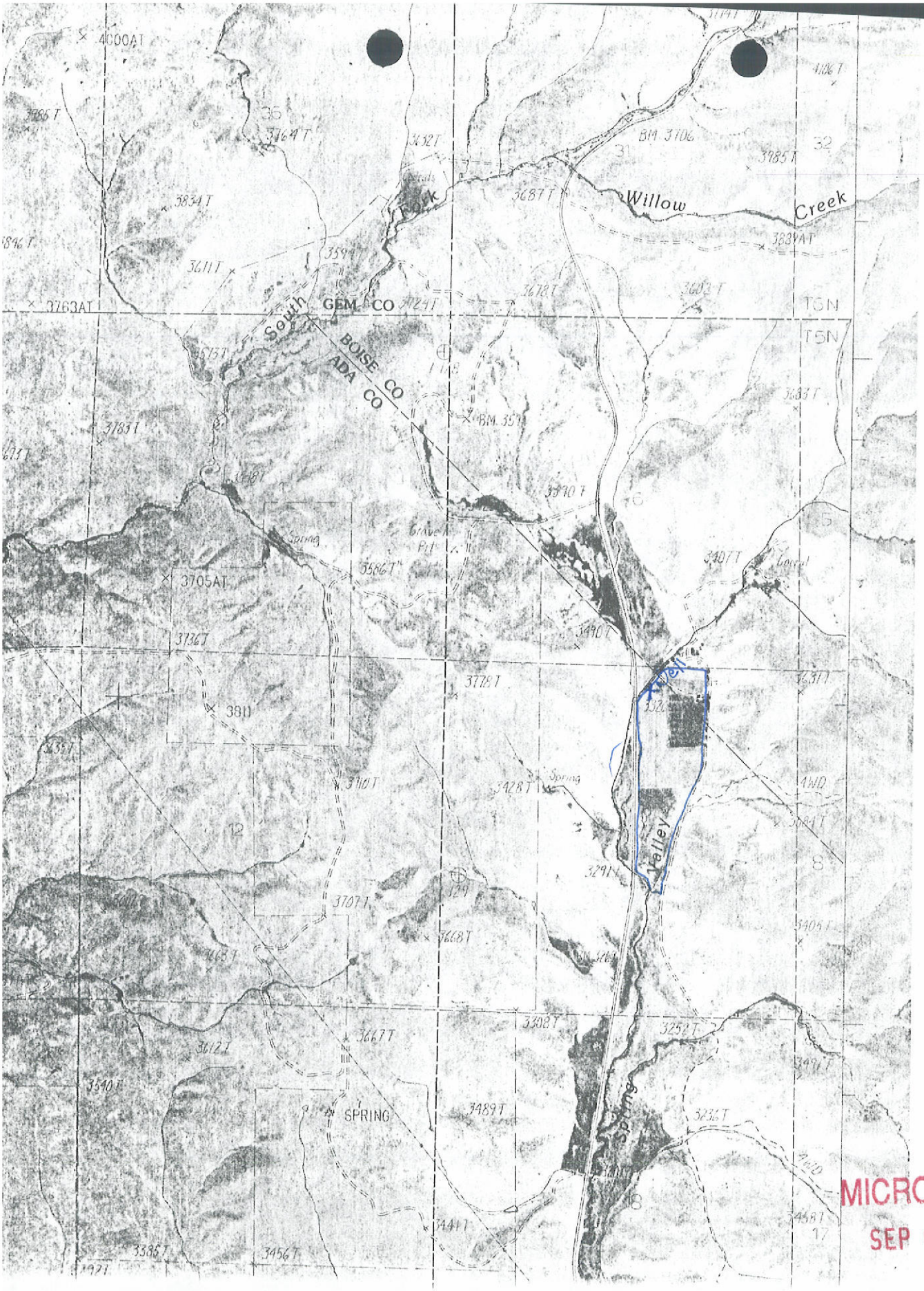
A63-18974



T6I

T5I

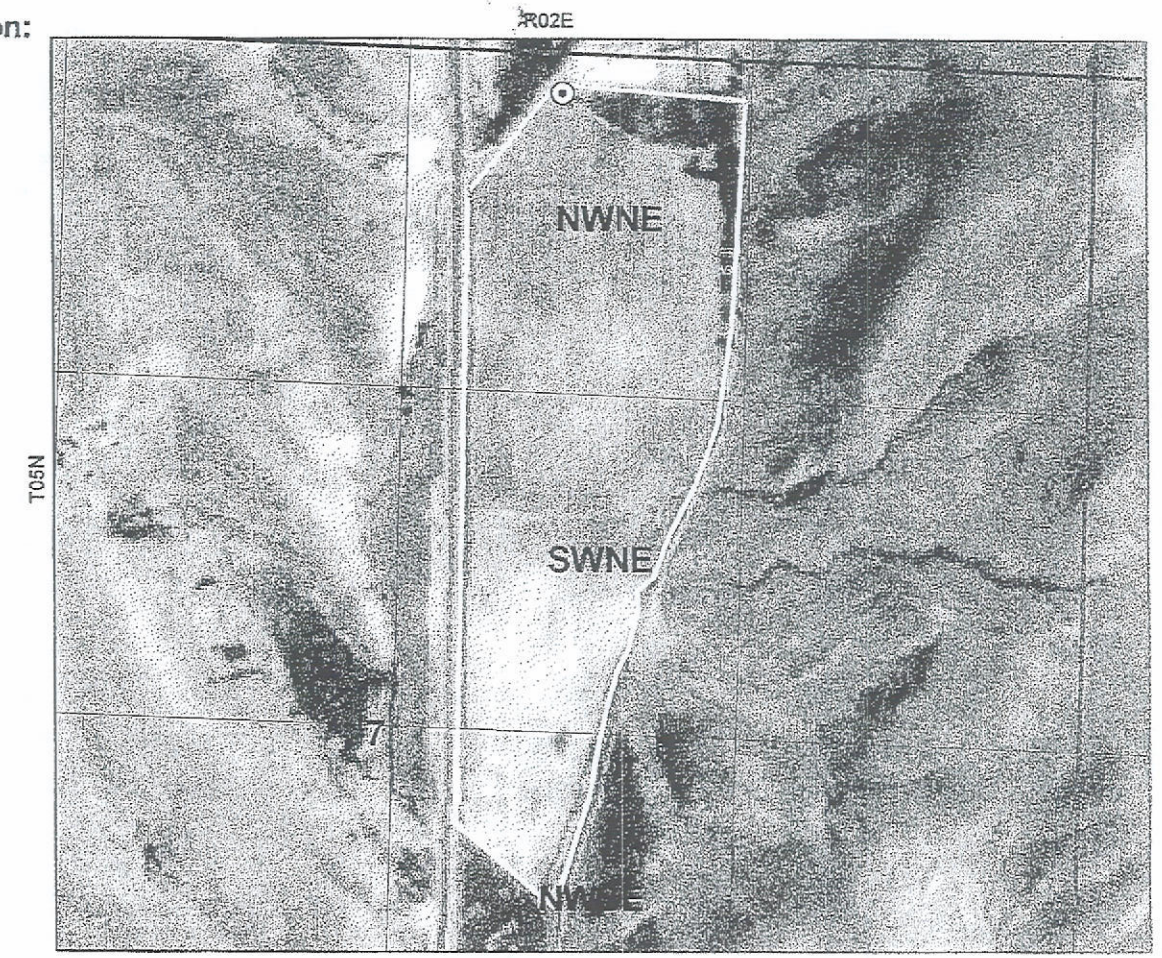
MICROFILMED
SEP 0 1 1992

Idaho Department of Water Resources

SRBA Recommendation:

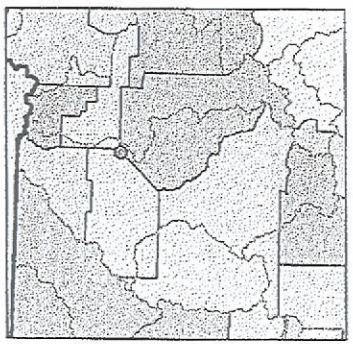
63-18974

(Irrigation)



Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Boise, Ada Counties
IDWR Basin 63

N

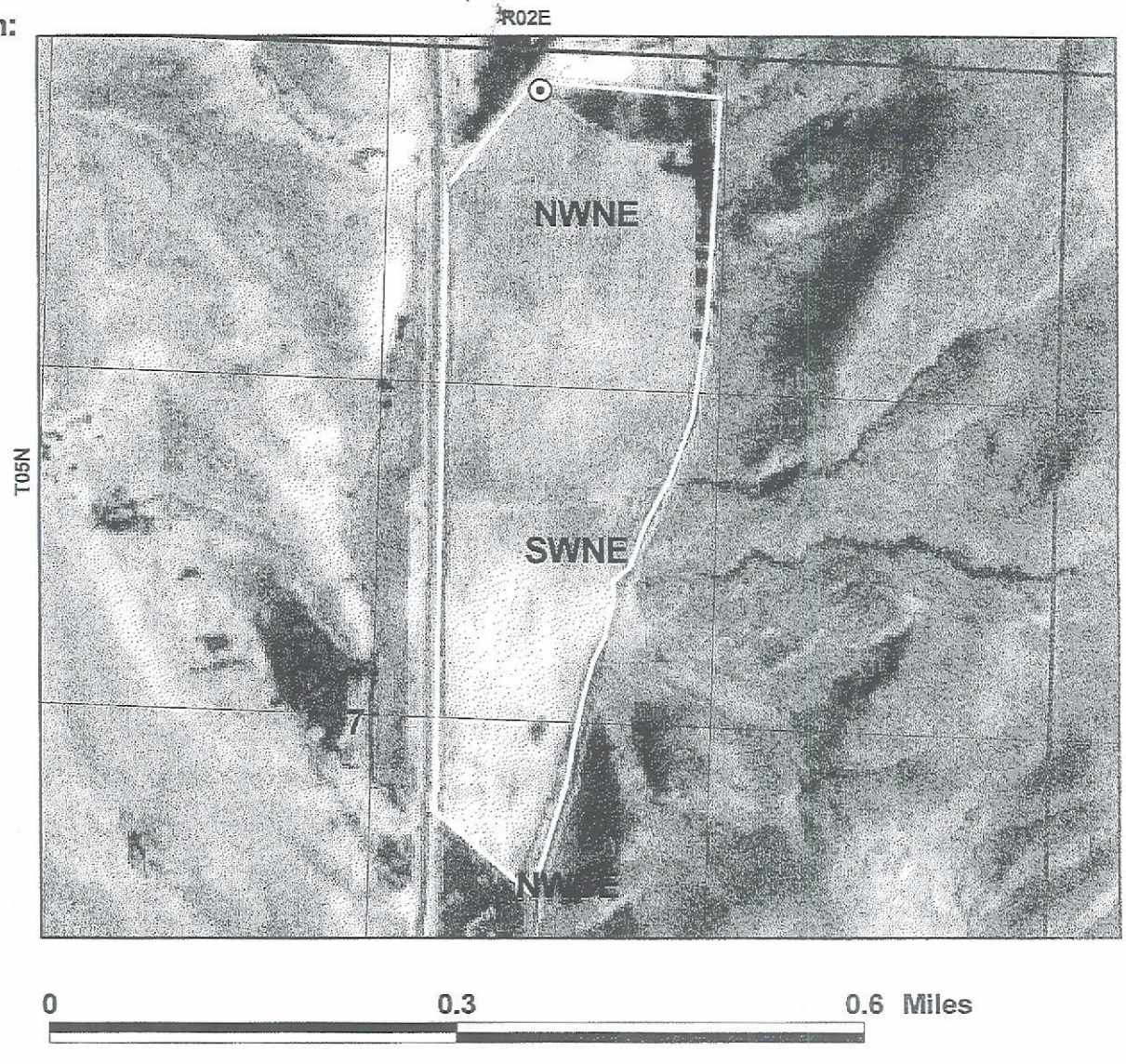
Prepared by S. Egbert
On Friday, January 19, 2007
1987/88 Aerial Photography

Idaho Department of Water Resources

SRBA Recommendation:

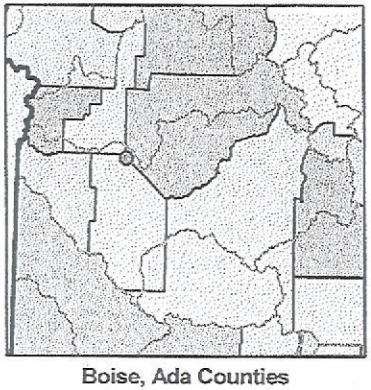
63-18974

(Irrigation)



Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Boise, Ada Counties
IDWR Basin 63

N

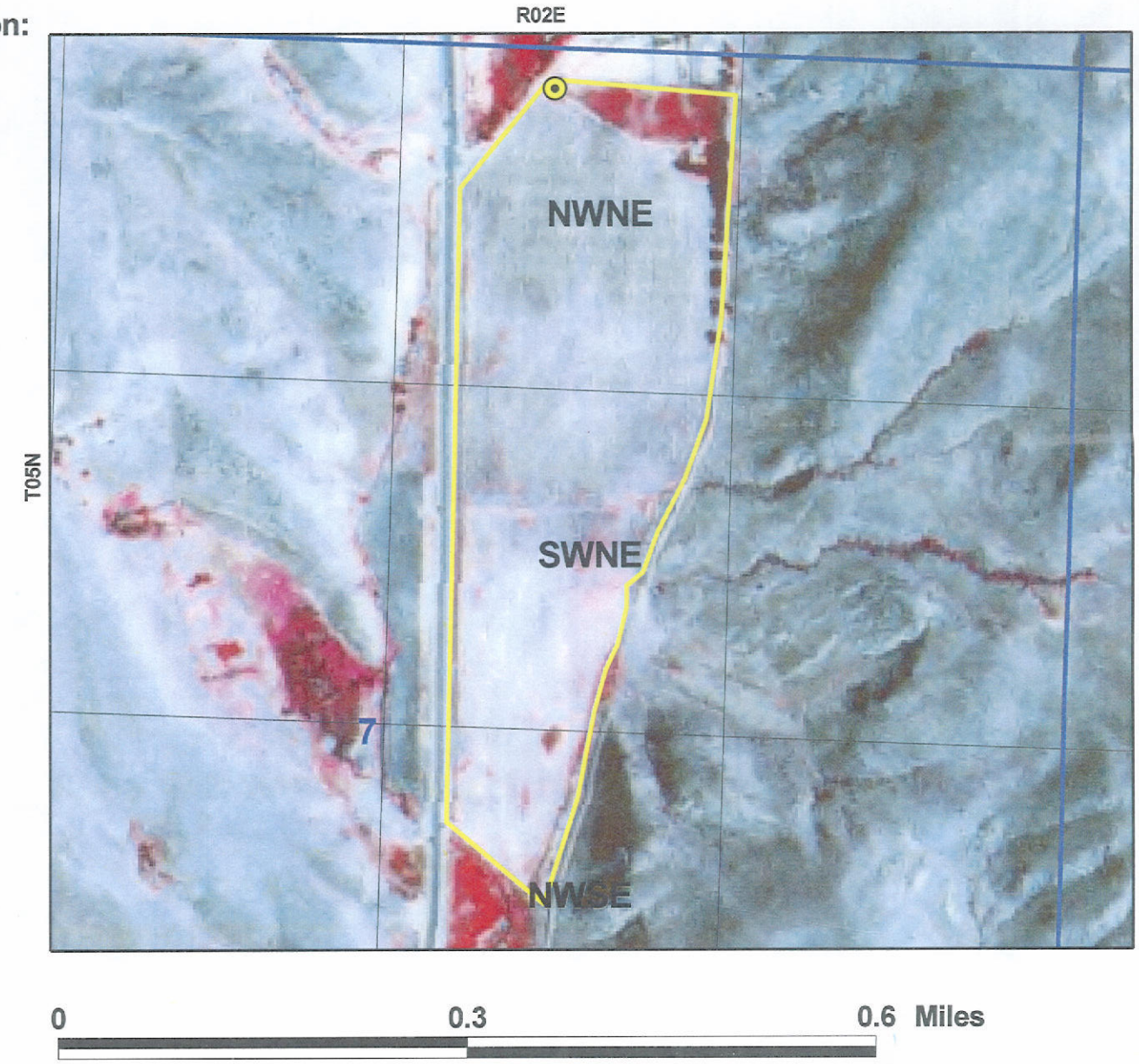
Prepared by S. Egbert
On Friday, January 19, 2007
1987/88 Aerial Photography

Idaho Department of Water Resources

SRBA Recommendation:

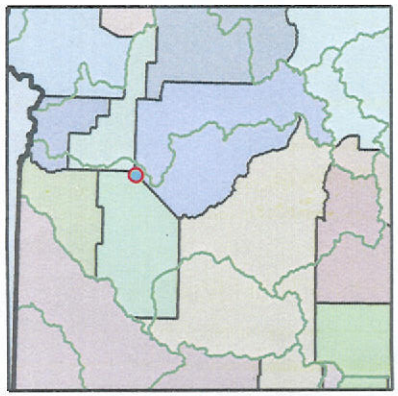
63-18974

(Irrigation)



Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Boise, Ada Counties
IDWR Basin 63

