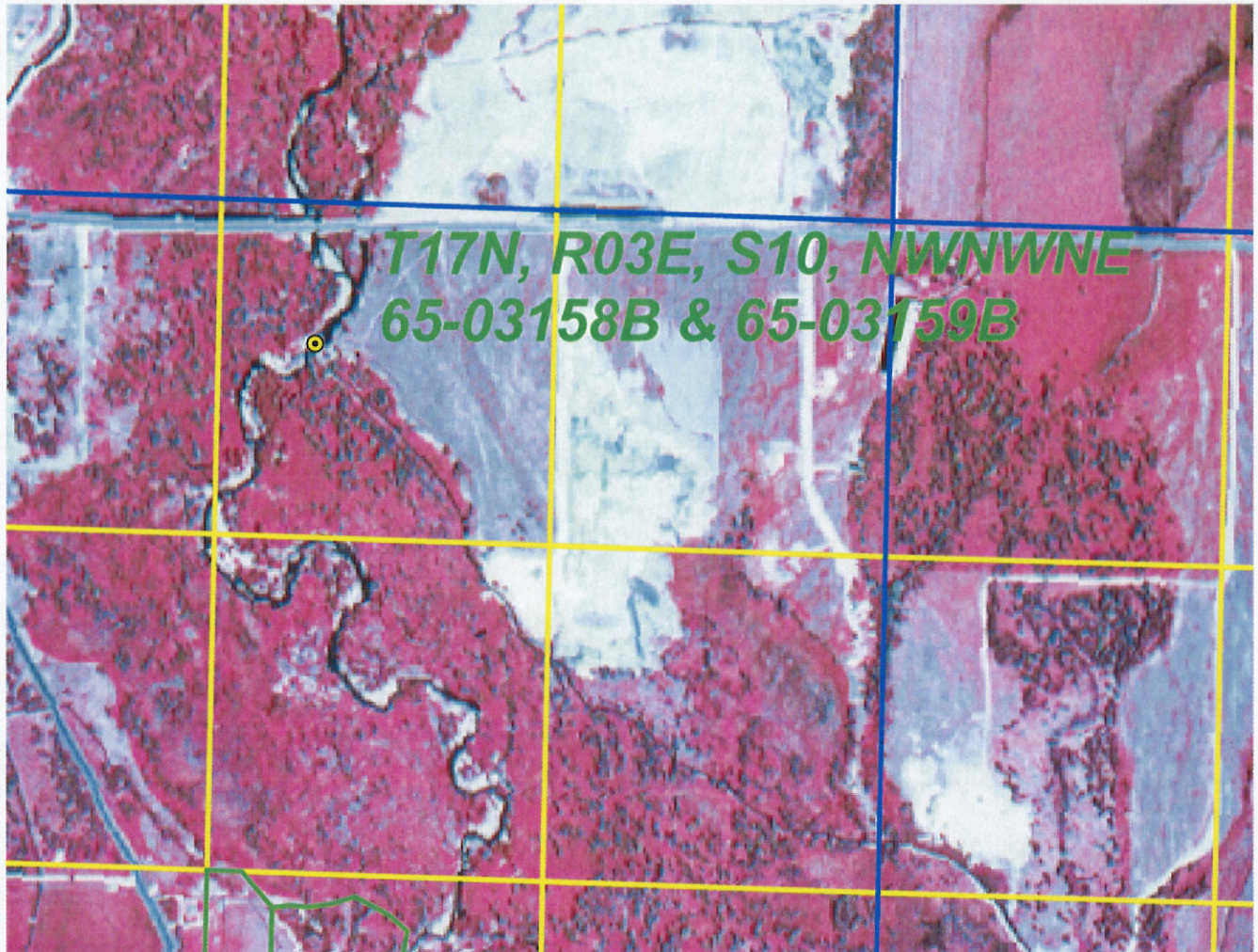


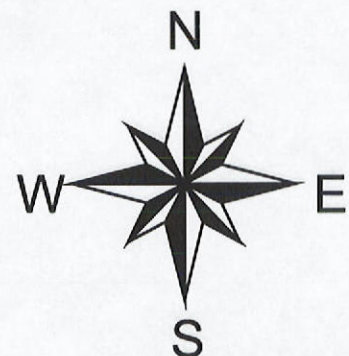
|                                                               |                                                 |                                               |                                               |
|---------------------------------------------------------------|-------------------------------------------------|-----------------------------------------------|-----------------------------------------------|
| <p>6005</p> <p>SW NW 9045B</p> <p>SE SE</p>                   |                                                 | <p>6005</p> <p>SW NW 9045B</p> <p>SE SE</p>   |                                               |
| <p>NE NE 3158A 3159A</p> <p>SE NE 3158A 3159A</p>             | <p>NW NW 3158A 3159A</p> <p>NE NW 3158 3157</p> | <p>NW NW 3168 3169</p> <p>SE NW 3156 3157</p> | <p>NW NW 3168 3169</p> <p>SE NW 3156 3157</p> |
| <p>NW NW 3160 3161</p> <p>SE SE 3160 3161</p>                 | <p>NW NW 3158A 3159A</p> <p>SE NW 3156 3157</p> | <p>NW NW 3170 3171</p> <p>SE NW 3162 3163</p> | <p>NW NW 3170 3171</p> <p>SE NW 3162 3163</p> |
| <p>NW NW 2340B 3158B 3159B</p> <p>SE SE 2340B 3158B 3159B</p> | <p>NW NW 3154 3155</p> <p>SE SE 3154 3155</p>   | <p>NW NW 9666</p> <p>SE NW 9666</p>           | <p>NW NW 9666</p> <p>SE NW 9666</p>           |

THIS DOCUMENT COPY IS FURNISHED AS AN ACCOMMODATION. THE COMPANY MAKES NO REPRESENTATIONS AS TO THE EFFECT, SUFFICIENCY, COMPLETENESS OR ANY OTHER MATTERS THAT MIGHT BE REFERRED TO OR IMPLIED THEREIN.

# 65-03158B & 65-03159B



Point of Diversion



# Idaho Department of Water Resources

**T17N, R03E**  
**S34**

Claim(s) 65-02340B,  
65-03158B & 65-03159B

Owner(s) Cruickshank  
Trust

Prepared by:

Ron Howerton

Date: 22 Apr 99

 Place of use

 POD

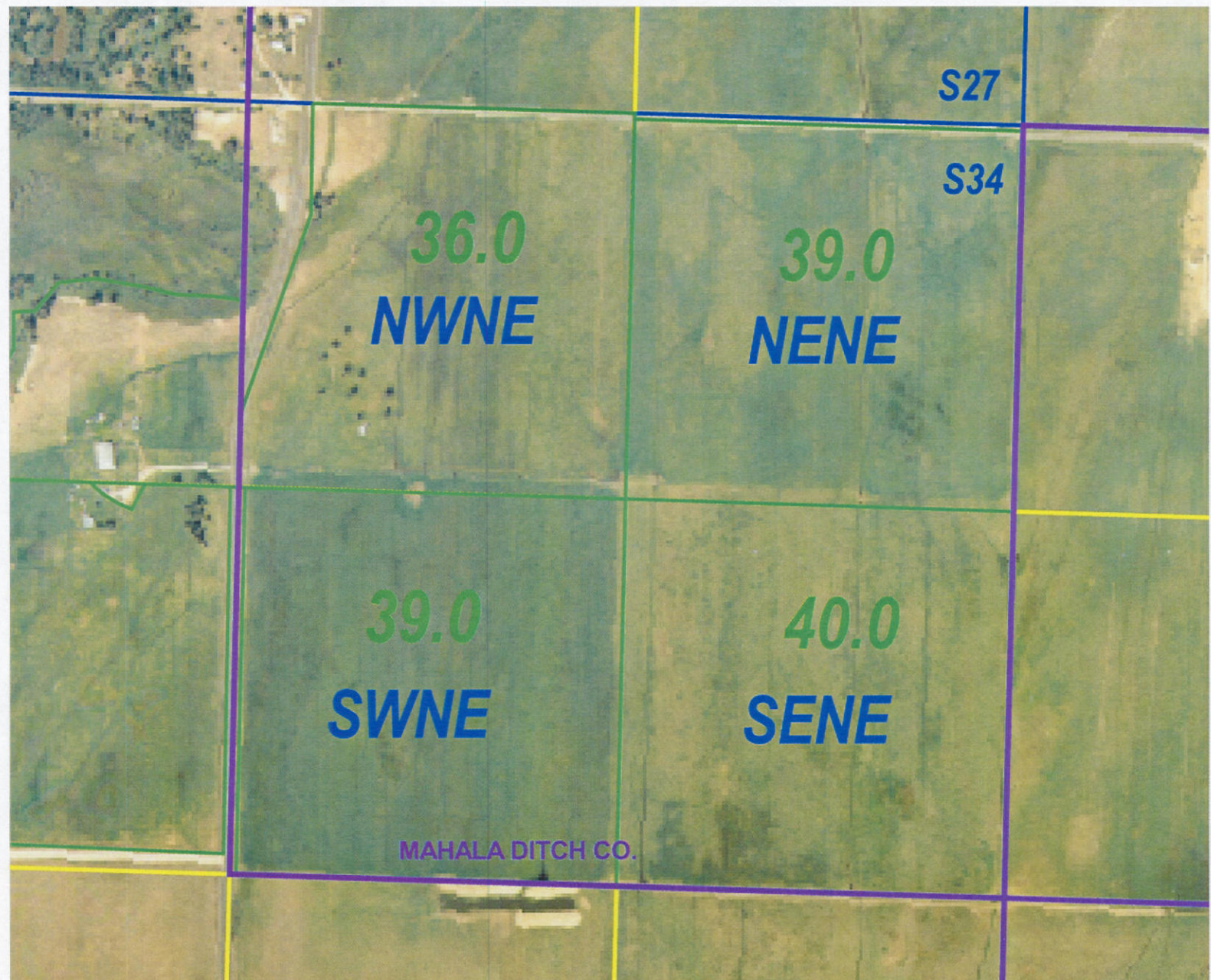
 SECTION LINES

 1/4 1/4 Lines

# Acres



**1987 NAPP**

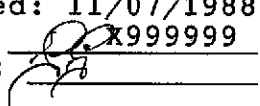


0 0.25 0.5 0.75 Miles

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: A65-03159B  
Date Received: 11/07/1988  
Receipt No: X9999999  
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: JAMES L. CRUICKSHANK TRUST 208-325-8549  
Address: RT.1 BOX 70  
MCCALL, ID 83638
2. Date of Priority: MAY 01, 1919
3. Source: LAKE FORK CREEK Trib. to: PAYETTE RIVER, NORTH FORK
4. Point of Diversion:  

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 17N      | 03E   | 10      | NW     | NE     |        |     | VALLEY |
5. Description of diverting works:  
MAHALA DITCH.
6. Water is used for the following purposes:  

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 05/01 | 09/15 | 0.900  |      |        |
7. Total Quantity Appropriated is:  
0.900 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 308.0 Acre Feet Per Annum.
9. Non-irrigation uses:  
NONE
10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 17N      | 03E   | 34      | NE     | NE     |     | IRR | 39.0  |
|          |       |         | NW     | NE     |     | IRR | 36.0  |
|          |       |         | SW     | NE     |     | IRR | 39.0  |

A65-03159B

Page 1

Date: 11/08/88

MICROFILMED  
SEP 22 1992

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|----------|-------|---------|------------|-----|-----|-------|
| 17N      | 03E   | 34      | SE         | NE  | IRR | 40.0  |

Section Acres 154.0

Total Acres 154.0

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:  
A65-02340B

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 4/07/1986

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 Trustee of \_\_\_\_\_ Title

James L. Cruickshank Trust, that I have signed the foregoing Organization

document in the space below as Trustee of \_\_\_\_\_ Title

James L. Cruickshank Trust and that the statements contained in the Organization

foregoing document are true and correct.

John Cruickshank  
Signature of Authorized Agent

Trustee  
Title and Organization

11/8/88  
Date

State of Idaho )  
County of Valley ) SS.

