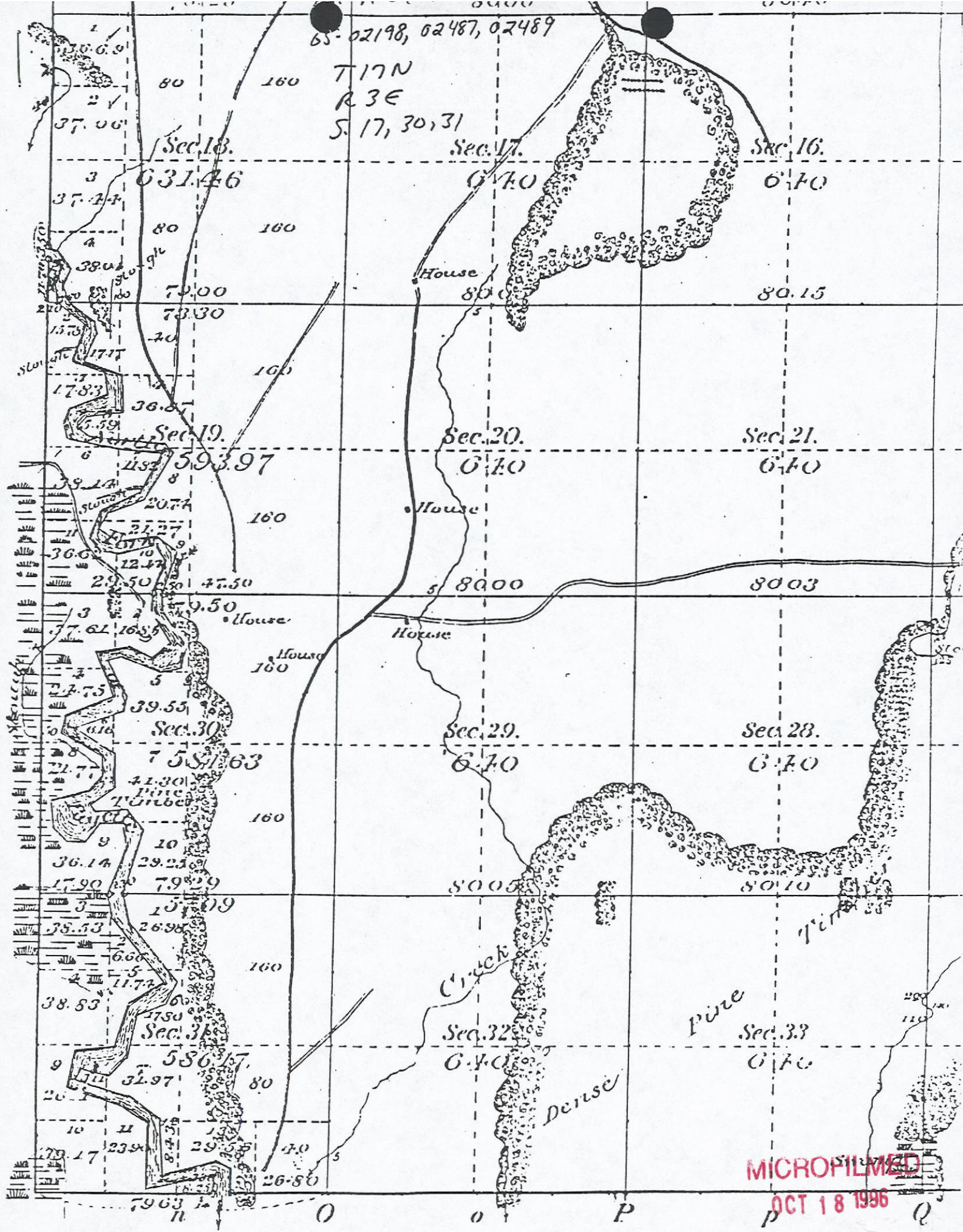


pg. 10
65-02198, 02487, 02488

3957

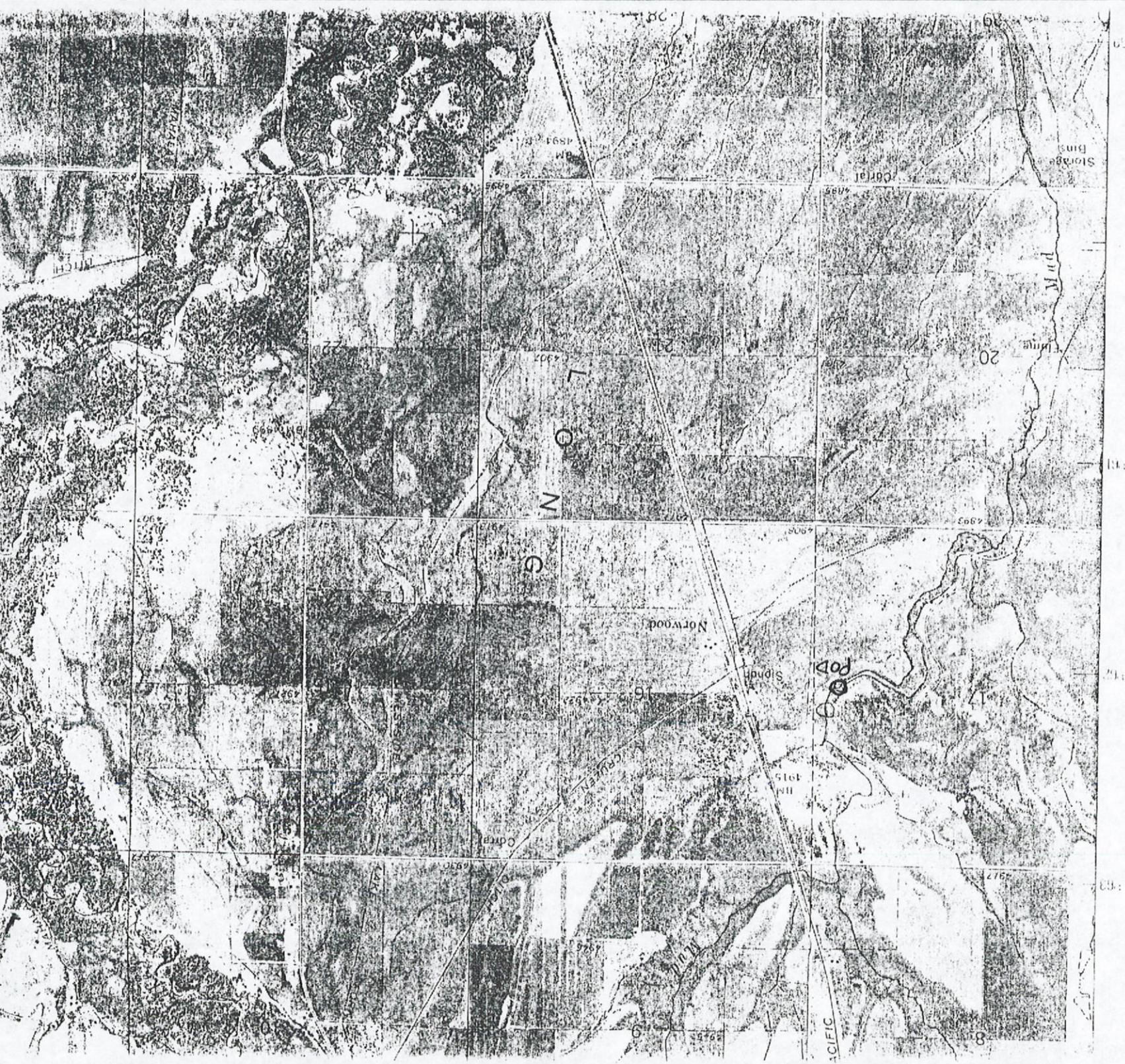
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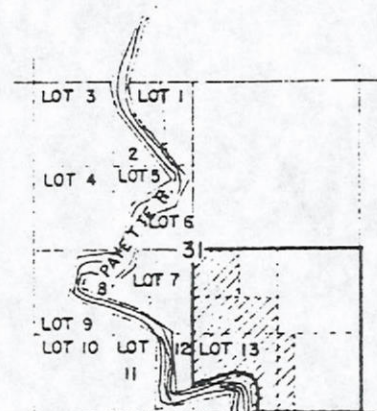
- GOVERNMENT LOTS -

Total number of Acres 22,

SEP 18 1992



PORTION OF SECTION 31
TOWNSHIP 17 NORTH, RANGE 3 EAST,
BOISE MERIDIAN
VALLEY COUNTY, IDAHO



SCALE 1" = 2640'

ENTIRE TRACT:

LOT 13, NW1/4SE1/4, E1/2SE1/4, SECTION 31,
TOWNSHIP 17 NORTH, RANGE 3 EAST, BOISE MERIDIAN.

AREA REQUIRED:

LOT 13, W1/2W1/2SE1/4SE1/4, S1/2NW1/4SE1/4,
NW1/4NW1/4SE1/4, SECTION 31, TOWNSHIP 17 NORTH,
RANGE 3 EAST, BOISE MERIDIAN.

NOTE: AREA SHOWN AS SHADED IS AREA BEING
ACQUIRED BY UNITED STATES.

TRACT NO. 1 (F)
OWNER - VALLEY COUNTY
OWNERSHIP - 149.56 ACRES
AREA REQUIRED - 69.56 ACRES

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
PAYETTE DIVISION - BOISE PROJECT, IDAHO
ACQUISITION OF LAND
CASCADE RESERVOIR

DRAWN H.G. SUBMITTED
TRACED RECOMMENDED
CHECKED APPROVED

1-A-409 MAY 15, 1947 - BOISE, IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

