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RELIED THEREIN.

Idaho Department of Water Resources

T17N, R03E S26

Claim(s):
65-03170 &
65-03171
Owner(s) Cruickshank
Prepared by:
Ron Howerton
Date: 28 Apr 99

Place of use

POD

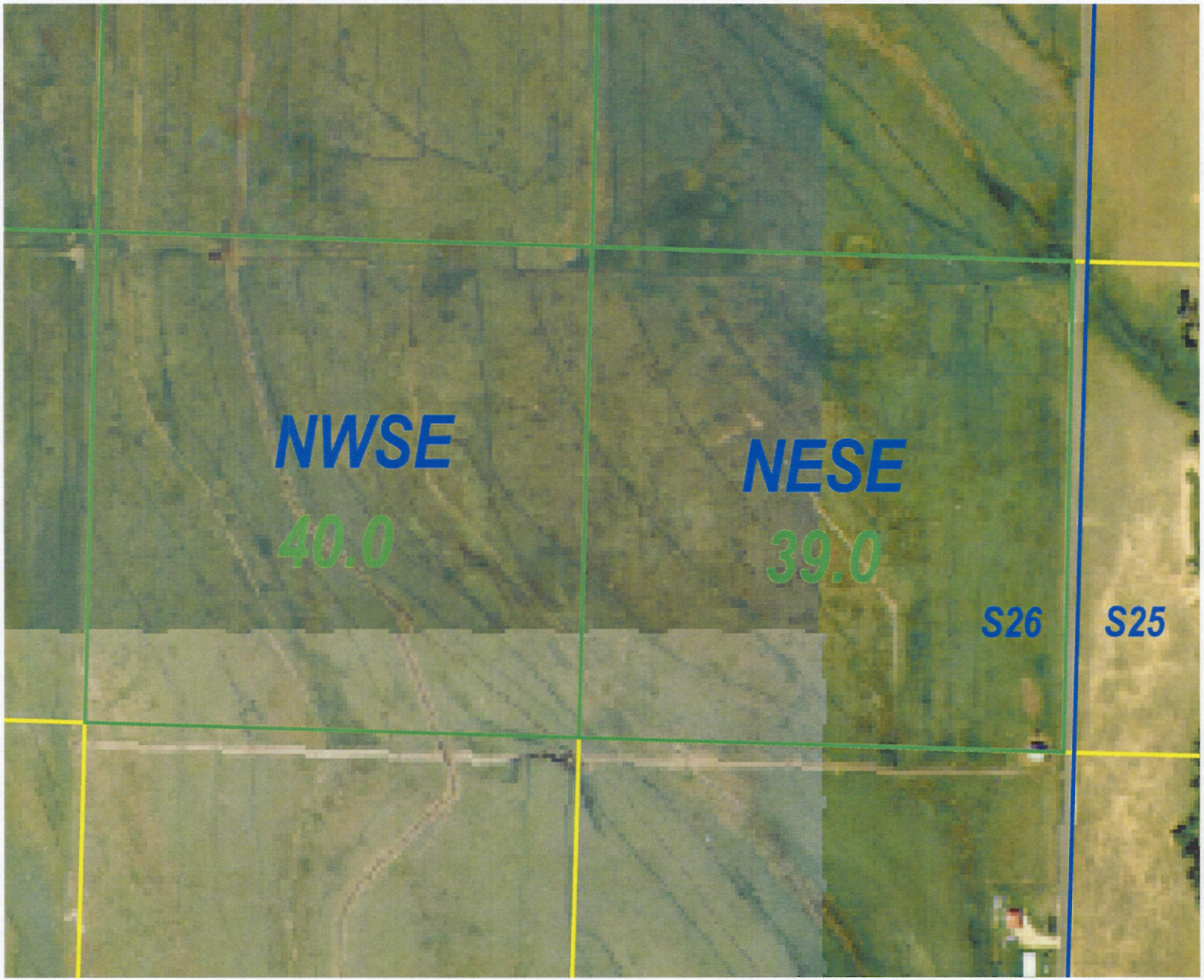
SECTION LINES

1/4 1/4 Liines

\# Acres

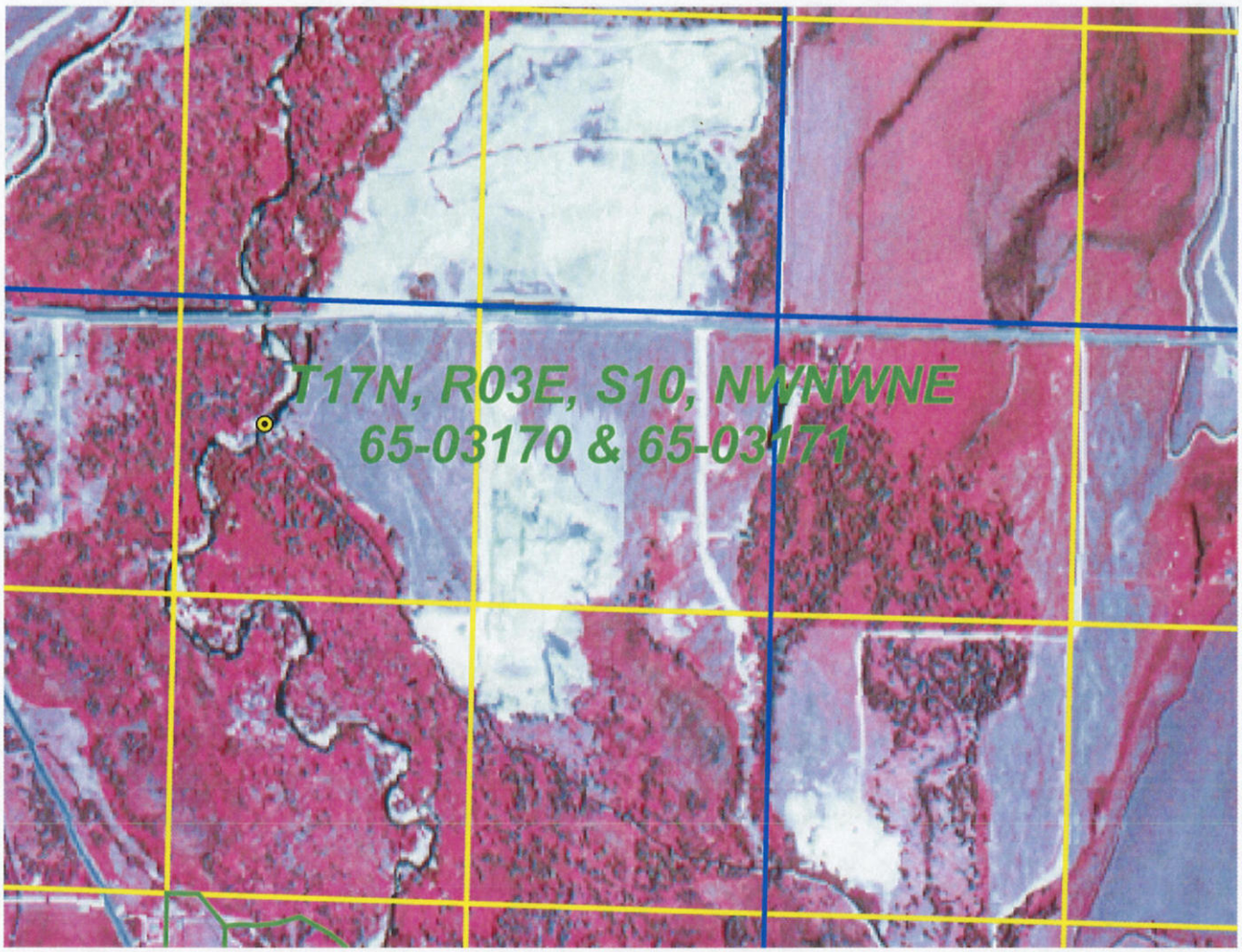
N
W E
S

1987 NAPP



0 0.25 0.5 Miles

65-03170 & 65-03171

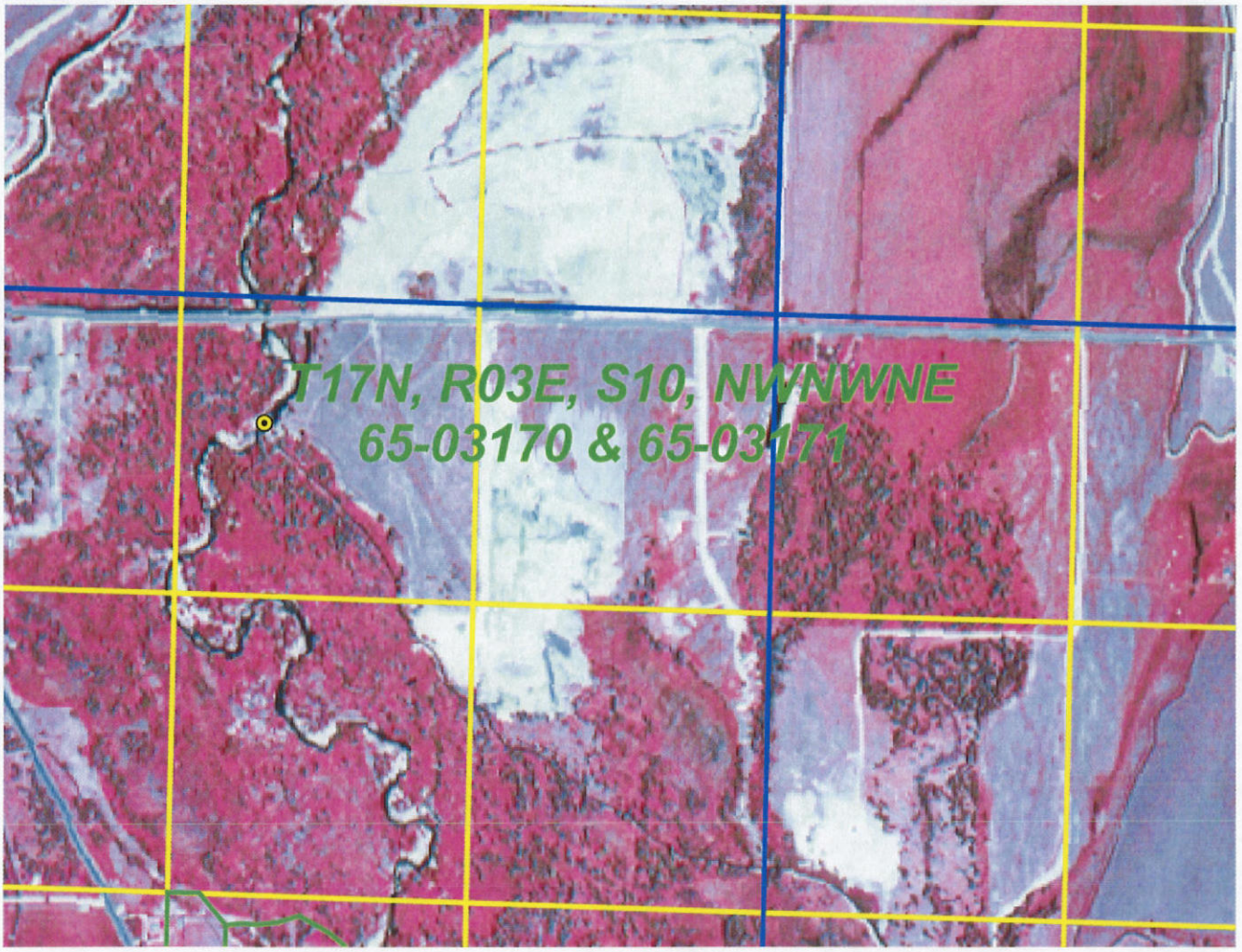


0 0.25 0.5 0.75 1 Miles

Point of Diversion

N
W E
S

65-03170 & 65-03171



0 0.25 0.5 0.75 1 Miles

Point of Diversion

N
W E
S

Idaho Department of Water Resources

T17N, R03E
S26

Claim(s):
65-03170 &
65-03171
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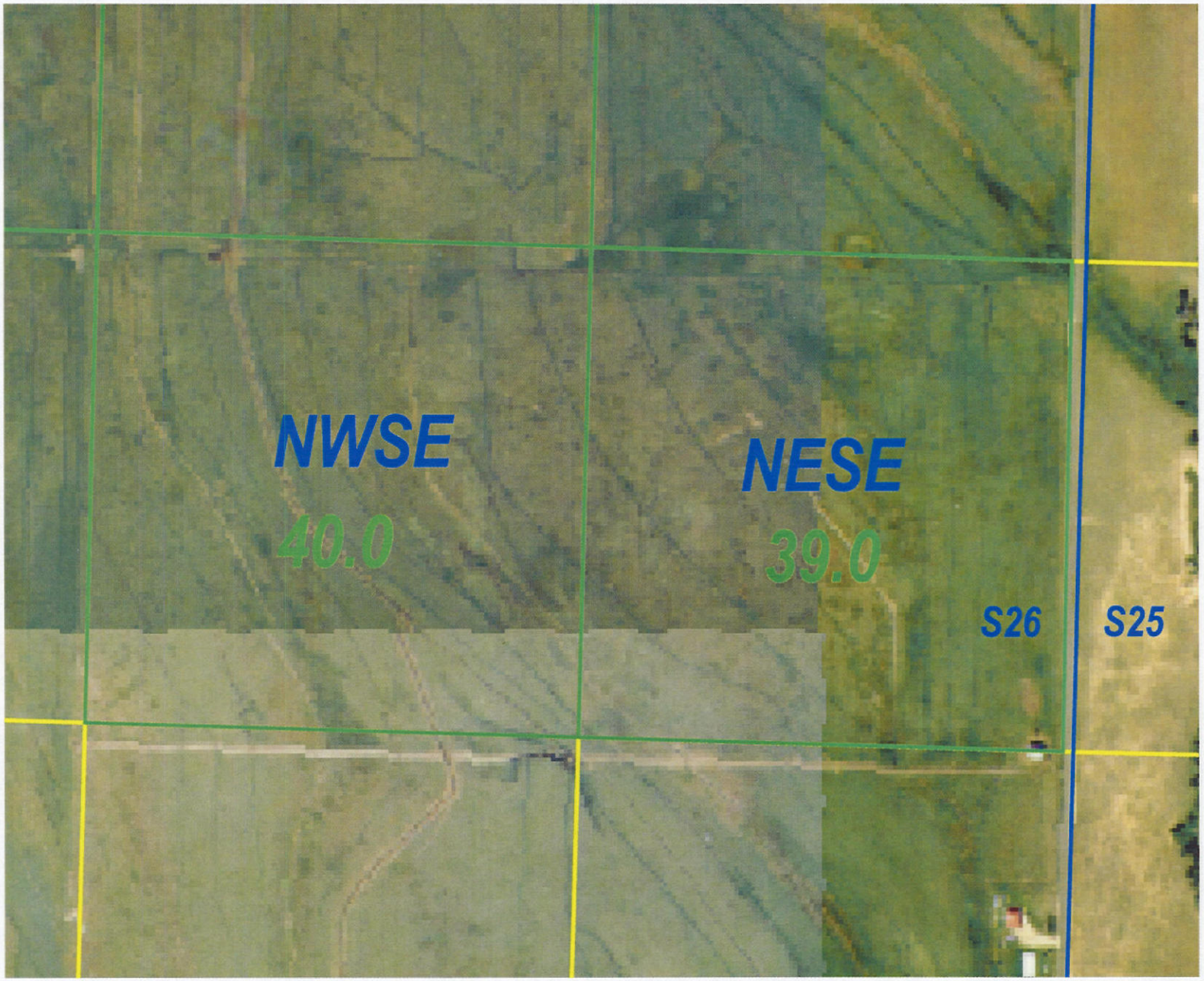
\# Acres



N
W E
S

1987 NAPP

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: A65-03170
Date Received: 11-7-1988
Receipt No: X999999
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HELEN E. CRUICKSHANK 208-325-8549
   Address: RT.1 BOX 70
   MCCALL, ID 83638

