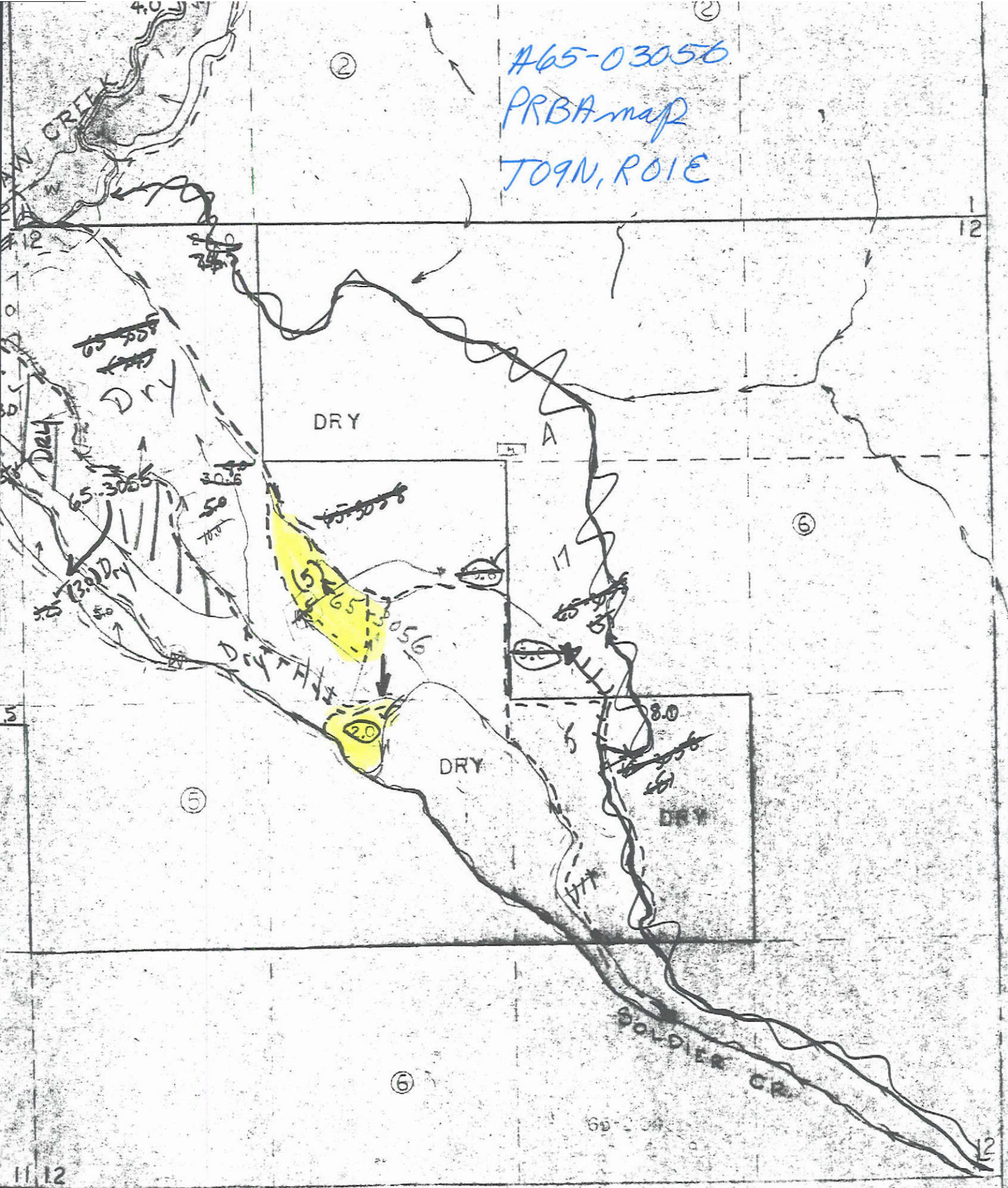


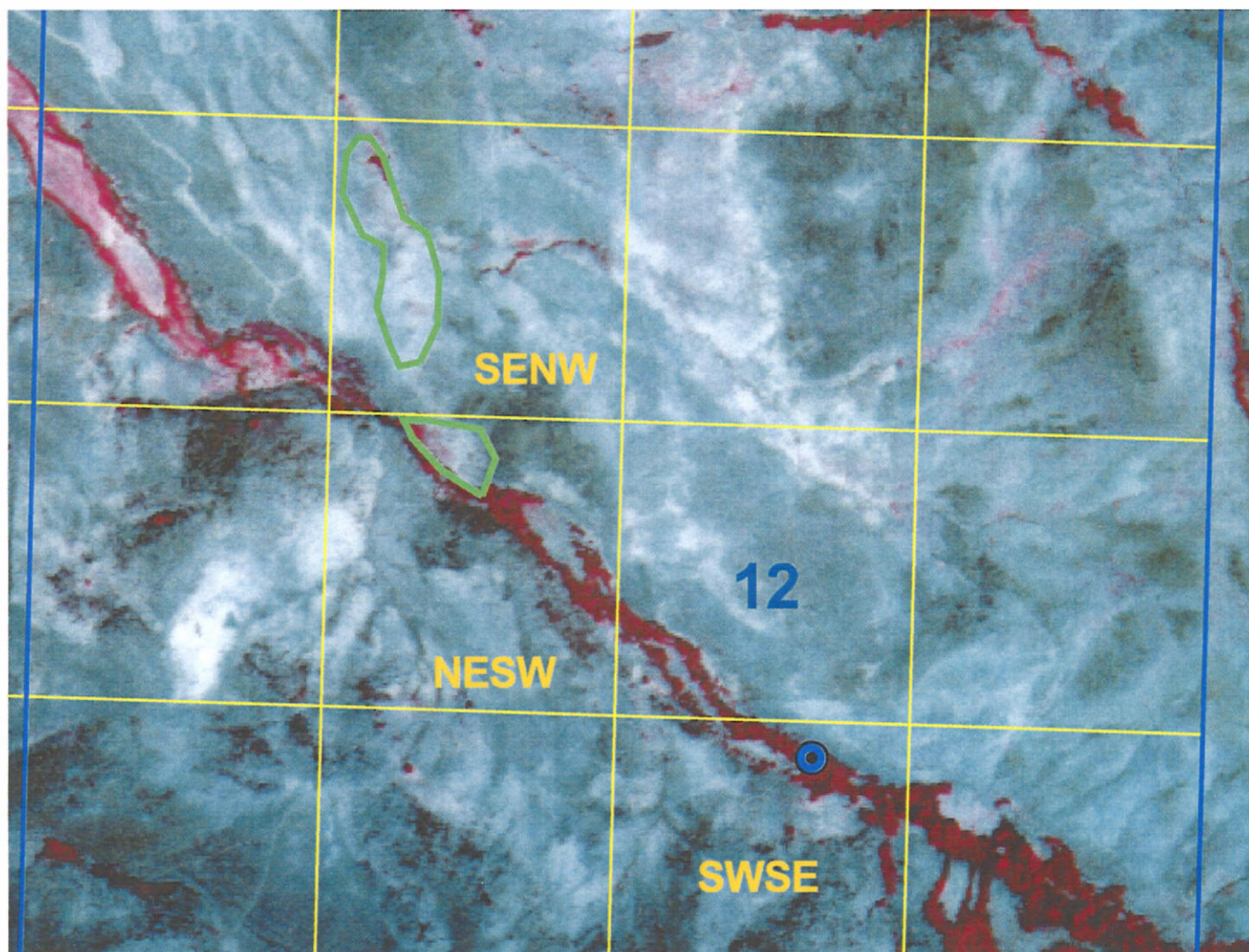
②
#65-03056
PRBA map
T09N, R01E



CYM-200-154

IDAHO DEPARTMENT OF WATER RESOURCES

T09N, R01E, S12



1987 NAPP PHOTO

- POINT OF DIVERSION
- ▭ PLACE OF USE
- ▭ 1/4 1/4 LINES
- ▭ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-03056