Subscribed and sworn (or affirmed) before me this 8th day  
of Nov 19 88

W. D. Gene Egan  
Notary Public

Seal

Residing at Boise Id

My Commission Expires 9/2/1994

-----  
RIGHTS FROM: SOURCE: LAKE FORK CREEK TRIBUTARY: PAYETTE RIVER, NORTH FORK  
-----

RIGHT NUMBER: 65-03159B

NAME & ADDRESS: HARRY L BETTIS  
STAR ROUTE  
PAYETTE ID 83661

SOURCE: LAKE FORK CREEK TRIBUTARY: PAYETTE RIVER, NORTH FORK

QUANTITY: 0.9 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-02340B & 65-03158B  
SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE MEASURED AT FIELD  
HEADGATE.

PRIORITY DATE: 05/01/1919

POINT OF DIVERSION: T17N R03E S10 NWNWNE Within VALLEY County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|-------------------------------|----------------|---------------|----------|
| IRRIGATION                    |                | 05-01 09-15   | 0.9 CFS  |

| PLACE OF USE: | IRRIGATION      | Within VALLEY County |         |         |         |
|---------------|-----------------|----------------------|---------|---------|---------|
|               | T17N R03E S34   | NENE 39              | NWNE 36 | SWNE 39 | SENE 40 |
|               | 154 ACRES TOTAL |                      |         |         |         |

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 154 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-02340B & 65-03158B.

## 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 - DECREE

USE OF THIS RIGHT IS COMBINED WITH WATER FROM  
MAHALA DITCH CO.

WATER IS DELIVERED THROUGH MAHALA DITCH IN SECTION 10.  
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE: 65-02340B & 65-03158B.

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 ) NOTICE OF COMPLETED  
 ) ADMINISTRATIVE PROCEEDINGS  
Case No. 39576 )  
 ) Water Rights 65-02340B, 65-03158B,  
 ) 65-03159B, 65-03160, 65-03161,  
 ) 65-03162, 65-03163, 65-03154  
 ) and 65-03155

IDWR has completed the following Administrative Proceeding:

|     |                       |
|-----|-----------------------|
| [ ] | Change of Address     |
| [X] | Substitution of Party |
| [ ] | I.C. 42-222 Transfer  |

## SUBSTITUTION OF PARTY

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

If yes, does the split involve an I.C. 42-222 transfer? ☐ Yes ☐ No

Water Right(s): 65-02340B, 65-03158B, 65-03159B, 65-03160, 65-03161,

**65-03162, 65-03163, 65-03154 and 65-03155**

NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING 1/5/2000 65-02340B, 65-03158B, 65-03159B, 65-03160, 65-03161, 65-03162, 65-03163, 65-03154 AND 65-03155

From (Claimant/Seller):

Name of Claimant: JAMES L CRUICKSHANK TRUST  
Address: RT 1 BOX 70  
MC CALL ID 83638  
Phone: (208) 325-8549

To (Claimant/Purchaser):

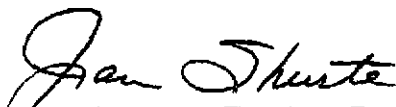
Name of Claimant: HARRY L BETTIS  
Address: STAR ROUTE  
PAYETTE ID 83661  
Phone: (208) 365-2512

---

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

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

DATED: January 5, 2000

  
\_\_\_\_\_  
Signature of IDWR Representative

**CERTIFICATE OF MAILING**

I certify that on *January 5, 2000* I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:  
Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, Idaho 83303-2707
2. One Copy to:  
Claimant/Seller for Substitution of Party or attorney of record:  
  
JAMES L CRUICKSHANK TRUST  
RT 1 BOX 70  
MC CALL ID 83638
3. One Copy to:  
Claimant/Purchaser for Substitution of Party or attorney of record:  
  
HARRY L BETTIS  
STAR ROUTE  
PAYETTE ID 83661
4. One Copy to:  
Chief, Natural Resources Division  
Office of the Attorney General  
P.O. Box 44449  
Boise, Idaho 83711-4449
5. One Copy to:  
United States Dept. of Justice  
Environment & Natural Resource Div.  
550 West Fort Street, MSC 033  
Boise, ID 83724

*Denise Buffington*  
\_\_\_\_\_  
Signature of person or attorney mailing the form

STATE OF IDAHO  
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 27 1999

WATER RESOURCES  
WESTERN REGION

**NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

1. Water Right No(s): 65-09045B, 65-03168, 65-03169, 65-03170, 65-03171, 65-03156, 65-03157, 65-03158A, and 65-03159A  
 Adjudication Claim No(s): A65-09045B, A65-03168, A65-03169, A65-03170, A65-03171, A65-03156, A65-03157, A65-03158A, and A65-03159A
2. The following REQUIRED information must be submitted with this form:
  - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.  
AND
  - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
  - OR
  - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant John J. Cruickshank and Connie Mae Cruickshank  
1811 W. Lake Hazel Road, Meridian, ID 83642
4. New Owner/Claimant(s) Harry L. Bettis  
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or  
 New Mailing Address Star Route  
 City, State and ZIP Code Payette, ID 83661  
 New Telephone Number (208) 365-2512
5. Date you acquired the property April 7, 1999
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.  
 Number of acres you irrigate 1,468.61 Number and type of stock \_\_\_\_\_  
 Diversion rate in CFS \_\_\_\_\_ Number of homes 0 Other uses \_\_\_\_\_  
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Harry L. Bettis  
 (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

ADDITIONAL  
ADJ#S  
A65-2340B  
-3158B  
-3159B  
-3160  
-3161  
-3162  
-3163  
-3154  
-3155

DOMESTIC - DEC  
65-09666 F 17547

## INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at **Item 1**. If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at **Item 3**.
4. The name, mailing address, and telephone number of the new owner(s) is entered at **Item 4**. Please indicate the relationship between multiple owners by using the connector 'and', 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at **Item 6**.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

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

IDWR Southern Region, 1341 Fillmore St. N., Twin Falls, ID 83301-3380 (208) 736-3033

IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450

IDWR Eastern Region, 900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

HOLLAND & HART <sup>LLP</sup>  
ATTORNEYS AT LAW

DENVER • ASPEN  
BOULDER • COLORADO SPRINGS  
DENVER TECH CENTER  
BILLINGS • BOISE  
CHEYENNE • JACKSON HOLE  
SALT LAKE CITY

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

TELEPHONE (208) 342-5000  
FACSIMILE (208) 343-8869  
TERESA J. TURNER  
PARALEGAL  
tturner@hollandhart.com

RECEIVED

DEC 27 1999

WATER RESOURCES  
WESTERN REGION

December 23, 1999

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

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Dear Sir or Madam:

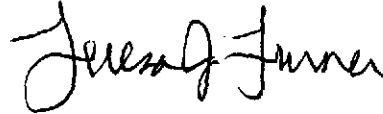
This firm represents Harry L. Bettis, who has acquired certain real property located in Valley County, Idaho.

Enclosed is original Notice of Change of Water Right Ownership for Nine (9) water rights appurtenant to the property, together with a copy of the Warranty Deed evidencing the change of ownership, a copy of Quitclaim Deed evidencing the prior owner's title to the property, and a copy of plat map with the property boundaries highlighted.

Thank you for your assistance. If you need anything further to process this change of ownership, please let me know.

Sincerely,

HOLLAND & HART <sup>LLP</sup>



Teresa J. Turner  
Paralegal

tjt  
Enclosures  
c: Harry Bettis (w/enclosures)

## WARRANTY DEED

FOR VALUE RECEIVED, JOHN J. CRUICKSHANK aka John Cruickshank, and CONNIE MAE CRUICKSHANK aka Connie M. Cruickshank, the Grantors, do hereby grant, bargain, sell and convey unto HARRY L. BETTIS, the Grantee, whose current address is Star Route, Payette, Idaho 83661, the following described premises in Valley County, Idaho, to-wit:

See Exhibit A attached hereto and incorporated herein by reference, and subject to the exceptions scheduled on Exhibit B attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the Grantors do hereby covenant to and with the said Grantee, that they are the owner in fee simple of said premises; that they are free from all encumbrances; and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: April 7, 1999

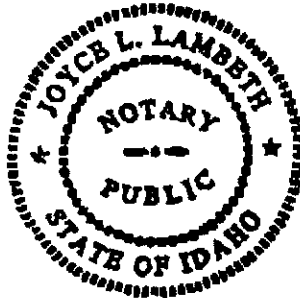
*John J. Cruickshank AKA*  
*John J. Cruickshank*  
 JOHN J. CRUICKSHANK, aka  
 John Cruickshank

*Connie Mae Cruickshank AKA*  
*Connie M. Cruickshank*  
 CONNIE MAE CRUICKSHANK, aka  
 Connie M. Cruickshank

239440  
 TYPE: *Deed*  
 CLERK IN CHARGE  
 VALLEY COUNTY RECORDER  
 BY: *[Signature]*  
 DATE: *306*  
 PM 10 53  
 MOUNTAIN TITLE & ESCROW  
 REQUESTED BY  
 RECORDED  
 )  
 ) ss.  
 )

On this 7 day of April, 1999, before me, Joyce L. Lambeth, a notary public for said State, personally appeared JOHN J. CRUICKSHANK aka John Cruickshank, and CONNIE MAE CRUICKSHANK aka Connie M. Cruickshank, husband and wife, known or identified to me to be the persons who executed the 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.



BOISE-0103554-01

*Joyce L. Lambeth*  
 Notary Public  
 Residing at: *Mountain Home Idaho*  
 My Commission Expires: *11/10/2000*

**EXHIBIT****A**

COM0246-99

**Legal Descriptions****Parcel B**

S1/2 SW1/4

Section 23, Township 17 North, Range 3 East  
Valley County, Idaho**Parcel K**

W1/2 NE1/4

Section 26, Township 17 North, Range 3 East  
Valley County, Idaho**Parcel L**

N1/2 SE1/4

Section 26, Township 17 North, Range 3 East  
Valley County, Idaho**Parcel M**

NW1/4

Section 26, Township 17 North, Range 3 East  
Valley County, Idaho**Parcel N**

W1/2 SW1/4

Section 26, Township 17 North, Range 3 East  
Valley County, Idaho**Parcel O**

NE1/4 lying East of State Highway 55

Section 27, Township 17 North, Range 3 East  
Valley County, Idaho**SAVE AND EXCEPT:**

A parcel of land situate in the North 1/2 of the NE 1/4 of Section 27, Township 17 North, Range 3 East, Boise Meridian, Valley County, Idaho, more particularly described as follows:

Commencing at the Northwest corner of the NE1/4 NE1/4 of Section 27 (East 1/16 Corner common to Section 22 and Section 27), Township 17 North, Range 3 East, Boise Meridian, Valley County, Idaho; thence South 00° 37' 46" West 91.41 feet on the line common to the NE1/4 NE1/4 and the NW1/4 NE1/4 of said Section 27 to a 5/8 inch diameter steel pin in a fence line on the Southeasterly right-of-way line of Spink Lane, said point being the REAL POINT OF BEGINNING;

- continued -

**EXHIBIT****A**

**Parcel O - continued**

thence following said fence line North 21° 54' 21" East 71.27 feet to a 1/2 inch diameter steel pin on a line lying 25.00 feet Southerly of the line common to said Sections 22 and 27; thence South 89° 23' 02" East 174.14 feet on a line parallel to and 25.00 feet Southerly of the line common to said Sections 22 and 27, to a point marked with a 1/2 inch diameter steel pin; thence South 00° 37' 46" West 360.00 feet on a line parallel to said line common to the NE1/4 NE1/4 and the NW1/4 NE1/4, to a point marked with a 1/2 inch diameter steel pin; thence North 89° 23' 02" West 314.34 feet on a line parallel to said line common to Sections 22 and 27, to a point in said fence line on the Southeasterly right-of-way of Spink Lane, said point marked with a 1/2 inch diameter steel pin; thence North 21° 54' 21" East 315.10 feet on said fence line/right-of-way line to the REAL POINT OF BEGINNING.

**SAVE AND EXCEPT:**

Commencing at the NE Corner of the NW1/4 NE1/4 of said Section 27; thence South 20° West, 440.22 feet; thence South 28° 30' West, 122 feet; thence South 36° 45' West, 1024 feet; thence South 79° West, 15.18 feet to an iron pipe; thence along the Easterly boundary of said State Highway 55, North 05° 15' East, 330 feet to a point; thence North 03° East, 174.90 feet; thence North 45° East, 132 feet; thence North 03° 00' West, 54.12 feet; thence North 08° 15' West, 132 feet; thence North 15° 15' West, 181.50 feet; thence North 23° 45' West, 232.98 feet; thence North 26° 15' West, 168.30 feet to an iron pin on the North boundary of the NW1/4 NE1/4 of said Section 27; thence East along said boundary 1069.2 feet to the Point of Beginning.