2. Date of Priority: MAY 01, 1909

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	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	1.140		

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

8. Total consumptive use is 158.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   NONE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
17N	03E	26	NE SE		IRR	39.0
			NW SE		IRR	40.0
				Section Acres		79.0

MICROFILMED
SEP 2 2 1992

10. Place of Use: Continued

Total Acres 79.0

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:
A65-03171

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

MICROFILMED
SEP 2 2 1992

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 X 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 Personal Representative (Title) of Helen E. Cruickshank (Organization), that I have signed the foregoing document in the space below as Personal Representative (Title) of Helen E. Cruickshank (Organization) and that the statements contained in the foregoing document are true and correct.

[signature]
Signature of Authorized Agent

POA
Title and Organization

11/8/88
Date

State of Idaho)
) SS.
County of Valley)

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

[signature]
Notary Public

Seal

Residing at Boise Id

My Commission Expires 9/2/1994

MICROFILMED
SEP 2 2 1992

WESTERN REGION

OWNER (S): CRUICKSHANK

CLAIM NUMBERS: 3170 3171

AGENT: RON HOWERTON **DATE** 9/3/99

RIGHT NO	TNS	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE

POLYGON CREATED ON 803

POLYGON # ( )( )( )( ) UPDATED BY rdh

ATTRIBUTES OF B65-POU.SHP (916)( )( )( )( )

ATTRIBUTES OF B65-POD.SHP (801)( )( )( )( )

_____ **B65-DBPOU.DBF UPDATED BY rdh**

_____ **B65-DBPOD.DBF UPDATED BY rdh**

NOTES:

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

RIGHT NUMBER: 65-03170

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

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

QUANTITY: 1.14 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-03171 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE MEASURED AT FIELD HEADGATE.

