

State of Idaho

WATER LICENSE

Water License No. 25731/51-2133 Priority August 21, 1955 Amount 7.08 c.f.s.
(late proof)
THIS IS TO CERTIFY that Milford J. & Arnes M. Vaught-Assimée, Rancho Idaho, Inc.
of Bruneau, Idaho made application for a permit to appropriate the public waters of
the State of Idaho dated May 21, 1955 that Permit 25731/51-2133 was issued pursuant
to said application; that the proposed works were completed on or about 1960
with a storage or carrying capacity of 8.0 c.f.s. said works consisting of concrete
diversion works and earth ditches and that on August 29, 1966

proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 2300
acre feet per season, with a maximum rate of diversion of 7.08 cubic feet per second of the waters
of Bruneau River tributary of Snake River
for the purpose of Irrigation from April to October 31
and for from to and for
 from to and that the use
of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
mation Engineer and entered in the records of the Idaho Department of Reclamation; the point of diversion is
located in SE 1/4 SW 5 T. 7 S. R. 6 E. B.M. and
other additional points in the County of
Owyhee and that the amount of water to which such right is
entitled and which is hereby confirmed for the purposes aforesaid, is limited to an amount actually beneficially
used for said purposes and shall not exceed 2300 acre feet per year.

Description and location of place of use:

TWP	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6 S	5 E	25									33	34							77
		26	39	38	37	39								39				25	217
		36					39	20	1										60

Total number of acres irrigated 354

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described,
as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

10th day of October 1968

R. Kirk Higin
State Reclamation Engineer

51 2133

25731
51-2133

1968

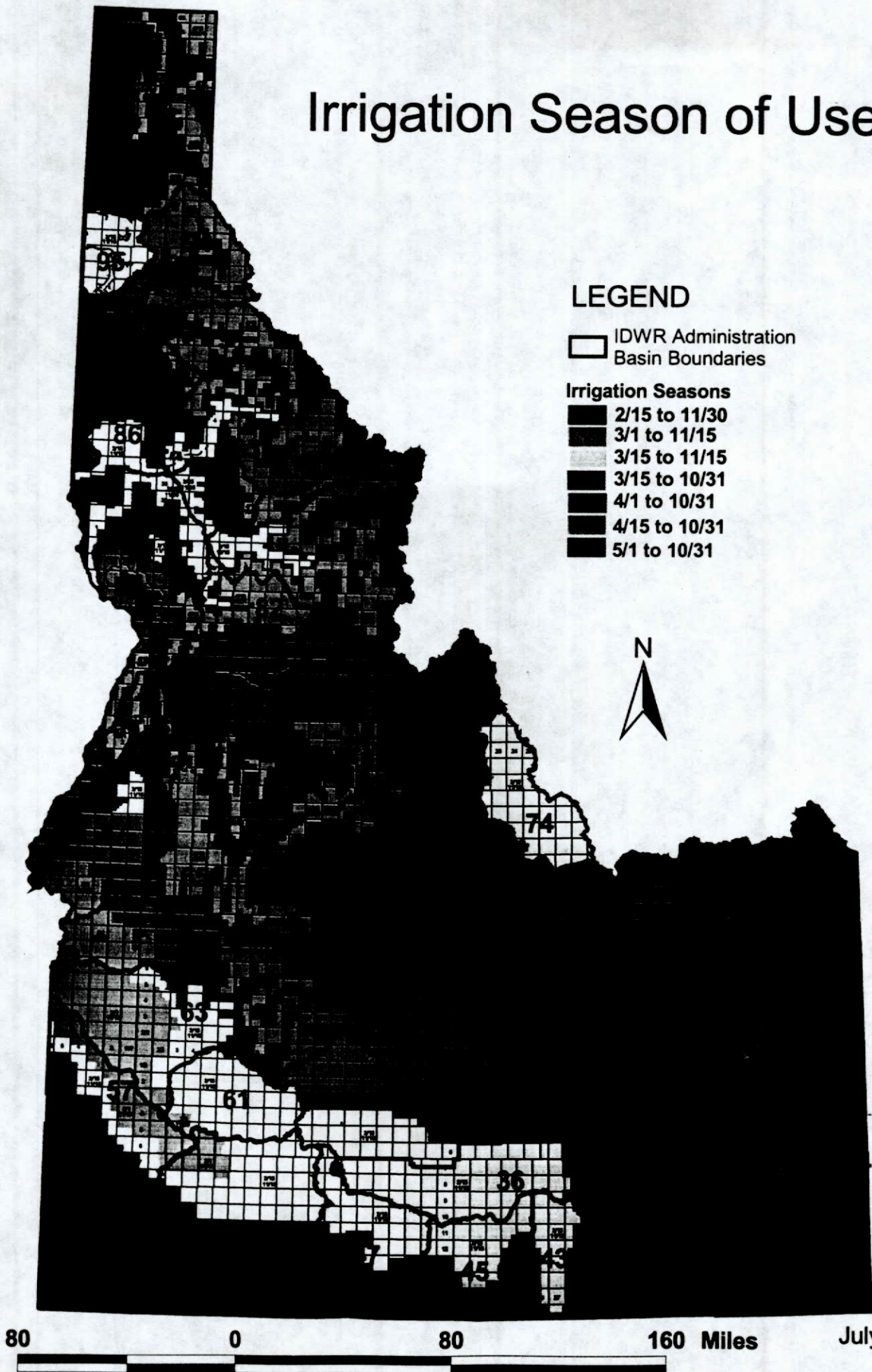
Irrigation Season of Use

LEGEND

□ IDWR Administration
□ Basin Boundaries

Irrigation Seasons

■ 2/15 to 11/30
■ 3/1 to 11/15
■ 3/15 to 11/15
■ 3/15 to 10/31
■ 4/1 to 10/31
■ 4/15 to 10/31
■ 5/1 to 10/31



IDWR

T06S, R05E

PRIVATE RIGHTS

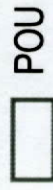
Owner(s) Simplot

Prepared by:

Ron Howerton

Date: 25 May 99

Total Acres: 397.8



POU



POD

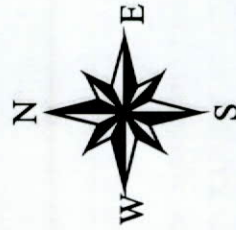


SECTION LINES

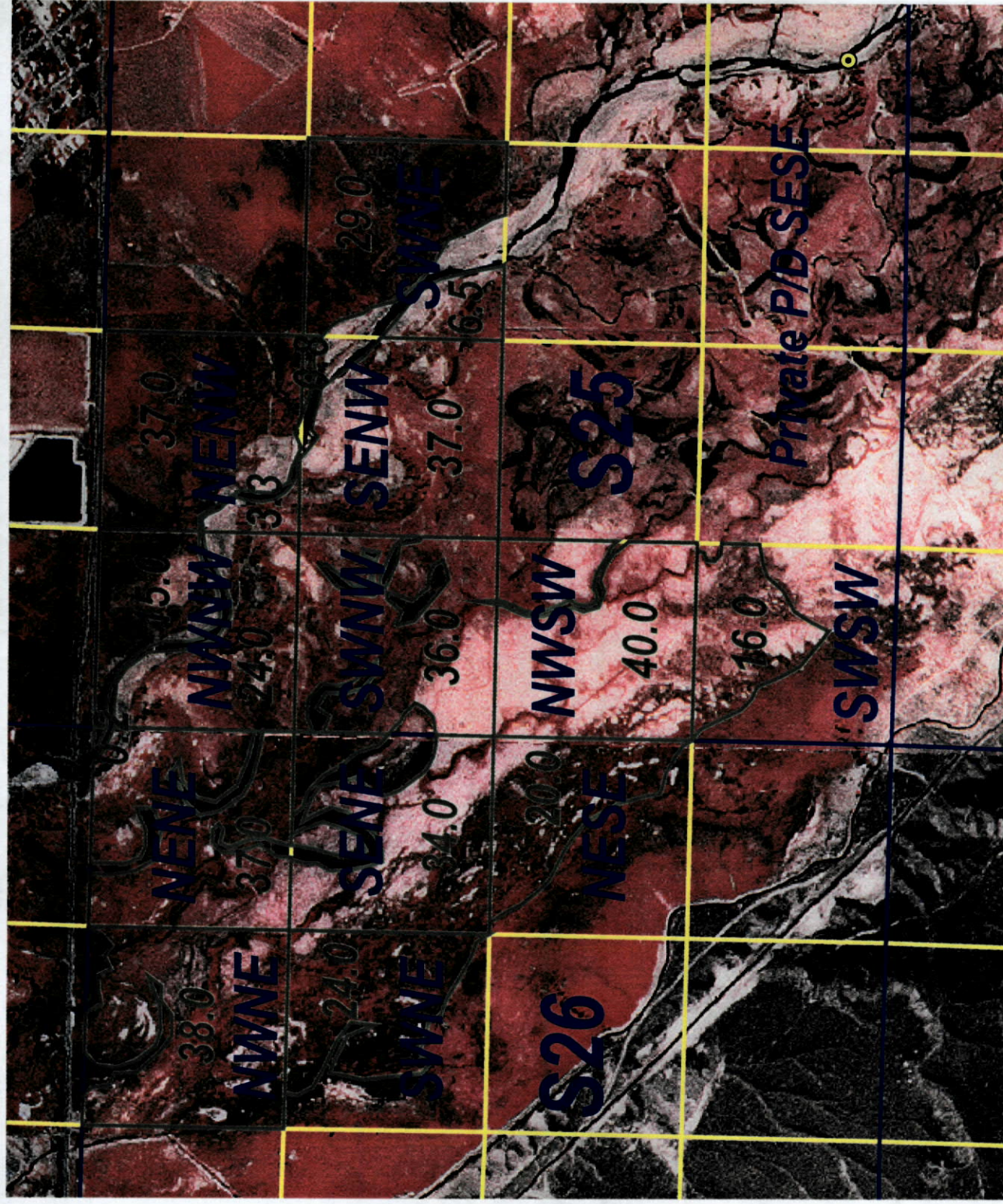


1/4 1/4

Acres



1987 NAPP



0.5

1 Miles

IDWR

T06S, R05E

PRIVATE RIGHTS

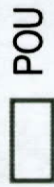
Owner(s) Simplot

Prepared by:

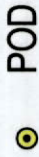
Ron Howerton

Date: 25 May 99

Total Acres: 397.8



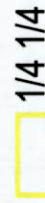
POU



POD

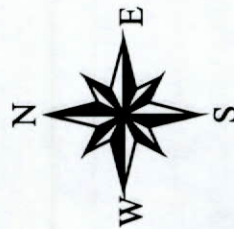


SECTION LINES

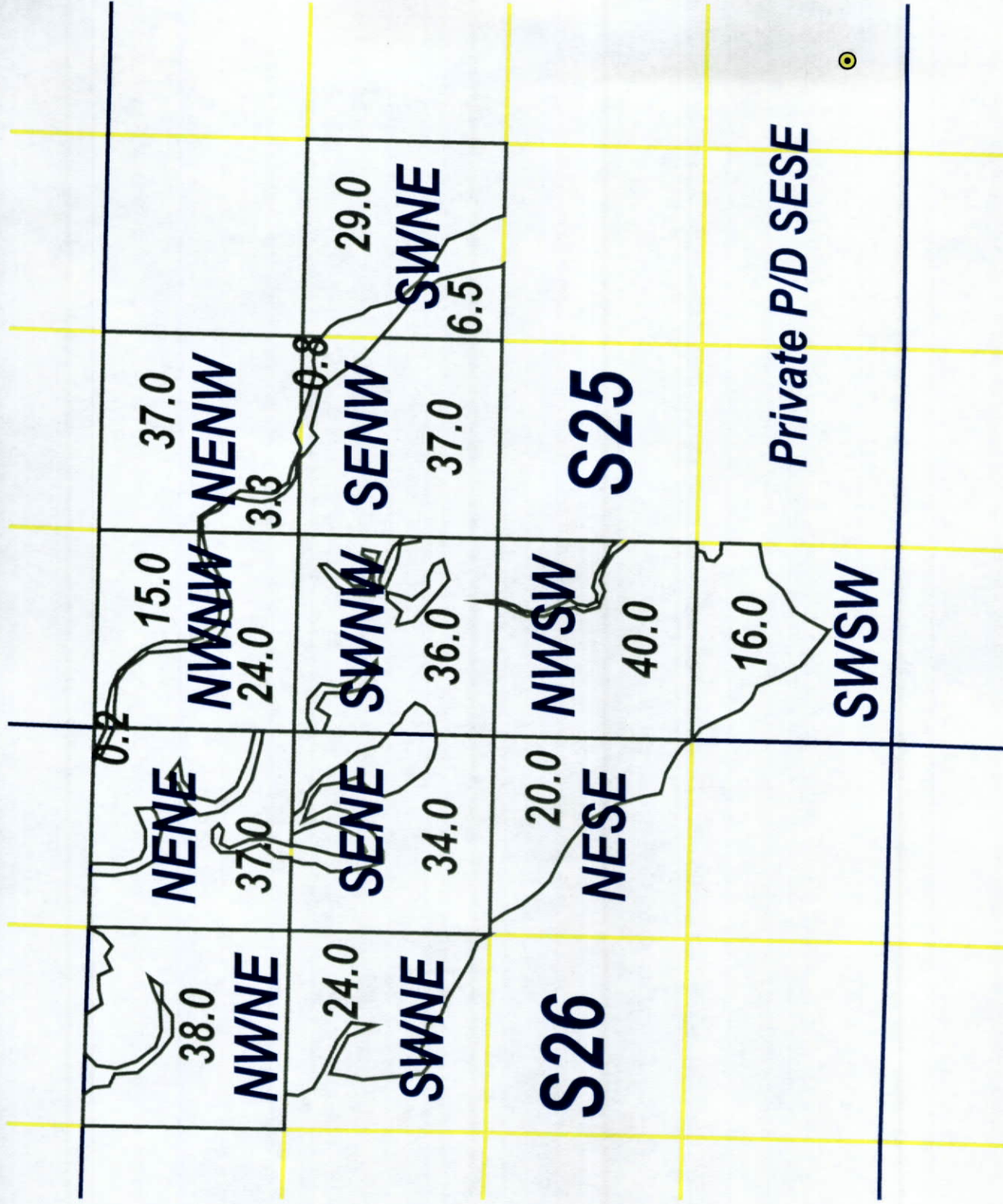


1/4 1/4

Acres



1987 NAPP



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: A51-02133
Date Received: 1/19/1989
Receipt No: W002025
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J R SIMPLOT SELF DECLARATION REVOC TRUST 208-336-2110
Address: J R SIMPLOT AS TRUSTEE
ATTN RONALD N GRAVES
PO BOX 27
BOISE ID 83707

2. Date of Priority: AUG 21, 1955

3. Source: BRUNEAU RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	06E	5	SE	SW			OWYHEE

5. Description of diverting works:
CONCRETE & EARTH DAM W/STOPLOGS BACKS WATER TO HEADGATE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/01	11/30	7.080		2300.00

7. Total Quantity Appropriated is:
7.080 C.F.S. (and/or) 2300.00 A.F.A.

8. Total consumptive use is 1182.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	05E	25	NW	SW		IRR	38.0
			SW	SW		IRR	39.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	77.0
		26	NE	NE	IRR	39.0
			NW	NE	IRR	38.0
			SW	NE	IRR	37.0
			SE	NE	IRR	39.0
			NE	SE	IRR	39.0
			SE	SE	IRR	25.0
					Section Acres	217.0
		36	NE	NW	IRR	39.0
			NW	NW	IRR	20.0
			SW	NW	IRR	1.0
			SE	NW	IRR	40.0
					Section Acres	100.0
					Total Acres	394.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
NONE

14. Remarks:
OWNERSHIP CHANGED 9-16-94.RDH

15. Basis of Claim: LICENSE

Water Right Number: 25731

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ 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 _____

CORPORATE HEADQUARTERS

HAND DELIVERY

September 8, 1994

David R. Tuthill, Jr., P.E.
Manager, Western Regional Office
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED

SEP 09 1994

WATER RESOURCES
WESTERN REGION

Re: Simplot Trust Purchase of Owen Owyhee County, Idaho Property.

Dear Mr. Tuthill:

Enclosed for filing are the following fully executed original documents connected with the August 31, 1994, sale of the Owen Family Revocable Trust A and Owen's Ranch Trust Owyhee County, Idaho farm and ranch properties to the J. R. Simplot Self-Declaration of Revocable Trust:

1. State of Idaho Department of Water Resources Assignment of Permits and Pending Application for Permit.
2. New Property Owner Notice of Change of Water Right Ownership.

As I mentioned to you in our telephone conversation yesterday, Owen retained ownership of one of the ranches known as "Pole Creek". The water rights associated with the Pole Creek Ranch are not included in any of the enclosed water right lists.

Please arrange for a photo-copy of the enclosed with your date stamp indicating receipt to be mailed to my attention at the letterhead address.

Sincerely,



Vic Conrad
Associate, Simplot
Land and Development

encl. Original Notice of Change of Water Right Ownership
Original Assignment of Permits and Pending Application for Permit

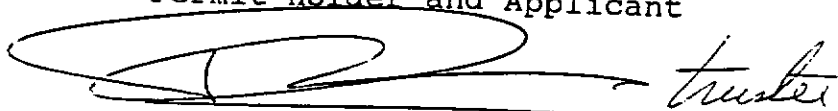
State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMITS AND PENDING APPLICATION FOR PERMIT

We, Richard L. Owen, Trustee of the Owen Family Revocable Trust A Established August 30, 1966, as Amended and Restated on October 12, 1988, and Velma Marie Owen, Successor Trustee of Owen's Ranch Trust Dated May 17, 1967, hereby assign to J. R. Simplot as Trustee, J. R. Simplot Self-Declaration of Revocable Trust, established by Written Instrument Dated December 1, 1989 of Post Office Box 27 Boise, ID, 83707:

All right, title, and interest in and to Permit No's 51-04104, 51-07082, 51-07107, 51-07119, 51-07183, 51-07281, 51-07293 and all right, title, and interest in and to pending Application for Permit No. 51-07346.

Made this 31st day of August, 1994.

Permit Holder and Applicant



Richard L. Owen, Trustee of the
Owen Family Revocable Trust A



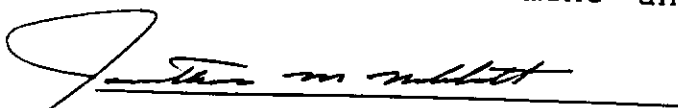
Velma Marie Owen, Successor Trustee
of Owen's Ranch Trust Dated May 17,
1967

State of Idaho

County of Ada

SS

On this 31st day of August, 1994, personally appeared before me Richard L. Owen, Trustee and Velma Marie Owen, Trustee known to me to be the signer(s) of the above instrument and who executed the same.



Notary Public Residing at

Meridian ID

Exp. Date: 4.25.2000

**NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

DATE OF CLOSING: August 31, 1994

LEGAL DESCRIPTION OF PROPERTY: See Exhibit A

Water Right Numbers: See Exhibit B

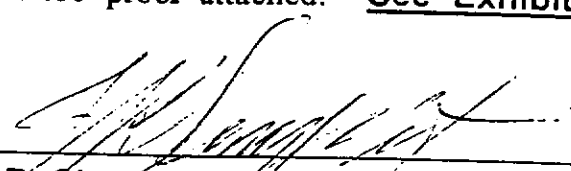
Name and Address of Former Owner/Claimant(s) (Seller): Richard L. Owen, Trustee of the Owen Family Revocable Trust A, Post Office Box 590, Bruneau, Idaho, 83604-0590 and Velma Marie Owen, Successor Trustee of Owen's Ranch Trust Dated May 17, 1967, Post Office Box 590, Bruneau, Idaho 83604-0590.

New Owner/Claimant (Purchaser): J. R. Simplot as Trustee, J. R. Simplot Self-Declaration of Revocable Trust, Established by Written Instrument Dated December 1, 1989, Post Office Box 27, Boise, Idaho, 83707, ATTN: Ronald N. Graves.

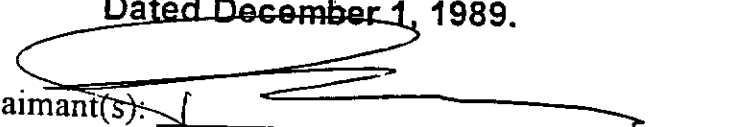
Does the change in ownership result in a splitting of the water right owned/claimed? ___ yes X no

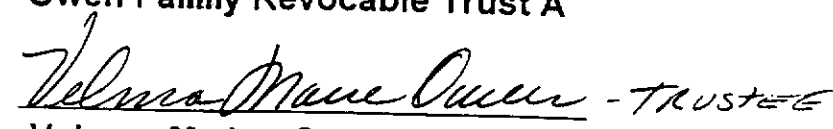
Attach proof of ownership, describe proof attached: See Exhibit A (Warranty Deed)

Signature of New Owner/Claimant(s)


J. R. Simplot as Trustee, J. R. Simplot
Self Declaration of Revocable Trust,
Established by Written Instrument
Dated December 1, 1989.

Signature of Former Owner/Claimant(s):


Richard L. Owen, Trustee of the
Owen Family Revocable Trust A

 - TRUSTEE
Velma Marie Owen, Successor
Trustee of Owen's Ranch Trust
Dated May 17, 1967.

WARRANTY DEED

FOR VALUE RECEIVED, Richard L. Owen, Trustee of the Owen Family Revocable Trust A established August 30, 1966, as amended and restated on October 12, 1988, and Velma Marie Owen, Trustee of the Owens Ranch Trust dated May 17, 1967, the Grantor, hereby GRANTS, BARGAINS, SELLS AND CONVEYS to J. R. Simplot, as Trustee of the J. R. Simplot Self-Declaration of Revocable Trust, established by written instrument dated December 21, 1989, and registered in the Fourth Judicial District of the State of Idaho, Ada County, as No. 3T-788 of H.C. 85, Box 275, Grandview, Idaho 83624, the following described real property situated in the County of Owyhee, State of Idaho, to-wit:

Legally described in Exhibit A attached hereto and made a part hereof,

To have and to hold the said premises with their appurtenances unto the said Grantee, its successors and assigns forever. The said Grantor does hereby covenant to and with the said Grantee that it is the owner in fee simple of said premises; that said premises are free from all encumbrances save and except as hereinafter provided, and that Grantor will warrant and defend the same from all lawful claims whatsoever. The encumbrances to which the premises are subject are as follows:

- (1) Mortgage dated May 15, 1991, executed by Grantor for the benefit of Northwest Farm Credit Services, ACA, recorded in the records of Owyhee County, Idaho, as Instrument No. 205101 which said Mortgage the Grantee has assumed and agreed with the Grantor to timely repay.
- (2) Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey.
- (3) Taxes or special assessments for 1994 and thereafter.
- (4) Setbacks, zoning regulations, rules, regulations and laws affecting and governing the said premises.
- (5) Those certain matters contained in the public records of Owyhee County, Idaho and specifically identified on Schedule B, section 2, as special exception Nos. 1-26, inclusive, 28 and 32 on that certain Commitment for Title Insurance of Chicago Title Insurance Company dated August 29, 1994, bearing file No. PO781, SECOND AMENDED.

WARRANTY DEED - 1



Page 2 of 13

PARCEL I:

IN TOWNSHIP 6 SOUTH, RANGE 5 EAST, B. M., OWYHEE COUNTY, IDAHO
Sections 22 and 23: Those portions of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, the SW $\frac{1}{4}$ NE $\frac{1}{4}$,
the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 22; and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec.
23, lying South of the following described line, to-wit:
BEGINNING at the Section corner common to Sections 15, 16,
21 and 22; thence South 42°32' East 1915.0 feet to a point
on the West line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 22, which is the REAL
POINT OF BEGINNING: thence South 60°43' East 209.2 feet;
thence South 58°52' East 442.6 feet; thence South 69°05'
East 226.2 feet; thence South 57°42' East 340.3 feet; thence
South 29°44' East 293.4 feet; thence South 40°50' East 218.8
feet; thence South 63°58' East 598.3 feet; thence South
Continued

213665

FILED - RECORDED

'94 AUG 31 PM 1 06

BARBARA JAYO
OWYHEE COUNTY RECORDER
BY *G. Schickel*
DEPUTY

RECORDED
INDEXED
MICROFILMED

SM *@*

77°54' East 686.9 feet; thence South 21°50' East 258.2 feet; thence South 71°05' East 448.4 feet; thence South 57°39' East 117.6 feet; thence South 32°34' East 379.3 feet; thence North 87°32' East 670.6 feet; thence South 72°47' East 1392.6 feet to the SE corner of NW¼SW¼ of Section 23.

