

01/03/2002

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-11928

WATER RIGHT NUMBER: 45-11928

Owner Type

Original Owner

Name and Address

VANCO INC AN IDAHO CORPORATION
PO BOX 789
BURLEY, ID 83318
(208)678-3027

Current Owner

CORY KING
237 E 1100 S
BURLEY, ID 83318
(208)678-2668

Priority Date: 11/23/1881

Basis: Decreed

Status: Active

Source

WILLOW CREEK

Tributary

SINKS

Beneficial Use

STOCKWATER

From To

1/01 to 12/31

Diversion Rate

0.105 CFS

Annual VolumeTotal Diversion:

0.105 CFS

Location of Point(s) of Diversion

WILLOW CREEK

NW1/4NW1/4

Sec. 26, Twp 12S, Rge 23E, B.M.

CASSIA County

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	23E	26						X											

Conditions of Approval:

1. ~~N11~~ THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. ~~N11~~ THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Explanatory STOCKWATER, 2500 CATTLE PARCEL NO. RP12S23E263000

Determination pursuant 5th J.D. for Cassia Case No.
CI 89-6-104 5/10/1991 (Amended Judgement)
* Add other language on Amended Judgement

Proposed edit:
for right, pending
PD set aside, etc.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 45-11928

Comments:

1. DSMITH 12/19/1997 COPIED FROM REMARKS

Comment: ATTACHMENT A-- THIS WAS FORMERLY AN INSTREAM STOCK WATER USE FROM WILLOW CREEK WHICH PREVIOUSLY RAN THROUGH THE PLANITIFF'S FEEDLOT. AS A RESULT OF AN ACTION INSTIGATED BY THE IDAHO DEPARTMENT OF HEALTH & WELFARE, THE CHANNEL OF WILLOW CREEK WAS RE-ROUTED AND A DIVERSION WAS SUBSTITUTED FOR THE INSTREAM STOCKWATER USE. HEALTH & WELFARE'S ACTION AROSE AS A RESULT OF COMPLAINTS BY DOWNSTREAM WATER USERS, MOST OF WHOM ARE NAMED IN AN ACTION NOW PENDING BEFORE THE FIFTH DISTRICT COURT IN CASSIA COUNTY. THE INSTREAM STOCKWATERING USE WAS INSTITUTED DURING THE 1960'S, AND THE ACTUAL PRIORITY DATE OF THE USAGE FOR STOCKWATER FLOWS OCCURRED DURING THAT TIME. TO THE EXTENT REQUIRED, THIS CLAIM WILL BE SUPPLEMENTED TO SHOW THE DATE THE WATER WAS FIRST USED FOR INSTREAM STOCKWATER USE. | CASE NO. CI 89-6-104 COMMENCED BY CLAIMANT IN CASSIA CO. THE COURT DECREED THE FLOWS CLAIMED IN THIS CLAIM. SEE ATTACHED FINDINGS OF FACT, CONCLUSIONS OF LAW, & THE AMENDED JUDGEMENT & DECREE. OF THE TOTAL DIVERSION RATE CLAIMED, 0.0274 IS NON- CONSUMPTIVE. ***** OWNERSHIP CHANGE MADE 5/19/97 BY TLB.

Dates and Other Information:

Licensed Date:

Decreed Date: 7/27/1998

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 3, 2002

Cory King
Double C Farms
237 E 1100 S
Burley, ID 83318

CERTIFIED MAIL

RE: Potential illegal water use

Dear Mr. King:

Our office has become aware of a potential expanded water use for stockwater on Willow Creek. One of our agents while in the area has observed what appears to be an expansion of the old Vanco Inc. feedlot facilities located in Section 26, T12S, R23E, Cassia County. It appears there is a potential for diverting significantly more water than the recorded water right allows.

Our records indicate that Right 45-11928, which has been partially decreed in the Snake River Basin Adjudication, is limited to only 13,000 gpd or enough for an estimated 1000 head feedlot. Our agent estimates the expanded facility may service up to 5000 head. Records indicate that the partial decree 45-11928 was partially based on a 1991 judgment of Vanco, Inc. vs. Koyle, Moncur and Poulton. The judgment appears to allow 0.105 cfs (0.0774 cfs consumptive and 0.0274 cfs non-consumptive flow rates) for 2500 head to be watered from waters diverted from Willow Creek. This judgment was not totally reflected in the recent SRBA partial decree. If the SRBA partial decree is in error action on your part to correct the SRBA partial decree may be needed.

In any event, since no right appears to provide for expansion of the feedlot to the size estimated to exist at this time this office requests your cooperation in:

- identifying the water right that covers your development if our records are not correct.
- do not continue the diversion from Willow Creek of an amount greater than you have a right to.
- &/or obtain a valid water right for your development.

Please respond to our office as soon as practical, but not later than 14 days from the date of this letter as to the status of your project. If possible I would like to arrange an on site inspection of the facilities.

Please note that to divert water in Idaho without a valid water right is illegal pursuant to §42-351, Idaho Code and pursuant to §42-1701B Idaho Code may be subject to \$50 civil penalty per day per 0.10 cfs diverted without a water right up to a limit of \$50, 000 per year.

If you have questions regarding this matter please feel free to contact our office. If you have questions regarding the SRBA you may wish to talk to Doug Jones in our office.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Merritt", with a stylized flourish at the end.

Allen Merritt, PE
Southern Region Manager

CC: Glen Saxton & Tim Luke - IDWR (State Office)
Doug Jones – IDWR (SRBA)
John Chatburn - IDA

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A45-11928**
Date Received: 10/24/1989
Receipt No: S010276
Received By: QC ALB

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: CORY KING 208-678-2668
Address: 203 EAST 1100 SOUTH
BURLEY ID 83318

2. Date of Priority: NOV 23, 1881

3. Source: WILLOW CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	23E	26	NW	NW			CASSIA

5. Description of diverting works:
PIPELINE PLACED IN STREAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.105		

7. Total Quantity Appropriated is:
0.105 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/1500 CATTLE AVG. TO 2500 CATTLE MAXIMUM

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	23E	26	NW	NW		STOCK	

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

ATTACHMENT A--

THIS WAS FORMERLY AN INSTREAM STOCK WATER USE FROM WILLOW CREEK WHICH PREVIOUSLY RAN THROUGH THE PLANITIFF'S FEEDLOT. AS A RESULT OF AN ACTION INSTIGATED BY THE IDAHO DEPARTMENT OF HEALTH & WELFARE, THE CHANNEL OF WILLOW CREEK WAS RE-ROUTED AND A DIVERSION WAS SUBSTITUTED FOR THE INSTREAM STOCKWATER USE. HEALTH & WELFARE'S ACTION AROSE AS A RESULT OF COMPLAINTS BY DOWNSTREAM WATER USERS, MOST OF WHOM ARE NAMED IN AN ACTION NOW PENDING BEFORE THE FIFTH DISTRICT COURT IN CASSIA COUNTY. THE INSTREAM STOCKWATERING USE WAS INSTITUTED DURING THE 1960'S, AND THE ACTUAL PRIORITY DATE OF THE USAGE FOR STOCKWATER FLOWS OCCURRED DURING THAT TIME. TO THE EXTENT REQUIRED, THIS CLAIM WILL BE SUPPLEMENTED TO SHOW THE DATE THE WATER WAS FIRST USED FOR INSTREAM STOCKWATER USE.

|
CASE NO. CI 89-6-104 COMMENCED BY CLAIMANT IN CASSIA CO. THE COURT DECREED THE FLOWS CLAIMED IN THIS CLAIM. SEE ATTACHED FINDINGS OF FACT, CONCLUSIONS OF LAW, & THE AMENDED JUDGEMENT & DECREE. OF THE TOTAL DIVERSION RATE CLAIMED, 0.0274 IS NON-CONSUMPTIVE.

OWNERSHIP CHANGE MADE 5/19/97 BY TLB.

15. Basis of Claim: BENEFICIAL USE



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

JUN 10, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CORY KING
203 EAST 1100 SOUTH
BURLEY ID 83318

RE: SRBA CLAIM(S): A45-02352A, A45-02254B, A45-11928, A45-11233,
A45-11239
VANCO

DEAR CLAIMANT(S):

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH
THE ABOVE-REFERENCED ADJUDICATION CLAIM(S), WE HAVE CHANGED THE
DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. **THESE COPIES ARE FOR
YOUR RECORDS.** PLEASE REVIEW THESE RECORDS FOR ACCURACY.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CALL ME AT THIS
OFFICE.

SINCERELY,

A handwritten signature in cursive script that reads "Tara L. Backlund".

TARA L. BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/tlb
ENCLOSURES

RECEIVED

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

JAN 27 1997

Department of Water Resources
Southern Region

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) 45-02352, 2254B
Adjudication Claim Number(s) A45-02352A, 02254B, 11239, 11928, 11233
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Vanco Inc.
PO Box 789, Burley, ID 83318
4. New Owner/Claimant(s) ~~Lambert Produce Inc.~~ Cory King
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address ~~c/o Cory King,~~ 203 E 1100 S, Burley, ID 83318
City, State and ZIP Code _____
New Telephone Number (208) 678 - 2668
5. Date you acquired the property 1-15-1997
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Cory King Date 1/31/97
Date _____
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

246985

WARRANTY DEED

#27828

For Value Received

VANCO, INC., an Idaho corporation

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

CORY L. KING, a married man contracting with his sole and separate property
Address: 237 East 1100 South
Burley, Idaho 83318

Hereinafter called the Grantee, the following described premises situated in Cassia County, Idaho, to-wit:

PARCEL NO. 1:

TOWNSHIP 12 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 22: S½SE¼, EXCEPTING the West 20 feet

PARCEL NO. 2:

TOWNSHIP 12 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 22: N½SE¼, EXCEPTING the West 20 feet; and EXCEPTING the following described tracts:

TRACT NO. 1:

A part of the NE¼SE¼ of said Section 22, described as follows:

Beginning at the E¼ section corner of said Section 22;
Thence South 00°10'55" West (South 0°11'00" West rec.) along the East line of said Section 22 for a distance of 16.20 feet;
Thence North 89°17'52" West for 213.07 feet to a point;
Thence North 0°30'51" West for 14.18 feet to a point on the North line of said NE¼SE¼;
Thence South 89°50'27" East along the North line for 213.52 feet to the Point of Beginning.

TRACT NO. 2:

A part of the NE¼SE¼ of said Section 22, described as follows:

Beginning at the E¼ section corner of said Section 22, said corner marked by a 5/8 inch rebar; Thence South 00°10'55" West (South 0°11'00" West, recorded) along the East line of Section 22 for a distance of 16.20 feet to the Point of Beginning;
Thence South 00°10'55" West along the East line of Section 22 for a distance of 891.16 feet to a ½ inch rebar;
Thence North 89°50'27" West for a distance of 30.00 feet to a ½ inch rebar;
Thence along a non-tangent curve to the left for a distance of 1142.88 feet to a ½ inch rebar, said curve having a radius of 1383.77 feet with a central angle of 47°19'18" with a long chord bearing of North 39°53'30" West for a distance of 1110.68 feet;
Thence North 01°01'54" West for a distance of 67.44 feet to a ½ inch rebar on the North line of the NE¼SE¼;
Thence South 89°50'27" East along the North line of the NE¼SE¼ for a distance of 553.22 feet;
Thence South 00°30'51" East for a distance of 14.18 feet;
Thence South 89°17'51" East for a distance of 213.07 feet to the Point

of Beginning.

PARCEL NO. 3:

TOWNSHIP 12 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 23: E $\frac{1}{2}$ and the South 70 rods of the S $\frac{1}{2}$ SW $\frac{1}{4}$; and the NW $\frac{1}{4}$
EXCEPTING from the said NW $\frac{1}{4}$ the following described tracts:

Tract No. 1:

Beginning at the Southwest corner of the NW $\frac{1}{4}$ of said Section 23;
Thence North along the West section line of said Section 23 for 50.0 feet
to a point;
Thence North 49°45' East for 485.0 feet to a point;
Thence in a Southeast direction along a curve to the left for 762.27 feet
to a point, said curve has a length of 762.27 feet, a radius of 1362.0 feet,
and a long chord of 752.63 feet on a bearing on North 60°57' West;
Thence North 89°53' West for 1028.1 feet to the True Point of
Beginning.

Tract No. 2:

Beginning at the Southwest corner of the NW $\frac{1}{4}$ of said Section 23;
Thence North along the West section line of said Section 23 for 50.0
feet to the True Point of Beginning;
Thence North along said section line for 1066.7 feet to a point;
Thence in a Southeast direction along a curve to the left 853.39 feet to
a point, said curve has a length of 853.39 feet, a radius of 1362.0 feet,
a long chord on a bearing of South 26°10' East for 839.39 feet;
Thence South 49°45' West for 485.0 feet to the True Point of Beginning.

Tract No. 3:

Beginning at the Northeast corner of the NW $\frac{1}{4}$ of said Section 23, which
point shall be the True Point of Beginning;
Thence South 0°40'49" East for 797.33 feet along an existing fence line
to a point;
Thence on a curve to the left for a distance of 698.31 feet, to a point, said
curve having a long chord of 691.01 feet and a bearing of North
36°05'35" West and a central angle of 28°44'38" and a radius of 1391.95
feet;
Thence North 0°40'49" West for 240.08 feet to a point on section line;
Thence South 89°50' East along section line for 400.46 feet to the True
Point of Beginning.

Tract No. 4:

Beginning at the Northeast corner of the NW $\frac{1}{4}$ of said Section 23;
thence North 89°50' West along section line for 400.46 feet to a point
on the section line, which shall be the True Point of Beginning;
Thence South 0°40'49" East for 240.08 feet to a point;
Thence on a curve to the left for a distance of 494.94 feet to a point on
said section line, said curve having a long chord of 492.34 feet and a
bearing of North 60°39'05" West and a central angle of 20°22'23" and
a radius of 1391.95 feet;
Thence South 89°50' East along said section line for 426.30 feet to the
True Point of Beginning.

Section 23: The North 90 acres of the SW $\frac{1}{4}$, ALSO DESCRIBED AS:
The N $\frac{1}{2}$ SW $\frac{1}{4}$ and the North 10 acres of the S $\frac{1}{2}$ SW $\frac{1}{4}$.

