

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

In Re Snake River Basin Adjudication Case )  
No. 39576 )

Notice of Filing Director's Report and Supplemental  
Director's Report Part II & III, United States' and Tribal  
Non-consumptive Claims.

TO: ALL CLAIMANTS OF RIGHTS TO THE USE OF WATER IN THE SNAKE RIVER BASIN  
YOU ARE HEREBY NOTIFIED OF THE FOLLOWING:

THE DIRECTOR'S REPORT PART II & III FOR THE UNITED STATES' AND TRIBAL NON-CONSUMPTIVE CLAIMS HAS BEEN FILED WITH THE DISTRICT COURT. A SUPPLEMENTAL DIRECTOR'S REPORT PART II & III HAS ALSO BEEN FILED WITH THE DISTRICT COURT. THIS NOTICE CONTAINS IMPORTANT INFORMATION ABOUT THE DIRECTOR'S REPORTS, AND DEADLINES AND FURTHER PROCEEDINGS ON THESE WATER RIGHT CLAIMS.

**IMPORTANT NOTICE REGARDING YOUR WATER RIGHT**

**THIS CONTAINS YOUR LEGAL NOTICE OF THE DIRECTOR'S REPORTS OF U.S. AND  
TRIBAL NON-CONSUMPTIVE CLAIMS IN THE SNAKE RIVER BASIN ADJUDICATION  
THESE CLAIMS COULD AFFECT YOUR WATER RIGHT**

63257

Idaho Department of water Resources  
Statehouse Mail  
Boise, Idaho 83720

RECEIVED

FEB 16 1996

WATER RESOURCES  
WESTERN REGION

Presorted  
First Class Mail  
U.S. Postage Paid  
Boise, Idaho  
Permit No. 1

RECEIVED

APR 21 1996

Department of Water

DOUBLE DIAMOND RANCHES  
DON & DALE RUMSEY  
200 SUNRISE RIM ROAD  
BOISE ID

RUMSEY 837052012 1893 04/19/96  
FORWARDING TIME EXPIRED  
RUMSEY  
311 4TH ST N EXT  
Nampa ID 83687-3247  
RETURN TO SENDER

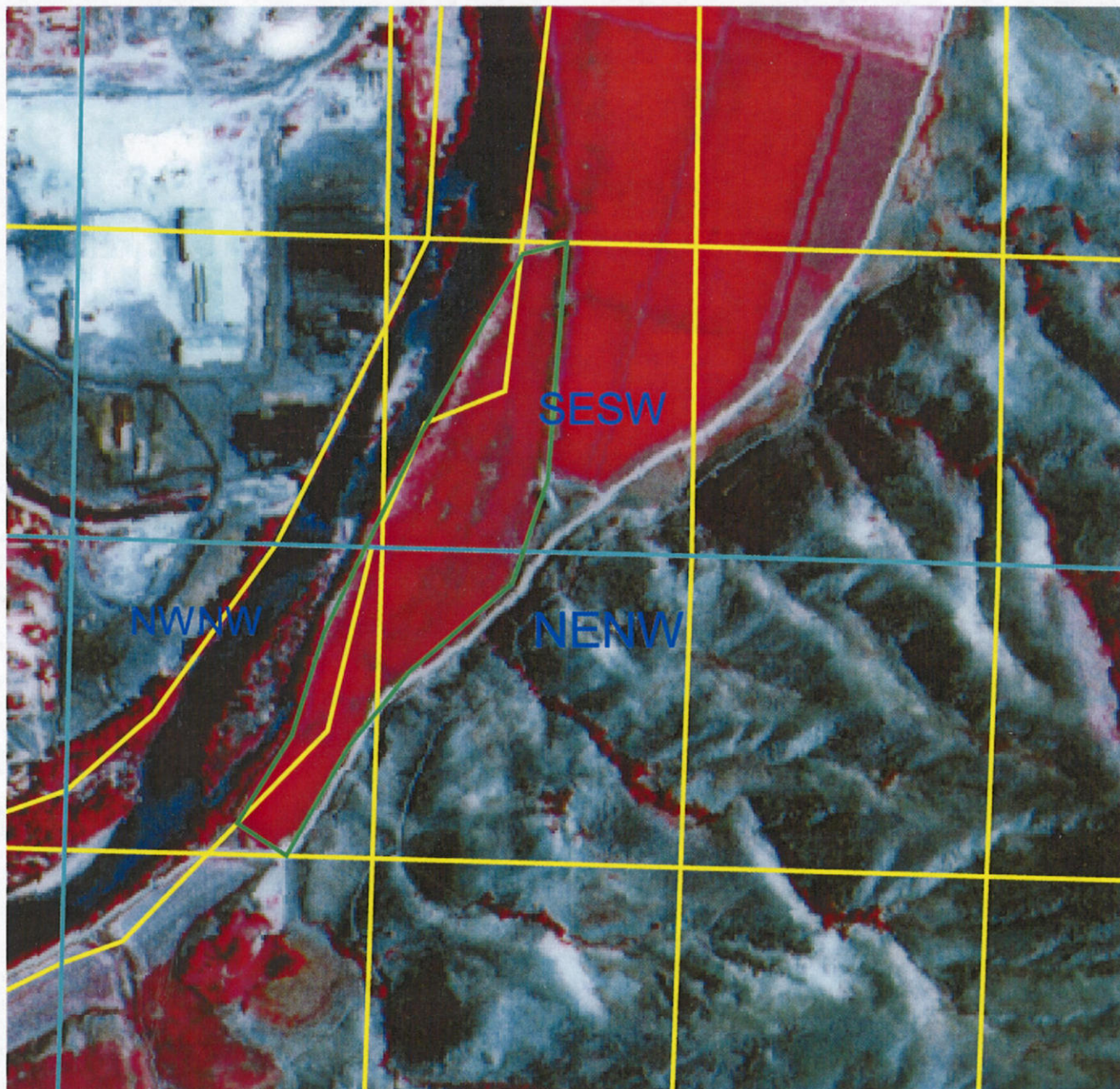
**MICROFILMED**

**OCT 21 1996**

# Idaho Dept. of Water Resources

Claim No(s): 65-11393B  
T07N, R02E, Sec 26, 35  
Created by: Sue Bock  
Date: 9/27/2000

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



0 1000 2000 3000 Feet



1987 NAPP Photo

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A65-11393B**  
Date Received: 5/23/1989  
Receipt No: X777777  
Received By: \_\_\_\_\_

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

1. Name: HORSHOE BEND HYDROELECTRIC CO 208-345-7515  
Address: PO BOX 2797  
1401 SHORELINE DR  
BOISE ID 83701

2. Date of Priority: JUN 1, 1912

3. Source: SHAFER CREEK Trib. to: PAYETTE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 06N      | 02E   | 2       | NW     | SE     |     |     | BOISE  |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.600 |      |        |

7. Total Quantity Appropriated is:  
0.600 C.F.S. (and/or) 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 |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 07N      | 02E   | 26      | NE     | SW  | 3   | IRR | 2.0   |
|          |       |         | SE     | SW  | 4   | IRR | 14.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres   |
|----------|-------|---------|------------|-----|---------------|---------|
|          |       |         |            |     | Section Acres | 16.0    |
|          |       | 35      | NE         | NW  | 1             | IRR 7.0 |
|          |       |         |            |     | Section Acres | 7.0     |
|          |       |         |            |     | Total Acres   | 23.0    |

11. Place of use in counties: BOISE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

ADDRESS CHANGED PER CLAIMANT LETTER. LH  
THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2532, 65-2869 &  
65-10748, SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.  
THIS CLAIM IS A RESULT OF A CHANGE OF OWNERSHIP OF CLAIM  
A65-11393, NO FEE REQUIRED. MTS 5/21/1996

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

**For Individuals:**

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

QNT only  
needed w/  
2532B

Save  
acres  
as  
2532B  
+  
layout

10/25/2000

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

RIGHT NUMBER: 65-11393B

NAME AND ADDRESS: HORSHOE BEND HYDROELECTRIC CO  
PO BOX 2797  
1401 SHORELINE DR  
BOISE, ID 83701

SOURCE: SHAPER CREEK TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.6 CFS

USE OF THIS RIGHT WITH RIGHT NO. 65-02532B IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 0.02 CFS PER ACRE AT FIELD  
HEADGATE.

PRIORITY DATE: 06/01/1912

POINT OF DIVERSION: T06N R02E S2 NWSE Within BOISE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 4-01 11-01           | 0.60 CFS        |

PLACE OF USE:

| <u>IRRIGATION Within BOISE County</u> |       |      |   |
|---------------------------------------|-------|------|---|
| T07N R02E S26                         | LOT 3 | NESW | 2 |
| T07N R02E S35                         | LOT 1 | NENW | 7 |
| 23 ACRES TOTAL                        |       |      |   |

|               |       |      |    |
|---------------|-------|------|----|
| T07N R02E S26 | LOT 4 | SESW | 14 |
|---------------|-------|------|----|

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 - Decreed

AJ5809NP  
No. A65-11393B

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/28/00  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                                                                        | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|-------------------------------------------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | HORSHOE BEND HYDROELECTRIC CO<br>PO BOX 2797<br>1401 SHORELINE DR<br>BOISE ID 83701<br>(208) 345-7515 | 06/01/1912       | IRRIGATION | 04-01 11-01           | 0.600 CFS         |                     |
| TOTAL DIVERSION: |                                                                                                       |                  |            |                       | 0.600 CFS         |                     |

Water Source: SHAFER CREEK

Tributary to: PAYETTE RIVER

Stage: DECREED

Point(s) of Diversion: T06N R02E S02 NWSE BOISE 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   | :    | ---  |
| 07N         | 02E | 26  | : |      |      |      |      | :  |       |      |      |      | : | 03-02 |      |      |      | : |      |      |      |      | :    | 16.0 |
| 07N         | 02E | 35  | : |      |      |      |      | :  | 01-07 |      |      |      | : |       |      |      |      | : |      |      |      |      | :    | 7.0  |
| TOTAL ACRES |     |     |   |      |      |      |      |    |       |      |      |      |   |       |      |      |      |   |      |      |      |      | 23.0 |      |

POU County: BOISE

Remarks: NAM ADDRESS CHANGED PER CLAIMANT LETTER. LH

GEN THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2532, 65-2869 &  
65-10748, SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.  
THIS CLAIM IS A RESULT OF A CHANGE OF OWNERSHIP OF CLAIM  
A65-11393, NO FEE REQUIRED. MTS 5/21/1996

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:  
Presumption Flag:

QNT  
25-328  
C10



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

FAX (208) 334-2348

May 21, 1996

**PHILIP E. BATT**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

**DOUBLE DIAMOND RANCHES  
DON & DALE RUMSEY  
311 4TH ST N EXT  
NAMPA ID 83687**

Re: A65-02532A & A65-11393A

Gentlemen:

We recently received a change of ownership request from Horseshoe Bend Hydroelectric Co. pertaining to the parcel of land you sold to them. That request resulted in a split of the claims you filed for the water rights appurtenant to the land. Enclosed is a copy of the above referenced claims which represent your portions after the splits.

There is nothing else you need to do at this time concerning your claims. If we need additional information when we conduct our formal review of the claims we will contact you at that time. In the mean time if you have any questions call me at the number below.

Sincerely,

**Mel Schulte  
ADJUDICATION BUREAU  
Department of Water Resources  
Western Region Office  
(208) 334-2190**

Enc.

**MICROFILMED**

**OCT 21 1996**

**HORSESHOE BEND HYDROELECTRIC COMPANY**

**P.O. BOX 2797**

**1401 SHORELINE DRIVE**

**BOISE, IDAHO 83701**

**FACSIMILE NO.: (208)345-7028**

**TELEPHONE NO.: (208)345-7515**

**RECEIVED**

**MAY 06 1996**

**WATER RESOURCES  
WESTERN REGION**

May 3, 1996

Mr. Mel Schulte  
Adjudication Bureau  
Department of Water Resources  
Western Region Office  
2735 Airport Way  
Boise, Idaho 83705-5082

RE: New Owner Application/Notice of Change of Water Right Ownership

Deal Mel:

Enclosed herewith you will find a re-submission by Horseshoe Bend Hydroelectric Company relating to the splitting of water rights previously held by the Rumsey Company (also known as Double Diamond, Inc.) under water right numbers 65-02532 and A65-11393.

Pursuant to your letter of March 12, 1996 and my meeting with you at the Department of Water Resources, I have modified the application form and communicated the proposed modification on April 8, 1996 to Don and Dale Rumsey through their legal counsel, Jim Jones. As of this date, I have not received any objection or response from Mr. Jones or his clients and, as such, Horseshoe Bend Hydroelectric Company is proceeding to submit this Notice of Change of Water Right Ownership without the joint signature of the Rumseys. In accordance with the provisions allowing a new owner to submit its notice of change of ownership without concurrence by the seller, enclosed herewith you will find our application and documentation which reflects proof of Horseshoe Bend Hydroelectric Company's ownership.

Thank you very much for your attention to this matter.

