

Idaho Dept. of Water Resources

Claim No(s): 65-02663B

T07N, R02E, 26

Created by: Sue Bock

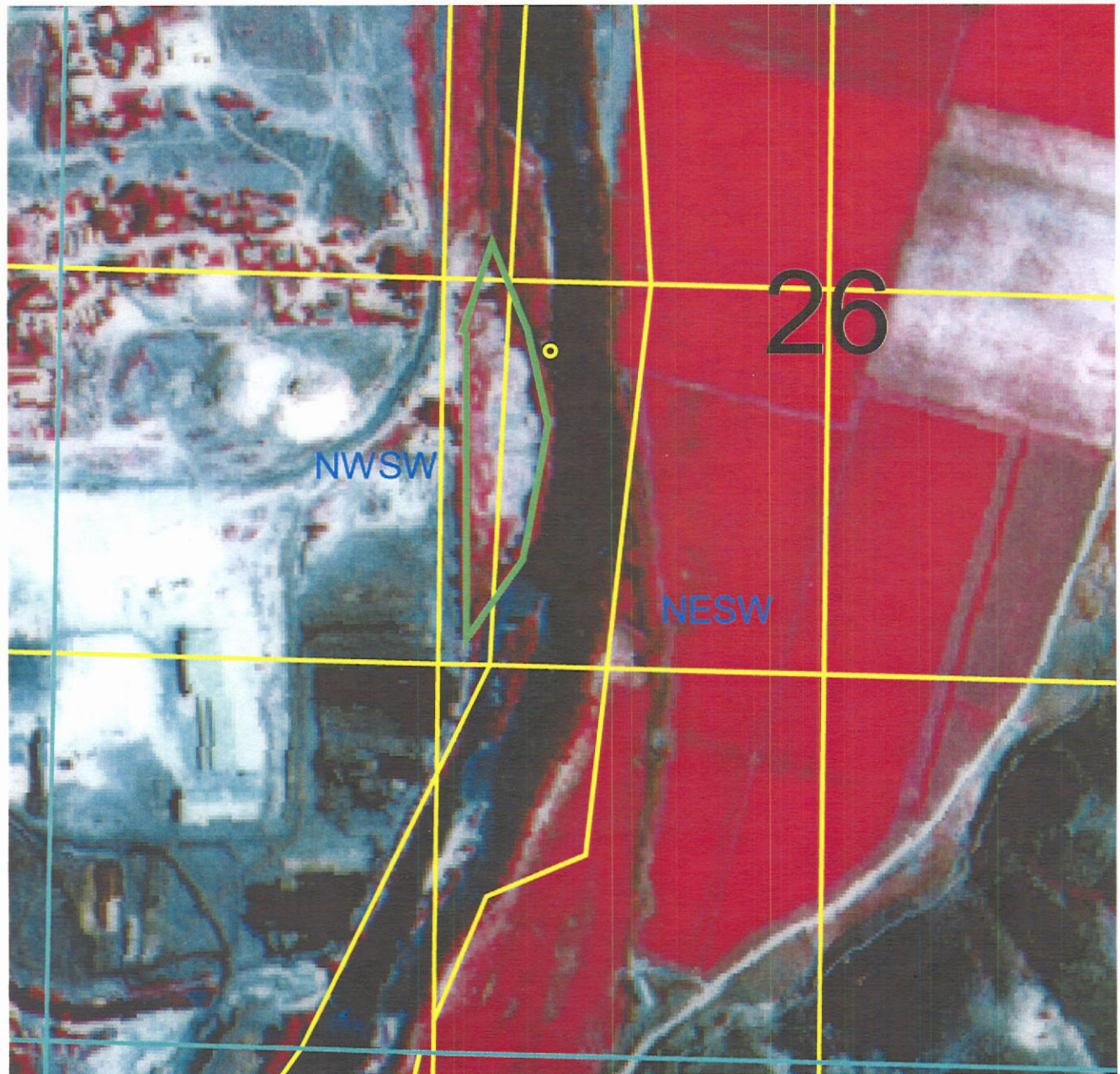
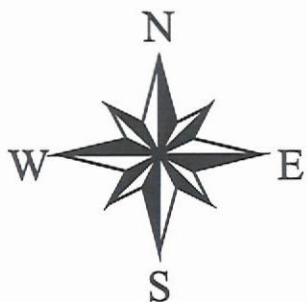
Date: 7/11/2000

