

PANCHERI/LITTLE/A.L. CATTLE STIPULATION
PANCHERI/LESLIE STIPULATION
EXHIBIT A - LISTING OF WATER RIGHTS

12/86

PAGE 9

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
		SOURCE: SPRING	TRIBUTARY: MOORES CREEK			
65-1972	LITTLE, MYRN M. C/O AGNES BRAILSFORD P.O. BOX 180 HAGERMAN, ID 83332 POINT OF DIVERSION: T13N R03E S13 SENE PLACE OF USE: T13N R03E S13 SENE	05-01-1901	01-01 12-31	DOMESTIC	.04 CFS 1.20 AFA	BENEFICIAL USE
65-1973	LITTLE, MYRN M. C/O AGNES BRAILSFORD P.O. BOX 180 HAGERMAN, ID 83332 POINT OF DIVERSION: T13N R03E S13 SENE PLACE OF USE: T13N R03E S13 SENE	05-01-1901	01-01 12-31	DOMESTIC	.01 CFS 1.20 AFA	BENEFICIAL USE
65-3418	LESLIE, WILLIAM JOHN 2404 NORTH 21ST BOISE, ID 83702 OTHER RIGHTS: 65-3420 POINT OF DIVERSION: T13N R03E S13 SENW PLACE OF USE: IRRIGATION T13N R03E S13 SENW 2 2 ACRES TOTAL	04-01-1910	IRRIGATION	04-15 10-15	.04 CFS	BENEFICIAL USE

EXHIBIT A - STIPULATION TO PANCHERI OBJECTION
AMENDED PROPOSED FINDING OF WATER RIGHT

PAGE

SOURCE: NORTH FORK, MOORES CREEK

TRIBUTARY TO: MOORES CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-1972	LITTLE, MYRN H. ROUTE 3, BOX 151 EMMETT, IDAHO 83617	5/1/1901	DOMESTIC	1/1 12/31	1.20 AFA .04 CFS	SENE S13 T13N R 3E	SENE S13 T13N R 3E	BENEFICIAL USE
65-1973	LITTLE, MYRN H. ROUTE 3, BOX 151 EMMETT, IDAHO 83617	5/1/1901	DOMESTIC	1/1 12/31	1.20 AFA .01 CFS	SENE S13 T13N R 3E	SENE S13 T13N R 3E	BENEFICIAL USE
65-3418	LESLIE, WILLIAM JOHN 2404 NORTH 21ST BOISE, IDAHO 83702 THIS RIGHT WHEN COMBINED WITH RIGHT 65-3420 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	4/1/1910	IRRIGATION	4/15 10/15	--- AFA .04 CFS	SENW S13 T13N R 3E	SENW(2) S13 T13N R 3E	BENEFICIAL USE

INDICATES TOTAL

RECEIVED

DEC 29 1995

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: A65-01972

Date Received: 12/15/1995

Receipt No: X999999 *do*

Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: EASTERN WESTERN CORP
Address: MICHAEL E MC GINLEY PRESIDENT
1505 SE GIDEON ST
PO BOX 3228
PORTLAND OR

503-236-1978

97208-3228

2. Date of Priority: MAY 1, 1901

3. Source: SPRING

Trib. to: MOORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	03E	13	SE	NE			VALLEY

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		1.20

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

1.20 A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	03E	13	SE	NE		DOMEST	

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:

14. Remarks:

RIGHT IS SUBJECT TO PANCHERI/LITTLE/A.L. CATTLE INC. STIPULATION
AS ORDERED BY THE DISTRICT COURT ON 12-30-86 IN GEM COUNTY CIVIL
NO. 3667.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-1972

WATER RIGHT NUMBER: 65-1972

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MYRN H LITTLE C/O AGNES BRAILSFORD PO BOX 180 HAGERMAN, ID 83332
Attorney	HOFSTETTER LAW OFFICE DANA HOFSTETTER 608 W FRANKLIN ST BOISE, ID 83702 (208) 424-7800
Current Owner	CAROL LYNN MAC GREGOR 1109 WARM SPRINGS AVE BOISE, ID 83712 (208)386-9494

Priority Date: 05/01/1901

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	MOORES CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	1.20 AF
<u>Total Diversion:</u>		0.040 CFS	1.20 AF

Location of Point(s) of Diversion

SPRING	SE1/4NE1/4	Sec. 13, Twp 13N, Rge 03E, B.M.
VALLEY County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	03E	13				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
Water Right Report 65-1972

Comments:

1. JSHURTE 3/23/1998 SENT TO COMMENTS FROM REMARKS
Comment: THIS RIGHT IS SUBJECT TO THE PANCHER/LITTLE/A.L. CATTLE INC. STIPULATION AS ORDERED BY THE DISTRICT COURT ON 12-30-86 IN GEM COUNTY CIVIL NO. 3667.
2. DBUFFING 10/20/1998 NAME CHANGE - ADDRESS CHANGE
Comment: THE DATA IN THE NAME FIELD WAS CHANGED TO SHOW THIS RIGHT HAS A N ADDRESS CHANGE.

RECEIVED

SEP 03 1998

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).: 65-11280, 65, 1979, 65-1972, 65-1973
Adjudication Claim No(s).: A: 65-11280, 1979, 1972 and 1973
 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: Eastern Western Corporation,
then ~~Thomas~~ Tom Nicholson
 4. New Owner/Claimant(s) Carol Lynn MacGregor
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 1104 Warm Springs Avenue
City, State and ZIP Code Boise, ID 83742
New Telephone Number (208) 386-9494
 5. Date you acquired the property Jan 12, 1998
 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. I rent pasture, this year having
Number of acres you irrigate 1 bought all. Number and type of stock _____
Diversion rate in CFS _____ Number of homes 1 Other uses hot springs
- 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 or Claimant(s) Carol Lynn MacGregor
(a married woman dealing with her separate property)
(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..

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at Item 1. If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.
4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector 'and', 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

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

IDWR Southern Region, 1341 Fillmore St. N., Twin Falls, ID 83301-3380 (208) 736-3033

IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450

IDWR Eastern Region, 900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

EXHIBIT A

Legal Description of the Property

Township 13 North, Range 3 East, Boise Meridian, Valley County, Idaho:

Section 13, S1/2NE 1/4 lying south of the county road, SW1/4.-N1/2SE1/4, SW1/4SE1/4, SE1/4SE1/4 lying west of the county road. Section 14, S1/2

Township 13 North, Range 4 East, Boise Meridian, Valley County, Idaho:

Section 18, Government Lots 2 and 3, SE1/4NW1/4, NE1/4. Reserving therefrom a parcel of land in the NE corner of the SE1/4NW1/4 of said section 18 as deeded to the Oregon Shortline Railroad Company, in Book 9 of Deeds at page 189 as Instrument No. 19165.

ASSIGNMENT AGREEMENT
FOR REPLACEMENT PROPERTY
1031-1829

RECEIVED

SEP 03 1998

WATER RESOURCES
WESTERN REGION

THIS ASSIGNMENT is made and entered into on January 12, 1998 by and between, CAROL LYNN MACGREGOR (hereinafter referred to as "Assignor") PIONEER 1031 COMPANY, an Idaho corporation (hereinafter "Assignee") and TOM NICHOLSON (hereinafter "Consenting Party").

RECITALS:

WHEREAS, Assignor and Consenting Party have entered into that certain Sale Contract/Purchase Agreement dated January 12, 1998 (hereinafter "Purchase Agreement"), a copy of which is attached as Exhibit "A," wherein Consenting Party agreed to transfer that certain real property described as:

Township 13 North, Range 3 East, Boise Meridian, Valley County, Idaho:

Section 13, S $\frac{1}{2}$ NE $\frac{1}{4}$ lying south of the county road, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying West of the county road. Section 14, S $\frac{1}{2}$

Township 13 North, Range 4 East, Boise Meridian, Valley County, Idaho:

Section 18, Governments Lots 2 and 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$. Reserving therefrom a parcel of land in the NE corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 18 as deeded to the Oregon Shoreline Railroad Company, in Book 9 of Deeds at Page 189 as Instrument No. 19165.

and commonly known as Hot Springs Ranch, Valley County, Idaho (hereinafter "Replacement Property") to Assignor; and

WHEREAS, Assignor desires to effect a tax-deferred exchange in accordance with Section 1031 of the Internal Revenue Code, and the Treasury regulations promulgated thereunder; and

WHEREAS, Assignor wishes to be relieved of the obligations to so acquire the Replacement Property under the Purchase Agreement and substitute Assignee in place of Assignor under the Purchase Agreement to allow Assignee to complete the transfer of the Replacement Property as part of an integrated, interdependent transaction between Assignor and Assignee.



IN WITNESS WHEREOF, the parties hereto have set their hands.

ASSIGNEE:

PIONEER 1031 COMPANY, AN IDAHO CORPORATION

BY: Robert E. Onnen
ROBERT E. ONNEN, SENIOR VICE PRESIDENT

DATE 1/12/98

ASSIGNOR(S):

Carol Lynn MacGregor
CAROL LYNN MACGREGOR

DATE 1-16-98

CONSENTING PARTY(S):

Tom Nicholson
TOM NICHOLSON

DATE 1-16-98



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DEC 15 1995

Department of Water Resources

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

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: A65-01972

Date Received: 10/17/1989

Receipt No: ~~2999999~~ 2999999

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EASTERN WESTERN CORP 503-236-1978
Address: MICHAEL E MC GINLEY PRESIDENT
1505 SE GIDEON ST
PO BOX 3228
PORTLAND OR 97208-3228

2. Date of Priority: MAY 1, 1901

3. Source: SPRING Trib. to: MOORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	03E	13	SE	NE			VALLEY

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		1.20

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) 1.20 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	03E	13	SE	NE		DOMEST	

11. Place of use in counties: VALLEY

State of Idaho)
County of Payette) SS.

Subscribed and sworn (or affirmed) before me this 25th day
of Dec. 19 95

Henry Sands
Notary Public

Seal

Residing at Payette
My Commission Expires 4-15-98

AJ0749NP
No. R65-01972

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

DATE: 08/23/99
PAGE: 1

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OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CAROL MACGREGOR 1109 WARM SPRINGS AVW BOISE ID 83712 (208) 386-9494	05/01/1901	DOMESTIC	01-01 12-31	0.040 CFS	1.20 AFA
TOTAL DIVERSION:					0.040 CFS	1.20 AFA

Water Source: SPRING

Tributary to: MOORES CREEK

Stage: DECREED

Point(s) of Diversion: T13N R03E S13 SENE

VALLEY County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
13N	03E	13	:					D	:											:

POU County: VALLEY

Remarks: EXP RIGHT IS SUBJECT TO PANCHERI/LITTLE/A.L. CATTLE INC. STIPULATION
AS ORDERED BY THE DISTRICT COURT ON 12-30-86 IN GEM COUNTY CIVIL
NO. 3667.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 21, 1998

RE: Water Right No. 65-08949, 65-09796, 65-17568, 65-17573, 65-19596,
65-19598, and 65-19608

Eastern Western Corp
c/o Michael E Mc Ginley, President
1426 SE Gideon St
Portland OR 97208-3228

Dear Claimant:

Enclosed are copies of the above referenced water rights which reflect the change in address of the land and appurtenant water rights covered under the original filings. Also enclosed are copies of the Notices of Completed Administrative Proceedings which have been sent to the Snake River Basin Court as notification of the changes.

The address has also been changed on all other water rights in which you are the current owner, and copies of the claims and profile reports are enclosed.

If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Records Clerk
Adjudication Section
Western Region

DB:db

Enclosures

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

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 104

Water Source: SPRING

Tributary to: MOORES CREEK

Stage: DECREED

Point(s) of Diversion:

T13N R03E S13

SENE

VALLEY County

Place of Use Legal Description for: DOMESTIC

				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	:
13N	03E	13	:											:									:
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POU County: VALLEY

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.

Dates: **Exam Made Date:** **Verified Date:** **Objection Filed Date:**

Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:

Comments: Date: 03/23/1998 User-ID: JSHURTE Subject: SENT TO COMMENTS FROM REMARKS
THIS RIGHT IS SUBJECT TO THE PANCHERI/LITTLE/A.L. CATTLE INC.
STIPULATION AS ORDERED BY THE DISTRICT COURT ON 12-30-86 IN GEM
COUNTY CIVIL NO. 3667.

Audit: 03/23/98 JSHURTE

AJ0749NP
No. R65-01972

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

DATE: 03/10/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EASTERN WESTERN CORP MICHAEL E MC GINLEY PRESIDENT 1505 SE GIDEON ST PO BOX 3228 PORTLAND OR 972083228 (503) 236-1978	05/01/1901	DOMESTIC	01-01 12-31	0.04 CFS	1.20 AFA
TOTAL DIVERSION:					0.04 CFS	1.20 AFA

Water Source: SPRING

Tributary to: MOORES CREEK

Stage: DECREED

Point(s) of Diversion:

T13N R03E S13

SENE

VALLEY County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
13N	03E	13	:																	:
			:																	:

POU County: VALLEY

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 THIS RIGHT IS SUBJECT TO THE PANCHERI/LITTLE/A.L. CATTLE INC. STIPULATION AS ORDERED BY THE DISTRICT COURT ON 12-30-86 IN GEM COUNTY CIVIL NO. 3667.

