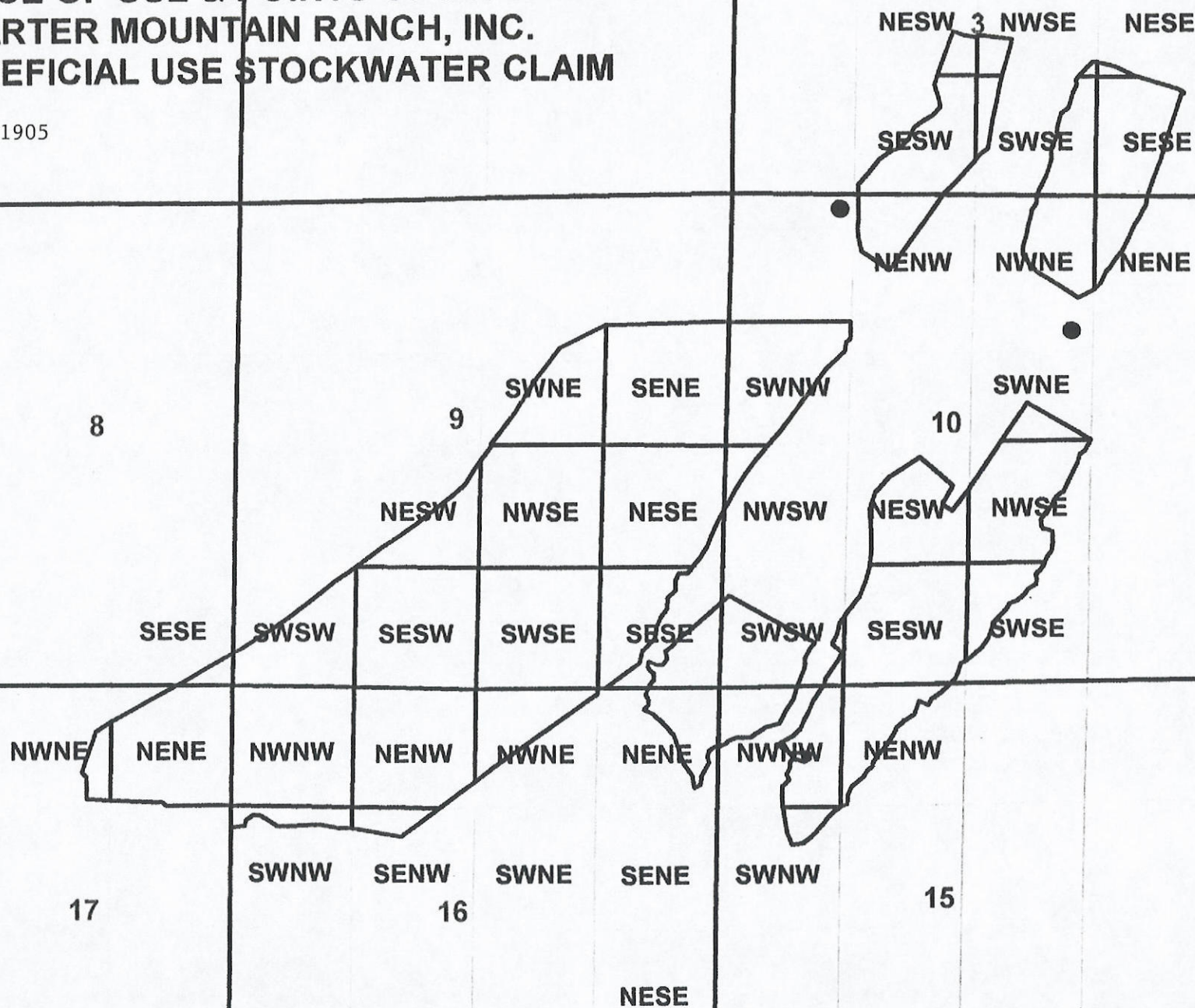
