWAY P E BROCKWAY ENGINEERING 2016 NORTH WASHINGTON ST-STE 4 TWIN FALLS ID 83301	Hand delivered U.S. Mail-Regular U.S. Mail-Certified Fax	_____ __x__ _____ _____
ATTN MARY ANN MIX BLAINE COUNTY COMMISSIONERS 206 FIRST AVE SOUTH-STE# 300 HAILEY ID 83333	Hand delivered U.S. Mail-Regular U.S. Mail-Certified Fax	_____ _____ __x__ _____
DOUGLAS A WERTH ATTORNEY AT LAW PO BOX 2360 KETCHUM ID 83340	Hand delivered U.S. Mail-Regular U.S. Mail-Certified Fax	_____ _____ __x__ _____

MICROFILMED
SEP 1 1 2002

LAW OFFICE
DOUGLAS A. WERTH PLLC
160 SECOND STREET EAST, SUITE 107
POST OFFICE BOX 2360
KETCHUM, IDAHO 83340

TEL 208.726.0847
FAX 208.727.6853

DWERTH@MICRON.NET
WWW.WERTHLAW.COM

May 17, 2001

RECEIVED
MAY 18 2001
Department of Water Resources

Mr. Karl J. Dreher
Director
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: In the Matter of the Application for Transfer No. 68545 (Sun Valley Land & Minerals, Inc.)

Dear Director Dreher:

Enclosed for filing in the above-referenced matter is the original of the following document:

MOTION FOR ORDER AUTHORIZING DISCOVERY.

Thank you for your assistance.

Very truly yours,

DOUGLAS A. WERTH
Attorney at Law

Enclosure
cc/encl: Mr. Allen Merritt
Blaine County Board of Commissioners
Edward A. Lawson, Esq.

MICROFILMED
SEP 11 2002

ORIGINAL

DOUGLAS A. WERTH
Attorney at Law
P.O. Box 2360
160 Second Street East, Suite 107
Ketchum, ID 83340
Tel. 208.726.0847
Fax 208.727.6853
ISB #3660

Attorney for Protestant Blaine County

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 37-08916, WALKER MONROE., Applicant, BLAINE COUNTY, Protestant.	MOTION FOR ORDER AUTHORIZING DISCOVERY

COMES NOW Protestant Blaine County and, pursuant to Rule 521 of the Rules of Procedure of the Idaho Department of Water Resources, moves the Director for the Department's order authorizing discovery in the above-captioned matter.

MICROFILMED
SEP 1 1 2002

DATED this 17th day of May, 2001.

DOUGLAS A. WERTH, Attorney for
Protestant Blaine County

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of May, 2001, I caused to be served a true and correct copy of the within and foregoing document by the method(s) indicated below, and addressed to each of the following:

Edward A. Lawson
Hawley Troxell Ennis & Hawley
P.O. Box 297
Ketchum, ID 83340
FAX: 208-726-9743

✓ U.S. Mail, Postage Prepaid
___ Hand Delivered
___ Overnight Mail
___ Facsimile

Mr. Allen Merritt
Idaho Dept of Water Resources
1341 Fillmore, Suite 200
Twin Falls, Idaho 83301-3380
FAX: 208-736-3037

✓ U.S. Mail, Postage Prepaid
___ Hand Delivered
___ Overnight Mail
___ Telecopy

And the original thereof to:

Mr. Karl J. Dreher
Idaho Dept of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
FAX: 208-327-7866

✓ U.S. Mail, Postage Prepaid
___ Hand Delivered
___ Overnight Mail
___ Telecopy

DOUGLAS A. WERTH

MICROFILMED
SEP 1 1 2002

MEMO

FROM: Allen Merritt DATE: May 16, 2001

TO: Glen Saxton, File T68545

SUBJECT: Pre-hearing conference

On 5/14/2001 I conducted a pre-hearing conference in Hailey at the Blaine County Courthouse with:

Sun Valley Land and Minerals Inc (applicant)
Blaine County Commissioners (protestant)

The applicant was represented by attorney Ed Lawson, Jim Stone owner and Brockway Sr., consultant. The protestant was represented by attorney Doug Werth. All commissioners were present.

The F&G was a protestant but they have signed a withdrawal. Deer Creek Ranch was also a protestant but Jay Sevy was at the conference and he indicated that they have worked out an agreement with the applicant and a withdrawal with the agreement was being prepared and will be sent to the department.

There were other interested individuals at the conference including reporters for the local papers.

Brockway described the proposal which moves around the historic volume of the old Clarendon Dam Reservoir and ultimately ends up with 5 ponds on the property. The issue with the county was the calculation of the historic volume and the issue of forfeiture of the right or a portion of the right since the old reservoir has been silted in for many years. Also at issue was the county's water policy on ponds. I tried to limit issues to forfeiture and calculation of volume and public interest but Werth indicated that all issues are relevant regarding the county's water policy.

Note that the first three ponds have been constructed in the old Clarendon Dam reservoir footprint and are storing water. The last 2 downstream have been worked on but apparently have not been filled.

After the discussion the county indicated that they would meet in executive session to discuss settlement in the next day or two. Mr. Lawson requested we schedule a hearing anyway. The applicant wished to proceed as soon as possible.

We discussed dates. Commissioners have "Board of Control" starting 6/25 lasting through July. After much discussion potential dates were 6/12 through 15 or 7/11 through 13. It was agreed to exchange witness lists and exhibits on or before 6/8. I told them I would check availability of hearing officer and then send out notice with a pre-hearing order involving exhibits, etc.

MICROFILMED
SEP 1 1 2002

ROSHOLT & ROBERTSON
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
GARY D. SLETTE
JOHN K. SIMPSON
TIMOTHY J. STOVER
AMY D. CHESTNUT
TRAVIS L. THOMPSON

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

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

May 16, 2001

RECEIVED
MAY 17 2001
Department of Water Resources
Southern Region

State of Idaho
Department of Water Resources
Attn: Allen D. Merritt
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

Re: **Transfer No. 68545 (Sun Valley Land and Minerals, Inc.)**

Dear Allen:

With regard to the above-referenced matter, enclosed please find an original Notice of Withdrawal of Protest. If you have any questions or comments, please contact me.

Yours truly,

GARY D. SLETTE

GDS:rlw
Encls.
cc: Jay Sevy (via facsimile)
Dr. C. Brockway (via facsimile)
docs\!rlw\gds\letters\IDWR5

MICROFILMED
SEP 1 1 2002

RECEIVED
MAY 17 2001
Department of Water Resources
Southern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

* * * * * *

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 68545	)	**NOTICE OF WITHDRAWAL OF PROTEST**
SUN VALLEY LAND & MINERALS, INC., Applicant	)	
Blaine County Commissioners & Deer Creek Ranch, Protestants.	)	

****

The undersigned, as attorney for Deer Creek Ranch, Inc., hereby withdraws the Notice of Protest with regard to Transfer No. 68545 which was filed with the Department on February 20, 2001.

DATED this 16 day of May, 2001.

ROSHOLT & ROBERTSON

By: _____
GARY D. SLETTE, Attorney for
Protestant Deer Creek Ranch, Inc.

1 2002

MICROFILMED

 SEP 1 Deer Cr withdrawl

CERTIFICATE OF MAILING

I hereby certify that on this 16 day of May, 2001, I served a copy of the foregoing NOTICE OF WITHDRAWAL OF PROTEST, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Deer Creek Ranch, Inc.
Attn: Jay Sevy
P. O. Box 187
Hailey, ID 83333

Sun Valley Land & Minerals, Inc.
P. O. Box 1969
Sun Valley, ID 83353

Attn: Mary Ann Mix
Blaine County Commissioners
206 First Ave. S - Ste 300
Hailey, ID 83333

C.E. Brockway, P.E.
Brockway Engineering
2016 N Washington - STE 4
Twin Falls, ID 83301

Edward A. Lawson
Attorney at Law
P.O. Box 297
Ketchum, ID 83340

Douglas A. Werth
Attorney at Law
P.O. Box 2360
Ketchum, ID 83340

Gary D. Slette

MICROFILMED
SEP 11 2002

Sun Valley Land and Minerals Inc.

PLACE: Blaine County Courthouse

DATE: May 14, 2001

CONFERENCE OFFICER: Allen Merritt

ROSTER OF ATTENDANCE

NAME	ADDRESS	REPRESENTING
ED LAWSON	B297 Ketchum	Applicant
Jay Sovy	P.O. Box 187 - Hailey	Deer creek Ranch, LTD
JIM STONE	113 Aspen Hollow Rd	Sun Valley Land & Min
Doug Werth	B 2360 Ketchum	Blaine Co.
Charles E. Brockway	2016 Washington ST N. TF	Applicant
Phillip Homey	11 E. Bullion Hailey	Wood River Journal
Travis Russell	Idaho Express	
Jim Thomas	County	Blaine Co. Prosecutor
[illegible]	✓	Comm.
Mary Ann Hix	206 1st Ave So, Suite 300 Hailey	BCC
Sarah Michael	BCC	

MICROFILMED

SEP 1 1 2002

Historic

18 - 20 acres surface area

If) Aft based on surveys of old photos.

Issue of volume of old reservoir and issue of forfeiture of storage volume.

Board not until June 25 - July

3rd week

Wk of the 6th

Exchange unit

- public
- forfeiture
- expiry
- injury

MICROFILMED
SEP 1 1 2002

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

RECEIVED
MAY 10 2001
Department of Water Resources
Southern Region

CHANGE IN ADDRESS

☐ Water Right Number(s): Protested TR# 68545 (37-02446, 37-04369

Sun Valley Land and Minerals, Inc.

☐ Old Mailing Address: PO BOX 400

☐ New Mailing Address: BLAINE COUNTY COMMISSIONERS

206 FIRST AVE SOUTH-STE# ~~200~~ 300

HAILEY ID 83333

☐ New Telephone Number:

☐ Authorized Signature:

Mary Ann Mix, Chairman

Date:

FOR IDWR USE ONLY
Initial Review and Data Entry
Date: By:
Further Action Needed:

Further Action Taken
Date: By:
Final Review and Data Entry
Date: By:

MICROFILMED

SEP 1 1 2002

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 4, 2001

ATTN MARY ANN MIX
BLAINE COUNTY COMMISSIONERS
206 FIRST AVE SOUTH-STE# ~~200~~ 300
HAILEY ID 83333

Re: Change of Address

Dear Ms Mix:

Pursuant to a new Departmental policy, all changes of address made to our data system require a signed Change of Address form on file.

Please complete, sign, date and return the enclosed form at your earliest convenience so that we can update our records.

Thank you in advance for your cooperation.

Sincerely,

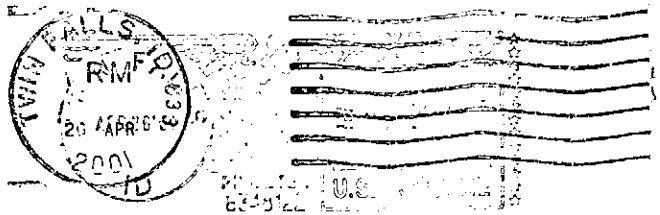
Mary A. Baldwin
Administrative Assistant

MICROFILMED
SEP 1 1 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

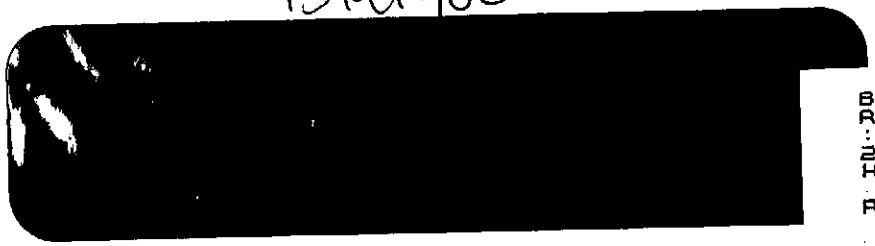
RETURN SERVICE REQUESTED

Sun Valley
Land & Minerals
T#68545
(37- 2446 etc)



RECEIVED
MAY 02 2001
Department of Water Resources
Southern Region

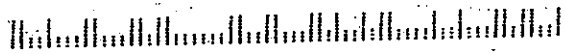
Blai400



BLAI400* 833332016 1700 06 04/30/01
RETURN TO SENDER
:BLAINE COUNTY CLERK
206 1ST AVE S STE 200
HAILEY ID 83333-8429

RETURN TO SENDER

83301-3380 18



MAR 2002 RECEIVED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO.68545	)	NOTICE OF PRE-HEARING
Sun Valley Land & Minerals, Inc., Applicant	)	CONFERENCE
	)	SOURCE: Deer Creek
Blaine County Commissioners & Deer Creek Ranch, Protestants	)	County: Blaine

On October 11, 2000 Sun Valley Land & Minerals, Inc (applicant), filed with the Department of Water Resources an application to transfer the public waters of the State of Idaho. The Department has received protests against the approval of said application from the above captioned protestants.

The Department has set the matter of protest for conference on **Monday-May 14, 2001 at 4:00 p.m. in the Blaine County Commissioners Conference Room, 206 First Avenue South; Hailey, ID.**

The purpose of the conference is to formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

The conference will be held in accordance with Chapter 2, Title 42, of the Idaho Code and the adopted Rules of Practice and Procedure of the Department of Water Resources.

The conference will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

Dated this 26 th day of April, 2001.

Allen D. Merritt, P.E.
Regional Manager

MICROFILMED

SEP 1 1 2002

CERTIFICATE OF MAILING

I hereby certify that on the 26 th day of April, 2001 a true and correct copy of the foregoing Notice of Pre-hearing Conference was forwarded with all required charges prepared, by Regular U.S. Mail, to the parties listed:

Mary Baldwin

Secretary

SUN VALLEY LAND & MINERALS INC
PO BOX 1969
SUN VALLEY ID 83353

ATTN MARY ANN MIX
BLAINE COUNTY COMMISSIONERS
206 FIRST AVE SOUTH-STE# 300
HAILEY ID 83333

EDWARD A LAWSON
HAWLEY TROXELL & ASSOCIATES
PO BOX 297
KETCHUM ID 83340

DOUGLAS A WERTH
ATTORNEY AT LAW
PO BOX 2360
KETCHUM ID 83340

C E BROCKWAY P E
BROCKWAY ENGINEERING
2016 NORTH WASHINGTON ST-STE 4
TWIN FALLS ID 83301

GARY SLETTE
ROSHOLT ROBERTSON TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906

MICROFILMED
SEP 1 1 2002

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 24, 2001

ATTN: SHER BRODOSKI
BLAINE COUNTY P & Z CONF ROOM
PO BOX 400
HAILEY ID 83333

Dear Ms. Brodoski:

The purpose of this letter is to confirm our reservation of the Commissioners Conference Room for a meeting to be held by this office on **Monday -May 14, 2001 at 4:00 p.m..**

If you have any questions please feel free to contact me or Allen Merritt, Southern Regional Office Manager.

Thank you very much for your assistance in this matter.

Very truly yours,

Mary Baldwin

Mary Baldwin
Administrative Assistant

MICROFILMED
SEP 1 1 2002

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 23, 2001

DAVID PARRISH SUPERVISOR
ID DEPT OF FISH & GAME
PO BOX 428
JEROME ID 83338

Re: Application for Transfer No. 5862 (68545) - 37-2446, 37-4369

Dear Mr. Parrish:

This office acknowledges receipt of the withdrawal of your protest against the above referenced application.

Since there were multiple protestants, the concerns of the other protestants will need to be addressed by the Department before final processing of the application can be completed.

The Department will continue review of the application without further contact with you unless information is requested.

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

Very truly yours,

Allen D. Merritt,P.E.
Southern Region Manager

AM:mb

Cc:
SUN VALLEY LAND & MINERALS INC
PO BOX 1969
SUN VALLEY ID 83353

EDWARD A LAWSON
HAWLEY TROXELL & ASSOCIATES
PO BOX 297
KETCHUM ID 83340

MICROFILMED
SEP 1 1 2002

HTEH HAWLEY TROXELL ENNIS & HAWLEY LLP
ATTORNEYS AT LAW

RECEIVED
APR 13 2001
Department of Water Resources
Southern Region

MEMORANDUM

TO: Allen D. Merritt, P.E.
Regional Manager
Idaho Department of Water
Resources
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380

FROM: Edward A. Lawson

DATE: April 12, 2001

RE: Sun Valley Land & Minerals, Inc./Application for Transfer No. 68545

Enclosed herewith is the calendar you provided, showing my available and not available dates for the months of April and May, 2001, for hearing of the above matter.

EAL/jrt

MICROFILMED
SEP 11 2002

Lawson

RECEIVED
APR 13 2001
Department of Water Resources
Southern Region

MARCH

				1	2	3
4	5	6	7	8	9	10
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18	19	20	21	22	23	24
25	26	27	28	29	30	31

Mount St. Helen's National Volcanic Monument, Washington

April 2001

MAY

		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1 All Fools' Day Daylight Saving Time Begins First Quarter	**2**	**3**	**4**	**5**	**6**	**7**
8 Palm Sunday Passover Full Moon	**9**	**10**	**11**	**12**	**13** Good Friday Thomas Jefferson, 1743	**14**
15 Easter Orthodox Easter Last Quarter	**16** Not Available	**17**	**18**	**19** Revolutionary War Began, 1775	**20**	**21**
22	**23** Not Available New Moon	**24**	**25**	**26**	**27**	**28**
29	**30** First Quarter					

MICROFILMED
SEP 11 2002

FARMERS INSURANCE GROUP
FARMERS

APRIL

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Middleton Place Gardens near Charleston, South Carolina

May 2001

RECEIVED
APR 13 2001
Department of Water Resources
Southern Region

Lawson

JUNE

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6	7 Not Available Full Moon	8 Available V-E Day, 1945	9 Not Available	10 Available	11 Available	12
13 Mother's Day	14 Available	15 Last Quarter	16	17	18	19 Armed Forces Day
20	21 Not Available American Red Cross, 1881 Victoria Day (Canada)	22	23 New Moon	24 Ascension Day	25	26
27	28 Memorial Day	29 First Quarter	30	31		

MICROFILMED
SEP 1 2002

ROSHOLT & ROBERTSON
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
GARY D. SLETTE
JERRY V. JENSEN
JOHN K. SIMPSON
TIMOTHY J. STOVER
AMY D. CHESTNUT
TRAVIS L. THOMPSON

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

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

RECEIVED
APR 13 2001
Department of Water Resources
Southern Region

April 12, 2001

State of Idaho
Department of Water Resources
Attn: Allen D. Merritt, P.E.
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

Re: **Application for Transfer No. 68545 - Sun valley Land and Minerals, Inc.**

Dear Allen:

Enclosed please find dates in April and May which I have available for a pre-hearing conference regarding the above-referenced matter. If you have any questions or comments, please contact me.

Yours truly,

GARY D. SLETTE

GDS:rlw
Encls.
docs\rlw\gds\letters\IDWR4

MICROFILMED
SEP 11 2002

RECEIVED
APR 13 2001
Department of Water Resources
Southern Region

Mount St. Helen's National Volcanic Monument, Washington

April 2001

Gary Slette

MARCH

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1 All Fools' Day Daylight Saving Time Begins First Quarter	**2**	**3**	**4**	**5**	**6** Good Friday Thomas Jefferson, 1743	**7**
8 Palm Sunday Passover Full Moon	**9**	**10**	**11**	**12**	**13**	**14**
15 Easter Orthodox Easter Last Quarter	**16**	**17**	**18**	**19** Revolutionary War Began, 1775	**20**	**21**
22	**23** New Moon	**24**	**25** OK	**26** Afternoon OK	**27** OK	**28**
29	**30** First Quarter					

MICROFILMED
SEP 11 2002

FARMERS INSURANCE GROUP
FARMERS

APRIL

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RECEIVED
APR 13 2001
Department of Water Resources
Southern Region

Middleton Place Gardens near Charleston, South Carolina

May 2001

Gary Slette

JUNE

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SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
FARMERS INSURANCE GROUP FARMERS		**1** Afternoon OK Loyalty Day	**2** OK	**3** OK National Day of Prayer	**4**	**5** Cinco de Mayo (Mexico)
6	**7** Full Moon	**8** OK V-E Day, 1945	**9** OK	**10**	**11** OK	**12**
13 Mother's Day	**14** OK	**15** OK Last Quarter	**16**	**17**	**18**	**19** Armed Forces Day
20	**21** American Red Cross, 1881 Victoria Day (Canada)	**22**	**23** New Moon	**24** Ascension Day	**25**	**26**
27	**28** Memorial Day	**29** First Quarter	**30**	**31**		

MICROFILMED
SEP 11 2002

IDAHO FISH & GAME
MAGIC VALLEY REGION
868 East Main Street
P.O. Box 428
Jerome, Idaho 83338-0428

Dirk Kempthorne / Governor
Rod Sando / Director

April 9, 2001

RECEIVED
APR 11 2001
Department of Water Resources
Southern Region

Mr. Allen Merritt
Idaho Dept. of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RE: **Water Right Transfer Application #68545, Sun Valley Land and Minerals Inc. - Deer Creek**

Dear Allen,

We are withdrawing our protest of the above referenced water right transfer application under the following conditions:

> The owners of Sun Valley Land and Minerals Inc. (Jim Stone and Donna Kelsey) have agreed to modify their water diversion structures to allow for the upstream movement of fish through their existing ponds and proposed ponds. Their plans as described to the Idaho Department of Fish and Game are to build and modify these structures to permit the unfettered movement of fish from the natural stream channel downstream of the outflow of their lowermost pond to the natural stream channel upstream of their current point of diversion.

In summary, we request the withdrawal of our protest to their water right transfer application as long as fish passage is provided through their pond system to allow fish to migrate upstream into the natural Deer Creek channel from downstream of the ponds. Thank you for your attention to this matter. If you have any questions please contact Chuck Warren, our Environmental Staff Biologist at this office.

