WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
~~ORIGINAL APPLICATION~~	~~37-08860~~	~~CARR, GREG C.~~	~~0.56~~
FULL ASSIGNMENT	37-08860	RICHARD S FULD,JR. IDAHO REVOCABLE TRUST DATED NOVEMBER 10, 1997	0.56

APRIL 7, 1998

APR 1 9 1998

07/94

RECEIVED

APR 0 2 1998

Department of Water Resources
Southern Region

RECEIVED

MAR 3 0 1998

Department of Water Resources
Southern Region

For Office Use Only
$25.00 Filing Fee
Receipt # 5020982
Date 04/03/98

RECEIVED

APR 0 6 1998

Department of Water Resources

State of Idaho
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT
To change the ownership of a permit

I, Greg C. Carr (Permit Holder), hereby assign to Richard S. Fuld, Jr., Trustee, Richard S. Fuld, Jr. Idaho Revocable Trust Dated November 10, 1997
of 771 North Street, Greenwich, Connecticut 06831; (203)-629-9082 (Full Address and Phone Number)

All my right, title, and interest in and to Permit No. 37-08860 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to Permit No. _____ to appropriate the public waters of the State of Idaho.

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision, point of diversion location, and the amount of water in cubic feet per second.

Made this 17 day of March, 1998.

Permit Holder(s)

State of Idaho)
ss
County of Bonneville)

On this 17 day of March, 1998, personally appeared before me the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

Steven E. Carr
Notary Public

SEAL

Signature

My commission expires: 6-16-98

MICROFILMED
APR

Form No. 217
7/94

FOR OFFICE USE ONLY
Amt. of Fee $: 100.00
Receipt No. C038799
Receipt By: JW
Date Receipted: 5-6-97

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAY 5 - 1997
Department of Water Resources

PROOF OF BENEFICIAL USE

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

1. Permit No. 37-08860 Telephone No. 208-522-7895

2. Name(s) of Permit Holder(s): Greg C. Carr

3. Mailing Address: PO Box 50935 Idaho Falls, Id 83405

4. Source of Water: groundwater If GROUNDWATER (well), Date ~~Drilled~~ pump installed: mo. 10 / yr. 90

a. ~~Well Driller~~ Pump installed by: Weed River Drilling & Pump Drilling Permit Number: NA - ___ - ___ - ___

b. *OPTIONAL:*
Pump Horsepower: 1 Pressure (psi): _____ Dynamic pumping level (ft): _____

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

Domestic (No. of households): ~~1 per lot~~. Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: fire protection; aesthetic

6. Total rate of diversion and/or volume for which proof is submitted: 0.56 cfs OR _____ acre feet

7. Measuring Device Requirement: **(refer to the approval conditions on your permit and respond accordingly)**
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes ___ or No X
Has the measuring device been installed? Yes ___ or No X

Flow Measurement Port: Is a flow measurement port required? Yes ___ or No X
Has the measurement port been installed? Yes ___ or No X

8. Fee Enclosed: $ 100.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name: Steve Carr Telephone Number: 208-522-7895

Address: PO Box 50935 Idaho Falls, Id 83405

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

Signature of permit holder: Greg C. Carr attorney in fact Date: 1/21/97
(include your title, if on behalf of company or organization)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 37-08860

Proposed Priority: November 8, 1996 Maximum Diversion Rate: 0.56 CFS

This is to certify, that **GREG C CARR**
PO BOX 50935
IDAHO FALLS ID 83405-0935
has applied for a permit to appropriate water from: **GROUNDWATER**

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

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
FIRE PROTECTION	01/01 to 12/31	0.56 CFS
AESTHETIC	01/01 to 12/31	0.56 CFS
	Totals	0.56 CFS

LOCATION OF POINT(S) OF DIVERSION: NESW , Sec. 19, Township 04N, Range 18E
BLAINE County

PLACE OF USE: FIRE PROTECTION

TWN	RGE	SEC	
04N	18E	19	NESW

PLACE OF USE: AESTHETIC, same as FIRE PROTECTION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **February 1, 1998.**
2. Subject to all prior water rights.
3. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
4. Use of water under this right shall be non-consumptive.
5. Point of diversion is located within Lot 2, South Baldy Estates. Places of use are located within Lots 1-2, South Baldy Estates. Aesthetic use is for two ponds.
6. This right does not authorize any new development.

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

16th day of January, 1997.

Karl J. Dreher, Director

FW

MICROFILMED
JAN 23 1997

37-08860

Ident. No. RECEIVED

FORM 202
2/96

NOV 08 1996

RECEIVED
JAN 15 1997
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Greg C. Carr Phone 208-522-7895
   Mailing address P.O. Box 50935, Idaho Falls, ID 83405
2. Source of water supply groundwater which is a tributary of n/a
3. Location of point of diversion is Township 4N Range 18E Sec. 19, in the NE 1/4, SW 1/4, ____ 1/4, Govt. Lot ____, B.M., Blaine County;
   additional points of diversion if any: ____
4. Water will be used for the following purposes: * Removed per telecon w/ Greg Stoddard 11-14-96 gk
   Amount .56 (cfs or acre-feet per annum) for fire protection purposes from Jan. 1 to Dec. 31 (both dates inclusive)
   Amount .56 (cfs or acre-feet per annum) for aesthetic purposes from Jan. 1 to Dec. 31 (both dates inclusive)
   * Amount ~~.56~~ (cfs or acre-feet per annum) for ~~domestic~~ purposes from ~~Jan. 1~~ to ~~Dec. 31~~ (both dates inclusive)
   Amount ____ (cfs or acre-feet per annum) for ____ purposes from ____ to ____ (both dates inclusive)
   Amount ____ (cfs or acre-feet per annum) for ____ purposes from ____ to ____ (both dates inclusive)
   Amount ____ (cfs or acre-feet per annum) for ____ purposes from ____ to ____ (both dates inclusive)
5. Total quantity to be appropriated is (a) .56 cubic feet per second and/or (b) ____ acre feet per annum
6. Proposed diverting works:
   a. Describe type and size of devices used to divert water from the source
   4 foot cmp, 17' verticle in ground. Ditch to 2 ponds
   b. Height of storage dam n/a feet; active reservoir capacity n/a acre-feet; total reservoir capacity n/a acre-feet
   c. ~~Proposed~~ Existing well diameter is 4ft. inches; ~~proposed~~ existing depth of well is 17 feet
   d. Is ground water with a temperature of greater than 85° F being sought? no
   e. If ~~well~~ Pump is already ~~drilled~~ installed, when? 10/25/90; ~~Drilling firm~~ installed by: Wood River Drilling & Pump
   ~~Well was drilled for (well owner)~~ Pump installed for developer Mr. Bob Dreyer; Drilling Permit No. n/a
7. Time required for completion of works and application of water to proposed beneficial use is ~~n/a~~ 1 years (*minimum 1 year*)
8. Description of proposed uses (*if irrigation only, go to item 9*):
   a. Hydropower; show total feet of head and proposed capacity in KW. ____
   b. Stockwatering; list number and kind of livestock. ____
   c. Municipal; show name of municipality. ____
   d. Domestic; show number of households. * ~~1 household per lot~~
   e. Other; describe fully. fire protection, aesthetic (see attached)

MICROFILMED
JAN 23 97

9. Description of place of use:

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

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	18E	19			F						F								
4N	18E	19			J						J								
4N	18E	19			D														
					**														

** Connected 11-14-96 per telecon w/Greg Stoddard JD

Total number of acres to be irrigated _____

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

11. a. Who owns the property at the point of diversion? Mr Greg C. Carr

b. Who owns the land to be irrigated or place of use? Mr. Greg C. Carr

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: see attached

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

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

Signature of Applicant (and title, if applicable)

Received by J F Stanton Date 11-8-96 Time _____ Preliminary check by J F Stanton
Fee $ 100.00 Receipted by _____ # 5019684 Date 11-12-96
Publication prepared by _____ Date 11/19/96 Published in Wood River Journal
Publication approved _____ Date 1/10/97

MICROFILMED
MAY 23 1997

12. Remarks:

The following described premises in Blaine County, Idaho, Lot 1 & Lot 2 of South Baldy Estates Subdivision (see map) was originally developed by Mr. Bob Dreyer, P.O. Box 4917, Ketchum, Idaho 83340 in 1989-1990. Preliminary plat approval on February 5, 1990 by the City of Ketchum Planning and Zoning Commission was subject to fire protection from an approved water supply to be satisfactory to Ketchum Rural Fire District. An application submitted to the Blaine County Planning and Zoning Commission on November 27, 1989 to subdivide said property was also subject to fire requirements as required by Ketchum Rural Fire District. The Ketchum Rural Fire District review of said property in November of 1989 required the provision of Uniform Fire Code 79 Section 10.301(C) be complied with. This code calls for "an approved water supply capable of supplying required fire flow for fire protection ... be provided to all premises upon which buildings are hereafter constructed."

In 1990, the developer, Mr. Dreyer, had installed a shallow pump system, tapping groundwater to supply to ponds for purposes of fire protection, aesthetic, and domestic use. The ponds were lined with 30 mil polyethylene and 40 mil rubber. The dimensions of the ponds are listed on the attached map. The surface area of the two ponds is slightly less than one-half (1/2) acre, which would be considered non-consumptive. The developer at this time did not attain the proper permit to pump groundwater, assuming compliance with the Ketchum Rural Fire District for adequate fire protection by providing a water supply to the property was sufficient..

The above mentioned property was later sold to an individual party who utilized the pump system and ponds for their period of ownership. This partly was apparently unaware that a proper water permit did not exist. The property was then purchased by Mr. Greg Carr in August of 1995. At this time, neither Mr. Carr nor any of the realtors involved knew that a proper water permit did not exist. Mr. Carr was subsequently contacted by Allen Merritt, Southern Regional Manager of the Department of Water Resources in Twin Falls, Idaho, in November of 1995, when it was discovered by the department that no permit existed for water use on this property.

Application for this water permit is made with reasons being for domestic use (under Section 42-111(a), Idaho Code), fire protection, and aesthetic.

MICROFILMED
JAN 2 3 '97

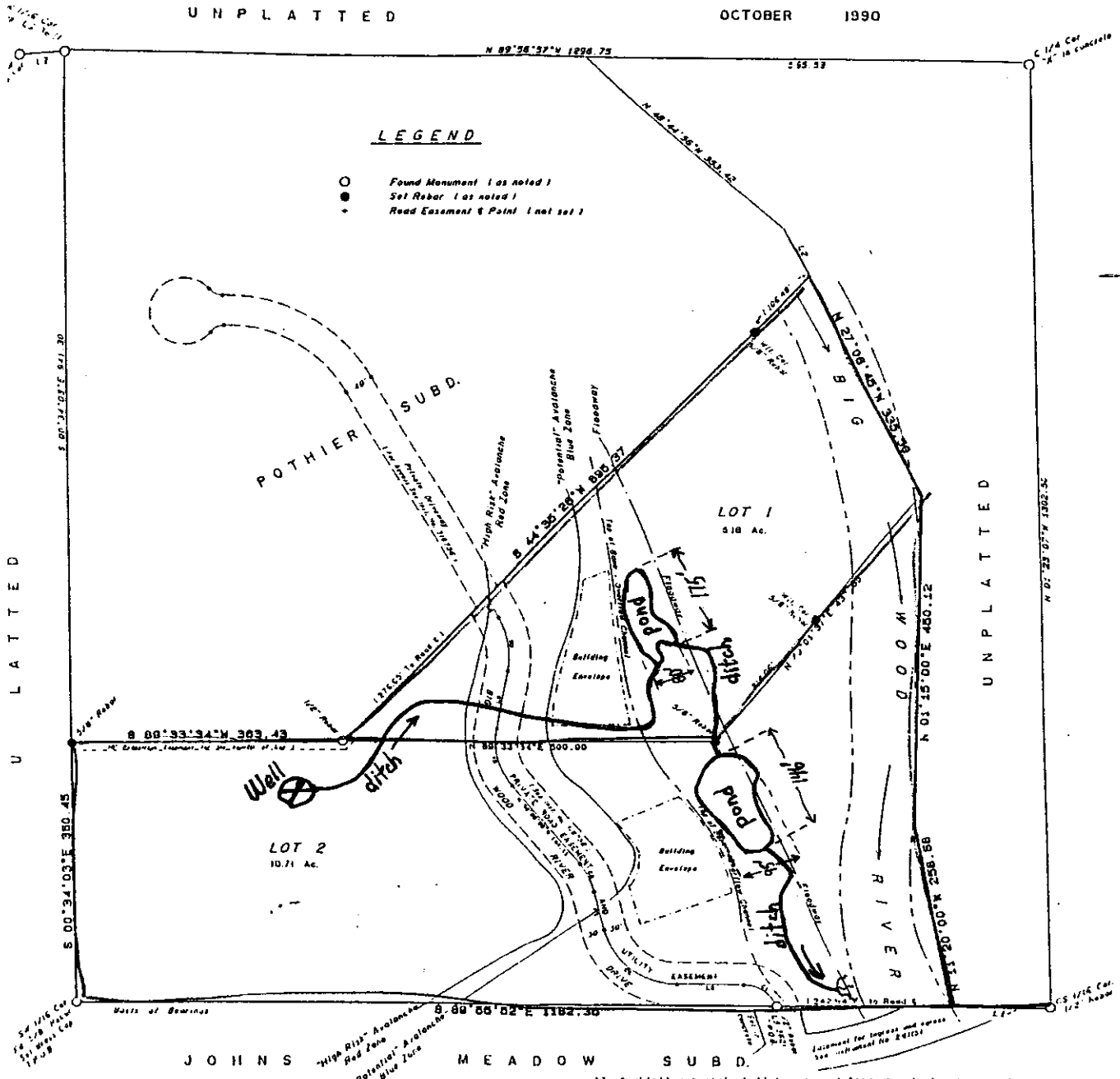
37-08860

WHILE THIS MAP IS A PHOTOGRAPHIC REPRODUCTION OF THAT ON FILE IN EITHER THE RECORDER'S OR SURVEYOR'S OFFICE, THIS COMPANY ASSUMES NO LIABILITY FOR VARIATION, IF ANY, WITH ANOTHER OR RE-SURVEY.

SOUTH BALDY ESTATES

WITHIN THE NE 1/4 SW 1/4 SEC. 19
T4N R18E B.M., BLAINE COUNTY, IDAHO
OCTOBER 1990

SUN VALLEY TITLE CO.
P.O. DRAWER 2365
KETCHUM, IDAHO 83340
(208) 726-9341



LINE DATA

LINE	BEARING	DISTANCE
1	S 89°55'52"E	133.00
2	N 27°08'45"W	75.47
3	N 89°55'52"W	88.83
4	N 18°00'08"W	81.44
5	N 11°00'00"E	80.23
6	N 30°45'51"W	31.85
7	S 83°08'11"W	42.40

REGISTERED PROFESSIONAL LAND SURVEYOR 4345 STATE OF IDAHO JAMES F ROBINSON 8/1/13

CURVE DATA

CURVE	DELTA	RADIUS	ARC	CHORD	CHORD BRG
1	69°09'02"	46.38	56.22	52.87	N 55°21'30"W
2	74°55'52"	100.00	130.78	121.68	N 52°27'56"W
3	23°59'59"	100.00	41.89	41.58	N 27°00'00"W
4	50°00'01"	100.00	87.27	84.52	N 14°00'00"W
5	41°45'29"	100.00	72.88	71.28	N 09°52'44"W

1. An easement for access to this subdivision across the John's Meadow Subdivision has been granted and recorded as Instrument No. 241151.

2. A 25-foot scenic easement shall exist along the west bank of the Big Wood River, and along the east bank of the Big Wood River, where applicable. There shall be no construction of any fence, deck or other structure within said easement and said easement shall shift to follow any changes in the location of the river bank. Said easement shall be measured from the mean high water mark.

3. A 10-foot Fisherman's / Sportsman's access / Nature study easement is dedicated to the public along the west bank of the Big Wood River, and along the east bank of the Big Wood River, where applicable, which shall shift to follow any changes in the location of the river bank. Said easement shall be measured from the mean high water mark.

4. Portions of this subdivision are subject to avalanche and flood hazards.

5. The purchaser and / or owner of this lot or parcel understands and agrees that private road construction, maintenance, and snow removal shall be the obligation of the owner, his successors in interest, or the homeowners association, and that Blaine County shall not accept, maintain, or improve these roads for any reason, and that each owner shall notify in writing any successor in interest of these facts.

6. Ten feet (10') public utility easements are centered on all lot lines.

7. Filling on each lot shall be limited to the building envelope; shall not be higher than the 1.R.F. level, nor shall extend no further than 40 feet beyond the perimeter of the residential structure in the envelope.

8. Construction of a structural use that may inhibit or alter flood flow or create potential hazard downstream, and destruction of natural vegetation in the floodway and in overflow channels, is prohibited.

9. An Elevation Certificate shall be required prior to any new construction.

10. Floodway and floodplain information based on FEMA Flood Insurance Study.

11. New utilities shall be placed underground.

12. Maintenance and weed control for all lots are the responsibility of the developer until the lot is sold and thereafter the responsibility of the owner of the lot.

13. All roads and driveways will be at existing grade to allow overflow water from the river to follow its natural course.

14. The avalanche danger area designated on this South Baldy Estates Subdivision plat is considered by the owner, Blaine County and Puchner and Williams as reasonable for regulatory purposes. However, neither the owner, Blaine County nor Puchner And Williams represents, guarantees, warrants or implies that areas outside the designated avalanche danger area are safe and free from avalanches or avalanche danger.

15. Removal of standing trees within the "Red Avalanche Zone" may increase avalanche hazard.

16. An easement for access to property adjacent to the north has been granted [illegible] as Instrument [illegible].

17. Backfill material shall be obtained from on-site locations only and not transported from off site. Exception shall be to a maximum of six inches (6") of topsoil to establish landscaping/ ground cover.

