



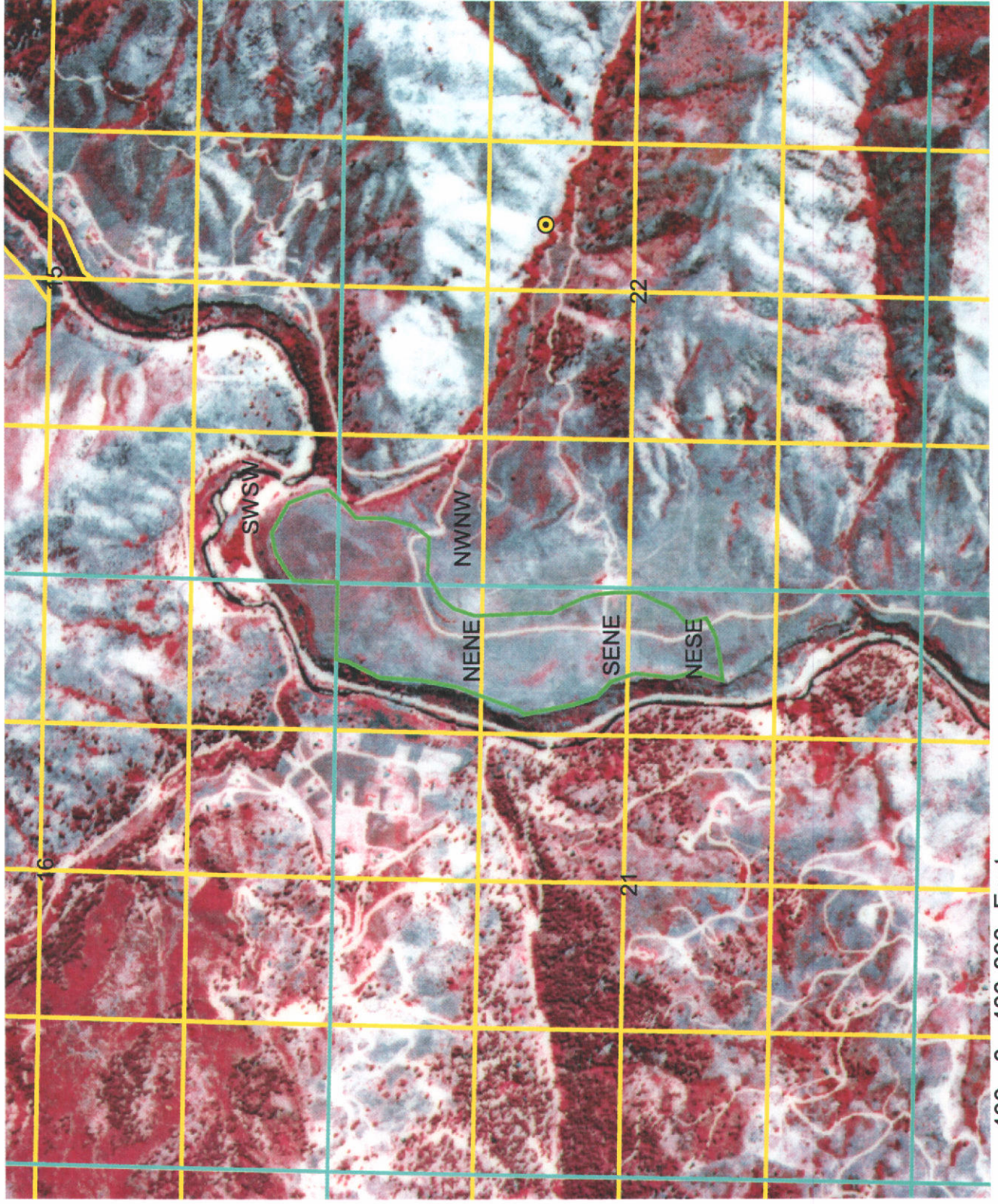
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~~AUG 21 1992~~

IDAHO DEPT OF WATER RESOURCES

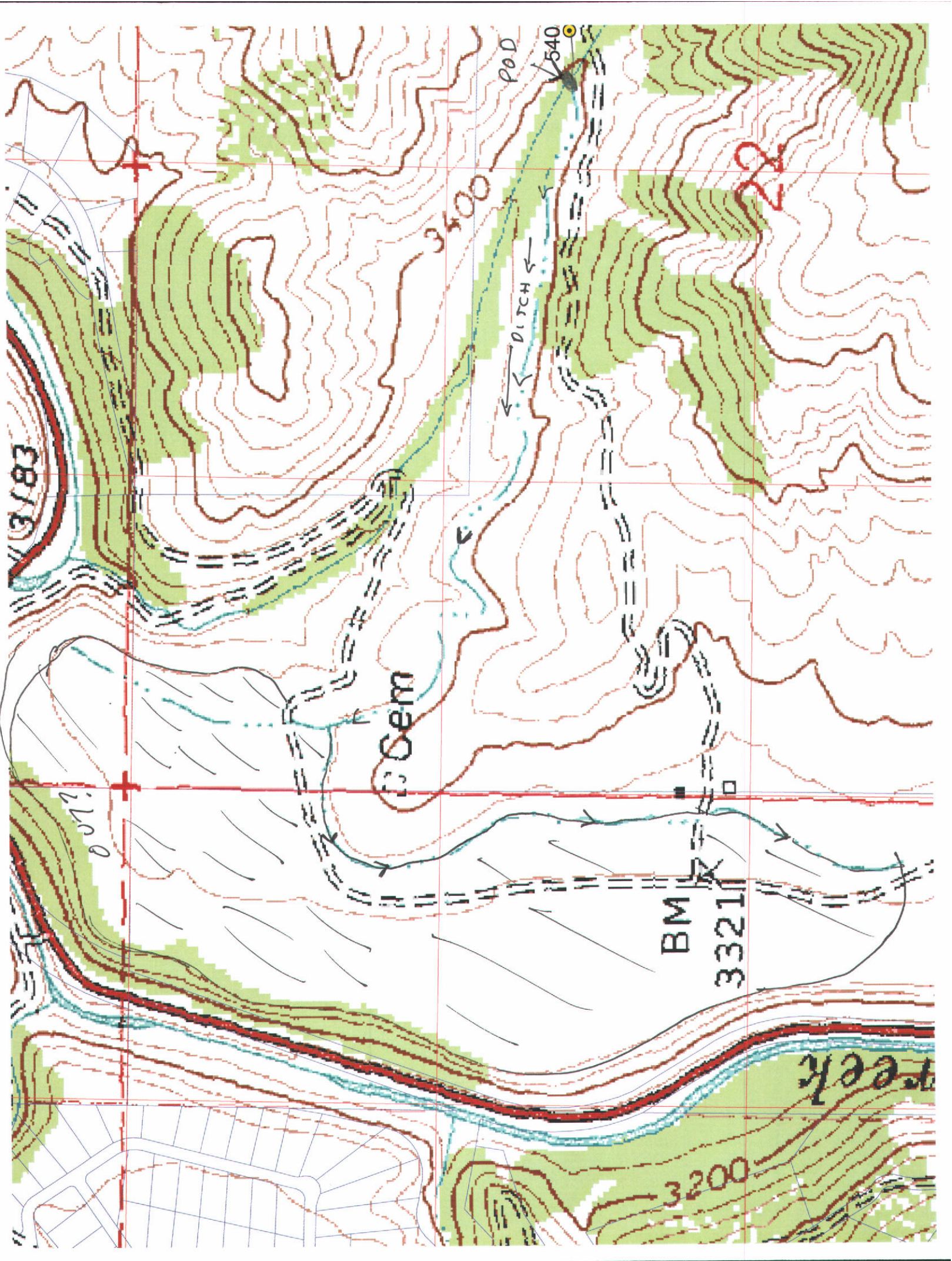
Claim No(s) 63-5408
T04N, R04E, Sec 15, 21, 22
Prepared by: Maria Minicucci
February 12, 2002

-  Place of use
-  Point of diversion
-  Section Lines
-  Quarter quarter lines



400 0 400 800 Feet

1987 NAPP



SRBA Claim Number A63-5408

Date of Photos 10/30/2001

Photographer _____

Legal Description T4N R4E S22 SWNE

D. BUFFINGTON

① Point of Diversion

Scott Nicholson
N. Niviceci
Fannie



② Point of Diversion

Scott Nicholson
N. Niviceci



SRBA Claim Number A63-5408

Date of Photos 10/30/2001

Photographer D. BUFFINGTON

Legal Description T4NR4ES22 SWNE

③ Upstream
Measurement
Location



④ Downstream
Measurement
Location



SRBA Claim Number A63-5408

Date of Photos 10/30/2001

Photographer D BUFFINGTON

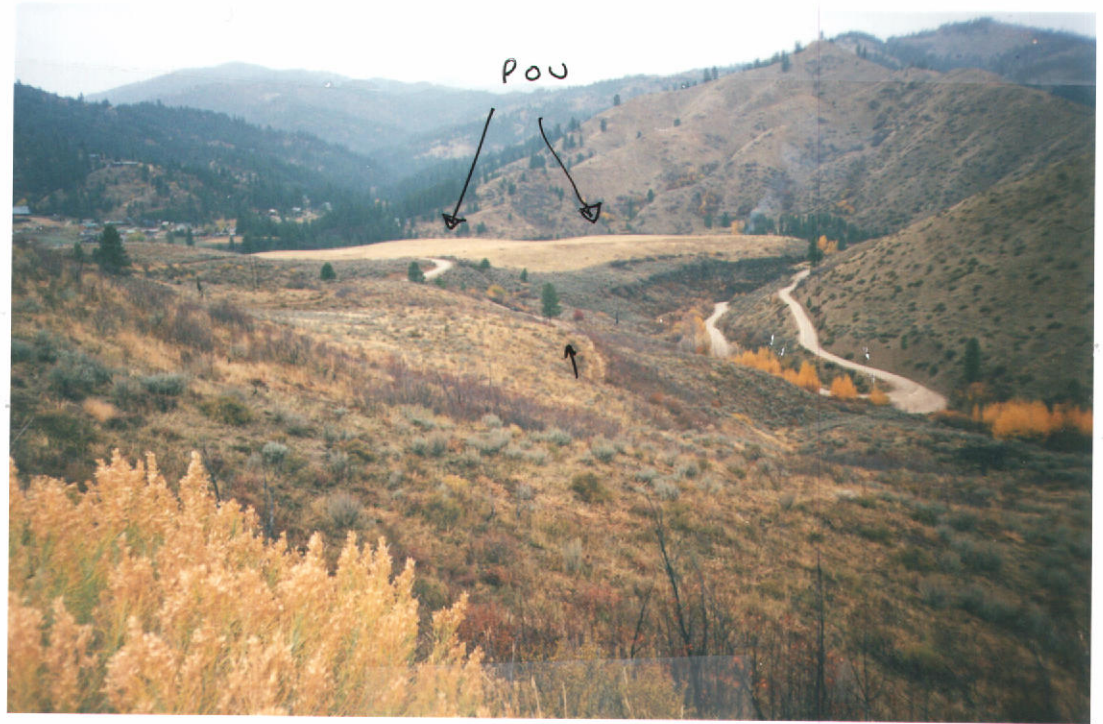
Legal Description 74NR4E

⑤ Place of use

Sections 15+22

Peninsula of high
Ground west of
Dunnigan Creek and
South of Flores Creek

Photo taken from
hillside above and
west of diversion,
looking north + west



⑥ Place of use

Section 21,
N2NE4

Photo taken from
hillside to east of
house, looking
north and west.

Homes are on the
other side of Flores
Creek canyon.

Both sides of road (dirt)
are irrigated



SRBA Claim Number A63-5408

Date of Photos 10/30/2001

Photographer D. BUFFINGTON

Legal Description T4N24E S21 E4

⑦ Place of use

N2E4 S21

Photo taken from
hillside above (east)
of house.

Houses are on other
side of Mores Creek
canyon.

Pou on both sides
of dirt road



⑧ Pou

E4 S21

Photo taken from
hillside, as above,
looking west.

Home is part of
this property.



SRBA Claim Number A63-5408

Date of Photos 10/30/2001

Photographer D BUFFINGTON

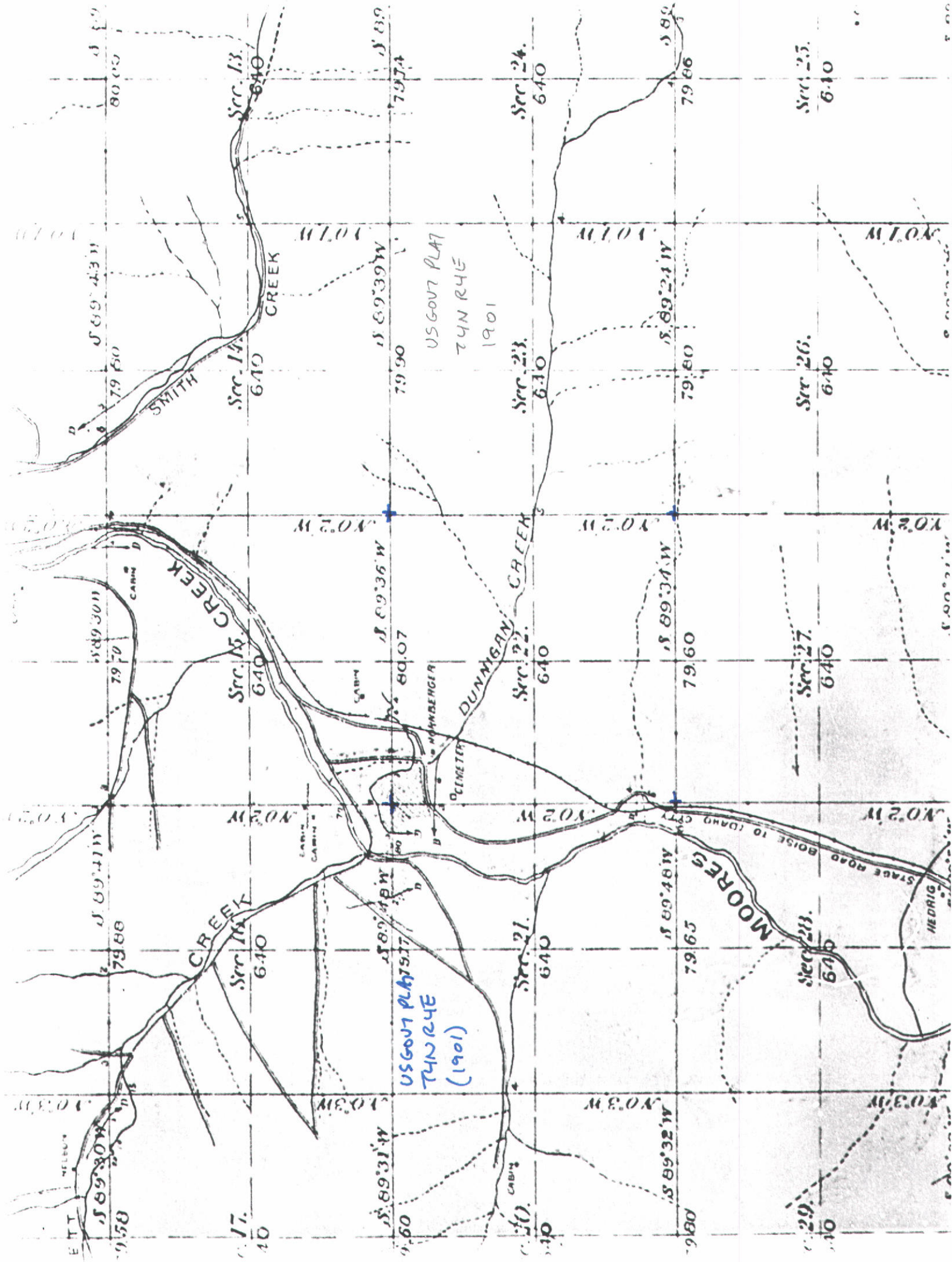
Legal Description 74N R4E S21

① Place of use

SENE + NESE

Photo taken from
hillside east of
home, looking
west and south





Claim Number(s): A63-05408

Name of Claimant(s): NICHOLSON

Name of Ditch, Canal, or Stream: DUNNIGAN Creek

Date of Measurement: 10/30/01 Data Collected By: RD + DB

Measurement Location: 1/4 1/4 Section T R

Cross Section Data

Basis: high water mark() maximum capacity(X)

Note: minimum of five depth or rod readings; first and last must be equal or zero

DOWNSTREAM		UPSTREAM	
depth or rod reading	distance from initial point	depth or rod reading	distance from initial point
1. <u>0</u>	<u>0</u>	7. <u>0</u>	<u>0</u>
2. <u>.16</u>	<u>1.0</u>	8. <u>.22</u>	<u>1.0</u>
3. <u>.36</u>	<u>2.0</u>	9. <u>.36</u>	<u>2.0</u>
4. <u>.70</u>	<u>3.0</u>	10. <u>.78</u>	<u>3.0</u>
5. <u>1.08</u>	<u>4.0</u>	11. <u>1.02</u>	<u>4.0</u>
6. <u>1.10</u>	<u>5.0</u>	12. <u>1.10</u>	<u>5.0</u>
7. <u>.70</u>	<u>6.0</u>		<u>6.0</u>

Slope Data

Basis: high water mark() channel bottom() land surface()

Level Readings:

upper stadia

center

lower stadia

stadia difference

Downstream Upstream
upstream downstream

6.24

5.98

5.71

53

4.80

4.68

3.380

24

channel length

4.50 77

max capacity

Note: for elevations, the downstream rod reading must be higher than the upstream rod reading

Comments

Are maps and/or photos attached? yes()

8. .65 2.0

9. .48 8.0

10 0 8.9 LEW

.48 7.0

.32 8.0

.10 9.0

LEW 0 9.7

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: A63-05408
Date Received: 7/07/1989
Receipt No: C006917
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name:	C & T RANCHES INC.	208-375-5255
Address:	10322 ESTATE DR.	
	BOISE, ID	83709
OR		
Name:	WILLIAM E. MORRIS	
Address:	BOISE, ID	83709
OR		
Name:	SCOTT NICHOLSON	
Address:	BOISE, ID	83709
OR		
Name:	JENNIFER NICHOLSON	
Address:	BOISE, ID	83709
OR		
Name:	KELLI NICHOLSON	
Address:	BOISE, ID	83709
OR		
Name:	CHRISTINE NICHOLSON	
Address:	BOISE, ID	83709
OR		
Name:	WILLIAM PATRICK HUGHES	
Address:	BOISE, ID	83709
OR		
Name:	THOMAS EMIL NICHOLSON	
Address:	BOISE, ID	83709

2. Date of Priority: MAR 15, 1883

3. Source: DUNNIGAN CREEK Trib. to: MORES CREEK

A63-05408

Page 1

Date: 07/07/89

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4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	04E	22	SE	NW	✓		BOISE

5. Description of diverting works:
DIVERSION DAM, EARTH DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.300		
STOCKWATER	01/01	12/31	0.070		

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

8. Total consumptive use is 330.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/70 RANGE, 2,000 SHEEP.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04E	15	SW	SW		IRR	15.0 ✓
						Section Acres	15.0
		21	NE	NE		IRR	32.0 ✓
			SE	NE		IRR	36.0 ✓
			NE	SE		IRR	26.0 ✓
			SE	SE		IRR	6.0 ✓
						Section Acres	100.0
		22	NW	NW		IRR	26.0 ✓
			SW	NW		IRR	12.0 ✓
			NW	SW		IRR	8.0 ✓
			SW	SW		IRR	4.0 ✓
						Section Acres	50.0
						Total Acres	165.0 ✓

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:
NONE

A63-05408

Page 2

Date: 07/07/89

MICROFILMED

AUG 21 1992

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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

63-05408

Date Received

5-18-89

Receipt Number

COD6917

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY 18 1989

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) C & T Ranches, Inc., or individuals Phone (208) 375-5255
named on attached sheet
Mailing Address 10322 Estate Drive, Boise, ID Zip 83709

2. Date of Priority (Only one (1) per claim) March 15, 1883

3. Source of water supply (a) Dunnigan Creek
which is tributary to (b) Mores Creek

4. a. Location of existing point of diversion is: Township 4N Range 4E Section 22,
1/4 of SE 1/4 of NW 1/4, Govt. Lot, B.M., County of Boise

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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. Diversion dam of rocks and earth,
earthen ditches.

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AUG 21 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3-15 to 11-15 amount 3.3 or _____

For stock water purposes from 1-1 to 12-31 amount 0.07 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.37 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 495 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 2,000 head of sheep; 70 head of cattle

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	4E	15											15						15
		21	32			36									26			6	100
		22					26	12			8	4							50

Total number of acres irrigated 165

11. In which county (ies) are lands listed above as place of use located? Boise

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. _____ or None ()

14. Remarks:

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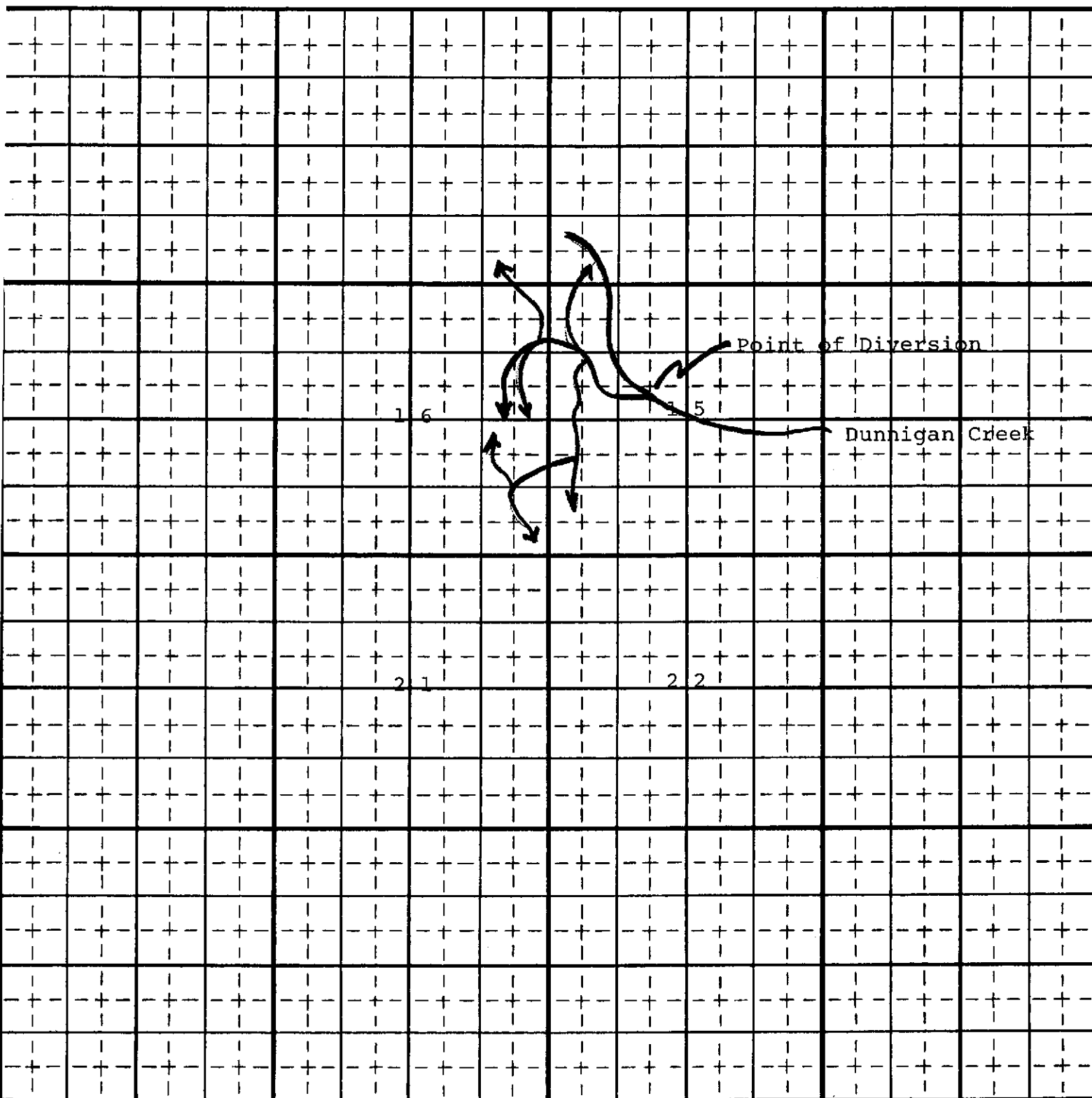
AUG 21 1992

Last Name C & T Ranches, Inc. Ident No. 63-05408

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



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AUG 21 1992

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 63-5408
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 X
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 2

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
Title
of C & T Ranches, Inc. , that I have signed the foregoing
Organization
document in the space below as President of C & T Ranches, Inc.
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Thomas T. Nicholson
Title and Organization President, C & T Ranches, Inc. Date May , 1989.

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 11th day of May 19 89

SEAL

Notary Public Anita C. Mc Cormick

Residing at Boise Idaho

My Commission Expires 11-14-92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, W. F. Ringert will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address P. O. Box 2773, Boise, ID 83701

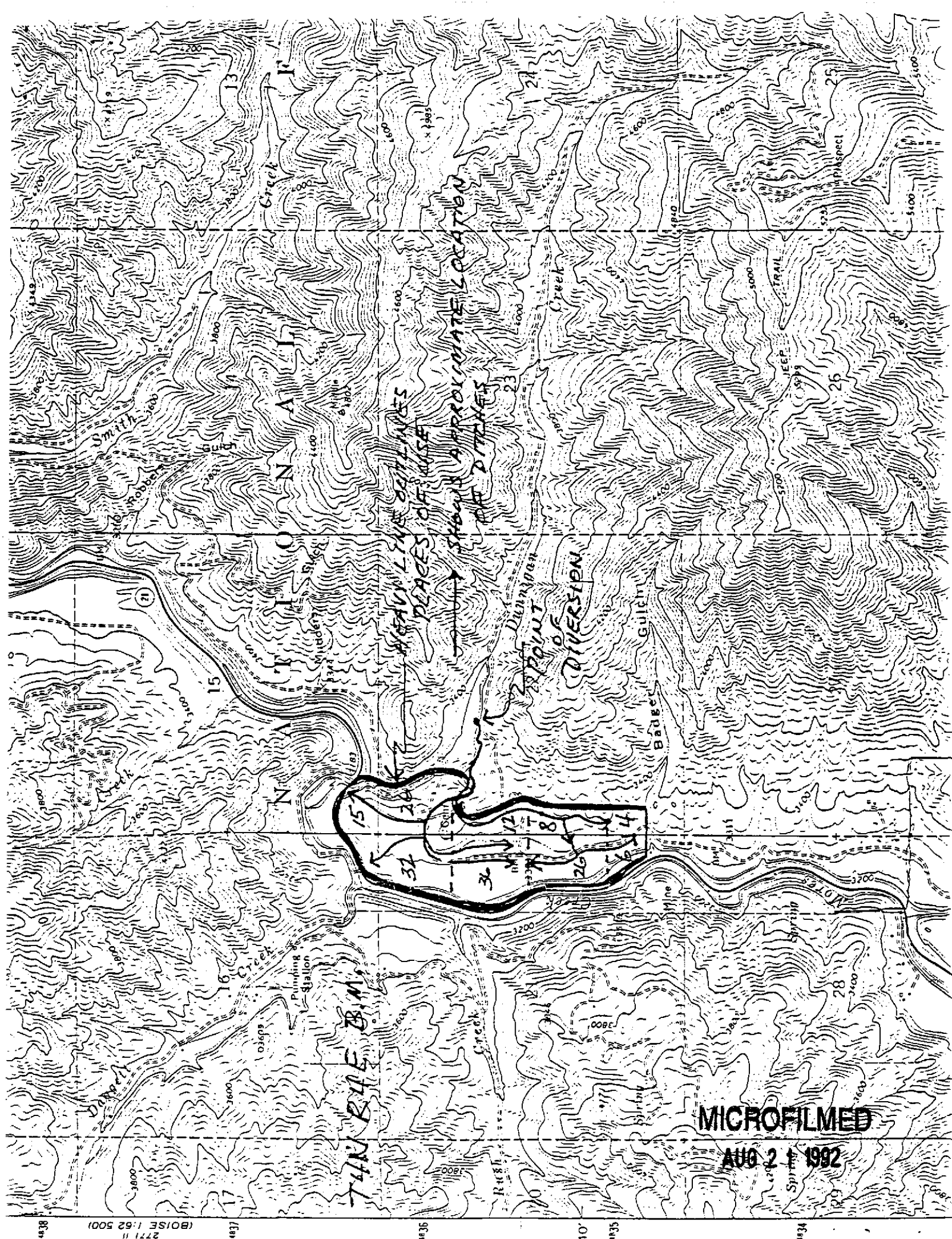
Date _____

MICROFILMED

AUG 21 1992

Last Name C & T Ranches, Inc. Ident. Number 63-05408

Copies White-State, Yellow-Claimant



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AUG 21 1982

TIN RAE DAM

WEAVER LINE SOUTHWEST
PLACES OF USE

SHOULD APPROXIMATE LOCATION
OF DITCHES

POINT OF
DIVERSION

N A T I O N A L

Creek

Creek

Pumping
Station

Creek

Badger
Gulch

TRAIL

Prospect

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 63-5408
Date Received: 5/18/1989
Receipt No: C006917
Received By:

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

1. Name of Claimant(s)

SCOTT NICHOLSON
PO BOX 690
MERIDIAN ID USA 83680-0690

Phone: (208) 888-1593

THOMAS EMIL NICHOLSON
PO BOX 690
MERIDIAN ID USA 83680-0690

Phone: (208) 888-1593

WILLIAM E MORRIS
PO BOX 690
MERIDIAN ID USA 83680-0690

Phone: (208) 888-1593

CHRISTINE NICHOLSON
PO BOX 690
MERIDIAN ID USA 83680-0690

Phone: (208) 888-1593

KELLI NICHOLSON
PO BOX 690
MERIDIAN ID USA 83680-0690

Phone: (208) 888-1593

WILLIAM PATRICK HUGHES
PO BOX 690
MERIDIAN ID USA 83680-0690

Phone: (208) 888-1593

JENNIFER NICHOLSON
PO BOX 690
MERIDIAN ID USA 83680-0690

Phone: (208) 888-1593

C & T RANCHES INC
PO BOX 690
MERIDIAN ID USA 83680-0690

Phone: (208) 888-1593

2. Date of Priority: 03/15/1883

3. Source: DUNNIGAN CREEK Trib. to: MORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4	of 1/4	Lot	County	Type
04N	04E	22	SE	NW		BOISE	

5. Description of diverting works:

DIVERSION DAM, EARTH DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	3.3	
STOCKWATER	1/01	12/31	0.07	

7. Total Quantity Appropriated is:
3.37 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
04N	04E	15	SW SW		IRRIGATION	15
					Section Acres	15
04N	04E	21	NE NE		IRRIGATION	32
			SE NE		IRRIGATION	36
			NE SE		IRRIGATION	26
			SE SE		IRRIGATION	6
					Section Acres	100
04N	04E	22	NW NW		IRRIGATION	26
			SW NW		IRRIGATION	12
			NW SW		IRRIGATION	8
			SW SW		IRRIGATION	4
					Section Acres	50
					Total Acres	165

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:

15. Basis of Claim: Statutory Claim

SENT BY: IDWR WESTERN REGION;

334 2348;

FEB-21-02 11:02AM;

PAGE 2/2

SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM

RECEIVED

FEB 25 2002

WATER RESOURCES
WESTERN REGION

Claim Number(s):

63-5408

Previous Mailing Address:

Scott, Thomas, Christine, Kelli,

and Jennifer Nicholson

William Morris, William Hughes

C & T Branches Inc

New Mailing Address:

P.O. Box 690

Meridian ID 83680-0690

Telephone Number:

(208) 888-1593

Signature of Claimant(s):

Thomas T. Nicholson

Please return this completed form to:

Adjudication Bureau
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237
Ph. 1/800/451-4129 or
FAX 208/327-5400Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380 or
FAX 208/736-3037Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653 or
FAX 208/525-7177

Water Right Number - 63-05408 Adj. Flag Translation: Standard Water Right Number Old (D) Number -
+ - - - - Last Name - - - - + + - - - - First Name - - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
C & T RANCHES INC.

1 - 10322 ESTATE DR.
2 -
3 -
City- BOISE State- ID Zip- 83709
Phone - 208-375-5255

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
03/15/1883 14 S - STATUTORY CLAIM

+ - - Source - - - - - + + - - Tributary - - - - - + + - - Mores Creek - - - - - +
DUNNIGAN CREEK

+ - - Point of Diversion - - - - - + + - - Stream Index (Blank if no Index Code) - - - - - +
Twn Rng Sec Tract Lot Rflg County Point of Diversion Stream Index (Blank if no Index Code)

04N 04E 22 SE NW (15) BOISE

+ - - Description Period From Water Use Diversion Rate Diversion Volume
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 03/15 11/15 3.300
04 - STOCKWATER 01/01 12/31 0.070

+ - - Total Div. Rate - - + + - - Total Div. Volume - - + + - - Total Div. Capacity - - + + - - Total Consumptive Use - - + + - - KW Usage - - +
3.370

+ - - Twn Rng Sec Tract Lot Acres Place of Use Code Description County
04N 04E 15 SW SW 15.0 01 IRRIGATION (15) BOISE

04N 04E 21 NE NE 32.0 01 IRRIGATION (15) BOISE

04N 04E 21 SE NE 36.0 01 IRRIGATION (15) BOISE

04N 04E 21 NE SE 26.0 01 IRRIGATION (15) BOISE

04N 04E 21 SE SE 6.0 01 IRRIGATION (15) BOISE

04N 04E 22 NW NW 26.0 01 IRRIGATION (15) BOISE

04N 04E 22 SW NW 12.0 01 IRRIGATION (15) BOISE

04N 04E 22 NW SW 8.0 01 IRRIGATION (15) BOISE

04N 04E 22 SW SW 4.0 01 IRRIGATION (15) BOISE

Total Acres: 165.0

+ - - Diversion Means - DIVERSION DAM, EARTH DITCHES.

+ - - Non-Irrigation Use - 5/70 RANGE, 2,000 SHEEP.

+ - - Other Rights for Same Use - NONE

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Water right number - 63-05408	Adj. flag translation: Standard Water Right Number	
+ - - - -	- - - - - Remarks - - - - -	- - - - - +
	No Remarks found.	
+ - - - -	- - - - - Conditions of Approval - - - - -	- - - - - +
	No Conditions of Approval found.	
+ - - - - Decree Plaintiff - - - +	+ - - - - Decree Defendant - - - +	+ - Decree Date - - + 00/00/0000
+ - - - - Audit Fields - 07/11/88 GARRETT 11/18/88 CURTIS		
+ - - - -	- - - - - Water Rights Dates and Flags Area - - - - -	- - - - - +
	Proof Due Date - 00/00/0000	Field Exam Fee -
	Approved/Denied - 00/00/0000	Protested Date - 00/00/0000
	Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000
	Start Work Date - 00/00/0000	Verified Date - 00/00/0000
	Order Show Cause - 00/00/0000	Receipt Number - W000449
	Licensed Date - 00/00/0000	Appl Received - 00/00/0000
	Decree Date - 00/00/0000	Transfer/Amended -
		Swan Falls -
		Temporary Right - P
		DIE/Carey Act -
		Water District -

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AUG 21 1992

Ringert, Clark, Harrington, Reid, Christenson & Kaufman

CHARTERED
LAWYERS

WILLIAM F. RINGERT
D. BLAIR CLARK
ANDREW M. HARRINGTON
JAMES G. REID
JEFFREY R. CHRISTENSON
JAMES P. KAUFMAN
LAURA E. BURRI

SAMUEL KAUFMAN (1921-1988)

599 WEST BANNOCK STREET
P.O. BOX 2773
BOISE, IDAHO 83701
TELEPHONE (208) 342-4581
FAX (208) 342-4657

May 17, 1989

RECEIVED
MAY 18 1989

Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Department of Water Resources

Re: Snake River Adjudication - Boise County
C & T Ranches, Inc.

Gentlemen:

Enclosed is a Notice of Claim by C & T Ranches, Inc., for filing in the Snake River Basin Adjudication, Twin Falls County Case No. 39576.

A check in the amount of \$215.00 is enclosed in payment of the filing fee.

Yours very truly,



W. F. Ringert

WFR:am
Enclosures

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AUG 21 1992

ATTACHMENT NO. 1 TO NOTICE OF CLAIM TO A WATER RIGHT

CLAIMANTS:

C & T Ranches, Inc., as user, or,

William E. Morris, as tenant in common with Jon Alan
Nicholson and as Custodian for:

Scott Nicholson
Jennifer Nicholson
Keli Nicholson
Kelly Ann Nicholson
Christine Marie Nicholson
William Patrick Hughes
Thomas Emil Nicholson

in the percentages stated in the attached Warranty Deed
from C.E. Nicholson and Sons, Inc., dated March 2, 1981.

MICROFILMED

AUG 21 1992

ATTACHMENT NO. 2 TO NOTICE OF CLAIM TO A WATER RIGHT
WARRANTY DEED

GRANTOR, C. E. Nicholson and Sons, Inc., an Idaho corporation, with principal place of business in Boise, Ada County, Idaho, for a good and valuable consideration, receipt of which is hereby acknowledged, does hereby GRANT, BARGAIN, SELL and CONVEY unto William E. Morris, as custodian for Thomas Emil Nicholson, an undivided 1.75%; as custodian for Keli Nicholson, an undivided 5.25%; as custodian for Jennifer Nicholson, an undivided 5.25%; as custodian for Kelly Ann Nicholson, an undivided 1.75%; as custodian for Christine Marie Nicholson, an undivided 1.75%; as custodian for William Patrick Hughes, an undivided 1.75%; as custodian for Scott Nicholson, an undivided 43.00%; and Jon Alan Nicholson, an undivided 39.50% thereof, to hold as tenants in common and not as joint tenants, whose current address is c/o Thomas T. Nicholson, 10322 Estate Drive, Boise, Ada County, Idaho, as GRANTEE, and to the heirs, personal representatives, successors and assigns of Grantee forever, all of the real property described in Exhibit A, attached hereto, and by reference made a part hereof, situate in Boise County, Idaho, together with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments, appurtenances, reversions, and remainders appurtenant thereto.

SUBJECT, HOWEVER, to the following:

1. All easements and rights-of-way appearing on record or on the premises.
2. Mineral reservations appearing of record.
3. Covenants, restrictions and zoning regulations as appear of record or by use upon the premises.
4. Current real property taxes, irrigation assessments or other governmental assessments or charges.
5. The terms and conditions of that certain mortgage bearing date September 9, 1969 between C. E. Nicholson and Sons, Inc., an Idaho corporation; Carl E. Nicholson, aka C.E. Nicholson, Jr., and

MICROFILMED

AUG 21 1992

Blanche Nicholson, his wife; Thomas T. Nicholson, aka Tom Nicholson, and Diana Rae Nicholson; and Carl V. Nicholson, a single man, as Mortgagors, and Kansas City Life Insurance Company of Kansas City, Jackson County, Missouri, as Mortgagee.

GRANTOR, on behalf of itself and its successors and assigns, does hereby COVENANT, WARRANTY and shall DEFEND the quiet and peaceable possession of said premises by the Grantee and the heirs, personal representatives, successors and assigns of Grantee forever against the lawful claims of all persons excepting as heretofore mentioned.

IN WITNESS WHEREOF, Grantor has caused its corporate name to be subscribed by its President and Secretary first thereunto duly authorized, this 2nd day of March, 1981.

C. E. NICHOLSON AND SONS, INC.

by Carl E. Nicholson
Carl E. Nicholson, President

ATTEST:

Thomas T. Nicholson
Thomas T. Nicholson, Secretary

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

On this 2nd day of March, 1981, before me, the undersigned, a Notary Public in and for said State, personally appeared CARL E. NICHOLSON and THOMAS T. NICHOLSON, the President and Secretary, respectively, of C. E. NICHOLSON AND SONS, INC., the corporation which executed the within instrument, and acknowledged to me that they executed the same in the name of said corporation.

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

MICROFILMED

AUG 21 1992

[Signature]
Notary Public for Idaho
Residing at Boise, Idaho

EXHIBIT "A"

Township 4 North - Range 4 East, B.M.

Section	21, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$
	22, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, S $\frac{1}{2}$ N $\frac{1}{2}$
	23, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$
	24, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$
	26, NW $\frac{1}{4}$ NW $\frac{1}{4}$
	27, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$
	33, E $\frac{1}{2}$ NE $\frac{1}{4}$
	34, N $\frac{1}{2}$

MICROFILMED

AUG 21 1992

0006917

CLAIM IDENT. NO. A63-05408

NO Required Info?

- | (Yes) | (No) |
|-------|------|
|-------|------|

Date:

~~MICROFILMED~~

~~AUG 21 1954~~

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-05408

2001 AUG 24 PM 4:41

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: C & T RANCHES INC
CHRISTINE NICHOLSON
JENNIFER J NICHOLSON
KELLI A NICHOLSON
SCOTT R NICHOLSON
THOMAS EMIL NICHOLSON
WILLIAM E MORRIS
WILLIAM PATRICK HUGHES
PO BOX 690
MERIDIAN, ID 83680-0690

SOURCE: DUNNIGAN CREEK TRIBUTARY: MORES CREEK

QUANTITY: 3.21 CFS

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

PRIORITY DATE: 03/11/1984

POINT OF DIVERSION: T04N R04E S22 NWSWNE Within Boise County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	3.14 CFS
	Stockwater	01-01 TO 12-31	0.07 CFS

DIVERSION FOR IRRIGATION UNDER THIS WATER RIGHT PRIOR TO APRIL 1
AND AFTER OCTOBER 31 SHALL OCCUR ONLY AS AUTHORIZED BY THE WATER
DISTRICT 63 WATERMASTER AND ONLY WHEN WATER IS BEING RELEASED
FOR FLOOD CONTROL BY THE UNITED STATES FROM THE LUCKY PEAK DAM
OUTLET UNDER PROCEDURES AND REQUIREMENTS FOR THE MEMORANDUM OF
AGREEMENT BETWEEN THE U.S. DEPARTMENT OF THE ARMY AND THE U.S.
DEPARTMENT OF THE INTERIOR FOR FLOOD CONTROL OPERATIONS OF THE
BOISE RIVER RESERVOIRS, DATED NOVEMBER 20, 1953, THE WATER
CONTROL MANUAL FOR BOISE RIVER RESERVOIR DATED APRIL 1985 AND
ANY FUTURE AMENDMENTS OR REVISIONS MADE THERETO PURSUANT TO
STATE OR FEDERAL PROCEDURES OR LAW; PROVIDED THAT ANY SUCH USE
OF THIS WATER RIGHT PRIOR TO APRIL 1 AND AFTER OCTOBER 31 SHALL
BE SUBORDINATED TO WATER RIGHTS FOR STORAGE IN LUCKY PEAK
RESERVOIR AND/OR LAKE LOWELL AS DECREED IN SRBA CASE NO. 39576.

PLACE OF USE:	Irrigation	Within Boise County
	T04N R04E S15	SWSW 9.0
	S21	NENE 23.3
		NESE 10.6
	S22	MWNW 10.7
	79.3 Acres Total	
	Stockwater	Within Boise County
	Same as Irrigation	

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS

08/12/2003

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

RIGHT NUMBER: 63-5408

NAME AND ADDRESS: SCOTT R NICHOLSON
PO BOX 690
MERIDIAN ID 83680-0690

THOMAS EMIL NICHOLSON
PO BOX 690
MERIDIAN ID 83680-0690

CHRISTINE NICHOLSON
PO BOX 690
MERIDIAN ID 83680-0690

KELLI A NICHOLSON
PO BOX 690
MERIDIAN ID 83680-0690

JENNIFER J NICHOLSON
PO BOX 690
MERIDIAN ID 83680-0690

WILLIAM E MORRIS
PO BOX 690
MERIDIAN ID 83680-0690

WILLIAM PATRICK HUGHES
PO BOX 690
MERIDIAN ID 83680-0690

C & T RANCHES INC
PO BOX 690
MERIDIAN ID 83680-0690

SOURCE: DUNNIGAN CREEK TRIBUTARY: MORES CREEK

QUANTITY: 3.210 CFS

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

PRIORITY DATE: 03/11/1884

POINT OF
DIVERSION: T04N R04E S22 NWSWNE Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER

PERIOD OF USE
01/01 12/31

QUANTITY
0.070 CFS

SF5 - 63-5408

Dr
Sub
Am

08/12/2003

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

IRRIGATION

03/15 11/15

3.140 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir and/or Lake Lowell as decreed in SRBA Case No. 39576.

PLACE OF USE:

IRRIGATION Within BOISE County

T04N R04E S15	SWSW	9.0	T04N R04E S21	NENE	23.3
T04N R04E S21	SENE	25.7	T04N R04E S21	NESE	10.6
T04N R04E S22	NWNW	10.7			

STOCKWATER same as IRRIGATION

79.3 ACRES TOTAL

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

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

*Dr
Scher
CPS
Dnr*

MEMORANDUM

TO: Claim File # 63-5408

FROM: Jan Shurte

SUBJECT: Settlement conversation w/Steve Spencer

DATE: July 1, 2003

I spoke with Steve Spencer of the USFS today concerning a possible settlement with the BOR and Boise Project Board of Control by Tom Nicholson concerning the season of use. Tom told Steve that he is willing to settle for the 4-1 to 11-1 irrigation season of use date proposed by the above's objections.

Only problem is that Tom has the power of attorney to sign for all the claimants listed and we do not have a power of attorney in the file. Before the SF5 is signed and data entered, this power of attorney will need to be submitted.

Tom Nicholson is currently working with Dala Walton of the BOR on the settlement and follow-up should be done when the SF5 is submitted to the Department for signature. Data entry must be completed if the BOR submits the SF5 from their database.

Craig

RECEIVED

FEB 4 - 2003

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 63-5408

(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: 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) 378-5306 E.Gail McGarry

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: Scott R Nicholson, Thomas Emil Nicholson, Christine Nicholson,
Kelli Nicholson, Jennifer J Nicholson, William Patrick Hughes,
C&T Ranches Inc
Address: PO Box 690
Meridian, ID 83680-0690

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

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

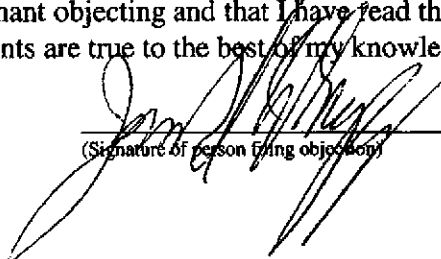
The Director's Report recommendation appears to expand the Season of Use beyond a customary maximum of April 1 to November 1, which would allow (a) injury to the United States' water rights, (b) impairment of historic river conditions conducive to regular United States Bureau of Reclamation diversions to storage reservoirs and the New York Canal, and (c) diminution of contract water reliability.

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.

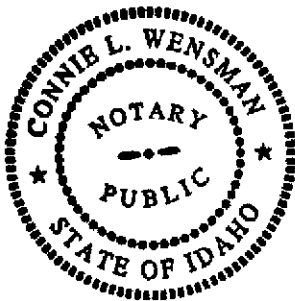

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 29, 2003


Connie L. Wensman
Notary Public for: Idaho
Residing at: Meridian
My Commission Expires: 10-06-2004



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 31, 2003, 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:

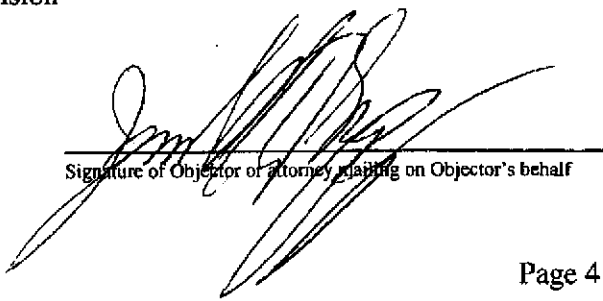
Name: Scott R Nicholson, Thomas Emil Nicholson, Christine Nicholson,
Kelli Nicholson, Jennifer J Nicholson, William Patrick Hughes,
C&T Ranches Inc
Address: PO Box 690
Meridian, ID 83680-0690

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

**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 Number: See Attachment A
(Insert water right number)

**STANDARD FORM 1
OBJECTION RECEIVED
JAN 31 2003**

Department of Water Resources

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Boise Project Board of Control acting on its own behalf and on behalf of
and for the following individual entities:
New York Irrigation District, Nampa & Meridian Irrigation District, Wilder
Irrigation District, Boise-Kuna Irrigation District, Big Bend Irrigation
District
Address: 2465 Overland Road
Boise, Idaho 83705
Phone: (208) 344-1141

Name & Address of Attorney, if any:
Albert P. Barker, ISB # 2867
Amy D. Chestnut, ISB # 5904
Barker Rosholt & Simpson, LLP
205 North 10th Street, Suite 520
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: 208-336-0700
Facsimile: 208-344-6034

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

Name: See Attachment B
Address:

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

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☒ **Period of Year**
Should be: April 1 to November 1
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 Director's Report recommendation appears to expand the Season of Use beyond a customary maximum of April 1 to November 1, which would allow injury to the objector's water rights and diminution of contract water reliability.

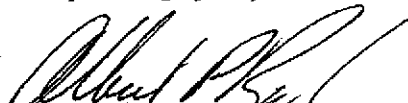
F. **VERIFICATION** (Must be Completed)

State of Idaho)
) ss.
County of Ada)

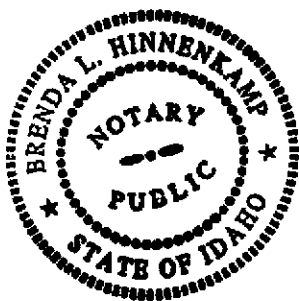
Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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 30, 2003



Brenda L. Hinnenkamp
Brenda L. Hinnenkamp
Notary Public for: Idaho
Residing at: Boise
My Commission Expires: 9/11/2004

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 30, 2003, 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:

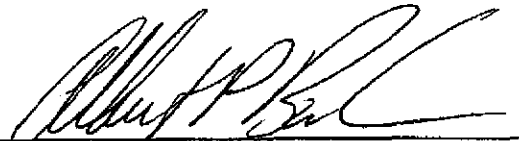
Name: See Attachment B
Address:

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

Attachment A

63-3540	63-7984A	63-7984B
63-8624	63-10279	63-31335
63-31336	63-7119	63-7115
63-148B	63-15395	63-2472
63-7529	63-7037	63-2026
63-7207	63-31077	63-5102
63-5192	63-318A	63-318C
63-4629A	63-4797	63-4810
63-5101	63-31074	63-31289
63-31328	63-19A	63-19B
63-378	63-4636	63-5057
63-31124	63-31173	63-31174
63-31319	63-31320	63-31397
63-4548	63-3125	63-15093
63-15677	63-31317	63-5332
63-5334	63-4071	63-31380
63-5235	63-4629C	63-31454
63-5408	63-2171	63-5167
63-317B	63-320A	63-7613D
63-30310	63-97	63-15409
63-3447D	63-3447B	63-3447C
63-5161B	63-15101	63-4731
63-3422B	63-5161C	63-3422A
63-5251	63-5250	63-15684
63-5108	63-15427	63-15094
63-15206	63-15373	63-2252

ATTACHMENT D

63-3540

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-8624

Randall A Ambuehl
HC 33 Box 1610
Boise ID 83706

63-31336

Wilderness Ranch Owners Assn Inc
46 Wilderness Ranch Rd
Boise ID 83716

63-148B

South Boise Water Co
PO Box 6005
Boise ID 83707

63-7529

Walter M Nichols
Thelma E Nichols
14 Cougar Lane
Boise ID 83716

63-2026

James E Bryant
1915 N 11th
Boise ID 83712

63-5102

Laura LA May Holmes
2391 Sheri Dr
Emmett ID 83617

63-318C

Paula E Lewis
Stephen E Lewis
PO Box 4002
Boise ID 83711-4002

63-4810

Walter S Nichols
Sara A Nichols
12 Cougar Ln
Boise ID 83716

63-31289

Walter M Nichols
Thelma E Nichols
14 Cougar Lane
Boise ID 83716

63-7984A

Teresa L Raschke
Steven L Raschke
2095 Panama St
Boise ID 83705

63-10279

Cumer L Green
PO Box 2597
Boise ID 83701

63-7119

Michael Robich
Lynette Robich
87 Beaver Creek Rd
Boise ID 83716

63-15395

Marilyn Priest
Jay R Priest
PO Box 122
Idaho City ID 83631

63-7037

Blue Jay Creek Water & Road Users Inc
C/O Robert O Walker
129 Blue Jay Creek Rd
Boise ID 83706

63-7207

Barbara W Little
1980 Myers Rd
Boise ID 83706

63-5192

David Steadman
Lynae Steadman
8873 Ottawa Ct
Boise ID 83709

63-4629A

Wilderness Ranch Owners Assn Inc
46 Wilderness Ranch Rd
Boise ID 83716

63-5101

Marilyn Priest
Jay R Priest
PO Box 122
Idaho City ID 83631

63-31328

Michael C Perry
Tami J Perry
10 Cougar Ln
Boise ID 83716

63-7984B

Lawrence Poisson
Sheila Poisson
3193 Highway 21
Idaho City ID 83716

63-31335

Val Dean Schroeder
13 Blacksmith Road
Boise ID 83716

63-7115

Michael Robich
Lynette Robich
87 Beaver Creek Rd
Boise ID 83716

63-2472

Chapman Ranch LLC
737 N 7th St
Boise ID 83702

63-2026

Hilda Larson
3015 Silver St
Boise ID 83703

63-31077

State of Idaho
Dept of Parks & Recreation
PO Box 83720
Boise ID 83720-0065

63-318A

Ranch Subdivision Property Owners
Assn
26 Burnett Dr
Boise ID 83716

63-4797

Connie Jo Cooper
Douglas S Cooper
2268 Highway 21
Boise ID 83716

63-31074

Barry Marcus
737 N 7th St
Boise ID 83702

63-19A

Larry R Smith
Alda L Smith
8442 W Beachside Ct
Boise ID 83703

63-19B

Rosemary Swanstrum
Philip Swanstrum
2708 Columbus
Boise ID 83705

63-5057

Francis Mangum
Shirley Mangum
17 Old Mill Rd
Boise ID 83716

63-31174

Michal Sweeney
28 N Fork Clear Creek Rd
Boise ID 83716

63-31397

Michael E Claus
Connie M Claus
105 Johnson Creek Rd
Boise ID 83716

63-15093

Gail G Allen
Robert P Allen
14 Allen Ln
Boise ID 83716

63-5332

Osprey Land Co
737 N 7th St
Boise ID 83702

63-5235

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-5408

Scott R Nicholson, Thomas Emil Nicholson,
Christine Nicholson et al
C & T Ranches Inc
PO Box 690
Meridian ID 83680-0690

63-317B

Richard A Stull
K Gail Richardson
13 Robie Creek Ln
Boise ID 83716

63-97

L G Davison & Sons Inc
1969 Prairie Rd
Prairie ID 83647-9803

63-378

Dirk L Marcum
14364 E Highway 21
Boise ID 83716

63-31124

Allen Cupit
Diana Cupit
25 Old Mill Rd
Boise ID 83716

63-31319

Sandra Miner
1512 Apache Dr Unit D
Chula Vista CA 91910-8160

63-4548

James R Stringfellow
787 David Way
North Salt Lake UT 84054

63-15677

Barry Marcus
737 N 7th St
Boise ID 83702

63-4071

Robert P. Perez
Laurie A. Perez
20 Colleen Lane
Boise, ID 83716

63-4629C

Sherry Smith
James C Smith
7 Mores Creek Cir
Boise ID 83716

63-2171

Rex B Lanham
2630 Highway 21
Boise ID 83716

63-320A

Wade C Woolery
1902 Thompson Street
Richland WA 99352

63-15409

Wilda Bradley
33 Wild Rose Ln
Boise ID 83716

63-4636

Connie M Claus
105 Johnson Creek Rd
Boise ID 83716

63-31173

Hide Associates Partnership
Boise Holcomb Inc
737 N 7th St
Boise ID 83702

63-31320

David Peterson
Toni Peterson
14 Homestead Ct
Boise ID 83716

63-3125

State of Idaho
Dept of Fish & Game
PO Box 25
Boise ID 83707

63-31317

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-31380

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-31454

Jay D Hollinger
Carol L Hollinger
51 Daggett Creek Rd
Boise ID 83716

63-5167

Rex B Lanham
2630 Highway 21
Boise ID 83716

63-7613D

Marvenna S Hodgins
Marilyn E Dawson
PO Box 6466
Boise ID 83707

63-30310

Steven D Cummings
545 Robie Creek
Boise ID 83716

63-3447B
Biff Eshelman
31 Sonshine Lane
Boise ID 83716

63-15101
Steven D Cummings
545 Robie Creek
Boise ID 83716

63-5161C
Sterling Turner
Debbie Turner
328 Robie Creek Rd.
Boise ID 83716

63-5250
Jan Blum
27 Idaho City Stage Rd
Boise ID 83716

63-15684
Chapman Ranch LLC
737 N 7th St
Boise ID 83702

63-15094
Gail G Allen
Robert P Allen
14 Allen Ln
Boise ID 83716

63-2252
Twin Springs Resort LLC
PO Box 3994
Ketchum ID 83340

63-3447C
Alan K Johnson
3929 Overland Rd #840
Boise ID 83715

63-4731
Wilda Bradley
33 Wild Rose Ln
Boise ID 83716

63-3422A
Mary Lou Pote
William W H Pote
27 Idaho City Stage Rd
Boise ID 83716

63-5251
Mary Lou Pote
William W H Pote Jr
27 Idaho City Stage Rd
Boise ID 83716

63-5108
Chapman Ranch LLC
737 N 7th St
Boise ID 83702

63-15206
Val Dean Schroeder
13 Blacksmith Rd
Boise ID 83716

63-3447D
Joan Stephens
James R Stephens
3939 S Transport
Boise ID 83705

63-5161B
Dwaine Wright
Elizabeth Wright
4 Larkspur Lane
Boise, ID 83716

63-3422B
Virginia M Cafferty
Allan E Cafferty
2121 S Eagleson
Boise ID 83705

63-15427
Maurice Brown
11 Hoover Dr
Boise ID 83716

63-5334
Osprey Land Co
737 N 7th Street
Boise, ID 83702

63-15373
Rex E. Lanham
2630 Highway 21
Boise ID 83716

02/25/2002

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

RIGHT NUMBER: 63-5408

NAME AND ADDRESS: SCOTT NICHOLSON
PO BOX 690
MERIDIAN ID 83680-0690

THOMAS EMIL NICHOLSON
PO BOX 690
MERIDIAN ID 83680-0690

CHRISTINE NICHOLSON
PO BOX 690
MERIDIAN ID 83680-0690

KELLI NICHOLSON
PO BOX 690
MERIDIAN ID 83680-0690

JENNIFER NICHOLSON
PO BOX 690
MERIDIAN ID 83680-0690

WILLIAM E MORRIS
PO BOX 690
MERIDIAN ID 83680-0690

WILLIAM PATRICK HUGHES
PO BOX 690
MERIDIAN ID 83680-0690

C & T RANCHES INC
PO BOX 690
MERIDIAN ID 83680-0690

SOURCE: DUNNIGAN CREEK

TRIBUTARY: MORES CREEK

QUANTITY: 3.21 CFS

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

PRIORITY DATE: 03/11/1884

POINT OF DIVERSION:

T04N R04E S22 NWSWNE Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.070 CFS
IRRIGATION	03/15 11/15	3.140 CFS

PLACE OF USE: IRRIGATION Within BOISE County

T04N R04E S15	SWSW	9.0	T04N R04E S21	NENE	23.3
T04N R04E S21	SENE	25.7	T04N R04E S21	NESE	10.6
T04N R04E S22	NWNW	10.7			

STOCKWATER same as IRRIGATION

79.3 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: Beneficial Use

02/13/2002

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

RIGHT NUMBER: 63-5408
NAME AND ADDRESS: SCOTT NICHOLSON
BOISE ID 83709
THOMAS EMIL NICHOLSON
BOISE ID 83709
WILLIAM E MORRIS
BOISE ID 83709
CHRISTINE NICHOLSON
BOISE ID 83709
KELLI NICHOLSON
BOISE ID 83709
WILLIAM PATRICK HUGHES
BOISE ID 83709
JENNIFER NICHOLSON
BOISE ID 83709
C & T RANCHES INC
10322 ESTATE DR
BOISE ID 83709

SOURCE: DUNNIGAN CREEK TRIBUTARY: MORES CREEK
QUANTITY: 3.21 CFS
THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT
EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 03/11/1884

POINT OF DIVERSION:
T04N R04E S22 NWSWNE Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.070 CFS
IRRIGATION	03/15 11/15	3.140 CFS

PLACE OF USE: IRRIGATION Within BOISE County

T04N R04E S15	SWSW	9.0	T04N R04E S21	NENE	23.3
T04N R04E S21	SENE	25.7	T04N R04E S21	NESE	10.6
T04N R04E S22	NWNW	10.7			

STOCKWATER same as IRRIGATION

79.3 ACRES TOTAL

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

02/13/2002

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

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 FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES 01/28/2002
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: SCOTT NICHOLSON
BOISE ID 83709

THOMAS EMIL NICHOLSON
BOISE ID 83709

WILLIAM E MORRIS
BOISE ID 83709

CHRISTINE NICHOLSON
BOISE ID 83709

KELLI NICHOLSON
BOISE ID 83709

WILLIAM PATRICK HUGHES
BOISE ID 83709

JENNIFER NICHOLSON
BOISE ID 83709

C & T RANCHES INC
10322 ESTATE DR
BOISE ID 8370

*Include Compliance loss?
See worksheet
in file
1.55 cfs ditch loss
1.59 cfs IRR
3.14*

SOURCE: DUNNIGAN CREEK
QUANTITY: 3.37 CFS
PRIORITY DATE: 03/15/1883
POINT OF DIVERSION: T04N R04E S22 SWNE Within BOISE County

TRIBUTARY: MORES CREEK

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	1/01 - 12/31	0.070 CFS
IRRIGATION	3-15/11-15	

PLACE OF USE: IRRIGATION Within BOISE County

T04N R04E S15	SWSW	✓ 9.0	~~T04N R04E S16~~	~~SESE~~	~~2.0~~	out - not claimed
T04N R04E S21	NENE	23.3 ✓	T04N R04E S21	SENE	✓ 25.7	
T04N R04E S21	NESE	10.6 ✓	T04N R04E S22	NWNW	10.7 ✓	

STOCKWATER same as IRRIGATION

79.2

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

EXPLANATORY MATERIAL:
Water Right 63-5408

IDAHO DEPT OF WATER RESOURCES

Claim No(s) 63-5408
T04N, R04E, Sec 15, 21, 22
Prepared by: Maria Minicucci
February 12, 2002

-  Place of use
-  Point of diversion
-  Section Lines
- Quarter quarter lines



400 0 400 800 Feet

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). A63-5408

1. No Change NAME IS SAME ✓
NEW OWNER: _____
No Change ADDRESS
NEW ADDRESS: _____

2. No Change - DATE OF PRIORITY: Completed evidence submitted
Incomplete - Claimant should be asked during the exam when was water first
used and submit proof of date of priority.

Priority date, per claimant, is: 03/15/1983
(If the priority date, based on your exam, seems questionable, explain below.)

Evidence supports 3/11/1884 priority for irrigation use.
Recommended 03/11/1884

1901 Plat Map show RR IN NW 1/4 S. 22 + NENE S. 21

3. No Change — SAME SOURCE ✓
Source is different than that claimed:

Source found: _____

4. No Change — POINT OF DIVERSION
Point of diversion is different than the claim and/or new P/D's: ✓

Township 4N Range 4E Section 22 1/4 NW 1/4 SW 1/4 NE
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. No Change - DESCRIPTION OF DIVERTING WORKS
Incomplete description, list below:

Headwall & culvert in stream to open ditch. Gravity
to flow. Several culverts under road to allow water to
flow to west side of road. Manning's Eq. measurements
taken during field exam. System capacity (theo.) is 8.01 cfs.

6. No Change - WATER USES
Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. No Change - TOTAL VOLUME

Incomplete on claim, the total is, Amount _____ CFS _____ AFA

Changes found, the new total is, Amount _____ CFS _____ AFA

8. No Change - NON-IRRIGATION USES:

Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. No Change — PLACE OF USE: (If changed, list below.)

Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

Remarks: (Comments pertinent to field examination) See additional attachment

Claimant indicated during field exam that there are heavy ditch
losses. Consequently irrigation of all acres occurs only in
high water years & only early in season. He indicated that
irrigation takes place all the way to the end of the ditch as shown on
SYSTEM DIAGRAM INCLUDED (NA) the OQ.
Shown on GIS Layout

CK IF IN OFFICE EXAM
DATE EXAM CONDUCTED: 10/30/2001

FIELD EXAMINER: MARIA TINICUCCI
Print Name

[Signature]
Signature

WR5809NP
No. 63-05408

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/29/01
PAGE: 1

OWNER CODE NAME & ADDRESS
C C & T RANCHES INC.
10322 ESTATE DR.
BOISE ID 83709
(208) 375-5255

PRIORITY DATE WATER USE
03/15/1883 IRRIGATION
11884 STOCKWATER
→ see proof

USE PERIOD FROM TO
03/15 11/15
01/01 12/31

DIVERSION RATE
3.300 CFS
0.070 CFS

DIVERSION VOLUME
3.370 CFS

TOTAL DIVERSION: 3.370 CFS

82.3 = 1.646 CFS
Conv. loss = 1.55
3.196

CAPACITY: 8.01 CFS

Stage: STATUTORY CLAIM

Tributary to: MORES CREEK

BOISE County

SENE

T04N R04E S22

Water Source: DUNNIGAN CREEK

Place of use Legal Description for: IRRIGATION

T R S	NENE			SENE			SENE			SENE			SENE			SENE			SUM
	Lt	Ac	Ac	Lt	Ac	Ac	Lt	Ac	Ac	Lt	Ac	Ac	Lt	Ac	Ac	Lt	Ac	Ac	
04N 04E 15	15.7																		15.0
04N 04E 21	38																		100.0
04N 04E 22																			50.0
TOTAL ACRES																			165.0

10/30/01

Diversion is culvert to open ditch to Pou. Water is ditched parallel to creek.

Ditch splits - one below

Dunnigan Cemetery - one ditch goes N to peninsula above

confluence of Pore's Cr + Dunnigan Cr

Other ditch wraps west + south, paralleling road. Goes past house, irrigates everything to west (downhill) to edge of canyon.

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Pou County: BOISE

Other Water Rights Listing Overlapping Place(s) of use:
63-0016181

Dates: App. Received: Priority Date: 03/15/1883
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

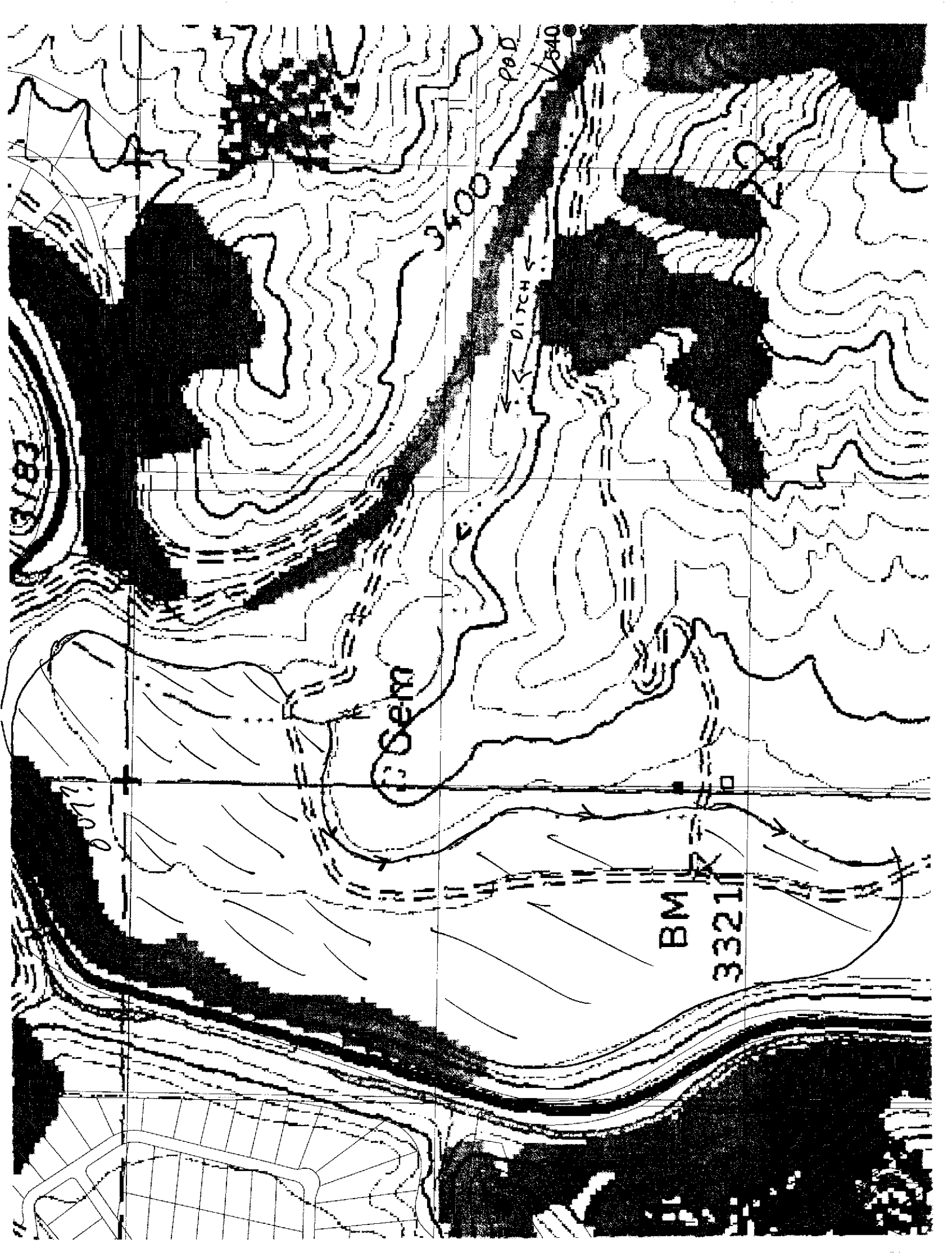
Misc: Water District Number: Field Exam Fee:

Photo P20 + 6PS meas. location "54084"

Claimant (Scott Nicholson) indicated that orthophoto quad accurately depicts

length of ditch. Irrigation, in good years, takes place below the ditch all the way to the end of the ditch indicated on quad.

DD



SRBA Claim Number A63-5408

Date of Photos 10/30/2001

Photographer _____

Legal Description 74N R4E S22 SW NE

D. BUFFINGTON

① Point of Diversion

Scott Nicholson

Π Πinicucci

Fannie



② Point of Diversion

Scott Nicholson

Π Πinicucci



SRBA Claim Number A63-5408

Date of Photos 10/30/2001

Photographer D. BUFFINGTON

Legal Description T4N R4E S22 SWNE

③ Upstream
MEASUREMENT
LOCATION



④ Downstream
MEASUREMENT
LOCATION



SRBA Claim Number A63-5408

Date of Photos 10/30/2001

Photographer D. BUFFINGTON

Legal Description 74NR4E

③ Place of use

Sections 15 + 22

Peninsula of high
Ground west of
Dunnigan Creek and
South of Flores Creek

Photo taken from
hillside above and
west of diversion,
looking NORTH + WEST



④ Place of use

Section 21,
N2NE4

Photo taken from
hillside to east of
house, looking
NORTH and west.
Homes are on the
other side of Flores
Creek canyon.

Both sides of road (dirt)
are irrigated



SRBA Claim Number A63-5408

Date of Photos 10/30/2001

Photographer D. BUFFINGTON

Legal Description T4N24E S21 E4

④ Place of use

N2E4 S21

Photo taken from
hillside above (east)
of house.

Houses are on other
side of Mores Creek
canyon.

Pou on both sides
of dirt road



⑧ Pou

E4 S21

Photo taken from
hillside, as above,
looking west.

Home is part of
this property.



SRBA Claim Number A63-5408

Date of Photos 10/30/2001

Photographer D BUFFINGTON

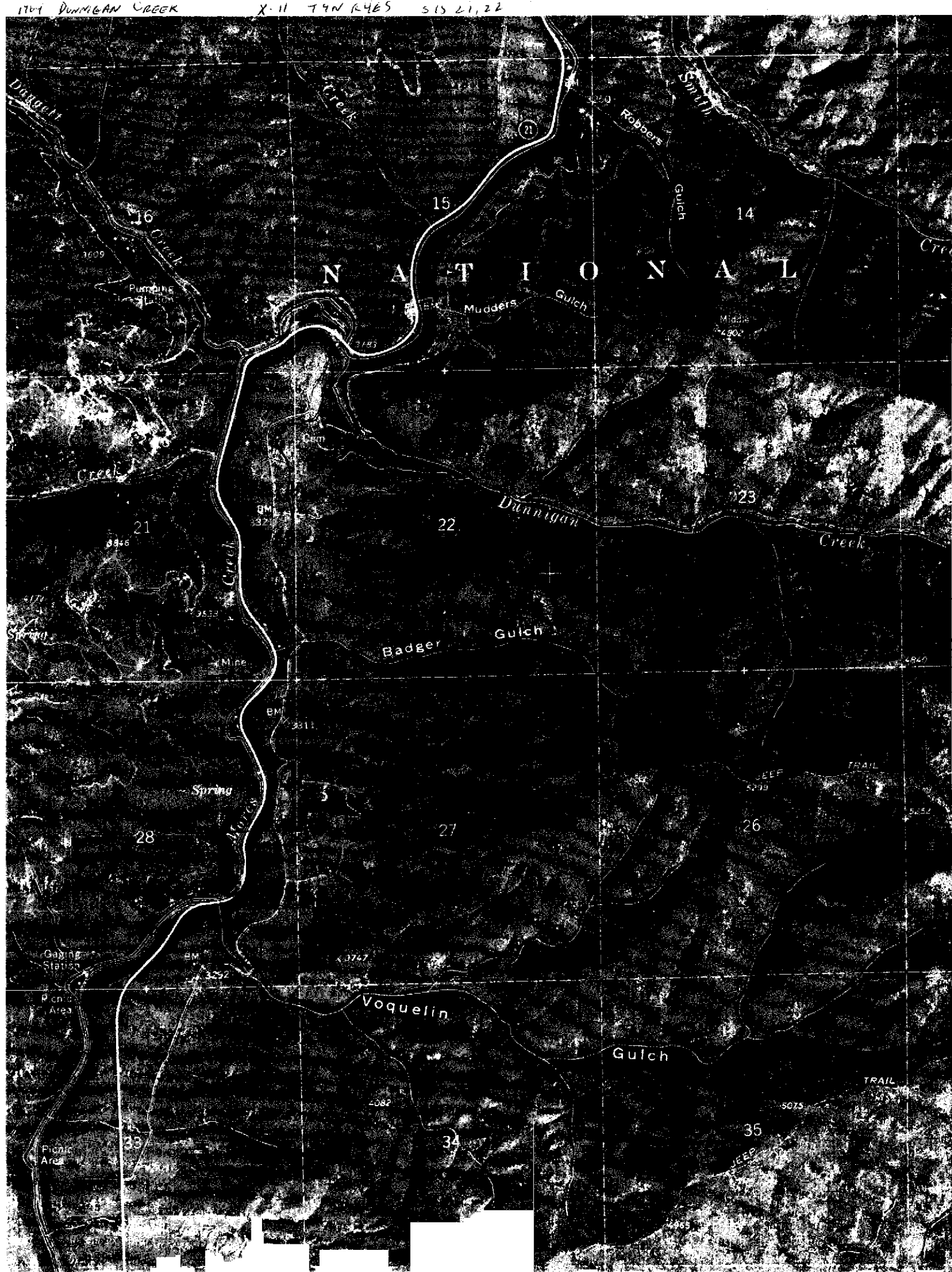
Legal Description 24N R4E S21

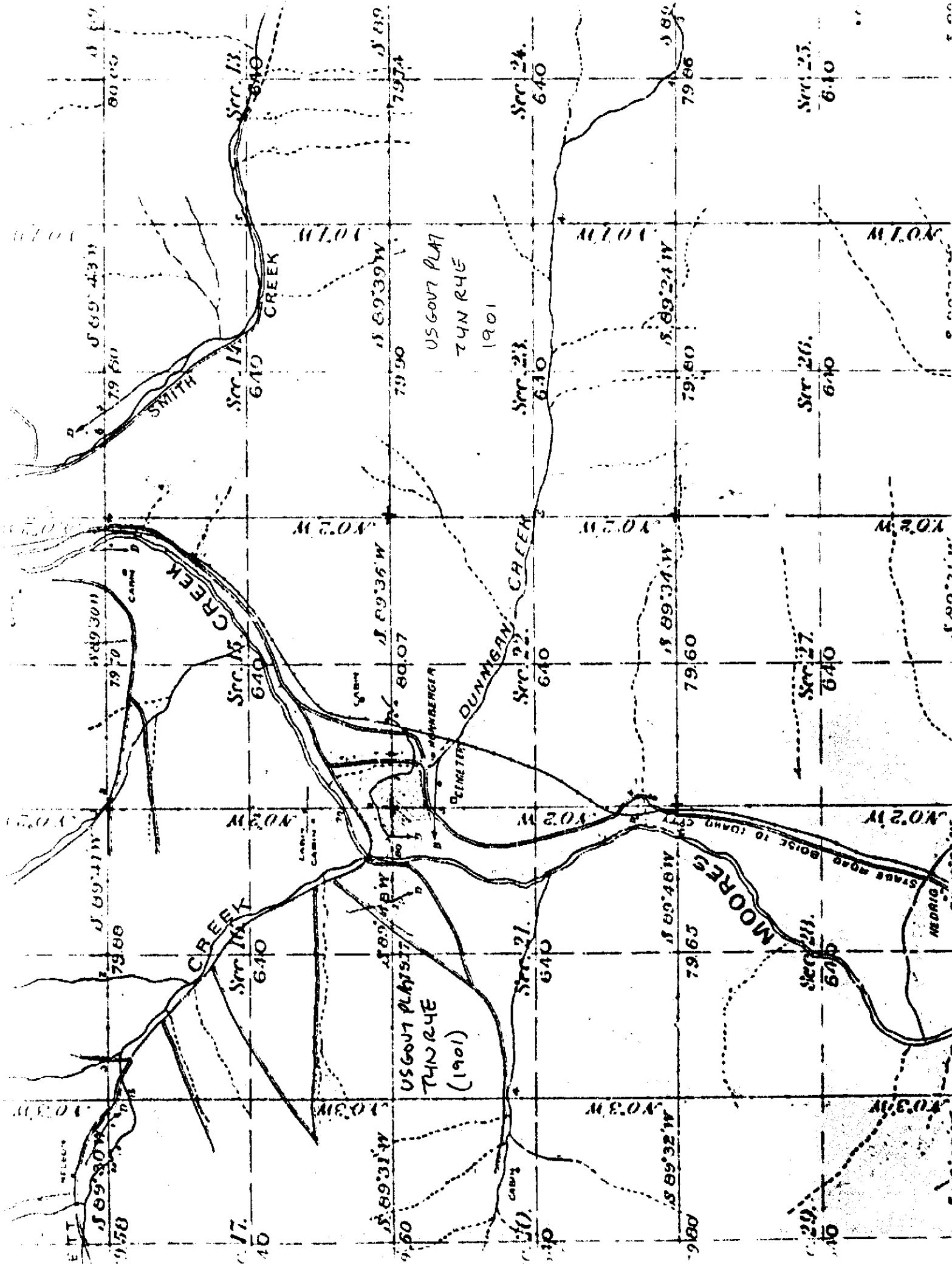
⑨ Place of use.

SENE + NESE

Photo taken from
hillside east of
home, looking
west and south







**IDWR FIELD EXAM
COMMUNICATION DOCUMENTATION**

Claim Number(s) A63-05408, A63-16373, A63-16375

Contact Person Tom Nicholson 888-1593
Scott Nicholson

Date/Time of Exam Tues Oct. 30 9:00 am

IDWR Employee/Agent P Piniucci

Directions to Property Meet @ Dunnigan Creek
 Hwy 21 past W Ranch. 1st Right is Dunnigan Creek
 (just by bridge)
 3/4 mile to right. turn.
 Green gate on left. $\frac{1}{2}$ - $\frac{3}{4}$ mile.
 White Ford Pickup 4 door

Info to determine measurement method

Mores Creek to ditch
Dunnigan & Rough Creek are also gravity in ditches

Miscellaneous 10/19/2001 : left msg on machine

RECEIVED

SEP 18 2001

WATER RESOURCES
WESTERN REGION

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
63-5408)

AFFIDAVIT

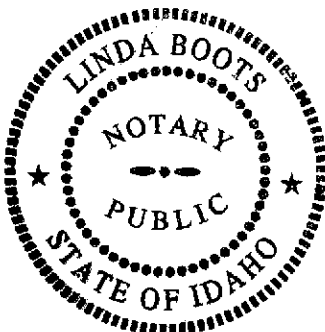
STATE OF IDAHO)
COUNTY OF ADA)

Thomas T. Nicholson being first duly sworn,
deposes and says:

This property is now owned by Scott Nicholson (46.5%), Thomas Emil Nicholson (1.75%), William Patrick Nicholson (1.75%), Thomas T. Nicholson (39.5%), Keli Nicholson Elledge (5.25%) and Jenifer Nicholson Dellgard (5.25%). All have an undivided interest in the property. The mailing address and phone number for all is P.O. Box 690, Meridian, ID 83680-0690, 208-888-1593, fax 208-888-1624. I currently have a Power of Attorney to represent all owners.

On March 11, 1884, Ella Dunnigan filed a water right from the Halfway House Gulch that emptys into Mores Creek for irrigation purposes. This gulch is now called Dunnigan Creek. She also filed August 18, 1890 for milling and mining purposes. A land patent was issued to John Diehl on June 6, 1907 which includes water rights for agricultural purposes. The land was sold to Clay Williamson on February 26, 1908. Another land patent was issued to Clay Williamson on May 31, 1933, also including water rights. Clay Williamson subsequently willed the land to his heirs and they sold the property to Carl E. Nicholson and Kate Nicholson on June 12, 1948. Since that time the property has been in the Nicholson family or its wholly owned companies and is now owned by the individuals listed above in an undivided interest.

Hal Quinn leases a residence from us and in return he irrigates the property from Dunnigan Creek on the years that Dunnigan Creek has enough water to irrigate from. During the drought years there has not been enough water to effectively irrigate, however, we do utilize the water whenever possible for irrigation purposes. We feel that we have established our priority claim at least as far back as March 1884. We believe our priority date of March 1883 is probably correct, however, we could not find any documentation of the 1883 date.



Thomas T. Nicholson
(Signature)

Subscribed and sworn to before me this
day 18th of September, 2001.

Linda Boots
(Notary Public)

Residing at Meridian, ID
My Commission Expires May 31, 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 15, 2001

C & T RANCHES INC
10322 ESTATE DR
BOISE, ID 83709

Re: Claim No(s). 63-5408

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is **NOT** to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "**Priority Date**" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify claims in this area are now being conducted by Department personnel. Please contact this office as soon as possible to schedule a field exam appointment convenient for you.

The required evidence supporting the priority date(s) must be submitted by **October 15, 2001**, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the Western Region office shown above.

Adjudication Section
Department of Water Resources
Western Region Office

JS:lh
Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5408

WATER RIGHT NUMBER: 63-5408

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SCOTT NICHOLSON
	BOISE, ID 83709
Current Owner	THOMAS EMIL NICHOLSON
	BOISE, ID 83709
Current Owner	WILLIAM E MORRIS
	BOISE, ID 83709
Current Owner	CHRISTINE NICHOLSON - Tom's +
	BOISE, ID 83709
Current Owner	KELLI NICHOLSON - Bob +
	BOISE, ID 83709
Current Owner	WILLIAM PATRICK HUGHES
	BOISE, ID 83709
Current Owner	JENNIFER NICHOLSON
	BOISE, ID 83709
Current Owner	C & T RANCHES INC ? 10322 ESTATE DR BOISE, ID 83709 (208)375-5255

Priority Date: 03/15/1883

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
DUNNIGAN CREEK	MORES CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.070 CFS	
IRRIGATION	3/15 to 11/15	3.300 CFS	
	<u>Total Diversion:</u>	3.370 CFS	

Location of Point(s) of Diversion

DUNNIGAN CREEK	SE1/4NW1/4	Sec. 22, Twp 04N, Rge 04E, B.M.
BOISE County		

Place of UseIRRIGATION Within BOISE County

T04N R04E S15	SWSW	15.0	T04N R04E S21	NENE	32.0
T04N R04E S21	SENE	36.0	T04N R04E S21	NESE	26.0
T04N R04E S21	SESE	6.0	T04N R04E S22	NWNW	26.0
T04N R04E S22	SWNW	12.0	T04N R04E S22	NWSW	8.0
T04N R04E S22	SWSW	4.0			

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5408

STOCKWATER same as IRRIGATION

Conditions of Approval:

Remarks:

Dates and Other Information:

Claim Received Date: 5/18/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Mt. View

①

155676

95 APR 14 PM 3:37

POWER OF ATTORNEY

Shirley Genge
\$12.00

We, Scott Nicholson, Keli Elledge, Jenifer Nicholson, Jon Nicholson, Christine Withrow, Kelly Maxwell, William Nicholson, Thomas E. Nicholson (a minor), who have an undivided ownership of the land described below, more commonly known as the Dunnigan Creek land, do hereby grant Thomas T. Nicholson the power to prepare and sign all government forms pertaining to the rehabilitation or maintenance of the land (such as seeding, reforestation, etc.), to grant permanent and temporary easements or right of ways, and any other act that will be to the benefit of the land and its owners.

The legal description of the Dunnigan Creek land is:

Township 4 North, Range 4 East, B.M.:

Section 21, E2NE4, NE4NE4
 Section 22, NE4NE4, NW4NW4, S2, S2N2
 Section 23, NW4NW4, S2N2, S2
 Section 24, S2NW4, S2
 Section 26, NW4NW4
 Section 27, E2, E2W2, SW4SW4
 Section 33, E2NE4
 Section 34, N2

This power of attorney, dated March 8, 1993, supercedes any prior powers of attorney and will remain in force until revoked by a majority percent of ownership.

Scott Nicholson
 Scott Nicholson

Keli Elledge
 Keli Elledge

Jenifer Nicholson
 Jenifer Nicholson

Jon Nicholson
 Jon Nicholson

Christine M. Withrow
 Christine Withrow

Kelly A Maxwell
 Kelly Maxwell

William Nicholson
 William Nicholson, a minor

Carl V. Nicholson
 Carl V. Nicholson for Thomas E. Nicholson, a minor

POWER OF ATTORNEY

Page 2

March 8, 1993

State of Idaho)
) ss.
County of Ada)

On this 9 day of March, 1993, before me Linda Boots, a Notary Public, personally appeared SCOTT NICHOLSON, known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Linda Boots

Linda Boots, a Notary Public
Residing at: Boise, Idaho
My Commission expires May 31, 1993

State of Idaho)
) ss.
County of Ada)

On this 15 day of March, 1993, before me Linda Boots, a notary, personally appeared KELI ELLEDGE, known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Linda Boots

Notary Public
Residing at: Boise Idaho
My Commission expires: 5/31/95

State of Idaho)
) ss.
County of Ada)

On this 9 day of March, 1993, before me Linda Boots, a notary, personally appeared JENIFER NICHOLSON, known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Linda Boots

Notary Public
Residing at: Boise Idaho
My Commission expires: 5/31/95

POWER OF ATTORNEY

Page 3

March 8, 1993

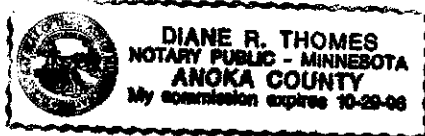
State of Idaho }
County of Valley } ss.

On this 29 day of March, 1993, before me [Signature], a notary, personally appeared JON NICHOLSON, known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

[Signature]
Notary Public
Residing at: [Signature]
My Commission expires: 12/30/93

State of Minnesota }
County of Anoka } ss.

On this 20th day of March, 1993, before me Diane R. Thomas, a notary, personally appeared CHRISTINE WITHROW known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

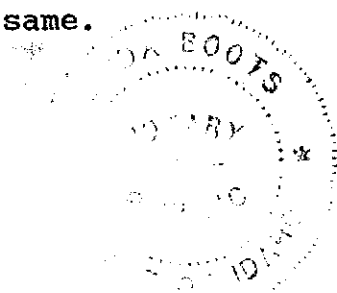


[Signature]
Notary Public
Residing at: Ann Arbor, MI
My Commission expires: 10-29-96

State of Idaho }
County of Ada } ss.

On this 10 day of March, 1993, before me Linda Boots, a notary, personally appeared KELLY MAXWELL, known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

[Signature]
Notary Public
Residing at: Boise, Idaho
My Commission expires: 5/31/95



POWER OF ATTORNEY

Page 4

March 8, 1993

State of Idaho }
 } ss.
County of Ada }

On this 25 day of March, 1993, before me Linda Boots
_____, a notary, personally appeared WILLIAM NICHOLSON,
known or identified to me, to be the person whose name is subscribed
to the within instrument, and acknowledged to me that he executed the
same.

Linda Boots

Notary Public
Residing at: Bonita Idaho
My Commission expires: 5/31/95

State of Idaho }
 } ss.
County of Ada }

On this 9 day of March, 1993, before me Linda Boots
_____, a notary, personally appeared CARL V. NICHOLSON,
known or identified to me, to be the person whose name is subscribed
to the within instrument, and acknowledged to me that he executed the
same.

Linda Boots

Notary Public
Residing at: Bonita Idaho
My Commission expires: 5/31/95

Star Gulch

Notice of Water Right.

We the undersigned Claim four hundred inches of this water, in this Gulch known as Star Gulch, Situated about three quarters of a mile above Smiths Gulch, on the Idaho City and Boise City Wagon road, to be used for mining purposes, and to be conveyed by ditch to Placer Claims on Mores Creek.

Located February 26th 1884

John, Pecke
John, Ritchie
Nathaniel, Ritchie

Recorded at request of Nathaniel Ritchie Feb
28th 1884 at 10 min past 9 o'clock A.M.

Tim, Carroll
Recorder

Halfway
House Gulch

Notice

I the undersigned Claim Five Hundred inches (500ⁱⁿ) of water from this Gulch known as the Halfway House Gulch, emptying into Mores Creek, the above No. inches taken out of said gulch by ditch on the South side. Head of ditch 1/2 mile above mouth of Halfway Gulch, the water to be used for irrigating purposes.

Idaho & Boise Road }
Boise to Idaho Terr }
March 11th 1884th }
Mrs Ella, Hummigan

Water Right Notice:

Notice is hereby given that we the undersigned citizens of the United States over the age of 21 years have this day located claimed and appropriated and do hereby locate, claim and appropriate, under the laws of the United States and of this State, five hundred inches of the water of this Halfway Gulch (measured under a four inch pressure) said water to be diverted at a stake and notice on the south side of said gulch about two miles South Eastward from the Half Way House on the Boise & Idaho City Road and about one fourth of a mile above the forks. Said water to be taken from the main creek and conveyed by means of a ditch to the Mill Site location of the undersigned on said gulch. said ditch to be on the south side of the gulch and to be thirty six inches wide and two feet deep. The location hereby made is made for Milling and Mining purposes situated in Boise County Idaho.

Located this 18th day of August 1890.

Geo Sinflet

Ala. Voren

Mrs E. Dunningham

Recorded at the request of Geo Sinflet
Aug 18th 1890 at 2:20 P.M.

Wm Warner
Recorder

The United States of America,

Certificate No. 3586

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS John J. Diehl of Boise County Idaho has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Boise Idaho whereby it appears that FULL PAYMENT has been made by the said

John J. Diehl according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto, for

The East half of the North East Quarter and the North East Quarter of the South East Quarter of Section twenty One and the North West Quarter of the North West Quarter of Section twenty two in Township four North of Range four East of Boise Meridian in Idaho. Containing One hundred and sixty Acres.

according to the Official Plat of the survey of the said Lands, returned to the GENERAL LAND OFFICE by the Surveyor General, which said Tract... has been purchased by the said John J. Diehl

NOW KNOW YE, That the United States of America, in consideration of the premises, and in conformity with the several acts of Congress in such case made and provided, HAVE GIVEN AND GRANTED, and by these presents do give and grant unto the said John J. Diehl and to his heirs, the said tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said John J. Diehl and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of courts and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by authority of the United States.

IN TESTIMONY WHEREOF, I, Theodore Roosevelt President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the fifth day of June in the year of our Lord one thousand nine hundred and seven, and of the Independence of the United States the one hundred and thirty first

By the President

T. Roosevelt

(SEAL)

By

J. M. McKean

Secretary.

Recorded Miscellaneous, Vol. 607, Page 190.H. A. Sanford

Recorder of General Land Office.

STATE OF IDAHO, } ss.
County of Boise, }

I hereby certify that this instrument was filed for record at request of Clay Williamson at minutes past 9 o'clock A.M., this 26th day of Aug. A. D. 1907, in my office and duly recorded in Book _____ of _____ at page _____

L. R. Dinkus

Ex-Officio Recorder.

E. A. Maulding

Deputy.

Instrument No. 8684

This Indenture, Made this 26th day of February in the year of our Lord one thousand nine hundred and Eight between John J. Diehl married

of Halfway House County of Boise State of Idaho the party of the first part, and Clay Williamson

of Halfway House County of Boise State of Idaho the party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of \$4000. Four Thousand DOLLARS, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, he has Granted, Bargained and Sold, and by these presents does Grant, Bargain, Sell, Convey and Confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate situate in Boise County of Idaho, to-wit:

The East half E 2 of Northeast Quarter N E 4 and Northeast Quarter N E 4 of South East Quarter S E 4 of Section twenty One 21 and North West Quarter N W 4 of North West Quarter N W 4 of Section twenty two 22, all in Township Four 4 North of Range Four 4, East 3rd M. as the same appears in U S Patent Granted to said party of first part and filed in Book Two 2 of Patents in Office of County Recorder of Boise County; together with all water, water rights and Rights of way appurtenant thereto.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said party of the first part:

TO HAVE AND TO HOLD all and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said party of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said party of the first part and his heirs and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of Chas H Mack } John J Diehl (Seal) (Seal) (Seal) (Seal)

STATE OF IDAHO, } ss. County of Ada On this 26th day of February 1908 before me Chas H Mack } John J Diehl Notary Public in and for said County, personally appeared known.

to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same, and on this 26th day of February 1908, before me, the officer above described, personally appeared known.

to me to be the person whose name is subscribed to the within instrument, described as a married woman; and upon an examination without the hearing of her husband, I made her acquainted with the contents of the instrument and thereupon she acknowledged to me that she executed the same, and that she does not wish to retract such execution.

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

STATE OF IDAHO, } ss. County of Boise I hereby certify that this instrument was filed for record at the request of Howard Harper at 9:20 o'clock A. M., this 28 day of Feb 1908, in my office, and duly recorded in Book of Deeds at page

C. P. Dukes Ex-officio Recorder.

Blackfoot 042588

THE UNITED STATES OF AMERICA,

TO all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Blackfoot, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of L. Clay Williamson has been established and duly consummated, in conformity to law, for the south half of the

South half of the northeast quarter, the northeast quarter of the northeast quarter, and the north half of the southeast quarter of Section Twenty-two and the northwest quarter of the northwest quarter, the south half of the northwest quarter, and the north half of the southwest quarter of Section twenty-three in Township four north of Range four east of the Boise Meridian, Idaho, containing four hundred acres,

according to the Official Plat of the Survey of the said Land, on file in the GENERAL LAND OFFICE:

NOW KNOW YE, That there is, therefore, granted by the United States unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States. Excepting and reserving, however, to the United States all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same pursuant to the provisions and limitations of the Act of December 29, 1916 (39 Stat., 862).

IN TESTIMONY WHEREOF, I FRANKLIN D. ROOSEVELT, President of the United

States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the thirty-

first day of May in the year of our Lord one thousand nine hundred and thirty-three and of the Independence of the United

States the one hundred and fifty-seventh.

By the President: FRANKLIN D. ROOSEVELT

BY LEAFIE E. DIETZ, SECRETARY.

EMMA L. WARREN

RECORDED: Patent Number 1064463

Recorder of the General Land Office.

STATE OF IDAHO)
: ss.
COUNTY OF BOISE)

I hereby Certify that this instrument was filed for record at request of Western Loan & Investment Co. at 45 minutest past 10 o'clock A. M., this 29th day of Oct. A. D. 1937, in my office and duly recorded in book 8 Patents, Page 180.

KATHERINE M. BROGAN
Ex-Officio Recorder

By *Frances Elliott*
Deputy

Fees, \$1.00

WARRANTY DEED

THIS INDENTURE, made this 12th day of June, in the year of our Lord one thousand nine hundred and forty-eight, between Claud R. Williamson of the County of Boise, State of Idaho; Gertrude Jensen of Pocatello, County of Bannock, State of Idaho; Faye Heath, of Mesa, County of Adams, State of Idaho; and Harold Williamson of San Bruno, County of San Mateo, State of California, the parties of the first part, and Carl E. Nicholson and Kate Nicholson, his mother of Boise, County of Ada, State of Idaho, parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Seventeen Thousand Five Hundred and no/100 (\$17,500.00) Dollars, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all the following described real estate, situate in the County of Boise, State of Idaho, to-wit:

The East Half of the Northeast Quarter ($E\frac{1}{2} NE\frac{1}{4}$), and the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4} SE\frac{1}{4}$), Section Twenty-one (21);

The Northwest Quarter of the Northwest Quarter ($NW\frac{1}{4} NW\frac{1}{4}$), the South Half of the Northwest Quarter ($S\frac{1}{2} NW\frac{1}{4}$), the North Half of the Southeast Quarter ($N\frac{1}{2} SE\frac{1}{4}$), and the South Half of the Northeast Quarter ($S\frac{1}{2} NE\frac{1}{4}$) and the Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4} NE\frac{1}{4}$) of Section Twenty-Two (22); and the North Half of the Southwest Quarter ($N\frac{1}{2} SW\frac{1}{4}$) Section 22;

The West Half of the Northwest Quarter ($W\frac{1}{2} NW\frac{1}{4}$) and the Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4} NW\frac{1}{4}$) and the North Half of the Southwest Quarter ($N\frac{1}{2} SW\frac{1}{4}$) of Section Twenty-three (23); all in Township Four (4) North, Range Four (4) East of the Boise Meridian.

The Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4} SE\frac{1}{4}$) of Section Twenty-eight (28); the South Half of the Southwest Quarter ($S\frac{1}{2} SW\frac{1}{4}$) and the South Half of the Southeast Quarter ($S\frac{1}{2} SE\frac{1}{4}$) of Section Twenty-seven (27); the Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4} NE\frac{1}{4}$) and the South Half of the Northeast Quarter ($S\frac{1}{2} NE\frac{1}{4}$) of Section Thirty-three (33); and the North Half ($N\frac{1}{2}$) of Section Thirty-four (34), all in Township Four North of Range Four East Boise Meridian.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals, the day and year first above written.

Claud R. Williamson

Eleanor Williamson

Gertrude Jensen

William A. Jensen

Faye Heath

Clifford Heath

Harold Williamson

Wilma Williamson

STATE OF IDAHO)
)SS
 County of

On this 12th day of June in the year 1948, before me, Evans Paul Barnes, a Notary Public for said State, personally appeared Claud R. Williamson and Eleanor Williamson, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Evans Paul Barnes
 Notary Public for Idaho
 Residence: Boise, Idaho

SEAL

STATE OF IDAHO)
)SS
 County of Bannock)

On this 3rd day of July, in the year 1948, before me, G. L. Stowell, a Notary Public, for said State, personally appeared Gertrude Jensen and William A. Jensen, wife and husband, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

G. L. Stowell
 Notary Public for Idaho
 Residence: Pocatello, Idaho

SEAL

STATE OF IDAHO)
)SS
 County of Adams)

On this 14th day of June, in the year 1948, before me Glenn Walker, a Notary Public for said State, personally appeared Faye Heath and Clifford Heath, wife and husband, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Glenn Walker
 Notary Public for Idaho
 Residence: Council, Idaho

SEAL

STATE OF CALIFORNIA)
)SS
 County of San Mateo)

On this 21st day of June, in the year 1948, before me, E. B. Flynn, Jr., a Notary Public for said State, personally appeared Harold Williamson and Wilma Williamson husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

E. B. Flynn, Jr.,
 Notary Public for California
 Residing at _____
 My Commission Expires: _____
 Notary Public in and for the County
 of San Mateo, State of California
 My Commission expires January 23, 1959

SEAL

STATE OF IDAHO)
)SS
 County of Boise)

I hereby certify that this instrument was filed for record at request of Ralph Breshears at 42 minutes past 10 o'clock A. M., this 17th day of March A.D. 1949 in my office and duly recorded in Book 52 of Deeds at page 488.

Katherine M. Brogan
 Ex-Officio Recorder

By

Deputy

PPS 2

Doc. Stamp

3/16/49
 4925
 B.G.

#162759

WARRANTY DEED

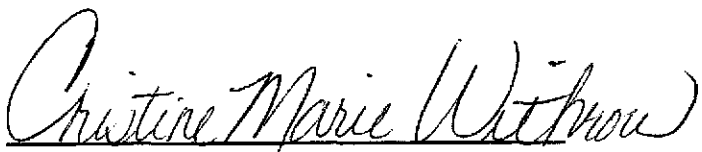
GRANTOR, Cristine Marie Withrow, whose address is 10141 Olive St. NW, Coon Rapids, MN 55433 for a good and valuable consideration, receipt of which is hereby acknowledged, does hereby GRANT, BARGAIN, SELL and CONVEY the property described in Exhibit A, attached hereto, her 1.75% undivided interest to Scott R. Nicholson, whose current address is P.O. Box 690, Meridian, Ada County, Idaho 83680, increasing his 43% undivided interest to 44.75% undivided interest to hold as tenant in common and not as a joint tenant along with Thomas Emil Nicholson's 1.75% undivided interest, Kelly Ann Maxwell's 1.75% undivided interest, William Patrick Nicholson's 1.75% undivided interest, Jon Nicholson's 39.5% undivided interest, Keli Elledge's 5.25% undivided interest, and Jennifer Dellgard's 5.25% undivided interest, as GRANTEE, and to his heirs, personal representatives, successors and assigns of Grantee forever, all of the real property described in Exhibit A, attached hereto, and be reference made a part hereof, situate in Boise County, Idaho, together with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments, appurtenances, reversions, and remainders appurtenant thereto.

SUBJECT, HOWEVER, to the following:

1. All easements and rights-of-way appearing on record or on the premises.
2. Mineral reservations appearing of record.
3. Covenants, restrictions and zoning regulations as appear of record or by use upon the premises.
4. Current real property taxes, irrigation assessments or other governmental assessments or charges.

GRANTOR, on behalf of herself and her successors and assigns, does hereby COVENANT, WARRANTY and shall DEFEND the quiet and peaceable possession of said premises by the Grantee and the heirs, personal representatives, successors and assigns of Grantee forever against lawful claims of all persons excepting as heretofore mentioned.

IN WITNESS WHEREOF, Grantor has caused her name to be subscribed this 28 day of October, 1996.



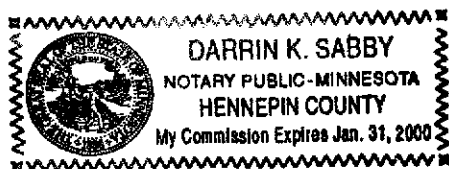
Cristine Marie Withrow

NOTA 162759
DEED TO TOM NICHOLSON
10/28/96
Cristine Marie Withrow
w/o 9.00/ld

STATE OF Minnesota)
) ss.
COUNTY OF Hennepin)

On this 28 day of October, 1996, before me, the undersigned, an Notary Public in and for said State, appeared CRISTINE MARIE WITHROW, and acknowledged to me that she executed the same.

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



Darrin K. Sabby
Residing in: Wayzata, MN
My commission expires: 1/31/2000

EXHIBIT A

REAL PROPERTY DESCRIBED as follows:

Township 4 North - Range 4 East, B.M.

Section 21, E2NE4, NE4SE4

Section 22, NE4NE4, NW4NW4, S2N2, SE4, SW4 less a portion of the SW4 more particularly described as follows:

Commencing at a brass cap marking the southwest corner of Section 22, T4N, R4E, B.M.: thence N 00°06'40" W along the west section line of said Section 22, 917.29 feet to a point on the center line of a gravel road, said road being a portion of old State Highway 21 as noted in the U.S. Coast and Geodetic Survey vertical control sea-level datum of 1935; thence S 42°15'00" E, along said road centerline; 198.09 feet to a point, said point being a point of curve, thence N 47°45'00" E, 25.00 feet to a point on the easterly right-of-way of said road, said point being the REAL POINT OF BEGINNING;

thence along said easterly right-of-way along a curve to the right with a central angle of 35°33'00", a radius of 160.00 feet, a length of 99.27 feet, and a long chord which bears S 24°28'30" E, 97.69 feet to a point;

thence leaving said right of way N 86°12'32" E, 85.97 feet to a point;

thence N 03°47'28" W, 100.00 feet to a point;

thence S 86°12'32" W, 127.31 feet to a point;

thence along said easterly right-of-way S 42°15'00" E, 10.99 feet to the REAL POINT OF BEGINNING.

Said Parcel containing a calculated area of 0.23 acres more or less.

Section 23, NW4NW4, S2N2, S2

Section 24, S2NW4, S2

Section 26, NW4NW4

Section 27, E2, E2W2, SW4SW4

Section 33, E2NE4

Section 34, N2

Total said Parcel containing an area of 2,560 acres more or less.



A Pioneer Company

PIONEER TITLE COMPANY
OF ADA COUNTY

8151 W. Rifleman Ave / Boise, Idaho 83704 / (208) 377-2700

INST# 167677
REQUEST mtn View

98 FEB 23 PM 3:23

BOISE COUNTY RECORDER

BY Laurie Lappin
TYPE Doc Fee 6.00/ck

ACCOMMODATION

PC 163376

J.M. DRN

WARRANTY DEED

(INDIVIDUAL)

FOR VALUE RECEIVED JON ALAN NICHOLSON, AN UNMARRIED MAN

Grantor , does hereby grant, bargain, sell and convey unto THOMAS T. NICHOLSON AND DIANA R. NICHOLSON, HUSBAND AND WIFE

the Grantee s , whose current address is: P.O. BOX 690, MERIDIAN, ID 83680
the following described real property in Boise County, State of Idaho, more particularly described as follows, to-wit:
AS TO A 39.50% INTEREST

SEE ATTACHED "EXHIBIT A", WHICH BY THIS REFERENCE BECOMES A PART HEREOF, AND WHICH IS COMPRISED OF ONE (1) PAGE.

97105728
97105728

ADA CO. RECORDER
J. DAVID NAVARRO
BOISE ID
PIONEER TITLE

'97 DEC 19 PM 4 10

FEL 600 DEF Shuford
RECORDED AT THE REQUEST OF

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and Grantee heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee s, the Grantor is the owner in fee simple 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 s and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (includes 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.

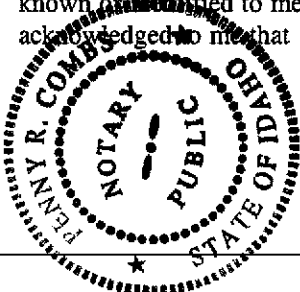
Dated: December 19, 1997

[Signature]
JON ALAN NICHOLSON

STATE OF IDAHO, County of ADA, ss.

On this 18 day of December, in the year of 1997, before me PENNY R. COMBS, a notary public, personally appeared JON ALAN NICHOLSON

known and identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



Notary Public: [Signature]
Residing at: MERIDIAN, IDAHO
My Commission Expires: 05/04/00

EXHIBIT A

REAL PROPERTY DESCRIBED as follows:

Township 4 North - Range 4 East, B.M.

Section 21, E2NE4, NE4SE4

Section 22, NE4NE4, NW4NW4, S2N2, SE4, SW4 less a portion of the SW4 more particularly described as follows:

Commencing at a brass cap marking the southwest corner of Section 22, T4N, R4E, B.M.: thence N 00°06'40" W along the west section line of said Section 22, 917.29 feet to a point on the center line of a gravel road, said road being a portion of old State Highway 21 as noted in the U.S. Coast and Geodetic Survey vertical control sea-level datum of 1935; thence S 42°15'00" E, along said road centerline; 198.09 feet to a point, said point being a point of curve, thence N 47°45'00" E, 25.00 feet to a point on the easterly right-of-way of said road, said point being the REAL POINT OF BEGINNING;

thence along said easterly right-of-way along a curve to the right with a central angle of 35°33'00", a radius of 160.00 feet, a length of 99.27 feet, and a long chord which bears S 24°28'30" E, 97.69 feet to a point;

thence leaving said right of way N 86°12'32" E, 85.97 feet to a point;

thence N 03°47'28" W, 100.00 feet to a point;

thence S 86°12'32" W, 127.31 feet to a point;

thence along said easterly right-of-way S 42°15'00" E, 10.99 feet to the REAL POINT OF BEGINNING.

Said Parcel containing a calculated area of 0.23 acres more or less.

Section 23, NW4NW4, S2N2, S2

Section 24, S2NW4, S2

Section 26, NW4NW4

Section 27, E2, E2W2, SW4SW4

Section 33, E2NE4

Section 34, N2

Total said Parcel containing an area of 2,560 acres more or less.

WARRANTY DEED

GRANTOR, Kelly Ann Maxwell, whose current address is P.O. Box 1465, Hines, OR 97738 for a good and valuable consideration, receipt of which is hereby acknowledged, does hereby GRANT, BARGAIN, SELL and CONVEY the property described below, her 1.75% undivided interest to Scott R. Nicholson, whose current address is P.O. Box 690, Meridian, Ada County, Idaho 83680, increasing his 44.75% undivided interest to 46.5% undivided interest to hold as tenant in common and not as a joint tenant along with Thomas Emil Nicholson's 1.75% undivided interest, William Patrick Nicholson's 1.75% undivided interest, Thomas T. Nicholson's 39.5% undivided interest, Keli Nicholson Elledge's 5.25% undivided interest, and Jennifer Nicholson Dellgard's 5.25% undivided interest, as GRANTEE, and to his heirs, personal representatives, successors and assigns of Grantee forever, all of the real property described below, situate in Boise County, Idaho, together with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments, appurtenances, reversions, and remainders appurtenant thereto.

REAL PROPERTY DESCRIBED as follows:

Township 4 North - Range 4 East, B.M.

Section 21, E2NE4, NE4SE4

Section 22, NE4NE4, NW4NW4, S2N2, SE4, SW4

Section 23, NW4NW4, S2N2, S2

Section 24, S2NW4, S2

Section 26, NW4NW4

Section 27, E2, E2W2, SW4SW4

Section 33, E2NE4

Section 34, N2

Total said Parcel containing an area of 2,560 acres more or less.

SUBJECT, HOWEVER, to the following:

1. All easements and rights-of-way appearing on record or on the premises.
2. Mineral reservations appearing of record.
3. Covenants, restrictions and zoning regulations as appear of record or by use upon the premises.
4. Current real property taxes, irrigation assessments or other governmental assessments or charges.

GRANTOR, on behalf of herself and her successors and assigns, does hereby COVENANT, WARRANTY and shall DEFEND the quiet and peaceable possession of said premises by the Grantee and the heirs, personal representatives, successors and assigns of Grantee forever against lawful claims of all persons excepting as heretofore mentioned.

IN WITNESS WHEREOF, Grantor has caused her name to be subscribed this 5th day of November, 1999.

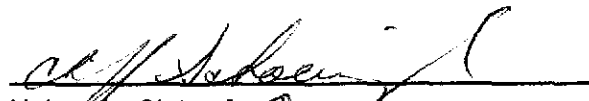

Kelly Ann Maxwell

STATE OF Oregon)
) ss.
COUNTY OF Harney)



On this 5th day of November, 1999, before me, the undersigned, a Notary Public in and for said State, appeared KELLY ANN MAXWELL, and acknowledged to me that she executed the same.

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


Notary for State of: Oregon
Residing in: Hines, OR Harney County
My commission expires: Aug. 23, 2002

175999

INST# 175999
REQUEST TFI

00 FEB -4 AM 11:51

BOISE COUNTY RECORDER

BY C. Waller

TYPE 31 FEE 6.00 ck



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 15, 2001

C & T RANCHES INC
10322 ESTATE DR
BOISE, ID 83709

Re: Claim No(s). 63-5408

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is **NOT** to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "**Priority Date**" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify claims in this area are now being conducted by Department personnel. Please contact this office as soon as possible to schedule a field exam appointment convenient for you.

The required evidence supporting the priority date(s) must be submitted by **October 15, 2001**, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the Western Region office shown above.

Adjudication Section
Department of Water Resources
Western Region Office

JS:lh
Enclosures

MANNING EQUATION CHANNEL CAPACITY RESULTS

11-15-2001

File Number: A63-05408

Claimant: Nicholson

Channel measured: Dunnigan Creek diversion

Date of measurement: 10/30/2001

Measurement location:

Ditch at diversion from creek

Calculation prepared by: Maria Minicucci

Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 77 feet.

The upstream and downstream rod readings are 4.68 and 5.98 feet.

The channel cross section is 5.23 ft-sq.

The wetted perimeter is 9.63 feet.

The hydraulic radius is 0.54 feet.

The slope is 0.0169

The roughness coefficient is 0.0840

The flow velocity is 1.533 ft/sec.

The rate of flow is 8.01 cfs.

CROSS SECTION NUMBER 1

For File Number A63-05408 for the Dunnigan Creek diversion

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.16	0.16	1.00
3	0.36	0.36	2.00
4	0.70	0.70	3.00
5	1.08	1.08	4.00
6	1.10	1.10	5.00
7	0.70	0.70	6.00
8	0.65	0.65	7.00
9	0.48	0.48	8.00
10	0.00	0.00	8.90

The area for this cross section is 5.21 square feet
and the wetted perimeter is 9.27 feet.

CROSS SECTION NUMBER 2

For File Number A63-05408 for the Dunnigan Creek diversion

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.22	0.22	1.00
3	0.36	0.36	2.00
4	0.78	0.78	3.00
5	1.02	1.02	4.00
6	1.10	1.10	5.00
7	0.88	0.88	6.00
8	0.48	0.48	7.00
9	0.32	0.32	8.00
10	0.10	0.10	9.00
11	0.00	0.00	9.70

The area for this cross section is 5.24 square feet
and the wetted perimeter is 9.99 feet.

Claim Number(s): A63-05408

Name of Claimant(s): NICHOLSON

Name of Ditch, Canal, or Stream: DUNNIGAN CREEK

Date of Measurement: 10/30/08 Data Collected By: RD 1013

Measurement Location: 1/4 1/4 Section T R

Cross Section Data

Basis: high water mark() maximum capacity()

Note: minimum of five depth or rod readings; first and last must be equal or zero

depth or rod reading	distance from initial point	depth or rod reading	distance from initial point
1. <u>0</u>	<u>0</u>	7. <u>0</u>	<u>0</u>
2. <u>.16</u>	<u>1.0</u>	8. <u>.22</u>	<u>1.0</u>
3. <u>.36</u>	<u>2.0</u>	9. <u>.36</u>	<u>2.0</u>
4. <u>.70</u>	<u>3.0</u>	10. <u>.78</u>	<u>3.0</u>
5. <u>1.08</u>	<u>4.0</u>	11. <u>1.02</u>	<u>4.0</u>
6. <u>1.10</u>	<u>5.0</u>	12. <u>1.10</u>	<u>5.0</u>
7. <u>1.10</u>	<u>6.0</u>		<u>6.0</u>

Slope Data

Basis: high water mark() channel bottom() land surface()

Level Readings:

upper stadia

6.24

4.80

center

5.98

4.68

lower stadia

5.21

3.38 4.50

channel
length

stadia difference

(53 + 24) x 100 = 77

Note: for elevations, the downstream rod reading must be higher than the upstream rod reading

Comments

Are maps and/or photos attached? yes()

8. .65

2.0

9. .48

8.0

10. 0

8.9 LEW

.48

7.0

.32

8.0

.10

9.0

LEW

0

9.7

BASIC "n" CHANNEL MATERIAL				CHANNEL OBSTRUCTIONS			
earth	.020		(1)	negligible	.000		(1)
rock	.025		(2)	minor	.010		(2)
fine gravel	.024	X	(3)		.015		(3)
coarse gravel	.028	X	(4)	appreciable	.020	X	(4)
					.030		(5)
				severe	.040		(6)
					.050		(7)
					.060		(8)
SURFACE IRREGULARITY				VEGETATION			
smooth	.000		(1)	low	.005		(1)
minor	.005		(2)		.010		(2)
moderate	.010	X	(3)	medium	.015		(3)
severe	.020		(4)		.020	X	(4)
					.025		(5)
				high	.030		(6)
					.040		(7)
					.050		(8)
				very high	.060		(9)
					.075		(10)
					.100		(11)
VARIATIONS IN SIZE AND SHAPE OF CROSS-SECTION				DEGREE OF MEANDERING			
gradual	.000		(1)	minor	1.00	X	(1)
occasional	.005		(2)	appreciable	1.15	X	(2)
frequent	.010	X	(3)	severe	1.30		(3)
	.015		(4)				

9/14/98

ESTIMATING CONVEYANCE LOSS



FIELD EXAMINER: MARIA MINICUCCI

FIELD EXAM DATE: 10/30/2001

FOR CLAIM(S) A63-05408

FORMULA: $S = (W)(i)(0.0667)$

Where: S2= Loss in CFS per Mile
W = The top width of the high water mark in feet
i = The loss rate in feet per day (see table)
0.0667 is a factor used to convert to CFS per mile

TABLE:	Type of Soil	Loss Rate i (Ft/Day)
	Medium clay loam.....	0.5 to 1.5
	Impervious clay.....	0.5
	Medium soils.....	1.0
	Somewhat pervious soils....	1.5 to 2.0
	Gravel.....	2.5 to 5.0

WORK SHEET

S1 = (9.3 FT) i = (2.0 FT/DAY) (0.0667)

S2 = 1.24 CFS/MILE

CONVEYANCE LOSS = (S2) (LENGTH OF DITCH IN MILES)

CONVEYANCE LOSS = (1.24 CFS/MILE) (1.25 MILE) To end of ditch

CONVEYANCE LOSS = 1.55 CFS

TOP OF DITCH = W

MAP MEASUREMENT

Section 1 = 8.9

Section 2 = 9.7

Section 3 =

Total.... = 18.6

/2 or 3... = 9.3 = S1

Length in Inches = = A

Map Scale: In. = 1 Mile = B

A/X : B/5,280 = Ft./5,280 = Mile