Best Regards,



Kit Clark  
General Counsel and  
Corporate Secretary

KC/vw  
Enclosures

cc: Joe Davis  
Kathy Pfister

S-4-004 96

**MICROFILMED**

**OCT 21 1996**



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

March 12, 1996

**PHILIP E. BATT**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

**CHRISTOPHER W CLARK**  
GENERAL COUNSEL  
HORSESHOE BEND HYDROELECTRIC CO  
PO BOX 2797  
BOISE ID 83701

Dear Mr Clark:

Enclosed is the Notice of Change of Water Right Ownership and attachments you recently submitted relating to the property purchased from Rumsey Co. (Double Diamond, Inc).

The ownership change form specifies one water right only, 65-02532. In addition to this right from the Payette River there is also a decreed right from Shafer Creek, 65-11393, that partially overlaps the same place of use described in 65-02532. A prorated share of adjudication claim A65-11393 needs to be included with the prorated share of A65-02532 when we change the ownership and split the claims.

The second reason I am returning the ownership change documents is to bring to your attention that right 65-02532 has a diversion rate of .0217 per acre. The form indicates the new owner, Horseshoe Bend Hydro, is claiming only .02 cfs per acre. If there is legal documentation to support the .02 cfs per acre please provide us with a copy. If there is not, we are obligated to split the water based on the rights original allocation of .0217 cfs per acre.

Enclosed for your review is a copy of an orthophoto quad map and a copy of a proof report for adjudication claim A65-11393. If you have any questions after reviewing this matter please call me at the number below. Please return the amended or new Notice of Change of Water Right Ownership form to my attention for processing.

Sincerely,

Mel Schulte  
ADJUDICATION BUREAU  
Department of Water Resources  
Western Region Office  
(208) 334-2190

Enc.  
Contactclark

**MICROFILMED**  
**OCT 21 1996**

**HORSESHOE BEND HYDROELECTRIC COMPANY**

**P.O. BOX 2797**

**1401 SHORELINE DRIVE**

**BOISE, IDAHO 83701**

**FACSIMILE NO.: (208)345-7028**

**TELEPHONE NO.: (208)345-7515**

**RECEIVED**

**FEB 15 1996**

**WATER RESOURCES  
WESTERN REGION**

February 14, 1996

Idaho Department of Water Resources  
2735 Airport Way  
Boise, Idaho 83705

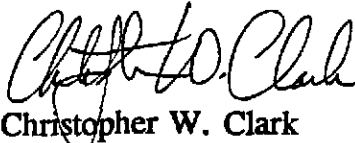
RE: Submission of Notice of Change of Water Right Ownership

Dear Sir or Madam:

Enclosed herewith you will find an executed "New Property Owner Notice Of Change Of Water Right Ownership" form relating to the transfer of a portion of water right #65-02532. As you will note in examining this document, the subject property acquired by Horseshoe Bend Hydroelectric Company totals 23.2 acres and said property was acquired in two separate transactions, 22.6 acres acquired March 31, 1994 and .62 acres acquired December 22, 1995. Unfortunately, these transactions became rather complicated in the sense that corrective affidavits and a Boundary Line Agreement were recorded to correct problems encountered with the original March 31, 1994 transaction.

If you have any questions or concerns regarding the enclosed documents, please contact me at the telephone number or address set forth above. Thank you very much for your attention to this matter.

Best Regards,



Christopher W. Clark  
General Counsel and  
Corporate Secretary

CWC/vw

Enclosures

cc: Joe Davis  
Dave O'Day  
Kathy Pfister

**MICROFILMED**

**OCT 21 1996**



# State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

February 16, 1996

RECEIVED  
FEB 26 1996

Department of Water Resources

*This should have been Don. my staff... ss*  
DOUBLE DIAMOND RANCHES  
RON & DALE RUMSEY  
311 4TH ST N EXT  
NAMPA ID 83687-3247

*Records Not Modified.  
02-27-96*

Re: Snake River Basin Adjudication (SRBA)  
Notice(s) of Claim No.- Please see attached list  
Change of Address

Dear Claimant,

IDWR has been notified the address presently in our claim records is incorrect. Although we have reached you at the address above, we need you to confirm this is your correct mailing address. Future notices related to your SRBA claim(s) can be sent only to the address on your claim or as otherwise changed by you. The staff of this agency must avoid relying upon the word of others about your mailing address.

If the address above is correct, please sign your name at the bottom of this letter, and return it to this office. Otherwise, please make the proper corrections, sign, and return this letter. Thank you for your help. We hope to assure that you receive future notices about SRBA matters.

If the ownership of the property to which the water right(s) referenced above apply has changed, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the claim record.

Sincerely,

Adjudication Bureau Staff

SO:ss:region

#####

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

*Donald Rumsey*  
Claimant

RECEIVED

FEB 27 1996

WATER RESOURCES  
WESTERN REGION

MICROFILMED

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

In Re Snake River Basin Adjudication Case )  
No. 39576 )

Notice of Filing Director's Report and Supplemental  
Director's Report Part II & III, United States' and Tribal  
Non-consumptive Claims.

TO ALL CLAIMANTS OF RIGHTS TO THE USE OF WATER IN THE SNAKE RIVER BASIN  
YOU ARE HEREBY NOTIFIED OF THE FOLLOWING.

THE DIRECTOR'S REPORT PART II & III FOR THE UNITED STATES' AND TRIBAL NON-CONSUMPTIVE CLAIMS HAS BEEN FILED WITH  
THE DISTRICT COURT A SUPPLEMENTAL DIRECTOR'S REPORT PART II & III HAS ALSO BEEN FILED WITH THE DISTRICT COURT  
THIS NOTICE CONTAINS IMPORTANT INFORMATION ABOUT THE DIRECTOR'S REPORTS, AND DEADLINES AND FURTHER PRO-  
CEEDINGS ON THESE WATER RIGHT CLAIMS.

**IMPORTANT NOTICE REGARDING YOUR WATER RIGHT**

**THIS CONTAINS YOUR LEGAL NOTICE OF THE DIRECTOR'S REPORTS OF U.S. AND  
TRIBAL NON-CONSUMPTIVE CLAIMS IN THE SNAKE RIVER BASIN ADJUDICATION  
THESE CLAIMS COULD AFFECT YOUR WATER RIGHT**

Idaho Department of Water Resources  
Statehouse Mail  
Boise, Idaho 83720

RECEIVED

FEB 16 1996

WATER RESOURCES  
WESTERN REGION

Presorted  
First Class Mail  
U.S. Postage Paid  
Boise, Idaho  
Permit No 1

*See attached  
Claims - (15)*

MICROFILMED

RETURN TO SENDER

OCT 21 1996

# NOTICE OF FILING DIRECTOR'S REPORT

## DIRECTOR'S REPORT

This Director's Report Part II is a report by the Director of the Idaho Department of Water Resources (IDWR). It contains abstracts of claims by the United States and Indian Tribes to "non-consumptive" water rights (such as instream flows) throughout the Snake River Basin. The abstracts summarize the claims without substantively changing the water right as claimed. The Supplemental Director's Report Part II includes abstracts of claims not included in the Director's Report Part II. The supplemental report also includes abstracts of amended claims, which contain changes to claims previously abstracted in the Director's Report Part II.

The Director's Report Part III contains the claims filed for these water rights, and includes both the claim documents and maps. The Supplemental Director's Report Part III includes claims not included in the Director's Report Part III, as well as amended claims which contain changes to claims included in the Director's Report Part III.

Complete copies of Part II of the reports are available for inspections at all offices of IDWR and at the other locations printed on this notice. Complete copies of Part III of the reports are available for inspection at the State Office of IDWR and the SRBA District Court. Copies of all or a portion of the reports are available from the IDWR State Office subject to payments of costs of mailing and/or copying.

## OBJECTIONS TO DIRECTOR'S REPORT

You may file an objection to any portion of the Director's Reports with the SRBA District Court. You must use a court approved objection form that is available from IDWR, which contains instructions for filing the objection. All objections must be received by the court on or before October 16, 1995. You must mail a copy of your objection to IDWR and the United States as shown on the objection form. If you are objecting to an abstract of a claim filed by an Indian tribe, you must also mail a copy of the objection to the tribe at the address shown in the report.

## RESPONSES TO OBJECTIONS

The United States and the Indian Tribes may but are not required to file a response to an objection to abstracts of their claims with the SRBA District Court.

## PARTIAL DECREE OF UNCONTESTED PORTIONS OF DIRECTOR'S REPORT

Those portions of the Director's Report to which no objections are filed will be decreed by the district court after a hearing to be held at 1:30 p.m., May 21, 1996 at the SRBA Courthouse in Twin Falls.

## NOTICE OF FURTHER PROCEEDINGS

You will be mailed a notice of further proceedings on an objection to your water right, your objection, or your response. You will not be mailed notice of other objections or proceedings on other objections.

Notice of other objections and responses to other objections will be included on a monthly docket sheet distributed by the SRBA District Court. A subscription to the docket sheet may be obtained from the court for a small annual fee (\$7.50 for the calendar year 1995).

IDWR has filed or will file Director's Reports for all other claims within the Snake River Basin, one for each of the reporting areas in the Snake River Basin. Notice of the filing of these reports, and of further proceedings on these reports, will also be included in the docket sheet.

You may be affected by orders and decrees entered by the court in proceedings on other objections and proceeding on other reports. It is very important that you subscribe to the docket sheet if you wish to stay informed of these other proceedings. For further information as to documents filed with the court and hearings scheduled before the court in the SRBA, you must inquire at the SRBA District Court.

## FURTHER INFORMATION

The court has adopted procedures for the post-report phase of the SRBA, which are set forth in the order of the court entitled "SRBA Administrative Order No. 1". A copy of this order can be obtained from the State Office of IDWR or the SRBA District Court.

If you have questions about the SRBA, please call any office of IDWR listed in this notice. If you have questions concerning your rights and responsibilities as a claimant in the SRBA, please consult your attorney.

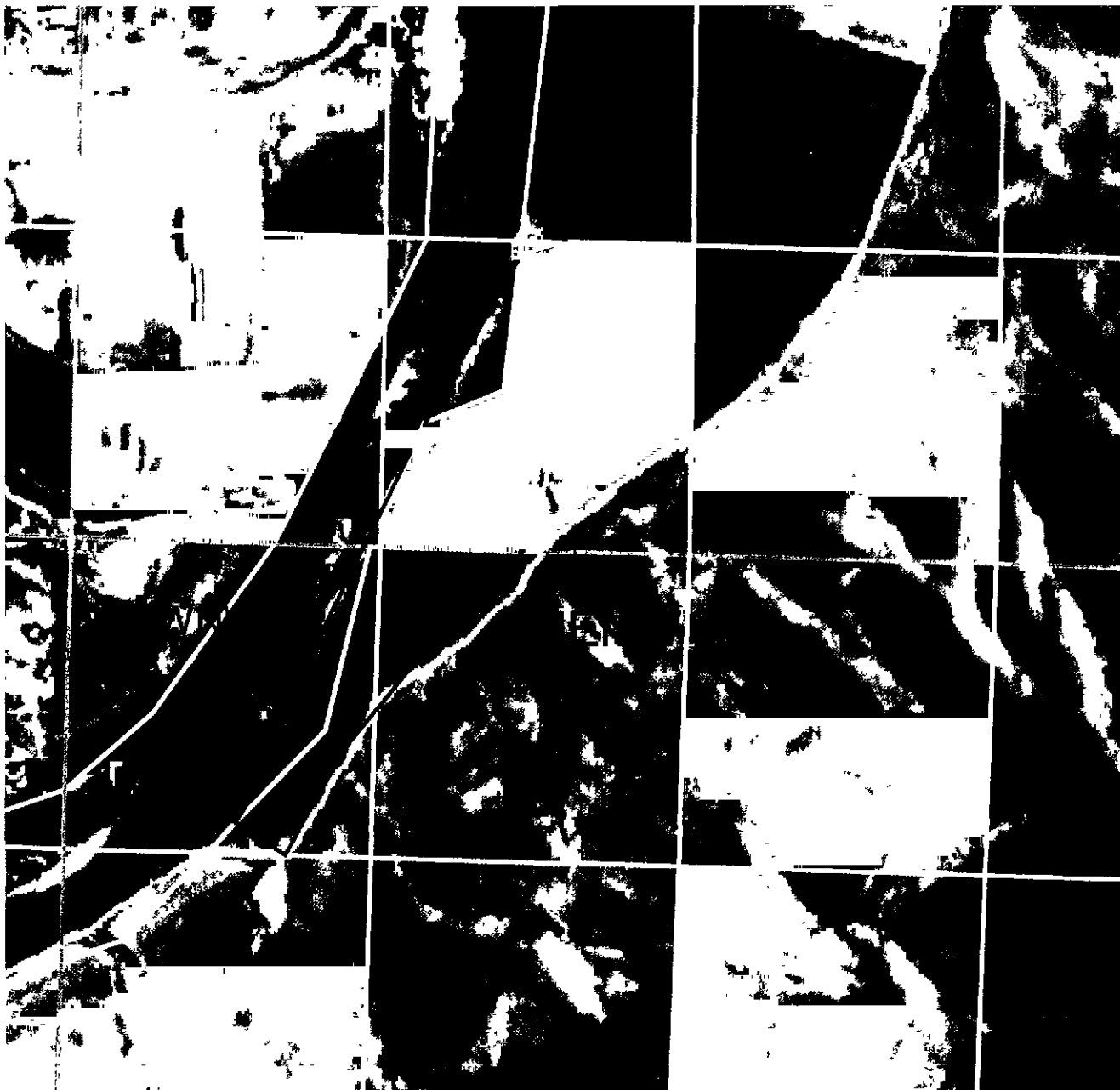
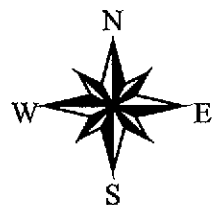
**R. KEITH HIGGINSON**

