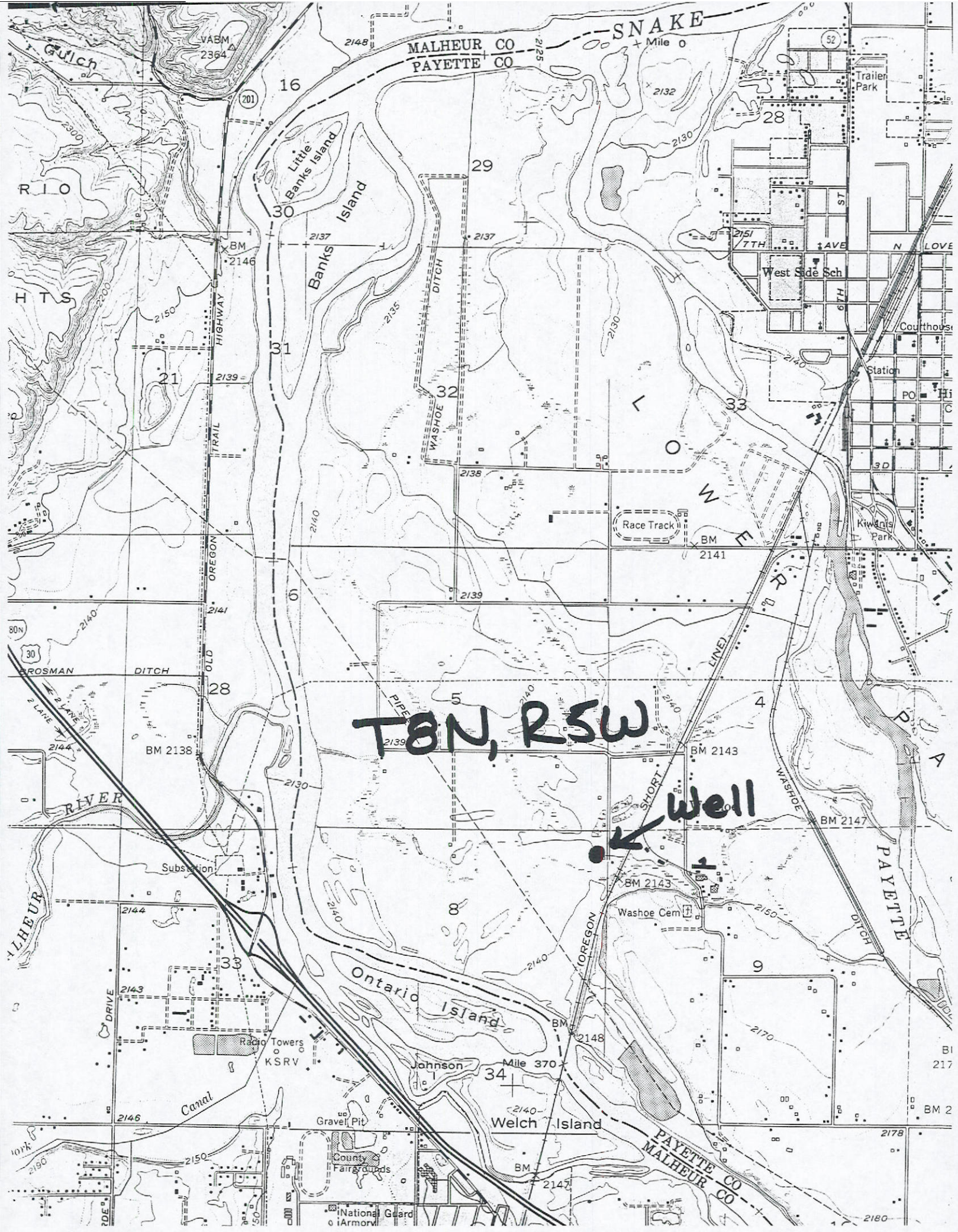




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

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 65-22526
Date Received: 5/4/01
Receipt No: X999999
Received By:

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

1. Name of Claimant(s)

EASTERN WESTERN CORP Phone: (503)236-1978

MICHAEL E MC GINLEY PRESIDENT
1426 SE GIDEON ST
PO BOX 3228
PORTLAND OR USA 972083228

2. Date of Priority: 10/20/1977

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08N	05W	8	NE NW NE	PAYETTE	

5. Description of diverting works:

6" well with electric pump.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.12	

7. Total Quantity Appropriated is:
0.12 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 500 Range Cattle

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08N	05W	8	NE	NE	STOCKWATER	

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:

14. Remarks:

This claim is based on right no. 65-72.

