

[illegible]

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: **A65-02515B**
Date Received: 11/ 7/1988
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: WILLIAM ELD
Address: 2554 E ROSEBERRY RD
MC CALL ID

208-325-8876

83638

Name: ELD RANCHES INC
Address: 2554 E ROSEBERRY RD
MC CALL ID

208-325-8876

83638

2. Date of Priority: AUG 26, 1949

3. Source: BOULDER CREEK

Trib. to: PAYETTE RIVER, NORTH FORK

4. Point of Diversion:

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

5. Description of diverting works:
DIV. DAM IN CREEK WITH DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.710		
DOMESTIC	01/01	12/31	0.040		1.20

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

1.20 A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

DOMESTIC, ONE HOME, LAWN, GARDEN & DOMESTIC STOCK.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	03E	13	NE	NE		IRR	38.0
			SE	NE		IRR	39.0
Section Acres							77.0
Total Acres							77.0

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:
GROUNDWATER FOR IN-HOUSE USE AT THIS P/U.

14. Remarks:
RECOMMENDED AS RIGHT NO. 65-02515
ADDRESS CHANGED BY DB 11/1/99.

15. Basis of Claim: DECREED

Case Number: 3667

Court :

Decree date: / /

STATE OF IDAHO
Decree Plaintiff

A & C CORP., ET AL.
vs Decree Defendant

RECEIVED
JUL 26 2004
Department of Water Resources

2004 JUL 23 PM 12:00

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA	)	2 nd AMENDED SPECIAL MASTER'S
	)	REPORT
	)	
	)	FINDINGS OF FACT AND CONCLUSIONS
	)	OF LAW
Case No. 39576	)	
		FOR WATER RIGHT: 65-02515B

I. FINDINGS OF FACT

An *Amended Special Master's Report* was issued on June 16, 2004. On June 25, 2004, Claimant Island Capital LLC, through their counsel of record Dana Hofstetter, filed a timely *Motion to Alter or Amend* asking the court to correct the Source Element to reflect Boulder Creek tributary to the North Fork of the Payette River.

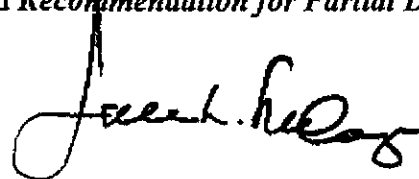
On July 15, 2004, Objector United States of America, through their counsel of record David Gehlert, filed a *Notice of the United States' Consent to the Motion to Alter or Amend*.

Hearing was on the *Motion to Alter or Amend* was held July 20, 2004. No party appeared in opposition to this *Motion to Alter or Amend*.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water right 65-2515B be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED July _____, 2004.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 65-02515B

2004 JUL 23 PM 12:
TWIN FALLS CO., IDAHO
FILED

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

SOURCE: BOULDER CREEK TRIBUTARY: NORTH FORK PAYETTE RIVER

QUANTITY: 0.04 CFS
1.20 APY

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

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
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS 1.20 APY

PLACE OF USE: Domestic Within Valley County
T16N R03E S02 SESE

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

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

BASIN 65 GENERAL PROVISION 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 THE CHANGE THE RIGHT PURSUANT TO IDAHO
CODE 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).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Recommendation

July 23, 2004

James L. Melanson

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

2004 JUL 23 PM 12:01

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

In Re SRBA)

Case No. 39576)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

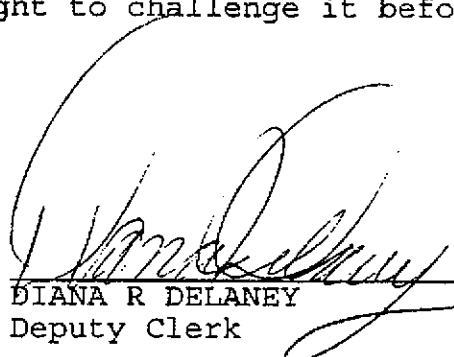
Water Right(s): 65-02515B

On July 23, 2004, Special Master JOHN M MELANSON issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED July 23, 2004.