Director, Idaho Department of Water Resource

# Idaho Dept. of Water Resources

Claim No(s): 65-11393B  
T07N, R02E, Sec 26, 35  
Created by: Sue Bock  
Date: 9/27/2000

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



0 1000 2000 3000 Feet



1987 NAPP Photo



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

DATE OF CLOSING: 3/31/94 and 12/22/95

RECEIVED

MAY 06 1996

WATER RESOURCES  
WESTERN REGION

LEGAL DESCRIPTION OF PROPERTY: Township            \* Range            \*  
 Section            \* ,            \* 1/4 of            \* 1/4 of (            \* 1/4 Govt. Lot            \* , BM. \*See Attachment #1  
 Lot            , Block            , Subdivision/Townsite            . for legal  
 If you have additional legal descriptions, please attach separate sheet. descriptions

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s) A65-02532 and A65-11393  
 Assigned by IDWR:           

☒ Name and Address of Former Owner/Claimant(s)(Seller): Rumsey Co. (also known as Double Diamond, Inc.)  
c/o Don Rumsey

☒ New Owner/Claimant (Purchaser): Horseshoe Bend, Idaho 83629  
Horseshoe Bend Hydroelectric Company

☒ New Mailing Address: P.O. Box 2797  
1401 Shoreline Drive  
Boise, Idaho 83701

☒ New Telephone Number: (208) 345-7515

☒ Does the change in ownership result in a splitting of the water right owned/claimed? x yes no  
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:  
That portion of the above designated water right permits which are deemed  
to be appurtenant to the land acquired from the former owner.

☒ Attach proof of Deed (Attachment #2), Correction Affidavit (Attachment #3) and Boundary Line Agreement (Attachment #4) re 3/31/94 purchase of 22.6 acres ±; and ownership, describe Deed (Attachment #5) re 12/22/95 purchase of .62 acres ± proof attached:           

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New Owner/Claimant(s) Horseshoe Bend Hydroelectric Company Date 5-3-96  
By Christine W. Clark Corporate Secretary Date           

☒ Signature of Former Owner/Claimant(s):            Date             
           Date           

(Signature of former claimant(s) is not required if proof of ownership is attached.)

## FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date:            By:           Further Action Needed:           

Further Action Taken

Date:            By:           

Final Review and Data-Entry

Date: 5-21-96 By: MTSClaim Numbers of Split, if any:           

Original to be mailed to Idaho Department of Water Resources  
 Copies to Former Owner and New Owner

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# Split Tree A65-11393

A65-11393 N/O Double Diamond Ranches

DR: 5.05 cfs

P/D: 6N, 2E, S2, NWSE

P/U: 6N, 2E, S2, NWNW (L+4) -13 SWNW -8  
SENW -6

7N, 2E, S26, NESW (L+3) -10 SESW (L+4) -25

NWSE 17 SWSE -10

S34, NESE 18 NWSE -3

SWSE -2 SESE -37

S35, NENW (L+1) -14 SWNW (L+2) -5

NWSW -15 SWSW -9

(195)

-11393A N/O Double Diamond Ranches

DR: 4.45 cfs

P/D: 6N, 2E, S2, NWSE

P/U: 6N, 2E, S2, L+4 (NWNW) -13oc SWNW -8  
SENW 6oc

7N, 2E S26, (L+3) NESW -8oc L+4 (SESW) -11oc

NWSE -17 SWSE -10

S34, NESE -18 NWSE -3

SWSE -2 SESE -37

S35, (L+1) NENW -7 SWNW (L+2) -5

NWSW -15 SWSW -9

(15)

-11393E N/O Horseshoe Bend Hydroelectric

P/D: same as above DR: .60 cfs

P/U: 7N, 2E, S26, L+3 (NESW) 2oc  
L+4 (SESW) 1oc  
S35 L+1 (NENW) -7oc

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Parcel #1

A portion of Government Lots 3 and 4, Section 26, Township 7 North, Range 2 East, Boise Meridian, Boise County, Idaho, as described in Exhibit A hereto.

Parcel #2

A portion of Government Lot 1, Section 35, Township 7 North, Range 2 East, Boise Meridian, Boise County, Idaho, as described in Exhibit B hereto.

Parcel #3

A portion of Government Lot 1, Section 35, Township 7 North, Range 2 East, Boise Meridian, Boise County, Idaho, as described in Exhibit C hereto.

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POOR ORIGINAL

## EXHIBIT "A"

Page 1 of 4

The current description of the common boundary line between that portion of Government Lots 3 and 4, Section 26, Township 7 North, Range 2 East, Boise Meridian, Boise County, State of Idaho acquired by Horseshoe Bend Hydroelectric Company and that portion retained by the Rumsey Co. as highlighted in the following excerpt from Instrument No. 115898 of the Official Records of Boise County, Idaho.

## Parcel 1

A parcel of land being a portion of Government Lots 3 and 4, Section 26, T.7N., R.2E., B.M., Boise County, Idaho, more particularly described as follows:

Beginning at the Southeast corner of Government Lot 4, Section 26, T.7N., R.2E., B.M.;

thence North 89°57'31" West 706.07 feet along the Southerly boundary of said Lot 4 to a point 25 feet Easterly of the Contour Elevation 2610, said point being the REAL POINT OF BEGINNING;

thence continuing North 89°57'31" West 613.96 feet along said Southerly boundary to a point on the left ordinary high water line of the Payette River;

thence meandering along the said high water line the following courses and distances:

North 19°50'11" East 120.82 feet to an iron pin;  
 North 21°09'24" East 171.49 feet to an iron pin;  
 North 32°29'39" East 197.72 feet to an iron pin;  
 North 37°35'35" East 183.27 feet to an iron pin;  
 North 21°20'56" East 206.51 feet to an iron pin;  
 North 23°35'27" East 276.97 feet to an iron pin;  
 North 21°39'42" East 342.85 feet to an iron pin;  
 North 8°16'32" East 120.03 feet to an iron pin;  
 North 8°29'52" East 86.72 feet to an iron pin;  
 North 12°01'36" East 126.43 feet to an iron pin;  
 North 25°42'11" East 103.24 feet to an iron pin;  
 North 3°11'30" East 107.53 feet to an iron pin;

thence leaving said high water line South 89°48'17" East 57.48 feet, parallel with the Northerly boundary of Government Lot 3 of said Section 26 to a point 25 feet Easterly of the contour elevation 2610;

thence meandering along a line 25 feet Easterly of said contour elevation 2610 the following courses and distances:

South 4°07'28" East 189.33 feet to a point;  
South 10°36'30" East 232.04 feet to a point.

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South 8°34'33" East 56.01 feet to a point;  
South 9°05'07" West 182.89 feet to a point;  
South 4°15'53" West 72.81 feet to a point;  
South 6°58'54" West 89.10 feet to a point;  
North 56°51'56" West 22.99 feet to a point;  
South 9°15'19" West 220.70 feet to a point;  
South 10°11'43" East 54.39 feet to a point;  
South 7°36'59" West 27.24 feet to a point;  
South 12°56'30" East 21.49 feet to a point;  
South 0°00'00" East 68.42 feet to a point;  
South 11°06'18" West 128.07 feet to a point;  
South 20°51'21" West 47.32 feet to a point;  
South 30°37'54" West 96.83 feet to a point;  
South 3°07'34" East 66.19 feet to a point;  
South 27°07'12" East 110.86 feet to a point;  
South 12°42'39" West 71.09 feet to a point;  
South 36°07'05" West 35.72 feet to a point;  
South 76°36'38" West 40.20 feet to a point;  
South 90°00'00" West 34.90 feet to a point;  
South 49°43'30" West 16.33 feet to a point of  
beginning; comprising 15.04 acres, more or less.

Subject to all existing easements and road rights-of-way of record or appearing on the above-described parcel of land.

The revised and restated common boundary line between that portion of Government Lots 3 and 4, Section 26, Township 7 North, Range 2 East, Boise Meridian, Boise County, State of Idaho acquired by Horseshoe Bend Hydroelectric Company and that portion retained by the Rumsey Co. which is described as follows:

A line within a portion of Government Lots 3 and 4, Section 26, Township 7 North, Range 2 East, Boise Meridian, Boise County, Idaho, more particularly described as follows:

Beginning at a Brass Cap at the Southeast corner of Government Lot 4, Section 26, Township 7 North, Range 2 East, Boise Meridian, thence North  $89^{\circ}57'31''$  West 706.07 feet along the Southerly boundary of said Lot 4 to an iron pin;

thence continuing North  $89^{\circ}57'31''$  West 613.96 feet along said Southerly boundary to an iron pin at a point on the left ordinary high water line of the Payette River;

thence meandering along the said high water line the following courses and distances:

North  $19^{\circ}50'11''$  East 120.82 feet to an iron pin;  
North  $21^{\circ}09'24''$  East 171.49 feet to an iron pin;  
North  $32^{\circ}29'39''$  East 197.72 feet to an iron pin;  
North  $37^{\circ}35'35''$  East 183.27 feet to an iron pin;  
North  $21^{\circ}20'56''$  East 206.51 feet to an iron pin;  
North  $23^{\circ}35'27''$  East 276.97 feet to an iron pin;  
North  $21^{\circ}39'42''$  East 342.85 feet to an iron pin;  
North  $8^{\circ}16'32''$  East 120.03 feet to an iron pin;  
North  $8^{\circ}29'52''$  East 86.72 feet to an iron pin;  
North  $12^{\circ}01'36''$  East 126.43 feet to an iron pin;  
North  $25^{\circ}42'41''$  East 103.24 feet to an iron pin;  
North  $3^{\circ}11'30''$  East 107.53 feet to an iron pin;

thence leaving said high water line South  $89^{\circ}46'17''$  East 57.46 feet, parallel with the Northerly boundary of Government Lot 3 of said Section 26 to an iron pin, and the REAL POINT OF BEGINNING;

South  $4^{\circ}07'28''$  East 189.33 feet to an iron pin;  
South  $10^{\circ}36'30''$  East 232.04 feet to an iron pin;  
South  $0^{\circ}00'00''$  East 154.06 feet to an iron pin;  
South  $8^{\circ}34'33''$  East 56.01 feet to an iron pin;

South 9°05'07" West 182.89 feet to an iron pin;  
South 4°15'53" West 72.81 feet to an iron pin;  
South 6°58'54" West 89.10 feet to an iron pin;  
North 56°51'56" West 22.99 feet to an iron pin;  
South 9°15'19" West 220.70 feet to an iron pin;  
South 10°11'43" East 54.39 feet to an iron pin;  
South 7°36'59" West 27.24 feet to an iron pin;  
South 12°56'30" East 21.49 feet to an iron pin;  
South 0°00'00" West 68.42 feet to an iron pin;  
South 11°06'18" West 128.07 feet to an iron pin;  
South 20°51'21" West 47.32 feet to an iron pin;  
South 30°37'54" West 96.83 feet to an iron pin;  
South 3°07'34" East 66.19 feet to an iron pin;  
South 27°07'12" East 110.86 feet to an iron pin;  
South 12°42'39" West 71.09 feet to an iron pin;  
South 36°07'05" West 35.72 feet to an iron pin;  
South 76°36'38" West 40.20 feet to an iron pin;  
South 90°00'00" West 34.90 feet to an iron pin;  
South 49°43'30" West 16.33 feet to the section line common to Section 26 and  
Section 35, and the end of this description,

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Page 1 of 3

EXHIBIT "B"

The current description of the common boundary line between that portion of Government Lot 1, Section 35, Township 7 North, Range 2 East, Boise Meridian, Boise County, State of Idaho acquired by Horseshoe Bend Hydroelectric Company and that portion retained by the Rumsey Co. as highlighted by underline in the following excerpt from Instrument No. 115898 of the Official Records of Boise County, Idaho:

Parcel 2

A parcel of land being a portion of Government Lot 1, Section 35, T.7N.; R.2E., B.M., Boise County, Idaho, more particularly described as follows:

Beginning at the Northeast corner of Government Lot 1, Section 35, T.7N.; R.2E.; B.M., Boise County, Idaho;

thence North 89°57'31" West 706.07 feet along the Northerly boundary of said Government Lot 1 to a point 25 feet Easterly of Contour Elevation 2610, said point being the REAL POINT OF BEGINNING;

thence continuing North 89°57'31" West 613.96 feet along said Northern boundary of Lot 1 to a point on the left ordinary high water line of the Payette River;

thence meandering along said left ordinary high water line the following courses and distances;

South 19°50'11" West 16.79 feet to an iron pin;  
 South 25°31'35" West 339.02 feet to an iron pin;  
 South 15°22'23" West ~~339.74~~ feet to an iron pin;  
 South 18°06'17" West 57.55 feet to an iron pin;

359.74

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Attachment #1  
page 7 of 9

thence leaving said left ordinary high water line,  
South 89°57'31" East 341.78 feet to a point 25  
feet Easterly of Contour Elevation 2610;

thence meandering along a line 25 feet Easterly of  
said Contour Elevation 2610 the following courses  
and distances;

North 29°48'48" East 92.82 feet to a point;  
North 48°45'23" East 64.38 feet to a point;  
North 55°58'27" East 53.54 feet to a point;  
North 35°26'46" East 52.86 feet to a point;  
North 11°50'19" East 47.19 feet to a point;  
North 13°24'22" West 90.47 feet to a point;  
North 4°09'12" East 55.69 feet to a point;  
North 14°29'41" East 51.57 feet to a point;  
North 30°27'52" East 128.89 feet to a point;  
North 38°01'25" East 64.18 feet to a point;  
North 48°28'19" East 81.90 feet to a point;  
North 85°24'17" East 62.32 feet to a point;  
North 63°33'26" East 149.30 feet to the point of  
beginning, comprising 6.99 acres, more or less.

