

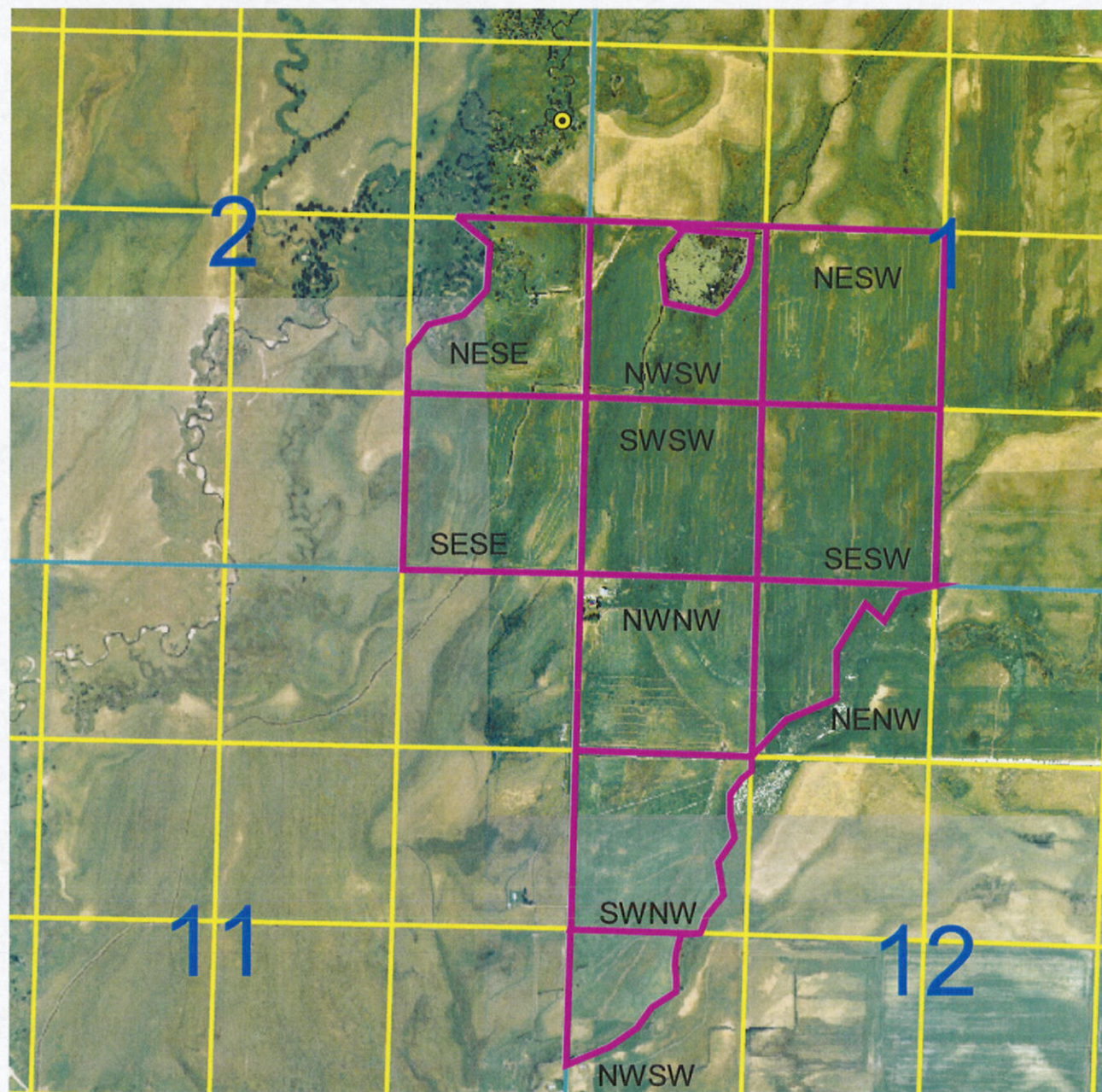
Idaho Dept of Water Resources

Claim No 65-2515A
65-4033, 65-7361
T16N, R03E, S 1, 2, 12
Date: 06/04/02
Prepared by: Sue Bock

 Place of Use
 Point of Diversion

 Section lines

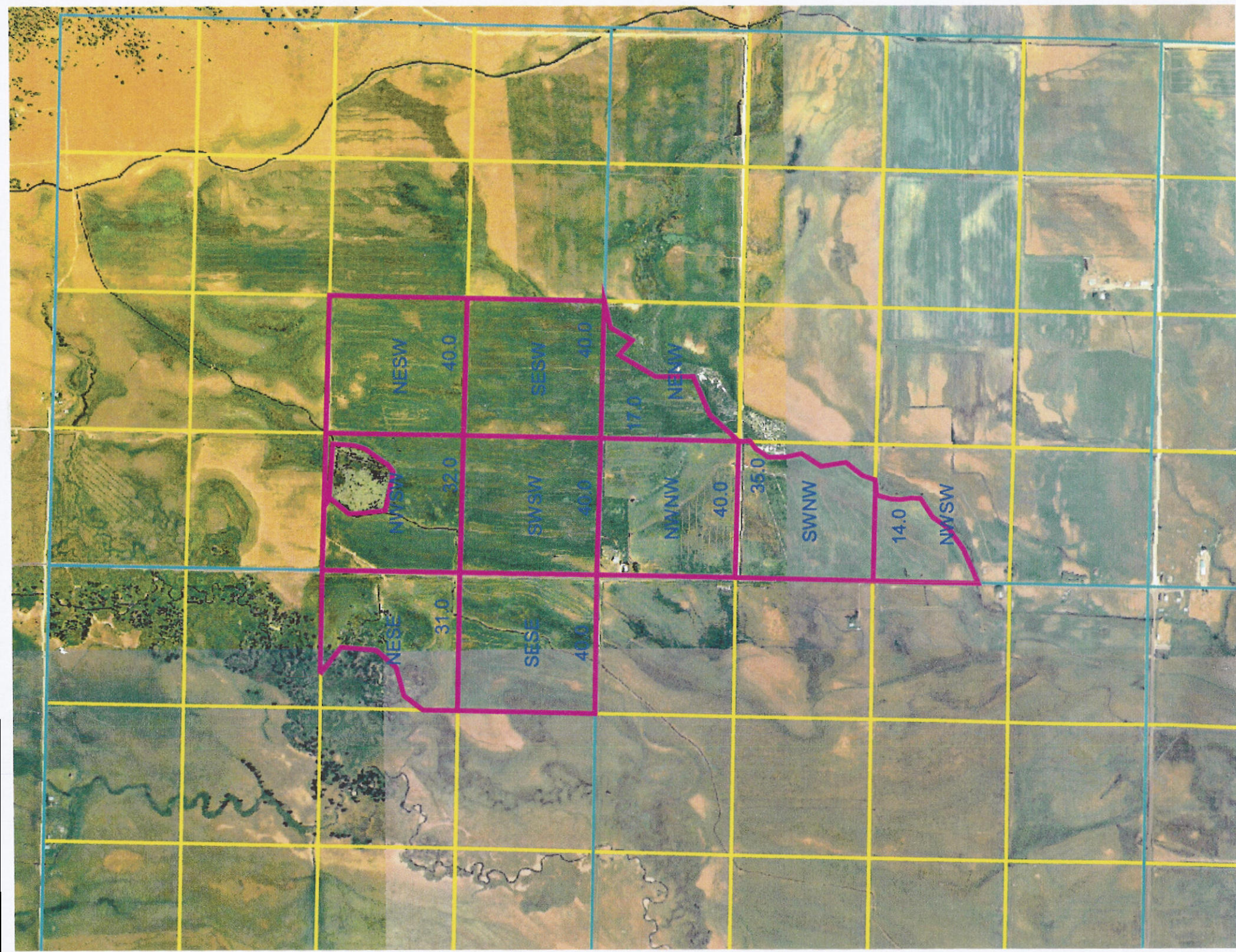
 1/4 1/4 lines



0 1000 2000 Feet



1987 NAPP Photo





New Place
of Use

Point of
Division

Govt Lots
N 1/2 N 1/2 5.1 & 2
only so N/A

elly

R 3E
T 9N
R 3E
T 9N



R4E
T16N

Idaho Dept of Water Resources

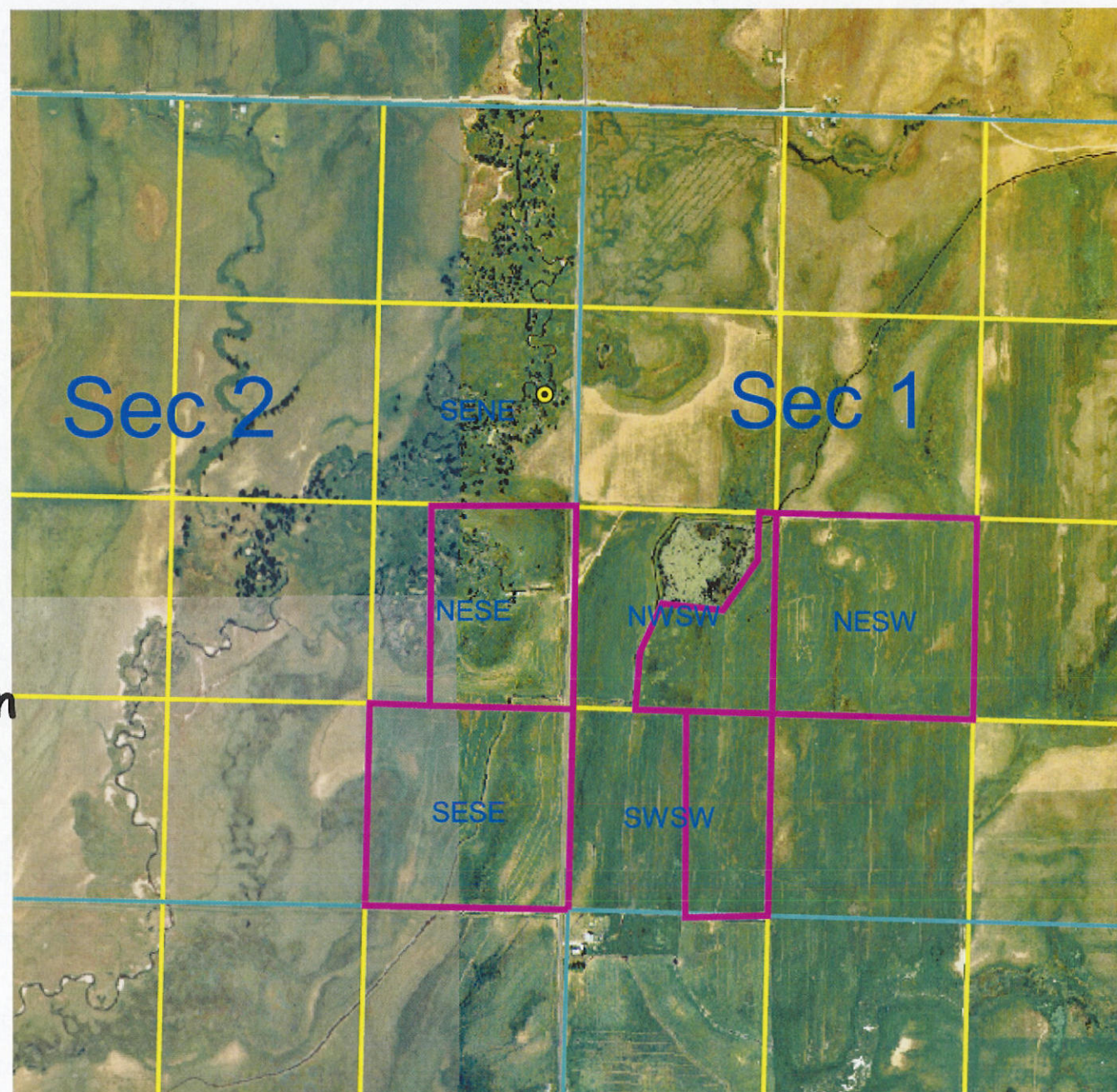
Claim No(s): 65-02515^A

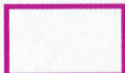
Claimant(s) Eastern
Western Corp

T16N, R03E, S 1, 2

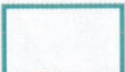
Prepared by: Sue Bock

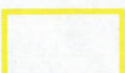
Date: 07/28/1999



 Place of Use

 Point of Diversion

 Section lines

 1/4 1/4 lines



0 0.25 0.5 0.75 Miles



1987 NAPP Photo

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: A65-02515A
Date Received: 10/20/1988
Receipt No: X999999
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: EASTERN WESTERN CORP 503-236-1978
Address: MICHAEL E MC GINLEY PRESIDENT
1426 SE GIDEON ST
PO BOX 3228
PORTLAND OR 97208-3228

2. Date of Priority: AUG 26, 1949

3. Source: BOULDER CREEK Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16N	03E	2	SE	NE	NE		VALLEY
			SE	NE	NE		VALLEY

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	3.200		

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

8. Total consumptive use is 134.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	03E	2	NE	SE		IRR	29.0
			SE	SE		IRR	38.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	67.0
					Total Acres	67.0

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:

14. Remarks:

ADDRESS CHANGED PER CLAIMANT REQUEST 10/20/98. (DB)

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

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

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED *mm*

In Re SRBA)
)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 65-02515A

2004 APR 14 PM 3 25

NAME AND ADDRESS: ISLAND CAPITOL LLC
1409 E 1ST ST
MERIDIAN, ID 83642

SOURCE: BOULDER CREEK TRIBUTARY: NORTH FORK PAYETTE RIVER

QUANTITY: 3.20 CFS

PRIORITY DATE: 08/26/1949

POINT OF DIVERSION: T16N R03E S02 SENE Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	3.20 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 15 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation	Within Valley County
	T16N R03E S01	NESW 40.0 SWSW 40.0
	S02	SESW 40.0 SESE 40.0
	S12	NENW 17.0 NWNW 40.0
		SWNW 35.0 NWSW 14.0
	329.0 Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 144 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.