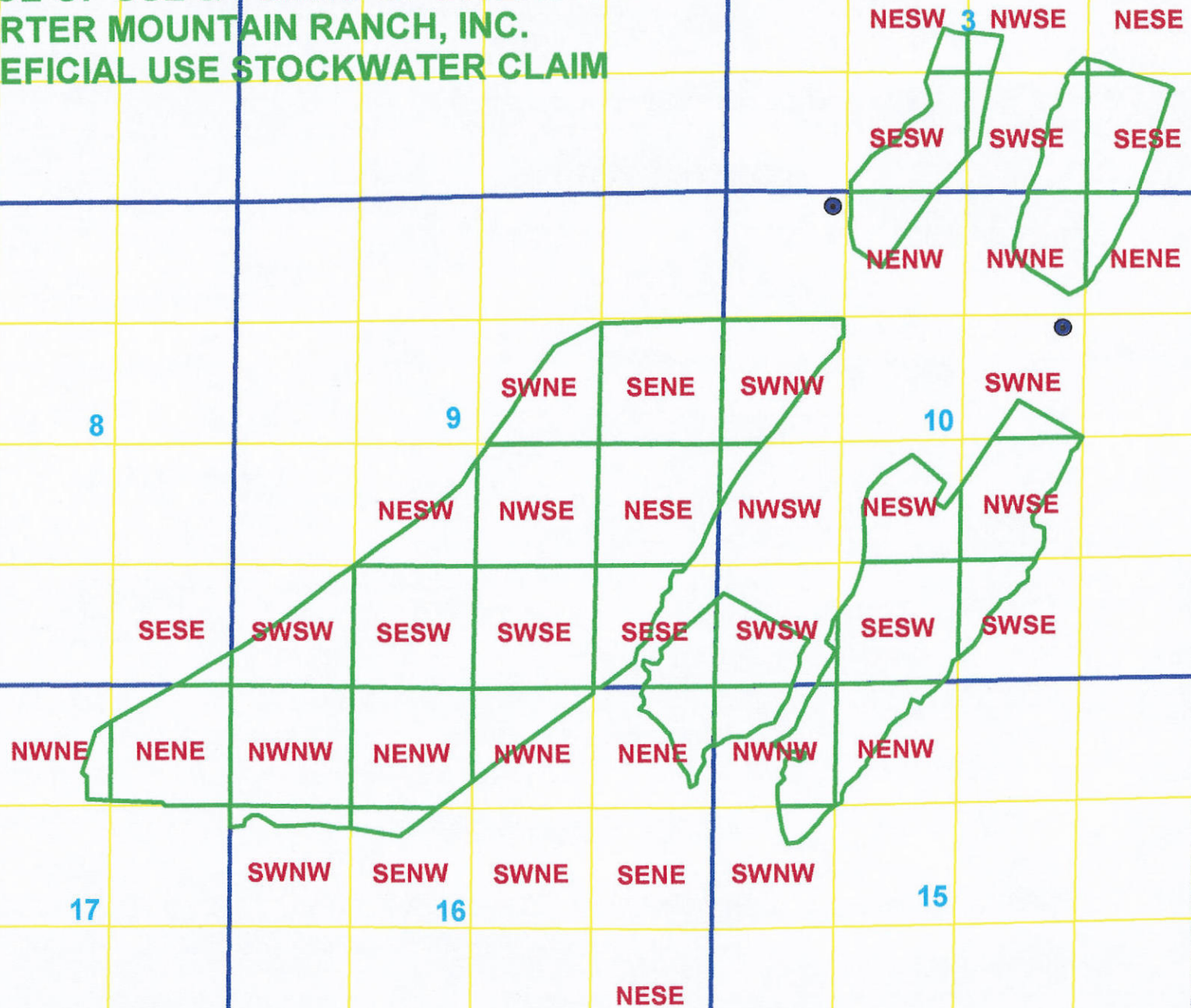


