

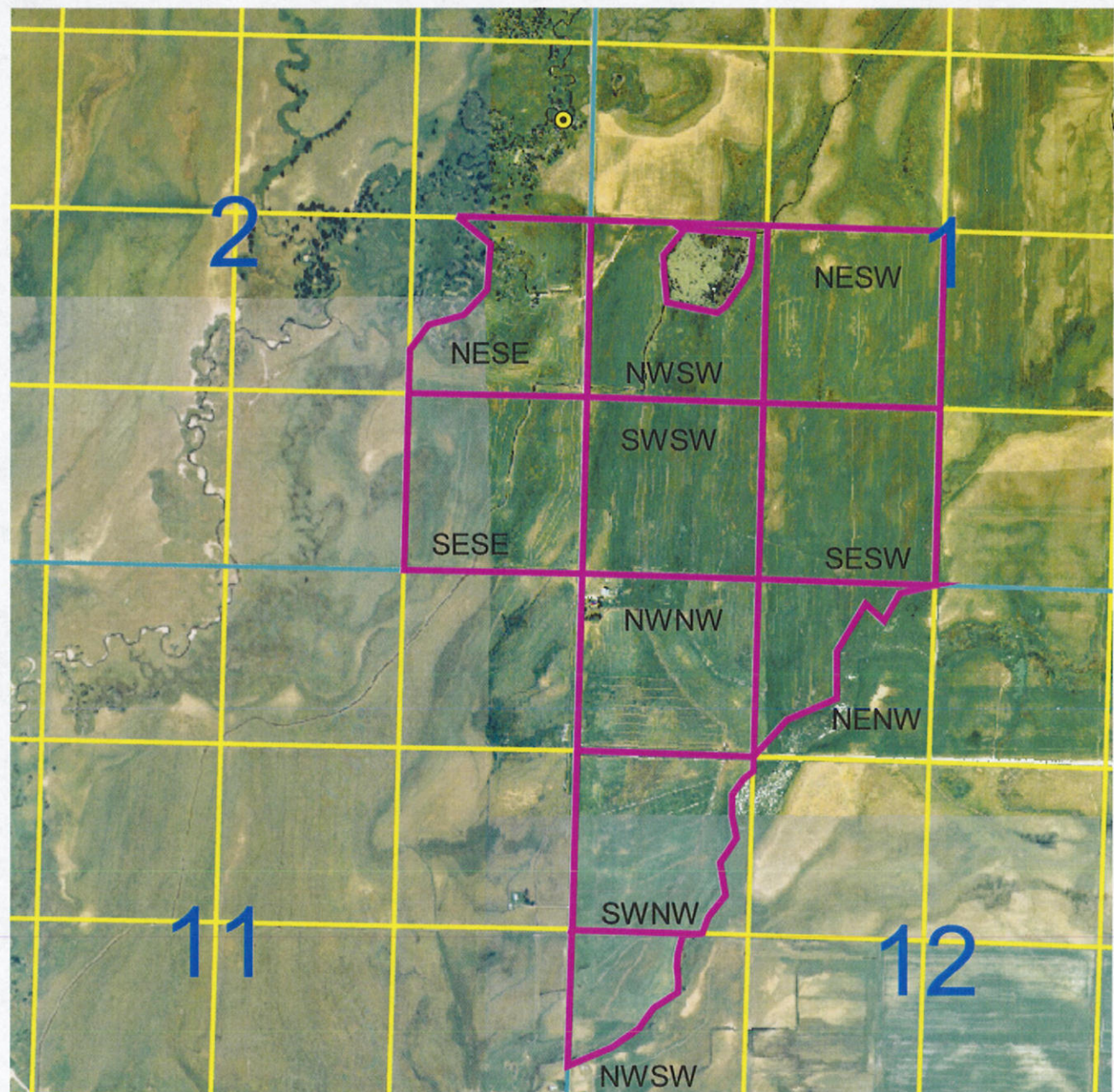
Idaho Dept of Water Resources

Claim No 65-2515A
65-4033, 65-7361
T16N, R03E, S 1, 2, 12
Date: 06/04/02
Prepared by: Sue Bock

 Place of Use
 Point of Diversion

 Section lines

 1/4 1/4 lines

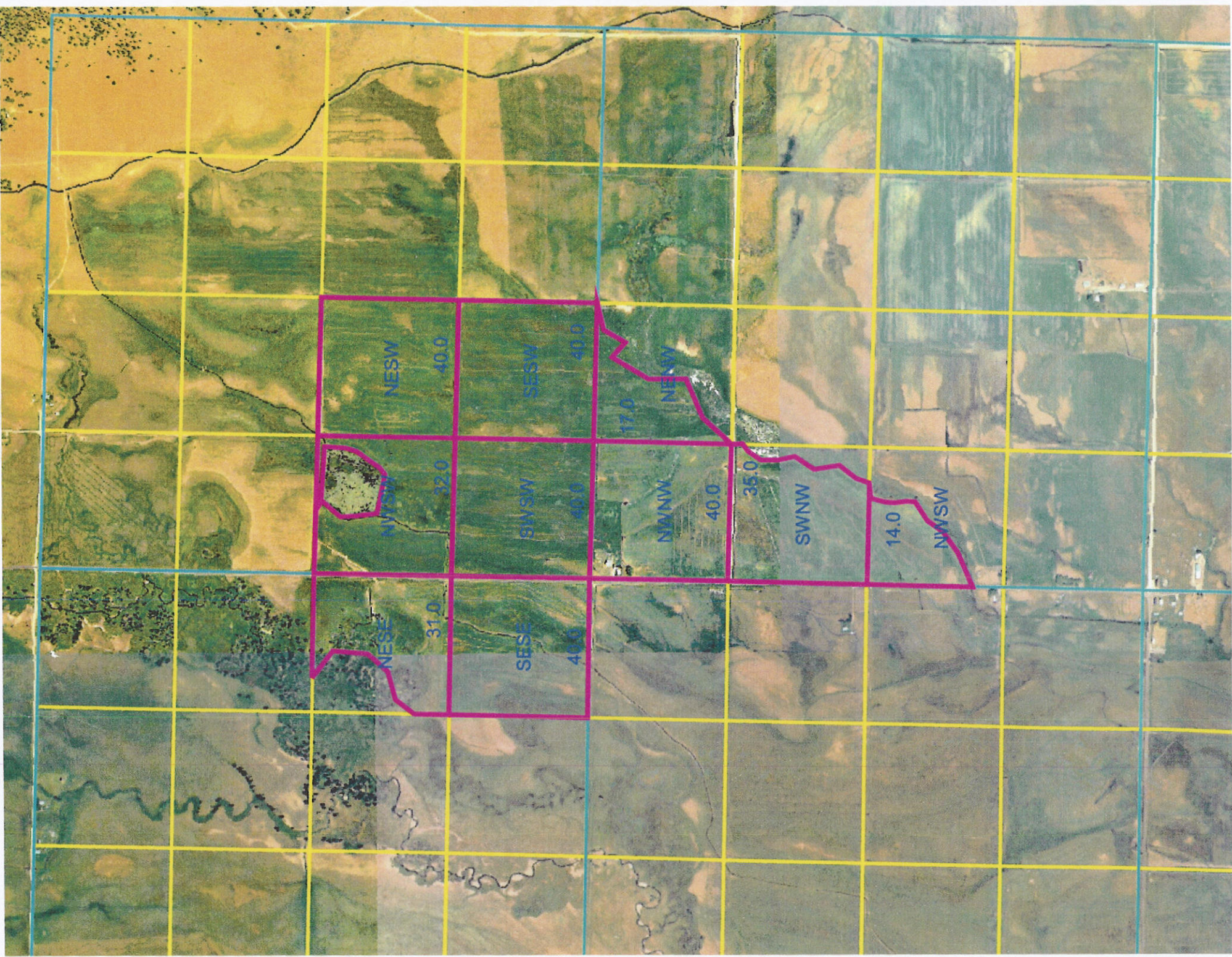


0 1000 2000 Feet

1987 NAPP Photo

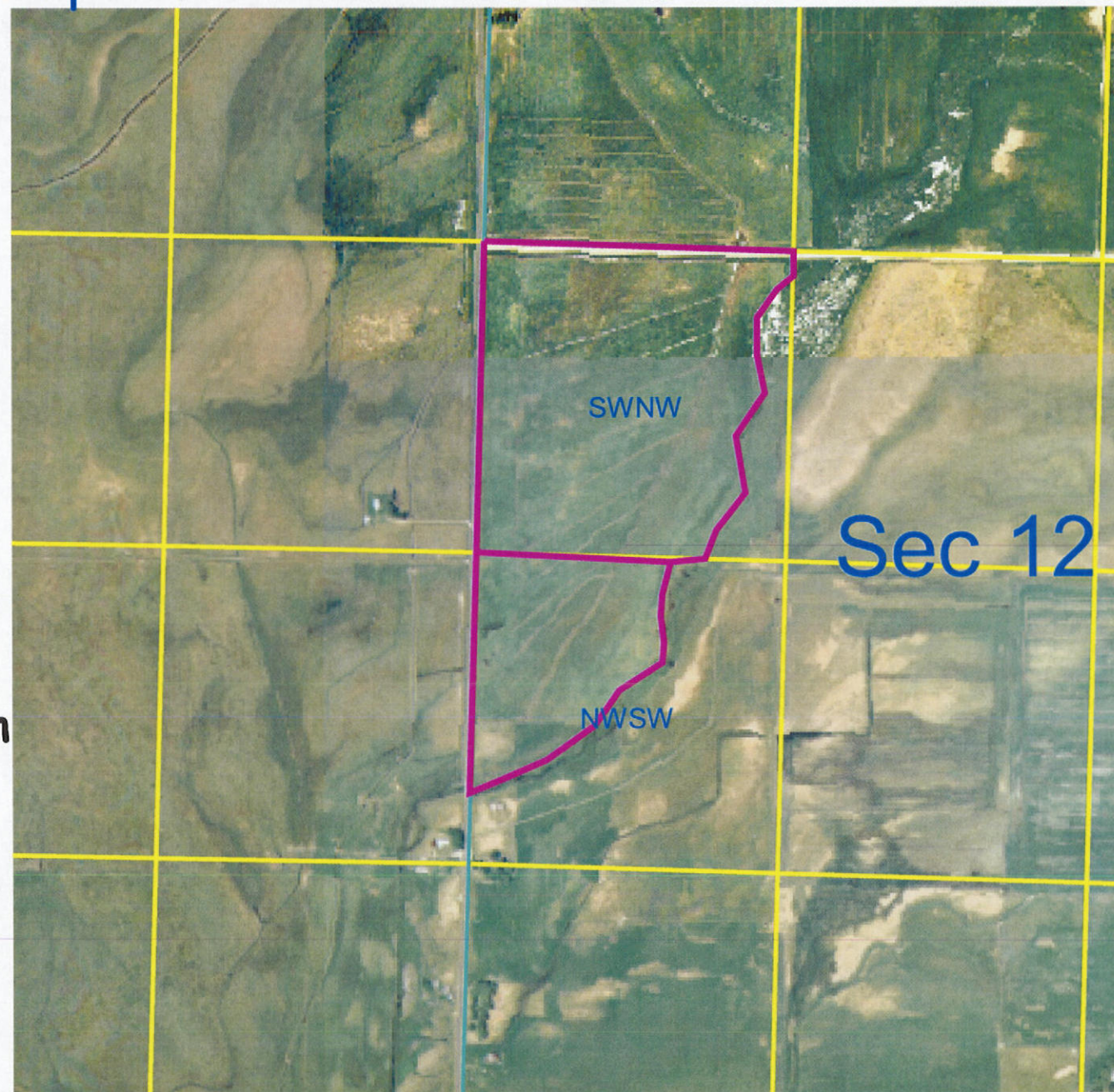


[illegible]



Idaho Dept of Water Resources

Claim No(s): 65-04033
Claimant(s) Eastern
Western Corp
T16N, R03E, S 12
Prepared by: Sue Bock
Date: 07/28/1999



-  Place of Use
-  Point of Diversion
-  Section lines
-  1/4 1/4 lines



0 0.25 0.5 0.75 Miles

1987 NAPP Photo

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: **A65-04033**
Date Received: 11/14/1988
Receipt No: X999999
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: EASTERN WESTERN CORP 503-236-1978
Address: MICHAEL E MC GINLEY PRESIDENT
1426 SE GIDEON ST
PO BOX 3228
PORTLAND OR 97208-3228

2. Date of Priority: JUL 10, 1950

3. Source: BOULDER CREEK Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.900		
STOCKWATER	01/01	12/31	0.050		2.70

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

8. Total consumptive use is 90.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	03E	12	SW	NW		IRR	35.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16N	03E	12	SW NW		STOCK	
			NW SW		IRR	10.0
			NW SW		STOCK	
					Section Acres	45.0
					Total Acres	45.0

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:

14. Remarks:

AMENDED CLAIM FILED TO REFLECT TOTAL QUANTITY APPROPRIATED TO BE .95 CFS, NOT 2.70 AFA.

THIS RIGHT WHEN COMBINED WITH RIGHTS OF ROSEBERRY IRRIGATION DISTRICT SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

ADDRESS CHANGED PER CLAIMANT REQUEST 10/20/98. (DB)

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant



465-04033

October 8, 1998

RECEIVED

OCT 13 1998

WATER RESOURCES
WESTERN REGION

Denise Buffington
Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, Idaho 83705-5082

Re: Eastern Western Corporation

Dear Ms. Buffington:

I am writing to inform you of Eastern Western Corporation's change in its street address. The new street address for Eastern Western Corporation is 1426 S.E. Gideon Street, Portland, Oregon 97202. The mailing address for Eastern Western Corporation remains unchanged (P.O. Box 3228, Portland, Oregon 97208-3228).

Please update the Idaho Department of Water Resources' records for all water rights held by Eastern Western Corporation to reflect the changed street address.

Thank you for your assistance with this matter. Please contact me if you have any questions or need additional information.

Sincerely,

EASTERN WESTERN CORPORATION

A handwritten signature in cursive script, reading 'Michael E. McGinley'.

Michael E McGinley
President

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: A65-04033
Date Received: 11/14/1988
Receipt No: X999999
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: EASTERN WESTERN CORPORATION 503-236-1978
Address: C/O MIKE E MC GINLEY
PRESIDENT
1505 SW GIDEON ST BOX 3228
PORTLAND OR 97208-3228

2. Date of Priority: JUL 10, 1950

3. Source: BOULDER CREEK Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.900		
STOCKWATER	01/01	12/31	0.050		2.70

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

8. Total consumptive use is 90.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	03E	12	SW	NW		IRR	35.0

A65-04033

Page 1

Date: 12/27/91

MICROFILMED
SEP 22 1992

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
16N	03E	12	SW	NW		STOCK	
			NW	SW		IRR	10.0
			NW	SW		STOCK	

Section Acres 45.0

Total Acres 45.0

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:

14. Remarks:

AMENDED CLAIM FILED TO REFLECT TOTAL QUANTITY APPROPRIATED TO BE
.95 CFS, NOT 2.70 AFA.

THIS RIGHT WHEN COMBINED WITH RIGHTS OF ROSEBERRY IRRIGATION DISTRICT SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs **Decree Defendant**

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: A65-04033
Date Received: 10/20/1988
Receipt No: X 999999
Received By: LK-H 11-15-88

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EASTERN WESTERN CORP. 208-495-1134
Address: C/O JIM HIPWELL
3349 HILL ROAD SOUTH
MELBA, ID 83641

2. Date of Priority: JUL 10, 1950

3. Source: BOULDER CREEK Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.900		
STOCKWATER	01/01	12/31	0.050		2.70

7. Total Quantity Appropriated is:
0.950 C.F.S. (and/or) 2.70 A.F.A.

8. Total consumptive use is 90.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	03E	12	SW	NW		IRR	35.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	03E	12	SW	NW		STOCK	
			NW	SW		STOCK	
			NW	SW		IRR	10.0
						Section Acres	45.0
						Total Acres	45.0

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:

14. Remarks:

THIS RIGHT WHEN COMBINED WITH RIGHTS OF ROSEBERRY IRRIGATION
DISTRICT SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

(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.

SEP 22 1992

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

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

CIVIL CASE NUMBER: 39576

Ident. Number A65-04033Date Received 11-14-1988Receipt Number X 999999

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

RECEIVED
NOV 20 1991

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Eastern Western Corporation Phone (503) 236-1978
Attn: Michael E. McGinley, President
Mailing Address 1505 S.E. Gideon Street, P.O. Box 3228, Portland, OR Zip 97208-3228

2. Date of Priority (Only one (1) per claim) 7/10/50

3. Source of water supply (a) Boulder Creek
which is tributary to (b) Payette River, North Fork

4. a. Location of existing point of diversion is: Township 16N Range 3E Section 2 ,
NE 1/4 of SE 1/4 of _____ 1/4 , Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____ , _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____ , _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates , Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. _____

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SEP 22 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/15 to 10/15 amount .90 or _____

For Stockwater purposes from 1/1 to 12/31 amount .05 or 2.70

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .95 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 90 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
16N	3E	12							35/S				10/S						

Total number of acres irrigated 45

11. In which county (ies) are lands listed above as place of use located? Valley

12. Do you own the property listed above as place of use? Yes x No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ()

14. Remarks:

Amended claim filed to reflect total quantity appropriated to be .95
c.f.s, not 2.70 A.F.A. This right when combined with rights of Roseberry
Irrigation District shall provide no more than .02 CFS/Acre.

Last Name Eastern Western Ident No. A65-04033
Corporation

Copies: White State, Yellow Claimant

SEP 22 1992

Scale: 2 inches equals 1 mile

[illegible]

MICROFILMED
Copies: White-State, Yellow-Grand
SEP 22 1992

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number A65-04033
Court _____ Case Number _____ Decree Date 1/21/86
Plaintiff vs Defendant Idaho v. A & C Corp., Et al.

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

Number of attachments _____
For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

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

Signature of Authorized Agent Curt Long
Title and Organization Manager, Eastern Western Corporation Date 11-14-91

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 14th day of November 19 91

SEAL

Notary Public

Residing at

My Commission Expires

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Dana L. Hofstetter, Holland & Hart will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature Dana Hofstetter

Address P.O. Box 2527, Holland & Hart, Boise, ID 83701

Date 11/20/91

MICROFILMED

Last Name Eastern Western Ident. Number A65-04033
Corporation

SEP 22 1997
Copies White State, Yellow Claimant

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Eastern Western CorporationCLAIM IDENT. NO. A65-04033DATE RECEIVED 11-20-1991CK # X99999

AMOUNT \$ _____

- | | YES | NO | Required Info? |
|--|-------------------------------------|--------------------------|----------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates? | ☒ | ☐ | * |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☒ | ☐ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☒ | ☐ | |
| Is the consumptive use correct? | ☒ | ☐ | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☐ | ☐ | * |
| 20. Is the fee enclosed correct? | ☒ | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ | ☐ | |
| 22. Should this claim be data entered? | ☒ | ☐ | |

Claim checked by: S. MageeDate: 12-6-91

Claim must be returned to claimant:

☐ (Yes) ☐ (No)

Claimant must be notified of modifications:

☐ (Yes) ☐ (No)Receipt Prepared by: n/aClaim data entered by: S. MageeSent to claimant by: S. Magee

Date: _____

Date: 12-06-91Date: 01-09-91Checked by: JOCDate: 12/27

Comments: _____

MICROFILMED

SEP 22 1992

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

FILED

2004 APR 14 PM 3 25

In Re SRBA

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

Case No 39576

Water Right 65-04033

NAME AND ADDRESS. ISLAND CAPITOL LLC
1409 E 2ST ST
MERIDIAN, ID 83642

SOURCE BOULDER CREEK TRIBUTARY. NORTH FORK PAYETTE RIVER

QUANTITY. 0.95 CFS

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

PRIORITY DATE: 07/10/1950

POINT OF DIVERSION T16N R03E S02 SENE Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	0.90 CFS
	Stockwater	01-01 TO 12-31	0.05 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 15 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL
WATER RIGHTS HAVING NO SUBORDINATED EARLY OF LATE IRRIGATION USE
AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS
ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation		Within Valley County
	T16N R03E S01	NESW 40.0	NWSW 32.0
		SWSW 40.0	SESW 40.0
	S02	NESE 31.0	SESE 40.0
	S12	NENW 17.0	NWNW 40.0
		SWNW 35.0	NWSW 14.0
	329.0 Acres Total		

Stockwater Within Valley County
Same as Irrigation

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 45 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

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

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

RECOMMENDATION

APR 14 2004


SPECIAL MASTER

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

RIGHT NUMBER: 65-4033

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

SOURCE: BOULDER CREEK

TRIBUTARY: NORTH FORK PAYETTE RIVER

QUANTITY: 0.95 CFS

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

PRIORITY DATE: 07/10/1950

POINT OF DIVERSION:

T16N R03E S2 SENE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	0.900 CFS
STOCKWATER	01/01 12/31	0.050 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 15 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within VALLEY County

T16N R03E S01	NESW	40.0	T16N R03E S01	NWSW	32.0
T16N R03E S01	SWSW	40.0	T16N R03E S01	SESW	40.0
T16N R03E S02	NESE	31.0	T16N R03E S02	SESE	40.0
T16N R03E S12	NENW	17.0	T16N R03E S12	NWNW	40.0
T16N R03E S12	SWNW	35.0	T16N R03E S12	NWSW	14.0

STOCKWATER same as IRRIGATION

329 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 45 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE 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. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Decreed

A PORTION OF THIS RIGHT IS COMBINED WITH WATER FROM ROSEBERRY IRRIGATION DISTRICT.

Idaho Dept of Water Resources

Claim No 65-2515A

65-4033, 65-7361

T16N, R03E, S 1, 2, 12

Date: 06/04/02

Prepared by: Sue Bock



Place of Use



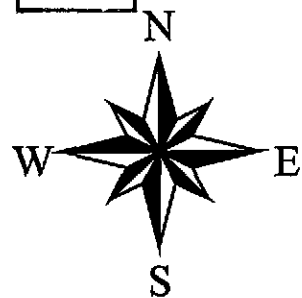
Point of Diversion



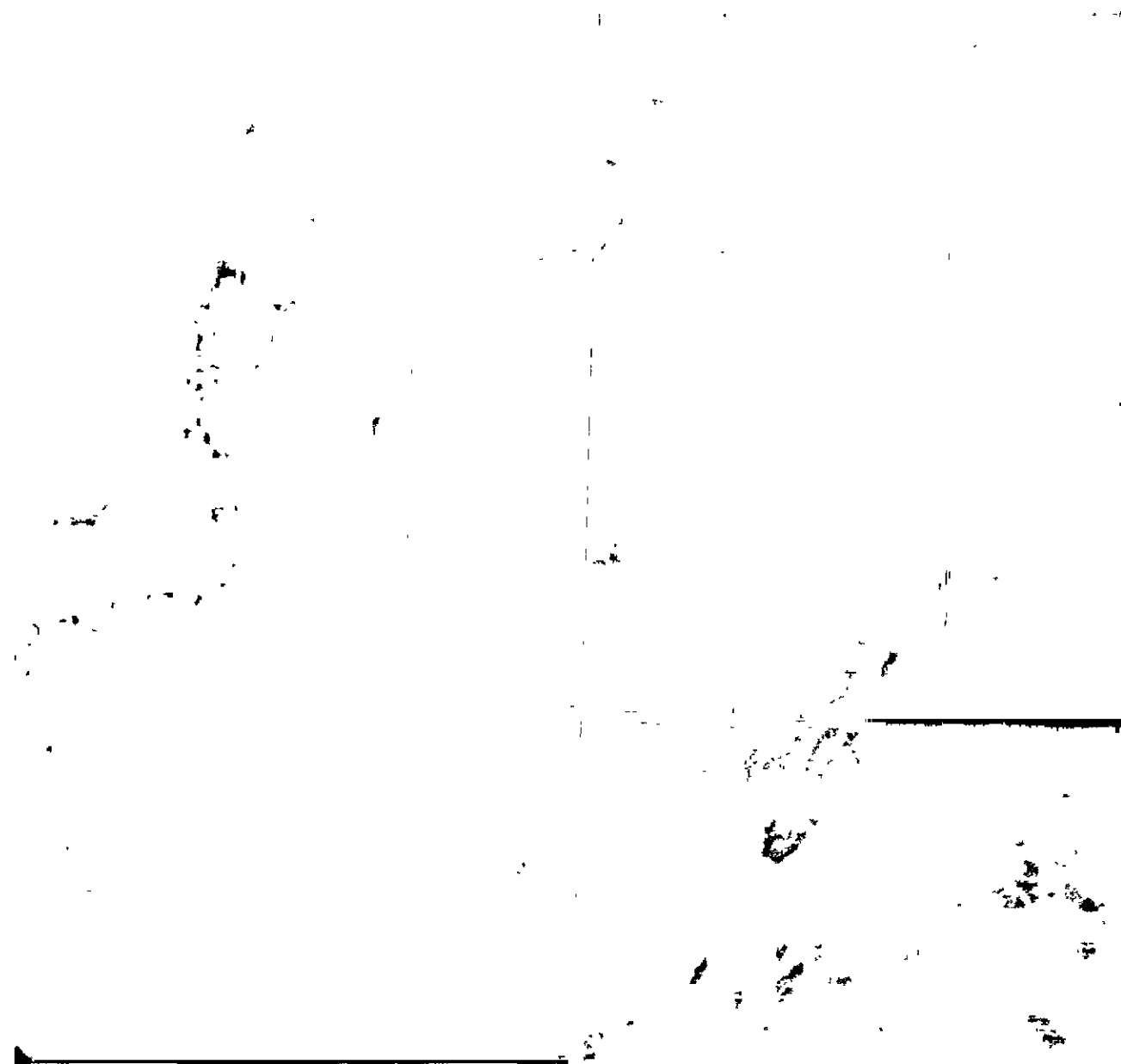
Section lines



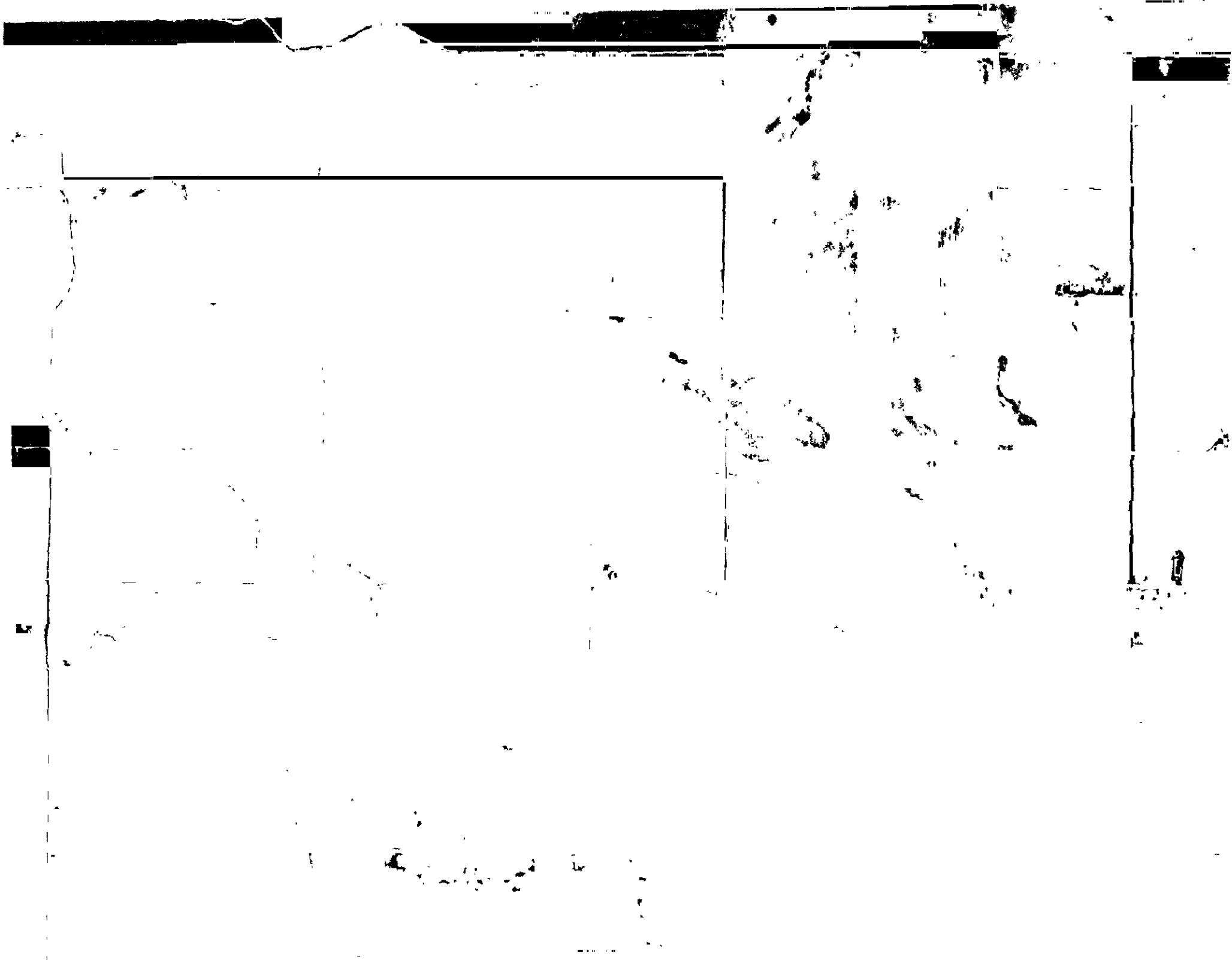
1/4 1/4 lines



0 1000 2000 Feet



1987 NAPP Photo





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 2, 2001

ISLAND CAPITOL LLC
1409 E 1ST ST
MERIDIAN ID 83642

RE: Water Right No. 65-2515A, 65-2515B, 65-4033, 65-7361, 65-22616 & 65-22617

Dear Property Owners:

Enclosed is a copy of the above referenced water right, which reflects the change in ownership of the land and appurtenant water rights covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings which has been sent to the Snake River Basin Court as notification of the change.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist I
Adjudication Section
Western Region

DB: db

Enclosures

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

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

11/01/2001

WATER RIGHT NUMBER: 65-4033

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

SOURCE: BOULDER CREEK TRIBUTARY: NORTH FORK PAYETTE RIVER

QUANTITY: 0.95 CFS

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

PRIORITY DATE: 07/10/1950

POINT OF DIVERSION:

T16N R03E S2 SENE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	0.900 CFS
STOCKWATER	01/01 12/31	0.050 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 15 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF
WATER AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL
WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE
AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS
ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within VALLEY County

T16n R03E S01	NESW	40.0	T16n R03E S01	NWSW	32.0
T16n R03E S01	SWSW	40.0	T16n R03E S01	SESW	40.0
T16n R03E S12	NENW	17.0	T16n R03E S12	NWNW	40.0
T16n R03E S12	SWNW	35.0	T16n R03E S12	NWSW	14.0
T16n R03E S02	NESE	31.0	T16n R03E S02	SESE	40.0

STOCKWATER same as IRRIGATION

329 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 45 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE 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.

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

EXPLANATORY MATERIAL: Decreed

A PORTION OF THIS RIGHT IS COMBINED WITH WATER FROM ROSEBERRY IRRIGATION DISTRICT.

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

In Re SRBA

Case No. 39576

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

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

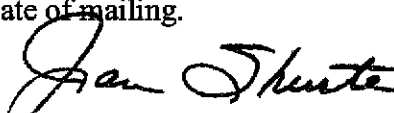
IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party
- ☐ IC § 42-222 transfer
 - ☐ Point of diversion ☐ Place of use
 - ☐ Period of use ☐ Nature of use
 - ☐ Split of water right ☐ Change in ownership
 - ☐ Other
- ☐ IC § 42-219 license

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

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

DATED: November 2, 2001



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on November 2, 2001, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

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

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

Eastern Western Corporation (*Former Owner*)
1505 SE Gideon St
Portland OR 97208

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Island Capitol LLC (*Current Owner*)
1409 E 1st St
Meridian ID 83642

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Hofstetter Law Office (*Attorney*)
Dana Hofstetter
608 W Franklin St
Boise ID 83702

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Holland & Hart (*Attorney*)
Linda Jones
PO Box 2527
Boise ID 83701-2527

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile


Signature of person making this document

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

**RECEIVED
OCT 31 2001
WATER RESOURCES
WESTERN REGION**

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "Split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
<u>65-02515A</u>	<u>A65-02515A</u>				
<u>65-02515B</u>	<u>A65-02515B</u>	☐			
<u>65-04033</u>	<u>A65-04033</u>	☐			
<u>65-07361</u>	<u>A65-07361</u>	☐			
<u>65-22616</u>	<u>A65-22616</u>	☐			
<u>65-22617</u>	<u>A65-22617</u>	☐			

2. The following **REQUIRED** information must be submitted with this form.

- A. The appropriate **FILING FEE**. See instructions for fee amounts. 0
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county)
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

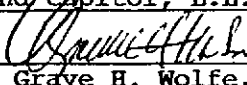
3. Name and Address of Former Owner/Claimant(s) Eastern Western Corp.
1505 SE Gideon St., Portland, OR 97208
4. New Owner/Claimant(s) Island Capitol, L.L.C.
 Name Connector (Check one) ☐ and, ☐ or, ☐ and/or
- New Mailing Address 1409 East First Street
- City, State and ZIP Code Meridian, ID 83642
- New Telephone Number (208) 288-0100
5. Date you acquired the property 10/12/01 (deed dated 09/27/01)

- 6 If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

- 7 Signature of New Owner(s) or Claimant(s) Island Capitol, L.L.C.
(include title if applicable)

By: 
Graye H. Wolfe, Sr.
Managing Member

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims. **Dana Hofstetter was the attorney of record for Eastern Western Corp. and will file the necessary paperwork to enable her to continue to follow these claims for Island Capitol, L.L.C.**

For Office Use Only Please correspond with Ms. Hofstetter for all matters related to the claims and objections filed thereon.

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____	Date _____	WR _____ Date _____



CONTINUATION

EXHIBIT A

A parcel of land being a portion of the NE1/4 of Section 1, T. 16 N., R. 3 E., B.M., Valley County, Idaho, more particularly described as follows:

Commencing at the east 1/4 corner of said Section 1, a found brass cap monument, C.P.F. Inst. 132531, corner records of said Valley County; Thence a bearing of N 89° 38' 33" W, a distance of 1320.76 feet on the south boundary of said NE1/4 to a set 5/8 inch rebar, the C-E 1/16 corner of said Section 1 and the TRUE POINT OF BEGINNING.

Thence a bearing of N 89° 38' 33" W, a distance of 1320.77 feet on said south boundary to a point, the C 1/4 of said Section 1; Thence a bearing of N 0° 11' 36" W, a distance of 1321.54 feet on the west boundary of said NE1/4 to a point, the C-W 1/16 of said Section 1; Thence a bearing of N 0° 11' 36" W, a distance of 765.02 feet on said west boundary to a set 5/8 inch rebar; Thence a bearing of N 41° 35' 52" E, a distance of 79.15 feet to a set 5/8 inch rebar; Thence a bearing of N 60° 48' 25" E, a distance of 233.18 feet to a set 5/8 inch rebar; Thence a bearing of N 73° 03' 14" E, a distance of 431.24 feet to a set 5/8 inch rebar; Thence a bearing of N 79° 44' 50" E, a distance of 73.97 feet to a set 5/8 inch rebar; Thence a bearing of N 81° 01' 16" E, a distance of 213.79 feet to a set 5/8 inch rebar; Thence a bearing of S 62° 55' 31" E, a distance of 17.75 feet to a set 5/8 inch rebar; Thence a bearing of S 12° 09' 40" E, a distance of 121.93 feet to a set 5/8 inch rebar; Thence a bearing of S 17° 47' 32" E, a distance of 29.47 feet to a set 5/8 inch rebar; Thence a bearing of S 30° 03' 02" E, a distance of 121.52 feet to a set 5/8 inch rebar; Thence a bearing of S 30° 12' 47" E, a distance of 124.43 feet to a set 5/8 inch rebar; Thence a bearing of S 13° 26' 10" E, a distance of 73.70 feet to a set 5/8 inch rebar; Thence a bearing of S 1° 13' 01" W, a distance of 313.79 feet to a set 5/8 inch rebar; Thence a bearing of S 3° 05' 10" W, a distance of 108.99 feet to a set 5/8 inch rebar; Thence on a curve to the left, which curve has a radius of 549.97 feet, a delta angle of 78° 38' 51", a length of 754.92 feet, and a long chord which bears S 2° 15' 02" E, a distance of 697.03 feet to a set 5/8 inch rebar on the west boundary of the SE1/4 of said NE1/4; Thence a bearing of S 0° 03' 44" E, a distance of 517.72 feet to the POINT OF BEGINNING.

Aka Tax #4

CONTINUATION

EXHIBIT A

AND

Section 1: NW1/4 SE1/4, SW1/4 Township 16 North, Range 3 East, Boise Meridian, Valley County Idaho;

AND

Section 2: E1/2 SE1/4: Township 16 North, Range 3 East, Boise Meridian, Valley County Idaho;

AND

Section 12: SW1/4 NW1/4; N1/2 NW1/4 SW1/4; SE1/4 NW1/4 SW1/4; N1/2 N1/2 NE1/4 SW1/4 SW1/4; N1/2 NW1/4; Township 16 North, Range 3 East, Boise Meridian, Valley County Idaho;

SAVE AND EXCEPTING FROM SW1/4, Section 1 and from N1/2 NW1/4, Section 12, the following described parcel:

A parcel of land located in the SW1/4 SW1/4 of Section 1 and in the NW1/4 NW1/4 of Section 12, Township 16 North, Range 3 East, Boise Meridian, Valley County, Idaho, more particularly described as follows:

Commencing at the corner common to Sections 1, 2, 11 and 12, Township 16 North, Range 3 East, Boise Meridian, said point being the Real Point of Beginning and marked with a brass cap monument:

thence North 00° 15' 58" West on the line common to said Sections 1 and 2, 461.51 feet to a point;

thence South 88° 28' 33" East, 223.51 feet to a 5/8 inch diameter steel pin;

thence South 03° 15' 33" West, 458.02 feet to a point on the line common to said Sections 1 and 12 from which the said corner common to Sections 1, 2, 11 and 12 bears North 89° 29' 47" West, 195.25 feet;

thence continuing South 03° 15' 33" West, 2.45 feet to a 5/8 inch diameter steel pin;

thence South 87° 24' 25" East, 124.78 feet to a 5/8 inch diameter steel pin;

thence South 01° 41' 05" East, 251.64 feet to a 5/8 inch diameter steel pin;

thence North 89° 46' 50" West, 135.35 feet to a 5/8 inch diameter steel pin;

thence South 26° 52' 00" West, 109.71 feet to a 5/8 inch diameter steel pin;

thence South 87° 49' 11" West, 141.35 feet to a point on the line common to said Sections 11 and 12;

thence North 00° 09' 20" West on said common line to Sections 11 and 12, 364.07 feet to the Real Point of Beginning.

Commitment No: AMT0851-01

Schedule A Page 3

STEWART TITLE
GUARANTY COMPANY

WARRANTY DEED

FOR VALUE RECEIVED, Eld Ranches, Inc., the Grantor, does hereby grant, warrant and convey unto Eastern/Western Corporation, Grantee, whose address is 1505 S.E. Gideon, Portland, Oregon 97208-3228 the following described premises, to-wit:

See Exhibit A. attached hereto.

Together with all water, water rights, and ditches of every kind and nature appurtenant to said premises; and in particular all water and water rights appurtenant thereto or heretofore used and delivered to said premises through and under the Roseberry Irrigation District for irrigating the acreage set forth in Exhibit A, as well as all water rights appurtenant thereto or heretofore used and delivered to said premises through and under water rights 65-2515 and 65-4033 (the Boulder Creek water rights).

Together with any and all mineral rights if any there are.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee that they are the owners in fee simple of said premises; that said premises are free from all incumbrances except of record or visible on the premises, and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: This 13th day of September 1988.

Eld Ranches, Inc.

Eld Ranches, Inc., by:

Notarized by [Signature] Secretary, Eld Ranches, Inc.

Joe E. Eld

Joe E. Eld

STATE OF IDAHO, County of Valley) ss.

On this 13th day of September, 1988, before me, a Notary Public in and for said State, personally appeared Joe E. Eld, known to me to be the President of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

Colleen 21st
Notary Public for Idaho
Residing at Cascade
Commission expires 6/6/93

STATE OF IDAHO, County of Valley

I hereby certify that this instrument was filed for record at the request of ARMSTRONG TITLE & ESCROW at past 5 o'clock P M., this 19 st minutes day of Sept 19 88, in my office, and duly recorded in Book 5 of Deeds at Page

Leslie Anderson
Ex-Officio Recorder

By K. Anderson
Deputy
Fees \$ 12.00

Mail to:

Inst.

163123

Page 1

PARCEL NO. 1

Township 16 North, Range 3 East of the Boise Meridian

Section 1: Lot 2, SW 1/4 NE 1/4, NW 1/4 SE 1/4, SW 1/4,

TOGETHER WITH: All that portion of Lot 1 and the SE 1/4 NE 1/4 Section 1, T. 16 N., R. 3 E., lying westerly of Boulder Canal AKA Roseberry Irrigation Ditch.

SAVE AND EXCEPT: All that portion of SE 1/4 NE 1/4 lying Easterly of the Westerly boundary of the Boulder Canal AKA Roseberry Irrigation Ditch.

SAVE AND EXCEPT:

All that portion of the SW 1/4 SE 1/4 NE 1/4 lying Westerly of the Boulder Canal aka Roseberry Irrigation Ditch.

SAVE AND EXCEPT:

That portion of Lot 2 of said Section 1 which lies West of the fence along the East bank of the Roseberry Irrigation Ditch AKA BOULDER CANAL, and North of the fence along the South bank of the West flowing lateral irrigation ditch, this parcel being approximately 1030 feet, 190 feet, 1090 feet, and 545 feet in its respective North, Easterly, Southerly, and West boundaries.

Section 2: E 1/2 SE 1/4,

Section 12: SW 1/4 NW 1/4, N 1/2 NW 1/4 SW 1/4, SE 1/4 NW 1/4 SW 1/4, AND N 1/2 N 1/2 NE 1/4 SW 1/4 SW 1/4;

AND

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

SAVE AND EXCEPT THAT PARCEL SHOWN ON PAGE 2 HEREOF.

PAGE 2

A parcel of land located in the SW 1/4 SW 1/4 of Section 1 and in the NW 1/4 NW 1/4 of Section 12, T.15 N., R.2 E., Valley County, Idaho, and more particularly described as follows:

Commencing at the corner common to Sections 1, 2, 11, and 12. T.15 N., R.2 E., S.1 M.; said point being the REAL POINT OF BEGINNING, and marked with a brass cap monument: thence N 00° 12' 28" W on the line common to said Sections 1 and 2, 401.51 feet to a point; thence S 38° 23' 22" E 222.31 feet to a 5/8 inch diameter steel pin; thence S 07° 15' 22" W 438.02 feet to a point on the line common to said Sections 1 and 12 from which the said corner common to Sections 1, 2, 11, and 12, bears N 38° 27' 47" W 125.25 feet; thence continuing S 07° 15' 22" W 21.15 feet to a 5/8 inch diameter steel pin; thence S 27° 24' 23" E 124.73 feet to a 5/8 inch diameter steel pin; thence S 01° 41' 05" E 221.94 feet to a 5/8 inch diameter steel pin; thence N 39° 40' 50" W 125.25 feet to a 5/8 inch diameter steel pin; thence S 22° 22' 00" W 105.11 feet to a 5/8 inch diameter steel pin; thence S 27° 29' 11" W 141.75 feet to a point on the line common to said Sections 11 and 12; thence N 00° 05' 20" W on said common line to Sections 11 and 12, 264.07 feet to the REAL POINT OF BEGINNING.

Subject to all rights-of-way and easements of record or in use.

**AMENDED SUPPLEMENTAL AGREEMENT ON
TRANSFER OF WATER RIGHTS**

This Amended Supplemental Agreement on Transfer of Water Rights (hereinafter referred to as "Amended Agreement") is made and entered into by Joe W. Eld and Vicki C. Eld, husband and wife, 2554 East Roseberry, McCall, Idaho 83638 (hereinafter referred to as "Seller") and Eastern Western Corporation, an Oregon corporation, 1426 S.E. Gideon Street, Portland, Oregon 97202 (hereinafter referred to as "Buyer").

RECITALS

WHEREAS, on September 1, 1988, Eld Ranches, Inc. and Eastern Western Corporation entered into a Supplemental Agreement on Transfer of Water Rights (recorded as Valley County Instrument No. 163395);

WHEREAS, Joe W. Eld and Vicki C. Eld have succeeded to the rights and obligations of Eld Ranches, Inc. under the September 1, 1988 Supplemental Agreement; and

WHEREAS, the parties intend to modify the provisions of the prior Supplemental Agreement on Transfer of Water Rights by this Amended Agreement to document retroactively revisions to that prior Supplemental Agreement on Transfer of Water Rights that the parties already have implemented and fulfilled.

NOW, THEREFORE, for good and valuable consideration, the receipt of which by all parties hereto is hereby acknowledged, the parties, intending to be legally bound, agree to modify the Supplemental Agreement on Transfer of Water Rights dated September 1, 1988, by eliminating and striking from the Supplemental Agreement on Transfer of Water

Rights dated September 1, 1988, the paragraphs numbered 2, 3, and 4 (two, three, and four) and inserting in their place the following paragraphs numbered 2, 3, and 4 (two, three, and four):

2. Seller also has a right to irrigate 77 acres of real property which is not part of this sales transaction from the Boulder Creek water above described. It is presently necessary to irrigate those 77 acres by means of an exchange right – The Boulder Creek water is conveyed into an irrigation ditch and then taken from such ditch at a distance downstream. It would be more convenient to both parties to have all of the Boulder Creek water rights applied to the real property sold herein (499 acres, more or less), and have the 77 acres retained by Seller irrigated from the Roseberry Irrigation District. Furthermore, the State Department of Water Resources discourages the fractional splitting of water rights, which would be required if Seller continued to irrigate 77 acres outside of the subject property with the Boulder Creek water.
3. Therefore, Seller and Buyer agree hereafter to remove 77 acres of the subject property from the Roseberry Irrigation District, and that the Boulder Creek water rights described above will be used to irrigate said 77 acres, in lieu of using that water for the 77 acres retained by Seller. It will be necessary for Buyer to apply for a change of place of use permit on the Boulder Creek water rights, to ensure that the 77 acres removed from the irrigation district will receive the priority dates and rights to the Boulder Creek water. All costs and fees associated with such change of place of use permit will be borne by Seller, and Buyer agrees to cooperate fully in executing any papers, applications, or documents necessary to effectuate said transfer. It shall be the sole responsibility of Seller to transfer the water rights within the Irrigation District from the 77 acres removed to the 77 acres retained by Seller. Seller does hereby convey, release, remise and forever quitclaim unto Buyer all of Seller's right, title and interest in and to Idaho Water Right No. 65-2515. Buyer does hereby convey, release, remise and forever quitclaim unto Seller, Buyer's right title and interest to any Roseberry Irrigation

[Handwritten signature]

District water rights appurtenant to the 77 acres described in paragraph number 4 below.

4. The 77 acres from the subject real property to be removed from the Roseberry Irrigation District are described as follows:

E1/2NE1/4SW1/4, Section 1, Township 16 North, Range 3 East, B.M., Valley County, Idaho (20 acres);

SE1/4SW1/4, Section 1, Township 16 North, Range 3 East, B.M., Valley County, Idaho (40 acres);

S1/2SW1/4SW1/4, Section 1, Township 16 North, Range 3 East, B.M., Valley County, Idaho (15 acres); and

W1/2NE1/4SW1/4, Section 1, Township 16 North, Range 3 East, B.M., Valley County, Idaho (2 acres)

The parties expressly agree that this Amended Agreement modifies the Supplemental Agreement on Transfer of Water Rights dated September 1, 1988, which is made a part by reference, and that all terms, conditions, and provisions of the Supplemental Agreement on Transfer of Water Rights dated September 1, 1988, unless specifically modified herein, are to apply to this Amended Agreement and are made a part of this Amended Agreement as though expressly rewritten, incorporated, and included herein. The terms of the Supplemental Agreement on Transfer of Water Rights dated September 1, 1988, as modified by this Amended Agreement, shall be deemed to have been in effect as of September 1, 1988, and this Amended Agreement shall relate back to and be effective as of September 1, 1988. The eliminated and struck paragraphs in the Supplemental Agreement on Transfer of Water Rights dated September 1, 1988 shall be deemed to have no force or effect. Fulfillment of this Amended Agreement shall be

accepted as full performance and discharge of the Supplemental Agreement on Transfer of Water Rights dated September 1, 1988. This Amended Agreement, as it modifies the September 1, 1988 Supplemental Agreement on Transfer of Water Rights, is the complete agreement of the parties as to the matters discussed herein, any prior written or oral agreements of the parties as to the matters discussed herein being superceded and replaced by this Amended Agreement. This Amended Agreement only may be amended by a subsequent written agreement of all the parties hereto or their respective heirs, personal representatives, executors, successors or assigns. This Amended Agreement may be signed in counterparts.

Instrument # 257158

VALLEY COUNTY, CASCADE, IDAHO

2001-09-20

11:53:11 No. of Pages: 6

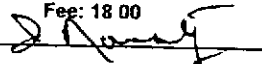
Recorded for : AMERITITLE

LELAND G. HEINRICH

Fee: 18.00

Ex-Officio Recorder Deputy

Index to MISCELLANEOUS RECORD



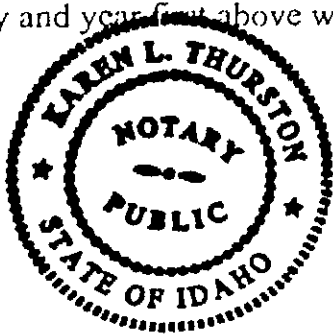
Dated: 9/14/01, 2001

Joe W. Eld
JOE W. ELD

STATE OF IDAHO)
) ss:
County of Valley)

On this 14 day of Sept, 2001, before me, a notary public in and for the State of Idaho, personally appeared JOE W. ELD known or identified to me to be the person who executed the within foregoing instrument and acknowledged to me that he executed the same.

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



Karen L. Thurston
Notary Public for Idaho
Residing at Cascade, Idaho
My Commission Expires: 7-10-03

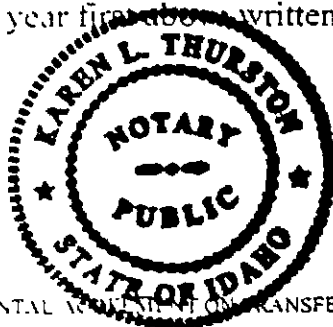
Dated: 9/14/01, 2001

Vicki C. Eld
VICKI C. ELD

STATE OF IDAHO)
) ss:
County of Valley)

On this 14 day of Sept, 2001, before me, a notary public in and for the State of Idaho, personally appeared VICKI C. ELD known or identified to me to be the person who executed the within foregoing instrument and acknowledged to me that she executed the same.

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



Karen L. Thurston
Notary Public for Idaho
Residing at Cascade, Idaho
My Commission Expires: 7-10-03

Dated: 9-17, 2001

Michael E. McGinley
MICHAEL E. MCGINLEY, President
EASTERN WESTERN CORPORATION

STATE OF OREGON)
) ss:
County of Multnomah)

On this 17th day of September, 2001, before me, a notary public in and for the State of Oregon, personally appeared MICHAEL E. MCGINLEY, known or identified to me to be the President of EASTERN WESTERN CORPORATION, the person that executed the within and foregoing instrument and acknowledged to me that he executed the same on behalf of said corporation.

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



Cindi Masterson
Notary Public for the State of Oregon
Residing at Busham, Oregon
My Commission Expires: 12-29-02

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4726
WATER RIGHT NO. 65-02515

This is to certify that: EASTERN WESTERN CORP
1505 SE GIDEON ST
PORTLAND OR 972083228

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	3.20 CFS	432.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BOULDER CREEK	PAYETTE RIVER, NORTH FORK

Priority: 08/26/1949

LOCATION OF POINT(S) OF DIVERSION: SENE, Sec. 2, Township 16N, Range 03E
VALLEY County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
16N	03E	1	NESW 40	NWSW 20	SWSW 17	77
		2	NESE 29	SESE 38		67
Total number of acres irrigated:						144

CONDITIONS OF APPROVAL AND REMARKS

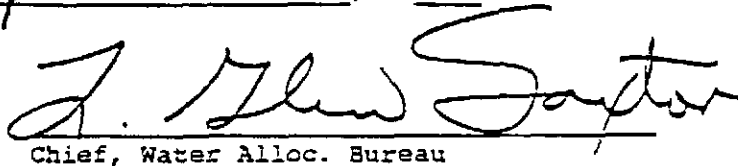
1. Use of water under this water right will be regulated by the watermaster of State Water District No. 65D.
2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 3.0 afa per acre for the lands above.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

TRANSFER NO. 4726
WATER RIGHT NO. 65-02515

CONDITIONS OF APPROVAL AND REMARKS

5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 7th day of April, 1997.


Chief, Water Alloc. Bureau

MEMORANDUM

10410N

TO: FILE NO. 65-02515

RECEIVED

FROM: PAM SKAGGS²⁸/STATE OFFICE

APR 08 1997

SUBJECT: TRANSFER NO. 4726

WATER RESOURCES
WESTERN REGION

DATE: April 4, 1997

de 8

Transfer No. 4726 was filed to change the place of use under a portion of Right No. 65-02515. The transfer applicant owns the portion of Section 13 from which 77 acres are being removed.

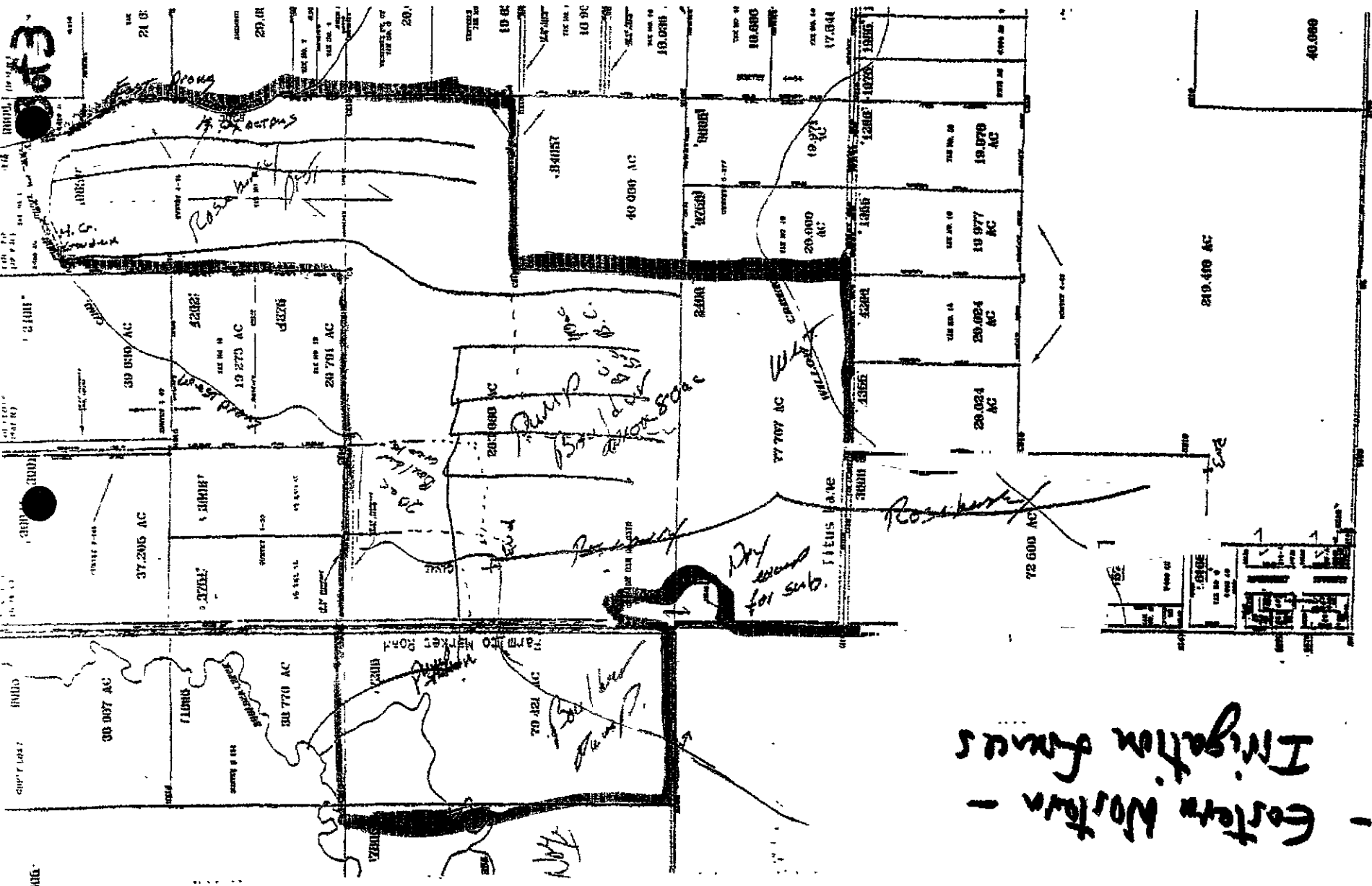
The applicant has sold a portion of the licensed acres in Section 02 and additional land in Section 01, including the 77 acres identified on the transfer application as the new place of use, to Eastern Western Corporation. The end result of the transfer will be the irrigation of all 144 acres on adjacent land located in Sections 01 and 02 owned entirely by Eastern Western Corporation. (Sections 01, 02 & 13 located within T16N, R03E.)

No attempt to contact the watermaster of Water District 65D was found in the file. I spoke with the watermaster today and he was aware of the proposed transfer and had no concerns about approval. He felt the change would not impact other users.

No change is proposed to the diversion or the existing ditch and the place of use is owned entirely by the new property owner. The transfer approval has been prepared identifying Eastern Western Corporation as the owner per attached documentation to the application.

Recommended conditions include watermaster control, measuring device, irrigation overlap and standard transfer conditions.

- Eastern Northern -
Irrigation ditches



10/30/2001

NAME AND ADDRESS: EASTERN WESTERN CORP
MICHAEL E MC GINLEY PRESIDENT
1426 SE GIDEON ST
PO BOX 3228
PORTLAND OR 972083228

TRIBUTARY: NORTH FORK PAYETTE RIVER

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

POINT OF DIVERSION:

T16N R03E S2 SENE Within VALLEY County

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	0.900 CFS
STOCKWATER	01/01 12/31	0.050 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 15 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

T16n R03E S01	NESW	40.0	T16n R03E S01	NWSW	32.0
T16n R03E S01	SWSW	40.0	T16n R03E S01	SESW	40.0
T16n R03E S12	NENW	17.0	T16n R03E S12	NWNW	40.0
T16n R03E S12	SNNW	35.0	T16n R03E S12	NWSW	14.0
T16n R03E S02	NESE	31.0	T16n R03E S02	SESE	40.0

STOCKWATER same as IRRIGATION

329 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 45 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE 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. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Decreed

A PORTION OF THIS RIGHT IS COMBINED WITH WATER FROM ROSEBERRY IRRIGATION DISTRICT.

HOLLAND & HART LLP
ATTORNEYS AT LAW

DENVER ASPEN
BOULDER COLORADO SPRINGS
DENVER TECH CENTER
BILLINGS BOISE
CHEYENNE JACKSON HOLE
SALT LAKE CITY SANTA FE
WASHINGTON D.C.

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

TELEPHONE (208) 342-5000
FACSIMILE (208) 343-8869

Linda B. Jones

October 24, 2001

Ms. Sue Bock
IDWR Western Region
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED

OCT 31 2001

**WATER RESOURCES
WESTERN REGION**

Re: Notice of Change in Water Rights Ownership

Dear Sue:

Enclosed for filing on behalf of our client Island Capital, L.L.C. is a Notice of Change in Water Rights Ownership. In support of the Notice, we enclose copies of the Warranty Deeds recorded in Valley County which convey title to the real property with all water rights to our client and to its predecessor. We also enclose for your information a copy of a recent water rights transfer, a copy of a Supplemental Agreement Regarding Water Rights recorded recently in Valley County, and a map depicting the location of the parcels.

Our check in the amount of \$150.00 is enclosed, to cover the transfer fees (\$25 each for the 6 water rights).

I enclose a copy of the predecessor's Deed and the Supplemental Agreement Regarding Water Rights to clarify that the entire amount of water right 65-02515 was conveyed by the Elds to Eastern Western and by Eastern Western to Island Capital, L.L.C. The entire amount of the water right is reflected in water right 65-02515A. Therefore, to the extent water right 65-02515B provides for any residual use of the water right for domestic purposes on Mr. Eld's property, 65-02515B should be merged with or into 65-02515A. Mr. Eld conveyed the entire water right, as reflected by water right 65-02515A.

As noted beneath the signature line on the enclosed application, Ms. Dana Hofstetter is the attorney of record for these water rights in the Snake River Basin Adjudication ("SRBA"), on behalf of the predecessor Eastern Western Corporation. Eastern Western has filed certain objections on the proposed decree for these water rights and I understand you are working with Ms. Hofstetter to reach a settlement of these objections. It is my understanding that Ms. Hofstetter will continue to follow these matters to their resolution on behalf of Island Capital, L.L.C. and is in the process of determining what is necessary to reflect the new owner and attorney of record.

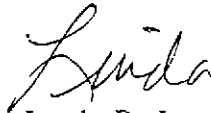
Ms Sue Bock
October 26, 2001
Page 2

Accordingly, please send confirmation of the change in ownership of the water rights to me, but continue to send correspondence on the SRBA objections to Ms. Hofstetter.

Please let me know if you require further information, and please provide me with written confirmation of the change of ownership as soon as you have completed the transfers.

Sincerely,

HOLLAND & HART LLP

A handwritten signature in cursive script, appearing to read "Linda".

Linda B. Jones

Enclosures
cc Graye Wolfe
Dana L. Hofstetter
2860379_1.DOC

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-4033 V2

WATER RIGHT NUMBER: 65-4033 V2

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ELD RANCHES INC RT 1 BOX 67 MC CALL, ID 83638
Current Owner	EASTERN WESTERN CORP MICHAEL E MC GINLEY PRESIDENT 1426 SE GIDEON ST PO BOX 3228 PORTLAND, OR 972083228 (503)236-1978
Original Owner	WILLIAM ELD RT 1 BOX 67 MC CALL, ID 83638
Attorney	HOFSTETTER LAW OFFICE DANA HOFSTETTER 608 W FRANKLIN ST BOISE, ID 83702 (208) 424-7800

DRAFT

Priority Date: 07/10/1950

Basis: Decreed

Status: Active

Source

BOULDER CREEK

Tributary

NORTH FORK PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/15	0.900 CFS	
STOCKWATER	01/01 to 12/31	0.050 CFS	
	<u>Total Diversion:</u>	0.950 CFS	

Location of Point(s) of Diversion

BOULDER CREEK

SE1/4NE1/4

Sec. 2, Twp 16N, Rge 03E, B.M.

VALLEY County

Place of UseIRRIGATION Within VALLEY County

T16n R03E S01	NESW 40.0	T16n R03E S01	NWSW 32.0
T16n R03E S01	SWSW 40.0	T16n R03E S01	SESW 40.0
T16n R03E S12	NENW 17.0	T16n R03E S12	NWNW 40.0
T16n R03E S12	SWNW 35.0 ✓	T16n R03E S12	NWSW 14.0
T16n R03E S02	NESE 31.0	T16n R03E S02	<u>SESE 40.0</u>
Total Acres: 329			

STOCKWATER same as IRRIGATIONConditions of Approval:

DRAFT

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-4033 V2

1. 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.
2. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
4. W18 USE OF THIS RIGHT IS COMBINED WITH WATER FROM ROSEBERRY IRRIGATION DISTRICT.
A Portion

Remarks:

1. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 45 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. Purpose of Use { THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 15 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector. OR
Water District Number: 65
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False



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

October 16, 2001

Dana Hofstetter
608 W Franklin St
Boise, ID 83702

Re: Letter dated October 10, 2001

Dear Dana:

This letter serves as a follow up to the issues raised in your October 10, 2001 letter.

The acre-foot quantity for rights 65-02515A and 65-04033 has been omitted and a shoulder remark has been added to address the irrigation season.

The place of use description for right 65-02515A has been change to reflect the permissible place of use.

The Roseberry irrigation boundary map can be modified, but I would like to meet with you or a Roseberry representative before making any changes to the map.

The permissible place of use was based on the recently licensed, February 11, 2000, right 65-07361. In order to modify the place of use a transfer would be required.

Any time an irrigation company and private right overlap, it is standard that we condition the right with the language as it appears on these rights. The same holds true for the stockwater conditions.

We have submitted an NCAP to the court to change your firm name and address on the rights.

I have enclosed an "amended draft" of the three water rights. Please let me know if you have any other questions.

Sincerely,

Sue Bock
Sr. Water Resource Agent

Enclosure

10/16/2001

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

RIGHT NUMBER: 65-4033

NAME AND ADDRESS: EASTERN WESTERN CORP
MICHAEL E MC GINLEY PRESIDENT
1426 SE GIDEON ST
PO BOX 3228
PORTLAND OR 972083228

HOFSTETTER LAW OFFICE
DANA HOFSTETTER
608 W FRANKLIN ST
BOISE ID 83702

SOURCE: BOULDER CREEK TRIBUTARY: NORTH FORK PAYETTE RIVER

QUANTITY: 0.950 CFS

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

PRIORITY DATE: 07/10/1950

POINT OF
DIVERSION:

T16N R03E S2 SENE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	0.900 CFS
STOCKWATER	01/01 12/31	0.050 CFS

PLACE OF USE: IRRIGATION Within VALLEY County

T16n R03E S01	NESW	40.0	T16n R03E S01	NWSW	32.0
T16n R03E S01	SWSW	40.0	T16n R03E S01	SESW	40.0
T16n R03E S12	NENW	17.0	T16n R03E S12	NWNW	40.0
T16n R03E S12	SWNW	35.0	T16n R03E S12	NWSW	14.0
T16n R03E S02	NESE	31.0	T16n R03E S02	SESE	40.0

STOCKWATER same as IRRIGATION

329 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 45 ACRES WITHIN THE PLACE
OF USE DESCRIBED ABOVE 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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

USE OF THIS RIGHT IS COMBINED WITH WATER FROM ROSEBERRY IRRIGATION DISTRICT.

**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	)	SUBCASE NO. 65-2515A, 65-4033,
	)	and 65-7361
Case No. 39576	)	
	)	NOTICE OF COMPLETED
_____	)	ADMINISTRATIVE PROCEEDING

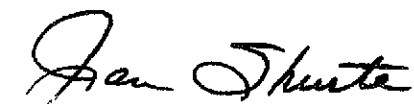
IDWR has completed the following Administrative proceeding: **CHANGE OF ADDRESS FOR ATTORNEY OF RECORD**

Name and New Address of Claimant:
Hofstetter Law Office
Dana Hofstetter
608 W Franklin St
Boise ID 83702

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 Proceeding* and *Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: October 16, 2001

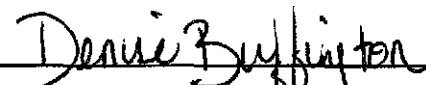


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on October 16, 2001, 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
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant or attorney of record:
Eastern Western Corp
Michael E Mc Ginley President
1426 SE Gideon St
PO Box 3228
Portland OR 97208-3228
3. One Copy to:
Each party in the subcase or attorney of record:
Hofstetter Law Office
Dana Hofstetter
608 W Franklin St
Boise ID 83702
4. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
5. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

HOFSTETTER LAW OFFICE

608 West Franklin Street
Boise, Idaho 83702

Dana@IdahoWaterLaw.com

Dana L. Hofstetter
Attorney at Law

Telephone (208) 424-7800
Facsimile: (208) 424-8774

October 10, 2001

Via Facsimile 334-2348 and U.S. Mail

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

RECEIVED

OCT 11 2001

WATER RESOURCES
WESTERN REGION

Re: Eastern Western Corporation
SRBA Subcase Nos. 65-02515A, 65-04033 and 65-07361

Dear Sue:

In August you provided me draft water right terms for settlement of Eastern Western Corporation's objections in SRBA subcase nos. 65-02515A, 65-04033 and 65-07361. The drafts address many of the concerns raised by Eastern Western's objections. This letter provides comments on those drafts.

With respect to water right nos. 65-02515A and 65-07361, I note that the acre foot quantity is retained while for right no. 65-04033, it is omitted. It is my understanding that acre foot quantities for non-storage surface water rights typically are not designated in the SRBA. Therefore, I would request deletion of the acre foot quantities for 65-02515A and 65-07361.

The irrigation season designated for right nos. 65-02515A and 65-04033 is shorter than the one designated for the recently licensed water right no. 65-07361. I understand that there is standard language that IDWR typically adds to provide for an extended irrigation season for rights like these that previously have been decreed a shorter irrigation season than is currently allowed. We would request inclusion of that language for right nos. 65-02515A and 65-04033.

There appears to be a typographical error in the place of use described for water right no. 6-02515A. In four instances, section 2 should be changed to read section 12.



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

October 16, 2001

HOFSTETTER LAW OFFICE
DANA HOFSTETTER
608 W FRANKLIN ST
BOISE ID 83702

RE: Water Right No. 65-2515A, 65-4033 & 65-7361

Dear Ms. Hofstetter:

Enclosed is a copy of the above referenced water right, which reflects your change in address. Also enclosed is a copy of the Notice of Completed Administrative Proceedings which has been sent to the Snake River Basin Court as notification of the change.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region

DB: db

Enclosures

cc: Eastern Western Corp.

HOFSTETTER LAW OFFICE

608 West Franklin Street
Boise, Idaho 83702
Dana@IdahoWaterLaw.com

Dana L. Hofstetter
Attorney at Law

Telephone: (208) 424-7800
Facsimile: (208) 424-8774

October 10, 2001

Via Facsimile 334-2348 and U.S. Mail

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

RECEIVED

OCT 11 2001

**WATER RESOURCES
WESTERN REGION**

Re: Eastern Western Corporation
SRBA Subcase Nos. 65-02515A, 65-04033 and 65-07361

Dear Sue:

In August you provided me draft water right terms for settlement of Eastern Western Corporation's objections in SRBA subcase nos. 65-02515A, 65-04033 and 65-07361. The drafts address many of the concerns raised by Eastern Western's objections. This letter provides comments on those drafts.

With respect to water right nos. 65-02515A and 65-07361, I note that the acre foot quantity is retained while for right no. 65-04033, it is omitted. It is my understanding that acre foot quantities for non-storage surface water rights typically are not designated in the SRBA. Therefore, I would request deletion of the acre foot quantities for 65-02515A and 65-07361.

The irrigation season designated for right nos. 65-02515A and 65-04033 is shorter than the one designated for the recently licensed water right no. 65-07361. I understand that there is standard language that IDWR typically adds to provide for an extended irrigation season for rights like these that previously have been decreed a shorter irrigation season than is currently allowed. We would request inclusion of that language for right nos. 65-02515A and 65-04033.

There appears to be a typographical error in the place of use described for water right no. 6-02515A. In four instances, section 2 should be changed to read section 12.

October 10, 2001

Page 2

On a related matter, it appears there are two errors concerning Eastern Western's property with respect to the November 9, 1999 Roseberry Irrigation District SRBA boundary map you previously provided me. Based on a recent exclusion of lands from the District (copy enclosed), there should be no District lands in the NE1/4SW1/4 Section 1, Township 16 North, Range 3 East. Also, it appears based on the Roseberry SRBA claim that all of the NW1/4NW1/4 Section 12, Township 16 North, Range 3 East should be within District boundaries. Together with these changes, it is necessary to slightly revise the permissible place of use designated for right nos. 65-02515A, 65-04033 and 65-07361 without changing the total number of irrigated acreage. To ensure that all of Eastern Western's irrigated acreage is adequately covered, I would recommend increasing the permissible place of use designated for the NE1/4NW1/4 Section 12 from 17 acres to 30 acres.

The language "use of this right is combined with water from Roseberry Irrigation District" has been retained for all three water rights. Since only a relatively small portion of the permissible place of use shared by all three water rights overlaps Roseberry Irrigation District acreage, I am concerned that this language may incorrectly suggest the rights are supplemental to the Roseberry rights.

You have informed me that it is standard IDWR policy to designate stock water rights of less than 0.23 cfs to be *de minimis* and to include both the language limiting the stock water use to less than 13,000 gallons per day and the declaration about non-determination of historic beneficial use. Since this stock water use previously was decreed without these terms, does it need to be included in the SRBA?

Also, last, but not least, I note that my address and firm which are designated for two of the rights is out of date. I would request that this information is updated. Please let me know whether you have any questions or suggestions about this letter. Thank you for your assistance.

Sincerely,

HOFSTETTER LAW OFFICE



Dana L. Hofstetter

Enclosure

cc: Linda Jones *via facsimile*

Dana L. Hofstetter
HOLLAND & HART
Suite 1400, West One Plaza
Post Office Box 2527
Boise, Idaho 83701
Telephone: (208) 342-5000

LELAND G. HEINRICH, CLERK
By Deputy Deputy

FEB 23 1995

Case No. _____ Inst. No. _____
Filed _____ A.M. _____ P.M.

Attorneys for Plaintiff,
Board of Directors of the
Roseberry Irrigation District

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

BOARD OF DIRECTORS OF THE
ROSEBERRY IRRIGATION DISTRICT,)

Plaintiff,)

vs.)

DOES I-XX, Defendants, Whose
True Names are Unknown, and
All Other Persons Unknown,
Having Interest in or Claim
Against the Roseberry
Irrigation District,)

Defendants.)

Case No. CV-94-197

JUDGMENT AND DECREE OF
CONFIRMATION

The Defendants having been duly served by published summons
in this action, and having failed to answer or object in the
allotted time, and the default of said Defendants having been
entered, and it appearing that there are no outstanding bonds,
warrants or other indebtedness of the Roseberry Irrigation
District, and it appearing the proceedings concerning the Special
Election Modifying the Roseberry Irrigation District by the

JUDGMENT AND DECREE OF CONFIRMATION - 1

Exclusion of Land followed the proper statutory procedures pursuant to Idaho Code Title 43, Chapter 13.

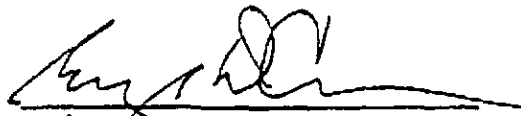
IT IS ORDERED, ADJUDGED AND DECREED AND THIS DOES ORDER, JUDGE AND DECREE that the Plaintiff have judgment by default against the Defendants and that the proceedings concerning the Special Election Modifying the Roseberry Irrigation District by the Exclusion of Lands are hereby confirmed and the following lands are excluded from the boundaries of the Roseberry Irrigation District:

SE $\frac{1}{4}$ SW $\frac{1}{4}$ (40 acres), E $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ (20 acres), W $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ (2 acres) and S $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ (15 acres), Section 1, Township 16 North, Range 3 East, Boise Meridian, Valley County, Idaho;

NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ (10 acres), Section 12, Township 16 North, Range 3 East, Boise Meridian, Valley County, Idaho; and

^ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ (10 acres), Section 13, Township 16 North, Range 3 East, Boise Meridian, Valley County, Idaho.

Dated this 23 day of February, 1995.


Judge G.D. Carey

49715/16304.3001

JUDGMENT AND DECREE OF CONFIRMATION - 2

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-4033 V2

WATER RIGHT NUMBER: 65-4033 V2

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ELD RANCHES INC RT 1 BOX 67 MC CALL, ID 83638
Current Owner	EASTERN WESTERN CORP MICHAEL E MC GINLEY PRESIDENT 1426 SE GIDEON ST PO BOX 3228 PORTLAND, OR 972083228 (503)236-1978
Original Owner	WILLIAM ELD RT 1 BOX 67 MC CALL, ID 83638
Attorney	HOLLAND & HART DANA HOFSTETTER PO BOX 2527 BOISE, ID 837012527 (208)342-5000

DRAFT

Priority Date: 07/10/1950

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOULDER CREEK	NORTH FORK PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/15	0.900 CFS	
STOCKWATER	01/01 to 12/31	0.050 CFS	
	<u>Total Diversion:</u>	0.950 CFS	

Location of Point(s) of Diversion

BOULDER CREEK	<u>SE1/4NE1/4</u>	Sec. 2, Twp 16N, Rge 03E, B.M.
VALLEY County		

Place of UseIRRIGATION Within VALLEY County

T16n R03E S01	NESW	40.0	T16n R03E S01	NWSW	32.0
T16n R03E S01	SWSW	40.0	T16n R03E S01	SESW	40.0
T16n R03E S12	NENW	17.0	T16n R03E S12	NWNW	40.0
T16n R03E S12	SWNW	35.0	T16n R03E S12	NWSW	14.0
T16n R03E S02	NESE	31.0	T16n R03E S02	SESE	40.0

Total Acres: 329STOCKWATER same as IRRIGATIONConditions of Approval:

1. 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.

Sharon L. ...

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-4033 V2

2. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
4. W18 USE OF THIS RIGHT IS COMBINED WITH WATER FROM ROSEBERRY IRRIGATION DISTRICT.

Remarks:

1. Place of Use THIS RIGHT IS LIMITED TO THE IRRIGATION OF 45 ACRES WITHIN THE PLACE OF USE
- Irrigation DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

SF 5

DRAFT

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-07361

Priority: April 17, 1973

Maximum Diversion Rate: 2.40 CFS

Maximum Diversion Volume: 360.0 AF

This is to certify, that EASTERN WESTERN CORP

PO BOX 3228

PORTLAND OR 97208-3228

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 17, 1973; and has submitted Proof of Beneficial Use on April 27, 1978. An examination indicates that the works have a diversion capacity of 6.760 cfs of water from:

BOULDER CREEK

tributary to PAYETTE RIVER, NORTH FORK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/31	2.40 CFS	360.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 2, Township 16N, Range 03E
VALLEY County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
16N	03E	1	NESW 40	NWSW 32	SWSW 40	
			SESW 40			152
		2	NESE 31	SESE 40		71
		12	NENW 17	NWNW 40	SWNW 35	
			NWSW 14			106

Total number of acres irrigated: 329

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 65D.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
4. Right 65-02515A is also diverted through the point of diversion described above.
5. This right is limited to the irrigation of 120 acres within the place of use described above in a single irrigation season.

MICROFILMED
AUG 24 2000

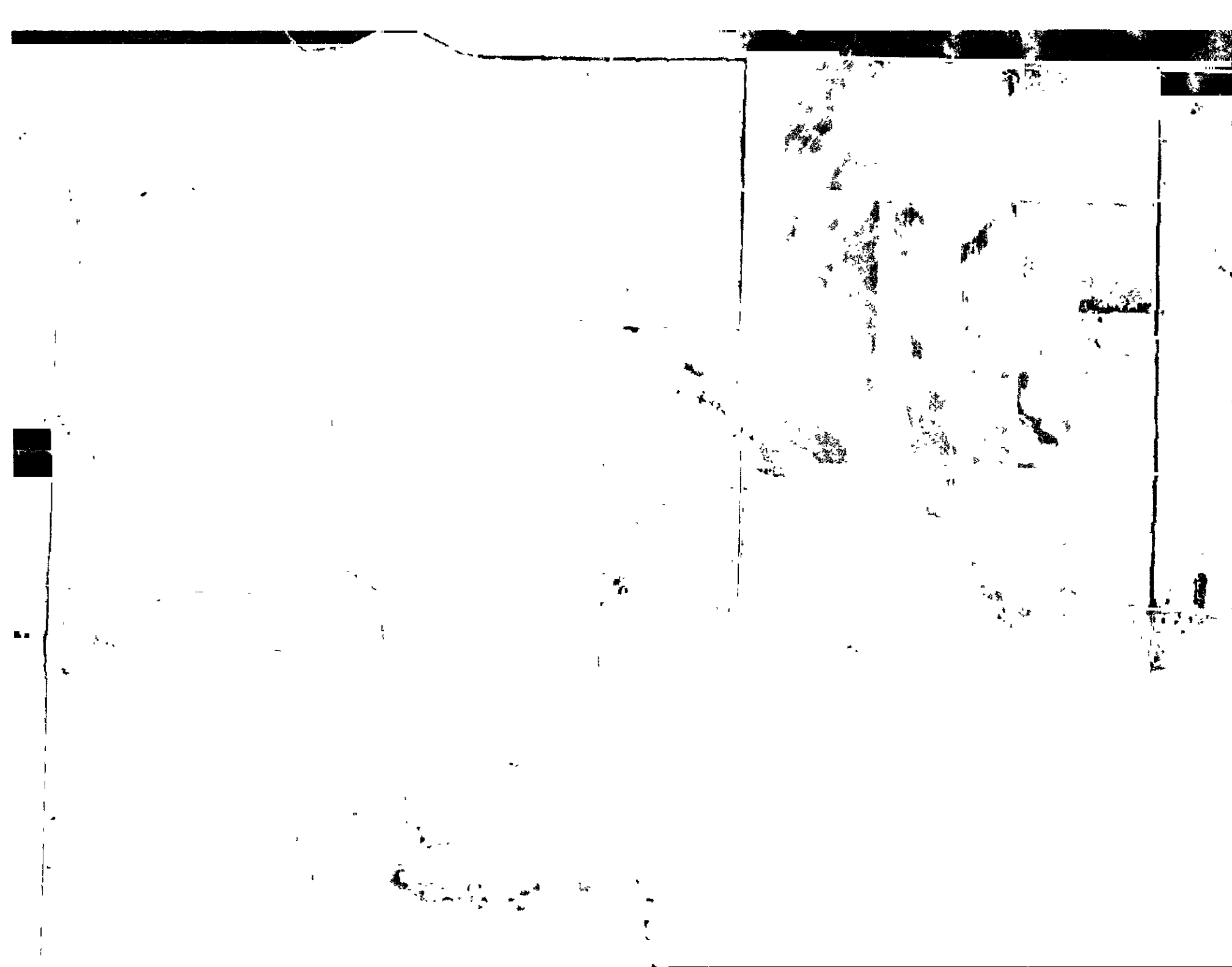
State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-07361

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 11th day of FEBRUARY, 2000.


Acting for KARL J. DREHER, Director

MICROFILMED
AUG 24 2000



RECEIVED

AUG 29 2000

WATER RESOURCES
WESTERN REGION

RECEIVED
AUG 29 2000
Department of Water Resources

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

In Re SRBA)

Case No. 39576)

A. Subcase 65-04033

(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Eastern Western Corporation
Michael E. McGinley, President
Address: P. O. Box 3228
Portland, Oregon 97208-3228
Daytime Phone: (503) 236-1978

Name & Address of Attorney, if any:

Dana L. Hofstetter
Beeman & Hofstetter, P.C.
P. O. Box 1427
Boise, ID 83701-1427
(208) 388-8900

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING

Name: United States of America acting through the Department of Interior
Bureau of Reclamation
Address: 1150 North Curtis Road
Boise, ID 83706-1234
Daytime Phone: (208) 334-1464 (Irene Collins)

INSTRUCTIONS FOR MAILING

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

F. CERTIFICATE OF MAILING

I certify that on **August 18, 2000**, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to: Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, ID 83303-2707
2. One copy to the claimant of the water right at the following address:

Name: Eastern Western Corporation
Address: Michael McGinley, President
P. O. 3228
Portland, OR 97208-3228
3. One copy to the party who filed the objection. at the following address:

Name: James J. Dubois
U.S. Department of Justice
Environmental & Natural Resource Division
Address: General Litigation Section
550 West Fort Street, MSC 033
Boise, ID 83724
4. Copies to:

IDWR Document Depository P. O. Box 83720 Boise, ID 83720-0098	United States Department of Justice Environment & Natural Resource Division 550 West Fort Street, MSC 033 Boise, ID 83724
Chief, Natural Resources Division Office of the Attorney General. State of Idaho P. O. Box 44449 Boise, ID 83711-4449	



Your signature or signature of attorney
mailing on your behalf

APR 17 2000

RECEIVED

APR 25 2000

WATER RESOURCES
MONTGOMERY

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

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: Delete quantity remarks
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point(s) of Diversion**
Should be: SENE Section 2, T16N, R03E
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: Delete stockwater remarks. Delete AFY.
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: 329-acre permissible place of use with 65-02515A and 65-07361. Delete explanatory material.

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** This right and 65-02515 are not supplemental rights. Point of diversion incorrectly described. Stockwater may not be *de minimus*. AFY not applicable. Explanatory material may not be correct for any or all acres. The permissible place of use was developed as part of the licensing for 65-07361.

F. VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

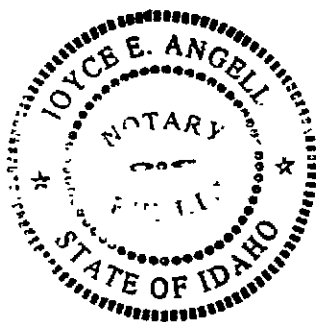
Dana L. Hofstetter, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

(Signature of person filing objection)

Dana Hofstetter
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 14, 2000



Joyce E. Angell
Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 7/24/02

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on April 14, 2000, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

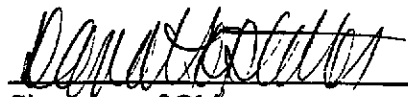
Not applicable.

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

September 29, 1999

NOTICE OF ERROR
REPLY

RECEIVED

NOV 01 1999

WATER RESOURCES
WESTERN REGION

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 29, 1999

Water right number: 65-04033

EASTERN WESTERN CORP
MICHAEL E MC GINLEY PRESIDENT
1426 SE GIDEON ST
PORTLAND OR 97208-3228

Daytime Telephone Number: (503) 236-1978

Evening Telephone Number: N/A

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

Quantity remarks, point of diversion, stockwater remarks, explanatory material

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

- * Delete quantity remarks
 - * Point of diversion should be SENE Section 2, T16N, R03E
 - * Delete stockwater remarks
 - * Delete explanatory material
 - * 333-acre (309 irrigated) permissible place of use with 65-02515 and 65-07361.
3. Give a brief explanation as to why you disagree with these portions: See attachment.
- * This right and 65-02515 are not supplemental rights
 - * Point of diversion incorrectly described
 - * Stockwater may not be de minimis
 - * Explanatory material may not be correct for any or all acres
 - * The permissible place of use concept was suggested by Dan Nelson of IDWR as part of the licensing for 65-07361.

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

DATE: 10/29/99

SIGNATURE: 

Please print your name:

Dana L. Hofstetter

Beeman & Hofstetter, P.C.

Attorneys for Eastern Western Corporation

PROPOSED PERMISSIBLE PLACE OF USE FOR 65-02515, 65-04033, AND 65-07361

Twp	Rge	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
16N	3E	1									40	32	40	40					152
16N	3E	2													31			40	71
16N	3E	12					21	40	35			14							110

permissible place of use total acres 333

17 acres per license
 issued for 65-07361 to
 resolve objection & put
 in permissible place of
 use.

RECEIVED
 OCT 29 1999
 BEEMAN & HURDLEICK, P.C.
 ATTORNEYS AT LAW

AJ0749NP
No. R65-04033

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

DATE: 09/22/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EASTERN WESTERN CORP MICHAEL E MC GINLEY PRESIDENT 1426 SE GIDEON ST PO BOX 3228 PORTLAND OR 972083228 (503) 236-1978	07/10/1950	IRRIGATION STOCKWATER	04-15 10-15 01-01 12-31	0.900 CFS 0.050 CFS	2.70 AFA
TOTAL DIVERSION:					0.950 CFS	

Water Source: BOULDER CREEK

Tributary to: CASCADE RESERVOIR

Stage: DECREED

Point(s) of Diversion:

T16N R03E S02

NESE

VALLEY County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE									
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
16N	03E	12	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	45.0
TOTAL ACRES																			45.0		

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE									
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:		
16N	03E	12	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	

BOU County: VALLEY

Conditions of Approval:

- W18 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM ROSEBERRY IRRIGATION DISTRICT.
- N08 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N05 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: QNT USE OF THIS RIGHT WITH RIGHT NO. 65-02515 SHALL PROVIDE NO MORE THAN 3.0 AFA PER ACRE.

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

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

AJ0749NP
No. R65-04033

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

DATE: 09/22/99
PAGE: 2

=====

Comments: Date: 07/28/1999 User-ID: SBOCK Subject: COPIED FROM REMARKS
ADDRESS CHANGED PER CLAIMANT REQUEST 10/20/98. (DB)

Audit: 09/22/99 SBOCK

AJ0749NP
No. R65-03824

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

DATE: 09/21/99
PAGE: 1

=====

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ELD RANCHES 204 E ROSEBERRY RD MC CALL ID 83638 (208) 325-8876	07/01/1949	IRRIGATION STORAGE IRRIGATION FROM STORAGE DIVERSION TO STORAGE	01-01 12-31 04-15 10-15 01-01 12-31	1.600 CFS	25.00 AFA 25.00 AFA 25.00 AFA
TOTAL DIVERSION:					1.600 CFS	25.00 AFA

Water Source: WILLOW CREEK

Tributary to: BOULDER CREEK

Stage: DECREED

Point(s) of Diversion:

T16N R04E S07

SWNE

VALLEY County

Place of use Legal Description for: IRRIGATION FROM STORAGE

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
---	---	---	:	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	:
16N	04E	7	:											08	35					:
TOTAL ACRES																		43.0	43.0	

POU County: VALLEY

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

Comments: Date: 09/21/1999 User-ID: SBOCK Subject: STORAGE
YEAR ROUND STOR FOR IRR WAS ADDED TO THIS RIGHT SINCE IT IS NO
LONGER A GEN PROVISION IN THE SRBA

Audit: 09/21/99 SBOCK

AJ5809NP
No. A65-04033

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/05/99
PAGE: 80

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EASTERN WESTERN CORP MICHAEL E MC GINLEY PRESIDENT 1426 SE GIDEON ST PO BOX 3228 PORTLAND OR 972083228 (503) 236-1978	07/10/1950	IRRIGATION STOCKWATER	04-15 10-15 01-01 12-31	0.90 CFS 0.05 CFS	2.70 AFA
TOTAL DIVERSION:					0.95 CFS	
CONSUMPTIVE USE:						90.00 AFA

Water Source: BOULDER CREEK

Tributary to:

Stage: DECREED

Point(s) of Diversion:

T16N R03E S02

NESE

~~NESE~~

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	
16N	03E	12	:							35				10						45.0
TOTAL ACRES																			45.0	

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE				
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
16N	03E	12	:							S				S						

POU County: VALLEY

Remarks: GEN AMENDED CLAIM FILED TO REFLECT TOTAL QUANTITY APPROPRIATED TO BE
.95 CFS, NOT 2.70 AFA.
THIS RIGHT WHEN COMBINED WITH RIGHTS OF ROSEBERRY IRRIGATION
DISTRICT SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.
ADDRESS CHANGED PER CLAIMANT REQUEST 10/20/98. (DB)

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

W18
QUTEZ
NOS
NOS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:07:36
03/24/99
51

PAGE: 17
PROFILE REPORT

CLAIM NUMBER: A65-04033

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EASTERN WESTERN CORP	07/10/1950	IRRIGATION STOCKWATER	04-15 10-15 01-01 12-31	0.90 CFS 0.05 CFS	2.70 AFA
TOTAL DIVERSION: CONSUMPTIVE USE:					0.95 CFS	90.00 AFA

Water Source: BOULDER CREEK Tributary to: Stage: DECREED
Point(s) of Diversion: T16N R03E S02 NESE NESE 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																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																										
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Place of use Legal Description for: STOCKWATER

NE												NW								SW								SE																							
				NENE		NNNE		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	Lt	Ac	:										
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POU County: VALLEY

Remarks: GEN AMENDED CLAIM FILED TO REFLECT TOTAL QUANTITY APPROPRIATED TO BE
.95 CFS, NOT 2.70 AFA.
THIS RIGHT WHEN COMBINED WITH RIGHTS OF ROSEBERRY IRRIGATION
DISTRICT SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.
ADDRESS CHANGED PER CLAIMANT REQUEST 10/20/98. (DB)

Dates: Exam Made Date: Verified Date: Objection Filed Date:
Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:09
03/24/99

PAGE: 1
GENERAL INFORMATION

35
CLAIM NUMBER: A65-04033

LAST: ELD RANCHES INC
ADDRESS: RT 1 BOX 67
CITY: MC CALL
PHONE NUMBER: 208-000-0000

FIRST:
STATE: ID ZIP: 83638

OWNER CODE: 0

LAST: ELD
ADDRESS: RT 1 BOX 67
CITY: MC CALL
PHONE NUMBER: 208-000-0000

FIRST: WILLIAM
STATE: ID ZIP: 83638

OWNER CODE: 0

LAST: HOLLAND & HART
ADDRESS: DANA HOFSTETTER
PO BOX 2527
CITY: BOISE
PHONE NUMBER: 208-342-5000

FIRST:
STATE: ID ZIP: 837012527

OWNER CODE: A

LAST: EASTERN WESTERN CORP
ADDRESS: MICHAEL E MC GINLEY PRESIDENT
1426 SE GIDEON ST
PO BOX 3228
CITY: PORTLAND
PHONE NUMBER: 503-236-1978

FIRST:
STATE: OR ZIP: 972083228

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: GEN AMENDED CLAIM FILED TO REFLECT TOTAL QUANTITY APPROPRIATED TO BE
.95 CFS, NOT 2.70 AFA.
THIS RIGHT WHEN COMBINED WITH RIGHTS OF ROSEBERRY IRRIGATION
DISTRICT SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.
ADDRESS CHANGED PER CLAIMANT REQUEST 10/20/98. (DB)

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: __/__/__

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

A. AJ CLAIM: # A65-04033 PRIORITY DATE: 07-10-1950 STAGE: D

B. WR RECORD: # 65-04033 PRIORITY DATE: 07-10-1950 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:

07-10-1950
REVIEWED BY 7/28/99 SB

DATE _____

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
A65-04033	16N 03E	2		NE	SE			VALLEY		
A65-04033	16N 03E	2		NE	SE			VALLEY		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: BOULDER CREEK

TRIB:

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
65-04033	16N 03E	2		NE	SE			VALLEY		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

NONE

NONE

NONE

SOURCE: BOULDER CREEK

TRIB:

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 Done) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM _____ NAME OF EXAMINER _____) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: _____

=====

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
16N	03E	2		NE	SE			VALLEY		
16N	03E	2		NE	SE			VALLEY		
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SOURCE: BOULDER CREEK

TRIB: Cascade Res

REVIEWED BY: SB

DATE: 7/28/99

=====

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

A. ROOT WATER RIGHT NUMBERS: A65-04033

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
16N	03E	12	SW	NW		EASTERN WESTERN CORP	A65-04033 / 35.0	65-04033 / 35.0	40.0		
			SW	NW		ROSEBERRY IRRIGATION DISTRICT	A65-03114 / 40.0	- /			
			SW	NW		ROSEBERRY IRRIGATION DISTRICT	A65-03115 / 40.0	- /			
			SW	NW		ROSEBERRY IRRIGATION DISTRICT	A65-03116 / 40.0	- /			
16N	03E	12	SW	NW		EASTERN WESTERN CORP	A65-04033 /	65-04033 / 35.0	40.0		
			SW	NW		ROSEBERRY IRRIGATION DISTRICT	A65-03114 / 40.0	- /			
			SW	NW		ROSEBERRY IRRIGATION DISTRICT	A65-03115 / 40.0	- /			
			SW	NW		ROSEBERRY IRRIGATION DISTRICT	A65-03116 / 40.0	- /			
16N	03E	12	NW	SW		EASTERN WESTERN CORP	A65-04033 / 10.0	65-04033 / 10.0	37.0		
			NW	SW		ROSEBERRY IRRIGATION DISTRICT	A65-03114 / 40.0	- /			
			NW	SW		ROSEBERRY IRRIGATION DISTRICT	A65-03115 / 40.0	- /			
			NW	SW		ROSEBERRY IRRIGATION DISTRICT	A65-03116 / 40.0	- /			
			NW	SW		MC ADAMS, THOMAS W.		65-10255 /			
16N	03E	12	NW	SW		EASTERN WESTERN CORP	A65-04033 /	65-04033 / 10.0	37.0		
			NW	SW		ROSEBERRY IRRIGATION DISTRICT	A65-03114 / 40.0	- /			
			NW	SW		ROSEBERRY IRRIGATION DISTRICT	A65-03115 / 40.0	- /			
			NW	SW		ROSEBERRY IRRIGATION DISTRICT	A65-03116 / 40.0	- /			
			NW	SW		MC ADAMS, THOMAS W.		65-10255 /			

ADDITIONAL POU FOUND

TOTAL ACRES A65-04033 45.00 90.00 154.00

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
A65-04033	BOULDER CREEK	EASTERN WESTERN CORP	0.950	0.021		
A65-03114	BOULDER CREEK	ROSEBERRY IRRIGATION DISTRICT	50.000	0.017		
A65-03115	BOULDER LAKE	ROSEBERRY IRRIGATION DISTRICT			1218.00	0.42
A65-03116	BOULDER CREEK	ROSEBERRY IRRIGATION DISTRICT	48.720	0.017		

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:

Roseberry

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(☒)

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

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

NOTES: _____

RECOMMENDATIONS:

TOTAL ACRES: 45 N/A()

REVIEWED BY: _____

DATE: 7/28/99

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-04033 IRRIGATION	FROM 04-15 TO 10-15	0.900 CFS	
A65-04033 STOCKWATER	FROM 01-01 TO 12-31	0.050 CFS	2.70 AF/A
TOTAL DIVERSION RATE/VOLUME		0.950 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-04033 IRRIGATION	FROM 04-15 TO 10-15	0.900 CFS	
65-04033 STOCKWATER	FROM 01-01 TO 12-31	0.050 CFS	2.70 AF/A
TOTAL DIVERSION RATE/VOLUME		0.950 CFS	2.70 AF/A

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: 10

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

CLAIM NUMBER: A65-04033⁴⁴

NOTES:

AJ CLAIM TOTAL DIVERSION RATE: 0.950 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 0.950 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 _____, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 45 x 0.02 CFS/ACRE = 90 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()

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 = 90.0 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:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
IRRIGATION STOCKWATER	04-15	10-15	DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
	01-01	12-31	0.900	_____			90.0	_____
			0.050	_____	2.70	_____	90.0	_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
TOTAL FOR THIS RIGHT			0.950	_____		_____	90.0	_____

NON-IRRIGATION USES CLAIMED:

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

REVIEWED BY: _____ DATE: _____

FLAG: _____

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

W18
N05

QNT 228

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

N/A

ROOT WATER RIGHT NUMBER: 65-04033

	DATABASE	EXAMINER	CFS
TOTAL DIVERSION RATE OF WR SPLITS	0.950	_____	

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A65-04033	0.950	-		65-04033	0.950
TOTAL CFS		0.950				0.950

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	FIELD EXAMINER
Y	Y() N()

NOTES:

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

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()
() NAPP	DATE OF PHOTO _____ IDWR ID NO. _____	Y() 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 <u>GC map</u>	DATE <u>7/28/99</u>	Y() N()
() OTHER _____	DATE _____	Y() 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 _____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:09
03/24/99

PAGE: 16
QUICKLOOK INFORMATION

50
CLAIM NUMBER: A65-04033

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				2	Done	3B 7-28-99		
POINT OF DIV	Y							
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE								
PURPOSES OF USE								
PERIOD OF USE								
BASIS OF CLAIM								
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

Idaho Dept of Water Resources

Claim No(s): 65-04033

Claimant(s) Eastern
Western Corp

T16N, R03E, S 12

Prepared by: Sue Bock

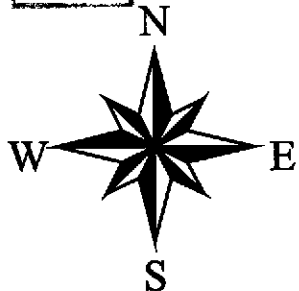
Date: 07/28/1999

 Place of Use

 Point of Diversion

 Section lines

 1/4 1/4 lines



0 0.25 0.5 0.75 Miles

1987 NAPP Photo





State of Idaho
DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 21, 1998

RE: Water Right No. 65-08949, 65-09796, 65-17568, 65-17573, 65-19596,
65-19598, and 65-19608

Eastern Western Corp
c/o Michael E Mc Ginley, President
1426 SE Gideon St
Portland OR 97208-3228

Dear Claimant:

Enclosed are copies of the above referenced water rights which reflect the change in address of the land and appurtenant water rights covered under the original filings. Also enclosed are copies of the Notices of Completed Administrative Proceedings which have been sent to the Snake River Basin Court as notification of the changes.

The address has also been changed on all other water rights in which you are the current owner, and copies of the claims and profile reports are enclosed.

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

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Records Clerk
Adjudication Section
Western Region

DB:db

Enclosures

Dana L. Hofstetter
 Murray D. Feldman
 HOLLAND & HART
 Suite 1400, West One Plaza
 Post Office Box 2527
 Boise, Idaho 83701
 Telephone: (208) 342-5000

COPY
 1992 JAN -9 AM 10:02
 DISTRICT COURT-SRBA
 TWIN FALLS CO., IDAHO
 FILED *[Signature]*

Attorneys for Northwest Pipeline Corporation,
 Eastern Western Corporation and other parties

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

Case No. 39576

NOTICE OF APPEARANCE

The State of Idaho, ex rel.
 R. Keith Higginson in his
 official capacity as Director
 of the Idaho Department of
 Water Resources,

Document No.
 92-01-020

Petitioner,

vs.

The United States; the State
 of Idaho; and all Claimants to
 the use of water from the Snake
 River Basin Water System

DESCRIPTIVE SUMMARY

This is the Notice of Appearance of Dana L. Hofstetter and
 Murray D. Feldman of the law firm of Holland & Hart as attorneys
 for Northwest Pipeline Corporation, Eastern Western Corporation
 and other parties pursuant to the Court's December 17, 1991, SRBA

NOTICE OF APPEARANCE ~ 1

MICROFILMED
 AUG 03 1994

Administrative Order: SRBA Mailing Address, Telephone and Fax
Numbers and Notices of Appearance.

NOTICE OF APPEARANCE

Dana L. Hofstetter and Murray D. Feldman of the law firm of
Holland & Hart hereby enter their appearance as attorneys for
Northwest Pipeline Corporation, Eastern Western Corporation and
other parties pursuant to the Court's December 17, 1991, SRBA
Administrative Order: SRBA Mailing Address, Telephone and Fax
Numbers and Notices of Appearance.

DATED this 6 day of January, 1992.

HOLLAND & HART

By



Dana L. Hofstetter, for the firm
Attorneys for Northwest Pipeline
Corporation, Eastern Western
Corporation and other parties

2 - - NOTICE OF APPEARANCE

MICROFILMED

4661 3 0 9N4

CERTIFICATE OF SERVICE

I hereby certify that on this 8 day of January, 1992, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Larry Echohawk
Attorney General
State of Idaho
Statehouse Mail, Room 210
Boise, ID 83720

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Peter G. Monson
Trial Attorney
United States Department
of Justice
Land and Natural Resources
Division
Indian Resources Section
P.O. Box 44378
Washington, DC 20026-4378

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

David B. Shaw (6 copies)
Chief
Adjudication Bureau
Idaho Department of Water
Resources
1301 North Orchard
Statehouse Mail
Boise, ID 83720

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)


for HOLLAND & HART

17157



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 15, 1992

Dana L. Hofstetter
Holland & Hart
P.O. Box 2527
Boise, ID 83701-2527

RE: Snake River Basin Adjudication (SRBA)
Eastern Western Corp.

Dear Dana,

I have modified the addresses on the claims for your client referenced above as directed in your letter dated April 1, 1992. Enclosed are the print-screens you requested for your files.

Thank you for your patience, Dana. If you have any questions, please call me.

Sincerely,

Sally Prazee
Secretary, Adjudication Section

sf:west

Enclosures:

Eastern Western Corp. Print-Screens

MICROFILMED
SEP 22 1992

MEMORANDUM

DATE: 04/14/92
TO: DON SHAFF, JAN SHURTE
FROM: SALLY FRAZEE
RE: EASTERN WESTERN CORP

(same cy to Rox too, Jan)
Sal

TODAY I UPDATED EACH CLAIM ON FILE FOR EASTERN WESTERN CORP AS FOLLOWS ON THE SAMPLE D.E. SCREEN:

ADDRESS: EASTERN WESTERN CORP
MICHAEL E MC GINLEY PRESIDENT
PO BOX 3228
OR 37208-3228
C

1505 SE GIDEON ST
PORTLAND
503 236-1978

OR

HOLLAND & HART
DANA HOFSTETTER

ID 83701-2527
A

PO BOX 2527
BOISE
208 342-5000

I ASKED DANA THIS MORNING WHEN SHE WAS HERE WHETHER SHE CARED IF HER MIDDLE INITIAL WAS ON THE CLAIMS OR NOT. SHE DOESN'T CARE, SO I DELETED IT ON THE FEW WHERE IT SHOWED TO SAVE KEYSTROKES.

SAVING KEYSTROKES WAS MY REASON FOR SHORTENING "CORPORATION" TO "CORP".

EASTERN WESTERN CORP IS NOW ENTERED AS EASTERN WESTERN CORP (WITHOUT THE PERIOD AFTER CORP).

BEFORE MODIFYING BASIN 63 RECORDS, I VERIFIED THERE WERE NO "R" RECORDS VIA AJ5.

PER DANA'S REQUEST, I HAVE MAILED HER THE PRINT SCREENS FOR EASTERN WESTERN CORP FOR HER FILES. I HAVE ATTACHED A COPY OF THE AJQ1 EASTERN WESTERN SCREENS FOR THE WESTERN REGION OFFICE.

A65-04033

MICROFILMED

SEP 22 1992

EW

EASTERNWESTERN CORPORATION

RECEIVED

AUG 2 1991

HOLLAND
& HART

RECEIVED

OCT 24 1991

Department of Water Resources
Western Regional Office

Jul 130, 1991

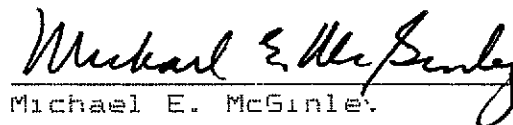
RECEIVED

OCT 11 1991

Department of Water Resources

NOTICE OF REVOCATION OF AUTHORIZATION

I, Michael E. McGinley, President of Eastern Western Corporation, have revoked Jim Hipwell's authority to file Notice of Claims to Water Rights in the Snake River Basin Adjudication on behalf of Eastern Western Corporation. Mr. Hipwell is no longer employed by Eastern Western Corporation and may no longer file Notices of Claim on its behalf. This Revocation of Authority is not intended to affect the validity of the Claims Jim Hipwell filed on behalf of Eastern Western Corporation while employed by the Corporation.



Michael E. McGinley
President

/nc

MICROFILMED

SEP 22 1992



November 15, 1988

LETTER OF AUTHORIZATION

I, Michael E. McGinley, President of Eastern Western Corporation, hereby authorize Jim Hipwell to file Notice of Claims to Water Rights in the Snake River Basin Adjudication on behalf of Eastern Western Corporation.

Michael E. McGinley
President

MEM/jo

WESTERN REGION

OWNER (S): Eastern Western

CLAIM NUMBERS: 65-04033

AGENT: Sue Bock

DATE 7/28/99

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

POLYGON CREATED ON 332

POLYGON # () () () () UPDATED BY sue

ATTRIBUTES OF B65-POU.SHP (87) () () () ()

ATTRIBUTES OF B65-POD.SHP (74) () () () ()

✓ B65-DBPOU.DBF UPDATED BY sue

✓ B65-DBPOD.DBF UPDATED BY sue

NOTES:
