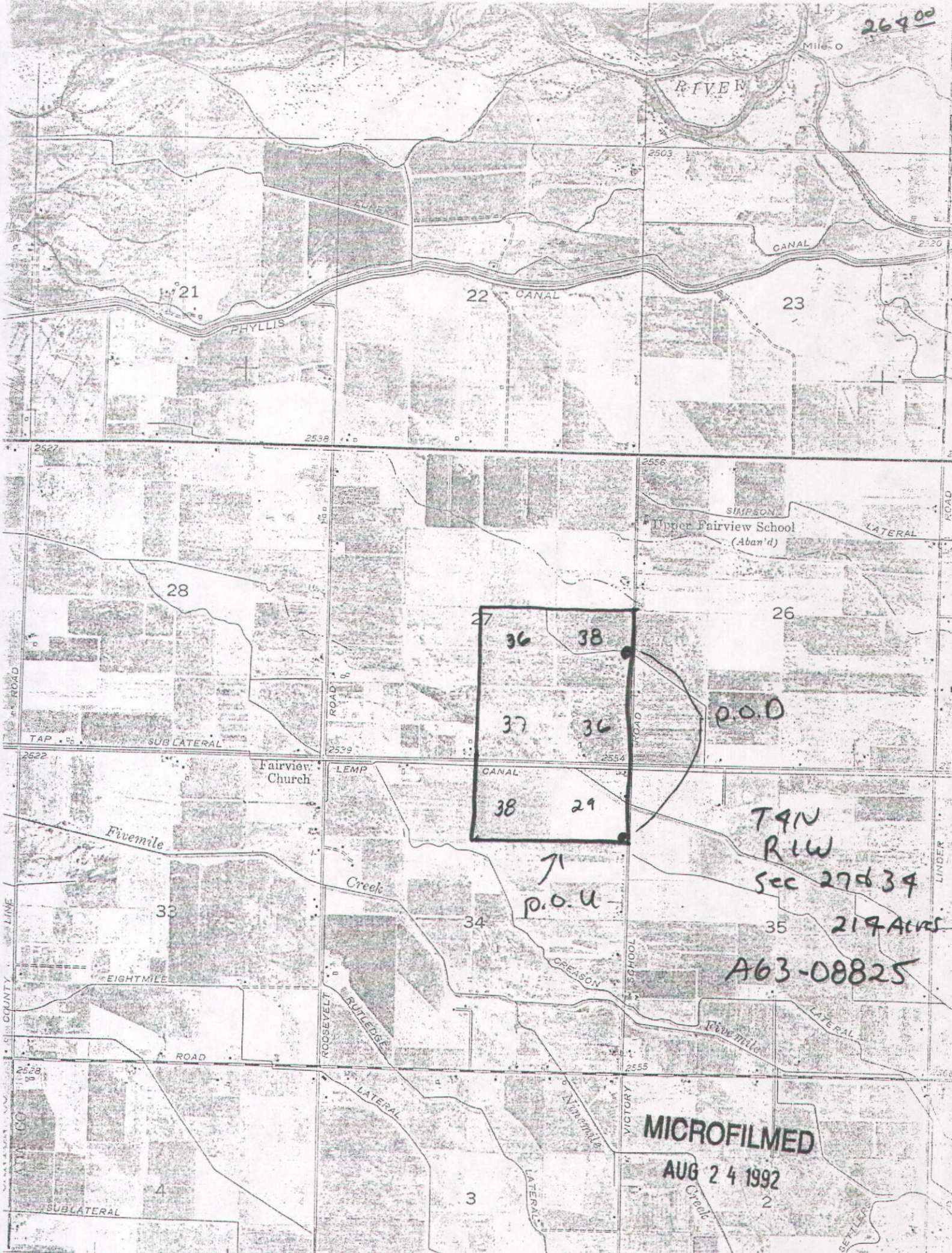


26400



p.o.d

71
p.o.u

T4N
R1W
Sec 27d34
219 Acres

A63-08825

MICROFILMED

AUG 24 1992



Idaho Department of Water Resources

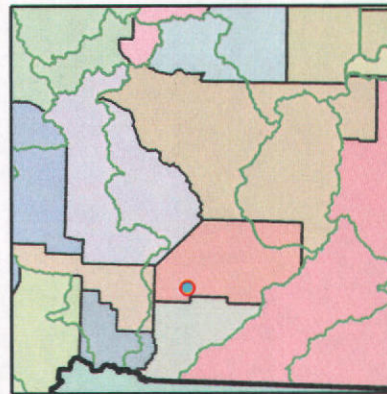
SRBA Recommendation:

63-32316

(Irrigation)

