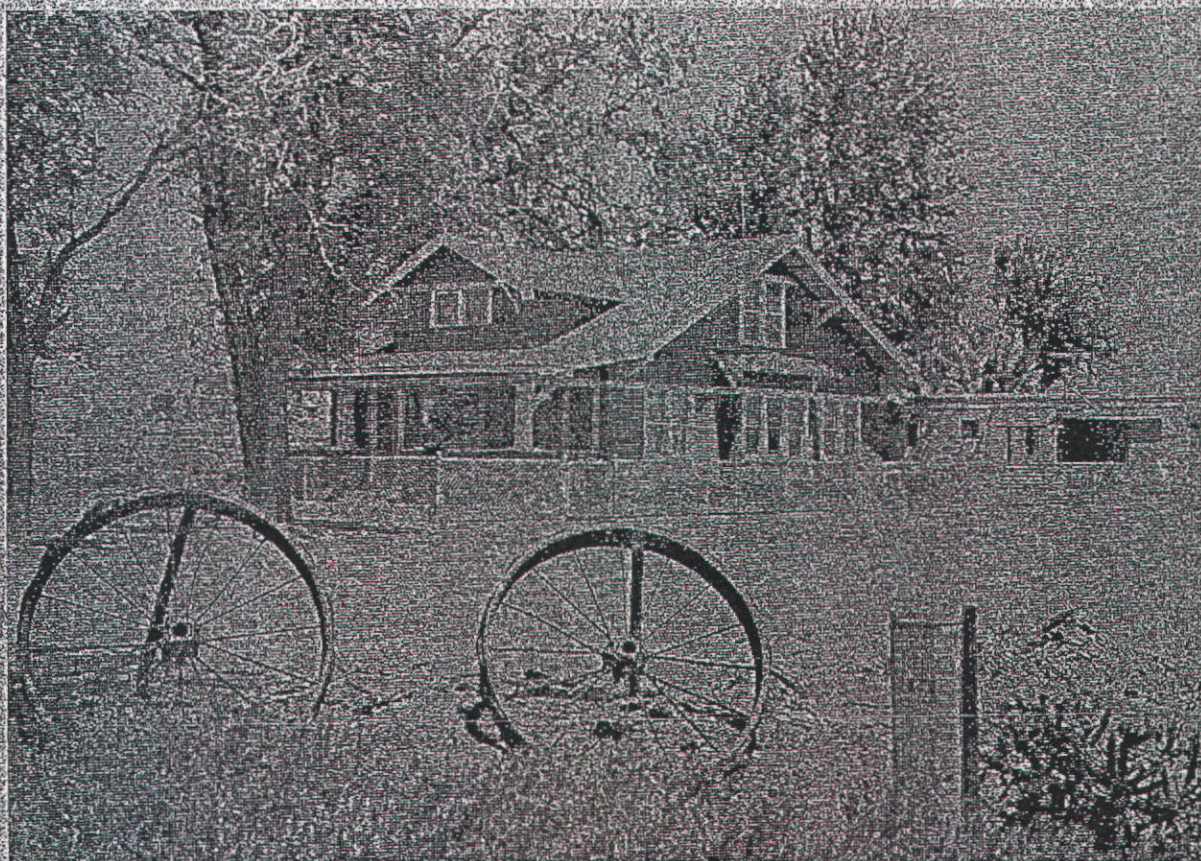


ADA COUNTY HISTORIC RESOURCES: A RECONNAISSANCE SURVEY

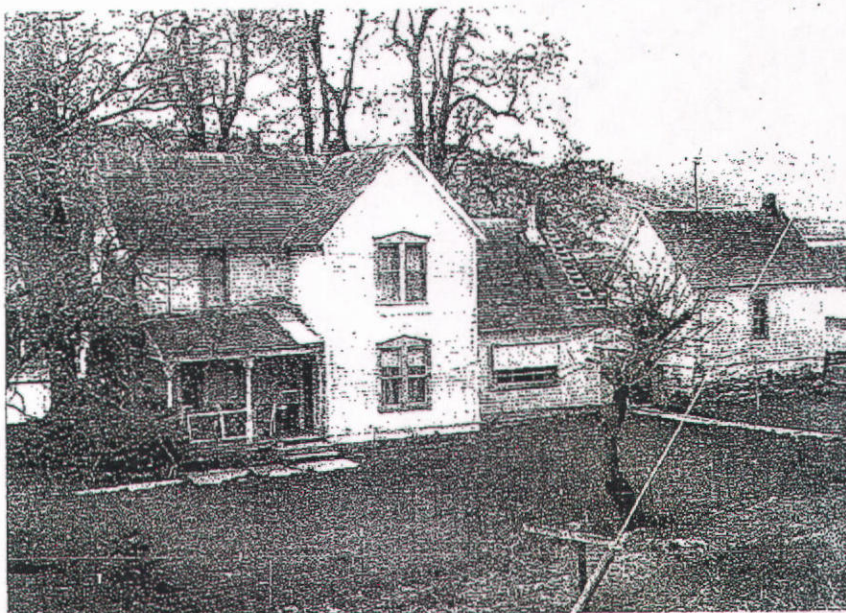


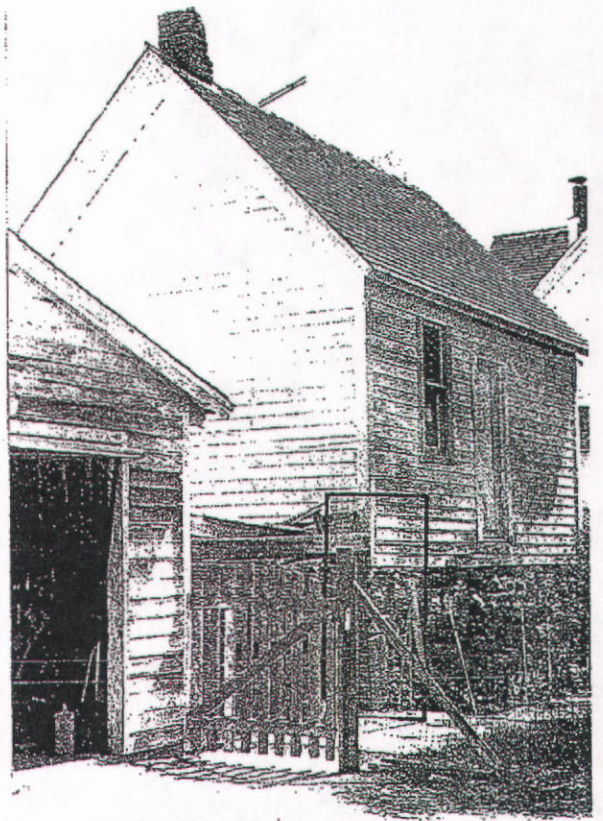
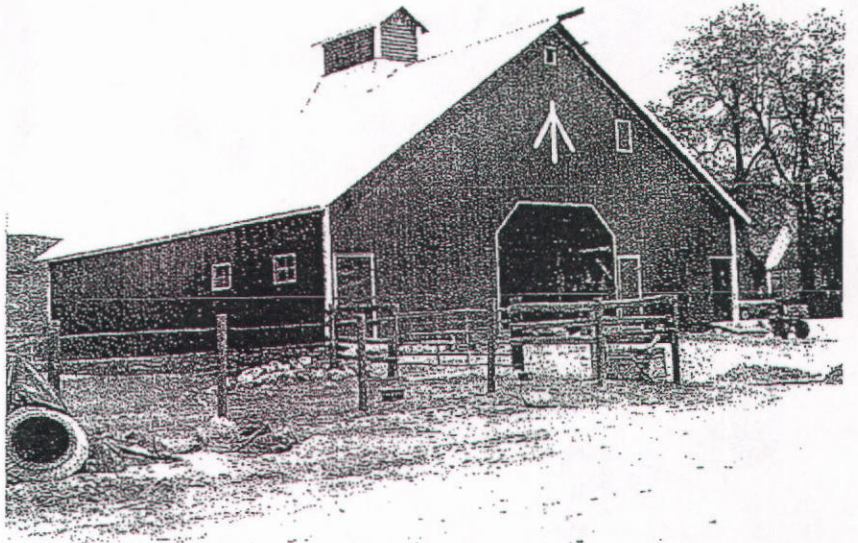
PREPARED BY BELINDA DAVIS/BARBARA PERRY BAUER, CONSULTANTS
AND THE ADA COUNTY DEVELOPMENT SERVICES DEPARTMENT

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







AVIMOR™



Not To Scale
Figure 4

SOURCE: IDAHO STATE HISTORICAL LIBRARY

A SunCor Planned Community

USGS Map of 1897

18/537

The United States

to all to whom these papers
Homestead Certificate No. 1019
Applications 1987 and 2722
in the General Land Office of the
the Register of the Land Office at
1101, pursuant to the Act of Congress
concerning Homesteads, to Naturalization
the act supplemental thereto, the
established and duly acknowledged
the East half of the South East quarter
South East quarter and the West
quarter of Section six in Township
of House Mountain in Indian Territory
according to the official Plat of the
to the General Land Office by the
Now known as, that there is, therefore,
to the said William Hunt the
to have and to hold the said tract
names thereof, unto the said Trust
and assigns forever; subject to
Trustee's rights for mining, agriculture
forestry, and rights to ditch
rights; such water rights, and
to be had by the local customs of
also subject to the rights of
to act and remove therefrom
to penetrate or intersect the
by law. And there is no
South East quarter and the
quarter of Section six in
East of the above described
ditches at various places
United States
In testimony whereof, the
United States
Patent, and the
affidavit
Sworn to before me this
at the County of

The United States of America

1. All 6 columns have present small coral, *S. ...*
 Hermit crab, *Hermit crab*, No. 1019. *Hermit crab*

Thomas, Robert H. (1918-1992) Thomas, Robert H. (1918-1992)
 Application 1987 and 1992 Thomas, Robert H. (1918-1992)
 Application 1987 and 1992 Thomas, Robert H. (1918-1992)

11. The General Land Office of the United States at Washington, D. C.

the President of the Land Office at Paris letter books, volume 10, page 100, and to the book of Don Juan approved 20th May 1866.

[illegible]

the said supplemental charter, the claim of Nathaniel Hawthorne
is held in conformity to the

... and ...
... and ... in conformity to the ...
... the first ...

11. E. body of the lower East quarter, the North West quarter

Should have specified and the North East quarter of the
quarter of section six in Township five North of Range three East

... of the ... and on Township ...
... containing one hundred and fifty ...
... of the said ...

... to the official of the Survey of the said ...
... the Surveyors General

is the General Land Office by the Surveyor General
that is, is therefore, granted by the United States

Now to say, that there is, therefore, granted by the same
to the said Indian, that the tract of land above

1. I have and I told the said bank of funds with the appropriate
2. I have and I told the said bank of funds with the appropriate

... I have said William Hunt and to his
name it was, which he said William Hunt and to his

and a series of laws; subject to any vested and acquired
agricultural manufacturing

also right to forming, a quicultural manufacturing of
and right to debt and reversion used in commerce 5 and not

... and rights to details and new...
... and water rights, as may be recognized and...
... decisions of...

... will suit our rights, as many
had done by the local customs, laws, and decisions of former
times.

at a subject to the right of the proprietor of a work of art.

toot and remove his one shoe, and should be
not the previous level, granted as per

to locate an interest in the premises being offered for sale, and there is no record from the Root Trust in the

by sec. A. & it is removed from
first quarter and the North Easting is the

quarrel of section six in Township 4 North Range 10 East

East of the above described lands a well is constructed by the

decades or Canada constructed by the

United States.

Y. Testimony of [illegible]
United States of America [illegible]

limited State of Tennessee,
Patent, and the seal of the General Land Office.

Patent, and the same
affixed.

affixed.
 Given under my hand
 at St. Louis, Mo.