A61-11905



**PLACE OF USE & POINTS OF DIVERSION
CHARTER MOUNTAIN RANCH, INC.
BENEFICIAL USE STOCKWATER CLAIM**



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: A61-11905

Date Received: 1/29/99

Receipt No: W024762

Received By: KL

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: ~~MAR 15, 1977~~ *Mar 7, 1953*
3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04S	09E	10	NE	SW	NE		ELMORE
			NE	NW	NW		ELMORE

5. Description of diverting works:
SYSTEM OF EXISTING WELLS, CANALS, PONDS AND MAINLINES.

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		
			1.173		

7. Total Quantity Appropriated is:

~~0.240~~ C.F.S. (and/or)

1.173 *KL*

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
1000 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	09E	3	NE	SW		STOCK	
			SE	SW		STOCK	
			NE	SE		STOCK	

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04S	09E	3	NW		SE		STOCK	
			SW		SE		STOCK	
			SE		SE		STOCK	
		8	SE		SE		STOCK	
		9	SW		NE		STOCK	
			SE		NE		STOCK	
			NE		SW		STOCK	
			SW		SW		STOCK	
			SE		SW		STOCK	
			NE		SE		STOCK	
			NW		SE		STOCK	
			SW		SE		STOCK	
			SE		SE		STOCK	
		10	NE		NE		STOCK	
			NW		NE		STOCK	
			SW		NE		STOCK	
			NE		NW		STOCK	
			NW		NW		STOCK	
			SW		NW		STOCK	
			NE		SW		STOCK	
			SW		SW		STOCK	
			SE		SW		STOCK	
			NW		SE		STOCK	
			SW		SE		STOCK	
		15	NE		NW		STOCK	
			NW		NW		STOCK	
			SW		NW		STOCK	
		16	NE		NE		STOCK	
			NW		NE		STOCK	
			SW		NE		STOCK	
			SE		NE		STOCK	
			NE		NW		STOCK	
			NW		NW		STOCK	
			SW		NW		STOCK	
			SE		NW		STOCK	
			NE		SE		STOCK	
		17	NE		NE		STOCK	
			NW		NE		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:

WHEN WATER FROM COLD SPRINGS CREEK THAT IS DIVERTED INTO EXISTING CANALS FOR WATERING LIVESTOCK ON THE RANCH BECOMES UNAVAILABLE, GROUNDWATER IS USED TO SUPPLEMENT THE SURFACE WATER SUPPLY. This right includes .933 cfs for conveyance losses. *JBH*

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 MTR Ranch Inc, that I have signed the foregoing Organization

document in the space below as President of Title

Charter MTR Ranch Inc and that the statements contained in the Organization

foregoing document are true and correct.

Shirley M. Collier
Signature of Authorized Agent

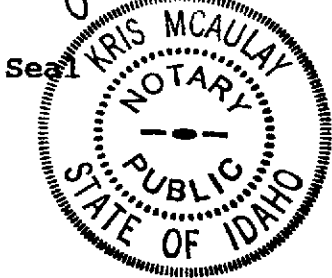
Pres. Charter MTR Ranch Inc
Title and Organization

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

Residing at Mountain Home

My Commission Expires 6-23-04

AJ0749NP
No. R61-11905

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	03/07/1953	STOCKWATER	11-15 03-15	0.24 CFS	
TOTAL DIVERSION:					0.24 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T04S R09E S10 NESWNE NENWNW

ELMORE County

Place of use Legal Description for: STOCKWATER

			NE				NW				SW				SE			
T	R	S	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac
04S	09E	3	:	:	:	:	:	:	:	:	S	:	:	S	S	S	S	:
04S	09E	8	:	:	:	:	:	:	:	:	:	:	:	:	S	S	S	S
04S	09E	9	:	:	S	S	:	:	:	:	S	S	S	S	S	S	S	S
04S	09E	10	:	S	S	S	:	S	S	S	S	S	S	S	S	S	S	S
04S	09E	15	:	:	:	:	S	S	S	:	:	:	:	:	:	:	:	:
04S	09E	16	:	S	S	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

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

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

Comments: Date: 02/01/1999 User-ID: MSCHULTE Subject: COPIED FROM REMARKS
WHEN WATER FROM COLD SPRINGS CREEK THAT IS DIVERTED INTO EXISTING
CANALS FOR WATERING LIVESTOCK ON THE RANCH BECOMES UNAVAILABLE,

AJ0749NP
No. R61-11905

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

DATE: 02/01/99
PAGE: 2

=====

Comments: Date: 02/01/1999 User-ID: MSCHULTE Subject: COPIED FROM REMARKS
GROUNDWATER IS USED TO SUPPLEMENT THE SURFACE WATER SUPPLY.
THIS RIGHT INCLUDES .933 CFS FOR CONVEYANCE LOSSES.