This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code Section 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RECOMMENDATION

APR 14 2004

[Signature]
SPECIAL MASTER

04/23/2002

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

RIGHT NUMBER: 65-2515A
NAME AND ADDRESS: ISLAND CAPITOL LLC
1409 E 1ST ST
MERIDIAN ID 83642
SOURCE: BOULDER CREEK TRIBUTARY: NORTH FORK PAYETTE RIVER
QUANTITY: 3.20 CFS
PRIORITY DATE: 08/26/1949
POINT OF DIVERSION:

T16N R03E S2 SENE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	3.200 CFS
<u>THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 15 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.</u>		

PLACE OF USE: IRRIGATION Within VALLEY County

T16N R03E S01	NESW	40.0	T16N R03E S01	NWSW	32.0
T16N R03E S01	SWSW	40.0	T16N R03E S01	SESW	40.0
T16N R03E S02	NESE	31.0	T16N R03E S02	SESE	40.0
T16N R03E S12	NENW	17.0	T16N R03E S12	NWNW	40.0
T16N R03E S12	SWNW	35.0	T16N R03E S12	NWSW	14.0

329 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 144 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Decreed

A PORTION OF THIS RIGHT IS COMBINED WITH WATER FROM ROSEBERRY IRRIGATION DISTRICT.

Idaho Dept of Water Resources

Claim No 65-2515A

65-4033, 65-7361

T16N, R03E, S 1, 2, 12

Date: 06/04/02

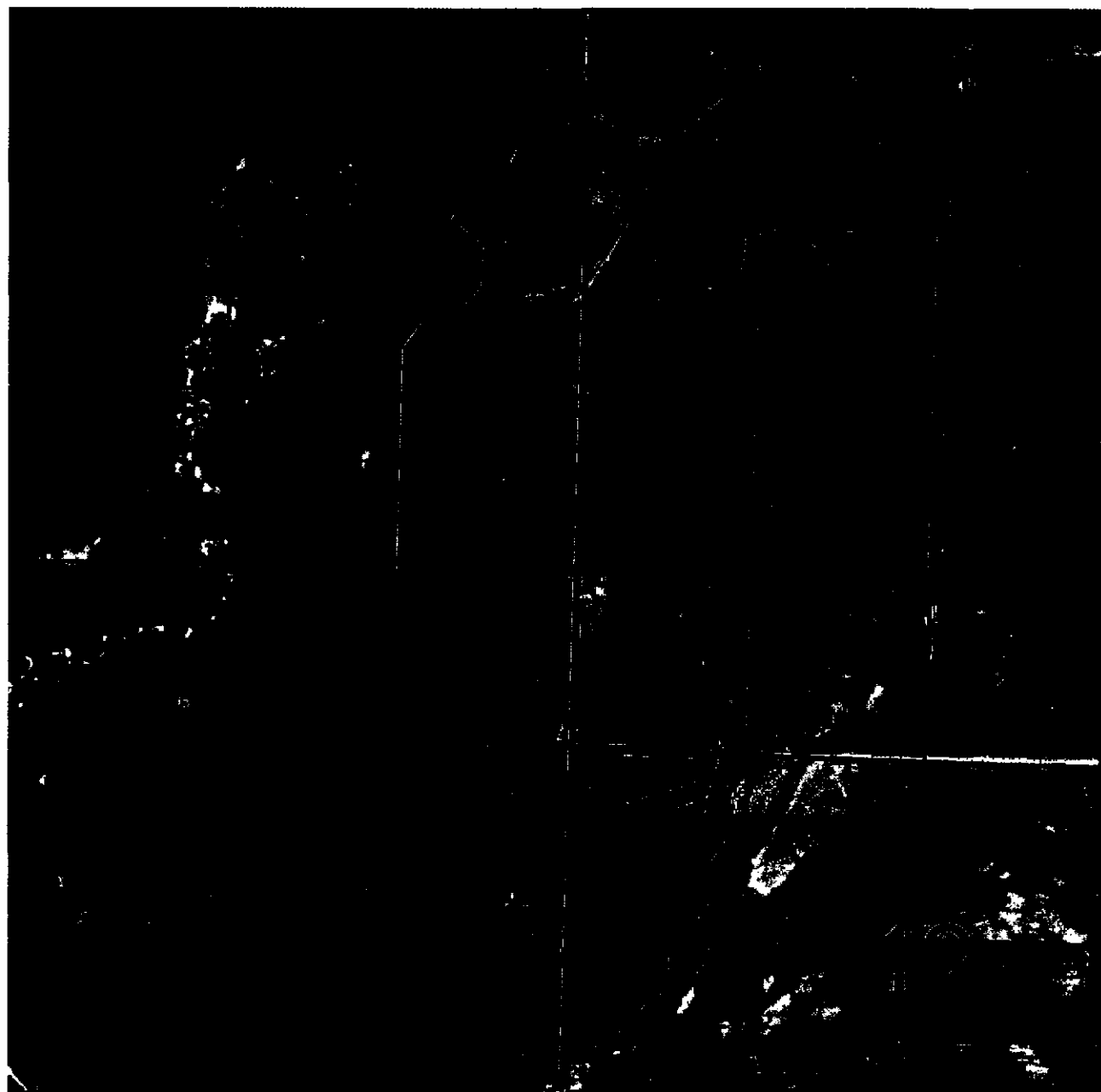
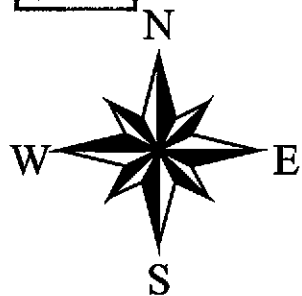
Prepared by: Sue Bock

 Place of Use

 Point of Diversion

 Section lines

 1/4 1/4 lines



0 1000 2000 Feet


1987 NAPP Photo

Adjudication Recommendation Report 65-2515A V2

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WILLIAM ELD RT 1 BOX 67 MC CALL, ID 83638
Original Owner	ELD RANCHES INC RT 1 BOX 67 MC CALL, ID 83638
Attorney	HOFSTETTER LAW OFFICE DANA HOFSTETTER 608 W FRANKLIN ST BOISE, ID 83702 (208)424-7800
Directors Report Owner	EASTERN WESTERN CORP MICHAEL E MC GINLEY PRESIDENT 1426 SE GIDEON ST PO BOX 3228 PORTLAND, OR 972083228 (503)236-1978
Current Owner	ISLAND CAPITOL LLC 1409 E 1ST ST MERIDIAN, ID 83642 (208)288-0100
Attorney	HOLLAND & HART LINDA JONES PO BOX 2527 BOISE, ID 83701-2527 (208) 342-5000

Status: Active

<u>Source</u>	<u>Tributary</u>
BOULDER CREEK	NORTH FORK PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/15	3.200 CFS	
	Total Diversion:	3.200 CFS	

Location of Point(s) of Diversion
BOULDER CREEK SE1/4NE1/4 Sec. 2, Twp 16N, Rge 03E, B.M.
VALLEY County

Place of Use
IRRIGATION

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-2515A V2

16N 03E 1				40.0	32.0	40.0	40.0		152.0
16N 03E 2							31.0	40.0	71.0
16N 03E 12		17.0	40.0	35.0	14.0				106.0
Total Acres: 329									

Conditions of Approval:

1. C18 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.
2. W18 A PORTION OF THIS RIGHT IS COMBINED WITH WATER FROM ROSEBERRY IRRIGATION DISTRICT.

Remarks:

1. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 144 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 15 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Comments:

1. sbock 8/22/2001 sf 5
Comment: This recommendation is being altered as a result of 65-7361 being licensed as a ppw. The only component of this right to change is the pou. When all 3 rights are combined, they do not exceed .02 cfs nor 3 afa.
2. dbuffing 10/16/2001 Address change
Comment: Address change for Attorney
3. dbuffing 11/1/2001 Ownership change
Comment: Ownership change

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 65-2515A V2

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal:
Owner Name Connector: 0
Water District Number: 65
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust: False
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan:



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 2, 2001

ISLAND CAPITOL LLC
1409 E 1ST ST
MERIDIAN ID 83642

RE: Water Right No. 65-2515A, 65-2515B, 65-4033, 65-7361, 65-22616 & 65-22617

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.

Thank you for your patience and cooperation, as we have had several water right 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: Eastern Western Corporation
Dana Hofstetter @ Hofstetter Law Office
Linda Jones @ Holland & Hart

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

11/01/2001

WATER RIGHT NUMBER: 65-2515A

NAME AND ADDRESS: ISLAND CAPITOL LLC
1409 E 1ST ST
MERIDIAN ID 83642

SOURCE: BOULDER CREEK TRIBUTARY: NORTH FORK PAYETTE RIVER

QUANTITY: 3.20 CFS

PRIORITY DATE: 08/26/1949

POINT OF DIVERSION:

T16N R03E S2 SENE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	3.200 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 15 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within VALLEY County

T16n R03E S01	NESW	40.0	T16n R03E S01	NWSW	32.0
T16n R03E S01	SWSW	40.0	T16n R03E S01	SESW	40.0
T16n R03E S12	NENW	17.0	T16n R03E S12	NWNW	40.0
T16n R03E S12	SWNW	35.0	T16n R03E S12	NWSW	14.0
T16n R03E S02	NESE	31.0	T16n R03E S02	SESE	40.0

329 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 144 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Decreed

A PORTION OF THIS RIGHT IS COMBINED WITH WATER FROM ROSEBERRY
IRRIGATION DISTRICT.

**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)

**Water Rights: 65-2515A, 65-2515B,
65-4033, 65-7361, 65-22616 & 65-22617**

Case No. 39576)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party
- ☐ IC § 42-222 transfer

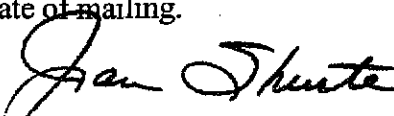
- | | |
|---|--|
| ☐ Point of diversion | ☐ Place of use |
| ☐ Period of use | ☐ Nature of use |
| ☐ Split of water right | ☐ Change in ownership |
| ☐ Other | |

- ☐ IC § 42-219 license

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 Report(s)* for said water right(s). 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 2, 2001



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on November 2, 2001, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

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

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

Eastern Western Corporation (*Former Owner*)
1505 SE Gideon St
Portland OR 97208

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Island Capitol LLC (*Current Owner*)
1409 E 1st St
Meridian ID 83642

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Hofstetter Law Office (*Attorney*)
Dana Hofstetter
608 W Franklin St
Boise ID 83702

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Holland & Hart (*Attorney*)
Linda Jones
PO Box 2527
Boise ID 83701-2527

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Dennis B. Hutton
Signature of person making this document

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

RECEIVED
OCT 31 2001
WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
<u>65-02515A</u>	<u>A65-02515A</u>	___	_____	_____	___
<u>65-02515B</u>	<u>A65-02515B</u>	___	_____	_____	___
<u>65-04033</u>	<u>A65-04033</u>	___	_____	_____	___
<u>65-07361</u>	<u>A65-07361</u>	___	_____	_____	___
<u>65-22616</u>	<u>A65-2²616</u>	___	_____	_____	___
<u>65-22617</u>	<u>A65-22617</u>	___	_____	_____	___

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. 0
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) 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(s) Eastern Western Corp.
1505 SE Gideon St., Portland, OR 97208
4. New Owner/Claimant(s) Island Capitol, L.L.C.
 Name Connector (Check one): [] and, [] or, [] and/or
 New Mailing Address 1409 East First Street
 City, State and ZIP Code Meridian, ID 83642
 New Telephone Number (208) 288-0100
5. Date you acquired the property 10/12/01 (deed dated 09/27/01)

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____ Island Capitol, L.L.C.
(include title if applicable)

By: *Graye H. Wolfe, Sr.*
Graye H. Wolfe, Sr.

Managing Member

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims. Dana Hofstetter was the attorney of record for Eastern Western Corp. and will file the necessary paperwork to enable her to continue to follow these claims for Island Capitol, L.L.C.

For Office Use Only Please correspond with Ms. Hofstetter for all matters related to the claims and objections filed thereon.

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____	Date _____	WR _____ Date _____

WARRANTY DEED

For Value Received, EASTERN WESTERN CORPORATION,
An Oregon Corporation

the Grantors, do hereby grant, bargain, sell and convey unto
ISLAND CAPITOL, L.L.C.
whose address is: 1409 East 1st Street Meridian, Idaho 83642
the Grantee, the following described premises, to-wit:

SEE ATTACHED AS EXHIBIT "A"

Together with all water 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 2001 taxes and
assessments and subject to easements of record or visible upon
the ground and that they will warrant and defend the same from
all lawful claims whatsoever.

Dated: 9-27-01

EASTERN WESTERN CORPORATION

Michael E. McGinley
by:

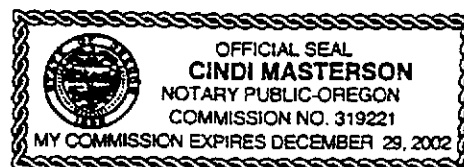
STATE OF Oregon)
) ss
COUNTY OF Multnomah)

On this 27th day of September, 2001, before me, Cindi Masterson,

the undersigned, a Notary Public in and for said State, personally
appeared Michael E. McGinley, known to me to be the
President of Eastern Western Corporation and that the within and
foregoing instrument was signed in behalf of said corporation by
authority of a resolution of its board of directors and
acknowledged to me that such corporation executed the same.

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

Cindi Masterson
Notary Public for ~~Idaho~~ Oregon
Residing at: Gresham
My Commission Expires: 12-29-02



Instrument # 257775

VALLEY COUNTY, CASCADE, IDAHO
2001-10-12 12:13:01 No. of Pages: 3

Recorded for: AMERITITLE

LELAND G. HEINRICH

Fee: 9.00

Ex-Officio Recorder Deputy L. J. Nelson

Index to DEEDS

CONTINUATION

EXHIBIT A

A parcel of land being a portion of the NE1/4 of Section 1, T. 16 N., R. 3 E., B.M., Valley County, Idaho, more particularly described as follows:

Commencing at the east 1/4 corner of said Section 1, a found brass cap monument, C.P.F. Inst. 132531, corner records of said Valley County; Thence a bearing of N 89° 38' 33" W, a distance of 1320.76 feet on the south boundary of said NE1/4 to a set 5/8 inch rebar, the C-2 1/16 corner of said Section 1 and the TRUE POINT OF BEGINNING.

