

CRUICKSHANK TO YENSEN

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

CRUICKSHANK TO YENSEN
T. 16 N., R. 3 E., S. 1/4, SEC. 1, T. 16 N., R. 3 E.,
Valley County, Idaho, more particularly
described as follows:
Commencing at the Section Corner common to Sections 35 and 36, T.
16 N., R. 3 E., S. 1/4, and Sections 1 and 2, T. 16 N., R. 3 E.,
Valley County, Idaho; thence, S. 89° 20' 16" E., 1111.82 feet
along the northerly boundary of said Section 1 to a 5/8" rebar
marking the NW 1/4 Corner common to said Sections 36 and 1, the
REAL POINT OF BEGINNING;
thence, S. 0° 02' 03" E., 1312.27 feet to a 5/8" rebar marking
the NW 1/4 Corner of said Section 1;
thence, N. 89° 21' 27" W., 41.18 feet along the southerly
boundary of said NW 1/4 to its intersection with a
north-south fence line;
thence, N. 89° 22' 31" E., 1312.20 feet along said fence line
to the northerly boundary of said Section 1;
thence, S. 89° 20' 16" E., 29.51 feet to the Point of
Beginning, containing 1.063 acre, more or less.

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

John Cruickshank
Personal Rep. Helen Cruickshank
Estate

SECTION 2: LOT 1

TOWNSHIP 17 NORTH, RANGE 3 EAST, BOISE MERIDIAN:

IN SECTION 26: E1/2SW1/4
IN SECTION 35: E1/2, NW1/4, E1/2 SW1/4
IN SECTION 36: W1/2NW1/4

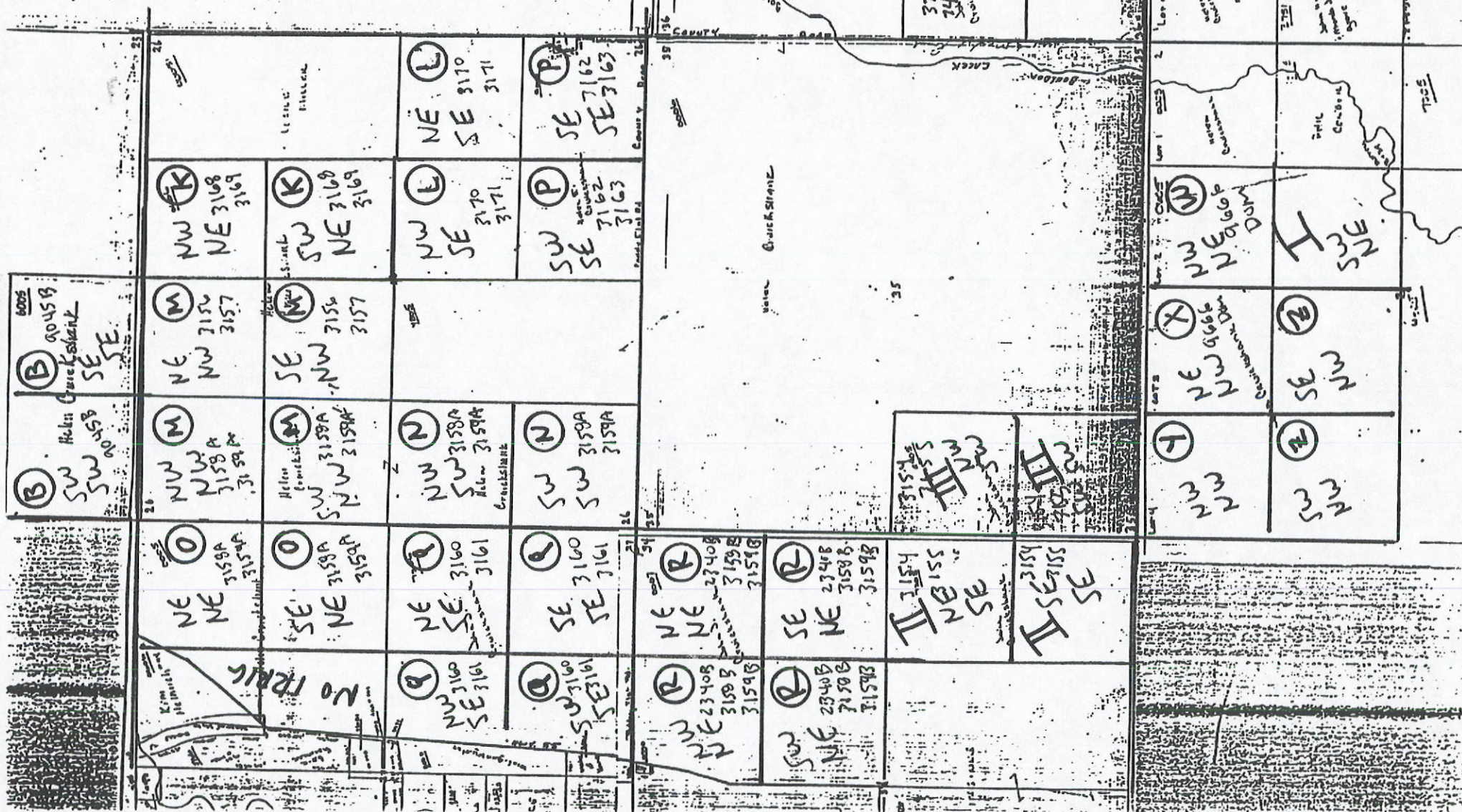
TOWNSHIP 18 NORTH, RANGE 4 EAST, BOISE MERIDIAN:

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

TOWNSHIP 18 NORTH, RANGE 3 EAST, BOISE MERIDIAN:

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

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



Idaho Department of Water Resources

T17N, R03E
S23

Claim(s):
65-09045B
Owner(s) Cruickshank
Prepared by:
Ron Howerton
Date: 26 Apr 99

