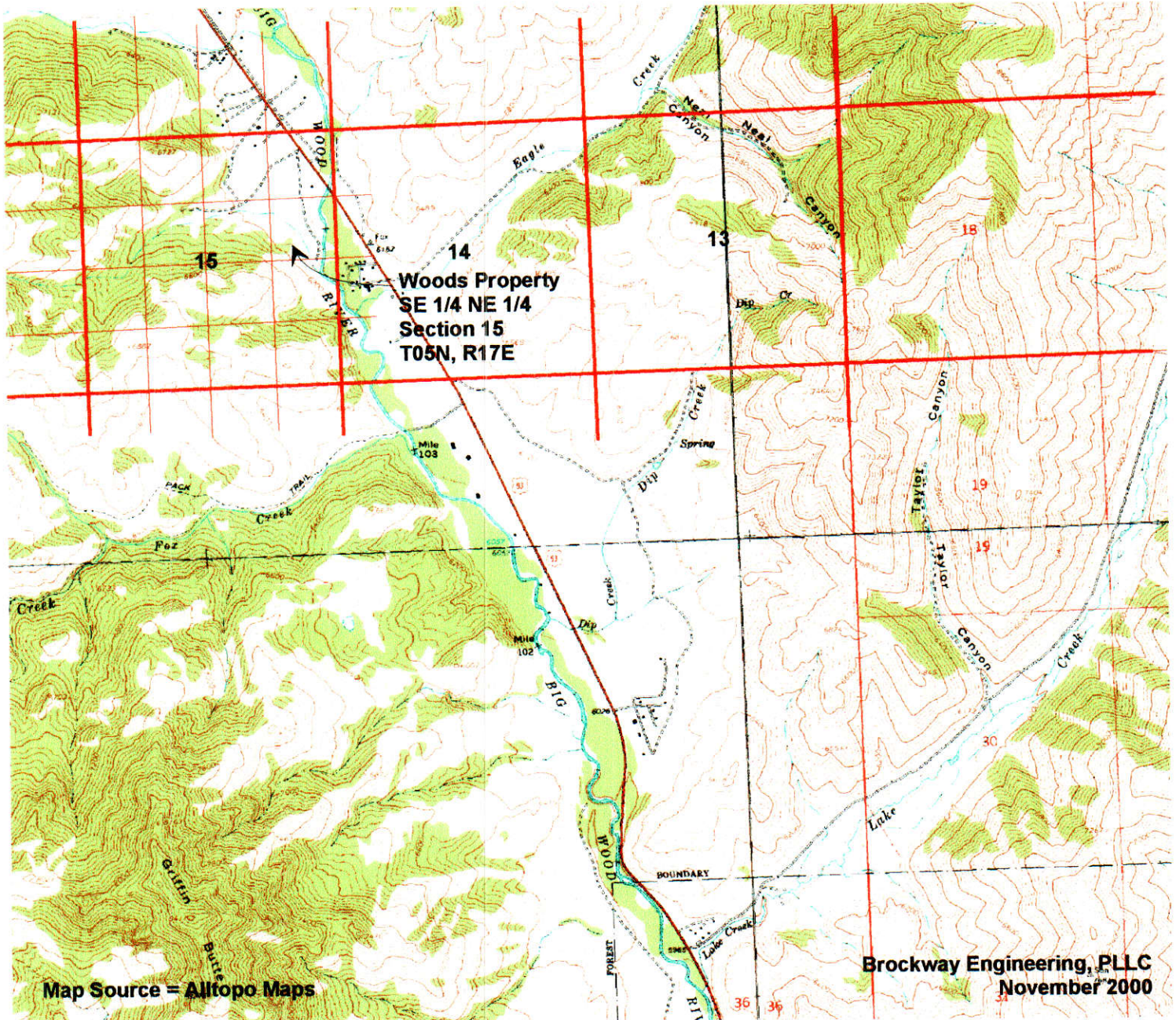


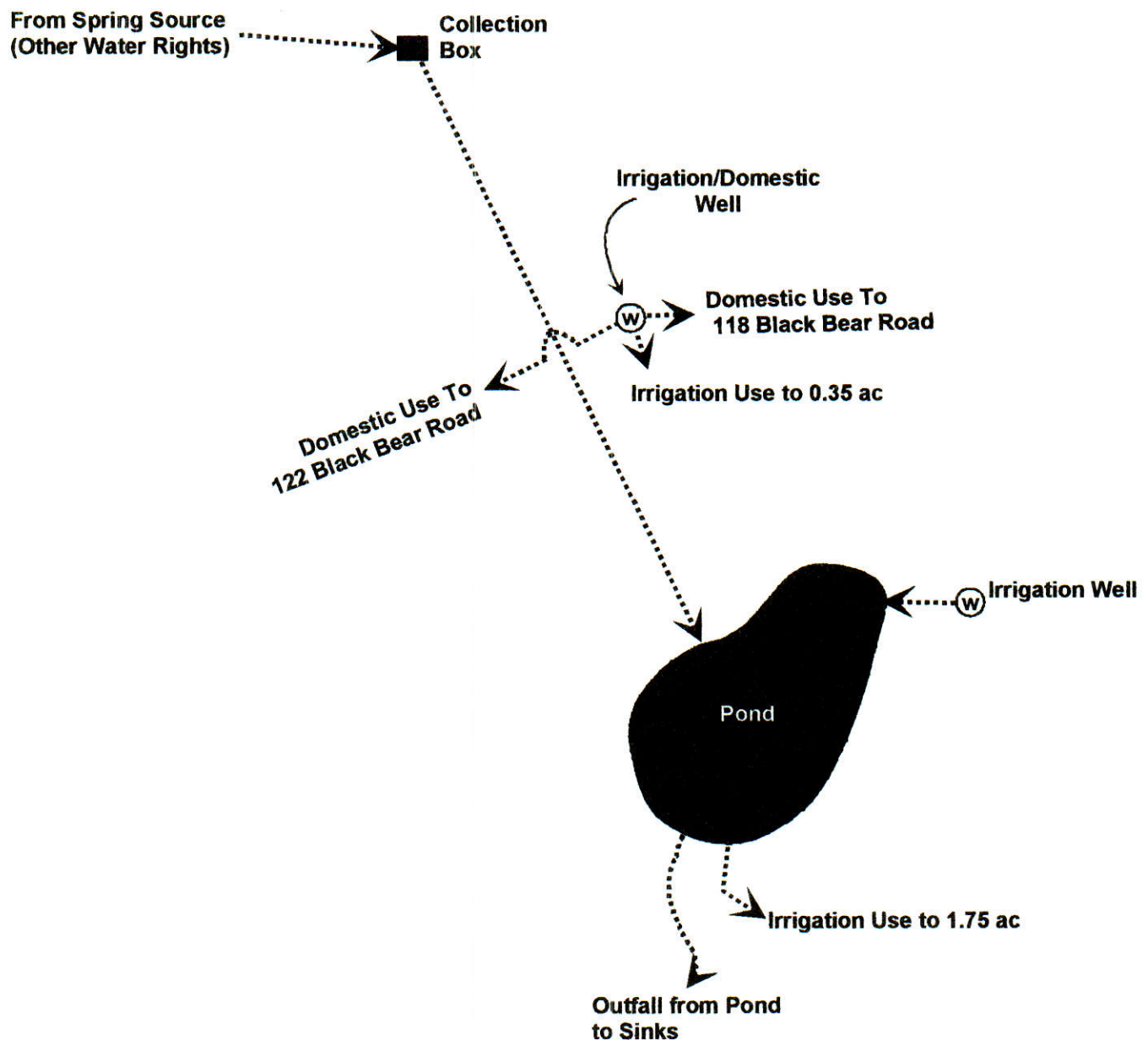
**Woods Property
118 & 120 Black Bear Road
USGS Topo Map & Site Location**



MICROFILMED

NOV 20 2003

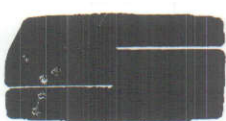
**Roy A. Woods Property
118 & 122 Black Bear Road
Beneficial Use Exam - Schematic Diagram**



**Roy A. Woods Property
118 & 122 Black Bear Road
Beneficial Use Exam - Site Plan**



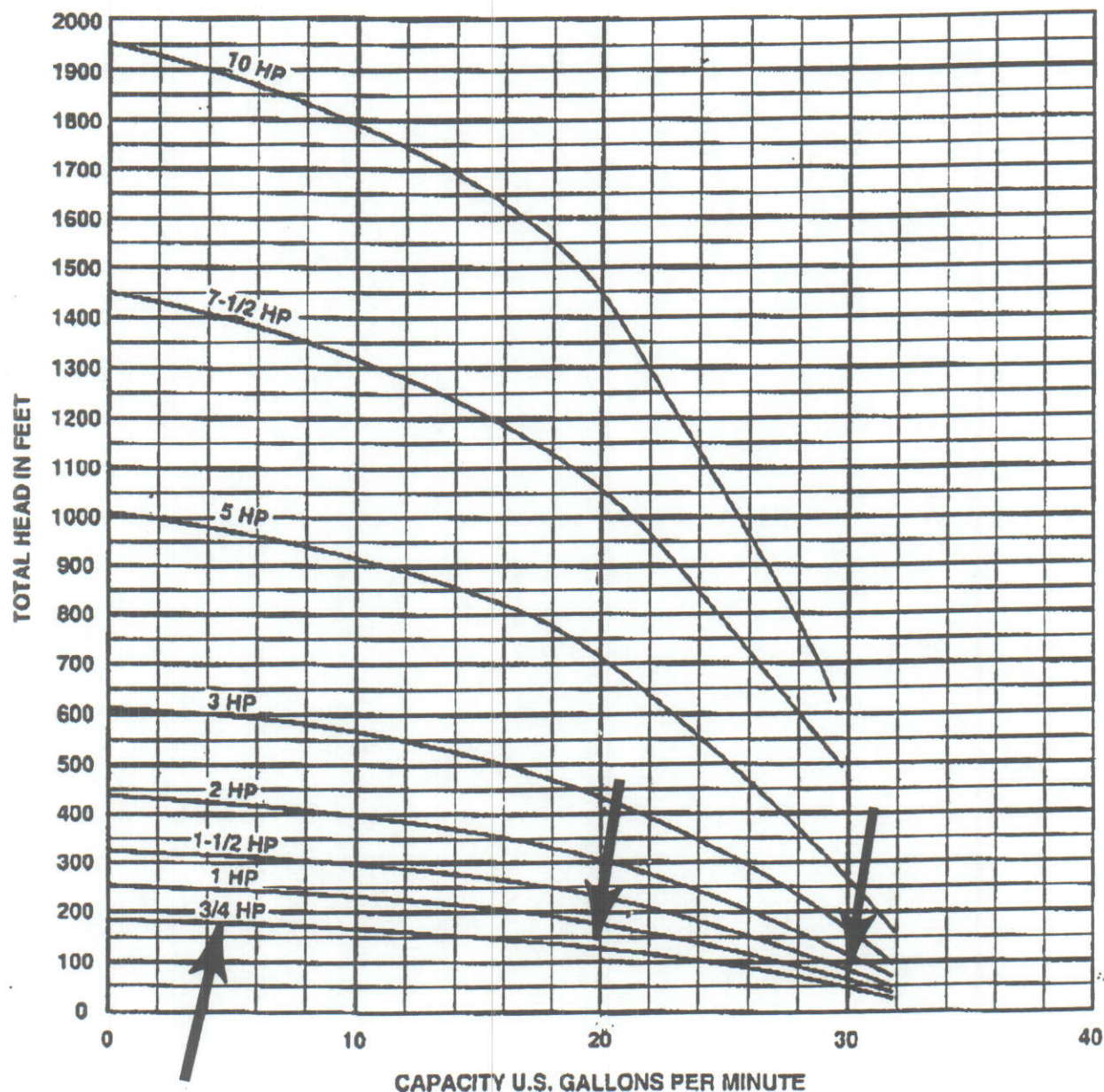
NOV 20 2003



Built on
Commitment.

10, 15, 20, and 30 GPM 4" Submersible Pumps

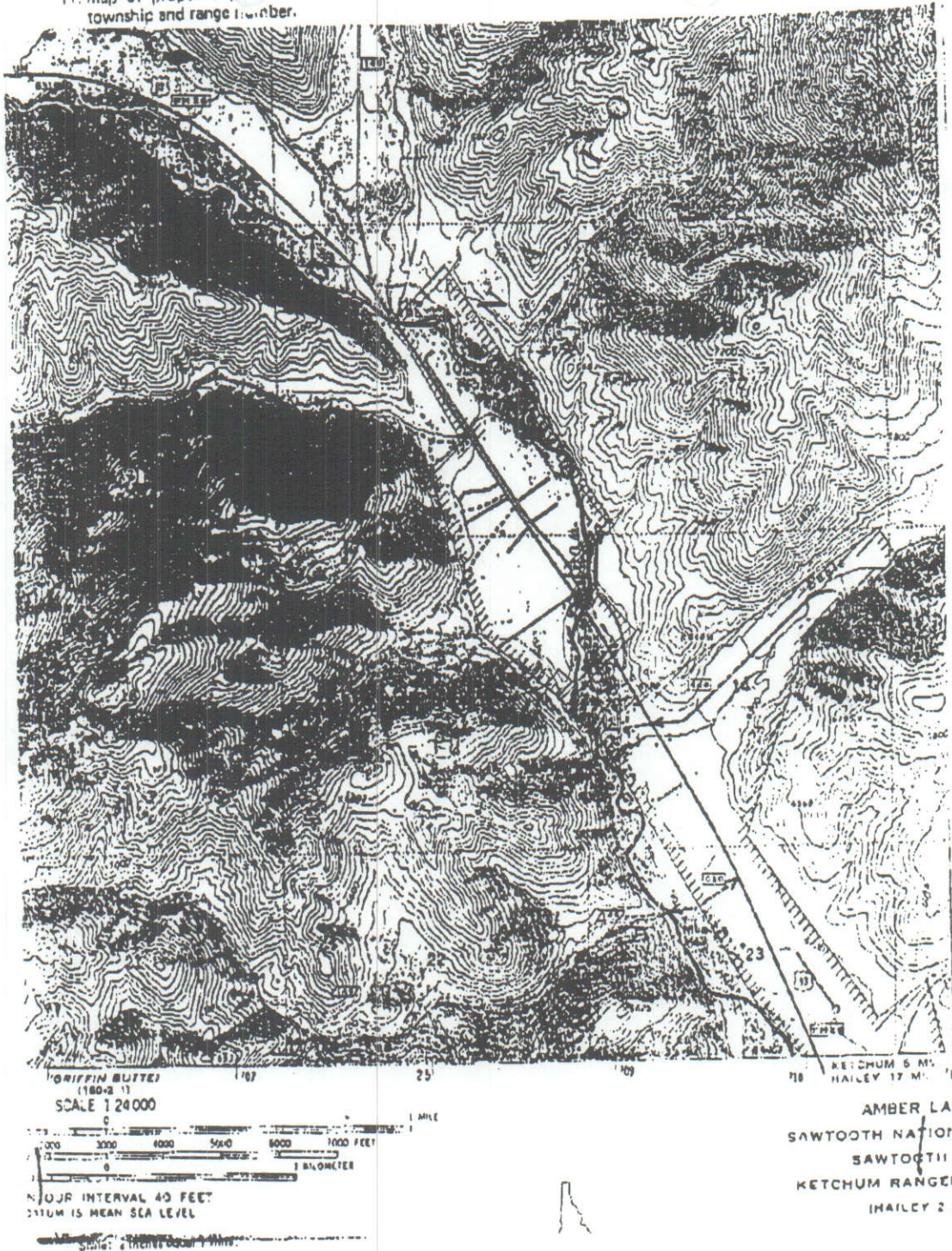
PUMP PERFORMANCE - 20 GPM



Tested and rated in accordance with Water Systems Council standards.

NOTE: Pumps installed with a CON-AIRE® tank require a 100 PSI relief valve. Pumps installed with a conventional tank require a 75 PSI relief valve. Relief valve must be capable of relieving entire flow of pump at relief pressure.

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



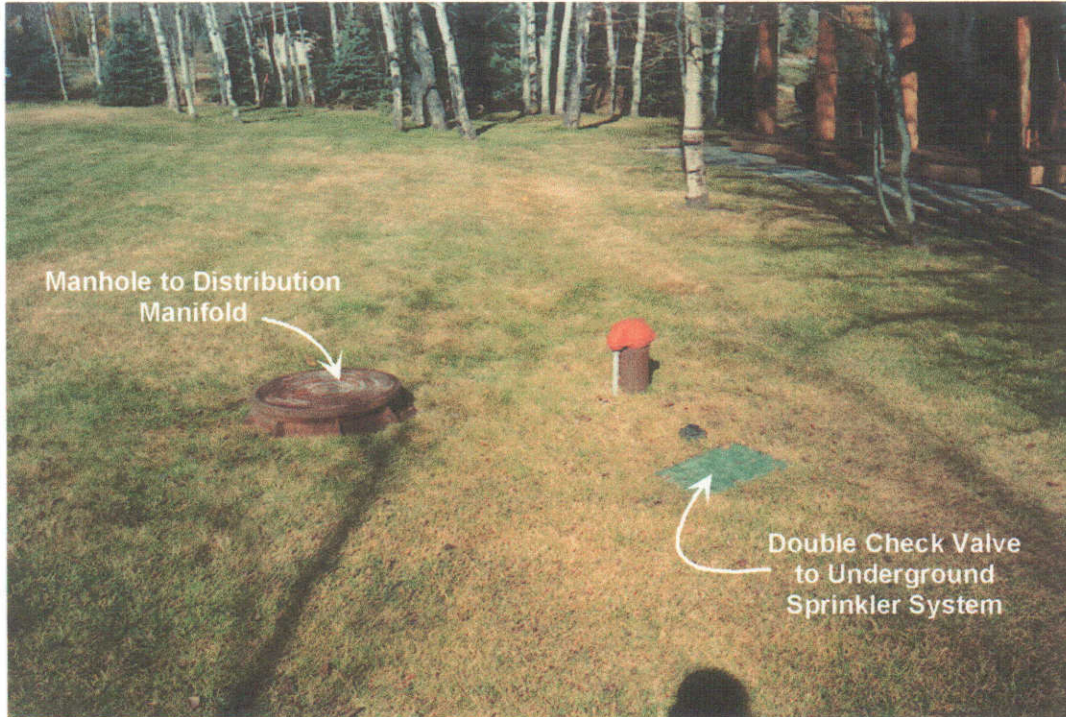
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Norman H. Malone 6/27/63
 (Applicant)
 Norman H. Malone
 Agent for:
 Roy R. Woods