OWNER(S): MACAW, CHRIS &
REBECCA

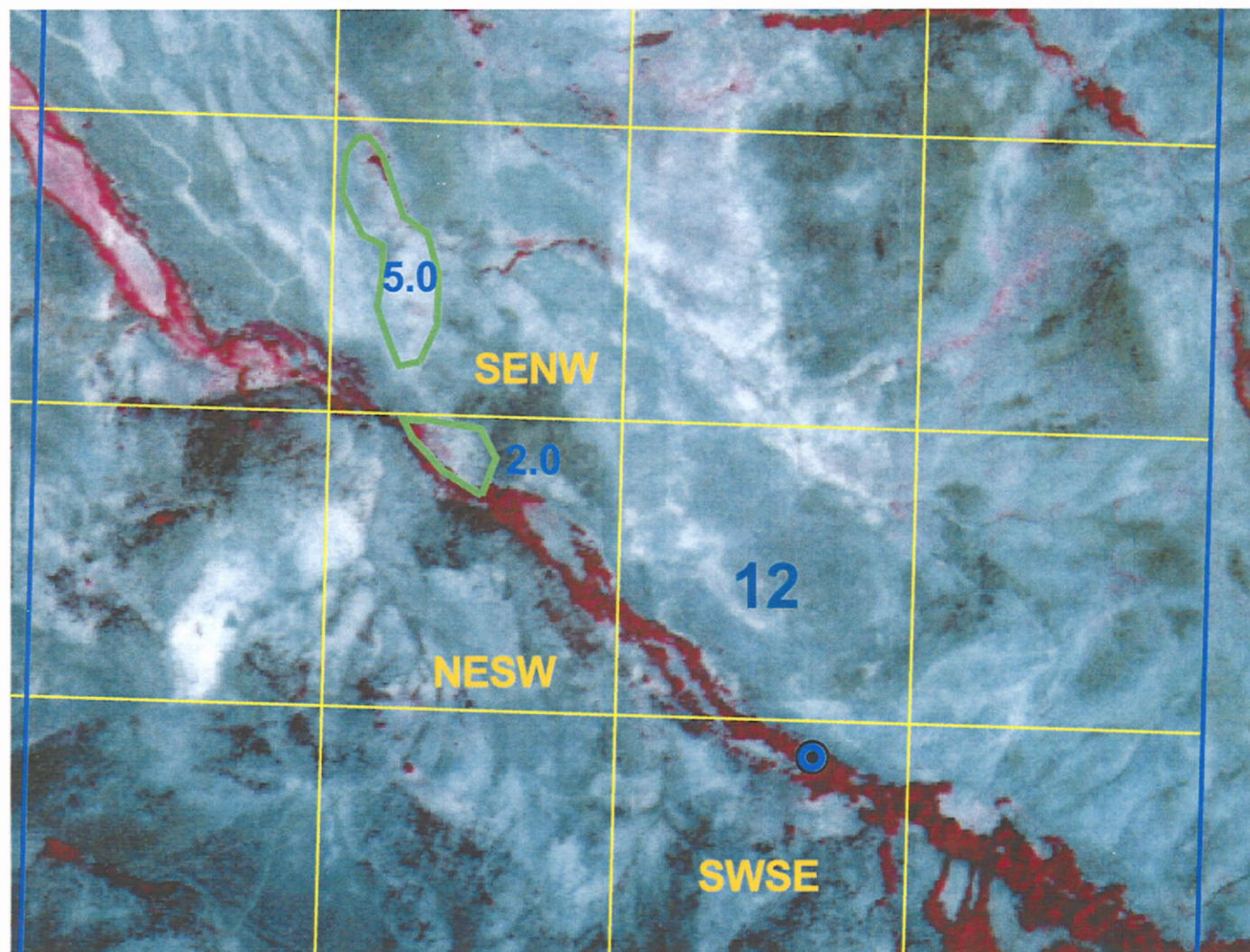
Prepared by Mel Schulte

DATE: JULY 28, 2000



IDAHO DEPARTMENT OF WATER RESOURCES

T09N, R01E, S12



1987 NAPP PHOTO

● POINT OF DIVERSION

□ PLACE OF USE

□ 1/4 1/4 LINES

□ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-03056

OWNER(S): MACAW, CHRIS &
REBECCA

Prepared by Mel Schulte

DATE: JULY 28, 2000



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 65-3056
Date Received: 11/23/88
Receipt No: X999999
Received By:

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

1. Name of Claimant(s)

REBECCA MACAW Phone: (208)584-3700

19200 SWEET OLA HWY
OLA ID USA 83657

CHRIS A MACAW Phone: (208)584-3700

19200 SWEET OLA HWY
OLA ID USA 83657

2. Date of Priority: 03/11/1910

3. Source: SOLDIER CREEK Trib. to: LITTLE SQUAW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09N	01E	12	SW SE	GEM	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.21	

7. Total Quantity Appropriated is:
0.21 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
----------	-------	---------	----------------	-----	-------

09N	01E	12	SE	NW	IRRIGATION	5
			NE	SW	IRRIGATION	2
					Section Acres	7
					Total Acres	7

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

14. Remarks:

OWNERSHIP CHANGED BY LH 10/31/95

15. Basis of Claim: Decreed

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

of _____ 20_____

Notary Public

Residing at _____

My commission Expires _____

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 12 2001

WATER RESOURCES
WESTERN REGION

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number(s):

65-3050, 65-3054
65-3055, 65-3056, 65-3057
65-17885, 65-17900, 65-17901
65-17902, 65-17910, 65-17911

[] Claimant Name(s):

CHRIS A. MACAW
REBECCA A. MACAW

[] Old Mailing Address:

10350 JAY RD
BOISE, ID 83703

[] New Mailing Address:

19200 SWEET OLA WAY
OLA, ID 83657

Telephone Number:

208, 584-3700

[] Signature of Claimant(s):

Chris A. Macaw

Date:

4/12/01

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: A65-03056
Date Received: 11/23/1988
Receipt No: X999999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHRIS A MACAW 208-939-2128
Address: 10350 JAY RD
BOISE ID 83703
AND
Name: REBECCA MACAW 208-939-2128
Address: 10350 JAY RD
BOISE ID 83703

2. Date of Priority: MAR 11, 1910

3. Source: SOLDIER CREEK Trib. to: LITTLE SQUAW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09N	01E	12	SW	SE			GEM