Subject to all existing easements and road rights-  
of-way of record or appearing on the above-  
described parcel of land.

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Attachment #1  
Page 8 of 9

Exhibit "B"  
Page 3 of 3

The revised and restated common boundary line between that portion of Government Lot 1, Section 35, Township 7 North, Range 2 East, Boise Meridian, Boise County, State of Idaho acquired by Horseshoe Bend Hydroelectric Company and that portion retained by the Rumsey Co. which is described as follows:

A line within a portion of Government Lot 1, Section 35, Township 7 North, Range 2 East, Boise Meridian, Boise County, Idaho, more particularly described as follows:

Beginning at a Brass Cap at the Northeast corner of Government Lot 1, Section 35, Township 7 North, Range 2 East, Boise Meridian, Boise County, Idaho; thence North  $89^{\circ}57'31''$  West 706.07 feet along the Northerly boundary of said Government Lot 1 to an iron pin;

thence continuing North  $89^{\circ}57'31''$  West 613.96 feet along said Northern boundary of Lot 1 to an iron pin at a point on the left ordinary high water line of Payette River; thence meandering along said left ordinary high water line the following courses and distances:

South  $19^{\circ}50'11''$  West 16.79 feet to an iron pin;  
South  $25^{\circ}31'35''$  West 339.02 feet to an iron pin;  
South  $15^{\circ}22'23''$  West 359.74 feet to an iron pin;  
South  $18^{\circ}06'17''$  West 57.55 feet to an iron pin;

thence leaving said left ordinary high water line South  $89^{\circ}57'31''$  East 341.78 feet to an iron pin, and the REAL POINT OF BEGINNING;

thence North  $29^{\circ}48'48''$  East 92.82 feet to an iron pin;  
thence North  $48^{\circ}45'23''$  East 64.38 feet to an iron pin;  
thence North  $55^{\circ}58'27''$  East 53.54 feet to an iron pin;  
thence North  $35^{\circ}26'46''$  East 52.86 feet to an iron pin;  
thence North  $11^{\circ}50'19''$  East 47.19 feet to an iron pin;  
thence North  $13^{\circ}24'23''$  West 90.47 feet to an iron pin;  
thence North  $4^{\circ}09'12''$  East 55.69 feet to an iron pin;  
thence North  $14^{\circ}29'41''$  East 51.57 feet to an iron pin;  
thence North  $30^{\circ}27'52''$  East 128.89 feet to an iron pin;  
thence North  $38^{\circ}01'25''$  East 64.18 feet to an iron pin;  
thence North  $48^{\circ}28'19''$  East 81.90 feet to an iron pin;  
thence North  $85^{\circ}24'17''$  East 62.32 feet to an iron pin;  
thence North  $63^{\circ}33'26''$  East 149.30 feet to the section line common to Section 26 and Section 35, and the end of this description.

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EXHIBIT "C "

POOR ORIGINAL

A parcel of land within a portion of Government Lot 1, Section 35, Township 7 North, Range 2 East, Boise Meridian, Boise County, Idaho, more particularly described as follows:

BEGINNING at a brass cap at the Northeast corner of Government Lot 1, Section 35, Township 7 North, Range 2 East, Boise Meridian, Boise County, Idaho; thence North 89 degrees 57'31" West, 706.07 feet along the Northerly boundary of said Government Lot 1 to a rebar and cap; thence continuing North 89 degrees 57'31" West, 613.96 feet along said Northern boundary of Lot 1 to a rebar and cap at a point on the left ordinary high water line of Payette River; thence meandering along said left ordinary high water line the following courses and distances:

South 19 degrees 50'11" West, 16.79 feet to a rebar and cap; thence

South 25 degrees 31'35" West, 339.02 feet to a rebar and cap LS 972; thence

South 15 degrees 22'23" West, 359.74 feet to a rebar and cap LS 972; thence

South 18 degrees 06'17" West, 57.55 feet to a rebar and cap LS 972 and the REAL POINT OF BEGINNING; thence

South 18 degrees 06'17" West, 81.22 feet to a rebar and cap LS 972; thence leaving said left ordinary high water line

South 18 degrees 06'17" West, 2.92 feet to a point; thence

South 89 degrees 57'31" East, 30.00 feet to a set 5/8" rebar with cap PLS 7612; thence

South 89 degrees 57'31" East, 299.78 feet to a set 5/8" rebar and cap PLS 7612 on the centerline of the existing traveled way known as Cemetery Road; thence along said centerline

North 25 degrees 30'00" East, 88.60 feet to a set 5/8" rebar and cap PLS 7612; thence

North 89 degrees 57'31" West, 341.78 feet to the REAL POINT OF BEGINNING.

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WARRANTY DEED

FOR VALUE RECEIVED RUMSEY CO., a partnership consisting of Don Rumsey and Dale Rumsey, Grantor, does hereby GRANT, BARGAIN, SELL and CONVEY unto HORSESHOE BEND HYDROELECTRIC COMPANY, a Delaware corporation qualified to do business in the State of Idaho, 1401 Shoreline Drive, Boise, Idaho 82702, the following-described real property in Boise County, Idaho:

All that certain real property described in Exhibit "A" hereto, which exhibit is incorporated herein by this reference;

Subject to an easement for the continued maintenance and operation of a certain buried irrigation line serving adjacent property of Grantor located on the north and west of the above-described property, which easement shall follow the existing course of said irrigation line (which enters the above-described property on the south and exits said property in the northerly portion) and which easement is specifically reserved by and for the benefit of Grantor and its successors and assigns, provided, in the event that operation and maintenance of all or any portion of the irrigation line should become incompatible with Grantee's use of the serviant estate in the future, Grantor shall, at its expense, relocate all affected portions thereof, along an alternate course mutually agreed upon between Grantor and Grantee, provided that relocation work shall be done at a time mutually agreed by the parties and, in the event that relocation of the line or portion upon the serviant estate is not feasible because of Grantee's use of the property, the line or portion shall be relocated to Grantor's adjacent property.

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TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee and Grantee's successors and assigns, forever. And the said Grantor does hereby covenant to and with the said Grantee that Grantor is the owner in fee simple

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of said premises, that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to liens and encumbrances of record as of July 1, 1993, reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 31<sup>st</sup> day of March, 1994.

RUMSEY CO., a Partnership

BY: Don Rumsey  
Don Rumsey, Partner

BY: Dale Rumsey  
Dale Rumsey, Partner

151160

BRIDGES COUNTY IDAHO SS  
REQUEST OF

Security Title

94 APR -5 PM 3:33

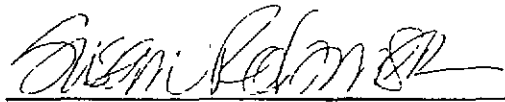
REGULAR  
Shirley George  
\$ 18.00

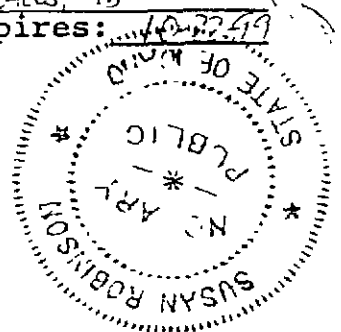
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STATE OF IDAHO           )  
                              :  
County of Ada            )       ss

On this 29<sup>th</sup> day of March, 1994, before me, a Notary Public in and for said state, personally appeared DALE RUMSEY, known or identified to me to be one of the partners in the partnership of Rumsey Co., and one of the partners who subscribed said partnership name to the foregoing instrument and that he executed the same in said partnership name.

IN WITNESS WHEREOF, I subscribe my name and seal the day and year above first written.

  
NOTARY PUBLIC FOR IDAHO  
Residing at: Notus, ID  
My Commission Expires: 10-22-99

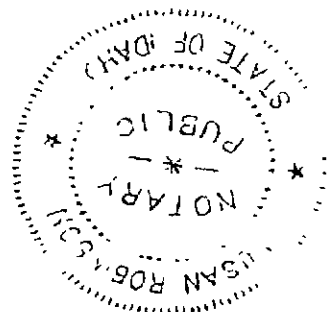


STATE OF IDAHO           )  
                              :  
County of Ada            )       ss

On this 29<sup>th</sup> day of March, 1994, before me, a Notary Public in and for said state, personally appeared DON RUMSEY known or identified to me to be one of the partners in the partnership of Rumsey Co., and one of the partners who subscribed said partnership name to the foregoing instrument and that he executed the same in said partnership name.

IN WITNESS WHEREOF, I subscribe my name and seal the day and year above first written.

  
NOTARY PUBLIC FOR IDAHO  
Residing at: Notus, ID  
My Commission Expires: 10-22-99



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EXHIBIT "A"

Parcel 1

A parcel of land being a portion of Government Lots 3 and 4, Section 26, T.7N., R.2E., B.M., Boise County, Idaho, more particularly described as follows:

Beginning at the Southeast corner of Government Lot 4, Section 26, T.7N., R.2E., B.M.;

thence North 89°57'31" West 706.07 feet along the Southerly boundary of said Lot 4 to a point 25 feet Easterly of the Contour Elevation 2610, said point being the REAL POINT OF BEGINNING;

thence continuing North 89°57'31" West 613.96 feet along said Southerly boundary to a point on the left ordinary high water line of the Payette River;

thence meandering along the said high water line the following courses and distances:

North 19°50'11" East 120.82 feet to an iron pin;  
North 21°09'24" East 171.49 feet to an iron pin;  
North 32°29'39" East 197.72 feet to an iron pin;  
North 37°35'35" East 183.27 feet to an iron pin;  
North 21°20'56" East 206.51 feet to an iron pin;  
North 23°35'27" East 276.97 feet to an iron pin;  
North 21°39'42" East 342.85 feet to an iron pin;  
North 8°16'32" East 120.03 feet to an iron pin;  
North 8°29'52" East 86.72 feet to an iron pin;  
North 12°01'36" East 126.43 feet to an iron pin;  
North 25°42'41" East 103.24 feet to an iron pin;  
North 3°11'30" East 107.53 feet to an iron pin;

thence leaving said high water line South 89°48'17" East 57.48 feet, parallel with the Northerly boundary of Government Lot 3 of said Section 26 to a point 25 feet Easterly of the contour elevation 2610;

thence meandering along a line 25 feet Easterly of said contour elevation 2610 the following courses and distances:

South 4°07'28" East 189.33 feet to a point;  
South 10°36'30" East 232.04 feet to a point;  
South 0°00'00" East 154.06 feet to a point;

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South 8°34'33" East 56.01 feet to a point;  
South 9°05'07" West 182.89 feet to a point;  
South 4°15'53" West 72.81 feet to a point;  
South 6°58'54" West 89.10 feet to a point;  
North 56°51'56" West 22.99 feet to a point;  
South 9°15'19" West 220.70 feet to a point;  
South 10°11'43" East 54.39 feet to a point;  
South 7°36'59" West 27.24 feet to a point;  
South 12°56'30" East 21.49 feet to a point;  
South 0°00'00" East 68.42 feet to a point;  
South 11°06'18" West 128.07 feet to a point;  
South 20°51'21" West 47.32 feet to a point;  
South 30°37'54" West 96.83 feet to a point;  
South 3°07'34" East 66.19 feet to a point;  
South 27°07'12" East 110.86 feet to a point;  
South 12° 42'39" West 71.09 feet to a point;  
South 36°07'05" West 35.72 feet to a point;  
South 76°36'38" West 40.20 feet to a point;  
South 90°00'00" West 34.90 feet to a point;  
South 49°43'30" West 16.33 feet to a point of  
beginning, comprising 15.04 acres, more or less.

