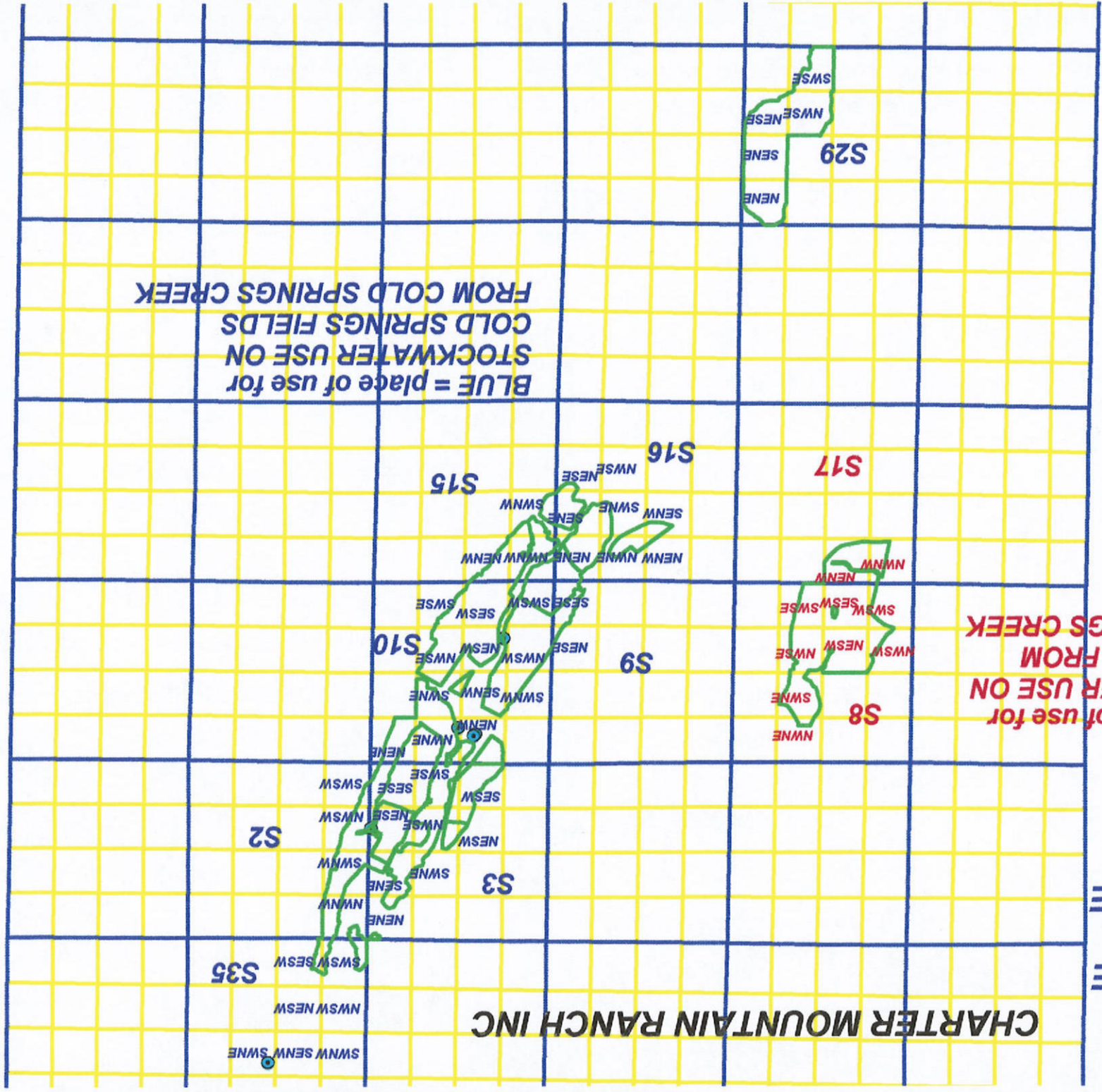




CHARTER MOUNTAIN RANCH INC

T03S, R09E
T04S, R09E

RED = place of use for
STOCKWATER USE ON
HOT FIELDS, FROM
COLD SPRINGS CREEK

BLUE = place of use for
STOCKWATER USE ON
COLD SPRINGS FIELDS
FROM COLD SPRINGS CREEK

T03S, R09E

T04S, R09E

CHARTER MOUNTAIN RANCH INC

SWNW SENW SWNE
NWSW NESW

S35

S2

S3

NENE
NNNW
SENE
SWNE
SWNW
NWSW
SESW
SESE
SWSE
NENE
NNNW
SENE
SWNE
SWNW
NWSW
SESW
SESE
SWSE

S10

S9

S15

S16

S17

S8

NWNE
SWNE
NWSW
SESW
SWSE
NNNW
NENE

S29

NENE
SENE
NWSW
SWSE

BLUE = place of use for
STOCKWATER USE ON
COLD SPRINGS FIELDS
FROM COLD SPRINGS CREEK

RED = place of use for
STOCKWATER USE ON
HOT FIELDS, FROM
COLD SPRINGS CREEK

RECEIVED
JAN 29 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A61-11904
Date Received: 1/29/99
Receipt No: 10024762
Received By: AK

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

1. Name: CHARTER MOUNTAIN RANCH INC 208-366-7931
Address: RT 1 BOX 451
GLENNS FERRY ID 83623

2. Date of Priority: JUL 5, 1955

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
03S	09E	35	NW	SW	NE		ELMORE

5. Description of diverting works:
GRAVITY FLOWS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	11/15	03/15	~~0.240~~ .72	<i>[Signature]</i>	

7. Total Quantity Appropriated is:
~~0.240~~ C.F.S. (and/or) *[Signature]*
.72

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 1000 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	09E	8	NW	NE		STOCK	
			SW	NE		STOCK	
			NE	SW		STOCK	
			NW	SW		STOCK	

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	09E	8	SW	SW		STOCK	
			SE	SW		STOCK	
			NW	SE		STOCK	
			SW	SE		STOCK	
		17	NE	NW		STOCK	
			NW	NW		STOCK	

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:

14. Remarks:

This right includes .48 cfs for conveyance losses.

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: _____

For Organizations:

I do solemnly swear or affirm that I am President of
Title
Charter Mtn Ranch Inc, that I have signed the foregoing
Organization
document in the space below as President of
Title
Charter Mtn Ranch Inc and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Pres. Charter Mtn Ranch Inc