PARCEL NO. 4:

TOWNSHIP 12 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 24: S $\frac{1}{2}$ SW $\frac{1}{4}$

PARCEL NO. 5:

TOWNSHIP 12 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

- Section 24: $N\frac{1}{2}SW\frac{1}{4}, S\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}, SW\frac{1}{4}SE\frac{1}{4}$
- Section 24: Beginning at the Southeast corner of said Section 24;
Thence North 40 rods;
Thence West 40 rods;
Thence North 40 rods;
Thence West 40 rods;
Thence South 80 rods;
Thence East 80 rods to the Point of Beginning.
(Also known as Tax Lot No. 705)
- Section 25: $SE\frac{1}{4}NW\frac{1}{4}, N\frac{1}{2}SW\frac{1}{4}$
- Section 25: $N\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}, SW\frac{1}{4}NE\frac{1}{4}, W\frac{1}{2}SE\frac{1}{4}, NE\frac{1}{4}SE\frac{1}{4}$
- Section 25: $NE\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$

PARCEL NO. 6:

TOWNSHIP 12 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

- Section 25: $SE\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}, W\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}, N\frac{1}{2}NW\frac{1}{4}$ and $SW\frac{1}{4}NW\frac{1}{4}$
- Section 26: Lots 1, 2, and 3, $NE\frac{1}{4}NE\frac{1}{4}, W\frac{1}{2}NE\frac{1}{4}, E\frac{1}{2}NW\frac{1}{4}, SW\frac{1}{4}NW\frac{1}{4}, N\frac{1}{2}SW\frac{1}{4}$
and $NW\frac{1}{4}SE\frac{1}{4}$

PARCEL NO. 7:

TOWNSHIP 12 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

- Section 26: $NW\frac{1}{4}NW\frac{1}{4}$

PARCEL NO. 8:

TOWNSHIP 12 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

- Section 26: Beginning at corner No. 1, from which the corner common to Sections
25, 26, 35 and 36, bears South $28^{\circ}11'$ East 1377 feet distant;
Thence South $89^{\circ}48'$ West 194.5 feet to corner No. 2;
Thence North $19^{\circ}18'$ West 345.5 feet to corner No. 3;
Thence North $7^{\circ}36'$ West 1150 feet to corner No. 4;
Thence North $80^{\circ}54'$ East 132 feet to corner No. 5;
Thence South $7^{\circ}36'$ East 1150 feet to corner No. 6;
Thence North $80^{\circ}48'$ East 62.5 feet to corner No. 7;
Thence South $19^{\circ}28'$ East 345.7 feet to corner No. 1, the Point of
Beginning.
- Section 26:
East All that part of the $SE\frac{1}{4}SE\frac{1}{4}$ (also known as Lot 4) lying North and
of the South and West bank of Willow Creek.

PARCEL NO. 9:

TOWNSHIP 12 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

- Section 27: $N\frac{1}{2}N\frac{1}{4}$

centerline of an existing county road;
Thence South 24°47'06" East along said centerline of county road for
42.52 feet to a point;
Thence South 45°23'27" West for 151.72 feet to a point;
Thence South 2°56'12" West for 40.74 feet to a 1/2 inch rebar;
Thence North 87°03'48" West for 100.00 feet to the Point of Beginning.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to State of Idaho Water Adjudication Nos. A45-02254B, A45-02352B, A45-11239, A45-11928 and A45-11233.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 1997 and subsequent years.

Assessments of the Southwest Irrigation District and the rights and powers of said District as by law provided.

Except all minerals and mineral rights which were reserved by Arley E. Clayton, a widower, in Warranty Deed dated September 9, 1942, and recorded October 3, 1945, as Instrument No. 152510 in Book 50 of Deeds, Page 347, records of Cassia County, Idaho.

Power Line Easement from N. L. Minster and Emma Lucy Minster, his wife, to Idaho Power Company, a corporation, dated May 27, 1947, recorded October 20, 1948, as Instrument No. 163849, in Book 13 of Miscellaneous, Page 537, records of Cassia County, Idaho.

Power Line Easement from Albert Anderson & Sons Company, to Idaho Power Company, a corporation, dated July 28, 1948, and recorded March 15, 1951, as Instrument No. 171805 in Book 14 of Miscellaneous, Page 260, records of Cassia County, Idaho.

Exception and reservations contained in Quitclaim Deed from Arley E. Clayton and Leta W. Clayton, husband and wife, parties of the first part, to Ennis B. Matthews, whose wife is Mabel S. Matthews, and H. P. Matthews, whose wife is Clara B. Matthews, parties of the second part, dated August 5, 1953, and recorded August 7, 1953, as Instrument No. 179682 in Book 57 of Deeds, Page 207, records of Cassia County, Idaho.

Mineral Deed executed by Albert Anderson & Sons, Incorporated to Fred Foss, dated May 16, 1952 and recorded June 2, 1952 as Instrument No. 175777 in Book 54 of Deeds, Page 556, records of Cassia County, Idaho.

Mineral Deed executed by Ross F. Koyle and Wife, Vesta Koyle, to Fred Foss, dated May 21, 1952 and recorded June 9, 1952 as Instrument No. 175831 in Book 54 of Deeds, Page 568, records of Cassia County, Idaho.

Except all stone, mineral and oil rights, with right to enter and remove same and to occupy sufficient land for this purpose which were reserved by F. J. Veal, Dagmar Veal, Mrs. M. M. J. Veal and Matthew J. Veal in Quitclaim Deed dated April 24, 1954 and recorded June 25, 1954 as Instrument No. 182906 in Book 57 of Deeds, Page 503, records of Cassia County, Idaho.

Power Line Easement from Albert Anderson & Sons, Co., to Idaho Power Company, a corporation, dated May 17, 1954, and recorded April 8, 1955, as Instrument No. 185759 in Book 15 of Miscellaneous on Page 241, records of Cassia County, Idaho.

Power Line Easement from Ore-Ida Foods, Inc., to Idaho Power Company, a corporation, dated April 13, 1961, recorded September 17, 1963, as Instrument No. 14871 on Film No. 23, records of Cassia County.

99 Year Lease between Albert Anderson and Sons Company, an Idaho corporation, party of the first part, and Parley C. Clark, Clarence A. Elquist, and Dalton Elquist, parties of the second part, dated April 1, 1954, and recorded January 2, 1964, as Instrument No. 16249 on Film No. 24, records of Cassia County, Idaho.

Agreement between Albert Anderson and Sons Company, an Idaho corporation, party of the first part,

Parley G. Clark, a widower, as party of the second part; Clarence A. Elquist and Bertha Elquist, husband and wife, parties of the third part; and Dellon C. Elquist and Norma Jean Elquist, husband and wife, parties of the fourth part, dated April 3, 1963, and recorded January 2, 1964, as Instrument No. 16250 on Film No. 24, records of Cassia County, Idaho.

Power Line Easement from Albert Anderson and Mac Martin, to Idaho Power Company, a corporation, dated June 24, 1964, recorded October 2, 1964, as Instrument No. 20735, on Film No. 30, records of Cassia County, Idaho.

Water Pipeline Easement from Matthews Brothers, Inc., an Idaho corporation, to Grant M. Matthews and Maybelle Matthews, husband and wife, dated September 14, 1970, and recorded September 18, 1970, as Instrument No. 52995 on Film No. 67, records of Cassia County, Idaho.

Power Line Easement from John H. Koyle and Margaret Koyle, his wife, to Idaho Power Company, a corporation, dated May 14, 1971, recorded September 9, 1971, as Instrument No. 58338 on Film No. 71, records of Cassia County, Idaho.

Power Line Easement from Paul L. Koyle and Vonda Koyle, his wife, to Idaho Power Company, a corporation, dated September 14, 1973, and recorded March 22, 1974, as Instrument No. 75523 on Film No. 88, records of Cassia County, Idaho.

Power Line Easement from Sage Land and Cattle Company, to Idaho Power Company, a corporation, dated September 9, 1981, recorded November 4, 1981, as Instrument No. 139359 on Film No. 146, records of Cassia County, Idaho.

40 foot wide access easements as contained in Warranty Deed from First Security Bank of Idaho, N.A. to Vanco, Inc., an Idaho corporation, dated May 19, 1983 and recorded May 19, 1983 as Instrument No. 131669 on Film No. 157, records of Cassia County, Idaho.

Right-of-Way Easement executed by Vanco, Inc. to The Mountain States Telephone and Telegraph Company, A Colorado corporation, dated June 19, 1984 and recorded June 21, 1984 as Instrument No. 161541 on Film No. 163, records of Cassia County, Idaho.

Statement of Claim and Notice of Intent to Preserve executed by Iadd Petroleum Corporation, dated September 17, 1984 and recorded September 24, 1984 as Instrument No. 163826 on Film No. 167, records of Cassia County, Idaho.

Easement executed by Vanco, Inc., an Idaho Corporation to The Corporation of the Presiding Bishopric of the Church of Jesus Christ of Latter-Day Saints, a Utah Corporation, dated December 17, 1985 and recorded March 12, 1986 as Instrument No. 176756 on Film No. 179, records of Cassia County, Idaho.

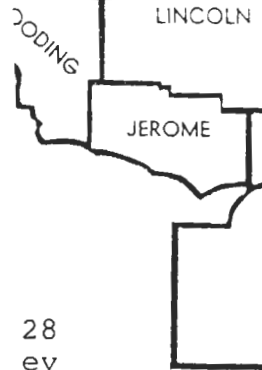
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Joint Well Agreement between John Anderson Family Limited Partnership and Jacquelyn L. Anderson, Robert N. Sagers and Jacqueline Slater Sagers, Kevin Eugene Gebhart and Ruby Anne Gebhart and Vanco, Inc. dated December 1, 1996 and recorded January 7, 1997 as Instrument No. 246865, records of Cassia County, Idaho.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The 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 incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: January 14, 1997



VANCO, INC.

By: [Signature]
President

ATTEST
[Signature]
Secretary

100 E. W. E.

FEB 05 1997

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County ASCS

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INC.

[Signature]

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STATE OF IDAHO)
COUNTY OF Cassia) ss.

this 05 day of January, 1997, before me, the undersigned, a Notary Public in and for said State,
personally appeared [Signature] known or identified to me to be the President and
Secretary of the corporation that executed the instrument or the person who executed the instrument on
behalf of said corporation, and acknowledged to me that such corporation executed the same.

[Signature]
Notary Public
Residing at: Burley, Idaho
My Commission expires: 6-30-97

LENN ROBERTS
☆ NOTARY PUBLIC ☆
STATE OF IDAHO
RESIDING AT BURLEY, ID
MY COM. EXPIRES 6-30-97

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
FILM 283
1997 JAN 15 A 10 30
CASSIA COUNTY, IDAHO
DANIEL H. ROSEKLEY
RECORDED
FILED DEPUTY CLERK
246985

RECEIVED

FEB 05 1997

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP Water Resources
Southern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

1. Water Right Number(s) _____
 Adjudication Claim Number(s) A45-02254B, A45-02352A, A45-11239, A45-11928 and A45-11233
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
 OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (former ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Vanco, Inc.
c/o John Anderson
1050 South 175 East, Burley, Idaho 83318
4. New Owner/Claimant(s) Cory L. King
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
 New Mailing Address 237 East 1100 South,
 City, State and ZIP Code Burley, Idaho 83318
 New Telephone Number (208) 677 - 3810
5. Date you acquired the property January 14, 1997
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the space below. If necessary, attach additional pages.
 Number of acres actually irrigated _____ Number and type of stock _____
 Diversion rate in CFS _____ cubic feet per second Number of homes _____ Other uses _____
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Cory L. King Date 1-14-97
 _____ Date _____
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
 For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by attorney.

246985

WARRANTY DEED

#27828

For Value Received

VANCO, INC., an Idaho corporation

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

CORY L. KING, a married man contracting with his sole and separate property
Address: 237 East 1100 South
Burley, Idaho 83318

Hereinafter called the Grantee, the following described premises situated in Cassia County, Idaho, to-wit:

PARCEL NO. 1:

TOWNSHIP 12 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 22: S½SE¼, EXCEPTING the West 20 feet

PARCEL NO. 2:

TOWNSHIP 12 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 22: N½SE¼, EXCEPTING the West 20 feet; and EXCEPTING the following described tracts:

TRACT NO. 1:

A part of the NE¼SE¼ of said Section 22, described as follows:

Beginning at the E¼ section corner of said Section 22;
Thence South 00°10'55" West (South 0°11'00" West rec.) along the East line of said Section 22 for a distance of 16.20 feet;
Thence North 89°17'52" West for 213.07 feet to a point;
Thence North 0°30'51" West for 14.18 feet to a point on the North line of said NE¼SE¼;
Thence South 89°50'27" East along the North line for 213.32 feet to the Point of Beginning.

TRACT NO. 2:

A part of the NE¼SE¼ of said Section 22, described as follows:

Beginning at the E¼ section corner of said Section 22, said corner marked by a 5/8 inch rebar; Thence South 00°10'55" West (South 0°11'00" West, recorded) along the East line of Section 22 for a distance of 16.20 feet to the Point of Beginning;
Thence South 00°10'55" West along the East line of Section 22 for a distance of 891.16 feet to a ½ inch rebar;
Thence North 89°50'27" West for a distance of 50.00 feet to a ½ inch rebar;
Thence along a non-tangent curve to the left for a distance of 1142.88 feet to a ½ inch rebar, said curve having a radius of 1383.77 feet with a central angle of 47°19'18" with a long chord bearing of North 39°53'30" West for a distance of 1110.68 feet;
Thence North 01°01'54" West for a distance of 67.44 feet to a ½ inch rebar on the North line of the NE¼SE¼;
Thence South 89°50'27" East along the North line of the NE¼SE¼ for a distance of 553.22 feet;
Thence South 00°30'51" East for a distance of 14.18 feet;
Thence South 89°17'51" East for a distance of 213.07 feet to the Point

of Beginning.

PARCEL NO. 3:

TOWNSHIP 12 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 23: E½ and the South 70 rods of the S½SW¼; and the NW¼
EXCEPTING from the said NW¼ the following described tracts:

Tract No. 1:

Beginning at the Southwest corner of the NW¼ of said Section 23;
Thence North along the West section line of said Section 23 for 50.0 feet
to a point;
Thence North 49°45' East for 485.0 feet to a point;
Thence in a Southeast direction along a curve to the left for 762.27 feet
to a point, said curve has a length of 762.27 feet, a radius of 1362.0 feet,
and a long chord of 752.63 feet on a bearing on North 60°57' West;
Thence North 89°53' West for 1028.1 feet to the True Point of
Beginning.

Tract No. 2:

Beginning at the Southwest corner of the NW¼ of said Section 23;
Thence North along the West section line of said Section 23 for 50.0
feet to the True Point of Beginning;
Thence North along said section line for 1066.7 feet to a point;
Thence in a Southeast direction along a curve to the left 853.39 feet to
a point, said curve has a length of 853.39 feet, a radius of 1362.0 feet,
a long chord on a bearing of South 26°10' East for 839.39 feet;
Thence South 49°45' West for 485.0 feet to the True Point of Beginning.

Tract No. 3:

Beginning at the Northeast corner of the NW¼ of said Section 23, which
point shall be the True Point of Beginning;
Thence South 0°40'49" East for 797.33 feet along an existing fence line
to a point;
Thence on a curve to the left for a distance of 698.31 feet, to a point, said
curve having a long chord of 691.01 feet and a bearing of North
36°05'35" West and a central angle of 28°44'38" and a radius of 1391.95
feet;
Thence North 0°40'49" West for 240.08 feet to a point on section line;
Thence South 89°50' East along section line for 400.46 feet to the True
Point of Beginning.

