

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 74-07155

Priority: April 05, 1982

Maximum Diversion Volume: 50.0 AF

It is hereby certified that EAGLE VALLEY RANCH LLC
6 STEWART RD
SHORT HILLS NJ 07078 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated April 05, 1982; and has
submitted Proof of Beneficial Use on April 13, 1983. An examination indicates that the works have a
storage capacity of 50 af of water from:

SOURCE

BOHANNON CREEK

Tributary: LEMHI RIVER

and a water right has been established as follows:

BENEFICIAL USE

IRRIGATION STORAGE

IRRIGATION FROM STORAGE

PERIOD OF USE

02/01 to 07/15

03/15 to 11/15

**ANNUAL
DIVERSION VOLUME**

50.0 AF

50.0 AF

LOCATION OF POINT OF DIVERSION:

BOHANNON CREEK SW¼SW¼ Sec. 18, Twp 22N, Rge 24E, B.M., LEMHI County

PLACE OF USE: IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
22N 23E 13																X	
22N 23E 24	X																
22N 24E 18										X							

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N 23E 2									38.0	13.0	32.0	40.0		13.0	27.0		163.0
21N 23E 11		22.0	28.0	20.0	40.0	30.0	31.0	39.0	40.0	22.0	9.0	37.0	37.0	40.0	25.0		420.0

Total Acres: 583

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74C.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 74-07155

2. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
3. This right does not grant any right-of-way or easement across the land of another.
4. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
5. Rights 74-0176, 74-0183, 74-0377, 74-0175, 74-0773, 74-0774, 74-0775, 74-0776, 74-0771 and 74-07155 when combined shall not exceed a total annual maximum diversion volume of 2040.0 af at the field headgate, and the irrigation of 584 acres.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

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

Signed and sealed this 26th day of February, 2004.


for KARL J. DREHER
Director

Law Offices of
MARTIN & ESKELSON, PLLC

Stephen E. Martin, Email: semartin@onewest.net
Scott P. Eskelson, Email: seskelson@onewest.net

P.O. BOX 3189
IDAHO FALLS, ID 83403-3189
PHONE: (208) 523-6644
FAX: (208) 522-0791

OFFICES:
425 S. HOLMES
IDAHO FALLS, ID 83401

RECEIVED
MAR 01 2004
Department of Water Resources

February 27, 2004

Roxanne Brown
Idaho Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

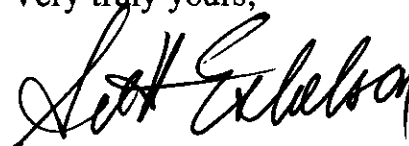
Re: Snake River Basin Adjudication for Eagle Valley Ranch, LLC - Permit No.
74-7155

Dear Ms. Brown:

Enclosed please our check in the amount of \$66.00 per your request of yesterday,
February 26, 2004.

Please let us know if you need anything further to process this Water Right
Transfer.

Very truly yours,



Scott P. Eskelson

Enclosure

C:\MyFiles\sem-clients\4635\EagleValleyRanch\WaterRights\04Jan23-IdDeptWater.wpd

SCANNED

MAR 02 2004

Idaho Department of Water Resources Receipt

Receipt ID C072875

Payment Amount \$66.00 Date Received 3/1/2004 3:20:13 PM Region State Status
Payment Type Check Check Number 05998

Payer MARTIN & ESKELSON PLLC

Comment TRANSFER FEE SRBA 74-7155

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$66.00	TRANSFERS	0229	21	56105	1155


Signature Line (Dept. Representative)

SCANNED



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 26, 2004

SCOTT P ESKELSON
MARTIN & ESKELSON PLLC
PO BOX 3189
IDAHO FALLS ID 83403-3189

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #74-7155
Your Client: Eagle Valley Ranch LLC

Dear Mr. Eskelson:

We have received the Notice of Claim to a Water Right referenced above.
However, before we can process it, we do require fees in the amount of \$66.