PRIORITY DATE: 05/01/1909

POINT OF DIVERSION: T17N R03E S10 NWNWNE Within VALLEY County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	05-01 09-15	1.14 CFS

PLACE OF USE: IRRIGATION Within VALLEY County
T17N R03E S26 NESE 39 NWSE 40
79 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 65-03171 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 79 ACRES IN A SINGLE IRRIGATION SEASON.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
WATER IS DELIVERED THROUGH MAHALA DITCH IN SECTION 10.
RIGHT NO. 65-03171 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

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 65-09045B, 65-03168, 65-03169, 65-03170, 65-03171, 65-03156, 65-03157, 65-03158A and 65-03159A**

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 |X| No

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

Water Right(s): **65-09045B, 65-03168, 65-03169, 65-03170, 65-03171, 65-03156, 65-03157, 65-03158A and 65-03159A**

From (Claimant/Seller):

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

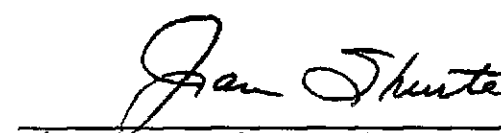
To (Claimant/Purchaser):

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:

   HELEN E CRUICKSHANK
   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

Form 42-248/42-1409(6) 1/9/97 (Internet)

RECEIVED
DEC 27 1999
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

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 Ø 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 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 PONS
ADJ #'S
A65-2340B
-3158B
-3159B
-3160
-3161
-3162
-3163
-3154
-3155
DOMESTICS - DECR
65-09666 & 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 LLP
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 LLP

Teresa J. Turner
Paralegal

tjt
Enclosures
c: Harry Bettis (w/enclosures)

2606894_1.DOC

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 Cruickshank
JOHN J. CRUICKSHANK, aka
John Cruickshank

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

239440
TYPE:
VALLEY COUNTY RECORDER
BY:
FEE: 9.00
9 APR 10 53 AM
MOUNTAIN TITLE & ESCROW
REQUESTED BY
RECORDED

STATE OF IDAHO)
: ss.
County of Ada)

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.

JOYCE L. LAMBETH NOTARY PUBLIC STATE OF IDAHO

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

BOISE:0103554.01

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 -

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

EXHIBIT B

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

SCHEDULE B—Section 2
Exceptions

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

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 -

Lawyers Title Insurance Corporation
A LANDAMERICA COMPANY
NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

SCHEDULE_____cont'd.

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_____cont'd.

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: DBL 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 -

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.

Rerecorded to correct the capacity of signature for John J. Cruickshank. 11-10-98

ACCOMMODATION

CERTIFIED COPY

QUITCLAIM DEED

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"

236483

TYPE: Dud
LELAND HEINRICH
VALLEY COUNTY RECORDER
BY: J Nowlin
FEE: 9.00

'98 NOV 10 PM 3
MOUNTAIN TITLE & ESCROW
REQUESTED BY
RECORDED

Dated: 11/2/98

Helen E. Cruickshank
HELEN E. CRUICKSHANK

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

STATE OF IDAHO)
) ss
COUNTY OF Valley)

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

COLLEEN L. COLE
NOTARY PUBLIC
STATE OF IDAHO

Commission Expires: 6-6-99

236356

TYPE: Dud
LELAND HEINRICH
VALLEY COUNTY RECORDER
BY: J Nowlin
FEE: 9.00

'98 NOV 4 AM 11 56
MOUNTAIN TITLE & ESCROW
REQUESTED BY
RECORDED

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 Heinrich

By Joyce Nowlin Deputy

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 741.5 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 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; W1/2 NE1/4; 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.

EXHIBIT A

TOWNSHIP 16 NORTH, RANGE 3 EAST, BOISE MERIDIAN:
SECTION 1: LOT 4, SAVE AND EXCEPT TAX NO. 10, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CAULKSHANK TO YENSEN
Situated in NW¼ NW¼ SEC. 1, T16N., R3E

A parcel of land being a portion of the NW¼ of the NW¼ 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 W 1/16 Corner common to said Sections 36 and 1, the REAL POINT OF BEGINNING;

Thence, S. 0° 02' 03" E., 1312.27 feet to a 5/8" rebar marking the NW 1/16 Corner of said Section 1;
thence, N. 89° 21' 27" W., 41.16 feet along the southerly boundary of said NW¼ NW¼ to its intersection with a north-south fence line;
thence, N. 0° 28' 31" E., 1312.20 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 acres, more or less.

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

Personal Rep. Helen Caulkshank 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
ASSUMES NO RESPONSIBILITY AS TO
THE EFFECT, SUFFICIENCY, COM-
PLETENESS OR ANY OTHER MATTERS
THAT MIGHT BE REFERRED TO OR
CONTAINED 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	**Subcase Nos.**		
Case No. 39576	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 25th day of June 2002.

BEEMAN & ASSOCIATES, P.C.

Josephine P. Beeman

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

Josephine P. Beeman

Z:\3004\5314.doc

SCANNED
JUN 26 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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 4, 2001

Dear Basin 65 water user:

This letter is to inform you that you may be eligible to file a stockwater claim with the Idaho Department of Water Resources (IDWR) in connection with the Snake River Basin Adjudication (SRBA). IDWR is sending this letter to water users in Basin 65 who might have relied upon the non-irrigation season stockwater provision in the Payette Adjudication. This provision states:

> "When stockwater is not a specifically mentioned use for a right that includes irrigation, a reasonable flow is implied and included for the watering of livestock during the non-irrigation season."

In another basin, the Idaho Supreme Court struck down general provisions that contained similar language. The non-irrigation season stockwater language quoted above was not included in the General Provisions for Basin 65 because of the Idaho Supreme Court's ruling.

