

Transfer No. 2905

Water Right No. 37-0892A
T. 184

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant Warm Springs Ranch Phone 726-3249

Post Office address P. O. Box 336, Ketchum, ID 83340

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to Upper Big Wood River Water Users' Association
Upper Big Wood River Water Users' (Name)
in case of Assn. et al vs S. H. Chapman, Watermaster
dated in 8-28-1922 in Fourth District county of Lincoln
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

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

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

purchase of water right

3. Source of water Big Wood River tributary to Malad River

4. Date of priority 9-1-1920

5. Water is used for the following purposes:

amount 8.048 cfs for Irrigation purposes from Apr 1 to Nov 1

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 8.048 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is NE ¼ of SE ¼ of Section 12

Township 1N Range 18E, B.M., in Blaine County

Additional points of diversion, if any _____

8. Lands irrigated or place of use: Note: Place of use not specified in decree.

[illegible]

Total number of acres to be irrigated _____

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

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. 0.20 cubic feet per second
b. &/or acre feet per annum
2. Point of diversion NE 1/4 SE 1/4, Section 12 Township 1N
Range 18E, B.M., Blaine County
Additional points

3. Place of use: Original P. U. unknow. Land described is where the water was used prior to purchase by applicant.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	17E	12												X					
		13		X			X												

Total number of acres to be irrigated

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information
- a. Amount of water to be diverted 0.20 c.f.s. &/or acre feet
- b. Description of diverting works Headgates & ditches
- c. Describe the reasons for the proposed changes Move water to new lands requiring new diversion points

2. Change in point of diversion
- Point of diversion SW 1/4 SE 1/4, Section 11 Township 4N
Range 17E, B.M., Blaine County
Additional points NE 1/4 NW 1/4 Sec. 13 T. 4N R. 17E

3. Change in place of use
- a. Are there leins, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes No X If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
Lands described in Part B above are now subdivided & supplied with city water from Ketchum.

c. Describe the land or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	17E	11														17	12		29
		12										6							6
		13					10												10

Total number of acres to be irrigated 45

4. Describe any other water rights used for the same purpose as described above. 37-0212, 2621, 7718?, 0574 (transfer pending)
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

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

D. REMARKS

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

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

Michael W. Simpson ^{Warm Springs Ranch}
Owner
(Signature of Applicant)

Subscribed and sworn to before me this 20 day of May, 19 83.

Loren O. Halmer
(Notary Public)

My commission expires Life

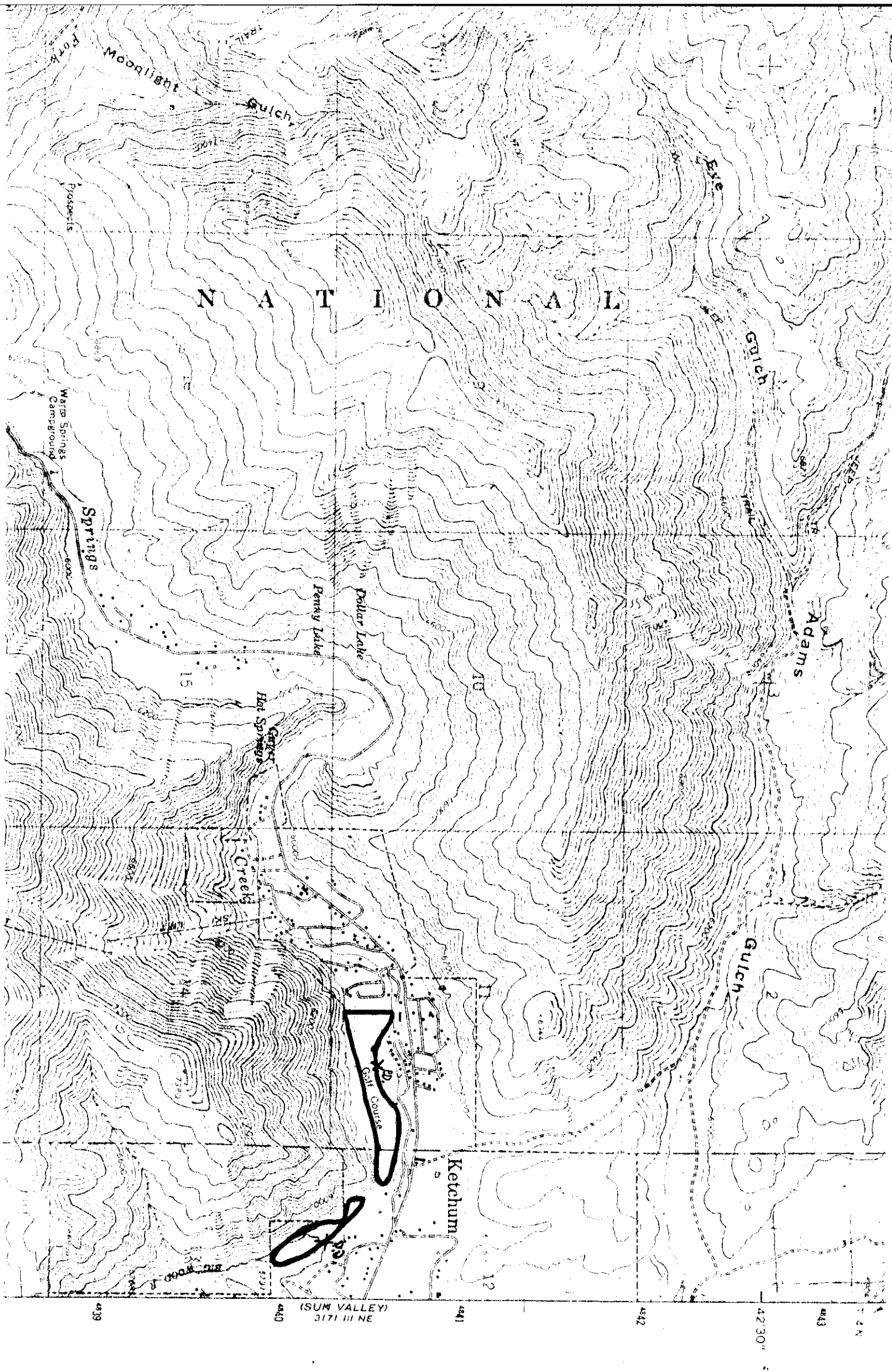
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____ and said application is hereby _____, subject to the following limitations and conditions:

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

FOR DEPARTMENT USE ONLY

Received by <u>JP</u>	Date <u>5-20-83</u>	Protest filed by _____
Prelim. check by <u>ADN</u>	Fee <u>\$3000</u>	_____
Receipted by <u>JP</u>	Date <u>5-20-83</u> # <u>27378</u>	_____
Published in <u>Wood River Journal</u>	Copies of protest forwarded by _____	
Pub. dates <u>7/21 + 7/28/83</u>	Hearing held by _____ Date _____	
Watermaster recommendation requested on <u>7/3/83</u>	Recommended for approval denial	
_____ rec'd. <u>7/27/83</u>	by _____	



AFFIDAVIT (PUBLISHED)

State of Idaho, }
County of Blaine } SS.
AUG 1 1983
Department of Water Resources
Southern District Office

GORDON O. GLASS, ANN

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

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 21 day of July 1983, and the date of the last publication was on the 28

day of July 1983
[Signature]

Subscribed and sworn to before me this 28
day of July, 1983.
[Signature]
NOTARY PUBLIC

WOOD RIVER JOURNAL

Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 13
Number of Lines in Notice 62
Number of Insertions 2
Lines tabular at 4c / Pica

COPY OF NOTICE

(Paste Here)

Notice of Proposed Change
of Water Right

TITLE OF NOTICE

No 37-0892A

DEFENDANT

PLAINTIFF

Dept of Water Resources
1041 Blue Lake Blvd N. T.

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
NO. 37-0892 A

NOTICE IS HEREBY GIVEN, That WARM SPRINGS RANCH of Ketchum, Idaho, has applied to the Department of Water Resources for a change of Place of Use and change of Source of Water Right of a portion of a right from Big Wood River tributary to Maled River. The right sought to be changed is evidenced by decree to Upper Big Wood River Water Users' Association, in case of Upper Big Wood River Water Users' Association, et al., vs. S.H. Chapman, Watermaster, dated August 28, 1922, in Fourth District Court, County of Lincoln, and is recorded as follows:

Amount: 8.048 cfs

Priority Date: September 1, 1920
Point of Diversion: NE 1/4 SE 1/4, Sec. 12, T1N, R18E, B.M., Blaine County

The water is used for irrigation of lands in the Upper Big Wood River Valley as evidenced by shares in said lands from 1920 to 1922.

Amount: 0.20 cfs

Point of Diversion: NE 1/4 SE 1/4, Sec. 12, T1N, R18E, B.M., Blaine County
Place of Use: SE 1/4 SW 1/4, Sec. 12, NW 1/4 NE 1/4, NE 1/4 NW 1/4, Sec. 13, T4N, R17E

PORTION TO BE CHANGED
AS FOLLOWS:

Amount: 0.20 cfs

Point of Diversion: SW 1/4 SE 1/4, Sec. 11, NE 1/4 NW 1/4, Sec. 13, T4N, R17E, B.M., Blaine County
Place of Use: S 1/4 SE 1/4, Sec. 11, SW 1/4 SW 1/4, Sec. 11, T4N, R17E

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

1. Name of Right Holder Sprenger Land Investment, Inc.

Post office address P.O. Box 249, Sun Valley, Idaho 83353

Purchase from John S. & Gladys L. Feldhusen (copy of agreement attached)

2. Right obtained by:

a. Decree to Plaintiff in Case of Upper Big Wood River User's Assoc., a corp; Mutual Water River Water User's Assoc.; Big Wood Canal Co. a corp. ;
(Name)
vs. S.H. Chapman, Watermaster, Dated August, 1922 in Blaine (Name of Court)
Court. County of Blaine 4th District Court

b. License No. _____ issued by the State of Idaho, Department of Reclamation.