Title and Organization

1/27/99

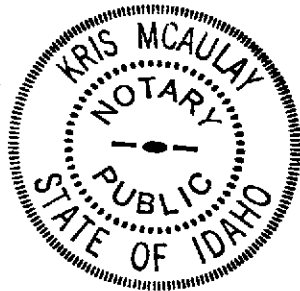
Date

State of Idaho)
County of Elmore) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of January 19 99

Kris McAulay
Notary Public

Seal



Residing at Mountain Home
My Commission Expires 6-23-04

SEP 12 AM 11:10

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

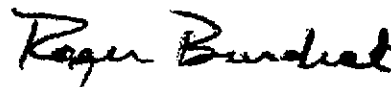
)
) **ORDER OF PARTIAL DECREE**
)
) **For Water Right 61-11904, 61-11905,**
) **61-11906, 61-11907, 61-11908 and 61-11909**

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 61-11904, 61-11905, 61-11906, 61-11907, 61-11908 nd 61-11909 is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED September 12, 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 61-11904

2002 SEP 12 AM 11:10
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

SOURCE: COLD SPRINGS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.72 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

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
	Stockwater	01-01 TO 12-31	0.72 CFS

PLACE OF USE:	Stockwater	Within Elmore County
	T04S R09E S08	NWNE SWNE
		NESW NWSW
		SWSW SESW
		NWSE SWSE
	S1?	NENW NWNW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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
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 12, 2002, with sufficient first-class postage to the following:

CHARTER MOUNTAIN RANCH INC
JOHN MCCALLUM

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

BARBER-CAVEN RANCHES
HALF MOON RANCH

Represented by:
CHARLES L. HONSINGER
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

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

ORDER

Page 1 9/12/02

FILE COPY FOR 00111


Deputy Clerk

02/08/2002

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

RIGHT NUMBER: 61-11904

NAME AND ADDRESS: CHARTER MOUNTAIN RANCH INC
RT 1 BOX 451
GLENN'S FERRY ID 83623

SOURCE: COLD SPRINGS CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.72 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

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

STOCKWATER

01/01 12/31

0.720 CFS

11/15-3/15

PLACE OF USE:

STOCKWATER Within ELMORE County

T04S R09E S08 NWNE
T04S R09E S08 NESW
T04S R09E S08 SWSW
T04S R09E S08 NWSE
T04S R09E S17 NENW

T04S R09E S08 SWNE
T04S R09E S08 NWSW
T04S R09E S08 SESW
T04S R09E S08 SWSE
T04S R09E S17 NWNW

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

STOCKWATER, 1000 RANGE CATTLE.
0.48 CFS IS LIMITED TO THE USE FOR CONVEYANCE LOSSES IN DELIVERY
OF THIS RIGHT.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 61-11904 V1

WATER RIGHT NUMBER: 61-11904 V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	ROSHOLT ROBERTSON & TUCKER ATTORNEYS AT LAW 1221 W IDAHO SUITE 600 PO BOX 2139 BOISE, ID 837012139 (208)336-0700
Current Owner	CHARTER MOUNTAIN RANCH INC RT 1 BOX 451 GLENNS FERRY, ID 83623 (208)366-7931

Priority Date: 07/05/1955

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
COLD SPRINGS CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	11/15 to	3/15	0.720 CFS	
	<u>Total Diversion:</u>		0.720 CFS	

Location of Point(s) of Diversion

COLD SPRINGS CREEK	NW1/4SW1/4NE1/4	Sec. 35, Twp 03S, Rge 09E, B.M.
ELMORE County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	09E	8		X	X						X	X	X	X		X	X		
04S	09E	17					X	X											

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 61-11904 V1

1. Explanatory STOCKWATER, 1000 RANGE CATTLE 0.48 CFS IS LIMITED TO THE USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.

Comments:

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NONE RECEIVED
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

SubCase:

SubCase Number: 6111904
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned: SUSAN E HAMLIN-NYGARD
Date Filed: 6/10/1999 Objection Status: Active

AJ0749NP
No. R61-11904

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

DATE: 02/01/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CHARTER MOUNTAIN RANCH INC RT 1 BOX 451 GLENN'S FERRY ID 83623 (208) 366-7931	07/05/1955	STOCKWATER	11-15 03-15	0.72 CFS	
TOTAL DIVERSION:					0.72 CFS	

Water Source: COLD SPRINGS CREEK

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion:

T03S R09E S35

NWSWNE

ELMORE County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE											
				NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		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	Lt	Ac	Lt	Ac
04S	09E	8	:			S		S								S		S		S		S					
04S	09E	17	:							S		S															

POU County: ELMORE

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP STOCKWATER, 1000 RANGE CATTLE
0.48 CFS IS LIMITED TO THE USE FOR CONVEYANCE LOSSES IN
DELIVERY OF THIS RIGHT.

Dates: Exam Made Date: 01/29/1999 Verified Date: 02/01/1999 Objection Filed Date:

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

Audit: 02/01/99 RHOWERTO

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM VERIFICATION EXAM SHEET

(use in place of the CVR for small Domestic/Stock exams)

1. ☒ No Change NAME
☐ NEW OWNER: _____
☐ No Change ADDRESS
☐ NEW ADDRESS: _____
2. ☒ No Change - DATE OF PRIORITY: Completed - No Field Verification Needed.
☐ Incomplete - Claim shows no priority date, claimant should be asked during the exam when was water first used.
Priority date, per claimant, is _____.
(if the priority date, based on your exam, seems questionable, explain in remarks.)
3. ☒ No Change - SOURCE
☐ Source is different than that claimed:
Source found: _____
4. ☒ No Change - POINT OF DIVERSION
☐ Point of diversion is different than the claim
New P/D: Twp. _____, Rge. _____, Sec. _____, _____ 1/4 _____ 1/4 _____ 1/4
5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete desc., complete items missing, IF KNOWN.
☐ Additional comments in remarks.
HP of pump _____ Pump Ser. # _____ Pumping water level _____
Well depth _____ Motor Ser. # _____ Static water level _____
Casing size _____ Method of irr. _____
6. ☐ No Change - WATER USES
☒ Different uses, (list uses found).
Amount
Use Stockwater From _____ To _____ Amount _____ cfs _____ af
Use _____ From _____ To _____ Amount _____ cfs _____ af
7. ☐ No Change - TOTAL VOLUME
☐ Incomplete on claim, the total is, -- -- _____ cfs _____ af
☐ Change found, the new total is, -- -- -- _____ cfs _____ af
8. N/A
9. ☒ No Change - NON-IRRIGATION USES: Completed on claim
☐ Incomplete on claim - Exam found:
Domestic - No. of homes _____ Stockwater - No. of head _____
Other: _____

