

- CURRENT LAND LIST -

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTE TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
PERMIT																						
FOUND																						
OVERLAP																						
DIFFERENCE																						

P/D OVERLAP BUT ACRES NOT OVERLAPPING, USE FOR SYSTEM TOTAL CALCULATIONS

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTE TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
	<i>cfs.</i>																					
WASTEWATER	4.32	45	9E	32														10	40			50
				33										20								20
		55	9E	4					1													1
				5	40	5	28	34									6	32			(216)	145
COLD SPRING CR		45	9E	32														40	40			80
				33										20								20
		55	9E	4					1													1
				5	40	40	28	34	4			25	40				6	32			249	(350)
IRRAW GROUNDWATER				5			28	34									6	32			100	
Bennett CR.				25					8	20			30	30	5						93	
AGI-00 287																						
WED DOMESTIC STK OTHER #		55	9E	5													5	0				
AGI-02153																						

OVERLAPS
COLD SPRING
CR.

OVERLAPS
Both
COLD SPR
&
WASTEWATER
ket.

NO
OVERLAPS

MICROFILMED

AUG 12 1992

0.58 cts
 29"
 1.2 cts
 1.34
 0.48
 0.20
 0.40
 0.70
 1.9
 1.4
 1.3
 2.9 cts

A61-00309 - 6-1-1883 - Old land desc.
 00310 - **5-1-1883** - Old land desc.
 00311 - **5-1-1884** - Both desc.
 00312 - 5-1-1890 - Old land desc.
 00313 - **5-1-1884** - Old land desc.
 00314 - **5-1-1883** - Both desc.
 00315 - **5-1-1884** - Both "
 00316 - 5-1-1888 - Both "
 00328 - 5-1-1877 - Old land desc.
 00329 - **5-1-1883** - " " "

BOTH ← Combine - A61-00311, 315 & 329
 BOTH ← " - A61-00310, 00314, & 00315
 Separate claims for:

Old ← A61-00309
 Old ← A61-00312
 BOTH ← A61-00316
 Old ← A61-00328

~~A61-04147 - 5-10-1971 - NO~~
~~Double Anchor~~ ~~FIXING~~

9

MICROFILMED

AUG 12 1992

Cold Springs
Creek
1985 EXTENT
MAP

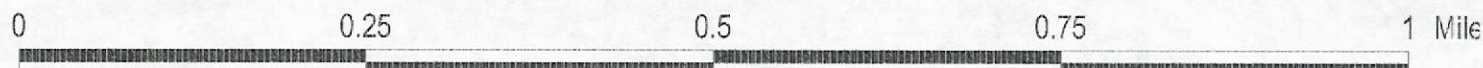
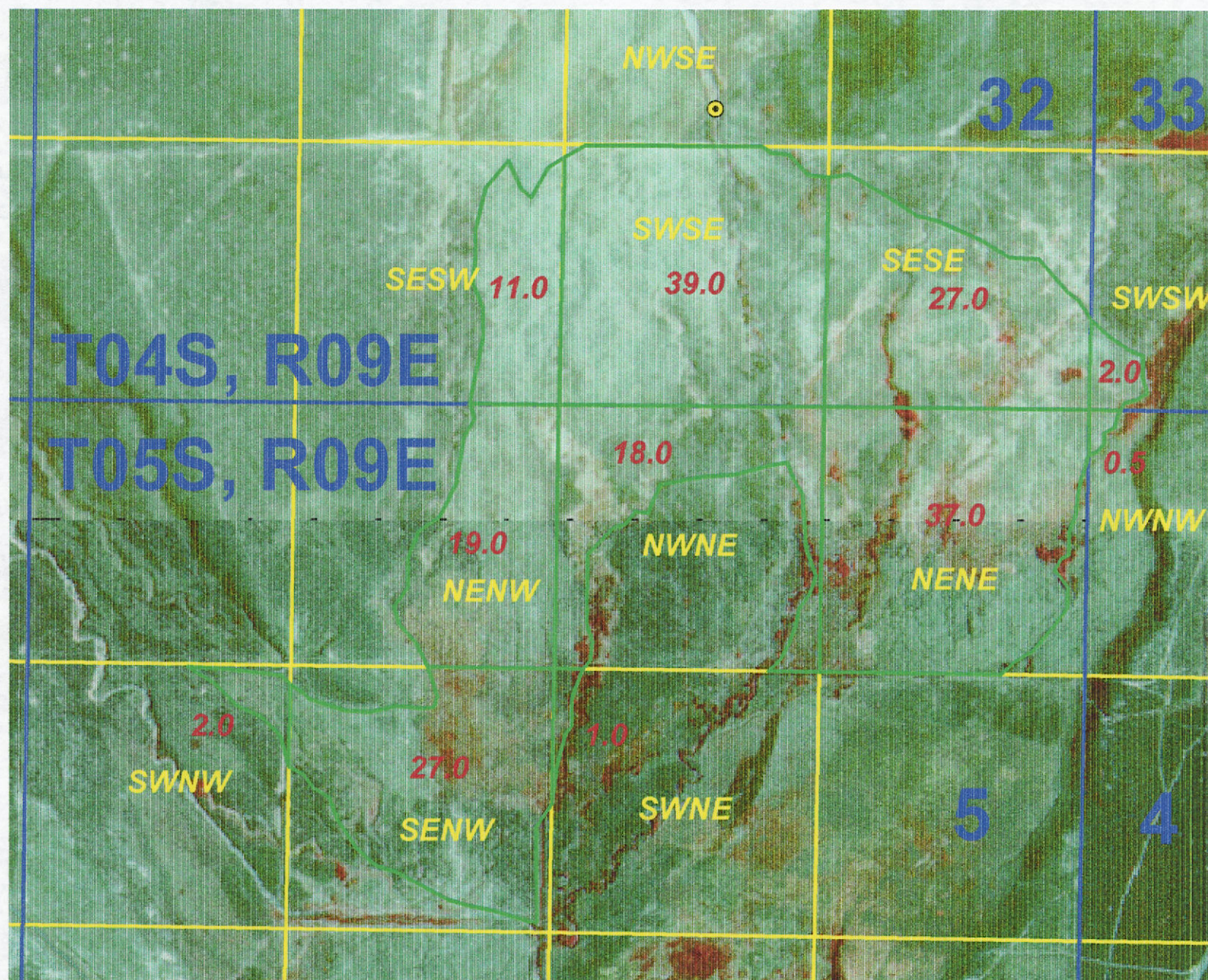
 Place of use

 POD

 SECTION LINES

 1/4 1/4

1987 NAPP

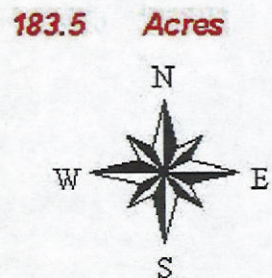


Idaho Department of Water Resources

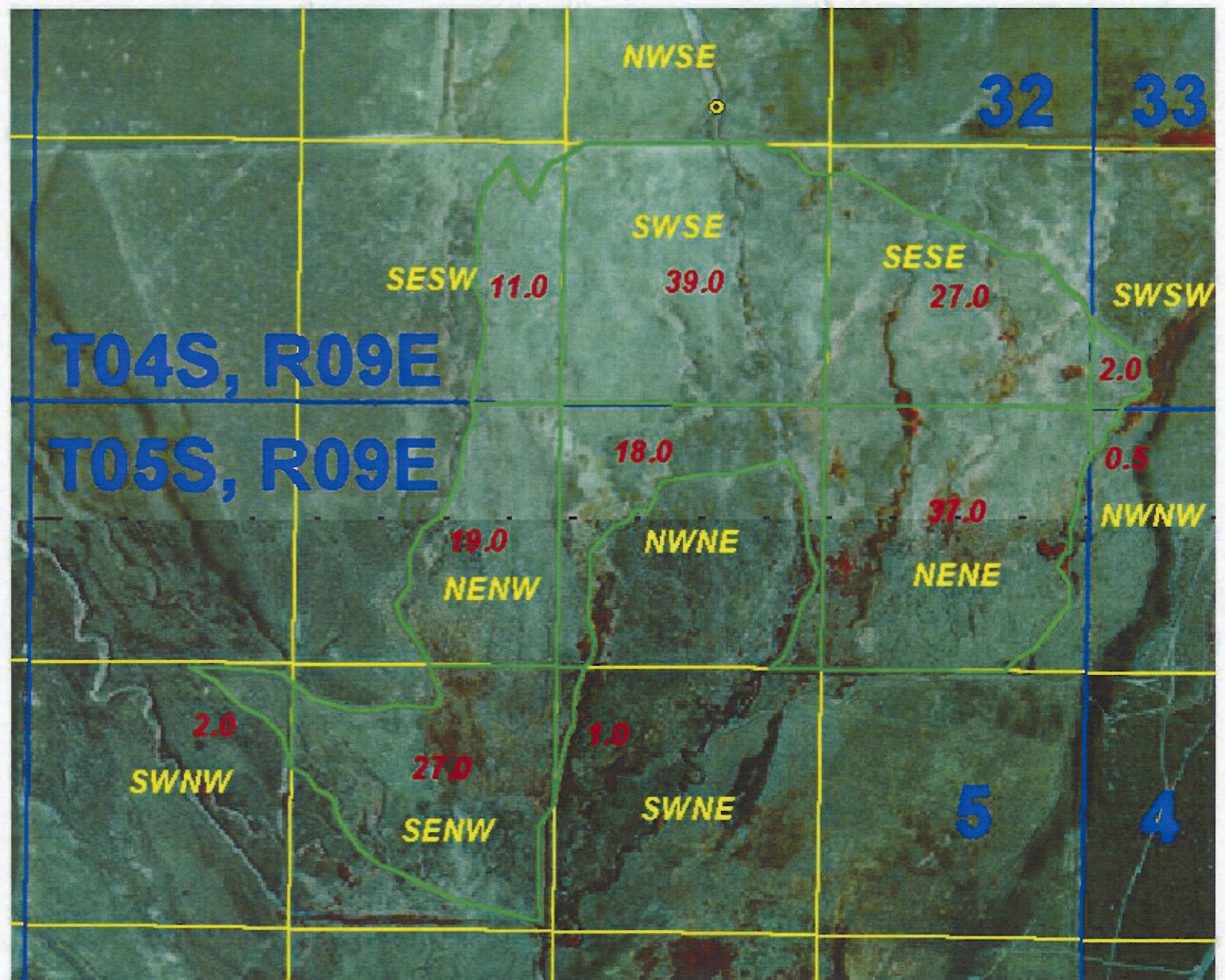
Cold Springs
Creek
1985 EXTENT
MAP

Prepared by:
Ron Howerton
Date: 13 JAN 01

-  Place of use
-  POD
-  SECTION LINES
-  1/4 1/4



1987 NAPP



0 0.25 0.5 0.75 1 Miles

ORIGIN in FILE 61-328

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: **A61-10578**
Date Received: 12/ 7/1989
Receipt No: W006854
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: ARK PROPERTIES LLC 208-366-7931
Address: RT 1 BOX 451
GLENNS FERRY ID 83623

2. Date of Priority: MAY 1, 1883

3. Source: COLD SPRINGS CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04S	09E	32	NW	SE			ELMORE

5. Description of diverting works:
8' X 4' CONCRETE DIVERSION, DITCHES FOR GRAVITY FLOW.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.900		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INSTREAM STOCKWATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	09E	32	SW	SE		IRR	40.0
			SE	SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
						Section Acres	80.0
		33	SW	SW		IRR	20.0
						Section Acres	20.0
05S	09E	4	NW	NW		IRR	1.0
						Section Acres	1.0
		5	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	28.0
			SE	NE		IRR	34.0
			NE	NW		IRR	4.0
			SE	NW		IRR	25.0
			NE	SW		IRR	40.0
			NE	SE		IRR	6.0
			NW	SE		IRR	32.0
						Section Acres	249.0
						Total Acres	350.0

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:

A61-00309, A61-00316, A61-00328, A61-00329, A61-02153.