Sincerely,

David Parrish

David Parrish
Magic Valley Regional Supervisor

cc: IDFG-NRPB (Robertson)
State of Idaho A.G.'s Office (Ampe)
Sun Valley Land and Minerals, Inc.

MICROFILMED
SEP 11 2002

F&G
withdrawal

RECEIVED
APR 11 2001
Department of Water Resources
Southern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

WITHDRAWAL OF PROTEST

I, David Parrish, hereby withdraw my protest filed in the matter of application No. 68545 in the name of Sun Valley Land and Minerals Inc.

Dated this tenth day of April, ~~19~~2001.

Signature David Parrish
Magic Valley Regional Supervisor, Idaho Department of Fish and Game
Protestant

MICROFILMED
SEP 11 2002

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 10, 2001

EDWARD A LAWSON
HAWLEY TROXELL & ASSOCIATES
PO BOX 297
KETCHUM ID 83340

Re: Application for Transfer No. 68545 filed in the name of Sun Valley Land and Minerals, Inc.

Dear Mr. Lawson:

In response to your request of March 21st, the Department has chosen a target date in late April or the early part of May for a pre-hearing conference regarding the above referenced matter.

The purpose of this letter is to obtain a listing of available dates from all parties. **Please mark the preferred dates on the enclosed calendars and return to this office at your earliest convenience.**

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Regional Manager

AM:MB
Enclosures

MICROFILMED
SEP 1 1 2002

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of April, 2001 a true and correct copy of the foregoing document and attachments were forwarded with all required charges prepared, by Regular U.S. Mail, to the parties listed:

Mary Baldwin

Secretary

EDWARD A LAWSON
HAWLEY TROXELL & ASSOCIATES
PO BOX 297
KETCHUM ID 83340

ATTN MARY ANN MIX
BLAINE COUNTY COMMISSIONERS
206 FIRST AVE SOUTH-STE# 300
HAILEY ID 83333

C E BROCKWAY P E
BROCKWAY ENGINEERING
2016 NORTH WASHINGTON ST-STE 4
TWIN FALLS ID 83301

DOUGLAS A WERTH
ATTORNEY AT LAW
PO BOX 2360
KETCHUM ID 83340

DAVID PARRISH
D DEPT FISH & GAME
PO BOX 428
JEROME ID 83338

GARY SLETTE
ROSHOLT ROBERTSON TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906

MICROFILMED
SEP 1 1 2002

HTEH HAWLEY TROXELL ENNIS & HAWLEY LLP
ATTORNEYS AT LAW

540 Second Avenue North
P.O. Box 297
Ketchum, Idaho 83340-0297
(208) 726-1700 • Fax (208) 726-9743
www.hteh.com

EDWARD A. LAWSON

EMAIL: EAL@HTEH.COM

RECEIVED
MAR 21 2001
Department of Water Resource
Southern Region

March 20, 2001

Mr. Allen Merritt
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Id. 83301

Re: Sun Valley Land & Minerals, Inc. Application No. 68545

Dear Mr. Merritt:

We are counsel to Sun Valley Land & Minerals, Inc., the applicant for the transfer which is the subject of the above referenced application. We are aware of the protests made to the application and request that a hearing be scheduled in order to expedite the resolution of the protests and decision on the application.

Please advise me of the time and place for the hearing once scheduled. Thank you for your cooperation.

Sincerely,

HAWLEY TROXELL ENNIS & HAWLEY LLP

Edward A. Lawson

cc: Dr. Charles Brockway
Doug Werth, Esq
Gary Slette, Esq.
Client

MICROFILMED
SEP 11 2002

LAW OFFICE
DOUGLAS A. WERTH PLLC
160 SECOND STREET EAST, SUITE 107
TEL 208.726.0847 POST OFFICE BOX 2360 DWERTH@MICRON.NET
FAX 208.727.6853 KETCHUM, IDAHO 83340 WWW.WERTHLAW.COM

March 22, 2001

RECEIVED
MAR 26 2001
Idaho Dept. of Water Resources

Mr. Karl J. Dreher
Director
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: In the Matter of the Application for Transfer of Water Right No. 68545 (Sun Valley Land & Minerals, Inc.)

Dear Director Dreher:

Enclosed for filing in the above-referenced matter is the original of the following document: Notice of Representation.

Thank you for your assistance.

Very truly yours,

DOUGLAS A. WERTH
Attorney at Law

Enclosure
cc/encl: Mr. Allen Merritt
Blaine County Board of Commissioners
Edward A. Lawson, Esq.

MICROFILMED
SEP 11 2002

RECEIVED
MAR 26 2001
Department of Water Resources

DOUGLAS A. WERTH
Attorney at Law
P.O. Box 2360
160 Second Street East, Suite 107
Ketchum, ID 83340

Tel. 208.726.0847
Fax 208.727.6853
Email: dwerth@micron.net
ISB #3660

Attorney for Protestant Blaine County

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

In the Matter of Application for Transfer of Water Right No. 68545 (Sun Valley Land & Minerals, Inc.).	NOTICE OF REPRESENTATION

The Idaho Department of Water Resources (IDWR) is hereby notified pursuant to IDWR Rules of Procedure 200-205 (IDAPA 37.01.01.200 through IDAPA 37.01.01.205), that Protestant Blaine County will be represented in the above-captioned matter by Douglas A. Werth, of the law office of Douglas A. Werth PLLC.

All documents should be served upon both Douglas A. Werth and the Blaine County Board of Commissioners at the following addresses:

Douglas A. Werth
Attorney at Law
P.O. Box 2360
Ketchum, ID 83340

Blaine County Board of Commissioners
Old Blaine County Courthouse
206 1st Avenue South, Suite 300
Hailey, ID 83333

MICROFILMED
SEP 11 2002

DATED this 22 day of March, 2001.

DOUGLAS A. WERTH
Attorney for Protestant Blaine County

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22 day of March, 2001, I caused to be served a true and correct copy of the within and foregoing document by the method(s) indicated below, and addressed to each of the following:

Edward A. Lawson
Hawley Troxell Ennis & Hawley
P.O. Box 297
Ketchum, ID 83340
FAX: 208-726-9743

- ✓ U.S. Mail, Postage Prepaid
- ___ Hand Delivered
- ___ Overnight Mail
- ___ Facsimile

Mr. Allen Merritt
Idaho Dept of Water Resources
1341 Fillmore, Suite 200
Twin Falls, Idaho 83301-3380
FAX: 208-736-3037

- ✓ U.S. Mail, Postage Prepaid
- ___ Hand Delivered
- ___ Overnight Mail
- ___ Telecopy

And the original thereof to:

Mr. Karl J. Dreher
Idaho Dept of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
FAX: 208-327-7866

- ✓ U.S. Mail, Postage Prepaid
- ___ Hand Delivered
- ___ Overnight Mail
- ___ Telecopy

DOUGLAS A. WERTH

MICROFILMED
SEP 1 1 2002

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 1, 2001

SUN VALLEY LAND &
MINERALS INC
PO BOX 1969
SUN VALLEY ID 83353

C E BROCKWAY P E
BROCKWAY ENGINEERING
2016 N WASHINGTON ST-STE 4
TWIN FALLS ID 83301

RE: APPLICATION FOR TRANSFER NO. 68545

Ladies and Gentlemen:

Enclosed are copies of protests filed against the above referenced application.

The Department suggests you contact the protestant(s) directly to determine the exact nature of the protest(s) and, if possible, to resolve the matter without action by the Department.

Please note that the application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

http://www.idwr.state.id.us/apa/idapa37/0101.htm

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you wish to proceed with a Pre-hearing Conference &/or formal Hearing, please notify this office or if you have any questions please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB

Enclosure(s)

MICROFILMED
SEP 1 1 2002

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 1, 2001

DAVID PARRISH
D DEPT FISH & GAME
PO BOX 428
JEROME ID 83338

JIM THOMAS
BLAINE CO PROSECUTING ATTY
201 SECOND AVE SOUTH, STE# 100
HAILEY ID 83333

ATTN MARY ANN MIX
BLAINE COUNTY COMMISSIONERS
206 FIRST AVENUE SOUTH
HAILEY ID 83333

GARY SLETTE
ROSHOLT ROBERTSON TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906

RE: APPLICATION FOR TRANSFER NO. 68545-Sun Valley Land & Minerals, Inc.

Dear Protestant(s):

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

Please note that the application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

http://www.idwr.state.id.us/apa/idapa37/0101.htm

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

MICROFILMED
SEP 1 1 2002

AM:MB
Enclosure(s)

9/22/01

TRANSMITTAL COVER SHEET

TO: Chuck - SR
Brockway Engineering
736-8506

TOTAL PAGES SENT: 6
(including cover sheet)
DOCUMENT DESCRIPTION: Protests on T# 68545 - Sun Valley Land & Minerals
(Fish & Game 300) Blaine Co. 500) (Deer Cr. Rch 100)
* No protests on Swanson TR. 68553

FROM:

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE ST, STE 200
TWIN FALLS ID 83301-3380
PHONE: 736-3033
FAX: 736-3037

CHARGES: One (1) free copy per request, cover sheet not counted. Two (2) or more copies per request will cost $0.25 per page. ($0.50 minimum)

Please consider this document as a billing statement.
The charge for your fax copies is: 2.00 on bill Please remit to the above address.

SENDER: Mary

COMMENTS:

MICROFILMED
SEP 1 1 2002

TRANSMISSION VERIFICATION REPORT

TIME : 02/22/2001 15:56
NAME : IDWR SOUTHERN REGION
FAX : 2087363037
TEL : 2087363033

DATE,TIME	02/22 15:52
FAX NO./NAME	97368506
DURATION	00:03:37
PAGE(S)	08
RESULT	OK
MODE	STANDARD ECM

MICROFILMED
SEP 1 1 2002

2/20/01

TRANSMITTAL COVER SHEET

TO: Jay Seay

Fax # 788-9763

TOTAL PAGES SENT: 3
(including cover sheet)
DOCUMENT DESCRIPTION: Legal - Wood River Journal
T # 68545 + others in group.
(Sun Valley Land & Minerals)

FROM:

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE ST, STE 200
TWIN FALLS ID 83301-3380
PHONE: 736-3033
FAX: 736-3037

CHARGES: One (1) free copy per request, cover sheet not counted. Two (2) or more copies per request will cost $0.25 per page. ($0.50 minimum)

Please consider this document as a billing statement.
The charge for your fax copies is: 0 *Please remit to the above address.*

SENDER: Mary

COMMENTS:

MICROFILMED
SEP 11 2002

TRANSMISSION VERIFICATION REPORT

TIME : 02/20/2001 10:31
NAME : IDWR SOUTHERN REGION
FAX : 2087363037
TEL : 2087363033

DATE,TIME	02/20 10:30
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PAGE(S)	03
RESULT	OK
MODE	STANDARD ECM

MICROFILMED
SEP 1 1 2002

THE BLAINE COUNTY BOARD OF COMMISSIONERS

206 FIRST AVENUE SOUTH, SUITE 300
HAILEY, IDAHO 83333
(208) 788-5500 • FAX (208) 788-5576
www.co.blaine.id.us

Mary Ann Mix, Chairman • Dennis Wright, Commissioner • Sarah Michael, Commissioner

RECEIVED
FEB 20 2001
Department of Water Resources
Southern Region

February 19, 2001

Mr. Allen Merritt
Department of Water Resources, Southern Region
1341 Fillmore St. Suite 200
Twin Falls, *ID* 83301

RE: BLAINE COUNTY PROTEST OF APPLICATION #68545

Dear Mr. Merritt:

We are protesting the above referenced application by Sun Valley Land and Minerals Inc. A check for $25.00 and a "Notice of Protest" are included with this letter.

Under the Department's "*policy memorandum*" of 1980 and the *Big Wood River Ground Water Management Area* (BWRGWMA) (June 28, 1991), water in the Blaine County area has been declared over-allocated. This application proposes to impound water from the Deer Creek Aquifer and impound water in two private ponds.

Although the application states that the reason for the proposed change is "To restore volume to historic levels," we question the necessity for two new ponds. The old reservoir is unlined, thus allowing the aquifer to be recharged. Are these new ponds lined?

In addition, the application states that the water is used to generate power. It appears from our research that water has not been used to generate power in well over five years. Thus, we question the validity of a portion of those rights.

To the extent that the diversion and impoundment reduce the surface water availability to senior water rights holders in the area of this diversion, it would also conflict with the requirement for a demonstration that no injury will occur to other water rights holders (I.C. §42-222), or to aquatic and wildlife resources.

The applicant carries the burden of providing evidence that the proposed use will not injure other water rights holders, will not constitute an enlargement of use, and will be consistent with principles of conservation of the water of the State of Idaho. None of these requirements are found in this application.

MICROFILMED
SEP 11 2002

There is also no showing by the applicant that this application "*is in the public, as opposed to private, interest*" [I.C. §42-1503 (b).

The practice of creating large ponds for aesthetic purposes is more likely in Blaine County than in most Idaho counties because of the extraordinary land values in Blaine County. The potential for abuse of the Department's stated goal of water conservation and preservation is more likely here than in most Idaho Counties. One of the reasons the Board of Commissioners established a "*Local Public Interest Water Policy (Policy)*" [*Shokal v. Dunn* and *Hardy v. Higginson* and I.C. §42-203 A (5)] was because of the unique nature of this community and the measurable impact of increased, expanded use of a scarce water resource, always to the detriment of other water rights holders.

No matter how "minimum" the amount of impounded water in each new pond is <u>said</u> to be, by an applicant, the cumulative impact of a succession of huge ponds in our community will in fact have a very measurable affect on the availability of water for other water rights holders, minimum stream flows, and all the other water interests noted in the 1998 Blaine County "*Local Public Interest Water Policy*".

There are many hundreds of lots in Blaine County large enough to hold large ponds. It wouldn't take much imagination to compute how much water even as few as fifty such ponds would take out of the system and how this cumulative impact would shift the use of water in our community, from agricultural and public purposes, to private marketing and aesthetic interests. Neither the interests of the State of Idaho nor the welfare of residents of Blaine County will be served if aesthetic ponds are used to divert water from other water rights holders and from the aquifer system.

We ask that you deny this application for the above stated reasons. Further, we ask again that future applications for aesthetic ponds in our County be evaluated under a re-defined terminology that recognizes that such ponds aren't really "non-consumptive", but are actually "consumptive", ***and that the cumulative impacts of multiple ponds must be considered before approving such applications for enlargements of water use***. With the projection of a less than 50% of normal snow pack for 2001, we seriously question the wisdom of allowing any new water impoundments.

Thank you for your consideration.

Sincerely,

Mary Ann Mix Dennis Wright Sarah Michael

cc: Sun Valley Land and Minerals, Inc.
Jim Thomas, P.A.
Linda Haavik, P&Z

MICROFILMED
SEP 1 1 2002

November 26, 1999

RECEIVED
FEB 20 2001
Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application for Permit for # 63545
2. Name of protestant Sun Valley Land & Minerals, Inc
3. Protestant's Representative for service (If different than protestant)
   Blaine County, Jim Thomas, P.A.
4. Service mailing address 201 Second Ave South, Suite 100 Hailey 83333
5. Service telephone no. 208.788.5545
6. Basis of protest (including statement of facts and law upon which the protest is based)
   See attached letter

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? See letter

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 20th day of February, ~~2000~~ 2001.

Blaine County, Idaho
Protestant

Protestant's Representative

MICROFILMED
SEP 11 2002

NOTE:

A protestant is required to timely file a protest with the department together with a $25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."

2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.

3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.

4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.

5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.

6. Specifically describe the nature of the protest.

7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by J Peterson Date 2-20-01 Time ~2pm

$25.00 fee Receipted by JP # 5023626 Date 2-20-01

MICROFILMED
SEP 1 1 2002

2295 1213

GO-FER IT EXPRESS
DELIVERY SERVICE

P.O. Box 388
Twin Falls, ID 8330[redacted]88
(208) 733-2036 • 1-800-230-2036

DATE 2/20/01

FREIGHT CHARGES — THIRD PARTY ☐ PREPAID ☒ COLLECT ☐

538532

PIECES	DESCRIPTION OF COMMODITIES	WEIGHT/LBS.	RUSH ☐		
1	Envelope	M		FREIGHT CHARGES	
				DELAY FEE	
				C.O.D. FEE	
			MILES	VALUATION FEE	
	DIMENSIONS X X			TOTAL	2.00

C.O.D.
$ COLLECT CASH ONLY ☐
C.O.D. PAYMENT
CASH ☐
CHECK #

X SHIPPER'S SIGNATURE — SHIPPER'S P.O. NUMBER — DECLARED VALUE

MICROFILMED

FREIGHT PAYMENT — CASH ☐ CHECK # 1213

SEP 11 2002

FROM: PHONE
Blaine County Board of Comm.
ADDRESS
206 1st Ave. S Suite 20
CITY Hailey STATE ZIP

Mr. Allen Merritt PHONE #
Idaho Dept of Water Resources
ADDRESS
1341 Fillmore St
CITY Twin Falls STATE ID ZIP 83301

THIRD PARTY BILLING: ADDRESS CITY STATE ZIP

DELIVERY DRIVER	DATE	TIME	A.M. P.M.	PRINT LAST NAME	SIGNATURE
Rob	2/20	11:46	A.M. P.M.		
DELIVERY DRIVER	DATE	TIME	A.M. P.M.		
Kim	2/20		A.M. P.M.	Allen E. Bates	

X RECEIVED IN GOOD CONDITION EXCEPT AS NOTED

CLAIMS FOR SHORTAGE OR DAMAGE MUST BE FILED WITHIN 7 DAYS OF DATE OF DELIVERY AND ACCOMPANIED BY THIS FREIGHT BILL. SHIPMENT IS RELEASED FOR A VALUE NOT TO EXCEED $50.00 UNLESS GREATER VALUE IS INDICATED IN VALUATION BOX ABOVE. A COST OF 50¢ PER $100.00 WILL BE ADDED FOR VALUE ABOVE $50.00, NOT TO EXCEED $10,000. 1.5% INTEREST ON PAST DUE BILLS.



Fastest Way
Same Day

RECEIVER'S COPY

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
JOHN K. SIMPSON
TIMOTHY J. STOVER
AMY CHESTNUT

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

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

RECEIVED
FEB 20 2001
Department of Water Resource
Southern Region

February 20, 2001

HAND DELIVERED

State of Idaho
Department of Water Resources
Attn: Allen D. Merritt
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

Re: **Transfer No. 68545 (Sun Valley Land and Minerals, Inc.)**

Dear Allen:

On behalf of our firm's client, Deer Creek Ranch, Inc., I hereby protest approval of the above-numbered transfer application. The basis for this protest is injury to other water rights. I am enclosing our firm's check in the amount of $25.00 as the protest fee. If you have any questions or comments, please contact me.

Yours truly,

GARY D. SLETTE

GDS:rlw
Encls.
cc: Jay Sevy (via facsimile)
Dr. C. Brockway (via facsimile)
docs\!rlw\gds\letters\IDWR5

Post-it® Fax Note 7671	Date	# of pages ▶ 7
To Jim Speck	From Jim	
Co./Dept.	Co. IDWR	
Phone #	Phone #	
Fax #	Fax #	

MICROFILMED
SEP 1 1 2002

Receipt # 5023627
2/20/01
mb

IDAHO FISH & GAME
MAGIC VALLEY REGION
868 East Main Street
P.O. Box 428
Jerome, Idaho 83338-0428

Dirk Kempthorne / Governor
Rod Sando / Director

February 16, 2001

RECEIVED
FEB 16 2001
Department of Water Resources
Southern Region

Mr. Allen Merritt
Idaho Dept. of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RE: **Water Right Transfer Application #68545, Sun Valley Land and Minerals Inc. - Deer Creek**

Dear Allen,

We would like to protest the above referenced water right transfer application #68545 for a year-around diversion of 10 cfs and 143 acre-feet of storage diverted from Deer Creek. The reason for this protest is the transfer of the water right is not in the interest of the general public. This is based on Idaho Code 36-906(a) which states that "No person shall construct or maintain a dam or other obstruction which restricts the free and uninterrupted passage of fish in any stream in this state without a proper fishway therein." The water diversion structure and current pond designs do not meet the requirements for providing fish passage for the following reasons:

- The lowermost dam (pond #3 in attachment on application) is a barrier to upstream migrating fish which swim upstream from Deer Creek through the outflow channel downstream of the dam, which is off the natural Deer Creek channel.

- The point of diversion on Deer Creek itself is a barrier to upstream migrating fish.

We are requiring that fish be free to migrate unimpeded between lower Deer Creek and upper Deer Creek through either the existing stream channel or through the ponds. If the reach of Deer Creek becomes dewatered between the intake and the outflow of the pond system at any time, we will require that up and downstream fish passage is provided through the ponds. If there is substantial year round flow between the intake diversion and the outflow, then we would require that up and downstream fish passage is provided at the point of diversion.

Thank you for your consideration of this matter. If you have further questions please contact Chuck Warren, Natural Resource Biologist at this office.

MICROFILMED
SEP 11 2002

Sincerely,

David Parrish

David Parrish
Magic Valley Regional Supervisor

cc: IDFG-NRPB (Robertson)
State of Idaho A.G.'s Office (Ampe)
Sun Valley Land and Minerals, Inc.

MICROFILMED
SEP 1 1 2002

3/96

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

RECEIVED
FEB 16 2001
Department of Water Resource
Southern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Water Right Transfer Application #68545

2. Name of protestant Idaho Dept. of Fish and Game

3. Protestant's representative for service (If different than protestant)
David Parrish - IDFG Regional Supervisor, Chuck Warren - IDFG Env. Staff Bio.

4. Service mailing address P.O. Box 428 Jerome ID 83338

5. Service telephone no. (208) 324-4359

6. Basis of protest (including statement of facts and law upon which the protest is based)
Water Right is for a facility which violates Idaho Code 36-906(a), thus is not in the interest of the general public. Law states that proper fishway must be included in structure.

