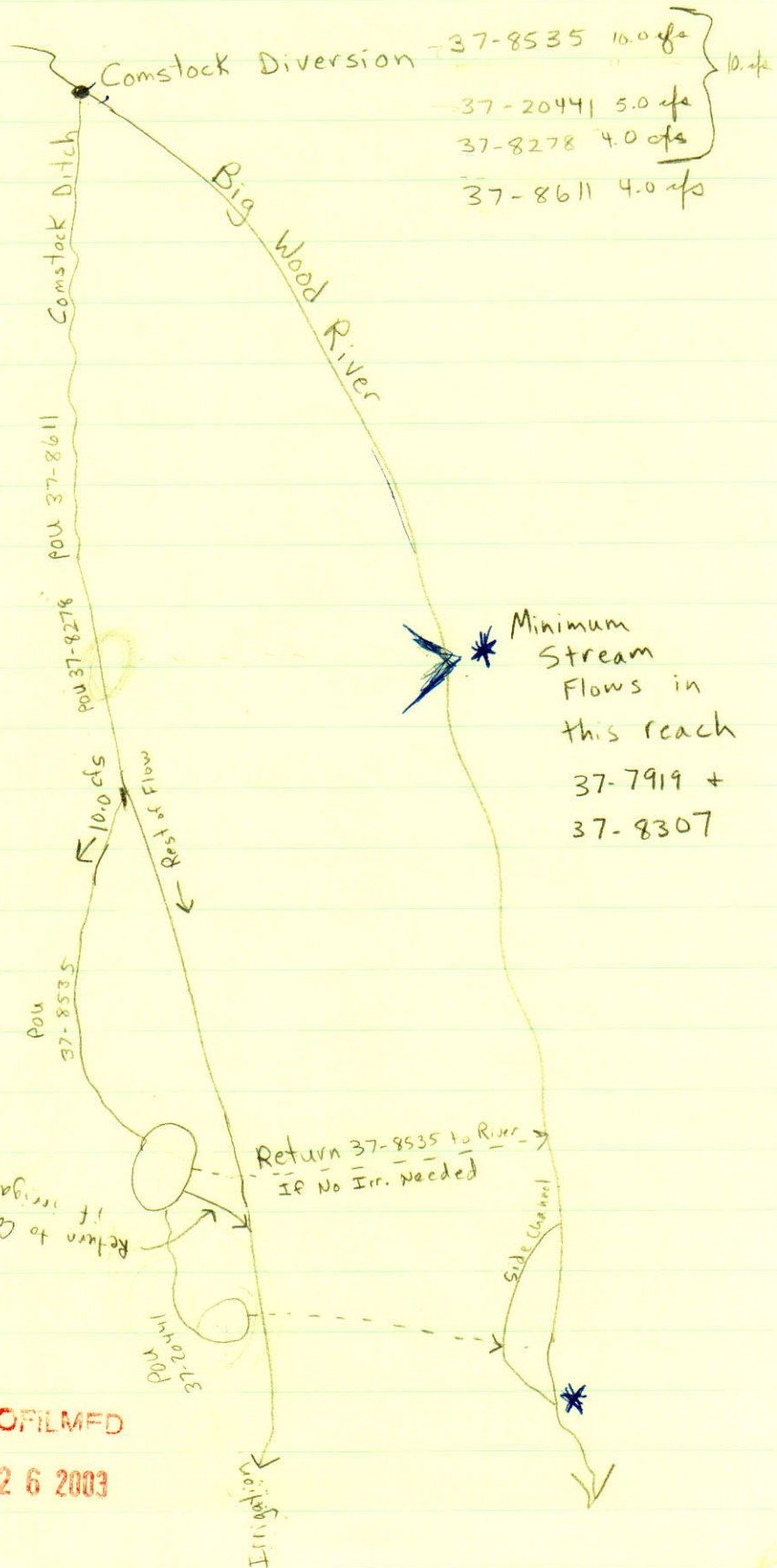


Ranney Draper Application 37-20441 and Transfer 69282

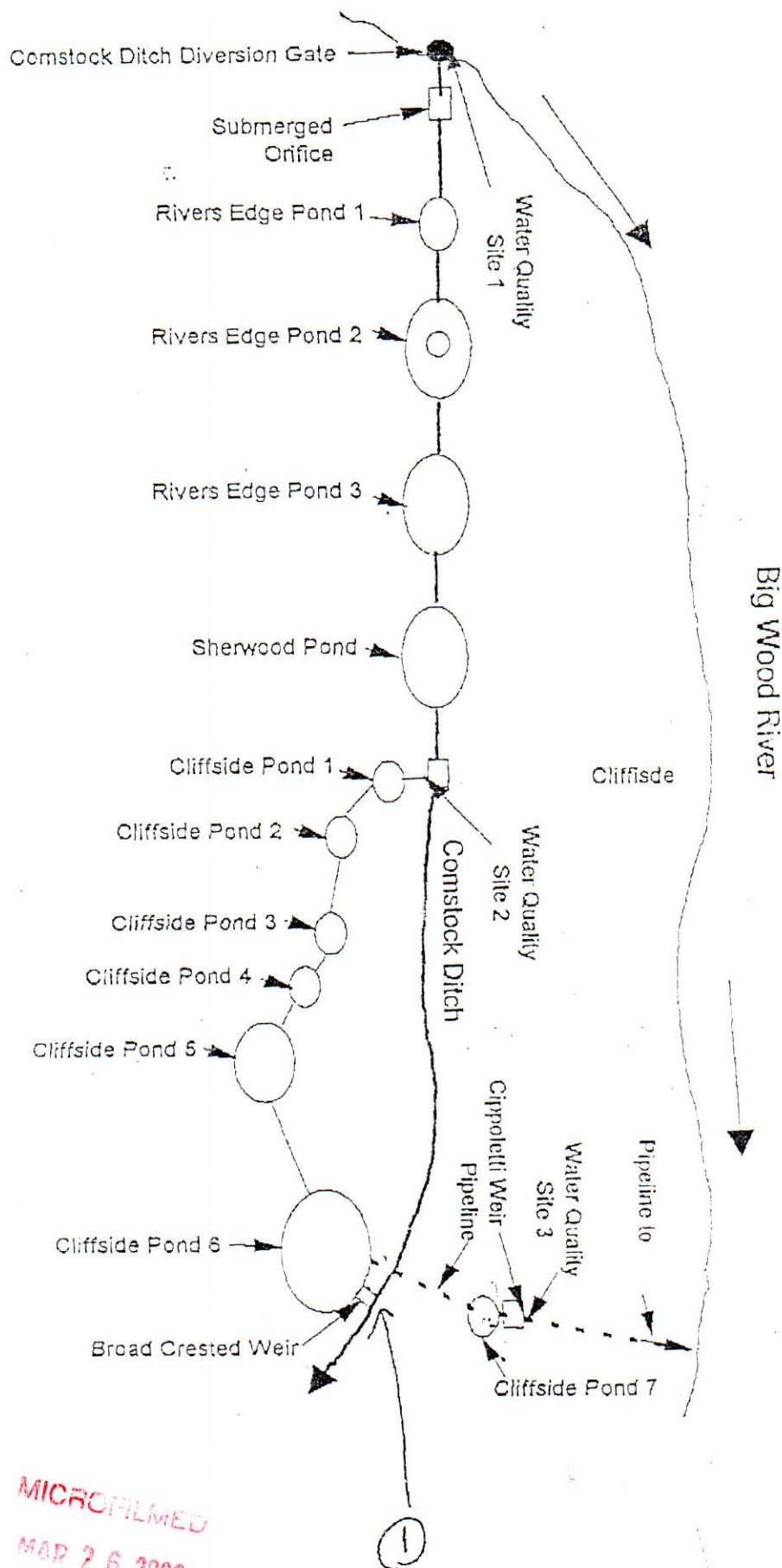


Notes by S. Keen
2/5/83

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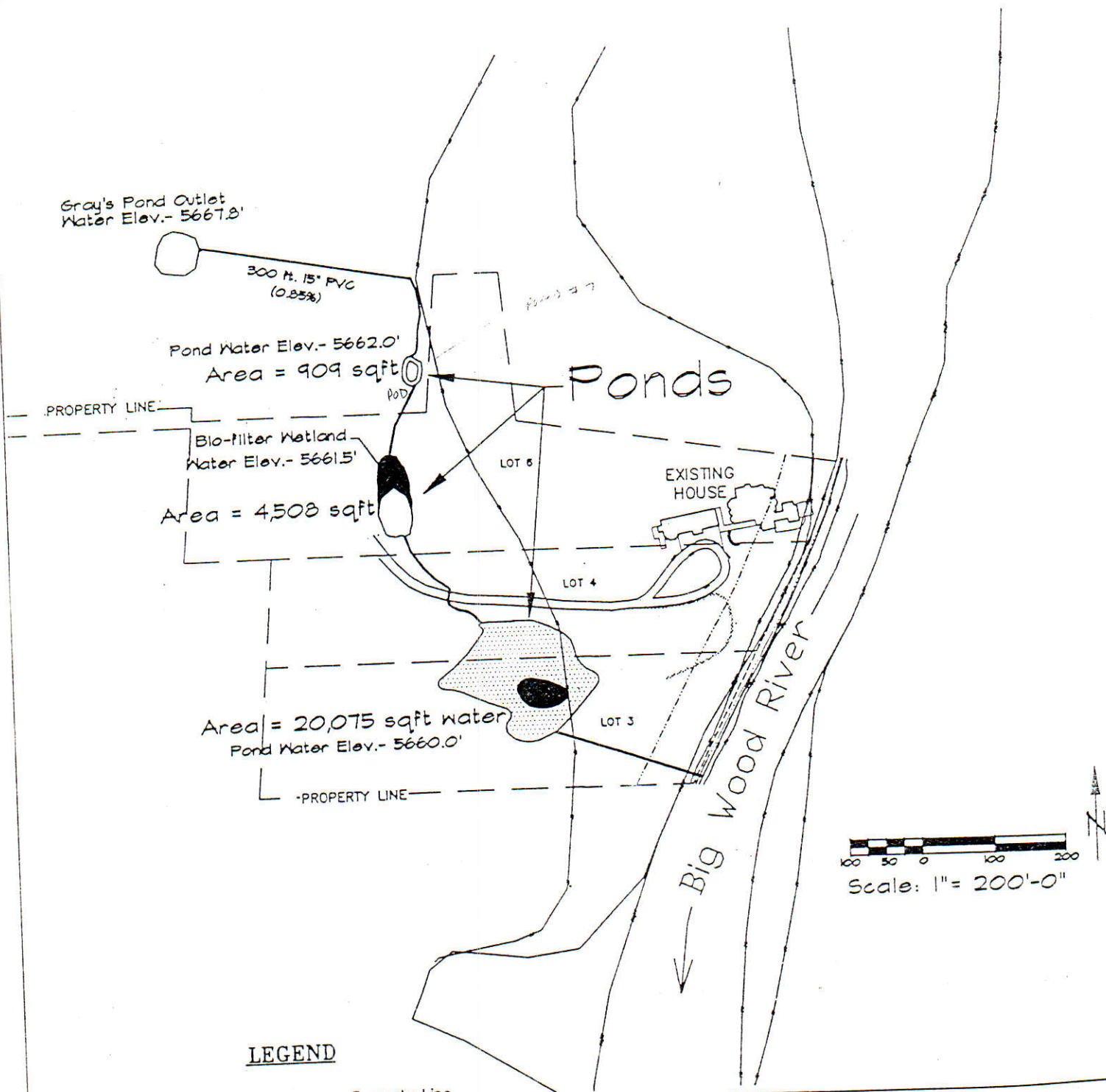
Comstock Ditch Schematic for Water Use Greystone Permit 37-08535
and Rivers Edge Partners 37-08611

schlematz.xls



0.02 cfs w.

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LEGEND

- Property Line
- Floodplain (per 1997 FEMA)
- Floodway (per 1997 FEMA)
- Edge of Water
- 75' Setback line from Mean High Water
- Mean High Water
- Tree Dripline
- Edge of Water

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Ranney Draper Property SITE MAP	
OWNER: RANNEY DRAPER 576 San Nicolas Drive, Suite 340 Newport Beach, CA 92660-6513	DATE: 3/21/01 SHEET: 2 of 3 SCALE: 1"=200ft
Fisher & Associates AQUATIC RESOURCE ENHANCEMENTS	

Comstock Ditch Investigation

October 30, 1996

by C. SKINNER

Photo #1
View of Comstock Ditch headgate out of Big Wood River located within the SENE $\frac{1}{4}$ of Section 30, Township 04 North, Range 18 East. Headgate inlet consists of a 3 foot diameter CMP. Arrow indicates location where photo #2 was taken from. Photo taken 10/30/96.



Photo #2
View from location indicated by arrow in photo #1. This view is looking down the Comstock Ditch. Photo taken 10/30/96.



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Comstock Ditch Investigation
Page 2

Photo #3

View of the first use of water from the Comstock Ditch. The arrow indicates the approximate location of two check dams on the Comstock Ditch channel. These check dams back water up in the channel, apparently for recreation and aesthetic purposes for the River's Edge Ranch. Photo taken 10/30/96.



Photo #4

View below water use shown in photo #3. The arrows indicate locations of check dam control structures that back water up the Comstock Ditch Channel for the River's Edge Ranch. Photo taken 10/30/96.



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Photo #5

View of first diversion from the Comstock Ditch. Squiggly arrow indicates location of the Comstock Ditch. Diversion is a headgate that diverts water from the ditch towards the west, as indicated by smaller arrow. This particular diversion was labeled "LAR-KEN". Photo taken 10/30/96.



Photo #6

View of use of water diverted through head-gate shown in photo #5. The arrow indicates direction of water flow. Water use is in a series of ponds such as the one shown in this view. The ponds are located within Cliffside Subdivision. Road access is by Cliffside Drive off of Broadway Run. Photo taken 10/30/96.



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Photo #7

View of headgate at confluence of the Cliffside Subdivision pond system and the Comstock Ditch. The squiggly arrow in the foreground shows location and direction of the Comstock Ditch. Smaller arrow indicates location of a drop inlet structure that diverts water into the small pond shown in photo #8. Photo taken 10/30/96.



Photo #8

View of last pond in the Cliffside Subdivision pond system. Pine tree is same pine tree shown in photo #7. The squiggly arrow shows the location of the Comstock Ditch. The smaller arrow indicates location of discharge from drop inlet structure shown in photo #7. Drop inlet shown in this view (circled) carries water from the Cliffside Subdivision's pond system eastward to the Big Wood River. Photo taken 10/30/96.



DRAPER PLANS TO
DIVERT HIS WATER FROM
THIS AREA.

P.S. 7/18/2001

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Comstock Ditch Investigation
Page 5

Photo #9

View of discharge from drop inlet structure circled in photo #8. Discharge into the Big Wood River is through a 1.5 foot diameter pipe and occurs several hundred feet east of the area shown in photo #8. Photo taken 10/30/96.



Photo #10

View looking down the Comstock Ditch below the area shown in photo #7. Note a small dam (indicated by arrow) located in the ditch. The dam was constructed out of river rock, firewood, and a sheet of plastic. Note the large grass in the Comstock Ditch beyond the dam. Photo taken 10/30/96.



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37-20441

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 37-20441

Priority: June 21, 2001

Maximum Diversion Rate: 5.00 CFS

This is to certify, that RANNEY DRAPER
567 SAN NICHOLAS DR STE 340
NEWPORT BEACH CA 92660-6513

has applied for a permit to appropriate water from:

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

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>
RECREATION	01/01 to 12/31	5.00 CFS
AESTHETIC	01/01 to 12/31	5.00 CFS
WILDLIFE	01/01 to 12/31	5.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER SE¼NE¼ Sec. 30, Twp 04N, Rge 18E, B.M. BLAINE County

PLACE OF USE: RECREATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 18E 32						X											

PLACE OF USE: AESTHETIC – same as RecreationPLACE OF USE: WILDLIFE – same as RecreationCONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 1, 2006**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. Use of water under this right may be affected by an agreement between the protestant and the right holder.
5. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
7. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently maintained at the point of diversion from the Big Wood River.

