

IDWR

T05S, R09E

Claim(s) 61-11807
Owner(s) : Stephens &
Sons.
Date: 9 Sep 98
Total Acres: 17

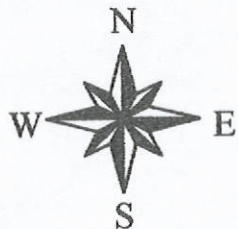
 POU

 POD

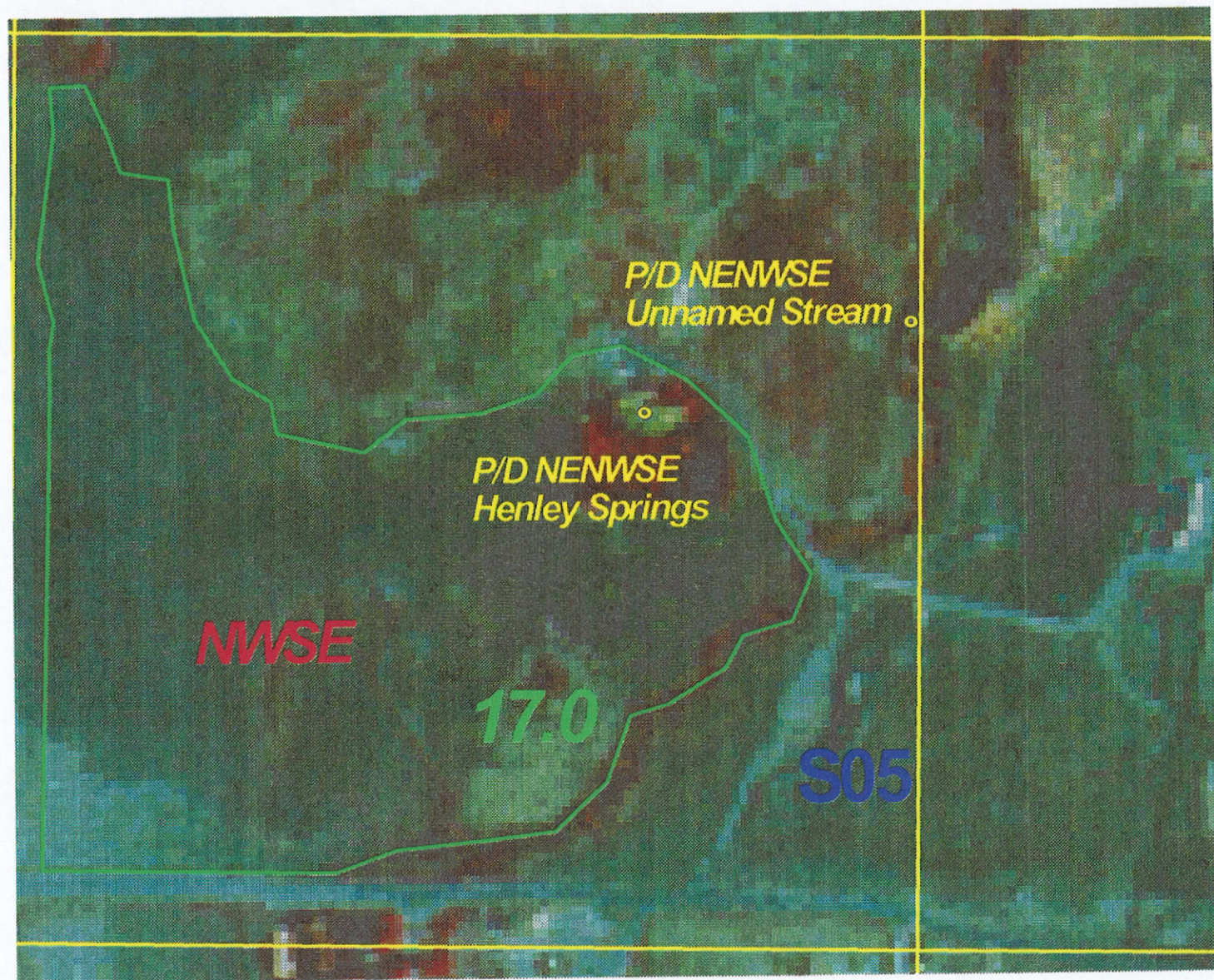
 SECTION LINES

 1/4 1/4

Acres = 17

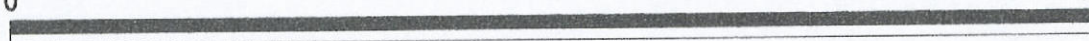


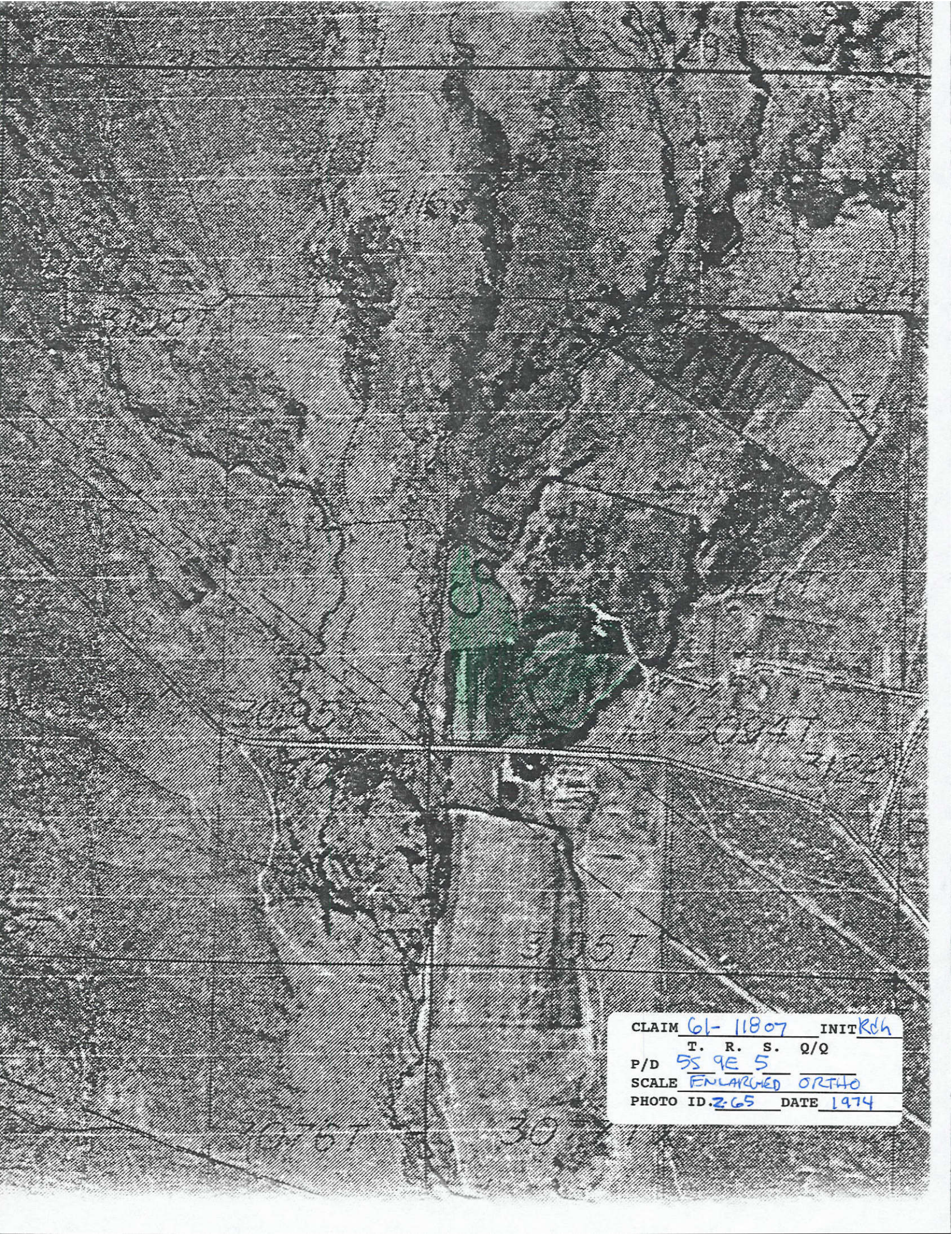
1987 NAPP



0

0.25 Miles





CLAIM 61-11807 INIT Rch
T. R. S. Q/Q
P/D SS 9E 5
SCALE ENLARGED ORTHO
PHOTO ID. 2-65 DATE 1974

PICTURE #1

61-11807: FX 09/09/94. Photo's by RDH. Pump and motor in distribution culvert.



PICTURE #2

Out building with 4400 gallon holding tank.



PICTURE #3

61-11807: FX 09/09/94. Photo's by RDH. Place of use from out building toward home.



PICTURE #4

Holding pond from unnamed stream.



PICTURE #5

61-11807: FX 09/09/94. Photo's by RDH. View of unnamed stream's holding pond.



PICTURE #6

Henley spring is inside of home. Underground piped to holding tank and distribution culvert box.



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: A61-11807
Date Received: 10/ 6/1994
Receipt No: W018217
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
Address: RT 1 BOX 451
GLENN'S FERRY ID 83623 208-366-7931

2. Date of Priority: APR 30, 1952

3. Source: HENLEY SPRINGS
UNNAMED STREAM Trib. to: COLD SPRING CREEK
COLD SPRING CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	09E	5	NW	SE			ELMORE

5. Description of diverting works:
WATER IS CO-MINGLED IN A 4400 GAL TANK, PUMPED TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.540		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	09E	5	NW	SE		IRR	27.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	27.0
					Total Acres	27.0

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, -312, -316, -325, -10577, -10578 & 10579

14. Remarks:

NO LATE FEE PRIOR CLAIMS FILED ON TIME.

2 POINTS OF DIVERSION LOCATED IN NWSE, S05, T05S, R09E.

OWNERSHIP CHANGED BY RDH ON 1/14/99.

15. Basis of Claim: BENEFICIAL USE

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: ARD 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 and 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.

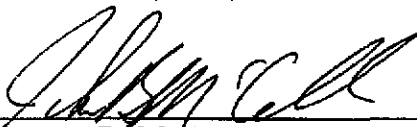
BE IT FURTHER RESOLVED, that the Manager of this Company be, and it hereby is, authorized and empowered to enter into and execute contracts, leases, agreements and other legal documents of whatever kind or nature, specifically including agreements of limited partnership, as may be agreed to be necessary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

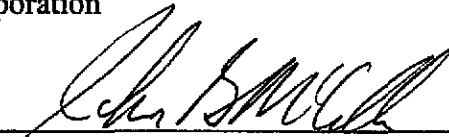
A.R.D. TRADING, INC., a Delaware corporation

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 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 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,

excepting those as may be herein set forth, and excepting those of record, and that it will warrant and defend its interest in the same from all lawful claims.

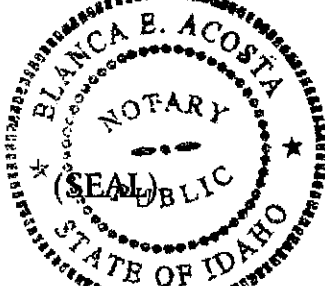
IN WITNESS WHEREOF, the Grantor has executed this instrument on this 2 day of December, 1998.

STEPHENS & SONS, INC.

By: Billy Roy Stephens
Authorized Signator Pres

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 Billy Roy Stephens, an authorized signator of Stephens & Sons, Inc., an Idaho corporation, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same and was so authorized to do so for and on behalf of said corporation.



ja/C:\my\id\114013\stephenswdcorp.wpd

Blanca E. Acosta
Notary Public for Idaho
Commission expires: 9-1-99

312066

ELMORE COUNTY, IDAHO as
Request of

GUARANTY TITLE, INC.

Time 4:51 P M

Date December 4, 1998

Book _____ Page _____

DOLORES ROBISON

Recorder

By [Signature]

Deputy

Fee \$6.00

CORPORATE WARRANTY DEED - 2

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 Glenora Ferry ID 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 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,

excepting those as may be herein set forth, and excepting those of record, and that he 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.

Billy Roy Stephens
Billy Roy 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 BILLY ROY STEPHENS, a single man, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same



ja/C:\My Files\ID\K\stephens\dark2.wpd

Blanca E. Acosta
Notary Public for Idaho
Commission expires: 9-1-99

312065

ELMORE COUNTY, IDAHO ss
Request of

GUARANTY TITLE, INC.

Time 4:50 P M
Date December 4, 1998
Book _____ Page _____

DOLORES ROBISON

Recorder

By [Signature]
Deputy

Fee \$6.00

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 83623

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 8.00

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.

Dated: 12-2-98

Evelyn M. Stephens
Evelyn M. Stephens
Personal Representative of the Estate of
Edgar G. Stephens, deceased, aka
Edgar Barney Stephens

STATE OF IDAHO)
 :SS
County of Canyon)

On this 2nd day of December, 1998, before me, a notary public, personally appeared Evelyn M. Stephens, known to me to be the person whose name is subscribed to the within instrument as personal representative of the estate of Edgar G. Stephens, deceased, aka Edgar Barney Stephens, and acknowledged to me ~~that he~~ executed the same as such personal representative.



Blanca E. Acosta
Notary Public for Idaho
Commission expires: 9-1-99

WARRANTY DEED

EVELYN M. STEPHENS, Grantor, hereby conveys, grants and warrants to ARK PROPERTIES, L.L.C., Grantee, whose address is RT. 1 Box 437 Blaines Ferry, Id 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: A61-11807

Date Received: 10/ 6/1994

Receipt No: W018217

Received By: dc Rdn

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

1. Name: STEPHENS & SONS INC 208-366-2364
Address: 22710 S LANSING
MIDDLETON ID 83644

2. Date of Priority: APR 30, 1952

3. Source: HENLEY SPRINGS Trib. to: COLD SPRING CREEK
UNNAMED STREAM COLD SPRING CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	09E	5	NW	SE			ELMORE

5. Description of diverting works:
WATER IS CO-MINGLED IN A 4400 GAL TANK, PUMPED TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.540		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	09E	5	NW	SE		IRR	27.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	27.0
					Total Acres	27.0

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, -312, -316, -325, -10577, -10578 & 10579

14. Remarks:

NO LATE FEE PRIOR CLAIMS FILED ON TIME.

2 POINTS OF DIVERSION LOCATED IN NWSE, S05, T05S, R09E.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For 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)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

CLAIM FEE = 77.00
REQUIREDIN 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 SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 461-11807

Date Received 10-6-94

Receipt Number W 018217

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) STEPHENS & SONS, INC. Phone (208) 366-2364
Mailing Address ~~C/O JAKE STEPHENS~~ 22710 S. LANSING - MIDDLETON, ID Zip 83644

2. Date of Priority (Only one (1) per claim) APRIL 30, 1952 ← Month/Day/YEAR

3. Source of water supply (a) HENLEY SPRINGS / UNNAMED STREAM
which is tributary to (b) COLD SPRING CREEK4. a. Location of existing point of diversion is: Township 5S Range 9E Section 5
1/4 of NW 1/4 of SE 1/4, Govt. Lot, B.M., County of ELMOREAdditional points of diversion if any: (2-POINTS IN ABOVE LEGAL) SPRING & UNNAMED
STREAM P/D'S IN
SAME 1/4 1/4.

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.GRAVITY FLOWS FROM HENLEY SPRINGS
UNDER A DOME AND GRAVITY FLOWS FROM UNNAMED STREAM TO DISTRIBUTION
HOLDING TANK. PART OF SYSTEM INCLUDES A 4400 GAL HOLDING TANK
UNDER OUT-BUILDING. WATER IS THEN PUMPED BY A 10HP
MARATHON ELECTRIC MOTOR AND BERKELEY PUMP INTO SPRINKLER
IRRIGATION WITH HAND LINES. A HOLDING CATCH GATE CONTROLS
THE FLOW TO THE DISTRIBUTION POINT. OVERFLOW FROM HENLEY SPRINGS
FLOWS INTO THE DISTRIBUTION POINT, BOTH ARE CO-MINGLED AND
PUMPED AS NEEDED. WHEN SYSTEM IS NOT WORKING OVERFLOW IS RUN-OFF
INTO AN UNNAMED STREAM ACROSS ROAD.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 4/1 to 10/31 amount .54 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .54 (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.) NONE

10. Description of place of use:

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

b. If water is used for other purposes, place a symbol of 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	
55	9E	5														27			27

Total number of acres irrigated 27

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, 312, 316, 325, 10578, 10579, 10577 or None ()
COLORADO SPRINGS CR (WASTEWATER)

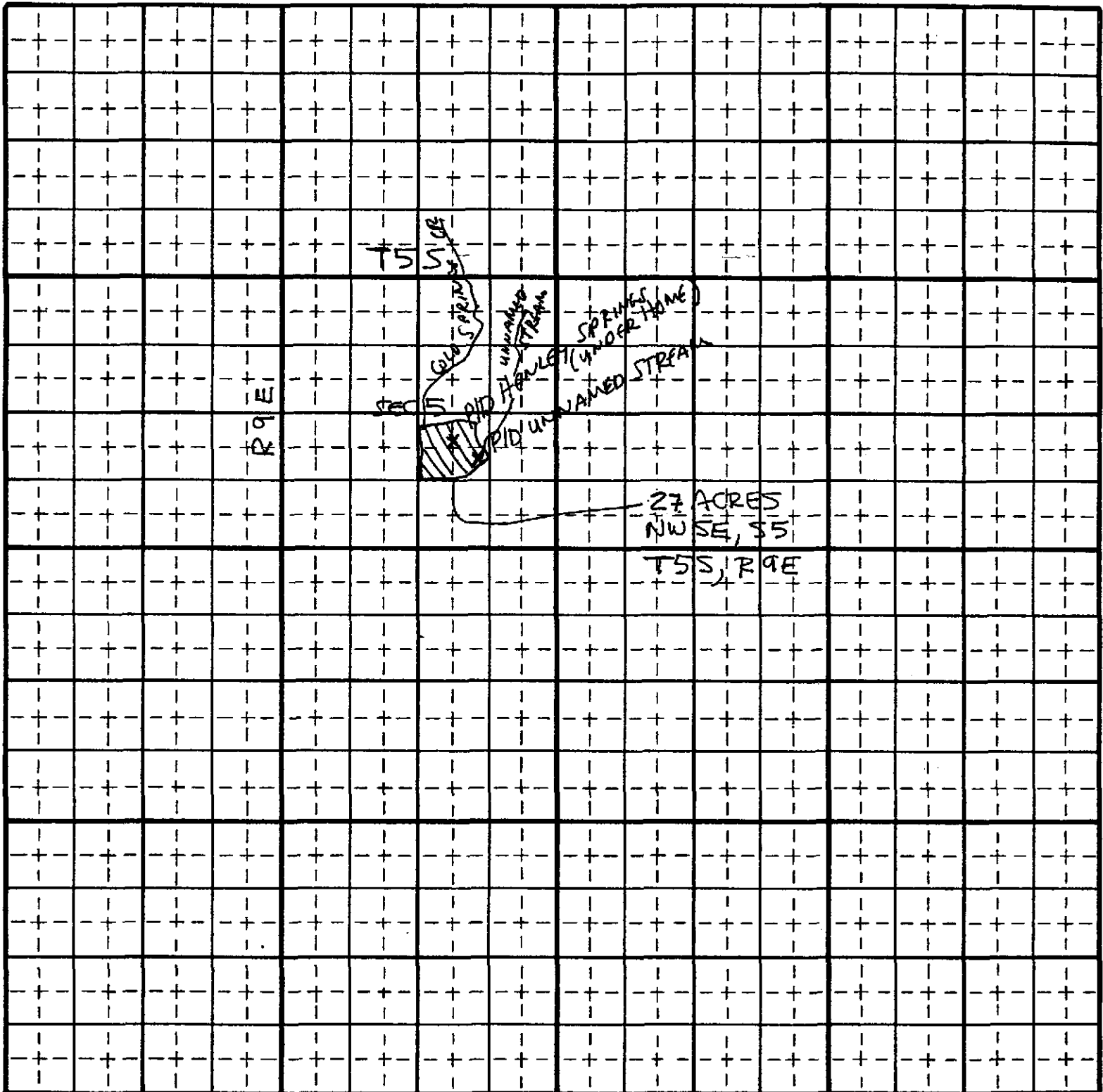
14. Remarks:

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



Last Name STEPHENS & SONS, INC. Ident No. _____

Copies: White-State, Yellow-Claimant

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

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒
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 EDGAR G. STEPHENS
Title
of STEPHENS + SONS, INC. that I have signed the foregoing
Organization
document in the space below as VICE PRES. of STEPHENS + SONS, INC.
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent X Edgar G. Stephens
Title and Organization VICE-PRES. STEPHENS + SONS, INC. Date 10/6/94

State of Idaho/or _____)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 6th day of OCTOBER 19 94

SEAL

Notary Public Ren Howerton

Residing at _____

Ren Howerton

My Commission Expires _____

Residing at Boise, Idaho

My Commission Expires December 8, 1994

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 _____ Ident. Number _____

Copies White-State, Yellow-Claimant

RECEIVED

SEP 12 2002

Department of Water Resources

SEP 11 AM 10:28

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.

)
) ORDER OF PARTIAL DECREE
)
) For Water Right 61-00297, 61-00298,
) 61-02111, 61-11807 and 61-11885

On June 19, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 61-00297, 61-00298, 61-02111, 61-11807 and 61-11885 is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED September 11, 2002



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

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 61-11807

2002 SEP 11 AM 10:28

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

SOURCE: HENLEY SPRINGS TRIBUTARY: COLD SPRINGS CREEK
UNNAMED STREAM COLD SPRINGS CREEK

QUANTITY: 0.34 CFS

PRIORITY DATE: 04/30/1952

POINT OF DIVERSION: T05S R09E S05 NENWSE Within Elmore County
NENWSE

2 POINTS OF DIVERSION LOCATED IN T05S, R09E, S05, NENWSE.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-15	0.34 CFS

PLACE OF USE: Irrigation Within Elmore County
T05S R09E S05 NWSE 17.0
17.0 Acres Total

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

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN
BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 61: WATER RIGHT NO. SOURCE NONE NONE. THE
FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN
BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE
NONE. ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

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(5).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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 61-11885

2002 SEP 11 AM 10:28

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME AND ADDRESS: CHARTER MOUNTAIN RANCH INC
RT 1 BOX 451
GLENNS FERRY, ID 83623

SOURCE: COLD SPRINGS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.48 CFS

PRIORITY DATE: 07/05/1955

POINT OF DIVERSION: T03S R09E S35 NWSWNE Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-15	0.48 CFS

PLACE OF USE:	Irrigation	Within Elmore County
	T04S R09E S08	NWNE 2.4 SWNE 25.0
		NESW 39.0 NWSW 9.3
		SWSW 6.3 SESW 39.0
		NWSE 27.0 SWSE 23.0
	S17	NENW 32.0 NWNW 12.0
	215.0 Acres Total	

USE OF THIS RIGHT WITH RIGHT NOS. 61-02111 & 61-301B IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215 ACRES 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).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on September 11, 2002, with sufficient first-class postage to the following:

ARK PROPERTIES LLC
CHARTER MOUNTAIN RANCH INC
JOHN MCCALLUM

Represented by:
BRUCE M. SMITH
225 NORTH 9TH ST, STE 420
BOISE, ID 83702
Phone: 208-331-1800

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

Robbin [Signature]

RECEIVED

JUN 10 1999

RECEIVED

JUN 22 1999

Department of Water Resources

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

A Subcase 61-11807

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

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): Original claim was based on actual use.

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

Clithorn G. Smith
Notary Public for Idaho
Residing at: Nampa: 1714 Silver Dr.
My Commission Expires: 1-28-2000

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



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 black ink 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

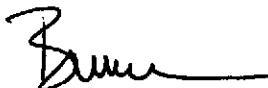
Mel Schulte
Adjudication Bureau
Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, ID 83705-5082

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: 61-11807

STEPHENS & SONS
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 CLAIM PROFILE REPORT
(REGIONAL)

.....

POU County: **ELMORE**

Conditions of Approval:

- C15 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN BASIN 61:
- | WATER RIGHT NO. | SOURCE |
|-----------------|--------|
| NONE | NONE |
- THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN THE SNAKE RIVER BASIN:
- | WATER RIGHT NO. | SOURCE |
|-----------------|--------|
| NONE | NONE |
- ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES
- OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
- CONJUNCTIVELY.

Remarks: POD 2 POINTS OF DIVERSION LOCATED IN T05S, R09E, S05, NENWSE.

Dates: **Exam Made Date:** 09/12/1994 **Verified Date:** 01/14/1999 **Objection Filed Date:**

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

AJ0749NP
No. R61-11807

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

DATE: 01/14/99
PAGE: 2

=====

Comments: Date: 11/22/1998 User-ID: AJU10-JS Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) C15 ADDED IF NOT ALREADY PART
OF RECORD THRU AJU10.

Date: 01/14/1999 User-ID: RHOWERTO Subject: OWNERSHIP
OWNERSHIP CHANGED BY RDH ON 1/14/99.

Audit: 01/14/99 RHOWERTO

IDWR T05S, R09E

Claim(s) 61-11807
Owner(s) : Stephens &
Sons.
Date: 9 Sep 98
Total Acres: 17

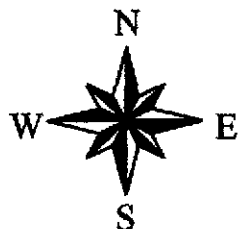
 POU

 POD

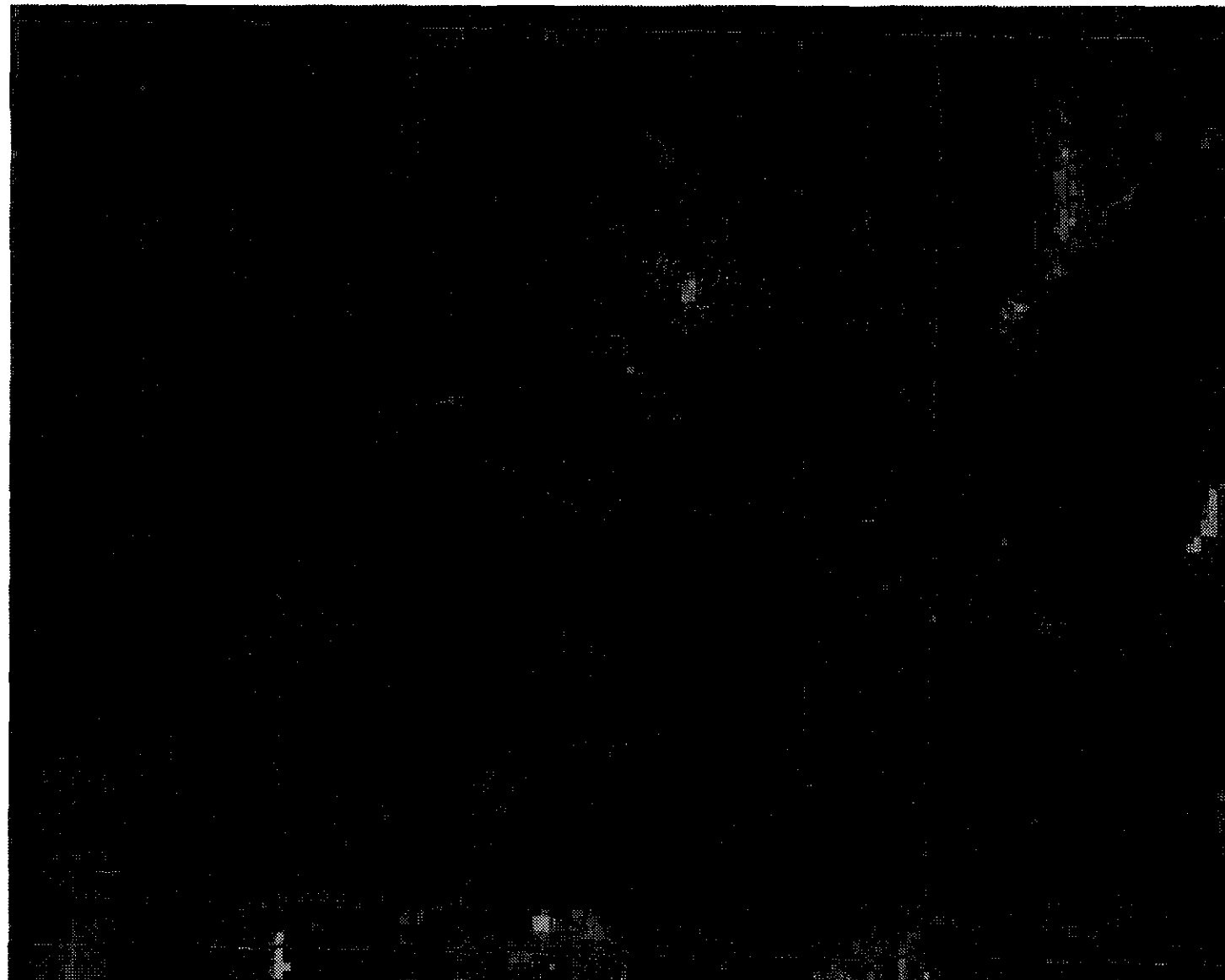
 SECTION LINES

 1/4 1/4

Acres = 17



1987 NAPP



0  0.25 Miles

CLAIM 61-11807 INIT K64
T. R. S. Q/Q
P/D 55 9E 5
SCALE ENLARGED 0.75x
PHOTO ID 265 DATE 1974



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

SEPT 16, 1994
RESPOND BY: OCTOBER 17, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

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

NOTICE OF CLAIM NO.(S)
A61-10577 Wastewater Claim
A61-????? Henley Springs/unnamed Stream New Claim A61-11807

Dear Barney Stephens,

1. During my field exam of A61-10577, I advised you that no-evidence of a priority date had been submitted for this claim. This evidence is necessary before any consideration can be given to recommend this claim to the court. In our discussion, Pat Pollard was going gather this evidence for you.

This letter is to additionally remind you that we need this information and set a response date of October 17, 1994.

2. The second part of this letter deals with the new beneficial use right A61-????? not yet filed.

During the claim taking period a claim was filed on A61-02153 for a similar place of use. The source for this right was a well. During our Field exam no evidence of a well could be found, to further confuse things was that the claim partly described the 4400 gallon holding tank in a pump house and pipes to the home and irrigation. However, no well was found as part of this system. Thus, A61-02153 does not exist and will be recommended for disallowal.

In place of A61-02153 a new claim (A61-?????) may be filed to cover the irrigation use if the use began prior to 1971.

If the use began after 1971 an application for permit must be filed.
(We discussed this during the field exam).

I have filed out a new claim based upon the field exam minus the date of priority. If the claim looks ok to you then do the following:

Submit the filing fee of \$77.00 with the claim. Make sure you sign the last page in front of a notary. Then that person must also sign and put their seal on it. Also, fill in the date of priority on line 2 for which you will submit the evidence of priority.

Please submit the required evidence for the Wastewater right and the new claim by October 17, 1994. If you have questions about this letter please contact me immediately.

Sincerely,



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

Attachments:

1. Notice of Claim Form
2. Map of Irrig. Acres

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

19:42:38
10/13/94

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A61-11807

LAST: STEPHENS & SONS INC
ADDRESS: 22710 S LANSING
CITY: MIDDLETON
PHONE NUMBER: 208-366-2364

FIRST:
STATE: ID ZIP: 83644

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: NO LATE FEE PRIOR CLAIMS FILED ON TIME.
2 POINTS OF DIVERSION LOCATED IN NWSE, S05, T05S, R09E.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: BARNEY STEPHENS

PHONE NUMBER: () -

DATE OF FIELD EXAM: 9/12/94

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: ABOVE

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: OWNER

DIRECTIONS TO PROPERTY / NOTES:

- SEE FIELD EXAM CONVERSATION MEMO DATED 12/5/97
- SEE COUNTY STRIP MAP

FIELD EXAM CONVERSATION MEMO

DATE OF MEMO: December 5, 1997

ADJ. NO(S): STEVENS & SONS Colds Springs Creek & Wastewater

NAME OF CONTACT: Harley Riggs (WATER MASTER FOR COLD SPRINGS CREEK)

PHONE NO: 366-2909 & mob # 587-1125 ext 1382

AGENT: RON HOWERTON

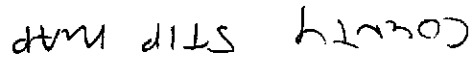
DATE SET FOR FIELD EXAM: 12/5/97

LOCATION: Bennett Road exit 99 go past feedlots, turn left on first dirt road then go 1.5 miles and turn left on next dirt road to home.

COMMENTS: Purpose of exam was to see if any changes had occurred in repairing Cold Springs POD or POU since field exam in 1994. Took photos of the POD and POU, no repair to POD or change evident to the POU to recommend beneficial use for irrigation.

TYPE OF SYSTEM: Gravity Flows

POLYCONIC



A. AJ CLAIM: # A61-11807 PRIORITY DATE: 04-30-1952 STAGE: J

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

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y() N(☒)

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y() N(☒)

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW) Y() N(☒)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED N/A(☒) Y() N()

FIELD EXAM COMPLETED N/A(☒) Y() N()

FIELD EXAM SENT TO STATE OFFICE N/A(☒) Y() N()

LICENSE ISSUED N/A(☒) Y() N()

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED? N/A() Y(☒) N()

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y(☒) N()

NOTES: SEE AFFIDAVIT(S)

=====

RECOMMENDED PRIORITY DATE:

4 .30 .52

REVIEWED BY Rdh

DATE 11/3/98

RECEIVED

OCT 12 1994

WATER RESOURCES
WESTERN REGION

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))
A61-11807)
)
)
)

AFFIDAVIT

State of Idaho)
County of Elmore)

NAN THOMASON being first duly sworn,

deposes and says: The lands irrigated around the home and
below to road in the NWSE of Section 5, T5S, R9E have been
irrigated by both HENLEY SPRINGS AND UNNAMED STREAM
(Delaney Homstead) since April, 1952.

This observed by me since that date.

Nan Thomason
(Signature)

Subscribed and sworn to before me this
day 30 of Sept, 1994.

Charles E. Lyons
(Notary Public)

Residing at Congress Ave.

My Commission Expires 27 May 95.

SEAL

OCT 12 1994

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))
A61-11807)

State of Idaho)
County of Elmore)

being first duly sworn,

deposes and says: ~~The lands irrigated around the home and~~
below to road in the NWSE of Section 5, T5S, R9E have been
irrigated by both ~~HENLEY~~^{HENLEY} SPRINGS AND UNNAMED STREAM
(Delaney Homestead) since April, 1952.

This observed by me since that date.

Subscribed and sworn to before me this
day 30 of Sept, 1994.

Residing at Congress Ave.

My Commission Expires 27 May 95.

SEP.

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A61-11807	05S 09E	5		NW	SE			ELMORE		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A61-02153 R61-10576
A61-10576

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: HENLEY SPRINGS
UNNAMED STREAM

TRIB: COLD SPRING CREEK
COLD SPRING CREEK

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. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A(☒) Y(☐) N(☐)

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A(☒) Y(☐) N(☐)

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y(☒) N(☐)

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☒) Y(☐) N(☐)

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y(☐) N(☒)

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y(☒) N(☐)

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____) Y(☐) N(☐)

AJ FIELD EXAM (DATE OF FIELD EXAM 9/12/14 NAME OF EXAMINER Row Howerton) Y(☒) N(☐)

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: WATER IS CO-MINGLED INTO SAME SYSTEM.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED ()

TWP. 05S	RGE. 09E	SEC. 5	1/4 NE	1/4 NW	1/4 SE	LOT	POD FLAG	COUNTY ELMORE	DIVERSION NAME	DIVERSION NBR
			NE	NW	SE				UNNAMED STREAM	
			NE	NW	SE				Hewley Springs	
SOURCE: <u>UNNAMED STREAMS</u>			TRIB: <u>COLD SPRINGS CR</u>							
SOURCE: <u>HENLEY SPRINGS</u>										

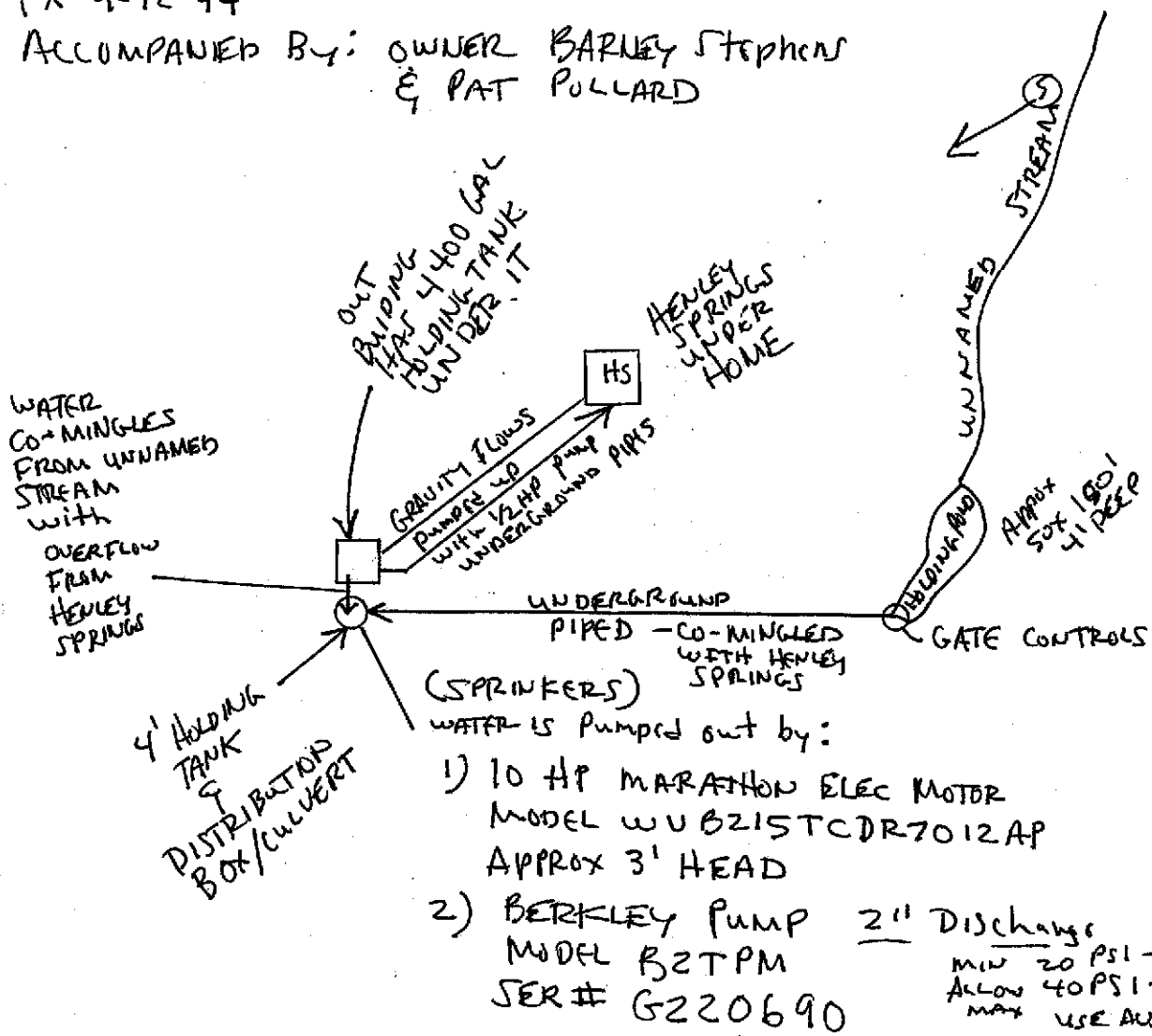
Same
tract
diffent
p115

REVIEWED BY: RCL DATE: 11/3/90

SYSTEM DESCRIPTION: DESCRIBED BELOW (), SEE LICENSE FILE (), OR SEE ATTACHMENT (X)

POD REM - F02

FX 9-12-94

ACCOMPANIED BY: OWNER BARNEY STEPHENS
& PAT POLLARD

*IRRIG. OF PASTURE GRASS, HAND LINES ARE USED.

Photo Log.

1. Pump & MOTOR IN DISTRIBUTION CULVERT
2. BUILDING WITH 4400 G. HOLDING TANK UNDER IT.
3. POV FROM OUT BUILDING LOOKING TOWARD HOME.
4. GATE CONTROLS IN HOLDING POND FROM UNNAMED STREAM
5. VIEW BACK TOWARD HOME FROM UNNAMED STREAM
6. PHOTO OF HOME where pipes go IN & OUT FROM SPRINGS UNDER H5. I ckd under home, it was flooded underneath I couldn't take a photo OF ACTUAL SPRING.

This claim will be filed in place of
License AGI-02153, WELL DOESN'T EXIST.

A. ROOT WATER RIGHT NUMBERS: A61-11807

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
05S	09E	5	NW	SE		STEPHENS & SONS INC	A61-11807 /27.0	- /	37.0		
			NW	SE		STEPHENS & SONS	R61-10576 /	- /			
			NW	SE		STEPHENS & SONS	A61-10576 /	- /			17
			NW	SE		STEPHENS & SONS	A61-10578 /32.0	- /			
			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 /			

ADDITIONAL POU FOUND

TOTAL ACRES	A61-11807	27.00	37.00
-------------	-----------	-------	-------

POU COUNTY: ELMORE

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N(☒)

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A61-11807	HENLEY SPRINGS UNNAMED STREAM	STEPHENS & SONS INC	0.540	0.020		
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

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A61-10577	WASTE WATER	STEPHENS & SONS	4.320	0.020		
A61-10578	COLD SPRINGS CREEK	STEPHENS & SONS	2.900	0.008		
A61-10579	COLD SPRINGS CREEK	STEPHENS & SONS	2.240	0.006		

LIST OF ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION:

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

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N(☒)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: A61-00309, -312, -316, -325, -10577, -10578 & 10579

DISALLOWED

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A(☒) Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A(☒) Y() N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y(☒) N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N(☒)

NOTES:

TOTAL ACRES: 17 N/A()

REVIEWED BY: REN DATE: 11/3/98

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A61-11807 IRRIGATION	FROM ~~04-01~~ TO 10-31	.540 CFS	
	TOTAL DIVERSION RATE/VOLUME 3115 to 11/15	.540 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
----------------	---------------------------	------------------------	------------------------

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y(☒) N(☐)

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☒) Y(☐) N(☐)

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y(☒) N(☐)

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y(☐) N(☒)

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y(☒) N(☐)

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☒) Y(☐) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☐) Y(☒) N(☐)

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☒) Y(☐) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☐) Y(☒) N(☐)

NOTES: _____

AJ CLAIM TOTAL DIVERSION RATE: 0.540 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☒) Y(☐) N(☐)

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A(☒) Y(☐) N(☐)

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y(☐) N(☒)

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y(☒) N(☐)

E. FLOW MEASUREMENT

MEASUREMENT METHOD THEORETICAL HORSEPOWER WORKSHEET, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 17 x 0.02 CFS/ACRE = .34 CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y(☐) N(☒)

IF YES, IS AN 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 BELOW (☐) OR SEE ATTACHMENT (☐)

THEORETICAL HORSEPOWER EQUATION WORKSHEET (cjh 1/92)

Water Right No.: A61-xxxxxx, Henley Springs & Unnamed Steam
 Examiner: FX by Ron Howerton
 Date of Field Exam: 09-12-94 Acc'd. by Owner: Barney Stephens

	OPTION 1	OPTION 2	OPTION 3
P/D No.:	1	1	1
PUMP HORSEPOWER	10	10	10
BOOSTER HORSEPOWER	0	0	0
PUMPING LEVEL	3	3	3
DISCHARGE PRESSURE	20	40	30
RATE OF FLOW (cfs)	1.25	0.65	0.85

NOTES:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
IRRIGATION	~~04-01~~ 3-15	~~10-31~~ 11-15	~~DATABASE~~ 0.940	EXAMINER .34	~~DATABASE~~	EXAMINER	~~DATABASE~~ 0.0	EXAMINER
TOTAL FOR THIS RIGHT				.34				

NON-IRRIGATION USES CLAIMED: NONE

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REVIEWED BY: Rch DATE: 11/3/98

FLAG: 1

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	(X)	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 61-11807

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE

EXAMINER

CFS

NO SPLITS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A61-11807	0.540	-	-	-	-
TOTAL CFS		0.540				

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 DESCRIBED BELOW () OR SEE ATTACHMENT()?

DATABASE
N

FIELD
EXAMINER
Y() N()

NOTES:

AUTHENTICATION:

SIGNATURE:

Ron Howerton

DATE:

11/3/98

NAME OF FIELD EXAMINER:

Ron Howerton

TITLE:

Sr Water Agent

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

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
☒ ORTHOPHOTOQUAD	DATE OF PHOTO <u>1974 (ENLARGED)</u> IDWR ID NO. <u>2-65</u>	Y(☒) N(☐)
() TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y(☐) N(☐)
☒ NAPP	DATE OF PHOTO <u>1987</u> IDWR ID NO. <u>2-65</u>	Y(☒) N(☐)
() ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y(☐) N(☐)
() 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 <u>COUNTY STRIP MAP</u>	DATE _____	Y(☒) N(☐)
() OTHER _____	DATE _____	Y(☐) N(☐)
() OTHER _____	DATE _____	Y(☐) N(☐)

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
() LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
() WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
☒ SYSTEM DESCRIPTION	DATE DRAWN <u>9/12/94</u>	<u>1</u>	_____
☒ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN <u>9/9/94</u>	<u>3</u>	_____
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
☒ OTHER <u>AFFIDAVITS</u>	DATE _____	<u>2</u>	_____
() OTHER _____	DATE _____	_____	_____

PICTURE #1

61-11807; FX 09/09/94, Photo's by RPH, Pump and motor in distribution culvert.



PICTURE #2

Out building with 4400 gallon holding tank.



PICTURE #3

61-11807: EX 09/09/94. Photos by RDH. Place of use from out building toward home.



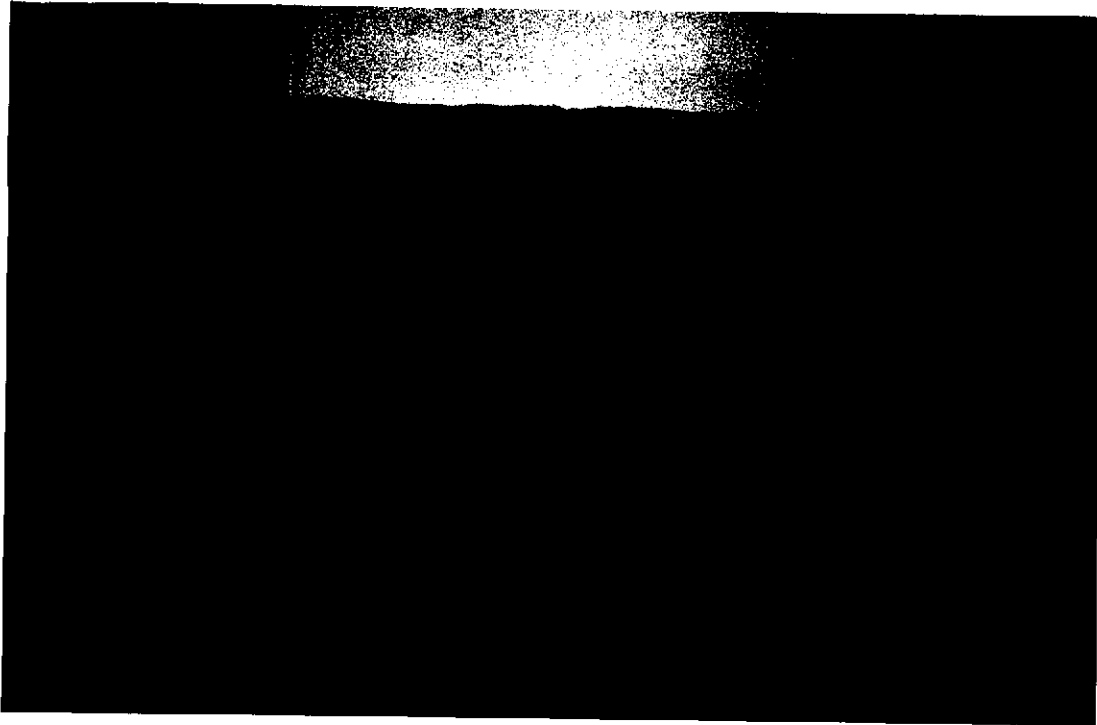
PICTURE #4

Holding pond from unnamed stream.



PICTURE #5

61-11807; FX 09/09/94. Photo's by RDH. View of unnamed stream's holding pond.



PICTURE #6

Henley spring is inside of home. Underground piped to holding tank and distribution culvert box.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

19:44:01
10/13/94
15

PAGE: 15
PROFILE REPORT

CLAIM NUMBER: A61-11807

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME																																																																																																																																																																																																	
C	STEPHENS & SONS INC 22710 S LANSING MIDDLETON ID 83644 (208) 366-2364	04/30/1952	IRRIGATION	04-01 10-31	0.54 CFS																																																																																																																																																																																																		
					TOTAL DIVERSION:	0.54 CFS																																																																																																																																																																																																	
Water Source: HENLEY SPRINGS UNNAMED STREAM		Tributary to: COLD SPRING CREEK COLD SPRING CREEK		Stage: BENEFICIAL USE																																																																																																																																																																																																			
Point(s) of Diversion:		T05S R09E S05 NWSE		ELMORE County																																																																																																																																																																																																			
Place of use Legal Description for: IRRIGATION																																																																																																																																																																																																							
<table border="0"> <tr> <td colspan="4"></td> <td>NE</td> <td colspan="4"></td> <td>NW</td> <td colspan="4"></td> <td>SW</td> <td colspan="4"></td> <td>SE</td> <td colspan="4"></td> </tr> <tr> <td colspan="4"></td> <td>NENE</td> <td>NWNE</td> <td>SWNE</td> <td>SENE</td> <td>:</td> <td>NENW</td> <td>NWNW</td> <td>SWNW</td> <td>SENW</td> <td>:</td> <td>NESW</td> <td>NWSW</td> <td>SWSW</td> <td>SESW</td> <td>:</td> <td>NESE</td> <td>NWSE</td> <td>SWSE</td> <td>SESE</td> <td>:</td> <td></td> </tr> <tr> <td>T</td> <td>R</td> <td>S</td> <td>:</td> <td>Lt</td> <td>Ac</td> <td>Lt</td> <td>Ac</td> <td>Lt</td> <td>Ac</td> <td>Lt</td> <td>Ac</td> <td>Lt</td> <td>Ac</td> <td>:</td> <td>Lt</td> <td>Ac</td> <td>Lt</td> <td>Ac</td> <td>Lt</td> <td>Ac</td> <td>Lt</td> <td>Ac</td> <td>Lt</td> <td>Ac</td> <td>:</td> <td>SUM</td> </tr> <tr> <td colspan="27">-----</td> </tr> <tr> <td colspan="4">05S 09E 5 :</td> <td colspan="4"></td> <td>:</td> <td colspan="4"></td> <td>:</td> <td colspan="4"></td> <td>:</td> <td colspan="4"></td> <td>:</td> <td colspan="4"></td> <td>:</td> <td></td> </tr> <tr> <td colspan="24"></td> <td colspan="2">27</td> <td colspan="2"></td> <td colspan="2">27.0</td> </tr> <tr> <td colspan="24"></td> <td colspan="2">TOTAL ACRES</td> <td colspan="2"></td> <td colspan="2">27.0</td> </tr> </table>											NE					NW					SW					SE									NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:		T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	-----																											05S 09E 5 :								:					:					:					:					:																										27				27.0																										TOTAL ACRES				27.0	
				NE					NW					SW					SE																																																																																																																																																																																				
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:																																																																																																																																																																																
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM																																																																																																																																																																													

05S 09E 5 :								:					:					:					:					:																																																																																																																																																																											
																								27				27.0																																																																																																																																																																											
																								TOTAL ACRES				27.0																																																																																																																																																																											

POU County: ELMORE

Non-Irrigation Uses: NONE

Other Rights: A61-00309,-312,-316,-325,-10577,-10578 & 10579

Remarks: NO LATE FEE PRIOR CLAIMS FILED ON TIME.
2 POINTS OF DIVERSION LOCATED IN NWSE, S05, T05S, R09E.

Dates: Exam Made Date: Verified Date:

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

BOISE TOWNE SQUARE

350 N. Milwaukee
375-5220

DOWNTOWN

170 N. 8th
344-8303



ORCHARD

1310 N. Orchard
377-3686

VISTA VILLAGE

936 Vista Village
343-8075

MOMENTS TO REMEMBER WITH PHOTOS