PREPARED BY · PUCHNER & WILLIAMS · KETCHUM, IDAHO

09880-17

SVTC Order No. 22-13151

SPECIAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENT: That I, Greg C. Carr

have made, constituted, and appointed, and by these presents do make, constitute and appoint Steven E. Carr

of Idaho Falls, Idaho, my true and lawful attorney for and in my name, place and stead, and for my use and benefit as follows:

to execute any and all documents including but not limited to Warranty Deeds, closing statement, escrow instructions, tax notice, assignments and disclosures regarding the purchase of the following described property:

Lots 1 and 2 of SOUTH BALDY ESTATES SUBDIVISION, BLAINE COUNTY, IDAHO, according to the official plat thereof, on file in the office of the County Recorder, recorded October 15, 1990, as Instrument No. 324894, records of Blaine County, Idaho.

and to sign, seal, execute, deliver and acknowledge such instruments in writing of whatever kind and nature as may be necessary or proper in the premises.

Giving and granting unto said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the above stated premises, as fully to all intents and purposes as the signer might or could do if personally present, and hereby ratifying and confirming all that said attorney shall lawfully do or cause to be done in the above stated premises by virtue of these presents.

IN WITNESS WHEREOF, I have hereunto set My hand and seal(s) the 3 day of August, 1995.

Greg C. Carr

STATE OF: IDAHO

COUNTY OF: Bonneville

On this 3 day of August, 1995, before me a Notary Public in and for said State, personally appeared Greg C. Carr known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Mark K. Fuller

Notary Public
Residing at Idaho Falls
Comm. expires 6-6-97

Seal/Stamp

37-08860

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 7, 1998

RICHARD S FULD JR
771 NORTH STREET
GREENWICH CT 06831

RE: ASSIGNMENT OF PERMIT 37-08860

Dear Water Right Holder(s):

We acknowledge receipt of the correspondence changing ownership of the above referenced water right to Richard S. Fuld, Jr., Idaho Revocable Trust dated November 10, 1997. We have modified our computer records to reflect this change in ownership.

If you have any questions regarding this matter, please feel free to contact us.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a $100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

MICROFILMED
APR 15 1998

LAW OFFICES
KNEELAND, KORB, COLLIER & LEGG
KNEELAND PROFESSIONAL BUILDING
128 SADDLE ROAD, SUITE 103
P.O. BOX 249
KETCHUM, IDAHO 83340

(208) 726-9311
TELEFAX (208) 726-4515

ROBERT KORB III
BRUCE COLLIER
MICHAEL J. DORAN

G.R. KNEELAND
OF COUNSEL

STANLEY OFFICE
C. ANN LEGG
P.O. BOX 24
STANLEY, ID 83278
(208) 774-3498

RECEIVED
APR 2 1998

March 27, 1998

RECEIVED
MAR 30 1998
Department of Water Resources
Southern Region

Department of Water Resources
1341 Fillmore St. #200
Twin Falls, ID 83301-3380

RE: Water Right Permit No. 37-08860
Richard S. Fuld, Jr. - Trustee
KKCL: 7042-A

Dear Sir:

Enclosed please find the Assignment of Permit #37-08860 from Greg C. Carr to Richard S. Fuld Jr., Trustee, together with $25.00 filing fee and a copy of the Warranty Deed whereby the Fuld Trust took title to the property which the permit covers.

Please issue a new permit in the name of Richard S. Fuld, Jr., Idaho Revocable Trust dated November 10, 1997.

Your assistance and cooperation in these matters are appreciated.

Thank you.

Very truly yours,

KNEELAND, KORB, COLLIER & LEGG

By Robert Korb
Robert Korb

RK:bam
cc: Richard S. Fuld Jr.
Sherry Daech
Enclosures: as stated
rk\fuld.m27

MICROFILM
APR 15 1998

RECEIVED
MAR 30 1998
Department of Water
Southern Region

Order No. 23662

WARRANTY DEED

FOR VALUE RECEIVED and as relinquished property in an I.R.C. 1031 tax deferred exchange

GREG C. CARR, an unmarried man

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

RICHARD S. FULD, JR., IDAHO REVOCABLE TRUST DATED NOVEMBER 10, 1997

GRANTEE(s) whose address is: 771 North Street, Greenwich, CT 06831

the following described real property in Blaine County, Idaho, to wit:

Lots 1 and 2 of SOUTH BALDY ESTATES, according to the official plat thereof, recorded as Instrument No. 324584, records of Blaine County, Idaho.

Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: January 8, 1998

GREG C. CARR

State of New York)
: ss.
County of Westchester)

On this 8th day of January in the year 1998, before me, the undersigned, personally appeared GREG C. CARR, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Notary Public
Commission Expires:

HOWARD L. JUSTER
NOTARY PUBLIC
Notary Public, State of New York
No. 01UF5046348
Qualified in Westchester County
Commission Expires July 10, 1999

409690
BLAINE CO. REQUEST
FOR SAWTOOTH TITLE
'98 JAN 9 AM 9 29
MARY GREEN, CLERK
FEE $ 3.00

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 37-08860 Reviewed by [signature] Date 5-9-97

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

fire prot., aesthetics

Correct Uses? yes

SOURCE OF WATER

✓ Surface water source

____ Ground water source
____ Drilling permit required?
____ Copy in the file? Drilling Permit No. ____
____ Amount paid for permit ____ Correct?
____ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
100 Amount Submitted
yes Correct?

MEASURING DEVICE

no Required?
____ Installed?
____ Waiver requested?

PRIORITY CALCULATION

Date proof received	____		____
Date proof due	____	-	____
No. of days late	____	=	____
Priority Date	____	+	____
New Priority Date	____		____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address ____ Proof Made 5-5-97

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 22, 1997

GREG C CARR
PO BOX 50935
IDAHO FALLS ID 83405

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08860

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Please be advised that Section 42-248, Idaho Code, which became affective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Failure to maintain current records with the department could result in the assessment of a monetary penalty.

If you have questions concerning the field examination, contact the **EASTERN** Regional Office in Idaho Falls, at (208)585-7161.

Sincerely,

Julie L. Yarbrough

JULIE L. YARBROUGH
Senior Secretary

C: IDWR - Region

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 17, 1997

GREG C CARR
PO BOX 50935
IDAHO FALLS ID 83405-0935

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08860

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "Conditions of Approval and Remarks" listing on the permit.

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

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address PRIOR TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a $100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosures

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

01/97

No.: 37-8860 Name: Carr Date: 1/16/97 Ad OK? ✓ ✓ Gvmt Lts: _____

AREA OF CONCERN? - No/Yes: ESRP Mor / Big Wood R GWMA / Trust / Non-trust
PROTESTED: - 020 (Protest Agreement)
SYSTEM COMPLETED:
Yes/proof filed - NA
1 year/no proof - (P16)
+1 year - 26A-**P17**
GROUNDWATER: <✓ *FLO-CH*>
+ 0.24 cfs - **01M**
=/- 0.24 cfs - No MD
=/+ 5 a. - 01M, 065 (if GW use SW 1st)
DRILLING PERMIT:
Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. _____-_____-____-_____-_____, **P99**
No WD permit? - 046-46B-**P23** (post 7/1/87)
irr. in WD - **P05** (new well)
SURFACE WATER <✓*FLO-CH*> (Surface water that *doesn't sink* is regulated):
Water District *(~~dom~~)* - 005 *(req)* WD #_____ <SEE MAP & LISTING>
=/+ 0.24 cfs - 01J (meas dev)-**P08**
- 0.24 cfs - 01H (lock dev)-**P01** or No MD
~~In WD~~ =/+ 0.24 cfs - 01M or No MD (in-stream stock)
- 0.24 cfs - No MD
=/+ 5 a. irr. - 01M
RIVER BASINS (**Surface water*):
Snake R (01) - 11A-**P04**, NA
(02/03-irr) - 007-**P07** (w/ remark **WB9* if above Weiser), NA
Boise River (63) - 05A (if ~~WD~~), 11E (not 42-111 use), NA
Payette River (65) - 064 (regulated uses), 047-**P04** (Payette Lake), NA
USE:
Domestic *(surface)* - **WB5* (Boise River above Star Bridge); 27A (Payette River); NA
Fish Propagation - 07A-042 *(req)*-010/06A/09E (WQ)-**P10**; 044 (North of 1000 Springs)
Irr <*POU*> =/- 5 a - 057 (0.03 cfs/acre)
+ 5 a - 03A (0.02 cfs/acre)
Mining - 054 *(req)* & 06A/010/09E-**P10**
Power - 08A-17K-025-027-028-01F(**P19**)-09E(**P10**);
+25 cfs-**P18**; 17G (FERC) or 17M (~~FERC~~); 18B-**P09**
Storage *(✓3 compo.)* - 072 *(req)*; 18A (multiple MD within district), 18B-**P09** (+10' dam),
LOCATION:
42-248 area - (P84) if in 20/30/40/50/60/70/80 (~~87~~) basin)
Boise Front LoGeo - 058 (-85° GW temp only)
In-stream dev. - **P52** (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - M <SEE CODE CHART>
Trust - 051-052-053-**P74** (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA
OWNERSHIP: Non-owner - 004 (PD/PU) _____
OTHER CONDITIONS: - 077 _____ _____
STANDARD REMARKS: ① PD/LT 2, S. Baldy Est ② PU/LT 1&2, S. Baldy Est. ⑤ No new dev.
BENEFICIAL USE DUE: - 2-1-1998
COMMENTS: - _____

RECEIVED

JAN 15 1997

Dept. of Water Resources

Carr, Greg

RM NO.202A
EVISED 6-6-91

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

NITIAL REVIEW BY J E Stanton DATE 11-14, 1996
PPLICATION NO. 37-08860

EQUIRED INFORMATION

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

----PROPOSED PRIORITY DATE
11-8 19,96

ADDITIONAL INFORMATION

____ Overlapping place of use(Describe source & relationship to pres application on the back.
____ Overlapping point of diversion.
√ Yes ____ No Field check required
Field check by _____
√ Yes ____ No Field report attached
____ Yes √ No Critical Ground water area
√ Yes ____ No Groundwater management area
____ Yes √ No Send Dam safety information
____ Yes √ No Send power requirement letter
____ Yes √ No Send fish farm requirement letter
____ Yes √ No Power residency affidavit.
____ Yes √ No Power efficiency form
√ Yes ____ No Within trustwater boundary(If yes, attach trustwa supplementary analysis sheet.
____ Yes √ No Diversion greater than 5 cfs or 500 acre ft. (If y attach large diversion supplementary analysis shee
____ See reverse side for additional information.

Non-consumptive, Process app.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: __

_____

_____

_____ Date Requested _____, 19___

PROCESSING ✓ Yes ____ No In form for Advertising
____ Yes ✓ No No Statewide Advertising
✓ Yes ____ No Fee amount, receipt date & No. recorded on app.

SEND COPIES TO:
____ Idaho Dept of Health & Welfare
____ Idaho Dept of Fish & Game
____ Idaho Dept of Lands
____ Adjudication Bureau Unit
___ USDI BLM
___ USFS
✓ Water Dist.
___ Other_____

FINAL REGIONAL PROCESSING REVIEW

X Yes ___ No Affidavit of publication received.
X Yes ___ No Application published correctly. If not, record action taken. _____

X Yes ___ No Publication dates and paper, recorded on App.
___ Yes X No Protests received
Final date for Protest _____
NA ___ Yes ___ No Protests, dates, resolution of protest, recorded on app.
___ Yes X No Recommendations attached
X Yes ___ No Measuring device required
___ Yes X No Access port required
___ Yes X No Will water be delivered by watermaster? If yes, what dist.___
X Yes ___ No Special conditions of approval or cover letter below. _____
001, 027 or insignificant.

See below for additional information ____
Date of priority recommended 11/8, 19 96
By _____ Date 1/12, 19 97

STATE OFFICE REVIEW _____

See below for additional information
By _____ Date _____, 19 ____

ADDITIONAL INFORMATION:

* Use limited to existing facilities, no new facilities authorized under this approval.

AFFIDAVIT of PUBLICATION

RECEIVED

DEC 12 1996

Department of Water Resource
Southern Region

State of Idaho, } SS.
County of Blaine

On this 11 day of Dec., in the year 1996, before me a Notary Public of said State, personally appeared DANIEL J. STEPHAN, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 4 day of Dec., 1996, and the date of the last publication was on the 11 day of Dec, 1996.

Daniel J. Stephan

Subscribed and sworn to before me this 11 day of DEC, 1996.
(SEAL)

Anita D. McMurtrey
NOTARY PUBLIC

OK
MB
1/10/97

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11.5
Number of Lines in Notice 39,000
Number of Insertions 2

_____ Lines tabular at _____ 6¢ / Pica
39,000 Lines straight at 22.425 5¢ / Pica
39,000 Subsequent lines at 17.940 4¢ / Pica
TOTAL COST +5 $45.37

COPY OF NOTICE
(Paste Here) 37-
Ap. Water Permit No. 08860
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF
ID Dept. Water Resources
BILL TO

Application for water permit

NOTICE OF APPLICATION FOR WATER PERMIT
The following application has been filed to appropriate the public waters of the State of Idaho:
GREG C. CARR
PO BOX 50935
IDAHO FALLS ID 83405
Application for Permit No. 37-08860
Source: groundwater
Diversion Pt: NE1/4SW1/4, S19, T4N, R18E; Blaine County.
Use: 1/1-12/31
Fire Protection (0.56 cfs)
Aesthetic (0.56 cfs)
Total Diversion: 0.56 cfs
Loc:NE1/4SW1/4,S19,T4N,R18E.
Date Filed: 11/8/96
The permit will be subject to all prior water rights. Any protest must be filed with the Director, Dept. of Water Resources, Southern Region, 223 Shoshone Street East, Twin Falls, ID [redacted] of [redacted] 23, 1996. The protestor must also mail a copy of the protest to the applicant.
Karl J. Dreher, Director

Publish: Wood River Journal — December 4 & 11, 1996.

Publication Rates
As of Jan., 1990
(Idaho Code, Reb. Statutes 1984)
7-8 pt./line straight: .5/pica
7-8pt./line tabular: .6/pica
7-8 pt./line successive insertion: .4/pica

MICROFILMED
JAN 23 1997

10322

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PO BOX 50935
IDAHO FALLS ID 83405

Application for Permit No. 37-08860

Source: groundwater

Diversion Pt: NE1/4SW1/4, S19, T4N, R18E; Blaine County.

Use: 1/1-12/31
Fire Protection (0.56 cfs)
Aesthetic (0.56 cfs)

Total Diversion: 0.56 cfs

In:NE1/4SW1/4,S19,T4N,R18E.

Date Filed: 11/8/96

The permit will be subject to all prior water rights. Any protest must be filed with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of $25.00 on or before December 23, 1996. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Wood River Journal on 12/4 & 12/11/96.

MICROFILMED
JAN 2 3 1997

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE ST E
TWIN FALLS ID 83301
(208) 736-3033 Fax 736-3037

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

November 20, 1996

WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Gentlemen:

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

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

If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

MICROFILMED
JAN 2 3 1997

NOTICE OF APPLICATION FOR WATER PERMIT

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

GREG C. CARR
PO BOX 50935
IDAHO FALLS ID 83405

Application for Permit No. 37-08860

Source: groundwater

Diversion Pt: NE1/4SW1/4, S19, T4N, R18E; Blaine County.

Use: 1/1-12/31

Fire Protection	(0.56 cfs)
Aesthetic	(0.56 cfs)

Total Diversion: 0.56 cfs

In: NE1/4SW1/4, S19, T4N, R18E.

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Karl J. Dreher, Director

Published in the Wood River Journal on 12/4 & 12/11/96.

MICROFILMED

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE ST E
TWIN FALLS ID 83301
(208) 736-3033 Fax 736-3037

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

November 19, 1996

GREG C CARR
PO BOX 50935
IDAHO FALLS ID 83405

Re: Application for Permit No. 37-08860

Dear Applicant:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office has scheduled advertising the application in the Wood River Journal for 12/4 & 12/11/96. A period of ten days following the second publication will be allowed for the submittal of protests.

If an application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If an application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

cc: Greg Stoddard

MICROFILMED
JAN 2 1 1997

TO: File DATE: November 14, 1996

FROM: Jim Stanton

SUBJECT: App. for Permit, Greg Carr

This diversion was discovered last year as an illegal diversion without a water right. I was asked to investigate the situation, which I did. This well sits in a gravel bar on the west side of the Big Wood River. Water is pumped into two shallow ponds that are very close to the river. Any water leaving the ponds can run into the Big Wood, but there was no surface connection during my visit. The overflow either froze up or simply went back into the gravel before reaching the Big Wood on the surface.

The owner of the property was told to stop using this diversion until a water right was obtained, and he has now applied for a permit. These ponds cover much less than 1/2 acre, so this use should probably be considered as non-consumptive. As such, we should be able to approve this application. Allen has the results of my previous inspection of the property.

37-08860

RECEIVED
DEC 12 1995
Department of Water Resources
Southern Region

COLDWELL BANKER

THE SUN VALLEY
REAL ESTATE CO.

PO BOX 515
471 LEADVILLE N.
KETCHUM, ID 83340
BUS. (208) 726-4100
FAX (208) 726-5837

12-9-95

Re: Phone conversation with Alan Merit of the Dept of Water Resources 12-8-95

Dear Mr. Merit:

This is to confirm our conversation during which we discussed the notice you sent Mr. Carr, the new owner of the S. Baldy Estate property, on behalf of the Dept of Water Resources, informing him that he either needed to show evidence of a permit to run the pump to the ponds, or shut it off.

I related to you that it was my understanding that they had until the end of the week, Friday 12-8-95, in which to comply with the request. I also related that according to the owner of the company who installed the pump (Wood River Drilling Co.) that shutting the pump off would ruin it. You asked me how that is so, and I related that shutting off the pump, in winter, would cause the pump, (filled with water), to freeze and therefore break. We discussed the possibility of having the pump removed, and that in fact, Mr. Carr had already looked into having it done, but that we would need an extension on your time limit to the beginning of next week. The time extension would also allow all parties involved more time to reach Mr. Bob Dreyer (the original subdivider and developer of this property) whom we felt could clear up this whole matter by supplying you with evidence of his approvals. You agreed, that would be okay.

As we discussed, my earlier conversation with Mr. Dreyer, (Tuesday 12-5-95) revealed he would be happy to help by speaking to your dept. himself. He stated he had all the necessary approvals from the county and state and that he was sure that all would be well. I explained to you he stated that because the pump was only 18 ft. deep, it falls under the category of none consumptive ground water, and that a permit was not required. He further stated that the ponds were put in for fire protection for the subdivision approved by the Fire Marshal. At this time you told me you did not buy into this story. Since the 12-5 conversation no one has been able to reach Mr. Dreyer, although many messages have been left on his answering machine.

The subdivision was done in 1990 and the ponds were still being finished in 1991 when the Beckers bought the property from Mr. Dreyer. I expressed to you that there was apparently no disclosure made at the time the Beckers bought the property, according to Toni Lash, the Beckers agent, and in turn no disclosure was made to Mr. Carr. I understand you plan to call her on the 11th.

Obviously, I am very concerned that Mr. Carr doesn't suffer any consequences over this matter and wish to relay to you that he plans to cooperate fully with you and to ultimately receive your approval for the pump.

Thank you, Mr. Merit, for your kindness. You were very pleasant during our conversation and I appreciate your patience in this matter. Thank you too for working with the new owner in an effort to bring this problem to, what I hope, is a satisfactory conclusion for all.

Sincerely,

Beverly McLean

Beverly McLean
Sales Associate

An Independently Owned and Operated Member of Coldwell Banker Residential Affiliates, Inc.

Steven E. Carr
P.O. Box 50935
Idaho Falls, Idaho 83405

November 29, 1995

RECEIVED
Department of Water Resources

State of Idaho
Department of Water Resources
Southern Region
Attn: Allen Merritt
222 Shoshone Street East
Twin Falls, ID 83301-6105

RE: Your letter dated November 24, 1995
South Baldy property
A portion of the NE 1/4 SW 1/4, S 19 T 4 N R 38 EBM.

Dear Mr. Merritt:

As you might guess your letter of November 24, 1995 regarding potential illegal water use was a complete surprise to us. Greg Carr purchased the property in question on or about August 2, 1995. The ditch, ponds, and pump system were in place at the time the property was purchased. If in fact there is not a proper permit for such a use from ground water we desire to work with the proper agencies to obtain such a permit. Of course, we assume that the necessary water rights and permits were in place at the time proper was purchased. Please let me know how we might go about obtaining the necessary permit or water right for the current pump system.

Very truly yours,

Steven E. Carr

SEC/kss

FROM: Allen Merritt DATE: November 28, 1995

TO: ILLEGAL DIVERSION FILE (CARR)

SUBJECT: PHONE CONVERSATION WITH STEVE CARR

THIS DAY STEVE CARR PHONED (522-7895) ON RECEIPT OF MY 11/24 LETTER. STEVE INDICATED HIS BROTHER AND STEVE BOUGHT THE PROPERTY AS AN INVESTMENT IN AUGUST AND ASSUMED THAT THEY HAD A WATER RIGHT. HE SAID HE HAS ONLY BEEN TO THE PROPERTY TWICE. HE INDICATED HE WOULD COOPERATE AND TRY TO GET A WATER RIGHT. I EXPLAINED THE BWRGMA MORATORIUM AND TOLD HIM WE COULD ONLY PROCESS A NON-COMSUMPTIVE APPLICATION OR ONE WHERE THE CONSUMPTIVE ELEMENT IS MITIGATED. I TOLD HIM THE BURDEN WAS ON HIM TO SHOW THAT THE DEVELOPMENT WAS NON-CONSUMPTIVE OR TO COME UP WITH THE MITIGATION PLAN. I ASKED THAT UNTIL THIS MATTER IS RESOLVED THAT THEY TURN OFF THE PUMP AND HE INDICATED THAT HE WOULD SEE THAT IT BE DONE.

THIS DAY I HAVE MAILED AN APPLICATION FORM AND COPY OF BWRGMA ORDER TO STEVE.

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

November 24, 1995

Greg Carr
PO Box 50935
Idaho Falls, ID 83405

RE: Potential illegal water use

Dear Mr. Carr:

Our office has become aware of a groundwater development in the NE¼SW¼, Section 19, Twp.4N, Rge.18E, B.M., in Blaine County. The county records show you own this property. On November 17, 1995, Jim Stanton from our office visited the site and confirmed a pump system exists which diverts water from a shallow well into a ditch which routes water through a subdivision and eventually to ponds. The purpose of this diversion is assumed to be for aesthetic purposes for the subdivision lots.

We have searched our water right records and find that no water right record for your development exists. Please be aware that since 1963 to develop a use from groundwater requires a permit. Since no right or permit exists in our records I request your cooperation in:

-identifying what water right covers your development if our records are not correct.
-cease the diversion from the well if you have no water right.
-&/or obtain a valid permit or water right for your development.

Please respond to our office within 14 days of the date of this letter as to the status of your project. Please also note that to divert water in Idaho without a valid water right is illegal pursuant to §42-351, Idaho Code and subject to civil penalties of up to $100 per day.

If you have questions regarding this matter please feel free to contact our office.

Sincerely,

Allen Merritt, PE
Southern Region Manager

CC: Glen Saxton - IDWR (State Office)

TO: Allen M. DATE: November 17, 1995

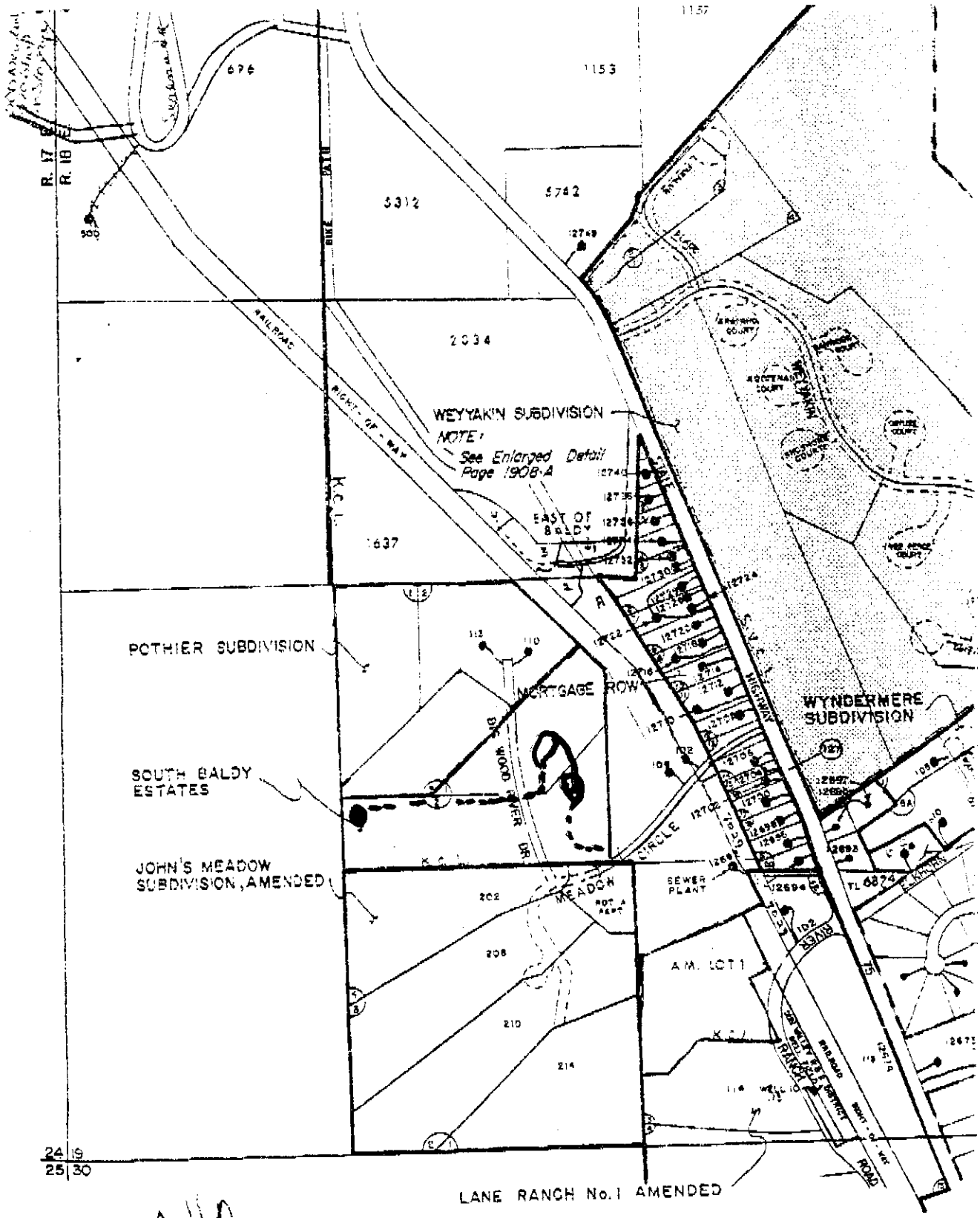
FROM: Jim Stanton

SUBJECT: Possible Water Diversion Near Ketchum

Based on information recently received from Terry Blau, yesterday I investigated a possible illegal diversion in the NE/SW Sec. 19 T. 4N R. 18E. This site is about 1/2 mile south of Ketchum on the west side of the Big Wood River. I turned west off of Hwy. 75 on the road into the Sun Valley RV Resort. I drove thru the resort, then crossed over the river into the South Baldy Estates Subdivision. A unmarked road (Big Wood River Drive) runs north thru the 2-lot subdivision. The two lots are fenced but uncleared.

Near the west side of Lot 2 I observed a power meter. Nearby is a 4' cmp imbedded vertically in the gravilly soil. Water was standing in the cmp perhaps 5' below the land surface. A pump inside the cmp was pumping water into a ditch. The ditch flowed in an easterly direction, divided for a short distance, and then came back together before crossing Big Wood River Drive. After crossing the road, the ditch turned north into a pond (about 15' x 20'). From this pond, the ditch turned south into a similar pond. There is one pond in each subdivision lot. After leaving the second pond, the ditch runs south before turning east again. The ditch ends in a low spot on the west side of the Big Wood River near the NW corner of the bridge. There was no direct surface connection with the river. The source of this water appears to be inter-gravel flow, and the water sinks back into the gravel before presumably seeping into the river. Evaporation losses in the ditch and ponds would cause some water to be consummed in this system.

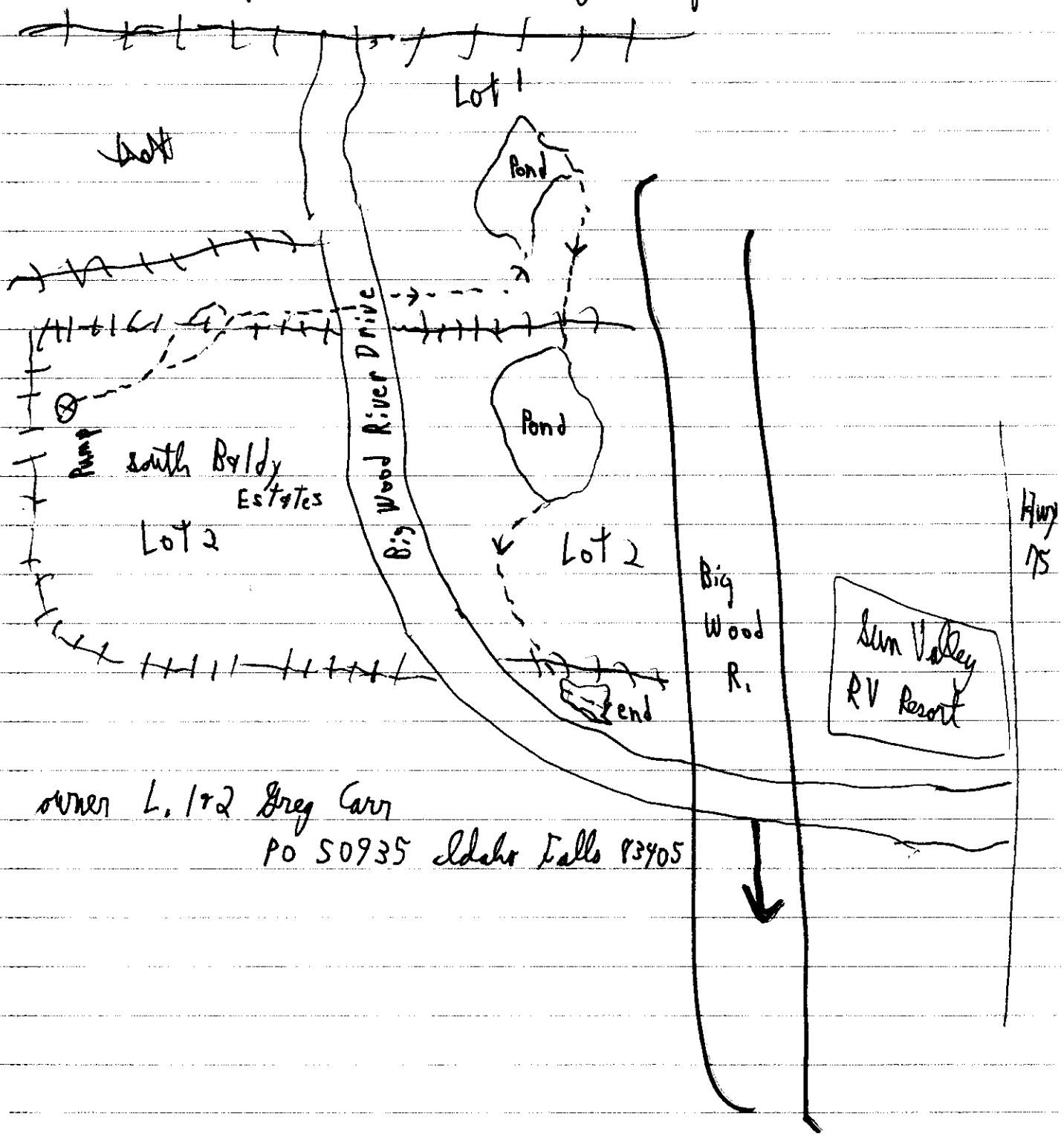
The power installation for this system was inspected on 1-25-1991, so presumably the pump has been in operation since then. Since there is no domestic use in connection with this system as of now, the use could fall under Par B of Sec. 42-111. However, even a flow of 9 gpm for continuous use would exceed the 2500 gpd allowed. If the source is considered to be surface water, then this development is illegal without a water right. The water stands at about the same elevation as the river. The database does not show any water rights or claims that appear to cover this development. So this use appears to be blatantly illegal. The system was apparently put in to enhance the value of the two lots, but this appears to be highly questionable as a beneficial use, even with a water right. County records show that both lots are owned by Greg Carr, PO Box 50935, Idaho Falls, ID, 83405. Issuance of a cease-and-desist order should be considered.



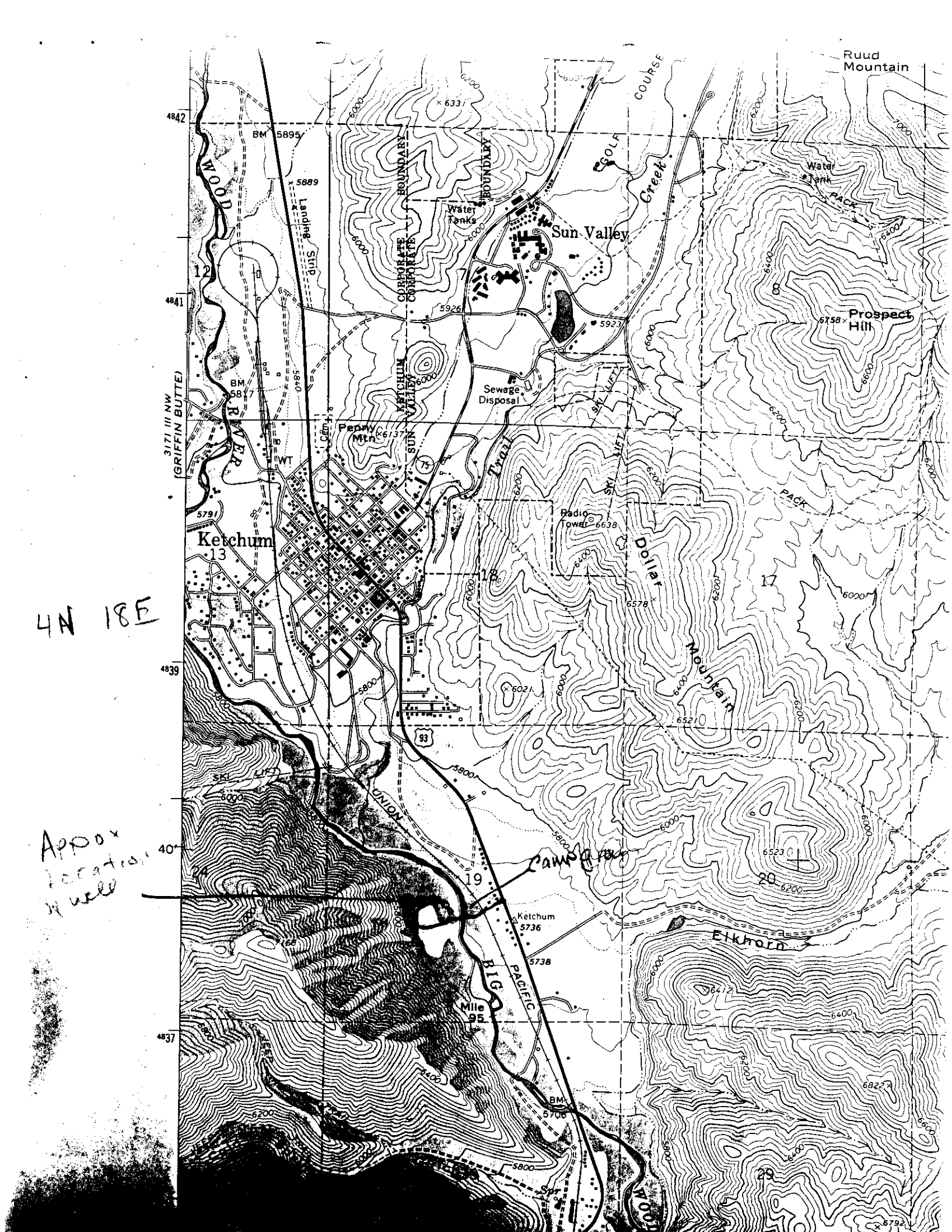
SEC. 19, T. 4 N., R. 18 E.