Thence a bearing of N 89° 38' 33" W, a distance of 1320.77 feet on said south boundary to a point, the C 1/4 of said Section 1; Thence a bearing of N 0° 11' 36" W, a distance of 1321.54 feet on the west boundary of said NE1/4 to a point, the C-W 1/16 of said Section 1; Thence a bearing of N 0° 11' 36" W, a distance of 765.02 feet on said west boundary to a set 5/8 inch rebar; Thence a bearing of N 41° 35' 52" E, a distance of 79.15 feet to a set 5/8 inch rebar; Thence a bearing of N 60° 48' 25" E, a distance of 233.18 feet to a set 5/8 inch rebar; Thence a bearing of N 73° 03' 14" E, a distance of 431.24 feet to a set 5/8 inch rebar; Thence a bearing of N 79° 44' 50" E, a distance of 73.97 feet to a set 5/8 inch rebar; Thence a bearing of N 81° 01' 15" E, a distance of 233.79 feet to a set 5/8 inch rebar; Thence a bearing of S 62° 55' 31" E, a distance of 17.75 feet to a set 5/8 inch rebar; Thence a bearing of S 12° 09' 40" E, a distance of 321.93 feet to a set 5/8 inch rebar; Thence a bearing of S 17° 47' 32" E, a distance of 29.47 feet to a set 5/8 inch rebar; Thence a bearing of S 30° 03' 02" E, a distance of 121.52 feet to a set 5/8 inch rebar; Thence a bearing of S 30° 12' 47" E, a distance of 324.43 feet to a set 5/8 inch rebar; Thence a bearing of S 18° 26' 10" E, a distance of 73.70 feet to a set 5/8 inch rebar; Thence a bearing of S 1° 13' 01" W, a distance of 313.79 feet to a set 5/8 inch rebar; Thence a bearing of S 3° 05' 10" W, a distance of 108.99 feet to a set 5/8 inch rebar; Thence on a curve to the left, which curve has a radius of 549.97 feet, a delta angle of 78° 38' 51", a length of 754.92 feet, and a long chord which bears S 2° 15' 02" E, a distance of 697.03 feet to a set 5/8 inch rebar on the west boundary of the SE1/4 of said NE1/4; Thence a bearing of S 0° 03' 44" E, a distance of 517.72 feet to the POINT OF BEGINNING.

Aka Tax #4

CONTINUATION

EXHIBIT A

AND

Section 1: NW1/4 SE1/4, SW1/4: Township 16 North, Range 3 East, Boise Meridian, Valley County Idaho;

AND

Section 2: E1/2, SE1/4: Township 16 North, Range 3 East, Boise Meridian, Valley County Idaho;

AND

Section 12: SW1/4 NW1/4; N1/2 NW1/4 SW1/4; SE1/4 NW1/4 SW1/4; N1/2 N1/2 NE1/4 SW1/4 SW1/4; N1/2 NW1/4; Township 16 North, Range 3 East, Boise Meridian, Valley County Idaho;

SAVE AND EXCEPTING FROM SW1/4, Section 1 and from N1/2 NW1/4, Section 12, the following described parcel:

A parcel of land located in the SW1/4 SW1/4 of Section 1 and in the NW1/4 NW1/4 of Section 12, Township 16 North, Range 3 East, Boise Meridian, Valley County, Idaho, more particularly described as follows:

Commencing at the corner common to Sections 1, 2, 11 and 12, Township 16 North, Range 3 East, Boise Meridian, said point being the Real Point of Beginning and marked with a brass cap monument;

thence North 00° 15' 58" West on the line common to said Sections 1 and 2, 461.51 feet to a point;

thence South 88° 28' 33" East, 223.51 feet to a 5/8 inch diameter steel pin;

thence South 03° 15' 33" West, 458.02 feet to a point on the line common to said Sections 1 and 12 from which the said corner common to Sections 1, 2, 11 and 12 bears North 89° 29' 47" West, 195.25 feet;

thence continuing South 03° 15' 33" West, 2.45 feet to a 5/8 inch diameter steel pin;

thence South 87° 24' 25" East, 124.78 feet to a 5/8 inch diameter steel pin;

thence South 01° 41' 05" East, 251.64 feet to a 5/8 inch diameter steel pin;

thence North 89° 46' 50" West, 135.35 feet to a 5/8 inch diameter steel pin;

thence South 26° 52' 00" West, 109.71 feet to a 5/8 inch diameter steel pin;

thence South 87° 49' 11" West, 141.35 feet to a point on the line common to said Sections 11 and 12;

thence North 00° 09' 20" West on said common line to Sections 11 and 12, 364.07 feet to the Real Point of Beginning.

Commitment No: AMT0851-01

Schedule A Page 3

WARRANTY DEED

FOR VALUE RECEIVED, Eld Ranches, Inc., the Grantor, does hereby grant, warrant and convey unto Eastern/Western Corporation, Grantee, whose address is 1505 S.E. Gideon, Portland, Oregon 97208-3228 the following described premises, to-wit:

See Exhibit A. attached hereto.

Together with all water, water rights, and ditches of every kind and nature appurtenant to said premises; and in particular all water and water rights appurtenant thereto or heretofore used and delivered to said premises through and under the Roseberry Irrigation District for irrigating the acreage set forth in Exhibit A, as well as all water rights appurtenant thereto or heretofore used and delivered to said premises through and under water rights 65-2515 and 65-4033 (the Boulder Creek water rights).

Together with any and all mineral rights if any there are.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee that they are the owners in fee simple of said premises; that said premises are free from all incumbrances except of record or visible on the premises, and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: This 1st day of September 1988.

Eld Ranches, Inc.

Eld Ranches, Inc., by:

*attested by William H. Eld
Notary, Eld Ranches, Inc.*

Joe E. Eld
Joe E. Eld

STATE OF IDAHO, County of Valley) ss.

On this 1st day of September, 1988, before me, a Notary Public in and for said State, personally appeared Joe E. Eld, known to me to be the President of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Colleen Zick
Notary Public for Idaho
Residing at Coacoda
Commission expires 6/6/93

STATE OF IDAHO, County of Valley

I hereby certify that this instrument was filed for record at the request of ADAMANT TITLE & ESCROW at 19 minutes past 3 o'clock P. M., this 19 day of Sept, 19 88, in my office, and duly recorded in Book 11 5 of Deeds at Page

Leahie Chinn
Ex-Officio Recorder

By L. A. Kunkin
Deputy
Fees \$ 12.00

Mail to:

Inst.

163123

Page 1

PARCEL NO. 1

Township 16 North, Range 3 East of the Boise Meridian

Section 1: Lot 2, SW 1/4NE1/4, NW1/4SE1/4, SW 1/4,

TOGETHER WITH: All that portion of Lot 1 and the SE 1/4NE1/4 Section 1, T. 16 N., R.3 E., lying westerly of Boulder Canal AKA Roseberry Irrigation Ditch.

SAVE AND EXCEPT: All that portion of SE 1/4 NE1/4 lying Easterly of the Westerly boundary of the Boulder Canal AKA Roseberry Irrigation Ditch.

SAVE AND EXCEPT:

All that portion of the SW1/4 SE1/4 NE1/4 lying Westerly of the Boulder Canal aka Roseberry Irrigation Ditch.

SAVE AND EXCEPT:

That portion of Lot 2 of said Section 1 which lies West of the fence along the East bank of the Roseberry Irrigation Ditch AKA BOULDER CANAL, and North of the fence along the South bank of the West flowing lateral irrigation ditch, this parcel being approximately 1030 feet, 190 feet, 1090 feet, and 545 feet in its respective North, Easterly, Southerly, and West boundaries.

Section 2: E 1/2 SE 1/4,

Section 12: SW 1/4 NW 1/4, N 1/2 NW 1/4 SW1/4, SE1/4 NW 1/4 SW1/4, AND N1/2N1/2 NE1/4 SW1/4 SW1/4;

AND

Section 12: N 1/2 NW1/4.

SAVE AND EXCEPT THAT PARCEL SHOWN ON PAGE 2 HEREOF.

PAGE 2

A parcel of land located in the SW 1/4 SW 1/4 of Section 1 and in the NW 1/4 NW 1/4 of Section 12, T.16 N., R.3 E., S.M., Valley County, Idaho, and more particularly described as follows:

Commencing at the corner common to Sections 1, 2, 11, and 12, T.16 N., R.3 E., S.M., said point being the REAL POINT OF BEGINNING, and marked with a brass cap monument; thence N 00° 18' 58" W on the line common to said Sections 1 and 2, 461.91 feet to a point; thence S 88° 23' 30" E 222.31 feet to a 5/8 inch diameter steel pin; thence S 05° 15' 35" W 438.02 feet to a point on the line common to said Sections 1 and 12 from which the said corner common to Sections 1, 2, 11, and 12, bears N 89° 27' 47" W 125.25 feet; thence continuing S 02° 15' 30" W 2.15 feet to a 5/8 inch diameter steel pin; thence S 87° 24' 25" E 104.78 feet to a 5/8 inch diameter steel pin; thence S 01° 41' 05" E 231.64 feet to a 5/8 inch diameter steel pin; thence N 89° 46' 50" W 125.25 feet to a 5/8 inch diameter steel pin; thence S 25° 22' 00" W 109.71 feet to a 5/8 inch diameter steel pin; thence S 87° 29' 11" W 141.75 feet to a point on the line common to said Sections 11 and 12; thence N 00° 09' 20" W on said common line to Sections 11 and 12, 264.07 feet to the REAL POINT OF BEGINNING.

Subject to all Rights-of-Way and easements of record or in use.

**AMENDED SUPPLEMENTAL AGREEMENT ON
TRANSFER OF WATER RIGHTS**

This Amended Supplemental Agreement on Transfer of Water Rights (hereinafter referred to as "Amended Agreement") is made and entered into by Joe W. Eld and Vicki C. Eld, husband and wife, 2554 East Roseberry, McCall, Idaho 83638 (hereinafter referred to as "Seller") and Eastern Western Corporation, an Oregon corporation, 1426 S.E. Gideon Street, Portland, Oregon 97202 (hereinafter referred to as "Buyer").

RECITALS

WHEREAS, on September 1, 1988, Eld Ranches, Inc. and Eastern Western Corporation entered into a Supplemental Agreement on Transfer of Water Rights (recorded as Valley County Instrument No. 163395);

WHEREAS, Joe W. Eld and Vicki C. Eld have succeeded to the rights and obligations of Eld Ranches, Inc. under the September 1, 1988 Supplemental Agreement; and

WHEREAS, the parties intend to modify the provisions of the prior Supplemental Agreement on Transfer of Water Rights by this Amended Agreement to document retroactively revisions to that prior Supplemental Agreement on Transfer of Water Rights that the parties already have implemented and fulfilled.

NOW, THEREFORE, for good and valuable consideration, the receipt of which by all parties hereto is hereby acknowledged, the parties, intending to be legally bound, agree to modify the Supplemental Agreement on Transfer of Water Rights dated September 1, 1988, by eliminating and striking from the Supplemental Agreement on Transfer of Water

Rights dated September 1, 1988, the paragraphs numbered 2, 3, and 4 (two, three, and four) and inserting in their place the following paragraphs numbered 2, 3, and 4 (two, three, and four):

2. Seller also has a right to irrigate 77 acres of real property which is not part of this sales transaction from the Boulder Creek water above described. It is presently necessary to irrigate those 77 acres by means of an exchange right – The Boulder Creek water is conveyed into an irrigation ditch and then taken from such ditch at a distance downstream. It would be more convenient to both parties to have all of the Boulder Creek water rights applied to the real property sold herein (499 acres, more or less), and have the 77 acres retained by Seller irrigated from the Roseberry Irrigation District. Furthermore, the State Department of Water Resources discourages the fractional splitting of water rights, which would be required if Seller continued to irrigate 77 acres outside of the subject property with the Boulder Creek water.
3. Therefore, Seller and Buyer agree hereafter to remove 77 acres of the subject property from the Roseberry Irrigation District, and that the Boulder Creek water rights described above will be used to irrigate said 77 acres, in lieu of using that water for the 77 acres retained by Seller. It will be necessary for Buyer to apply for a change of place of use permit on the Boulder Creek water rights, to ensure that the 77 acres removed from the irrigation district will receive the priority dates and rights to the Boulder Creek water. All costs and fees associated with such change of place of use permit will be borne by Seller, and Buyer agrees to cooperate fully in executing any papers, applications, or documents necessary to effectuate said transfer. It shall be the sole responsibility of Seller to transfer the water rights within the Irrigation District from the 77 acres removed to the 77 acres retained by Seller. Seller does hereby convey, release, remise and forever quitclaim unto Buyer all of Seller's right, title and interest in and to Idaho Water Right No. 65-2515. Buyer does hereby convey, release, remise and forever quitclaim unto Seller, Buyer's right title and interest to any Roseberry Irrigation

*

District water rights appurtenant to the 77 acres described in paragraph number 4 below.

4. The 77 acres from the subject real property to be removed from the Roseberry Irrigation District are described as follows:

E1/2NE1/4SW1/4, Section 1, Township 16 North, Range 3 East, B.M., Valley County, Idaho (20 acres);

SE1/4SW1/4, Section 1, Township 16 North, Range 3 East, B.M., Valley County, Idaho (40 acres);

S1/2SW1/4SW1/4, Section 1, Township 16 North, Range 3 East, B.M., Valley County, Idaho (15 acres); and

W1/2NE1/4SW1/4, Section 1, Township 16 North, Range 3 East, B.M., Valley County, Idaho (2 acres).

The parties expressly agree that this Amended Agreement modifies the Supplemental Agreement on Transfer of Water Rights dated September 1, 1988, which is made a part by reference, and that all terms, conditions, and provisions of the Supplemental Agreement on Transfer of Water Rights dated September 1, 1988, unless specifically modified herein, are to apply to this Amended Agreement and are made a part of this Amended Agreement as though expressly rewritten, incorporated, and included herein. The terms of the Supplemental Agreement on Transfer of Water Rights dated September 1, 1988, as modified by this Amended Agreement, shall be deemed to have been in effect as of September 1, 1988, and this Amended Agreement shall relate back to and be effective as of September 1, 1988. The eliminated and struck paragraphs in the Supplemental Agreement on Transfer of Water Rights dated September 1, 1988 shall be deemed to have no force or effect. Fulfillment of this Amended Agreement shall be

accepted as full performance and discharge of the Supplemental Agreement on Transfer of Water Rights dated September 1, 1988. This Amended Agreement, as it modifies the September 1, 1988 Supplemental Agreement on Transfer of Water Rights, is the complete agreement of the parties as to the matters discussed herein, any prior written or oral agreements of the parties as to the matters discussed herein being superceded and replaced by this Amended Agreement. This Amended Agreement only may be amended by a subsequent written agreement of all the parties hereto or their respective heirs, personal representatives, executors, successors or assigns. This Amended Agreement may be signed in counterparts.