Subject to all existing easements and road rights-of-way of record or appearing on the above-described parcel of land.

Parcel 2

A parcel of land being a portion of Government Lot 1, Section 35, T.7N., R.2E., B.M., Boise County, Idaho, more particularly described as follows:

Beginning at the Northeast corner of Government Lot 1, Section 35, T.7N., R.2E., B.M., Boise County, Idaho;

thence North 89°57'31" West 706.07 feet along the Northerly boundary of said Government Lot 1 to a point 25 feet Easterly of Contour Elevation 2610, said point being the REAL POINT OF BEGINNING;

thence continuing North 89°57'31" West 613.96 feet along said Northern boundary of Lot 1 to a point on the left ordinary high water line of the Payette River;

thence meandering along said left ordinary high water line the following courses and distances;

South 19°50'11" West 16.79 feet to an iron pin;  
South 25°31'35" West 339.02 feet to an iron pin;  
South 15°22'23" West 339.74 feet to an iron pin;  
South 18°06'17" West 57.55 feet to an iron pin;

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thence leaving said left ordinary high water line,  
South 89°57'31" East 341.78 feet to a point 25  
feet Easterly of Contour Elevation 2610;

thence meandering along a line 25 feet Easterly of  
said Contour Elevation 2610 the following courses  
and distances;

North 29°48'48" East 92.82 feet to a point;  
North 48°45'23" East 64.38 feet to a point;  
North 55°58'27" East 53.54 feet to a point;  
North 35°26'46" East 52.86 feet to a point;  
North 11°50'19" East 47.19 feet to a point;  
North 13°24'23" West 90.47 feet to a point;  
North 4°09'12" East 55.69 feet to a point;  
North 14°29'41" East 51.57 feet to a point;  
North 30°27'52" East 128.89 feet to a point;  
North 38°01'25" East 64.18 feet to a point;  
North 48°28'19" East 81.90 feet to a point;  
North 85°24'17" East 62.32 feet to a point;  
North 63°33'26" East 149.30 feet to the point of  
beginning, comprising 6.99 acres, more or less.

Subject to all existing easements and road rights-  
of-way of record or appearing on the above-  
described parcel of land.

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ST-94047192

Attachment #3 - Page 1 of 4

AFFIDAVIT TO CORRECT LEGAL DESCRIPTION

JOAN M. HART certifies that he/she is the Vice-President of Stewart Title of Idaho, Inc., an Idaho Corporation, under whose supervision a Warranty Deed was prepared, and recorded on April 5, 1994 as Instrument No. 151160, records of Ada County, Idaho;

WHEREAS, the legal description contained in said Warranty Deed contained a typographical error, which it is the purpose of this Affidavit to reform and correct; and

WHEREAS, Idaho Code Section 55-816 permits the recording of Affidavits affecting the description of real property as part of the record title of said real property;

NOW THEREFORE, on the aforementioned instrument, the legal description is corrected to read as follows:

(see attached Exhibit "A", which is made a part hereof)

Instrument No. 151160

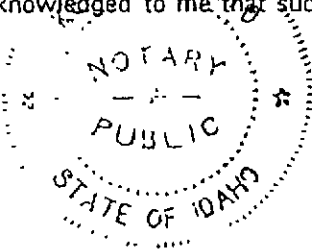
Dated this 13th day of May, 19 94.

STEWART TITLE OF IDAHO, INC.

BY Joan M. Hart  
Vice-President

State of Idaho, County of Ada, ss.

On this 13th day of May, 19 94, before me, the undersigned, a Notary Public in and for said State, personally appeared JOAN M. HART personally known or identified to me to be the person who executed the within instrument as Vice-President of the corporation on behalf of said corporation, and acknowledged to me that such corporation executed the same.



Signature Kelly R. Sato

Name: Kelly R. Sato

Residing at: Boise, Idaho

Commission Expires. 9-11-96

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WATER RESOURCES  
WESTERN REGION

151898

BOISE COUNTY, IDAHO SS  
REQUEST OF

Security Title

94 MAY 27 PM 3:38

Shirley Lange  
A12.00

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## EXHIBIT "A"

## Parcel 1

A parcel of land being a portion of Government Lots 3 and 4, Section 26, T.7N., R.2E., B.M., Boise County, Idaho, more particularly described as follows:

Beginning at the Southeast corner of Government Lot 4, Section 26, T.7N., R.2E., B.M.;

thence North 89°57'31" West 706.07 feet along the Southerly boundary of said Lot 4 to a point 25 feet Easterly of the Contour Elevation 2610, said point being the REAL POINT OF BEGINNING;

thence continuing North 89°57'31" West 613.96 feet along said Southerly boundary to a point on the left ordinary high water line of the Payette River;

thence meandering along the said high water line the following courses and distances:

North 19°50'11" East 120.82 feet to an iron pin;  
 North 21°09'24" East 171.49 feet to an iron pin;  
 North 32°29'39" East 197.72 feet to an iron pin;  
 North 37°35'35" East 183.27 feet to an iron pin;  
 North 21°20'56" East 206.51 feet to an iron pin;  
 North 23°35'27" East 276.97 feet to an iron pin;  
 North 21°39'42" East 342.85 feet to an iron pin;  
 North 8°16'32" East 120.03 feet to an iron pin;  
 North 8°29'52" East 86.72 feet to an iron pin;  
 North 12°01'36" East 126.43 feet to an iron pin;  
 North 25°42'41" East 103.24 feet to an iron pin;  
 North 3°11'30" East 107.53 feet to an iron pin;

thence leaving said high water line South 89°48'17" East 57.48 feet, parallel with the Northerly boundary of Government Lot 3 of said Section 26 to a point 25 feet Easterly of the contour elevation 2610;

thence meandering along a line 25 feet Easterly of said contour elevation 2610 the following courses and distances:

South 4°07'28" East 189.33 feet to a point;  
 South 10°36'30" East 232.04 feet to a point;  
 South 0°00'00" East 154.06 feet to a point;

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South 8°34'33" East 56.01 feet to a point;  
 South 9°05'07" West 182.89 feet to a point;  
 South 4°15'53" West 72.81 feet to a point;  
 South 6°58'54" West 89.10 feet to a point;  
 North 56°51'56" West 22.99 feet to a point;  
 South 9°15'19" West 220.70 feet to a point;  
 South 10°11'43" East 54.39 feet to a point;  
 South 7°36'59" West 27.24 feet to a point;  
 South 12°56'30" East 21.49 feet to a point;  
 South 0°00'00" East 68.42 feet to a point;  
 South 11°06'18" West 128.07 feet to a point;  
 South 20°51'21" West 47.32 feet to a point;  
 South 30°37'54" West 96.83 feet to a point;  
 South 3°07'34" East 66.19 feet to a point;  
 South 27°07'12" East 110.86 feet to a point;  
 South 12°42'39" West 71.09 feet to a point;  
 South 36°07'05" West 35.72 feet to a point;  
 South 76°36'38" West 40.20 feet to a point;  
 South 90°00'00" West 34.90 feet to a point;  
 South 49°43'30" West 16.33 feet to a point of  
 beginning, comprising 15.04 acres, more or less.

Subject to all existing easements and road rights-  
 of-way of record or appearing on the above-  
 described parcel of land.

#### Parcel 2

A parcel of land being a portion of Government Lot  
 1, Section 35, T.7N., R.2E., B.M., Boise County,  
 Idaho, more particularly described as follows:

Beginning at the Northeast corner of Government  
 Lot 1, Section 35, T.7N., R.2E., B.M., Boise  
 County, Idaho;

thence North 89°57'31" West 706.07 feet along the  
 Northerly boundary of said Government Lot 1 to a  
 point 25 feet Easterly of Contour Elevation 2610,  
 said point being the REAL POINT OF BEGINNING;

thence continuing North 89°57'31" West 613.96 feet  
 along said Northern boundary of Lot 1 to a point  
 on the left ordinary high water line of the  
 Payette River;

thence meandering along said left ordinary high  
 water line the following courses and distances:

South 19°50'11" West 16.79 feet to an iron pin;  
 South 25°31'35" West 339.02 feet to an iron pin;  
 South 15°22'23" West ~~339.74~~ feet to an iron pin;  
 South 18°06'17" West 57.55 feet to an iron pin;

359.74

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Attachment #3 - Page 4 of 4

thence leaving said left ordinary high water line,  
South 89°57'31" East 341.78 feet to a point 25  
feet Easterly of Contour Elevation 2610;

thence meandering along a line 25 feet Easterly of  
said Contour Elevation 2610 the following courses  
and distances;

North 29°48'48" East 92.82 feet to a point;  
North 48°45'23" East 64.38 feet to a point;  
North 55°58'27" East 53.54 feet to a point;  
North 35°26'46" East 52.86 feet to a point;  
North 11°50'19" East 47.19 feet to a point;  
North 13°24'20" West 90.47 feet to a point;  
North 4°09'12" East 55.69 feet to a point;  
North 14°29'41" East 51.57 feet to a point;  
North 30°27'52" East 128.89 feet to a point;  
North 38°01'25" East 64.18 feet to a point;  
North 48°28'19" East 81.90 feet to a point;  
North 85°24'17" East 62.32 feet to a point;  
North 63°33'26" East 149.30 feet to the point of  
beginning, comprising 6.99 acres, more or less.

Subject to all existing easements and road rights-  
of-way of record or appearing on the above-  
described parcel of land.

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AGREEMENT FOR THE  
RESTATEMENT OF BOUNDARY LINE

This Agreement, made and entered into this 8<sup>th</sup> day of December, 1995 by and between Horseshoe Bend Hydroelectric Company ("HBHC"), a Delaware corporation, having its principal headquarters located at 1401 Shoreline Drive, Boise, Idaho 83702 and the Rumsey Co., an Arizona partnership, consisting of Donald J. Rumsey and Dale Rumsey as General Partners, having a mailing address at 400 Third Road North, Nampa, Idaho 83687.

WHEREAS, HBHC and the Rumsey Co. are each owners of real property situate in Boise County, State of Idaho, located on a portion of Government Lots 3 and 4, Section 26 and Government Lot 1, Section 35, all located in Township 7 North, Range 2 East, Boise Meridian, Boise County, Idaho; and

WHEREAS, when HBHC acquired its real estate from the Rumsey Co. as reflected on Instrument No. 151160 of the Official Records of Boise County, State of Idaho and a Correction Affidavit which is designated Instrument No. 115898 of the Official Records of Boise County, State of Idaho, the easterly boundary line between the property acquired by HBHC and the property retained by the Rumsey Co. was described by reference to a Contour Elevation, i.e. the common boundary in Government Lots 3 and 4 in Section 26 and Government Lot No. 1 in Section 35 was described by reference to a point which was said to be 25 feet easterly of the 2610 Contour Elevation; and

WHEREAS, during construction work that was being performed on property owned by HBHC, the 2610 Contour Elevation was disturbed by the movement of earth; and

WHEREAS, the parties understand that the legal descriptions of said common boundary do not now accurately define the original boundary line between the parcels owned by the parties to this Agreement since the 2610 Contour Elevation has been moved or modified by the movement of earth at the boundary line of the adjoining parcels and as such the common boundary line is uncertain and not discernable by reference to the Deed of Record (or as the same was previously modified by the above referenced Correction Affidavit) which transferred property from the Rumsey Co. to HBHC; and

WHEREAS, the parties hereto wish to agree upon the legal description of their common boundary so that said boundary can be located with certainty;

NOW, THEREFORE, in consideration of the promises, covenants and agreements contained in this Agreement for the Restatement of Boundary Line, the clarification of each party's title and the increased marketability of title to the real property owned by each party to this Agreement, the parties mutually agree as follows:

Restatement of Boundary. The parties hereto agree that the easterly boundary of the HBHC tract (which includes the common boundary between the parties)

RECEIVED<sup>1</sup>  
MAY 06 1996  
WATER RESOURCES  
WESTERN REGION



has been changed from the description set forth in Instrument No. 115898 of the Official Records of Valley County to read as follows:

- a. In respect to that portion of the land owned by HBHC which constitutes a portion of Government Lots 3 and 4, Section 26, Township 7 North, Range 2 East, Boise Meridian, Boise County, Idaho:

See Exhibit "A" which is attached hereto and by this reference incorporated herein.

- b. With respect to that portion of HBHC's boundary located upon that portion of Government Lot 1, Section 35, Township 7 North, Range 2 East, Boise Meridian, Boise County, Idaho:

See Exhibit "B" which is attached hereto and by this reference incorporated herein.

2. Quit Claim of Interest. HBHC hereby quit claims to the Rumsey Co. any and all portions of the HBHC tract lying or being east of the common boundary line as herein established, and the Rumsey Co. hereby quit claims to HBHC any and all portions of the Rumsey Co. tract lying or being west of the common boundary line as herein established.
3. Recordation. All parties hereto hereby consent to the recordation of this Agreement for the Restatement of Boundary Line upon the Official Records maintained by the County Recorder for the County of Boise, State of Idaho.