**Parcel P**

Section 26, Township 17 North, Range 3 East, Boise Meridian, Valley County, Idaho: S1/2 SE1/4, less Tax No. 1, more particularly described as follows:

A parcel of land located in the SE1/4 SE1/4, Section 26, Township 17 North, Range 3 East, Boise Meridian, Valley County, Idaho more particularly described as follows:

- continued -

**Parcel P - continued**

Commencing at the section corner common to Sections 25, 26, 35 and 36, Township 17 North, Range 3 East, Boise Meridian, thence northerly along the section line common to Sections 25 and 26, a distance of 741.5 feet; thence westerly and parallel to the southerly boundary of Section 26, a distance of 30 feet to the westerly boundary of "Farm to Market Road", the Real Point of Beginning; thence northerly along the westerly boundary of "Farm to Market Road" a distance of 273.5 feet; thence westerly and parallel to the southerly boundary of Section 26 a distance of 177 feet to a point; thence southerly a distance of 276 feet more or less to a point which is 145 feet westerly of and parallel to the southerly boundary of Section 26; thence easterly and parallel to the southerly boundary of Section 26, 145 feet to the point of beginning.

TOGETHER WITH: an easement for a septic system for use appurtenant to the above described parcel, said easement being within the E1/2 of the E 1/2 of SE1/4 of SE1/4, Section 26, Township 17, Range 3 East, Boise Meridian, Valley County, Idaho.

**Parcel Q**

SE 1/4 lying East of State Highway 55  
Section 27, Township 17 North, Range 3 East  
Valley County, Idaho.

**Parcel R**

NE 1/4 lying East of State Highway 55  
Section 34, Township 17 North, Range 3 East  
Valley County, Idaho.

**Parcel S**

NE 1/4 SW 1/4  
Section 36, Township 17 North, Range 3 East  
Valley County, Idaho

**Parcel T**

W1/2 NW1/4 SE1/4  
Section 36, Township 17 North, Range 3 East  
Valley County, Idaho

**Parcel U**

W1/2 E1/2 NW1/4 SE1/4  
Section 36, Township 17 North, Range 3 East  
Valley County, Idaho

- continued -

**Parcel V**

NW1/4 SW1/4

Section 36, Township 17 North, Range 3 East  
Valley County, Idaho**Parcel W**

Government Lot 2

Section 2, Township 16 North, Range 3 East  
Valley County, Idaho**Parcel X**

Government Lot 3

Section 2, Township 16 North, Range 3 East  
Valley County, Idaho**Parcel Y**

Government Lot 4

Section 2, Township 16 North, Range 3 East  
Valley County, Idaho**Parcel Z**

S 1/2 NW1/4

Section 2, Township 16 North, Range 3 East  
Valley County, Idaho**Parcel 1**

SW1/4 NE1/4

Section 2, Township 16 North, Range 3 East  
Valley County, Idaho**Parcel 2**

E1/2 SE1/4

Section 34, Township 17 North, Range 3 East  
Valley County, Idaho**Parcel 3**

W1/2 SW1/4

Section 35, Township 17 North, Range 3 East  
Valley County, Idaho

# Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE B—Section 2

Exceptions

EXHIBIT

B

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.

2. Rights or claims of parties in possession not shown by the public records.

3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.

4. Easements, or claims of easements, not shown by public records.

5. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.

6. Taxes: See attached Exhibit C. NOTE: This is for information purposes only and the Company assumes no liability for amounts quoted. It has recently become the practice of the Valley County Assessor and Treasurer to issue subsequent tax statements, the amount shown thereon being unavailable or unknown at this time, and the Company assumes no liability thereof.

7. Assessments or liens by Valley County for garbage collection as provided for by law.

8. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.

- continued -

NOTE: If policy is to be issued in support of a mortgage loan, attention is directed to the fact that the Company can assume no liability under its policy, the closing instructions, or Insured Closing Service for compliance with the requirements of any consumer credit protection or truth in lending law in connection with said mortgage loan.

This commitment is invalid unless the Insuring Provisions and Schedules A and B are attached.

EXHIBIT

B

Schedule B-Section 2-Page 1-Commitment No.

# Lawyers Title Insurance Corporation

A LANDAMERICA COMPANY

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE \_\_\_\_\_ cont'd.

**Parcel B**

9. RIGHT OF WAY EASEMENT as filed for record in the office of the Recorder of Valley County, Idaho in Book 9 of Miscellaneous at page 577 on June 21, 1955, as Instrument No. 48311.

**Parcel B**

10. Subject to Spink Lane along entire southerly boundary.

**Parcel B, K, L, M, N**

11. RECORD OF SURVEY, as filed for record in the office of the Recorder of Valley County, Idaho on July 13, 1990, as Instrument No. 174482.

**Parcel K, L, M, N**

12. EASEMENT FOR IRRIGATION DITCH as filed for record in the office of the Recorder of Valley County, Idaho in Book 17 of Deeds at page 577 on July 9, 1936, as Instrument No. 21301.

**Parcel K, L, M, N**

13. SUBJECT TO RIGHTS OF WAY for drain ditch as shown on Quitclaim Deed in Book 1 of Deeds at page 256 as filed for record in the office of the Recorder of Valley County, Idaho on December 6, 1918 as Instrument No. 1885.

**Parcel K, L, M, N**

14. POWER LINE EASEMENT to Idaho Power Company as filed for record in the office of the Recorder of Valley County, Idaho in Book 9 of Miscellaneous at page 475 on October 8, 1954 as Instrument No. 47378.

**Parcel K, L, M, N**

15. GROUND LEASE to Brundage Mountain Air, Inc. as filed for record in the office of the Recorder of Valley County, Idaho on October 2, 1997 as Instrument No. 228548.

**Parcel K, L, M, N**

16. Subject to Farm to Market Road along portion of easterly boundary.

**Parcel K, L, M, N, O**

17. Subject to Spink Lane along entire northerly boundary.

**Parcel L, P**

18. Subject to Farm to Market Road along the easterly boundary.

- continued -

Schedule \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_

# Lawyers Title Insurance Corporation

A LANDAMERICA COMPANY

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE \_\_\_\_\_ contd.

Parcel M, S, T, U, V

19. IDAHO CODE, SECTION 58-604, which grants over all lands belonging to the State, a right of way for ditches, tunnels and telephone and transmission lines constructed by authority of the United States; and IDAHO CODE, SECTION 47-701 and 47-711, reserving to the state all mineral rights in land sold subsequent to the 8th day of May, 1923.

Parcel N, P

20. Subject to Paddy Flat Road along entire northerly boundary.

Parcel O

21. RIGHT OF WAY DEED for State Highway as filed for record in the office of the Recorder of Valley County, Idaho in Book 14 of Deeds at page 317 on March 31, 1928 as Instrument No. 12216.

Parcel O

22. RIGHT OF WAY DEED as filed for record in the office of the Recorder of Valley County, Idaho in Book 14 of Deeds at page 414 on December 22, 1928 as Instrument No. 13106.

Parcel O

23. EASEMENT FOR RIGHT OF WAY FOR IRRIGATION DITCH as filed for record in the office of the Recorder of Valley County, Idaho in Book 9 of Miscellaneous at page 487 on November 5, 1954 as Instrument No. 47471.

Parcel O

24. GRANT OF EASEMENT to Continental Telephone of the West as filed for record in the office of the Recorder of Valley County, Idaho on December 23, 1987 as Instrument No. 159301.

Parcel O

25. GRANT OF EASEMENT to Continental Telephone of the West as filed for record in the office of the Recorder of Valley County, Idaho on December 23, 1987 as Instrument No. 159302.

Parcel O

26. RECORD OF SURVEY, as filed for record in the office of the Recorder of Valley County, Idaho, on September 18, 1995, as Instrument No. 213539.

Parcel Q

27. Subject to Paddy Flat Road along entire southerly boundary.

- continued -

Schedule \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_

# Lawyers Title Insurance Corporation

A LANDAMERICA COMPANY

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE \_\_\_\_\_ confd.

## Parcel Q

28. EASEMENT FOR PUBLIC ROAD as set forth on Instrument No. 24614, recorded on July 10, 1916 in Valley County, Idaho in Book 9 of Deeds at page 618.

## Parcel Q

29. RIGHT OF WAY DEED for State Highway as filed for record in the office of the Recorder of Valley County, Idaho in Book 14 of Deeds at page 273 on February 7, 1928 as Instrument No. 12094.

## Parcel Q

## 30. MORTGAGE

MORTGAGOR: John J. Cruickshank and Connie M. Cruickshank

MORTGAGEE: DEL Company, Inc.

DATED: July 8, 1998

RECORDED: July 9, 1998 as Instrument No. 233762

AMOUNT: \$60,000.00

## Parcel Q, R

31. POWER LINE EASEMENT to Idaho Power Company as filed for record in the office of the Recorder of Valley County, Idaho in Book 9 of Miscellaneous at page 475 on May 26, 1954 as Instrument No. 47376.

## Parcel Q, R

32. GRANT OF EASEMENT to Continental Telephone of the West as filed for record in the office of the Recorder of Valley County, Idaho on December 23, 1987 as Instrument No. 159300.

## Parcel R

33. Subject to Paddy Flat Road along entire northerly boundary.

## Parcel R

34. EASEMENT FOR PUBLIC ROAD as set forth on Instrument No. 24613, recorded in Valley County, Idaho on July 10, 1916 in Book 9 of Deeds at page 617.

## Parcel R

35. RIGHT OF WAY DEED for State Highway as filed for record in the office of the Recorder of Valley County, Idaho in Book 15 of Deeds at page 415 on July 16, 1931 as Instrument No. 15942.

## Parcel R

36. POWER LINE EASEMENT to Idaho Power Company as filed for record in the office of the Recorder of Valley County, Idaho on December 27, 1974 as Instrument No. 83861.

- continued -

Schedule \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_

# Lawyers Title Insurance Corporation

A LANDAMERICA COMPANY

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE \_\_\_\_\_ cont'd.

Parcel S, T, U, V

37. RECORD OF SURVEY, as filed for record in the office of the Recorder of Valley County, Idaho, on November 4, 1987, as Instrument No. 158496.

Parcel S, T, U, V

38. RECORD OF SURVEY, as filed for record in the office of the Recorder of Valley County, Idaho, on August 21, 1997, as Instrument No. 227618.

Parcel S, T, U, V

39. HIGHWAY RIGHT OF WAY DEED as filed for record in the office of the Recorder of Valley County, Idaho in Book 28 of Deeds at page 233 on July 31, 1950 as Instrument No. 41997.

Parcel V

40. Subject to Farm to Market Road along entire westerly boundary.

Parcel W, X, Y

41. Subject to Nasi Lane across entire northerly boundary.

Parcel W, X, Y, Z, 1, 2, 3

42. POWER LINE EASEMENT to Idaho Power Company as filed for record in the office of the Recorder of Valley County, Idaho in Book 9 of Miscellaneous at page 470 on October 8, 1954 as Instrument No. 47373.

Parcel W, X, Y, Z, 1, 2, 3

43. POWER LINE EASEMENT to Idaho Power Company as filed for record in the office of the Recorder of Valley County, Idaho in Book 9 of Miscellaneous at page 477 on October 8, 1954 as Instrument No. 47381.

Parcel W, X, Y, Z, 1, 2, 3

44. RECORD OF SURVEY, as filed for record in the office of the Recorder of Valley County, Idaho on October 5, 1990, as Instrument No. 176244.

Parcel Y, 1

45. Rights of the Public, State of Idaho, and U.S.A. in and to the bed and banks of Boulder Creek and easements related thereto.

Parcel Z, 1

46. Subject to Nasi Lane along entire southerly boundary.

Parcel Z, 1

47. Subject to Nasi Lane along entire southerly boundary.

Schedule \_\_\_\_\_ Page \_\_\_\_\_ No.