Instrument # 257158

VALLEY COUNTY, CASCADE, IDAHO

2001-09-20

11:53:11 No. of Pages: 6

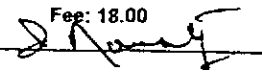
Recorded for : AMERITITLE

LELAND G. HEINRICH

Fee: 18.00

Ex-Officio Recorder Deputy

Index to: MISCELLANEOUS RECORD



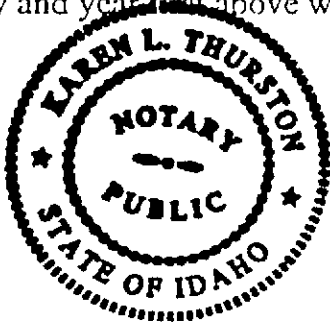
Dated: 9/14/01, 2001

Joe W. Eld
JOE W. ELD

STATE OF IDAHO)
) ss:
County of Valley)

On this 14 day of Sept, 2001, before me, a notary public in and for the State of Idaho, personally appeared JOE W. ELD known or identified to me to be the person who executed the within foregoing 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 first above written.



Karen L. Thurston
Notary Public for Idaho
Residing at Cascade, Idaho
My Commission Expires: 7-10-03

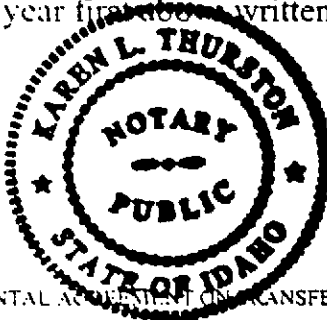
Dated: 9/14/01, 2001

Vicki C. Eld
VICKI C. ELD

STATE OF IDAHO)
) ss:
County of Valley)

On this 14 day of Sept, 2001, before me, a notary public in and for the State of Idaho, personally appeared VICKI C. ELD known or identified to me to be the person who executed the within foregoing instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Karen L. Thurston
Notary Public for Idaho
Residing at Cascade, Idaho
My Commission Expires: 7-10-03

Dated: 9-17, 2001

Michael E. McGinley
MICHAEL E. MCGINLEY, President
EASTERN WESTERN CORPORATION

STATE OF OREGON)
) ss:
County of Multnomah)

On this 17th day of September, 2001, before me, a notary public in and for the State of Oregon, personally appeared MICHAEL E. MCGINLEY, known or identified to me to be the President of EASTERN WESTERN CORPORATION, the person that executed the within and foregoing instrument and acknowledged to me that he executed the same on behalf of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Cindi Masterson
Notary Public for the State of Oregon
Residing at Gresham, Oregon
My Commission Expires: 12-29-02

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4726
WATER RIGHT NO. 65-02515

This is to certify that: EASTERN WESTERN CORP
1505 SE GIDEON ST
PORTLAND OR 972083228

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	3.20 CFS	432.0 AF
<u>SOURCE</u>	<u>TRIBUTARY OF</u>		
BOULDER CREEK	PAYETTE RIVER, NORTH FORK		

Priority: 08/26/1949

LOCATION OF POINT(S) OF DIVERSION: SENE , Sec. 2, Township 16N, Range 03E
VALLEY County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
16N	03E	1	NESW 40	NWSW 20	SWSW 17	77
		2	NESE 29	SESE 38		67
Total number of acres irrigated:						144

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 65D.
2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 3.0 afa per acre for the lands above.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

TRANSFER NO. 4726
WATER RIGHT NO. 65-02515

CONDITIONS OF APPROVAL AND REMARKS

5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 7th day of April, 1997.

J. Glen Saylor
Chief, Water Alloc. Bureau

MEMORANDUM

Section

TO: FILE NO. 65-02515

RECEIVED

FROM: PAM SKAGGS²⁸ STATE OFFICE

APR 08 1997

SUBJECT: TRANSFER NO. 4726

WATER RESOURCES
WESTERN REGION

DATE: April 4, 1997

dk 

Transfer No. 4726 was filed to change the place of use under a portion of Right No. 65-02515. The transfer applicant owns the portion of Section 13 from which 77 acres are being removed.

The applicant has sold a portion of the licensed acres in Section 02 and additional land in Section 01, including the 77 acres identified on the transfer application as the new place of use, to Eastern Western Corporation. The end result of the transfer will be the irrigation of all 144 acres on adjacent land located in Sections 01 and 02 owned entirely by Eastern Western Corporation. (Sections 01, 02 & 13 located within T16N, R03E.)

No attempt to contact the watermaster of Water District 65D was found in the file. I spoke with the watermaster today and he was aware of the proposed transfer and had no concerns about approval. He felt the change would not impact other users.

No change is proposed to the diversion or the existing ditch and the place of use is owned entirely by the new property owner. The transfer approval has been prepared identifying Eastern Western Corporation as the owner per attached documentation to the application.

Recommended conditions include watermaster control, measuring device, irrigation overlap and standard transfer conditions.

THE FACE OF THIS DOCUMENT IS PRINTED ON WHITE PAPER WITH A COLORED BACKGROUND

HOLLAND & HART LLP
ATTORNEYS AT LAW

WELLS FARGO BANK GRAND J
359 MAIN STREET
GRAND JUNCTION, CO 81501
82-911021

IN N.A.

0620000479

SUITE 1400
101 SOUTH CAPITOL BOULEVARD
BOISE, IDAHO 83702-7714
MAILING ADDRESS
P.O. BOX 2527
BOISE, IDAHO 83701-2527

DATE

October 26, 2001

AMOUNT

PAY ~~One Hundred Fifty and no/100 Dollars~~

\$ 150.00

TO THE
ORDER
OF

Idaho Department of Water Resources

HOLLAND & HART LLP

VOID AFTER 6 MONTHS

NON-NEGOTIABLE

HOLLAND & HART LLP SUITE 1400 • 101 SOUTH CAPITOL BOULEVARD • BOISE, IDAHO 83702-7714

Water Rights Transfer Fees
Wolfe 40890.0006
LBJones 0700

0620000479

PAYEE: DETACH THIS STATEMENT BEFORE DEPOSITING

[illegible]

10/30/2001

1

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-2515A V2

WATER RIGHT NUMBER: 65-2515A V2

✓ Ownes
Owner TypeName and Address

Priority Date: 08/26/1949

Basis: Decreed

Status: Active

Source

BOULDER CREEK

Tributary

NORTH FORK PAYETTE RIVER

Beneficial Use

IRRIGATION

From To

✓ 04/15 to 10/15

Diversion Rate

✓ 3.200 CFS

Annual Volume

43200

Total Diversion:

3.200 CFS

Location of Point(s) of Diversion

✓ BOULDER CREEK

SE1/4NE1/4

Sec. 2, Twp 16N, Rge 03E, B.M.

VALLEY County

Place of Use

IRRIGATION Within VALLEY County

✗ T16n R03E S01	NESW 40.0	✓	✗ T16n R03E S01	NWSW 32.0
✗ T16n R03E S01	SWSW 40.0		✗ T16n R03E S01	SESW 40.0
✗ T16n R03E S12	NENW 17.0		✗ T16n R03E S12	NWNW 40.0
✗ T16n R03E S12	SWNW 35.0		✗ T16n R03E S12	NWSW 14.0
✗ T16n R03E S02	NESE 31.0		✗ T16n R03E S02	SESE 40.0
✗ Total Acres: 329				

Conditions of Approval:

- A Portion*
1. W18 USE OF THIS RIGHT IS COMBINED WITH WATER FROM ROSEBERRY IRRIGATION DISTRICT.
 2. C18 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.

Remarks:

1. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 144 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 15 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

DRAFT

HOLLAND & HART I.L.P.
ATTORNEYS AT LAW

DENVER • ASPEN
BOULDER • COLORADO SPRINGS
DENVER TECH CENTER
BILLINGS • BOISE
CHEYENNE • JACKSON HOLE
SALT LAKE CITY • SANTA FE
WASHINGTON, D.C.

SUITE 1400
101 SOUTH CAPITOL BOULEVARD
BOISE, IDAHO 83702-7714
MAILING ADDRESS
P.O. BOX 2527
BOISE, IDAHO 83701-2527

TELEPHONE (208) 342-5000
FACSIMILE (208) 343-8869

Linda B. Jones

October 24, 2001

Ms. Sue Bock
IDWR Western Region
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED

OCT 31 2001

**WATER RESOURCES
WESTERN REGION**

Re: Notice of Change in Water Rights Ownership

Dear Sue:

Enclosed for filing on behalf of our client Island Capitol, L.L.C. is a Notice of Change in Water Rights Ownership. In support of the Notice, we enclose copies of the Warranty Deeds recorded in Valley County which convey title to the real property with all water rights to our client and to its predecessor. We also enclose for your information a copy of a recent water rights transfer, a copy of a Supplemental Agreement Regarding Water Rights recorded recently in Valley County, and a map depicting the location of the parcels.

Our check in the amount of \$150.00 is enclosed, to cover the transfer fees (\$25 each for the 6 water rights).

I enclose a copy of the predecessor's Deed and the Supplemental Agreement Regarding Water Rights to clarify that the entire amount of water right 65-02515 was conveyed by the Elds to Eastern Western and by Eastern Western to Island Capital, L.L.C. The entire amount of the water right is reflected in water right 65-02515A. Therefore, to the extent water right 65-02515B provides for any residual use of the water right for domestic purposes on Mr. Eld's property, 65-02515B should be merged with or into 65-02515A. Mr. Eld conveyed the entire water right, as reflected by water right 65-02515A.

As noted beneath the signature line on the enclosed application, Ms. Dana Hofstetter is the attorney of record for these water rights in the Snake River Basin Adjudication ("SRBA"), on behalf of the predecessor Eastern Western Corporation. Eastern Western has filed certain objections on the proposed decree for these water rights and I understand you are working with Ms. Hofstetter to reach a settlement of these objections. It is my understanding that Ms. Hofstetter will continue to follow these matters to their resolution on behalf of Island Capitol, L.L.C. and is in the process of determining what is necessary to reflect the new owner and attorney of record.

Ms. Sue Bock
October 26, 2001
Page 2

Accordingly, please send confirmation of the change in ownership of the water rights to me, but continue to send correspondence on the SRBA objections to Ms. Hofstetter.

Please let me know if you require further information, and please provide me with written confirmation of the change of ownership as soon as you have completed the transfers.

Sincerely,

HOLLAND & HART LLP

A handwritten signature in cursive script, appearing to read "Linda", is positioned above the printed name.

Linda B. Jones

Enclosures

cc: Graye Wolfe
Dana L. Hofstetter

2860379_1.DOC



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

October 16, 2001

Dana Hofstetter
608 W Franklin St
Boise, ID 83702

Re: Letter dated October 10, 2001

Dear Dana:

This letter serves as a follow up to the issues raised in your October 10, 2001 letter.

The acre-foot quantity for rights 65-02515A and 65-04033 has been omitted and a shoulder remark has been added to address the irrigation season.

The place of use description for right 65-02515A has been change to reflect the permissible place of use.

The Roseberry irrigation boundary map can be modified, but I would like to meet with you or a Roseberry representative before making any changes to the map.

The permissible place of use was based on the recently licensed, February 11, 2000, right 65-07361. In order to modify the place of use a transfer would be required.

Any time an irrigation company and private right overlap, it is standard that we condition the right with the language as it appears on these rights. The same holds true for the stockwater conditions.

We have submitted an NCAP to the court to change your firm name and address on the rights.

I have enclosed an "amended draft" of the three water rights. Please let me know if you have any other questions.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sue Bock'.

Sue Bock
Sr. Water Resource Agent

Enclosure

10/16/2001

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

RIGHT NUMBER: 65-2515A

NAME AND ADDRESS: EASTERN WESTERN CORP
MICHAEL E MC GINLEY PRESIDENT
1426 SE GIDEON ST
PO BOX 3228
PORTLAND OR 972083228

HOFSTETTER LAW OFFICE
DANA HOFSTETTER
608 W FRANKLIN ST
BOISE ID 83702

SOURCE: BOULDER CREEK TRIBUTARY: NORTH FORK PAYETTE RIVER

QUANTITY: 3.200 CFS
432.00 AFY

PRIORITY DATE: 08/26/1949

POINT OF
DIVERSION:

T16N R03E S2 SENE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	3.200 CFS 432.00 AFY

PLACE OF USE: IRRIGATION Within VALLEY County

T16n R03E S01	NESW 40.0	T16n R03E S01	NWSW 32.0
T16n R03E S01	SWSW 40.0	T16n R03E S01	SESW 40.0
T16n R03E S02	NENW 17.0	T16n R03E S02	NWNW 40.0
T16n R03E S02	SWNW 35.0	T16n R03E S02	NWSW 14.0
T16n R03E S02	NESE 31.0	T16n R03E S02	SESE 40.0

329 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 144 ACRES WITHIN THE PLACE
OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

**THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.**

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

**USE OF THIS RIGHT IS COMBINED WITH WATER FROM ROSEBERRY
IRRIGATION DISTRICT.**

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. 65-2515A, 65-4033,
	)	and 65-7361
Case No. 39576	)	
	)	NOTICE OF COMPLETED
_____	)	ADMINISTRATIVE PROCEEDING

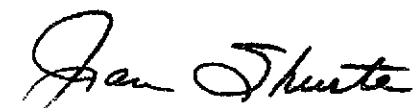
IDWR has completed the following Administrative proceeding: **CHANGE OF ADDRESS FOR ATTORNEY OF RECORD**

Name and New Address of Claimant:
Hofstetter Law Office
Dana Hofstetter
608 W Franklin St
Boise ID 83702

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 *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: October 16, 2001

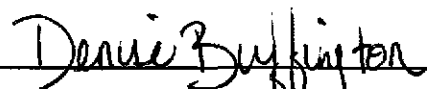


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on October 16, 2001, 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
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant or attorney of record:
Eastern Western Corp
Michael E Mc Ginley President
1426 SE Gideon St
PO Box 3228
Portland OR 97208-3228
3. One Copy to:
Each party in the subcase or attorney of record:
Hofstetter Law Office
Dana Hofstetter
608 W Franklin St
Boise ID 83702
4. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
5. 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

HOFSTETTER LAW OFFICE

608 West Franklin Street
Boise, Idaho 83702

Dana@IdahoWaterLaw.com

Dana L. Hofstetter
Attorney at Law

Telephone: (208) 424-7800
Facsimile: (208) 424-8774

October 10, 2001

Via Facsimile 334-2348 and U.S. Mail

Sue Bock
Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED

OCT 11 2001

WATER RESOURCES
WESTERN REGION

Re: Eastern Western Corporation
SRBA Subcase Nos. 65-02515A, 65-04033 and 65-07361

Dear Sue:

In August you provided me draft water right terms for settlement of Eastern Western Corporation's objections in SRBA subcase nos. 65-02515A, 65-04033 and 65-07361. The drafts address many of the concerns raised by Eastern Western's objections. This letter provides comments on those drafts.