IN WITNESS WHEREOF, this Agreement is effective as of the day and year first above written.

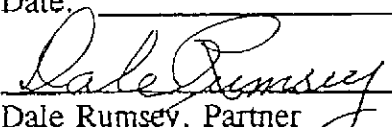
HORSESHOE BEND HYDROELECTRIC  
COMPANY

RUMSEY CO.

By: \_\_\_\_\_

\_\_\_\_\_  
Donald J. Rumsey, Partner

Title: \_\_\_\_\_

Date: \_\_\_\_\_  
  
Dale Rumsey, Partner

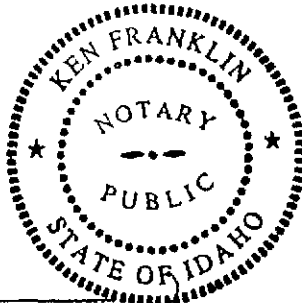
Date: \_\_\_\_\_

Date: 11 Dec. 1995

State of Idaho )  
 ) ss.  
 County of Ada )

On this 18 day of December, in the year 1995, before me, a Notary Public, in and for said State, personally appeared Charles W. Clark, known or identified to me to be the Secretary of Horseshoe Bend Hydroelectric Company, 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.

(Notary Seal)



Ken Franklin  
 NOTARY PUBLIC  
 Residing at: Boise  
 My Commission Expires: 10-5-98

State of \_\_\_\_\_ )  
 ) ss.  
 County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, before me, a Notary Public, in and for said State, personally appeared Donald J. Rumsey, known or identified to me to be the General Partner of the Rumsey Co., the partnership that executed the instrument or the person who executed the instrument on behalf of said partnership, and acknowledged to me that such partnership executed the same.

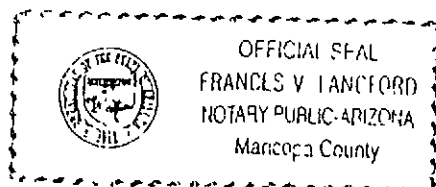
(Notary Seal)

\_\_\_\_\_  
 NOTARY PUBLIC  
 Residing at: \_\_\_\_\_  
 My Commission Expires: \_\_\_\_\_

State of ARIZONA )  
 ) ss.  
 County of Maricopa )

On this 11th day of December, in the year 1995, before me, a Notary Public, in and for said State, personally appeared Dale Rumsey, known or identified to me to be the General Partner of the Rumsey Co., the partnership that executed the instrument or the person who executed the instrument on behalf of said partnership, and acknowledged to me that such partnership executed the same.

(Notary Seal)



Francis V. Langford  
 NOTARY PUBLIC  
 Residing at: Phoenix, AZ  
 My Commission Expires: 15 Apr 1997

State of \_\_\_\_\_ )  
 ) ss.  
 County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, before me, a Notary Public, in and for said State, personally appeared \_\_\_\_\_, known or identified to me to be the \_\_\_\_\_ of Horseshoe Bend Hydroelectric Company, 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.

(Notary Seal)

NOTARY PUBLIC

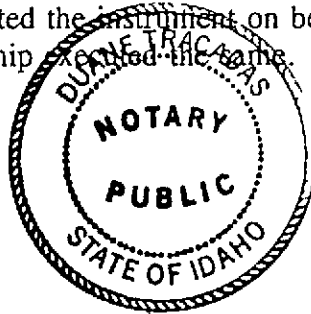
Residing at: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

State of IDAHO )  
 ) ss.  
 County of PAYETTE )

On this 12<sup>th</sup> day of DECEMBER, in the year 1995, before me, a Notary Public, in and for said State, personally appeared Donald J. Rumsey, known or identified to me to be the General Partner of the Rumsey Co., the partnership that executed the instrument or the person who executed the instrument on behalf of said partnership, and acknowledged to me that such partnership executed the same.

(Notary Seal)



Donald J. Rumsey  
 NOTARY PUBLIC  
 Residing at: PAYETTE, IDAHO  
 My Commission Expires: 12/5/2001

State of \_\_\_\_\_ )  
 ) ss.  
 County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, before me, a Notary Public, in and for said State, personally appeared Dale Rumsey, known or identified to me to be the General Partner of the Rumsey Co., the partnership that executed the instrument or the person who executed the instrument on behalf of said partnership, and acknowledged to me that such partnership executed the same.

(Notary Seal)

NOTARY PUBLIC

Residing at: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

State of \_\_\_\_\_ )  
 ) ss.  
 County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, before me, a Notary Public, in and for said State, personally appeared \_\_\_\_\_, known or identified to me to be the \_\_\_\_\_ of Horseshoe Bend Hydroelectric Company, 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.

(Notary Seal)

NOTARY PUBLIC

Residing at: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

State of \_\_\_\_\_ )  
 ) ss.  
 County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, before me, a Notary Public, in and for said State, personally appeared Donald J. Rumsey, known or identified to me to be the General Partner of the Rumsey Co., the partnership that executed the instrument or the person who executed the instrument on behalf of said partnership, and acknowledged to me that such partnership executed the same.

(Notary Seal)

NOTARY PUBLIC

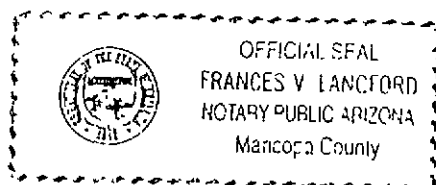
Residing at: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

State of ARIZONA )  
 ) ss.  
 County of Maricopa )

On this 11th day of December, in the year 1995, before me, a Notary Public, in and for said State, personally appeared Dale Rumsey, known or identified to me to be the General Partner of the Rumsey Co., the partnership that executed the instrument or the person who executed the instrument on behalf of said partnership, and acknowledged to me that such partnership executed the same.

(Notary Seal)



*Frances V. Langford*  
 NOTARY PUBLIC

Residing at: Phoenix, AZMy Commission Expires: 15 Apr 1997

FOR ORIGINAL

15.04 6-11-20  
EXHIBIT "A"

The current description of the common boundary line between that portion of Government Lots 3 and 4, Section 26, Township 7 North, Range 2 East, Boise Meridian, Boise County, State of Idaho acquired by Horseshoe Bend Hydroelectric Company and that portion retained by the Rumsey Co. as highlighted in the following excerpt from Instrument No. 115898 of the Official Records of Boise County, Idaho:

Parcel 1

A parcel of land being a portion of Government Lots 3 and 4, Section 26, T.7N., R.2E., B.M., Boise County, Idaho, more particularly described as follows:

Beginning at the Southeast corner of Government Lot 4, Section 26, T.7N., R.2E., B.M.;

thence North 89°57'31" West 706.07 feet along the Southerly boundary of said Lot 4 to a point 25 feet Easterly of the Contour Elevation 2610, said point being the REAL POINT OF BEGINNING;

thence continuing North 89°57'31" West 613.96 feet along said Southerly boundary to a point on the left ordinary high water line of the Payette River;

thence meandering along the said high water line the following courses and distances:

North 19°50'11" East 120.82 feet to an iron pin;  
North 21°09'24" East 171.49 feet to an iron pin;  
North 32°29'39" East 197.72 feet to an iron pin;  
North 37°35'35" East 183.27 feet to an iron pin;  
North 21°20'56" East 206.51 feet to an iron pin;  
North 23°35'27" East 276.97 feet to an iron pin;  
North 21°39'42" East 342.85 feet to an iron pin;  
North 8°16'32" East 120.03 feet to an iron pin;  
North 8°29'52" East 86.72 feet to an iron pin;  
North 12°01'36" East 126.43 feet to an iron pin;  
North 25°42'41" East 103.24 feet to an iron pin;  
North 3°11'30" East 107.53 feet to an iron pin;

thence leaving said high water line South 89°48'17" East 57.48 feet, parallel with the Northerly boundary of Government Lot 3 of said Section 26 to a point 25 feet Easterly of the contour elevation 2610;

thence meandering along a line 25 feet Easterly of said contour elevation 2610 the following courses and distances:

South 4°07'28" East 189.33 feet to a point;  
South 10°36'30" East 232.04 feet to a point;  
South 0°00'00" East 154.06 feet to a point;

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South 8°34'33" East 56.01 feet to a point;  
South 9°05'07" West 182.89 feet to a point;  
South 4°15'53" West 72.81 feet to a point;  
South 6°58'54" West 89.10 feet to a point;  
North 56°51'56" West 22.99 feet to a point;  
South 9°15'19" West 220.70 feet to a point;  
South 10°11'43" East 54.39 feet to a point;  
South 7°36'59" West 27.24 feet to a point;  
South 12°56'30" East 21.49 feet to a point;  
South 0°00'00" East 68.42 feet to a point;  
South 11°06'18" West 128.07 feet to a point;  
South 20°51'21" West 47.32 feet to a point;  
South 30°37'54" West 96.83 feet to a point;  
South 3°07'34" East 66.19 feet to a point;  
South 27°07'12" East 110.86 feet to a point;  
South 12°42'39" West 71.09 feet to a point;  
South 36°07'05" West 35.72 feet to a point;  
South 76°36'38" West 40.20 feet to a point;  
South 90°00'00" West 34.90 feet to a point;  
South 49°43'30" West 16.33 feet to a point of  
beginning; comprising 15.04 acres, more or less.

Subject to all existing easements and road rights-of-way of record or appearing on the above-described parcel of land.

The revised and restated common boundary line between that portion of Government Lots 3 and 4, Section 26, Township 7 North, Range 2 East, Boise Meridian, Boise County, State of Idaho acquired by Horseshoe Bend Hydroelectric Company and that portion retained by the Rumsey Co. which is described as follows:

A line within a portion of Government Lots 3 and 4, Section 26, Township 7 North, Range 2 East, Boise Meridian, Boise County, Idaho, more particularly described as follows:

Beginning at a Brass Cap at the Southeast corner of Government Lot 4, Section 26, Township 7 North, Range 2 East, Boise Meridian; thence North  $89^{\circ}57'31''$  West 706.07 feet along the Southerly boundary of said Lot 4 to an iron pin;

thence continuing North  $89^{\circ}57'31''$  West 613.96 feet along said Southerly boundary to an iron pin at a point on the left ordinary high water line of the Payette River;

thence meandering along the said high water line the following courses and distances:

North  $19^{\circ}50'11''$  East 120.82 feet to an iron pin;  
North  $21^{\circ}09'24''$  East 171.49 feet to an iron pin;  
North  $32^{\circ}29'39''$  East 197.72 feet to an iron pin;  
North  $37^{\circ}35'35''$  East 183.27 feet to an iron pin;  
North  $21^{\circ}20'56''$  East 206.51 feet to an iron pin;  
North  $23^{\circ}35'27''$  East 276.97 feet to an iron pin;  
North  $21^{\circ}39'42''$  East 342.85 feet to an iron pin;  
North  $8^{\circ}16'32''$  East 120.03 feet to an iron pin;  
North  $8^{\circ}29'52''$  East 86.72 feet to an iron pin;  
North  $12^{\circ}01'36''$  East 126.43 feet to an iron pin;  
North  $25^{\circ}42'41''$  East 103.24 feet to an iron pin;  
North  $3^{\circ}11'30''$  East 107.53 feet to an iron pin;

thence leaving said high water line South  $89^{\circ}48'17''$  East 57.48 feet, parallel with the Northerly boundary of Government Lot 3 of said Section 26 to an iron pin, and the REAL POINT OF BEGINNING;

South  $4^{\circ}07'28''$  East 189.33 feet to an iron pin;  
South  $10^{\circ}36'30''$  East 232.04 feet to an iron pin;  
South  $0^{\circ}00'00''$  East 154.06 feet to an iron pin;  
South  $8^{\circ}34'33''$  East 56.01 feet to an iron pin;

South 9°05'07" West 182.89 feet to an iron pin;  
South 4°15'53" West 72.81 feet to an iron pin;  
South 6°58'54" West 89.10 feet to an iron pin;  
North 56°51'56" West 22.99 feet to an iron pin;  
South 9°15'19" West 220.70 feet to an iron pin;  
South 10°11'43" East 54.39 feet to an iron pin;  
South 7°36'59" West 27.24 feet to an iron pin;  
South 12°56'30" East 21.49 feet to an iron pin;  
South 0°00'00" West 68.42 feet to an iron pin;  
South 11°06'18" West 128.07 feet to an iron pin;  
South 20°51'21" West 47.32 feet to an iron pin;  
South 30°37'54" West 96.83 feet to an iron pin;  
South 3°07'34" East 66.19 feet to an iron pin;  
South 27°07'12" East 110.86 feet to an iron pin;  
South 12°42'39" West 71.09 feet to an iron pin;  
South 36°07'05" West 35.72 feet to an iron pin;  
South 76°36'38" West 40.20 feet to an iron pin;  
South 90°00'00" West 34.90 feet to an iron pin;  
South 49°43'30" West 16.33 feet to the section line common to Section 26 and  
Section 35, and the end of this description,