(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest? For the applicant to construct a proper fishway on dam or diversion (See attached letter)

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 16 day of February, ~~19~~ 2001.

Idaho Dept. of Fish & Game
PROTESTANT

Charles D. Warren, Charles D. Warren
PROTESTANT'S REPRESENTATIVE
(Regional Environmental Staff Biologist)

MICROFILMED
SEP 11 2002

NOTE:

A protestant is required to timely file a protest with the department together with a $25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."

2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.

3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.

4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.

5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.

6. Specifically describe the nature of the protest.

7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by JE Stanton Date 2-16-01 Time 1:07 pm

$25.00 fee Receipted by JO # 5023623 Date 2-16-01

MICROFILMED
SEP 1 1 2002

AFFIDAVIT of PUBLICATION

RECEIVED
FEB 12 2001
Department of Water Resources
Southern Region

State of Idaho, } SS.
County of Blaine }

On this 8 day of February in the year 2001 before me a Notary Public of said State, personally appeared , known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 31 day of January 2001 and the date of the last publication was on the 7 day of February 2001

Subscribed and sworn to before me this 8 day of February 2001

(SEAL)

KRISTINA A. GARCEAU
NOTARY PUBLIC
STATE OF IDAHO

NOTARY PUBLIC

12278

OK MB 2/27/01

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

MICROFILMED
SEP 11 2002

Number of Picas per Line
Number of Lines in Notice 146
Number of Insertions 2

—	Lines tabular at —	7¢ / Pica
146	Lines straight at 1.43	6¢ / Pica
—	Subsequent lines at —	5¢ / Pica
TOTAL COST	213.78	

COPY OF NOTICE
(Paste Here)

Proposed change of

TITLE OF NOTICE

water rights

PLAINTIFF ATTORNEY

DEFENDANT

2501

PLAINTIFF

Dept. of Water Resource

BILL TO

Proposed change of water rights

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Notice is hereby given that five (5) applications have been filed with the Department of Water Resources for changes to water rights within Blaine County as described below:

Transfer No. 68549 by LESLIE A. TIDWELL, PO BOX 2919; KETCHUM ID 83340 involves two ground water rights diverted within NWNE, S35, T02N, R18E for irrigation of 14 acres within S35, T08N, R18E; namely Right No. 37-07178 (0.14 irrigation, 0.04 cfs domestic), priority date 12/04/1972 and Right No. A37-12540 (0.28 cfs irrigation), priority date 12/31/1962.

The applicant requests to move portions of the irrigation uses to a new point of diversion within SWNW for irrigation of two (2) acres at a new place of use within W1/2NW, both S33, T03N, R18E (also known as Lot 2, Block 1 of Sagebrush Subdivision) using Designated Right No. 37-07178B (0.02 cfs) and Designated Right No. 37-12540B (0.04 cfs). The remaining portions of the rights will continue to irrigate 12 acres at the original sites.

Transfer No. 68545 by SUN VALLEY LAND AND MINERALS INC., PO BOX 1969; SUN VALLEY ID 83353 involves two rights diverted year round from Deer Creek tributary to Big Wood River listed as follows:

Water Right No. 37-02446 (10.0 cfs) Recreation, (10.0 cfs) Power; Priority Date 12/19/1932 is diverted within NWNE, S34 and SWSE, S27, both T03N, R17E and used within parts of both sections.

Water Right No. 37-04369 (143.0 afa) Recreation Storage; Priority Date of 07/01/1939 is diverted within SWSE, S27 for uses within parts of Sections 27 & 34, all T03N, R17E. Using both rights listed, the applicant proposes to divert 10.0 from Deer Creek tributary to Big Wood River within SWSE, S27 & NWNE, S34 for recreation use and recreation storage (143.0 afa) within S1/2S27 and NWNE, S34; all T03N, R17E.

Transfer No. 68553 by WILLIAM J SWANSON TRUST, 125 GRADUATE DRIVE; KETCHUM ID 83340 involves three rights described as follows:

Right No. A37-00934 (1.60 cfs) is recorded with priority date of 11/01/1917 from Silver Creek tributary to Little Wood River within NENE, S27 for irrigation of 80 acres within parts of Sections 22, 26, & 27; all T01S, R20E.

Right No. 37-02683 (3.00 cfs) recorded with priority date of 08/23/1961 is diverted from ground water within NESW, S20 and SWSE, S22 & then re-diverted from Silver Creek within NENE, S22 for irrigation of 157 acres within parts of Sections 22, 26, & 27; all T01S, R20E.

Right No. 37-07349 (1.60 cfs) recorded with priority date of 03/07/1974 is diverted from ground water within NESW, injected into Silver Creek within NESW, both S20; then rediverted from Silver Creek within NENE & NWNE, S27 for irrigation of 232 acres within parts of Sections 22, 26, & 27; all T01S, R20E.

The applicant requests to divert a total of 2.04 cfs to irrigate 62.2 acres in any one season within a 152 acre permissible place of use within parts of Sections 26 & 27, T01S, R20E using the rights listed below:

37-00934B diverting 0.80 cfs from Silver Creek within NESW, S26 and NENE, S27.
37-02683B (1.12 cfs) and 37-07349B (0.43 cfs) diverted from existing well within NESW, S20; injected into Silver Creek at that point and then rediverted within NESW, S26 & NENE, S27; all T01S, R20E. The remaining portions of the rights have been sold to another party with possible changes to the place of use.

Transfer No. 68554 by JOHN K. &/OR KATHERINE S. McCLATCHY, PO BOX 3226; HAILEY ID 83333 involves Right No. 37-02624 (2.22 cfs) recorded with priority date of 10/22/1959 is diverted from ground water within NENE for irrigation of 103.1 acres within E1/2, both S10, T01S, R19E. The applicant requests to divert 0.44 cfs from a new well to be drilled within either SENE or NENE for irrigation of 20 acres within E1/2, all S10, T01S, R19E using Designated Right No. 37-02624B. The remainder of the right (1.622 cfs) will continue to be used for irrigation of 81.1 acres at the original site.

Transfer No. 68560 by MICHAEL E. WILLARD, 1339 HAMPSHIRE CIRCLE, NEWPORT BEACH CA 92660 involves Right No. 37-00004C (1.10 cfs) recorded with priority date of 03/24/1883 is diverted from the Big Wood River tributary to Malad River within SWNW, S20, T03N, R18E for irrigation of 12 acres within parts of Section 4 & 9, both T02N, R18E. The applicant requests to divert 0.183 cfs within SWNW, S20 for irrigation of 2.0 acres in a 8.9 acre permissible place of use within E1/2, S29, all T03N, using Designated Right No. 37-00004D. The remainder, (0.917 cfs) will continue to irrigate 10 acres at the original site.

Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite #200; Twin Falls ID 83301 together with a protest fee of $25.00 on or before February 20, 2001 to be considered by the Department in its decision to grant or deny any part of the proposed change. (Each transfer requires a separate protest.) The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Publish: Wood River Journal—January 31 and February 7, 2001.

letter is still pending away

Proof of Publication

The Post Register

RECEIVED
FEB 22 2001
Department of Water Resources
Southern Region

State of Idaho
County of Bonneville

I, ~~S. Bob Bright or~~ Robert Park, first being duly sworn, depose and say: That I am the ~~Production Supervisor or~~ Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for 2 consecutive (days) weeks, first publication having been made on the 1ST day of FEBRUARY, 2000, last publication having been made on the 8TH day of FEBRUARY 2001 at the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Robert Park

Subscribed and sworn to before me, this 14TH day of FEBRUARY, 2001

Notary Public

My commission expires January 10, 2003

IVY BERRY
NOTARY PUBLIC - IDAHO
My Commission Expires
January 10, 2003

OK MB 2/26/01

MICROFILMED
SEP 11 2002

See reverse

PUBLIC NOTICE

Transfer No. 68545 by SUN VALLEY LAND AND MINERALS INC., PO BOX 1969; SUN VALLEY ID 83353 involves two rights diverted year round from Deer Creek tributary to Big Wood River listed as follows:

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Karl J. Dreher, Director

Published: February 1, 8, 2001

OK MB 2/26/01

MICROFILMED

SEP 1 1 2002

Post Register
GOOD MORNING!

333 Northgate Mile
Idaho Falls, ID 83401
(208)522-1800
February 16, 2001

DEPT. OF WATER RESOURCES
1341 FILLMORE ST. SUITE 200
TWIN FALLS, IDAHO 83301-3380
736-3033

RECEIVED
FEB 22 2001
Department of Water Resources
Southern Region

Account # 546

Published: FEBRUARY 1, 8, 2001

Legal Notice: NOTICE OF PROPOSED TRANSFER NO. 68545

37-02446,
37-04369

Please refer to Invoice # or Ad # 132282

PO #

TOTAL COST: $60.27

ok MB 2/26/01

PLEASE INCLUDE ACCOUNT # AND AD # WITH YOUR PAYMENT
THANK YOU

MICROFILMED
SEP 11 2002

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 02/08/2001 INVOICE NO. 252522

Account No. 446620

Description 252522Transfer No 6854

Times 2 Lines 44

Tab. Lines

LEGAL ADVERTISING INVOICE

SOLD TO: DEPT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 20
TWIN FALLS ID 833013380

$ 65.78

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

252522
Transfer No. 68545 by SUN VALLEY LAND AND MINERALS INC., P0 BOX 1969; SUN VALLEY ID 83353 involves two rights diverted year round from Deer Creek tributary to Big Wood River listed as follows:
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Karl J. Dreher, Director
Published in the Idaho Statesman, Lewiston Morning Tribune, Times News & Post Register on 02/01 & 02/08/01

RF

Department of Water ... Southern Region

OK MB 2/26/01

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 252522Transfer attached hereto and which is made a part of this affadavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 02/01, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 02/01/2001, and the last publication thereof being on the 02/08/2001, and said 252522Transfer was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J Lewis

State of Idaho
S.S.
County of Nez Perce

On this 8th day of February in the year of 2001, before me, a Notary Public, personally appeared Karen J Lewis, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

SHERAL M. LANTZ NOTARY PUBLIC STATE OF IDAHO

Sheral M Lantz

Notary Public in and for the State of Idaho, residing at Lewiston, therein
Commission Expires June 4, 03

MICROFILMED
SEP 1 1 2002

The Idaho Statesman

P.O. Box 40, Boise, Idaho 83707-0040

LEGAL ADVERTISING PROOF OF PUBLICATION

Account #	DTI#	Identification	Amount:
208-736-3033	396007	NOTICE OF TRANSFER	$ 65.40

Ordered by:	P.O. #	Rate	Run Dates
MARY BALDWIN		NT	FEB. 1, 8, 2001

IDAHO DEPT. WATER RESOURCES - SOUTH
1341 FILLMORE ST, SUITE 200
TWIN FALLS, ID 83301-3380

Number of Lines: 40

Affidavit: 1

Legal #: 9441

LEGAL NOTICE
NOTICE OF TRANSFER

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Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite #200; Twin Falls ID 83301 together with a protest fee of $25.00 on or before February 20, 2001 to be considered by the Department in its decision to grant or deny any part of the proposed change. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Pub. Feb. 1,8, 2001 9441

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman*, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in *The Idaho Statesman*, in conformity with Section 60-108, Idaho Code, as amended for: TWO

OK mb 2/12/01

[X] consecutive weekly [ ] single

[ ] consecutive daily [ ] odd skip insertion(s)

beginning with the issue of: FEBRUARY 1, 2001

and ending with the issue of: FEBRUARY 8, 2001

Janice Hildreth

STATE OF IDAHO)
)ss
COUNTY OF ADA

On this 8 day of FEBRUARY in the year of 2001 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Sondra L. Brightman

Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: 6/20/06

SONDRA L. BRIGHTMAN NOTARY PUBLIC STATE OF IDAHO

MICROFILMED
SEP 1 1 2002

RECEIVED
FEB 09 2001
Department of Water Resources
Southern Region

PUBLIC NOTICE
Transfer No. 68545
by SUN VALLEY LAND AND MINERALS INC., PO BOX 1969; SUN VALLEY ID 83353 involves two rights diverted year round from Deer Creek Tributary to Big Wood River listed as follows:

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PUBLISH: February 1 and 8, 2001

Affidavit of Publication

STATE OF IDAHO }
COUNTY OF TWIN FALLS } SS.

No 33359

I, Ruby Muddenhede being first duly sworn upon oath, depose and say that I am principal clerk of the TIMES-NEWS, published daily at, Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive times, commencing with the issue dated Feb 1, 2001, and ending with the issue dated Feb 8, 2001.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week is the day designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issue thereof, Thursday is announced as the day on which said legal notices will be published.

MICROFILMED
SEP 11 2002

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 8th day of February in the year 2001, before me, a Notary Public, personally appeared Ruby Muddenhede, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Irene Feltman
Notary Public for Idaho
Residing at Twin Falls, Idaho.
My commission expires: 5/16/06

OK mb 2/12/01

RETAIN THIS PORTION FOR YOUR RECORDS

REMITTANCE ADDRESS	BILL TO
THE TIMES-NEWS - LEGAL P.O. BOX 548, TWIN FALLS, ID 83303-0548	DEPT WATER RESOURCES

AD NUMBER	CLASS	SALESPERSON	BILLING DATE	LINES
296680	0050 LEGAL	5	02/08/01	56

AD DESCRIPTION	START DATE	STOP DATE
PUBLIC NOTICE TRANSFER NO. 68545 BY	02/01/01	02/08/01

PUBLICATION	INSERTIONS	RATE	NET AMOUNT	GROSS AMOUNT
4 THE TIMES NEWS LEGAL	2	LGL	53.76	
TOTAL AD CHARGE			53.76	
4 AFFIDAVIT CHARGE		AFFID	2.00	
T# 68545 (37-02446, 37-04369)				
DAYS RUN				
PURCHASE ORDER transfer 68545		PAY THIS AMOUNT	55.76	55.76*

MESSAGE:

OK
mb
2/12/01

RECEIVED
FEB 09 2001
Department of Water Resources
Southern Region

DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT

THE TIMES-NEWS - LEGAL
P.O. BOX 548, TWIN FALLS, ID 83303-0548

transfer 68545

AD NUMBER	CLASS	START DATE	STOP DATE
296680	050 LEGAL	02/01/01	02/08/01
AD DESCRIPTION		BILLING DATE	TELEPHONE NUMBER
PUBLIC NOTICE TRANSFER NO. 68545 BY		02/08/01	208-736-3033

GROSS AMOUNT OF 55.76 DUE AFTER

__ VISA __ MASTERCARD

CREDIT CARD NUMBER | | | | | | | | | | | | | | | | EXPIRATION DATE: ____/____ SIGNATURE: _____

TOTAL AMOUNT DUE
55.76
ENTER AMOUNT ENCLOSED

DEPT WATER RESOURCES
1341 FILLMORE, SUITE 200
TWIN FALLS, ID 83301

MICROFILMED
SEP 11 2002

204000000029668000000000000000005576000000055764

RECEIVED
FEB 07 2001
Department of Water Resources
Southern Region

State of Idaho
Department of Water Resources
Transfer of Water Right(s)

RECOMMENDATION OF WATERMASTER

Application No: 68545 Water Right No(s): 37-02446
Applicant's Name: Sun Valley Land & Minerals 37-04369

Watermaster's Recommendation:

a) ___X___ I do not oppose approval of this application.

b) _____ I do not oppose approval of this application if it is conditioned as follows.

c) _____ I oppose approval of this application for the following reasons:

d) _____ Additional Comment:

Dated this 5th day of February, 2001.

Water District No. 37

Watermaster's Signature

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SEP 1 1 2002

ACTION REQUIRED

FROM: MB 1/30/01

TO: Terry Blue

SCA Comment please

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SEP 1 1 2002

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 29, 2001

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

Re: (Five (5) Application(s) for Transfer of Water Right

Dear Mr. Peterson:

Enclosed are copies of Application(s) for Transfer of a Water Right within your District, and Watermaster's Recommendation Form(s).

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 note NEW FORMAT of recommendation form; a copy is enclosed for your reference.

Regional review of an unprotested application can be completed as soon as the final protest period is past; therefore, your prompt response to this request is appreciated.

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

Very truly yours,

Mary A. Baldwin
Administrative Assistant

Enclosure(s)

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SEP 1 1 2002

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Notice is hereby given that five (5) applications have been filed with the Department of Water Resources for changes to water rights within Blaine County as described below.

Transfer No. 68549 by LESLIE A. TIDWELL, PO BOX 2919; KETCHUM ID 83340 involves two ground water rights diverted within NWNE, S35, T02N, R18E for irrigation of 14 acres within S35, T08N, R18E; namely Right No. 37-07178 (0.14 irrigation, 0.04 cfs domestic), priority date 12/04/1972 and Right No. A37-12540 (0.28 cfs irrigation), priority date 12/31/1962.

The applicant requests to move portions of the irrigation uses to a new point of diversion within SWNW for irrigation of two (2) acres at a new place of use within W½NW, both S33, T03N, R18E (also known as Lot 2, Block 1 of Sagebrush Subdivision) using Designated Right No. 37-07178B (0.02 cfs) and Designated Right No. 37-12540B (0.04 cfs). The remaining portions of the rights will continue to irrigate 12 acres at the original sites.

Transfer No. 68545 by SUN VALLEY LAND AND MINERALS INC., PO BOX 1969; SUN VALLEY ID 83353 involves two rights diverted year round from Deer Creek tributary to Big Wood River listed as follows:

Water Right No. 37-02446 (10.0 cfs) Recreation, (10.0 cfs) Power; Priority Date 12/19/1932 is diverted within NWNE, S34 and SWSE, S27, both T03N, R17E and used within parts of both sections.

Water Right No. 37-04369 (143.0 afa) Recreation Storage; Priority Date of 07/01/1939 is diverted within SWSE, S27 for uses within parts of Sections 27 & 34, all T03N, R17E. Using both rights listed, the applicant proposes to divert 10.0 from Deer Creek tributary to Big Wood River within SWSE, S27 & NWNE, S34 for recreation use and recreation storage (143.0 afa) within S½S27 and NWNE, S34; all T03N, R17E.

Transfer No. 68553 by WILLIAM J SWANSON TRUST, 125 GRADUATE DRIVE; KETCHUM ID 83340 involves three rights described as follows:

Right No. A37-00934 (1.60 cfs) is recorded with priority date of 11/01/1917 from Silver Creek tributary to Little Wood River within NENE, S27 for irrigation of 80 acres within parts of Sections 22, 26, & 27; all T01S, R20E.

Right No. 37-02683 (3.00 cfs) recorded with priority date of 08/23/1961 is diverted from ground water within NESW, S20 and SWSE, S22 & then re-diverted from Silver Creek within NENE, S22 for irrigation of 157 acres within parts of Sections 22, 26, & 27; all T01S, R20E.

Right No. 37-07349 (1.60 cfs) recorded with priority date of 03/07/1974 is diverted from ground water within NESW, injected into Silver Creek within NESW, both S20; then rediverted from Silver Creek within NENE & NWNE, S27 for irrigation of 232 acres within parts of Sections 22, 26, & 27; all T01S, R20E.

The applicant requests to divert a total of 2.04 cfs to irrigate 62.2 acres in any one season within a 152 acre permissible place of use within parts of Sections 26 & 27, T01S, R20E using the rights listed below:

37-00934B diverting 0.80 cfs from Silver Creek within NESW, S26 and NENE, S27.
37-02683B (1.12 cfs) and 37-07349B (0.43 cfs) diverted from existing well within NESW, S20; injected into Silver Creek at that point and then rediverted within NESW, S26 & NENE, S27; all T01S, R20E. The remaining portions of the rights have been sold to another party with possible changes to the place of use.

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Transfer No. 68554 by JOHN K. &/OR KATHERINE S. McCLATCHY, PO BOX 3226; HAILEY ID 83333 involves Right No. 37-02624 (2.22 CFS) recorded with priority date of 10/22/1959 is diverted from ground water within NENE for irrigation of 103.1 acres within E½, both S10, T01S, R19E. The applicant requests to divert 0.44 cfs from a new well to be drilled within either SENE or NENE for irrigation of 20 acres within E½, all S10, T01S, R19E using Designated Right No. 37-02624B. The remainder of the right (1.622 cfs) will continue to be used for irrigation of 81.1 acres at the original site.

Transfer No. 68560 by MICHAEL E. WILLARD, 1339 HAMPSHIRE CIRCLE; NEWPORT BEACH CA 92660 involves Right No. 37-00004C (1.10 cfs) recorded with priority date of 03/24/1883 is diverted from the Big Wood River tributary to Malad River within SWNW, S20, T03N, R18E for irrigation of 12 acres within parts of Section 4 & 9, both T02N, R18E. The applicant requests to divert 0.183 cfs within SWNW, S20 for irrigation of 2.0 acres in a 8.9 acre permissible place of use within E½, S29, all T03N, using Designated Right No. 37-00004D. The remainder, (0.917 cfs) will continue to irrigate 10 acres at the original site.

Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite #200; Twin Falls ID 83301 together with a protest fee of $25.00 on or before February 20, 2001 to be considered by the Department in its decision to grant or deny any part of the proposed change. **(Each transfer requires a separate protest.)** The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Wood River Journal on 01/31 & 02/07/01.

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SEP 1 1 2002

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 26, 2001

ATTN **LEGALS DEPT**
WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Ladies and 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 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
Administrative Assistant

Enclosure

MICROFILMED
SEP 1 1 2002

Transfer No. 68545 by SUN VALLEY LAND AND MINERALS INC., PO BOX 1969; SUN VALLEY ID 83353 involves two rights diverted year round from Deer Creek tributary to Big Wood River listed as follows:

Water Right No. 37-02446 (10.0 cfs) Recreation, (10.0 cfs) Power; Priority Date 12/19/1932 is diverted within NWNE, S34 and SWSE, S27, both T03N, R17E and used within parts of both sections.