DIANA R DELANEY
Deputy Clerk

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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 65-02515B

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 23, 2004, with sufficient first-class postage prepaid to the following:

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

ISLAND CAPITOL LLC
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

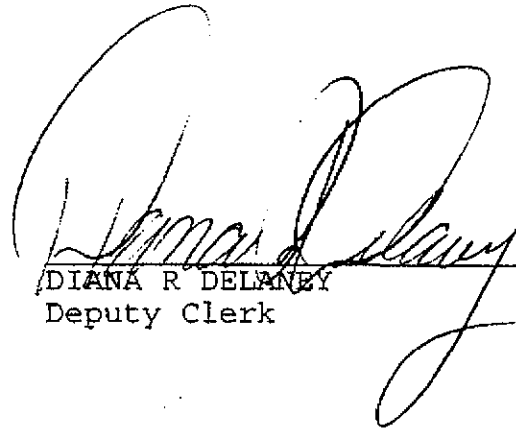
CERTIFICATE OF MAILING

PAGE 1
07/23/04

USDI BUREAU OF RECLAMATION

Represented by:

US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724



DIANA R DELANEY
Deputy Clerk



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 I
Adjudication Section
Western Region

DB: db

Enclosures

cc: Eastern Western Corporation
Dana Hofstetter @ Hofstetter Law Office
Linda Jones @ Holland & Hart

HOLLAND & HART LLP
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) 343-8859

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

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

11/01/2001

WATER RIGHT NUMBER: 65-2515B

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

SOURCE: BOULDER CREEK TRIBUTARY: CASCADE RESERVOIR

QUANTITY: 0.04 CFS
1.2 AFY

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

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>
DOMESTIC	1/01 12/31	0.040 CFS 1.20 AFY

PLACE OF USE: DOMESTIC Within VALLEY County

T16N R03E S02 SESE

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

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

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

EXPLANATORY MATERIAL: Decreed

**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

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

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

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

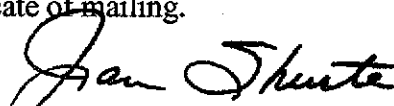
- | | |
|---|--|
| ☐ Point of diversion | ☐ Place of use |
| ☐ Period of use | ☐ Nature of use |
| ☐ Split of water right | ☐ Change in ownership |
| ☐ Other | |

- ☐ 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 Buffington
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>A65-2⁶616</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**.

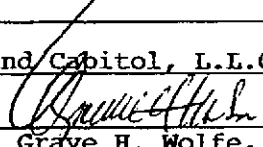
3. Name and Address of Former Owner/Claimant(s) Eastern Western Corp.
1505 SE Gideon St., Portland, OR 97208
4. New Owner/Claimant(s) Island Capitol, L.L.C.
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 1409 East First Street
- City, State and ZIP Code Meridian, ID 83642
- 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.
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 _____ AJ	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

by: Michael S. Mendenhall

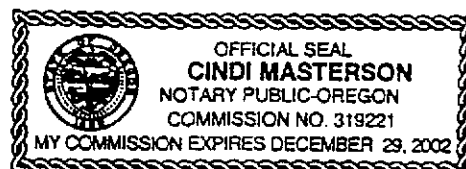
STATE OF Oregon)
) ss
COUNTY OF Multnomah)

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,
Index to DEEDS

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-Z 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° 43' 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' 11" 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 697.01 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 97208-3228 is 1505 S.E. Gideon, Portland, Oregon 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:

Joe E. Eld

Joe E. Eld

*attested by Notary Public
Secretary, Eld Ranches, Inc.*

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 Z. Loh
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 MOUNTAIN 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 5 of Deeds at Page

Leslie Anderson
Ex-Officio Recorder

By L. Anderson
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 1/4 NE 1/4, NW 1/4 SE 1/4, SW 1/4,

TOGETHER WITH: All that portion of Lot 1 and the SE 1/4 NE 1/4 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 NE 1/4 lying Easterly of the Westerly boundary of the Boulder Canal AKA Roseberry Irrigation Ditch.