With respect to water right nos. 65-02515A and 65-07361, I note that the acre foot quantity is retained while for right no. 65-04033, it is omitted. It is my understanding that acre foot quantities for non-storage surface water rights typically are not designated in the SRBA. Therefore, I would request deletion of the acre foot quantities for 65-02515A and 65-07361.

The irrigation season designated for right nos. 65-02515A and 65-04033 is shorter than the one designated for the recently licensed water right no. 65-07361. I understand that there is standard language that IDWR typically adds to provide for an extended irrigation season for rights like these that previously have been decreed a shorter irrigation season than is currently allowed. We would request inclusion of that language for right nos. 65-02515A and 65-04033.

There appears to be a typographical error in the place of use described for water right no. 6-02515A. In four instances, section 2 should be changed to read section 12.



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

October 16, 2001

HOFSTETTER LAW OFFICE
DANA HOFSTETTER
608 W FRANKLIN ST
BOISE ID 83702

RE: Water Right No. 65-2515A, 65-4033 & 65-7361

Dear Ms. Hofstetter:

Enclosed is a copy of the above referenced water right, which reflects your change in address. 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.

Thank you for your patience and cooperation, as we have had several water right 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: Eastern Western Corp.

HOFSTETTER LAW OFFICE

608 West Franklin Street
Boise, Idaho 83702
Dana@IdahoWaterLaw.com

Dana L. Hofstetter
Attorney at Law

Telephone: (208) 424-7800
Facsimile: (208) 424-8774

October 10, 2001

Via Facsimile 334-2348 and U.S. Mail

Sue Bock
Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED

OCT 11 2001

**WATER RESOURCES
WESTERN REGION**

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SRBA Subcase Nos. 65-02515A, 65-04033 and 65-07361

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There appears to be a typographical error in the place of use described for water right no. 6-02515A. In four instances, section 2 should be changed to read section 12.

October 10, 2001

Page 2

On a related matter, it appears there are two errors concerning Eastern Western's property with respect to the November 9, 1999 Roseberry Irrigation District SRBA boundary map you previously provided me. Based on a recent exclusion of lands from the District (copy enclosed), there should be no District lands in the NE1/4SW1/4 Section 1, Township 16 North, Range 3 East. Also, it appears based on the Roseberry SRBA claim that all of the NW1/4NW1/4 Section 12, Township 16 North, Range 3 East should be within District boundaries. Together with these changes, it is necessary to slightly revise the permissible place of use designated for right nos. 65-02515A, 65-04033 and 65-07361 without changing the total number of irrigated acreage. To ensure that all of Eastern Western's irrigated acreage is adequately covered, I would recommend increasing the permissible place of use designated for the NE1/4NW1/4 Section 12 from 17 acres to 30 acres.

The language "use of this right is combined with water from Roseberry Irrigation District" has been retained for all three water rights. Since only a relatively small portion of the permissible place of use shared by all three water rights overlaps Roseberry Irrigation District acreage, I am concerned that this language may incorrectly suggest the rights are supplemental to the Roseberry rights.

You have informed me that it is standard IDWR policy to designate stock water rights of less than 0.23 cfs to be *de minimis* and to include both the language limiting the stock water use to less than 13,000 gallons per day and the declaration about non-determination of historic beneficial use. Since this stock water use previously was decreed without these terms, does it need to be included in the SRBA?

Also, last, but not least, I note that my address and firm which are designated for two of the rights is out of date. I would request that this information is updated. Please let me know whether you have any questions or suggestions about this letter. Thank you for your assistance.

Sincerely,

HOFSTETTER LAW OFFICE



Dana L. Hofstetter

Enclosure

cc: Linda Jones via facsimile

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-2515A V2

WATER RIGHT NUMBER: 65-2515A V2

DRAFT

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ELD RANCHES INC RT 1 BOX 63 MC CALL, ID 83638 (208)325-8876
Current Owner	EASTERN WESTERN CORP MICHAEL E MC GINLEY PRESIDENT 1426 SE GIDEON ST PO BOX 3228 PORTLAND, OR 972083228 (503)236-1978
Original Owner	ELD RANCHES 204 E ROSEBERRY ROAD MC CALL, ID 83638 (208)325-8876
Original Owner	WILLIAM ELD RT 1 BOX 63 MC CALL, ID 83638 (208)325-8876
Attorney	HOLLAND & HART DANA HOFSTETTER PO BOX 2527 BOISE, ID 837012527 (208)342-5000

Priority Date: 08/26/1949

Basis: Decreed

Status: Active

Source

BOULDER CREEK

Tributary

NORTH FORK PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/15	3.200 CFS	432.00 AF
	<u>Total Diversion:</u>	3.200 CFS	432.00 AF

Location of Point(s) of DiversionBOULDER CREEK
VALLEY County

SE1/4NE1/4

Sec. 2, Twp 16N, Rge 03E, B.M.

Place of Use

IRRIGATION Within VALLEY County

T16n R03E S01	NESW	40.0	T16n R03E S01	NWSW	32.0
T16n R03E S01	SWSW	40.0	T16n R03E S01	SESW	40.0
T16n R03E S02	NENW	17.0	T16n R03E S02	NWNW	40.0
T16n R03E S02	SWNW	85.0	T16n R03E S02	NWSW	14.0
T16n R03E S02	NESE	31.0	T16n R03E S02	SESE	40.0

Total Acres: 329

Conditions of Approval:*Shoulder Roads*

IDAHO DEPARTMENT OF WATER RESOURCES

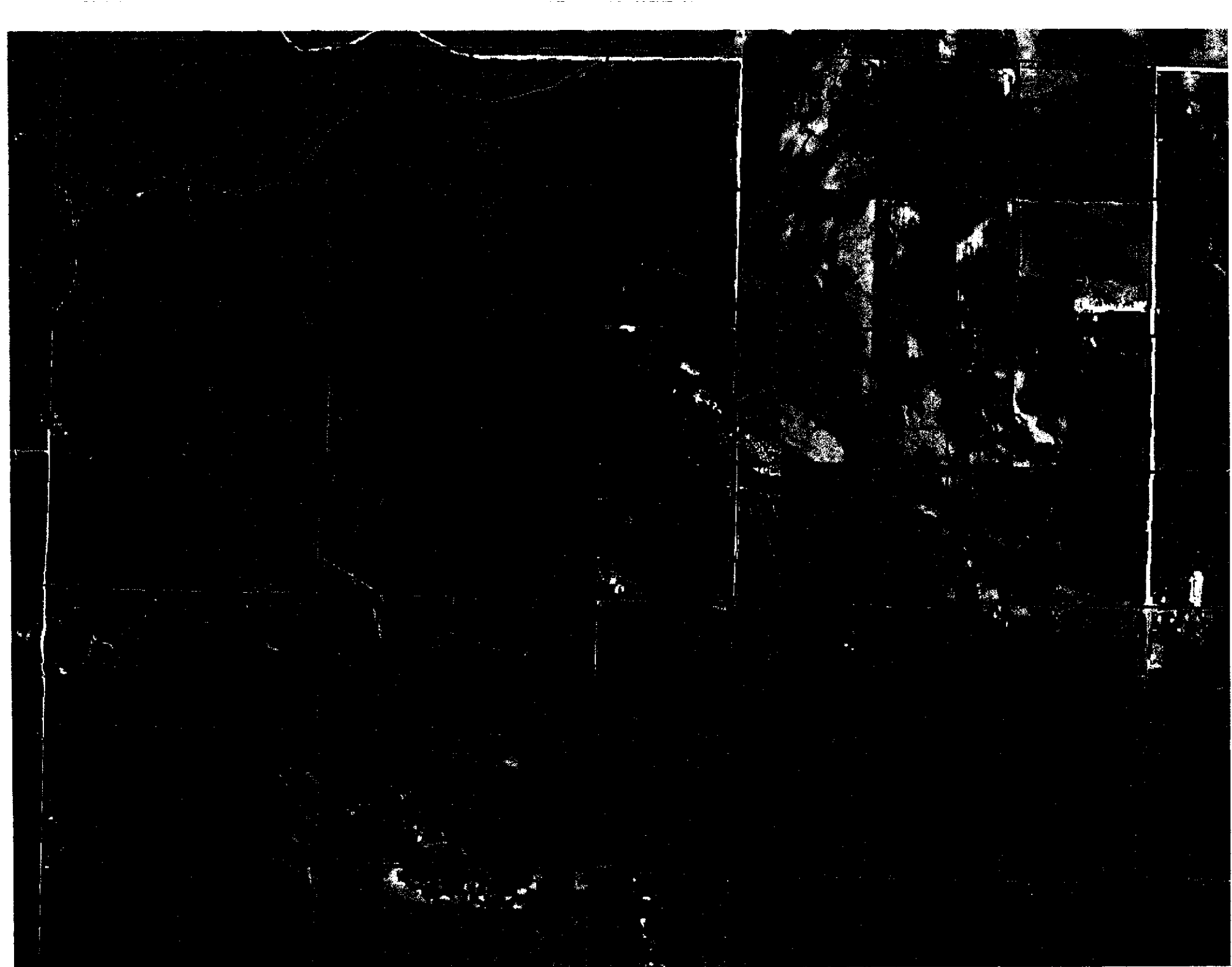
Adjudication Recommendation Report 65-2515A V2

1. W18 USE OF THIS RIGHT IS COMBINED WITH WATER FROM ROSEBERRY IRRIGATION DISTRICT.
2. C18 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.

Remarks:

1. Place of Use THIS RIGHT IS LIMITED TO THE IRRIGATION OF 144 ACRES WITHIN THE PLACE OF
- Irrigation USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

DRAFT





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.

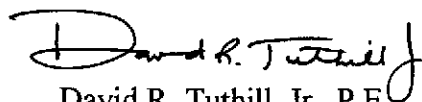
IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without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

RECEIVED

AUG 29 2000

WATER RESOURCES
WESTERN REGION

RECEIVED

AUG 21 2000

Department of Water Resources

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

In Re SRBA

Case No. 39576

A. Subcase 65-02515A

(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Eastern Western Corporation
Michael E. McGinley, President
Address: P. O. Box 3228
Portland, Oregon 97208-3228
Daytime Phone: (503) 236-1978

Name & Address of Attorney, if any:

Dana L. Hofstetter
Beeman & Hofstetter, P.C.
P. O. Box 1427
Boise, ID 83701-1427
(208) 388-8900

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: United States of America acting through the Department of Interior
Bureau of Reclamation
Address: 1150 North Curtis Road
Boise, ID 83706-1234
Daytime Phone: (208) 334-1464 (Irene Collins)

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

× **General Provisions Basin 65 Irrigation & Other Part I –
Separate Streams Administration**

- 1. ☐ **Name and Address**
- 2. ☐ **Source**
- 3. ☐ **Quantity**
- 4. ☐ **Priority Date**
- 5. ☐ **Point(s) of Diversion**
- 6. ☐ **Instream Flow Description**
- 7. ☐ **Purpose(s) of Use**
- 8. ☐ **Period of Year**
- 9. ☐ **Place of Use**
- 11. **Recommendation**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **VERIFICATION (Must be Completed)**

State of Idaho)
) ss:
County of Ada)

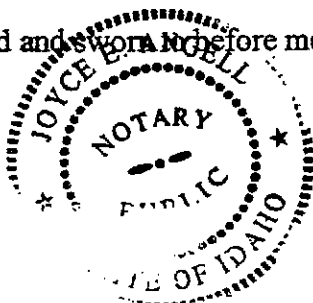
Dana L. Hofstetter duly sworn, upon oath, deposes and says:
(Name of person filing response)

That I am the party/claimant filing this response as defined by I.C. § 42-1401A(1) and (6), or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing response)

Dana L. Hofstetter
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: August 18, 2000



Joyce E. Gell
Notary Public for the State of Idaho

Residing at: Boise, Idaho

My Commission Expires: 07-24-2002

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, 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.

F. CERTIFICATE OF MAILING

I certify that on **August 18, 2000**, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to: Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, ID 83303-2707
2. One copy to the claimant of the water right at the following address:

Name: Eastern Western Corporation
Address: Michael McGinley, President
P. O. 3228
Portland, OR 97208-3228
3. One copy to the party who filed the objection. at the following address:

Name: James J. Dubois
U.S. Department of Justice
Environmental & Natural Resource Division
Address: General Litigation Section
550 West Fort Street, MSC 033
Boise, ID 83724
4. Copies to:

IDWR Document Depository P. O. Box 83720 Boise, ID 83720-0098 Chief, Natural Resources Division Office of the Attorney General. State of Idaho P. O. Box 44449 Boise, ID 83711-4449	United States Department of Justice Environment & Natural Resource Division 550 West Fort Street, MSC 033 Boise, ID 83724
--	--



Your signature or signature of attorney
mailing on your behalf

APR 17 2000

RECEIVED

APR 25 2000

WATER RESOURCES
WESTERN REGION

Page 1

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: Delete quantity remarks and AFY
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: 329-acre permissible place of use with 65-04033 and 65-07361. Delete explanatory material.

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): AFY are not applicable. This right and 65-04033 are not supplemental rights. Explanatory material may not be correct for any or all acres. The permissible place of use was developed as part of the licensing for 65-07361.

F.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

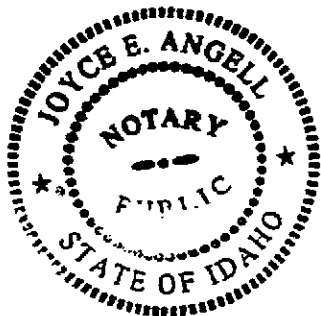
Dana L. Hofstetter, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(i) 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)

Dana Hofstetter
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 14, 2000



Joyce E. Angell
Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 7/24/02

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 14, 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:

Not applicable.

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
P. O. 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

September 29, 1999

NOTICE OF ERROR
REPLY

RECEIVED
NOV 01 1999
WATER RESOURCES
WESTERN REGION

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 29, 1999

Water right number: 65-02515A

EASTERN WESTERN CORP
MICHAEL E MC GINLEY PRESIDENT
1426 SE GIDEON ST
PORTLAND OR 97208-3228

Daytime Telephone Number: (503) 236-1978
Evening Telephone Number: N/A

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Quantity, explanatory material, place of use.