Rerecorded to correct the capacity of signature for John J. Cruickshank. 11-2-98

ACCOMMODATION

## QUITCLAIM DEED

CERTIFIED COPY

For Value Received, HELEN E. CRUICKSHANK, BY JOHN J. CRUICKSHANK  
PERSONAL REPRESENTATIVE

hereby conveys, releases, remises and forever quits claim unto  
JOHN J. CRUICKSHANK

whose address is : P.O. Box 361 Donnelly, Idaho 83615  
the following premises, to wit:

SEE ATTACHED AS EXHIBIT "A"

Dated: 11/2/98

Helen E. Cruickshank  
HELEN E. CRUICKSHANK

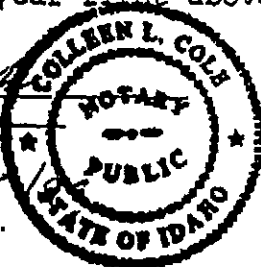
John J. Cruickshank  
BY: JOHN J. CRUICKSHANK  
PERSONAL REPRESENTATIVE

STATE OF IDAHO )  
COUNTY OF Valley ) ss

On this 2nd day of November, 1998, before me, the undersigned, a Notary Public in and for said state, personally appeared JOHN J. CRUICKSHANK, the Personal Representative of the estate of HELEN E. CRUICKSHANK, deceased, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that JOHN J. CRUICKSHANK executed the same as such Personal Representative of said estate.

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

Colleen L. Cole  
Notary Public for  
Residing at: Cascade  
My Commission Expires: 6/6/99



Commission Expires: 6-6-99

STATE OF IDAHO, County of Valley ) ss.  
I hereby certify that the foregoing is a true  
copy of the original on file and of record in  
this office.

Dated: 11-10-98

Clerk, Auditor & Recorder: Leland Hennrich

Bradley Ministry Deputy

TYPE: Deed  
LELAND HENNRICH  
VALLEY COUNTY RECORDER  
BY: Leland Hennrich  
FEE: 9.00  
RECORDED  
198 NOV 10 PM 3  
MOUNTAIN TITLE & ESCROW  
REQUESTED BY

236483

TYPE: Deed  
LELAND HENNRICH  
VALLEY COUNTY RECORDER  
BY: Leland Hennrich  
FEE: 9.00  
RECORDED  
198 NOV 4 PM 11 56  
MOUNTAIN TITLE & ESCROW  
REQUESTED BY

236356

CERTIFIED COPY

SECTION 26, TOWNSHIP 17 NORTH, RANGE 3 EAST, BOISE MERIDIAN, VALLEY COUNTY, IDAHO: S1/2SE1/4, LESS TAX NO 1, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A parcel of land located in the SE 1/4 SE1/4, Section 26, Township 17 North, Range 3 East, B. M., Valley County, Idaho more particularly described as follows:

Commencing at the section corner common to sections 25, 26, 35 and 36, Township 17 North, Range 3 East, B. M., thence northerly along the section line common to sections 25 and 26, a distance of 741.3 feet; thence westerly and parallel to the southerly boundary of Section 26, a distance of 20 feet to the westerly boundary of "Farm to Market Road"; the real point of beginning; thence northerly along the westerly boundary of "Farm to Market Road"; a distance of 273.3 feet; thence westerly and parallel to the southerly boundary of Section 26, a distance of 177 feet to a point; thence southerly a distance of 276 feet more or less to a point which is 145 feet westerly of and parallel to the southerly boundary of Section 26; thence easterly and parallel to the southerly boundary of Section 26, 145 feet to the point of beginning.

TOGETHER WITH: an easement for a septic system for use appurtenant to the above described parcel said easement being within the E 1/2 of the E1/2 of SE1/4 of SE1/4 Section 26, Township 17 North, Range 3 East, B. M., Valley County, Idaho.

TOWNSHIP 17 NORTH, RANGE 3 EAST, BOISE MERIDIAN:

SECTION 23: S1/2SW1/4

SECTION 26: W1/2NW1/4; E1/2NW1/4; W1/2NE1/4; N1/2SE1/4; W1/2SW1/4

SECTION 27: ALL THAT PORTION OF THE NE1/4 OF SAID SECTION LYING EAST OF THE IDAHO STATE HIGHWAY 55, EXCEPTING THEREFROM, A PIECE OR PARCEL OF LAND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NE CORNER OF THE NW1/4NE1/4 OF SAID SECTION 27; THENCE SOUTH 20 DEGREES WEST 440.22 FEET; THENCE SOUTH 28 DEGREES 30 MINUTES WEST 122 FEET; THENCE SOUTH 36 DEGREES 45 MINUTES WEST 1024 FEET; THENCE SOUTH 79 DEGREES WEST, 15.18 FEET TO AN IRON PIPE; THENCE ALONG THE EASTERLY BOUNDARY OF SAID STATE HIGHWAY 55, NORTH 5 DEGREES 15 MINUTES EAST 330 FEET TO A POINT; THENCE NORTH 3 DEGREES EAST 174.90 FEET; THENCE NORTH 45 DEGREES EAST 132 FEET; THENCE NORTH 3 DEGREES 0 MINUTES WEST 54.12 FEET; THENCE NORTH 8 DEGREES 15 MINUTES WEST 132 FEET; THENCE NORTH 15 DEGREES 15 MINUTES WEST 181.50 FEET; THENCE NORTH 23 DEGREES 45 MINUTES WEST 232.98 FEET; THENCE NORTH 26 DEGREES 15 MINUTES WEST, 168.30 FEET TO AN IRON PIN ON THE NORTH BOUNDARY OF THE NW1/4NE1/4 OF SAID SECTION 27; THENCE EAST ALONG SAID BOUNDARY 1069.2 FEET TO THE POINT OF BEGINNING.

**CAUTIONED**

TOWNSHIP 16 NORTH, RANGE 3 EAST, BOISE MERIDIAN:

SECTION 1: LOT 4, SAVE AND EXCEPT TAX NO. 10, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**CRICKSHANK TO YENSEN**  
 N 1/4 SEC. 1, T. 16 N., R. 3 E., B.M. Valley County, Idaho, more particularly described as follows:

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

Commencing at the Section Corner common to Sections 35 and 36, T. 17 N., R. 3 E., B.M., and Sections 1 and 2, T. 16 N., R. 3 E., B.M., Valley County, Idaho; thence, S. 89° 20' 16" E., 1313.82 feet along the northerly boundary of said Section 1 to a 5/8" rebar marking the N 1/16 Corner common to said Sections 16 and 1, the REAL POINT OF BEGINNING;

thence, S. 0° 02' 03" E., 1312.27 feet to a 5/8" rebar marking the N 1/16 Corner of said Section 1;

thence, N. 89° 21' 27" W., 41.16 feet along the southerly boundary of said NW 1/4 to its intersection with a north-south fence line;

thence, N. 0° 42' 31" E., 1312.28 feet along said fence line to the northerly boundary of said Section 1;

thence, S. 89° 20' 16" E., 29.51 feet to the Point of Beginning, containing 1.065 acrs. more or less.

*This is being the parcel of land between the valley and the fence as it has existed for the last 35 to 40 years. The intent of this document is to establish the existing fence as the property boundary.*

*John A. Crickshank*  
 Personal Rep. Helen Crickshank  
 Estate

SECTION 2: LOT 1

TOWNSHIP 17 NORTH, RANGE 3 EAST, BOISE MERIDIAN:

IN SECTION 26: E1/2SW1/4

IN SECTION 35: E1/2, NW1/4, E1/2 SW1/4

IN SECTION 36: W1/2NW1/4

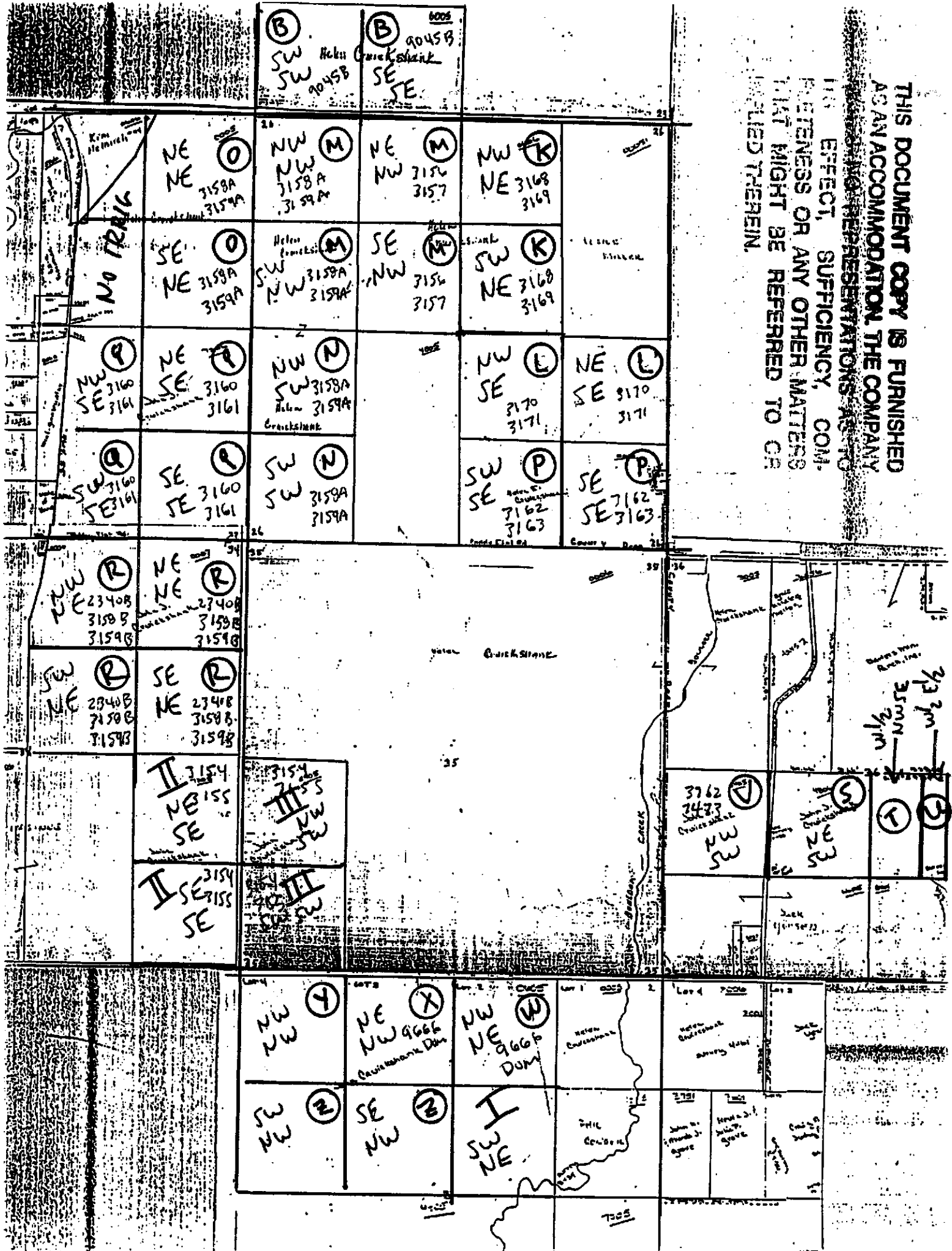
TOWNSHIP 18 NORTH, RANGE 4 EAST, BOISE MERIDIAN:

IN SECTION 18: GOVT. LOT 2, (CONTAINING 39.01 ACRES) AND

TOWNSHIP 18 NORTH, RANGE 3 EAST, BOISE MERIDIAN:

IN SECTION 13: S1/2NE1/4, NW1/4SE1/4 (CONTAINING 120 ACRES)

THIS DOCUMENT COPY IS FURNISHED  
 AS AN ACCOMMODATION. THE COMPANY  
 MAKES NO REPRESENTATIONS AS TO  
 ITS EFFECT, SUFFICIENCY, COM-  
 PLETENESS OR ANY OTHER MATTERS  
 THAT MIGHT BE REFERRED TO OR  
 IMPLIED THEREIN.