Tract No. 4:

Beginning at the Northeast corner of the NW¼ of said Section 23;
thence North 89°50' West along section line for 400.46 feet to a point
on the section line, which shall be the True Point of Beginning;
Thence South 0°40'49" East for 240.08 feet to a point;
Thence on a curve to the left for a distance of 494.94 feet to a point on
said section line, said curve having a long chord of 492.34 feet and a
bearing of North 60°39'05" West and a central angle of 20°22'23" and
a radius of 1391.95 feet;
Thence South 89°50' East along said section line for 426.30 feet to the
True Point of Beginning.

Section 23: The North 90 acres of the SW¼, ALSO DESCRIBED AS:
The N½SW¼ and the North 10 acres of the S½SW¼.

PARCEL NO. 4:

TOWNSHIP 12 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 24: S½SW¼

PARCEL NO. 5:

TOWNSHIP 12 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

- Section 24: $N\frac{1}{2}SW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$
- Section 24: Beginning at the Southeast corner of said Section 24;
Thence North 40 rods;
Thence West 40 rods;
Thence North 40 rods;
Thence West 40 rods;
Thence South 80 rods;
Thence East 80 rods to the Point of Beginning.
(Also known as Tax Lot No. 705)
- Section 25: $SE\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$
- Section 25: $N\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$
- Section 25: $NE\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$

PARCEL NO. 6:

TOWNSHIP 12 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

- Section 25: $SE\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}$ and $SW\frac{1}{4}NW\frac{1}{4}$
- Section 26: Lots 1, 2, and 3, $NE\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$
and $NW\frac{1}{4}SE\frac{1}{4}$

PARCEL NO. 7:

TOWNSHIP 12 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

- Section 26: $NW\frac{1}{4}NW\frac{1}{4}$

PARCEL NO. 8:

TOWNSHIP 12 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

- Section 26: Beginning at corner No. 1, from which the corner common to Sections
25, 26, 35 and 36, bears South $28^{\circ}11'$ East 1377 feet distant;
Thence South $80^{\circ}48'$ West 194.5 feet to corner No. 2;
Thence North $19^{\circ}18'$ West 345.5 feet to corner No. 3;
Thence North $7^{\circ}36'$ West 1150 feet to corner No. 4;
Thence North $80^{\circ}54'$ East 132 feet to corner No. 5;
Thence South $7^{\circ}36'$ East 1150 feet to corner No. 6;
Thence North $80^{\circ}48'$ East 62.5 feet to corner No. 7;
Thence South $19^{\circ}28'$ East 345.7 feet to corner No. 1, the Point of
Beginning.
- Section 26:
East All that part of the $SE\frac{1}{4}SE\frac{1}{4}$ (also known as Lot 4) lying North and
of the South and West bank of Willow Creek.

PARCEL NO. 9:

TOWNSHIP 12 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

- Section 27: $N\frac{1}{2}N\frac{1}{2}$

PARCEL NO. 10:

TOWNSHIP 12 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 27: S½N½ and N½S½

PARCEL NO. 11:

TOWNSHIP 12 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 28: S½, EXCEPTING that part of the following described tract that lies within the W½SW¼ of said Section 28:

Beginning at the Southwest corner of the SW¼SW¼ of Section 28,
Township 12 South Range 23 East Boise Meridian, said corner marked
by a 5/8 inch rebar which shall be the Point of Beginning;
Thence North 00°08'49" East along section line for a distance of 2633.69
feet to a 5/8 inch rebar at the West ¼ section corner of Section 28;
Thence South 88°48'09" East along the North line of the SW¼ of Section
28 for a distance of 104.73 feet to a ½ inch rebar;
Thence South 00°08'49" West for a distance of 2598.30 feet to a ½ inch
rebar;
Thence South 89°55'29" East for a distance of 25.53 feet to a ½ inch
rebar;
Thence South 00°56'32" West for a distance of 197.32 feet to a ½ inch
rebar;
Thence North 89°55'33" West for a distance of 127.29 feet to a ½ inch
rebar on Section line;
Thence North 00°04'27" East along section line for a distance of 163.97
feet to the Point of Beginning.

PARCEL NO. 12:

TOWNSHIP 12 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 33: All, EXCEPTING that part of the following described tract that lies within the NW¼NW¼ of said Section 33:

Beginning at the Southwest corner of the SW¼SW¼ of Section 28,
Township 12 South Range 23 East Boise Meridian, said corner marked
by a 5/8 inch rebar which shall be the Point of Beginning;
Thence North 00°08'49" East along section line for a distance of 2633.69
feet to a 5/8 inch rebar at the West ¼ section corner of Section 28;
Thence South 88°48'09" East along the North line of the SW¼ of Section
28 for a distance of 104.73 feet to a ½ inch rebar;
Thence South 00°08'49" West for a distance of 2598.30 feet to a ½ inch
rebar;
Thence South 89°55'29" East for a distance of 25.53 feet to a ½ inch
rebar;
Thence South 00°56'32" West for a distance of 197.32 feet to a ½ inch
rebar;
Thence North 89°55'33" West for a distance of 127.29 feet to a ½ inch
rebar on Section line;
Thence North 00°04'27" East along section line for a distance of 163.97
feet to the Point of Beginning.

Section 34: W½SW¼

PARCEL NO. 13:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 1: Lot 2 (NW¼NE¼), Lot 3(NE¼NW¼), Lot 4 (NW¼NW¼)

Section 2: Lot 1 (NE¼NE¼), SE¼NE¼, SW¼SE¼

PARCEL NO. 14:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 4: SW¼NE¼, N½SE¼ and SW¼

Section 5: S½ EXCEPTING THEREFROM part of the NW¼SE¼ described as follows:

Beginning at the South quarter corner of said Section 5; thence North 0°22' East 2607.40 feet to the True Point of Beginning;
Thence North 89°14' East 361.50 feet to a point;
Thence South 0°45' East 361.50 feet to a point;
Thence South 89°14' West 361.50 feet to a point;
Thence North 0°45' West 361.50 feet to the True Point of Beginning.

Section 8: NE¼, N½SW¼, SE¼SW¼, W½SE¼, and NW¼NW¼

EXCEPTING FROM said Sections 4, 5 and 8 the following described tracts:

Tract No. 1:

Part of the SW¼ of Section 4, Part of the SE¼ of Section 5 and part of the NE¼ of Section 8, all in Township 13 South, Range 23 East of the Boise Meridian, described as follows:

Beginning at the West quarter section corner of Section 4 of Township 13 South, Range 23 East of the Boise Meridian, said point marked by a 5/8 inch rebar which shall be the Point of Beginning;
Thence North 89°57'25" East along the quarter section line for 1472.72 feet to a ½ inch rebar;
Thence South 1°31'27" East for 2570.35 feet to a ½ inch rebar;
Thence North 82°12'42" East for 63.56 feet to a ½ inch rebar;
Thence South 2°16'25" East for 82.19 feet to a ½ inch rebar on section line;
Thence South 89°34'04" West along said section line for 1573.65 feet to a 5/8 inch rebar at the section corner common to Sections 4, 5, 8 and 9;
Thence South 0°27'52" West along the section line for 130.00 feet to a ½ inch rebar;
Thence South 89°52'16" West for 1623.94 feet to a ½ inch rebar;
Thence North 0°43'41" West for 2767.16 feet to a ½ inch rebar on the quarter section line;
Thence North 89°16'48" East along said quarter section line for 1626.56 feet to the Point of Beginning.

Tract No. 2:

Beginning at the South quarter section corner of Section 8, Township 13 South, Range 23 East of the Boise Meridian, said point marked by a 5/8 inch rebar; thence North 11°46'04" West for 93.72 feet to a ½ inch rebar which shall be the Point of Beginning;
Thence North 2°56'12" East for 55.70 feet to a point;
Thence North 61°36'31" West for 508.60 feet to a point;
Thence South 35°45'49" West for 109.67 feet to a ½ inch rebar;
Thence North 54°14'01" West for 100.00 feet to a ½ inch rebar;
Thence North 35°45'49" East for 150.00 feet to a ½ inch rebar;
Thence South 54°14'01" East for 100.00 feet to a ½ inch rebar;
Thence South 61°36'31" East for 484.38 feet to a ½ inch rebar;
Thence South 87°03'48" East for 100.00 feet to a ½ inch rebar;
Thence North 45°23'27" East for 123.42 feet to a ½ inch rebar on

centerline of an existing county road;
Thence South 24°47'06" East along said centerline of county road for
42.52 feet to a point;
Thence South 45°23'27" West for 152.72 feet to a point;
Thence South 2°56'12" West for 40.74 feet to a ½ inch rebar;
Thence North 87°03'48" West for 100.00 feet to the Point of Beginning.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to State of Idaho Water Adjudication Nos. A45-02254B, A45-02352B, A45-11239, A45-11928 and A45-11233.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 1997 and subsequent years.

Assessments of the Southwest Irrigation District and the rights and powers of said District as by law provided.

Except all minerals and mineral rights which were reserved by Arley E. Clayton, a widower, in Warranty Deed dated September 9, 1942, and recorded October 3, 1945, as Instrument No. 152510 in Book 50 of Deeds, Page 347, records of Cassia County, Idaho.

Power Line Easement from N. L. Minster and Emma Lucy Minster, his wife, to Idaho Power Company, a corporation, dated May 27, 1947, recorded October 20, 1948, as Instrument No. 163849, in Book 13 of Miscellaneous, Page 537, records of Cassia County, Idaho.

Power Line Easement from Albert Anderson & Sons Company, to Idaho Power Company, a corporation, dated July 28, 1948, and recorded March 15, 1951, as Instrument No. 171805 in Book 14 of Miscellaneous, Page 260, records of Cassia County, Idaho.

Exception and reservations contained in Quitclaim Deed from Arley E. Clayton and Leta W. Clayton, husband and wife, parties of the first part, to Ennis B. Matthews, whose wife is Mabel S. Matthews, and H. P. Matthews, whose wife is Clara B. Matthews, parties of the second part, dated August 5, 1953, and recorded August 7, 1953, as Instrument No. 179682 in Book 57 of Deeds, Page 207, records of Cassia County, Idaho.

Mineral Deed executed by Albert Anderson & Sons, Incorporated to Fred Foss, dated May 16, 1952 and recorded June 2, 1952 as Instrument No. 175777 in Book 54 of Deeds, Page 556, records of Cassia County, Idaho.

Mineral Deed executed by Ross F. Koyle and Wife, Vesta Koyle, to Fred Foss, dated May 21, 1952 and recorded June 9, 1952 as Instrument No. 175831 in Book 54 of Deeds, Page 568, records of Cassia County, Idaho.

Except all stone, mineral and oil rights, with right to enter and remove same and to occupy sufficient land for this purpose which were reserved by F. J. Veal, Dagmar Veal, Mrs. M. M. J. Veal and Matthew J. Veal in Quitclaim Deed dated April 24, 1954 and recorded June 25, 1954 as Instrument No. 182906 in Book 57 of Deeds, Page 503, records of Cassia County, Idaho.

Power Line Easement from Albert Anderson & Sons, Co., to Idaho Power Company, a corporation, dated May 17, 1954, and recorded April 8, 1955, as Instrument No. 185759 in Book 15 of Miscellaneous on Page 241, records of Cassia County, Idaho.

Power Line Easement from Ore-Ida Foods, Inc., to Idaho Power Company, a corporation, dated April 13, 1961, recorded September 17, 1963, as Instrument No. 14871 on Film No. 23, records of Cassia County.

99 Year Lease between Albert Anderson and Sons Company, an Idaho corporation, party of the first part, and Parley G. Clark, Clarence A. Elquist, and Dallan Elquist, parties of the second part, dated April 1, 1954, and recorded January 2, 1964, as Instrument No. 16249 on Film No. 24, records of Cassia County, Idaho.

Agreement between Albert Anderson and Sons Company, an Idaho corporation, party of the first part,

Parley G. Clark, a widower, as party of the second part; Clarence A. Elquist and Bertha Elquist, husband and wife, parties of the third part; and Dellon C. Elquist and Norma Jean Elquist, husband and wife; parties of the fourth part, dated April 3, 1963, and recorded January 2, 1964, as Instrument No. 16250 on Film No. 24, records of Cassia County, Idaho.

Power Line Easement from Albert Anderson and Mac Martin, to Idaho Power Company, a corporation, dated June 24, 1964, recorded October 2, 1964, as Instrument No. 20735, on Film No. 30, records of Cassia County, Idaho.

Water Pipeline Easement from Matthews Brothers, Inc., an Idaho corporation, to Grant M. Matthews and Maybelle Matthews, husband and wife, dated September 14, 1970, and recorded September 18, 1970, as Instrument No. 52995 on Film No. 67, records of Cassia County, Idaho.

Power Line Easement from John H. Koyle and Margaret Koyle, his wife, to Idaho Power Company, a corporation, dated May 14, 1971, recorded September 9, 1971, as Instrument No. 58338 on Film No. 71, records of Cassia County, Idaho.

Power Line Easement from Paul L. Koyle and Vonda Koyle, his wife, to Idaho Power Company, a corporation, dated September 14, 1973, and recorded March 22, 1974, as Instrument No. 75523 on Film No. 88, records of Cassia County, Idaho.

Power Line Easement from Sage Land and Cattle Company, to Idaho Power Company, a corporation, dated September 9, 1981, recorded November 4, 1981, as Instrument No. 139359 on Film No. 146, records of Cassia County, Idaho.

40 foot wide access easements as contained in Warranty Deed from First Security Bank of Idaho, N.A. to Vanco, Inc., an Idaho corporation, dated May 19, 1983 and recorded May 19, 1983 as Instrument No. 151969 on Film No. 157, records of Cassia County, Idaho.

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Joint Well Agreement between John Anderson Family Limited Partnership and Jacquelyn L. Anderson, Robert N. Sagers and Jacqueline Slater Sagers, Kevin Eugene Gebhart and Ruby Anne Gebhart and Vanco, Inc. dated December 1, 1996 and recorded January 7, 1997 as Instrument No. 246868, records of Cassia County, Idaho.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The 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 incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: January 14, 1997

VANCO, INC.

By: [Signature]
President

ATTEST

[Signature]
Secretary

STATE OF IDAHO)
COUNTY OF Cassia) ss.

On this 14th day of January, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared John Anderson as Treasurer of Vanco, Inc. known or identified to me to be the President and Secretary of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

LARRY ROBERTS
☆ NOTARY PUBLIC ☆
STATE OF IDAHO
RESIDING AT BURLEY, ID
MY COMMISSION EXPIRES 6-30-97

[Signature]
Notary Public
Residing at: Burley, Idaho
My Commission expires: 6-30-97

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
FILM 283
1997 JAN 15 A 10:30
CASSIA COUNTY, IDAHO
DARRELL H. ROSKELLEY
RECORDER
FEE 14.00 DEPUTY [Signature]
LAND TITLE & ESCROW

246985.

Map Attached
to A45-02254B

6/9/94

COMMUNICATION DOCUMENTATION

11928, 022548

Claim No. A45-11233, 11239, 02252A

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Jim Stanton Date 11-30-94

Contact Person(s) John Anderson, president of Vnco, Inc.