Elkhorn Realty Co. 622-7722 Jim Coyle



owner L. 1+2 Greg Carr
PO 50935 Idaho Falls 83405



4N 18E

Approx location of well



Pump Site



Pump in CMP



Head of Ditch



End of Ditch



Ditch West of Road



Ditch East of Road



Upper Pond



Lower Pond

Form 219
6/92

RECEIVED

DEC 2 1 1999

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 37-08860

1. Owner: Richard S. Fuld, Jr. Phone No. (203) 629-9082

Current Address: 771 North St., Greenwich, CT. 06831

2. Accompanied by: Bruce Lum EXAM DATE: 16 July 1999

Address: Phone No. (208) 788-2860

Relationship to Permit Holder: Consultant

3. Source: Groundwater tributary to

B. OVERLAP REVIEW

1. Other water rights with the same place of use:

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

C. DIVERSION AND DELIVERY SYSTEM

1. **Point(s) of Diversion:**

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SW	NE	SW	19	04N	18E	Blaine	GPS Tag A0007862
									Field Verified

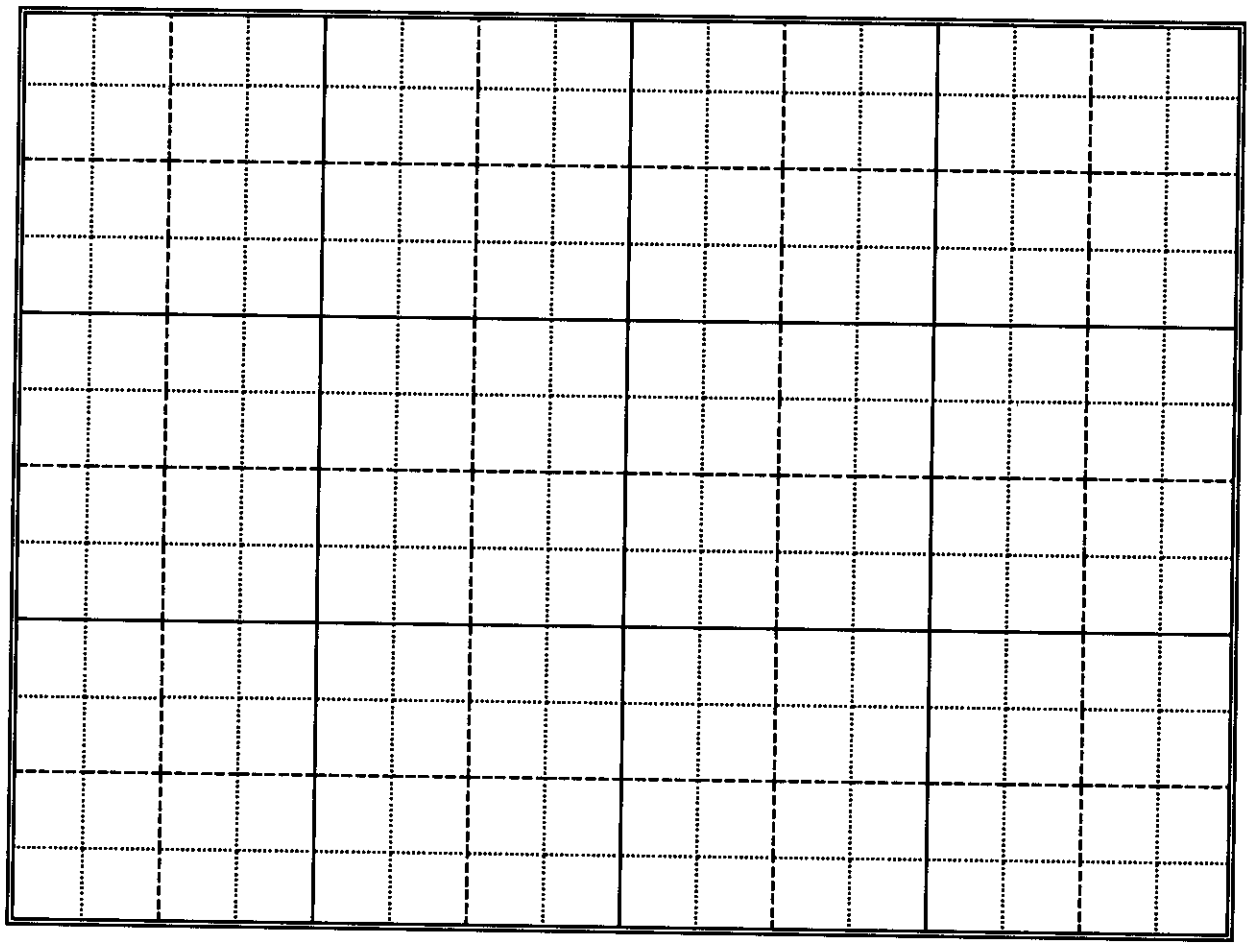
2. **Place(s) of Use:** Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	18E	19									AES								
"	"	"									FIRE								

ON SEPTEMBER 25, 1995 I DID A SITE REVIEW ON THE GARY GRIMES PARCEL. WHILE CHECKING FOR AN UPSTREAM CONNECTION TO THE RIVER IT WAS NOTED THAT THERE IS A WELL OPERATING, IT APPEARS CONTINOUSLY, PUMPING FROM GROUND WATER TO A DITCH RUNNING IN AN EASTERLY DIRECTION TOWARDS THE RIVER JUST WEST OF THE CAMPGOUND ABOVE THE KETCHUM SEWER TREATMENT PLANT. THE DITCH GOES INTO A SERIES OF PONDS AND EVENTUALLY SINKS JUST BEFORE GOING BACK IN THE BIG WOOD RIVER. WE NEED TO CHECK AND SEE IF IT HAS A WATER RIGHT. THERE IS NO HOUSES AROUND THE PONDS. MY RECOMMENDATION WOULD BE THAT THAT WATER BE SHUT OFF EVEN IF THERE IS A WATER RIGHT, UNTIL THERE IS CONSTRUCTION. IT APPEARS TO NOT BE OF BENEFICIAL USE AT THIS TIME.

REMINDER TO TALK TO NICK CIZMISH REGARDING THE CHANNEL GOING THROUGH THE MINNIE MOORE MINE. IT NEEDS TO BE REROUTED.

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



Scale: 1" = _____.

____ Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

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

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

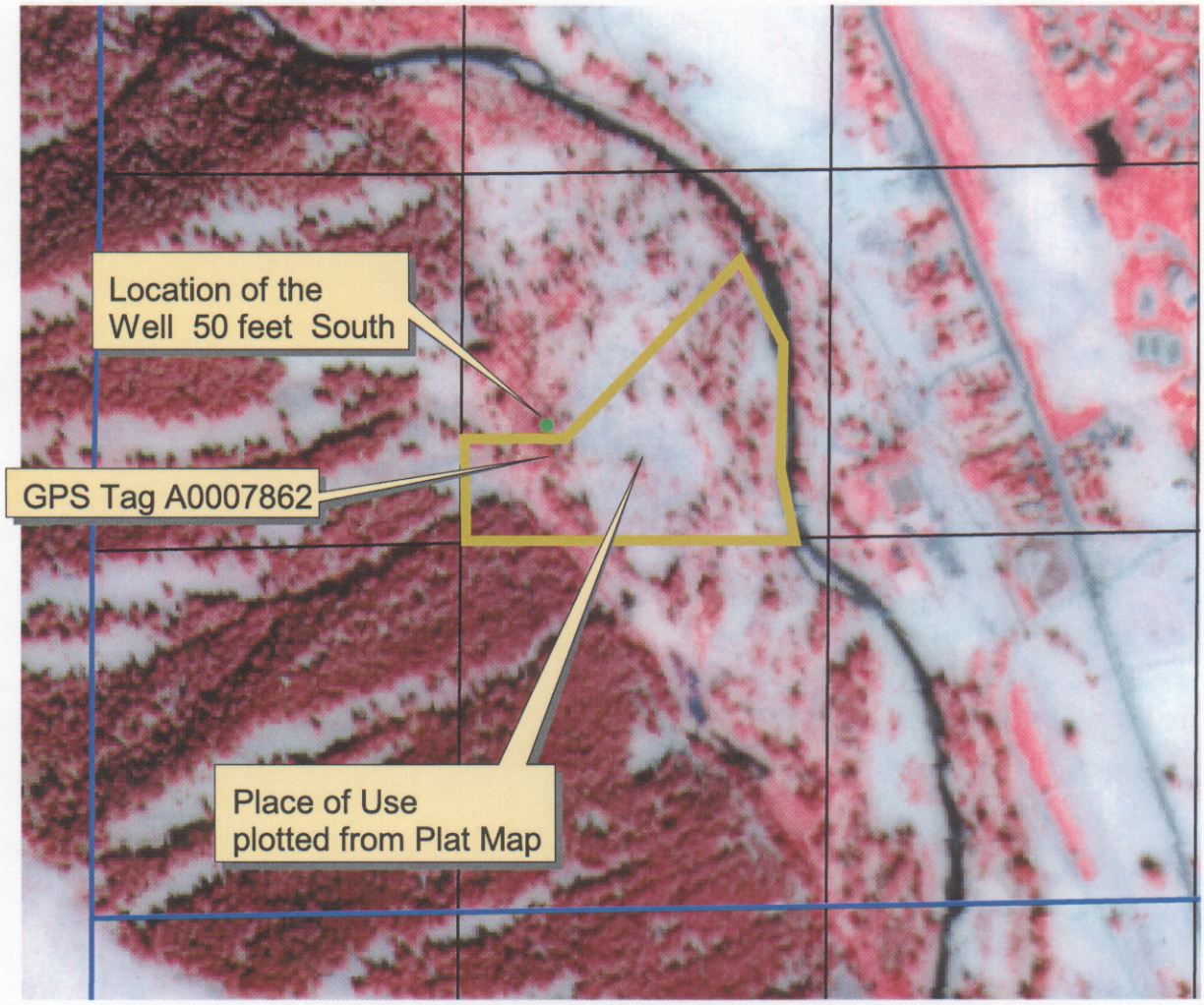
2. **Measurements:** _____

_____

_____

IDAHO DEPARTMENT OF WATER RESOURCES

37-08860
Field Examination
Well Location SWNESW1/4
Section 19, T04N, R18E

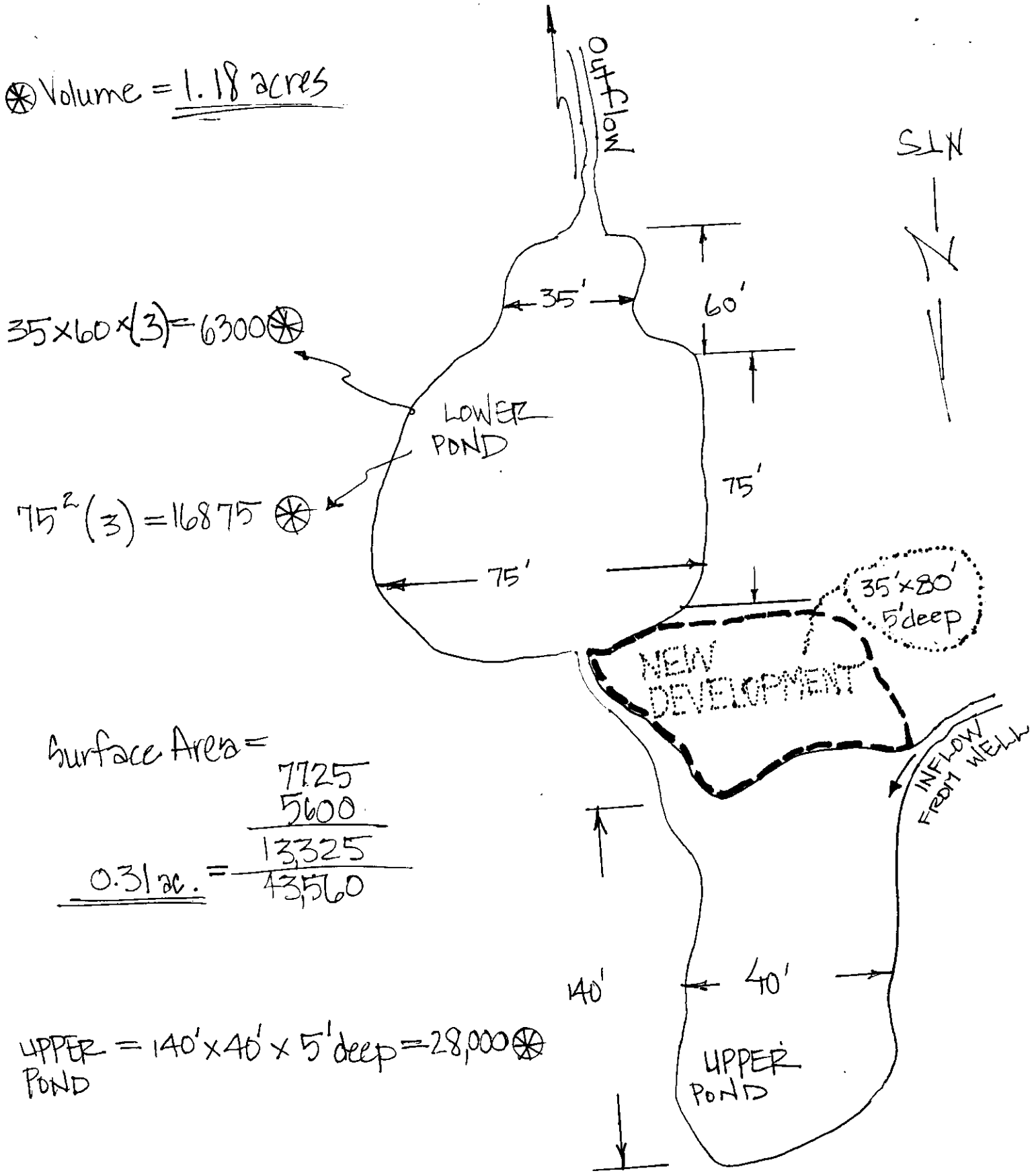


N

PRELIMINARY

GIS PLACE OF USE AND
POINT OF DIVERSION PRESENTATION
1987-1988 NAPP PHOTOGRAPHY
DATA ENTRY BY G. SATTERLEE

⊛ Volume = 1.18 acres



35 x 60 x (3) = 6300 ⊛

$75^2 (3) = 16875$ ⊛

Surface Area =

7725
5600
13325
43560

0.31 ac.