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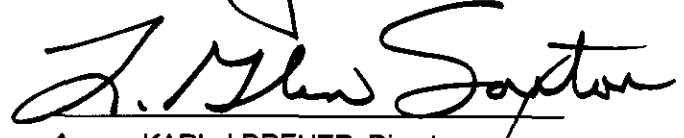
State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 37-20441

CONDITIONS OF APPROVAL CONTINUED

8. Measuring devices acceptable to the Department shall be permanently maintained at the point of diversion from the Cliffside Homeowners Assn. Inc. (Graystone) pond and at the point of discharge to the Big Wood River or a hydraulically connected side channel of the Big Wood River.
9. Rights 37-8278, 37-8535 and 37-20441 when combined shall not exceed a total diversion rate of 10.00 cfs.
10. Water diverted under Snake River Basin Adjudication Claim 37-20440 is used in combination with this right to mitigate losses of water resulting from the use of this right. From April 15 to October 31 each year water shall not be diverted under this right except when water is being diverted under SRBA Claim 37-20440, or a decreed water right based on SRBA Claim 37-20440, for mitigation purposes. From November 1 to April 14 each year, water may be diverted under this right without mitigation.
11. At such times in the future as may be necessary to protect the prior rights of other water users, the Director may require determination of the actual rate of loss within the system and may require additional mitigation for all system losses, including losses which may injure other users from the Comstock Ditch.
12. When delivery of water pursuant solely to this right is not possible because of earlier priority rights, including minimum streamflows, water diverted pursuant to Right 37-8278 (or Right 37-4265, if it is decreed in the Snake River Basin Adjudication instead of Right 37-8278) may be delivered through the place of use for this right only if: a) losses incurred from the point of diversion from the Big Wood River to the point of discharge of the water diverted under Right 37-8278 (or 37-4265) are fully compensated, if such compensation is then required for the use of water under Right 37-8278 (or 37-4265), b) the water is discharged directly to the actively flowing channel of the Big Wood River or into a hydraulically connected side channel of the Big Wood River, and c) mitigation is provided as described above.
13. This right is junior to the minimum streamflow in the Big Wood River of 189.00 cfs, as established by water Rights 37-7919 and 37-8307.
14. The right holder shall monitor the effect of return flows on the temperature of the Big Wood River in accordance with the rules and regulations of the Department Environmental Quality and in accordance with the agreement with protestant. The Director may require other water quality monitoring if necessary, to protect the local public interest. Use of water under this right, when combined with other recreational, aesthetic, hydropower, fish propagation or other traditional "non-consumptive uses" of water must not cause a significant degradation of water quality in the Big Wood River and its tributaries.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 14th day of February, 2003


for KARL J DREHER, Director

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DEC - 27 - 02

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

JUN 21 2001

Department of Water Resources
Southern Region

Department of Water Resources

1. Name of Applicant Ranney Draper Phone (949) 499-2469
Post Office address 567 San Nicholas Dr., Suite 340, Newport Beach, CA 92660-6513
2. Source of water supply Big Wood River which is a tributary of Malad River
3. Location of point of diversion is 1/4 of SE 1/4 of NE 1/4, Govt. Lot
Sec. 30 Township 04N Range 18E B.M. BLAINE 15 County; additional points of
diversion if any: NWNWNW Sec 32, T04N, R18E (rediversion)
4. Water will be used for the following purposes:
Recreation/Wildlife
Amount 5.00 cfs for Aesthetics purposes from 1/1 to 12/31 (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) 5.00 cfs and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. see attachment A
 - b. Height of storage dam n/a feet; active reservoir capacity n/a acre-feet; total
reservoir capacity 2.47 ac.ft. acre-feet; period of year when water will be diverted to storage:
1/1 to 12/31 inclusive.
 - c. Proposed well diameter is n/a inches; proposed depth of well is n/a feet.
 - d. Is ground water with a temperature of greater than 85°F being sought? no
 - e. If well is already drilled, when? n/a; Drilling firm n/a:
Well was drilled for (well owner) n/a
7. Time required for completion of works and application of water to proposed beneficial use is 3 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 if 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. Recreation/Wildlife/Aesthetics.
The use will be non-consumptive

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9. 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	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	18E	32						RW											

Total number of acres to be irrigated n/a

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? Graystone, Inc. c/o James P. Speck, Esq.

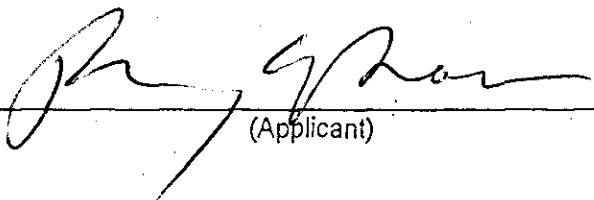
b. Who owns the land to be irrigated or place of use? Applicant - Ranney Draper

c. If the property is owned by a person other than the applicant, describe the arrangement enable the applicant to make this filing: Gray has agreed to Draper's diversion described in attachment A

12. Remarks: _____

13. MAP OF PROPOSED PROJECT ATTACHED ____ Show clearly the proposed point of diversion, place of use, section number, township and range number.

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.

(X) 
(Applicant)

Received by A. SKINNER Date 6/21/2001 Time LATE PM Preliminary check by A. SKINNER
 Fee \$ 40.00 Receipted by A. SKINNER # 5024067 Date 6/22/2001
 Publication prepared by TMB Date 10/3/01 Published in Head River Journal
 Publication approved TMB Date 10/29/01

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**Attachment A
State of Idaho
Department of Water Resources
Application for Permit**

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source:

Cliffside Homeowners Association owns water right no. 37-08535 (see license in Appendix) for several ponds on lands just northwest (up-gradient) of Draper. The Graystone license is for 10 cubic feet per second (cfs), but the water rights is non-consumptive. Therefore, the entire 10 cfs diverted is conveyed back to Big Wood River via a pipeline (see maps and drawings in Appendix).

Just before the water enters the pipeline on Cliffside Homeowner Association Gray's property, it collects in a small "buffer" pond, where the effluent flow rate is measured. Again, since Graystone's license is for a non-consumptive use, the entire 10 cfs diverted is continually flowing through the pipeline back to the Big Wood River.

The applicant, Ranney Draper, is proposing to divert five (5) cfs of the ten (10) cfs before its returned in the pipeline to the river. Draper would divert the water at Cliffside pond no. 7 just below their Cippoletti weir. Or Draper could divert his proposed 5 cfs from Cliffside's pond no. 7 (buffer pond) above their weir. Draper wants to use this water in an approximately 1/2-acre pond development on his own property. Therefore, a second measuring device will be required at Cliffside (Graystone) will continue to measure Graystone's return-flow (effluent - reduced to 5 cfs) to Big Wood River. Draper will divert five (5) cfs through an additional (influent), measuring device and return the same amount back to the river, approximately 550 feet downstream of Graystone's return flow point.

The five (5) cfs appropriated by Draper, will flow southerly through an open, clean ditch. The ditch will have a bottom-width of approximately two (2) feet, side (bank) slopes of approximately 0.15 H:V, and an approximate, mean ditch slope, based on pond water level elevations, of approximately 0.005 (see FlowMaster Worksheets & Cross-Sections in Appendix). As a result, the water will flow for just over 100 feet, through the ditch, at a depth of approximately 12 inches before reaching a wetland treatment area.

The wetland treatment area (see maps and drawings in Appendix) will be constructed of approximately 2803 ft² of planted, native wetlands and have a water depth of approximately 18-inches, ideal for duck habitat. The wetlands will descend into a small pond area with a surface area of approximately 1705 ft² and a water depth of about six (6) feet. The total area of the water treatment wetland will be approximately 4508 ft².

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MAR 16 2003

WATER



RIGHTS, INC.

The 5 cfs will exit the water treatment wetland on the south end and continue flowing through an open ditch with the previously noted specifications. However, because of the topography of Draper's land, the slope of the ditch leaving the wetland area is slightly steeper, approximately 0.009, and the water will flow with slightly less depth, approximately 10 inches deep. The slightly meandering ditch segment leading southeasterly from the water treatment wetland to the main pond project will be approximately 175 feet long.

The water will then enter the main pond area from the north (see maps and drawings in Appendix). The main pond will have a surface area of about 20,075 ft², a maximum depth of approximately 10 feet, and contain a 2,221 ft² island. The water will then exit the main pond through an approved measuring device and be conveyed through a pipeline for approximately 125 feet, back to the river.

Evaporative and seepage losses are obviously anticipated. To compensate for the losses and sustain a non-consumptive system, the applicant purchased Hiawatha Canal water, in an amount equal to the measured loss, from a downstream user. Hiawatha Canal water can be diverted through Cliffside Howeowner's Association's ponds, the Comstock Ditch, or left in the river, depending on conditions of the license approval.

Based on Condition No. 12 on Greystone's permit no. 37-08535, the loss of water available to the holders of senior Comstock Ditch irrigation rights, caused by the diversion of water under this right shall be compensated leaving all or the requisite portion of the purchased Hiawatha Canal water in Comstock Ditch. However, when Comstock Ditch irrigation rights are not being diverted, but water is being diverted under this right, then losses to Big Wood River will be compensated by diverting the purchased Hiawatha Canal water from Comstock Ditch and conveying it via pipeline, along with the pond development's return water, to Big Wood River.

T:\writ\Clients\E - FIR99-090 (Fisher-Draper)\Attachment A.wpd

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WATER



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Appendix

- Pond Capacity Spreadsheets
- FlowMaster (Ditch Capacity) Worksheets
- AutoCad Drawing
- Quad & Plat Maps
- Gray's Water Right License

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**Total Pond Project
Required Volume**

37-20441

<u>Wetland Area (ft²):</u>	2,803.00	<u>Wetland Pond Area (ft²):</u>	1,705.00	<u>Main Pond Area (ft²):</u>	20,075.00
<u>Maximum Depth (ft):</u>	1.50	<u>Maximum Depth (ft):</u>	6.00	<u>Maximum Depth (ft):</u>	10.00
<u>Period of Use (days):</u>	365	<u>Period of Use (days):</u>	365	<u>Period of Use (days):</u>	365
<u>Number of Fillings:</u>	1	<u>Number of Fillings:</u>	1	<u>Number of Fillings:</u>	1
<u>Pond Area (acres):</u>	0.06	<u>Pond Area (acres):</u>	0.04	<u>Pond Area (acres):</u>	0.46
<u>Pond Volume (ac-ft):</u>	0.05	<u>Pond Volume (ac-ft):</u>	0.12	<u>Pond Volume (ac-ft):</u>	2.30

*Evap. Loss:

<i>ac-ft/year</i>	<i>gallons/year</i>	<i>gallons/day</i>	<i>gpm</i>	<i>cfs</i>
1.37	445,021.95	1,219.24	0.85	0.0019

Fish & Wildlife Use:

<i>ac-ft/year</i>	<i>gallons/year</i>	<i>gallons/day</i>	<i>gpm</i>	<i>cfs</i>
2.47	804,844.86	2,205.05	1.53	0.0034

Total Use per Year:

<i>ac-ft/year</i>	<i>gpm</i>	<i>cfs</i>
<u>3.84</u>	<u>2.38</u>	<u>0.0053</u>

*2.42 feet or 29 inches was used for the mean annual evaporative loss--Water in Environmental Planning, by Thomas Dunne and Luna B. Leopold, 1978. See Appendix A - Relative Documents to the evaporation chart.

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WATER



RIGHTS, II

Wetland Volume & Evaporation Loss

Wetland Area (ft²): 2,803.00

Maximum Depth (ft): 1.50

Period of Use (days): 365

Number of Fillings: 1

Pond Area (acres): 0.06

Pond Volume (ac-ft): 0.05

*Evap. Loss:

<i>ac-ft/year</i>	<i>gallons/year</i>	<i>gallons/day</i>	<i>gpm</i>	<i>cfs</i>
0.16	50,742.24	139.02	0.10	0.0002

Fish & Wildlife Use:

<i>ac-ft/year</i>	<i>gallons/year</i>	<i>gallons/day</i>	<i>gpm</i>	<i>cfs</i>
0.05	15,725.90	43.08	0.03	0.0001

Total Use per Year:

<i>ac-ft/year</i>	<i>gpm</i>	<i>cfs</i>
<u>0.20</u>	<u>0.13</u>	<u>0.0003</u>

*2.42 feet or 29 inches was used for the mean annual evaporative loss--Water in Environmental Planning, by Thomas Dunne and Luna B. Leopold, 1978. See Appendix A - Relative Documents to the evaporation chart.

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WATER



RIGHTS, II

Wetland Pond
Required Volume

37-20441

Wetland Pond Area (ft²): 1,705.00

Maximum Depth (ft): 6.00

Period of Use (days): 365

Number of Fillings: 1

Pond Area (acres): 0.04

Pond Volume (ac-ft): 0.12

*Evap. Loss:

<i>ac-ft/year</i>	<i>gallons/year</i>	<i>gallons/day</i>	<i>gpm</i>	<i>cfs</i>
0.09	30,865.33	84.56	0.06	0.0001

Fish & Wildlife Use:

<i>ac-ft/year</i>	<i>gallons/year</i>	<i>gallons/day</i>	<i>gpm</i>	<i>cfs</i>
0.12	38,262.81	104.83	0.07	0.0002

Total Use per Year:

<i>ac-ft/year</i>	<i>gpm</i>	<i>cfs</i>
<u>0.21</u>	<u>0.13</u>	<u>0.0003</u>

*2.42 feet or 29 inches was used for the mean annual evaporative loss--Water in Environmental Planning, by Thomas Dunne and Luna B. Leopold, 1978. See Appendix A - Relative Documents to the evaporation chart.

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WATER



RIGHTS, INC.

**Main Pond
Required Volume**

37-20441

Main Pond Volume & Evaporative Loss

Main Pond Area (ft²): 20,075.00

Maximum Depth (ft): 10.00

Period of Use (days): 365

Number of Fillings: 1

Pond Area (acres): 0.46

Pond Volume (ac-ft): 2.30

***Evap. Loss:**

<i>ac-ft/year</i>	<i>gallons/year</i>	<i>gallons/day</i>	<i>gpm</i>	<i>cfs</i>
1.12	363,414.38	995.66	0.69	0.0015

Fish & Wildlife Use:

<i>ac-ft/year</i>	<i>gallons/year</i>	<i>gallons/day</i>	<i>gpm</i>	<i>cfs</i>
2.30	750,856.16	2,057.14	1.43	0.0032

Total Use per Year:

<i>ac-ft/year</i>	<i>gpm</i>	<i>cfs</i>
<u>3.42</u>	<u>2.12</u>	<u>0.0047</u>

*2.42 feet or 29 inches was used for the mean annual evaporative loss--Water in Environmental Planning, by Thomas Dunne and Luna B. Leopold, 1978. See Appendix A - Relative Documents to the evaporation chart.

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MAR 26 2003

WATER



RIGHTS, IF

Project Description	
Project File	c:\wri\clients\le - fr99-090 (fisher-draper)\ditch re.fm2
Worksheet	From POD to Wetland Treatment/Pond
Flow Element	Trapezoidal Channel
Method	Manning's Formula
Solve For	Discharge

Input Data	
Mannings Coefficient	0.030
Channel Slope	0.005000 ft/ft
Depth	1.00 ft
Left Side Slope	0.150000 H : V
Right Side Slope	0.150000 H : V
Bottom Width	2.00 ft

Results	
Discharge	4.96 cfs
Flow Area	2.15 ft ²
Wetted Perimeter	4.02 ft
Top Width	2.30 ft
Critical Depth	0.57 ft
Critical Slope	0.026356 ft/ft
Velocity	2.31 ft/s
Velocity Head	0.08 ft
Specific Energy	1.08 ft
Froude Number	0.42
Flow is subcritical.	

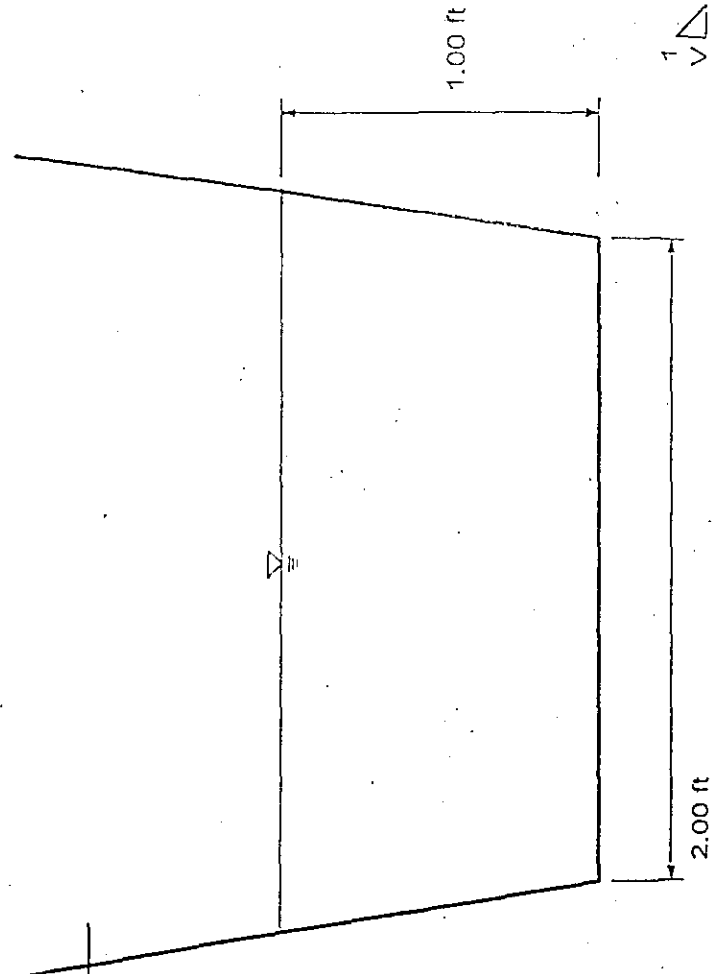
MICRO

MAR 28 2003

Ditch Between POD & Wetland Treatment
Cross Section for Trapezoidal Channel

Project Description	
Project File	c:\wrlclients\le - 09-99-090 (fisher-draper)\ditch re.fm2
Worksheet	From POD to Wetland Treatment/Pond
Flow Element	Trapezoidal Channel
Method	Manning's Formula
Solve For	Discharge

Section Data	
Mannings Coefficient	0.030
Channel Slope	0.005000 ft/ft
Depth	1.00 ft
Left Side Slope	0.150000 H : V
Right Side Slope	0.150000 H : V
Bottom Width	2.00 ft
Discharge	4.96 cfs



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MAR 26 2003

Project Description	
Project File	c:\wri\clients\le - fir99-090 (fisher-draper)\ditch re.fm2
Worksheet	From POD to Wetland Treatment/Pond
Flow Element	Trapezoidal Channel
Method	Manning's Formula
Solve For	Discharge

Input Data	
Mannings Coefficient	0.030
Channel Slope	0.009000 ft/ft
Depth	0.83 ft
Left Side Slope	0.150000 H : V
Right Side Slope	0.150000 H : V
Bottom Width	2.00 ft

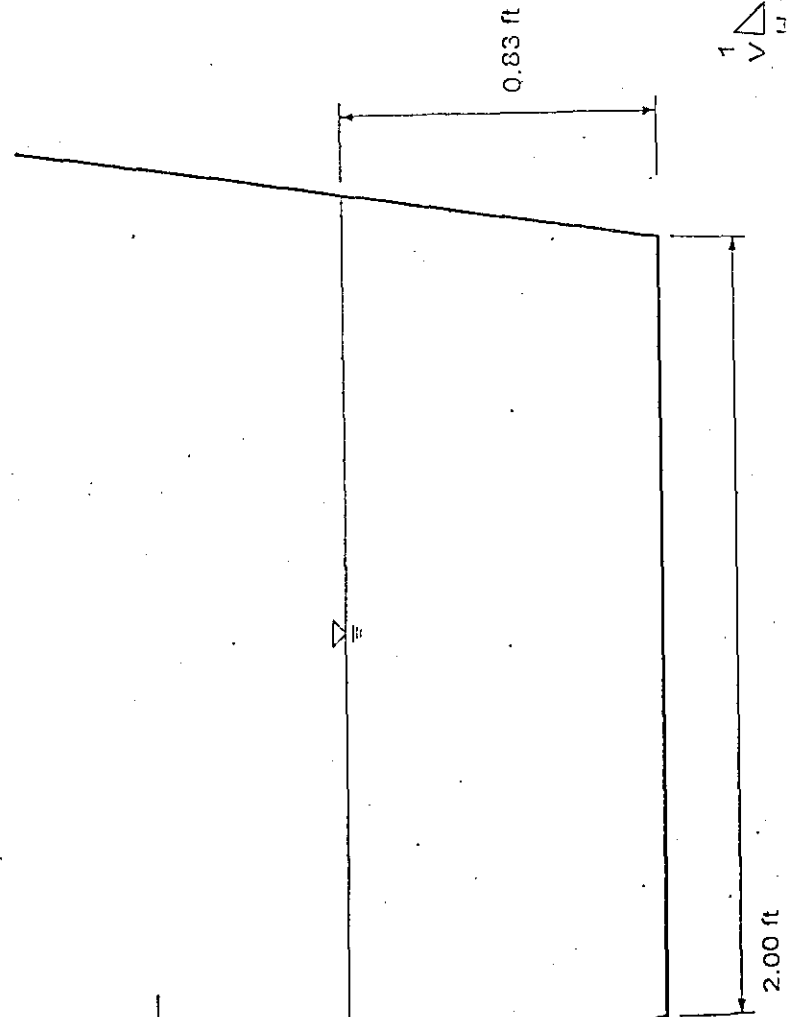
Results	
Discharge	5.03 cfs
Flow Area	1.75 ft ²
Wetted Perimeter	3.67 ft
Top Width	2.25 ft
Critical Depth	0.57 ft
Critical Slope	0.026371 ft/ft
Velocity	2.87 ft/s
Velocity Head	0.13 ft
Specific Energy	0.95 ft
Froude Number	0.57
Flow is subcritical.	

37-20441

Ditch Wetland Treatment & Main Pond
Cross Section for Trapezoidal Channel

Project Description	
Project File	c:\wrlclients\le - Ar99-090 (fisher-draper)\ditch re.fm2
Worksheet	From POD to Wetland Treatment/Pond
Flow Element	Trapezoidal Channel
Method	Manning's Formula
Solve For	Discharge

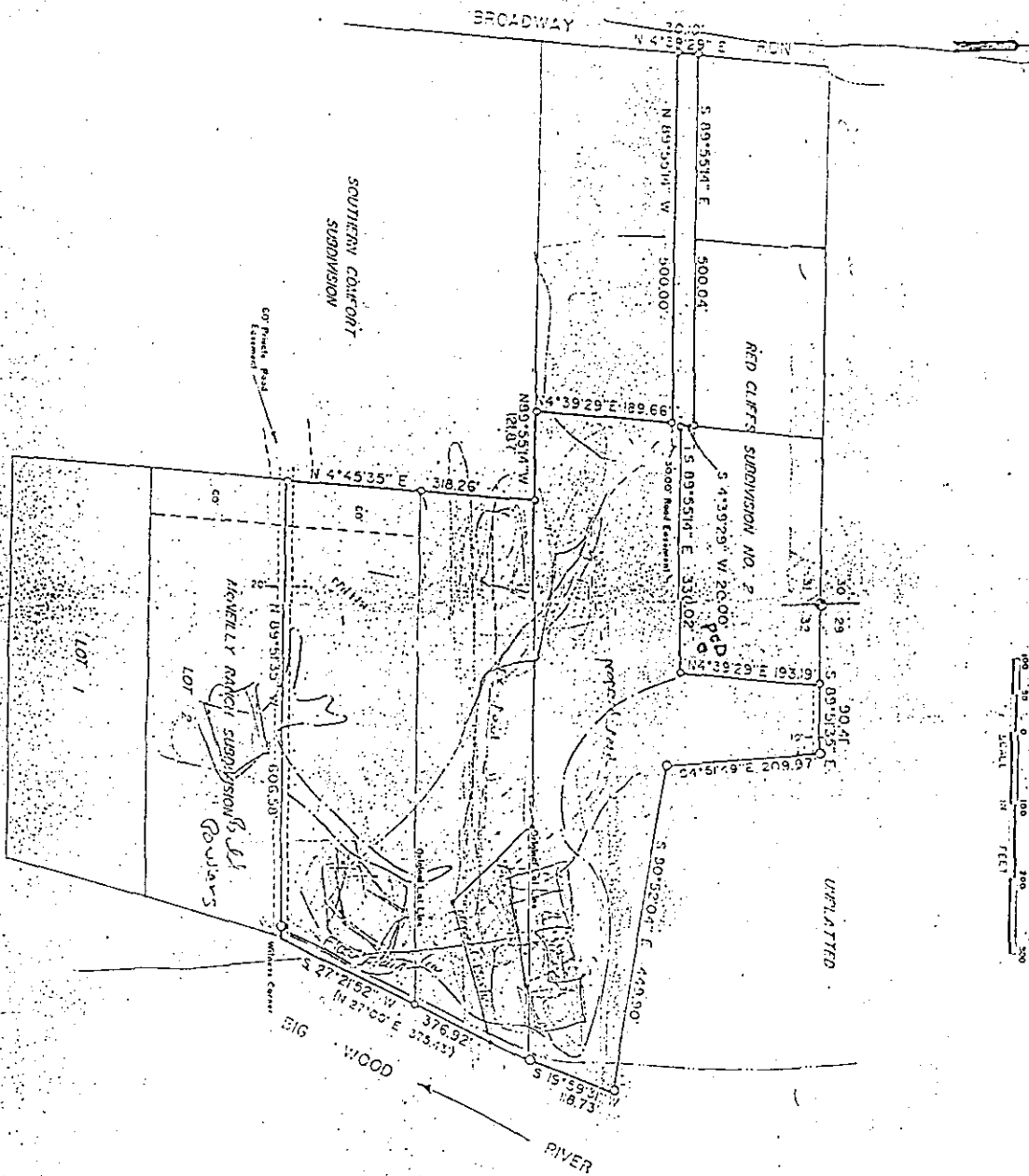
Section Data	
Mannings Coefficient	0.030
Channel Slope	0.009000 ft/ft
Depth	0.83 ft
Left Side Slope	0.150000 H : V
Right Side Slope	0.150000 H : V
Bottom Width	2.00 ft
Discharge	5.03 cfs



MICROSOFT

MAR 28 2003

REPLAT OF LOTS 3, 8, 4, MCNEILLY RANCH SUBDIVISION
and
LOT 6, RED CLIFFS SUBDIVISION NO. 2, LOTS 5, 8, 6, AMENDED
A PORTION OF SECTIONS 31, 3, 32, T. 4 N., R. 18 E., B.M., BLAINE COUNTY, IDAHO



PRINTED 1/27/83

PRELIMINARY

GALENA ENGINEERING.

MAR 26 1982

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08535

Priority: July 11, 1989

Maximum Diversion Rate: 10.00 CFS
Maximum Diversion Volume: 7239.8 AF

This is to certify, that GRAYSTONE INC

C/O JAMES P SPECK ESQ

PO BOX 987

KETCHUM ID 83340-0987

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 11, 1989; and has submitted Proof of Beneficial Use on May 30, 1996. An examination indicates that the works have a diversion capacity of 10.640 cfs of water from:

BIG WOOD RIVER

tributary to MALAD RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
AESTHETIC	01/01 to 12/31	10.00 CFS	7239.8 AF

LOCATION OF POINT(S) OF DIVERSION:

SENE, Sec. 30, Township 04N, Range
BLAINE County

PLACE OF USE: AESTHETIC

TWN RGE SEC

04N 18E 29

SWSW

30

SESE

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
6. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

MIC

7/28/2003

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08535

CONDITIONS OF APPROVAL AND REMARKS

7. Water temperature effects on the Big Wood River of return flows must be monitored as per agreement between the right holder and the Department of Health & Welfare, Division of Environmental Quality. The Director may require other water quality monitoring if necessary, to protect the local public interest. Use of water under this right, when combined with other recreational, aesthetic, hydropower, fish propagation or other traditional "non-consumptive uses" of water must not cause a significant degradation of water quality in the Big Wood River and its tributaries.
8. This right is junior to the minimum streamflow in the Big Wood River of 189.00 cfs, as established by water right nos. 37-07919 and 37-08307.
9. The director retains jurisdiction to review and amend any and all parameters of this right to assure continuing compliance with the "local public interest" criteria of IDAPA Rule 37.03.08.045.01.e. Any person seeking review and amendment of this right shall file a request for a transfer with the department, which request shall include the transfer sought, the reasons for the transfer, and a statement of the changes in circumstances since the license was issued or last reviewed that merit a review of the license. The department shall mail a copy of the request by certified mail, return receipt requested, to the right holder and allow the right holder not less than thirty (30) days from the date of his receipt of the copy of the request to file a response. Upon review of the request and the response, the department may, in its discretion, decide the right needs to be reviewed. If so, it shall notify the general public and specific persons or parties known to be interested in the proposed change, and conduct a hearing for the purpose of determining whether the right should be changed for the purpose of assuring it continues to comply with the "local public interest" criteria of IDAPA Rule 37.03.08.045.01.e. The burden of proof at the hearing shall be upon the persons or parties seeking the transfer to establish that a material change in circumstances has occurred since the right was issued or was reviewed that requires a transfer of the right to prevent a conflict with the "local public interest".
10. This right, when combined with water diverted pursuant to right no. 37-08278 shall not exceed ten (10) cfs.
11. When delivery of water pursuant solely to this right is not possible because of earlier priority rights, including minimum streamflows, water diverted pursuant to right no. 37-08278 may be delivered through the place of use for this right only if: a) losses incurred from the point of diversion to the point of discharge of right no. 37-08278 are fully compensated, and b) the water is discharged directly to the actively flowing channel of the Big Wood River.

MIC.

MAR 26 2003

WATER RIGHT LICENSE

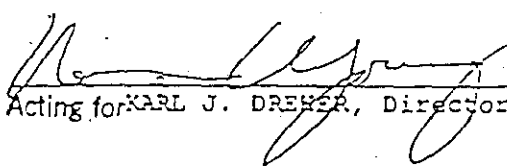
WATER RIGHT NO. 37-08535

CONDITIONS OF APPROVAL AND REMARKS

(1883)

12. Right 37-30035 is used in combination with this right to mitigate losses of water resulting from the use of this right. The loss of water available to the holders of senior Comstock Ditch irrigation rights caused by the diversion of water under this right shall be compensated by delivering all or the requisite portion of Right 37-30035 to the point where water diverted under this right is returned to the Comstock Ditch. Whenever the Comstock Ditch irrigation rights are not being diverted, but water is being diverted under this right, then losses to the Big Wood River must be compensated by leaving Right 37-30035 in the river. If compensation water under Right 37-30035 is not available, no water may be diverted under this right.
13. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently maintained at the point of diversion from the Big Wood River.
14. Measuring devices shall be maintained at the point of discharge to the Comstock Ditch and at the point of discharge to the Big Wood River.
15. At such times in the future as may be necessary to protect the prior rights of other water users, the Director may require determination of the actual rate of loss within the system and may require additional mitigation for all system losses, including losses which may injure other users from the Comstock Ditch.

This license is issued pursuant to the provisions of Section 42-219, Idaho C.
Witness the seal and signature of the Director, affixed at Boise, this 22nd
day of OCTOBER, 1992.


Acting for KARL J. DREHER, Director

MAR 28 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

February 14, 2003

RANNEY DRAPER
567 SAN NICHOLAS DR STE 340
NEWPORT BEACH CA 92660-6513

RE: Permit No. 37-20441

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least sixty days prior to the commencement of work in the stream.

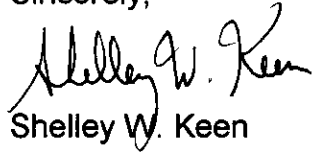
Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's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

MICROFILMED

MAR 26 2003

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 "Shelley" being more prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED
MAR 26 2003

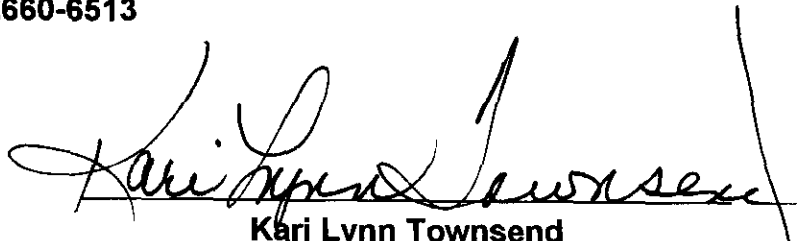
CERTIFICATE OF SERVICE

I hereby certify that on February 14, 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.

37-20441

**RANNEY DRAPER
567 SAN NICHOLAS DR STE 340
NEWPORT BEACH CA 92660-6513**



**Kari Lynn Townsend
Secretary**

MICROFILMED

MAR 26 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.

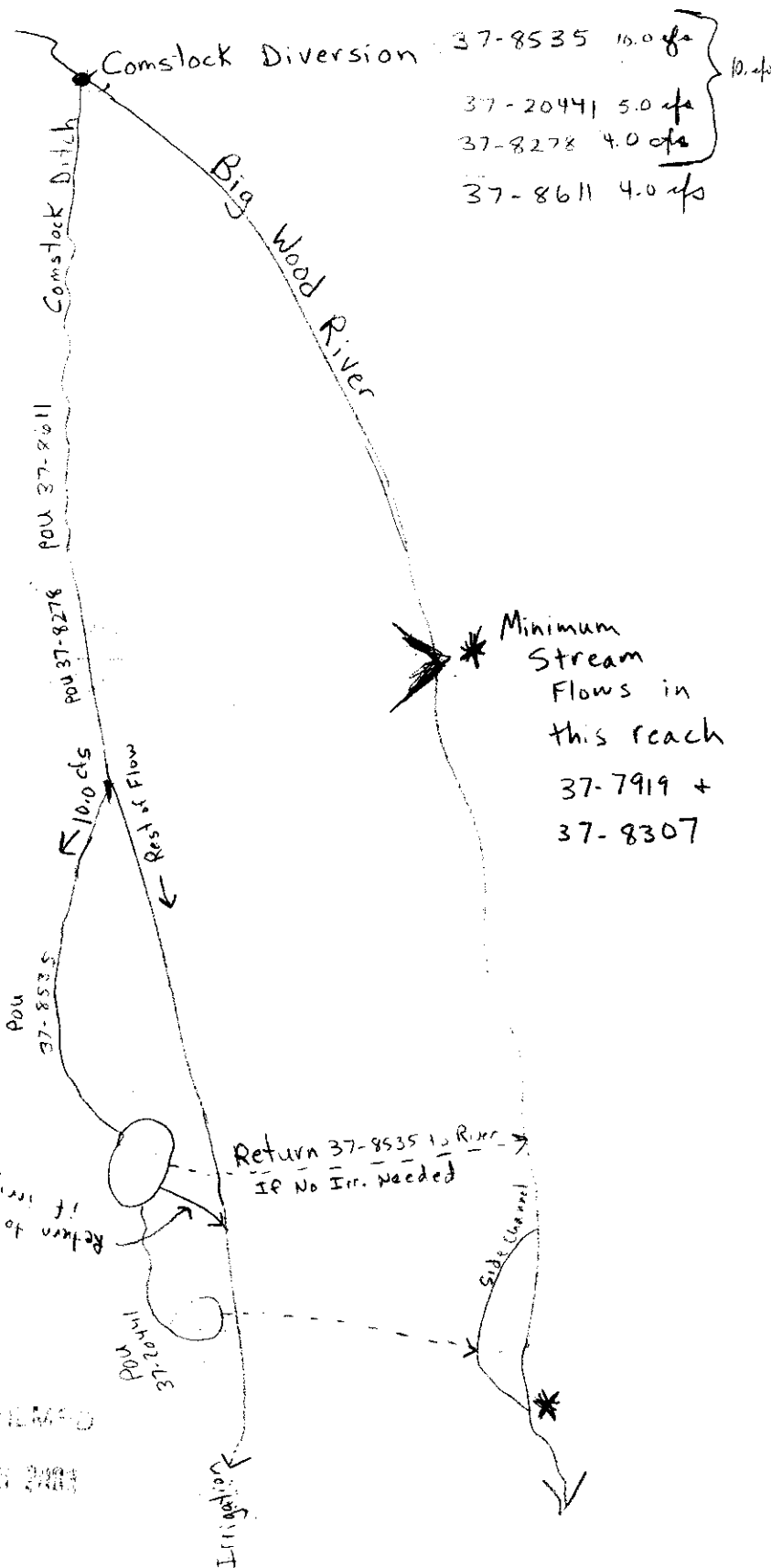
MICROFILMED
MAR 26 2003

Ranney Draper Application 37-20441 and Transfer 69282

~~REDACTED~~
~~REDACTED~~
~~REDACTED~~
~~REDACTED~~

~~REDACTED~~
~~REDACTED~~

~~REDACTED~~



Notes by S. Keen
2/5/83

MICROFILMED

DATE 2-11-2008

When can water be diverted under 37-20441?

