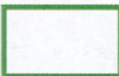


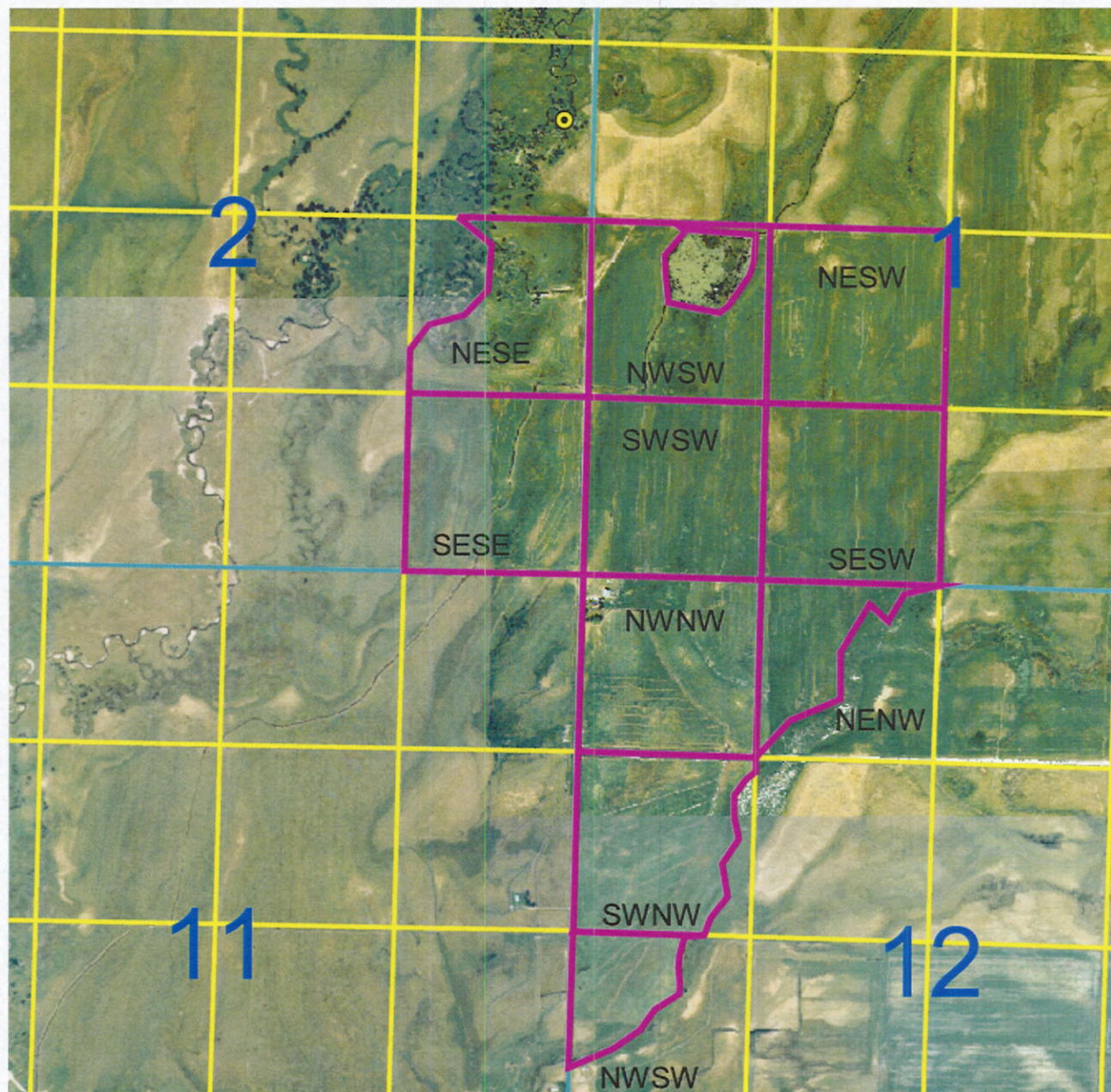
Idaho Dept of Water Resources

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

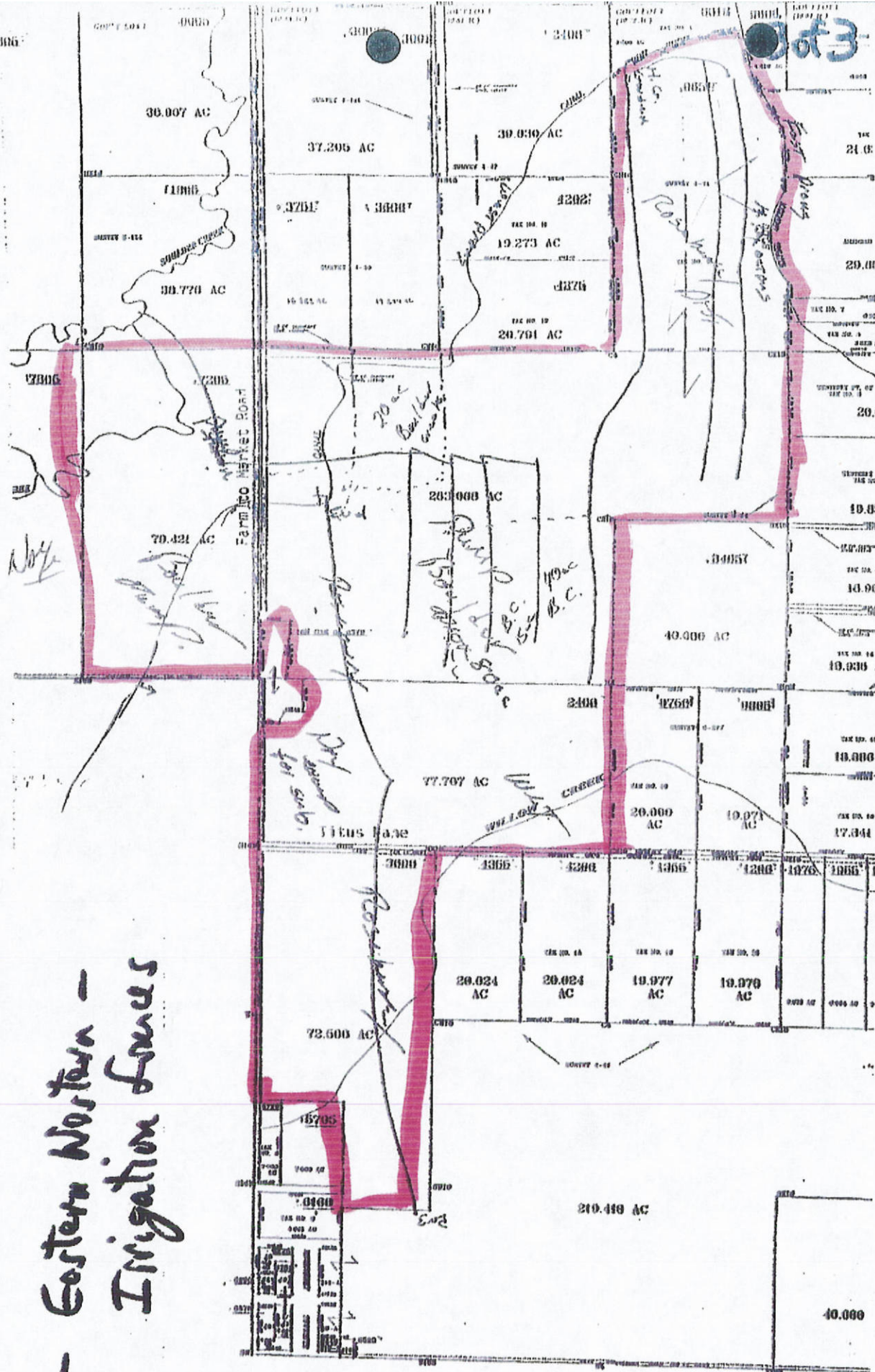


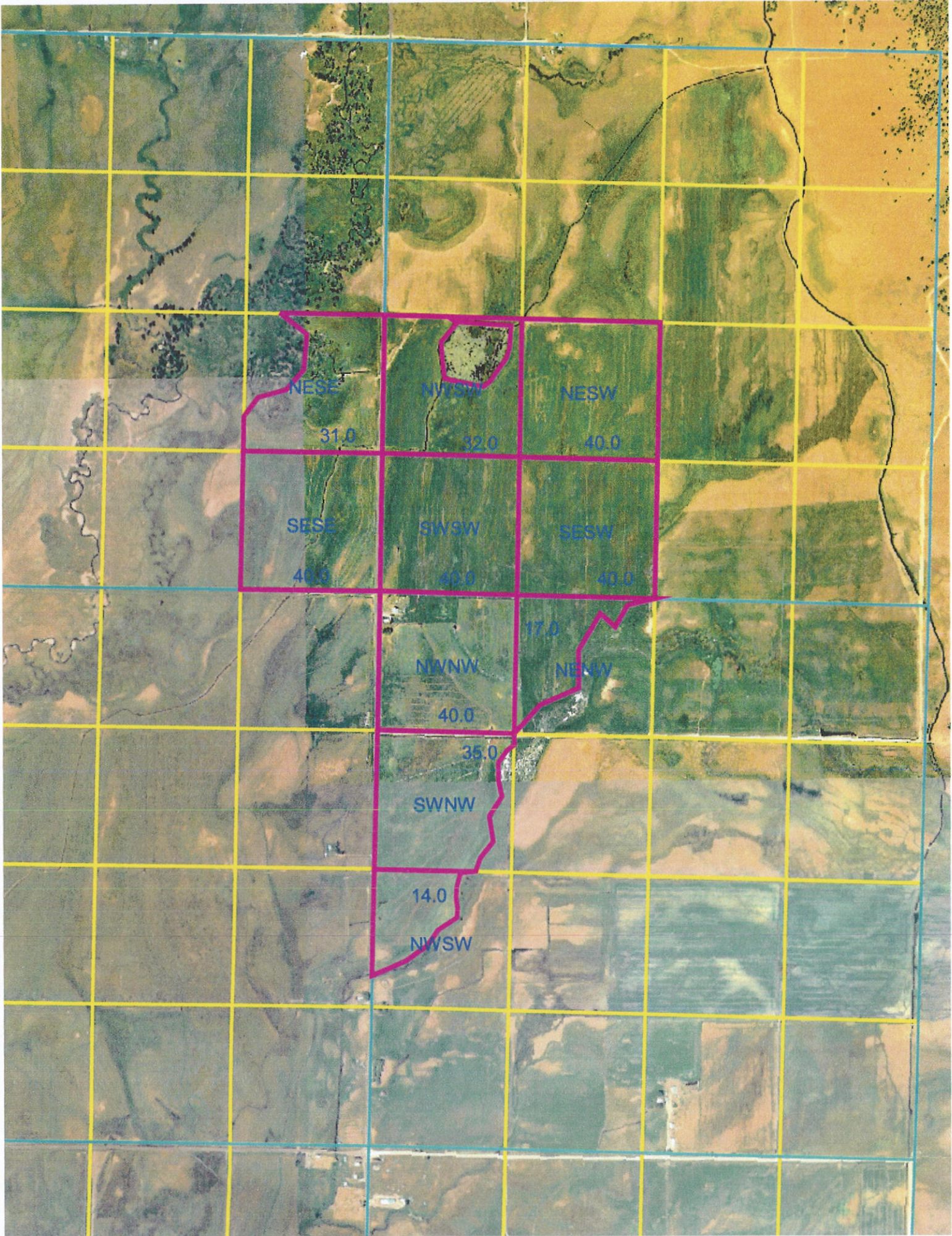
0 1000 2000 Feet



1987 NAPP Photo

Eastern Western -
Irrigation forces

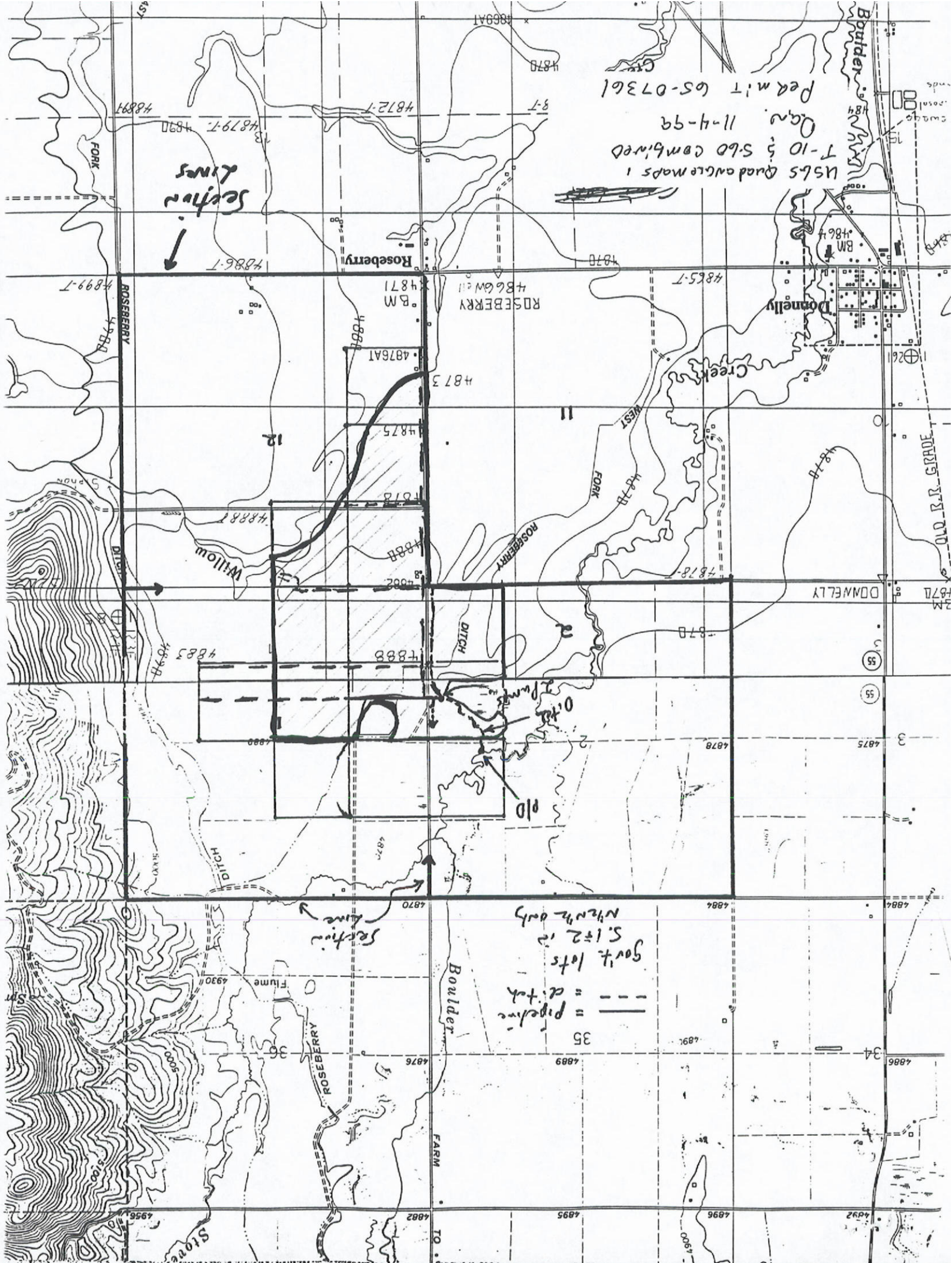




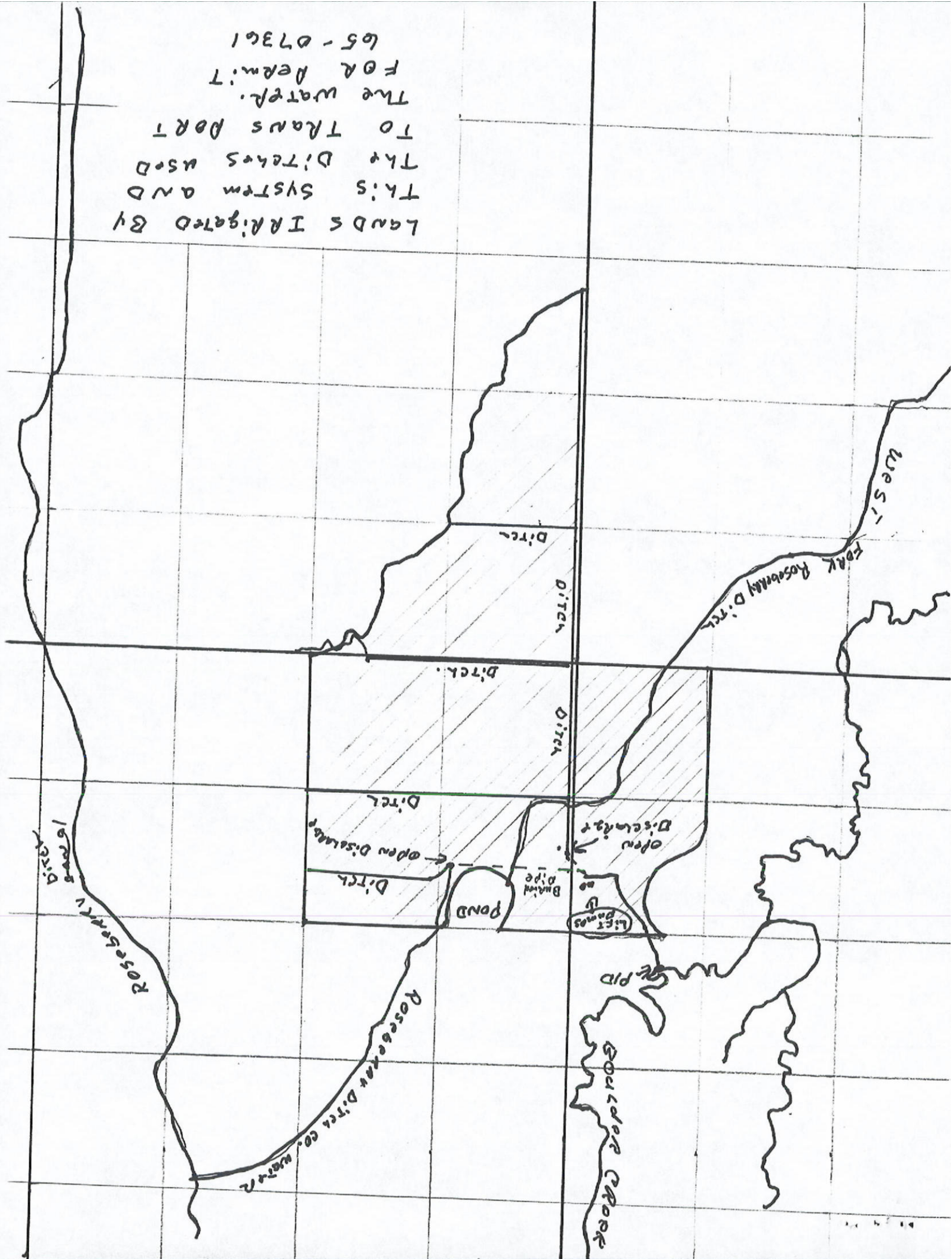
USGS Quadrangle Maps
 T-10 & S-60 combined
 Jan. 11-4-99
 Peamit 65-07361

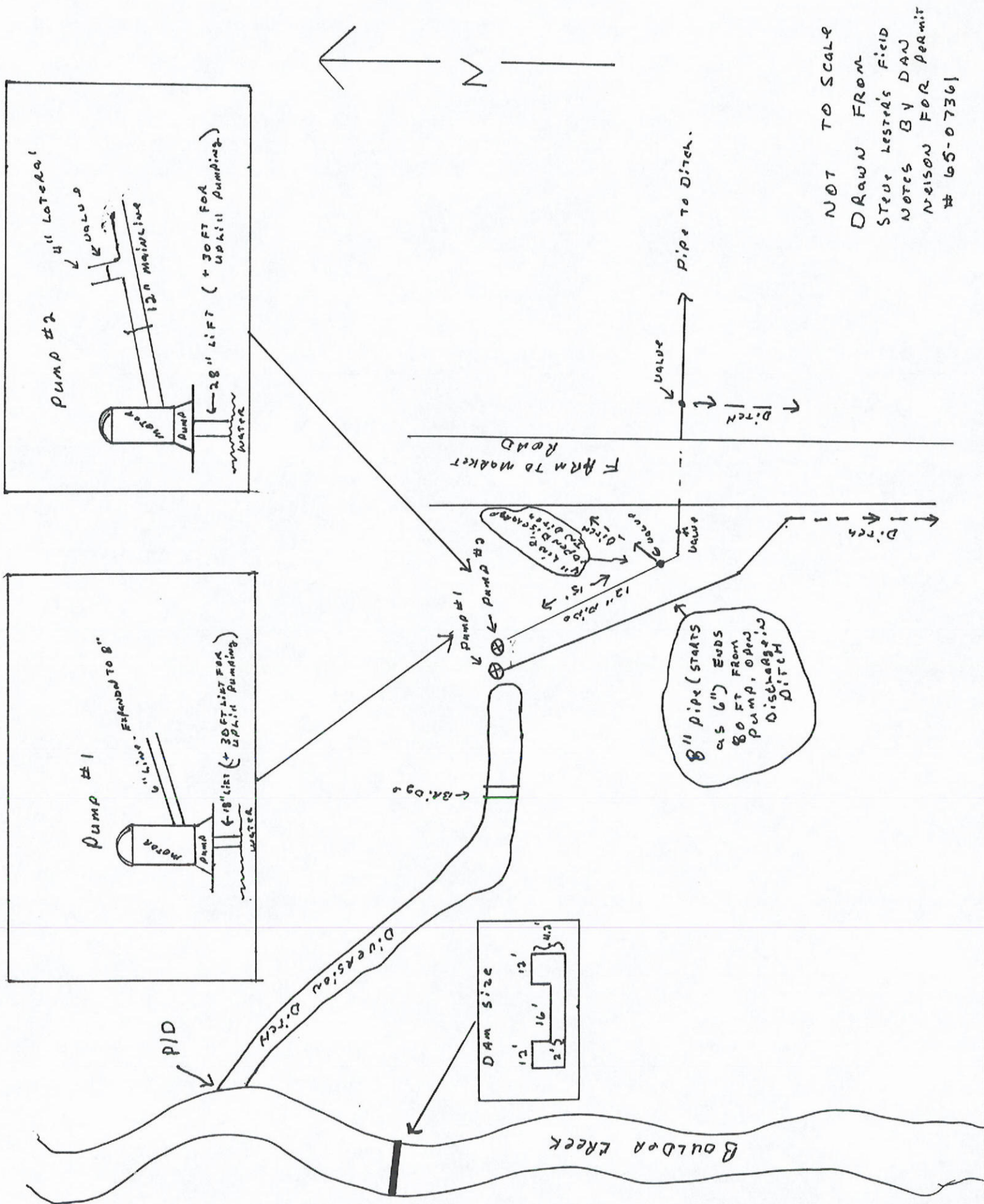
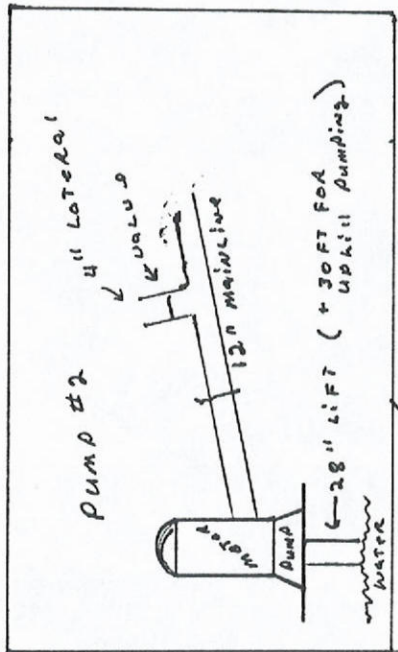
Section
 lines
 ↓

gov't lots
 5.1 ± 2.12
 N 1/2 sec 35
 --- = pipeline
 --- = ditch



LANDS IRRIGATED BY
THIS SYSTEM AND
THE DITCHES USED
TO TRANS PORT
THE WATER.
FOR PERMIT
65-07361

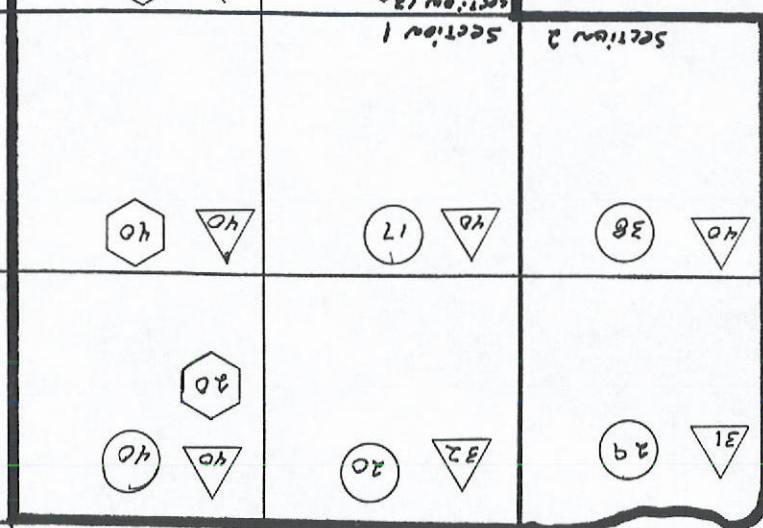




NOT TO SCALE
DRAWN FROM
STEVE LESTER'S FIELD
NOTES BY DAN
NEILSON FOR PERMIT
65-07361

Overlapping water rights Permit 65-0736

Section 2
Section 1



AC

ACRES FOR PERMISSIBLE PLACE OF USE FOR PERMIT 65-0736, THIS PERMIT IS FOR 120 ACRES WITHIN THE PERMISSIBLE PLACE OF USE.

AC

ACRES DESIGNATED FOR WATER RIGHT 65-02125. PLEASE NOTE: APPLICANT HAS FILED FOR THE SAME PERMISSIBLE PLACE OF USE IN SRBA.

AC

ACRES DESIGNATED FOR WATER RIGHT 65-04033. PLEASE NOTE: APPLICANT HAS FILED FOR THE SAME PERMISSIBLE PLACE OF USE IN SRBA.

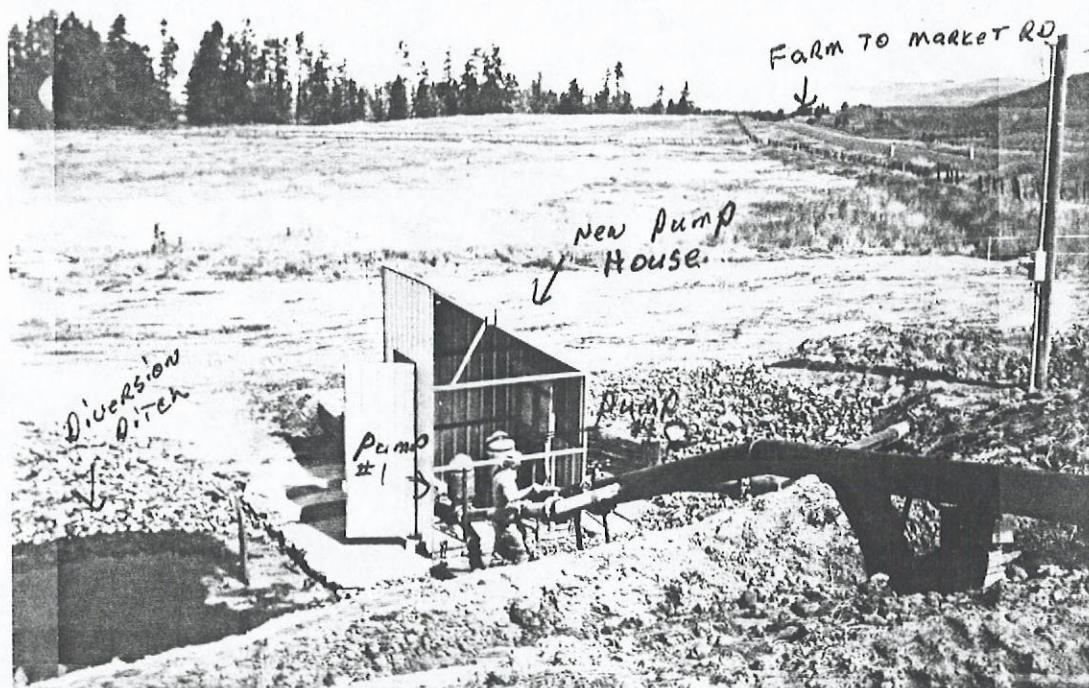
AC

THESE ACRES ARE WITHIN THE ROSEBURY IRRIGATION DISTRICT'S BORDERS. WATER RIGHT NUMBERS 65-03114, 65-03115, AND 65-03116.

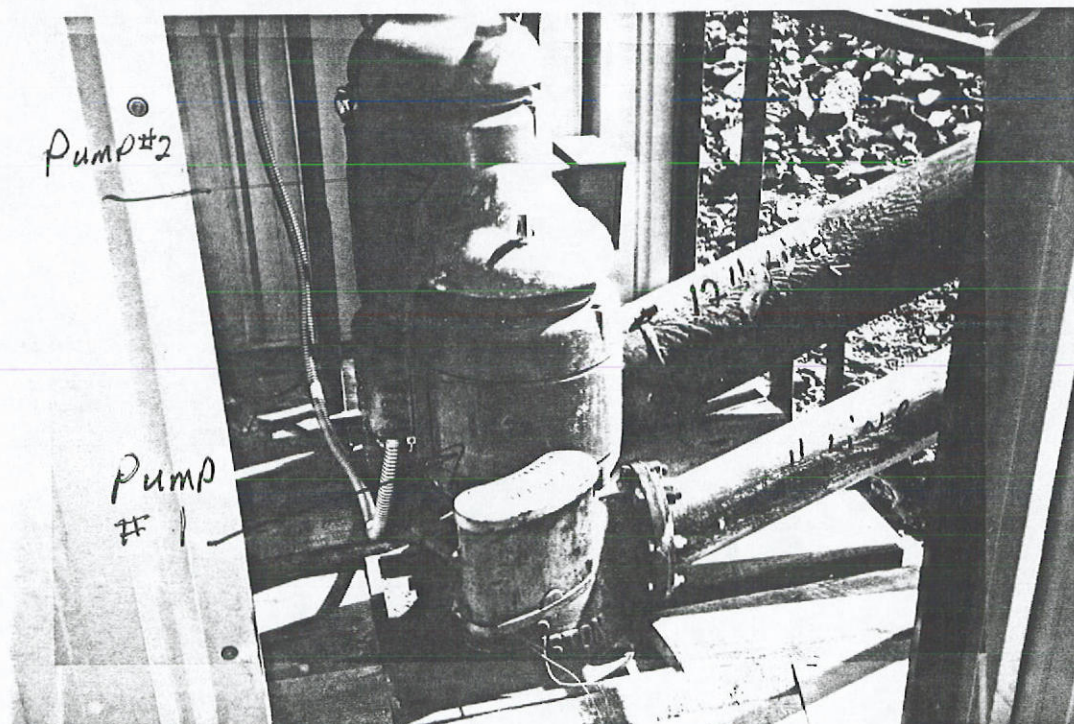


PHOTOGRAPHER AND DATE OF PHOTOS B. Rick C. 8/17/93

FILE NO. AND LEGAL DESCR. 65-07361 (Measurement of Diversion)



POINT
OF REDIVERSION
WITH BOTH
PUMPS.
Pump #1 is
smaller pump

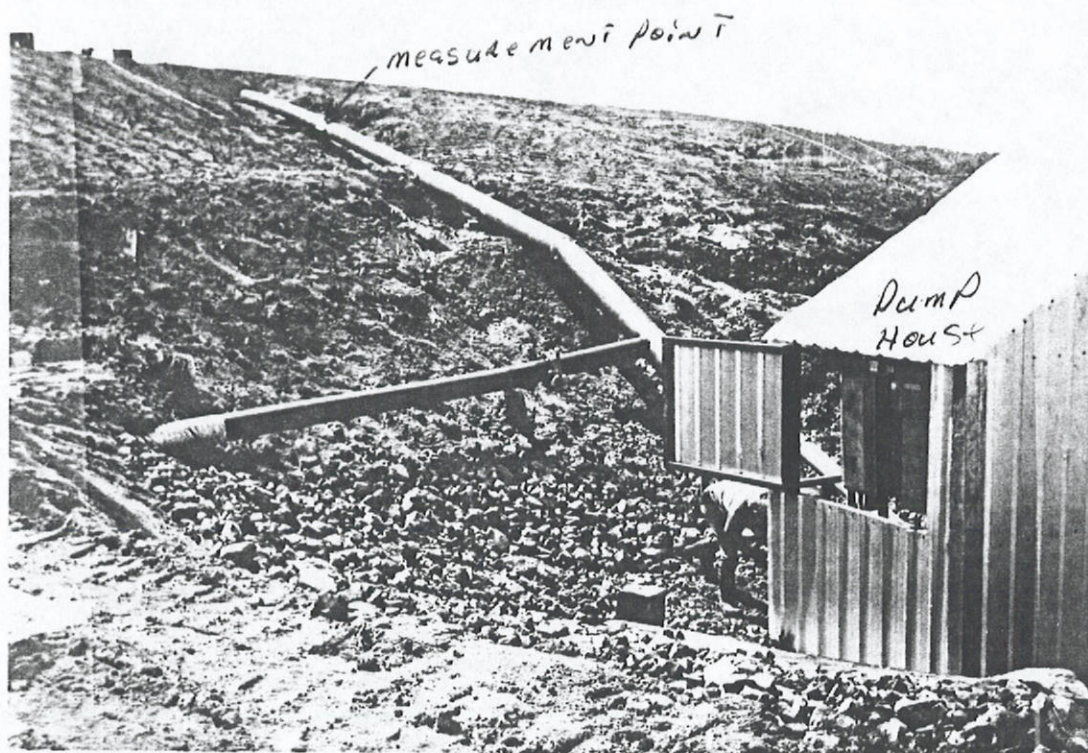


CLOSE UP
PICTURE OF
PUMPS

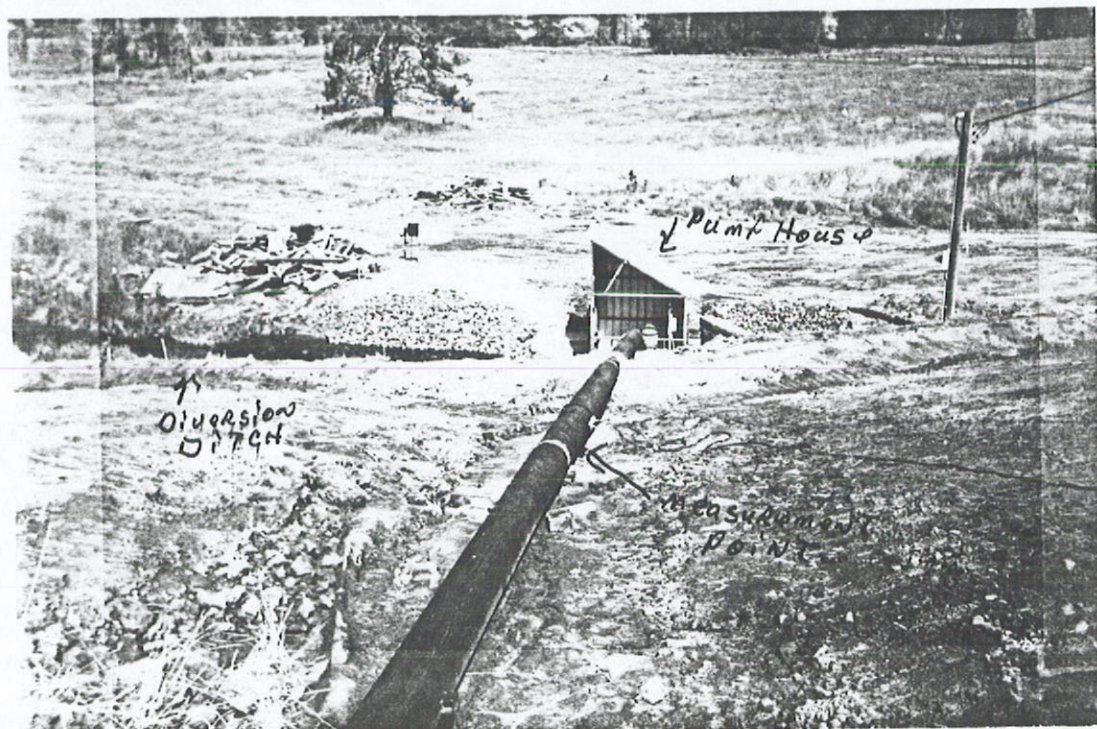


PHOTOGRAPHER AND DATE OF PHOTOS Rick C 8-17-93

FILE NO. AND LEGAL DESCR. 165-07361 Measurement of Diver



These
photo's
show the
point where
the ~~diversion~~
pumps were
measured





PHOTOGRAPHER AND DATE OF PHOTOS Rick C 8-17-93

FILE NO. AND DESCRIPTION 65-07361 (measurement of diversion)



These photos
show ~~the~~
the open
discharge
into the
ditch

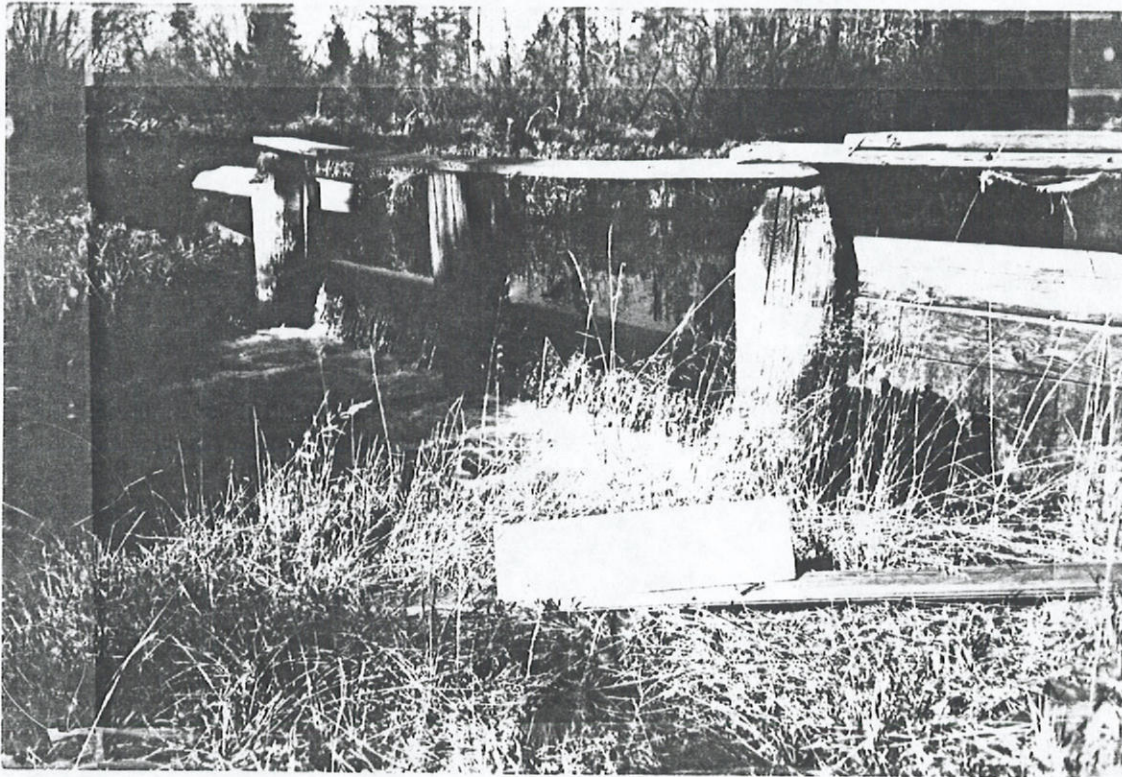


Pin
Discharge
Point



PHOTOGRAPHER AND DATE OF PHOTOS Steve Lester 10-20-87

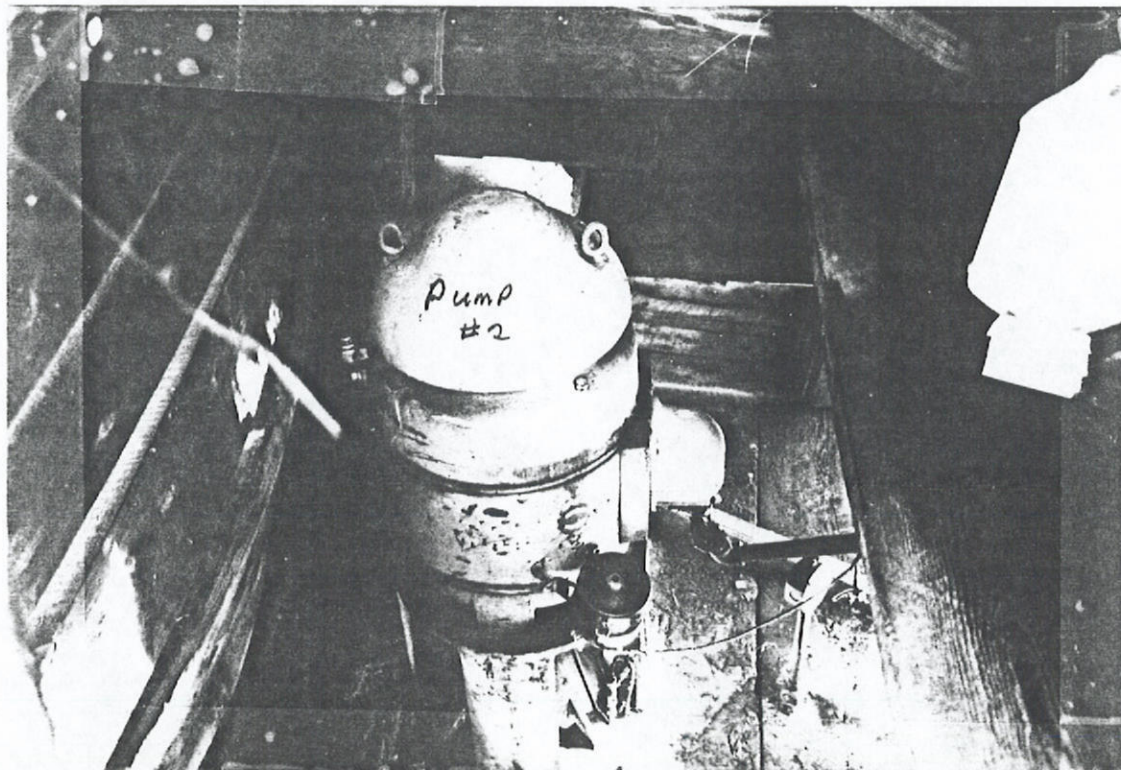
FILE NO. AND DESCRIPTION 65-07361 (Original Field Exam)



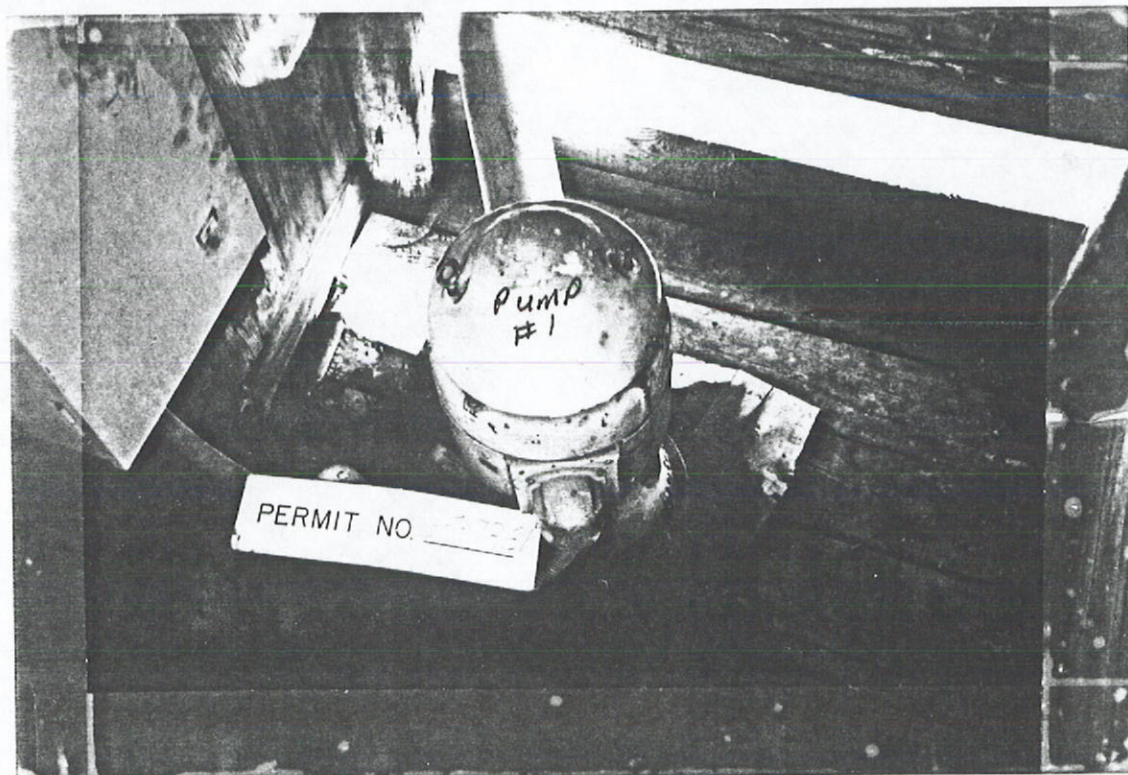


PHOTOGRAPHER AND DATE OF PHOTOS Steve Lester 10-30-87

FILE NO. AND DESCRIPTION 65-07361 (Original Field Exam)



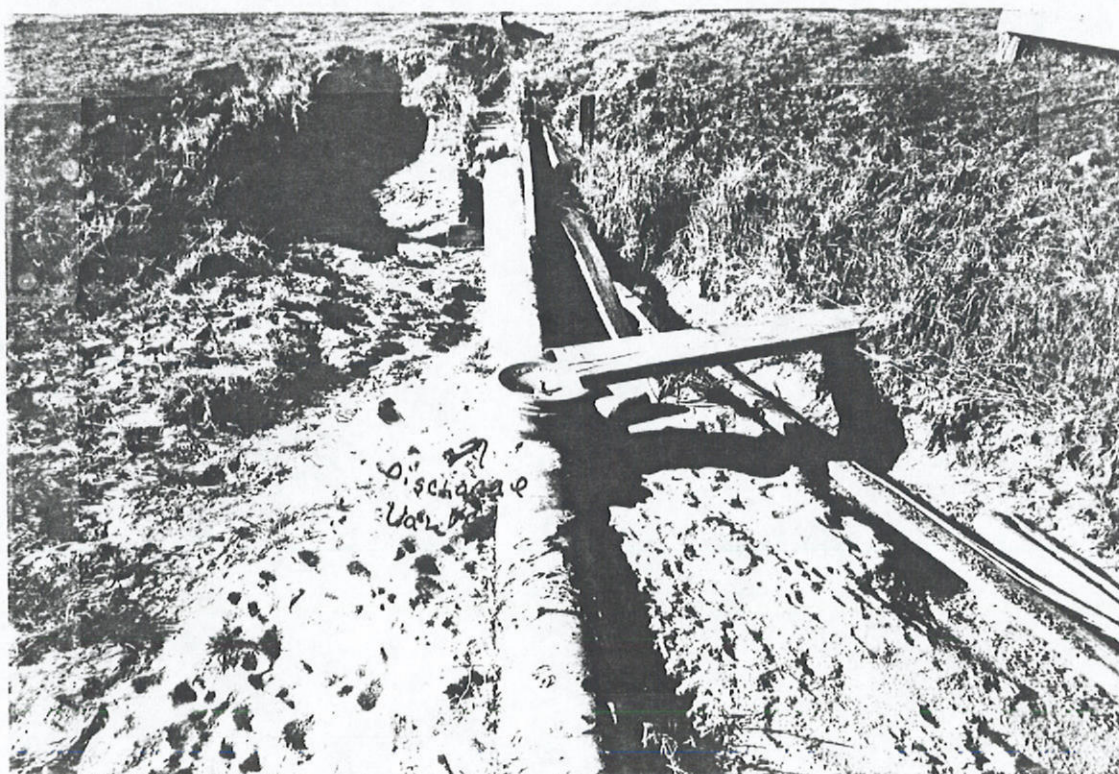
These are
photo's of
the pumps.





PHOTOGRAPHER AND DATE OF PHOTOS Steve LESTER 10-20-87

FILE NO. AND DESCRIPTION U5-07361 (Original Field Exam)



This is a photo of one of the Discharge
Valves.



PHOTOGRAPHER AND DATE OF PHOTOS Steve Lester 10-20-87

FILE NO. AND DESCRIPTION 65-07361 (Original Field Exam)



These are
pictures
of the
place of the



RECEIVED

DEC 07 1999

WATER RESOURCES
WESTERN REGION

RECEIVED

NOV 29 1999

Department of Water Resources

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

Ident. Number: A65-07361

Date Received: 11/29/99 647288

Receipt No: 647288

Received By: *gm*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EASTERN WESTERN CORP
Address: PO BOX 3228
PORTLAND OR 97208-3228
503-236-1978
2. Date of Priority: APR 17, 1973
3. Source: BOULDER CREEK Trib. to: PAYETTE RIVER, NORTH FORK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16N	03E	2	SE	NE			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	10/31	2.400		360.00
7. Total Quantity Appropriated is:
2.400 C.F.S. (and/or) 360.00 A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	03E	1	NE	SW		IRR	40.0
			NW	SW		IRR	32.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
		Section Acres					
		2	NE	SE		IRR	31.0
			SE	SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
Section Acres						71.0
		12	NE	NW	IRR	17.0
			NW	NW	IRR	40.0
			SW	NW	IRR	35.0
			NW	SW	IRR	14.0
Section Acres						106.0
Total Acres						329.0

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:

Rights 65-02515A and 65-04033 are also diverted through the point of diversion described above.

This right is limited to the irrigation of 120 acres within the place of use described above in a single irrigation season.

Use of this right ^{may be} is combined with water from Roseberry Irrigation District.

~~Rights 65-02515A, 65-04033 and 65-07361 when combined shall not exceed a total diversion rate of 4.15 cfs.~~

15. Basis of Claim: PERMIT

16. Signature(s)

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

Number of attachments: _____

For Organizations:

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

Michael E. H. [Signature]
Signature of Authorized Agent

President
Title and Organization

11-19-99

Date

State of Oregon)
Idaho)
County of Multnomah) SS.

Subscribed and sworn (or affirmed) before me this 19th day
of November 19 99

Cindi Masterson
Notary Public



Residing at Gresham, OR
My Commission Expires 12-29-02

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
Print Name

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 _____

Address _____

Date _____

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



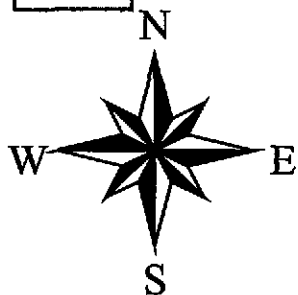
Point of Diversion



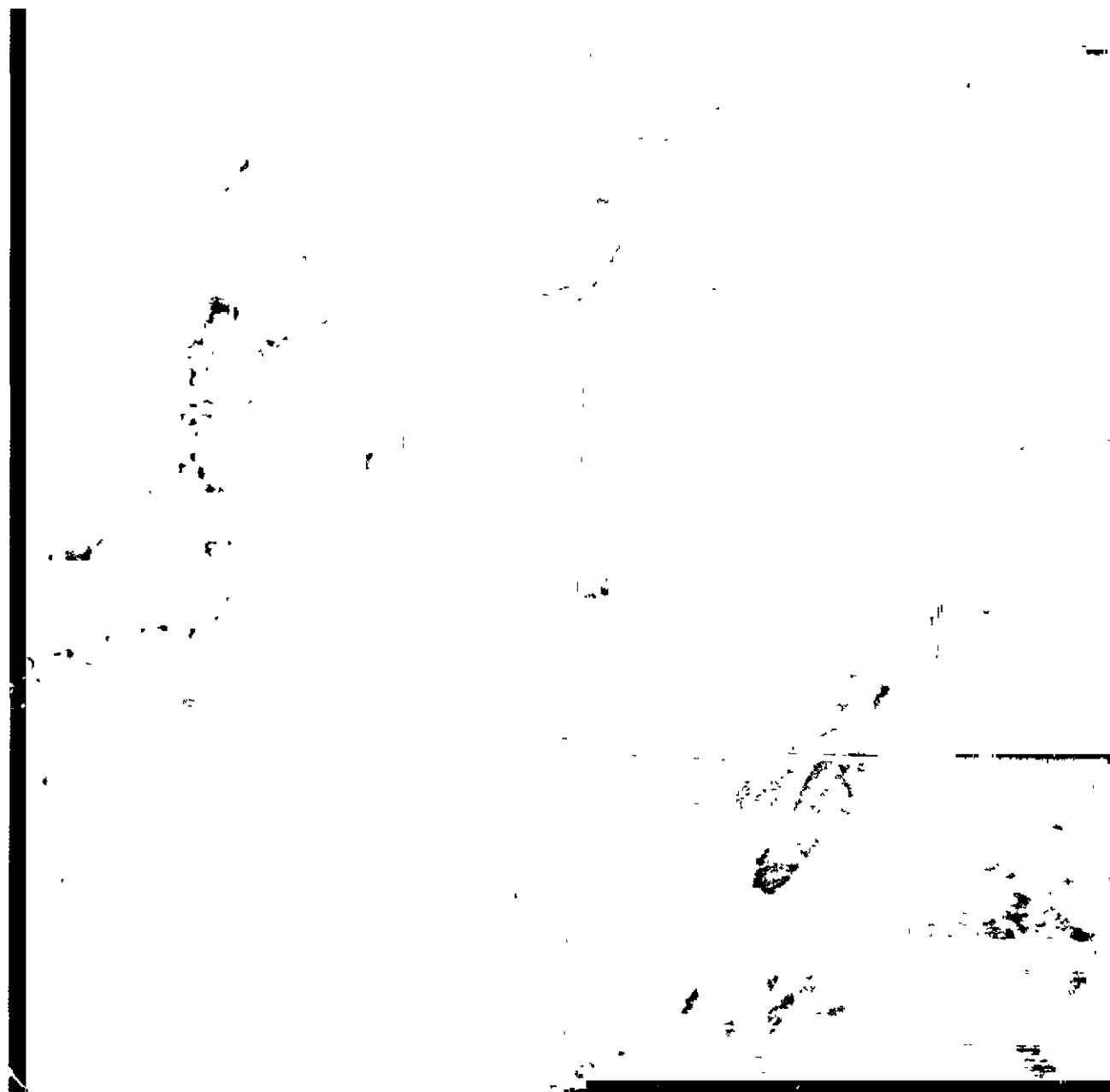
Section lines



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 1
Adjudication Section
Western Region

DB: db

Enclosures

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

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) 342-5900
FACSIMILE (208) 343-8888

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", is positioned above the printed name "Linda B. Jones".

Linda B. Jones

Enclosures

cc: Graye Wolfe
Dana L. Hofstetter

2800379_1.DOC

04/23/2002

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

RIGHT NUMBER: 65-7361
NAME AND ADDRESS: ISLAND CAPITOL LLC
1409 E 1ST ST
MERIDIAN ID 83642
SOURCE: BOULDER CREEK TRIBUTARY: NORTH FORK PAYETTE RIVER
QUANTITY: 2.40 CFS
PRIORITY DATE: 04/17/1973
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 10/31	2.400 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 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

329 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120 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.

EXPLANATORY MATERIAL: License

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

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

11/01/2001

WATER RIGHT NUMBER: 65-7361

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

SOURCE: BOULDER CREEK TRIBUTARY: NORTH FORK PAYETTE RIVER

QUANTITY: 2.40 CFS

PRIORITY DATE: 04/17/1973

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 10/31	2.400 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 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

329 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120 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.

EXPLANATORY MATERIAL: License

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

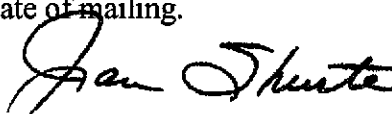
- | | |
|---|--|
| ☐ Point of diversion | ☐ Place of use |
| ☐ Period of use | ☐ Nature of use |
| ☐ Split of water right | ☐ Change in ownership |
| ☐ Other | |

- ☐ 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	☐ overnight mail
Snake River Basin Adjudication	☒ regular mail
P.O. Box 2707	☐ hand-delivered
Twin Falls, ID 83303-2707	☐ facsimile

2. Copies to:

Clive Strong	☐ overnight mail
Office of the Attorney General	☒ regular mail
P.O. Box 44449	☐ hand-delivered
Boise, ID 83711-4449	☐ facsimile

United States Dept of Justice	☐ overnight mail
Environment & Natural Resource Div	☒ regular mail
550 West Fort Street MSC 033	☐ hand-delivered
Boise ID 83724	☐ facsimile

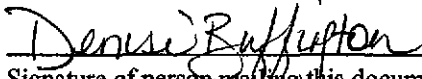
3. Copies to all parties to the subcase:

Eastern Western Corporation <i>(Former Owner)</i>	☐ overnight mail
1505 SE Gideon St	☒ regular mail
Portland OR 97208	☐ hand-delivered
	☐ facsimile

Island Capitol LLC <i>(Current Owner)</i>	☐ overnight mail
1409 E 1 st St	☒ regular mail
Meridian ID 83642	☐ hand-delivered
	☐ facsimile

Hofstetter Law Office <i>(Attorney)</i>	☐ overnight mail
Dana Hofstetter	☒ regular mail
608 W Franklin St	☐ hand-delivered
Boise ID 83702	☐ facsimile

Holland & Hart <i>(Attorney)</i>	☐ overnight mail
Linda Jones	☒ regular mail
PO Box 2527	☐ hand-delivered
Boise ID 83701-2527	☐ 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**.

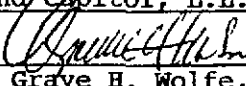
3. Name and Address of Former Owner/Claimant(s) Eastern Western Corp.
1505 SE Gideon St., Portland, OR 97208
4. New Owner/Claimant(s) Island Capitol, L.L.C.
 Name Connector (Check one) [] and, [] or, [] and or
 New Mailing Address 1409 East First Street
 City, State and ZIP Code Meridian, ID 83642
 New 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 _____AJ	Date _____	WR _____ Date _____

WARRANTY DEED

For Value Received, EASTERN WESTERN CORPORATION,
An Oregon Corporation

the Grantors, do hereby grant, bargain, sell and convey unto
ISLAND CAPITOL, L.L.C.
whose address is: 1409 East 1st Street Meridian, Idaho 83642
the Grantee, the following described premises, to-wit:

SEE ATTACHED AS EXHIBIT "A"

Together with all water rights appertaining thereto.

TO HAVE AND TO HOLD the premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the 2001 taxes and assessments and subject to easements of record or visible upon the ground and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: 9-27-01

EASTERN WESTERN CORPORATION

by: Michael S. Mendenhall

STATE OF Oregon)
) ss
COUNTY OF Multnomah)

On this 27th day of September, 2001, before me, Cindi Masterson,

the undersigned, a Notary Public in and for said State, personally appeared Michael E. McGinley, known to me to be the President of Eastern Western Corporation and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its board of directors and acknowledged to me that such corporation executed the same.

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 ~~Idaho~~ Oregon
Residing at: Gresham
My Commission Expires: 12-29-02

**Instrument # 257775**

VALLEY COUNTY, CASCADE, IDAHO
2001-10-12 12:13:01 No. of Pages: 3

Recorded for : AMERITITLE

LELAND G. HEINRICH

Fee: \$0.00

Ex-Officio Recorder Deputy

MEET THE NEEDS

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. 132331, 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' 15" E, a distance of 233.79 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 321.93 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 324.43 feet to a set 5/8 inch rebar; Thence a bearing of S 18° 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 97208-3228 is 1505 S.E. Gideon, Portland, Oregon 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 1st day of September 1988.

Eld Ranches, Inc.

Eld Ranches, Inc., by:

Joe E. Eld

Joe E. Eld

*Notary Public for
Oregon, Eastern/Western*

STATE OF IDAHO, County of Valley) ss.

On this 1st 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 Zick
Notary Public for Idaho
Residing at Coacoe
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 MOUNTAIN TITLE & ESCROW at 19 minutes past 3 o'clock P. M., this 19 day of Sept 19 88, in my office, and duly recorded in Book 11 5 of Deeds at Page

Leslie Brown
Ex-Officio Recorder

By H. A. K. K. K.
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.3 E., 8.M., 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.3 E., 8.M., said point being the REAL POINT OF BEGINNING, and marked with a Brass Cap monument: thence N 00° 15' 58" W on the line common to said Sections 1 and 2, 461.51 feet to a point: thence S 38° 28' 00" E 220.31 feet to a 5/8 inch diameter steel pin: thence S 07° 15' 00" 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 89° 27' 47" W 195.25 feet: thence continuing S 03° 15' 00" W 2.45 feet to a 5/8 inch diameter steel pin: thence S 27° 24' 00" E 124.72 feet to a 5/8 inch diameter steel pin: thence S 01° 41' 05" E 251.64 feet to a 5/8 inch diameter steel pin: thence N 89° 46' 50" W 123.35 feet to a 5/8 inch diameter steel pin: thence S 25° 32' 00" W 109.71 feet to a 5/8 inch diameter steel pin: thence S 27° 49' 11" W 141.35 feet to a point on the line common to said Sections 11 and 12: thence N 00° 09' 20" W on said common line to Sections 11 and 12, 764.07 feet to the REAL POINT OF BEGINNING,

Subject to all Rights-of-Way and easements of record or in use.

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

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

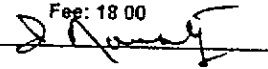
Recorded for . AMERITITLE

LELAND G. HEINRICH

Fee: 18.00

Ex-Officio Recorder Deputy

Index to MISCELLANEOUS RECORD



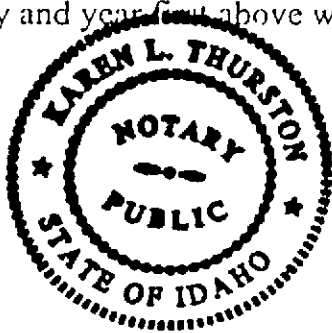
Dated: 9/14/01, 2001

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

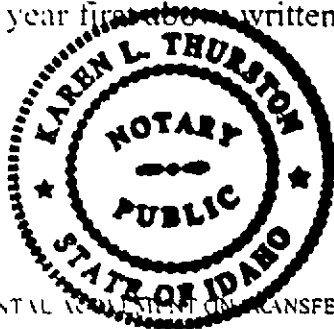
Dated: 9/14/01, 2001

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.

J. Glen Saxton
Chief, Water Alloc. Bureau

MEMORANDUM

10710N

TO: FILE NO. 65-02515
FROM: PAM SKAGGS⁷³/STATE OFFICE
SUBJECT: TRANSFER NO. 4726
DATE: April 4, 1997

RECEIVED

APR 08 1997

WATER RESOURCES
WESTERN REGION

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.

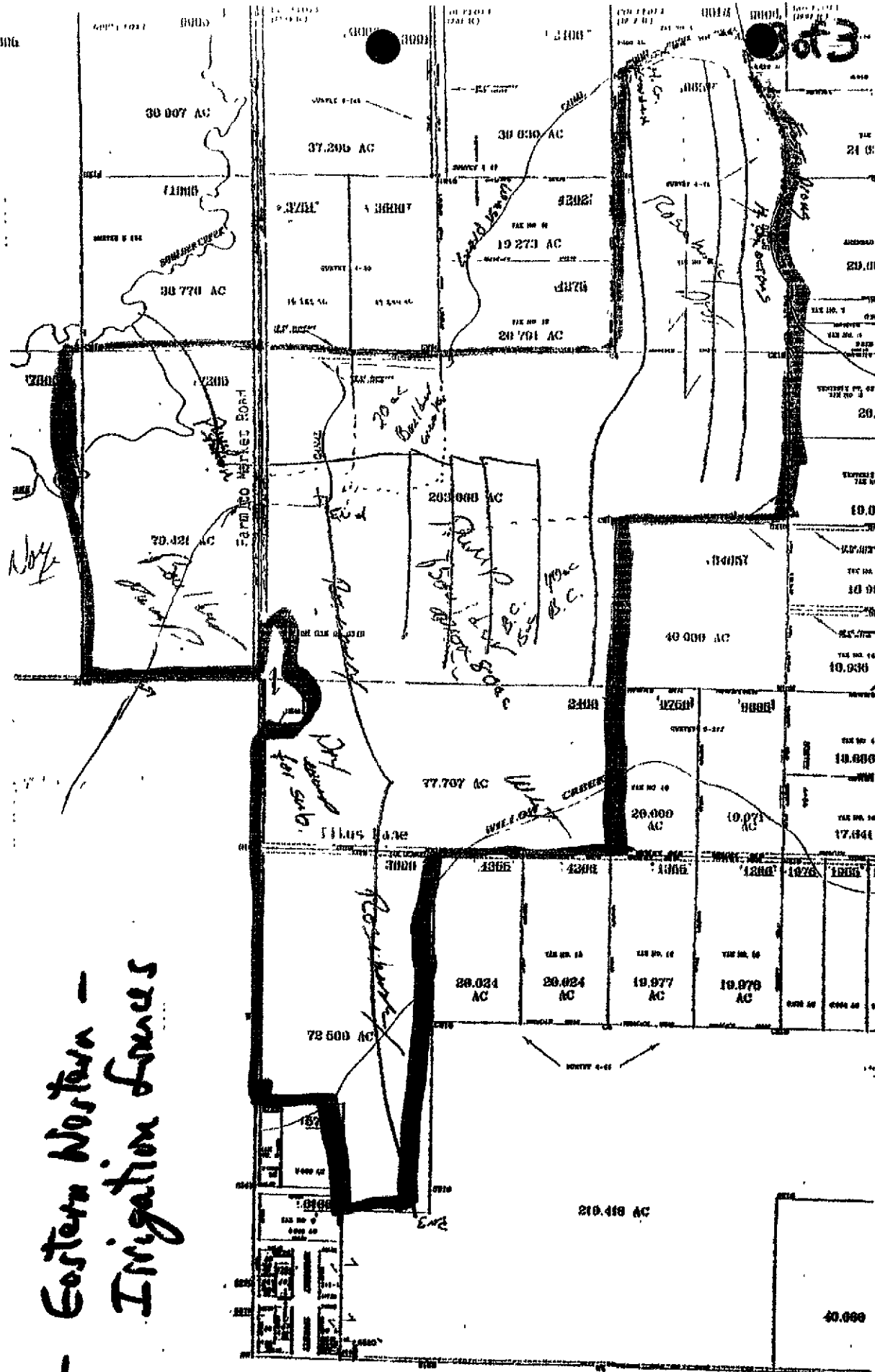
The applicant has sold a portion of the licensed acres in Section 02 and additional land in Section 01, including the 77 acres identified on the transfer application as the new place of use, to Eastern Western Corporation. The end result of the transfer will be the irrigation of all 144 acres on adjacent 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 Western - Irrigation forces



10/31/2001

1

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-7361 V3

WATER RIGHT NUMBER: 65-7361 V3

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ELD RANCHES INC RT 1 BOX 63 MC CALL, ID 83638
Current Owner	EASTERN WESTERN CORP PO BOX 3228 PORTLAND, OR 972083228 (503)236-1978

DRAFT

Priority Date: 04/17/1973

Basis: LicenseStatus: 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 10/31	2.400 CFS	
<u>Total Diversion:</u>		2.400 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	<u>NESW 40.0</u>	T16N R03E S01	<u>NWSW 32.0</u>
T16N R03E S01	<u>SWSW 40.0</u>	T16N R03E S01	<u>SESW 40.0</u>
T16N R03E S02	<u>NESE 31.0</u>	T16N R03E S02	<u>SESE 40.0</u>
T16N R03E S12	<u>NENW 17.0</u>	T16N R03E S12	<u>NWNW 40.0</u>
T16N R03E S12	<u>SWNW 35.0</u>	T16N R03E S12	<u>NWSW 14.0</u>
Total Acres: 329			

Conditions 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.
2. W18 USE OF THIS RIGHT IS COMBINED WITH WATER FROM ROSEBERRY IRRIGATION DISTRICT.

Remarks:

1. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.



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: 65-7361

NAME AND ADDRESS: EASTERN WESTERN CORP
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: 2.400 CFS

PRIORITY DATE: 04/17/1973

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 10/31	2.400 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 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

329 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

**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

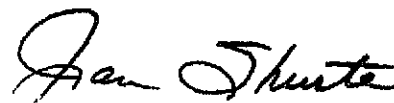
IDWR has completed the following Administrative proceeding: **CHANGE OF ADDRESS FOR ATTORNEY OF RECORD**

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

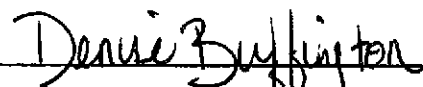


Signature of IDWR Representative

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". The signature is written in dark ink and is positioned above the typed name.

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.

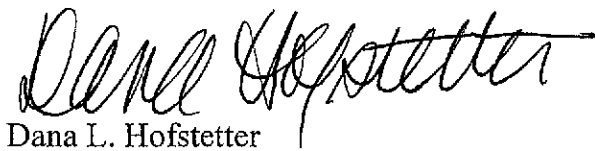
The language "use of this right is combined with water from Roseberry Irrigation District" has been retained for all three water rights. Since only a relatively small portion of the permissible place of use shared by all three water rights overlaps Roseberry Irrigation District acreage, I am concerned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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-7361 V3

WATER RIGHT NUMBER: 65-7361 V3

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ELD RANCHES INC RT 1 BOX 63 MC CALL, ID 83638
Current Owner	EASTERN WESTERN CORP PO BOX 3228 PORTLAND, OR 972083228 (503)236-1978

DRAFT

Priority Date: 04/17/1973

Basis: License

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	4/15	10/31	2 400 CFS	~~360.00 AF~~
	<u>Total Diversion:</u>		2.400 CFS	~~360.00 AF~~

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 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

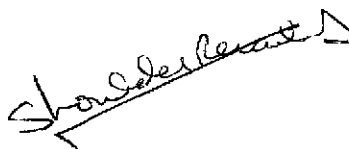
Total Acres: 329Conditions of Approval:

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.
2. 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 120 ACRES WITHIN THE PLACE OF USE
- Irrigation DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

SF5





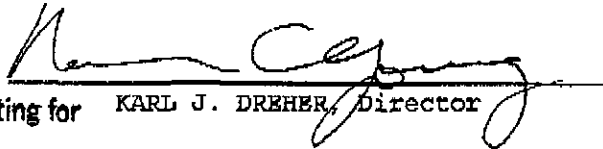
5. This right is limited to the irrigation of 120 acres within the place of use described above in a single irrigation season.

PAGE 2

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 16 day of

FEBRUARY, 2000.
Acting for KARL J. DREHER, Director

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 65-07361

(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)

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

× **General Provisions Basin 65 Irrigation & Other Part I –
Separate Streams Administration**

- 1. ☐ **Name and Address**
- 2. ☐ **Source**
- 3. ☐ **Quantity**
- 4. ☐ **Priority Date**
- 5. ☐ **Point(s) of Diversion**
- 6. ☐ **Instream Flow Description**
- 7. ☐ **Purpose(s) of Use**
- 8. ☐ **Period of Year**
- 9. ☐ **Place of Use**
- 11. **Recommendation**

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

E. **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 response)

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

(Signature of person filing response)

Dana Hofstetter
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: August 18, 2000



Joyce E. Angel
Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission. Expires: 07-24-2002

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

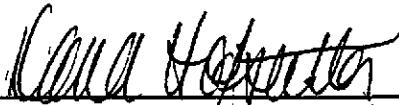
I certify that on **August 18, 2000**, I mailed the original and copies of this response, including all attachments, to the following persons:

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

RECEIVED

APR 17 2000

Department of Water Resources

RECEIVED

APR 25 2000

WATER RESOURCES
WESTERN REGION

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

In Re SRBA) A. Subcase 65-07361
) (Insert water right number)
Case No. 39576)
)
)
)
)
)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Eastern Western Corporation
Address: Michael E. McGinley, President
1426 S.E. Gideon Street
P. O. Box 3228
Portland, Oregon 97208-3228
Daytime Phone: (503) 236-1978

Name & Address of Attorney, if any:
Dana L. Hofstetter, ISB # 3867
Beeman & Hofstetter, P.C.
608 West Franklin Street
P. O. Box 1427
Boise, Idaho 83701-1427
(208) 388-8900

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

Name: Eastern Western Corporation
Address: Michael E. McGinley, President
1426 S.E. Gideon Street
P. O. Box 3228
Portland, Oregon 97208-3228

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: _____
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: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: 329-acre permissible place of use with 65-02515 and 65-04033
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):** Point of diversion incorrectly described. Permissible place of use was developed as part of the licensing for this right. This right is now licensed. Remarks and explanatory material referencing permit should be deleted.

F. VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

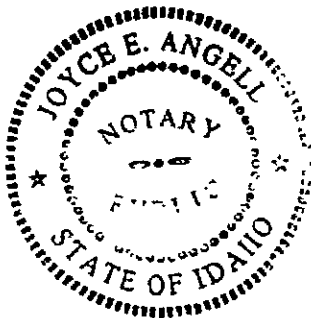
Dana L. Hofstetter, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

2. 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

WATER RESOURCES
WHITE CH-103

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: 65-07361
(insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting thru the Department of Interior
Bureau of Reclamation

Address: 1150 N. Curtis Rd
Boise, ID 83706-1234

Daytime Phone: (208) 334-1464 (Irene Collins)

Name & Address of Attorney, if any:
James J. Dubois
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, ID 83724

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

Name: Eastern Western Corp
Michael E. McGinley, President

Address: PO Box 3228
Portland OR 97208-3228

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

■ **General Provisions Basin 65 Irrigation & Other Part I (3) Separate Streams Administration**

1. ☐ **Name and Address**

Should be:

2. ☐ **Source**

Should be:

3. ☐ **Quantity**

Should be:

4. ☐ **Priority Date**

Should be:

5. ☐ **Point(s) of Diversion**

Should be:

6. ☐ **Instream Flow Description**

Should be:

7. ☐ **Purpose(s) of Use**

Should be:

8. ☐ **Period of Year**

Should be:

9. ☐ **Place of Use**

Should be:

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):

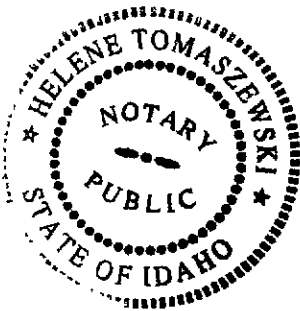
The Bureau of Reclamation objects to the separate stream provision of the Director's Report for Basin 65, Part 1. These streams should be administered as part of the Payette River System in order to adequately protect water rights in the Payette River subbasin.

F. VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

Richard F. Wells, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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



Richard F. Wells
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: AUGUST 3, 2000

Notary Public for: IDAHO
Residing at: MERIDIAN
My Commission Expires: 02-16-2002

Helene Tomaszewski

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 3 August, 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:

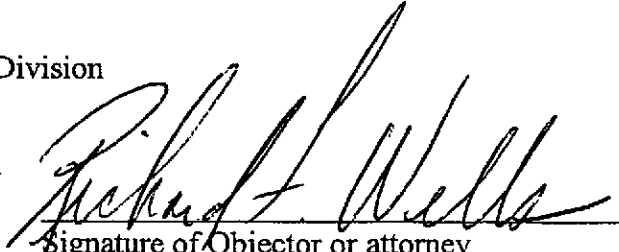
Name: Eastern Western Corp
Address: PO Box 3228
Portland OR 97208-3228

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
PO 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

RECEIVED
AUG 04 2000
Department of Water Resources

SRBA DIRECTORS REPORT 65-07361

Return to SRBA Home Page

IWT072

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

Right Number: 65-07361

Name and Address: EASTERN WESTERN CORP
PO BOX 3228
PORTLAND, OR 97208-3228

Source: BOULDER CREEK Tributary: PAYETTE RIVER, NORTH FORK

Quantity: 2.40 CFS

Priority Date: 04-17-1973

Diversion Point: T16N R03E S02 NENE Within Valley County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	04-15 TO 10-31	2.40 CFS

Place of Use: Irrigation Within Valley County

T16N R03E S01	NWSW 20	SWSW 20
	SESW 40	
S12	NENW 40	
120	Acres Total	

Other Provisions Necessary for Definition / Administration of this Water Right:

THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.

Explanatory Material: Basis of Claim - Permit

Return to SRBA Home Page

AJ0749NP
No. R65-07361

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

DATE: 03/10/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EASTERN WESTERN CORP PO BOX 3228 PORTLAND OR 972083228 (503) 236-1978	04/17/1973	IRRIGATION	04-15 10-31	2.400 CFS	360.00 AFA
TOTAL DIVERSION:					2.400 CFS	360.00 AFA

Water Source: BOULDER CREEK

Tributary to: PAYETTE RIVER, NORTH FORK

Stage: LICENSE

Point(s) of Diversion: T16N R03E S02 SENE

VALLEY County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
16N	03E	1	:											40	32	40	40			152.0
16N	03E	2	:															31	40	71.0
16N	03E	12	:					17	40	35				14						106.0
TOTAL ACRES																			329.0	

POU County: VALLEY

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
65-02515A 65-02515B 65-04026 A65-02515A A65-02515B A65-04026 A65-07361

Other Water Rights Listing Overlapping Place(s) of Use:
65-02515A 65-04033 65-07361 A65-02515 A65-02515A A65-03114 A65-03115 A65-03116 A65-04033 A65-07361
R65-02515

Conditions of Approval:

- A01 - THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION
- IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION
- OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS
- SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL
- BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY
- IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.
- C18 - THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
- NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
- ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
- DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
- ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks: POU1 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

EXP RIGHT NO. 65-02515A IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

*Added
DWT remark combined
this right when combined
with all other rights
shall provide more
than 0.02 CFS
all over now
more than 5.0 AFA
at the headgate,
etc.*

AJ0749NP

No. R65-07361

IDAHO DEPARTMENT OF WATER RESOURCES

ADJUDICATION CLAIM PROFILE REPORT

(REGIONAL)

DATE: 03/10/00

PAGE: 2

Dates: **Exam Made Date:**

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:

Presumption Flag:

Audit: 03/10/00 LHARRIS

DATE: 12/07/99
PAGE: 1

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

WR5809NP
No. 65-07361

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/07/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EASTERN WESTERN CORP PO BOX 3228 PORTLAND OR 97208-3228 (503) 236-1978	04/17/1973	IRRIGATION	04/15 10/15	2.400 CFS	
TOTAL DIVERSION:					2.400 CFS	

Water Source: BOULDER CREEK

Tributary to:

Stage: PERMIT

Point(s) of Diversion:

T16N R03E S02

NENE

VALLEY County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
16N	03E	1	:											20	20	40				:	80.0
16N	03E	12	:					40												:	40.0
TOTAL ACRES																			:	120.0	

Pou County: VALLEY

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHTS OF BOULDER IRRIGATION CO.
SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.
THIS PERMIT RIGHT IS NOT DECREED BY THE PRESENT ADJUDICATION
PROCEDURE, AND IS INCLUDED FOR INFORMATION PURPOSES ONLY.
NORMAL STATUTORY PROCEDURES MUST BE COMPLETED FOR LICENSING.

Dates: App. Received: Priority Date: 04/17/1973 (Priority Date Advanced.)
Proof Due Date: Proof Made Date: 01/01/1900 (Proof Received Late.)
Exam Made Date: 10/20/1987 Exam Sent to S.O.: 11/05/1999
Licensed Date:

Misc: Water District Number: 65 Field Exam Fee: R (Received)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0000

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

RECEIVED

NOV 15 1999

WATER RESOURCES
SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 15, 1999

RE: Permit No. 65-07361

Eastern Western Corp.
P.O. Box 3228
Portland, OR 97208-3228

Gentlemen:

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that the point of diversion and place of use developed are in locations other than what was described on your permit. Therefore, before a license can be issued, your permit must be amended to depict your water right as it was actually developed.

The enclosed Application for Amendment form depicts the point of diversion and place of use and other information as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented please sign the form and return it with the \$50.00 filing fee within 14 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

In a review of our records, we have also found that a claim has not been filed on this permit in the Snake River Basin Adjudication (SRBA). A claim is required for all water rights that proof of beneficial use was submitted prior to November 17, 1987. The proof of beneficial use for this permit was submitted on April 27, 1978. We have prepared a claim form, for your convenience, which must be submitted to our office along with the licensing amendment. If a license is issued on this permit and no claim has been submitted in the SRBA the water right may be lost even if licensed. The fee required for the claim is \$86.00. calculated this fee based upon 36 acres (\$36.00) not included in the Payette River Basin Adjudication and a \$50.00 late filing fee for this claim. Since the permit was included in the Payette River Basin Adjudication there is no claim fee.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208)327-7944.

Sincerely,

A handwritten signature in black ink that reads "Kay Walker". The signature is fluid and cursive, with the first name "Kay" and last name "Walker" clearly distinguishable.

Kay Walker
Sr. Water Resource Agent

KW:k
Enclosures

Cc: Dana Hofstetter
Beeman & Hofstetter, P.C.
P.O. Box 1427
Boise, ID 83701-1427
With Enclosures

DANA 388.8900

MEMORANDUM

TO: SUE BOCK
FROM: DANIEL A. NELSON
DATE: 11/4/99
SUBJECT: EASTERN WESTERN CORP. PERMIT 65-07361

Sue, here is a copy of the Beneficial Use Field Report for Eastern Western Corp. This is the permit that goes with the files that Dana Hofstetter protested to have a permissible place of use. I have sent this file to Kay Walker at the State Office. If you have any questions, I would be more than glad to answer them for you.

Thanks Dan Nelson

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 65-07361

1. Owner: Eastern Western Corporation Phone No. (503) 236-1978

Current Address: PO BOX 3228, PORTLAND, OREGON 97208-3228

2. Accompanied by: Joe Eld (1987 exam), Dixie Smith (1991 exam) & Dana Hofstetter (current attorney)

EXAM DATE : 10/20/87 & 8/6/1991

Address: PO Box 550 Donnelly, ID 83615 (Smith), Beeman & Hofstetter, P.C., ATTN Dana Hofstetter, PO Box 1427, Boise, ID 83701-1427 (Hofstetter)

Phone No. 325-8013, 495-2102 or 495 2064 (Smith) 388-8900 (Hofstetter)

Relationship to Permit Holder: Former Corporate President (Eld), Property Manager (Smith), and Current Attorney (Hofstetter).

3. Source: Boulder Creek tributary to North Fork Payette River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 65-02125, 65-04033, & Roseberry Irrigation District water 5-03114, A65-03115, and A6503116)

2. Other water rights with the same point of diversion: 65-02125, 65-04033

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
P/D			SE	NE	02	16N	03E	VALLEY	USGS QUADANGLE MAP, ASCS PHOTO AND GIS PHOTO

2. Place(s) of Use:

Indicate Method of Determination SAME AS POINT OF DIVERSION

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	03E	1									40	32	40	40					152
16N	03E	2													31			40	71
16N	03E	12					17	40	35			14							106
																			TOTAL
																			329 ACRES

PLEASE NOTE: This permit is for 120 acres within the 329-acre permissible place of use described above.

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.

SEE ATTACHED SHEET.

YES Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

YES Aerial Photo Attached (required for irrigation of 10+ acres).

YES Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
PUMP #1	US MOTORS	15 Hp	859999	JOHNSON	6" PIPE TO AN 8" LINE. SERIAL # 1465
PUMP # 2	US MOTORS	20 Hp	872058	UNKNOWN	12 " PIPE

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
THYME FLYTE	POLYSONIC	N/A	TFP	N8J4626	N/A	NOT KNOWN

2. **Measurements:** Rick C. made Measurements on 8/17/1999. Please see attached polysonic reading sheet for information.

E. NARRATIVE/REMARKS/COMMENTS

Steve Lester examined this permit on 10/20/1987 and 8/6/1991. The permit was then examined a third time by Rick C. on 8/17/1993. I (Daniel A. Nelson) have completed the field report and gone through the data collected from these three exams.

Steve Lester's notes describe the system as a check dam in Boulder Creek allows diverts water through a 10 to 12 foot wide earthen ditch to a pumping station approximately 875 feet southeast of dam. Two pumps are used to deliver water through pipe to eventual open discharge and flood irrigation. Pump # 1 uses a 6-inch line leading to open discharge in an 8-Inch pipe, discharge occurs approximately 80 feet from the pump and feeds single ditches. The other pump employs a 12-inch line that runs partly buried, east for approximately 1300 feet. Several "lawnvalves" (12-inch size) are used to facilitate discharge into a number of single ditches. The land under this water right receives approximately ½ inch (.01 cfs per acre) from the Roseberry Irrigation District. Each pump can deliver water to either side of the Farm to Market Road.

There are three water rights that overlap this place of use and two water rights overlap the point of diversion. The first water right is 65-07361, which uses the same point of diversion as this permit. The current water right shows that a transfer was performed to move this water to 144 acres in the E ½ of the SE ¼ of section 2 and the SW ¼ of section 1. However, the permit holder's lawyer, Dana Hofstetter has filed an objection in the Snake River Basin Adjudication (SRBA) to have this water right recorded as a permissible place of use for the same permissible place of use described for this permit. The second water right (63-04033) is also diverted out of the same point of diversion. The acres associated with this permit are located in the SWNW ¼ and the NWSW ¼ of section 12. Ms. Hofstetter has also filed an objection with the SRBA to have this water right recorded as the same permissible place of use. The third water right is from Roseberry Irrigation Ditch Company (water right # 65-03114, 65-03115, & 6503116). This water is under the control of the irrigation district.

RECOMMENDATIONS:

I recommend that this permit be licensed for 2.4 cfs diversion rate and when combined with all other water rights be limited to the 2.4 cfs which is the system capacity. When all the water rights are combined the diversion rate should not exceed .02 cfs per acre. I also recommend an annual volume of 360 afa with no more than 3.0 afa per acre when all rights are combined. This permit should be under the water master control and a PCC can be used to measure the diversion volume and the power panels can be use to lock out the system if necessary.

Have conditions of permit approval been met? X* yes ___ no

A measurement device was required for this point of diversion and per the notes of the examiners has not been installed. However, all of the water diverted from Boulder Creek is run through either one of the two pumps or both of the 2 pumps are used at the same time. Regardless of how the pumps are open discharged so there are only three operating conditions. Therefore, a Power Consumption Coefficient (PCC) could be used to measure the water if necessary and the pump's power panels could be locked out if needed. Therefore, I believe that this condition has been satisfied.

F. FLOW CALCULATIONSYES Additional Computation Sheets Attached

Measured Method:

2.40 cfs (see attached calculation sheet)

Maximum capacity of the pump should be allowed for this permit even though the existing water rights for this point of diversion are above the system capacity. This will allow the owner to irrigate this land to its capacity if the other water rights are not in use.

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (120 \text{ ac}) (3.0) = 360 \text{ afa}$$

$$V_{D.R} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (2.4 \text{ cfs}) (184 \text{ d}) (1.9835) = 876 \text{ afa}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R} = 360 \text{ afa}$$

B

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>IRRIGATION</u>	<u>4/15</u>	<u>10/15</u>	<u>2.4 CFS</u>	<u>360 AFA</u>

Totals: 2.4 CFS 360 AFA

2. Recommended Amendments

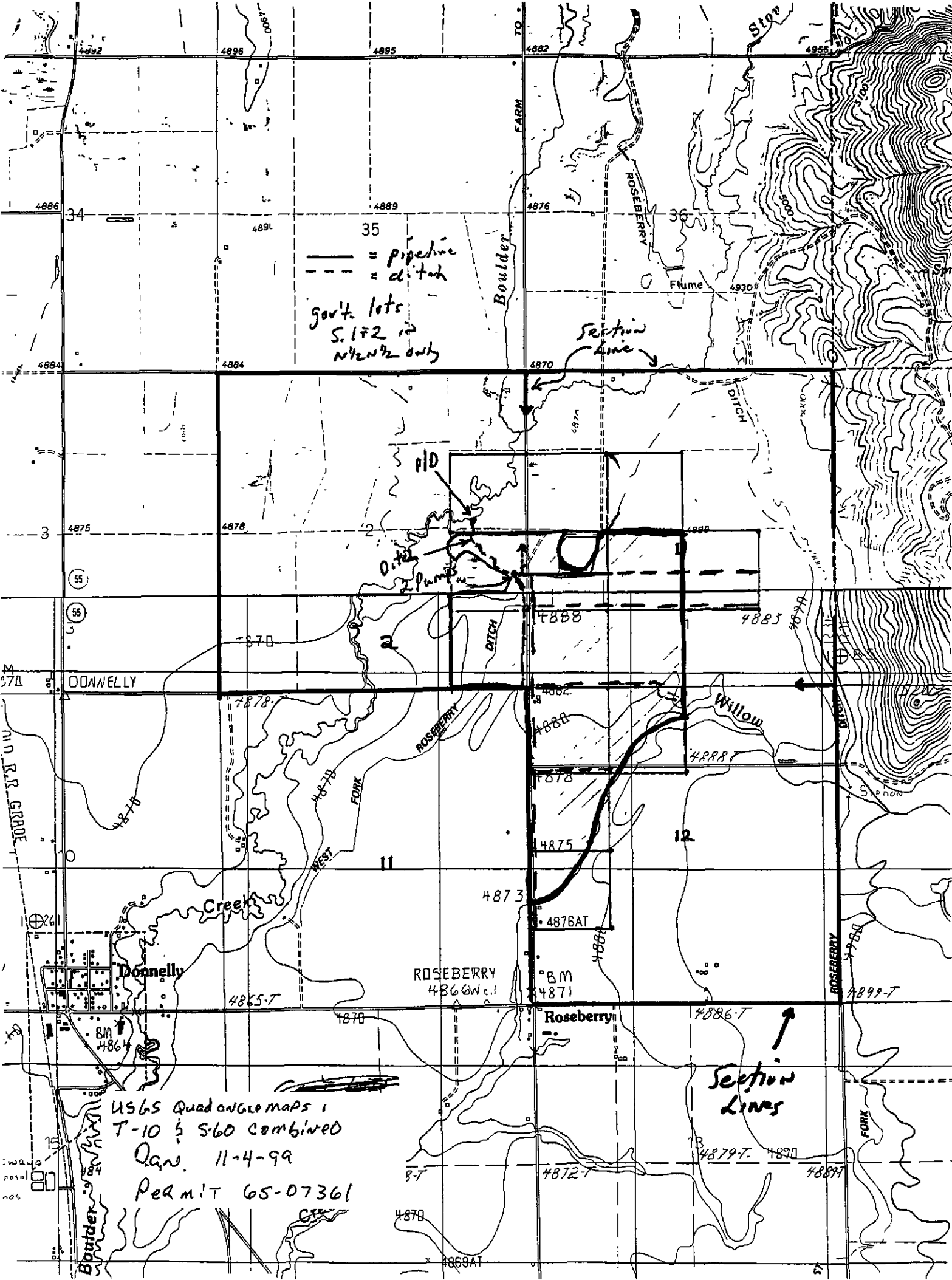
☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other**I. AUTHENTICATION**

DANIEL A. NELSON – SENIOR AGENT

Field Examiner's Name Daniel A. Nelson Date 11-4-99

Reviewer _____ Date _____

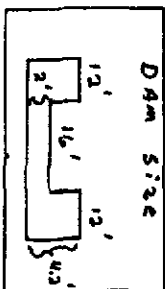
SEAL





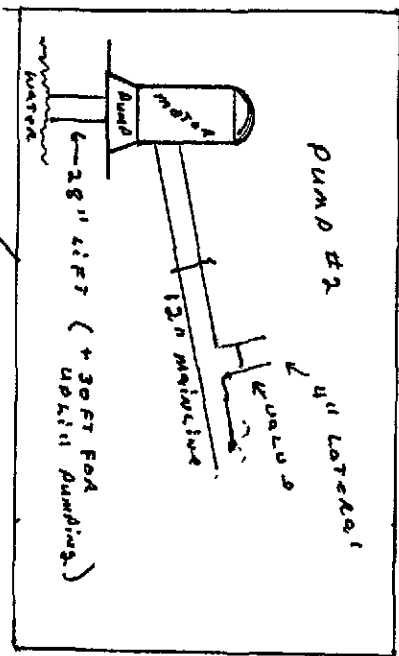
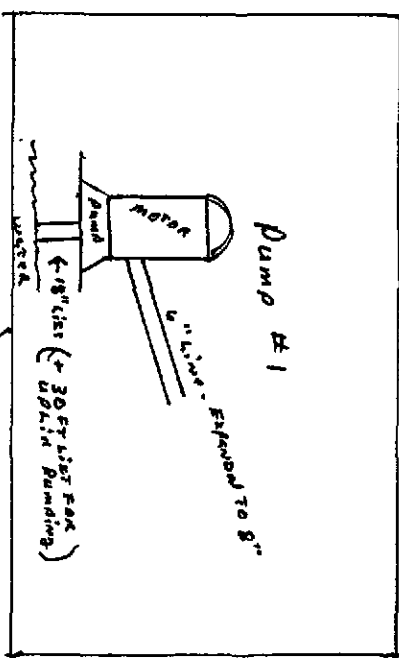
GIS MAP CREATED
 BY Sue BOK TO
 SHOW PERMISSIBLE PLACE
 OF USE. THERE ARE
 329 ACRES IN THE
 PERMISSIBLE PLACE OF
 USE. THIS PERMIT IS
 FOR 120 ACRES WITHIN
 THE PERMISSIBLE PLACE OF USE.
 PERMIT # 65-07361

BOULDER CREEK



PID

DIVERSION DITCH



8" pipe (starts as 6" ends 8" from pump, open discharge ditch)

FARM TO MARKET ROAD

N

NOT TO SCALE
DRAWN FROM
STEVE LESTER'S FIELD
NOTES BY DAN
NEISON FOR PERMIT
65-07361

Overlapping Water Rights Permit 65-0736

Section 2 Section 1

31 29

32 20

40 40

20

40 38

40 17

40 40

Section 2 Section 1

40 40

17 20

AC

ACRES FOR PERMISSIBLE PLACE OF USE FOR PERMIT 65-07361, THIS PERMIT IS FOR 120 ACRES WITHIN THE PERMISSIBLE PLACE OF USE.

AC

ACRES DESIGNATED FOR WATER RIGHT 65-02125. PLEASE NOTE: APPLICANT HAS FILED FOR THE SAME PERMISSIBLE PLACE OF USE IN SRBA.

TOTAL ACRES = 144 ACRES

AC

ACRES DESIGNATED FOR WATER RIGHT 65-04033. PLEASE NOTE: APPLICANT HAS FILED FOR THE SAME PERMISSIBLE PLACE OF USE IN SRBA.

TOTAL ACRES = 45 ACRES

AC

THESE ACRES ARE WITHIN THE ROSEBERRY IRRIGATION DISTRICT'S BORDERS. WATER RIGHT NUMBERS 65-03114, 65-03115, and 65-03116.

35

34

14

10

POLYSONIC READINGS

PERMIT #: 65-07361

READINGS PERFORMED BY RICK C. 8/17/1993

FIRST SET OF INFORMATION:

SET-UP IMPUTE DATA USED DURING
PREPARATION FOR FLOW MEASUREMENTS.

SECOND SET OF INFORMATION:

THESE ARE THE READINGS TAKEN FOR
BOTH PUMPS. ONLY ONE
READING TAKEN. MEASUREMENT DONE
IN GALLONS PER HOUR.

FLows IN GALLONS PER HOUR (GPH)

BOTH PUMPS = 63876.8 GPH FLOW RATE

FLows IN CUBIC FEET PER SECOND (CFS)

BOTH PUMPS = $(63876.8 / 60) / 448.8 = 2.37$ CFS MAXIMUM FLOW RATE

OUTER DIAMETER
12.000 IN

PIPE MATERIAL
CS-SS

WALL THICKNESS
0.1840 IN

INNER LINING
NO LING.

KIND OF FLUID
WATER

SENSOR MOUNTING
U

TYPE OF SENSOR
SMALL

DATA CHANGE
NO

SPACING
9.363 IN U

00-00 00:2100 *R
+478.415E 26PH

00-00 00:3500 *R
+ 63.137E 26PH

00-00 00:3900 *R
+638.768E 26PH

8/17/93
RC

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

FILE: 65-07361
DATE: 6-25-1999
BY: Daniel A. Nelson

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8) \times (H.P.) \times (EFF.)}{TDH}$

Q = CFS
H.P. = Total Brake Horsepower of pumping plant (including booster)
EFF. = Pumping plant efficiency (ASSUME 70% OR 0.70)
TDH = total dynamic head = [(LIFT) + (PSI X 2.31)]
LIFT = depth to water in FEET from land surface to pumping water level
PSI = pumping pressure measured in psi near pump (if open discharge assume zero [0])

$Q = \frac{(8.8) (25.15) (0.70)}{[(.15) + (.45 \text{ psi} \times 2.31)]} = \frac{246.4}{103.95} = 2.37 \text{ CFS}$

LIFT FROM:	PSI FROM:	NOTES ON PUMP:
measurement (X) (5.45 ft)	measurement ()	Motor Make, Serial or ID
owner ()	owner ()	
area estimate ()	estimate (X)	Pump Make, Serial or ID, rating
well logs ()	owner gage ()	
Booster (Y) (N)		

REMARKS There are 2 pumps feeding a single mainline. These pumps lift the water approximately 20 ft up to a restricted open discharge. Pressure at the point of discharge would need to be at least 30-50 psi.

ANNUAL VOLUME ANALYSIS

POTENTIAL Acre Feet/Acre/Annum = $\frac{(\text{DAYS IN SEASON}) \times (1.98) \times (Q)}{(\text{RECOMMENDED ACRES IRRIGATED})}$

(season)	(days)	
3/15 - 11/15	246	POTENTIAL = $(\dots) \times (1.98) \times (\dots)$
4/1 - 11/1	215	
4/15 - 10/15	184	
3/1 - 12/1	276	

POTENTIAL = _____

REQUIRED Acre Feet/Acre/Annum = _____
(AF/Ann/Ac irrigation requirement from chart for area)
NOTE that this is NOT Consumptive use

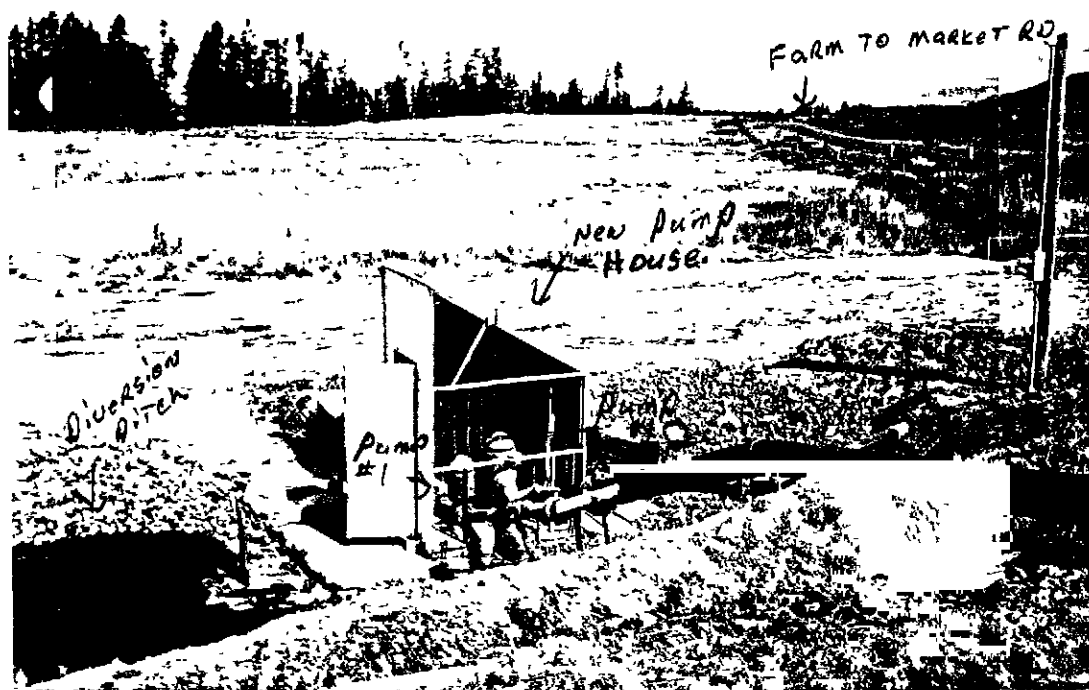
IF POTENTIAL IS GREATER THAN REQUIRED THEN NO MEASUREMENT NECESSARY ()

IF POTENTIAL IS LESS THAN REQUIRED THEN MEASUREMENT IS NECESSARY ()

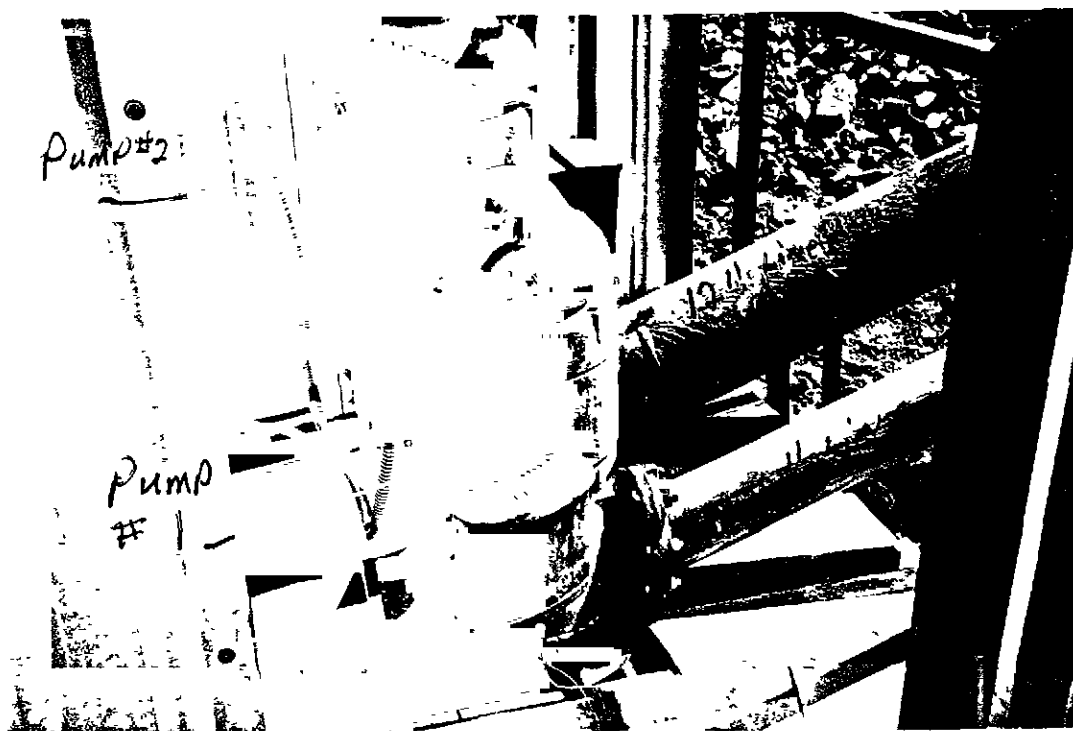


PHOTOGRAPHER AND DATE OF PHOTOS B. Rick C. 8/17/93

FILE NO. AND LEGAL DESCR. 65-07361 (Measurement of Diversion)



POINT
OF REDIVERSION
WITH BOTH
PUMPS.
Pump #1 is
smaller pump

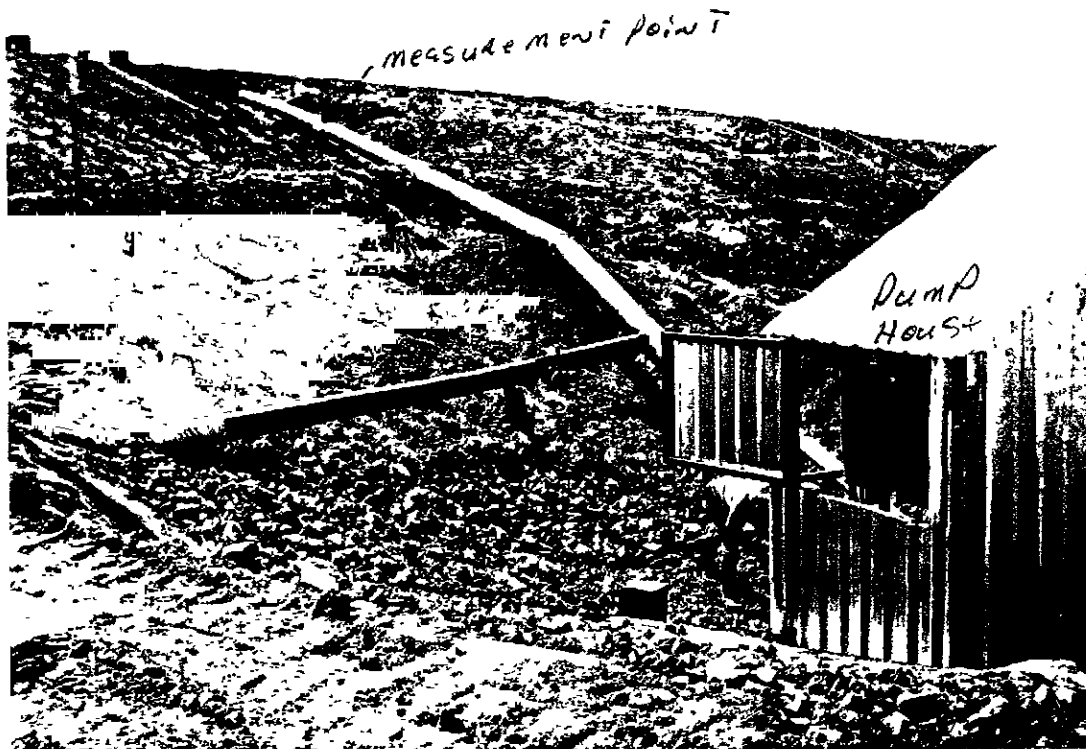


CLOSE UP
PICTURE OF
PUMPS

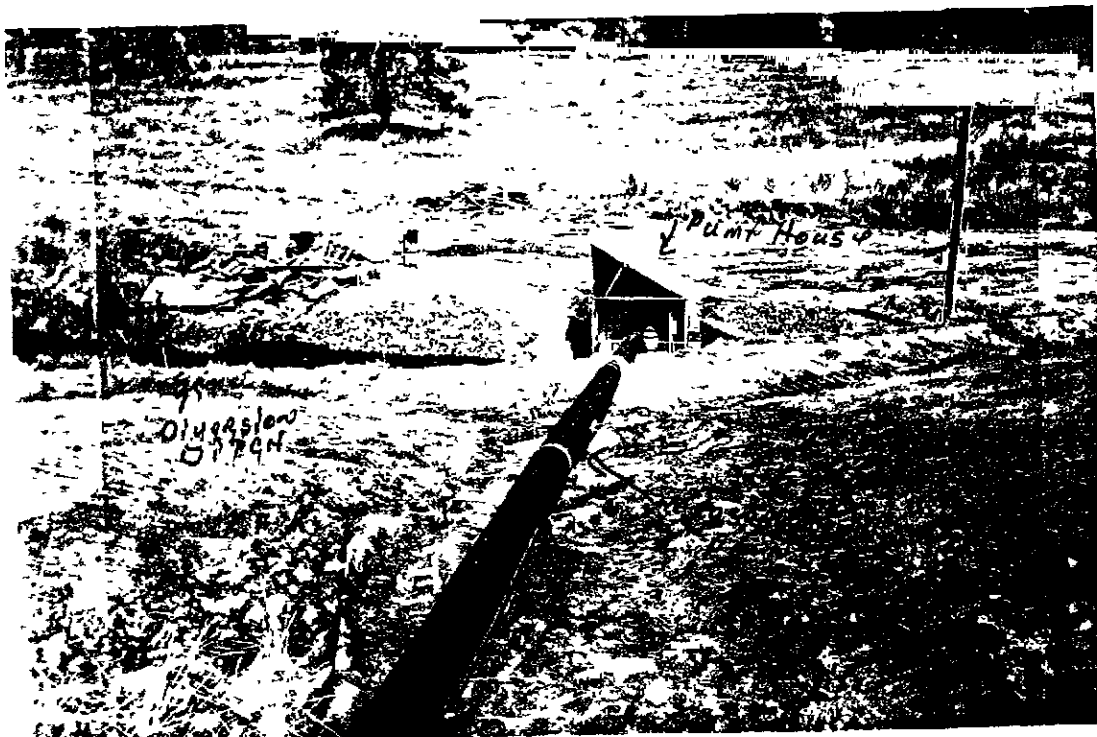


PHOTOGRAPHER AND DATE OF PHOTOS rick C 8-17-93

FILE NO. AND LEGAL DESCR. 105-07361 (measurement of Diver)



These
PHOTO'S
SHOW THE
POINT WHERE
THE ~~WATER~~
PUMPS WERE
MEASURED





PHOTOGRAPHER AND DATE OF PHOTOS Rick C. 8-17-93

FILE NO. AND DESCRIPTION 65-07361 (measurement of diversion)



These photos
show ~~the~~
the open
discharge
into the
ditch

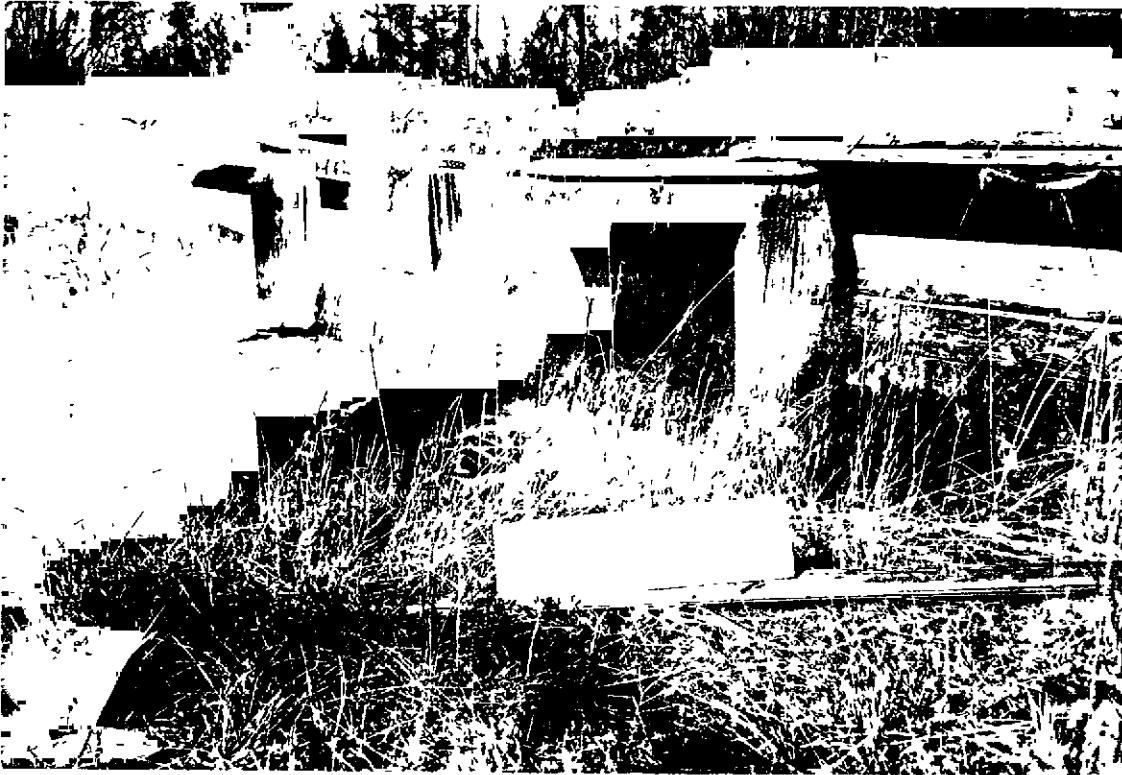


open
discharge
point



PHOTOGRAPHER AND DATE OF PHOTOS Steve Lester 10-20-87

FILE NO. AND DESCRIPTION 65-07361 (Original Field Exam)



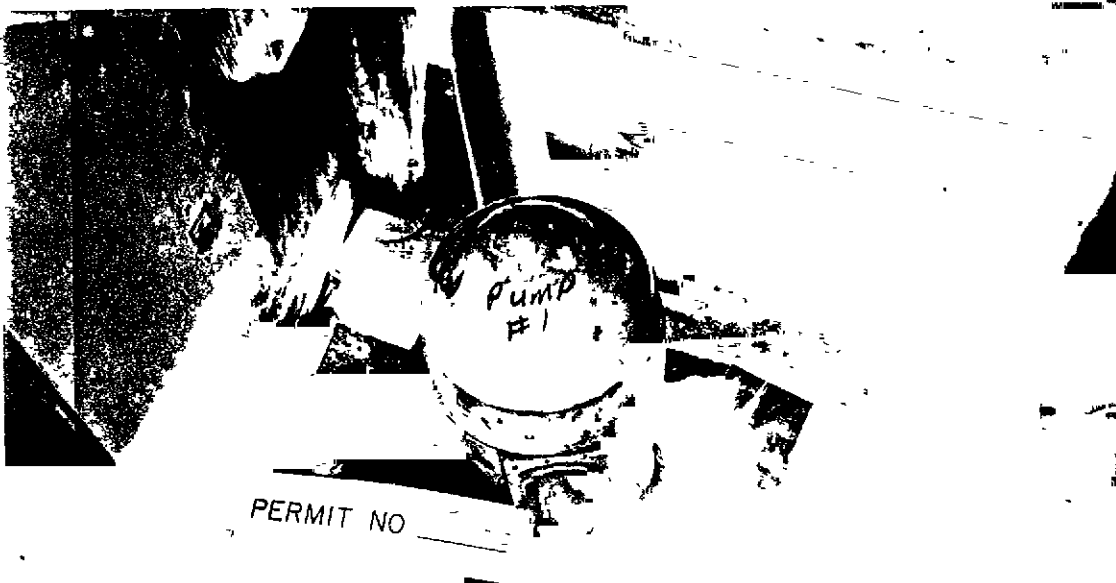


PHOTOGRAPHER AND DATE OF PHOTOS Steve Lester 10-30-87

FILE NO. AND DESCRIPTION 65-07361 (Original Field Exam)



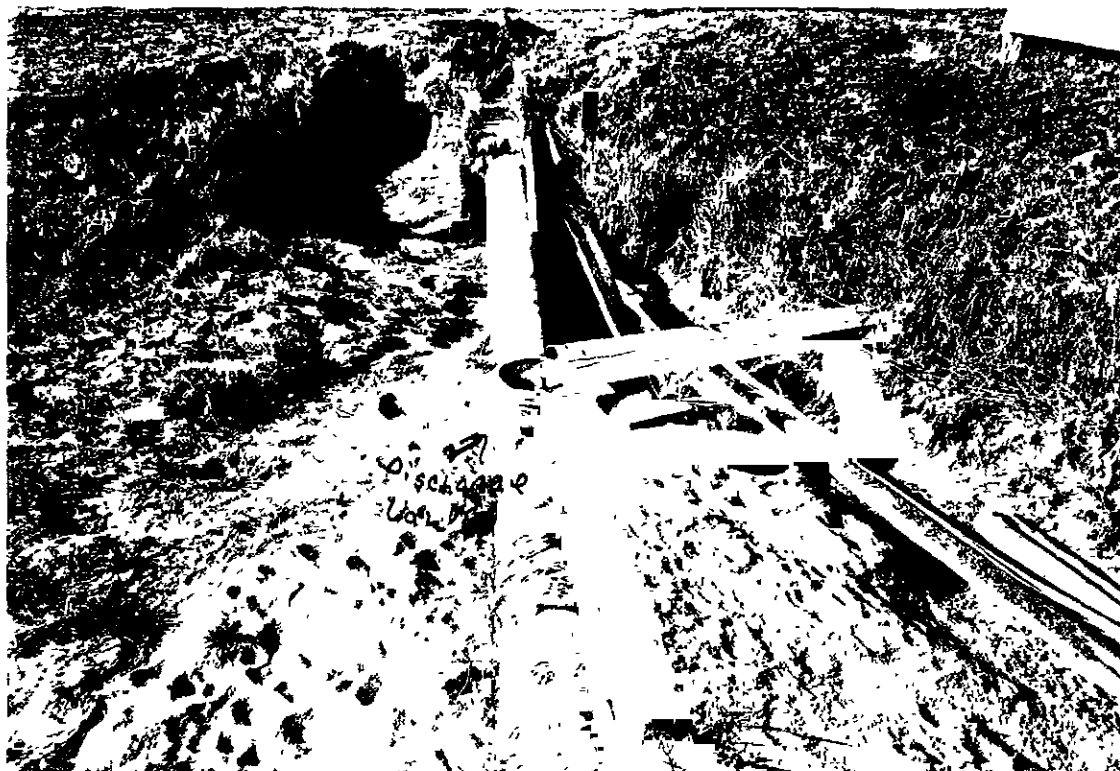
These are
photo's of
the pumps.





PHOTOGRAPHER AND DATE OF PHOTOS Steve Lester 10-20-87

FILE NO. AND DESCRIPTION U5-07361 (Original Field Exam)

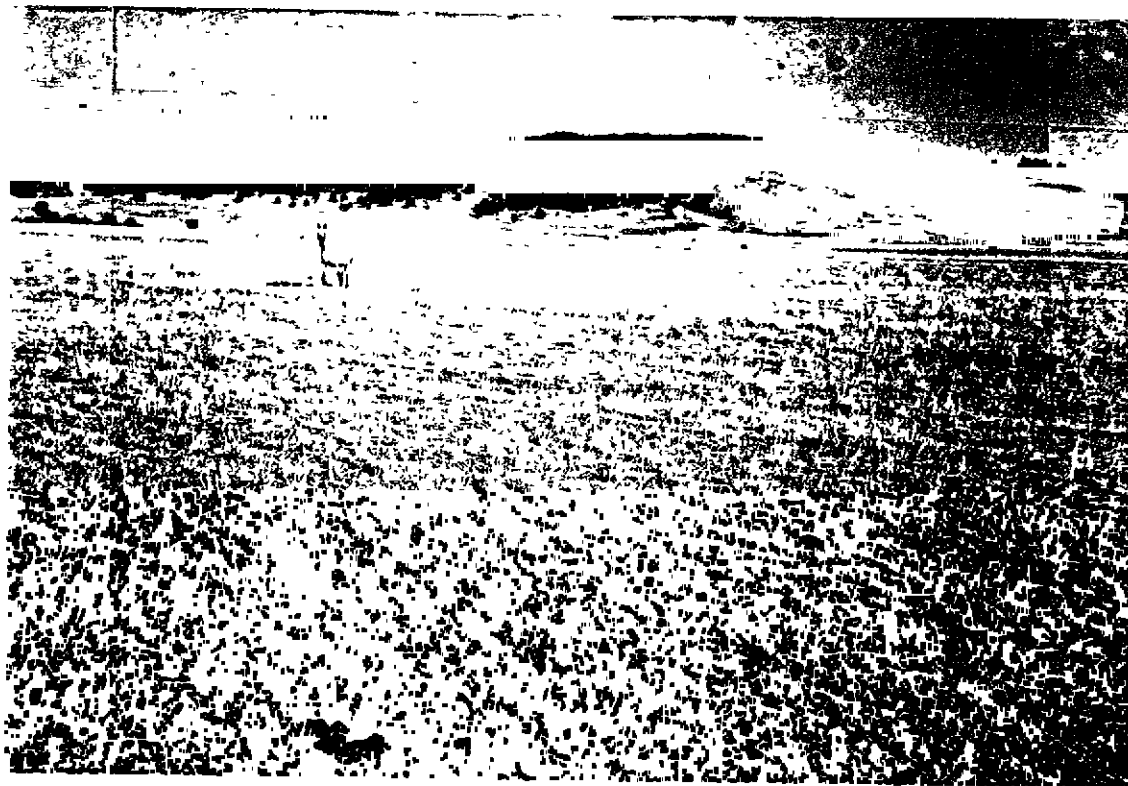


THIS IS A PHOTO OF ONE OF THE DISCHARGE
VALVES.



PHOTOGRAPHER AND DATE OF PHOTOS Steve Lester 10-20-87

FILE NO. AND DESCRIPTION 65-07361 (Original Field Exam)



These are
pictures
of the
place of de-



RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:

0047288

Date:

Time:

11/29/1999

16:51:33

Received

From:

BEEMAN & HOFSTETTER

Type of Payment

Program A cct

Amount

ADJUD. FILING FEE #65-07361

41503

337

1155

86.00

Total

\$

86.00

CHECK.

1905

Region: STATE

Signature:

Jean Masi

BEEMAN & HOFSTETTER, P.C.

Counselors and Attorneys at Law

608 West Franklin Street

P. O. Box 1427

Boise, Idaho 83701-1427

Josephine P. Beeman

Dana L. Hofstetter

Telephone: (208) 388-8900

Facsimile: (208) 388-8400

e-mail: beehof@micron.net

November 29, 1999

Via Hand Delivery

Kay Walker
Senior Water Resource Agent
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

COPY

RECEIVED

NOV 29 1999

Department of Water Resources

Re: Application for Amendment and SRBA Claim – Water Right No. 65-07361
Our File No. 1838.1

Dear Ms. Walker:

I enclose the executed Application for Amendment and SRBA Claim for Water Right No. 65-07361. I also enclose two checks in the amounts of \$50.00 and \$86.00 to cover the respective filing fees.

As you will note, we have revised one of the conditions on both the Application for Amendment and the SRBA Claim and have deleted another one of the conditions on the Application for Amendment and the SRBA Claim. These revisions are based on Terry Scanlan's investigation of the place of use and associated diversion systems. Please do not hesitate to contact either me or Terry Scanlan if you have any questions about these matters.

Thank you for your assistance.

Sincerely,

BEEMAN & HOFSTETTER, P.C.



Dana L. Hofstetter

DLH:ja

Enclosures

D:\1838\1\3677



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

May 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dear Basin 65 water user:

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

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

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

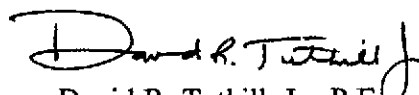
IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without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

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

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

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

Sincerely,


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