15. Basis of Claim: Decreed

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. AP5-22526Date Received 5-4-01

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHTACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

RECEIVED

MAY 04 2001

WATER RESOURCES
WESTERN REGION

Filing Fee \$25

Please type or print clearly Eastern Western Corporation
Michael E. McGinley, President1. Name of Claimant (s) _____ Phone (503) 236-1978Mailing Address 1426 SE Gideon St., P.O. Box 3228, Portland, OR 97208-32282. Date of Priority (Only one per claim) 10/20/1977 Month/Day/Year3. Source of water supply (Check one) (x) Groundwater or Other () (a) _____
Name or kind of source

which is tributary to (b) _____

4. Location of point of diversion is: Township 8N Range 5WSection 8, NE 1/4 of NE 1/4 of NE 1/4, Govt. Lot _____, BM.,County of Payette

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. 6-inch well with electric pump

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For stockwater purposes from 01/01 to 12/31 amount 0.12 (cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____7. Total quantity claimed 0.12 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 500 range cattle

10. Place of use is: Township: 8N Range 5W
Section 8, NE 1/4 of NE 1/4, Govt. Lot , B.M.,
County of Payette for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any
11. In which county (ies) are lands listed above as place of use located? Payette
12. Do you own the property listed above as place of use? Yes x No
If your answer is No, describe in Remarks below the authority you have to claim this water right.
13. Describe any other water rights used at the same place and for the same purposes as described above.

14. Remarks: Incidental stockwater

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree
Gem County
Court Third Judicial Dist. Decree Date 1/21/1986 Plaintiff vs Defendant State of Idaho v. A&C Corp.
et al.
If applicable provide IDWR Water Right Number 65-00072

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 1

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

Signature of Claimant (s) Date
 Date

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

Signature of Authorized Agent Michael E. Smith Date 4-12-01
Title and Organization President, Eastern Western Corporation

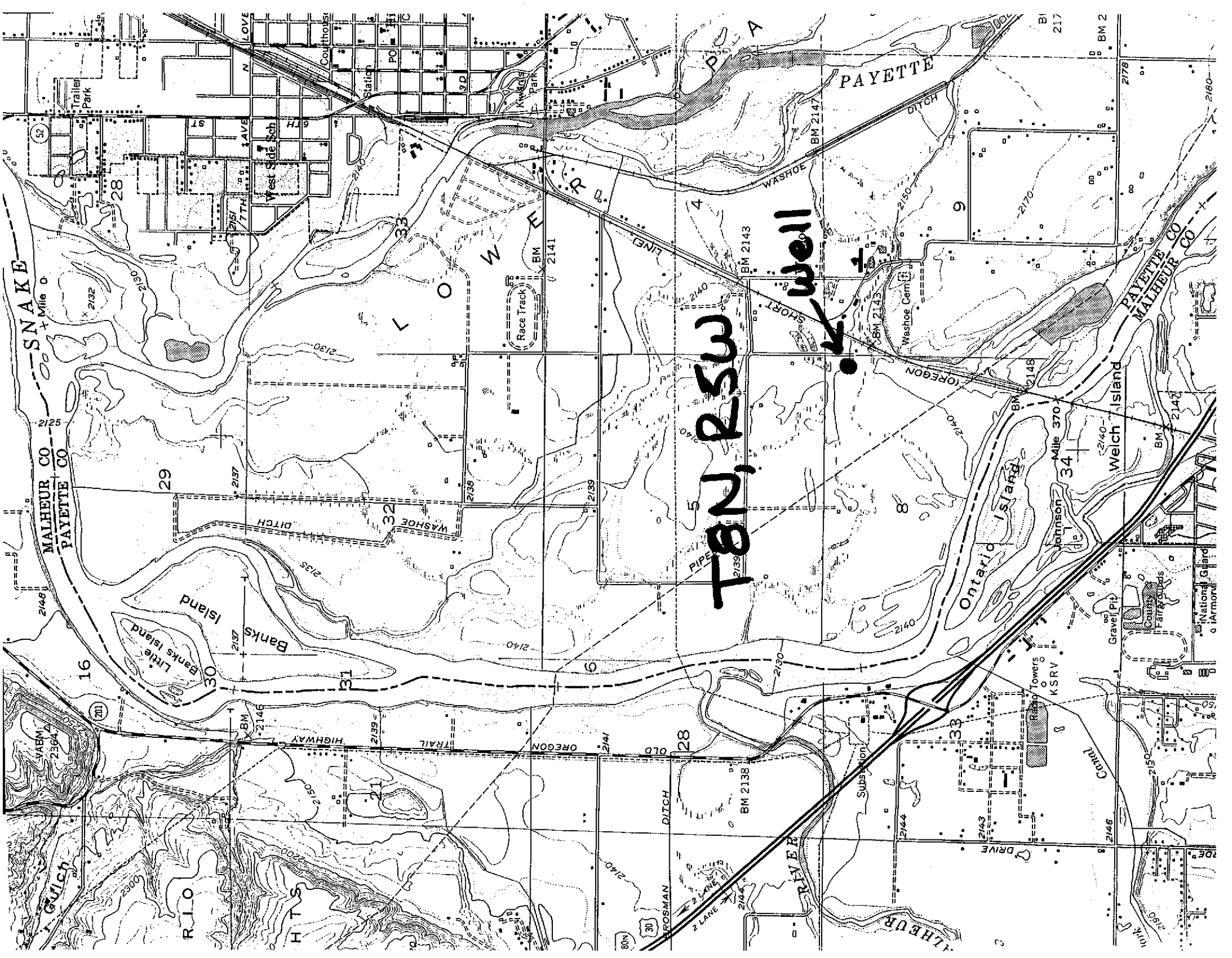
State of Idaho)
Oregon)
County of Multnomah) SS.

Subscribed and sworn (or affirmed) before me this 12th day of April, 2001



Notary Public Cindi Masterson
Residing at Oregon
My Commission Expires 12-29-02

Last Name Eastern Western Corp. Ident No.
Copies: White-State, Yellow-Claimant



T8N, R5W
Well

JAN 24 2002

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

In Re SRBA) A. Subcase No. 65-22526
)
Case No. 39576)
) STANDARD FORM 1
) OBJECTION
)

B. NAME AND ADDRESS OF PERSON OBJECTING

Name & Address of Attorney, if any:

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

Page 1

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

1. ☒ **Name and Address**
Should be: C/C. LLC, 3990 Highway 52, Pavette, Idaho 83661
2. ☒ **Source**
Should be: As claimed
3. ☒ **Quantity**
Should be: As claimed
4. ☒ **Priority Date**
Should be: As claimed
5. ☒ **Point(s) of Diversion**
Should be: As claimed
6. ☒ **Instream Flow Description**
Should be: As claimed
7. ☒ **Purpose(s) of Use**
Should be: As claimed
8. ☒ **Period of Year**
Should be: As claimed
9. ☒ **Place of Use**
Should be: As claimed

11. I object because:

☐ This water right should not exist.

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

E. REASONS SUPPORTING OBJECTION(S): This water right is a valid groundwater
stock right.

F.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

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

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

(Signature of person filing objection)

Dana Hofstetter
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 18, 2002

[Signature]
Notary Public for the State of Idaho

Residing at: BOISE, ID

My Commission Expires: 2-13-03

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on January 18, 2002, I filed the original with the SRBA Court and mailed copies of this Objection, including all attachments, to the following:

1. Original to:

Clerk of the District Court (*via Hand Delivery*)
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

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

Michael E. McGinley
Eastern Western Corporation
P.O. Box 3228
Portland, Oregon 97208-3228

3. Copies to:

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

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

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



Signature of Objector or attorney
mailing on Objector's behalf

In Re SRBA	)	SUBCASE NO(S).: 65-22526
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

IDWR CONCURRENCE:

Roxanne Brown date
Sr. Water Resource Agent

Garrick L. Baxter date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on _____, 2002, I delivered the original and copies of this form to the following persons, postage prepaid if required, and addressed as follows:

1. Original to:

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

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

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

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

3. Copies to all parties to the subcase:

C/C LLC
3990 Highway 52
Payette, ID 83661

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

Dana Hofstetter
Hofstetter Law Office LLC
608 W. Franklin St.
Boise, ID 83702

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

Signature of person mailing this document

04/23/2002

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

RIGHT NUMBER: 65-22526

NAME AND ADDRESS: C/C LLC
3990 HWY 52
PAYETTE ID 83661

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.12 CFS

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

PRIORITY DATE: 10/20/1977

POINT OF DIVERSION:

T08N R05W S8 NENENE Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.12 CFS

PLACE OF USE: STOCKWATER Within PAYETTE County

T08N R05W S08 NENE

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

06/20/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 65-22526

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EASTERN WESTERN CORP MICHAEL E MC GINLEY PRESIDENT 1426 SE GIDEON ST PO BOX 3228 PORTLAND, OR 972083228 (503)236-1978

