

ADA COUNTY HISTORIC RESOURCES: A RECONNAISSANCE SURVEY

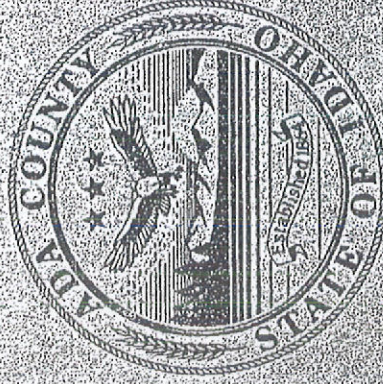


PREPARED BY BERLINDA DAVIS/BARBARA PERRY BAUER, CONSULTANTS
AND THE ADA COUNTY DEVELOPMENT SERVICES DEPARTMENT

FOR THE ADA COUNTY HISTORIC PRESERVATION COUNCIL

MADE POSSIBLE BY A CERTIFIED LOCAL GOVERNMENT GRANT FROM THE NATIONAL PARK SERVICE
DEPARTMENT OF THE INTERIOR THROUGH THE IDAHO STATE HISTORIC PRESERVATION OFFICE

August 1989

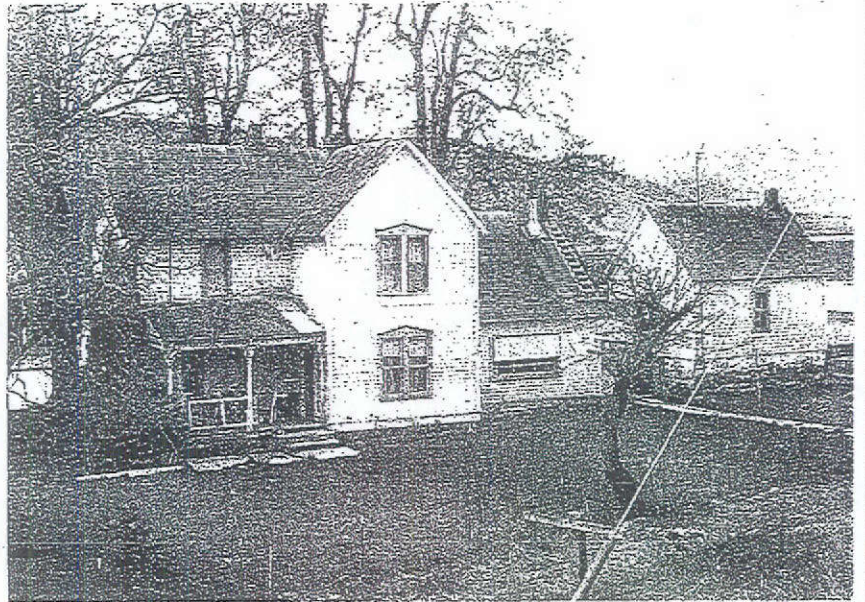


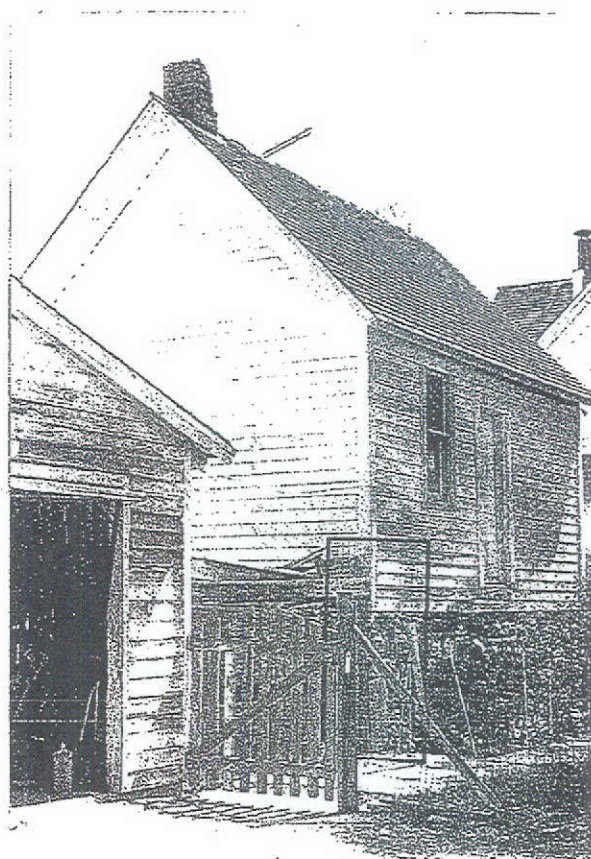
BOARD OF ADA COUNTY COMMISSIONERS

Vernon L. Bisterfeldt, Chairman
Michael B. Johnson
Judy W. Peavey

ADA COUNTY HISTORIC PRESERVATION COUNCIL

Robert E. Blumidge, Chairman
John R. Grove, Vice-Chairman
David Baghard
Janet Harrison Carver
Dan N. Macleby







AVIMOR™



Not To Scale
Figure 4

SOURCE: IDAHO STATE HISTORICAL LIBRARY

A SunCor Planned Community

USGS Map of 1897

718801

Form 1810-6
(July 1965)
(Replaces 4-2076)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Idaho Land Office
Boise, Idaho
June 5, 1969

49 1534

Adm. County Clerk

Request of

Idaho Title Co.

Time 4:00 P. M.

Date JUN 20 1969

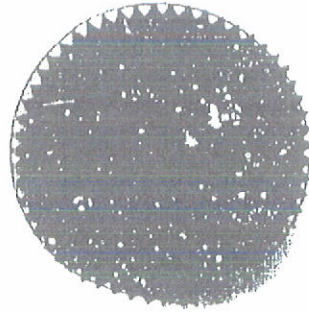
CLARENCE A. PLANTING

BOISE, IDAHO

By *William C. Seifer*
120 Deputy

I HEREBY CERTIFY That the annexed copy of patent is a true and literal exemplification of the record which is in my custody in this Office.

IN TESTIMO WHEREOF I have hereunto subscribed my name and caused the seal of this Office to be affixed,
at Boise, Idaho
on the day and year above written.



D

William C. Seifer
(Certified Officer)
WILLIAM C. SEIFER

18/537

to all to whom these papers are presented.

Honorable Certificate No. 1019

Applications 1987 and 2722. Peter J. ...
in the General Land Office of the United States at
the Register of the Land Office at ...
... pursuant to the Act of Congress ...
... supplemental charter, the ...
established and duly incorporated ...
the East half of the South East quarter of the South West quarter of
South East quarter and the North half of the North West quarter of
quarter of Section six in Township ...
of Boise Township in Idaho ...
according to the official Plat of the Survey of the ...
to the General Land Office by the ...
Now known as, that there is ...
... the said William Hunt that he ...
to have and to hold the said tract of land ...
... thereof, unto the said William Hunt ...
and assigns forever; subject to the ...
water rights for mining, agriculture, domestic ...
purpose, and rights to ditch ...
... such water rights, ...
... by the local custom ...
also subject to the rights of the ...
tract and removal therefrom of ...
to penetrate or interfere with the ...
by law. And these conditions apply to the ...
South East quarter and the North East quarter of the ...
quarters of Section six ...
East of the above described ...
ditches or canals ...
United States ...
Industries ...
limited liability company ...
Patent, and the ...
affixed ...
...
...

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! , n 16 c. notes. These fragments should stand at end of the page.

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11. Division 1909

Mr. Vassar and Mr. C. had of Benjamin approved 20th May 1841

Lectures on the Indian Struggle

... of Molluscs, March 1881

[illegible][illegible][illegible]

Sit in Township four North of George St.

400 lbs of free iron. 100 lbs of iron ore and 100 lbs of iron ore.

1. We are

11 - 1st. Burners Records.

Wm. Garrison found office boy the same night. Garrison was arrested by the Limited.

Poa annua, grows by the roadside
in flower, greenish yellow
Poa annua, flowers above white
and green.

Nov. 6. to 9. 1870. The east of French observation
to the west of French observation.

[illegible]

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9. I am a ...
10. I am a ...

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not interested in being excited and

and a very high rate of infection, a postulated manifestation of

...and ...
...and ...
...and ...
...and ...

... and 1940 to 1941 was also ...
... and 1940 to 1941 was also ...
... and 1940 to 1941 was also ...

not only in rights, as is only too true, but in fact practice, laws, and decisions of the

I, a god. buy the local customs, laws, and...
I, a god. buy the local customs, laws, and...
I, a god. buy the local customs, laws, and...

It is important to be right of the proportion of -
 6 in one spent on contacts the same

1907 and 1908. His only scientific work was the Investigation of the Immunity of the Dog published in 1908.

[illegible][illegible]

by law. In a
court. In a quarter and the North country
of the world.

west. and a few miles
east of Jackson in Pennsylvania

9" vol of section.
Part of the above described ~~part~~ ^{part} described.

fact of the above answers
 I believe would be considered.

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 2. *Ad. 2nd. Hab.*
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United States -
C. S. - American Philosophical Society

G. Low to money market.

1900-1918 State of Tennessee
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I, _____, Clerk of said County,

Polwart, and the road to

off-ical.

Burwin xander

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State of Ohio, County of Cuyahoga, ss. I, the undersigned, being duly sworn, depose and say that the within and foregoing is a true and correct copy of the original of the same as the same appears to me, and I am not aware of any other copy of the same.

Subscribed and sworn to before me this 7th day of Jan 1896.

W. F. O'Connell
Notary Public

State of Ohio, County of Cuyahoga, ss. I, the undersigned, being duly sworn, depose and say that the within and foregoing is a true and correct copy of the original of the same as the same appears to me, and I am not aware of any other copy of the same.

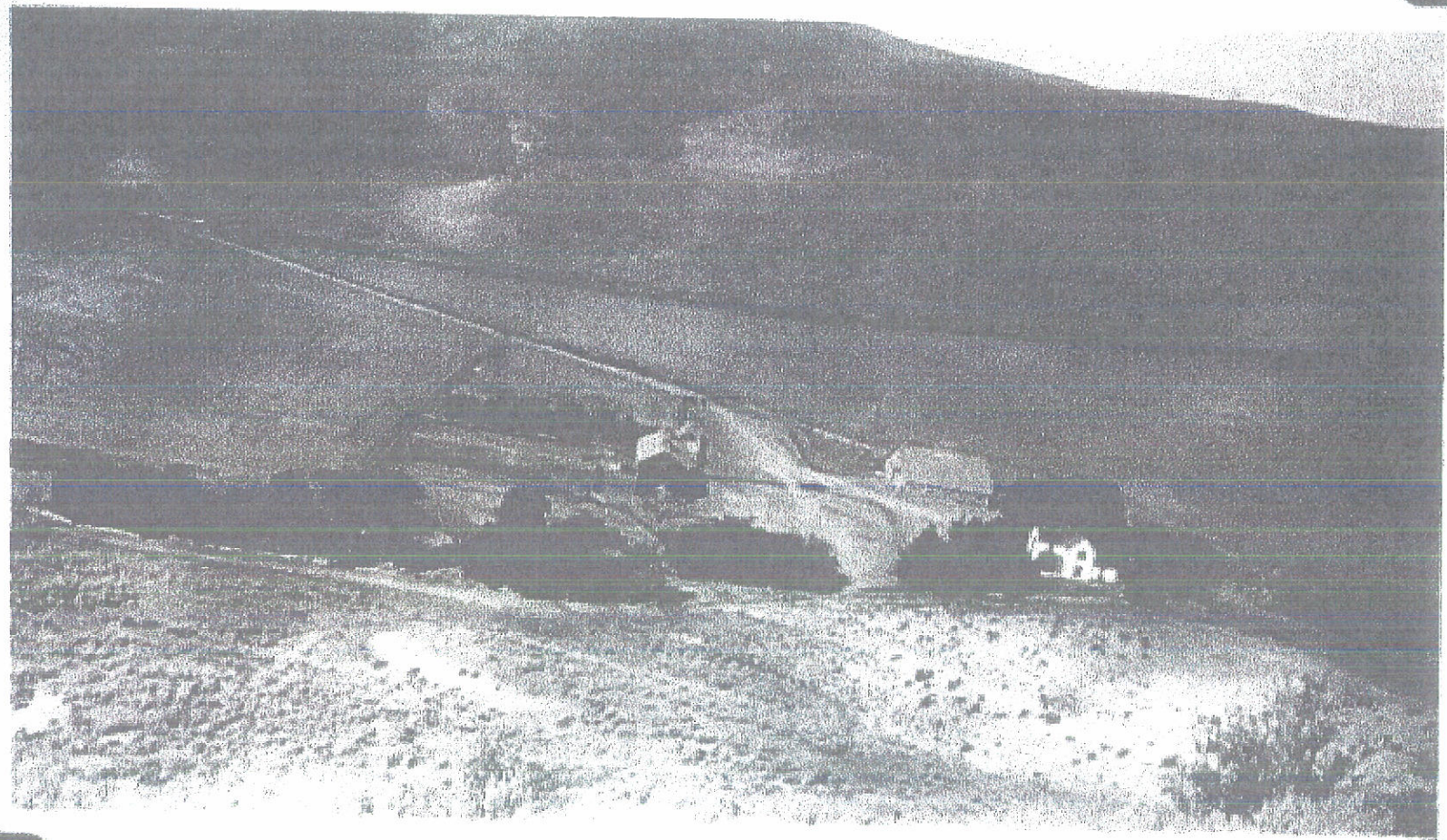
Subscribed and sworn to before me this 7th day of Jan 1896.

W. F. O'Connell
Notary Public

Norman
Clyde
W. D.
H. B.
J. A.
J. B.
J. C.
J. D.
J. E.
J. F.
J. G.
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J. K.
J. L.
J. M.
J. N.
J. O.
J. P.
J. Q.
J. R.
J. S.
J. T.
J. U.
J. V.
J. W.
J. X.
J. Y.
J. Z.



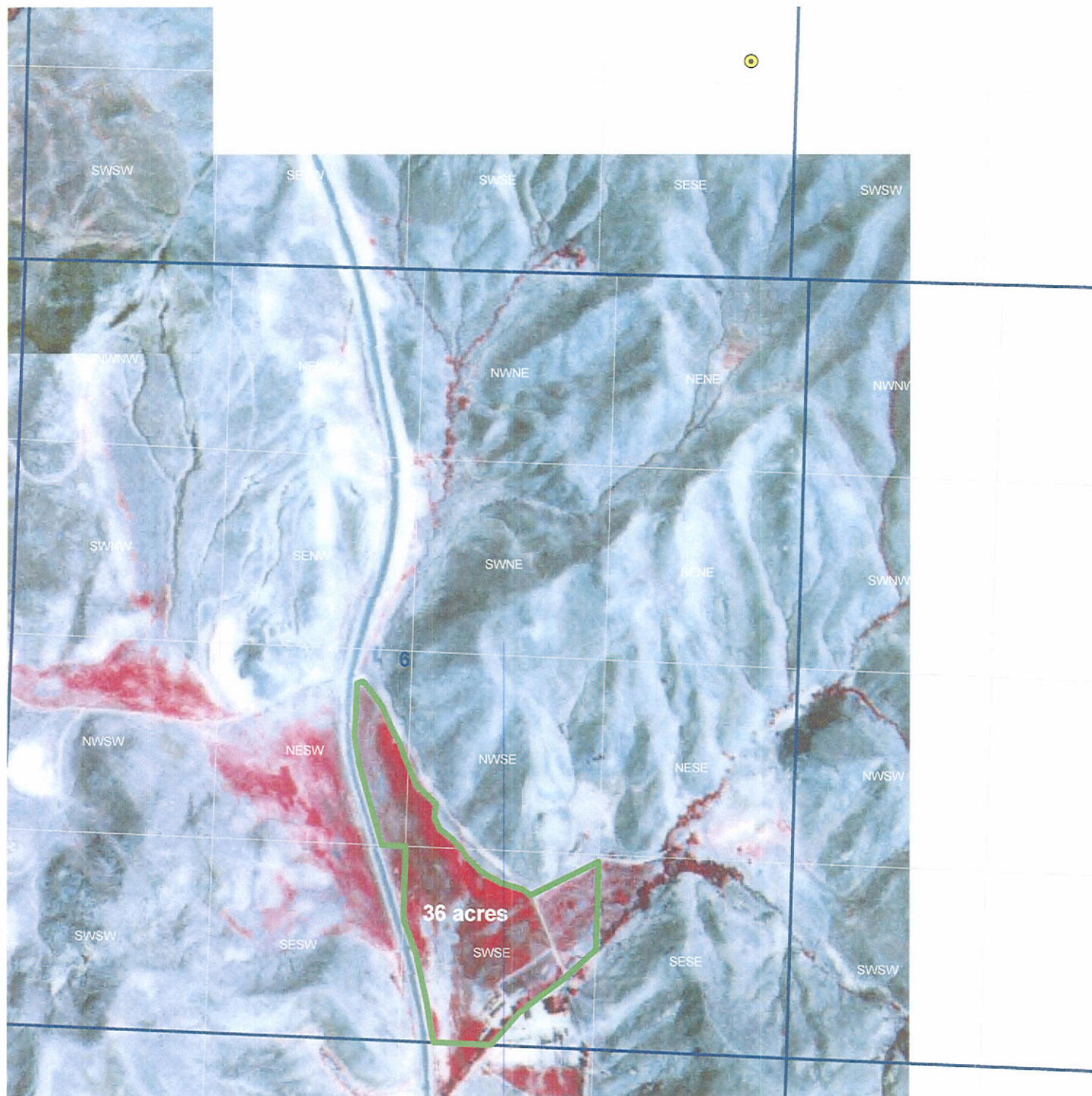




Idaho Department of Water Resources

63-5387

T05N R02E S6



- Point of Diversion
- Place of Use
- Sections
- Quarter Quarter

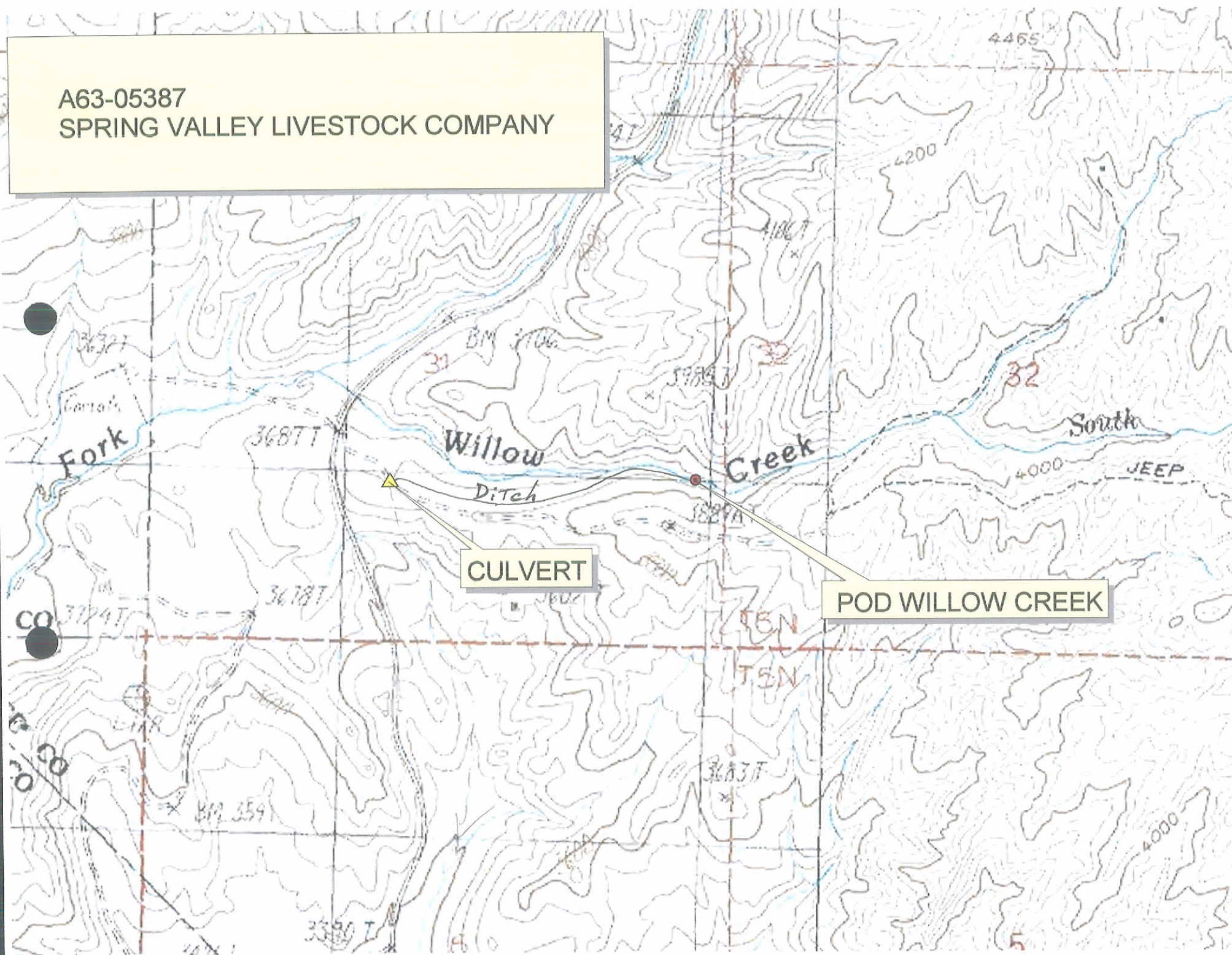


IDWR
Prepared by: Sandy Egbert
Date: 5-18-05
1987 NAPP Photography

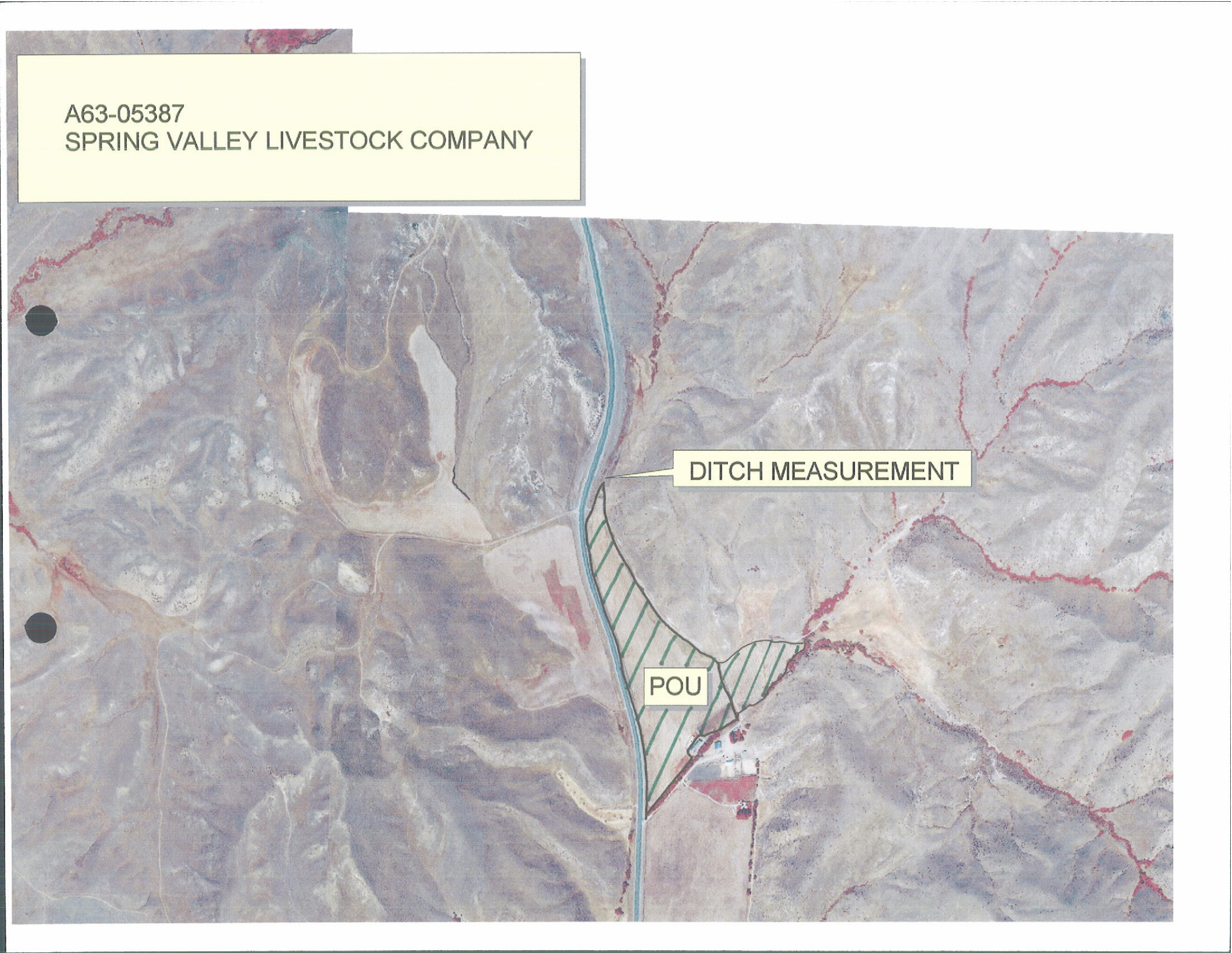
600 0 600 1200 1800 2400 Feet

A63-05387

SPRING VALLEY LIVESTOCK COMPANY



A63-05387
SPRING VALLEY LIVESTOCK COMPANY



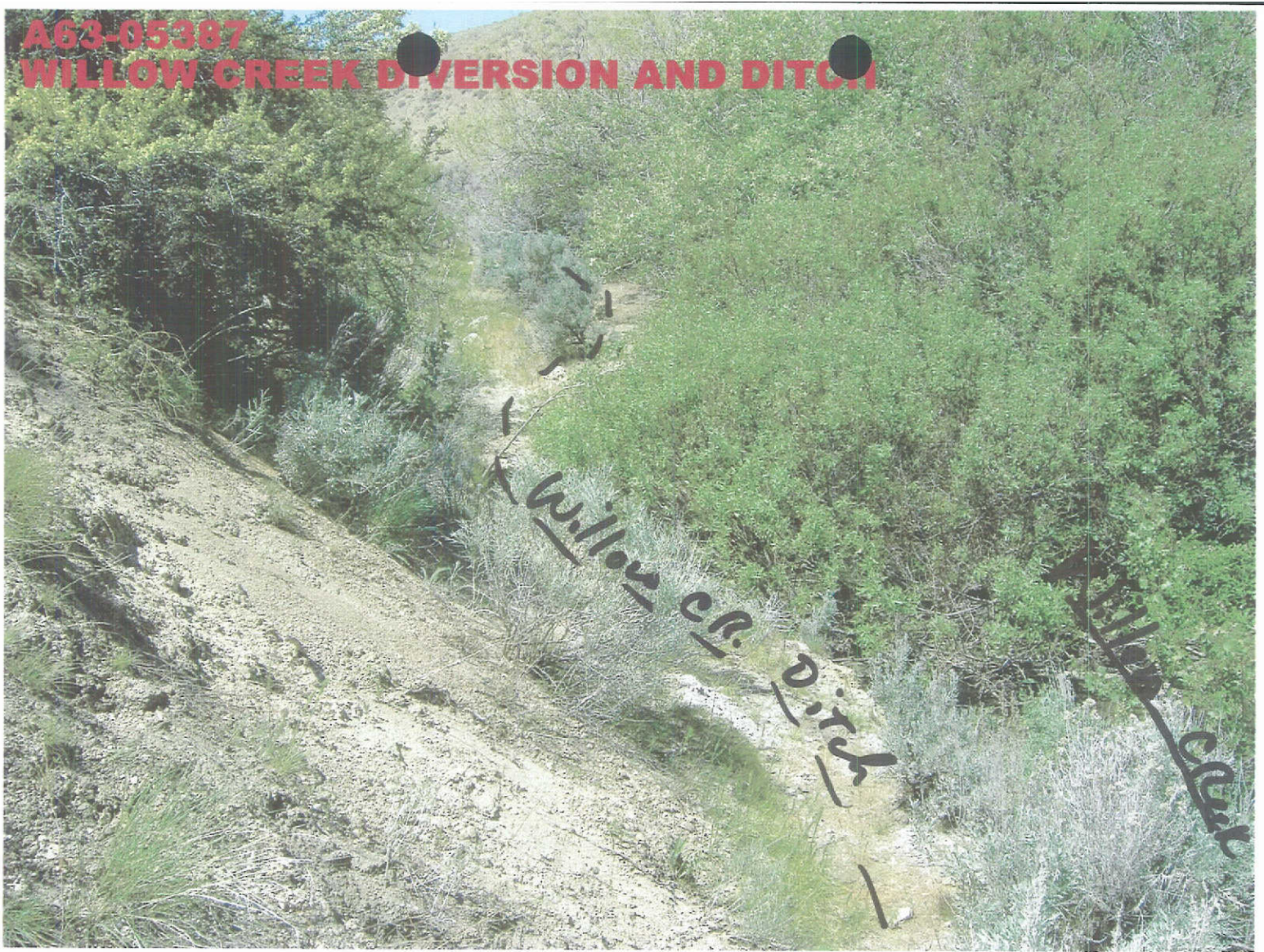
DITCH MEASUREMENT

The image is an aerial photograph of a river valley. A river flows vertically through the center. To the right of the river, a section of land is marked with green diagonal hatching. A label 'DITCH MEASUREMENT' with a pointer indicates a specific area on the riverbank. Below this, a label 'POU' is placed within the hatched area. The surrounding landscape is rugged and hilly, with some red lines and patches visible on the terrain.

POU

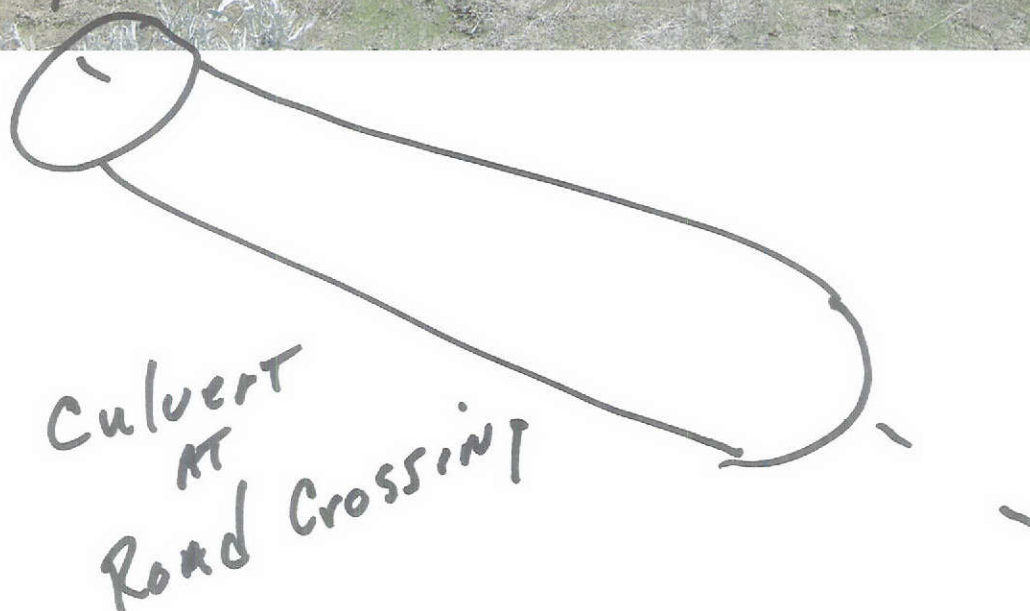
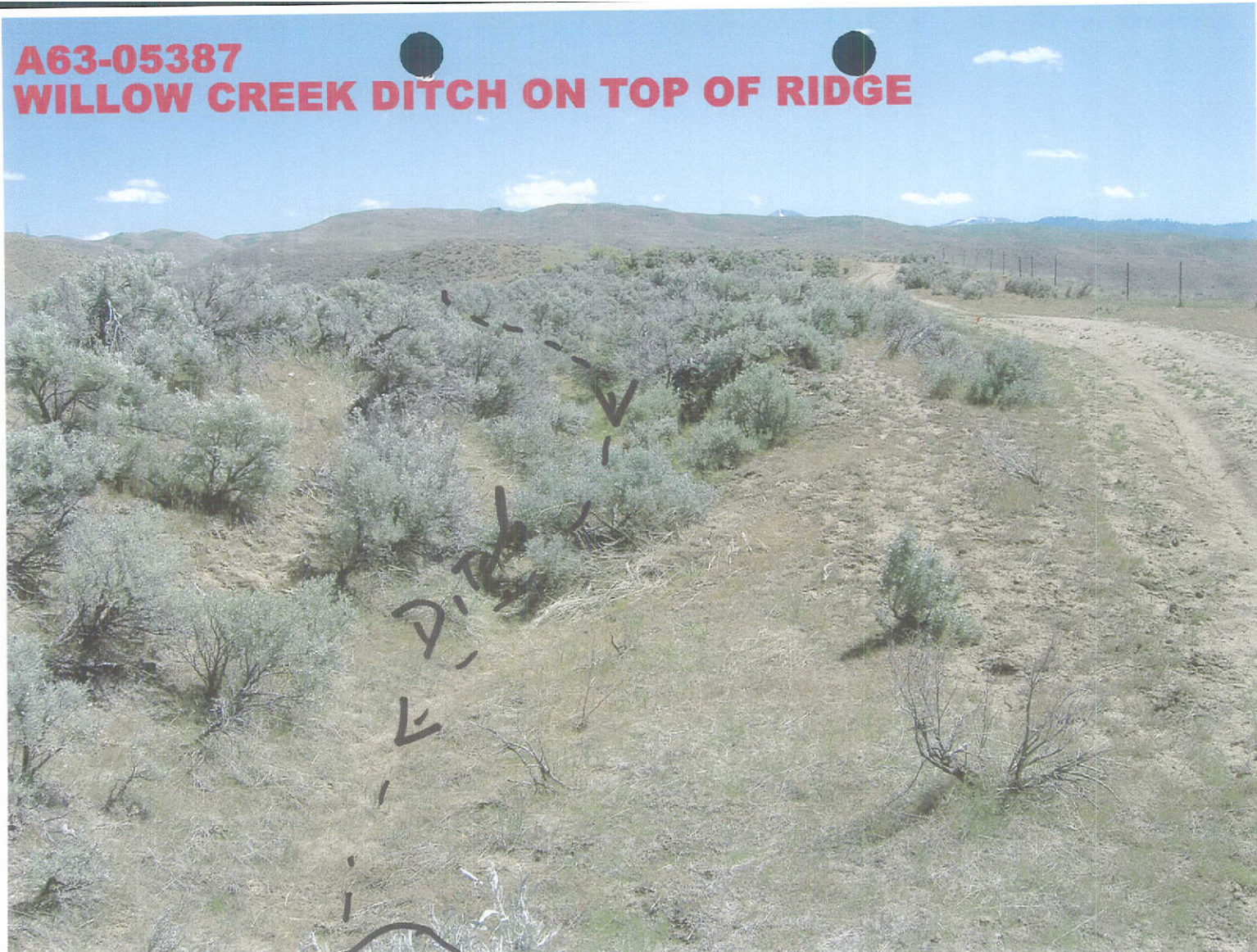
A63-05387

WILLOW CREEK DIVERSION AND DITCH



A63-05387

WILLOW CREEK DITCH ON TOP OF RIDGE



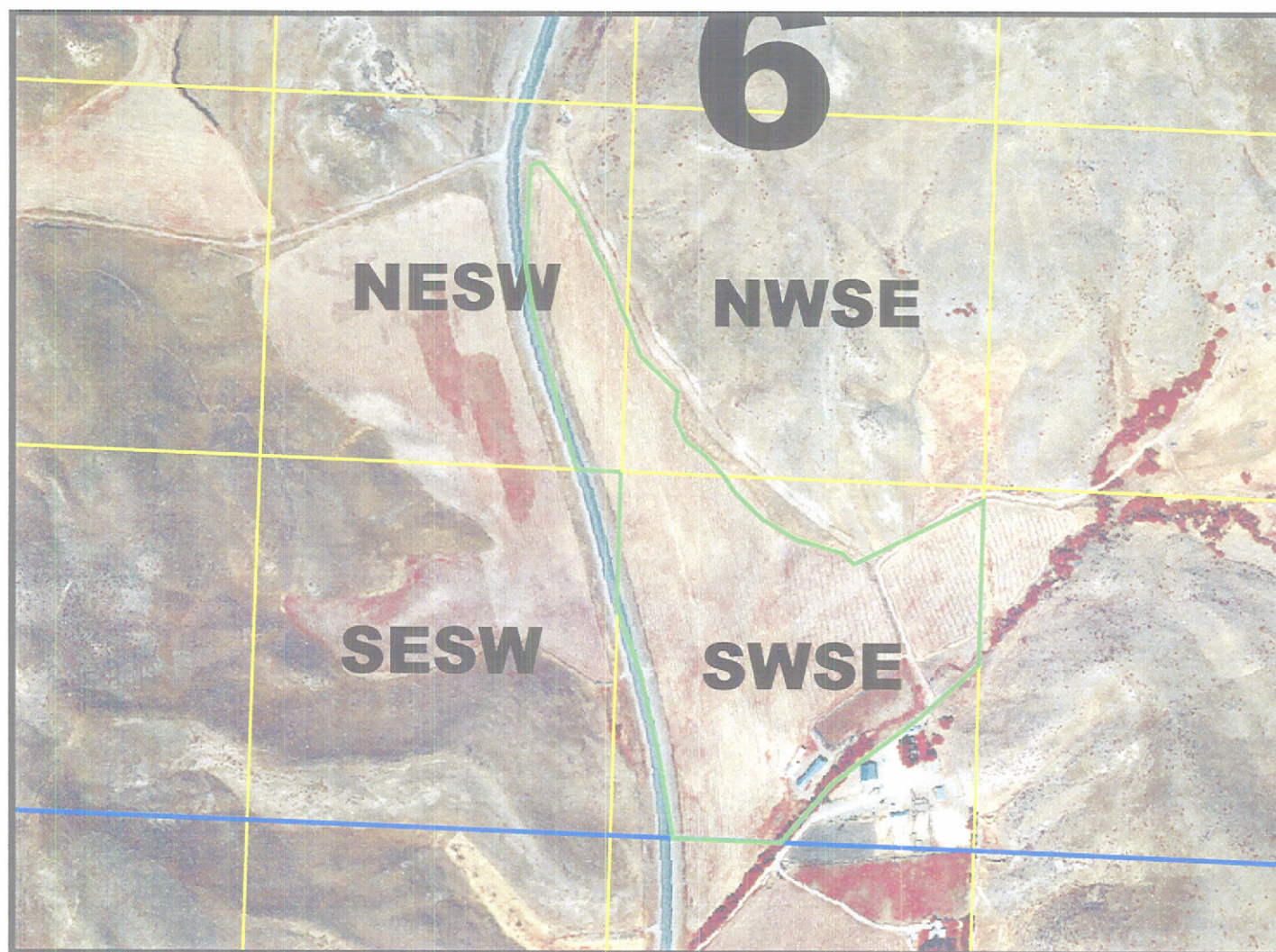
A63-05387

MEASUREMENT OF WILLOW CREEK DITCH





POU location Map 2000 Photography 63-05387



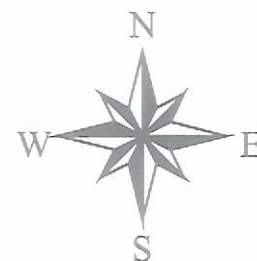
1320

0

1320 Feet

-  Point of Diversion
-  Claimed POU
-  Ada County Tax Lot Data
-  Quarter Quarter Lines
-  Section Lines

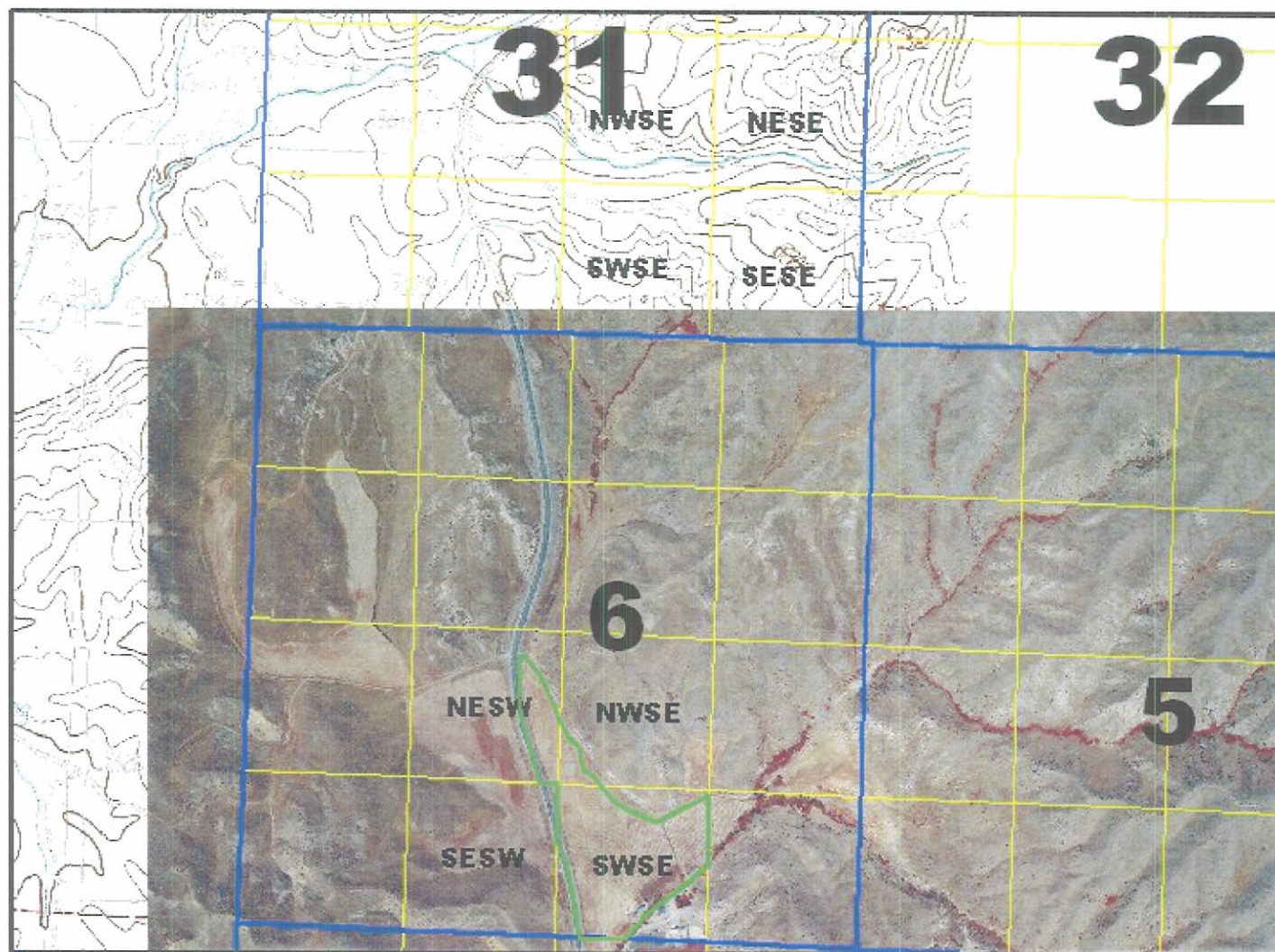
Total claimed Acres: 36.0



Prepared by: C. Saxton
Date: February 2004



POU location Map 2000 Photography 63-05387



1320 0 1320 Feet

-  Point of Diversion
-  Claimed POU
-  Ada County Tax Lot Data
-  Quarter Quarter Lines
-  Section Lines

Total claimed Acres: 36.0



Prepared by: C. Saxton
Date: February 2004

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: A63-05386
Date Received: 9/18/1989
Receipt No: CO11656
Received By: RAF

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SPRING VALLEY LIVESTOCK CO., INC. 208-286-7975
Address: P.O. BOX 9
STAR, ID 83669

2. Date of Priority: FEB 01, 1880

3. Source: SPRING VALLEY CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	02E	18	NE	NE	NE		ADA

5. Description of diverting works:
DIVERSION DAM, DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.000		
STOCKWATER	02/01	12/01	0.020		

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

8. Total consumptive use is 322.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/400 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	02E	18	NE	NE		IRR	3.0
			NW	NE		IRR	13.0

A63-05386

Page 1

Date: 09/18/89

MICROFILMED

AUG 21 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	02E	18	SW NE		IRR	25.0
			NE NW		IRR	1.0
			SE NW		IRR	8.0
			NE SW		IRR	12.0
			SE SW		IRR	5.0
			NW SE		IRR	18.0
			SW SE		IRR	8.0
					Section Acres	93.0
					Total Acres	93.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NONE

14. Remarks:
AC. IRR. = 92.5.

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am Secretary-Treasurer of Spring Valley Livestock Co. Inc. that I have signed the foregoing document in the space below as Sec. Treas. of Spring Valley Livestock Co. Inc. and that the statements contained in the foregoing document are true and correct.

Veresa W. Jones
Signature of Authorized Agent
Sec. Treas.
Spring Valley Livestock Co. Inc.
Title and Organization
9-18-89
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 18 day
of September 19 89

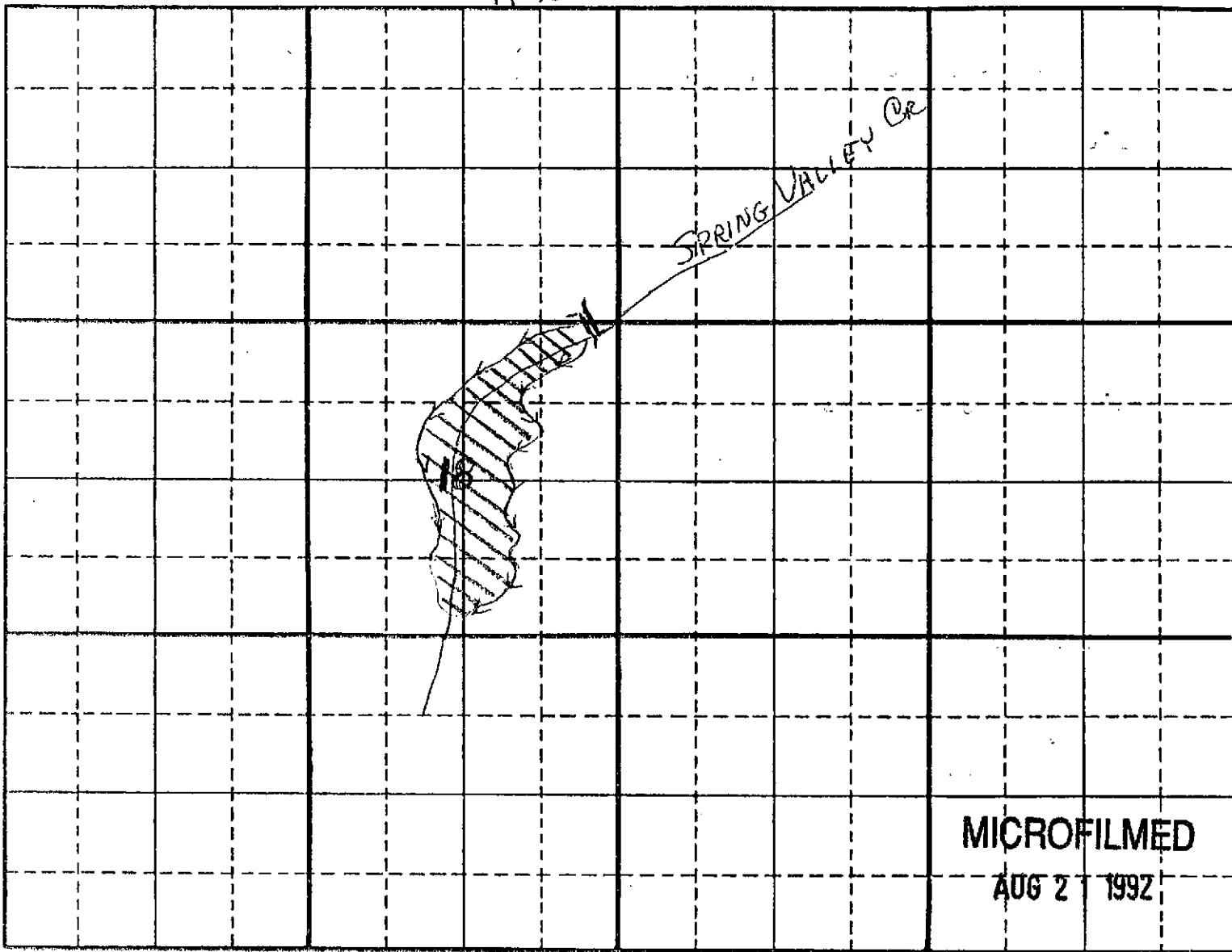
Helen Harrington
Notary Public

Seal

Residing at Helen Harrington, Notary Public
Residing at Boise, Idaho
My Commission Expires December 1, 1994

(8) Remarks _____

R 2 E



Scale: 2 inches equal 1 mile.



PLACE OF USE



DIVERSION DAM
 DITCH

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUL 18 1983

CLAIM TO A WATER RIGHT

Department of Water Resources

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Spring Valley Livestock Co., Inc.

(Name of Claimant)

2005 South 10th Ave. Caldwell, Ida 83605

(Mailing Address)

Telephone No. 459-2633

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 1880

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Spring Valley Creek tributary to Boise River

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>2.0 cfs</u>		Use <u>Irrigation</u>		Period of Use From <u>Apr 1</u>	To <u>Nov 1</u>
Quantity <u>.02 cfs</u>		Use <u>Stock</u>		Period of Use From <u>Feb 1</u>	To <u>Dec 1</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity <u>2.02 cfs</u>		Use _____		Period of Use From _____	To _____

- (4) 2.02 cfs TOTAL QUANTITY USED.

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NE 1/4 NE 1/4, Sec. 18 Twp. 5 N Rge. 2 E B.M., County of Ada

Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.

7' x 6' concrete diversion dam with 5' wings, going into ditch 18" x 12" deep

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			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	
5N	2E	18	3	13	25		.5			8	12			5		18	8		92.5

No. of acres 92.5

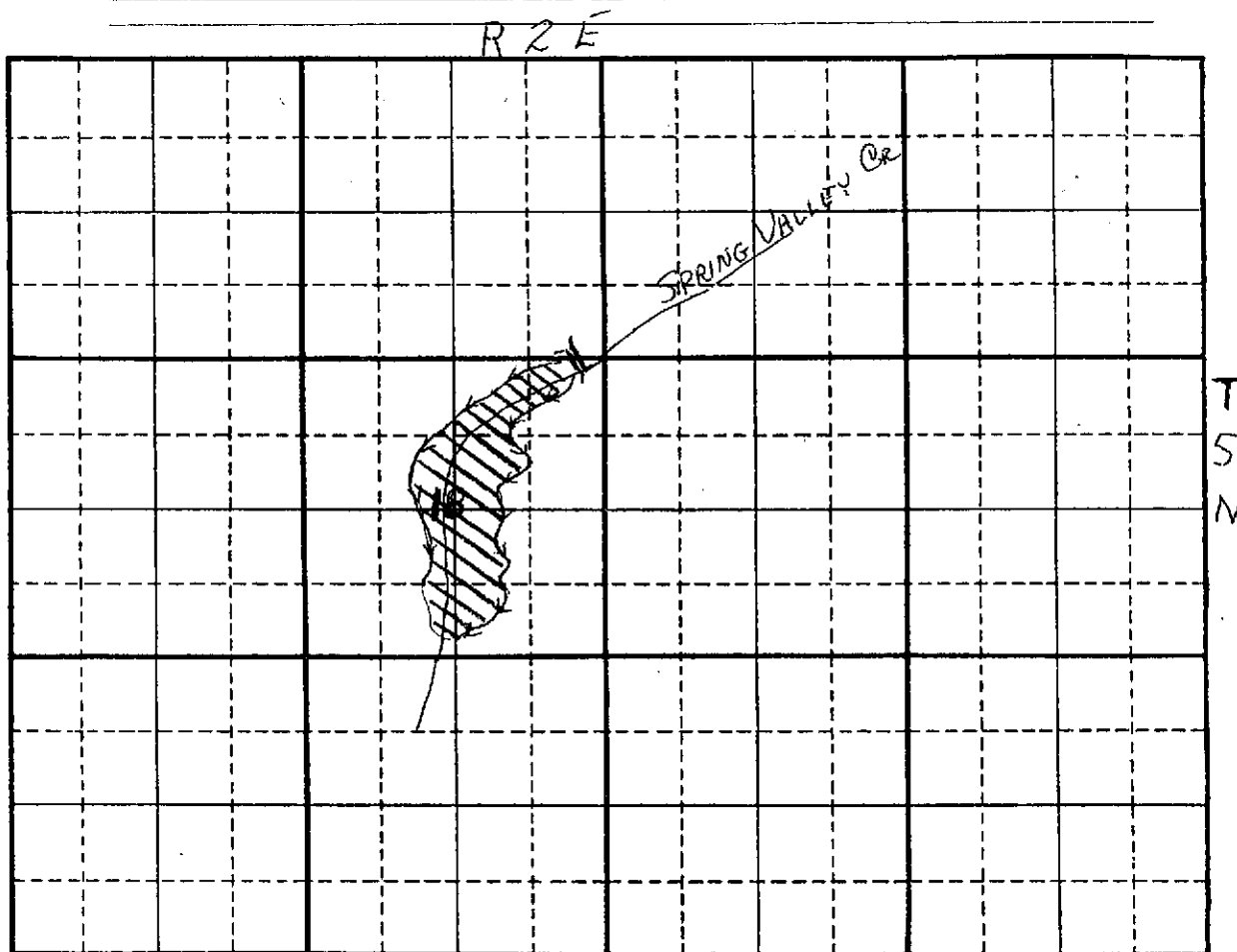
- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

400 head of cows and calves are watered here off and on during the year (Feb 1 to Dec 1)

NOTE: Include here the type and number of stock watered: 400 head

- (7) If you are claiming water as a member of an organization, list name of organization: n/a

(8) Remarks _____



Scale: 2 inches equal 1 mile.



PLACE OF USE



DIVERSION DAM

DITCH

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of ADA) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Spring Valley Livestock Co Inc
Calvin M. Hulph Pres.
(Claimant)

Sworn to before me this 16th day of JULY 1986.

Em D. Blessinger
Notary Public
Residing at Boise, Ida

My commission expires 3-18-87

7-21-86 FOR DEPARTMENT USE ONLY

Received by [Signature] Date 7-18-86 Exception filed by: _____ Date _____
Prelim. check by [Signature] Date 8-5-86 Forwarded to claimant by: _____ Date _____
200⁰⁰ \$50.00 fee received by [Signature] Date 7-18-86 # 38816
Published in The Idaho Statesman
Dates 6/18 & 7/25/86

RECEIVED
APR 24 2005
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 63-5386
(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: Bob Taunton
Avimor, LLC.
Address: 485 E. Riverside Drive
Eagle, ID 83616
Daytime Phone: (208) 939-0343

Name & Address of Attorney, if any:

Albert P. Barker
Barker, Rosholt & Simpson, LLP
PO Box 2139
Boise, ID 83701

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

Name: Spring Valley Livestock Co Inc.
Address: PO Box 9
Star, ID 83669

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: Avimor, LLC., 485 E. Riverside Drive, Eagle, ID 83616

2. ☐ **Source**

Should be:

3. ☐ **Quantity**

Should be:

4. ☒ **Priority Date**

Should be: 1884

5. ☐ **Point of Diversion**

Should be:

6. ☐ **Instream Flow Beginning and Ending Point**

Should be:

7. ☐ **Purpose(s) of Use**

Should be:

8. ☐ **Period of Year**

Should be:

9. ☐ **Place of Use**

Should be:

10. ☐ **I object because:**

☐ This water right Should not exist.

☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S):

See attached memo and Affidavits of Mike Wardle, Eldon "Red" Ward, and Steve Givens.

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)

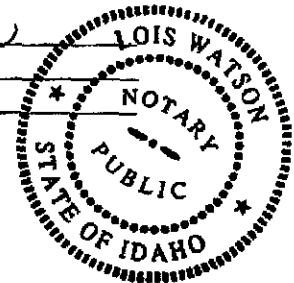
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Albert P Barker
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 20, 2006

Notary Public for Boise, Idaho
Residing at: Ada County, Idaho
My Commission Expires: 12/08



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 the 20 of April, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

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

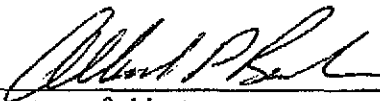
Name: Spring Valley Livestock Co Inc.
Address: PO Box 9
Star, ID 83669

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

Albert P. Barker, ISB #2867
Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON LLP
205 North Tenth St., Suite 520
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

Attorneys for Avimor, LLC

**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

)
) Subcase Nos. 63-5386 and 63-5387
)

) **AVIMOR, LLC'S MEMORANDUM**
) **IN SUPPORT OF OBJECTION**
)
)

COMES NOW, Avimor, LLC, by and through its attorneys of record, Barker, Rosholt & Simpson, LLP, and hereby enters this MEMORANDUM IN SUPPORT OF OBJECTION. In its recommendations for water right claim nos. and 63-5386 and 63-5387, the Department of Water Resources (hereinafter "Department") recommended a priority date of February 1, 1964 – instead of February 1, 1880, as claimed by the original claimant, Spring Valley Livestock Co. (hereinafter "SVLC"). The Department's decision appears to be based upon 1964 aerial photos as the only evidence it had of beneficial use. However, given the long history of agricultural use and settlement of the property where the water rights are used, and the statements of long-time ranch employees, the priority date for 63-5386 should be 1883 and the priority date for 63-5387 should be 1890.

STATEMENT OF FACTS

On March 18, 1987, the Spring Valley Livestock Co., Inc. (hereinafter "SVLC"), owned and operated by the McLeod family – beginning when Colin McLeod purchased the property in 1916 – filed a claim for water right nos. 63-5386 and 63-5387 seeking 2.02 cfs and 1.01 cfs, respectively, for irrigation and stock water purposes with a priority date of February 1, 1880. *See Affidavit of Michael D. Wardle in Support of Avimor, LLC's Memorandum in Support of Objection* (hereinafter "*Wardle Aff.*") Exs. A & B. SVLC is the predecessor in interest to Avimor, LLC of the Spring Valley Ranch – the land in question. *See Wardle Aff.*, ¶¶ 11-12, Ex. I. The Department recommended that the priority date on this right be March 15, 1964 with the owner of the right being Spring Valley Livestock Company, Inc. This late priority date fails to consider the history of appropriation and beneficial water use on the property. The owner should also reflect the transfer of the property to Avimor, LLC.

The Department justified the March 15, 1964 priority date based on 1964 aerial photos showing that the land was irrigated at that time. While this is correct, the Department failed to obtain and consider evidence from earlier time periods. The McLeod family, the owners of SVLC, originally purchased the property in 1916, "Together with all irrigation ditches or laterals or water rights therein belonging or in any wise appertaining thereto." *Id.* Ex. A; *see also* Ex. B. This added notation to the deed demonstrates that water usage and water rights were established on this property prior to 1916.

The history of settlement in the Spring Valley Ranch began much earlier than 1916. The land irrigated by Spring Valley Creek (63-5386) was originally acquired by patent from the United States in 1883. On December 10, 1883, Llewellyn Argabright purchased the east ½ of the NW ¼ and the west ½ of the NE ¼ of Section 18, Township 5N, Range 2E. *Id.* at Ex. C.

Next, on April 23, 1889, Llewellyn Argabright purchased the east ½ of the SW ¼ and the west ½ of the SE ¼ of Section 18, Township 5N, Range 2E. *Id.* Ex. F. Thus, the land irrigated by water right 63-5386 should have a water right of 1883.

The land irrigated by Willow Creek (63-5387) was obtained from the United States. That year Charles Hurt acquired the SE ¼ of the NW ¼ and the west ½ of the NE ¼ of Section 7, and the SW ¼ of the SE ¼ of Section 6, Township 5N, Range 2E. *Id.* Ex. G. In 1896, William Hurt purchased the east ½ of the SE ¼, the NW ¼ of the SE ¼, and the NE ¼ of the SW ¼ of Section 6, Township 5N, Range 2E. *Id.* Ex. H. The Willow Creek water right 63-5387 should have a 1890 priority date, reflecting the purchase of this property.

While the date of original settlement of the area is unclear, what is clear is that in the 1880's the Spring Valley Ranch area was a thriving community.

The Spring Valley Ranch (Field No.'s 32-34) area located on the northern edge of *the county apparently was a thriving community* (once known as Howell) boasting a general store, blacksmith shop and post office. Remnants of an old road which extended to Pearl are still visible to the east of the main house. Both Howell and the road appear on an 1890 map of the area. The ranch currently exists on a massive gabled barn constructed with hewn joints and wooden pegs and a well preserved folk Victorian house. Portions of this ranch also lie within Boise County.

Id. Ex. D (emphasis added); *see also Id.* Ex. E (1897 USGS map indicating showing community of Howell).

The McLeod family, in association with W.J. Hodgson, acquired the following property on October 4, 1916: (1) the east ½ of each of the SW ¼, Section 6, the NW ¼ and SW ¼ of Section 7, and the NW ¼ and SW ¼ of Section 18; (2) the SW ¼ of the SW ¼ of Section 6; and (3) the west ½ of each of the NE ¼ and SE ¼ of Section 7, and the NE ¼ and SE ¼ of Section 18 – all in Township 5N of Range 2E. *See Id.* Ex. A. On November 16, 1917, Colin McLeod acquired W.J. Hodgson's interest in the property. *See Id.* Ex. B. Each of these transfers included

expressly all water rights, irrigation ditches and laterals. *Id.* Exs. A & B. This purchase included land irrigated with water rights nos. 63-5386 and 63-5387.

The McLeod family ran the ranch for until it was purchased by Avimor, LLC, in 2003. *See Id.*, ¶ 11. Throughout those years, the McLeod's had a number of ranch managers, and their family members, who became personally familiar with the irrigation system. Steve Givens' grandfather, Guy Givens, ran the Spring Valley Ranch from 1931 through 1942. Steve spoke often with his father, Orin Givens, and grandfather about life on the ranch. *See Affidavit of Steve Given.* Steve's father and grandfather spoke about working in the hayfields and with the irrigation system on the property. *Id.* Guy Givens informed Steve Givens that the McLeods raised alfalfa seed when he first started work in 1931. *Id.* Steve Givens has authenticated family photos taken in the early 1930's which depict the ranch house, barn and neighboring fields. *Id.* Exs. A-C.

Eldon "Red" Ward worked on the Spring Valley Ranch as a farm worker and/or manager from 1945 through 1977. *See Affidavit of Eldon "Red" Ward.* Speaking of the surface water irrigation system from Spring Valley Creek, Ward remembers that:

Surface water was used to irrigate the area north of the ranch headquarters and the central part of the valley from diversions on Willow Creek and Spring Valley Creek. There was a concrete head gate in the Spring Valley Creek before the Soil Conservation District installed the structures now in the creek. This occurred in the mid-1950's.

I recall speaking with Colin McLeod about the Spring Valley Creek diversion. He informed me that the diversion was in use long before I started working at the ranch in 1945.

Id.

ARGUMENT

I. Water has Been used to Irrigate the Land of Spring Valley Ranch Since the late 1800's. The Priority Date for Water Right 63-5386 Should be 1883 and for Water Right 63-5387 Should be 1890.

The Director's recommendation of a priority date of February 1, 1964 should be rejected. The priority date will be set at the date that a claimant shows that the water was first diverted and placed to a beneficial use. *See* I.C. § 42-106; *Rabido v. Furey*, 33 Idaho 56, 190 P. 73 (1920). Given the history of the area, the date must be at least January 7, 1896.

The property in Section 6, wherein water right 63-5387 is beneficially used, was originally settled in 1890 (southern portion) by Charles Hurt and 1896 (northern portion) by William Hurt. *See Wardle Aff. Exs. G & H.* The property in Section 18 irrigated from Spring Valley Creek was acquired as farm and ranch ground in 1883. Further, the Spring Valley Ranch area, formerly known as Howell, was a "thriving community" by *at least* 1890. *See Wardle Aff. Ex. D.* At that time, it is known that there was a "general store, blacksmith shop and post office," in addition to the "main house." *Id.* How could anyone maintain a "thriving community" or settle on the land without water? In fact, it would have been imperative that water be diverted to the Spring Valley Ranch area, and specifically the areas in Section 6 covered by this water right, no later than January 7, 1896 – when the last portion of the property was purchased by William Hurt.

Furthermore, the irrigation system and associated water rights had long been in place when Colin McLeod first acquired the property in 1916. *Id.* at Exs. A & B. In fact, the indenture transferring the property to Colin McLeod signed recognized the existence of "irrigation ditches or laterals or water rights" on the property. *Id.* Red Ward, a ranch manager

on Spring Valley Ranch for over 30-years, recalls that not only was the diversion system, diverting water from Spring Valley Creek, in place when he started in 1945, but Colin McLeod personally informed him that the diversion system was there "from the beginning." *See Ward Aff.* As such, given the history of the land in question, the priority date of diversions should be January 1, 1890.

II. Title to the water right should be in Avimor, LLC.

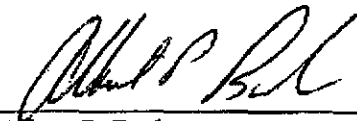
On July 27, 2003, Avimor, LLC, as beneficiary to a trust, acquired interest in the property in question along with all water rights. *See Wardle Aff.*, ¶ 11. SunCor Idaho is now Avimor, LLC. *Id.*, ¶ 12, Ex. I. Since SVLC no longer has any interest in this water right, title should be in Avimor, LLC.

CONCLUSION

Water has been diverted and beneficially used on the portions of Section 6 in question since at least January 7, 1896 when the area was a "thriving community" and after Charles and William Hurt had acquired and settled on the land. Therefore, the priority date recommended by the director should be rejected and the priority date for the Willow Creek water right 63-5387 should be 1890 and the priority date for the Spring Valley Creek water right 63-5386 should be 1884.

Dated this 20th day of April, 2006.

BARKER ROSHOLT & SIMPSON, LLP



Albert P. Barker

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of April, 2006, I served a true and correct copy of the foregoing AVIMOR, LLC'S MEMORANDUM IN SUPPORT OF OBJECTION on the person(s) listed below, in the manner indicated

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

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United States Department of Justice
Environmental & Nat'l Resources Div.
550 W. Fort Street, MSC 033
Boise, ID 83724

☒ U.S. Mail, Postage Prepaid
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☐ Facsimile
☐ Email

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

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☐ Email



Albert P. Barker

Albert P. Barker, ISB #2867
Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON LLP
205 North Tenth St., Suite 520
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

Attorneys for Avimor, LLC

**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

)
) Subcase Nos. 63-5386, 63-5287 & 63-
) 18974
)
) **AFFIDAVIT OF MICHAEL D.**
) **WARDLE IN SUPPORT OF**
) **AVIMOR, LLC'S MEMORANDUM**
) **IN SUPPORT OF OBJECTION**
)

COMES NOW, MICHAEL D. WARDLE, being first duly sworn upon oath and states as follows:

1. I am the Vice President, Planning and Governmental Affairs for Avimor, LLC. The exhibits attached hereto are from the files and records maintained by Avimor in relation to the Spring Valley Ranch property.
2. Attached hereto as Exhibit A is a true and correct copy of an Indenture dated October 4, 1916, wherein Colin McLeod and W.J. Hodgson first acquired property in the Spring Valley Ranch – specifically, (1) the east ½ of each of the SW¼, Section 6, the NW¼ and SW¼ of Section 7, and the NW¼ and SW¼ of Section 18; (2) the SW¼ SW ¼ of Section 6; and (3) the west ½ of each of the NE¼ and SE¼ of Section 7, and the NE¼ and SE¼ of Section 18 – all in Township 5N of Range 2E. The Indenture also conveys “all

irrigation ditches or laterals or water rights therein belonging or in any wise appertaining thereto," suggesting that water rights had been obtained by the time of transfer.

3. Attached hereto as Exhibit B is a true and correct copy of an Indenture dated November 16, 1917, wherein Colin McLeod acquired W.J. Hodgson's interest in the Spring Valley Ranch. This Indenture also conveyed "all irrigation ditches or laterals or water rights therein or belonging in any wise appertaining thereto," suggesting that water rights had been obtained by the time of transfer.
4. Attached hereto as Exhibit C is a true and correct copy of an Indenture dated December 10, 1883, and a United States Land Patent Certificate dated May 15, 1884, wherein Llewellyn Argabright acquired the east ½ of the NW ¼ and the west ½ of the NE ¼ of Section 18, Township 5N, Range 2E (containing 160 acres).
5. Attached hereto as Exhibit D is a true and correct copy of an excerpt from "Ada County Historic Resources: A Reconnaissance Survey," dated August 1989 and prepared by Belinda Davis/Barbara Perry Bauer and the Ada County Development Services Department for the Ada County Historic Preservation Council. This excerpt describes the Spring Valley Ranch area in the 1890s.
6. Attached hereto as Exhibit E is a true and correct copy of the United States Geological Services Map of 1897 showing the community of Howell (which was located where Spring Valley Ranch is now located). A portion of the land that became the Spring Valley Ranch was originally patented by Eliza Howell. That land is immediately adjacent to the land patented by Hurt in Spring Valley.

7. Attached hereto as Exhibit F is a true and correct copy of an Indenture dated April 23, 1889, wherein Llewellyn Argabright acquired the east ½ of the SW¼ and the west ½ of the SE¼ of Section 18, Township 5N, Range 2E.
8. Attached hereto as Exhibit G is a true and correct copy of an Indenture and a Homestead Certificate, each dated September 13, 1890, wherein Charles Hurt acquired the SE¼ of the NW¼ and the west ½ of the NE¼ of Section 7, and the SW¼ SE¼ of Section 6, Township 5N, Range 2E.
9. Attached hereto as Exhibit H is a true and correct copy of a United States Land Patent Certificate dated January 07, 1896, wherein William Hurt acquired the east ½ of the SE ¼, the NW ¼ of the SE ¼, and the NE ¼ of the SW ¼ of Section 6, Township 5N, Range 2E.
10. The Spring Valley property originally patented by Argabright, Hurt and Howell all passed to McLeod through the transactions set out in Exhibits A & B hereto.
11. On or about July 27, 2003, the Spring Valley Ranch property and all appurtenant water rights were transferred from McLeod to First American Title in trust for SunCor Idaho, LLC.
12. On or about March 7, 2006 SunCor Idaho, LLC filed articles of amendment changing its name to Avimor, LLC. A true and correct copy of the articles of amendment are attached hereto as Exhibit I.

DATED THIS 20th day of April, 2006.



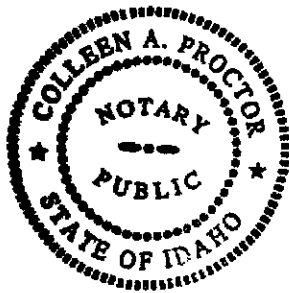
Michael D. Wardle

STATE OF IDAHO)

County of Ada

On this 20th day of April, 2006, before me, a Notary Public for said County and State, personally appeared **MICHAEL D. WARDLE**, 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

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



Colleen A Proctor
NOTARY PUBLIC FOR IDAHO
Residing at: Boise, Idaho
My commission expires: 8-15-09

CERTIFICATE OF SERVICE

I hereby certify that on the 20 day of April, 2006, I served a true and correct copy of the foregoing AFFIDAVIT OF MICHAEL D. WARDLE IN SUPPORT OF AVIMOR, LLC'S MEMORANDUM IN SUPPORT OF OBJECTION on the person(s) listed below, in the manner indicated

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

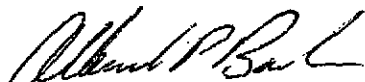
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P.O. Box 44449
Boise, ID 83711-4449

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Albert P. Barker

A

This Indenture, Made this Fourth day of October
in the year of our Lord one thousand nine hundred and sixteen between

C. Cleveland and Mattie J. Cleveland, husband and wife
John Archabal and Benedicta Archabal, husband and wife

of Boise County of Ida State of Idaho
the parties of the first part, and

McLeod and Hodgson
(Colin McLeod and W. J. Hodgson)

of Caldwell County of Canyon State of Idaho
the parties of the second part,

Witnesseth. That the said parties of the first part, for and in consideration of the sum of One dollar and other good and valuable considerations 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, situated in Ida County, State of Idaho, to-wit:

The Lots numbered two (2) and three (3), the southwest quarter of northwest quarter (S.W. 1/4 of N.W. 1/4), the north one half of southwest quarter (N. 1/2 of S.W. 1/4), the southwest quarter of southwest quarter (S.W. 1/4 of S.W. 1/4) of section one (1), the south one half of section two (2), the southeast quarter of southwest quarter (S.E. 1/4 of S.W. 1/4) of section eleven (11), the southwest quarter of southeast quarter (S.W. 1/4 of S.E. 1/4) of section fourteen (14) all in township five (5) north range one (1) east of Boise Meridian. Area six hundred forty (640) acres according to Government Survey, some being more or less.

Also the southwest quarter (S.W. 1/4) southeast quarter (S.E. 1/4) and east half of southwest quarter (E. 1/2 of S.W. 1/4) of section six (6), the west half of northeast quarter (W. 1/2 of N.E. 1/4) the east half of northwest quarter (E. 1/2 of N.W. 1/4), the west half of southeast quarter (W. 1/2 of S.E. 1/4) and east half of southwest quarter (E. 1/2 of S.W. 1/4) of section seven (7), the west half of northeast quarter (W. 1/2 of N.E. 1/4), the east half of northwest quarter (E. 1/2 of N.W. 1/4), the west half of southeast quarter (W. 1/2 of S.E. 1/4) and east half of southwest quarter (E. 1/2 of S.W. 1/4) of section eighteen (18), all in township five (5) north, range two (2) east of Boise Meridian. Area seven hundred sixty (760) acres according to Government Survey.

(The southwest quarter of southeast quarter (S.W. 1/4 of S.E. 1/4) and northeast quarter of southwest quarter (N.E. 1/4 of S.W. 1/4) of section six (6), township five (5) north, range two (2) east of Boise Meridian are situate in both Ida and Boise counties.)

Together with all irrigation ditches or laterals or water rights therein belonging or in any wise appertaining thereto.

In Witness Whereof, The said parties of the first part have hereunto set their hands and seal on the day and year first above written.

Signed, Sealed and Delivered in the Presence of

W. S. Caldwell

W. C. Cleveland

Nettie J. Cleveland

John Archabal

Benedicta Archabal



State of Idaho,

County of Ada ss.

On this 10th day of October in the year 1912, before me,

W. S. Caldwell

Notary Public

in and for said County, personally appeared W. C. Cleveland and Nettie J. Cleveland, husband and wife, and John Archabal and Benedicta Archabal, husband and wife. known to me to be the persons whose names 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.

W. S. Caldwell

Notary Public for Idaho residing at Boise, Idaho.

MA

This Indenture, Made this sixteenth day of November

in the year of our Lord one thousand nine hundred and seventeen between

W. J. Hodgson

of Caldwell County of Canyon State of Idaho

the part of the first part, and Colin McLeod

of Caldwell County of Canyon State of Idaho

the part Y of the second part,

Witnesseth, That the said part of the first part, for and in consideration of the sum of Forty-three thousand six hundred twenty-eight \$36/100 (\$43628.26 Dollars,
lawful money of the United States of America, to have in hand paid by the said part Y
of the second part, the receipt whereof is hereby acknowledged, ha xx granted, bargained, sold and
conveyed, and by these presents do grant, bargain, sell and convey unto the said part X of the
second part, and to his heirs and assigns forever, all those
piece s or parcel s of land situate, lying and being in

County of Ada and State of Idaho, and particularly described as follows, to wit:

The Lots numbered Two (2) and Three (3), the Southeast
quarter of Northwest quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$), the North one-half of
Southwest quarter (N $\frac{1}{2}$ of SW $\frac{1}{4}$), the Southwest quarter of Southwest
quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section One (1), the South half of Section
Two (2), the Southeast quarter of Southwest quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$)
of Section Eleven (11), the Southwest quarter of Southeast quarter
(SW $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section Fourteen (14), all in Township Five (5)
North Range One (1) East of Boise Meridian. Area six hundred forty
(640) acres according to Government Survey, the same being more or less.

Also the Southwest quarter (SW $\frac{1}{4}$) Southeast quarter (SE $\frac{1}{4}$)
and East half of Southwest quarter (E $\frac{1}{2}$ of SW $\frac{1}{4}$) of Section Six (6)
the West half of Northeast quarter (W $\frac{1}{2}$ of NE $\frac{1}{4}$) the East half of
Northwest quarter (E $\frac{1}{2}$ of NW $\frac{1}{4}$), the West half of Southeast quarter
(W $\frac{1}{2}$ of SE $\frac{1}{4}$) and East half of Southwest quarter of Section Seven (7)
the East half of Northeast quarter (E $\frac{1}{2}$ of NE $\frac{1}{4}$), the East half of
Northwest quarter (E $\frac{1}{2}$ of NW $\frac{1}{4}$), the West half of Southeast quarter
(W $\frac{1}{2}$ of SE $\frac{1}{4}$) and East half of Southwest quarter (E $\frac{1}{2}$ of SW $\frac{1}{4}$) of
Section Eighteen (18), all in Township Five (5) North Range Two (2)
East of Boise Meridian. Area seven hundred sixty (760) acres
according to Government Survey.

(The Southwest quarter of the Southeast quarter (SW $\frac{1}{4}$ of SE $\frac{1}{4}$)
and the Northeast quarter of Southwest quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$) of
Section Six (6), Township Five (5) North Range Two East of Boise
Meridian are situate in both Ada and Boise counties.)

Together with all irrigation ditches or laterals or
water rights therein belonging or in any wise appertaining thereto

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or
in anywise appertaining.

This Grant is intended as a Mortgage to secure the payment of one
certain promissory note..... of even date herewith, executed and delivered by the said
W.J. Hodgson

..... to the said part Y.. of the second part, which
note 18. in words and figures following, to wit:

\$ 43625.56

Caldwell, Idaho, November 16, 1917

One year after date, I, we, or either of us, promise to pay to

Golin McLeod or order.

Forty-three thousand six hundred twenty-eight & 56/100 dollars.

For value received, negotiable and payable at FIRST NATIONAL BANK of Caldwell, Idaho, in Gold Coins of the United States of America, with interest at the rate of eight per cent, per annum from date, and a reasonable attorney's fee in case this note, or any part thereof, is collected by an attorney, either with or without suit. If this note is not paid at maturity it shall thereafter bear interest at the rate of twelve per cent, per annum until paid, both before and after judgment. All makers and endorers of this note each hereby expressly waive demand, notice of non-payment and protest, and guarantee the payment of this note at maturity or at any time thereafter.

No. _____

W.J. Hodgson

Due Nov. 16, 1918

P.O. Caldwell, Idaho *9/23 3rd Div. 8 covered*

And these Presents shall be Void if such payment..... be made. But in case default shall be made in the payment of said principal sum..... of money or any part thereof as provided in said note....., or if the interest be not paid as therein specified, then and from thenceforth it shall be optional with the said part Y.. of the second part, ...h. 18. executors, administrators or assigns, to consider the whole of said principal sum..... expressed in said note..... as immediately due and payable, although the time expressed in said note..... for the payment thereof shall not have arrived; and immediately to enter into and upon all and singular the above described premises, and to sell and dispose of the same

41

(10/95)

5 959

Argabright
to
Stull

This Indenture, Made the 10th day of December in the year of our Lord one thousand eight hundred and eighty three, Between Cleveland Argabright of the County of Ada, Territory of Idaho party of the first part and W. H. Stull of same County the party of the second part, Witnesseth, That the said party of first part for and in consideration of the sum of two thousand one hundred and fifty 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, do hereby present grant, bargain and sell, convey and confirm unto the said party of the second part and to his heirs and assigns forever, all those certain lots and parcels of land situate lying and being in the County of Ada, Territory of Idaho and bounded and particularly described as follows, to wit:

The east half of the North west quarter and the West half of the North east quarter of section numbered Eighteen (18) in Township numbered Five (5) North of Range numbered Two (2) East; containing one hundred and sixty (160) acres.

Together with all and singular the tenements thereunto and appurtenances thereto belonging or in any wise appertaining, and the reversion and remainders, remainder and remainders, rents, issues and profits thereof.

To Have and to hold, all and singular, the said premises, together with the appurtenances unto the said party of the second part and to his heirs and assigns forever.

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 & delivered
in the presence of
John S. Eray.

C. S. Argabright

[Seal]

Territory of Idaho
County of Ada

On this Tenth day of December A. D. one thousand eight hundred and eighty three, personally appeared before me John S. Eray a Notary Public in and for the County of Ada, Cleveland Argabright

Whose name is subscribed to the annexed instrument as a party thereto personally known to me to be the same person described in and who executed the said annexed instrument as a party thereto and the said Jewelllyn Aygabright duly acknowledged to me that he executed the same freely and voluntarily and for the use and purposes therein mentioned.

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

1893
Jan 3

John S. Bray
Notary Public

Recorded at the request of John M. Lamb Dec 29th 1893.
at 25 minutes past 4 o'clock P.M.

B. S. Brackett
Recorder

The United States of America,

To all to whom these presents shall come, Greeting:

CERTIFICATE

No. 607

Territory

~~Whereas~~ Lewellyn Argabright of Idaho County Idaho

has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office of Boise City Idaho Territory whereby it appears that full payment has been made by the said Lewellyn Argabright

according to the provisions of the Act of Congress of the 26th 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-west quarter and the west half of the north-east quarter of section eighteen in township five north of range two east of Boise Meridian in Idaho Territory containing one hundred and sixty acres

according to the Official Map 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 Lewellyn Argabright

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 Lewellyn Argabright

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 Lewellyn Argabright and to his heirs and assigns forever, subject to any

vested and unvested water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and canals 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.

In testimony whereof, I, Chester A. Arthur, President of the United States of America, have caused these letters to be made, signed, and the Seal of the General Land Office to be hereunto affixed.

CERTIFIED

to be a true copy of a document on file in the Idaho State Office

MAR 03 2004

BUREAU OF LAND MANAGEMENT

Given under my hand, at the City of Washington, the seventeenth day of May, in the year of our Lord one thousand eight hundred and eighty-four and of the Independence of the United States one hundred and eighth.

Chester A. Arthur
by Wm H. Crook
S. W. Blank

Secretary

Recorder of the General Land Office

CERTIFIED

No. 607

has deposited

Act of Congress

according to

with the

and to

vested an

21

ADA COUNTY HISTORIC RESOURCES: A RECONNAISSANCE SURVEY

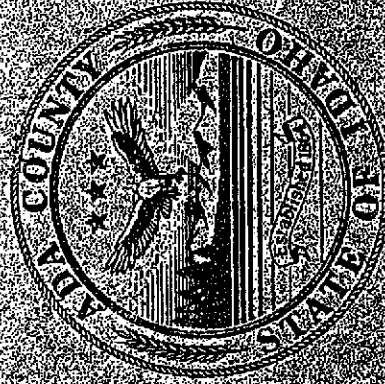


PREPARED BY: BELINDA DAVIS / BARBARA FERRY BAUER, CONSULTANTS
AND THE ADA COUNTY DEVELOPMENT SERVICES DEPARTMENT

FOR THE ADA COUNTY HISTORIC PRESERVATION COUNCIL

MADE POSSIBLE BY A CERTIFIED LOCAL GOVERNMENT GRANT FROM THE NATIONAL PARK SERVICE
DEPARTMENT OF THE INTERIOR, THROUGH THE IDAHO STATE HISTORIC PRESERVATION OFFICE

August 1989



BOARD OF ALLEN COUNTY COMMISSIONERS

Respectfully, I am submitting the following

information to you:

and I believe

ALLEN COUNTY PORT PRESERVATION COUNCIL

Topic: Preservation of the

Allen County Port

Preservation Council

Allen County Port

Preservation Council

Allen County Port

There were not many properties located around the Dry Creek area, but Dry Creek is a unique area where a small farming community was once located. Two properties inventoried there are the Pedro Echanove house, a National pyramidal-styled structure (Field No. 48) constructed of quarried stone and the Sam Goldbloom house, a National-style farmhouse (Field No. 50).

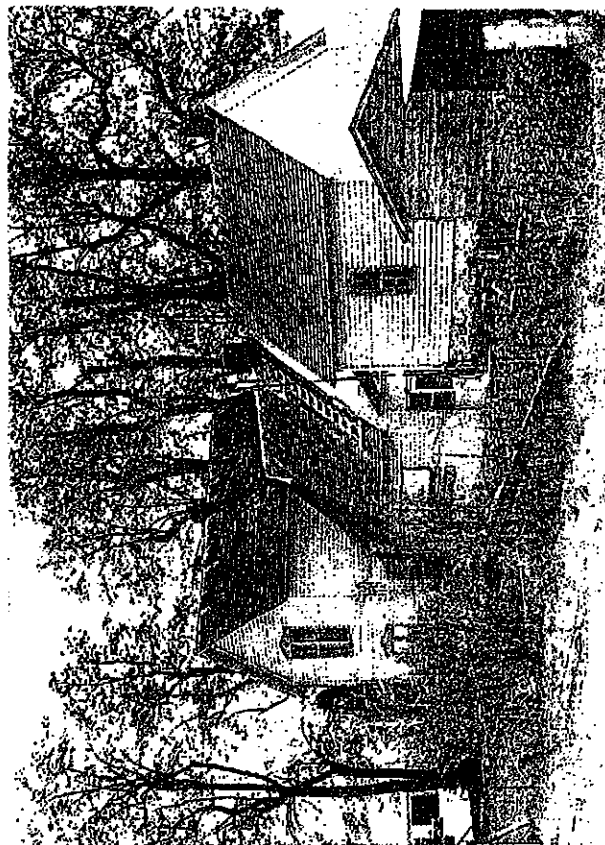
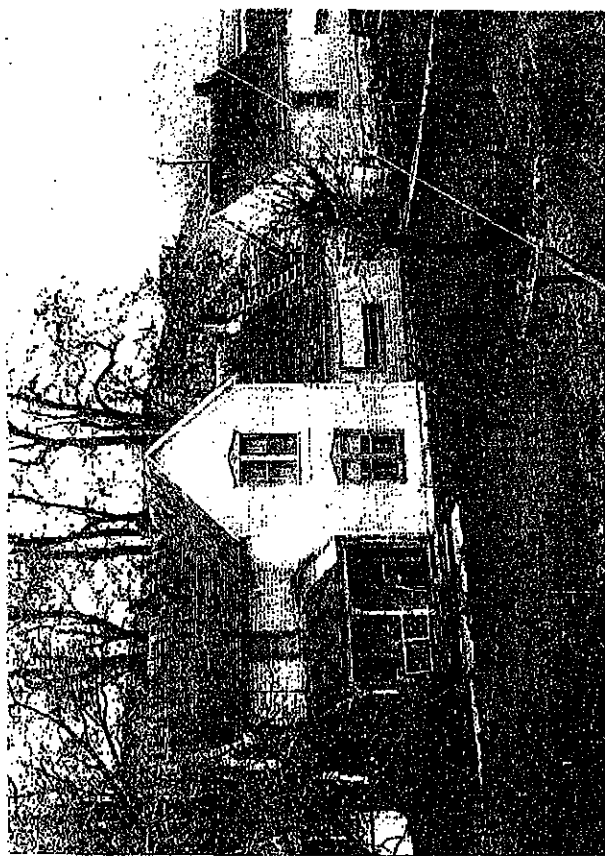
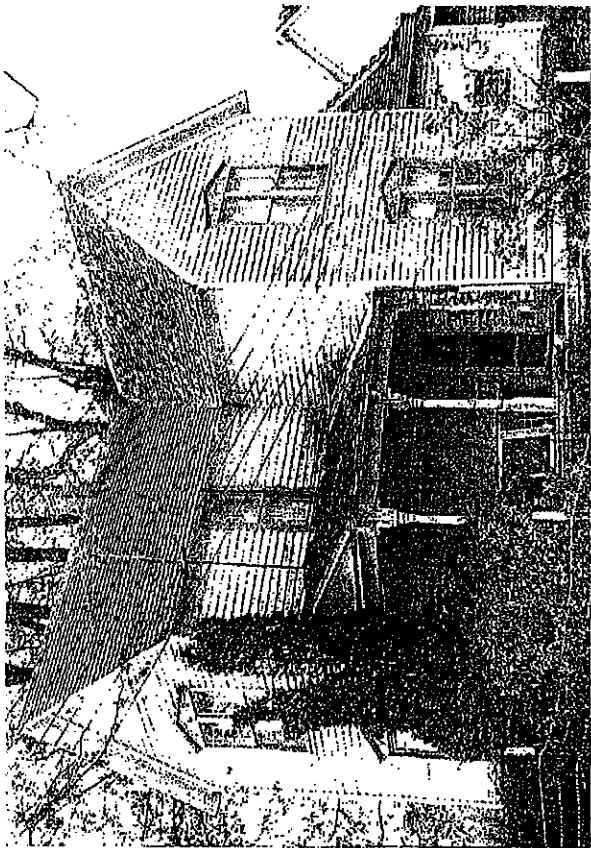
The Spring Valley Ranch (Field No.'s 32-34) area located on the northern edge of the county apparently was a thriving community (once known as Howell) boasting a general store, blacksmith shop and post office. Remnants of an old road which extended to Pearl are still visible to the east of the main house. Both Howell and the road appear on an 1890 map of the area. The ranch currently exists of a massive gabled barn constructed with hewn joints and wooden pegs and a well preserved folk Victorian house. Portions of this ranch also lie within Boise County.

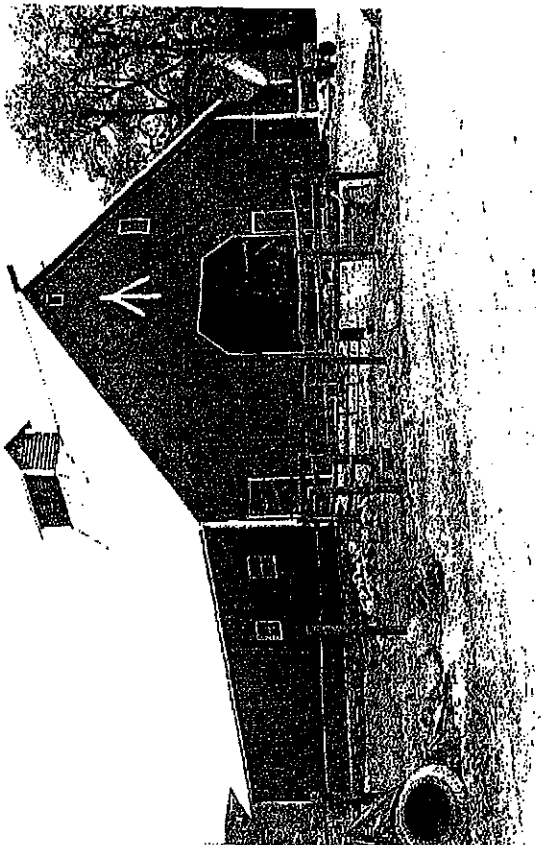
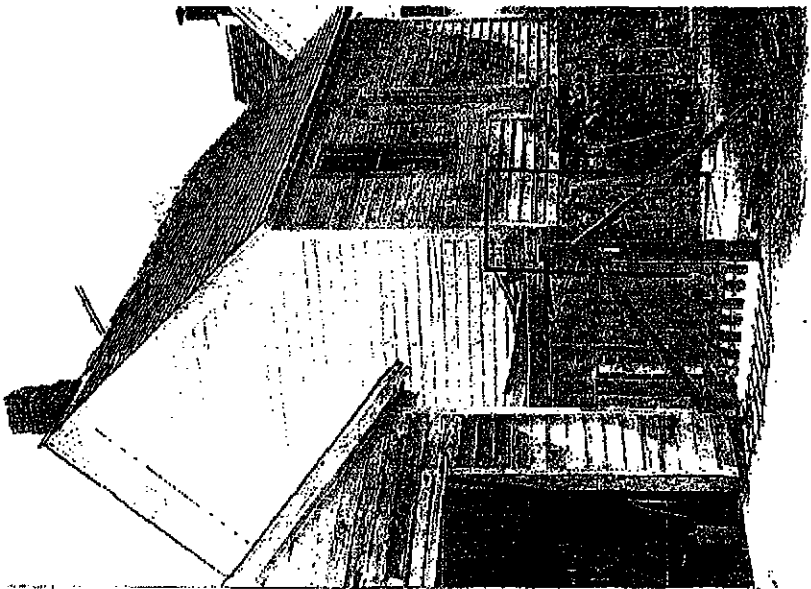
The aforementioned areas, in addition to others not mentioned here, do have potential historical value and could best be approached by first researching documents to determine what types of sites are likely to occur and following up with a pedestrian survey.

Under the present Phase II Reconnaissance Survey, eleven sites were determined to be eligible for listing in the National Register of Historic Places. They are: 1) Dallas Forrey Lava Rock Structure (Field No. 37), 2) Delbert McFarland House (Field No. 70), 3) Linder Road National House with turned posts (Field No. 70), 4) Craftsman House with wagon wheels (Field No. 79), 5) Ustick Road Prairie House with pine trees (Field No. 100), 6) White Cross School (Field No. 112), 7) John D. Turnbull House (Field No. 127), 8) Cosgrove House (Field No. 146), 9) Herridge House (Field No. 159), 10) Star Depot (Field No. 159), and 11) Hipped Roof Craftsman House (Field No. 63). Eighteen sites were determined to be not eligible for listing and 116 sites remain unevaluated. These figures do not include the re-recording of sites reviewed during Phase I of the project.

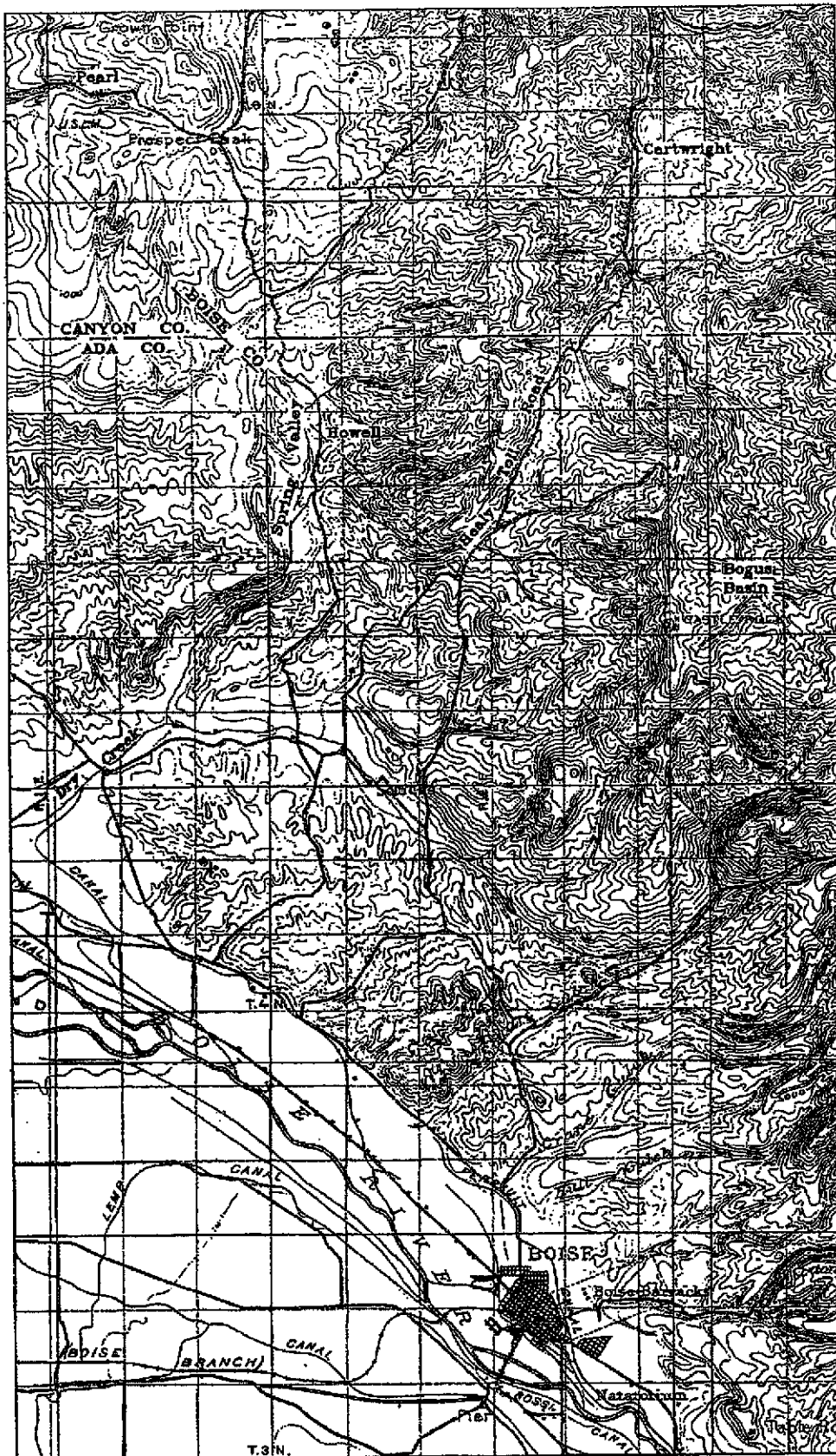
The consultants recommend that the eleven sites mentioned above should undergo further research in order to more fully document their historic significance in terms of the National Register criteria.

There are some areas where architectural properties were not found. The area south of Kuna-Mora Road and west of Swan Falls Road to the county line did not produce any areas of architectural significance. Also, the area between South Cloverdale Road east to I-84 did not produce many architectural structures. These areas consist mainly of rangelands with few or no amenities to attract settlement. Since no significant architectural properties were identified, these areas should be removed from further consideration of such properties. On the other hand, in future Ada County studies it is recommended that a field inspection be conducted specifically to identify archaeological and historical sites which may be within Ada County's jurisdiction. Suggested areas in the Ada County Reconnaissance Survey area south of Kuna and the undeveloped lands comprising the eastern and northern edges of the county.





41



AVIMOR™



Not To Scale
Figure 4

SOURCE: IDAHO STATE HISTORICAL LIBRARY

A SunCor Planned Community

USGS Map of 1897

41

Testimony of These Indentures, made the 23^d day of April in the year of our Lord
William King one thousand eight hundred and eighty nine B. Ceterum Clearwellm Argabright
and Belk Argabright the wife of Spring Valley Ada County Idaho
Williams & Argabright and Belk Argabright the wife of W. Williams of same County and Territory
Territory Belk of the first part and Spring Valley W. Williams of the second part have acknowledged to us the said parties of the first part before
the duties of the second part witnesses That the said parties of the first part have
in consideration of the sum of Eight Hundred dollars lawfully money of the
United States of America, to them in hand paid by the parties of the
second part, the receipt whereof is hereby acknowledged by us by these
presente grand bargain well convey and confirm unto the said
parties of the second part, and to their heirs and assigns forever all that
here and parcel of land situate and being in the County of Ada
and Territory of Idaho, bounded and described as follows to wit:
The East half (1/2) of the Southern Quarter (1/4) and the West half (1/2) of
the Southeast Quarter (1/4) of Section Eighteen in Township Five
North of Range Two (2) East of Boise Meridian in Idaho Territory
containing one hundred and fifty acres according to the Official
Plat of the Survey of the said lands returned to the General Land Of-
fice by the Surveyor General. Together with all and singular the
tenements hereditaments and appurtenances thereto belonging or in any
wise appertaining, and the rents, issues and profits thereof, To Have and to
Hold to allow singular the above mentioned and described premises together
with the appurtenances unto the said 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 assigns of all and every
person and persons whomsoever, lawfully claiming or to claim
the same, shall stand well warrant and by these presents forever defend.
In Witness Whereof, the said parties of the first part have here-
unto set their hands and seals the day and year first above written
signed, sealed, and delivered in the Presence of S. B. Mavor
of S. B. Mavor
Chas Thurman
Belk Argabright
Clearwellm Argabright
Spring Valley Ada County Idaho

Oliver Thurman

Territory of Idaho }
 County of Ada. } ss On this 23^d day of April in the
 year one thousand eight hundred and eighty nine before me S. B.
 Shann County Recorder, in and for said County of Ada personally
 appeared Ellwell Argabright personally known to me
 to be the person who is described in and whose name is subscribed
 to the within instrument and acknowledged to me that he executed
 the same Ada, at the same time and place appeared before me
 Belle Argabright wife of Ellwell Argabright known to
 me to be the person described in, and whose name is subscribed
 to the within instrument, described as a married woman; and
 upon examination, without the hearing of her husband, I made
 her acquainted with the contents of the instrument and then
 upon she acknowledged to me that she executed the same and
 that she does not wish to retract such execution in future.
 Whereof, I have hereunto set my hand and affixed my official
 Seal, the day and year last above written.

S. B. Shann

County Recorder.

Recorded at request of E. W. Williams Apr. 24th 1889 at 10 a. m.

S. B. Shann
 Recorder

51

This Indenture, Made the Thirtieth day of September in the year
 To of our Lord one thousand eight hundred and ninety, between
 Charles Hurt and Phoebe Hurt, his wife of Ada County, Idaho,
 parties of the first part, and William Howell, Sanford M. Carhart
 and Almon M. White of Ada County, Idaho, the parties of the
 second part, Witnesseth, That the said parties of the first part,
 for and in consideration of Twentyseven hundred & fifty 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, to wit: The Southeast quarter
 of the Northwest quarter, and the West half of the Northwest quarter
 of Section Seven, and the Southwest quarter of the Southeast
 quarter of Section Six in Township five North of Range Two East of
 Tenth Meridian, situate, lying and being in Ada and Boise Counties
 in the State of Idaho, and containing one hundred and sixty
 acres, also all right, title and interest in and to all springs,
 water ditches, reservoirs and streams, which the said parties of
 the first part have used for the irrigation of said lands
 and for home or domestic purposes.
 Together with all and singular the tenements, hereditaments and
 appurtenances therunto belonging or in anywise appertaining, and
 the reversion and reversions, remainder and remainders, rents, issues
 and profits thereof and also all estate, right, title, interest in and
 to the said property, possession, claim and demand, whatsoever,
 as well in law as in equity, of the said parties of the first part,
 of in or to the said premises, and every part and parcel thereof,
 with the appurtenances, 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 peace-
 able 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

286

9 436

waived and by these presents forever defends
 in witness whereof the said parties of the first part have hereunto set their
 hands and seals the day of the year first above written
 Signed Sealed and Delivered in the presence of } Charles Hunt Seal
 F. D. Cahalan } Phoebe Hunt Seal

State of Idaho }
 County of Ada }

On this 13th day of September 1890, before me, Chas. A. Clark
 a Notary Public in and for said County, personally appeared Charles Hunt
 and Phoebe Hunt, his wife, known to be the persons whose names
 are subscribed to the within instrument, and acknowledged to me that
 they executed the same, and the said Phoebe Hunt, above described as
 a married woman, 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 testimony whereof
 I have hereunto set my hand and official seal on this day
 of Seal and year in this certificate above written

Chas. A. Clark
 Notary Public

Recorded at request of Wm. Howell Sept 13th 1890 at 40 min past 4 P. M.

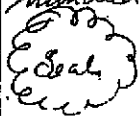
S. B. Mann
 Recorder

Honesty certificate
No. 413
Application 111

The United States of America, To all to whom these presents shall come, Greeting: Whereas there has been deposited in the General Land Office of the United States, a certificate of the Register of the Land Office at Boise City, Idaho Territory, whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To secure Homesteads to actual settlers on the Public Domain," and the acts supplemental thereto, the claim of Charles Hunt has been established and duly consummated for conformity to law, for the Southeast quarter of the Northwest quarter and the West half of the Northeast quarter of Section Eleven and the Southwest quarter of the Southeast quarter of Section Six, in Township Five North of Range Two East of Boise Meridian, in Idaho Territory, containing one hundred and sixty acres according to the Official Plat of the Survey of the said land returned to the General Land Office by the Surveyor General; Now know Ye, that there is, therefore, granted by the United States unto the said Charles Hunt the tract of land above described; To have and to hold the said tract of land with the appurtenances thereof, unto the said Charles Hunt 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.

In testimony whereof, I, Grover Cleveland, 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 twentieth day of March, in the year of our Lord one thousand eight hundred and eighty-six, and of the Independence of the United States the one hundred and tenth.


E. Seal
E. Seal

By the President Grover Cleveland
By Mr. McKean
Secretary

(Recorded, Vol. 1 Page 412) S. W. Clark, Recorder of the General Land Office
Recorded at request of Mr. Howell Sept 13 1870 at 80 min past 4 P. M.

S. W. Clark
Recorder

9

#1

718801

19 1982

Idaho Time Co.

June 5, 1969

June 5, 1969

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Idaho Land Office
Boise, Idaho
June 5, 1969

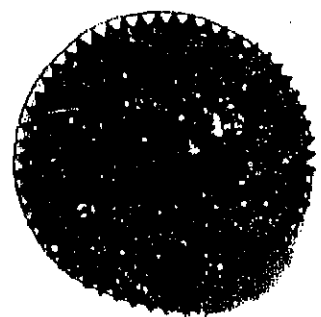
CLARENCE A. PLATT

120 Days

Form 1416-S
(July 1965)
(Revised 1-1970)

I HEREBY CERTIFY That the annexed copy of patent is - true
and literal exemplification of the record which is in my custody
in this Office.

IN TESTIMONY WHEREOF I have hereunto subscribed my name and
caused the seal of this Office to be affixed,
at Boise, Idaho
on the day and year above written.



D

William G. Reiter
(Certified Officer)
William G. Reiter

THE UNITED STATES OF AMERICA

Office of the United States Marshal, New York

RECEIVED

The undersigned, being a duly qualified and sworn Officer of the United States Marshal, do hereby certify that the within and foregoing is a true and correct copy of the original of the same as the same appears in the files of the United States Marshal, New York, on the 10th day of May, 1919.

The undersigned further certifies that the within and foregoing is a true and correct copy of the original of the same as the same appears in the files of the United States Marshal, New York, on the 10th day of May, 1919.

Witness my hand and the seal of the United States Marshal, New York, on the 10th day of May, 1919.

Very truly yours,
United States Marshal, New York

It is hereby ordered that the within and foregoing be a true and correct copy of the original of the same as the same appears in the files of the United States Marshal, New York, on the 10th day of May, 1919.

The undersigned further certifies that the within and foregoing is a true and correct copy of the original of the same as the same appears in the files of the United States Marshal, New York, on the 10th day of May, 1919.

10/537

The United States

To all to whom these things
 Homestead Certificate No. 1019
 Applications 1987 and 2722
 in the General Land Office of the
 the Register of the Land Office at
 1101, pursuant to the Act of Congress
 passed March 3, 1879, to extend the
 the act supplemental thereto, the
 established and duly commissioned
 the East half of the South East quarter
 South East quarter and the West
 quarter of Section six in Town
 of Range 10 North in Indian Territory
 according to the official Plat of
 to the General Land Office by the
 New Mexico, that there is, the
 to the said William Hunt the
 to have and to hold the said tract of
 acres thereof, unto the said William
 and assigns forever; subject to
 water rights for mining, agriculture
 feed over, and rights to water
 and such water rights
 held by the local custom
 also subject to the right
 to penetrate or intersect
 by law. And there is
 South East quarter and
 quarter of Section six
 East of the above
 ditches or canals
 United States
 In testimony
 limited State
 Patent, and
 affixed
 Given
 at the City of

H

254

FILED EFFECTIVE

ARTICLES OF AMENDMENT TO ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

RECEIVED -7 APR 07

(Instructions on back of application)

1. The name of the limited liability company is:

SunCor Idaho, LLC

If the LLC has been administratively dissolved and the name is no longer available for use, #3 below must include an amendment of name.

2. The date the articles of organization were filed was: July 22, 2003

COMPLETE ONLY THE APPLICABLE ITEMS

3. The name of the limited liability company is amended to read:

Avimor, LLC

4. The management of the limited liability company shall henceforth be vested in:

☐ Manager(s) ☐ Members

5. The information on the managers/members shall be amended as follows:

Name	Address	Add	Delete	Other
_____	_____	☐	☐	_____
_____	_____	☐	☐	_____
_____	_____	☐	☐	_____
_____	_____	☐	☐	_____
_____	_____	☐	☐	_____

6. Signature of at least one manager, if any, or at least one member.

Signature: DSB
 Typed Name: Duane S. Black
 Capacity: Executive Vice President & COO
 By: SunCor Development Company,
 Its: Sole Member

Secretary of State use only

IDAHO SECRETARY OF STATE
 03/07/2006 05:00
 CK: 14639 CT: 176091 SH: 941697
 1 0 20.00 = 20.00 ORGAN APEN 1 2
 1 0 00.00 = 00.00 EXPEDITE C 1 3

W25199

Albert P. Barker, ISB #2867
Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON LLP
205 North Tenth St., Suite 520
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

Attorneys for Avimor, LLC

**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

)
) Subcase No. 63-5386 & 63-5287
)
) **AFFIDAVIT OF STEVE GIVENS IN**
) **SUPPORT OF AVIMOR, LLC'S**
) **MEMORANDUM IN SUPPORT OF**
) **OBJECTION**
)
)

COMES NOW Steve Givens, being first duly sworn upon oath and states as follows:

1. I am a resident of Star, Idaho, and have lived in Idaho most of my life.
2. I am familiar with the property known as the Spring Valley Ranch.
3. My father is Orin Givens and my grandfather was Guy Givens. I spoke with them often about the Spring Valley Ranch.
4. My grandfather ran the Spring Valley Ranch for Colin McLeod from 1931 through 1942. He took care of the horses and the hayfields and worked with the irrigation of the property. The Ranch property was irrigated when my grandfather worked there, and part of his job was to irrigate the property. My father grew up on the Ranch where he learned to ride, shoot and work.

5. The first year that my grandfather worked on the ranch, he raised alfalfa seed for the McLeods.
6. In addition to the main ranch, my grandfather told me how Mr. McLeod purchased several smaller homesteads adjoining the Ranch and expanding it to the west.
7. The attached photographs are from our family photo album, which has been in my family for generations.
8. I can identify the attached photos as photos of the Spring Valley Ranch. They were taken during the time period that my grandfather ran the Ranch for the McLeods, and appear to be from the early 1930s.
9. Exhibit A is a photograph of the barn and yard with the Ranch house behind the trees.
10. Exhibit B is a photograph taken from the east above the Ranch showing the Ranch house and buildings and the cultivated fields, west and south of the Ranch house, in the same location as the fields today.
11. Exhibit C is taken from ground level on the west side of the cultivated fields looking towards the Ranch house and buildings.

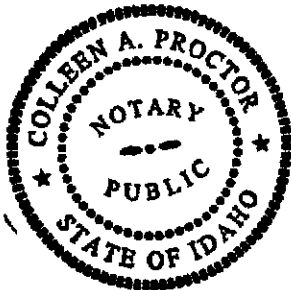
DATED THIS ____ day of April, 2006.


Steve Givens

STATE OF IDAHO)
) ss.
County of Ada)

On this 28th day of April, 2006, before me, a Notary Public for said County and State, personally appeared STEVE GIVENS, 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

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



Colleen Proctor
NOTARY PUBLIC FOR IDAHO
Residing at: Boise, Idaho
My commission expires: 8-15-09

CERTIFICATE OF SERVICE

I hereby certify that on the 20 day of April, 2006, I served a true and correct copy of the foregoing AFFIDAVIT OF STEVE GIVENS IN SUPPORT OF SUNCOR IDAHO, LLC'S MEMORANDUM IN SUPPORT OF OBJECTION on the person(s) listed below, in the manner indicated

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

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email

United States Department of Justice
Environmental & Nat'l Resources Div.
550 W. Fort Street, MSC 033
Boise, ID 83724

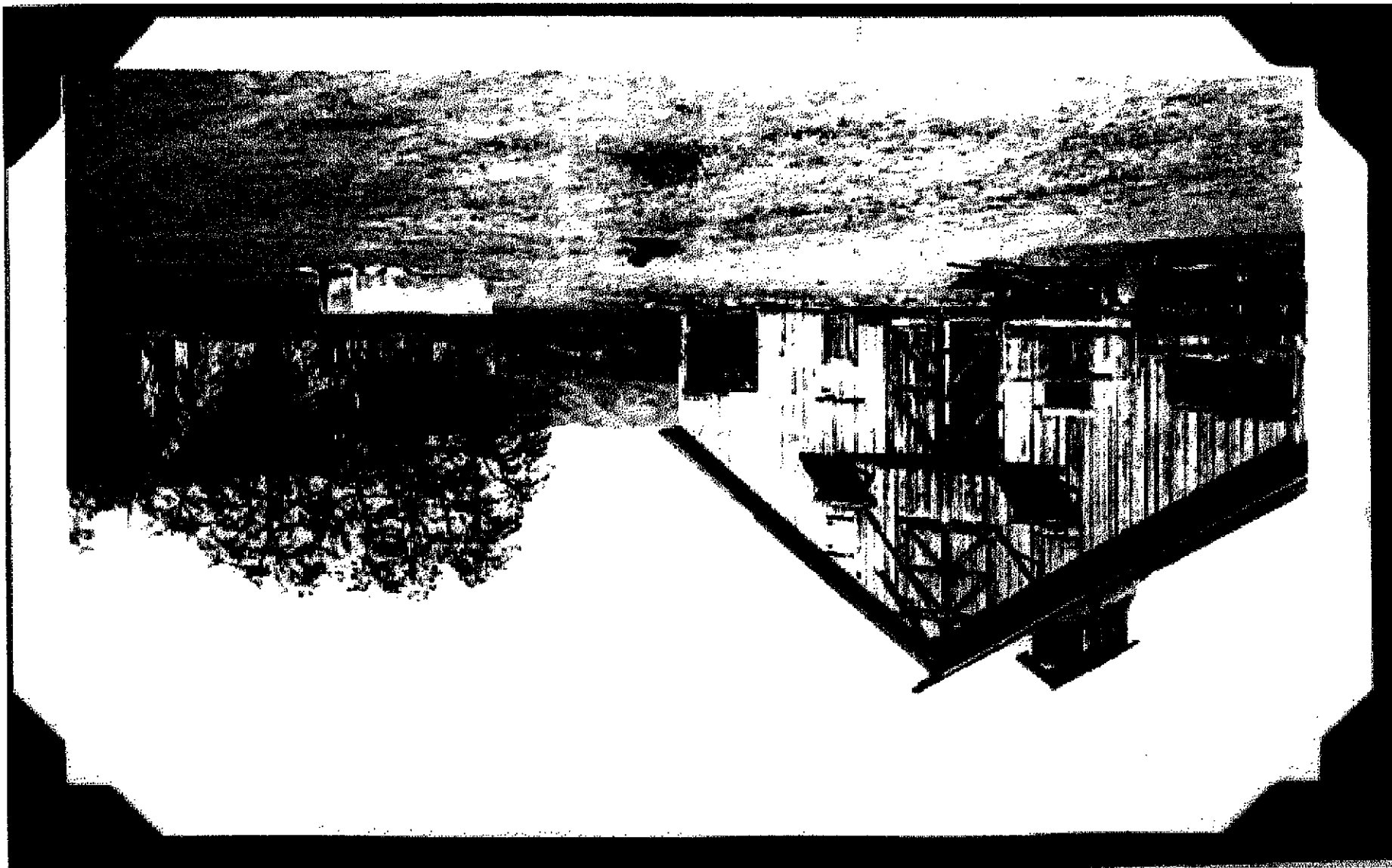
☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email

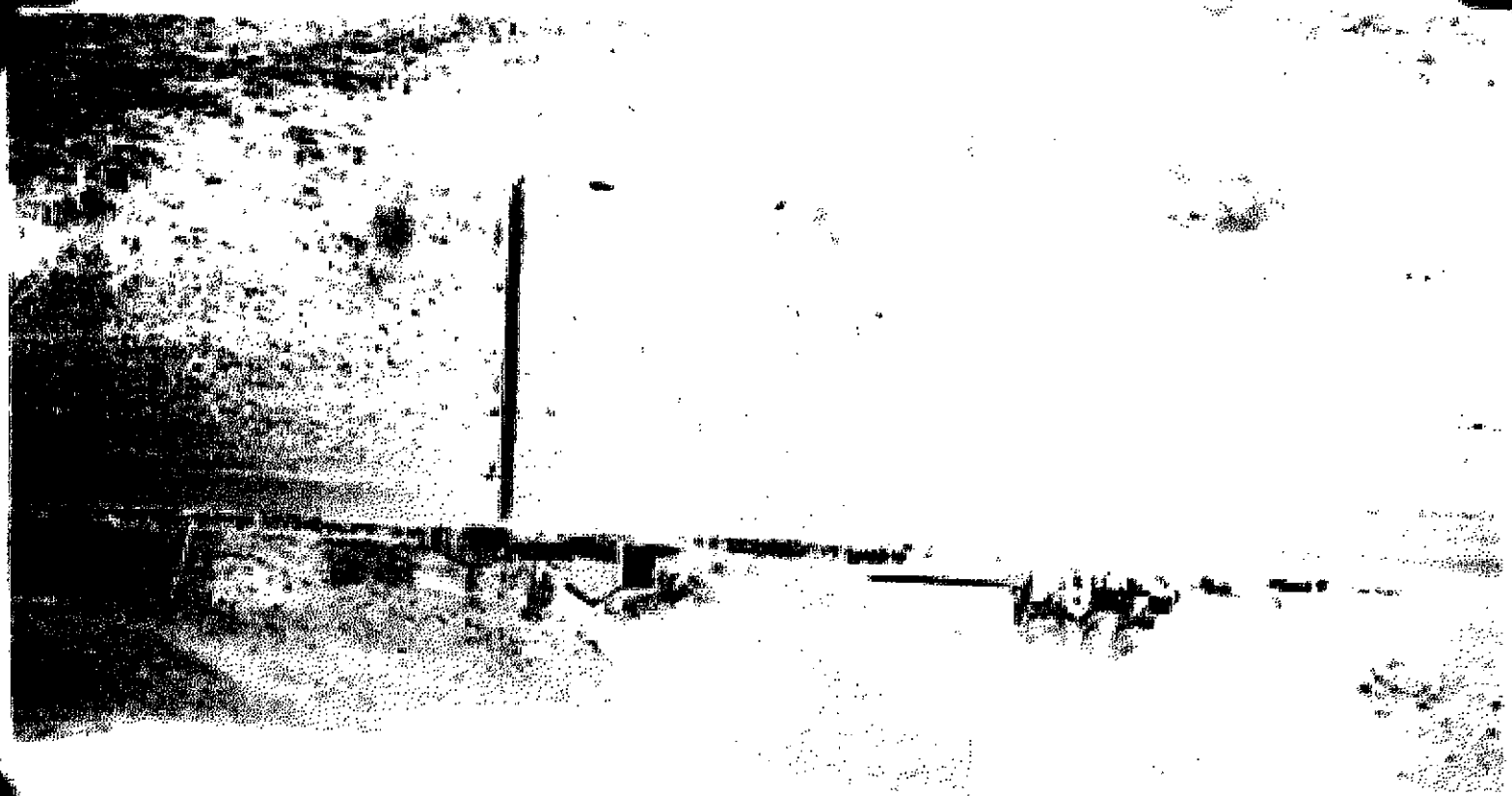
Chief, Natural Resources Division
Office of Attorney General
P.O. Box 44449
Boise, ID 83711-4449

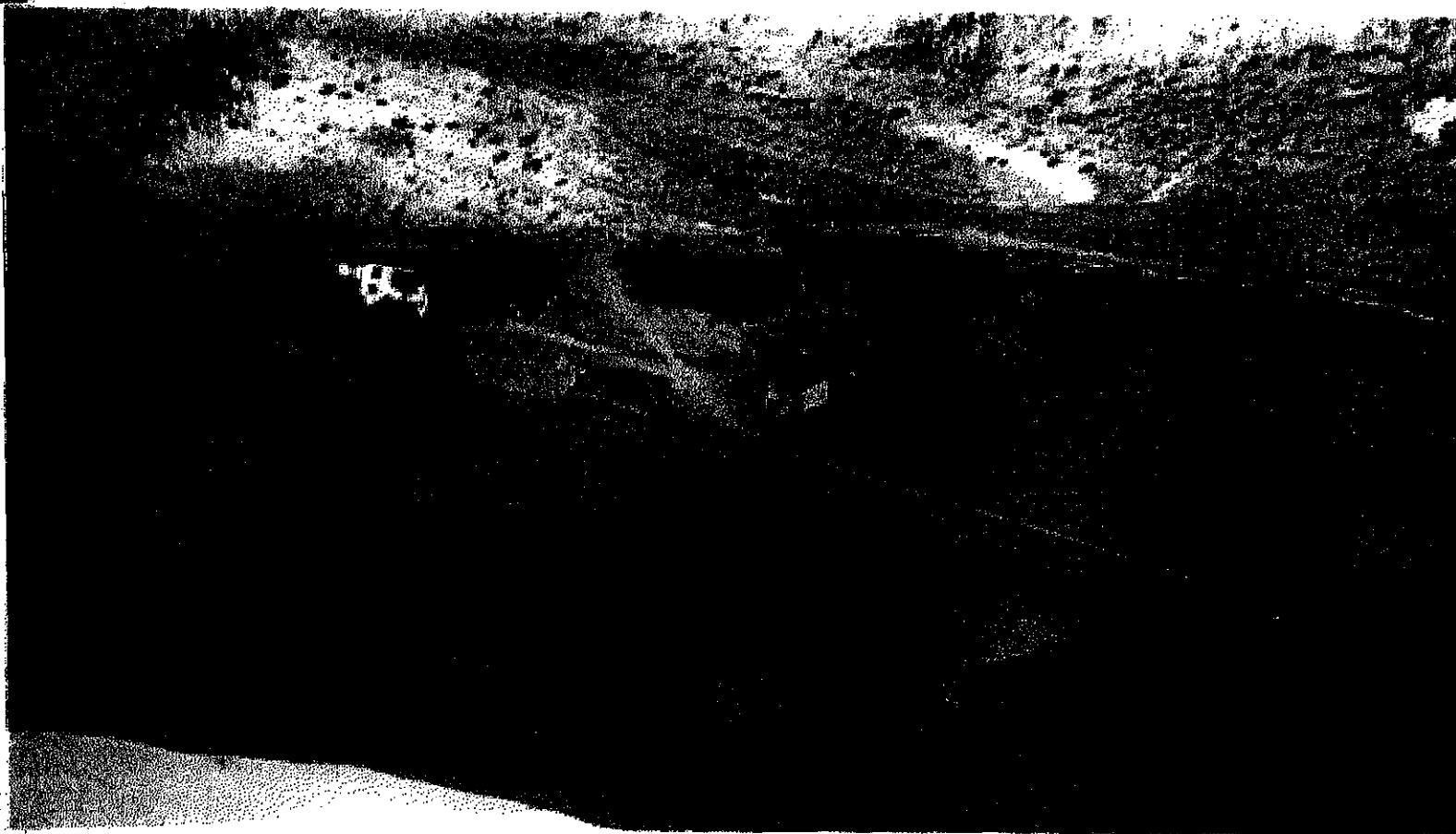
☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email



Albert P. Barker







05/28/2005

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

RIGHT NUMBER: 63-5386

NAME AND ADDRESS: SPRING VALLEY LIVESTOCK CO INC
PO BOX 9
STAR ID 83669

SOURCE: SPRING VALLEY CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 1.880 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/15/1964

POINT OF DIVERSION:

T05N R02E S7 SESESE Within ADA County
T05N R02E S18 NENWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	02/01 12/01	0.020 CFS
IRRIGATION	03/15 11/15	2.000 CFS

Stockwater use is for 400 range cattle.

PLACE OF USE: IRRIGATION Within ADA County

T05N R02E S18	NENE	3.0	T05N R02E S18	NWNE	13.0
T05N R02E S18	SWNE	25.0	T05N R02E S18	NENW	1.0
T05N R02E S18	SENE	8.0	T05N R02E S18	NESW	12.0
T05N R02E S18	SESW	5.0	T05N R02E S18	NWSE	18.0
T05N R02E S18	SWSE	8.0			

STOCKWATER same as IRRIGATION

93 ACRES TOTAL

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 necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

04/26/2005

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

RIGHT NUMBER: 63-5386

NAME AND ADDRESS: SPRING VALLEY LIVESTOCK CO INC
PO BOX 9
STAR ID 83669

SOURCE: SPRING VALLEY CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 1.880 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/15/1964

POINT OF DIVERSION:

T05N R02E S7 SESESE Within ADA County

T05N R02E S18 NENWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	02/01 12/01	0.020 CFS
IRRIGATION	~~4/01~~ ~~11/01~~	2.000 CFS
Stockwater use is for 400 range cattle		

PLACE OF USE: IRRIGATION Within ADA County

T05N R02E S18	NENE	3.0	T05N R02E S18	NWNE	13.0
T05N R02E S18	SWNE	25.0	T05N R02E S18	NENW	1.0
T05N R02E S18	SENW	8.0	T05N R02E S18	NESW	12.0
T05N R02E S18	SESW	5.0	T05N R02E S18	NWSE	18.0
T05N R02E S18	SWSE	8.0			

STOCKWATER same as IRRIGATION

93 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

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Idaho Department of Water Resources

63-5386

T05N R02E S18



IDWR

Prepared by: Sandy Egbert

Date: 4-26-05

1987 NAPP Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5386 V1

WATER RIGHT NUMBER: 63-5386 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SPRING VALLEY LIVESTOCK CO INC PO BOX 9 STAR, ID 83669 (208)286-7975
Original Owner	SPRING VALLEY LIVESTOCK CO INC C/O COLEN MC LEOD JR 2005 S 10TH AVE CALDWELL, ID 83605

Priority Date: 03/15/1964

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING VALLEY CREEK	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	02/01 to 12/01	0.020 CFS	
IRRIGATION	4/01 to 11/01	2.000 CFS	
<u>Total Diversion:</u>		1.880 CFS	

Location of Point(s) of Diversion

SPRING VALLEY CREEK	NE1/4NW1/4NE1/4	Sec. 18, Twp 05N, Rge 02E, B.M.
ADA County		
SPRING VALLEY CREEK	SE1/4SE1/4SE1/4	Sec. 7, Twp 05N, Rge 02E, B.M.
ADA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	02E	18	3.0	13.0	25.0		1.0			8.0	12.0			5.0		18.0	8.0		93.0

Total Acres: 93

STOCKWATER same as IRRIGATIONConditions of Approval:

1. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5386 V1

4. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
5. X02 Stockwater use is for 400 range cattle.

Remarks:Comments:

1. segbert 4/26/2005 POD
Comment: Updated shape

2. segbert 4/26/2005 POD
Comment: Updated shape

3. segbert 4/26/2005 POD
Comment: Updated shape

4. segbert 4/26/2005 POU
Comment: Updated Shape

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
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

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			04/14/2005	lharris	Active
Priority Date	4/26/2005 12:36:44 PM	segbert			Active
POD	4/26/2005 12:38:12 PM	segbert			Active
Source	4/26/2005 12:49:05 PM	segbert			Active
POU	4/26/2005 12:49:49 PM	segbert			Active
Use	4/26/2005 12:50:48 PM	segbert			Active
Season	4/26/2005 12:51:36 PM	segbert			Active
Quantity	4/26/2005 12:54:04 PM	segbert			Active
Summary			04/26/2005	segbert	Active

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-5386 V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	4/14/2005 9:05:02 AM	lharris	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?
Priority Date	4/26/2005 12:36:45 PM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - 1964 aerial photography shows irrigation - no earlier photography
POD	4/26/2005 12:38:12 PM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (Yes) 6. Is there evidence that there has been a change in the POD? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required? Description for Question 6 - information in field exam indicates the change was done in 1956
Source	4/26/2005 12:49:05 PM	segbert	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - field exam

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5386 V1

Summary	4/26/2005 12:59:00 PM	segbert	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POU	4/26/2005 12:49:49 PM	segbert	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - field exam
Use	4/26/2005 12:50:49 PM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - field exam
Season	4/26/2005 12:51:37 PM	segbert	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5386 V1

Quantity	4/26/2005 12:54:05 PM	segbert	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Manning
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Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5386

WATER RIGHT NUMBER: 63-5386

Owner Type Name and Address
 Current Owner SPRING VALLEY LIVESTOCK CO INC
 PO BOX 9
 STAR, ID 83669
 (208)286-7975
 Original Owner SPRING VALLEY LIVESTOCK CO INC
 C/O COLEN MC LEOD JR
 2005 S 10TH AVE
 CALDWELL, ID 83605

Priority Date: 02/01/1880 3-15-1964 -
 Basis: Statutory Claim B L I
 Status: Active

*no 1939 photography
 advanced priority date to 1964 since
 irrigation shows on aerial photo*

Source Tributary
 SPRING VALLEY CREEK BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	2/01 to 12/01	0.020 CFS	—
IRRIGATION	~~4/01 to 11/01~~ 3-15 to 11-15	~~2.000 CFS~~ 1.86 CFS Total Diversion: 2.020 CFS 1.88	—

Location of Point(s) of Diversion

SPRING VALLEY CREEK NE 1/4 NE 1/4 NE 1/4 Sec. 18, Twp 05N, Rge 02E, B.M.
 ADA County SE SE SE S 7 5N 2E
 NE NW NE 18 5 2

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	02E	18	3.0	13.0	25.0		1.0			8.0	12.0			5.0		18.0	8.0		93.0

Total Acres: 93

STOCKWATER same as IRRIGATIONConditions of Approval:Remarks:

1. General AC. IRR. = 92.5.

Comments:

400 head cows

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-5386

WATER RIGHT NUMBER: 63-5386

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SPRING VALLEY LIVESTOCK CO INC C/O COLEN MC LEOD JR 2005 S 10TH AVE CALDWELL, ID 83605

Priority Date: 02/01/1880
Basis: Statutory Claim
Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING VALLEY CREEK	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	2.000 CFS	
STOCKWATER	2/01 to 12/01	0.020 CFS	
<u>Total Diversion:</u>		2.020 CFS	

Location of Point(s) of Diversion

SPRING VALLEY CREEK	NE1/4NE1/4	Sec. 18, Twp 05N, Rge 02E, B.M.
ADA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	02E	18	3.0	13.0	25.0		1.0			8.0	12.0			5.0		18.0	8.0		93.0

Total Acres: 93

STOCKWATER same as IRRIGATIONConditions of Approval:Remarks:

1. General AC. IRR. = 92.5.

Comments:Dates and Other Information:

Receipt Details for ID C011656

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
9/18/1989 10:14:29 AM	9/18/1989	State	\$275.00	Check
Payer		SPRING VALLEY LIVESTOCK		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
2871			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$275.00	ADJUDICATION FEE	410162	9337	0 0		6490

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	18972		\$25.00	Claim
63	18974		\$107.00	Claim
63	5386		\$143.00	Claim

Print Report

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-5386**

04/14/2005

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
5386	Claim	05N	02E	18	NE	NE		IRRIGATION	3/93	SPRING VALLEY LIVESTOCK CO INC
5386	Water Right	05N	02E	18	NE	NE		IRRIGATION	3/93	SPRING VALLEY LIVESTOCK CO INC
5386	Claim	05N	02E	18	NW	NE		IRRIGATION	13/93	SPRING VALLEY LIVESTOCK CO INC
5386	Water Right	05N	02E	18	NW	NE		IRRIGATION	13/93	SPRING VALLEY LIVESTOCK CO INC
5386	Claim	05N	02E	18	SW	NE		IRRIGATION	25/93	SPRING VALLEY LIVESTOCK CO INC
5386	Water Right	05N	02E	18	SW	NE		IRRIGATION	25/93	SPRING VALLEY LIVESTOCK CO INC
5386	Claim	05N	02E	18	NE	NW		IRRIGATION	1/93	SPRING VALLEY LIVESTOCK CO INC
5386	Water Right	05N	02E	18	NE	NW		IRRIGATION	1/93	SPRING VALLEY LIVESTOCK CO INC
5386	Claim	05N	02E	18	SE	NW		IRRIGATION	8/93	SPRING VALLEY LIVESTOCK CO INC
5386	Water Right	05N	02E	18	SE	NW		IRRIGATION	8/93	SPRING VALLEY LIVESTOCK CO INC
5386	Claim	05N	02E	18	NE	SW		IRRIGATION	12/93	SPRING VALLEY LIVESTOCK CO INC
5386	Water Right	05N	02E	18	NE	SW		IRRIGATION	12/93	SPRING VALLEY LIVESTOCK CO INC
5386	Claim	05N	02E	18	SE	SW		IRRIGATION	5/93	SPRING VALLEY LIVESTOCK CO INC
5386	Water Right	05N	02E	18	SE	SW		IRRIGATION	5/93	SPRING VALLEY LIVESTOCK CO INC
5386	Claim	05N	02E	18	NW	SE		IRRIGATION	18/93	SPRING VALLEY LIVESTOCK CO INC
5386	Water Right	05N	02E	18	NW	SE		IRRIGATION	18/93	SPRING VALLEY LIVESTOCK CO INC
5386	Claim	05N	02E	18	SW	SE		IRRIGATION	8/93	SPRING VALLEY LIVESTOCK CO INC
5386	Water Right	05N	02E	18	SW	SE		IRRIGATION	8/93	SPRING VALLEY LIVESTOCK CO INC

Spring Valley

12x5 steel beams
3' 6" ditch

	2317927	1399682	Ditch
	2318186	1399877	2 nd S. side
✓	2318489	1400064	1 st N. side
✓	2317873	1403575	
✓	2318590	1403623	
✓	2317839	1402364	

CASA Del Norte

	2386712	1343536
	2386670	1343537
	2387021	1343685
	2387232	1343709
	2387513	1343886
	2387562	1343913
	2387689	1343958
	2387734	1344260
	2387570	1344269
	2387563	1344420

Well

4. MAY

2318041 1401543

A63-05386
SPRING VALLEY LIVESTOCK COMPANY



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

CLAIM NO(s). A63-05386

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: advanced priority date to 1964 which is the earliest photograph we have showing irrigation - no response to evidence of priority letter.
(If the priority date, based on your exam, seems questionable, explain below.)

This information is being researched by The Sun Cor. Att.

3. No Change SAME SOURCE

Source is different than that claimed:

Source found: _____

4. No Change — POINT OF DIVERSION #1 2318489 - 1400064

Point of diversion is different than the claim and/or new P/D's:

#2 2318186 - 1399877

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. No Change - DESCRIPTION OF DIVERTING WORKS

Incomplete description, list below:

There are six 5'x12' concrete structures (two) main ones for delivery of water to the west & east side of Spring Valley Creek for IRR.
The original P.O.D. was changed in 1956 and these were added for water conservation, flood control & water delivery. Spring Valley Ranch was nominated by water conservation district for Ranch of the Year in 1957 for this project.

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

All of The Area in my map could be irrigated if there was
water.

SYSTEM DIAGRAM INCLUDED

NA

Shown on GIS Layout

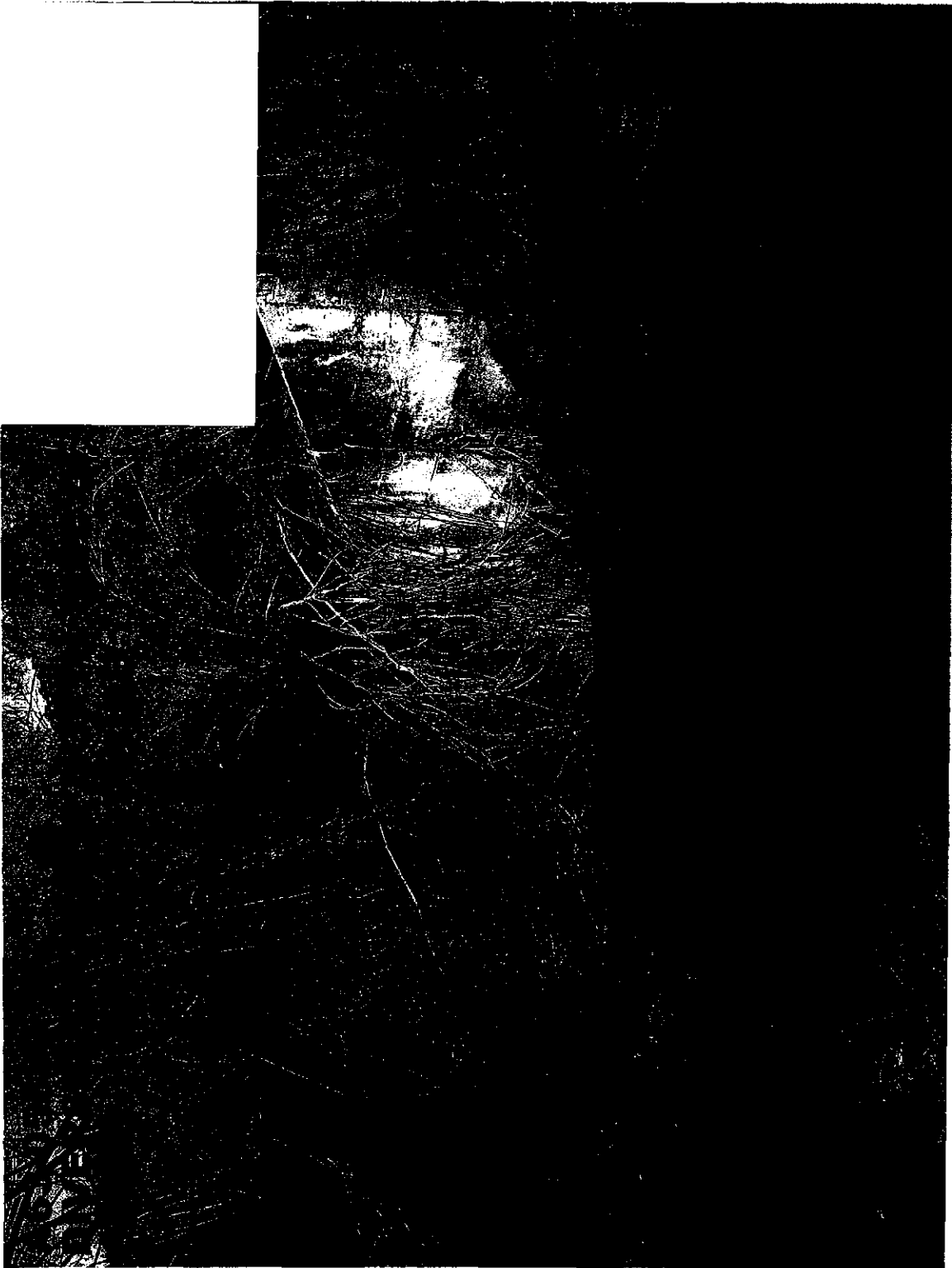
CK IF IN OFFICE EXAM
DATE EXAM CONDUCTED: _____