Section 22: NE¼SW¼, S¼SE¼ EXCEPTING from the SE¼SE¼ the following three (3) tracts of land more particularly described as follows:

COMMENCING at the Section corner common to Sections 22, 23, 26 and 27, T6S, R5E, B. M., and running thence North 37 feet to the Northwesternly line of the Bruneau to Grand View Highway, that point being marked by a right of way marker designated as POC-427+72.3; thence running South 89°55' West along said right of way line for a distance of 562.3 feet, said point being the REAL POINT OF BEGINNING; running thence South 89°55' West a distance of 428 feet; thence North a distance of 30 feet; thence North 89°55' East, a distance of 128 feet; thence North a distance of 270 feet; thence North 89°55' East a distance of 300 feet; thence South 300 feet to the POINT OF BEGINNING

and

COMMENCING at the section corner common to Sections 22, 23, 26 and 27, T6S, R5E, B. M., and running thence North 37 feet to the Northwesternly line of the Bruneau to Grand View Highway, that point being marked by a right of way marker designated as POC-427+72.3; thence running South 89°55' West along said right of way line for a distance of 562.3 feet; running thence South 89°55' West, a distance of 428 feet; thence North a distance of 30 feet, being the REAL POINT OF BEGINNING; thence North 89°55' East, a distance of 128 feet; thence North a distance of 270 feet; thence South 89°55' West, a distance of 128 feet; thence South 270 feet to the REAL POINT OF BEGINNING.

and

BEGINNING at the section corner common to Sections 22, 23, 26 and 27, T6S, R5E, B. M.; thence North 37.0 feet to the Northwesternly line of the Bruneau to Grand View Highway, the point being marked by a right of way marker, POC-427+72.3; thence North 89°20' West a distance of 989.95 feet, (formerly South 89°55' West a distance of 990.36 feet) to a point, which is the REAL POINT OF BEGINNING; thence North 89°20'00" West a distance of 300.00 feet; thence North 00°44'43" West a distance of 707.96 feet to a point on the South right of way of County Road; thence South 67°36'28" East along the South right of way of County Road a distance of 450.06 feet; thence South 00°44'43" East a distance of 241.32 feet; thence North 89°20'00" West (formerly south 89°55' West) a distance of 113.98 feet; thence South 00°44'43" East (formerly South) a distance of 300.00 feet to the REAL POINT OF BEGINNING.

Section 23: SW½SW½
Section 25: W½NE½, NW½, W½SW½
Section 26: NE½, E½SE½
Section 36: SW½NE½, W½, W½SE½

EXCEPTING FROM ALL THE ABOVE DESCRIBED PROPERTY various irregular strips of land as conveyed by Warranty Deed recorded August 17, 1954 as Instrument Number 89769 in Book 46 of Deeds page 117+ to the State of Idaho for the Grand View connection as surveyed and shown on the official plat of the Bruneau - Duck Valley St. 3806 (501) Highway Survey on file in the office of the Department of Highways of the State of Idaho, and lying over and across the portions SE½SE½ of Section 22, S½SW½ of Section 23, N½NE½ of Section 26, NW½NW½ of Section 25, SE½SW½ of Section 24, NE½NW½ of Section 25, NW½NE½ of Section 25

ALSO EXCEPTING FROM ALL THE ABOVE DESCRIBED PROPERTY a strip of land as conveyed by Warranty Deed recorded May 27, 1955 as Instrument No. 91956 in Book 47 of Deeds page 129 to the State of Idaho as surveyed and shown on the official plat of Bruneau - Duck Valley - Project No. St. 3806(2) Highway Survey on file in the office of the Department of Highways of the State of Idaho.

IN TOWNSHIP 7 SOUTH, RANGE 4 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 31: Lots 1 and 2, NE½NW½

IN TOWNSHIP 8 SOUTH, RANGE 3 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 1: Lot 3, SW½NW½
Section 2: NE½SW½

IN TOWNSHIP 8 SOUTH, RANGE 4 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 5: SW½SE½, SE½SW½
Section 8: NW½NE½, NE½NW½
Section 29: SE½NE½

IN TOWNSHIP 8 SOUTH, RANGE 5 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 16: All

IN TOWNSHIP 10 SOUTH, RANGE 1 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 15: NW½NE½, S½NE½, SE½NW½, W½SW½
Section 21: N½NE½, SE½NE½, N½NW½, E½SE½
Section 22: W½SW½
Section 28: E½, SE½NW½, SE½SW½
Section 33: NW½NE½, E½NW½, NE½SW½

IN TOWNSHIP 11 South, RANGE 1 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 3: SW½NW½, SW½
Section 10: W½NE½, E½NW½, NW½NW½, NE½SW½, NW½SE½
Section 27: S½S½
Continued

IN TOWNSHIP 11 SOUTH, RANGE 2 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 8: SE½SW¼
Section 17: E½NW¼, NE½SW¼

IN TOWNSHIP 12 SOUTH, RANGE 2 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 7: SW½SE¼

IN TOWNSHIP 9 SOUTH, RANGE 1 WEST, B. M., OWYHEE COUNTY, IDAHO
Section 33: SW½SE¼

IN TOWNSHIP 10 SOUTH, RANGE 1 WEST, B. M., OWYHEE COUNTY, IDAHO
Section 1: SW½SE¼
Section 3: SW¼, S½SE¼
Section 4: Lot 2, S½NE¼, E½SE¼, SW½SE¼
Section 9: NE¼, SE¼, E½SW¼, that portion of E½NW¼ lying

Easterly of the line described as follows:
BEGINNING at a point on the Section line between Sections 4 and 9, T10S, R1W, B. M., 23 feet East of the quarter corner common to said Sections 4 and 9; thence running South 18° West a distance of 2,750.0 feet, more or less, to the South boundary line of the E½NW¼ of Section 9.

Section 10: N¼, N½S¼, SW½SW¼, SE½SW¼, S½SE¼,
EXCEPTING the one-half (½) acre of land in the NW corner of NE½SE¼, as Reserved in Deed dated April 22, 1916 and recorded April 26, 1916 in Book 10 of Deeds, page 327, Owyhee County Records.

Section 14: SW½SW¼
Section 15: W½NE¼, E½NW¼, E½SE¼
Section 23: N½NW¼, SE½NW¼, SW½NE¼, W½SE¼, SE½SE¼
Section 25: W½NW¼, NW½SW¼, E½SW¼
Section 26: E½NE¼
Section 36: E½W¼, SW½NW¼, NW½SW¼

IN TOWNSHIP 11 SOUTH, RANGE 1 WEST, B. M., OWYHEE COUNTY, IDAHO
Section 24: NW½SW¼
Section 35: SW½SE¼

IN TOWNSHIP 12 SOUTH, RANGE 1 WEST, B. M., OWYHEE COUNTY, IDAHO
Section 7: NE½SW¼
Section 21: W½E¼, E½W¼
Section 35: W½SE¼

PARCEL II:

IN TOWNSHIP 10 SOUTH, RANGE 3 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 11: SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 13: NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 14: N $\frac{1}{4}$ NE $\frac{1}{4}$
Section 33: SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 34: NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{4}$ S $\frac{1}{4}$
Section 35: W $\frac{1}{4}$ W $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$

IN TOWNSHIP 10 SOUTH, RANGE 4 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 18: Lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 22: W $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{4}$ SW $\frac{1}{4}$

IN TOWNSHIP 11 SOUTH, RANGE 2 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 11: SE $\frac{1}{4}$, W $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 12: S $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{4}$ SE $\frac{1}{4}$
Section 13: N $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{4}$
Section 14: NE $\frac{1}{4}$ NE $\frac{1}{4}$

IN TOWNSHIP 11 SOUTH, RANGE 3 East, B. M., OWYHEE COUNTY, IDAHO
Section 2: Lots 2 and 3
Section 18: Lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 19: Lots 1 and 2, E $\frac{1}{4}$ NW $\frac{1}{4}$

PARCEL III:

IN TOWNSHIP 7 SOUTH, RANGE 4 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 23: SE $\frac{1}{4}$ SAVING AND EXCEPTING the following described
real property to-wit:

A tract of land located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$, bounded and described as follows: BEGINNING at the NW corner of NW $\frac{1}{4}$ SE $\frac{1}{4}$, the TRUE POINT OF BEGINNING; running thence North 89°57' East a distance of 2,056.8 feet to a point; thence South 54°57' West 905 feet to a point; thence South 59°39' West 860 feet to a point; thence North 33°42' West 79 feet to a point; thence South 67°04' West 598.8 feet to a point on the West boundary line of NW $\frac{1}{4}$ SE $\frac{1}{4}$; thence running North a distance of 1165 feet to the POINT OF BEGINNING.

Section 23: S $\frac{1}{4}$ SW $\frac{1}{4}$ and

A tract of land located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ bounded and described as follows:

BEGINNING at the East quarter corner of Section 23; the TRUE POINT OF BEGINNING: running thence South 89°57' West 583.2 feet to a point; thence North 54°57' East 273 feet to a point; thence North 73°32' East 380.2 feet, more or less, to the East Section line of said Section 23, running thence South a distance of 264.6 feet, more or less, to the POINT OF BEGINNING

@ m

Section 24: NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{4}$ NW $\frac{1}{4}$
Section 26: N $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$

PARCEL IV:

IN TOWNSHIP 7 South, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO

Section 23: E $\frac{1}{4}$ SW $\frac{1}{4}$ EXCEPT the following parcel:

BEGINNING at the south quarter corner, a brass cap properly identified as Sec. 23, T7S, R6E, B. M.; thence North 00°24' West a distance of 1152.6 feet along the north-south center line to an iron pin, the TRUE POINT OF BEGINNING; thence North 13° 31' West a distance of 1020.9 feet to an iron pin; thence North 89°56' West a distance of 405.8 feet to an iron pin; thence North 00°04' East a distance of 359.2 feet to an iron pin; thence North 89°50' West a distance of 677 feet, more or less, to the west boundary line of NE $\frac{1}{4}$ SW $\frac{1}{4}$; thence North 00°04' East along the West boundary line of NE $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 125 feet to a point; thence South 89°50' East along the north boundary line of NE $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 1311 feet, more or less, to the north-east corner of NE $\frac{1}{4}$ SW $\frac{1}{4}$; thence South 00°04' West a distance of 1479 feet, more or less, to the POINT OF BEGINNING

Section 23: NW $\frac{1}{4}$ SW $\frac{1}{4}$ EXCEPT the following two (2) parcels of land:

BEGINNING at the west quarter corner of Sec. 23, thence South 89°50' East a distance of 181.5 feet along the north boundary line of NW $\frac{1}{4}$ SW $\frac{1}{4}$ to an iron pin; thence South 02°50'55" West a distance of 1321.5 feet to an iron pin on the south boundary line of NW $\frac{1}{4}$ SW $\frac{1}{4}$; thence North 89°50' West a distance of 115.5 feet to an iron pin on the West boundary line of NW $\frac{1}{4}$ SW $\frac{1}{4}$; thence North 00°22' East a distance of 1320 feet, more or less, to the POINT OF BEGINNING.

Also

BEGINNING at the West quarter corner of Sec. 23, thence South 89°50' East along the North boundary line of NW $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 320.1 feet to an iron pin, the TRUE POINT OF BEGINNING; thence South 89°50' East along the North boundary of NW $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 987 feet, more or less, to the NE corner of NW $\frac{1}{4}$ SW $\frac{1}{4}$; thence South 00°04' West a distance of 30 feet along the East boundary line of NW $\frac{1}{4}$ SW $\frac{1}{4}$ to a point; thence North 89°50' West a distance of 987 feet to a point on the East right of way line of a county road; thence North 03°43'40" West a distance of 30.1 feet to the POINT OF BEGINNING.

Continued

C @ m

PARCEL V:

IN TOWNSHIP 10 SOUTH, RANGE 4 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 17: S½SW½
Section 18: S½SE½
Section 19: NE¼, N½SE½
Section 20: NW¼, N½SW½

PARCEL VI:

IN TOWNSHIP 6 SOUTH, RANGE 6 EAST, B.M., OWYHEE COUNTY, IDAHO
Section 19: A portion of Government Lot 4 (SW¼, SW½) more

particularly described as follows:

Beginning at an iron pin marking the Southwest corner of the said Section 19, also said point being the Southwest corner of the said Government Lot 4 of Section 19; thence North 0°54'09" West 46.47 feet along the Westerly boundary of the said Government Lot 4 of Section 19 to an iron pin on the Northwesternly right-of-way line of State Highway 51, Federal Aid Project No. S-97(1), also said point being the REAL POINT OF BEGINNING; thence continuing North 0°54'09" West 1,291.08 feet along the said Westerly boundary of Government Lot 4 of Section 19 to an iron pin marking the Northwest corner of the said Government Lot 4 of Section 19; thence North 89°37'53" East 1,203.18 feet along the Northerly boundary of the said Government Lot 4 of Section 19 to an iron pin on the said Northwesternly right-of-way line of State Highway 51 marking a point of beginning of curve; thence Southwesterly along the said Northwesternly right-of-way line of State Highway 51 along a curve to the right 32.15 feet, said curve having a central angle of 1°56'52", a radius of 945.92 feet, tangents of 16.08 feet, and a long chord of 32.15 feet bearing South 45°46'35" West to a highway monument stamped "P.C. Sta. 2615+80.0" marking the point of ending of curve; thence South 3°30'48" West 248.17 feet along the said Northwesternly right-of-way line of State Highway 51 to an iron pin; thence South 46°45'00" West 1,346.38 feet along the said Northwesternly right-of-way line of State Highway 51 to a highway monument stamped "P.T. Sta. 2600+52.1" marking a point of curve; thence Southwesterly along the said Northwesternly right-of-way line of State Highway 51 along a curve to the right 196.26 feet, said curve having a central angle of 20°42'38", a radius of 542.96 feet, tangents of 99.21 feet, and a long chord of 195.20 feet bearing South 57°06'19" West to a point of ending of curve, also said point being the point of beginning.

Continued

PARCEL VII:

IN TOWNSHIP 7 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO

Section 3: S $\frac{1}{2}$ SW $\frac{1}{2}$
Section 4: SE $\frac{1}{2}$ SE $\frac{1}{2}$
Section 9: NE $\frac{1}{2}$ NE $\frac{1}{2}$, SE $\frac{1}{2}$ NE $\frac{1}{2}$, NE $\frac{1}{2}$ SE $\frac{1}{2}$
Section 10: W $\frac{1}{2}$ NW $\frac{1}{2}$, NW $\frac{1}{2}$ SW $\frac{1}{2}$, NE $\frac{1}{2}$ SW $\frac{1}{2}$, S $\frac{1}{2}$ SW $\frac{1}{2}$
Section 15: N $\frac{1}{2}$ NW $\frac{1}{2}$

PARCEL VIII:

IN TOWNSHIP 7 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO

Section 14: SW $\frac{1}{2}$ SW $\frac{1}{2}$
Section 15: S $\frac{1}{2}$ SE $\frac{1}{2}$
Section 22: NE $\frac{1}{2}$ NE $\frac{1}{2}$
Section 23: NW $\frac{1}{2}$ NW $\frac{1}{2}$

PARCEL IX:

IN TOWNSHIP 7 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO

Section 22: SE $\frac{1}{2}$, SE $\frac{1}{2}$ NE $\frac{1}{2}$, S $\frac{1}{2}$ SW $\frac{1}{2}$
Section 23: That portion of NW $\frac{1}{2}$ SW $\frac{1}{2}$ more particularly described as follows:

COMMENCING at the NW corner of NW $\frac{1}{2}$ SW $\frac{1}{2}$, Sec. 23, T7S, R6E, B.M., and running thence South 80 rods; thence East 7 rods; thence North along the West bank of the Buckaroo Ditch 80 rods; thence West 11 rods to the PLACE OF BEGINNING.

Section 27: That portion of NE $\frac{1}{2}$ NE $\frac{1}{2}$ described as follows:
BEGINNING at the Section corner common to Sections 22, 23, 26 and 27, T7S, R6E, B. M., being the REAL POINT OF BEGINNING; thence North 89°04' West on the Section line between said Sections. 22 and 27, a distance of 1320.66 feet to the NW corner of NE $\frac{1}{2}$ NE $\frac{1}{2}$, Sec. 27; thence South 0°14' West along the West sideline of NE $\frac{1}{2}$ NE $\frac{1}{2}$, Sec. 27, a distance of 788.5 feet; thence North 80°41' East a distance of 1291.2 feet; thence North 64°18' East a distance of 53.9 feet to a point on the section line between said Sections 26 and 27; thence North 0°17' East on the Section line between Sections 26 and 27, a distance of 535 feet to the POINT OF BEGINNING.

Continued

PARCEL X:

IN TOWNSHIP 7 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 23: SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 26: W $\frac{1}{4}$ NW $\frac{1}{4}$ EXCEPTING that portion lying South and West
of Center line of the Bruneau River.
NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$

PARCEL XI:

IN TOWNSHIP 7 SOUTH, RANGE 4 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 24: E $\frac{1}{4}$ SE $\frac{1}{4}$
Section 25: E $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$

IN TOWNSHIP 7 SOUTH, RANGE 5 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 19: Lots 1, 2, 3, 4, NE $\frac{1}{4}$ NW $\frac{1}{4}$

EXCEPT THE FOLLOWING PARCEL OF LAND:

COMMENCING at the North quarter corner of Section 19, thence North 89°33' West 260.75 feet; thence South 52°06' West 40.29 feet to the REAL POINT OF BEGINNING; thence North 89°33' West 34.64 feet; thence South 0°27' West 10 feet; thence South 89°33' East 22 feet; thence North 52°06' East 16.12 feet to the REAL POINT OF BEGINNING

ALSO EXCEPTING THE RIGHT OF WAY as described in Warranty Deed recorded December 12, 1958, as Instrument No. 99240 in Book 51 of Deeds, page 61 as follows: A strip of land 80.0 feet wide, being 40.0 feet on each side of the following described center line of highway as surveyed and shown on the official plat of State Highway 51 Project No. S-3806 (5) Highway Survey on file in the office of the Department of Highways of the State of Idaho and lying over and across Government Lots 4, 3, 2 and 1 and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ OF Section 19, T7S, R5E, B. M.

BEGINNING at a point in the South line of Section 19, T7S, R5E, B. M., coincident with Station 36+04.75 of the said Highway Survey, which station is a point on tangent approximately South 89°19'55" East - 666.79 feet from the Southwest corner of said Section 19, thence North 1°24'45" East - 1550.94 feet to Station 51+55.69 of said Survey, which station is a point of spiral curvature; thence 200.0 feet with a spiral curve right, said curve having a central angle of 1°00' to Station 53+55.69, which station is a point of circular curvature; thence 1522.50 feet with a 1°00' curve right, said curve having a central angle of 15°13'30", to Station 68+78.19, which station is a point of spiral curvature; thence 200.0 feet with a spiral curve right, said curve having a central angle of 1°00' to Station 70+78.19, which station is a point of tangent; thence North 18°38'15"

Continued

East on tangent 1921.23 feet to a point in the North line of said Section 19, coincident with Station 89+99.42, which station is a point on tangent approximately North 89°32'25" West - 883.14 feet from the North Quarter corner of said Section 19.

AND ALSO,

Additional irregular strips of land adjacent and contiguous to and on both sides of the above described right of way being as follows: On the Westerly Side, a strip of land widening from 0.0 feet at Station 70+78.19 to 10.0 feet wide at Station 72+00, continuing 10.0 feet wide to Station 74+00 and tapering to 0.0 feet at Station 75+00; on the Easterly Side, a strip of land widening from 0.0 feet at Station 57+00 to 15.0 feet wide at Station 57+50, continuing 15.0 feet wide to Station 59+00, and tapering to 0.0 feet wide at Station 59+50, a strip of land widening from 0.0 feet at Station 68+50 to 10.0 feet at Station 69+50, continuing 10.0 feet wide to Station 79+00, and tapering to 0.0 feet at Station 80+00.

Section 30: Lots 1 and 2, SE¼NW¼

PARCEL XII:

IN TOWNSHIP 7 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO

Section 10: SW¼SE¼

Section 14: SW¼NW¼, NW¼SW¼

Section 15: SE¼NE¼, W¼NE¼, S¼NW¼, N¼SE¼

Section 16: S¼NE¼, SE¼NW¼, W¼W¼, E¼SW¼, SE¼

EXCEPTING FROM Section 15, Township 7 South, Range 6 East, B.M., the following described property:

A parcel of land being a portion of the NW¼SE¼ of Section 15, T7S, R6E, B.M., Owyhee County, Idaho and more particularly described as follows: BEGINNING at a brass cap marking the South Quarter corner of the said Section 15; thence along the westerly boundary of the said Southeast Quarter of Section 15, North 00°11'24" East 1532.90 Feet to a point, also said point being the REAL POINT OF BEGINNING; thence continuing North 00°11'24" East 170.00 feet to an iron pin; thence along a line northerly of and parallel with the southerly boundary of the said NE¼SW¼ of Section 15; South 89°34'00" East 93.85 feet to a point on the centerline of Hot Springs Road; thence along the said centerline of Hot Springs Road; South 30°28'57" East 198.15 feet to a point; thence along a line northerly of and parallel with the said southerly boundary of the NE¼SW¼ of Section 15; North 89°34'00" West 194.93 feet to the POINT OF BEGINNING.

Continued

PARCEL XIII:

IN TOWNSHIP 14 SOUTH, RANGE 2 WEST, B.M. OWYHEE COUTNY, IDAHO
Section 2: SW $\frac{1}{2}$ NE $\frac{1}{2}$, NW $\frac{1}{2}$ SE $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{2}$

PARCEL XIV:

IN TOWNSHIP 8 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 2: NW $\frac{1}{2}$ SW $\frac{1}{2}$
Section 3: NE $\frac{1}{2}$ SE $\frac{1}{2}$ and Lots 1 and 2

PARCEL XV:

IN TOWNSHIP 7 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 26: W $\frac{1}{2}$ NW $\frac{1}{2}$ South and West of Centerline of Bruneau
River

PARCEL XVI:

IN TOWNSHIP 7 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 26: W $\frac{1}{2}$ SW $\frac{1}{2}$ and NE $\frac{1}{2}$ SW $\frac{1}{2}$
Section 34: E $\frac{1}{2}$ SE $\frac{1}{2}$
Section 35: W $\frac{1}{2}$ W $\frac{1}{2}$

IN TOWNSHIP 8 SOUTH, RANGE 6 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 2: Lots 2 and 3

* * *

EXHIBIT B
NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

IDWR Water Right Numbers :

A51-00012	A51-02238	A51-10289	A55-10222
A51-00013	A51-04023	A51-10379	A55-10223
A51-00014	A51-04103	A51-10380	A55-10224
A51-00031	A51-04104	A51-12741	A55-10225
A51-00032	A51-04105	A51-12748	A55-10226
A51-00033	A51-07047	A51-12749	A55-10227
A51-00034A	A51-07058	A51-12750	A55-10228
A51-00035A	A51-07082	A51-12751	A55-13460
A51-00036A	A51-07092	A51-12752	A55-13461
A51-00068A	A51-07093	A51-12753	A55-13462
A51-00069	A51-07107	A51-12754	A55-13463
A51-00071	A51-07119	A55-02020	A55-13464
A51-00072	A51-07281	A55-02053	A55-13465
A51-00073	A51-10170	A55-02059	A55-13466
A51-00074	A51-10171	A55-02061	A55-13467
A51-02044A	A51-10211	A55-02062B	A55-13469
A51-02044B	A51-10212	A55-02079B	A55-13470
A51-02089B	A51-10213	A55-02173	A55-13471
A51-02091	A51-10272	A55-04008	A55-13472
A51-02108	A51-10273	A55-04009	A55-13474
A51-02120	A51-10274	A55-04010	A55-13478
A51-02123	A51-10275	A55-04011	51-02088
A51-02126	A51-10276	A55-10136	51-02074
A51-02127	A51-10277	A55-10137	51-07183
A51-02133	A51-10278	A55-10138	51-07293
A51-02138	A51-10279	A55-10139	51-07346 <i>changed at Western</i>
A51-02150	A51-10280	A55-10140	
A51-02152	A51-10281	A55-10141	
A51-02165	A51-10282	A55-10142	
A51-02167	A51-10283	A55-10143	
A51-02169	A51-10284	A55-10144	
A51-02170	A51-10285	A55-10145	
A51-02178	A51-10286	A55-10146	
A51-02196	A51-10287	A55-10147	
A51-02213B	A51-10288	A55-10221	

mo *W*

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: A51-02133
Date Received: 1/19/1989
Receipt No: W002025
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: OWEN FAMILY REVOCABLE TRUST A 208-845-2001
Address: RICHARD L OWEN TRUSTEE
PO BOX 590
BRUNEAU ID 83604
2. Date of Priority: AUG 21, 1955
3. Source: BRUNEAU RIVER Trib. to: SNAKE RIVER
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 07S | 06E | 5 | SE | SW | | | OWYHEE |
5. Description of diverting works:
CONCRETE & EARTH DAM W/STOPLOGS BACKS WATER TO HEADGATE, DITCHES
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|---------|
| IRRIGATION | 03/01 | 11/30 | 7.080 | | 2300.00 |
7. Total Quantity Appropriated is:
7.080 C.F.S. (and/or) 2300.00 A.F.A.
8. Total consumptive use is 1182.0 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	05E	25	NW	SW		IRR	38.0
			SW	SW		IRR	39.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	77.0
		26	NE	NE	IRR	39.0
			NW	NE	IRR	38.0
			SW	NE	IRR	37.0
			SE	NE	IRR	39.0
			NE	SE	IRR	39.0
			SE	SE	IRR	25.0
					Section Acres	217.0
		36	NE	NW	IRR	39.0
			NW	NW	IRR	20.0
			SW	NW	IRR	1.0
			SE	NW	IRR	40.0
					Section Acres	100.0
					Total Acres	394.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 25731

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: _____

MICROFILMED

AUG 10 1992

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

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

MICROFILMED

AUG 10 1992

APR 15 1993

Department of Water Resources
Western Regional Office

CHANGE IN OWNERSHIP

This form is used for purposes of notifying IDWR of a change in ownership of an Adjudication Claim.