1981 and 1987 MSF Priorities Filled?	6/21/2001 Application Priority On	3/24/1883 Mitigation Priority On	Result
Y	Y	Y	Okay to divert
Y	Y	N	Impossible scenario. Can't have 2001 "on" while 1883 is "off".
Y	N	Y	Okay to divert because the MSF is "whole" and losses are being mitigated
Y	N	N	Cannot divert because mitigation not available.
N	Y	Y	Impossible scenario -- 6/21/2001 priority would be cut to satisfy MSF
N	Y	N	Impossible scenario. Can't have 2001 "on" while 1883 is "off".
N	N	Y	Can use 4.0 cfs already diverted under 37-8278 if losses to the river caused by 37-8278 are compensated. Cannot divert if 37-8278 is cut to satisfy MSF or other rights.
N	N	N	Cannot divert because mitigation not available.

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MAR 26 2003

Role	Right No.	Priority
Mitigation	37-20440	3/24/1883
MSF	37-7919	6/19/1981
Right	37-8278	9/25/1986
MSF	37-8307	10/16/1987
Application	37-20441	6/21/2001

MEMORANDUM

Date: December 10, 2002
To: Water Right File 37-20441
From: Sharla
Re: Permit Approval Review

This application proposes to develop more ponds with water diverted under right 37-8535. The alternative source allowed under right 37-8535 is actually water diverted under right 37-8278. Right 37-8278 has not been claimed in the SRBA, instead the right holder claimed the same use with a 1939 priority under claim 37-4265. Those rights have not yet been decreed in the SRBA, therefore, the approval of this permit will also have to include reference to 37-4265.

Further, the claimed 1939 priority pre-dates the two minimum stream flow filings on the Big Wood River, rights 37-7919 and 37-8307, whereas the minimum stream flows pre-date 37-8278 and 37-8535. If the claim gets decreed, it would be senior to both minimum stream flows. The approval will be conditioned to allow use of water under this permit only when water is available for diversion with the 1989 priority under 37-8535.

There were numerous conditions listed in the Settlement Agreement & Stipulation for Withdrawal of Protest signed by all parties in August. Allen Merritt has adequately addressed those issues in a generic condition and has also incorporated the pertinent conditions from 37-8535 into this approval.

MICROFILMED

MAR 26 2003

MEMORANDUM

DATE: December 5, 2002

TO: Water Right File 37-20441

FROM: Shelley W. Keen ^{SUK}

RE: Permit Conditions

This afternoon I spoke with Jim Speck, attorney for Ranney Draper, about the conditions of approval being drafted for Application 37-20441, which proposes an additional use of some of the water diverted under Water Right 37-8535. Mr. Speck wants IDWR to authorize the same alternative source on 37-20441 as is authorized on License 37-8535 under approval condition no. 11. He said there would be no injury to the holder of Right 37-8535 because the "rediversion" for 37-20441 is at the end of the 37-8535 system, just above the point where the water enters a pipeline to be returned to the Big Wood River.

There are at least two complications to be worked through if Mr. Speck's suggestion can be accommodated. First, the alternative source allowed under Right 37-8535 is water diverted under Right 37-8278, which has not been claimed in the SRBA even though a claim is required to preserve the right. Rather than claiming Right 37-8278 in the SRBA, the right holder has claimed the same use with an earlier priority date under beneficial use Claim 37-4265. Therefore, any condition of approval referring to Right 37-8278 should also refer to Claim 37-4265 as an alternative reference. Second, the priority date for Claim 37-4265, if upheld, would make it senior to both minimum instream flow rights in the Big Wood River. Right 37-8278 is senior to one of the minimum instream flow rights. Mr. Speck said it is the intention of his client in asking for the alternative source under Application 37-20441 for it to remain subject to (junior to) the older of the two minimum instream flow appropriations.

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MAR 26 2003

APPLICATION NO. 37-20441

STATE OF IDAHO
IDWR SOUTHERN REGION
APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY P. SKINNER DATE 7/18/01

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?

CUMSTOCK HEADGATE
FROM RIVER,
REDIVERSION
FROM TAIL END
OF 37-8535
SYSTEM.

++++PROPOSED PRIORITY DATE 6/21 2001

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 P. SKINNER 10/30/1996
- ☒ Yes ___ No Field report attached?
- ☒ Yes ☒ No Critical Ground water area?
- ☒ Yes ___ No Groundwater management area? (BIG WOOD)
- ☒ 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. = 5 cfs
- ☒ Yes ☒ No Is Application made to record Pre Nov 1987 Development?
 - If Yes then request clear evidence of when use started.

WATCH ATTEMPTED TO BE
APPROPRIATED IS 5 cfs of
10 cfs LICENSED UNDER
37-8535. SEVERAL RIGHTS
DIVERTED THROUGH
CUMSTOCK.

* 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	<u>10/4/01</u>	_____
☐ USFS	_____	_____
☐ Idaho Dept of Lands	_____	_____
☒ Water Dist. No. <u>37</u>	<u>10/4/01</u>	_____
☐ Adjudication Bureau Unit	_____	_____
☒ STREAM CHANNEL	<u>10/4/01</u>	_____
☒ IDWR WATER PLANNING	<u>10/4/01</u>	_____

NOTE: APPLICATION
PROPOSES NEW DISCHARGE
INTO BIG WOOD RIVER.

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: withdrew

☐ Yes ☐ No Measuring device required?

☒ Yes ☐ No Access port required?

☐ Yes ☐ No Will water be delivered by watermaster? If yes, what dist? 37

☐ Yes ☐ No Special conditions codes:

☒ Yes ☐ No Is Evaluation Memo Attached?

If yes; date of Memo _____

Date of priority recommended: 6/21/2000

COMMENTS:

RECOMMEND

☒ Approval

☐ Denial

By

APM

Date

11/26/02



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 3, 2002

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

Re: Application for Transfer No. 69282 and Application for Permit No. 37-20441 (Ranney Draper)

Dear Mr. Speck:

This office acknowledges receipt of the Settlement Agreement and Stipulation for Withdrawal of Protest regarding the above referenced applications.

Since the issue of the protest has been resolved, the Department is now prepared to proceed with the normal processing of the applications which includes regional review prior to being forwarded to our State Office.

The Department will continue review of the applications without further contact with the protestants unless information is requested; they have been so informed by copy of this letter.

The department's review process may have to include field investigation and verification of the claims which is required as part of the Snake River Basin Adjudication.

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

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:mb

Cc:
BLAINE COUNTY COMMISSIONERS
C/O DOUGLAS WERTH
PO BOX 2360
KETCHUM ID 83340

MICROFILMED

MAR 26 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

August 30, 2002

RECEIVED

SEP 03 2002

Department of Water Resources
Southern Region

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls ID 83301

**Re: Application for Transfer No. 69282 and Application for
Permit No. 37-20441
Ranney Draper - Applicant, Blaine County - Protestant
Our File No. 990197**

Dear Allen:

Enclosed you will find the *original* and two copies of a Settlement Agreement and Stipulation for Withdrawal of Protest in the above-referenced contested Transfer of Application and the Stipulation for Withdrawal of Protest in the above-referenced Permit Application.

Please file the originals in the respective contested matters, conform the copies and return one set to me and forward the other set to Doug Werth in the postage prepaid and pre-addressed envelopes I have included for that purpose.

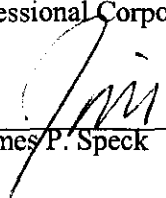
Please call me right away if you have any questions about these filings.

Now that the only protests for these matters have been withdrawn, please let me know how soon you anticipate completing review of the Applications in your office and forwarding them to the State office for the final processing.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS/jgm
enclosures
cc: Client (w/enclosures)
Lee Yelin (w/enclosures)
Steve Fisher (w/enclosures)
Doug Werth (w/enclosures)

MICROFILM

MAR 26 2003

RECEIVED

JUL 06 2002

BLAINE COUNTY
BOARD OF COMMISSIONERS

RECEIVED

SEP 03 2002

Department of Water Resources
Southern Region

ORIGINAL

Douglas A. Werth
BIETER WERTH & WALKER, PLLC
208 Spruce Avenue, 2nd Floor
P.O. Box 2360
Ketchum, ID 83340
Telephone: 208.726.0847
Facsimile: 208.727.6853
Idaho State Bar No. 3660

Attorneys for Protestant

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR TRANSFER NO. 69282,

RAINEY DRAPER,

Applicant,

BLAINE COUNTY,

Protestant.

SETTLEMENT AGREEMENT AND
STIPULATION FOR WITHDRAWAL
OF PROTEST

COMES NOW the Applicant Ranney Draper ("Applicant") and Protestant Blaine County ("Protestant") and stipulate to the withdrawal of the protest of Blaine County in the above-captioned matter upon the following terms, conditions and understandings:

1. Applicant agrees to test for water temperature at or near the outflow of his pond that is the subject of this application, which testing shall occur from April through December with a "hobotemp" or similar water temperature testing device. This testing shall be conducted during 2003 and again during 2005.

MICROFILMED

MAR 25 2003

SETTLEMENT AGREEMENT AND STIPULATION
FOR WITHDRAWAL OF PROTEST - 1

1 2. Applicant agrees to test for dissolved oxygen and pH at or near the
2 outflow of his pond that is the subject of this application, which testing shall occur during
3 the month of July, with samples taken on two separate days. This testing shall be
4 conducted during 2003 and again during 2005.

5 3. Applicant agrees to test for water temperature at or near the inflow of the
6 Greystone pond complex immediately upstream from the pond that is the subject of this
7 application, which testing shall occur from April through December with a "hobotemp" or
8 similar water temperature testing device. This testing shall be conducted during 2003
9 and again during 2005.

10 4. Applicant agrees to test for dissolved oxygen and pH at or near the inflow
11 of the Greystone pond complex immediately upstream from the pond that is the subject
12 of this application, which testing shall occur during the month of July, with samples
13 taken on two separate days. This testing shall be conducted during 2003 and again
14 during 2005.

15 5. Applicant agrees to promptly provide the results of the aforementioned
16 testing and any reports relating hereto to the Blaine County Board of Commissioners
17 and the Idaho Department of Water Resources.

18 6. The parties agree that Applicant's requirement of testing in or near the
19 inflow of the Greystone pond complex immediately upstream from the pond that is the
20 subject of this application, as stated above, shall be required only if the Idaho
21 Department of Water Resources directs or conditions that said testing occur and the
22 Applicant may conduct such testing without violating the laws of the State of Idaho and
23 Blaine County.
24
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1 7. The parties stipulate that the aforementioned testing be included as
2 conditions of approval by the Idaho Department of Water Resources of the above-
3 captioned application and Application for Permit No. 37-20441.

4 8. The parties also stipulate and agree that the Idaho Department of Water
5 Resources include as conditions approval of the above-captioned application and
6 Application for Permit No. 37-20441 those conditions of applicable to the department's
7 prior approval in Water Right License No. 37-08535 of the Greystone pond complex
8 immediately upstream from the pond that is the subject of this application.
9

10 9. This instrument constitutes the entire integrated agreement between the
11 parties hereto and may be altered, amended or revoked only by an instrument in writing
12 duly signed by both parties. All prior and contemporaneous oral and written
13 agreements between and among themselves and their agents or representatives
14 relating to the subject of this agreement are merged in or revoked by this agreement.

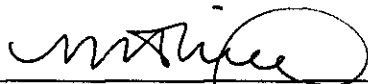
15 10. No presumptions shall exist in favor of or against any party to this
16 agreement as a result of the drafting and preparation of this agreement.

17 11. If action is brought to enforce the terms and provisions of this agreement,
18 the prevailing party in such action shall be entitled to recover from the other party its
19 reasonable attorney fees, together with all costs authorized by law (including any fees
20 and costs on appeal).
21

22 12. Based upon the foregoing terms and conditions, Blaine County agrees to
23 withdraw its protest in the above-captioned application and Application for Permit No.
24 37-20441 and the parties stipulate that the same may be withdrawn.

25
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1 DATED this 5th day of August, 2002.

2
3 
4 MARY ANN MIX
5 Chairman, Blaine County Board of Comm'rs

6 Approved: 
7 Douglas A. Werth, Attorney for
8 Protestant Blaine County

9 DATED this 26 day of August, 2002.

10
11 
12 Ranney Draper

13
14 Approved: 
15 James P. Speck, Attorney for
16 Applicant Ranney Draper
17
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MAR 25 2003

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SEP 03 2002

Department of Water Resources
Southern Region

Douglas A. Werth
BIETER WERTH & WALKER, PLLC
208 Spruce Avenue, 2nd Floor
P.O. Box 2360
Ketchum, ID 83340
Telephone: 208.726.0847
Facsimile: 208.727.6853
Idaho State Bar No. 3660

Attorneys for Protestant

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR PERMIT NO. 37-20411,

RANNEY DRAPER,

Applicant,

BLAINE COUNTY,

Protestant.

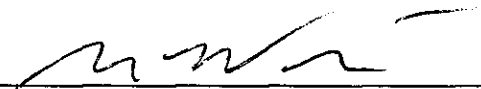
STIPULATION FOR WITHDRAWAL
OF PROTEST

Based upon the parties' entry into the SETTLEMENT AGREEMENT AND
STIPULATION FOR WITHDRAWAL OF PROTEST in Application for Transfer No.
69282, Blaine County agrees to withdraw its protest in the above-captioned application
and the parties stipulate and agree that the same may be withdrawn, and that the terms,
conditions and obligations set forth in said settlement agreement and stipulation also
shall be conditions of approval of the above-captioned application.

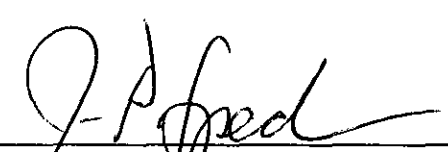
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MAR 26 2003

1 DATED this 8th day of August, 2002.

2
3 
4 Douglas A. Werth, Attorney for
Protestant Blaine County

5 DATED this 16 day of August, 2002.

6
7 
8 James P. Speck, Attorney for
9 Applicant Ranney Draper
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MAR 26 2003

MEMO

FROM: Allen Merritt 

DATE: January 22, 2002

TO: Transfer Application T69282
Application for Permit 37-20441
In the Name of Ranney Draper

SUBJECT: Pre-hearing conference

On 1/15/02 I conducted a pre-hearing conference in Hailey with the applicant's lawyer (Jim Speck) and consultants (Steve Fisher and Lee Yelin) and Blaine County represented by commissioner Dennis Wright and their attorney (Doug Werth).

The application proposes to utilize water already diverted from the Big Wood River for recreation and used in ponds and that is currently discharged back into the Big Wood River. The proposal is for development of more ponds before the water flows back to the Big Wood River. No additional water is intended to be diverted from the Big Wood.

The issue with the county was of public interest. Specifically they were concerned about increase in temperature of the receiving water and about the cumulative affects of ponds in the valley.

The parties had a good discussion of the issues and there was potential for resolution where the applicant may agree to measure temperature through the pond system and document same in an effort to increase knowledge of both applicant and county. The parties resolved to not go to a hearing but resolved to work more on agreement after applicant's representative touched bases with applicant.