SAVE AND EXCEPT:

All that portion of the SW 1/4 SE 1/4 NE 1/4 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 SW 1/4, SE 1/4 NW 1/4 SW 1/4, AND N 1/2 N 1/2 NE 1/4 SW 1/4 SW 1/4;

AND

Section 12: N 1/2 NW 1/4.

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.15 N., R.3 E., B.M., Valley County, Idaho, and more particularly described as follows:

Commencing at the corner common to Sections 1, 2, 11, and 12, T.15 N., R.3 E., B.M., said point being the REAL POINT OF BEGINNING, and marked with a Brass Cap monument; thence N 00° 13' 36" W on the line common to said Sections 1 and 2, 461.51 feet to a point; thence S 88° 28' 30" E 220.31 feet to a 5/8 inch diameter steel pin; thence S 07° 15' 30" 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 193.25 feet; thence continuing S 00° 13' 36" W 2.45 feet to a 5/8 inch diameter steel pin; thence S 87° 24' 23" E 124.78 feet to a 5/8 inch diameter steel pin; thence S 01° 41' 05" E 251.64 feet to a 5/8 inch diameter steel pin; thence N 89° 46' 50" W 173.35 feet to a 5/8 inch diameter steel pin; thence S 23° 22' 50" W 109.71 feet to a 5/8 inch diameter steel pin; thence S 87° 49' 11" W 141.35 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, 364.07 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

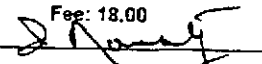
Recorded for : AMERITITLE

LELAND G. HEINRICH

Fee: 18.00

Ex-Officio Recorder Deputy

Index to: MISCELLANEOUS RECORD



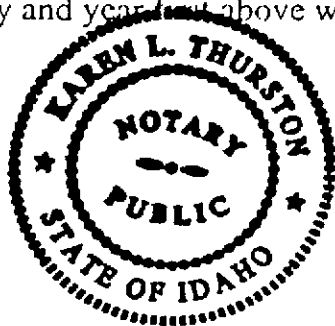
Dated: 9/14/01, 2001

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

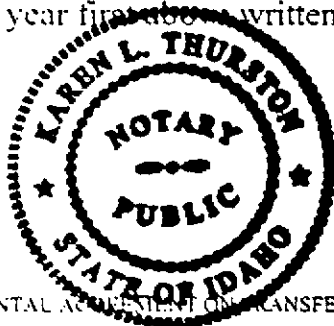
Dated: 9/14/01, 2001

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

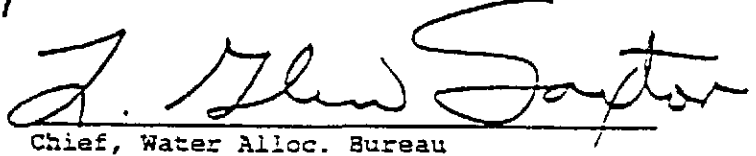
1. Use of water under this water right will be regulated by the watermaster of State Water District No. 65D.
2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control 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.


Chief, Water Alloc. Bureau

MEMORANDUM

7/29/04

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

[Handwritten signature]

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.

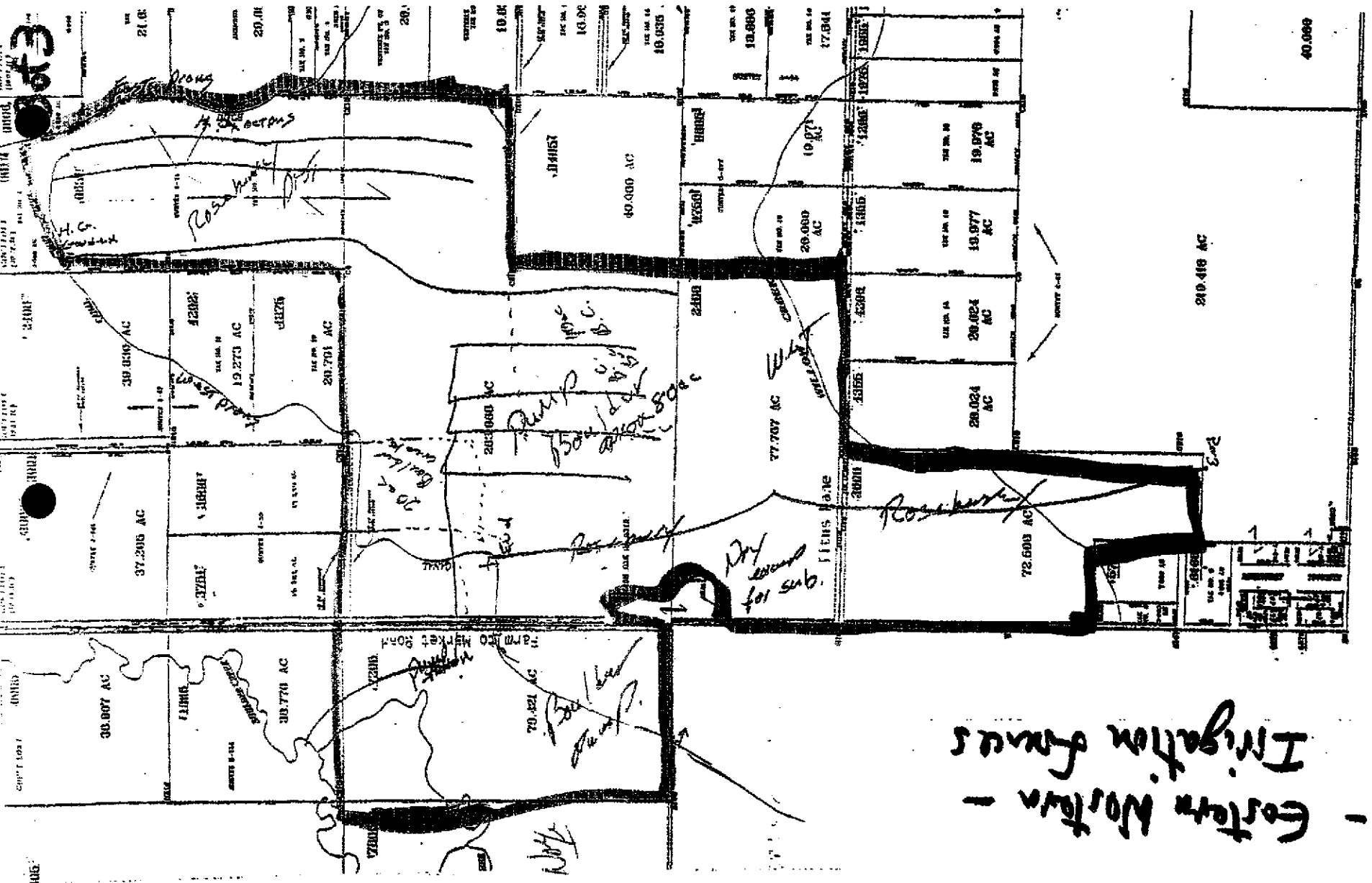
The applicant has sold a portion of the licensed acres in Section 02 and additional land in Section 01, including the 77 acres identified on the transfer application as the new place of use, to Eastern Western Corporation. The end result of the transfer will be the irrigation of all 144 acres on adjacent 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.