 Place of use

 POD

 SECTION LINES

 1/4 1/4 Lines

Acres



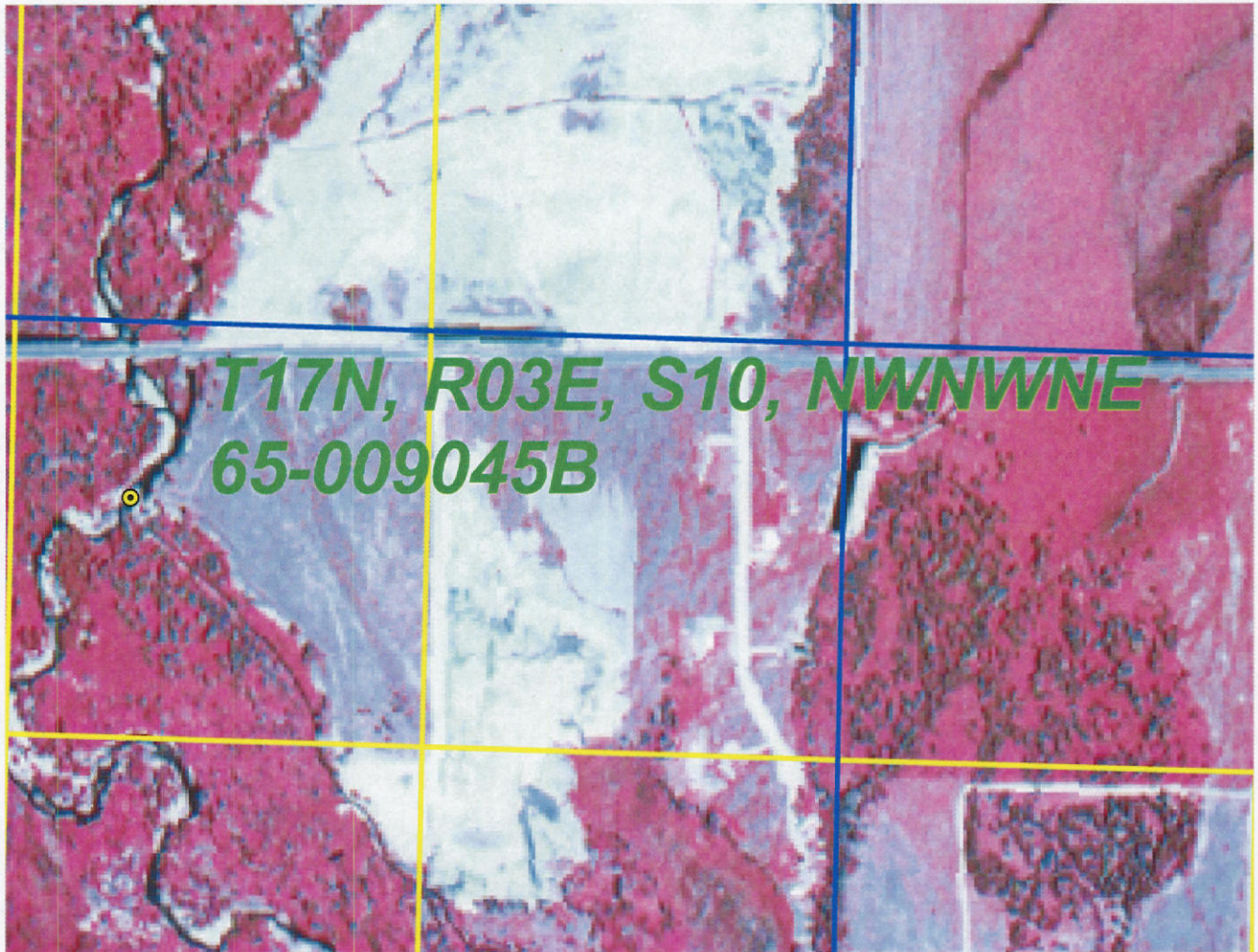
1987 NAPP



0 0.25 0.5 Miles



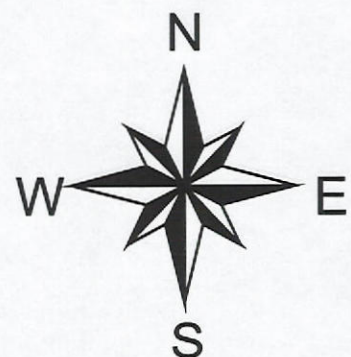
65-09045B



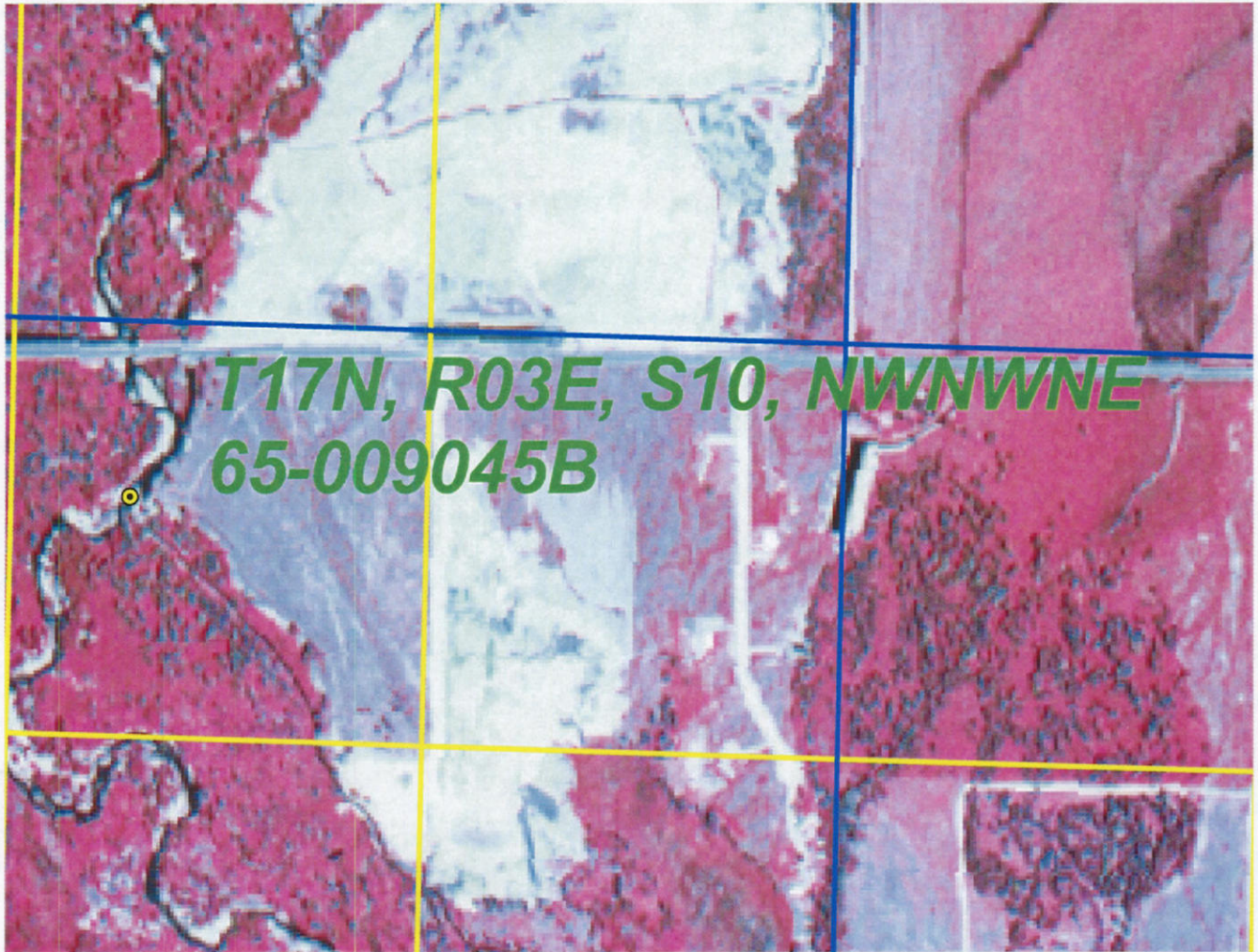
0 0.25 0.5 0.75 Mi



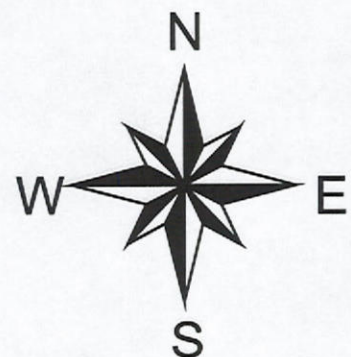
Point of Diversion



65-09045B



Point of Diversion



Idaho Department of Water Resources

T17N, R03E
S23

Claim(s):
65-09045B
Owner(s) Cruickshank
Prepared by:
Ron Howerton
Date: 26 Apr 99

 Place of use

 POD

 SECTION LINES

 1/4 1/4 Lines

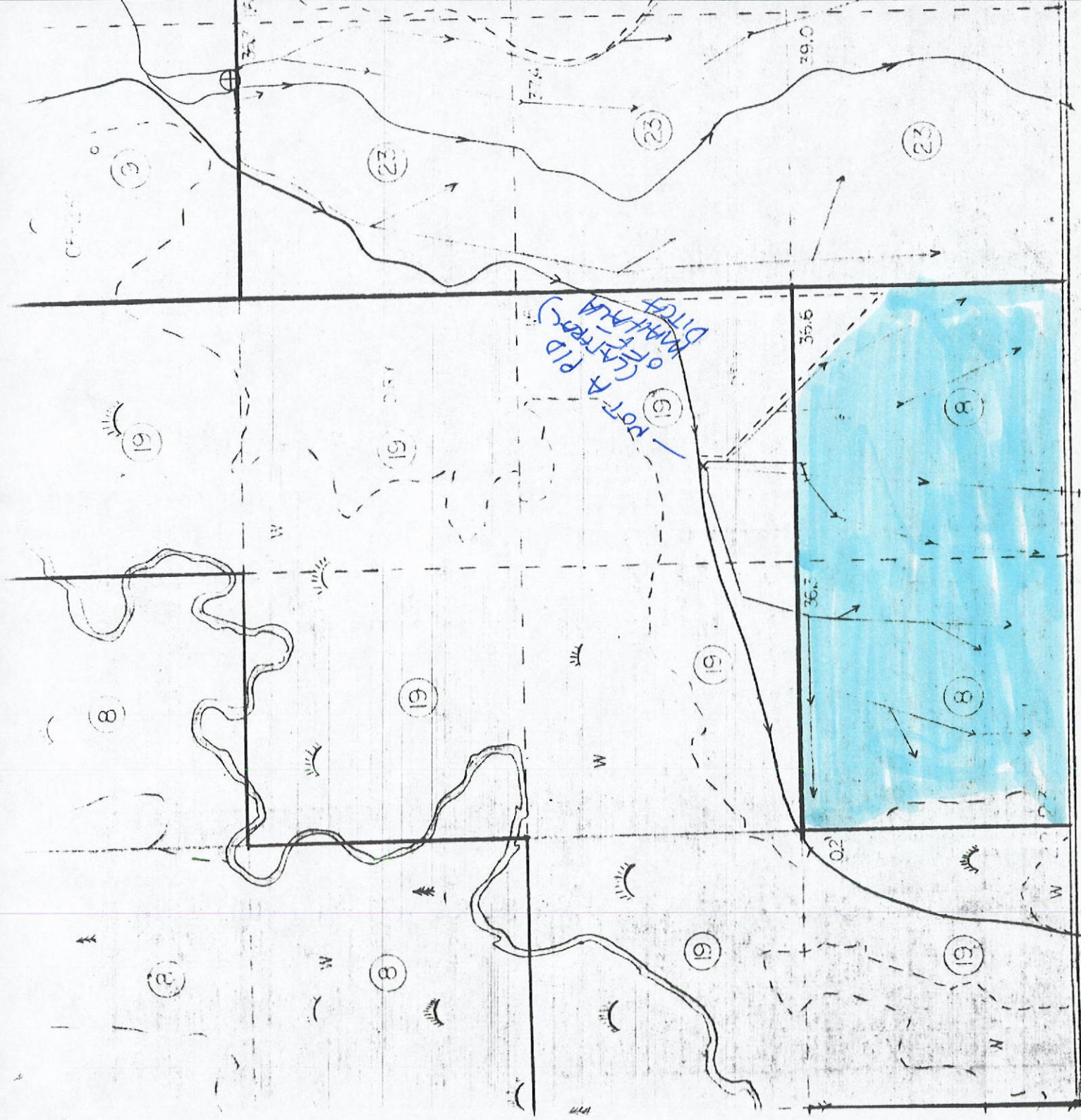
Acres



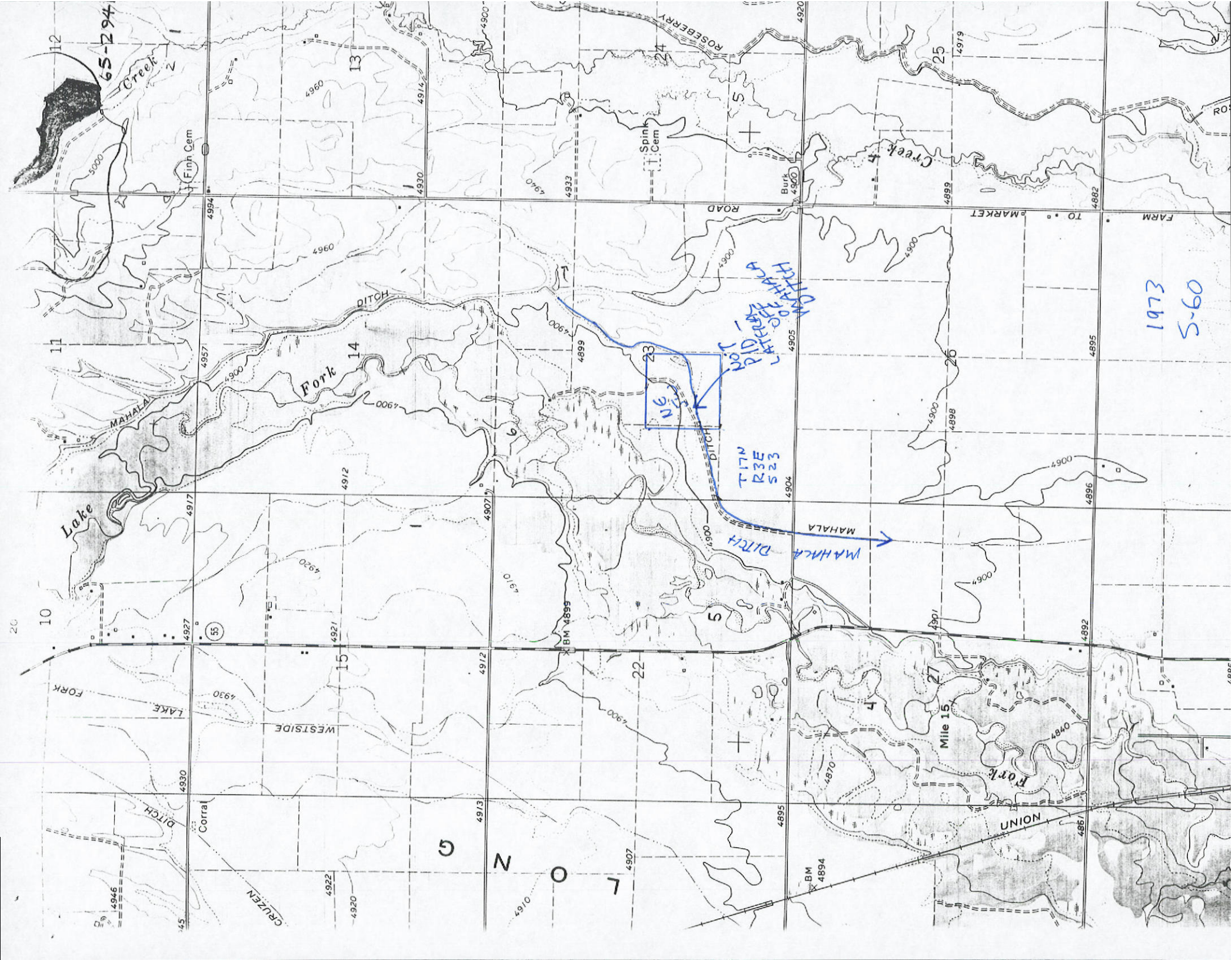
1987 NAPP



0 0.25 0.5 Miles



1. Hugh & Sara Willey
2. Edwin Kantola
3. George Duncan
4. Long Valley Finnish Church
5. Morris W. Hartley
6. Eld Ray
7. A. L. Kitchers
8. Lee C. Wright, Jr.
9. Ruben Thielke, et al
10. James Nisula
11. Emma K. Wilson
12. Fred Printz
13. Gladys Williams
14. Gladys Williams, et al
15. J. W. Frazier



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
SOURCE: LAKE FORK CREEK								
65-3181	LODGE, N. C. LODGE, WILLIAM M. BOX 128 CALDWELL	09-09-1919	IRRIGATION	05-01 09-15	3.20 CFS	SEW S35 T18N R03E	NESW(24) NWSW(40) DECREE SWSW(39) SESW(08) S02 T16N R03E NESE(40) MWSE(39) SWSE(38) SESE(39) S03 T16N R03E	
	ID 83605							
	REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2371 & 65-7417 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.						* 267 ACRES*	
65-3182	CRUICKSHANK, JAMES L. CRUICKSHANK, HELEN E. ROUTE 1, BOX 36 MC CALL	09-09-1919	IRRIGATION	05-01 09-15	4.80 CFS	SEW S35 T18N R03E	NESW(40) SESW(40) DECREE S26 T17N R03E NENW(40) MWNW(38) SWNW(40) SENW(40) S35 T17N R03E	
	ID 83638						* 238 ACRES*	
65-9045	WRIGHT, JR., LEE C. ROUTE 1, BOX 254 FRUITLAND	11-07-1928	IRRIGATION	04-15 10-15	1.86 CFS	MWNE S10. T17N R03E NESE S23 T17N R03E MWNW S11 T16N R03E		BENEFICIAL USE
	ID 83619							
	P/U: T16N R03E S11 MWNW(16)			SWNW(04)				
	P/U: T17N R03E S23 SWSW(36)			SESW(37)			* 93 ACRES*	

INDICATES TOTAL

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A65-09045B
Date Received: 11/07/1988
Receipt No: X999999
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HELEN E. CRUICKSHANK 208-325-8549
Address: RT.1 BOX 70
MC CALL, ID 83638
2. Date of Priority: NOV 07, 1928
3. Source: LAKE FORK CREEK Trib. to: PAYETTE RIVER, NORTH FORK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
17N	03E	10	NW	NE			VALLEY
		23	NE	SW			VALLEY

5. Description of diverting works:
MAHALA DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.460		

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

A.F.A.

8. Total consumptive use is 146.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
17N	03E	23	SW	SW		IRR	36.0
			SE	SW		IRR	37.0

Section Acres 73.0

A65-09045B

Page 1

Date: 11/07/88

MICROFILMED
SEP 23 1992

10. Place of Use: Continued

Total Acres 73.0

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:
NONE

14. Remarks:

THIS CLAIM WAS PART OF DECREED RIGHT NUMBER 65-09045

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

MICROFILMED

SEP 23 1992

16. Signature(s)

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

Number of attachments: _____

For Organizations:

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

Helen E. Cruickshank
Signature of Authorized Agent

P.O.A.
Title and Organization

11/8/88
Date

State of Idaho)
County of Valley) SS.

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

[Signature]
Notary Public

Seal

Residing at Boise Id

My Commission Expires 9/2/1994

WESTERN REGION

OWNER (S):

CRUICKSHANK

CLAIM NUMBERS:

9045B

AGENT: RON HOWERTON

DATE

9/3/99

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

POLYGON CREATED ON 803

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

ATTRIBUTES OF B65-POU.SHP (917) () () () ()

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

 B65-DBPOU.DBF UPDATED BY rdh

 B65-DBPOD.DBF UPDATED BY rdh

NOTES:

AJ5856NP

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

DATE: JAN-5-2000
PAGE: A-1

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

RIGHT NUMBER: 65-09045B

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

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

QUANTITY: 1.46 CFS

PRIORITY DATE: 11/07/1928

POINT OF DIVERSION: T17N R03E S10 NWNWNE Within VALLEY County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION 04-15 10-15 1.46 CFS

PLACE OF USE: IRRIGATION Within VALLEY County
T17N R03E S23 SWSW 36 SESW 37
73 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
USE OF THIS RIGHT IS COMBINED WITH WATER FROM
MAHALA DITCH CO.
WATER IS DELIVERED THROUGH MAHALA DITCH IN SECTION 10.

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

In Re SRBA) NOTICE OF COMPLETED
) ADMINISTRATIVE PROCEEDINGS
Case No. 39576)
)
) Water Rights 65-09045B, 65-03168,
) 65-03169, 65-03170, 65-03171,
) 65-03156, 65-03157, 65-03158A
) and 65-03159A

IDWR has completed the following Administrative Proceeding:

☐	Change of Address
☒	Substitution of Party
☐	I.C. 42-222 Transfer

SUBSTITUTION OF PARTY

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

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

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

NOTICE OF COMPLETED 65-09045B, 65-03168, 65-03169,
ADMINISTRATIVE PROCEEDING 65-03170, 65-03171, 65-03156,
1/5/2000 65-03157, 65-03158A AND 65-03159A

From (Claimant/Seller):

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

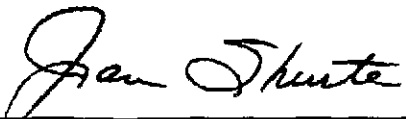
To (Claimant/Purchaser):

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

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

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

DATED: January 5, 2000



Signature of IDWR Representative

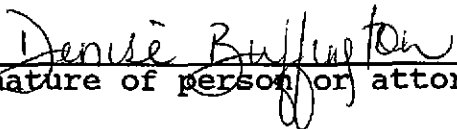
CERTIFICATE OF MAILING

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

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:

HELEN E CRUICKSHANK
RT 1 BOX 70
MC CALL ID 83638
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:

HARRY L BETTIS
STAR ROUTE
PAYETTE ID 83661
4. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
5. One Copy to:
United States Dept. of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of person or attorney mailing the form

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 27 1999

WATER RESOURCES
WESTERN REGION

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

Incomplete forms will be returned

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

ADDITIONAL PONS
ADJ#S

A65-2340B

-3158B

-3159B

-3160

-3161

-3162

-3163

-3154

-3155

DOMESTIC - DEED
65-09666 & 17547

INSTRUCTIONS

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

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

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

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

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

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

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

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

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

HOLLAND & HART^{LLP}
ATTORNEYS AT LAW

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

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

RECEIVED
DEC 27 1999
TELEPHONE (208) 342-5000
FACSIMILE (208) 343-8869
WATER RESOURCES
WESTERN REGION
TERESA J. TURNER
PARALEGAL
tturner@hollandhart.com

December 23, 1999

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

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Dear Sir or Madam:

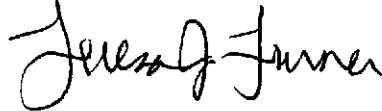
This firm represents Harry L. Bettis, who has acquired certain real property located in Valley County, Idaho.