 Place of Use

 Point of Diversion

 Section lines

 1/4 1/4 lines

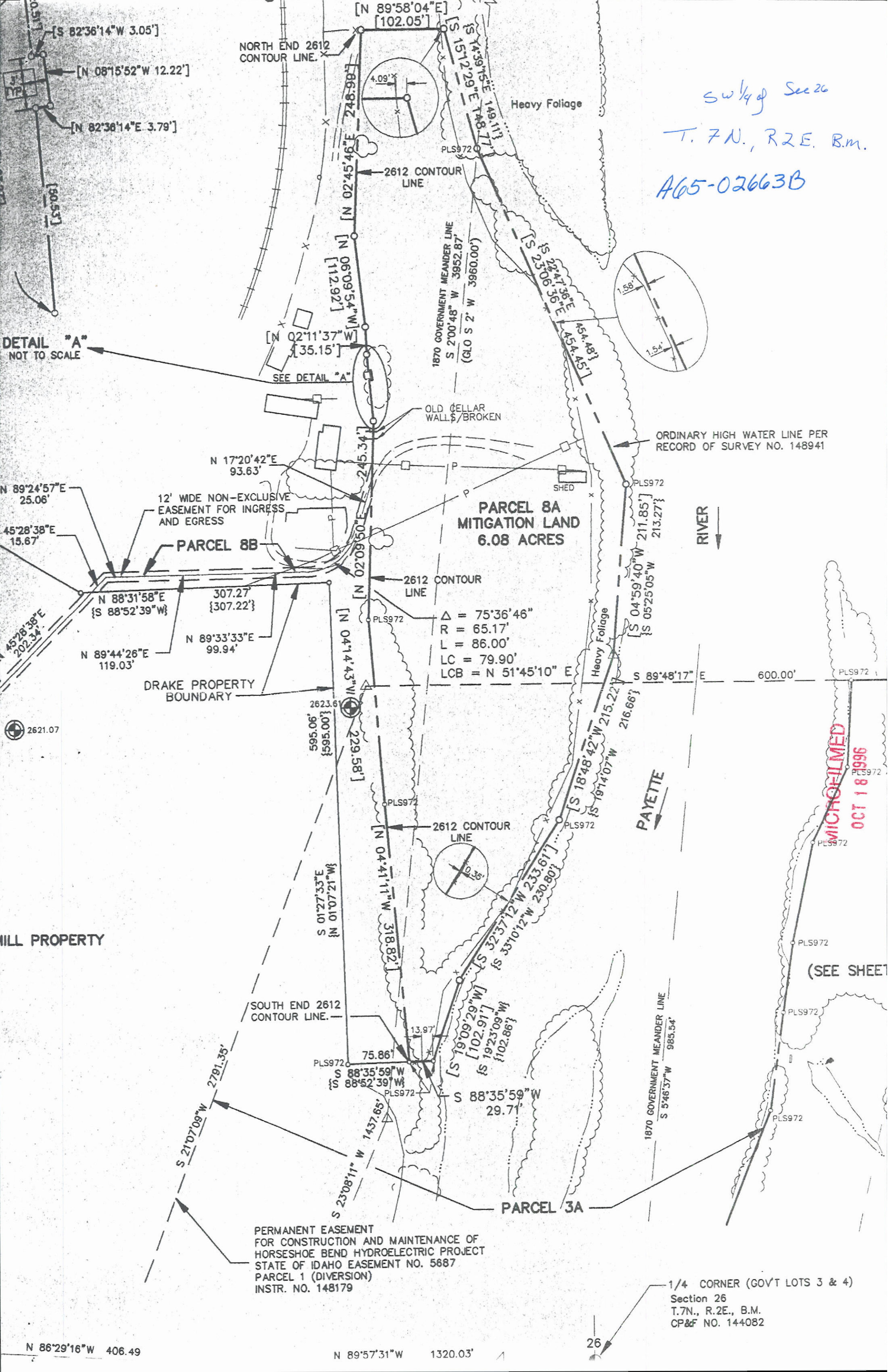


0 1000 2000 3000 Feet

1987 NAPP Photo



MICROFILMED
OCT 18 1996



SW 1/4 of Sec 26
T. 7N., R. 2E. B.M.
A65-02663B

DETAIL "A"
NOT TO SCALE

PARCEL 8A
MITIGATION LAND
6.08 ACRES

PARCEL 8B

PARCEL 3A

ORDINARY HIGH WATER LINE PER
RECORD OF SURVEY NO. 148941

RIVER

PAYETTE

(SEE SHEET

PERMANENT EASEMENT
FOR CONSTRUCTION AND MAINTENANCE OF
HORSESHOE BEND HYDROELECTRIC PROJECT
STATE OF IDAHO EASEMENT NO. 5687
PARCEL 1 (DIVERSION)
INSTR. NO. 148179

1/4 CORNER (GOV'T LOTS 3 & 4)
Section 26
T. 7N., R. 2E., B.M.
CP&F NO. 144082

MICROFILMED
OCT 18 1996
6661 JCO

N 86°29'16"W 406.49

N 89°57'31"W 1320.03'

26

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: **A65-02663B**
Date Received: 3/27/1989
Receipt No: X999999
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: HORSHOE BEND HYDROELECTRIC COMPANY 208-345-7515
Address: PO BOX 2797
1401 SHORELINE DRIVE
BOISE ID 83701

2. Date of Priority: OCT 21, 1959

3. Source: PAYETTE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	02E	26				6	BOISE
			NE		SW	6	BOISE

5. Description of diverting works:
STREAMSIDE PUMP W/PIPELINE TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.120		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	02E	26	NW	SW	6	IRR	6.0

10. Place of Use: Continued

Section Acres 6.0

Total Acres 6.0

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

NONE

14. Remarks:

THIS CLAIM IS A RESULT OF A CHANGE OF OWNERSHIP FOR A PORTION OF
CLAIM A65-02663 4/12/1996 BY MTS. FEE EXEMPT DUE TO PRBA.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