RECEIVED

JUN 26 2002

Department of Water Resources

Josephine P. Beeman #1806  
BEEMAN & ASSOCIATES, P.C.  
409 West Jefferson Street  
Boise, Idaho 83702  
(208) 331-0950  
(208) 331-0954 (fax)

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

In Re: SRBA  
Case No. 39576

Subcase Nos.

|                 |          |           |
|-----------------|----------|-----------|
| 65-02340B       | 65-03160 | 65-03215  |
| 65-03154        | 65-03161 | 65-03216  |
| 65-03155        | 65-03162 | 65-03238  |
| 65-03156        | 65-03163 | 65-03238A |
| 65-01357-3157   | 65-03168 | 65-03762  |
| 65-01358A-3158A | 65-03169 | 65-04002A |
| 65-01358B-3158B | 65-03170 | 65-07473  |
| 65-01359-3159   | 65-03171 | 65-07540  |
| 65-01359B-3159B | 65-03209 | 65-09045B |

Notice is hereby given, in the above-captioned subcases, that the following counsel will appear for Usto and Diana Schulz (water rights 65-03238A and 65-07540); Castle Mountain Creek Owners Association (water rights 65-03238 and 65-04002A); and Harry Bettis (water rights 65-02340B, 65-03154, 65-03155, 65-03156, 65-03157, 65-03158A, 65-03158B, 65-03159A, 65-03159B, 65-03160, 65-03161, 65-03162, 65-03163, 65-03168, 65-03169, 65-03170, 65-03171, 65-03209, 65-03215, 65-03216, 65-03762, 65-07473, and 65-09045B):

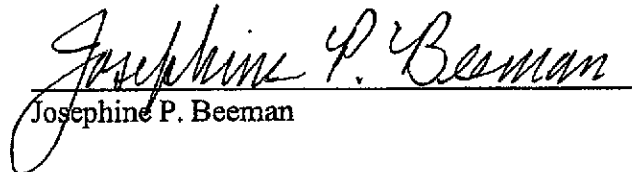
Josephine P. Beeman (ISB #1806)  
BEEMAN & ASSOCIATES, P.C.  
409 West Jefferson Street  
Boise, Idaho 83702  
(208) 331-0950 (Telephone)  
(208) 331-0954 (Facsimile)

SCANNED

JUN 26 2002

RESPECTFULLY SUBMITTED this 25<sup>th</sup> day of June 2002.

BEEMAN & ASSOCIATES, P.C.

  
Josephine P. Beeman

### CERTIFICATE OF SERVICE

I hereby certify that, on the \_\_\_\_ day of June 2002, I caused to be served copies of the foregoing **NOTICE OF APPEARANCE** by the method indicated:

Idaho Dept. of Water Resources  
Document Depository  
P. O. Box 83720  
Boise, Idaho 83720-0098

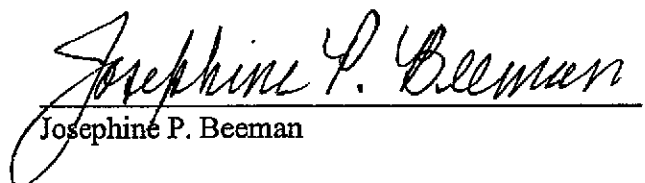
- ☒ U.S. Mail, First Class, Postage Prepaid
- ☐ Facsimile: \_\_\_\_\_
- ☐ Hand Delivery
- ☐ Federal Express: \_\_\_\_\_
- ☐ Other: \_\_\_\_\_

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

- ☒ U.S. Mail, First Class, Postage Prepaid
- ☐ Facsimile: \_\_\_\_\_
- ☐ Hand Delivery
- ☐ Federal Express: \_\_\_\_\_
- ☐ Other: \_\_\_\_\_

U.S. Department of Justice  
Environment & Natural Resources Div.  
550 West Fort Street, MSC 033  
Boise, ID 83724

- ☒ U.S. Mail, First Class, Postage Prepaid
- ☐ Facsimile: \_\_\_\_\_
- ☐ Hand Delivery
- ☐ Federal Express: \_\_\_\_\_
- ☐ Other: \_\_\_\_\_

  
Josephine P. Beeman

Z:\3004\5314.doc

SCANNED

JUN 7 6 2002



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](http://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.

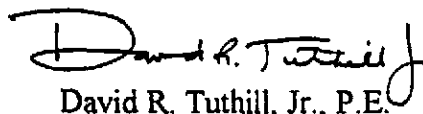
IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without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

AJ0749NP  
No. 65-03159B

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

DATE: 01/04/00  
PAGE: 1

| OWNER<br>CODE | NAME & ADDRESS                                                                 | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|--------------------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C             | HARRY L BETTIS<br>STAR ROUTE<br>PAYETTE ID 83661<br>(208) 365-2512             | 05/01/1919       | IRRIGATION | 05-01 09-15           | 0.900 CFS         |                     |
|               |                                                                                |                  |            | TOTAL DIVERSION:      | 0.900 CFS         |                     |
| D             | JAMES L CRUICKSHANK TRUST<br>RT 1 BOX 70<br>MC CALL ID 83638<br>(208) 325-8549 |                  |            |                       |                   |                     |

Water Source: LAKE FORK CREEK

Tributary to: PAYETTE RIVER, NORTH FORK

Stage: DECREED

Point(s) of Diversion:

T17N R03E S10

NWNWNE

VALLEY County

Place of use Legal Description for: IRRIGATION

|     |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |             |       |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------------|-------|
| T   | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | :           | SUM   |
| 17N | 03E | 34 | : | 39 |    | 36 |    | 39 |    | 40 |    |    |    |    |    |    |    |    |    | :           | 154.0 |
|     |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | TOTAL ACRES | 154.0 |

POU County: VALLEY

Other Rights: 65-02340B & 65-03158B

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

|            |            |            |            |            |            |            |            |            |           |
|------------|------------|------------|------------|------------|------------|------------|------------|------------|-----------|
| 65-02340A  | 65-02340B  | 65-02415   | 65-03154   | 65-03155   | 65-03156   | 65-03157   | 65-03158A  | 65-03158B  | 65-03159A |
| 65-03160   | 65-03161   | 65-03162   | 65-03163   | 65-03164   | 65-03165   | 65-03166   | 65-03167   | 65-03168   | 65-03169  |
| 65-03170   | 65-03171   | 65-03219A  | 65-03219X  | 65-09045A  | 65-09045B  | 65-11326   | A65-02340A | A65-02340B | A65-02415 |
| A65-03154  | A65-03155  | A65-03156  | A65-03157  | A65-03158A | A65-03158B | A65-03159A | A65-03159B | A65-03160  | A65-03161 |
| A65-03162  | A65-03163  | A65-03164  | A65-03165  | A65-03166  | A65-03167  | A65-03168  | A65-03169  | A65-03170  | A65-03171 |
| A65-03219A | A65-03219X | A65-09045A | A65-09045B | A65-11326  |            |            |            |            |           |

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

65-02340B 65-03158B A65-02340B A65-03158B A65-03159B A65-11326

Conditions of Approval:

- W29 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM
- MAHALA DITCH CO.
- C18 - THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
- NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
- ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
- DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
- ENTRY OF A FINAL UNIFIED DECREE, SECTION 42-1412(6) IDAHO CODE.

Remarks: QNT THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-02340B & 65-03158B

AJ0749NP  
No. 65-03159B

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

DATE: 01/04/00  
PAGE: 2

Remarks: SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE MEASURED AT FIELD  
HEADGATE.

POU1 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 154 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-02340B & 65-03158B.

EXP WATER IS DELIVERED THROUGH MAHALA DITCH IN SECTION 10.  
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE: 65-02340B & 65-03158B.

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

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

Comments: 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: 01/04/2000 User-ID: DBUFFING Subject: NAME CHANGE - OWNERSHIP CHANGE  
THE DATA IN THE NAME FIELD WAS CHANGED TO SHOW THIS RIGHT HAS AN  
OWNERSHIP CHANGE.

Audit: 40/00/10 DBUFFING

1-4-2000



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

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

**DIRK KEMPTHORNE**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

January 5, 2000

HARRY L BETTIS  
STAR ROUTE  
PAYETTE ID 83661

RE: Water Right No. 65-02340B, 65-03158B, 65-03159B, 65-03160, 65-03161, 65-03162,  
65-03163, 65-03154, 65-03155, 65-09045B, 65-03168, 65-03169, 65-03170, 65-03171,  
65-03156, 65-03157, 65-03158A & 65-03159A

Dear Mr. Bettis:

Enclosed are copies of the above referenced water rights which reflect 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.

Please note, the ownership has also been changed on water right numbers 65-09666 & 65-17547, which have been decreed by the SRBA Court. Copies of these rights are also enclosed.

Thank you for your patience and cooperation. If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

Denise Buffington  
Office Specialist 1  
Adjudication Section  
Western Region

DB:db

Enclosures

cc: James L Cruickshank Trust and Helen E Cruickshank  
Teresa J Turner, Holland and Hart LLP



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

FAX (208) 334-2348

October 12, 1999

DIRK KEMPTHORNE  
GOVERNOR

JAMES L CRUICKSHANK TRUST  
PO BOX 16778  
BOISE ID 83715-6778

KARL J. DREHER  
DIRECTOR

Re: Snake River Basin Adjudication (SRBA)  
Water Right No. 65-02340B, 65-03158B, 65-03159B  
65-03160, 65-03161  
Change of Address

Dear Water Right Holder:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your claim or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to our office. Make corrections to your name and address if necessary before returning this letter. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of any of the properties connected with the water right referenced above, please call this office to obtain a form to make this required change to the water right records.

Sincerely,

Denise Buffington  
Records Clerk  
Adjudication Section  
Western Region

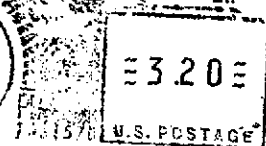
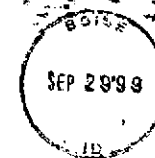
\*\*\*\*\*  
The address is correct as shown above or as otherwise changed.

\_\_\_\_\_  
Signature of water right claimant

\_\_\_\_\_  
Telephone number

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

ADDRESS SERVICE  
REQUESTED



65-03170  
03179  
03182  
09045 B  
02955  
02958  
03156  
03157  
03158 A  
03159 A  
03162  
03163  
03168  
03169  
02942

*James*



~~JOHN E CRUICKSHANK  
RT 1 BOX 111  
MC CALL ID 83615~~

-02304  
-02924  
-03171

James →

65-02340 B  
03158 B  
03159 B  
03160  
03161

RECEIVED  
OCT 01 1999  
WATER RESOURCES  
WESTERN REGION

John Cruickshank  
63 Paddy Flat Rd  
Donnelly, Id 83615

65-03762 , -07473

\* Re-sent to John  
10-4-99.

\* sent sep. pack 10-4-99  
to James Cruickshank

AJ0749NP  
No. R65-031598

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

DATE: 06/29/99  
PAGE: 1

=====

| OWNER<br>CODE    | NAME & ADDRESS                                                               | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|------------------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | JAMES L CRUICKSHANK TRUST<br>RT1 BOX 70<br>MCCALL ID 83638<br>(208) 325-8549 | 05/01/1919       | IRRIGATION | 05-01 09-15           | 0.90 CFS          |                     |
| TOTAL DIVERSION: |                                                                              |                  |            |                       | 0.90 CFS          |                     |

Water Source: LAKE FORK CREEK

Tributary to: PAYETTE RIVER, NORTH FORK

Stage: DECREED

Point(s) of Diversion:

T17N R03E S10

NWNWNE

VALLEY County

Place of use Legal Description for: IRRIGATION

|     |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |             |       |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------------|-------|
| T   | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | :           | SUM   |
| 17N | 03E | 34 | : | 39 |    | 36 |    | 39 |    | 40 |    |    |    |    |    |    |    |    |    |             | 154.0 |
|     |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | TOTAL ACRES | 154.0 |

POU County: VALLEY

Other Rights: 65-02340B & 65-03158B

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

|            |            |           |            |            |            |            |            |            |            |
|------------|------------|-----------|------------|------------|------------|------------|------------|------------|------------|
| A65-02340A | A65-02340B | A65-02415 | A65-03154  | A65-03155  | A65-03156  | A65-03157  | A65-03158A | A65-03158B | A65-03159A |
| A65-03159B | A65-03160  | A65-03161 | A65-03162  | A65-03163  | A65-03164  | A65-03165  | A65-03166  | A65-03167  | A65-03168  |
| A65-03169  | A65-03170  | A65-03171 | A65-03219A | A65-03219X | A65-09045A | A65-09045B | A65-11326  | R65-02340A | R65-02340B |
| R65-02415  | R65-03154  | R65-03155 | R65-03156  | R65-03157  | R65-03158A | R65-03158B | R65-03159A | R65-03160  | R65-03161  |
| R65-03162  | R65-03163  | R65-03164 | R65-03165  | R65-03166  | R65-03167  | R65-03168  | R65-03169  | R65-03170  | R65-03171  |
| R65-09045A | R65-09045B | R65-11326 |            |            |            |            |            |            |            |

Conditions of Approval:

W29 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM  
- MAHALA DITCH CO.