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

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

Sincerely,

HOLLAND & HART^{LLP}



Teresa J. Turner
Paralegal

tjt
Enclosures
c: Harry Bettis (w/enclosures)

WARRANTY DEED

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

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

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

Dated: April 7, 1999

John J. Cruickshank AKA
John Cruickshank

JOHN J. CRUICKSHANK, aka
John Cruickshank

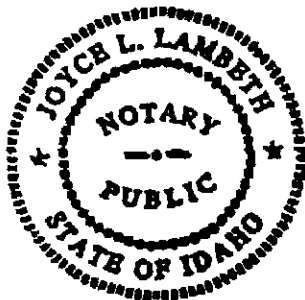
Connie Mae Cruickshank AKA
Connie M Cruickshank

CONNIE MAE CRUICKSHANK, aka
Connie M. Cruickshank

239440
CLERK OF DISTRICT
VALLEY COUNTY RECORDER
BY: *[Signature]*
DATE: *300*
MOUNTAIN TITLE & ESCROW
RECORDED
COUNTY OF ADAMS
MAY 9 1999 AM 10 53
RECORDED BY

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

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



BOISE:0103554.01

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

EXHIBIT**A**

COM0246-99

Legal Descriptions**Parcel B**

S1/2 SW1/4

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

W1/2 NE1/4

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

N1/2 SE1/4

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

NW1/4

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

W1/2 SW1/4

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

NE1/4 lying East of State Highway 55

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

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

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

- continued -

EXHIBIT**A**

Parcel O - continued

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

SAVE AND EXCEPT:

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

Parcel P

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

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

- continued -

Parcel P - continued

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

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

Parcel Q

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

Parcel R

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

Parcel S

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

Parcel T

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

Parcel U

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

- continued -

Parcel V

NW1/4 SW1/4

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

Government Lot 2

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

Government Lot 3

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

Government Lot 4

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

S 1/2 NW1/4

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

SW1/4 NE1/4

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

E1/2 SE1/4

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

W1/2 SW1/4

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

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE B—Section 2

Exceptions

EXHIBIT

B

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

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

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

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

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

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

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

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

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

- continued -

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

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

EXHIBIT

B

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

Lawyers Title
Insurance Corporation

A LANDAMERICA COMPANY

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE _____ cont'd.

Parcel B

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

Parcel B

10. Subject to Spink Lane along entire southerly boundary.

Parcel B, K, L, M, N

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

Parcel K, L, M, N

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

Parcel K, L, M, N

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

Parcel K, L, M, N

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

Parcel K, L, M, N

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

Parcel K, L, M, N

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

Parcel K, L, M, N, O

17. Subject to Spink Lane along entire northerly boundary.

Parcel L, P

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

- continued -

Schedule _____ Page _____ No. _____

A LANDAMERICA COMPANY

SCHEDULE_____conf'd.

Letter to U.S.A.

10/16

Lawyers Title Insurance Corporation

A LANDAMERICA COMPANY

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE _____ confd.

Parcel Q

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

Parcel Q

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

Parcel Q

30. MORTGAGE

MORTGAGOR: John J. Cruickshank and Connie M. Cruickshank

MORTGAGEE: DBL Company, Inc.

DATED: July 8, 1998

RECORDED: July 9, 1998 as Instrument No. 233762

AMOUNT: \$60,000.00

Parcel Q, R

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

Parcel Q, R

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

Parcel R

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

Parcel R

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

Parcel R

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

Parcel R

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

- continued -

Schedule _____ Page _____ No. _____

JUN-2-1997 11:11:16
ATTORNEY GENERAL
Lawyers Title
Insurance Corporation

A LANDAMERICA COMPANY

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE _____ CONT'D.

Parcel S, T, U, V

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

Parcel S, T, U, V

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

Parcel S, T, U, V

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

Parcel V

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

Parcel W, X, Y

41. Subject to Nasi Lane across entire northerly boundary.

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

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

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

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

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

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

Parcel Y, 1

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

Parcel Z, 1

46. Subject to Nasi Lane along entire southerly boundary.

Parcel Z, 1

47. Subject to Nasi Lane along entire southerly boundary.

Schedule _____ Page _____ No.

Rerecorded to correct the capacity of signature for John J. Cruickshank. 11-09

ACCOMMODATION

QUITCLAIM DEED

CERTIFIED COPY

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

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

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

SEE ATTACHED AS EXHIBIT "A"

Dated: 11/2/98

Helen E. Cruickshank
HELEN E. CRUICKSHANK

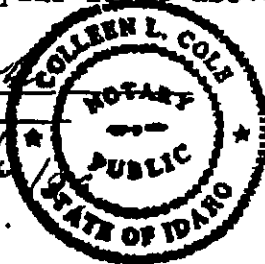
John J. Cruickshank
BY: JOHN J. CRUICKSHANK
PERSONAL REPRESENTATIVE

STATE OF IDAHO)
COUNTY OF Valley) ss

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

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

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



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

Dated: 11-10-98

Clerk, Auditor & Recorder: Leland Hennrich

By Deputy Deputy

TYPE: Deed
LETTER HEAD: 01
VALLEY COUNTY RECORDER
BY: John J. Cruickshank
FEE: 9.00
RECORDED
38 NOV 10 PM 3
MOUNTAIN TITLE & ESCROW
REGISTERED BY

236483

TYPE: Deed
LETTER HEAD: 01
VALLEY COUNTY RECORDER
BY: John J. Cruickshank
FEE: 9.00
RECORDED
38 NOV 4 PM 11 56
MOUNTAIN TITLE & ESCROW
REGISTERED BY

236356

CERTIFIED

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

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

Commencing at the section corner common to sections 25, 26, 25 and 26, Township 17 North, Range 3 East, B. M., thence northerly along the section line common to sections 25 and 26, a distance of 741.5 feet; thence westerly and parallel to the southerly boundary of Section 26, a distance of 30 feet to the westerly boundary of "Farm to Market Road"; the real point of beginning; thence northerly along the westerly boundary of "Farm to Market Road" a distance of 273.3 feet; thence westerly and parallel to the southerly boundary of Section 26, a distance of 177 feet to a point; thence southerly a distance of 276 feet more or less to a point which is 145 feet westerly of and parallel to the southerly boundary of Section 26; thence easterly and parallel to the southerly boundary of Section 26, 145 feet to the point of beginning.

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

TOWNSHIP 17 NORTH, RANGE 3 EAST, BOISE MERIDIAN:

SECTION 23: S1/2SW1/4

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

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

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

CONFIDENTIAL

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

CRUICKSHANK TO YENSEN
N.W. 1/4 SEC. 1, T. 16 N., R. 3 E.

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

Commencing at the Section Corner common to Sections 35 and 36, T. 16 N., R. 3 E., S.M., and Sections 1 and 2, T. 16 N., R. 3 E., S.M., Valley County, Idaho; thence, S. 89° 20' 16" E., 1313.82 feet along the northerly boundary of said Section 1 to a 5/8" rebar marking the NW 1/4 Corner common to said Sections 36 and 1, the REAL POINT OF BEGINNING;

thence, S. 0° 02' 03" E., 1312.27 feet to a 5/8" rebar marking the NW 1/4 Corner of said Section 1;

thence, N. 89° 21' 27" W., 41.18 feet along the southerly boundary of said NW 1/4 to its intersection with a north-south fence line;

thence, N. 10° 22' 31" E., 1312.20 feet along said fence line to the northerly boundary of said Section 1;

thence, S. 89° 20' 16" E., 29.51 feet to the Point of Beginning, containing 1.063 acres, more or less.

