



P.A. B.A. SIZES

COLD
SPRINGS
CREEK

4S
SS

R 91E

	40	40	20
4	40	40	1
25		28	34
40	32		

Idaho Department of Water Resources

Cold Springs
Creek
1985 EXTENT
MAP

Prepared by:
Ron Howerton
Date: 13 JAN 01

T04S, R09E
T05S, R09E

Place of use

POD

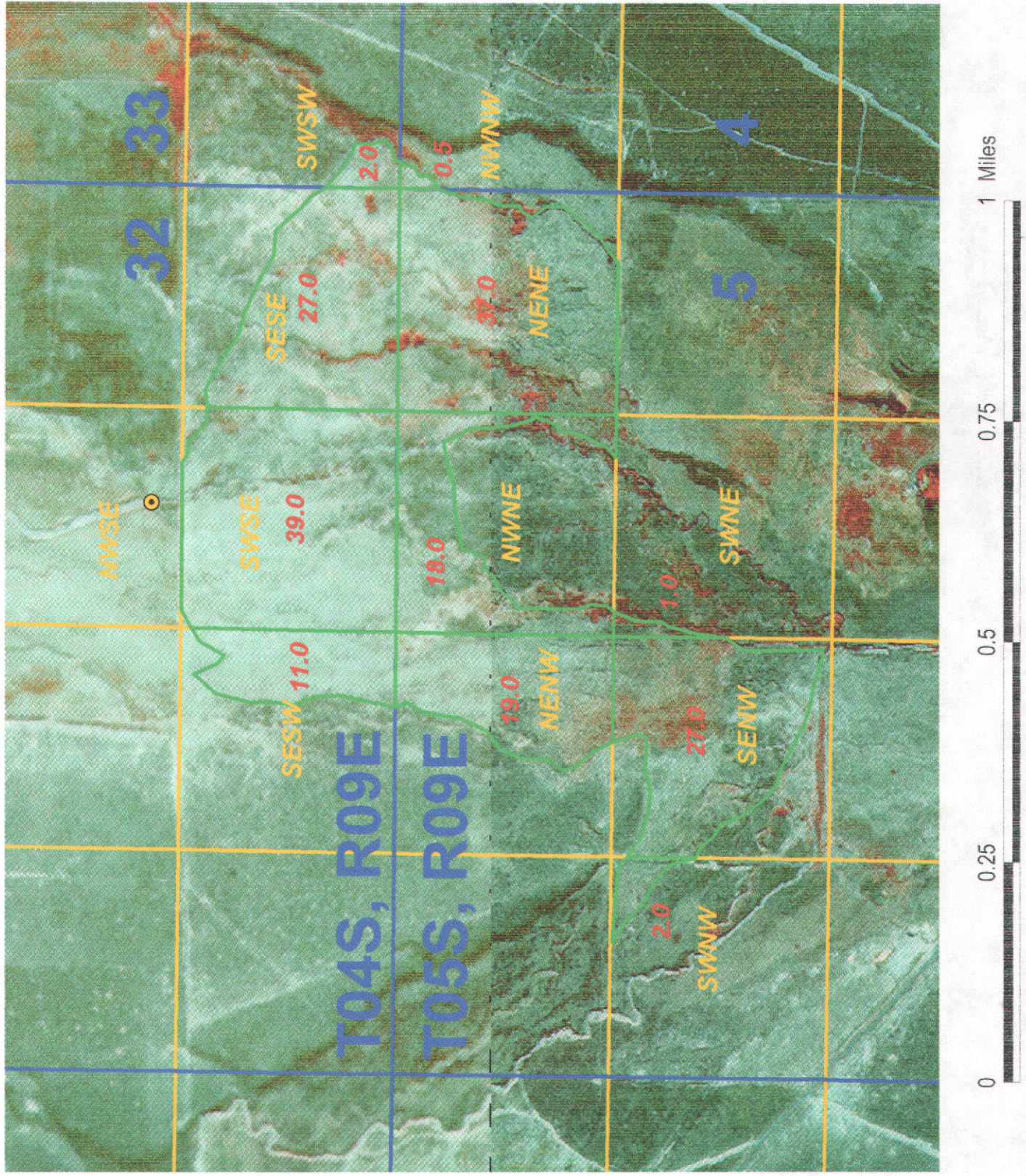
SECTION LINES

1/4 1/4

183.5 Acres



1987 NAPP



Idaho Department of Water Resources

Cold Springs
Creek
1985 EXTENT
MAP

Prepared by:
Ron Howerton
Date: 13 JAN 01

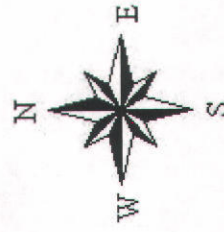
 Place of use

 POD

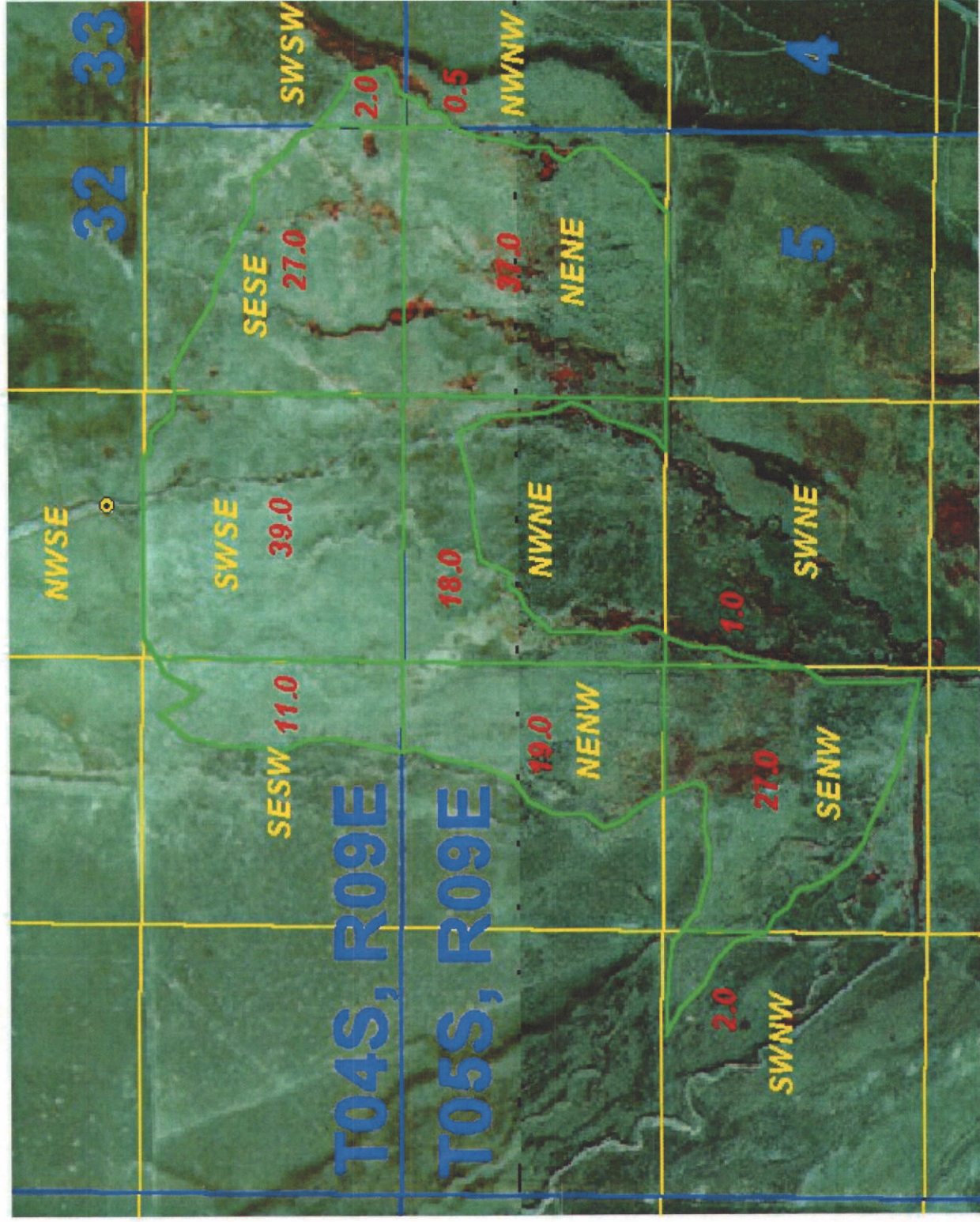
 SECTION LINES

 1/4 1/4

183.5 Acres

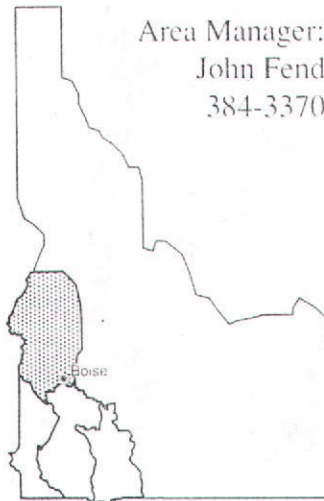


1987 NAPP



BM 3125

Cascade Resource Area



Area Manager:
John Fend
384-3370

- **Timber salvage.** The Cascade RA is intensifying its commercial timber salvage program. Due to the drought, fire, and insect damage the area's commercial forests have been impacted. The area intends to put up for salvage sale approximately one million board feet of insect and fire damaged timber next year.