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

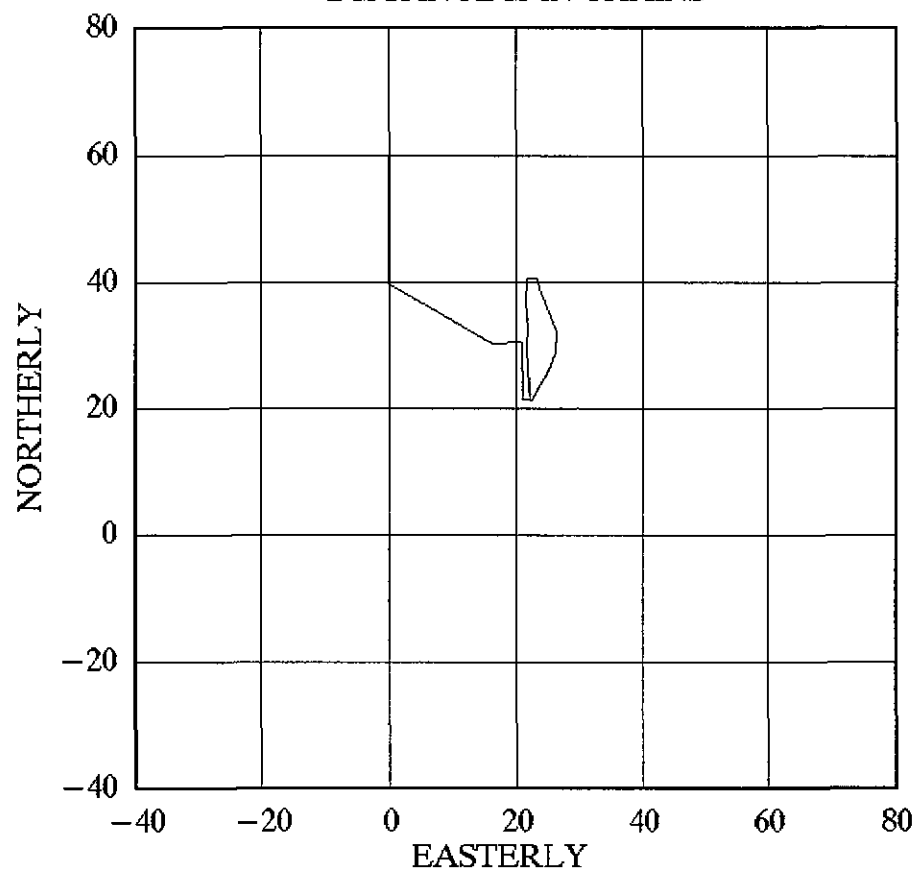
Notary Public

Seal

Residing at _____

My Commission Expires _____

PARCEL PLOT - METES & BOUNDS
DISTANCE IS IN CHAINS



MICROFILMED

OCT 18 1996

GOV'T LOT 3 EXCEPTION

METES AND BOUNDS TABLE

***PRESS ALT P TO PRINT GRA

	X-COR	Y-COR	ANGLE			BEARING DIST (FT)
			DEGREES	MINUTES	SECONDS	
BEGIN POINT COR. (SEE SHEET)	0.00	80.00				
	-0.19	39.76	0.00	16.00	2.00 SW	2655.80
	16.18	30.31	60.00	0.00	21.00 SE	1247.28
	20.83	30.43	88.00	31.00	58.00 NE	307.27
	21.06	21.42	1.00	27.00	33.00 SE	595.06
	22.21	21.45	88.00	35.00	59.00 NE	75.86
-QUAD COEF-						
IF NE, X=1,Y=1	21.82	26.26	4.00	41.00	11.00 NW	318.82
IF SE, X=1,Y=-1	21.56	29.73	4.00	14.00	43.00 NW	229.58
IF SW, X=-1,Y=-1	21.69	33.29	2.00	9.00	50.00 NE	235.34
IF NW, X=-1,Y=1	21.63	34.06	4.00	47.00	10.00 NW	50.53
	21.69	34.06	82.00	36.00	14.00 NE	3.79
	21.66	34.25	8.00	15.00	52.00 NW	12.22
	21.62	34.24	82.00	36.00	14.00 SW	3.05
	21.59	34.55	4.00	47.00	10.00 NW	20.51
	21.57	35.08	2.00	11.00	37.00 NW	35.15
	21.39	36.78	6.00	9.00	54.00 NW	112.92
	21.57	40.55	2.00	45.00	46.00 NE	248.99
	23.11	40.55	89.00	58.00	4.00 NE	102.05
	23.70	38.38	15.00	12.00	29.00 SE	148.77
	26.41	32.05	23.00	6.00	36.00 SE	454.45
	26.13	28.85	4.00	59.00	40.00 SW	211.85
	25.08	25.76	18.00	48.00	42.00 SW	215.22
	23.17	22.78	32.00	37.00	12.00 SW	233.61
	22.66	21.31	19.00	9.00	29.00 SW	102.91
	22.21	21.30	88.00	35.00	59.00 SW	29.71
	22.21	21.30				

MICROFILMED
OCT 18 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

APR 09 1996

WATER RESOURCES
WESTERN REGIONDATE OF CLOSING: 5-11-95LEGAL DESCRIPTION OF PROPERTY: Township 7 North Range 2 East

Section 26, SW 1/4 of NW 1/4 of 1/4, Gov't Lot 7, B.M. and T7N, R2E,
Lot _____, Block _____, Subdivision/Townsite _____, Sec 26, NW4, SW4,
If you have additional legal descriptions, please attach separate sheet. Gov't Lot 6, B.M.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s)
Assigned by IDWR: A65-02663

☒ Name and Address of Former Owner/Claimant(s)(Seller): Catherine M. Drake
P.O. Box 2

☐ New Owner/Claimant
☒ (Purchaser): Horseshoe Bend, ID 83629
Horseshoe Bend Hydroelectric Company

☒ New Mailing Address: P.O. Box 2797, 1401 Shoreline Drive
Boise, ID 83701

☒ New Telephone Number: (208) 345 - 7515

☐ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

A prorata portion of the applicable water right

☒ Attach proof of ownership, describe proof attached: Copy of Warranty Deed to Horseshoe Bend Hydroelectric Company

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s): Horseshoe Bend Hydroelectric Company Date 4-5-96
Cliff W. Clark, Corp. Secretary Date _____

☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:

Further Action Taken
Date: _____ By: _____

Final Review and Data-Entry
Date: 4-12-96 By: MTS
Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED

OCT 18 1996

RECEIVED

APR 09 1996

WATER RESOURCES
WESTERN REGION

WARRANTY DEED

FOR VALUABLE CONSIDERATION in hand paid, the receipt and legal sufficiency of which is hereby acknowledged, Catherine M. Drake (who is also known as Maxine Drake), a widow, as "GRANTOR", does by these presents hereby grant, bargain, sell, CONVEY AND WARRANT unto Horseshoe Bend Hydroelectric Company, a Delaware corporation having its principal office at 1401 Shoreline Drive, Boise, Idaho 83701, as "GRANTEE", all that certain tract, lot, piece, and parcel of land (hereinafter referred as the "PREMISES") situated in the County of Boise, State of Idaho, and which is more particularly described as follows:

SEE EXHIBIT "A", which is attached hereto and by this reference incorporated herein.

GRANTOR does hereby covenant to and with said GRANTEE, that GRANTOR is the owner in fee simple of said PREMISES; that said PREMISES are free and clear from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made suffered or done by GRANTEE; and that GRANTOR will warrant and defend the same from all lawful claims whatsoever.

SUBJECT TO:

1. All reservations, restrictions, dedications, easements, rights of way and agreements as appear of record or by use upon the PREMISES.
2. A 12 foot wide, non-exclusive easement across the PREMISES which is reserved by GRANTOR for the benefit of and which shall be appurtenant to the property retained by GRANTOR (which is the "dominant tenement" and is more completely described in Exhibit "B" which is attached hereto and by this reference incorporated herein) for the following purposes:
 - A. The right to locate (at the expense of GRANTOR, her heirs and assigns), a residential grade electrical line and associated power poles on the PREMISES.
 - B. The right to locate (at the expense of GRANTOR, her heirs and assigns), a 2 inch diameter or smaller irrigation water line on the PREMISES which extends from the Payette River to the dominant tenement.
 - C. The right of ingress and egress from the dominant tenement across the PREMISES to the Payette River to maintain and repair (at the expense of GRANTOR, her heirs and assigns), irrigation pumps, water lines and electrical lines.

MICROFILMED

OCT 18 1996

3. General taxes and assessments which constitute a lien but which are not yet due and payable.

TOGETHER, with all and singular, the tenements, hereditaments, and appurtenances thereto belonging, or in anywise appertaining and the reversion and the reversions, remainder and remainders, rents, issues, and profits thereof.

TO HAVE AND TO HOLD the said PREMISES, with its appurtenances unto the said GRANTEE, their heirs and assigns forever.

IN WITNESS WHEREOF, the GRANTOR has caused these presents to be signed by a duly authorized officer of the GRANTOR on the date set forth below.

Catherine M. Drake
Catherine M. Drake

Date: 5/11/95

BOISE COUNTY IDAHO SS
REQUEST OF

Stewart Title
DATE _____ E _____ N.

State of Idaho)
County of Ada)

SS.

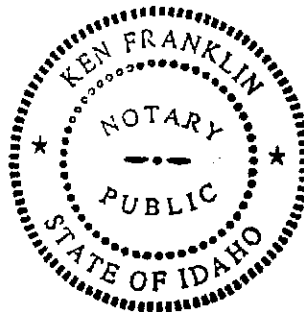
155975

95 MAY 11 PM 3:55

RECEIVED
BY Shirley George
FEE \$27.00

On this 11th day of MAY, 1995, before me, a Notary Public, in and for said State, personally appeared Catherine M. Drake, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

(Notary Seal)



Ken Franklin
NOTARY PUBLIC

Residing at: Boise
My Commission Expires: 10-5-98



Engineers Surveyors Planners

Project: 19847
Date: April 11, 1995

RECEIVED

APR 09 1996

WATER RESOURCES
WESTERN REGION

DESCRIPTION FOR THE
DRAKE MITIGATION LANDS
A PORTION OF THE SOUTHWEST 1/4,
SECTION 26, T.7N., R.2E., B.M., BOISE COUNTY, IDAHO

A parcel of land being a portion of the SW 1/4 of Section 26, T.7N., R.2E., B.M., Boise County, Idaho, and more particularly described as follows:

Commencing at a found brass cap at the Northwest corner of Section 26, said corner being common to Sections 22, 23, 27, and 26, T.7N., R.2E., B.M., Boise County, Idaho;

thence Southerly along the West line of Section 26, South 00°16'02" West, 2,655.80 feet (South 00°16'02" West, 2,655.80 feet per ROS No. 148941, on file in the office of the Boise County Recorder, referred to in the following courses as R:) said point being the 1/4 corner between Sections 26 and 27;

thence leaving said Westerly boundary South 60°00'21" East, 1,247.28 feet to a 1/2-inch iron pipe with tag L.S. 972, said point being on the Easterly right-of-way line of the Oregon Shortline Railroad, as shown on said record of survey and being a point on the Southerly boundary of the Drake property;

thence leaving said right-of-way and continuing along the Southerly line of the Drake property North 88°31'58" East 307.27 feet (R = South 88°52'39" West, 307.22 feet) to a 1/2-inch iron pipe with cap L.S. 972 at an angle point in the Drake boundary as shown on said record of survey;

thence along the Easterly boundary of the Drake property South 01°27'33" East, 595.06 feet (R = North 01°07'21" West, 595.00 feet) to a 1/2-inch iron pipe with cap L.S. 972 at an angle point in the Southerly boundary of said Drake property as shown on said record of survey;

thence North 88°35'59" East, 75.86 feet along the Southerly line of said Drake property (R = South 88°52'39" West) to a found 1/2-inch iron pin; said point marking the 2612 contour line and being the TRUE POINT OF BEGINNING;

thence along said 2612 contour line the following courses:

North 04°41'11" West, 318.82 feet to a found 1/2-inch iron pin L.S. 972;

North 04°14'43" West, 229.58 feet to a found 1/2-inch iron pin L.S. 972;

North 02°09'50" East, 245.34 feet to a set 5/8-inch rebar with cap P.L.S. 7612;

North 04°47'10" West, 50.53 feet to a set 5/8-inch rebar with cap P.L.S. 7612;

MICROFILMED

OCT 18 1996



Engineers Surveyors Planners

Project: 19847
 Date: April 11, 1995
 Page: -2- Description for the Drake Mitigation Lands

thence leaving said contour line and running parallel to and 3.0 feet from the existing wellhouse the following courses:

North 82°36'14" East, 3.79 feet to a set 5/8-inch rebar with cap P.L.S. 7612;

North 08°15'52" West, 12.22 to a set 5/8-inch rebar with cap P.L.S. 7612;

South 82°36'14" West, 3.05 to a set 5/8-inch rebar with cap P.L.S. 7612;
 said point being on the 2612 contour line;

thence leaving said wellhouse and continuing along the 2612 contour line the following courses;

North 04°47'10" West, 20.51 feet to a found 1/2-inch iron pin L.S. 972;

North 02°11'37" West 35.15 feet to a 5/8-inch rebar with cap P.L.S. 7612;

North 06°09'54" West, 112.92 feet to a 5/8-inch rebar with cap P.L.S. 7612;

North 02°45'46" East, 248.99 to a 5/8-inch rebar with cap P.L.S. 7612;

thence leaving said contour line North 89°58'04" East 102.05 feet to a found 1/2-inch iron pin L.S. 972; said point being an angle point on the right bank of the ordinary highwater line of the Payette River as shown on said record of survey;

thence continuing along said highwater line the following courses:

thence South 15°12'29" East, 148.77 feet (R = South 14°39'15" East, 149.11 feet) to a 1/2-inch iron pipe L.S. 972;

thence South 23°06'36" East, 454.45 feet (R = South 22°47'36" East, 454.48 feet) to a 1/2-inch iron pipe L.S. 972;

thence South 04°59'40" West 211.85 feet (R = South 05°25'05" West, 213.27 feet) to a 1/2-inch iron pipe with cap L.S. 972;

thence South 18°48'42" West, 215.22 feet (R = South 19°14'07" West, 216.66 feet) to a 1/2-inch iron pipe L.S. 972;

thence South 32°37'12" West, 233.61 feet (R = South 33°10'12" West, 230.80 feet) to a 1/2-inch iron pipe L.S. 972;

thence South 19°09'29" West, 102.91 feet (R = South 19°23'09" West 102.86 feet), to a found 1/2-inch iron pin L.S. 972;

thence leaving said highwater line, South 88°35'59" West, 29.71 feet (R = South 88°52'39" West) along the Southerly property line of said Drake property to the TRUE POINT OF BEGINNING;

MICROFILMED

OCT 18 1995



Engineers Surveyors Planners

Project: 19847
Date: April 11, 1995
Page: -3- Description for the Drake Mitigation Lands

Contains 6.08 acres or 264,996 square feet, more or less.

See Exhibit "A" attached hereto and made a part hereof.

SUBJECT TO:

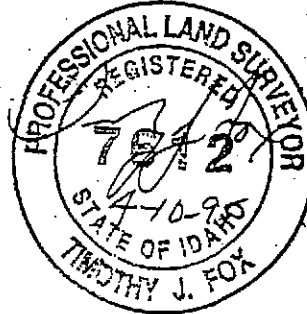
All existing easements and road rights-of-way of record or appearing on the above-described parcel of land.

SUBJECT TO:

A 25-foot pedestrian easement being the Easterly 25.00 feet of the above-described parcel of land.

Prepared by:

J-U-B ENGINEERS, Inc.



TJF:ls

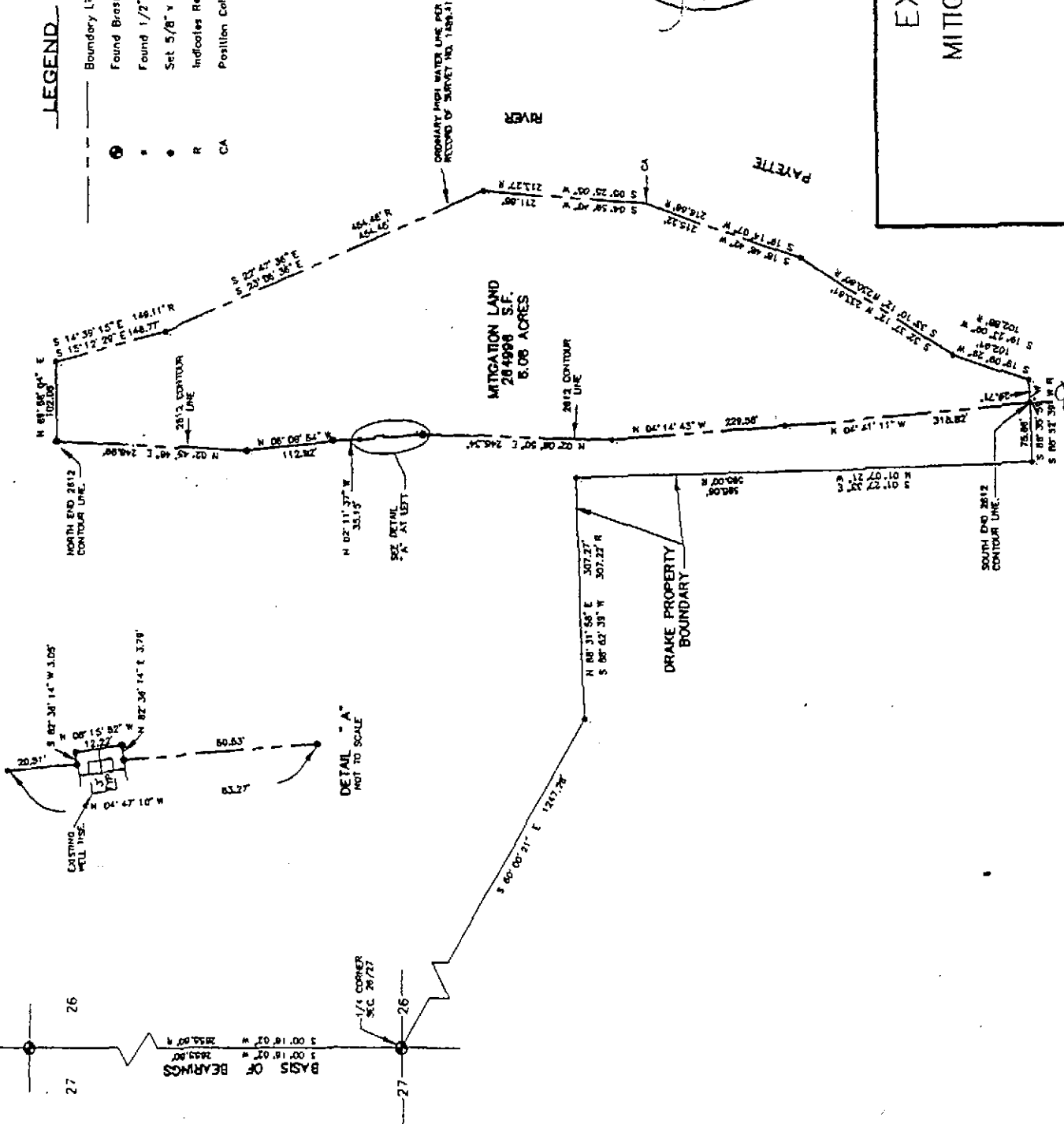
Timothy J. Fox, P.L.S.