E. alb. dentata



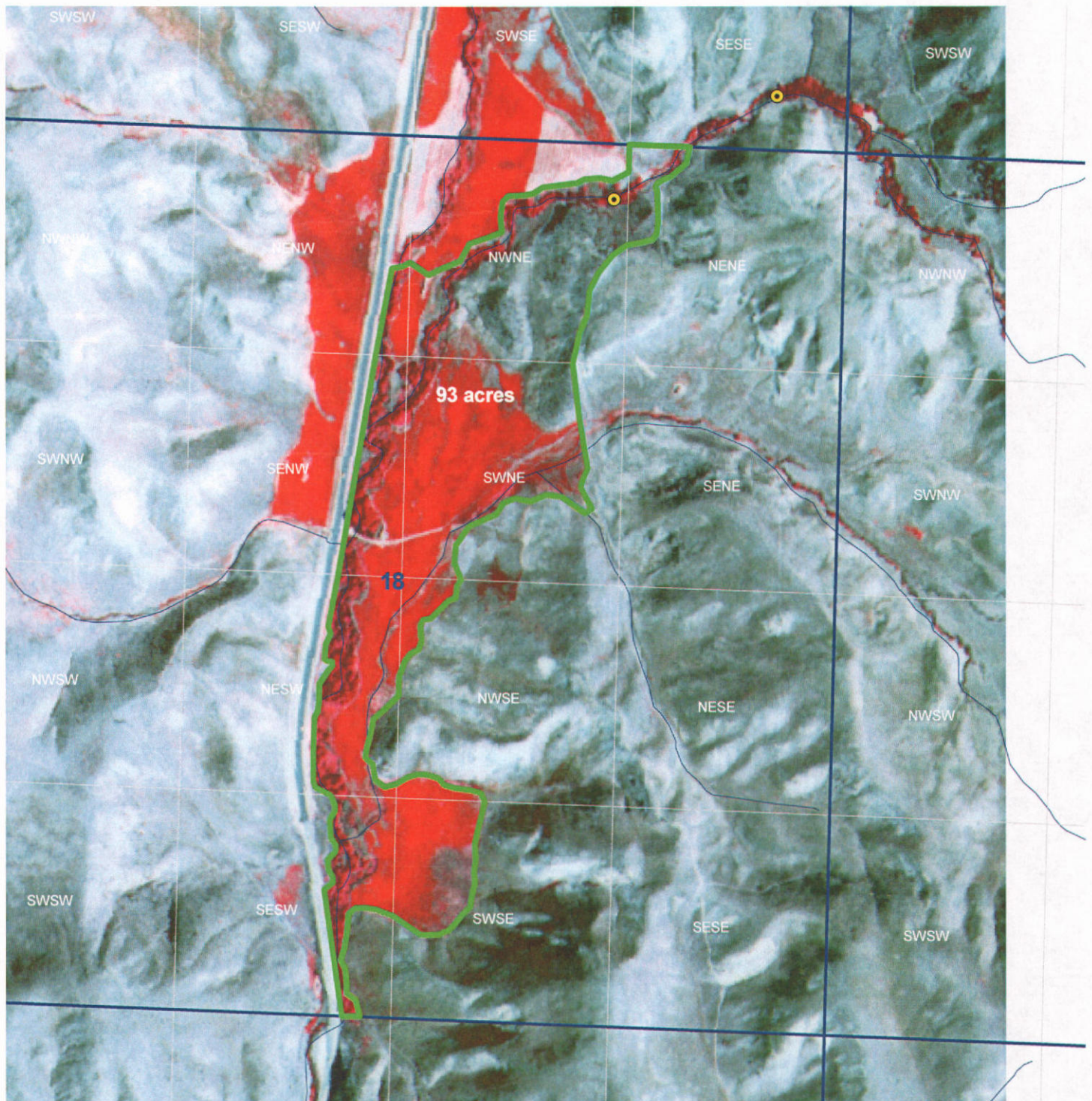




Idaho Department of Water Resources

63-5386

T05N R02E S18



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



600 0 600 1200 1800 2400 Feet

IDWR

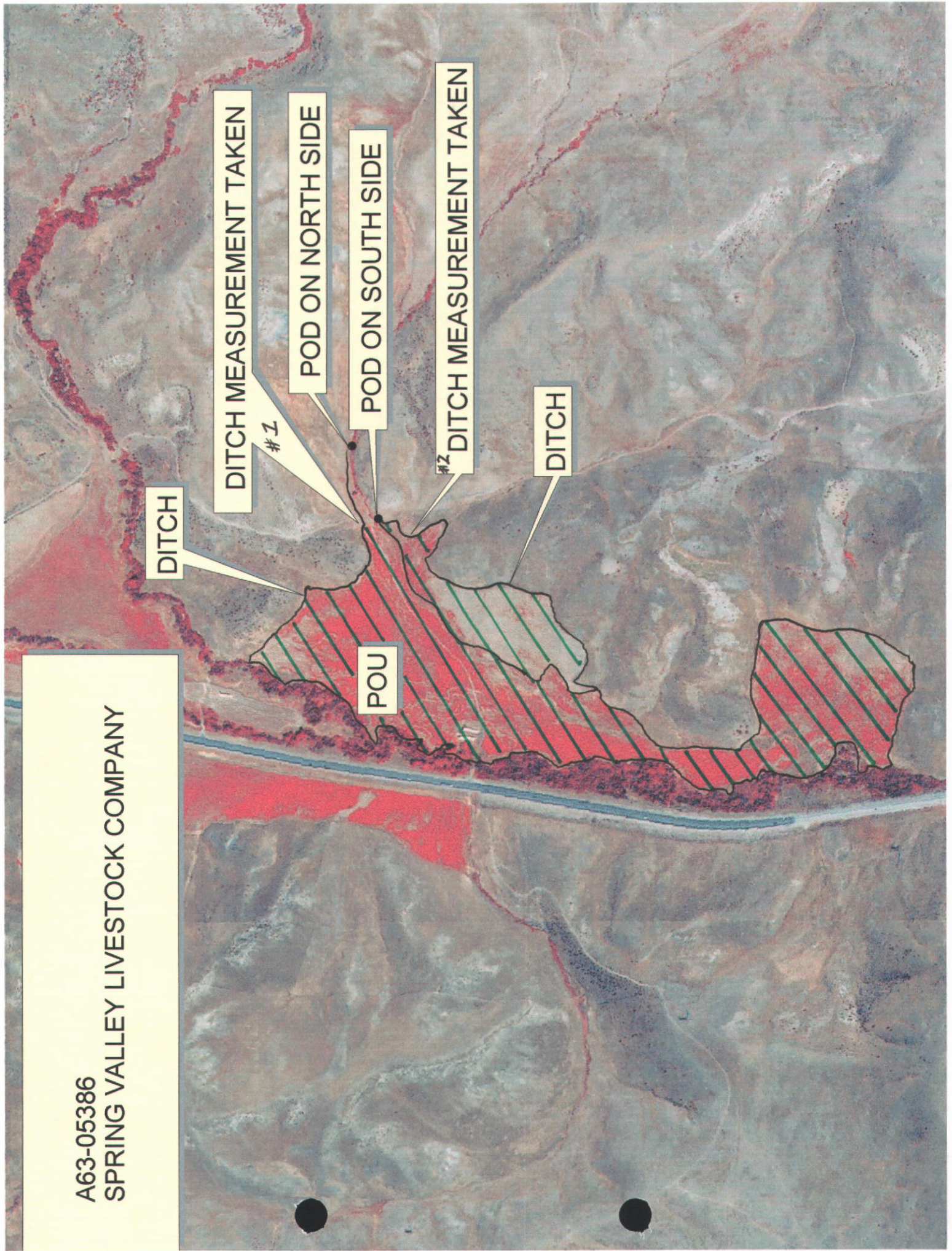
Prepared by: Sandy Egbert

Date: 4-26-05

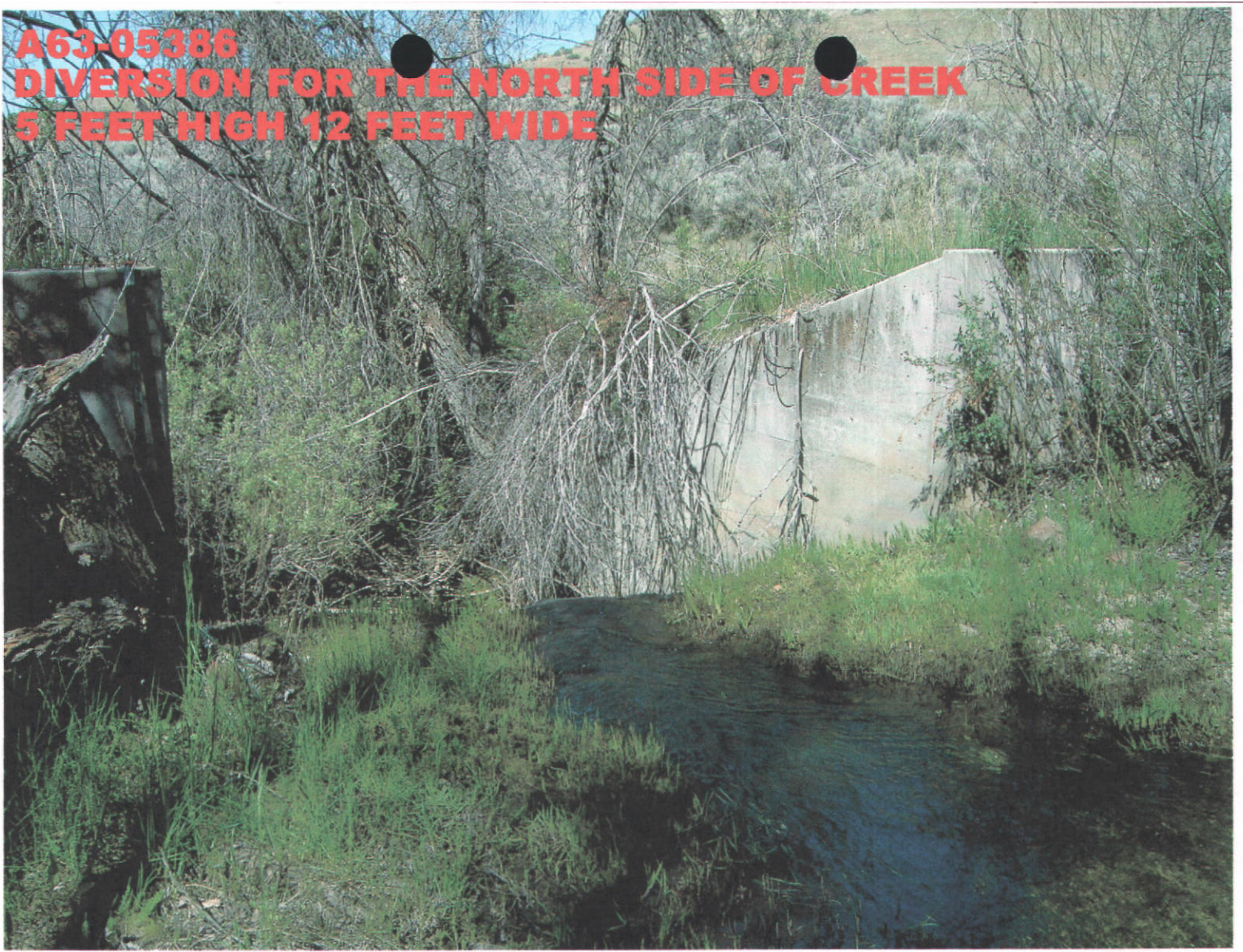
1987 NAPP Photography

SCANNED
OCT 05 2006

A63-05386
SPRING VALLEY LIVESTOCK COMPANY



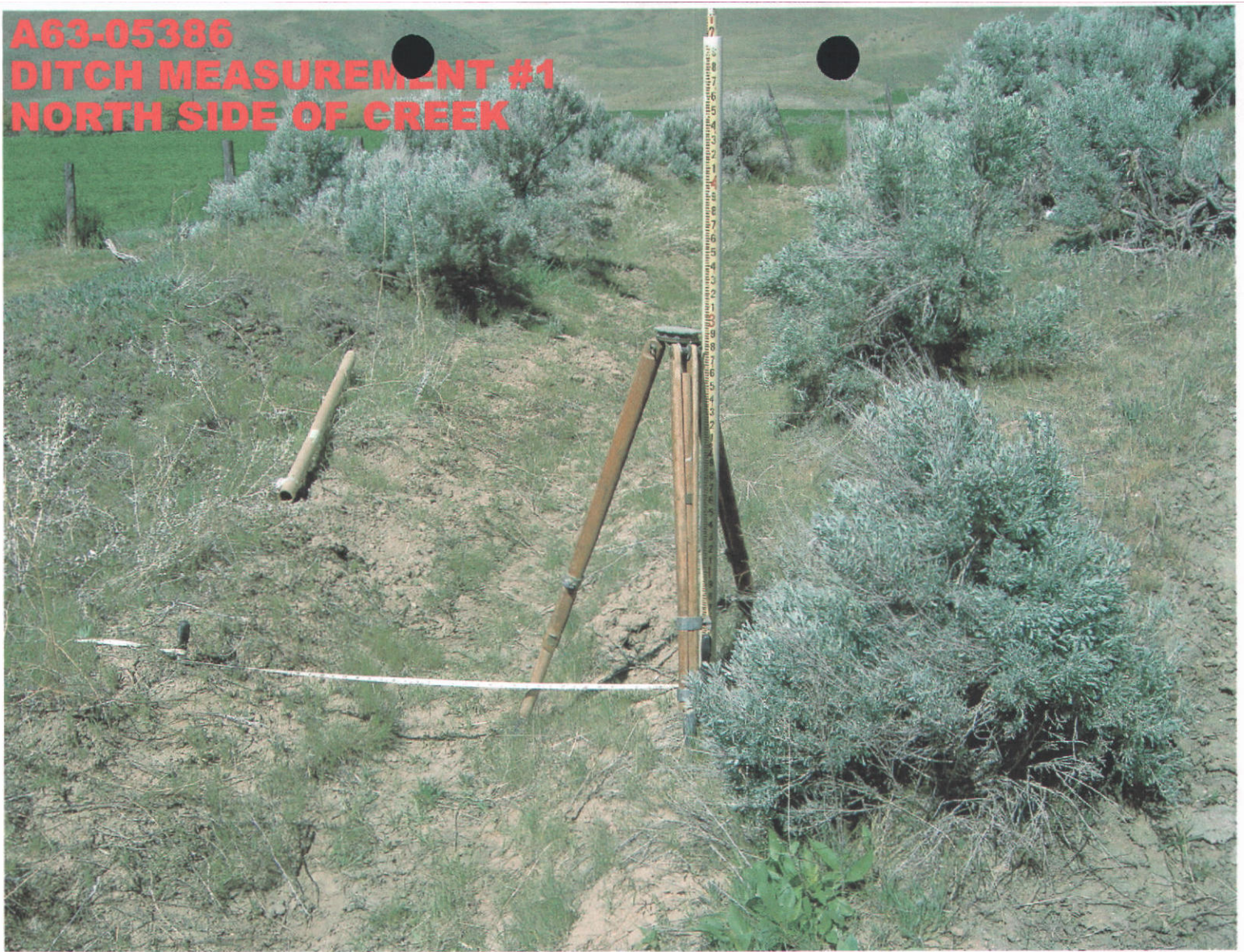
A63-05386
DIVERSION FOR THE NORTH SIDE OF CREEK
5 FEET HIGH 12 FEET WIDE



A63-05386
DIVERSION FOR THE SOUTH SIDE OF CREEK
5 FEET HIGH 12 FEET WIDE



A63-05386
DITCH MEASUREMENT #1
NORTH SIDE OF CREEK

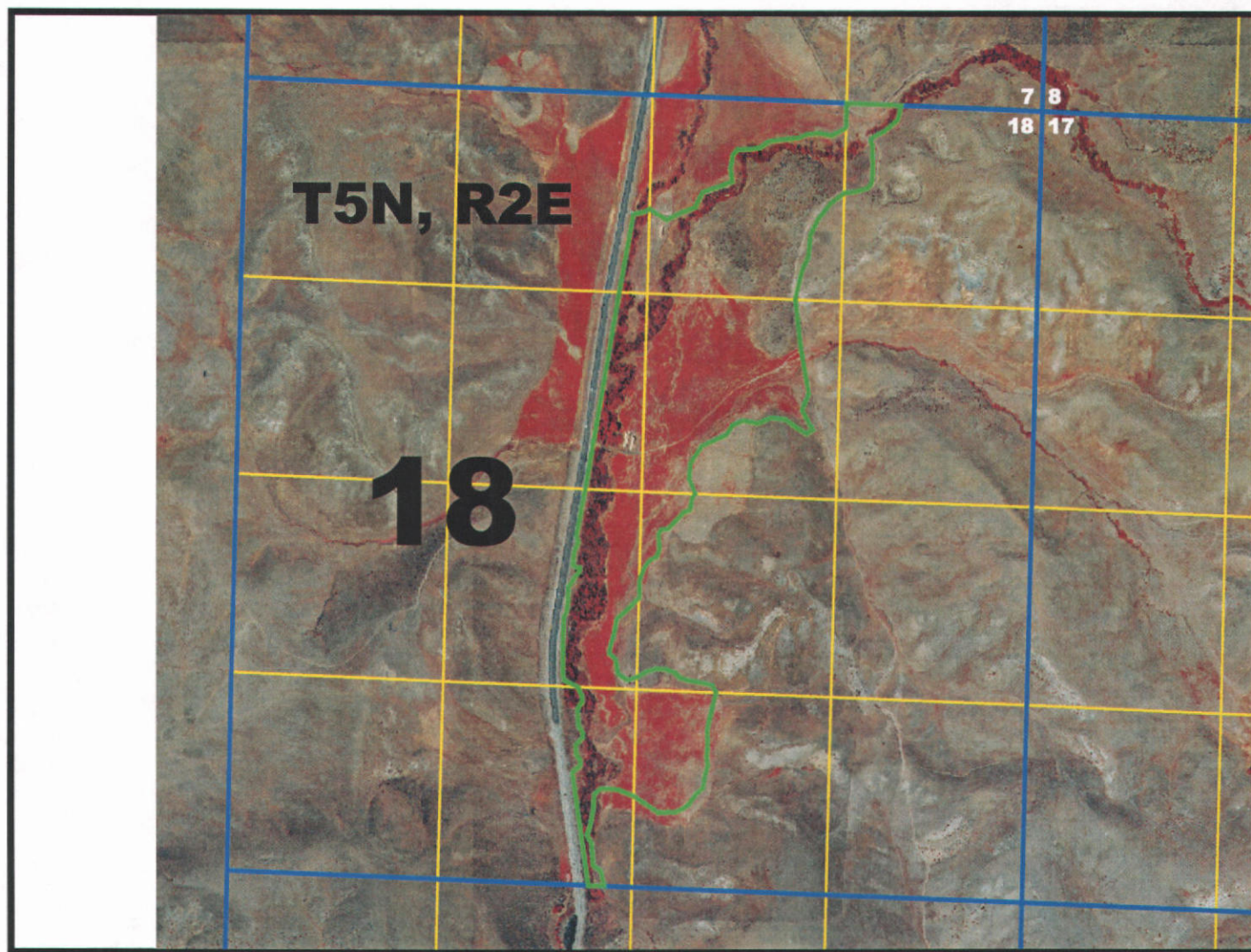


A63-05386
DITCH MEASUREMENT #2
SOUTH SIDE OF CREEK





POU location Map 2000 Photography 63-05386



1320 0 1320 2640 3960 Feet



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

Total claimed Acres: 93.0



Prepared by: C. Saxton
Date: February 2004

BOISE CITY

CLAIMED
63-5387

1

CLAIMED
63-5386

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

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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: FEB 01, 1880

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

4. Point of Diversion:

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

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

6. Water is used for the following purposes:

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

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

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

9. Non-irrigation uses:
S/400 RANGE

10. Place of Use:

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

A63-05386

Page 1

Date: 09/18/89

SCANNED
OCT 05 2006

MICROFILMED
AUG 21 1992

10. Place of Use: Continued

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

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NONE

14. Remarks:
AC. IRR. = 92.5.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: 1

For Organizations:

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

Verna M. Dwyer
Signature of Authorized Agent
Sec. Treas.
Spring Valley Livestock Co. Inc.
Title and Organization
9-18-89
Date

State of Idaho)
County of Ada) SS.

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

Helen Harrington
Notary Public

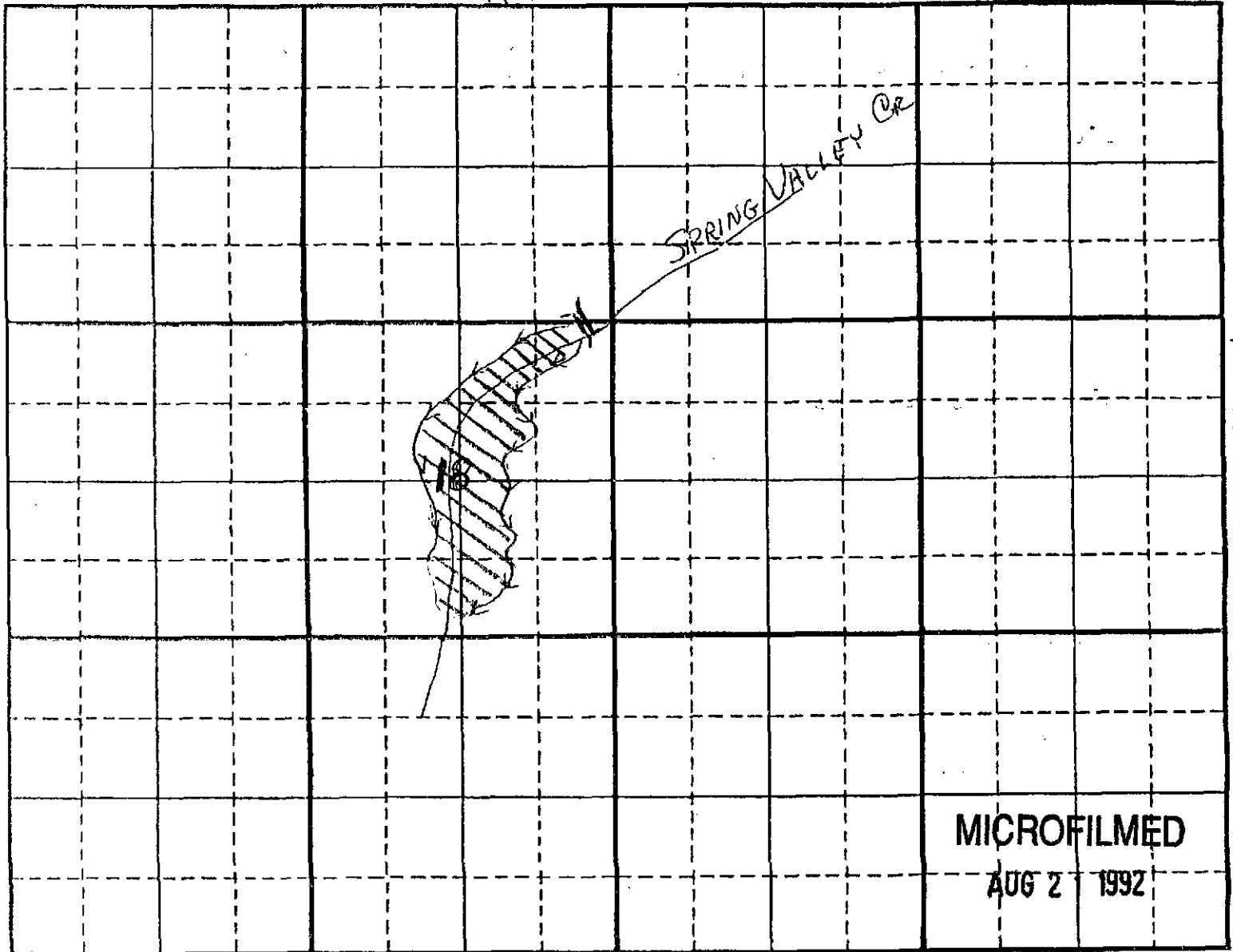
Seal

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

3-05386

(5) Remarks

R 2 E



Scale: 2 inches equal 1 mile.