[] Water Right Number(s): See Schedule A

[] Name and Address of Former Claimant(s): Richard L. Owen

P.O. Box 590

Bruneau, ID 83604

[] New Claimant(s): Owen Family Revocable Trust A Established August 30, 1966, as Amended and Restated October 12, 1988

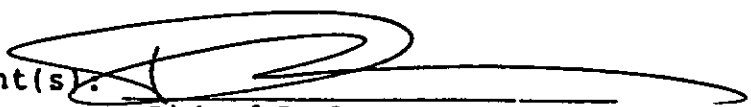
[] New Mailing Address: P.O. Box 590

Bruneau, ID 83604

[] New Telephone Number: (208) 845 - 2001

[] Does the change in ownership result in a spitting of the water right(s) claimed? Yes X No
If yes, then describe the portion of the water right that is now claimed by the new owner(s):

[] Attach proof of ownership:
Describe proof attached:
(Proof of ownership must describe either the property conveyed or include the claim number.)
(Proof of ownership is not required if this form is signed by the former claimant.)

[] Signature of New Claimant(s): 
Richard L. Owen, Trustee
Owen Family Revocable Trust A Established August 30, 1966. as Amended and Restated October 12, 1988
Date 24 Sept 91

CHANGE IN OWNERSHIP

[] Signature of Former Claimant(s):


Richard L. Owen

Date: 24 Sept. 91

[Signature of former claimant(s) is not required if proof of ownership is attached.]

For IDWR use only:

Initial Review and Data-Entry: Date _____ By _____

Further Action Needed / Taken: Date _____ By _____

Final Review and Data-Entry: Date _____ By _____

Claim Numbers of Split, if any: _____

After form has been completed, please return to the nearest IDWR office below:

Western Regional Office
2735 Airport Way
Boise, Idaho 83705
(208) 334-2190

Eastern Regional Office
150 Shoup Suite # 15
Idaho Falls, Idaho 83402
(208) 525-7161

Southern Regional Office
222 Shoshone Street East
Twin Falls, Id 83301
(208) 734-3578

Northern Regional Office
1910 Northwest Blvd. Suite 210
Coeur D'Alene Idaho 83814
(208) 765-4639

IDWR State Office
1301 N. Orchard St.
Statehouse Mail
Boise, Idaho 83720
(208) 327-7906

SCHEDULE A

51-00033	51-02213B	A55-10143	A55-04011
51-00032	51-02167	A55-10222	A55-04008
51-00031	51-02123	A55-10227	A55-04010
51-00069	51-02127	A51-10281	A51-04105
51-00014	51-02169	A55-10145	A55-10144
51-00068	51-02165	A55-10146	A51-10277
51-00034	51-02089B	A51-10283	A51-10279
51-00036	51-02091	A51-10284	55-02173
51-00035	55-02062	A51-10285	A55-10138
51-00012	55-2079	A51-10286	A55-10140
51-00013	55-02020	A51-10289	A55-10147
51-00035A	55-02059	A51-10288	A55-10221
51-02108	55-02061	A51-10287	A55-10228
51-02178	55-02053	A55-10224	51-07107
51-02044B	51-04104	A55-10226	51-7094
51-02044A	51-07092	A55-10223	51-07093
51-02238	51-07281	A51-10276	51-02126
51-02133	51-07082	A55-10225	51-00074
51-02150	51-04103	A55-10139	51-00073
51-07047	51-07293	A55-10137	51-00072
51-07058	A51-10272	A55-10136	A51-00071
51-02170	A51-10278	A51-10275	55-02113
51-02120	A51-10280	A51-10274	55-02090
51-02152	A51-10282	A51-10273	A55-10142
51-02196	A55-10141	A55-04009	51-00034A

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: A51-02133
Date Received: 1/19/1989
Receipt No: W002025
Received By: DE JN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD L. OWEN 208-845-2001
Address: P.O. BOX 590
BRUNEAU, ID 83604
2. Date of Priority: AUG 21, 1955
3. Source: BRUNEAU RIVER Trib. to: SNAKE RIVER
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 07S | 06E | 5 | SE | SW | | | OWYHEE |
5. Description of diverting works:
CONCRETE & EARTH DAM W/STOPLOGS BACKS WATER TO HEADGATE, DITCHES
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|---------|
| IRRIGATION | 03/01 | 11/30 | 7.080 | | 2300.00 |
7. Total Quantity Appropriated is:
7.080 C.F.S. (and/or) 2300.00 A.F.A.
8. Total consumptive use is 1182.0 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	05E	25	NW	SW		IRR	38.0
			SW	SW		IRR	39.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	77.0
		26	NE	NE	IRR	39.0
			NW	NE	IRR	38.0
			SW	NE	IRR	37.0
			SE	NE	IRR	39.0
			NE	SE	IRR	39.0
			SE	SE	IRR	25.0
					Section Acres	217.0
		36	NE	NW	IRR	39.0
			NW	NW	IRR	20.0
			SW	NW	IRR	1.0
			SE	NW	IRR	40.0
					Section Acres	100.0
					Total Acres	394.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 25731

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ 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 AS1-02133Date Received 1-19-89Receipt Number W002025

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
JAN 19 1989

Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) Richard L. Owen Phone (208) 845-2001
Mailing Address P. O. Box 590, Bruneau, ID Zip 83604

2. Date of Priority (Only one (1) per claim) August 21, 1955

3. Source of water supply (a) Bruneau River
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 07S Range 06E Section 5,
1/4 of SE 1/4 of SW 1/4, Govt. Lot, B.M., County of Owyhee

Additional points of diversion if any: None

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

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Concrete and earthen dam with stoplogs
on Bruneau River backs water up into concrete headgate with slide gate controls.

Unlined ditch conveys water to place of use, where water is redirected to local ditch
system by CMP culverts with slide gates.

MICROFILMED

AUG 10 1992

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 03/01 to 11/31 amount 7.080 or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 7.080 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is ~~1,062,000~~ 1,182 acre feet per annum.

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

10. Description of place of use:

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
06S	05E	25										38.0	39.0						77.0
		26	39.0	38.0	37.0	39.0									39.0			25.0	217.0
		36					39.0	20.0	1.0	40.0									~~100.0~~ 100.0

Total number of acres irrigated ~~254.0~~ 394.0

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

12. Do you own the property listed above as place of use? Yes X 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: None

MICROFILMED

Last Name Owen Ident No. _____

Copies: Wyo State, Yellow Aug 1-0 1992

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 51-2133
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 X
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 0

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 1/17/89

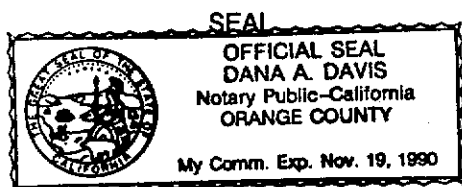
Date _____

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

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or California)
County of Orange) SS.

Subscribed and sworn (or affirmed) before me this 17th day of January 19 89



Notary Public Dana A. Davis
Residing at 28871 Greenacres Mission Viejo, CA 92692
My Commission Expires 11/19/90

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 Owen Ident. Number _____

MICROFILMED
AUG 10 1992
Copies White-State, Yellow-Claimant

WATER LICENSE

August 28, 1961
 Dear Mr. [redacted]

Atchafalaya 76081246

Intro proof

of Brinley John

Each application for a permit shall also contain:

in the State of California

REF ID: A67814 DocId: 34432483

Key: 1 = red, 2 = green

to find applications for the proposed rules were solicited on or about 1970

1960

with a storage or carrying capacity of 13.0 g/lbs

grid works consisting of a concrete

diversion works and earth ditches

and that on August 23, 1960

proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of

2300

acre feet per season with a maximum rate of diversion of 37.08

cubic foot per second of the water

Bruncan River

tributary of Snake/Ilvov

for the purpose of Irrigation.

from April 8

for a complete

and for β from

from

and for

from

919

and that the use

is in accordance with the laws of Idaho, and is hereby confirmed by the State Recl

mentioned in the records of the Idaho Department of Reclamation, the point of diversion

in the County

and that the amount of water to which such right

limited loan amount factor is beneficial

220

THE UNIVERSITY OF CHICAGO

[illegible]

old number of acres irrigated	359
-------------------------------	-----

The right to the use of the water hereby confirmed is restricted in the land or place of use herein described

provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this _____ day of _____, 19____.

10th day of October 1968

State Reclamation Engineer

512100



Water Right Number - 51-02133

Adj. Flag Translation: Standard Water Right Number

Old (D) Number - 25731

+ - - - - Last Name - - - - + + - - - - First Name - - - - + + - - - - Address - - - - -

*** C - CURRENT OWNER ***
RANCHO IDAHO INC.

1 -

2 -

3 -

City- BRUNEAU
Phone -

State- ID Zip- 83604

*** O - ORIGINAL OWNER ***
VAUGHT

MILFORD J.

1 -

2 -

3 -

City-
Phone -

State- Zip-

VAUGHT

AGNES M.

1 -

2 -

3 -

City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
08/21/1955 14 L - LICENSE

+ - - Source - - - - - + + - - Tributary - - - - - + + - -
BRUNEAU RIVER SNAKE RIVER

+ - - - - - - - - - - Point of Diversion - - - - - + + - - - - - + + - -
Stream Index (Blank if no Index Code)

Twn Rng Sec Tract Lot RFlg County 272.0 362.0 17.1

07S 06E 5 SE SW (73) OWYHEE 2300.00 7.080 2300.00

+ - - - - - - - - - - Water Use - - - - - + + - - - - - + + - -
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 04/01 10/31 7.080 2300.00

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Consumptive Use - + + - - KW Usage - + + - -
7.080 2300.00

| Twn | Rng | Sec | Tract | Lot | Acres | Code | Description | County |
|-----|-----|-----|-------|------|-------|------|-------------|-------------|
| 06S | 05E | 25 | NW SW | 38.0 | ✓ | 01 | IRRIGATION | (73) OWYHEE |
| 06S | 05E | 25 | SW SW | 39.0 | ✓ | 01 | IRRIGATION | (73) OWYHEE |
| 06S | 05E | 26 | NE NE | 39.0 | ✓ | 01 | IRRIGATION | (73) OWYHEE |
| 06S | 05E | 26 | NW NE | 38.0 | ✓ | 01 | IRRIGATION | (73) OWYHEE |
| 06S | 05E | 26 | SW NE | 37.0 | ✓ | 01 | IRRIGATION | (73) OWYHEE |
| 06S | 05E | 26 | SE NE | 39.0 | ✓ | 01 | IRRIGATION | (73) OWYHEE |
| 06S | 05E | 26 | NE SE | 39.0 | ✓ | 01 | IRRIGATION | (73) OWYHEE |
| 06S | 05E | 26 | SE SE | 25.0 | ✓ | 01 | IRRIGATION | (73) OWYHEE |
| 06S | 05E | 36 | NE NW | 39.0 | ✓ | 01 | IRRIGATION | (73) OWYHEE |
| 06S | 05E | 36 | NW NW | 20.0 | ✓ | 01 | IRRIGATION | (73) OWYHEE |
| 06S | 05E | 36 | SW NW | 1.0 | ✓ | 01 | IRRIGATION | (73) OWYHEE |

✓ 238 NW 1/4
p 24 NW 1/4
D

NOT RECORDED

AUG 10 1992

3/26/1990

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

OWEN

CLAIM IDENT. NO. A51-02133

DATE RECEIVED

1-19-89

CK #

658

AMOUNT \$ 50 + 0 = 50.00

Required

YES NO Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO ☐ Info? *
2. Is a priority date entered? ☒ YES ☐ NO ☐ Info? *
Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO ☐ Info? *
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO ☐ Info? *
3. (a) Is a source entered? ☒ YES ☐ NO ☐ Info? *
(b) Is a tributary to entered? (if required) ☒ YES ☐ NO ☐ Info? *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO ☐ Info? *
5. Is there a description of the diverting works? ☒ YES ☐ NO ☐ Info? *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO ☐ Info? *
Is the period of use included? ☒ YES ☐ NO ☐ Info? *
Is a quantity claimed for each use? ☒ YES ☐ NO ☐ Info? *
7. Is a total quantity claimed entered? ☒ YES ☐ NO ☐ Info? *
8. If required is a consumptive use entered? ☒ YES ☐ NO ☐ Info? *
Is the consumptive use correct? ☒ YES ☐ NO ☐ Info? *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☒ YES ☐ NO ☐ Info? *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO ☐ Info? *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO ☐ Info? *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO ☐ Info? *
13. Are other water rights listed or "none" indicated? (see Item No. 17 for checking other water rights) ☒ YES ☐ NO ☐ Info? *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO ☐ Info? *
15. Is the basis of the claim indicated? ☒ YES ☐ NO ☐ Info? *
16. If the basis of claim is shown as license, permit or decree is the existing water right number listed? (If yes, compare claim with the existing water right and either attach a proof report or state in comments that existing right was compared to claim) ☒ YES ☐ NO ☐ Info? *
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal desc. on the claim? (If yes, describe these rights in "Comments") NOTE: If the claim is for domestic/stockwater this check is not as necessary unless it is indicated there is an existing right ☒ YES ☐ NO ☐ Info? *
18. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO ☐ Info? *
19. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO ☐ Info? *
20. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO ☐ Info? *
21. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO ☐ Info? *
22. Is the fee enclosed correct? ☒ YES ☐ NO ☐ Info? *

MICROFILMED

AUG 10 1992

\$ 50.00

YES

NO

23. Should this claim be receipted and data entered?

☒Claim checked by: RdLDate: 2/10/91Claim must be returned to claimant: (Yes) ☒ (No)Claimant must be notified of modifications: (Yes) ☒ (No)

Receipt Prepared by: _____

Date: _____

Claim data entered by: _____

Date: _____

Checked by: _____

Date: _____

Sent to claimant by: _____

Date: _____

Comments: EXPANDED ACRES, MUST ADMEND CLAIM. DOA B/W CLAIM FOR 40 ACRES IF it happened
prior to 1971.

RECEIVED

MAR 1 2000

Department of Water Resources

RECEIVED

APR 14 2000

WATER RESOURCES
WESTERN REGION

700 FEB 29 PM 4:42

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO

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

In Re SRBA

Case No. 39576

Subcase 51-02133

SPECIAL MASTER REPORT

Findings of Fact

On November 24, 1998, the Director of the Idaho Department of Water Resources filed his *Director's Report for Reporting Area 6 (Basin 51, Irrigation and Other)* recommending the claim to J.R. Simplot Self Declaration Revocable Trust, J.R. Simplot as Trustee, attn: Ronald N. Graves, Box 27, Boise, Idaho 83707, for 4.92 cfs from Bruneau River to irrigate 799.8 acres from April 1 to October 31 with a priority date of August 21, 1955, based on a license.

On June 1, 1999, the claimant and the South Side Bruneau Canal Company filed a *Joint Motion to File Late Objection* objecting to quantity, point of diversion and place of use. But, on the same date, the claimant, the Canal Company and IDWR filed a *Standard Form 5* agreeing to 5.16 cfs to irrigate 397.8 acres.

IDWR lodged a *Supplemental Report Regarding Claims to Water Right Nos. 51-02133 and 51-02262* on February 14, 2000, concerning use of surface water for irrigation outside the recommended period of use and a forfeiture remark. In the *Supplemental Report*, IDWR recommended an early and late period of use remark be included in the partial decree, but inclusion of the forfeiture remark was left to the court's discretion, so long as the actual result of the forfeiture is reflected in the water right as decreed. The forfeiture remark has been omitted in the *Recommendation*.

Conclusions of Law

J.R. Simplot Self Declaration Revocable Trust is entitled to a partial decree adjudicating a water right under claim 51-02133 as described in the *Standard Form 5* and the *Special Master's Recommendation for Partial Decree for Water Right 51-02133*.

DATED February 29, 2000.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

RECEIVED

MAR 1 2000

200 FEB 29 PM 4:43

Department of Water Resources

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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *PL*

In Re SRBA)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Case No. 39576)

Water Right 51-02133)

NAME AND ADDRESS: JR SIMPLOT SELF DECL. REV. TR.
JR SIMPLOT AS TRUSTEE
ATTN RONALD N GRAVES
PO BOX 27
BOISE, ID 83707

SOURCE: BRUNEAU RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 5.16 CFS

USE OF THIS RIGHT WITH RIGHTS 51-00031, 51-00032 & 51-00033
IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.96 CFS.

PRIORITY DATE: 08/21/1955

POINT OF DIVERSION: T06S R05E S25 SWSESE Within Owyhee County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------------------|----------------|----------------|----------|
| | Irrigation | 04-01 TO 10-31 | 5.16 CFS |

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

| PLACE OF USE: | Irrigation | Within Owyhee County |
|---------------|-------------------|--|
| | T06S R05E S25 | SWNE 35.5
NENW 40.3
NWNW 39.0
SENE 37.8
SWSW 16.0
NENE 37.2
SWNE 24.0
NESE 20.0 |
| | S26 | NWNW 36.0
NWSW 40.0
NWNE 38.0
SENE 34.0 |
| | 397.8 Acres Total | |

USE OF THIS RIGHT WITH RIGHTS 51-00031, 51-00032 & 51-00033 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 397.8 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 257.8 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RECOMMENDATION

FEB 29 2000

R. G. De

SPECIAL MASTER

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 51-02133

PAGE 1
Feb-29-2000

RECEIVED

MAR 1 2000

Department of Water Resources

200 FEB 29 PM 4: 43

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO

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

In Re SRBA
Case No. 39576

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 51-02133

On February 29, 2000, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED February 29, 2000.


DEBBIE LASH
Deputy Clerk

RECEIVED

MAR 1 2000

Department of Water Resources

200 FEB 29 PM 4:43

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED

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

In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 51-02133

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on February 29, 2000, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

JR SIMPLOT SELF DECL. REV. TR.

Represented by:
RONALD N. GRAVES
PO BOX 27
BOISE, ID 83707
Phone: 208-389-7312

SOUTH SIDE BRUNEAU CANAL CO
C/O EUGNE C. DAVIS
HC 85 BOX 114
BRUNEAU, ID 83604
Phone: 208-845-2088

CERTIFICATE OF MAILING

DEBBIE LASH
Deputy Clerk

PAGE 1
02/29/00

RECEIVED

FEB 16 2000

WATER RESOURCES
WESTERN REGION

**SUPPLEMENTAL REPORT REGARDING CLAIMS TO
WATER RIGHT NOS. 51-02133 AND 51-02262**

In Re SRBA

**Twin Falls County Civil Case No. 39576
Sub-Case Nos. 51-02133 and 51-02262**

Report to the SRBA District Court

**Prepared by the Idaho Department of Water Resources
David R. Tuthill, Jr., Chief, Adjudication Bureau**

February 10, 2000

The Director of the Idaho Department of Water Resources (IDWR) submits this Supplemental Director's Report Regarding Claims to Water Rights Nos. 51-02133 and 51-02262 in response to the Special Master's letters of December 15, 1999, and January 25, 2000, in accordance with Idaho Code § 42-1412(4), and in accordance with Administrative Order 1. This supplemental director's report was prepared under the supervision of David R. Tuthill, Jr., Chief, Adjudication Bureau, for IDWR.

INFORMATION REQUESTED BY SPECIAL MASTER REGARDING
WATER RIGHTS 51-02133 AND 51-02262

The Special Master's December 15, 1999, letter requested information from IDWR as follows:

*Enclosed are copies of the Standard Form 5 and draft **Partial Decree** for subcase 51-02133. The claimant is J.R. Simplot Self Declaration Revocable Trust. Both documents contain remarks about which I would like your comments. The remarks are:*

The use of water for irrigation under this right may begin as early as March 1 and may continue as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

...

The remainder of this right was forfeited for non-use from 1974 to 11/24/1993.

A question I have is whether you intend the SRBA Court to include both remarks in its partial decree of the right. If so, are the remarks necessary for the definition of the right or for the efficient administration of the right under I.C. § 42-1412(6).

Other questions concerning the first remark include:

- 1. Is this a Basin 51 general provision?*
- 2. Will the same early and late irrigation use dates apply throughout Basin 51?*
- 3. How were the early date of March 1 and the late date of November 15 determined?*

4. *Will the same early and late irrigation use dates apply to all irrigation rights in Basin 51?*
5. *Since the right contains no acre-feet per year (afy) descriptor, how will IDWR monitor or control the total volume of water diverted each year?*
6. *Which water users have "un-subordinated" rights to early and late irrigation use?*
7. *Why is the date of entry of the partial decree relevant to early and late irrigation use?*

Special Master Dolan's letter of January 25, 2000, requested essentially the same information regarding subcase 51-02262, relative to the first remark.

**RESPONSES TO REQUEST BY SPECIAL MASTER
REGARDING WATER RIGHT NO. 51-02133 AND 51-02262**

GENERAL QUESTIONS:

1. **Does IDWR intend the SRBA Court to include both remarks in its partial decree of the right?**

IDWR intends that the first remark (the "season of use remark") to be included in the individual decree for this water right. The second remark (the "forfeiture remark") was recommended to establish as a matter of prima facie evidence that a portion of the right was forfeited for non-use during the described period. This prima facie evidence shifts the burden to the claimant to establish use of the water right during the described period. Whether or not the court wishes to decree this remark is left to the court's discretion, so long as the actual result of the forfeiture is reflected in the water right as decreed.

2. **Are the remarks necessary for the definition of the right or for the efficient administration of the right under I.C. § 42-1412(6)?**

The season of use remark is necessary for the definition of the right and clarification of the period of use of the right as provided for by Idaho Code § 42-1411(g) and (k). The season of use remark provides the specific beginning and ending dates for the period of use for this irrigation water right as required by A & B. Irrigation District v. Idaho Conservation League, 131 Idaho 411, 424 (On reargument April 22, 1998). As explained more fully below, the specific language of this remark "resolve[s] the Director's quandary regarding early and late season period of use for irrigation caused by climatic and regional variations" as recognized by the Idaho Supreme Court.

The forfeiture remark is necessary for the definition of the right and clarification of all elements of this right as provided for by Idaho Code § 42-1411(k). This water right, as claimed, encompassed a larger use of water than recommended by IDWR. IDWR has determined that the use of water under this water right was in fact at one time larger than it is presently. To ensure that both the positive implications (the water right as it presently exists) and negative implications (the portion of the water right that was lost) of IDWR's recommendation are appropriately considered by the court, IDWR recommended the remark regarding forfeiture.

SPECIFIC QUESTIONS

1. Is the first remark a Basin 51 general provision?

No. This remark is tailored to the location of individual water rights in Basin 51 and to their legal basis (ie. license or decree). This remark does not apply generally to all or to an easily defined subset of rights in Basin 51.

2. Will the same early and late irrigation use dates contained in the first remark apply throughout Basin 51?

No. This remark is tailored to the location of individual water rights within Basin 51. Differing locations within Basin 51 have differing beginning and ending dates. An irrigation season map for the State of Idaho is attached to this report.

3. How were the early date of March 1 and the late date of November 15 contained in the first remark determined?

Idaho Code §42-1401B(2) provides that "[t]he director ... may use uniform parameters for quantification of beneficial use recommended for rights within climatic regions of the state." IDWR adopted a temperature-based analysis to determine the beginning and ending dates for growth of crops in Idaho. IDWR utilized an analysis of the data from 97 National Oceanic and Atmospheric Administration (NOAA) weather station sites in Idaho and determined that there is a reasonable correlation between seasonal temperature pattern and elevation and location within the State. Using this correlation, with some local calibration, IDWR was able to map areas of the state with similar seasonal temperature patterns based upon elevation and a north-south location coordinate.

To determine the season of use for irrigation within areas of similar seasonal temperature patterns, IDWR had to determine which seasonal temperature pattern to map. The crop growth period was utilized by IDWR as the period when water

can be beneficially applied to initiate or enhance crop growth. The crop with the longest period of growth is grass pasture, which will grow when the average daily temperature is 45 degrees Fahrenheit or greater. Using the 45 degrees Fahrenheit threshold for each area, IDWR determined the 10th and 90th percentile start and end dates as extreme outside boundaries for the irrigation season. The implication of these percentiles is that 9 out of 10 years water use outside these thresholds will be waste. Because an irrigator cannot predict future temperatures, beginning and ending dates for the irrigation season when there is a 9 out of 10 chance that the water use before or after that time will be wasteful provides reasonable outside boundaries on the irrigation season. Further, there is little likelihood of historic beneficial use outside of these dates.

4. Will the same early and late irrigation use dates contained in the first remark apply to all irrigation rights in Basin 51?

No. This remark is tailored to the location of individual water rights within Basin 51. Differing locations within Basin 51 have differing beginning and ending dates.

5. Since the right contains no acre-feet per year (afy) descriptor, how will IDWR monitor or control the total volume of water diverted each year?

IDWR will not directly monitor or control the total volume of surface water diverted each year. Ground water rights are recommended with an afy descriptor. The total volume of surface water diverted each year is controlled as a secondary matter by factors such as acreage and season of use limitations.

6. Which water users have "un-subordinated" rights to early and late irrigation use?

Water users with a previously licensed or decreed irrigation water right which showed an irrigation season inclusive of the early and late season irrigation dates did not receive a subordination remark. Water users claiming a beneficial use water right were recommended an irrigation period of use using the early and late season dates, because there is a reasonable likelihood that water could be beneficially used during that season at the inception of the right.

7. Why is the date of entry of the partial decree relevant to early and late irrigation use?

Idaho Code §42-1401B(2) provides that "[t]he director ... may use uniform parameters for quantification of beneficial use recommended for rights within climatic regions of the state." In order to recommend such uniform parameters for irrigation season of use, in some instances, the director had to recommend a period of use that begins earlier and continues later than the period of use for previously licensed or decreed water rights. The subordination aspect of the season of use remark was a response to this "enlargement" problem.

The recommendation for the subordination language in the season of use remark relies upon IDWR's reading of the Idaho Supreme Court's opinion in Basin Wide Issue No. 4, *Fremont-Madison v. Ground Water Appropriators, Inc.*, 129 Idaho 454, 926 P. 2d 1301 (1996). In that opinion the Idaho Supreme Court states:

. . . [S]ome injury from an enlargement can be identified if the enlargement takes priority over a validly established water right held by a so-called junior appropriator. The junior appropriator will not receive the water that he/she would have received but for the enlargement if there is not enough water to serve all water users. It is difficult, if not impossible, to perceive of a situation in which an enlargement would not injure an appropriator who had an established right if the enlargement receives priority . . .

. . . [I]t is clear that if there are no mitigation provisions that will assure that there will be no injury to the junior appropriator, the new right for the enlarged use must be advanced to a date one day later than the priority date for the junior water right injured by the enlargement. The provision for advancement of the priority date is adequate protection to junior appropriators.

Fremont-Madison v. Ground Water Appropriators, Inc., 129 Idaho at 461. The Department's recommendation of the season of use subordination is based on this language in the Idaho Supreme Court's opinion.

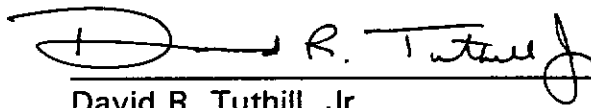
It is axiomatic that junior water right holders are protected in maintenance of the conditions existing at the time of their appropriation:

Therefore, to clarify the particular statement of law above quoted, we now declare and determine the rule, generally applicable, to be that junior appropriators have a vested right to a continuance of the

conditions existing on the stream at and subsequent to the time they made their appropriations

Crockett v. Jones, 47 Idaho 497, 504 (1929). In regard to holders of junior water rights, especially those that are not parties to the SRBA, the condition existing at the time they made their appropriation is the season of use shown on previously decreed or licensed rights, until a new decree is issued. The validity of the new early and late season dates will not be documented, especially to water right holders outside the adjudication, until those early and late season dates are decreed. Therefore, IDWR recommended the date of decree as the subordinated priority date because the early and late season dates will be recognized as valid for the first time on that date.

Respectfully submitted this 10th day of February, 2000.



David R. Tuthill, Jr.
Chief, Adjudication Bureau

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 10th day of February, 2000, I caused to be served a true and correct copy of the foregoing document on the persons listed below by first class mail, postage prepaid, and addressed as follows:

J. Dee May
P.O. Box 1846
Twin Falls, ID 83303

L & M Farms
P.O. Box 421
Buhl, ID 83316

J. R. Simplot Self Decl. Rev. Tr.
Ronald N. Graves
P.O. Box 27
Boise, ID 83707

South Side Bruneau Canal Co.
c/o Eugene C. Davis
HC 85, Box 114
Bruneau, ID 83604

Deputy Attorney General

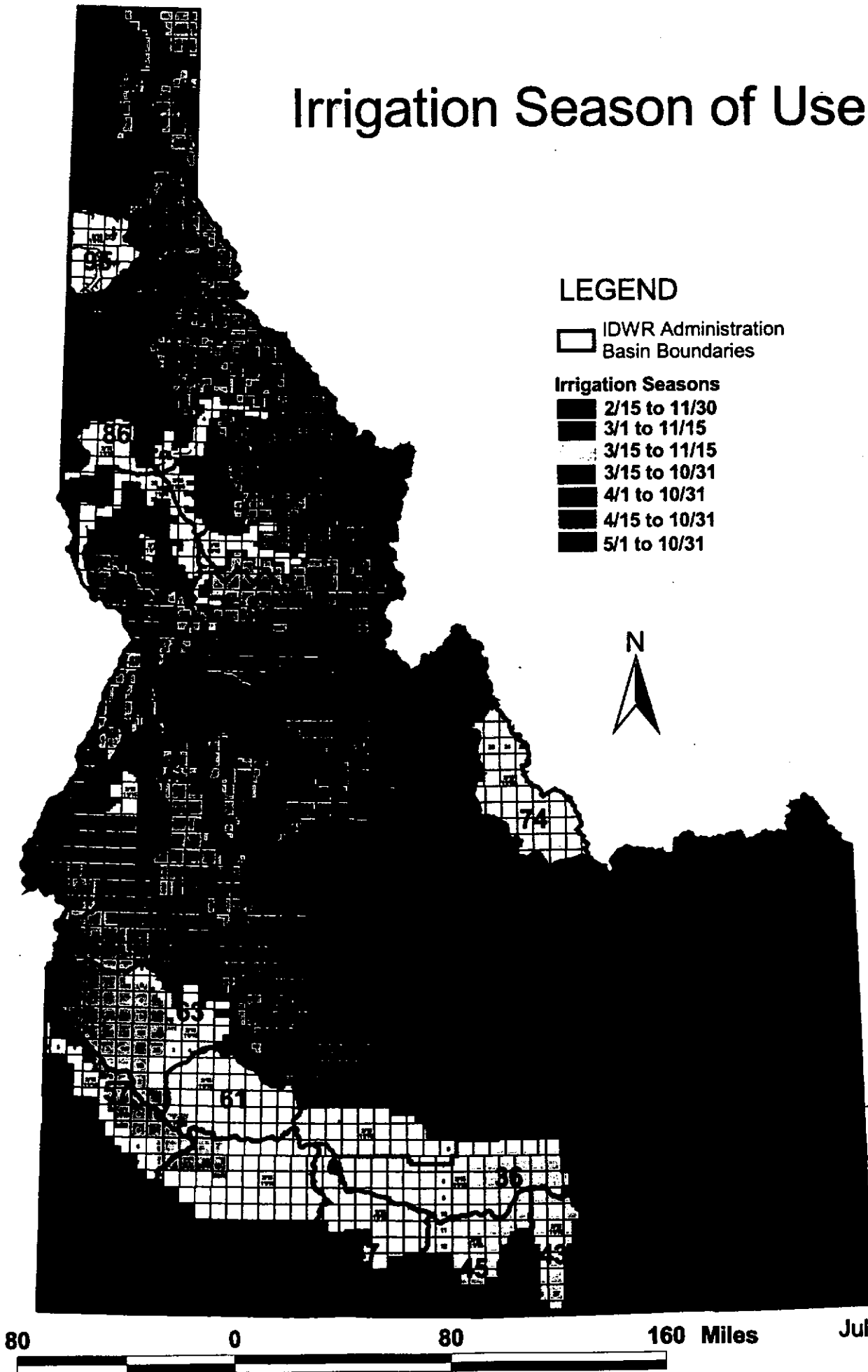
Irrigation Season of Use

LEGEND

□ IDWR Administration
□ Basin Boundaries

Irrigation Seasons

■ 2/15 to 11/30
■ 3/1 to 11/15
■ 3/15 to 11/15
■ 3/15 to 10/31
■ 4/1 to 10/31
■ 4/15 to 10/31
■ 5/1 to 10/31





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-5400

DATE: 12/20/99

TO: Ron Howerton
Western

FROM: Susan Hamlin
Becky Harvey

DOCUMENT DESCRIPTION: FYI: See attached letter from
Terry Dolan.

COVER SHEET+ 6 PAGES

CONTACT: Bec: 327-7881 IF YOU DO NOT RECEIVE ALL THE PAGES.

THANK YOU!

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO

RECEIVED

DEC 20 1999

Department of Water Resources

TERRENCE A. DOLAN
SPECIAL MASTER
(208) 738-3011
FAX (208) 738-2121SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

December 15, 1999

David R. Tuthill, Jr.
Adjudication Bureau Chief
Idaho Department of Water Resources
1301 N. Orchard
Boise, ID 83706

Re: Remarks
Subcase 51-02133

Dear Mr. Tuthill:

Enclosed are copies of the *Standard Form 5* and draft *Partial Decree* for subcase 51-02133. The claimant is J.R. Simplot Self Declaration Revocable Trust. Both documents contain remarks about which I would like your comments. The remarks are:

The use of water for irrigation under this right may begin as early as March 1 and may continue as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

...

The remainder of this right was forfeited for non-use from 1974 to 11/24/1993.

A question I have is whether you intend the SRBA Court to include both remarks in its partial decree of the right. If so, are the remarks necessary for the definition of the right or for the efficient administration of the right under I.C. § 42-1412 (6).

Other questions concerning the first remark include:

1. Is this a Basin 51 general provision?
2. Will the same early and late irrigation use dates apply throughout Basin 51?
3. How were the early date of March 1 and the late date of November 15 determined?
4. Will the same early and late irrigation use dates apply to all irrigation rights in Basin 51?
5. Since the right contains no acre feet per year (afy) descriptor, how will IDWR monitor or control the total volume of water diverted each year?
6. Which water users have "un-subordinated" rights to early and late irrigation use?
7. Why is the date of entry of the partial decree relevant to early and late irrigation use?

Subcase 51-02133 will be ready for recommendation to the Presiding Judge as soon as I have your answers to the above questions. Because these remarks raise some interesting issues we have not yet addressed, I want to submit as complete a record as I can.

Sincerely,

A handwritten signature in black ink, appearing to read "Terrence A. Dolan".

Terrence A. Dolan

cc: Ronald N. Graves
Charles L. Honsinger
Susan E. Hamlin

 1999 JUL 1 PM 3:25
 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
 FILED

In Re SRBA

Subcase No. 51-02133

Case No. 39576

Standard Form 5

STIPULATED ELEMENTS
OF A WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine the facts, date, expert opinions and law supporting the issuance of a partial decree for the water right.

The parties agree that the Snake River Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:J. R. Simplot Self-Declaration
of Revocable Trust**OBJECTOR:**

South Side Bruneau Canal Company

By: Ronald N. Graves 5/26/99
 Ronald N. Graves Date
 Attorney-in-Fact

By: Charles L. Honsinger 05/28/99
 Charles L. Honsinger Date
 Attorney for South Side Bruneau Canal Company

IDWR CONCURRENCE:

By: [Signature] 5-26-99
 Agent Date

IDWR CONCURRENCE:

By: Susan Hamlin 5/26/99
 Susan Hamlin Date

J5856MP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: MAY-25-1999

PAGE: A-1

RIGHTS FROM: SOURCE: BRUINEAU RIVER TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 51-02133

NAME AND ADDRESS: J R SIMPLOT SELF DECLARATION REVOC TRUST
J R SIMPLOT AS TRUSTEE
ATTN RONALD M GRAVES
PO BOX 27
BOISE ID 83707

SOURCE: BRUINEAU RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 5.16 CFS
8/92 EPS
1997/7 APYUSE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 7.96 CFS. COMBINED RIGHT NOS.:
51-00031, 51-00032 & 51-00033.TOTAL COMBINED DIVERSION RATE OF 16.19 EPS/ COMBINED RIGHT NOS.:
51/00031/ 51/00032/ 51/00033/ 51/00034A/ 51/00035A/ 51/00036A/
51/00044A/ SOUTH SIDE BRUINEAU SNAKE RD/ & BRUINEAU BACKROAD NIVEN
RD/

PRIORITY DATE: 08/21/1955

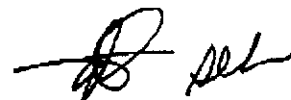
POINT OF DIVERSION: T06S R05E S25 S45ESE Within Owyhee County
T07S R04E S03 N45W42

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------------------|----------------|---------------|------------|
| IRRIGATION | | 04-01 10-31 | 5.16 CFS |
| | | | 8/92 EPS |
| | | | 1997/7 APY |

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

| PERIOD OF USE: | IRRIGATION | Within Owyhee County | SWNE 35.5 | NENE 40.3 | NWNE 39 | SWNE 36 |
|----------------|------------|----------------------|-----------|-----------|---------|---------|
| T06S R05E S25 | | | | | | |

5 - 51-02133



154NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: MAY-25-1999
PAGE: A-3

12133 (CONT.)

USE OF THIS RIGHT IS COMBINED WITH WATER FROM
BRUNEAU BRICKARD DITCH CO.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM
SOUTH SIDE BRUNEAU RIVER CO. KTD/

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 51-00031, 51-00032 & 51-00033.
DIVERSION DESCRIBED ABOVE: 51/00031, 51/00032, 51/00033,
51/00034, 51/00035, 51/00036, 51/00037 & SOUTH SIDE BRUNEAU
RIVER CO.

PL

C.2.7X

PL PL

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

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 51-02133

DRAFT

NAME AND ADDRESS:

JR SIMPLOT SELF DECL. REV. TR.
JR SIMPLOT AS TRUSTEE
ATTN RONALD N GRAVES
PO BOX 27
BOISE, ID 83707

SOURCE:

BRUNEAU RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY:

5.16 CFS

USE OF THIS RIGHT WITH RIGHTS 51-00031, 51-00032 & 51-00033
IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.96 CFS.

PRIORITY DATE:

08/21/1955

POINT OF DIVERSION:

T06S ROSE S25

SWSESE

Within Owyhee County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-01 TO 10-31

QUANTITY
5.16 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN
AS EARLY AS MARCH 1 AND MAY CONTINUE AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE
DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

Irrigation

T06S ROSE S25

SWNE 35.5

NWNW 39.0

SENE 37.8

SWSW 16.0

S26

NENE 37.2

SWNE 24.0

NESE 20.0

Within Owyhee County

NENW 40.3

SWNW 36.0

NWSW 40.0

NWNE 38.0

SENE 34.0

397.8 Acres Total

USE OF THIS RIGHT WITH RIGHTS 51-00031, 51-00032 & 51-00033 IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 397.8 ACRES IN
A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 257.8 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM
1974 TO 11/24/1993.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

South Side Bruneau Canal Company

Daniel V. Steenson
Charles L. Honsinger
Ringert Clark
P.O. Box 2773
Boise, ID 83702
(208)342-4591

NON-FYI
SEE LAST PAGE
FOR NOS. YOU HAVE

West
JS

RECEIVED

JUN 01 1999

Department of Water Resources

RECEIVED

JUN 16 1999

WATER RESOURCES
WESTERN REGION

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

In Re SRBA

Case No. 39576

)
) SUBCASE NOS.: See Attachment A
)

) MOTION TO FILE LATE OBJECTION
)

DESCRIPTION

This is South Side Bruneau Canal Company's (hereinafter "The Canal Company") Motion to File Late Objections to IDWR's recommendations of the claimed water rights listed in Attachment A that are owned by Simplot Self Declaration Revocable Trust, the Idaho Department of Fish and Game, and Albert Black C/O Ace Black.

MOTION

The Canal Company, hereby respectfully moves this Court for leave to file late objections to the claimed water rights set forth in Attachment A. The Canal Company's reasons for so moving are set forth below.

ARGUMENT

The Canal Company claims water rights in this adjudication which may be adversely affected by the above referenced claims to water rights. The Canal Company owns, operates, and maintains the South Side Bruneau Canal (hereinafter "Canal"). Water is diverted into the Canal

from the Bruneau River for delivery to private water right holders pursuant to water rights they own, and to shareholders of The Canal Company, pursuant to water rights it owns.

Numerous claims, including the claims that are the subject of this motion, were recommended with the Canal as a point of diversion. The total quantity of water recommended pursuant to all claims with the Canal as a recommended point of diversion exceeds the historical diversion of water into the Canal, and the historical distribution of water from the Canal. The Canal Company discovered this discrepancy on March 30, 1999, the date on which objections were due, and immediately contacted its attorney.

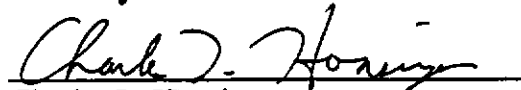
Since, March 30, 1999, The Canal Company has discussed this matter with all claimants who claim water rights with the Canal as a point of diversion, and, together with most entities that own water rights with the Canal as a recommended point of diversion, filed a stipulation to stay action on those water rights to allow the parties to work out a solution without engaging in litigation. The court has since issued an order setting a deadline of May 28, 1999 for the parties to either file late objections to the claims that are the subject of the stipulation, or to submit a Settlement Stipulation.

This Motion to File Late Objections is submitted concurrently with Objections to each of the water rights referenced by this Motion, and with executed Standard Forms Five settling the elements of all water rights that are the subject of this motion except four water rights claimed by the State of Idaho Department of Fish and Game (The Dept. of Fish and Game water rights for which no Standard Form Five is submitted are 51-00034B, 51-00035B, 51-00036B, and 51-00068B.). The purpose of this motion is to put the elements of the referenced water rights at issue so that the Special Master may issue Special Master's Recommendations consistent with the

Standard Forms Five that are submitted, and so that the State of Idaho Department of Fish and Game and the Canal Company can continue their negotiations over the four Department of Fish and Game rights for which no Standard Forms Five are being concurrently submitted with this motion. Because each of the claimants of the water rights that are the subject of this motion and the Canal Company signed the stipulation providing that no party would oppose the filing of a late objection to any water right subject to the stipulation, The Canal Company respectfully suggests that the Court may grant this Motion without adversely affecting the rights of any party.

DATED this 28th day of May, 1999.

Attorney for South Side Bruneau Canal Company

A handwritten signature in cursive script, appearing to read "Charles L. Honsinger", is written over a horizontal line.

Charles L. Honsinger
Ringert Clark, Chartered

CERTIFICATE OF MAILING

I certify that on 05/28, 1999, I mailed the original and copies of this document, including all attachments to the following:

Director, Idaho Department of Water Resources
1301 N. Orchard
Boise, ID 83712

Albert Black
C/O Ace Black
HC 85 Box 101
Bruneau, ID 83604

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83720

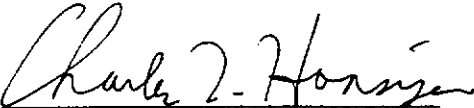
John Urquidi
HC 85, Box 135
Bruneau, ID 83604

George Turner
Betty L. Turner
HC 85 Box 123
Bruneau, ID 83604

Simplot Self Declaration Revocable Trust
Attn: Ronald Graves
P.O. Box 27
Boise, ID 83707

Ronald E. Prow
HC 85 Box 127
Bruneau, ID 83604

Jo Beeman
Beeman and Hofstetter
P.O. Box 1427
Boise, ID 83701-1427


Person mailing documents

ATTACHMENT A

51-00027B }
51-00028B } SUE
51-00029B }
51-00030 }
51-00042A KAY
51-00043A KAY
51-00044A "
51-00045A "
51-00027A "
51-00028A "
51-00029A "
51-00024B |
51-00025B |
51-00026B |
51-10218 |
51-10219 |
51-10225 |
51-00053A ✓
51-00034B - So - AS OBJ
51-00035B - "
51-00036B - "
51-00068B - "
51-00031 - Ron
51-00032 - "
51-00033 - "

RON-FYI

RECEIVED

JUN 11 1999

Daniel V. Steenson
Charles L. Honsinger
Ringert Clark
P.O. Box 2773
Boise, ID 83701
(208)342-4591

Terry T. Uhling
Shawn Del Ysursa
J.R. Simplot Co.
P.O. Box 27
Boise, ID 83707
(208) 389-7317

Department of Water Resources

RECEIVED

JUN 16 1999

WATER RESOURCES
WESTERN REGION

Attorneys for South Side
Bruneau Canal Co.

Attorneys for Simplot Self
Declaration Revocable Trust

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

In Re SRBA

Case No. 39576

)
) SUBCASE NOS.: 51-02133
)

) JOINT MOTION TO FILE LATE OBJECTION
)
)

DESCRIPTION

This is South Side Bruneau Canal Company's (hereinafter "The Canal Company") and Simplot Self Declaration Revocable Trust's (hereinafter "Simplot") Joint Motion to File Late Objection to IDWR's recommendation of the above referenced water right owned by Simplot Self Declaration Revocable Trust.

MOTION

The Canal Company and Simplot hereby respectfully move this Court for leave allow the Canal Company to file a late objection to the above referenced claim to a water right owned by Simplot. The Canal Company's and Simplot's reasons for so moving are set forth below.

ARGUMENT

The Canal Company claims water rights in this adjudication which may be adversely affected by the above referenced claims to water rights. The Canal Company owns, operates, and

maintains the South Side Bruneau Canal (hereinafter "Canal"). Water is diverted into the Canal from the Bruneau River for delivery to private water right holders pursuant to water rights they own, and to shareholders of The Canal Company, pursuant to water rights it owns.

Numerous claims, including the claim that is the subject of this motion, were recommended with the Canal as a point of diversion. The total quantity of water recommended pursuant to all claims with the Canal as a recommended point of diversion exceeds the historical diversion of water into the Canal, and the historical distribution of water from the Canal. The Canal Company discovered this discrepancy on March 30, 1999, the date on which objections were due, and immediately contacted its attorney.

Since March 30, 1999, The Canal Company has discussed this matter with all claimants who claim water rights with the Canal as a point of diversion, including Simplot, and together with most entities that own water rights with the Canal as a recommended point of diversion, filed a stipulation to stay action on those water rights to allow the parties to work out a solution without engaging in litigation. The court has since issued an order setting a deadline of May 28, 1999 for the parties to either file late objections to the claims that are the subject of the stipulation, or to submit a Settlement Stipulation.

The right that is the subject of this motion is not subject to the above referenced stipulation. However, during the investigation of the South Side Bruneau Canal, and all water rights diverted through it, Simplot and the Canal Company determined that certain elements of water right number 51-02133 were also recommended in error, and should be corrected before decreed.

This Joint Motion to File Late Objection is submitted concurrently with the Canal

Company's Objection to the water right, and with an executed Standard Form Five settling the elements of the water right. The purpose of this motion is to put the elements of water right number 51-02133 at issue so that the Special Master may issue a Special Master's Recommendation consistent with the Standard Form Five submitted concurrently herewith. The Canal Company and Simplot respectfully suggest that the Court may grant this Motion without adversely affecting the rights of any party.

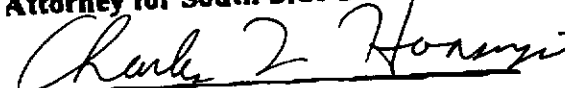
DATED this 28th day of May, 1999.

Attorney for Simplot Self Declaration Revocable Trust


Shawn Del Yursa
J.R. Simplot Company

DATED this 28th day of May, 1999.

Attorney for South Side Bruneau Canal Company


Charles I. Honsinger
Ringert Clark, Chartered

CERTIFICATE OF MAILING

I certify that on May 28, 1999, I mailed the original and copies of this document, including all attachments to the following:

Director, Idaho Department of Water Resources
1301 N. Orchard
Boise, ID 83712

Albert Black
C/O Ace Black
HC 85 Box 101
Bruneau, ID 83604

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83720

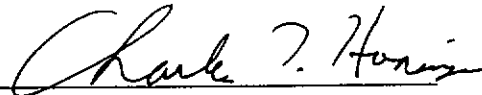
John Urquidi
HC 85, Box 135
Bruneau, ID 83604

George Turner
Betty L. Turner
HC 85 Box 123
Bruneau, ID 83604

Simplot Self Declaration Revocable Trust
Attn: Ronald Graves
P.O. Box 27
Boise, ID 83707

Ronald E. Prow
HC 85 Box 127
Bruneau, ID 83604

Jo Beeman
Beeman and Hofstetter
P.O. Box 1427
Boise, ID 83701-1427


Person mailing documents

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

AJ0749NP
No. R51-02133

OWNER CODE NAME & ADDRESS PRIORITY DATE WATER USE USE PERIOD FROM TO DIVERSION RATE DIVERSION VOLUME

C J R SIMPLOT SELF DECLARATION REVOC TRUST 08/21/1955 IRRIGATION 04-01 10-31 5.16 CFS

J R SIMPLOT AS TRUSTEE 5.16 CFS

ATTN RONALD N GRAVES

PO BOX 27

BOISE ID 83707

(208) 336-2110

Water Source: BRUNEAU RIVER
Tributary to: SNAKE RIVER
Stage: LICENSE
ONYHEE County

Point(s) of Diversion: T06S R05E S25 SWSESE

Place of use Legal Description for: IRRIGATION

| NE | | | | | | | | | | SW | | | | | | | | | | SE | | | | | | | | | | SUM | | | | | | | | | |
|------------------|--|--|--|--|--|--|--|--|--|--------------|--|--|--|--|--|--|--|--|--|--------------|--|--|--|--|--|--|--|--|--|-----|--|--|--|--|--|--|--|--|--|
| NENE | | | | | | | | | | NENW | | | | | | | | | | NENE | | | | | | | | | | | | | | | | | | | |
| S | | | | | | | | | | S | | | | | | | | | | S | | | | | | | | | | | | | | | | | | | |
| Lt | | | | | | | | | | Lt | | | | | | | | | | Lt | | | | | | | | | | | | | | | | | | | |
| Ac | | | | | | | | | | Ac | | | | | | | | | | Ac | | | | | | | | | | | | | | | | | | | |
| Lt | | | | | | | | | | Lt | | | | | | | | | | Lt | | | | | | | | | | | | | | | | | | | |
| Ac | | | | | | | | | | Ac | | | | | | | | | | Ac | | | | | | | | | | | | | | | | | | | |
| 35 | | | | | | | | | | 40 | | | | | | | | | | 36 | | | | | | | | | | | | | | | | | | | |
| 37 | | | | | | | | | | 38 | | | | | | | | | | 34 | | | | | | | | | | | | | | | | | | | |
| 06S 05E 25 : | | | | | | | | | | 06S 05E 26 : | | | | | | | | | | 06S 05E 26 : | | | | | | | | | | | | | | | | | | | |
| 24 | | | | | | | | | | 34 | | | | | | | | | | 20 | | | | | | | | | | | | | | | | | | | |
| 244.6 | | | | | | | | | | 153.2 | | | | | | | | | | 397.8 | | | | | | | | | | | | | | | | | | | |
| TOTAL DIVERSION: | | | | | | | | | | TOTAL ACRES | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

POJ County: ONYHEE

Other Rights: SEE REMARKS

- Conditions of Approval:
- C14 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
 - IN BASIN 51 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
 - RIGHTS IN BASIN 51:
 - WATER RIGHT NO. SOURCE
 - NONE
 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
 - IN BASIN 51 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
 - RIGHTS IN THE SNAKE RIVER BASIN:
 - WATER RIGHT NO. SOURCE
 - NONE
 - ALL WATER RIGHTS WITHIN BASIN 51 ARE FROM CONNECTED SOURCES
 - OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.
 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM
 - BRUNEAU BUCKAROO DITCH CO.

Remarks: QNT USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.96 CFS. COMBINED RIGHT NOS.: 51-00031, 51-00032 & 51-00033.

USE THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,

Remarks:

PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

POU1

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 397.8 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 51-00031, 51-00032 & 51-00033.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 257.8 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

GEN

THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM 1974 TO 11/24/1993.

EXP

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 51-00031, 51-00032 & 51-00033.

Dates:

Exam Made Date: Verified Date: 05/25/1999 Objection Filed Date:

Misc:

Water District Number: Field Inspection Flag: C
Presumption Flag:

Comments:

Date: 05/16/1999 User-ID: RHOWERTO Subject: STIPULATION THE ORIGINAL RECOMMENDATION FOR THE PERMISSIBLE PLACE OF USE WAS FOR 799.8 ACRES.
A STIPULATION WAS MADE TO NOT INCLUDE CERTAIN ACRES THAT WERE IRRIGATED BY THE P/D OF THE SOUTH SIDE DITCH AND SOME LANDS NOT CURRENTLY OWNED BY SIMPLOT, THUS, REDUCING THE ACRES ORIGINALLY RECOMMENDED TO 397.8 ACRES.

Date: 05/24/1999 User-ID: RHOWERTO Subject: COPIED FROM REMARKS PLACE OF USE FOR BRUNEAU BUCKAROO DITCH CO., IS LOCATED IN THE NUNW, NENW, SWNE, S26 T06S, R05E.

Audit:

05/25/99 RHOWERTO

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: MAY-25-1999

PAGE: A-1

 RIGHTS FROM: SOURCE: BRUNEAU RIVER TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 51-02133

NAME AND ADDRESS: J R SIMPLOT SELF DECLARATION REVOC TRUST
 J R SIMPLOT AS TRUSTEE
 ATTN RONALD M GRAVES
 PO BOX 27
 BOISE ID 83707

SOURCE: BRUNEAU RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 5.16 CFS
 4192 CFS
 199717 AFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 7.96 CFS. COMBINED RIGHT NOS.:
51-00031, 51-00032 & 51-00033.

TOTAL COMBINED DIVERSION RATE OF 1610 CFS/ COMBINED RIGHT NOS.:
51/00031/ 51/00032/ 51/00033/ 51/00034A/ 51/00033A/ 51/00036A/
51/00048A/ SOUTH SIDE BRUNEAU CANAL CO/ & BRUNEAU BUCKAROO DITCH
CO/

PRIORITY DATE: 08/21/1955

POINT OF DIVERSION: T06S R05E S25 SWSSE Within Owyhee County
 T07S R06E S03 NWSSE

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY | |
|----------------------------|----------------|---------------|----------|-----|
| IRRIGATION | | 04-01 10-31 | 5.16 | CFS |
| | | | 4192 | CFS |
| | | | 199717 | AFS |

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
 EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
 PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
 OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS
 REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED
 EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE
 DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

| | | | | | |
|---------------|---------------|----------------------|-----------|---------|---------|
| PLACE OF USE: | IRRIGATION | Within Owyhee County | | | |
| | T06S R05E S25 | SWE 35.5 | NENW 40.3 | NWNW 39 | SNNW 36 |

SF5 - 51-02133

51-02133 (CONT.)

USE OF THIS RIGHT IS COMBINED WITH WATER FROM
BRUNEAU BUCKAROO DITCH CO.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM
SOUTH SIDE BRUNEAU CANAL RD/ LTD/

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 51-00031, 51-00032 & 51-00033.

DIVERSION DESCRIBED ABOVE: 51/00031, 51/00032, 51/00033,
51/00034A, 51/00035A, 51/00036A, 51/00037A & SOUTH SIDE BRUNEAU
CANAL RD/

RECEIVED

JUN 01 1999

Department of Water Resources

RECEIVED

JUN 22 1999

WATER RESOURCES
WESTERN REGION

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

In Re SRBA)

. Subcase No. 51- 02133

Case No. 39576)

**STANDARD FORM 1
OBJECTION**

NAME AND ADDRESS OF PERSON OBJECTING

Name: South Side Bruneau Canal Co., Ltd.
Address: C/O Eugene C. Davis
HC 85, Box 114
Bruneau, ID 83604
Daytime Phone: (208) 845-2088

Name & Address of Attorney:

Charles L. Honsinger
Ringert Clark, Chartered
P.O. Box 2773
Boise, ID 93701

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS'S REPORT

Name: J.R. Simplot Self Declaration Revocable Trust
Attn: Ronald N. Graves
Address: P.O. Box 27
Boise, ID 83707

I object to the following elements as recommended in the Director's Report.

1. **Name and Address**
Should be:

2. **Source**
Should be:

3. X **Quantity**
Should be: Changed to reflect a total combined diversion rate as set forth in the Standard Form Five being filed concurrently herewith. Combined diversion rate should also be changed to reflect withdrawal of claims.

4. **Priority Date**
Should be:

5. X **Point(s) of Diversion**
Should be: Only one single point of diversion as is set forth in the Standard Form Five being filed concurrently herewith.

6. **Instream Flow Description**
Should be:

7. **Purpose(s) of Use**
Should be:

8. **Period of Year**
Should be:

9. X **Place of Use**
Should be: Places of use not served by the point of diversion for this right should be removed as set forth in the Standard Form Five being filed concurrently herewith. Combined place of use should also be changed to reflect removals of certain places of use recommended pursuant to this water right.

10. **I object because:**

This water right should not exist.

This water right was not recommended, but should be recommended with the elements described above.

REASONS SUPPORTING OBJECTION (S): This water right has historically been diverted through only one point of diversion and has historically irrigated a smaller place of use than recommended.

VERIFICATION

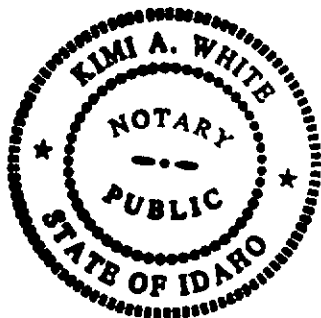
State of Idaho)
)
County of Ada)

Charles L. Honsinger, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I. C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Charles L. Honsinger
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: May 28, 1999



Kimi A. White
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 04/01/04

CERTIFICATE OF MAILING

I certify that on 05/28, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons:

Director, Idaho Department of Water Resources
1301 N. Orchard
Boise, ID 83712

Albert Black
C/O Ace Black
HC 85 Box 101
Bruneau, ID 83604

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83720

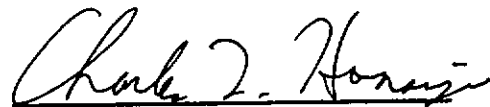
John Urquidi
HC 85, Box 135
Bruneau, ID 83604

George Turner
Betty L. Turner
HC 85 Box 123
Bruneau, ID 83604

Simplot Self Declaration Revocable Trust
Attn: Ronald Graves
P.O. Box 27
Boise, ID 83707

Ronald E. Prow
HC 85 Box 127
Bruneau, ID 83604

Jo Beeman
Beeman and Hofstetter
P.O. Box 1427
Boise, ID 83701-1427


Person mailing documents

IDWR

T06S, R05E

PRIVATE RIGHTS

Owner(s) Simplot

Prepared by:

Ron Howerton

Date: 25 May 99

Total Acres: 397.8



POU



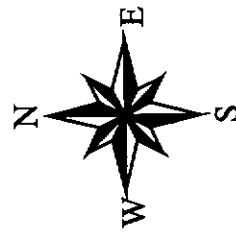
POD



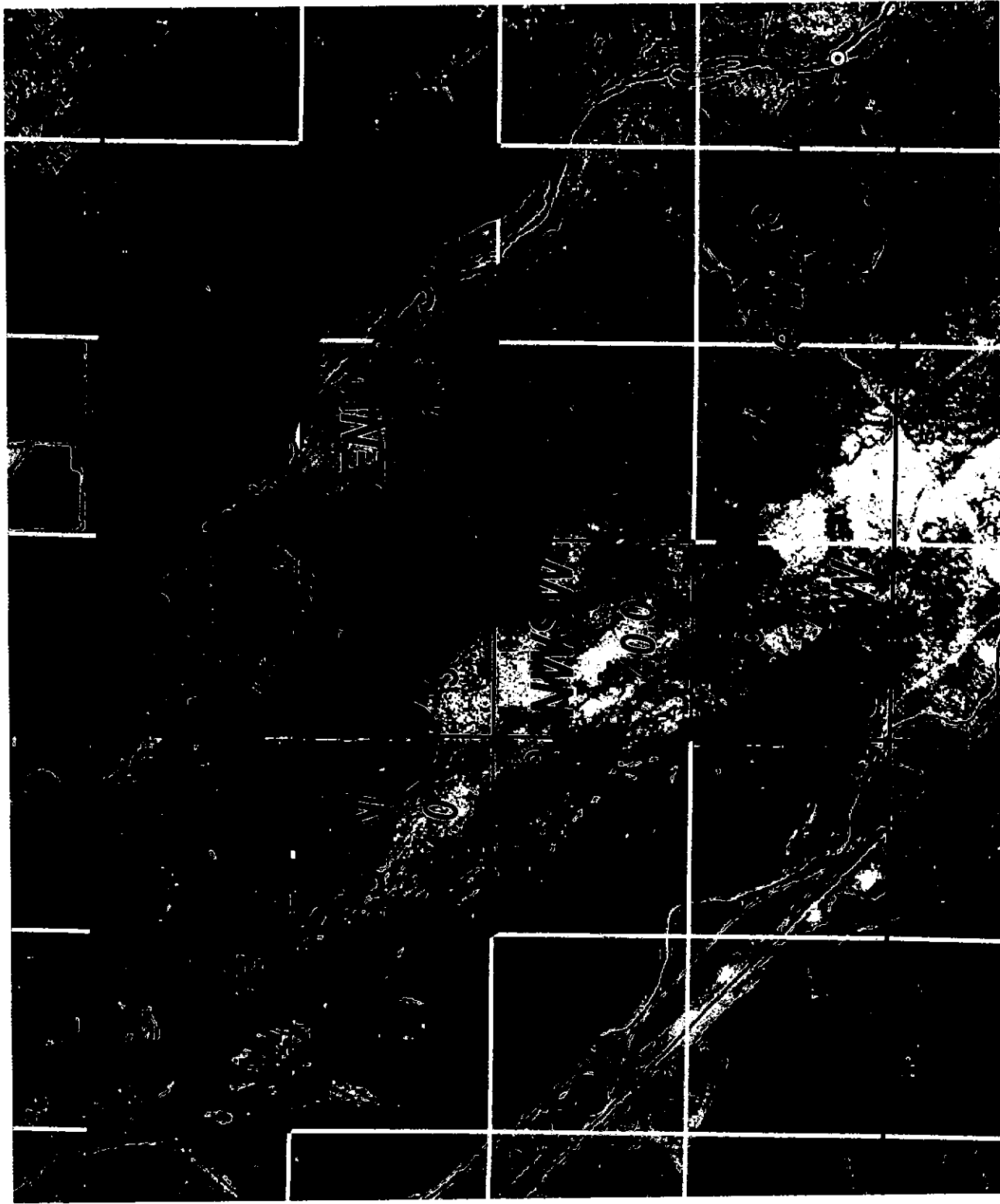
SECTION LINES

1/4 1/4

Acres



1987 NAPP



IDWR

T06S, R05E

PRIVATE RIGHTS

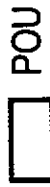
Owner(s) Simplot

Prepared by:

Ron Howerton

Date: 25 May 99

Total Acres: 397.8



POU



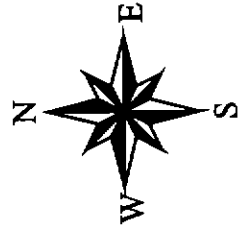
POD



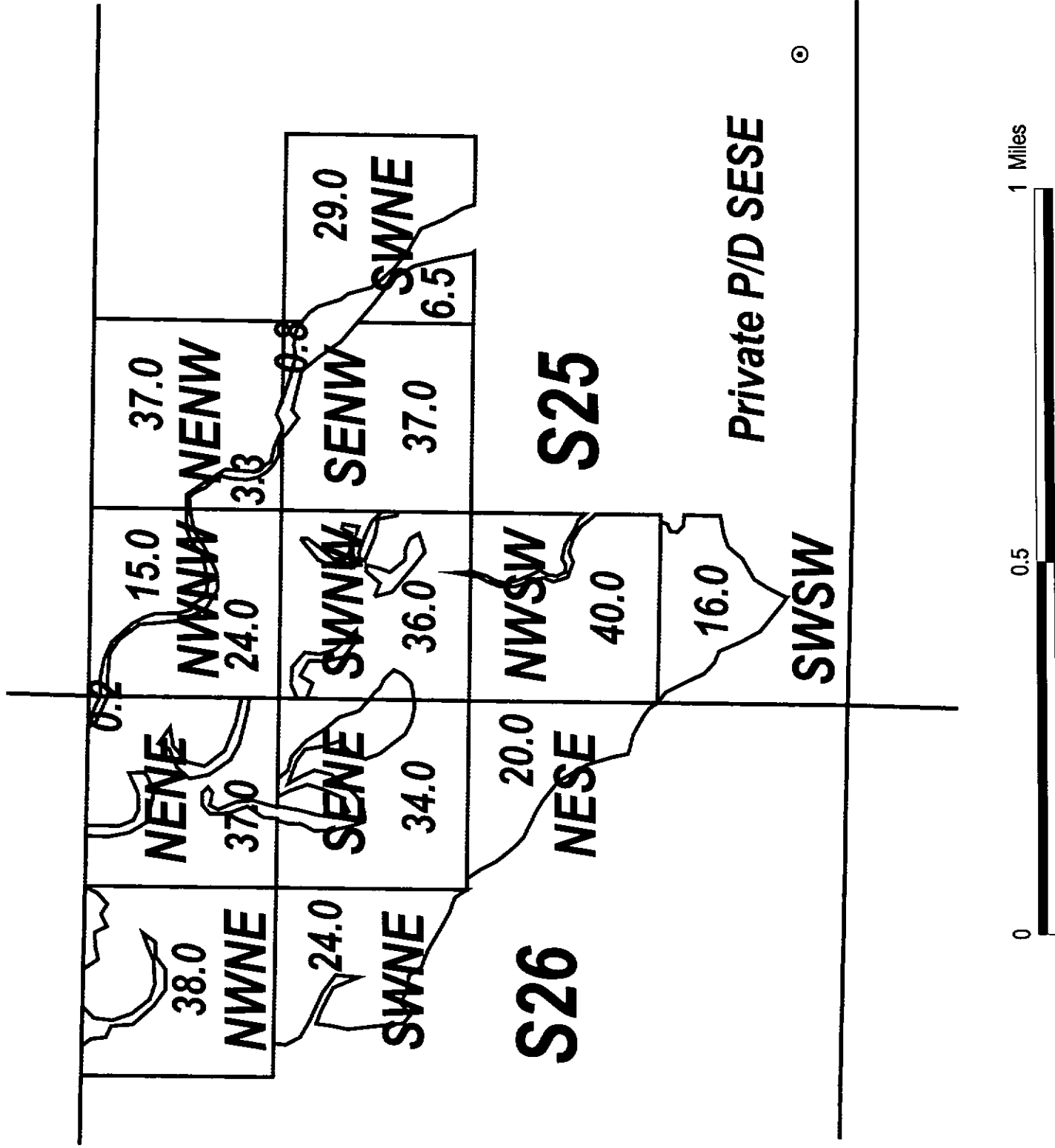
SECTION LINES

1/4 1/4

Acres



1987 NAPP



APR 30 1999

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

SUBCASE NUMBERS: See Attachment A

STIPULATION TO STAY ACTION ON RECOMMENDED WATER RIGHTS

South Side Bruneau Canal Company, State of Idaho Department of Fish and Game, George and Betty Turner, Albert Black, Ronald E. Prow, and Simplot Self Declaration Revocable Trust, the parties claiming the above referenced water rights, and the Idaho Department of Water Resources ("IDWR") hereby agree and stipulate as follows:

1. Each of the above-referenced claims to water rights were recommended with a point of diversion that diverts water from the Bruneau River into the South Side Bruneau Canal as a point of diversion.
2. If decreed in the SRBA as recommended, the delivery of the above referenced water rights will not reflect historical distribution of water from the South Side Bruneau Canal.
3. The parties to this stipulation only recently discovered that the recommendations do not reflect historical distribution.
4. Because of the complexity of the distribution of water in the Bruneau River valley, and the subsequent complexity of litigation that may result from the filing of objections, the parties desire to negotiate a settlement before filing objections with the SRBA District Court.

5. The parties hereby request that the SRBA District Court refrain from taking action on the above referenced recommended claims to water rights.

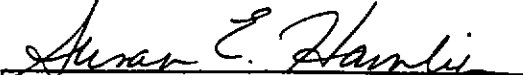
6. The parties hereby agree that any party to this stipulation will not oppose the filing of a late objection or amended claim to any water right referenced by this stipulation, and that such late objections or amended claims may be granted by the SRBA District Court.

7. The parties agree to submit amended claims, or late objections and/or Standard Forms Five for each of the water rights referenced above within two months of the date of this stipulation.

CONCURRENCE OF IDWR:

DATED this 27 day of April, 1999.

Attorney for IDWR

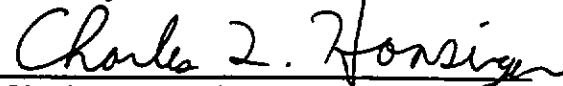


Susan Hamlin

Deputy Attorney General

DATED this 26th day of April, 1999.

Attorney for South Side Bruneau Canal Company

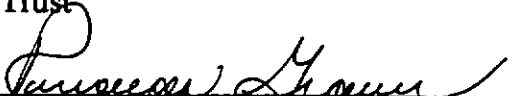


Charles L. Honsinger

Ringert Clark, Chartered

DATED this 26 day of April, 1999.

Attorney-in-fact for Simplot Self Declaration Revocable Trust



Ronald N. Graves

DATED this 27 day of April, 1999.

Attorney for Idaho Department of Fish and Game



Peter Ampe

Deputy Attorney General

DATED this 28 day of April, 1999

George C. Turner
George C. and/or Betty L. Turner

DATED this 28 day of April, 1999.

Ronald E. Prow
Ronald E. Prow

DATED this 28 day of April, 1999.

Ace Black
Ace Black for Albert Black

CERTIFICATE OF MAILING

I certify that on April 29, 1999, I mailed the original and copies of this document, including all attachments to the following:

Director, Idaho Department of Water Resources
1301 N. Orchard
Boise, ID 83712

Albert Black
C/O Ace Black
HC 85 Box 101
Bruneau, ID 83604

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

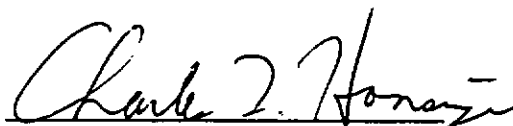
State of Idaho
Dept. of Fish and Game
P.O. Box 25
Boise, ID 83720

Charles L. Honsinger
P.O. Box 2773
Boise, ID 83701

George Turner
Betty L. Turner
HC 85 Box 123
Bruneau, ID 83604

Simplot Self Declaration Revocable Trust
Attn: Ronald Graves
P.O. Box 27
Boise, ID 83707

Ronald E. Prow
HC 85 Box 127
Bruneau, ID 83604


Person mailing documents

Attachment A

51-00027A
51-00034B
51-00042A
51-00042C
51-10218
51-00034A
51-00046
51-00027B
51-10235
51-00042B
51-10219
51-00043C
51-10236
51-00047
51-00043A
51-00043B
51-00024B
51-00031
51-00006
51-00044A
51-00028A
51-00044C
51-00035B
51-00032
51-00068A
51-10237
51-00025B
51-00035A
51-00048
51-10225
51-00007
51-00068B
51-00044B
51-00028B
51-00036A
51-00045A
51-00045B
51-00029A
51-00049
51-00036B
51-00008

51-00030
51-00053A
51-00029B
51-00026B
51-00053B
51-00045C
51-00033

AJ0749NP
No. R51-02133

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 07/17/98
PAGE: 2

Remarks: GEN THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM
1974 TO 11/24/1993.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 51-00031, 51-00032, 51-00033,
51-00034A, 51-00035A, 51-00036A, 51-00068A & SOUTH SIDE BRUNEAU
CANAL CO.

Dates: Exam Made Date: 11/24/1993 Verified Date: 07/17/1998 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag: C
Presumption Flag:

Comments: Date: 07/17/1998 User-ID: RHOWERTO Subject: COPIED FROM REMARKS
PLACE OF USE FOR BRUNEAU BUCKAROO DITCH CO., IS LOCATED IN THE
NNNW, NENN, SWNE, S26, T06S, R05E.

Audit: 07/17/98 RHOWERTO



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

May. 12, 98

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

VIC CONRAD
SIMPLOT COMPANY
PO BOX 27
BOISE ID 83707

REF: A51-00031, -32, -33, -34A, -35A, -36A, -68A & -2133 Permissible Place of Use
(Bruneau River)
A51-02044A, -2044B & -2238 (Jack's Creek)

Dear Vic:

- TEL CONU.
OK
RJR
VIC
JWE 6/1998
1. I would like to recommend permissible place of use (PPOU) for Bruneau River rights: A51-00031, -32, -33, -34A, -35A, -36A, -68A & -2133, if ok? They were not claimed this way.
 2. The NAPP map marked PPOU combines all of the POU claimed and also was claimed for rights; A51-00034A, -35A, and -36A. The other maps show what was found from the claimed tracts. The points of diversion are from the South Side Canal Company and a separate point of diversion from the Bruneau River. If I recommend all these rights as a permissible place of use I will add the second P/D to each claim and put the entire place of use on each claim. The licensed right will be limited to the licensed acres within the PPOU and the decreed rights will be limited by the CFS and/or the number of acres decreed within the PPOU.
 3. For the Jack's Creek letter, for your information, has reliable groundwater rights, thus, Jack's Creek rights have not been used by original owner Owen. I met with Mr. Owen about this issue. He said his neighbor plowed over the ditch several years ago, prior to my field exam. Owen said he didn't want to have a conflict with him, so he never done anything about access to Jack's Creek since Owen had the reliable groundwater coverage.
 4. Please look the questions on these letters and give me the required response. I do need your response to whether to recommend the PPOU, ASAP. Please call me if you have questions.

Sincerely,

Ron Howerton
SRBA Western Region
334-2190

Attachments: 5 NAPP maps with recommended irrigated acres plotted.
3 copies of original letters sent to Mr. Owen

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. 51-02133

| WR ELEMENT | FIELD EXAM
Y/N-IF NO,
DO OFFICE
VERIFICATION | FIELD EXAM
OR IN-OFFICE
VERIFICATION
WHOM/DATE | CLAIM
VERIFIED BY
CODE
(SEE BELOW) | CHANGE
CLAIM
Y/N | CLAIMANT CONTACT
NEEDED - Y/N** | REVIEW
COMPLETED
WHOM/DATE | "R" RECORD |
|-----------------------|---|---|---|------------------------|------------------------------------|----------------------------------|------------|
| PRIORITY* | N | Rth 11/24/93 | 5 | N | 2 | | |
| PT. OF DIV. | Y | | | Y | | | |
| SOURCE | N | | | N | | | |
| PL. OF USE | Y | | | Y | | | |
| DIV. AMOUNT
CFS/AF | N | | | Y | | | |
| CONSUMPTIVE
USE | N | | | N | | | |
| NATURE OF
USE | N | | | N | | | |
| PERIOD OF
USE | N | | | N | | | |
| BASIS OF
CLAIM | N | | | N | | | |
| REMARKS | | | | | | | |

VERIFICATION CODES

TOPO MAP/ORTHO PHOTO = 1
 ASCS MAP = 2
 WATERMASTER RECORDS = 3
 NAPP PHOTOS = 4
 FIELD EXAM = 5
 OTHER (SEE COMMENTS) = 6

*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
SUBMITTED - YES NO

**IF CLAIMANT CONTACT IS NEEDED, COMPLETE
CLAIMANT CONTACT CHECKLIST AND ATTACH.

COMMENTS:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:53:31
03/25/94

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A51-02133

LAST: VAUGHT
ADDRESS:
CITY: XXXXX
PHONE NUMBER: 208-000-0000
OWNER CODE: 0

FIRST: AGNES M.
STATE: ID ZIP: 00000

LAST: RANCHO IDAHO INC.
ADDRESS:
CITY: BRUNEAU
PHONE NUMBER: 208-000-0000
OWNER CODE: 0

FIRST:
STATE: ID ZIP: 83604

LAST: OWEN
ADDRESS: P.O. BOX 590
CITY: BRUNEAU
PHONE NUMBER: 208-845-2001
OWNER CODE: 0

FIRST: RICHARD L.
STATE: ID ZIP: 83604

LAST: VAUGHT
ADDRESS:
CITY: XXXXX
PHONE NUMBER: 208-000-0000
OWNER CODE: 0

FIRST: MILFORD J.
STATE: ID ZIP: 00000

LAST: CAMPBELL
ADDRESS: ELAM & BURKE
702 W IDAHO FL 10
PO BOX 1539
CITY: BOISE
PHONE NUMBER: 208-343-5454
OWNER CODE: A

FIRST: SCOTT L
STATE: ID ZIP: 837011539

LAST: OWEN FAMILY REVOCABLE TRUST A

FIRST:

IR Simplot

PO BOX 590
CITY: BRUNEAU
PHONE NUMBER: 208-845-2001

STATE: ID ZIP: 83604

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE N FIELD EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

FIELD EXAMINATION INFORMATION

CONTACT PERSON: Richard Owen PHONE NUMBER: () - -
DATE OF FIELD EXAM: 11/24/93 APPOINTMENT MADE: Y(☒) N() TIME: - : - A() P()
ACCOMPANIED BY: Phil Ranick PHONE NUMBER: () - -
RELATIONSHIP TO CLAIMANT: Employee
DIRECTIONS TO PROPERTY / NOTES:

SEE ORTHO IN FILE

51-00031

A. AJ CLAIM: # A51-02133 PRIORITY DATE: 08-21-1955 STAGE: L

B. WR RECORD: # 51-02133 PRIORITY DATE: 08-21-1955 STAGE: L

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N) ☐ Y ☒ N

FIELD EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(☒)

NOTES:

RECOMMENDED PRIORITY DATE:
08-21-1955

REVIEWED BY

Rch

DATE

6/16/98

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|-----------|------|------|------|-----|-----|-----|-----|--------|
| A51-02133 | 07S | 06E | 5 | | SE | SW | | ONYHEE |

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX
A51-00068A
A51-00068B

NONE

WR RECORDS IN SAME 40 ACRE TRACT

SOURCE: BRUNEAU RIVER

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|----------|------|------|------|-----|-----|-----|-----|--------|
| 51-02133 | 07S | 06E | 5 | | SE | SW | | ONYHEE |

OTHER WR RECORDS WITH SAME WR POD

NONE

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX

A51-00068A
A51-00068B

SOURCE: BRUNEAU RIVER

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

FIELD
EXAMINER

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y N

Red

NOTES:

SEE PID NOTES IN

51-00031

| RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: | | | | COUNTY | DIVERSION NAME |
|---|------|------|-----|--------|----------------|
| TWP. | RGE. | SEC. | 1/4 | | |
| 65 SE 25 | SW | SE | SE | OWY | Private Div |
| 75 SE 5 | NW | SW | SE | | SIDE Div |
| --- | --- | --- | --- | --- | --- |
| --- | --- | --- | --- | --- | --- |
| --- | --- | --- | --- | --- | --- |
| --- | --- | --- | --- | --- | --- |
| --- | --- | --- | --- | --- | --- |
| --- | --- | --- | --- | --- | --- |

SOURCE: BRUNEAU RIVER TRIB: SNAKE RIVER

REVIEWED BY: Rbt DATE: 6-16-98

SYSTEM DESCRIPTION:

SEE DES NOTES IN
51-00031

A. ROOT WATER RIGHT NUMBERS: A51-02133
R51-02133

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|-----|-----|-----|-----|-----|-----|-------------------------------|------------------|----------------|-----------------|----------------|------------------|
| 06S | 05E | 25 | NW | SW | | CAMPBELL, SCOTT L | A51-02133 /38.0 | 51-02133 /38.0 | 39.0 | | |
| | | | NW | SW | | CAMPBELL, SCOTT L | A51-00034A /40.0 | - | | | |
| | | | NW | SW | | CAMPBELL, SCOTT L | A51-00035A /40.0 | - | | | |
| | | | NW | SW | | CAMPBELL, SCOTT L | A51-00036A /40.0 | - | | | |
| | | | NW | SW | | CAMPBELL, SCOTT L | R51-00034A /40.0 | - | | | |
| | | | NW | SW | | CAMPBELL, SCOTT L | R51-00035A /40.0 | - | | | |
| | | | NW | SW | | CAMPBELL, SCOTT L | R51-00036A /40.0 | - | | | |
| | | | NW | SW | | CAMPBELL, SCOTT L | R51-02133 /38.0 | - | | | |
| 06S | 05E | 25 | SW | SW | | CAMPBELL, SCOTT L | A51-02133 /39.0 | 51-02133 /39.0 | 39.0 | | 39.0 |
| | | | SW | SW | | CAMPBELL, SCOTT L | A51-00034A /40.0 | - | | | |
| | | | SW | SW | | CAMPBELL, SCOTT L | A51-00035A /40.0 | - | | | |
| | | | SW | SW | | CAMPBELL, SCOTT L | A51-00036A /40.0 | - | | | |
| | | | SW | SW | | CAMPBELL, SCOTT L | R51-00034A /40.0 | - | | | |
| | | | SW | SW | | CAMPBELL, SCOTT L | R51-00035A /40.0 | - | | | |
| | | | SW | SW | | CAMPBELL, SCOTT L | R51-00036A /40.0 | - | | | |
| | | | SW | SW | | CAMPBELL, SCOTT L | R51-02133 /39.0 | - | | | |
| 06S | 05E | 26 | NE | NE | | CAMPBELL, SCOTT L | A51-02133 /39.0 | 51-02133 /39.0 | 36.0 | | |
| | | | NE | NE | | CAMPBELL, SCOTT L | A51-00034A /40.0 | - | | | |
| | | | NE | NE | | CAMPBELL, SCOTT L | A51-00035A /40.0 | - | | | |
| | | | NE | NE | | CAMPBELL, SCOTT L | A51-00036A /40.0 | - | | | |
| | | | NE | NE | | OWEN FAMILY REVOCABLE TRUST A | R51-10278 / | - | | | |
| | | | NE | NE | | CAMPBELL, SCOTT L | A51-00031 /40.0 | 51-00031 /40.0 | | | |
| | | | NE | NE | | CAMPBELL, SCOTT L | A51-00032 /40.0 | 51-00032 /40.0 | | | |
| | | | NE | NE | | CAMPBELL, SCOTT L | A51-00033 /40.0 | 51-00033 /40.0 | | | |
| | | | NE | NE | | OWEN FAMILY REVOCABLE TRUST A | A51-10278 / | - | | | |
| | | | NE | NE | | CAMPBELL, SCOTT L | R51-00031 /40.0 | - | | | |
| | | | NE | NE | | OWEN FAMILY REVOCABLE TRUST A | R51-00032 /40.0 | - | | | |
| | | | NE | NE | | CAMPBELL, SCOTT L | R51-00033 /40.0 | - | | | |
| | | | NE | NE | | CAMPBELL, SCOTT L | R51-00034A /40.0 | - | | | |
| | | | NE | NE | | CAMPBELL, SCOTT L | R51-00035A /40.0 | - | | | |
| | | | NE | NE | | CAMPBELL, SCOTT L | R51-00036A /40.0 | - | | | |
| | | | NE | NE | | CAMPBELL, SCOTT L | R51-02133 /39.0 | - | | | |
| 06S | 05E | 26 | NW | NE | | CAMPBELL, SCOTT L | A51-02133 /38.0 | 51-02133 /38.0 | 41.0 | | |
| | | | NW | NE | | CAMPBELL, SCOTT L | A51-00032 /40.0 | 51-00032 /40.0 | | | |
| | | | NW | NE | | CAMPBELL, SCOTT L | A51-00034A /40.0 | - | | | |
| | | | NW | NE | | CAMPBELL, SCOTT L | A51-00035A /40.0 | - | | | |
| | | | NW | NE | | CAMPBELL, SCOTT L | A51-00036A /40.0 | - | | | |
| | | | NW | NE | | CAMPBELL, SCOTT L | R51-00031 /40.0 | 51-00031 /40.0 | | | |
| | | | NW | NE | | CAMPBELL, SCOTT L | R51-00033 /40.0 | 51-00033 /40.0 | | | |

SEE ATTACHED
PRIVATE RIGHTS
LAYOUT

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|-----|-----|-----|-----|-----|-----|-------------------------------|------------------|----------------|-----------------|----------------|------------------|
| 06S | 05E | 26 | NW | NE | | CAMPBELL, SCOTT L | R51-00031 /40.0 | - | / | | |
| | | | NW | NE | | OWEN FAMILY REVOCABLE TRUST A | R51-00032 /40.0 | - | / | | |
| | | | NW | NE | | CAMPBELL, SCOTT L | R51-00033 /40.0 | - | / | | |
| | | | NW | NE | | CAMPBELL, SCOTT L | R51-00034A /40.0 | - | / | | |
| | | | NW | NE | | CAMPBELL, SCOTT L | R51-00035A /40.0 | - | / | | |
| | | | NW | NE | | CAMPBELL, SCOTT L | R51-00036A /40.0 | - | / | | |
| | | | NW | NE | | CAMPBELL, SCOTT L | R51-00037A /40.0 | - | / | | |
| | | | NW | NE | | CAMPBELL, SCOTT L | R51-00038A /40.0 | - | / | | |
| | | | NW | NE | | CAMPBELL, SCOTT L | R51-00039A /40.0 | - | / | | |
| | | | NW | NE | | CAMPBELL, SCOTT L | R51-00040A /40.0 | - | / | | |
| 06S | 05E | 26 | SW | NE | | CAMPBELL, SCOTT L | A51-02133 /37.0 | 51-02133 /37.0 | 41.0 | | |
| | | | SW | NE | | CAMPBELL, SCOTT L | A51-00034A /40.0 | - | / | | |
| | | | SW | NE | | CAMPBELL, SCOTT L | A51-00035A /40.0 | - | / | | |
| | | | SW | NE | | CAMPBELL, SCOTT L | A51-00036A /40.0 | - | / | | |
| | | | SW | NE | | CAMPBELL, SCOTT L | A51-00037A /40.0 | - | / | | |
| | | | SW | NE | | CAMPBELL, SCOTT L | A51-00038A /40.0 | - | / | | |
| | | | SW | NE | | CAMPBELL, SCOTT L | A51-00039A /40.0 | - | / | | |
| | | | SW | NE | | CAMPBELL, SCOTT L | A51-00040A /40.0 | - | / | | |
| | | | SW | NE | | CAMPBELL, SCOTT L | A51-00041A /40.0 | - | / | | |
| | | | SW | NE | | CAMPBELL, SCOTT L | A51-00042A /40.0 | - | / | | |
| 06S | 05E | 26 | SE | NE | | CAMPBELL, SCOTT L | A51-02133 /39.0 | 51-02133 /39.0 | 42.0 | | |
| | | | SE | NE | | CAMPBELL, SCOTT L | A51-00034A /40.0 | - | / | | |
| | | | SE | NE | | CAMPBELL, SCOTT L | A51-00035A /40.0 | - | / | | |
| | | | SE | NE | | CAMPBELL, SCOTT L | A51-00036A /40.0 | - | / | | |
| | | | SE | NE | | CAMPBELL, SCOTT L | A51-00037A /40.0 | - | / | | |
| | | | SE | NE | | CAMPBELL, SCOTT L | A51-00038A /40.0 | - | / | | |
| | | | SE | NE | | CAMPBELL, SCOTT L | A51-00039A /40.0 | - | / | | |
| | | | SE | NE | | CAMPBELL, SCOTT L | A51-00040A /40.0 | - | / | | |
| | | | SE | NE | | CAMPBELL, SCOTT L | A51-00041A /40.0 | - | / | | |
| | | | SE | NE | | CAMPBELL, SCOTT L | A51-00042A /40.0 | - | / | | |
| 06S | 05E | 26 | SE | NE | | OWEN FAMILY REVOCABLE TRUST A | R51-00031 /40.0 | - | / | | |
| | | | SE | NE | | CAMPBELL, SCOTT L | R51-00032 /40.0 | - | / | | |
| | | | SE | NE | | CAMPBELL, SCOTT L | R51-00033 /40.0 | - | / | | |
| | | | SE | NE | | CAMPBELL, SCOTT L | R51-00034A /40.0 | - | / | | |
| | | | SE | NE | | CAMPBELL, SCOTT L | R51-00035A /40.0 | - | / | | |
| | | | SE | NE | | CAMPBELL, SCOTT L | R51-00036A /40.0 | - | / | | |
| | | | SE | NE | | CAMPBELL, SCOTT L | R51-00037A /40.0 | - | / | | |
| | | | SE | NE | | CAMPBELL, SCOTT L | R51-00038A /40.0 | - | / | | |
| | | | SE | NE | | CAMPBELL, SCOTT L | R51-00039A /40.0 | - | / | | |
| | | | SE | NE | | CAMPBELL, SCOTT L | R51-00040A /40.0 | - | / | | |
| 06S | 05E | 26 | NE | SE | | CAMPBELL, SCOTT L | A51-02133 /39.0 | 51-02133 /39.0 | 42.0 | | |
| | | | NE | SE | | SOUTH SIDE BRUNEAU CANAL CO. | LA51-00007 /25.0 | - | / | | |
| | | | NE | SE | | SOUTH SIDE BRUNEAU CANAL CO. | LA51-00008 /25.0 | - | / | | |
| | | | NE | SE | | SOUTH SIDE BRUNEAU CANAL CO. | LA51-00009 /25.0 | - | / | | |
| | | | NE | SE | | SOUTH SIDE BRUNEAU CANAL CO. | LA51-00010 /25.0 | - | / | | |
| | | | NE | SE | | CAMPBELL, SCOTT L | A51-00034A /40.0 | - | / | | |
| | | | NE | SE | | CAMPBELL, SCOTT L | A51-00035A /40.0 | - | / | | |
| | | | NE | SE | | CAMPBELL, SCOTT L | A51-00036A /40.0 | - | / | | |
| | | | NE | SE | | CAMPBELL, SCOTT L | A51-00037A /40.0 | - | / | | |
| | | | NE | SE | | CAMPBELL, SCOTT L | A51-00038A /40.0 | - | / | | |
| 06S | 05E | 26 | SE | SE | | CAMPBELL, SCOTT L | A51-02133 /25.0 | 51-02133 /25.0 | 28.0 | | |
| | | | SE | SE | | SOUTH SIDE BRUNEAU CANAL CO. | LA51-00007 /24.0 | - | / | | |
| | | | SE | SE | | SOUTH SIDE BRUNEAU CANAL CO. | LA51-00008 /24.0 | - | / | | |

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | NR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|-------------|-----|-----|-----|-----|-----|------------------------------|---------------|---------------|-----------------|----------------|------------------|
| 06S | 05E | 36 | SE | SE | | SOUTH SIDE BRUNEAU CANAL CO. | LA51-00006 | /24.0 | / | | |
| | | | SE | SE | | SOUTH SIDE BRUNEAU CANAL CO. | LA51-04096 | /24.0 | / | | |
| | | | SE | SE | | CAMPBELL, SCOTT L | A51-00034A | /40.0 | / | | |
| | | | SE | SE | | CAMPBELL, SCOTT L | A51-00035A | /40.0 | / | | |
| | | | SE | SE | | CAMPBELL, SCOTT L | A51-00036A | /40.0 | / | | |
| | | | SE | SE | | CAMPBELL, SCOTT L | A51-00034A | /40.0 | / | | |
| | | | SE | SE | | CAMPBELL, SCOTT L | A51-00035A | /40.0 | / | | |
| | | | SE | SE | | CAMPBELL, SCOTT L | A51-00036A | /40.0 | / | | |
| | | | SE | SE | | CAMPBELL, SCOTT L | A51-02133 | /25.0 | / | | |
| | | | SE | SE | | CAMPBELL, SCOTT L | A51-02133 | /25.0 | / | | |
| 06S | 05E | 36 | NE | NW | | CAMPBELL, SCOTT L | A51-02133 | /39.0 | 51-02133 | 34.0 | |
| | | | NE | NW | | CAMPBELL, SCOTT L | A51-00034A | /40.0 | / | | |
| | | | NE | NW | | CAMPBELL, SCOTT L | A51-00035A | /40.0 | / | | |
| | | | NE | NW | | CAMPBELL, SCOTT L | A51-00036A | /40.0 | / | | |
| | | | NE | NW | | CAMPBELL, SCOTT L | A51-00034A | /40.0 | / | | |
| | | | NE | NW | | CAMPBELL, SCOTT L | A51-00035A | /40.0 | / | | |
| | | | NE | NW | | CAMPBELL, SCOTT L | A51-00036A | /40.0 | / | | |
| | | | NE | NW | | CAMPBELL, SCOTT L | A51-00034A | /40.0 | / | | |
| | | | NE | NW | | CAMPBELL, SCOTT L | A51-00035A | /40.0 | / | | |
| | | | NE | NW | | CAMPBELL, SCOTT L | A51-02133 | /39.0 | / | | |
| 06S | 05E | 36 | NW | NW | | CAMPBELL, SCOTT L | A51-02133 | /20.0 | 51-02133 | 21.0 | |
| | | | NW | NW | | CAMPBELL, SCOTT L | A51-00034A | /40.0 | / | | |
| | | | NW | NW | | CAMPBELL, SCOTT L | A51-00035A | /40.0 | / | | |
| | | | NW | NW | | CAMPBELL, SCOTT L | A51-00036A | /40.0 | / | | |
| | | | NW | NW | | CAMPBELL, SCOTT L | A51-00035A | /40.0 | / | | |
| | | | NW | NW | | CAMPBELL, SCOTT L | A51-00036A | /40.0 | / | | |
| | | | NW | NW | | CAMPBELL, SCOTT L | A51-00034A | /40.0 | / | | |
| | | | NW | NW | | CAMPBELL, SCOTT L | A51-02133 | /20.0 | / | | |
| | | | NW | NW | | CAMPBELL, SCOTT L | A51-00034A | /40.0 | / | | |
| | | | NW | NW | | CAMPBELL, SCOTT L | A51-00034A | /40.0 | / | | |
| 06S | 05E | 36 | SW | NW | | CAMPBELL, SCOTT L | A51-02133 | /1.0 | 51-02133 | 1.0 | 1.0 |
| | | | SW | NW | | CAMPBELL, SCOTT L | A51-00034A | /40.0 | / | | |
| | | | SW | NW | | CAMPBELL, SCOTT L | A51-00035A | /40.0 | / | | |
| | | | SW | NW | | CAMPBELL, SCOTT L | A51-00036A | /40.0 | / | | |
| | | | SW | NW | | CAMPBELL, SCOTT L | A51-00034A | /40.0 | / | | |
| | | | SW | NW | | CAMPBELL, SCOTT L | A51-00035A | /40.0 | / | | |
| | | | SW | NW | | CAMPBELL, SCOTT L | A51-00036A | /40.0 | / | | |
| | | | SW | NW | | CAMPBELL, SCOTT L | A51-00034A | /40.0 | / | | |
| | | | SW | NW | | CAMPBELL, SCOTT L | A51-00035A | /40.0 | / | | |
| | | | SW | NW | | CAMPBELL, SCOTT L | A51-02133 | /1.0 | / | | |
| 06S | 05E | 36 | SE | NW | | CAMPBELL, SCOTT L | A51-02133 | /40.0 | / | | |
| | | | SE | NW | | CAMPBELL, SCOTT L | A51-00034A | /40.0 | / | | |
| | | | SE | NW | | CAMPBELL, SCOTT L | A51-00035A | /40.0 | / | | |
| | | | SE | NW | | CAMPBELL, SCOTT L | A51-00036A | /40.0 | / | | |
| | | | SE | NW | | CAMPBELL, SCOTT L | A51-00034A | /40.0 | / | | |
| | | | SE | NW | | CAMPBELL, SCOTT L | A51-00035A | /40.0 | / | | |
| | | | SE | NW | | CAMPBELL, SCOTT L | A51-00036A | /40.0 | / | | |
| | | | SE | NW | | CAMPBELL, SCOTT L | A51-00034A | /40.0 | / | | |
| | | | SE | NW | | CAMPBELL, SCOTT L | A51-00035A | /40.0 | / | | |
| | | | SE | NW | | CAMPBELL, SCOTT L | A51-02133 | /40.0 | / | | |
| TOTAL ACRES | | | | | | | A51-02133 | 394.00 | 354.00 | 391.00 | |

NA

1/4 NOT ON LIC

*DATE OF C

1974 PER

ORTHOG IN

NA
1/4 NOT ON LIC.
DATE OF CHANGE
1974 PER
ORTH0 IN 34A

397.8

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET:

SEE PRIVATE RIGHTS

C. FIELD EXAM REQUIRED?

DATABASE Y
FIELD EXAMINER

LAYOUT

POU COUNTY: OMYHEE

DUE TO POU DISCREPANCY? (Y/N)

PRESUMPTION FLAG: C

NOTES:

RECOMMENDATIONS:

TOTAL ACRES:

~~799.8~~ 397.8

Rdh 5/25/99

REVIEWED BY:

Rdh

DATE:

6/16/98

A. AJ CLAIMED USES:

PURPOSES
A51-02133 IRRIGATION

MONTH/DAY
FROM 03-01 TO 11-30

DIVERSION QUANTITY
7.080 CFS 2300.00 AF/A
7.080 CFS 2300.00 AF/A

TOTAL DIVERSION RATE/VOLUME CLAIMED

B. WR RECORDED USES:

PURPOSES
51-02133 IRRIGATION

MONTH/DAY
FROM 04-01 TO 10-31

DIVERSION QUANTITY
7.080 CFS 2300.00 AF/A
7.080 CFS 2300.00 AF/A

TOTAL DIVERSION RATE/VOLUME CLAIMED

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

DUE TO WATER-USE DISCREPANCY? (Y/N)
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)

FIELD
DATABASE EXAMINER

N
N
Y

Per

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N(*X*)

Y(*X*) N() Explain in notes, below.

NOTES:

PER LIC ALSO, SEE COPY ON CLAIM SIDE OF FILE

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

AJ TOTAL CLAIMED DIVERSION RATE: 7.080 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 7.080 CFS

Y (X) N ()

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** if an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in notes. **

FLOW MEASUREMENT REQUIRED?

FIELD DATABASE EXAMINER
DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) N *pet*

B. MEASUREMENT METHOD PA, SEE ATTACHED CALCULATIONS.

FLOW MEASUREMENT

C. ARE OTHER WATER RIGHTS USED? Y (X) N () IF YES COMPLETE OVERLAP REVIEW. *ppou*
OTHER RIGHTS LISTED IN CLAIM: NONE
LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

31, 32 & 3

| CLAIM NO. | SOURCE | NAME | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|------------|---------------|--------------------------------|-----------|----------------|-----------|----------------|
| A51-02133 | BRUNEAU RIVER | CAMPBELL, SCOTT L | 7.080 | 0.017 | 2300.00 | 5.83 |
| A51-00006 | BRUNEAU RIVER | SOUTH SIDE BRUNEAU CANAL CO. L | 12.240 | 0.010 | | |
| A51-00007 | BRUNEAU RIVER | SOUTH SIDE BRUNEAU CANAL CO. L | 1.920 | 0.001 | | |
| A51-00008 | BRUNEAU RIVER | SOUTH SIDE BRUNEAU CANAL CO. L | 9.840 | 0.008 | | |
| R51-00031 | BRUNEAU RIVER | CAMPBELL, SCOTT L | 1.300 | 0.005 | | |
| A51-00031 | BRUNEAU RIVER | CAMPBELL, SCOTT L | 1.300 | 0.005 | | |
| A51-00032 | BRUNEAU RIVER | OHEN FAMILY REVOCABLE TRUST A | 0.700 | 0.002 | | |
| A51-00032 | BRUNEAU RIVER | CAMPBELL, SCOTT L | 0.700 | 0.002 | | |
| A51-00033 | BRUNEAU RIVER | CAMPBELL, SCOTT L | 0.800 | 0.003 | | |
| R51-00033 | BRUNEAU RIVER | CAMPBELL, SCOTT L | 0.800 | 0.003 | | |
| A51-00034A | BRUNEAU RIVER | CAMPBELL, SCOTT L | 3.070 | 0.002 | | |
| R51-00034A | BRUNEAU RIVER | CAMPBELL, SCOTT L | 3.070 | 0.002 | | |
| A51-00035A | BRUNEAU RIVER | CAMPBELL, SCOTT L | 1.860 | 0.001 | | |
| R51-00035A | BRUNEAU RIVER | CAMPBELL, SCOTT L | 1.860 | 0.001 | | |
| A51-00036A | BRUNEAU RIVER | CAMPBELL, SCOTT L | 3.350 | 0.003 | | |
| R51-00036A | BRUNEAU RIVER | CAMPBELL, SCOTT L | 3.350 | 0.003 | | |
| R51-02133 | BRUNEAU RIVER | CAMPBELL, SCOTT L | 7.080 | 0.017 | 2300.00 | 5.83 |
| A51-04096 | BRUNEAU RIVER | SOUTH SIDE BRUNEAU CANAL CO. L | 24.000 | 0.020 | | |

LIST ALL RIGHTS WITH SAME POW BUT NOT USED FOR IRRIGATION.

| CLAIM NO. | PURPOSES | NAME | MONTH/DAY | RATE | VOLUME |
|-----------|------------|------------------------------------|----------------|----------|--------|
| R51-10278 | STOCKWATER | OWEN FAMILY REVOCABLE TRUST A FROM | 01-01 TO 12-31 | .230 CFS | |
| A51-10278 | STOCKWATER | OWEN FAMILY REVOCABLE TRUST A FROM | 01-01 TO 12-31 | .230 CFS | |

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE (0.02 CFS/ACRE = 5.16 CFS WITHIN PPOU OF 397.8 ACRES
1257.8 (Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N(X)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 1182.0 AF/A

ACRES x CONSUMPTIVE VOL. AF/A FOR AREA =

TOTAL CONSUMPTIVE USE NA AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 2300.00 AF/A

ACRES x DIVERSION VOL. AF/A FOR AREA =

TOTAL DIVERSION VOLUME AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

RECORD CONDITIONS/REMARKS:

DECREED RIGHTS

31 = 1.3 CFS
32 = .7 CFS
33 = .8 CFS

2.8 CFS TOTAL

+ LLC RIGHT

2133 = 5.16 CFS

7.96 CFS @ 397.8 ACRES

KOB Limit to 257.8 ACRES

5.16 = (257.8)(0.02)

016 - See remarks for additional conditions of approval.