14. Remarks:

THIS CLAIM IS COMBINED WITH A61-00314, A61-00329 AND 61-00310.
OWNERSHIP CHANGED BY RDH ON 1/14/99.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

RECEIVED

JAN 12 1999

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

1. Water Right No(s): 61-07632, 61-10659, A61-10576, R61-11807, A61-00328, A61-10578, A61-00309,
61-10579, A61-00316, A61-00312, A61-10577, A61--2153.
 Adjudication Claim No(s): _____

2. The following REQUIRED information must be submitted with this form:

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant Stephens & Sons Inc.

22710 S. Lansing Rd., Middleton, Idaho 83644

4. New Owner/Claimant(s) ARK Properties, LLC.

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address Rt. 1 Box 451

City, State and ZIP Code Glenns Ferry, Idaho 83623

New Telephone Number (208) 366-7931

5. Date you acquired the property 12/2/98

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner ARK Properties, LLC, By: Casa Del Norte LP, Manager,
 or Claimant(s) By: ABD Trading Inc., General Partner

John B. McCallum, President

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

**JOINT CONSENT TO ACTION
BY INITIAL MANAGER AND MEMBER OF
ARK PROPERTIES L.L.C.
IN LIEU OF ORGANIZATIONAL MEETING**

* * * * *

THE UNDERSIGNED, constituting the Initial Manager and Members of ARK PROPERTIES L.L.C., a Delaware Limited Liability Company (the "Company"), do hereby jointly consent to, adopt, ratify and approve in writing the following Company actions:

FORMATION OF COMPANY:

WHEREAS, on February 1, 1997, the undersigned Members agreed to form a Delaware limited liability company; and

WHEREAS, the Operating Agreement for the regulation of the affairs of the Company was executed by the Members effective February 15, 1997; and

WHEREAS, CASA DEL NORTE L.P., a Delaware limited partnership, was designated to act as the Initial Manager of the Company pursuant to Section 5.1 of said Operating Agreement; and

WHEREAS, the Articles of Organization for the Company were executed by the Organizer of the Company on February 14, 1997, and were filed with the Delaware Secretary of State on February 20, 1997;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Operating Agreement dated effective February 15, 1997, together with the Articles of Organization of this Company, as filed on February 20, 1997, by the Delaware Secretary of State, are approved and adopted and shall be inserted in the minute book of the Company; and

BE IT FURTHER RESOLVED, that CASA DEL NORTE L.P. is hereby appointed to act as the Initial Manager of this Company, pursuant to Section 5.1 of the Operating Agreement, to serve for the ensuing year or until its successor shall have been designated and qualified.

FUNDING OF COMPANY:

WHEREAS, to fund the Company, the following actions were taken:

- (1) CHARTERS MOUNTAIN RANCH, INC. executed a bargain and sale deed to transfer all of its right, title and interest in the "Pulley Property" located in Gem County, Idaho to the Company, a copy of which is attached hereto as Exhibit A; and
- (2) Charters Mountain Ranch, Inc., executed a bargain and sale deed to transfer all of its right, title and interest in the "Jungert Property" located in Gem County, Idaho to the Company, a copy of which is attached hereto as Exhibit B; and
- (3) CASA DEL NORTE L.P. contributed cash in an amount equal to ten percent (10%) of the fair market value of the real property transferred to the Company by CHARTERS MOUNTAIN RANCH, INC.; and

WHEREAS, in exchange for the capital contributions described above, CHARTERS MOUNTAIN RANCH, INC. received a ninety percent (90%) Member interest and CASA DEL NORTE L.P. received a ten percent (10%) Managerial interest.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Manager of this Company be, and hereby is authorized and empowered to take such steps and execute and deliver such documents in behalf of the Company as may be deemed necessary, appropriate or advisable in order to carry out the intent and purposes of the foregoing; such determinations to be conclusively evidenced by the taking of such steps and the execution and delivery of such documents.

GENERAL CONDUCT OF COMPANY BUSINESS

BE IT FURTHER RESOLVED, that the Manager of this Company shall procure all such record books, transfer books, books of account, stationery, and other office supplies as may be necessary, for the proper conduct of this Company's business.

BE IT FURTHER RESOLVED, that the Manager be, and hereby is authorized and directed to pay out of any funds belonging to this Company the expenses incurred in connection with its organization and for the supplies ordered or to be purchased in connection with the organization of the Company and the establishment of its business, and such other obligations, if any, as the Company has incurred incidental to its organization.

BE IT FURTHER RESOLVED, that this Company shall open a bank account for the general banking business of this Company with such banking institution in the State of Utah, or in any other state, as the Manager of this Company may deem appropriate, and the standard banking resolution used by said bank for a limited liability company account is hereby adopted as if said resolution had been set forth herein in full; and that the Manager of this Company is hereby authorized and

directed to execute all necessary forms of resolution of authority for bank accounts and borrowings with said banking institution.

BE IT FURTHER RESOLVED, that the Manager of this Company be, and it hereby is, authorized and empowered to enter into and execute contracts, leases, agreements and other legal documents of whatever kind or nature, specifically including agreements of limited partnership, as may be agreed to be necessary in the course of business, and that thereafter the Company shall be authorized to perform according to the same.

DATED this 25th day of February, 1997.

MANAGER:

CASA DEL NORTE L.P., a Delaware Limited Partnership, By Its General Partner:

A.R.D. TRADING, INC., a Delaware corporation

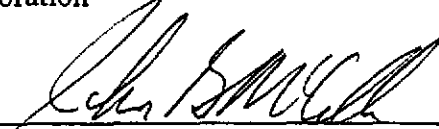
By:


JOHN B. MCCALLUM, President

MEMBER:

CHARTERS MOUNTAIN RANCH, INC., an Idaho Corporation

By:


JOHN B. MCCALLUM, President

CORPORATE WARRANTY DEED

STEPHENS & SONS, INC., an Idaho corporation, Grantor, hereby conveys, grants and warrants to ARK PROPERTIES, L.L.C., Grantee, whose address is Rt. 1 Box 451 Glenns Ferry, Id 83423 for the sum of TEN DOLLARS and other good and valuable consideration, all of Grantor's interest in the following described real property located in the County of Elmore, State of Idaho, to-wit:

Township 5 South, Range 8 East, Boise Meridian, Elmore County, Idaho:

Section 1: U.S. Government Lots 1, 3, 4
SE1/4NE1/4
S1/2NW1/4
SW1/4
E1/2SE1/4
Section 12: NE1/4
N1/2SE1/4

Township 5 South, Range 9 East, Boise Meridian, Elmore County, Idaho:

Section 5: S1/2NE1/4
N1/2SE1/4

SUBJECT TO taxes and assessments for the year 1998 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This conveyance shall include any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights in anywise appertaining to the property herein described.

The Grantor covenants to the Grantee that it owns its interest in said real property in fee simple; that the premises are free from all encumbrances,

WARRANTY DEED

BILLY ROY STEPHENS, a single man, Grantor, hereby conveys, grants and warrants to ARK PROPERTIES, L.L.C., Grantee, whose address is RT. 1 Box 451 Glenview Ferry ID 83422 for the sum of TEN DOLLARS and other good and valuable consideration, all of Grantor's interest in the following described real property located in the County of Elmore, State of Idaho, to-wit:

Township 4 South, Range 9 East, Boise Meridian, Elmore County, Idaho:

Section 32: S1/2SE1/4

SE1/4SW1/4

Section 33: SW1/4SW1/4

Township 5 South, Range 9 East, Boise Meridian, Elmore County, Idaho:

Section 4: Lot 4

Section 5: Lots 1, 2, 3

S1/2NW1/4

NE1/4SW1/4

NW1/4SW1/4 lying North East of established road right-of-way.

SUBJECT TO taxes and assessments for the year 1998 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This conveyance shall include any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights in anywise appertaining to the property herein described.

The Grantor covenants to the Grantee that he owns his interest in said real property in fee simple; that the premises are free from all encumbrances,

PERSONAL REPRESENTATIVE'S DEED

THIS DEED is made and executed by Evelyn M. Stephens, as personal representative of THE ESTATE OF EDGAR G. STEPHENS, DECEASED, aka Edgar Barney Stephens, hereinafter referred to as the "Grantor," to ARK PROPERTIES, L.L.C., hereinafter referred to as the "Grantee," whose address is RT 1 Box 451 Glenview Ferry, ID 83643

WHEREAS, Evelyn M. Stephens is the qualified personal representative of said estate, filed as Probate Case Number SP 97-00972 in Canyon County, Idaho;

THEREFORE, in accordance with the provisions of Uniform Probate Code as set forth in Title 15 of the Idaho Code, Grantor estate hereby grants, transfers and conveys to Grantee all of the Grantor estate's interest in the following described real property in Elmore County, Idaho:

Township 5 South, Range 8 East, Boise Meridian, Elmore County, Idaho:

Section 13: S1/2N1/2
N1/2S1/2

AND

Township 4 South, Range 9 East, Boise Meridian, Elmore County, Idaho:

Section 32: S1/2SE1/4
SE1/4SW1/4
Section 33: SW1/4SW1/4

Township 5 South, Range 9 East, Boise Meridian, Elmore County, Idaho:

312064

Section 4: Lot 4
Section 5: Lots 1, 2, 3
S1/2NW1/4
NE1/4SW1/4
NW1/4SW1/4 lying North East of established road right-of-way.

ELMORE COUNTY, IDAHO ss
Request of

GUARANTY TITLE, INC.

Time 4:49 P M
Date December 4, 1998
Book _____ Page _____

DOLORES ROBISON

Recorder

By [Signature]

Deputy

Fee \$100

WARRANTY DEED

EVELYN M. STEPHENS, Grantor, hereby conveys, grants and warrants to ARK PROPERTIES, L.L.C., Grantee, whose address is RT 1 Box 457 Elmore, Idaho 83623 for the sum of TEN DOLLARS and other good and valuable consideration, all of Grantor's interest in the following described real property located in the County of Elmore, State of Idaho, to-wit:

Township 5 South, Range 8 East, Boise Meridian, Elmore County, Idaho:

Section 13: S1/2N1/2
N1/2S1/2

AND

Township 4 South, Range 9 East, Boise Meridian, Elmore County, Idaho:

Section 32: S1/2SE1/4
SE1/4SW1/4
Section 33: SW1/4SW1/4

Township 5 South, Range 9 East, Boise Meridian, Elmore County, Idaho:

Section 4: Lot 4
Section 5: Lots 1, 2, 3
S1/2NW1/4
NE1/4SW1/4
NW1/4SW1/4 lying North East of established road right-of-way.

SUBJECT TO taxes and assessments for the year 1998 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all

zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This conveyance shall include any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights in anywise appertaining to the property herein described.

The Grantor covenants to the Grantee that she owns her interest in said real property in fee simple; that the premises are free from all encumbrances, excepting those as may be herein set forth, and excepting those of record, and that she will warrant and defend her interest in the same from all lawful claims.

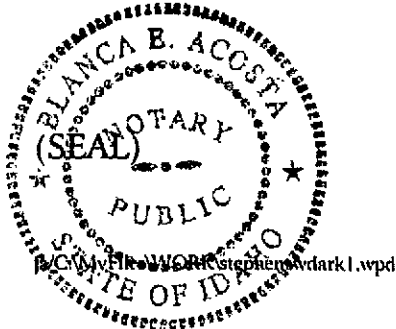
IN WITNESS WHEREOF, the Grantor has executed this instrument on this 2 day of December, 1998.