Water Right No. 37-04369 (143.0 afa) Recreation Storage; Priority Date of 07/01/1939 is diverted within SWSE, S27 for uses within parts of Sections 27 & 34, all T03N, R17E. Using both rights listed, the applicant proposes to divert 10.0 from Deer Creek tributary to Big Wood River within SWSE, S27 & NWNE, S34 for recreation use and recreation storage (143.0 afa) within S½S27 and NWNE, S34; all T03N, R17E.

Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite #200; Twin Falls ID 83301 together with a protest fee of $25.00 on or before February 20, 2001 to be considered by the Department in its decision to grant or deny any part of the proposed change. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Idaho Statesman, Lewiston Morning Tribune, Times News & Post Register on 02/01 & 02/08/01

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SEP 1 1 2002

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 26, 2001

ATTN **LEGALS DEPT**
TIMES NEWS
PO BOX 548
TWIN FALLS ID 83303-0548

Ladies and 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 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

Mary Baldwin
Administrative Assistant

Enclosure

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SEP 1 1 2002

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 26, 2001

ATTN **LEGALS DEPT**
POST REGISTER
PO BOX 1800
IDAHO FALLS ID 83401

Ladies and 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 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

Mary Baldwin
Administrative Assistant

Enclosure

MICROFILMED
SEP 1 1 2002

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 26, 2001

ATTN **LEGALS DEPT**
LEWISTON MORNING TRIBUNE
505 C STREET
LEWISTON ID 83501

Ladies and 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 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

Mary Baldwin
Administrative Assistant

Enclosure

MICROFILMED
SEP 1 1 2002

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 26, 2001

ATTN LEGALS DEPT
IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

Ladies and 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 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

Mary Baldwin
Administrative Assistant

Enclosure

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SEP 1 1 2002

BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics
Hydrology
Water Resources

RECEIVED
NOV - 6 2000
Department of Water Resources
Southern Region

November 6, 2000

Cory Skinner
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Dear Cory:

Enclosed is the signed copy of requested notices of claim for Sun Valley Land and Mineral Inc., also, enclosed are the authorization by Donna Kelsey for the transfer of Water Right. I am also enclosing a revised photomap, showing the place of use, contemplated under the transfer.

Sincerely,

C E Brockway

Charles E. Brockway

CHARLES E. BROCKWAY, PH.D., P.E.

CHARLES G. BROCKWAY, PH.D., P.E.

2016 NORTH WASHINGTON STREET • SUITE 4

TWIN FALLS, IDAHO 83301

208•736•8543

FAX: 736•8506

MICROFILMED

SEP 1 1 2002

L.68545

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 31, 2000

Charles E. Brockway
2016 North Washington St.
Suite 4
Twin Falls, ID 83301

RE: RESUMPTION OF USE – A37-02446 AND A37-04369 – SUN VALLEY LAND AND MINERALS, INC.

Dear Mr. Brockway:

In your letter dated September 20, 2000, to Corey Skinner, you advise of the status of reconstruction of Clarendon Dam and of the construction of additional storage impoundments in the Deer Creek drainage tributary to the Big Wood River. In your letter you ask the department to "confirm" that the Sun Valley Land and Mineral Company has met the requirements for resumption of use of its water rights ask the department to advise you as soon as possible whether additional delays in filling of the reservoir(s) due to downstream impacts can be allowed without jeopardizing the water right.

If the water right holder has stored water in compliance with the water rights referenced above prior to the resumption of use date, it appears to me that it would be difficult for anyone to show that resumption of use had not occurred. While the department can not authorize additional delays in the resumption of use of water, it appears reasonable to consider the effect on downstream water rights when filling the authorized storage impoundment(s).

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

Sincerely,

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

c: IDWR - S. Region
Corey Skinner

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SEP 1 1 2002

TRANSMITTAL COVER SHEET

TO: GLEN SAXTON

TOTAL PAGES SENT: 5
(including cover sheet)
DOCUMENT DESCRIPTION: LETTER(S) FROM CHUCK BROCKWAY REGARDING CLARENDON DAM

FROM:

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE ST, STE 200
TWIN FALLS ID 83301-3380
PHONE: 736-3033
FAX: 736-3037

CHARGES: One (1) free copy per request, cover sheet not counted. Two (2) or more copies per request will cost $0.25 per page.($0.50 minimum)

Please consider this document as a billing statement.
The charge for your fax copies is: _____ Please remit to the above address.

SENDER: Corey Skinner

COMMENTS: PER DR. BROCKWAY'S REQUEST

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SEP 1 1 2002

RECEIVED
OCT 11 2000
Department of Water Resources
Southern Region

BROCKWAY
ENGINEERING
PLLC

Hydraulics
Hydrology
Water Resources

CHARLES E. BROCKWAY, PH.D., P.E.

CHARLES G. BROCKWAY, PH.D., P.E.

2016 NORTH WASHINGTON STREET • SUITE 4

TWIN FALLS, IDAHO 83301

208•736•8543

FAX: 736•8506

September 20, 2000

Mr. Corey Skinner
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Subject: Resumption of Beneficial Use-Sun Valley Land and Minerals Inc. Clarendon Dam, and Application for Transfer of Water Rights A37-02446 and A37-04369

Dear Corey:

As of August 1, 2000, the new construction on Clarendon Dam was essentially completed and the facility is capable of storage at this time. I believe you have been appraised of the progress and have been supplied drawings of the new structures.

As you may recall, the original plan was for re-construction of the dam at the historic height and removal of sediment from the reservoir to restore the storage volume to the historic 143 acre feet as indicated on the amended SRBA claim. During the initial phases of excavation of sediment from the reservoir it became apparent that excavation to the original storage volume within the reservoir would not be possible due to higher than expected ground water levels. As a result, a revised construction plan, which included three smaller ponds within the original reservoir area and two new ponds on Company land below the dam, would be utilized. This concept comports to that which we discussed in your office in May 2000. The new dam reconstruction was therefore revised to include storage in Pond 3 with a revised storage volume of 35.5 acre feet and a hydraulic height of less than 10 feet. I am enclosing drawings to show the pond layout, spillways, and outlet works from Pond 3 into Deer Creek. Note that Ponds 1, 2, and 3 are filled from Deer Creek and Ponds 4 and 5 are off-stream ponds.

Storage volumes in the 5 ponds are shown in the following table. These volumes are based on surveyed elevations and recent aerial photos.

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Pond Volumes Based on Water Surface Areas and Average Depths					
		Area	Area	Depth	Volume
		Sq. Feet	Acres	Ft	Acre Ft.
Pond 1		84942	1.95	6.50	12.7
Pond 2		108900	2.50	7.75	19.4
Pond 3		213444	4.90	7.25	35.5
Total(1,2,3)			[illegible]		[illegible]
Pond 4		169884	3.90	9.20	35.9
Pond 5		158994	3.65	9.20	33.6
Total(4,5)			[illegible]		[illegible]
Total(1,2,3,4,5)			[illegible]		[illegible]

Also enclosed is a completed application for transfer to move 69.5 acre feet of storage from the original reservoir area to Ponds 4 and 5 located below the dam. The outlet facility to provide water to Ponds 4 and 5 is a 24-inch pipe with gated outlet and is complete as shown on the drawing for the dam. Storage in Ponds 4 and 5 can be commenced immediately although the final configuration for these ponds may be changed depending on the final plan for the area downstream of the dam.

Sun Valley Land and Minerals Inc. is prepared to commence filling the facility immediately. However, the flow in Deer Creek is very low due to drought conditions in the watershed and is currently flowing only at an estimated 5 to 10 cfs. Mr. Jay Sevy, President of Deer Creek Ranch Inc. the ranch downstream of the Clarendon facility, has formerly expressed concern about reductions in stream flow due to filling of the ponds and has requested that storage be delayed, at least until higher stream flows occur. The ranch downstream includes numerous ponds which have been stocked with fish and he is concerned that the lower flows caused by filling of the ponds would be harmful to both the fish and the habitat. Filling has been postponed since August 1 to prevent lower flows in Deer Creek in hopes that natural stream flow would increase. The flow has not increased significantly and on August 30, 2000 the Company received a Notice to Resume Water Use by November

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SEP 1 1 2002

1, 2000 in compliance with the Application for Extension of Time to Avoid Forfeiture for Water Right No. 37-04369.

After talking to Glen Saxton, I have advised Sun Valley Land and Mineral Co to proceed to fill the ponds in order to comply with the order unless IDWR allows a delay in filling due to downstream impact. Pond 2 has begun to fill with small flows from Jimmy the Harp Creek and storage can be commenced from Deer Creek.

I am submitting the completed form 3-222, Resumption of Beneficial Use, showing resumption of storage on August 1, 2000. The facility will be filled as fast as possible without jeopardizing the flow in Deer Creek and the ponds on Deer Creek Ranch.

Please review the enclosed and confirm that the Company has met the requirements for resumption and the requirements for the dam reconstruction. Also please advise as soon as possible whether additional delays in filling due to downstream impacts can be allowed without jeopardizing the water right.

I would appreciate your initial review of and response to the transfer application so that we can be assured it is complete and accurate before advertising.

Sincerely,

Charles E. Brockway

Enc: Brockway Engineering check Number 2811, for $610.00.

Cc: Glen Saxton
Sun Valley Land and Minerals Inc.

MICROFILMED

SEP 1 1 2002

DEER CREEK RANCH, Inc.

Quality Cattle

128 Deer Creek Road • P.O. Box 187 • Hailey, Idaho 83333
(208) 788-9813 - FAX (208) 788-9763



July 19, 2000

Jim Stone
P.O. Box 1969
Sun Valley, Idaho 83353

Dear Jim,

Good to see you Tuesday and I appreciate that you share my concern concerning this years stream flow in Deer Creek.

It does appear that we are looking at a low water year. I measured the creek at the upper headgate up by our property boundary last Tuesday, July 18. It was running 19 c.f.s. It is losing about a c.f.s a week and is approximating the levels we saw in 1994, which was particularly dry.

You and I discussed the fact that if you fill your new ponds at this time it may again dry the creek up or at least reduce the flow to where we do not get adequate turnover in our pond system here on the ranch. This could raise water temperatures to a point where there would be a fish kill.

You said that you would be willing to defer the fill of your ponds until there was more stream flow. Given a wet fall that could be then; but if not then during spring runoff will certainly work.

As you know, we made a large expenditure in a stream/fisheries habitat rehabilitation project, so a major thrust in our management is to keep the stream flowing.

Jim, again I appreciate your spirit of cooperation.

Sincerely,

Jay Sevy, President, Deer Creek Ranch, Inc.

MICROFILMED
SEP 1 1 2002

No. C 87844	Due no later than Oct 31, 2000 Annual Report Form	2. Registered Agent and Office NO PO BOX
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 **NO FILING FEE IF RECEIVED BY DUE DATE**	1. Filing Acknowledgment (Correct if Incorrect, Complete if Blank) SUN VALLEY LAND AND MINERALS, INC. EDWARD LAWSON ESQ. P.O. BOX 297 KETCHUM, ID 83340	EDWARD A. LAWSON ESQ ~~319 WALNUT AVE~~ 540 second Avenue north KETCHUM, ID 83340-0297 3. New Registered Agent Signature

4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors.

Office held	Name	Street or P.O. Address	City	State	Zip
Pres.	Donna Kelsey	P.O. 1959	Sun Valley	Id.	83353
Sec. Treas	James P. Stone	P.O. 1969	"	"	"
Directors:	Donna KELSEY	"			
	James Stone	"			

5. Organized Under the Laws of:	6.
IDAHO C 87844	Signature Donna R. Kelsey Date 9-18-00 Name (Typed or Printed) DONNA R. KELSEY Title: ~~XXXXX~~ Pres

Issued 08/01/2000 **Do Not Tape or Staple** 1067

Fold, seal and mail this portion. C

Detach at this perforation and discard this lower portion.

INSTRUCTIONS FOR THE IDAHO ANNUAL REPORT FORM

Block 1: Pay special attention to the mailing address. If the correct mailing address is not given in Block 1, strike it out and write in the correct address. **Note:** To ensure furture mailings, the corrected address must be inside Block 1.

Block 2: To change the registered agent or office, strike the incorrect information and write in the correct information. **Note:** The office of the registered agent must be at a street address in Idaho; **not a Post Office Box or Personal Mail Box.**

Block 3: Only a new registered agent must sign in Block 2.

Block 4: Enter names and business addresses of president, secretary, and directors (for corporations only) or managers/members (for LLC's only). **Note: Putting "same as last year" or "same as above" will not be accepted.**

Block 5: May not be altered through the use of this form.

Block 6: The annual report must be signed by a person authorized to represent the corporation/LLC. Print or type the name and title of the signer below the signature.

If the corp/LLC is no longer doing business in Idaho, you may file the appropriate form and fee. Forms are available on our website at www.idsos.state.id.us. However, if no timely annual report is filed, administrative action will be taken, at no cost to the corp/LLC, to terminate the legal existence. If you have any questions contact the Commercial Division at (208) 334-2301.

DUE NO LATER THAN OCT 31, 2000

POSTMARK DATES WILL NOT BE ACCEPTED

MICROFILMED
SEP 1 1 2002

RECEIVED
NOV - 6 2000
Department of Water Resources
Southern Region

I, Donna Kelsey, am owner of the land located in the South 1/2 of the Southeast 1/4 of Section 27, Township 03 North, Range 17 East, and President of Sun Valley Land and Mineral Co. I hereby agree to the transfer application filed by Sun Valley Land and Minerals, Inc., involving water rights 37-02446 and 37-04369. I understand that Sun Valley Land and Minerals, Inc. will be listed as the water right owner on the water rights, even though the transfer proposes making parts of the water rights appurtenant to land that I own.

Donna Kelsey — 11-4-00

Signature — Date

State of Idaho)
)
County of BLAINE)

Subscribed and sworn (or affirmed) before me this day of November 4 2000

Notary Public

Residing at HAILEY, IDAHO

My Commission Expires 05.27.2003

MICROFILMED
SEP 1 1 2002

BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics
Hydrology
Water Resources

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

RECEIVED
OCT 11 2000
Department of Water Resources
Southern Region

September 20, 2000

Mr. Corey Skinner
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Subject: Resumption of Beneficial Use-Sun Valley Land and Minerals Inc. Clarendon Dam, and Application for Transfer of Water Rights A37-02446 and A37-04369

Dear Corey:

As of August 1, 2000, the new construction on Clarendon Dam was essentially completed and the facility is capable of storage at this time. I believe you have been appraised of the progress and have been supplied drawings of the new structures.

As you may recall, the original plan was for re-construction of the dam at the historic height and removal of sediment from the reservoir to restore the storage volume to the historic 143 acre feet as indicated on the amended SRBA claim. During the initial phases of excavation of sediment from the reservoir it became apparent that excavation to the original storage volume within the reservoir would not be possible due to higher than expected ground water levels. As a result, a revised construction plan, which included three smaller ponds within the original reservoir area and two new ponds on Company land below the dam, would be utilized. This concept comports to that which we discussed in your office in May 2000. The new dam reconstruction was therefore revised to include storage in Pond 3 with a revised storage volume of 35.5 acre feet and a hydraulic height of less than 10 feet. I am enclosing drawings to show the pond layout, spillways, and outlet works from Pond 3 into Deer Creek. Note that Ponds 1, 2, and 3 are filled from Deer Creek and Ponds 4 and 5 are off-stream ponds.

Storage volumes in the 5 ponds are shown in the following table. These volumes are based on surveyed elevations and recent aerial photos.

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SEP 11 2002

L.68545

Pond Volumes Based on Water Surface Areas and Average Depths					
		Area	Area	Depth	Volume
		Sq. Feet	Acres	Ft	Acre Ft.
Pond 1		84942	1.95	6.50	12.7
Pond 2		108900	2.50	7.75	19.4
Pond 3		213444	4.90	7.25	35.5
Total(1,2,3)			9.35		67.6
Pond 4		169884	3.90	9.20	35.9
Pond 5		158994	3.65	9.20	33.6
Total(4,5)			7.55		69.5
Total(1,2,3,4,5)			16.90		137.0

Also enclosed is a completed application for transfer to move 69.5 acre feet of storage from the original reservoir area to Ponds 4 and 5 located below the dam. The outlet facility to provide water to Ponds 4 and 5 is a 24-inch pipe with gated outlet and is complete as shown on the drawing for the dam. Storage in Ponds 4 and 5 can be commenced immediately although the final configuration for these ponds may be changed depending on the final plan for the area downstream of the dam.

Sun Valley Land and Minerals Inc. is prepared to commence filling the facility immediately. However, the flow in Deer Creek is very low due to drought conditions in the watershed and is currently flowing only at an estimated 5 to 10 cfs. Mr. Jay Sevy, President of Deer Creek Ranch Inc. the ranch downstream of the Clarendon facility, has formerly expressed concern about reductions in stream flow due to filling of the ponds and has requested that storage be delayed, at least until higher stream flows occur. The ranch downstream includes numerous ponds which have been stocked with fish and he is concerned that the lower flows caused by filling of the ponds would be harmful to both the fish and the habitat. Filling has been postponed since August 1 to prevent lower flows in Deer Creek in hopes that natural stream flow would increase. The flow has not increased significantly and on August 30, 2000 the Company received a Notice to Resume Water Use by November

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SEP 1 1 2002

1, 2000 in compliance with the Application for Extension of Time to Avoid Forfeiture for Water Right No. 37-04369.

After talking to Glen Saxton, I have advised Sun Valley Land and Mineral Co to proceed to fill the ponds in order to comply with the order unless IDWR allows a delay in filling due to downstream impact. . Pond 2 has begun to fill with small flows from Jimmy the Harp Creek and storage can be commenced from Deer Creek.

I am submitting the completed form 3-222, Resumption of Beneficial Use, showing resumption of storage on August 1, 2000. The facility will be filled as fast as possible without jeopardizing the flow in Deer Creek and the ponds on Deer Creek Ranch.

Please review the enclosed and confirm that the Company has met the requirements for resumption and the requirements for the dam reconstruction. Also please advise as soon as possible whether additional delays in filling due to downstream impacts can be allowed without jeopardizing the water right.

I would appreciate your initial review of and response to the transfer application so that we can be assured it is complete and accurate before advertising.

Sincerely,

C E Brockway

Charles E. Brockway

Enc: Brockway Engineering check Number 2811, for $610.00.

Cc: Glen Saxton
Sun Valley Land and Minerals Inc.

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SEP 1 1 2002

SENDER:

- ☐ Complete items 1 and/or 2 for additional services.
  Complete items 3, 4a, and 4b.
- ☐ Print your name and address on the reverse of this form so that we can return this card to you.
- ☐ Attach this form to the front of the mailpiece, or on the back if space does not permit.
- ☐ Write *"Return Receipt Requested"* on the mailpiece below the article number.
- ☐ The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra [redacted]

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

3. Article Addressed to:

SUN VALLEY LAND &
MINERALS INC
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

37-02446

MICROFILMED
SEP 11 2002

4a. Article Number
7099 3220 0006 2688 1416

4b. Service Type

☐ Registered	☑ Certified
☐ Express Mail	☐ Insured
☐ Return Receipt for Merchandise	☐ COD

7. Date of Delivery

5. Received By: *(Print Name)*
Randi Diem

6. Signature *(Addressee or Agent)*
Randi Diem

8. Addressee's Address *(Only if requested and fee is paid)*

SEP 1 [illegible]

PS Form **3811**, December 1994 102595-99-B-0223 Domestic Return [redacted]pt

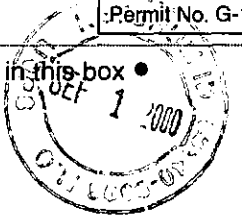
Is your RETURN ADDRESS completed on the reverse side?

Thank you for u[illegible]ng Ret[illegible]n Rec[illegible]pt Service.

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •



DEBORAH GIBSON
DEPARTMENT OF WATER RESOURCES
1301 N. ORCHARD ST.
BOISE, ID 83706-2237

RECEIVED
SEP 05 2000
Department of Water Resources

MICROFILMED
SEP 11 2002

U.S. Postal Service

CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Cove

7099 3220 0006 2688 1476

Article Sent To:

Sun Valley Land and Minerals Inc.

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

Postmark Here

MICROFILMED

SEP 1 1 2002

Name (Please Print Clearly) (To be completed by mailer)

c/o James P. Speck

Street, Apt. No.; or PO Box No.

P.O. Box 987

City, State, ZIP+4

Ketchum, ID 83340

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may ONLY be combined with First-Class Mail or Priority Mail.
- Certified Mail is not available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a Return Receipt may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 30, 2000

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

SUN VALLEY LAND AND MINERALS INC
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

Re: Water Right No. 37-02446

Dear Applicant:

NOTICE TO RESUME WATER USE

On July 25, 1994, the department approved your Application for Extension of Time to Avoid Forfeiture of a Water Right as submitted to the department. One condition of approval was that diversion and use of water must resume on or before November 1, 2000. Failure to resume use of the water and to notify the department of the resumed use will be cause for the water to revert back to the state and again be subject to appropriation.

Therefore, I am enclosing a form to notify the department of the resumption of use of the water right. Please complete the form and return it to my attention at the above address.

If you have questions, please feel free to contact me at (208)327-7953.