Date: 02/01/1999 User-ID: MSCHULTE Subject: CONVEYANCE LOSS
THE PORTION OF THE DIVERSION RATE CLAIMED FOR CONVEYANCE LOSS WAS
NOT ALLOWED BECAUSE THE WELLS DIVERT INTO A MAINLINE OR DITCHES
AT THE WELL SITES. NO LOSS WOULD OCCUR WITHIN THE MAINLINES AND
THE CATTLE WOULD DRINK DIRECTLY FROM THE DITCHES AT THE WELL
SITES.

Audit: 02/01/99 MSCHULTE

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).
Use _____ 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, -- -- -- 24 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 1000 range
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)

* The portion of the diversion rate claimed for conveyance loss is not allowed because the wells divert to mainlines or ditches at the well sites.

EXP: Stockwater, 1000 range

N11 & N13

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 review

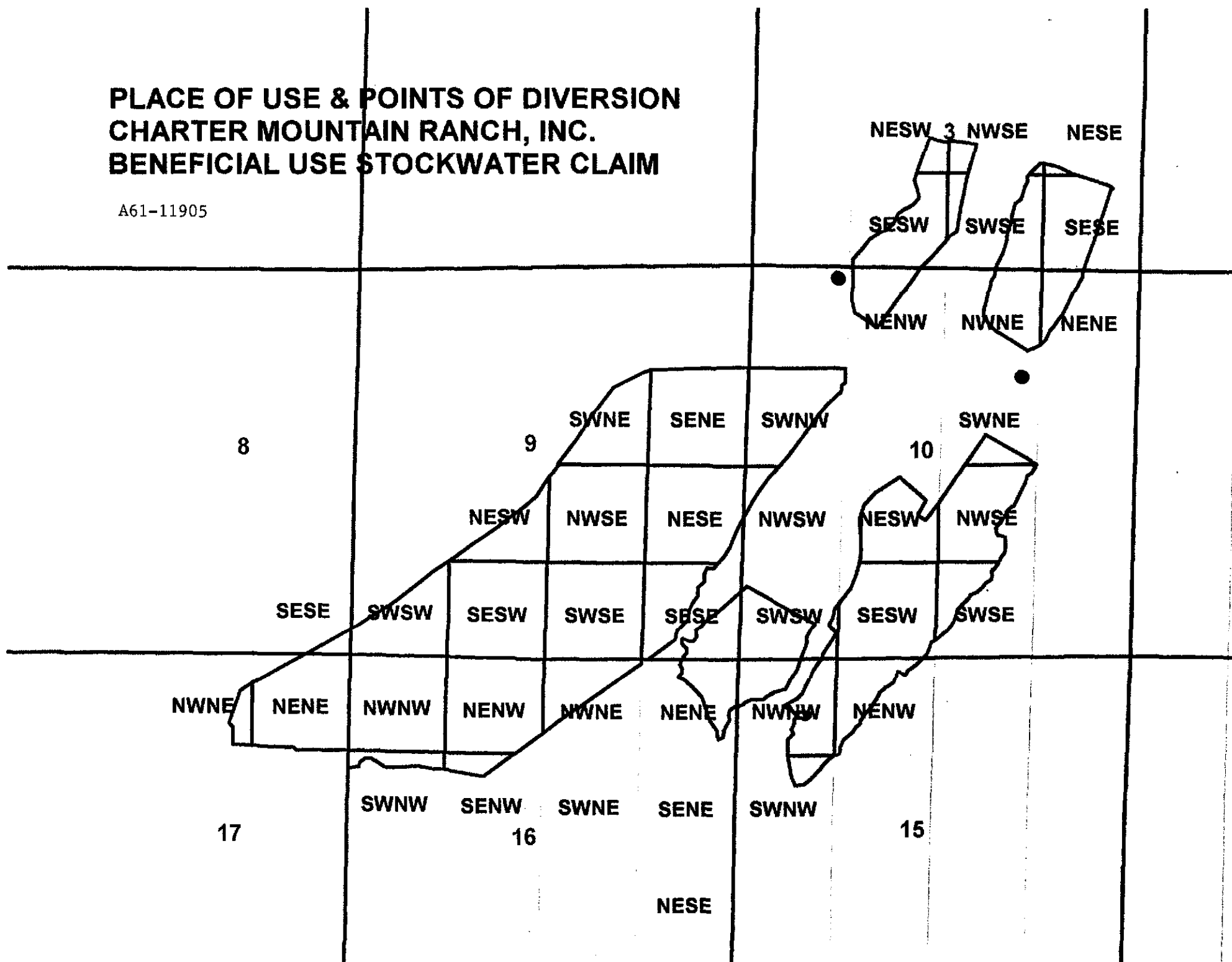
FIELD EXAMINER:

Signature

Mel Schutte

PLACE OF USE & POINTS OF DIVERSION CHARTER MOUNTAIN RANCH, INC. BENEFICIAL USE STOCKWATER CLAIM

A61-11905





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

PHILIP H. BART
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.

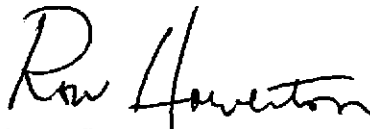
We still need a signed and notarized claim form for the groundwater expansion claim for irrigation, A61-11887. We will have to disallow this claim if we have not received a properly executed claim by January 29, 1999.

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:

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)

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: **A61-11905**
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
GLENNS FERRY ID 83623

2. Date of Priority: MAR 7, 1953

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04S	09E	10	NE	SW	NE		ELMORE
			NE	NW	NW		ELMORE

5. Description of diverting works:
SYSTEM OF EXISTING WELLS, CANALS, PONDS AND MAINLINES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	11/15	03/15	1.173		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
1000 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04S	09E	3	NE	SW		STOCK	
			SE	SW		STOCK	
			NE	SE		STOCK	

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04S	09E	3	NW		SE		STOCK	
			SW		SE		STOCK	
			SE		SE		STOCK	
		8	SE		SE		STOCK	
		9	SW		NE		STOCK	
			SE		NE		STOCK	
			NE		SW		STOCK	
			SW		SW		STOCK	
			SE		SW		STOCK	
			NE		SE		STOCK	
			NW		SE		STOCK	
			SW		SE		STOCK	
			SE		SE		STOCK	
		10	NE		NE		STOCK	
			NW		NE		STOCK	
			SW		NE		STOCK	
			NE		NW		STOCK	
			NW		NW		STOCK	
			SW		NW		STOCK	
			NE		SW		STOCK	
			SW		SW		STOCK	
			SE		SW		STOCK	
			NW		SE		STOCK	
			SW		SE		STOCK	
		15	NE		NW		STOCK	
			NW		NW		STOCK	
			SW		NW		STOCK	
		16	NE		NE		STOCK	
			NW		NE		STOCK	
			SW		NE		STOCK	
			SE		NE		STOCK	
			NE		NW		STOCK	
			NW		NW		STOCK	
			SW		NW		STOCK	
			SE		NW		STOCK	
			NE		SE		STOCK	
		17	NE		NE		STOCK	
			NW		NE		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:

WHEN WATER FROM COLD SPRINGS CREEK THAT IS DIVERTED INTO EXISTING CANALS FOR WATERING LIVESTOCK ON THE RANCH BECOMES UNAVAILABLE, GROUNDWATER IS USED TO SUPPLEMENT THE SURFACE WATER SUPPLY. THIS RIGHT INCLUDES .933 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: _____

State of Idaho)
County of _____) SS.