Claim Filing Fee	\$ 50.00
Storage Fee @ \$100/cfs or portion thereof	<u>16.00</u>
Total Due	<u>\$ 66.00</u>

*pd 3-1-04
C072875*

Please contact me if you have any questions at ~~1-800-451-4129~~ *(208) 327-7925*

Sincerely,

Roxanne Brown
Sr. Water Resource Agent
Adjudication Bureau

RB:ss:region:tf

Law Offices of
MARTIN & ESKELSON, PLLC

Stephen E. Martin, Email: semartin@onewest.net
Scott P. Eskelson, Email: seskelson@onewest.net

P.O. BOX 3189
IDAHO FALLS, ID 83403-3189
PHONE: (208) 523-6644
FAX: (208) 522-0791

RECEIVED
JAN 26 2004
Department of Water Resources

OFFICES:
425 S. HOLMES
IDAHO FALLS, ID 83401

January 23, 2004

Roxanne Brown
Idaho Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

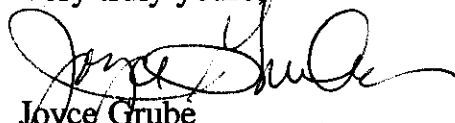
Re: Eagle Valley Ranch, LLC - Permit No. 74-7155

Dear Ms. Brown:

Enclosed please find an aerial photograph showing the place of usage marked thereon. This photograph was inadvertently left out of the package sent to you with MR. Eskelson's letter of January 22, 2003.

We are sorry for any inconvenience this may have caused. Please do not hesitate to call should you have any questions.

Very truly yours,


Joyce Grube
Secretary to Scott P. Eskelson

Enclosure

C:\MyFiles\sem-clients\4635\EagleValleyRanch\WaterRights\04Jan23-IdDeptWater.wpd

Law Offices of
MARTIN & ESKELSON, PLLC

Stephen E. Martin, Email: semartin@onewest.net
Scott P. Eskelson, Email: seskelson@onewest.net

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IDAHO FALLS, ID 83403-
3189
PHONE: (208) 523-6644
FAX: (208) 522-0791

RECEIVED
JAN 26 2004
Department of Water Resources

OFFICES:
425 S. HOLMES
IDAHO FALLS, ID 83401

January 21, 2004

Roxanne Brown
Idaho Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

Re: Eagle Valley Ranch, LLC - Permit No. 74-7155

Dear Ms. Brown:

In follow up to the letter of December 18, 2003 from Kay Walker, enclosed please find the following items:

1. Notice of Claim to Water Right. This has been executed by Valerie Brackett, one of the owners, and a manager of Eagle Valley Ranch, LLC.
2. State of Idaho Department of Water Resources Notice of Change in Water Right Ownership form. Again, this has been executed by Valerie A. Brackett as manager of the limited liability company.
3. A check in the amount of \$25.00 to cover the necessary fee.
4. A letter dated January 8, 2004 from Mike Kossler, ranch manager and accompanying envelope with some photographs in the same describing the headgate and measuring device.
5. A topographical map prepared by Anderson Consulting Engineers. I have indicated thereon the place of use and also the point of diversion. This point of diversion is sometimes called "Bohannon Lake" by people in the local area.
6. A memorandum from Mike Kossler, of Eagle Valley Ranch, addressed to me and dated January 12, 2004. Attached to this is some information sent to him by the

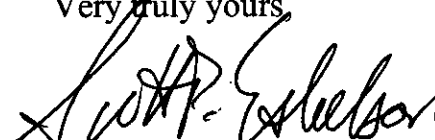
Roxanne Brown
January 21, 2004
Page 2

Department of Water Resources, together with an aerial photograph of Bohannon Lake, a topographical map showing Bohannon Lake thereon and an aerial photograph showing the place of use marked thereon.

I believe with this documentation we will have submitted everything required for the processing of this permit. As indicated by Mr. Kossler, the permit holder (and soon to be license holder) is willing to install a new instream measuring device as required by the department. There is a current one, but it evidently is in some state of disrepair. The problem is to find the logical period of time (in the fall, as described by Mr. Kossler) to do this. The dam does have a lockable headgate on it right now. You may also wish to be aware that the local water master is an employee of the ranch, so he is very familiar with this diversion system.

If there is anything further which is required, please let me know and we will promptly submit the same.

Very truly yours,



Scott P. Eskelson

Enclosures

cc: Valerie Brackett
Mike Kossler

G:\sem-clients\4635\EagleValleyRanch\WaterRights\04Jan21-IdDeptWater.wpd



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 18, 2003

EAGLE VALLEY RANCH LLC
6 STEWART RD
SHORT HILLS NJ 07078

RE: Permit No. 74-7155

Dear Water Users:

The Department of Water Resources is reviewing the above referenced permit prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. We have been advised that you are now the owners of the property under this water right permit. Enclosed, for your information, is a copy of this permit.