Evelyn M. Stephens
Evelyn M. Stephens

STATE OF IDAHO)
 :SS
County of Canyon)

On this 2nd day of December in the year 1998, before me, Blanca E. Acosta, a Notary Public, personally appeared EVELYN M. STEPHENS, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Blanca E. Acosta
Notary Public for Idaho
Commission expires: 2-1-99



312063

WARRANTY DEED - 2

ELMORE COUNTY, IDAHO ss
Request of
GUARANTY TITLE, INC.
Time 4:48 P M
Date December 4, 1998
Book _____ Page _____
DOLORES ROBISON
Recorder
By [Signature] Deputy
Fee \$6.00

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: A61-10578
Date Received: 12/06/1989
Receipt No: W006854
Received By: DE ZD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STEPHENS & SONS 208-366-2364
Address: C/O JACK STEPHENS
22710 S. LANSING
MIDDLETON, ID 83644

2. Date of Priority: MAY 01, 1883

3. Source: COLD SPRINGS CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04S	09E	32	NW	SE			ELMORE

5. Description of diverting works:
8' X 4' CONCRETE DIVERSION, DITCHES FOR GRAVITY FLOW.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.900		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INSTREAM STOCKWATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	09E	32	SW	SE		IRR	40.0
			SE	SE		IRR	40.0

Section Acres 80.0

A61-10578

Page 1

Date: 04/13/90

MICROFILMED

AUG 12 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	1/4 of 1/4	Lot	Use	Acres
04S	09E	33	SW	SW		IRR	20.0
						Section Acres	20.0
05S	09E	4	NW	NW		IRR	1.0
						Section Acres	1.0
		5	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	28.0
			SE	NE		IRR	34.0
			NE	NW		IRR	4.0
			SE	NW		IRR	25.0
			NE	SW		IRR	40.0
			NE	SE		IRR	6.0
			NW	SE		IRR	32.0
						Section Acres	249.0
						Total Acres	350.0

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:

A61-00309, A61-00316, A61-00328, A61-00329, A61-02153.

14. Remarks:

THIS CLAIM IS COMBINED WITH A61-00314, A61-00329 AND 61-00310.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/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 FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEMCIVIL CASE NUMBER: *New # combine* 39576Ident. Number *461-10578*Date Received *6 DEC 89*Receipt Number *ck # 1736 / 91000*

NOTICE OF CLAIM

TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW.

Please type or print clearly

1. Name of Claimant (s) *% Jake Stephens*Phone () *266-2364*Mailing Address *Stephens, Sons*Zip *83644*2. Date of Priority (Only one (1) per claim) *5-1-1883*3. Source of water supply (a) *cold springs creek*which is tributary to (b) *Snake River*4. a. Location of existing point of diversion is: Township *4S* Range *9E* Section *32**1/4 of NW 1/4 of SE 1/4, Govt. Lot,**B.M., County of**Elmore*Additional points of diversion if any: *2 points of Div in P/O*

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 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 Div 8ft x 4ft**Ditches on right + left of cold springs creek*
convey flow

MICROFILMED

AUG 12 1992

6. Water is claimed for the following purposes:

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

For Irrigation purposes from 4-1 to 11-1 amount 2.9 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.9 (cfs) and/or (b) _____ (acre feet)

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

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

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	
45	9E	32															40	40	80
		33											20						20
55	9E	4						1											1
		5	40	40	28	34	4			25	40				6	32			249

Total number of acres irrigated 350

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

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.
A61-00309 thru 316, 328, 329, 02/53 or None ()

14. Remarks: this claim is combined with A61-00314 and 00329 and ~~alt~~ # is 00310

Last Name _____ Ident No. _____

MICROFILMED
Copies: White-State, Yellow-Claimant
AUG 12 1992

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

Decree ☒

If applicable provide IDWR Water Right Number R61-00310, 314, 329

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Sec _____

Title

of Stephens, Sam _____, that I have signed the foregoing

Organization

document in the space below as Sec _____ of Stephens, Sam _____

Title

Organization

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

Signature of Authorized Agent Englyn Stephens _____

Title and Organization Sec _____ Date Dec 6-1989

State of Idaho/or _____)

County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 6th day of Dec 19 89

SEAL

Notary Public Ron Howerton _____

Residing at _____

Ron Howerton

My Commission Expires Residing at Boise, Idaho _____

Please Print Name

My Commission Expires December 8, 1994

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 _____

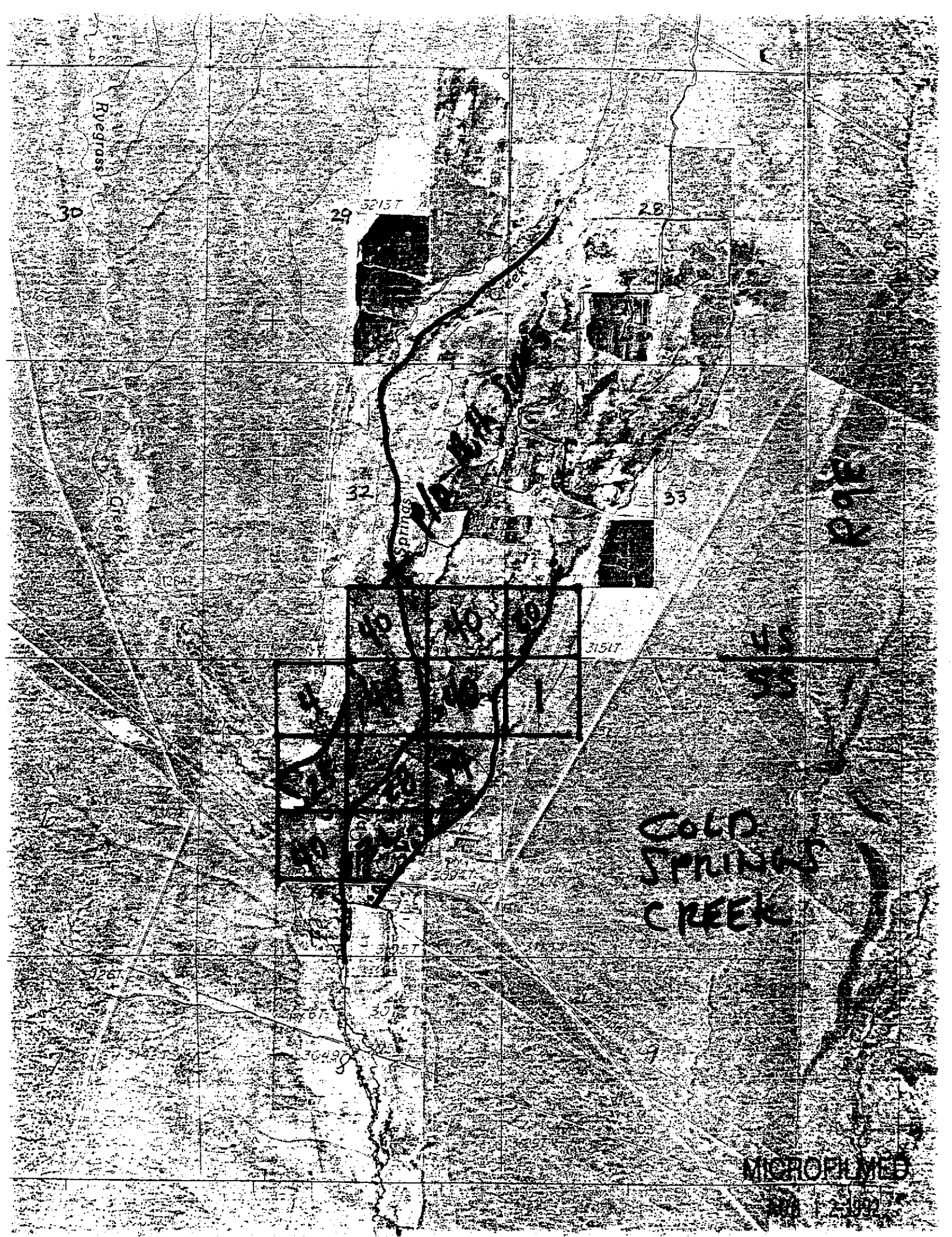
Address _____

Date _____

Last Name _____ Ident. Number _____

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200 1-1002

#	FLAT FEE	(other) 1/KR DL	total
AGI-00287	50	93	143
AGI-02153	50	0	50
AGI- DOM STR	25	0	25
AGI- WASTEWATER	50	0	50
AGI-00309	50	0	50
312	50	0	50
316	50	0	50
328	50	0	50
AGI-COMBINED	50	350	400
AGI-COMBINED	50	0	50
			918
			918.00

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- CURRENT LAND LIST -

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTE TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
PERMIT																						
FOUND																						
OVERLAP																						
DIFFERENCE																						

P/D OVERLAP BUT ACRES NOT OVERLAPPING, USE FOR SYSTEM TOTAL CALCULATIONS

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTE TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
	cfs.																					
WASTEWATER	4.32	4S	9E	32															10	40		50
				33									20									20
		5S	9E	4					1													1
				5	40	5	28	34									6	32			(216)	145
COLD SPRING CR		4S	9E	32															40	40	80	
				33									20								20	
		5S	9E	4					1												1	
				5	40	40	28	34	4		25	40					6	32			249	(350)
IRREG GROUNDWATER				5			28	34									6	32			100	
Bennett CR.				25					8	20			30	30	5						93	
AGI-00 287																						
WATER																						
Domestic Shk		5S	9E	5													5					
Other H																	5					
Mol-02153																						

OVERLAPS
COLD SPRING
CR.

OVERLAPS
Both
COLD SPR
&
WASTEWATER
CR.
No
OVERLAPS

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(1)

Adon M. Hall. For the use upon Lot 4 Sec. 4 and Lot 1, Sec. 5, Township 5 South, Range 9 East, and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ Sec. 23, and the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ Sec. 23, Township 4 South, Range 9 East. Comprising about 150 acres, and referred to as the Hall Tract No. 1, to-wit:-

1893-May 1st, 29 inches.

1894-May 1st, 67 inches.

1895-May 1st, 24 inches.

Adon M. Hall. For the use upon Lpt 2, Sec. 5, Township 5 South, Range 9 East, and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ Sec. 23, Township 4 South, Range 9 East, comprising about 150 acres, and referred to as Hall Tract No. 2.

1893-May 1st, 60 inches.

1894-May 1st, 10 inches.

Adin M. Hall. For the use upon the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, and the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and Lot 3, Sec. 5, Township 5 South Range 9 East, comprising about 150 acres, and referred to as the Hall Tract No. 3.

1893-May 1st, 20 inches.

1894-May 1st, 35 inches.

1895-May 1st, 95 inches.

Volgard Volk and Samuel D. Blackwell. For the use upon the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ Sec. 17, Township 5 South, Range 9 East, comprising 150 acres.

1892-May 1st, 63 inches including water from springs. S. D. Blackwell. For use upon the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ Sec. 5, and the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ Sec. 9, Township 5 South, Range 9 East, containing 150 acres, referred as the Blackwell Homestead.

1897-May 1st, 25 inches.

1898-May 1st, 40 inches.

1899-May 1st, 35 inches.

S. D. Blackwell. For use upon the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ Section 9, Township 5 South, Range 9 East, containing 80 acres, and referred to as the Blackwell Timber Culture.

1893-May 1st, 45 inches.

RECORDED
JUN 18 1895
DEPT. OF REVENUE

TITLE
OF
CASE

WATER DIST. 61-E

COUNTY

JUDICIAL DIST.

JUDGE

DATE OF DECREE

RECORDED

IN BOOK NO.

AT PAGE NO.

FILE NO.