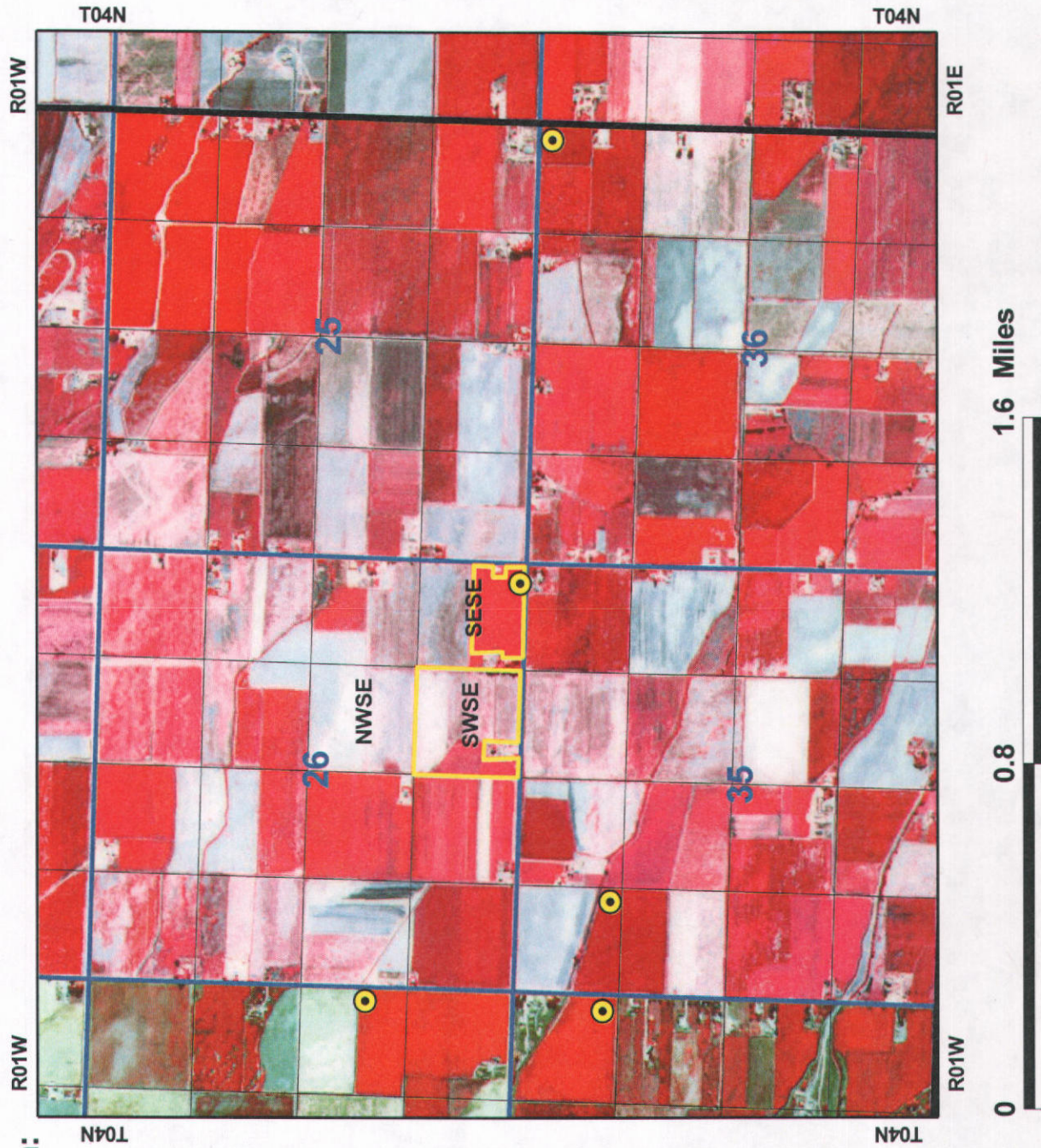
Legend

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



Ada County
IDWR Basin 63

Prepared by K. Walker
On Wednesday, March 28, 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-32316
Date Received: 8/1/1989
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JAMES FAMILY LTD PARTNERSHIP Phone: (208) 888-2020
4675 N TEN MILE RD
MERIDIAN ID USA 83642

LARRY D JAMES Phone: (208) 888-4230
4785 N TEN MILE RD
MERIDIAN ID USA 83642

2. Date of Priority: 05/06/1977

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	01W	27	NE SE	ADA	
04N	01W	35	NW NW	ADA	
04N	01W	36	NE NE	ADA	
04N	01W	26	SE SE	ADA	
04N	01W	34	NE NE	ADA	

5. Description of diverting works:

WELLS, PUMPS & CONCRETE DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.33	115.4

7. Total Quantity Appropriated is:
0.33 C.F.S. and/or 115.4 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	01W	26	SW	SE	IRRIGATION	37
			SE	SE	IRRIGATION	15
					Section Acres	52
					Total Acres	52

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:

14. Remarks:

Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

LTD. PARTNERSHIP ESTABLISHED IN 1980.

CLAIM AMENDED PER TRANSFER NO. 4137 APPROVED 6/17/1993.

SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY OF MEMORANDUM DECISION AND ORDER DATED 6/17/1993.

THE CLAIMANT SHALL COMPLY WITH THE DRILLING PERMIT REQUIREMENTS OF SECTION 42-235, IDAHO CODE.

THE WELL LOCATED IN THE NWNW, S35, T04N, R01W, SHALL BE EITHER SHALLOWER THAN 100' OR CASED AND SEALED TO A MINIMUM DEPTH OF 200'. THE MOTOR INSTALLED FOR DIVERSION FROM THIS WELL SHALL BE LIMITED TO A 15 HORSEPOWER RATING.

DIVERSION UNDER THIS RIGHT IS ALLOWED FROM ALL 5 WELLS.

THIS RIGHT IS SUBJECT TO ALL PRIOR WATER RIGHTS.

THE RIGHT HOLDER IS NOT AUTHORIZED TO INCREASE THE HORSEPOWER ON THE EXISTING WELLS OVER THAT ALREADY INSTALLED AND OPERATING DURING THE 1992 IRRIGATION SEASON.

PRIOR TO DIVERSION OF WATER IN 1993, A MEASURING DEVICE OF A TYPE ACCEPTABLE TO THE DEPT. SHALL BE INSTALLED AND MAINTAINED IN CONJUNCTION WITH EACH WELL THAT DIVERTS WATER UNDER THIS TRANSFER. IN ADDITION, THE RIGHT HOLDER SHALL PROVIDE TO THE DEPT. A PLAN LIMITING DIVERSIONS TO NO MORE THAN 0.02 CFS PER ACRE FOR IRRIGATION PURPOSES ON IRRIGATED LAND FROM ALL SOURCES. THIS PLAN MUST BE APPROVED BEFORE PUMPAGE UNDER THIS TRANSFER IS AUTHORIZED.

THE CLAIMANT IS RESPONSIBLE TO ENSURE THAT WATER PUMPED UNDER THIS TRANSFER DOES NOT CAUSE THE WATER LEVEL IN ANY IRRIGATION WELL TO EXCEED THE REASONABLE PUMPING LEVEL, UNLESS THE HOLDER OF THE PRIOR WATER RIGHT RECEIVES REASONABLE COMPENSATION OR MITIGATION FOR THE REDUCED WATER LEVEL CAUSED DIRECTLY OR INDIRECTLY BY THE WITHDRAWAL OF WATER UNDER THIS TRANSFER.

THE CLAIMANT IS RESPONSIBLE TO ENSURE THAT WATER PUMPED UNDER THIS TRANSFER DOES NOT DIRECTLY, AS DETERMINED BY THE DIRECTOR, CAUSE THE WATER LEVEL IN ANY DOMESTIC WELL DRILLED PRIOR TO MARCH 29, 1978, TO BE LOWERED SO AS TO REQUIRE MODIFICATION TO THE WELL OR PUMPING SYSTEM OR TO CAUSE THE WATER LEVEL IN ANY OTHER WELL HAVING A PRIOR RIGHT TO EXCEED A REASONABLE PUMPING LEVEL, UNLESS THE APPLICANT PROVIDES REASONABLE COMPENSATION OR MITIGATION, AS DETERMINED BY THE DIRECTOR, TO THE PRIOR WATER RIGHT HOLDER FOR THE REDUCED WATER LEVELS.

WATER DIVERTED UNDER THIS TRANSFER IS TO BE USED FOR SUPPLEMENTAL PURPOSES ONLY, IN CONNECTION WITH THE PRIMARY SURFACE WATER RIGHTS FROM THE BOISE RIVER. THE SURFACE WATER RIGHTS DEDICATED TO THIS LAND MUST BE UTILIZED TO THEIR FULL EXTENT DURING ANY YEAR THAT THESE SUPPLEMENTAL GROUND WATER RIGHTS ARE UTILIZED.

APPROVAL OF THIS WATER RIGHT TRANSFER DOES NOT GRANT ANY RIGHT-OF-WAY OR EASEMENT ACROSS THE LAND OF ANOTHER.

THE PROTESTS OF PARTIES WHO DID NOT ATTEND THE HEARING ARE SET ASIDE AND THOSE PROTESTANTS ARE BOUND BY THIS DECISION TO THE SAME EXTENT AS THOSE THAT DID ATTEND THE HEARING.

THE APPLICANT SHALL COMPLETE THE CHANGE AUTHORIZED BY THIS TRANSFER WITHIN 1 YEAR OF THE DATE OF FINAL APPROVAL.

RIGHT NO. A63-08825 IS LIMITED TO THE IRRIGATION OF 25.6 ACRES IN THE PLACE OF USE DESCRIBED ABOVE IN A

This right is a split from former right 63-8825 .

15. Basis of Claim: License

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: A63-08825
Date Received: 8/ 1/1989
Receipt No: W003953
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: JAMES FAMILY LTD. PARTNERSHIP 208-888-2020
Address: 4675 N. TEN MILE RD.
MERIDIAN ID 83642
AND/OR
Name: LARRY JAMES 208-888-4230
Address: 4785 N TEN MILE RD
MERIDIAN ID 83642

2. Date of Priority: MAY 6, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	01W	26		SE	SE		ADA
		27		NE	SE		ADA
		34		NE	NE		ADA
		35		NW	NW		ADA
		36		NE	NE		ADA

5. Description of diverting works:
WELLS, PUMPS & CONCRETE DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.780		963.00

7. Total Quantity Appropriated is:
2.780 C.F.S. (and/or) 963.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01W	26	NW	SW		IRR	20.0
			SW	SW		IRR	37.0
			SW	SE		IRR	37.0
			SE	SE		IRR	15.0
			Section Acres				109.0
		27	NE	SE		IRR	38.0
			NW	SE		IRR	36.0
			SW	SE		IRR	37.0
			SE	SE		IRR	36.0
			Section Acres				147.0
		28	SE	SE		IRR	35.0
			Section Acres				35.0
		34	NE	NE		IRR	29.0
			NW	NE		IRR	38.0
			Section Acres				67.0
		35	NW	NW		IRR	37.0
			SW	NW		IRR	39.0
			Section Acres				76.0
			Total Acres				434.0

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:

SETTLERS AND NAMPA MERIDIAN IRRIGATION DISTRICT

14. Remarks:

LTD. PARTNERSHIP ESTABLISHED IN 1980.

CLAIM AMENDED PER TRANSFER NO. 4137 APPROVED 6/17/1993.

SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY OF MEMORANDUM DECISION AND ORDER DATED 6/17/1993.

THE CLAIMANT SHALL COMPLY WITH THE DRILLING PERMIT REQUIREMENTS OF SECTION 42-235, IDAHO CODE.

THE WELL LOCATED IN THE NWNW, S35, T04N, R01W, SHALL BE EITHER SHALLOWER THAN 100' OR CASED AND SEALED TO A MINIMUM DEPTH OF 200'. THE MOTOR INSTALLED FOR DIVERSION FROM THIS WELL SHALL BE

MICROFILMED

14. Remarks: Continued

LIMITED TO A 15 HORSEPOWER RATING.

DIVERSION UNDER THIS RIGHT IS ALLOWED FROM ALL 5 WELLS.

THIS RIGHT IS SUBJECT TO ALL PRIOR WATER RIGHTS.

THE RIGHT HOLDER IS NOT AUTHORIZED TO INCREASE THE HORSEPOWER ON THE EXISTING WELLS OVER THAT ALREADY INSTALLED AND OPERATING DURING THE 1992 IRRIGATION SEASON.

PRIOR TO DIVERSION OF WATER IN 1993, A MEASURING DEVICE OF A TYPE ACCEPTABLE TO THE DEPT. SHALL BE INSTALLED AND MAINTAINED IN CONJUNCTION WITH EACH WELL THAT DIVERTS WATER UNDER THIS TRANSFER. IN ADDITION, THE RIGHT HOLDER SHALL PROVIDE TO THE DEPT. A PLAN LIMITING DIVERSIONS TO NO MORE THAN 0.02 CFS PER ACRE FOR IRRIGATION PURPOSES ON IRRIGATED LAND FROM ALL SOURCES. THIS PLAN MUST BE APPROVED BEFORE PUMPAGE UNDER THIS TRANSFER IS AUTHORIZED.

THE CLAIMANT IS RESPONSIBLE TO ENSURE THAT WATER PUMPED UNDER THIS TRANSFER DOES NOT CAUSE THE WATER LEVEL IN ANY IRRIGATION WELL TO EXCEED THE REASONABLE PUMPING LEVEL, UNLESS THE HOLDER OF THE PRIOR WATER RIGHT RECEIVES REASONABLE COMPENSATION OR MITIGATION FOR THE REDUCED WATER LEVEL CAUSED DIRECTLY OR INDIRECTLY BY THE WITHDRAWAL OF WATER UNDER THIS TRANSFER.

THE CLAIMANT IS RESPONSIBLE TO ENSURE THAT WATER PUMPED UNDER THIS TRANSFER DOES NOT DIRECTLY, AS DETERMINED BY THE DIRECTOR, CAUSE THE WATER LEVEL IN ANY DOMESTIC WELL DRILLED PRIOR TO MARCH 29, 1978, TO BE LOWERED SO AS TO REQUIRE MODIFICATION TO THE WELL OR PUMPING SYSTEM OR TO CAUSE THE WATER LEVEL IN ANY OTHER WELL HAVING A PRIOR RIGHT TO EXCEED A REASONABLE PUMPING LEVEL, UNLESS THE APPLICANT PROVIDES REASONABLE COMPENSATION OR MITIGATION, AS DETERMINED BY THE DIRECTOR, TO THE PRIOR WATER RIGHT HOLDER FOR THE REDUCED WATER LEVELS.

WATER DIVERTED UNDER THIS TRANSFER IS TO BE USED FOR SUPPLEMENTAL PURPOSES ONLY, IN CONNECTION WITH THE PRIMARY SURFACE WATER RIGHTS FROM THE BOISE RIVER. THE SURFACE WATER RIGHTS DEDICATED TO THIS LAND MUST BE UTILIZED TO THEIR FULL EXTENT DURING ANY YEAR THAT THESE SUPPLEMENTAL GROUND WATER RIGHTS ARE UTILIZED.

APPROVAL OF THIS WATER RIGHT TRANSFER DOES NOT GRANT ANY RIGHT-OF-WAY OR EASEMENT ACROSS THE LAND OF ANOTHER.

THE PROTESTS OF PARTIES WHO DID NOT ATTEND THE HEARING ARE SET ASIDE AND THOSE PROTESTANTS ARE BOUND BY THIS DECISION TO THE SAME EXTENT AS THOSE THAT DID ATTEND THE HEARING.

THE APPLICANT SHALL COMPLETE THE CHANGE AUTHORIZED BY THIS TRANSFER WITHIN 1 YEAR OF THE DATE OF FINAL APPROVAL.

✓ RIGHT NO. A63-08825 IS LIMITED TO THE IRRIGATION OF 214 ACRES IN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

✓ RIGHT NO. 63-10713 IS LIMITED TO THE IRRIGATION OF 185 ACRES IN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

✓ RIGHT NO. 63-10872 IS LIMITED TO THE IRRIGATION OF 35 ACRES IN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION

MICROFILMED

14. Remarks: Continued
SEASON.

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

For Organizations:

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-08825
Date Received: 8/01/1989
Receipt No: W003953
Received By: ETK

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES FAMILY LTD. PARTNERSHIP 208-888-2020
Address: 4675 N. TEN MILE RD.
MERIDIAN, ID 83642

2. Date of Priority: MAY 06, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	01W	27	NE	SE			ADA
		34	NE	NE			ADA

5. Description of diverting works:
200' DRILLED WELL W/SUBMERSED PUMP TO CONCRETE DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.780		963.00

7. Total Quantity Appropriated is:
2.780 C.F.S. (and/or) 963.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	01W	27	NE	SE		IRR	38.0
			NW	SE		IRR	36.0

A63-08825

Page 1

Date: 08/01/89

MICROFILMED
AUG 24 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01W	27	SW	SE		IRR	37.0
			SE	SE		IRR	36.0
					Section Acres		147.0
		34	NE	NE		IRR	29.0
			NW	NE		IRR	38.0
					Section Acres		67.0
					Total Acres		214.0

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:

SETTLERS AND NAMPA MERIDIAN IRRIGATION DISTRICT

14. Remarks:

LTD. PARTNERSHIP ESTABLISHED IN 1980.

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

For Organizations:

I do solemnly swear or affirm that I am Partner of

James Family Partnership, that I have signed the foregoing
Organization Title
document in the space below as partner of

James Family Partnership and that the statements contained in the
Organization Title
foregoing document are true and correct.

James Family
Signature of Authorized Agent.

Partner James Family Partnership
Title and Organization

Aug 1, 1989
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 01 day

of August 19 89

Elda Houch
Notary Public

Seal

Residing at _____

A63-08825

Page

My Commission Expires
Date: 08/01/89

MICROFILMED

AUG 24 1989

Eldon L. Roush
Residing at Boise, Idaho
My Commission Expires September 8, 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4137
WATER RIGHT NO(S). 63-08825/63-10713/63-10872

RECEIVED

FEB 18 1994

WATER RESOURCES
WESTERN REGION

This is to certify that: LARRY JAMES
JAMES FAMILY LTD PARTNERSHIP
4785 N TEN MILE RD
MERIDIAN ID 83642

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 63-08825 :			
IRRIGATION	03/15 to 11/15	2.78 CFS	963.0 AF
Priority: 05/06/1977			
Right No. 63-10713 :			
IRRIGATION	03/15 to 11/15	3.70 CFS	832.5 AF
Priority: 10/04/1988			
Right No. 63-10872 :			
IRRIGATION	03/15 to 11/15	0.31 CFS	151.3 AF
Priority: 08/01/1989			

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 26, Township 04N, Range 01W
NESE , Sec. 27, Township 04N, Range 01W
NENE , Sec. 34, Township 04N, Range 01W
NWNW , Sec. 35, Township 04N, Range 01W
NENE , Sec. 36, Township 04N, Range 01W
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	01W	26	NWSW 20	SWSW 37	SWSE 37	
			SESE 15			109
		27	NESE 38 ✓	NWSE 36 ✓	SWSE 37 ✓	
			SESE 36 ✓			147
		28	SESE 35			35
		34	NENE 29 ✓	NWNE 38 ✓		67
		35	NWNW 37	SWNW 39		76

Total number of acres irrigated: 434

REPRODUCTION PROHIBITED
OCT 08 1996

JUL 08 1993

TRANSFER NO. 4137
WATER RIGHT NO(S). 63-08825/63-10713/63-10872

CONDITIONS/REMARKS:

- ✓1. Conditions per Memorandum Decision and Order dated 06-17-93.
- ✓2. Right No. 63-08825 is limited to the irrigation of 214 acres in the place of use described above in a single irrigation season.
- ✓3. Right No. 63-10713 is limited to the irrigation of 185 acres in the place of use described above in a single irrigation season.
- ✓4. Right No. 63-10872 is limited to the irrigation of 35 acres in the place of use described above in a single irrigation season.

Dated this 17th day of June, 1993.

A. Glen Saxton

Chief, Water Alloc. Bureau

MICROFILMED
MAY 08 1993
OCT 08 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR	)
TRANSFER OF WATER RIGHTS NOS.	)
63-8825, 63-10713 AND 63-10872	)
LARRY JAMES AND/OR JAMES FAMILY	)
LIMITED PARTNERSHIP	)
Applicant,	)
EVERETT L. AUSMAN, et al	)
Protestants.	)

FINAL MEMORANDUM DECISION AND ORDER
DENYING IN PART AND APPROVING IN PART
APPLICATION FOR TRANSFER

On May 13, 1993, the Department of Water Resources (department issued a Proposed Memorandum Decision and Order in connection with the above captioned matter. On May 27, 1993, protestant Catherine L. Nelson filed exceptions to the decision.

The department has reviewed the exceptions and responds to each as follows:

A) ATTACHMENT A of the decision has been changed to show that Catherine L. Nelson is an intervening protestant. The department allowed protestant Nelson to fully participate in the February 25, 1993 hearing conducted by the department.

B) The department has not included the water right principle of forfeiture in its decision, since the protestants did not allege forfeiture and the issue is not critical to the decision of the department. The primary objection of the protestants to the application for transfer was alleged injury to their water rights.

C) The more adequate supply of surface water in the Boise River drainage during 1993 means that irrigators will rely less on

MICROFILMED
OCT 08 1996

wells which are used to provide a supplemental supply of water.

After reviewing the exceptions which have been filed and based upon his understanding of the law, the Director makes the following Findings of Fact, Conclusions of Law, Analysis and Order:

FINDINGS OF FACT

1. On November 13, 1992, Larry James submitted an application for transfer to the Department of Water Resources to add points of diversion to licensed water rights nos. 63-8825, 63-10713 and 63-10872 (application). The points of diversion are referenced herein as follows:

<u>Well No.</u>	<u>Location</u>	<u>Status</u>
1	NESE, Sec. 27, Twp. 4N, Rge. 1W, B.M.	Existing
2	NENE, Sec. 34, Twp. 4N, Rge. 1W, B.M.	Existing
3	SESE, Sec. 26, Twp. 4N, Rge. 1W, B.M.	Existing
4	NENE, Sec. 36, Twp. 4N, Rge. 1W, B.M.	Existing
5	NWNW, Sec. 35, Twp. 4N, Rge. 1W, B.M.	Proposed
6	NESW, Sec. 25, Twp. 4N, Rge. 1W, B.M.	Proposed

Under the existing licenses, water right no. 63-8825 utilizes well nos. 1 and 2; water right no. 63-10713 utilizes well no. 3; and water right no. 63-10872 utilizes well no. 1. The application for transfer (application) proposes to add wells nos. 3, 4, 5 and 6 to water right no. 63-8825; to add wells nos. 4, 5 and 6 to water right no. 63-10713; and to add wells nos. 2, 3, 4, 5 and 6 to water right no. 63-10872. The combined rate of flow under these water rights is 6.79 cubic feet per second (cfs), for the irrigation of 434 acres.

2. Notice of the application was published in the Idaho Statesman on December 3 and 10, 1992. The deadline established for protests was December 21, 1992.

3. Protests against approval of the application were received from the persons in the "Original Protestants" list on Attachment A, incorporated herein by reference.

protestant, testified that his domestic well collapsed in 1990 and had to be replaced.

13. Many of the currently used wells in the vicinity of the proposed diversions provide water for single family domestic uses. Some of the wells have been drilled and used prior to March 29, 1978.

14. Relative to public interest, the protestants objected to economic costs related to increased pumping depths and well deepening. The applicant predicts economic gains for itself via more assured water supplies.

CONCLUSIONS OF LAW

1. Idaho Code, Sec. 42-222 states in part as follows:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code...

2. Consideration of the local public interest criterion of Idaho Code, Sec. 42-203A(5) is defined by Water Appropriation Rule 5,1,5. to include:

... the effect the project will have on the economy of the local area affected by the proposed use as determined by the employment opportunities, both long and short term, revenue changes to various sectors of the economy, short and long term, and the stability of revenue and employment gains; the effect the project will have on recreation, fish and wildlife resources in the local public area affected by the proposed use; and compliance with applicable air, water and hazardous substance standards, and compliance with planning and zoning ordinances of local or state government jurisdictions.

3. Idaho Code, Sec. 42-226, states in part as follows:

The traditional policy of the State of Idaho, requiring the water resources of this state to be devoted to beneficial use in reasonable amounts through

appropriation, is affirmed with respect to the ground water resources of this state as said term is hereinafter defined and, while the doctrine of "first in time is first in right" is recognized, a reasonable exercise of this right shall not block full economic development of the underground water resources.

4. Domestic wells drilled prior to [March 29,] 1978 are exempt from the provisions of Idaho Code, Sec. 42-226. Parker v. Wallentine, 103 Idaho 506,510 (1982).

5. A junior water right holder is responsible to compensate or to mitigate adverse impacts to owners of senior domestic wells drilled and used prior to March 29, 1978, if the junior water right holder's use directly causes such a domestic well to become unusable or require modification of the well or pumping system in order to obtain the domestic water.

6. Use of water under the application will not be enlarged if the use of water under the transfer is properly conditioned by the department.

7. Use of water under terms of the application will not injure other water rights if the transfer is accomplished in compliance with the conditions of approval shown below.

8. Approval of the application is not against the local public interest.

9. The maximum rate of diversion for irrigation purposes in Idaho is 0.02 cfs per acre unless justification for a larger rate has been provided to the satisfaction of the department.

10. New wells which do not withdraw water from the layer 100' to 200' below land surface will minimize interference with existing water rights.

11. The department should partially approve the application with certain conditions and limitations.

ANALYSIS

The protestants in this matter expressed a number of concerns relative to the addition of two new proposed wells, and relative to

operation of the irrigation system from ground water.

Regarding the addition of new wells, the applicant demonstrated that additional water will not be pumped if well no. 5 is allowed because it will share in producing the diversion capacity already licensed for well no. 3. Both of these wells are located on lands irrigated by the applicant. On the other hand, the applicant failed to provide a convincing need for well no. 6, in part due to its proposed location outside of the area which is irrigated under the water right licenses, and in part providing the potential for increased diversion under the rights. Thus, approval of the addition of well no. 6 should be denied.

Regarding the operation of the irrigation system, one concern expressed by the protestants is the potential for excessive diversions for irrigation of lands served by the wells, when combined with surface water flows provided from the Boise River. Diversions from the wells identified herein should be measured by the water right holder to ensure that excessive flows are not diverted, and to provide that surface water supplies are used to the maximum extent to minimize impact on the ground water aquifers. In addition, the applicant should be required to ensure that no more than 0.02 cfs per acre is applied to the irrigated land at any time from all available water sources.

Concerns about the aquifer are two-fold. One aspect is related to the amount of water available for appropriation. In this regard, information in the file and records of the Department demonstrates that there is ample water in the aquifer to provide for the uses identified in these water rights, while providing for other water rights in the basin. The other aspect is related to the impact of diversions under these water rights on artesian pressures and water levels within the aquifer. Parker v. Wallentine allows domestic users with rights prior to March 29, 1978 to seek mitigation or compensation from any groundwater user determined to adversely affect the domestic uses.

The concern expressed by the protestants about unapproved use of a surface water canal system by the applicant for delivery of

diverted ground water is a private matter between the applicant and the owner/operator of the canal and need not be considered by the Department since approval of the transfer does not grant a right-of-way.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Application for Transfer of Licensed Water Rights Nos. 63-8825, 63-10713 and 63-10872 is DENIED IN PART AND APPROVED IN PART as described below:

~~A.~~ The construction and use of well no. 6, proposed to be located within the NESW, Sec. 25, Twp. 4N, Rge. 1W, B.M. is DENIED.

B. The addition of well no. 5, located within the NWNW, Sec. 35, Twp. 4N, Rge. 1W, B.M. is APPROVED, subject to the following conditions and limitations:

efp ~~1.~~ The applicant shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

efp ~~2.~~ Well no. 5 ^{NWNW, S. 35} shall be either shallower than 100 feet, or cased and sealed to a minimum depth of 200 feet. The motor installed for diversion from this well shall be limited to a 15 horsepower rating.

omit ~~3.~~ Diversion under water rights nos. 63-8825 and 63-10872 is allowed from wells nos. 1 through 5. Diversion under water right no. 63-10713 is allowed from wells nos. 3 through 5.

~~4.~~ ~~These water rights are subject to all prior water rights.~~ *omit*

ok ~~5.~~ These rights, when combined with all other rights, shall ~~provide~~ no more than .02 cfs per acre nor more than 4.5 af per acre for the lands above.

efp ~~6.~~ The right holder is not authorized to increase the horsepower on the existing wells over that already installed and operating during the 1992 irrigation season.

efp 7. Prior to diversion of water in 1993, a measuring device of a type acceptable to the Department shall be installed and maintained in conjunction with each well that diverts water under these water rights. In addition, the water right holder shall

provide to the Department a plan limiting diversions to no more than 0.02 cfs per acre for irrigation purposes on irrigated land from all sources. This plan must be approved before pumpage under this transfer is authorized.

8. The applicant is responsible to ensure that water pumped under this transfer does not cause the water level in any irrigation well to exceed the reasonable pumping level, unless the holder of the prior water right receives reasonable compensation or mitigation for the reduced water level caused directly or indirectly by the withdrawal of water under this transfer.

9. The applicant is responsible to ensure that water pumped under this transfer does not directly, as determined by the Director, cause the water level in any domestic well drilled prior to March 29, 1978, to be lowered so as to require modification to the well or pumping system or to cause the water level in any other well having a prior right to exceed a reasonable pumping level, unless the applicant provides reasonable compensation or mitigation, as determined by the Director, to the prior water right holder for the reduced water levels.

10. Water diverted under these water rights is to be used for supplemental purposes only, in connection with the primary surface water rights from the Boise River. The surface water rights dedicated to this land must be utilized to their full extent during any year that these supplemental ground water rights are utilized.

11. Approval of this water right transfer does not grant any right-of-way or easement across the land of another.

12. The protests of parties who did not attend the hearing are set aside and those protestants are bound by this decision to the same extent as those that did attend the hearing.

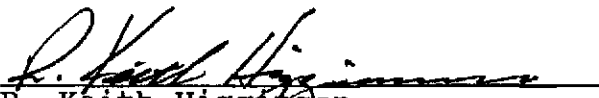
13. The applicant shall complete the change authorized by this transfer within one (1) year of the date of final approval.

14. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the transfer approval should not be rescinded.

15. Approval of this transfer does not preclude the

opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 17TH day of JUNE, 1993.


R. Keith Higginson
Director

ATTACHMENT A

Application For Transfer Nos.
63-8825, 63-10713 and 63-10872
in the Names of Larry James &/or
James Family Limited Partnership

ORIGINAL PROTESTANTS

Dave Bayloss
Jack Bruck*
Dave Cooper
Edith Cooper
Tony & Desiree Degiorgio
Mike &/or Gladys Degraaff
John A. Dudgeon*
Herbert Endicott*
Fran N. Fisher*
Rocky Hammons
Charles H. Howarth
Philip & David Ingersoll
J. R. Kellogg*
Fulgencio Legarreta
Grace Litz
Jack J. Myers*
Chuck Nichols
Merrill &/or Alice Saleen*
Wilford T. &/or Eve Sindon
Tom Smith*
Carla J. Starkey
Doug Stewart*
James C. Ward
Warren Watson*
Dwaine Wolf*
Fay M. White*
Lester &/or Betty Vogel*
Martin Yurke*

INTERVENING PROTESTANTS

Everett L. Ausman
Dan &/or Donna Battazzo
Ted &/or Lusann Cutler
John &/or Nancy Ebbinghaus*
Martha Gibbons
Dellene Grasmick
Frank Greer
Richard F. Hudson
Cynthia Lee
Jose R. Legarreta
Jean Llewellyn
Jan Mack
John &/or Hester G. Stickney
John Teegarden
Conrad &/or Barbara Wright
Catherine L. Nelson*

* Denotes attendance at hearing

MICROFILMED
OCT 08 1996

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 17th day of June, 1993, I mailed a true and correct copy, postage prepaid, of the foregoing Final Memorandum Decision and Order to the following:

Larry James
James Family Partnership
4785 N Ten Mile Rd
Meridian, ID 83642

Merrill & Alice Saleen
1250 W Ustick Rd
Meridian, ID 83642

Jack Bruck
1295 W McMillan Rd
Meridian, ID 83642

Lester & Betty Vogel
3610 N Linder Rd
Meridian, ID 83642

Fran N Fisher
4450 N Linder
Meridian, ID 83642

Dwaine Wolf
4895 N Meridian Rd
Meridian, ID 83642

J R Kellog
1385 W Ustick Rd
Meridian, ID 83642

John A Dudgeon
4895 N Linder
Meridian, ID 83642

Herbert Endicott
1450 W Ustick
Meridian, ID 83642

Fay M White
4015 N Meridian Rd
Meridian, ID 83642

Doug Stewart
5960 N Linder Rd
Meridian, ID 83642

Tom Smith
4650 N Linder Rd
Meridian, ID 83642

Jack J Myers
4010 N Meridian Rd
Meridian, ID 83642

Warren Watson
1680 W Ustick Rd
Meridian, ID 83642

Martin Yurke
3485 N Linder Rd
Meridian, ID 83642

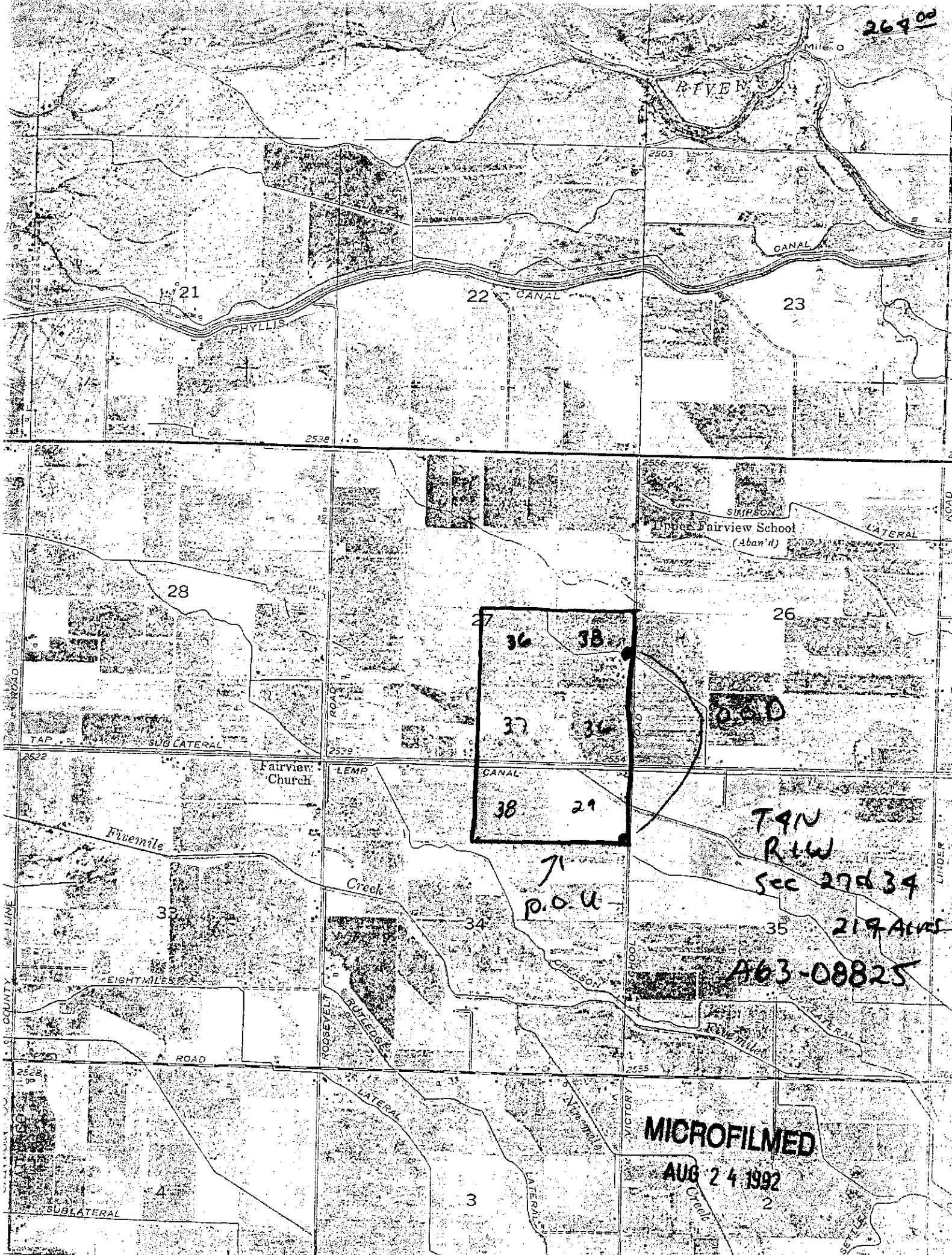
John & Nancy Ebbinghaus
1437 W McMillan Rd
Meridian, ID 83642

Catherine Nelson
5555 N Linder Rd
Meridian, ID 83642


Karen L. Gustafson
Secretary/Records Manager

MICROFILMED
OCT 08 1996

26400



T4N
R1W
Sec 27d34
219 Acres
A63-08825

MICROFILMED
AUG 24 1992



Idaho Department of Water Resources

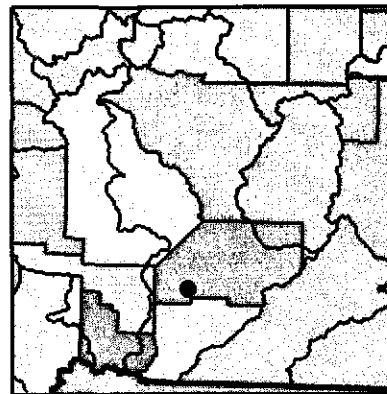
SRBA Recommendation:

63-32316

(Irrigation)

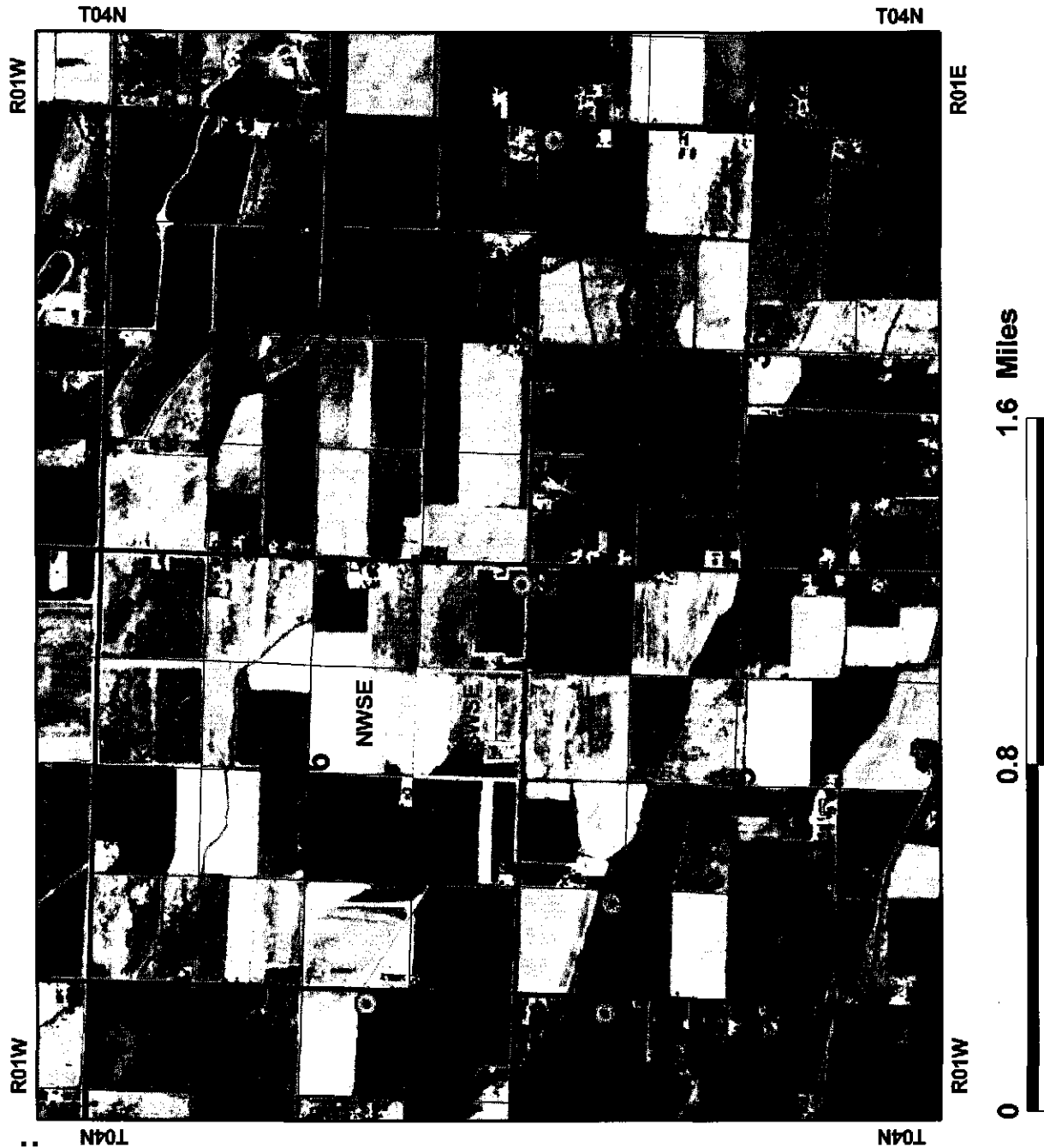
Legend

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



Ada County
IDWR Basin 63

Prepared by K. Walker
On Wednesday, March 28, 2007
1987/88 Aerial Photography



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

RIGHT NUMBER: 63-32316

NAME AND ADDRESS: JAMES FAMILY LTD PARTNERSHIP
4675 N TEN MILE RD
MERIDIAN ID 83642

LARRY D JAMES
4785 N TEN MILE RD
MERIDIAN ID 83642

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.330 CFS
115.400 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands below.

PRIORITY DATE: 05/06/1977

POINT OF DIVERSION:

T04N R01W S26 SESE Within ADA County
T04N R01W S27 NESE Within ADA County
T04N R01W S34 NENE Within ADA County
T04N R01W S35 NWNW Within ADA County
T04N R01W S36 NENE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.330 CFS 115.40 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within ADA County

T04N R01W S26	SWSE	37.00	T04N R01W S26	SESE	15.00
---------------	------	-------	---------------	------	-------

52 ACRES TOTAL

This right is limited to the irrigation of 25.6 acres within the place of use described above in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Approval of Transfer No. 4137 does not grant any right-of-way or easement across the land of another.

Use of this right is combined with water from Settlers Irrigation District.

Well no. 5, located within the NWNW, Sec. 35, Twp. 4N, Rge. 1W, B.M. shall be either shallower than 100 feet, or cased and sealed to a minimum depth of 200 feet. The motor installed for diversion from this well shall be limited to a 15 horsepower rating.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Water diverted under these water rights is to be used for supplemental purposes only, in connection with the primary surface water rights from the Boise River. The surface water rights dedicated to this land must be utilized to their full extent during any year that these supplemental ground water rights are utilized.

The applicant is responsible to ensure that water pumped under Transfer No. 4137 does not directly, as determined by the Director, cause the water level in any domestic well drilled prior to March 29, 1978, to be lowered so as to require modification to the well or pumping system or to cause the water level in any other well having a prior right to exceed a reasonable pumping level, unless the applicant provides reasonable compensation or mitigation, as determined by the Director, to the prior water right holder for the reduced water levels.

The right holder is not authorized to increase the horsepower on the existing wells over that already installed and operating during the 1992 irrigation season.

This right is a split from former right 63-8825 .

Use of this right is combined with water from Nampa Meridian Irrigation District.

Failure of the right holder to comply with the conditions of Transfer No. 4137 is cause for the Director to rescind approval of the transfer.

Prior to diversion of water in 1993, a measuring device of a type acceptable to the Department shall be installed and maintained in conjunction with each well that diverts water under these water rights. In addition, the water right holder shall provide to the Department a plan limiting diversions to no more than 0.02 cfs per acre for irrigation purposes on irrigated land from all sources. This plan must be approved before pumpage under Transfer No. 4137 is authorized.

The applicant is responsible to ensure that water pumped under Transfer No. 4137 does not cause the water level in any irrigation well to exceed the reasonable pumping level, unless the holder of the prior water right receives reasonable compensation or mitigation for the reduced water level caused directly or indirectly by the withdrawal of water under Transfer No. 4137.

**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	)	Water Rights: 63-8825 (Split)
	)	63-32316, 63-32317,
	)	63-32318, 63-32319
Case No. 39576	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE
_____	)	PROCEEDING

IDWR has completed the following administrative proceeding:

- ☐ Address change
- XX Substitution of Party
- ☐ IC § 42-222 transfer
 - ☐ Point of diversion ☐ Place of use
 - ☐ Period of use ☐ Nature of use
 - ☐ Split of water right ☐ Change in ownership
- ☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: June 2, 2006



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on June 2, 2006, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐	overnight mail
Snake River Basin Adjudication	☒	regular mail
P.O. Box 2707	☐	hand-delivered
Twin Falls, ID 83303-2707	☐	facsimile

2. Copies to:

Clive Strong	☐	overnight mail
Off ice of the Attorney General	☒	regular mail
P.O. Box 44449	☐	hand-delivered
Boise, ID 83711-4449	☐	facsimile

United States Dept of Justice	☐	overnight mail
Environment & Natural Resource Div	☐	regular mail
550 West Fort Street MSC 033	☐	hand-delivered
Boise ID 83724	☐	facsimile

3. Copies to all parties to the subcase:

James Family Ltd Partnership	☐	overnight mail
4675 N Ten Mile Rd	☒	regular mail
Meridian ID 83642	☐	hand-delivered
	☐	facsimile

Larry D James	☐	overnight mail
4785 N Ten Mile Rd	☒	regular mail
Meridian ID 83642	☐	hand-delivered
	☐	facsimile

Ed L Bews
Shirley G Bews
5204 Sorrento Circle
Boise ID 83704

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

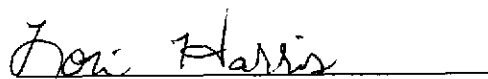
Bews Family Limited Partnership
5204 Sorrento Circle
Boise ID 83704

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Primeland Development
Frank Varriale
660 E Franklin Ste 110
Meridian ID 83642

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile



Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

June 2, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

LARRY D JAMES
4785 N TEN MILE RD
MERIDIAN ID 83642

Re: Original Notice of Claim to a Water Right No. 63-8825
Renumbered to Notice of Claim to a Water Right No. 63-32316

Dear Mr. James:

We have received and processed a Change of Ownership for a portion of your Claim to a Water Right Number as referenced above. This change of ownership resulted in a split of the original claim.

When a portion of the original water right claim has been conveyed to another and the original right has been split, then the original claim number is renumbered by issuing a new water right number to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new claim number reflects your remaining portion of the original claim after the change of ownership. Enclosed is a copy of this new water right for your records. Please refer to your new claim number when corresponding with our office.

Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

If you have any questions concerning this ownership change, or the enclosed information, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris".

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region Office

LH: lh
Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

June 2, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JAMES FAMILY LTD PARTNERSHIP
4675 N TEN MILE RD
MERIDIAN ID 83642

Re: Original Notice of Claim to a Water Right No. 63-8825
Renumbered to Notice of Claim to a Water Right No. 63-32316

Dear Claimant(s):

We have received and processed a Change of Ownership for a portion of your Claim to a Water Right Number as referenced above. This change of ownership resulted in a split of the original claim.

When a portion of the original water right claim has been conveyed to another and the original right has been split, then the original claim number is renumbered by issuing a new water right number to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new claim number reflects your remaining portion of the original claim after the change of ownership. Enclosed is a copy of this new water right for your records. Please refer to your new claim number when corresponding with our office.

Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

If you have any questions concerning this ownership change, or the enclosed information, please feel free to contact this office.

Sincerely,

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region Office

LH: lh
Enclosures



SPF Water Engineering, LLC
water resource consultants

December 21, 2005

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

RECEIVED
DEC 21 2005
WATER RESOURCES
WESTERN REGION

Via hand delivery

Subject: Ownership change and split of 63-8825, 63-10713, & 63-10872

On behalf of my client, enclosed is an ownership change notice for the above three referenced rights. We had earlier submitted ownership change notices for other portions of these rights. This change is concerning property located at T04N R01W Section 28 SESE, to which 35 acres of the "James" rights are appurtenant.

Please let me know if you have any questions or require any additional information.

Sincerely,

Scott N. King, P.E.
Senior Project Engineer

File: 451.0030

cc: Engineering Solutions / Becky McKay

**SPF**Water Engineering, LLC
water resource consultants*Kimberly*

November 9, 2005

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082**RECEIVED**
NOV 14 2005
WATER RESOURCES
WESTERN REGION*Subject: Ownership change and split of 63-8825, 63-10713, & 63-10872*

On behalf of my client, enclosed are ownership change notices for the above three referenced rights. These documents refer to about 80% of these rights. EL and Shirley Bews own 49% of the rights in their name. Primeland Development Company owns 31% of the rights, and Mr. & Mrs. Bews are authorized to sign as partners in the company. The enclosed map describes the respective parcels. Also enclosed is a check for \$200 which should cover the required fees.

It is my understanding that Bews also owns T04N R01W Section 28 SESE, to which another 35 acres of the James rights are appurtenant. However, I do not have appropriate documentation of their ownership at this time. When it becomes available, I will forward to your office. Then, Bews will show ownership of 57% of the rights.

Please let me know if you have any questions or require any additional information.

Sincerely,

*Scott King*Scott N. King, P.E.
Senior Project Engineer

File: 451.0030