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.210		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	01E	12	SE	NW		IRR	5.0

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APR 18 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09N	01E	12	NE SW		IRR	2.0
Section Acres						7.0
Total Acres						7.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

14. Remarks:

OWNERSHIP CHANGED BY LH 10/31/95.

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: _____

MICROFILMED
10/31/95

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 _____

MICROFILMED
OCT 18 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

DATE OF CLOSING: 10/17/95

RECEIVED

OCT 25 1995

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
 Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
 Lot _____, Block _____, Subdivision/Townsite _____
 If you have additional legal descriptions, please attach separate sheet.

RECEIVED

OCT 30 1995

WATER RESOURCES
WESTERN REGION

- ☐ 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: A65-03054, A65-17901, A65-17900, A65-17885
A65-17910, A65-17911, A65-17902-A65-03057
A65-03056, A65-03055, A65-03050
- ☒ Name and Address of Former Owner/Claimant(s)(Seller):
Jerald and Joseph Jennaro
4092 Greenoaks Way
Hayward, CA.
- ☒ New Owner/Claimant (Purchaser):
Chris A. Macaw and Rebecca Macaw
- ☐ New Mailing Address: 10350 JALY RD
BOISE, ID 83703
- ☐ New Telephone Number: 208 939-2128
- ☒ 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:

- ☒ Attach proof of ownership, describe proof attached: WD

(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): Chris A. Macaw Date 10-17-95
Rebecca Macaw Date _____
- ☒ Signature of Former Owner/Claimant(s): Jerald and Joseph Jennaro Date 10/17/95
 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: 10-31-95 By: JD

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 10-31-95 By: JD

Claim Numbers of Split, if any:

MICROFILMED
OCT 18 1996

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

RECEIVED

OCT 25 1995

COPY

CORPORATION SPECIAL WARRANTY DEED

THIS INDENTURE, made as of this 17th day of October, 1995, between J & R WAREHOUSE & SERVICE CO., INC., a California corporation whose address is 3727 Mohr Avenue, Pleasanton, California 94566 (the "Grantor"), and CHRIS A. MACAW and REBECCA MACAW, husband and wife, whose address is 10350 Say Road, Boise, Idaho 83703 (the "Grantees").