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

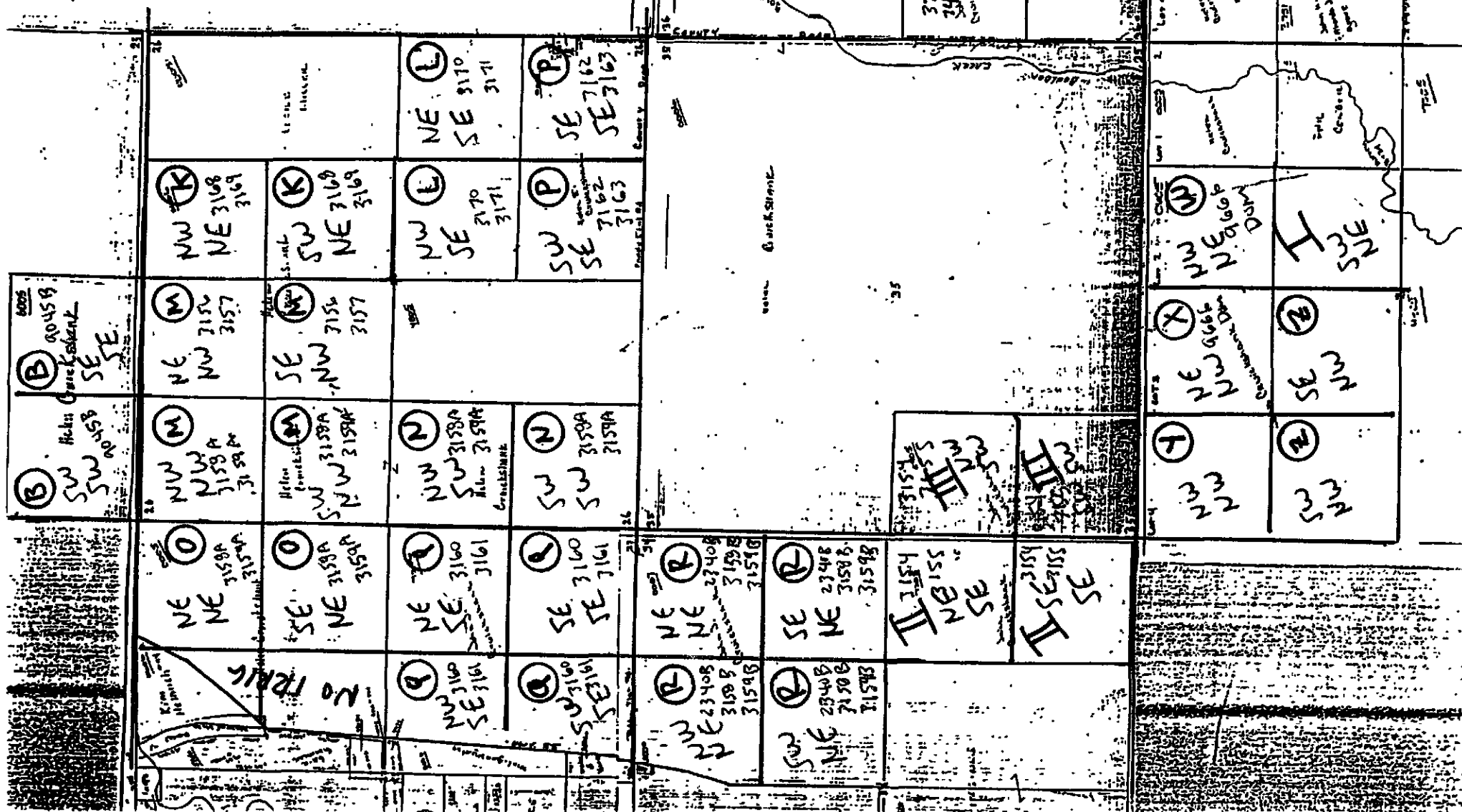
John Cruickshank
Personal Rep. Helen Cruickshank
Estate

SECTION 2: LOT 1

TOWNSHIP 17 NORTH, RANGE 3 EAST, BOISE MERIDIAN:
IN SECTION 26: E1/2SW1/4
IN SECTION 35: E1/2, NW1/4, E1/2 SW1/4
IN SECTION 36: W1/2NW1/4

TOWNSHIP 18 NORTH, RANGE 4 EAST, BOISE MERIDIAN:
IN SECTION 18: GOVT. LOT 2, (CONTAINING 39.01 ACRES) AND
TOWNSHIP 18 NORTH, RANGE 3 EAST, BOISE MERIDIAN:
IN SECTION 13: S1/2NE1/4, NW1/4SE1/4 (CONTAINING 120 ACRES)

MAKING NO REPRESENTATIONS AS TO
ITS EFFECT, SUFFICIENCY, COM-
PLETENESS OR ANY OTHER MATTERS
THAT MIGHT BE REFERRED TO OR
IMPLIED THEREIN.



RECEIVED

JUN 26 2002

Department of Water Resources

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

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

In Re: SRBA	)	Subcase Nos.		
Case No. 39576	)	65-02340B	65-03160	65-03215
	)	65-03154	65-03161	65-03216
	)	65-03155	65-03162	65-03238
	)	65-03156	65-03163	65-03238A
	)	~~65-01357-3157~~	65-03168	65-03762
	)	~~65-01358A-3158A~~	65-03169	65-04002A
	)	~~65-01358B-3158B~~	65-03170	65-07473
	)	~~65-01359-3159~~	65-03171	65-07540
	)	~~65-01359B-3159B~~	65-03209	65-09045B

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

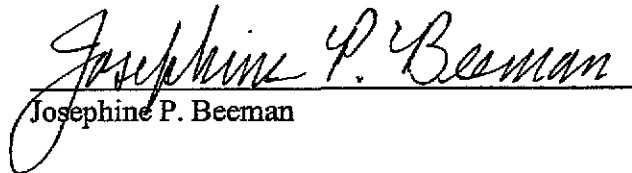
Josephine P. Beeman (ISB #1806)
BEEMAN & ASSOCIATES, P.C.
409 West Jefferson Street
Boise, Idaho 83702
(208) 331-0950 (Telephone)
(208) 331-0954 (Facsimile)

SCANNED

JUN 26 2002

RESPECTFULLY SUBMITTED this 25th day of June 2002.

BEEMAN & ASSOCIATES, P.C.


Josephine P. Beeman

CERTIFICATE OF SERVICE

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

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

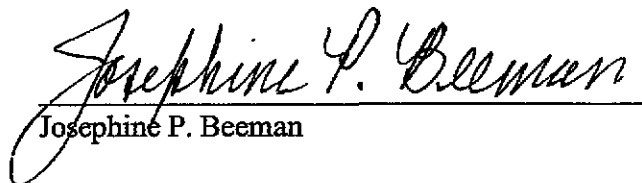
- ☒ U.S. Mail, First Class, Postage Prepaid
- ☐ Facsimile: _____
- ☐ Hand Delivery
- ☐ Federal Express: _____
- ☐ Other: _____

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

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

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

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


Josephine P. Beeman

Z:\3004\5314 doc

AJ0749NP
No. 65-09045B

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

DATE: 01/04/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HARRY L BETTIS STAR ROUTE PAYETTE ID 83661 (208) 365-2512	11/07/1928	IRRIGATION	04-15 10-15	1.460 CFS	
TOTAL DIVERSION:					1.460 CFS	
D	HELEN E CRUICKSHANK RT 1 BOX 70 MC CALL ID 83638 (208) 325-8549					

Water Source: LAKE FORK CREEK

Tributary to: PAYETTE RIVER, NORTH FORK

Stage: DECREED

Point(s) of Diversion:

T17N R03E S10

NWNWNE

VALLEY County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
17N	03E	23	:											36	37					:	73.0
TOTAL ACRES																				73.0	

POU County: VALLEY

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

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

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

A65-09045B A65-11326

Conditions of Approval:

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

Remarks: EXP WATER IS DELIVERED THROUGH MAHALA DITCH IN SECTION 10.

AJ0749NP
No. 65-09045B

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

DATE: 01/04/00
PAGE: 2

=====

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
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Misc:	Water District Number: 65K	Field Inspection Flag:	Presumption Flag:
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Comments: Date: 04/26/1999 User-ID: RHOWERTO Subject: 2ND P/D CLAIMED, NOT RECOMMENDED:
THE 2ND P/D CLAIMED IS NOT A DIVERSION FROM LAKE FORK CREEK.
IT IS ANOTHER LATERAL, OFF THE MAHALA DITCH.
LAKE FORK CREEK DOESN'T FLOW INTO THE NESW OF S23, T17N, R03E.

Date: 09/25/1999 User-ID: AJU10-JS Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART
OF RECORD THRU AJU10.

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

Audit: 40/00/10 DBUFFING

1-4-2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 5, 2000

HARRY L BETTIS
STAR ROUTE
PAYETTE ID 83661

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

Dear Mr. Bettis:

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

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

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

Sincerely,

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

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region

DB:db

Enclosures

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

RIGHT NUMBER: 65-09045B

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

SOURCE LAKE FORK CREEK TRIBUTARY- PAYETTE RIVER, NORTH FORK

QUANTITY 1 46 CFS

PRIORITY-DATE 11/07/1928

POINT OF DIVERSION T17N R03E S10 NWNWNE Within VALLEY County

PURPOSE AND

PERIOD OF USE.	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-15 10-15	1.46 CFS

PLACE OF USE: IRRIGATION Within VALLEY County

T17N R03E S23	SWSW 36	SESW 37
73 ACRES TOTAL		

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS.