Priority Date: 10/20/1977
Basis: Beneficial Use
Status: Disallowed

<u>Source</u>	<u>Tributary to</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	01/01	12/31	0.12 CFS		
Total Diversion			0.12 CFS		

Location of Point(s) of Diversion:

GROUND WATER	NENWNE	Sec. 08	Township 08N	Range 05W	PAYETTE County
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STOCKWATER Use:
Number of other uses: 500 Range Cattle

Place(s) of use:

Place of Use	Legal Description: STOCKWATER	PAYETTE County
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<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
08N	05W	8		NENE										

Conditions of Approval:

1. P02 RIGHT NOT CLAIMED IN PRIOR ADJUDICATION: This is included for a claim that is PROPOSED to be disallowed because rights to water from the source claimed were determined in a prior general adjudication, the right was not decreed in the prior adjudication, and the claim cannot be recommended based upon beneficial use.

Remarks:

1. General RIGHT NOT CLAIMED IN PRIOR ADJUDICATION.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
mschulte	6/20/01	REASON FOR DISALLOWAL	THIS CLAIM WAS FILED AS AN ASSOCIATED RIGHT TO WASHOE IRRIGATION COMPANY RIGHT 65-72 BUT THE SOURCES ARE NOT THE SAME. WASHOE IRRIGATION FILED A SEPARATE CLAIM THAT SHOULD COVER THE USE IN THIS CLAIM.

Dates:

Licensed Date:
Claim Received Date: 05/04/2001
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date:
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Review Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	6/20/01 8:10:27 AM	mschulte			In Process
	6/20/01 7:50:40 AM	mschulte			In Process
Summary	6/20/01 8:11:05 AM	mschulte			In Process
	6/20/01 7:55:54 AM	mschulte			In Process
	6/20/01 7:51:00 AM	mschulte			In Process

Other Information:

Receipt Number(s):
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

05/04/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 65-72

<u>Owner Type</u> Current Owner	<u>Name and Address</u> WASHOE IRRIGATION & WATER POWER CO LTD ELIZABETH CORDER SECRETARY 1025 NW 10TH AVE PAYETTE, ID 83661 (208)642-3022
------------------------------------	---

Original Owner	WASHOE IRRIGATING & WATER POWER CO RT 1 BOX 102 PAYETTE, ID 83661
----------------	---

Priority Date:	10/09/1895
Basis:	Decreed
Status:	Active

<u>Source</u> PAYETTE RIVER	<u>Tributary to</u> SNAKE RIVER
--------------------------------	------------------------------------

<u>Beneficial Use</u> IRRIGATION	<u>From</u> 03/15	<u>To</u> 11/15	<u>Diversion Rate</u> 39.99 CFS	<u>Volume</u>	<u>Subuse Code</u>
-------------------------------------	----------------------	--------------------	------------------------------------	---------------	--------------------

Total Diversion	39.99 CFS
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Location of Point(s) of Diversion:

PAYETTE RIVER	NENW Lt 3	Sec. 15	Township 08N	Range 05W	PAYETTE County
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IRRIGATION Use:
Acre Limit: 1724

Place(s) of use: No POUs found for this right

Conditions of Approval:

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

Remarks:

- | | |
|------------------------------|---|
| 1. Place of Use - Irrigation | THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1724 ACRES WITHIN THE BOUNDARIES OF THE WASHOE IRRIGATION & WATER POWER CO. LTD IN ANY ONE IRRIGATION SEASON.
THIS RIGHTSHALL PROVIDE NO MORE THAN .02 CFS PER ACRE AT THE FIELD HEADGATES.
THE PLACE OF USE FOR THIS RIGHT IS WITHIN THE BOUNDARIES OF THE WASHOE IRRIGATION & WATER POWER CO. LTD. |
| 2. Quantity | |
| 3. Place of Use - Irrigation | |

Comments:

<u>Author</u> mschulte	<u>Date</u> 1/2/01	<u>Subject</u> DELIVERY LOSS	<u>Comment</u> THE DIVERSION RATE IN EXCESS OF .02 CFS PER ACRE AT THE FIELD HEADGATES IS FOR DELIVERY LOSS AS PROVIDED IN THE PAYETTE RIVER BASIN ADJUDICATION.
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Dates:

Licensed Date:
Claim Received Date: 03/12/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date: 01/21/1986
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Other Information:

Receipt Number(s): X999999
State or Federal: S
Owner Name Connector:
Water District Number: 65
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:NONE RECEIVED
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False