2. Describe the changes you wish to make in the proposed recommendation:

- * Delete quantity remarks and AFY
- * Delete explanatory material
- * 333-acre (309 irrigated) permissible place of use with 65-04033 and 65-07361. See attachment.

3. Give a brief explanation as to why you disagree with these portions:

AFY are not applicable. This right and 65-04033 are not supplemental rights. Explanatory material may not be correct for any or all acres. The permissible place of use concept was suggested by Dan Nelson of IDWR as part of the licensing for 65-07361.

 I AGREE with this proposed recommendation; no changes need to be made.

DATE: 10/29/99 SIGNATURE: 
Please print your name: Dana L. Hofstetter
Beeman & Hofstetter, P.C.
Attorneys for Eastern Western Corporation

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

PROPOSED PERMISSIBLE PLACE OF USE FOR 65-02515, 65-04033, AND 65-07361

Twp	Rge	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
16N	3E	1									40	32	40	40					152
16N	3E	2													31			40	71
16N	3E	12					21	40	35			14							110

permissible place of use total acres 333

17 acres
for 65-07361
only difference
for a PPU to involve
signature

RECEIVED
OCT 29 1999
BEEMAN & HURDICK, P.C.
ATTORNEYS AT LAW

AJ0749NP
No. R65-02515A

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

DATE: 09/23/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EASTERN WESTERN CORP MICHAEL E MC GINLEY PRESIDENT 1426 SE GIDEON ST PO BOX 3228 PORTLAND OR 972083228 (503) 236-1978	08/26/1949	IRRIGATION	04-15 10-15	3.200 CFS	432.00 AFA
TOTAL DIVERSION:					3.200 CFS	432.00 AFA

Water Source: BOULDER CREEK

Tributary to: CASCADE RESERVOIR

Stage: DECREED

Point(s) of Diversion:

T16N R03E S02

SENE

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
16N	03E	1	:											40	20	17				:	77.0
16N	03E	2	:															29		38	144.0
TOTAL ACRES																				144.0	

POU County: VALLEY

Conditions of Approval:

- W18 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM
- ROSEBERRY IRRIGATION DISTRICT.

Remarks: QNT USE OF THIS RIGHT WITH RIGHT NO. 65-04033 SHALL PROVIDE NO
MORE THAN 3.0 AFA PER ACRE

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

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

Comments: Date: 05/18/1999 User-ID: SBOCK Subject: COPIED FROM REMARKS
ADDRESS CHANGED PER CLAIMANT REQUEST 10/20/98. (DB)
CHANGES MADE TO DIVERSION RATE TO REFLECT CORRECT SPLIT OF WATER
PRIOR TO TRANSFER 4726, WHICH TRANSFERRED ALL WATER AND LAND TO
EASTERN WESTERN CORP, EVEN THOUGH THE ELD'S FILED THE TRANSFER.

Date: 09/23/1999 User-ID: SBOCK Subject: SPLIT

AJ0749NP
No. R65-02515A

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

DATE: 09/23/99
PAGE: 2

=====

Comments: Date: 09/23/1999 User-ID: SBOCK Subject: SPLIT
THIS RIGHT IS A SPLIT FROM 65-02515. EASTER/WESTERN PURCHASED
ALL PROPERTY AND MOVED LANDS UNDER APPROVED TRANSFER NO 4726
APPROVED 04/07/1997. THE DOMESTIC PORTION STAYED IN ELD'S NAME
AND IS COVERED UNDER 65-02515B.

Audit: 09/23/99 SBOCK

AJ0749NP
No. A65-02515A

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

DATE: 05/18/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EASTERN WESTERN CORP MICHAEL E MC GINLEY PRESIDENT 1426 SE GIDEON ST PO BOX 3228 PORTLAND OR 972083228 (503) 236-1978	08/26/1949	IRRIGATION	04-15 10-15	1.49 CFS	
TOTAL DIVERSION:					1.49 CFS	

Water Source: BOULDER CREEK

Tributary to: PAYETTE RIVER, NORTH FORK

Stage: DECREED

Point(s) of Diversion:

T16N R03E S02

SENE

SENE

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		
16N	03E	2	:																	:			
																			29		38	:	67.0
																			TOTAL ACRES			67.0	

POU County: VALLEY

Remarks: GEN ADDRESS CHANGED PER CLAIMANT REQUEST 10/20/98. (DB)
CHANGES MADE TO DIVERSION RATE TO REFLECT CORRECT SPLIT OF WATER
PRIOR TO TRANSFER 4726, WHICH TRANSFERRED ALL WATER AND LAND TO
EASTERN WESTERN CORP, EVEN THOUGH THE ELD'S FILED THE TRANSFER.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

AJ5809NP
No. A65-02515A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/05/99
PAGE: 14

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EASTERN WESTERN CORP MICHAEL E MC GINLEY PRESIDENT 1426 SE GIDEON ST PO BOX 3228 PORTLAND OR 972083228 (503) 236-1978	08/26/1949	IRRIGATION	04-15 10-15	~~3.20 CFS~~ 1.49 CFS	1.49
TOTAL DIVERSION:					1.49 CFS	
~~CONSUMPTIVE USE:~~						~~134.00 AFA~~

Water Source: BOULDER CREEK

Tributary to:

Stage: DECREED

Point(s) of Diversion: T16N R03E S02 SENE SENE

VALLEY County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
T	R S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	
16N	03E 2	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	67.0
TOTAL ACRES																	67.0	

POU County: VALLEY

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A65-02515B A65-04026

Remarks: GEN ADDRESS CHANGED PER CLAIMANT REQUEST 10/20/98. (DB)

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 21, 1998

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

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

Dear Claimant:

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

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

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

Sincerely,

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

Denise Buffington
Records Clerk
Adjudication Section
Western Region

DB:db

Enclosures

Dana L. Hofstetter
 Murray D. Feldman
 HOLLAND & HART
 Suite 1400, West One Plaza
 Post Office Box 2527
 Boise, Idaho 83701
 Telephone: (208) 342-5000

Attorneys for Northwest Pipeline Corporation,
 Eastern Western Corporation and other parties

COPY

1992 JAN -9 AM 10:02

DISTRICT COURT - SRBA
 TWIN FALLS CO., IDAHO

FILED *[Signature]*

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

Case No. 39576

The State of Idaho, ex rel.
 R. Keith Higginson in his
 official capacity as Director
 of the Idaho Department of
 Water Resources,

NOTICE OF APPEARANCE

Petitioner,

Document No.
 92-01-020

vs.

The United States; the State
 of Idaho; and all Claimants to
 the use of water from the Snake
 River Basin Water System

DESCRIPTIVE SUMMARY

This is the Notice of Appearance of Dana L. Hofstetter and
 Murray D. Feldman of the law firm of Holland & Hart as attorneys
 for Northwest Pipeline Corporation, Eastern Western Corporation
 and other parties pursuant to the Court's December 17, 1991, SRBA

NOTICE OF APPEARANCE - 1

MICROFILMED

AUG 03 1994

Administrative Order: SRBA Mailing Address, Telephone and Fax
Numbers and Notices of Appearance.

NOTICE OF APPEARANCE

Dana L. Hofstetter and Murray D. Feldman of the law firm of
Holland & Hart hereby enter their appearance as attorneys for
Northwest Pipeline Corporation, Eastern Western Corporation and
other parties pursuant to the Court's December 17, 1991, SRBA
Administrative Order: SRBA Mailing Address, Telephone and Fax
Numbers and Notices of Appearance.

DATED this 8 day of January, 1992.

HOLLAND & HART

By



Dana L. Hofstetter, for the firm
Attorneys for Northwest Pipeline
Corporation, Eastern Western
Corporation and other parties

NOTICE OF APPEARANCE - 2

MICROFILMED

4661 3 0 906

CERTIFICATE OF SERVICE

I hereby certify that on this 8 day of January, 1992, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Larry Echohawk
Attorney General
State of Idaho
Statehouse Mail, Room 210
Boise, ID 83720

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Peter G. Monson
Trial Attorney
United States Department
of Justice
Land and Natural Resources
Division
Indian Resources Section
P.O. Box 44378
Washington, DC 20026-4378

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

David B. Shaw (6 copies)
Chief
Adjudication Bureau
Idaho Department of Water
Resources
1301 North Orchard
Statehouse Mail
Boise, ID 83720

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)



for HOLLAND & HART

17187



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 15, 1992

Dana L. Hofstetter
Holland & Hart
P.O. Box 2527
Boise, ID 83701-2527

RE: Snake River Basin Adjudication (SRBA)
Eastern Western Corp.

Dear Dana,

I have modified the addresses on the claims for your client referenced above as directed in your letter dated April 1, 1992. Enclosed are the print-screens you requested for your files.

Thank you for your patience, Dana. If you have any questions, please call me.

Sincerely,

Sally Frazee
Secretary, Adjudication Section

sf:west
Enclosures:
Eastern Western Corp. Print-Screens

MICROFILMED

SEP 18 1992

MEMORANDUM

APR 15 1992

Department of the Interior
Western Region Office

DATE: 04/14/92
TO: DON SHARP, JAN SHURTE
FROM: SALLY FRAZEE
RE: EASTERN WESTERN CORP

(gave cy to Rox too, Jan)
-Sal

TODAY I UPDATED EACH CLAIM ON FILE FOR EASTERN WESTERN CORP AS FOLLOWS ON THE SAMPLE D.E. SCREEN:

ADDRESS: EASTERN WESTERN CORP
MICHAEL E MC GINLEY PRESIDENT
PO BOX 3228
OR 37208-3228
C

1505 SE GIDEON ST
PORTLAND
503 236-1978

OR

HOLLAND & HART
DANA HOFSTETTER

ID 83701-2527
A

PO BOX 2527
BOISE
208 342-5000

I ASKED DANA THIS MORNING WHEN SHE WAS HERE WHETHER SHE CARED IF HER MIDDLE INITIAL WAS ON THE CLAIMS OR NOT. SHE DOESN'T CARE, SO I DELETED IT ON THE FEW WHERE IT SHOWED TO SAVE KEYSTROKES.

SAVING KEYSTROKES WAS MY REASON FOR SHORTENING "CORPORATION" TO "CORP".

EASTERN WESTERN CORP IS NOW ENTERED AS EASTERN WESTERN CORP (WITHOUT THE PERIOD AFTER CORP).

BEFORE MODIFYING BASIN 63 RECORDS, I VERIFIED THERE WERE NO "R" RECORDS VIA AJ5.

PER DANA'S REQUEST, I HAVE MAILED HER THE PRINT SCREENS FOR EASTERN WESTERN CORP FOR HER FILES. I HAVE ATTACHED A COPY OF THE AJQ1 EASTERN WESTERN SCREENS FOR THE WESTERN REGION OFFICE.

A65-02515A

MICROFILMED

SEP 18 1992

EW

EASTERNWESTERN CORPORATION

RECEIVED

AUG 2 1991

HOLLAND
& HART

RECEIVED

OCT 24 1991

Department of Water Resources
Western Regional Office

July 30, 1991

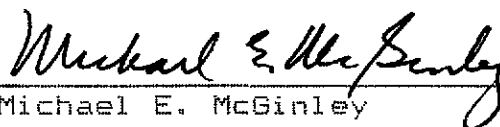
RECEIVED

OCT 11 1991

Department of Water Resources

NOTICE OF REVOCATION OF AUTHORIZATION

I, Michael E. McGinley, President of Eastern Western Corporation, have revoked Jim Hipwell's authority to file Notice of Claims to Water Rights in the Snake River Basin Adjudication on behalf of Eastern Western Corporation. Mr. Hipwell is no longer employed by Eastern Western Corporation and may no longer file Notices of Claim on its behalf. This Revocation of Authority is not intended to affect the validity of the Claims Jim Hipwell filed on behalf of Eastern Western Corporation while employed by the Corporation.



Michael E. McGinley
President

/nr

MICROFILMED

SEP 18 1992



November 15, 1988

LETTER OF AUTHORIZATION

I, Michael E. McGinley, President of Eastern Western Corporation, hereby authorize Jim Hipwell to file Notice of Claims to Water Rights in the Snake River Basin Adjudication on behalf of Eastern Western Corporation.

A handwritten signature in cursive script that reads "Michael E. McGinley". The signature is written in dark ink and is positioned above the printed name and title.