T17N, R03E, S31



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

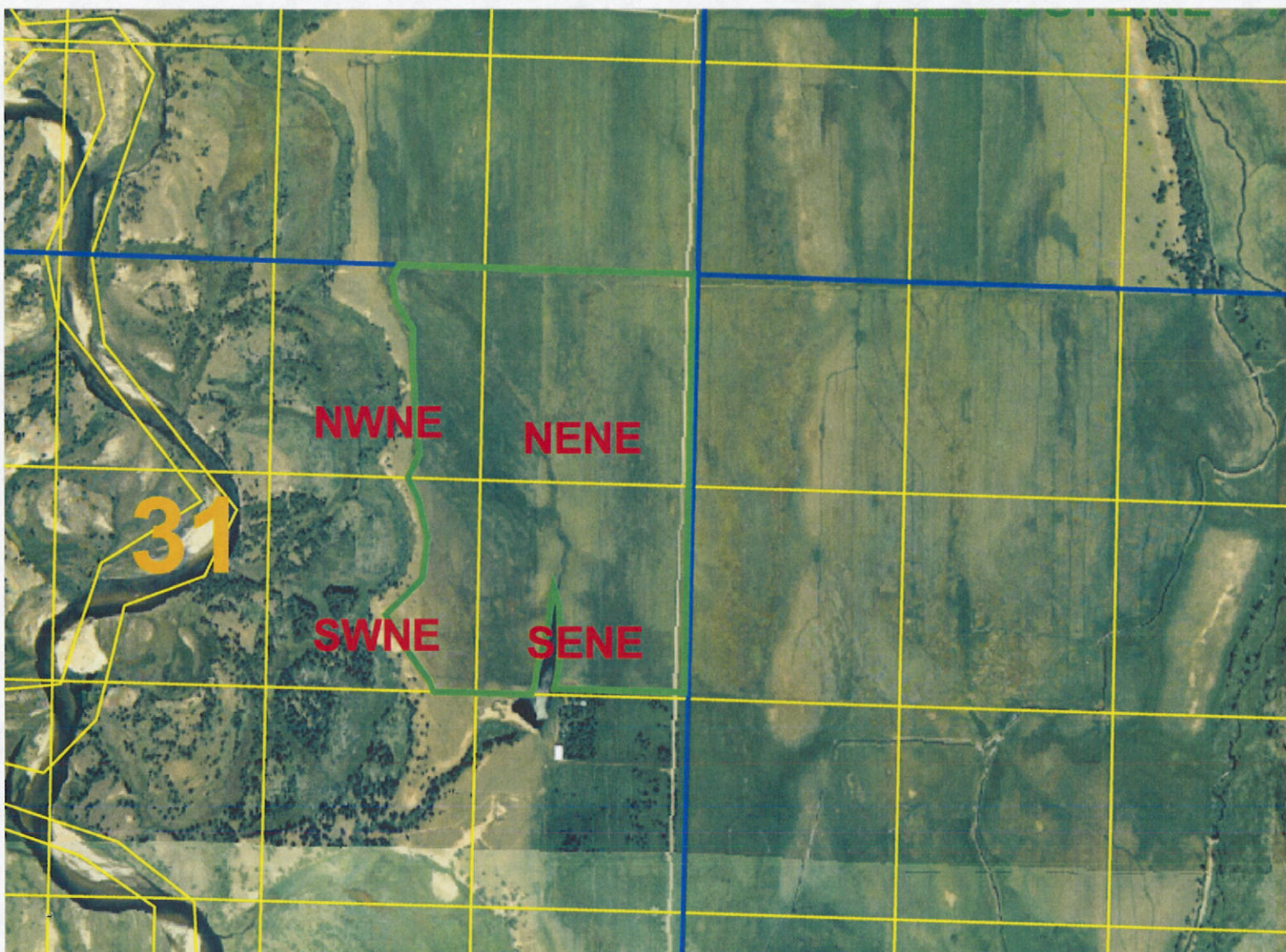
6 SECTION NUMBERS

CLAIM(S): 65-02487

OWNER(S): NAHAS

Prepared by Mel Schulte

DATE: DECEMBER 14, 2000



0 0.25 0.5 0.75 1 1.25 Miles



IDAHO DEPARTMENT OF WATER RESOURCES

T17N, R03E, S31



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

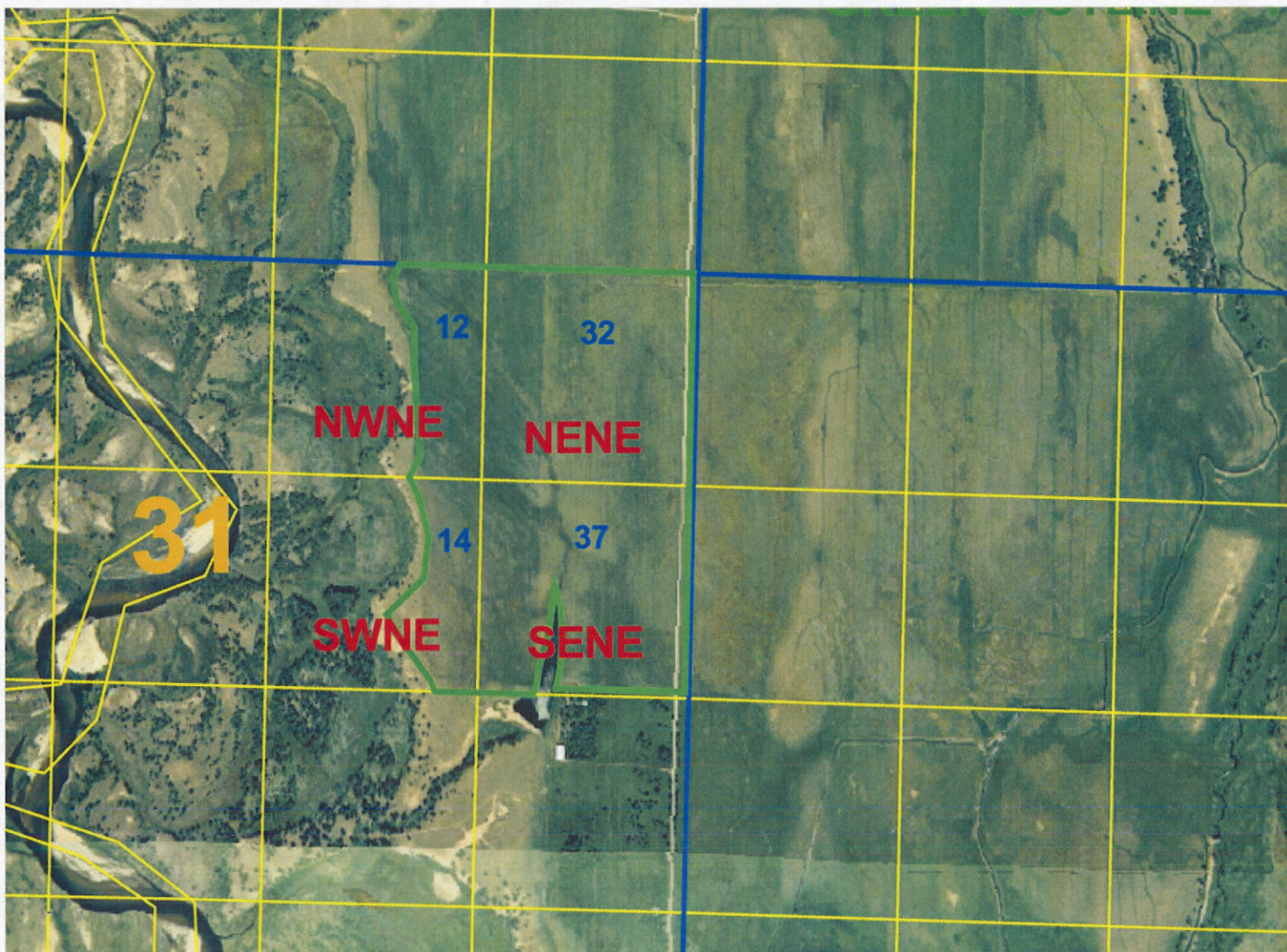
6 SECTION NUMBERS

CLAIM(S): 65-02487

OWNER(S): NAHAS

Prepared by Mel Schulte

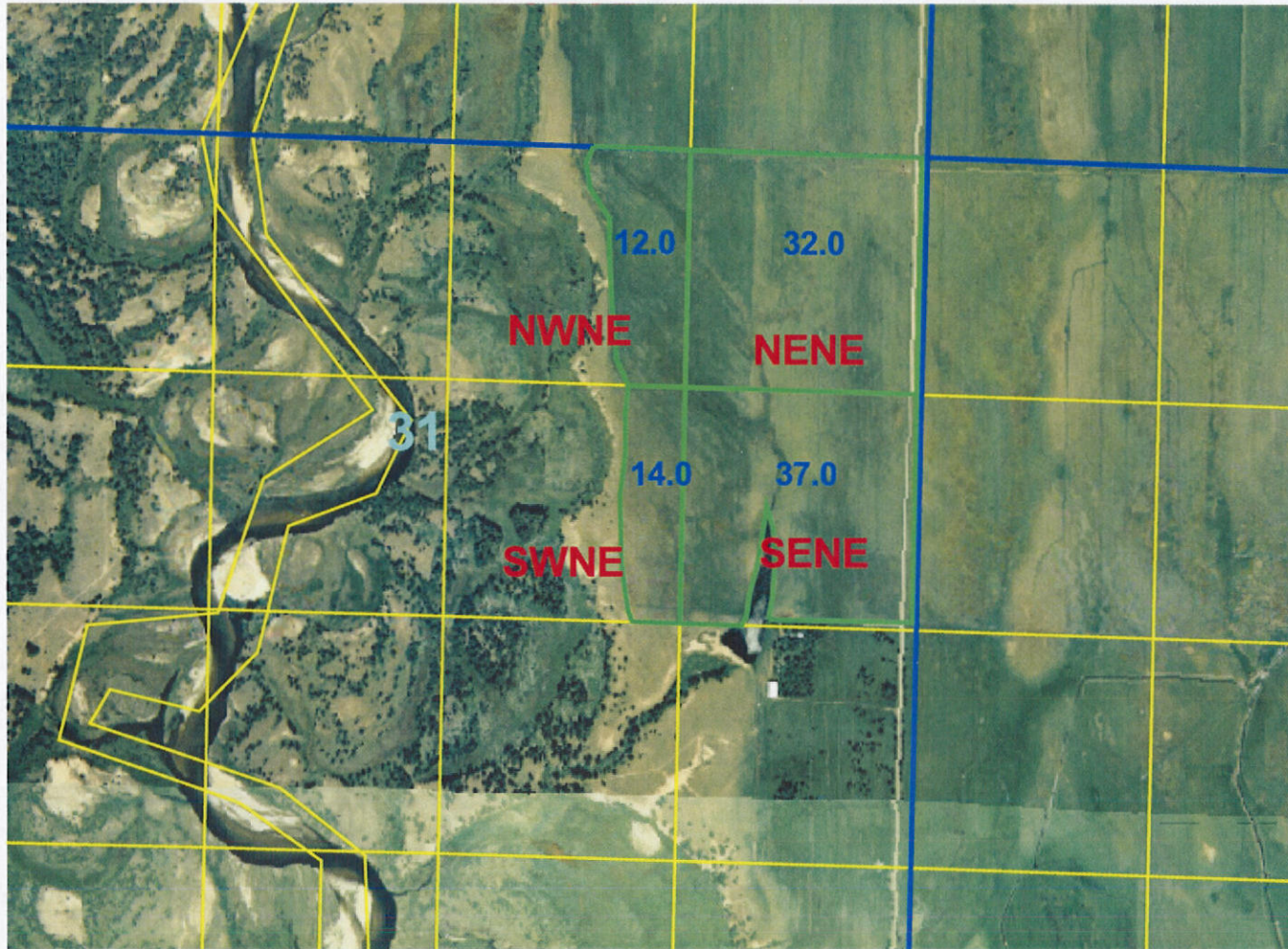
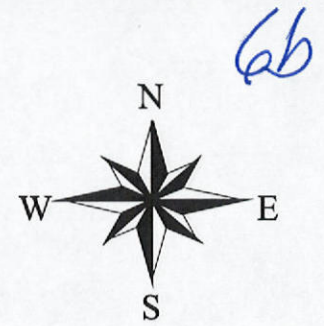
DATE: DECEMBER 14, 2000



0 0.25 0.5 0.75 1 1.25 Miles

IDAHO DEPARTMENT OF WATER RESOURCES

17N, 03E, S31



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-02487

OWNER(S): NISULA BROTHES

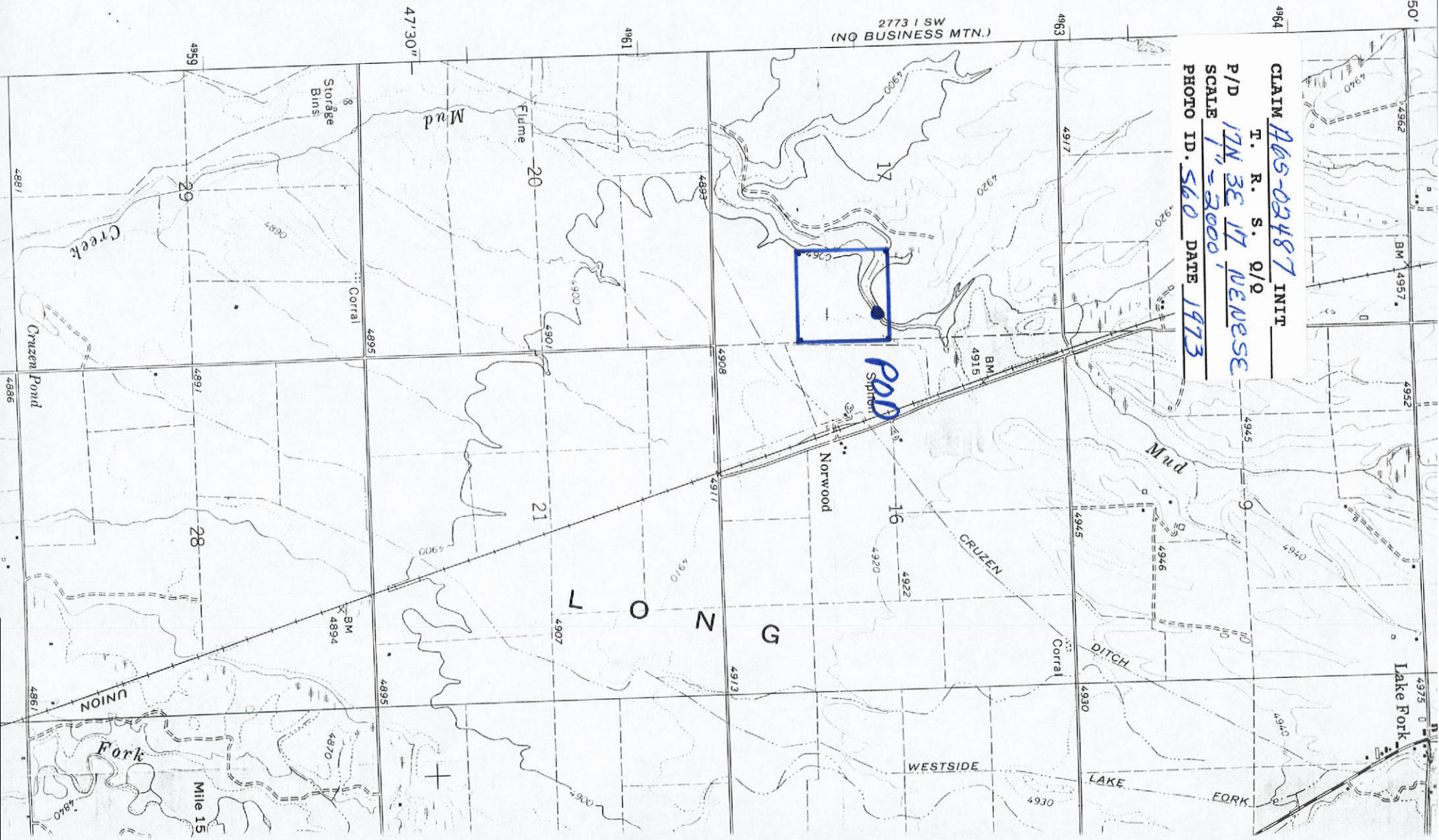
Prepared by Mel Schulte

DATE: MAY 14, 1999



5a

CLAIM 1805-02487 INIT
T. R. S. Q/O
P/D 17N 3E 17 NE NESE
SCALE 1" = 2000'
PHOTO ID. 560 DATE 1973



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: **A65-02487**
Date Received: 11/17/1988
Receipt No: X999999
Received By: [Signature]

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: NISULA BROS
Address: BOX 444
EMMETT ID

83617

2. Date of Priority: DEC 3, 1947

3. Source: MUD CREEK

Trib. to: PAYETTE RIVER, NORTH FORK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 17N | 03E | 17 | NE | NE | SE | | VALLEY |

5. Description of diverting works:
METAL HEADGATE IN CREEK, TO OPEN DITCHES

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/15 | 10/15 | 2.800 | | |

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

8. Total consumptive use is 190.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 17N | 03E | 31 | NE | NE | | IRR | 32.0 |
| | | | NW | NE | | IRR | 12.0 |
| | | | SW | NE | | IRR | 14.0 |
| | | | SE | NE | | IRR | 37.0 |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| | | | | | Section Acres | 95.0 |
| | | | | | Total Acres | 95.0 |

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:

CLAIM NOS. A65-02198 & A65-02489.

14. Remarks:

CLAIM AMENDED PER TRANSFER NO. 3636 APPROVED 12-29-89. JS THE FOLLOWING CONDITIONS WERE ON THE TRANSFER APPROVAL:

A MEASURING DEVICE OF A TYPE APPROVED BY THIS DEPARTMENT SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.

THESE RIGHTS WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN 3.0 AFA PER ACRE FOR THE LANDS ABOVE.

USE OF WATER UNDER THESE RIGHTS IS SUBJECT TO CONTROL BY THE WATERMASTER OF STATE WATER DISTRICT NO. 65K, LAKE FORK CREEK.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

11/13/2000

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

RIGHT NUMBER: 65-2487

NAME AND ADDRESS: MARY NAHAS FAMILY TRUST
RONALD NAHAS FAMILY TRUST
3840 HAPPY VALLEY RD
LAFAYETTE, CA 94549

*See maps
in #
65-03204*

SOURCE: MUD CREEK TRIBUTARY: CASCADE RESERVOIR

QUANTITY: 2.8 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED
TO A DIVERSION RATE OF .02 CFS. PER ACRE AT THE FIELD
HEADGATE
COMBINED RIGHT NOS.: 65-02489 & 65-03212

PRIORITY DATE: 12/03/1947

POINT OF DIVERSION: T17N R03E S17 NENESE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION | 4-15 10-15 | 2.80 CFS |

PLACE OF USE:

| <u>IRRIGATION Within VALLEY County</u> | | | | | |
|--|------|----|---------------|------|----|
| T17N R03E S31 | NENE | 32 | T17N R03E S31 | NWNE | 12 |
| T17N R03E S31 | SWNE | 14 | T17N R03E S31 | SENE | 37 |

95 ACRES TOTAL

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 65-02488, 65-03702, 65-02483, 65-02542 65-02489 & 65-02198

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 |) | SUBCASE NO. 65-02487, 65-02489 |
| |) | 65-03204 and 65-03212 |
| Case No. 39576 |) | |
| |) | NOTICE OF COMPLETED |
| |) | ADMINISTRATIVE PROCEEDING |

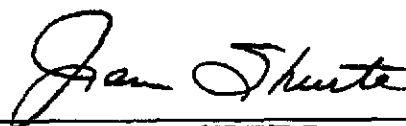
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: November 13, 2000



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on November 13, 2000, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

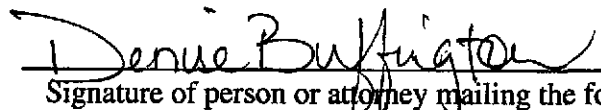
1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Nisula Bros
PO Box 444
Emmett ID 83617

Elmer J Nisula
PO Box 1145
Emmett ID 83617
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:

Ronald Nahas Family Trust
Mary Nahas Family Trust
3840 Happy Valley Rd
Lafayette CA 94549
4. One Copy to:
Each party in the subcase or attorney of record:
N / A
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
OCT 23 2000
 WATER RESOURCES
 WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned. *No!*

1. Water Right No(s): 65-03204, 03212, 03701, 03702, 03703, 03704, 03705, 03706,
A65-02198, 02487, 02489
 Adjudication Claim No(s): 65-03212, 03702, 03204 - A65-02198, 02487, 02489

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** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)
 - OR**
 - C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

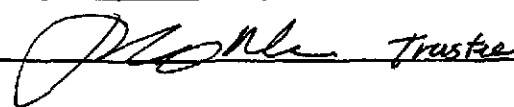
3. Name and Address of Former Owner/Claimant Frank Nisula, Elmer Nisula, Anna Nisula, Nisula Bros

4. New Owner/Claimant(s) Ronald and Mary Nahas Family trust, UDT 9/5/90
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address 3840 Happy Valley Road
 City, State and ZIP Code Lafayette, CA 94549
 New Telephone Number (925) 254-8800 or 925-283-5357

5. Date you acquired the property July 31, 2000

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. 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.

| |
|--|
| Number of acres you irrigate with this water right _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____ |
|--|

7. Signature of New Owner(s) or Claimant(s)  Trustee

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.

Ronald C. Nahas

RECEIVED

OCT 23 2000

WATER RESOURCES
WESTERN REGION

October 18, 2000

Mr. Gary Spackman
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Dear Gary:

Enclosed is a Notice of Change of Water Right Ownership for water rights pertaining to 415 acres in Valley County, northwest of Donnelly. I have enclosed the provided notice, copies of the Warranty Deeds which are numerous because it was a large family, abstracts of the water rights, and aerial photos of the property upon which I have noted the source, water right number and acreage in each quarter quarter section. I have not noted those water rights relating to domestic or livestock usage. Please let me know if anything further is required.

Cordially,



Ronald C. Nahas

RCN:sb
Enclosures

EXHIBIT A - Legal Description

Parcel A

(2488-all) (3204 all)
All that certain lot, piece or parcel of land, situate in Valley County, Idaho, and shown as the Southeast quarter, Section 30, Township 17 North, Range 3 East, Boise Meridian. 2489

Parcel B

3212 5487 2489
All that certain lot, piece or parcel of land, situate in Valley County, Idaho, and shown as the North half of the Northeast quarter; the East half of the Southwest quarter of the Northeast quarter; and the Southeast quarter of the Northeast quarter; all in Section 31, Township 17 North, Range 3 East, Boise Meridian.

Parcel C

All that certain lot, piece or parcel of land, situate in Valley County, Idaho, and shown as the East 20 acres of Lot 7 and the Northeast 10 acres of Lot 10 in Section 30, Township 17 North, Range 3 East, Boise Meridian: TOGETHER WITH a permanent easement to use any non-flooded portion of the following described premises for farming and grazing purposes and as a means of access to water for stock watering purposes over and across the West 21.30 acres of Lot 7 (also described as Lot 7 less the East 20 acres thereof) and Lot 10 less the Northeast 10 acres thereof, all in Section 30, Township 17 North, Range 3 East, Boise Meridian; and Lots 1 and 6 in Section 31, Township 17 North, Range 3 East, Boise Meridian. 3204

RECEIVED

OCT 23 2000

WATER RESOURCES
WESTERN REGION

Instrument # 248735

CASCADE VALLEY, IDAHO

2000-07-31

03:17:06 No. of Pages: 9

Recorded for : AMERITITLE

LELAND G. HEINRICH

Fee: 27.00

Ex-Officio Recorder Deputy

Index to: DEEDS

WARRANTY DEED

For Value Received, ANNA M. NISSULA AS CO-TRUSTEE AND THOMASINE E. NISSULA AS SUCCESSOR TRUSTEE OF THE ARTHUR AND ANNA NISSULA TRUST DATED NOVEMBER 27, 1990; ANNA M. NISSULA, INDIVIDUALLY; THOMASINE E. NISSULA, INDIVIDUALLY

GRANTORS IN CHAIN OF TITLE MAY HAVE TAKEN TITLE AS NISSULA OR NISULA

the Grantors, do hereby grant, bargain, sell and convey unto
RONALD AND MARY NAHAS FAMILY TRUST, DATED SEPTEMBER 5, 1990,
RONALD C. NAHAS, SOLE TRUSTEE

whose address is: 1 BATES BOULEVARD, SUITE 200,
ORINDA, CA. 94563

the Grantee, the following described premises, to-wit:

SEE ATTACHED AS EXHIBIT "A"

TOGETHER WITH ANY AND ALL WATER AND MINERAL RIGHTS APPERTAINING THERETO.