MICROFILMED
OCT 18 1996

AQAD DWG. RQS-EXA

LEGEND

Position Calculated By Compass Adjustment Nothing Set



RECEIVED

APR 09 1996

WATER RESOURCES
WESTERN REGION

A parcel of land being a portion of the West half of Section 26, Township 7 North, Range 2 East, Boise Meridian, Boise County, Idaho, and more particularly described as follows:

BEGINNING at a brass cap marking the Northwest corner of the Northwest Quarter of Section 26, Township 7 North, Range 2 East, Boise Meridian, Boise County, Idaho; thence
South 0 degrees 16'02" West a distance of 1,327.90 feet
along the Westerly boundary of said Section 26, to a point marking the Northwest corner of the Southwest Quarter of the Northwest Quarter of Section 26, thence leaving said Westerly boundary
South 89 degrees 50'26" East a distance of 1,372.07 feet
along the Northerly boundary of the South half of the Northwest Quarter of Section 26, to an iron pin on the Easterly right-of-way line of Oregon Short Line Railroad, said point being the REAL POINT OF BEGINNING, thence leaving said right-of-way and continuing along said Northerly boundary
South 89 degrees 50'26" East a distance of 78.72 feet to an iron pin on the right bank of the ordinary high-water line of the Payette River, thence leaving said Northerly boundary and continuing along said ordinary highwater line the following courses and distances:
thence
South 01 degrees 39'22" West a distance of 245.54 feet to an iron pin; thence
South 01 degrees 12'57" East a distance of 444.03 feet to an iron pin; thence
South 03 degrees 40'03" East a distance of 428.66 feet to an iron pin; thence
South 00 degrees 47'55" East a distance of 153.65 feet to an iron pin; thence
South 14 degrees 39'15" East a distance of 149.11 feet to an iron pin; thence
South 22 degrees 47'36" East a distance of 454.48 feet to an iron pin; thence
South 05 degrees 25'05" West a distance of 213.27 feet to an iron pin; thence
South 19 degrees 14'07" West a distance of 216.66 feet to an iron pin; thence
South 33 degrees 10'12" West a distance of 230.80 feet to an iron pin; thence
South 19 degrees 23'09" West a distance of 102.86 feet to an iron pin; thence leaving said ordinary high-water line
South 88 degrees 52'39" West a distance of 52.59 feet to a chiseled cross in a stone monument, thence continuing
South 88 degrees 52'39" West a distance of 53.00 feet to an iron pin; thence

MICROFILMED

OCT 18 1996

Continuation of Exhibit B

Order No. ST-94051475B

North 01 degrees 07'21" West a distance of 595.00 feet to
an iron pin; thence

South 88 degrees 52'39" West a distance of 307.22 feet to
an iron pin on the Easterly right-of-way line of the
Oregon Short Line Railroad, said point also marking
a point of beginning of curve; thence along said right-
of-way, Northeasterly along a curve to the left, 608.52
feet, said curve having a central angle of 45 degrees
29'56", a radius of 766.30 feet, tangents of 321.33
feet and a long chord of 592.66 feet bearing

North 30 degrees 59'01" East to an iron pin marking a point
of spiral; thence Northeasterly along a spiral curve
to the left, a distance of 273.98 feet, said spiral
curve having a central angle of 09 degrees 19'07" and
a long chord of 237.72 feet bearing

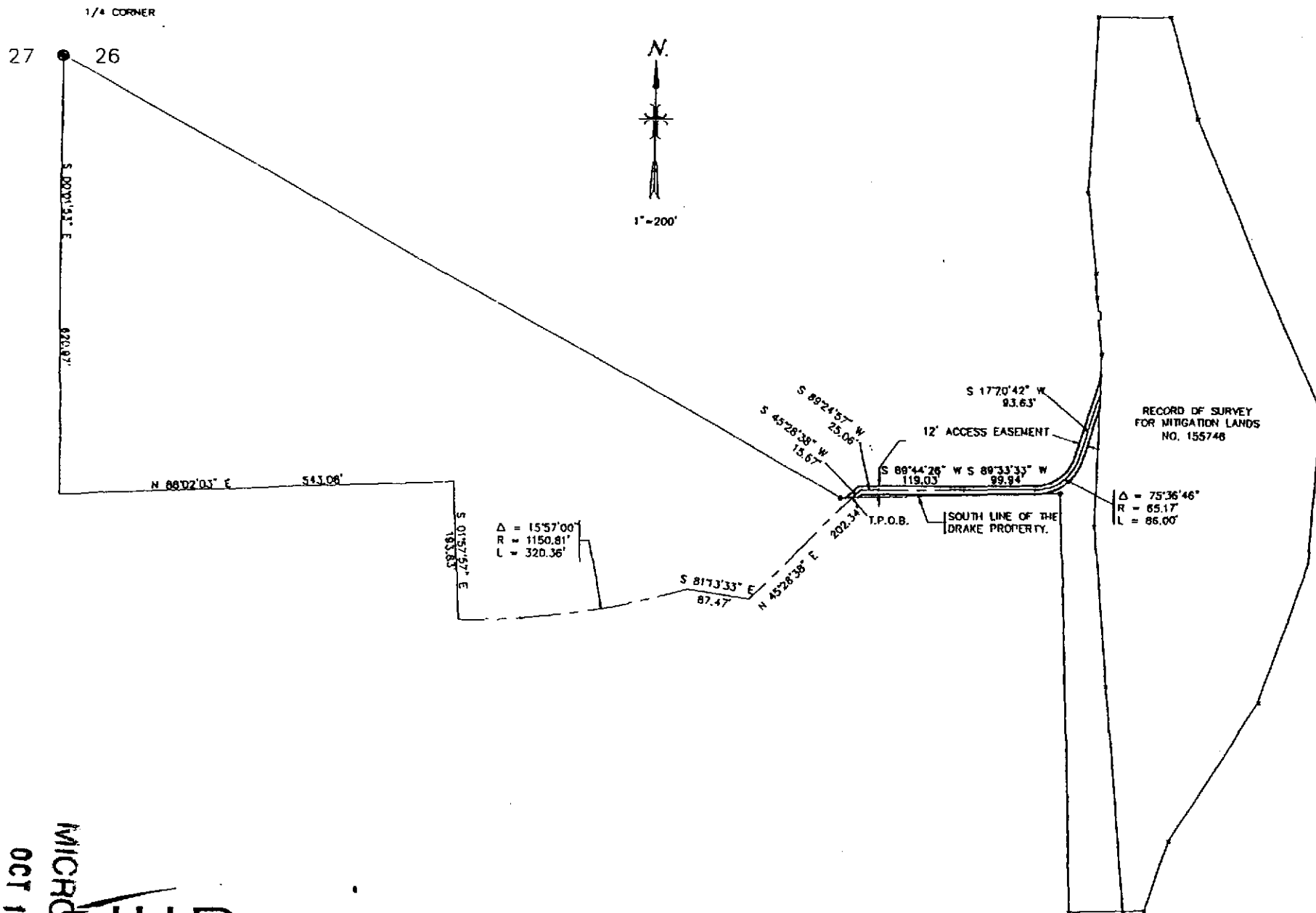
North 02 degrees 10'22" East to an iron pin marking a point
of tangent; thence