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

To be eligible for a new non-irrigation season stockwater claim:

1. You must have actually and historically watered livestock during the non-irrigation season without a separate stockwater right.
2. You must have filed a surface water irrigation claim in both the Payette Adjudication and the SRBA.
3. You must not have filed a stockwater claim with the surface water irrigation claim.

If you meet these three requirements, you may file a Notice of Claim form for stockwater with IDWR. **To have a timely filing you must file this claim with IDWR by May 25, 2001.** IDWR will waive filing fees for these stockwater claims if filed before this deadline. Failure to file your claim in a timely manner may prevent you from claiming it in the future. Notice of Claim forms are available on IDWR's website at www.idwr.state.id.us/info/water/srba/forms.htm or from any IDWR office. Claimants can call IDWR, Western Region at (208) 334-2190 to make an appointment if they need assistance filling out a Notice of Claim form.

Sincerely,

David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	HARRY L BETTIS STAR ROUTE PAYETTE ID 83661 (208) 365-2512	05/01/1909	IRRIGATION	05-01	09-15	1.140 CFS	
				TOTAL DIVERSION:		1.140 CFS	
D	HELEN E CRUICKSHANK RT 1 BOX 70 MC CALL ID 83638 (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				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
17N	03E	26													39	40			79.0
																TOTAL ACRES			79.0

POU County: VALLEY

Other Rights: 65-03171

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
65-03159B	65-03160	65-03161	65-03162	65-03163	65-03164	65-03165	65-03166	65-03167	65-03168
65-03169	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:
65-03171 A65-03170 A65-03171

Conditions of Approval:

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 NO. 65-03171 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE MEASURED AT FIELD HEADGATE.

POU1 USE OF THIS RIGHT WITH RIGHT NO. 65-03171 IS LIMITED TO THE

Remarks: IRRIGATION OF A COMBINED TOTAL OF 79 ACRES IN A SINGLE IRRIGATION SEASON.

EXP WATER IS DELIVERED THROUGH MAHALA DITCH IN SECTION 10. RIGHT NO. 65-03171 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

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

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

Comments: Date: 09/07/1999 User-ID: DSMITH Subject: ADDRESS CORRECTION
CORRECTED RT1 TO RT 1

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

RIGHT NUMBER: 65-03170

NAME AND ADDRESS: HELEN E CRUICKSHANK
RT 1 BOX 70
MC CALL ID 83638

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

QUANTITY: 1.14 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-03171 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE MEASURED AT FIELD HEADGATE.

PRIORITY-DATE: 05/01/1909

POINT OF DIVERSION T17N R03E S10 NWNWNE Within VALLEY County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	05-01 09-15	1.14 CFS

PLACE OF USE: IRRIGATION Within VALLEY County
T17N R03E S26 NESE 39 NWSE 40
79 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 65-03171 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 79 ACRES IN A SINGLE IRRIGATION SEASON.

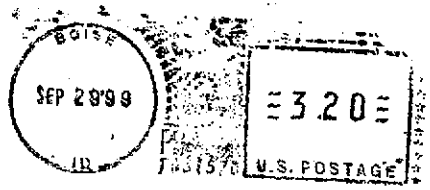
OTHER MATTERS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
WATER IS DELIVERED THROUGH MAHALA DITCH IN SECTION 10.
RIGHT NO. 65-03171 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

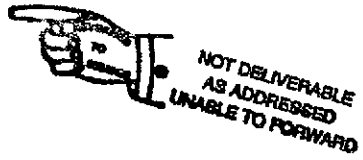
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED



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

Returned



James →
65-02340 B
03158 B
03159 B
03160
03161

JOHN E CRUICKSHANK
RT 1 BOX [illegible]
MC CALL ID [illegible]

-02306
-02926
-03171

RECEIVED
OCT 0 1 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 Cruikshank

Idaho Department of Water Resources

T17N, R03E S26

Claim(s):
65-03170 &
65-03171
Owner(s) Cruickshank
Prepared by:
Ron Howerton
Date: 28 Apr 99

Place of use

POD

SECTION LINES

1/4 1/4 Liines

\# *Acres*

N
W E
S

1987 NAPP

0 0.25 0.5 Miles

65-03170 & 65-03171

0 0.25 0.5 0.75 1 Miles

• Point of Diversion

N
W E
S

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	HELEN E CRUICKSHANK RT1 BOX 70 MCCALL ID 83638 (208) 325-8549	05/01/1909	IRRIGATION	05-01	09-15	1.14 CFS	
					TOTAL DIVERSION:	1.14 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	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac	SUM
17N	03E	26													39	40			79.0
																TOTAL ACRES			79.0

POU County: VALLEY

Other Rights: 65-03171

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	R65-03159B	R65-03160	
R65-03161	R65-03162	R65-03163	R65-03164	R65-03165	R65-03166	R65-03167	R65-03168	R65-03169	R65-03171	
R65-09045A	R65-09045B	R65-11326								

Remarks: QNT THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-03171 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE MEASURED AT FIELD HEADGATE.

POU1 USE OF THIS RIGHT WITH RIGHT NO. 65-03171 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 79 ACRES IN A SINGLE IRRIGATION SEASON.

EXP WATER IS DELIVERED THROUGH MAHALA DITCH IN SECTION 10. RIGHT NO. 65-03171 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

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

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

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	LEE C. WRIGHT, JR. ROUTE 1, BOX 254 FRUITLAND ID 83619	05/01/1909	IRRIGATION	05/01	09/15	1.140 CFS TOTAL DIVERSION: 1.140 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				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
17N	03E	26													39	40			79.0
																TOTAL ACRES			79.0

Pou County: VALLEY

Dates: App. Received: Priority Date: 05/01/1909
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

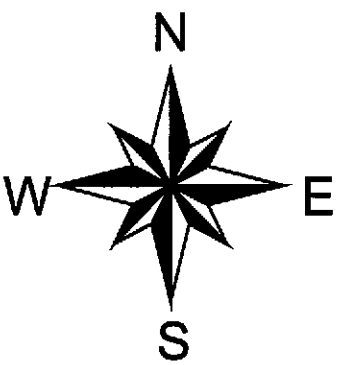
Misc: Water District Number: 65K Field Exam Fee:

Audit: 04/24/87 04/30/88 CONVERT 08/14/89 CURTIS

65-03170 & 65-03171

0 0.25 0.5 0.75 1 Miles

• Point of Diversion



Idaho Department of Water Resources

T17N, R03E
S26

Claim(s):
65-03170 &
65-03171
Owner(s) Cruickshank
Prepared by:
Ron Howerton
Date: 28 Apr 99

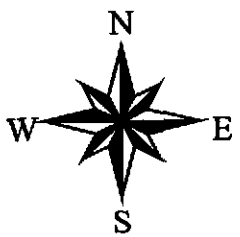
Place of use

POD

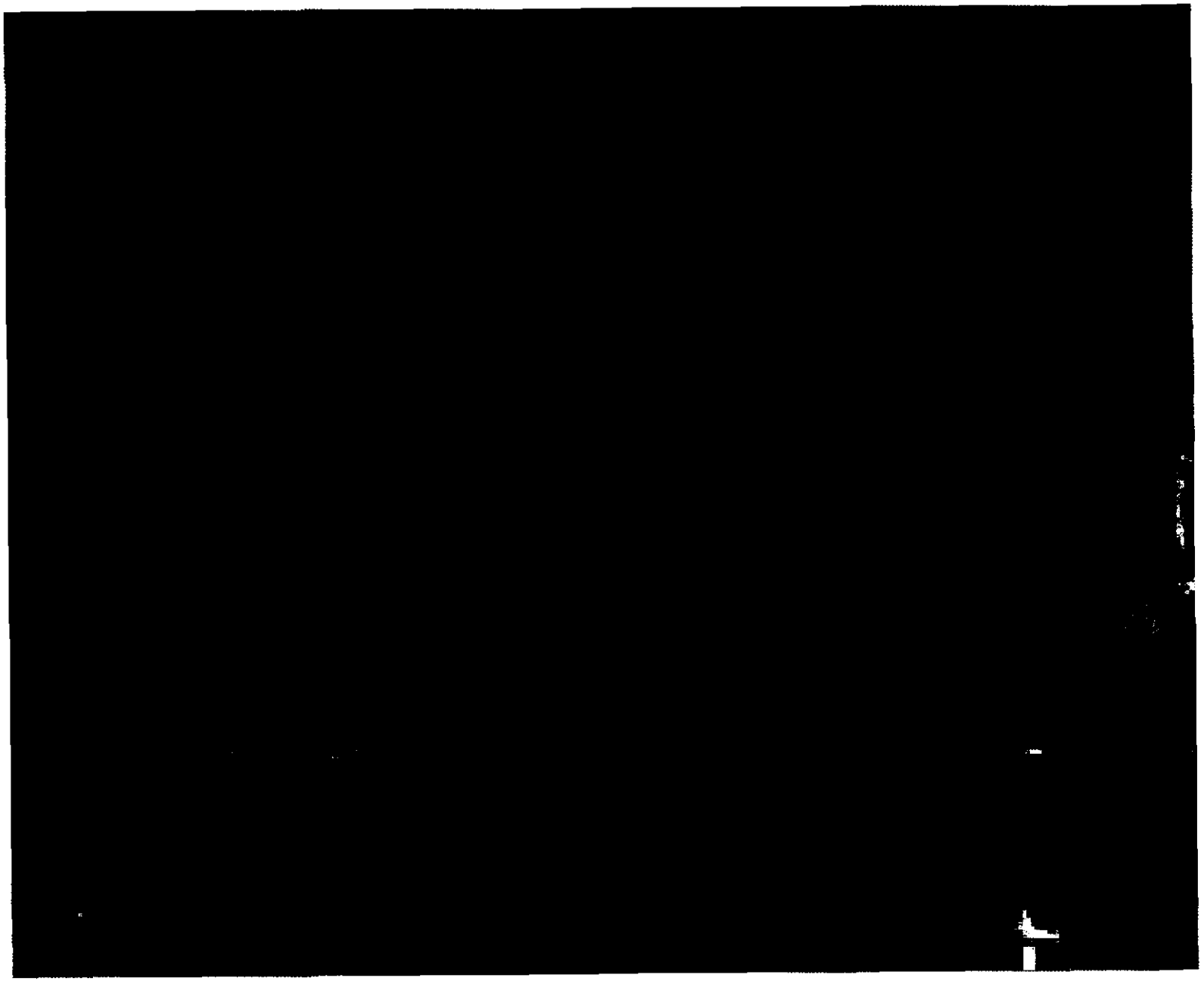
SECTION LINES

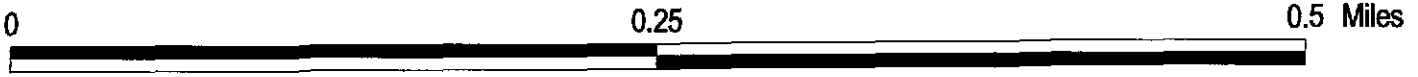
1/4 1/4 Liines

\# *Acres*



1987 NAPP





STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:07:58
03/10/99

PAGE: 15
QUICKLOOK INFORMATION

129
CLAIM NUMBER: A65-03170

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV								
SOURCE			RDH					
PLACE OF USE	X							
DIV. AMOUNT CFS/VOLUME			IN-OFFICE 4-28-99					RDH 4-28-99
CONSUMPTIVE USE								
PURPOSES OF USE								
PERIOD OF USE								
BASIS OF CLAIM								
REMARKS								

BARCODE UPDATED
WHOM/DATE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:07:58
03/10/99

PAGE: 1

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GENERAL INFORMATION

CLAIM NUMBER: A65-03170

LAST: CRUICKSHANK FIRST: HELEN E
ADDRESS: 63 PADDY FLAT RD
CHANGE IN ADDRESS INCOMPLETE
CITY: MCCALL STATE: ID ZIP: 83638
PHONE NUMBER: 208-325-8549