TO HAVE AND TO HOLD the premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the 2000 taxes and assessments, subject to easements of records or visible upon the ground, and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: 5/17/2000

ARTHUR AND ANNA NISSULA TRUST DATED NOVEMBER 27, 1990

Anna M. Nissula
ANNAMNISSULA, CO-TRUSTEE

Anna M. Nissula
ANNA M. NISSULA, INDIVIDUALLY

Thomasine E. Nissula
THOMASINE E. NISSULA,
SUCCESSOR TRUSTEE

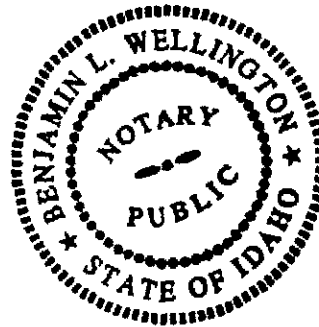
Thomasine E. Nissula
THOMASINE E. NISSULA,
INDIVIDUALLY

State of Idaho)
) ss
County of Valley)

On the 17th day of May, 2000 before me,
Benjamin L. Wellington

a notary public in and for said State, personally appeared
Anna Nissula and Thomasine E. Nissula being by me first duly sworn,
declared that they are Trustees of the Arthur and Anna Nissula Trust
dated November 27, 1990 that they signed the foregoing document as the
Trustees and that statements therein contained are true.

Benjamin L. Wellington
Notary Public
Cascade, Idaho
Commission Expires:
7-20-2004

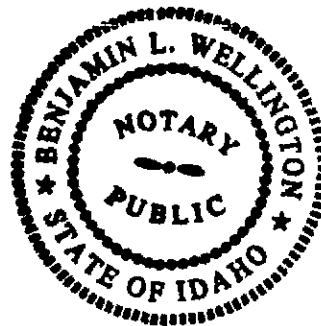


State of Idaho)
) ss
County of Valley)

On the 17th day of May, 2000, before me,
Benjamin L. Wellington

a notary public in and for said State, personally appeared
Anna M. Nissula and Thomasine E. Nissula
known to me to be the persons whose names are subscribed to the
within instrument, and acknowledged to me that they executed the
same.

Benjamin L. Wellington
Notary Public
Residing at: Cascade, ID
Commission Expires:
7-20-2004



WARRANTY DEED

For Value Received, EFFIE E. FARRELL, A WIDOW

the Grantors, do hereby grant, bargain, sell and convey unto
RONALD AND MARY NAHAS FAMILY TRUST, DATED SEPTEMBER 5, 1990,
RONALD C. NAHAS, SOLE TRUSTEE
whose address is: 1 BATES BOULEVARD, SUITE 200,
ORINDA, CA. 94563
the Grantee, the following described premises, to-wit:

SEE ATTACHED AS EXHIBIT "A"

TOGETHER WITH ANY AND ALL WATER AND MINERAL RIGHTS APPERTAINING
THERETO.

TO HAVE AND TO HOLD the premises with their appurtenances unto
the said Grantees, their heirs and assigns forever. And the said
Grantors do hereby covenant to and with the said Grantees, that
they are the owners in fee simple of said premises that said
premises are free from all encumbrances except the 2000 taxes and
assessments, subject to easements of record and visible upon the
ground, and that they will warrant and defend the same from all
lawful claims whatsoever.

Dated: 5/24/2000

Effie E. Farrell
EFFIE E. FARRELL

State of IDAHO)
) ss
County of GEM)

On the 24th day of MAY, 2000 before me, LYLEEN JEROME
a notary public in and for said State,
personally appeared EFFIE E. FARRELL and known to me to be the
persons whose names are subscribed to the within instrument, and
acknowledged to me that they executed the same.

Lyleen M. Jerome
Notary Public
Residing at: Emmett
Commission Expires: 12-29-03

WARRANTY DEED

For Value Received, W. EARL & EDNA IRENE SIVEY TRUST UNDER TRUST AGREEMENT DATED FEBRUARY 6, 1997

the Grantors, do hereby grant, bargain, sell and convey unto
RONALD AND MARY NAHAS FAMILY TRUST, DATED SEPTEMBER 5, 1990,
RONALD C. NAHAS, SOLE TRUSTEE
whose address is: 1 BATES BOULEVARD, SUITE 200,
ORINDA, CA. 94563
the Grantee, the following described premises, to-wit:

SEE ATTACHED AS EXHIBIT "A"

TOGETHER WITH ANY AND ALL WATER AND MINERAL RIGHTS APPERTAINING THERETO.

TO HAVE AND TO HOLD the premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the 2000 taxes and assessments, subject to easements of record and visible upon the ground, and that they will warrant and defend the same from all lawful claims whatsoever.

Dated:

W. EARL & EDNA IRENE SIVEY TRUST UNDER TRUST AGREEMENT DATED FEBRUARY 6, 1997

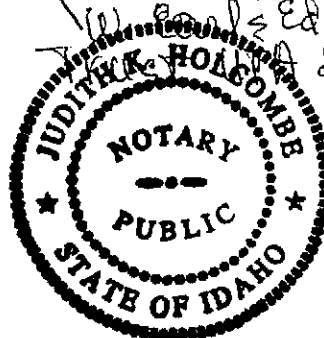
Edna Irene Sivey
EDNA IRENE SIVEY, TRUSTEE

State of Idaho)
County of Ada) ss

On the 24th day of May, 2000, before me, Judith Holcombe

a notary public in and for said State, personally appeared Edna Irene Sivey, Trustee being by me first duly sworn, declared that they are Trustees of the that they signed the foregoing document as the Trustees and that statements therein contained are true.

Judith Holcombe
Notary Public
Boule, Idaho
Commission Expires: 8-18-2005



WARRANTY DEED

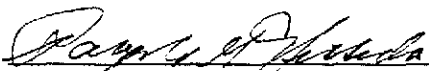
For Value Received, RAYNO G. NISSULA, AKA R.G. NISSULA AND
PHYLLIS NISSULA, HUSBAND AND WIFE
TITLE OF PUBLIC RECORD MAY SHOW NISSULA OR NISULA
the Grantors, do hereby grant, bargain, sell and convey unto
RONALD AND MARY NAHAS FAMILY TRUST, DATED SEPTEMBER 5, 1990,
RONALD C. NAHAS, SOLE TRUSTEE
whose address is: 1 BATES BOULEVARD, SUITE 200,
ORINDA, CA. 94563
the Grantee, the following described premises, to-wit:

SEE ATTACHED AS EXHIBIT "A"

TOGETHER WITH ANY AND ALL WATER AND MINERAL RIGHTS APPERTAINING
THERETO.

TO HAVE AND TO HOLD the premises with their appurtenances unto
the said Grantees, their heirs and assigns forever. And the said
Grantors do hereby covenant to and with the said Grantees, that
they are the owners in fee simple of said premises that said
premises are free from all encumbrances except the 2000 taxes and
assessments, subject to easements of record and visible upon the
ground, and that they will warrant and defend the same from all
lawful claims whatsoever.

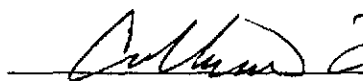
Dated: 5/17/2000

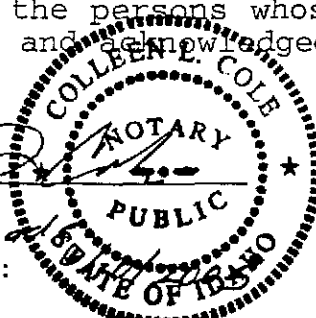

RAYNO G. NISSULA


PHYLLIS NISSULA

State of IDAHO)
County of VALLEY) ss

On the 17th day of May, 2000, before me,
Colleen C. Cole
a notary public in and for said State, personally appeared
Rayno G. Nissula & Phyllis M. Nissula
known to me to be the persons whose names are subscribed to the
within instrument, and acknowledged to me that they executed the
same.


Notary Public
Residing at: Cascade
Commission Expires:



WARRANTY DEED

For Value Received, BEVERLY A. CHRISTENSEN, AN UNMARRIED WOMAN the Grantors, do hereby grant, bargain, sell and convey unto RONALD AND MARY NAHAS FAMILY TRUST DATED SEPTEMBER 5, 1990, RONALD C. NAHAS, SOLE TRUSTEE

whose address is: 1 BATES BOULEVARD, SUITE 200,
ORINDA, CA. 94563
the Grantee, the following described premises, to-wit:

SEE ATTACHED AS EXHIBIT "A"

TOGETHER WITH ANY AND ALL WATER AND MINERAL RIGHTS APPERTAINING
THERE TO.

TO HAVE AND TO HOLD the premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the 2000 taxes and assessments, subject to easements of record and visible upon the ground, and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: 5/26/2000

Beverly A. Christensen
BEVERLY A. CHRISTENSEN

5/26/00

State of IDAHO)
) ss
County of PAYETTE)

On the 26th day of May, 2000, before me, D. Kurtis Fiske
a notary public in and for said State, personally appeared
Beverly Ann Christensen
known to me to be the persons whose names are subscribed to the
within instrument, and acknowledged to me that they executed the
same.

D. K. J.
Notary Public
Residing at: PINEHURST, IDAHO
Commission Expires: 01/21/05



WARRANTY DEED

For Value Received, RODGER A. CARICO aka ROGER A. CARICO AND
IMOGENE M. CARICO,
Husband and Wife
the Grantors, do hereby grant, bargain, sell and convey unto
RONALD AND MARY NAHAS FAMILY TRUST, DATED SEPTEMBER 5, 1990,
RONALD C. NAHAS, SOLE TRUSTEE
whose address is: 1 BATES BOULEVARD, SUITE 200,
ORINDA, CA. 94563
the Grantee , the following described premises, to-wit:

SEE ATTACHED AS EXHIBIT "A"

TOGETHER WITH ANY AND ALL WATER AND MINERAL RIGHTS APPERTAINING
THERE TO.

TO HAVE AND TO HOLD the premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the 2000 taxes and assessments, subject to easements of record and visible upon the ground, and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: 5/18/2000

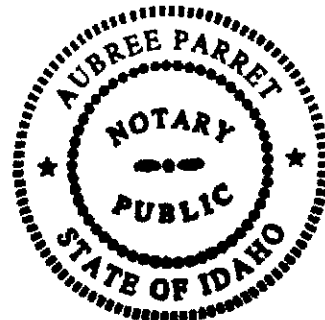
Rodger A. Carico
Rodger A. Carico


Imogene M. Carico

State of *Idaho*)
) ss
County of *Ada*)

On the 18 day of May, 2000, before me,
Aubree Parret
a notary public in and for said State, personally appeared
Rodger A. Carico & Inogene M. Carico
known to me to be the persons whose names are subscribed to the
within instrument, and acknowledged to me that they executed the
same.

Aubree Parret
Notary Public
Residing at: Idaho United Credit Union
Commission Expires: 2-7-06



WARRANTY DEED

For Value Received, RONALD E. CARICO
the Grantors, do hereby grant, bargain, sell and convey unto
RONALD AND MARY NAHAS FAMILY TRUST DATED SEPTEMBER 5, 1990,
RONALD C. NAHAS, SOLE TRUSTEE
whose address is: 1 BATES BOULEVARD, SUITE 200,
ORINDA, CA. 94563
the Grantee , the following described premises, to-wit:

SEE ATTACHED AS EXHIBIT "A"

TOGETHER WITH ANY AND ALL WATER AND MINERAL RIGHTS APPERTAINING
THERETO.

TO HAVE AND TO HOLD the premises with their appurtenances unto
the said Grantees, their heirs and assigns forever. And the said
Grantors do hereby covenant to and with the said Grantees, that
they are the owners in fee simple of said premises that said
premises are free from all encumbrances except the 2000 taxes and
assessments, subject to easements of record and visible upon the
ground, and that they will warrant and defend the same from all
lawful claims whatsoever.

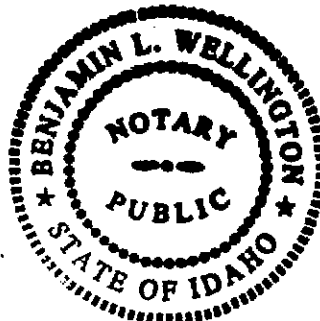
Dated: 5/17/00


RONALD E. CARICO

State of IDAHO)
) ss
County of VALLEY)

On the 17 day of May ,2000, before me,
Benjamin L. Wellington
a notary public in and for said State, personally appeared
Ronald E. Carico
known to me to be the persons whose names are subscribed to the
within instrument, and acknowledged to me that they executed the
same.


Notary Public
Residing at: CASCADE, IDAHO
Commission Expires:
7-20-2004



Page 51 of 12

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3636

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Department of Water Resources

Department of Water Resources
Western Regional Office

Name of applicant Office Nisula Bros. (Frank & Elmer) Phone

Post Office address Box 444 Emmett, ID. 83617

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes to correct the Payette River Basin decree
and fully utilize earliest priority rights.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|---|---------------------|-----------------------|-------------------|-----------------------------|
| <u>65-02198</u> | <u>MAY 22, 1919</u> | <u>1.20 cfs</u> | <u>IRRIGATION</u> | <u>4/15</u> to <u>10/15</u> |
| <u>65-02487</u> | <u>Dec. 3, 1947</u> | <u>2.80 cfs</u> | <u>IRRIGATION</u> | <u>4/15</u> to <u>10/15</u> |
| <u>65-02489</u> | <u>Nov. 3, 1947</u> | <u>2.00 cfs</u> | <u>IRRIGATION</u> | <u>4/15</u> to <u>10/15</u> |
| | | | | to |
| 2. Total amount of water being transferred <u>6.00 cfs</u> cubic feet per second and/or _____ acre-feet per annum | | | | |
| 3. Source of water <u>Mud Creek</u> tributary to <u>Payette River, North Fork</u> | | | | |
| 4. Point(s) of Diversion: | | | | |

[illegible]

5. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ | | | | NW ¼ | | | | SW ¼ | | | | SE ¼ | | | | Totals |
|------|------|------|------|------|------|------|----------|------|------|------------|------|------|-----------|------|------|------|------|-------------|--------|
| | | | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | |
| | | | | | | | 65-02487 | | | | | | | | | | | | |
| 17N | 3E | 31 | 32 | 12 | 14 | 37 | | | | | | | | | | | | 95 | |
| | | | | | | | 65-02198 | | | | | | | | | | | | |
| 17N | 3E | 30 | | | | | | | | | | | | 27 | | | 39 | 66 | |
| | | | | | | | 65-02489 | | | | | | | | | | | | |
| 17N | 3E | 30 | | | | | | | | 2.78
12 | | | 2.78
9 | 10 | 11 | 26 | | 68 | |
| | | 31 | 8 | 28 | 6 | 3 | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | MICROFILMED | |
| | | | | | | | | | | | | | | | | | | OCT 18 1996 | |

PART 1

6. General Information:

- a. Description of diversion system metal headgate in creek to open ditches.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
change is correction of decreed rights from section 17. It's
desired to place earliest priority water on E 1/2 SE 1/4 S. 30.
- d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 65-2198/2487/2489

And said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works. 2. These rights when combined with all other rights shall provide no more than 3.0 afa per acre for the lands above. 3. Use of water under these rights is subject to control by the watermaster of State Water District No. 65K, Lake Fork Creek.