- Eastern Morton - Irrigation ditches



AJ0749NP
No. R65-02515B

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

DATE: 11/01/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIAM ELD	08/26/1949	DOMESTIC	01-01 12-31	0.040 CFS	1.20 AFA
C	ELD RANCHES INC 2554 E ROSEBERRY RD MC CALL ID 83638 (208) 325-8876					
TOTAL DIVERSION:					0.040 CFS	1.20 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: DOMESTIC

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
---	---	---	:	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	:
16N	03E	2	:																	:

POU County: VALLEY

Non-Irrigation Uses: 1 HOME

Other Rights: GROUNDWATER FOR IN-HOUSE USE AT THIS P/U.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A65-02515A A65-02515B A65-04026 R65-02515A R65-04026

Other Water Rights Listing Overlapping Place(s) of Use:
A65-02515 A65-02515A R65-02515 R65-02515A

Conditions of Approval:

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

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

AJ0749NP
No. R65-02515B

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

DATE: 11/01/99
PAGE: 2

=====

Comments: Date: 05/18/1999 User-ID: SBOCK Subject: CHANGES MADE
TO REFLECT WHAT THE CLAIM SHOULD HAVE LOOKED LIKE BEFORE THE
TRANSFER, 4726. THE TRANSFER PUT ALL WATER AND LANDS IN THE
NAME OF EASTERN WESTERN CORP.

Date: 09/23/1999 User-ID: SBOCK Subject: SPLIT
THIS IS A SPLIT FROM 65-02515, THE A PORTION WENT TO EASTERN
WESTERN FOR IRR.

Date: 09/24/1999 User-ID: AJU10-JS Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART
OF RECORD THRU AJU10.

Date: 11/01/1999 User-ID: DBUFFING Subject: NAME CHANGE - ADDRESS CHANGE
THE DATA IN THE NAME FIELD WAS CHANGED TO SHOW THIS RIGHT HAS AN
ADDRESS CHANGE.

Audit: 11/01/99 DBUFFING



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

November 2, 1999

DIRK KEMPTHORNE
GOVERNOR

Re: Notice of Claim to a Water Right No. A65-03825A, A65-07516,
A65-02515B, A65-07200, A65-07610, A65-12120 and A65-03824

KARL J. DREHER
DIRECTOR

ELD RANCHES
2554 E ROSEBERRY RD
MC CALL ID 83638

Dear Claimants:

Enclosed is a copy of the above referenced claim which reflects your change in address.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

Please note, the address has also been changed on water right numbers 65-03821, 65-03822, 65-03823, 65-03826 and 65-03827 which have already been decreed by the SRBA Court.

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

Sincerely,

Denise Buffington
Records Clerk
Adjudication Section
Western Region Office

DB:db

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED



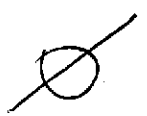
released

RECEIVED
OCT 04 1999
WATER RESOURCES
WESTERN REGION

 NOT DELIVERABLE
AS ADDRESSED
UNABLE TO FORWARD

65-02515B

~~WILLIAM ELD
ELD RANCHES, INC
RT 1 BOX
MC CALL~~





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

September 29, 1999

Dear Water Right Claimant(s):

The Idaho Department of Water Resources (IDWR) has completed its initial investigation of your water right claim(s) in the Snake River Basin Adjudication (SRBA). We have enclosed a print-out showing our preliminary recommendation regarding how your water right should be reported to the SRBA District Court.

Please review the preliminary recommendation carefully. If there is any information on the print-out you believe is inaccurate, please fill out the enclosed reply indicating what changes you believe should be made. Further instructions to assist you with the review are enclosed. For water rights with an irrigation water use, a Geographic Information System (GIS) computerized image of the place of use for your water right is also enclosed.

You may return this reply in person to us at a public meeting IDWR will be conducting in your area. **The meeting will be held on Wednesday, October 13, 1999, at 7:00 p.m. in the Senior Citizen Center, 409 School Road, Cascade.** Please come to the public meeting, where you will have an opportunity to find out more about the SRBA process and speak with a department staff member should you have questions regarding your water right. Please bring any and all information you have which will help the Department understand your water rights and describe them accurately.