Nature of Contact Water Permits - Proof

Substance of Communication As an offshoot of Mr. Anderson's visit,
it came to my attention that Vnco's new mailing
address is: Rt. 2 Box 2450, Burley, ID 83318, phone
678-0744.

DEC 03 1996

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests, regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent JEANIE M ROBERTSON

DATE September 12, 1996 3:51pm **CUSTOMER** BOYD R POULTON

SUBJECT: FAXED INFORMATION REQUEST FOR WATER RIGHTS??
phone call (X) walk-in (.)

Gave legal descriptions and names in an information request.
Turned up the following claim numbers:

Winecup, Inc - A45-10410, A45-10411, A45-10413
(legals didn't match info request)

Pickett Ranch - A45-10839

Vanco - A45-02254B, A45-02352A, A45-11233, A45-11239,
A45-11928

David & Darrell Funk - A47-02345A, A47-02346A,
A47-02347A, A47-07075B, A47-07136B

DEC 03 1996

Boyd R. Poulton

September 12, 1996

Department of Water Resources
Via Fax 736-3037

RECEIVED

SEP 11 1996

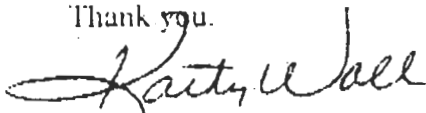
Department of Water Resources
Southern Region

Please send water right information appurtenant to the following described lands:

- 1) Winecup, Inc. *(3 claims, legal doesn't match.)*
Twp 12 So. R 22 EBM *A45-10410, A45-10411, A45-10413*
Sec. 24: NE1/4, W1/2
Sec. 25: NW1/4, W1/2NESW, SWSW, W1/2SESW
Sec. 26: E1/2NE1/4
- 2) Funk/Pickett
Twp 11 So. Range 21 EBM
(Funk) Sec. 33: N1/2 *only "Milner Irrigation District" claims here*
(Pickett) Sec. 32: S1/2 *A45-10839*
- 3) **Vanco** *five claims under "Vanco"*
Twp 12 So. Range 23 EBM *A45-02254B, A45-02352A, A45-11233*
Sec. 22: SE1/4 *A45-11239, A45-11928*
Sec. 27: N1/2, N1/2S1/2
- 4) David and Darrell Funk (Twin Falls County) *5 claims here under Funk*
Twp 9 So. R 13 EBM
Sec. 10: S1/2SE1/4, SESW, NESE *A47-02354A, A47-02346A*
Sec. 14: W1/2 *A47-02347A, A47-07075B,*
Sec. 15: NW1/4, W1/2NE1/4, NENE, SESE *A47-07136B*
Sec. 22: NENE
Sec. 23: N1/2NW1/4

Thank you for your assistance. Please mail the above copies of proof reports to Boyd R. Poulton, P.O. Box 638, Burley, ID 83318.

Thank you.


Kathy Wall

RECEIVED

AUG 22 1991

Department of Water Resources
Bureau of Reclamation
Twin Falls Region Office

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A45-11928

Date Received: 10/24/1989

Receipt No: S010276

Received By: B. V. H.

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: VANCO, INC., AN IDAHO CORPORATION 208-678-3027
Address: P.O. BOX 789
BURLEY, ID 83318

2. Date of Priority: NOV 23, 1881

3. Source: WILLOW CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	23E	26	NW	NW			CASSIA

5. Description of diverting works:
PIPELINE PLACED IN STREAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.105		

7. Total Quantity Appropriated is:
0.105 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/1500 CATTLE AVG. TO 2500 CATTLE MAXIMUM

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	23E	26	NW	NW		STOCK	

11. Place of use in counties: CASSIA

MICROFILMED

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

ATTACHMENT A--

THIS WAS FORMERLY AN INSTREAM STOCK WATER USE FROM WILLOW CREEK WHICH PREVIOUSLY RAN THROUGH THE PLANTIFF'S FEEDLOT. AS A RESULT OF AN ACTION INSTIGATED BY THE IDAHO DEPARTMENT OF HEALTH & WELFARE, THE CHANNEL OF WILLOW CREEK WAS RE-ROUTED AND A DIVERSION WAS SUBSTITUTED FOR THE INSTREAM STOCKWATER USE. HEALTH & WELFARE'S ACTION AROSE AS A RESULT OF COMPLAINTS BY DOWNSTREAM WATER USERS, MOST OF WHOM ARE NAMED IN AN ACTION NOW PENDING BEFORE THE FIFTH DISTRICT COURT IN CASSIA COUNTY. THE INSTREAM STOCKWATERING USE WAS INSTITUTED DURING THE 1960'S, AND THE ACTUAL PRIORITY DATE OF THE USAGE FOR STOCKWATER FLOWS OCCURRED DURING THAT TIME. TO THE EXTENT REQUIRED, THIS CLAIM WILL BE SUPPLEMENTED TO SHOW THE DATE THE WATER WAS FIRST USED FOR INSTREAM STOCKWATER USE.

|
CASE NO. CI 89-6-104 COMMENCED BY CLAIMANT IN CASSIA CO. THE COURT DECREED THE FLOWS CLAIMED IN THIS CLAIM. SEE ATTACHED FINDINGS OF FACT, CONCLUSIONS OF LAW, & THE AMENDED JUDGEMENT & DECREE. OF THE TOTAL DIVERSION RATE CLAIMED, 0.0274 IS NON-CONSUMPTIVE.

15. Basis of Claim: BENEFICIAL USE

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 Organizations:

I do solemnly swear or affirm that I am SECRETARY of
Title
VANCO, INC., that I have signed the foregoing
Organization
document in the space below as SECRETARY of
Title
VANCO, INC. and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

VANCO, INC.
Title and Organization

8-20-91
Date

State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 20 day
of August 19 91

[Signature]
Notary Public

Seal

Residing at Paul Idaho

My Commission Expires 6-22-97

ROSHOLT, ROBERTSON & TUCKER
Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH

P.O. BOX 1906

TWIN FALLS, IDAHO 83303-1906

TELEPHONE (208) 734-0700

FAX (208) 736-0041

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
F. BRUCE COVINGTON
BRUCE M. SMITH
GARY L. QUIGLEY
JUSTIN R. SEAMONS
JOHN O. FITZGERALD

Boise Office
1020 MAIN ST., SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

RECEIVED

AUG 22 1991

Department of Water Resources
Southern Region Office

August 21, 1991

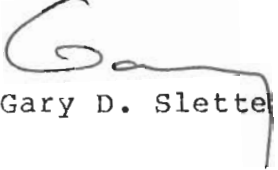
Bob Worstell
Idaho Department of Water Resources
222 Shoshone St. East
Twin Falls, ID 83301

RE: A45-11928

Dear Bob:

Enclosed please find an amended notice of claim to be filed on behalf of my client, Vanco, Inc. Please notify me if you have any questions or comments.

Yours truly,


Gary D. Slette

GDS/mw
05121

Enclosure

cc: Bill Anderson
Ron Osterhout

MICROFILMED
MAR 10 1993

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A45-11928
Date Received: 10/24/1989
Receipt No: S010276
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VANCO, INC., AN IDAHO CORPORATION 208-678-3027
Address: P.O. BOX 789
BURLEY, ID 83318

2. Date of Priority: JAN 01, 1975

3. Source: WILLOW CREEK Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	23E	26	NW	NW			CASSIA

5. Description of diverting works:
PIPELINE PLACED IN STREAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.300		

7. Total Quantity Appropriated is:
0.300 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/700+ CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	23E	26	NW	NW		STOCK	

11. Place of use in counties: CASSIA

A45-11928

Page 1

Date: 10/24/89

MICROFILMED
MAR 10 1993

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

ATTACHMENT A--

THIS WAS FORMERLY AN INSTREAM STOCK WATER USE FROM WILLOW CREEK WHICH PREVIOUSLY RAN THROUGH THE PLANTIFF'S FEEDLOT. AS A RESULT OF AN ACTION INSTIGATED BY THE IDAHO DEPARTMENT OF HEALTH & WELFARE, THE CHANNEL OF WILLOW CREEK WAS RE-ROUTED AND A DIVERSION WAS SUBSTITUTED FOR THE INSTREAM STOCKWATER USE. HEALTH & WELFARE'S ACTION AROSE AS A RESULT OF COMPLAINTS BY DOWNSTREAM WATER USERS, MOST OF WHOM ARE NAMED IN AN ACTION NOW PENDING BEFORE THE FIFTH DISTRICT COURT IN CASSIA COUNTY. THE INSTREAM STOCKWATERING USE WAS INSTITUTED DURING THE 1960'S, AND THE ACTUAL PRIORITY DATE OF THE USAGE FOR STOCKWATER FLOWS OCCURRED DURING THAT TIME. TO THE EXTENT REQUIRED, THIS CLAIM WILL BE SUPPLEMENTED TO SHOW THE DATE THE WATER WAS FIRST USED FOR INSTREAM STOCKWATER USE.

15. Basis of Claim: BENEFICIAL USE

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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____, that I have signed the foregoing
document in the space below as _____ of
_____ and that the statements contained in the
_____ foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576

Ident. Number A45-11928

Date Received _____

Receipt Number S010276 *gll*

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

RECEIVED

OCT 23 1989

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Vanco, Inc., an Idaho corporation Phone (208) 678-3027Mailing Address P.O. Box 789, Burley, Idaho Zip 833182. Date of Priority (Only one (1) per claim) January 1, 19753. Source of water supply (a) Willow Creek
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 12S Range 23E Section 26,
1/4 of NW 1/4 of NW 1/4, Govt. Lot, B.M., County of Cassia

Additional points of diversion if any: _____

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 of5. 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. _____Pipeline placed in stream

_____**MICROFILMED****MAR 10 1993**

6. Water is claimed for the following purposes:

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

For stockwater purposes from 01-01 to 12-31 amount .30 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .30 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 700 + cattle

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	
12S	23E	26					S												

Total number of acres irrigated _____

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

12. Do you own the property listed above as place of use? Yes XX 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. _____ or None (X)

14. Remarks: See Attachment - A

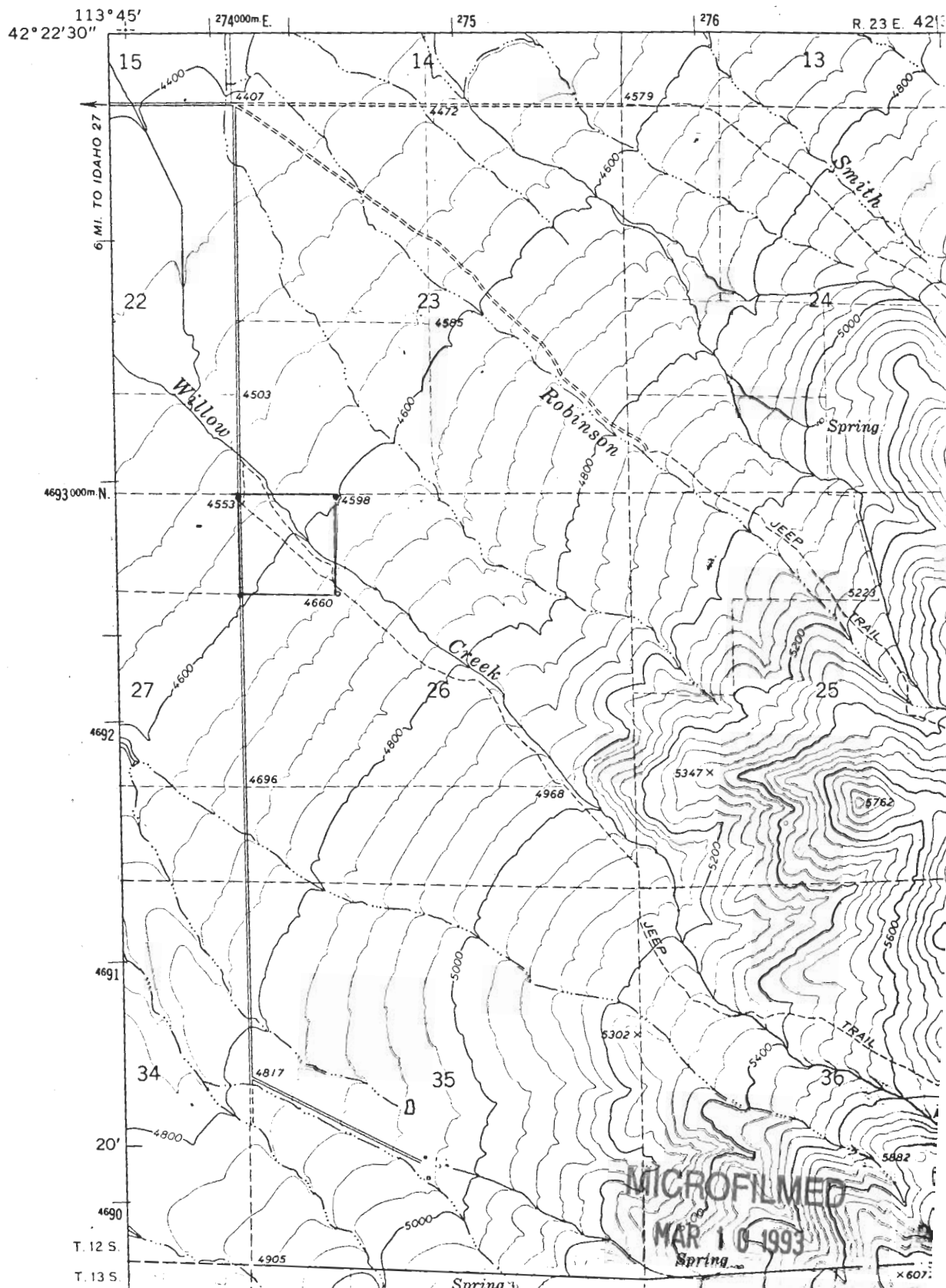
Last Name Vanco, Inc. Ident No. _____

MICROFILMED
MAR 10 1993

Copy to White - Grant Yellow-Claimant

3288 IV NE
(KENYON)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



15. Basis of Claim: (check one) Beneficial Use XX Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
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 XX
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 1

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 President Title _____
of Vanco, Inc. Organization _____, that I have signed the foregoing
document in the space below as President Title _____ of Vanco, Inc. Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]
Title and Organization President, Vanco, Inc. Date 10-23-89

State of Idaho/or _____)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 23rd day of October 19 89

SEAL

Notary Public Maria West

Residing at Twin Falls

My Commission Expires 4-21-93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