UPPER POND = 140' x 40' x 5' deep = 28,000 ⊛

G Satterlee
16 July 1999

Richard Fuld, Jr.
37-08860



Photo ↑ looking S'ly, upper pond behind photographer



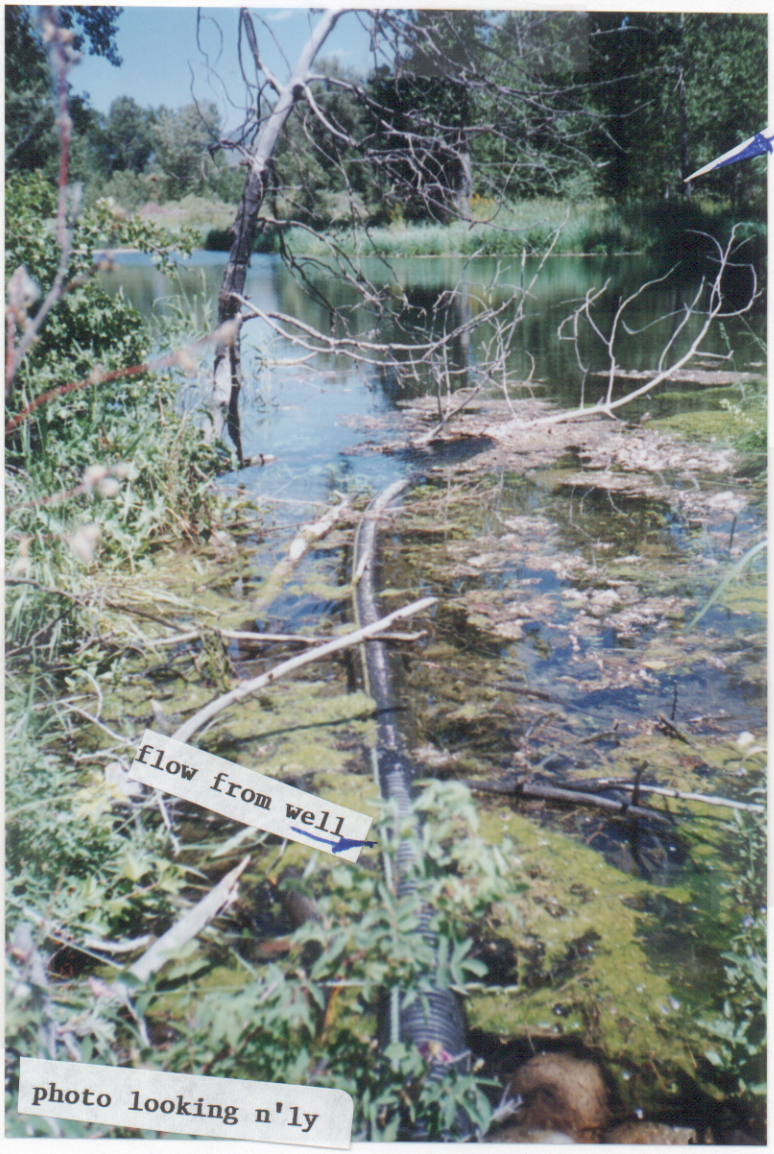
GPS Tag A0007862

4 ft. vertical CMP houses pump

Photo looking W'ly

Fuld, Richard
16 July 1999 noon
37-08860





Richard Fuld, Jr.
16 July 1999 noon

37-08860





16 July 1999 noon
Richard Fuld, Jr.

37-08860

3/3

07-16 11:5[illegible]6
+3.658E+0 [illegible]
+1.464E+0 gal/s
+8.784E+1 gal/m
+5.270E+3 gal/h
+1.264E-1 Mgal/d
+1.957E-1 ft3/s
+1.174E+1 ft3/m
+7.045E+2 ft3/h
+1.690E-2 Mft3/d
+3.485E-2 BBL/S
+2.091E+0 BBL/m
+1.254E+2 BBL/h
+3.011E-3 MBBL/d
+TOTAL 0001065 gal
-TOTAL 0000000 gal
NORMAL

07-16 11:57:57
+3.659E+0 ft/s
+1.464E+0 gal/s
+8.786E+1 gal/m
+5.272E+3 gal/h
+1.265E-1 Mgal/d
+1.957E-1 ft3/s
+1.174E+1 ft3/m
+7.047E+2 ft3/h
+1.691E-2 Mft3/d
+3.486E-2 BBL/S
+2.092E+0 BBL/m
+1.255E+2 BBL/h
+3.012E-3 MBBL/d
+TOTAL 0001067 gal
-TOTAL 0000000 gal
NORMAL

07-16 11:57:58
+3.647E+0 ft/s
+1.459E+0 gal/s
+8.758E+1 gal/m
+5.255E+3 gal/h
+1.261E-1 Mgal/d
+1.951E-1 ft3/s
+1.170E+1 ft3/m
+7.025E+2 ft3/h
+1.686E-2 Mft3/d
+3.475E-2 BBL/S
+2.085E+0 BBL/m
+1.251E+2 BBL/h
+3.003E-3 MBBL/d
+TOTAL 0001068 gal
-TOTAL 0000000 gal
NORMAL

16 July 1999
Examiner: Satterlee
Fuji Flowmeter

07-16 11:57:59
+3.636E+0 ft/s
+1.455E+0 gal/s
+8.733E+1 gal/m
+5.240E+3 gal/h
+1.257E-1 Mgal/d
+1.945E-1 ft3/s
+1.167E+1 ft3/m
+7.004E+2 ft3/h
+1.681E-2 Mft3/d
+3.465E-2 BBL/S
+2.079E+0 BBL/m
+1.247E+2 BBL/h
+2.994E-3 MBBL/d
+TOTAL 0001070 gal

07-16 11:58:13
+3.663E+0 ft/s
+1.466E+0 gal/s
+8.796E+1 gal/m
+5.277E+3 gal/h
+1.266E-1 Mgal/d
+1.959E-1 ft3/s
+1.175E+1 ft3/m
+7.055E+2 ft3/h
+1.693E-2 Mft3/d
+3.490E-2 BBL/S
+2.094E+0 BBL/m
+1.256E+2 BBL/h
+3.015E-3 MBBL/d
+TOTAL 0001090 gal
-TOTAL 0000000 gal
NORMAL

07-16 11:58:14
+3.667E+0 ft/s
+1.467E+0 gal/s
+8.807E+1 gal/m
+5.284E+3 gal/h
+1.268E-1 Mgal/d
+1.962E-1 ft3/s
+1.177E+1 ft3/m
+7.064E+2 ft3/h
+1.695E-2 Mft3/d
+3.495E-2 BBL/S
+2.097E+0 BBL/m
+1.258E+2 BBL/h
+3.019E-3 MBBL/d
+TOTAL 0001091 gal
-TOTAL 0000000 gal
NORMAL

07-16 11:58:15
+3.664E+0 ft/s
+1.466E+0 gal/s
+8.800E+1 gal/m
+5.280E+3 gal/h
+1.267E-1 Mgal/d
+1.960E-1 ft3/s
+1.176E+1 ft3/m
+7.058E+2 ft3/h
+1.694E-2 Mft3/d
+3.492E-2 BBL/S
+2.095E+0 BBL/m
+1.257E+2 BBL/h
+3.017E-3 MBBL/d
+TOTAL 0001093 gal
-TOTAL 0000000 gal
NORMAL

07-16 11:58:16
+3.662E+0 ft/s
+1.465E+0 gal/s
+8.793E+1 gal/m
+5.276E+3 gal/h
+1.266E-1 Mgal/d
+1.959E-1 ft3/s
+1.175E+1 ft3/m
+7.053E+2 ft3/h
+1.692E-2 Mft3/d
+3.489E-2 BBL/S
+2.093E+0 BBL/m
+1.256E+2 BBL/h

$\frac{\Sigma}{9} = \frac{87.8}{450}$

$= 0.195$ cfs

Richard Fuld, Jr.

37-08860

07-16 12:3300 *R
+845.614E-1GPM

07-16 12:3300 *R
+003.10 % AI2

MODE SELECT
T0 CHECK

0117.8 MMSEC
100.63 % T0

07-16 12:3400 *R
+816.555E-1GPM

MODE SELECT
INPUT

OUTER DIAMETER
3.5012 IN

PIPE MATERIAL
? PVC

WALL THICKNESS
? .203 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? V

SPACING
1.303 IN V

07-16 12:3600 *R
+838.357E-1GPM

07-16 12:3605 *R
+ 3.572E 0FPS

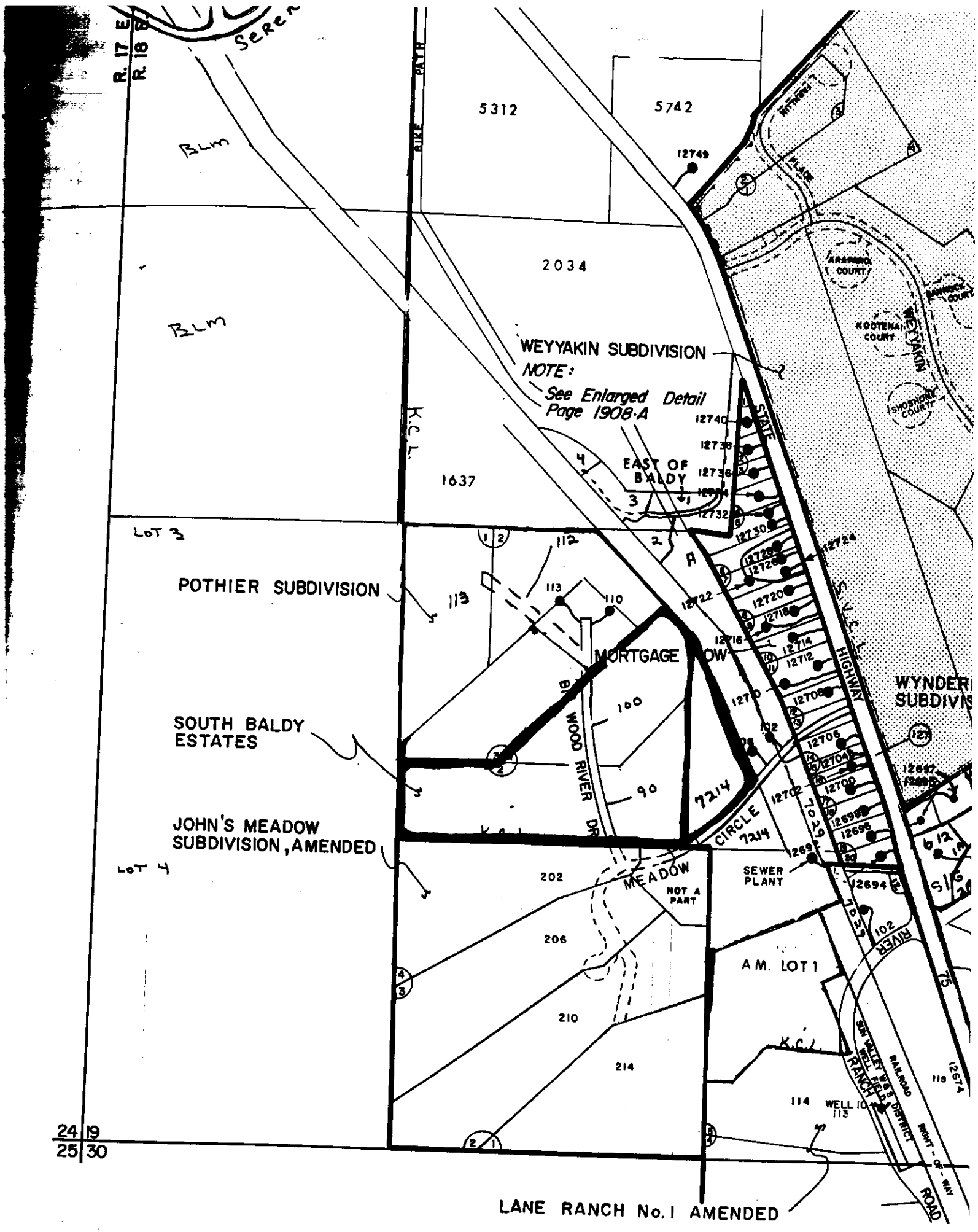
07-16 12:3700 *R
+863.050E-1GPM

07-16 12:3800 *R
+859.087E-1GPM

$\frac{\sum}{5} = \frac{84.3}{450}$ gpm

$= 0.187$ cfs

16 July 1999
Examiner: Satterlee
Tyme Flyte
Measuring Device



Richard Fuld, Jr. 37-08860

SEC. 19, T. 4 N., R. 18 E.

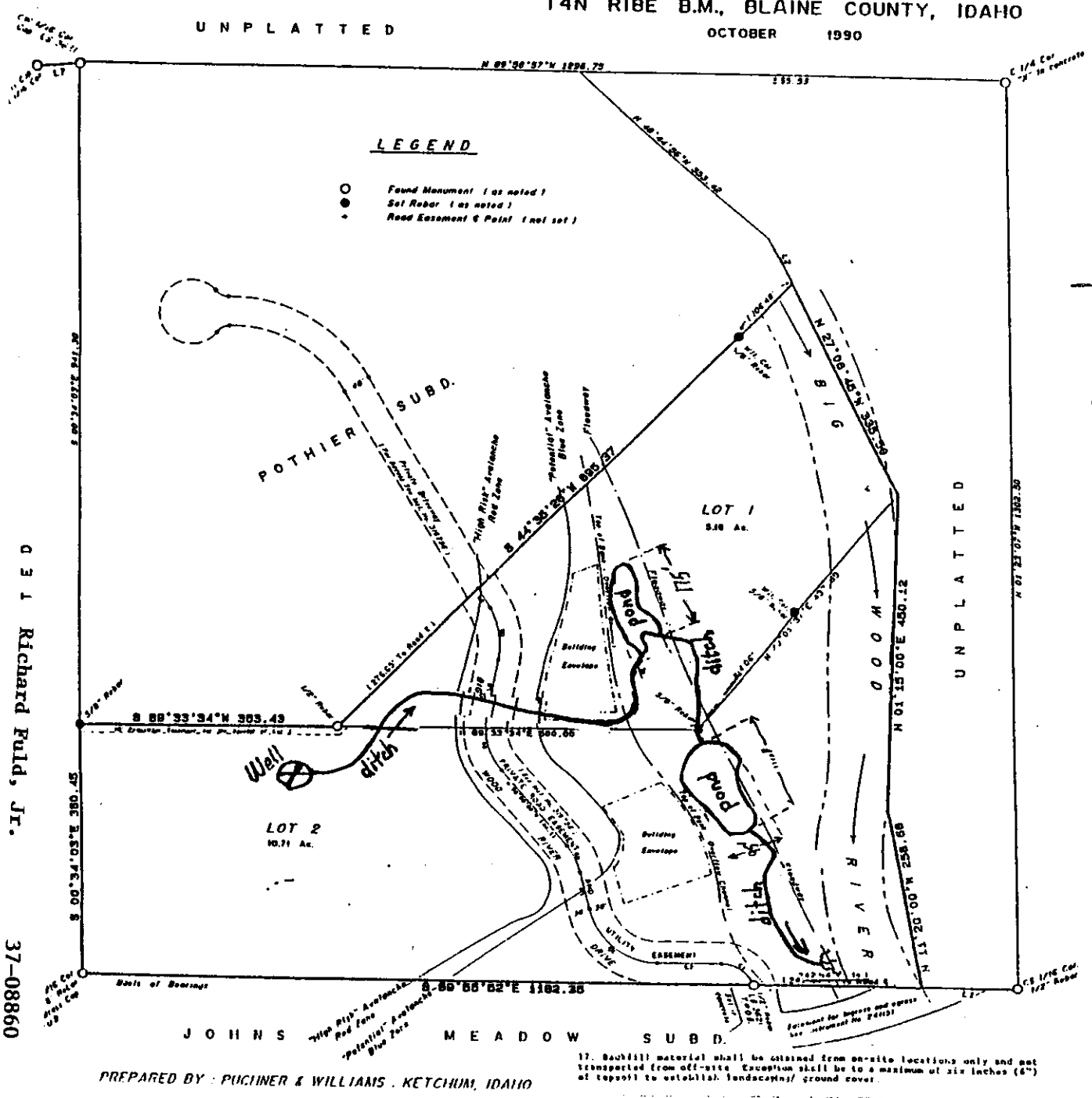
WHILE THIS MAP IS A PHOTOGRAPHIC REPRODUCTION OF THAT ON FILE IN EITHER THE RECORDER'S OR SURVEYOR'S OFFICE, THIS COMPANY ASSUMES NO LIABILITY FOR VARIATION, IF ANY, WITH ANOTHER OR RE-SURVEY.

SOUTH BALDY ESTATES

WITHIN THE NE 1/4 SW 1/4 SEC. 19
T4N R18E B.M., BLAINE COUNTY, IDAHO

OCTOBER 1990

SUN VALLEY TITLE CO.
P.O. DRAWER 2365
KETCHUM, IDAHO 83340
(208) 726-9341



LINE DATA

LINE	BEARING	DISTANCE
1	S 89°33'52"E	133.00
2	N 27°09'45"W	78.47
3	N 89°58'52"W	88.93
4	N 15°00'00"W	51.44
5	N 11°00'00"E	80.23
6	N 30°46'51"W	31.85
7	S 83°08'11"W	62.40

SCALE IN FEET: 200 100 0 100 200 300

REGISTERED PROFESSIONAL LAND SURVEYOR 4345 8/7/13 STATE OF IDAHO JAMES E. ROBINSON

CURVE DATA

CURVE	DELTA	RADIUS	ARC	CHORD	CHORD BRG
1	69°08'02"	46.58	56.22	52.87	N 55°21'20"W
2	74°55'52"	100.00	130.78	121.66	N 52°27'56"W
3	23°59'59"	100.00	41.89	41.58	N 27°00'00"W
4	50°03'01"	100.00	87.27	84.52	N 14°00'00"W
5	41°45'29"	100.00	72.88	71.28	N 09°52'44"W

1. An easement for access to this subdivision across the John's Meadow Subdivision has been granted and recorded as Instrument No. 241151.

2. A 25-foot scenic easement shall exist along the west bank of the Big Wood River, and along the east bank of the Big Wood River, where applicable. There shall be no construction of any fence, dock or other structure within said easement and said easement shall shift to follow any changes in the location of the river bank. Said easement shall be measured from the mean high water mark.

3. A 10-foot Fisherman's / Sportsman's access / Nature study easement is dedicated to the public along the west bank of the Big Wood River, and along the east bank of the Big Wood River, where applicable, which shall shift to follow any changes in the location of the river bank. Said easement shall be measured from the mean high water mark.

4. Portions of this subdivision are subject to avalanche and flood hazards.

5. The purchaser and / or owner of this lot or parcel understands and agrees that private road construction, maintenance, and snow removal shall be the obligation of the owner, his successors in interest, or the homeowners association, and that Blaine County shall not accept, maintain, or improve these roads for any reason, and that each owner shall notify in writing successor in interest of these facts.

6. Ten feet (10') public utility easements are centered on all lot lines.

7. Filling on each lot shall be limited to the building envelope; shall not be higher than the 1.B.F. level, nor shall extend no further than 40 feet beyond the perimeter of the residential structure in the envelope.

8. Construction of a structural use that may inhibit or alter flood flow or create potential hazard downstream, and destruction of natural vegetation in the floodway and in overflow channels, is prohibited.

9. An Elevation Certificate shall be required prior to any new construction.

10. Floodway and floodplain information based on FEMA Flood Insurance Study.

11. New utilities shall be placed underground.

12. Maintenance and weed control for all lots are the responsibility of the developer until the lot is sold and thereafter the responsibility of the owner of the lot.

13. All roads and driveways will be at existing grade to allow overflow water from the river to follow its natural course.

14. The avalanche danger areas designated on this South Baldy Estates Subdivision plat is considered by the owner, Blaine County and Puchner and Williams as reasonable for regulatory purposes. However, neither the owner, Blaine County nor Puchner And Williams represents, guarantees, warrants or implies that areas outside the designated avalanche danger areas are safe and free from avalanches or avalanche danger.

15. Removal of standing trees within the "Red Avalanche Zone" may increase avalanche hazard.

16. An easement for access to property adjacent to the north has been granted and recorded as Instrument #318756.

17. Backfill material shall be obtained from on-site locations only and not transported from off-site. Exception shall be to a maximum of six inches (6") of topsoil to establish landscaping/ ground cover.