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Page 1 of 3

EXHIBIT "B"

The current description of the common boundary line between that portion of Government Lot 1, Section 35, Township 7 North, Range 2 East, Boise Meridian, Boise County, State of Idaho acquired by Horseshoe Bend Hydroelectric Company and that portion retained by the Rumsey Co. as highlighted by underline in the following excerpt from Instrument No. 115898 of the Official Records of Boise County, Idaho:

Parcel 2

A parcel of land being a portion of Government Lot 1, Section 35, T.7N., R.2E., B.M., Boise County, Idaho, more particularly described as follows:

Beginning at the Northeast corner of Government Lot 1, Section 35, T.7N., R.2E.; B.M., Boise County, Idaho;

thence North 89°57'31" West 706.07 feet along the Northerly boundary of said Government Lot 1 to a point ~~25 feet Easterly of Contour Elevation 2610,~~ said point being the REAL POINT OF BEGINNING;

thence continuing North 89°57'31" West 613.96 feet along said Northern boundary of Lot 1 to a point on the left ordinary high water line of the Payette River;

thence meandering along said left ordinary high water line the following courses and distances:

South 19°50'11" West 16.79 feet to an iron pin;  
South 25°31'35" West 339.02 feet to an iron pin;  
South 15°22'23" West ~~339.74~~ feet to an iron pin;  
South 18°06'17" West 57.55 feet to an iron pin;

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thence leaving said left ordinary high water line,  
South 89°57'31" East 341.78 feet to a point 25  
feet Easterly of Contour Elevation 2610;

thence meandering along a line 25 feet Easterly of  
said Contour Elevation 2610 the following courses  
and distances)

North 29°48'48" East 92.82 feet to a point;  
North 48°45'23" East 64.38 feet to a point;  
North 55°58'27" East 53.54 feet to a point;  
North 35°26'46" East 57.86 feet to a point;  
North 11°50'19" East 47.19 feet to a point;  
North 13°24'20" West 90.47 feet to a point;  
North 4°09'12" East 55.69 feet to a point;  
North 14°29'41" East 51.57 feet to a point;  
North 30°27'52" East 128.89 feet to a point;  
North 38°01'25" East 64.18 feet to a point;  
North 48°28'19" East 81.90 feet to a point;  
North 85°24'17" East 62.32 feet to a point;  
North 63°33'26" East 149.30 feet to the point of  
beginning, comprising 6.99 acres, more or less.

Subject to all existing easements and road rights-  
of-way of record or appearing on the above-  
described parcel of land.

The revised and restated common boundary line between that portion of Government Lot 1, Section 35, Township 7 North, Range 2 East, Boise Meridian, Boise County, State of Idaho acquired by Horseshoe Bend Hydroelectric Company and that portion retained by the Rumsey Co. which is described as follows:

A line within a portion of Government Lot 1, Section 35, Township 7 North, Range 2 East, Boise Meridian, Boise County, Idaho, more particularly described as follows:

Beginning at a Brass Cap at the Northeast corner of Government Lot 1, Section 35, Township 7 North, Range 2 East, Boise Meridian, Boise County, Idaho; thence North  $89^{\circ}57'31''$  West 706.07 feet along the Northerly boundary of said Government Lot 1 to an iron pin;

thence continuing North  $89^{\circ}57'31''$  West 613.96 feet along said Northern boundary of Lot 1 to an iron pin at a point on the left ordinary high water line of Payette River; thence meandering along said left ordinary high water line the following courses and distances:

South  $19^{\circ}50'11''$  West 16.79 feet to an iron pin;  
South  $25^{\circ}31'35''$  West 339.02 feet to an iron pin;  
South  $15^{\circ}22'23''$  West 359.74 feet to an iron pin;  
South  $18^{\circ}06'17''$  West 57.55 feet to an iron pin;

thence leaving said left ordinary high water line South  $89^{\circ}57'31''$  East 341.78 feet to an iron pin, and the REAL POINT OF BEGINNING;

thence North  $29^{\circ}48'48''$  East 92.82 feet to an iron pin;  
thence North  $48^{\circ}45'23''$  East 64.38 feet to an iron pin;  
thence North  $55^{\circ}58'27''$  East 53.54 feet to an iron pin;  
thence North  $35^{\circ}26'46''$  East 52.86 feet to an iron pin;  
thence North  $11^{\circ}50'19''$  East 47.19 feet to an iron pin;  
thence North  $13^{\circ}24'23''$  West 90.47 feet to an iron pin;  
thence North  $4^{\circ}09'12''$  East 55.69 feet to an iron pin;  
thence North  $14^{\circ}29'41''$  East 51.57 feet to an iron pin;  
thence North  $30^{\circ}27'52''$  East 128.89 feet to an iron pin;  
thence North  $38^{\circ}01'25''$  East 64.18 feet to an iron pin;  
thence North  $48^{\circ}28'19''$  East 81.90 feet to an iron pin;  
thence North  $85^{\circ}24'17''$  East 62.32 feet to an iron pin;  
thence North  $63^{\circ}33'26''$  East 149.30 feet to the section line common to Section 26 and Section 35, and the end of this description.

## WARRANTY DEED

FOR VALUABLE CONSIDERATION in hand paid, the receipt of which is hereby acknowledged, Rumsey Co., an Arizona partnership, consisting of Donald J. Rumsey and Dale Rumsey as General Partners, as "GRANTOR", does by these presents hereby grant, bargain, sell, CONVEY AND WARRANT unto the Horseshoe Bend Hydroelectric Company., a Delaware corporation, with its principal office at 1401 Shoreline Drive, in the City of Boise, County of Ada, State of Idaho, as "GRANTEE", all that certain tract, lot, piece, and parcel of land (hereinafter referred as the "PREMISES") situated in the City of Horseshoe Bend, County of Boise, State of Idaho, which is more particularly described as follows:

See attached Exhibit "A"

GRANTOR does hereby covenant to and with said GRANTEE, that GRANTOR is the owner in fee simple of said PREMISES; that said PREMISES are free and clear from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made suffered or done by GRANTEE; and that GRANTOR will warrant and defend the same from all lawful claims whatsoever.

## SUBJECT TO:

1. Except as otherwise noted below, all reservations, restrictions, dedications, easements, rights of way and agreements as appear of record or by use upon the PREMISES.
2. General taxes and assessments (including irrigation and utility assessments) for the current year which constitute a lien but which are not yet due and payable.
3. An easement for the continued maintenance and operation of a certain buried irrigation line serving property of Grantor located to the north and west of the PREMISES, which easement shall follow the existing course of said irrigation line (which enters the PREMISES on the south and exits the PREMISES in the northerly portion) and which easement is specifically reserved by and for the benefit of Grantor and its successors and assigns, provided, in the event that operation and maintenance of all or any portion of the irrigation line should become incompatible with Grantee's use of the servient estate in the future, Grantor shall, at its expense, relocate all affected portions thereof, along an alternate course mutually agreed upon between Grantor and Grantee, provided that relocation work shall be done at a time mutually agreed by the parties and, in the event that relocation of the line or portion upon the servient estate is not feasible because of Grantee's use of the PREMISES, the line or portion shall be relocated to Grantor's adjacent property.

RECEIVED

MAY 06 1996

WATER RESOURCES  
WESTERN REGION

158723

MICROFILMED

OCT 21 1996

*Alliance Title*

058723 158723

*Shirley Long*  
\$12.00 k

TOGETHER, with all and singular, the tenements, hereditaments, and appurtenances thereto belonging, or in anywise appertaining and the reversion and the reversions, remainder and remainders, rents, issues, and profits thereof.

TO HAVE AND TO HOLD the said PREMISES, with its appurtenances unto the said GRANTEE, their heirs and assigns forever.

IN WITNESS WHEREOF, the GRANTOR has caused these presents to be signed by a duly authorized officer of the GRANTOR on the date set forth below.

Dated this 11<sup>th</sup> day of December, 1995.

RUMSEY CO., an Arizona General Partnership

By: Donald J. Rumsey

DONALD J. RUMSEY, PARTNER

State of Idaho )

By: \_\_\_\_\_

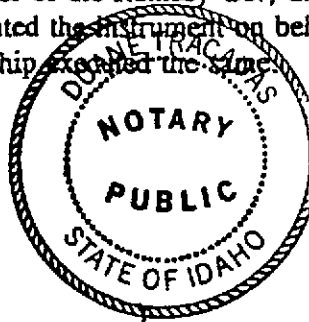
) ss.

DALE RUMSEY, PARTNER

County of Payette )

On this 11<sup>th</sup> day of December, in the year 1995, before me, a Notary Public, in and for said State, personally appeared Donald J. Rumsey, known or identified to me to be the General Partner of the Rumsey Co., the partnership that executed the instrument or the person who executed the instrument on behalf of said partnership, and acknowledged to me that such partnership executed the same.

(Notary Seal)



Quane L. Linder  
NOTARY PUBLIC

Residing at: Payette, Idaho

My Commission Expires: 12/05/2001

State of \_\_\_\_\_ )

) ss.

County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, before me, a Notary Public, in and for said State, personally appeared Dale Rumsey, known or identified to me to be the General Partner of the Rumsey Co., the partnership that executed the instrument or the person who executed the instrument on behalf of said partnership, and acknowledged to me that such partnership executed the same.

(Notary Seal)

\_\_\_\_\_  
NOTARY PUBLIC

Residing at: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

8-4-072.95

TOGETHER, with all and singular, the tenements, hereditaments, and appurtenances thereto belonging, or in anywise appertaining and the reversion and the reversions, remainder and remainders, rents, issues, and profits thereof.

TO HAVE AND TO HOLD the said PREMISES, with its appurtenances unto the said GRANTEE, their heirs and assigns forever.

IN WITNESS WHEREOF, the GRANTOR has caused these presents to be signed by a duly authorized officer of the GRANTOR on the date set forth below.

Dated this \_\_\_\_ day of December, 1995.

RUMSEY CO., an Arizona General Partnership

By: DONALD J. RUMSEY, PARTNER

State of \_\_\_\_\_ ) By: Dale Rumsey  
 ) ss. DALE RUMSEY, PARTNER  
County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, before me, a Notary Public, in and for said State, personally appeared Donald J. Rumsey, known or identified to me to be the General Partner of the Rumsey Co., the partnership that executed the instrument or the person who executed the instrument on behalf of said partnership, and acknowledged to me that such partnership executed the same.

(Notary Seal)

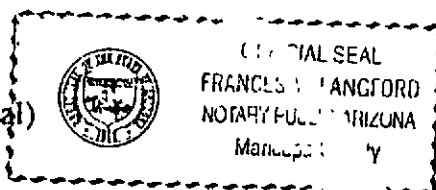
NOTARY PUBLIC

Residing at: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

State of ARIZONA )  
 ) ss.  
County of Maricopa )

On this 11th day of December, in the year 1995, before me, a Notary Public, in and for said State, personally appeared Dale Rumsey, known or identified to me to be the General Partner of the Rumsey Co., the partnership that executed the instrument or the person who executed the instrument on behalf of said partnership, and acknowledged to me that such partnership executed the same.

(Notary Seal)



Francis V Langford  
NOTARY PUBLIC

Residing at: Phoenix, Arizona  
My Commission Expires: 15 Apr 1997

## EXHIBIT "A"

Attachment #5 - Page 4 of 4

A parcel of land within a portion of Government Lot 1, Section 35, Township 7 North, Range 2 East, Boise Meridian, Boise County, Idaho, more particularly described as follows:

BEGINNING at a brass cap at the Northeast corner of Government Lot 1, Section 35, Township 7 North, Range 2 East, Boise Meridian, Boise County, Idaho; thence North 89 degrees 57'31" West, 706.07 feet along the Northerly boundary of said Government Lot 1 to a rebar and cap; thence continuing North 89 degrees 57'31" West, 613.96 feet along said Northern boundary of Lot 1 to a rebar and cap at a point on the left ordinary high water line of Payette River; thence meandering along said left ordinary high water line the following courses and distances:

South 19 degrees 50'11" West, 16.79 feet to a rebar and cap; thence

South 25 degrees 31'35" West, 339.02 feet to a rebar and cap LS 972; thence

South 15 degrees 22'23" West, 359.74 feet to a rebar and cap LS 972; thence

South 18 degrees 06'17" West, 57.55 feet to a rebar and cap LS 972 and the REAL POINT OF BEGINNING; thence

South 18 degrees 06'17" West, 81.22 feet to a rebar and cap LS 972; thence leaving said left ordinary high water line

South 18 degrees 06'17" West, 2.92 feet to a point; thence

South 89 degrees 57'31" East, 30.00 feet to a set 5/8" rebar with cap PLS 7612; thence

South 89 degrees 57'31" East, 299.78 feet to a set 5/8" rebar and cap PLS 7612 on the centerline of the existing traveled way known as Cemetery Road; thence along said centerline

North 25 degrees 30'00" East, 88.60 feet to a set 5/8" rebar and cap PLS 7612; thence

North 89 degrees 57'31" West, 341.78 feet to the REAL POINT OF BEGINNING.