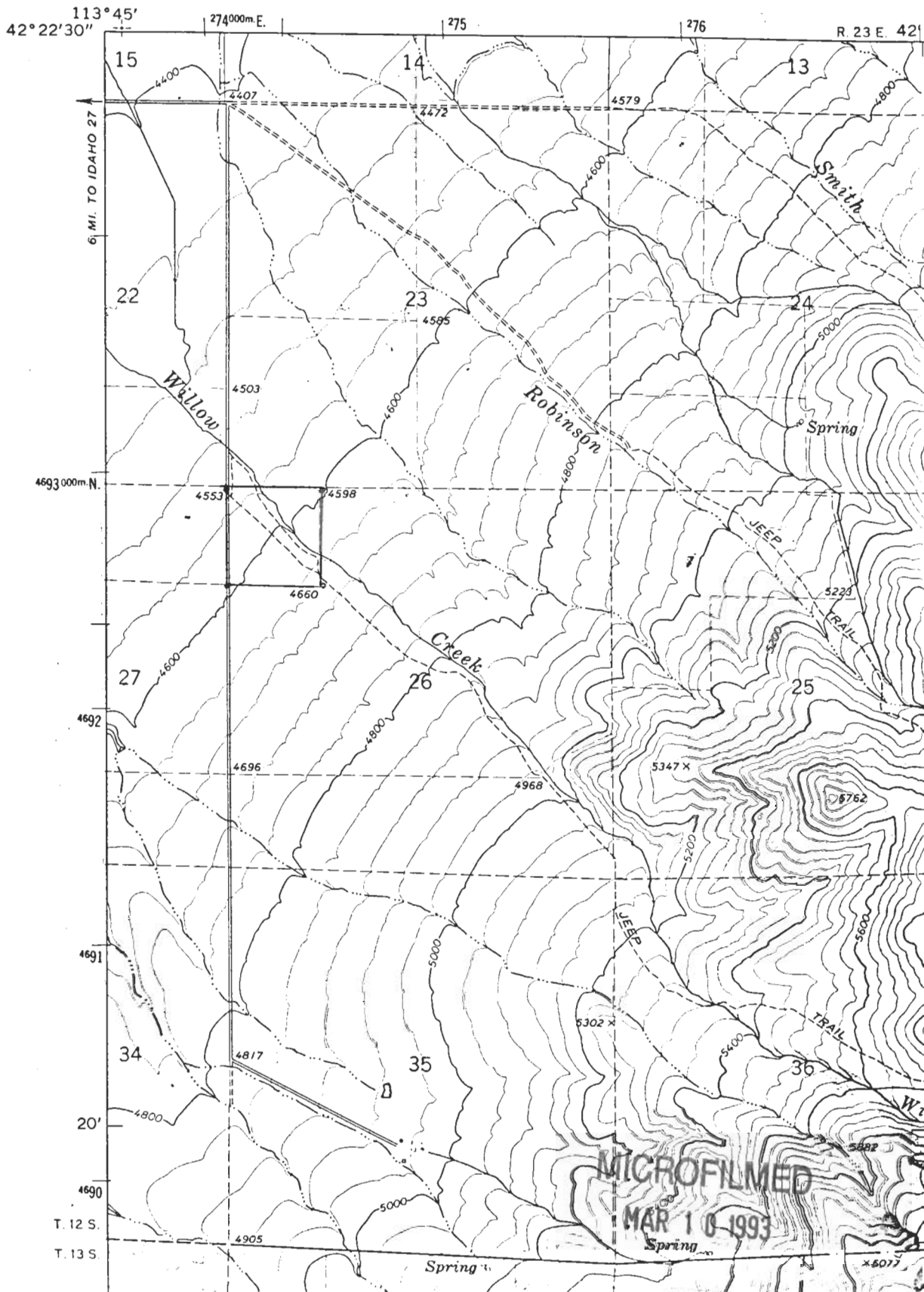
MICROFILMED
MAR 10 1993

Print Name Vanco, Inc. Ident. Number _____

Copies White-State, Yellow-Claimant

3268 IV NE
(KENYON)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



MICROFILMED
MAR 10 1993
Spring

15. Basis of Claim: (check one) Beneficial Use XX Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
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 XX
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 1

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 _____ President _____
Title _____
of Vanco, Inc. _____, that I have signed the foregoing
Organization _____
document in the space below as _____ President _____ of Vanco, Inc.
Title _____ Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]
Title and Organization President, Vanco, Inc. Date 10-23-89

State of Idaho/or _____)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 23rd day of October 19 89

SEAL

Notary Public Maria West

Residing at Twin Falls

My Commission Expires 4-21-93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

MICROFILMED

MAR 10 1993

Last Name Vanco, Inc. Ident. Number _____

Copies White-State, Yellow-Claimant

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

ATTACHMENT "A"

This was formerly an instream stock water use from Willow Creek, which previously ran through the plaintiff's feed lot. As a result of an action instigated by the Idaho Department of Health & Welfare, the channel of Willow Creek was re-routed and a diversion was substituted for the instream stockwater use. Health & Welfare's action arose as a result of complaints by downstream water users, most of whom are named in an action now pending before the Fifth District Court in Cassia County. The instream stockwatering use was instituted during the 1960's, and the actual priority date of the usage for stockwater flows occurred during that time. To the extent required, this claim will be supplemented to show the date the water was first used for instream stockwater use.

MICROFILMED

MAR 10 1993

IN THE DISTRICT COURT OF
THE FIFTH JUDICIAL DISTRICT

JUN 23 11 03 AM '89
FRANK S. HARRIS, CLERK
BY _____ DEPUTY

Gary D. Slette
NELSON, ROSHOLT, ROBERTSON,
TOLMAN & TUCKER
P. O. Box 1906
Twin Falls, Idaho 83303-1906
Telephone: (208) 734-0700
0671p/mw/06-15-89

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

* * * * *

VANCO, INC., an Idaho	)	
corporation,	)	
	)	
Plaintiff,	)	Case No. <u>CT 89-6-104</u>
	)	
vs.	)	
	)	<u>COMPLAINT</u>
DEAN and MARILYN KOYLE, husband	)	
and wife; ROBERT G. and RUTH	)	
MONCUR, husband and wife; and	)	
JAMES and LaVORA POULTON,	)	
husband and wife,	)	
	)	
Defendants.	)	

* * * * *

COMES NOW the Plaintiff, and for a cause of action,
alleges as follows:

I

Plaintiff is now the owner of, and in possession of,
certain real property located in Cassia County, State of Idaho,
a portion of which is more particularly described as the NW1/4
NW1/4 of Section 26, T. 12 S., R. 23, E.B.M.

MICROFILMED
MAR 10 1993

A45-11928

II

1 In 1975, Willow Creek Ranches, Inc., the predecessor
2 in interest of the Plaintiff, entered upon a certain stream of
3 water known as Willow Creek, which stream is located in part in
4 the same quarter section above described. By means of a
5 pipeline placed in the stream, Willow Creek Ranches, Inc.
6 appropriated and diverted therefrom fifteen (15) inches of the
7 waters of Willow Creek for stock water purposes. The water
8 conveyed therefrom was used for stock water purposes on the
9 feed lot which is located upon the above-described lands now
10 owned by Plaintiff and previously owned by Plaintiff's
11 predecessors-in-interest, which include Willow Creek Ranches,
12 Inc., Albert Andersons & Sons, Inc., and Sage Land & Cattle
13 Company. Plaintiff and Plaintiff's predecessors-in-interest
14 have ever since the date of such appropriation, used, diverted
15 and conveyed the above-described waters from Willow Creek for
16 stock water purposes to the feed lot operated upon the
17 above-described property. Such water has been and now is
18 necessary and indispensable for the purposes of providing stock
19 water to the cattle kept and maintained on the above-described
20 property.
21

III

22 From 1975, and up until the present time, Plaintiff
23 and Plaintiff's predecessors-in-interest have been in the
24 actual, open, visible, notorious, exclusive, continuous,
25 uninterrupted and adverse possession of fifteen (15) inches of
26 the water of Willow Creek, and have, at all times, used such
27
28

1 water for stock water purposes when the Defendants, or any of
2 them, had a need for such waters, so as to deprive the
3 Defendants, or any of them, of water that Plaintiff, or its
4 predecessors-in- interest, then needed for purposes of stock
5 water uses.

6 IV

7 Defendants, or any of them, may claim an interest or
8 estate in the above-described waters of Willow Creek adverse to
9 Plaintiff's interest. The claim of the Defendants, or any of
10 them, is without any right or foundation whatsoever and
11 Defendants, or any of them, have no estate, right, title, claim
12 or interest in or to such fifteen (15) inches of Willow Creek
13 water, or any part thereof.

14 WHEREFORE, Plaintiff prays as follows:

15 1. That the Defendants, or any of them, be required
16 to set forth the nature of any claim they may have to said
17 fifteen (15) inches of water of Willow Creek.

18 2. That all adverse claims of the Defendants, or any
19 of them, may be determined by a decree of this court.

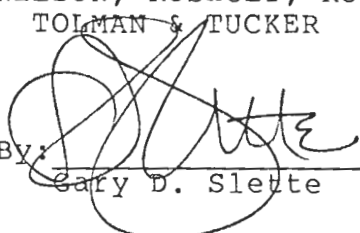
20 3. That title to fifteen (15) inches of Willow Creek
21 water be quieted in the Plaintiff.

22 4. That Defendants, or any of them, be forever
23 enjoined and barred from asserting any claim whatever in or to
24 said water adverse to Plaintiff.

25 5. For such other and further relief as may be
26 granted by this court as it deems proper.

1 DATED this 22nd day of June, 1989.

2 NELSON, ROSHOLT, ROBERTSON,
3 TOLMAN & TUCKER

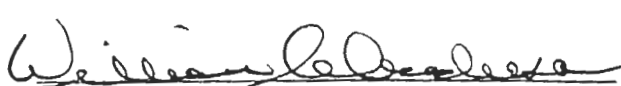
4
5 BY: 
6 Gary D. Slette

7 VERIFICATION

8 STATE OF IDAHO)
9) ss.
10 County of Cassia)

11 William Anderson, being first duly sworn, upon oath
12 deposes and says:

13 That he is the President of VANCO, INC., Plaintiff
14 named in the foregoing Complaint, that he has read the
15 foregoing Complaint, knows the contents thereof, and that the
16 statements contained therein are true to the best of his
17 knowledge and belief.

18 
19 William Anderson

20 SUBSCRIBED and SWORN TO before me this 21 day of
21 June, 1989.

22 
23 NOTARY PUBLIC FOR IDAHO
24 My commission expires: 6-22-91
25 Residing at: Paul, Idaho

1 Gary D. Slette
2 NELSON, ROSHOLT, ROBERTSON,
3 TOLMAN & TUCKER
4 P. O. Box 1906
5 Twin Falls, Idaho 83303-1906
6 Telephone: (208) 734-0700
7 1177p/mw/09-21-89

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OCT 24 1989

Department of Water Resources
Southern Region Office

8 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
9 STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

10 * * * * *

11 VANCO, INC., an Idaho)
12 corporation,)

13 Plaintiff,)

14 vs.)

15 DEAN and MARILYN KOYLE, husband)
16 and wife; ROBERT G. and RUTH)
17 MONCUR, husband and wife; and)
18 JAMES and LaVORA POULTON,)
19 husband and wife,)

20 Defendants.)

Case No. CI 89-6-104

ANSWER TO
INTERROGATORIES

21 * * * * *

22 COMES NOW, the Plaintiff, Vanco, Inc. in the
23 above-captioned case, by and through its attorney of record,
24 and answers the Interrogatories propounded to it on the 15th
25 day of September, 1989, as follows:

26 INTERROGATORY NO. 1: Please set forth the name,
27 address and telephone number of each and every individual known
28 to you or your counsel who has knowledge of or who purports to
have knowledge of any of the facts of this case.

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MAR 10 1993

A45-11928

1 ANSWER TO INTERROGATORY NO. 1: Vaness Anderson, c/o
2 Vanco, Inc., Box 789, Burley, Idaho 83318, 678-2388;
3 Ron Osterhout, P.O. Box 608, Burley, Idaho 83318,
4 678-3027;
5 Richard Porter, Sun Country R.V. Park, Box 758,
6 Wellton, Arizona 85356, 602-785-9348;
7 Ray Subia, Parma, Idaho 83660, 722-6017;
8 Tom W. Anderson, 2555 South Fairway Drive, Pocatello,
9 Idaho 83201, 238-0890.

10 INTERROGATORY NO. 2: Please state the names,
11 addresses and telephone numbers of all witnesses you intend to
12 call at the trial of this cause.

13 ANSWER TO INTERROGATORY NO. 2: Vaness Anderson, c/o
14 Vanco, Inc., Box 789, Burley, Idaho 83318, 678-2388;
15 Ron Osterhout, P.O. Box 608, Burley, Idaho 83318,
16 678-3027;
17 Richard Porter, Sun Country R.V. Park, Box 758,
18 Wellton, Arizona 85356, 602-785-9348;
19 Ray Subia, Parma, Idaho 83660, 722-6017;
20 Tom W. Anderson, 2555 South Fairway Drive, Pocatello,
21 Idaho 83201, 238-0890.

22 George Varin and Jaren Tolman, State of Idaho
23 Department of Health & Welfare, Division of Environment, Boise,
24 Idaho 83702.

25 Any or all of the witnesses disclosed in defendants'
26 answers to interrogatories.

27
28

1 INTERROGATORY NO. 3: With respect to the witnesses
2 you intend to call at the trial of this cause, please state the
3 general nature of the facts to which they will testify.

4 ANSWER TO INTERROGATORY NO. 3: With regard to all
5 witnesses except for the individuals connected with the State
6 of Idaho, the general nature of the facts to which those
7 witnesses are expected to testify concerns the history of the
8 use of Plaintiff's property as well as the installation of the
9 pipeline that runs from Willow Creek to the feedlot owned by
10 the plaintiff. Furthermore, they will testify as to the basis
11 for the installation of the pipeline, i.e., complaints from the
12 defendants regarding contamination of the Willow Creek waters.

13 INTERROGATORY NO. 4: Have you, your attorneys, or any
14 person, firm, or corporation acting on your behalf, consulted
15 with or engaged any experts in connection with this
16 litigation? If so, please state their names and addresses, and
17 for each, please answer the following:

18 (a) The name and address of school or university
19 where he received special education or training in
20 this field, the dates when he attended each school or
21 university and the name or description of each degree
he received, including the date when each was
received, and the name of the school from which
received;

22 (b) Did he test, analyze, or examine any
23 physical evidence related to this litigation? If so,
24 during what dates did he make this test, analysis or
25 examination and did anyone assist him? If he did have
26 assistance, please state the name and address of each
person who gave assistance, the type or amount of
assistance given and the inclusive dates that each
person gave assistance;

27 (c) Were any results or conclusions reached as a
28 result of his test, analysis, or examination;

1 (d) What is the name or other means of
2 identification, and address of the person who has
3 present custody of each item that was tested,
4 analyzed, or examined;

5 (e) Did he submit a report of his objective
6 findings? If so, please state the date this report
7 was submitted, the name or other identification of the
8 person to whom this report was submitted and the name
9 and address of the person who has present custody of
10 the same/

11 (f) Did he submit a report setting forth his
12 opinions or conclusions? If so, please state the date
13 this report was submitted, and the name and address of
14 the person who has present custody of the same;

15 (g) Is he to be compensated for his work and
16 efforts in connection with this action? If so, please
17 state how much he is to be paid. If he is to receive
18 any additional compensation if you are successfully in
19 this action, please state the terms and conditions of
20 this additional compensation.