PREPARED BY : PUCHNER & WILLIAMS . KETCHUM, IDAHO

C 3 1 Richard Fuld, Jr. 37-08860

E. NARRATIVE/REMARKS/COMMENTS

E. NARRATIVE/REMARKS/COMMENTS

FROM: Georgia Satterlee
DATE: 28 September 1999
RE: 37-08860

The field examination for the permit had an incentive to be conducted due to the applicant wanting to expand the existing ponds. It was suggested that the permitted place of use needed to be verified prior to new appropriations.

Bruce Lium, the applicant's consultant, accompanied me during the examination. He said the owner, Richard Fuld, Jr. is building a private residence on the property and leaving the rest of the subdivision in its natural vegetation.

On 16 July 1999 I found basically the same items Terry Blau and Jim Stanton noted in their memos dated September 25, 1995, and November 17, 1995.

A well is located on the west side of the Lot 2, which pumps continuously into a 4-inch ribbed, flexible vinyl hose. The hose has a length of approximately 300 feet, which runs from the well in an easterly direction. It appears that the hose is laying in the same ditch that Jim and Terry observed. There were several areas of the ribbed hose that were ill repaired and leaking. Mr. Lium said eventually the hose will be replaced with a pipe which would be placed underground.

As far as Mr. Lium knew, he said the well ran continuously. This is consistent with Terry Blau's memo date September 1995. The water diverts into first pond (upper pond) which then flows into the lower pond. At the outflow of the lower pond, I followed the ditch for approximately 300 feet. At this point, the water in the ditch sinks into the ground.

There were two measurements taken, the first measurement was conducted with the Tyme-Flyte flowmeter and the second with the Fuji flowmeter. Both measurements show an average diversion rate of 85 gallons per minute or 0.19 cubic feet per second.

All the ponds, existing and the proposed development, have a surface area measuring under ½ acre. The following figures are what the pond measure including the proposed expansion.

RESERVOIR SURFACE AREA:

Upper Pond = 5600
Lower Pond = 7725
13325/43560 = 0.31 acre

Proposed Pond
Area = 2800/43560 = 0.06 acre
TOTAL 0.37 acre

FACILITY VOLUME:

Existing = 1.18 ac
Proposed = 0.32 ac
TOTAL 1.50 ac

According to hand out diagram date 4/16/1997, the following components are some of the requirements for offstream storage: Storage, Diversion to Storage, and a Natural Flow Rate. With that in mind, the recommended rate will be 0.19 cubic feet per second with a reservoir surface area, including the proposed pond, of 0.4 acre. The recommended facility volume is 1.50-acre feet.

On this date ADM and I discussed the applicant's desire to begin the proposed project. ADM was comfortable of giving the applicant the go-ahead because the surface area is under ½ acre.

Have conditions of permit approval been met? X yes ___ no

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

Fuji Flowmeter
TymeFlyte } Both Printouts included

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R}$ = (Acres Irrigated) x (Irrigation Requirement) = _____

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = 0.19(365) 1.98 = 137 afa

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = _____

2. Volume Calculations for Other Uses:

Exam Fee Limit	1.00 cfs
Permit Rate	0.56 "
Measured "	0.19 "
Recommended "	0.19 "

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
AESTHETIC/STORAGE	1/1	12/31	0.19	137 afa
DIVERSION STORAGE	1/1	12/31	"	1.5 acft
FIRE PROTECTION	1/1	12/31	"	" "
		Totals:	0.19 cfs	

FACILITY VOLUME

2. Recommended Amendments

___ Change P.D. as reflected above ___ Add P.D. as reflected above X None

___ Change P.U. as reflected above ___ Add P.U. as reflected above ___ Other

I. AUTHENTICATION

Field Examiner's Name Georgia Satterlee Date 29 Sept 99

Reviewer _____ Date _____

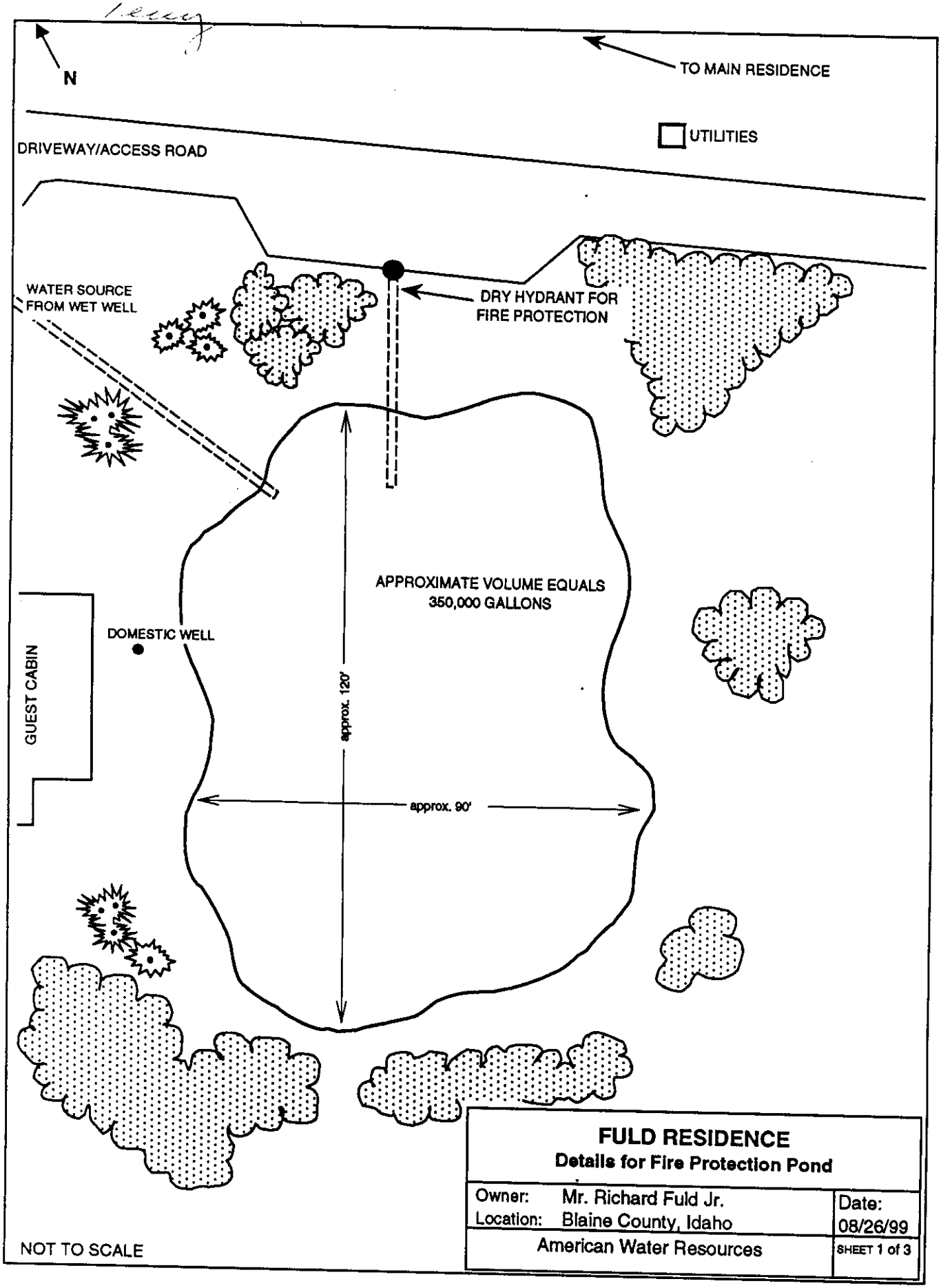
SEAL

Satterlee, Georgia

Subject: Fuld, Richard Jr.
Entry Type: Conversation

Start: Tue 9/28/99 10:30 AM
End: Tue 9/28/99 11:00 AM
Duration: 30 minutes

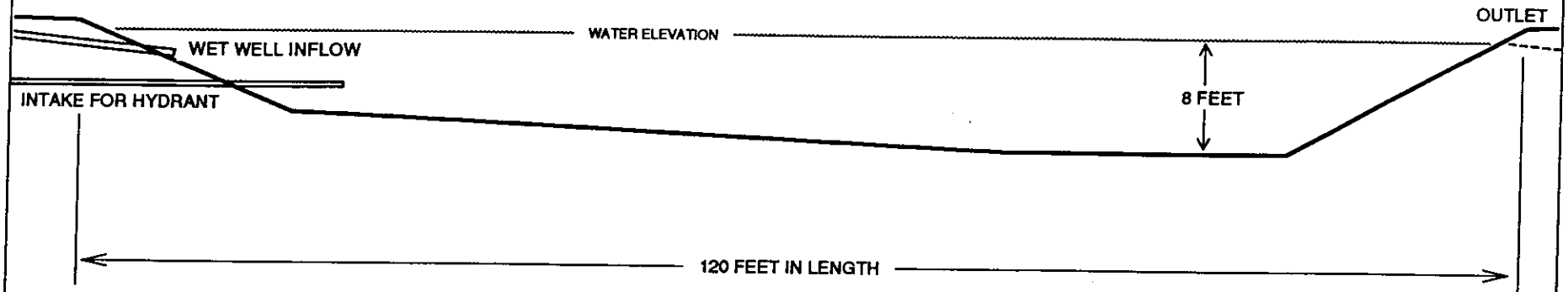
The attached map is another Lium request per Fuld's property. This time the request consists of filling a pond from an existing well, ADM and I concurred that if the pond is less 1/2 acre and the irrigated lawn area is within that same 1/2 acre area then a permit would probably not be required.



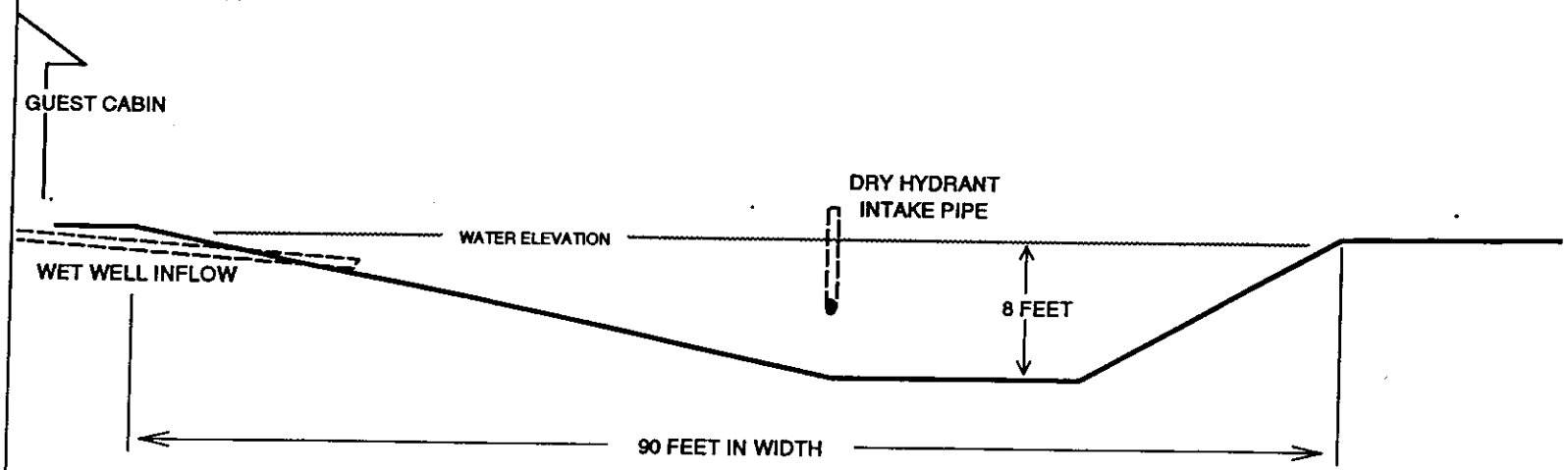
FULD RESIDENCE
Details for Fire Protection Pond

Owner: Mr. Richard Fuld Jr. Location: Blaine County, Idaho	Date: 08/26/99
American Water Resources	SHEET 1 of 3

LONGITUDINAL PROFILE



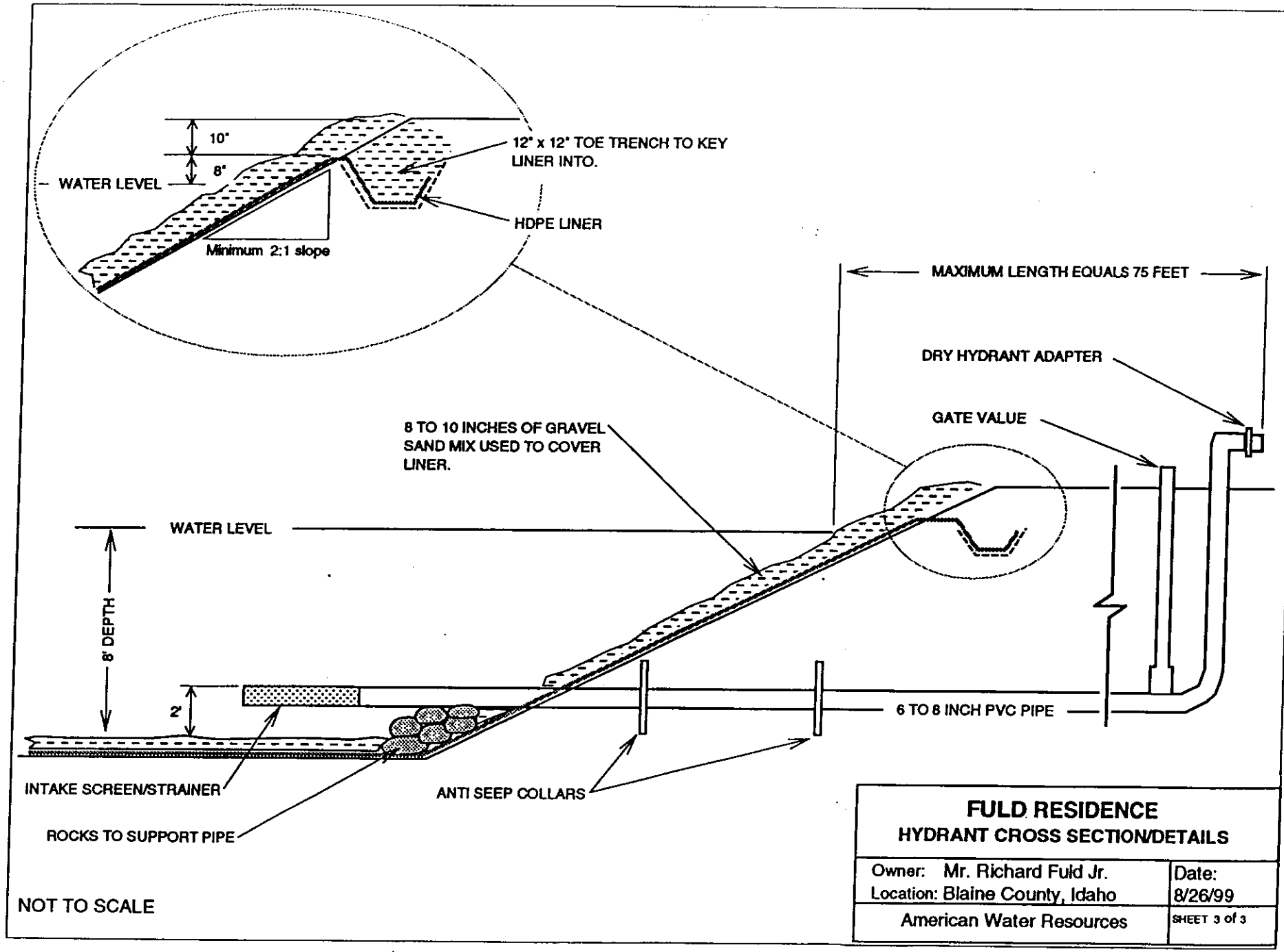
CROSS SECTION



FULD RESIDENCE

FIRE PROTECTION POND CROSS-SECTIONS

Owner: Mr. Richard Fuld Jr. Location: Blaine County, Idaho	Date: 8/26/99
American Water Resources	SHEET 2 of 3



FULD RESIDENCE
HYDRANT CROSS SECTION/DETAILS

Owner: Mr. Richard Fuld Jr. Location: Blaine County, Idaho	Date: 8/26/99
American Water Resources	SHEET 3 of 3

The American Water Resources Co.

River Bank & Riparian Systems Restoration

- River Assessment
- Wetland/Pond Construction

Bruce Lium, Ph.D.
(208) 788-2860 Phone & Fax
Mobile (208) 727-7825 • Field (208) 727-1134

P.O. Box 1979 • Hailey, Idaho 83333
riverrestore@sunvalley.net

Applicant's Consultant



Alpine Aquatics, Inc.

Aquatic Resource Management

P.O. Box 6370
Ketchum, ID 83340

Trent A. Stumph
Resource Manager
Restoration Coordinator

Phone: (208) 788-1803
Fax: (208) 788-1803
email:tstumph@micron.net

Applicant's Consultant

S1
4/92

Greg C. Carr

IDAHO DEPARTMENT OF WATER RESOURCES

STAFF ANALYSIS SHEET FOR BENEFICIAL USE FIELD EXAMS: PERMIT NO. 37-08860

A. Items To Be Placed In Exam File (Items A & B to be Completed by Compiler)

( ) Blank Field Report & Notice of Completed Exam

( ) Copy of App. for Permit, Approved Permit, Amendments, Orders, Assignments.