Dates: Exam Made Date: Verified Date: 03/10/1998 Objection Filed Date:

Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:

Audit: 03/10/98 KWATERS

AJ5809NP
No. R65-01972

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/27/98
PAGE: 107

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EASTERN WESTERN CORP MICHAEL E MC GINLEY PRESIDENT 1505 SE GIDEON ST PO BOX 3228 PORTLAND OR 972083228 (503) 236-1978	05/01/1901	DOMESTIC	01-01 12-31	0.04 CFS	1.20 AFA
TOTAL DIVERSION:					0.04 CFS	1.20 AFA

Water Source: SPRING

Tributary to: MOORES CREEK

Stage: DECREED

Point(s) of Diversion:

T13N R03E S13

SENE

VALLEY County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
13N	03E	13	:																		
			:																		

POU County: VALLEY

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** GEN RIGHT IS SUBJECT TO PANCHERI/LITTLE/A.L. CATTLE INC. STIPULATION AS ORDERED BY THE DISTRICT COURT ON 12-30-86 IN GEM COUNTY CIVIL NO. 3667.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:

Audit: 02/25/98 JSHURTE 02/26/98 AJU3-JSH

WR5809NP
No. 65-01972

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/27/98
PAGE: 110

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MYRN H. LITTLE C/O AGNES BRAILSFORD P.O. BOX 180 HAGERMAN ID 833320000	05/01/1901	DOMESTIC	01/01 12/31	0.040 CFS	1.20 AFA
TOTAL DIVERSION:					0.040 CFS	1.20 AFA

Water Source: SPRING

Tributary to: MOORES CREEK

Stage: DECREED

Point(s) of Diversion:

T13N R03E S13

SENE

VALLEY County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
---	---	---	:	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	:
13N	03E	13	:					D	:													:

Pou County: VALLEY

Dates:	App. Received:	Priority Date:	05/01/1901
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

Audit: 01/20/87 04/30/88 CONVERT

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 398

* INDICATES TOTAL *

SOURCE: SPRING

TRIBUTARY TO: MOORES CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-1972	LITTLE, MYRN H. ROUTE 3, BOX 151, EMMETT, IDAHO 83617	5/ 1/1901	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	SENE S13 T13N R 3E	SENE S13 T13N R 3E	BENEFICIAL USE
65-1973	LITTLE, MYRN H. ROUTE 3, BOX 151, EMMETT, IDAHO 83617	5/ 1/1901	DOMESTIC	1/ 1 12/31	1.20 AFA .01 CFS	SENE S13 T13N R 3E	SENE S13 T13N R 3E	BENEFICIAL USE
65-3418	LESLIE, WILLIAM JOHN 2404 NORTH 21ST, BOISE, IDAHO 83702 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-3419 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	4/ 1/1910	IRRIGATION	4/15 10/15	--- AFA .04 CFS	SENW S13 T13N R 3E	SENW(1) SENW(1) S13 T13N R 3E *2*	BENEFICIAL USE

* INDICATES TOTAL *

SOURCE: SPRING

TRIBUTARY TO: MUD CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-3683	MAKI, JACOB A. BOX 686, LAKE FORK, IDAHO 83635 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-4975 & 65-3682 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	10/ 1/1922	STOCKWATER	1/ 1 12/31	.70 AFA .02 CFS	SESH S 9 T17N R 3E	SAME AS OTHER USE	BENEFICIAL USE
			IRRIGATION	4/15 10/15	--- AFA .20 CFS *---*AFA *.20*CFS		SESH(5) SESH(10) S 9 T17N R 3E *15*	
65-8642	FINCHER, CHARLES G. ROUTE 1, MC CALL, IDAHO 83638	7/ 1/1945	IRRIGATION	4/15 10/15	--- AFA .02 CFS	SESE S33 T18N R 3E	SESE(1) S33 T18N R 3E *1*	BENEFICIAL USE
65-3682	MAKI, GUST LAKE FORK, IDAHO 83635 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-4975 & 65-3683 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	9/ 1/1947	STOCKWATER	1/ 1 12/31	.70 AFA .02 CFS	SESH S 9 T17N R 3E	SAME AS OTHER USE	BENEFICIAL USE
			IRRIGATION	4/15 10/15	--- AFA .02 CFS *---*AFA *.02*CFS		SESH(3) S 9 T17N R 3E *3*	

65-01912
Morgan W. Richards, Jr.
MOFFATT, THOMAS, PARFETT & PLANTON
CHARTERED
Post Office Box 829
Poise, Idaho 83701
Telephone: (208) 345-2334
MTR&B 13-719

Attorneys for MacGregor Land &
Livestock Company

FILED

DEC 21 1984

U CLUCK

Thelma P. Kolodziej CLERK

James J. Butler DEPUTY

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	
DETERMINATION OF THE RIGHT TO	)	Civil No. 3667
THE USE OF SURFACE AND	)	
GROUNDWATER OF THE PAYETTE	)	STIPULATION AND ORDER
RIVER DRAINAGE BASIN	)	
	)	

COMES NOW Darwin L. Pancheri and Joan L. Pancheri, and
Duane Pancheri and Laura Pancheri (hereinafter "Pancheris") and
MacGregor Land & Livestock Company (hereinafter "MacGregor"), and
stipulate and agree as follows:

1. Pancheris on behalf of themselves, their heirs,
successors and assigns, hereby stipulate, agree and concede that
the priority dates, uses, periods of use, quantity of water
claimed, diversion points and places of use in the attached
exhibits for MacGregor water rights 65-3406, 65-3407, 65-3408 and
65-11411 are accurate and correct and, therefore, prior in time
and right to the water rights claimed by Pancheris.

2. MacGregor hereby dismisses with prejudice its
objection to and protest of the water rights claimed by Pancheris

in this case. Pancheris hereby dismiss with prejudice their objection and protest of the water rights claimed by MacGregor.

3. Both parties agree to bear their own costs and attorney's fees.

DATED this _____ day of December, 1984.

MOFFATT, THOMAS, BARPETT & BLANTON
CHARTERED

By Morgan W. Richards, Jr.
Morgan W. Richards, Jr. -
Of the Firm - Attorneys for
MacGregor Land & Livestock Co.