Remarks: QNT THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-02340B & 65-03158B  
SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE MEASURED AT FIELD  
HEADGATE.

POU1 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 154 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-02340B & 65-03158B.

EXP WATER IS DELIVERED THROUGH MAHALA DITCH IN SECTION 10.  
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE: 65-02340B & 65-03158B.

Dates: Exam Made Date: Verified Date: 06/29/1999 Objection Filed Date:

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

WR5809NP  
No. 65-03159B

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 04/06/99  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                      | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|-----------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | HENRY MORTON CRICKSHANK T.<br>DONNELLY ID 836150000 | 05/01/1919       | IRRIGATION | 05/01 09/15           | 0.900 CFS         |                     |
| TOTAL DIVERSION: |                                                     |                  |            |                       | 0.900 CFS         |                     |

Water Source: LAKE FORK CREEK

Tributary to: PAYETTE RIVER, NORTH FORK

Stage: DECREED

Point(s) of Diversion: T17N R03E S10 NWNE

VALLEY 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   | Lt   | Ac   | Lt          | Ac  | :     |       |
| 17N | 03E | 34 | : | 39   |      | 36   |      | 39 |      | 40   |      | :    |    |      |      |      |      |    |      |      |      |      |             |     | :     | 154.0 |
|     |     |    |   |      |      |      |      |    |      |      |      |      |    |      |      |      |      |    |      |      |      |      | TOTAL ACRES |     | 154.0 |       |

Pou County: VALLEY

|        |                 |                    |            |
|--------|-----------------|--------------------|------------|
| Dates: | App. Received:  | Priority Date:     | 05/01/1919 |
|        | Proof Due Date: | Proof Made Date:   |            |
|        | Exam Made Date: | Exam Sent to S.O.: |            |
|        | Licensed Date:  |                    |            |

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

Audit: 04/24/87 04/30/88 CONVERT 02/08/98 CLEARFLD

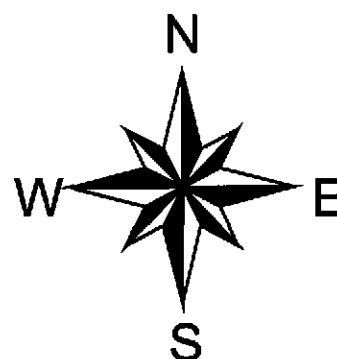
# 65-03158B & 65-03159B



0 0.25 0.5 0.75 Miles



Point of Diversion



# Idaho Department of Water Resources

**T17N, R03E**  
**S34**

Claim(s) 65-02340B,  
65-03158B & 65-03159B

Owner(s) Cruickshank  
Trust

Prepared by:

Ron Howerton

Date: 22 Apr 99

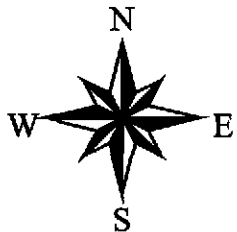
 Place of use

● POD

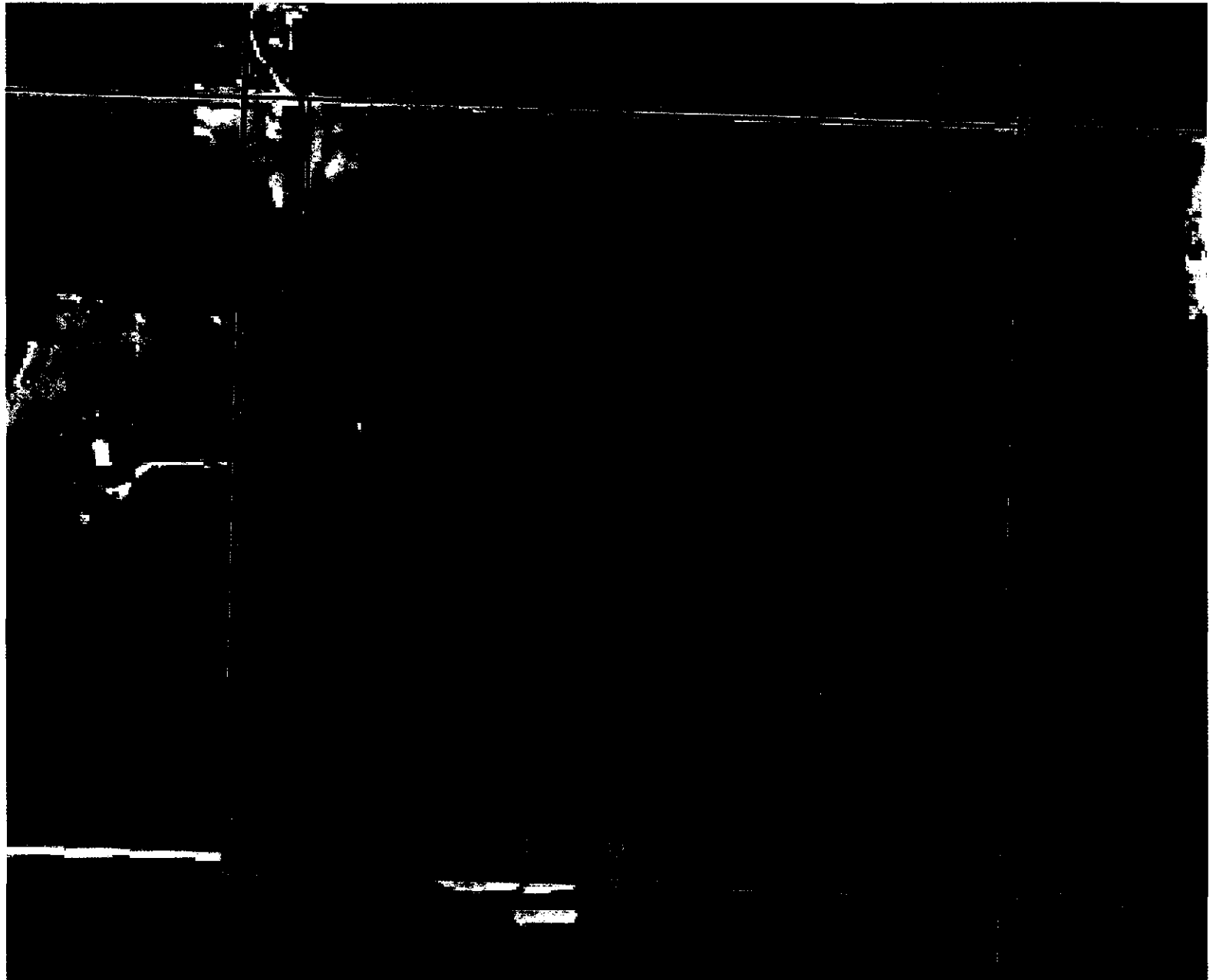
 SECTION LINES

 1/4 1/4 Lines

# Acres



**1987 NAPP**



0 0.25 0.5 0.75 Miles



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

14:17:01  
03/11/99

PAGE: 15  
QUICKLOOK INFORMATION

180  
CLAIM NUMBER: A65-031598

| WR ELEMENT                | DATA<br>DISCREPANCY<br>Y/N | CORRESPONDENCE<br>SENT/RECEIVED<br>BY WHOM/DATE | FIELD EXAM<br>BY WHOM/DATE | CHANGE<br>CLAIM<br>Y/N | ELEMENT<br>DOCUMENTED<br>WHOM/DATE | COMPLETED<br>REVIEW<br>WHOM/DATE | COMPLETED<br>DATA ENTRY<br>WHOM/DATE | VERIFIED<br>DATE<br>WHOM/DATE |
|---------------------------|----------------------------|-------------------------------------------------|----------------------------|------------------------|------------------------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE             |                            |                                                 |                            |                        |                                    |                                  |                                      |                               |
| POINT OF DIV              |                            |                                                 |                            |                        |                                    |                                  |                                      |                               |
| SOURCE                    |                            |                                                 |                            |                        |                                    |                                  |                                      |                               |
| PLACE OF USE              | X                          | 4/22/99<br>Rdh                                  |                            |                        |                                    |                                  |                                      | 4/22/99<br>Rdh                |
| DIV. AMOUNT<br>CFS/VOLUME |                            |                                                 |                            |                        |                                    |                                  |                                      |                               |
| CONSUMPTIVE USE           | .                          |                                                 |                            |                        |                                    |                                  |                                      |                               |
| PURPOSES OF USE           |                            |                                                 |                            |                        |                                    |                                  |                                      |                               |
| PERIOD OF USE             |                            |                                                 |                            |                        |                                    |                                  |                                      |                               |
| BASIS OF CLAIM            | X                          | IN- OFFICE                                      |                            |                        |                                    |                                  |                                      | Rdh                           |
| REMARKS                   |                            |                                                 |                            |                        |                                    |                                  |                                      |                               |

BARCODE UPDATED  
WHOM/DATE

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

14:17:01  
03/11/99

PAGE: 1  
GENERAL INFORMATION

166  
CLAIM NUMBER: A65-03159B

LAST: JAMES L CRUICKSHANK TRUST FIRST:  
ADDRESS: RT1 BOX 70  
CITY: MCCALL STATE: ID ZIP: 83638  
PHONE NUMBER: 208-325-8549

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE  
N

FIELD  
EXAMINER

FIELD EXAMINATION INFORMATION

CONTACT PERSON: IN-OFFICE

PHONE NUMBER: ( ) -

DATE OF FIELD EXAM: 4/22/99

APPOINTMENT MADE: Y( ) N(X)

TIME: : A( ) P( )

ACCOMPANIED BY: \_\_\_\_\_

PHONE NUMBER: ( ) -

RELATIONSHIP TO CLAIMANT: \_\_\_\_\_

DIRECTIONS TO PROPERTY / NOTES:

SEE NAPP PHOTO'S IN THIS FILE & ADDITIONAL MAPS IN 65-02340B

A. AJ CLAIM: # A65-03159B PRIORITY DATE: 05-01-1919 STAGE: D

B. WR RECORD: # 65-03159B PRIORITY DATE: 05-01-1919 STAGE: D

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

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

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

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

PROOF OF BENEFICIAL USE SUBMITTED

N/A(☒) Y(☐) N(☐)

FIELD EXAM COMPLETED

N/A(☒) Y(☐) N(☐)

FIELD EXAM SENT TO STATE OFFICE

N/A(☒) Y(☐) N(☐)

LICENSE ISSUED

N/A(☒) Y(☐) N(☐)

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

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

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

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

NOTES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

=====

RECOMMENDED PRIORITY DATE:

05-01-1919

REVIEWED BY Rch

DATE 4/22/99

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT      | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | POD<br>FLAG | COUNTY | DIVERSION NAME | DIVERSION NUMBER |
|------------|------|------|------|-----|-----|-----|-----|-------------|--------|----------------|------------------|
| A65-03159B | 17N  | 03E  | 10   |     | NW  | NE  |     |             | VALLEY |                |                  |

OTHER AJ CLAIMS WITH SAME AJ POD  
A PREFIX R PREFIX

\*

NONE

WR RECORDS IN SAME 40 ACRE TRACT

\*\*\*

\* 27 A PREFIX CLAIMS WITH THIS POD

\*\*\* 25 WR RECORDS IN SAME 40 ACRE TRACT

SOURCE: LAKE FORK CREEK

TRIB: PAYETTE RIVER, NORTH FORK

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT     | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | POD<br>FLAG | COUNTY | DIVERSION NAME | DIVERSION NUMBER |
|-----------|------|------|------|-----|-----|-----|-----|-------------|--------|----------------|------------------|
| 65-03159B | 17N  | 03E  | 10   |     | NW  | NE  |     |             | VALLEY |                |                  |

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT  
A PREFIX R PREFIX

\*\*\*\*

\*\*\*\*\*

NONE

\*\*\*\* 25 WR RECORDS WITH SAME WR POD

\*\*\*\*\* 27 A PREFIX CLAIMS IN SAME 40 ACRE TRA

SOURCE: LAKE FORK CREEK

TRIB: PAYETTE RIVER, NORTH FORK

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

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

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

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

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A( ) Y(☒) N( )

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

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y(☒) N( )

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y( ) N(☒)

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM \_\_\_\_\_) Y( ) N( )

AJ FIELD EXAM (DATE OF FIELD EXAM \_\_\_\_\_ NAME OF EXAMINER \_\_\_\_\_) Y( ) N( )