10. ☒ No Change - PLACE OF USE: (If changed, list below.)
Use Twp. Rge. Sec. 1/4, 1/4,

Remarks: (Comments pertinent to field examination)

(EXP REMARK:)

0.48 CFS IS LIMITED TO THE USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT

(CONDITIONS:)

N11, N13 Limit to 13000 GPD \$25 PAYMENT

1000 Stock @ 0.24 CFS

+ CONVEYANCE LOSS = 48 CFS

= TOTAL = 0.72 CFS

ATTACHMENTS:

Attached to
This Form.

Attachments are
in Permit File.

PHOTOS (optional)

MAP

SYSTEM DIAGRAM

☐
☒
☐

☐
☐
☐

☐ Changes found during exam or additional information in the permit file, see permit file.

DATE EXAM CONDUCTED:

IN-OFFICE 2/1/99

FIELD EXAMINER:

RON HOWERTON

Signature

Ron Howerton

ESTIMATING CONVEYANCE LOSS

1/5/95

FIELD EXAMINER: RON HOWERTONFIELD EXAM DATE: 19 MAR 98

FOR CLAIM(S) ~~A61-02111~~ SOIL #160 (TROSI)
~~A61-11085~~ PAGE 1 OF 2
A61-11904 (Stock) 0-3' GRAVELY LOAM

FORMULA: $S = (W)(i)(0.0667)$

Where: S = Loss in CFS per Mile
 W = The top width of the high water mark in feet
 i = The loss rate in feet per day (see table)
 0.0667 is a factor used to convert to CFS per mile

TABLE:	Type of Soil	Loss Rate i (Ft/Day)
	Medium clay loam.....	0.5 to 1.5 .94
	Impervious clay.....	0.5
	Medium soils.....	1.0
	Somewhat pervious soils....	1.5 to 2.0
	Gravel.....	2.5 to 5.0

WORK SHEETW = (2.6 FT) i = (.94 FT/DAY) (0.0667)S = .1630148 CFS/MILE

CONVEYANCE LOSS = (S) (LENGTH OF DITCH IN MILES)

CONVEYANCE LOSS = (.1630148 CFS/MILE) (1.65 MILE)

CONVEYANCE LOSS = .269 CFS

TOP OF DITCH = WMAP MEASUREMENTSection 1 = 2.3Section 2 = 2.9Section 3 = Total.... = 5.21/2 or 3... = 2.6 = WLength in Inches = = AMap Scale: 8 In. = 1 Mile = B

A/X : B/5,280 = Ft./5,280 = Mile

8727/5280 = 1.65 MILE

ESTIMATING CONVEYANCE LOSS

1/5/95

FIELD EXAMINER: RON HOWERTONFIELD EXAM DATE: 19 MAR '98

FOR CLAIM(S)

~~AL-0211~~Soil # 6 (BADGE, IMMIGRANT)~~AL-11885~~AL-11904Page 2 of 20-3' GRAVELY
LOAMFORMULA: $S = (W)(i)(0.0667)$

Where: S = Loss in CFS per Mile
 W = The top width of the high water mark in feet
 i = The loss rate in feet per day (see table)
 0.0667 is a factor used to convert to CFS per mile

TABLE:	Type of Soil	Loss Rate i (Ft/Day)
	Medium clay loam.....	~~0.5 to 1.5~~ , <u>.94</u>
	Impervious clay.....	0.5
	Medium soils.....	1.0
	Somewhat pervious soils....	1.5 to 2.0
	Gravel.....	2.5 to 5.0

WORK SHEETW = (5.0 FT) i = (.94 FT/DAY) (0.0667)S = .31349 CFS/MILE

CONVEYANCE LOSS = (S) (LENGTH OF DITCH IN MILES)

CONVEYANCE LOSS = (.31349 CFS/MILE) (.68 MILE)CONVEYANCE LOSS = .213 CFSTOP OF DITCH = WSection 1 = 5.0'Section 2 = Section 3 = Total.... = 5.0'/2 or 3... = 5.0' = WMAP MEASUREMENTLength in Inches = = AMap Scale: 8 In. = 1 Mile = B