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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
DOUGLAS J. AANESTAD

January 3, 2002

Mr. Douglas J. Werth
P.O. Box 2360
Ketchum, Idaho 83340

**RE: Ranney Draper - Application For Transfer No. 69282 and Application For
Permit No. 37-20441**

Dear Doug:

I understand the County has decided to retain you as its counsel in these disputed water right proceedings. Enclosed you will find a copy of the October 29, 2001 letter to Mr. Lee Yelin from David Parrish of the Idaho Department of Fish and Game describing that Department's concerns. My client has agreed to satisfy the concerns raised by Mr. Parrish. In light of this, I hope the County is willing to reconsider its opposition to these applications.

In the meantime, I am enclosing our first discovery requests for these matters as I would like to push them along if they must be litigated.

I look forward to hearing from you as soon as possible. Best wishes for the New Year.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:jgm
enclosures
cc: Client (w/enclosures)
Mr. Lee Yelin (w/enclosures)

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JAN 23 2003

1
2
3 **James P. Speck, Esq., ISB #2067**
4 **SPECK & AANESTAD,**
5 **A Professional Corporation**
6 **Post Office Box 987**
7 **Ketchum, Idaho 83340**
8 **Telephone (208) 726-4421**
9 **Facsimile (208) 726-0752**
10 **Attorneys for Applicant Ranney Draper**

11 **BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES**

12 **IN THE MATTER OF APPLICATION)**
13 **FOR PERMIT NO. 37-20441)**

14 **Ranney Draper, Applicant)**

15 **Blaine County Board of Commissioners,)**

16 **Protestant.)**

**APPLICANT'S FIRST
INTERROGATORIES, REQUESTS
FOR PRODUCTION OF
DOCUMENTS AND REQUESTS FOR
ADMISSION TO PROTESTANT**

17 **TO: PROTESTANT AND ITS ATTORNEY OF RECORD**

18 Pursuant to Rules of Procedure 520-528 of the Idaho Department of Water Resources (the
19 "Department") (IDAPA 37.01.520-528) and the Order authorizing discovery issued herein, the
20 Applicant, RANNEY DRAPER, ("Applicant") hereby requests that you answer each of the following
21 interrogatories, requests for production of documents and requests for admissions separately and
22 fully in writing under oath, and within fifteen (15) days after service hereof.

23 a. Instructions:

24 1. In responding to these interrogatories and requests for production of
25 documents, you are instructed to frame your responses in accordance with the instructions and
26

27 **APPLICANT'S FIRST INTERROGATORIES,**
28 **REQUESTS FOR PRODUCTION OF DOCUMENTS**
AND REQUESTS FOR ADMISSION TO PROTESTANT - 1

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1 definitions set forth herein, and you are required to furnish all information that is available to you,
2 including information in the possession of your attorneys, or other persons directly or indirectly
3 employed by or connected with you or your attorneys, and anyone else acting in your behalf or
4 otherwise subject to your control.

5 2. In responding to these interrogatories, you must make a diligent search of your
6 records and of other papers and materials in your possession or available to you or your
7 representatives. If you cannot obtain the records or information to answer these interrogatories, you
8 should explain in your answer the circumstances and what has been and is being done to obtain the
9 information.

10 3. If any document is withheld under claim of privilege, so as to aid the Court and the
11 parties hereto to determine the validity of the claim of privilege, furnish a list signed by the person
12 supervising your response identifying each document for which the privilege is claimed, together
13 with the following information with respect to each such document:

- 14 a. The identity of the person who signed it or over which whose name
15 it was sent or issued, including his or her last known business and
16 home address and phone number;
- 17 b. The business and home addresses and phone numbers of the person
18 to whom it was directed;
- 19 c. The nature and substance of the document with sufficient particularity
20 to enable the Department and parties hereto to identify the document;
- 21 d. The date of the document;
- 22 e. The identity of the person who has custody of, or control over, the
23 document and each copy thereof;
- 24 f. The identity of each other person to whom copies of the document
25 were furnished, together with his or her job title at the time each
26 obtained the document;

27 **APPLICANT'S FIRST INTERROGATORIES,**
28 **REQUESTS FOR PRODUCTION OF DOCUMENTS**
AND REQUESTS FOR ADMISSION TO PROTESTANT - 2

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- g. The number of pages;
- h. The basis on which any privilege is claimed;
- i. Whether any non-privileged matter is included in the document; and
- j. The number of the interrogatory to which such document corresponds.

4. If any "communication," "conversation" or "statement" is withheld under claim of privilege, so as to aid the Department and the parties hereto to determine the validity of the claim of privilege, furnish a list signed by the person supervising your response identifying each "communication," "conversation" or "statement" for which the privilege is claimed, together with the following information with respect thereto:

- k. The date of such conversation, communication or statement;
- l. The place at which it occurred and the medium involved;
- m. The persons involved, their last known business and home addresses and phone numbers and their business affiliations at the time and presently;
- n. Identify any other person who was present or to whom information regarding the privileged matter was later communicated, and the person's last known business and home addresses and phone numbers;
- o. The nature and subject matter of the conversation, communication or statement;
- p. The basis on which the privilege is claimed;
- q. Whether any nonprivileged matter was contained in the conversation, communication or statement; and
- r. The number of the interrogatory to which such conversation, communication or statement corresponds.

**APPLICANT'S FIRST INTERROGATORIES,
REQUESTS FOR PRODUCTION OF DOCUMENTS
AND REQUESTS FOR ADMISSION TO PROTESTANT - 3**

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1 B. Definitions:

2 1. The term "person" as used herein includes any individual, firm, corporation,
3 partnership, receiver, joint venture, estate, trust, association, and all other forms of entities, including
4 the parties to this suit and their officers, agents, employees, and representatives.

5 2. The term "witness" as used herein refers to any person or persons having or
6 claiming to have knowledge of or pertaining to the matter in question.

7 3. The term "document" as used herein means any writing and any other tangible
8 thing in your custody, possession or control or known to you, whether printed, recorded, reproduced
9 by any process, or written or produced by hand, including but not limited to letters, reports,
10 agreements, communications, including intra-department communications, correspondence,
11 telegrams, maps, photographs, memoranda, summaries or records of personal conversations, diaries,
12 minutes or records of meetings, conferences, expressions or statements of policy, lists of persons
13 attending meetings or conferences, reports and/or summaries of interviews, reports and/or summaries
14 of investigations, opinions or reports or consultants, brochures, pamphlets, drafts of any documents,
15 revisions of drafts of any documents, invoices, receipts and original or preliminary notes. As to each
16 document, any comment or notation appearing on same but not a part of the original text is to be
17 considered a separate document.

18 4. The words "identify" or "identity" when used herein in connection with a
19 person means your answer should include the person's full name, last known business and home
20 addresses, last known business and home telephone numbers, business position and title, if any, and
21 description of his or her duties and responsibilities connected with this position.

22 5. The word "identify" when used herein in connection with a document means
23 your answer should include, but not be limited to, the following:

24 a. The identity of the present custodian of the document;

25 b. The date of making of the document and the identity of each person
26 whose testimony could be used to authenticate such document and lay

27 **APPLICANT'S FIRST INTERROGATORIES,**
28 **REQUESTS FOR PRODUCTION OF DOCUMENTS**
AND REQUESTS FOR ADMISSION TO PROTESTANT - 4

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the foundation for its introduction into evidence.

6. The term "statement" as used herein refers to each recording of an interview or conversation with a witness, whether by a signed or unsigned document, recording, Department reported statement or otherwise.

7. The term "conversation" as used herein refers to any manner of oral communication regardless of the medium by which such communication occurred.

8. The term "communication" as used herein refers to any contact, oral or written, formal or informal, at any time or place, and under any circumstances whatever in which information of any nature was transmitted, received or transferred, including all conversations, statements and document exchanges of any type.

9. In each case wherein you are requested to identify a "conversation," "communication," or "statement," or if the answer to an interrogatory refers to a "conversation," "communication," or "statement," you should state with respect thereto the date and place of such conversation, communication, or statement, the identities of each person participating in or witnessing such conversation, communication or statement, the contents and subject matter of such conversation, communication or statement, and the identity of any other person who, though not participating or present at the time, possesses or purports to possess information concerning the existence or nature of said conversation, communication or statement.

10. The word "you" as used herein includes Blaine County, its agents, employees, attorneys or other persons directly or indirectly employed by or connected with Blaine County or its attorneys, and anyone else acting in its behalf or otherwise subject to its control.

**APPLICANT'S FIRST INTERROGATORIES,
REQUESTS FOR PRODUCTION OF DOCUMENTS
AND REQUESTS FOR ADMISSION TO PROTESTANT - 5**

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1 **INTERROGATORIES**

2 **THESE INTERROGATORIES ARE CONTINUING, AND IF ANY**
3 **ADDITIONAL INFORMATION IS RECEIVED BY YOU AFTER GIVING YOUR**
4 **ANSWERS TO THE FOREGOING INTERROGATORIES, YOU ARE REQUIRED TO**
5 **SUBMIT SUCH ADDITIONAL INFORMATION TO DEFENDANT.**

6 **INTERROGATORY NO. 1:** Identify each person who participated in preparing the
7 responses to these Interrogatories, Requests for Production of Documents and Requests for
8 Admission.

9 **INTERROGATORY NO. 2:** Please identify any experts or consultants with whom you
10 or your attorneys or representatives have consulted in connection with this action. For each such
11 consultant or expert, please state:

- 12 a. The business address and business entity with which such person is associated;
13 b. The person's profession, education, background, training and specific area of knowledge;
14 c. The dates and purpose each such person was contacted;
15 d. Whether any such person prepared a report, its date, its substance and the person who has
16 possession of such report, if written;
17 e. What evidence was provided to such person in relation with such consultation; and
18 f. Whether each such person is expected to testify at the trial of this matter, and if so, the
19 substance of the opinions to which that person is expected to testify and the facts upon which those
20 opinions are based.

21 **INTERROGATORY NO. 3:** Please state the name, address and telephone number of all
22 witnesses you intend to call or may call at the hearing in this matter and specify the facts to which
23 each will testify.

24 **INTERROGATORY NO. 4:** Do you contend the use of water proposed by the Application
25 for Permit will "reduce the quantity of water under existing water rights" as such phrase is used in
26 Idaho Code Section 42-203A(5)(a)? If your answer is "yes," please state all facts and identify all
27 documents which support this contention and identify each and every person known to you or your

28 **APPLICANT'S FIRST INTERROGATORIES,
REQUESTS FOR PRODUCTION OF DOCUMENTS
AND REQUESTS FOR ADMISSION TO PROTESTANT - 6**

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1 attorneys who has any knowledge of, or purports to have any knowledge of, any of the facts
2 supporting this contention.

3 **INTERROGATORY NO. 5:** Do you contend that, for the use of water proposed by the
4 Application for Permit, "the water supply itself is insufficient for the purpose for which it is sought
5 to be appropriated" as such phrase is used in Idaho Code Section 42-203A(5)(b)? If your answer is
6 "yes," please state all facts and identify all documents which support this contention and identify
7 each and every person known to you or your attorneys who has any knowledge of, or purports to
8 have any knowledge of, any of the facts supporting this contention.

9 **INTERROGATORY NO. 6.** Do you contend that the Application for Permit "is not made
10 in good faith, is made for delay or speculative purposes" as such phrase is used in Idaho Code
11 Section 42-203A(5)(c)? If your answer is "yes," please state all facts and identify all documents
12 which support this contention and identify each and every person known to you or your attorneys
13 who has any knowledge of, or purports to have any knowledge of, any of the facts supporting this
14 contention.

15 **INTERROGATORY NO. 7.** Do you contend that "the Applicant does not have sufficient
16 financial resources with which to complete the work involved" in the Application for Permit as such
17 phrase is used in Idaho Code Section 42-203A(5)(d)? If your answer is "yes," please state all facts
18 and identify all documents which support this contention and identify each and every person known
19 to you or your attorneys who has any knowledge of, or purports to have any knowledge of, any of
20 the facts supporting this contention.

21 **INTERROGATORY NO. 8.** Do you contend that the use of water proposed by the
22 Application for Permit "will conflict with the local public interest, where the local public interest
23 is defined as the affairs of the people in the area directly affected by the proposed use" as such
24 phrase is used in Idaho Code Section 42-203A(5)(e)? If your answer is "yes," please state all facts
25 and identify all documents which support this contention and identify each and every person known
26 to you or your attorneys who has any knowledge of, or purports to have any knowledge of, any of

27 **APPLICANT'S FIRST INTERROGATORIES,
28 REQUESTS FOR PRODUCTION OF DOCUMENTS
AND REQUESTS FOR ADMISSION TO PROTESTANT - 7**

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1 the facts supporting this contention.

2 **INTERROGATORY NO. 9.** Do you contend that the use of water proposed by the
3 Application for Permit "is contrary to conservation of water resources within the state of Idaho" as
4 such phrase is used in Idaho Code Section 42-203A(5)(f)? If your answer is "yes," please state all
5 facts and identify all documents which support this contention and identify each and every person
6 known to you or your attorneys who has any knowledge of, or purports to have any knowledge of,
7 any of the facts supporting this contention.

8 **INTERROGATORY NO. 10** If you contend that the use of water proposed by the
9 Application for Permit will reduce the quantity of water under existing water rights, please identify
10 the point of diversion, place of use, water right number and SRBA claim number for each water right
11 or water right claim for which you contend the quantity of water will be reduced.

12 **INTERROGATORY NO. 11.** For each water right identified in your Answer to
13 Interrogatory No. 10, please state how much water has been diverted in cubic feet per second and
14 annual volume in acre feet since 1990.

15 **INTERROGATORY NO. 12.** In your protest to this Application for Permit, you make
16 the following statement:

17 No matter how "minimum" the amount of impounded water in each new pond is said
18 to be, by an applicant, the cumulative impact of a succession of huge ponds in our
19 community will in fact have a very measurable affect on the availability of water for
other water rights holders, minimum stream flows, and all other water interests noted
in the 1998 Blaine County "Local Public Interest Policy."

20 Please state all facts and identify all documents which support your contention that this statement
21 applies to this Application for Permit, and identify each and every person known to you or your
22 attorneys who has any knowledge of, or purports to have any knowledge of, any of the facts
23 supporting this contention.

24
25 **INTERROGATORY NO.13.** In your protest to this Application for Permit, you state that
26 ponds such as that proposed by this Application for Permit "aren't really 'non-consumptive', but are

27 **APPLICANT'S FIRST INTERROGATORIES,
28 REQUESTS FOR PRODUCTION OF DOCUMENTS
AND REQUESTS FOR ADMISSION TO PROTESTANT - 8**

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1 actually 'consumptive'". Please state all facts and identify all documents which support your
2 contention that this statement applies to this Application for Permit, and identify each and every
3 person known to you or your attorneys who has any knowledge of, or purports to have any
4 knowledge of, any of the facts supporting this contention.

5 **INTERROGATORY NO. 14.** The project proposed by the Application for Permit
6 includes the construction of wetlands and ponds. Do you contend these wetlands and ponds will not
7 provide additional habitat for ducks, other birds and other forms of wildlife in the Wood River
8 Valley? If your answer is "yes," please state all facts and identify all documents which support this
9 contention and identify each and every person known to you or your attorneys who has any
10 knowledge of, or purports to have any knowledge of, any of the facts supporting this contention.

11 **REQUESTS FOR PRODUCTION OF DOCUMENTS**

12 Pursuant to the Department's Rule of Procedure 524 (IDAPA 37.01.01.524) and Rule 34 of
13 the Idaho Rules of Civil Procedure, Applicant hereby requests that you produce for inspection,
14 examination and copying the documents hereinafter specified at the law offices of Speck &
15 Aanestad, 120 East Avenue North, Ketchum, Idaho, within fifteen (15) days from the date of service
16 of this First Request for Production of Documents upon you.

17 **REQUEST FOR PRODUCTION NO. 1.** All documents identified in your Answer to
18 Interrogatory No. 4.

19 **REQUEST FOR PRODUCTION NO. 2.** All documents identified in your Answer to
20 Interrogatory No. 5.

21 **REQUEST FOR PRODUCTION NO. 3.** All documents identified in your Answer to
22 Interrogatory No. 6.

23
24 **REQUEST FOR PRODUCTION NO. 4.** All documents identified in your Answer to
25 Interrogatory No. 7.

26 **REQUEST FOR PRODUCTION NO. 5.** All documents identified in your Answer to

27 **APPLICANT'S FIRST INTERROGATORIES,
28 REQUESTS FOR PRODUCTION OF DOCUMENTS
AND REQUESTS FOR ADMISSION TO PROTESTANT - 9**

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Interrogatory No. 8.

REQUEST FOR PRODUCTION NO. 6. All documents identified in your Answer to Interrogatory No. 9.

REQUEST FOR PRODUCTION NO. 7. All documents which support your Answer to Interrogatory No. 10.

REQUEST FOR PRODUCTION NO. 8. All documents which support your Answer to Interrogatory No. 11.

REQUEST FOR PRODUCTION NO. 9. All documents identified in your Answer to Interrogatory No. 12.

REQUEST FOR PRODUCTION NO. 10. All documents identified in your Answer to Interrogatory No. 13.

REQUEST FOR PRODUCTION NO. 11. All documents identified in your Answer to Interrogatory No. 14.

REQUEST FOR PRODUCTION NO. 12. All documents which you intend to offer into evidence at the hearing of this action.