OTHER (DESCRIBE IN NOTES BELOW) /

NOTES: GIS MAPS, ORTHO & TOPO MAPS  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

| TWP.  | RGE.  | SEC.  | 1/4   | 1/4   | 1/4   | LOT   | POD<br>FLAG | COUNTY<br>VALLEY | DIVERSION NAME | DIVERSION NBR |
|-------|-------|-------|-------|-------|-------|-------|-------------|------------------|----------------|---------------|
| 17N   | 03E   | 10    | NW    | NW    | NE    |       |             |                  | MAHALA DITCH   |               |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____       | _____            | _____          | _____         |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____       | _____            | _____          | _____         |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____       | _____            | _____          | _____         |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____       | _____            | _____          | _____         |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____       | _____            | _____          | _____         |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____       | _____            | _____          | _____         |

SOURCE: LAKE FORK CREEK

TRIB: PAYETTE RIVER, NORTH FORK

REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

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

MAHALA DITCH

A. ROOT WATER RIGHT NUMBERS: A65-03159A  
A65-03159B

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME                      | AJ<br>#/ACRES     | WR<br>#/ACRES    | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|-----|-----|-----|-----|-----|-----|---------------------------|-------------------|------------------|-----------------|----------------|------------------|
| 17N | 03E | 34  | NE  | NE  |     | JAMES L CRUICKSHANK TRUST | A65-03159B / 39.0 | 65-03159B / 39.0 | 39.0            |                | 39.0             |
|     |     |     | NE  | NE  |     | JAMES L CRUICKSHANK TRUST | A65-02340B / 39.0 | - /              |                 |                |                  |
|     |     |     | NE  | NE  |     | JAMES L CRUICKSHANK TRUST | A65-03158B / 39.0 | 65-03158B / 39.0 |                 |                | 39               |
|     |     |     | NE  | NE  |     | MAHALA DITCH CO           | A65-11326 / 39.0  | 65-11326 / 39.0  |                 |                |                  |
|     |     |     | NE  | NE  |     | NORTUNE, HENRY            |                   | 65-02340 / 39.0  |                 |                |                  |
| 17N | 03E | 34  | NW  | NE  |     | JAMES L CRUICKSHANK TRUST | A65-03159B / 36.0 | 65-03159B / 36.0 | 39.0            |                |                  |
|     |     |     | NW  | NE  |     | JAMES L CRUICKSHANK TRUST | A65-02340B / 36.0 | - /              |                 |                |                  |
|     |     |     | NW  | NE  |     | JAMES L CRUICKSHANK TRUST | A65-03158B / 36.0 | 65-03158B / 36.0 |                 |                | 36               |
|     |     |     | NW  | NE  |     | MAHALA DITCH CO           | A65-11326 / 36.0  | 65-11326 / 36.0  |                 |                |                  |
|     |     |     | NW  | NE  |     | NORTUNE, HENRY            |                   | 65-02340 / 36.0  |                 |                |                  |
| 17N | 03E | 34  | SW  | NE  |     | JAMES L CRUICKSHANK TRUST | A65-03159B / 39.0 | 65-03159B / 39.0 | 39.0            |                | 39.0             |
|     |     |     | SW  | NE  |     | JAMES L CRUICKSHANK TRUST | A65-02340B / 39.0 | - /              |                 |                |                  |
|     |     |     | SW  | NE  |     | JAMES L CRUICKSHANK TRUST | A65-03158B / 39.0 | 65-03158B / 39.0 |                 |                | 39               |
|     |     |     | SW  | NE  |     | MAHALA DITCH CO           | A65-11326 / 39.0  | 65-11326 / 39.0  |                 |                |                  |
|     |     |     | SW  | NE  |     | NORTUNE, HENRY            |                   | 65-02340 / 39.0  |                 |                |                  |
| 17N | 03E | 34  | SE  | NE  |     | JAMES L CRUICKSHANK TRUST | A65-03159B / 40.0 | 65-03159B / 40.0 | 39.0            |                |                  |
|     |     |     | SE  | NE  |     | JAMES L CRUICKSHANK TRUST | A65-02340B / 40.0 | - /              |                 |                |                  |
|     |     |     | SE  | NE  |     | JAMES L CRUICKSHANK TRUST | A65-03158B / 40.0 | 65-03158B / 40.0 |                 |                | 40               |
|     |     |     | SE  | NE  |     | MAHALA DITCH CO           | A65-11326 / 40.0  | 65-11326 / 40.0  |                 |                |                  |
|     |     |     | SE  | NE  |     | NORTUNE, HENRY            |                   | 65-02340 / 40.0  |                 |                |                  |

ADDITIONAL POU FOUND

TOTAL ACRES A65-03159B 154.00 154.00 156.00

POU COUNTY: VALLEY

154

\_\_\_\_\_

[illegible]

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

Y( ) N(☒)

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

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

| CLAIM NO.  | SOURCE          | NAME                      | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|------------|-----------------|---------------------------|-----------|----------------|-----------|----------------|
| A65-03159B | LAKE FORK CREEK | JAMES L CRUICKSHANK TRUST | 0.900     | 0.005          |           |                |
| A65-02340B | UNNAMED STREAM  | JAMES L CRUICKSHANK TRUST | 1.965     | 0.012          |           |                |
| A65-03158B | LAKE FORK CREEK | JAMES L CRUICKSHANK TRUST | 2.250     | 0.014          |           |                |
| A65-11326  | SPRINGS         | MAHALA DITCH CO           | 3.000     | 0.002          |           |                |

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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

Y(☒) N( )

\* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: A65-02340B

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

N/A( ) Y(☒) N( )

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

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

N/A( ) Y(☒) N( )

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

Y( ) N(☒)

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

Y( ) N(☒)

**NOTES:**

IONS: \_\_\_\_\_

TOTAL ACRES: 154 \_\_\_\_\_ N/A(\_\_\_\_)

REVIEWED BY: Roh \_\_\_\_\_ DATE: 4/22/99

A. AJ CLAIMED USES:

| PURPOSE OF USE              | PERIOD OF USE (MONTH/DAY) | DIV. RATE FOR EACH USE | DIV. VOL. FOR EACH USE |
|-----------------------------|---------------------------|------------------------|------------------------|
| A65-03159B IRRIGATION       | FROM 05-01 TO 09-15       | 0.900 CFS              |                        |
| TOTAL DIVERSION RATE/VOLUME |                           | 0.900 CFS              |                        |

B. WR RECORDED USES:

| PURPOSE OF USE              | PERIOD OF USE (MONTH/DAY) | DIV. RATE FOR EACH USE | DIV. VOL. FOR EACH USE |
|-----------------------------|---------------------------|------------------------|------------------------|
| 65-03159B IRRIGATION        | FROM 05-01 TO 09-15       | 0.900 CFS              |                        |
| TOTAL DIVERSION RATE/VOLUME |                           | 0.900 CFS              |                        |

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

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

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

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

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

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

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

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

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

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

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

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

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

PAGE: 9

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

174

CLAIM NUMBER: A65-031598

NOTES:

---

---

---

---

---

---

---

---

AJ CLAIM TOTAL DIVERSION RATE: 0.900 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 0.900 CFS

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

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

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

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

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

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

E. FLOW MEASUREMENT

MEASUREMENT METHOD UA, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE  
ACRES 154 x 0.02 CFS/ACRE = 3.08 CFS DECREASED AS .9 CFS  
(Taken from pou review)

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

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

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = \_\_\_\_\_ AF/A  
ACRES \_\_\_\_\_ x DIVERSION VOL. AF/A FOR AREA \_\_\_\_\_ =  
TOTAL DIVERSION VOLUME \_\_\_\_\_ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = \_\_\_\_\_ 308.0 AF/A  
ACRES \_\_\_\_\_ x CONSUMPTIVE VOL. AF/A FOR AREA \_\_\_\_\_ =  
TOTAL CONSUMPTIVE USE \_\_\_\_\_ AF/A

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

1b. CALCULATIONS

LK Fork WATER

3158 B - 225 CFS

3159 B - .9 CFS

3.15

3.08

.07

Ditch  
Loss  
E28 REMARK  
WITH MEAS AT  
FIELD HEADGATE

**NOTES:**

WR RECORD CONDITIONS/REMARKS:

(DECREED CONDITION ON 2340) 102 CFS / APPLY'S TO THIS RIGHT  
ACRE & 3158 B  
USE E 28 REMARK

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ( )

| REC.<br>PURPOSE OF USE | REC. PERIOD |       | REC. DIV          |                   | REC. DIV  |                   | REC. CONS.        |                   |
|------------------------|-------------|-------|-------------------|-------------------|-----------|-------------------|-------------------|-------------------|
|                        | FROM        | TO    | RATE CFS          |                   | VOL. AF/A |                   | USE               |                   |
| IRRIGATION             | 05-01       | 09-15 | DATABASE<br>0.900 | EXAMINER<br>_____ | DATABASE  | EXAMINER<br>_____ | DATABASE<br>308.0 | EXAMINER<br>_____ |
| _____                  | _____       | _____ | _____             | _____             | _____     | _____             | _____             | _____             |
| _____                  | _____       | _____ | _____             | _____             | _____     | _____             | _____             | _____             |
| _____                  | _____       | _____ | _____             | _____             | _____     | _____             | _____             | _____             |
| _____                  | _____       | _____ | _____             | _____             | _____     | _____             | _____             | _____             |
| TOTAL FOR THIS RIGHT   |             |       | 0.900             | _____             |           | _____             | 308.0             | _____             |

NON-IRRIGATION USES CLAIMED: NONE

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

REVIEWED BY: RLH DATE: 4/22/99

FLAG: \_\_\_\_\_

STANDARD CONDITIONS (CODE):

W29

STANDARD REMARKS (CODE):

QNT REMARK  
MEASURED  
E28 AT FIELD HEADGATE (3158B) & 2340B

Pou1 E14 TOTAL  
AREAS WITH 3158B & 2340B = 154

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

FOR MAHALA DITCH

FOG - WITH 2340B & 3158B

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 65-03159

TOTAL DIVERSION RATE OF WR SPLITS      DATABASE 2.280      EXAMINER \_\_\_\_\_      CFS

SPLITS:

| OLD RIGHT<br>NUMBERS | CURRENT<br>CLAIM NUMBERS | DIVERSION<br>RATE | CURRENT "R"<br>CLAIM NUM. | "R" DIV.<br>RATE | WR RIGHT<br>NUMBERS | DIVERSION<br>RATE |
|----------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| -                    | A65-03159A               | 1.380             | -                         | -                | 65-03159            | -                 |
| -                    | A65-03159B               | 0.900             | -                         | -                | 65-03159A           | 1.380             |
| -                    | -                        | -                 | -                         | -                | 65-03159B           | 0.900             |
| TOTAL CFS            |                          | 2.280             |                           |                  |                     | 2.280             |

DIVERSION RATE REVIEW

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

DATABASE N      FIELD EXAMINER Y( / ) N( )

NOTES:

AUTHENTICATION:

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

NAME OF FIELD EXAMINER: \_\_\_\_\_

TITLE: \_\_\_\_\_

~~Ron Howerton~~  
Sr Water Agent

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

| TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)                       | IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION     | COPY INCLUDED IN FILE?                                      |
|-----------------------------------------------------------------|------------------------------------------------------------|-------------------------------------------------------------|
| <input checked="" type="checkbox"/> ORTHOPHOTOQUAD              | DATE OF PHOTO <u>1981</u> IDWR ID NO. <u>5-60</u>          | Y( ) N( <input checked="" type="checkbox"/> ) <u>2340 B</u> |
| <input checked="" type="checkbox"/> TOPOGRAPHIC                 | DATE FIELD CHECKED <u>1973</u> IDWR ID NO. <u>5-60</u>     | Y( ) N( <input checked="" type="checkbox"/> ) <u>2340 B</u> |
| <input checked="" type="checkbox"/> NAPP                        | DATE OF PHOTO <u>1987</u> IDWR ID NO. <u>110 &amp; POU</u> | Y( <input checked="" type="checkbox"/> ) N( )               |
| <input checked="" type="checkbox"/> ASCS AERIAL PHOTO           | DATE OF PHOTO <u>1961 PRBA map</u>                         | Y( ) N( <input checked="" type="checkbox"/> ) <u>2340 B</u> |
| ( ) ASCS COLOR SLIDE                                            | DATE OF PHOTO _____                                        | Y( ) N( )                                                   |
| ( ) BLM OR USFS AERIAL PHOTO                                    | DATE OF PHOTO _____                                        | Y( ) N( )                                                   |
| ( ) TOWNSHIP SURVEY (GOVERNMENT PLAT)                           | DATE OF SURVEY _____                                       | Y( ) N( )                                                   |
| ( ) SCS SOIL SURVEY MAP                                         | DATE ISSUED _____                                          | Y( ) N( )                                                   |
| ( ) SUBDIVISION PLAT MAP                                        | DATE OF MAP _____                                          | Y( ) N( )                                                   |
| <input checked="" type="checkbox"/> OTHER <u>OVERLAP REVIEW</u> | DATE <u>4/22/99</u>                                        | Y( <input checked="" type="checkbox"/> ) N( )               |
| <input checked="" type="checkbox"/> OTHER <u>PROFILE REPORT</u> | DATE <u>4/6/99</u>                                         | Y( <input checked="" type="checkbox"/> ) N( )               |
| ( ) OTHER _____                                                 | DATE _____                                                 | Y( ) N( )                                                   |