ANDERSON, KAUFMAN, RINGEPT & CLARK

By _____
F. F. Ringert - Of the Firm -
Attorneys for Darwin Pancheri, Joan
Pancheri, Duane Pancheri and Laura
Pancheri

C E P E P

The foregoing stipulation having come duly and regularly before the court and good cause appearing therefore,

IT IS HEREBY ORDERED that the objections to and protests filed against Pancheris' water rights by MacGregor and against MacGregor's water rights by Pancheris be dismissed with prejudice, and without attorneys fees and costs to any party.

IT IS FURTHER ORDERED that MacGregor's water rights 65-3406, 65-3407, 65-3408 and 65-11411 listed in attached Exhibits with regard to priority dates, uses, periods of use, quantity of water claimed, diversion points and places of use be deemed admitted and conceded by the Pancheris, their heirs, successors and assigns as true and accurate.

DATED this 19th day of December, 1984.

H Roger L. Williams
DISTRICT JUDGE

16

I hereby certify that this
is a true and correct copy of
the original Stipulation and
Order filed in this cause on
the 30th day of December, 1986
at 1:43 p.m.

JIM JONES
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 334-2400

PHILLIP J. RASSIER
JOSEPHINE P. BEEMAN
Deputy Attorneys General
Department of Water Resources
450 West State Street
Boise, ID 83720
Telephone: (208) 334-4448

John R. Dostert
District Judge

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	Civil No. 3667
DETERMINATION OF THE RIGHT TO	)	
THE USE OF SURFACE AND GROUND-	)	STIPULATION AND ORDER:
WATER OF THE PAYETTE RIVER	)	PANCHERIS/LITTLES/
DRAINAGE BASIN	)	A. L. CATTLE INC.

The director of the Idaho Department of Water Resources, Darwin Pancheri and Joan L. Pancheri, Duane Pancheri and Laura Pancheri ("Pancheris" herein), the estate of Myrn H. Little, and A. L. Cattle, Inc. stipulate to the following water rights for the Pancheris, the estate of Myrn H. Little, and A. L. Cattle, Inc. within the Brush Creek drainage which is tributary to the North Fork of the Payette River. All of these water rights are listed in complete detail in the attached Exhibit A, but are listed in an abbreviated form here.

JIM JONES
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone (208) 334-2400

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1. Brush Creek, tributary to North Fork, Payette River
65-6628 (Pancheris): 12.56 cfs for irrigation with a
priority date of 4/1/1912;
65-1979 (A. L. Cattle, Inc.): 6.24 cfs for
irrigation with a priority date of 6/1/1918;
2. Moores Creek, tributary to Brush Creek
65-11250 (Pancheris): 4.86 cfs for irrigation with a
priority date of 5/1/1899;
3. Andy Creek, tributary to South Fork Moores Creek, and
South Fork Moores Creek, tributary to Moores Creek
65-11280 (A. L. Cattle, Inc.): 1.06 cfs for
irrigation with a priority date of 6/1/1902.

With respect to right 65-11280 (in the name of A. L. Cattle, Inc.), the Pancheris and A. L. Cattle, Inc. agree as follows. Although right 65-11280 on Andy Creek is junior in priority to the Pancheri's downstream right 65-11250 on Moores Creek, it will be considered for distribution purposes to be a prior right as long as the following conditions are satisfied:

a. The use of water by A. L. Cattle, Inc., its successors and assigns under right 65-11280 will not be expanded to lands not shown to be irrigated on the attached Exhibit A. That is if the Exhibit shows a given number of acres irrigated in a quarter section, A. L. Cattle, Inc. will not increase the number of acres being irrigated in that fractional section.

b. A. L. Cattle, Inc. agrees, for and on behalf of itself, successors and assigns, not to change the method of irrigating under 65-11280 even though the method of irrigating can be changed without increasing the consumptive use, such as changing from the present method of irrigating, flood irrigation, to sprinklers.

1 c. A. L. Cattle, Inc. agrees for and on behalf of
2 itself, its successors and assigns not to change
3 either the place of use of the water or the points of
4 diversion without first obtaining the written consent
5 of the Pancheris or the Pancheris' successors and
6 assigns.

7 d. A. L. Cattle, Inc. agrees, for and on behalf of
8 itself, its successors and assigns to use the water
9 in such a manner that all water not needed for the
10 propagation of crops will either be left in the
11 natural drainage or will be returned back to Moores
12 Creek upstream from the Pancheris' point of diversion
13 as it presently exists.

14 e. The enforcement of those conditions which occur
15 after the water is diverted from the natural channel
16 will be the responsibility of the private parties,
17 except that Water Resources may also exercise its
18 authority under Title 42, Idaho Code.

19 4. Springs, tributary to Moores Creek

20 65-1972 (estate of Myrn H. Little): .04 cfs for
21 domestic purposes with a priority date of 5/1/1901;

22 65-1973 (estate of Myrn H. Little): .01 cfs for
23 domestic purposes with a priority date of 5/1/1901.

24 The Pancheris, the estate of Myrn H. Little and A. L.
25 Cattle, Inc. further agree, based upon this stipulation, to
26 withdraw the objections that each had filed affecting their
27 respective rights on Brush Creek, Moores Creek and Andy Creek.

Dated this 30th day of December, 1986.

RINGERT, CLARK, HARRINGTON,
REID, CHRISTENSON & KAUFMAN,
CHARTERED

By: W. F. Ringert 12-30-86
William F. Ringert, a member
of the firm
Attorneys for Darwin Pancheri,
Joan L. Pancheri, Duane
Pancheri, and Laura Pancheri

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Louie Gorrondo 27 December 1986

Louie Gorrondo, Attorney for
Claimant Agnes Brailsford,
Personal Representative of the
Estate of Myrn H. Little,
Deceased and for Claimant
A. L. Cattle, Inc.

JIM JONES
Attorney General

Josephine P. Beeman 26 December 1986

Josephine P. Beeman
Deputy Attorney General
Idaho Department of Water
Resources

JIM JONES
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 334-2400

PHILLIP J. RASSIER
JOSEPHINE P. BEEMAN
Deputy Attorneys General
Department of Water Resources
450 West State Street
Boise, ID 83720
Telephone: (208) 334-4448

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	Civil No. 3667
DETERMINATION OF THE RIGHT TO	)	
THE USE OF SURFACE AND GROUNDWATER	)	ORDER
OF THE PAYETTE RIVER DRAINAGE	)	
BASIN	)	

The foregoing stipulation having come duly and regularly
before the court and good cause appearing therefore,

IT IS HEREBY ORDERED that the objections filed by the
Pancheris as to their rights 65-6622, 65-6629, 65-6628, and
65-11250 be dismissed with prejudice; further that the objections
to and protests filed against Pancheris' water rights by A. L.
Cattle, Inc. and the estate of Myrn H. Little and against the
water rights of A. L. Cattle, Inc. and the estate of Myrn H.
Little by Pancheris be dismissed with prejudice and without
attorneys fees and costs to any party.