OWNER CODE: P

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

OWNER CODE: C

	DATABASE	FIELD EXAMINER
FIELD EXAM REQUIRED?		
VERIFICATION REQUIRED DUE TO REMARKS?	N	

NO REMARKS IN CLAIM

FIELD EXAMINATION INFORMATION

CONTACT PERSON: IN-OFFICE PHONE NUMBER: (___) ___-____

DATE OF FIELD EXAM: 4/28/99 APPOINTMENT MADE: Y(__) N(X) TIME: ___:___ A(__) P(__)

ACCOMPANIED BY: _____ PHONE NUMBER: (___) ___-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

SEE NAPP PHOTO'S IN FILE

PRIORITY DATE REVIEW PAGE CLAIM NUMBER: A65-03170

A. AJ CLAIM: # A65-03170 PRIORITY DATE: 05-01-1909 STAGE: D

B. WR RECORD: # 65-03170 PRIORITY DATE: 05-01-1909 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: 05-01-1909

REVIEWED BY Rdh DATE 4/20/99

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A65-03170	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 FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
65-03170	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(✓)

POINT OF DIVERSION REVIEW SHEET CONTINUED CLAIM NUMBER: A65-03170

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) X

NOTES: GIS NAPP PHOTO'S

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

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

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

REVIEWED BY: RdH DATE: 4/29/99

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

MAHALA DITCH

PLACE OF USE REVIEW SHEET

119
CLAIM NUMBER: A65-03170

A. ROOT WATER RIGHT NUMBERS: A65-03170

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
17N	03E	26	NE	SE		CRUICKSHANK, HELEN E	A65-03170 / 39.0	65-03170 / 39.0	40.0		39
			NE	SE		CRUICKSHANK, HELEN E	A65-03171 / 39.0	65-03171 / 39.0			
17N	03E	26	NW	SE		CRUICKSHANK, HELEN E	A65-03170 / 40.0	65-03170 / 40.0	39.0		40
			NW	SE		CRUICKSHANK, HELEN E	A65-03171 / 40.0	65-03171 / 40.0			

ADDITIONAL POU FOUND

TOTAL ACRES	A65-03170	79.00	79.00	79.00	79

POU COUNTY: VALLEY

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED? Y(___) N(✓)

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

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A65-03170	LAKE FORK CREEK	CRUICKSHANK, HELEN E	1.140	0.014		
A65-03171	LAKE FORK CREEK	CRUICKSHANK, HELEN E	0.460	0.005		

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: A65-03171

OVERLAP REVIEW SHEET FOR THE FOLLOWING WR #'s: 65-3170 65-3171

AGENT RCh DATE 4/28/99 ___-___ ___-___

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
UKFK CR	3170	17N	3E	26													39	40			79	
" " "	3171	17N	3E	26													39	40			79	
																						79

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

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(✓)

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CLAIM NUMBER: A65-03170

CHECK DOCUMENTS USED TO VERIFY POU: ( ) ORTHOPHOTOQUAD, IDWR NO. _____; ( ) TOPOGRAPHIC QUAD, IDWR NO. _____;

(X) NAPP, IDWR NO. 1987; ( ) ASCS PHOTO; ( ) OTHER _____

NOTES: _____

RECOMMENDATIONS:

TOTAL ACRES: 79 N/A( )

REVIEWED BY: RCh DATE: 4-28-99

PURPOSE OF USE, PERIOD OF USE, DIVERSION RATE AND DIVERSION VOLUME REVIEW SHEET CLAIM NUMBER: A65-03170

A. AJ CLAIMED USES:

	PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-03170	IRRIGATION	FROM 05-01 TO 09-15	1.140 CFS	
		TOTAL DIVERSION RATE/VOLUME	1.140 CFS	

B. WR RECORDED USES:

	PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-03170	IRRIGATION	FROM 05-01 TO 09-15	1.140 CFS	
		TOTAL DIVERSION RATE/VOLUME	1.140 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(___)

NOTES:

124
CLAIM NUMBER: A65-03170

AJ CLAIM TOTAL DIVERSION RATE: 1.140 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 1.140 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 NA, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 79 x 0.02 CFS/ACRE = 1.58 CFS
(Taken from pou review)

1b. CALCULATIONS

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

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

3170 - 1.14 cfs
3171 .46 cfs
1.60
- 1.58
.02 cfs
Ditch Loss
Rmk E28

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 = 158.0 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 (___)

NOTES:

WR RECORD CONDITIONS/REMARKS:

NONE

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REC. PURPOSE OF USE	REC. PERIOD FROM	REC. PERIOD TO	REC. DIV RATE CFS DATABASE	REC. DIV RATE CFS EXAMINER	REC. DIV VOL. AF/A DATABASE	REC. DIV VOL. AF/A EXAMINER	REC. CONS. USE DATABASE	REC. CONS. USE EXAMINER
IRRIGATION	05-01	09-15	1.140				158.0	
TOTAL FOR THIS RIGHT			1.140				158.0	

NON-IRRIGATION USES CLAIMED: NONE

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

REVIEWED BY: RJL DATE: 4-28-99

FLAG:

STANDARD CONDITIONS (CODE):

NO DITCH CO. OVERLAPS

STANDARD REMARKS (CODE):

~~POST EIL LIMIT TO 79 ACRES WITH 3171~~ OK

QUT E28 MEAS AT FIELD HEADGATE

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE): MOHALA Ditch & PID Rmk TOS with 3171

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 65-03170

TOTAL DIVERSION RATE OF WR SPLITS DATABASE 1.140 EXAMINER _____ CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A65-03170	1.140	-		65-03170	1.140
	TOTAL CFS	1.140				1.140

DIVERSION RATE REVIEW

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

NOTES:

INCOMPLETE ADDRESS CHG.