PN.	DN.	DECEED OWNER	NAME	PRESENT OWNER	AMT. INCHES SEC. FT.	PRIORITY	DIVERSION				REMARKS, LAND TO BE IRRIGATED, ETC.	C.T.
							SUBDIV.	SEC.	TWR	Rd.		
→ 61	311	Adin M. Hall			67	5-1-84					Hall Tract No. 1 See No. 14	
→ 61	313	"	"		10	"					Hall Tract No. 2 See No. 13	
→ 61	315	"	"		35	"					Hall Tract No. 3 See No. 13	
61	330	Daniel McGinness			18	"					Daniel McGinness - Anulty Tract N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ 33; NE $\frac{1}{4}$ SE $\frac{1}{4}$ 32-4S-9E	
61	347	Thomas R. Stevenson			160	"					H. E. includes spring water SW $\frac{1}{4}$ SW $\frac{1}{4}$ 20; W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ 29-5 S.-9 E.	
61	333	J. B. Stanfield			27	5-1-85					Stanfield - McAnulty Tract (Daniel McGinness Prior Right)* N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ 10; NE $\frac{1}{4}$ SE $\frac{1}{4}$ 9-4S-9 E.	
61	346	Thomas R. Stevenson			35	"					D. E. NW $\frac{1}{4}$ NE $\frac{1}{4}$ 20-5S-9 E.	
61	330	Daniel McGinness			50	5-1-86					Daniel McGinness - Anulty Tract See No. 15	
61	334	J. B. Stanfield			25	"					Stanfield - McAnulty Tract See No. 16	
61	364	John C. Levere			6	5-1-87					Levere Tract SE $\frac{1}{4}$ SE $\frac{1}{4}$ 9; 6 Ac. in NE $\frac{1}{4}$ 16-4S-9 E.	
61	341	J. J. & Ida McGinness			61	5-7-87					J. J. McGinness Tract SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ 28-4S-9 E.	
61	342	"	"	"	59	6-30-87					" " " "	
61	349	John C. Levere			25	"					See No. 18 (Daniel McGinness Prior Right)*	
→ 61	318	Adin M. Hall			95	5-1-88					Hall Tract No. 3 See No. 13	
61	348	A. T. Pabb			30	6-30-88					NE $\frac{1}{4}$ NW $\frac{1}{4}$ 15-4S-9 E. (Daniel McGinness Prior Right)*	
61	335	J. B. Stanfield			20	5-1-89					Stanfield-McAnulty Tract See No. 16	
→ 61	312	Adin M. Hall			24	5-1-90					Hall Tract No. 1 See No. 14	
61	344	D. M. Keys			150	5-1-93					Cold Spring Placer Mining Claim	
61	336	J. B. Stanfield			40	5-1-95					Stanfield-McAnulty Tract See No. 16	
61	337	"	"		120	12-1-95					D. E. N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ 35 - 3 S., 9 E.	

* see also Daniel McGinness vs. Samuel A. McNulty, Judge C. O. Stockslager - 8-10-91 - Vol. 4 P. 599 File 2-3.

LEGEND

P.N. = PRIORITY NUMBER

D.N. = DECREE NUMBER

C.T. = CUMULATIVE TOTAL

→ LAND
WATER
16 MTS
→ 126-166
WATER AC
→ MTS.

TITLE
OF
CASE

Daniel McGinness et al
vs
James Stanfield et al.

SOURCE Cold Spring Creek

PAGE 1

WATER DIST. 61-E

COUNTY Elmore

JUDICIAL DIST. 4

JUDGE C. O. Stockslager

DATE OF DECREE May 10, 99

RECORDED

IN BOOK NO. 2 AT PAGE NO. 845 FILE NO. 2-3

P.N.	D.N.	DEGREED OWNER	NAME	PRESENT OWNER	AMT. INCHES SEC. FT.	PRIORITY	DIVERSION				REMARKS, LAND TO BE IRRIGATED, ETC.	C.T.
							SUBDIV.	SEC.	TWP.	R&G.		
61	338	Heirs of Charles H. Walker			92	6-30-70					SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ 10; W $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ 10; W $\frac{1}{2}$ NW $\frac{1}{4}$ 15; E $\frac{1}{2}$ NE $\frac{1}{4}$ 16-4S-9 E. "Walker Ranch".	
61	322	Daniel McGinness, H. E.		Spr.	4	5-1-71					SE $\frac{1}{4}$ SE $\frac{1}{4}$ 29; NE $\frac{1}{4}$ NE $\frac{1}{4}$ 32; W $\frac{1}{2}$ NW $\frac{1}{4}$ 33-4S-9 E.	
61	323				50	5-1-72					" " " " " " " "	
61	324				8	5-1-73					" " " " " " " "	
61	325	Kate McGinness		Humbly	55	" "					Wm. McGinness H. E. W $\frac{1}{2}$ SE $\frac{1}{4}$ 28; NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ 33-4S-9 E.	
61	335	Heirs of Charles H. Walker			75	5-1-75					See No. 1	
61	332	J. B. Stanfield		Walker	136	5-18-75					Cold Spr. Ranch includes spring water Lot 4; NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ 2; Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ 3-4S-9 E.	9 E.
61	318	S. B. Blackwell			25	5-1-77					Blackwell H. E. SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ 5; W $\frac{1}{2}$ NE $\frac{1}{4}$ 8-5S-9 E.	
→ 61	328	Daniel McGinness			70	" "					Daniel McGinness - Delano Tract S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ 5-5S-9 E.	
61	326	"	"	D. E.	50	5-1-78					W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ 32-4S-9 E.	
61	319	S. B. Blackwell			10	" "					See # 7	
61	327	Daniel McGinness			125	5-1-79					See # 8	
61	345	Thomas R. Stevenson		Wm. Shue	25	6-30-79					Schwartz Tract W $\frac{1}{2}$ SW $\frac{1}{4}$ 20-5S-9 E.	
61	317	Weigand Volk & S. B. Blackwell			68	5-1-80					Includes springs N $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ 17-5S-9 E.	
61	320	S. B. Blackwell			35	5-1-81					See No. 8	
→ 61	310	Adin M. Hall			60	5-1-83					Hall Tract No. 2 Lot 2-5-5S-9 E; SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ 32-4S-9 E.	
→ 61	334	"	"	"	20	" "					Hall Tract No. 3 W $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Lot 3-5-5 S. 9 E.	
61	321	Blackwell (S. B.)			45	" "					Blackwell Timber Culture W $\frac{1}{2}$ SW $\frac{1}{4}$ 8-5S-9 E.	
→ 61	329	Daniel McGinness			65	" "					See No. 7	
→ 61	309	Adin M. Hall			29	6-1-83					Hall Tract No. 1 Lot 1-5-5 S-9 E., SE $\frac{1}{4}$ SE $\frac{1}{4}$ 32; SW $\frac{1}{4}$ SW $\frac{1}{4}$ 32-4S-9 E.	

Old land is

TWP. 55 R6E. 9E

Sec. 4, NW NW - 20

Sec. 5, NE NE - 40

NW NE - 40

NE NW - 20

SE NW - 40

SW NW - 40

NE SW - 40

Sec. TWP. 45 R6E. 9E

Sec. 32, SE SE - 40

SW SE - 40

SE SW - 20

Sec. 33, SW SW - 20

New Land is -

TWP. 55 R6E. 9E

Sec. 5 - NW SE - 32

NE SE - 6

SE NE - 34

~~NE SE~~

SW NE - 28

100 total

P.D.
? NPSW
wrong

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - 61-00314 Adj. Flag Translation: Standard Water Right Number Old (D) Number -

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

*** C - CURRENT OWNER ***

HALL ADIN M. 1 -
2 -
3 -
City- State- Zip-
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +

05/01/1883 14 D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +

COLD SPRING CREEK SNAKE RIVER

+ - - - - Point of Diversion - - - - - +

Twn	Rng	Sec	Tract	Lot	RFlg	County
+ - - - - Water Use - - - - - +						
Code	Description	Period From	Period To	Diversion Rate	Diversion Volume	
01	IRRIGATION			0.400		
+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +						
0.400						
+ - - - - Place of Use - - - - - +						
Twn	Rng	Sec	Tract	Lot	Acres	County
05S	09E	5	SW NE	3	01	ELMORE
05S	09E	5	SE NE	5	01	ELMORE
05S	09E	5	SW NW		01	ELMORE
05S	09E	5	SE NW		01	ELMORE
05S	09E	5	NE SW		01	ELMORE
Total Acres:						
+ - - Diversion Means -						
+ - - Non-Irrigation Use -						
+ - - Other Rights for Same Use -						
+ - - - - Remarks - - - - - +						
No Remarks found.						
+ - - - - Conditions of Approval - - - - - +						
No Conditions of Approval found.						

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AUG 12 1992

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	- P
Start Work Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 61E
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 05/10/1899				

MICROFILMED
Aug 12 1992

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - 61-00329 Adj. Flag Translation: Standard Water Right Number Old (D) Number -

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

*** C - CURRENT OWNER ***
MC GINNESS DANIEL 1 -
2 -
3 -
City- State- ID Zip-
Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/01/1883 14 D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
COLD SPRING CREEK SNAKE RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

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

01 - IRRIGATION 1.300

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
1.300

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

05S	09E	5	SW NE			01	IRRIGATION	39	ELMORE
05S	09E	5	SE NE			01	IRRIGATION	39	ELMORE
05S	09E	5	NE SE			01	IRRIGATION	39	ELMORE
05S	09E	5	NW SE			01	IRRIGATION	39	ELMORE

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +

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AUG 12 1992

DANIEL MCGINNESS ET. AL.

JAMES STANFIELD ET. AL.

05/10/1899

MICROFILMED

AUG 12 1992

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	- P
Start Work Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 61E
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 05/10/1899				

MICROFILMED
AUG 12 1992

RECEIVED
OCT 04 2001
WATER RESOURCES
WESTERN REGION

IDWR Concurrence:

Agent

Date

Candice M. McHugh 9/20/01
Candice M. McHugh Date
Deputy Attorney General for IDWR

07/26/2001

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

RIGHT NUMBER: 61-10578

NAME AND ADDRESS: ARK PROPERTIES LLC
RT 1 BOX 451
GLENNS FERRY, ID 83623

SOURCE: COLD SPRINGS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 2.27 CFS

PRIORITY DATE: 05/01/1883

POINT OF DIVERSION: T04S R09E S32 NWSE Within ELMORE County

2 POINTS OF DIVERSION LOCATED IN T04S, R09E, S32, NWSE.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	02-15 11-15	2.27 CFS
	~~03-15 11-15~~	

*SM^E
PCH*

PLACE OF USE:

IRRIGATION Within ELMORE

County

<u>T04S R09E S32</u>		<u>SESW</u>	<u>11</u>	<u>T04S R09E S32</u>		<u>SWSE</u>	<u>39</u>
<u>T04S R09E S32</u>		<u>SESE</u>	<u>27</u>	<u>T04S R09E S33</u>		<u>SWSW</u>	<u>2</u>
<u>T05S R09E S4</u>	<u>LOT 4</u>	<u>NWNW</u>	<u>0.5</u>	<u>T05S R09E S5</u>	<u>LOT 1</u>	<u>NENE</u>	<u>37</u>
<u>T05S R09E S5</u>	<u>LOT 2</u>	<u>NWNE</u>	<u>18</u>	<u>T05S R09E S5</u>		<u>SWNE</u>	<u>1</u>
<u>T05S R09E S5</u>	<u>LOT 3</u>	<u>NENW</u>	<u>19</u>	<u>T05S R09E S5</u>		<u>SWNW</u>	<u>2</u>
<u>T05S R09E S5</u>		<u>SENW</u>	<u>27</u>				

183.5 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 61-328 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 183.5 ACRES IN A SINGLE IRRIGATION SEASON.

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

~~NO-BENEFICIAL USE FOUND~~

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

SM^c
RAH

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

CERTIFICATE OF MAILING

I certify that on 10 / 01, 2001, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

☐ overnight mail
☐ regular mail
☒ hand-delivered
☐ facsimile

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

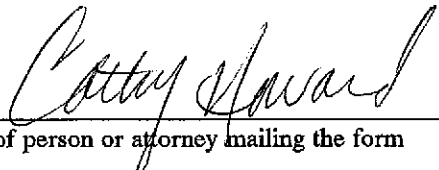
☐ overnight mail
☐ regular mail
☒ hand-delivered
☐ facsimile

Bruce M. Smith
225 North 9th Street, Suite 420
Boise, ID 83702

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

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

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile



Signature of person or attorney mailing the form

07/26/2001

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

RIGHT NUMBER: 61-10578

NAME AND ADDRESS: ARK PROPERTIES LLC
RT 1 BOX 451
GLENNS FERRY, ID 83623

SOURCE: COLD SPRINGS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 2.27 CFS

PRIORITY DATE: 05/01/1883

POINT OF DIVERSION: T04S R09E S32 NWSE Within ELMORE County

2 POINTS OF DIVERSION LOCATED IN T04S, R09E, S32, NWSE.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	02-15 11-15	2.27 CFS
	~~03-15 11-15~~	

PLACE OF USE:

<u>IRRIGATION Within ELMORE County</u>			
<u>T04S R09E S32</u>	<u>SESW</u>	<u>11</u>	<u>T04S R09E S32</u>
<u>T04S R09E S32</u>	<u>SESE</u>	<u>27</u>	<u>T04S R09E S33</u>
<u>T05S R09E S4</u>	<u>NWNW</u>	<u>0.5</u>	<u>T05S R09E S5</u>
<u>T05S R09E S5</u>	<u>NWNE</u>	<u>18</u>	<u>T05S R09E S5</u>
<u>T05S R09E S5</u>	<u>NENW</u>	<u>19</u>	<u>T05S R09E S5</u>
<u>T05S R09E S5</u>	<u>SENW</u>	<u>27</u>	

LOT 1

183.5 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 61-328 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 183.5 ACRES IN A SINGLE
IRRIGATION SEASON.