- **Waste disposal.** The Cascade RA is working with Gem, Boise, and Canyon counties on public land sales for landfills and refuge waste transfer stations. The resource area is preparing a land use plan amendment to enable transfer of public lands selected by the counties.

- **Resource inventory.** This field season the Cascade will begin a major effort to gather baseline resource data on vegetation, wildlife habitat, riparian conditions and sensitive species.

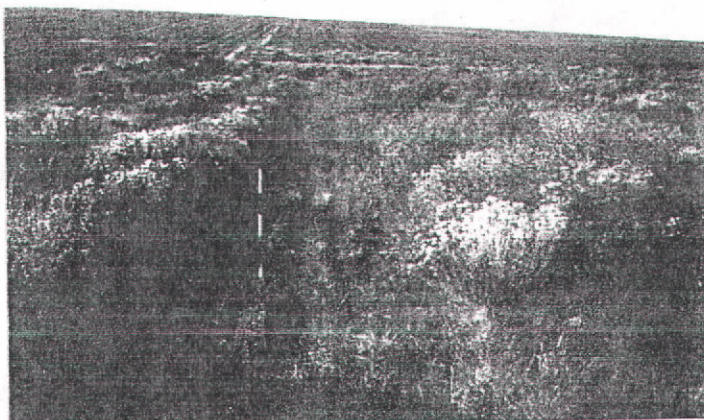
- **Snake River recreation.** The Cascade RA has prepared a Draft Recreation Management Plan for the Snake River Breaks country from Oxbow Dam to Brownlee Reservoir. The plan provides a concept for recreational development in this area of approximately 20,000 acres of public land. The final plan should be ready this summer.

- **Rare plant conservation.** The resource area is finalizing a plan amendment to establish six Aase's Onion Areas of Critical Environmental Concern (ACECs). An ACEC management plan will be prepared this summer. Aase's onion grows only in the Boise Foothills from Highway 21 to Emmett. It is presently being considered for listing by the Fish and Wildlife Service and many populations are threatened by housing developments. The public lands in this area support approximately 20% of the remaining populations and provide the only resource protection measures.

- **Upland game bird habitat.** In a continuing partnership with the Idaho Department of Fish and Game and Pheasants Forever, the Cascade is enhancing habitat for upland game birds on scattered public land tracts in the Treasure Valley. Fourteen tracts will be improved over the next 3 years. Improvements range from livestock exclosures to extensive shrub plantings and flood irrigation.



△ Only cheatgrass and crested wheatgrass grew at this site in 1985 when shrubs were planted to improve wildlife habitat. Eight years later plant diversity and habitat values have been greatly enhanced. ▽



IDWR

Claim(s) 61-00309, 312, 316,
328, 2153, 10577, 10578 &
10579

Owner(s) : Stephens &
Sons.