21 ANSWER TO INTERROGATORY NO. 4: No.

22 INTERROGATORY NO. 5: Please describe with
23 particularity each and every document or object which you
24 intend to offer as an exhibit at the trial of this matter. If
25 you will do so without a Motion to Produce, please attached a
26 copy of each of said documents.

27 ANSWER TO INTERROGATORY NO. 5: It is not known at
28 this preliminary stage of the proceedings which documents will
be offered as an exhibit at trial of this matter. At such time
as documents are identified, plaintiff will supplement this
interrogatory, and will provide a copy of such document(s) to
the defendants.

INTERROGATORY NO. 6: With respect to the pipeline
alleged in paragraph II of the Plaintiff's complaint to have
been installed in Willow Creek in 1975 by Willow Creek Ranches,

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1 Inc., please state the name, address and telephone number of
2 each and every individual known to you or your counsel who was
3 involved in the design, location, installation or maintenance
4 of said pipeline.

5 ANSWER TO INTERROGATORY NO. 6: Tom W. Anderson, 2555
6 South Fairway Drive, Pocatello, Idaho 83201, 238-0890;

7 Ray Subia, Parma, Idaho 83660, 722-6017;

8 R. W. Dick Porter Porter, Sun Country R.V. Park, Box
9 758, Wellton, Arizona 85356, 602-785-9348;

10 William Anderson, c/o Vanco, Inc., Box 789, Burley,
11 Idaho 83318, 678-8231.

12 INTERROGATORY NO. 7: With respect to the pipeline
13 alleged in paragraph II of the Plaintiff's complaint to have
14 been installed in Willow Creek in 1975 by Willow Creek Ranches,
15 Inc., please state the day, month and year on which the
16 construction of said pipeline was begun and completed.

17 ANSWER TO INTERROGATORY NO. 7: It is believed that
18 construction of the pipeline occurred during the time period of
19 November 1975 through January of 1976. The depreciation
20 schedules of Willow Creek Ranches, Inc., Plaintiff's
21 predecessor in interest, show entries for fencing and feed lot
22 troughs during that period. To the extent that Plaintiff is
23 able to further refine this answer to meet the interrogatory of
24 the Defendants, this interrogatory answer will be supplemented.

25 INTERROGATORY NO. 8: Please state by year and month
26 the times during which said pipeline has been actually used to
27 deliver water to livestock for stock watering purposes and with
28

1 respect to each month of use the number of livestock which have
2 been actually using water from said pipeline since its
3 construction.

4 ANSWER TO INTERROGATORY NO. 8: The archive records of
5 Willow Creek Ranches, Inc. are not available which would
6 indicate the number of head of feeder cattle in the feed lot by
7 month. Footnotes to financial statements of Willow Creek
8 Ranches, Inc., the predecessor in interest of the Plaintiff,
9 indicate the following quantities of cattle on hand owned by
10 Willow Creek Ranches, Inc.

<u>Date</u>	<u>Cattle Quantity</u>
2-28-74	421
2-28-75	1,852
2-28-76	3,597
10-31-76	2,421
2-28-77	1,187
2-28-78	777
10-31-77	1,760
10-31-78	562

16 With regard to the cattle owned by Willow Creek's
17 successor in interest, Albert Anderson & Sons Company, the
18 footnotes to their financial statements reflect the following
19 quantities of cattle.

<u>Date</u>	<u>Cattle Quantity</u>
6-30-74	10,307
6-30-75	19,757
6-30-76	17,082
6-30-77	13,523
2-28-78	6,500
10-31-78	1,269
4-28-79	1,596
6-01-79	1,173
11-30-79	1,106

1 According to William Anderson, certain portions of the
2 above listed cattle were run both on Willow Creek Ranch
3 property in the feed lot as well as on the pasture through
4 which Willow Creek runs. At this time, it is impossible to
5 make a division of the amount of cattle that were contained in
6 each of the places, however, the feed lot was always used by
7 Albert Anderson & Sons Company.

8 On March 31, 1980, the feed lot property was sold to
9 Sage Land & Cattle Company, a subsidiary of the J.R. Simplot
10 Company. Although Plaintiff has no records of the number of
11 cattle that Sage Land & Cattle Company ran during the years
12 1980 through 1982 inclusive, it is known that Sage Land &
13 Cattle Company kept cattle on the feed lot at all times during
14 the period that it owned the property.

15 Beginning March 25, 1982, the Plaintiff, Vanco, Inc.
16 started feeding cattle on the property. The following figures
17 are furnished in response to Defendants' interrogatory.

18 INTERROGATORY NO. 9: Please state the names,
19 addresses and telephone numbers of all individuals known to you
20 or your counsel who had knowledge of the existence and use of
21 said pipeline prior to 1987. With respect to each individual
22 so identified, please state the date and circumstances on and
23 by which the individual acquired such knowledge.

24 ANSWER TO INTERROGATORY NO. 9: The individuals
25 disclosed in Interrogatories 1 and 2 had knowledge of the
26 existence and use of the pipeline at or about the time of its
27 construction. As to the state officials, the date and
28

1 circumstances by which they acquired such knowledge is unknown,
2 however, letters from the State Department of the Environment
3 indicate that water had been piped into the stock facilities.
4 While plaintiff contends that the defendants were aware of the
5 existence and use of the pipeline from and after the time of
6 its construction, that matter will be the subject of proof at
7 trial of this matter.

8 INTERROGATORY NO. 10: Have you, your attorneys, or
9 any person, firm, or corporation acting on your behalf filed a
10 Notice of Claim to a Water Right Acquired under State Law in
11 the General Adjudication of Rights to the Use of Water from the
12 Snake River Basin Water System in the District court of the
13 Fifth Judicial District of the State of Idaho, in and for the
14 County of Twin Falls, Civil Case No. 39576, with respect to the
15 water alleged in the Plaintiff's complaint to have been
16 appropriated and diverted from Willow Creek. If so, please
17 describe the claim so filed, including amount of water claimed,
18 diversion works and place of use.

19 ANSWER TO INTERROGATORY NO. 10: Prior to this time, a
20 claim had not been filed in the Snake River Adjudication. This
21 was as a result of Plaintiff's representative's discussions
22 with the Idaho Department of Water Resources. At the time the
23 Plaintiffs intended to file a claim, they were informed by
24 Loren Holmes, IDWR Southern Region Director, that they should
25 first file an "Application for Permit". The Application for
26 Permit was the subject of a scheduled hearing, at which time
27 the application was withdrawn. After discussions with IDWR
28

1 this date, Plaintiff will file a Notice of Claim to a Water
2 Right in the adjudication, a true copy of which is attached
3 hereto as Exhibit "A" and by this reference incorporated herein.

4 INTERROGATORY NO. 11: Please identify any source of
5 water other than waters from Willow Creek which are used or
6 which have been used by you or your predecessors in interest to
7 water stock in the feed lot identified in Plaintiff's complaint.

8 ANSWER TO INTERROGATORY NO. 11: None.

9 DATED this 23 day of October, 1989.

10 NELSON, ROSHOLT, ROBERTSON,
11 TOLMAN & TUCKER

12 By: Gary D. Slette
13 Gary D. Slette

14
15 CERTIFICATE OF MAILING

16 I hereby certify that on this 23 day of October,
17 1989, I served a copy of the foregoing ANSWERS TO
18 INTERROGATORIES, by depositing same in the United States mail,
19 postage prepaid, in an envelope, addressed to the following:

20 Thomas Robertson
21 Coleman, McIntyre, Ritchie & Robertson
22 P.O. Box 525
23 Twin Falls, ID 83303

24 Gary D. Slette
25 Gary D. Slette

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

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

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 23 1989

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Vanco, Inc., an Idaho corporation Phone (208) 678-3027
Mailing Address P.O. Box 789, Burley, Idaho Zip 83318

2. Date of Priority (Only one (1) per claim) January 1, 1975

3. Source of water supply (a) Willow Creek
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 12S Range 23E Section 26,
_____ 1/4 of NW 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Cassia

Additional points of diversion if any: _____

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.

Pipeline placed in stream

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MAR 10 1993

EXHIBIT A

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For stockwater purposes from 01-01 to 12-31 amount .30 or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .30 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 700 + cattle

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	
12S	23E	26					S												

Total number of acres irrigated _____

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

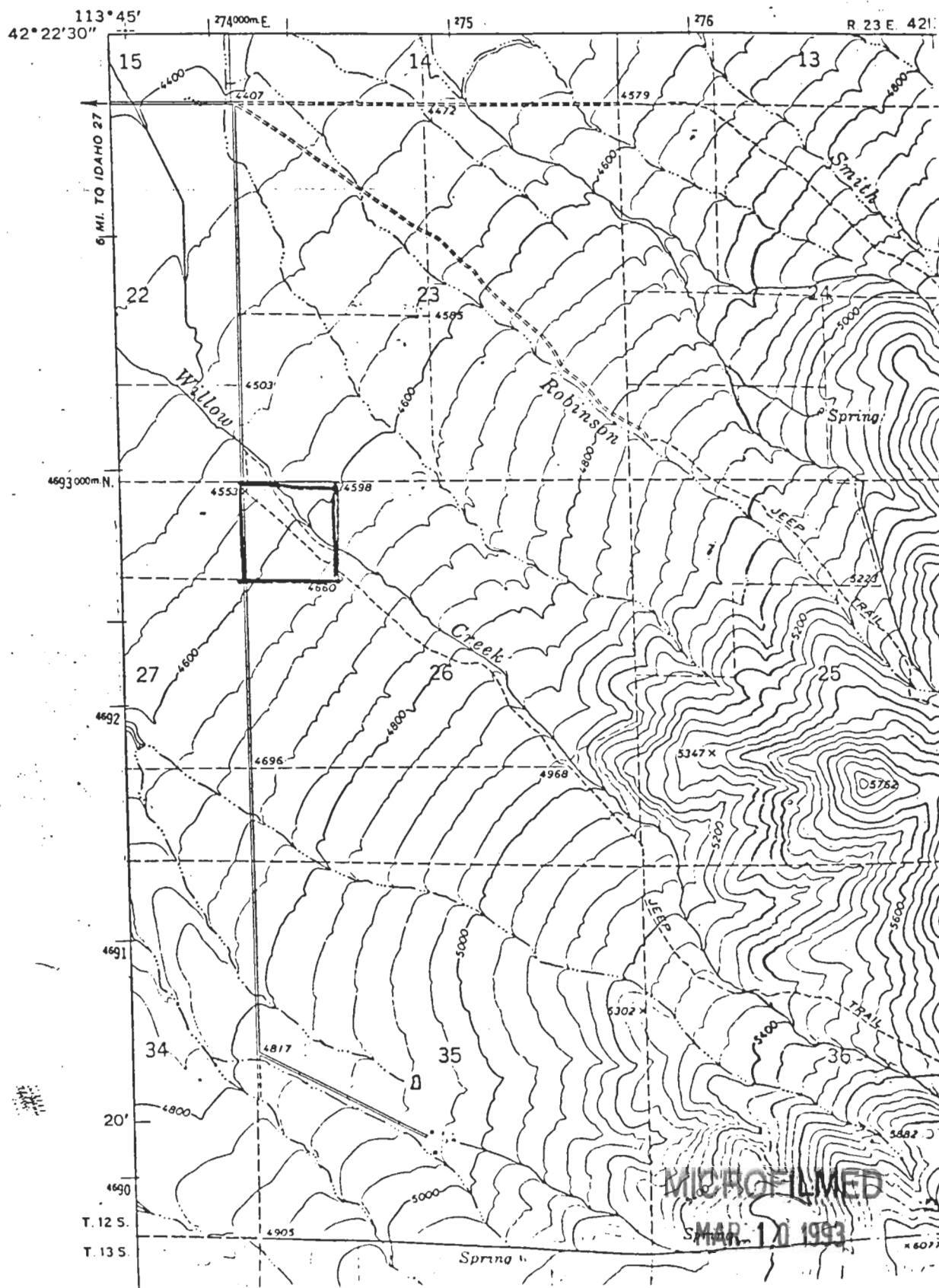
12. Do you own the property listed above as place of use? Yes XX No _____
 If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
 _____ or None (X)

14. Remarks: See Attachment - A

Last Name Vanco, Inc. Ident No. _____

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 Copies: 10 State Idaho Claimant
 MAR 10 1993



15. Basis of Claim (check one) Beneficial Use XX Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

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 XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 1

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 _____ President _____

Title

of Vanco, Inc. _____, that I have signed the foregoing

Organization

document in the space below as _____ President _____ of Vanco, Inc.

Title

Organization

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

Signature of Authorized Agent [Signature]

Title and Organization President, Vanco, Inc. Date 10-23-89

State of Idaho/or _____)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 23rd day of October 19 89

SEAL

Notary Public Maria West

Residing at Twin Falls

My Commission Expires 4-21-93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

Last Name Vanco, Inc. Ident. Number _____

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Copies White State, Yellow Claimant
MAR 10 1993

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

ATTACHMENT "A"

This was formerly an instream stock water use from Willow Creek, which previously ran through the plaintiff's feed lot. As a result of an action instigated by the Idaho Department of Health & Welfare, the channel of Willow Creek was re-routed and a diversion was substituted for the instream stockwater use. Health & Welfare's action arose as a result of complaints by downstream water users, most of whom are named in an action now pending before the Fifth District Court in Cassia County. The instream stockwatering use was instituted during the 1960's, and the actual priority date of the usage for stockwater flows occurred during that time. To the extent required, this claim will be supplemented to show the date the water was first used for instream stockwater use.

ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER
TERRY R. McDANIEL
GARY D. SLETTE
JERRY JENSEN
F. BRUCE COVINGTON
BRUCE M. SMITH
G. RICHARD BEVAN
GARY L. QUIGLEY
JUSTIN R. SEAMONS
JOHN O. FITZGERALD

Boise Office
1020 MAIN ST., SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

March 7, 1991

RECEIVED

MAR 11 1991

Department of Water Resources
Southern Region Office

Mr. Allen Merritt, Adjudication Supervisor
Idaho Department of Water Resources
Southern Regional Office
2148 4th Avenue East
Twin Falls, Idaho 83301

RE: SRBA Claim A45-11928

Dear Allen:

I enclose a copy of a SRBA claim A45-11928 as filed timely in the first round noticing for Cassia County on October 24, 1989. At the time of filing of the claim, I noted in the remarks field that "the accompanying attachment A describes the former use and the current pending action in the Fifth District Court in Cassia County." Please note the language on the enclosed copy for your review.

Today I enclose a copy of the Findings of Fact and Conclusions of Law over the signature of Judge George Granata, Jr. dated February 22, 1991. I enclose the copy for your convenience in mending the claim to reflect the information noted in the findings. I also enclose a copy of the Judgment and Decree which sets out the decision of the court regarding the amounts of water awarded to Vanco, Inc.

I draw your attention to item 16 through 30 in the Findings of Fact as they pertain specifically to the usages that need to be amended on the original claim. In addition, I would ask that you review the Conclusions of Law items 1 and 2 which make up the Judgment and Decree as well in outlining the award of water to Vanco, Inc.

Please review the enclosures and call me at your convenience to establish an appointment time so that we can discuss the award by the court and determine the best description of the water to fit your needs in correctly amending the SRBA claim. Please give me a call when you are

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MAR 10 1993

Mr. Allen Merritt
March 7, 1991
Page -2-

ready to discuss the necessary changes. Thank you as usual for your assistance in general and your attention to this request in particular.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Frank", written in dark ink.

FRANCIS G. HITCHCOCK
LEGAL ASSISTANT

FGH/kab
90791

Enclosures

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MAR 10 1993

IN THE DISTRICT COURT OF
THE FIFTH JUDICIAL DISTRICT

FEB 22 9 50 AM '91

FRANK B. NEWBERRY, CLERK
BY [Signature] DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR
C A S S I A COUNTY

VANCO, INC., an Idaho
corporation,

Plaintiff,

vs.

DEAN and MARILYN KOYLE, husband
and wife; ROBERT G. and RUTH
MONCUR, husband and wife; and
JAMES and LAVORA POULTON,
husband and wife,

Defendants.

Case No. CI 89-6-104

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

THIS CASE came on for a court trial on November 26 and 27, 1990, in Burley, Cassia County, Idaho, with the Honorable George Granata Jr., District Judge, presiding. The plaintiff was represented by Gary D. Slette and Justin R. Seamons, Attorneys at Law; the defendants were represented by John S. Ritchie and Thomas M. Robertson, Attorneys at Law. Both parties presented testimony and documentary evidence. At the close of trial, the matter was continued pending the submission of briefs and Proposed Findings of Fact and Conclusions of Law by counsel. The case was

Findings of Fact and
Conclusions of Law

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MAR 10 1993

subsequently taken under advisement on January 16, 1991. The court now enters its Findings of Fact and Conclusions of Law, as follows:

FINDINGS OF FACT

1. In 1973, a corporation, formerly known as Willow Creek Ranches, a predecessor in interest of the plaintiff Vanco, Inc., constructed a feedlot in the northwest corner of Section 26, Township 12 S., Range 23 E., B.M., Cassia County, Idaho. The feedlot was constructed on the stream known as Willow Creek, such that cattle in the feedlot could drink directly from the stream.

2. Willow Creek Ranches began to feed cattle in the feedlot in the fall of 1973.

3. Willow Creek Ranches fed cattle in the feedlot from September through May of each year from the fall of 1973, through the spring of 1980.

4. Willow Creek Ranches obtained water for the cattle in the feedlot by means of instream livestock watering from Willow Creek from the fall of 1973, through the fall of 1976.

5. In 1976, the defendants, through their attorney, John Coleman, contacted the Department of Health and Welfare about the quality of the water in Willow Creek below the feedlot.

6. In June of 1976, the Idaho Department of Health and Welfare filed a criminal complaint against Albert Anderson and Sons, Inc. (Willow Creek Ranches), alleging violation of Idaho Water Quality Standards in connection with the operation of the Willow Creek Ranches feedlot.

7. As a result of this law suit filed by the Idaho Department of Health and Welfare, and by way of settlement, Willow

Creek Ranches, in the fall of 1976, agreed to do, and did, the following to abate the water quality problems:

- a. Diverted the course of Willow Creek to the north and east of the feedlot;
- b. Constructed a diversion above the feedlot to eliminate runoff from coming onto the feedlot;
- c. Installed a pipeline and watering troughs in each of the feedlot pens with overflow water piped out of the feedlot;
- d. Constructed mounds covered with straw in the feedlot to absorb precipitation;
- e. Constructed a retention facility to catch any runoff flowing from the feedlot toward Willow Creek.

8. In the fall of 1976, Willow Creek Ranches installed a four inch PVC pipeline, approximately 500 feet in length, running from Willow Creek to the stock waterers installed within the feedlot, in order to supply water to the cattle in the feedlot. The east end of the pipeline opened into the bottom of Willow Creek. The point where the pipeline opened into Willow Creek was marked by a post and bucket over the post.

9. George Varin of the Idaho Department of Health and Welfare made contact with Mr. Coleman, defendants' attorney, and/or the defendants as to the corrective action taken by Willow Creek Ranches, Inc.

10. Willow Creek Ranches obtained water for the cattle in the feedlot through this pipeline from the fall of 1976, through the spring of 1980.

11. Vanco, Inc. (hereinafter Vanco), as Willow Creek Ranches' successor in interest, began to feed cattle in the feedlot in the spring of 1982.

12. Vanco has fed cattle in the feedlot on a year-round basis from the spring of 1982, through the present.

13. Vanco has obtained water for the cattle in the feedlot through the above-mentioned pipeline from the spring of 1982 through the present.

14. The defendants were the decreed owners of the water from Willow Creek that flowed through the feedlot and that, thereafter, flowed through the pipeline.

15. Willow Creek Ranches and Vanco's use of the water from Willow Creek was and is open; that is, the defendants knew or should have known about Willow Creek Ranches and Vanco's use of the water from Willow Creek.

16. The maximum capacity of the four-inch pipe to carry water from Willow Creek to the Vanco's feedlot is .105 cfs or 5.24 miner's inches of water.

17. The pipeline needs to have the maximum flow of water flowing through it in order to provide enough water to the cattle in the feedlot, while, at the same time, stopping the pipeline from plugging and/or freezing underground.

18. Willow Creek Ranches diverted the maximum flow of water through the pipeline, from the fall of 1976, through the spring of 1980.

19. Vanco has diverted the maximum flow of water through the pipeline, from the spring of 1982, through the present.

20. Willow Creek Ranches fed an average of 1,500 cattle the feedlot from the fall of 1973, through the spring of 1980.

21. Willow Creek Ranches fed a maximum of 5,000 cattle in the feedlot, which occurred prior to the installation of the pipeline, in the fall of 1976.

22. Vanco has fed an average of 1,500 cattle in the feedlot, from the spring of 1982, through the present.

23. Vanco feeds a maximum of 2,500 cattle in the feedlot.

24. The average head of beef in the feedlot weights 900 pounds.

25. The average temperature in the area of the feedlot, during July and August, is 95 to 100 degrees.

26. A 900 pound beef, in a 90 degree average temperature, requires 20 gallons of water per day.

27. Twenty gallons of water per day for 5,000 cattle is 100,000 gallons of water, which amounts to .1548 cfs or 7.74 miner's inches of water; twenty gallons of water per day for 2,500 cattle is 50,000 gallons of water, which amounts to .0774 cfs or 3.87 miner's inches of water.

28. While the court acknowledges that Willow Creek Ranches adversely possessed and consumptively used a large amount of water from Willow Creek, the court finds that the amount of water adversely possessed by Vanco is more accurate and representative.

29. Vanco has adversely possessed and consumptively used .0774 cfs, or 3.87 miner's inches of water, on a year-round basis

from the spring of 1982, through the present.

30. Vanco has adversely possessed and non-consumptively used .0274 cfs, or 1.37 miner's inches of water on a year-round basis, from the spring of 1982, through the present.

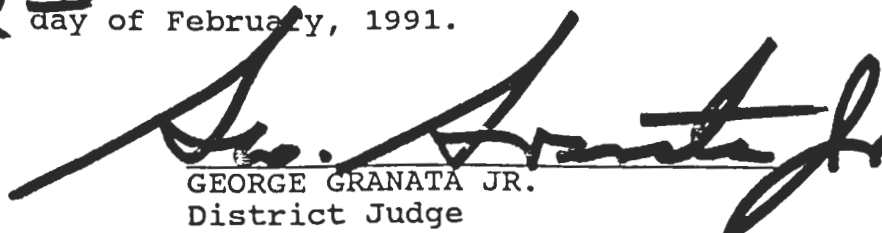
CONCLUSIONS OF LAW

1. Vanco has proved, by clear and convincing evidence, each of the elements of adverse possession from the spring of 1982, through the present, as to a consumptive use of .0774 cfs, or 3.87 miner's inches of water on a year-round basis, and a non-consumptive use of .0274 cfs, or 1.37 miner's inches of water on a year-round basis.

2. The foregoing consumptive and non-consumptive water rights have a priority date that is equal in time to the priority date of the defendants' water in Willow Creek.

Counsel for Vanco is hereby requested to prepare a Judgment, consistent with the above Findings of Fact and Conclusions of Law. Costs and attorney fees will be determined subsequently, as per I.R.C.P. 54(d) and (e).

DATED this 22nd day of February, 1991.


GEORGE GRANATA JR.
District Judge

Pc: Gary D. Slette, Attorney at Law
Justin R. Seamons, Attorney at Law
Thomas M. Robertson, Attorney at Law
John S. Ritchie, Attorney at Law

Findings of Fact and
Conclusions of Law

MAR 4 9 42 AM '91

FRANK B. KEARNS, CLERK
BY Coppy DEPUTY

1 Gary D. Slette
Justin R. Seamons
2 ROSHOLT, ROBERTSON, TOLMAN & TUCKER
P. O. Box 1906
3 Twin Falls, Idaho 83303-1906
Telephone: (208) 734-0700
4 3656p/mw/02-26-91

5
6
7
8 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
9 STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

10 * * * * *

11 VANCO, INC., an Idaho)
corporation,)
12) Case No. CI 89-6-104
Plaintiff,)
13)
vs.) JUDGMENT AND DECREE
14)
DEAN and MARILYN KOYLE, husband)
15 and wife; ROBERT G. and RUTH)
MONCUR, husband and wife; and)
16 JAMES and LaVORA POULTON,)
husband and wife,)
17)
Defendants.)
18)

19 Plaintiff Vanco, Inc. filed this action against
20 Defendants Dean and Marilyn Koyle, Robert and Ruth Moncur, and
21 James and LaVora Poulton on June 23, 1989. The court tried
22 this action on November 26 and 27, 1990. Based on the relevant
23 evidence and the applicable law, and good cause appearing
24 therefor, the court hereby enters the following Judgment and
25 Decree in favor of Vanco against the Defendants:

26 1. Vanco is hereby decreed a consumptive water right
27 for purposes of livestock watering in the amount of .0774 cfs,
28

1 or 3.87 miner's inches of the waters of Willow Creek located in
2 Section 26, T. 12 S., R. 23 E., B.M., Cassia County, Idaho,
3 with a priority date of March 17, 1908.

4 -2. Vanco is hereby decreed a non-consumptive water
5 right in connection with the foregoing consumptive water right
6 in the amount of .0274 cfs, or 1.37 miner's inches of the
7 waters of Willow Creek located in Section 26, T. 12 S., R. 23
8 E., B.M., Cassia County, Idaho, with a priority date of
9 March 17, 1908.

10 DATED this 4th day of March, 1991.

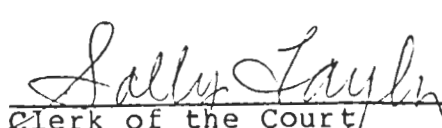
11
12 
13 Judge George Granata Jr.

14 CERTIFICATE OF MAILING

15 I hereby certify that on this 4th day
16 of March, 1991, I served a copy of the foregoing
17 JUDGMENT, by depositing same in the United States mail, postage
18 prepaid, in an envelope, addressed to the following:

19 Tom Robertson
20 P.O. Box 525
Twin Falls, ID 83303

21 Justin R. Seamons
22 P.O. Box 1906
Twin Falls, ID 83303

23
24 
Clerk of the Court

25
26
27
28

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A45-11928

Date Received: 10/24/1989

Receipt No: S010276

Received By: G. J. [Signature]

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: VANCO, INC., AN IDAHO CORPORATION 208-678-3027
Address: P.O. BOX 789
BURLEY, ID 83318

2. Date of Priority: NOV 23, 1881

3. Source: WILLOW CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	23E	26	NW	NW			CASSIA

5. Description of diverting works:
PIPELINE PLACED IN STREAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.105		

7. Total Quantity Appropriated is:
0.105 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/1500 CATTLE AVG. TO 2500 CATTLE MAXIMUM

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	23E	26	NW	NW		STOCK	

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

ATTACHMENT A--

THIS WAS FORMERLY AN INSTREAM STOCK WATER USE FROM WILLOW CREEK WHICH PREVIOUSLY RAN THROUGH THE PLANTIFF'S FEEDLOT. AS A RESULT OF AN ACTION INSTIGATED BY THE IDAHO DEPARTMENT OF HEALTH & WELFARE, THE CHANNEL OF WILLOW CREEK WAS RE-ROUTED AND A DIVERSION WAS SUBSTITUTED FOR THE INSTREAM STOCKWATER USE. HEALTH & WELFARE'S ACTION AROSE AS A RESULT OF COMPLAINTS BY DOWNSTREAM WATER USERS, MOST OF WHOM ARE NAMED IN AN ACTION NOW PENDING BEFORE THE FIFTH DISTRICT COURT IN CASSIA COUNTY. THE INSTREAM STOCKWATERING USE WAS INSTITUTED DURING THE 1960'S, AND THE ACTUAL PRIORITY DATE OF THE USAGE FOR STOCKWATER FLOWS OCCURRED DURING THAT TIME. TO THE EXTENT REQUIRED, THIS CLAIM WILL BE SUPPLEMENTED TO SHOW THE DATE THE WATER WAS FIRST USED FOR INSTREAM STOCKWATER USE.

|

CASE NO. CI 89-6-104 COMMENCED BY CLAIMANT IN CASSIA CO. THE COURT DECREED THE FLOWS CLAIMED IN THIS CLAIM. SEE ATTACHED FINDINGS OF FACT, CONCLUSIONS OF LAW, & THE AMENDED JUDGEMENT & DECREE. OF THE TOTAL DIVERSION RATE CLAIMED, 0.0274 IS NON-CONSUMPTIVE.

15. Basis of Claim: BENEFICIAL USE

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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____, that I have signed the foregoing
document in the space below as _____ of
_____, and that the statements contained in the
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF
THE FIFTH JUDICIAL DISTRICT

FEB 22 9 57 AM '91

FRANK B. NEWBERRY, CLERK
BY [Signature] DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR
C A S S I A COUNTY

VANCO, INC., an Idaho
corporation,

Plaintiff,

vs.

DEAN and MARILYN KOYLE, husband
and wife; ROBERT G. and RUTH
MONCUR, husband and wife; and
JAMES and LAVORA POULTON,
husband and wife,

Defendants.

Case No. CI 89-6-104

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

THIS CASE came on for a court trial on November 26 and 27, 1990, in Burley, Cassia County, Idaho, with the Honorable George Granata Jr., District Judge, presiding. The plaintiff was represented by Gary D. Slette and Justin R. Seamons, Attorneys at Law; the defendants were represented by John S. Ritchie and Thomas M. Robertson, Attorneys at Law. Both parties presented testimony and documentary evidence. At the close of trial, the matter was continued pending the submission of briefs and Proposed Findings of Fact and Conclusions of Law by counsel. The case was

Findings of Fact and
Conclusions of Law

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subsequently taken under advisement on January 16, 1991. The court now enters its Findings of Fact and Conclusions of Law, as follows:

FINDINGS OF FACT

1. In 1973, a corporation, formerly known as Willow Creek Ranches, a predecessor in interest of the plaintiff Vanco, Inc., constructed a feedlot in the northwest corner of Section 26, Township 12 S., Range 23 E., B.M., Cassia County, Idaho. The feedlot was constructed on the stream known as Willow Creek, such that cattle in the feedlot could drink directly from the stream.