EXPLANATORY MATERIAL. BASIS OF CLAIM - DECREE

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

WATER IS DELIVERED THROUGH MAHALA DITCH IN SECTION 10

Idaho Department of Water Resources

**T17N, R03E
S23**

Claim(s):
65-09045B
Owner(s) Cruickshank
Prepared by:
Ron Howerton
Date: 26 Apr 99



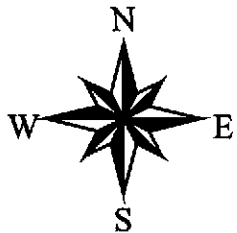
 Place of use

● POD

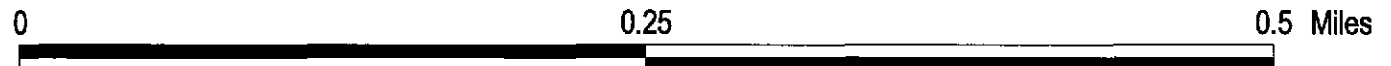
 SECTION LINES

 1/4 1/4 Lines

Acres



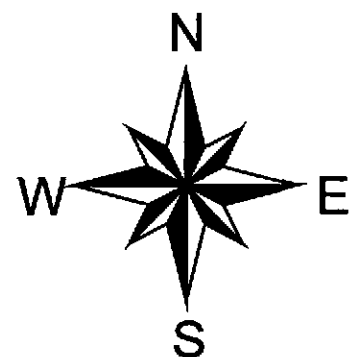
1987 NAPP



65-09045B

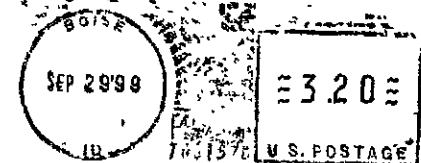


• Point of Diversion



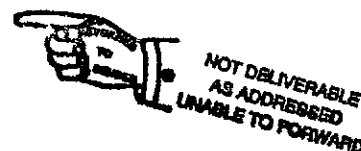
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED



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

Received



-02304
-02924
-03171

RECEIVED
OCT 01 1999
WATER RESOURCES
WESTERN REGION

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

John Cruickshank
63 Paddy Flat Rd
Donnelly, Id 83615
65-03762, -07473

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

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

DATE: 06/11/99
PAGE: 1

Comments: Date: 04/26/1999 User-ID: RHOWERTO Subject: 2ND P/D CLAIMED, NOT RECOMMENDED:
THE 2ND P/D CLAIMED IS NOT A DIVERSION FROM LAKE FORK CREEK.
IT IS ANOTHER LATERAL, OFF THE MAHALA DITCH.

AJ0749NP
No. R65-09045B

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

DATE: 06/11/99
PAGE: 2

=====

Comments: Date: 04/26/1999 User-ID: RHOWERTO Subject: 2ND P/D CLAIMED, NOT RECOMMENDED:
LAKE FORK CREEK DOESN'T FLOW INTO THE NESW OF S23, T17N, R03E.

Audit: 00/00/00

WR0749NP
No. 65-09045

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/26/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LEE C. WRIGHT, JR. RT. 1 BOX 254 FRUITLAND ID 83619	11/07/1928	IRRIGATION	04/15 10/15	1.860 CFS	
					TOTAL DIVERSION:	1.860 CFS

SPLIT

Water Source: LAKE FORK CREEK

Tributary to: PAYETTE RIVER, NORTH FORK

Stage: DECREED

Point(s) of Diversion:	T16N R03E S11	NWNW	VALLEY County
	T17N R03E S10	NWNE	VALLEY County
	S23	NESW	VALLEY County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE													
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac			
16N	03E	11	:					:					:					:							
16N	03E	11	:					:					:					:							
17N	03E	23	:					:					:					:							
																							TOTAL ACRES		

Pou County: VALLEY

Dates:	App. Received:	Priority Date:	11/07/1928
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

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

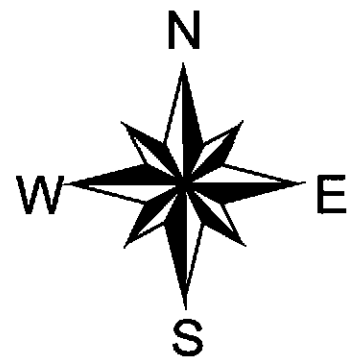
Audit: 04/24/87 04/30/88 CONVERT

65-09045B



0 0.25 0.5 0.75 Mi

• Point of Diversion



Idaho Department of Water Resources

**T17N, R03E
S23**

Claim(s):
65-09045B
Owner(s) Cruickshank
Prepared by:
Ron Howerton
Date: 26 Apr 99