WITNESSETH, that Grantor, having been hereunto duly authorized by resolution of its Board of Directors, for and in consideration of the sum of Two Hundred Fifty-Five Thousand and 00/100 Dollars (\$255,000.00) lawful money of the United States of America, and other good and valuable consideration, to it in hand paid by the Grantees, hereby acknowledged, does hereby grant, bargain, sell and convey unto Grantees, and their successors and assigns forever, all the following described real estate and property situated in the County of Gem, State of Idaho, to-wit (the "Premises"):

See Exhibit "A" attached hereto and incorporated herein as if set forth in full by this reference, together with all and singular the water, well, ditch, reservoir and mineral rights, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining thereto, reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate right, title and interest in and to the said Premises, as well in law as in equity, of Grantor, of, in or to said Premises and every part and parcel thereof, subject to the easements, rights of way, reservations and exceptions contained herein.

RECEIVED

OCT 30 1995

WATER RESOURCES
WESTERN REGION

RESERVING for the benefit of Grantor, its successors, transferees and assigns, a right-of-way and easement over and across the Premises and unrestricted ingress and egress thereto and therefrom, together with an irrevocable profit a prendre, to sport, hunt, shoot, fowl and fish upon the Premises, and the ~~power to sell, mortgage, lease~~ and otherwise dispose of its interest in such reservation.



SUBJECT TO all the easements, rights of way, reservations and exceptions contained herein.

Grantor makes no representations or warranties as to the qualifications or suitability of the Premises for water or electrical power, or as to said Premises or improvements located

CORPORATION SPECIAL WARRANTY DEED - 1

MICROFILMED

OCT 18 1996

OCT 25 1985

thereon meeting any Federal, State or local laws, rules or regulations pertaining to zoning, building, subdividing, platting, surveys, planning and use, health, ecology, drainage, irrigation, water quality, sewage or disposal systems, or as to surveys, boundaries, fences or any matter, except as herein contained in writing. The Premises and fixtures attached thereto are transferred "AS IS," without any warranties, express or implied, as to merchantability or fitness for any particular purpose.

The Premises are transferred subject to all current taxes and assessments, easements, restrictions, reservations, mineral rights, water rights, claims or title to mineral or water, questions of survey, location, boundary and areas, overlaps and encroachments by improvements belonging to these or adjoining premises, any law, ordinance or governmental regulation (including, but not limited to, building, subdivision and zoning ordinances) restricting or regulating or prohibiting the occupancy, use or enjoyment of the land, or regulating the character, dimensions or location of any improvement now or hereafter erected on the land, or prohibiting a separation in ownership or a reduction in the dimensions or area of the land, and the effect of any violation of any such law, ordinance or governmental regulation, and any encumbrances known to Grantees, other matters which would be disclosed by an accurate survey or inspection of the Premises and the reservation contained herein.

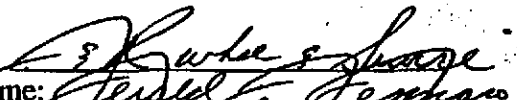
TO HAVE AND TO HOLD, all and singular the above mentioned and described Premises together with the appurtenances unto Grantees and their successors and assigns forever.

Grantor covenants and warrants that it is the owner in fee simple of the Premises and Grantor has good and marketable title thereto. Grantor further warrants the Premises to be free from all encumbrances and suffered or created by Grantor, but Grantor is not giving any warranties or covenants pertaining to any other assessments, charges, liens or encumbrances which may have been suffered or created on the Premises by third parties.

IN WITNESS WHEREOF, the said Grantor hereunto has set its corporate name by its duly authorized officer.

GRANTOR:

**J & R WAREHOUSE
& SERVICE CO., INC.**

By 
Name: Gerald Lempert
Title: Comp. Sec. Officer

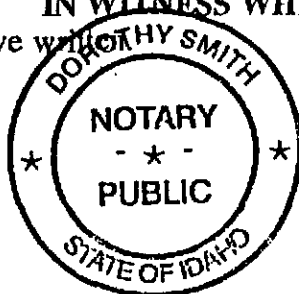
CORPORATION SPECIAL WARRANTY DEED - 2

MICROFILMED
OCT 18 1996

STATE OF Idaho)
County of Gem) : ss.

On the 23rd day of October, 1995, before me, the undersigned notary public in and for said State, personally appeared Jerald J. Jennaro, known or identified to me to be the Secretary of J & R Warehouse & Service Co., Inc., the corporation that executed the within instrument or the person who executed the same on behalf of said corporation, and acknowledged to me that said corporation executed the same.

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



Dorothy Smith
Notary Public
Residing at Emmett
Commission expires: 7/13/2000

CORPORATION SPECIAL WARRANTY DEED - 3

10/23/95 TRL:ch
F:\USERS\CARALEA\WPDATA\JENNARO\WAR-DEED.COR

MICROFILMED
OCT 18 1996

RECEIVED

OCT 25 1995

Department of...

LEGAL DESCRIPTION

PARCEL I:

In Section 11, Township 9 North, Range 1 East, Boise Meridian, Gem County, Idaho:

The North half of the Northeast quarter

AND

The Northeast quarter of the Northwest quarter

AND Commencing at the Southeast corner of the Northwest quarter of the Northwest quarter, Section 11, Township 9 North, Range 1 East, Boise Meridian, Gem County, Idaho, run North on the quarter quarter section line 1320 feet to the Northeast corner of the Northwest quarter of the Northwest quarter of Section 11; thence West on the North line of Section 11, 231 feet; thence South 1320 feet; thence East 231 feet to the place of beginning.