This permit is currently in the name of William B. and Marian H. Swahlen and we need to have an assignment of this permit from them, to you, in order to change the name. In Idaho a permit is considered personal property and in order for us to change our records we require an "Assignment of Permit" form along with a \$25.00 filing fee. Please have the Swahlens complete and submit the enclosed assignment form and filing fee to my attention.

If you cannot locate the Swahlens to sign the assignment of permit form, please complete the enclosed "Notice of Change of Water Right Ownership" form and return it to our office with a \$25.00 filing fee. We have obtained a copy of the deed showing you own the property under this permit from our Snake River Basin Adjudication staff so you do not need to send us another copy of your deed.

In a review of the field examination of the system under this permit, we cannot tell if a condition of approval has been complied with. The condition in question is as follows:

A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

Pursuant to Section 42-219(6), Idaho Code, if the conditions of approval on a permit are not complied with, we may issue an order voiding the permit or issue a license for only a portion of the uses developed under the permit. You have a couple of options that you can take to resolve this problem. You could either submit documentation that you have complied with this condition and our examiner was not informed of the compliance at the time of the exam; install the measuring device and lockable controlling works, as required on the permit; or request removal of this requirement from the permit. If you

request removal of the requirement you should also submit documentation that this request would be acceptable to the watermaster of Water District No. 74-C.

In a review of our records, we have also found that a claim has not been filed on this permit in the Snake River Basin Adjudication (SRBA). A claim is required for all water rights that proof of beneficial use was submitted prior to November 17, 1987. The proof of beneficial use for this permit was submitted on April 13, 1983. If a license is issued on this permit and no claim has been submitted in the SRBA the water right may be lost even if licensed. Please contact Roxanne Brown, of our SRBA staff, at 327-7925 to get information about filing a claim on this permit.

Please submit information regarding the measuring device and assignment of permit within 30 days of the date of this letter. If you need additional time to submit the required information please let me know. If you have any questions or concerns in regard to this matter, please do not hesitate to contact me at (208)327-7944.

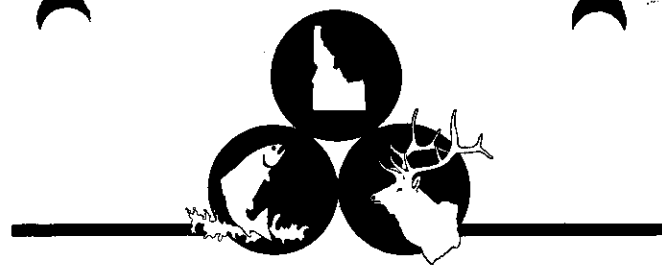
Sincerely,

A handwritten signature in black ink that reads "Kay Walker". The signature is fluid and cursive, with the first name "Kay" and last name "Walker" clearly distinguishable.

KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosures

Cc: Roxanne Brown, SRBA



IDAHO DEPARTMENT OF FISH AND GAME
REGION 6
1515 Lincoln Road
Idaho Falls • Idaho • 83401

RECEIVED

APR 20 1982

Department of Fish and Game
Eastern District Office

April 15, 1982

Mr. Ernest Carlsen
Assistant Regional Supervisor
Department of Water Resources
150 Shoup
Idaho Falls, ID 83401

Re: 74-7155
William B. & Marian H. Swahlen

Dear Ernie:

The Department of Fish and Game has reviewed this application to construct a dam on Bohannon Creek.

This dam has been in use since 1924. Therefore, we have no objections to this construction.

Thank you for the opportunity to review and comment on this application.

Sincerely,

Tom Reinecker
Regional Supervisor
Region 6

MICROFILMED

Bohan

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BLM

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P4

P3

2797.3

2756.5

04/29/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 74-7155

NAME AND ADDRESS: EAGLE VALLEY RANCH LLC
6 STEWART RD
SHORT HILLS NJ 07078

SOURCE: BOHANNON CREEK

TRIBUTARY: LEMHI RIVER

QUANTITY: 50.000 AFY

A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Rights 74-0176, 74-0183, 74-0377, 74-0175, 74-0773, 74-0774, 74-0775, 74-0776, 74-0771 and 74-07155 when combined shall not exceed a total annual maximum diversion volume of 2040.0 af at the field headgate, and the irrigation of 584 acres.

PRIORITY DATE: 04/05/1982

POINT OF DIVERSION:

T22N R24E S18 SWSW Within LEMHI County

This right does not grant any right-of-way or easement across the land of another.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION STORAGE	02/01 07/15	50.00 AFY
IRRIGATION FROM STORAGE	03/15 11/15	50.00 AFY

The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.

PLACE OF USE: IRRIGATION STORAGE Within LEMHI County

T22N R23E S13	SESE	T22N R23E S24	NENE
T22N R24E S18	SWSW		

IRRIGATION FROM STORAGE Within LEMHI County

T21N R23E S02	NESW	38.0	T21N R23E S02	NWSW	13.0
T21N R23E S02	SWSW	32.0	T21N R23E S02	SESW	40.0
T21N R23E S02	NWSE	13.0	T21N R23E S02	SWSE	27.0
T21N R23E S11	NWNE	22.0	T21N R23E S11	SWNE	28.0
T21N R23E S11	SENE	20.0	T21N R23E S11	NENW	40.0
T21N R23E S11	NWNW	30.0	T21N R23E S11	SWNW	31.0
T21N R23E S11	SENW	39.0	T21N R23E S11	NESW	40.0
T21N R23E S11	NWSW	22.0	T21N R23E S11	SWSW	9.0
T21N R23E S11	SESW	37.0	T21N R23E S11	NESE	37.0
T21N R23E S11	NWSE	40.0	T21N R23E S11	SWSE	25.0

583 ACRES TOTAL

04/29/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

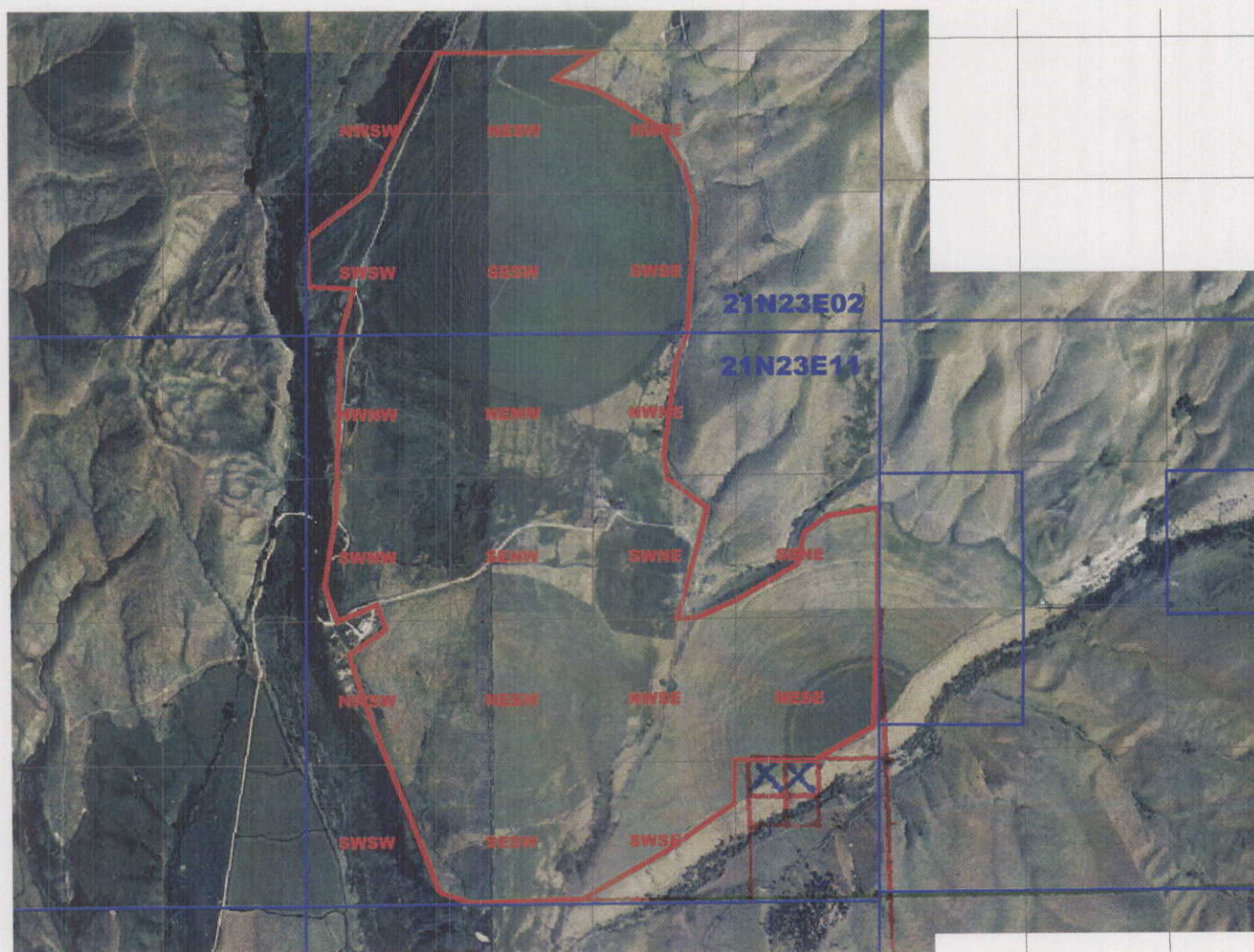
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74C.

EXPLANATORY MATERIAL: License

Idaho Department of Water Resources

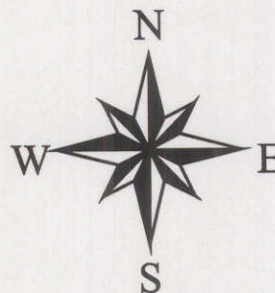
74-7155



0.4 0 0.4 0.8 Miles

T21N R23E 02

T21N R23E 11



Prepared by Danni M Smith
April 29, 2004
1993/94 True Color Photo

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

RECEIVED

JAN 26 2004

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER:

Department of Water Resources

Ident. Number

Date Received

Receipt Number

74-155-15227-7155

1-26-04

2012815

d.e. as 3-4-04

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Eagle Valley Ranch, LLC Phone (973) 376-5036Mailing Address 6 Stewart Road, Short Hills, NJ Zip 070782. Date of Priority (Only one (1) per claim) 12/31/19243. Source of water supply (a) Bohannon Creek
which is tributary to (b) Lemhi River4. a. Location of existing point of diversion is: Township 22N Range 24E Section 18,
1/4 of SW 1/4 of SW 1/4, Govt. Lot, B.M., County of LemhiAdditional points of diversion if any: None

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.10 Foot high dam and reservoir

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation Storage purposes from 2/1 to 7/15 amount _____ or 50AF

For Irrigation From Storage purposes from 4/1 to 11/1 amount _____ or 50AF

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (cfs) and/or (b) 50AF (acre feet)

8. Total consumptive use claimed is 50AF acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
21N	23E	2									40	17	38	40		23	26		184
		11		27	26	22	39	25	24	37	40	15	24	32	36	30	22		399

Total number of acres irrigated 583

11. In which county (ies) are lands listed above as place of use located? Lemhi

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
74-0176; 74-0175; 74-0177; 74-0183; 74-0377; 74-0773; 74-0774; 74-0775; or None ()
74-0776