Date: 9 Sep 98



POU



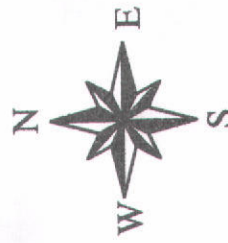
POD



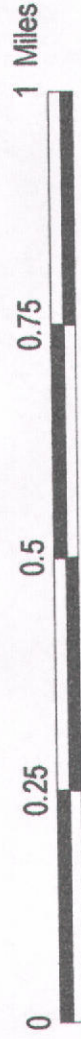
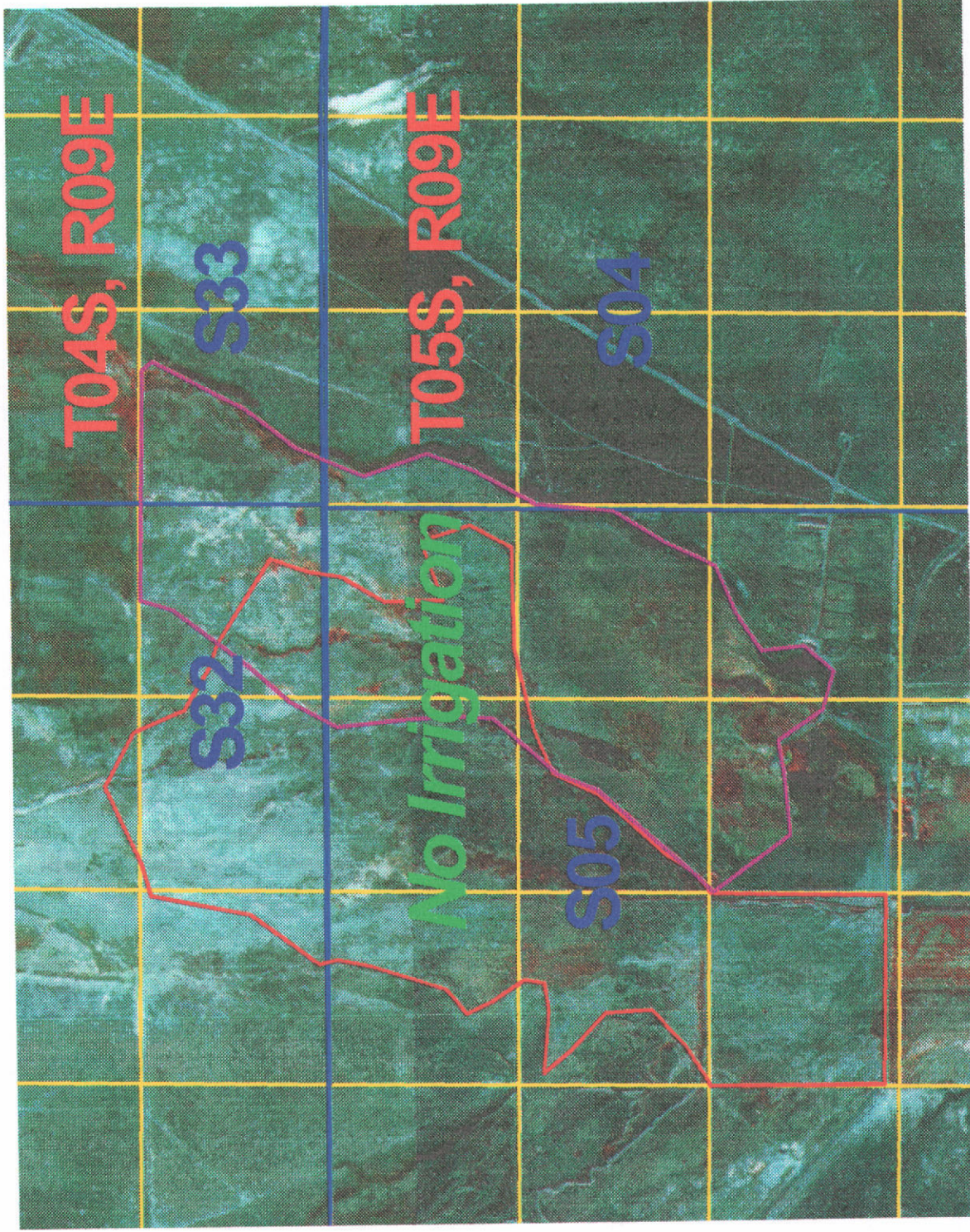
SECTION LINES