Michael E. McGinley
President

MEM/jo

MICROFILMED

SEP 18 1992

WR5809NP
No. 65-02515

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/18/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EASTERN WESTERN CORP 1505 SE GIDEON ST PORTLAND OR 97208-3228 (503) 236-1978	08/26/1949	IRRIGATION	04/15 10/15	3.200 CFS	432.00 AFA ~~430.8~~
TOTAL DIVERSION:					3.200 CFS	432.00 AFA

Water Source: BOULDER CREEK

Tributary to: ~~Domestic~~ PAYETTE RIVER, NORTH FORK

Stage: DECREED

Point(s) of Diversion:

T16N R03E S02

SENE

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
16N	03E	1	:											40	20	17				77.0
16N	03E	2	:															29	38	67.0
TOTAL ACRES																			144.0	

Pou County: VALLEY

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 65D.
- R43 - The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
- 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.
- T07 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dates: App. Received:
Proof Due Date:
Exam Made Date:
Licensed Date:

Priority Date: 08/26/1949
Proof Made Date:
Exam Sent to S.O.:

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

QNT 228
all other rights
3.0 a.f.a

W18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:09
03/24/99

PAGE: 1
GENERAL INFORMATION

17
CLAIM NUMBER: A65-02515

LAST: EASTERN WESTERN CORP
ADDRESS: MICHAEL E MC GINLEY PRESIDENT
1426 SE GIDEON ST
PO BOX 3228
CITY: PORTLAND
PHONE NUMBER: 503-236-1978
STATE: OR ZIP: 972083228

FIRST:

OWNER CODE: C

LAST: ELD RANCHES INC
ADDRESS: RT 1 BOX 67
CITY: MC CALL
PHONE NUMBER: 208-000-0000
STATE: ID ZIP: 83638

FIRST:

OWNER CODE: O

LAST: ELD
ADDRESS: RT 1 BOX 67
CITY: MC CALL
PHONE NUMBER: 208-000-0000
STATE: ID ZIP: 83638

FIRST: WILLIAM

OWNER CODE: O

LAST: HOLLAND & HART
ADDRESS: DANA HOFSTETTER
PO BOX 2527
CITY: BOISE
PHONE NUMBER: 208-342-5000
STATE: ID ZIP: 837012527

FIRST:

OWNER CODE: A

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: GEN ADDRESS CHANGED PER CLAIMANT REQUEST 10/20/98. (DB)

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:

A. AJ CLAIM: # A65-02515A PRIORITY DATE: 08-26-1949 STAGE: D

B. WR RECORD: # 65-02515 PRIORITY DATE: 08-26-1949 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 PRIORITY DATE:

08-26-1949
REVIEWED BY SB

DATE 5/18/98

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
A65-02515A	16N	03E	2		SE	NE			VALLEY		
A65-02515A	16N	03E	2		SE	NE			VALLEY		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
~~A65-02515B~~ NONE
A65-04026

WR RECORDS IN SAME 40 ACRE TRACT

65-04026 *EID Ranches*

SOURCE: BOULDER CREEK

TRIB:

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
65-02515	16N	03E	2		SE	NE			VALLEY		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

65-04026

A65-02515B
A65-04026 NONE

SOURCE: BOULDER 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: Document signed, transfer 4726 approved 4/7/97

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 VALLEY	DIVERSION NAME	DIVERSION NBR
16N	03E	2		SE	NE			VALLEY		
16N	03E	2		SE	NE			VALLEY		
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: Bear River

TRIB: Payson, N Fork Cascade Res

REVIEWED BY: SB

DATE: 5/18/99

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

A. ROOT WATER RIGHT NUMBERS: A65-02515A
~~A65-02515B~~

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
16N	03E	2	NE	SE		EASTERN WESTERN CORP	A65-02515A / 29.0	- /			33.0
			NE	SE		ELD, WILLIAM	~~A65-02515B / 29.0~~	- /			
			NE	SE		EASTERN WESTERN CORP		65-02515 / 29.0			
16N	03E	2	SE	SE		EASTERN WESTERN CORP	A65-02515A / 38.0	- /			40.0
			SE	SE		ELD, WILLIAM	A65-02515B / 38.0	- /			
			SE	SE		EASTERN WESTERN CORP		65-02515 / 38.0			

ADDITIONAL POU FOUND

*See 1 NESW
NWSW
SWSW*

*40
20
17*

TOTAL ACRES A65-02515A

67.00

73.00

144

POU COUNTY: VALLEY

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

Y() N(☒)

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

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

*Some of this land
is showing under Roseburg DPR
D.S.H.*

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A65-02515A	BOULDER CREEK	EASTERN WESTERN CORP	1.490	0.022		
~~A65-02515B~~	~~BOULDER CREEK~~	~~ELD, WILLIAM~~	~~3.200~~	~~0.022~~	~~1.20~~	

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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

Y() N(☒)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM:

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. _____;

() NAPP, IDWR NO. _____; (~~X~~) ASCS PHOTO; () OTHER _____

NOTES: AS per approved transfer 4726

RECOMMENDATIONS:

TOTAL ACRES: 144 N/A()

REVIEWED BY: 25

DATE: 5/18/99

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-02515A IRRIGATION	FROM 04-15 TO 10-15	3.200 CFS	
TOTAL DIVERSION RATE/VOLUME		1.490 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-02515 IRRIGATION	FROM 04-15 TO 10-15	3.200 CFS	432.00 AF/A
TOTAL DIVERSION RATE/VOLUME		3.200 CFS	432.00 AF/A

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(☒)

PAGE: 10

PURPOSE OF USE, PERIOD OF USE, DIVERSION RATE AND DIVERSION VOLUME REVIEW SHEET CONTINUED

26

CLAIM NUMBER: A65-02515A

NOTES:

AJ CLAIM TOTAL DIVERSION RATE: 1.490 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 3.200 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 _____, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 144 x 0.02 CFS/ACRE = 2.88 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 144 x DIVERSION VOL. AF/A FOR AREA B =
TOTAL DIVERSION VOLUME 432 AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 134.0 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 ()

[illegible]

R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 65D.

R43 - The right holder shall maintain a measuring device and lockable
- controlling works of a type approved by the Department in a
- manner that will provide the watermaster suitable control of the
- diversion.

R24 - This right when combined with all other rights shall provide no
- more than 3.0 cfs per acre for irrigation of the lands above.

T07 - The right holder shall accomplish the change authorized by this
- transfer within one (1) year of the date of this approval.

T08 - Failure of the right holder to comply with the conditions of this

-
- T09
- transfer is cause for the Director to rescind approval of the transfer.
 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
IRRIGATION	04-15	10-15	DATABASE 3.200	EXAMINER _____	DATABASE	EXAMINER _____	DATABASE 134.0	EXAMINER _____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
TOTAL FOR THIS RIGHT			1.490	_____		_____	134.0	_____

NON-IRRIGATION USES CLAIMED:

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

REVIEWED BY: _____ DATE: _____

FLAG: _____

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 65-02515

	DATABASE	EXAMINER	CFS
TOTAL DIVERSION RATE OF WR SPLITS	3.200		

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
65-02515	A65-02515A	1.490	-		65-02515	3.200
A65-02515	A65-02515B	3.200	-			
TOTAL CFS		4.690				3.200

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
N	Y() N()

NOTES:

65-02515B - Domestic portion to ED
9/23/99

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

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 _____ IDWR ID NO. _____	Y() N()
() NAPP	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
(X) OTHER <u>610 map</u>	DATE <u>7/28/99</u>	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
() LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
() WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
() SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
() 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

00:00:09
03/24/99

PAGE: 17
QUICKLOOK INFORMATION

33
CLAIM NUMBER: A65-02515A

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				2	sample	SS 7-28-99		
POINT OF DIV	Y							
SOURCE	Y							
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE	-							
PURPOSES OF USE								
PERIOD OF USE								
BASIS OF CLAIM	Y							
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

MAR 02, 1979

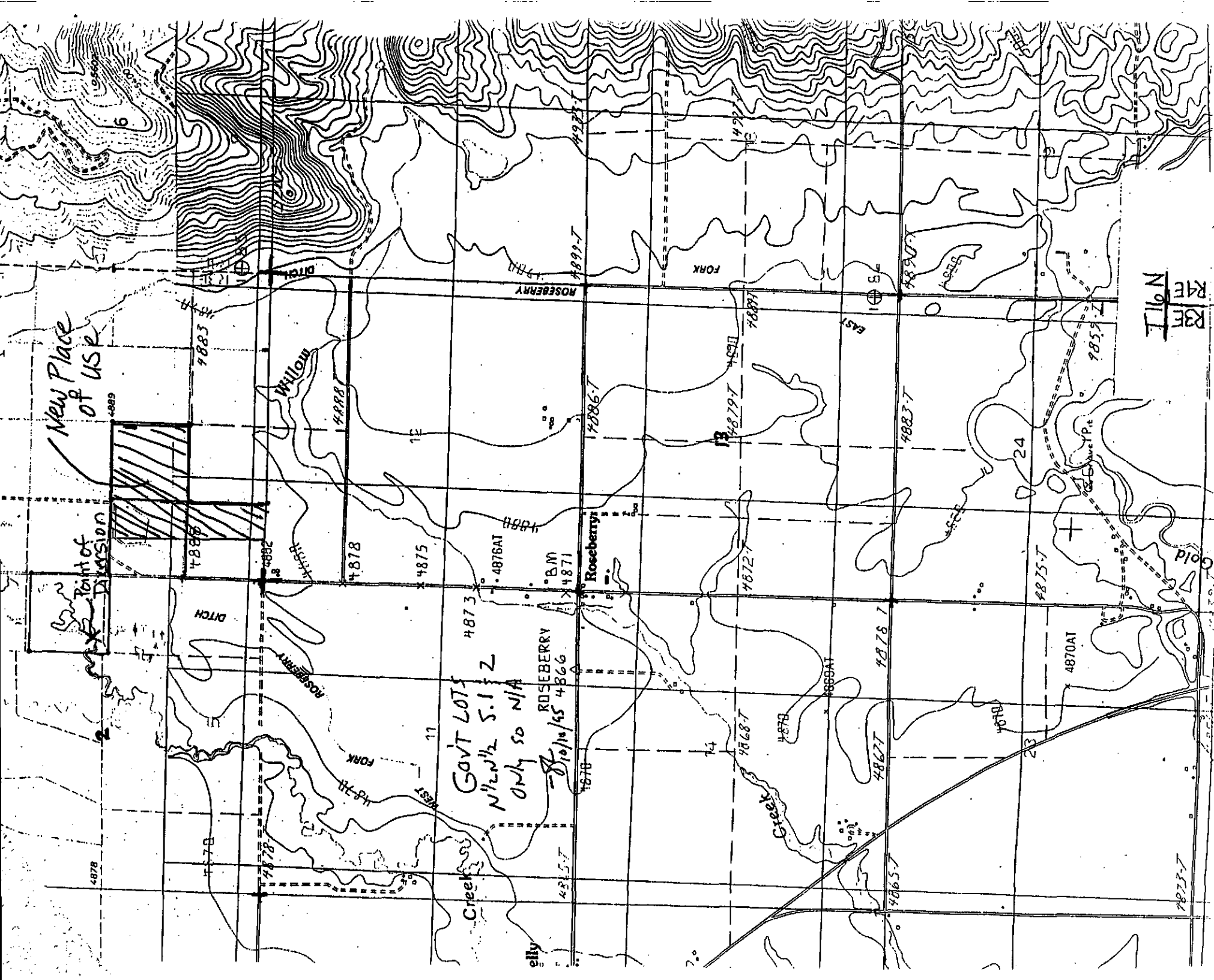
PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 77

INDICATES TOTAL

SOURCE: BOULDER CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION PCINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-5073	MORELL, JAY H. & MORELL, BERNEICE ROUTE 1, BOX 96, MC CALL, IDAHO 83638 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-3119 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	7/16/1926	IRRIGATION	4/15 10/15	--- AFA .72 CFS	NENE S25 T18N R 3E SWNW S30 T18N R 4E	SENE(22) NESE(31) SWSE(13) SESE(14) S25 T18N R 3E SWNW(3) NWSW(3) S30 T18N R 4E *86*	BENEFICIAL USE
65-4047	SHAW, JOHN P. ROUTE 1, BOX 302, MC CALL, IDAHO 83638 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-8252 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	3/16/1927	IRRIGATION	4/15 10/15	--- AFA 1.60 CFS	SESW S19 T18N R 4E	SESW(33) SWSE(8) S24 T18N R 3E NWNW(26) NENW(33) S25 T18N R 3E *100*	BENEFICIAL USE
			STOCKWATER	1/ 1 12/31	4.10 AFA .07 CFS *---*AFA *1.60*CFS		SAME AS OTHER USE	
65-2382	WRIGHT JR., LEE C. BOX 254, FRUITLAND, IDAHO 83614	7/29/1934	IRRIGATION	4/15 10/15	--- AFA .40 CFS	NWNW S11 T16N R 3E	SWNW(22) S11 T16N R 3E *22*	LICENSE
65-2459A	GESTIN, FRANCIS W. BOX 667, DONNELLY, IDAHO 83615	6/30/1945	IRRIGATION	4/15 10/15	--- AFA .20 CFS	SWNE S15 T16N R 3E	NWNE(5) NENW(4) S15 T16N R 3E *9*	LICENSE
65-2515	ELD, WILLIAM ROUTE 1, BOX 63, MC CALL, IDAHO 83638	8/26/1949	IRRIGATION	4/15 10/15	--- AFA 3.20 CFS	SENE S 2 T16N R 3E	NESE(29) SESE(38) S 2 T16N R 3E NENE(38) SENE(39) S13 T16N R 3E *144*	LICENSE
			DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS *---*AFA *3.20*CFS		SAME AS OTHER USE	
65-4033	ELD, WILLIAM ROUTE 1, BOX 63, MC CALL, IDAHO 83638 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS OF ROSEBERRY IRRIGATION DISTRICT SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	7/10/1950	IRRIGATION	4/15 10/15	--- AFA .90 CFS	NESE S 2 T16N R 3E	SWNW(35) NWSW(10) S12 T16N R 3E *45*	BENEFICIAL USE
			STOCKWATER	1/ 1 12/31	2.70 AFA .05 CFS *---*AFA *.95*CFS		SAME AS OTHER USE	



FYI

DUKES - 465-02515B?

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4726
WATER RIGHT NO. 65-02515

This is to certify that: **EASTERN WESTERN CORP**
1505 SE GIDEON ST
PORTLAND OR 972083228

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	3.20 CFS	432.0 AF

SOURCE

BOULDER CREEK

TRIBUTARY OF

PAYETTE RIVER, NORTH FORK

Priority: 08/26/1949

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 2, Township 16N, Range 03E
VALLEY County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
16N	03E	1	NESW 40	NWSW 20	SWSW 17	77
		2	NESE 29	SESE 38		67
Total number of acres irrigated:						144

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 65D.
2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 3.0 afa per acre for the lands above.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

TRANSFER NO. 4726
WATER RIGHT NO. 65-02515

CONDITIONS OF APPROVAL AND REMARKS

5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 7th day of April, 1997.

J. Glen Saylor
Chief, Water Alloc. Bureau

Western
Region

MEMORANDUM

TO: FILE NO. 65-02515
FROM: PAM SKAGGS²⁸/STATE OFFICE
SUBJECT: TRANSFER NO. 4726
DATE: April 4, 1997

RECEIVED

APR 08 1997

WATER RESOURCES
WESTERN REGION

dk 8

Transfer No. 4726 was filed to change the place of use under a portion of Right No. 65-02515. The transfer applicant owns the portion of Section 13 from which 77 acres are being removed.

The applicant has sold a portion of the licensed acres in Section 02 and additional land in Section 01, including the 77 acres identified on the transfer application as the new place of use, to Eastern Western Corporation. The end result of the transfer will be the irrigation of all 144 acres on adjacent land located in Sections 01 and 02 owned entirely by Eastern Western Corporation. (Sections 01, 02 & 13 located within T16N, R03E.)

No attempt to contact the watermaster of Water District 65D was found in the file. I spoke with the watermaster today and he was aware of the proposed transfer and had no concerns about approval. He felt the change would not impact other users.

No change is proposed to the diversion or the existing ditch and the place of use is owned entirely by the new property owner. The transfer approval has been prepared identifying Eastern Western Corporation as the owner per attached documentation to the application.

Recommended conditions include watermaster control, measuring device, irrigation overlap and standard transfer conditions.