AND

The South half of the Northeast quarter, Section 11, Township 9 North, Range 1 East, Boise Meridian.

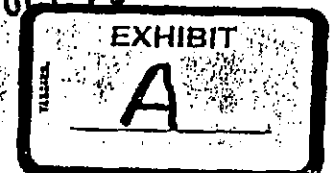
EXCEPTING therefrom the following described tract of land:

From the East quarter corner of Section 11, Township 9 North, Range 1 East, Boise Meridian run thence West on the East and West center line of said Section 11, a distance of 519 feet to the POINT OF BEGINNING of the land being described; thence North 21°00' West, 695.2 feet; thence West 926.6 feet, more or less, to the East line of the highway right of way; thence Southerly along said highway right of way on the following courses; South 14°30' West, 116.1 feet; thence South 18°00' West, 371.7 feet; thence South 1°00' West, 183.6 feet to the East and West center line of said section; thence East along said East and West center line 1322.5 feet to the POINT OF BEGINNING.

EXCEPT ditch and road rights of way.

SEE LEGAL DESCRIPTION NEXT PAGE

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OCT 18 1996



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OCT 25 1995

LEGAL DESCRIPTION

PARCEL II:

In Section 2, Township 9 North, Range 1 East, Boise Meridian, Gem County, Idaho:

The South half of the Southeast quarter

AND

Commencing at the Southeast corner of the Southwest quarter of the Southwest quarter of Section 2, Township 9 North, Range 2 East, Boise Meridian, Gem County, Idaho, run North on the quarter quarter Section line to a point 705 feet North of the Southeast corner of the Southwest quarter of the Southwest quarter of Section 2; thence

South 32°00' West, 440 feet to a point 231 feet West of the East line of the Southwest quarter of the Southwest quarter of Section 2; thence

South parallel to the East line of the Southwest quarter of the Southwest quarter of Section 2, 325 feet to the South line of the Southwest quarter of the Southwest quarter of said Section 2; thence

East along the Section line 231 feet to THE PLACE OF BEGINNING.

AND

From the Southwest corner of the Southeast quarter of the Southwest quarter of Section 2, Township 9 North, Range 1 East, Boise Meridian, Gem County, Idaho, run North on quarter quarter line 604 feet; thence

North 66°00' East 1445 feet to the North and South center line 1295 feet more or less to the South quarter corner of Section 2; thence

West on section line 1320 feet, more or less, to the POINT OF BEGINNING.

EXCEPT ditch and road rights of way.

SEE LEGAL DESCRIPTION CONTINUED NEXT PAGE

MICROFILMED
OCT 18 1996

RECEIVED

OCT 25 1995

LEGAL CONTINUED

PARCEL III:

In Section 12, Township 9 North, Range 1 East, Boise Meridian, Gem County, Idaho:

The West half of the Northwest quarter:

The North half of the Southwest quarter:

The Southeast quarter of the Northwest quarter.

Except ditch and road rights of way.

MICROFILMED
OCT 18 1995

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: A65-03056
Date Received: 11/23/1988
Receipt No: X999999
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JERALD JENNARO
Address: 4092 GREENOAKS WAY
HAYWARD, CA 94542

AND/OR

Name: JOSEPH JENNARO
Address: 4092 GREENOAKS WAY
HAYWARD, CA 94542

2. Date of Priority: MAR 11, 1910

3. Source: SOLDIER CREEK Trib. to: LITTLE SQUAW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09N	01E	12	SW	SE			GEM

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.210		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	01E	12	SE	NW		IRR	5.0
			NE	SW		IRR	2.0
Section Acres							7.0
Total Acres							7.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: DECREED

Case Number: 3667

Court :

Decree date:

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

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. No.

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

Please type or print clearly:

Name of Claimant(s) Jerald Jennaro and/or

Joseph Jennaro

Mailing Address
(include Zip Code)

4092 Greenoaks Way

Hayward, California 94542

Phone Number () _____ - _____

MICROFILMED

SEP 21 1992

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: A65-03056

Date Received: 11-23-88 *her*

Receipt No: X99999

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

NOV 23 1988

1. Name: HOMER C. BEAL

Address:

OLA, ID

83657

2. Date of Priority: MAR 11, 1910

Department of Water Resources

3. Source: SOLDIER CREEK

Trib. to: LITTLE SQUAW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09N	01E	12	SW	SE			GEM

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.210		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09N	01E	12	SE	NW		IRR	5.0
			NE	SW		IRR	2.0
Section Acres							7.0

10. Place of Use: Continued

Total Acres 7.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

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): [Signature] Date: 11/18/88
_____ Date: _____

For Organizations:

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

Signature of Authorized Agent

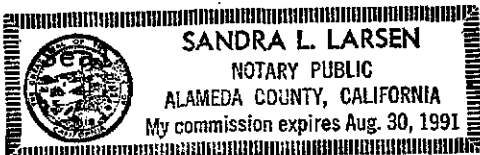
Title and Organization

Date

State of Calif)
~~Idaho~~)
County of Alameda) SS.