PLACE OF USE



DIVERSION DAM
DITCH

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUL 18 1983

CLAIM TO A WATER RIGHT

Department of Water Resources

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

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

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

(Name of Claimant)

2005 South 10th Ave. Caldwell, Ida 83605

(Mailing Address)

(Zip Code)

Telephone No. 459-2633

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

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

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

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

Spring Valley Creek tributary to Boise River

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

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

- (4) 2.02 cfs TOTAL QUANTITY USED.

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

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

Additional points of diversion:

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

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

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

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

No. of acres 92.5

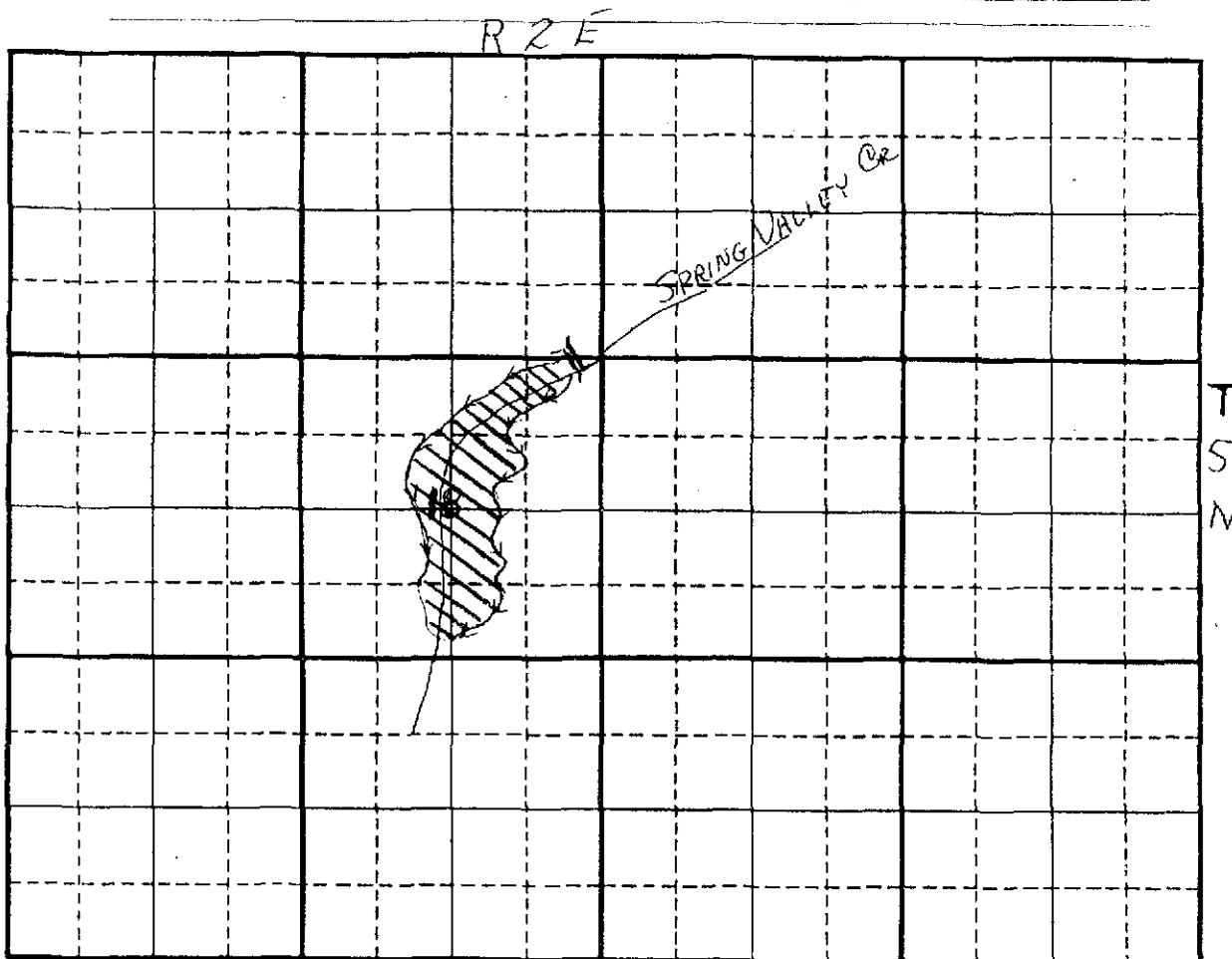
- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

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

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

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

(8) Remarks _____



Scale: 2 inches equal 1 mile.



PLACE OF USE



DIVERSION DAM

DITCH

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

State of Idaho)
County of ADA) ss.

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

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

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

Jim D. Blessinger
Notary Public
Residing at Boise, Ida

My commission expires 3-18-87

7-21-86 FOR DEPARTMENT USE ONLY

Received by 19 Date 7-18-86 Exception filed by: _____
Prelim. check by 19 Date 8-5-86 _____
\$50.00 fee received by 19 Date 7-18-86 # 38816
Published in The Idaho Statesman
Dates 9/18 & 7/25/86

Forwarded to _____ Date _____
claimant by: _____

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 63-05386

FILED
2007 FEB 1 PM 3 22

NAME AND ADDRESS: FIRST AMERICAN TITLE INSURANCE
TRUST N08562
FOR BENEFIT OF SUNCOR IDAHO
485 E RIVERSIDE DR
EAGLE, ID 83616

SOURCE: SPRING VALLEY CREEK TRIBUTARY: BOISE RIVER

QUANTITY: 1.88 CFS

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

PRIORITY DATE: 03/15/1894

POINT OF DIVERSION: T05N R02E S07 SESESE Within Ada County
S18 NENWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.86 CFS
	Stockwater	02-01 TO 12-01	0.02 CFS

Stockwater use is for 400 range cattle.

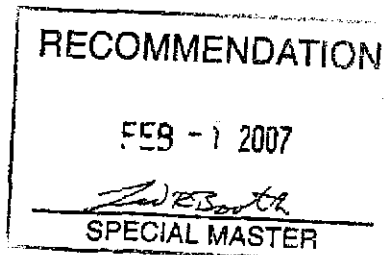
PLACE OF USE:	Irrigation		Within Ada County
	T05N R02E S18	NENE 3.0	NWNE 13.0
		SWNE 25.0	NENW 1.0
		SENE 8.0	NESW 12.0
		SESW 5.0	NWSE 18.0
		SWSE 8.0	
	93.0 Acres Total		

Stockwater	Within Ada County
Same as Irrigation	

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

The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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. I.C. SECTION 42-1412(6).



FEB 02 2007

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

FEB 02 2007

CLERK OF DISTRICT COURT
TWIN FALLS, IDAHO

DISTRICT COURT-5386
TWIN FALLS CO., IDAHO
FILED

2007 FEB 1 PM 3 22

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	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND CONCLUSIONS
	)	OF LAW
	)	
	)	FOR WATER RIGHT 63-05386

I. FINDINGS OF FACT

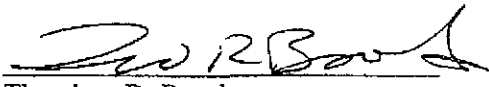
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On April 21, 2006, Bob Taunton of Avimor LLC, through their attorney Albert Barker, filed an objection to the *Director's Report*, asserting that the ownership and the priority date were incorrectly recommended. On January 23, 2007, the parties the subcase filed a *Standard Form 5 – Stipulated Elements of a Water Right*, which resolved the objection¹. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water right 63-05386 be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated February 1, 2007.


Theodore R. Booth
Special Master
Snake River Basin Adjudication

¹ The *Standard Form 5* filed January 23, 2007, contained an error in the irrigation quantity under the "period and purpose of use" element. A substitute corrected page, initialed by the parties, was emailed to the Court on January 31, 2007.

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 FEB 1 PM 3 22

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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

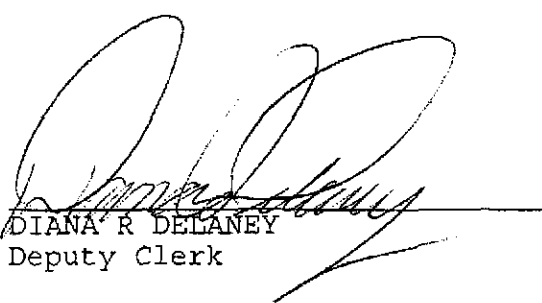
Water Right(s): 63-05386

On February 01, 2007, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED February 01, 2007.


DIANA R DELANEY
Deputy Clerk

NOTICE OF ISSUANCE

PAGE 1
02/01/07
FEB 02 2007

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

2007 FEB 1 PM 3 22

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)

CERTIFICATE OF MAILING

Water Right(s): 63-05386

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on February 01, 2007, with sufficient first-class postage prepaid to the following:

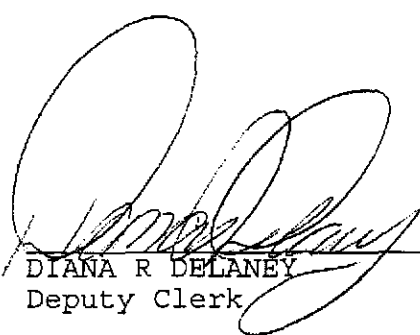
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

AVIMOR LLC

Represented by:
ALBERT P. BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

FIRST AMERICAN TITLE INSURANCE
TRUST N08562
FOR BENEFIT OF SUNCOR IDAHO
485 E RIVERSIDE DR
EAGLE, ID 83616

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

PAGE 1
02/01/07

CCANNED
FEB 02 2007

IDWR Concurrence:

Sandy Egbert 1-19-07
Sandy Egbert Date
GIS Specialist

Nicholas B. Spencer 1-22-07
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on 1-23, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

Hand-delivered

2. Copies to:

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

Hand-delivered

IDWR Repository
P.O. Box 83720
Boise, ID 83720

Becky Harvey

Signature of person or attorney mailing the form

SF 5 Right No. 63-5386

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

RIGHT NUMBER: 63-5386

NAME AND ADDRESS:

FIRST AMERICAN TITLE INSURANCE CO
TRUST NO 8562
FOR BENEFIT OF SUNCOR IDAHO LLC
465 E RIVERSIDE DR
EAGLE ID 83616

SPRING VALLEY LIVESTOCK CO-INC
PO-BOX-9
STAR-ID-83669

W
NBS
APB

SOURCE:

Source:

Tributary:

SPRING VALLEY CREEK

BOISE RIVER

QUANTITY:

1.880 CFS

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

PRIORITY DATE:

03/15/1894

03/15/1964

POINT OF DIVERSION:

T05N R02E S7 SESESE
Within ADA County

T05N R02E S18 NENWE
Within ADA County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/15 11/15

2.000 CFS

STOCKWATER

02/01 12/01

0.020 CFS

Stockwater use is for 400 range cattle.

PLACE OF USE:

IRRIGATION

within ADA County

T05N R02E S18 NENE 3.0

T05N R02E S18 NWNE 13.0

T05N R02E S18 SWNE 25.0

T05N R02E S18 NENW 1.0

T05N R02E S18 SENW 8.0

T05N R02E S18 NESW 12.0

T05N R02E S18 SESW 5.0

T05N R02E S18 NWSE 18.0

T05N R02E S18 SWSE 8.0

STOCKWATER Same As IRRIGATION

93 ACRES TOTAL

SF5 Right No. 63-5386

SF 5 Right No. 63-5386

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

SF5 Right No. 63-5386

Egbert, Sandy

From: Harvey, Becky
Sent: Tuesday, January 30, 2007 12:01 PM
To: Egbert, Sandy
Subject: 63-5386 Avimor

Sandy:

I am going to call Al Barker and see if he is okay with changing the irrigation quantity. If he is okay with it, then we will re-route the SF 5 for signatures.

Thanks.

Becky

Confidentiality Notice: This e-mail may contain confidential and privileged information exempt from disclosure under applicable law. This message is intended only for the use of the individual or individuals identified above. If you have received this message by mistake, please notify the sender immediately by replying to this message. Please delete the message from your system and do not review, disclose, copy, or distribute any information contained or attached to the message. Thank you.

Egbert, Sandy

From: Harvey, Becky
Sent: Tuesday, January 30, 2007 1:54 PM
To: 'apb@idahowaters.com'
Cc: Egbert, Sandy; Spencer, Nick
Subject: 63-5386 - Avimor LLC

Al:

Pursuant to our conversation on this date, attached are the revised SF 5 water right recommendation pages for 63-5386. Of note is the quantity for irrigation under the purpose and period of use which has been changed to reflect the accurate quantity of 1.860 cfs. Please review and if this meets with your approval, initial the change and return it to me. I will then forward this to the court as the replacement pages for the SF 5 which was signed on 1/23/2007.

Thank you for your cooperation.

Sincerely,
Becky Harvey
Paralegal
AGO/IDWR
Phone: 287-4814
email: becky.harvey@idwr.idaho.gov



2007013013362194
0.pdf

Confidentiality Notice: This e-mail may contain confidential and privileged information exempt from disclosure under applicable law. This message is intended only for the use of the individual or individuals identified above. If you have received this message by mistake, please notify the sender immediately by replying to this message. Please delete the message from your system and do not review, disclose, copy, or distribute any information contained or attached to the message. Thank you.

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

RIGHT NUMBER: 63-5386

NAME AND ADDRESS:

FIRST AMERICAN TITLE INSURANCE CO
TRUST N08562
FOR BENEFIT OF SUNCOR IDAHO LLC
485 E RIVERSIDE DR
EAGLE ID 83616

AK

SOURCE:

Source:
SPRING VALLEY CREEK

Tributary:
BOISE RIVER

QUANTITY: 1.880 CFS

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

PRIORITY DATE: 03/15/1894
03/15/1964

POINT OF DIVERSION:

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

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	03/15 11/15	<u>1.860 CFS</u> ~~2.000 CFS~~
STOCKWATER	02/01 12/01	0.020 CFS

Stockwater use is for 400 range cattle.

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

PLACE OF USE:	IRRIGATION	within ADA County
	T05N R02E S18 NENE 3.0	
	T05N R02E S18 NWNE 13.0	
	T05N R02E S18 SWNE 25.0	
	T05N R02E S18 NENW 1.0	
	T05N R02E S18 SENW 8.0	
	T05N R02E S18 NESW 12.0	
	T05N R02E S18 SESW 5.0	
	T05N R02E S18 NWSE 18.0	
	T05N R02E S18 SWSE 8.0	
	STOCKWATER Same As IRRIGATION	
	93 ACRES TOTAL	

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

Egbert, Sandy

From: Spencer, Nick
Sent: Wednesday, November 29, 2006 2:20 PM
To: 'susan.hamlin@deq.idaho.gov'; Egbert, Sandy
Cc: Harvey, Becky; Shurte, Jan
Subject: 63-05386 and 63-05387 (Spring Valley Livestock/Avimor)

Hi all. I just spoke with Al Barker, the attorney for Avimor, the new owner of these rights, regarding the initial hearing on them at 3:15 on Friday. (Susan, according to Becky's schedule you will be the attorney handling them.) The two issues are priority date and ownership. Along with the two objections Al submitted a pretty comprehensive collection of historic evidence justifying the earlier priority dates Avimor is seeking. I told him that based upon what I saw, then unless I had missed something, I was optimistic we could resolve the priority date objections at the initial hearing. As to ownership, I told Al that he should print off a change of ownership form, complete it, and bring it and the deed conveying the property to Avimor to the initial hearing. Assuming he does that, and everything is in order, does anybody know of a reason why we couldn't change the ownership at the initial hearing, at the same time we change the priority date--assuming we will have the capability to revise recommendations at the hearing? NBS

*OK on priority
Will need to check change
of ownership.*

Shurte, Jan

From: Ted Booth [tbooth@srba.state.id.us]
Sent: Wednesday, January 24, 2007 3:21 PM
To: Shurte, Jan
Subject: 63-5386

Jan,

I spoke with you on the phone about this one. The quantity is 1.88 cfs, but the irrigation portion of that is 2.0 cfs. Please review and let me know how to correct this.
Ted

Eliminate annoying spam!

My mailbox is protected by iHateSpam, the #1-rated spam buster.
<http://www.ihatespam.net>

Jan - When you get correction done please send to Becky & she will do the rest.

(Amended Director Report)
stick v/Version 2)

1/24/2007

In Re SRBA

Case No. 39576

STIPULATED ELEMENTS OF A WATER RIGHT

1

IDWR Concurrence:

Sandy Egbert 1-19-07
Sandy Egbert Date
GIS Specialist

Nicholas B. Spencer 1-22-07
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on 1-23, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

Hand-delivered

2. Copies to:

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

Hand-delivered

IDWR Repository
P.O. Box 83720
Boise, ID 83720

Becky Hawley
Signature of person or attorney mailing the form

SF 5 Right No. 63-5386

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

RIGHT NUMBER: 63-5386

NAME AND ADDRESS:

FIRST AMERICAN TITLE INSURANCE CO
TRUST N08562
FOR BENEFIT OF SUNCOR IDAHO LLC
485 E RIVERSIDE DR
EAGLE ID 83616

SPRING VALLEY LIVESTOCK CO INC
PO BOX 9
STAR ID 83669

M
NBS
APB

SOURCE:

Source:
SPRING VALLEY CREEK

Tributary:
BOISE RIVER

QUANTITY: 1.880 CFS

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

PRIORITY DATE: 03/15/1894
03/15/1964

POINT OF DIVERSION:

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

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	03/15 11/15	2.000 CFS
STOCKWATER	02/01 12/01	0.020 CFS

Stockwater use is for 400 range cattle.

PLACE OF USE:

IRRIGATION within ADA County
T05N R02E S18 NENE 3.0
T05N R02E S18 NWNE 13.0
T05N R02E S18 SWNE 25.0
T05N R02E S18 NENW 1.0
T05N R02E S18 SENW 8.0
T05N R02E S18 NESW 12.0
T05N R02E S18 SESW 5.0
T05N R02E S18 NWSE 18.0
T05N R02E S18 SWSE 8.0
STOCKWATER Same As IRRIGATION
93 ACRES TOTAL

SF5 Right No. 63-5386

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

Water Right No(s) _____	Adjudication Claim No(s) _____	Split _____	Water Right No(s) _____	Adjudication Claim No(s) _____	Split _____
<u>63-5386</u>	_____	_____	_____	_____	_____
<u>63-5387</u>	_____	_____	_____	_____	_____
<u>63-18974</u>	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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

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

3. Name and Address of Former Owner/Claimant(s) Spring Valley Livestock Co Inc
4. New Owner/Claimant(s) PO Box 9, Star, Idaho 83669
First American Title Insurance Company Trust No8562
for benefit of SunCor Development Co Idaho LLC,
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or Successor to SunCor Development Company
- New Mailing Address 485 E. Riverside Dr.
- City, State and ZIP Code Eagle, Idaho 83616
- New Telephone Number (208) 939-0343
5. Date you acquired the property July 24, 2003

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

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

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

7. Signature of New Owner(s) or Claimant(s) by Robert G. Taunton
(include title if applicable) its President
as Second Beneficiary
under First American Title Insurance
Company Trust NO 8562

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee <u>N/A</u>
Received by _____	Date _____	Receipt No. _____
Processed by <u>zaf</u> AJ	Date <u>1-19-07</u>	WR _____ Date _____



*First American
Title Insurance Company*

JOHN KENNEDY GRAHAM
REGIONAL COUNSEL

November 1, 2006

Bob Taunton
SunCor Idaho, LLC
485 East Riverside Drive, Suite 300
Eagle, ID 83616

RE: First American Title Insurance Company Trust Number 8562

Dear Mr. Taunton:

Please be advised that SunCor Development Company, an Arizona Corporation, is the second beneficiary under the above referenced trust.

Under the Declaration of Covenants, Conditions and Restrictions dated January 23, 2006 SunCor Idaho, LLC as the successor and assignee of SunCor Development Company was granted the right by either AR Boise, LLC or SRV Trust a perpetual easement and exclusive and unrestricted right to develop and locate within SRV property or ARB properties water wells and water distribution systems and to secure water rights within the SRV property and the ARB properties including the placement of a certain number of wells.

If you have any questions, please feel free to contact me.

Sincerely,

John K. Graham
Regional Counsel

JKG:hg

4801 E. Washington, Suite 120, Phoenix, AZ 85034
TEL 602.685.7670 • TOLL FREE 800.523.5338 • FAX 602.685.7680
www.firstam.com

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Recording Requested By and
When Recorded Return to:

First American Title Insurance Company
4801 East Washington Street
Phoenix, AZ 85034
Phone: (602) 685-7000

Instrument # 191847

IDAHO CITY, BOISE COUNTY, IDAHO

2003-07-25

03:24:18. No. of Pages: 12

Recorded for : PIONEER TITLE

RORA A. CANODY

Ex-Officio Recorder Deputy

Index to: DEEDS

(SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY)

SPECIAL WARRANTY DEED

(SPRING VALLEY-BOISE)

THIS SPECIAL WARRANTY DEED made this 24th day of July, 2003, between SPRING VALLEY LIVESTOCK COMPANY, INC., an Idaho corporation ("Grantor"), and FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, as TRUSTEE OF THE DUAL BENEFICIARY TRUST CREATED PURSUANT TO THE SUBDIVISION TRUST AGREEMENT DATED OCTOBER 8, 2003, as amended ("Grantee"), as said Subdivision Trust Agreement was entered into between Grantor, Grantee and SUNCOR DEVELOPMENT COMPANY, an Arizona corporation ("SunCor"), as Second Beneficiary thereunder, and together with the Contribution Agreement executed contemporaneously therewith by Grantor and SunCor, is evidenced by a Memorandum of Agreements recorded October 22, 2002, as Instrument No. 187819, Official Records of Boise County (all rights, title and interest of SunCor under said Subdivision Trust Agreement and said Contribution Agreement having been assigned by SunCor to SPRING VALLEY DEVELOPMENT LLC, an Idaho limited liability company ["SV Development"]), witnesseth:

That Grantor, for and in consideration of the sum of Ten Dollars and No Cents (\$10.00), and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, does, by these presents, convey unto Grantee and its successors and assigns forever upon and pursuant to the terms of the aforementioned Subdivision Trust Agreement and the Contribution Agreement, all the following described real estate situated in the County of Boise, State of Idaho.

SEE ~~SCHEDULE~~ SCHEDULE I ATTACHED HERETO AND
INCORPORATED HEREIN.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the rents, issues and profits thereof, including all water rights, permits and licenses appurtenant thereto; and all estate, right, title and interest in and to the property, as well in law as in equity, except as expressly provided otherwise herein. To have

and to hold, all and singular the above-described premises together with the appurtenances unto Grantee and its successors and assigns forever.

SUBJECT TO the provisions of the aforementioned Subdivision Trust Agreement and the Contribution Agreement which govern the duties and responsibilities of Grantor, Grantee and SV Development and survive the recording of this deed, and those exceptions to title set forth in SCHEDULE II attached hereto and made part hereof, Grantor makes no covenants or warranties with respect to title, express or implied, other than that previous to the date of this instrument, Grantor has not conveyed the same estate, or any right, title or interest therein, to any person other than Grantee and that such estate is at the time of the execution of this instrument free from encumbrances done, made or suffered by the Grantor, or any person claiming under Grantor.

GRANTOR:

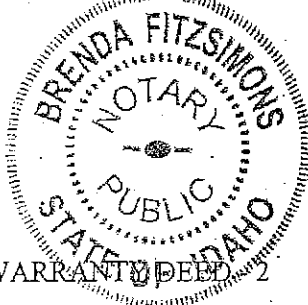
SPRING VALLEY LIVESTOCK COMPANY,
INC, an Idaho corporation

By *Colin McLeod III*
Its *pres*

STATE OF IDAHO)
) ss.
County of Ada)

On this 24 day of July, 2003, before me, Brenda Fitzsimons, a Notary Public in and for said State, personally appeared Colin McLeod III, known to me to be President of SPRING VALLEY LIVESTOCK COMPANY, INC., the corporation that executed the within instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

WITNESS MY HAND and official seal hereto affixed the day, month and year in this certificate first above written.



Brenda Fitzsimons
Notary Public for the State of Idaho
Residing at Caldwell
My commission expires 11-16-2008

SCHEDULE I

Legal Description

Roylance & Associates P.A.

391 W. State Street, Suite E, Eagle, Idaho 83616

Engineers • Surveyors • Landplanners

Telephone (208) 939-2824 Fax (208) 939-2855

July 24, 2003

Project No: 2408

Legal Description

Suncor Development Company

Spring Valley Livestock Company properties in Boise County

A tract of land located in Township 5 North, Range 1 East, Boise Meridian, Boise County, Idaho described as follows:

In Section 1, the portions of the Northeast One Quarter which lie within Boise County including Government Lots 1 and 2, and;

AND ALSO

A tract of land located in Township 6 North, Range 2 East, Boise Meridian, Boise County, Idaho described as follows:

In Section 7, the East One Half of the Southwest One Quarter, and Government Lots 3, 4, 10, and 11, and;

~~In Section 14, the South One Half of the Southwest One Quarter, and;~~

~~In Section 15, the South One Half, and;~~

A parcel of land situated in the Southeast One Quarter of the Southeast quarter of Section 17, Township 6 North, Range 2 East, Boise Meridian, Boise County, Idaho, as shown on the Record of Survey filed under Instrument No. 167338 in the Office of the Boise County Recorder, Idaho City, Idaho, said parcel being described as follows:

Beginning at an iron pin with an aluminum cap marking the Southeast corner of said Section 17,

Thence along the East boundary of said Section 17 North $00^{\circ}33'29''$ East a distance of 595.84 feet to a point on a curve on the Easterly right of way boundary of old Highway 55, FAP F. 129-(13),

Thence along the said Easterly right of way boundary along the arc of a curve to the right having a radius of 722.96 feet, a central angle of $06^{\circ}37'36''$, a length of 83.62 feet and a long chord which bears South $29^{\circ}27'18''$ West a distance of 83.57 feet to a point of spiral curve,

Thence continuing along the arc of a spiral curve to the right having a long chord which bears South $37^{\circ}37'26''$ West a distance of 169.50 feet to a point of tangent;

Thence South $40^{\circ}16'06''$ West a distance of 220.75 feet to a point of spiral curve,

Thence continuing along the arc of a spiral curve to the left having a long chord which bears South $37^{\circ}56'40''$ West a distance of 130.15 feet to a point of curve,

Thence continuing along the arc of a curve to the left having a radius of 419.52 feet, a central angle of $17^{\circ}08'36''$, a length of 125.52 feet and a long chord which bears South $24^{\circ}09'05''$ West a distance of 125.06 feet to a point on the South boundary of said Section 17,

Thence along the said South boundary, South $89^{\circ}30'00''$ East a distance of 412.67 feet, to the point of beginning.

In Section 18, the West One Half of the Northeast One Quarter, the East One Half of the Northwest One Quarter, the Northeast One Quarter of the Southwest One Quarter and Government Lots 1, 2, 3 and 4, and;

In Section 19, the Southeast One Quarter, the South One Half of the Northeast One Quarter and the Southwest One Quarter, and;

All of Section 20, Except that portion thereof lying within the following:

A tract of land situated in the Northeast quarter of Section 20 and the Southeast quarter of the Southeast quarter of Section 17, all in Township 6 North, Range 2 East, Boise Meridian, Boise County, Idaho, said tract being described as follows:

Commencing at a steel pin set to mark the Southwest corner of said Section 17,
Thence along the Southerly line of said Section 17 South $89^{\circ}10'42''$ East a distance of 2624.35 feet to a found stone monumenting the South quarter corner of said Section 17;
Thence continuing along the Southerly line of said Section 17 South $89^{\circ}30'00''$ East a distance of 1279.86 feet to a steel pin, said steel pin being the point of beginning;

Thence leaving the Southerly line of said Section 17 and following an existing fence South $00^{\circ}01'36''$ West a distance of 1397.07 feet to a steel pin on the Westerly right of way of old Highway 55,

Thence following the Westerly right of way of old Highway 55 the following courses and distances:

Thence North $00^{\circ}00'00''$ East a distance of 152.83 feet along the arc of a non-tangent circular curve to the right, said curve having a radius of 722.96 feet, a central angle of $12^{\circ}06'43''$, a chord bearing of North $53^{\circ}01'44''$ East and a chord distance of 152.54 feet to a steel pin,

Thence along the arc of a spiral curve to the right, said spiral having a long chord bearing of North $63^{\circ}56'27''$ East and a chord distance of 169.52 feet to a right-of-way monument;

Thence North $66^{\circ}35'06''$ East a distance of 83.38 feet to a right-of-way monument;

Thence along the arc of a spiral curve to the left, said spiral having a long chord bearing of North $64^{\circ}29'08''$ East and a chord distance of 132.25 feet to a steel pin,

Thence North $00^{\circ}00'00''$ East a distance of 641.23 feet along the arc of a circular curve to the left, said curve having a radius of 486.62 feet, a central angle of $75^{\circ}30'00''$, a chord bearing of North $22^{\circ}05'06''$ East and a chord distance of 395.83 feet to a steel pin,

Thence along the arc of a spiral curve to the left, said spiral having a long chord bearing of North $20^{\circ}18'55''$ West and a chord distance of 132.23 feet to a right-of-way monument,

Thence along the arc of a spiral curve to the right, said spiral having a long chord bearing of North $19^{\circ}45'14''$ West and a chord distance of 169.62 feet to a steel pin,

Thence North 00°00'00" West a distance of 302.58 feet along the arc of a circular curve to the right, said curve having a radius of 719.52 feet, a central angle of 24°05'40", a chord bearing of North 02°49'21" West and a chord distance of 300.35 feet to a point,
Thence North 00°00'00" East a distance of 295.09 feet along the arc of a circular curve to the right, said curve having a radius of 719.52 feet, a central angle of 23°29'54", a chord bearing of North 20°58'26" East and a chord distance of 293.03 feet to a steel pin,
Thence along the arc of a spiral curve to the right, said spiral having a long chord bearing of North 37°36'26" East and a chord distance of 169.62 feet to a right of way monument;
Thence North 40°16'06" East a distance of 220.75 feet to a steel pin,
Thence along the arc of a spiral curve to the left, said spiral having a long chord bearing of North 37°57'25" East and a chord distance of 130.27 feet to a steel pin,
Thence North 00°00'00" East a distance of 303.89 feet along the arc of a circular curve to the left, said curve having a radius of 422.96 feet, a central angle of 41°10'00", a chord bearing of North 12°11'06" East and a chord distance 297.40 feet to a steel pin,
Thence along the arc of a spiral curve to the left, said spiral having a long chord bearing of North 13°35'13" West and a chord distance of 130.27 feet to a right-of-way monument,
Thence North 15°53'54" West a distance of 2.38 feet to a right-of-way monument,
Thence along the arc of a spiral curve to the right, said spiral having a long chord bearing of North 13°15'14" West and a chord distance of 169.50 feet to a steel pin,
Thence North 00°00'00" West a distance of 43.29 feet along the arc of a circular curve to the right, said curve having a radius of 722.96 feet, a central angle of 03°25'52", a chord bearing of North 06°40'58" West and a chord distance of 43.29 feet to a point on the Northerly line of the Southeast quarter of the Southeast quarter of said Section 17,
Thence leaving said Westerly right-of-way and following the Northerly line of the Southeast quarter of the Southeast quarter of said Section 17 North 89°20'25" West a distance of 981.45 feet to a steel pin monumenting the Northwest corner of the said Southeast One Quarter of the Southeast One Quarter,
Thence along the Easterly line of the said Southeast One Quarter of the Southeast One Quarter South 00°14'18" West a distance of 1313.12 feet to a steel pin monumenting the Southeast corner of the Southeast One Quarter of the Southeast One Quarter,
Thence North 89°30'00" West a distance of 7.16 feet to a steel pin, said pin being the point of beginning.

And Except that portion conveyed to the State of Idaho by the Deed recorded under Instrument No. 126533.

~~In Section 21, the South One Half, the Northeast One Quarter, the South One Half of the Northwest One Quarter and the Northwest One Quarter of the Northwest One Quarter, and;~~

~~All of Section 22, and;~~

~~In Section 23, the North One Half and the Southwest One Quarter, and;~~

~~All of Section 27, and;~~

In Section 28, the North One Half, the North One Half of the South One Half and the Southeast One Quarter of the Southeast One Quarter, and;

All portions of Section 29, **Except** those portions conveyed to the State of Idaho by the Deeds recorded under Instrument No's 116461 and 126533.

All portions of Section 30, **Except** that portion thereof conveyed to the State of Idaho by the Deed recorded under Instrument No. 116461.

In Section 31, the East One Half, the East One Half of the Southwest One Quarter, the East One Half of the Northwest One Quarter, and Government Lots 2, 3, and 4, **Except** that portion conveyed to the State of Idaho by the Deed recorded under Instrument No. 116461.

In Section 32, the North One Half, the Southwest One Quarter, the North One Half of the Southeast One Quarter and the Southwest One Quarter of the Southeast One Quarter, and;

In Section 33, the West One Half of the West One Half, and the Southeast One Quarter of the Southwest One Quarter, and;

~~In Section 34, the East One Half and the East One Half of the Northwest One Quarter, and;~~

~~In Section 35, the South One Half of the Southwest One Quarter and the Northeast One Quarter of the Southwest One Quarter.~~

AND ALSO

A tract of land located in Township 5 North, Range 2 East, Boise Meridian, Boise County, Idaho described as follows:

In Section 4, Government Lots 1, 2 and 3, the South One Half of the Northeast One Quarter, the Southwest One Quarter and the South One Half of the Northwest One Quarter, and;

In Section 5, Government Lots 2, 3 and 4, the South One Half of the North One Half and the South One Half, and;

63-5351 In Section 6, all portions which lie within Boise County including but not limited to that portion of abandoned highway right of way as evidenced by Instrument No. 134123, **Except** those portions conveyed for road right-of-way by deeds recorded under Instrument Numbers 46769 and 116461.

In Section 7, all portions which lie within Boise County, and;

In Section 8, the North One Half of the Northwest One Quarter, the Southeast One Quarter of the Northwest One Quarter, the South One Half of the Northeast One Quarter, the Northeast One Quarter of the Northeast One Quarter, the East One Half of the Southeast One Quarter, those portions of the Southwest One Quarter of the Southeast One Quarter and the Southwest One Quarter lying in Boise County, and;

In Section 9, the North One Half of the Northwest One Quarter and the West One Half of the Northeast One Quarter, and;

~~In Section 10, the East One Half of the Northeast One Quarter, the Southwest One Quarter of the Northeast One Quarter, the South One Half of the Southeast One Quarter, the Northwest One Quarter of the Southeast One Quarter, and the Southeast One Quarter of the Southwest One Quarter, and;—~~

~~In Section 14, the South One Half of the South One Half, and;—~~

~~In Section 15, the North One Half of the Northeast One Quarter, the South One Half of the Northwest One Quarter, the Northeast One Quarter of the Northwest One Quarter and the Southwest One Quarter, and;—~~

~~In Section 16, the Southeast One Quarter of the Southeast One Quarter, and;—~~

In Sections 17, those portions of the North One Half of the Northeast One Quarter which lie within Boise County, and;

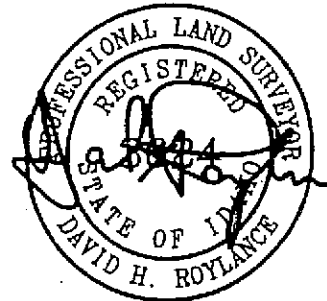
~~In Sections 21 and 22, all those portions which lie within Boise County, and;—~~

~~In Section 23, the North One Half, the North One Half of the Southeast One Quarter and the North One Half of the Southwest One Quarter and the Southeast One Quarter of the Southeast One Quarter, and;—~~

~~In Section 24, the Northwest One Quarter.——~~

Subject to all existing easements and rights-of-way, recorded or prescriptive.

Prepared By: ROYLANCE & ASSOCIATES P.A.
391 W. STATE STREET, SUITE E
EAGLE, IDAHO 83616
208-939-2824
208-939-2855 (FAX)



7-24-03

229968

Recording Requested By and
When Recorded Return to:

First American Title Insurance Company
4801 East Washington Street
Phoenix, AZ 85034
Phone: (602) 685-7000

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 07/25/03 03:53 PM
DEPUTY Bonnie Oberbillig
RECORDED - REQUEST OF
Pioneer
AMOUNT 54.00

18



(SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY)

SPECIAL WARRANTY DEED

(SPRING VALLEY-ADA)

THIS SPECIAL WARRANTY DEED made this 24th day of July, 2003, between SPRING VALLEY LIVESTOCK COMPANY, INC., an Idaho corporation ("Grantor"), and FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, as TRUSTEE OF THE DUAL BENEFICIARY TRUST CREATED PURSUANT TO THE SUBDIVISION TRUST AGREEMENT DATED OCTOBER 8, 2003, as amended ("Grantee"), as said Subdivision Trust Agreement was entered into between Grantor, Grantee and SUNCOR DEVELOPMENT COMPANY, an Arizona corporation ("SunCor"), as Second Beneficiary thereunder, and together with the Contribution Agreement executed contemporaneously therewith by Grantor and SunCor, is evidenced by a Memorandum of Agreements recorded October 22, 2002, as Instrument No. 102121552, Official Records of Ada County (all rights, title and interest of SunCor under said Subdivision Trust Agreement and said Contribution Agreement having been assigned by SunCor to SPRING VALLEY DEVELOPMENT LLC, an Idaho limited liability company ["SV Development"]), witnesseth:

That Grantor, for and in consideration of the sum of Ten Dollars and No Cents (\$10.00), and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, does, by these presents, convey unto Grantee and its successors and assigns forever upon and pursuant to the terms of the aforementioned Subdivision Trust Agreement and the Contribution Agreement, all the following described real estate situated in the County of Ada, State of Idaho.

SEE SCHEDULE I ATTACHED HERETO AND
INCORPORATED HEREIN.

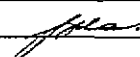
Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the rents, issues and profits thereof, including all water rights, permits and licenses appurtenant thereto; and all estate, right, title and interest in and to the property, as well in law as in equity, except as expressly provided otherwise herein. To have

and to hold, all and singular the above-described premises together with the appurtenances unto Grantee and its successors and assigns forever.

SUBJECT TO the provisions of the aforementioned Subdivision Trust Agreement and the Contribution Agreement which govern the duties and responsibilities of Grantor, Grantee and SV Development and survive the recording of this deed, and those exceptions to title set forth in SCHEDULE II attached hereto and made part hereof, Grantor makes no covenants or warranties with respect to title, express or implied, other than (i) that previous to the date of this instrument, neither Grantor nor Grantor's immediate predecessor in interest (Colin McLeod III and Teresa McLeod, husband and wife) have conveyed the same estate, or any right, title or interest therein, to any person other than Grantee and (ii) that such estate is at the time of the execution of this instrument free from encumbrances done, made or suffered by Grantor or Grantor's immediate predecessor in interest, or any person claiming under Grantor or Grantor's immediate predecessor in interest.

GRANTOR:

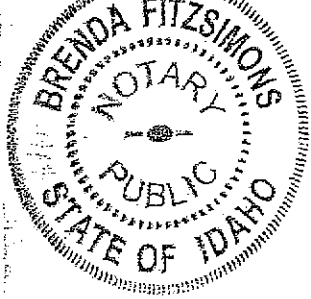
SPRING VALLEY LIVESTOCK COMPANY,
INC, an Idaho corporation

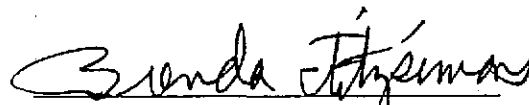
By 
Its 

STATE OF IDAHO)
) ss.
County of Ada)

On this 24 day of July, 2003, before me, Brenda Fitzsimons Notary Public in and for said State, personally appeared Colin McLeod III, known to me to be President of SPRING VALLEY LIVESTOCK COMPANY, INC., the corporation that executed the within instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

WITNESS MY HAND and official seal hereto affixed the day, month and year in this certificate first above written.




Notary Public for the State of Idaho
Residing at Caldwell
My commission expires 11-16-2008

SCHEDULE I

Legal Description

14
ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 06/04/04 02:41 PM
DEPUTY Bonnie Oberbiller
RECORDED - REQUEST OF
Pioneer
AMOUNT 42.00



Recording Requested By and
When Recorded Return to:

First American Title Insurance Company
4801 East Washington Street
Phoenix, AZ 85034
Phone: (602) 685-7000

(SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY)

SPECIAL WARRANTY DEED

(SPRING VALLEY-ADA)

(OMITTED PARCEL IN SECTION 1, T5N R1E)

THIS SPECIAL WARRANTY DEED made this 26th day of February, 2004, between SPRING VALLEY LIVESTOCK COMPANY, INC., an Idaho corporation ("Grantor"), and FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, as TRUSTEE OF THE DUAL BENEFICIARY TRUST CREATED PURSUANT TO THE SUBDIVISION TRUST AGREEMENT DATED OCTOBER 8, 2003, as amended ("Grantee"), as said Subdivision Trust Agreement was entered into between Grantor, Grantee and SUNCOR DEVELOPMENT COMPANY, an Arizona corporation ("SunCor"), as Second Beneficiary thereunder, and together with the Contribution Agreement executed contemporaneously therewith by Grantor and SunCor, is evidenced by a Memorandum of Agreements recorded October 22, 2002, as Instrument No. 102121552, Official Records of Ada County (all rights, title and interest of SunCor under said Subdivision Trust Agreement and said Contribution Agreement having been assigned by SunCor to SUNCOR IDAHO, LLC, an Idaho limited liability company ["SunCor Idaho"]), witnesseth:

That Grantor, for and in consideration of the sum of Ten Dollars and No Cents (\$10.00), and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, does, by these presents, convey unto Grantee and its successors and assigns forever upon and pursuant to the terms of the aforementioned Subdivision Trust Agreement and the Contribution Agreement, all the following described real estate situated in the County of Ada, State of Idaho.

SEE SCHEDULE I ATTACHED HERETO AND
INCORPORATED HEREIN.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the rents, issues and profits thereof, including all water rights, permits and licenses appurtenant thereto; and all estate, right, title and interest in and to the property, as well in law as in equity, except as expressly provided otherwise herein. To have and to hold, all and singular the above-described premises together with the appurtenances unto Grantee and its successors and assigns forever.

SUBJECT TO the provisions of the aforementioned Subdivision Trust Agreement and the Contribution Agreement which govern the duties and responsibilities of Grantor, Grantee and SunCor Idaho and survive the recording of this deed, and those exceptions to title set forth in SCHEDULE II attached hereto and made part hereof, Grantor makes no covenants or warranties with respect to title, express or implied, other than that previous to the date of this instrument, Grantor has not conveyed the same estate, or any right, title or interest therein, to any person other than Grantee and that such estate is at the time of the execution of this instrument free from encumbrances done, made or suffered by the Grantor, or any person claiming under Grantor.

GRANTOR:

SPRING VALLEY LIVESTOCK COMPANY,
INC, an Idaho corporation

By 
Its President

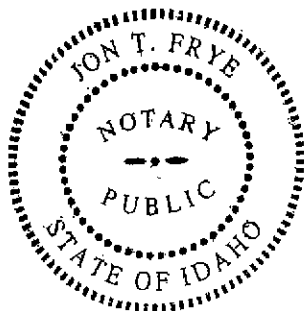
STATE OF IDAHO)

County of Canyon)

) ss.

On this 26th day of February, 2004, before me, Jon T. Frye,
a Notary Public in and for said State, personally appeared Colin McLeod III,
known to me to be the president of SPRING VALLEY LIVESTOCK
COMPANY, INC., the corporation that executed the within instrument or the person who
executed the instrument on behalf of said corporation, and acknowledged to me that such
corporation executed the same.

WITNESS MY HAND and official seal hereto affixed the day, month and year in this
certificate first above written.



Jon T. Frye
Notary Public for the State of Idaho
Residing at Cardwell, Idaho
My commission expires 10-30-2007

SCHEDULE I

Legal Description

Roylance & Associates P.A.

391 W. State Street, Suite E, Eagle, Idaho 83616

Engineers • Surveyors • Landplanners

Telephone (208) 939-2824 Fax (208) 939-2855

August 21, 2003

Project No: 2408

Legal Description

Suncor Development Company

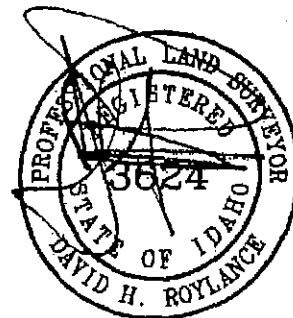
Spring Valley Livestock Company property in Ada County

A tract of land located in Township 5 North, Range 1 East, Boise Meridian, Ada County, Idaho described as follows:

In Section 1, the East One Half of the Southeast One Quarter.

Subject to all existing easements and rights-of-way, recorded or prescriptive.

Prepared By: ROYLANCE & ASSOCIATES P.A.
391 W. STATE STREET, SUITE E
EAGLE, IDAHO 83616
208-939-2824
208-939-2855 (FAX)



8-21-03

Roylance & Associates P.A.

391 W. State Street, Suite E, Eagle, Idaho 83616

Engineers • Surveyors • Landplanners

Telephone (208) 939-2824 Fax (208) 939-2855

July 22, 2003

Project No: 2408

Legal Description

Suncor Development Company

McLeod Properties located in Ada County

~~A tract of land located in Township 5 North, Range 1 West, Boise Meridian, Ada County, Idaho described as follows: —~~

~~In Section 13, the Northeast One Quarter, the Southeast One Quarter of the Northwest One Quarter and the South One Half of the Southwest One Quarter, and; —~~

~~In Section 14, the North One Half of the Northeast One Quarter, the Southeast One Quarter of the Northeast One Quarter, the South One Half of the Northwest One Quarter, the North One Half of the Southeast One Quarter, the Southwest One Quarter of the Southeast One Quarter and the Northeast One Quarter of the Southwest One Quarter, and; —~~

~~In Section 22, the Southeast One Quarter of the Northeast One Quarter and the Northeast One Quarter of the Southeast One Quarter, and; —~~

~~In Section 26, the Northwest One Quarter of the Northwest One Quarter, and; —~~

~~In Section 27, the Northeast One Quarter of the Northeast One Quarter. —~~

~~AND ALSO —~~

A tract of land located in Township 5 North, Range 1 East, Boise Meridian, Ada County, Idaho described as follows:

In Section 1, those portions of Government Lot 1, the South One Half of the Northeast One Quarter lying in Ada County, the West One Half of the Southeast One Quarter and the Southeast One Quarter of the Southwest One Quarter.

In Section 3, the East One Half of the Southwest One Quarter and the Southeast One Quarter and;

In Section 4, the South One Half and the South One Half of the Northwest One Quarter and;

In Section 5, the Northeast One Quarter of the Southeast One Quarter and;

~~In Section 7, Government Lot 4 and; —~~

In Section 8, the South One Half of the Northeast One Quarter, the East One Half of the Northwest One Quarter, the North One Half of the Southwest One Quarter and the Southwest One Quarter of the Southwest One Quarter and;

In Section 10, the Southeast One Quarter of the Northeast One Quarter, and;

In Section 11, the South One Half of the Northwest One Quarter, and;

In Section 12, the Northeast One Quarter of the Northwest One Quarter and the Northwest One Quarter of the Northeast One Quarter, and;

In Section 17, the Northwest One Quarter, the North One Half of the Southwest One Quarter, and;

~~In Section 18, Government Lots 1 and 2, and;~~

~~In Section 19, Government Lots 1 and 2;~~

~~AND ALSO~~

~~A tract of land located in Township 5 North, Range 2 East, Boise Meridian, Ada County, Idaho described as follows:~~

~~In Section 21, all the portions which lie within the Northwest One Quarter of the Northeast One Quarter of Ada County;~~

~~Except that portion conveyed to Ada County for Healy Toll Road by deed recorded under Instrument Number 19780 in Book 74 of Deeds, Page 254, records of Ada County, Idaho.~~

Subject to all existing easements and rights-of-way, recorded or prescriptive.

Prepared By: ROYLANCE & ASSOCIATES P.A.
391 W. STATE STREET, SUITE E
EAGLE, IDAHO 83616
208-939-2824
208-939-2855 (FAX)



7-24-03

Roylance & Associates P.A.

391 W. State Street, Suite E, Eagle, Idaho 83616

Engineers • Surveyors • Landplanners

Telephone (208) 939-2824 Fax (208) 939-2855

July 24, 2003

Project No: 2408

Legal Description

Suncor Development Company

Spring Valley Livestock Company properties in Ada County

~~A tract of land located in Township 5 North, Range 1 West, Boise Meridian, Ada County, Idaho described as follows: —~~

~~In Section 10, the East One Half of the Southeast One Quarter, and; —~~

~~In Section 14, the Southwest One Quarter of the Northeast One Quarter, the North One Half of the Northwest One Quarter and the Southeast One Quarter of the Southwest One Quarter, and; —~~

~~In Section 15, the Northeast One Quarter of the Northeast One Quarter. —~~

AND ALSO

A tract of land located in Township 5 North, Range 1 East, Boise Meridian, Ada County, Idaho described as follows:

In Section 1, the South One Half of the Northwest One Quarter, the North One Half of the Southwest One Quarter, the Southwest One Quarter of the Southwest One Quarter, and the West One Half of the Southeast One Quarter, Government Lots 3 and 4 and the portion of Government Lot 2 lying in Ada County,

Except that portion conveyed to the State of Idaho for public road by deed recorded under Instrument No. 127565 in Book 182 of Deeds, Page 23.

In Section 2, the South One Half of the Northwest One Quarter, the South One Half and Government Lots 3 and 4, and;

In Section 3, the South One Half of the Northeast One Quarter, the Southeast One Quarter of the Northwest One Quarter and Government Lots 1, 2, 3 and 4, and;

In Section 4, the Southeast One Quarter of the Northeast One Quarter and Government Lots 1 and 4, and;

In Section 5, the South One Half of the Northeast One Quarter and Government Lots 1 and 2, and;

In Section 7, the Southwest One Quarter of the Southeast One Quarter and the Southeast One Quarter of the Southwest One Quarter, and;

In Section 8, the Southeast One Quarter of the Southeast One Quarter, and;

In Section 9, the Northwest One Quarter, the South One Half, the North One Half of the

Northeast One Half and the Southwest One Quarter of the Northeast One Quarter, and;

In Section 10, the Southwest One Quarter, and;

In Section 11, the North One Half of the Northeast One Quarter, and;

In Section 12, the South One Half, the West One Half of the Northwest One Quarter, the Southeast One Quarter of the Northwest One Quarter, the East One Half of the Northeast One Quarter and the Southwest One Quarter of the Northeast One Quarter,

Except from the Southwest One Quarter of the Southwest One Quarter of said Section 12, a one acre parcel for a school house lot reserved in Sheriff's Deed recorded under Instrument No. 143440 in Book 183 of Deeds, page 171.

In Section 13, the North One Half, the Southeast One Quarter and the North One Half of the Southwest One Quarter, and;

~~In Section 18, the East One Half of the Northwest One Quarter, the East One Half of the Southwest One Quarter, the West One Half of the Northeast One Quarter, The Southeast One Quarter of the Northeast One Quarter and the Southeast One Quarter, and;~~

~~In Section 19, the Northeast One Quarter, the Southeast One Quarter and the East One Half of the Northwest One Quarter, and;~~

~~In Section 20, the West One Half of the Southwest One Quarter and the Southwest One Quarter of the Northwest One Quarter, and;~~

In Section 24, the North One Half of the Northeast One Quarter.

AND ALSO

A tract of land located in Township 5 North, Range 2 East, Boise Meridian, Ada County, Idaho described as follows:

In Section 6, all portions which lie within Ada County,

Except that portion conveyed to the State of Idaho for public road by deed recorded under Instrument No. 127565 in Book 182 of Deeds, Page 23.

And except that portion conveyed to the State of Idaho by deed recorded under Instrument No. 191535 in Book 235 of Deeds, Page 542. **And except** that portion conveyed to the State of Idaho by deed recorded under Instrument No. 8514764.

In Section 7, all portions which lie within Ada County,

Except that portion conveyed to the State of Idaho by deed recorded under Instrument No. 160917 in Book 208 of Deeds, Page 611.

And except that portion conveyed to the State of Idaho by deed recorded under Instrument No. 191535 Book, Page 542.

And except that portion conveyed to the State of Idaho by deed recorded under Instrument No. 8514764.

In Section 8, those portions of the Southwest One Quarter and the Southwest One Quarter of the Southeast One Quarter lying in Ada County, and;

In Section 17, the West One Half of the West One Half, the Southeast One Quarter of the South West One Quarter, ~~the South One Half of the Southeast One Quarter, the Northwest One Quarter of the Southeast One Quarter,~~ the Northeast One Quarter of the Northwest One Quarter and those portions of the North One Half of the Northeast One Quarter lying in Ada County, and;

All of Section 18, Except that portion conveyed to the State of Idaho for public road by deed recorded under Instrument No. 127564 in Book 182 of Deeds, Pages 21 and 22.

And except that portion conveyed to the State of Idaho by deed recorded under Instrument No. 160917 in Book 208 of Deeds, Page 611.

And except that portion conveyed to the State of Idaho by deed recorded under Instrument No. 610585.

And except that portion conveyed to the State of Idaho by deed recorded under Instrument No. 8514764.

In Section 19, the North One Half of the Northeast One Quarter, ~~the East One Half of the Southeast One Quarter,~~ the East One Half of the Northwest One Quarter and Government Lot 1,

Except that portion conveyed to the State of Idaho for a right-of-way for a Public Highway by deed recorded under Instrument No. 160903 in Book 208 of Deeds, Page 595.

And except that portion conveyed to the State of Idaho by deed recorded under Instrument No. 160917 in Book 208 of Deeds, Page 611.

And except that portion conveyed to Ada County for Healy Toll Road by deed recorded under Instrument No. 19780 in Book 74 of Deeds, Page 254.

And except that portion conveyed to the State of Idaho by deed recorded under Instrument No. 610585. And except that portion conveyed to the State of Idaho by deed recorded under Instrument No. 645947.

~~All of Section 20, Except that portion conveyed to Ada County for Healy Toll Road by deed recorded under Instrument No. 19780 in Book 74 of Deeds, Page 254.~~

~~In Section 21, the South One Half, the Northwest One Quarter, and the Southwest One Quarter of the Northeast One Quarter, and all the portions in the East One Half of the Northeast One Quarter lying in Ada County,~~

~~Except that portion conveyed to School District No. 50 by deed recorded under Instrument No. 58453 in Book Of Deeds, Pages 161 and 162.~~

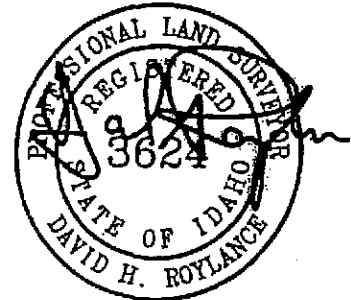
~~And except that portion conveyed to Ada County for Healy Toll Road by deed recorded under Instrument No. 19780 in Book 74 of Deeds, Page 254.~~

~~In Section 22, all portions which lie within Ada County, and;~~

~~In Section 27, the Northwest One Quarter of the Northwest One Quarter, and;~~
~~In Section 28, the North One Half of the North One Half, and;~~
~~In Section 29, the North One Half of the Northwest One Quarter, and;~~
~~In Section 30, the North One Half of the Northeast One Quarter, the Southeast One Quarter of~~
~~the Northeast One Quarter and the East One Half of the Northwest One Quarter and Government~~
~~Lot 2,~~
~~Except that portion conveyed to Ada County for Healy Toll Road by deed recorded under~~
~~Instrument No. 19780 in Book 74 of Deeds, Page 254.~~

Subject to all existing easements and rights-of-way, recorded or prescriptive.

Prepared By: ROYLANCE & ASSOCIATES P.A.
391 W. STATE STREET, SUITE E
EAGLE, IDAHO 83616
208-939-2824
208-939-2855 (FAX)



7-24-03

EXHIBIT D-1

WILLOW CREEK PROPERTY

All portions of the following parcels located northeast of Willow Creek Road in Ada County, Idaho:

SE1/4SW1/4 of Section 7, T5N, R1W, Boise Meridian, Ada County, Idaho

NW1/4SW1/4 of Section 17, T5N, R1W, Boise Meridian, Ada County, Idaho

NE1/4SE1/4, SE1/4NE1/4, NW1/4NE1/4, NE1/4NW1/4 of Section 18, T5N, R1W, Boise Meridian, Ada County, Idaho

RECEIVED
APR 24 2006
DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA) A. Subcase 63-5386
(Insert water right number)
)
Case No. 39576)
) STANDARD FORM 1
) OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Bob Taunton
Avimor, LLC.
Address: 485 E. Riverside Drive
Eagle, ID 83616
Daytime Phone: (208) 939-0343

Name & Address of Attorney, if any:

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

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

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

SCANNED
OCT 05 2006

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

1. ☒ **Name and Address**

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

2. ☐ **Source**

Should be:

3. ☐ **Quantity**

Should be:

4. ☒ **Priority Date**

Should be: 1884

5. ☐ **Point of Diversion**

Should be:

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

Should be:

7. ☐ **Purpose(s) of Use**

Should be:

8. ☐ **Period of Year**

Should be:

9. ☐ **Place of Use**

Should be:

10. ☐ **I object because:**

☐ This water right Should not exist.

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

E. REASONS SUPPORTING OBJECTIONS(S):

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

F. VERIFICATION (must be completed)

State of IDAHO)
)ss.
County of ADA)

ALBERT P BARKER, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

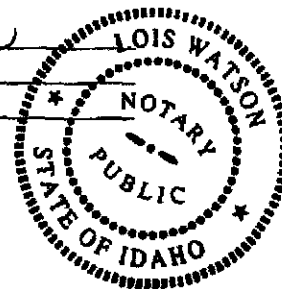
(Signature of person filing objection)

Albert P Barker

(Attorney signing in representative capacity)

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

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



INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

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

1. Original to:

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

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

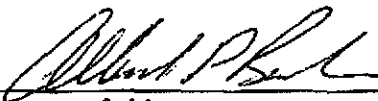
Name: Spring Valley Livestock Co Inc.
Address: PO Box 9
Star, ID 83669

3. Copies to:

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

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

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



Signature of objector or attorney
mailing on Objector's behalf

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

Attorneys for Avimor, LLC

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

In Re SRBA

Case No. 39576

)
) Subcase Nos. 63-5386 and 63-5387
)
)
) **AVIMOR, LLC'S MEMORANDUM**
) **IN SUPPORT OF OBJECTION**
)
)

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

STATEMENT OF FACTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Id.

ARGUMENT

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

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

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

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

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

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

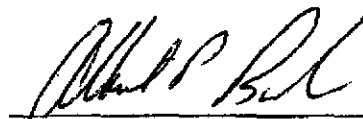
On July 27, 2003, Avimor, LLC, as beneficiary to a trust, acquired interest in the property in question along with all water rights. *See Wardle Aff.*, ¶ 11. SunCor Idaho is now Avimor, LLC. *Id.*, ¶ 12, Ex. I. Since SVLC no longer has any interest in this water right, title should be in Avimor, LLC.

CONCLUSION

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

Dated this 20th day of April, 2006.

BARKER ROSHOLT & SIMPSON, LLP



Albert P. Barker

CERTIFICATE OF SERVICE

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

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Chief, Natural Resources Division
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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

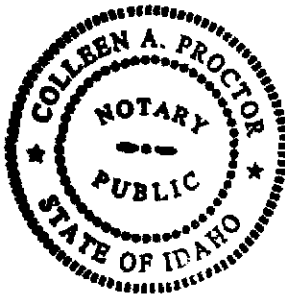
STATE OF IDAHO)

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

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Office of Attorney General
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Albert P. Barker



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

W. C. Cleveland and Nettie J. Cleveland, husband and wife
John Archabal and Benedicta Archabal, husband and wife

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

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

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

Witnesseth, That the said parties of the first part, for and in consideration of the sum of One dollar and other good and valuable considerations Dollars, lawful money of the United States of America, to them in hand paid, by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all the following described real estate, situated in Ida County, State of Idaho, to-wit:

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

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

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

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

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

Signed, Sealed and Delivered in the Presence of

W. F. Caudwell

W. C. Cleveland
Nettie J. Cleveland
John Archabal
Benedicta Archabal



State of Idaho, } ss.
County of Ada

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

W. F. Caudwell

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. F. Caudwell

Notary Public for Idaho residing at Boise, Idaho.

B

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 V. 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 & 25/100 (\$43,628.25) Dollars, lawful money of the United States of America, to them in hand paid by the said part V. of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell and convey unto the said part V. 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:

S 43628.86

Caldwell, Idaho, November 16, 1917

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 & 86/100 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 reason-
able 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, 1918

P. O. Caldwell, Idaho 9/23 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 op-
tional with the said part Y.. of the second part, ... h. is 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

1

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. D. 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

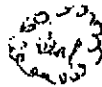
[Seal]

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 Hewellyn Ayabright duly acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

On 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

~~Colbert~~ *Llewellyn Argabright of Ada County Idaho*

has deposited on the General Land Office of the United States a Certificate of the Register of the Land Office as Boise City 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 Survey 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 whatsoever nature, thereto belonging, unto the said *Llewellyn Argabright* and to his heirs and assigns forever, subject to any vested and natural 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 river or lake to extract and remove his or their share, should the same be found to interfere or interfere 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, signed, and the Seal of the General Land Office to be hereunto affixed:

CERTIFIED

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 *fifteenth* day of *May*, in the year of our Lord one thousand eight hundred and eighty-four, and of the Independence of the United States one hundred and eighth.

BY THE PRESIDENT

Chester A. Arthur

Wm. H. Crook

Secretary

W. H. Crook Recorder of the General Land Office

CERTIFIED

No. 607

has deposited

at

Boise City

Act of 4

lands

Section

18

North

Range

2 East

Boise Meridian

Idaho Territory

containing

one hundred

and sixty

acres

according

to the

Official Map

of the

Survey

of the

said

lands

and to

with all

the

rights

privileges

immunities

and appurtenances

thereto

belonging

unto

the

said

Tract

above

described

to have

and to hold

the same

together

with

all

the

rights

privileges

immunities

and appurtenances

P

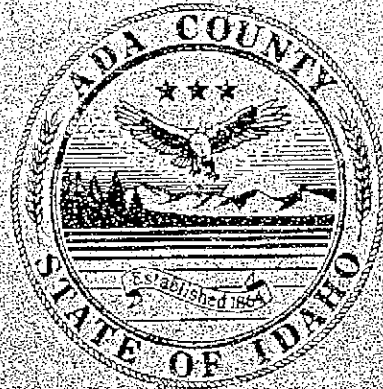
ADA COUNTY HISTORIC RESOURCES: A RECONNAISSANCE SURVEY



PREPARED BY BELINDA 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 L. Johnson
Judy M. Peavey

ADA COUNTY HISTORIC PRESERVATION COUNCIL

Robert L. Aldridge, Chairman
John R. Crowe, Vice-Chairman
David Bagnard
Janet Harrison Carver
Dan N. Magleby

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

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

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

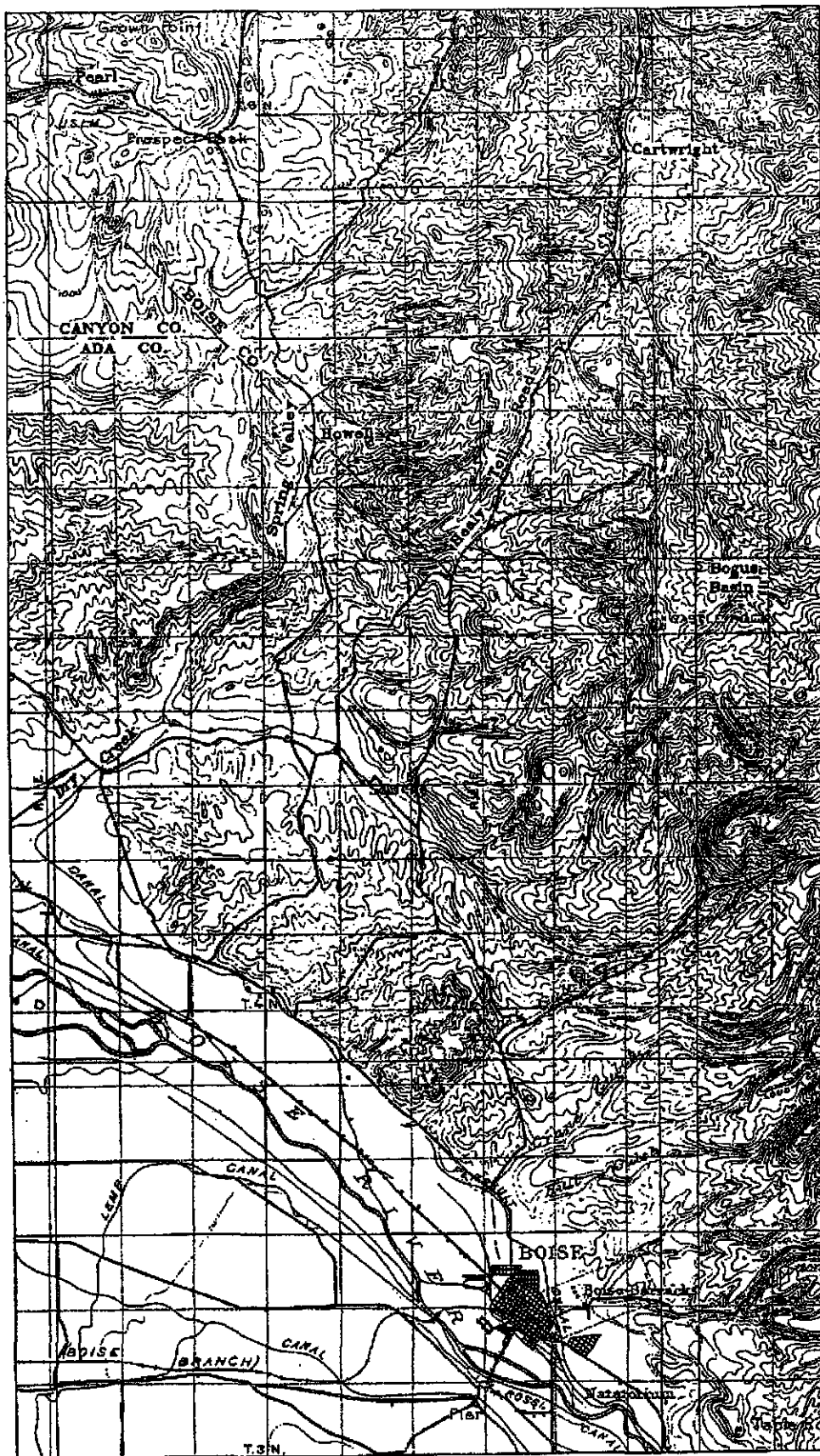
Under the present Phase II Reconnaissance Survey, eleven sites were determined to be eligible for listing in the National Register of Historic Places. They are: 1) Dallas Forrey Lava Rock Structure (Field No. 37), 2) Delbert McFarland House (Field No. 70), 3) Linder Road National House with turned posts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

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

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







AVIMOR



Not To Scale
Figure 4

SOURCE: IDAHO STATE HISTORICAL LIBRARY

A SunCor Planned Community

USGS Map of 1897

17

718801

Form 1810-9
(July 1965)
Commonly 4-207a)

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

49 1582
Ada County, Idaho, ID
Request of

Idaho Title Co.

Time 4:00 P. M.

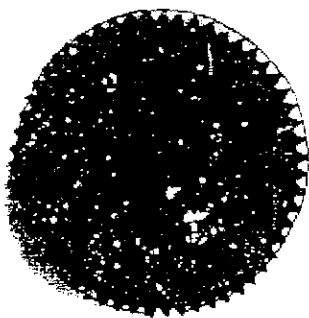
Date JUN 20 1969

CLARENCE A. PLANTING
REGISTERED

BY *Clarence A. Planting*
120 Deputy

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

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



D

William G. Reider
Certifying Officer
William G. Reider

THE UNIVERSITY OF CHICAGO PRESS

To all to whom these Presents shall come: Greeting.

James H. Thompson, who has been appointed as the General Land Office of the
United States is Comptroller of the Registry of the Land Office at Fort Worth, Texas.
which it appears that pursuant to the Act of Congress
approved 20th May, 1862, "To secure Homesteads to actual settlers on the Public Domain,"
and the acts supplemental thereto, the claim of William Hunt

has been fulfilled and duly consummated in
acquiring a lot for the East half of the South East quarter,
the North West quarter of the South East quarter,
and the North West quarter of the South West
quarter of section 22 in Township five North
Range two East of Bone Meridian in Adams
County, Iowa one hundred and sixty acres.

According to the Affidavit that the Deputy of said Land returned to the General Land Office by the Stanger
General

Now know ye that there is, therefore, granted by the United States unto the said *William*

The said of Land above described. To have and to hold (it and tract of Land with the appurtenances thereto
 unto the said William Hart and to his
 heirs and assigns forever, subject to any usual and ancient water rights for mining, agricultural, manufacturing or
 other purposes and rights of ditches and canals and in connection with and under rights so may be conveyed and
 conveyed by the said owner here and hereinafter of said estate subject to the right of the government to acquire
 the same by eminent domain for any public use and subject to the same to be found in favor of the government in any

18/537

The United States

Land to whom based upon
Homestead Certificate No. 1019
Applications 1917 and 2722
in the General Land Office of the
the Register of the Land Office at
1101, pursuant to the Act of Congress
... Homesteads to Natural Settlements
the act supplemental thereto, the
established and duly commenced
the East half of the fourth East quarter
Fourth East quarter and the West
quarters of section six in Township
of these provisions in Indiana
according to the official Plat of
to the General Land Office by the
Now known as, that there is the
to the said William Hunt
to have and to hold the said tract
name thereof, unto the said Trust
and assigns forever; subject to
rights for mining, agriculture
forever, and rights to dispose
said tract, such water rights
and gas by its local custom
also subject to the rights
tract and removal therefrom
to penetrate or intersect
by law. And these provisions
Fourth East quarter and
quarters of section six
East of the above
ditches at ...
United States
In testimony
limited State
Patent ...
affirmed
...

In all to interest claims presented shall remain.
 Homestead, Religious, No. 1019.
 Application 1987 and 2722. Whereas, That the
 is the Secretary of the United States
 the President of the Land Office at Austin City, Texas, who
 was presented to the Land of Congress approved 22d May 1862
 cannot therefore be actual. Besides on the Public Domain
 the not independent church, the claims of Religious Church
 established and being commemorated, in conformity to the
 the Land Office of the Land Office, the North East quarter
 North East quarter and the North East quarter of the North East
 quarter of section six in Township five North of Range three East
 of the said section six, containing one hundred and eighty
 according to the official Plat of the Survey of the said land
 in the General Land Office by the Surveyor General
 of the said section six, is, therefore, granted by the United States
 to the said William, that the tract of land above described
 to him, and holds the said tract of land with the appur-
 tenances thereof, unto the said William, that and to his heirs
 and assigns forever; subject to any valid and existing
 claims or claims to mining, agricultural, manufacturing or
 other rights, and right to ditches and navigable water in course
 of the said water right, as may be recognized and
 defined by the local customs, laws, and decisions of courts
 and subject to the right of the proprietor of the same to locate
 tract and remove his ore therefrom, should the same
 be located or interest the premises being granted, as per
 by law. And there is reserved from the North East
 North East quarter and the North East quarter of the
 quarter of section six in Township five North of Range three
 East of the above described land a water right
 ditch or canal constructed by the
 United States.
 In Testimony Whereof, I have hereunto set
 the United States of America, at Austin City,
 Texas, and the said
 affixed.
 Given under my hand and
 the seal of the

17

Argabright. 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 Elwellyn Argabright
 and Belle Argabright his wife of Spring Valley Ada County Idaho
 Territory of the first part and Benjamin Nelson George W. Williams of same County and Territory
 the parties of the second part Witnesses. That the said parties of the first part have
 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 Ada
 and Territory of Idaho, bounded and described as follows, to wit:
 The East half (1/2) of the Southeast Quarter (1/4) and the West half (1/2) of
 the Southeast Quarter (1/4) of Section Eighteen in Township Five
 North of Range Two (2) East of Boise Meridian in Idaho Territory
 containing one hundred and fifty acres according to the Official
 Plat of the Survey of the said lands returned to the General Land Of-
 fice by the Surveyor General. Together with all and singular the
 tenements hereditaments and appurtenances thereto belonging, or in any
 wise appertaining, and the rents, issues and profits thereof. To have and to
 hold, 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 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 seals the day and year first above written
 signed, sealed, and delivered in the Presence of
 of S. B. Mason
 Oliver Thurman
 Elwellyn Argabright
 Belle Argabright

Territory of Idaho

County of Ada } ss On this 23rd day of April in the
year one thousand eight hundred and eighty nine before me S.B.
Quinn County Recorder, in and for said County of Ada personally
appeared Ellwellyn 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 also, at the same time and place appeared before me
Pelle Argabright wife of Ellwellyn 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 there-
upon she acknowledged to me that she executed the same, and
that she does not wish to retract such execution in witness
whereof, I have hereunto set my hand and affixed my official
seal, the day and year last above written.

S.B. Quinn

County Recorder.

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

S.B. Quinn
Recorder

5

This Indenture, Made the Thirtieth day of September in the year
 of our Lord one thousand eight hundred and ninety, between
 Charles Hart and Phoebe Hart, his wife of Ada County, Idaho,
 parties of the first part, and William Howell, Sanford W. Carhart
 and Almon M. White of Ada County, Idaho, the parties of the
 second part, Witnesseth, That the said parties of the first part,
 for and in consideration of Twentyseven hundred & fifty Dollars
 lawful money of the United States of America, to them in hand
 paid by the said parties of the second part, the receipt whereof is
 hereby acknowledged, have granted, bargained and sold and by
 these presents do grant, bargain, sell, convey and confirm unto the
 said parties of the second part, and to their heirs and assigns forever
 all the following described real estate, to wit: The Southeast quarter
 of the Northwest quarter, and the West half of the Northwest quarter
 of Section Seven, and the Southwest quarter of the Southeast
 quarter of Section Six in Township five North of Range Two East of
 Boise Meridian, situate, lying and being in Ada and Boise Counties
 in the State of Idaho, and containing one hundred and sixty
 acres, also all right, title and interest in and to all springs,
 water ditches, reservoirs and streams, which the said parties of
 the first part have need for the irrigation of said lands
 and for home or domestic purposes.
 Together with all and singular the tenements, hereditaments and
 appurtenances therunto belonging or in anywise appertaining, and
 the reversion and reversions, remainder and remainders, rents, issues
 and profits thereof and also all estate, right, title, interest in and
 to the said property, possession, claim and demand whatsoever,
 as well in law as in equity, of the said parties of the first part,
 of in or to the said premises, and every part and parcel thereof,
 with the appurtenances, to have and to hold, all and singular
 the above mentioned and described premises, together with the
 appurtenances, unto the parties of the second part, and to their
 heirs and assigns forever. And the said parties of the first
 part, and their heirs, the said premises in the quiet and peace-
 able possession of the said parties of the second part, their heirs
 and assigns against the said parties of the first part and their
 heirs and against all and every person and persons whomsoever,
 lawfully claiming or to claim the same shall and will

warrant and by this present forever defend.
 In Witness Whereof the said parties of the first part have hereunto set their
 hands and seals the day of the year first above written
 Signed Sealed and Delivered in the presence of } Charles Hunt Seal
 T. D. Cahalan } Phoebe Hunt Seal

State of Idaho
 County of Ada

On this 13th day of September 1890, before me, Chas. A. Clark
 a Notary Public in and for said County, personally appeared Charles Hunt
 and Phoebe Hunt, his wife, known to 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 Phoebe Hunt, above described as
 a married woman, upon an examination without the hearing of her
 husband, I made her acquainted with the contents of the instrument
 and thereupon she acknowledged to me that she executed the same
 and that she does not wish to retract such execution, In testimony Whereof
 I have hereunto set my hand and official seal on this day
 of Seal and year in this certificate above written

Chas. A. Clark
 Notary Public

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

Homestead certificate
No. 413
Applicant 111

The United States of America, To all to whom these presents shall come, Greeting: Whereas there has been deposited in the General Land Office of the United States, a Certificate of the Register of the Land Office at Boise City, Idaho Territory, whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, To secure Homesteads to actual settlers on the Public Domain; and the acts supplemental thereto, the claim of Charles Hunt has been established and duly consummated for conformity to law, for the Southeast quarter of the Northwest quarter and the West half of the Northwest quarter of Section Seven and the Southwest quarter of the Southeast quarter of Section Six in Township Six 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 the ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

In testimony whereof, I, Grover Cleveland, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the twentieth day of March, in the year of our Lord one thousand eight hundred and eighty-six, and of the Independence of the United States the one hundred and tenth.

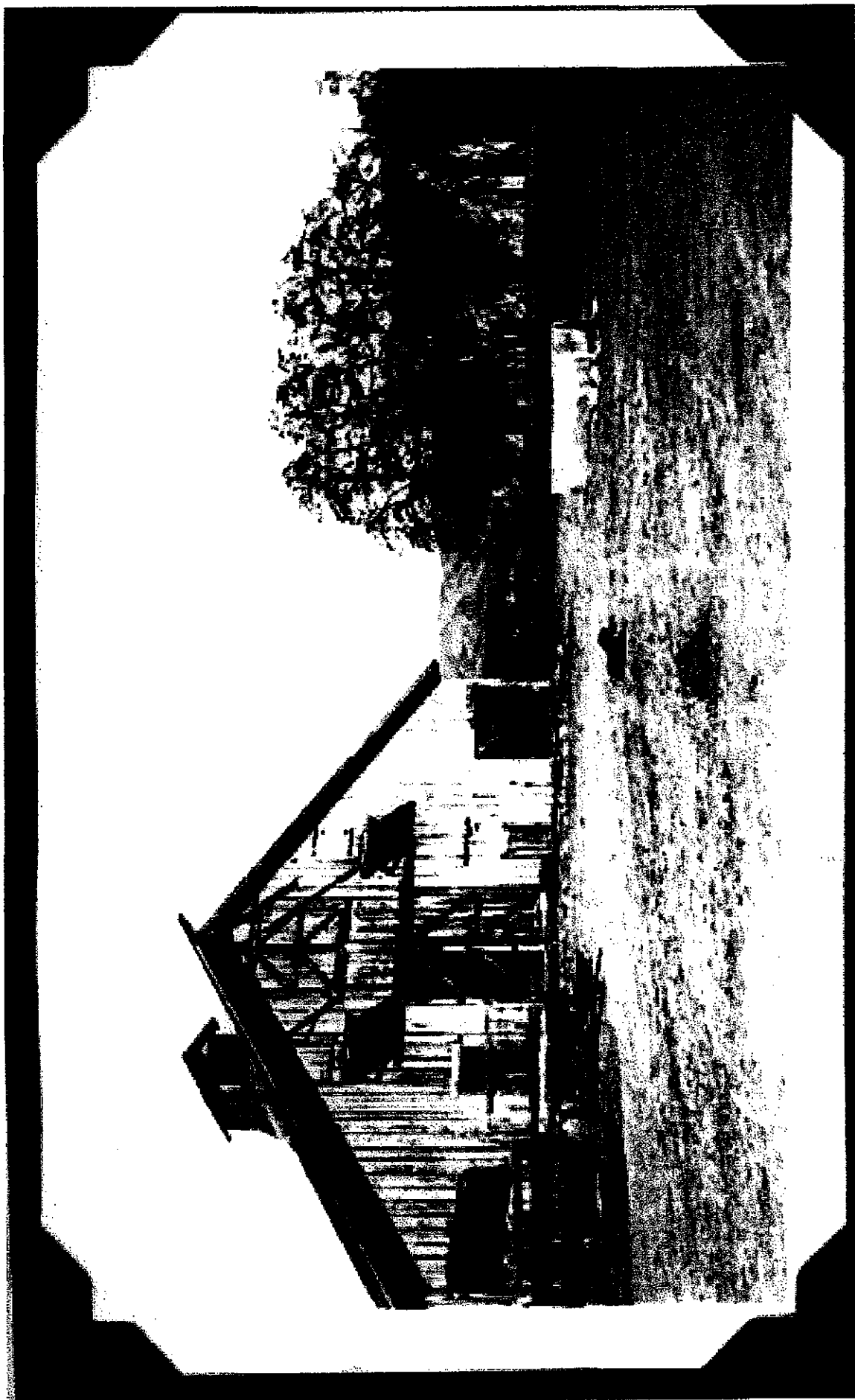
Seal
C. C.

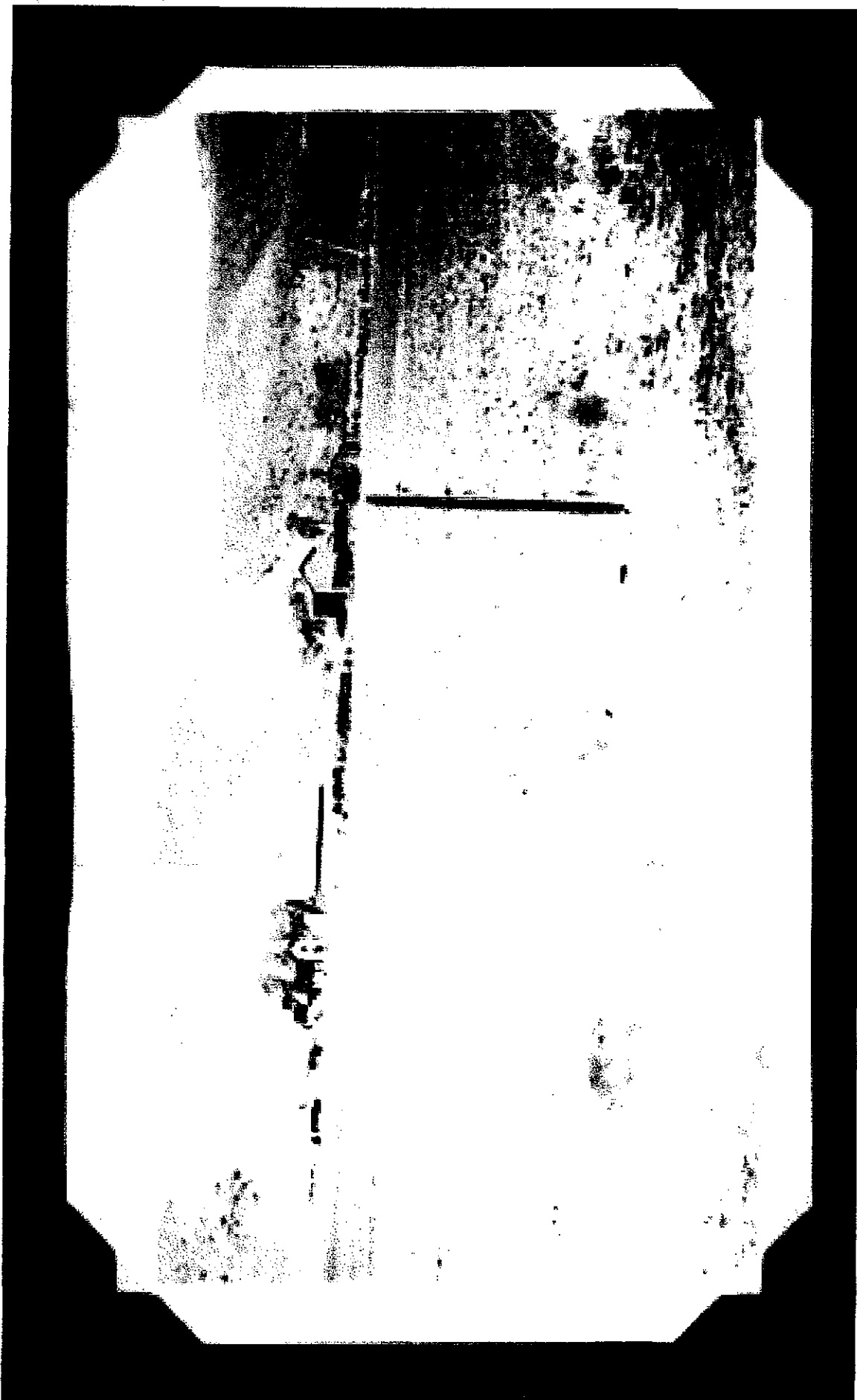
By the President Grover Cleveland
By M. McKean
Secretary

(Recorded, Vol. 1 Page 412) S. W. Clark, Recorder of the General Land Office
Recorded at request of Wm. Howell Sept 13th 1890 at 80 min past 4 P. M.
S. B. Mann
Recorder

9

#1







I

SCANNED
OCT 05 2006

254

FILED EFFECTIVE



ARTICLES OF AMENDMENT TO ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

FORM 7-7 1/16/57

(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
CK: 14659 CT: 176891 SH: 941697
1 2 30.00 = 30.00 ORDER WHEN 1 2
1 0 00.00 = 00.00 EXPEDITE C 1 3

W25199

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

Attorneys for Avimor, LLC

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

In Re SRBA

Case No. 39576

)
) Subcase No. 63-5386 & 63-5287
)

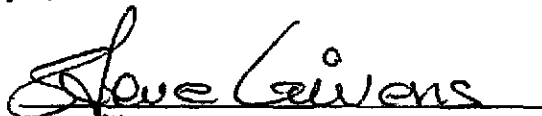
) **AFFIDAVIT OF STEVE GIVENS IN**
) **SUPPORT OF AVIMOR, LLC'S**
) **MEMORANDUM IN SUPPORT OF**
) **OBJECTION**
)
)

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

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

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

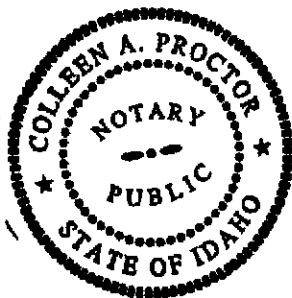
DATED THIS ____ day of April, 2006.


Steve Givens

STATE OF IDAHO)
) ss.
County of Ada)

On this 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: Boise, Idaho
My commission expires: 8-15-09

CERTIFICATE OF SERVICE

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

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

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

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

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

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

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


Albert P. Barker

05/28/2005

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

RIGHT NUMBER: 63-5386

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

SOURCE: SPRING VALLEY CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 1.880 CFS

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

PRIORITY DATE: ~~03/15/1964~~ 3-15-1894

POINT OF DIVERSION:

Have them the first day of the next irrigation season after the purchase of the property in Dec. 1883. See Schedule C of the Objection papers. Said Patent date is 5-15-84 The Indenture was in 1983

PURPOSE AND PERIOD OF USE:

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

Stockwater use is for 400 range cattle.

PLACE OF USE:

IRRIGATION Within ADA County

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

STOCKWATER same as IRRIGATION

93 ACRES TOTAL

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

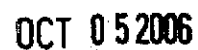
The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

T05N R02E S18



04/26/2005

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

RIGHT NUMBER: 63-5386
NAME AND ADDRESS: SPRING VALLEY LIVESTOCK CO INC
PO BOX 9
STAR ID 83669
SOURCE: SPRING VALLEY CREEK TRIBUTARY: BOISE RIVER
QUANTITY: 1.880 CFS
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
PRIORITY DATE: 03/15/1964
POINT OF DIVERSION:

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

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	02/01 12/01	0.020 CFS
IRRIGATION	4/81 11/01	2.000 CFS
Stockwater use is for 400 range cattle.		

PLACE OF USE:

IRRIGATION Within ADA County

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

STOCKWATER same as IRRIGATION

93 ACRES TOTAL

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

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

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

A63-05386
SPRING VALLEY LIVESTOCK COMPANY

DITCH

DITCH MEASUREMENT TAKEN

#1

POD ON NORTH SIDE

POD ON SOUTH SIDE

POU

#2

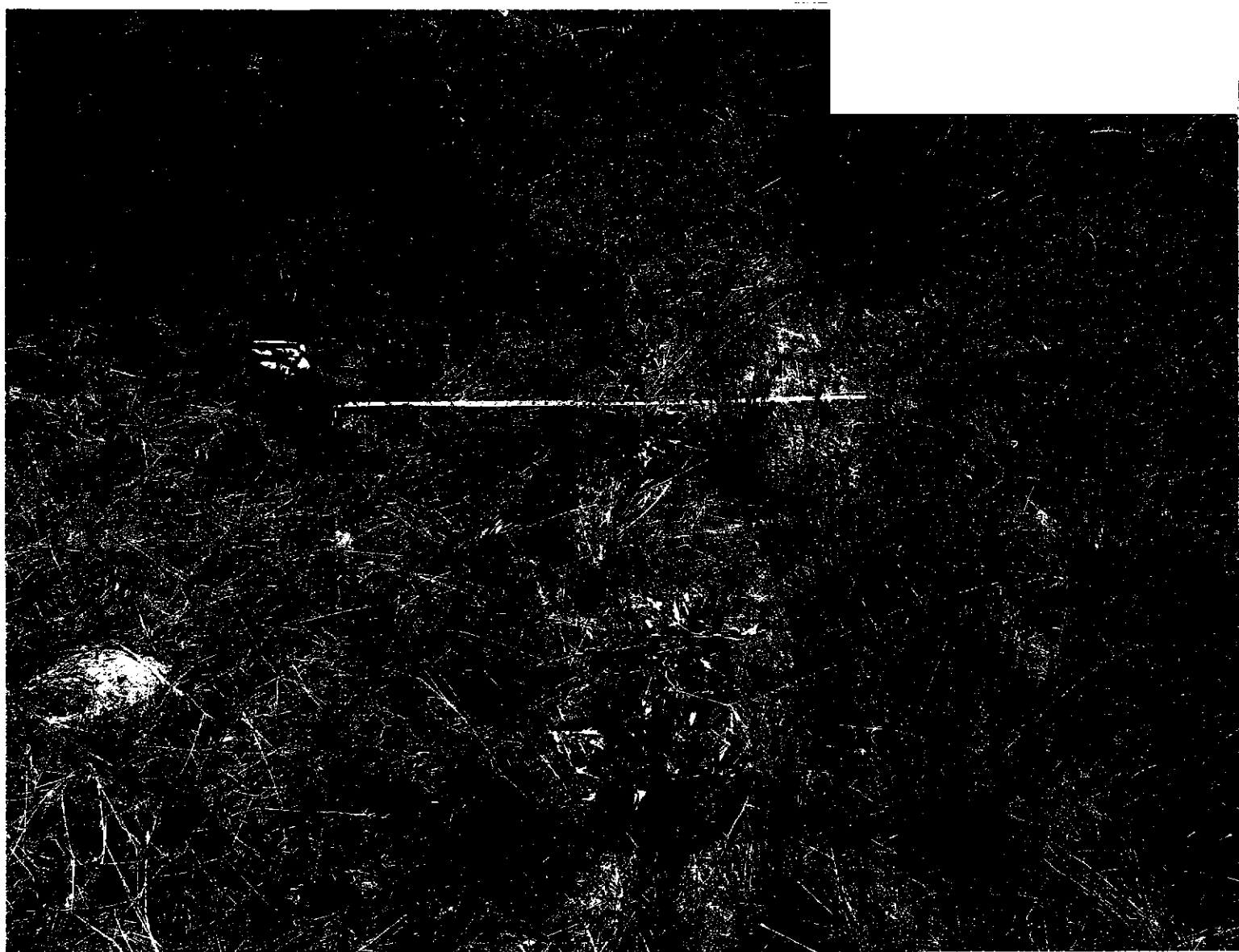
DITCH MEASUREMENT TAKEN

DITCH









IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5386 V1

WATER RIGHT NUMBER: 63-5386 V1

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

Priority Date: 03/15/1964

Basis: Beneficial Use

Status: Active

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

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

Location of Point(s) of Diversion

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

Place of Use

IRRIGATION

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

Total Acres: 93

STOCKWATER same as IRRIGATIONConditions of Approval:

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5386 V1

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

Remarks:Comments:

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

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

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

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

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

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

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

Verification Log:

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5386 V1

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5386 V1

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5386

WATER RIGHT NUMBER: 63-5386

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

Priority Date: 02/01/1880 3-15-1964 -
 Basis: Statutory Claim 13 LI
 Status: Active

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

Source Tributary
 SPRING VALLEY CREEK BOISE RIVER

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

93 acres x .02 = 1.86

Location of Point(s) of Diversion

SPRING VALLEY CREEK

ADA County

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

per federal claim

Place of Use

IRRIGATION

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

Total Acres: 93

STOCKWATER same as IRRIGATIONConditions of Approval:Remarks:

1. General AC. IRR. = 92.5.

Comments:

400 head cows

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-5386

WATER RIGHT NUMBER: 63-5386

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

Priority Date: 02/01/1880

Basis: Statutory Claim

Status: Active

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

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

Location of Point(s) of Diversion

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

Place of Use

IRRIGATION

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

Total Acres: 93

STOCKWATER same as IRRIGATIONConditions of Approval:Remarks:

- General AC. IRR. = 92.5.

Comments:Dates and Other Information:

Receipt Details for ID C011656

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

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

Account Information:

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

Comment ADJUDICATION FEE

Fee Detail:

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

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

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

[Print Report](#)

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

04/14/2005

1

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

Spring Valley

12x5 steel beams
3' 6" ditch

2317927	1399682
2318186	1399877
✓ 2318489	1400064
✓ 2317873	1403575
✓ 2318590	1403623
✓ 2317839	1402364

Ditch

2nd S. side

1st N. side

CASA Del Norte

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

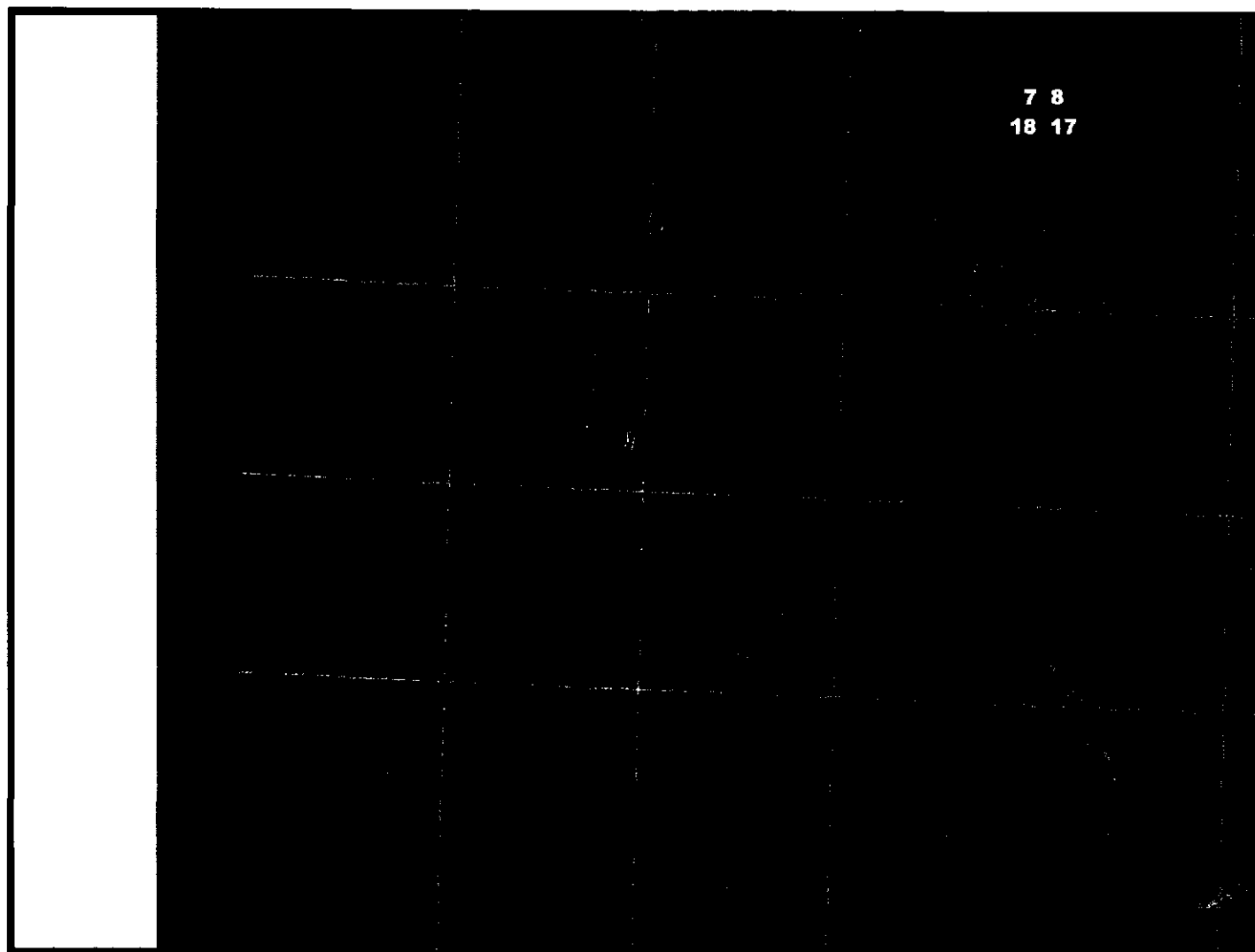
Well

4. May

2318041 1401543



POU location Map 2000 Photography 63-05386

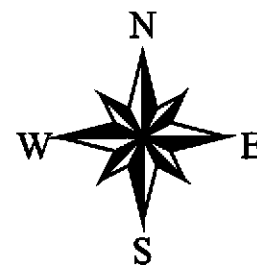


1320 0 1320 2640 3960 Feet



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

Total claimed Acres: 93.0



Prepared by: C. Saxton
Date: February 2004

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

CLAIM NO(s). A63-05386

1. No Change NAME IS SAME

NEW OWNER: _____

No Change ADDRESS

NEW ADDRESS: _____

2. No Change - DATE OF PRIORITY: Completed evidence submitted

Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

advanced priority date to 1964 which is the earliest photograph we have showing irrigation - no response
Priority date, per claimant, is: to evidence of priority letter.

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

This information is being researched by The Sun Cor Att.

3. No Change — SAME SOURCE

Source is different than that claimed:

Source found: _____

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

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

#2 2318186 - 1399877

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

5. No Change - DESCRIPTION OF DIVERTING WORKS

Incomplete description, list below:

There are six 5'x12' concrete structures (two) main ones for delivery of water to the west & east side of Spring Valley Creek for IRR.

The original P.O.D. was changed in 1956 and these were added for water conservation, flood control & water delivery. Spring Valley Ranch was nominated by water conservation district for Ranch of the Year in 1957 for this project.

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

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

7. No Change TOTAL VOLUME

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

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

8. No Change NON-IRRIGATION USES:

Changes Exam found:

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

Additional comments: _____

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

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

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

All of the area in my map could be irrigated if there was
water.

SYSTEM DIAGRAM INCLUDED

NA

Shown on GIS Layout

CK IF IN OFFICE EXAM
DATE EXAM CONDUCTED: _____

FIELD EXAMINER:

M. Gene Gibson

Print Name

M. Gene Gibson

Signature

Jan - ✓ digitized on
TOSN R02E 07 63-5386
NWSE + SWSE

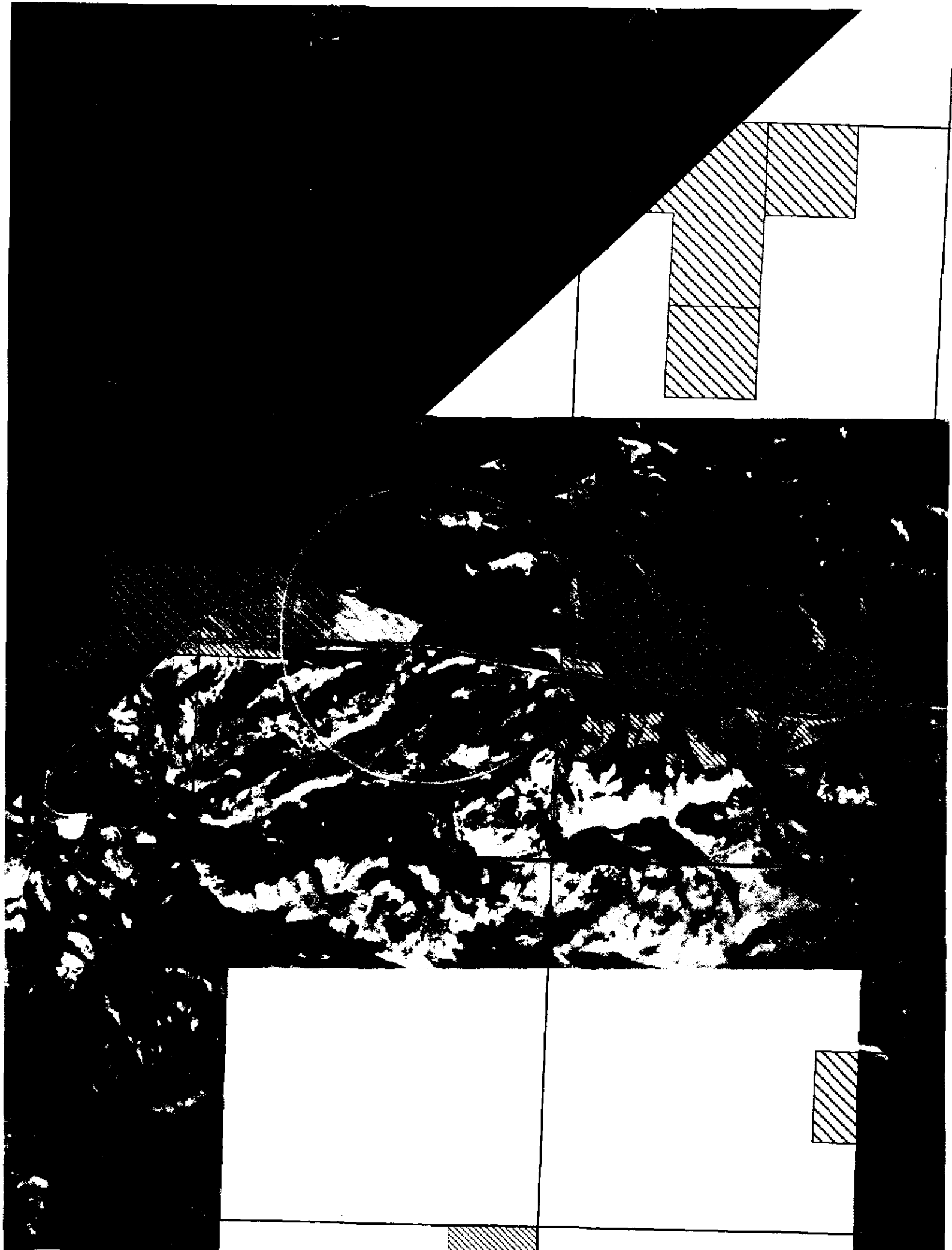
Yellow III is SRBA claim
red III is License

Danae
1/3/1

B63-Part 2

Ron

FVI



c/s #1 Ditch

MANNING EQUATION CHANNEL CAPACITY RESULTS

05-12-2004

File Number: A63-05386

Claimant: Spring Valley Livestock Company

Channel measured: Spring Valley Creek Ditches

Date of measurement: 5/4/2004

Measurement location:

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

Calculation prepared by: M. Gene Gibson

Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 100 feet.

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

The channel cross section is 1.78 ft-sq.

The wetted perimeter is 7.34 feet.

The hydraulic radius is 0.24 feet.

The slope is 0.0016

The roughness coefficient is 0.0350

The flow velocity is 0.661 ft/sec.

The rate of flow is 1.17 cfs.

CROSS SECTION NUMBER 1

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

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

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

MANNING EQUATION CHANNEL CAPACITY RESULTS

05-12-2004

File Number: A63-05386

Claimant: Spring Valley Livestock Company

Channel measured: Spring Valley Creek Ditch

Date of measurement: 5/4/2004

Measurement location:

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

Calculation prepared by: M. Gene Gibson

Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 100 feet.

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

The channel cross section is 2.25 ft-sq.

The wetted perimeter is 5.06 feet.

The hydraulic radius is 0.44 feet.

The slope is 0.0010

The roughness coefficient is 0.0350

The flow velocity is 0.785 ft/sec.

The rate of flow is 1.77 cfs.

CROSS SECTION NUMBER 2

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

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

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

Saxton, Craig

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

Hello Teri,

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

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

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

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

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

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

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

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

MEMORANDUM

Date: 3/4/04

To: File

From: Craig L. Saxton

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

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

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

terimcleod@aol.com

- 2-5-04 : Evidence of Priority ^{Letter} sent. Priority date Questionable
- : Need Standard Field Exam
 - : Need POU + POD Confirmation
 - : Need System description
 - : Are there still 400 stock?
 - : POU Overlap Research does not show Any other WR's in Section 18, TSN, R2E
 - : Why is the stockwater SOU not claimed as year-round?



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 5, 2004

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

RE: EVIDENCE OF PRIORITY

Dear Claimant (s):

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

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

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

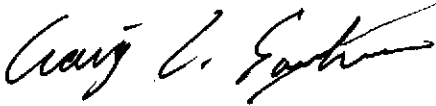
It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel.

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

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

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

Respectfully submitted,



Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

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

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

OK file

Date Received

RECEIVED
SEP 19 1989

approved

State of Idaho
Department of Water Resources

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

Department of Water Resources
Western Regional Office

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

Spring Valley Livestock Co., Inc.
Name of Claimant

P.O. Box 9
Post Office Address

Star, Id 83669
City, State, Zip Code

Ada
County(s) where Place of Use is located

Sept 8, 1989
Date Claim Originally Due

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

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

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

Claimant requests an extension to Sept 18, 1989.

I have an appointment on Monday 9-18-89

Musa McNeal
Signature

Sec. Treasurer Spring Valley L.S.
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby

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

Signed this 16 day of September, 1989.

Director or his designated agent

DAVID B. SHAW

MICROFILMED
AUG 21 1992