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

14:19:21  
03/11/99  
181

CLAIM NUMBER: A65-03159B

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



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

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

CECIL D. ANDRUS  
GOVERNOR

March 4, 1994

R. KEITH HIGGINSON  
DIRECTOR

JOHN CRUICKSHANK  
63 PADDY FLAT RD  
MCCALL ID 83638

RE: Notices of Claim in the Snake River Basin Adjudication numbers:

|            |            |            |            |
|------------|------------|------------|------------|
| A65-01382  | A65-02306  | A65-02340B | A65-02926  |
| A65-02942  | A65-02955  | A65-02958  | A65-03154  |
| A65-003155 | A65-03156  | A65-03157  | A65-03158A |
| A65-03158B | A65-03159A | A65-03159B | A65-03160  |
| A65-03161  | A65-03162  | A65-03163  | A65-03168  |
| A65-03169  | A65-03170  | A65-03171  | A65-03179  |
| A65-02182  | A65-03333  | A65-03762  | A65-07473  |
| A65-09045B | A65-09666  | A65-11326  |            |

Dear Mr. Cruickshank:

As we discussed during your visit to my office on March 1, 1994, I am sending this letter to you to summarize the actions I have taken on the above-referenced claims.

You listed a number of claims which required a change of address, due to changes made by the McCall post office. Since I failed to obtain a signed request from you for these address changes, the data base has been updated in an incomplete manner. For this reason I have attached a listing of those claims. Please review, sign, and return this document to complete the address change.

Claim numbers A65-02942 and A65-02958 are the two claims that I mentioned to you which, due to a computer limitation during the claims taking process, did not record all of the acres decreed to those rights during the Payette River Adjudication. I have amended the claims to include these additional acres. Please review these claims, add your notarized signature, and return them to this office to my attention. No fees are required.

Claim number A65-09666 has been changed to reflect new ownership, based on the tax receipts that you provided to me. A copy of the claim and a copy of the change in ownership form are enclosed with this letter.

Claim number A65-03333, which you informed me has been sold to the Idaho Transportation Department (State Highways), will be changed to reflect the change in ownership as soon as ITD provides additional documentation.

**MICROFILMED**  
**OCT 18 1996**

The claims listed below are filed in the names of James L. Cruickshank Trust, or Jarvie/Nasi. I am unable to change the ownership on these claims. The tax notices that you provided to me are for property in Twp. 17N, Rge. 03E, sections 27, 34, 35, and 36, and Twp. 16N, Rge. 03E, Section 2. The claims referenced below are all in Twp. 17N, Rge. 03E, section 10. In order to change ownership on these claims, please provide documentation that supports your ownership of the appurtenant lands. Please send this documentation to my attention along with the enclosed change of ownership form. The claim numbers are as follows:

|            |           |           |            |
|------------|-----------|-----------|------------|
| A65-02340B | A65-03154 | A65-03155 | A65-03158B |
| A65-03159B | A65-03160 | A65-03161 |            |

In conclusion, the following needs to be returned to this office:

1. Signed list of claims which require a change in address.
2. Documentation of ownership for the claims in Twp. 17N, Rge. 03E, section 10, and a signed Change of Ownership form.
3. Signed and notarized amended claim numbers A65-02942 and A65-02958.

If I have missed any of your claims, or have misinterpreted your intentions, please do not hesitate to contact me. I will also be happy to address any questions or concerns that you have.

Sincerely,



Maria Minicucci  
Water Agent, Adjudication Bureau

MM/m

Encs: List for signature (change of address)  
Amended claims for notarized signature (A65-02942, A65-02958)  
"Notice of Change of Water Right Ownership" form  
Notice of claim A65-09666

MICROFILMED  
OCT 18 1996

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
WATER RIGHTS ABSTRACT

| RIGHT<br>NUMBER         | NAME AND<br>ADDRESS                                                                                                                        | PRIORITY<br>DATE | USE        | USE PERIOD<br>FROM TO | MAX AMOUNT<br>MAX RATE | DIVERSION<br>POINT    | PLACE OF USE<br>AND ACREAGE                                                                                          | BASIS FOR<br>RIGHT |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------|-----------------------|------------------------|-----------------------|----------------------------------------------------------------------------------------------------------------------|--------------------|
| SOURCE: LAKE FORK CREEK |                                                                                                                                            |                  |            |                       |                        |                       |                                                                                                                      |                    |
| 65-3159A                | WRIGHT, LEE C.<br>WRIGHT, LEONORA J.<br>P. O. BOX 153<br>FRUITLAND<br>ID 83619                                                             | 05-01-1919       | IRRIGATION | 05-01 09-15           | 1.38 CFS               | NWNE S10<br>T17N R03E | NWNW(39) SWNW(40) DEGREE<br>NWSW(40) SWSW(39)<br>S26 T17N R03E<br>NENE(39) SENE(40)<br>S27 T17N R03E<br>* 237 ACRES* |                    |
| 65-3159B                | NORTUNE, HENRY<br>DONNELLY<br>ID 83615<br>REMARK: THIS RIGHT WHEN COMBINED WITH RIGHT 65-2340 SHALL PROVIDE<br>NO MORE THAN .02 CFS/ACRE.  | 05-01-1919       | IRRIGATION | 05-01 09-15           | .90 CFS                | NWNE S10<br>T17N R03E | NENE(39) NWNE(36) DEGREE<br>SWNE(39) SENE(40)<br>S34 T17N R03E<br>* 154 ACRES*                                       |                    |
| 65-3161                 | NORTUNE, HENRY<br>DONNELLY<br>ID 83615<br>REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-2519 SHALL<br>PROVIDE NO MORE THAN .02 CFS/ACRE. | 05-01-1919       | IRRIGATION | 05-01 09-15           | .46 CFS                | NWNE S10<br>T17N R03E | NESE(40) NWSE(30) DEGREE<br>SWSE(37) SESE(40)<br>S27 T17N R03E<br>* 147 ACRES*                                       |                    |
| 65-3163                 | LAPPENS, CHARLES R.<br>LAPPENS, SHIRLEY L.<br>P. O. BOX 72<br>DONNELLY<br>ID 83615                                                         | 05-01-1919       | IRRIGATION | 05-01 09-15           | .46 CFS                | NWNE S10<br>T17N R03E | SWSE(39) SESE(39) DEGREE<br>S26 T17N R03E<br>* 78 ACRES*                                                             |                    |
| 65-3165                 | GOODE, JOHN V.<br>GOODE, AILA D.<br>P. O. BOX 45<br>DONNELLY<br>ID 83615                                                                   | 05-01-1919       | IRRIGATION | 05-01 09-15           | .46 CFS                | NWNE S10<br>T17N R03E | LT01(NENE)(40) DEGREE<br>LT02(NWNE)(39)<br>SWNE(39) SENE(40)<br>S03 T16N R03E<br>* 158 ACRES*                        |                    |

\*INDICATES TOTAL\*

RECEIVED

FILE

FEB 12 1987

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF IDAHO

APR 07 1986

Department of Water Resources

STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL  
DETERMINATION OF THE RIGHT TO  
THE USE OF SURFACE AND GROUND-  
WATERS OF THE PAYETTE RIVER  
DRAINAGE BASIN.

Civil No. 3667

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

*Helmuth R. Kolzig*

The foregoing Stipulation, of Lake Irrigation District, Edward A. Cruzen and the Department of Water Resources, having come duly and regularly before the Court and good cause appearing therefore,

IT IS ORDERED AND DECREED that the water rights, priority dates, uses, periods of use, quantification of rights, diversion points, places of use and basis of claim identified in Exhibit A attached hereto and incorporated herein by reference are adopted by this Court, and the Proposed Finding of Water Rights in the Payette River Drainage Basin (hereinafter "Proposed Finding") shall be amended accordingly. Some of the rights listed in Exhibit A were previously decreed by the court in its judgment of January 21, 1986. They are included here to provide a complete listing of all rights on Lake Fork Creek. Claim No. 65-10095, a reserved right claimed by the Forest Service, is not included because the State of Idaho and the United States are currently planning to become engaged in negotiations concerning federal reserved water right claims.

IT IS FURTHER ORDERED that all protests and objections

ORDER AND PARTIAL DECREE, Page 1

RECEIVED

FEB 24 1987

COMPARED

INDEXED - DIRECT

INDEXED - INDIRECT

Department of Water Resources

filed by Lake Irrigation District and Edward A. Cruzen against the water rights adopted by this Court in the preceeding paragraph are dismissed with prejudice.

IT IS FURTHER ORDERED AND DECREED that the Proposed Finding of Fact No. 10 and Conclusion of Law No. 6 as set out in the foregoing Stipulation and Finding of Fact No. 4 and Conclusion of Law No. 3 as set out in Exhibit B of the foregoing Stipulation are amended by said Stipulation.

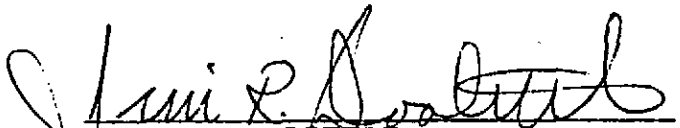
IT IS FURTHER ORDERED AND DECREED that for purposes of operating Water District 65K the gauging station located in the SW1/4SE1/4NW1/4 section 8 township 18N range 4E B.M., above Jumbo Creek and above Tyee Creek shall have 10 per cent added to said gauge readings to account for the added flows of Jumbo and Tyee Creeks and other less distinctive sources between the old site of the gauging station and the present site, unless modified by order of this Court due to changes in the measured flows.

IT IS FURTHER ORDERED AND DECREED that for purposes of operating Water District 65K, reference may be made to the decree of Paul Michelson et al v. M. H. Williams et al (7th Judicial District, Valley County, 1928) for a period of five years following the date of this order, to answer questions arising as to the distribution of water rights listed in Exhibit A. The director of the Department of Water Resources, pursuant to his authority under Chapter 6, Title 42, Idaho Code, will initially

determine any distribution questions. The elements of the Michelson decree that are used in any orders or instructions to the watermaster during this five year term shall be made a permanent part of the water district file for Lake Fork Creek and shall be considered by the director in any future orders or instructions to the watermaster.

IT IS FURTHER ORDERED AND DECREED that jurisdiction is reserved by the Court, upon 10 days notice to the parties hereunto, to make corrections of clerical errors, inadvertences or omissions in the listing of water rights of Exhibit A to the foregoing Stipulation, and the reservation of jurisdiction for this purpose will date one year from the date of this Order.

DATED this 28<sup>th</sup> day of March, 1986.

  
JIM R. DOOLITTLE  
DISTRICT JUDGE

#### 54(b) Certificate

With respect to the issues determined by the above judgment, it is hereby CERTIFIED, in accordance with the 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 decree and that the court has and does direct that the above partial decree shall be a final judgment upon which execution may issue and appeal may be taken as provided by the Idaho Appellate Rules.

DATED this 28<sup>th</sup> day of March, 1986.

STATE OF IDAHO )  
County of Gem ) ss.

I certify that the foregoing  
is a true and correct copy  
of the original on file in  
this office.

DATED 3-5-87  
Thelma R. Kolodziej, Clerk

By: Loc. 1 ORDERED AND PARTIAL DECREE, Page 3

  
JIM R. DOOLITTLE  
District Judge