AUTHENTICATION:

SIGNATURE: Ron Howerton DATE: 4/28/99

NAME OF FIELD EXAMINER: Ron Howerton TITLE: 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?
( ) ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y(___) N(___)
( ) TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y(___) N(___)
(X) NAPP	DATE OF PHOTO 1987 IDWR ID NO. POD [illegible]	Y(X) N(___)
( ) ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y(___) N(___)
( ) ASCS COLOR SLIDE	DATE OF PHOTO _____	Y(___) N(___)
( ) BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y(___) N(___)
( ) TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y(___) N(___)
( ) SCS SOIL SURVEY MAP	DATE ISSUED _____	Y(___) N(___)
( ) SUBDIVISION PLAT MAP	DATE OF MAP _____	Y(___) N(___)
(X) OTHER OVERLAP REVIEW	DATE 4-28-99 _____	Y(X) N(___)
(X) OTHER PROFILE REPORT	DATE 4-29-99 Shows AS DECREED IN PRBA	Y(X) 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	_____	____	_____

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
P	HELEN E CRUICKSHANK	05/01/1909	IRRIGATION	05-01	09-15	1.140 CFS	
C	HELEN E CRUICKSHANK						
					TOTAL DIVERSION:	1.140 CFS	
					CONSUMPTIVE USE:		158.00 AFA

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				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
17N	03E	26													39	40			79.0
																TOTAL ACRES			79.0

POU County: VALLEY

Non-Irrigation Uses: NONE

Other Rights: A65-03171

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

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

R. KEITH HIGGINSON
DIRECTOR

March 4, 1994

JOHN CRUICKSHANK
63 PADDY FLAT RD
MCCALL ID 83638

RE: Notices of Claim in the Snake River Basin Adjuciation 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 questins 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

The following claims require a change of address, due to a change in the addressing system of the McCall postal system:

A65-01382	A65-02306	A65-02926	A65-02942
A65-02955	A65-02958	A65-03156	A65-03157
A65-03158A	A65-03159A	A65-03162	A65-03163
A65-03168	A65-03169	A65-03170	A65-03171
A65-03179	A65-03182	A65-03762	A65-07473
A65-09045B	A65-11326		

The new address for these claims is

63 Paddy Flat Road
McCall ID 83638

JOHN CRUICKSHANK, AS PERSONAL REPRESENTATIVE OF HELEN E. CRUICKSHANK, AND PRESIDENT OF MAHALA DITCH CO.

MICROFILMED
OCT 18 1996

MEMO TO SRBA CLAIM FILE NO. See - below

LAIMANT'S NAME: Cruickshank & Mahala Ditch Co DATE: 03/01/1994

OUNTY: Valley

MPLOYEE: M Menicucci

Mr. John Cruickshank visited by office this afternoon & stated that the post office in McCall has changed the address system. Consequently, the claims referenced below should be changed to reflect this change:

A65-01382	A65-03168
A65-02306	A65-03169
A65-02926	A65-03170
A65-02955	A65-03171
A65-03156	A65-03179
A65-03157	A65-03182
A65-03158A	A65-03762
A65-03159A	A65-07473
A65-03162	A65-09045B
A65-03163	

These claims are all in the name of Helen E Cruickshank, (signed by John Cruickshank as personal Rep) except A65-07473, which is in the name of John Cruickshank.

The new address is

633 Paddy Flat Rd
McCall ID 83638

MICROFILMED
OCT 18 1996

Claim No. A65-11386, Mahala Ditch Co., also has this address now. All addresses changed 03/02/1994.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM	USE PERIOD TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
			SOURCE: LAKE FORK CREEK						
65-3166	WRIGHT JR., LEE C. ROUTE 1, BOX 254 FRUITLAND ID 83619	05-01-1909	IRRIGATION	05-01	09-15	1.14 CFS	NWNE S10 T17N R03E	NENE(39) SENE(40) S10 T16N R03E * 79 ACRES*	DECREE
65-3168	WRIGHT JR., LEE C. ROUTE 1, BOX 254 FRUITLAND ID 83619	05-01-1909	IRRIGATION	05-01	09-15	1.14 CFS	NWNE S10 T17N R03E	NWNE(39) SWNE(40) S26 T17N R03E * 79 ACRES*	DECREE
65-3170	WRIGHT JR., LEE C. ROUTE 1, BOX 254 FRUITLAND ID 83619	05-01-1909	IRRIGATION	05-01	09-15	1.14 CFS	NWNE S10 T17N R03E	NESE(39) NWSE(40) S26 T17N R03E * 79 ACRES*	DECREE
65-3188	CRUZEN, EDWARD A. DONNELLY ID 83615	12-31-1917	IRRIGATION	05-01	09-15	1.60 CFS	SENE S03 T17N R03E	NESW(36) NWSE(36) S16 T17N R03E * 72 ACRES*	DECREE
65-3189	CRUZEN, EDWARD A. DONNELLY ID 83615 P/U: T17N R03E S20 NENE(36) NWNE(29) SWNE(32) SENE(34)	09-20-1918	IRRIGATION	05-01	09-15	8.00 CFS	SENE S03 T17N R03E	- NESE(39) NWSE(28) SWSE(29) SESE(36) S21 NESW(38) NWSW(34) SWSW(30) SESW(31) * 396 ACRES*	DECREE
65-3213	PHELPS, IVAN O. ROUTE 1, BOX 73 MC CALL ID 83638 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-8418 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	09-30-1918	IRRIGATION	05-01	09-15	.80 CFS	SENE S03 T17N R03E	NESW(07) NWSW(30) SWSW(03) S22 T17N R03E * 40 ACRES*	DECREE

INDICATES TOTAL

RECEIVED
FEB 12 1987
Department of Water Resources

FILED
APR 07 1986
Helen R. Kobby

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE 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)

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

RECEIVED
FEB 24 1987
Department of Water Resources

COMPARED
INDEXED - DIRECT
INDEXED - INDIRECT

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 28th 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 28th day of March, 1986.

JIM R. DOOLITTLE
District Judge

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 4-5-87
Thelma R. Kolodziej, Clerk
By: Loci Lambert