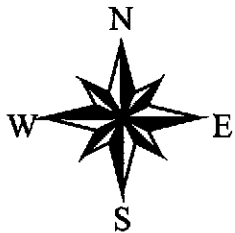
 Place of use

● POD

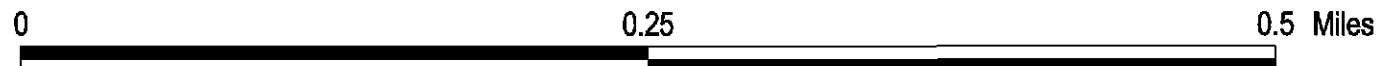
 SECTION LINES

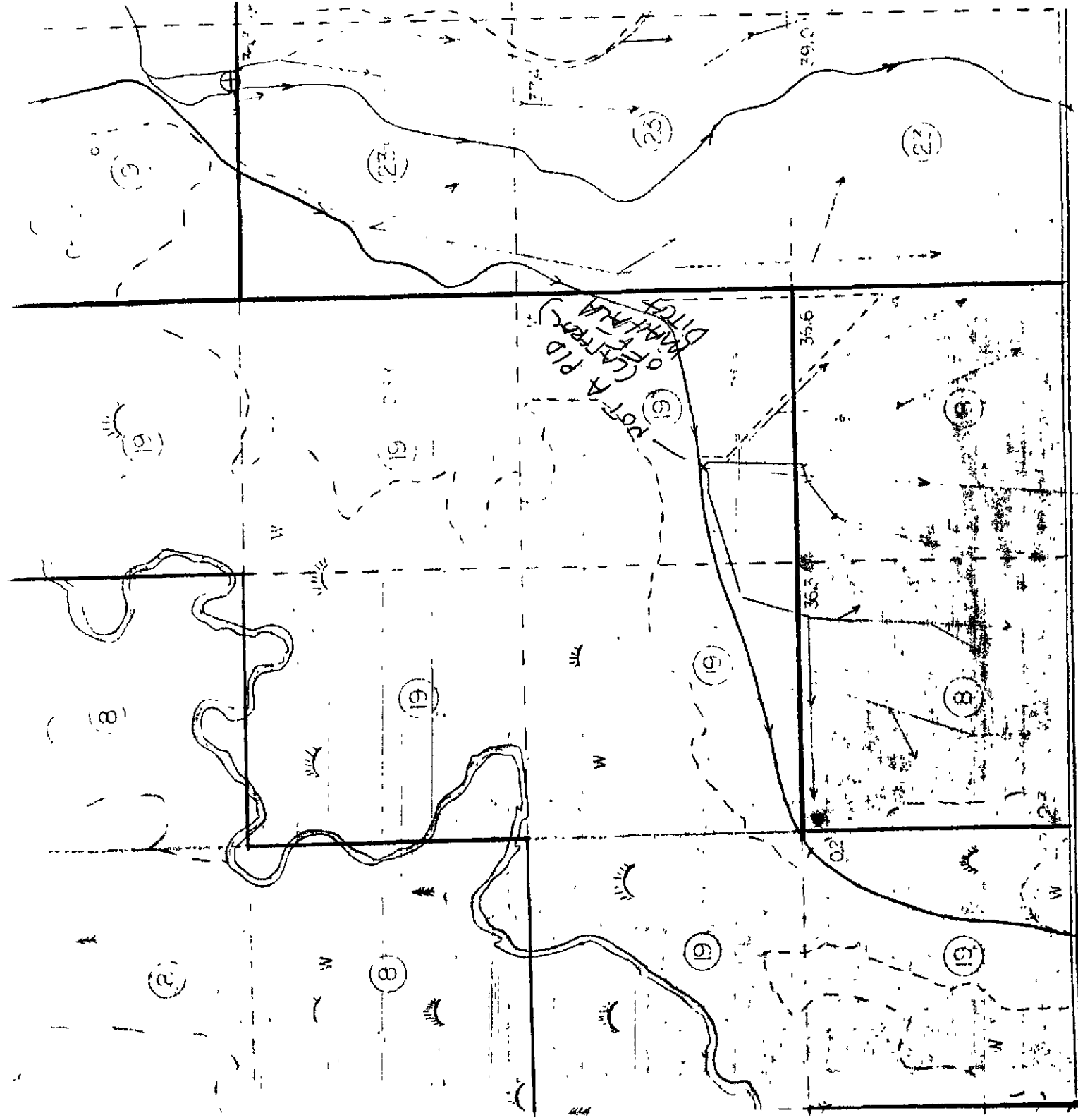
 1/4 1/4 Lines

Acres



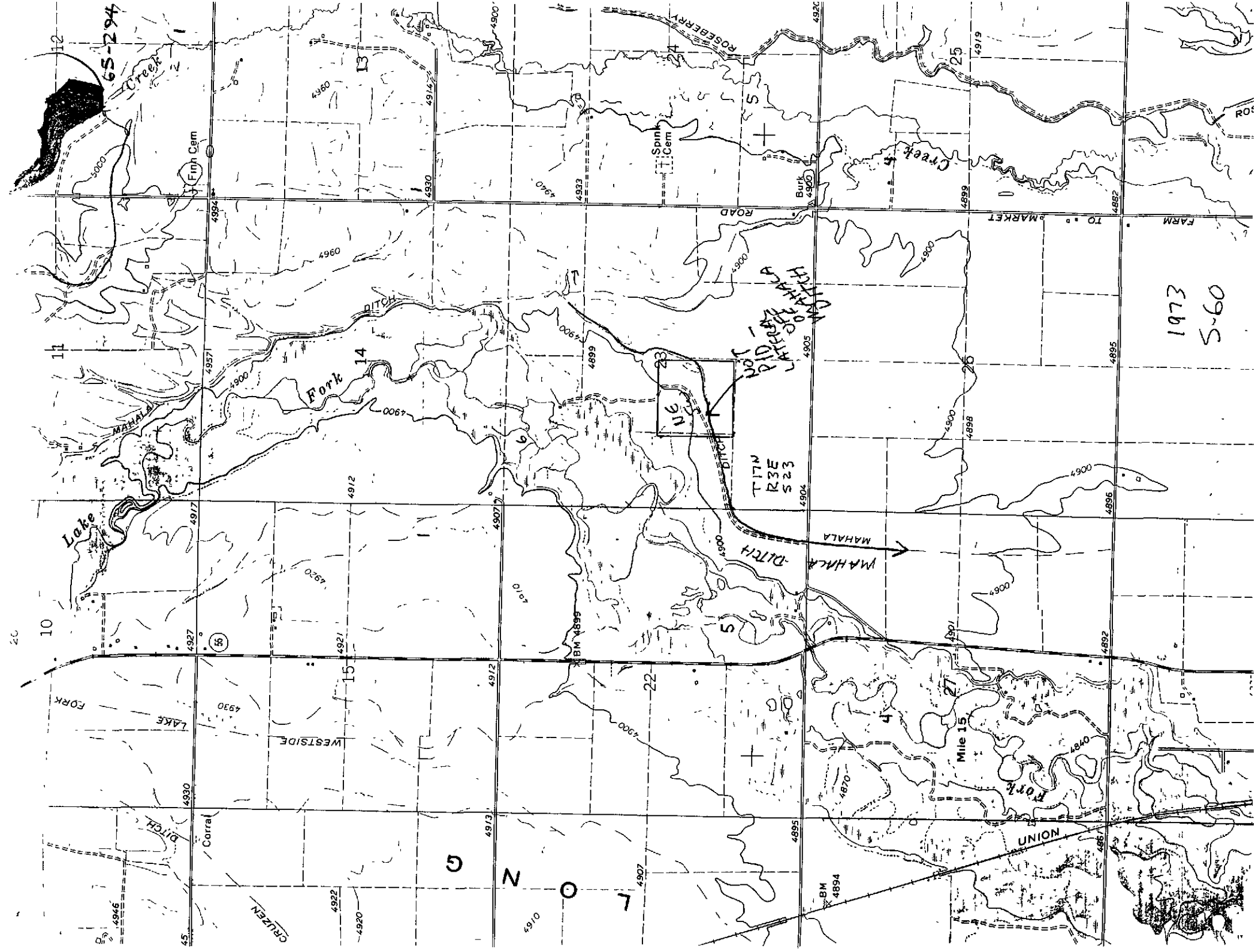
1987 NAPP





17N R3E MAPD

1. Hugh & Sasa Willey
2. Edwin Kantola
3. George Duncan
4. Long Valley Baptist Church
5. Morris W. Hartley
6. Eld Ray
7. A. L. Kitchner
8. Lee C. Wright, Jr.
9. Ruben Thielke, et al
10. James Nielsen
11. Emma K. Wilson
12. Fred Peterson
13. Gladys Williams
14. Gladys Williams, et al
15. J. W. Frank



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:27:25
04/26/99

PAGE: 15
QUICKLOOK INFORMATION

15
CLAIM NUMBER: A65-090458

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

BARCODE UPDATED
WHOM/DATE

66-26-99
726h
4-26-99

INT. OFFICE
Rdh
4-26-99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:27:25
04/26/99

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A65-090458

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

OWNER CODE: P

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

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N(/)

CLAIM REMARKS: GEN THIS CLAIM WAS PART OF DECREED RIGHT NUMBER 65-09045

FIELD EXAMINATION INFORMATION

CONTACT PERSON: IN - OFFICE

PHONE NUMBER: () -

DATE OF FIELD EXAM: 4/26/99

APPOINTMENT MADE: Y() N(X)

TIME: : A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

SEE MAPS IN FILE

A. AJ CLAIM: # A65-09045B PRIORITY DATE: 11-07-1928 STAGE: D

B. WR RECORD: # 65-09045 PRIORITY DATE: 11-07-1928 STAGE: D

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

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

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

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

PROOF OF BENEFICIAL USE SUBMITTED N/A(☒) Y(☐) N(☐)

FIELD EXAM COMPLETED N/A(☒) Y(☐) N(☐)

FIELD EXAM SENT TO STATE OFFICE N/A(☒) Y(☐) N(☐)

LICENSE ISSUED N/A(☒) Y(☐) N(☐)

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

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

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

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

NOTES: _____

=====

RECOMMENDED PRIORITY DATE:

11-07-1928
REVIEWED BY Rdh

DATE 4/26/99

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A65-09045B	17N	03E	10		NW	NE			VALLEY		
A65-09045B	17N	03E	23		NE	SW			VALLEY		

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX

*

R PREFIX

R65-02340A

R65-02340B

R65-02415

R65-03158B

R65-03159B

R65-03160

R65-03161

* 27 A PREFIX CLAIMS WITH THIS POD

*** 25 WR RECORDS IN SAME 40 ACRE TRACT

WR RECORDS IN SAME 40 ACRE TRACT

SOURCE: LAKE FORK CREEK

TRIB: PAYETTE RIVER, NORTH FORK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
65-09045	17N	03E	10		NW	NE			VALLEY		
65-09045	17N	03E	23		NE	SW			VALLEY		
65-09045	16N	03E	11		NW	NW			VALLEY		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX

R PREFIX

R65-02340A

R65-02340B

R65-02415

R65-03158B

R65-03159B

R65-03160

R65-03161

**** 26 WR RECORDS WITH SAME WR POD

***** 28 A PREFIX CLAIMS IN SAME 40 ACRE TRA

SOURCE: LAKE FORK CREEK

TRIB: PAYETTE RIVER, NORTH FORK

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

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

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

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

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(☒) N()

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

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE?

Y(☒) N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM?

Y() N(☒)

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____)

Y() N()

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

OTHER (DESCRIBE IN NOTES BELOW) ☒

NOTES: The claimed diversion in 523 is not a diversion from Lake Fork
Creek, it is another lateral off the Mahala Ditch.
SEE S-60 1973 TOPO

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

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
17N	03E	10	NW	NW	NE			VALLEY	MAHALA DITCH	
17N	03E	23	NE	SW				VALLEY		

SOURCE: LAKE FORK CREEK

TRIB: PAYETTE RIVER, NORTH FORK

REVIEWED BY: Rch

DATE: 4/26/99

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

MAHALA DITCH

A. ROOT WATER RIGHT NUMBERS: A65-09045A
A65-09045B

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
17N	03E	23	SW	SW		CRUICKSHANK, HELEN E	A65-09045B / 36.0	- /	36.0		
			SW	SW		MAHALA DITCH CO	A65-11326 / 36.0	65-11326 / 36.0			36
			SW	SW		WRIGHT, JR., LEE C.		65-09045 / 36.0			
17N	03E	23	SE	SW		CRUICKSHANK, HELEN E	A65-09045B / 37.0	- /	40.0		
			SE	SW		MAHALA DITCH CO	A65-11326 / 37.0	65-11326 / 37.0			37
			SE	SW		WRIGHT, JR., LEE C.		65-09045 / 37.0			

ADDITIONAL POU FOUND

TOTAL ACRES A65-09045B 73.00 76.00 73

POU COUNTY: VALLEY

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

Y() N()

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

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A65-09045B	LAKE FORK CREEK	CRUICKSHANK, HELEN E	1.460	0.020		
A65-11326	SPRINGS	MAHALA DITCH CO	3.000	0.002		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

W 29
MAHALA
DITCH
CO (ONLY)

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

N/A() Y(☒) N()

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

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

N/A() Y(☒) N()

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

Y() N(☒)

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

Y() N(☒)

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

☒ NAPP, IDWR NO. 1987; () ASCS PHOTO; ☒ OTHER PRBA MAP'D

NOTES: SEE NAPP PHOTO'S IN FILE

RECOMMENDATIONS:

TOTAL ACRES: 73 N/A()

REVIEWED BY: Rch

DATE: 4/26/99

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-09045B IRRIGATION	FROM 04-15 TO 10-15	1.460 CFS	
TOTAL DIVERSION RATE/VOLUME		1.460 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-09045 IRRIGATION	FROM 04-15 TO 10-15	1.860 CFS	
TOTAL DIVERSION RATE/VOLUME		1.860 CFS	

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

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

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

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

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

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

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

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

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

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

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

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

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

NOTES:

AJ CLAIM TOTAL DIVERSION RATE: 1.460 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 1.860 CFS

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

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

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

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

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

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

E. FLOW MEASUREMENT

MEASUREMENT METHOD NA, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 73 x 0.02 CFS/ACRE = 1.46 CFS
(Taken from pou review)

1b. CALCULATIONS

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

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

2. IRRIGATION DIVERSION VOLUME

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

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 146.0 AF/A
ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =
TOTAL CONSUMPTIVE USE _____ AF/A

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

PAGE: 11
DIVERSION AMOUNT REVIEW SHEET CONTINUED

11
CLAIM NUMBER: A65-09045B

NOTES:

WR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
IRRIGATION	04-15	10-15	DATABASE 1.460	EXAMINER _____	DATABASE	EXAMINER _____	DATABASE ~~146.0~~	EXAMINER _____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
TOTAL FOR THIS RIGHT			1.460	_____		_____	~~146.0~~	_____

NON-IRRIGATION USES CLAIMED: NONE

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

REVIEWED BY: Rch

DATE: 4/26/99

FLAG: _____

STANDARD CONDITIONS (CODE):