This process is intended to ensure IDWR recommends your water right accurately to the SRBA District Court. This is the easiest and least costly means for you to identify corrections you believe should be made to our recommendation. Completion of this process is an important step toward the overall success of the adjudication in Idaho. Your participation is necessary so that accurate information is provided to the SRBA District Court.

We look forward to hearing from you.

Sincerely,

Karl J. Dreher
Director

Enclosures

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



(208) 736-3011
FAX (208) 736-2121

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

Dear Water Right Claimant:

To help you with your water right claim(s) in the Snake River Basin Adjudication, this letter of explanation is being sent to you along with information sent by the Idaho Department of Water Resources (IDWR). Included are the following important documents which I ask you to please read carefully because they give you the opportunity to save a great deal of time and money:

1. **Preliminary Recommendation.** This is IDWR's *initial* finding and conclusion about your water right and how it should be reported to the SRBA Court. This preliminary recommendation is not filed with the court, but is provided to you to help correct errors or resolve any disagreement you may have over its content. This document has been prepared following IDWR's investigation and may be different than the claim(s) you actually filed.

Therefore, please review this preliminary recommendation carefully to find any errors or disagreements you have with IDWR's findings.

2. **Error Correction/Settlement Process.** This preliminary recommendation is a special service provided to you by IDWR to help you correct errors and resolve any other disagreement you have before the actual recommendations are ultimately filed with the court.

A description of how to work with IDWR is included. Our experience in the SRBA shows that by working in cooperation with IDWR most errors and differences can be addressed before coming into court. It's well worth your time to take full advantage of IDWR's helpful service. If your disagreement cannot be resolved, you will be able to file an objection to IDWR's actual recommendation when it is filed in court and have the final decision made by the Presiding Judge.

This error correction service is an important opportunity for you to work together with IDWR to make sure your water right claim(s) are decreed accurately. There is no cost to you other than your time reviewing the preliminary recommendation and talking to IDWR about any problem you see. Of course, you may always employ the services of an attorney if you wish.

The goal of the SRBA is to see that your water right(s) are decreed by the court as accurately and fairly as possible. It is important to me that this is done efficiently in order to reduce your costs and present you with your decree.

I strongly encourage you to take full advantage of this opportunity to use the fine and courteous service provided by IDWR.

Sincerely yours,

Barry Wood

Administrative District Judge and
Presiding Judge of the
Snake River Basin Adjudication

RIGHT NUMBER: 65-02515B

NAME AND ADDRESS: WILLIAM ELD
ELD RANCHES INC
RT 1 BOX 67
MC CALL ID 83638

SOURCE: BOULDER CREEK TRIBUTARY: CASCADE RESERVOIR

QUANTITY: 0.04 CFS
1.2 APY

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

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
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS
			1.2 APY

PLACE OF USE: DOMESTIC Within VALLEY County
T16N R03E S02 SESE

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

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

AJ0749NP
No. R65-02515B

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

DATE: 09/23/99
PAGE: 1

```
=====
OWNER          PRIORITY    USE PERIOD    DIVERSION    DIVERSION
CODE          NAME & ADDRESS    DATE    WATER USE    FROM    TO    RATE    VOLUME
-----
C WILLIAM ELD    08/26/1949    DOMESTIC    01-01    12-31    0.040 CFS    1.20 AFA
C ELD RANCHES INC
  RT 1 BOX 67
  MC CALL ID 83638
                                     TOTAL DIVERSION:    0.040 CFS    1.20 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: DOMESTIC