Subscribed and sworn (or affirmed) before me this 18th day
of Nov 19 88

Sandra R. Larsen
Notary Public



A65-03056

Page

Residing at Castro Valley Ca
My Commission Expires 8-30-91
3 Date: 10/13/88

MICROFILMED

SEP 21 1992

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 19576)
)
) Water Right 65-03056

NAME AND ADDRESS: CHRIS A MACAW
REBECCA MACAW
19200 SWEET OLA HWY
OLA, ID 83657

SOURCE: SOLDIER CREEK TRIBUTARY: LITTLE SQUAW CREEK

QUANTITY: 0.21 CFS

THIS RIGHT SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE AT THE
FIELD HEADGATES.

PRIORITY DATE: 01/11/1910

POINT OF DIVERSION: T09N R01E S12 SWSE Within Gem County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.21 CFS

PLACE OF USE:	Irrigation	Within Gem County
	T09N R01E S12	SENW 5.0
		NESW 2.0
	7.0 Acres Total	

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

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

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

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

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

MAR 29 2004

[Signature]

SPECIAL MASTER

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

RECEIVED

JAN 24 2002

WATER RESOURCES
WESTERN REGION

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

In Re SRBA

Case No. 39576

A. Subcase 65-3056
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234
Daytime Phone: (208) 678-0461 (Dala Walton)

Name & Address of Attorney, if any:
David W. Gehlert (303 312-7352)
Trial Attorney, General Litigation Section
Environment and Natural Resource Division
U.S. Department of Justice
999 18th Street, Suite N 945
Denver, CO 80202

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

Name: Chris A. Macaw & Rebecca Macaw
Address: 19200 Sweet Ola Hwy
Ola, ID 83657

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

- ☒ **General Provision Basin 65 Irrigation & Other Part III (3) Separate Streams**
1. ☐ **Name and Address**
Should be:
 2. ☐ **Source**
Should be:
 3. ☐ **Quantity**
Should be:
 4. ☐ **Priority Date**
Should be:
 5. ☐ **Point(s) of Diversion**
Should be:
 6. ☐ **Instream Flow Description**
Should be:
 7. ☐ **Purpose(s) of Use**
Should be:
 8. ☐ **Period of Year**
Should be:
 9. ☐ **Place of Use**
Should be:
 11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described.

E. **REASONS SUPPORTING EACH OBJECTION(S):**

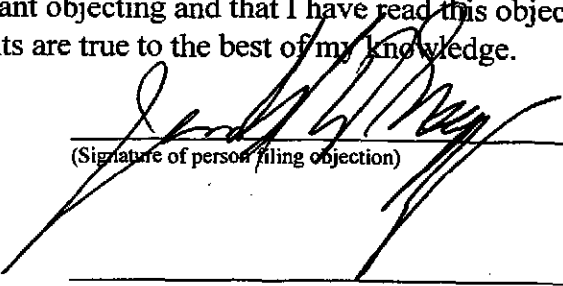
The Bureau of Reclamation objects to the separate stream provision of the Director's Report for Basin 65, Part III. These streams should be administered as part of the Payette River System in order to adequately protect water rights in the Payette River subbasin.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

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

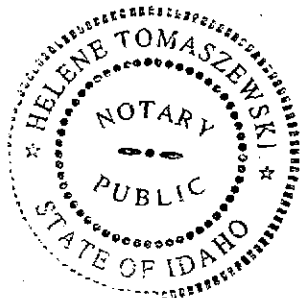
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

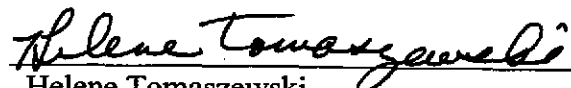

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 9, 2002




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

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on January 17, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

Name: Chris A. Macaw & Rebecca Macaw

Address: 19200 Sweet Ola Hwy
Ola, ID 83657

3. Copies to:

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

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724


Signature of Objector or attorney mailing on Objector's behalf



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

04/20/2001

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

RIGHT NUMBER: 65-3056

NAME AND ADDRESS: CHRIS A MACAW
REBECCA MACAW
19200 SWEET OLA HWY
OLA, ID 83657

SOURCE: SOLDIER CREEK TRIBUTARY: LITTLE SQUAW CREEK

QUANTITY: 0.21 CFS

THIS RIGHT SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE AT
THE FIELD HEADGATES.

PRIORITY DATE: 03/11/1910

POINT OF DIVERSION: T09N R01E S12 SWSE Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 11-01	0.21 CFS

PLACE OF USE:

<u>IRRIGATION Within GEM County</u>			
T09N R01E S12	SENE	5	T09N R01E S12
			NESW 2

7 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

**NOTICE OF ERROR
REPLY**

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 13, 2001

Water right number: 65-3056

REBECCA MACAW

10350 JAY RD

BOISE ID 83703

Telephone Number: (208)939-2128

CHRIS A MACAW

10350 JAY RD

BOISE ID 83703

Telephone Number: (208)939-2128

RECEIVED

APR 12 2001

**WATER RESOURCES
WESTERN REGION**

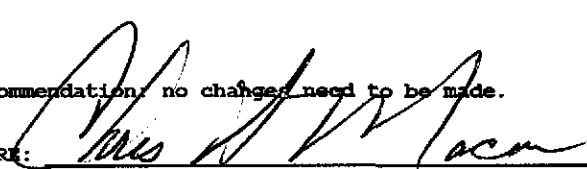
1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

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

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

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

DATE: 4/12/01

SIGNATURE: 