Witness my hand this

29th

day of

December

89

Chief, Water Alloc. Bureau

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OCT 18 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 65-02198 Decreed to ANNA Niska
 in case of State of Idaho vs. A & C Corp, et al
 dated 1-21-1986 in Third Jud. Dist county of Gem
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☒ Other see Attachment A

3. Source of water Mud Creek tributary to Payette River, North Fork

4. Date or priority May 22, 1919

5. Water is used for the following purpose:

amount 1.20 cfs for IRRIGATION purposes from 4-15 to 10-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 1.20 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
| | | NE | SE | 17 | 17N | 3E | Valley | |
| | | | | | | | | |
| | | | | | | | | |

8. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | | | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | |
| 17N | 3E | 17 | | | | | | | | | | | | | 27 | | | 39 | 66 |
| | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | |

Total acres 66

9. Describe any other water rights used for the same purpose as described above Lake Irrig. District

and 65-03216 for SESE (Lake Fork Creek is source for other)

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OCT 18 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 65-02487 Decreed to Frank S. Nisula
 in case of State of Idaho vs. A & C Corp, et al
 dated 1-21-1986 in Third Jud. District county of Gem
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☒ Other see attachment A

3. Source of water Mud Creek tributary to Payette River, North Fork
4. Date or priority Dec. 3, 1947

5. Water is used for the following purpose:

amount 2.80 cfs for Irrigation purposes from 4/15 to 10/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 2.80 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
| | | NE | SE | 17 | 17N | 3E | Valley | |
| | | | | | | | | |
| | | | | | | | | |

8. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | | | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | |
| 17N | 3E | 17 | 12 | 32 | 37 | 14 | | | | | | | | | | | | | 95 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total acres 95

9. Describe any other water rights used for the same purpose as described above Lake Irrigation Dist.

MICROFILMED

OCT 18 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 65-02489 Decreed to ANNA NISULA
in case of State of Idaho vs. AFC Corp, et al
dated 1-21-1986 in Third Ind. District county of Gem
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Mud Creek tributary to Payette River, North Fork

4. Date or priority Nov. 3, 1947

5. Water is used for the following purpose:

amount 2.00 cfs for Irrigation purposes from 4/15 to 10/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.00 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
| | | NE | SE | 17 | 17N | 3E | Valley | |
| | | | | | | | | |
| | | | | | | | | |

8. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | | | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | |
| 17N | 3E | 30 | | | | | | | | | | | | | 37 | 11 | 26 | 39 | 113 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
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MICROFILMED

OCT 18 1996

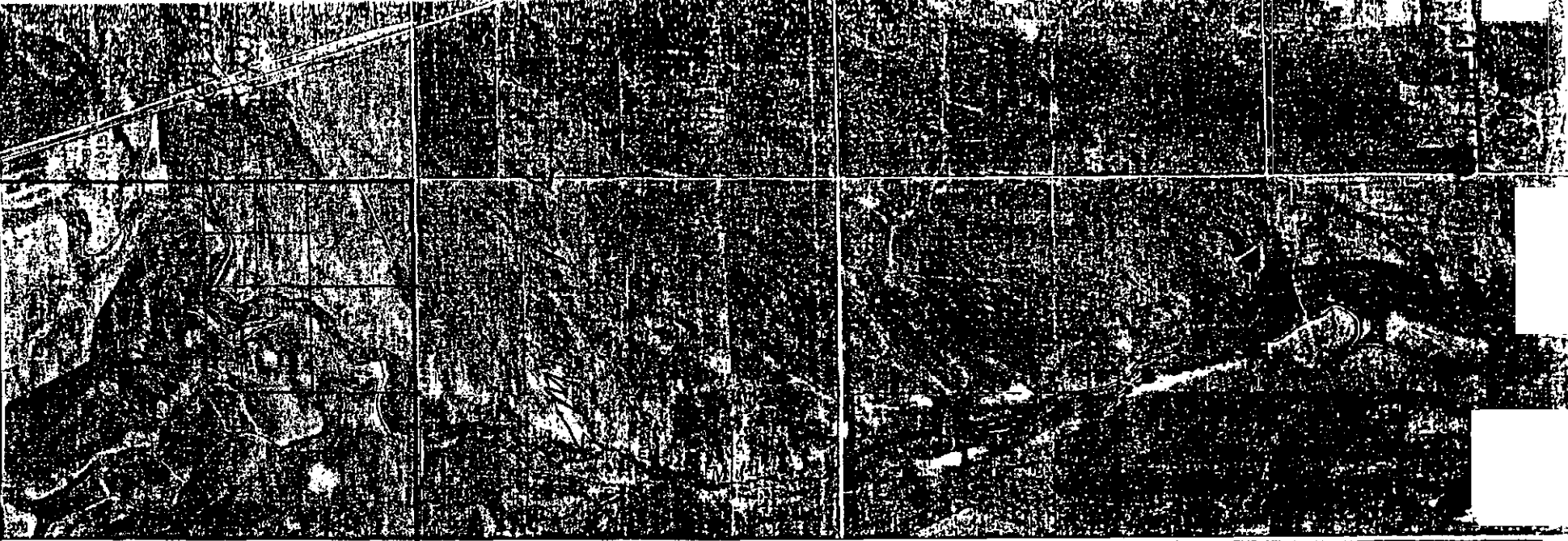
Total acres 113

9. Describe any other water rights used for the same purpose as described above Lake Irrigation District

65-03204 Lake Fork Creek is source for 03204

PJ 1
65-02198, 02487, 02488
R 3E
5.17.30.31

33a



PART 3**B. CHANGES IN NATURE OF USE**

| 1. | <u>New Nature of Use</u> | <u>Amount</u>
(cfs/ac-ft) | <u>Hours/days/year</u> | <u>Period of Use</u> |
|----|--------------------------|------------------------------|------------------------|----------------------|
| | _____ | _____ | _____ | _____ to _____ |
| | _____ | _____ | _____ | _____ to _____ |

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Elmer Wisula (Partner)
(Signature of Applicant)

Subscribed and sworn to before me this 5 day of December, 19 88

Eldon J. Poush
(Notary Public)

My commission expires 09/08/1999

FOR DEPARTMENT USE ONLY

Transfer contains 12 pages and 3 attachments

Received by SL for OS & NL Date 11-17-88, 11-22-88

Prelim. check by SL Fee \$50

Receipted by SL for OS #C003432 Date 11/17/88

Published in Star News

Pub. dates 11/15 & 11/22/89

Watermaster recommendation requested on _____

_____ rec'd. _____

Copy of transfer sent to lien holder _____

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for ☒ approval ☐ denial

by DET G. Gary

MICROFILMED
OCT 18 1996

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: A65-02487
Date Received: 11-17-88
Receipt No: X999999
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NISULA BROS.
Address: BOX 444
EMMETT, ID

83617

2. Date of Priority: DEC 03, 1947

3. Source: MUD CREEK

Trib. to: PAYETTE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 17N | 03E | 17 | NE | NE | SE | | VALLEY |

5. Description of diverting works:
METAL HEADGATE IN CREEK, TO OPEN DITCHES

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/15 | 10/15 | 2.800 | | |

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

8. Total consumptive use is 190.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 17N | 03E | 17 | NE | NE | | IRR | 12.0 |
| | | | NW | NE | | IRR | 32.0 |
| | | | SW | NE | | IRR | 37.0 |

A65-02487

Page 1

Date: 11/17/88

MICROFILMED

SEP 18 1992

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 17N | 03E | 17 | SE | NE | | IRR | 14.0 |
| Section Acres | | | | | | | 95.0 |
| Total Acres | | | | | | | 95.0 |

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:
RIGHTS FROM LAKE FORK CREEK

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

16. Signature(s)

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

Number of attachments: 1

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): Frank Wisula Date: Nov 17-88
Partner Date: _____

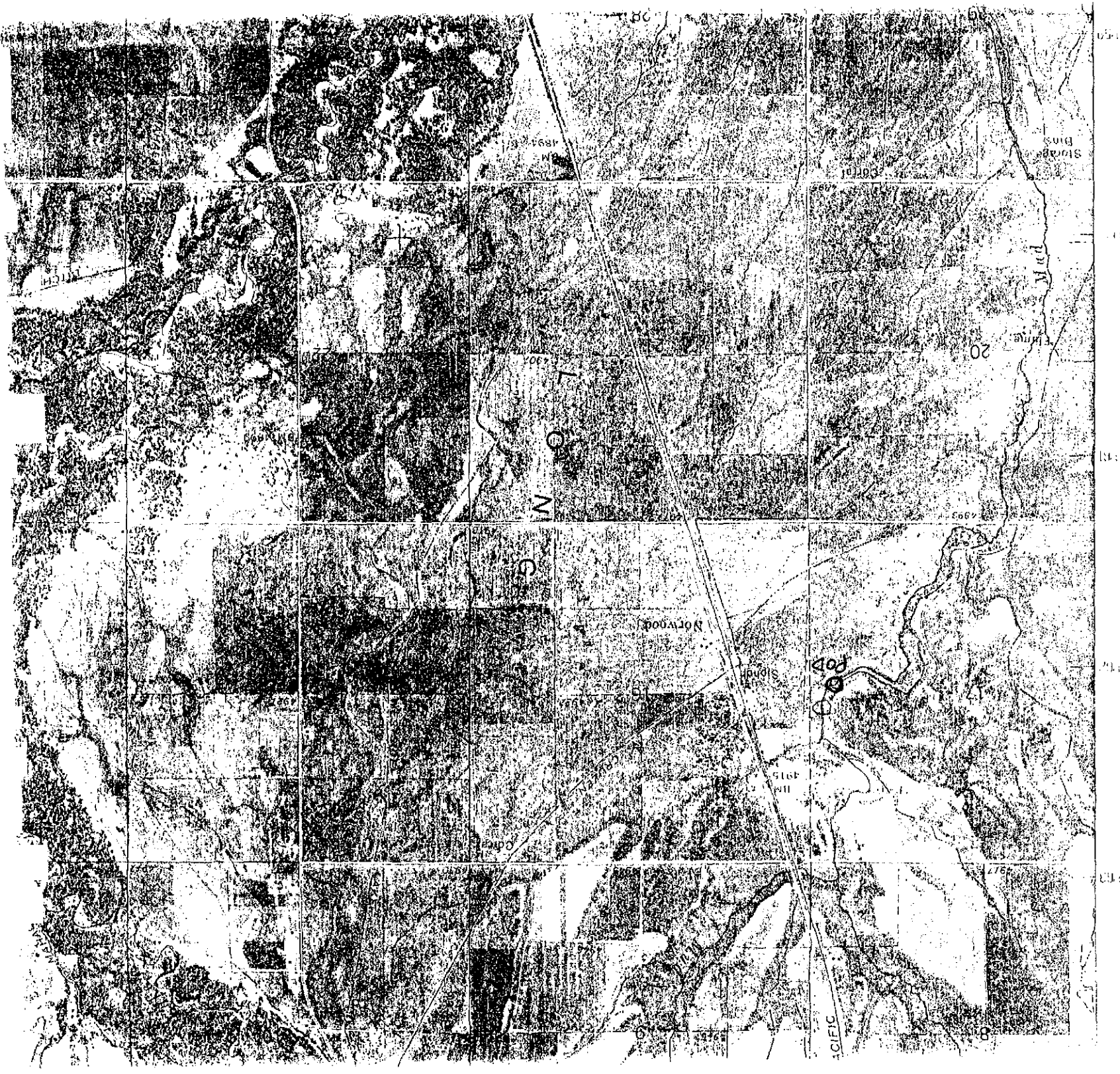
State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 17 day
of November 19 88

[Signature]
Notary Public

Seal

Residing at Boise, ID
My Commission Expires June 10, 1994

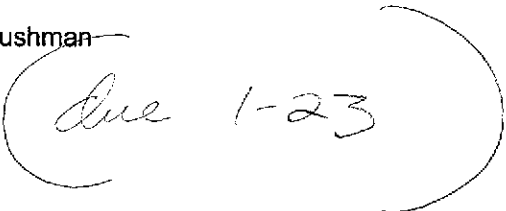


MICROFILMED

SEP 18 1992

Schulte, Mel

Subject: 65-02487, 65-02489, 65-03212 & 65-03702 (Nahas/Purdom) - Status Conference - NBS/Mel Schulte
Location: Twin Falls via phone - SM Cushman
Start: Fri 1/26/01 10:00 AM
End: Fri 1/26/01 10:30 AM
Show Time As: Tentative
Recurrence: (none)
Meeting Status: Not yet responded
Required Attendees: Adj Atty Calendar; Spencer, Nick; Baxter, Garrick; Schulte, Mel



Single telephone call to be placed to SM Cushman: 208-736-4715.

Issue

A65-02487 I. in S31, W $\frac{1}{2}$ SWNE or BOR land

Solution

Change shape to exclude land in W $\frac{1}{2}$ SWNE plus add
remark: I. is limited to the E $\frac{1}{2}$ SWNE, S31.

A65-02487

Uncontested overlaps

Pardon

~~A65-03402~~

Issue

Solution

I. in SE NWSE, S31 - Move to NE NWSE

I. in W $\frac{1}{2}$ W $\frac{1}{2}$ SESE, S31 move to E $\frac{1}{2}$ and E $\frac{1}{2}$ W $\frac{1}{2}$ and
change shape

A65-03212 Issue

I. in W $\frac{1}{2}$ SWNE, S31

Solution

Same as 2487



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way, Boise, Idaho 83705

Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.state.id.us/idwr/idwrhome.htm

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 7-5-2000

TO: Ron Nohas

FROM: Mel Schulte

925-254-8860

208-334-2190 = Ph.

DOCUMENT DESCRIPTION: _____

TOTAL PAGES SENT: 21 + COVER SHEET

CONTACT: _____

MEMORANDUM

TO: Becky Harvey

FROM: Mei Schulte *MS*

DATE: December 19, 2000

Re: SF5's and Amended Directors Report

Attached are new recommendations to include with SF5's for 65-2487, 65-2489 & 65-3212. Enclosed with each report are two layout maps. When you mail the SF5 to Ron Nahas please send him a copy of a layout for each right. Please do the same when you send the SF5's to the BOR. I told the parties I would send them each a new layout for their records.

Also, attached is the Amended Directors Report for 65-2596. I do not have a copy in the file of the court's order requesting we prepare the new report. Please send me a copy.

If you need any thing else I can provide let me know.

MTS



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

December 22, 2000

USDI-Bureau of Reclamation
US Dept of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724
ATTN: KATHLEEN CARR

RE: Subcase Nos.: 65-02487, 65-02489 (uncontested overlap) & 65-03212

Dear Ms. Carr:

Enclosed please find two Standard Forms 5 for the above-referenced subcases along with a Stipulation to Resolve Objection (65-03212). As you know, the Bureau of Reclamation objected to the places of use on these water right recommendations. You will note that the stipulation prepared for 65-03212 is not in the standard format since the Bureau of Reclamation's objection to general provision number three (separate administration) is still pending before the court. It is my understanding that the general provision objection will be handled separately at some point in the future. Mel Schulte from IDWR prepared updated GIS shape files for each of these water rights, which are also enclosed for your review.

Please review and sign these stipulations at your earliest convenience. Then, please forward these documents to the Nahas Family for signature. By copy of this letter, it is requested that the Nahas Family return the originals to me so that I may file them with the SRBA Court. It is our desire to file these documents prior to the deadline set by the court of **January 23, 2001**.

Thank you all for your cooperation in this matter.

Sincerely,

Becky Harvey
Becky Harvey
Paralegal

/bh
Enclosures

cc: Nahas Family Trust

| | | |
|----------------|---|--------------------------|
| In Re SRBA |) | Subcase No. 65-02487 |
| |) | |
| Case No. 39576 |) | |
| |) | STANDARD FORM 5 |
| |) | |
| |) | STIPULATED ELEMENTS OF A |
| |) | WATER RIGHT |

Page 1

IDWR Concurrence:

Agent

Date

Nicholas B. Spencer

Date

Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on _____, 2000, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

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

USDI Bureau of Reclamation
US Dept. of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Mary Nahas Family Trust
Ron Nahas Family Trust
3840 Happy Valley Rd
Lafayette, CA 94549

Signature of person or attorney mailing the form

12/22/2000

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

RIGHT NUMBER: 65-2487

NAME AND ADDRESS: MARY NAHAS FAMILY TRUST
RONALD NAHAS FAMILY TRUST
3840 HAPPY VALLEY RD
LAFAYETTE, CA 94549

SOURCE: MUD CREEK TRIBUTARY: CASCADE RESERVOIR

QUANTITY: 2.8 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
DIVERSION RATE OF .02 CFS. PER ACRE AT THE FIELD HEADGATE
COMBINED RIGHT NOS.: 65-02489 & 65-03212

PRIORITY DATE: 12/03/1947

POINT OF DIVERSION: T17N R03E S17 NENESE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION | 4-15 10-15 | 2.80 CFS |

PLACE OF USE:

| <u>IRRIGATION Within VALLEY County</u> | | | | | |
|--|------|----|---------------|------|----|
| T17N R03E S31 | NENE | 32 | T17N R03E S31 | NWNE | 12 |
| T17N R03E S31 | SWNE | 14 | T17N R03E S31 | SENE | 37 |

95 ACRES TOTAL

THE IRRIGATION IN THE SWNE, SECTION 31 IS LIMITED TO IRRIGATION IN
THE E1/2 SWNE, SECTION 31.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 65-02488, 65-03702, 65-02483, 65-02542 65-
02489 & 65-02198.

12/19/2000

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

RIGHT NUMBER: 65-2487

NAME AND ADDRESS: MARY NAHAS FAMILY TRUST
RONALD NAHAS FAMILY TRUST
3840 HAPPY VALLEY RD
LAFAYETTE, CA 94549

SOURCE: MUD CREEK TRIBUTARY: CASCADE RESERVOIR

QUANTITY: 2.8 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
DIVERSION RATE OF .02 CFS. PER ACRE AT THE FIELD HEADGATE
COMBINED RIGHT NOS.: 65-02489 & 65-03212

PRIORITY DATE: 12/03/1947

POINT OF DIVERSION: T17N R03E S17 NENESE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------|---------------|----------|
| IRRIGATION | 4-15 10-15 | 2.80 CFS |

PLACE OF USE:

| <u>IRRIGATION Within VALLEY County</u> | | | | | |
|--|------|----|---------------|------|----|
| T17N R03E S31 | NENE | 32 | T17N R03E S31 | NWNE | 12 |
| T17N R03E S31 | SWNE | 14 | T17N R03E S31 | SENE | 37 |

95 ACRES TOTAL

THE IRRIGATION IN THE SWNE SECTION 31 IS LIMITED TO
IRRIGATION IN THE E2SWNE SECTION 31.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 65-02488, 65-03702, 65-02483,
65-02542 65-02489 & 65-02198

RECEIVED

DEC 05 2000

Department of Water Resources

200 DEC -4 PM 12:53

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

) Subcases: 65 - 02487, 65-02489, 65-03212
) and 65-03702
)

Case No. 39576

) ORDER SETTING STATUS
) CONFERENCE, ORDER SETTING
) DEADLINE and ORDER REQUIRING
) CONTACT

An Initial Hearing was held on the 30th day of November, 2000, at the Gem County Courthouse in Emmett, Idaho. Ronald Nahas appeared pro se, David Gehlert appeared for the Department of Reclamation and Candace McHugh appeared for IDWR. The District Court was informed that the new owner in subcase 65-03702 is Kenneth Purdom. The parties present at the hearing agreed to a status conference and a deadline to file a Standard Form 5.