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

~~NO BENEFICIAL USE FOUND~~

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

Howerton, Ron

From: McHugh, Candice
Sent: Wednesday, July 25, 2001 11:10 AM
To: Howerton, Ron
Cc: Harvey, Becky
Subject: 61-000328 and 61-10578

Ron --

Could you prepare the attachments to go with the SF5s for these two water rights on the Stephens and Sons property (changing the SOU to 2/15?).

Becky, could you prepare the coversheets and also SF5s for each of the disallowed water rights saying Bruce agrees they are to be decreed disallowed. The disallowed water right numbers are: 61-00309, 61-00312, 61-00316 and 61-10579. Thanks

I've prepared a letter to Bruce that I would like to send to him by Friday. Thanks.

Candice

Idaho Department of Water Resources

Cold Springs
Creek
1985 EXTENT
MAP

Prepared by:
Ron Howerton
Date: 13 JAN 01

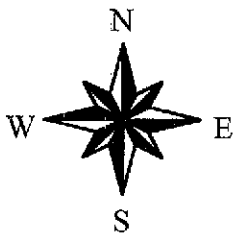
 Place of use

● POD

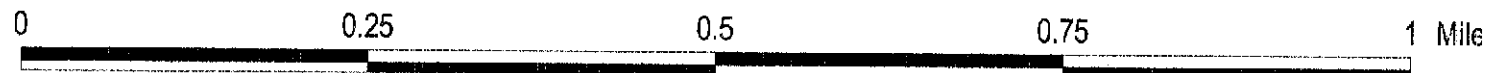
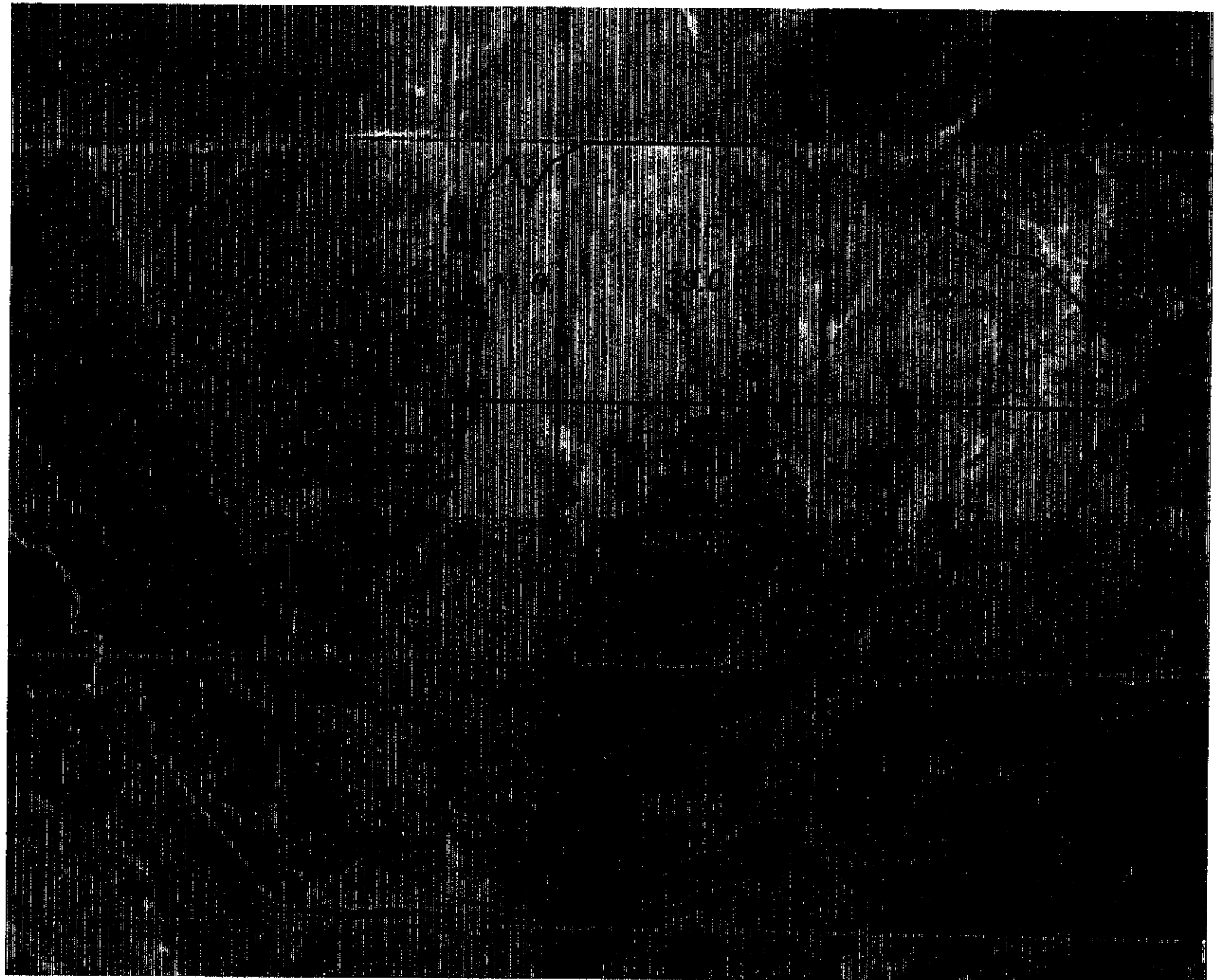
 SECTION LINES

 1/4 1/4

183.5 Acres



1987 NAPP



Idaho Department of Water Resources

Cold Springs
Creek
1985 EXTENT
MAP

Prepared by:
Ron Howerton
Date: 13 JAN 01

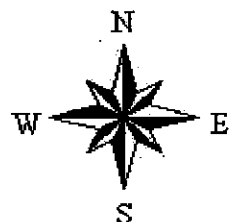
 Place of use

 POD

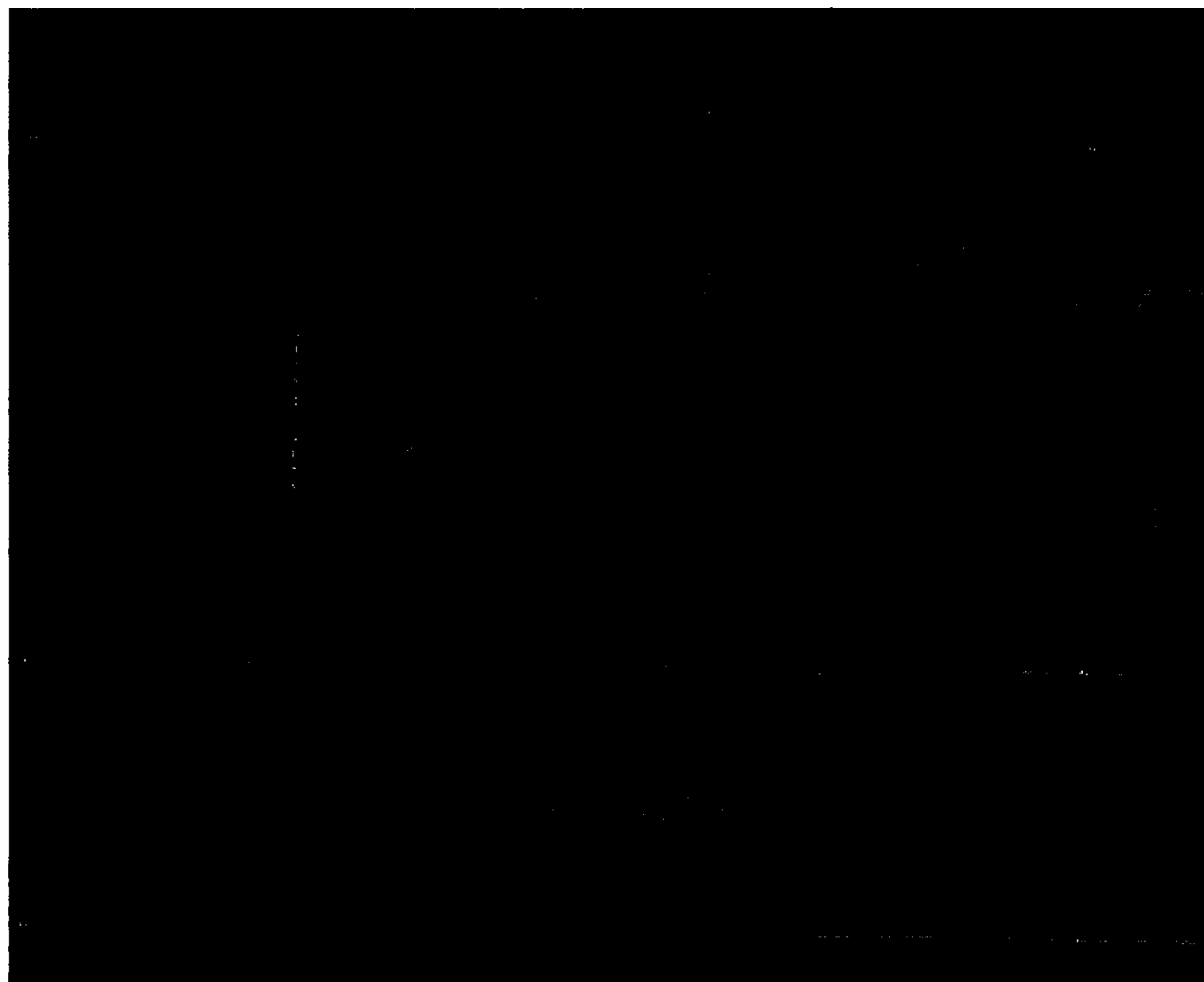
 SECTION LINES

 1/4 1/4

183.5 Acres



1987 NAPP



RECOMMENDATION MODIFIED FOTR SFS

PPOW = 183.5 ACRES

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES ADJUDICATION CLAIMS PROOF READING REPORT (REGIONAL)

01/14/99 11:40:28

Page 1

BASED UPON
1985 EXTENT-MAP Submitted
Old (D) Number by Betsy Stephens

Water Right Number - R61-10578

Prefix Translation: RESEARCH

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - +

*** C - CURRENT OWNER ***

ARK PROPERTIES LLC

*** O - ORIGINAL OWNER ***

STEPHENS & SONS

HALL

CFS REQUIRED
(183.5)(0.02) = 3.67 CFS
61-329 = 1.4 CFS
61-10578 = 2.27 CFS
3.67 CFS
ADIN M

1 - RT 1 BOX 451

2 -

3 -

City- GLENN'S FERRY

Phone - 208-366-7931

State- ID Zip- 83623

1 - JAKE STEPHENS

2 - 22710 S LANSING

3 -

City- MIDDLETON

Phone - 208-366-2364

State- ID Zip- 83644

1 -

2 -

3 -

City- XXXXX

Phone - 208-000-0000

State- ID Zip- 00000

+ - - Priority Date - - +

05/01/1883

+ - - Region - - - +

14 WESTERN

Stage - - - +

+ - - Status - - - +

~~DISALLOWED~~

DECREED

+ - - Source - - - - +

COLD SPRINGS CREEK

+ - - Tributary - - - - +

SNAKE RIVER

+ - - Point of Diversion - - - - +

Twn Rng Sec Tract Lot RFlg County

04S 09E 32 NW SE 2 PODS IN POD - F02 POD Rmk

(39) ELMORE

COMMENT SFS

SETTLEMENT
MADE

+ - - Water Use - - - - +

Code Description

Period From Period To

Diversion Rate

Diversion Volume

01 - IRRIGATION

~~04/01~~ 11/01

RECOMMEND
2.900

+ - Total Div. Rate - + + - Total Div. Volume - +

~~2.900~~ 2.27

(02/15 STIP)