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OCT 21 1996

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: A65-11393  
Date Received: 5/23/1989  
Receipt No: X999999  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: DOUBLE DIAMOND RANCHES 208-336-4801  
Address: DON & DALE RUMSEY  
311 4TH ST N EXT  
NAMPA ID 83687-3247

2. Date of Priority: JUN 1, 1912

3. Source: SHAFER CREEK Trib. to: PAYETTE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 06N      | 02E   | 2       | NW     | SE     |     |     | BOISE  |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 5.050 |      |        |

7. Total Quantity Appropriated is:  
5.050 C.F.S. (and/or) 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 |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 06N      | 02E   | 2       | NW     | NW  | 4   | IRR | 13.0  |
|          |       |         | SW     | NW  |     | IRR | 8.0   |
|          |       |         | SE     | NW  |     | IRR | 6.0   |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres    |
|----------|-------|---------|------------|-----|---------------|----------|
|          |       |         |            |     | Section Acres | 27.0     |
| 07N      | 02E   | 26      | NE         | SW  | 3             | IRR 10.0 |
|          |       |         | SE         | SW  | 4             | IRR 25.0 |
|          |       |         | NW         | SE  |               | IRR 17.0 |
|          |       |         | SW         | SE  |               | IRR 10.0 |
|          |       |         |            |     | Section Acres | 62.0     |
|          |       | 34      | NE         | SE  |               | IRR 18.0 |
|          |       |         | NW         | SE  |               | IRR 3.0  |
|          |       |         | SW         | SE  |               | IRR 2.0  |
|          |       |         | SE         | SE  |               | IRR 37.0 |
|          |       |         |            |     | Section Acres | 60.0     |
|          |       | 35      | NE         | NW  | 1             | IRR 14.0 |
|          |       |         | SW         | NW  | 2             | IRR 5.0  |
|          |       |         | NW         | SW  |               | IRR 15.0 |
|          |       |         | SW         | SW  |               | IRR 9.0  |
|          |       |         |            |     | Section Acres | 43.0     |
|          |       |         |            |     | Total Acres   | 192.0    |

11. Place of use in counties: BOISE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

ADDRESS CHANGED PER CLAIMANT LETTER. LH  
THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2532, 65-2869 &  
65-10748, SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

**For Individuals:**

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

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: A65-11393  
Date Received: 5/23/1989  
Receipt No: X999999  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: DOUBLE DIAMOND RANCHES 208-336-4801  
Address: DON & DALE RUMSEY  
200 SUNRISE RIM ROAD  
BOISE, ID 83705

2. Date of Priority: JUN 01, 1912

3. Source: SHAFER CREEK Trib. to: PAYETTE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 06N      | 02E   | 2       | NW     | SE     |     |     | BOISE  |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 5.050  |      |        |

7. Total Quantity Appropriated is:  
5.050 C.F.S. (and/or) 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 |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 06N      | 02E   | 2       | NW     | NW  | 4   | IRR | 13.0  |
|          |       |         | SW     | NW  |     | IRR | 8.0   |
|          |       |         | SE     | NW  |     | IRR | 6.0   |

Section Acres 27.0

A65-11393

Page 1

Date: 06/21/89

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10. Place of Use: Continued

| Township | Range | Section | 1/4 | of | 1/4           | Lot | Use | Acres |
|----------|-------|---------|-----|----|---------------|-----|-----|-------|
| 07N      | 02E   | 26      | NE  |    | SW            | 3   | IRR | 10.0  |
|          |       |         | SE  |    | SW            | 4   | IRR | 25.0  |
|          |       |         | NW  |    | SE            |     | IRR | 17.0  |
|          |       |         | SW  |    | SE            |     | IRR | 10.0  |
|          |       |         |     |    | Section Acres |     |     | 62.0  |
|          |       | 34      | NE  |    | SE            |     | IRR | 18.0  |
|          |       |         | NW  |    | SE            |     | IRR | 3.0   |
|          |       |         | SW  |    | SE            |     | IRR | 2.0   |
|          |       |         | SE  |    | SE            |     | IRR | 37.0  |
|          |       |         |     |    | Section Acres |     |     | 60.0  |
|          |       | 35      | NE  |    | NW            | 1   | IRR | 14.0  |
|          |       |         | SW  |    | NW            | 2   | IRR | 5.0   |
|          |       |         | NW  |    | SW            |     | IRR | 15.0  |
|          |       |         | SW  |    | SW            |     | IRR | 9.0   |
|          |       |         |     |    | Section Acres |     |     | 43.0  |
|          |       |         |     |    | Total Acres   |     |     | 192.0 |

11. Place of use in counties: BOISE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2532, 65-2869 & 65-10748, SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

**For Individuals:**

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

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. No.

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

Please type or print clearly:

Name of Claimant(s) DOUBLE DIAMOND RANCHES  
DON & DALE RUMSEY  
\_\_\_\_\_  
\_\_\_\_\_

Mailing Address 200 SUNRISE RIM ROAD  
(include Zip Code) BOISE, ID 83705  
\_\_\_\_\_  
\_\_\_\_\_

Phone Number (208 ) 336-4801

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OCT 21 1996

MICROFILMED  
SEP 24 1992

POOR ORIGINAL

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: 65-11393

DATE RECEIVED: 5/23/88

RECEIPT NO: 2888899

RECEIVED BY: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. NAME: DOUBLE DIAMOND, INC.  
ADDRESS: C/O/ DON RUMSEY  
ROUTE 1, BOX 63  
HORSESHOE BEND, ID 83629

2. DATE OF PRIORITY: JUN 01, 1912

3. SOURCE: SHAFER CREEK TRIB. TO: PAYETTE RIVER

4. POINT OF DIVERSION:

| TOWNSHIP | RANGE | SECTION | 1/4 OF | 1/4 OF | 1/4 | LOT | COUNTY |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 06N      | 02E   | 2       | NW     | SE     |     |     | BOISE  |

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

| PURPOSE    | FROM  | TO    | C.F.S. | (OR) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 5.050  |      |        |

7. TOTAL QUANTITY APPROPRIATED IS:  
5.050 C.F.S. (AND/OR)

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 |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 06N      | 02E   | 2       | NW     | NW  | 4   | IRR | 13.0  |
|          |       |         | SW     | NW  |     | IRR | 3.0   |
|          |       |         | SE     | NW  |     | IRR | 6.0   |

SECTION ACRES 27.0

65-11393

PAGE 1

DATE: 03/04/89

2131

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SEP 24 1992

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OCT 21 1996

## 10. PLACE OF USE: CONTINUED

POOR ORIGINAL

| TOWNSHIP      | RANGE | SECTION | 1/4 OF 1/4 | LOT | USE | ACRES |
|---------------|-------|---------|------------|-----|-----|-------|
| 07N           | 02E   | 26      | NE SW      | 3   | IRR | 10.0  |
|               |       |         | SE SW      | 4   | IRR | 25.0  |
|               |       |         | NW SE      |     | IRR | 17.0  |
|               |       |         | SW SE      |     | IRR | 10.0  |
| SECTION ACRES |       |         |            |     |     | 62.0  |
|               |       | 34      | NE SE      |     | IRR | 18.0  |
|               |       |         | NW SE      |     | IRR | 3.0   |
|               |       |         | SW SE      |     | IRR | 2.0   |
|               |       |         | SE SE      |     | IRR | 37.0  |
| SECTION ACRES |       |         |            |     |     | 60.0  |
|               |       | 35      | NE NW      | 1   | IRR | 14.0  |
|               |       |         | SW NW      | 2   | IRR | 5.0   |
|               |       |         | NW SW      |     | IRR | 15.0  |
|               |       |         | SW SW      |     | IRR | 9.0   |
| SECTION ACRES |       |         |            |     |     | 43.0  |
| TOTAL ACRES   |       |         |            |     |     | 192.0 |

11. PLACE OF USE IN COUNTIES: BOISE, BOISE

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

13. OTHER WATER RIGHTS USED:

## 14. REMARKS:

THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2532, 65-2869 &  
65-10748, SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

## 15. BASIS OF CLAIM: DECREE

CASE NUMBER:

COURT :

DECREE DATE: 1/21/1986

STATE OF IDAHO

DECREE PLAINTIFF

A & C CORP., ET AL.  
VS DECREE DEFENDANT

MICROFILMED  
OCT 21 1996

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~~SEP 24 1992~~

(A.) \* BY SIGNING BELOW, I/WE ACKNOWLEDGE THAT I/WE HAVE RECEIVED, READ AND UNDERSTAND THE FORM ENTITLED "HOW YOU WILL RECEIVE NOTICE IN THE SNAKE RIVER BASIN ADJUDICATION." (B.) I/WE DO \_\_\_\_\_ DO NOT \_\_\_\_\_ WISH TO RECEIVE AND PAY A SMALL ANNUAL FEE FOR MONTHLY COPIES OF THE DOCKET SHEET.

NUMBER OF ATTACHMENTS: \_\_\_\_\_

## FOR INDIVIDUALS:

I/WE DO SOLEMNLY SWEAR OR AFFIRM THAT THE STATEMENTS CONTAINED IN THE FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF CLAIMANT(S): \_\_\_\_\_ DATE: \_\_\_\_\_

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

## FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM President OF \_\_\_\_\_ TITLE

Snake Diamond Ranches, THAT I HAVE SIGNED THE FOREGOING ORGANIZATION

DOCUMENT IN THE SPACE BELOW AS President OF \_\_\_\_\_ TITLE

Snake Diamond Ranches AND THAT THE STATEMENTS CONTAINED IN THE ORGANIZATION

FOREGOING DOCUMENT ARE TRUE AND CORRECT.

Donald Ramsey  
SIGNATURE OF AUTHORIZED AGENT

President  
TITLE AND ORGANIZATION

5-17-89  
DATE

STATE OF IDAHO )  
COUNTY OF Ada ) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 17 DAY

OF May 19 89

Angel McIntire  
NOTARY PUBLIC

SEAL

RESIDING AT Bain, Idaho

MY COMMISSION EXPIRES DEC-1989

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1/30/1989

## SRBA CLAIMS RECEIVING CHECKLIST #2

- CLAIMANT'S NAME Double Diamond Ranches CLAIM IDENT. NO. A65-11393
- DATE RECEIVED 5/23/89 CK # exempt AMOUNT \$ exempt
- |                                                                                                                                                                                                                          | YES                                 | NO                                  | Required Info? |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|----------------|
| 1. Is the name and address complete with zip code?                                                                                                                                                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | *              |
| 2. Is a priority date entered?                                                                                                                                                                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | *              |
| Is the priority date acceptable in view of mandatory filing dates?                                                                                                                                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | *              |
| See Adjudication Memos #1 and #4 to determine if a Permit is required.                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                |
| 3. (a) Is a source entered?                                                                                                                                                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | *              |
| (b) Is a tributary to entered? (if required)                                                                                                                                                                             | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                |
| 4. Is the legal description of the p.d. sufficient?                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | *              |
| 5. Is there a description of the diverting works?                                                                                                                                                                        | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | *              |
| Is the period of use included?                                                                                                                                                                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                |
| Is a quantity claimed for each use?                                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | *              |
| 7. Is a total quantity claimed entered?                                                                                                                                                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                |
| 8. If required is a consumptive use entered?                                                                                                                                                                             | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                |
| Is the consumptive use correct?                                                                                                                                                                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | *              |
| 10. Is (are) the place(s) of use and purpose(s) indicated?                                                                                                                                                               | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | *              |
| 11. Is (are) the county(ies) entered?                                                                                                                                                                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                |
| 12. Is the ownership of p.u. checked?                                                                                                                                                                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                |
| 13. Are other water rights listed or "none" indicated?                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)                                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                |
| 15. Is the basis of the claim indicated?                                                                                                                                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.                                                                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | *              |
| 18. Has the claim been signed, sealed, and dated by a notary?                                                                                                                                                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | *              |
| 19. Was this claim filed on time, or was an extension granted?                                                                                                                                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | *              |
| 20. Is the fee enclosed correct?                                                                                                                                                                                         | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | *              |
| 21. If this claim is based on an existing water right, has the identification number been entered?                                                                                                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                |
| 22. Should this claim be receipted and data entered?                                                                                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                |

Claim checked by: U/L Date: 8-15-89Claim must be returned to claimant: (Yes) ☒ (No) ☐Claimant must be notified of modifications: (Yes) ☒ (No) ☐

Receipt Prepared by: \_\_\_\_\_ Date: \_\_\_\_\_  
 Claim data entered by: \_\_\_\_\_ Date: \_\_\_\_\_  
 Sent to claimant by: \_\_\_\_\_ Date: \_\_\_\_\_

Comments: \_\_\_\_\_

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## State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

May 4, 2001

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

Dear Basin 65 water user

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

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

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

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

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

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

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

Sincerely,

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