Sincerely,

Deborah J. Gibson

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.
c: Region

MICROFILMED
SEP 1 1 2002

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-4369
Date Received: 8/22/89
Receipt No:
Received By:

SRBA CLAIM
BEING TRANSFERRED
(AMENDED 11/2000)

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

RECEIVED
NOV 06 2000
Department of Water Resources
Southern Region

1. Name of Claimant(s)

SUN VALLEY LAND AND MINERALS INC Phone: (208)726-1868
C/O DONNA R KELSEY
PO BOX 1959
SUN VALLEY ID 83353

2. Date of Priority: 12/19/1932

3. Source: DEER CREEK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
03N	17E	27	SW SE		BLAINE

5. Description of diverting works:

DAM FORMING RESERVOIR. DAM IS KNOWN AS CLARENDON HOT SPRINGS DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
RECREATION STORAGE	1/01	12/31		143

7. Total Quantity Appropriated is:
143 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	17E	27	SW SE		RECREATION STORAGE	
03N	17E	34	NW NE		RECREATION STORAGE	
			NE NW		RECREATION STORAGE	

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SEP 1 1 2002

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

5/18/00, DJ: CLAIM AMENDED TO CORRECT STORAGE VOLUME OF APPROPRIATION AND REMOVE POWER STORAGE

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ✓ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am President of Sun Valley Land & Minerals, Inc, that I have signed the foregoing
Title
Organization
document in the space below as President of Sun Valley Land & Minerals Inc and that the statements contained in the
Title
Organization
foregoing document are true and correct.

Dawn K Kelsey
Signature of Authorized Agent

President, Sun Valley Land & Minerals Inc
Title and Organization

11-4-00
Date

State of Idaho)
) SS.
County of BLAINE)

Subscribed and sworn (or affirmed) before me this 4TH day of November 2000

Kathleen K Reed
Notary Public

Residing at HAILEY, IDAHO

My commission Expires 05.27.2003

MICROFILMED

SEP 1 1 2002

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-2446
Date Received: 8/18/89
Receipt No:
Received By:

SRBA CLAIM
BEING TRANSFERRED

(AMENDED 11/2000)

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

RECEIVED
NOV 06 2000
Department of Water Resources
Southern Region

1. Name of Claimant(s)

SUN VALLEY LAND AND MINERALS INC Phone: (208)726-1868
C/O DONNA R KELSEY
PO BOX 1959
SUN VALLEY ID 83353

2. Date of Priority: 12/19/1932

3. Source: DEER CREEK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
03N	17E	27	SW SE		BLAINE

5. Description of diverting works:

DAM FORMING RESERVOIR. DAM KNOWN AS CLARENDON HOT SPRINGS DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
RECREATION	1/01	12/31	10	

7. Total Quantity Appropriated is:
10 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	17E	27	SW SE		RECREATION	
03N	17E	34	NW NE		RECREATION	
			NE NW		RECREATION	

MICROFILMED
SEP 1 1 2002

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

5/18/00, DJ: CLAIM AMENDED TO CORRECT DATA ENTRY OF CLAIM TO REFLECT LICENSE TO EXTENT USED
5/24/00, DJ: AMENDED CLAIM RECEIVED WITH FEE 5/23/00. RECEIPTED UNDER S023124

15. Basis of Claim: License

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am President (Title) of Sun Valley Land & Minerals, Inc. (Organization) that I have signed the foregoing document in the space below as President (Title) of Sun Valley Land Minerals, Inc (Organization) and that the statements contained in the foregoing document are true and correct.

Klauara Kelsey
Signature of Authorized Agent

President of Sun Valley Land & Minerals, Inc
Title and Organization

11-4-00
Date

State of Idaho)
) SS.
County of BLAINE)

Subscribed and sworn (or affirmed) before me this day of November 4 2000

Kathleen Hewett
Notary Public

Residing at HAILEY. IDAHO

My commission Expires 05.27.2003

MICROFILMED

SEP 1 1 2002

DEER CREEK RANCH, Inc.

Quality Cattle

128 Deer Creek Road • P.O. Box 187 • Hailey, Idaho 83333
(208) 788-9813 • FAX (208) 788-9763



July 19, 2000

Jim Stone
P.O. Box 1969
Sun Valley, idaho 83353

Dear Jim,

Good to see you Tuesday and I appreciate that you share my concern concerning this years stream flow in Deer Creek.

It does appear that we are looking at a low water year. I measured the creek at the upper headgate up by our property boundary last Tuesday, July 18. It was running 19 c.f.s. It is losing about a c.f.s a week and is approximating the levels we saw in 1994, which was particularly dry.

You and I discussed the fact that if you fill your new ponds at this time it may again dry the creek up or at least reduce the flow to where we do not get adequate turnover in our pond system here on the ranch. This could raise water temperatures to a point where there would be a fish kill.

You said that you would be willing to defer the fill of your ponds until there was more stream flow. Given a wet fall that could be then; but if not then during spring runoff will certainly work.

As you know, we made a large expenditure in a stream/fisheries habitat rehabilitation project, so a major thrust in our management is to keep the stream flowing.

Jim, again I appreciate your spirit of cooperation.

Sincerely,

Jay Sewy, President, Deer Creek Ranch, Inc.

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SEP 1 1 2002

July 26, 1994

Sun Valley Land and Minerals, Inc.
c/o James P. Speck
HOGUE, SPECK & AANESTAD
P.O. Box 987
Ketchum, ID 83340

RE: Water Right Nos. 37-04369 & 37-02446

Dear Mr. Speck:

Enclosed are copies of the approved Applications for Extension of Time to Avoid Forfeiture of a Water Right. Please note that you must resume use of the water on or before November 1, 2000.

Please notify the Department as soon as you resume use. If you have not notified the Department, 60 days prior to November 1, 2000, the Department will notify you by certified mail of the need to do so.

If you have any questions, or if I can be of any further assistance, please feel free to contact me.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

C: IDWR - Region Office

MICROFILMED
SEP 1 1 2002

EXTENSION OF TIME TO AVOID FORFEITURE

ANALYSIS SHEET

1. INITIAL REVIEW BY: MTS

2. RIGHT NUMBER 37-02446 APPLICANT Sun Valley Land & Minerals, Inc.

3. TYPE OF RIGHT: ☐ Decree ☑ License ☐ Claim

4. Is reason for requestion extension given on application?

✓ Yes ___ No (If No, return Application)

5. CHECK:

(a) ☑ Source ☑ Priority ☑ Amount ☑ Purpose
☑ Period of Use

(b) ✓ Description of Point(s) of Diversion
(c) ✓ Description of Place of Use
(d) ✓ Check for correct Signature, Notarization, Fee

6. OWNERSHIP OF RIGHT

Applicant's ownership confirmed by:

(a) ___ Copy of Tax Notice, Deed, or other _____ in file.

(b) ✓ County Assessor records, Date Contacted 3-16-94

Assessor records indicate ownership on Sec 27 but not in Sec 34 - attached Tax Reminder Notices for Clarendon Sub # are in S34-all in NW¼ & NW NE. 6-17-94.

7. Is the right in a Watermaster District? ___ Yes ___ No Dist. ___
(If Yes, send copy to Watermaster)

FINAL REVIEW IN REGION by _____.

✓ (a) Is Application published correctly? ✓ Yes ___ No

(b) Protest Received? ___ Yes ✓ No

RECOMMENDED ACTION

✓ Approve
___ Deny

Conditions: _____

_____

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

12-May-1994

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

JAMES P SPECK ESQUIRE
PO BOX 987
KETCHUM ID 83340

Re: Applications for Extension of Time To Avoid Forfeiture, Nos. 37-02446 and 37-04369

Dear Mr. Speck:

The Department of Water Resources acknowledges receipt of the applications for extension of time to avoid forfeiture on behalf of Sun Valley Land and Minerals, Inc. as referenced above.

This office has scheduled advertising the applications in the Wood River Journal for 5/25 & 6/1/94. The advertisements 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 an 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. A typical processing time for an unprotested application is about eight weeks.

In order to complete regional review, a list of corporate officers and addresses should be submitted to this office.

As requested in our correspondence of March 14, 1994, before we can forward your application to our state office for approval, we must include in the file evidence of ownership of the land to which the water is appurtenant such as copies of deeds, tax records, etc. and/or a notarized statement from any lien holder on the property.

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

Very truly yours,

Mel Schulte
Water Right Agent

MS:MB

MICROFILMED
SEP 1 1 2002

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

14-Mar-1994

James P. Speck
Attorney at Law
Hogue, Speck & Aanestad
P O Box 987
Ketchum, ID 83340

Re: Applications for Extension of Time
37-02446 and 37-04369

Dear Jim:

Enclosed are the two above referenced Applications for Extension of Time you filed on behalf of Sun Valley Land & Minerals, Inc.

Some of the basic information in the applications (priority dates, amount of water, place of use, etc.) does not comply with the original rights. It appears that most of the data was taken from the SRBA claims but it also appears that some data is a combination of the old rights and the SRBA claims. I find no records that a statutory claim 37-04369 was amended or transfers filed on license 37-02446. Therefore, the original rights are still appurtenant.

Enclosed are copies of water right proof reports for both rights and a copy of Statutory Claim 37-04369 to use in amending the Applications for Extension.

If you have in file copies of deeds or other documents to show ownership of the subject properties in the name of Sun Valley Land & Minerals, Inc. please provide us with copies when you return the amended applications.

Cordially,

Mel Schulte

Mel Schulte
Sr. Water Rights Agent

ENC.

MICROFILMED
SEP 1 1 2002

HOGUE, SPECK & AANESTAD
A PROFESSIONAL ASSOCIATION
ATTORNEYS

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

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
FAX (208) 726-0752

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

March 8, 1994

RECEIVED
MAR 9 1994
Department of Water Resources
Southern Region Office

Mr. Loren Holmes
Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301

Re: Sun Valley Land and Minerals, Inc.
Applications for Extension of Time to Avoid
Forfeiture of a Water Right
Water Rights Nos. 37-02446 and 37-04369

Dear Loren:

Enclosed you will find Applications for Extension of Time to Avoid Forfeiture of a Water Right for the above-referenced water rights which I have prepared on behalf of my client, Sun Valley Land and Minerals, Inc. I have also enclosed our check payable to the Department in the sum of One Hundred Dollars ($100.00) as the combined filing fee. Please advise me as soon as possible of the schedule for advertising these applications.

Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD

James P. Speck

JPS/vl

Enclosures

cc: Ms. Donna R. Kelsey (with enclosures)
Mr. David H. Hollingshead, Boise IDWR (with enclosures)

MICROFILMED
SEP 1 1 2002

Water Right Number - A37-02446 Prefix Translation: ADJUDICATION CLAIM Old (D) Number - 17762

Last Name	First Name	Address
*** C - CURRENT OWNER ***		
SUN VALLEY LAND AND MINERALS, INC.		1 - C/O DONNA R. KELSEY 2 - P.O. BOX 1959 3 - City- SUN VALLEY State- ID Zip- 83353 Phone - 208-726-1868
*** O - ORIGINAL OWNER ***		
SMITH	E. C.	1 - 2 - 3 - City- HAILEY State- ID Zip- 83333 Phone - 208-000-0000
INTERSTATE INVESTMENT CORPORATION		1 - C/O LAW OFFICES 2 - P.O. BOX 2740 3 - City- HAILEY State- ID Zip- 83333 Phone - 208-788-2427

Priority Date	Region	Stage	Status
12/19/1932	17 SOUTHERN	L - LICENSE	

Source	Tributary
DEER CREEK	BIG WOOD RIVER

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name
03N	17E	27	SW SE			(13) BLAINE	

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
28	POWER	01/01	12/31		80.00
46	RECREATION	01/01	12/31		80.00

Total Div. Rate	Total Div. Volume	Total Div. Capacity	Total Consumptive Use	KW Usage
10.000			0.0	

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
03N	17E	27	NW NE			28	POWER	(13) BLAINE
03N	17E	27	NE NW			28	POWER	(13) BLAINE
03N	17E	27	SW SE			28	POWER	(13) BLAINE
03N	17E	27	NW NE			46	RECREATION	(13) BLAINE
03N	17E	27	NE NW			46	RECREATION	(13) BLAINE
03N	17E	27	SW SE			46	RECREATION	(13) BLAINE

Diversion Means - DAM FORMING RESERVOIR. DAM KNOWN AS CLARENDON HOT SPRINGS DAM

Non-Irrigation Use - STORAGE FOR RECREATIONAL USE, AESTHETIC USE AND POWER PRODUCTION

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Water right number - A37-02446   Prefix Translation: ADJUDICATION CLAIM

+ - - Other Rights for Same Use - A37-04369

+ - - - - - - - - - - Remarks - - - - - - - - - - +
No Remarks found.

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

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

+ - - - - Decree Plaintiff - - - +   + - - - - Decree Defendant - - - +   + - Decree Date - +
00/00/0000

+ - - Audit Fields - 11/10/88 LUTHY 08/22/89 HARRINGT 10/11/90 FRAZEE 10/24/90 FRAZEE

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

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 08/18/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	- 37
Licensed Date	- 00/00/0000	Receipt Number	- C009929	Federal/State Indicator	- S
Claims Tape Error Flg	-	POU Ownership Flag	- Y	Presumption Flag	-
Fee Exempt Flag	-	Name Connector	-	Notice of Error Flag	-

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Water Right Number - 37-02446 Prefix Translation: WATER RIGHT Old (D) Number - 17762

Last Name	First Name	Address
*** C - CURRENT OWNER ***		
SMITH	E. C.	1 - 2 - 3 - City- HAILEY State- ID Zip- 83333 Phone -

Priority Date	Region	Stage	Status
12/19/1932	17 SOUTHERN	L - LICENSE	

Source	Tributary
DEER CREEK	BIG WOOD RIVER

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name	Diversion Rate	Diversion No.
03N	17E	34	NW NE			(13) BLAINE			

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
28	POWER			10.000	
46	RECREATION				

Total Div. Rate	Total Div. Volume	Total Div. Capacity
10.000		

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
03N	17E	34	NW NE			28	POWER	(13) BLAINE

Diversion Means -

Non-Irrigation Use - R/PLEASURE RESORT.

Other Rights for Same Use -

Remarks

No Remarks found.

Old Water Right Numbers

No Old Water Right Numbers found.

Conditions of Approval

No Conditions of Approval found.

Decree Plaintiff	Decree Defendant	Decree Date
		00/00/0000

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SEP 11 2002

Water right number - 37-02446 Prefix Translation: WATER RIGHT

-Comments-

No Comments Found

Audit Fields - 05/06/85 05/28/88 CONVERT

Water Rights Dates and Flags Area

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 05/06/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 37
Licensed Date	- 05/10/1979	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000	Presumption Flag	-		

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CHANGE IN OWNERSHIP

This form is solely for purposes of notifying IDWR of a change in ownership of an adjudication claim.

[ ] Water Right Number(s): A-37-04100, A37-12160, A37-12159, A37-12158
A37-04370, A37-04369, A37-04368B

[ ] Name and Address of Former Claimant(s): Interstate Investment Corporation
%Law Offices
P.O. Box 2740
Hailey, Idaho, 83333

[ ] New Claimant(s): Sun Valley Land and Minerals, Inc.
C/O Donna R. Kelsey

[ ] New Mailing Address: P.O. Box 1959
Sun Valley, Idaho, 83353

New Telephone Number: (208) 726 - 1868

[ ] Does the change in ownership result in a splitting of the water right claimed? _____ yes __X__ no
If yes, then describe the portion of the water right that is now claimed by the new owner:

[ ] Attach proof of ownership
Describe proof attached: _____
(Proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former claimant.)

[ ] Signature of New Claimant(s): [signature]
SVLM

Date: September 4, 1990

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SEP 11 2002

RECEIVED
SEP 6 1990
Department of Water Resources

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FEB 24 1993

SD 130

CHANGE IN OWNERSHIP Page 2

[ ] Signature of Former Claimant(s): IFC Idaho Valley, Inc

Date: September 4, 1990

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry SF
Date: By:
Further Action Needed:
Further Action Taken jde 10/15/90 by returned Oct. 17 letter received 10/22/90 added claim 137-02446 to change jde-10/24/90
Date: By:
Final Review and Data-Entry
Date: By:
Claim Numbers of Split, if any:

After form has been completed, please return to the nearest IDWR office below:

WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705
(208) 334-2190

EASTERN REGIONAL OFFICE
150 SHOUP SUITE #15
IDAHO FALLS, IDAHO 83402
(208) 525-7161

STATE OFFICE
1301 N. ORCHARD ST.
STATEHOUSE MAIL
BOISE, IDAHO 83720
(208) 327-7906

SOUTHERN REGIONAL OFFICE
222 SHOSHONE STREET EAST
TWIN FALLS, ID 83301
(208) 734-3578

NORTHERN REGIONAL OFFICE
1910 NORTHWEST BLVD. SUITE 210
COEUR D'ALENE, IDAHO 83814
(208) 765-4639

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SEP 1 1 2002

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

June 14, 1985

Gary Slette
Nelson, Rosholt, Robertson,
Tolman & Tucker
P.O. Box 1906
Twin Falls, ID 83303

Re: Application for Permit Nos. 37-8132 and 37-8133;
Claim Nos. 37-4368, 37-4369 and 37-4370
License No. 37-2446

Dear Mr. Slette:

I have received and reviewed your letter dated June 10, 1985 in connection with the above-referenced water rights.

There is not a procedure provided in the statutes to change the name on a licensed water right or on a claimed water right. I will, however, place a copy of your letter in each of the files in order that the change in ownership will be readily apparent to anyone reviewing the files.

Since you have provided information (the Sheriff's Deed) to show that Sun Valley Shamrock Resources, Inc. no longer has a possessory interest in the place of use as shown on Application Nos. 37-8132 and 37-8133, the Department will take steps to void the applications.

Application Nos. 37-8204 and 37-8205, filed in the name of Travelers Mortgage Corp., are similar in content to 37-8132 and 37-8133. Our Southern Regional Office is holding Application No. 37-8204 due to the Swan Falls matter. Application No. 37-8205 has been advertised by the Southern Regional Office and will be sent to the State Office in Boise for additional review and perhaps final action depending on information in the file. If additional information is needed or for some reason (perhaps the Swan Falls matter) final action cannot be taken on the application, the applicant will be advised accordingly.

If you have additional questions, please feel free to contact me.

RECEIVED
JUN 17 1985

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

LGS/ls

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered
ATTORNEYS AT LAW
142 3RD AVE NO.
MAILING ADDRESS: P.O. Box 1906
TWIN FALLS, ID 83303-1906
TELEPHONE (208) 734-0700
SUN VALLEY (208) 726-4661

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER

TERRY T. UHLING
LAIRD B. STONE
GARY D. SLETTE

RECEIVED
JUN 11 1985
Department of Water Resources

June 10, 1985

Mr. L. Glen Saxton
Department of Water Resources
State Office
450 West State Street
Boise, ID 83720

Re: Application for Permit Nos. 37-8132 and 37-8133
and Claim Nos. 37-4368, 37-4369, and 34-4370
and License No. 37-2446

Dear Mr. Saxton:

The above-referenced water rights applications were filed by Sun Valley Shamrock Resources, Inc. Competing applications for the identical water rights were filed by me on behalf of my client, Travelers Mortgage Corporation. The underlying mortgage on the Clarendon property was foreclosed and the property was sold at a sheriff's sale on May 25, 1984. Travelers Mortgage Corporation, as assignee of the foreclosing mortgagee and as subsequent redemptioner, obtained the title to the Clarendon property, subject only to the debtor's right to redeem the property within a one year period. The Clarendon property was never redeemed, and consequently, a Sheriff's Deed (copy enclosed) was issued to Travelers Mortgage Corporation by the Blaine County Sheriff on June 6, 1985. Therefore, legal title of the property is now vested entirely in Travelers, and Sun Valley Shamrock Resources, Inc. is no longer an owner of the property on which the points of diversion are proposed, as well as the places of beneficial use.

As to the above-referenced claims, which are deemed to be real property appurtenances, I request that the named claimant be changed to Travelers Mortgage Corporation to reflect the current owner. If there is any fee or documentation necessary, please advise me.

As to the license for 10 c/f/s granted to E. C. Smith, dated December 19, 1932, I likewise request that it be placed in the name of the current owner, Travelers Mortgage Corporation.

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JUN 17 1988

Additionally, I would request that you inform me as to any steps necessary at this point to advance the applications for water rights in the name of Travelers. Finally, I am interested as to the disposition of the applications made in the name of Sun Valley Shamrock Resources, Inc.

Thank you for your attention to these matters.

Yours truly,

Gary D. Slette

GDS/smb
Enclosure
cc: Chris Davis
John Wedum

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JUN 17 1988

SHERIFF'S DEED

THIS INDENTURE, made this 6 day of June, 1985, between Dennis L. Haynes, Sheriff of the County of Blaine, State of Idaho, and Travelers Mortgage Corporation, a Washington corporation, located at 10150 Sorrento Valley Road, Suite 200, San Diego, CA 92121;

W I T N E S S E T H :

WHEREAS, in and by a certain Judgment and Decree, made and entered by the Fifth District Court of the State of Idaho, in and for the County of Blaine, on the 19th day of April, 1982, in a certain action then pending in said court, wherein it was, among other things, ordered, adjudged and decreed that all the mortgaged premises described in the Complaint in said action, and specifically described in said Judgment and Decree be sold at public auction by the Sheriff of the said County of Blaine in the manner prescribed by law; and

WHEREAS, in accordance with said Judgment and Decree, an Order of Sale was, on the 30th day of April, 1984, issued and delivered to the Sheriff of the County of Blaine commanding him to seize the premises described in said Judgment and Decree and sell the same as under execution, and apply the proceeds of said sale toward the satisfaction of said judgment; and

WHEREAS, pursuant to said Order of Sale to him directed and delivered, the Sheriff of the County of Blaine, duly levied on the premises mentioned in said Judgment and Decree and hereafter described; and pursuant to said Judgment and Decree and the provisions of law, did, at the hour of 11:00 a.m. on the 25th day of May, 1984, after due public notice had been given as required by the laws of this State and the course and practice of said Court, sell said premises at public auction at the front door of the Courthouse in the City of Hailey, in the said County of Blaine, State of Idaho, at which sale the premises mentioned in the Judgment and Decree, and hereinafter described, were fairly struck off to First Federal Savings & Loan Association of Twin Falls, for the sum of Six Hundred Ninety-Four Thousand Six Hundred Seventy-One Dollars and Thirty-Six Cents ($694,671.36), being the highest bidder, and that being the highest sum bid for the same; and

WHEREAS, the sum of Six Hundred Ninety-Four Thousand Six Hundred Seventy-One Dollars and 36 Cents ($694,671.36), was paid by First Federal Savings & Loan Association of Twin Falls, by applying the Judgment and interest in the amount of Six Hundred Ninety-Four Thousand Two Hundred Eighty-Eight Dollars and Forty Cents ($694,288.40), and payment of costs of sale in

RECORDED
JUN 17 1988

the amount of Three Hundred Eighty-Two Dollars and Ninety-Six Cents ($382.96), for the real estate in said decree; and

WHEREAS, the said Sheriff, by and through his Deputy M. F. Higbee, thereupon made and issued the usual Sheriff's Certificate of Sale on said foreclosure in due form of law, and delivered one thereof to said purchaser and caused the other to be filed in the office of the County Recorder of said County of Blaine; and

WHEREAS, the said real estate was redeemed from First Federal Savings & Loan Association of Twin Falls, on February 15, 1985, by and on behalf of J-U-B Engineers, Inc., a judgment lien creditor, in accordance with the applicable laws of the State of Idaho; and

WHEREAS, the said real estate was redeemed from J-U-B Engineers, Inc. by Travelers Mortgage Corporation, a mortgagee, on February 15, 1985, in accordance with the applicable laws of the State of Idaho; and

WHEREAS, no redemption beyond those aforementioned has been made of the premises so redeemed by Travelers Mortgage Corporation by or on behalf of any other person.