IT IS FURTHER ORDERED that A. L. Cattle, Inc.'s water
rights 65-1979, 65-11280 and the estate of Myrn H. Little's water
rights 65-1972 and 65-1973 listed in the attached Exhibit A are
deemed admitted and conceded by the Pancheris, their heirs,

successors and assigns as true and accurate, and subject to the conditions stated on pages 2 and 3 of the Pancheris/Littles/A. L. Cattle Inc. stipulation.

IT IS FURTHER ORDERED that the Pancheris' water rights 65-6628 and 65-11250 listed in the attached Exhibit A are deemed admitted and conceded by A. L. Cattle, Inc. and the estate of Myrn H. Little and their successors and assigns as true and accurate, and subject to the conditions stated on pages 2 and 3 of the Pancheris/Littles/A. L. Cattle Inc. stipulation.

DATED this 30 day of December, 1986.

/s/
JIM R. DOOLITTLE
District Judge

1 b. Leslie agrees, for and on behalf of himself, his
2 successors, heirs and assigns, not to change the
3 method of irrigating under rights 65-3418, 65-3419,
4 and 65-3420 even though the method of irrigating can
be changed without increasing the consumptive use,
such as changing from the present method of
irrigating, flood irrigation, to sprinklers.

5 c. Leslie agrees for and on behalf of himself, his
6 successors, heirs and assigns not to change either
7 the place of use of the water or the points of
8 diversion without first obtaining the written consent
9 of the Pancheris or the Pancheris' successors, heirs
and assigns. A replacement to a damaged headgate
will not constitute a change in point of diversion
where the point of diversion is not substantially
changed.

10 d. Leslie agrees, for and on behalf of himself, his
11 successors, heirs and assigns to use the water in
12 such a manner that all water not needed for the
13 propagation of crops will either be left in the
14 natural drainage or will be returned back to Moores
15 Creek upstream from the Pancheris' point of diversion
16 as it presently exists. The parties to this
17 stipulation acknowledge the existence of a rotation
18 agreement between Leslie and MacGregor which is
19 attached as Exhibit B.

20 e. The enforcement of those conditions which occur
21 after the water is diverted from the natural channel
22 will be the responsibility of the private parties,
23 except that Water Resources may also exercise its
24 authority under Title 42, Idaho Code.

25 The Pancheris and Leslie further agree, based upon
26 this stipulation, to withdraw the objections that each had
27 filed affecting their respective rights on Andy Creek, House
Creek, Moores Creek, North Fork Moores Creek and South Fork
Moores Creek.

1
2 Dated this 29th day of December, 1986.
3

4 RINGERT, CLARK, HARRINGTON,
5 REID, CHRISTENSON & KAUFMAN,
6 CHARTERED

7 By: W. F. Ringert

8 William F. Ringert, a member
9 of the firm

10 Attorneys for Darwin Pancheri,
11 Joan L. Pancheri, Duane
12 Pancheri, and Laura Pancheri

13 COLLINS & MANLY

14 By: William D. Collins 26 December 1986

15 William D. Collins,
16 Attorneys for William John
17 Leslie

18 JIM JONES
19 Attorney General

20 Josephine P. Beeman 26 December 1986
21 Josephine P. Beeman
22 Deputy Attorney General
23 Idaho Department of Water
24 Resources
25
26
27

PHILLIP J. RASSIER
JOSEPHINE P. BEEMAN
Deputy Attorneys General
Department of Water Resources
450 West State Street
Boise, ID 83720
Telephone: (208) 334-4448

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	Civil No. 3667
DETERMINATION OF THE RIGHT TO	)	
THE USE OF SURFACE AND GROUNDWATER	)	ORDER
OF THE PAYETTE RIVER DRAINAGE	)	
BASIN	)	

The foregoing stipulation having come duly and regularly
before the court and good cause appearing therefore,

IT IS HEREBY ORDERED that the objections filed by the
Pancheris as to their rights 65-6622, 65-6629, 65-6628, and
65-11250 be dismissed with prejudice; further that the objections
to and protests filed against Pancheris' water rights by Leslie
and against the water rights of Leslie by Pancheris be dismissed
with prejudice and without attorneys fees and costs to any party.

IT IS FURTHER ORDERED that Leslie's water rights
65-3418, 65-3419 and 65-3420 listed in the attached Exhibit A are
deemed admitted and conceded by the Pancheris, their heirs,
successors and assigns as true and accurate, and subject to the
conditions stated on pages 2 and 3 of the Pancheris and Leslie
stipulation.

IT IS FURTHER ORDERED that the Pancheris' water right
65-11250 listed in the attached Exhibit A is deemed admitted and

conceded by Leslie, his successors, heirs and assigns as true and accurate, and subject to the conditions stated on pages 2 and 3 of the Pancheris and Leslie stipulation.

DATED this 30 day of December, 1986.

/s/
JIM R. DOOLITTLE
District Judge

12/86

PANCHERI/LITTLE/A.L. CATTLE STIPULATION
 PANCHERI/LESLIE STIPULATION
 EXHIBIT A - LISTING OF WATER RIGHTS

PAGE 9

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
SOURCE: SPRING TRIBUTARY: MOORES CREEK						
65-1972	LITTLE, MYRN M. C/O AGNES BRAILSFORD P.O. BOX 180 HAGERMAN, ID 83332 POINT OF DIVERSION: T13N R03E S13 SENE PLACE OF USE: T13N R03E S13 SENE	05-01-1901	01-01 12-31	DOMESTIC	.04 CFS 1.20 AFA	BENEFICIAL USE
65-1973	LITTLE, MYRN M. C/O AGNES BRAILSFORD P.O. BOX 180 HAGERMAN, ID 83332 POINT OF DIVERSION: T13N R03E S13 SENE PLACE OF USE: T13N R03E S13 SENE	05-01-1901	01-01 12-31	DOMESTIC	.01 CFS 1.20 AFA	BENEFICIAL USE
65-3418	LESLIE, WILLIAM JOHN 2404 NORTH 21ST BOISE, ID 83702 OTHER RIGHTS: 65-3420 POINT OF DIVERSION: T13N R03E S13 SENW PLACE OF USE: IRRIGATION T13N R03E S13 SENW 2 2 ACRES TOTAL	04-01-1910	IRRIGATION	04-15 10-15	.04 CFS	BENEFICIAL USE