JUK

Page 1 of 7

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4726

RECEIVED

SEP 12 1995 APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

WATER RESOURCES
WESTERN REGION

Name of applicant Joe and Vicki Eld Phone 325-8876
Post Office address 2554 East Roseberry, McCall, Idaho 83638

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 This Boulder Creek water right can be more efficiently diverted and used on other land. The land to be removed from this water right can be more efficiently served by the Roseberry Irrigation District and will be annexed to the Irrigation District.

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>65-2515B</u>	<u>Aug. 26, 1948</u>	<u>1.71 cfs</u>	<u>Irrigation</u>	<u>4/15</u> to <u>10/15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 1.71 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Boulder Creek tributary to Cascade Reservoir

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	2	16N	3E	Valley	

5. 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	
16N	3E	1									40	20	17						77

* APPEARS to be typo - is currently shown on PS-3 as 77 Total acres 77

PART 1

6. General Information:

a. Description of diversion system A board dam will divert water into the lateral ditch for delivery to pumping station.

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:
A petition is being submitted to the Roseberry Irrigation District to annex the land to the Irrigation District. The land will be irrigated under Roseberry Irrigation District water rights.

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

Witness my hand this _____ day of _____, 19 _____.

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: 65-02515
- a. Decree No. 3667 Decreed to William Eld
in case of State of Idaho vs. A & C Corp., et al.
dated January 21, 1986 in 3rd District Court 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 Boulder Creek tributary to Cascade Reservoir
4. Date or priority August 26, 1949 ↑ not in decree but is correct - 8/26/49
5. Water is used for the following purpose:
amount 3.20 cfs for irrigation purposes from 4/15 to 10/15
(cfs/ac-ft) amount .04 cfs/1.2 AFA for domestic purposes from 1/1 to 12/31
(cfs/ac-ft) amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
6. Total amount of water under right 3.20 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
		SE	NE	2	16N	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	
16N	3E	2													29			38	67
16N	3E	13	38																77

NOTE: Right states Domestic plus same as irrig. plus (remark)
- 8/26/49

Total acres 144

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 1.71 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) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	2	16N	3E	Valley	

3. 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	
16N	3E	13	38			39													77

Total acres 77**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 1.49 cfs for irrigation purposes from 4/15 to 10/15
 (cfs/ac-ft) _____
 amount .04cfs/1.2 AFA for domestic purposes from 1/1 to 12/31
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

NOTE THIS PORTION SAME AS CLAIM A65-02515 A FOR E-W CORR. EXCEPT
 CLAIM HAS 2' Gully Error on RATE & omits domestic use. Transfer now

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	2	16N	3E	Valley	CORRECTS this -FL 11/10/16

3. 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	
16N	3E	2													29			38	67

Total acres 67

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

See Attached Map = pg. #6

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	_____	_____	_____	_____ 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.

Jr. W. Ed _____
(Signature of Applicant)

Subscribed and sworn to before me this 24 day of Aug, 19 95.

Burt R. Bickett _____
(Notary Public)

My commission expires Aug 21 - 2000

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and 5 attachments

Received by VR Date 9-12-95 Protest filed by _____

Prelim. check by RL Fee \$100 - _____

Receipted by VR #W019863 Date 9-12-95 _____

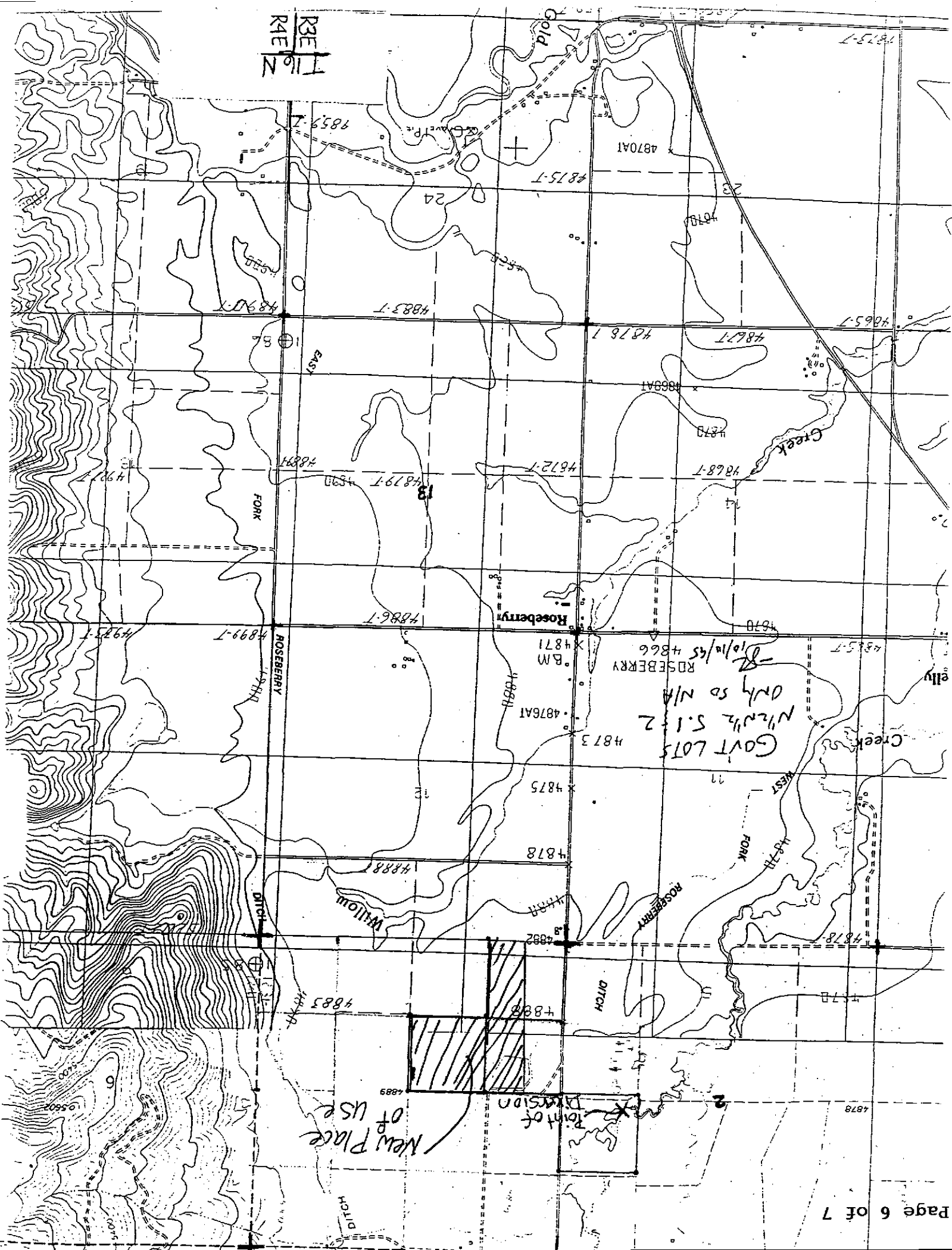
Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____



DATE: 10/10/95
PAGE: 1

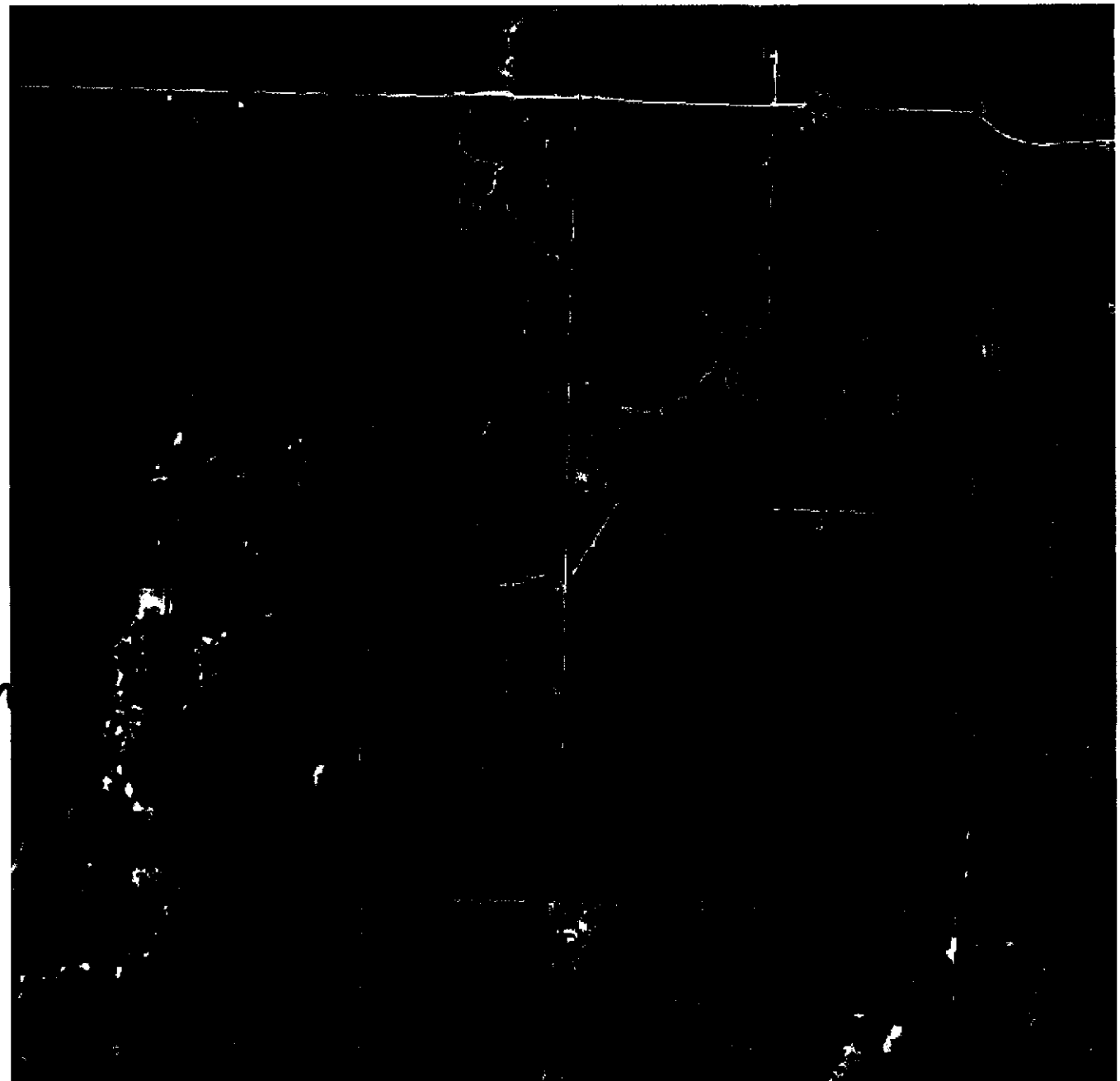
Attachmet D

DATE: 10/10/95
PAGE: 1

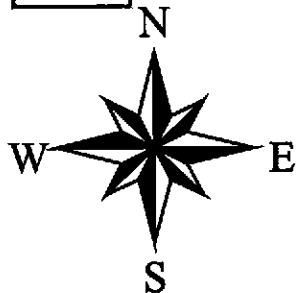
Attachment E

Idaho Dept of Water Resources

Claim No(s): 65-02515A
Claimant(s) Eastern
Western Corp
T16N, R03E, S 1, 2
Prepared by: Sue Bock
Date: 07/28/1999



- ☐ Place of Use
- ☒ Point of Diversion
- ☐ Section lines
- ☐ 1/4 1/4 lines



0 0.25 0.5 0.75 Miles

1987 NAPP Photo

WESTERN REGION

OWNER (S): Easton Western

CLAIM NUMBERS: 105-84033-65-02515A

AGENT: Sue Bock DATE 7/28/99

RIGHT NO					NE				NW				SW				SE			
	TSP	RNG	SEC		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
P.O.D.	TOWNSHIP				RANGE				SEC.				SOURCE							

POLYGON CREATED ON 332

POLYGON # () () () () UPDATED BY sue

ATTRIBUTES OF B65-POU.SHP (85) (84) (124) () ()

ATTRIBUTES OF B65-POD.SHP (76) () () () ()

X B65-DBPOU.DBF UPDATED BY sue

A B65-DBPOD.DBF UPDATED BY sue

NOTES:

EW
EASTERNWESTERN
CORPORATION

465-02515

October 8, 1998

RECEIVED

OCT 13 1998

WATER RESOURCES
WESTERN REGION

Denise Buffington
Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, Idaho 83705-5082

Re: Eastern Western Corporation

Dear Ms. Buffington:

I am writing to inform you of Eastern Western Corporation's change in its street address. The new street address for Eastern Western Corporation is 1426 S.E. Gideon Street, Portland, Oregon 97202. The mailing address for Eastern Western Corporation remains unchanged (P.O. Box 3228, Portland, Oregon 97208-3228).

Please update the Idaho Department of Water Resources' records for all water rights held by Eastern Western Corporation to reflect the changed street address.

Thank you for your assistance with this matter. Please contact me if you have any questions or need additional information.

Sincerely,

EASTERN WESTERN CORPORATION

Michael E. McGinley

Michael E McGinley
President

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: A65-02515A
Date Received: 10/20/1988
Receipt No: X 999999
Received By: LK-H 11-15-88

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EASTERN WESTERN CORP. 208-495-1134
Address: C/O JIM HIPWELL
3349 HILL ROAD SOUTH
MELBALL, ID 83641

2. Date of Priority: AUG 26, 1949

3. Source: BOULDER CREEK Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16N	03E	2	SE	NE			VALLEY
			SE	NE			VALLEY

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	3.200		

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

8. Total consumptive use is 134.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	03E	2	NE	SE		IRR	29.0
			SE	SE		IRR	38.0

Section Acres 67.0

A65-02515A

Page 1

Date: 10/20/88

MICROFILMED

SEP 18 1992

10. Place of Use: Continued

Total Acres 67.0

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:

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

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: 2

For Organizations:

I do solemnly swear or affirm that I am agent of Eastern Western Corp. Title agent Organization, that I have signed the foregoing document in the space below as agent of Eastern Western Corp. Title agent Organization and that the statements contained in the foregoing document are true and correct.

James B. Hayward
Signature of Authorized Agent

Mason
Title and Organization

Nov 15, 1988
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 15th day

of November 19 88

Dena Billups
Notary Public

Seal

Residing at Dena Billups, Notary Public
Residing at Caldwell, Idaho
My Commission Expires March 21, 1994