3. Source of water Big Wood River tributary to Snake River
(Name of stream or source)

4. Date of Priority September 1, 1920

5. Amount of water a. 3.184 c.f.s. and/or
b. _____ acre feet/annum

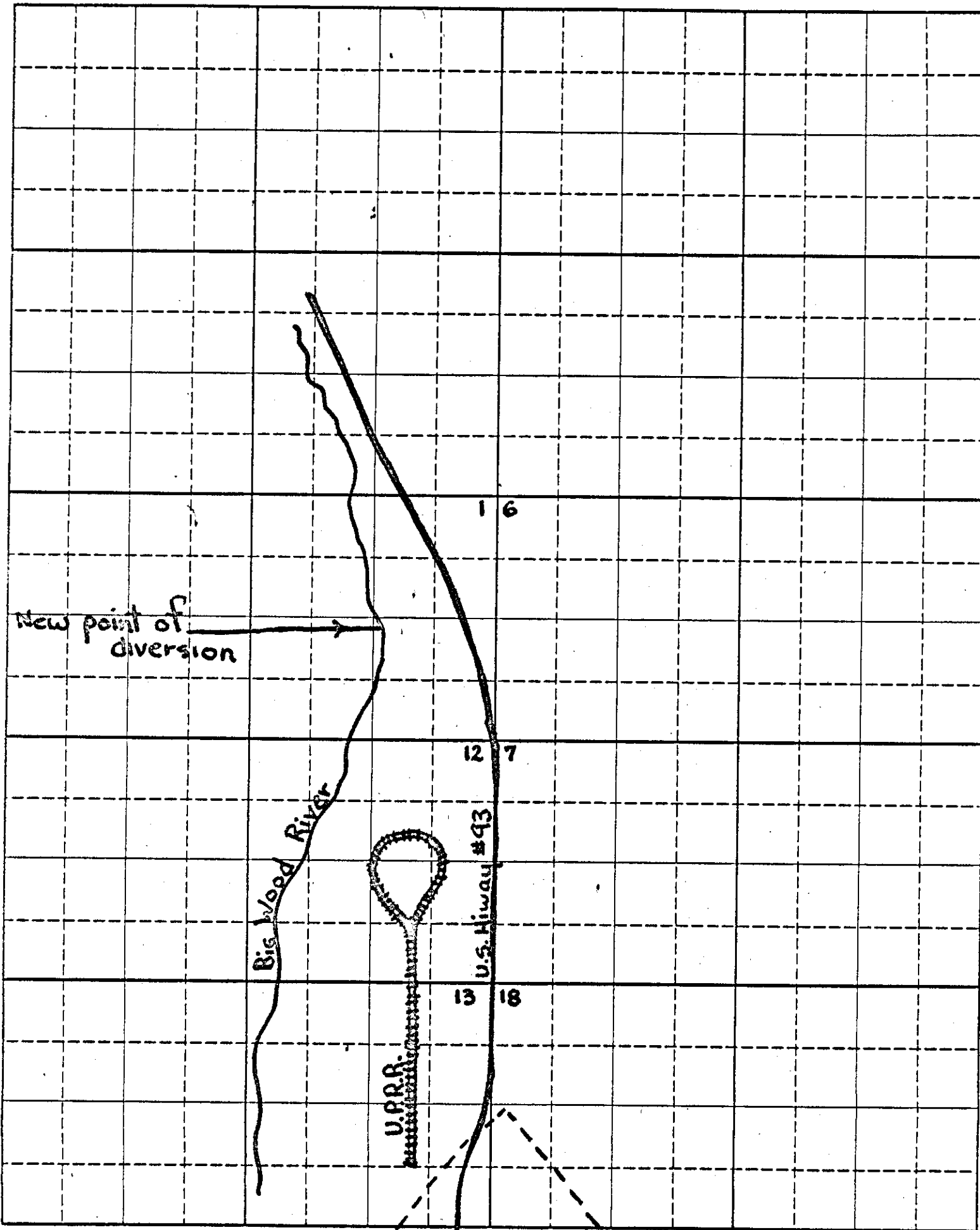
6. Water is used for irrigation from April 15 to October 15
(Month, Day) (Month, Day)

7. Original location of point of diversion is SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13,
Township 1 N., Range 18 E., B.M., in Blaine County;
Additional points of diversion, if any None

8. Lands presently irrigated or place of use: Lands cotiguous to point of idversion and irrigated by previous owner, i.e., generally lands within HES 127; HES 128; HES 129 and HES 329

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5 N.	17 E.																		

Total number of acres presently irrigated This was
supplemental water, used on varying acreages, up to approximately 300
acres maximum.



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

City of Ketchum

proposed general area to be irrigated

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

10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new point: 3.184 c.f.s. and/or _____ acre feet
- b. New point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, Township 4 N.
_____, Range 17 E., B.M.
- c. Description of method of diversion and conveyance from new points of diversion: _____
Sump, pump and ditches
- d. Is water to be conveyed to the lands previously irrigated? Yes _____ No X
If not, the place of use should be changed below.
- e. Describe the reasons for applying for a change in the point of diversion: _____
New owner
- f. Do you intend to make the transfer permanent? yes
- g. Do you intend to abandon completely the old point of diversion? yes
- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

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

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4N	17E	<u>12</u> <u>7</u>										<u>3</u>	<u>7</u>		<u>40</u>			<u>40</u>	109

Total number of acres to be irrigated. 109

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

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

yes

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this

right: 184 inches purchased 3/11/70 from Hulen Meadows, Inc., and

40 inches purchased 8/28/70 from Ralph Faulkner Land, Inc.

(application for transfer of water right for both of the above bearing same date as this application)

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

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

SPRENGER LAND INVESTMENT, INC.

BY: [Signature] (signature of applicant)
President

Subscribed and sworn to before me this 3 day of June, 19 71

[Signature]
(notary public)

My commission expires 3-11-73

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

This is to certify that I have examined Application for Transfer of Water Rights No. 37-0892,
and said application is hereby APPROVED

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

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

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

Witness my hand this 12th day of October, 19 71

[Signature]
Director State Reclamation Engineer

FOR DEPARTMENT USE ONLY

Received by [Signature] Date 6/11/71

Protest filed by: _____ Date _____

Prelim. check by [Signature] Date _____

Fee received by [Signature] Date 6/11/71 Fee \$ 4.50

Approved for publication by _____

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

Hearing held _____

Watermaster Recommendation sent _____

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

STATEN T

WOOD RIVER JOURNAL

FORMERLY THE HAILEY TIMES

Phone (208) 788-4250

P.O. Box 188

HAILEY, IDAHO 83333

Date AUGUST 13, 1971

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

Description	Amount
- LEGAL PUBLICATION -	
Published: 7/29/71 thru 8/5/71 -	
NOTICE OF PROPOSED CHANGE OF WATER RIGHT.	
Sprenger Land Investment Co., Appl. # 37-	
0892	
45/11	16.20
" I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid." <i>[Signature]</i>	

Application prepared by Bob Haynes & RKH.

Dept. is aware that app proposes 5 inches per acre.

Applicant proposes, under different procedure, to change use to fish propagation under part of right.

MAILED

AFFIDAVIT OF PUBLICATION

MICROFILMED

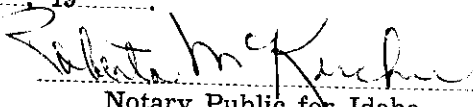
STATE OF IDAHO, }
County of Blaine, } ss.

GEORGE T. FRITZ, being first duly sworn deposes and says that he is now and all times herein mentioned has been the Editor and Publisher of the Wood River Journal (formerly The Hailey Times) which is now, and all times herein mentioned has been a newspaper as defined in Section 60-106 of the Idaho Code printed, regularly issued and published weekly at Hailey, in Blaine County, Idaho, and having a general circulation in said county, and having not less than 200 bona fide subscribers living within said county, and that said newspaper has been continuously and uninterruptedly so printed and published as a weekly newspaper in said county during the period of 78 consecutive weeks prior to the first publication of the annexed true copy and at all times since, and that said annexed true copy was so published in the regular edition of said newspaper, the Wood River Journal, and not in any supplement thereof, for two consecutive weeks commencing with the first publication thereof on the 29th day of JULY, 19 71 and ending with the last publication thereof on the 5th day of AUGUST, 19 71.

Cost of this publication is \$ 16.20


GEORGE T. FRITZ

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


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

Notice is hereby given that Sprenger Land Investment, Inc. of Box #249, Sun Valley, Idaho has applied to the Department of Water Administration for a change of point of diversion and place of use of the waters of Big Wood River, tributary to the Snake River. The right sought to be changed is evidenced by Decree to Plaintiff in Case of Upper Big Wood River Users Assn. v. S. S. H. Chapman, Watermaster and is recorded as follows. Amount: 3.184 Priority: September 1, 1920 Point of Diversion: SE 1/4 SW 1/4, Sec. 13, Twp. 1N, Rge. 18E, B.M., Blaine County The water is used for irrigation purposes April 15 to October 15, within the lands contiguous to point of diversion - generally those lands within HES 127; HES 128; HES 129; and HES 329.

TO BE CHANGED AS FOLLOWS
Point of Diversion: NW 1/4 SE 1/4, Sec. 1, Twp. 4N, Rge. 17E, B.M. The water will be used for irrigation purposes within the E 1/2 SE 1/4, Sec. 12, Twp. 4N, Rge. 17E, B.M., and the W 1/2 SW 1/4, Sec. 7, Twp. 4N, Rge. 17E, B.M.