1/4 1/4



1987 NAPP





R
79.9

S
24.6

CLAIM COLD SPRINGS
CR (TERRACE) INIT Rch
T. R. S. Q/Q
P/D T4S R9E 32 NWSE
SCALE 8" = 1 MILE
PHOTO ID. ASCS DATE 1977

32 | 33
5 | 4

5 | 4
8 | 9

CLAIM Stephens & Sons
PLACE OF USE INIT
T. R. S. Q/Q
P/D T4S R9E 32 NWSE
SCALE 1" = 1000 FT
PHOTO ID. ASC5 DATE 1984



14
218.5

11
96.8

T35S
148

32/31
5/4

12
24.5

13
43.8

19
31.1

6
19.3

5
16.5

29/28
32/33

4
22.5

17
14.2

PICTURE #1 COLD SPRINGS CREEK: FX 9-12-94. Photo's by RDH.
Washed out P/D concrete dam view to NW.



PICTURE #2: FX 5-28-96. Photo's by RDH. Eroded abandoned ditch from P/D.



Photo's By
RDH

PICTURE #3 COLD SPRINGS CREEK: FX 9-12-94. Photo's by RDH. Washed out second ditch from P/D.



PICTURE #4: FX 5-28-96. Photo's by RDH. Abandoned POU towards home, South from P/D.



Photo's By
RDH

PICTURE #5 COLD SPRINGS CREEK: FX 9-12-94. Photo's by RDH. More abandoned POU to South from P/D.

Notes:

No chance of doing mannings on both ditches.
More photos of abandoned POU in file A61-10577.
Lack of physical evidence of irrigation.

Decreed Rts. A61-00309,-312,-316,-328,-10578,-10579.



Photo's By
RDH

PICTURE #1, COLD SPRINGS CREEK: Follow-up FX Dec 5, 1997. Photo's by RDH. P/D no change from last photo's in 1994. View upstream, lack of maintenance for diversion, abandoned.



PICTURE #2: Follow up FX Dec 5, 1998. Photo's by RDH. Second view to NW showing abandoned P/D.



R4S
A61-00309-312-316
-328-10578-10579

Photo's By
RDH

PICTURE #3, COLD SPRINGS CREEK: Follow-up FX Dec 5, 1997. Photo's by RDH. View of abandoned ditch to West from P/D, view to NE.



PICTURE #4: Follow up FX Dec 5, 1998. Photo's by RDH. View of abandoned ditch to East from P/D, view to NW looking back at P/D.



Photo's By
RDH

PICTURE #5, COLD SPRINGS CREEK: Follow-up FX Dec 5, 1997. Photo's by RDH. View waste water ditches that return flow to Cold Springs Creek on neighbors above property. Location of photo is East of P/D and view is to the West.



Photo's By
RDH

PICTURES 6,7 & 8

Follow up FX Dec 5, 1997. Photo's by RDH. No evidence of irrigation from Cold Spring Creek or Waste water. View is to the West from small hill. Other photos of this over look in waste water file A61-10577.



Photo's By
RDH

PICTURE #9, COLD SPRINGS CREEK: Follow-up FX Dec 5, 1997. Photo's by RDH. More views of abandoned POU South of photos 6,7 & 9. To West.



Photo's By
RDH

PICTURE #10: Follow-up FX Dec 5, 1997. Photo's by RDH. Same area just South of photo 9.



PICTURE #1: COLD SPRINGS CREEK P/D

Follow-up FX 12/19/98. Photo's by RDH. P/D, no change from last photos in 1997. Abandoned for 5 field seasons and 5 years of non-use since first investigated in 1994.



PICTURE #2

Ditch to West is non-existent.



PICTURE #3: COLD SPRINGS CREEK P/D

Follow-up FX 12/19/98. Photo's by RDH. Different view of P/D, no change from last photos in 1997. Abandoned for 5 field seasons and 5 years of non-use since first investigated in 1994.



PICTURE #4

Ditch to East is non-existent.