IT IS HEREBY ORDERED, that Kenneth Purdom is to contact the Department of Water Resources to file the appropriate forms for a change in ownership by January 12, 2001.

IT IS FURTHER ORDERED that a Status Conference is set for the 26th day of January, 2001, at 10:00 am. A single telephone conference call is to be made to Special Master Thomas R. Cushman at 208-736-4715.

IT IS FURTHER ORDERED that the deadline for Standard Forms 5 in subcases 65-02487 and 65-03212 is January 23, 2001.

DATED December 4, 2000.



THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

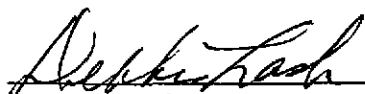
I certify that a true and correct copy of **ORDER SETTING STATUS CONFERENCE, ORDER SETTING DEADLINE and ORDER REQUIRING CONTACT** was mailed on December 4, 2000, with sufficient first-class postage prepaid to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

U.S. Dept of Justice
Bureau of Reclamation
550 W Fort St., MSC 033
Boise, ID 83724

Ronald Nahas Family Trust
Mary Nahas Family Trust
3840 Happy Valley Rd
Lafayette, CA 94549

Kenneth R. Purdom II
6354 Painter Ave.
Whittier, CA 90601


Deputy Clerk

RECEIVED

APR 14 2000

Department of Water Resources

RECEIVED

APR 25 2000

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)

A. Subcase: 65-02487
(insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

*Can resolve objection by adding
a remark: "Irrigation is limited
to the E 1/2 SWNE, S31, T17N, R03E."*

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting thru the Department of Interior
Bureau of Reclamation

Address: 1150 N. Curtis Rd
Boise, ID 83706-1234

Daytime Phone: (208) 334-1464 (Irene Collins)

Name & Address of Attorney, if any:
Paul F. Holleman
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, ID 83724

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

Name: Nisula Bros

Address: PQ Box 444
Emmett ID 83617

WARRANTY DEED

THIS INSTRUMENT, Made this 6 day of December, 1941,

between THE FEDERAL LAND BANK OF SPOKANE, a corporation, and FRANKLIN S. NISSULA, a bachelor, of Donnelly, Valley County, Idaho, Grantors, and the UNITED STATES OF AMERICA, its successors and assigns, Grantee,

WITNESSETH, That the said Grantors for and in consideration of the sum of TWO HUNDRED SEVENTY EIGHT and 00/100 DOLLARS (\$278.00), lawful money of the United States of America, to them in hand paid by the said Grantee in pursuance of the Act of June 17, 1902 (32 Stat. 388) and acts amendatory thereof or supplementary thereto, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said UNITED STATES OF AMERICA, its successors and assigns forever, all of the following described real estate, situate in the County of Valley, State of Idaho, to wit:

The West Half of the Southwest quarter of the Northeast quarter (W1/2SW1/4) of Section thirty-one (31), Township seventeen (17) North, Range three (3) East, Boise Meridian, containing twenty and 20/100 (20.0) acres, more or less.

TOGETHER, with all and singular the tenements, hereditaments, and appurtenances thereto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said Grantors.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the UNITED STATES OF AMERICA, its successors and assigns forever, and the said Grantors, and their heirs, administrators, executors, successors and assigns, the said premises in the quiet and peaceable possession of the said United States of America, its successors and assigns, against the said Grantors, their heirs, administrators, executors, successors and assigns, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, the Grantors, above named, have caused these presents, to be signed by the President and attested by the Secretary of The Federal Land Bank of Spokane, a corporation, and the Bank's corporate seal to be hereunto affixed the day and year first above written.

(corporate seal) THE FEDERAL LAND BANK OF SPOKANE

ATTEST: By S.C. TRIMMER, President.

Jos. J. Davey
Secretary

Franklin S. Nissula (Seal)

WITNESSETH:

L.A. Kalbus

Mildred H. Lawson

Correct as to engineering data EWC

STATE OF WASHINGTON

ss.

County of Spokane

On this 8th day of December, 1941, before me

a Notary Public for the State of Washington, personally appeared
S.C. Fish & Jos. J. Davey

to me known to be the Vice

President and the Secretary, respectively, of the

corporation that executed the within and foregoing instrument

and acknowledged the said instrument to be the free and voluntary

act and deed of said corporation, for the uses and purposes therein

mentioned, and on oath stated that they were authorized to execute

the said instrument, and that the seal affixed is the corporate

seal of said corporation.

In Witness Whereof, I have hereunto set my hand and affixed my
official seal the day and year in this certificate first above written.

Notary Public in and for the State of
Washington

(Seal)

My commission expires Dec. 13, 1943

State of Idaho
Ada
County of Ada
On this 15th day of December, 1941, before me
a Notary Public in and for said county,
in the State of Idaho, personally appeared Franklin St. Miska, a
bachelor, known to me to be the person whose name is subscribed to
the within instrument, and acknowledged to me that he executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my
official seal the day and year in this certificate above written.

Notary Public for the State of Idaho

My commission expires August 12, 1943

28835
479
20
Dec 19, 1941
7:00 A.
Mildred Campbell

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 April, 2000¹³¹, 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:

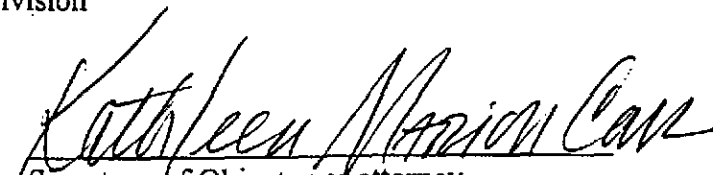
Name: Nisula Bros
Address: PO Box 444
Emmett ID 83617

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

RECEIVED

APR 14 2000

Department of Water Resources

RECEIVED

APR 25 2000

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)

A. Subcase: 65-03702
(insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting thru the Department of Interior
Bureau of Reclamation

Address: 1150 N. Curtis Rd
Boise, ID 83706-1234

Daytime Phone: (208) 334-1464 (Irene Collins)

Name & Address of Attorney, if any:
Paul F. Holleman
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, ID 83724

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

Name: Elmer J Nisula

Address: PO Box 1145
McCall ID 83638

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 April, ^{13,} 2000, 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: Nisula Bros
Address: PO Box 444
Emmett ID 83617

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

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:

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:

9. ☒ **Place of Use**

Should be: T17N R03E S31 NENWSE, E½SESE and E½W½SESE.

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):**

The U.S. of A. purchased on 26 Jul 1948 the W½NWSE, SENWSE, and the W½W½SESE. See attached. Declaration of Taking No. 2538, signed 31 Jul 1947 and map.

IN THE DISTRICT COURT OF THE UNITED STATES
IN AND FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

711.171 acres of land, more or less, in
the County of Valley, State of Idaho;
ALLEN AND WHITE FURNITURE COMPANY, a
corporation; HARRY AMES and JANE DOE
AMES, his wife; UNKNOWN HEIRS of Grace
Arnold (formerly Grace Sult, nee Grace
Hall), deceased; BANKERS TRUST COMPANY
OF NEW YORK, a corporation; UNKNOWN HEIRS
of May Barry, deceased; BIRD BASTY and
MAY BASTY, his wife; SHELTON BECHTEL and
JANE DOE BECHTEL, his wife; UNABEL J.
BECHTEL and JOHN DOE, her husband; E. L.
BOHANNON and JANE DOE BOHANNON, his wife;
MAE BONECHER; THOMAS P. BURNSIDE and
JANE DOE BURNSIDE, his wife; CLIFFORD
CLEMONS; DOLPHEUS CLEMONS; FRANK CLEMONS;
ARTHUR COONROD and JANE DOE COONROD, his
wife; NANCY J. COONROD and JOHN DOE, her
husband; O. N. COONROD and JANE DOE
COONROD, his wife; RICHARD J. COTTRELL
and EDITH L. COTTRELL, his wife; IDA
CURTINS; JAMES DARKWOOD and JANE DOE
DARKWOOD, his wife; DETWEDE NORTHWESTERN
AND PACIFIC HYPOTHEKBANK, a corporation;
ROBERT DUNN and JANE DOE DUNN, his wife;
JESS DUNN and JANE DOE DUNN, his wife;
C. A. ELIENT, sole proprietor of the
Roseberry Lumber Company and JANE DOE
ELIENT, his wife; CHARLES B. FISHER and
JANE DOE FISHER, his wife; UNKNOWN HEIRS
of C. B. Fisher, deceased; FRANK E.
FISHER and JANE DOE FISHER, his wife;
MARY F. FISHER and JOHN DOE, her husband;
ARTHUR M. FRENCH and JANE DOE FRENCH, his
wife; G. W. FROMAN; CHAS. E. GOODSSELL and
JANE DOE GOODSSELL, his wife; L. M. GORTON;
W. T. GREEN and JANE DOE GREEN, his wife;
LEO P. GRUNBAUM; CHARLES HALL; JOHN HALL;
RICHARD HALL and JANE DOE HALL, his wife;
CATHERINE HALL; UNKNOWN HEIRS of Roy Hall,
deceased; W. F. HALL; W. H. HALL; SARAH
HARRP; JAMES HERRON and JANE DOE HERRON, his
wife; E. M. HOUTS and JANE DOE HOUTS, his
wife; GEORGE HOUTS and JANE DOE HOUTS, his
wife; INTER MOUNTAIN STATE BANK, a corpora-
tion; J. W. JACKSON and JANE DOE JACKSON,
his wife; MAGGIE JONES; JOHN KERNALZ,

NO. 2538

DECLARATION

OF

TAKING

Idaho, and more particularly described as follows:

Tract No. 1 (Valley County tract)

Parcel (a): The South half of the Southwest quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$) of Section fifteen (15) and the North half of the Northwest quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$) of Section twenty-two (22), all in Township fifteen (15) North, Range three (3) East, Boise Meridian, excepting therefrom the Townsite of Arling, Idaho, containing 48.30 acres, and excepting also the existing right-of-way of the Union Pacific Railroad, McCall branch, containing 8.38 acres, said Parcel (a) containing 103.32 acres, more or less.

Parcel (b): The West half of the Southwest quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$) of Section five (5); Lots one (1), nine (9), ten (10) and seventeen (17), in Section six (6), Township sixteen (16) North, Range three (3) East, Boise Meridian, containing 207.92 acres, more or less.

Parcel (c): The Northwest quarter of the Southwest quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$), North half of the Southwest quarter of the Southwest quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) and the North half of the South half of the Southwest quarter of the Southwest quarter (N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section seventeen (17), Township sixteen (16) North, Range three (3) East, Boise Meridian, containing 70 acres, more or less.

Parcel (d): The East half of the Northeast quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$) of Section twenty-one (21), Township sixteen (16) North, Range three (3) East, Boise Meridian, containing 80 acres, more or less.

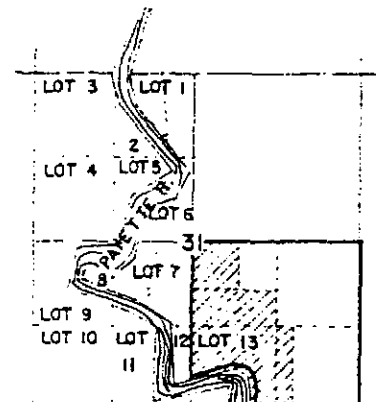
Parcel (e): Lots two (2), three (3), five (5), six (6) and nine (9) of Section thirty-three (33), Township sixteen (16) North, Range three (3) East, Boise Meridian, containing 120.64 acres, more or less.

Parcel (f): Lot thirteen (13), the West half of the West half of the Southeast quarter of the Southeast quarter (W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$), the South half of the Northwest quarter of the Southeast quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) and the Northwest quarter of the Northwest quarter of the Southeast quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section thirty-one (31), Township seventeen (17) North, Range three (3) East, Boise Meridian, containing 69.56 acres, more or less.

Parcel (g): Lots one (1), two (2), three (3), four (4), and five (5) of Block one (1); Lots six (6), seven (7), nine (9), ten (10), fifteen (15), and sixteen (16), in Block two (2); Lots one (1), two (2), three (3), four (4), five (5), six (6), seven (7), eight (8), the North 20 feet of Lot nine (9), Lots ten (10), thirteen (13), fourteen (14), seventeen (17), eighteen (18), nineteen (19) and twenty (20) of Block three (3); Lots seven (7), eight (8), nine (9), ten (10), eleven (11) and twelve (12) of Block five (5); Lot eight (8) of Block six (6); Lots three (3), four (4), five (5), nine (9) and ten (10), of Block seven (7); Lots three (3), four (4), five (5), six (6), seven (7), eight (8) and nine (9), Block eight (8); Lots seven (7), eight (8), nine (9), ten (10), eleven (11) and twelve (12) of Block nine (9); Lots six (6), seven (7), eight (8), nine (9) and ten (10) of

Correct as to boundaries
dms. H. H. Langfield

PORTION OF SECTION 31
TOWNSHIP 17 NORTH, RANGE 3 EAST,
BOISE MERIDIAN
VALLEY COUNTY, IDAHO



SCALE 1" = 2640'

NOTE: AREA SHOWN AS SHADED IS AREA BEING
ACQUIRED BY UNITED STATES.

ENTIRE TRACT:

LOT 13, NW1/4SE1/4, E1/2SE1/4, SECTION 31,
TOWNSHIP 17 NORTH, RANGE 3 EAST, BOISE MERIDIAN.

AREA REQUIRED:

LOT 13, W1/2W1/2SE1/4SE1/4, S1/2NW1/4SE1/4,
NW1/4NW1/4SE1/4, SECTION 31, TOWNSHIP 17 NORTH,
RANGE 3 EAST, BOISE MERIDIAN.

TRACT NO. 1 (2)
OWNER - VALLEY COUNTY
OWNERSHIP - 149.56 ACRES
AREA REQUIRED - 69.56 ACRES

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
PAYETTE DIVISION - BOISE PROJECT, IDAHO
ACQUISITION OF LAND
CASCADE RESERVOIR

DRAWN BY H.G. SUBMITTED _____
TRACED BY _____ RECOMMENDED _____
CHECKED BY _____ APPROVED _____

1-A-409 MAY 15, 1947 - BOISE, IDAHO

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
WASHINGTON 25, D. C.

Attention: 161

OFFICE OF THE COMMISSIONER

AUG 6 1947

To: Regional Director, Boise, Idaho

From: Acting Chief Counsel

Subject: Declaration of Taking—United States v. Allen and White
Furniture Company, et al.—Boise Project.

1. I enclose the duplicate original Declaration of Taking signed by Assistant Secretary Werns on July 31, 1947. The Declaration of Taking, together with a voucher in favor of the Clerk of the United States District Court for the District of Idaho, should be forwarded to the appropriate disbursing officer of the Treasury. That Department should be requested to transmit the check, for filing with the original Declaration of taking, directly to Mr. John A. Carver, United States Attorney, Boise, Idaho.

H. J. S. DEVRIES

Enclosure 677.

CC—Reg. Csl., Boise, Idaho
Dist. Mgr., Boise, Idaho
Const. Engr., Cascade, Idaho

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:

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:

9. ☒ **Place of Use**

Should be: T17N R03E S31 E½SWNE

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):

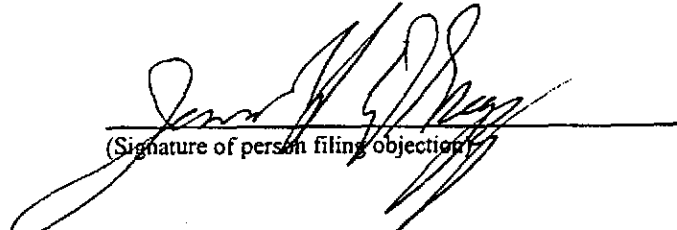
The U.S. of A. purchased the W½SWNE, T17N R03E S31. See attached Warranty Deed No. 66 (4r-533), dated 6 Dec 1941.

F. VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

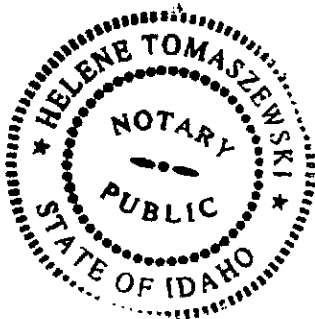
JERROLD D. GREGG, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 13, 2000



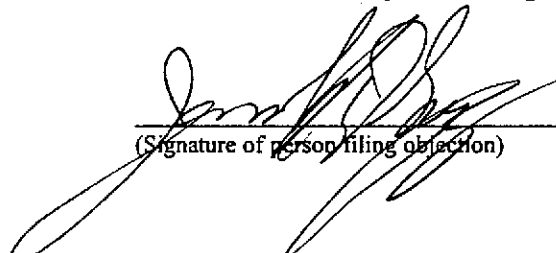
Notary Public for Idaho
Residing at: Meredian
My Commission Expires: 01-16-2002
Helene Tomaszewski

F. VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

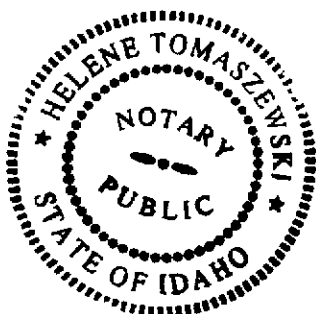
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(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 13, 2000



Notary Public for Idaho
Residing at: Meredian
My Commission Expires: 01-16-2002
Helene Tomaszewski

RECEIVED

APR 14 2000

Department of Water Resources

RECEIVED

APR 25 2000

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: 65-03212
(insert water right number)

STANDARD FORM 1
OBJECTION

*Can be resolved the same as
05-02487.*

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting thru the Department of Interior
Bureau of Reclamation

Address: 1150 N. Curtis Rd
Boise, ID 83706-1234

Daytime Phone: (208) 334-1464 (Irene Collins)

Name & Address of Attorney, if any:
Paul F. Holleman
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, ID 83724

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

Name: Elmer J Nisula

Address: PO Box 1145
McCall ID 83638

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 April, 2000¹³¹, 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:

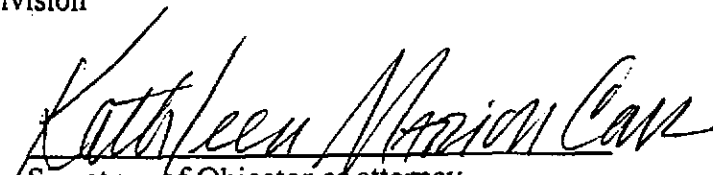
Name: Nisula Bros
Address: PO Box 444
Emmett ID 83617

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

RECEIVED

APR 14 2000

Department of Water Resources

RECEIVED

APR 25 2000

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)

A. Subcase: 65-03702
(insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting thru the Department of Interior
Bureau of Reclamation

Address: 1150 N. Curtis Rd
Boise, ID 83706-1234

Daytime Phone: (208) 334-1464 (Irene Collins)

Name & Address of Attorney, if any:
Paul F. Holleman
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, ID 83724

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Name: Elmer J Nisula

Address: PO Box 1145
McCall ID 83638

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(Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be:

2. ☐ **Source**

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3. ☐ **Quantity**

Should be:

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:

9. ☒ **Place of Use**

Should be: T17N R03E S31 E½SWNE

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):

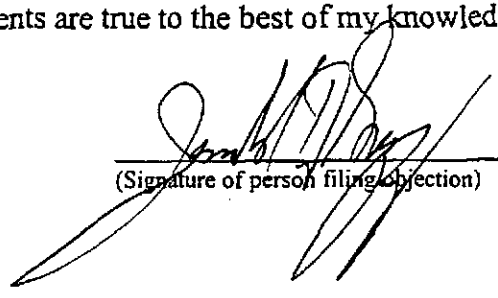
The U.S. of A. purchased the W½SWNE, T 17N R03E S31. See attached Warranty Deed No. 66 (4r-533), dated 6 Dec 1941.

F. VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

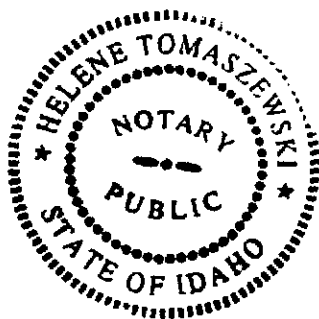
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(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 13, 2000



Notary Public for Idaho
Residing at: Meredian
My Commission Expires: 01-16-2002
Helene Tomaszewski

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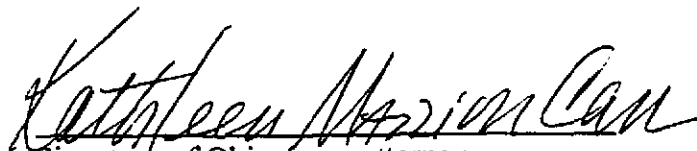
Name: Nisula Bros
Address: PO Box 444
Emmett ID 83617

3. Copies to:

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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

WARRANTY DEED

JAN 10 1942
 THIS DEED, made this 6 day of December, 1941,

between THE FEDERAL LAND BANK OF SPOKANE, a corporation, and FRANKLIN S. NISSULA, a bachelor, of Donnelly, Valley County, Idaho, Grantors, and the UNITED STATES OF AMERICA, its successors and assigns, Grantee,

WITNESSETH, That the said Grantors for and in consideration of the sum of TWO HUNDRED SEVENTY EIGHT and 00/100 DOLLARS (\$278.00), lawful money of the United States of America, to them in hand paid by the said Grantee in pursuance of the Act of June 17, 1902 (32 Stat. 388) and acts amendatory thereof or supplementary thereto, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said UNITED STATES OF AMERICA, its successors and assigns forever, all of the following described real estate, situate in the County of Valley, State of Idaho, to wit:

The East Half of the Southwest quarter of the Northeast quarter (W1/2) of Section thirty-one (31), Township seventeen (17) North, Range three (3) East, Boise Meridian, containing twenty and 00/100 acres, more or less.

together with all and singular the tenements, hereditaments, and appurtenances thereto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said Grantors.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the UNITED STATES OF AMERICA, its successors and assigns forever, and the said Grantors, and their heirs, administrators, executors, successors and assigns, the said premises in the quiet and peaceable possession of the said United States of America, its successors and assigns, against the said Grantors, their heirs, administrators, executors, successors and assigns, and against all and every person and persons whatsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, the Grantors, Franklin S. Nissula, have caused these presents to be signed by the President and attested by the Secretary of The Federal Land Bank of Spokane, a corporation, and the Bank's corporate seal to be hereunto affixed the day and year first above written.

(corporate seal) THE FEDERAL LAND BANK OF SPOKANE

ATTEST: Franklin S. Nissula President.
Jos. J. Davey Secretary
Franklin S. Nissula (Seal)

WITNESSES:

L.A. Kalbus

Mildred E. Lawton

Correct as to engineering data EWC

NOTWITHSTANDING THAT

County of Spokane

~~On this date~~ 6th day of December, 1942, before me

-----a Notary Public for the State of Washington, personally appeared
..... JIMMIE Davey
..... C. C. ...

U.C. Flah & Jos. J. /, to be known to be the Vice

President and the corporation that executed the within and foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute the said instrument, and that the seal affixed is the corporate seal of said corporation.

In Witness Whereof, I have hereunto set my hand and affixed my

~~TO DIRECTOR OF FBI FROM SAC, NEW YORK~~

[illegible]

in the County of ... and ...
 On this ... day of ... 19...
 I, the undersigned, being a duly qualified ...
 in the State of ... do hereby certify that ...
 is known to me to be the person whose name is subscribed to
 the ... and acknowledged to me that he executed the same.
 In witness whereof, I have hereunto set my hand and affixed my
 official seal the day and year in this certificate above written.

[illegible]

28833
 479
 10 Dec
 Dec 19/1941
 9:00 A.M.
 Mildred Campbell

100

RECEIVED

APR 14 2000

Department of Water Resources

RECEIVED

APR 25 2000

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)

A. Subcase: 65-02487
(insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

*All remarks
In is only in the E 1/2 SWNE,
S31,*

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting thru the Department of Interior
Bureau of Reclamation

Address: 1150 N. Curtis Rd
Boise, ID 83706-1234

Daytime Phone: (208) 334-1464 (Irene Collins)

Name & Address of Attorney, if any:

Paul F. Hollerman

United States Department of Justice

Environment and Natural Resource Division

General Litigation Section

550 West Fort Street, MSC 033

Boise, ID 83724

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

Name: Nisula Bros

Address: PO Box 444
Emmett ID 83617

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(Please check the appropriate box(es)).

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3. ☐ **Quantity**

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4. ☐ **Priority Date**

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6. ☐ **Instream Flow Description**

Should be:

7. ☐ **Purpose(s) of Use**

Should be:

8. ☐ **Period of Year**

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9. ☒ **Place of Use**

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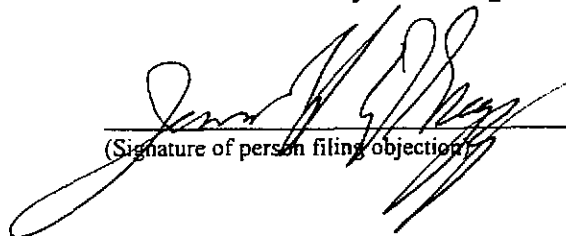
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)ss.
County of Ada)

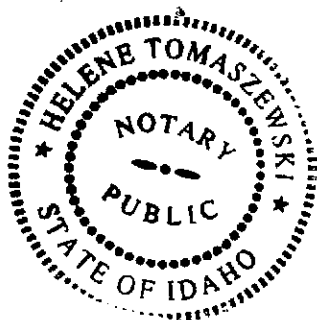
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(Signature of person filing objection)

(Attorney signing in representative capacity)

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Notary Public for Idaho
Residing at: Meredon
My Commission Expires: 01-16-2002
Helene Tomaszewski

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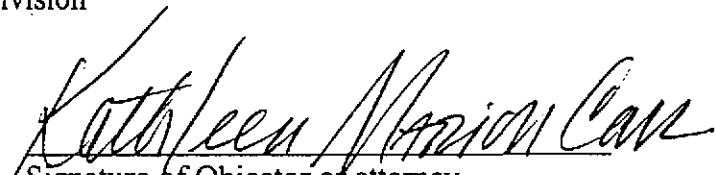
Name: Nisula Bros
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Emmett ID 83617

3. Copies to:

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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

WARRANTY DEED

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between THE FEDERAL LAND BANK OF SPOKANE, a corporation, and FRANKLIN S. NISSULA, a bachelor, of Donnelly, Valley County, Idaho, Grantors, and the UNITED STATES OF AMERICA, its successors and assigns, Grantee,

WITNESSETH, That the said Grantors for and in consideration of the sum of TWO HUNDRED SEVENTY EIGHT and 00/100 DOLLARS (\$278.00), lawful money of the United States of America, to them in hand paid by the said Grantee in pursuance of the Act of June 17, 1902 (32 Stat. 388) and acts amendatory thereof or supplementary thereto, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said UNITED STATES OF AMERICA, its successors and assigns forever, all of the following described real estate, situate in the County of Valley, State of Idaho, to wit:

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TOGETHER, with all and singular the tenements, hereditaments, and appurtenances thereto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said Grantors.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the UNITED STATES OF AMERICA, its successors and assigns forever, and the said Grantors, and their heirs, administrators, executors, successors and assigns, the said premises in the quiet and peaceable possession of the said United States of America, its successors and assigns, against the said Grantors, their heirs, administrators, executors, successors and assigns, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, the Grantors, above named, have caused these presents to be signed by the President and attested by the Secretary of The Federal Land Bank of Spokane, a corporation, and the Bank's corporate seal to be hereunto affixed the day and year first above written.

(corporate seal) THE FEDERAL LAND BANK OF SPOKANE

ATTEST:

By S.C. Fisher President.

Jos. J. Davay

Secretary

Franklin S. Nissula

(Seal)

WITNESSES:

L.A. Kalbus

Mildred H. Lawton

Correct as to engineering data EWC

STATE OF WASHINGTON () ss.
County of Spokane ()

On this 6th day of December, 1941, before me

a Notary Public for the State of Washington, personally appeared

S.C. Fish & Jos. J. / Davey, to me known to be the Vice

President and the Secretary, respectively, of the corporation that executed the within and foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute the said instrument, and that the seal affixed is the corporate seal of said corporation.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public in and for the State of Washington

By commission expires Dec. 12, 1943

STATE OF IDAHO
County of Ada

On this 13th day of December, 1941, before me

in the State of Idaho, personally appeared Franklin B. Missula, a bachelor, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate above written.

Notary Public for the State of Idaho

By commission expires August 12, 1943

28835

479

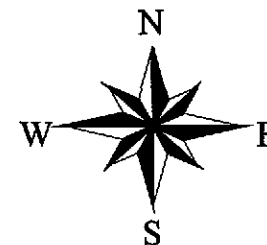
Dec 19, 1941

9:00 A.M.

Mildred Campbell

IDAHO DEPARTMENT OF WATER RESOURCES

T17N, R03E, S31



1987 NAPP PHOTO

● POINT OF DIVERSION

▭ PLACE OF USE

▭ 1/4 1/4 LINES

▭ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-02487

OWNER(S): NAHAS

Prepared by Mel Schulte

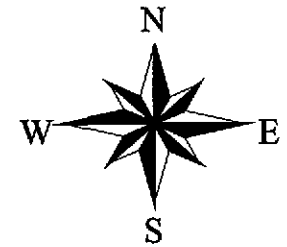
DATE: DECEMBER 14, 2000

0 0.25 0.5 0.75 1 1.25 Miles



IDAHO DEPARTMENT OF WATER RESOURCES

T17N, R03E, S31



1987 NAPP PHOTO

● POINT OF DIVERSION

▭ PLACE OF USE

▭ 1/4 1/4 LINES

▭ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-02487

OWNER(S): NAHAS

Prepared by Mel Schulte

DATE: DECEMBER 14, 2000

0 0.25 0.5 0.75 1 1.25 Miles



AJ0749NP
No. R65-02487

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

DATE: 08/03/99
PAGE: 1

=====

| OWNER
CODE | NAME & ADDRESS | PRIORITY
DATE | WATER USE | USE PERIOD
FROM TO | DIVERSION
RATE | DIVERSION
VOLUME |
|---------------|---|------------------|------------|-----------------------|-------------------|---------------------|
| C | NISULA BROS
BOX 444
EMMETT ID 83617 | 12/03/1947 | IRRIGATION | 04-15 10-15 | 2.800 CFS | |
| | | | | | TOTAL DIVERSION: | 2.800 CFS |

Water Source: MUD CREEK

Tributary to: CASCADE RESERVOIR

Stage: DECREED

Point(s) of Diversion: T17N R03E S17 NENESE

VALLEY County

Place of use Legal Description for: IRRIGATION

| | | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|---|-------------|------|
| T | R | S | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | : | SUM | |
| 17N | 03E | 31 | : | 32 | | 12 | | 14 | | 37 | | : | | | | | | : | 95.0 | |
| | | | | | | | | | | | | | | | | | | | TOTAL ACRES | 95.0 |

POU County: VALLEY

Other Rights: 65-02489, 65-03212.

Remarks: QNT USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
DIVERSION RATE OF .02 CFS. PER ACRE AT THE FIELD HEADGATE.
COMBINED RIGHT NOS.: 65-02489 & 65-03212.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 65-02488, 65-03702, 65-02483, 65-02542
65-02489 & 65-02198.

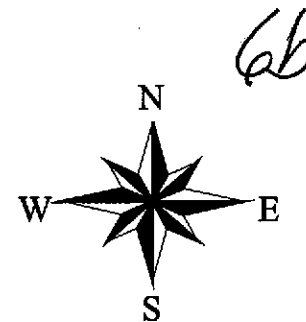
Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

Comments: Date: 03/25/1999 User-ID: MSCHULTE Subject: COPIED FROM REMARKS
CLAIM AMENDED PER TRANSFER NO. 3636 APPROVED 12-29-89. JS THE
FOLLOWING CONDITIONS WERE ON THE TRANSFER APPROVAL:

IDAHO DEPARTMENT OF WATER RESOURCES

17N, 03E, S31



1987 NAPP PHOTO

● POINT OF DIVERSION

▭ PLACE OF USE

▭ 1/4 1/4 LINES

▭ SECTION LINES

6 ACRES

6 SECTION NUMBERS



CLAIM(S): 65-02487

OWNER(S): NISULA BROTHES

Prepared by Mel Schulte

DATE: MAY 14, 1999





State of Idaho
DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 13, 2000

RONALD NAHAS FAMILY TRUST
MARY NAHAS FAMILY TRUST
3840 HAPPY VALLEY RD
LAFAYETTE CA 94549

RE: Water Right No. 65-02487, 65-02489, 65-03204 & 65-03212

Dear Property Owners:

Enclosed is a copy of the above referenced water right which reflects the change in ownership of the land and appurtenant water rights covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings which has been sent to the Snake River Basin Court as notification of the change.

After further review, we are unable to change water right number 65-03702 at this time, as it is located in a place of use which is not covered on the deed submitted. If you have additional information concerning that water right transfer, please contact this office and we can make the necessary changes.