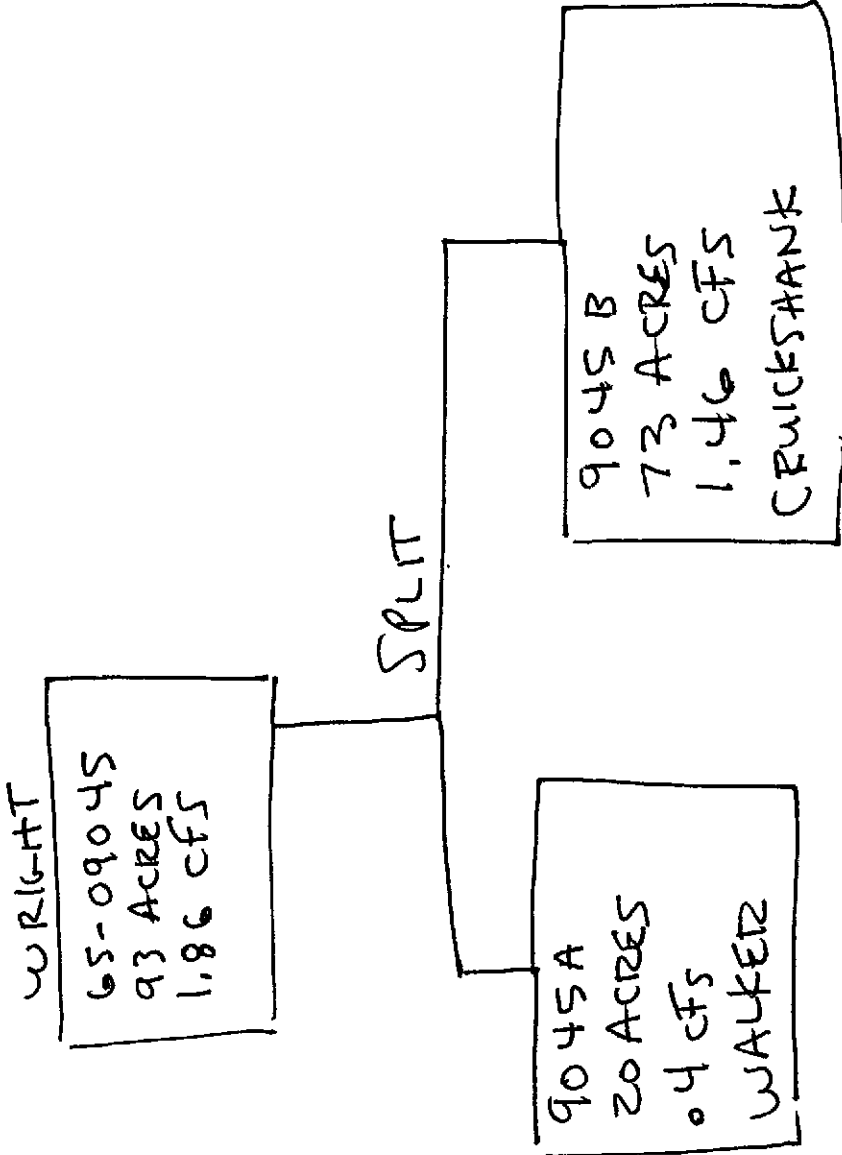
W 29 MAHALA DITCH CO

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

MAHALA DITCH & P/D REMARK



20
+ 73

93 TOTAL

0.4 cfs
1.46

1.86 cfs

93 ACRE @ .02 / ACRE

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	☒	☐
FORFEIT/ABANDON _____	☐	☐
ADDITIONAL DIV. AMOUNT _____	☐	☐

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 65-09045

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 1.860	EXAMINER _____	CFS
-----------------------------------	-------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A65-09045A	0.400	-	-	65-09045	1.860
-	A65-09045B	1.460	-	-	-	-
TOTAL CFS		1.860				1.860

DIVERSION RATE REVIEW

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

DATABASE	FIELD EXAMINER
N	Y() N()

NOTES:

INCOMPLETE ADDRESS CHANGE

AUTHENTICATION:

SIGNATURE: Ron Howerton DATE: 4/26/99

NAME OF FIELD EXAMINER: Ron Howerton TITLE: _____

Sr Water Agent

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

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
() ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
(X) TOPOGRAPHIC	DATE FIELD CHECKED <u>1973</u> IDWR ID NO. <u>5-60</u>	Y(X) N()
(X) NAPP	DATE OF PHOTO <u>1987</u> IDWR ID NO. <u>P00/P04</u>	Y(X) N()
() ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
(X) OTHER <u>COPY MAP</u>	DATE <u>PRBA MAP 'D'</u>	Y(X) N()
(X) OTHER <u>PROFILE</u>	DATE <u>4/26/99 SHOWS AS DECREED IN PRBA</u>	Y(X) N()
() OTHER _____	DATE _____	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
() LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
() WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
() SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
() PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
(X) SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED <u>4/26/99</u>	<u>1</u>	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
() OTHER _____	DATE _____	_____	_____
() OTHER _____	DATE _____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:28:22
04/26/99
16

PAGE: 16
PROFILE REPORT

CLAIM NUMBER: A65-09045B

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME																																																																																																																																																																																																																																															
P	HELEN E CRUICKSHANK	11/07/1928	IRRIGATION	04-15 10-15	1.46 CFS																																																																																																																																																																																																																																																
C	HELEN E CRUICKSHANK																																																																																																																																																																																																																																																				
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					CONSUMPTIVE USE:	146.00 AFA																																																																																																																																																																																																																																															
Water Source: LAKE FORK CREEK		Tributary to: PAYETTE RIVER, NORTH FORK			Stage: DECREED																																																																																																																																																																																																																																																
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Place of use Legal Description for: IRRIGATION																																																																																																																																																																																																																																																					
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POU County: VALLEY

Non-Irrigation Uses: NONE

Other Rights: NONE

Remarks: GEN THIS CLAIM WAS PART OF DECREED RIGHT NUMBER 65-09045

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65K

Field Inspection Flag:

Presumption Flag:



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

March 4, 1994

R. KEITH HIGGINSON
DIRECTOR

JOHN CRUICKSHANK
63 PADDY FLAT RD
MCCALL ID 83638

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

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

Dear Mr. Cruickshank:

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

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

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

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

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

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

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

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

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

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

Sincerely,



Maria Minicucci
Water Agent, Adjudication Bureau

MM/m

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

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

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

The new address for these claims is

63 Paddy Flat Road
McCall ID 83638

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

CLAIMANT'S NAME: Crevickshank & Mahala Ditch Co DATE: 03/01/1994
 COUNTY: Valley
 EMPLOYEE: M. Merivucci

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

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

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

The new address is

633 Paddy Flat Rd
 McCall ID 83638

Claim No. A65-11326, Mahala Ditch Co., also has this address now. All addresses changed 03/02/1994.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
SOURCE: LAKE FORK CREEK								
65-3181	LODGE, W. C. LODGE, WILLIAM M. BOX 128 CALDWELL	09-09-1919	IRRIGATION	05-01 09-15	3.20 CFS	SEW S35 T18N R03E	NESW(24) NWSW(40) DEGREE SWSW(39) SESW(08) S02 T16N R03E NESE(40) NWSE(39) SWSE(38) SESE(39) S03 T16N R03E	
	ID 83605							
REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2371 & 65-7417 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.							* 267 ACRES*	
65-3182	CRUICKSHANK, JAMES L. CRUICKSHANK, HELEN E. ROUTE 1, BOX 36 MC CALL	09-09-1919	IRRIGATION	05-01 09-15	4.80 CFS	SEW S35 T18N R03E	NESW(40) SESW(40) DEGREE S26 T17N R03E NENW(40) NWNW(38) SWNW(40) SENW(40) S35 T17N R03E	
	ID 83638						* 238 ACRES*	
65-9045	WRIGHT, JR., LEE C. ROUTE 1, BOX 254 FRUITLAND	11-07-1928	IRRIGATION	04-15 10-15	1.86 CFS	NWNE S10 T17N R03E NESW S23 T17N R03E NWNW S11 T16N R03E		BENEFICIAL USE
	ID 83619							
	P/U: T16N R03E S11 NWNW(16)			SWNW(04)				
	P/U: T17N R03E S23 SWSW(36)			SESW(37)			* 93 ACRES*	

INDICATES TOTAL

RECEIVED

FILE

FEB 12 1987

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

APR 07 1986

STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

Department of Water Resources

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

Civil No. 3667

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

Helma R. Kolitz

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

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

IT IS FURTHER ORDERED that all protests and objections

ORDER AND PARTIAL DECREE Page 1

RECEIVED

FEB 24 1987

COMPALED

INDEXED - DIRECT

INDEXED - INDIRECT

Department of Water Resources

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

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

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

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

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

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

DATED this 28th day of March, 1986.


JIM R. DOOLITTLE
DISTRICT JUDGE

54(b) Certificate

With respect to the issues determined by the above judgment, it is hereby CERTIFIED, in accordance with the Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final decree and that the court has and does direct that the above partial decree shall be a final judgment upon which execution may issue and appeal may be taken as provided by the Idaho Appellate Rules.

STATE OF IDAHO)
County of Gem) ss.

DATED this 28th day of March, 1986.

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

DATED 3-28-86
Thelma R. Kolodziej, Clerk


JIM R. DOOLITTLE
District Judge

By: LOC James R. Doolittle ORDERED AND PARTIAL DECREE, Page 3