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: A61-00328
Date Received: 12/ 7/1989
Receipt No: W006854
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: ARK PROPERTIES LLC 208-366-7931
Address: RT 1 BOX 451
GLENN'S FERRY ID 83623

2. Date of Priority: MAY 1, 1877

3. Source: COLD SPRINGS CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04S	09E	32	NW	SE			ELMORE

5. Description of diverting works:
8' X 4' CONCRETE DIVERSION, DITCHES FOR GRAVITY FLOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.400		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INSTREAM STOCKWATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	09E	32	SW	SE		IRR	40.0
			SE	SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
						Section Acres	80.0
		33	SW	SW		IRR	20.0
						Section Acres	20.0
05S	09E	4	NW	NW		IRR	1.0
						Section Acres	1.0
		5	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	28.0
			SE	NE		IRR	34.0
			NE	NW		IRR	4.0
			SE	NW		IRR	25.0
			NE	SW		IRR	40.0
			NE	SE		IRR	6.0
			NW	SE		IRR	32.0
						Section Acres	249.0
						Total Acres	350.0

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:

A61-00309, A61-00316, A61-00328, A61-00329, A61-02153.

14. Remarks:

OWNERSHIP CHANGED BY RDH ON 1/14/99.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

DANIEL MCGINNESS ET. AL.

Decree Plaintiff

JAMES STANFIELD ET. AL.

vs Decree Defendant

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: A61-00328
Date Received: 12/06/1990
Receipt No: W006854
Received By: DE JOL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STEPHENS & SONS 208-366-2364
Address: C/O JAKE STEPHENS
22710 S. LANSING
MIDDLETON, ID 83644

2. Date of Priority: MAY 01, 1877

3. Source: COLD SPRING CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04S	09E	32	NW	SE			ELMORE

5. Description of diverting works:
8' X 4' CONCRETE DIVERSION, DITCHES FOR GRAVITY FLOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.400		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INSTREAM STOCKWATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	09E	32	SW	SE		IRR	40.0
			SE	SE		IRR	40.0

Section Acres 80.0

A61-00328

Page 1

Date: 04/12/90

FILED
APR 11 1991

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	09E	33	SW	SW		IRR	20.0
						Section Acres	20.0
05S	09E	4	NW	NW		IRR	1.0
						Section Acres	1.0
		5	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	28.0
			SE	NE		IRR	34.0
			NE	NW		IRR	4.0
			SE	NW		IRR	25.0
			NE	SW		IRR	40.0
			NE	SE		IRR	6.0
			NW	SE		IRR	32.0
						Section Acres	249.0
						Total Acres	350.0

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:

A61-00309, A61-00316, A61-00328, A61-00329, A61-02153.

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

DANIEL MCGINNESS ET. AL.

Decree Plaintiff

vs

JAMES STANFIELD ET. AL.

Decree Defendant

10110000
10110000

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: _____

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 161-00328Date Received 6 Dec 89Receipt Number ck# 1736/1736

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Stephens, Son Phone () 366-2364Mailing Address 22710 S. Lansing Middleton Zip 836442. Date of Priority (Only one (1) per claim) 5-1-18773. Source of water supply (a) cold spring creek
which is tributary to (b) Snake River4. a. Location of existing point of diversion is: Township 45 Range 9E Section 32,
1/4 of NW 1/4 of SE 1/4, Govt. Lot, B.M., County of ElmoreAdditional points of diversion if any: 2 points at Div in P/O

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

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.concrete Div 8ft x 4ft
Ditches on right + left of cold spring creek
gravity flow

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 4-1 to 11-1 amount 1.4 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.4 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) instream stock water

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
45	9E	32															40	40	80
		33										20							20
55	9E	4					1												1
		5	40	40	28	34	4			25	40				6	32			249

Total number of acres irrigated 350

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

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
161-00309 thru 316, 328, 329, -02153 or None ()

14. Remarks:

Last Name _____ Ident No. _____

Copies: White -State, Yellow -Claimant

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

Decree ☒

If applicable provide IDWR Water Right Number A61-80328

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Sec _____

Title

of Stephens & Sons _____, that I have signed the foregoing

Organization

document in the space below as Sec _____ of Stephens & Sons _____

Title

Organization

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

Signature of Authorized Agent Lucy Stephens

Title and Organization Sec _____ Date Dec 6-1989

State of Idaho/or _____)

County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 6th day of Dec 19 89

SEAL

Notary Public Ron Howerton

Residing at _____

My Commission Expires Ron Howerton

Please Print Name

Residing at Boise, Idaho

17. Notice of Appearance:

Notice is hereby given that I, _____ My Commission Expires December 8, 1994
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

