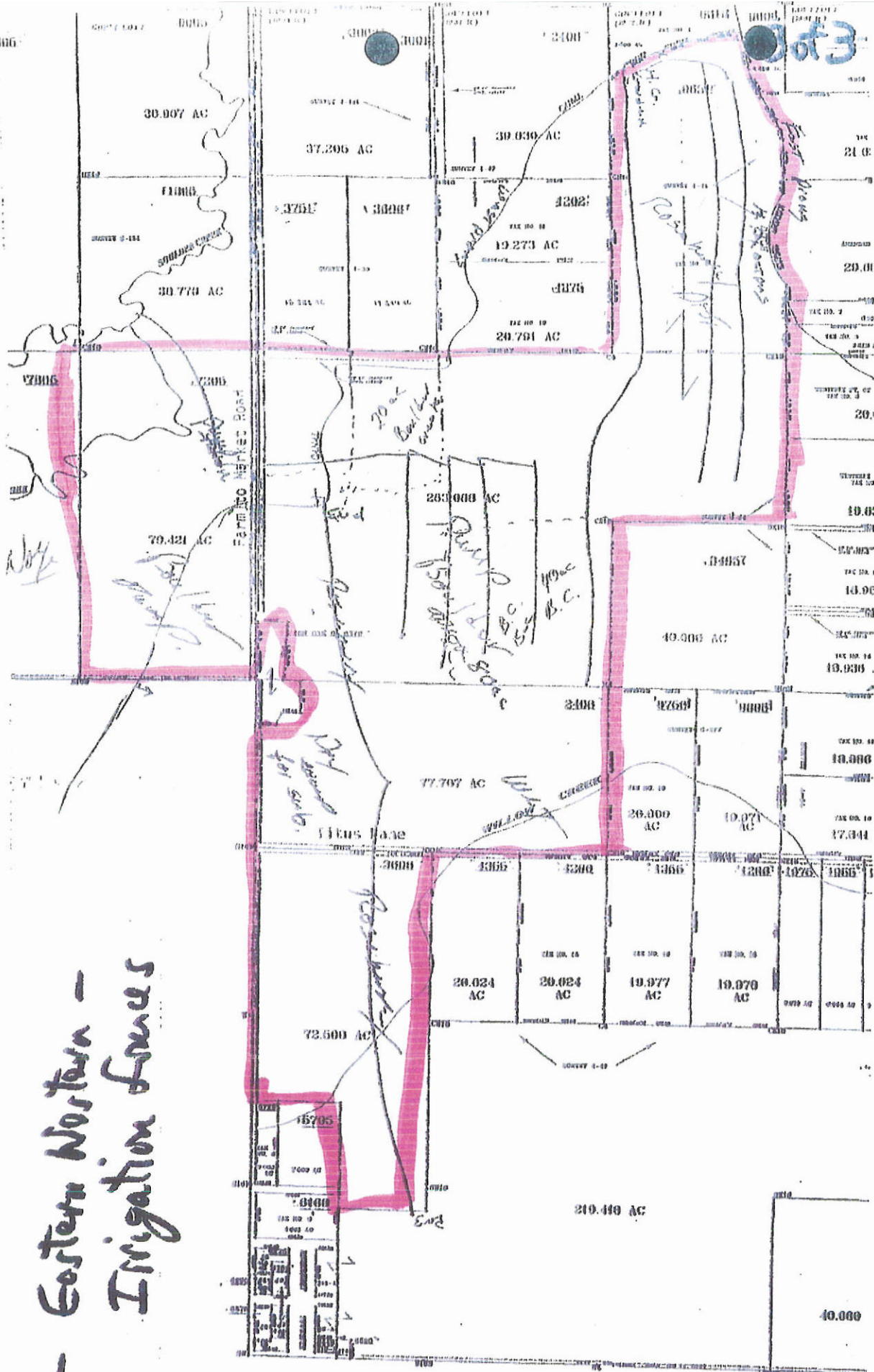


Eastern Western - Irrigation forces



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 65-22616
Date Received: 8/8/2001
Receipt No:
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: 08/26/1949

3. Source: BOULDER CREEK Trib. to: PAYETTE RIVER NORTH FORK

4. Point of Diversion:

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

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.23	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
16N	03E	1	SE SW	STOCKWATER	
			NE SW	STOCKWATER	
			NW SW	STOCKWATER	

			SW	SW	STOCKWATER
16N	03E	2	NE	SE	STOCKWATER
			SE	SE	STOCKWATER
16N	03E	12	NE	NW	STOCKWATER
			NW	NW	STOCKWATER
			SW	NW	STOCKWATER
			NW	SW	STOCKWATER

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:

14. Remarks:

This claim is based on right no. 65-2515A.

15. Basis of Claim: Decreed

16. Signature(s)

SENT BY: IDWR WESTERN REGION;

334 2348;

AUG-8-01 9:02AM;

PAGE 2/5

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 65-22616
Date Received: 8/8/2001
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 -3228
PORTLAND OR USA 972089228

2. Date of Priority: 08/26/1949

3. Source: BOULDER CREEK Trib. to: *Payette River, North Fork* ~~CASCADE RESERVOIR~~

4. Point of Diversion:

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

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.P.A
STOCKWATER	01/01	12/31	0.23	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
16N	03E	1	NE SW	STOCKWATER	
			NW SW	STOCKWATER	
			SW SW	STOCKWATER	
			SE SW	Stock water	

16N 03E 12

NE NW

Stock water

NW NW

Stock water

SW NW

Stock water

NW SW

stockwater

16N 03E 2

NE SE
SE SE

STOCKWATER
STOCKWATER

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:

14. Remarks:

This claim is based on right no. 65-2515A.

15. Basis of Claim: Decreed

16. Signature(s):

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am President of _____

Eastern Western Corp that I have signed the foregoing
Organization Title

document in the space below as President of _____

Eastern Western Corp and that the statements contained in the
Organization Title
foregoing document are true and correct.

Signature of Authorized Agent

President, Eastern Western Corp.
Title and Organization

August 8, 2001
Date

State of Idaho)

County of _____) SS.

Subscribed and sworn (or affirmed) before me this

or _____ 20____

Notary Public

Residing at _____

My commission Expires _____

Sent By: HOFSTETTER LAW OFFICE ;
Received: 8/8/01 8:59AM;
SENT BY: IDWR WESTERN REGION;

208 424 8774;

334 2348 -> HOFSTETTER LAW OFFICE ;

Aug-8-01 1:32PM;

Page 2

334 2348;

AUG-8-01 9:02AM;

PAGE 2/5

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 65-22616
Date Received: 8/8/2001
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 972089228
-3228

2. Date of Priority: 08/26/1949

3. Source: BOULDER CREEK Trib. to: ~~CASCADE RESERVOIR~~

Payette River, North Fork

4. Point of Diversion:

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

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.23	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
16N	03E	1	NE SW NW SW SW SW SE SW	STOCKWATER STOCKWATER STOCKWATER Stockwater	

RECEIVED
AUG 20 2001
WATER RESOURCES
WESTERN REGION

16N 03E 12

NE NW
NW NW
SW NW
NW SW

Stock water
Stock water
stock water
stockwater

16N 03E 2

NE SE
SE SE

STOCKWATER
STOCKWATER

11. Place of use in counties: VALLEY
12. Do you own the property listed above as place of use? Yes
13. Other Water Rights Used:
14. Remarks:

This claim is based on right no. 65-2515A.

15. Basis of Claim: Decreed

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am President of

Eastern Western Corp Title
Organization, that I have signed the foregoing

document in the space below as President of

Eastern Western Corp Title
Organization and that the statements contained in the

foregoing document are true and correct. Michael G. McSherry
Signature of Authorized Agent

President, Eastern Western Corp.
Title and Organization

August 9, 2001
Date

State of Oregon)
County of Multnomah) SS.

Subscribed and sworn (or affirmed) before me this
of August 9 2001

Cindi Masterson

Notary Public

Residing at Oregon

My commission Expires 12-29-02



RECEIVED
JAN 24 2002
WATER RESOURCES
WESTERN REGION

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

In Re SRBA) A. Subcase 65-22616
) (Insert water right number)
Case No. 39576)
)
) STANDARD FORM 1
) OBJECTION
)
_____)

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Island Capitol LLC
Address: 1409 East 1st Street
Meridian, Idaho 83642
Daytime Phone: (208) 288-0100

Name & Address of Attorney, if any:
Dana L. Hofstetter, ISB # 3867
Hofstetter Law Office, LLC
608 West Franklin Street
Boise, Idaho 83702
(208) 424-7800

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

Name: Island Capitol LLC
Address: 1409 East 1st Street
Meridian, Idaho 83642

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

**✗ General Provisions Basin 65 Irrigation and Other Part III
(3) Separate Streams Administration - Attachment A**

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
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 should be listed in Attachment A.

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:

Jan 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 persons:

1. Original to:

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

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

Not applicable.

3. Copies to:

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

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

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



Signature of Objector or attorney
mailing on Objector's behalf

RECEIVED

MAR 25 2002

Department of Water Resources

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

In Re SRBA)

Case No. 39576)

A. Subcase 65-22616

(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Island Capitol, LLC
Address: 1409 East 1st Street
Meridian, ID 83642
Daytime Phone: (208) 288-0100

Name & Address of Attorney, if any:
Dana L. Hofstetter, ISB # 3867
Hofstetter Law Office, LLC
608 West Franklin Street
Boise, ID 83702
(208) 424-7800

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

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd., Suite 100
Boise, ID 83706-1234

RECEIVED

MAR 27 2002

WATER RESOURCES
DIVISION

INSTRUCTIONS FOR MAILING

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

F. CERTIFICATE OF MAILING

I certify that on March 22, 2002, I caused to be hand delivered the original and caused to be mailed copies of this response, including all attachments, to the following persons:

1. Original to:

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

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

Name: Island Capitol, LLC
Address: 1409 East 1st Street
Meridian, ID 83642

3. One copy to the party who filed the objection at the following address:

Name: David W. Gehlert
Trial Attorney, General Litigation Section
Environment and Natural Resource Division
U. S. Department of Justice
Address: 999 18th Street, Suite N 945
Denver, CO 80202
(208) 644-1967

4. Copies to:

IDWR Document Depository
P. O. 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 & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Your signature or signature of attorney
mailing on your behalf

RECEIVED

JAN 24 2002

WATER RESOURCES
WESTERN REGION

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

In Re SRBA

Case No. 39576

A. Subcase 65-22616
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234
Daytime Phone: (208) 678-0461 (Dala Walton)

Name & Address of Attorney, if any:
David W. Gehlert (303 312-7352)
Trial Attorney, General Litigation Section
Environment and Natural Resource Division
U.S. Department of Justice
999 18th Street, Suite N 945
Denver, CO 80202

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

Name: Island Capitol LLC
Address: 1409 E 1st Street
Meridian, ID 83642

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

- ☒ **General Provision Basin 65 Irrigation & Other Part III (3) Separate Streams**
1. ☐ **Name and Address**
Should be:
 2. ☐ **Source**
Should be:
 3. ☐ **Quantity**
Should be:
 4. ☐ **Priority Date**
Should be:
 5. ☐ **Point(s) of Diversion**
Should be:
 6. ☐ **Instream Flow Description**
Should be:
 7. ☐ **Purpose(s) of Use**
Should be:
 8. ☐ **Period of Year**
Should be:
 9. ☐ **Place of Use**
Should be:
11. **I object because:**
- ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described.

E. REASONS SUPPORTING EACH OBJECTION(S):

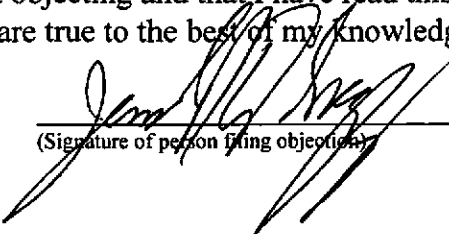
The Bureau of Reclamation objects to the separate stream provision of the Director's Report for Basin 65, Part III. These streams should be administered as part of the Payette River System in order to adequately protect water rights in the Payette River subbasin.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

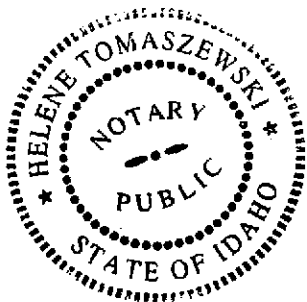
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

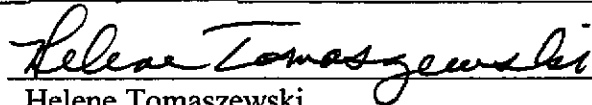

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 9, 2002




Helene Tomaszewski
Notary Public for: Idaho
Residing at: Meridian
My Commission Expires: 01-16-2002

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 17, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

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

Name: Island Capitol LLC

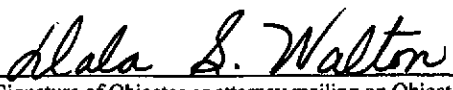
Address: 1409 E 1st Street
Meridian, ID 83642

3. Copies to:

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

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector's behalf



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 2, 2001

ISLAND CAPITOL LLC
1409 E 1ST ST
MERIDIAN ID 83642

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

Dear Property Owners:

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

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

Sincerely,

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

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region

DB: db

Enclosures

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

HOLLAND & HART I.L.P.
ATTORNEYS AT LAW

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

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

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

Linda B. Jones

October 24, 2001

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

RECEIVED

OCT 31 2001

**WATER RESOURCES
WESTERN REGION**

Re: Notice of Change in Water Rights Ownership

Dear Sue:

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

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

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

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

Ms. Sue Bock
October 26, 2001
Page 2

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

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

Sincerely,

HOLLAND & HART LLP

A handwritten signature in cursive script, appearing to read "Linda", is positioned above the printed name.

Linda B. Jones

Enclosures

cc: Graye Wolfe
Dana L. Hofstetter

2860379_1.DOC

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

11/01/2001

WATER RIGHT NUMBER: 65-22616

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

SOURCE: BOULDER CREEK TRIBUTARY: NORTH FORK PAYETTE RIVER

QUANTITY: 0.23 CFS

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

PRIORITY DATE: 08/26/1949

POINT OF DIVERSION:

T16N R03E S2 SENE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.230 CFS

PLACE OF USE: STOCKWATER Within VALLEY County

T16N R03E S01	NESW	T16N R03E S01	NWSW
T16N R03E S01	SWSW	T16N R03E S01	SESW
T16N R03E S12	NENW	T16N R03E S12	NWNW
T16N R03E S12	SWNW	T16N R03E S12	NWSW
T16N R03E S02	NESE	T16N R03E S02	SESE

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: Decreed

Stockwater use is for 1000 range cattle.

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

In Re SRBA

Case No. 39576

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

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

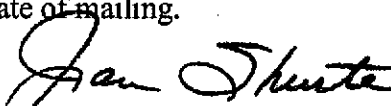
IDWR has completed the following administrative proceeding:

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

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

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

DATED: November 2, 2001



Signature of IDWR Representative

CERTIFICATE OF MAILING

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

1. Original to:

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

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

2. Copies to:

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

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

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

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

3. Copies to all parties to the subcase:

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

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

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

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

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

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

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

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

Dennis Ruffington
Signature of person making this document

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

RECEIVED
OCT 31 2001
WATER RESOURCES
WESTERN REGION

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

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

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

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

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

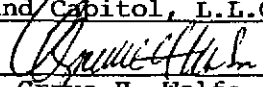
3. Name and Address of Former Owner/Claimant(s) Eastern Western Corp.
1505 SE Gideon St., Portland, OR 97208
4. New Owner/Claimant(s) Island Capitol, L.L.C.
 Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address 1409 East First Street
- City, State and ZIP Code Meridian, ID 83642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

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

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

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

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

By: 
Graye H. Wolfe, Sr.
Managing Member

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

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

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

WARRANTY DEED

For Value Received, EASTERN WESTERN CORPORATION,
An Oregon Corporation

the Grantors, do hereby grant, bargain, sell and convey unto
ISLAND CAPITOL, L.L.C.

whose address is: 1409 East 1st Street Meridian, Idaho 83642
the Grantee, the following described premises, to-wit:

SEE ATTACHED AS EXHIBIT "A"

Together with all water rights appertaining thereto.

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

Dated: 9-27-01

EASTERN WESTERN CORPORATION

Michael E. McGinley
by:

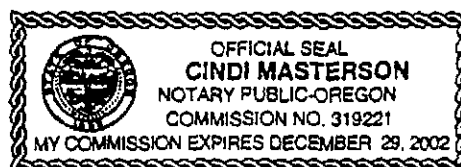
STATE OF Oregon)
) ss
COUNTY OF Multnomah)

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

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

In Witness whereof, I have hereunto set my hand and affixed my
official seal the day and year first above written.

Cindi Masterson
Notary Public for ~~Idaho~~ Oregon
Residing at: Gresham
My Commission Expires: 12-29-02



Instrument # 257775

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

Recorded for: AMERITITLE

LELAND G. HEINRICH

Ex-Officio Recorder Deputy

Index to DEEDS

Fee: 9.00

2.75

CONTINUATION

EXHIBIT A

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

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

Thence a bearing of N 89° 38' 33" W, a distance of 1320.77 feet on said south boundary to a point, the C 1/4 of said Section 1; Thence a bearing of N 0° 11' 36" W, a distance of 1321.54 feet on the west boundary of said NE1/4 to a point, the C-W 1/16 of said Section 1; Thence a bearing of N 0° 11' 36" W, a distance of 765.02 feet on said west boundary to a set 5/8 inch rebar; Thence a bearing of N 41° 35' 52" E, a distance of 79.15 feet to a set 5/8 inch rebar; Thence a bearing of N 60° 48' 25" E, a distance of 233.18 feet to a set 5/8 inch rebar; Thence a bearing of N 73° 03' 14" E, a distance of 431.24 feet to a set 5/8 inch rebar; Thence a bearing of N 79° 44' 53" E, a distance of 73.97 feet to a set 5/8 inch rebar; Thence a bearing of N 81° 01' 16" E, a distance of 233.79 feet to a set 5/8 inch rebar; Thence a bearing of S 62° 55' 31" E, a distance of 17.75 feet to a set 5/8 inch rebar; Thence a bearing of S 12° 09' 40" E, a distance of 321.93 feet to a set 5/8 inch rebar; Thence a bearing of S 17° 47' 32" E, a distance of 29.47 feet to a set 5/8 inch rebar; Thence a bearing of S 30° 03' 02" E, a distance of 121.52 feet to a set 5/8 inch rebar; Thence a bearing of S 30° 12' 47" E, a distance of 324.43 feet to a set 5/8 inch rebar; Thence a bearing of S 18° 26' 10" E, a distance of 73.70 feet to a set 5/8 inch rebar; Thence a bearing of S 1° 13' 01" W, a distance of 313.79 feet to a set 5/8 inch rebar; Thence a bearing of S 3° 05' 10" W, a distance of 108.99 feet to a set 5/8 inch rebar; Thence on a curve to the left, which curve has a radius of 549.97 feet, a delta angle of 78° 38' 51", a length of 754.92 feet, and a long chord which bears S 2° 15' 02" E, a distance of 697.03 feet to a set 5/8 inch rebar on the west boundary of the SE1/4 of said NE1/4; Thence a bearing of S 0° 03' 44" E, a distance of 517.72 feet to the POINT OF BEGINNING.

Aka Tax #4

CONTINUATION

EXHIBIT A

AND

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

AND

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

AND

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Commitment No: AMT0851-01

Schedule A Page 3

STEWART TITLE
GUARANTY COMPANY

WARRANTY DEED

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

See Exhibit A. attached hereto.

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

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

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

Dated: This 13th day of September 1988.

Eld Ranches, Inc.
 Eld Ranches, Inc., by:

Joe E. Eld
 Joe E. Eld

*attested by Notary Public
 Eastern/Western Corporation, Inc.*

STATE OF IDAHO, County of Valley) ss.

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

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

Colleen Zick
Notary Public for Idaho
Residing at Coacoda
Commission expires 6/6/93

STATE OF IDAHO, County of Valley

I hereby certify that this instrument was filed for record at the request of MOUNTAIN TITLE & ESCROW at 19 minutes past 3 o'clock P M., this 19 day of Sept 19 88, in my office, and duly recorded in Book 5 of Deeds at Page

Leslie Shuman
Ex-Officio Recorder

By L. A. Hawkins
Deputy
Fees \$ 12.50

Mail to:

Inst.

163123

Page 1

PARCEL NO. 1

Township 16 North, Range 3 East of the Boise Meridian

Section 1: Lot 2, SW 1/4NE1/4, NW1/4SE1/4, SW 1/4,

TOGETHER WITH: All that portion of Lot 1 and the SE 1/4NE1/4 Section 1, T. 16 N., R.3 E., lying westerly of Boulder Canal AKA Roseberry Irrigation Ditch.

SAVE AND EXCEPT: All that portion of SE 1/4 NE1/4 lying Easterly of the Westerly boundary of the Boulder Canal AKA Roseberry Irrigation Ditch.

SAVE AND EXCEPT:

All that portion of the SW1/4 SE1/4 NE1/4 lying Westerly of the Boulder Canal aka Roseberry Irrigation Ditch.

SAVE AND EXCEPT:

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

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

Section 12: SW 1/4 NW 1/4, N 1/2 NW 1/4 SW1/4, SE1/4 NW 1/4 SW1/4, AND N1/2N1/2 NE1/4 SW1/4 SW1/4;

AND

Section 12: N 1/2 NW1/4.

SAVE AND EXCEPT THAT PARCEL SHOWN ON PAGE 2 HEREOF.

PAGE 2

A parcel of land located in the SW 1/4 SW 1/4 of Section 1 and in the NW 1/4 NW 1/4 of Section 12, T.16 N., R.3 E., S.M., Valley County, Idaho, and more particularly described as follows:

Commencing at the corner common to Sections 1, 2, 11, and 12, T.16 N., R.3 E., S.M., said point being the REAL POINT OF BEGINNING, and marked with a Brass Cap monument; thence N 00° 13' 38" W on the line common to said Sections 1 and 2, 461.31 feet to a point; thence S 88° 18' 30" E 223.31 feet to a 5/8 inch diameter steel pin; thence S 07° 15' 30" W 438.02 feet to a point on the line common to said Sections 1 and 12 from which the said corner common to Sections 1, 2, 11, and 12, bears N 89° 27' 47" W 193.23 feet; thence continuing S 00° 13' 38" W 2.45 feet to a 5/8 inch diameter steel pin; thence S 87° 24' 25" E 124.72 feet to a 5/8 inch diameter steel pin; thence S 01° 41' 05" E 231.64 feet to a 5/8 inch diameter steel pin; thence N 89° 46' 50" W 133.35 feet to a 5/8 inch diameter steel pin; thence S 25° 22' 40" W 104.71 feet to a 5/8 inch diameter steel pin; thence S 87° 49' 11" W 141.35 feet to a point on the line common to said Sections 11 and 12; thence N 00° 09' 20" W on said common line to Sections 11 and 12, 364.07 feet to the REAL POINT OF BEGINNING.

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

AMENDED SUPPLEMENTAL AGREEMENT ON TRANSFER OF WATER RIGHTS

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

RECITALS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Instrument # 257158

VALLEY COUNTY, CASCADE, IDAHO

2001-09-20

11:53:11 No. of Pages: 6

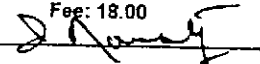
Recorded for : AMERITITLE

LELAND G. HEINRICH

Fee: 18.00

Ex-Officio Recorder Deputy

Index to: MISCELLANEOUS RECORD



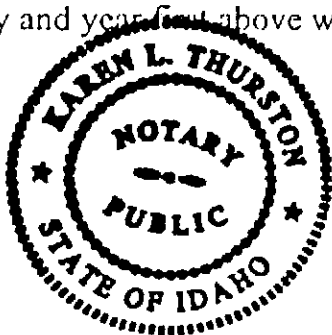
Dated: 9/14/01, 2001

Joe W. Eld
JOE W. ELD

STATE OF IDAHO)
) ss:
County of Valley)

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

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



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

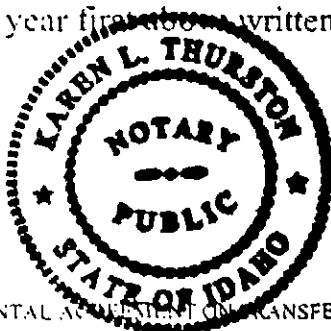
Dated: 9/14/01, 2001

Vicki C. Eld
VICKI C. ELD

STATE OF IDAHO)
) ss:
County of Valley)

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

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



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

Dated: 9-17, 2001

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

STATE OF OREGON)
) ss:
County of Multnomah)

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

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



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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4726
WATER RIGHT NO. 65-02515

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

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

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

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

Priority: 08/26/1949

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

PLACE OF USE: IRRIGATION

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

CONDITIONS OF APPROVAL AND REMARKS

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

TRANSFER NO. 4726
WATER RIGHT NO. 65-02515

CONDITIONS OF APPROVAL AND REMARKS

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

Dated this 7th day of April, 1997.

J. Glen Saylor
Chief, Water Alloc. Bureau

MEMORANDUM

7/24/02

TO: FILE NO. 65-02515

RECEIVED

FROM: PAM SKAGGS⁷⁸ STATE OFFICE

APR 08 1997

SUBJECT: TRANSFER NO. 4726

WATER RESOURCES
WESTERN REGION

DATE: April 4, 1997

de 

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

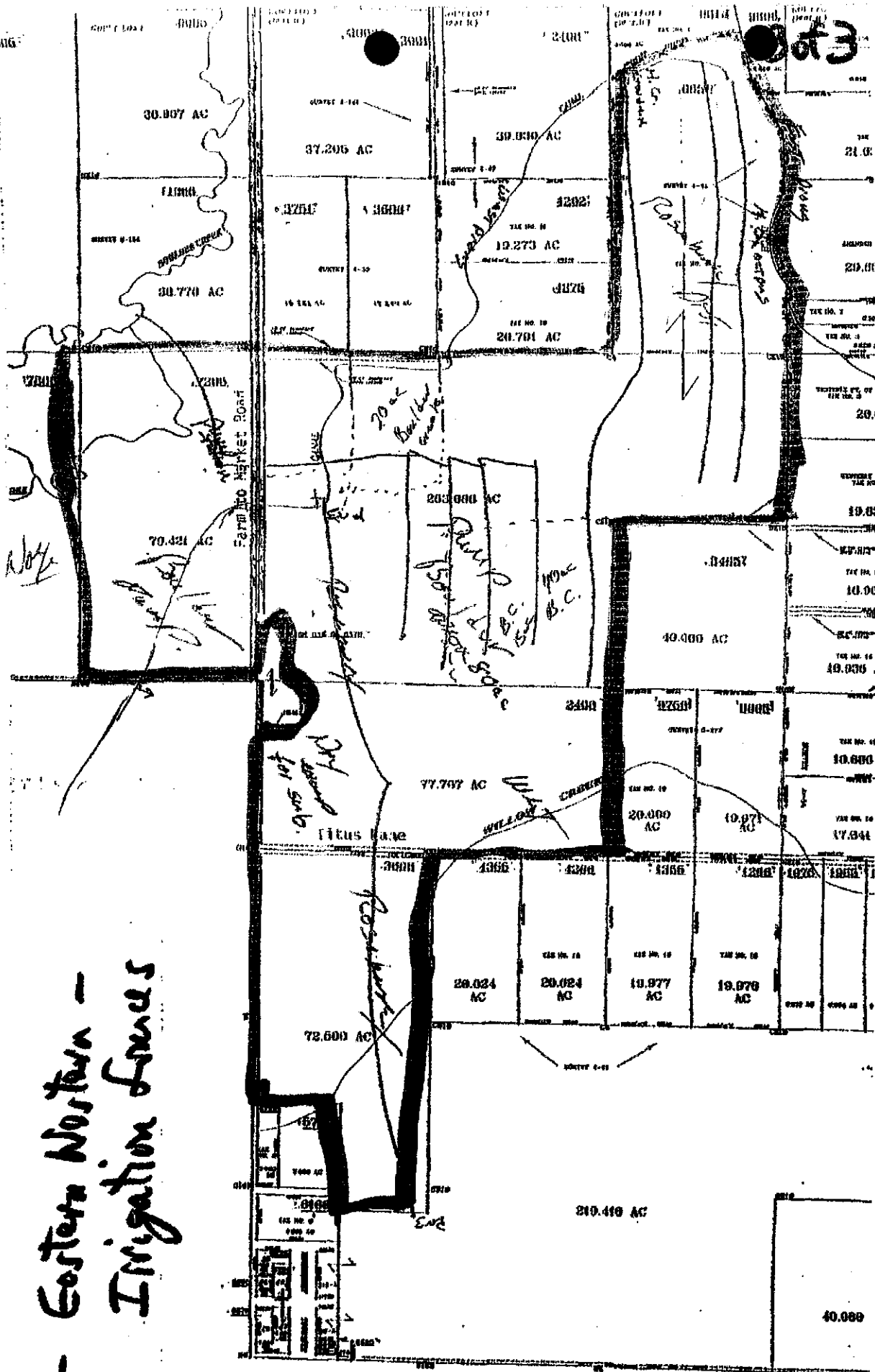
The applicant has sold a portion of the licensed acres in Section 02 and additional land in Section 01, including the 77 acres identified on the transfer application as the new place of use, to Eastern Western Corporation. The end result of the transfer will be the irrigation of all 144 acres on adjacent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

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

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

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

Eastern Western - Irrigation Forces



RECEIVED

RECEIVED

OCT 17 2001

OCT 12 2001

WATER RESOURCES
WESTERN REGION

Department of Water Resources

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

In Re SRBA) A. Subcase 65-22616
) (Insert water right number)
Case No. 39576)
)
) STANDARD FORM 1
) OBJECTION
)
_____)

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

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

Name & Address of Attorney, if any:
Dana L. Hofstetter, ISB # 3867
Hofstetter Law Office
608 West Franklin Street
Boise, Idaho 83702
(208) 424-7800

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

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

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

**✗ General Provisions Basin 65 Irrigation and Other Part III
(3) Separate Streams Administration - Attachment A**

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

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 should be listed in Attachment A.

F.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

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

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

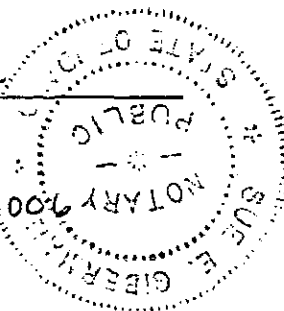
(Signature of person filing objection)

Dana L. Hofstetter
(Attorney signing in representative capacity)

OCT 11 2001

Subscribed and sworn to before me on: _____

Sue E. Gibermon
Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 10/11/2006



RIGHT NUMBER: 65-22616

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

SOURCE: BOULDER CREEK

TRIBUTARY: NORTH FORK PAYETTE RIVER

QUANTITY: 0.23 CFS

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

PRIORITY DATE: 08/26/1949

POINT OF DIVERSION:

T16N R03E S2 SENE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.230 CFS

PLACE OF USE:

STOCKWATER Within VALLEY County

T16N R03E S01	NESW	T16N R03E S01	NWSW
T16N R03E S01	SWSW	T16N R03E S01	SESW
T16N R03E S12	NENW	T16N R03E S12	NWNW
T16N R03E S12	SWNW	T16N R03E S12	NWSW
T16N R03E S02	NESE	T16N R03E S02	SESE

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.
Stockwater use is for 1000 range cattle.

EXPLANATORY MATERIAL: Decreed