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

R. KEITH HIGGINSON
Director

Published in the Wood River

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of

UPPER WOOD RIVER WATER-USER ASSOCIATION
Hailey, Idaho

For a Change of Point of Diversion on Big Wood
River, in Water District No. 7-AB, Blaine County,
Idaho

ORDER GRANTING CHANGE

No. 184

WHEREAS, On the 20th day of December, 1945, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, the application of Upper Wood River Water-Users Association, of Hailey, Idaho, for a change of point of diversion on Big Wood River, came on regularly for hearing, pursuant to published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant with the application shows that it became necessary to change the point of diversion, and that no other decreed water right or water user will be injured thereby; and,

WHEREAS, The said change in point of diversion has been approved by the Watermaster of Water District No. 7-AB, Big Wood River; and,

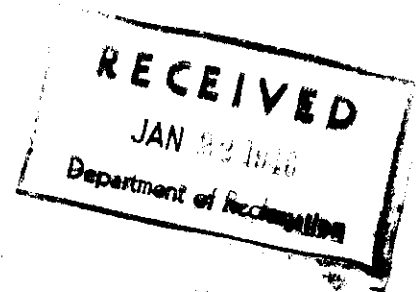
WHEREAS, The proposed change in point of diversion is a more satisfactory arrangement, and will allow a more economical use of the water;

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be and the same is hereby granted, and that Certificate of Change in Point of Diversion be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 13th day of March, A. D. 1946.

Mark R. Kulp
MARK R. KULP
State Reclamation Engineer

Hailey, Idaho,
January 18, 1946



Department of Reclamation,
Boise,
Idaho.

Gentlemen:

Mr. Allred handed me your letter of January 14th with regard to the Upper Wood River Water Users' Assn.

Enclosed herewith is Affidavit of Publication of Notice of Proposed Change in Point of Diversion and Check for \$1.00 for recording fee.

Would you kindly send Certificate of Transfer to me so that I may place it in the records of the Association.

MICROFILMED

Very truly yours,

Dorothy L. Pevey
Dorothy L. Pevey, Sec'y.,
UPPER WOOD RIVER WATER USERS ASSN. INC.

Enc. 2

**NOTICE OF PROPOSED
CHANGE IN POINT OF
DIVERSION**

Notice is hereby given that the Upper Wood River Water Users' Association, of Hailey, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing them to change the point of diversion of eighteen (18) cubic feet per second of the waters of Big Wood River from the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, Township 1 North, Range 18 East, E. M., to the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, Township 1 North, Range 18 East, E. M.

And that on the 20th day of December, 1945, at Room 107 State House, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present for his consideration any reason or reasons why this certificate should not be issued authorizing such change in point of diversion.

Mark R. Kulp
State Reclamation Engineer
12-6-13

AFFIDAVIT OF PUBLICATION

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

Norma Werry Gillespie, being first duly sworn deposes and says that she is and at all times herein mentioned has been the publisher of The Hailey Times, which is now and at all times herein mentioned has been a newspaper as defined in Section 58-106 of the Idaho Code Annotated as amended by Chapter 38 of the Laws of 1939, and printed, regularly issued and published weekly at Hailey, in Blaine County, Idaho, and having a general circulation in said county, and not less than 200 bona fide subscribers living within said county and that said newspaper has been continuously and uninterruptedly so printed and published as a weekly newspaper in said county during the period of 78 consecutive weeks prior to the first publication of the annexed true copy and at all times since, and that said annexed true copy was so published in the regular edition of said newspaper, The Hailey Times, and not in any supplement thereof, for 2 consecutive weeks commencing with the first publication thereof on the 6 day of December, 19 45, and ending with the last publication thereof on the 13 day of December, 19 45.

Norma Werry Gillespie

Subscribed and sworn to before me, this 13 day of December, 194 5.

J. J. M. Sadden
Notary Public for Idaho
Residing at Hailey
Blaine County, Idaho.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of

UPPER WOOD RIVER WATER-USER ASSOCIATION
Hailey, Idaho

For a Change of Point of Diversion on Big Wood
River, in Water District No. 7-AB, Blaine County,
Idaho

ORDER GRANTING CHANGE

No. 184

WHEREAS, On the 20th day of December, 1945, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, the application of Upper Wood River Water-Users Association, of Hailey, Idaho, for a change of point of diversion on Big Wood River, came on regularly for hearing, pursuant to published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant with the application shows that it became necessary to change the point of diversion, and that no other decreed water right or water user will be injured thereby; and,

WHEREAS, The said change in point of diversion has been approved by the Watermaster of Water District No. 7-AB, Big Wood River; and,

WHEREAS, The proposed change in point of diversion is a more satisfactory arrangement, and will allow a more economical use of the water;

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be and the same is hereby granted, and that Certificate of Change in Point of Diversion be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 13th day of March, A. D. 1946.

MARK A. RULP
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF CHANGE IN POINT OF DIVERSION OF DECREED WATER RIGHT

No. 184

THIS IS TO CERTIFY THAT UPPER WOOD RIVER WATER-USERS ASSOCIATION, of Hailley, Idaho, is the owner of and using a certain water right, bearing date of priority of September 1, 1920, for 18 cubic feet per second of the waters of Big Wood River, County of Blaine, State of Idaho, decreed to said Upper Wood River Water-Users Association, by decree of Judge H. F. Ensign, of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Lincoln, in the case of

UPPER BIG WOOD RIVER WATER-USERS ASSOCIATION, et al.,

Plaintiffs,

vs.

S. H. CHAPMAN, WATERMASTER,

Defendant

said decree bearing date of August 28, 1922, and being appurtenant to lands in the Upper Big Wood River Valley, as evidenced by shares in said Association.

That the said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5 of Decrees, at Page 282.

That now, upon the application of the Upper Big Wood River Water-Users Association for a Certificate of Change in Point of Diversion, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to change such point of diversion is hereby confirmed.

That said change in point of diversion shall not modify in effect said decree, water right, or place of use. Said water to be limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

18 cubic feet per second of the waters of Big Wood River, with priority of September 1, 1920.

That said water right is appurtenant to lands in the Upper Big Wood River Valley, as evidenced by shares in said Association.

That the water right above described has heretofore been diverted from Big Wood River, with point of diversion located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, Township 1 North, Range 18 East, B.M.

That the water right above described will hereafter be diverted from Big Wood River, with point of diversion located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, Township 1 North, Range 18 East, B.M.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 13th day of March, A. D. 1946.

MARK R. KULP

State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF CHANGE OF POINT OF DIVERSION OF DECREED WATER RIGHT

No. 184

THIS IS TO CERTIFY THAT UPPER WOOD RIVER WATER-USERS ASSOCIATION, of Hailgy, Idaho, is the owner of and using a certain water right, bearing date of priority of September 1, 1920, for 18 cubic feet per second of the waters of Big Wood River, County of Blaine, State of Idaho, decreed to said Upper Wood River Water-Users Association, by decree of Judge H. F. Ensign, of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Lincoln, in the case of

UPPER BIG WOOD RIVER WATER-USERS ASSOCIATION, et al.,

Plaintiffs,

vs.

S. H. CHAPMAN, WATERMASTER,

Defendant

said decree bearing date of August 28, 1922, and being appurtenant to lands in the Upper Big Wood River Valley, as evidenced by shares in said Association.

That the said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5 of Decrees, at Page 282.

That now, upon the application of the Upper Big Wood River Water-Users Association for a Certificate of Change in Point of Diversion, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to change such point of diversion is hereby confirmed.

That said change in point of diversion shall not modify in effect said decree, water right, or place of use. Said water to be limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

18 cubic feet per second of the waters of Big Wood River, with priority of September 1, 1920.

That said water right is appurtenant to lands in the Upper Big Wood River Valley, as evidenced by shares in said Association.

That the water right above described has heretofore been diverted from Big Wood River, with point of diversion located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, Township 1 North, Range 18 East, B.M.

That the water right above described will hereafter be diverted from Big Wood River, with point of diversion located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, Township 1 North, Range 18 East, B.M.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 13th day of March, A. D. 1946.

Mark R. Kulp
MARK R. KULP

State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE

Date . **November 29, 1945** .

The Hailey Times

Hailey, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for two consecutive weeks prior to **December 20, 1945** the date set for hearing, the expense of the publication to be paid by the applicant, **Upper Wood River Water Users' Ass'n.**
C/o Scott Allred, President, Hailey, Idaho

to whom you should furnish proof of publication on or prior to the date set for hearing.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Roy W. Thompson
Supervisor of water Distribution



NOTICE OF PROPOSED CHANGE IN POINT OF DIVERSION

Notice is hereby given that the Upper Wood River Water Users' Association, of Hailey, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing them to change the point of diversion of eighteen (18) cubic feet per second of the waters of Big Wood River from the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, Township 1 North, Range 18 East, B. M., to the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, Township 1 North, Range 18 East, B. M.

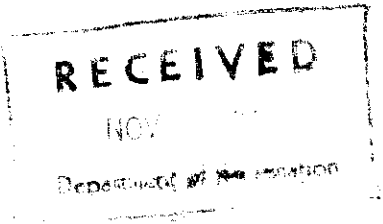
And that on the 20th day of December, 1945, at Room 107 State House, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present for his consideration any reason or reasons why a certificate should not be issued authorizing such change in point of diversion.

MARK H. KULP

State Reclamation Engineer

RECEIVED
DEC 21 1945

Affidavit for Change of Point of Diversion
of Decreed Water Right



STATE OF IDAHO, }
County of Blaine } ss.

Upper Wood River Water-users Assoc., being first duly sworn, deposes and says: That his postoffice address is Hailey, Idaho; That he is the owner of and using a certain water right, bearing date of priority of August 28th, 1922, for eighteen cubic feet per second of the waters of Big Wood River, County of Blaine, State of Idaho, decreed to Upper Big Wood River Water-users Assoc. by decree of Judge , of the 4th Judicial District of the State of Idaho, in and for the County of Lincoln, in the case of Upper Big Wood River Water-users Assoc. vs. S. H. Chapman said decree bearing date of August 28th, 1922, for the purpose of irrigating the following described lands, situate, lying and being in Water Dist. No. 7-AB, in the County of Blaine, and State of Idaho, to-wit: Lands in the Upper Big Wood River Valley, as evidenced by shares in the association

That he is the person (or representative of the corporation) to whom such right was issued, (or has become the owner thereof in the following manner:

That said waters are now diverted from said stream in the NE 1/4 SE 1/4 of Sec. 13, Twp. 1 N, Range 18 E, and conducted to the above described lands through the various ditches ditch, as per map filed herewith and of this affidavit made a part;

That affiant desires to change the point of diversion of said water from the point above described to a point located in NE 1/4 of SE 1/4, Sec. 12, Twp. 1 N, Range 18 E, and thereafter conduct same to the above described land through the ditch, as per map above referred to:

That his reasons for desiring to make such change are as follows: This water was decreed to the Assoc. as saved, or developed, water by reason of the construction of the Base-Line Bypass around the "dry-beds". It is now desired to move the head of this by-pass approximately one mile further up stream where a permanent diversion dam can be built across the river. This new dam will serve the Gelndale ditch also, diverting from the West side of the river. There are no diversion between the old and the new diversion, and no additional saving will be made at affiant's own risk. That no one will be injured by such change and that such change will be made at affiant's own risk. be asked

By Scott Alfred, President. Affiant.
Subscribed and sworn to before me this 27 day of Nov, 1945
J. J. M. Zander, Notary Public, Hailey, Idaho

NOTE:—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.
I cannot see where any other water-user will be injured in any way by this change and many will be benefitted. I endorse the change.

Hans R. Coffin, Watermaster

AGREEMENT OF SALE

THIS AGREEMENT, Made and entered into this 1st day of June, 1970, by and between JOHN S. FELDHUSEN and GLADYS L. FELDHUSEN, the party of the first part, hereinafter called the Sellers, and SPRENGER LAND INVESTMENT INC., a corporation, the party of the second part, hereinafter called the Buyer, WITNESSETH:

1. SALE AND PURCHASE OF PROPERTY. That for and in consideration of the sum of One Dollar (\$1.00) by each of said parties hereto to the other in hand paid, receipt whereof is hereby acknowledged, and the stipulations and agreements hereinafter specified, well and truly to be performed by the said Buyer, the Sellers do hereby agree to sell and Buyer does hereby agree to purchase of and from the Sellers, according to the terms and conditions hereinafter set forth, the following described property, to-wit:

159.2 miners inches of the waters of Big Wood River, being a portion of what is known as the "Upper By-Pass" (developed) water as decreed in the adjudication of the suit entitled Upper Big Wood River Water Users' Association and others versus S. H. Chapman, Watermaster, in the District Court of the Fourth Judicial District of the State of Idaho in and for Lincoln County; and appearing of record in Book 5 of Judgments at page 292 in the records of said Lincoln County, a copy of which decree appears of record in Book 11 of Judgments at page 230 in the records of Blaine County, Idaho.

Together with a proportionate interest, that is to say, 159.2/900ths, in that certain ditch or canal known as the By-Pass, sometimes designated as Canal No. 55, diverting water from Big Wood River in Blaine County, Idaho, at a point in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 13, Township 1 North, Range 18 East of the Boise Meridian.

2. PURCHASE PRICE. The said Buyer, in consideration of the premises and the covenants and agreements herein contained, promises and agrees to pay to said Seller as the purchase price of

RECORDED

said property hereinabove described the sum of EIGHT THOUSAND AND NO/100 (\$8,000.00) DOLLARS, lawful money of the United States of America, payable as follows:

\$4,000.00 of said purchase price in cash upon the execution of this Agreement, receipt whereof is hereby acknowledged;

\$4,000.00 on the 1st day of June, 1971.

The deferred balance of principal shall bear interest at the rate of eight per cent (8%) per annum from and after the 1st day of June, 1970, until paid.

3. WARRANTY. Sellers hereby warrant that they have good title to said water, free and clear of any and all liens and encumbrances.

4. POSSESSION. It is further agreed that Buyer shall be entitled to possession and use of the above described water rights upon the execution of this Agreement and shall have the right to change the point of diversion of said water to any point it desires.

5. REMEDIES OF SELLER IN CASE OF DEFAULT. It is further agreed that time is of the essence of this Agreement and in case the said Buyer shall fail, refuse or neglect to pay the installments of principal and interest promptly as agreed herein, after thirty days written notice of default, time being of the essence hereof, it shall be optional with the Seller to declare this Agreement forfeited, whereupon all right of the Buyers to complete said purchase or to continue in possession of said property, shall absolutely terminate and the Buyer shall forfeit to Seller all monies paid upon the purchase price, as liquidated damages for the breach of this Agreement in case the said Seller shall elect to declare a forfeiture thereof.

It is further agreed that in lieu of declaring a forfeiture of this Agreement for a breach of any of the terms or conditions

hereof, the said Seller shall have the right to declare the total unpaid balance of purchase price and accrued interest thereon as immediately due and payable and may proceed to sue the Buyer for said unpaid balance or may proceed to foreclose the lien of the Seller herein reserved without first tendering or delivering to the Buyers any Deed covering said property.

6. ATTORNEY FEES. In case suit is necessary to enforce any of the provisions herein contained by either party, the prevailing party shall be entitled to receive reasonable attorney's fees and all court costs.

7. ESCROW. It is agreed that this contract and a Warranty Deed shall be placed in escrow at the Bank of Idaho, Ketchum, Idaho, with proper instructions to deliver said Deed to the Buyer upon payment of the purchase price as herein set out.

The parties hereto respectively bind themselves, their successors, assigns, legal representatives and heirs.

IN WITNESS WHEREOF, the Sellers and Buyer have hereunto set their hands and seal and executed these presents in triplicate the day and year in this first above written.

John S. Feldhusen

Gladys L. Feldhusen

SELLERS

SPRENGER LAND INVESTMENT, INC.

ATTEST:

By _____

Secretary

Its _____

BUYER

STATE OF IDAHO)
County of Twin Falls) ss.

On this _____ day of June, 1970, before me, the under-
signed, a Notary Public in and for the State of Idaho, personally
appeared JOHN S. FELDHUSEN and GLADYS L. FELDHUSEN, husband and
wife, known to me to be the persons whose names are subscribed to
the within instrument and acknowledged to me that they executed
the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my official seal the day and year in this certificate first above
written.

Notary Public for Idaho
Residing at Twin Falls, Idaho

STATE OF IDAHO)
County of _____) ss.

On this _____ day of June, 1970, before me, the under-
signed, a Notary Public in and for the State of Idaho, personally
appeared _____, known to me to be the _____
_____ of SPRENGER LAND INVESTMENT, INC., the corpo-
ration that executed the foregoing instrument, and acknowledged to
me that said corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my official seal the day and year in this certificate first above
written.

Notary Public for Idaho
Residing at Twin Falls, Idaho

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR LINCOLN COUNTY.

129

Upper Big Wood River User's
Association, a Corporation;
Mutual Water River Water User's Association,
a Corporation; Big Wood Canal Company,
a Corporation,

Plaintiffs,

Vs.

S.H. Chapman, Watermaster,

Defendent.

DECREA

This cause came on for hearing before Honorable H.P. Ensign,
Judge of the Above Entitled Court, at Chambers in Hailey, Idaho, on the
9th day of August, 1922, and the plaintiffs appeared by Paul S. Had-
dock, one of their attorneys, and the defendant appeared not. Thereo-
upon, proof of service and of publication as required by statute was
made and default of the defendant was thereupon duly entered.
Thereupon, the plaintiffs introduced testimony, and the court, havin
seen and heard the evidence, finds that the allegations of the plain
complaint are true.

Court further finds that during the year 1920, the plaintiffs
constructed certain ditches, dams and other devices, for the purpose
of diverting all the waters of Big Wood River by and around that
portion of Big Wood River located in Blaine County, Idaho, known as
" the dry beds", where great and continuous loss of waters of said
Big Wood river continually occurred by reason of the same sinking and
dissappearing through gravel beds and subterranean outlets. That the
canal so diverting the waters of the Big Wood River., hereinafter called
the "By-Pass", has a capacity of from one hundred fifty(150) to
two hundred (200) second feet and is sufficient in size to divert all
of the waters of Big Wood River during its normal flow. The point of
diversion os said "By-Pass" is at a point in the Southeast quarter of
the Southwest quarter of Section 13, Township 11 North, Range 18 East,
B.L., in Blaine County, Idaho, about one thousand(1000) feet north

Page Two.

of the Section Line between Sections 13 and 24, of said Township and Range. The By-Pass follows old Canal Number 55 in a Southerly direction about six thousand seven hundred (6,700) feet, thence through an enlargement of the Black ditch to the Section Line between Sections 25 and 36 of the said Township and Range, thence west through a new constructed section to an old slough, a distance of about two thousand seven hundred (2,700) feet, thence in a southerly direction for about two thousand seven hundred (2,700) feet, where it empties into the main channel of Big Wood River.

That from and after the 1st. day of September, 1940, the plaintiffs have diverted the waters of Big Wood River through said "By-Pass" and that by reason of so diverting said waters through said "By-Pass", the plaintiffs have saved and developed a continuous flow of eighteen (18) second feet of water of said Big Wood River, being the waters which formerly sank, disappeared and were wasted in and through the river beds known as the "dry beds".

It is therefore ordered, adjudged and decreed that the plaintiffs are the owners of and entitled to the use of said eighteen (18) second feet of water of Big Wood River, being water saved and developed by said plaintiffs during the irrigation season of each year when the aforesaid "By-Pass" is operated and the various plaintiffs are entitled to the possession and use of the following proportions of said (18) second feet of water so saved and developed, to-wit; The Plaintiff, Upper Big Wood River Water Users' Association is the owner of and entitled to the use of five hundred sixty-one and sixtenths (561.6) inches thereof; That the plaintiff Mutual Water Users' Association is the owner of and entitled to the use of one hundred seventy-four and six-tenths (174.6) inches thereof; that the plaintiff Big Wood River Canal Company is the owner of and entitled to the use of one hundred sixty-three and eight tenths (163.8) inches thereof.