Proof of Beneficial Use, SRBA Claim (Claim Filed? _____ Required? _____

( ) Well Inspection Form, Dairy Water-Use Worksheet (if applicable)

( ) Well Log(s) & Groundwater Measurement Analysis Form (if applicable)

( ) Copy of Orthophotoquad Map

( ) 660-Scale Aerial Photo (Examiner Will Obtain If Applicable)

( ) Government Lot Plats (If Applicable)

B.1. P/D Overlap - Yes or No? If Yes, Include Copy of Overlapping Rights & Claims

If Yes, Type of Overlap: ( ) Add Acres or Uses to Existing System

( ) Increase Rate of Flow or Volume

B.2. P/U Overlap - Yes or No? If Yes, Include Copies of Overlapping Rights & Claims

If Yes, Type of Overlap: ( ) Increase Rate of Flow or Volume

( ) Add Supplemental Water Source

( ) Increase Acres Within Tracts

C. Field Exam Appointment Made:

Date 18July Time 2pm Place _____

Contact Person & Phone Bruce Wium 788-2860

D. Post-Exam Review & Processing

Exam Completed 16July1999 Notice of Completion Turned In 28Sept1999 23July99

Field Report Completed 29July99

Signature of Examiner & Date

Field Report Reviewed by Sr. Agent _____ (Initial & Date)

Field Report Reviewed by Region Mgr. 12/17/99 (Initial & Date)

Field Report Sent to S.O. _____ Region Card File Updated _____

Off Hwy 93/75 @ KOA campground sign, through campground, cross river, turn right Bruce's green pick up @ ponds.

LAW OFFICES
KNEELAND, KORB, COLLIER & LEGG
KNEELAND PROFESSIONAL BUILDING
128 SADDLE ROAD, SUITE 103
P.O. BOX 249
KETCHUM, IDAHO 83340

(208) 726-9311
TELEFAX (208) 726-4515

ROBERT KORB III
BRUCE COLLIER
MICHAEL J. DORAN

G.R. KNEELAND
OF COUNSEL

STANLEY OFFICE
C. ANN LEGG
P.O. BOX 24
STANLEY, ID 83278
(208) 774-3498

RECEIVED
APR 2 1998

March 27, 1998

RECEIVED
MAR 30 1998
Department of Water Resources
Southern Region

Department of Water Resources
1341 Fillmore St. #200
Twin Falls, ID 83301-3380

RE: Water Right Permit No. 37-08860
Richard S. Fuld, Jr. - Trustee
KKCL: 7042-A

Dear Sir:

Enclosed please find the Assignment of Permit #37-08860 from Greg C. Carr to Richard S. Fuld Jr., Trustee, together with $25.00 filing fee and a copy of the Warranty Deed whereby the Fuld Trust took title to the property which the permit covers.

Please issue a new permit in the name of Richard S. Fuld, Jr., Idaho Revocable Trust dated November 10, 1997.

Your assistance and cooperation in these matters are appreciated.

Thank you.

Very truly yours,

KNEELAND, KORB, COLLIER & LEGG

By Robert Korb
Robert Korb

RK:bam
cc: Richard S. Fuld Jr.
Sherry Daech
Enclosures: as stated

rk\fuld.m27

$25.00 Filing Fee
Receipt # S020982
Date 04/03/98

APR 0 2

State of Idaho

RECEIVED DEPARTMENT OF WATER RESOURCES

MAR 3 0 1998

Department of Water Resources
Southern Region

ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, Greg C. Carr (Permit Holder), hereby assign to Richard S. Fuld, Jr., Trustee, Richard S. Fuld, Jr. Idaho Revocable Trust date November 10, 1997

of 771 North Street, Greenwich, Connecticut 06831; (203)-629-9082 (Full Address and Phone Number)

All my right, title, and interest in and to Permit No. 37-08860 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to Permit No. _____ to appropriate the public waters of the State of Idaho.

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision, point of diversion location, and the amount of water in cubic feet per second.

_____

_____

_____

Made this 17 day of March, 1998.

_____
Permit Holder(s)

State of Idaho)
ss
County of Bonneville)

On this 17 day of March, 1998, personally appeared before me the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

Steven E. Carr
Notary Public

SEAL

_____
Signature

My commission expires: 6-16-98

37-08860

RECEIVED

MAR 3 0 1998

Department of Water ...
Southern Region

Order No. 23682

WARRANTY DEED

FOR VALUE RECEIVED and as relinquished property in an I.R.C. 1031 tax deferred exchange

GREG C. CARR, an unmarried man

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

RICHARD S. FULD, JR., IDAHO REVOCABLE TRUST DATED NOVEMBER 10, 1997

GRANTEE(s) whose address is: 771 North Street, Greenwich, CT 06831

the following described real property in Blaine County, Idaho, to wit:

Lots 1 and 2 of SOUTH BALDY ESTATES, according to the official plat thereof, recorded as Instrument No. 324584, records of Blaine County, Idaho.

Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: January 5, 1998

GREG C. CARR

State of New York)
: ss.
County of Westchester)

On this 5th day of January in the year 1998, before me, the undersigned, personally appeared GREG C. CARR, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Howard R. Cahn

Notary Public

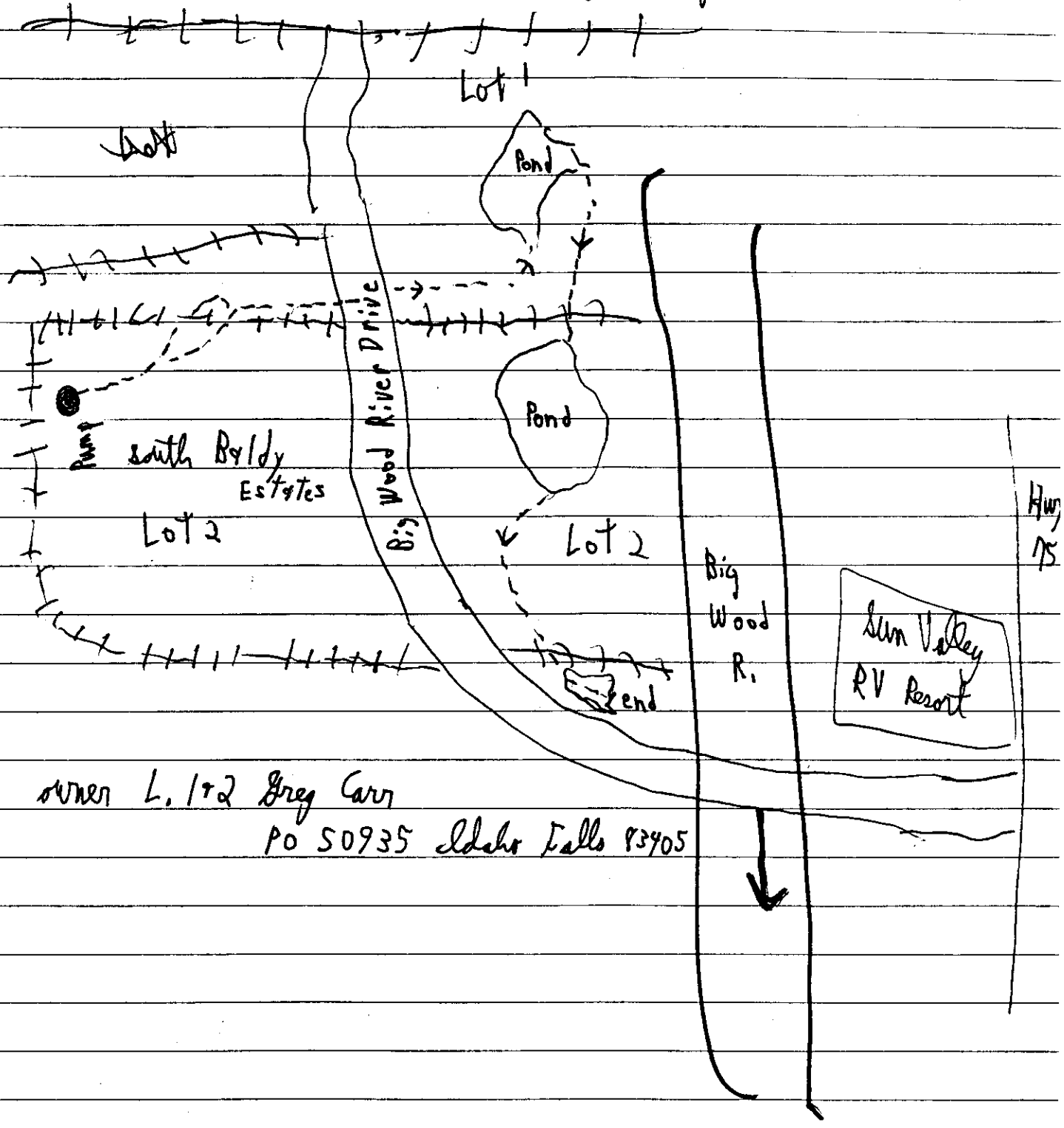
Commission Expires:

HOWARD D. CAHN
Notary Public, State of New York
No. 01UF5046348
Qualified in Westchester County
Commission Expires July 10, 1999

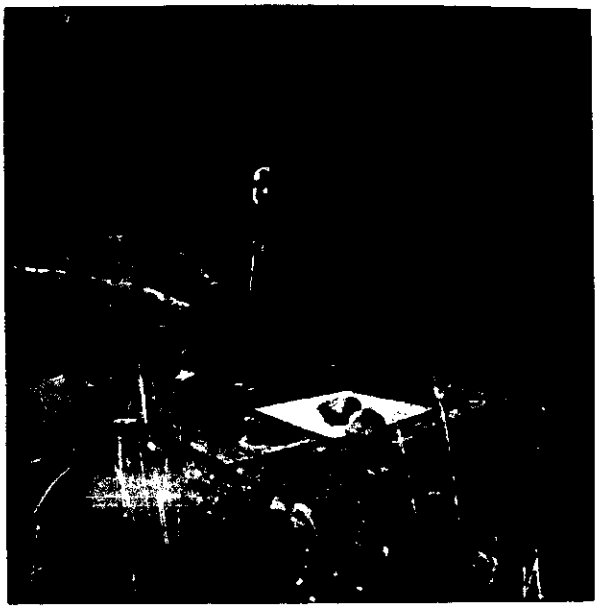
BLAINE CO. REQUEST
SAWTOOTH TITLE
'98 JAN 9 AM 9 29
MARY GREEN, CLERK
FEE $ 3.00

409690

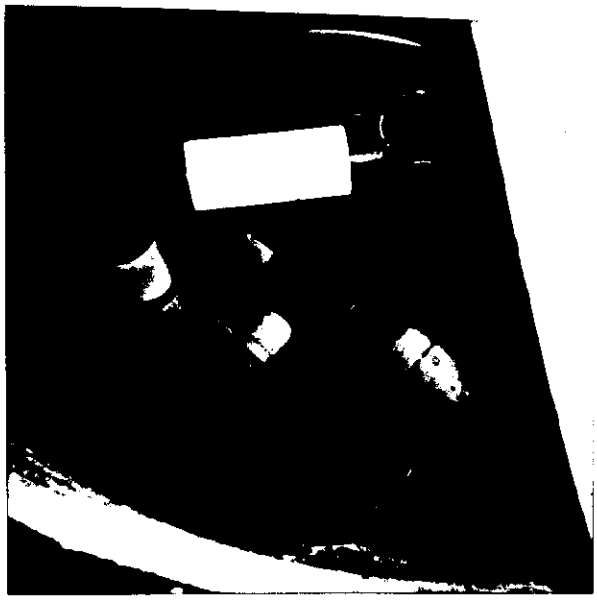
Elkhorn Realty Co. 622-7722 Jim Coyle



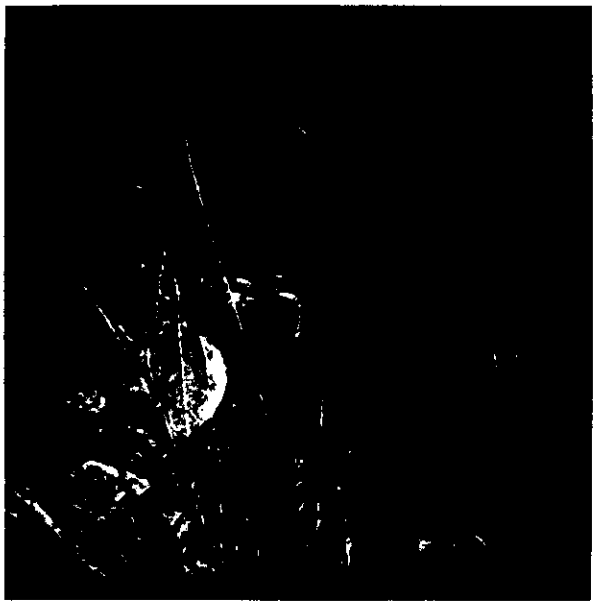
owner L. 1+2 Greg Carr
PO 50935 Idaho Falls 83405



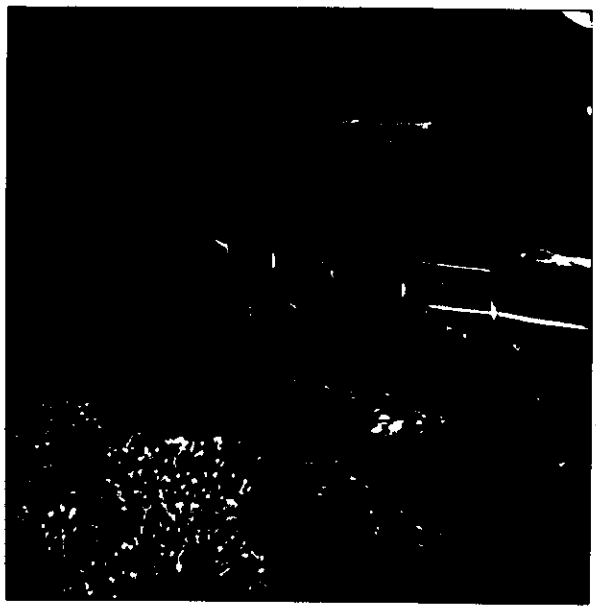
Pump Site



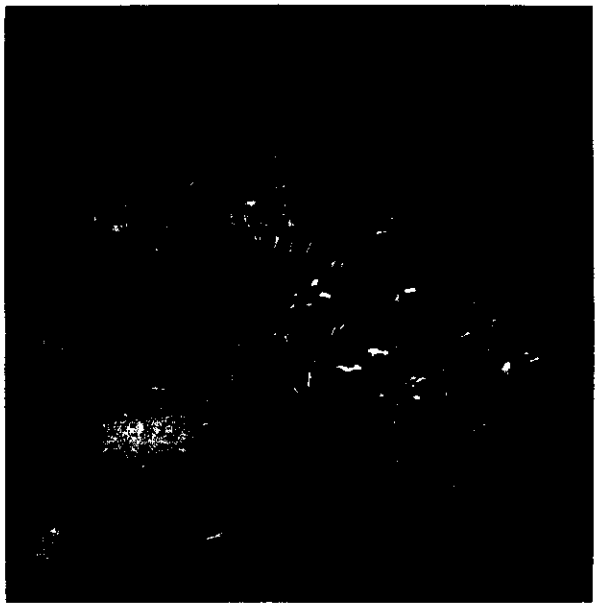
Pump in CMP



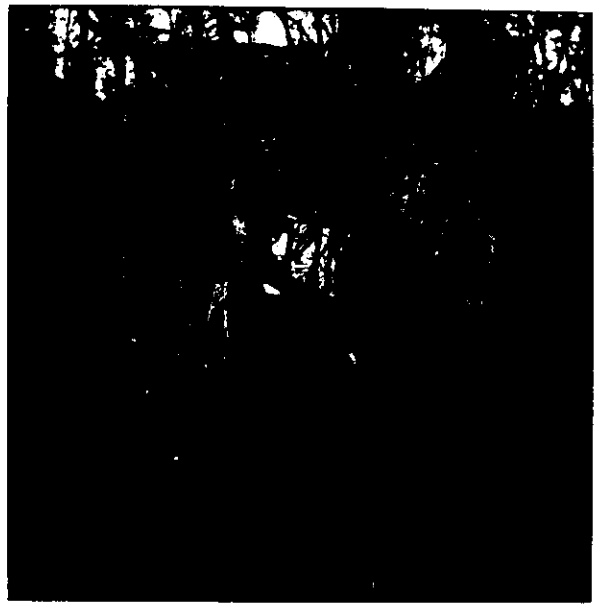
Head of Ditch



End of Ditch



Ditch West of Road



Ditch East of Road



Upper Pond



Lower Pond

Form No. 217
7/5

FOR OFFICE USE ONLY
Amt. of Fee $: 100.00
Receipt No. C095799
Receipt By: JW
Date Receipted: 5-6-97

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAY 5 - 1997
Department of Water Resources

PROOF OF BENEFICIAL USE

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

1. Permit No. 37-08860 Telephone No. 208-522-7895

2. Name(s) of Permit Holder(s): Greg C. Carr

3. Mailing Address: PO Box 50935 Idaho Falls, Id 83405

4. Source of Water: groundwater If GROUNDWATER (well), Date ~~Drilled~~ pump installed: mo. 10 / yr. 90

a. ~~Well Driller~~ Pump installed by: Wood River Drilling & Pump Drilling Permit Number: NA - ___ - ___ - ___

b. *OPTIONAL:*
Pump Horsepower: 1 Pressure (psi): _____ Dynamic pumping level (ft): _____

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

Domestic (No. of households): ~~1 per lot~~ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: fire protection; aesthetic

6. Total rate of diversion and/or volume for which proof is submitted: 0.56 cfs OR _____ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes ___ or	No X
	Has the measuring device been installed?	Yes ___ or	No X
Flow Measurement Port:	Is a flow measurement port required?	Yes ___ or	No X
	Has the measurement port been installed?	Yes ___ or	No X

8. Fee Enclosed: $ 100.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name: Steve Carr Telephone Number: 208-522-7895

Address: PO Box 50935 Idaho Falls, Id 83405

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

Signature of permit holder: [signature] attorney in fact Date: 1/21/97
(include your title, if on behalf of company or organization)

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

RECEIVED
MAY 27 1997
of Water Resources
Southern Region

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 22, 1997

GREG C CARR
PO BOX 50935
IDAHO FALLS ID 83405

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08860

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Please be advised that Section 42-248, Idaho Code, which became affective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Failure to maintain current records with the department could result in the assessment of a monetary penalty.