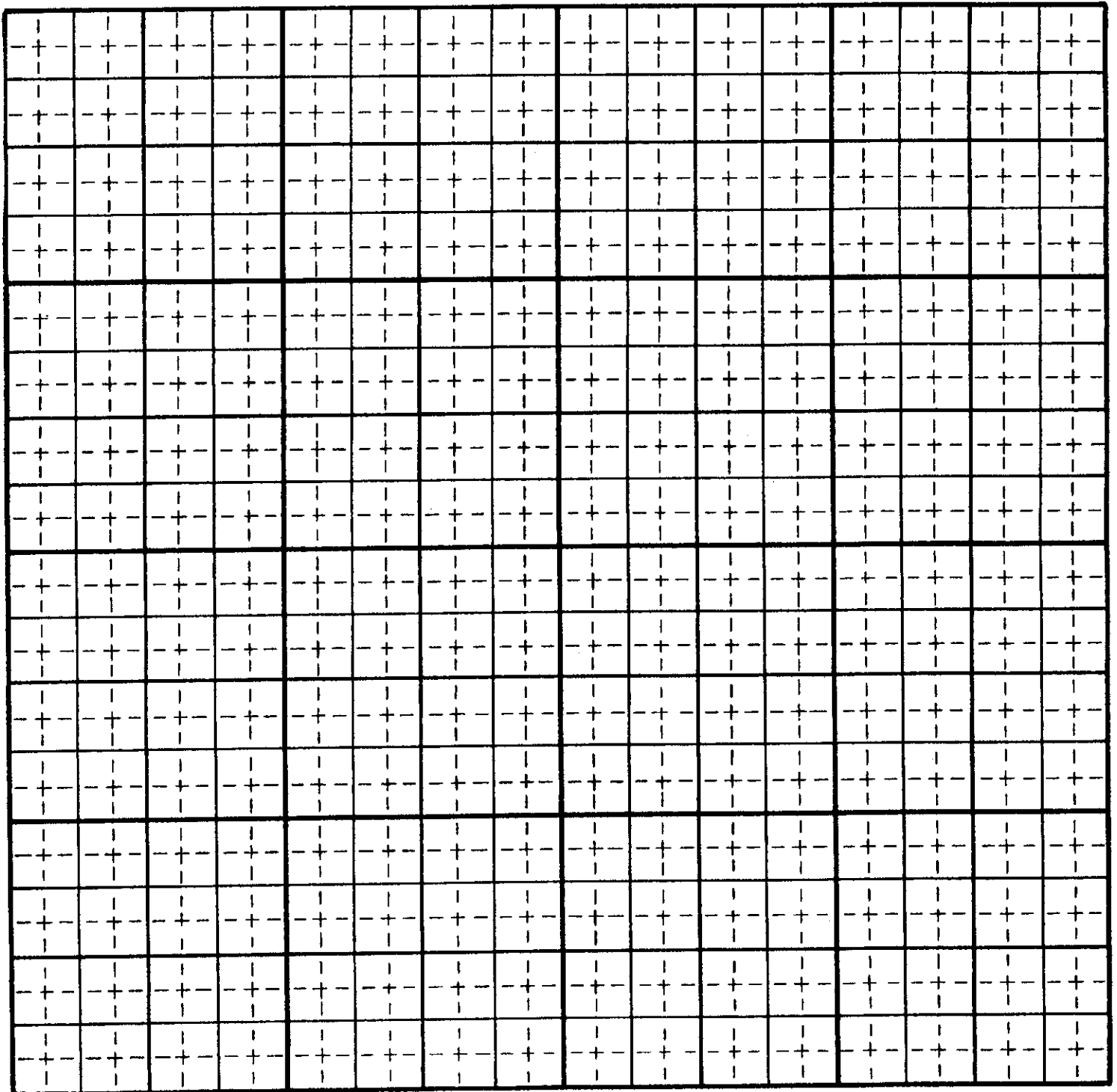
14. Remarks: This reservoir with a ten foot high dam has been in use since 1924 for the above described lands. From 1924 to 1954 the dam was a wooden structure. In 1954 it was rebuilt of concrete. Owners have been paying the U.S. Forest Service since 1972 when payment for such permits was first required. Prior to that date, from 1950 to 1972 no charge was made to such permit. The dam has a lockable headgate. A flow device is installed instream below the dam to measure output.

Last Name Eagle Valley Ranch Ident No. 74-755-15227
7155

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

SEE ATTACHMENT EXHIBIT "A"



Last Name Eagle Valley Ranch Ident No. 74-~~7155~~ 15227
7155

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 74-7155
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am the Manager

_____ Title
of Eagle Valley Ranch, LLC , that I have signed the foregoing
Organization
document in the space below as Manager of said company
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Valerie A. Brackett
Title and Organization Manager, Eagle Valley Ranch, LLC Date 1/14/0

State of Idaho/or New Jersey)
County of Essex) SS.