STANDARD 50% - NOT SPECIFIED IN DECREE

+ - Total Consumptive Use - + + - KW Usage - +

0.0

+ - - Place of Use - - - - +

Twn Rng Sec Tract Lot Acres Code Description County

04S	09E	32	SW SE	40.0	39	01	IRRIGATION	(39) ELMORE
04S	09E	32	SE SE	40.0	37	01	IRRIGATION	(39) ELMORE
04S	09E	33	SW SW	20.0	2	01	IRRIGATION	(39) ELMORE
05S	09E	4	NW NW	1.0	5	01	IRRIGATION	(39) ELMORE
05S	09E	5	NE NE	40.0	37	01	IRRIGATION	(39) ELMORE
05S	09E	5	NW NE	40.0	18	01	IRRIGATION	(39) ELMORE
05S	09E	5	SW NE	28.0	1	01	IRRIGATION	(39) ELMORE
05S	09E	5	SE NE	34.0	1	01	IRRIGATION	(39) ELMORE
05S	09E	5	NE NW	4.0	19	01	IRRIGATION	(39) ELMORE
05S	09E	5	SE NW	25.0	27	01	IRRIGATION	(39) ELMORE
05S	09E	5	NE SW	40.0	01	01	IRRIGATION	(39) ELMORE
05S	09E	5	NE SE	4.0	01	01	IRRIGATION	(39) ELMORE

POW 1 Rmk

C18

EXP Rmk
C05
NW NW
NOT ON
ORIGINAL
DECREES
LAND LIST

INCH/ACRE
SETTLEMENT
Duty OF
DECREE
NOT SPECIFIED
NOR CANNOT
USE HUBBLE
BECAUSE
CAPACITY
OF SYSTEM
NOT
DETERMINED

LAKE OF SYSTEM AT OF TIME
EXAM...

Water right number - R61-10578

Prefix Translation: RESEARCH

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
05S	09E	5	NW SE		32.0	01	IRRIGATION	(39) ELMORE

Total Acres: 358.0 183.5

- - - Diversion Means - 8' X 4' CONCRETE DIVERSION, DITCHES FOR GRAVITY FLOW.

- - - Non-Irrigation Use - INSTREAM STOCKWATER

- - - Other Rights for Same Use - A61-00309, A61-00316, A61-00328, A61-00329, A61-02153.

- - - Remarks -

GEN NO BENEFICIAL USE FOUND.

- - - Old Water Right Numbers -

A6100314
A6100329 1.3
A6100310 1.2

COMBINED RIGHTS = 2.9 CFS
SAME DOP & SOURCE

- - - Conditions of Approval -

No Conditions of Approval found.

- - - Decree Plaintiff - - - Decree Defendant - - - Decree Date -

00/00/0000

- - - Comments -

Date: 11/03/1998 User Id: RHOWERTO Subject: DISALLOW NOTES
NO EVIDENCE OF IRRIGATION SHOWN BY FIELD EXAM OR MAPS OR CLAIMANT CONTACT.

Date: 11/03/1998 User Id: RHOWERTO Subject: COPIED FROM REMARKS

THIS CLAIM IS COMBINED WITH A61-00314, A61-00329 AND 61-00310.

Date: 01/14/1999 User Id: RHOWERTO Subject: OWNERSHIP

OWNERSHIP CHANGED BY RDH ON 1/14/99.

- - - Audit Fields - - -

01/14/99 RHOWERTO

- - - Adjudication Rights Dates and Flags Area -

Court Report Filing	- 00/00/0000	Field Inspection Made	- 09/12/1994	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 01/14/1999	Old Judicial District	-
Claim Received Date	- 12/07/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- W006854	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

RECEIVED

JUN 18 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

Case No. 39576

At Subcase 61-10578

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: John McCallum

Address: Charter Mountain Ranch, Inc.
Rt. 1, Box 451
Glenns Ferry ID 83623

Daytime Phone: (208) 366-7931

Name & Address of Attorney, if any:

Bruce M. Smith
Moore & McFadden, Chtd.
One Capital Center, Suite 910
999 Main Street
Boise ID 83702

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Ark Properties, LLC

Address: Rt. 1, Box 451

Glenns Ferry ID 83623

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ Name and Address
Should be: _____
2. ☒ Source as claimed
Should be: _____
3. ☒ Quantity as claimed
Should be: _____
4. ☒ Priority Date as claimed
Should be: _____
5. ☒ Point(s) of Diversion as claimed
Should be: _____
6. ☐ Instream Flow Description
Should be: _____
7. ☒ Purpose(s) of Use as claimed
Should be: _____
8. ☒ Period of Year "irrigation season" or 2/1 to 11/15
Should be: _____
9. ☒ Place of Use as claimed
Should be: _____

11. I object because:

☐ This water right should not exist.

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

E. REASONS SUPPORTING OBJECTION(S): Water is beneficially used as claimed.

F:

VERIFICATION (Must be Completed)

State of Idaho)
)ss.

County of Ada)

Bruce M. Smith, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

(Signature of person filing objection)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

6/9/99

Clifford S. Smith

Notary Public for Idaho

Residing at: Nampa, 1714 Silver Dr.

My Commission Expires: 1-27-2000

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on 9 June, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: _____

Address: _____

Claimant is Objector

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - R61-10578

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
ARK PROPERTIES LLC

1 - RT 1 BOX 451
2 -
3 -
City- GLENNS FERRY State- ID Zip- 83623
Phone - 208-366-7931

*** O - ORIGINAL OWNER ***
STEPHENS & SONS

1 - JAKE STEPHENS
2 - 22710 S LANSING
3 -
City- MIDDLETON State- ID Zip- 83644
Phone - 208-366-2364
1 -
2 -
3 -
City- XXXXX State- ID Zip- 00000
Phone - 208-000-0000

HALL

ADIN M

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/01/1883 14 WESTERN I - DISALLOWED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
COLD SPRINGS CREEK SNAKE RIVER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
04S 09E 32 NW SE (39) ELMORE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 2.900

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
2.900 0.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
04S 09E 32 SW SE 40.0 01 IRRIGATION (39) ELMORE
04S 09E 32 SE SE 40.0 01 IRRIGATION (39) ELMORE
04S 09E 33 SW SW 20.0 01 IRRIGATION (39) ELMORE
05S 09E 4 NW NW 1.0 01 IRRIGATION (39) ELMORE
05S 09E 5 NE NE 40.0 01 IRRIGATION (39) ELMORE
05S 09E 5 NW NE 40.0 01 IRRIGATION (39) ELMORE
05S 09E 5 SW NE 28.0 01 IRRIGATION (39) ELMORE
05S 09E 5 SE NE 34.0 01 IRRIGATION (39) ELMORE
05S 09E 5 NE NW 4.0 01 IRRIGATION (39) ELMORE
05S 09E 5 SE NW 25.0 01 IRRIGATION (39) ELMORE
05S 09E 5 NE SW 40.0 01 IRRIGATION (39) ELMORE
05S 09E 5 NE SE 6.0 01 IRRIGATION (39) ELMORE

Water right number - R61-10578

Prefix Translation: RESEARCH

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
05S	09E	5	NW SE		32.0	01	IRRIGATION	(39) ELMORE

Total Acres: 350.0

- - - Diversion Means - 8' X 4' CONCRETE DIVERSION, DITCHES FOR GRAVITY FLOW.

- - - Non-Irrigation Use - INSTREAM STOCKWATER

- - - Other Rights for Same Use - A61-00309, A61-00316, A61-00328, A61-00329, A61-02153.

- - - - - Remarks - - - - -

GEN NO BENEFICIAL USE FOUND.

- - - - - Old Water Right Numbers - - - - -

A6100314
A6100329
A6100310

- - - - - Conditions of Approval - - - - -

No Conditions of Approval found.

- - - - Decree Plaintiff - - - +

+ - - - Decree Defendant - - - +

+ - Decree Date - +

00/00/0000

- - - - - Comments - - - - -

Date: 11/03/1998 User Id: RHOWERTO Subject: DISALLOW NOTES
NO EVIDENCE OF IRRIGATION SHOWN BY FIELD EXAM OR MAPS OR CLAIMANT CONTACT.
Date: 11/03/1998 User Id: RHOWERTO Subject: COPIED FROM REMARKS
THIS CLAIM IS COMBINED WITH A61-00314, A61-00329 AND 61-00310.
Date: 01/14/1999 User Id: RHOWERTO Subject: OWNERSHIP
OWNERSHIP CHANGED BY RDH ON 1/14/99.

- - - Audit Fields - - +

01/14/99 RHOWERTO

- - - - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	- 00/00/0000	Field Inspection Made	- 09/12/1994	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 01/14/1999	Old Judicial District	-
Claim Received Date	- 12/07/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- W006854	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

January 7, 1999

DIRK KEMPTHORNE GOVERNOR

KARL J. DREHER
DIRECTOR

BRUCE SMITH
ROSHOLT ROBERTSON & TUCKER
PO BOX 2139
BOISE ID 83701-2139

RE: Notices of error from Stephens & Sons Inc to Charter Mountain Ranch Inc

Dear Bruce,

This letter is intended to let you know that I have received the notices of error and have done the investigation of the adjudication files for *Stephens & Son Inc.*, not Mel Schulte as you had thought and addressed to him on your letter dated December 14, 1998.

Note: In order for us to change the ownership of those claims to *Charter Mountain Ranch Inc.*, we need a properly executed Notice of Change of Water Right Ownership Form filled out and returned with the appropriate documents.

Sincerely,

A handwritten signature in cursive script that reads "Ron Howerton".

Ron Howerton
ADJUDICATION BUREAU
Department of Water Resources
(208)-334-2190

Attachment: Notice of Change of Water Right Ownership Form

ROSHOLT, ROBERTSON & TUCKER

Chartered

ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
JOHN K. SIMPSON
PATRICK D. MADIGAN
TIMOTHY J. STOVER
NORMAN M. SEMANKO

Boise Office
1221 W. IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034
Email: rosholt@micron.net

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

December 14, 1998

RECEIVED

DEC 16 1998

WATER RESOURCES
WESTERN REGION

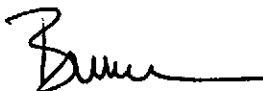
Mel Schulte
Adjudication Bureau
Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, ID 83705-5082

Re: *Notices of Error for Attached List of SRBA Claims*

Dear Mel:

John McCallum has just purchased the Stephens Ranch in Elmore County. At the closing, the Stephens handed Mr. McCallum the IDWR recommendations on the ranch water rights. In sum, it appears the IDWR is recommending denial of eight of the ten claims we have identified. For two of the claims, it is not clear whether the recommendation is consistent with the claim. We are working with the Stephens to straighten out the records, but it is clear that this situation is going to require some time as well as a meeting with the IDWR staff to resolve the issues. This letter is intended to provide the Department with notice of the change of ownership of the rights and to be an explanation of the information in the Notices of Error which I am submitting for the recommendations. If you have any questions, please give me a call. As soon as we can get some documentation together and meet with the Stephens, I will contact you about arranging a meeting. Thanks for your help.

Sincerely,



Bruce M. Smith

BMS:jtb
Enclosure
cc: John and Teresa McCallum

SUMMARY OF WATER RIGHT RECOMMENDATIONS BY IDWR
FOR STEPHENS AND SONS PROPERTY*

WR# 61-11807	.34 cfs irr. (17 acres)
61-00309	No b/u (beneficial use)
61-00312	No b/u
61-00316	No b/u
61-00328	No b/u
61-02153	No b/u
61-10577	No b/u
61-10578	No b/u
61-10579	No b/u
61-10659	.09 cfs stockwater, .04 cfs domestic

* Based on November 20, 1998 letter/report from IDWR

November 20, 1998

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 18, 1998

Water right number: 61-10578

STEPHENS & SONS
C/O JACK STEPHENS
22710 S LANSING
MIDDLETON ID 83644

Daytime Telephone Number:

Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Entire recommendation.

2. Describe the changes you wish to make in the proposed recommendation:

Make recommendation consistent with the historical use and/or claim.

3. Give a brief explanation as to why you disagree with these portions:

Please see attached letter of 12/14/98 from Bruce Smith to IDWR.

 I AGREE with this proposed recommendation; no changes need to be made.

DATE: 12/14/98

SIGNATURE: Bruce Smith

Please print your name: Bruce Smith

IDWR Western Regional Office, 2735 Airport Way, Boise, ID 83705-5082, (208) 334-2190

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - R61-10578

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
STEPHENS & SONS

1 - C/O JACK STEPHENS
2 - 22710 S LANSING
3 -
City- MIDDLETON State- ID Zip- 83644
Phone - 208-366-2364

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
05/01/1883 14 WESTERN I - DISALLOWED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
COLD SPRINGS CREEK SNAKE RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
04S 09E 32 NW SE (39) ELMORE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 2.900

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
2.900 0.0

+ - - - - Place of Use - - - - - +								
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
04S	09E	32	SW SE		40.0	01	IRRIGATION	(39) ELMORE
04S	09E	32	SE SE		40.0	01	IRRIGATION	(39) ELMORE
04S	09E	33	SW SW		20.0	01	IRRIGATION	(39) ELMORE
05S	09E	4	NW NW		1.0	01	IRRIGATION	(39) ELMORE
05S	09E	5	NE NE		40.0	01	IRRIGATION	(39) ELMORE
05S	09E	5	NW NE		40.0	01	IRRIGATION	(39) ELMORE
05S	09E	5	SW NE		28.0	01	IRRIGATION	(39) ELMORE
05S	09E	5	SE NE		34.0	01	IRRIGATION	(39) ELMORE
05S	09E	5	NE NW		4.0	01	IRRIGATION	(39) ELMORE
05S	09E	5	SE NW		25.0	01	IRRIGATION	(39) ELMORE
05S	09E	5	NE SW		40.0	01	IRRIGATION	(39) ELMORE
05S	09E	5	NE SE		6.0	01	IRRIGATION	(39) ELMORE
05S	09E	5	NW SE		32.0	01	IRRIGATION	(39) ELMORE

Total Acres: 350.0

+ - - Diversion Means - 8' X 4' CONCRETE DIVERSION, DITCHES FOR GRAVITY FLOW.

+ - - Non-Irrigation Use - INSTREAM STOCKWATER

+ - - Other Rights for Same Use - A61-00309, A61-00316, A61-00328, A61-00329, A61-02153.

DISALLOWED

Water right number - R61-10578

Prefix Translation: RESEARCH

+ - - - - - Remarks - - - - - +

GEN NO BENEFICIAL USE FOUND.

+ - - - - - Old Water Right Numbers - - - - - +

A6100314
A6100329
A6100310

+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - - Comments - - - - - +

Date: 11/03/1998 User Id: RHOWERTO Subject: DISALLOW NOTES
NO EVIDENCE OF IRRIGATION SHOWN BY FIELD EXAM OR MAPS OR CLAIMANT CONTACT.
Date: 11/03/1998 User Id: RHOWERTO Subject: COPIED FROM REMARKS
THIS CLAIM IS COMBINED WITH A61-00314, A61-00329 AND 61-00310.

+ - - Audit Fields - - +
11/03/98 RHOWERTO

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 09/12/1994	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	- Y	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 11/03/1998	Old Judicial District	-
Claim Received Date	- 12/07/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- W006854	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

December 3, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

STEPHENS & SONS INC
C/O JAKE STEPHENS
22710 S LANSING
MIDDLETON ID 83644

NOTICE OF CLAIM NOS.

Cold Springs Creek Claims: A61-00309, A61-00312, A61-00316, A61-00328, A61-10578, A61-10579.

Wastewater Claim: A61-10577

REF: REQUEST FOR EVIDENCE OF IRRIGATION for all above claims & PRIORITY DATE for Wastewater Claim.

RESPONSE DATE: JANUARY 5, 1998

Dear Jake,

This letter serves to inform you, of the work that has been done and some idea of what work still needs to be done in order to consider recommending these claims to the court for decree.

During the field exam I conducted, September 12, 1994, with Barney Stephens and Pat Pollard, they showed me this land.

During the exam we discussed what may have been historically irrigated. I also asked Barney if he had ever irrigated this land? He said hadn't been able to. I explained that some kind of evidence from him, (now you) at later date would need to be provided to show that the irrigation had not been abandoned. The field exam was inconclusive. (We do not have any map that indicates any irrigation to base any prior irrigation on.)

I assume you, will want to continue pursue this issue, since I heard Barney has passed on, and cannot provide further information for preserving these water rights.

This is the typical type of evidence you will need to provide:

Evidence is needed for all irrigation claims, it may be provided by:

1. Affidavits- a notarized statement of someone with personal knowledge.

2. Crop reports, income tax documents showing sale of crops, or property tax documents showing property was taxed as irrigated agriculture.

If the reason for no evidence of irrigation is Non-availability of water, then evidence will need to be provided to include:

3. What dates was water not available to the property and what dates of use to what dates of non-use that may include periods of 5 years or more of non-availability of use dates?

Evidence is needed for date of priority for the waste water claim for irrigation. PLEASE refer to the enclosed pamphlet titled "EVIDENCE OF PRIORITY".

PLEASE respond to this office by the RESPONSE DATE indicated above and feel free to contact me if you have any questions concerning any of the items covered or not covered in this letter.

I am attaching profile reports of these claims and a couple of blank affidavit forms for your convenience.

Sincerely,



Ron Howerton
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

Attachments: Claim profile reports, affidavit forms & evidence pamphlet

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO.

61-10578

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*		Rch 9/12/94					
PT. OF DIV.							DATA ENTRY COMPLETED BY _____ DATE _____
SOURCE							
PL. OF USE							FINAL RECOMMENDATION BY _____ DATE _____
DIV. AMOUNT CFS/AF							
CONSUMPTIVE USE							
NATURE OF USE							
PERIOD OF USE							
BASIS OF CLAIM							
REMARKS							

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

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

COMMENTS: SEE 309 FOR ALL INFO

VERIFICATION CODES

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

DISALLOWED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:19:52
07/06/94

PAGE: 1
GENERAL INFORMATION

328
CLAIM NUMBER: A61-10578

LAST: STEPHENS & SONS FIRST:
ADDRESS: C/O JACK STEPHENS
22710 S. LANSING
CITY: MIDDLETON STATE: ID ZIP: 83644
PHONE NUMBER: 208-366-2364

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: THIS CLAIM IS COMBINED WITH A61-00314, A61-00329 AND 61-00310.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: __/__/__

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

A. AJ CLAIM: # A61-10578 PRIORITY DATE: 05-01-1883 STAGE: D

B. WR RECORD: NO WATER RIGHT RECORD TO MATCH THIS AJ CLAIM

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN.

NOTES: _____

=====

RECOMMENDED PRIORITY DATE:
____-____-____

REVIEWED BY _____

DATE _____

=====

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A61-10578	04S	09E	32		NW	SE		ELMORE

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX

A61-00309

NONE

A61-00312

A61-00316

A61-00328

A61-10579

WR RECORDS IN SAME 40 ACRE TRACT

NONE

SOURCE: COLD SPRINGS CREEK

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)

(Y/N)

DATABASE

Y

FIELD
EXAMINER

DUE TO SOURCE DISCREPANCY? (Y/N)

Y

NOTES:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY	DIVERSION NAME
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: _____

TRIB: _____

REVIEWED BY: _____

DATE: _____

SYSTEM DESCRIPTION:

A. ROOT WATER RIGHT NUMBERS: A61-10578

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
04S	09E	32	SW	SE		STEPHENS & SONS	A61-10578 /40.0	- /	38.0		
			SW	SE		STEPHENS & SONS	A61-10579 /40.0	- /			
			SW	SE		STEPHENS & SONS	A61-00309 /40.0	- /			
			SW	SE		STEPHENS & SONS	A61-00312 /40.0	- /			
			SW	SE		STEPHENS & SONS	A61-00316 /40.0	- /			
			SW	SE		STEPHENS & SONS	A61-00328 /40.0	- /			
			SW	SE		STEPHENS & SONS	A61-10577 /10.0	- /			
			SW	SE		HALL, ADIN M.		61-00310 /			
			SW	SE		HALL, ADIN M.		61-00313 /			
			SW	SE		DOUBLE ANCHOR RANCHES INC.		61-04147 /40.0			
04S	09E	32	SE	SE		STEPHENS & SONS	A61-10578 /40.0	- /	40.0		
			SE	SE		STEPHENS & SONS	A61-10579 /40.0	- /			
			SE	SE		STEPHENS & SONS	A61-00309 /40.0	61-00309 /			
			SE	SE		STEPHENS & SONS	A61-00312 /40.0	- /			
			SE	SE		STEPHENS & SONS	A61-00316 /40.0	- /			
			SE	SE		STEPHENS & SONS	A61-00328 /40.0	- /			
			SE	SE		STEPHENS & SONS	A61-10577 /40.0	- /			
			SE	SE		HALL, ADIN M.		61-00280 /			
			SE	SE		HALL, ADIN M.		61-00311 /			
			SE	SE		DOUBLE ANCHOR RANCHES INC.		61-04147 /40.0			
04S	09E	33	SW	SW		STEPHENS & SONS	A61-10578 /20.0	- /	22.0		
			SW	SW		STEPHENS & SONS	A61-10579 /20.0	- /			
			SW	SW		STEPHENS & SONS	A61-00309 /20.0	61-00309 /			
			SW	SW		STEPHENS & SONS	A61-00312 /20.0	- /			
			SW	SW		STEPHENS & SONS	A61-00316 /20.0	- /			
			SW	SW		STEPHENS & SONS	A61-00328 /20.0	- /			
			SW	SW		STEPHENS & SONS	A61-10577 /20.0	- /			
			SW	SW		HALL, ADIN M.		61-00280 /			
			SW	SW		HALL, ADIN M.		61-00311 /			
			SW	SW							
05S	09E	4	NW	NW		STEPHENS & SONS	A61-10578 / 1.0	- /			
			NW	NW		STEPHENS & SONS	A61-10579 / 1.0	- /			
			NW	NW		STEPHENS & SONS	A61-00309 / 1.0	- /			
			NW	NW		STEPHENS & SONS	A61-00312 / 1.0	- /			
			NW	NW		STEPHENS & SONS	A61-00316 / 1.0	- /			
			NW	NW		STEPHENS & SONS	A61-00328 / 1.0	- /			
			NW	NW		STEPHENS & SONS	A61-10577 / 1.0	- /			
			NW	NW	4	HALL, ADIN M.		61-00280 /			
05S	09E	5	NE	NE		STEPHENS & SONS	A61-10578 /40.0	- /			
			NE	NE		STEPHENS & SONS	A61-10579 /40.0	- /			
			NE	NE		STEPHENS & SONS	A61-00309 /40.0	61-00309 /			