N

Prepared by S. Egbert
On Friday, January 19, 2007
1987/88 Aerial Photography

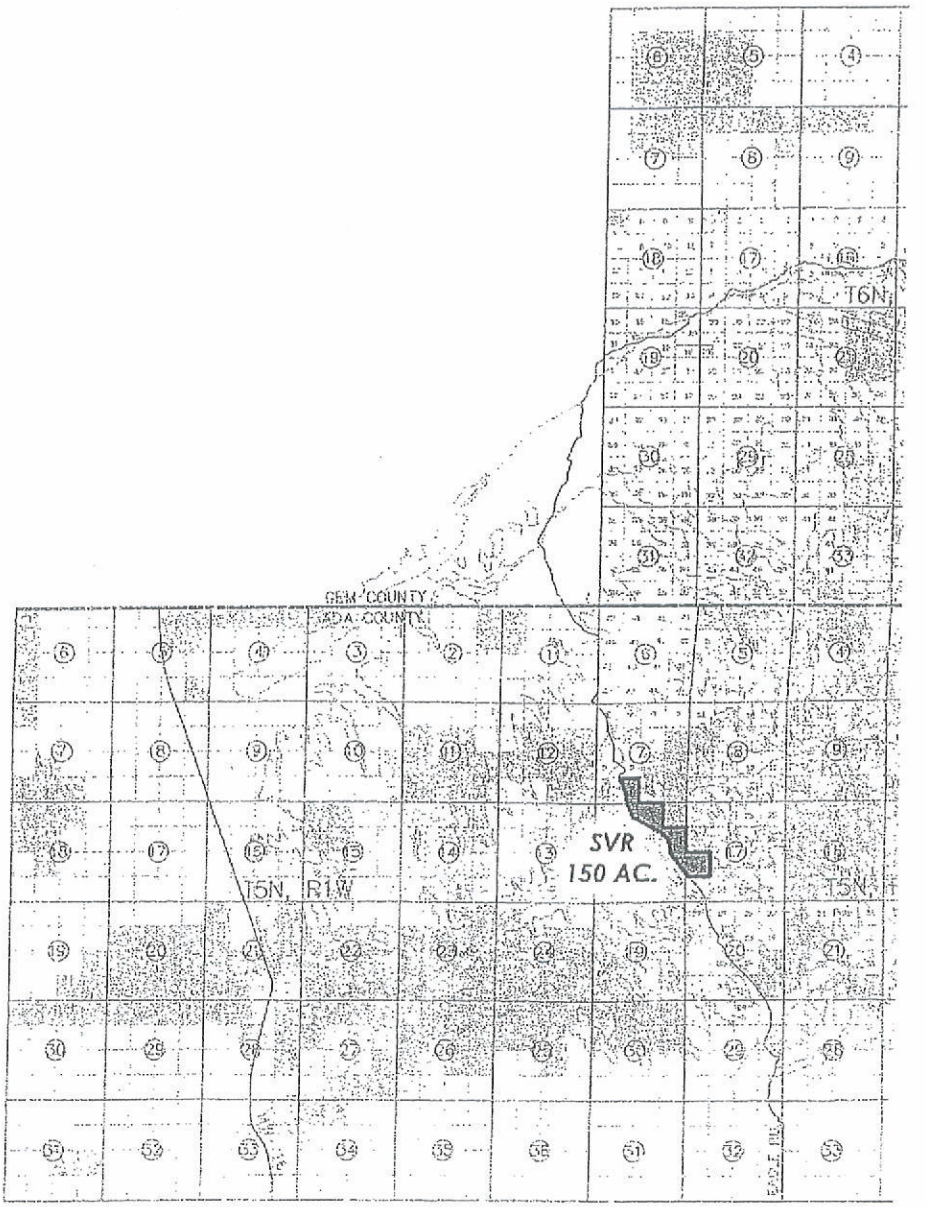


EXHIBIT "D"

N

GREEY|PICKETT

Scale: 1" = 4000'

SURVEY 149

ADA COUNTY HISTORIC RESOURCES:
A RECONNAISSANCE SURVEY

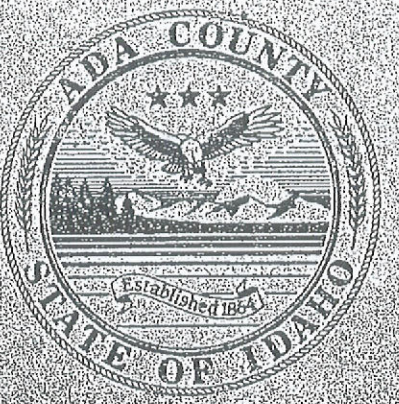


PREPARED BY BELINDA DAVIS/BARBARA PERRY BAUER, CONSULTANTS
AND THE ADA COUNTY DEVELOPMENT SERVICES DEPARTMENT

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

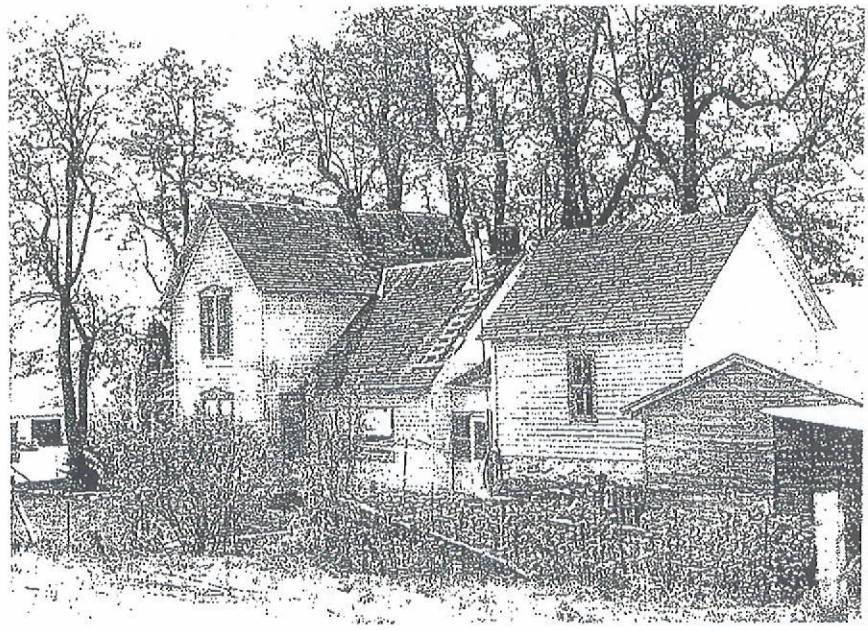
Vernon L. Bisterfeldt, Chairman
Michael D. Johnson
Judy M. Peavey

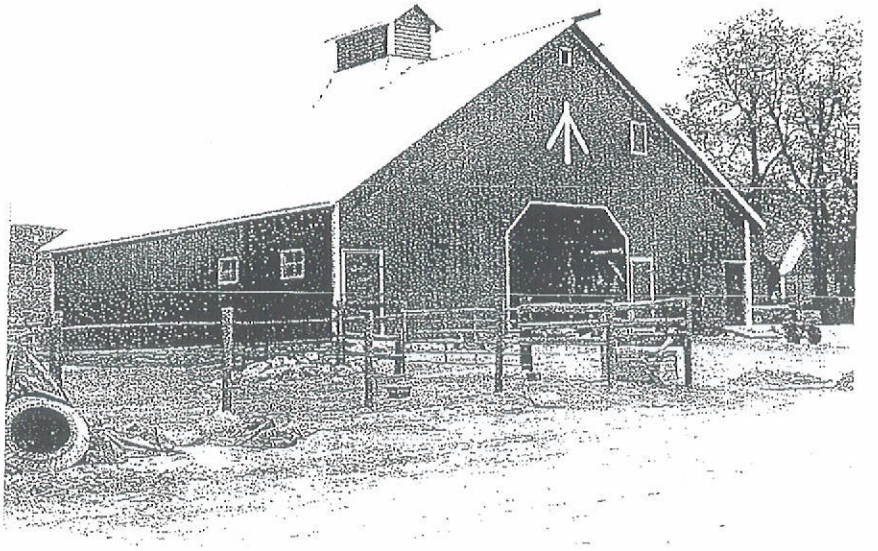
ADA COUNTY HISTORIC PRESERVATION COUNCIL

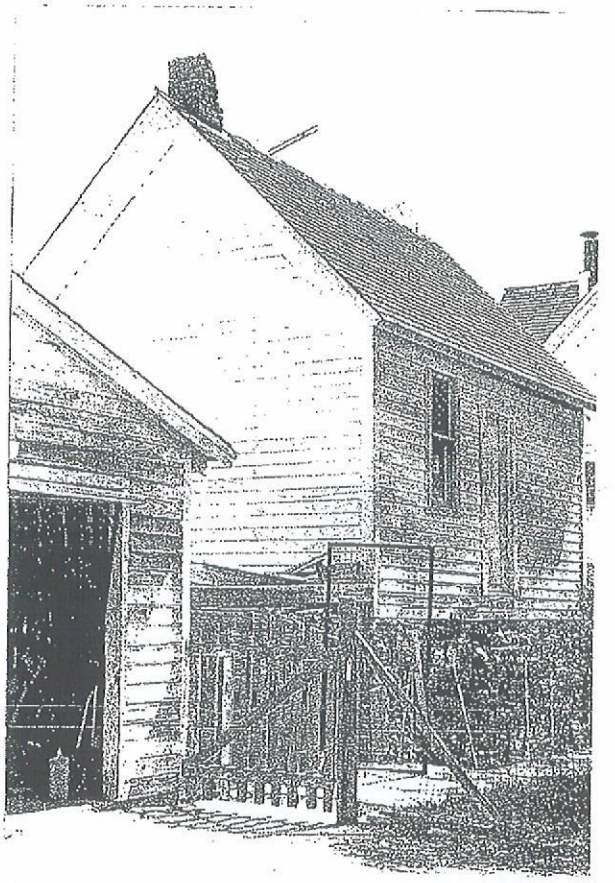
Robert D. Aldridge, Chairman
John R. Crowe, Vice-Chairman
David Baghard
Janet Harrison Carver
Dan N. Magleby

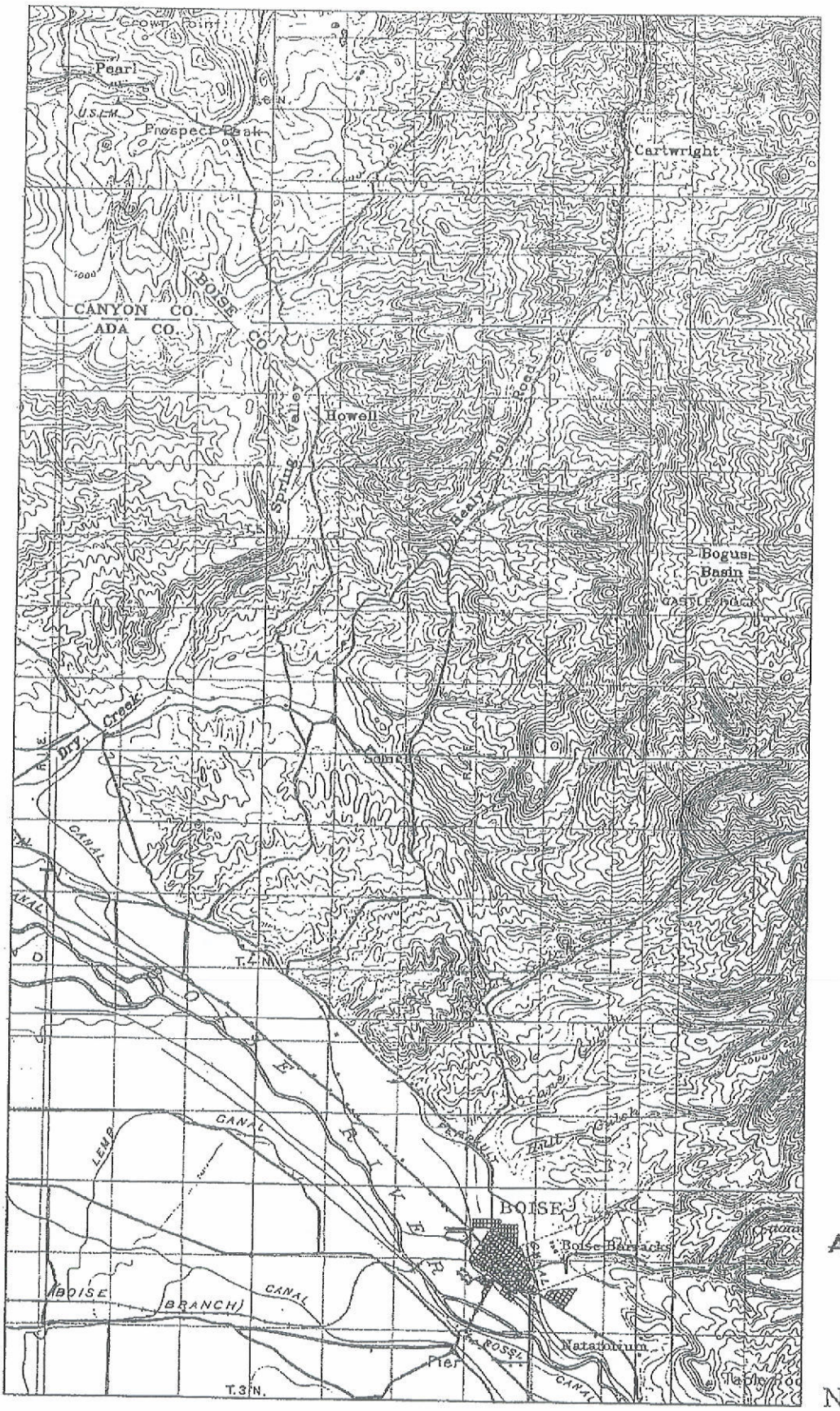












SOURCE: IDAHO STATE HISTORICAL LIBRARY

AVIMOR

Not To Scale

Figure 4

18/537

The United

To all to whom these pr

Homestead Certificate No. 1019

Application 1987 and 2722

in the General Land Office of the

the Register of the Land Office at

mon, pursuant to the Act of Congress

entitled "An Act to provide

the Act supplemental thereto, the

established and duly consummated

the East half of the South East qua

South East quarter and the South

quarter of Section six in Town

of Range Nine East in Lake

according to the official Plat of

in the General Land Office by the

Now know ye, That there is

is to the said William Kent

to have and to hold the said tract

manes thereof, unto the said Will

and assigns forever; subject

water rights for mining, agricul

purposes, and rights to ditch

vein to all such water rights

and paid by the local custom

also subject to the right

tract and to mine

to penetrate or intersect

by law. And there is

South East quarter and

quarter of Section six

East of the above

ditches or canals

United States

In Testimony

United States

Patent, and

affixed.

Given under my hand at the City of Washington

the Fifteenth day of October

The United States of America

To all to whom these presents shall come, Greeting:

Homestead Patent No. 1019.
Application 1985, Act 3723

Whereas, Henri Lachance

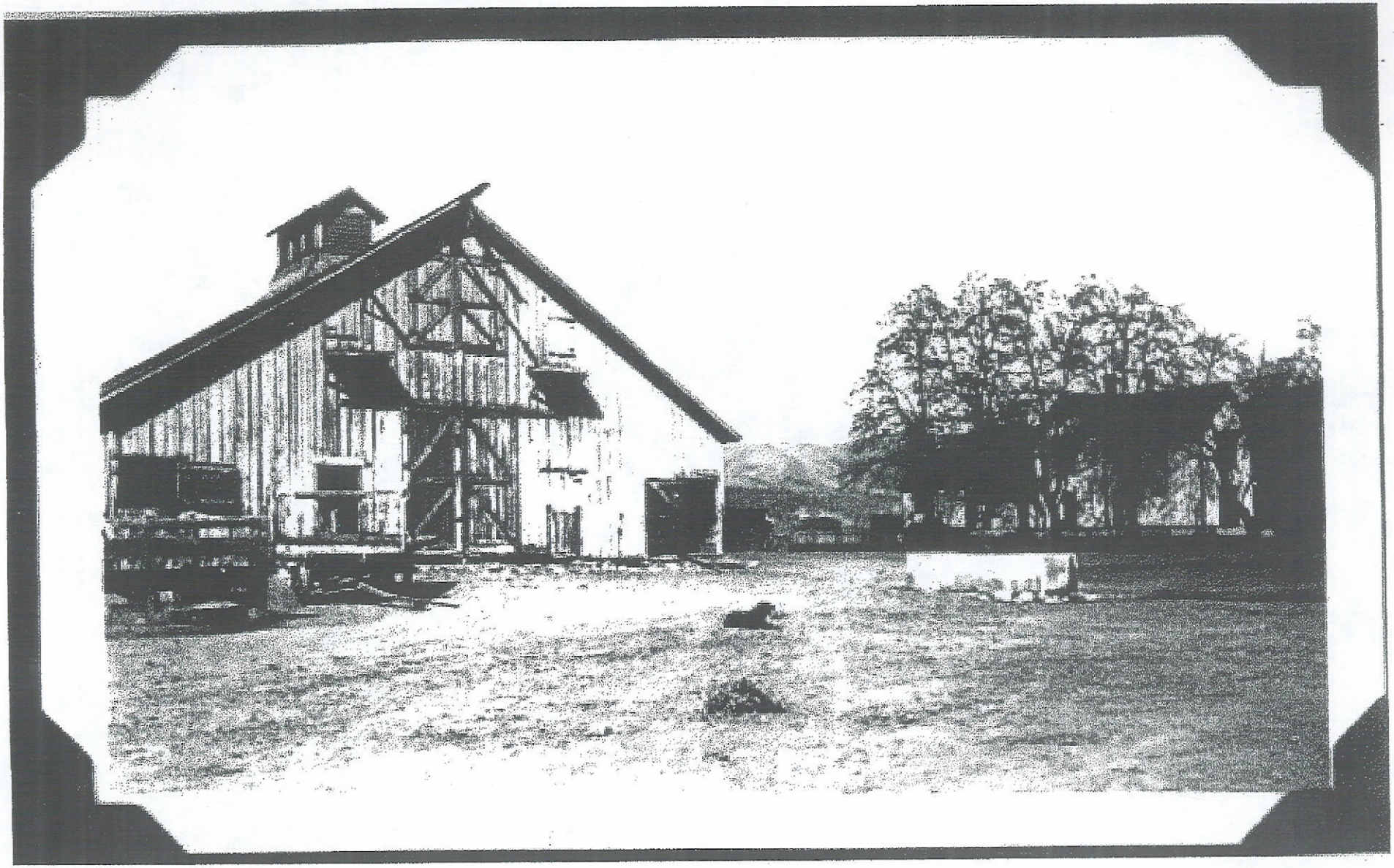
of the Sorel Land office of the United States, has deposited in the Receiver's Land Office at Three Rivers, Quebec, whereby it appears that, pursuant to the Act of Congress approved 20th May 1862, entitled "An Act to secure Homestead to actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of William Knott has been established and duly commutated, in conformity to law, for the South East quarter, the North West quarter of the South West quarter and the North East quarter of the South East quarter of Section six in Township five North of Range three East of the Second Meridian in Dakota, containing one hundred and sixty acres according to the official Plat of the Survey of the said lands returned to the General Land Office by the Surveyor General.

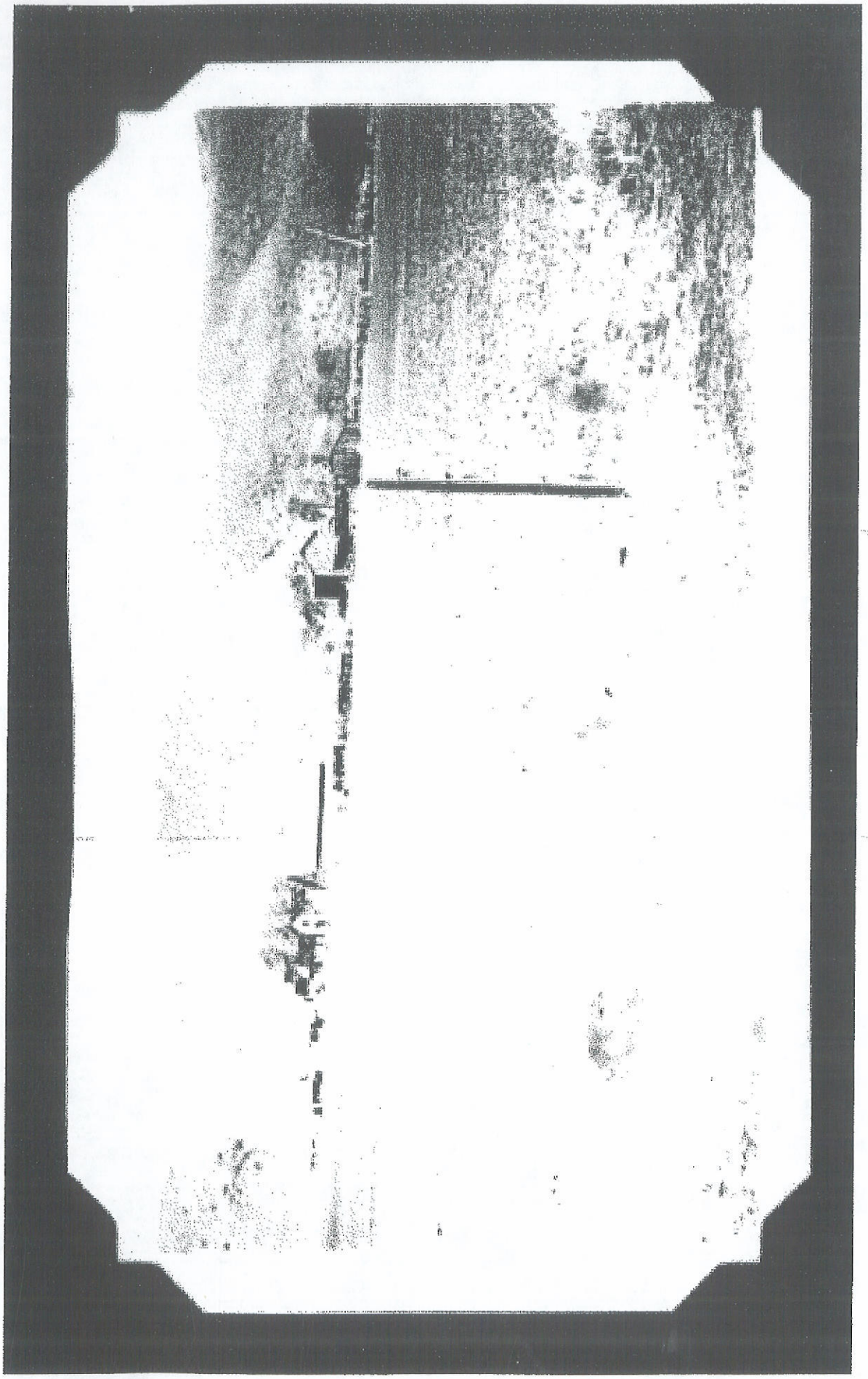
Now know ye, That there is, therefore, granted by the United States unto the said William Knott the tract of land above described: To have and to hold the said tract of land, with the appurtenances thereof, unto the said William Knott and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the North West quarter of the South East quarter and the North East quarter of the South East quarter of Section six in Township five North of Range three East of the above described lands a right of way thereon for ditches or canals constructed by the authority of the United States.

In Testimony Whereof, I, [illegible], 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 [illegible]

By the President: [illegible]

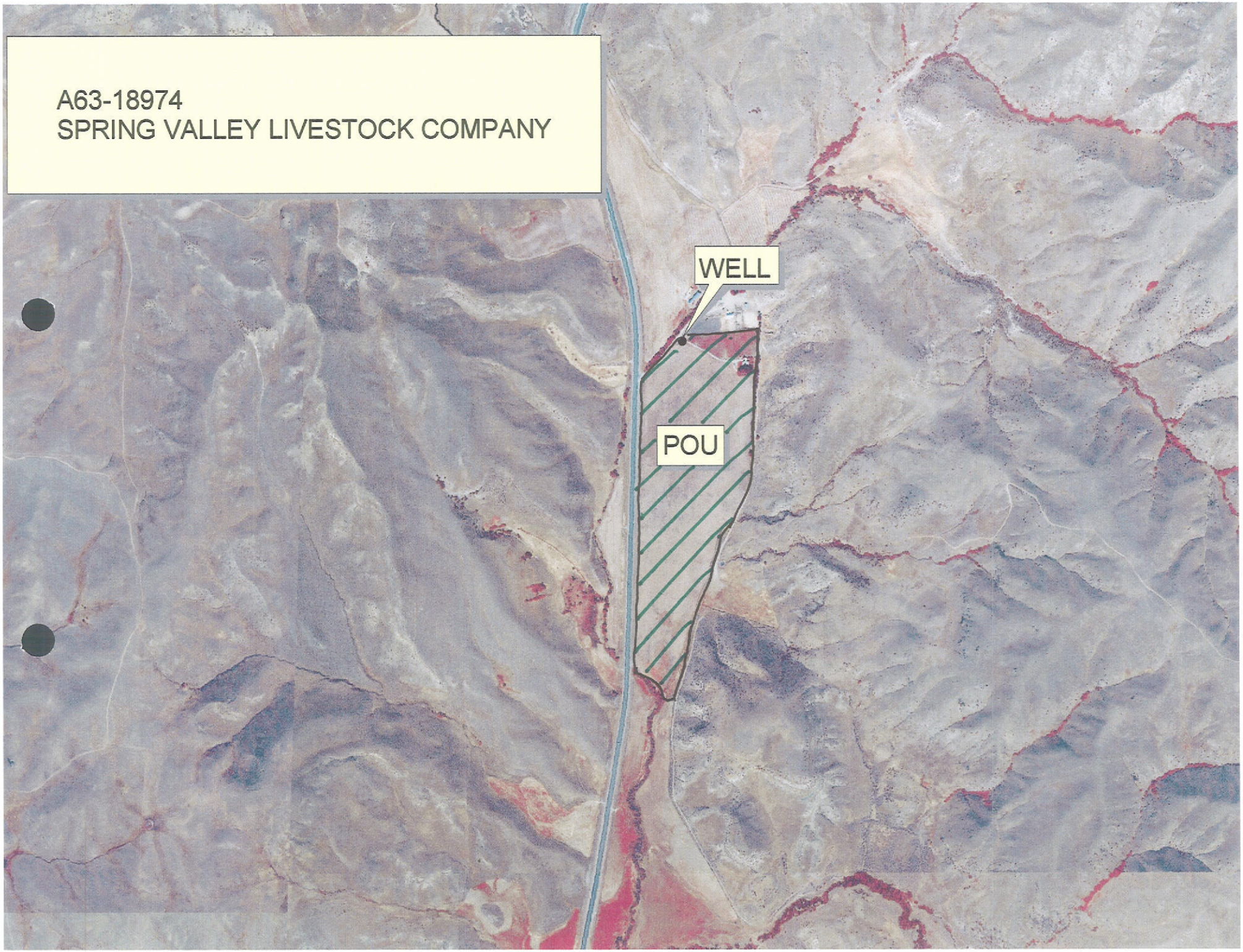




THEORETICAL HORSEPOWER EQUATION WORKSHEET (cjh 1/92)

Water Right No.: 63-18974
Examiner: Melvin Gene Gibson
Date of Field Exam: May 4,2004

	OPTION 1	OPTION 2	OPTION 3
P/D No.:			
PUMP HORSEPOWER	25	0	0
BOOSTER HORSEPOWER	0	0	0
PUMPING LEVEL	50	0	
DISCHARGE PRESSURE	30	0	0
RATE OF FLOW (cfs)	1.29	#DIV/0!	#DIV/0!


A63-18974
SPRING VALLEY LIVESTOCK COMPANY
WELL
POU

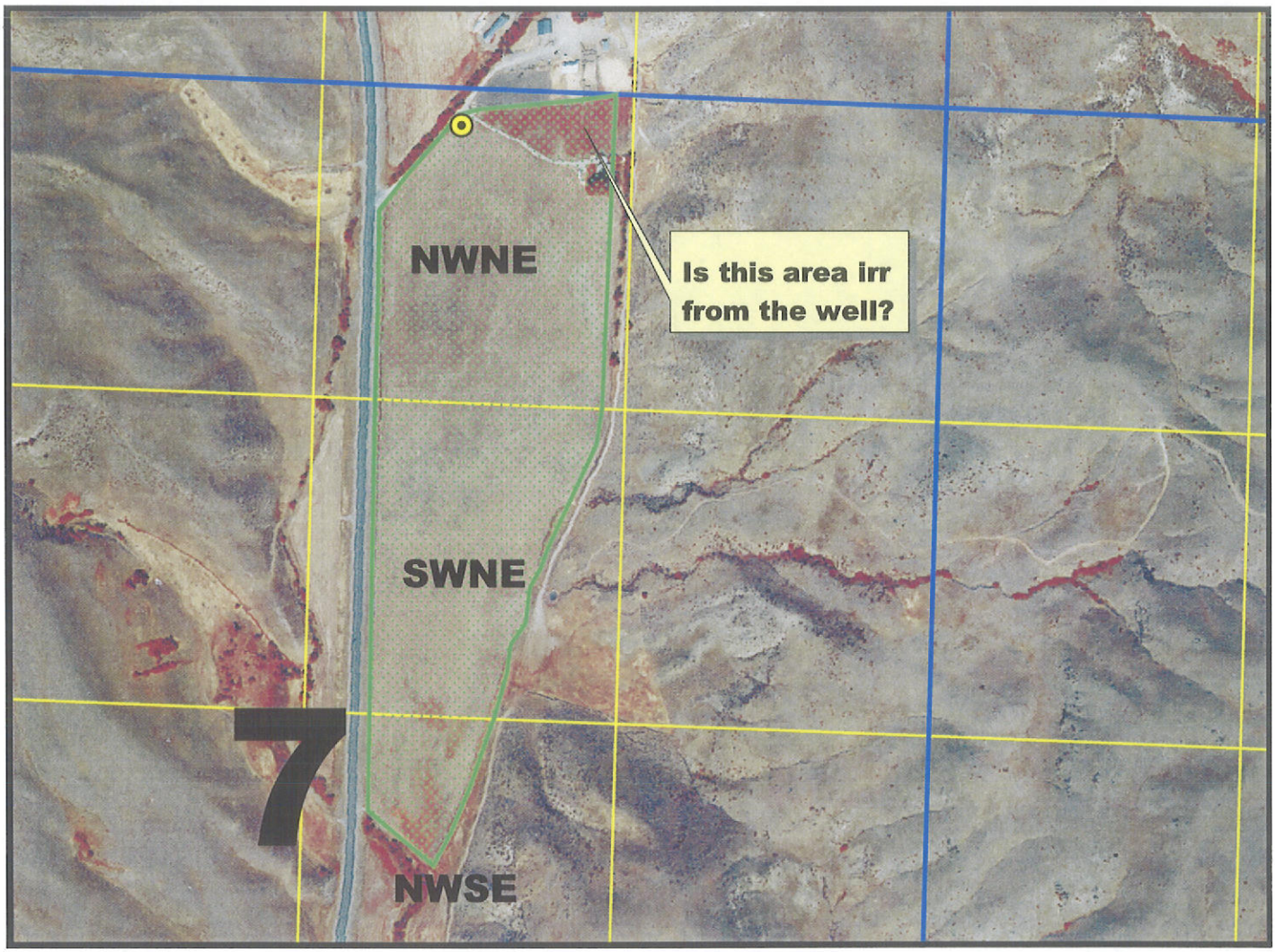
A63-18974
WELL AND POU




A63-18974
POU NORTH AND SOUTH OF HOUSE
North
South


A63-18974
IRRIGATION PIPE

POU location Map
2000 Photography
63-18974



1320 0 1320 2640 Feet

Point of Diversion

Claimed POU

Ada County Tax Lot Data

Quarter Quarter Lines

Section Lines

Total claimed Acres: N/A

N
W E
S

Prepared by: C. Saxton
Date: January 2004


3.21.2000

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: A63-18974
Date Received: 9/18/1989
Receipt No: C011656
Received By: RAT

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: JUN 01, 1948

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4	of 1/4	of 1/4	Lot	County
05N	02E	7	NW	NW	NE		ADA

5. Description of diverting works:
   WELL, 240' DEEP, 12" PERF. CASING, 24" HOLE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.140		

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

8. Total consumptive use is 199.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
05N	02E	7	NW	NE		IRR	27.0
			SW	NE		IRR	24.0
			NW	SE		IRR	6.0
					Section Acres		57.0

SCANNED OCT 05 2006 MICROFILMED SEP 01 1992

10. Place of Use: Continued

Total Acres 57.0

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:

15. Basis of Claim: BENEFICIAL USE

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 (Title) of Spring Valley Livestock Co. Inc. (Organization), that I have signed the foregoing document in the space below as Sec Treas (Title) of Spring Valley Livestock Co. Inc (Organization) and that the statements contained in the foregoing document are true and correct.

Teresa B Lee
Signature of Authorized Agent

Spring Valley Livestock Co.
Secretary Treasurer
Title and Organization

9-18-89
Date

MICROFILMED
SEP 0 1 1992

State of Idaho)
) SS.
County of Ada)

Subscribed and sworn (or affirmed) before me this 18th day of September 1989

Notary Public

Seal

Residing at Helen Harrington, Notary Public Residing at Boise, Idaho

My Commission Expires My Commission Expires December 1, 1994

MICROFILMED
SEP 0 1 1992

Form 42-1409(10)-1
5/88

Date Received _____

State of Idaho
Department of Water Resources

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

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

Teresa M Reed
Signature

Sec Treasurer Spring Valley Lc
Title

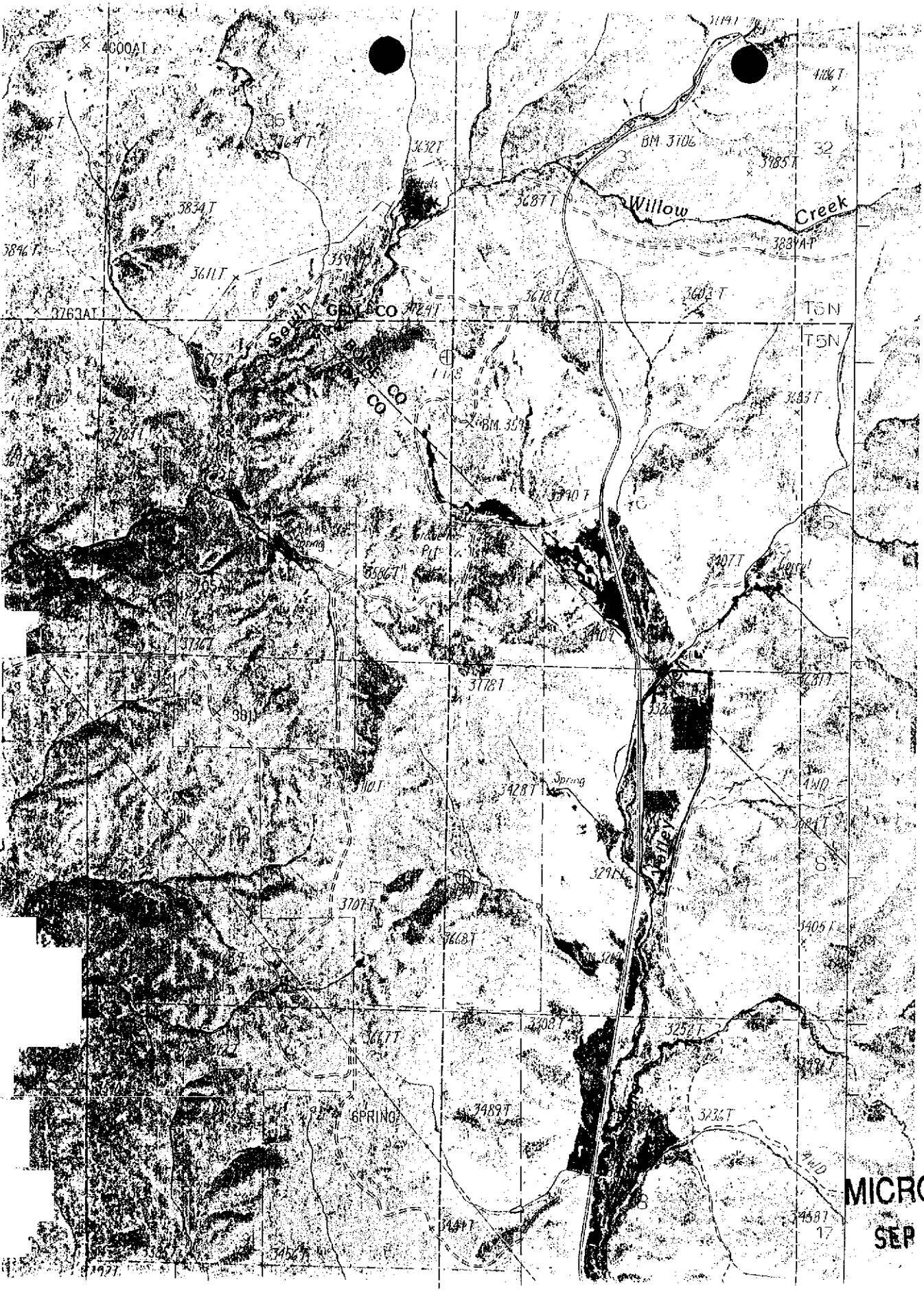
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby
X granted _____ denied,
and the filing deadline extended to 9/18/89, 19__.

Signed this 16 day of September, 1989.

Director or his designated agent
DAVID B. SHAW

MICROFILMED
SEP 0 1 1992


A63-18974
T6i
T5i
Willow Creek
Southern Pacific Co
T5N
MICROFILMED
SEP 0 1 1992

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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____
2007 JAN 25 PM 2 17

In Re SRBA	)	PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b) FOR
Case No. 39576	)	Water Right 63-18974

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

SOURCE: GROUND WATER

QUANTITY: 1.14 CFS
256.50 AFY

PRIORITY DATE: 03/15/1958

POINT OF DIVERSION: T05N R02E S07 NWNWNE Within Ada County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	1.14 CFS 256.50 AFY

PLACE OF USE: Irrigation

T05N R02E S07	NWNE 27.0	Within Ada County
	NWSE 6.0	SWNE 24.0
57.0 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. I.C. SECTION 42-1412(6).

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

RECOMMENDATION
JAN 25 2007
SPECIAL MASTER

DISTRICT COURT SRBA
TWIN FALLS CO. IDAHO
FILED _____

2007 JAN 25 PM 2 17

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): 63-18974

On January 25, 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 January 25, 2007.

DIANA R DELANEY
Deputy Clerk

FILED
2007 JAN 25 PM 2 17

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	CERTIFICATE OF MAILING
Case No. 39576	Water Right(s): 63-18974

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 January 25, 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

DIANA R DELANEY
Deputy Clerk

RECEIVED
JAN 26 2007
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____
2007 JAN 25 PM 3 35

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 63-18974**

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 water right should not exist. On January 23, 2007, the parties the subcase filed a *Standard Form 5 – Stipulated Elements of a Water Right*, which resolved the objection. 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 63-18974 be **decreed** with the elements as set forth in the attached ***Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b).***

Dated January 25, 2007.

Theodore R. Booth
Special Master
Snake River Basin Adjudication

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	Subcase No. 63-18974 previously Disallowed
Case No. 39576	STANDARD FORM 5
	STIPULATED ELEMENTS OF A WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s)/OBJECTOR(s):
Avimor, LLC

1-23-07

Albert P. Barker Date
Attorney for Claimants/Objectors

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

STANDARD FORM 5 – 63-18974

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:

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

1-24-07

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

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 mailing the form

STANDARD FORM 5 – 63-18974

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

RIGHT NUMBER: 63-18974

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~~

MW NBS APB

SOURCE: Source: Tributary:

GROUND WATER

QUANTITY: 1.140 CFS

256.500 AFY ~~0.000 AFY~~

PRIORITY DATE: 03/15/1958

~~06/01/1948~~

POINT OF DIVERSION:

T05N R02E S7 NWNWNE
Within ADA County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:	
	IRRIGATION	03/15 11/15	1.140 CFS	256.50 AFY
		~~4/15 10/15~~		

PLACE OF USE: IRRIGATION within ADA County

T05N R02E S07 NWNE 27.0

T05N R02E S07 SWNE 24.0

T05N R02E S07 NWSE 6.0

57 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.

~~No beneficial use found.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

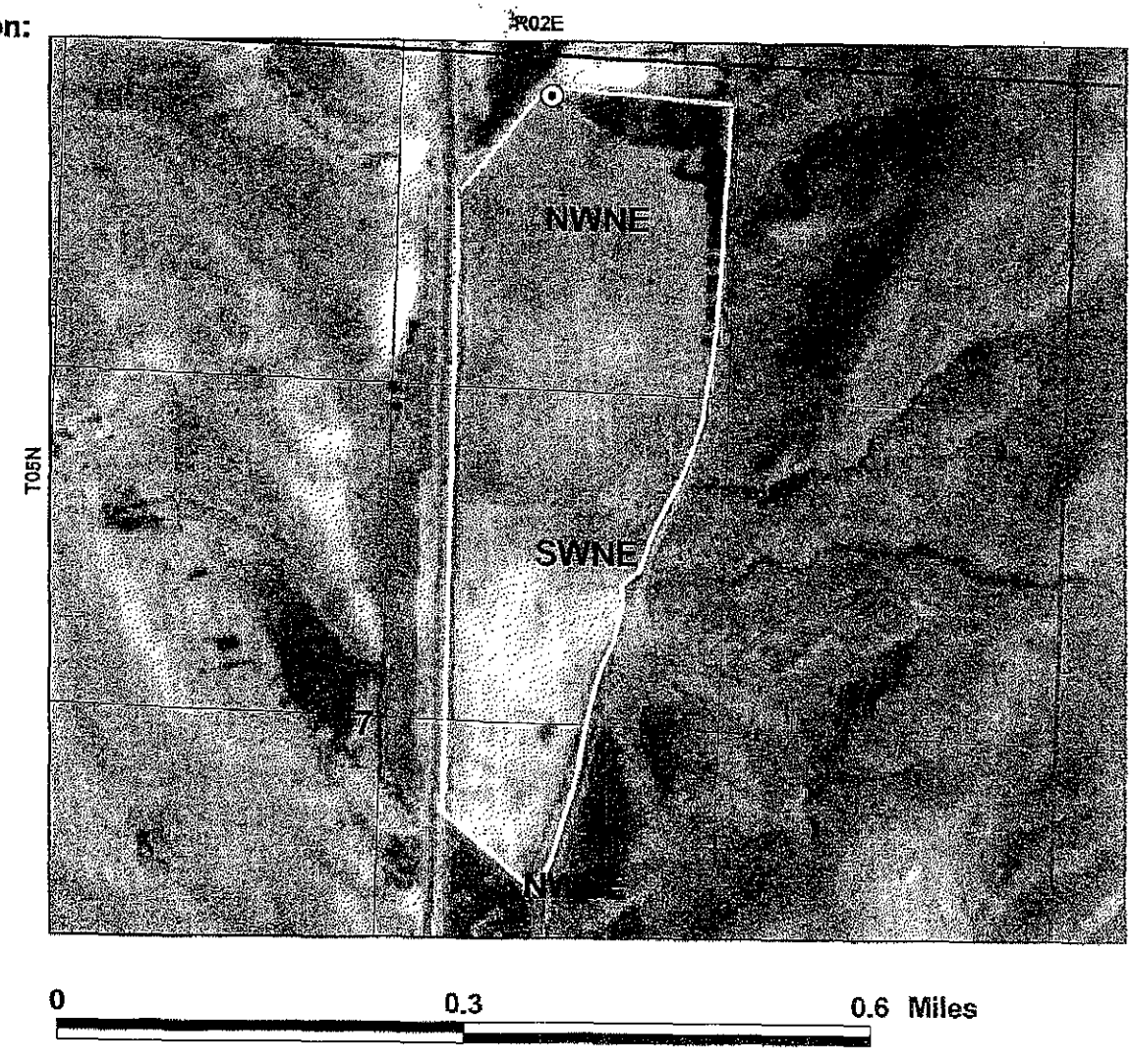
~~No beneficial use found. This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.~~

Idaho Department of Water Resources

SRBA Recommendation:

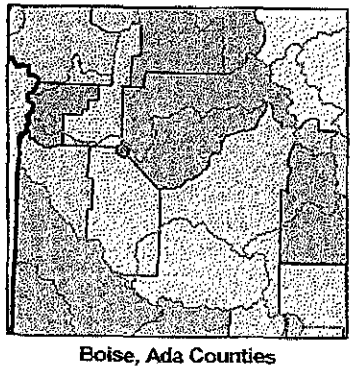
63-18974

(Irrigation)



Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Boise, Ada Counties
IDWR Basin 63

N

Prepared by S. Egbert
On Friday, January 19, 2007
1987/88 Aerial Photography

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	)	**Subcase No. 63-18974**
	)	**previously Disallowed**
Case No. 39576	)	
	)	**STANDARD FORM 5**
	)	
	)	**STIPULATED ELEMENTS OF A**
	)	**WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s)/OBJECTOR(s):
Avimor, LLC

1-23-07

Albert P. Barker Date
Attorney for Claimants/Objectors

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

STANDARD FORM 5 – 63-18974

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:

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

1-24-07

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

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 mailing the form

STANDARD FORM 5 – 63-18974

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

RIGHT NUMBER: 63-18974

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~~

NBS
APB

SOURCE: Source: Tributary:

GROUND WATER

QUANTITY: 1.140 CFS

256.500 AFY ~~0.000 AFY~~

PRIORITY DATE: 03/15/1958

~~06/01/1948~~

POINT OF DIVERSION:

T05N R02E S7 NWNWNE
Within ADA County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:	
	IRRIGATION	03/15 11/15	1.140 CFS	256.50 AFY
		~~4/15 10/15~~		

PLACE OF USE: IRRIGATION within ADA County

T05N R02E S07 NWNE 27.0

T05N R02E S07 SWNE 24.0

T05N R02E S07 NWSE 6.0

57 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.

~~No beneficial use found.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

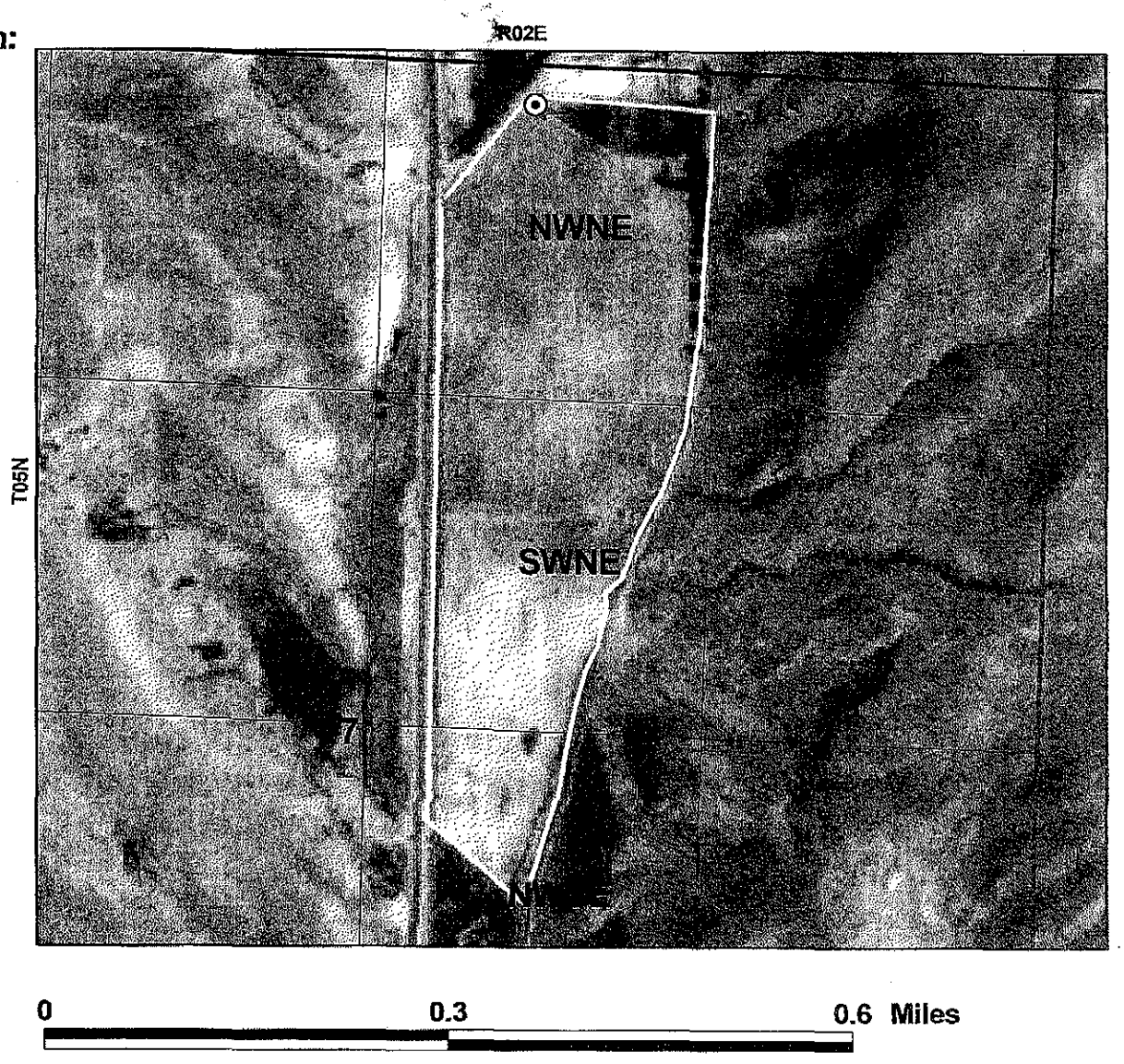
~~No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.~~

Idaho Department of Water Resources

SRBA Recommendation:

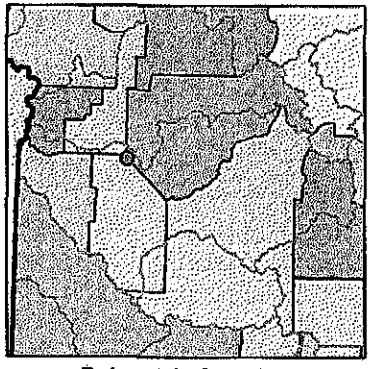
63-18974

(Irrigation)



Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Boise, Ada Counties
IDWR Basin 63

N

Prepared by S. Egbert
On Friday, January 19, 2007
1987/88 Aerial Photography

Idaho Department of Water Resources

SRBA Recommendation:

63-18974

(Irrigation)

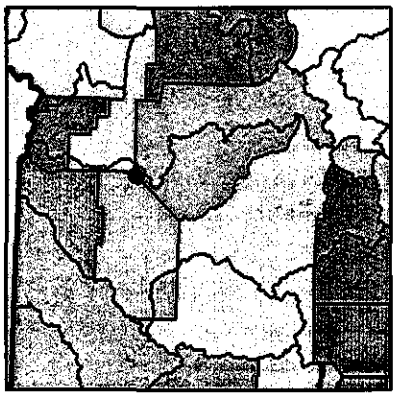
R02E

T05N

S. N.

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Boise, Ada Counties
IDWR Basin 63

N

0 0.3 0.6 Miles

Prepared by S. Egbert
On Friday, January 19, 2007
1987/88 Aerial Photography

Form 42-248/42-1409(6) Sept. 2006

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
63-5386					
63-5387					
63-18974					

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
   PO Box 9, Star, Idaho 83669

4. New Owner/Claimant(s): First American Title Insurance Company Trust No 8562 for benefit of SunCor ~~Development Co~~ Idaho LLC, successor to SunCor Development Company.
   Name Connector (Check one): [ ] and, [ ] or, [ ] and/or

   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) (include title if applicable)

Sunco Idaho, Inc.
by Robert G. Taunton
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 N/A

Receipted by _____ Date _____ Receipt No. _____

Processed by JAJ AJ Date 1-19-07 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

164

Instrument # 191847
IDAHO CITY, BOISE COUNTY, IDAHO
2003-07-25 03:24:18 No. of Pages: 12
Recorded for : PIONEER TITLE
RORA A. CANODY Fee: 36.00
Ex-Officio Recorder Deputy
Index to: DEEDS

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-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 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 STATE OF IDAHO

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.
Engineers • Surveyors • Landplanners
391 W. State Street, Suite E, Eagle, Idaho 83616
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°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°37'36", a length of 83.62 feet and a long chord which bears South 29°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°37'26" West a distance of 169.50 feet to a point of tangent;
Thence South 40°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°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°08'36", a length of 125.52 feet and a long chord which bears South 24°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°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°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°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°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°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°06'43", a chord bearing of North 53°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°56'27" East and a chord distance of 169.52 feet to a right-of-way monument;
Thence North 66°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°29'08" East and a chord distance of 132.25 feet to a steel pin,
Thence North 00°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°30'00", a chord bearing of North 22°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°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°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;

03-5387

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;

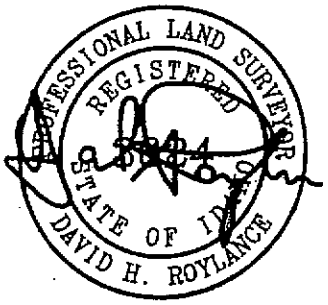
~~In Sections 21 and 22, all those portions which lie within Boise County, and;~~

~~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 18
BOISE IDAHO 07/25/03 03:53 PM
DEPUTY Bonnie Oberbillig
RECORDED – REQUEST OF
Pioneer
AMOUNT 54.00

103123652

(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 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 STATE OF IDAHO

Brenda Fitzsimons
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 Oberbillig
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 _____

STATE OF IDAHO)
) ss.
County of Canyon)

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
STATE OF IDAHO

Notary Public for the State of Idaho
Residing at Caldwell, Idaho
My commission expires 10-30-2007

SCHEDULE I

Legal Description

Roylance & Associates P.A.
Engineers • Surveyors • Landplanners
391 W. State Street, Suite E, Eagle, Idaho 83616
Telephone (208) 939-2824 Fax (208) 939-2855

August 21, 2003
Project No: 2408

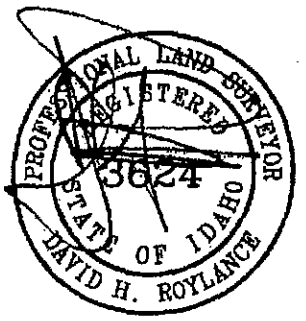
Legal Description
Suncor Development Company
Spring Valley Livestock Company property in Ada County

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

X:\Projects\Suncor\2408\ADMIN\LEGALS\Legal-E12SE14T5NR1E-Spring.doc

Roylance & Associates P.A.
Engineers • Surveyors • Landplanners
391 W. State Street, Suite E, Eagle, Idaho 83616
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~~

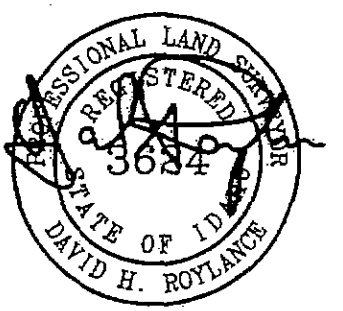
~~A tract of land located in Township 5 North, Range 2 East, Boise Meridian, Ada County, Idaho described as follows:~~

~~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.
Engineers • Surveyors • Landplanners
391 W. State Street, Suite E, Eagle, Idaho 83616
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 Section12, 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;~~

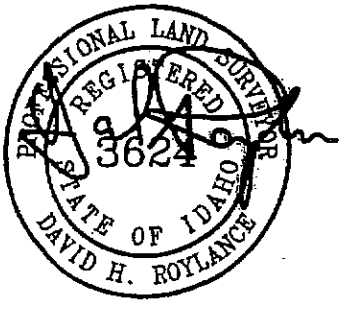
~~In Section 29, the North One Half of the Northwest One Quarter, and;~~

~~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

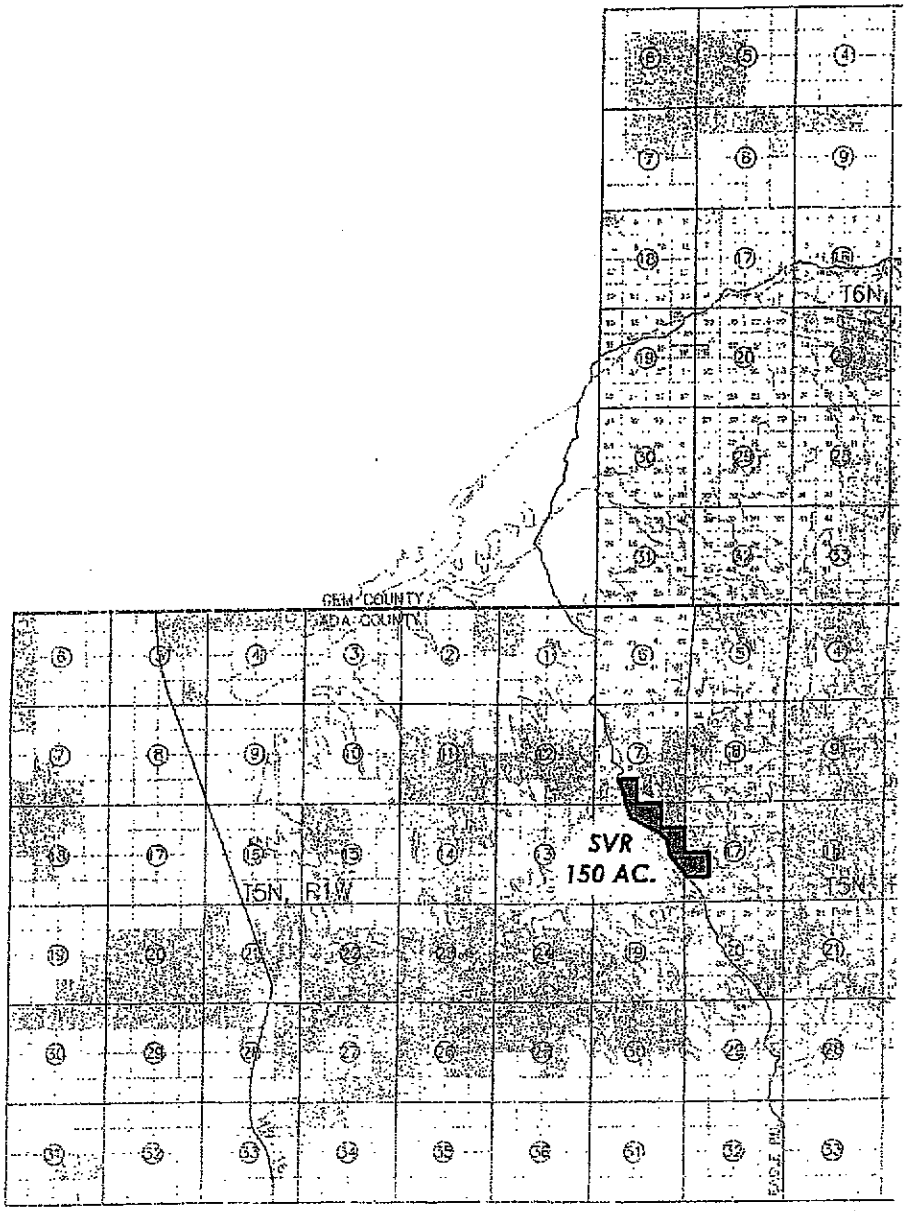


EXHIBIT "D"

GREEY | PICKETT

Scale: 1" = 4000'

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** 63-18974 (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: Groundwater
3. ☒ **Quantity**
   Should be: 1.14
4. ☒ **Priority Date**
   Should be: 1958
5. ☒ **Point of Diversion**
   Should be: Groundwater NWNWNE § 7 T5NR2E
6. ☐ **Instream Flow Beginning and Ending Point**
   Should be:
7. ☒ **Purpose(s) of Use**
   Should be: Irrigation
8. ☒ **Period of Year**
   Should be: 4/15 to 10/15
9. ☒ **Place of Use**
   Should be: T5NR2E § 7 NWNE 27 acres, NWSE 6 acres, SWNE 24 acres
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 Memorandum and Affidavits of Mike Wardle and Eldon "Red" Ward.

F. VERIFICATION (must be completed)

State of IDAHO)
)ss.
County of ADA)

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

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

(Signature of person filing objection)

(Attorney signing in representative capacity)

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

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

LOIS WATSON NOTARY PUBLIC STATE OF IDAHO

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:

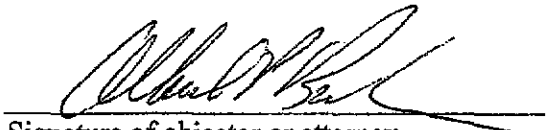
   Name: Spring Valley Livestock Co Inc.
   Address: PO Box 9
   Star, ID 83669

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	Subcase No. 63-18974
Case No. 39576	**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 no. 63-18974, the Department of Water Resources (hereinafter "Department") recommended that the water right be disallowed because it did not have evidence of beneficial use prior to 1964. However, given that the well was drilled and used beginning in 1958, this recommendation is wrong.

STATEMENT OF FACTS

The Spring Valley Livestock Co., Inc. (hereinafter "SVLC") filed a claim for water right no. 63-18974 seeking 1.14 cfs of ground water for irrigation with a priority date of June 1, 1948. The SVLC was owned and operated by the McLeod family since Colin McLeod purchased the property in 1916. *See Affidavit of Michael D. Wardle.* Exs. A & B. SVLC is the predecessor in interest to Avimor, LLC of the Spring Valley Ranch – the land in question. However, after

asserting insufficient proof of beneficial use prior to 1964, the Department recommended the water right be disallowed since, in 1964, a permit would be required for ground water. Yet, a history of the area shows that the well was actually drilled in 1958.

On October 4, 1916, Colin McLeod and W.J. Hodgson acquired the following property: (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. *See Id.* at Ex. A; *see also Id.* at Ex. B (wherein Colin McLeod acquired W.J. Hodgson's interest in the property on November 16, 1917). Thereafter, the McLeod family ran the SVLC for until it was purchased by Avimor, LLC, in 2003.

Throughout the years, the McLeod's had a number of ranch managers who became personally familiar with the property's surface and ground water irrigation system. 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.* Ward recalls that the well was initially drilled in 1958 with the assistance of B&M Equipment Company from Caldwell. *Id.* The water was pumped from the well with a turbine pump that fed into a tank. *Id.* From there, the water was pumped through sprinklers using a centrifugal pump. *Id.* Water from the well was used to irrigate "the field south of the old house and barn, and west of the current rang manager's house." *Id.*

ARGUMENT

I. Since the Well was Drilled and Used Beginning for the Irrigation Season in 1958, the Department's recommendation is incorrect.

The recommendation that water right 63-18974 be disallowed 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). This right should have a priority date of March 1, 1958.

Relying on a 1964 aerial photograph, the Department incorrectly determined that water right 62-18974 was not appropriated prior to 1963. After operating the Spring Valley Ranch for over 40-years, the McLeods decided that more water would be necessary to irrigate certain portions of their property. *Ward Aff.* Therefore, in 1958, the B&M Equipment Company, of Caldwell, was hired to assist in the drilling of a 10-12 inch well 350 foot deep to irrigate "the field south of the old house and barn, and west of the current rang manager's house." *Id.* The water was used in that irrigation season and was pumped with a turbine pump, collected in a tank, then pumped with a centrifugal pump to the sprinklers. *Id.* Since the well was drilled, and has been used, since 1958, the priority date for water right 63-18974 should be March 1, 1958.

CONCLUSION

The well used to divert water for water right 63-18974 was originally drilled in 1958. It has been used since that time. As such, this water right should be allowed with a priority date of March 1, 1958.

Dated this 20th day of April, 2006.

BARKER ROSHOLT & SIMPSON, LLP



Albert P. Barker

CERTIFICATE OF SERVICE

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

IDWR Document Depository PO Box 83720 Boise, ID 83720-0098	___X___ U.S. Mail, Postage Prepaid _____ Hand Delivery _____ Overnight Mail _____ Facsimile _____ Email
United States Department of Justice Environmental & Nat'l Resources Div. 550 W. Fort Street, MSC 033 Boise, ID 83724	___✓___ U.S. Mail, Postage Prepaid _____ Hand Delivery _____ Overnight Mail _____ Facsimile _____ Email
Chief, Natural Resources Division Office of Attorney General P.O. Box 44449 Boise, ID 83711-4449	___✓___ U.S. Mail, Postage Prepaid _____ Hand Delivery _____ Overnight Mail _____ Facsimile _____ Email

Albert P. Barker

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

Attorneys for Avimor, LLC

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

In Re SRBA Case No. 39576	Subcase Nos. 63-5386, 63-5287 & 63-18974 **AFFIDAVIT OF MICHAEL D. WARDLE IN SUPPORT OF AVIMOR, LLC'S MEMORANDUM IN SUPPORT OF OBJECTION**

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

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

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

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

7. Attached hereto as Exhibit F is a true and correct copy of an Indenture dated April 23, 1889, wherein Llewellyn Argabright acquired the east ½ of the SW¼ and the west ½ of the SE¼ of Section 18, Township 5N, Range 2E.

8. Attached hereto as Exhibit G is a true and correct copy of an Indenture and a Homestead Certificate, each dated September 13,1890, wherein Charles Hurt acquired the SE¼ of the NW¼ and the west ½ of the NE¼ of Section 7, and the SW¼ SE¼ of Section 6, Township 5N, Range 2E.

9. Attached hereto as Exhibit H is a true and correct copy of a United States Land Patent Certificate dated January 07, 1896, wherein William Hurt acquired the east ½ of the SE ¼, the NW ¼ of the SE ¼, and the NE ¼ of the SW ¼ of Section 6, Township 5N, Range 2E.

10. The Spring Valley property originally patented by Argabright, Hurt and Howell all passed to McLeod through the transactions set out in Exhibits A & B hereto.

11. On or about July 27, 2003, the Spring Valley Ranch property and all appurtenant water rights were transferred from McLeod to First American Title in trust for SunCor Idaho, LLC.

12. On or about March 7, 2006 SunCor Idaho, LLC filed articles of amendment changing its name to Avimor, LLC. A true and correct copy of the articles of amendment are attached hereto as Exhibit I.

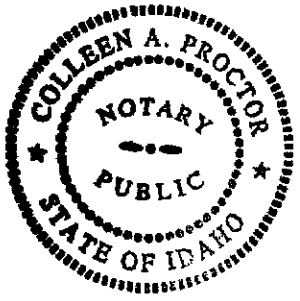
DATED THIS 20th day of April, 2006.

Michael D. Wardle

STATE OF IDAHO)
) ss.
County of Ada)

On this 20th day of April, 2006, before me, a Notary Public for said County and State, personally appeared **MICHAEL D. WARDLE**, known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same

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



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

CERTIFICATE OF SERVICE

I hereby certify that on the 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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United States Department of Justice
Environmental & Nat'l Resources Div.
550 W. Fort Street, MSC 033
Boise, ID 83724

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

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- ____ Facsimile
- ____ Email

Albert P. Barker

A

No. 102—WARRANTY DEED—LONG FORM Printed and for sale by ARCH CUNNINGHAM & Co., Printers and Book Binders, Boise

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 Orchabal and Benedicta Orchabal, husband and wife

of Boise *County of* Ada *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* Ada *County, State of Idaho, to-wit:*

The Lots numbered two (2) and three (3), (the southwest quarter of northwest quarter (S.W.¼ of N.W.¼), the north one half of southwest quarter (N. 1/2 of S.W.¼), the southwest quarter of southwest quarter (S.W. ¼ of S.W.¼) of section one (1), the south one half of section two (2), the southeast quarter of southwest quarter (S.E.¼ of S.W.¼) of section eleven (11), the southwest quarter of southeast quarter (S.W.¼ of S.E.¼) of section fourteen (14) all in township five (5) north range one (1) east of Boise Meridian. Crea six hundred forty (640) acres according to Government Survey, some being more or less.

Also the southwest quarter (S.W.¼) Southeast quarter (S.E.¼) and east half of southwest quarter (E. 1/2 of S.W.¼) of section six (6), the west half of northeast quarter (W. 1/2 of N.E.¼) the east half of northwest quarter (E. 1/2 of N.W.¼), the west half of southeast quarter (W. 1/2 of S.E.¼) and east half of southwest quarter (E. 1/2 of S.W.¼) of section seven (7), the west half of northeast quarter (W. 1/2 of N.E.¼), the east half of northwest quarter (E. 1/2 of N.W.¼), the west half of southeast quarter (W. 1/2 of S.E.¼) and east half of southwest quarter (E. 1/2 of S.W.¼) of section eighteen (18), all in township five (5) north, range two (2) east of Boise Meridian. Crea seven hundred sixty (760) acres according to Government Survey.

(The southwest quarter of southeast quarter (S.W.¼ of S.E.¼) and northeast quarter of southwest quarter (N.E.¼ of S.W.¼) of section six (6), township five (5) north, range two (2) east of Boise Meridian are situate in both Ada and Boise counties.)

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

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

Signed, Sealed and Delivered in the Presence of

W. C. Cleveland SEAL

Nettie J. Cleveland SEAL

John Archabal SEAL

Benedicta Archabal SEAL

State of Idaho, } ss.
County of Ada

On this 10th day of October in the year 1916, before me, W. F. Cottral a Notary Public in and for said County, personally appeared W. C. Cleveland and Nettie J. Cleveland, husband and wife, and John Archabal and Benedicta Archabal, husband and wife, known to me to be the persons whose names subscribed to the within instrument, and acknowledged to me that they executed the same.

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

W. F. Cottral

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 Y of the second part,

Witnesseth, That the said part of the first part, for and in consideration of the sum of Forty-three thousand six hundred twenty-eight $ 86/100 ($43628.86 Dollars, lawful money of the United States of America, to ~~Th~~ in hand paid by the said part Y of the second part, the receipt whereof is hereby acknowledged, ha~~ve~~ granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell and convey unto the said part Y of the second part, and to his heirs and assigns forever, all those piece s or parcel s of land situate, lying and being in County of Ada and State of Idaho, and particularly described as follows, to wit:

The Lots numbered Two (2) and Three (3), the Southeast quarter of Northwest quarter (SE¼ of NW¼), the North one-half of Southwest quarter (N½ of SW¼), the Southwest quarter of Southwest quarter (SW¼ of SW¼) of Section One (1), the South half of Section Two (2), the Southeast quarter of Southwest quarter (SE¼ of SW¼), of Section Eleven (11), the Southwest quarter of Southeast quarter (SW¼ of SE¼) 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 (SW¼) Southeast quarter (SE¼) and East half of Southeast quarter (E½ of SE¼) of Section Six (6) the West half of Northeast quarter (W½ of NE¼) the East half of Northwest quarter (E½ of NW¼), the West half of Southeast quarter (W½ of SE¼) and East half of Southwest quarter (E½ of SW¼) of Section Seven (7) the East half of Northeast quarter (E½ of NE¼), the East half of Northwest quarter (E½ of NW¼), the West half of Southeast quarter NW¼ of SE¼) and East half of Southwest quarter (E½ of SW¼) 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 (SW¼ of SE¼) and the Northeast quarter of Southwest quarter (NE¼ of SW¼) 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 party of the second part, which note is in words and figures following, to wit:

$ 43625.86 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 reasonable attorney's fee in case this note, or any part thereof, is collected by an attorney, either with or without suit. If this note is not paid at maturity it shall thereafter bear interest at the rate of twelve per cent. per annum until paid, both before and after judgment. All makers and endorsers of this note each hereby expressly waive demand, notice of non-payment and protest, and guarantee the payment of this note at maturity or at any time thereafter.

No. _____

Due Nov. 16, 1918 W. J. Hodgson

P. O. Caldwell, Idaho R R 3 Mtg Rec'd & Canceled

GEO. O. SHEPARD & CO. ST. LOUIS

And these Presents shall be Void if such payment..... be made. But in case default shall be made in the payment of said principal sum..... of money or any part thereof as provided in said note....., or if the interest be not paid as therein specified, then and from thenceforth it shall be optional with the said party of the second part, ...his 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 .....

C

5 959 (10/95)

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 W. H. Stull of same County the party of the second part, Witnesseth, That the said party of first part for and in consideration of the sum of Two Thousand one Hundred and fifty dollars, Lawful Money of the United States of America to him in hand paid by the said party of the second part the receipt whereof is hereby acknowledged, 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 thereunto 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 A Argabright [Seal]

Territory of Idaho } ss.
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 Llewellyn Argabright duly acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

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

John S Gray
Notary Public

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

B S Brickett
Recorder

384

B

The United States of America,

To all to whom these presents shall come, Greeting:

CERTIFICATE } No. 664

Whereas Llewellyn Argabright of Ada County Idaho Territory

has 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 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 Plat of the Survey of the said Lands, returned to the General Land Office by the Surveyor General, which said Tract has been purchased by the said 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, thereunto belonging, unto the said Llewellyn Argabright and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes; and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

In testimony whereof, I, Chester A. Arthur, 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 Seventh day of May, in the year of our Lord one thousand eight hundred and eighty-four, and of the Independence of the United States the one hundred and eighth

By the President: Chester A. Arthur

By Wm. H. Crook, Secretary.

S. W. Clark, Recorder of the General Land Office.

CERTIFIED
To be a true copy of a document on file in the Idaho State Office
MAR 03 2004
BUREAU OF LAND MANAGEMENT

P

SURVEY MAP

ADA COUNTY HISTORIC RESOURCES:
A RECONNAISSANCE SURVEY

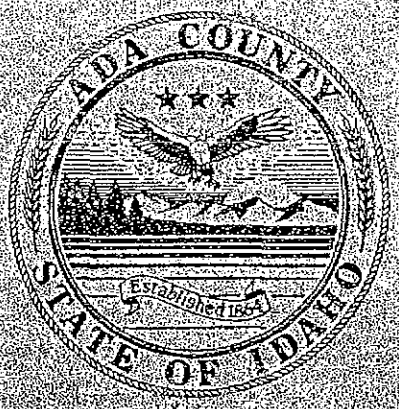


PREPARED BY BELINDA DAVIS/BARBARA PERRY BAUER, CONSULTANTS
AND THE ADA COUNTY DEVELOPMENT SERVICES DEPARTMENT

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 D. Johnson
Judy M. Peavey

ADA COUNTY HISTORIC PRESERVATION COUNCIL

Robert D. Aldridge, Chairman
John R. Crowe, Vice-Chairman
David Baghard
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.

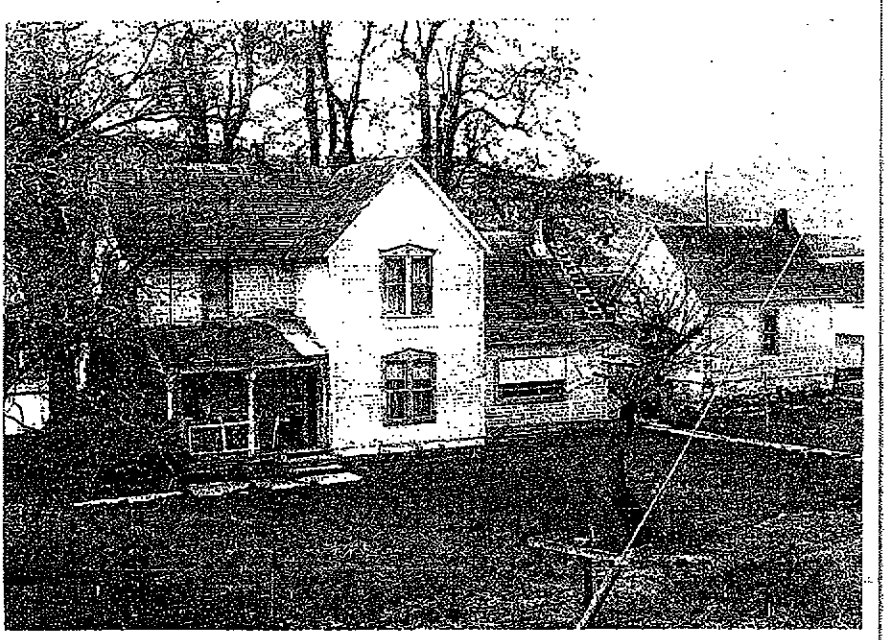
The aforementioned areas, in addition to others not mentioned here, do have potential historical value and could best be approached by first researching documents to determine what types of sites are likely to occur and following up with a pedestrian survey.

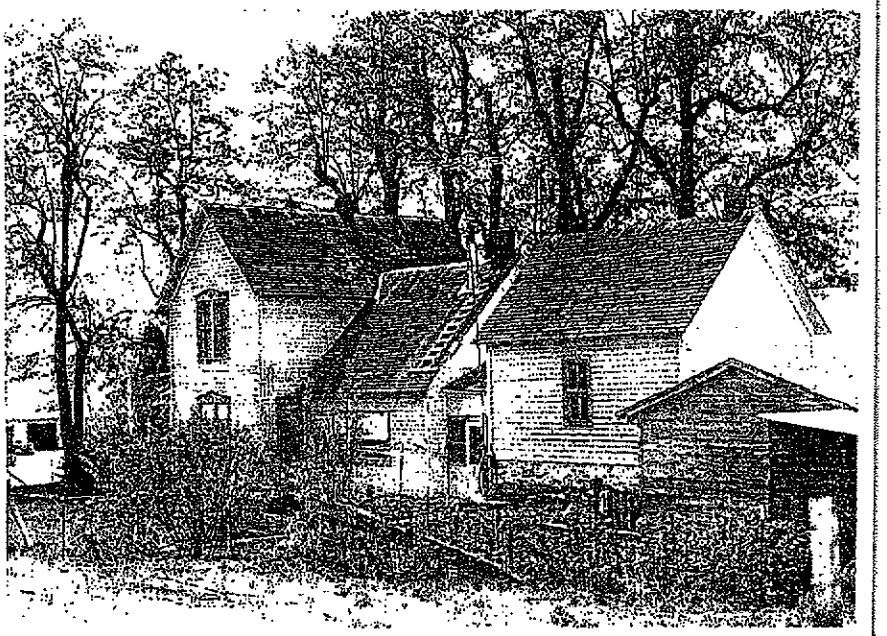
Under the present Phase II Reconnaissance Survey, eleven sites were determined to be eligible for listing in the National Register of Historic Places. They are: 1) Dallas Forrey Lava Rock Structure (Field No. 37), 2) Delbert McFarland House (Field No. 70), 3) Linder Road National House with turned posts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

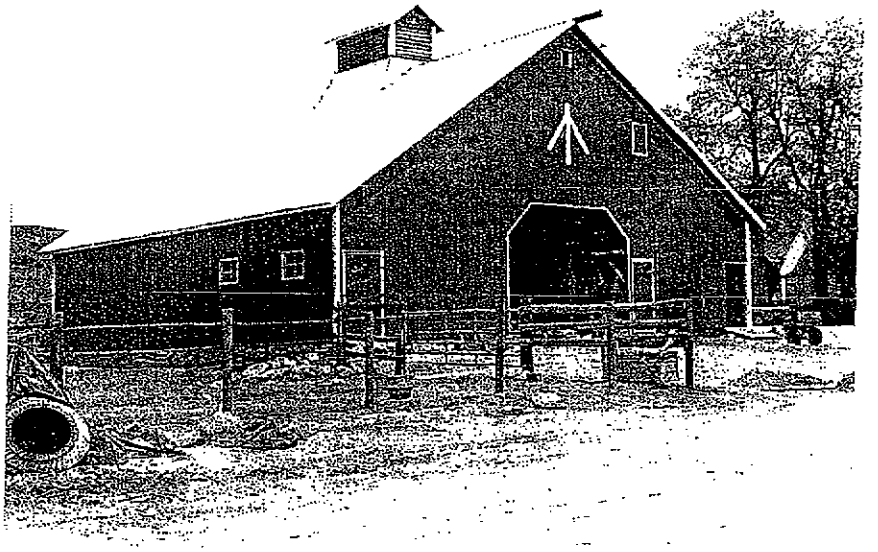
The consultants recommend that the eleven sites mentioned above should undergo further research in order to more fully document their historic significance in terms of the National Register criteria.

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











E



SOURCE: IDAHO STATE HISTORICAL LIBRARY

AVIMOR

Not To Scale

Figure 4

USGS Map of 1897

F

14 / 210

8 139

Argabright To Williams and Williams to Territory

This Indenture, made the 23rd day of April in the year of our Lord one thousand eight hundred and eighty nine Between Llewellyn Argabright and Belle Argabright his wife of Spring Valley Ada County Idaho Territory Parties of the first part and Benjamin Wilson Gregg H. Williams of same County and Territory the Parties of the second part Witnesseth: That the said parties of the first part for and in consideration of the 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 (½) of the Southeast Quarter (¼) and the West half (½) of the Southeast Quarter (¼) 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 Office by the Surveyor General. Together with all and singular the tenements hereditaments and appurtenances thereto belonging, or in anywise 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 hereunto set their hands and seals the day and year first above written.

Signed, Sealed, and Delivered in the Presence of S.B. Mann
Alvo Thurman

Llewellyn Argabright (Seal)
Belle Argabright (Seal)

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. Mann County Recorder, in and for said County of Ada personally appeared Llewellyn 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 Belle Argabright wife of Llewellyn 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 thereupon she acknowledged to me that she executed the same, and that she does not wish to retract such execution In Witness Whereof, I have hereunto set my hand and affixed my official Seal, the day and year last above written.

S.B. Mann
County Recorder.

Recorded at request of G. W. Williams apr. 24th 1889 at 10 A. M.

S.B. Mann
Recorder

Hurt Chas. Hurt This Indenture, Made the Thirteenth day of September in the year
To of our Lord one thousand eight hundred and ninety, Between
Howell Wm Howell, Charles Hurt and Rhoda Hurt, his wife of Ada County, Idaho,
parties of the first part, and William Howell, Sanford M. Parhart
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 Twenty-seven 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 Northeast 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 used for the irrigation of said lands
and for home or domestic purposes.
Together with all and singular the tenements, hereditaments and
appurtenances thereunto belonging or in anywise appertaining, and
the reversion and reversions, remainder and remainders, rents, issues
and profits thereof and also all estate, right, title, interest in and
to the said property, possession, claim and demand whatsoever,
as well in law as in equity, of the said parties of the first part,
of in or to the said premises, and every part and parcel thereof,
with the appurtenances, to have and to hold, all and singular
the above mentioned and described premises, together with the
appurtenances, unto the said parties of the second part, and to their
heirs and assigns forever. And the said parties of the first
part, and their heirs, the said premises in the quiet and peace-
able possession of the said parties of the second part, their heirs
and assigns against the said parties of the first part and their
heirs and against all and every person and persons whomsoever,
lawfully claiming or to claim the same shall and will

warrant and by these presents forever defend.
In Witness Whereof the said parties of the first part have hereunto set their hands and seals the day of the year first above written.
Signed Sealed and Delivered in the Presence of } Charles Hunt (Seal)
T. D. Lahalan Phebe Hunt (Seal)

State of Idaho } ss
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 Phebe 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 Phebe 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 the day and year in this certificate above written.
(Seal)
Chas A. Clark
Notary Public

Recorded at request of Wm Howell Sept 18th 1890 at 40 min past 4 P.M.
S. D. Mann
Recorder

296

Homestead certificate
No. 413
Application 111

1 676

G

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, in conformity to law, for the Southeast quarter of the Northwest quarter and the West half of the Northeast quarter of Section Seven and the Southwest quarter of the Southeast quarter of Section Six in Township Four North of Range Two East of Boise Meridian in Idaho Territory, containing one hundred and sixty acres according to the Official Plat of the Survey of the said land returned to the General Land Office by the Surveyor General; Now Know Ye, that there is, therefore, granted by the United States unto the said Charles Hunt the tract of land above described; To have and to hold the said tract of land, with the appurtenances thereof, unto the said Charles Hunt and to his heirs and assigns forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

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

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

Seal

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 30 min past 4 P. M.
S. B. Mann
Recorder

H

49 1582
Ada County, Idaho
Request of
Idaho Title Co.
Time 4 00 P. M.
Date JUN 20 1969
CLARENCE A. PLANTZ
RECORDER
BY: Florence Kelly
Deputy

718801

Form 1810-9
(July 1965)
(formerly 4-207c)

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

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

D

(Certifying Officer)
William G. Reiter

The United States of America

To all to whom these Presents shall come, Greeting:

Whereas [illegible] has deposited in the General Land Office of the United States a Certificate of the Surveyor General of the Territory of [illegible] whereby it appears that pursuant to the Act of Congress approved 22nd May 1862, "To secure Homesteads to actual Settlers on the Public Domain" and the acts supplemental thereto, the claim of [illegible] has been established and fully complied with by [illegible] for the East half of the South East quarter, the West half of the South East quarter, the East half of the South West quarter, and the South East quarter of the North East quarter of Section Five in Township Four North of Range One East of the Boise Meridian in Idaho, containing one hundred and sixty acres.

according to the Official Plat of the Survey of 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 [illegible]

the said tract of Land above described. To have and to hold the said tract of Land with the appurtenances thereof unto the said [illegible] and to [illegible]

18/537

The United

To all to whom these

Homestead Certificate No. 1019

Applications 1967 and 2722

in the General Land Office of the

the Register of the Land Office at

1103, pursuant to the Act of Congress

entitled "An act to provide

the sale of supplemental

established, and duly

the East half of the South East quarter

South East quarter and the West

quarter of Section Six in Township

of Range Nine East of the

according to the Official Plat

in the General Land Office by the

Now know ye, That there is

unto the said Petitioner

to have and to hold the said tract

names thereof, unto the said

and assigns forever; subject

water rights for mining, agricultural

purposes, and rights to ditches

upon which such water rights

and granted by the local customs

also subject to the right

tract and reserved to

to penetrate or intersect

by law. And there is

South East quarter and

quarter of Section Six

East of the above

ditches or canals

limited to

In Testimony

limited to

Patent, and

affixed

Given

The United States of America

To all to whom these presents shall come, Greeting:

Homestead Certificate No. 1019.

Application 1987, and 29720. Whereas, Hiram Hamblin

of the Territorial Land Office of the United States

at the Register of the Land Office at Boise City, Idaho, entitled to

the provisions of the Act of Congress approved 20th May

and acts supplemental thereto, and Patent issued on the Public Domain

for the entitlement above stated, the claim of William Knott

has been duly located and fully commuted, in conformity to

law, for the South East quarter, the South West quarter of the South

East quarter and the North East quarter of the South West

quarter of Section six in Township five North of Range three East

of Boise Meridian in Idaho, containing one hundred and sixty

according to the official Plat of the Survey of the said lands

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 William Knott the tract of land above described

to have and to hold the said tract of land, with the appurte-

nances thereof, unto the said William Knott and to his he

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 con-

nection with such water rights, as may be recognized and

acknowledged by the local customs, laws, and decisions of courts;

also subject to the right of the proprietor of a vein or lode

to extract and remove his ore therefrom, should the same be

found to penetrate or intersect the premises hereby granted, as pro-

vided by law. And there is reserved from the North East

quarter and the North East quarter of the South

East quarter of Section six in Township five

East of the above described lands a right of way for the

ditches or canals constructed by the authority of the

United States.

In Testimony Whereof, I

United States of America

Patent, and the seal of the

affixed.

Given under my hand at

the City of

Lincoln Dist" and the "1661 Mineral" on the East by the "Uncle Dist" and the "1661 Mineral" on the West by said "Yellow Metal" mining claim extends 300 mining claims, said "Yellow Metal" mining claim extends 300 mining claims, said "Yellow Metal" mining claim extends 300 linear feet on each side of the middle of the vein or lode thereof, Linear feet on each side of the middle of the vein or lode thereof, together with all the dips, spurs and angles, and also all the metals, together with all the dips, spurs and angles, and also all the metals, ores, gold and silver bearing quartz, rock and earth therein, and ores, gold and silver bearing quartz, rock and earth therein, and all the rights, privileges and franchises thereto incident, appendant all the rights, privileges and franchises thereto incident, appendant and appurtenant, or therewith usually had and enjoyed, and also and appurtenant, or therewith usually had and enjoyed, and also all and singular the tenements, hereditaments and appurtenances all and singular the tenements, hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the rents, issues thereto belonging, or in anywise appertaining, and the rents, issues and profits thereof.

To Have and to Hold, All and singular, the said premises, together To Have and to Hold, All and singular, the said premises, together with the appurtenances and privileges thereto incident unto the with the appurtenances and privileges thereto incident unto the said party of the second part, his heirs and assigns forever. said party of the second part, his heirs and assigns forever.

In Witness Whereof, the said party of the first part has hereunto In Witness Whereof, the said party of the first part has hereunto set his hands and seals the day and year first above written. set his hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of
W. Scott Neal

J. J. Blake (Seal)
Guy Stamp (Seal)
W. S. Stevens (Seal)
(Seal)

State of Idaho, } ss.
County of Ada } On this 21st day of December 1895, before me W. Scott Neal, a Notary Public in and for said County, personally appeared J. J. Blake, W. S. Stevens and Guy Stamp known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me, that they executed the same. In Witness Whereof, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(Seal) W. Scott Neal.
Notary Public.

State of Idaho, } ss.
County of Payne } I hereby certify that this instrument was filed for record at the request of W. L. McKinley at 2:45 o'clock P. M. this 7 day of Jan 1896.

W. F. Cromaughton
Ex-officio Recorder

Notice of Application to the Probate Court for the County of Payne, State of Idaho, for a Deed to Lots Numbered Eight (8) and Nine (9) in Block Numbered Eighty-Seven (87) in the Original Town of Payne, Idaho.

To Whom It May Concern:

Notice is hereby given that the undersigned has made application to the Probate Court for the County of Payne, State of Idaho, for a deed to Lots Numbered Eight (8) and Nine (9) in Block Numbered Eighty-Seven (87) in the Original Town of Payne, Idaho, according to the official plat thereof on file in the office of the County Recorder of said County of Payne, and that said application will be heard by said Court on the 15th day of January, 1896, at the hour of 10 o'clock A. M. of said day.

Dated this 7th day of December, 1895.

Mrs. Ida Pa



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FILED EFFECTIVE

ARTICLES OF AMENDMENT TO ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

2006 APR -7 A 10:57

(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 BH: 941697
1 @ 30.00 = 30.00 ORGAN AMEN # 2
1 @ 20.00 = 20.00 EXPEDITE C # 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	Subcase No. 63-5386 & 63-5287
Case No. 39576	**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.

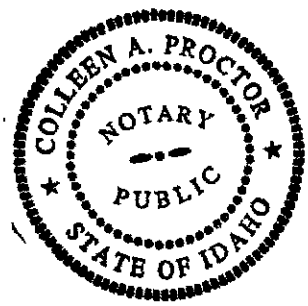
Steve Givens

Steve Givens

STATE OF IDAHO)
) **ss.**
County of Ada)

On this 28th day of April, 2006, before me, a Notary Public for said County and State, personally appeared **STEVE GIVENS**, known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same

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



Colleen 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

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

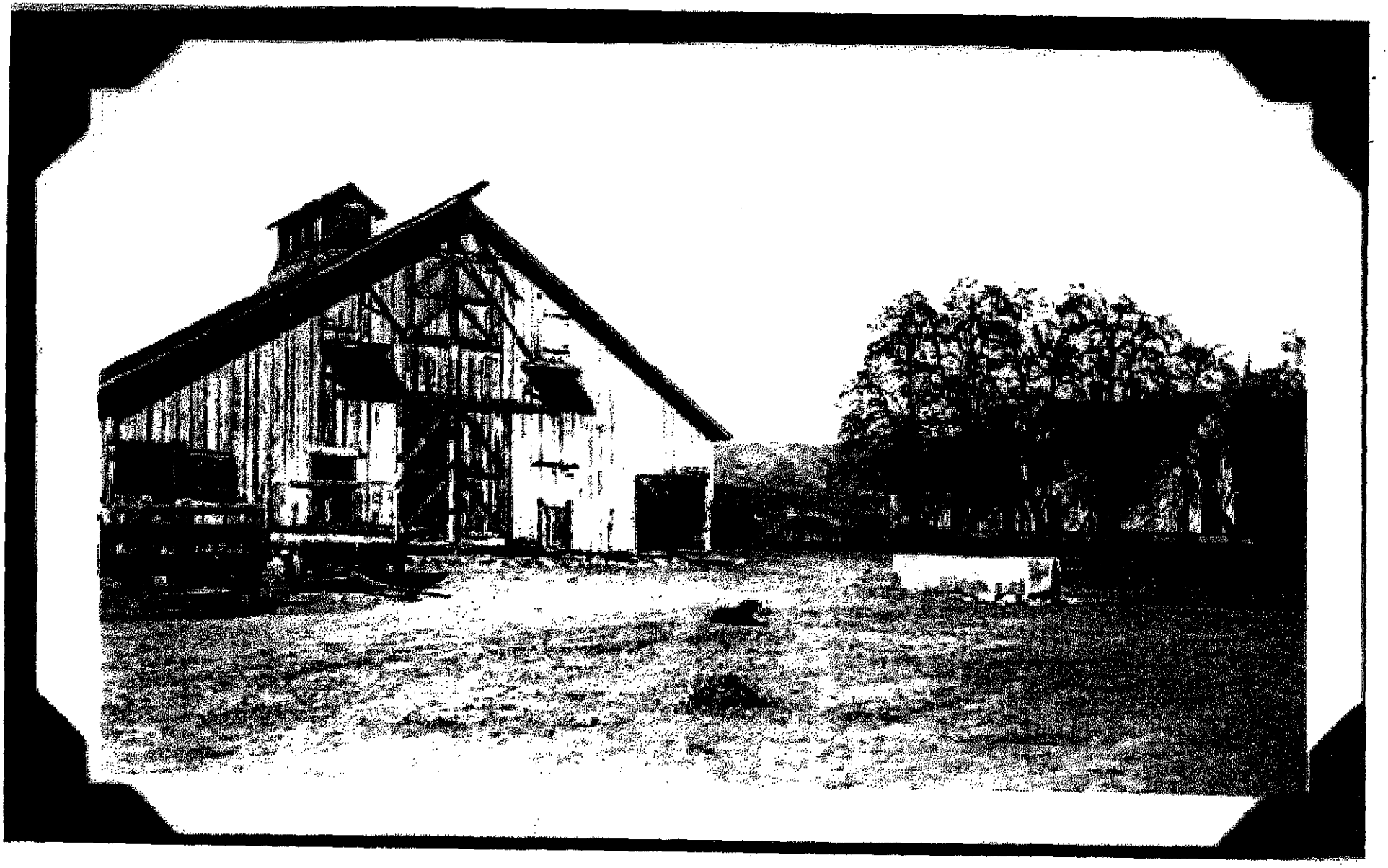
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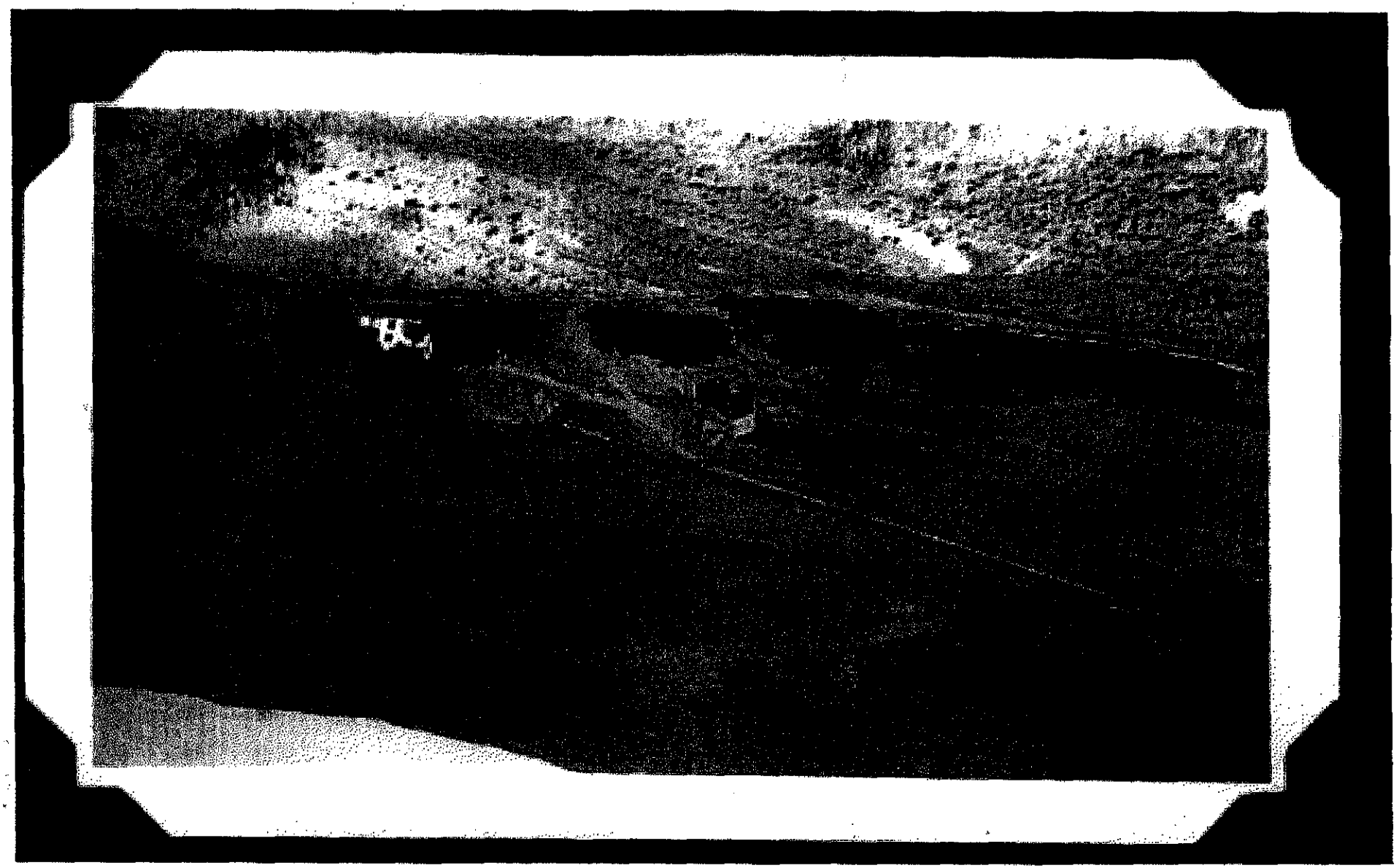
Chief, Natural Resources Division
Office of Attorney General
P.O. Box 44449
Boise, ID 83711-4449

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- ____ Email



Albert P. Barker





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

Attorneys for Avimor, LLC

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

In Re SRBA Case No. 39576	Subcase No. 63-5386, 63-5287 & 63-18974 **AFFIDAVIT OF ELDON "RED" WARD IN SUPPORT OF AVIMOR, LLC'S MEMORANDUM IN SUPPORT OF OBJECTION**

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

1. I am a resident of Horseshoe Bend, Idaho, and I have been a resident of Idaho for most of my life. I am 83 years old and of sound mind. I make the following statement based upon personal knowledge of the facts and circumstances set forth herein below.
2. I worked for the Spring Valley Livestock Company, on the Spring Valley Ranch, from 1945 through 1977, as a farm worker and a farm manager.
3. When I began working at the Ranch, surface water was used to irrigate the area north of the ranch headquarters and the central part of the valley from diversions on Willow Creek and Spring Valley Creek.

4. Willow Creek was diverted into a ditch by damming the creek with dirt and boards. The ditch ran from the creek down to the fields and was used to irrigate the area north of the ranch headquarters, which I understand is more accurately described as the SW¼ SE¼, NE ¼ SW ¼, and a portion of the SW¼ NW¼ SE¼ of Section 6, Township 5N of Range 2E.

5. Water was diverted from Spring Valley Creek and used to irrigate the central part of the valley below the Ranch headquarters, which I understand is more accurately described as the E½ of the NW¼, the E½ of the SW¼, the W ½ of the NE ¼, the W ½ of the SE ¼ and the NW¼ NW ¼ NE ¼ of Section 18, Township 5N of Range 2E.

6. In the mid-1950's, the Soil Conservation District installed the head-gate structures now in Spring Valley Creek. Before the Soil Conservation District installed the structures, there was a concrete head gate in the Spring Valley Creek. From its appearance, that that head gate had obviously been there for a long period of time before the Soil Conservation structures were installed.

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

8. Colin McLeod also informed me that the Willow Creek ditch was being used "from the beginning." I took this to mean that it was in use before Colin McLeod bought the ranch in 1916.

9. In 1958 the B&M Equipment Company, from Caldwell, assisted in the drilling of a well west of the ranch manager's house. The well was 10 or 12 inches in diameter and was originally drilled about 350 feet deep. It was drilled deeper later.

10. The well was used to irrigate the field south of the old house and barn, and west of the current ranch manager's house. More specifically, the well was used to irrigate the W½ of the NE¼ and a portion of the NW¼ NE¼ of Section 7, Township 5N of Range 2E.

11. Irrigation from that well was always done by sprinklers.

12. Originally, the well pump was a turbine pump that fed into a tank. A centrifugal pump was used to run the sprinklers.

DATED THIS __ day of April, 2006.

Eldon "Red" Ward

Eldon "Red" Ward

STATE OF IDAHO)
) ss.
County of Ada)

On this 18th day of April, 2006, before me, a Notary Public for said County and State, personally appeared ELDON "RED" WARD, known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same

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

COLLEEN A. PROCTOR NOTARY PUBLIC STATE OF IDAHO

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 ELDON "RED" WARD IN SUPPORT OF SUNCOR IDAHO, LLC'S MEMORANDUM IN SUPPORT OF OBJECTION on the person(s) listed below, in the manner indicated

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- ____ Overnight Mail
- ____ Facsimile
- ____ Email

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

- X U.S. Mail, Postage Prepaid
- ____ Hand Delivery
- ____ Overnight Mail
- ____ Facsimile
- ____ Email



Albert P. Barker

05/31/2005

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-18974

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

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 1.140 CFS

PRIORITY DATE: ~~06/01/1948~~ 3-15-1958 used the first day of irrigation season

POINT OF DIVERSION:
T05N R02E S7 NWNWNE Within ADA County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	~~4/15~~ 3/15 ~~10/15~~ 11-15	1.140 CFS 256.5 AF

PLACE OF USE: IRRIGATION Within ADA County

T05N R02E S07	NWNE	27.0	T05N R02E S07	SWNE	24.0
T05N R02E S07	NWSE	6.0			

57 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.

No beneficial use found.

EXPLANATORY MATERIAL:

No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

See points 9 – 12 of Eldon Reed Ward's affidavit for evidence of Priority.

SCANNED
OCT 05 2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-18974

WATER RIGHT NUMBER: 63-18974

Owner Type	Name and Address
Current Owner	SPRING VALLEY LIVESTOCK CO INC PO BOX 9 STAR, ID 83669 (208)286-7975

shows on 1964 photography as irrigated
no 1939 photography

Priority Date: ~~06/01/1948~~
Basis: Beneficial Use
Status: Active

Source: GROUND WATER

Tributary:

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	~~4/15~~ 3/15	~~10/15~~ 11-15	1.140 CFS ✓	256.5
		Total Diversion:	1.140 CFS ✓	

4.5 x 57 = 256.5
1.14 x 1.9835 x 246 days = 556.3

Location of Point(s) of Diversion

GROUND WATER NW1/4NW1/4NE1/4 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	7		27.0	24.0											6.0			57.0 ✓

Total Acres: 57

Conditions of Approval:

Remarks: Disallow — No evidence of priority

Comments:

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES 04/14/2005

ADJUDICATION CLAIM POU REVIEW REPORT

ADJUDICATION CLAIM NUMBER: 63-18974 1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
I8974	Claim	05N	02E	7	NW	NE		IRRIGATION	27/57	SPRING VALLEY LIVESTOCK CO INC
I8972	Water Right	05N	02E	7	NW	NE		STOCKWATER		SPRING VALLEY LIVESTOCK CO INC
I8972	Water Right	05N	02E	7	NW	NE		DOMESTIC		SPRING VALLEY LIVESTOCK CO INC
I8974	Claim	05N	02E	7	SW	NE		IRRIGATION	24/57	SPRING VALLEY LIVESTOCK CO INC
I8974	Claim	05N	02E	7	NW	SE		IRRIGATION	6/57	SPRING VALLEY LIVESTOCK CO INC

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

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

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

CLAIM NO(s). 63-18974 _____ _____

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

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

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

The Attorneys for Sun Cor is researching the priority date

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

   Source found: _____.

4. No Change — POINT OF DIVERSION 2318041 – 1401543
   Point of diversion is different than the claim and/or new P/D's:

Township _____ Range _____Section _____ l/4_____ l/4_____1/4_____
Township _____ Range _____Section _____ l/4_____ l/4_____1/4_____

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

The motor is a 25 HP Sub. with a static water level of 50'. The discharge pressure is approximately 30 lbs

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 _____ l/4_____1/4_____
Use: _____Township _____ Range _____Section _____ l/4_____1/4_____
Use: _____Township _____ Range _____Section _____ l/4_____1/4_____
Use: _____Township _____ Range _____Section _____ l/4_____1/4_____

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

Some day the well may have to be deepened and a larger motor put on to maintain the appropriation of 1.14 cfs, at the present time in a normal year there is no problem

SYSTEM DIAGRAM INCLUDED NA
Shown on GIS Layout

CK IF IN OFFICE EXAM
DATE EXAM CONDUCTED: _____

FIELD EXAMINER: M. Gene Gibson
Print Name

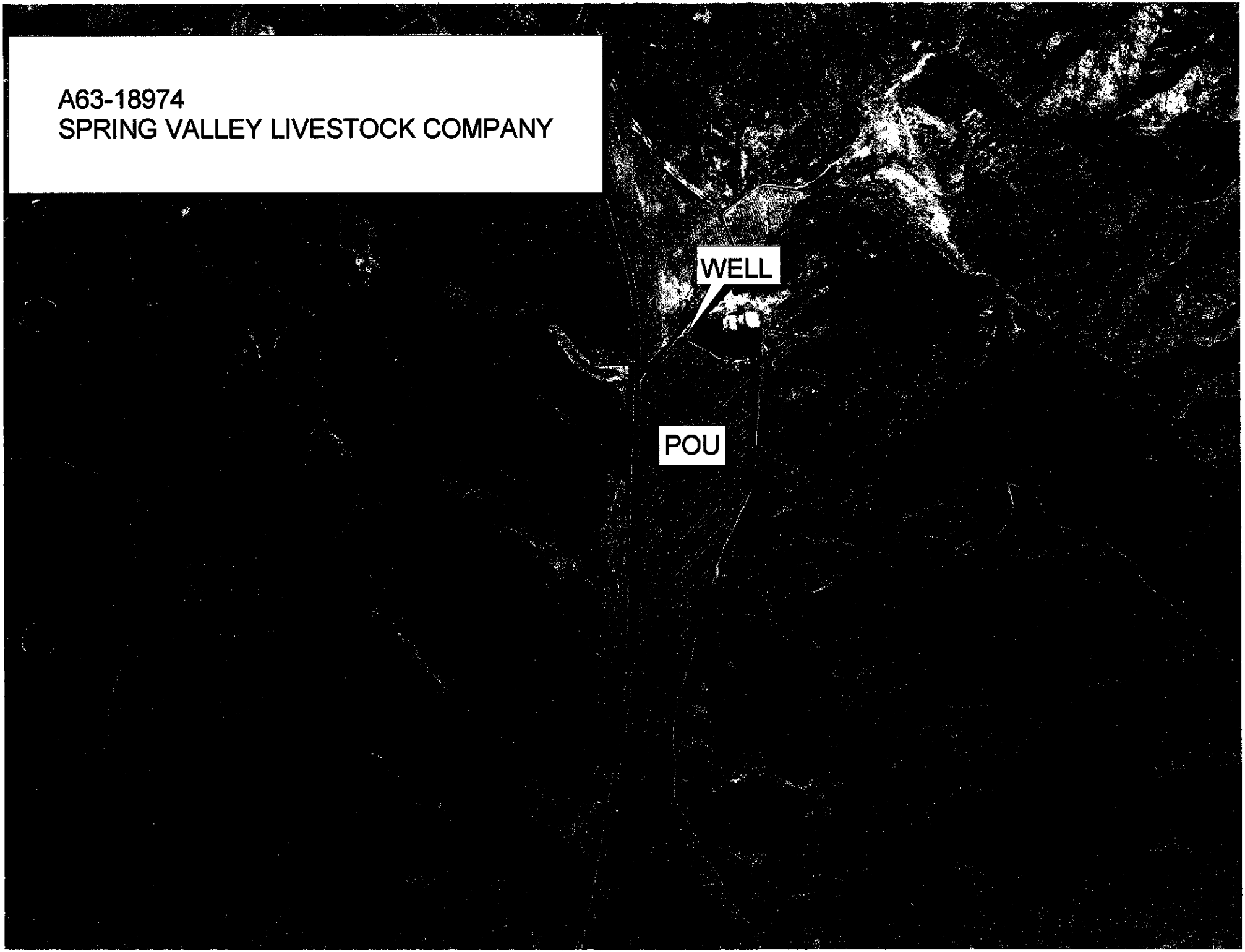
M. Gene Gibson
Signature

THEORETICAL HORSEPOWER EQUATION WORKSHEET (cjh 1/92)

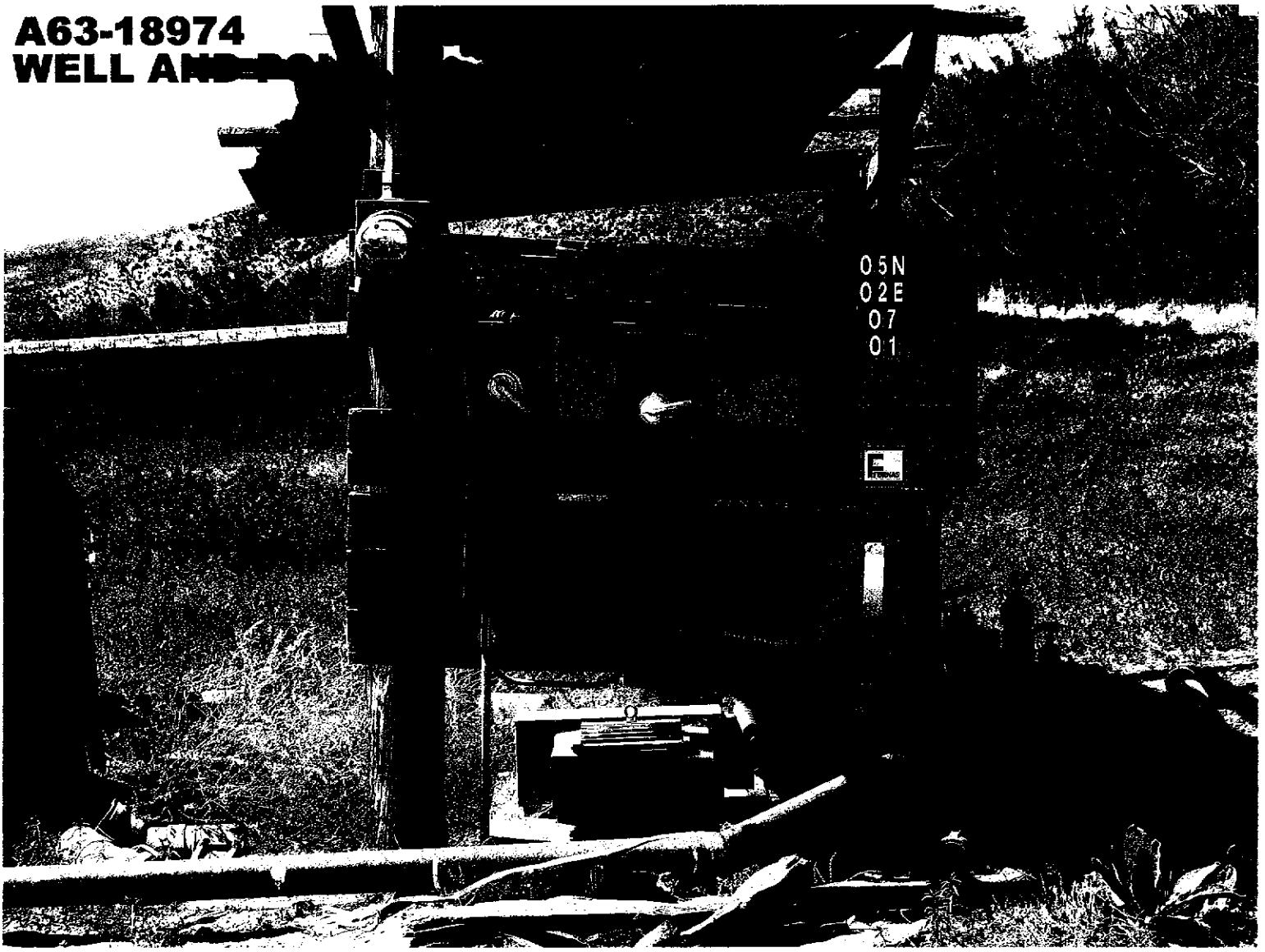
Water Right No.: 63-18974
Examiner: Melvin Gene Gibson
Date of Field Exam: May 4,2004

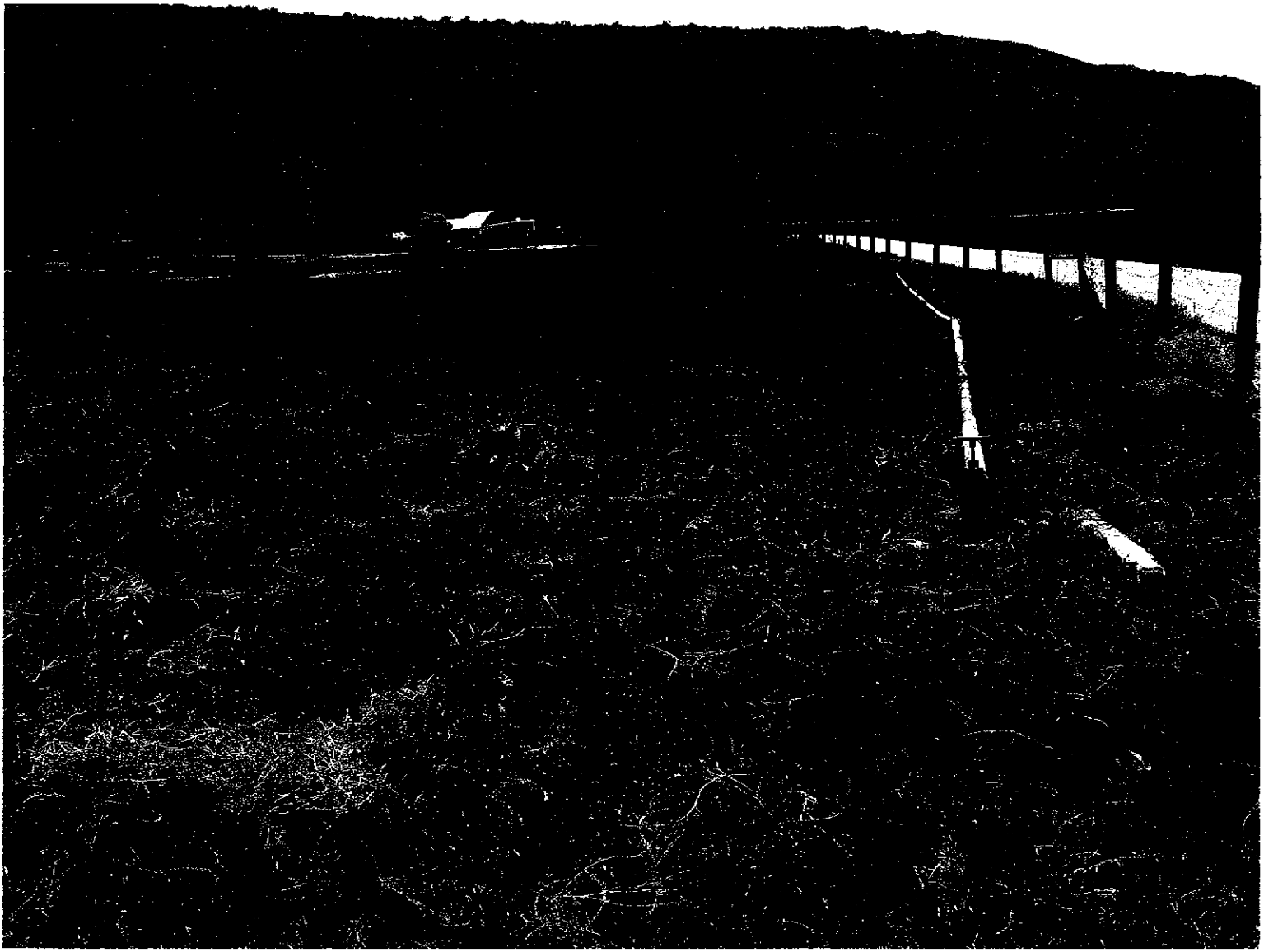
P/D No.:	OPTION 1	OPTION 2	OPTION 3
PUMP HORSEPOWER	25	0	0
BOOSTER HORSEPOWER	0	0	0
PUMPING LEVEL	50	0	
DISCHARGE PRESSURE	30	0	0
RATE OF FLOW (cfs)	1.29	#DIV/0!	#DIV/0!

A63-18974
SPRING VALLEY LIVESTOCK COMPANY



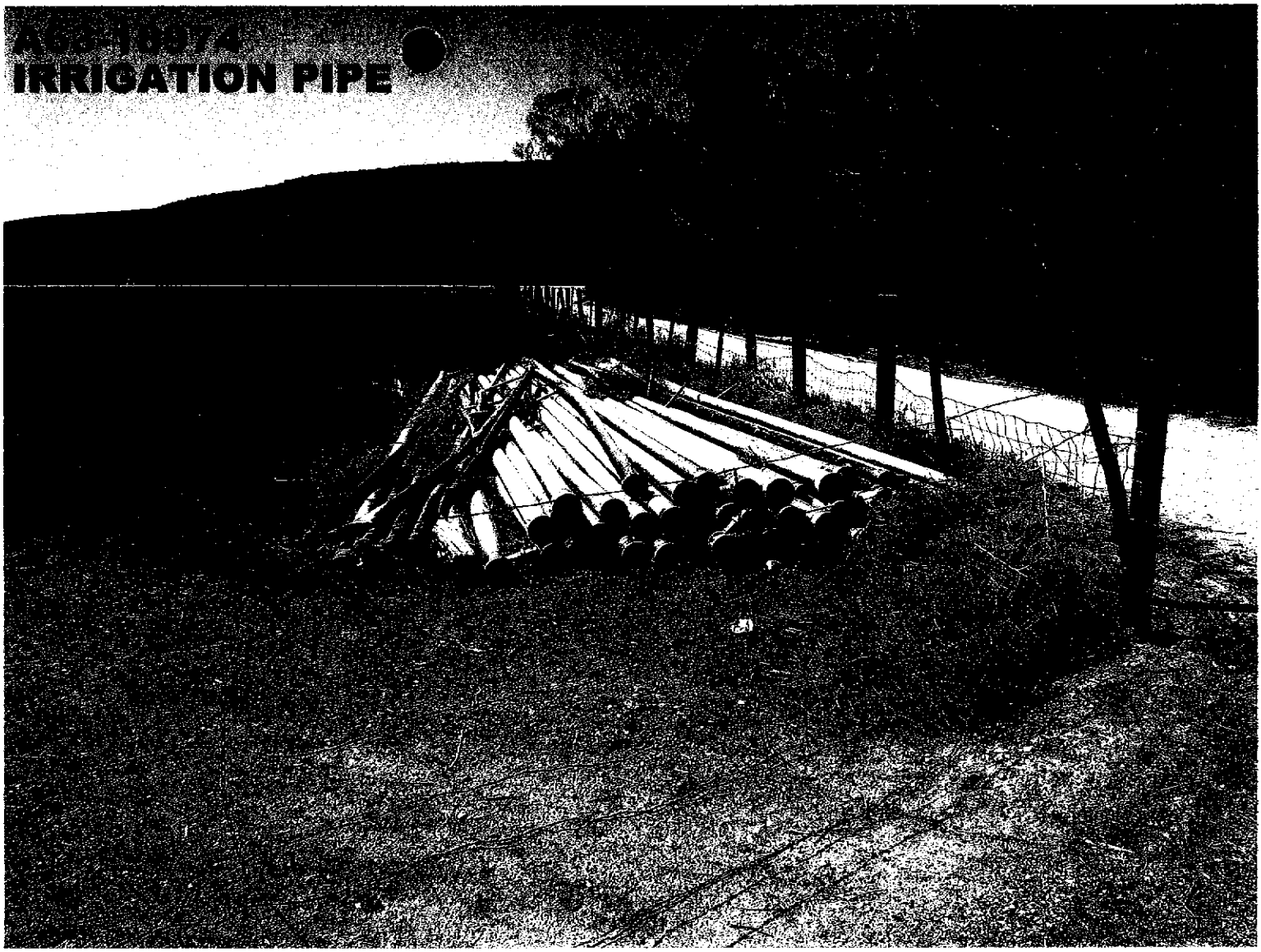
A63-18974
WELL AN





AGS-10874

IRRIGATION PIPE



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 63-05386, 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

1-25-04 : No apparent overlaps

: Need Evidence of Priority

: No well logs Found

: Dont Trust Intrepid Dcatce

: Needs Measurement

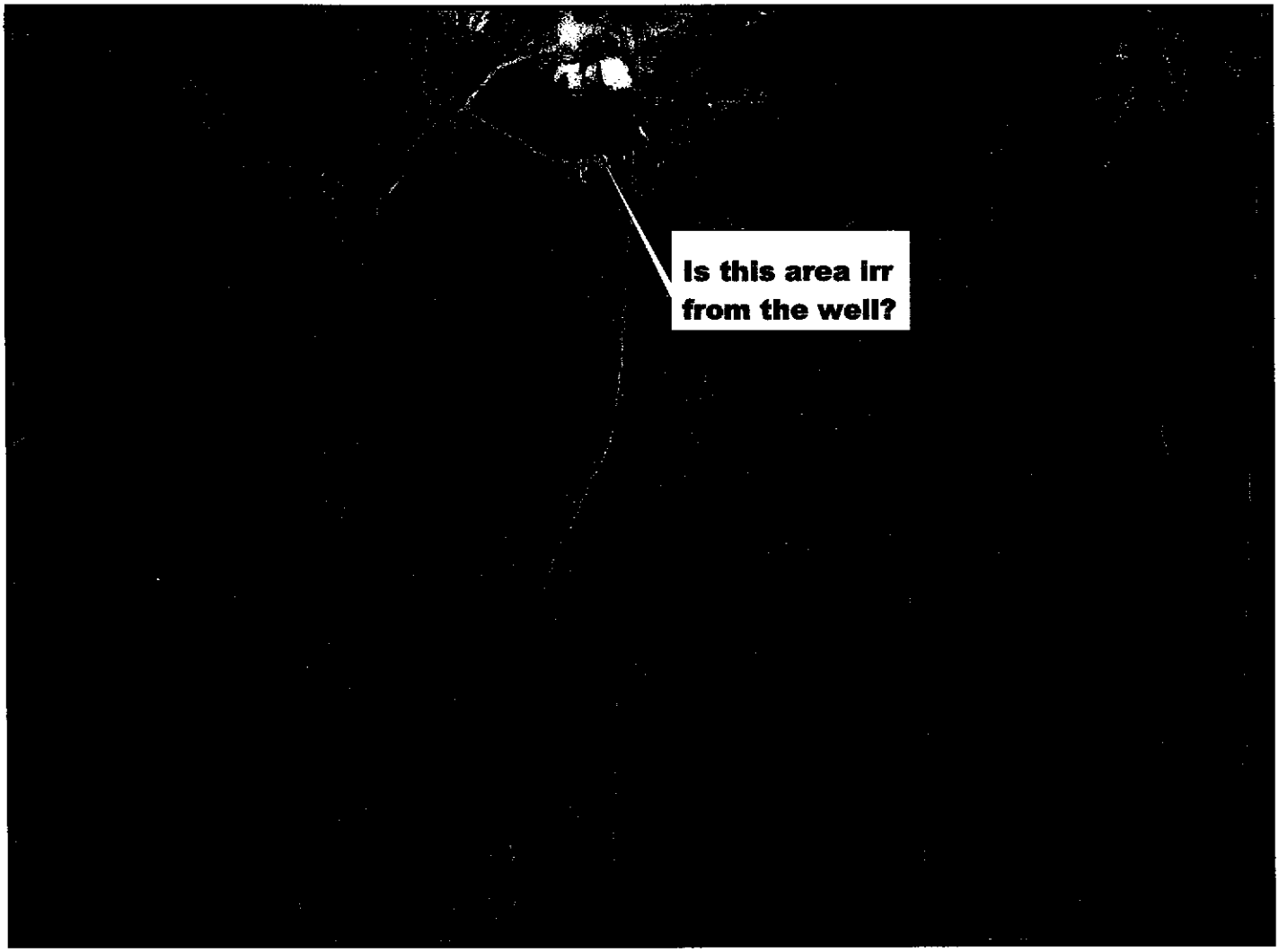
: Need to Confirm Place of Use and historical Practice.

: Does this well service areas to the North Part of QQ NWNE - North of the Road

: Need System description - How does water make it to the Fields.

: 63-18972 PO'd = Copy in the file

POU location Map
2000 Photography
63-18974



1320 0 1320 2640 Feet

Point of Diversion

Claimed POU

Ada County Tax Lot Data

Quarter Quarter Lines

Section Lines

Total claimed Acres: N/A

N
W E
S

Prepared by: C. Saxton
Date: January 2004

IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 63

RIGHT ID	63 18974
POD ID	175104
Quad	Pearl
Claim Type	Large
Easting	318115
Northing	301554
GPSID	A0009217

Diversion Description

WELL, 240' DEEP, 12" PERF. CASING, 24" HOLE. Submersible (apparently to irrigation). Could not contact claimant (no answer to phone calls).

Assumptions

Horse power and elevation head.

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked Photos 3a Photos\175104a.jpg

Invoice # 2000-055-01

EPE (ft)	Date (M/D/Y)	Time	Flow Rate (CFS)
11	11/13/01	16.52	0.13

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ **Circular Channel**
- ☐ Less than half full
- ☐ Half full
- ☐ More than half ful
- ☐ Full

Diameter 0
Depth 0

☐ **Rectangular Channel**
Width 0
Depth 0

Flow Calculation

☐ **Continuity** **Velocity** 0

☐ **Orifice**
(Use only for head over a pipe flowing full with free discharge)
Depth of Water above orifice centerline 0

☐ **Weir**
(Use only for water flowing freely over weir)
Height of water above nappe 0
Width of weir 0

☐ **Manning** (If used, include photo of representative channel section

Channel Slope

Channel Description

Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System ☑

HP	5
Pressure Head (psi)	60
Elevation Head (ft)	100
Motor Mfg	
Motor Serial #	
Pump Type	Submersible
Pump Mfg	
Pump Serial#	

New Contact Information ☐

New Contact Comments

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RIGHT ID 63 18974

SPRING VALLEY LIVESTOCK