NOW, THEREFORE:

I, Dennis L. Haynes, in order to carry into effect the sale so made by me as aforesaid, in pursuance of said Judgment and Decree, and in conformity to the statute in such case made and provided, and also in consideration of the premises and of the sums paid by the purchaser, the redemptioner, and the subsequent redemptioner, I hereby grant, bargain, sell, and convey unto Travelers Mortgage Corporation, and to its assigns forever, all that certain lot, piece, or parcel of land situate, lying and being in the said County of Blaine, State of Idaho, and more particularly described in Exhibit "A," attached hereto and incorporated by reference herein. Together will all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in anyway appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the premises hereby conveyed or intended so to be, together with the appurtenances, to said Travelers Mortgage Corporation, and their assigns forever.

RECORDED

JUN 17 1988

IN WITNESS WHEREOF, I have hereunto set my hand.

Dennis L. Haynes

DENNIS L. HAYNES, Sheriff
Blaine County, Idaho

SUBSCRIBED AND SWORN TO Before me this 6 day of June, 1985.

Sharon L. McCormick

Notary Public for Idaho
Residing at Ketchum

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JUN 17 1988

EXHIBIT "A"

PARCEL I:

Township 3 North, Range 17 E., B.M., Blaine County, Idaho
Section 34: N1/2 NE1/4, EXCEPT that portion of roadway described in Deed to the United States of America recorded in Book 189 of Deeds, page 134, records of Blaine County, Idaho, which lies in the NW1/4 NE1/4 of said Section 34.

PARCEL II:

Township 3 North, Range 17 E., B.M., Blaine County, Idaho
Section 27: S1/2 SE1/4, EXCEPT that portion of the SW1/4 SE1/4 Section 27, described as follows: BEGINNING at the Southeast corner of said Section 27; THENCE North 1322 feet; THENCE N. 89°47' W., 1391 feet; THENCE S. 50°14' W., 724.5 feet to the true place of beginning; THENCE S. 50° 14' W., 100 feet; THENCE N. 39°40' W., 100 feet; THENCE N. 50°14' E., 100 feet; THENCE S. 39°46' W., 100 feet to the true place of beginning. ALSO EXCEPT a portion of the SW1/4 SE1/4 Section 27, described as follows: BEGINNING at the Southeast corner of said Section 27; THENCE North 1322 feet; THENCE N. 89°47' W., 1391 feet; THENCE S. 50°14' W., 758.5 feet along the Northerly boundary line of Clarendon Hot Springs Road; THENCE N. 39°46' W., 100 feet to the real point of beginning; THENCE N. 39°46' W., 56 feet; THENCE N. 50°14' E., 100 feet; THENCE S. 39°46' E., 56 feet; THENCE S. 50°14' W., 100 feet to the real point of beginning.
ALSO EXCEPT a parcel of land in the SW1/4 SE1/4 of Section 27, described as follows: BEGINNING at the Section corner common to Sections 26, 27, 34 and 35 of said Township and Range; THENCE North along said section line 1329 feet to the Northeast corner of the SE1/4 SE1/4 of said Section 27; THENCE West along the North quarter section line of the S1/2 SE1/4 of said Section 27, a distance of 1530 feet, to the true point of beginning; THENCE West along said quarter section line a distance of 120 feet; THENCE at right angles and running South to the Deer Creek Road, as the same is now established; THENCE running in a northeasterly direction along said Deer Creek Road to a point 190 feet South of the point of

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JUN 17 1988

(Exhibit "A" cont.)

beginning and which said point is 1530 feet West of the East boundary of said Section 27; THENCE running at right angles North a distance of approximately 190 feet to the true point of beginning.

ALSO EXCEPT road right of way conveyed to the United States of America by Deed recorded in Book 189 of Deeds, page 134, records of Blaine County, Idaho.

AND ALSO EXCEPT a portion of the SW1/4 SE1/4 Section 27, described as follows: BEGINNING at a point in the SW1/4 SE1/4 of said Section 27 that bears N. 73°11'6" W., 2311.09 feet from the Southeast corner of said Section 27, which point of beginning is the east corner of the Randell house; THENCE S., 29°53'54" W., 145.20 feet; THENCE S. 78°32'54" W., 146.84 feet; THENCE N. 10°25'30" E., 213.19 feet; THENCE N. 57°46'54" E., 181.40 feet; THENCE S. 25°39'6" E., 51.12 feet to the Southeast corner of the garage on said homesite; THENCE S. 1°10'54" E., 105.30 feet to the place of beginning.

AND ALSO EXCEPT a portion of the SW1/4 SE1/4 Section 27 described as follows: COMMENCING at the Southeast corner of said Section 27 and running N. 0°57' E., for 1322.5 feet, more or less, along the easterly boundary of said Section 27; THENCE S. 89°39'30" W., for 1391.00 feet along the northerly boundary of said SE1/4 SE1/4 and SW1/4 SE1/4; THENCE S. 49°40'30" W., for 646.5 feet, more or less to the REAL POINT OF BEGINNING; THENCE N. 40°19'30" W., for 45.00 feet to a 1/2 inch iron pin; THENCE S. 49°40'30" W., for 100.00 feet to a 1/2 inch iron pin; THENCE S. 40°19'30" E., for 100.00 feet to a 1/2 inch iron pin; THENCE N. 49°40'30" E., for 100.00 feet to a 1/2 inch iron pin; THENCE 40°19'30" W., for 55.00 feet to the REAL POINT OF BEGINNING.

Section 34: NW1/4

BLAINE CO.
REQUEST OF Nelson, Rohrbach
'85 JUN 6 AM 10 05
Deeds
MARIE IVIE, CLERK
K. Stumpf DEPUTY
FEES $ 10.00

263516

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JUN 17 1988

WATER RIGHT NUMBER 37-2446

OWNER LAST NAME - SMITH FIRST NAME - E. C. ORIG OWNER -
ADDRESS LINE 1 - ADDRESS LINE 2 -
ADDRESS LINE 3 - CITY - HAILEY STATE - ID ZIP CODE - 83333
SOURCE - DEER CREEK TRIBUTARY OF - BIG WOOD RIVER
STAGE - LICENSE STATUS - PRIORITY - 12-19-1922 COUNTY - BLAINE TOTAL DIV. RATE - 10.0000 -CFS
TOTAL DIV. VOLUME - .00 AFA TRFR/AMEND - WATER DIST. - 37 OLE/CAREY ACT - RIGHT BASIS -
DIVERSION POINT - NWNE 34 03N 17E LOT REDIV - 272.0 586.0 32.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 4.5
FROM - TO - USE - POWER USE DIV. RATE - 10.0000 CFS USE DIV. VOLUME - .00 AFA
FROM - TO - USE - RECREATION USE DIV. RATE - .0000 CFS USE DIV. VOLUME - .00 AFA
USE - POWER PLACE OF USE - TWN 03N RNG 17E SEC 34 TRACT NWNE LOT AC
DECREE NAME - DATE - TOTAL ACRES 0
REMARKS -
NON IRRIG USE - R/PLEASURE RESORT.
OTHER RIGHTS FOR SAME USE -
PROOF DUE - PERMIT/DENIED - PROTESTED - HEARING - OLD NO. - 17752
PROOF MADE - FLD EXAM - COND. OF APPROVAL -
DIVERSION MEANS -

3/79

IDENT. NO. 37-2446

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT DATA ENTRY LOG

Initials	Date	Item
		Original form entered
		Edit Report Correct
		Date Protested
		Date of Hearing
		Date Approved/Denied (Proof due date, stage and/or status, conditions of approval, water district)
		Record Verified
		Amendment Approved
		Extension Approved
		Partial Proof
		Proof Complete
		Field Exam Received
		Field Exam Accepted and changes entered
		License Signed
		Transfer Approved
KO	5-8-79	Keypunched by State Office

CLASS OF SERVICE DESIRED			
DOMESTIC		CABLE	
TELEGRAM		FULL RATE	
DAY LETTER	X	DEFERRED	
NIGHT MESSAGE		CABLE LETTER	
NIGHT LETTER		WEEK END LETTER	

Patrons should check class of service desired; otherwise message will be transmitted as a full-rate communication

COPY OF WESTERN UNION TELEGRAM

JULY 20, 1938

J. J. McFADDEN
LAWYER
HAILEY, IDAHO

RELETTER TODAY, LICENSE ISSUED ON PERMIT 17762. SINCE DAM IS ONLY EIGHT FEET HIGH DEPARTMENT OF RECLAMATION ASSUMES NO RESPONSIBILITY. APPLICANT MAY REBUILD AS PER YOUR LETTER, LETTER FOLLOWS.

PAUL H. BERG,
Deputy Commissioner of Reclamation

COLLECT

17762

July 20, 1938

Re: Permit Number 17762

J. J. McFadden
Attorney-at-Law
Hailey, Idaho

Dear Mr. McFadden:

As per your letter of July 18, we have this morning wired to you giving permission to Mrs. Catherine H. Smith to rebuild the dam as claimed under the above numbered permit.

Upon checking the permit, we find that license was issued for the full amount of water claimed under the permit, that is, ten cubic feet per second (10).

In our wire, we stated that the Department of Reclamation will assume no responsibility for small dams. You doubtless are familiar with Chapter 15 under title 41 of the Idaho Code Annotated, and especially Section 41-1507 and 41-1508. These Sections set forth the duties of the department in connection with examination of plans for dams over ten (10) feet high, and the inspection of dams over twenty (20) feet high. Mrs. Catherine Smith's dam will be under the ten (10) foot limit. Therefore, the Department of Reclamation is relieved of any responsibliity in connection with the examination of the plans and the inspection of the structure. Since proof of beneficial use has been made and license has been issued, it will not be necessary for the permit holder to make any further showing to this department.

We hope that the above information will help clarify the situation.

Very truly yours,

R. W. FARIS,
Commissioner of Reclamation

By PAUL H. BERG,
Deputy Commissioner

PHB:mh

17762

J. J. McFADDEN
LAWYER
HAILEY, IDAHO

RECEIVED
JUL 21 1938
Department of Reclamation

Hailey, Idaho, July 18, 1938.

Commissioner of Reclamation,
Boise, Idaho.

Sir:-

Re Permit No. 17762. E C Smith.

This was allowed etc. Proof of beneficial use was not made, but proof of completion of works was made, meantime Smith died, title passed to his wife, Mrs. Smith.

In the interim of Smiths death, part of the damn-dam faded, but the substantial part is still there; Mrs. Katherine H. Smith, owner, wants to clean things up, re-build the damn--damn dam, only small, to correct the former builders, and Mrs. Smith is determined to make a good job of it; no danger of any floods, high-waters, or anything else, just a pleasure dam, it will take in advantage the former works, and she can make a nice place.

I feel I filed before, completion of works, but this may have blown up, now she wants to complete the water right, for use of the thing, -- only for power and pleasure.

Will give you all further data you need.

Please advise us to go ahread, and will make final proof whenever you say.

It is just damming up a small stream, for a lake, and auxillary electric.

The map in your office will show.

Please advise proceedure, so client can get to work to fix up dam and small electric power.

Wire me, my expense.

Yours truly,

J J McFadden.

J. J. McFadden

17762

December 12, 1935

Re: Permit No. 17762
E. C. Smith

MR. A. F. JAMES,
Attorney at Law,
Gooding, Idaho

Dear Mr. James:

Reference is made to your letter of December 11th.

All correspondence with respect to this right has been mailed to Mr. E. C. Smith, in care of Mr. H. C. Beemer, Hailey, Idaho, in accordance with the office record. The letter in question was mailed in this manner and was returned to this department unclaimed. Shortly after its return we learned that Mr. Beemer had died and the letter was again mailed to Hailey in care of Norland Beamer. It has been several days since the letter was last sent from this office and it has not been returned, so we presume that it was delivered.

If Mr. Smith refuses to comply with my suggestion relative to filing separate plans and specifications of his dam in this office, it is questionable whether or not the office can compel him to do so, in view of the height of the dam. However, we shall make every attempt to procure this data and in the event we are successful we shall be glad to advise you as to the department's recommendation in the matter.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By_____
Chief Clerk & Office Engr.

PLH/rg

17762

A. F. JAMES
ATTORNEY AT LAW
GOODING, IDAHO

RECEIVED
DEC 12 1935
DEPARTMENT OF RECLAMATION

December 11, 1935.

Paul L. Henry,
Chief Clerk and Office Engineer,
Department of Reclamation,
Boise, Idaho.

Dear Mr. Henry:

Your letter of December 10th received relative to the E. C. Smith permit and I wish to thank you for the information given. I also wish to thank you for requesting Mr. Smith to submit plans and specifications of his dam to your office and I shall appreciate it if you will advise me as to whatever action, if any, your office takes in regard to such plans and specifications. According to the information given me by Mr. McMonigle, a dam constructed by Smith or his predecessors, has already gone out twice, resulting in some damage to Mr. McMonigle and Mr. McMonigle is naturally interested in protecting his property against a recurrence of this.

Very truly yours,

AFJ:BW

17762

December 10, 1935

Re: Permit No. 17762
E. C. Smith

MR. A. F. JAMES,
Attorney at Law,
Gooding, Idaho

Dear Sir:

In reply to your letter of December 5th, we wish to advise you that Mr. E. C. Smith obtained a license under the above permit with a priority date of December 19, 1932. This license authorizes the appropriation of 10 second feet of water for power and pleasure resort purposes. In effect, however, very little water would be taken from the stream since all of it would pass over the dam and go on down the stream, except for the very small amount that would be lost through seepage and evaporation. As we previously stated, Mr. Tolman the field engineer who made an examination of this proposition is of the opinion that this amount would be negligible since the area covered by the lake is very small.

We wrote to Mr. Smith, when last writing to you, regarding this matter, advising him that it would be well for him to submit plans and specifications of his dam to this office, even though the height is not sufficient to require it. However, we cannot compel him to do this if he does not desire to, since the structure was not over ten feet in height.

If we might be of any further assistance to you in this matter, kindly advise us.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

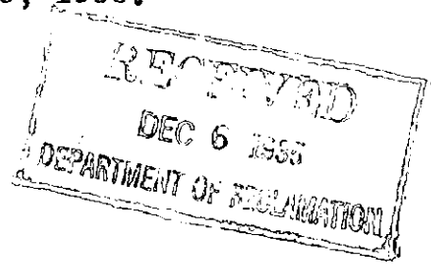
By_____
Chief Clerk & Office Engr.

PLH/rg

17762

A. F. JAMES
ATTORNEY AT LAW
GOODING, IDAHO

December 5, 1935.



Mr. R. W. Faris,
Commissioner of Reclamation,
Boise, Idaho.

ATTENTION: PAUL L. HENRY

Dear Sir:

Your letter of November 20th received relative to Permit No. 17-762 issued to E. C. Smith and I thank you for the same. In your letter, you state that a license has been issued to Mr. Smith under this permit and I would like to know the priority given by the license.

Thanking you, I remain,

Very truly yours,

AFJ:BW

17762

December 5, 1935

Re: Permit No. 17762
E. C. Smith

MR. NORLAND BEAMER,
Hailey,
Idaho

Dear Sir:

We are enclosing herewith a letter, addressed to Mr. E. C. Smith at his last known address, which has been returned to this department unclaimed.

Since the information contained in the letter will probably be of importance to Mr. Smith, we are wondering if you have any further knowledge as to his whereabouts. If so, will you kindly forward the enclosed letter to him.

Thanking you for any information you may give us, we are

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By_____
Assistant Chief Clerk

C
Encl.

17762

November 20, 1935

Re: Permit No. 17762

MR. E. C. SMITH
c/o H. C. Beamer,
Hailey, Idaho

Dear Sir:

We are in receipt of a communication from Mr. A. F. James, Attorney, Gooding, Idaho, voicing an objection on behalf of Mr. J. McMonigle to your dam on Deer Creek. He states that Mr. McMonigle tells him that this dam has been erected a number of time during past years and that each time it is washed out, the last time being in 1934.

The dam, of course, was constructed the last time under the terms of Permit No. 17762, issued to you by the state through this department. Mr. McMonigle objects on the grounds that the construction of this dam results in a loss of about 75 inches of water, which loss injuriously affects his own right, and, further, that the flood water injures his property and the growing of crops when it goes out.

Consequently, in order to avoid any complications it would be well for you to plan a dam that would be safe before attempting to construct it again. The main consideration is to provide for a spillway that will be adequate to take care of the flood water in the spring, and in spite of the fact that your dam will not be 10 feet high and will, therefore, not require separate plans and specifications, the best thing to do might be to submit such plans to this department for approval and for any suggestions that might be forthcoming.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By_____
Chief Clerk & Office Engr.

PLH/rg

17762

November 20, 1935

Re: Permit No. 17762
E. C. Smith

MR. A. F. JAMES,
Attorney at Law,
Gooding, Idaho

Dear Sir:

Reference is made to your letter dated November 15th with regard to the above permit.

Upon examining the records I find that a license has been issued to Mr. Smith under Permit No. 17762, authorizing the appropriation of 10 second feet of water from DEER CREEK for pleasure resort purposes. At the time when Mr. Smith offered his proof, or shortly thereafter, a field examination was made by an engineer from this department and at that time it was determined that Mr. Smith had substantially conformed with the requirements of the permit in the construction of his works and the application of the water to beneficial use. The dam did not exceed 10 feet in height, therefore, it was not necessary for him to have separate plans and specifications of such dam prepared and approved by this department, as would be the case for any dam over that height. Consequently, that phase of the question did not come bfore the department. Since Mr. Smith complied with the law in every respect in securing his license, I feel that he should have the right to replace his dam under his present right. However, he will be given notice that he will have to construct a dam with an adequate spillway to take care of the flood water so as to prevent a reoccurrence of its being washed out.

I have just discussed this matter with Mr. Tolman, the field engineer who made this examination, and he is of the opinion that the only loss that could possibly occur from the construction of this dam would be a very small loss by evaporation from the small area covered by the impounded water. Therefore, we can hardly agree with Mr. McMonigle that this dam could affect his right to the extent that he claims.

Mr. Smith has no application pending before this office at the present time and, so far as we know, does not contemplate another filing but will rely upon his present right.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

17762

By_____
Chief Clerk & Office Engr.

PLH/rg

A. F. JAMES
ATTORNEY AT LAW
GOODING, IDAHO

RECEIVED
NOV 16 1935
DEPARTMENT OF RECLAMATION

November 15, 1935.

Mr. R. W. Faris,
Commissioner of Reclamation,
Boise, Idaho.

Dear Mr. Faris:

Mr. J. McMonigle, who lives on Deer Creek, near Hailey, was in the office to see me a few days ago relative to a dam which one Ed Smith is contemplating constructing on Deer Creek above the McMonigle Ranch, and situate on what is known as the Clarendon Hotel property. Mr. McMonigle tells me that this dam has been erected at various times in the past and each time has washed out. He says that it washed out in 1916, was constructed again in 1933, and then washed out again last year. He tells me that Mr. Ed Smith is now expecting to rebuild the dam in the spring. Mr. McMonigle tells me that the construction and maintenance of the dam and reservoir results in a loss of about 75 inches of water which loss injuriously affects their own water right. He further tells me that the dam, as constructed in the past, has been a menace in that it has been constructed only of dirt and if it goes out, damages his property and growing crops. Mr. McMonigle therefore desires me to lodge an objection with your department against issuing Mr. Smith or anyone else a permit for the construction of such dam. Will you kindly inform me whether or not Mr. Smith has pending any application for a permit for the construction of such dam and, if so, the present status of the matter?

Very truly yours,

AFJ:BW

17762

March 14, 1935

Re: Permit No. 17762

MR. E. C. SMITH,
c/o N. H. Beamer,
Hailey, Idaho

Dear Sir:

We are enclosing herewith Water License No. 17762, together with our office receipt in the amount of $6.00, which has been issued under the above numbered permit to appropriate the waters of Deer Creek in Blaine County, Idaho.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By_____
Assistant Chief Clerk

G
Encl.

17762

753 Riverside Drive,
Reno, Nevada
February 27, 1935

RECEIVED
FEB 28 1935
DEPARTMENT OF RECLAMATION

Mr. Paul L. Henry,
Department of Reclamation
Boise, Idaho

Dear Sir:

Enclosed you will find Cashier's Check for ten dollars (10.00) water fees on the Clarendon Springs property, located near Hailey.

I wish to thank you for the engineer's report on the dam. It is quite a releif to me to know I can keep the dam filled and will gladly comply with all laws. You mentioned in your letter something about releasing the water at low water time. I am turning in ten inches of water from the springs, which I think will take care of the percipitation and shoul I release the water at low water time it will release a lot of fish which the State plants above the dam and the will naturally die in the low water and ditches.