That the said waters so saved and developed as aforesaid is, during the winter months, stored for irrigation in the Magic Reservoir

Page Three.

in Blaine County, Idaho, the said reservoir being part of the said Big Wood River Canal Company's irrigation system, and that said waters, so saved and developed during that portion of the year other than the irrigation season ~~is~~ hereby decreed to be the property of the said Big Wood Canal Company.

That the waters decreed to the plaintiffs herein are the sole and exclusive property of the said plaintiffs as developed waters, regardless of the date of appropriation. That the date of appropriation and priority in and to said waters is the 1st day of September, 1920.

Dated this day of August, 1922.

Signed H.F. Ensign,
District Judge.

KNEELAND AND LAGGIS

ATTORNEYS

SADDLE ROAD, BIGWOOD
KETCHUM, IDAHO 83340

G. R. KNEELAND
STRATTON P. LAGGIS

(208) 726-3301
P. O. Box 258

June 7, 1971

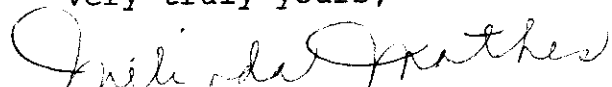
State of Idaho
Dept. of Reclamation
614 West State Street
Boise, Idaho

Re: Application for Transfer
of Water Right
Sprenger Land Investment, Inc.

Dear Sirs:

I enclose three separate Applications for Transfer of Water Rights on behalf of Sprenger Land Investment, Inc., along with our check for \$90.00 (\$30.00 for each of the three applications).

Very truly yours,



Melinda Mathes,
Secretary

/mm
Encls.

CONFIDENTIAL

June 21, 1971

Kneeland and Leggis
Attorneys at Law
Saddle Road, Big Wood
Ketchum, Idaho 83340

Gentlemen:

Returned herewith is your receipt No. 6630 in the amount of \$90.00
for three transfers @ \$20.00 each in the name of Sprenger Land Invest. Co,
which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

file 37-K *L*

INTER-DEPARTMENT MEMO — 1

DATE 1-15-80

FROM Jim, Southern

TO Roberta Garrett

SUBJECT Behrens vs Coffin, Decree File 37-K

This decree made a partial transfer of decreed rights 37-0893 & 37-0894, changing the place of use to farther upstream. However, Reid Newby stated that water has not been delivered to the new location since at least 1962 when he became watermaster. So I will ignore this decree (Behrens vs Coffin) when coding these two rights.


SIGNATURE

(2)

RECEIVED
NOV 26 1943
Department of Reclamation

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE.

H. A. BEHRENS and GRACE G. BEHRENS,
husband and wife,

Plaintiffs,

vs.

MANS H. COFFIN, Watermaster,

Defendant.

JUDGMENT AND DECREE

This cause came on regularly to be heard before the undersigned District Judge, sitting without a jury, at Hailey, County of Blaine, State of Idaho, on the 21st day of September, A. D. 1943, the plaintiffs appearing by Messrs. Chapman and Chapman, their attorneys, and the default of the defendant, Mans H. Coffin, Watermaster, having been heretofore regularly and duly entered on account of his failure to appear and plead to the complaint herein within the time specified in the summons personally served upon him in accordance with law, or within the time required by law, and notice having heretofore been given by publication in the Hailey Times, for three consecutive weeks commencing on July 22nd, 1943, and ending on August 5th, 1943, to the effect that on the 15th day of July, 1943, an action was commenced in the above entitled court and cause, and that the names of the parties to said action are H. A. Behrens and Grace G. Behrens, husband and wife, plaintiffs, and Mans H. Coffin, Watermaster, defendant, and setting forth therein that the purpose of said action is to quiet title to 140 miners' inches of the waters of Big Wood River, being a portion of what is known as the Upper By-Pass (developed) water, a part thereof having been originally decreed to the Mutual Wood River Water Users' Association, and a part thereof to the Big Wood River Canal Company, plaintiff's predecessors in interest, in the District Court of the Fourth Judicial District of the State of Idaho, in and for Lincoln County, in the case entitled "Upper Big Wood River Water Users' Association, et al., plaintiffs, vs. S. H. Chapman, Watermaster, defendant", the decree wherein was made and entered August 28, 1922, as of a priority in and to said waters as of the 1st day of September, 1920, together with a proportionate interest, that is to say, 140/900ths in that certain ditch or canal known as the By-Pass, sometimes designated as canal No. 55, diverting water from Big Wood River in Blaine County, Idaho, at a point in the Southeast Quarter of the Southwest Quarter. (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Thirteen

(13), Township One (1) North, Range Eighteen (18) East of the Boise Meridian, in Blaine County, State of Idaho, and that the plaintiffs above named be granted permission to change the place of use of said 140 miners' inches of the waters of Big Wood River hereinabove mentioned and described from certain lands to certain lands situated in Blaine County, Idaho, as more particularly and specifically described in plaintiff's complaint on file in the office of the Clerk of the District Court of Blaine County, Idaho, in the above entitled Court and cause, a copy of which complaint has been personally served upon the defendant, Mans H. Coffin, Watermaster, said notice being given pursuant to an Order of the above entitled Court in said cause dated the 20th day of July, 1943, and in accordance with the provisions of Section 41-1305, Idaho Code Annotated, and proof of publication of said notice having been duly made and filed herein, and evidence both oral and documentary having been introduced on behalf of the plaintiffs, and said cause having been submitted to the Court for consideration and decision, and the making and rendering of Findings of Fact and Conclusions of Law having been expressly waived, and the Court being now fully advised in the premises, both as to the law and the facts,

IT IS ORDERED, ADJUDGED and DECREED, that the said plaintiffs are the owners of and are entitled to the possession and use of 140 miners' inches of the waters of Big Wood River, being a portion of what is known as the Upper By-Pass (developed) water, and which is a part of the waters originally decreed to the Mutual Wood River Water Users' Association and the Big Wood River Canal Company under and by virtue of that certain decree entered in the above entitled Court in and for Lincoln County in the case entitled "Upper Big Wood River Water Users' Association, et al., plaintiffs, vs. S. H. Chapman, Watermaster, defendant", together with a proportionate interest, that is to say, 140/900ths in that certain ditch or canal known as the By-Pass, sometimes designated as canal No. 55, diverting water from Big Wood River in Blaine County, Idaho, at a point in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Thirteen (13), Township One (1), North Range Eighteen (18), E.B.M., and that the said defendant, Mans H. Coffin, Watermaster, on his own behalf or on behalf of the appropriators of the waters of Big Wood River has, and he is hereby decreed to have no interest whatsoever in or to the same or in or to any portion or portions thereof, and that said defendant, Mans H. Coffin, Watermaster, on his own

Part
37-0893
37-0894
37-0895

behalf or on behalf of the appropriators of the waters of Big Wood River, be and he hereby is forever debarred and enjoined from asserting any claim whatsoever in or to said waters or in or to any portion or portions thereof, adverse to the plaintiffs; and

IT IS FURTHER ORDERED, ADJUDGED and DECREED That the plaintiffs be and they hereby are granted permission to change the place of use of said 140 miners' inches of the waters of Big Wood River, being a portion of what is known as The By-Pass (developed) water, and which is a part of the waters originally decreed to the Mutual Wood River Water Users' Association and the Big Wood River Canal Company under and by virtue of that certain decree entered in the above entitled Court in and for the County of Lincoln in the case entitled "Upper Big Wood River Water Users' Association, et al., plaintiffs, vs. S. H. Chapman, Watermaster, defendant", from the following described lands situated in Blaine County, State of Idaho, to-wit:

Fr. Lot Four (4); Fr. South Half of the Southeast Quarter (Fr. S $\frac{1}{2}$ SE $\frac{1}{4}$), in Section Seven (7), Township One (1), North, Range Nineteen (19) East of the Boise Meridian, to the following described lands owned by the plaintiffs herein, situated in Blaine County, State of Idaho, to-wit:

H.E.S. #127, embracing a portion of the unsurveyed public domain, Idaho, more particularly described as follows: Beginning at Cor. #1, from which the standard corner of Sections 35 and 36 in Twp. 5 N. R. 17 E.B.M. bears S. 22' E. 111.24 chains distant; thence N. 29° 37' W. 46.67 chains to Cor. #2; thence N. 55° 13' E. 15.08 chains to Cor. #3; thence N. 13° 38' W. 19.97 chains to Cor. #4; thence N. 55° 9' E. 19.84 chains to Cor. #5; thence S. 11° 24' E. 55 chains to Cor. #6; thence S. 24° 16' W. 28.61 chains to Cor. #1, the place of beginning, containing 144.26 acres, more or less, as described in the United States Patent.

H.E.S. #128, being in Sections 35 and 36, Twp. 5 N.R. 17 E.B.M. and specifically described as follows: Beginning at Cor. #1, from which the standard corner of Secs. 35 and 36 Twp. 5 N. R. 17 E. B. M., bears S. 10° 36' E. 151.53 chains distant; thence N. 13° 54' W. 39.03 chains to Cor. #2; thence N. 39° 43' W. 20.77 chains to Cor. #3; thence N. 54° 31' E. 23.81 chains to Cor. #4; thence S. 34° 49' E. 24.84 chains to Cor. #5; thence N. 55° 17' E. 16.44 chains to Cor. #6; thence S. 14° 21' E. 14.9 chains to Cor. #7; thence S. 55° 9' W. 19.84 chains to Cor. #8; thence S.

13° 38' E. 19.97 chains to Cor. #9; thence S. 55° 13' W. 20.11 chains to Cor. #1, the place of beginning, containing 150.05 acres, more or less. Description taken from Patent recorded in Blaine County, Idaho, Book 99 of Patents, at Page 413.