Thank you for your patience and cooperation, as we have had several ownership changes to process. 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
Office Specialist 1
Adjudication Section
Western Region

DB:db

Enclosures

cc: Nisula Bros., Elmer J Nisula

AJ0749NP
No. R65-02487

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

DATE: 08/03/99
PAGE: 2

=====

Comments: Date: 03/25/1999 User-ID: MSCHULTE Subject: COPIED FROM REMARKS
A MEASURING DEVICE OF A TYPE APPROVED BY THIS DEPARTMENT
SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
THESE RIGHTS WHEN COMBINED WITH ALL OTHER RIGHTS SHALL
PROVIDE NO MORE THAN 3.0 AFA PER ACRE FOR THE LANDS ABOVE.
USE OF WATER UNDER THESE RIGHTS IS SUBJECT TO CONTROL BY THE
WATERMASTER OF STATE WATER DISTRICT NO. 65K, LAKE FORK CREEK.

Date: 05/17/1999 User-ID: MSCHULTE Subject: CONVEYANCE LOSS
A PORTION OF THIS RIGHT IS FOR CONVEYANCE LOSS AS DECREED IN THE
PAYETTE RIVER BASIN ADJUDICATION.

Audit: 08/03/99 MSCHULTE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:46:01
03/23/99
17

PAGE: 17
PROFILE REPORT

CLAIM NUMBER: A65-02487

| OWNER
CODE | NAME & ADDRESS | PRIORITY
DATE | WATER USE | USE PERIOD
FROM TO | DIVERSION
RATE | DIVERSION
VOLUME |
|-----------------------------|----------------|------------------|------------|-----------------------|-------------------|-----------------------|
| C | NISULA BROS | 12/03/1947 | IRRIGATION | 04-15 10-15 | 2.80 CFS | |
| TOTAL DIVERSION: | | | | | 2.80 CFS | |
| ~~CONSUMPTIVE USE:~~ | | | | | | ~~190.00 AFA~~ |

Water Source: MUD CREEK Tributary to: PAYETTE RIVER, NORTH FORK Stage: DECREED
Point(s) of Diversion: T17N R03E S17 NENESE VALLEY County

Place of use Legal Description for: IRRIGATION

| | | | | NE | | | | NW | | | | SW | | | | SE | | | | | |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------------|------|
| T | R | S | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | : | SUM |
| 17N | 03E | 31 | : | 32 | | 12 | | 14 | | 37 | | | | | | | | | | : | 95.0 |
| | | | | | | | | | | | | | | | | | | | | TOTAL ACRES | 95.0 |

POU County: VALLEY

Non-Irrigation Uses: NONE

Other Rights: CLAIM NOS. A65-02198 & A65-02489.

Remarks: GEN CLAIM AMENDED PER TRANSFER NO. 3636 APPROVED 12-29-89. JS THE FOLLOWING CONDITIONS WERE ON THE TRANSFER APPROVAL:
A MEASURING DEVICE OF A TYPE APPROVED BY THIS DEPARTMENT SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
THESE RIGHTS WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN 3.0 AFA PER ACRE FOR THE LANDS ABOVE.
USE OF WATER UNDER THESE RIGHTS IS SUBJECT TO CONTROL BY THE WATERMASTER OF STATE WATER DISTRICT NO. 65K, LAKE FORK CREEK.

Dates: Exam Made Date: Verified Date: Objection Filed Date:
Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:

EXP - F06
QNT - E04, E04
~~POU - K06, E14~~

WR5809NP
No. 65-02487

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/23/99
PAGE: 2

| OWNER
CODE | NAME & ADDRESS | PRIORITY
DATE | WATER USE | USE PERIOD
FROM TO | DIVERSION
RATE | DIVERSION
VOLUME |
|------------------|--|------------------|------------|-----------------------|-------------------|---------------------|
| C | NISULA BROTHERS
P.O. BOX 444
EMMETT ID 83617 | 12/03/1947 | IRRIGATION | 04/15 10/15 | 2.800 CFS | |
| TOTAL DIVERSION: | | | | | 2.800 CFS | |

Water Source: MUD CREEK

Tributary to: PAYETTE RIVER, NORTH FORK

Stage: DECREED

Point(s) of Diversion:

T17N R03E S17

NENESE

VALLEY County

Place of use Legal Description for: IRRIGATION

| | | | | NE | | | | NW | | | | SW | | | | SE | | | | | |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------------|------|
| T | R | S | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | : | SUM |
| 17N | 03E | 31 | : | 32 | | 12 | | 14 | | 37 | | | | | | | | | | : | 95.0 |
| | | | | | | | | | | | | | | | | | | | | TOTAL ACRES | 95.0 |

Pou County: VALLEY

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

65-02098 65-02198 65-02483 65-02488 65-02489 65-02542 65-03702

Other Water Rights Listing Overlapping Place(s) of use:

65-02489 65-03212

Conditions of Approval:

- R01 - A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 65K.
- R24 - This right when combined with all other rights shall provide no more than 3.0 afa per acre for irrigation of the lands above.

Remarks: GEN TRANS. 3636.

| | | | |
|--------|-----------------|--------------------|------------|
| Dates: | App. Received: | Priority Date: | 12/03/1947 |
| | Proof Due Date: | Proof Made Date: | |
| | Exam Made Date: | Exam Sent to S.O.: | |
| | Licensed Date: | | |

Misc: Water District Number: 65K Field Exam Fee:

Audit: 04/02/86 04/30/88 CONVERT 01/08/90 CURTIS

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

| TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED) | IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION | COPY INCLUDED IN FILE? |
|--|--|---|
| () ORTHOPHOTOQUAD | DATE OF PHOTO _____ IDWR ID NO. _____ | Y() N() |
| (☒) TOPOGRAPHIC | DATE FIELD CHECKED <u>5-14-99</u> IDWR ID NO. <u>560</u> | Y(☒) N() |
| (☒) ~~MAP~~ GIS map | DATE OF PHOTO <u>3-24-99</u> <u>1987</u> IDWR ID NO. _____ | Y(☒) N() |
| (☒) ASCS AERIAL PHOTO | DATE OF PHOTO <u>1961 - PRBA map - See below</u> | Y() N(☒) |
| () ASCS COLOR SLIDE | DATE OF PHOTO _____ | Y() N() |
| () BLM OR USFS AERIAL PHOTO | DATE OF PHOTO _____ | Y() N() |
| () TOWNSHIP SURVEY (GOVERNMENT PLAT) | DATE OF SURVEY _____ | Y() N() |
| () SCS SOIL SURVEY MAP | DATE ISSUED _____ | Y() N() |
| () SUBDIVISION PLAT MAP | DATE OF MAP _____ | Y() N() |
| (☒) OTHER <u>Overlap Map</u> | DATE <u>See A65-02198</u> | Y() N(☒) |
| (☒) OTHER <u>GIS table</u> | DATE <u>3-25-99</u> <u>5-17-99</u> | Y(☒) N() |
| (☒) OTHER <u>POU review report</u> | DATE <u>3-23-99</u> | Y(☒) N() |

5a
6b

6a

| LIST OF ATTACHMENTS (CHECK IF ATTACHED) | IF ATTACHED, SUPPLY APPROPRIATE INFORMATION | NO. OF PAGES | NOTES |
|---|---|--------------|-------|
| () LICENSING FIELD EXAM | DATE OF FIELD EXAM _____ | _____ | _____ |
| () WATER RIGHT LICENSE | DATE LICENSE SIGNED _____ | _____ | _____ |
| () IDWR APPROVED TRANSFER | DATE TRANSFER APPROVED _____ | _____ | _____ |
| () SYSTEM DESCRIPTION | DATE DRAWN _____ | _____ | _____ |
| () PHOTOGRAPHS | DATE(S) PHOTOS TAKEN _____ | _____ | _____ |
| () SPLIT RIGHT REVIEW | DATE REVIEW COMPLETED _____ | _____ | _____ |
| () HUBBLE ANALYSIS | DATE ANALYSIS COMPLETED _____ | _____ | _____ |
| () CONVEYANCE LOSS ANALYSIS | DATE ANALYSIS COMPLETED _____ | _____ | _____ |
| () FLOW MEASUREMENT CALCULATIONS | DATE SYSTEM MEASURED _____ | _____ | _____ |
| () OTHER _____ | DATE _____ | _____ | _____ |
| () OTHER _____ | DATE _____ | _____ | _____ |

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:40:33
03/23/99

PAGE: 16
QUICKLOOK INFORMATION

16
CLAIM NUMBER: A65-02487

| WR ELEMENT | DATA
DISCREPANCY
Y/N | CORRESPONDENCE
SENT/RECEIVED
BY WHOM/DATE | FIELD EXAM
BY WHOM/DATE | CHANGE
CLAIM
Y/N | ELEMENT
DOCUMENTED
WHOM/DATE | COMPLETED
REVIEW
WHOM/DATE | COMPLETED
DATA ENTRY
WHOM/DATE | VERIFIED
DATE
WHOM/DATE |
|---------------------------|----------------------------|---|----------------------------|------------------------|------------------------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE | | | MS
3-25-99
In Office | N | | MS
3-25-99 | MS
3-25-99 | |
| POINT OF DIV | | | 5-17-99 | N | | 5-17-99 | 5-17-99 | |
| SOURCE | | | | N | | | | |
| PLACE OF USE | Y | | | Y | | | | |
| DIV. AMOUNT
CFS/VOLUME | | | | N | | | | |
| CONSUMPTIVE USE | | | | NA | | | | |
| PURPOSES OF USE | | | | N | | | | |
| PERIOD OF USE | | | | N | | | | |
| BASIS OF CLAIM | | | | N | | | | |
| REMARKS | Y | | | Y | | | | |

BARCODE UPDATED
WHOM/DATE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:40:33
03/23/99

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A65-02487

LAST: NISULA
ADDRESS: PO BOX 642
CITY: DONNELLY
PHONE NUMBER: 208-000-0000

FIRST: FRANK S
STATE: ID ZIP: 83615

OWNER CODE: O

LAST: NISULA BROS
ADDRESS: BOX 444
CITY: EMMETT
PHONE NUMBER: 208-000-0000

FIRST:
STATE: ID ZIP: 83617

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: GEN CLAIM AMENDED PER TRANSFER NO. 3636 APPROVED 12-29-89. JS THE
FOLLOWING CONDITIONS WERE ON THE TRANSFER APPROVAL:
A MEASURING DEVICE OF A TYPE APPROVED BY THIS DEPARTMENT
SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
THESE RIGHTS WHEN COMBINED WITH ALL OTHER RIGHTS SHALL
PROVIDE NO MORE THAN 3.0 AFA PER ACRE FOR THE LANDS ABOVE.
USE OF WATER UNDER THESE RIGHTS IS SUBJECT TO CONTROL BY THE
WATERMASTER OF STATE WATER DISTRICT NO. 65K, LAKE FORK CREEK.

PAGE: 2
FIELD EXAMINATION INFORMATION

2
CLAIM NUMBER: A65-02487

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

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

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

In office review

A. AJ CLAIM: # A65-02487 PRIORITY DATE: 12-03-1947 STAGE: D

B. WR RECORD: # 65-02487 PRIORITY DATE: 12-03-1947 STAGE: D

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

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

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

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

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

FIELD EXAM COMPLETED N/A(☒) Y(☐) N(☐)

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

LICENSE ISSUED N/A(☒) Y(☐) N(☐)

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

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

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

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

NOTES:

*Recommended as decreed in the PRBA, per T 3636
and claimed in the SRBA.*

RECOMMENDED PRIORITY DATE:

12-03-1947

REVIEWED BY

Neil Schulte

DATE

5-17-99

3-25-99

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | POD
FLAG | COUNTY | DIVERSION NAME | DIVERSION NUMBER |
|-----------|------|------|------|-----|-----|-----|-----|-------------|--------|----------------|------------------|
| A65-02487 | 17N | 03E | 17 | NE | NE | SE | | | VALLEY | | |

OTHER AJ CLAIMS WITH SAME AJ POD

| A PREFIX | R PREFIX |
|-----------|-----------|
| A65-02098 | R65-02098 |
| A65-02198 | |
| A65-02483 | |
| A65-02488 | |
| A65-02489 | |
| A65-02542 | |
| A65-03702 | |

WR RECORDS IN SAME 40 ACRE TRACT

| |
|----------|
| 65-02098 |
| 65-02198 |
| 65-02483 |
| 65-02488 |
| 65-02489 |
| 65-02542 |
| 65-03702 |

SOURCE: MUD CREEK

TRIB: PAYETTE RIVER, NORTH FORK

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | POD
FLAG | COUNTY | DIVERSION NAME | DIVERSION NUMBER |
|----------|------|------|------|-----|-----|-----|-----|-------------|--------|----------------|------------------|
| 65-02487 | 17N | 03E | 17 | NE | NE | SE | | | VALLEY | | |

OTHER WR RECORDS WITH SAME WR POD

| |
|----------|
| 65-02098 |
| 65-02198 |
| 65-02483 |
| 65-02488 |
| 65-02489 |
| 65-02542 |
| 65-03702 |

AJ CLAIMS IN SAME 40 ACRE TRACT

| A PREFIX | R PREFIX |
|-----------|-----------|
| A65-02098 | R65-02098 |
| A65-02198 | |
| A65-02483 | |
| A65-02488 | |
| A65-02489 | |
| A65-02542 | |
| A65-03702 | |

SOURCE: MUD CREEK

TRIB: PAYETTE RIVER, NORTH FORK

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

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

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

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

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(☒) N()

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

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE?

Y(☒) N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM?

Y() N(☒)

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____)

Y() N(☒)

AJ FIELD EXAM (DATE OF FIELD EXAM _____ NAME OF EXAMINER _____) Y() N(☒)

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: Recommended as decreed in the PRBA, per T3636 and
as claimed in the SRBA.

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

| TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | POD
FLAG | COUNTY | DIVERSION NAME | DIVERSION NBR |
|------|------|------|-----|-----|-----|-----|-------------|--------|----------------|---------------|
| 17N | 03E | 17 | NE | NE | SE | | | VALLEY | | |
| — | — | — | — | — | — | — | — | — | — | — |
| — | — | — | — | — | — | — | — | — | — | — |
| — | — | — | — | — | — | — | — | — | — | — |
| — | — | — | — | — | — | — | — | — | — | — |
| — | — | — | — | — | — | — | — | — | — | — |
| — | — | — | — | — | — | — | — | — | — | — |

SOURCE: MUD CREEK

TRIB: PAYETTE RIVER, NORTH FORK

REVIEWED BY:

Mel Schulte

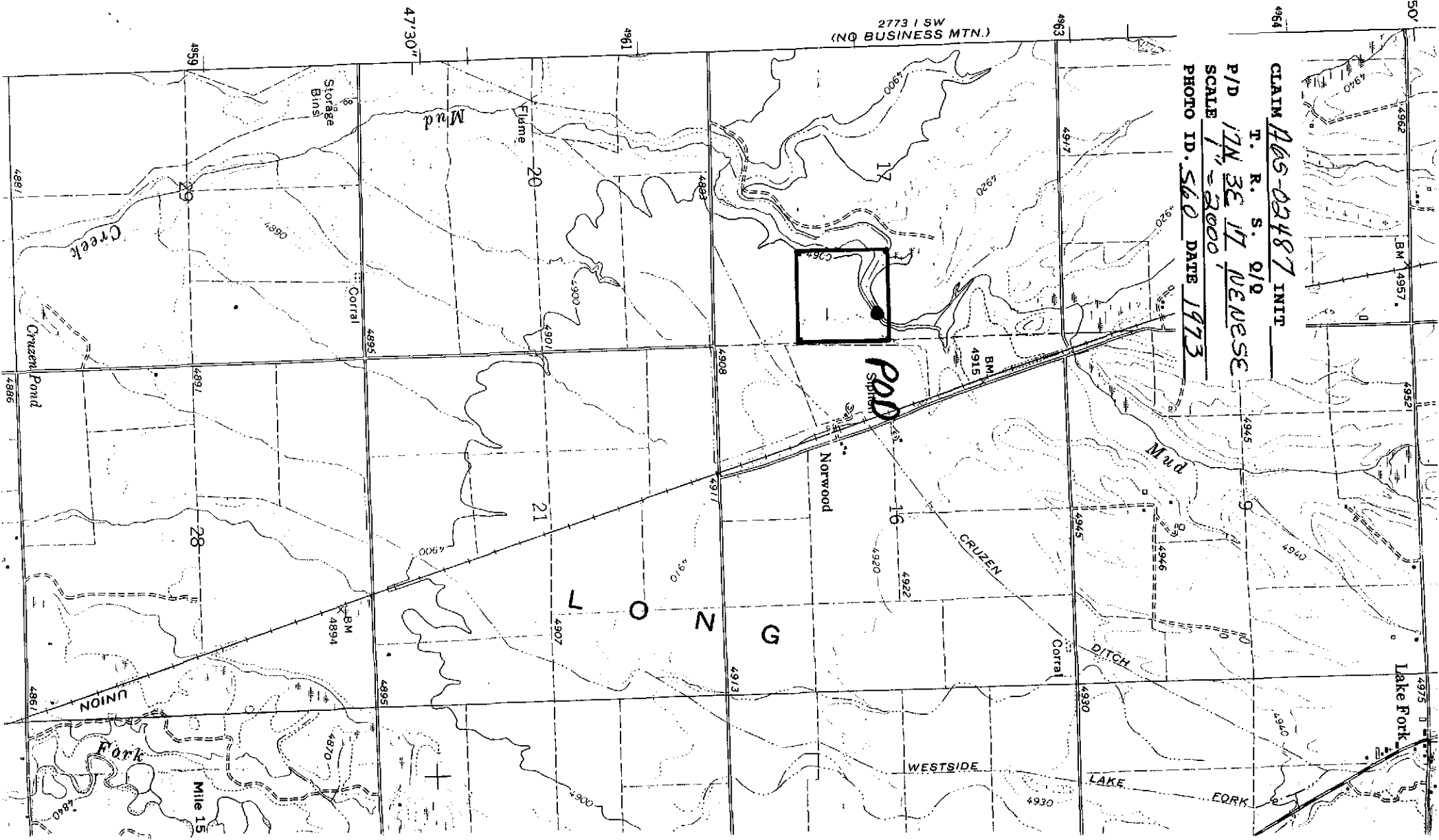
DATE:

5-17-99

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

5a

CLAIM 1005-03487 INIT T. R. S. 9/9
P/D 17A 3E 17 NE NESE
SCALE 1" = 2000
PHOTO ID. 560 DATE 1973



A. ROOT WATER RIGHT NUMBERS: A65-02487
R65-02487

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|-----|-----|-----|-----|-----|-----|-----------------|------------------|-----------------|-----------------|----------------|------------------|
| 17N | 03E | 31 | NE | NE | | NISULA BROS | A65-02487 / 32.0 | 65-02487 / 32.0 | 37.0 | | |
| | | | NE | NE | | NISULA, ELMER J | A65-03212 / 39.0 | 65-03212 / 39.0 | | | |
| | | | NE | NE | | NISULA BROS | A65-02489 / 8.0 | 65-02489 / 8.0 | | | |
| | | | NE | NE | | NISULA BROS | R65-02198 / 39.0 | - / | | | |
| | | | NE | NE | | NISULA BROS | R65-02487 / 39.0 | - / | | | |
| | | | NE | NE | | NISULA BROS | R65-02489 / 39.0 | - / | | | |
| | | | NE | NE | | NISULA BROS | R65-03204 / 39.0 | - / | | | |
| | | | NE | NE | | NISULA, ELMER J | R65-03212 / 39.0 | - / | | | 32 |
| 17N | 03E | 31 | NW | NE | | NISULA BROS | A65-02487 / 12.0 | 65-02487 / 12.0 | 40.0 | | |
| | | | NW | NE | | NISULA, ELMER J | A65-03212 / 12.0 | 65-03212 / 12.0 | | | |
| | | | NW | NE | | NISULA, ELMER J | A65-03701 / | 65-03701 / | | | |
| | | | NW | NE | | NISULA BROS | A65-02489 / 28.0 | 65-02489 / 28.0 | | | |
| | | | NW | NE | | NISULA, ELMER J | 65-03701 / | - / | | | 12 |
| 17N | 03E | 31 | SW | NE | | NISULA BROS | A65-02487 / 14.0 | 65-02487 / 14.0 | 25.0 | | |
| | | | SW | NE | | NISULA, ELMER J | A65-03212 / 8.0 | 65-03212 / 8.0 | | | |
| | | | SW | NE | | NISULA BROS | A65-02489 / 6.0 | 65-02489 / 6.0 | | | |
| | | | SW | NE | | NISULA BROS | R65-02198 / 14.0 | - / | | | |
| | | | SW | NE | | NISULA BROS | R65-02487 / 14.0 | - / | | | |
| | | | SW | NE | | NISULA BROS | R65-02489 / 14.0 | - / | | | |
| | | | SW | NE | | NISULA BROS | R65-03204 / 14.0 | - / | | | |
| | | | SW | NE | | NISULA, ELMER J | R65-03212 / 14.0 | - / | | | 14 |
| 17N | 03E | 31 | SE | NE | | NISULA BROS | A65-02487 / 37.0 | 65-02487 / 37.0 | 33.0 | | |
| | | | SE | NE | | NISULA, ELMER J | A65-03212 / 35.0 | 65-03212 / 35.0 | | | |
| | | | SE | NE | | NISULA, FRANK S | A65-03705 / | 65-03705 / | | | |
| | | | SE | NE | | NISULA BROS | A65-02489 / 3.0 | 65-02489 / 3.0 | | | |
| | | | SE | NE | | NISULA BROS | R65-02198 / 37.0 | - / | | | |
| | | | SE | NE | | NISULA BROS | R65-02487 / 37.0 | - / | | | |
| | | | SE | NE | | NISULA BROS | R65-02489 / 37.0 | - / | | | |
| | | | SE | NE | | NISULA, ELMER J | R65-03212 / 37.0 | - / | | | |
| | | | SE | NE | | NISULA, FRANK S | 65-03705 / | - / | | | |
| | | | SE | NE | | NISULA BROS | R65-03204 / 37.0 | - / | | | 37 |

ADDITIONAL POU FOUND

TOTAL ACRES A65-02487 95.00 95.00 135.00

95

WESTERN REGION

OWNER (S):

Nisula Bros.

CLAIM NUMBERS:

AGS-02487

AGENT: MEL SCHULTE

DATE 5-17-99.

[illegible]

POLYGON CREATED ON 330

POLYGON # () () () () UPDATED BY MTS

ATTRIBUTES OF B65-POU.SHP (725) () () () ()

ATTRIBUTES OF B65-POD.SHP (610) () () () ()

8-5-99 B65-DBPOU.DBF UPDATED BY MTS

8-599 B65-DBPOD.DBF UPDATED BY MTS

NOTES:

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

Y(☒) N(☐)

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

See Overlap map in A65-02198 & GIS map 6b attached

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

| CLAIM NO. | SOURCE | NAME | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|-----------|-----------------|-----------------|-----------|----------------|-----------|----------------|
| A65-02487 | MUD CREEK | NISULA BROS | 2.800 | 0.029 | | |
| A65-02489 | MUD CREEK | NISULA BROS | 2.000 | 0.017 | | |
| A65-03212 | LAKE FORK CREEK | NISULA, ELMER J | 2.000 | 0.021 | | |

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

| CLAIM NO. | PURPOSES | NAME | MONTH/DAY | RATE | VOLUME |
|-----------|------------|-----------------|---------------------|-----------|-----------|
| A65-03701 | DOMESTIC | NISULA, ELMER J | FROM 01-01 TO 12-31 | 0.020 CFS | 1.20 AF/A |
| 65-03701 | DOMESTIC | NISULA, ELMER J | FROM 01-01 TO 12-31 | 0.020 CFS | 1.20 AF/A |
| A65-03705 | STOCKWATER | NISULA, FRANK S | FROM 01-01 TO 12-31 | 0.070 CFS | 4.10 AF/A |
| 65-03705 | STOCKWATER | NISULA, FRANK S | FROM 01-01 TO 12-31 | 0.070 CFS | 4.10 AF/A |

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

Y(☒) N(☐)

* IF YES, COMPLETE OVERLAP REVIEW:

See above

OTHER RIGHTS LISTED IN CLAIM: CLAIM NOS. A65-02198 & A65-02489.

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

N/A(☐) Y(☒) N(☐)

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

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

N/A(☐) Y(☒) N(☐)

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

Y(☐) N(☒)

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

Y(☐) N(☒)

CHECK DOCUMENTS USED TO VERIFY POU: () ORTHOPHOTOQUAD, IDWR NO. _____; () TOPOGRAPHIC QUAD, IDWR NO. _____;

NOTES: ^{GIS} () NAPP, IDWR NO. _____; () ASCS PHOTO; () OTHER _____

NOTES: *Recommended as decreed in the PRBA.*

RECOMMENDATIONS:

TOTAL ACRES: 95 N/A()

REVIEWED BY: Mel Schulte

DATE: 5-17-99

A. AJ CLAIMED USES:

| PURPOSE OF USE | PERIOD OF USE (MONTH/DAY) | DIV. RATE FOR EACH USE | DIV. VOL. FOR EACH USE |
|-----------------------------|---------------------------|------------------------|------------------------|
| A65-02487 IRRIGATION | FROM 04-15 TO 10-15 | 2.800 CFS | |
| TOTAL DIVERSION RATE/VOLUME | | 2.800 CFS | |

B. WR RECORDED USES:

| PURPOSE OF USE | PERIOD OF USE (MONTH/DAY) | DIV. RATE FOR EACH USE | DIV. VOL. FOR EACH USE |
|-----------------------------|---------------------------|------------------------|------------------------|
| 65-02487 IRRIGATION | FROM 04-15 TO 10-15 | 2.800 CFS | |
| TOTAL DIVERSION RATE/VOLUME | | 2.800 CFS | |

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

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

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

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

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

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

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

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

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

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

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

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

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

NOTES: *Recommended as decreed, per T3636 and as claimed
in the SRBA.*

AJ CLAIM TOTAL DIVERSION RATE: 2.800 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 2.800 CFS

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

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

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

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

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

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

E. FLOW MEASUREMENT

MEASUREMENT METHOD None, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 95 x 0.02 CFS/ACRE = 1.90 CFS
(Taken from pou review)

1b. CALCULATIONS

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

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

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

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 190.0 AF/A

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

TOTAL CONSUMPTIVE USE _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

NOTES:

The PRBA deeded an inch to the acre plus conveyance loss for some rights. The additional water in excess of 11" / acre for this right is for conveyance loss.

WR RECORD CONDITIONS/REMARKS:

- R01 - A measuring device of a type approved by this Department shall
 - be maintained as a part of the diverting works.
- R04 - Use of water under this water right will be regulated by the
 - watermaster of State Water District No. 65K.
- R24 - This right when combined with all other rights shall provide no
 - more than 3.0 afa per acre for irrigation of the lands above.

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

| REC.
PURPOSE OF USE | REC. PERIOD | | REC. DIV | | REC. DIV | | REC. CONS. | |
|------------------------|-------------|-------|----------|----------|-----------|----------|------------------|----------------------|
| | FROM | TO | RATE CFS | | VOL. AF/A | | USE | |
| | | | DATABASE | EXAMINER | DATABASE | EXAMINER | DATABASE | EXAMINER |
| IRRIGATION | 04-15 | 10-15 | 2.800 | _____ | _____ | _____ | ~~190.0~~ | ~~_____~~ N/A |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| TOTAL FOR THIS RIGHT | | | 2.800 | _____ | _____ | _____ | ~~190.0~~ | ~~_____~~ |

NON-IRRIGATION USES CLAIMED: NONE

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

REVIEWED BY: Mike Schulte DATE: 5-17-99.

FLAG: _____
STANDARD CONDITIONS (CODE): _____

STANDARD REMARKS (CODE):

EXP- F06
QNT- E04, ~~E04~~
~~P041 - H06, E14~~

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

Conmat - conveyance loss

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 65-02487

| TOTAL DIVERSION RATE OF WR SPLITS | DATABASE
2.800 | EXAMINER
_____ | CFS |
|-----------------------------------|-------------------|-------------------|-----|
|-----------------------------------|-------------------|-------------------|-----|

SPLITS:

| OLD RIGHT
NUMBERS | CURRENT
CLAIM NUMBERS | DIVERSION
RATE | CURRENT "R"
CLAIM NUM. | "R" DIV.
RATE | WR RIGHT
NUMBERS | DIVERSION
RATE |
|----------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| - | A65-02487 | 2.800 | - | | 65-02487 | 2.800 |
| TOTAL CFS | | 2.800 | | | | 2.800 |

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

| DATABASE | FIELD
EXAMINER |
|----------|-------------------|
| Y | Y() N() |

NOTES:

AUTHENTICATION:

SIGNATURE:

Mel Schulte

DATE:

5-17-99
3-25-99

NAME OF FIELD EXAMINER:

TITLE:

=====

OPTION: IRRIGATION USES ONLY

ADJUDICATION CLAIM NUMBER: A65-02198

PAGE: 1

A. ROOT WATER RIGHT NUMBERS: A65-02198

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/USE/ACRES | WR
#/USE/ACRES | LANDSAT
DATA |
|-------------|-----|-----|-----|-----|-----|-------------|--------------------|-------------------|-----------------|
| 17N | 03E | 30 | NE | SE | | NISULA BROS | A65-02198 /01/27.0 | 65-02198 /01/27.0 | 41.0 |
| | | | NE | SE | | NISULA BROS | A65-03204 /01/37.0 | 65-03204 /01/37.0 | |
| | | | NE | SE | | NISULA BROS | A65-02489 /01/10.0 | 65-02489 /01/10.0 | |
| 17N | 03E | 30 | SE | SE | | NISULA BROS | A65-02198 /01/39.0 | 65-02198 /01/39.0 | 42.0 |
| | | | SE | SE | | NISULA BROS | A65-03204 /01/39.0 | 65-03204 /01/39.0 | |
| TOTAL ACRES | | | | | | A65-02198 | 66.00 | 66.00 | 83.00 |

POU COUNTY: VALLEY

A. ROOT WATER RIGHT NUMBERS: A65-02487

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/USE/ACRES | WR
#/USE/ACRES | LANDSAT
DATA |
|-------------|-----|-----|-----|-----|-----|-----------------|--------------------|-------------------|-----------------|
| 17N | 03E | 31 | NE | NE | | NISULA BROS | A65-02487 /01/32.0 | 65-02487 /01/32.0 | 37.0 |
| | | | NE | NE | | NISULA, ELMER J | A65-03212 /01/39.0 | 65-03212 /01/39.0 | |
| | | | NE | NE | | NISULA BROS | A65-02489 /01/ 8.0 | 65-02489 /01/ 8.0 | |
| 17N | 03E | 31 | NW | NE | | NISULA BROS | A65-02487 /01/12.0 | 65-02487 /01/12.0 | 40.0 |
| | | | NW | NE | | NISULA, ELMER J | A65-03212 /01/12.0 | 65-03212 /01/12.0 | |
| | | | NW | NE | | NISULA BROS | A65-02489 /01/28.0 | 65-02489 /01/28.0 | |
| 17N | 03E | 31 | SW | NE | | NISULA BROS | A65-02487 /01/14.0 | 65-02487 /01/14.0 | 25.0 |
| | | | SW | NE | | NISULA, ELMER J | A65-03212 /01/ 8.0 | 65-03212 /01/ 8.0 | |
| | | | SW | NE | | NISULA BROS | A65-02489 /01/ 6.0 | 65-02489 /01/ 6.0 | |
| 17N | 03E | 31 | SE | NE | | NISULA BROS | A65-02487 /01/37.0 | 65-02487 /01/37.0 | 33.0 |
| | | | SE | NE | | NISULA, ELMER J | A65-03212 /01/35.0 | 65-03212 /01/35.0 | |
| | | | SE | NE | | NISULA BROS | A65-02489 /01/ 3.0 | 65-02489 /01/ 3.0 | |
| TOTAL ACRES | | | | | | A65-02487 | 95.00 | 95.00 | 135.00 |

→ Lake Fork Creek

POU COUNTY: VALLEY

A. ROOT WATER RIGHT NUMBERS: A65-02489

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/USE/ACRES | WR
#/USE/ACRES | LANDSAT
DATA |
|-----|-----|-----|-----|-----|-----|------|-------------------|-------------------|-----------------|
|-----|-----|-----|-----|-----|-----|------|-------------------|-------------------|-----------------|



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

May 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dear Basin 65 water user:

This letter is to inform you that you may be eligible to file a stockwater claim with the Idaho Department of Water Resources (IDWR) in connection with the Snake River Basin Adjudication (SRBA). IDWR is sending this letter to water users in Basin 65 who might have relied upon the non-irrigation season stockwater provision in the Payette Adjudication. This provision states:

"When stockwater is not a specifically mentioned use for a right that includes irrigation, a reasonable flow is implied and included for the watering of livestock during the non-irrigation season."

In another basin, the Idaho Supreme Court struck down general provisions that contained similar language. The non-irrigation season stockwater language quoted above was not included in the General Provisions for Basin 65 because of the Idaho Supreme Court's ruling.

IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without a separate stockwater claim might desire to file a new stockwater claim with IDWR.

To be eligible for a new non-irrigation season stockwater claim:

1. You must have actually and historically watered livestock during the non-irrigation season without a separate stockwater right.
2. You must have filed a surface water irrigation claim in both the Payette Adjudication and the SRBA.
3. You must not have filed a stockwater claim with the surface water irrigation claim.

If you meet these three requirements, you may file a Notice of Claim form for stockwater with IDWR. To have a timely filing you must file this claim with IDWR by May 25, 2001. IDWR will waive filing fees for these stockwater claims if filed before this deadline. Failure to file your claim in a timely manner may prevent you from claiming it in the future. Notice of Claim forms are available on IDWR's website at www.idwr.state.id.us/info/water/srba/forms.htm or from any IDWR office. Claimants can call IDWR, Western Region at (208) 334-2190 to make an appointment if they need assistance filling out a Notice of Claim form.

Sincerely,

David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief