

ADA COUNTY HISTORIC RESOURCES: A RECONNAISSANCE SURVEY

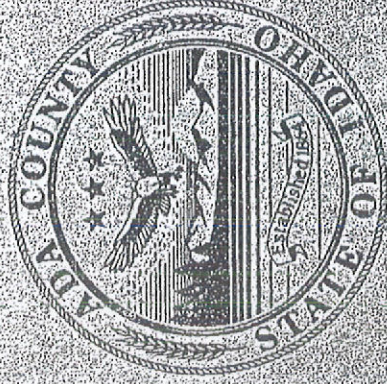


PREPARED BY BERLINDA DAVIS/BARBARA PERRY BAUER, CONSULTANTS
AND THE ADA COUNTY DEVELOPMENT SERVICES DEPARTMENT

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



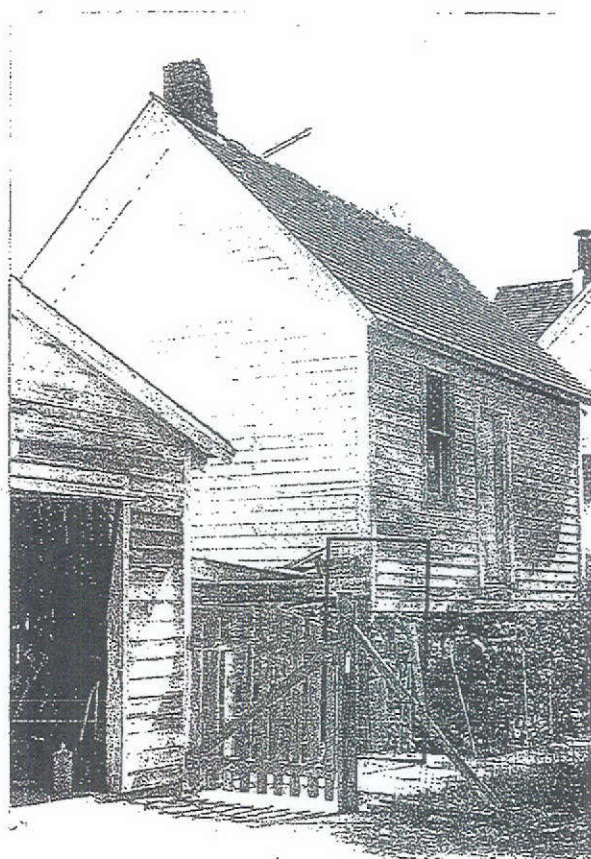
BOARD OF ADA COUNTY COMMISSIONERS

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

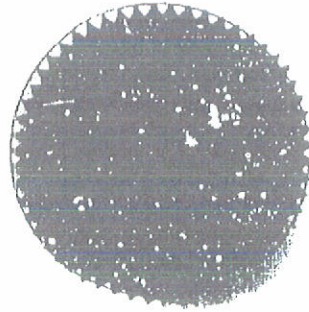
CLARENCE A. PLANTING

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 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 C. Seifer
(Certifying Officer)
WILLIAM C. SEIFER

18/537

The United States of America

To all to whom these presents shall come, I greet you in the Lord.
Homestead Certificate No. 1219.
Applications 1917 and 2722.
I, the General Land Office of the United States, do hereby certify that the
the Register of the Land Office at the above place, has been duly
1100, pursuant to the Act of Congress, approved March 3, 1879,
and the supplemental charter, the charter of the United States, and
established and duly acknowledged, and that the same are hereby
the East half of the South East quarter of the South East quarter of
South East quarter and the South East quarter of the South East
quarter of Section 12 in Township 14 North of Range 10 East of
of these boundaries, India, containing a tract of land, more or less,
according to the official Plat of the Survey of the said quarter
to the General Land Office by the Surveyor General of the
New Mexico, that there is, in the said quarter, a tract of land, more or less,
to the said William Hunt, the said tract of land, more or less,
to have and to hold the said tract of land, more or less,
names thereof, unto the said William Hunt, his heirs and assigns forever;
water rights for mining, agricultural, domestic, and other purposes,
further, and rights to ditch, canal, and other water works,
now exist; such water rights, and other water works, and other
to be held by the local authorities, and other authorities, and other
also subject to its rights, and other rights, and other rights,
tract and removal thereof, and other rights, and other rights,
to penetrate or intersect the same, and other rights, and other rights,
by law. And there is, in the said quarter, a tract of land, more or less,
South East quarter and the South East quarter of the South East
quarter of Section 12 in Township 14 North of Range 10 East of
East of the above described quarter, and other rights, and other rights,
ditches or canals, and other rights, and other rights,
United States.
In testimony whereof, I have hereunto set my hand and the seal of the
United States of America, at Washington, this 12th day of June, 1917.
Patent, and the said William Hunt, his heirs and assigns forever,
affixed.
Witness my hand and the seal of the United States of America, at
Washington, this 12th day of June, 1917.

44. Invested portion of ~~Invested~~

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

, Belding's No. 1019.

Prescribed
Bibliography no. 1019.

Nov. 1862
1870

the person who has been
in the office of the United States Marshal
at New York City.

St. Louis, of the Laws Office at Paris letter, Luchet, written by
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847

... is concerned to the best of human apprehension of
... of natural beauty on the Indian shore

we get independent. First, the claim of McLeary, Fourth, is maintained in conformity to

estimated and had been recommended, we consequently

for 1980 at the second quarter, the third third quarter,

1. The body of the report was prepared by the Board. The Board prepared the report.

side in Township Five North of George
town and side in Township one hundred and eighty

... the principal part of the journey of the said vessel ...

14. The Bureau has offered the following for the Bureau's records.

Nov. 6. 1890. 11:30 am. in, through, granted by the Council.
Thrust the board of Lancaster above it.

... to the west of them. That the water of ...
... have said to him the said land of ...
... at ...

William Grant and to the
said William Grant and to the
said William Grant and to the

and a region of coast; subject to any vested and ~~the~~
and a regional manifestation of

[illegible]

... laws and decisions of co-

I. & G. has the local customs, laws, and manners of the country.

also important to the report of one person that the first and second houses were therefore constructed in the same direction.

1907 and 1908
to include a. interest the premium for 1907
to include a. interest the premium for 1908

by law. As a town is reserved from
the Indians and the North Coast
Indians.

west. Two quarters and
quarters of Jackson. Six in Louisiana. Five in
Louisiana. Five in Louisiana. Five in Louisiana.

(6) act of the Govts. described hereunder.

Aschevi Costa Constantinople
Constantinople

11, n. 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 84

[illegible]

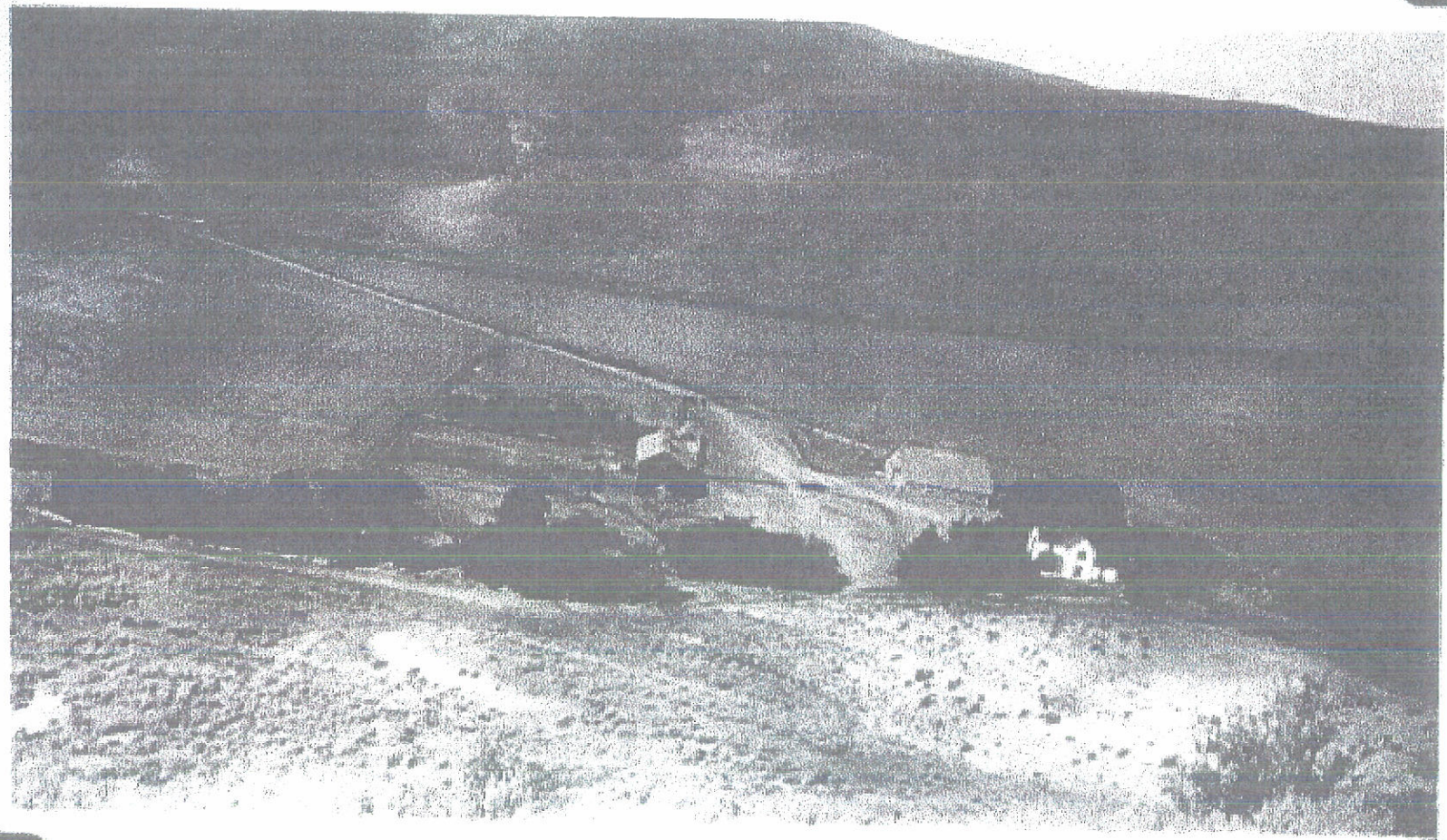
Poland, and the assistance
afforded.

off. called.
Given under my hand
at New York

E. whit-laminate *Bell & Feltg.*



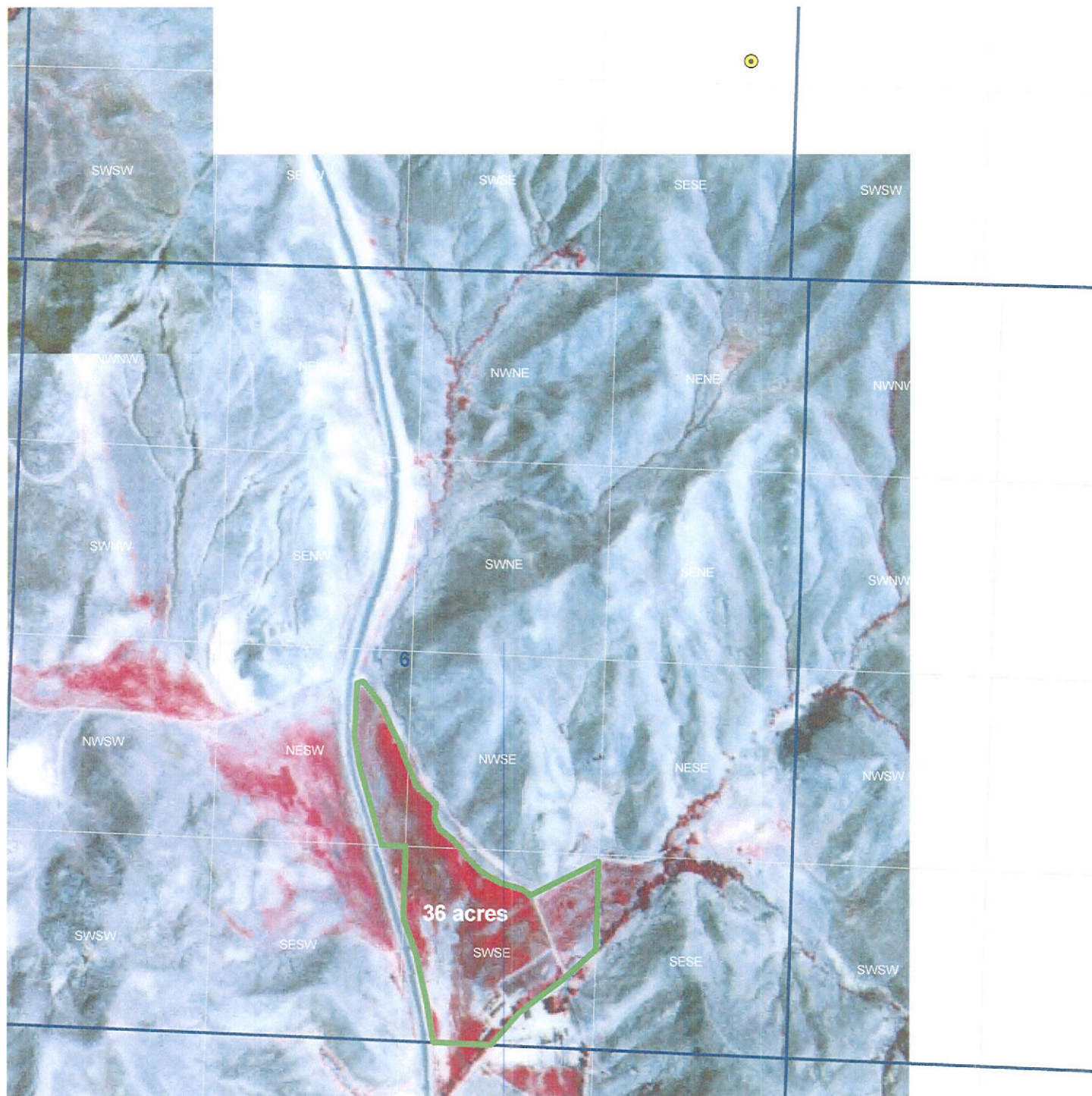




Idaho Department of Water Resources

63-5387

T05N R02E S6



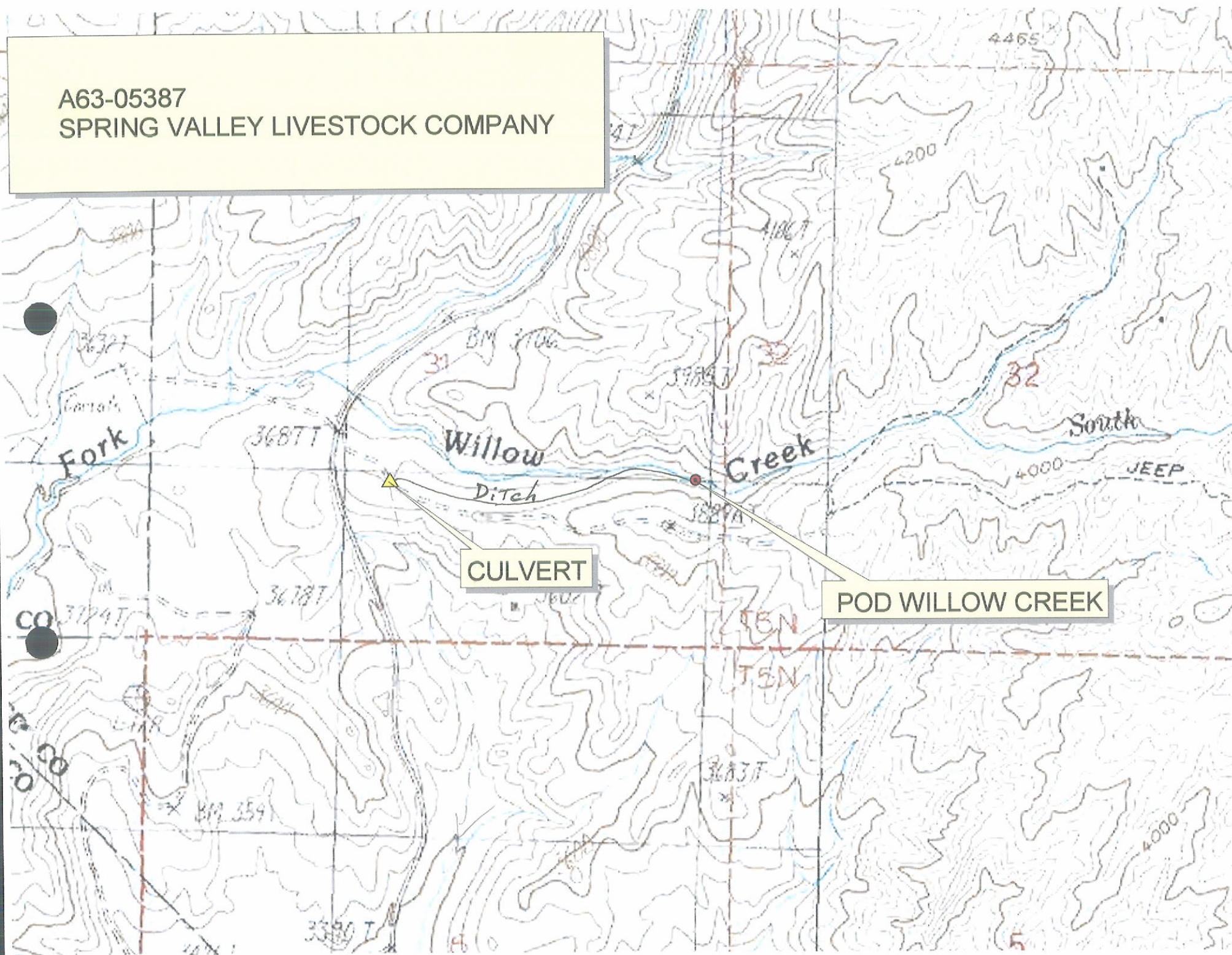
- Point of Diversion
- Place of Use
- Sections
- Quarter Quarter



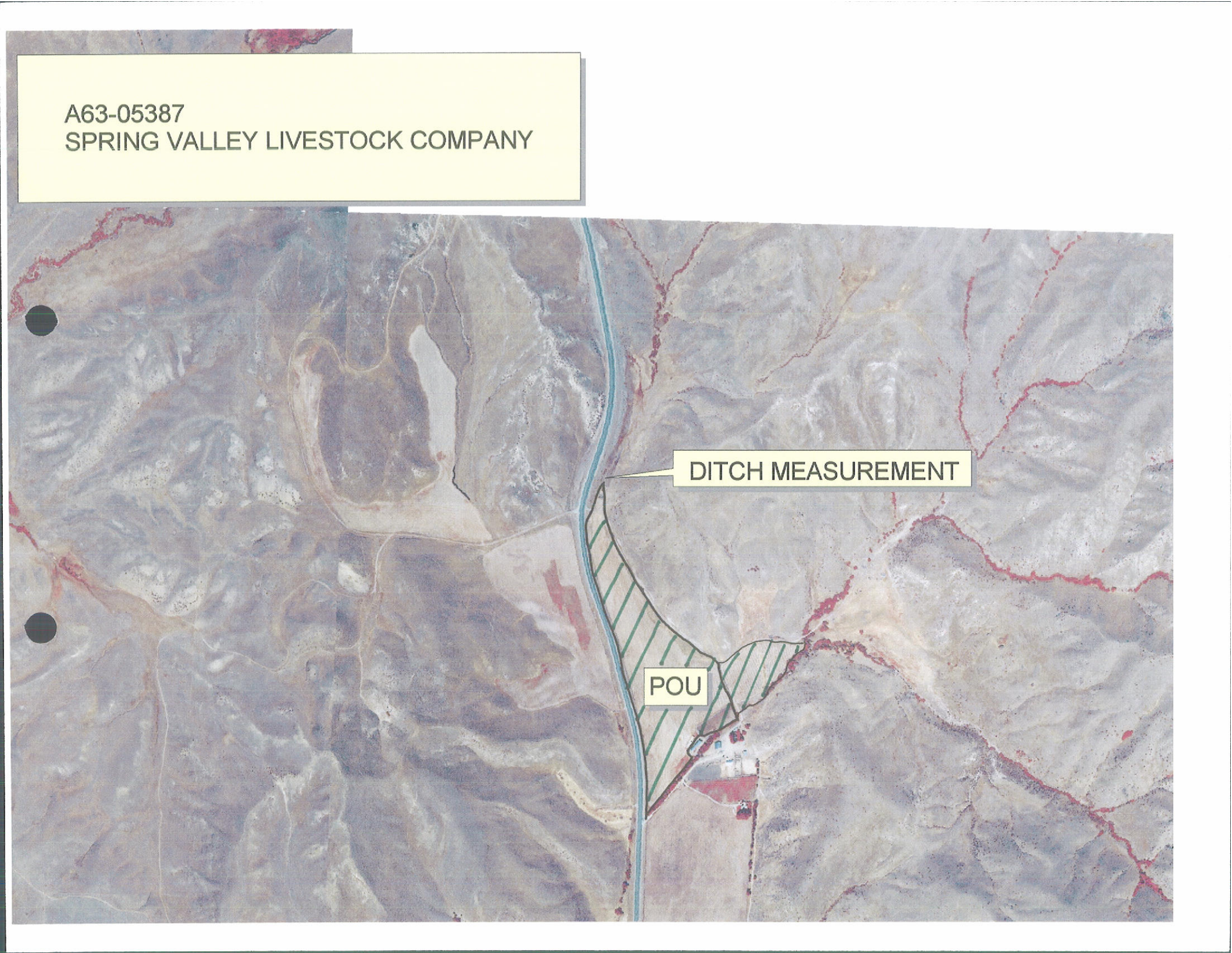
IDWR
Prepared by: Sandy Egbert
Date: 5-18-05
1987 NAPP Photography

600 0 600 1200 1800 2400 Feet

A63-05387
SPRING VALLEY LIVESTOCK COMPANY



A63-05387
SPRING VALLEY LIVESTOCK COMPANY

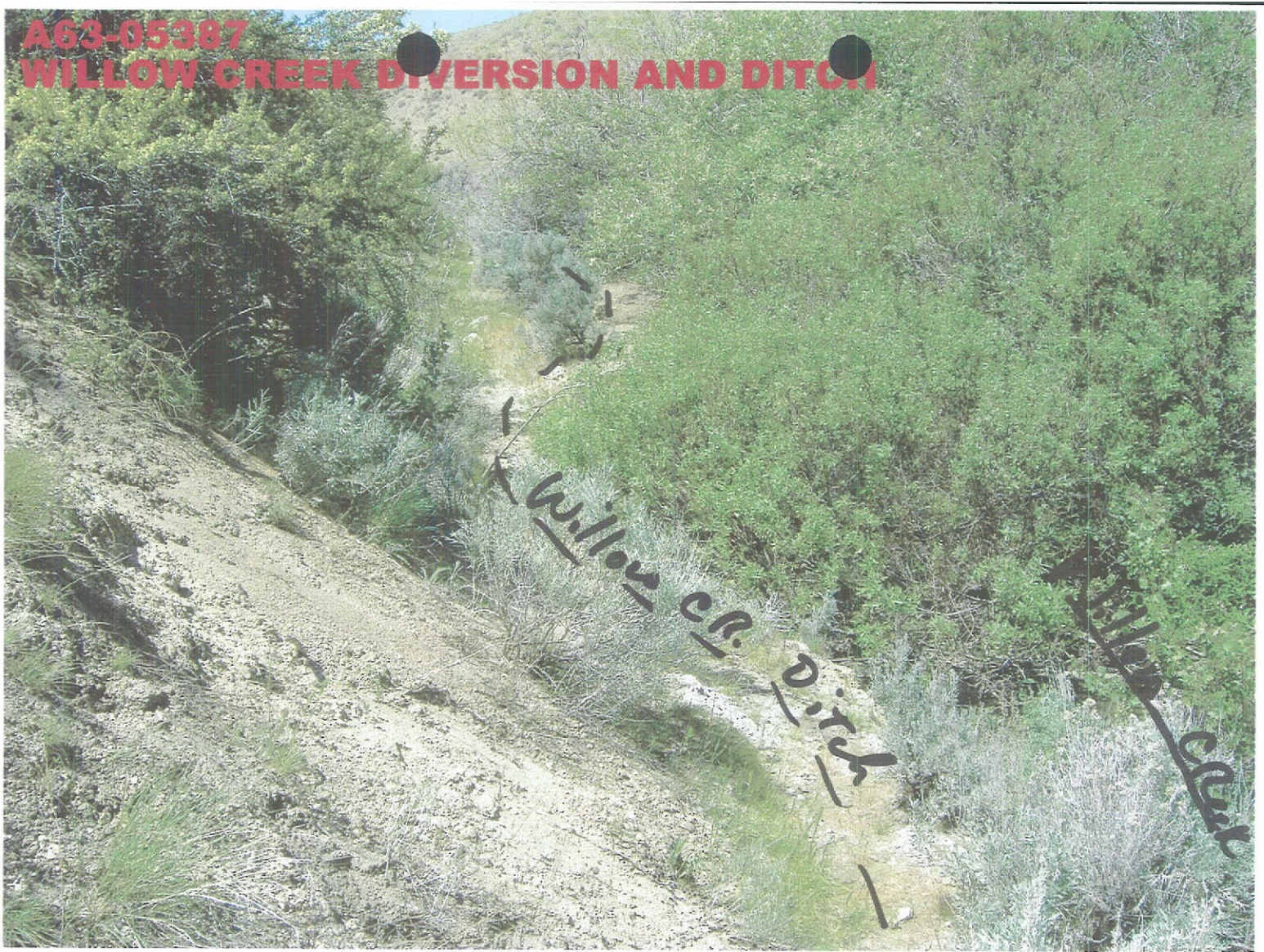
An aerial photograph of a river valley. A blue river flows vertically through the center. To the left of the river is a large, irregularly shaped body of water. To the right of the river, a section of land is highlighted with green diagonal hatching. A yellow label 'DITCH MEASUREMENT' points to the top of this hatched area. Another yellow label 'POU' is placed within the hatched area, near a small building or structure at the bottom. The surrounding landscape is a mix of brown, tan, and grey, with red lines indicating boundaries or features.

DITCH MEASUREMENT

POU

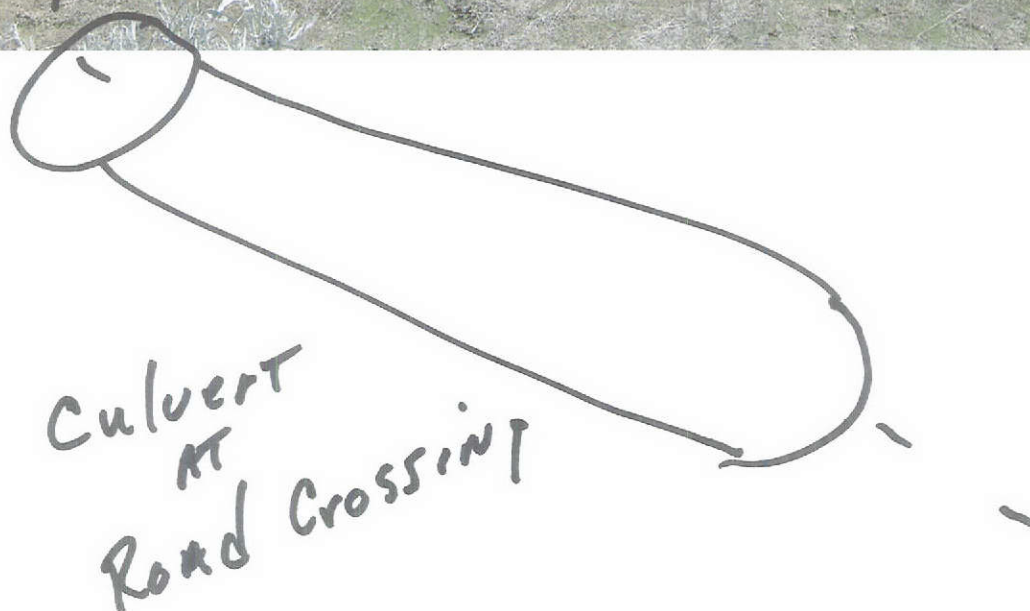
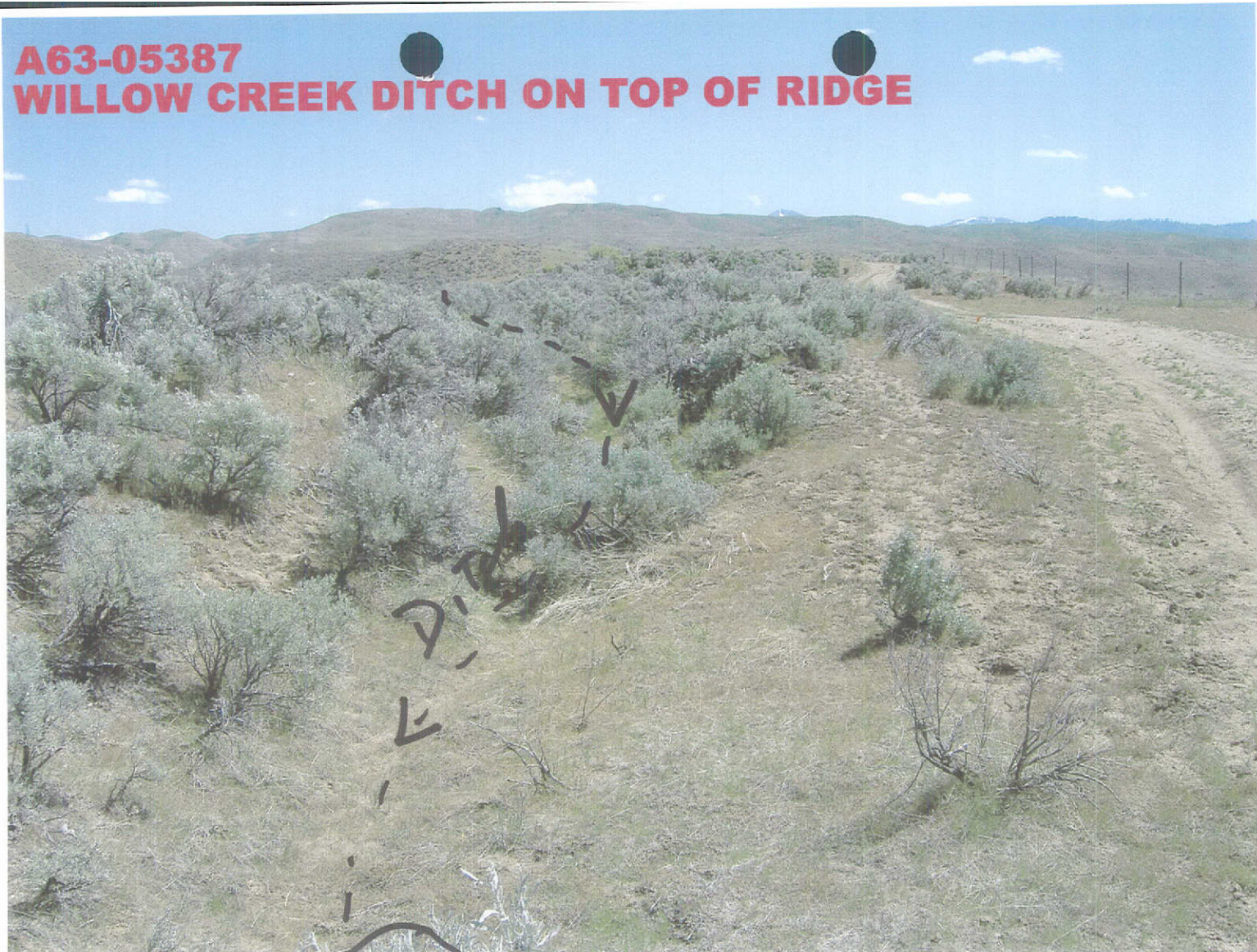
A63-05387

WILLOW CREEK DIVERSION AND DITCH



A63-05387

WILLOW CREEK DITCH ON TOP OF RIDGE



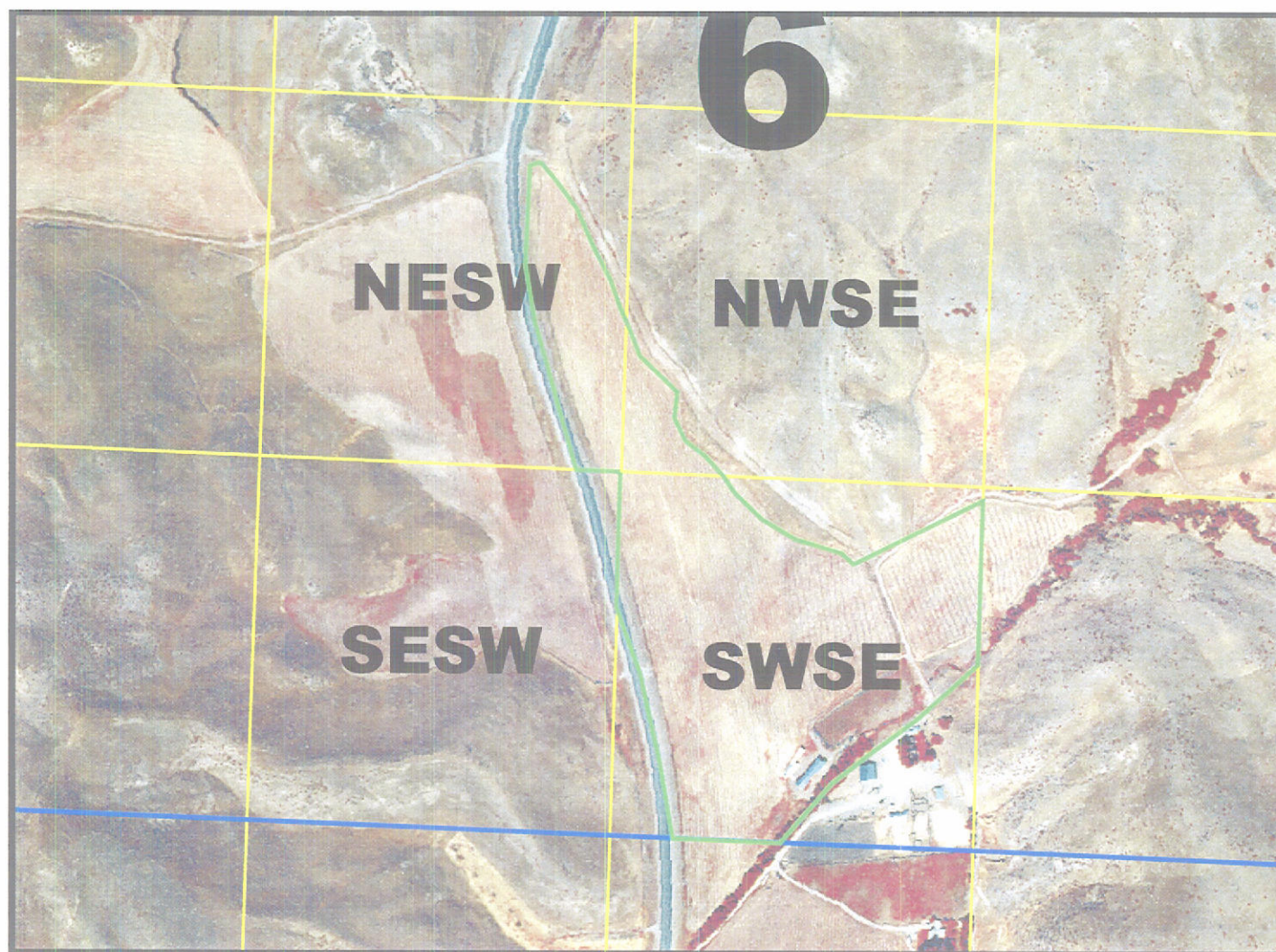
A63-05387

MEASUREMENT OF WILLOW CREEK DITCH





POU location Map 2000 Photography 63-05387



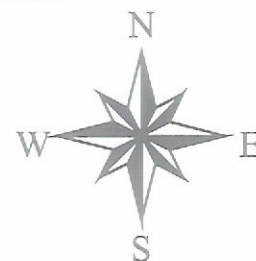
1320

0

1320 Feet

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

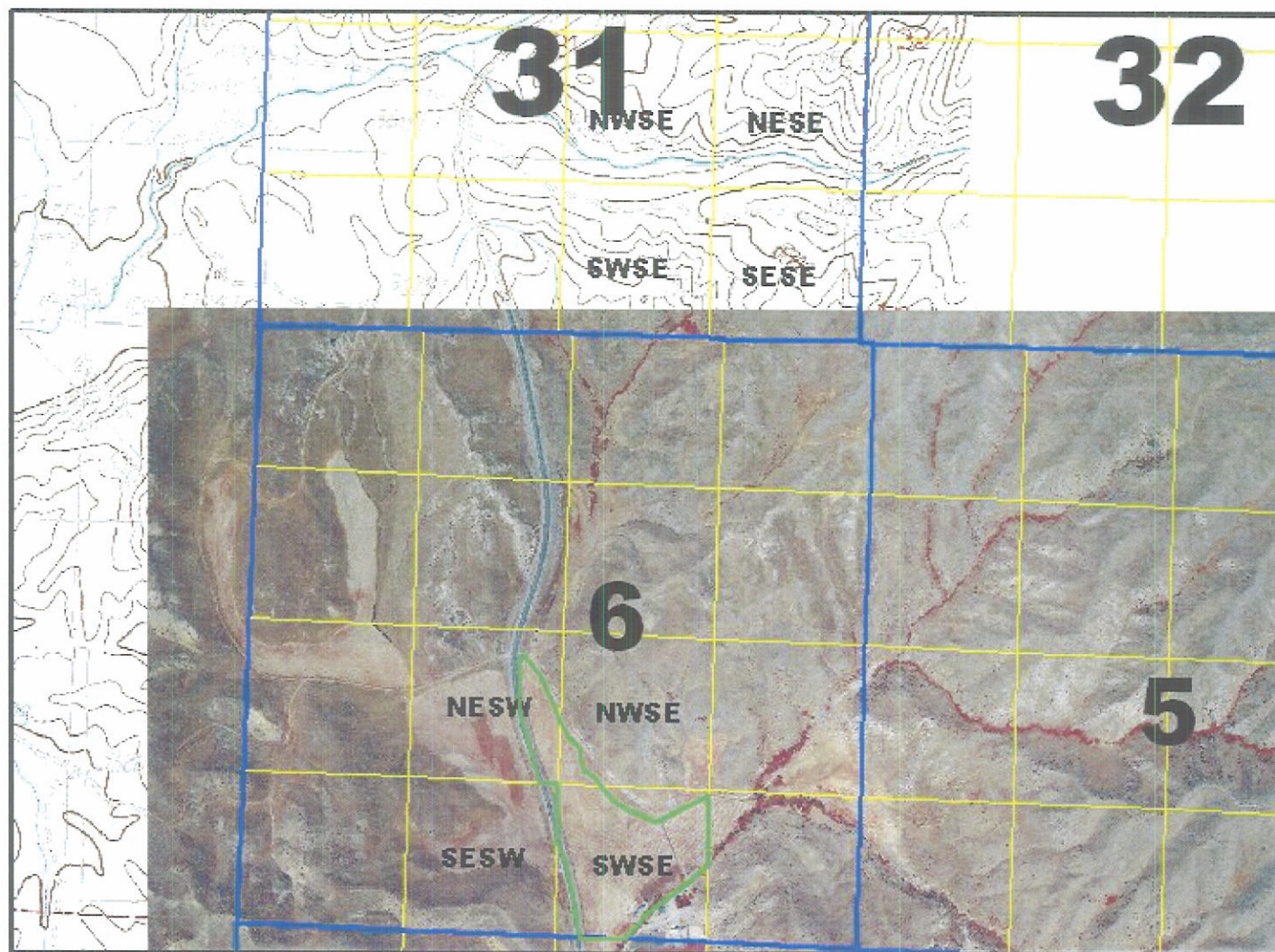
Total claimed Acres: 36.0



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: A63-05387
Date Received: 9/08/1989
Receipt No: C011422
Received By:

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: WILLOW CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	02E	31	SW	SE			BOISE

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	02/01	12/01	1.000		
STOCKWATER	02/01	12/01	0.010		

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

8. Total consumptive use is 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	6	NE	SW		IRR	3.0
			NW	SE		IRR	2.0

A63-05387

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	6	SW	SE		IRR	31.0
Section Acres							36.0
Total Acres							36.0

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____, Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576

Ident. Number

A103-05381

Date Received

9-8-89 *kat*

Receipt Number

C011422

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Spring Valley Livestock Co., Inc Phone (208) 286-7975
Mailing Address P.O. Box 9 Star, Idaho Zip 83669

2. Date of Priority (Only one (1) per claim) 2-1-1880

3. Source of water supply (a) Willow Creek
which is tributary to (b) Boise River

4. a. Location of existing point of diversion is: Township 6N Range 2E Section 31,
SW 1/4 of SE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Ada Boise

Additional points of diversion if any: _____

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

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. ditch

MICROFILMED

AUG 21 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 2-1 to 12-1 amount 1. or _____

For ~~domestic~~ stock purposes from 2-1 to 12-1 amount .01 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.01 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) domestic - 1 household 400 range cattle

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
5N	2E	6									3					2	31		36

Total number of acres irrigated 36

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

12. Do you own the property listed above as place of use? Yes ☒ No ☐

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None ()

14. Remarks:

MICROFILMED

AUG 21 1992

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile

A 16x16 grid of 256 squares. Each square contains a small crosshair pattern consisting of a central dot with four lines extending outwards to the edges of the square. The grid is composed of solid black lines, and the crosshairs are formed by dashed lines.

MICROFILMED

AUG 21 1992

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐

Decree ☐

If applicable provide IDWR Water Right Number 63-05387

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments 1

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Secretary - Treasurer Title _____

of Spring Valley Livestock Co., Inc Organization _____, that I have signed the foregoing

document in the space below as Sec - Treas. Title _____ of Spring Valley Livestock Co., Inc Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Olivia McDowell

Title and Organization Sec Treas Spring Valley L/S Co., Inc Date 9-8-89

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

Subscribed and sworn (or affirmed) before me this 8th day of September 19 89

SEAL

Notary Public Helen Harrison

Residing at Helen Harrison, Notary Public

My Commission Expires December 1, 1994

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

MICROFILMED

AUG 21 1992

Last Name _____ Ident. Number _____

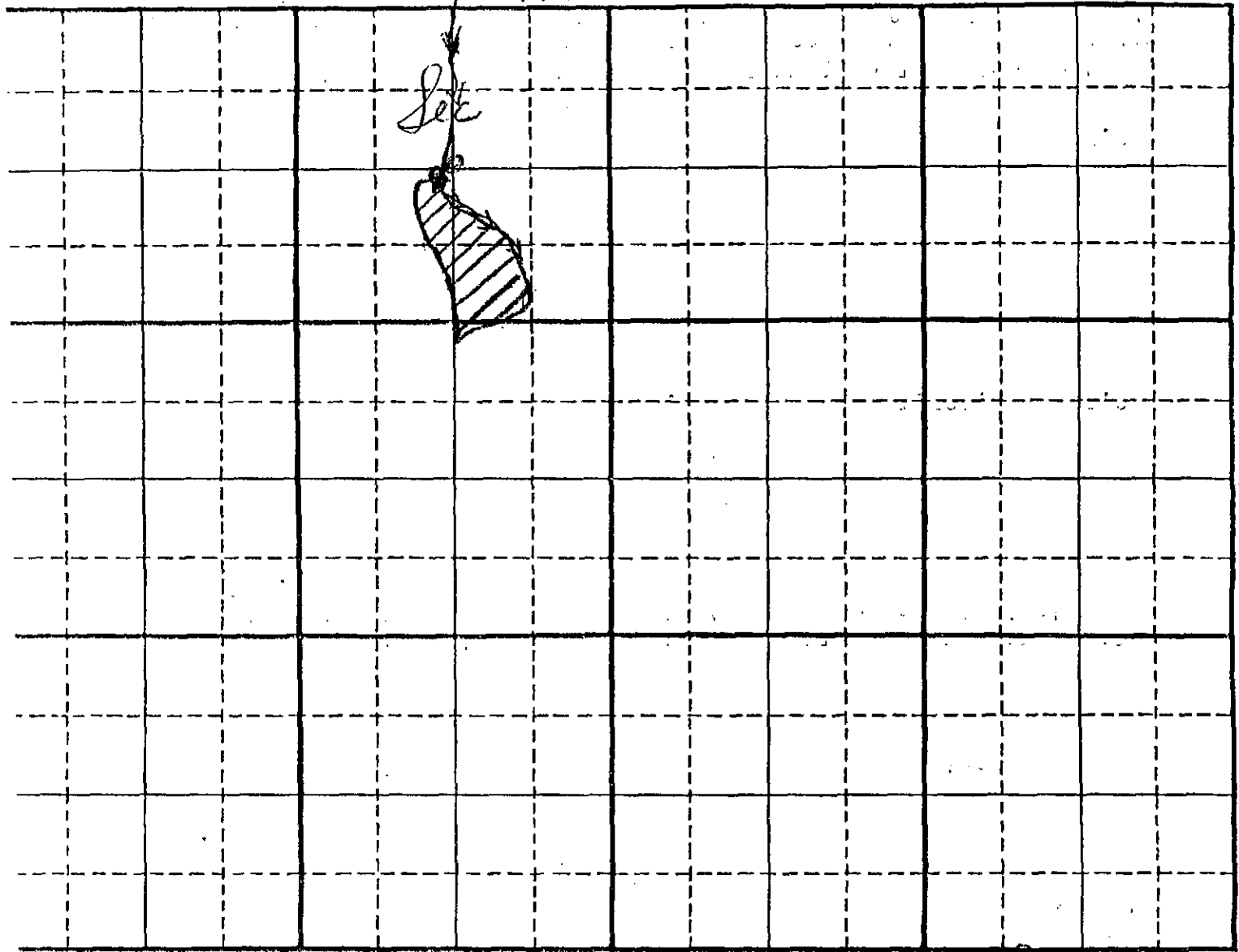
Copies White-State, Yellow-Claimant

Attachment to
AG-3-05387

Remarks

Willow Cr

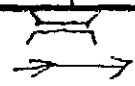
R 2 E



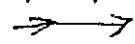
Scale: 2 inches equal 1 mile.



PLACE OF USE



DIVERSION DAM



DITCH



RESERVOIR

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.

MICROFILMED

AUG 21 1992

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
Bolin M. H. P. Pres
(Claimant)

Sworn to before me this 16th day of JULY

1986

FROM Helen Harrington-Monahan

DATE 9-18-89

TO Roberta Garrett

SUBJECT Statutory Claim 63-5387
Incorrect Data Entry.

The above referenced claim was entered into the computer as Irrigation and domestic. The correct uses are irrigation and stockwater.

Helen

SIGNATURE

cc. A63-05387

MICROFILMED

AUG 21 1992

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

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 Idaho 83669
City, State, Zip Code

Boise
County(s) where Place of Use is located

May 19, 1989
Date Claim Originally Due

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

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

Point of diversion is in Ada County and this residence is just across the Ada-Boise County line on the Boise County side. I thought I had to file on point of diversion - not place of use.

Claimant requests an extension to Sept 18, 1989.
We have made an appointment for 9-18-89

Teresa McLeod
Signature

Area Manager Spring Valley Livestock Co., Inc.
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, 1989.

Signed this 16 day of September, 1989.

MICROFILMED

AUG 21 1992

DAVID B. SHAW
Director or his designated agent

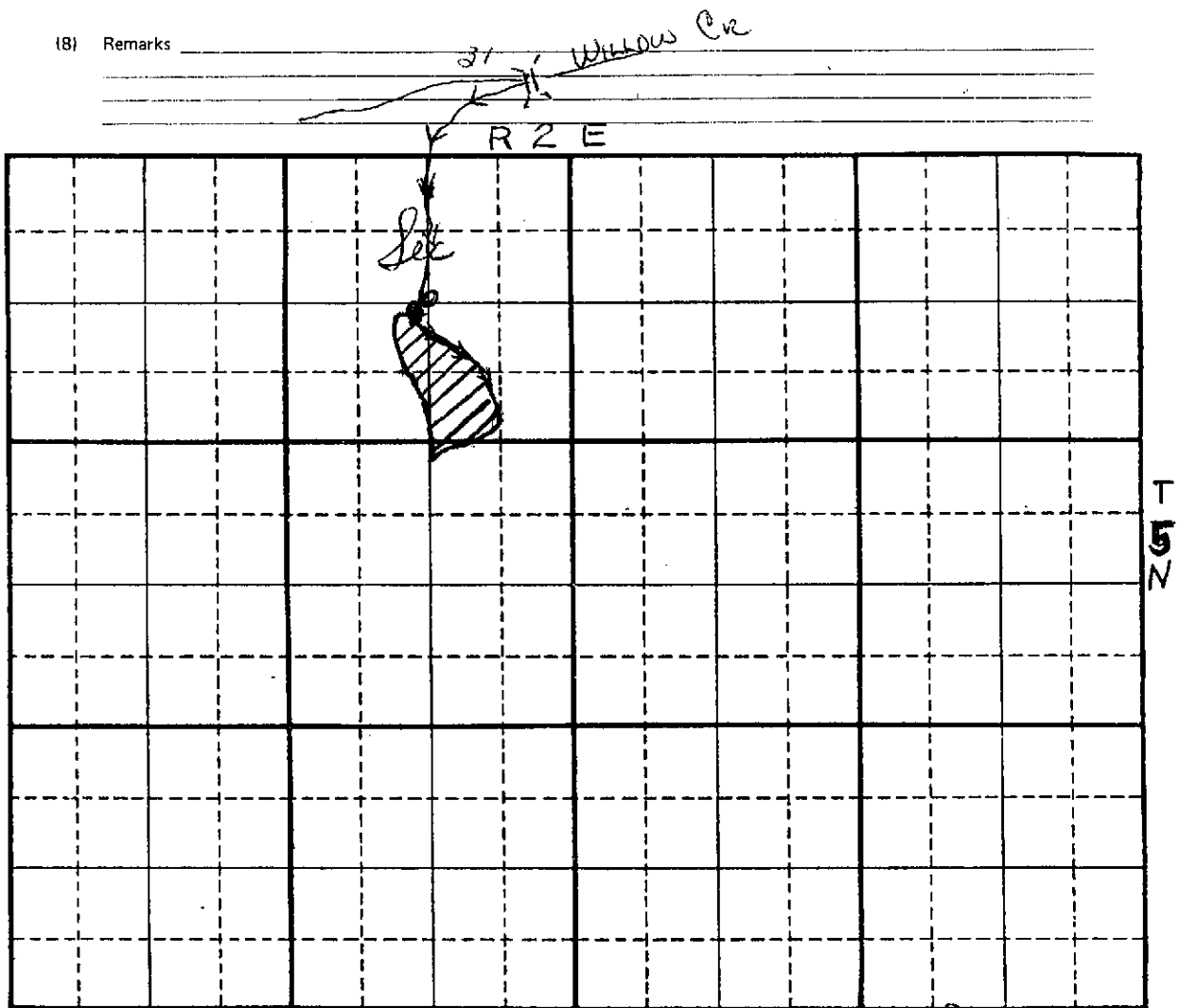
DAVID B. SHAW

RECEIVED

JUL 18 1986

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

(18) Remarks



Scale: 2 inches equal 1 mile.



PLACE OF USE



DIVERSION DAM



DITCH

RESERVOIR

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

ss.

County of

ADA

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. Halper
(Claimant)

Sworn to before me this 16th day of July

1986.

Tom D. Blessinger
Notary Public
Residing at Boise, Ida

My commission expires

3-18-87

7-21-86 FOR DEPARTMENT USE ONLY

Received by

Date

7-18-86

Exception filed by:

Forwarded to

Date

Prelim. check by

Date

7-20-86

claimant by:

\$30.00 fee received by

Date

7-18-86 #33816

Published in The Idaho World

Dates 9/17 & 9/24/86

#200

RECEIVED

APR 24 2006

DEPARTMENT OF
JUDICIAL SERVICES

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 63-5387
(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: 1890
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)

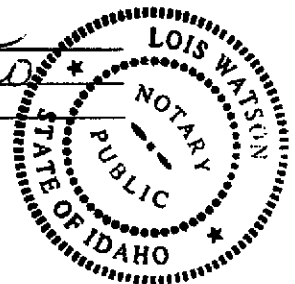
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Albert P. Barker
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 20, 2004

Notary Public for Ada County 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 _____ 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

☒ 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

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.

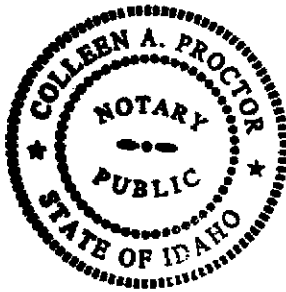


Michael D. Wardle

STATE OF IDAHO)
) ss.
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 24 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

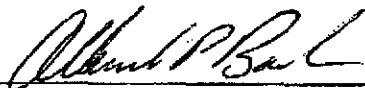
☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email

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



1000000

1000000

1

This Indenture, Made this Fourth day of October
in the year of our Lord one thousand nine hundred and Eighteen between
W. C. Cleveland and Bettie J. Cleveland, husband and wife
John Archabal and Benedicta Archabal, husband and wife

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

McCleod and Hodgson
(Colin McCleod 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 Ada
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 southeast 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
northeast 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 northeast 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 Ada and Boise counties.)

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

Made by S. E. J. M. S. 1

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. C. Cleveland

Nettie J. Cleveland
John Archabal
Benedicta Archabal

SEAL

SEAL

SEAL

SEAL

State of Idaho,

County of Idaho ss.

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

W. C. Cleveland a 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. C. Cleveland

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 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 & 56/100 (\$43,628.56 Dollars,
lawful money of the United States of America, to have in hand paid by the said part of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell and convey unto the said part 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 Ada County 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. is in words and figures following, to wit:

\$ 43628.56

Caldwell, Idaho, November 16, 1911

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

Colin 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 Coin 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 endorsers 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, 1915

P. O. Caldwell, Idaho 8/23 1913 W. J. Hodgson

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

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 Llewellyn Argabright of the County of Ada, Territory of Idaho party of the first part and H. S. 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, does by these presents 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 hereditaments and appurtenances thereto belonging or in any wise appertaining, and the reversion and reversions, 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. Gray.

L. H. Argabright

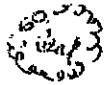
Seal

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. Gray a Notary Public in and for the County of Ada Llewellyn 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 Sewellyn Argabright duly acknowledged to me that he executed the same freely and voluntarily and for the uses 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.



John S. Gray
Notary Public

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

B. S. Brickett
Recorder

The United States of America,

To all to whom these presents shall come, Greeting:

CERTIFICATE

No. 607

Territory

~~Whereas~~ *Llewellyn Argabright of Idaho County Idaho*

has deposited in the General Land Office of the United States a Certificate of the Rights of the Land Office as Possibility Idaho Territory whereby it appears that full payment has been made by the said *Llewellyn Argabright*

according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto for the east half of the north-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 Tract of the said Lands, returned to the General Land Office by the Surveyor General, which said Tract has been purchased by the said *Llewellyn 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 *Llewellyn 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 whatever nature, thereto belonging, unto the said *Llewellyn Argabright*

and to his heirs and assigns forever, subject to any vested and reserved water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and easements 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 mine or hole to extract and remove his ore therefrom, should the same be found to penetrate or intrude the premises hereby granted, as provided by law.

In testimony whereof, *Chester A. Arthur*

President of the

United States of America, has caused these letters to be made Patent, 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 *15th* day of *May*, in the year of our Lord in *thousand eight hundred and eighty-four* and of the Independence of the United States *one hundred and eighth*

BY THE PRESIDENT: *Chester A. Arthur*

Wm. H. Crook
S. W. Clark

Secretary

Recorder of the General Land Office

CERTIFIED

No. 607

has deposited

Act of the

according

with the

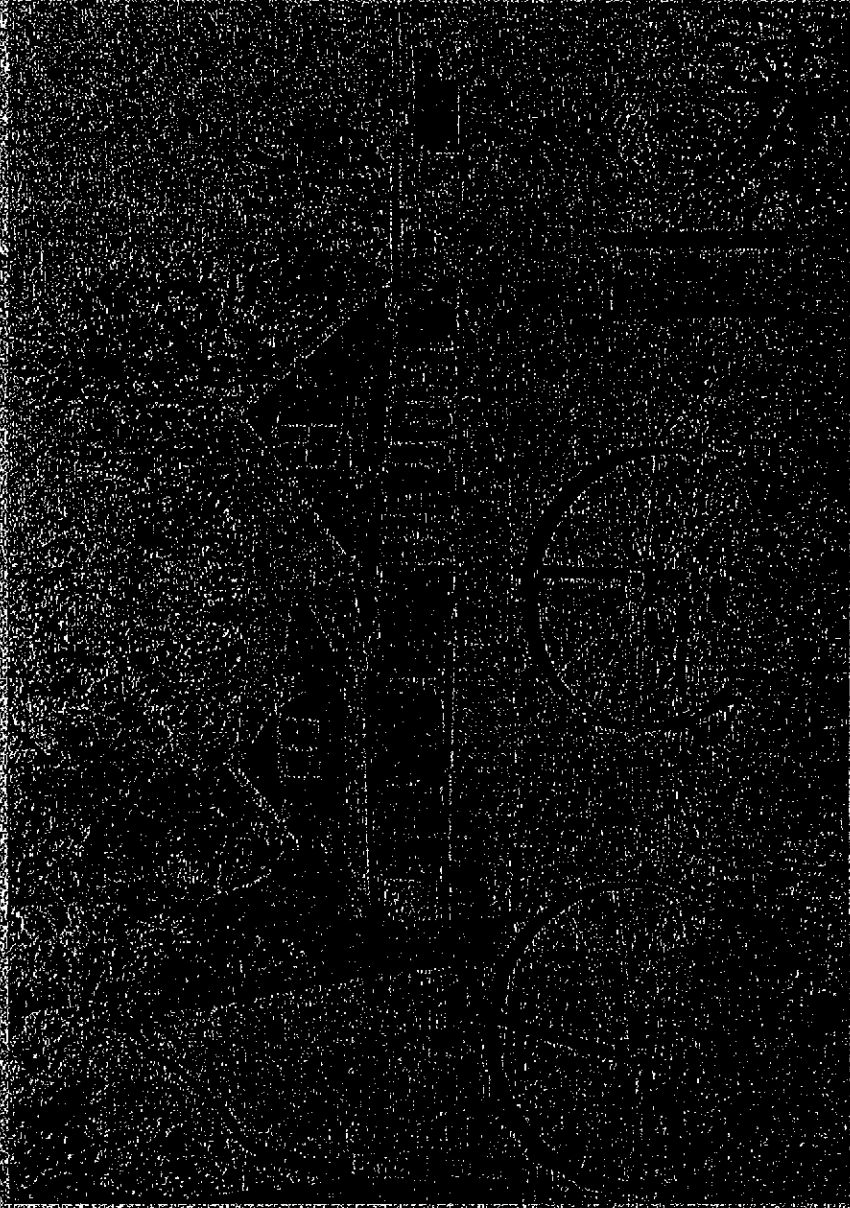
and to

vested an

SECRET

Q1

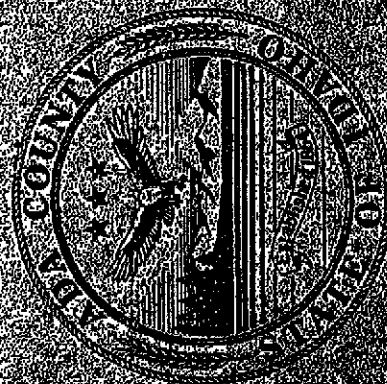
ADA COUNTY HISTORIC RESOURCES: A RECONNAISSANCE SURVEY



PREPARED BY ROBERT DAVIS/BARRAGE, FERRY, PARK, CONSERVATION
AND THE ADA COUNTY DEVELOPMENT SERVICE CENTER

FOR THE ADA COUNTY HISTORIC PRESERVATION COUNCIL

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



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).

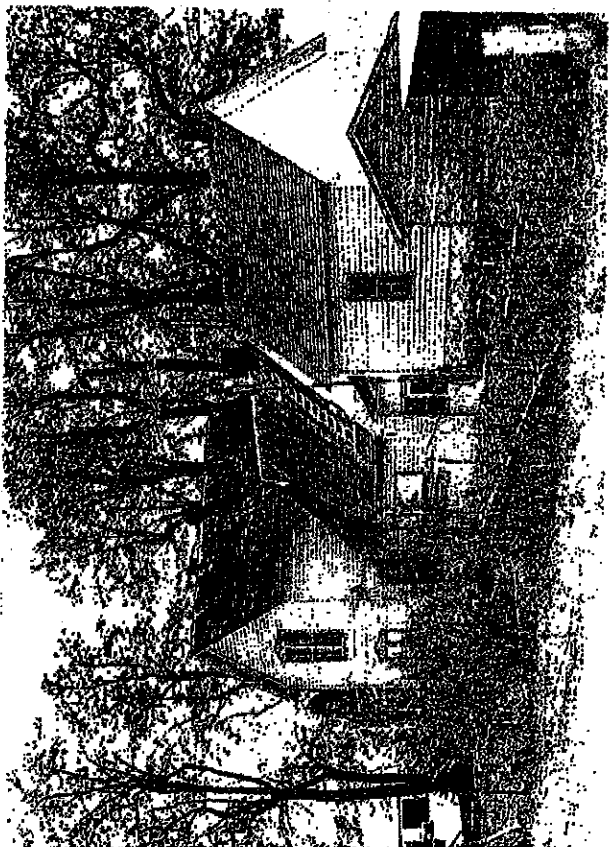
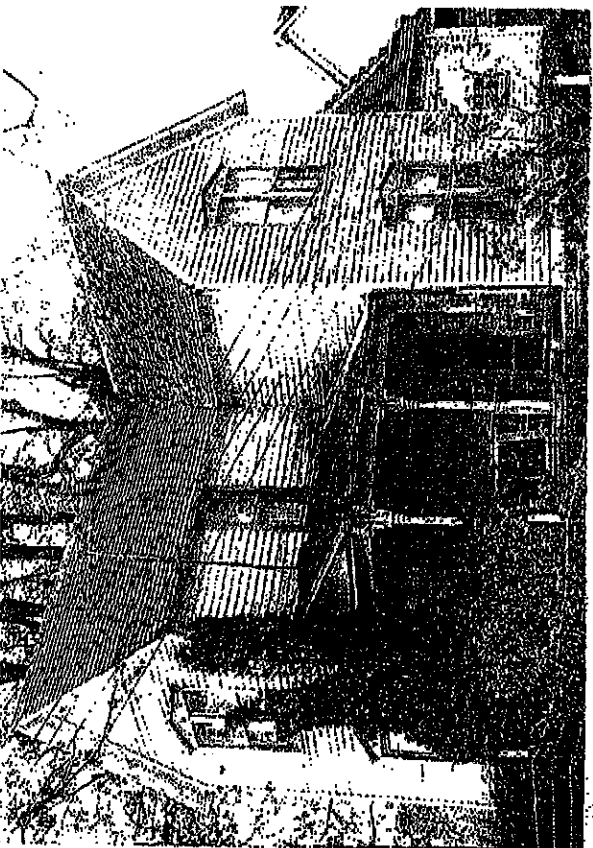
The Spring Valley Ranch (Field No.'s 32-34) area located on the northern edge of the county apparently was a thriving community (once known as Howell) boasting a general store, blacksmith shop and post office. Remnants of an old road which extended to Pearl are still visible to the east of the main house. 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.

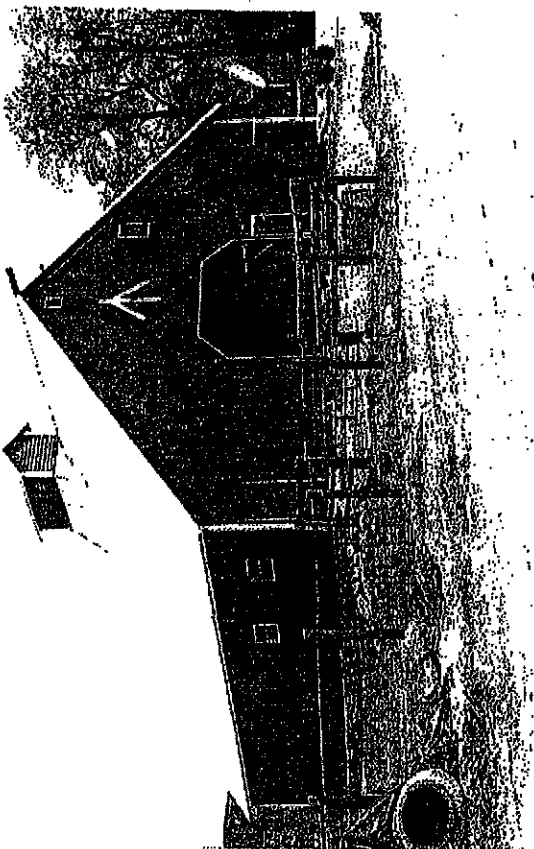
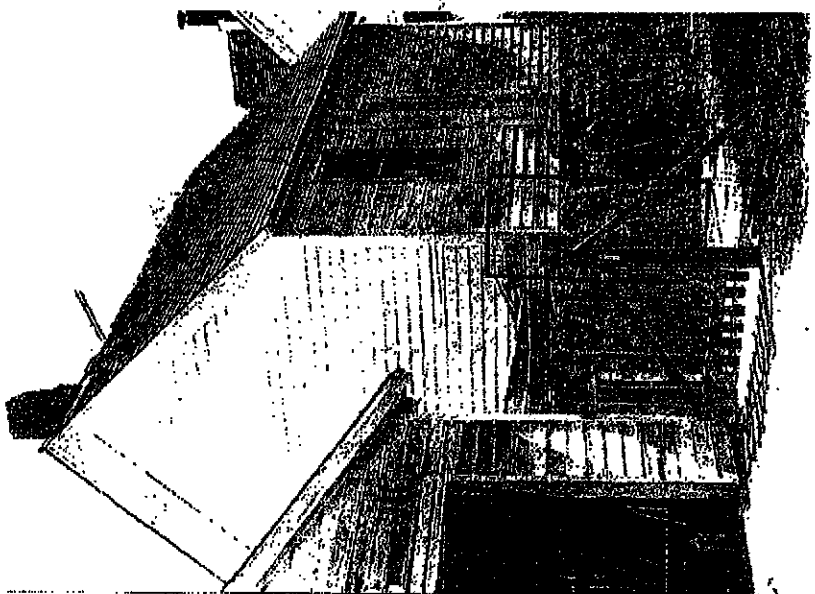
The aforementioned areas, in addition to others not mentioned here, do have potential historical value and could best be approached by first researching documents to determine what types of sites are likely to occur and following up with a pedestrian survey.

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. Turnball 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.

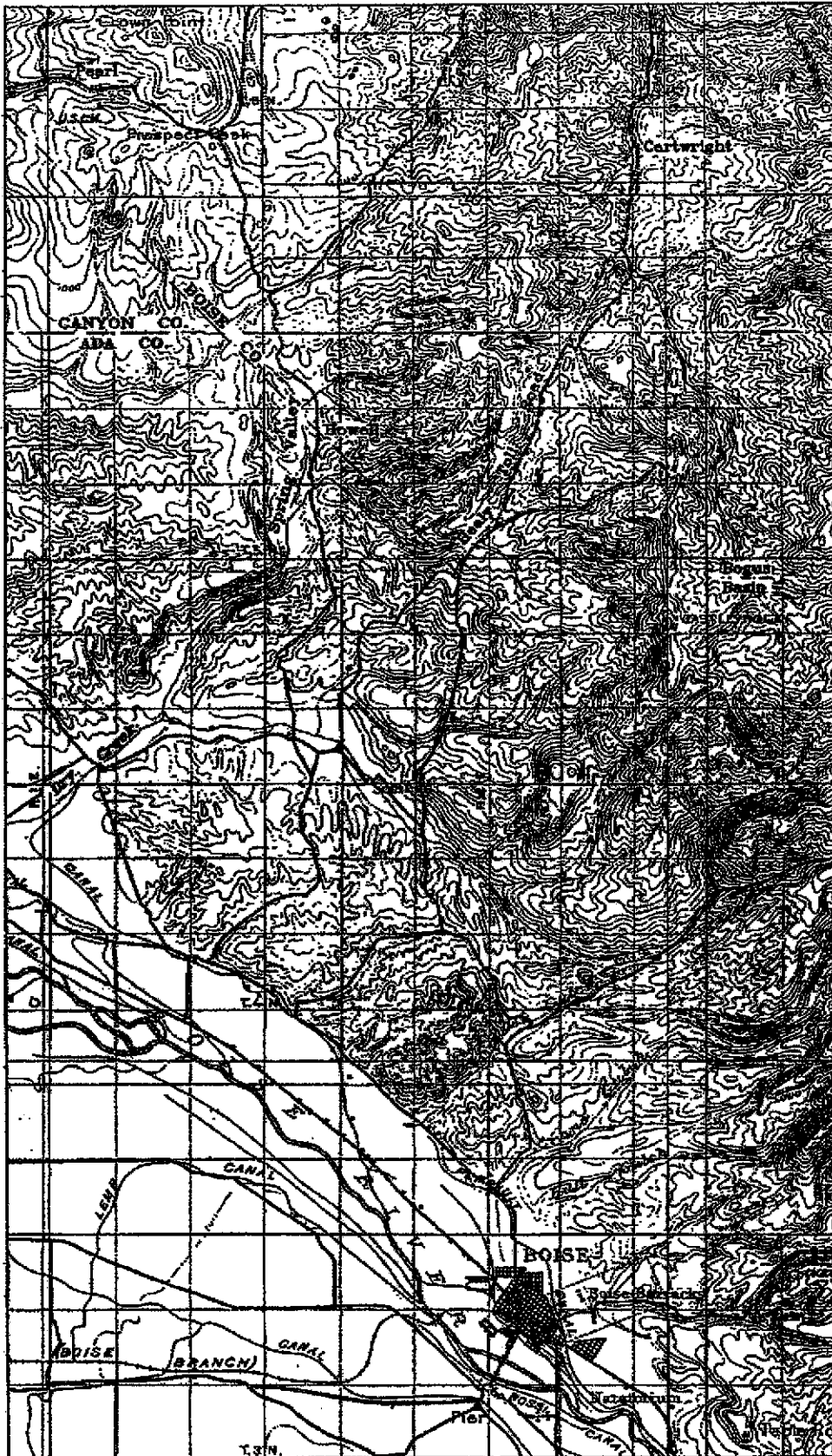
The consultants recommend that the eleven sites mentioned above should undergo further research in order to more fully document their historic significance in terms of the National Register criteria.

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.





W1



AVIMOR™



Not To Scale
Figure 4

SOURCE: IDAHO STATE HISTORICAL LIBRARY

A SunCor Planned Community

USGS Map of 1897

17

Elizabeth This Indenture, made the 23^d day of April in the year of our Lord
 William Long one thousand eight hundred and eighty nine Between Elizabeth Argabright
 William Long and Belle Argabright the wife of Spring Valley Colorado
 Territory and the first part and George W. Williams of same County and Territory
 the parties of the second part Witnesseth That the said parties of the first part found
 in consideration of the sum of Eight Hundred dollars lawful 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, do by these
 presents grant bargain sell convey and confirm unto the the said
 parties of the second part, and to their heirs and assigns forever all that
 piece and parcel of land situate and being in the County of Adams
 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. And do give
 unto and 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 against all and every
 person and persons whomsoever, lawfully claiming or to claim
 the same, shall and will warrant and by these presents forever defend
 In Witness Whereof, the said parties of the first part have here-
 unto set their hands and made the day and year first above written
 signed sealed, and delivered in the Presence of S. B. Brown
 Oliver Thurman

Elizabeth Argabright
 Belle Argabright

Territory of Idaho }
 County of Ada } On this 23rd day of April in the
 year one thousand eight hundred and eighty one before me, J. B.
 Mason County Recorder, in and for said County of Ada personally
 appeared Ellwell Argabright personally known 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 Act, 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, this day and year last above written.

J. B. Mason

County Recorder.

Recorded at request of S. W. Williams Apr. 24th 1889 at 10 A. M.

J. B. Mason

Recorder

5

That Charles W. Hildeman, His said son, the said day of September in the year
 1880, to our Lord one thousand eight hundred and ninety, between
 the said Charles W. Hildeman and Phoebe Hildeman, his wife of Ada County, Idaho,
 parties of the first part, and William Howell, Sanford W. East
 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 and 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
 their 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 Eleven, and the Southwest quarter of the Southeast
 quarter of Section Six in Township five North of Range ten East of
 Tenth Meridian, situate, lying and being in Ada and Blaine 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 farm or domestic purposes.
 Together with all and singular the tenements, hereditaments and
 appurtenances thereto 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 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 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 whatsoever,
 lawfully claiming or to claim the same shall and will

286

9 436

man and by these presents forever defend
 On 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. Graham) Peter 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 Peter Hunt, his wife, known to me to be the persons whose names
 are subscribed to the within instrument, and acknowledged to me that
 they executed the same, and the said Peter 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, On Witness Whereof
 I have hereunto set my hand and official seal on the day
 of and year in this certificate above written

Chas. A. Clark
 Notary Public

Recorded at request of Wm. Howell Sept 13th 1890 at 10 min past 4 O'Clock

F. D. Mann
 Recorder

Hanshead and
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 24th May, 1862, To secure Hansheads to certain claims 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 Northwest quarter of Section Seven and the Southeast quarter of the Southeast quarter of Section Eight in Township Nine 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, Grover Cleveland, President of the United States of America, has 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.

By the Assistant Grover Cleveland
By M. McKean

Secretary

(Recorded, Vol. 1 Page 412) E. W. Clark, Recorder of the General Land Office
Recorded at request of Wm. Howell Sept 13th 1870 at 30 min past 4 P. M.,

E. W. Clark
Recorder

9

#1

OFFICE

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Idaho Land Office

Boise, Idaho

June 5, 1969

JUN 10 1969

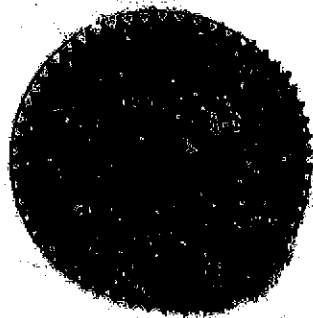
CLARENCE A. FLEMING

RECEIVED

Wm. G. Reiter
120 West

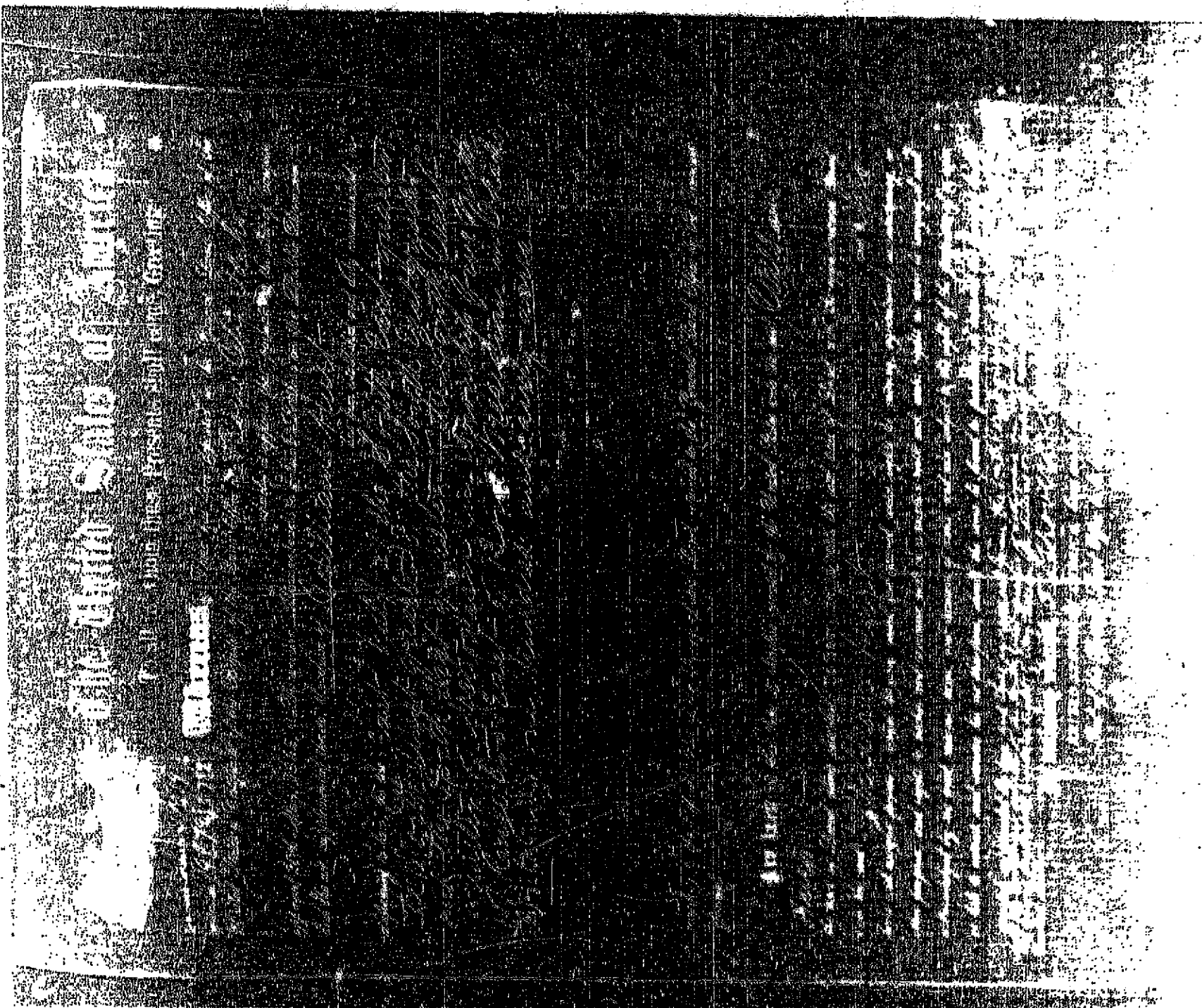
I HEREBY CERTIFY That the annexed copy of patent is a true and literal transcription of the record which is in my custody in this Office.

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



D

William G. Reiter
William G. Reiter
Commissioner, Idaho Land Office



18/337

Phil. Smith

To all to whom these

Norman's Antiquities No. 1009

Applications 1917 and 1922

in the San Jose Land Office of the

The Director of the Land Office of the

1917, the present to be left of the

... .. to be left of the

the to be left of the

... .. to be left of the

... .. to be left of the

... .. to be left of the

... .. to be left of the

... .. to be left of the

... .. to be left of the

... .. to be left of the

... .. to be left of the

... .. to be left of the

... .. to be left of the

... .. to be left of the

... .. to be left of the

... .. to be left of the

... .. to be left of the

... .. to be left of the

... .. to be left of the

... .. to be left of the

... .. to be left of the

... .. to be left of the

... .. to be left of the

... .. to be left of the

... .. to be left of the

... .. to be left of the

... .. to be left of the

... .. to be left of the

... .. to be left of the

... .. to be left of the

H

254

FILED EFFECTIVE

ARTICLES OF AMENDMENT TO ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

RECEIVED -7 APR 13:57

(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
CR: 14659 CT: 176891 RI: 941697
1 P 30.00 = 30.00 ORGAN CHEN 1 2
1 P 20.00 = 20.00 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

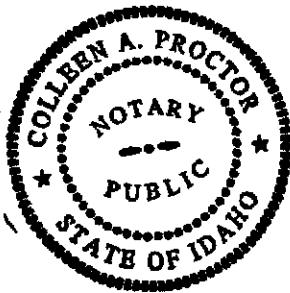
STATE OF IDAHO)

County of Ada)

) ss.

On this 20th 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 A. Proctor
NOTARY PUBLIC FOR IDAHO
Residing at: Balsie, Idaho
My commission expires: 8-15-09

CERTIFICATE OF SERVICE

I hereby certify that on the 22 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

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-274

WATER RIGHT NUMBER: 63-274

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CHARLES JURRIES
	, ZZ
Current Owner	PIONEER DIXIE DITCH CO
	, ID

Priority Date: 07/09/1914

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ 0 to / 0	20.900 CFS	
IRRIGATION	/ 0 to / 0	0.340 CFS	
	<u>Total Diversion:</u>	20.900 CFS	

Location of Point(s) of Diversion

BOISE RIVER	SE1/4SE1/4	Sec. 16, Twp 05N, Rge 05W, 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	
04N	03W	7											X	X					
													L 6	L 7					
04N	03W	17									X	X	X	X					
											L 7	L 6							
04N	03W	19	X	X	X	X	X	X	X	X									
04N	03W	20						X	X										
05N	05W	9											X						

Page 2

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-274

Conditions of Approval:

1. ALL LAND SOUTH OF BOISE RIVER.

Remarks:

Comments:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-30136 V1

WATER RIGHT NUMBER: 63-30136 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STEPHANIE A MAULIN 1727 TROUT RD EAGLE, ID 83616 (208)939-8374
Current Owner	JACK D MAULIN 2050 ARTESIAN RD EAGLE, ID 83616 (208)939-0447

Priority Date: 06/01/1872

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.660 CFS	141.80 AF
	<u>Total Diversion:</u>	0.660 CFS	141.80 AF

Location of Point(s) of Diversion

BOISE RIVER	NE1/4NE1/4	Sec. 24, Twp 04N, Rge 01W, 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	
04N	01W	13												1.5					1.5
04N	01W	24					29.5		.5										30.0
							L 3												

Total Acres: 31.5

Conditions of Approval:

1. J01 Property is also known as Par #0432 of Lot 25 R/S 1957, Lot 30 R/S 1957, Par A of Lots 31 & 32, Par #1050 of Lot 32, and Par #1060 of Lots 31-32; Stein's 2nd Subdivision.
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.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4493

WATER RIGHT NUMBER: 63-4493

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FERN L KLEIN PO BOX 2432 NYSSA, OR 97913 (208)674-2067
Current Owner	KENNETH W KLEIN PO BOX 2432 NYSSA, OR 97913 (208)674-2067

Priority Date: 02/10/1973

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.060 CFS	
	<u>Total Diversion:</u>	0.060 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4NW1/4SW1/4	Sec. 8,	Twp 06N,	Rge 05W, B.M.
CANYON County				

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	05W	8																	
												X							

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. PARCEL NO. IR 39318-000-0
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4493

Remarks:

Comments:

1. CORR2 2/10/1997 COPIED FROM REMARKS

Comment: DIV. RATE=25 GPM. BODY SHOP WATER USE IS INCLUDED IN DOMESTIC DEFINITION PER ADJUD.

MEMO #4. SEE A63-20975 FOR MAP.

Dates and Other Information:

Licensed Date:

Decreed Date: 12/30/1999

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number: 39576

Judicial District: FIFTH

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

A63-4532 Field Exam Request:
Town Ranch, LP

Contact:

04/25/2006

According to 2005 Canyon County tax lot information, the current owner is: **Town Ranch, LP**. The Secretary of State's website lists the Registered Agent as: **Calvin D. Low**. Unfortunately, the phone book does not list a Calvin D. Low. After numerous attempts to locate an associated name, I am unable to find an individual that you can contact to conduct a field investigation. Therefore, I can only suggest that you visit the sight and see if anyone is around. There appears to be 2 buildings on the property (see enclosed 2004 aerial photo). A *Real Property Inquiry* states that they are "farm outbuildings with no residence."

Property Address:

17575 Hwy. 20-26
Caldwell

Requests:

*Please verify **all of the elements** of this right.

In addition, please verify:

- Verify that the source is an **unnamed drain**.
- GPS the location of the **point of diversion**.
- Is **any Irrigation District** water used to supplement this right?
- **IMPORTANT:** There are only a total of **41.8**, not **45.0** acres (as claimed), **acres** associated with this parcel of property. Therefore, the recommended amount of acres will probably be less than the claimed 45.0.
- **1987 Aerial Photo:** Please draw the **irrigated acres** that were irrigated from the unnamed drain in 1987 on the enclosed **1987 aerial photograph**. Draw the **diversion works** on the 1987 aerial photo also; along with the **point of diversion**.
- **Capacity of System:** Calculate the capacity of the system. Verify that the claimed **0.9 cfs** is possible/applicable.

Kimberly Brown
Sr. Water Resource Agent
IDWR - Western Region

A63-4532 Field Exam Request:
Town Ranch, LP

Contact:

04/25/2006

According to 2005 Canyon County tax lot information, the current owner is: **Town Ranch, LP**. The Secretary of State's website lists the Registered Agent as: **Calvin D. Low**. Unfortunately, the phone book does not list a Calvin D. Low. After numerous attempts to locate an associated name, I am unable to find an individual that you can contact to conduct a field investigation. Therefore, I can only suggest that you visit the sight and see if anyone is around. There appears to be 2 buildings on the property (see enclosed 2004 aerial photo). A *Real Property Inquiry* states that they are "farm outbuildings with no residence."

Property Address:

17575 Hwy. 20-26
Caldwell

Requests:

*Please verify **all of the elements** of this right.

In addition, please verify:

- Verify that the source is an **unnamed drain**.
- GPS the location of the **point of diversion**.
- Is **any Irrigation District** water used to supplement this right?
- **IMPORTANT:** There are only a total of **41.8**, not **45.0** acres (as claimed), **acres** associated with this parcel of property. Therefore, the recommended amount of acres will probably be less than the claimed 45.0.
- **1987 Aerial Photo:** Please draw the **irrigated acres** that were irrigated from the unnamed drain in 1987 on the enclosed **1987 aerial photograph**. Draw the **diversion works** on the 1987 aerial photo also; along with the **point of diversion**.
- **Capacity of System:** Calculate the capacity of the system. Verify that the claimed **0.9 cfs** is possible/applicable.

Kimberly Brown
Sr. Water Resource Agent
IDWR - Western Region

Westra, John

From: Keen, Shelley
Sent: Friday, April 21, 2006 3:51 PM
To: Westra, John; Swank, Lyle; Merritt, Allen; Haynes, Bob; Franklin, Keith; Warner, Roger; Lester, Steve; Spackman, Gary; Peppersack, Jeff; Retelle, Erin; Graham, Bill; Case, Morgan; Scheidt, Nicholas; Brown, Roxanne; Cindy Robertson (E-mail); 'marti.bridges@deq.idaho.gov'
Subject: Applications for Permit in Salmon and Clearwater Basins -- Interim Guidance

Yesterday the committee reviewing the procedure for processing applications for new water rights in the Salmon and Clearwater River basins agreed on interim guidelines that IDWR can implement right away. Applications are to be divided into four categories as follows:

- Category 1 -- Applications filed before November of 2005 and the applicant has not notified IDWR in writing that he or she wants to proceed with the application. IDWR should void applications in this category unless there are extenuating circumstances.
- Category 2 -- Applications for surface or ground water use meeting the definitions of "domestic use" in Idaho Code Section 42-111 and applications for community wells where the water use on each dwelling lot will meet the definition of "domestic use" in Idaho Code Section 42-111. Applications in this group, with the exception of Basin 74 applications, should be advertised and processed according to IDWR's customary routine.
- Category 3 -- Applications for uses other than domestic and stockwater purposes that have already been advertised. The review committee wants to review these applications, even if they have been protested. The committee will meet early in May to establish its review procedures and to get started. IDWR requests that the application for Anthony Chai (85-15653) be expedited.
- Category 4 -- Applications not in Category 2 that have not been advertised yet. The committee proposes a special processing procedure for these applications. The attached PowerPoint file contains a flow chart of the proposed procedure. Essentially, prior to advertising applications in this group, IDWR will require the applicants to provide information relative to the sufficiency of water supply, the local public interest, financial resources, etc., pursuant to Rule 40.05.c. of the Water Appropriation Rules. Information about the local public interest must contain comments from IDFG and IDEQ. When the applicant provides the information, IDWR regional staff will prepare a analysis memo and recommendations working in parallel with state office staff. If the region and state office concur that the recommendation is positive, IDWR will advertise the application. If the recommendation is not positive, IDWR will correspond with the applicant to determine if he or she is determined to proceed. IDWR will void applications if the applicant does not provide the Rule 40.05.c information or if the applicant receives an unfavorable recommendation and decides not to proceed with the application.

In exchange for this departure from IDWR's customary routine, IDFG and IDEQ will commit to a timetable for reviewing the applications and providing comments. The details of the timetable are yet to be established, but the agencies intend to enter into an MOU once they are established. The committee wants to test this procedure on a subset of Category 4 applications before finalizing the process. Each IDWR regional office and IDFG are asked to provide two applications for testing. As discussed yesterday afternoon with IDWR's regional managers, correspondence for the test will be generated by the WR Permits Section in Boise. Please email me the application numbers and then send me the files. Applications 72-16686, 77-7154, and 86-11967 already have been nominated.

The attached spreadsheet lists active Salmon/Clearwater area applications in the water rights database as of 4/21/2006. It is sorted by a field called "Proposed Action" and then by basin and sequence numbers. The entries in the proposed action field correspond to the four categories listed in this email.

If you have any questions as you get started, please call or email. This approach is likely to evolve as we gain more experience, so please provide feedback -- good or bad -- and expect updates from time to time.

Thanks again for your patience.

Shelley Keen
Water Right Permits Section
Idaho Dept. of Water Resources
208-287-4947
shelley.keen@idwr.idaho.gov



B71-86 Apps
04212006.xls



Flowchart.ppt

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-30136 V1

3. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.
4. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
5. This right is designated as Right Nos. 57 and 58 in the Boise River Stewart Decree and Boise River Water Distribution Report.
6. This right is a combination of Water Right Nos. 63-186 & 63-187.

Remarks:

Comments:

1. kbrown 5/18/2005 Point of Diversion

Comment: The POD was originally decreed in the center of the NE 1/4, Sec. 18, T04N, R01E (under 63-186 & 63-187)(diverted through the Hart-Davis Ditch on the north channel of the Boise River) but was changed in 1915 and is now diverted through the Seven Suckers Ditch in the NENE, Sec. 24, T04N, R01W on the south channel of the Boise River.

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-30136 V1

WATER RIGHT NUMBER: 63-30136 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STEPHANIE A MAULIN 1727 TROUT RD EAGLE, ID 83616 (208)939-8374
Current Owner	JACK D MAULIN 2050 ARTESIAN RD EAGLE, ID 83616 (208)939-0447

Priority Date: 06/01/1872

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.660 CFS	141.80 AF
	<u>Total Diversion:</u>	0.660 CFS	141.80 AF

Location of Point(s) of Diversion

BOISE RIVER	NE1/4NE1/4	Sec. 24, Twp 04N, Rge 01W, 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	
04N	01W	13												1.5					1.5
04N	01W	24					29.5			.5									30.0
							L 3												

Total Acres: 31.5

Conditions of Approval:

1. J01 Property is also known as Par #0432 of Lot 25 R/S 1957, Lot 30 R/S 1957, Par A of Lots 31 & 32, Par #1050 of Lot 32, and Par #1060 of Lots 31-32; Stein's 2nd Subdivision.
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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-30136 V1

3. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.
4. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
5. This right is designated as Right Nos. 57 and 58 in the Boise River Stewart Decree and Boise River Water Distribution Report.
6. This right is a combination of Water Right Nos. 63-186 & 63-187.

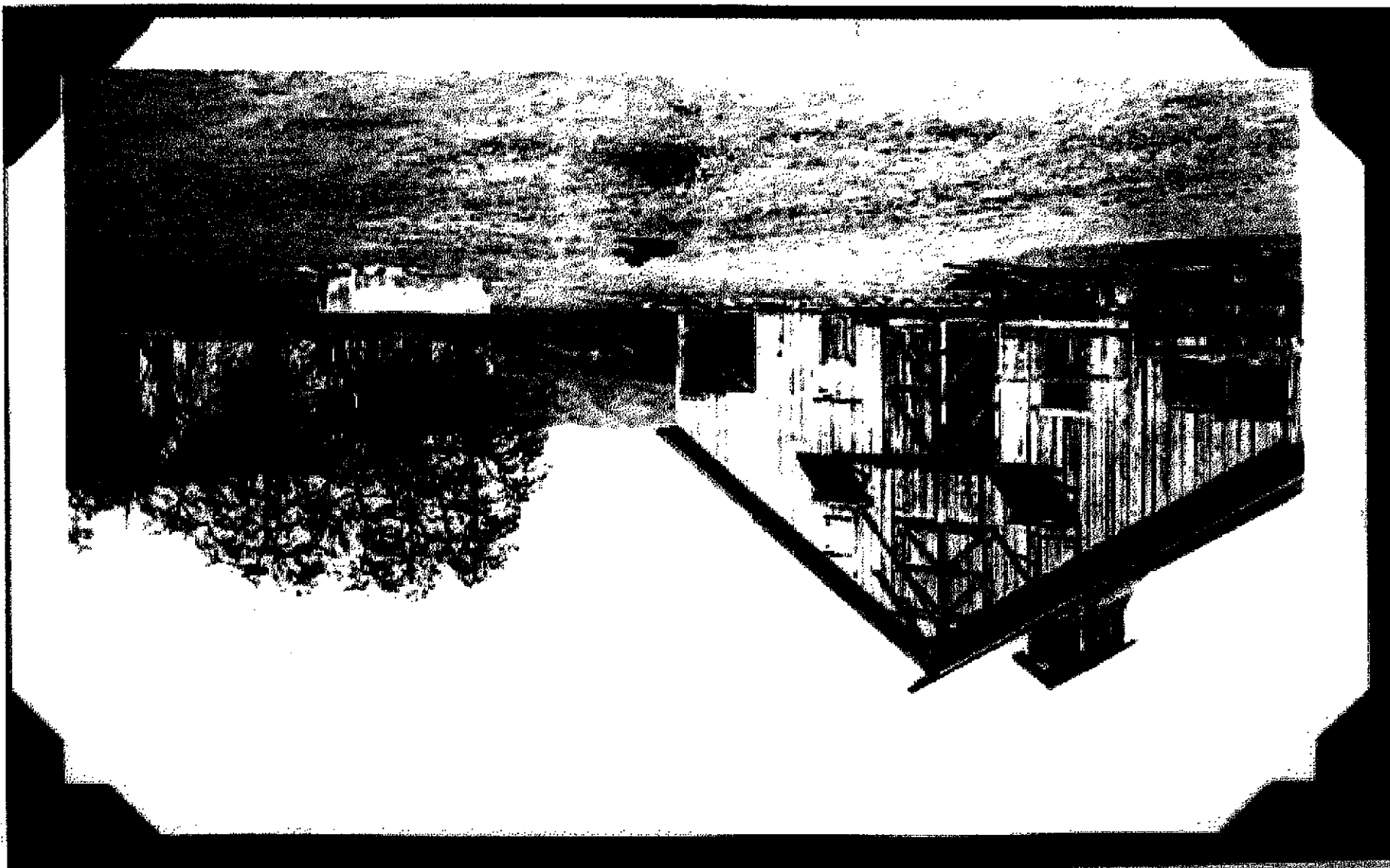
Remarks:

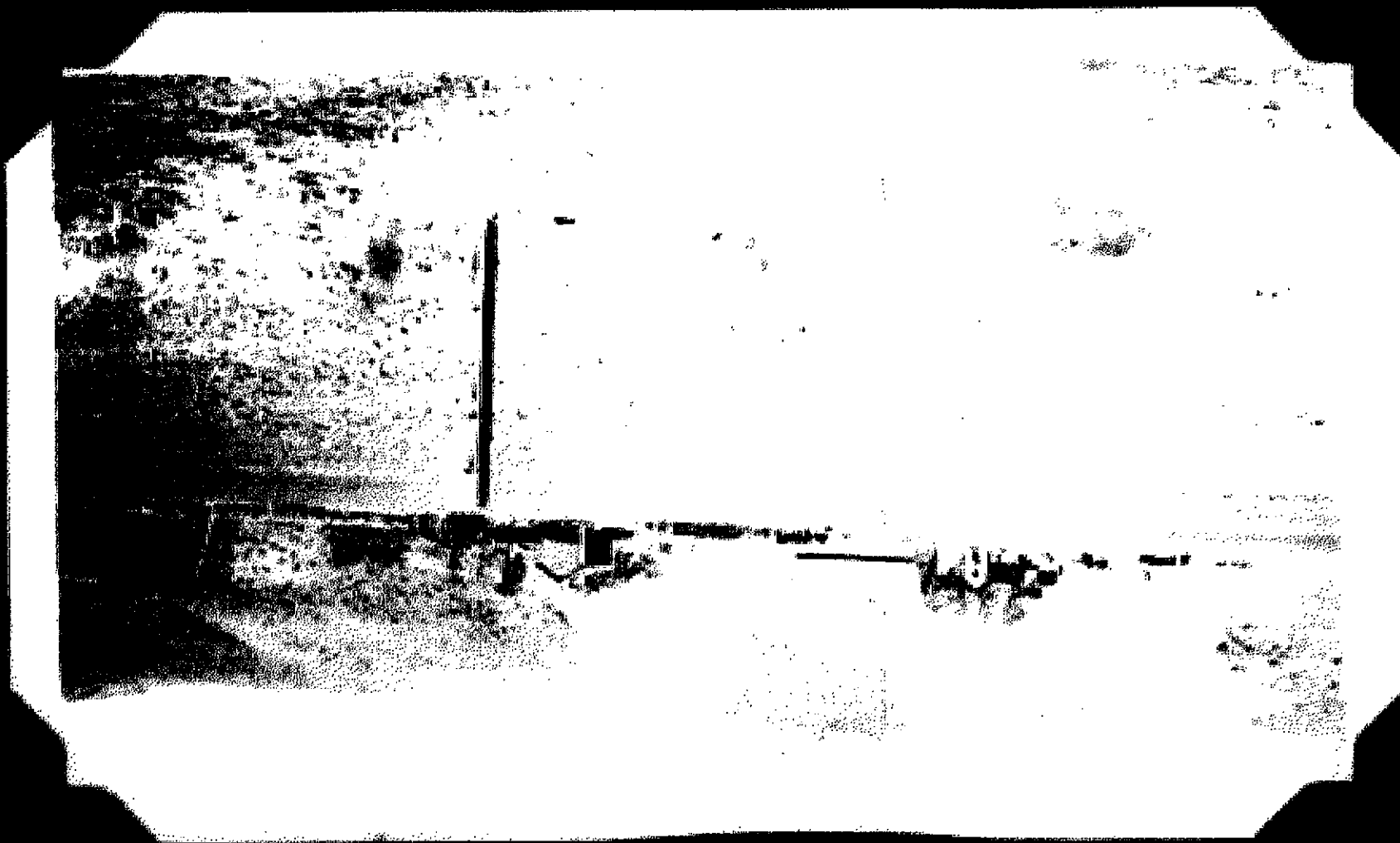
Comments:

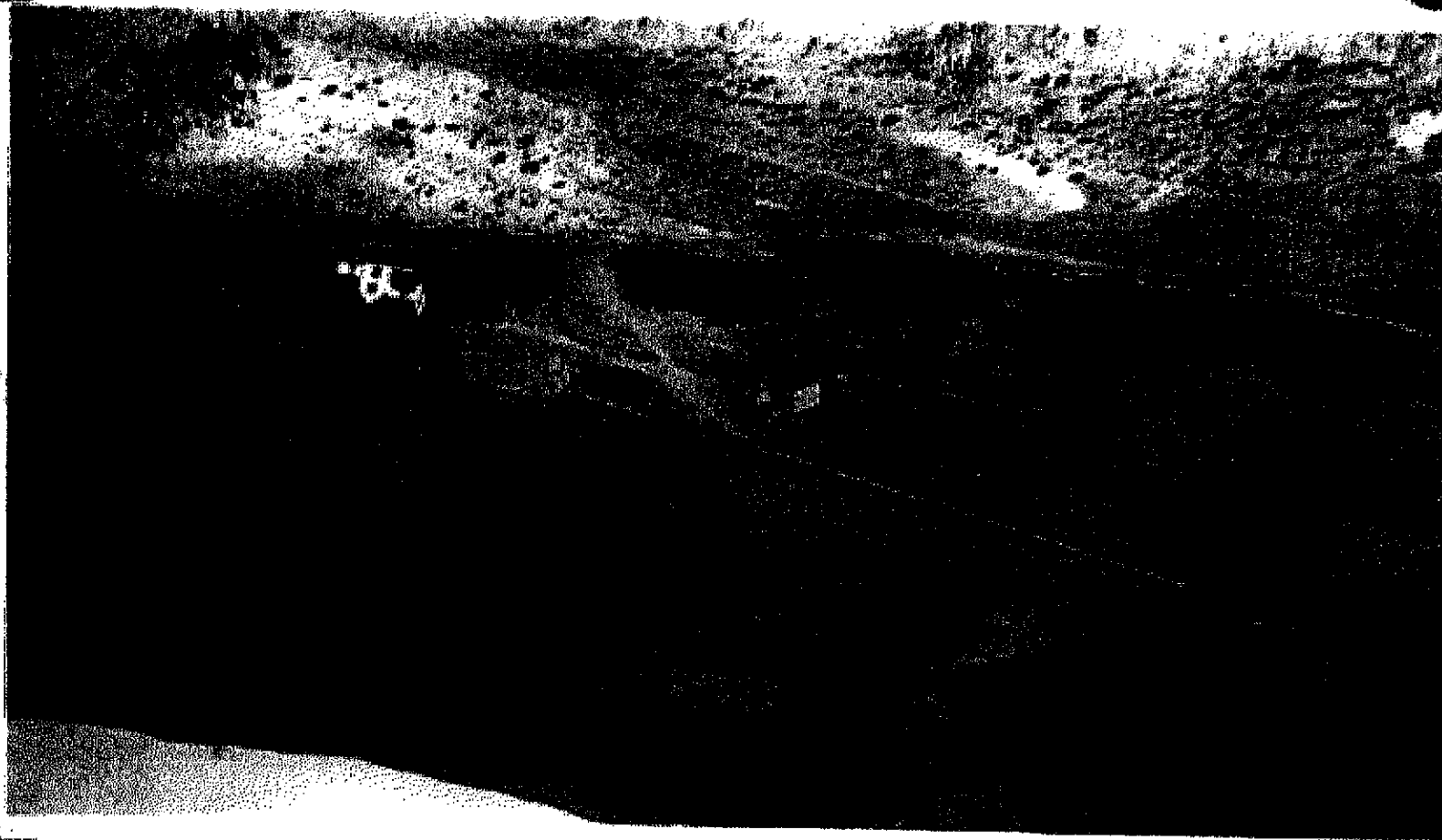
1. kbrown 5/18/2005 Point of Diversion

Comment: The POD was originally decreed in the center of the NE 1/4, Sec. 18, T04N, R01E (under 63-186 & 63-187)(diverted through the Hart-Davis Ditch on the north channel of the Boise River) but was changed in 1915 and is now diverted through the Seven Suckers Ditch in the NENE, Sec. 24, T04N, R01W on the south channel of the Boise River.

Water Supply Bank:







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 & 63-
) 18974
)
) **AFFIDAVIT OF ELDON "RED"**
) **WARD IN SUPPORT OF AVIMOR,**
) **LLC'S MEMORANDUM IN**
) **SUPPORT OF OBJECTION**
)

COMES NOW Eldon "Red" Ward, being first duly sworn upon oath and states as follows:

1. I am a resident of Horseshoe Bend, Idaho, and I have been a resident of Idaho for most of my life. I am 83 years old and of sound mind. I make the following statement based upon personal knowledge of the facts and circumstances set forth herein below.
2. I worked for the Spring Valley Livestock Company, on the Spring Valley Ranch, from 1945 through 1977, as a farm worker and a farm manager.
3. When I began working at the Ranch, 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.

4. Willow Creek was diverted into a ditch by damming the creek with dirt and boards. The ditch ran from the creek down to the fields and was used to irrigate the area north of the ranch headquarters, which I understand is more accurately described as the SW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and a portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, Township 5N of Range 2E.
5. Water was diverted from Spring Valley Creek and used to irrigate the central part of the valley below the Ranch headquarters, which I understand is more accurately described as the E $\frac{1}{2}$ of the NW $\frac{1}{4}$, the E $\frac{1}{2}$ of the SW $\frac{1}{4}$, the W $\frac{1}{2}$ of the NE $\frac{1}{4}$, the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, Township 5N of Range 2E.
6. In the mid-1950's, the Soil Conservation District installed the head-gate structures now in Spring Valley Creek. Before the Soil Conservation District installed the structures, there was a concrete head gate in the Spring Valley Creek. From its appearance, that that head gate had obviously been there for a long period of time before the Soil Conservation structures were installed.
7. I recall speaking with Colin McLeod about the Spring Valley Creek diversion. He informed me that the old diversion was in use long before I started working at the ranch in 1945.
8. Colin McLeod also informed me that the Willow Creek ditch was being used "from the beginning." I took this to mean that it was in use before Colin McLeod bought the ranch in 1916.
9. In 1958 the B&M Equipment Company, from Caldwell, assisted in the drilling of a well west of the ranch manager's house. The well was 10 or 12 inches in diameter and was originally drilled about 350 feet deep. It was drilled deeper later.

10. The well was used to irrigate the field south of the old house and barn, and west of the current ranch manager's house. More specifically, the well was used to irrigate the W½ of the NE¼ and a portion of the NW¼ NE¼ of Section 7, Township 5N of Range 2E.
11. Irrigation from that well was always done by sprinklers.
12. Originally, the well pump was a turbine pump that fed into a tank. A centrifugal pump was used to run the sprinklers.

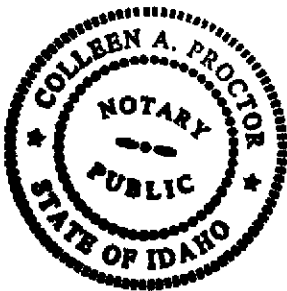
DATED THIS __ day of April, 2006.

Eldon "Red" Ward
Eldon "Red" Ward

STATE OF IDAHO)
County of Ada) ss.

On this 18th day of April, 2006, before me, a Notary Public for said County and State, personally appeared ELDON "RED" WARD, 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: Bonanza, Idaho
My commission expires: 8-15-09

CERTIFICATE OF SERVICE

AFFIDAVIT OF ELDON "RED" WARD IN SUPPORT OF SUNCOR IDAHO, LLC'S
MEMORANDUM IN SUPPORT OF OBJECTION

I hereby certify that on the 20 day of April, 2006, I served a true and correct copy of the foregoing AFFIDAVIT OF ELDON "RED" WARD 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

05/18/2005

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

RIGHT NUMBER: 63-5387

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

SOURCE: WILLOW CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 1.010 CFS

PRIORITY DATE: 02/01/1964

POINT OF DIVERSION:

T06N R02E S31 NESE Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.000 CFS
STOCKWATER	02/01 12/01	0.010 CFS

PLACE OF USE: IRRIGATION Within BOISE County

T05N R02E S06	NESW	3.0	T05N R02E S06	NWSE	2.0
---------------	------	-----	---------------	------	-----

T05N R02E S06	SWSE	31.0
---------------	------	------

STOCKWATER same as IRRIGATION

36 ACRES TOTAL

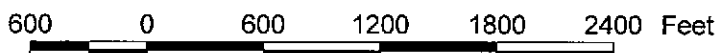
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: Beneficial Use

Stockwater use is for 400 range cattle.

T05N R02E S6



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5387 V1

WATER RIGHT NUMBER: 63-5387 V1

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

Priority Date: 02/01/1964

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
WILLOW CREEK	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.000 CFS	
STOCKWATER	02/01 to 12/01	0.010 CFS	
	<u>Total Diversion:</u>	1.010 CFS	

Location of Point(s) of Diversion

WILLOW CREEK	NE1/4SE1/4	Sec. 31, Twp 06N, Rge 02E, B.M.
BOISE 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	6									3.0						2.0	31.0	36.0

Total Acres: 36

STOCKWATER same as IRRIGATIONConditions of Approval:

1. X02 Stockwater use is for 400 range cattle.
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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-5387 V1

Comments:

1. segbert 5/18/2005 POD

Comment: The POD was GPSd and found to be in the NESE instead of the SWSE. The POD did not move it was claimed in the wrong QQ

2. segbert 5/18/2005 Conveyance Loss

Comment: Conveyance loss is .28 cfs. See conveyance loss form in file.

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	5/18/2005 10:08:30 AM	segbert			Active
POD	5/18/2005 10:09:42 AM	segbert			Active
Source	5/18/2005 10:19:40 AM	segbert			Active
POU	5/18/2005 10:20:17 AM	segbert			Active
Use	5/18/2005 10:24:50 AM	segbert			Active
Season	5/18/2005 10:26:13 AM	segbert			Active
Quantity	5/18/2005 10:45:44 AM	segbert			Active
Summary			05/18/2005	segbert	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5387 V1

Source	5/18/2005 10:19:40 AM	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?
Season	5/18/2005 10:26:14 AM	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?
Summary	4/14/2005 9:08:42 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?
POD	5/18/2005 10:17:11 AM	segbert	Updated shape
Use	5/18/2005 10:24:50 AM	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?
Quantity	5/18/2005 10:45:44 AM	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? (Yes) 12. Is a Quantity remark or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5387 V1

Summary	5/18/2005 10:50:48 AM	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?
General	5/18/2005 10:08:31 AM	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
POD	5/18/2005 10:09:43 AM	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 POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POU	5/18/2005 10:20:18 AM	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 - 1964 photography

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5387

WATER RIGHT NUMBER: 63-5387

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

Priority Date: 02/01/1880

Basis: ~~Statutory Claim~~ *BCU*

Status: Active

Source

WILLOW CREEK

Tributary

BOISE RIVER

Beneficial Use

IRRIGATION

STOCKWATER

From To

~~2/01 to 12/01~~ *3-15 to 11-15*

2/01 to 12/01

Diversion Rate

4.000 CFS

0.010 CFS

Annual VolumeTotal Diversion: 1.010 CFSLocation of Point(s) of Diversion

WILLOW CREEK

BOISE County

~~SW 1/4 SE 1/4~~
NE SE

Sec. 31, Twp 06N, Rge 02E, B.M.

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	6									3.0					2.0	31.0		36.0

Total Acres: 36

STOCKWATER same as IRRIGATIONConditions of Approval:Remarks:Comments:Dates and Other Information:*400 range cattle**conveyance loss is .28 cfs
see conveyance loss in file*

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-5387

WATER RIGHT NUMBER: 63-5387

<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>
WILLOW CREEK	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	2/01 to 12/01	1.000 CFS	
STOCKWATER	2/01 to 12/01	0.010 CFS	
	<u>Total Diversion:</u>	1.010 CFS	

Location of Point(s) of Diversion

WILLOW CREEK	SW1/4SE1/4	Sec. 31, Twp 06N, Rge 02E, B.M.
BOISE 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	6									3.0						2.0	31.0	36.0

Total Acres: 36

STOCKWATER same as IRRIGATIONConditions of Approval:Remarks:

1. General AC. IRR. = 35.0.

Comments:Dates and Other Information:

corrected

ESTIMATING CONVEYANCE LOSS

1/5/95



FIELD EXAMINER: _____

FIELD EXAM DATE: _____

FOR CLAIM(S) _____

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

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

TABLE:

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

See pg. 36

WORK SHEET

W = (4.5 FT) i = (3.5 FT/DAY) (0.0667)

S = 1.05 CFS/MILE

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

CONVEYANCE LOSS = (1.05 CFS/MILE) (1.42 MILE)

CONVEYANCE LOSS = 1.49 CFS

TOP OF DITCH = W

MAP MEASUREMENT

Section 1 = _____
Section 2 = _____
Section 3 = _____

Length in Inches = _____ = A

Map Scale: _____ In. = 1 Mile = B

Total.... = _____

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

/2or 3... = _____ = W

(use largest scale map available.)

Receipt Details for ID C011422

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
9/8/1989 2:37:08 PM	9/8/1989	State	\$86.00	Check
Payer		SPRING VALLEY LIVESTOCK		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
2840			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$86.00	ADJUDICATION FEE	410162	9337	00		6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	5387		\$86.00	Claim

[Print Report](#)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-5387

04/14/2005

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
5387	Claim	05N	02E	6	NE	SW		IRRIGATION	3/36	SPRING VALLEY LIVESTOCK CO INC
5387	Water Right	05N	02E	6	NE	SW		IRRIGATION	3/36	SPRING VALLEY LIVESTOCK CO INC
5387	Claim	05N	02E	6	NW	SE		IRRIGATION	2/36	SPRING VALLEY LIVESTOCK CO INC
5387	Water Right	05N	02E	6	NW	SE		IRRIGATION	2/36	SPRING VALLEY LIVESTOCK CO INC
5387	Claim	05N	02E	6	SW	SE		IRRIGATION	31/36	SPRING VALLEY LIVESTOCK CO INC
5387	Water Right	05N	02E	6	SW	SE		IRRIGATION	31/36	SPRING VALLEY LIVESTOCK CO INC
18972	Water Right	05N	02E	6	SW	SE		STOCKWATER	/ <i>denied</i>	SPRING VALLEY LIVESTOCK CO INC
18972	Water Right	05N	02E	6	SW	SE		DOMESTIC		SPRING VALLEY LIVESTOCK CO INC

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

CLAIM NO(s). A63-05387

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: _____
(If the priority date, based on your exam, seems questionable, explain below.)

This information is being researched by Sun Cor ATT.

Did not get evidence of priority so the Priority

Date was advanced to 1964 which shows irrigation
on our 1964 photography.

3. No Change — SAME SOURCE

Source is different than that claimed:

Source found: _____

4. No Change — POINT OF DIVERSION 2318590 - 1403623

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

Township 6N Range 2E Section 31 1/4 1/4 NE 1/4 SE per GPS
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____

5. No Change - DESCRIPTION OF DIVERTING WORKS

Incomplete description, list below:

Willow Creek is blocked by a dirt dam allowing the
water to enter the ditch.

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

Need to determine legal land description for POD from
GPS data.

SYSTEM DIAGRAM INCLUDED

NA

Shown on GIS Layout

CK IF IN OFFICE EXAM
DATE EXAM CONDUCTED: _____

FIELD EXAMINER:

M. Gene Gibson

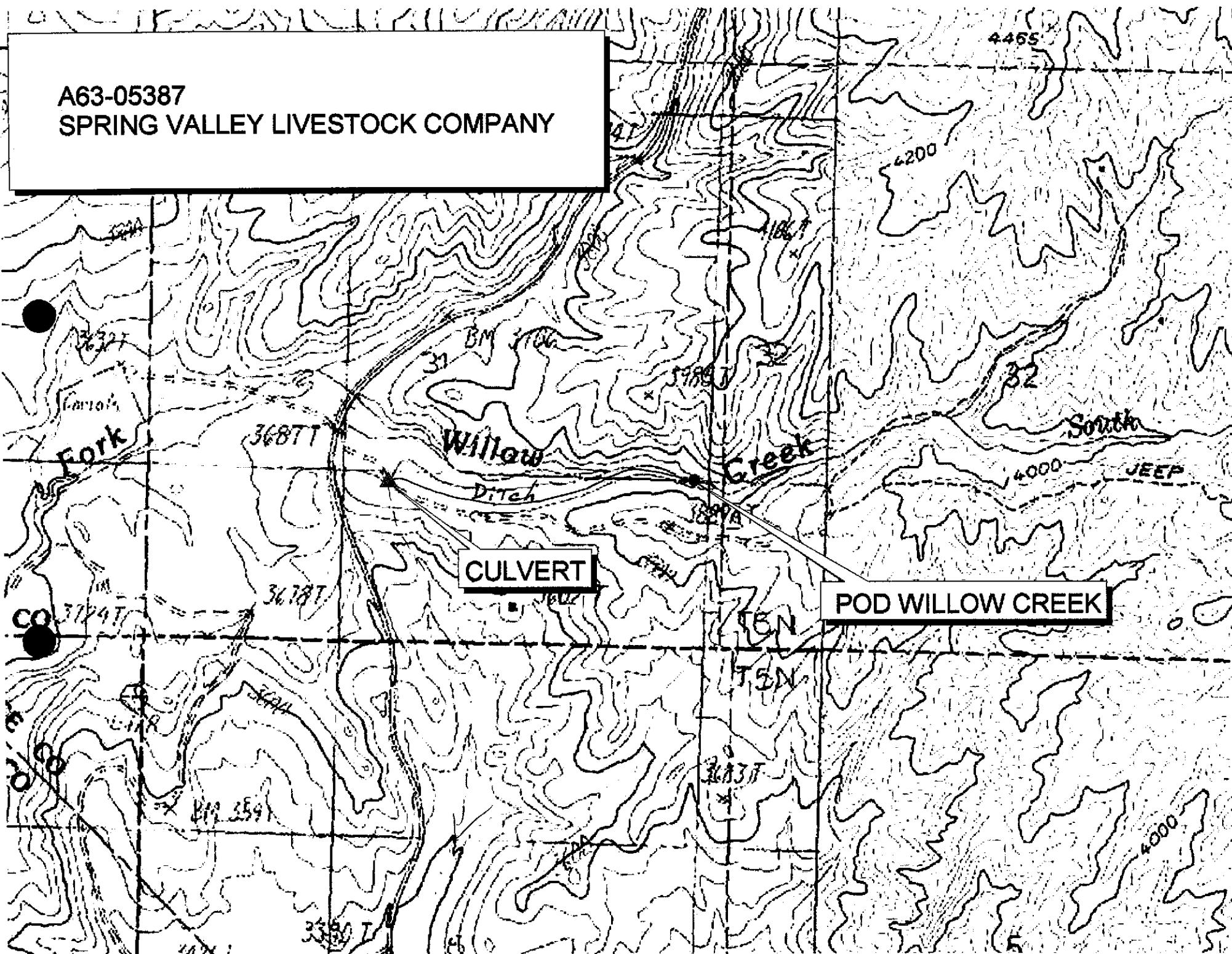
Print Name

M. Gene Gibson

Signature

A63-05387

SPRING VALLEY LIVESTOCK COMPANY



A63-05387

SPRING VALLEY LIVESTOCK COMPANY

DITCH MEASUREMENT

POU



Culvert
at
Road Crossing



MANNING EQUATION CHANNEL CAPACITY RESULTS

05-12-2004

File Number: A63-05387

Claimant: Spring Valley Livestock Company

Channel measured: Willow Creek Ditch

Date of measurement: 5/4/2004

Measurement location:

100 yards North 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 5.10 and 5.25 feet.

The channel cross section is 2.23 ft-sq.

The wetted perimeter is 4.92 feet.

The hydraulic radius is 0.45 feet.

The slope is 0.0015

The roughness coefficient is 0.0350

The flow velocity is 0.972 ft/sec.

The rate of flow is 2.16 cfs.

CROSS SECTION NUMBER 1

For File Number A63-05387 for the Willow Creek Ditch

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.25	0.25	0.50
3	0.50	0.50	1.00
4	0.80	0.80	1.50
5	0.85	0.85	2.00
6	0.85	0.85	2.50
7	0.50	0.50	3.00
8	0.40	0.40	3.50
9	0.30	0.30	4.00
10	0.00	0.00	4.50

The area for this cross section is 2.23 square feet
and the wetted perimeter is 4.92 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

12-16-03: Need to Confirm POU + POP + Stock

: Need diversion Rate Calc

: No Evidence of Priority - Letter Sent -

: Jerry Thompson - Contact

GW, - Sandy McCloud - owner

2-4-04: Creek doesn't go through SWSE according to GIS

: Diversion Rate is excessive. Is their Ditch Loss?

: Where is Reservoir and how Big is it?

: 63-18972 PO'd From GW. Copy in file

: No other Water Rights in this Section. No apparent overlap.

: Is SESW of S6 irrigated?



POU location Map 2000 Photography 63-05387

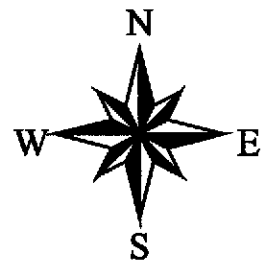


1320 0 1320 Feet



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

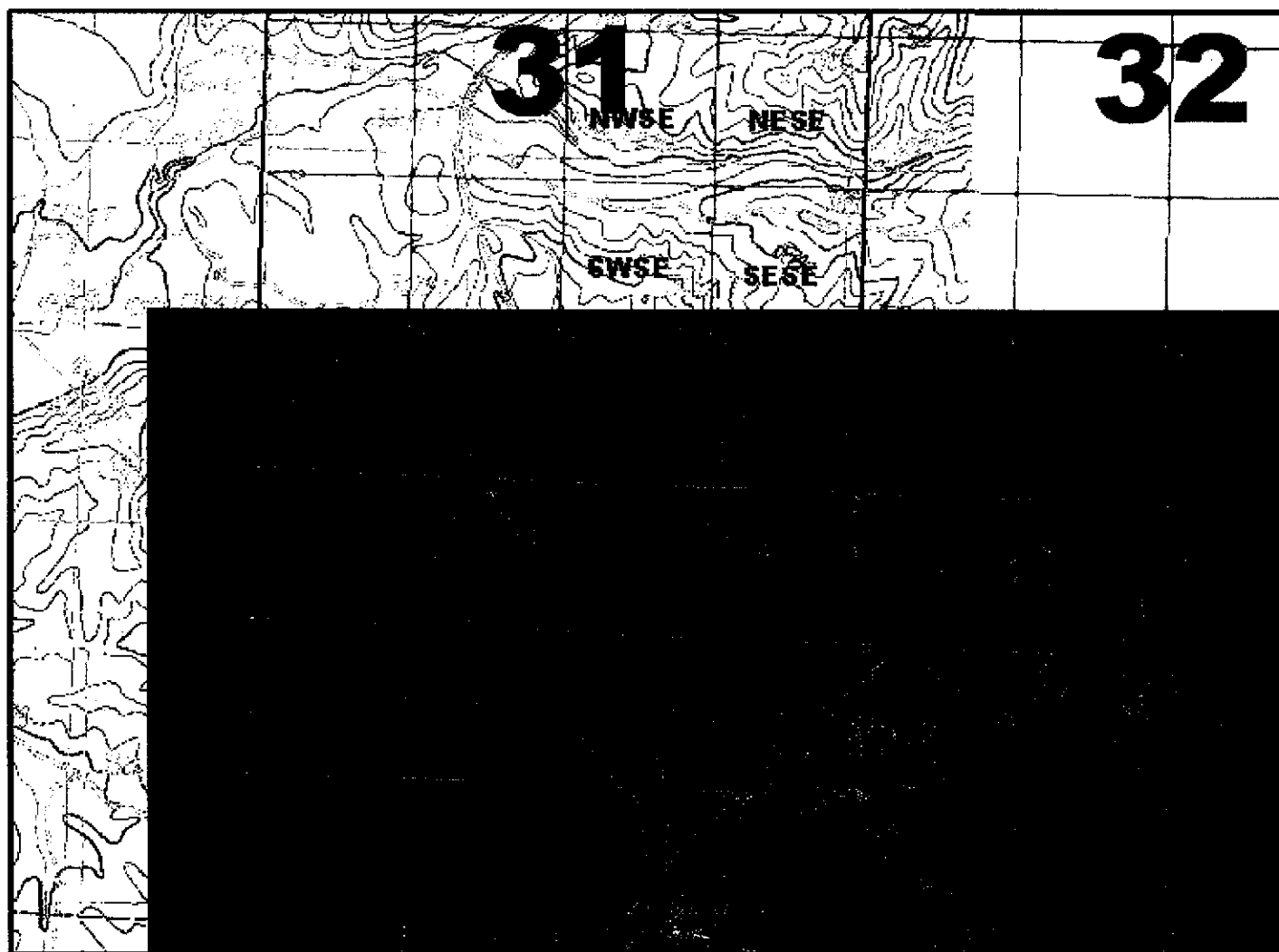
Total claimed Acres: 36.0



Prepared by: C. Saxton
Date: February 2004



POU location Map 2000 Photography 63-05387

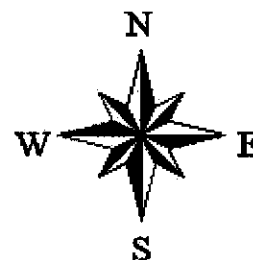


1320 0 1320 Feet



- 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



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

63-05387 Spring Valley Livestock Co.
Source: Willow Creek

Other BU or Stat Claims

Gene - 63-5386 Spring Valley Creek

Gene - 63-18974 groundwater

Gene 63-31063 Spring

12-16-03

63-18972 PD'd Spring

63-22879 PD'd GW

63-22880 PD'd GW