H.E.S. #129, lying over and across Secs. 15, 14 and 23, Twp. 5 N. R. 17 E.B.M., and more particularly described as follows: Beginning at Cor. #1, from which U.S. Location Monument No. 123 bears N. 25° 52' W. 74.59 chains distant; thence S. 30° 17' E. 86.27 chains to Cor. #2; thence N. 54° 31' E. 23.81 chains to Cor. #3; thence N. 36° 47' W. 78.43 chains to Cor. #4; thence S. 82° 19' W. 16.03 chains to Cor. #1, the place of beginning, containing 157.19 acres, more or less. Description taken from Patent on record in Blaine County, Idaho, in Book 62 of Patents, on page 633.

H.E.S. #329, embracing a portion of Sec. 14, Twp. 5. N. R. 17 E.B.M., and more particularly described as follows: Beginning at Cor. #1, from which U.S. Location Monument No. 123, bears N. 36° 37' W. 80.93 chains distant; thence N. 57° 16' E. 74.8 chains to Cor. #2; thence S. 37° 3' E. 9.96 chains to Cor. #3; thence S. 54° 58' W. 29.93 chains to Cor. #4; thence S. 18° 38' W. 54.37 chains to Cor. #5; thence N. 36° 47' W. 45.80 chains to Cor. #1, the place of beginning, containing 157.31 acres, more or less. Description taken from Patent recorded in Blaine County, Idaho, in Book 99 of Patents, page 433, and to change the place of diversion of said 140 miners' inches of water from the point where said water has heretofore been diverted from Big Wood River for the purpose of irrigating the lands first hereinabove described, to a place of diversion which will permit the plaintiffs herein to irrigate the lands last hereinabove described, and to permit plaintiffs to use the ater thereon, and that the change of the place of diversion of said water will not injure the water right of other appropriators of water from Big Wood River.

DATED This 21st day of September, A. D. 1943.

D. H. Sutphen
District Judge.

Filed and Entered
Sept. 21, 1943,
B. P. Thamm, Clerk of the District Court
Blaine County, Idaho.

CLERK'S CERTIFICATE OF TRUE COPY

STATE OF IDAHO,)
) SS.
COUNTY OF BLAINE,)

I, B. P. THAMM, Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Blaine, do hereby certify that the foregoing is a full, true and correct copy of the original JUDGMENT AND DECREE in the above entitled action now on file in my office.

Given under my hand and the seal of said Court in my office, at Hailey, this 24th day of September, A. D., 1943.

Attest:

B. P. Thamm
Clerk

37-G-2

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2184

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D E C R E E

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f'

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, That the hereinafter mentioned parties are the owners of and entitled to the use of the number of cubic feet per second of time of the waters of Big Wood and Malade Rivers and their tributaries as indicated hereinbelow, with date of priority indicated, and for use upon the land described and indicated, to-wit:

Everett F. Daubner	1.6	11-1-13	S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 22, T. 5 S., R. 14E
George E. Daubner	2.4	11-1-13	W $\frac{1}{2}$ NW $\frac{1}{4}$ & SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, T5S., R. 14 EBM
The Mutual Wood River Water Users Ass'n, a corporation	3.492	9-1-20	

37-0876

It is further Ordered, adjudged and decreed that the rights herein adjudicated be, and they are declared to be supplementary to that certain judgment and decree rendered and entered in the District Court of the Fourth Judicial District of Idaho, in and for the County of Lincoln, dated December 13, 1909, wherein S. C. Frost, et al were the Plaintiffs and Alturas Water Co., et al, were defendants, commonly known as the Frost decree of the Waters of Big Wood River, and said rights shall be considered as of the same force and effect as if said rights were adjudicated in said above Frost decree in accordance with Section 7036 I. C. S. The above lands being situate in the counties of Gooding, Lincoln and Blaine, State of Idaho.

No costs awarded Dated at Shoshone, Idaho, this 27 day of June, 1925

STATE OF IDAHO)	s/ ROBERT M. TERRELL
County of Lincoln) ss	District Judge

I, E. A. BOWLER, Clerk of the District Court and Ex-Officio Recorder in and for the County of Lincoln, State of Idaho, do hereby certify that the annexed is a full, true and correct copy of the original decree now on file in my office, as the same appears on the Records of said Lincoln County, State of Idaho in Book _____, at Page _____

IN TESTIMONY WHEREOF, I have set my hand and affixed my official seal this 2 day of July, A. D. 1925.

E. A. BOWLER
Clerk, Ex-Officio Recorder

Court further finds that during the year 1920, the plaintiffs constructed certain ditches, dams and other devices for the purpose of diverting all of the waters of the Big Wood River by and around that portion of Big Wood River located in Blaine County, Idaho, known as "the dry beds", where great and continuous loss of the waters of said Big Wood River continually occurred by reason of the same sinking and disappearing through gravel beds and subterranean outlets. That the canal so diverting the waters of Big Wood River, hereinafter called the "By-pass", has a capacity of from one hundred fifty (150) to two hundred (200) second feet and is sufficient in size to divert all of the waters of Big Wood River during its normal flow. The point of diversion of said "By-pass" is at a point in the Southeast Quarter of the Southwest quarter of Section 13, Township 1 North, Range 18 East, B. M., in Blaine County, Idaho, about one thousand (1,000) feet north of the Section

line between sections 13 and 24, of said Township and Range. The "By-pass" follows old Canal #55 in a Southerly dire^{ction} about six thousand seven hundred (6,700) feet, thence through an enlargement of the Black ditch to the section line between Sections 25 and 36 of said Township and Range, thence west through a new constructed section to an old slough, a distance of about two thousand seven hundred (2,700) feet, thence in a southerly direction for about two thousand seven hundred (2,700) feet, where it empties into the main channel of Big Wood River.

That from and after the 1st day of September 1920, the plaintiffs have diverted the waters of Big Wood River through said "By-pass", and that by reason of so diverting said waters through said "By-pass", the plaintiffs have saved and developed a continuous flow of eighteen (18) second feet of the water of said Big Wood River, being the waters which formerly sank, disappeared and were wasted in and through the river beds known as the "dry beds".

It is therfore ordered, adjudged and decreed that the plaintiffs are the owners of ^{1/2} sand entitled to the use of said eighteen (18) second feet of water of Big Wood River, being water saved and developed by said plaintiffs during the irrigation season of each year when the aforesaid "By-pass" is operated and that the various plaintiffs are entitled to the possession and use of the following proportions of said eighteen (18) second feet of water so saved and

37-0892

developed, to wit: The plaintiff, Upper Big Wood River Water Users' Association is the owner of and entitled to the use of five hundred ^{11.232 cfs} sixty-one and six-tenths (561.6) inches thereof; that the plaintiff

37-0893

Mutual Wood River Users' Association is the owner of and entitled to the use ^{3.492 cfs} of one hundred seventy-four and six-tenths (174.6) inches thereof; that

37-0894

the plaintiff Big Wood River Canal Company is the owner of and entitled to ^{3.276 cfs} the use of one hundred sixty-three and eight-tenths (163.8) inches thereof.

37-0895

That the said waters so saved and developed as aforesaid is, during the winter months, stored for irrigation in the Magic Reservoir in Blaine County, Idaho, the said reservoir being part of the said Big Wood Canal Company's irrigation system, and that said waters, so saved and developed during that portion of the year other than the irrigation season is hereby decreed to be the property of said Big Wood Canal Company.

That the waters decreed to the plaintiffs herein are the sole and exclusive property of said plaintiffs as developed waters, regardless of the date of appropriation. That the date of appropriation and priority in and to said waters is the 1st day of September, 1920.

Dated this 28th day of August, 1922

H. F. Ensign,

District Judge

Judgment rendered August 9, 1922.

Filed: August 30, 1922

E. A. Bowler, Clerk

By Buelah Guymon, Deputy

State of Idaho)
County of Lincoln } ss

I, E. A. Bowler, Clerk of the District Court, and Ex-Officio Recorder in and for the County of Lincoln, State of Idaho, do hereby certify that the annexed is a full, true and correct copy of the decree now on file in my office, as the same appears on the Records of said Lincoln County, State of Idaho, in Book 5 of Judgments at page 292.

IN TESTIMONY WHEREOF, I have set my hand and affixed my official seal this 7th day of June, A. D. 1922.

E. A. Bowler, Clerk, Ex-Officio Recorder

By /s/ Venetta Albert, Deputy



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 28, 1994

David Sellgren
PO Box 2810
Sun Valley, ID 83353

Re: Saved Water Rights Pursuant to Chapman and Coffin Decrees

Dear Mr. Sellgren:

I have reviewed the questions from your correspondence of July 22, 1994. Listed below are my responses to your questions. Enclosed are copies of the Chapman and Coffin decrees.

Question No. 1: Is the June 15, 1883 priority mentioned in the Chapman decree?

- The Department's records only include a copy of the order from the Chapman decree (Upper Big Wood River Water Users' Association v. S. H. Chapman, August 28, 1922). Our records do not include any of the findings of fact from this case. The final order contains no reference to the June 15, 1883 priority date that is found in the Coffin Decree (Hughes et. al. v. Mans H. Coffin, July 18, 1941).

Question No. 2: If the June 15, 1883 date is not mentioned in the Chapman decree, how do you arrive at your interpretation that Chapman decree water is affected by the June 15, 1883 cutoff date, or any other date for that matter?

- A careful reading of my memo to Lee Peterson dated August 20, 1992, which is the subject of your inquiry, does seem to imply that the 'saved water' rights under the Chapman decree is affected by the June 15, 1883 priority date referenced in the Coffin decree. Upon review of both the Chapman and Coffin decrees, I believe that the 1883 date applies only to the saved water rights under the Coffin decree.

Question No. 3: Does the Coffin decree mention the Chapman decree of 1922 and change the Chapman water rights and/or obligations?

- The Coffin decree (findings of fact, conclusions of law and order) does mention and describe the Chapman decree of 1922. Based on my reading of the Coffin decree, I do not believe the Chapman decree rights are changed or superseded by the Coffin decree.

Question No. 4: If there is no mention of the 1883 date in the Chapman decree and the Chapman water is independent of the river and is 'saved water', how can any regular river water, e.g. the

Stewart 80, 81, and 82 rights be senior to an independent source?

- It is clear from the Coffin decree that some of the Stewart rights must be delivered along with the delivery of the 18 cfs of saved water under the Coffin decree. In respect to the saved water under the Chapman decree, it seems that this water is delivered whenever the By-Pass canal is operated.

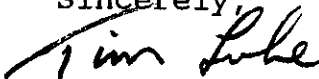
The Chapman decree awarded 18 cfs of water saved and developed by the plaintiff Upper Big Wood Water Users' Association "during the irrigation season of each year when the aforesaid 'By-pass' is operated." The decree further states that the Base Line By-Pass canal "has a capacity of 150 to 200 cfs and is sufficient in size to divert all of the waters of the Big Wood River during its normal flow." Reference to the By-Pass canal in the Coffin decree includes the following:

'In the practical administration of the waters of the Big Wood River, water has been and is turned into the Base Line By-Pass whenever the flow in the river above the dry beds has diminished to the point where the capacity of the by-pass is sufficient to carry the entire flow of the river.

Upon further review of both the Chapman and Coffin decrees, I conclude that 18 cfs of saved water under the Chapman decree is delivered when the flow of the Big Wood River is turned into the Base Line By-Pass. It would seem appropriate that the full 18 cfs is deliverable as long as the By-Pass operates at its 150 to 200 cfs capacity. The Chapman decree does not specifically state when the 18 cfs is not deliverable, or whether any of the 18 cfs is cut back according to the diminishing flow of the river that is turned into the By-Pass. If the natural flow of the river at the By-Pass is only 10 to 20 cfs, as it is now and as it was in early August of 1992, and if there are documented losses within the By-Pass, then obviously no water is being saved and no saved water can be delivered as provided under the Chapman decree.

I hope that these responses have adequately addressed your questions. Please contact me again if you have additional questions or concerns.

Sincerely,



Tim Luke
Water Allocations

cc: Lee Peterson, Watermaster
Otis Disbennet, Deputy Watermaster
Southern Region

MEMORANDUM

TO: LEE PETERSON, DISTRICT 37 WATERMASTER

FROM: TIM LUKE

THRU: GARY SPACKMAN

DATE: August 20, 1992

RE: DECREED BIG WOOD RIVER BY-PASS RIGHTS

=====

This memo summarizes our understanding of certain decrees recognizing rights to water which was 'saved and developed' due to construction of the By-pass canal and the By-pass canal extension both located south of Bellevue. This summary follows our review of the decrees and a conference phone call with you concerning delivery of the so called 'saved water rights' given the present priority cuts and low flow conditions of the Big Wood River. The decrees in question are: 1) Upper Big Wood River Water Users' Association, et. al. vs. S.H. Chapman, dated August 28, 1922; and 2) Hughes, et. al. vs. Mans H. Coffin, dated July 18, 1941.

The 1922 Chapman Decree awarded 18 cfs of 'saved water' resulting from the construction of the By-pass Canal to be divided among three parties (see decree for proportionate shares among the three parties). The decree specified that this 18 cfs right has a priority date of September 1, 1920. The 1941 Coffin Decree appears to grant an additional 18 cfs of 'saved water' over and above the 18 cfs granted by the 1922 Chapman Decree. This additional 18 cfs of 'saved water' resulted from the construction of the By-pass extension and was also divided among three parties identified as plaintiffs (see decree for pro-rated shares). The 1941 Coffin Decree specifies that the additional 18 cfs 'saved water' right has a priority date of July 24, 1924.

When we discussed the by-pass situation on July 31, you indicated that there was only 11 cfs of natural flow available in the river at the point of diversion for the by-pass and that the priority cut at that time was somewhere in 1883. You further said that about only 1 cfs was reaching Hadley Stewart and that there were no other diversions on the by-pass between the by-pass headgate and Stewart's point of diversion. This indicates that there was a 10 cfs loss in the by-pass. At this particular low flow, there appears to be no 'saved water' as a result of diverting water through the by-pass.

Stewart holds the early priority rights identified on paragraph 7, page 5 of the Coffin decree. These rights include 1880, 1881 and 1882 priorities. The Coffin decree indicates that the priorities of the Stewart rights are not to be impaired or affected. The

Coffin decree further states that the rights granted under this decree only become effective when water rights in the river with priority of June 15, 1883 are shut off. We interpret this language to mean that the Stewart rights with priority dates before June 15, 1883 must be delivered before any 'saved water' (By-pass or Extension By-pass) can be allocated. Since Stewart was not getting all of his early priority rights delivered then certainly no water could be delivered to the holders of the saved water rights identified in the Coffin and Chapman Decrees. In fact, depending on Stewart's call on his senior rights, further priority cuts on the river may have been necessary.

It is our understanding that despite the rather junior priority dates listed for the saved rights in the Chapman and Coffin decrees, that Water District 37 has traditionally treated the 'saved water' as a source of water independent from the Big Wood River. Both decrees actually state that the 'saved water' is an independent source. As a result, the saved water has been delivered even though 1920 and 1924 natural flow river rights have been cut. We also understand based on conversations with you and your deputy watermaster, Otis Disbennet, that the By-pass saved water is never delivered until the river is considered separated at the dry-beds. Also, the Extension By-pass saved water is not delivered until water is actually in the extension and rights with priority of 6/15/1883 are cut.

Until all the saved water rights are adjudicated in the ongoing Snake River Basin Adjudication, we do not wish to recommend any changes in the way the saved water rights have been administered by the District in the past. However, we do wish to make clear that none of the saved rights should be delivered when the senior priority Stewart rights (i.e.; prior to 6/15/1883) can not be delivered.

If you or district members have questions or comments concerning this matter, please contact us. We realize that the By-pass rights and decrees are complex.

cc: Southern Region

21-Feb-1990

Michael W. Simpson
Warm Springs Ranch
P.O. Box 336
KETCHUM ID 83340

Re: Application for Transfer No. 37-0574, 37-0892

Dear Mr. Simpson:

A recent review of the above referenced Applications for Transfer indicates that our correspondence dated 6/20/83 remains unanswered.

Before we can forward your application to our state office for approval or denial, we must include in the file the following additional information:

- 1) Proof of possessory ownership of the water &/or land from which the water is being removed such as copies of deeds, sale contracts, tax assessments, etc. and/or a notarized statement from any lien holder on the property.
- 2) Completion of a "Fact Sheet" to determine justification to allow more than 1" per acre of water on the land which the transfers list as the new place of use. Please find enclosed a "Fact Sheet" form.

Regional processing can be completed if the requested information is submitted within 30 days from the date of this letter.

State Office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

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

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

RECEIVED

JAN 18 1986

Memorandum

Department of Water Resources

Date: 1/14/86

From: Allen Merrill

To: File 37-0892

Subject: Review of rts 37-0892, 37-0893, 37-0894
37-0895 & 37-0876 for verification
of data base.

In reviewing the Upper Big Wood River Water Users' Assn. et. al. vs. Chapman dated 8/28/1922 it appears that by the construction of the "Baseline By-pass" canal 18 cfs of ground water was awarded to the plaintiffs as follows:

During Irrig.
Season

37-0892	11,232 cfs	Upper Big Wood River Water Users' Assn.
37-0893	3,492 cfs	Matural Wood River Users' Assn.
37-0894	<u>3,276 cfs</u>	Big Wood River Canal Co.
	18,000 cfs	

During Non-Irrig.
Season

37-0895	18,000 cfs	Big Wood Canal Co. for storage in Magic Res.
---------	------------	---

On 6/27/1925 in decree of of Big Wood Canal Co. vs. Chapman 37-0893 was reaffirmed by 37-0876.

In 1946 Trans 184 was granted in the Name of the Upper Wood River Water Users Assn. to change P/D for 18 cfs (37-0892, 37-0893, 37-0894) In a phone conversation with Reid Newby the watermaster on 1/11/86 Reid indicated that the 18 cfs is presently being delivered to various users above Magic. Reid indicated that he recalls the Big Wood Canal Co. rt. (37-0894) was traded to the UBWRWUA for maintenance of the by-pass which would allow the continued use of the winter right (37-0895). He indicated that the Mutual Wood River Users' Assn. is no longer in existence with their rt. (37-0893) being used by the UBWRWUA

In 1971 Trans. 1750 was granted on 37-0892 allowing Sprenger Land Trust Co. to move 3,184 cfs upstream. A review of 1985 watermaster records indicate that the 18 cfs under 37-0892 (37-0893 & 37-0894) are delivered as follows:

River Rock Ltd.	3,184 cfs
Owen Simpson	0.200 cfs
William Sherbine	1,692 cfs
Springs of Gladness	1,692 cfs
U.BWRWUA	11,232
	18,000 cfs

37-0892

It appears that Jim Stanton's memo regarding Trans. 184 dated 9/16/83 is incorrect.

I propose to code the entire 18 cts in 37-0892 and have 37-0893, 37-0894, and 37-0876 refer to 37-0892. Rt. 37-0895 will remain unchanged.

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 37-0892

RECOMMENDATION OF WATERMASTER

JUL 25 1983

Department of Water Resources
Southern District Office

I, Reid J Newby, watermaster of Big Wood River,
of Water District No. 37, County of Blaine, State of Idaho,
whose address is Box T Shoshone, Idaho 83352
have read the attached copy of the application for transfer of water right for _____
Warm Springs Ranch, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: Measuring devices and control gate be
be installed and maintained.

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at Shoshone, Idaho, this 25 day of July 19 83.

Reid J. Newby
(signature)



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

July 13, 1983

Reid J. Newby
Watermaster District 37
Box T
Shoshone, Idaho 83352

Re: Application for Transfer of Water Right No. 37-0574 - Warm Springs Ranch
37-0892 - Warm Springs Ranch
37-0113L - Ward

Dear Mr. Newby:

Enclosed is a copy of an Application for Transfer of a Water Right within your District, and Watermaster's Recommendation Form.

Section 42-222 of the Idaho Code requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

Please complete the enclosed recommendation form and return it to this office.