Please print your name: CHRIS MACAW

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

AJ5809NP
No. A65-03056

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/13/00
PAGE: 4

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CHRIS A MACAW	03/11/1910	IRRIGATION	04-01 11-01	0.210 CFS	
C	REBECCA MACAW					
	10350 JAY RD					
	BOISE ID 83703					
	(208) 939-2128					
				TOTAL DIVERSION:	0.210 CFS	

Water Source: SOLDIER CREEK

Tributary to: LITTLE SQUAW CREEK

Stage: DECREED

Point(s) of Diversion:

T09N R01E S12

SWSE

GEM County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
T	R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
09N	01E 12																	7.0
TOTAL ACRES																	7.0	

POU County: GEM

Remarks: GEN OWNERSHIP CHANGED BY LH 10/31/95.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

Audit: 12/01/88 HARRINGT 03/30/95 POST-STD 10/31/95 LHARRIS

C 18

WR5809NP
No. 65-03056

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/13/00
PAGE: 4

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HOMER C. BEAL OLA ID 83657	03/11/1910	IRRIGATION	04/01 11/01	0.210 CFS	
TOTAL DIVERSION:					0.210 CFS	

Water Source: SOLDIER CREEK Tributary to: LITTLE SQUAW CREEK Stage: DECREED
Point(s) of Diversion: T09N R01E S12 SWSE GEM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
09N	01E	12	:					:					:					:					:	7.0
TOTAL ACRES																							7.0	

Pou County: GEM

Dates:	App. Received:	Priority Date:	03/11/1910
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

Audit: 04/02/86 04/30/88 CONVERT

A45-03056

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 337

INDICATES TOTAL

SOURCE: SMITH SPRING

TRIBUTARY TO: SQUAW CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-0207	DAVIS, ALFRED G. & DAVIS, NELLIE I. ROUTE #2 BOX 80 U, EMMETT, IDAHO 83617 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 650206, 650210, 650209 SHALL PROVIDE NO MORE THAN .03 CFS NOR 1.4 AFA.	6/ 6/1911	STOCKWATER	1/ 1 12/31	1.40 AFA .03 CFS	NENW S22 T11N R 1E	NENW S22 T11N R 1E	BENEFICIAL USE

INDICATES TOTAL

SOURCE: SODER WHITE GULCH

TRIBUTARY TO: SQUAW CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-3077	NESBITT, HOMER OLA, IDAHO 83657	5/ 1/1880	IRRIGATION	4/ 1 11/ 1	--- AFA .16 CFS	SESE S23 T12N R 1E	SESE(12) S23 T12N R 1E *12*	DECREE
65-0291	NESBITT, HOMER OLA, IDAHO 83657	9/15/1965	STOCKWATER	1/ 1 12/31	8.10 AFA .14 CFS	SESE S23 T12N R 1E	SESE S23 T12N R 1E	BENEFICIAL USE

INDICATES TOTAL

SOURCE: SOLDIER CREEK

TRIBUTARY TO: LITTLE SQUAW CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-3055	BEAL, HOMER C. OLA, IDAHO 83657	5/ 1/1882	IRRIGATION	4/ 1 11/ 1	--- AFA .17 CFS	SWNW S12 T 5N R 1E	SWNW(3) S12 T 9N R 1E NENE(3) SESE(2) S11 T 9N R 1E *8*	DECREE
65-3056	BEAL, HOMER C. OLA, IDAHO 83657	3/11/1910	IRRIGATION	4/ 1 11/ 1	--- AFA .21 CFS	SWSE S12 T 5N R 1E	SENW(5) NESW(2) S12 T 9N R 1E *7*	DECREE



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 1, 1995

Re: Notices of Claim to a Water Right Nos. A65-03050, A65-03054, A65-03055, A65-03056, A65-03057, A65-17885, A65-17900, A65-17901, A65-17902, A65-17910, A65-17911

Chris A. Macaw
Rebecca Macaw
10350 Jay Rd.
Boise, ID 83703

Mr. & Mrs. Macaw:

Enclosed are copies of the above referenced claims which reflect the change in ownership of the land and appurtenant water rights covered under the original filings.

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.

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

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LH:1
Enclosures

MICROFILMED
OCT 18 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

ALB-04009
00193
199
201
212
2945
3011
CECIL D. ANDRUS
GOVERNOR 3041A
R. KEITH HIGGINSON 3050
DIRECTOR
3054
3055
3056
3057

December 5, 1988

Mr. Stephen A. Bradbury
Eberle, Berlin, Kading, Turnbow & Gillespie
P.O. Box 1368
Boise, ID 83701

Dear Mr. Bradbury:

Enclosed are 30 Notices of Claim to a Water Right in the name of Jerald Jennaro and/or Joseph Jennaro which are returned to allow you the opportunity to reconsider their submission as was discussed this morning on the telephone.

The following claims will be processed which were submitted at the same time:

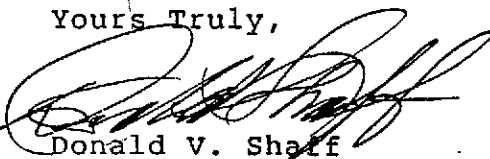
- a. 12 Notice of Claims for instream stockwater use
- b. 1 Notice of Claim for domestic use
- c. 6 Notice of Claims for stockwater use in ponds
- d. 9 Notices of Claims in the name of Homer C. Beal (decreed rights)
- e. 16 Notices of Claim in the name of Jerald and/or Joseph Jennaro (decreed rights).

Also enclosed please find a receipt in the amount of \$1,225.00.

If you resubmit the claims before January 1, 1989, you will not be assessed a late fee; if you decide not to submit the claims, please notify this office regarding a refund.