Will you kindly send me the Permit No 17762 and notice to post on the dam, that anyone disturbing the head-gates, which has been done on the dam, will be prosecuted.

Thanking you for your trouble again, I remain,

Yours very truly,

E C Smith

17762

March 8, 1935

Re: Permit No. 17762

MR. E. C. SMITH
c/o H. N. Beamer,
Hailey, Idaho

Dear Sir:

We are enclosing herewith Certificate of Completion of Works, issued under the above numbered permit, confirming the completion of the works of diversion to a capacity of 10 second feet.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By_____
Assistant Chief Clerk

G
Encl.

17762

February 13, 1935

Re: Permit No. 17762

MR. E. C. SMITH
c/o H. N. Beamer
Hailey, Idaho

Dear Sir:

This is to advise you that we are now in receipt of the engineer's report covering his examination made in connection with completion of works and application of water to beneficial use proof under the above permit.

Mr. Tolman, field engineer, states that an earth filled dam, which is about 250 feet in length and 10 feet high, has been constructed. Also, a small power plant of the Pelton type wheel has been installed, in addition to a small generator which is connected with a belt drive. He also states that the small pond above the dam covers approximately 3½ acres.

From the foregoing report we are of the opinion that the works have been completed and the water applied to beneficial use for the purposes for which it was appropriated and, therefore, upon receipt of statutory fees in the following amounts, we shall issue a certificate of completion of works and also a license, a $5.00 fee for completion of works and $5.00 for beneficial use fee, making a total of $10.00 due the department.

As you will recall, a dispute arose a year or so ago between certain decreed water users on Deer Creek and yourself over this matter. Their objection was that this development would interfere with their rights. I do not believe that there is any need for any trouble over this question since the only time they could possibly have any objection to your using the water, as provided in the permit, would be at the extreme low water time of the season and even then they could have no objection if you were willing to release the water impounded behind the dam.

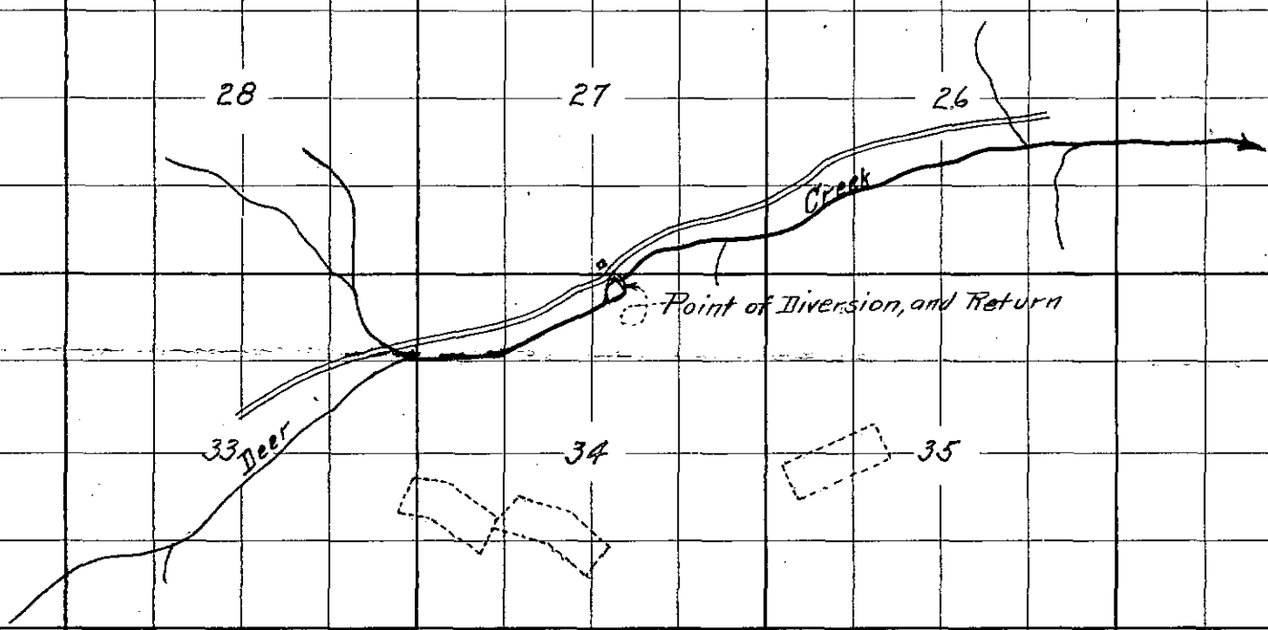
Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By_____
Chief Clerk & Office Engr.

PLH:RG

17762



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

17713

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

REPORT OF ENGINEER

PERMIT NO. 17762

REPORT ON PROOF OF COMPLETION OF WORKS & BENEFICIAL USE

Form 23

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 17762

This proof is for COMPLETION OF WORKS AND BENEFICIAL USE In Water District No.

1. Name of applicant E. C. SMITH, c/o H. N. Beamer, Agent, Hailey, Idaho

2. Source of water supply: Deer Creek

3. Location of point of diversion: Is in the NW¼ NE¼ of Section 34

T. 3 N. R. 17 E. County of Blaine

4. Describe works as they exist, giving dimensions and capacities of same: Earth fill dam 250' long 10' high, 6' top width, Slopes 3-1 & 1½-1, Flash board waste way 9' high, 12' wide & 20' long. Power house 20'x6', Pelton type wheel 4' diam. 10" nozzle, belt connected to generator which develops current for a maximum of 10 lights. Penstock 20 ft. long with 24" intake & 10" outlet. Ponded area of about 3½ acres

5. Water is used for: power and pleasure resort purposes.

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):

(Submit map on attached plat, showing location and details of above description.

8. What large stream would the water here appropriated finally reach? Big Wood River

Remarks: Dam has no spillway and has broken through several times but with no damage to others so far as known

This examination was made on the 17th day of July, 1934

(Signed) Fred L. Holman
Examiner.

E. C. SMITH c/o H. N. Beamer, Agent
Hailey, Idaho

Permit No. 17762

Examination for COMPLETION OF WORKS & BENEFICIAL USE

County Blaine

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make a plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.

May 29, 1934

Re: Permit No. 12762
E. C. Smith

MR. J. J. McFADDEN, Attorney
Hailey,
Idaho

Dear Sir:

This will acknowledge receipt of the depositions of the holder, depositions of two witnesses and the affidavit of publication from the newspaper, all in connection with proof of completion of works and proof of application of water to beneficial use under the above permit.

Before final action can be taken in this matter, the law requires that a field examination be made by an engineer from this department. We are unable to say just when this examination will be made since the department has but one field engineer who makes examinations all over the state. However, Mr. Tolman, Field Engineer for this department, will contact Mr. Smith at the time set for examination so that he may show him over the grounds. After his report is on file in this office you will be further notified as to fees due before the issuance of the Certificate of Completion of Works and the License.

We are returning, under separate cover, the booklet entitled, "Hailey Idaho" which was submitted as an exhibit in connection with the above numbered permit.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By_____
Chief Clerk & Office Engr.

PLH:RG

17762

J. J. McFADDEN
ATTORNEY AND COUNSELOR
HAILEY, IDAHO

May 21,1934.

RECEIVED
MAY 24 1934
DEPARTMENT OF RECLAMATION

Re Permit No.17762.
E.C.Smith.

Hon.R.W.Faris,
Commissioner of Reclamation,Boise,Ida.

Dear Sir:-

In matter of proofs in this I herewith hand you:

1--Proof of completion of works, by agent and two witnesses, three papers,
2- Proof of beneficial use, by same, three papers.
3. Proof of publication of notice, one paper.
4. An exhibit, showing photos of Hailey, including on p.8 the former dam on this, and lake, identified by the holder of the permit-thru his agent---.

My purpose in sending this exhibit is to show that the dam now there is identical with the older dam,tho stronger,old dam washed out, no damage to any one--former owner-Flannery-died, she willed property to her son E C Smith,the present owner and permit holder.

Noting your Mr.Henry's letter of 17th, it may be some time before examination had, so I wish you would kindly check these papers over, and if proofs are apparently O.K. advise me; the examination can wait, of course, and I know Smith will lose no rights.

If the book serves no good purpose, wish you would return it, or let the examiner have it and return to me, when he comes; published about 20 years ago, and scarse now; I thought it would help the examiner to size up the old conditions as well as the present. Note the ladies "lid" in the boat.

No one present at hearing except Beamer, Oliver and Jennings, no protests lodged.

Yours truly,

J. J. McFadden

JJM/O

17762

RECEIVED
MAY 24 1934
DEPARTMENT OF RECLAMATION

NOTICE OF PROOF OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M. on the 21st day of May, 1934, at Hailey, County of Blaine State of Idaho, before J. J. McFadden, Notary Public, proof will be submitted of the completion of works for the diversion of 10 cubic feet per second of the waters of Deer Creek and of the application to beneficial use of said water in accordance with the terms and conditions of Permit No. 17762, heretofore issued by the Commissioner of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation, holding said permit, are E. C. Smith, Hailey, Idaho, c/o H. C. Beamer, Hailey, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of use, in accordance with the plans accompanying the application for such permit, is 10 cubic feet per second.

3. The use to which said water has been applied is power and pleasure resort purposes and the amount applied to beneficial use is 10 cubic feet per second.

4. The place where said water is used is in Sec. 34, T. 3 N., R. 17 E., B. M.

5. The date of priority which said user is prepared to establish is December 19, 1932.

R. W. FARIS,
Commissioner of Reclamation.

4-5-4-26

AFFIDAVIT OF PUBLICATION

I, M. F. Cunningham

Publisher of
(Publisher or Foreman)

THE HAILEY TIMES

published weekly at Hailey, Idaho, do solemnly swear that a copy of the above notice, as per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof,

for four consecutive issues,

commencing with the issue dated April 5, 1934,

and endng with the issue dated April 26, 1934.

M. F. Cunningham
(Signature)

Subscribed and sworn to before me this 27 th day

of April, 1934

J. J. McFadden
Notary Public
Residence: Hailey, Idaho
(Official Designation)

17762

E C Smith
Riverside Drive
Reno, Nevada

Form 15

RECEIVED
MAY 24 1934
DEPARTMENT OF RECLAMATION

PERMIT NO. 17762

Proof of Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. H.Norland Beamer,Hailey,Idaho,p.o.same,merchant,am agent for E C Smith, stockbroker,Reno Nev. holder of the permit; he is absent from ~~Hailey~~ Idaho,in Reno,Nev. Have known property more than 20 years

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. no corporation; am agent for Smith,the owner; my father, H C Beamer, filed the application in behalf of Smith, as agent, Father died and I have been acting since.

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. 17762Feb.21,1933.(Appl.filed Dec.19,1932) 10 sec.ft. NW4NE4 of Sec.34,T 3 N R 17 E B M., Blaine County

Ques 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. pleasure resort,small lake, power plant for elec.power and light for hotel. (Power & Pleasure Resort)

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Yes, dam complete, power plant installed.

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. All in accordance with permit.

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. Same as permit; the old dam washed out years ago, see the on p.8 of enclosed book of photos of Hailey, I have signed by name on it; this taken around 20 years ago.

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. Dam about 300 ft long, earth and rock, spillway and headgate frame and concrete, pucket wheel for small motor.

(Sign here.) H. Norland Beamer
Agent.

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in Hailey, County of Blaine, State of Idaho, on this 21st day of May, A. D. 19 34.

J. J. McFadden
Notary Public.
at Hailey, Idaho.

My Commission expires Feb.2-1937.

17762

Form 14

The Depositions of two Witnesses, in this form, taken separately, required in each case.

RECEIVED
MAY 24 1934
DEPARTMENT OF RECLAMATION

Permit No. 17762

Proof of Completion of Works

DEPOSITION OF WITNESS

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. William J Oliver, Hailey, Idaho, po same, ~~hotelkeeper~~ examiner.

Ques. 2. Are you acquainted with E C Smith, the holder of Permit No. 17762, authorizing the diversion of 10 second-feet of the waters of Deer Creek, at Blaine Co. for power and pleasure resort purposes? How long have you known him, and where does he reside?

Ans. Yes, 40 years he resides at Reno, Nev. formerly lived at Hailey, Idaho.

Ques. 3. Have you read or heard read said Permit No. 17762, and are you familiar with its terms and conditions?

Ans. Yes, yes.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. ------

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. Dam 300 ft long, rock and earth, gates and slippway, wood and concrete, impound 10 acre feet of water, dam about 9 ft deep at highest point, then slopes to water line. small elec power plant, bucket wheel.

(Sign here.) William J. Oliver

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Hailey, County of Blaine, State of Idaho, on this 21st day of May, A. D. 1934.

J. J. McFarlane
Notary Public, residing at Hailey, Idaho.

Com. expires 2-2-1937.

19762

Form 14

The Depositions of two Witnesses, in this form, taken separately, required in each case.

RECEIVED
MAY 24 1934
DEPARTMENT OF RECLAMATION

Permit No. 17762.

Proof of Completion of Works

DEPOSITION OF WITNESS

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. S Guy Jennings, Hailey, Ida. p.o. same, hotel keeper.

Ques. 2. Are you acquainted with E C Smith, the holder of Permit No. 17762., authorizing the diversion of 10 second-feet of the waters of Deer Creek, at Sec. 34, T 3 N R 17 E B M, at pleasure resort for power purposes? How long have you known him, and where does he reside?

Ans. Yes, 2 years, resides at Reno, Nevava.

Ques. 3. Have you read or heard read said Permit No. 17762, and are you familiar with its terms and conditions?

Ans. Yes, yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. -----

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. Dam 300 feet long, rock and earth, concrete and lumber spillway, impound 10 feet water, small power plant.

(Sign here.) S. Guy Jennings

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Hailey, County of Blaine, State of Idaho, on this 21 day of May, A. D. 19 34.

J. E. McFadden
Notary Public, residing at Hailey, Idaho.

Com expires 2-2-1937

Form 16.

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

RECEIVED
MAY 24 19[illegible]
DEPARTMENT OF RECLAMATION

Permit No. 17762

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. H Norland Beamer, Hailey, Idaho, merchant-- Hailey, Ida. Am agent for E.C. Smith, permit holder, he is at Reno, Nev. where he lives, my Father H C Beamer was his agent up to his death in 1933, I have acted since.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Agent for permit holder.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 17762---~~permit filed 12-19-32 priority same.~~ Feb. 21, 1933, Dec. 19, 1932

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Deer Creek, dam about 1800 feet from NE cor. Sec. 34, T 3 N R 17 E. ~~Diversion same.~~ in the NW¼NE¼, Sec. 34, T3N., R17E.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Dam for pleasure resort and small power plant, dam 300 ft long, lake about 10 acre feet, (covers about 5 acres) small power plant right at dam, bucket wheel and motor.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Small lake pleasure resort, replacing one wahed out years ago, see notations in proof completion works, made this day.

Ques. 7. If for other than for irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. small lake, power plant for elec lights and power for hotel near by; hotel shown in picture.

17762

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 10 acre feet, flow of creek not exc.10 feet for power.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. agent for original holder.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Partly used last fall when reservoir filled, and power plant started, used this spring, reservoir filled

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. none

There is a hot spring on property owned by holder, Used for plunge baths, and hotel use.

(Sign) N. Noreand Deaner

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Hailey, County of Blaine, State of Idaho, on this 21 day of May, A. D. 19 34.

J. J. McFadden
Notary Public, residing at Hailey, Idaho.

My commission expires Feb.2,1937.

Form 17

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 17762.

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. S. Guy Jennings, 54, Hotel keeper, Hailey, Idaho.

Ques. 2. Are you acquainted with E C Smith, the holder of Permit No. 17762, ? How long have you known him and where does he reside?

Ans. Yes, two years, resides in Reno, Nevada.

Ques. 3. Have you read or heard read said Permit No. 17762, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water frrom point of diversion to place of use.

Ans. Deer Creek, about 1800 feet NE from NE cor. Sec. 34, T 3 N R 17 E B M. dam 300 feet long, 9 ft high, gradual slope, concrete spillway. Place of use right at dam, small elec power plant.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. reservoir about 5 acres, impounding about 10 acre feet of water, about 10 second feet through spillway and power plant

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvement which have been made as a direct result of said use.

Ans. small lake, pleasure resort, power plant for 3 to 5 h.p.

17762

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent

Ans. water passes bucket wheel, furnishing power.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. not for irrigation.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No, except lease the hotel.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Full use since last Fall, except when frost prevented n in winter.

(Signed) S. Gay Jarvis

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Hailey, County of Blaine, State of Idaho, on this day of zzzzz 21st day of May, A. D. 1934.

J. J. Smith
Notary Public.

My commission expires Feb. 2-1937. Residence, Hailey, Idaho

Form 17

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 17762

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. William J Oliver, Age 78, miner, Hailey, Idaho.

Ques. 2. Are you acquainted with E C Smith, the holder of Permit No. 17762.? How long have you known him and where does he reside?

Ans. Yes, 40 years, he resides at Reno. Nevada. Formerly lived here at Hailey, Idaho.

Ques. 3. Have you read or heard read said Permit No. 17762, and are you familiar with its provisions and conditions?

Ans. Yes Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water frrom point of diversion to place of use.

Ans. Deer Creek, small lake about 1800 feet from NE Cor. Sec.34, T 3 N R 17 E B M. dam about 300 feet long, about 9 feet high deepest point, earch and rock dam, concrete spillway, (part timber) small water wheel for electric power.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. Reservoir about 5 acres, impounding about 10 acre feet of water, about 10 feet through spillway and power plant back to creek

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvement which have been made as a direct result of said use.

Ans. small lake, pleasure resort, dam complete, power plant for 3 to 5 h.p. Water returned to creek.

17762

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent

Ans. water passes bucket wheel, furnishing power, dam complete, lake filled.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. no

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None whatever.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Complete application last fall and this spring.

(Signed) William J. Oliver

I hereby certify that the foregoing testimony was read to the above subbscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Hailey, County of Blaine, State of Idaho, on this ~~day of~~ 21st day of May, A. D. 19 34.

J. Jones Saunders
Notary Public.

My commission expires Feb. 2, 1937. Residence Hailey, Idaho.

May 17, 1934

RE: Permit No. 17762
E. C. Smith

MR. J. J. McFADDEN, Attorney
Hailey,
Idaho

Dear Sir:

We have your letter of May 9th in which you advise that you hold proof of publication in connection with notice given of Mr. Smith's intention to submit proof under the above permit that he has completed the required works and also applied the water to beneficial use.

The depositions of which you speak have, no doubt, been received by you since they were mailed from this office prior to the date of receipt of your letter. Upon receipt of these depositions, providing that they are in proper form, a field examination will be ordered as required by law and we will not be in a position to advise you as to fees due until such time as we have the field engineer's report. However, any delay that is due to this office will not in any way affect any right Mr. Smith has under this permit.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By_____
Chief Clerk & Office Engr.

PIH:RG

17762

J. J. McFADDEN
ATTORNEY AND COUNSELOR
HAILEY, IDAHO

RECEIVED
MAY 11 1934
DEPARTMENT OF RECLAMATION

Office,

May 9,1934.

Commisioner of Reclamation,
Boise, Idaho.

Gentlemen:-

Re permit No.17,762- E C Smith.

Per your advices this was published, and I hold proof of publication; hearing May 21,1934, 10--A M.

Your office will note that this means two proofs at the same hearing, viz: Completion of works, and proof beneficial use.

Please send me blanks immediately for these proofs, also advise me what additional fees are due your office for these.

Yours truly,

J J McFadden.

J. J. McFadden

McF/O

17762

Form No. 22-A

State of Idaho

ENGINEERING DEPARTMENT

BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

MR. J. J. McFADDEN
Notary Public,
Hailey, Idaho

May 11, 1934
Boise, Idaho,

Dear Sir:

I enclose herewith the following forms to be used in connection with proof of completion of works under Permit No. 17762

Deposition of Permit Holder,
Depositions of Two Witnesses.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of the permit holder's rights:.

1. On May 21, 1934, the date set for proof of completion of works, the enclosed deposition forms (one for permit holder and one eachfor two witnesses) should be filled out and sworn to, at Hailey, Idaho, before J. J. McFadden, Notary Public

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,

R. W. FARIS
Commissioner of Reclamation

17762

Form No. 11-A

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Date March 30, 1934

EDITOR, HAILEY TIMES
Hailey, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to May 21, 1934, the date set for proof, the expense of the publication to be paid by the applicant, E. C. Smith, Hailey, Idaho to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy of the first publication.

Very truly yours,

R. W. FARIS

Commissioner of Reclamation

17762

March 30, 1934

Re: Permit No. 17762
E. C. Smith

MR. J. J. McFADDEN, Attorney
Hailey,
Idaho

Dear Sir:

Under date of March 19, 1934, we received your notice in duplicate for publication in connection with both proof of completion of works and proof of application of water to beneficial use under the above permit and also your authorization upon our form No. 11 to have the combined notice published in the Hailey Times of Hailey, Idaho.

The form which you have used does not provide for notice of beneficial use proof but we have a regular form which is used for the combined publication and we are taking the liberty of transferring your notice to this form.

We note that you have set the date for offering proof as 10:00 A. M. on the 21st day of May. At this time Mr. Smith and two witnesses should execute two separate sets of depositions, or in other words, one set for each proof. These froms will be mailed to you about ten days prior to the date for proof so that you will have them in ample time.

A copy of the notice has gone forward this day to the newspaper with proper instructions for its publication.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By_____
Chief Clerk & Office Engr.

PLH:RG

17762

J. J. McFADDEN
ATTORNEY AND COUNSELOR
HAILEY, IDAHO

RECEIVED
MAR 1934
DEPARTMENT OF RECLAMATION

March 19-1934.

Commissioner of Reclamation:-

Boise,Ida.

Dear Sir:-

Re Permit 17762-Smith.