Processing of the application can be completed in 20 days, so your prompt response to this request will be appreciated.

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

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

Encl:

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 37-0892A

Notice is hereby given that Warm Springs Ranch has applied to the Department of Water Resources for a change of place of use and change of source of water of a portion of a right right/from Big Wood River tributary to Malad River. The right sought to be changed is evidenced by decree to Upper Big Wood River Water Users' Association in case of Upper Big Wood River Water Users' Association, et al vs S. H. Chapman, Watermaster dated August 28, 1922 in Fourth District Court, county of Lincoln and is recorded as follows:

Amount: 8.048 cfs

Priority: September 1, 1920

Point of Diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, T1N, R18E, B.M., Blaine County

The water is used for irrigation of lands in the Upper Big Wood River Valley as evidenced by shares in said lands from April 1 to November 1.

PORTION OF RIGHT TO BE CHANGED:

Amount: 0.20 cfs

Point of Diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, T1N, R18E, B.M., Blaine County

Place of Use: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12; NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 13, T4N, R17E

PORTION TO BE CHANGED AS FOLLOWS:

Amount: 0.20 cfs

Point of Diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11; NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 13, T4N, R17E, B.M., Blaine County

Place of Use: S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 11; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12; NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 13, T4N, R17E for irrigation of 45 acres.

Any protest against the approval of the above proposed change of the portion of the right described above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301, on or before August 8, 1983.

Published in Wood River Journal on July 21 and July 28, 1983.

72
12/1/83



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

July 12, 1983

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

Re: Notice of Proposed Change of Water Right No. 37-0113L (3)
37-0574
37-0892A

Gentlemen:

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

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

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

Sincerely,

Mary A. Newby
Sec/Office Coord

Encl:



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

June 20, 1983

Warm Springs Ranch
P.O. Box 336
Ketchum, ID 83340

RE: Application for Transfer of Rights 37-0574 & 37-0892

Dear Mr. Simpson:

Our office has made a preliminary review of your applications and requests the following additional information:

1. Proof of possessory interest in the water &/or the land from which the rights are being transferred. This may be in the form of deeds, sale contracts, tax assessments, etc.
2. Completion of a "Fact Sheet" to determine justification to allow more than 1"/acre of water on the land which the transfers list as the new place of use. Please find enclosed a "Fact Sheet" form.

Our office is preparing your applications for publication and this process should be complete in the later part of July. We request that the above requested information be submitted by that time.

If you have any questions, please feel free to contact our office.

Sincerely,

ALLEN MERRITT
Sr. Water Resource Analyst

AM:ldt

Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

TH 2905

INITIAL REVIEW BY: ADM

1. Right number 37-0892A Applicant WARM SPRINGS RANCH

2. Type of right: ☒ Decree ☐ License ☐ Claim

3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Other Change of Source of Water Right.

4. Check:

a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use

b. ☒ Description of original point of diversion. By Trans 184 NE 1/4 Sec. 12 T1N, R8E

c. ☒ Description of original place of use. Not Listed in Decree

5. Amount of land &/or water transferred:

a. ☐ All of right.

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

c. ☒ Check description of point(s) of diversion.

d. ☒ Check description of place of use.

e. ☒ Check map (shows p.d. and p.u. after transfer).

f. ☒ Check for correct signature, notarization, and fee.

g. ☐ Check proof of ownership of right &/or land from which water is transferred.

h. ☐ Check for expansion in use of right. Comments _____

i. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) (See remarks on applic.)

j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No

If yes, what district? 37

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 7/13/83 Received on 7/27/83

2. Is transfer published correctly? ☐ Yes ☐ No

3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve

2. ☐ Deny

3. Conditions* _____

4. By _____ Date _____

* All uses within Watermaster Districts require special conditions.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER DISTRICT NO. 37 & 37M

P.O. Box T

Shoshone, Idaho 83352

886-2541 2451

January 12, 1981



REID J. NEWBY
Watermaster

Mr. Joe Koenig
Box 486
Ketchum, Idaho 83340

Dear Sir:

The records in the Watermaster's office in Shoshone, Idaho show you have the following water rights.

#37-0574 = Priority of 5/30/1894 from Warm Springs Creek for 250 inches of water. This water appurtenant to SE $\frac{1}{4}$ SW $\frac{1}{4}$, of Sec. 12, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, T. 4N, Range 17 E.

Also, we show you own 10 inches of Baseline By-Pass water, originally decreed to Mutual Wood River Water Users Association, Big Wood Canal Company, Upper Wood River Waterusers Association, State Identification #37-0892. We do not show or have any legal document of where or when this water was transferred from the Baseline By-Pass to your property on Warm Springs Creek.

Therefore, we suggest you contact the Department of Water Resources, Twin Falls, Idaho about making an application to transfer this water as soon as possible.

If we can be of any further service, please contact us.

Sincerely,

Reid J. Newby, Watermaster

RjN:bl

2250 GPM
90 GPM
SELL BUT GOT
in his name
1894
in our
hand for
hand
8:10

October 15, 1971

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

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

Gentlemen:

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

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

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:CS

Enclosures

cc; Stratton P. Laggis
Kneeland & Laggis

MEMORANDUM

TO: Bobby D. Fleenor

FROM: Donald W. McEldowney

SUBJECT: Transfer No. 37-0276

DATE: October 6, 1971

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

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

DONALD W. McELDOWNEY
Appropriation Supervisor

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

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



R. Keith Higginson
Director

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

July 20, 1971

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

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

Dear Mr. Laggis:

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

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

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

Very truly yours,

C. STEPHEN ALLRED
Deputy Director

CSA:bb

MAILED 10 JUL 21 1971

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 37-0892

Notice is hereby given that Sprenger Land Investment, Inc.
of Box #249, Sun Valley, Idaho has applied to the Department of Water
Administration for a change of point of diversion and / ^{place of use} of the waters of Big Wood River, tributary to the Snake River.

The right sought to be changed is evidenced by Decree to Plaintiff in Case of
Upper Big Wood River Users Assn. v.s. S.H. Chapman, and is recorded as follows.
Watermaster

Amount: 3.184 Priority: September 1, 1920

Point of Diversion: SE 1/4, Sec. 13, Twp. 1N, Rge. 18E, B.M., Blaine County

The water is used for irrigation purposes April 15 to October 15,
within the lands contiguous to point of diversion - generally those lands within
HES 127; HES 128; HES 129; and HES 329.

TO BE CHANGED AS FOLLOWS

~~XXXXXX~~

Point of Diversion: NW 1/4 Sec. 1, Twp. 4N, Rge. 17E, B.M.

The water will be used for irrigation purposes within the E 1/4 Sec. 12,
Twp. 4N, Rge. 17E, B.M., and the W 1/4 Sec. 7, Twp. 4N, Rge. 17E, B.M.

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

R. KEITH HIGGINSON
Director

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

CS

KNEELAND AND LAGGIS

ATTORNEYS

(208) 726-3301
P. O. Box 258

SADDLE ROAD, BIGWOOD
KETCHUM, IDAHO 83340

G. R. KNEELAND
STRATTON P. LAGGIS

July 14, 1971

State of Idaho
Dept. of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Dept.

Attn: Mr. Steve Allred

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

Dear Mr. Allred:

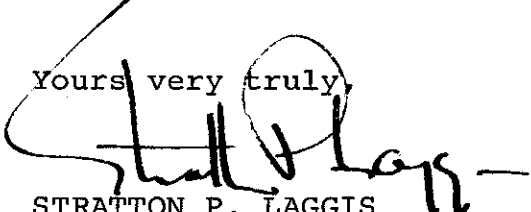
I am enclosing the water applications returned by your office with the corrections as you and I discussed them on the telephone.

I am still not entirely clear on the requirement for making each individual water right appurtenant to a specific piece of land, especially where all three rights are diverted to the same point and by the same means. Certainly, there would be no way for separating them at the point of diversion.

With reference to this specific point, our main concern is not to restrict ourselves with the water rights we have purchased, simply because of the manner in which the applications are completed. You will recall that you assured me that this would not happen in the future, and accordingly I will rely upon that assurance.

Thank you for your time and consideration in this matter.

Yours very truly,


STRATTON P. LAGGIS

CONFIDENTIAL

SPL:mmm
Enclosures

July 6, 1971

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

KNFELAND AND LAGGIS
Attorneys at Law
Post Office Box #258
Saddle Road, Bigwood
Ketchum, Idaho 83340

ATTENTION: Melinda Mathes, Secretary

Dear Mrs. Mathes:

We are returning the three applications for transfer submitted in the behalf of the Sprenger Land Investment, Incorporated. Before we can process these applications, we will require that under item #11, the exact number of acres be listed in each 40 acre tract to be irrigated and that if each transfer is to be based on a 150 acre right, then the acreage listed under item #11, a must total 150 acres.

If we may be of any assistance in this matter, please do not hesitate to contact this Department.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:cm

Enclosures

March 14, 1946

Dorothy L. Povey, Secretary,
Upper Wood River Water Users Ass'n., Inc.
Hailey, Idaho

Dear Madam:

We enclose herewith Certificate of Change of
Point of Diversion of Decreed Water Right No. 184,
also Departmental Receipt # 19346 for the \$1.00
recording fee.

A copy of this certificate is also being sent to
Mr. Mans Coffin, Watermaster of Water District
No. 7-AB.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

A
encl.
CC to Mans U. Coffin

RECEIVED

January 14, 1946

Mr. Scott Allred, President,
Upper Hood River Water Users' Ass'n.
Hailey, Idaho

Dear Mr. Allred:

Since there were no protests at the time
set for hearing on your application for
change of point of diversion of 18 second
feet of water from Big Hood River, a
Certificate of Transfer will be issued
upon receipt from you of the Affidavit of
Publication in the Hailey Times, and also
the \$1.00 recording fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy L. Thompson
Supervisor of Water Distribution

A

RECEIVED
JAN 15 1946
MID