EXHIBIT A - STIPULATION TO PANCHERI OBJECTION
AMENDED PROPOSED FINDING OF WATER RIGHT

PAGE

SOURCE: NORTH FORK, MOORES CREEK TRIBUTARY TO: MOORES CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-3072	LITTLE, MYRN H. ROUTE 3, BOX 151 EMMETT, IDAHO 83617	5/1/1901	DOMESTIC	1/1 12/31	1.20 AFA .04 CFS	SENE S13 T13N R 3E	SENE S13 T13N R 3E	BENEFICIAL USE
65-1973	LITTLE, MYRN H. ROUTE 3, BOX 151 EMMETT, IDAHO 83617	5/1/1901	DOMESTIC	1/1 12/31	1.20 AFA .01 CFS	SENE S13 T13N R 3E	SENE S13 T13N R 3E	BENEFICIAL USE
65-3418	LESLIE, WILLIAM JOHN 2404 NORTH 21ST BOISE, IDAHO 83702 THIS RIGHT WHEN COMBINED WITH RIGHT 65-3420 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	4/1/1910	IRRIGATION	4/15 10/15	--- AFA .04 CFS	SENW S13 T13N R 3E	SENW(2) S13 T13N R 3E	BENEFICIAL USE

INDICATES TOTAL

Right Number: 65-1972

Name and Address: Little, Myrn H.
Route 3, Box 151
Emmett, Idaho 83617

Source: North Fork, Moores Creek tributary to
Moores Creek

Priority: 5/1/1901

Use: Domestic

Use Period: 1/1 to 12/31

Maximum Amount: 1.20 AFA

Maximum Rate: .04 CFS

Diversion Point: SENE S13
T13N R 3E

Place of Use: SENE
S13 T13N R 3E

Basis of Right: Beneficial Use

That I am

MAP NO.
valley

65-1972-

(Name of Claimant)

2 - Department of Water Administration

(Mailing Address)

claims a right to the diversion

The extent and nature of said claim is as follows:

- 1.2 AFA
U.

[illegible]

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2 Attorney General
3 State of Idaho
4 Statehouse, Room 210
5 Boise, Idaho 83720
6 Telephone: (208) 334-2400

7 PHILLIP J. RASSIER
8 JOSEPHINE P. BEEMAN
9 Deputy Attorneys General
10 Department of Water Resources
11 450 West State Street
12 Boise, ID 83720
13 Telephone: (208) 334-4448

14
15 IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
16 STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

17 IN THE MATTER OF THE GENERAL	)	Civil No. 3667
18 DETERMINATION OF THE RIGHT TO	)	
19 THE USE OF SURFACE AND GROUND-	)	STIPULATION AND ORDER:
20 WATER OF THE PAYETTE RIVER	)	PANCHERIS/LITTLES/
21 DRAINAGE BASIN	)	A. L. CATTLE INC.

22 The director of the Idaho Department of Water
23 Resources, Darwin Pancheri and Joan L. Pancheri, Duane Pancheri
24 and Laura Pancheri ("Pancheris" herein), the estate of Myrn H.
25 Little, and A. L. Cattle, Inc. stipulate to the following water
26 rights for the Pancheris, the estate of Myrn H. Little, and A.
27 L. Cattle, Inc. within the Brush Creek drainage which is
tributary to the North Fork of the Payette River. All of these
water rights are listed in complete detail in the attached
Exhibit A, but are listed in an abbreviated form
here.

*is a true and correct copy of
the original Stipulation and
Order filed in this cause on
the 30th day of December, 1986
at 1:43 p.m.*

*John R. Douthett
District Judge*

1. Brush Creek, tributary to North Fork, Payette River
65-6628 (Pancheris): 12.56 cfs for irrigation with a
priority date of 4/1/1912;
65-1979 (A. L. Cattle, Inc.): 6.24 cfs for
irrigation with a priority date of 6/1/1918;
2. Moores Creek, tributary to Brush Creek
65-11250 (Pancheris): 4.86 cfs for irrigation with a
priority date of 5/1/1899;
3. Andy Creek, tributary to South Fork Moores Creek, and
South Fork Moores Creek, tributary to Moores Creek
65-11280 (A. L. Cattle, Inc.): 1.06 cfs for
irrigation with a priority date of 6/1/1902.

With respect to right 65-11280 (in the name of A. L. Cattle, Inc.), the Pancheris and A. L. Cattle, Inc. agree as follows. Although right 65-11280 on Andy Creek is junior in priority to the Pancheri's downstream right 65-11250 on Moores Creek, it will be considered for distribution purposes to be a prior right as long as the following conditions are satisfied:

a. The use of water by A. L. Cattle, Inc., its successors and assigns under right 65-11280 will not be expanded to lands not shown to be irrigated on the attached Exhibit A. That is if the Exhibit shows a given number of acres irrigated in a quarter section, A. L. Cattle, Inc. will not increase the number of acres being irrigated in that fractional section.

b. A. L. Cattle, Inc. agrees, for and on behalf of itself, successors and assigns, not to change the method of irrigating under 65-11280 even though the method of irrigating can be changed without increasing the consumptive use, such as changing from the present method of irrigating, flood irrigation, to sprinklers.

1 c. A. L. Cattle, Inc. agrees for and on behalf of
2 itself, its successors and assigns not to change
3 either the place of use of the water or the points of
4 diversion without first obtaining the written consent
5 of the Pancheris or the Pancheris' successors and
6 assigns.

7 d. A. L. Cattle, Inc. agrees, for and on behalf of
8 itself, its successors and assigns to use the water
9 in such a manner that all water not needed for the
10 propagation of crops will either be left in the
11 natural drainage or will be returned back to Moores
12 Creek upstream from the Pancheris' point of diversion
13 as it presently exists.

14 e. The enforcement of those conditions which occur
15 after the water is diverted from the natural channel
16 will be the responsibility of the private parties,
17 except that Water Resources may also exercise its
18 authority under Title 42, Idaho Code.

19 4. Springs, tributary to Moores Creek

20 65-1972 (estate of Myrn H. Little): .04 cfs for
21 domestic purposes with a priority date of 5/1/1901;

22 65-1973 (estate of Myrn H. Little): .01 cfs for
23 domestic purposes with a priority date of 5/1/1901.

24 The Pancheris, the estate of Myrn H. Little and A. L.
25 Cattle, Inc. further agree, based upon this stipulation, to
26 withdraw the objections that each had filed affecting their
27 respective rights on Brush Creek, Moores Creek and Andy Creek.

Dated this 30th day of December, 1986.