Please contact Helen Harrington at this office, if you have any questions or I can be of assistance.

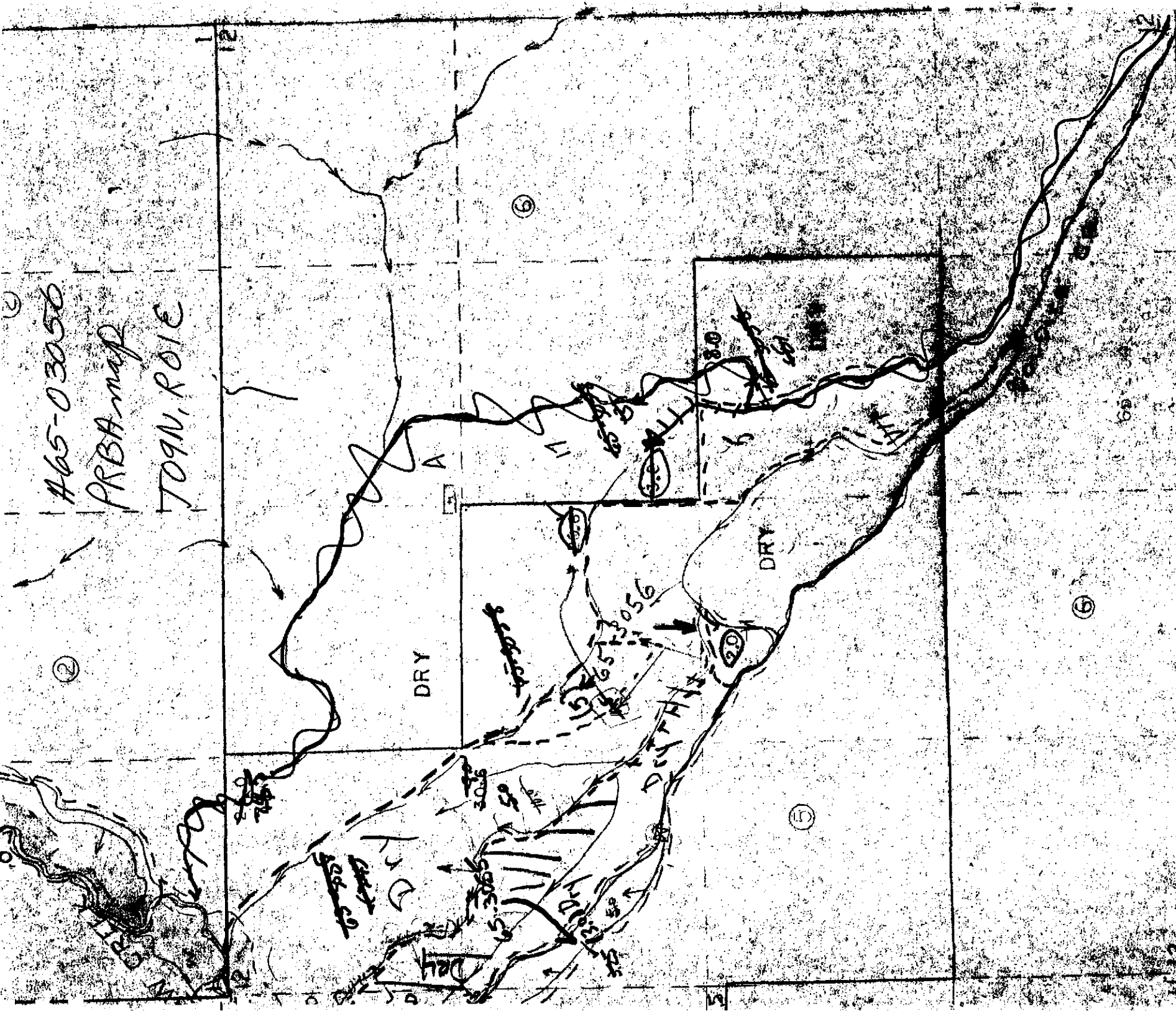
Yours Truly,


Donald V. Shaff
Adjudication Section Supervisor

MICROFILMED

SEP 21 1992

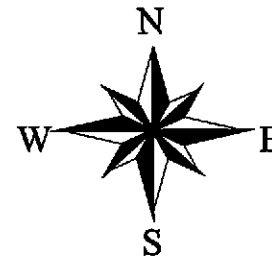
109N, P01E



CYM-2BB-154

IDAHO DEPARTMENT OF WATER RESOURCES

T09N, R01E, S12



1987 NAPP PHOTO

● POINT OF DIVERSION

▬ PLACE OF USE

▬ 1/4 1/4 LINES

▬ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-03056

OWNER(S): MACAW, CHRIS &
REBECCA

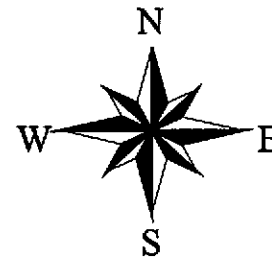
Prepared by Mel Schulte

DATE: JULY 28, 2000

0 0.25 0.5 0.75 1 Miles

IDAHO DEPARTMENT OF WATER RESOURCES

T09N, R01E, S12



1987 NAPP PHOTO

● POINT OF DIVERSION

▬ PLACE OF USE

▬ 1/4 1/4 LINES

▬ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-03056

OWNER(S): MACAW, CHRIS &
REBECCA

Prepared by Mel Schulte

DATE: JULY 28, 2000



0 0.25 0.5 0.75 1 Miles