A/X : B/5,280 = Ft./5,280 = Mile

$$\frac{3609'}{5280} = .68 \text{ MILE}$$

Worstell:²⁶

<u>Seepage Rates of General Soil Groups</u>		
General Soil Group	Ponding Tests Average Rate feet/day	Seepage Meter Tests Average Rate feet/day
Clayey	0.23	0.65
Silty	0.80	0.55
Loamy	0.94	0.85
Sandy	1.56	1.91
Unspecified	1.01	1.13

<u>Seepage from Lined Canals</u>		
Lining Type	Average Rate feet/day	Range feet/day
Concrete	0.24	0.03 - 0.96
Compacted earth	0.17	0.01 - 0.95
Asphalt membrane	0.46	0.01 - 3.0
Soil cement	0.08	0.03 - 0.20
Chemical sealant	1.79	0.32 - 8.3
Sediment seal	0.78	0.39 - 1.3
Unlined - all soil types	0.99	0.01 - 17.6

"C", "i" and "average seepage rate" are identical factors and the tables above could be used interchangeably to assist in assigning a factor for a described soil. All of them use soil descriptions somewhat different from those now used in the National Cooperative Soil Survey. Some judgement is required in selecting coefficients.

1. The Moritz Formula

The Moritz method estimates canal dimensions based on the canal discharge and velocity. It is based on the following equation:

$$S = 0.2C\sqrt{\frac{Q}{V}} \quad \text{Eq. 11}$$

Where S = Seepage loss (cfs/mile)
 Q = Canal discharge (cfs)
 V = Velocity in canal (ft/sec)

²⁶Worstell, Robert V., "Estimating Seepage Losses from Canal Systems," Journal of the Irrigation and Drainage Division, ASCE, Vol. 102, No. IR1, Proc. Paper 11960, March, 1976, pp. 137-147.

NAME OF DITCH: (Stock) A61-11904
HOT DITCH

***** PRESS ALT P TO PRI

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)
1	3609	5.0	0.94	0.21
2	8727	2.6	0.94	0.27
3				0.00
4				0.00
5				0.00
6				0.00
7				0.00
8				0.00
9				0.00
10				0.00
11				0.00
12				0.00
13				0.00
14				0.00
15				0.00
16				0.00
17				0.00
18				0.00
19				0.00
20				0.00
TOTALS	12336			0.48

TOTAL LOSSES

RECEIVED

JAN 29 1999

WATER RESOURCES
WESTERN REGION

1-28-99

Re:-

Since we were up against time we nearly ran in the courtyards in order to get there in, on time. I will be in

Basin Monday Feb 1 if you would like me to begin cleanup again of there. Please let me know at 366-7231 or Monday Mobile Phone 399-0441 and I will gladly stop by.

James

SD-1603-3

Idaho Department Of Water Resources
Detail Receipt Summary Screen

Date: 02/01/99
Time: 09:46:17

Rec/No - W024762 AR/No -
From: - CHARTER MOUNTAIN RANCH

Receipt Type - CK Doc/No - 1165
Remarks -

MOST CURRENT RECEIPT

Receipt Date: 01/29/1999

Type Of Payment	Fund	FD	PCA	Obj	Subsid	Fee
6 CLAIMS TO A WATER RIGHT	337		41503	1155		150.00

Total Due - 150.00

WR/No	WR Fee	WR/No	WR Fee	WR/No	WR Fee
A6111904	25.00	A6111905	25.00	A6111906	25.00
A6111907	25.00	A6111908	25.00	A6111909	25.00

(Enter=Continue)

(GOLD7=Selection Screen)

(GOLD8=Cancel)

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: **W024762**

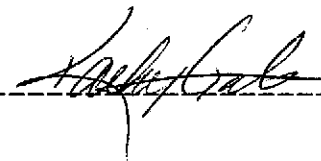
Date: **1/29/1999**
Time: **10:59:30**

Received
From: **CHARTER MOUNTAIN RANCH**

Type of Payment	Program A cct	Amount
6 CLAIMS TO A WATER RIGHT	41503 337 1155	150.00
CHECK 1165		
	Total	\$ 150.00

Region: **WESTERN**

Signature: _____





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

January 6, 1999

PAUL L. BAKER
DIRK KEMPTHORNE GOVERNOR

KARL J. DREHER
DIRECTOR

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

RE: CHARTER MOUNTAIN RANCH

Dear Bruce:

Enclosed for your review are the stockwater claims we prepared using the information you provided in draft claim form. Four of the claims represent groundwater as a source and two utilize Cold Springs Creek water. All of the claims describe de minimus use which is limited to 1000 head of stock, 13000 gallons per day and no more than .24 cfs diversion rate.

We prepared four groundwater and two surface water claims because the priority dates and places of use are different for each source as it relates to the respective points of diversion. As an example, the hot water wells and the cold water wells are two different sources and the places of use and priority dates are quite different for these two sources.

The places of use are based on the maps you submitted and describe land privately owned by Charter Mountain Ranch, Inc. If you or John Mc Callum want to include public land in the places of use we need your specific direction.

We can recognize the de minimus characteristics of each claim without any additional information. However, if John Mc Callum insists that the claims reflect more than 1000 head we will need evidence to substantiate that the larger number was in place as of the priority dates claimed.

The aesthetic and wildlife uses were not included because we do not recognize them as historical uses in beneficial use claims. The ponds described on your maps were constructed for other purposes, such as, cooling, commingling of sources, etc.. Rights for these two uses should be developed in the Application for Permit process rather than SRBA claims.

We received Notices of Error signed by John Mc Callum for the Charter Mountain Ranch, Inc and ARK, Inc. claims. In general, the notices disagree with the majority of the components we recommended and they all indicate our recommendations do not reflect historical use. It is our intention to not change any of our recommendations based on the Notices of Error filings. The elements in our recommendations reflect many hours of review, discussion, negotiation and field work and we believe are an accurate representation of the historical water usage for both ranches.

When you are ready to file the stockwater claims, the filing fee is \$25 each. They will have to

January 6, 1999

Page 2

be properly executed and filed by January 29, 1999 to be included in the director's report with the irrigation and other Basin 61 recommendations.

We still need a signed and notarized claim form for the groundwater expansion claim for irrigation, A61-11887. We will have to disallow this claim if we have not received a properly executed claim by January 29, 1999.

After your review of the enclosed claim forms, it would be beneficial to meet with you in person to discuss them. Call either of us at the 334-2190 to set an appointment time.

Sincerely,



Mel Schulte
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office



Ron Howerton
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office

(208) 334-2190

ENC:

RECEIVED

JUN 11 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

Subcase 61-11904
(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 45]
Glenns Ferry ID 83623

Daytime Phone: (208) 366-793]

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: Charter Mountain Ranch, Inc.

Address: Rt. 1, Box 45]
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: _____
3. ☒ **Quantity**
Should be: "as claimed"
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☒ **Period of Year**
Should be: "year long"
9. ☐ **Place of Use**
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)

Bruce M. Smith
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/10/99

Cathryn Shwertt
Notary Public for Idaho

Residing at: 1714 Silver Nampa

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 10 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

T04S, R09E

**RED = place of use for
STOCKWATER USE ON
HOT FIELDS, FROM
COLD SPRINGS CREEK**

**BLUE = place of use for
STOCKWATER USE ON
COLD SPRINGS FIELDS
FROM COLD SPRINGS CREEK**

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: A61-11904
Date Received: 1/29/1999
Receipt No: W024762
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHARTER MOUNTAIN RANCH INC 208-366-7931
Address: RT 1 BOX 451
GLENN'S FERRY ID 83623

2. Date of Priority: JUL 5, 1955

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03S	09E	35	NW	SW	NE		ELMORE

5. Description of diverting works:
GRAVITY FLOWS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	11/15	03/15	0.720		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 1000 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04S	09E	8	NW	NE		STOCK	
			SW	NE		STOCK	
			NE	SW		STOCK	
			NW	SW		STOCK	

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04S	09E	8	SW		SW		STOCK	
			SE		SW		STOCK	
			NW		SE		STOCK	
			SW		SE		STOCK	
		17	NE		NW		STOCK	
			NW		NW		STOCK	

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:

14. Remarks:

THIS RIGHT INCLUDES 0.48 CFS FOR CONVEYANCE LOSS.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

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

Signature of Authorized Agent

Title and Organization

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 _____