REQUESTS FOR ADMISSIONS

Pursuant to the Department's Rule of Procedure 524 (IDAPA 37.01.01.524) and Rule 36 of the Idaho Rules of Civil Procedure, Applicant hereby requests that you answer all of the following requests for admissions within fifteen (15) days from the date of service of this First Request for Admissions upon you.

REQUEST FOR ADMISSION NO. 1. Please admit that the Department has the sole and exclusive authority in the State of Idaho for granting permits to divert the waters of the State of Idaho.

REQUEST FOR ADMISSION NO. 2. Please admit that the amount of evaporation from an open water surface is the same as the amount of evapotranspiration from an equal area of growing alfalfa.

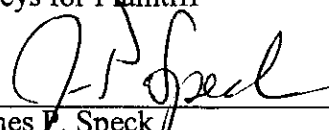
**APPLICANT'S FIRST INTERROGATORIES,
REQUESTS FOR PRODUCTION OF DOCUMENTS
AND REQUESTS FOR ADMISSION TO PROTESTANT - 10**

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101 2 3 2003

1 DATED this 3rd day of January, 2002.

2
3 SPECK & AANESTAD
A Professional Corporation
Attorneys for Plaintiff

4
5 By 
6 James P. Speck

7 **CERTIFICATE OF SERVICE**

8
9 I hereby certify that on the 3rd day of January, 2002, I served a true and correct copy of the
10 within and foregoing document upon the persons named below in the manner noted:

11 Douglas A. Werth, Esq.
12 Post Office Box 2360
13 Ketchum, ID 83340
14 FAX (208) 727-6853

☒ United States Mail, Postage
Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United
States Mail, Postage Prepaid

15 Blaine County Board of Commissioners
16 206 1st Ave. So. Suite 300
17 Hailey, ID 83333
18 FAX (208) 788-5576

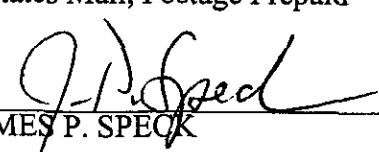
☒ United States Mail, Postage
Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United
States Mail, Postage Prepaid

19 Mr. Allen Merritt
20 Idaho Department of Water Resources
1341 Fillmore, Suite 200
21 Twin Falls, ID 83301
FAX (208) 736-3037

☒ United States Mail, Postage
Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United
States Mail, Postage Prepaid

22 Mr. Karl J. Dreher
23 Idaho Department of Water Resources
1301 North Orchard Street
24 Statehouse Mail
Boise, Idaho 83720-9000
25 FAX (208) 327-7866

☒ United States Mail, Postage
Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United
States Mail, Postage Prepaid

26 
JAMES P. SPECK

27 **APPLICANT'S FIRST INTERROGATORIES,
28 REQUESTS FOR PRODUCTION OF DOCUMENTS
AND REQUESTS FOR ADMISSION TO PROTESTANT - 11**

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101 2 8 2001

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER)

NO. 69282 and APPLICATION FOR PERMIT NO. 37-20441)

Ranney Draper,)

Applicant)

Blaine County Commissioners,)

Protestant)

NOTICE OF JOINT PRE-HEARING

CONFERENCE

SOURCE: Big Wood River

County: Blaine

On June 22, 2001 Ranney Draper (applicant), filed with the Department of Water Resources an Application to Transfer and an Application for Permit to appropriate the public waters of the State of Idaho. The Department has received a protest against the approval of said applications from the above captioned protestant.

The Department has set the matters of protest for a joint conference on Tuesday – January 15, 2002 at 10:00 a.m. in the Courtroom, Blaine County Judicial Building, 206 First Ave South-Ste #300; Hailey ID.

The purpose of the conference is to formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

The conference will be held in accordance with Chapter 2, Title 42, of the Idaho Code and the adopted Rules of Practice and Procedure of the Department of Water Resources.

The conference will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

PRE-HEARING ORDER

IT IS THEREFORE, HEREBY ORDERED as follows:

The parties are authorized to engage in discovery commencing with the date of this order. The parties shall complete discovery fourteen days (14) days prior to the date of a future hearing. Discovery shall be conducted pursuant to IDAPA Rules 37.01.01520-532 (Rules of Procedure 520 through 532). The parties are directed to answer or otherwise respond to discovery in accordance with the department's Rules of Procedure and the Idaho rules of Civil Procedure, as appropriate. In accordance with Rule 520, the scope of discovery shall be governed by Rule 26(b) of the Idaho Rules of Civil Procedure, unless otherwise provided by statute, rule or order of the Director.

Dated this 13th day of December, 2001.


Allen Merritt
Pre-Hearing Officer
Southern Regional Manager

MAR 26 2003

CERTIFICATE OF MAILING

I hereby certify that on the 13th day of December, 2001 a true and correct copy of the above and foregoing Notice of Pre-Hearing Conference and Pre-Hearing Order were forwarded with all required charges prepared, by regular U.S. Mail to the parties listed below:


Secretary

RANNEY DRAPER
567 SAN NICHOLAS DR.
SUITE 340
NEWPORT BEACH, CA 92660-6513

LEE YELIN
WATER RIGHTS INC
PO BOX 9285
MISSOULA MT 59807

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

BLAINE COUNTY COMMISSIONERS
C/O JIM THOMAS
201 SECOND AVE SOUTH, STE #100
HAILEY, ID 83333

MAR 26 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

December 14, 2001

ATTN: BAILIFF RUSS
BLAINE COUNTY JUDICIAL BLDG
206 FIRST AVE SOUTH-STE #300
HAILEY ID 83333

Dear Russ:

This is a follow-up to our telephone conversation of December 4, 2001 to confirm the reservation of the Courtroom for a meeting to be held by this office on Tuesday – January 15, 2002 from 9:00 a.m.- 5:00 p.m.

If you have any questions please feel free to contact me or Allen Merritt, Southern Regional Office Manager.

Thank you very much for your assistance in this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Mary Baldwin".

Mary Baldwin
Administrative Assistant

MAB

MICROFILMED

MAR 26 2003

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
DOUGLAS J. AANESTAD

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

December 6, 2001

RECEIVED

DEC 07 2001

Department of Water Resources
Southern Region

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls ID 83301

Re: Application for Transfer No. 69282 and Application for
Permit No. 37-20441
Applicant Ranney Draper
Our File No. 990197

Dear Allen:

Enclosed you will find Notices of Appearance and Motions for Order Compelling Discovery to be filed in the two above-referenced contested cases. I have also enclosed copies of each of these documents for you to receipt date stamp and return to me in the postage prepaid, self-addressed envelope included for that purpose. ✓ done 12/12/01

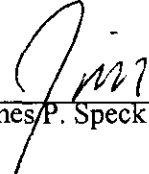
I understand you are trying to schedule the pre-hearing conference for these contested cases as well as other contested cases in which Blaine County is a protestant for January 15, 2002. As I explained, I am available in the morning on that date. I am also available any other day that week. We specifically request that our pre-hearing conferences be held no later than Friday January 18, 2002.

Please make arrangements to have an appropriate Order issued authorizing discovery to proceed in these matters. The issues in these cases will be quite straight forward and it is important for my client to have a resolutions of these disputes by this summer.

Thank you very much for you anticipated prompt attention to these matters.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS/jgm
enclosures

cc: Client (w/enclosures)
Lee Yelin (w/enclosures)
Steve Fisher (w/enclosures)
Board of Blaine County Commissioners (w/enclosures)
Mr. Jim J. Thomas (w/enclosures)
IDWR (w/enclosures)
Mr. Karl J. Dreher, IDWR (w/enclosures)

MICROFILMED

MAR 26 2003

James P. Speck, Esq., ISB # 2067
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
Post Office Box 987
Ketchum, Idaho 83340
Telephone (208) 726-4421
Facsimile (208) 726-0752
Attorneys for Applicant Ranney Draper

RECEIVED
DEC 07 2001
Department of Water Resources
Southern Region

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 37-20441:)

Ranney Draper, Applicant.)

Blaine County,)

Protestant.)

MOTION FOR ORDER
COMPELLING DISCOVERY

Applicant, Ranney Draper, pursuant to the provisions of IDAPA 37.01.01.521 moves the Department for its Order directing that discovery may be conducted in this contested case and providing in such order a schedule for completion of the discovery.

Dated this 4th day of December, 2001.

SPECK & AANESTAD
A Professional Corporation
Attorneys for Applicant Ranney Draper

By: _____

James P. Speck

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of December 2001, I served a true and correct copy of the within and foregoing document upon the persons named below in the manner noted:

Board of Blaine County Commissioners
206 First Avenue South
Suite 300
Hailey, ID 83333
Fax: 1-208-788-5576

- ☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid

Mr. Jim J. Thomas
Blaine County Prosecuting Attorney
201 Second Avenue South
Suite 100
Hailey, ID 83333
Fax: 1-208-788-5554

- ☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid

IDAHO DEPARTMENT OF WATER
RESOURCES
Southern Regional Office
1341 Fillmore Street
Suite 200
Twin Falls ID 83301-3380
Fax: 1-208-736-3037

- ☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid

Mr. Karl J. Dreher
Director
IDAHO DEPARTMENT OF WATER
RESOURCES
1301 N. Orchard
P.O. Box 83720
Boise, ID 83720-0098
Fax: 1-208-327-7866

- ☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid



JAMES P. SPECK

James P. Speck, Esq., ISB # 2067
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
Post Office Box 987
Ketchum, Idaho 83340
Telephone (208) 726-4421
Facsimile (208) 726-0752
Attorneys for Applicant Ranney Draper

RECEIVED
DEC 07 2001
Department of Water Resources
Southern Region

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 37-20441:)

Ranney Draper, Applicant.)

Blaine County,)

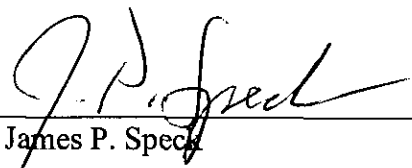
Protestant.)

NOTICE OF APPEARANCE

James P. Speck, of Speck & Aanestad, A Professional Corporation, hereby files its Notice of Appearance on behalf of Applicant Ranney Draper.

Dated this 27th day of December, 2001.

SPECK & AANESTAD
A Professional Corporation
Attorneys for Applicant Ranney Draper

By: 
James P. Speck

MICROFILMED
MAR 26 2003

I.

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of December 2001, I served a true and correct copy of the within and foregoing document upon the persons named below in the manner noted:

Board of Blaine County Commissioners
206 First Avenue South
Suite 300
Hailey, ID 83333
Fax: 1-208-788-5576

- ☒ United States Mail, Postage Prepaid
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Mr. Jim J. Thomas
Blaine County Prosecuting Attorney
201 Second Avenue South
Suite 100
Hailey, ID 83333
Fax: 1-208-788-5554

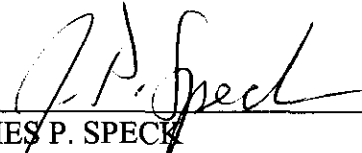
- ☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid

IDAHO DEPARTMENT OF WATER
RESOURCES
Southern Regional Office
1341 Fillmore Street
Suite 200
Twin Falls ID 83301-3380
Fax: 1-208-736-3037

- ☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid

Mr. Karl J. Dreher
Director
IDAHO DEPARTMENT OF WATER
RESOURCES
1301 N. Orchard
P.O. Box 83720
Boise, ID 83720-0098
Fax: 1-208-327-7866

- ☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid



JAMES P. SPECK

MICROFILMED

MAR 26 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

November 27, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LEE YELIN
WATER RIGHTS INC
PO BOX 9285
MISSOULA MT 59807

RANNEY DRAPER
567 SAN NICHOLAS DR.
SUITE 340
NEWPORT BEACH, CA 92660-6513

RE: Application to Permit No. 37-20441 & Application for Transfer No. 69282

Gentlemen:

Enclosed are copies of protests filed again the above referenced applications. The Department suggests you contact the protestant directly to determine the exact nature of the protests and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

Please note that your applications are considered contested cases and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

The attachments to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications. If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing.

If you wish to proceed with a Pre-hearing Conference &/or formal Hearing, please notify this office or if you have any questions please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

Enclosures

MICROFILMED

MAR 26 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 27, 2001

BLAINE COUNTY COMMISSIONERS
C/O JIM THOMAS
201 SECOND AVE SOUTH, STE #100
HAILEY, ID 83333

RE: Application to Permit No. 37-20441 & Application for Transfer No. 69282

Dear Protestant(s):

Your protest against the approval of the above referenced applications have been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

Please note that the applications are considered contested cases and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)

MICROFILM

MAR 26 2003

RECEIVED

STATE OF IDAHO

ORIGINAL

NOV 05 2001

DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

Department of Water Resources
Southern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Ranney Draper ^{Transfer App. #69282} ^{Permit Application (#37-20441)}
2. Name of protestant Blaine County
3. Protestant's representative for service (If different than protestant)
Blaine County Prosecuting Attorney, Jim Thomas
4. Service mailing address 201 Second Avenue South, Suite 100, Hailey 83333
5. Service telephone no. 208-788-5545
6. Basis of protest (including statement of facts and law upon which the protest is based)
See attached letter

(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest? See attached letter

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 5th day of November, 2001.

Blaine County - MARYANN MIX, Chairman
PROTESTANT County Commissioners

[Signature] Chairman
PROTESTANT'S REPRESENTATIVE

MICROFILMED

MAR 26 2003

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by J. G. Stanton Date 11-5-01 Time 3 pm
\$25.00 fee Receipted by JS # 5024412 Date 11-5-01

MICROFILM
MAR 26 2003

THE BOARD OF BLAINE COUNTY COMMISSIONERS
206 FIRST AVENUE SOUTH, SUITE 300
HAILEY, IDAHO 83333
PHONE: (208) 788-5500 * FAX: (208) 788-5576
www.co.blaine.id.us

Mary Ann Mix, Chairman * Dennis Wright, Commissioner * Sarah Michael, Commissioner

November 5, 2001

Mr. Allen Merritt
Department of Water Resources, Southern Region
1341 Fillmore St. Suite 200
Twin Falls, ID 83301

RE: Blaine County Protest of Application #69282 in conjunction with Application #37-20441

Dear Mr. Merritt:

We are protesting the above referenced application by Ranney Draper. A check for \$25.00 and a "Notice of Protest" are included with this letter.

Under the Department's "policy memorandum" of 1980 and the Big Wood River Ground Water Management Area (BWRGWMA) June 28, 1991), water in the Blaine County area has been declared over-allocated. This application proposes to impound water from the Comstock Ditch and impound water through construction of an additional private pond in an area that already has TEN private ponds.

To the extent that the diversion and impoundment reduce the surface water availability to senior water rights holders in the are of this diversion , it would also conflict with the requirements for a demonstration that no injury will occur to other water rights holders (1.C.§ 42-222), or to aquatic and wildlife resources.

The applicant carries the burden of providing evidence that the proposed use will not injure other water rights holders, will not constitute an enlargement of use, and will be consistent with principles of conservation of the water of the State of Idaho. None of these requirements are found in this application.

There is also no showing by the applicant that this application " is in the public, as opposed to private, interest" { 1.C. § 42-1503 (b).

MICROFILM

MAR 26 2003

Mr. Allen Merritt
November 05, 2201
Page 2

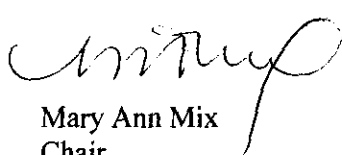
The practice of creating large ponds for aesthetic purposes is more likely in Blaine County than in most Idaho counties because of the extraordinary land values in Blaine County. The potential for abuse of the Department's stated goal of water conservation and preservation is more likely here than in most Idaho Counties. One of the reasons the Board of Commissioners established a "Local Public Interest Water Policy (Policy)" [*Shokal v. Dunn* and *Hardy v. Higginson* and I. C. 42-203 A (5)] was because of the unique nature of this community and the measurable impact of increased, expanded use of a scarce water resource, always to the detriment of other water rights holders.

No matter how "minimum" the amount of impounded water in each new pond is said to be, by an applicant, the cumulative impact of a succession of huge ponds in our community will in fact have a very measurable affect on the availability of water for other water rights holders, minimum stream flows, and all the other water interests noted in the 1998 Blaine County "Local Public Interest Policy".

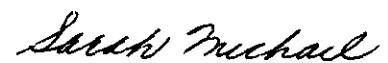
There are many hundreds of lots in Blaine County large enough to hold large ponds. It wouldn't take much imagination to compute how much water even as few as fifty such ponds would take out of the system and how this cumulative impact would shift the use of water in our community, from agricultural and public purposes, to private marketing and aesthetic interests. Neither the interests of the State of Idaho nor the welfare of residents of Blaine County will be served if aesthetic ponds are used to divert water from other water rights holders and from the aquifer system.

We ask that you deny this application for the above stated reasons. Further, we ask again that future applications for aesthetic ponds in our County be evaluated under a re-defined terminology that recognizes that such ponds aren't "really" non-consumptive", but are actually "consumptive", **and that the cumulative impacts of multiple ponds must be considered before approving such applications for enlargements of water use.** With less than 75% of normal snow pack for 2001, we seriously question the wisdom of allowing any new water impoundments.

Sincerely,


Mary Ann Mix
Chair


Dennis Wright
Vice Chairman


Sarah Michael
Commissioner

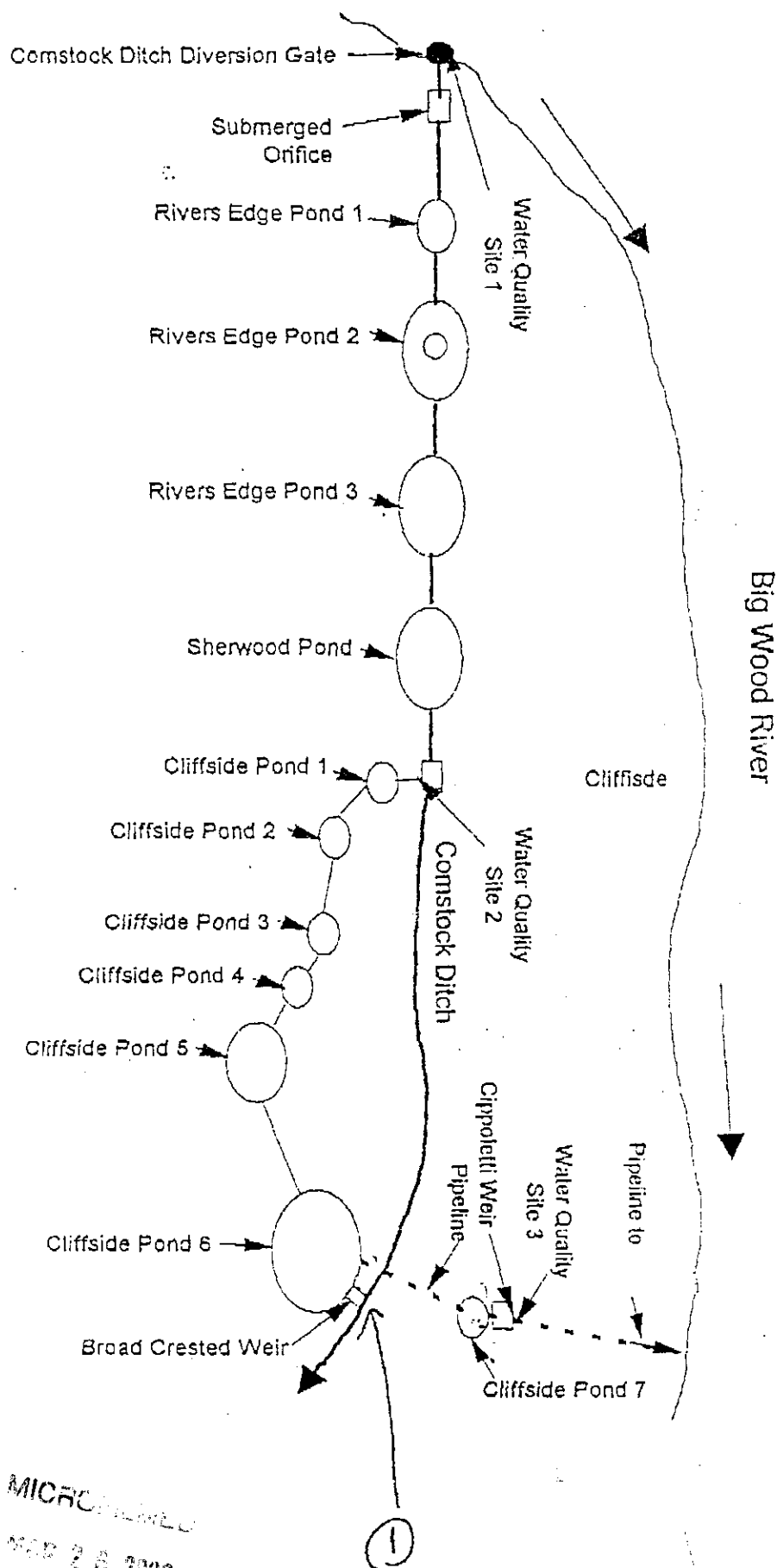
cc: Ranney Draper
Jim Thomas, BCPA

MICROFILMED

MAR 20 2003

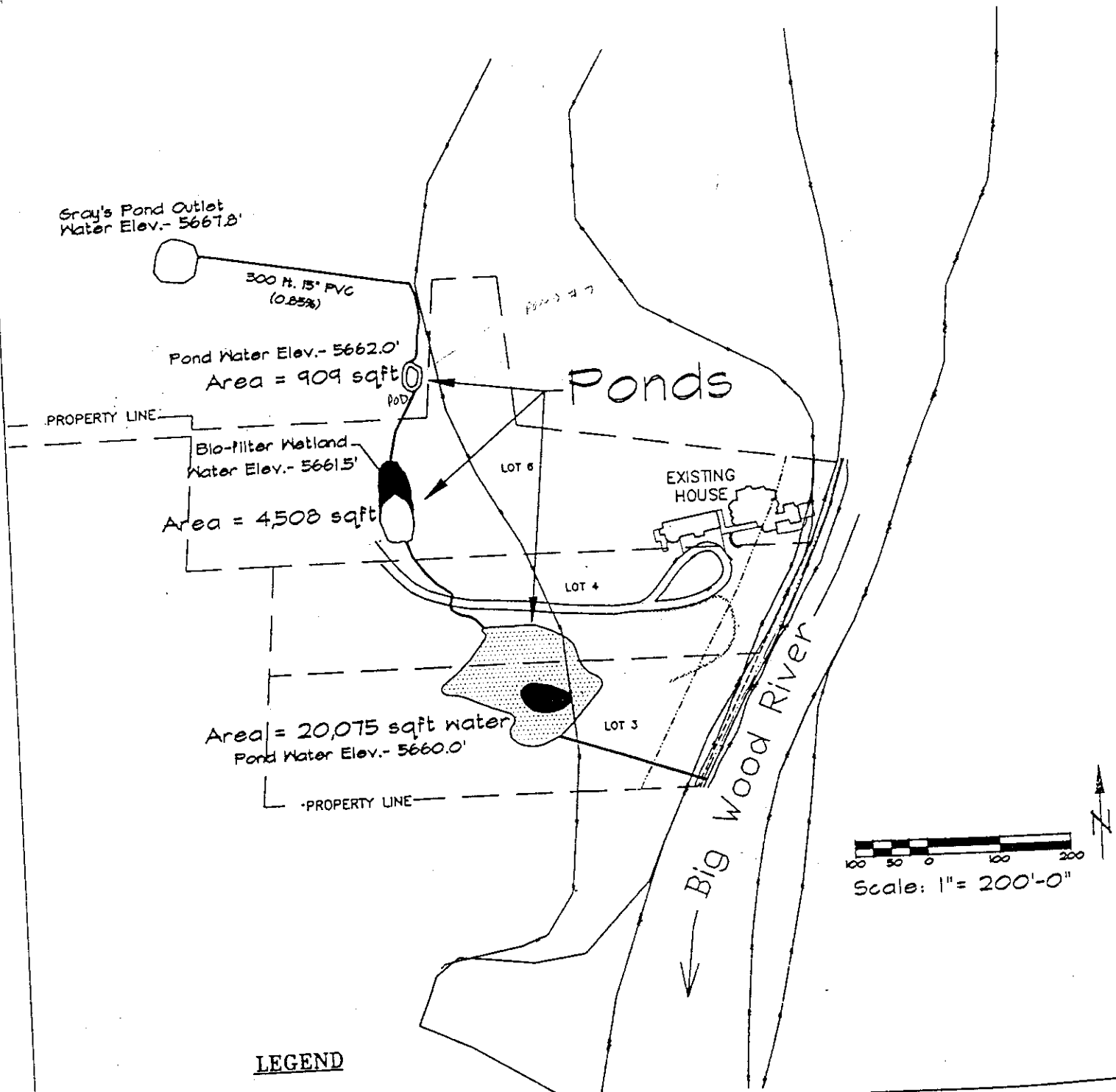
T#69282

Comstock Ditch Schematic for Water Use Greystone Permit 37-08535 and Rivers Edge Partners 37-08611



.02 cfs w.

MICROFILMED
MAR 28 2013



LEGEND

- Property Line
- Floodplain (per 1997 FEMA)
- Floodway (per 1997 FEMA)
- Edge of Water
- 75' Setback line from Mean High Water
- Mean High Water
- Tree Dripline
- Edge of Water

**Ranney Draper Property
SITE MAP**

OWNER: RANNEY DRAPER
576 San Nicolas Drive, Suite 340
Newport Beach, CA 92660-6513

Fisher & Associates
AQUATIC RESOURCE ENHANCEMENTS

DATE:
3/21/01
SHEET:
2 of 3
SCALE:
1"=200'

MAR 26 2003

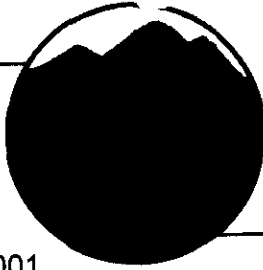
WATER

Bus: (406) 251-6100

Fax: (406) 251-3191

E-mail: wri@bigsky.net

Web Site: <http://missoula.bigsky.net/wri/>



RIGHTS, INC.

October 29, 2001

P.O. Box 9285 • Missoula, Montana 59807

Project No. R99-090

Corey Skinner, P.E.
Water Resource Engineer
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

RECEIVED

NOV 05 2001

Department of Water Resources
Southern Region

Re: Application for Permit No. 37-20441;
Transfer Application No. 69282; Ranney Draper

Dear Corey:

Per our conversation of today, this letter we document the changes to Ranney Draper's applications. We met with Fish and Game's representative Chuck Warren on site on Thursday, October 25, 2001, to discuss potential mitigation options. Fish and Game was concerned that Ranney's water would return to the river approximately 500 feet downstream of Grey's existing return. As you recall, Ranney Draper was re-diverting Grey's water to use in his system, but his return was to be located downstream. I understand that Fish and Game has two reserved water rights on Big wood River and on this stretch. During the last two drought years, minimum flows were below their instream flow reservation.

The Idaho Fish and Game was thinking of protesting Draper's application due to his return point. **Therefore, Ranney has agreed to pipe the water back to Grey's existing outlet to mitigate any further water reduction in this stretch.** We also agreed during the site visit to monitor the water temperatures per Mr. Warren's request. Please note the changes and file a copy of this correspondence in Ranney Draper's file. As I understand it, Idaho Fish and Game will not be protesting these applications now.

Thank you for your time and assistance. If I can provide you with any further information, please do not hesitate to call.

Sincerely,

Lee Yelin
Senior Water Rights Specialist

LY/wh

cc: Ranney Draper
Steve Fisher
Chuck Warren

I:\WRI\Files\Clients\IE - FIR99-090 (Fisher-Draper)\corey skinner letter on application changes.wpd

MICAC

MAR 26 2003



IDAHO FISH AND GAME
Magic Valley Region
P.O. Box 428
868 E. Main St.
Jerome, ID 83338

Dirk Kempthorne/Governor
Rod Sando/Director

October 29, 2001

RECEIVED
NOV - 1 2001
Department of Water Resources
Southern Region

Lee Yelin
Water Rights, Inc.
P.O. Box 9285
Missoula, MT 59807

RE: Water Right Application #37-20441, Ranney Draper - Big Wood River

Dear Lee,

Thank you for meeting with our staff on the Ranney Draper property last week and providing us with information concerning the above referenced application to appropriate waters of the state. I am writing this to reiterate our concerns with the application and its effect on fish and wildlife resources. Please consider the following comments in submitting an amendment to the application:

- The Idaho Department of Fish and Game would rather see the point of return for the above referenced water right be back into the Cliffside Homeowners Association's return pipeline, rather than 550 feet downstream of the current point of return. This is critical for the fishery in the Big Wood River during periods of low flow when instream habitat becomes limited.
- Idaho water quality standards set 19°C as the maximum daily average water temperature and 22°C as the daily maximum to sustain cold water biota. The standards also set 9°C as the maximum daily average and 13°C as the daily maximum to sustain salmonid spawning. The Idaho Department of Fish and Game would like to see water temperatures monitored at the applicant's point of return to make sure that the outflow does not contribute to the cumulative increase in water temperatures of the Big Wood River when the standards are not being met. The applicant should shut down his diversion when the standards are not being met if the temperature of his outflow exceeds the temperature of his intake.

Please let us know as soon as possible if the applicant agrees to these amendments to his water right application. Contact Chuck Warren, Environmental Staff Biologist at this office if you have any questions.

Sincerely,

David Parrish
Magic Valley Regional Supervisor

MICAC

MAR 26 2002

Cc: IDFG-NRPB (Robertson)
IDWR
Blaine County Planning and Zoning

AFFIDAVIT of PUBLICATION

RECEIVED

OCT 26 2001

Department of Water Resources
Southern Region

State of Idaho, }
County of Blaine } SS.

On this 25 day of October, in the year 2001, before me a Notary Public of said State, personally appeared _____, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 17 day of October 2001, and the date of the last publication was on the 24 day of October 2001



Christina A. Garceau
Subscribed and sworn to before me this 25 day of October 2001
Garceau
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 94 11.5
Number of Lines in Notice 94
Number of Insertions 2
74 Lines tabular at 1.43 7¢ / Pica
Lines straight at 6¢ / Pica
Subsequent lines at 5¢ / Pica
TOTAL COST 139.42

COPY OF NOTICE
(Paste Here)

Application for water
TITLE OF NOTICE permit

PLAINTIFF ATTORNEY

2501 DEFENDANT

PLAINTIFF
Id. Dept. of Water
BILL TO Resources

OK
MB
10/29/01

See reverse Side.

MICROFILMED

MAR 26 2003

Publication Rates
As of 1997
(Idaho code,
Rev. Statutes 1984)
7.8 pt./line straight: .06 / pica
7.8 pt./line tabular: .07 / pica
7.8 pt./line successive
insertion: .05 / pica

12840

Application
for water permit

The following application(s) have been
filed concerning the public waters of
the State of Idaho, Blaine County:

Application for Permit No. 37-
20464

HARRY S RINKER
RINKER COMPANY
PO BOX 7250
NEWPORT BEACH CA 92658 7250

Point(s) of Diversion: L4 (NWNW) S6
T01N R19E
Source: SEAMANS CREEK Tributary
To SINKS
Use: 01/01 To 12/31
RECREATION 3 CFS
AESTHETIC 3 CFS
Total Diversion: 3 CFS
Date Filed: 07/10/2001
Place Of Use: SENW, Lot 4 (NWNW),
Lot 5 (SWNW) S06 T01N R19E

Application for Permit No. 37-
20441

RANNEY DRAPER
567 SAN NICHOLAS DR.
SUITE 340
NEWPORT BEACH CA 92660-6513

Point(s) of Diversion: SENE S30 T04N
R18E
Point of Re-diversion: NWNWNW S32
T04N R18E
Source: BIG WOOD RIVER Tributary
To MALAD RIVER
Use: 01/01 To 12/31
WILDLIFE 5 CFS
RECREATION 5 CFS
AESTHETIC 5 CFS
Total Diversion: 5 CFS
Date Filed: 06/21/2001
Place Of Use: NWNW S32 T04N R18E

Application for Transfer No. 69282 was
filed by Ranney Draper on 6/22/01 for
diversion of 0.09 cfs from the Big
Wood River for the purpose of mitigat-
ing water uses projected in Application
for Permit No. 37-20441 listed above.
The applicant proposes to divert 5.0
cfs from the Big Wood River to be
used for a recreation, wildlife and aes-
thetic pond located 3 miles South and
2 miles East of Ketchum, ID. To miti-
gate water loss from evaporation and
seepage, the applicant has purchased
a portion of a water right and wishes
to move 0.07 cfs to the Cornstock Ditch
and/or Big Wood River and leave 0.02
cfs in the Hiawatha Canal system to
ensure Hiawatha Canal water users
will not be adversely affected due to
loss of carriage water.

For specific details regarding the appli-
cation(s), please contact IDWR South-
ern Regional Office at 208-736-3033 or
visit www.idwr.state.id.us with detail
provided under "New Water Right

Applications". Permits will be subject
to all prior water rights. Protests may
be submitted based on the criteria of
Sec 42-203A and Sec 42-222, Idaho
Code. Any protest against the
approval of these applications must be
filed with the Director, Dept. of Water
Resource, Southern Region, 1341 Fill-
more St, Suite 200, Twin Falls ID 83301
together with a protest fee of \$25.00
for each application on or before
November 5, 2001. The protestant
must also send a copy of the protest to
the applicant.

KARL J DREHER, Director

Publish: Wood River Journal—October
17 & 24, 2001.

MICROFILMED

MAR 25 2003

edited-legal-rinker-appdraper-apptr

The following application(s) have been filed concerning the public waters of the State of Idaho, Blaine County:

Application for Permit No. 37-20464

HARRY S RINKER
RINKER COMPANY
PO BOX 7250
NEWPORT BEACH CA 92658 7250

Point(s) of Diversion: L4 (NWNW) S6 T01N R19E
Source: SEAMANS CREEK Tributary To SINKS
Use: 01/01 To 12/31
RECREATION 3 CFS
AESTHETIC 3 CFS
Total Diversion: 3 CFS
Date Filed: 07/10/2001
Place Of Use: SENW, Lot 4 (NWNW), Lot 5 (SWNW) S06 T01N R19E

Application for Permit No. 37-20441

RANNEY DRAPER
567 SAN NICHOLAS DR.
SUITE 340
NEWPORT BEACH CA 92660-6513

Point(s) of Diversion: SENE S30 T04N R18E
Point of Re-diversion: NWNWNW S32 T04N R18E
Source: BIG WOOD RIVER Tributary To MALAD RIVER
Use: 01/01 To 12/31
WILDLIFE 5 CFS
RECREATION 5 CFS
AESTHETIC 5 CFS
Total Diversion: 5 CFS
Date Filed: 06/21/2001
Place Of Use: NWNW S32 T04N R18E

Application for Transfer No. 69282 was filed by Ranney Draper on 6/22/01 for diversion of 0.09 cfs from the Big Wood River for the purpose of mitigating water uses projected in Application for Permit No. 37-20441 listed above. The applicant proposes to divert 5.0 cfs from the Big Wood River to be used for a recreation, wildlife and aesthetic pond located 3 miles South and 2 miles East of Ketchum, ID. To mitigate water loss from evaporation and seepage, the applicant has purchased a portion of a water right and wishes to move 0.07 cfs to the Comstock Ditch and/or Big Wood River and leave 0.02 cfs in the Hiawatha Canal system to ensure Hiawatha Canal water users will not be adversely affected due to loss of carriage water.

For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A and Sec 42-222, Idaho Code. 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 November 5, 2001. The protestant must also send a copy of the protest to the applicant.
KARL J DREHER, Director

Published in the Wood River Journal on 10/17 & 10/24/01

Legals-WJ-Rinker & Draper

Page 1

Page 1

MICHAEL

10/17/01

MB-cover-1tr-wj-e-transfer1

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301
Phone: 736-3033

Fax#: 736-3037

October 4, 2001

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

Dear Rochelle:

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

MICHELLE

10/4/2001



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 4, 2001

ATTN LEE YELIN
WATER RIGHTS INC
PO BOX 9285
MISSOULA MT 59807

Re: Application for Permit No. 37-20441 and Application for Transfer No. 69282 filed in the name of Ranney Draper

Dear Mr. Yelin:

Please refer to the above referenced identification numbers in all further correspondence regarding these applications filed by your office on behalf of Mr. Draper.

This office has scheduled advertising the applications in the Wood River Journal for 10/17 & 10/24/01. A period of ten days following the second publication will be allowed for the submittal of protests. (November 5, 2001)

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 unopposed 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

Cc:
RANNEY DRAPER
567 SAN NICHOLAS DR
SUITE 340
NEWPORT BEACH CA 92660-6513

MICHAEL J. DREHER

10/4/01 10:00 AM



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 4, 2001

ATTN DAVE CROPPER
HIAWATHA CANAL CO
PO BOX 1604
HAILEY ID 83333

Re: Application for Permit No. 37-20441 and Application for Transfer No. 69282 filed in the name of Ranney Draper

Dear Mr. Cropper:

The Department is seeking your comment and/or recommendations regarding the above referenced applications; copies are enclosed for your information and files.

Your prompt cooperation is appreciated. If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very Truly Yours,

Mary A. Baldwin
Administrative Assistant

Enclosure(s)

MICHELLE

OCT 4 2001



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 4, 2001

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

Re: Application for Permit No. 37-20441 and Application for Transfer No. 69282 filed in the name of Ranney Draper

Dear Mr. Peterson:

Enclosed are copies of an Application for Permit and an Application for Transfer within your District.

We also have enclosed a Watermaster's Recommendation Form for your comment and/or recommendation.

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)

MICHAEL J. DREHER

October 4, 2001



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 4, 2001

ATTN CHARLES WARREN
ID DEPT FISH & GAME
PO BOX 428
JEROME ID 83338

Re: Application for Permit No. 37-20441 and Application for Transfer No. 69282 filed in the name of Ranney Draper

Dear Mr. Warren:

The Department is seeking a written Comment &/or Recommendation from your agency regarding the above referenced applications for surface water; a copy of the applications are enclosed for your information and reference.

Regional review of an unprotested application can be completed as soon as the final protest period is past; therefore, your prompt response to this request is appreciated.

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

Very truly yours,

Mary A. Baldwin
Administrative Assistant

Enclosure(s)

MICHAEL

10/11/01

Baldwin, Mary

From: Baldwin, Mary
Sent: Thursday, October 04, 2001 4:31 PM
To: Bates, Allan; Blau, Terry
Cc: Baldwin, Mary
Subject: apps from Big Wood River

FYI, App. for Permit No. 37-20441 and App. for Transfer No. 69282 have been filed by Ranney Draper for a recreational/wildlife/aesthetical use pond affecting the Big Wood River.

MAILED
OCT 11 2001

Baldwin, Mary

From: Baldwin, Mary
Sent: Thursday, October 04, 2001 4:24 PM
To: Anderson, Hal
Cc: Baldwin, Mary
Subject: Minimum stream flow-Big Wood River

FYI, App. for permit No. 37-20441 and Transfer No. 69282 have been filed by Randy Draper for diversion from the Big Wood River in a Minimum Stream Flow stretch. I am sending copies via U.S. Snail Mail to Pam Skaggs today.

MICRO
1000

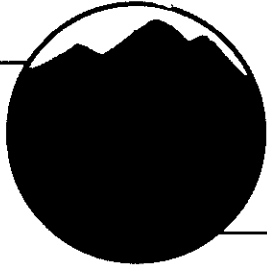
WATER

Bus: (406) 251-6100

Fax: (406) 251-3191

E-mail: wri@bigsky.net

Web Site: <http://missoula.bigsky.net/wri/>



RIGHTS, INC.

P.O. Box 9285 • Missoula, Montana 59807

RECEIVED

JUN 21 2001

Department of Water Resources
Southern Region

June 18, 2001

Project No. R99-090

Corey Skinner, P.E.
Water Resource Engineer
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Re: Draper Permit Application & Transfer

Dear Mr. Corey Skinner:

Pursuant to your September 1, 2000, correspondence regarding Ranney Draper's Application for Permit, enclosed please find a new corrected Application for Permit, and an Application for Transfer of Water Right. In addition, enclosed is a check made payable to Idaho Department of Water Resources for the appropriate filing fees. If you have any questions regarding the applications, or require any additional information, please do not hesitate to contact our office.

Sincerely,

Lee Yelin
Senior Water Rights Specialist

enclosure

cc: Steve Fisher w/o encl.
Ranney Draper w/o encl.
James Speck w/o encl.

MAILED
JUN 21 2001

37-20441



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 1, 2000

Ranney Draper
657 San Nicholas Drive
Suite 340
Newport Beach, CA 92660-6513

Dear Mr. Draper:

Please find enclosed an Application for Permit, along with the filing fee (check #6500) that was recently filed with our office. The application describes a pond system development for property located in Blaine County. There are some items that need to be considered, and addressed, before our Department can process your application.

Examination of item #1 on the application revealed that you did not indicate your phone number. This is important information that enables the Department to contact you regarding your application.

Item #2 lists the source of the water supply as the Comstock Ditch, but the source of the water supply should be the Big Wood River, tributary to the Malad River.

Item #3 describes the location of the point of diversion as the location where water is diverted from Mr. Gray's system. However, item #4 should describe the location of the Comstock Ditch head gate, where the water is actually diverted from the Big Wood River. The location where water is diverted from Mr. Gray's system should be listed on the application as a redirection point.

Item #4 indicates a flow rate of 5.00 cfs and a volume of 3.84 acre-feet. A volume amount on the application should be listed to represent storage use(s). There are no uses listed on the application that actually state "storage" as a use, or "diversion to storage" as a use. However, the Department does not generally require storage use(s) to be described if the diversion rate can provide the storage volume in less than 24 hours. Apparently, the overall water storage at the facility is actually 2.47 acre-feet. The proposed diversion rate of 5.0 cfs would provide this storage volume in just less than six hours.

MICHAEL J. DREHER

SEP 1 2000

37-20441

Page 2
Draper Letter
September 1, 2000

Item #4 also lists "fish" as one of the water uses, and item #8 lists "fish propagation" as a water use. In Idaho, "fish" use typically refers to fish propagation uses, such as a commercial fish farm. If a fish propagation use is indicated, IDAHO CODE, and the rules and regulations for water appropriation require the submittal of additional information with the application. Included in this additional information that must be submitted are comment letters from various entities including county, state, and local irrigation agencies &/or organizations.

Item #9 indicates the location of the proposed uses of the water, but item #9 also lists 0.56 acres, which is apparently the surface area of the ponds. Note that indicating acreage on item #9 only refers to irrigation uses. I am assuming that the application does not propose irrigation use. However, if irrigation use is proposed, it should also be listed as a use on item #4 and the irrigation system should be described on the application.

Your application also states that in order to compensate for the consumptive use aspects of your proposal, you have purchased a portion of a water right diverted through the Hiawatha Canal. Your application does not state exactly what you intend to do with this water right, but mentions something about diverting the water through the Comstock Ditch and through your proposed system, or possibly leaving the water right in the river. Please note that if you propose to modify this water right by changing the point of diversion, place of use, nature of use, season of use or adding diversion points to this right, a water right transfer application will be required. I have enclosed a water right transfer application, along with instructions, for your reference and possible use.

The quitclaim deed that was submitted along with your application describes a one-acre portion of water right 37-00004 that you obtained from Elmar and Rigmor Grabher. This quitclaim deed describes the portion of the water right that you obtained as being appurtenant to the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 09, Township 02 North, Range 18 East. However, Department records indicate that there is not a portion of water right 37-00004 appurtenant to any land in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2 (T02N, R18E).

If you have any questions, feel free to contact this office at your convenience.

Sincerely,



Corey Skinner, P.E.
Water Resource Engineer

Enclosures

MICRO
SEP 2 2000

37-20441

Comstock Ditch Investigation

October 30, 1996

by C. SKINNER

Photo #1

View of Comstock Ditch headgate out of Big Wood River located within the SENE $\frac{1}{4}$ of Section 30, Township 04 North, Range 18 East. Headgate inlet consists of a 3 foot diameter CMP. Arrow indicates location where photo #2 was taken from. Photo taken 10/30/96.



Photo #2

View from location indicated by arrow in photo #1. This view is looking down the Comstock Ditch. Photo taken 10/30/96.



MICROFILM

1996 10 30

37-26441

Comstock Ditch Investigation
Page 2

Photo #3

View of the first use of water from the Comstock Ditch. The arrow indicates the approximate location of two check dams on the Comstock Ditch channel. These check dams back water up in the channel, apparently for recreation and aesthetic purposes for the River's Edge Ranch. Photo taken 10/30/96.



Photo #4

View below water use shown in photo #3. The arrows indicate locations of check dam control structures that back water up the Comstock Ditch Channel for the River's Edge Ranch. Photo taken 10/30/96.



MICRO

10/30/96

37-20441

Photo #5

View of first diversion from the Comstock Ditch. Squiggly arrow indicates location of the Comstock Ditch. Diversion is a headgate that diverts water from the ditch towards the west, as indicated by smaller arrow. This particular diversion was labeled "LAR-KEN". Photo taken 10/30/96.



Photo #6

View of use of water diverted through head-gate shown in photo #5. The arrow indicates direction of water flow. Water use is in a series of ponds such as the one shown in this view. The ponds are located within Cliffside Subdivision. Road access is by Cliffside Drive off of Broadway Run. Photo taken 10/30/96.



MICHAEL
1997

Comstock Ditch Investigation
Page 4

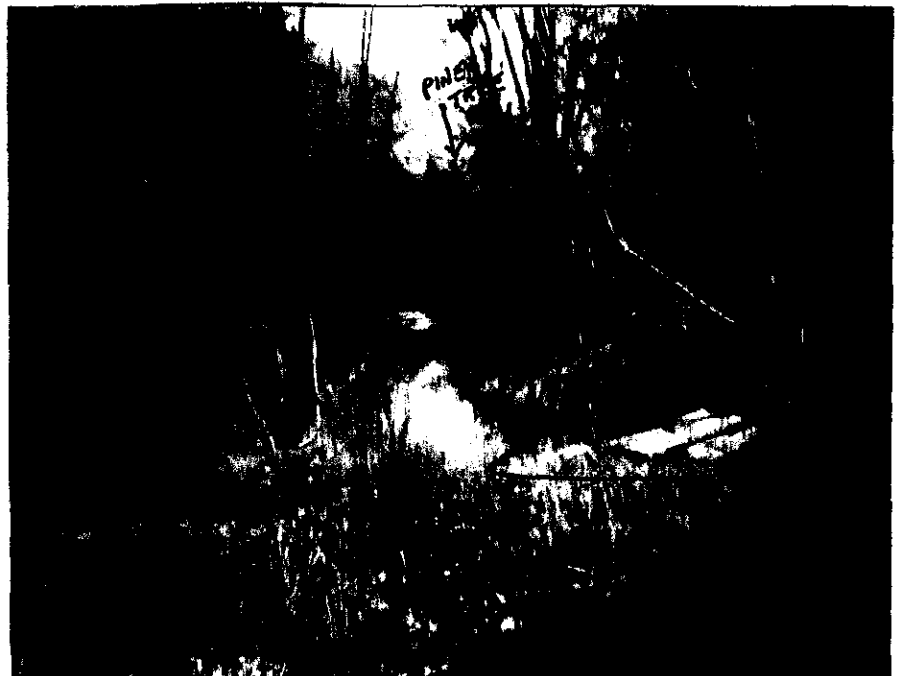
Photo #7

View of headgate at confluence of the Cliffside Subdivision pond system and the Comstock Ditch. The squiggly arrow in the foreground shows location and direction of the Comstock Ditch. Smaller arrow indicates location of a drop inlet structure that diverts water into the small pond shown in photo #8. Photo taken 10/30/96.



Photo #8

View of last pond in the Cliffside Subdivision pond system. Pine tree is same pine tree shown in photo #7. The squiggly arrow shows the location of the Comstock Ditch. The smaller arrow indicates location of discharge from drop inlet structure shown in photo #7. Drop inlet shown in this view (circled) carries water from the Cliffside Subdivision's pond system eastward to the Big Wood River. Photo taken 10/30/96.



DRAPEL PLANS TO
DIVERT HIS WATER FROM
THIS AREA.

P.S. 7/18/2001

37-20441

Photo #9

View of discharge from drop inlet structure circled in photo #8. Discharge into the Big Wood River is through a 1.5 foot diameter pipe and occurs several hundred feet east of the area shown in photo #8. Photo taken 10/30/96.



Photo #10

View looking down the Comstock Ditch below the area shown in photo #7. Note a small dam (indicated by arrow) located in the ditch. The dam was constructed out of river rock, firewood, and a sheet of plastic. Note the large grass in the Comstock Ditch beyond the dam. Photo taken 10/30/96.



MICHAEL

10/30/96

37-20441

Ident. No. _____

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

SEP 01 2000

Department of Water Resources
Southern Region

- Name of Applicant Ranney Draper Phone _____
Mailing address 657 San Nicholas Drive, Suite 340, Newport Beach, CA 92660-6511
- Source of water supply Comstock Ditch Big Wood which is a tributary of Big Wood River
- Location of point of diversion is Township 04N Range 18E Sec. 32 in the NW 1/4, Comstock NW 1/4, NW 1/4, Govt. Lot _____, B.M., _____ Blaine County;
additional points of diversion if any: _____
- Water will be used for the following purposes:
Amount 3.84 ac.ft for Fish/Wildlife purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum) Aesthetics
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)
- Total quantity to be appropriated is (a) 5.00 cfs and/or (b) 3.84 ac.ft
cubic feet per second acre feet per annum
- Proposed diverting works:
a. Describe type and size of devices used to divert water from the source see attachment A
b. Height of storage dam n/a feet; active reservoir capacity n/a acre-feet; total reservoir capacity 2.47 acre-feet
c. Proposed well diameter is n/a inches; proposed depth of well is n/a feet
d. Is ground water with a temperature of greater than 85°F being sought? no
e. If well is already drilled, when? n/a; Drilling firm n/a
Well was drilled for (well owner) n/a; Drilling Permit No. n/a
- Time required for completion of works and application of water to proposed beneficial use is 3 years (minimum 1 year)
- 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. Fish propagation, wildlife and aesthetics.
The use will be non-consumptive.

37-20441

9. 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	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	18E	32						.56											0.56
								PW											
								J											

Total number of acres to be irrigated 0.56

10. Describe any other water rights used for the same purposes as described above. n/a

11. a. Who owns the property at the point of diversion? Graystone, Inc./o James P Speck, Esq.

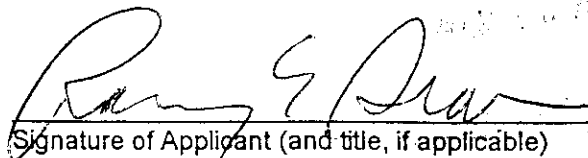
b. Who owns the land to be irrigated or place of use? Applicant - Ranney Draper

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Gray has agreed to Draper's diversion described in attachment A

12. Remarks:

13. 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.


Signature of Applicant (and title, if applicable)

Received by _____ Date _____ Time _____ Preliminary check by _____
Fee \$ _____ Received by _____ # _____ Date _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____