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

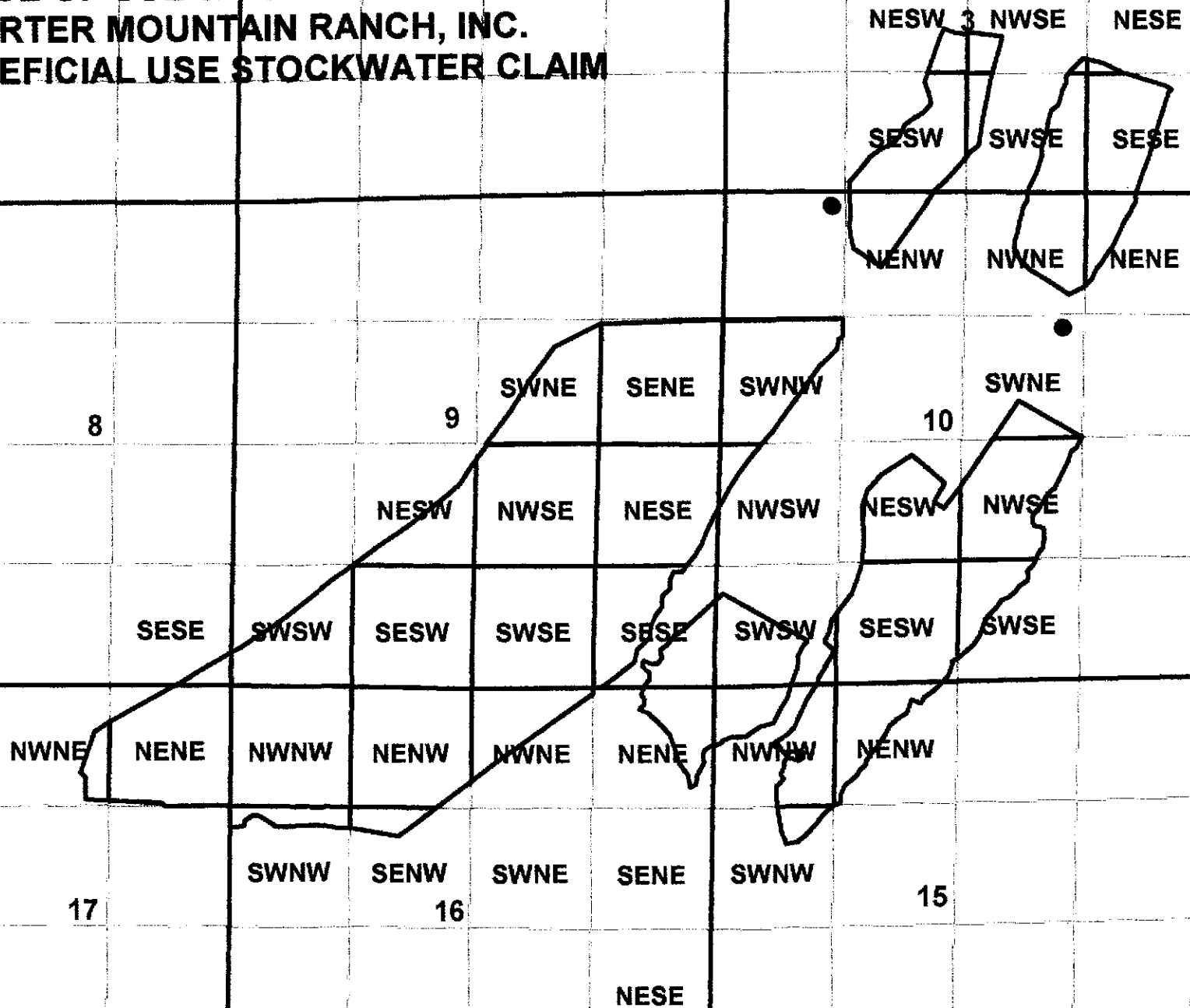
Notary Public

Seal

Residing at _____

My Commission Expires _____

**PLACE OF USE & POINTS OF DIVERSION
CHARTER MOUNTAIN RANCH, INC.
BENEFICIAL USE STOCKWATER CLAIM**



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)
) **ORDER OF PARTIAL DECREE**
Case No. 39576)
) **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 and 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 Burdick

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 61-11905

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 PERRY, ID 83623

SOURCE: GROUNDWATER

QUANTITY: 0.24 CFS

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

PRIORITY DATE: 03/07/1953

POINT OF DIVERSION: T04S R09E S10 NESWN Within Elmore County
NENWN

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.24 CFS

PLACE OF USE:	Stockwater		Within Elmore County
	T04S R09E S03	NESW	SESW
		NESE	NWSE
		SWSE	SESE
	S08	SESE	
	S09	SWNE	SENE
		NESW	SWSW
		SESW	NESE
		NWSE	SWSE
		SESE	
	S10	NENE	NWNE
		SWNE	NENW
		NWNW	SWNW
		NESW	SWSW
		SESW	NWSE
		SWSE	
	S15	NENW	NWNW
		SWNW	
	S16	NENE	NWNE
		SWNE	SENE
		NENW	NWNW
		SWNW	SESW
		NESE	
	S17	NENE	NWNE