North 00 degrees 55'58" West a distance of 704.50 feet to
an iron pin marking a point of beginning of curve;
thence Northeasterly along a curve to the right, a
distance of 507.99 feet, said curve having a central
angle of 13 degrees 01'28", a radius of 2,234.70 feet,
tangents of 255.09 feet and a long chord of 506.89
feet bearing

North 05 degrees 34'46" East to the POINT OF BEGINNING.

EXCEPTING Therefrom that parcel of land described in Exhibit
"A" of this document.

EXHIBIT "A"



RECEIVED

APR 09 1996

WATER RESOURCES
WESTERN REGION

THIS INDENTURE, Made this 24th day of November in the year of our Lord one thousand nine hundred and forty-eight, between CALVIN C. DRAKE and MARGARET L. DRAKE, husband and wife of Horseshoe Bend, County of Boise, State of Idaho, the parties of the first part, and ALLAN R. DRAKE and CATHERINE M. DRAKE, husband and wife, of Horseshoe Bend, County of Boise, State of Idaho, the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Ten Dollars, lawful money of the United States of America and other good and valuable considerations to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in the County of Boise, State of Idaho, to-wit:

A part of Lot Six (6), Section Twenty-six (26), Township Seven (7) North of Range Two (2) East, B.M., described as follows: The point of commencement is a large embedded rock with a chiseled cross upon its top, lying about fifty feet West of the West Bank of the Payette River and approximately one hundred feet North of the Southeast and West Quarter line of Section 26, and directly East of Block 30 of the Horseshoe Bend Platted townsite, said platted townsite being a matter of record in Boise County. Beginning at said embedded rock, thence West 53 feet in a parallel line with the geological survey; thence North 595 feet in a parallel line with the East line of First Street of the platted Townsite of Horseshoe Bend; thence East 300 feet to a large Cottonwood tree situated on the West or right bank of the Payette River, thence following the said West bank downstream to a point opposite the place of beginning; thence West 50 feet to the embedded rock and place of beginning, in Boise County, Idaho, Also

Beginning at a point on the West Bank of the Payette River (Said river being designated as a navigable stream at this point) where the center line of Section Twenty-six (26), (said line being the line between Lots Six (6) and Seven (7), Township Seven (7) North, Range Two (2) East B.M.) intersects with said river bank, thence following the West bank of said River North 20 chains to a point where the Quarter line intersects the River bank; thence West 77 feet to the East line of the O.S.L.R.R. Co. right of way, thence South along said right of way to the point of intersection of the center line of Section Twenty-six (26), thence East 148 feet to the place of beginning, containing 3.67 acres, all lying and being in Lot Seven (7) ALSO Commencing at a point where the center line of Section 26 intersects the West Bank of the Payette River, thence following the said bank downstream to a point opposite a point 459 feet due south from the point of beginning and marked by a large Cottonwood tree; thence in a westerly direction 538 feet to the East line of the R.O.W. of the O.S.L.R.R. Co., being 530 feet South from the East and West center line of Section 26 and marked by a rock; thence northerly along the East line of the R.O.W. to the center line of said Section 26, thence East 148 feet to the place of beginning, all lying and being in Lot Six (6), Section Twenty-six (26), Township 7 North, Range 2 East B. M., Boise County, Idaho, containing 3.46 acres more or less.

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

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever, and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Calvin C. Drake (SEAL)
Margaret L. Drake (SEAL)

STATE OF IDAHO,)
COUNTY of Boise)

On this 7th day of September, 1955, before me the undersigned, Jean L. Quinn, a Notary Public in and for said State, personally appeared Calvin C. Drake and Margaret L. Drake, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

SEAL Jean L. Quinn
Notary Public for the State of Idaho,
Residing at Horseshoe Bend, Idaho.

MICROFILMED

OCT 18 1996

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A65-02663
Date Received: 3/27/1989
Receipt No: X999999
Received By: EJR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALLEN R. DRAKE 208-793-2485
Address: P.O. BOX 02
HORSESHOE BEND, ID 83629

2. Date of Priority: OCT 21, 1959

3. Source: PAYETTE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07N	02E	26		6	BOISE
			NE SW	6	BOISE

5. Description of diverting works:
STREAMSIDE PUMP W/PIPELINE TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07N	02E	26	SW NW	7	IRR	4.0
			NW SW	6	IRR	6.0
Section Acres						10.0

A65-02663

Page 1

Date: 03/27/89

MICROFILMED MICROFILMED

OCT 18 1996

SEP 2 1992

10. Place of Use: Continued

Total Acres 10.0

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:
NONE

14. Remarks:

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

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

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 _____

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: 65-02663

DATE RECEIVED: 03/27/89

RECEIPT NO: exempt

RECEIVED BY: EAC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: ALLEN R. DRAKE
ADDRESS: P.O. Box 2
HORSESHOE BEND, ID 83629

(208) 793-2485

2. DATE OF PRIORITY: OCT 21, 1959

3. SOURCE: PAYETTE RIVER

TRIB. TO: Snake River mb

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4	LOT	COUNTY
07N	02E	26				6	BOISE
			NE	SW		6	BOISE

5. DESCRIPTION OF DIVERTING WORKS:

Streamside pump to pipeline to sprinklers mb

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(OR)	A.F.A.
IRRIGATION	04/01	11/01	0.200		

7. TOTAL QUANTITY APPROPRIATED IS:

0.200 C.F.S. (AND/OR)

A.F.A.