2. Willow Creek Ranches began to feed cattle in the feedlot in the fall of 1973.

3. Willow Creek Ranches fed cattle in the feedlot from September through May of each year from the fall of 1973, through the spring of 1980.

4. Willow Creek Ranches obtained water for the cattle in the feedlot by means of instream livestock watering from Willow Creek from the fall of 1973, through the fall of 1976.

5. In 1976, the defendants, through their attorney, John Coleman, contacted the Department of Health and Welfare about the quality of the water in Willow Creek below the feedlot.

6. In June of 1976, the Idaho Department of Health and Welfare filed a criminal complaint against Albert Anderson and Sons, Inc. (Willow Creek Ranches), alleging violation of Idaho Water Quality Standards in connection with the operation of the Willow Creek Ranches feedlot.

7. As a result of this law suit filed by the Idaho Department of Health and Welfare, and by way of settlement, Willow

Creek Ranches, in the fall of 1976, agreed to do, and did, the following to abate the water quality problems:

a. Diverted the course of Willow Creek to the north and east of the feedlot;

b. Constructed a diversion above the feedlot to eliminate runoff from coming onto the feedlot;

c. Installed a pipeline and watering troughs in each of the feedlot pens with overflow water piped out of the feedlot;

d. Constructed mounds covered with straw in the feedlot to absorb precipitation;

e. Constructed a retention facility to catch any runoff flowing from the feedlot toward Willow Creek.

8. In the fall of 1976, Willow Creek Ranches installed a four inch PVC pipeline, approximately 500 feet in length, running from Willow Creek to the stock waterers installed within the feedlot, in order to supply water to the cattle in the feedlot. The east end of the pipeline opened into the bottom of Willow Creek. The point where the pipeline opened into Willow Creek was marked by a post and bucket over the post.

9. George Varin of the Idaho Department of Health and Welfare made contact with Mr. Coleman, defendants' attorney, and/or the defendants as to the corrective action taken by Willow Creek Ranches, Inc.

10. Willow Creek Ranches obtained water for the cattle in the feedlot through this pipeline from the fall of 1976, through the spring of 1980.

11. Vanco, Inc. (hereinafter Vanco), as Willow Creek Ranches' successor in interest, began to feed cattle in the feedlot in the spring of 1982.

12. Vanco has fed cattle in the feedlot on a year-round basis from the spring of 1982, through the present.

13. Vanco has obtained water for the cattle in the feedlot through the above-mentioned pipeline from the spring of 1982 through the present.

14. The defendants were the decreed owners of the water from Willow Creek that flowed through the feedlot and that, thereafter, flowed through the pipeline.

15. Willow Creek Ranches and Vanco's use of the water from Willow Creek was and is open; that is, the defendants knew or should have known about Willow Creek Ranches and Vanco's use of the water from Willow Creek.

16. The maximum capacity of the four-inch pipe to carry water from Willow Creek to the Vanco's feedlot is .105 cfs or 5.24 miner's inches of water.

17. The pipeline needs to have the maximum flow of water flowing through it in order to provide enough water to the cattle in the feedlot, while, at the same time, stopping the pipeline from plugging and/or freezing underground.

18. Willow Creek Ranches diverted the maximum flow of water through the pipeline, from the fall of 1976, through the spring of 1980.

19. Vanco has diverted the maximum flow of water through the pipeline, from the spring of 1982, through the present.

20. Willow Creek Ranches fed an average of 1,500 cattle in the feedlot from the fall of 1973, through the spring of 1980.

21. Willow Creek Ranches fed a maximum of 5,000 cattle in the feedlot, which occurred prior to the installation of the pipeline, in the fall of 1976.

22. Vanco has fed an average of 1,500 cattle in the feedlot, from the spring of 1982, through the present.

23. Vanco feeds a maximum of 2,500 cattle in the feedlot.

24. The average head of beef in the feedlot weights 900 pounds.

25. The average temperature in the area of the feedlot, during July and August, is 95 to 100 degrees.

26. A 900 pound beef, in a 90 degree average temperature, requires 20 gallons of water per day.

27. Twenty gallons of water per day for 5,000 cattle is 100,000 gallons of water, which amounts to .1548 cfs or 7.74 miner's inches of water; twenty gallons of water per day for 2,500 cattle is 50,000 gallons of water, which amounts to .0774 cfs or 3.87 miner's inches of water.

28. While the court acknowledges that Willow Creek Ranches adversely possessed and consumptively used a large amount of water from Willow Creek, the court finds that the amount of water adversely possessed by Vanco is more accurate and representative.

29. Vanco has adversely possessed and consumptively used .0774 cfs, or 3.87 miner's inches of water, on a year-round basis

from the spring of 1982, through the present.

30. Vanco has adversely possessed and non-consumptively used .0274 cfs, or 1.37 miner's inches of water on a year-round basis, from the spring of 1982, through the present.

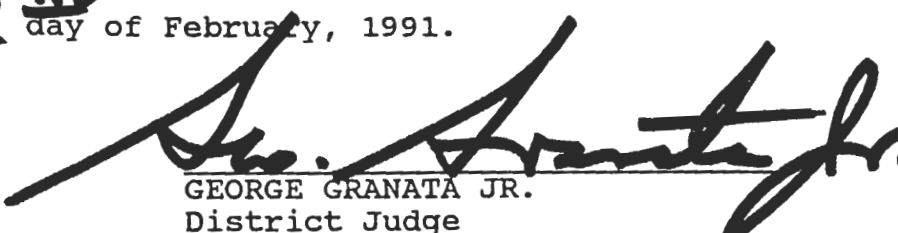
CONCLUSIONS OF LAW

1. Vanco has proved, by clear and convincing evidence, each of the elements of adverse possession from the spring of 1982, through the present, as to a consumptive use of .0774 cfs, or 3.87 miner's inches of water on a year-round basis, and a non-consumptive use of .0274 cfs, or 1.37 miner's inches of water on a year-round basis.

2. The foregoing consumptive and non-consumptive water rights have a priority date that is equal in time to the priority date of the defendants' water in Willow Creek.

Counsel for Vanco is hereby requested to prepare a Judgment, consistent with the above Findings of Fact and Conclusions of Law. Costs and attorney fees will be determined subsequently, as per I.R.C.P. 54(d) and (e).

DATED this 22nd day of February, 1991.


GEORGE GRANATA JR.
District Judge

Pc: Gary D. Slette, Attorney at Law
Justin R. Seamons, Attorney at Law
Thomas M. Robertson, Attorney at Law
John S. Ritchie, Attorney at Law

Findings of Fact and
Conclusions of Law

1 Gary D. Slette
2 Justin R. Seamons
3 ROSHOLT, ROBERTSON & TUCKER
4 P. O. Box 1906
5 Twin Falls, Idaho 83303-1906
6 Telephone: (208) 734-0700
7 3910p/mw/05-08-91

8
9 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
10 STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

11 * * * * *

12 VANCO, INC., an Idaho)
13 corporation,)

14 Plaintiff,)

15 vs.)

16 DEAN and MARILYN KOYLE, husband)
17 and wife; ROBERT G. and RUTH)
18 MONCUR, husband and wife; and)
19 JAMES and LaVORA POULTON,)
20 husband and wife,)

21 Defendants.)

Case No. CI 89-6-104

AMENDED JUDGMENT
AND DECREE

22 * * * * *

23 Plaintiff Vanco, Inc. filed this action against
24 Defendants Dean and Marilyn Koyle, Robert and Ruth Moncur, and
25 James and LaVora Poulton on June 23, 1989. The court tried
26 this action on November 26 and 27, 1990. Based on the relevant
27 evidence and the applicable law, and good cause appearing
28 therefor, the court hereby enters the following Amended
Judgment and Decree in favor of Vanco against the Defendants:

1 1. Vanco is hereby decreed a consumptive water right
2 for purposes of livestock watering in the amount of .0774 cfs,
3 or 3.87 miner's inches of the waters of Willow Creek located in
4 Section 26, T. 12 S., R. 23 E., B.M., Cassia County, Idaho,
5 with a priority date of November 23, 1881.

6 2. Vanco is hereby decreed a non-consumptive water
7 right in connection with the foregoing consumptive water right
8 in the amount of .0274 cfs, or 1.37 miner's inches of the
9 waters of Willow Creek located in Section 26, T. 12 S., R. 23
10 E., B.M., Cassia County, Idaho, with a priority date of
11 November 23, 1881.

12 Dated this 10 day of May, 1991.

13
14 H
15 District Judge

16
17 CERTIFICATE OF MAILING

18 I hereby certify that on this 10 day of May, 1991,
19 I served a copy of the foregoing AMENDED JUDGMENT AND DECREE,
20 by depositing same in the United States mail, postage prepaid,
21 in an envelope, addressed to the following:

22 Justin R. Seamons
23 P.O. Box 1906
24 Twin Falls, ID 83303

25 Tom Robertson
26 P.O. Box 525
27 Twin Falls, ID 83303

28 H
Clerk of the Court

MEMORANDUM

DATE: 15-Oct-1992

FROM: Loren Holmes *LH*

TO: Decree file 45-D, claim file **A45-11928**

SUBJECT: Measurement of Vanco Willow Creek diversion

The Vanco diversion on Willow creek was measured by Doug Jones and myself on October 8, 1992. We arrived on site at about 12:30 PM and concluded about 3:00 PM. Water flows were measured by blocking the outlet of the first watering trough and recording the time required for the water level to rise a measured distance.

In addition to water measurements, we surveyed to determine the elevation difference between the pipe inlet and the first trough and measured the length of the pipeline. The elevation difference measured was 32.57 feet and the length of the pipe measured 624 feet.

Five water measurements were made at various gate openings. The results are tabulated in attachment A. The gate openings are only approximate because the gate has no framework and the inlet screen surrounding the pipe inlet is movable, so there is no fixed point to use as a reference for determining gate opening. For the measurements, gate opening was determined by reaching underwater into the gate and estimating the opening by touch.

The first measurement was made with the gate essentially undisturbed from its setting when we arrived, which appeared to be almost closed. The gate was opened to 1/2" and then 3/4" for the next two trials without much apparent increase in flow. After the third measurement, the gate was briefly opened full to see what would happen. This caused a large flow of water which overflowed the trough and flushed debris and sediment from the pipeline. The gate was then readjusted back to a 3/4" opening and the flow measured. A final measurement was made at a 1/2" gate opening. Before leaving the site, the gate was set back to about a 1/8" opening.

Conclusion:

From our observations, it is apparent that the run of pipeline from the diversion to the first trough has a capacity greater than the rest of the system and greater than the water right. A control gate is necessary to regulate flows. It is also evident that the pipeline tends to fill with sediment and requires periodic flushing to maintain a flow.

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In its present condition, the control gate is not adequate to regulate the diversion. The gate is set out in the creek channel, and can only be reached by wading out to it. Additionally, the gate rod and the screen surrounding the inlet are both freely moveable so there is no reference against which to determine gate opening short of feeling underwater in the mouth of the pipe to estimate the opening.

If a stable gate frame and a walkway to the gate were provided, I believe it would be feasible to make a series of measurements under clean pipe conditions and determine a gate opening which will pass the 5.24 miners inch total diversion rate decreed.

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MAR 10 1993

ATTACHMENT A

Measurements at Vanco diversion on Willow Creek
Oct. 8, 1992

Gate setting	Trial	Depth (Ft.)	Volume (Cu. Ft)	Time (Sec.)	Flow cfs	Flow inches
cracked open	1	.052	1.414	57.48	.025	1.23
1/2" open	2	.058	1.577	45.52	.035	1.73
3/4" open	3	.080	2.175	16.38	.133	6.64

3/4" open	4	.125	3.398	23.24	.146	7.31
1/2" open	5	.104	2.827	33.02	.086	4.28

*** Between trials 3 & 4, gate was fully opened to flush
the pipeline.

Trough measured 9.64' X 2.82'. Area = 27.18 Sq Ft

Volume = Area X Depth

Flow (cfs) = Volume/Time

MICROFILMED

MAR 10 1993

MEMORANDUM

DATE: 15-Oct-1992

FROM: Loren Holmes 

TO: Decree file 45-D, claim file A45-11928

SUBJECT: Measurement of Vanco Willow Creek diversion

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In addition to water measurements, we surveyed to determine the elevation difference between the pipe inlet and the first trough and measured the length of the pipeline. The elevation difference measured was 32.57 feet and the length of the pipe measured 624 feet.

Five water measurements were made at various gate openings. The results are tabulated in attachment A. The gate openings are only approximate because the gate has no framework and the inlet screen surrounding the pipe inlet is movable, so there is no fixed point to use as a reference for determining gate opening. For the measurements, gate opening was determined by reaching underwater into the gate and estimating the opening by touch.

The first measurement was made with the gate essentially undisturbed from its setting when we arrived, which appeared to be almost closed. The gate was opened to 1/2" and then 3/4" for the next two trials without much apparent increase in flow. After the third measurement, the gate was briefly opened full to see what would happen. This caused a large flow of water which overflowed the trough and flushed debris and sediment from the pipeline. The gate was then readjusted back to a 3/4" opening and the flow measured. A final measurement was made at a 1/2" gate opening. Before leaving the site, the gate was set back to about a 1/8" opening.

Conclusion:

From our observations, it is apparent that the run of pipeline from the diversion to the first trough has a capacity greater than the rest of the system and greater than the water right. A control gate is necessary to regulate flows. It is also evident that the pipeline tends to fill with sediment and requires periodic flushing to maintain a flow.

In its present condition, the control gate is not adequate to regulate the diversion. The gate is set out in the creek channel, and can only be reached by wading out to it. Additionally, the gate rod and the screen surrounding the inlet are both freely moveable so there is no reference against which to determine gate opening short of feeling underwater in the mouth of the pipe to estimate the opening.

If a stable gate frame and a walkway to the gate were provided, I believe it would be feasible to make a series of measurements under clean pipe conditions and determine a gate opening which will pass the 5.24 miners inch total diversion rate decreed.

ATTACHMENT A

Measurements at Vanco diversion on Willow Creek Oct. 8, 1992

Gate setting	Trial	Depth (Ft.)	Volume (Cu. Ft)	Time (Sec.)	Flow cfs	Flow inches
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1/2" open	2	.058	1.577	45.52	.035	1.73
3/4" open	3	.080	2.175	16.38	.133	6.64

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1/2" open	5	.104	2.827	33.02	.086	4.28

*** Between trials 3 & 4, gate was fully opened to flush the pipeline.

Trough measured 9.64' X 2.82'. Area = 27.18 Sq Ft

Volume = Area X Depth

Flow (cfs) = Volume/Time