NOTES: (Include limitations on CONSUMPTIVE USE for combined rights.)

RECOMMENDATIONS:

| REC. PURPOSES | REC. PERIOD FROM TO | REC. DIV RATE CFS | REC. DIV VOL. AF/A | REC. CONS. USE |
|----------------------|----------------------------|---------------------------------|--------------------------------------|------------------------------------|
| IRRIGATION | 03-01 11-30
04-01 10-31 | DATABASE EXAMINER
7.000 5.16 | DATABASE EXAMINER
2500.00 2500.00 | DATABASE EXAMINER
4462.0 1782.0 |
| TOTAL FOR THIS RIGHT | | | | |
| REVIEWED BY: RCH | DATE: 6/16/98 | | | |

AS-LICENSED (ADD USE COMMENT)

C14

W04 - Bureau Buckaroo Ditch Co. (ADD COMMENT WHERE LOCATED)

QNT - Limit to 7.96 CFS

P04 - Limit to 397.8 ACRES

EXP - SAME PID AS 31, 32 & 33

K06 - Limit Lic to 257.8 ACRES

ADD STIPULATION COMMENT

A. CHECK ONLY THE FOLLOWING THAT APPLY:

ACCEPTED AS CLAIMED ☒ NEEDS REVIEW ☐
() ()
() ()
() ()

OWNERSHIP
FORFEIT/ABANDON
ADDITIONAL DIV. AMOUNT

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 51-02133

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
7.080

EXAMINER

CFS

SPLITS:

| OLD RIGHT NUMBERS | CURRENT CLAIM NUMBERS | DIVERSION RATE | CURRENT "R" CLAIM NUM. | "R" DIV. RATE | WR RIGHT NUMBERS | DIVERSION RATE |
|-------------------|-----------------------|----------------|------------------------|---------------|------------------|----------------|
| | A51-02133 | 7.080 | R51-02133 | 7.080 | 51-02133 | 7.080 |
| TOTAL CFS | | 7.080 | | 7.080 | | 7.080 |

DIVERSION RATE REVIEW

FIELD EXAMINER
Rdk

DATABASE
Y

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

NOTES:

AUTHENTICATION:

SIGNATURE:

Ron Howerton

DATE: 5/25/98

NAME OF FIELD EXAMINER:

Ron Howerton JR WA AGENT

5/25/98 Rdk

CLAIM NUMBER: 51-02133

125-1-00031

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

COPY INCLUDED
IN FILE?

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED) IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION

| | | | | | |
|--|--------------------|------|-------------|------------|-----------|
| ☒ ORTHOPHOTOQUAD | DATE OF PHOTO | 1974 | IDWR ID NO. | AA12 AA 62 | Y() N(X) |
| ☐ TOPOGRAPHIC | DATE FIELD CHECKED | | IDWR ID NO. | | Y() N() |
| ☒ NAPP | DATE OF PHOTO | 1987 | IDWR ID NO. | AA12 AA 62 | Y(X) N() |
| ☒ ASCS AERIAL PHOTO | DATE OF PHOTO | 1988 | | | Y() N(X) |
| ☐ ASCS COLOR SLIDE | DATE OF PHOTO | | | | Y() N() |
| ☐ BLM OR USFS AERIAL PHOTO | DATE OF PHOTO | | | | Y() N() |
| ☐ TOWNSHIP SURVEY (GOVERNMENT PLAT) | DATE OF SURVEY | | | | Y() N() |
| ☐ SCS SOIL SURVEY MAP | DATE ISSUED | | | | Y() N() |
| ☐ SUBDIVISION PLAT MAP | DATE OF MAP | | | | Y() N() |
| ☐ OTHER | DATE | | | | Y() N() |
| ☒ OTHER Subject Prop Map | DATE | NA | | | Y() N(X) |
| ☐ OTHER | DATE | | | | Y() N() |

LIST OF ATTACHMENTS (CHECK IF ATTACHED) IF ATTACHED, SUPPLY APPROPRIATE INFORMATION PAGES

NO. OF
NOTES

| | | |
|--|-------------------------|--|
| ☐ LICENSING FIELD EXAM | DATE OF FIELD EXAM | |
| ☐ WATER RIGHT LICENSE | DATE LICENSE SIGNED | |
| ☐ IDWR APPROVED TRANSFER | DATE TRANSFER APPROVED | |
| ☐ SYSTEM DESCRIPTION | DATE DRAWN | |
| ☐ PHOTOGRAPHS | DATE(S) PHOTOS TAKEN | |
| ☐ SPLIT RIGHT REVIEW | DATE REVIEW COMPLETED | |
| ☐ HUBBLE ANALYSIS | DATE ANALYSIS COMPLETED | |
| ☐ CONVEYANCE LOSS ANALYSIS | DATE ANALYSIS COMPLETED | |
| ☐ FLOW MEASUREMENT CALCULATIONS | DATE SYSTEM MEASURED | |
| ☐ OTHER | DATE | |
| ☐ OTHER | DATE | |

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:53:31
03/25/94

15
CLAIM NUMBER: A51-02133

PAGE: 15
QUICKLOOK INFORMATION

| WR ELEMENT | FIELD EXAM
Y/N | CORRESPONDENCE
SENT/RECEIVED
BY WHOM/DATE | FIELD EXAM
BY WHOM/DATE | CHANGE
CLAIM
Y/N | VERIFIED BY
CODE | COMPLETED
REVIEW
WHOM/DATE | COMPLETED
DATA ENTRY
WHOM/DATE | VERIFIED
DATE
WHOM/DATE |
|---------------------------|-------------------|---|----------------------------|------------------------|---------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE | | | | | | | | |
| POINT OF DIV | Y | | | | | | | |
| SOURCE | | | | | | | | |
| PLACE OF USE | Y | | | | | | | |
| DIV. AMOUNT
CFS/VOLUME | | | | | | | | |
| CONSUMPTIVE USE | | | | | | | | |
| PURPOSES | | | | | | | | |
| PERIOD OF USE | Y | | | | | | | |
| BASIS OF CLAIM | | | | | | | | |
| REMARKS | | | | | | | | |

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:14:19
03/25/94
16

PAGE: 16
PROFILE REPORT

CLAIM NUMBER: A51-02133

OWNER CODE: C
NAME & ADDRESS: OMEN FAMILY REVOCABLE TRUST A
RICHARD L OMEN TRUSTEE
PO BOX 590
BRUNEAU ID 83604
(208) 845-2001

PRIORITY DATE: 08/21/1955
WATER USE: IRRIGATION

USE PERIOD FROM TO: 03-01 11-30

DIVERSION RATE: 7.08 CFS
DIVERSION VOLUME: 2300.00 AFA

TOTAL DIVERSION: 2300.00 AFA
CONSUMPTIVE USE: 1182.00 AFA

Water Source: BRUNEAU RIVER
Tributary to: SNAKE RIVER
Stage: LICENSE
OMYHEE County

Point(s) of Diversion: T07S R06E S05 SESW

Place of use Legal Description for: IRRIGATION

| NE | | | | NW | | | | SW | | | | SE | | | | |
|-------------|-----|------|----|------|----|------|----|------|----|------|----|------|----|------|----|-------|
| NENE | | NWNE | | SWNE | | SENE | | NENW | | NWNW | | SWNW | | SESW | | |
| T | R | S | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac |
| 06S | 05E | 25 | 39 | 38 | 37 | 39 | | | | | 38 | 39 | | | | |
| 06S | 05E | 26 | | | | | | | | | | | | | 39 | 25 |
| 06S | 05E | 36 | | | | | | | | | | | | | | |
| TOTAL ACRES | | | | | | | | | | | | | | | | 394.0 |

SUM: 77.0, 217.0, 100.0

POU County: OMYHEE
Other Rights: NONE

Conditions of Approval:
016 - See remarks for additional conditions of approval.

Dates: Exam Made Date: Verified Date:
Misc: Water District Number: Field Inspection Flag: Presumption Flag:

Water Right Number - 51-02133 Prefix Translation: WATER RIGHT Old (O) Number - 25731
+ - - - - Last Name - - - - + + - First Name - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
RANCHO IDAHO INC.

1 -
2 -
3 -
City- BRUNEAU State- ID Zip- 83604
Phone -

*** O - ORIGINAL OWNER ***
VAUGHT

MILFORD J.

VAUGHT

AGNES M.

1 -
2 -
3 -
City-
Phone -
1 -
2 -
3 -
City-
Phone -
State- Zip-
State- Zip-
State- Zip-

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
08/21/1955 14 WESTERN L - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BRUNEAU RIVER SNAKE RIVER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

07S 06E 5 SE SW (73) OMYHEE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 7.080 2300.00

+ - - Total Div. Rate - - + + - - Total Div. Volume - - + + - - Total Div. Capacity - - +
7.080 2300.00

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
06S 05E 25 NW SW 38.0 01 IRRIGATION (73) OMYHEE
06S 05E 25 SW SW 39.0 01 IRRIGATION (73) OMYHEE
06S 05E 26 NE NE 39.0 01 IRRIGATION (73) OMYHEE
06S 05E 26 NW NE 38.0 01 IRRIGATION (73) OMYHEE
06S 05E 26 SW NE 37.0 01 IRRIGATION (73) OMYHEE
06S 05E 26 SE NE 39.0 01 IRRIGATION (73) OMYHEE
06S 05E 26 NE SE 39.0 01 IRRIGATION (73) OMYHEE
06S 05E 26 SE SE 25.0 01 IRRIGATION (73) OMYHEE
06S 05E 36 NE NW 39.0 01 IRRIGATION (73) OMYHEE
06S 05E 36 NW NW 20.0 01 IRRIGATION (73) OMYHEE
06S 05E 36 SW NW 1.0 01 IRRIGATION (73) OMYHEE

| | | | | | |
|-------------------|--------------|------------------|--------------|------------------|---|
| Proof Due Date | - 00/00/0000 | Field Exam Made | - 00/00/0000 | Field Exam Fee | - |
| Approved/Denied | - 00/00/0000 | Protested Date | - 00/00/0000 | Swan Falls | - |
| Proof Made Date | - 00/00/0000 | Hearing Date | - 00/00/0000 | Temporary Right | - |
| Exam to S.O. Date | - 00/00/0000 | Verified Date | - 03/12/1985 | DLE/Carey Act | - |
| Order Show Cause | - 00/00/0000 | Receipt Number | - | Water District | - |
| Licensed Date | - 06/21/1979 | Appl Received | - 00/00/0000 | Transfer/Amended | - |
| Decree Date | - 00/00/0000 | Presumption Flag | - | | |



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

April 7, 1994

RESPOND BY: May 6, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

OWEN FAMILY REVOCABLE TRUST A
RICHARD L OWEN AS TRUSTEE
PO BOX 590
BRUNEAU ID 83604

RE: A51-02133

Dear Mr. Owen,

We are currently in the process of preparing the above referenced Notice of Claim for court decree in the Snake River Basin Adjudication. During this review certain questions arose concerning the claim listed above. All claims with an A51 & A55 prefix number are being reviewed at this time. If you have other claims with this prefix, that are not shown here, we may be contacting you again if questions should arise during their review.

PLACE OF USE CHANGE:

Our initial investigation of this above claim indicates that there has been a change in the place of use.

A clue that this license has had a place of use change is that the claim lists irrigated land not presently covered by this license. The additional claimed land was found to have 31 irrigated acres in it. Located in the SENW, S36, T6S, R5E.

Our investigation revealed that 294 acres are still being irrigated in the original 354 acre licensed place of use. With the additional tract claimed, 31 new acres were found. This addition may bring the total up to 325. (See the map attached to this letter).

We may be able to recommend the change in the place of use, if the change meets certain requirements:

The first requirement is to provide us with the date of change that the different lands were irrigated. Then submit some evidence tending to support that date. If the change was prior to November 19, 1987, then you must include the month and year. If the change occurred after November 19, 1987, then an Application for Transfer is required to show the new place of use.

Types of evidence to submit can include statements from neighbors who knew of the change, relatives, watermasters, ditchriders, etc. If you go to the ASCS office or SCS, they may have documentation of such a change. If none of the above can be found, your notarized statement that you made the change or witnessed it may satisfy this requirement.

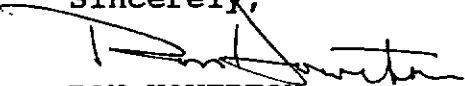
Your response must be received in our office by the response date shown above. If no response is received, then:

The Notice of Claim might be recommended as shown below:

1. For only the lands found irrigated within the original licensed tracts of land.

Thank-you for your cooperation. If you should have any questions, or feel that you need help in any way, please contact me at 334-2190.

Sincerely,


RON HOWERTON
Sr. Water Resource Agent
Adjudication Bureau

Attachments:

Map copy is from original drawn map at IDWR:
Large ASCS map
Copy of original License:
New land list

CC: Scott L. Campbell



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

RECEIVED

FEB 04 1994

February 4, 1994

WATER RESOURCES
WESTERN REGION

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Scott Campbell
Elam & Burke
P.O. Box 1539
Boise, ID 83701

AS1-02133

RE: Snake River Basin Adjudication (SRBA)
Change in Notice of Appearance of Counsel on the Snake River
Basin Adjudication Claims for Owen Ranches, Pioneer
Irrigation District and Settlers' Irrigation District

Dear Scott:

Following your letter request to David Shaw of December 10, 1993, attached is an adjudication report denoting the claims filed by your clients referenced above that have been changed. We have also updated water right 57-00040 for Pioneer Irrigation as you requested.

Please note water rights claims showing Richard L. Owen as claimant were not changed in our database. You may wish to file another Notice to the court if you are representing Richard L. Owen as well as Owen Ranches, each of whom have filed claims as if they were unrelated parties.

Call me if you have questions.

Sincerely,

Donald V. Shaff
Manager, Adjudication Section

DVS:sf:regions
Enclosures:

Adjudication Report

AJ5514NP

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION ATTORNEY NAME ADD/UPDATE

DATE: 02/02/94
TIME: 23:49:41.6
PAGE: 1

INPUT: AJ_SELECTION:SHAF-CAMPBELL-CAN.SEL

TYPE OF ACTION: MODIFY
MODIFY ALL FIELDS FLAG: N

LAST NAME:
ADDRESS LINE 1: ELAM & BURKE
ADDRESS LINE 3: PO BOX 1539
CITY: BOISE

STATE: ID ZIP: 837011539

FIRST NAME:
ADDRESS LINE 2: 702 W IDAHO FL 10
PHONE NUMBER: (208) 343-5454

A51-00012 SUCCESSFULLY CHANGED ON HOST
A51-00013 SUCCESSFULLY CHANGED ON HOST
A51-00014 SUCCESSFULLY CHANGED ON HOST
A51-00031 SUCCESSFULLY CHANGED ON HOST
A51-00032 SUCCESSFULLY CHANGED ON HOST
A51-00033 SUCCESSFULLY CHANGED ON HOST
A51-00034 SUCCESSFULLY CHANGED ON HOST
A51-00035A SUCCESSFULLY CHANGED ON HOST
A51-00036A SUCCESSFULLY CHANGED ON HOST
A51-00068A SUCCESSFULLY CHANGED ON HOST
A51-00069 SUCCESSFULLY CHANGED ON HOST
A51-00071 SUCCESSFULLY CHANGED ON HOST
A51-00072 SUCCESSFULLY CHANGED ON HOST
A51-00073 SUCCESSFULLY CHANGED ON HOST
A51-00074 SUCCESSFULLY CHANGED ON HOST
A51-02044A SUCCESSFULLY CHANGED ON HOST
A51-02044B SUCCESSFULLY CHANGED ON HOST
A51-02089B SUCCESSFULLY CHANGED ON HOST
A51-02091 SUCCESSFULLY CHANGED ON HOST
A51-02108 SUCCESSFULLY CHANGED ON HOST
A51-02120 SUCCESSFULLY CHANGED ON HOST
A51-02123 SUCCESSFULLY CHANGED ON HOST
A51-02126 SUCCESSFULLY CHANGED ON HOST
A51-02127 SUCCESSFULLY CHANGED ON HOST
A51-02133 SUCCESSFULLY CHANGED ON HOST
A51-02138 SUCCESSFULLY CHANGED ON HOST
A51-02150 SUCCESSFULLY CHANGED ON HOST
A51-02152 SUCCESSFULLY CHANGED ON HOST
A51-02165 SUCCESSFULLY CHANGED ON HOST
A51-02167 SUCCESSFULLY CHANGED ON HOST
A51-02169 SUCCESSFULLY CHANGED ON HOST
A51-02170 SUCCESSFULLY CHANGED ON HOST
A51-02178 SUCCESSFULLY CHANGED ON HOST
A51-02196 SUCCESSFULLY CHANGED ON HOST
A51-02213B SUCCESSFULLY CHANGED ON HOST
A51-02238 SUCCESSFULLY CHANGED ON HOST
A51-04023 SUCCESSFULLY CHANGED ON HOST
A51-04103 SUCCESSFULLY CHANGED ON HOST
A51-04104 SUCCESSFULLY CHANGED ON HOST
A51-04105 SUCCESSFULLY CHANGED ON HOST
A51-07047 SUCCESSFULLY CHANGED ON HOST
A51-07058 SUCCESSFULLY CHANGED ON HOST
A51-07082 SUCCESSFULLY CHANGED ON HOST
A51-07092 SUCCESSFULLY CHANGED ON HOST
A51-07093 SUCCESSFULLY CHANGED ON HOST
A51-07107 SUCCESSFULLY CHANGED ON HOST
A51-07119 SUCCESSFULLY CHANGED ON HOST
A51-07281 SUCCESSFULLY CHANGED ON HOST
A51-10170 SUCCESSFULLY CHANGED ON HOST

AJ5514NP
INPUT: AJ_SELECTION:SHAFF-CAMPBELL-CAN_SEL

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION ATTORNEY NAME ADD/UPDATE

DATE: 02/02/94
TIME: 23:49:53.7
PAGE: 2

TYPE OF ACTION: MODIFY
MODIFY ALL FIELDS FLAG: N

LAST NAME:
ADDRESS LINE 1: ELAM & BURKE
ADDRESS LINE 3: PO BOX 1539
CITY: BOISE

STATE: ID ZIP: 837011539

FIRST NAME:
ADDRESS LINE 2: 702 W IDAHO ST. 10
PHONE NUMBER: 208 333 9400

| | | |
|------------|--|--|
| A51-10171 | SUCCESSFULLY CHANGED ON HOST | Previously conveyed to Idaho Fish & Game |
| A51-10210 | SUCCESSFULLY CHANGED ON HOST | |
| A51-10211 | SUCCESSFULLY CHANGED ON HOST | |
| A51-10212 | SUCCESSFULLY CHANGED ON HOST | |
| A51-10213 | SUCCESSFULLY CHANGED ON HOST | |
| A51-10272 | SUCCESSFULLY CHANGED ON HOST | |
| A51-10273 | SUCCESSFULLY CHANGED ON HOST | |
| A51-10274 | SUCCESSFULLY CHANGED ON HOST | |
| A51-10275 | SUCCESSFULLY CHANGED ON HOST | |
| A51-10276 | SUCCESSFULLY CHANGED ON HOST | |
| A51-10277 | SUCCESSFULLY CHANGED ON HOST | |
| A51-10278 | SUCCESSFULLY CHANGED ON HOST | |
| A51-10279 | WATER RIGHT HAS NO ATTORNEY OWNER CODE - NOT UPDATED | |
| A51-10280 | SUCCESSFULLY CHANGED ON HOST | |
| A51-10281 | SUCCESSFULLY CHANGED ON HOST | |
| A51-10282 | SUCCESSFULLY CHANGED ON HOST | |
| A51-10283 | SUCCESSFULLY CHANGED ON HOST | |
| A51-10284 | SUCCESSFULLY CHANGED ON HOST | |
| A51-10285 | SUCCESSFULLY CHANGED ON HOST | |
| A51-10286 | SUCCESSFULLY CHANGED ON HOST | |
| A51-10287 | SUCCESSFULLY CHANGED ON HOST | |
| A51-10288 | SUCCESSFULLY CHANGED ON HOST | |
| A51-10289 | SUCCESSFULLY CHANGED ON HOST | |
| A55-02020 | SUCCESSFULLY CHANGED ON HOST | |
| A55-02053 | SUCCESSFULLY CHANGED ON HOST | |
| A55-02059 | SUCCESSFULLY CHANGED ON HOST | |
| A55-02061 | SUCCESSFULLY CHANGED ON HOST | |
| A55-020628 | SUCCESSFULLY CHANGED ON HOST | |
| A55-020798 | SUCCESSFULLY CHANGED ON HOST | |
| A55-02090 | SUCCESSFULLY CHANGED ON HOST | |
| A55-02113 | SUCCESSFULLY CHANGED ON HOST | |
| A55-02173 | SUCCESSFULLY CHANGED ON HOST | |
| A55-04008 | SUCCESSFULLY CHANGED ON HOST | |
| A55-04009 | SUCCESSFULLY CHANGED ON HOST | |
| A55-04010 | SUCCESSFULLY CHANGED ON HOST | |
| A55-04011 | SUCCESSFULLY CHANGED ON HOST | |
| A55-10136 | SUCCESSFULLY CHANGED ON HOST | |
| A55-10137 | SUCCESSFULLY CHANGED ON HOST | |
| A55-10138 | SUCCESSFULLY CHANGED ON HOST | |
| A55-10139 | SUCCESSFULLY CHANGED ON HOST | |
| A55-10140 | SUCCESSFULLY CHANGED ON HOST | |
| A55-10141 | SUCCESSFULLY CHANGED ON HOST | |
| A55-10142 | SUCCESSFULLY CHANGED ON HOST | |
| A55-10143 | SUCCESSFULLY CHANGED ON HOST | |
| A55-10144 | SUCCESSFULLY CHANGED ON HOST | |
| A55-10145 | SUCCESSFULLY CHANGED ON HOST | |
| A55-10146 | SUCCESSFULLY CHANGED ON HOST | |
| A55-10147 | SUCCESSFULLY CHANGED ON HOST | |
| A55-10221 | SUCCESSFULLY CHANGED ON HOST | |

TYPE OF ACTION: MODIFY
MODIFY ALL FIELDS FLAG: N

LAST NAME:
ADDRESS LINE 1: ELAM & BURKE
ADDRESS LINE 3: PO BOX 1539
CITY: BOISE

STATE: ID ZIP: 837011539

FIRST NAME:
ADDRESS LINE 2: 702 W IDAHO FL 10
PHONE NUMBER: (208) 343-5454

| | |
|------------------|------------------------------|
| A55-10222 | SUCCESSFULLY CHANGED ON HOST |
| A55-10223 | SUCCESSFULLY CHANGED ON HOST |
| A55-10224 | SUCCESSFULLY CHANGED ON HOST |
| A55-10225 | SUCCESSFULLY CHANGED ON HOST |
| A55-10226 | SUCCESSFULLY CHANGED ON HOST |
| A55-10227 | SUCCESSFULLY CHANGED ON HOST |
| A55-10228 | SUCCESSFULLY CHANGED ON HOST |
| A63-00166A | SUCCESSFULLY CHANGED ON HOST |
| A63-00167A | SUCCESSFULLY CHANGED ON HOST |
| A63-00179A | SUCCESSFULLY CHANGED ON HOST |
| A63-00224 | SUCCESSFULLY CHANGED ON HOST |
| A63-00225 | SUCCESSFULLY CHANGED ON HOST |
| A63-00230 | SUCCESSFULLY CHANGED ON HOST |
| A63-00231 | SUCCESSFULLY CHANGED ON HOST |
| A63-00294 | SUCCESSFULLY CHANGED ON HOST |
| A63-00295 | SUCCESSFULLY CHANGED ON HOST |
| A63-00371 | SUCCESSFULLY CHANGED ON HOST |
| A63-02114 | SUCCESSFULLY CHANGED ON HOST |
| A63-02275 | SUCCESSFULLY CHANGED ON HOST |
| A63-02276 | SUCCESSFULLY CHANGED ON HOST |
| A63-02294 | SUCCESSFULLY CHANGED ON HOST |
| A63-02529 | SUCCESSFULLY CHANGED ON HOST |
| A63-02891 | SUCCESSFULLY CHANGED ON HOST |
| A63-02891A | SUCCESSFULLY CHANGED ON HOST |
| A63-03060 | SUCCESSFULLY CHANGED ON HOST |
| A63-05199 | SUCCESSFULLY CHANGED ON HOST |
| A63-05200 | SUCCESSFULLY CHANGED ON HOST |
| A63-05219 | SUCCESSFULLY CHANGED ON HOST |
| A63-05237 | SUCCESSFULLY CHANGED ON HOST |
| A63-05255 | SUCCESSFULLY CHANGED ON HOST |
| A63-09109 | SUCCESSFULLY CHANGED ON HOST |
| A63-10169 | SUCCESSFULLY CHANGED ON HOST |
| A63-21706 | SUCCESSFULLY CHANGED ON HOST |
| A63-21713 | SUCCESSFULLY CHANGED ON HOST |
| A63-21714 | SUCCESSFULLY CHANGED ON HOST |
| A63-21731 | SUCCESSFULLY CHANGED ON HOST |
| A63-21739 | SUCCESSFULLY CHANGED ON HOST |
| <u>R51-04103</u> | SUCCESSFULLY CHANGED ON HOST |
| R51-04104 | SUCCESSFULLY CHANGED ON HOST |
| R51-04105 | SUCCESSFULLY CHANGED ON HOST |
| R51-07092 | SUCCESSFULLY CHANGED ON HOST |
| R51-07093 | SUCCESSFULLY CHANGED ON HOST |
| R51-10276 | SUCCESSFULLY CHANGED ON HOST |
| R51-10277 | SUCCESSFULLY CHANGED ON HOST |
| R51-10279 | SUCCESSFULLY CHANGED ON HOST |
| R55-10136 | SUCCESSFULLY CHANGED ON HOST |
| R55-10137 | SUCCESSFULLY CHANGED ON HOST |
| R55-10138 | SUCCESSFULLY CHANGED ON HOST |
| R55-10139 | SUCCESSFULLY CHANGED ON HOST |

Record will be corrected to Idaho Fish & Game

AUS514NP

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION ATTORNEY NAME ADD/UPDATE

DATE: 02/02/94
TIME: 23:50:17.4
PAGE: 4

INPUT: AJ_SELECTION:SHAFF-CAMPBELL-CAN_SEL

TYPE OF ACTION: MODIFY
MODIFY ALL FIELDS FLAG: N

LAST NAME:
ADDRESS LINE 1: ELAM & BURKE
ADDRESS LINE 3: PO BOX 1539
CITY: BOISE

STATE: ID ZIP: 837011539

FIRST NAME:
ADDRESS LINE 2: 702 W IDAHO FL 10
PHONE NUMBER: (208) 243-5651

R55-10141 SUCCESSFULLY CHANGED ON HOST
R55-10142 SUCCESSFULLY CHANGED ON HOST
R55-10143 SUCCESSFULLY CHANGED ON HOST
R55-10144 SUCCESSFULLY CHANGED ON HOST
R55-10145 SUCCESSFULLY CHANGED ON HOST
R55-10146 SUCCESSFULLY CHANGED ON HOST

RECEIVED

FEB 04 1994

WATER RESOURCES
WESTERN REGION

SCOTT L. CAMPBELL

ELAM & BURKE

A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
Established in 1928

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

RECEIVED

DEC 14 1993

Department of Water Resources

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

December 10, 1993

Mr. David B. Shaw
Bureau Chief
Adjudications Bureau
State of Idaho
Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Re: Change in Notice of Appearance of Counsel on the Snake River Basin
Adjudication Claims for Owen Ranches, Pioneer Irrigation District and
Settlers' Irrigation District

Dear David:

This correspondence is to notify the Department of my change of address and affiliation. I am presently a shareholder with the law firm Elam & Burke at the following address:

Scott L. Campbell
Elam & Burke
P.O. Box 1539
702 West Idaho, Floor 10
Boise, Idaho 83701

Attached please find the computer records the Department of Water Resources provided me with as confirmation of the change in firm affiliation I made prior to this move. In addition to these, Pioneer Irrigation District has filed an

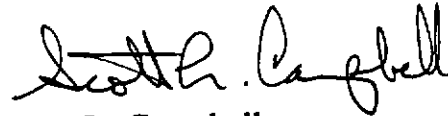
David B. Shaw, Esq.
December 10, 1993
Page 2

objection to Water Right No. 57-00040. This, too, will need to be updated with my new firm information.