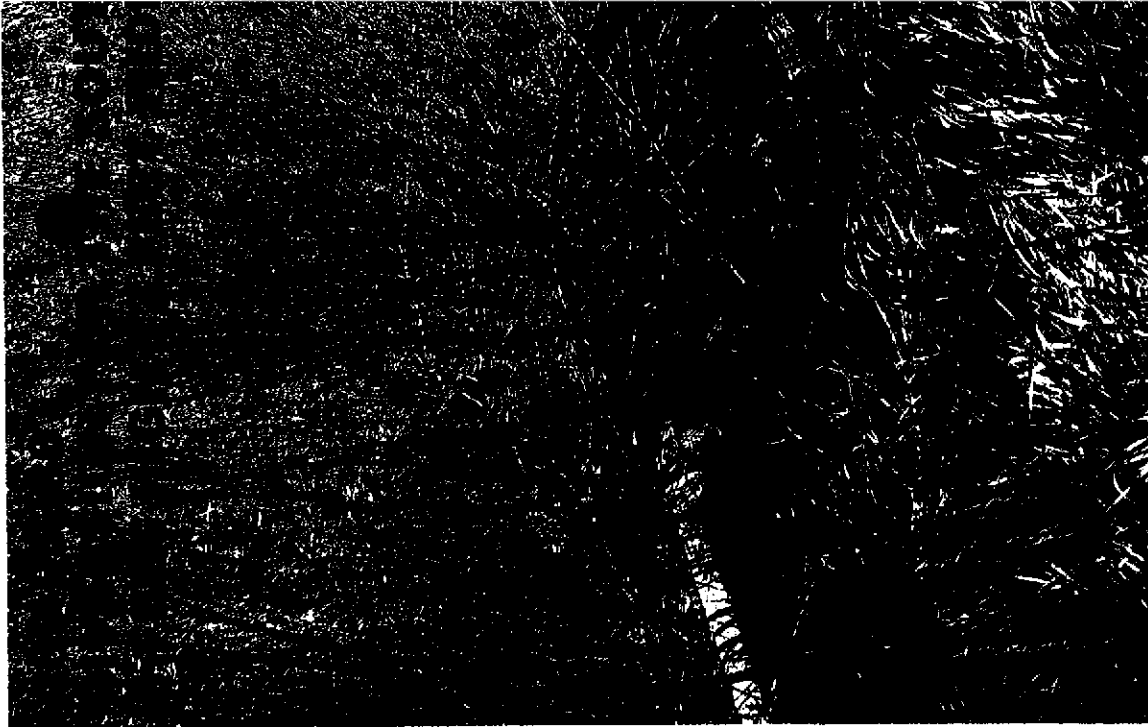
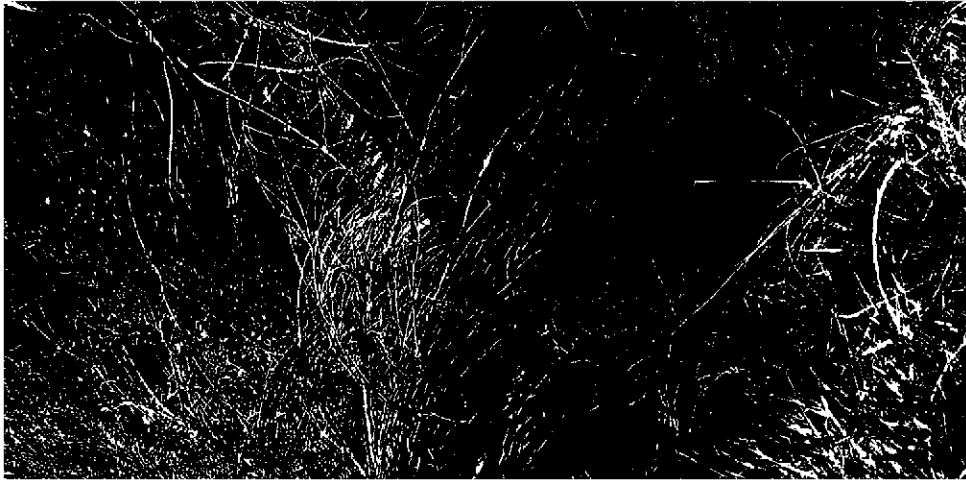
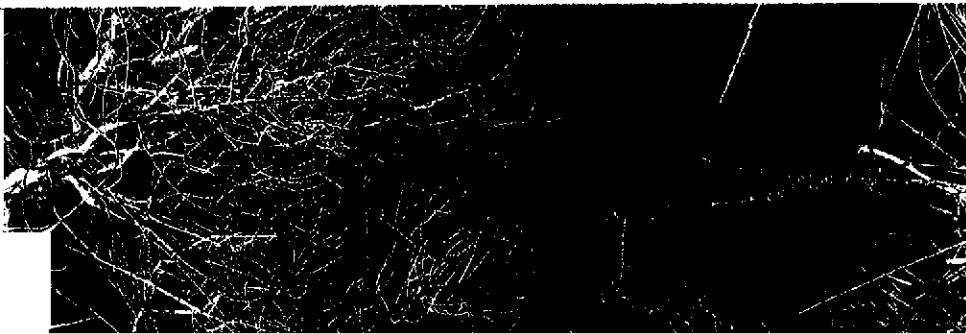
FIELD EXAMINER:

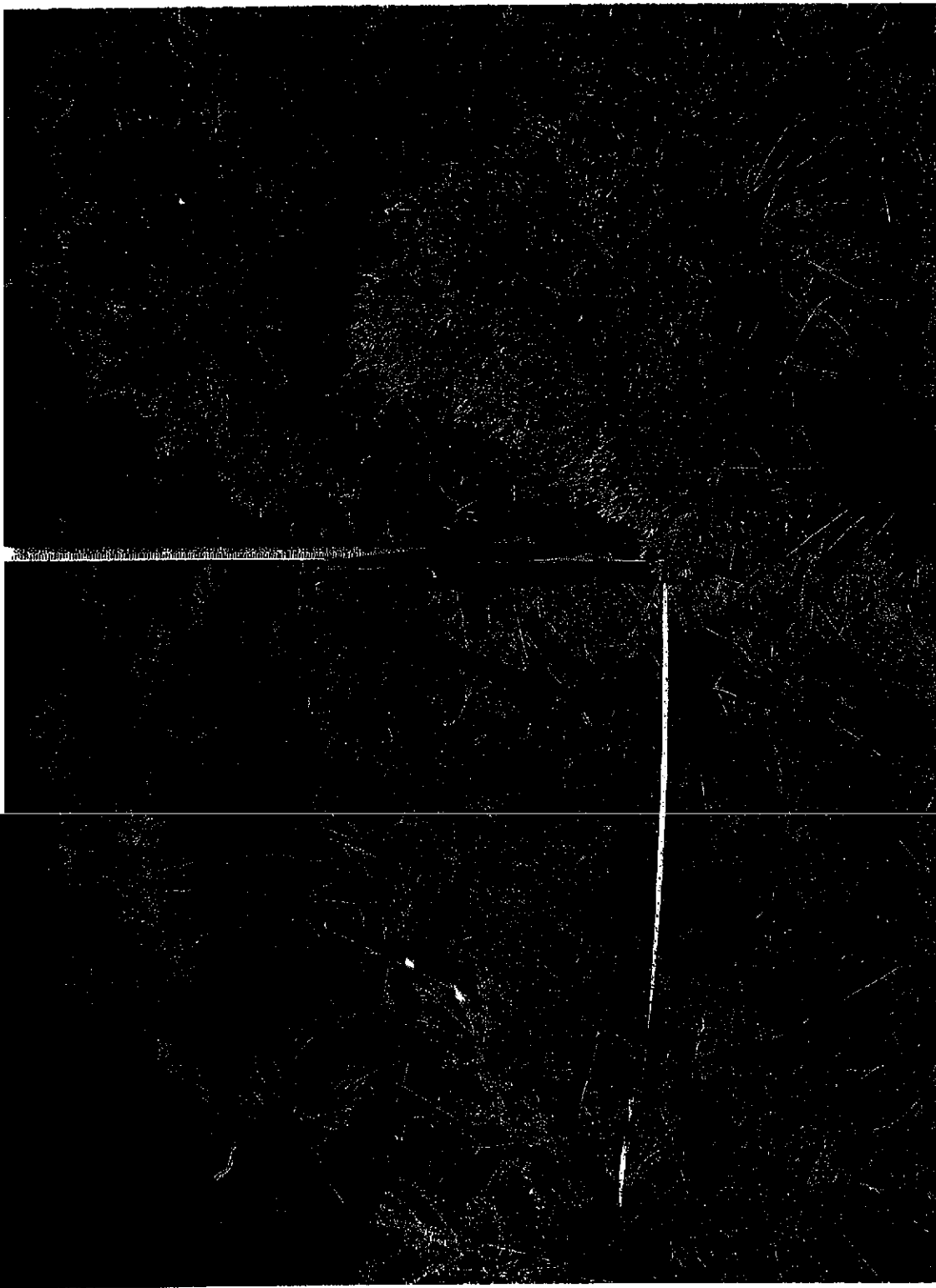
M. Gene Gibson

Print Name

M. Gene Gibson
Signature









c/s #1 Ditch

MANNING EQUATION CHANNEL CAPACITY RESULTS

05-12-2004

File Number: A63-05386

Claimant: Spring Valley Livestock Company

Channel measured: Spring Valley Creek Ditches

Date of measurement: 5/4/2004

Measurement location:

Two measurements were taken on the East side of the place of Use

Calculation prepared by: M. Gene Gibson

Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 100 feet.

The upstream and downstream rod readings are 5.30 and 5.46 feet.

The channel cross section is 1.78 ft-sq.

The wetted perimeter is 7.34 feet.

The hydraulic radius is 0.24 feet.

The slope is 0.0016

The roughness coefficient is 0.0350

The flow velocity is 0.661 ft/sec.

The rate of flow is 1.17 cfs.

CROSS SECTION NUMBER 1

For File Number A63-05386 for the Spring Valley Creek Ditches

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.20	0.20	0.50
3	0.40	0.40	1.00
4	0.65	0.65	1.50
5	0.70	0.70	0.20
6	0.70	0.70	0.25
7	0.55	0.55	3.00
8	0.40	0.40	3.50
9	0.20	0.20	4.00
10	0.00	0.00	4.50

The area for this cross section is 1.78 square feet
and the wetted perimeter is 7.34 feet.

C/S #2 Ditch

MANNING EQUATION CHANNEL CAPACITY RESULTS

05-12-2004

File Number: A63-05386

Claimant: Spring Valley Livestock Company

Channel measured: Spring Valley Creek Ditch

Date of measurement: 5/4/2004

Measurement location:

Two measurements were taken on the East side of the Place of Use

Calculation prepared by: M. Gene Gibson

Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 100 feet.

The upstream and downstream rod readings are 5.25 and 5.35 feet.

The channel cross section is 2.25 ft-sq.

The wetted perimeter is 5.06 feet.

The hydraulic radius is 0.44 feet.

The slope is 0.0010

The roughness coefficient is 0.0350

The flow velocity is 0.785 ft/sec.

The rate of flow is 1.77 cfs.

CROSS SECTION NUMBER 2

For File Number A63-05386 for the Spring Valley Creek Ditch

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.20	0.20	0.50
3	0.40	0.40	1.00
4	0.80	0.80	1.50
5	0.90	0.90	2.00
6	0.90	0.90	2.50
7	0.50	0.50	3.00
8	0.60	0.60	3.50
9	0.20	0.20	4.00
10	0.00	0.00	4.50

The area for this cross section is 2.25 square feet
and the wetted perimeter is 5.06 feet.

Saxton, Craig

To: terimcled@aol.com
Subject: Water Rights 63-05386, 63-05387, and 63-18974

Hello Teri,

I found your files. I had them in a box waiting to give to an IDWR contractor to conduct a field exam. He will be in the office today and I will give him the files. I found the Ground water file as well.

The contractor's name is Gene Gibson. He is a former IDWR employee and is very good. He should be contacting you soon. In the mean time, I would work on the evidence of priority documentation that we spoke about. Gene can give you some guidance or I can too.

Besides the field exam to confirm beneficial use of the water, we need evidence of when it was first put to use from:

63-05386 - Spring Valley Ck - you claimed an 1880 priority date
63-05387 - Willow Ck - you claimed an 1880 priority date
63-18974 - Groundwater - you claimed an 1948 priority date

I realize it is hard to find evidence of these priority dates that are this old. Just get the most information that you can and we can adjust the recommendation as needed. Again, probably your best bet is to find someone that is an "old timer" that can supply or sign off on an affidavit that confirms the water was used at a particular date, and the extent it was used.

Keep in mind, that these recommendations will be sent to the Snake River Basin Adjudication court. After that is submitted, the recommendations will become public record and anyone else will have a chance to object to your recommendation. If an objection is made, for instance on the priority date, it will your responsibility to support it. So you want to try to find some sort of evidence that you are comfortable supporting if an objection occurs.

You can mail that information to me for review, or you can give it to Gene Gibson when he conducts a field exam.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

MEMORANDUM

Date: 3/4/04

To: File

From: Craig L. Saxton

Subject: SRBA Claim 63-05306, 63-05387, and 63-18974

I spoke with Teri (Teresa) McCloud from Spring Valley Ranch at 286-7975. She had a question about an evidence of priority letter I sent her. I addressed her concerns, but I could not find the files to answer her specific questions. I got off the phone with her with the understanding that I would be calling her back or E-mailing her after I reviewed the files. What I found was that the files had already been set aside for Gene Gibson to do the field exam and that is why I couldn't find the file.

The claimant will be out of town till next week, but I will inform her via E-mail the situation. At this time, I plan on having Gene Gibson or Darwin Vander Stelt review this claim.

terimcleod@aol.com

2-5-04 : Evidence of Priority ^{letter} sent. Priority date Questionable

: Need Standard Field Exam

: Need POU + POD Confirmation

: Need System description

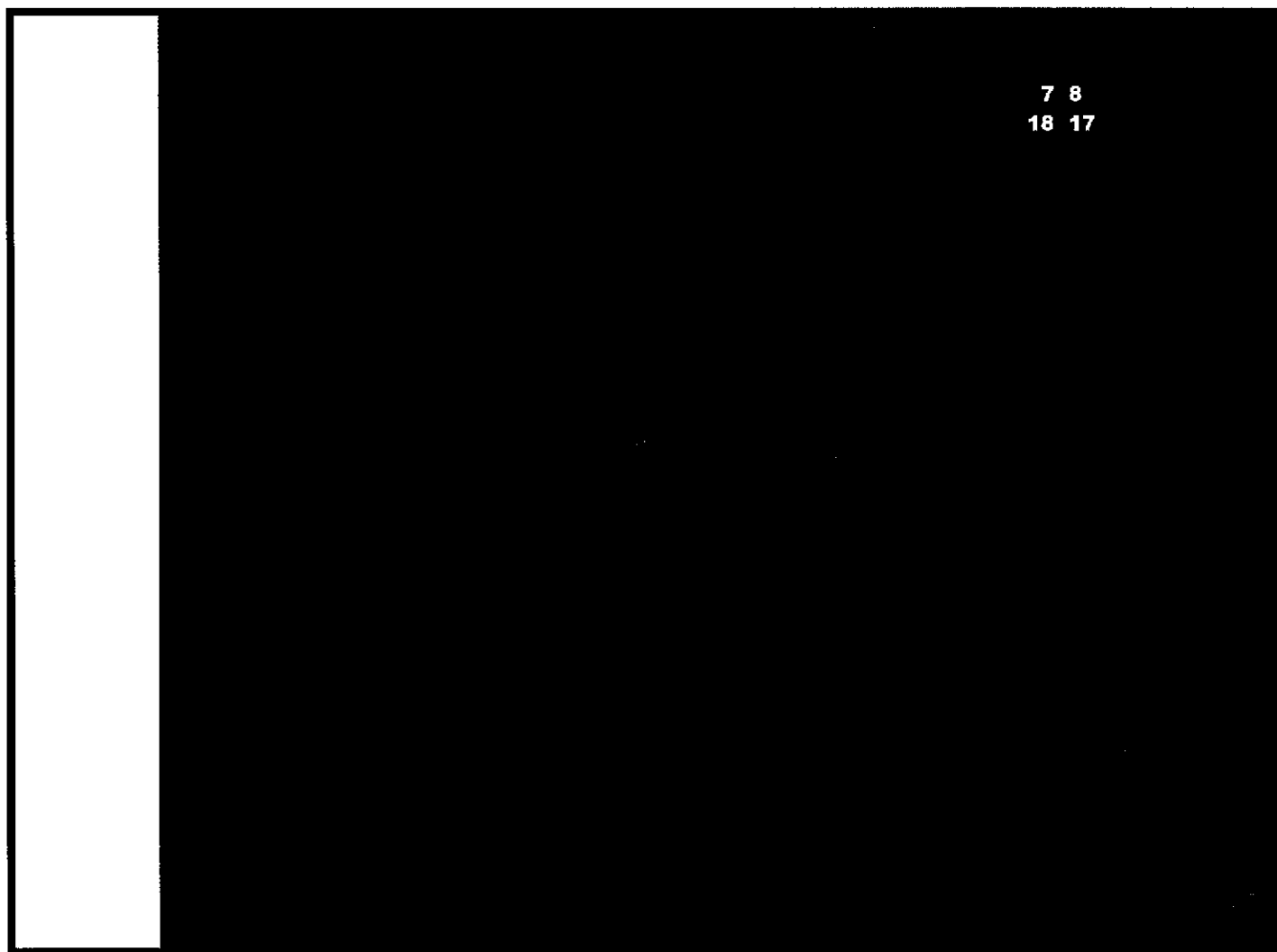
: Are there still 400 stock?

: POU Overlap Research does not show Any other WR's
in Section 18, T5N, R2E

: Why is the stockwater SOU not claimed as year-round?



POU location Map 2000 Photography 63-05386



1320 0 1320 2640 3960 Feet

A horizontal scale bar is located below the text. It is divided into four segments of equal length, each labeled with a number: 1320, 0, 1320, 2640, and 3960. The word 'Feet' is at the end of the bar.

● Point of Diversion

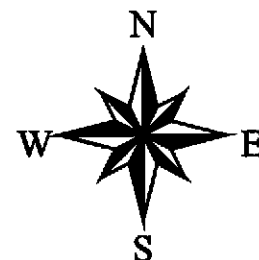
Claimed POU

Ada County Tax Lot Data

Quarter Quarter Lines

Section Lines

Total claimed Acres: 93.0



Prepared by: C. Saxton
Date: February 2004



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

February 5, 2004

63-05386, 63-05387
SPRING VALLEY LIVESTOCK CO., INC.
PO BOX 9
STAR ID 83669

RE: EVIDENCE OF PRIORITY

Dear Claimant (s):

The Idaho Department of Water Resources has begun its water right review in Basin 63. The Notice(s) of Claim identified with the number shown above in the "address" label and at the "end" of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the priority date.

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some examples of Documents Which May Be Evidence of the Priority Date".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel.

.....
The Department can not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.
.....

Please submit the documentation supporting the priority date by March 5, 2004 referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact me at (208) 334-2190.

In addition, a contractor employed by The Idaho Department of Water Resources may be contacting you to set up a filed exam in order to verify the elements of your water right.

Respectfully submitted,



Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure: Brochure on "Evidence of Priority"
 Notice of Claim 63-05386, 63-05387

No late fee paid
None Required
Form 42-1409(10)-1
5/88

OK file

Date Received

RECEIVED

SEP 19 1989

approved

State of Idaho
Department of Water Resources

REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

Department of Water Resources
Western Regional Office

The Idaho Department of Water Resources will consider this form as a request that the claimant be granted an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Spring Valley Livestock Co., Inc
Name of Claimant

P.O. Box 9
Post Office Address

Star, Id 83669
City, State, Zip Code

Ada
County(s) where Place of Use is located

Sept 8, 1989
Date Claim Originally Due

irrigation - stock - domestic
Identify water right(s) for which extension is requested

State reason(s) why an extension of time is requested:

There is some confusion on what I thought I must file
on - (1 well and 1 spring) and what is on file -
(appears to be more than 1 spring and no well.)

Claimant requests an extension to Sept 18, 1989.

I have an appointment
on Monday 9-18-89

Musa McLeod
Signature

Sec. Treasurer Spring Valley, Id.
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby

X granted denied,
and the filing deadline extended to 9/18/89

Signed this 16 day of September, 1989.

Director or his designated agent

DAVID B. SHAW

MICROFILMED
AUG 21 1992

Jan - ✓ digitized on
TOSN ROZE 07 63-5386
NW SE + SWSE

Yellow /// is SRBA claim
red is License

Danne
1/3/1

B63-10st 2

Ron

FVI