I enclose you in accordance with your notice of 12th, duplicate notices for publication, also directions to publish in Hailey Times, a weekly paper here.

I have made this notice to cover also proof of beneficial use, at same time, to save expenses. This in accordance with your Mr.Henry's letter of December 18th,1933.

Very respectfully,

J.J.McFadden.

J. J. McFadden

JJM.O

Change notices if necessary

17762

Form No. 11

RECEIVED
MAR 21 1934
DEPARTMENT OF RECLAMATION

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) March 15-1934.

(P. O.) Hailey, Idaho.

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the Hailey Times of Hailey, Ida., published in the county in which the works are situated.

E C Smith, by
H A Beamer Agent.

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

17762

Form 36

NOTICE OF PROOF OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M. on the 21st day of May, 19 34, at Hailey, County of Blaine State of Idaho, before J. J. McFadden Notary Public proof will be submitted of the completion of works for the diversion of 10 cubic feet per second of the waters of Deer Creek and of the application to beneficial use of said water in accordance with the terms and conditions of Permit No. 17762, heretofore issued by the Commissioner of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation, holding said permit, are E. C. Smith, Hailey, Idaho. c/o H. C. Beamer, Hailey, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of use, in accordance with the plans accompanying the application for such permit, is 10 cubic feet per second.

3. The use to which said water has been applied is ~~irrigation and domestic~~ power and pleasure resort. purposes and the amount applied to beneficial use is 10 cubic feet per second.

4. The place where said water is used is In Sec. 34, T. 5 N., R. 17 E., B. M.

5. The date of priority which said user is prepared to establish is December 19, 1932.

17762

R. W. FABIS
Commissioner of Reclamation.

Form No. 7

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Boise, Idaho
March 12, 1934

MR. J. J. MCFADDEN, Attorney
E. C. Smith,
Hailey, Idaho

DEAR SIR:

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. 17762

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before May 21, 1934 Upon receipt of the blank properly filled out, notice for publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a notary public or other officer authorized to administer oaths.

The certificate that shall be issued under this proof does not give you a perpetual right to the use of the water for which application is made, as it only confirms the completion of the works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation.

17762

December 30, 1933.

Re: Permit No. 17762
E. C. Smith

MR. J. J. McFADDEN, Attorney
Hailey,
Idaho

Dear Sir:

We are enclosing herewith approval of the Commissioner of Reclamation for an application for extension of time, executed by Mr. H. N. Beamer, agent for Mr. Smith, under the above permit.

The time for completion of works has been extended to May 21, 1934, as per the application.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By_____
Assistant Chief Clerk

G
Encl.

17762

J. J. McFADDEN
ATTORNEY AND COUNSELOR
HAILEY, IDAHO

RECEIVED
DEC 24 1933
DEPARTMENT OF RECLAMATION

Dec.22,1933.

Re: Permit No.17762- E.C.Smith.

Commissioner of Reclamation,

Boise, Idaho.

Dear Sir:-

I have your Mr. Paul V.Henry's favor of 18th, and greatly appreciate courtesies.

I am enclosing application for extension of time, duly verified by H.N.Beamer, agent of Smith,

I asked for further time until May 21; in my former letter I had it May 20th, but I note the 20th is Sunday, so made it day following.

If this is O.K. you can send me your approval of same, meanwhile I will hold the other notices.

I anticipate no trouble over this.

Yours truly,

J. J. McFadden

JJM.O

17762

Permit No. 17,762

RECEIVED
DEC 24 1933
DEPARTMENT OF RECLAMATION

Application for Extension of Time

FOR COMPLETION OF WORKS

H. N. Beamer, of Hailey, Idaho,

State of Idaho, being first duly sworn, upon his oath deposes and says:

He is agent for the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 17,762

Under the terms and conditions of said permit, construction work thereunder was required to be completed by Feb. 21, 1934

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

Dam is complete, and reservoir cleaned, but will probably require puddling in Spring, on account leaks.

costing $ 500- exclusive of small elec. plant.

That he is unable to complete the remainder of the work within the required time, for the following reasons, to-wit:

Heavy snow on ground--- no further work can be done without heavy expense, ground frozen.

Can be completed in few days in spring.

Proof of completion of works and of beneficial use can then be made at same time, if expension granted for three months.

WHEREFORE, He asks that the Commissioner of Reclamation extend the time for the completion of works under said permit to May 21, 1934

H. N. Beamer Agent
for E. C. Smith

Subscribed and sworn to before me this 21 day of Dec., 19 33.

J. J. McFadden
Notary Public

My commission expires Feb. 2, 1937. Residing at Hailey, Idaho.

Date of receipt at office of Department of Reclamation

APPROVAL OF COMMISSIONER OF RECLAMATION.

I, R. W. FARIS, Commissioner of Reclamation of the State of Idaho, hereby extend the time for the completion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. 17762 to May 21, 1934.

Witness my hand this 30th day of December, 1933.

R. W. Faris
Commissioner of Reclamation.

17762

December 18, 1933

Re: PERMIT No. 17762
E. C. Smith

Mr. J. J. McFADDEN,
Attorney,
Hailey, Idaho

Dear Sir:

We have your letter dated December 15, 1933, accompanied by our form 8 (Notice for Publication), in duplicate, in connection with completion of works under the above permit, and also our form 11, which authorizes the publication of this notice in The Hailey Times, at Hailey, Idaho.

You say that you would like to have the time extended on this permit for the completion of works in order that you may make this proof and also beneficial use proof next May, at the same time. In view of the fact that the power plant has been completed and the water applied to beneficial use, I think you are quite wise to request an extension of time for this proof so that both of them can be made at the same time, and thereby eliminate the cost of one publication. In other words, one publication will suffice for both proofs. We are accordingly enclosing blank form upon which you may make application for an extension of time for the completion of works, and we are also returning the papers which you submitted.

You say that there have been some informal protests by the McMonigles or their successors, but that nobody has been hurt or any rights interfered with by the construction of Mr. Smith's small power plant and the appropriation of water in connection with it. I might say that after proof has been made under Mr. Smith's permit a field examination, as required by law, will be made by an engineer of this Department in order to determine the nature of the works which have been constructed, their capacity and the amount of water that is being applied to beneficial use; and if the protest is filed, before any decision is reached by this office Mr. Smith's proof, the engineer's report and the protest would all be taken into consideration. If the protest were allowed, the protestant would have to prove definitely that his right was being injured by Mr. Smith's appropriation.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

17762

By _____
Chief Clerk and Office Engineer

PLH/mt
Enc.

J. J. McFADDEN
ATTORNEY AND COUNSELOR
HAILEY, IDAHO

RECEIVED
DEC 1 [illegible]
DEPARTMENT OF RECLAMATION

Dec.15--1933.

Hon.R.W.Faris,

Commissioner of Reclamation,

Boise,Idaho.

Dear Sir:--

Re Permit No.17,762. E C Smith.

I have your papers as of date 13th, for proof of completion of works.

I enclose you form No.11, also duplicate form No.8--Notice for publication.

Last Fall,when this plan was on, Mr.H.C.Beamer came to me, he was in charge of the property for Smith,who lives in Reno,Nev.

Beamer was very ill, to I signed the application; Beamer never recovered, died this Spring, his son H.N. Beamer, has been handling as his Father did,for Smith. The dam is in, power plant has been installed, electric lights for the small pleasure hotel there; Mr.S.H.Chapman,Water-Master for the District, has examined, told me it didnt inferefere with the lower irrigation rights; only a small plant and pond,---.

Storming and snow here, and it will be worse before Feb.21; I have set date for 20th Feb. --but cant you extend the time on this proof until say May 20th---? when I believe can make both proofs, that is, completion,and beneficial use.

There has been some informal protests by McMonigles or successors, but no body has been hurt or any rights interfered with and I would prefer to clean up both proofs at once, when checking can be made thru your office,if required. Let me know,please, and dont start publication until you write me.

17762 Yours truly, J. J. McFadden

Form No. 7

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

MR. J. J. MCFADDEN, Attorney
E. C. Smith,
Hailey, Idaho

Boise, Idaho
December 13, 1933

DEAR SIR:

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. 17762.

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before Feburary 21, 1934. Upon receipt of the blank properly filled out, notice for publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a notary public or other officer authorized to administer oaths.

The certificate that shall be issued under this proof does not give you a perpetual right to the use of the water for which application is made, as it only confirms the completion of the works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Very truly yours,

R. W. FARIS

Commissioner of Reclamation.

17762

December 7, 1933

Re: PERMIT No. 17762

Mrs. P. M. McMONIGLE,
Hailey,
I d a h o

Dear Mrs. McMoniglo:

Enclosed herewith is copy of a letter received from E. C. Smith with reference to the waters of DEER CREEK, from which letter it appears that Mr. Smith is inclined to meet the situation fairly and I trust that you may be able to adjust your differences without further difficulty.

Very truly yours,

Commissioner of Reclamation

RWF/mt
Enc.

17762

RECEIVED
NOV 18 1933
DEPARTMENT OF RECLAMATION

Permit 17762

Reno, Nevada.
Nov. 15, 1933.

Mr. R. W. Fants,
Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:-

Through the courtesy of Mr. H. N. Beemer, in whose care was addressed, for me, a copy of your letter to Mrs. McMonigle relative to the water rights on Deer Creek, was received and I thank you for your kind consideration in the matter.

Of course, as you no doubt know, I have never disputed the original decreed rights of Mrs. McMonigle to the waters of Deer Creek; but, as you say, since public policy requires that water be put to highest beneficial use, I cannot for the life of me see where the building of a dam to generate power for lights is an infringement on her rights.

After using the water for this purpose there is the same flow as before, in fact, there is more, as the seepage from the springs is added to it.

I wish to assure you and the parties concerned, that I have no wish or intention of depriving them of the usual flow, or in any way inconveniencing them.

With the utmost appreciation, I am

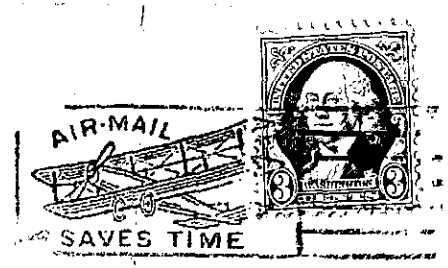
Very truly yours,

E. L. Smith

17762

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

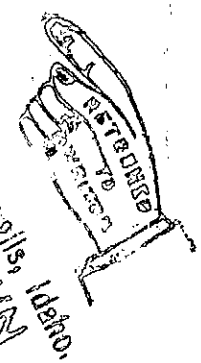
BOISE
OCT 24
1933
7 PM
IDAHO



Mr. E. C. SMITH,

Twin Falls, Idaho

From Twin Falls, Idaho.
UNKNOWN



17762

PERMIT No. 17762

October 24, 1933

Mrs. P. M. McMONIGLE,
Hailey,
I d a h o

Dear Mrs. McMonigle:

Your letter dated October 10, 1933, with reference to water rights on DEER CREEK was received during my absence from the office, on which account reply has been delayed.

Your original decreed right to the use of the waters of Deer Creek, as well as your subsequent decreed right to the use of the flood waters, are long prior to the permit issued to E. C. SMITH, and he would not be permitted to in any way interfere with your prior rights to your substantial injury.

However, public policy requires that water be put to the highest beneficial use and the development of power is recognized as a beneficial use under our laws. It is to be expected that the utilization of water for irrigation and power may result in some inconvenience, but so long as no substantial injury occurs it is the duty of the holder of the prior right to cooperate in every way possible to secure the highest possible utilization of the water supply.

I am sending copy of this letter to Mr. Smith and I hope that by conference and understanding between yourselves you may be able to adjust your difficulty, failing in which we will make whatever order seems necessary to protect your rights with reference to the matter.

Very truly yours,

RWF/mt

Commissioner of Reclamation

cc - E. C. Smith,
~~c/o H. C. Beamer,~~
~~Hailey, Idaho~~
Twin Falls

Mailed to Hailey - Nov. 6-'33

17762

Form No. 1776 2e
Rev. 19, 1932

Hailey, Idaho,
Oct. 10, 1933.

E C Co.
Hailey Ida
c/o H C Blamey

Mr. R. W. Paris,
Commissioner of Reclamation,
Boise, Idaho,

RECEIVED
OCT 13 1933
DEPARTMENT OF RECLAMATION

Dear Sir:

In regard to the permit of E. C. Smith for a power plant and reservoir — this, I understand, should not interfere with decreed water rights. Deer Creek is too small to run this plant, which was put into operation recently, without damaging and interfering with water rights.

In order to run the plant at night the operators find it necessary to close off the stream entirely for at least five hours of each day. Consequently, stock in the pastures below — 2 to 3½ miles below the dam — are without water from 8 to 10 hours of each day. As the weather becomes colder this water which has been shut off will readily freeze, and never reach the pastures. This completely damages our water rights for domestic purposes — besides killing the fish in the stream below the dam. In

irrigation season our water rights would be worthless.

As to seepage and evaporation in the dam in hot weather — will they not materially affect the flow of the stream?

This dam is not built to comply with conditions specified in the permit and since Duck Creek is decreed as a dry creek — we are asking your advice. Please answer as soon as possible as something will have to be done at once.

Respectfully yours,
Mrs. P. McMonigle.

Deer Creek.

June 3, 1933

RE: PERMIT NO. 17762
E. C. Smith

MR. ROY VAN WINKLE
Attorney at Law
Hailey, Idaho

Dear Sir:

We have your letter of May 31 concerning a permit issued from this office to E. C. Smith of Hailey, Idaho, to appropriate 10 cubic feet per second of the waters of Deer Creek in Blaine County, Idaho.

The case of Patrick McMonigle, plaintiff, vs. W. G. Swendsen, Commissioner of Reclamation and Ex-Officio State Engineer of the State of Idaho, defendant, reads in part as follows:

> "IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that the said plaintiff, Patrick McMonigle, is the owner and entitled to the use of one-half of all the surplus and waste waters of Deer Creek, not exceeding the amount of 800 inches, for irrigation and domestic purposes, with a priority of November 11, 1884, to be used on the SE¼ of Section 30, T. 3 N., R.18 E. B. M., in Blaine County, Idaho; and,
>
> "IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that the said plaintiff, Patrick McMonigle, is the owner and entitled to the use of one-half of all surplus and waste waters of Deer Creek not exceeding the amount of 500 inches for irrigation and domestic purposes, to be used upon the SE¼SW¼ and Lot 4 of Section 30; the NE¼NW¼ of Section 31, T. 3 N., R. 18 E. B. M., The SE¼SE¼ of Section 25, T. 3 N., R. 17 E. B. M., with a priority of March 4, 1885, so long as the use of said water does not interfere with the decreed rights established by the decree of S. C. Frost, et al. vs. the Alturas Water Company, et al."

We do not have any records as to the flow of this stream and consequently we are not in a position to say whether or not it would be more than enough to satisfy existing rights. When anyone makes application to this department to appropriate the waters of any stream in the state a permit is issued if the application contains sufficient information, and the Department does not attempt to say whether or not all of the water

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has been appropriated. However, when any permit is issued, if the holder is to get any water, all prior rights must necessarily be satisfied first.

Mr. Smith's permit claims 10 cubic feet per second to be used for power and pleasure resort purposes. His permit contains the following remarks:

> "Land on which power plant and reservoir will be located are all owned by applicant. The plan is to repair and replace an old dam built years ago, which was at one time partly washed away by spring freshet, and to put in concrete headgate to develop power from the natural flow of the water. The reservoir will be filled during high water."

The quantity of water to be stored in the reservoir is practically negligible, and insofar as the development of power is concerned, the flow of the stream probably would not be diminished. As a usual thing there is no objection to one constructing a power plant when no material loss results from such water usage. However, Mr. Smith is not authorized by his permit from this department to interfere with any established rights, nor is he entitled to any water unless there is sufficient water to supply all such rights.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By_____
Chief Clerk & Office Engineer

PLH:MC

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LAW OFFICES OF
ROY VAN WINKLE
HAILEY, IDAHO

May 31,1933.

Commissioner of Reclamation,
Boise, Idaho.

Gentlemen:

Mrs. Mary McMonigle, widow, and successor in interest of Patrick McMonigle, deceased, has called to my attention the fact that while she is the decreed owner of certain waters, and also of all of the flood waters of Deer Creek, in Blaine County, that some party is now at work on the creek above their properties constructing a dam across the stream, claiming to have a permit from your office to construct this dam. I therefore would greatly appreciate it if I might have copies of whatever procedure has gone through your office in this matter, as, naturally, any dam or other obstruction placed in the stream is going to cause damage to the McMonigle people, and others who have old decreed rights on the stream just as soon as the irrigation season commences.

We do not desire to have to bring a suit on this matter, but without full information on this supposed right now being exercised on the stream, we will certainly be forced to do so, as the old McMonigle rights were decreed in the Frost vs. Alturas Water Co case, years ago, and their flood rights have been decreed since June, 1920, in the case of Patrick McMonigle vs W.D. Swendsen, etc al., so that any obstruction on this stream is bound to mean a damage to these rights and we would therefore greatly appreciate full information of the claimed right now be asserted by this party.

Very truly yours,

Roy Van Winkle

RECEIVED
JUN 1 1933
DEPARTMENT OF RECLAMATION

17762

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 17762

Boise, Idaho,
February 21, 1933

Dear Sir:

I enclose herewith above numbered permit. BE SURE AND NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the Commissioner of Reclamation on the third page.

E. C. Smith
c/o H. C. Beamer
Hailey, Idaho

R. W. FARIS
Commissioner of Reclamation.

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RECEIVED
DEC 28 1932
DEPARTMENT OF RECLAMATION

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

NOTICE OF APPLICATION TO APPROPRIATE WATER FOR POWER PURPOSES IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 212, 1929 LAWS

NOTICE IS HEREBY GIVEN, That on the 19th day of December, 1932, E. C. SMITH, whose address is Hailey, Idaho, made application No. 24879 to appropriate ten cubic feet per second of the waters of DEER CREEK for pleasure resort and power purposes.

That the said water is to be diverted:

1800 feet distant from the NE corner of Section 34, T. 3 N., R. 17 E. B. M., and in the NW¼NE¼ of Section 34, T. 3 N., R. 17 E. B. M., County of Blaine.

That the point of use of water is:

Same as point of diversion.

That the point of return of water is:

Same as point of use.

That any protests against the approval of this application should be filed in the Department of Reclamation within sixty (60) days of the date of this notice; such protest shall state the name and address of the protestant and shall clearly set forth his objections to the approval of the said application.

DATED This 21st day of December, 1932.

Ruth Farris,
Commissioner of Reclamation

Date of first posting: 12-28-32
Last date for protest: 2-20-33

SERVICE Of the foregoing, by copy, is hereby admitted, this 23 day of Dec, 1932.

E. C. Smith
Applicant

17762

By J. J. McFadden
Agent

FORM No. 0

NAME OF APPLICANT E. C. Smith

SYMS-YORK CO., BOISE 16883

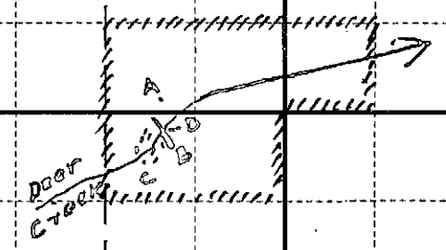
17762

SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK

Twp 3 N. R 17 E B M

SEC. 27 SEC. 26

SEC. 34



Key.

Thatched--200 acres, owned by applicant

A. Clarendon Hot Springs & Hotel.
B. Dam.
C Reservoir.
D Headgate.

Permit Map No. 17762
As Approved
FEB 21 1963
R. W. PARIS
Commissioner of Reclamation

17762

Attention
Mr .Henry.

J. J. McFADDEN
ATTORNEY AND COUNSELOR
HAILEY, IDAHO

RECEIVED
DEC 28 1932
DEPARTMENT OF RECLAMATION

Dec.26,1932.

Commissioner of Reclamation,
Boise,Idaho.

Dear Sir:-

Re Application for permit No.24879 .E.C.Smith.

Per yours of 21st I return you the notice,in duplicate,with acknowledgment of service.

At the end of the sixty days, if O.K. you can send me the permit.

Yours very truly,

J.J.McFadden.

JJM.O

12/28/32

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December 21, 1932

Re: Application for Permit No. 24879
E. C. Smith

Mr. J. J. McFadden
Attorney at Law
Hailey, Idaho

Dear Sir:

This is to inform you that the above application contains sufficient data to meet the requirements of this department.

We are enclosing notice in duplicate upon which you should acknowledge service, and then return it to this department for posting. This notice has been prepared in accordance with Chapter 212, 1929 Session Laws.

Sixty days from the date of the notice, if no protests have been filed, the application will pass to permit.

The fee in the sum of $7.25 which accompanied the application will be held in abeyance pending the approval of the application.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By_____
Chief Clerk & Office Engr.

PLH:MC

17762

J. J. McFADDEN
ATTORNEY AND COUNSELOR
HAILEY, IDAHO

RECEIVED
DEC 19 1932
DEPARTMENT OF RECLAMATION

Attention Mr.Paul L.Henry.

December 16,1932.

R.W.Faris Esq.,

Commissioner of Reclamation,

Boise,Idaho.

Dear Sir:-

I hand you herewith application for permit, E.C.Smith; this in accordance with my letter to you of Dec.7th, and your reply of December 12th.

I personally know the physical conditions; went up there with Mr.Beamer, Manager for Smith, a few days ago; you will note that all we do is put in the dam, create the small reservoir, which was already there prior to the washing out of the old dam, catch the freshet water to fill the deservoir, and incidentally get the power at the hedgate where the natural flow during irrigation passes. I have used form No.1, which seems more appropriate under the conditions.

Remittance of $7.25 is enclosed for filing fees.

Should further data be wanted,please advise,returning application and it will be given immediate attention.

Yours very truly,

J J McFadden.

M:O.

J. J. McFadden

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