I apologize for the inconvenience this will cause you. If there is anything I can do to expedite this process, please call.

Very truly yours,

ELAM & BURKE
A Professional Association

A handwritten signature in cursive script that reads "Scott L. Campbell". The signature is written in dark ink and is positioned above the printed name.

Scott L. Campbell

SLC:ma
Enclosure

RECEIVED

FEB 04 1994

WATER RESOURCES
WESTERN REGION

Scott L. Campbell
ELAM & BURKE, A Professional Association
Key Financial Center
702 West Idaho Street
P.O. Box 1539
Boise, ID 83701
(208) 343-5454

RECEIVED

DEC 09 1993

Department of Water Resources
Adjudication Bureau

Attorneys for Pioneer Irrigation District,
Settlers Irrigation District and Owen Ranches

**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)

Case No. 39576

R. Keith Higginson in his)
official capacity as Director)
of the Idaho Department of)
Water Resources,)
Petitioner,)

NOTICE OF CHANGE OF FIRM AND
ADDRESS

vs.)

*changes made by
Don Shaff.*

The United States; the State)
of Idaho; and all Claimants)
to the use of Water from the)
Snake River Basin Water System)

Respondents.)

- of 2-4-94

DESCRIPTIVE SUMMARY

This document is a Notice of Change of Address and Firm for Scott L. Campbell, Counsel
for Settlers' Irrigation District, Pioneer Irrigation District, and Owen Ranches.

1 - NOTICE OF CHANGE OF FIRM AND ADDRESS
C:\WPDATA\SLC00001.PLD

Please be notified that effective immediately, the firm and address for Scott L. Campbell, Counsel for Settlers' Irrigation District, Pioneer Irrigation District, and Owen Ranches has been changed to:

Scott L. Campbell
ELAM & BURKE,
A Professional Association
Key Financial Center
702 West Idaho Street
P.O. Box 1539
Boise, ID 83701
(208) 343-5454

This Notice is applicable to Case No. 39576; Basin-Wide Issue No. 1, Case No. 91-00001; Basin-Wide Issue No. 2, Case No. 91-00002; and Objection to Water Right 57-00040, Reporting Area 57.

DATED this 6th Day of December, 1993.

ELAM & BURKE

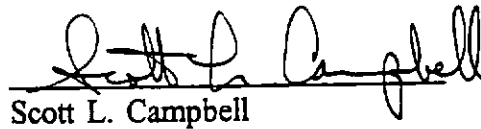
By Scott L. Campbell
Scott L. Campbell

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6th day of December, 1993, I served a true and correct copy of the foregoing NOTICE OF CHANGE OF FIRM AND ADDRESS by depositing a copy thereof in the United States mail, postage prepaid, to the following:

All Parties of Record

Case No. 39576
Basin-Wide Issue No. 1
Basin-Wide Issue No. 2
Water Right 57-00040


Scott L. Campbell

*Jeanette Wolfley
Candy L. Jackson
Tribal Attorneys Office
Shoshone-Bannock Tribes
P. O. Box 306
Fort Hall, ID 83203

*Dana Hofstetter, Esq.
Holland and Hart
P.O. Box 2527
Boise, Idaho 83701

*Albert P. Barker, Esq.
Don A. Olowinski, Esq.
Steven R. Ormiston, Esq.
Hawley Troxell Ennis & Hawley
P. O. Box 1617
Boise, ID 83701

*Raymond D. Givens, Esq.
Jeffrey C. Fereday, Esq.
Michael C. Creamer, Esq.
Christopher H. Meyre, Esq.
Givens Pursley Webb & Huntley
P. O. Box 2720
Boise, ID 83701

*Randall C. Budge, Esq.
201 East Center
P.O. Box 1391
Pocatello, ID 83204-1391

*William F. Ringert, Esq.
David Hammerquist, Esq.
Ringert Clark Harrington Reid
Christenson & Kaufman, Chartered
P. O. Box 2773
Boise, ID 83702

*Rebecca Craven
Elliott L. Moffett
Douglas R. Nash
Nez Perce Tribe
P. O. Box 365
Lapwai, ID 83540

*Kent W. Foster
Holden Kidwell Hahn * Crapo
P.O. Box 50130
Idaho Falls, Idaho 83405

John A. Rosholt, Esq.
Rosholt, Robertson et al.
P.O. Box 1906
Twin Falls, Idaho 83303-1906

Lynn R. Collins
U.S. Department of Interior
Suite 6201, Federal Building
Salt Lake City, UT 84138-1180

Jack Hockberger, Jr.
Office of Field Solicitor
U.S. Department of Interior
550 West Fort Street
Boise, Idaho 83724

James P. Speck
120 East Avenue
P.O. Box 987
Ketchum, Idaho 83340

Carl F. Bianchi
Administrative Director
Administrator of the Courts
451 West State Street
Boise, Idaho 83720

Randy Stapilus
P.O. Box 1855
Boise, Idaho 83701

Mitchell Sorensen
Route 1, Box 63 C-1
Moore, Idaho 83225

Brian Collins, Esq.
N.W. Band of Shoshoni
North 2222 Monroe
Spokane, Washington 99205

*John D. Hansen, Esq.
Hansen, Beard et al.
P.O. Box 51718
Idaho Falls, Idaho 83402-1718

*Cecil D. Hobdey, Esq.
Hobdey & Hobdey
P.O. 176
Gooding, Idaho 83330

*James Annest, Esq.
1742 Overland Avenue
Burley, Idaho 83318

*Bert L. Osborn, Esq.
P.O. Box 158
Payette, Idaho 83661

*J. Dee May, Esq.
May & May Law Offices
516 Second Street East
P.O. Box 1846
Twin Falls, ID 83303

*Larry Sullivan, Esq.
Schroeder, Hutchens & Sullivan
P.O. Box 220
Vale, Oregon 97918

*Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4499

Richard Smith, Esq.
P.O. Box 70
Rigby, Idaho 83440

Blair Grover, Esq.
Grover Law Office
102 North Clark
P.O. Box 36
Rigby, Idaho 83442-0036

Peter C. Monson
Attorney, Indian Resource Section
Environment and Natural Resources
Division
999 18th Street, Suite 945
Denver, Colorado 80202

Jim Hansen
Conflict Management Services
Boise State University
1910 University Drive
Boise, Idaho 83725

*Hepworth, Nungester & Lezamiz
133 Shoshone Street North
P.O. Box 389
Twin Falls, ID 83303-0389

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303

*Jerry R. Rigby
Ray W. Rigby
P.O. Box 250
Rexburg, Idaho 83440

*Douglas R. Whipple, Esq.
111 West 15th Street
P.O. Box 249
Burley, Idaho 83318

*Cliff S. Bentz, Esq.
Yturri, Rose et al.
P.O. Box 450
Fruitland, Idaho 83619

*William A. Parsons, Esq.
Kent Fletcher, Esq.
Parsons, Smith, Stone & Fletcher
137 West 13th Street
P.O. Box 910
Burley, Idaho 83318

Randall Bramer, Esq.
U.S. Department of Agriculture
Office of the General Counsel
380 Parkcenter, Suite 230
Boise, Idaho 83706

Barbara Scott-Brier, Esq.
Department of the Interior
Regional Solicitor's Office
500 N.E. Multnomah, Suite 67
Portland, Oregon 97232

U.S. Department of Justice
Environment & Natural Resources Div.
550 West Fort Street, Box 33
Boise, Idaho 83724

Juel Aikele
Rt. 1, Box 63D
Moore, ID 83255

Ralph S. Parkinson
P.O. Box 228
Arco, ID 83213

P.U. Ranch
4500 Imperial Avenue
San Diego, CA 92113

*Randall C. Fredricks, Esq.
Cosh, Humphrey, Greener & Welsh
815 West Washington
Boise, Idaho 83702

*Richard L. Cummings, Esq.
960 Broadway, Suite 400
P.O. Box 955
Boise, Idaho 83701

*Gray Young, Esq.
J.R. Simplot Company
999 Main Street, Suite 1300
Boise, Idaho 83707

Steven L. Herndon
Assistant General Counsel
Idaho Power Company
P.O. Box 70
Boise, Idaho 83707

Jay Doyle Jenson
Route 1, Box 43
Moore, ID 83255

Young Harvey Walker
Route 1, Box 200
Arco, ID 83213

Mitchell D. Sorenson
Route 1, box 63-A
Moore, ID 83255

Herman Aikele
Route 1, Box 61
Moore, Idaho 83255

Kirby A. Jensen
Route 1, Box 50
Moore, Idaho 83255

Don Aikele
Rt. 1, Box 60
Moore, ID 83255

Sunset Trust Organization
c/o Arthur W. Quist, Mgr.
Rt. 1, Box 203
Arco, ID 83213



State of Idaho

DEPARTMENT OF WATER RESOURCES

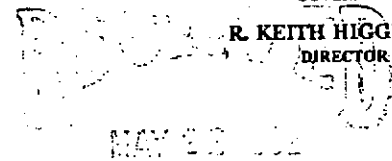
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 22, 1992



Scott L. Campbell
Davis, Wright, Tremaine
702 W. Idaho St., #700
Boise, ID 83702

Department of Water Resources
Western Regional Office

RE: Change in Notice of Appearance of Counsel on the Snake River
Basin Adjudication Claims for Owen Ranches, Pioneer Irrigation
District, Cyprus Thompson Creek Mining Company, Conversion
Industries U.S.A., Inc. and Settlers Irrigation District

Dear Scott:

The five computer reports enclosed confirm the change in firm
and address you requested in your letter dated February 13, 1992.
By comparing these reports to the list you supplied with your
letter, you will see not all of the water right claims listed in
your attachments were changed. Those claim records not changed are
filed by persons other than your client(s).

The possibility of questions I raised in our telephone
conversation last week were resolved for my part. If you have any
questions or need some points clarified, please feel free to
contact me.

Thank you for supplying the claim lists in an orderly fashion.

Sincerely,

Donald V. Shaff
Manager, Adjudication Section

DVS:sf:region(s)

Enclosures:

Five Computer Reports

MICROFILMED

AUG 10 1992

DAVIS WRIGHT TREMAINE

LAW OFFICES

702 WEST IDAHO STREET • SUITE 700 • BOISE, IDAHO 83702
(208) 338-8200

RECEIVED
FEB 25 1992

Department of Water Resources

SCOTT L. CAMPBELL
(208) 338-8219

February 24, 1992

Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

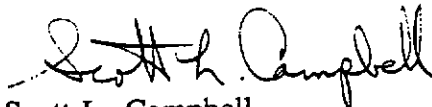
Re: Notice of Change in Address and Firm Affiliation

To Whom it May Concern:

Please note that I have changed my law firm affiliation, effective January 1, 1992. I am now a partner with the Boise office of Davis Wright Tremaine with the above new address. Please make sure that all documents sent to me from Water Resources, including the Weekly Water Right Print Out sheets, are revised to reflect this change. Thank you for your assistance.

Very truly yours,

DAVIS WRIGHT TREMAINE


Scott L. Campbell

SLC:md

MICROFILMED

AUG 10 1992

FAX: (208) 338-8299

ANCHORAGE, ALASKA • BELLEVUE, WASHINGTON • HONOLULU, HAWAII • LOS ANGELES, CALIFORNIA
MILWAUKEE, WISCONSIN • RICHMOND, WASHINGTON • SAN FRANCISCO, CALIFORNIA • SEATTLE, WASHINGTON • WASHINGTON, D.C.

DAVIS WRIGHT TREMAINE

LAW OFFICES

702 WEST IDAHO STREET • SUITE 700 • BOISE, IDAHO 83702
(208) 338-8200

SCOTT L. CAMPBELL
(208) 338-8219

February 13, 1992

RECEIVED
FEB 14 1992

Mr. David B. Shaw
Bureau Chief
Adjudications Bureau
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Department of Water Resources

Re: **Change in Notice of Appearance of Counsel on the Snake River Basin
Adjudication Claims for Owen Ranches, Pioneer Irrigation District,
Cyprus Thompson Creek Mining Company, Conversion Industries U.S.A.,
Inc. and Settlers Irrigation District**

Dear David:

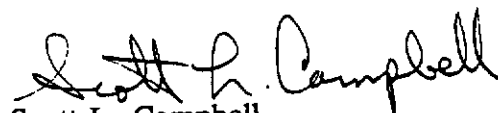
Pursuant to a prior telephone conversation with Ms. Lynne Krogh-Hampe, I am providing this correspondence to notify the Idaho Department of Water Resources of my change of address and affiliation. I am presently a partner with the law firm of Davis Wright Tremaine at the above-referenced address.

Because of this change, I request that the Idaho Department of Water Resources make the necessary modifications to its records pertaining to the Snake River Basin Adjudication regarding the water rights and notices of claim identified for the above-referenced clients, as indicated on the attached lists, marked Exhibit A. Based upon my prior conversations with Lynne, she indicated that one letter with identification of the individual water right numbers would be sufficient. Please notify me in writing if this is not the case. Additionally, I would appreciate receiving written confirmation that the requested changes in your records have been made, so that I may include copies of your confirmation in the individual claim files for each client and each water right.

Thank you very much for your cooperation.

Very truly yours,

DAVIS WRIGHT TREMAINE


Scott L. Campbell

SLC:md
Enclosures

MICROFILMED

FAX: (208) 338-8299

AUG 10 1992

ANCHORAGE, ALASKA • BELLEVUE, WASHINGTON • HONOLULU, HAWAII • LOS ANGELES, CALIFORNIA
PORTLAND, OREGON • RICHLAND, WASHINGTON • SAN FRANCISCO, CALIFORNIA • SEATTLE, WASHINGTON • WASHINGTON, D.C.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

February 15, 1991

CECIL D. ANDRUS

Richard L. Owen
P.O. Box 590
Bruneau, Idaho 83604

GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

Ref: Adjudication Claims

Dear Mr. Owen:

The adjudication claims that you filed on for basins 51 and 55 have been reviewed. An overlap review was made for the irrigated acres. An individual fee is assigned to each claim.

It appears that you may have overpaid on the over all total. However, some additional claims may be needed, or may need some modifications. You may apply your overage to any of the new claims that require additional claiming. (I will contact you later for this.) The remainder, if any remains, I will request a refund accordingly.

Claims A51-00034, A51-00035, A51-00036 and A51-00068 have been split because of partial ownership change. Each right has been prorated according to the land transferred or retained.

Attachment "A" shows modifications to your claims, by either making them more clear or to meet our adjudication and appropriation water right standards. These modifications require us to notify you.

S U M M A R Y

I would be happy to discuss any questions you may have before I contact you prior to the field season.

Truly yours,

Ron Howerton
Sr. Water Resource Agent

Attachments: A

A T T A C H M E N T " A "

CLAIM NO.

MODIFICATION

A51-00014-----Claimed stock water, no amount claimed, added maximum standard amount.

A51-00034-----These claims are split into A & B

A51-00035 "A" Claims for Richard L. Owen

A51-00036 "B" Claims for State of Idaho

A51-00068 (Department of Fish and Game)

A51-00069-----Claimed stock water, no amount claimed, added maximum standard amount.

A51-00071-----Added section that was left off in P/U.

A51-00072-----Claimed Stock water, no amount claimed; added maximum standard amount.

A51-00073-----No CFS amount for irrigation, claim lists all. Replaced all with maximum amount 0.02 CFS/Acre. Put note in remarks; That Decree lists total diversion as "all".

A51-00074-----Same as above.

A51-02126-----Claimed Domestic, no amount claimed; added standard amount.

A51-02238-----Storage claim, deleted CFS amount, added acre feet storage amounts.

A51-07094-----Permit was canceled, no home built, can not claim, sent back.

A51-07293-----Application, can not claim in adjudication unless it is a permit, sent back.

A55-02173-----Storage claim, deleted CFS amount, added acre feet storage amounts.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 14, 1990

Mr. Scott L. Campbell
Elam, Burke & Boyd
P. O. Box 1539
Boise, ID 83701-1539

RE: SRBA Claims Filed by Richard L. Owen and/or Marie Owen, or
Owen Ranches

Dear Mr. ^{Scott} Campbell:

This letter is to confirm the request to list you, and the name of your firm, as the attorney of record for the Owen claims as listed in your letter of January 8, 1991 has been completed.

Please note that claim A65-08324 shows Louise Owen as the original owner of the water right and Richard L. Owen as both the original owner and the current owner. That record has been corrected to show Richard L. Owen as the current and only owner.

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

Yours truly,

David B. Shaw
Adjudication Bureau Chief

DBS;dms

OWEN RANCHES
Snake River Basin Adjudication

Notice of Claim to Water Right:

| <u>Number</u> | <u>Priority Date</u> |
|-----------------------|----------------------|
| A51-00002 | |
| A51-00003 | |
| A51-00004 - A51-10350 | |
| A51-00005 | |
| A51-00006 | |
| A51-00007 | |
| A51-00008 | |
| A51-00012 | |
| A51-00013 | |
| A51-00014 | |
| A51-00015 | |
| A51-00031 | |
| A51-00032 | |
| A51-00033 | |
| A51-00034 | |
| A51-00034A | |
| A51-00035 | |
| A51-00035A | |
| A51-00036 | |
| A51-00036A | |
| A51-00039 | |
| A51-00068 | |
| A51-00068A | |
| A51-00069 | |
| A51-00071 | |
| A51-00072 | |
| A51-00073 | |
| A51-00074 | |
| A51-02044A | |
| A51-02044B | |
| A51-02089B | |
| A51-02091 | |
| A51-02108 | |
| A51-02120 | |
| A51-02123 | |
| A51-02126 | |
| A51-02127 | |
| A51-02133 | |
| A51-02138 | |
| A51-02150 | |
| A51-02152 | |
| A51-02165 | |
| A51-02167 | |

MICROFILMED
AUG 10 1992

ELAM, BURKE AND BOYD
ATTORNEYS AND COUNSELORS AT LAW

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454
TELECOPIER
208-384-5844

January 10, 1991

Mr. David Shaw
Bureau Chief
SNAKE RIVER BASIN ADJUDICATION BUREAU
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
Boise, Idaho 83706

RECEIVED
JAN 11 1991

Department of Water Resources

Re: Snake River Basin Adjudication Claims Filed
by Richard L. Owen and/or Marie Owen, or Owen
Ranches

Dear Mr. Shaw:

I would be most appreciative if your office could arrange to copy and have sent to Elam, Burke & Boyd all copies of claims above referenced which have been signed by our client. We need these copies in order to determine specific water rights filings by claim number and other pertinent information. We would, of course, be happy to pay all copying charges incurred if you would enclose a statement reflecting same.

Scott Campbell and I thank you for your assistance with this matter.

Very truly yours,

Teresa E. Teevan

Teresa E. Teevan
Legal Assistant

ELAM, BURKE AND BOYD
ATTORNEYS AND COUNSELORS AT LAW

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

SCOTT L. CAMPBELL

TELEPHONE
208-343-5454
TELECOPIER
208-384-5844

January 8, 1991

RECEIVED
JAN 09 1991

Mr. David Shaw
Bureau Chief
SNAKE RIVER BASIN ADJUDICATION BUREAU
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
Boise, Idaho 83706

Department of Water Resources

RE: Snake River Basin Adjudication Claims Filed
by Richard L. Owen and/or Marie Owen, or
Owen Ranches

Dear David:

Our firm has been retained by Mr. and Mrs. Richard L. Owen regarding the Notices of Claim to Water Right filed in the Snake River Basin Adjudication in their name, or in the name of Owen Ranches, or in the name of The Owen Family Revocable Trust A Established August 30, 1966, As Amended and Restated on October 12, 1988. I have enclosed a listing of the claim numbers which we have been able to obtain by conducting a search of certain records on file with the Department, as well as other information available to us.

On behalf of Mr. and Mrs. Richard L. Owen and the Owen Family Revocable Trust, as well as Owen Ranches, I would like the Department to enter my name, and the name of our firm, as attorneys of record with regard to all adjudication claims filed on behalf of any of those entities. Specifically, I request that my name, and the name of our firm, be entered with regard to the adjudication claim reference numbers provided on the enclosed list. However, I would also request that my name, as well as the name of our firm, be included as attorneys of record with regard to any other claims filed in the name of those entities, but not appearing on the list which I have enclosed.

Please notify me in writing if there is any additional documentation or authorization which you require. I also request

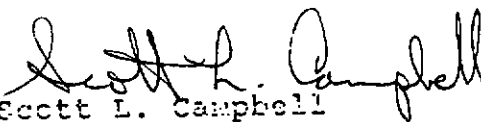
Mr. David Shaw
January 8, 1991
Page 2

that you confirm, in writing, that the entry of appearance by me and our firm has been completed with regard to those claims.

Thank you for your assistance in this matter.

Very truly yours,

ELAM, BURKE AND BOYD


Scott L. Campbell

SLC:jm
Enclosure

cc: Mr. and Mrs. Richard L. Owen

Richard L. Owens, Client #4447-9001
Water Rights Claims

Basin 51:

✓ A51-00034-
✓ A51-00035-
✓ A51-00036-
✓ A51-10281-
✓ A51-10282-
✓ A51-10287-
✓ A51-10272-
✓ A51-10273-
✓ A51-10274-
✓ A51-10275-
✓ A51-10276-
✓ A51-10277-
✓ A51-10278-
✓ A51-10279-
✓ A51-10280-
✓ A51-10283-
✓ A51-10284-
✓ A51-10285-
✓ A51-10286-
✓ A51-10288-
✓ A51-10289-
✓ A51-02138-
✓ A51-04023-
✓ A51-10171-
✓ A51-10170-

Basin 55:

✓ A55-10136-
✓ A55-10137-
✓ A55-10138-
✓ A55-10139-
✓ A55-10140-
✓ A55-10141-
✓ A55-10142-
✓ A55-10143-
✓ A55-10144-
✓ A55-10145-
✓ A55-10146-
✓ A55-10147-

Basin 65:

- (o)
- ✓ A65-08324 (also filed under Louise Owen with same water right number)
 - ✓ A65-10366 (two claims are filed under the same water right number) *onc (o) fixed*
onc (c)
 - ✓ A65-10367