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
			NE	NE		STEPHENS & SONS	A61-00312 /40.0	- /			
			NE	NE		STEPHENS & SONS	A61-00316 /40.0	- /			
			NE	NE		STEPHENS & SONS	A61-00328 /40.0	- /			
			NE	NE		STEPHENS & SONS	A61-10577 /40.0	- /			
			NE	NE	1	HALL, ADIN M.		61-00311 /			
			NE	NE	2	HALL, ADIN M.		61-00310 /			
05S	09E	5	NW	NE		STEPHENS & SONS	A61-10578 /40.0	- /			
			NW	NE		PEARSON 1972 TRUST, JOYCE WUNDA	A61-10659 /	- /			
			NW	NE		STEPHENS & SONS	A61-10579 /40.0	- /			
			NW	NE		STEPHENS & SONS	A61-00309 /40.0	- /			
			NW	NE		STEPHENS & SONS	A61-00312 /40.0	- /			
			NW	NE		STEPHENS & SONS	A61-00316 /40.0	- /			
			NW	NE		STEPHENS & SONS	A61-00328 /40.0	- /			
			NW	NE		STEPHENS & SONS	A61-10577 / 5.0	- /			
			NW	NE	2	HALL, ADIN M.		61-00313 /			
			NW	NE	5	HALL, ADIN M.		61-00310 /			
05S	09E	5	SW	NE		STEPHENS & SONS	A61-10578 /28.0	- /	40.0		
			SW	NE		STEPHENS & SONS	A61-10579 /28.0	- /			
			SW	NE		STEPHENS & SONS	A61-02153 /28.0	61-02153 /28.0			
			SW	NE		STEPHENS & SONS	A61-00309 /28.0	- /			
			SW	NE		STEPHENS & SONS	A61-00312 /28.0	- /			
			SW	NE		STEPHENS & SONS	A61-00316 /28.0	61-00316 /			
			SW	NE		STEPHENS & SONS	A61-00328 /28.0	61-00328 /			
			SW	NE		STEPHENS & SONS	A61-10577 /28.0	- /			
			SW	NE		MC GINNESS, DANIEL		61-00329 /			
			SW	NE	3	HALL, ADIN M.		61-00314 /			
			SW	NE	3	HALL, ADIN M.		61-00315 /			
05S	09E	5	SE	NE		STEPHENS & SONS	A61-10578 /34.0	- /	33.0		
			SE	NE		STEPHENS & SONS	A61-10579 /34.0	- /			
			SE	NE		STEPHENS & SONS	A61-02153 /34.0	61-02153 /34.0			
			SE	NE		STEPHENS & SONS	A61-00309 /34.0	- /			
			SE	NE		STEPHENS & SONS	A61-00312 /34.0	- /			
			SE	NE		STEPHENS & SONS	A61-00316 /34.0	61-00316 /			
			SE	NE		STEPHENS & SONS	A61-00328 /34.0	61-00328 /			
			SE	NE		STEPHENS & SONS	A61-10577 /34.0	- /			
			SE	NE		MC GINNESS, DANIEL		61-00329 /			
			SE	NE	5	HALL, ADIN M.		61-00311 /			
			SE	NE	5	HALL, ADIN M.		61-00314 /			
			SE	NE	5	HALL, ADIN M.		61-00315 /			
05S	09E	5	NE	NW		STEPHENS & SONS	A61-10578 / 4.0	- /			
			NE	NW		STEPHENS & SONS	A61-10579 / 4.0	- /			
			NE	NW		STEPHENS & SONS	A61-00309 / 4.0	61-00309 /			
			NE	NW		STEPHENS & SONS	A61-00312 / 4.0	- /			
			NE	NW		STEPHENS & SONS	A61-00316 / 4.0	- /			

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
			NE	NW	3	STEPHENS & SONS	A61-00328 / 4.0	- /			
			NE	NW		HALL, ADIN M.		61-00280 /			
05S	09E	5	SE	NW		STEPHENS & SONS	A61-10578 /25.0	- /		36.0	
			SE	NW		STEPHENS & SONS	A61-10579 /25.0	- /			
			SE	NW		STEPHENS & SONS	A61-00309 /25.0	- /			
			SE	NW		STEPHENS & SONS	A61-00312 /25.0	- /			
			SE	NW		STEPHENS & SONS	A61-00316 /25.0	61-00316 /			
			SE	NW		STEPHENS & SONS	A61-00328 /25.0	- /			
			SE	NW		HALL, ADIN M.		61-00280 /			
			SE	NW		HALL, ADIN M.		61-00314 /			
			SE	NW		HALL, ADIN M.		61-00315 /			
05S	09E	5	NE	SW		STEPHENS & SONS	A61-10578 /40.0	- /		17.0	
			NE	SW		STEPHENS & SONS	A61-10579 /40.0	- /			
			NE	SW		STEPHENS & SONS	A61-00309 /40.0	- /			
			NE	SW		STEPHENS & SONS	A61-00312 /40.0	- /			
			NE	SW		STEPHENS & SONS	A61-00316 /40.0	61-00316 /			
			NE	SW		STEPHENS & SONS	A61-00328 /40.0	- /			
			NE	SW		HALL, ADIN M.		61-00280 /			
			NE	SW		HALL, ADIN M.		61-00314 /			
05S	09E	5	NE	SE		STEPHENS & SONS	A61-10578 / 6.0	- /		32.0	
			NE	SE		STEPHENS & SONS	A61-10579 / 6.0	- /			
			NE	SE		STEPHENS & SONS	A61-02153 / 6.0	61-02153 / 6.0			
			NE	SE		STEPHENS & SONS	A61-00309 / 6.0	- /			
			NE	SE		STEPHENS & SONS	A61-00312 / 6.0	- /			
			NE	SE		STEPHENS & SONS	A61-00316 / 6.0	- /			
			NE	SE		STEPHENS & SONS	A61-00328 / 6.0	61-00328 /			
			NE	SE		STEPHENS & SONS	A61-10577 / 6.0	- /			
			NE	SE		HALL, ADIN M.		61-00315 /			
			NE	SE		MC GINNESS, DANIEL		61-00329 /			
05S	09E	5	NW	SE		STEPHENS & SONS	A61-10578 /32.0	- /		37.0	
			NW	SE		STEPHENS & SONS	A61-10576 /	- /			
			NW	SE		STEPHENS & SONS	A61-10576 /	- /			
			NW	SE		STEPHENS & SONS	A61-10579 /32.0	- /			
			NW	SE		STEPHENS & SONS	A61-02153 /32.0	61-02153 /32.0			
			NW	SE		STEPHENS & SONS	A61-00309 /32.0	- /			
			NW	SE		STEPHENS & SONS	A61-00312 /32.0	- /			
			NW	SE		STEPHENS & SONS	A61-00316 /32.0	- /			
			NW	SE		STEPHENS & SONS	A61-00328 /32.0	61-00328 /			
			NW	SE		STEPHENS & SONS	A61-10577 /32.0	- /			
			NW	SE		MC GINNESS, DANIEL		61-00329 /			
TOTAL ACRES							A61-10578	350.00		295.00	

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

POU COUNTY: ELMORE

PRESUMPTION FLAG:

NOTES:

=====

RECOMMENDATIONS:

TOTAL ACRES: _____

REVIEWED BY: _____

DATE: _____

=====

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A61-10578 IRRIGATION	FROM 04-01 TO 11-01	2.900 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		2.900 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
----------	-----------	--------------------

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? Y() N()

RECOMMEND TO WR STANDARDS OR OTHER? Y() N() Explain in notes, below.

NOTES:

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 2.900 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

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

B. FLOW MEASUREMENT
MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y() N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: A61-00309, A61-00316, A61-00328, A61-00329, A61-02153.

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A61-10578	COLD SPRINGS CREEK	STEPHENS & SONS	2.900	0.008		
A61-00309	COLD SPRINGS CREEK	STEPHENS & SONS	0.580	0.001		
A61-00312	COLD SPRINGS CREEK	STEPHENS & SONS	0.480	0.001		
A61-00316	COLD SPRINGS CREEK	STEPHENS & SONS	1.900	0.005		
A61-00328	COLD SPRINGS CREEK	STEPHENS & SONS	1.400	0.004		
A61-02153	GROUNDWATER	STEPHENS & SONS	2.000	0.020	450.00	4.50
A61-10577	WASTE WATER	STEPHENS & SONS	4.320	0.020		
A61-10579	COLD SPRINGS CREEK	STEPHENS & SONS	2.240	0.006		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A61-10659	DOMESTIC	PEARSON 1972 TRUST, JOYCE WUNDFROM	01-01 TO 12-31	.040 CFS	
A61-10659	STOCKWATER	PEARSON 1972 TRUST, JOYCE WUNDFROM	01-01 TO 12-31	.090 CFS	
R61-10576	DOMESTIC	STEPHENS & SONS	FROM 01-01 TO 12-31	.040 CFS	
R61-10576	STOCKWATER	STEPHENS & SONS	FROM 01-01 TO 12-31	.050 CFS	
A61-10576	DOMESTIC	STEPHENS & SONS	FROM 01-01 TO 12-31	.040 CFS	

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A61-10576	STOCKWATER	STEPHENS & SONS	FROM 01-01 TO 12-31	.050 CFS	

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from p/u review)

1b. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ 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()

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
		DATABASE EXAMINER	DATABASE EXAMINER	DATABASE EXAMINER
IRRIGATION	04-01 11-01	2.900 _____	_____	0.0 _____
TOTAL FOR THIS RIGHT		2.900		0.0

REVIEWED BY: _____ DATE: _____

=====

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: 61-10578

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 2.900	EXAMINER _____	CFS
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SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A61-00314	A61-10578	2.900	-		61-00314	0.400
A61-00329	A61-10578	2.900	-		61-00329	1.300
A61-00310	A61-10578	2.900	-		61-00310	1.200
TOTAL CFS		8.700				2.900

DIVERSION RATE REVIEW

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)

DATABASE	FIELD EXAMINER
N	_____

NOTES:

AUTHENTICATION:

SIGNATURE: Ron Howerton

DATE: 11/3/98

NAME OF FIELD EXAMINER: Ron Howerton TITLE: _____

Sr Water Agent

DISALLOWED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

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QUICKLOOK INFORMATION

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CLAIM NUMBER: A61-10578

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	Y							
POINT OF DIV	Y							
SOURCE	Y							
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES								
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							
REMARKS	Y							

"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

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PROFILE REPORT

CLAIM NUMBER: A61-10578

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	STEPHENS & SONS C/O JACK STEPHENS 22710 S. LANSING MIDDLETON ID 83644 (208) 366-2364	05/01/1883	IRRIGATION	04-01 11-01	2.90 CFS	
					TOTAL DIVERSION:	2.90 CFS

Water Source: COLD SPRINGS CREEK

Tributary to: SNAKE RIVER

Stage: DECREEED

Point(s) of Diversion: T04S R09E S32 NWSE

ELMORE County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
T	R S	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: SUM
04S	09E 32	:				:				:				:		40	40	: 80.0
04S	09E 33	:				:				:			20	:				: 20.0
05S	09E 4	:				:		01		:				:				: 1.0
05S	09E 5	:	40	40	28	34	:	04		:	25	40		:	06	32		: 249.0
																	TOTAL ACRES	350.0

POU County: ELMORE

Non-Irrigation Uses: INSTREAM STOCKWATER

Other Rights: A61-00309, A61-00316, A61-00328, A61-00329, A61-02153.

Remarks: THIS CLAIM IS COMBINED WITH A61-00314, A61-00329 AND 61-00310.

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: Field Inspection Flag:
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

Date: July 5, 1994

CECIL D. ANDRUS
GOVERNOR

Stephens & Sons Inc
C/O Jake Stephens
22710 S Lansing
Middleton, Id 83644

R. KEITH HIGGINSON
DIRECTOR

RE: Field Exam Scheduling Letter for the following Adjudication Claims:

A61-00287, A61-00309, A61-00312, A61-00316, A61-00328, A61-02153,
A61-10577, A61-10578 & A61-10579

Dear Jake,

The Adjudication Staff of the Department of Water Resources will be conducting Snake River Basin Adjudication Claim Examinations for Elmore County from July through November 1994.

Information on your claim that may need to be verified includes, source(s) of water, uses and amounts, legal descriptions of point(s) of diversion, place of use and in some cases documentation verifying the date of priority as claimed in the Snake River Basin Adjudication.

Although it is not mandatory that you accompany me, should questions arise during the exam, it would be most helpful for yourself or a knowledgeable representative to be available during the field exam. This will help in the accuracy of collecting specific information about your water right and speed up our findings.

I would appreciate your call ASAP to set-up a field exam date. I may also be calling to help speed up the scheduling due to the short field season this year.

If you have other questions prior to scheduling a date or about the field examination, feel free to call me on that too. Please call today to set-up your exam!

Sincerely,


Ron Howerton
ADJUDICATION STAFF
Department of Water Resources
Western Region Office
(208) 334-2190