8. TOTAL CONSUMPTIVE USE IS

ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

None

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
07N	02E	26	SW	NW	7	IRR	4.0
			NW	SW	6	IRR	6.0

SECTION ACRES 10.0

10. PLACE OF USE: CONTINUED

TOTAL ACRES

10.0

11. PLACE OF USE IN COUNTIES: BOISE, BOISE

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

13. OTHER WATER RIGHTS USED:

None NO

14. REMARKS:

15. BASIS OF CLAIM: DECREE

CASE NUMBER:

COURT :

DECREE DATE: 1/21/1986

STATE OF IDAHO

DECREE PLAINTIFF

A & C CORP., ET AL.

VS

DECREE DEFENDANT

MICROFILMED

OCT 18 1996

~~MICROFILMED~~

SEP 21 1992

1990

NUMBER OF ATTACHMENTS: _____

SIGNATURE OF CLAIMANT(S): Allen J. Drake DATE: 3/14/89
Wynne Drake DATE: 3/14/89

DATE

RESIDING AT Horseshoe Bend
MY COMMISSION EXPIRES 2/10/92

10/25/2000

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

RIGHT NUMBER: 65-2663B

NAME AND ADDRESS: HORSHOE BEND HYDROELECTRIC COMPANY
PO BOX 2797
1401 SHORELINE DRIVE
BOISE, ID 83701

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.12 CFS

PRIORITY DATE: 10/21/1959

POINT OF DIVERSION: T07N R02E S26 LOT 6 NESW Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4-01 11-01	0.12 CFS

PLACE OF USE:

IRRIGATION Within BOISE County
T07N R02E S26 LOT 6 NWSW 6
6 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:12:22
06/10/00
337

PAGE: 17
PROFILE REPORT

CLAIM NUMBER: A65-026638

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HORSHOE BEND HYDROELECTRIC COMPANY	10/21/1959	IRRIGATION	04-01 11-01	0.120 CFS	0.120 CFS
TOTAL DIVERSION:					0.120 CFS	

Water Source: PAYETTE RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T07N R02E S26 Lot06() Lot06(NESW)

BOISE 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	Lt	Ac	SUM
07N	02E	26	:																			6.0
TOTAL ACRES																					6.0	

POU County: BOISE

Non-Irrigation Uses: NONE

Other Rights: NONE

Remarks: GEN THIS CLAIM IS A RESULT OF A CHANGE OF OWNERSHIP FOR A PORTION OF
CLAIM A65-02663 4/12/1996 BY MTS. FEE EXEMPT DUE TO PRBA.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:

Presumption Flag:

C18

Idaho Dept. of Water Resources

Claim No(s): 65-02663B

T07N, R02E, 26

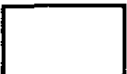
Created by: Sue Bock

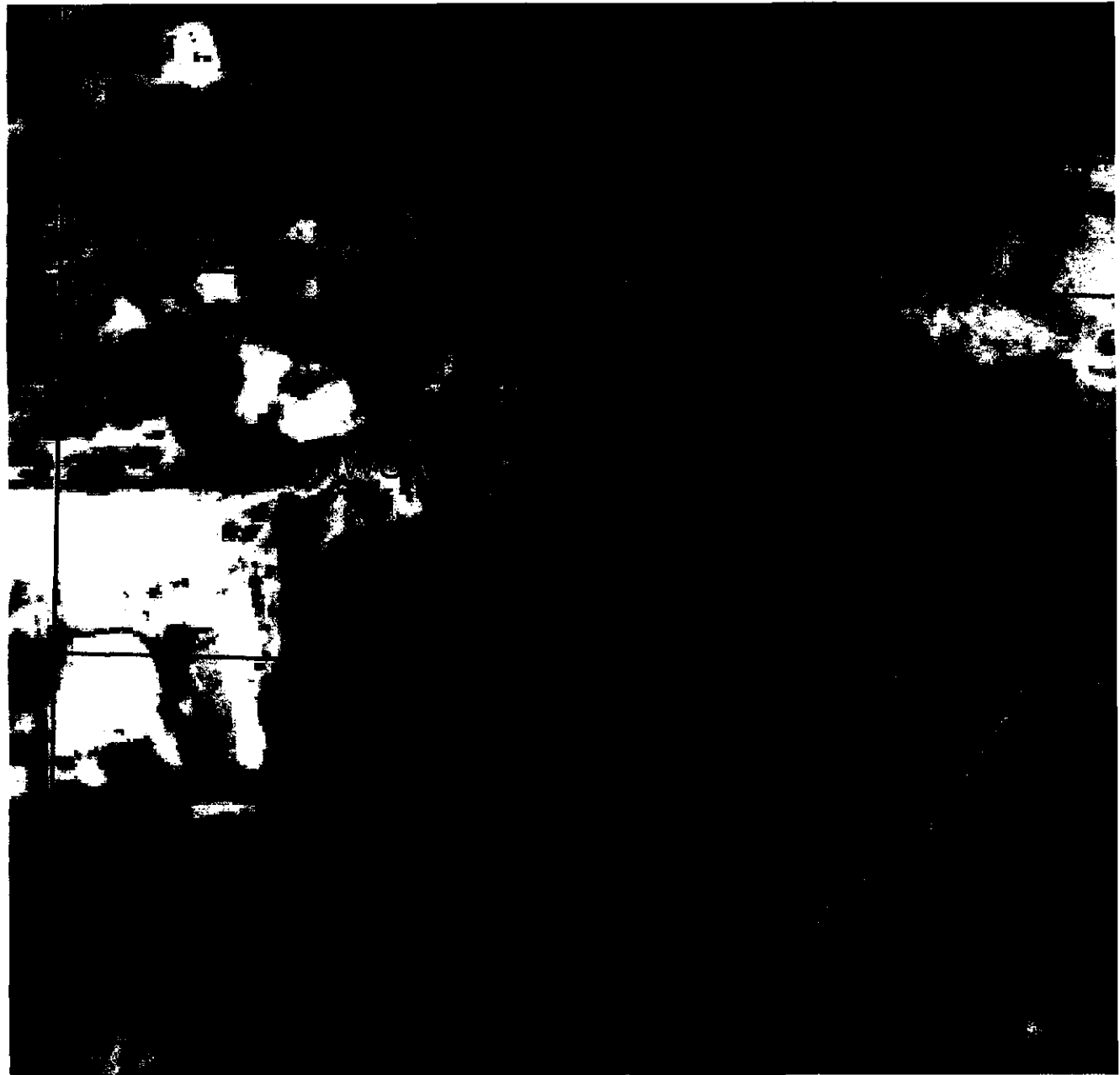
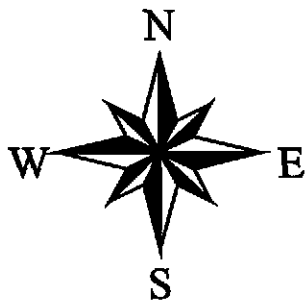
Date: 7/11/2000

 Place of Use

 Point of Diversion

 Section lines

 1/4 1/4 lines



0

1000

2000

1987 NAPP Photo
3000 Feet



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

April 12, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

KIT CLARK
GENERAL COUNSEL
HORSESHOE BEND HYDROELECTRIC CO
PO BOX 2797
BOISE ID 83701

Dear Kit:

Enclosed for your records is a copy of claim A65-02663B. This claim reflects the split of right A65-02663 and your purchase of six acres from Catherine M Drake. The survey maps you provided were very helpful in determining the proration of the original claim filed by the Drakes.