If you have questions concerning the field examination, contact the **EASTERN** Regional Office in Idaho Falls, at (208)585-7161.

Sincerely,

Julie L. Yarbrough

JULIE L. YARBROUGH
Senior Secretary

C: IDWR - Region

37-08860

Southern

RECEIVED
JAN 22 1997
Department of Water Resources
Southern Region

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 37-08860

Proposed Priority: November 8, 1996 **Maximum Diversion Rate:** 0.56 CFS

This is to certify, that GREG C CARR
PO BOX 50935
IDAHO FALLS ID 83405-0935
has applied for a permit to appropriate water from: **GROUNDWATER**

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

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
FIRE PROTECTION	01/01 to 12/31	0.56 CFS
AESTHETIC	01/01 to 12/31	0.56 CFS
	Totals	0.56 CFS

LOCATION OF POINT(S) OF DIVERSION: NESW , Sec. 19, Township 04N, Range 18E
BLAINE County

PLACE OF USE: FIRE PROTECTION

TWN	RGE	SEC	
04N	18E	19	NESW

PLACE OF USE: AESTHETIC, same as FIRE PROTECTION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **February 1, 1998.**
2. Subject to all prior water rights.
3. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
4. Use of water under this right shall be non-consumptive.
5. Point of diversion is located within Lot 2, South Baldy Estates. Places of use are located within Lots 1-2, South Baldy Estates. Aesthetic use is for two ponds.
6. This right does not authorize any new development.

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

16th day of January, 1997.

for Karl J. Dreher, Director

37-08860

37-0836 C

FORM 202
2/96

Ident. No. RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOV 08 1996

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Greg C. Carr Phone 208-522-7895
   Mailing address P.O. Box 50935, Idaho Falls, ID 83405
2. Source of water supply groundwater which is a tributary of n/a
3. Location of point of diversion is Township 4N Range 18E Sec. 19, in the NE 1/4, SW 1/4, _____ 1/4, Govt. Lot _____, B.M., Blaine County;
   additional points of diversion if any: _____
4. Water will be used for the following purposes: * Removed per telecon w/ Greg Stoddard 11-14-96 JF
   Amount .56 (cfs or acre-feet per annum) for fire protection purposes from Jan. 1 to Dec. 31 (both dates inclusive)
   Amount .56 (cfs or acre-feet per annum) for aesthetic purposes from Jan. 1 to Dec. 31 (both dates inclusive)
   * Amount .56 (cfs or acre-feet per annum) for domestic purposes from Jan. 1 to Dec. 31 (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)
5. Total quantity to be appropriated is (a) .56 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
   a. Describe type and size of devices used to divert water from the source
   4 foot cmp, 17' verticle in ground. Ditch to 2 ponds
   b. Height of storage dam n/a feet; active reservoir capacity n/a acre-feet; total reservoir capacity n/a acre-feet
   c. ~~Proposed~~ Existing well diameter is 4ft. inches; ~~proposed~~ existing depth of well is 17 feet
   d. Is ground water with a temperature of greater than 85° F being sought? no
   e. If ~~well~~ Pump is already ~~drilled~~ installed, when? 10/25/96; ~~Drilling firm~~ installed by: Wood River Drilling & Pump
   ~~Well was drilled for~~ Pump installed for developer (well owner) Mr. Bob Dreyer; Drilling Permit No. n/a
7. Time required for completion of works and application of water to proposed beneficial use is n/a years (*minimum 1 year*)
8. Description of proposed uses (*if irrigation only, go to item 9*):
   a. Hydropower; show total feet of head and proposed capacity in KW. _____
   b. Stockwatering; list number and kind of livestock. _____
   c. Municipal; show name of municipality. _____
   d. Domestic; show number of households. * ~~1 household per lot~~
   e. Other; describe fully. fire protection, aesthetic (see attached)

9. Description of place of use:

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

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	18E	19			F						F								
4N	18E	19			J						J								
4N	18E	19			D														
					**														

** Connected 11-14-96 per telecon w/Greg Stoddard JS

Total number of acres to be irrigated _____

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

11. a. Who owns the property at the point of diversion? Mr Greg C. Carr

b. Who owns the land to be irrigated or place of use? Mr. Greg C. Carr

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: see attached

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

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

Signature of Applicant (and title, if applicable)

Received by JE Stanton Date 11-8-96 Time _____ Preliminary check by JE Stanton

Fee $ 100.00 Receipted by _____ # 501984 Date 11-12-96

Publication prepared by mB Date 11/19/96 Published in Wood River Journal

Publication approved mB Date 1/10/97

RECEIVED
DEC 12 1995
Department of Water Resources
Southern Region

COLDWELL BANKER

THE SUN VALLEY
REAL ESTATE CO.

PO BOX 515
471 LEADVILLE N
KETCHUM ID 83340
BUS. (208) 726-4100
FAX (208) 726-5837

12-9-95

Re: Phone conversation with Alan Merit of the Dept of Water Resources 12-8-95

Dear Mr. Merit:

This is to confirm our conversation during which we discussed the notice you sent Mr. Carr, the new owner of the S. Baldy Estate property, on behalf of the Dept of Water Resources, informing him that he either needed to show evidence of a permit to run the pump to the ponds, or shut it off.

I related to you that it was my understanding that they had until the end of the week, Friday 12-8-95, in which to comply with the request. I also related that according to the owner of the company who installed the pump (Wood River Drilling Co.) that shutting the pump off would ruin it. You asked me how that is so, and I related that shutting off the pump, in winter, would cause the pump, (filled with water), to freeze and therefore break. We discussed the possibility of having the pump removed, and that in fact, Mr. Carr had already looked into having it done, but that we would need an extension on your time limit to the beginning of next week. The time extension would also allow all parties involved more time to reach Mr. Bob Dreyer (the original subdivider and developer of this property) whom we felt could clear up this whole matter by supplying you with evidence of his approvals. You agreed, that would be okay.

As we discussed, my earlier conversation with Mr. Dreyer, (Tuesday 12-5-95) revealed he would be happy to help by speaking to your dept. himself. He stated he had all the necessary approvals from the county and state and that he was sure that all would be well. I explained to you he stated that because the pump was only 18 ft. deep, it falls under the category of none consumptive ground water, and that a permit was not required. He further stated that the ponds were put in for fire protection for the subdivision approved by the Fire Marshal. At this time you told me you did not buy into this story. Since the 12-5 conversation no one has been able to reach Mr. Dreyer, although many messages have been left on his answering machine.

The subdivision was done in 1990 and the ponds were still being finished in 1991 when the Beckers bought the property from Mr. Dreyer. I expressed to you that there was apparently no disclosure made at the time the Beckers bought the property, according to Toni Lash, the Beckers agent, and in turn no disclosure was made to Mr. Carr. I understand you plan to call her on the 11th.

Obviously, I am very concerned that Mr. Carr doesn't suffer any consequences over this matter and wish to relay to you that he plans to cooperate fully with you and to ultimately receive your approval for the pump.

Thank you, Mr. Merit, for your kindness. You were very pleasant during our conversation and I appreciate your patience in this matter. Thank you too for working with the new owner in an effort to bring this problem to, what I hope, is a satisfactory conclusion for all.

Sincerely,

Beverly McLean

Beverly McLean
Sales Associate

Developer Dreyer to Prior to Beckers who sold to Carr?

Dreyer Beckers Carr

12. Remarks:

The following described premises in Blaine County, Idaho, Lot 1 & Lot 2 of South Baldy Estates Subdivision (see map) was originally developed by Mr. Bob Dreyer, P.O. Box 4917, Ketchum, Idaho 83340 in 1989-1990. Preliminary plat approval on February 5, 1990 by the City of Ketchum Planning and Zoning Commission was subject to fire protection from an approved water supply to be satisfactory to Ketchum Rural Fire District. An application submitted to the Blaine County Planning and Zoning Commission on November 27, 1989 to subdivide said property was also subject to fire requirements as required by Ketchum Rural Fire District. The Ketchum Rural Fire District review of said property in November of 1989 required the provision of Uniform Fire Code 79 Section 10.301(C) be complied with. This code calls for "an approved water supply capable of supplying required fire flow for fire protection ... be provided to all premises upon which buildings are hereafter constructed."

In 1990, the developer, Mr. Dreyer, had installed a shallow pump system, tapping groundwater to supply to ponds for purposes of fire protection, aesthetic, and domestic use. The ponds were lined with 30 mil polyethylene and 40 mil rubber. The dimensions of the ponds are listed on the attached map. The surface area of the two ponds is slightly less than one-half (1/2) acre, which would be considered non-consumptive. The developer at this time did not attain the proper permit to pump groundwater, assuming compliance with the Ketchum Rural Fire District for adequate fire protection by providing a water supply to the property was sufficient..

The above mentioned property was later sold to an individual party who utilized the pump system and ponds for their period of ownership. This partly was apparently unaware that a proper water permit did not exist. The property was then purchased by Mr. Greg Carr in August of 1995. At this time, neither Mr. Carr nor any of the realtors involved knew that a proper water permit did not exist. Mr. Carr was subsequently contacted by Allen Merritt, Southern Regional Manager of the Department of Water Resources in Twin Falls, Idaho, in November of 1995, when it was discovered by the department that no permit existed for water use on this property.

Application for this water permit is made with reasons being for domestic use (under Section 42-111(a), Idaho Code), fire protection, and aesthetic.

Surface area 0.31 acres July 1999

37-08860

Steven E. Carr
P.O. Box 50935
Idaho Falls, Idaho 83405

November 29, 1995

RECEIVED
Department of Water Resources
Southern Region

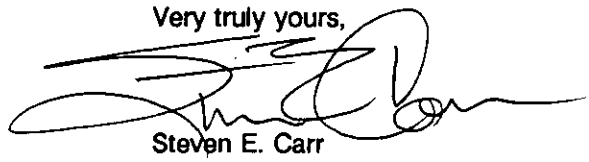
State of Idaho
Department of Water Resources
Southern Region
Attn: Allen Merritt
222 Shoshone Street East
Twin Falls, ID 83301-6105

RE: Your letter dated November 24, 1995
South Baldy property
A portion of the NE 1/4 SW 1/4, S 19 T 4 N R 38 EBM.

Dear Mr. Merritt:

As you might guess your letter of November 24, 1995 regarding potential illegal water use was a complete surprise to us. Greg Carr purchased the property in question on or about August 2, 1995. The ditch, ponds, and pump system were in place at the time the property was purchased. If in fact there is not a proper permit for such a use from ground water we desire to work with the proper agencies to obtain such a permit. Of course, we assume that the necessary water rights and permits were in place at the time proper was purchased. Please let me know how we might go about obtaining the necessary permit or water right for the current pump system.

Very truly yours,



Steven E. Carr

SEC/kss

FROM: Allen Merritt DATE: November 28, 1995

TO: ILLEGAL DIVERSION FILE (CARR)

SUBJECT: PHONE CONVERSATION WITH STEVE CARR

THIS DAY STEVE CARR PHONED (522-7895) ON RECEIPT OF MY 11/24 LETTER. STEVE INDICATED HIS BROTHER AND STEVE BOUGHT THE PROPERTY AS AN INVESTMENT IN AUGUST AND ASSUMED THAT THEY HAD A WATER RIGHT. HE SAID HE HAS ONLY BEEN TO THE PROPERTY TWICE. HE INDICATED HE WOULD COOPERATE AND TRY TO GET A WATER RIGHT. I EXPLAINED THE BWRGMA MORATORIUM AND TOLD HIM WE COULD ONLY PROCESS A NON-COMSUMPTIVE APPLICATION OR ONE WHERE THE CONSUMPTIVE ELEMENT IS MITIGATED. I TOLD HIM THE BURDEN WAS ON HIM TO SHOW THAT THE DEVELOPMENT WAS NON-CONSUMPTIVE OR TO COME UP WITH THE MITIGATION PLAN. I ASKED THAT UNTIL THIS MATTER IS RESOLVED THAT THEY TURN OFF THE PUMP AND HE INDICATED THAT HE WOULD SEE THAT IT BE DONE.

THIS DAY I HAVE MAILED AN APPLICATION FORM AND COPY OF BWRGMA ORDER TO STEVE.

Sta Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-303

PHILIP E. BATT
Governor

KARL J. DREHER
Director

November 24, 1995

Greg Carr
PO Box 50935
Idaho Falls, ID 83405

RE: Potential illegal water use

Dear Mr. Carr:

Our office has become aware of a groundwater development in the NE¼SW¼, Section 19, Twp.4N, Rge.18E, B.M., in Blaine County. The county records show you own this property. On November 17, 1995, Jim Stanton from our office visited the site and confirmed a pump system exists which diverts water from a shallow well into a ditch which routes water through a subdivision and eventually to ponds. The purpose of this diversion is assumed to be for aesthetic purposes for the subdivision lots.

We have searched our water right records and find that no water right record for your development exists. Please be aware that since 1963 to develop a use from groundwater requires a permit. Since no right or permit exists in our records I request your cooperation in:

-identifying what water right covers your development if our records are not correct.
-cease the diversion from the well if you have no water right.
-&/or obtain a valid permit or water right for your development.

Please respond to our office within 14 days of the date of this letter as to the status of your project. Please also note that to divert water in Idaho without a valid water right is illegal pursuant to §42-351, Idaho Code and subject to civil penalties of up to $100 per day.

If you have questions regarding this matter please feel free to contact our office.

Sincerely,

Allen Merritt, PE
Southern Region Manager

CC: Glen Saxton - IDWR (State Office)

TO: Allen M.

DATE: November 17, 1995

FROM: Jim Stanton

SUBJECT: Possible Water Diversion Near Ketchum

Based on information recently received from Terry Blau, yesterday I investigated a possible illegal diversion in the NE/SW Sec. 19 T. 4N R. 18E. This site is about 1/2 mile south of Ketchum on the west side of the Big Wood River. I turned west off of Hwy. 75 on the road into the Sun Valley RV Resort. I drove thru the resort, then crossed over the river into the South Baldy Estates Subdivision. A unmarked road (Big Wood River Drive) runs north thru the 2-lot subdivision. The two lots are fenced but uncleared.

Near the west side of Lot 2 I observed a power meter. Nearby is a 4' cmp imbedded vertically in the gravilly soil. Water was standing in the cmp perhaps 5' below the land surface. A pump inside the cmp was pumping water into a ditch. The ditch flowed in an easterly direction, divided for a short distance, and then came back together before crossing Big Wood River Drive. After crossing the road, the ditch turned north into a pond (about 15' x 20'). From this pond, the ditch turned south into a similar pond. There is one pond in each subdivision lot. After leaving the second pond, the ditch runs south before turning east again. The ditch ends in a low spot on the west side of the Big Wood River near the NW corner of the bridge. There was no direct surface connection with the river. The source of this water appears to be inter-gravel flow, and the water sinks back into the gravel before presumably seeping into the river. Evaporation losses in the ditch and ponds would cause some water to be consummed in this system.

80'x175' according to his sketch

The power installation for this system was inspected on 1-25-1991, so presumably the pump has been in operation since then. Since there is no domestic use in connection with this system as of now, the use could fall under Par B of Sec. 42-111. However, even a flow of 9 gpm for continuous use would exceed the 2500 gpd allowed. If the source is considered to be surface water, then this development is illegal without a water right. The water stands at about the same elevation as the river. The database does not show any water rights or claims that appear to cover this development. So this use appears to be blatantly illegal. The system was apparently put in to enhance the value of the two lots, but this appears to be highly questionable as a beneficial use, even with a water right. County records show that both lots are owned by Greg Carr, PO Box 50935, Idaho Falls, ID, 83405. Issuance of a cease-and-desist order should be considered.

ON SEPTEMBER 25, 1995 I DID A SITE REVIEW ON THE GARY GRIMES PARCEL. WHILE CHECKING FOR AN UPSTREAM CONNECTION TO THE RIVER IT WAS NOTED THAT THERE IS A WELL OPERATING, IT APPEARS CONTINOUSLY, PUMPING FROM GROUND WATER TO A DITCH RUNNING IN AN EASTERLY DIRECTION TOWARDS THE RIVER JUST WEST OF THE CAMPGOUND ABOVE THE KETCHUM SEWER TREATMENT PLANT. THE DITCH GOES INTO A SERIES OF PONDS AND EVENTUALLY SINKS JUST BEFORE GOING BACK IN THE BIG WOOD RIVER. WE NEED TO CHECK AND SEE IF IT HAS A WATER RIGHT. THERE IS NO HOUSES AROUND THE PONDS. MY RECOMMENDATION WOULD BE THAT THAT WATER BE SHUT OFF EVEN IF THERE IS A WATER RIGHT, UNTIL THERE IS CONSTRUCTION. IT APPEARS TO NOT BE OF BENEFICIAL USE AT THIS TIME.

REMINDER TO TALK TO NICK CIZMISH REGARDING THE CHANNEL GOING THROUGH THE MINNIE MOORE MINE. IT NEEDS TO BE REROUTED.

Blau Memo

TO: File

DATE: November 14, 1996

FROM: Jim Stanton

SUBJECT: App. for Permit, Greg Carr

This diversion was discovered last year as an illegal diversion without a water right. I was asked to investigate the situation, which I did. This well sits in a gravel bar on the west side of the Big Wood River. Water is pumped into two shallow ponds that are very close to the river. Any water leaving the ponds can run into the Big Wood, but there was no surface connection during my visit. The overflow either froze up or simply went back into the gravel before reaching the Big Wood on the surface.

The owner of the property was told to stop using this diversion until a water right was obtained, and he has now applied for a permit. These ponds cover much less than 1/2 acre, so this use should probably be considered as non-consumptive. As such, we should be able to approve this application. Allen has the results of my previous inspection of the property.

37-08860