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 61-11905 V1

WATER RIGHT NUMBER: 61-11905 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: 03/07/1953

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	11/15 to 3/15	0.240 CFS	
	<u>Total Diversion:</u>	0.240 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4NW1/4NW1/4	Sec. 10, Twp 04S, Rge 09E, B.M.
ELMORE County		
GROUND WATER	NE1/4SW1/4NE1/4	Sec. 10, Twp 04S, 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	3									X				X				X	X	X	X	
04S	09E	8																				X	
04S	09E	9			X	X					X		X	X	X	X	X	X	X	X	X	X	
04S	09E	10	X	X	X		X	X	X		X		X	X			X	X					
04S	09E	15					X	X	X														

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 61-11905 V1

04S 09E 16		X	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:

1. Explanatory STOCKWATER, 1000 RANGE CATTLE

Comments:

1. MSCHULTE 2/1/1999 COPIED FROM REMARKS

Comment: WHEN WATER FROM COLD SPRINGS CREEK THAT IS DIVERTED INTO EXISTING CANALS FOR WATERING LIVESTOCK ON THE RANCH BECOMES UNAVAILABLE, GROUNDWATER IS USED TO SUPPLEMENT THE SURFACE WATER SUPPLY. THIS RIGHT INCLUDES .933 CFS FOR CONVEYANCE LOSSES. CONVEYANCE LOSS THE PORTION OF THE DIVERSION RATE CLAIMED FOR CONVEYANCE LOSS WAS NOT ALLOWED BECAUSE THE WELLS DIVERT INTO A MAINLINE OR DITCHES AT THE WELL SITES. NO LOSS WOULD OCCUR WITHIN THE MAINLINES AND THE CATTLE WOULD DRINK DIRECTLY FROM THE DITCHES AT THE WELL SITES.

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

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 61-11905 V1

SubCase:

SubCase Number: 6111905

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned: SUSAN E HAMLIN-NYGARD

Date Filed: 6/10/1999 Objection Status: Active

02/08/2002

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

RIGHT NUMBER: 61-11905

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.24 CFS

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

PRIORITY DATE: 03/07/1953

POINT OF DIVERSION:

T04S R09E S10 NESWNE Within ELMORE County

T04S R09E S10 NENWNW Within ELMORE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.240 CFS

PLACE OF USE: STOCKWATER Within ELMORE County

T04S R09E S03	NESW	T04S R09E S03	SESW
T04S R09E S03	NESE	T04S R09E S03	NWSE
T04S R09E S03	SWSE	T04S R09E S03	SESE
T04S R09E S08	SESE	T04S R09E S09	SWNE
T04S R09E S09	SENE	T04S R09E S09	NESW
T04S R09E S09	SWSW	T04S R09E S09	SESW
T04S R09E S09	NESE	T04S R09E S09	NWSE
T04S R09E S09	SWSE	T04S R09E S09	SESE
T04S R09E S10	NENE	T04S R09E S10	NWNE
T04S R09E S10	SWNE	T04S R09E S10	NENW
T04S R09E S10	NWNW	T04S R09E S10	SWNW
T04S R09E S10	NESW	T04S R09E S10	SWSW
T04S R09E S10	SESW	T04S R09E S10	NWSE
T04S R09E S10	SWSE	T04S R09E S15	NENW
T04S R09E S15	NWNW	T04S R09E S15	SWNW
T04S R09E S16	NENE	T04S R09E S16	NWNE
T04S R09E S16	SWNE	T04S R09E S16	SENE
T04S R09E S16	NENW	T04S R09E S16	NWNW
T04S R09E S16	SWNW	T04S R09E S16	SESW
T04S R09E S16	NESE	T04S R09E S17	NENE
T04S R09E S17	NWNE		

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 DECREEED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL:

STOCKWATER, 1000 RANGE CATTLE

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

A. Subcase 61-11905

(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: Charter Mountain Ranch, Inc.

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: _____
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

Chapman G. Smith

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