There is nothing else you need to do at this time concerning your claim. If you have any questions please call me at the number below.

Sincerely,

Mel Schulte
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

Enc
OwnershipHorseshoeA6502663B

MICROFILMED

OCT 18 1996

HORSESHOE BEND HYDROELECTRIC COMPANY
P.O. BOX 2797
1401 SHORELINE DRIVE
BOISE, IDAHO 83701
FACSIMILE NO.: (208)345-7028
TELEPHONE NO.: (208)345-7515

RECEIVED
APR 09 1996
WATER RESOURCES
WESTERN REGION

April 8, 1996

Mr. Mel Schulte
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

RE: Submission Of Notice Of Change Of Water Right Ownership

Dear Mel:

Enclosed herewith you will find a form entitled "New Property Owner Notice Of Change Of Water Right Ownership" which relates to the claim for the transfer of a portion of water right A65-02663.

As previously discussed, the claim represented by A65-02663 was originally filed by Allen R. Drake on property located in Section 26 of Township 7N, Range 2E, Boise Meridian. Mr. Drake passed away several years ago, Catherine M. Drake is his surviving spouse. Our records show that Allen and Catherine Drake acquired their interest in the subject property in the year 1955 pursuant to Instrument No. 61664 of the Official Records of Boise County, State of Idaho (copy of that deed accompanies this letter). During the course of ownership by the Drakes, a record of survey was performed to clarify the boundaries of the land owned by the Drakes. This document was recorded as Record of Survey #148941 of the Official Records of Boise County (a copy of that Record of Survey is also enclosed for your review). It is unclear to me as to how the Record of Survey may have affected the water right set forth within A65-02663. Hopefully the inclusion of this information will provide you with some additional data which will be of benefit to you apportioning the water rights which relate to the land acquired by Horseshoe Bend Hydroelectric Company.

Thank you very much for your attention to this matter.

Best Regards,



Kit Clark
General Counsel and
Corporate Secretary

KC/vw

Enclosures

cc: Joe Davis
Kathy Pfister
Mark Dawson

MICROFILMED
OCT 18 1996



MICROFILMED
OCT 18 1996

Split Tree

4-12-96 by Mel Schulte

A65-02663 (Drake)

DR: 20 gfs

P/E: 7N, 2E, S26, Lt 6, NESW

P/U: 7N, 2E, S26, SWNW (Lt 7) - 4oc

NW 30 36) - 6"

02663A - (Drake)

DR: .08

P/E: 7N, 2E, S26, NESW (Lt 6) -

P/U: S26, SWNW (Lt 7) - 4oc

02663B - (Jonesboro Bend Hydro)

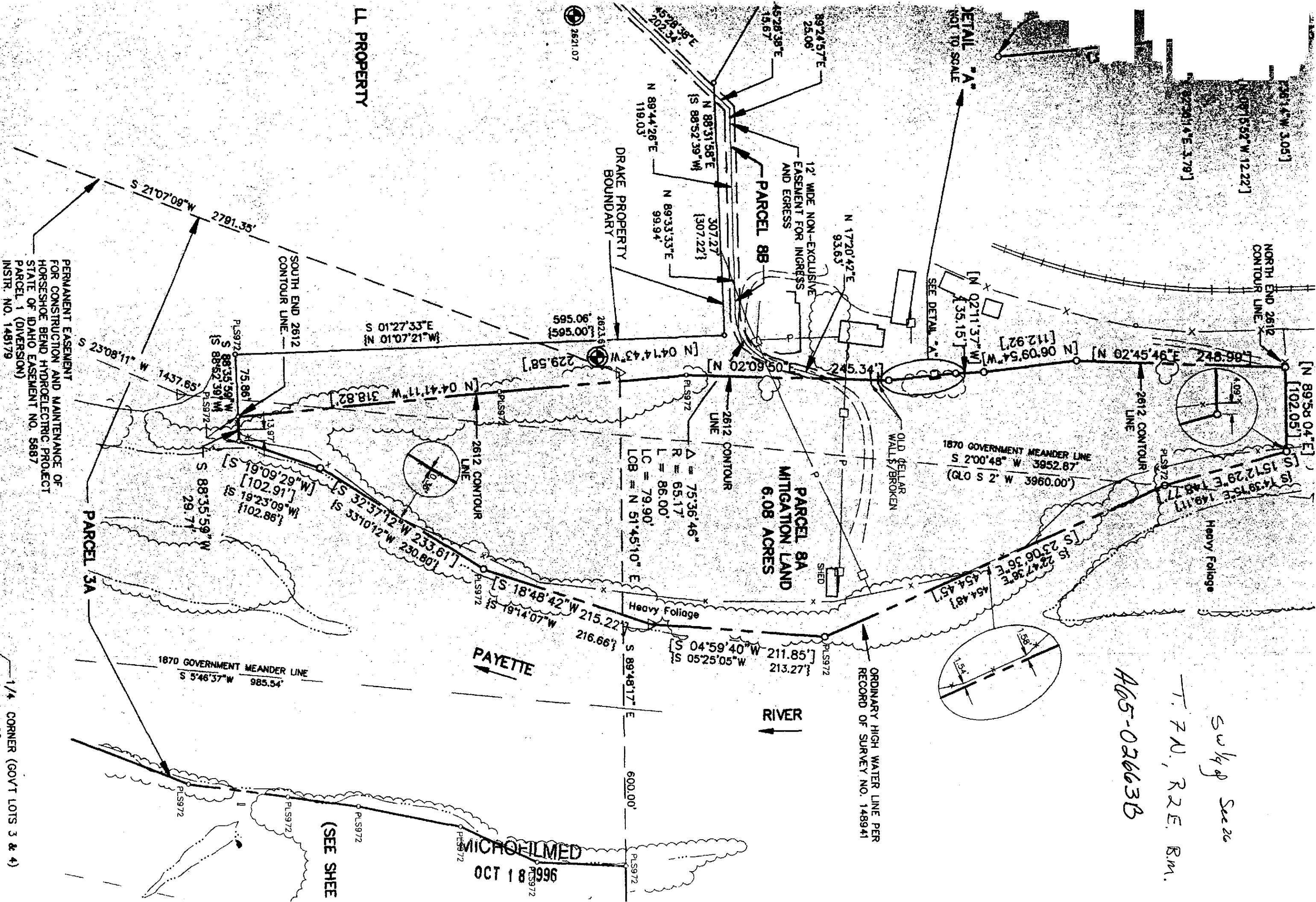
DR: 12 gfs

P/E same

P/U 7N, 2E, S26, NWSW (Lt 6) 6

Sully See
T. 7N., R. 2E., B.M.

465-02663B





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