RINGERT, CLARK, HARRINGTON,
REID, CHRISTENSON & KAUFMAN,
CHARTERED

By: W. F. Ringert 12-30-86
William F. Ringert, a member
of the firm
Attorneys for Darwin Pancheri,
Joan L. Pancheri, Duane
Pancheri, and Laura Pancheri

JIM JONES
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 334-2400

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Louie Gorrone 29 December 1986

Louie Gorrone, Attorney for
Claimant Agnes Brailsford,
Personal Representative of the
Estate of Myrn H. Little,
Deceased and for Claimant
A. L. Cattle, Inc.

JIM JONES
Attorney General

Josephine P. Beeman 26 December 1986

Josephine P. Beeman
Deputy Attorney General
Idaho Department of Water
Resources

PHILLIP J. RASSIER
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Department of Water Resources
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Telephone: (208) 334-4448

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	Civil No. 3667
DETERMINATION OF THE RIGHT TO	)	
THE USE OF SURFACE AND GROUNDWATER	)	ORDER
OF THE PAYETTE RIVER DRAINAGE	)	
BASIN	)	

The foregoing stipulation having come duly and regularly
before the court and good cause appearing therefore,

IT IS HEREBY ORDERED that the objections filed by the
Pancheris as to their rights 65-6622, 65-6629, 65-6628, and
65-11250 be dismissed with prejudice; further that the objections
to and protests filed against Pancheris' water rights by A. L.
Cattle, Inc. and the estate of Myrn H. Little and against the
water rights of A. L. Cattle, Inc. and the estate of Myrn H.
Little by Pancheris be dismissed with prejudice and without
attorneys fees and costs to any party.

IT IS FURTHER ORDERED that A. L. Cattle, Inc.'s water
rights 65-1979, 65-11280 and the estate of Myrn H. Little's water
rights 65-1972 and 65-1973 listed in the attached Exhibit A are
deemed admitted and conceded by the Pancheris, their heirs,

successors and assigns as true and accurate, and subject to the conditions stated on pages 2 and 3 of the Pancheris/Littles/A. L. Cattle Inc. stipulation.

IT IS FURTHER ORDERED that the Pancheris' water rights 65-6628 and 65-11250 listed in the attached Exhibit A are deemed admitted and conceded by A. L. Cattle, Inc. and the estate of Myrn H. Little and their successors and assigns as true and accurate, and subject to the conditions stated on pages 2 and 3 of the Pancheris/Littles/A. L. Cattle Inc. stipulation.

DATED this 30 day of December, 1986.

161
JIM R. DOOLITTLE
District Judge

12/86

PANCHERI/LITTLE/A.L. CATTLE STIPULATION
 PANCHERI/LESLIE STIPULATION
 EXHIBIT A - LISTING OF WATER RIGHTS

PAGE 9

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
SOURCE: SPRING		TRIBUTARY: MOORES CREEK				
65-1972	LITTLE, MYRN M. C/O AGNES BRAILSFORD P.O. BOX 180 HAGERMAN, ID 83332 POINT OF DIVERSION: T13N R03E S13 SENE PLACE OF USE: T13N R03E S13 SENE	05-01-1901	01-01 12-31	DOMESTIC	.04 CFS 1.20 AFA	BENEFICIAL USE
65-1973	LITTLE, MYRN M. C/O AGNES BRAILSFORD P.O. BOX 180 HAGERMAN, ID 83332 POINT OF DIVERSION: T13N R03E S13 SENE PLACE OF USE: T13N R03E S13 SENE	05-01-1901	01-01 12-31	DOMESTIC	.01 CFS 1.20 AFA	BENEFICIAL USE
65-3418	LESLIE, WILLIAM JOHN 2404 NORTH 21ST BOISE, ID 83702 OTHER RIGHTS: 65-3420 POINT OF DIVERSION: T13N R03E S13 SENW PLACE OF USE: IRRIGATION T13N R03E S13 SENW 2 2 ACRES TOTAL	04-01-1910	IRRIGATION	04-15 10-15	.04 CFS	BENEFICIAL USE

DILLION
B O S C H
D A W
BOCK &
c h a r t e r e d

December 14, 1995

RECEIVED
DEC 15 1995

Department of Water Resources

VIA HAND DELIVERY

Attorneys

Josephine P. Beeman
Les Bock
Allan R. Bosch
C. A. Daw
Lee B. Dillion
Dana L. Hofstetter
Robert Wreggelsworth

Mr. Donald Shaff
Idaho Department of Water Resources
1301 N. Orchard
Boise, ID 83706

Re: SRBA Notices of Claim Nos. A65-01972, A65-01973 and A65-01988
Eastern Western Corporation
DBD&B File No. 1838-WA01

Dear Mr. Shaff:

On behalf of Eastern Western Corporation, I enclose for filing executed SRBA claim Nos. A65-01972, A65-01973 and A65-01988 and a check in the amounts of \$225.00 to cover the filing fees. I also enclose a corporate resolution of Eastern Western Corporation authorizing Curt Ingle, who signed these three claim forms, to file claims and otherwise represent Eastern Western Corporation in connection with Idaho water right matters.

Thank you for your assistance with these matters. Please contact me if the enclosed filing fees are insufficient or if you have any comments or suggestions.

Sincerely,

Dillion, Bosch, Daw & Bock
Chartered

By:



Dana L. Hofstetter

DLH:dc

cc: Michael E. McGinley w/encs.
Curt Ingle w/encs.

E:\1838\SHAFF.LTR

Fidelity Building
242 N. 8th St.
Suite 200
Boise, ID 83702

tel (208) 344-8990
fax (208) 344-9140

Internet E-mail to:
dbdb@micron.net

MICROFILMED
OCT 18 1996

*Idaho accepts no
check as
filing fees
were due.
12-15-95*

RECEIVED

DEC 15 1995

Department of Water Resources

RECEIVED
OCT 17 1991

Department of Water Resources

SPECIAL MEETING OF THE BOARD OF DIRECTORS

OF

EASTERN WESTERN CORPORATION

The Board of Directors of Eastern Western Corporation, an Oregon corporation, after waiving notice, held a special meeting on the 15th day of October, 1991, at corporation headquarters at 1505 SE Gideon Street, Portland, Oregon, at 9:00 o'clock a.m. Present were Michael McGinley and Nancy Robison.