```

      NE
    NENE NWNE SWNE SENE : NENW NWNW SWNW SENW : NESW NWSW SWSW SESW : NESE NWSE SWSE SESE :
T   R   S : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac :
-----
16N 03E 2 :                               :                               :                               :                               :

```

POU County: VALLEY

Non-Irrigation Uses: 1 HOME

Other Rights: GROUNDWATER FOR IN-HOUSE USE AT THIS P/U.

Conditions of Approval:

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

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

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

Comments: Date: 05/18/1999 User-ID: SBOCK Subject: CHANGES MADE
TO REFLECT WHAT THE CLAIM SHOULD HAVE LOOKED LIKE BEFORE THE
TRANSFER, 4726. THE TRANSFER PUT ALL WATER AND LANDS IN THE
NAME OF EASTERN WESTERN CORP.

Date: 09/23/1999 User-ID: SBOCK Subject: SPLIT
THIS IS A SPLIT FROM 65-02515, THE A PORTION WENT TO EASTERN
WESTERN FOR IRR.

Audit: 09/23/99 SBOCK

AJ0749NP
No. A65-025158

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	WILLIAM ELD	08/26/1949	IRRIGATION	04-15 10-15	1.71 CFS	
C	ELD RANCHES INC		DOMESTIC	01-01 12-31	0.04 CFS	1.20 AFA
	RT 1 BOX 67					
	MC CALL ID 83638					
				TOTAL DIVERSION:	1.71 CFS	1.20 AFA

Water Source: BOULDER CREEK

Tributary to: 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	13	:	38				39												:	77.0
																				TOTAL ACRES	77.0

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

POU County: VALLEY

Non-Irrigation Uses: DOMESTIC, ONE HOME, LAWN, GARDEN & DOMESTIC STOCK.

Other Rights: GROUNDWATER FOR IN-HOUSE USE AT THIS P/U.

Remarks: EXP RECOMMENDED AS RIGHT NO. 65-02515

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
ADJUDICATION CLAIM VERIFICATION REPORT

03:25:24
03/24/99
32

PAGE: 17
PROFILE REPORT

CLAIM NUMBER: A65-02515B

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIAM ELD	08/26/1949	IRRIGATION	04-15 10-15	3.20 CFS	1.20 AFA
C	ELD RANCHES INC		DOMESTIC	01-01 12-31	0.04 CFS	1.20 AFA

TOTAL DIVERSION:

3.20 CFS

1.20 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	2	:																	67.0
16N	03E	13	:	38				39												77.0
																			144.0	

TOTAL ACRES

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

POU County: VALLEY

Non-Irrigation Uses: DOMESTIC, ONE HOME, LAWN, GARDEN & DOMESTIC STOCK.

Other Rights: GROUNDWATER FOR IN-HOUSE USE AT THIS P/U.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:

Presumption Flag:

1.49 67

77

STATE OF IDAHO
RECEIVED IDAHO DEPARTMENT OF WATER RESOURCES

OCT 28 1999

WATER RESOURCES
WESTERN REGION

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number(s):

65-03825A

65-03822

65-03821

65-03827

65-03823

65-03826

disallowed → 65-03825B

65-02515B

65-03824

65-07516

[] Claimant Name(s):

65-07200 65-12120

address is OK →

65-07610

Eld Ranches

[] Old Mailing Address:

2554 E Roseberry Rd

McCall ID 83638

☒ New Mailing Address:

2554 E Roseberry Rd

McCall ID 83638

Telephone Number:

(208) 325-8876

[] Signature of Claimant(s):

for Eld

Date:

10/28/99

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

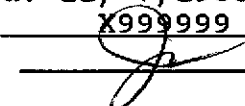
IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A65-02515B

Date Received: 11/ 7/1988

Receipt No: X999999

Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM ELD
Address: RT 1 BOX 67
MC CALL ID

83638

Name: ELD RANCHES INC
Address: RT 1 BOX 67
MC CALL ID

83638

2. Date of Priority: AUG 26, 1949

3. Source: BOULDER CREEK Trib. to: CASCADE RESERVOIR

4. Point of Diversion:

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

5. Description of diverting works:
DIV. DAM IN CREEK WITH DITCH.

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		
DOMESTIC	01/01	12/31	0.040		1.20

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, ONE HOME, LAWN, GARDEN & DOMESTIC STOCK.

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
		13	NE	NE		IRR	38.0
			SE	NE		IRR	39.0
					Section Acres		77.0
					Total Acres		144.0

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:

GROUNDWATER FOR IN-HOUSE USE AT THIS P/U.

14. Remarks:

15. Basis of Claim: DECREED

Case Number: 3667

Court :

Decree date: / /

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

ADJUDICATION MEMORANDUM

CLAIM NO:

A65-02515
A65-02515A

SUBJECT:

DATA ENTRY CORRECTION

EMPLOYEE:

Joe Thurtell

DATE:

11-16-95

It appears there has been duplicate filings for 65-02515. Eld Ranches filed on the entire st. + Eastern Western Corp. on a portion. From the info. in the transfer file it appears Eastern Western owns the E $\frac{1}{2}$ SE $\frac{1}{4}$, T. 2 + Joe Eld owns the E $\frac{1}{2}$ NE $\frac{1}{4}$, T. 13. I am renumbering A65-02515 to A65-02515B leaving A65-02515A as is. When transfer is approved we will amend A65-02515B appropriately.

MICROFILMED

OCT 18 1996

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

RENUMBERED TO: A65-02515B
Ident. Number: A65-02515
Date Received: 11/07/1988
Receipt No: X999999
Received By: QER

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM ELD 208-325-8876
Address: RT. 1 BOX 63
MC CALL, ID 83638

Name: ELD RANCHES INC. 208-325-8876
Address: RT. 1 BOX 63
MC CALL, ID 83638

2. Date of Priority: AUG 26, 1949

3. Source: BOULDER CREEK Trib. to: CASCADE RESERVOIR

4. Point of Diversion:

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

5. Description of diverting works:
DIV.DAM IN CREEK WITH DITCH TO PUMP TO DITCH.

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		
DOMESTIC	01/01	12/31	0.040		1.20

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC FOR ONE HOUSEHOLD, LAWN, & GARDEN, & DOMESTIC STOCK.

A65-02515

Page 1

Date: 11/07/88

MICROFILMED ~~MICROFILMED~~
OCT 18 1996 ~~SEP 18 1992~~

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
		13	NE	NE		IRR	38.0
			SE	NE		IRR	39.0
			Section Acres				77.0
			Total Acres				144.0

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:

GROUNDWATER FOR IN-HOUSE USE AT THIS P/U.

14. Remarks:

15. Basis of Claim: DECREED

Case Number: 3667

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Organizations:

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

be Ell
Signature of Authorized Agent

PRES. ELD RANCHES INC.
Title and Organization

11/7/88
Date

State of Idaho)
County of Valley) SS.

Subscribed and sworn (or affirmed) before me this 7th day
of Nov 19 88

William Gene Gibson
Notary Public

Seal

Residing at Boise, Id

My Commission Expires 9-2-1994

ATTN: GARY SPACKMAN

CONVERSATION MEMORANDUM

DATE 8/1/91

FILE 65-07610

NAME OF PARTY JOE ELD/ELD RANCHES

ALB-2515B

EMPLOYEE STEVE LESTER

RE: _____

PER FIELD EXAM VISIT:

JOE INDICATED THAT AS OWNER/OPERATOR
OF ELD RANCHES (FORMERLY ELD RANCHES INC.),
HE WOULD LIKE TO SHOW THE UPDATED NAME
ON ALL WATER RIGHTS AND SRBA CLAIMS
CURRENTLY LISTED UNDER:

WILLIAM ELD

(WILLIAM = JOE'S

ELD RANCHES INC.

FATHER; WM

ELD RANCHES, INC.

NOW DECEASED)

IS THIS CONV. MEMO SUFFICIENT TO
UPDATE THE NAMES TO ELD RANCHES,
204 E. ROSEBERRY ROAD, MCALL, 83638,
325-8876 ?

CC: JAN SHURTE

ADJUD. SUPERVISOR, WESTERN

MICROFILMED

OCT 18 1996

~~MICROFILMED~~

~~SEP 18 1992~~