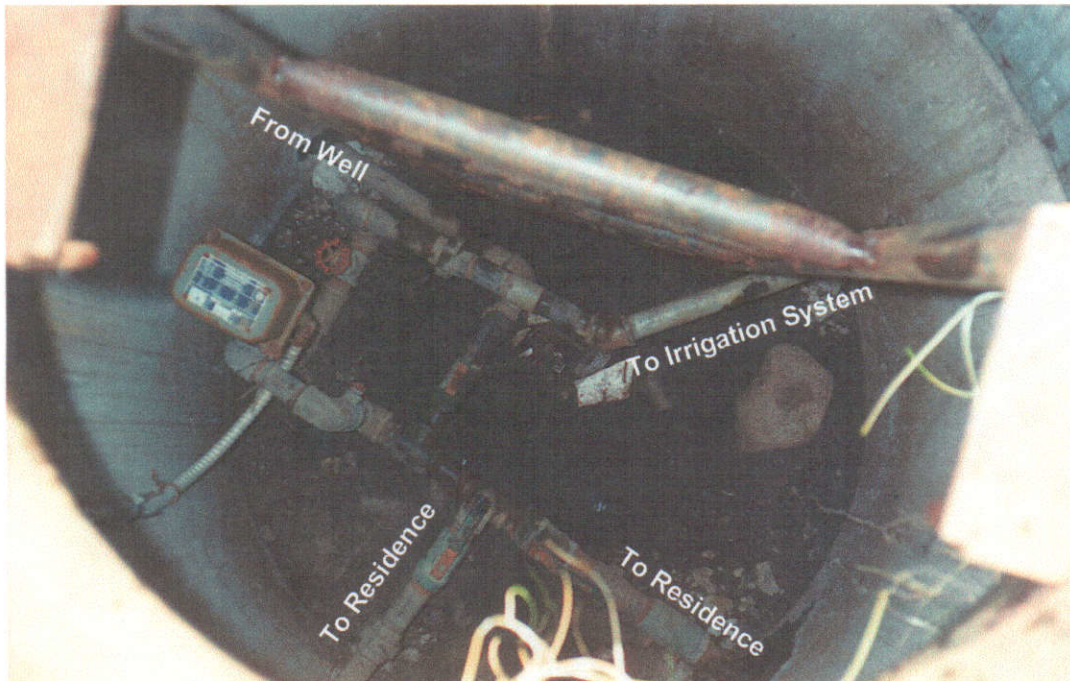
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NOV 20 2003

**Roy Woods Property
Beneficial Use Exam Site Photos
WR #37-08150**



6" Dia Domestic / Irrigation Well & Manhole

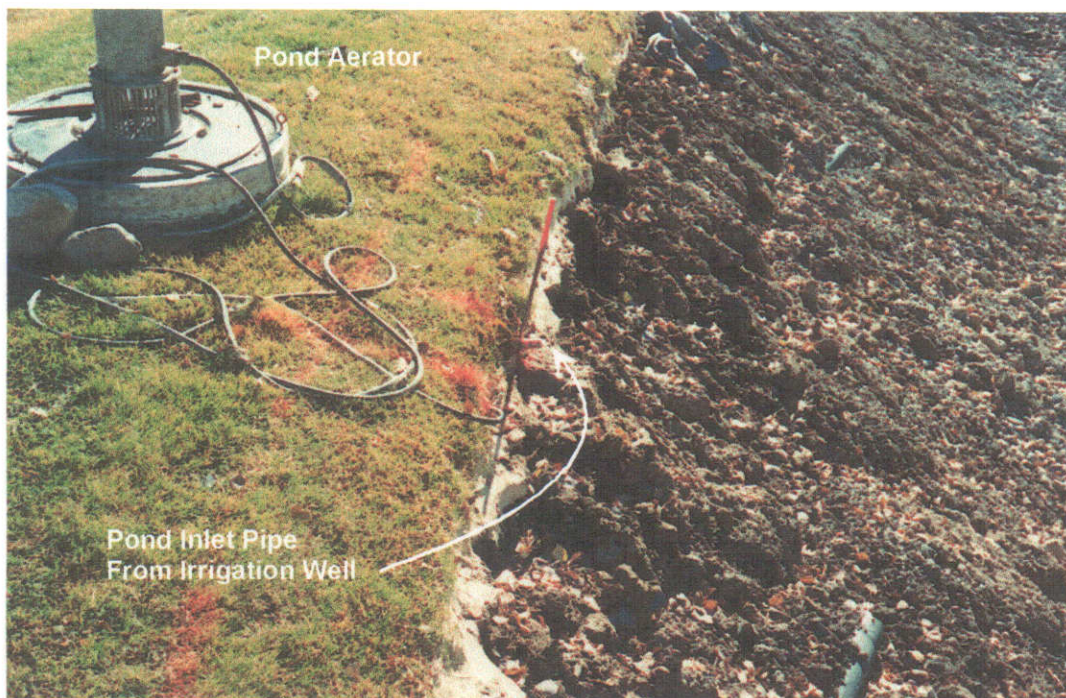


View into Manhole @ Galvanized Pipe Manifold

**Roy Woods Property
Beneficial Use Exam Site Photos
WR #37-08150**

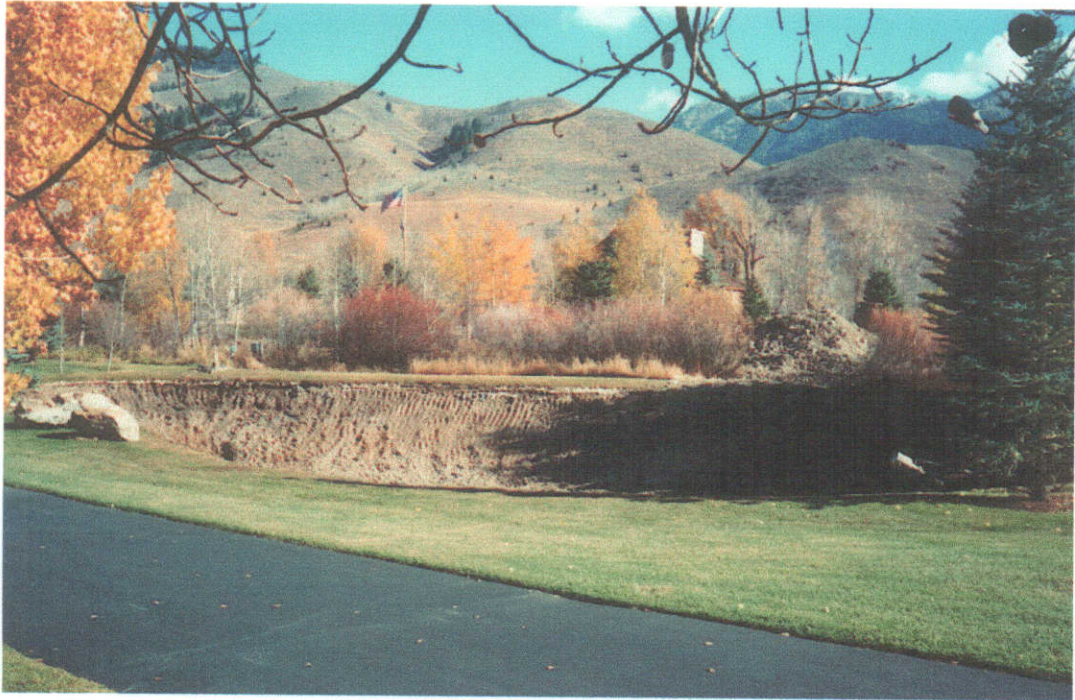


6" Dia Irrigation Well

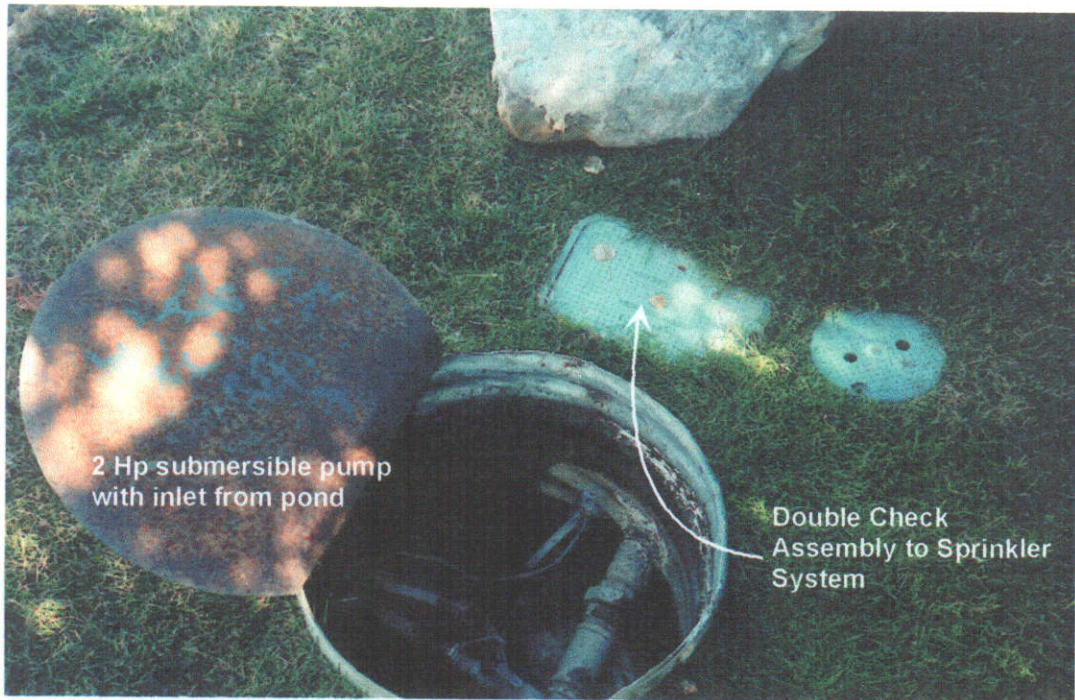


Pond at inlet from irrigation well

**Roy Woods Property
Beneficial Use Exam Site Photos
WR #37-08150**



**Aesthetic/Recreation/Irrigation Storage Pond
Area = 0.13 acres**



24" CMP Pipe w/ Submersible 2 Hp pump to Irrigation System

**Roy Woods Property
Beneficial Use Exam Site Photos
WR #37-08150**



Irrigated Turf & Tree Area



Irrigated Turf & Tree Area

**Roy Woods Property
Beneficial Use Exam Site Photos
WR #37-08150**



Irrigated Area Near Roadway



Irrigated Area Near Eastern Corner

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-20809

Priority: December 04, 2002

Maximum Diversion Rate: 0.05 CFS

It is hereby certified that ROY R WOODS
C/O JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated October 15, 2002; and has
submitted Proof of Beneficial Use on April 18, 2003. An examination indicates that the works have a
diversion capacity of 0.07 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

05/01 to 10/31

DIVERSION RATE

0.05 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 15, Twp 05N, Rge 17E, B.M. BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	17E	15				1.3									.5				1.8

Total Acres: 1.8

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.03 cfs per acre, nor exceed a combined annual maximum diversion volume of 6.3 af at the field headgate for the lands above.
2. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. Rights 37-20809, 37-12205, and 37-7882 when combined shall not exceed irrigation of 2.1 acres.
4. The right holder shall make full beneficial use of right 37-7882 for irrigation of the lands authorized to be irrigated under right 37-20809. The right holder shall limit the diversion of ground water under right 37-20809 to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

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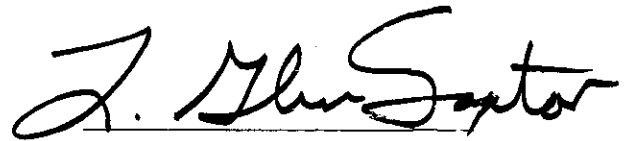
State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-20809

5. If right 37-7882 is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 20th day of August, 2003.


for KARL J. DREHER
Director

MICROFILMED

NOV 26 2003

RECEIVED
FOR OFFICE USE ONLY
Amt. of Fee \$: N/A
Receipt No. _____
Receipt By: _____
Date Received: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 14 2003

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 37-20809 Telephone No. (208) 726-4421

2. Name of Permit Holder(s): Roy R. Woods

3. Mailing Address: c/o James P. Speck, Speck & Aanestad, P.O. Box 987

City Ketchum State ID Zip 83340

4. Source of Water: Groundwater If **GROUNDWATER** (well), Date Drilled: mo. _____ / yr. 1988

Well Driller: Wood River Well Drilling Drilling Permit Number: 37-88-S-082

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): 1.8 acres Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: .05 cfs OR _____ acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes _____ or No X

Has the measuring device been installed?

Yes _____ or No X

8. Fee Enclosed: \$ N/A (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Roy R. Woods Telephone Number: (831) 624-4281

Address: 3322 Stevenson Drive, P.O. Box 648, Monterey, CA 93942

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Roy R. Woods Date: 4-8-03
(include your title, if on behalf of company of organization)

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NOV 20 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 37-20809

Priority: December 04, 2002

Maximum Diversion Rate: 0.05 CFS

This is to certify, that ROY R WOODS
C/O JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	05/01 to 10/31	0.05 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE1/4SE1/4NE1/4 Sec. 15, Twp 05N, Rge 17E, B.M.
BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	17E	15				1.3									.5				1.8

Total Acres: 1.8

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 31, 2003**.
2. Subject to all prior water rights.
3. The field examination report submitted for voided permit no. 37-8150, performed by Brockway Engineering P.L.L.C. on October 25, 2000, shall represent the beneficial use examination for permit no. 37-20809.
4. This permit does not authorize the construction of any new well or the deepening or enlargement of any existing well.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. This right does not authorize the irrigation of land not previously irrigated.
7. The right holder shall make full use of all appurtenant surface water rights in conjunction with ground water diverted under this right.

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NOV 20 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 37-20809

8. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
9. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
10. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 27th day of March, 2003.


for KARL J DREHER, Director

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NOV 20 2003

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Page 1

JAN 13 2003

Ident. No. 37-20809

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
CORRECTED

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

RECEIVED
DEC 04 2002
Department of Water Resources
Cynthia R. Riner

1. Name: ROY R WOODS
C/O JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340
(208) 726-4421

2. Source: GROUNDWATER Tributary to: N/A

3. Location of Point of Diversion:

#1 GROUNDWATER
BLAINE County

SE1/4SE1/4NE1/4

Sec. 15, Twp 05N, Rge 17E, B.M.

4. Water will be used for the following purposes:

<u>Purpose</u>	<u>From</u> <u>To</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	05/01 to 10/31	0.05 CFS	

5. Total quantity to be appropriated is: 0.05 CFS

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: SIX INCH WELL PUMPS INTO POND, AND A VIP III 2 HP SUBMERSIBLE PUMP DISCHARGES INTO AN UNDERGROUND IRR. SYSTEM.

b. Height of storage dam _____ feet;
Active reservoir capacity _____ acre-feet;
Total reservoir capacity _____ acre-feet;

c. Proposed well diameter is 6 inches;
Proposed depth of well is 100 feet.

d. Is ground water with a temperature of greater than 85F being sought? N

e. If well is already drilled, when? _____;
Drilling Firm: WOOD RIVER DRILLING;
Drilling Permit No. _____.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 year(s).

8.

MICROFILMED

JAN 21 2003

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 17E 15				1.3									.5				1.8

Total Acres: 1.8

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:

Addendum to Application for Permit: This Application is filed for an irrigation use of groundwater developed prior to November, 1987. The development was originally pursuant to Permit 37-8150, which was voided in 1994. A Beneficial Use Field Report (the "Report") was submitted for Permit 37-8150 and a copy is included with this Application. Decreed Water Right 37-12205 irrigates 1/3 acre of the total 2.1 acres irrigated on Applicants property using the "Domestic-Irrigation" well identified in the Report as the point of diversion. This Application is for the water right to cover the remaining 1.8 acres.

Applicant hereby certifies that the entire underground sprinkler irrigation system described in the Report was developed and in use prior to November, 1987 with the Domestic-Irrigation Well as the source of water and point of diversion. In 1988, the groundwater source for irrigation of the 1.8 acres was switched from the Domestic-Irrigation Well to a new well drilled that year and identified in the Report as the "Irrigation Well". The Irrigation Well is now and has always been used for irrigation only and not to provide domestic water to the homes on the property. Therefore, this Application requests permission to use the Irrigation Well as the source and point of diversion for the water right to irrigate the additional 1.8 acres.

NOTE: This is a corrected application based on GIS data developed by J E Stanton of IDWR, which is in turn based on the October 2000 field exam done by Jeff Rau.

11. Map of proposed point of diversion and place of use attached? ☐

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NOV 20 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

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.

[Signature]
Applicant

Received by [Signature] Date 12-4-02 Time 1 pm Preliminary check by _____
Publication prepared by ms Date 12/10/02 Published in Wood River Journal
Publication approved _____ Date _____

Receipt No. C064566

Date: _____

Received by: _____

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NOV 20 2003

RECEIVED

SEP 12 2002

OFM 202
299dent. No. 7020737-20809Department of Water Resources
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

SEP 12 2002

To appropriate the public waters of the State of Idaho

1. Name of Applicant Roy R. Woods Phone (208) 726-4421
Mailing address C/O James P. Speck, Speck & Aanestad, PO Box 987, Ketchum, ID 83340
2. Source of water supply groundwater which is a tributary of _____
3. Location of point of diversion is Township 5N Range 17E Sec. 15 in the SW $\frac{1}{4}$,
SE $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot _____, B.M., Blaine County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
- | |
|--|
| Amount <u>0.045</u> for <u>irrigation</u> purposes from <u>Apr. 15</u> to <u>Nov. 1</u> (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) |
5. Total quantity to be appropriated is (a) 0.045 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source 6 inch well, pump to pond,
2HP submersible pump in pond
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
- d. Is ground water with a temperature of greater than 85°F being sought? _____
- e. If well is already drilled, when? 1988; Drilling firm Wood River Drilling;
Well was drilled for (well owner) Applicant; Drilling Permit No. 37-88-S-082
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

MICROFILMED

SEP 14 2002

Description of place of use:

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

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	17E	15				1.6													1.6

total number of acres to be irrigated 1.6

0. Describe any other water rights used for the same purposes as described above. 37-12205 (irrigates additional 0.5A); 37-7882

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

2. Remarks: (See Addendum)

3. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Roy R. Woods

Roy R. Woods
Signature of Applicant (and title, if applicable)

Received by J. Mann Date 11/10/02 Time 11:37 Preliminary check by _____
 Fee \$ 125.00 Received by J. Mann # 10264566 Date 11/10/02
 Publication prepared by MB Date 10/29/02 Published in Wood River Journal
 Publication approved _____ Date _____

MICROFILMED

NOV 20 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 21, 2003

ROY R WOODS
C/O JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

RE: License No. 37-20809 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license 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 a party 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.

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 208-327-7946.

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

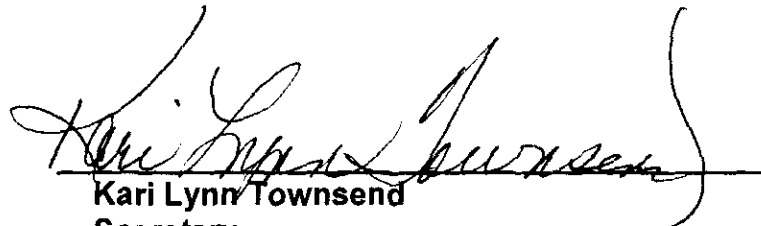
MICROFILMED

CERTIFICATE OF SERVICE

I hereby certify that on August 21, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 37-20809

**ROY R WOODS
C/O JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340**


Kari Lynn Townsend
Secretary

MICROFILMED
NOV 21 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
NOV 20 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
NOV 14 2003

MEMORANDUM

Date: August 19, 2003
To: Water Right File 37-20809
From: cclark
Re: License Review

This water right was filed for irrigation use of groundwater developed prior to November 19, 1987. This use was originally developed pursuant to voided permit no. 37-8150. A beneficial use field examination was performed on October 25, 2000 by Brockway Engineering to document development under permit no. 37-8150, and was accepted as the field exam for the licensing of right no. 37-20809. The priority date was advanced to the received date of the amended application for permit.

Based on the available information, it was determined that a total of 2.1 acres were developed prior to November 19, 1987. Water right 37-12205 has been decreed in the SRBA for domestic use which includes authorization for irrigation of 0.5 acres from a domestic/irrigation well between the two homes on the property. In the course of this review, it was determined that the legal description of the domestic/irrigation well is incorrect and that the well currently irrigates only 0.35 acres. Therefore, a transfer has been filed to correct the legal description and the number of acres irrigated from that point of diversion. Right 37-20809 will be licensed for the remainder of the developed acreage (1.8 acres) at a diversion rate of 0.05 cfs from an irrigation well northeast of the pond. Though this second well was installed after the development period, the authorized diversion rate is based on the capacity of the system during the period of development (0.045 cfs).

Water right 37-7882 was licensed for irrigation of one acre from a spring adjacent the property. License 37-20809 is therefore limited when combined with other overlapping rights.

MICROFILMED

NOV 20 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 2, 2003

ROY R WOODS
C/O JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-20809

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The field examination report is presently on file with the department, therefore, the next step in the process is for the department to review the file for issuance of a water right license.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

MICROFILMED

2003 2 11 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 37-20809

Reviewed By: dgibson

Date: May 1, 2003

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?		X	Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		C064566,	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		04/18/2003
Date proof due	-	07/01/2003
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	12/04/2002
New priority date	=	12/04/2002

Deficiencies of Actions Items

Acknowledge proof based on the field report filed previously with the department. Forward this permit to Cynthia Clark for issuance of the license.

RECEIVED

APR 18 2003

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

Department of Water Resources

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

JAMES P. SPECK
jimspeck@cox-internet.com
DOUGLAS J. AANESTAD
aanestad@cox-internet.com

April 16, 2003

Mr. Shelly Keen
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise ID 83720-9000

RE: Roy R. Woods - Permit No. 37-20809
Our File No. 744/960493

Dear Shelly:

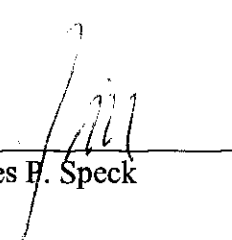
Enclosed is my letter of April 11, 2003 and the referenced enclosures including the Proof of Beneficial Use for the above-referenced Permit. As you know no examination fee is required for this Permit as a Beneficial Use Field Examination Report has already been submitted by Brockway Engineering. I also understand that the licensing will now immediately take place on the basis of that report.

Thank you for your continuing cooperation and assistance in these matters.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:jal

MICROFILMED

APR 22 2003

MEMORANDUM

DATE: April 16, 2003

TO: Water Right File 37-20809

FROM: Shelley W. Keen *swk*

RE: Proof of Beneficial Use

Attorney Jim Speck called today to say that the proof of beneficial use statement for Permit 37-20809 was returned to him by IDWR with a note that no examination fee was enclosed. The field examination was already conducted by a certified water right examiner. Therefore, no fee is necessary. I left Jim a message that he should return the proof and that IDWR would proceed straight to licensing.

MICROFILMED

MAY 20 2003

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

RECEIVED

APR 14 2003

Department of Water Resources

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

JAMES P. SPECK
jimspeck@cox-internet.com

DOUGLAS J. AANESTAD
aanestad@cox-internet.com

April 11, 2003

Mr. Shelly Keen
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise ID 83720-9000

RE: Roy R. Woods - Permit No. 37-20809
Our file No. 744/960493

Dear Shelly:

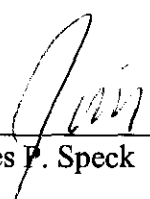
Enclosed are the original and one copy of the Proof of Beneficial Use for this Permit. Please receipt date stamp the copy and return it to me in the self-addressed postage, pre-paid envelope included for that purpose.

Kindly call me right away if you have any additional questions at this time.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:jal
cc: Client (w/encl.)
Jeff Rau (w/encl)

MICROFILMED

APR 14 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 27, 2003

ROY R WOODS
C/O JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

RE: Permit No. 37-20809

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit 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 a party 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.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

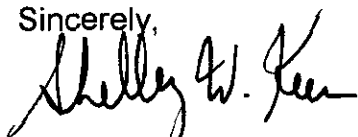
MICROFILMED

NOV 20 2003

Also, 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 208-327-7946.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name being the most prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klf

Enclosure(s)

MICROFILMED

NOV 2 8 2003

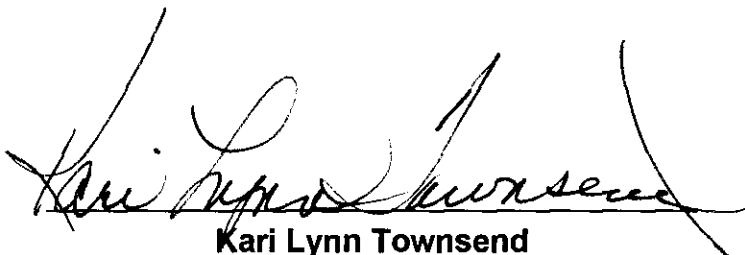
CERTIFICATE OF SERVICE

I hereby certify that on March 27, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

37-20809

ROY R WOODS
C/O JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340



Kari Lynn Townsend
Secretary

MICROFILMED

MAR 27 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).

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 20 2013

MEMORANDUM

Date: March 25, 2003
To: Water Right File 37-20809
From: cclark
Re: Approval Review

This application was filed for irrigation use of groundwater developed prior to November, 1987. This use was originally developed pursuant to voided permit no. 37-8150. A beneficial use field examination was performed on October 25, 2000 by Brockway Engineering to document development under permit no. 37-8150, and will be accepted as the field exam for the subsequent application no. 37-20809. The priority date of the application was advanced to the received date of the amended application (12/4/02).

MICROFILMED

MAY 20 2003

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

JAMES P. SPECK
jimspeck@cox-internet.com
DOUGLAS J. AANESTAD
aanestad@cox-internet.com

January 9, 2003

Mr. Shelly Keen
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise ID 83720-9000

RECEIVED
JAN 14 2003
DEPARTMENT OF WATER RESOURCES

RE: Roy R. Woods - Application for Permit No. 37-20809
Our file No. 744/960493

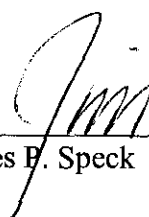
Dear Shelly:

As you may know, no protests were filed to the Amended Application for Permit No. 37-20809 filed by Mr. Roy Woods to document groundwater irrigation use on his property north of Ketchum which was in place prior to November, 1987. We have already provided you with the Beneficial Use Field Exam prepared by Brockway Engineering and I understand the intent of the Department is to immediately proceed with licensing this water right. Please let me know if you need any additional information or have further questions about this Application. I look forward to reviewing a draft license in the near future.

Thank you for your continuing cooperation and assistance on these matters.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:jal
cc: Client (w/encl.)
Jeff Rau (w/encl)

MICROFILMED

NOV 14 2007

STATE OF IDAHO
IDWR SOUTHERN REGION
APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY _____ DATE _____

REQUIRED INFORMATION (Ck if OK)

- ☐ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☐ Address
☐ Source (see USGS quad for names of water sources)
☐ Point of diversion (10 Acres for spring, lot & block descriptions for subdivisions, local name, flow &/or volume.
☐ County
☐ Quantity (flow &/or volume)
☐ Period of use
☐ Nature of proposed use (include description of use)
☐ Description of diverting works.
☐ Time required for beneficial use of water.
☐ Place of use or acres irrigated.
☐ Map
☐ Signature (If applicant is corp., partnership, or municipality, title of signator is required)
☐ Fee
☐ Yes ☐ No* In form to receipt?

++++PROPOSED PRIORITY DATE _____ 19,____

ADDITIONAL INFORMATION

- ☐ Overlapping place of use(Describe source & relationship to present application on the back.
☐ Overlapping point of diversion.
☐ Yes ☐ No Is Source Surface Water?
 If Yes Send Copy to F&G.
 If Yes Field check/memo required.
 Field check/memo by _____
☐ Yes ☐ No Field report attached?
☐ Yes ☐ No Critical Ground water area?
☐ Yes ☐ No Groundwater management area?
☐ Yes ☐ No Measurement District or Groundwater District?
 What District? _____
☐ Yes ☐ No Send Dam safety information?
☐ Yes ☐ No Send power requirement letter?
☐ Yes ☐ No Send fish farm requirement letter?
☐ Yes ☐ No Power residency affidavit attached?
☐ Yes ☐ No Power efficiency form?
☐ Yes ☐ No Within trustwater boundary?(If yes, attach trustwater supplementary analysis sheet.
☐ Yes ☐ No Diversion greater than 5 cfs or 500 acre ft? (If yes,attach large diversion supplementary analysis sheet.
☐ Yes ☐ No Is Application made to record Pre Nov 1987 Development?
 If Yes then request clear evidence of when use started.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

Date Requested _____

Date Sent Comments Received

SEND COPIES TO:

☐ Idaho Dept of Health & Welfare	_____	_____
☐ USDI BLM	_____	_____
☐ Idaho Dept of Fish & Game	_____	_____
☐ USFS	_____	_____
☐ Idaho Dept of Lands	_____	_____
☐ Water Dist. No. _____	_____	_____
☐ Adjudication Bureau Unit	_____	_____
_____	_____	_____
_____	_____	_____

PROCESSING ☐ Yes ☐ No In form for Advertising?
☐ Yes ☐ No Statewide Advertising?
☐ Yes ☐ No Fee amount, receipt date & No. recorded?

☐ Yes ☐ No Has all requested additional information been received?
If not, describe action taken: _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received?
☒ Yes ☐ No Application published correctly? If not, record action taken.

☒ Yes ☐ No Publication dates and paper recorded?
Final date for protest: _____
☒ Yes ☐ No Protests received?
☒ Yes ☐ No Protested?
Describe Resolution: _____

☐ Yes ☐ No Measuring device required?
☐ Yes ☐ No Access port required?
☐ Yes ☐ No Will water be delivered by watermaster? If yes, what dist? _____
☐ Yes ☐ No Special conditions codes: ☒

☐ Yes ☒ No Is Evaluation Memo Attached?
If yes; date of Memo _____

Date of priority recommended: 9/12/02

COMMENTS:

RECOMMEND ☒ Approval ☐ Denial

By AP Date 1/10/03

AFFIDAVIT of PUBLICATION

RECEIVED

DEC 27 2002

Department of Water Resources
Southern Region

State of Idaho, } SS.
County of Blaine }

On this 24 day of December in the year 2002, 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 18 day of December 2002, and the date of the last publication was on the 24 day of December 2002.

Subscribed and sworn to before me this 24 day of Dec 2002

(SEAL) JANET M. STONE
NOTARY PUBLIC
STATE OF IDAHO

Janet M Stone
NOTARY PUBLIC

#11765
WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11.5
Number of Lines in Notice 153
Number of Insertions 2
Lines tabular at - 7¢ / Pica
153 Lines straight at 1.43 6¢ / Pica
Subsequent lines at - 5¢ / Pica
TOTAL COST 122.85 ~~223.79~~

COPY OF NOTICE
(Paste Here)

Application for Water Rights
TITLE OF NOTICE

Walker Sand and Gravel
PLAINTIFF ATTORNEY

DEFENDANT

24620

PLAINTIFF

Idaho Dept of Water
BILL TO

Twin Falls Resources

MICROFILMED

DEC 27 2002

(over)

The following applications have been filed concerning the public waters of the State of Idaho, Blaine County:
WALKER SAND & GRAVEL LTD CO.,
PO BOX 400; BELLEVUE ID 83313
Application for Permit No. 37-20833
Source: GROUND WATER
Point of Diversion: SWNESW S24 T01N R18E
Use: 04/15 To 10/31
IRRIGATION (0.5 CFS)
Date Filed: 11/15/2002
Place Of Use: 25 acres within E1/2SW S24 T01N R18E
Remark: This application records a pre-1987 development for irrigation of 25 acres from a well. The well and land irrigated is located approximately 4.5 miles south of Bellevue between the Big Wood River and Hwy 75.
Application for Permit No. 37-20834
Source GROUND WATER
Point(s) of Diversion SWNESW, (2 points) SENWSW S24 T01N R18E

Use: 01/01 To 12/31
Industrial (3.47 CFS)
Date Filed: 11/15/2002
Place Of Use: SW S24 T01N R18E

Remark: This application proposes to add diversion capacity to three existing wells used for industrial use of washing rock and sand. Use is non-consumptive, water will be returned to aquifer through loss in existing pond. The wells and industrial use are located approximately 4.5 south of Bellevue between the Big Wood River and Hwy 75.

✓ ROY R. WOODS, C/O JAMES P. SPECK, SPECK & AANESTAD, PO BOX 987; KETCHUM ID 83340 filed an Amended Application for Permit No. 37-20809 on 12/4/02 as follows:
Point of Diversion: SESENE, S15, T05N, R17E

Source: GROUNDWATER
Use: 05/01 To 10/31
Place Of Use: IRRIGATION (0.05 CFS) of 1.8 Acres within E1/2, S15, T05N, R17E

The application proposes to divert groundwater from the "Eastern Snake River Plain Aquifer" presently under a moratorium order dated April 30th, 1993. The order allows the Director to consider on a case-by-case basis applications; if it can be shown the development will have no effect on prior surface and groundwater rights because of its location, insignificant consumption, or mitigation by the applicant to offset injury to other rights. The applicant has submitted material as evidence of pre-1987 development as part of the application

TIMBERVIEW TERRACE HOMEOWNERS ASSOCIATION, C/O JEFFREY BATES, PO BOX 3455; KETCHUM ID 83340

Application for Permit No. 37-20837
Source: GROUNDWATER
Points of Diversion: (2 Points) NESW S7 T03N R18E
Use: IRRIGATION 04/15 To 10/31 (0.15 CFS)
Use: DOMESTIC 01/01 To 12/31 (0.15 CFS)

Total Diversion: 0.3 CFS
Date Filed: 11/22/2002

Place Of Use: Domestic and 5 acres within NESW S7 T03N R18E

Remark: Application proposes to develop domestic and irrigation use within Timberview Terrace Subdivision located near the mouth of Greenhorn Gulch approximately 2 miles west and 6 miles north of Hailey. The application proposes diverting water from two existing wells for 10 homes within the five-lot subdivision. The 5 acres of proposed irrigation use is based on a $\frac{1}{2}$ acre allowance per home.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

AIRPORT WEST PARTNERS, C/O JAMES P SPECK, SPECK & AANESTAD, PO BOX 987; KETCHUM ID 83340 filed Application No. 70260 on 9/19/02. Transfer application proposes changing the place of use of a 0.21 cfs and 8.82 acre portion of water right 37-7683. The changed portion will be diverted from an existing irrigation well and used to irrigate landscaping within the Airport West Subdivision. The subdivision is located between Bradford Road and the airport, approximately 1.0 mile south and 0.5 miles east of the center of Hailey. Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

An Extension of Time to Avoid Forfeiture of A Water Right was filed by Robert J. Struthers, Jr., 388 Gannett Rd; BELLEVUE ID 83313 on 10/23/02. The extension is requested to avoid loss of the water right due to non-use because portions of the appurtenant place of use has been sold.

Water Right No. 37-2593

Priority Date: February 1, 1957

Source: groundwater

Use: Irrigation (6.34 cfs) 4/15-10/31

Point(s) of Diversion: SWNW S20 T01N R19E

Place of Use: Portions of S20 T01N R19E.

Any protest against the approval of these applications must be filed with the Director, Dept. of Water Resource, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before 01/06/2003. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Publish: Wood River Journal-December 18 & 24, 2002.

MICROFILMED

NOV 20 2003

RECEIVED

DEC 20 2002

Department of Water Resources
Southern Region

State of Idaho
Department of Water Resources
Application For Permit

RECOMMENDATION OF WATERMASTER

Application No: 37-20809

Water Right No(s): 37-20809

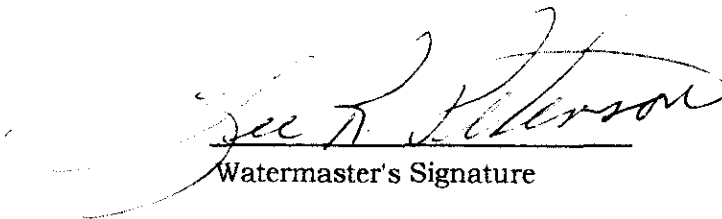
Applicant's Name: Roy R. Woods

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 18th day of December , 2002 .

Water District No. 37


Watermaster's Signature

MICROFILMED

NOV 20 2003



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

December 13, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JAMES P. SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

RE: Applications for Permit No. 37-20809 (Roy R. Woods)

Dear Mr. Speck:

The Department of Water Resources acknowledges receipt of the Amended water right application filed on behalf of Mr. Woods.

A legal notice of the application has been prepared for publication in the **Wood River Journal** on 12/18 & 12/24/02. Submittal of protests to the application will be allowed for a period ending ten days after the second publication. (**January 6, 2003**)

If an application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If an application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unopposed application is about eight weeks.

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

Sincerely,

Mary A. Baldwin
Administrative Assistant I

MICROFILMED

2003 JAN 14



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

December 13, 2002

LEE PETERSON WATERMASTER
WATER DISTRICT #37
PO BOX 7
SHOSHONE ID 83352

Re: Four Applications for Permit, one Transfer of Water Right and one Extension of Time To Avoid Forfeiture

Dear Mr. Peterson:

Enclosed are copies of various Applications 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 complete the enclosed recommendation form(s) and return to this office.

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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NOV 28 2002

MEMORANDUM

Date: December 10, 2002
To: Water Right File 37-20809
From: mbaldwin
Re: Comment/Analysis

Application was filed on on 9/12/02 and Amended on 12/4/02 to add additional land to the place of use which now totals 1.8 acres. The Application is filed for an irrigation use of groundwater developed prior to November, 1987.

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NOV 20 2003

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301

Phone: 736-3033

Fax#: 736-3037

December 10, 2002

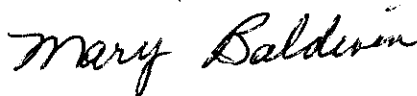
ATTN: Scott Kraus-LEGALS
WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Dear Scott:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues).

If you cannot publish the notice on the proposed dates, please contact us immediately at 736-3033. An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely



Mary A. Baldwin
Administrative Assistant

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DEC 12 2002

The following applications have been filed concerning the public waters of the State of Idaho, Blaine County:

WALKER SAND & GRAVEL LTD CO., PO BOX 400; BELLEVUE ID 83313

Application for Permit No. 37-20833

Source: GROUND WATER

Point of Diversion: SWNESW S24 T01N R18E

Use: 04/15 To 10/31

IRRIGATION (0.5 CFS)

Date Filed: 11/15/2002

Place Of Use: 25 acres within E1/2SW S24 T01N R18E

Remark: This application records a pre-1987 development for irrigation of 25 acres from a well. The well and land irrigated is located approximately 4.5 miles south of Bellevue between the Big Wood River and Hwy 75.

Application for Permit No. 37-20834

Source GROUND WATER

Point(s) of Diversion SWNESW, (2 points) SENWSW S24 T01N R18E

Use: 01/01 To 12/31

Industrial (3.47 CFS)

Date Filed: 11/15/2002

Place Of Use: SW S24 T01N R18E

Remark: This application proposes to add diversion capacity to three existing wells used for industrial use of washing rock and sand. Use is non-consumptive, water will be returned to aquifer through loss in existing pond. The wells and industrial use are located approximately 4.5 south of Bellevue between the Big Wood River and Hwy 75.

ROY R. WOODS, C/O JAMES P. SPECK, SPECK & AANESTAD, PO BOX 987; KETCHUM ID 83340

filed an **Amended Application for Permit No. 37-20809** on 12/4/02 as follows:

Point of Diversion: SESENE, S15, T05N, R17E

Source: GROUNDWATER

Use: 05/01 To 10/31

Place Of Use: IRRIGATION (0.05 CFS) of 1.8 Acres within E1/2, S15, T05N, R17E

The application proposes to divert groundwater from the "Eastern Snake River Plain Aquifer" presently under a moratorium order dated April 30th, 1993. The order allows the Director to consider on a case-by-case basis applications; if it can be shown the development will have no effect on prior surface and groundwater rights because of its location, insignificant consumption, or mitigation by the applicant to offset injury to other rights. The applicant has submitted material as evidence of pre-1987 development as part of the application

TIMBERVIEW TERRACE HOMEOWNERS ASSOCIATION, C/O JEFFREY BATES, PO BOX 3455; KETCHUM ID 83340

Application for Permit No. 37-20837

Source: GROUNDWATER

Points of Diversion: (2 Points) NESW S7 T03N R18E

Use: IRRIGATION 04/15 To 10/31 (0.15 CFS)

Use: DOMESTIC 01/01 To 12/31 (0.15 CFS)

Total Diversion: 0.3 CFS

Date Filed: 11/22/2002

Place Of Use: Domestic and 5 acres within NESW S7 T03N R18E

Remark: Application proposes to develop domestic and irrigation use within Timberview Terrace Subdivision located near the mouth of Greenhorn Gulch approximately 2 miles west and 6 miles north of Hailey. The application proposes diverting water from two existing wells for 10 homes within the five-lot subdivision. The 5 acres of proposed irrigation use is based on a 1/2 acre allowance per home.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

AIRPORT WEST PARTNERS, C/O JAMES P SPECK, SPECK & AANESTAD, PO BOX 987;

KETCHUM ID 83340 filed **Application No. 70260** on 9/19/02. Transfer application proposes changing the place of use of a 0.21 cfs and 8.82 acre portion of water right 37-7683. The changed portion will be diverted from an existing irrigation well and used to irrigate landscaping within the Airport West

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Subdivision. The subdivision is located between Broadford Road and the airport, approximately 1.0 mile south and 0.5 miles east of the center of Hailey. Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

An Extension of Time to Avoid Forfeiture of A Water Right was filed by Robert J. Struthers, Jr., 388 Gannett Rd; BELLEVUE ID 83313 on 10/23/02. The extension is requested to avoid loss of the water right due to non-use because portions of the appurtenant place of use has been sold.

Water Right No. 37-2593

Priority Date: February 1, 1957

Source: groundwater

Use: Irrigation (6.34 cfs) 4/15-10/31

Point(s) of Diversion: SWNW S20 T01N R19E

Place of Use: Portions of S20 T01N R19E.

Any protest against the approval of these applications must be filed with the Director, Dept. of Water Resource, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before 01/06/2003. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published in the Wood River Journal on 12/18 & 12/24/02.

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NOV 2 6 2003

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

JAMES P. SPECK
jimspeck@cox-internet.com
DOUGLAS J. AANESTAD
aanestad@cox-internet.com

December 2, 2002

Mr. Jim Stanton
Idaho Department of Water Resources
1341 Fillmore Street
Suite 200
Twin Falls ID 83301-3380

RECEIVED
DEC 04 2002
Department of Water Resources
Southern Region

**Re: Corrected Application for Permit No. 37-20809 -
Roy R. Woods
Our File No.: 960493**

Dear Jim:

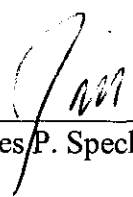
Enclosed is the Corrected Application for Permit signed by Mr. Woods. I have also included a copy and would like you to receipt date stamp and return it to me in the postage prepaid, self addressed envelope included for that purpose.

As you know, the original Application has already been advertised and, to the best of my knowledge, no protests were filed. Will a second round of advertising be necessary for the Corrected Application for Permit? If so, can this be done as quickly as possible? I trust there will not be any additional fees or charges as a result of this second round of advertising.

Kindly call me if you have any questions. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:jal
Enclosures
cc: Client

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DEC 10 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

November 12, 2002

James P Speck, Attorney
PO Box 987
Ketchum, ID 83340

RE: Corrected App for Permit 37-20809, Roy R Woods

Dear Jim;

Enclosed is a printed corrected application for Mr. Woods' signature. Once the signed application is received here, it will be schedule for advertising at the next available dates. As you requested, I sent Jeff Rau a copy of my ArcView map for his review. Although adding land to the application will cause it to have a later priority date, Allen did not think that this would be a problem. The application will still be processed as a pre-1987 development as you requested, although I don't believe that the supplied data has been reviewed for sufficiency in this regard.

Regards,

James E. Stanton
Sr. Water Resource Agent

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NOV 26 2002

Stanton, Jim

From: Jim Speck [jimspeck@cox-internet.com]
Sent: Monday, November 11, 2002 1:01 PM
To: 'Mr. Jim Stanton'
Subject: Re: Roy Woods/Water Rights

Jim-

Thanks for your letter and the arc view photo. Would you Please send copies of both to Jeff Rau. As far as the changes to the 2 applications you propose they are fine with me as long as Shelley Keen et al agree with the change to the permit application. Will you check with them and let me know? Thanks.

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jimspeck@cox-internet.com

CONFIDENTIAL COMMUNICATION

This email message and any attachments are intended only for the use of the addressee named above and may contain information that is privileged and confidential. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you received this email message in error, please immediately notify the sender by replying to this email message or by telephone. Thank you.

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NOV 20 2003



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

November 11, 2002

Brockway Engineering
ATTN: Jeff Rau
2016 N Washington St Suite 4
Twin Falls, ID 83301

RE: App for Permit 37-20809, Roy R Woods

Dear Jeff;

Per the request of Jim Speck, enclosed is a copy of my recent letter to him and a copy of the ArcView map that I created based on your licensing examination of this property. Let me know right away if you have any comments, as I want to get this application back into advertising as soon as possible.

Regards,

James E. Stanton
Sr. Water Resource Agent

Cc: Jim Speck, Attorney

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NOV 14 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

November 7, 2002

James P Speck, Attorney
Speck & Aanestad
PO Box 987
Ketchum, ID 83340

RE: App for Transfer, Roy R Woods; App for Permit 37-20809, Roy R Woods

Dear Jim;

As we discussed, I have created an ArcView shape file for the Woods property based on Jeff Rau's licensing examination conducted in 2000. While I could not get the shapes to match exactly, I did come very close to Jeff's acreage total. I found 1.25 irrigated acres in the SE/NE Sec. 15, and 0.5 acres in the NE/SE Sec. 15 that are served by the main irrigation well. As you can see, the place of use for 37-12205 is actually in both tracts. And both wells are located in the SE/SE/NE Sec. 15, not in the SW/SE/NE as shown on the transfer and the pending application for permit.

Based on information in Jeff's exam, it appears that the two wells are operated separately even though they may have some connection via the pond. Since a transfer is supposed to represent a single water system, I am wondering both wells should be included in the transfer. If you only cover the 0.35 acres now under the domestic well in this transfer, the application for permit could be increased to cover the rest of the ground (roughly 1.8 ac). I am returning the app for transfer for correction, and am holding the app for permit as you consider these options. An ArcView layout is enclosed for your information, as is the receipts for the filing fees for the application and the transfer.

Regards,

James E. Stanton
Sr. Water Resource Agent

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NOV 14 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

October 29, 2002

JAMES P. SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

Re: Application for Permit No. **37-20809**

Dear Mr. Speck:

The Department of Water Resources acknowledges receipt of the water right application filed on behalf of Roy R. Woods. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office has scheduled advertising the application(s) in the Wood River Journal for 11/6 & 11/13/02. A period of ten days following the second publication will be allowed for the submittal of protests. (November 25, 2002)

If an application is protested the applicant 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 an 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 the applicant of the outcome of this review. If a permit is issued, the applicant will be sent a copy. A typical processing time for an un-protested application is about eight weeks.

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

Sincerely,

Mary A. Baldwin
Administrative Assistant

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NOV 29 2002

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301

Phone: 736-3033

Fax# : 736-3037

October 29, 2002

ATTN: Scott Kraus-LEGALS
WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Dear Scott:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues).

If you cannot publish the notice on the proposed dates, please contact us immediately at 736-3033. An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely



Mary A. Baldwin
Administrative Assistant

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NOV 14 2002

The following application has been filed to appropriate the public waters of the State of Idaho within Blaine County:

37-20809

ROY R WOODS
C/O JAMES P. SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

Point of Diversion: SWSENE, S15, T05N, R17E
Source: GROUNDWATER
Use: 05/01 To 10/31
IRRIGATION 0.05 CFS
Date Filed: 10/15/2002
Place Of Use: IRRIGATION of 1.6 Acres within SENE, S15, T05N, R17E

*Cancelled.
per JS
11/4/02*

The application proposes to divert groundwater from the "Eastern Snake River Plain Aquifer" presently under a moratorium order dated April 30th, 1993. The order allows the Director to consider on a case-by-case basis applications; if it can be shown the development will have no effect on prior surface and groundwater rights because of its location, insignificant consumption, or mitigation by the applicant to offset injury to other rights. The applicant has submitted material as evidence of pre-1987 development as part of the application. Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before 11/25/2002. The protestant must also send a copy of the protest to the applicant.
KARL J DREHER, Director

Published in the Wood River Journal on 11/6 & 11/13/02.

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NOV 20 2003

MEMORANDUM

To: Allen Merritt

From: Cynthia Bridge Clark

Date: October 21, 2002

Re: Processing of Application for Permit no. 37-20809

Allen,

The history of application for permit no. 37-20809 is described in the review memorandum dated October 17, 2002. Irrigation use was originally being developed under now voided permit no. 37-8150. After determining that the permit could not be re-instated, an effort has been made by the applicant to cover the use by filing a new application for permit based on pre-1987 development.

After reviewing the application with Shelley, and corresponding with Mr. Jim Speck (representing the applicant Roy R. Woods), it was decided that the application could be advertised for use of ground water for irrigation developed prior to November 19, 1987. I am sending along the new application, a review memo, a recent Beneficial Use Field Exam conducted by Brockway Engineering, and correspondence related to the review. If there are no protests associated with the application or concerns raised by the regional staff, I will process the permit, and license based on the new Beneficial Use Field Exam as soon as the applicant has submitted Proof of Beneficial Use.

Please let me know if you have any concerns or suggestions.

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NOV 20 2003

MEMORANDUM

To: File 37-20809

From: Cynthia Bridge Clark

Date: October 17, 2002

Re: Review Memo of Application for Permit no. 37-20809

A new application for permit has been filed by attorney Jim Speck on behalf of the applicant, Roy Woods, to cover ground water use developed prior to the commencement of the Snake River Basin Adjudication ("SRBA"), November 19, 1987. The application was received by the Department of Water Resources ("department") on September 12, 2002, and was filed to authorize water use previously covered under voided permit no. 37-8150. The following is a summary of the history of water use by the applicant, correspondence regarding pre-1987 development, and review of the application.

A preliminary order voiding permit no. 37-8150 was served on September 27, 1994. The applicant did not file a petition for reconsideration within fourteen days of the service date of the order; therefore the order became final in 1994. The water right file was destroyed in 1996 in accordance with IDWR records management practice. Acting on behalf of the applicant Roy Woods, Jim Speck began pursuing reinstatement of the permit in 2000. This included the submittal of a beneficial use field examination, conducted by Brockway Engineering on October 25, 2000 ("field exam"). It was determined, however, that there are no provisions in Idaho Code or under IDWR rules of procedure for reinstating a voided permit (see letter from Shelley Keen to Jim Speck, dated January 10, 2001).

Mr. Speck was notified that a new application for permit could be processed by the department as an exception to the moratorium currently in place if it could be demonstrated that water was put to beneficial use prior to November 19, 1987. The original permit no. 37-8150 was filed on July 1, 1983, the end of the development period was July 1, 1986, and proof of beneficial use was received by the department on July 29, 1985. Had the permit gone through the licensing process, the department would not have considered development after July 29, 1985.

In reviewing the application for development through November 19, 1987, an evaluation of the history of the voided permit and its development was conducted based on information found in the water right files appurtenant to the Woods property, the microfiche copy of water right file 37-8150, the field examination for the voided permit conducted by Brockway Engineering, and affidavits received from Roy Woods (dated July 20, 2001), and Vernal R. Thomas (dated July 17, 2001) addressing the history of the water distribution system on the property.

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APR 1 2003

Current System as Described in Field Exam by Brockway Engineering

1. According to the field exam, "the property is approximately 3.0 acres with two residential buildings, a generator building, and a recreational/aesthetic/irrigation storage pond".
2. There are two wells on the property. The first well, drilled in 1977 (see facsimile sent December 22, 2000 from James Speck), supplies water to the two residences and irrigation water to 0.35 acres around the main house ("domestic/irrigation well"). The second well was drilled in 1988 and supplies groundwater directly to the pond ("irrigation well"). The water is then pumped from the pond into an underground irrigation system for irrigation of an additional 1.75 acres around the pond and the second house. The examiner found a total of 2.1 irrigated acres (see maps supplied in the field exam for reference).
3. Water from a spring west of the Woods property is collected under water right 37-7882 to fill the pond where it mixes with groundwater pumped from the second irrigation well.
4. Excess water from the pond flows through an outlet channel into the creek fed by the spring.

Summary of Appurtenant Water Rights

1. Water right 37-7882 was licensed for a total diversion rate of 0.05 cfs for one acre of irrigation (0.03 cfs), and for wildlife and recreation (0.03 cfs each). Spring water was developed to fill a constructed pond for aesthetics and irrigation of adjacent lawn. It has a priority date of February 12, 1981 and proof of beneficial use was received April 23, 1983. The field exam was conducted on June 23, 1987.
2. Permit number 37-8150 was issued for the development of 0.13 cfs of groundwater for domestic use in two homes (0.08 cfs) and irrigation of 2.23 acres (0.05 cfs). The permit was voided in 1994.
3. Water right 37-12205 was a beneficial use claim that has been partially decreed in the SRBA for groundwater use from the domestic/irrigation well for 0.06 cfs in two homes. These are the same houses identified in voided permit no. 37-8150. The priority date of this right is December 21, 1972.
4. Water right 37-7493 developed spring water flowing in an open channel through the property for aesthetics. It was licensed for a diversion rate of 0.01 cfs and has a priority date of May 27, 1976.
5. Application for permit no. 37-20809 is intended to authorize a diversion rate of 0.045 cfs for irrigation of 1.6 acres from the irrigation well. Water will be pumped directly into the pond, and subsequently pumped into an underground irrigation system.

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NOV 20 2003

Analysis

The field exam submitted by Brockway Engineering recommended 0.08 cfs for domestic use in both homes, 0.047 cfs for irrigation of 2.1 acres, and a limited total diversion rate of 0.112 cfs. The water use for the two homes described under this permit has since been covered by water right 37-12205 for 0.06 cfs. Therefore, domestic use for these homes should not be considered again in the development of another water right. Additionally, the applicant submitted a fee of \$25 with the claim in the SRBA for domestic use. According to the definition of domestic use, this provides for one half ($\frac{1}{2}$) acre of irrigated land for both homes.

The field exam notes that the total diversion rate of 0.112 cfs is based on the capacity of both wells on the property. The second well next to the pond was drilled in 1988, after the end of both the voided permit's development period (July 29, 1985) and the moratorium exception date (November 19, 1987). Therefore, the capacity of the system developed should be based on the maximum diversion rate of the first well. According to the field exam, the flow rate from the first well ranges from 0.042 and 0.045 cfs.

As far as the acres developed, only land irrigated prior to November 19, 1987 should be considered in the processing of the new application. The examiner found that 2.1 acres were irrigated. He noted that there are currently two underground irrigation systems: one irrigates 0.35 acres close to the southern house with water from the first domestic/irrigation well (1977), while the other irrigates 1.75 acres with water from the pond provided by the second irrigation well (1988). Once again, only land irrigated by water from the first well should be considered since it was the only available source of ground water prior to November 19, 1987.

According to the affidavit dated July 20, 2001 from the applicant, the first well was used to irrigate all 2.1 acres prior to 1983. He used a garden hose to supply sprinklers and to fill the pond from which water was pumped to other portions of the property. In 1983, a pipe was installed between the first well and the pond, and an underground irrigation system was installed. Mr. Vernal Thomas collaborated the 1983 installation of the pipe in his affidavit. The applicant states that the pond and irrigation system were supplied from both spring water (water right 37-7882) and water from the first well. He also indicated that the irrigation system was modified in 1988, when the second irrigation well was drilled. The system was changed such that the first well supplied water to the two residences and provided for irrigation of only 0.35 acres. The second well was hooked up to the portion of the irrigation system supplying the remaining acreage. While the applicant could not provide additional documentation to verify the location or extent of the irrigation system installed prior to November 19, 1987, the affidavits and the addendum to the new application note specifically that the entire underground sprinkler system identified in the beneficial use exam was installed and in use prior November 1987.

Based on the examiner's findings, it appears that the first well was capable of providing enough water to irrigate 2.1 acres at the department standard of one inch per acre.

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NOV 20 2003

There is also information demonstrating that the system was fabricated to allow spring water and ground water to fill the pond. Additionally, water right 37-7882 was licensed for one acre of irrigation confirming that at least a portion of the land was irrigated with water from the pond as of the date of the field exam, June 23, 1987.

Conclusions

Water right 37-7882 established that one acre of land was irrigated by surface water, and decreed right 37-12205 provides for one half acre of land to be irrigated by ground water as well as domestic use in both homes. Based on development prior to November 19, 1987, application for permit no. 37-20809 could authorize the diversion of ground water into the pond at a discharge rate of 0.045 cfs for irrigation of 1.6 acres, and a total of 2.1 acres of irrigation when combined with other water rights.

The application should be advertised as an application for the use of ground water for irrigation developed prior to November 19, 1987.

Please note that decreed right 37-12205 describes a point of diversion in the NENESE and a place of use in the NESE of section 15, Township 5N, Range 7E. Both of these locations appear to be in error and should be located in the SENE. Additionally, the examiner noted that the domestic/irrigation well only serves 0.35 acres of irrigation. Since water right 37-12205 provides for 0.5 acres of irrigation, the second point of diversion (the irrigation well) should be added to the water right. Mr. Speck has been notified of these discrepancies.

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NOV 2 8 2003

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

RECEIVED

SEP 12 2002

Department of Water Resources

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

JAMES P. SPECK
jimspeck@cox-internet.com

DOUGLAS J. AANESTAD
aanestad@cox-internet.com

September 10, 2002

Ms. Cynthia Bridge Clark
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

**Re: Roy R. Woods/Application for Permit 37-8150
Our File No. 744/960493**

Dear Cynthia:

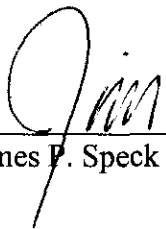
Enclosed you will find the original and one copy of an Application for Permit which I have prepared on behalf of Mr. Roy R. Woods together with our check payable to the Department in the sum of \$100.00. Please have your office receipt date stamp the copy and return it to me in the postage prepaid self-addressed envelope I have included for that purpose.

As we discussed, this Application is for development of Mr. Woods's property through his original well which occurred prior to November, 1987. Please call me immediately if you have questions about this Application.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 

James P. Speck

JPS:jal
Enclosures
cc: Client (w/encl.)

MICROFILMED

ADDENDUM TO APPLICATION FOR PERMIT

Applicant: Roy R. Woods

12: Remarks:

This Application is filed for an irrigation use of groundwater developed prior to November, 1987. The development was originally pursuant to Permit 37-8150, which was voided in 1994. A Beneficial Use Field Report (the "Report") was submitted for Permit 37-8150 and a copy is included with this Application. Decreed Water Right 37-12205 irrigates one-half ($\frac{1}{2}$) acre of the total 2.1 acres irrigated on Applicant's property using the "Domestic-Irrigation Well" identified in the Report as the point of diversion. This Application is for the water right to cover the remaining 1.6 acres.

Applicant hereby certifies that the entire underground sprinkler irrigation system described in the Report was developed and in use prior to November, 1987 with the Domestic-Irrigation Well as the source of water and point of diversion. In 1988, the groundwater source for irrigation of the 1.6 acres was switched from the Domestic-Irrigation Well to a new well drilled that year and identified in the Report as the "Irrigation Well". The Irrigation Well is now and has always been used for irrigation only and not to provide domestic water to the homes on the property. Therefore, this Application requests permission to use the Irrigation Well as the source and point of diversion for the water right to irrigate the additional 1.6 acres.

DATED: Sept 3, 02

Roy R. Woods
ROY R. WOODS

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NOV 12 2003

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS
P. O. Box 987
Ketchum, ID 83340
1-208-726-4421
Fax: 1-208-726-0752

RECEIVED
AUG - 6 2002
Department of Water Resources

FAX COVER SHEET/MEMO

To: Ms. Cynthia Bridge Clark	Fax Copies:
Fax #: 1-208-327-7866	Fax #'s:
From: James P. Speck	Pages: 3, including this cover page
Date: August 6, 2002	
Subject: Roy Woods/Application for Permit 37-8150	Our File No. 744/960493

COMMENTS:

THE INFORMATION CONTAINED IN THIS FAX TRANSMISSION IS CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE ABOVE-NAMED RECIPIENT AND MAY BE THE SUBJECT OF ATTORNEY/CLIENT PRIVILEGE. IF THE READER OF THIS MESSAGE IS NOT THE ABOVE-NAMED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISTRIBUTION, DISSEMINATION, COPYING OR OTHER USE OF THIS COMMUNICATION IS STRICTLY PROHIBITED AND NO PRIVILEGE IS WAIVED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE. THANK YOU.

- 1 -

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AUG 6 2002

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYSJAMES P. SPECK
jimspek@cox-internet.comDOUGLAS J. AANESTAD
aanestad@cox-internet.com120 EAST AVENUE
P. O. BOX 987
KETCHUM, IDAHO 83340TELEPHONE
(208)726-4421
FACSIMILE
(208)726-0752

August 6, 2002

VIA FACSIMILE - 1-208-327-7866
ORIGINAL WILL NOT FOLLOWMs. Cynthia Bridge Clark
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000***Re: Roy Woods/Application for Permit 37-8150***
Our File No. 744/960493

Dear Cynthia:

We have decided to file a new application for permit based upon pre-November 19, 1987 development of irrigation by ground water on the Wood property. However, before preparing and filing the application, I want to resolve certain issues raised in your September 17, 2001 letter to me.

First, as you noted, Water Right 37-12205, partially decreed in the SRBA, provides for domestic use in the two homes together with irrigation of one-half acre of the landscaping. The total land under irrigation on the property is 2.1 acres according to the Brockway Engineering beneficial use field report submitted December 26, 2000. Therefore, it will only be necessary to justify the irrigation of 1.6 acres prior to the moratorium exception date.

Second, Water Right 37-7882 was licensed to irrigate one acre using the springs water. The permit for this water right was limited to one acre. The beneficial use field report based on an exam on June 23, 1987 not only describes, but includes a photograph of, the 3HP irrigation pump rated at 31 gpm. This is the pump referenced in Norman Malone's March 19, 1987 letter. This clearly establishes a system capable of irrigating the entire 2.1 acres prior to November 19, 1987. Since no more than one acre of irrigation could have been licensed under this permit, there was no reason for the examiner to describe any irrigation in excess of the one acre limit. Furthermore, the Woods property was then and remains today "heavily treed." The areas in the two photographs from the field report look the same today as they did at that time. This is not in any way evidence that less of the property was irrigated in June 1987 than today!

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NOV 8 2002

Ms. Cynthia Bridge Clark
August 6, 2002
Page 2

Third, Mr. Woods has testified under oath as to the extent and methods of irrigating the entire 2.1 acres prior to November, 1987. There is absolutely NO basis to infer Mr. Woods has lied under oath. The Department does not have any viable evidence to support this position. Absent that, it is unreasonable to require us to try to track down someone else familiar with the irrigation of the Woods property almost 15 years ago.

Please call me right away to discuss these matters. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation



By: _____
James P. Speck

JPS/JPS

cc: client

C:\Documents and Settings\UDY\Local Settings\Temporary Internet Files\OLK2\Clark11073002.wpd

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NOV 10 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

September 17, 2001

JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

RE: Application for Permit No. 37-8150

Dear Mr. Speck:

During our conversation on September 6, 2001, we discussed the review of voided permit number 37-8150. In a letter to you, dated January 10, 2001, Shelley Keen discussed the history of the voided permit, and the applicant's options with regards to establishing a water right to cover the water developed under this permit. He noted that the department of water resources did not receive a petition for reconsideration within fourteen days (14) after the issuance of the preliminary order voiding permit no. 37-8150. The order then became final pursuant to section 67-5243, Idaho Code. There are no provisions in Idaho Code or under IDWR rules of procedure for reinstating the voided permit.

As you know, the department will process a new application for permit as an exception to the existing moratorium if the applicant can prove that beneficial use of water was established prior to November 19, 1987. For efficiency, Shelley Keen suggested in his letter that a beneficial use statement and field report with evidence of development prior to November 19, 1987 be submitted with the application. The original permit was filed on July 1, 1983, the end of the development period was July 1, 1986, and proof of beneficial use was received by the Department on July 29, 1985. Had the permit gone through the licensing process, development after July 29, 1985 would not have been considered. However, in the case of a new application, the department is able to consider development through November 19, 1987.

On December 26, 2000, a field examination for the above referenced permit was received by the Department of Water Resources from Brockway Engineering (exam date October 25, 2000). The department also received affidavits from Roy Woods (dated July 20, 2001), and Vernal R. Thomas (dated July 17, 2001) addressing the history of the water distribution system on the property. A review of the history of the voided permit and its development was conducted based on this information and documentation found in the water right files and microfilm.

For reference, the following is a summary of water rights pertaining to the relevant property:

1. Permit number 37-8150 was issued for the development of 0.13 cfs of groundwater for

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- domestic use in two homes (0.08 cfs) and irrigation of 2.23 acres (0.05 cfs).
2. Water right 37-7882 was licensed for a total diversion rate of 0.05 cfs for one acre of irrigation (0.03 cfs), and for wildlife and recreation (0.03 cfs each). Spring water was developed to fill a constructed pond for aesthetics and irrigation of adjacent lawn. It has a priority date of February 12, 1981 and proof of beneficial use was received April 23, 1983. The field exam was conducted on June 23, 1987.
 3. Water right 37-12205 was a beneficial use claim that has been partially decreed for groundwater use of 0.06 cfs in two homes. These are the same houses identified in voided permit no. 37-8150. The priority date of this right is December 21, 1972 though the well was drilled in 1977 according to a letter faxed by you to Shelley Keen on December 22, 2000.
 4. Water right 37-7493 developed spring water flowing in an open channel through the property for aesthetics. It was licensed for a diversion rate of 0.01 cfs and has a priority date of May 27, 1976.

The field exam submitted by Brockway Engineering recommended 0.08 cfs for domestic use in both homes, 0.047 cfs for irrigation of 2.1 acres, and a limited total diversion rate of 0.112 cfs. The water use for the two homes described under this permit has since been covered by water right 37-12205 for 0.06 cfs. Therefore, domestic use for these homes will not be considered again in the development of another water right. Additionally, the applicant submitted a fee of \$25 with the claim in the SRBA for domestic use. According to the definition of domestic use, this provides for one half (½) acre of irrigated land for both homes.

The field exam notes that the total diversion rate of 0.112 cfs is based on the capacity of both wells on the property. The second well next to the pond was drilled in 1988, after the end of both the voided permit's development period (July 29, 1985) and the moratorium exception date (November 19, 1987). Therefore, the capacity of the system developed will be based on the maximum diversion rate of the first well. According to the field exam, the flow rate from the first well ranges from 0.042 and 0.045 cfs.

As far as the acres developed, only land irrigated prior to November 19, 1987 will be considered in the processing of a new application. The examiner found that 2.1 acres were irrigated. He noted that there are currently two underground irrigation systems: one irrigates 0.35 acres close to the southern house with water from the first well (1977), while the other irrigates 1.75 acres with water from the pond and from the second well (1988). Once again, only land irrigated by water from the first well will be considered since it was the only available source of ground water prior to November 19, 1987.

According the affidavit from the applicant, prior to 1983, the first well was used to irrigate all 2.1 acres. He used a garden hose to supply sprinklers and to fill the pond from which water was pumped to other portions of the property. In 1983, a pipe was installed between the first well and the pond, and an underground irrigation system was installed. The applicant states that the pond and irrigation system were supplied from both spring water (water right 37-7882) and water from the first well. He also indicated that the irrigation system currently run by the first well was installed in 1988 when the second well was drilled. Mr. Woods did not, however, describe the location or extent of the irrigation system installed prior to November 19, 1987.

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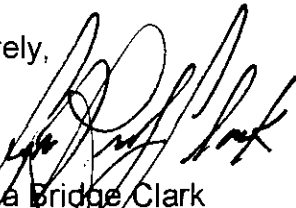
Based on the examiner's findings, it appears that the first well was capable of providing enough water to irrigate 2.1 acres at the department standard of one inch per acre. There is also information demonstrating that the system was fabricated to allow spring water and ground water to fill the pond. Additionally, water right 37-7882 was licensed for one acre of irrigation confirming that a portion of the land was irrigated with water from the pond as of June 23, 1987, the date of the field exam.

As we discussed during our telephone conversation, the file for water right 37-7882 contains a letter by Norman H. Malone, dated March 19, 1987, requesting an extension of time on the April 30, 1987 deadline for the field examination. He wrote: "The pond is installed and functioning as permitted. Yet to be installed is the irrigation delivery pump and a water measurement device." This statement implies that the system was not fully developed as of April 30, 1987, after proof of beneficial use was submitted for permit no. 37-8150. Though the field exam for water right 37-7882 verifies that irrigation was taking place prior to November 19, 1987, it does not provide any further information about the existing irrigation system or that more than one acre was being irrigated at the time. Photographs from the field exam for water right 37-7882, show a heavily treed area with natural grasses and vegetation. The property appears to be much less groomed than the developed lawns shown in photographs from the more recent field exam provided for permit 37-8150. This suggests that more of the property is irrigated now than in 1987.

Other than the applicant's statement that the property was irrigated, there is no clear evidence from an impartial source that all of the 2.1 acres were irrigated with ground water during the development period or prior to the exception date for the moratorium. Water right 37-7882 established that one acre of land was irrigated by surface water, and decreed right 37-12205 provides for one half acre of land to be irrigated by ground water as well as domestic use in both homes. Additional information will be required, however, to establish that more than one acre was irrigated prior to November 19, 1987. A new application based on development prior to November 19, 1987 could cover aesthetic use of ground water in the pond at a discharge rate of 0.045 cfs and irrigation of one acre of land when combined with other water rights.

Please let me know how you would like to proceed with the review of the water use on Mr. Woods's property, and whether you wish to file a new application for permit. I have also enclosed the date stamped Affidavits from Roy Woods and Vernal Thomas as requested. I can be contacted at (208) 327-7898 if you have any questions.

Sincerely,



Cynthia Bridge Clark
Associate Engineer
Water Allocation Bureau

Enclosures

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MAY 2 9 2002

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

JAMES P. SPECK
DOUGLAS J. AANESTAD
BENJAMIN W. WORST

July 26, 2001

RECEIVED

JUL 30 2001

Mr. Shelly Keen
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise ID 83720-9000

Department of Water Resources

RE: Roy R. Woods/Permit No. 37-08150
Our file No. 744/960493

Dear Shelly:

Enclosed are the original and one copy each of the Affidavit of Roy R. Woods and the Affidavit of Vernal R. Thomas, II addressing the issue of the date when ground water was initially used to irrigate the entire Wood's property. These Affidavits are submitted in support of the beneficial use field report filed in this matter by Brockway Engineering in December, 2000. In January, 2001, Cynthia Bridge contacted me requesting some kind of documentation that the original well was connected to the pond on the property prior to the date proof of beneficial use was filed on July 29, 1985. I believe these Affidavits adequately address that issue. Please receipt date stamp the Affidavits and return them to me in the enclosed self-addressed, postage paid envelope I have included for that purpose.

Once you have had an opportunity to review these materials please call me to discuss the further processing of this Permit. Thank you again for your continuing cooperation and assistance in these matters.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:adc
enclosures
cc: Client (w/encl.)
Jeff Rau (w/encl.)

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JUL 31 2001

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JUL 30 2001

DEPARTMENT OF WATER RESOURCES

James P. Speck, Esq.
SPECK & AANESTAD
A Professional Corporation
Post Office Box 987
120 East Avenue
Ketchum, Idaho 83340
Telephone: (208) 726-4421

Attorneys for Permit Holder

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
37-08150 IN THE NAME OF ROY R.) AFFIDAVIT OF ROY R. WOODS
WOODS)
_____)

STATE OF IDAHO)
County of Blaine) ss.
CA
mtu

ROY R. WOODS, being first duly sworn upon oath deposes and states as follows:

1. I am the permit holder in this matter and the owner of the designated place of use since 1976.
2. When I purchased the property the original well and main residence were there. Springs on adjacent USFS land were diverted into a collection box, then out of the box into a pipeline which delivered the water to a natural channel running down across the property. This aesthetic use of the spring water was perfected through Water Right No. 37-7493.
3. At the time I bought the property there was approximately one (1) acre of irrigated landscaping. There was no underground, automatic sprinkler system, so irrigation was from the well by hand through garden hoses and portable sprinklers.
4. Over the next seven (7) years I constructed an additional residence which was served

AFFIDAVIT OF ROY R. WOODS - 1

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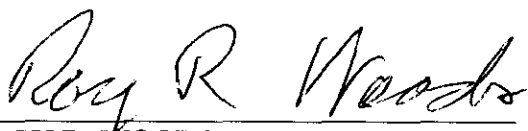
by the same well and increased the irrigated landscaping to the approximately 2.1 acres irrigated today. I also constructed a small pond in a low spot where the existing pond is now located. I began to fill the small pond over night from the well with a garden hose and then pump from the pond to irrigate portions of the additional landscaping.

5. The pond was enlarged in 1983 to its present size of approximately 0.13 acre surface area and depth varying from 2 feet to 10 feet, or a total volume of approximately 250,000 gallons. At the same time we constructed underground, concrete collection and storage cisterns for the spring water which form portions of the delivery system for Water Right No. 37-07882. A pipeline was installed from the well to the pond and a gravity flow pipe was installed from the storage cistern to the pond. This allowed the pond to be filled by both spring and well water. An underground sprinkler irrigation system was also installed. The sources of water for this system were the well directly and a pump sucking water out of the pond. Therefore, the well continued to irrigate all of my property, part of it in conjunction with spring water.

6. We subsequently determined that we needed to pump more water directly from a well into the pond to maintain proper temperature for fish habitat. We drilled a second well in 1988 for this purpose and, at the same time, created a separate part of the irrigation system to be run by the first well, which also continues to provide domestic water to the two homes. This system has remained essentially unchanged to today and is accurately described in the beneficial use field report recently filed by Brockway Engineering.

FURTHER, YOUR AFFIANT SAYETH NOT.

Dated this 20 day of July, 2001.



ROY R. WOODS

AFFIDAVIT OF ROY R. WOODS - 2

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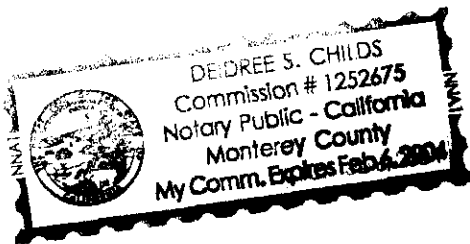
JUL 23 2001

SUBSCRIBED AND SWORN TO before me this 20th day of July, 2001.

Deidree S. Childs
NOTARY PUBLIC for

Residing in: Monterey

My Commission Expires: 2004



AFFIDAVIT OF ROY R. WOODS 3

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NOV 20 2003

RECEIVED

JUL 30 2001

DEPARTMENT OF WATER RESOURCES

James P. Speck, Esq.
SPECK & AANESTAD
A Professional Corporation
Post Office Box 987
120 East Avenue
Ketchum, Idaho 83340
Telephone: (208) 726-4421

Attorneys for Permit Holder

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
37-08150 IN THE NAME OF ROY R.) AFFIDAVIT OF VERNAL R.
WOODS) THOMAS, II
_____)

STATE OF IDAHO)
)ss.
County of Blaine)

VERNAL R. THOMAS, II, being first duly sworn upon oath deposes and states as follows:

1. I have lived in Blaine County, Idaho my entire life and have worked for Vern Thomas Plumbing for approximately the past 22 years.
2. I am familiar with the property north of Ketchum, Idaho owned by Roy R. Woods, the permit holder in this matter. I worked on various plumbing projects at the property.
3. In approximately 1983, to the best of my recollection, a pipeline was installed to allow water to be pumped from a well to a small pond on the property. The pipeline went under the driveway to the main residence.

FURTHER, YOUR AFFIANT SAYETH NOT.

AFFIDAVIT OF VERNAL R. THOMAS, II - 1

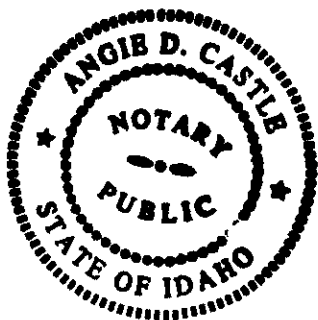
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JUL 30 2001

Dated this 17 day of June, 2001.
July

Vernal R. Thomas, II
VERNAL R. THOMAS, II

SUBSCRIBED AND SWORN TO before me this 17th day of July, 2001.



Angie D. Castle
NOTARY PUBLIC for Idaho
Residing in: Ketchum
My Commission Expires: 1/24/06

AFFIDAVIT OF VERNAL R. THOMAS, II - 2

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NOV 20 2003

MEMORANDUM

TO: File 37-8150

FROM: Cynthia Bridge

DATE: January 23, 2001

RE: Phone Conversation with Jim Speck, Attorney

This memo is intended to document two telephone conversations with Jim Speck, attorney for Roy Woods, in regards to voided permit no. 37-8150. I contacted Mr. Speck to request additional information regarding the irrigation system on the property in order to confirm the conclusion of the field exam that 2.1 acres were irrigated during the development period of the voided permit (end date July 1, 1986). I specifically asked that Mr. Speck provide documentation confirming that the existing irrigation system was installed prior to July 1, 1986 and explained that this would help establish that the owners had the ability to irrigate all of the acreage. I suggested that an affidavit from the landscaper would be a possibility if there were no records or plans of the irrigation system itself.

Mr. Speck asked whether the notarized Claim (received May 26, 1983) would be sufficient to establish the existence of this system given the reference: "The existing well now serves as a back-up domestic source, the primary use being irrigation of the 2.23 acre site." After speaking with Shelley Keen, I explained to Mr. Speck that since a claim essentially communicates what the owner believes to be true, it is not as helpful as an affidavit from an uninterested party. I pointed out that in this case, the claim does not explain in detail how the first well irrigated the area, but instead simply states that irrigation was taking place. Therefore, a more detailed account of the system would help to establish that efforts were genuinely made to develop 2.1 acres.

Mr. Speck said the original landscaper, Norman Malone, is not available to provide information. I noted that during a telephone conversation with the field examiner, Jeffery Rau told me that he spoke to the landscaper during the exam and was told the irrigation system had not been changed. Mr. Speck agreed that he must have discussed the system with the new landscaper, so I suggested he ask Mr. Rau how it was determined that the system had not been added to after the development period.

I also requested documentation that the original Domestic/irrigation well was the groundwater source for the entire irrigation system prior to July 1, 1986. I explained that the exam states that the well discharges into a manhole with three lines feeding the two residences and the irrigation system around the main residence: "Area irrigated by this irrigation tap is 0.35 acres of the property." I told Mr. Speck that Mr. Rau mentioned there is a pipe connecting the well with the pond that was not in use at the time. I requested that Mr. Speck submit some form of confirmation of this fact or evidence that the well was in fact capable of providing water to the entire irrigation system during the development period of the permit.

Mr. Speck agreed to research these questions.

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NOV 20 2003

MEMORANDUM

TO: File 37-8150

FROM: Cynthia Bridge

DATE: January 22, 2001

RE: Phone Conversation with Jeffery Rau, Field Examiner

This memo is intended to document a phone conversation with Jeffery Rau from Brockway Engineering who conducted a recent field examination for voided water right permit no. 37-8150 owned by Roy Woods. During the exam, Mr. Rau determined that the current capacity of the Domestic/Irrigation well is 0.045 cubic feet per second (cfs) and the irrigated area is 2.1 acres (see Beneficial Use Exam, Site Plan and Flow Rate Calculations sheet). He pointed out that the permit provided for irrigation of 2.23 acres at a diversion rate of 0.05 cfs or 1.12"/acre. At 1.12"/acre over the developed 2.1 acres, the required diversion rate would have been 0.047 cfs. He recommended a diversion rate of 0.08 cfs for domestic use as requested on the permit, and 0.047 cfs for irrigation use for a total of diversion rate of 0.112 cfs.

I explained to Mr. Rau that I hoped to obtain additional verification of the amount of land actually irrigated during the permit's period of development (ending on July 1, 1986). I asked if there were records of the layout of the irrigation system to establish whether it was fully developed before July 1, 1986. He said that he could not get thorough documentation on the history of the pumps, irrigation system, and wells, but that in speaking with the landscaper he determined that the irrigation lines had not changed since their initial installation. He said he walked the property thoroughly, noting that the area of most concern along the east corner had several irrigation heads. He also noted that though this area was not manicured lawn as was the rest of the property, the grasses appeared to be higher than they would have been without supplemental watering. He agreed that an affidavit from the landscaper might be appropriate confirmation of the existence of the irrigation system during the development period.

I also asked whether he had determined that the original domestic/irrigation well (drilled in 1977) was the ground water source for the entire irrigated area during the development period. Since the second well was drilled in 1988 and deepened in 1990, it was important to establish that the first well was capable of irrigating the entire 2.1 acres. The field exam report indicated the first well currently feeds the portion of the irrigation system that covers a 0.35-acre area next to the southwest house. Mr. Rau said this well was in use at the time of development, and that there is an existing line from the first pump to the pond that can be used to feed the pond, and consequently supply the rest of the irrigation system. He was not sure if it is still used, but was told that it had been used in the past. The report notes that this well "is not directly connected to the portion of the system serviced by the pond system". Mr. Rau thought that the second well was drilled due to some water quality issues with the first well.

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JAN 23 2001

He stated that the system feeding water from the spring to the pond (Water Right No. 37-7882) is still operational. He thought that in the past some of the water collected in the cistern along this system had been used for domestic purposes (also noted in Martins field exam for 37-7882).

Mr. Rau said he was satisfied that the irrigation system has not changed since the permit's period of development and that the 1977 domestic/irrigation well was the ground water source for the entire irrigated area.

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NOV 26 2001



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

January 10, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

RE: Voided Permit No. 37-08150

Dear Mr. Speck:

I received the copy of the petition for reconsideration you recently sent in connection with permit no. 37-08150. Under Rule 730.02.a. of IDWR's Rules of Procedure, a petition for reconsideration of a preliminary order must be filed within fourteen days of the service date of the order. The preliminary order voiding permit no. 37-08150 was served on September 27, 1994. I have reviewed the microfiche copy of water right file 37-08150, which was destroyed in 1996 in accordance with IDWR records management practice, but it contains no evidence that IDWR received your petition for reconsideration of the order voiding the permit until now. I also reviewed the facsimile machine transaction report you submitted as evidence that the petition was submitted timely. While the transaction report does show that seven pages were apparently sent successfully to IDWR's facsimile machine phone number on October 10, 1994, it does not show which pages were sent. Because the transaction report could be for seven unrelated pages, the transaction report does not sufficiently demonstrate timely submission of the petition. Because IDWR did not receive a timely petition, the order voiding permit 37-08150 became final in 1994, and the order cannot be reversed without strong evidence that IDWR made a factual and/or procedural error.

It is also worth noting that even if IDWR had received the petition in 1994, inaction by IDWR results in denial of the petition by operation of law. (See Rule 730.02.a. of IDWR's Rules of Procedure.)

While permit no. 37-08150 cannot be reinstated, there is still an option for obtaining a water right for you client. If your client can demonstrate that beneficial use of water was established prior to November 19, 1987, the SRBA commencement date, IDWR will process a new application for permit as an exception to the moratorium currently in place. Perhaps the most efficient way to proceed would be for the application to be filed with a proof of beneficial use statement and a beneficial use field report completed by a certified water rights examiner already attached. The evidence demonstrating use prior to 11/19/1987 could be contained in the field report. Of course the application would have to be advertised and could be protested. But

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JAN 21 2001

Speck
October 11, 2000
Page 2

assuming the application can be approved, then with the proof statement and field report already completed, a water right license could be issued very shortly after issuance of the permit. I have enclosed the forms you will need if your client wants to pursue this option.

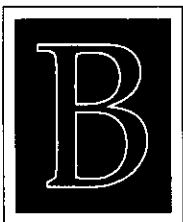
If you have any questions, please contact me at 208-327-7946.

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

Enclosures

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NOV 20 2003



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

DEC 26 2000

Department of Water Resources

December 22, 2000

Shelley Keen
Idaho Department of Water Resources
State Office
1301 North Orchard
Boise, ID 83720

Re: Roy Woods Beneficial Use Exam
WR Permit 37-08150

Dear Shelley:

As discussed, enclosed is one original beneficial use field report for permit #37-08150 prepared for Mr. Roy Woods. The field report was prepared at the request of Mr. Jim Speck who is working with you on issues with this permit approval. Please review the field report and contact our office if you have any questions or concerns. Thank you and have a nice holiday season.

Sincerely,



Jeffrey S. Rau PE

Enclosure: Field Report 37-08150

Cc: Jim Speck – Speck & Aanestad

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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DEC 27 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
DEC 26 2000
DEPARTMENT OF WATER RESOURCES

A. GENERSL INFORMATION

Permit No. 37-08150

1. Owner: Mr. Roy Woods c/o Jim Speck Phone No. 208-726-4421

Current Address: P.O. Box 987 Ketchum, ID 83340

2. Accompanied by: Jeffrey S. Rau, Brockway Engr. EXAM DATE: October 25, 2000

Address: 2016 North Washington St. Suite 4 Phone No. 208-736-8543

Relationship to Permit Holder: Consultant

3. Source: Groundwater tributary to N/A

B. OVERLAP REVIEW

37-12205 (Well)

1. Other water rights with the same place of use: 37-07493, 37-07882, 37-08281 (Springs)

2. Other water rights with the same point of diversion: 37-12205

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec	Twp	Rge.	Country	Method of Determination / Remarks
			SE	NE	15	5N	17E	Blaine	USGS Map/Domestic-Irrigation Well
			SE	NE	15	5N	17E	Blaine	USGS Map/Irrigation Well

2. Place(s) of Use:

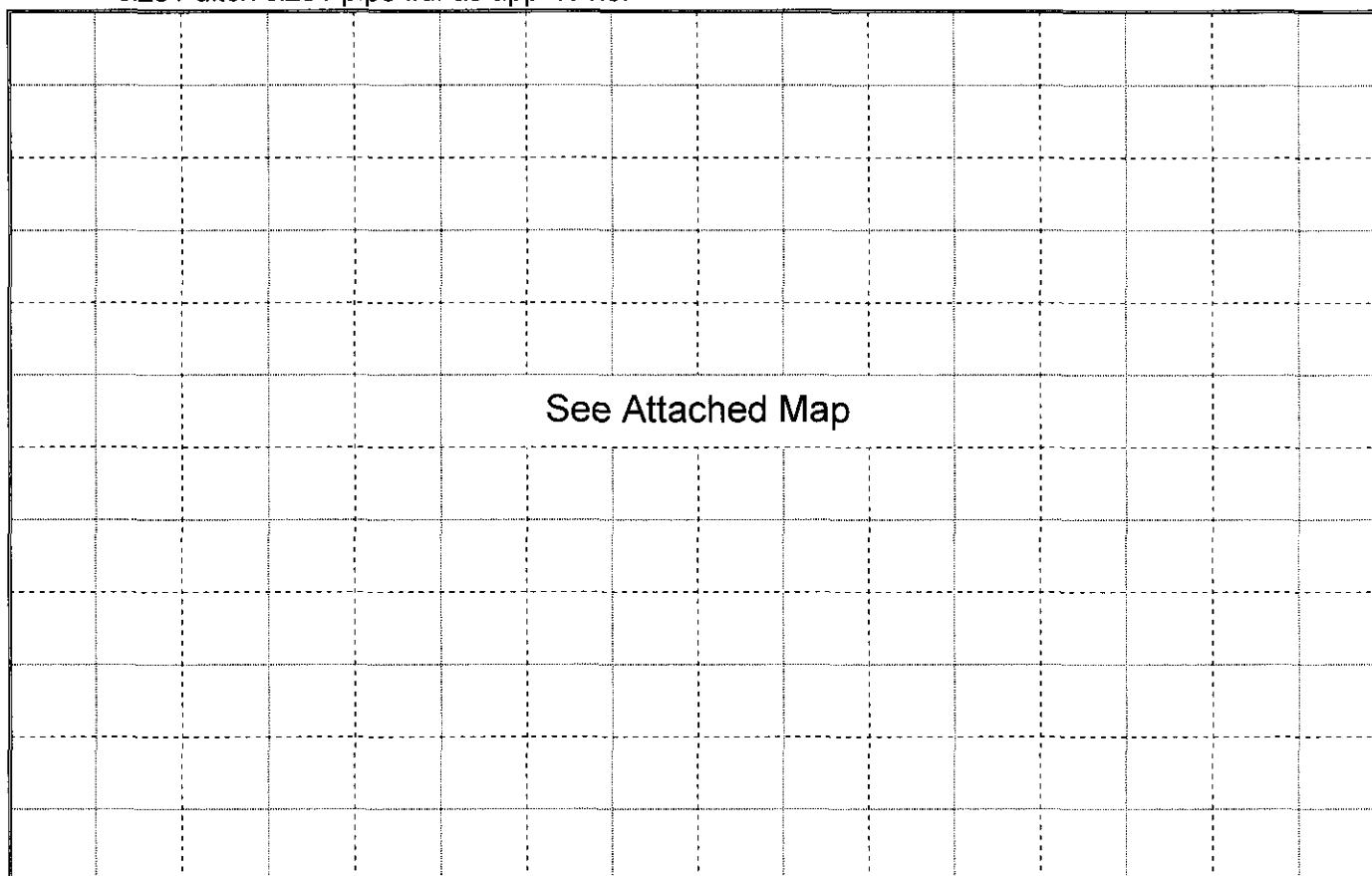
Indicate Method of Determination 97' Aerial Photo

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	17E	15				2.10													2.10

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DEC 26 2000

3. **Delivery Systems Diagram:** Indicate all major components and connections between components. Indicate weir size / ditch size / pipe i.d. as applicable.



Scale: 1" = _____

☒ Copy of USGS Quadrangle Attached Showing location(s) of Point(s) of diversion and place(s) of use (required).

☒ Aerial Photo Attached (required for irrigation of 10 + acres)

☒ Photo of Diversion and System Attached

Well or Diversion Identification No.*	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Domestic / Irrigation Well	STA-RITE	3/4	23-2098 (D91)	STA-RITE	20P4D02T-01 (1F910)
Irrigation Well	STA-RITE	3/4	01-2284 (99J18)	STA-RITE	20P4D02MES-03 (1K99V)
Pond Pump	VIP III 40	2	N/A	VIP III 40	1 1/2" GALV Pipe

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
None						

2. **Measurements:** Utilized pump curves provided by pump manufacturer and static water surface levels provided by field measurements and pump cards (Wood River Drilling) for flow measurement estimates. See calculation sheet attached.

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E. NARRATIVE / REMARKS / COMMENTS

SEE ATTACHMENT A

Have conditions of permit approval been met?

☒ yes

☐ no

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F. FLOW CALCULATIONS

Measured Method:

☒ Additional Computation Sheets Attached

See attached calculation sheet

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$VI.R = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 2.10 \times 3.5 = 7.35 \text{ AFA}$$

$$VD.R. = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.045 \times 184 \times 1.9835 = 16.4 \text{ AFA}$$

$$V = \text{Smaller of VI.R and VD.R.} = 7.35 \text{ AFA}$$

2. Volume Calculations for Other Uses:

N/A

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Irrigation	05/15	11/01	0.047 CFS	7.35 AFA
Domestic	01/01	12/01	0.08 cfs	-
Totals:			0.112 cfs *	-

*See Calculation Sheet - Attached

2. Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

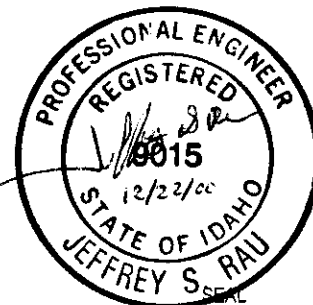
Field Examiner's Name

MICROFILMED

Date 12/22/00

Reviewer

Date



Attachment A

Narrative – Roy Woods Beneficial Use Exam

On October 25, 2000 a field exam was completed on the Roy Woods property located at 118 and 120 Black Bear Road. The property is approximately 3.0 acres and contains two residential buildings, a generator building, and a recreational/aesthetic/irrigation storage pond. The property is irrigated by way of an underground irrigation sprinkler system supplied from two wells and a spring source located on Forest Service land.

Two wells are contained within the Woods property. A 6" well located between the two residences supplies domestic water to the residences and irrigation water to land surrounding the main residence. The well was drilled to a depth of 83 feet in 1972 by Rossler Well Drilling. Static water level as measured during the field exam was 27.29 feet from the top of the steel casing. The well discharges into a 1" galvanized pipe manifold contained in a concrete manhole vault adjacent to the well. Three lines exit the manhole with one line connected to each residence and the remaining line connecting to a portion of the underground irrigation system located around the main residence. Area irrigated by this irrigation tap is 0.35 acres as shown on the site plan photo. This portion of the underground irrigation system is not connected to the portion of the system serviced by the pond system.

A second 6" well is located northeast of the pond and supplies irrigation water directly to the pond by way of a 1" buried polyethylene line. According to the well log, the well was drilled in 1988 and deepened in 1990 by Wood River Drilling. The listed depth of the well is 100 feet. The irrigation well supplies groundwater directly to the pond. Water is pumped directly from the pond via a screened intake line and VIP III 2 Hp submersible pump located in a CMP standpipe south of the pond. The pump discharges into a 1 1/4" discharge line connected to the underground irrigation system which irrigates the remaining 1.75 acres of the property. Total irrigated acreage as determined in a 1997 aerial photo is 2.10 acres which is 0.13 acres less than the 2.23 acres specified in the permit signed June 10, 1985.

Under separate water rights, spring water is collected from springs located west of the Woods property, and measured in a weir box located on the hillside. The spring water passes over a 90 degree V-Notch weir prior to flowing by gravity into a large cistern within the Woods property. A 6" gravity line conveys the spring water from the cistern to the pond where it mixes with the groundwater from the 6" irrigation well. Excess flow from the pond overflows into a small outlet channel on the south end of the pond into the spring creek running through the property.

At the time of the beneficial use exam, the pond was undergoing dredging and had been completely drained. In the same manner, the underground irrigation sprinkler system had been blown out and could not be operated for the exam. The extent of irrigation, irrigated area, and sprinkler head locations were used to determine the irrigated acreage for the field exam. A scaled 1997 aerial photo was used to determine the irrigated area. Based on this analysis, a total of 2.10 acres is irrigated with the underground sprinkler irrigation system.

According to pump card records with Wood River Drilling, both well pumps contain 4" Submersible Sta-Rite Model 2000 pumps with 1 1/4" discharge columns. Actual flow measurements could not be obtained in the field. A calculation sheet is included with this exam to estimate the diversion rate of the well pumps. Total estimated diversion rate is 0.112 cfs which is 0.013 cfs less than the permitted amount of 0.125 cfs.

The original right was permitted for 0.050 cfs (2.5") over 2.23 acres which equates to 1.12"/acre. Historically, 2.10 acres have been irrigated from this source as shown on the aerial photo. Based on this criteria, the allowed diversion rate under this right should be limited to 0.047 cfs (2.35") in keeping with the original permit approved by Glen Saxton on June 10, 1985.

A domestic beneficial use claim (37-12205) has been made on the same groundwater source for the same two residences. This claim appears to be a duplicate use as allowed under the 37-08150 permit.

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NOV 11 2003

Woods – 37-08150
Attachment A

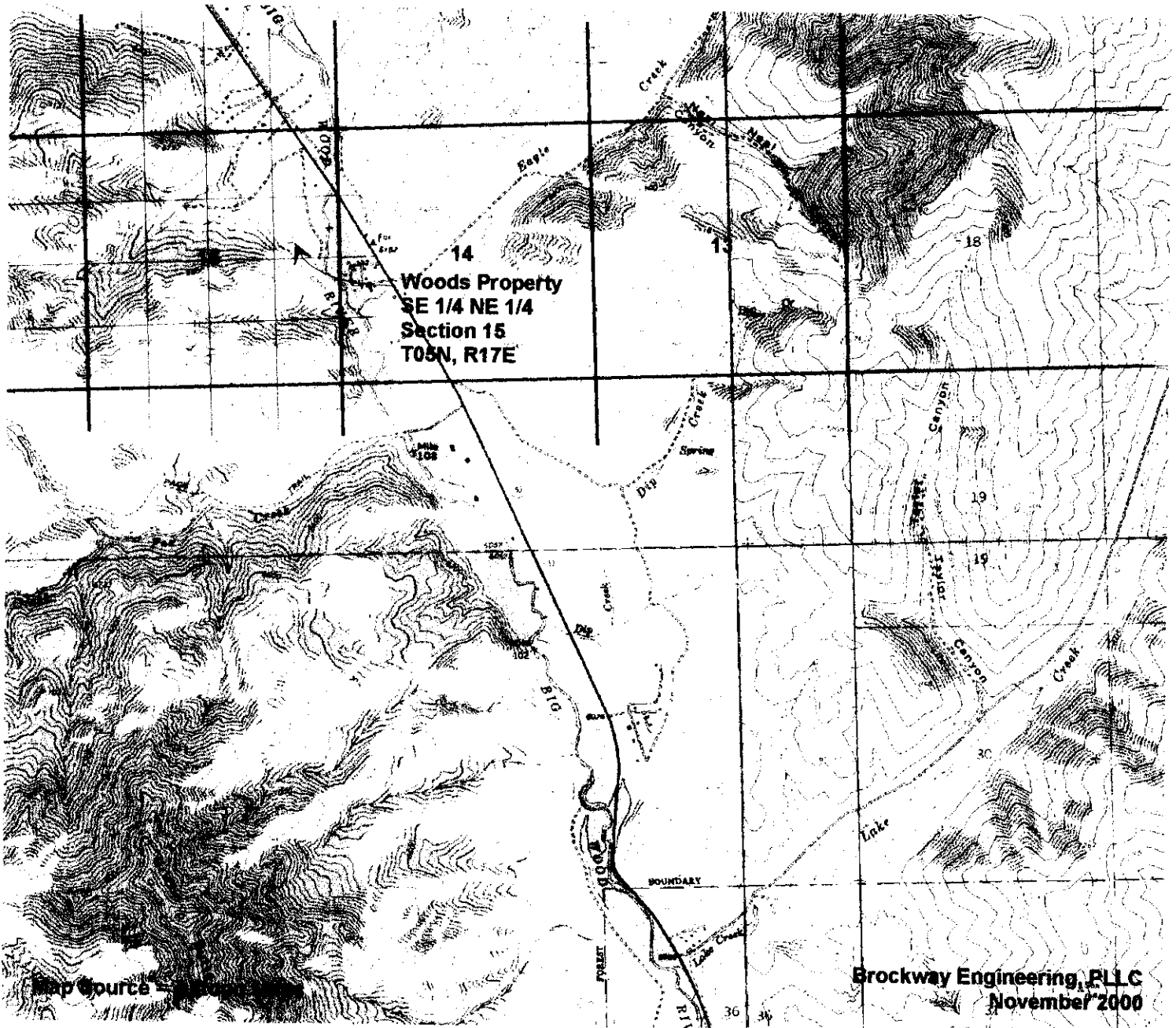
The storage pond located within the property is permitted under water rights 37-07493 and 37-07882 for recreation, aesthetics, irrigation, and wildlife. The approximate surface area of the pond is 0.13 acres as shown on the photo.

The location of the diversion works (wells & pond) and the irrigated area is shown on the site plan map included with the exam. A schematic diagram showing the general layout of the delivery system is also included with the exam.

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SEP 11 2003

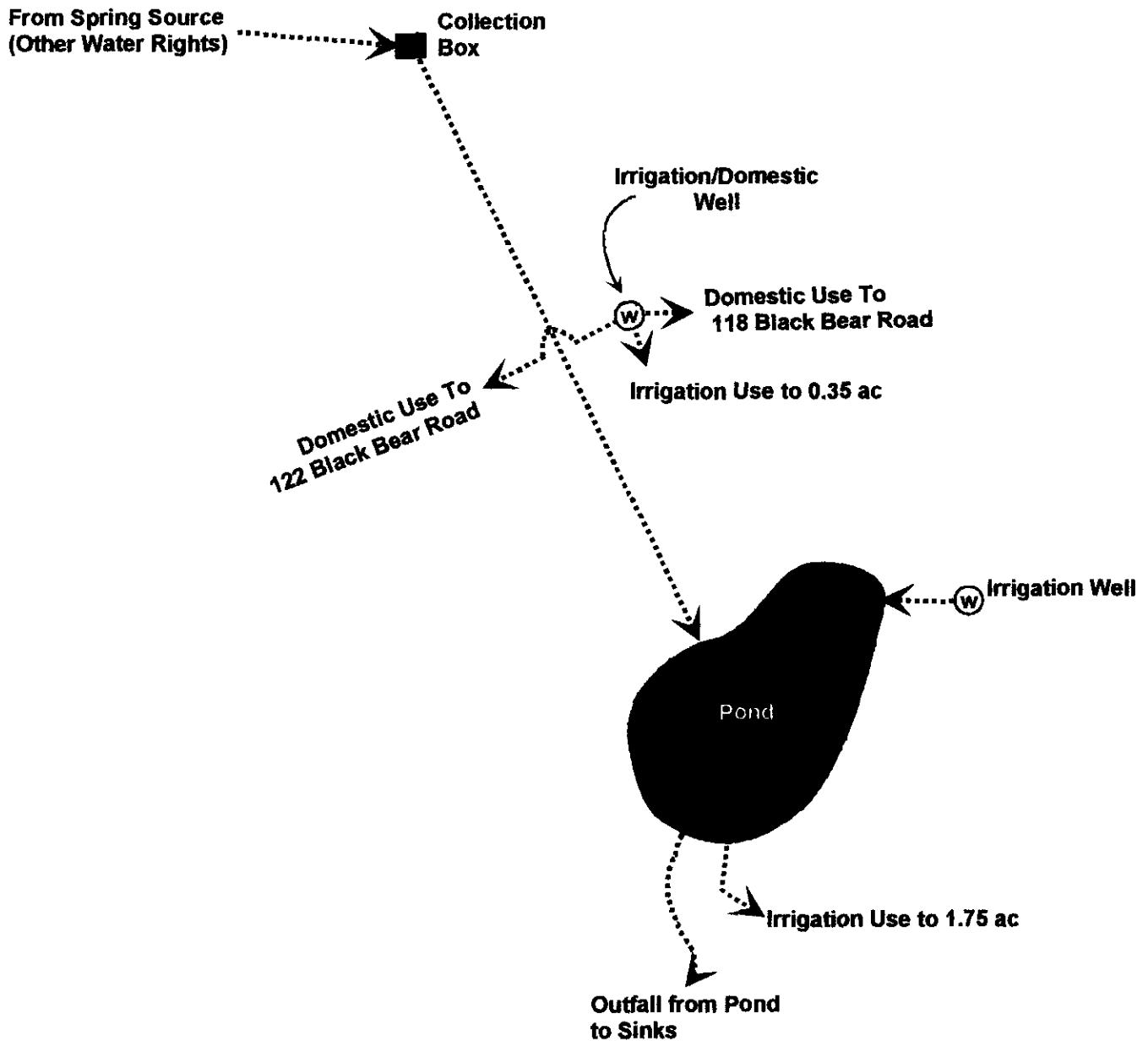
**Woods Property
118 & 120 Black Bear Road
USGS Topo Map & Site Location**



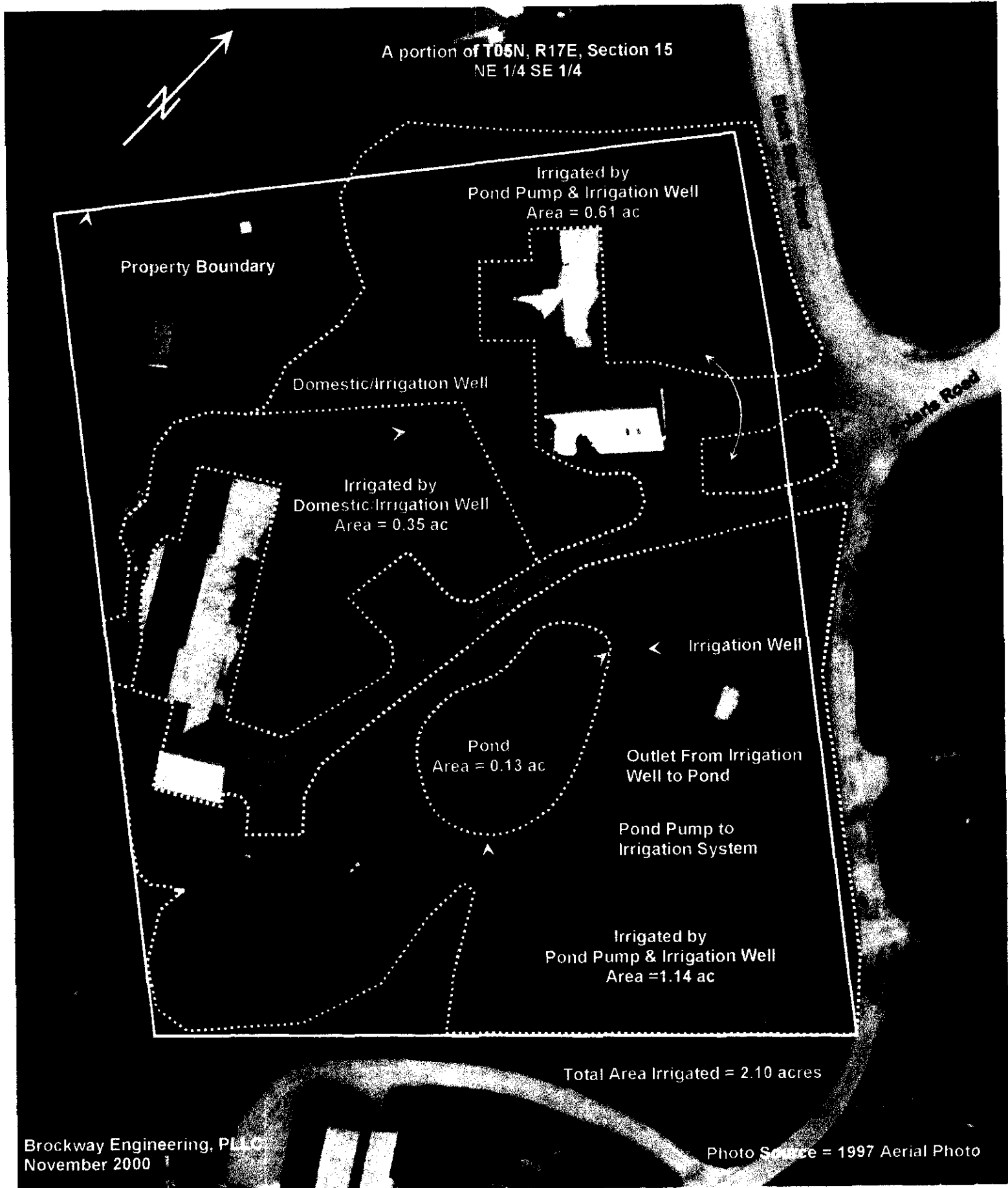
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DATE: 11/2000

**Roy A. Woods Property
118 & 122 Black Bear Road
Beneficial Use Exam - Schematic Diagram**



**Roy A. Woods Property
118 & 122 Black Bear Road
Beneficial Use Exam - Site Plan**



Roy Woods – Beneficial Use Exam
Flow Rate Calculations

Note: The irrigation system and pond were dry and not in operation during the beneficial use exam completed on October 25, 2000. The irrigation sprinkler system had been blown out for the winter and the pond had been drained and was undergoing renovation and repair. As a result, no field flow measurements were obtained during the field exam. Instead, pump data was obtained from Wood River Drilling and flow rate estimates were made using the pump data and manufacturer supplied pump curves. Following are the calculations based on the pump cards and pump curves.

Domestic/Irrigation Well

Static Water Level (Measured) = 26 feet BGS
Average Discharge Pressure = 50 psi = 115' head
- Based on mid range of 40-60 psi domestic service range

➤ Approximate TDH = 26' + 115' = 141'

From Starite pump curve for ¼ Hp 4" submersible Series 2000 Pump
Flow Rate = 19 – 20 gpm or 0.042 – 0.045 cfs

Irrigation Well @ Pond

Static Water Level (From card) = 42 feet BGS
Pump discharges @ -1' BGS @ Pond

➤ Approximate TDH = 42' – 1' = 41'

From Starite pump curve for ¼ Hp 4" submersible Series 2000 Pump
Flow Rate = 30 gpm or 0.067 cfs

Therefore – Total diversion capacity from the combination of the two groundwater sources = 0.112 cfs = 50.3 gpm

Peak diversion capacity allowed under Permit #37-08150 = 0.125 cfs = 56.1 gpm

Original Permit was for 0.050 cfs on a place of use of 2.23 acres = 1.12"/acre. See approved permit 37-08150 signed by Glen Saxton & dated June 10, 1985.

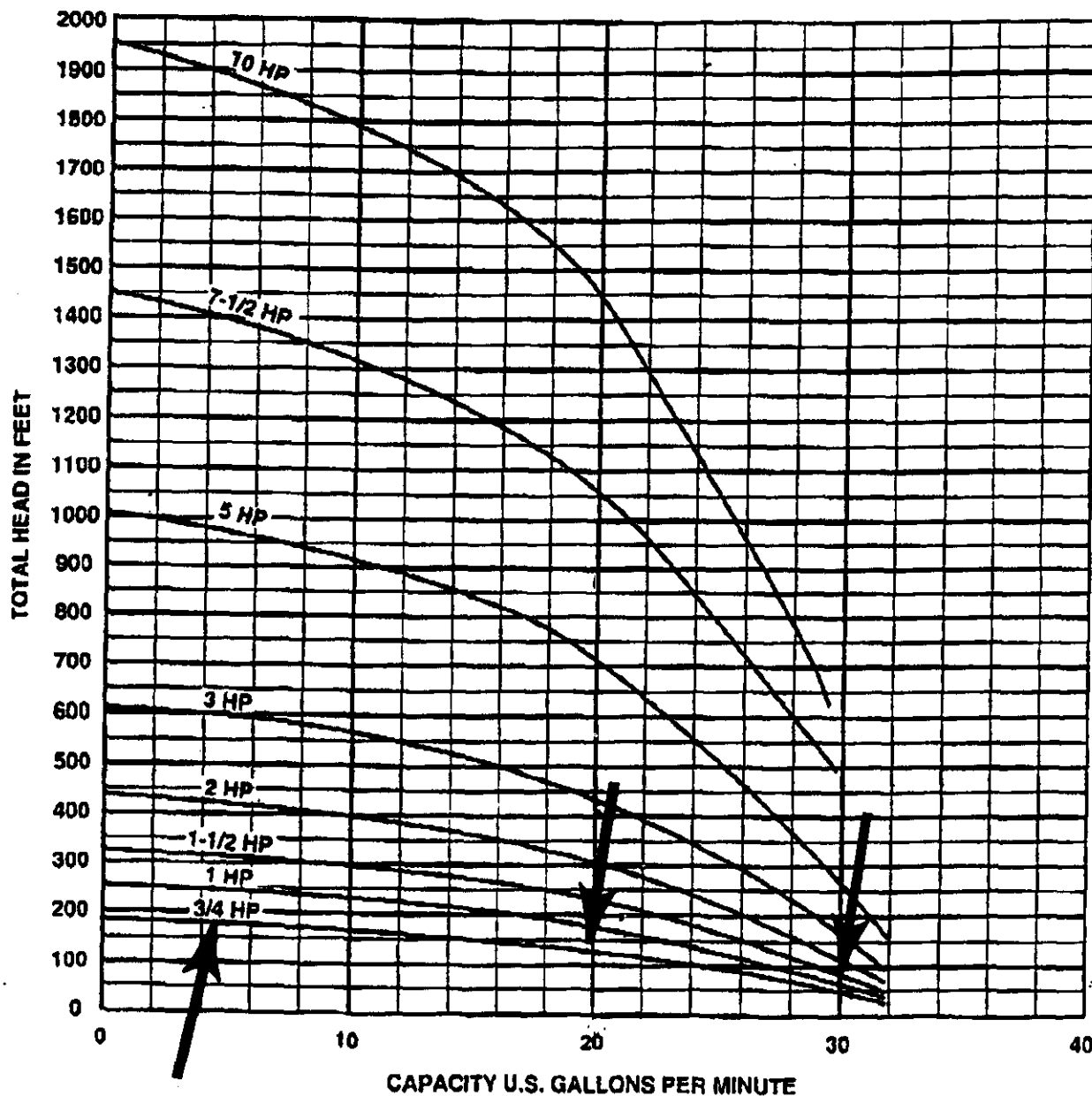
2.10 acres are currently irrigated under this right. Therefore – Diversion volume allowed per the original permit = 1.12"/acre * 2.10 acres = 2.354" = 0.047 cfs.

Domestic permitted use = 0.08 cfs for two residences. Both residences exist. Therefore – allow 0.08 cfs as permitted.

Recommendation = Allow individual diversion volumes of 0.08 cfs for domestic (2 homes) and 0.047 cfs for irrigation, and limit the total diversion rate to 0.112 cfs.

10, 15, 20, and 30 GPM 4" Submersible Pumps

PUMP PERFORMANCE - 20 GPM



Tested and rated in accordance with Water Systems Council standards.

NOTE: Pumps installed with a CON-AIRE® tank require a 100 PSI relief valve. Pumps installed with a conventional tank require a 75 PSI relief valve. Relief valve must be capable of relieving entire flow of pump at relief pressure.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

JUL 1 1983

APPROVED

To appropriate the public waters of the State of Idaho

Roy R. Woods • P.O. Box 648 • Monterey, CA. 93940 408-624-9281

1. Name of applicant Agent: Norman H. McDaniel • P.O. Box 1087 Phone Agent: 782-3303 or 3766
Hailey, Idaho 83333

Post office address _____

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is SE NE SE % of Section 15 Township 5N

Range 17E B.M. NES 123 Blaine County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.04 cfs for Domestic Residence #1 purposes from Jan 1 to Dec 31 (both dates inclusive)

Amount 0.04 cfs for Domestic Residence #2 purposes from Jan 1 to Dec 31 (both dates inclusive)

Amount 0.05 cfs for Irrigation 2.23 A purposes from May 15 to Nov 1 (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated:

Allow 0.13 cfs*
a. _____ cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 1 HP Red Jacket submersible pump

b. Height of storage dam NONE feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.

c. Proposed well diameter is 6 inches; proposed depth of well is 100 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial

Allow 1 year*
use is _____ years (minimum 1 year - maximum 5 years). Completed

8. Description of proposed uses:

a. If water is not for irrigation: SE NE SE % of Section 15 Township 5N

(1) Give the place of use of water: NE % of SE % of Section 15 Township 5N
Range 17E B.M.

(2) Amount of power to be generated: NONE horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered NONE

(4) Name of municipality to be served NONE, or number of families to be supplied with domestic water _____

(5) If water is to be used for other purposes describe: _____

* AS PER 2/20/83 FROM BUREAU OF LAND MANAGEMENT

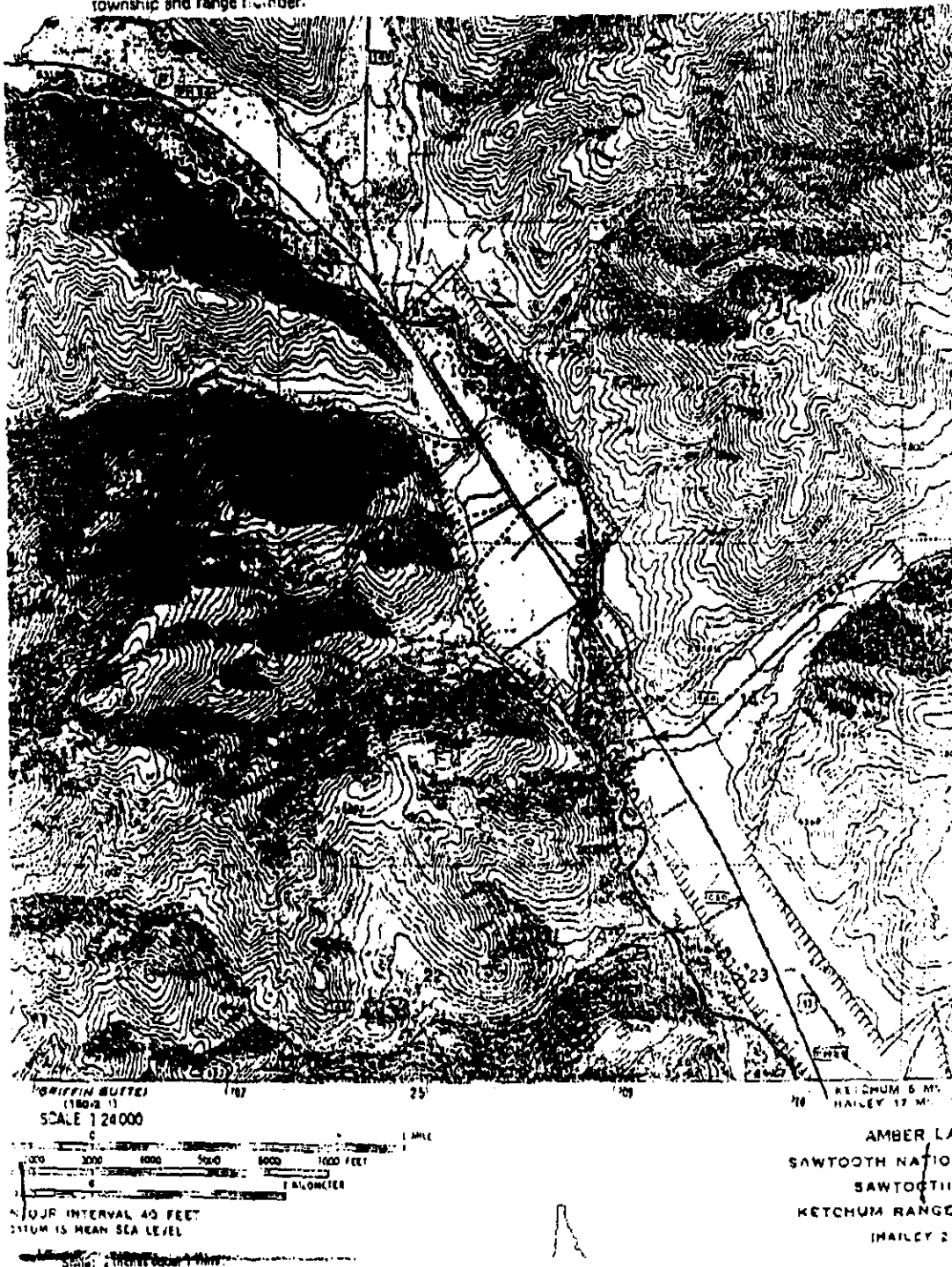
*kw 6/6/1985

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2000 11 2000

37-8150

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



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.

Norman H. Malone 6/27/63

(Applicant)

Norman H. Malone

Agent for:

Roy R. Wooten

MICROFILMED

SEP 11 1963

Proposed Priority 83Received by mmg Date 7/1/83 Time 11:30 aPreliminary check by T. G. B. B. Fee \$ 30.00 # 29152Received by mmg Date 7/5/83Publication prepared by mmg Date 7/12/83Published in Missouri River JournalPublication dates 3/1 + 3/14/85 3/15 + 3/21/85Publication approved mmg Date 7/26/85Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by ADA kw

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 37-8150, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 19 86.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

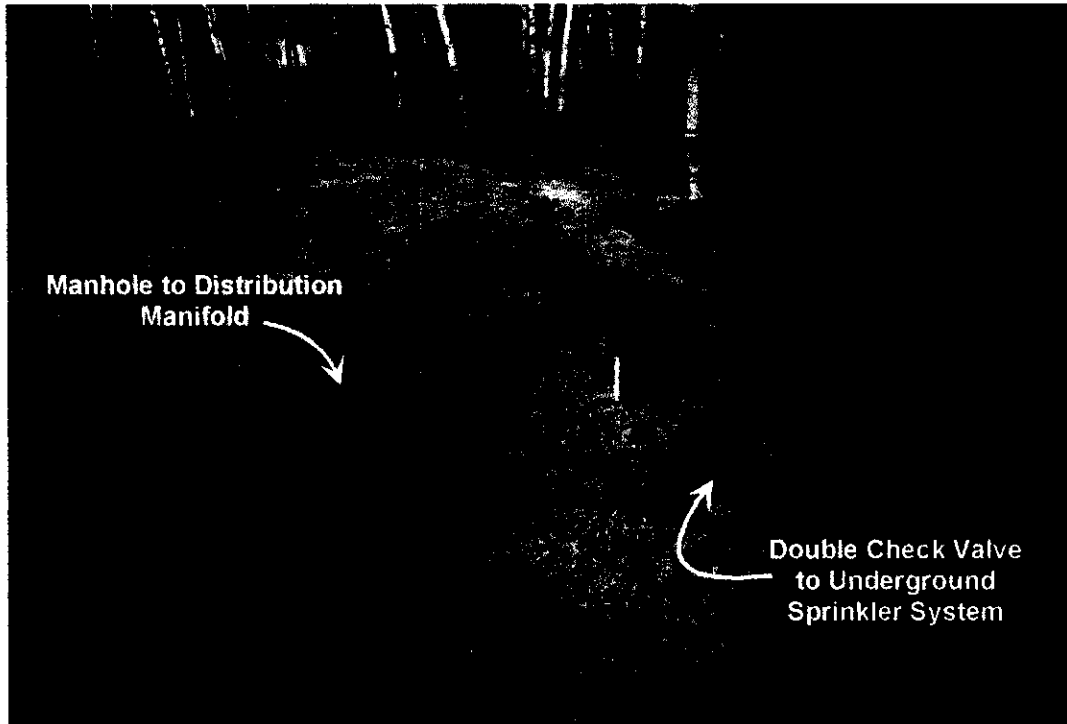
Witness my hand this 10th day of June, 1985.

A. Glen Saxton
Chief, Operations Bureau

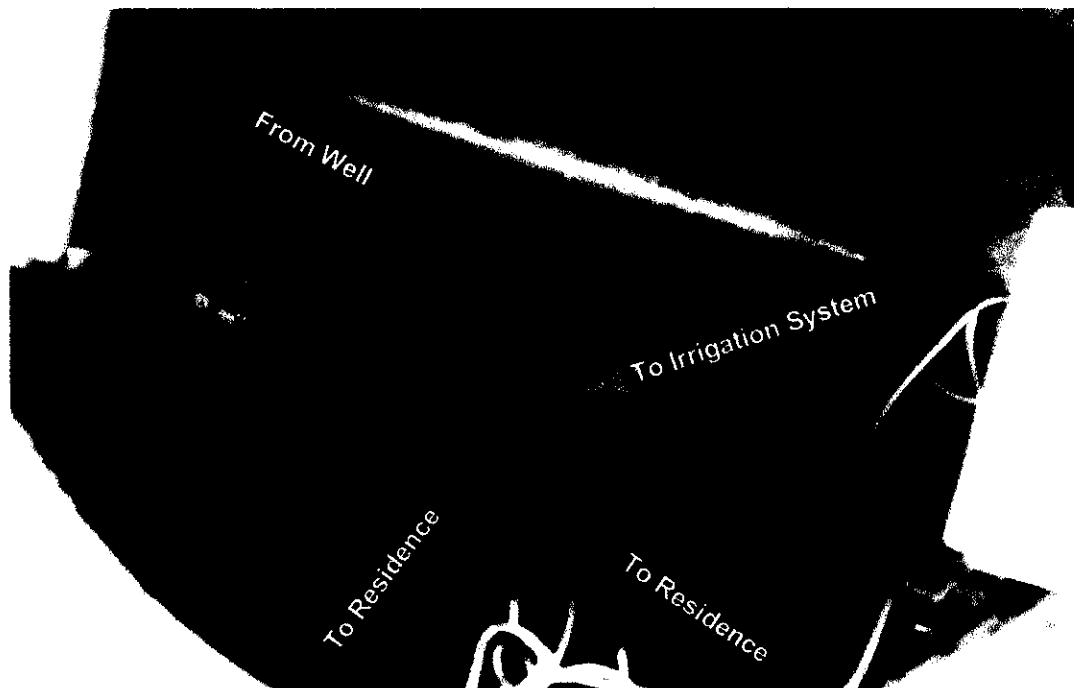
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JUN 14 1985

**Roy Woods Property
Beneficial Use Exam Site Photos
WR #37-08150**

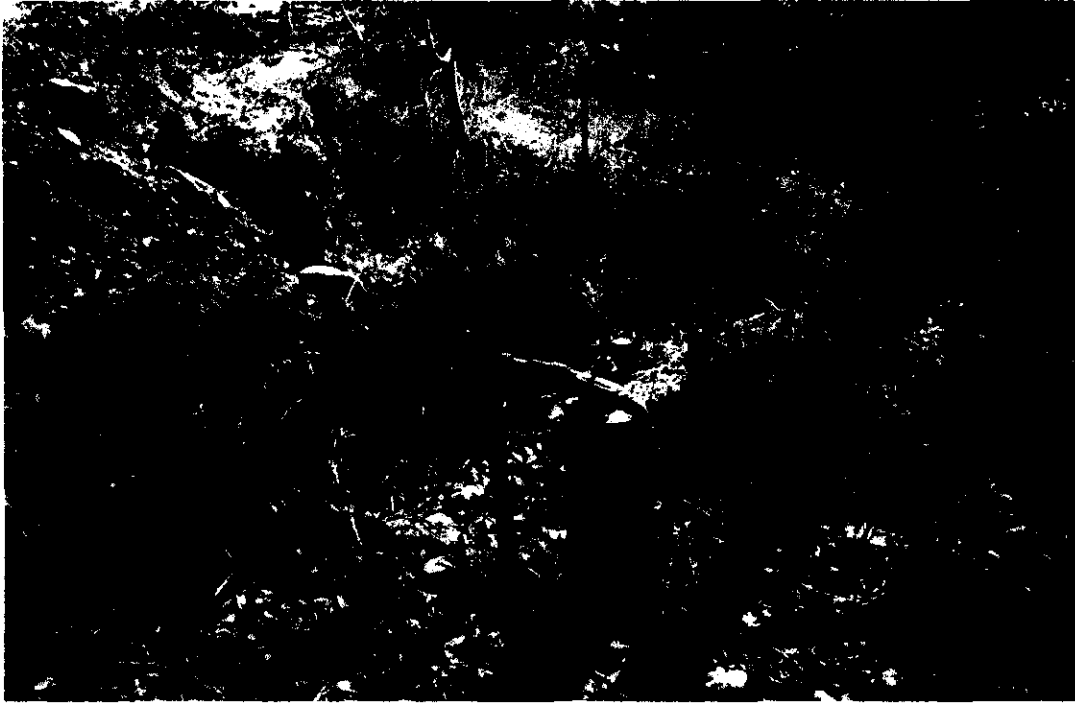


6" Dia Domestic / Irrigation Well & Manhole

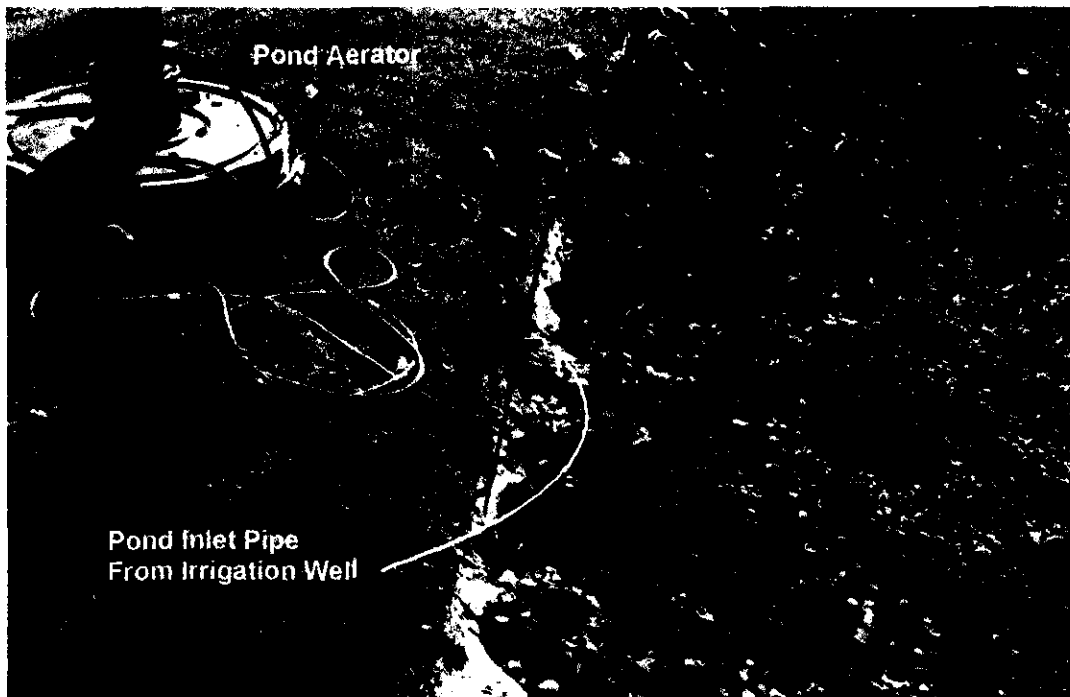


View into Manhole @ Galvanized Pipe Manifold

**Roy Woods Property
Beneficial Use Exam Site Photos
WR #37-08150**



6" Dia Irrigation Well

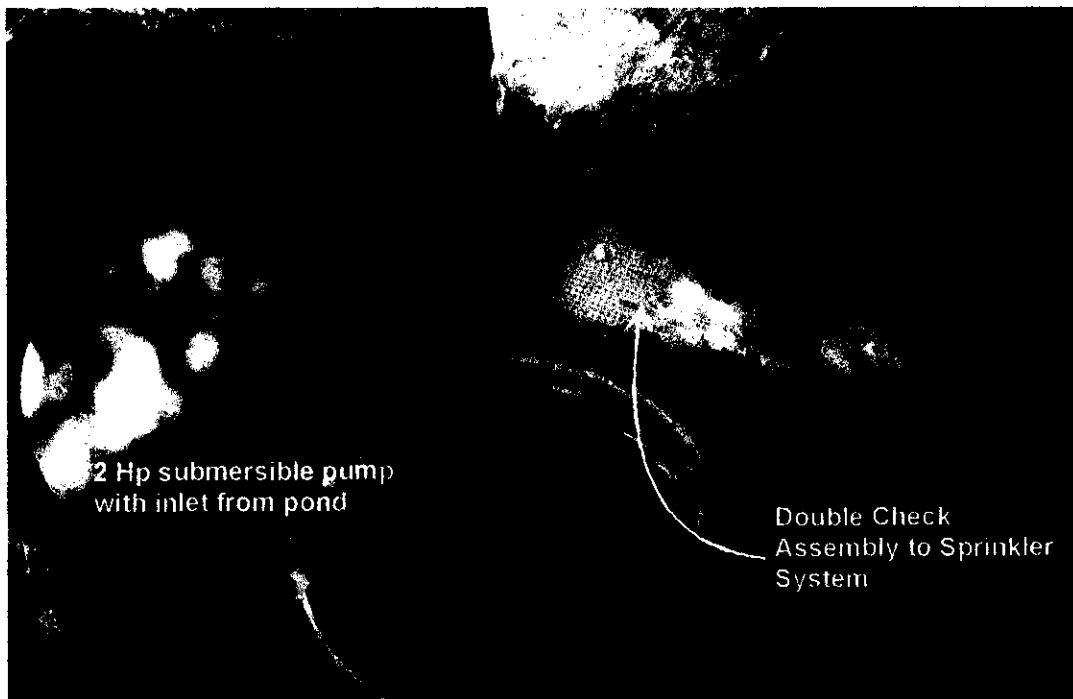


Pond at inlet from irrigation well

**Roy Woods Property
Beneficial Use Exam Site Photos
WR #37-08150**



**Aesthetic/Recreation/Irrigation Storage Pond
Area = 0.13 acres**



24" CMP Pipe w/ Submersible 2 Hp pump to Irrigation System

**Roy Woods Property
Beneficial Use Exam Site Photos
WR #37-08150**



Irrigated Turf & Tree Area

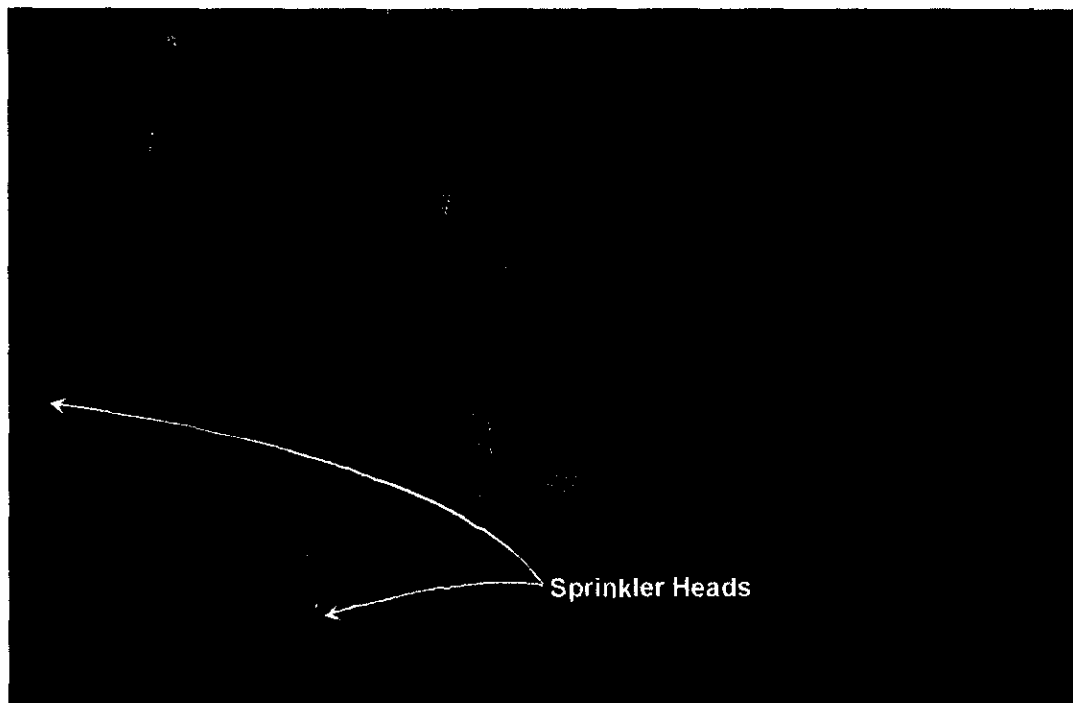


Irrigated Turf & Tree Area

**Roy Woods Property
Beneficial Use Exam Site Photos
WR #37-08150**



Irrigated Area Near Roadway



Irrigated Area Near Eastern Corner

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS
P. O. Box 987
Ketchum, ID 83340
1-208-726-4421
Fax: 1-208-726-0752

FAX COVER SHEET/MEMO

To: Mr. Shelly Keen Mr. Jeff Rau Ms. Kathy Lynn	Date: December 22, 2000
Fax #: (208) 327-7866 1-208-736-8506 726-2244	Pages: 2, including this cover sheet.
From: James P. Speck	
Subject: Roy Woods - Permit 37-08150	Our File No. 744/960493

COMMENTS:

THE INFORMATION CONTAINED IN THIS FAX TRANSMISSION IS CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE ABOVE-NAMED RECIPIENT AND MAY BE THE SUBJECT OF ATTORNEY/CLIENT PRIVILEGE. IF THE READER OF THIS MESSAGE IS NOT THE ABOVE-NAMED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISTRIBUTION, DISSEMINATION, COPYING OR OTHER USE OF THIS COMMUNICATION IS STRICTLY PROHIBITED AND NO PRIVILEGE IS WAIVED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE. THANK YOU.

- 1 -

MICROFILMED

DEC 26 2000

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS

JAMES P. SPECK
DOUGLAS J. AANESTAD
BENJAMIN W. WORST

120 EAST AVENUE
P. O. BOX 987
KETCHUM, IDAHO 83340

TELEPHONE
(208)726-4421
FACSIMILE
(208)726-0752

December 22, 2000

VIA FACSIMILE - (208) 327-7866
ORIGINAL WILL NOT FOLLOW

Mr. Shelly Keen
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

Re: Roy Woods - Permit 37-08150
Our File No. 744/960493

Dear Shelly:

We last discussed this matter on October 13, 2000 in response to your October 11, 2000 letter to me. At that time, we agreed to proceed with completing the beneficial use field examination and report and then submit it to you before any final decision is made or order entered as to the status of this Permit. You will soon receive the report from Brockway Engineering - it was mailed today.

The report will confirm the matters set forth in the Petition for Reconsideration (except the date the original well was drilled, which was determined to be 1977 instead of 1972 once the well log was located by Brockway). I hope this information will now allow you to determine that, in light of all the circumstances, it is appropriate to reinstate this Permit and proceed with the licensing process. Please call me as soon as you have the chance to review the report. Thank you.

MERRY CHRISTMAS!!

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation



James P. Speck

JPS/j

cc: client
Jeff Rau
Kathy Lynn

MICROFILMED
NOV 20 2003