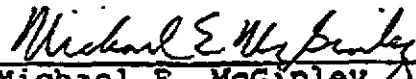
The President called the meeting to order and indicated that the purpose for the meeting was to authorize the appointment of Curt Ingle to represent the corporation in any and all dealings with the Idaho Department of Water Resources pertaining to Idaho water rights and/or the Snake River Adjudication. Upon motion duly made, seconded and unanimously passed, it was resolved:

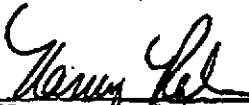
R E S O L U T I O N

That Curt Ingle is authorized to represent Eastern Western Corporation in connection with any and all dealings with the Idaho Department of Water Resources pertaining to Idaho water rights and/or the Snake River Adjudication. This authority to represent the corporation includes the right to vote, file claims and make decisions on behalf of Eastern Western Corporation regarding policy as affects water rights within the State of Idaho.

There being no further business to come before the meeting, it was moved, seconded and unanimously passed that the meeting be adjourned.

DATED This 15th day of October, 1991.


Michael E. McGinley
President


Nancy Robison
Assistant Secretary

AG5-01972

THARP & VAN ALTA
Attorneys at Law
Oregon City
Orlando, Oregon 97141
(503) 894-7600

MICROFILMED

OCT 18 1996

DILLION
BOSCH
DAW
BOCK &
chartered

November 28, 1995

VIA FACSIMILE

Attorneys

Josephine P. Beeman
Les Bock
Allan R. Bosch
C. A. Daw
Lee B. Dillion
Dana L. Hofstetter
Robert Wreggelsworth

Ms. Sally Sherman, Assistant
to Mr. Donald Shaff
Idaho Department of Water Resources
1301 N. Orchard
Boise, ID 83706

Re: SRBA Notices of Claim Nos. A65-01972, A65-01973 and A65-01988
Eastern-Western Corporation
DBD&B File No. 1838-WA01

Dear Ms. Sherman:

As you know, on October 19, 1995, Donald Shaff sent me a letter concerning three unclaimed water rights that may be associated with Eastern-Western Corporation's property. The letter requests a response by December 1, 1995. Yesterday, I called to request an extension until December 15, 1995 to respond to Mr. Shaff's inquiry. After consulting with him, you indicated that an extension until December 15, 1995 would be acceptable.

Please contact me immediately if my understanding concerning our conversation is incorrect in any regard. Otherwise, we will plan to respond to Mr. Shaff by December 15, 1995. Thank you for your assistance with this matter.

Sincerely,

Dillion, Bosch, Daw & Bock
Chartered

By:



Dana L. Hofstetter

DLH:dc

cc: Donald Shaff

EA1838\SHERMAN.LTR

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TOTAL P.01
MICROFILMED

OCT 18 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

*344-8990
Debi Clines*

October 19, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DANA HOFSTETTER
DILLION BOSCH DAW & BOCK CTD
242 N 8TH ST
BOISE ID 83702

*Valley 11-27-95 Dana H.
called - said will
try to get in touch
w/ client & respond.
by 12-15-95 or
so.*

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim #A65-01972, #A65-01973 &
#A65-01988
Eastern Western Corp

Dear Ms. Hofstetter:

Computer-generated copies of the Notices of Claim referenced above are enclosed. These records are for unclaimed water rights for a piece of property south of Cascade on Moores Creek. As you know, Eastern Western Corp. has previously filed water right claims for water from Brush Creek and Andy Creek that are tributaries to Moores Creek.

If Eastern Western Corp. wishes to file any or all of the water right claim(s) enclosed, please have them sign the forms, having their signature notarized, and return the form(s) to this address.

If we do not have a response by December 1, 1995, we will assume Eastern Western Corp. chooses not to pursue these unclaimed water rights. Please contact me if you have any questions.

Sincerely,

Donald V. Shaff
Manager, Adjudication Section

DVS:ss:state:tf

Enclosures:

Computer-generated Copies of Notices of Claim #A65-01972,
#A65-01973 & #A65-01988

MICROFILMED

OCT 18 1996

01 WATER RIGHT NUMBER - 85-1972 02 OLD (E) NUMBER - ADJ. FLAG TRANSLATION: STANDARD WATER RIGHT NUMBER
03001 - TITLE FIRST NAME ORIG. OWNER
04001 - MYRM B. 05001 - C
06 ADD LINE 1 - C/O AGNES REALLSECK 07 ADD LINE 2 - P.O. BOX 180
08 ADD LINE 3 - 09 CITY - HAGERMAN 10 STATE - ID 11 ZIP - 833320000
12 STAGE - F DEGREE 13 STATUS -
14001 - SOURCE TRIBUTARY OF
15001 - AGNES CREEK
16 DIVERSION MEANS - 17 COUNTY - 85 VALLEY
18 DIVERSION CAPACITY - 1.000 19 TOTAL DIVERSION RATE - .040 20 TOTAL DIVERSION VOLUME - 1.20
21 WATER DISTRICT - 65

----- DIVERSION POINTS -----
TRACT SEC TWP RNG LOT EPLG STREAM INDEX FIELDS
22001 - SPAN 23001 - 13 24001 - 13N 25001 - 03E 26001 - 27001 -
28001 - 0 0.0 0.0 0.0 0.0 0.0 0.0 0 0 0 0.0

29 IRRIGATION USE -

----- PLACE OF USE -----
USE CODE / USE TWP RNG SEC TRACT ACRES LOT
30001 - 43 FORESTIC 31001 - 13E 32001 - 03E 33001 - 13 34001 - SENE 35001 - 36001 -
TOTAL ACRES: 0

----- WATER USE -----
PERIOD FROM PERIOD TO USE CODE / USE DIVERSION RATE DIVERSION VOLUME
37001 - 0101 38001 - 1231 39001 - 43 FORESTIC 40001 - 0.040 41001 - 1.20

42 DECREE PLAINTIFF NAME - STATE OF IDAHO 43 DECREE DEFENDANT NAME - A & C CORP., ET AL.

REMARKS
44001 -

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

----- D A T E S ----- D A T E S ----- F L A G S -----
47 PRIORITY - 1-MAY-1901 55 LICENSE - 63 TRANSFER/AMENDED -
48 PRICE OUR - 56 APPL RECEIVED - 64 DLP/CAPEY ACT -
49 PRICE MADE - 57 FIELD EXAM MADE - 65 FLAG_1 -
50 APPROVE/DENIED - 58 DECREE - 21-JAN-1986 66 FLAG_2 -
51 PROTESTED - 59 START WORK - 67 FLAG_3 -
52 HEARING - 60 ORDER SHOW CAUSE -

WRR100
65-1972

ICAND DEPARTMENT OF WATER RESOURCES
WATER RIGHTS BRIDGE READING REPORT

PAGE 2
20-JAN-1987 19:25:01

----- D A T E S ----- D A T E S ----- F L A G S -----

53 VERIFIED
54 LAST UPDATE

- 1/21/87 *df*
- 20-JAN-1987

61 DATE_1
62 DATE_2

-
-