Subscribed and sworn (or affirmed) before me this 14th day of January 19 2004

SEAL

Notary Public Sheryl B. Browne

Residing at 281 Millburn NJ 07041

My Commission Expires Sept. 19, 2005

Please Print Name

SHERYL B. BROWNE
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Sept. 19, 2005

17. Notice of Appearance:

Notice is hereby given that I, Scott P. Eskelson will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

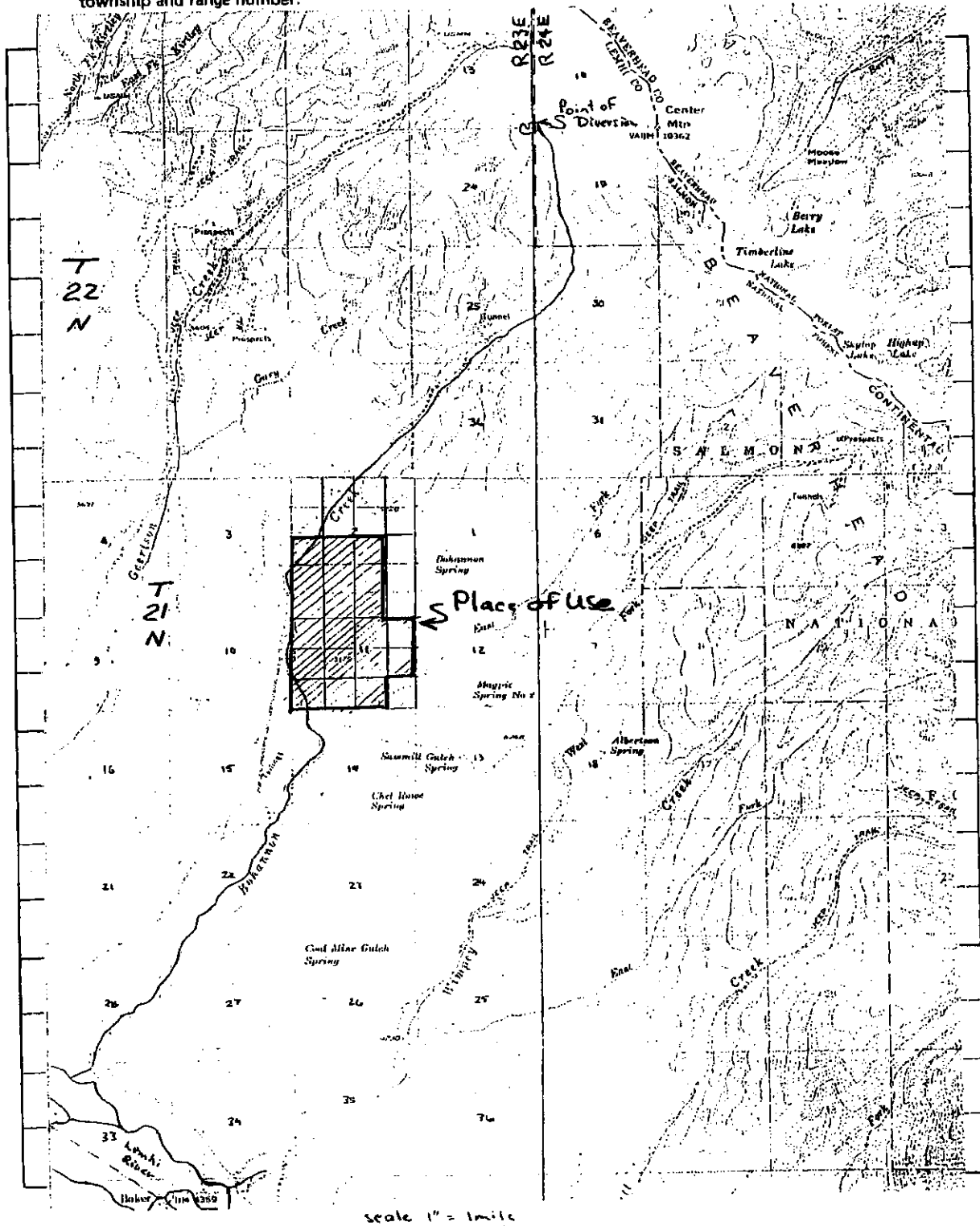
Signature Scott P. Eskelson

Address 425 South Holmes Avenue, Idaho Falls, ID 83401

Date Jan 9, 2004

Last Name Eagle Valley Ranch Ident. Number 74-7155-15227
7155

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



~~15227~~
74-~~155~~ 7155
Eagle Valley Ranch

EXHIBIT "A"