**JOINT CONSENT TO ACTION
BY INITIAL MANAGER AND MEMBER OF
ARK PROPERTIES L.L.C.
IN LIEU OF ORGANIZATIONAL MEETING**

* * * * *

THE UNDERSIGNED, constituting the Initial Manager and Members of ARK PROPERTIES L.L.C., a Delaware Limited Liability Company (the "Company"), do hereby jointly consent to, adopt, ratify and approve in writing the following Company actions:

FORMATION OF COMPANY:

WHEREAS, on February 1, 1997, the undersigned Members agreed to form a Delaware limited liability company; and

WHEREAS, the Operating Agreement for the regulation of the affairs of the Company was executed by the Members effective February 15, 1997; and

WHEREAS, CASA DEL NORTE L.P., a Delaware limited partnership, was designated to act as the Initial Manager of the Company pursuant to Section 5.1 of said Operating Agreement; and

WHEREAS, the Articles of Organization for the Company were executed by the Organizer of the Company on February 14, 1997, and were filed with the Delaware Secretary of State on February 20, 1997;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Operating Agreement dated effective February 15, 1997, together with the Articles of Organization of this Company, as filed on February 20, 1997, by the Delaware Secretary of State, are approved and adopted and shall be inserted in the minute book of the Company; and

BE IT FURTHER RESOLVED, that CASA DEL NORTE L.P. is hereby appointed to act as the Initial Manager of this Company, pursuant to Section 5.1 of the Operating Agreement, to serve for the ensuing year or until its successor shall have been designated and qualified.

FUNDING OF COMPANY:

WHEREAS, to fund the Company, the following actions were taken:

- (1) CHARTERS MOUNTAIN RANCH, INC. executed a bargain and sale deed to transfer all of its right, title and interest in the "Pulley Property" located in Gem County, Idaho to the Company, a copy of which is attached hereto as Exhibit A; and
- (2) Charters Mountain Ranch, Inc., executed a bargain and sale deed to transfer all of its right, title and interest in the "Jungert Property" located in Gem County, Idaho to the Company, a copy of which is attached hereto as Exhibit B; and
- (3) CASA DEL NORTE L.P. contributed cash in an amount equal to ten percent (10%) of the fair market value of the real property transferred to the Company by CHARTERS MOUNTAIN RANCH, INC.; and

WHEREAS, in exchange for the capital contributions described above, CHARTERS MOUNTAIN RANCH, INC. received a ninety percent (90%) Member interest and CASA DEL NORTE L.P. received a ten percent (10%) Managerial interest.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Manager of this Company be, and hereby is authorized and empowered to take such steps and execute and deliver such documents in behalf of the Company as may be deemed necessary, appropriate or advisable in order to carry out the intent and purposes of the foregoing; such determinations to be conclusively evidenced by the taking of such steps and the execution and delivery of such documents.

GENERAL CONDUCT OF COMPANY BUSINESS

BE IT FURTHER RESOLVED, that the Manager of this Company shall procure all such record books, transfer books, books of account, stationery, and other office supplies as may be necessary, for the proper conduct of this Company's business.

BE IT FURTHER RESOLVED, that the Manager be, and hereby is authorized and directed to pay out of any funds belonging to this Company the expenses incurred in connection with its organization and for the supplies ordered or to be purchased in connection with the organization of the Company and the establishment of its business, and such other obligations, if any, as the Company has incurred incidental to its organization.

BE IT FURTHER RESOLVED, that this Company shall open a bank account for the general banking business of this Company with such banking institution in the State of Utah, or in any other state, as the Manager of this Company may deem appropriate, and the standard banking resolution used by said bank for a limited liability company account is hereby adopted as if said resolution had been set forth herein in full; and that the Manager of this Company is hereby authorized and

directed to execute all necessary forms of resolution of authority for bank accounts and borrowings with said banking institution.

BE IT FURTHER RESOLVED, that the Manager of this Company be, and it hereby is, authorized and empowered to enter into and execute contracts, leases, agreements and other legal documents of whatever kind or nature, specifically including agreements of limited partnership, as may be agreed to be necessary in the course of business, and that thereafter the Company shall be authorized to perform according to the same.

DATED this 25th day of February, 1997.

MANAGER:

CASA DEL NORTE L.P., a Delaware Limited Partnership, By Its General Partner:

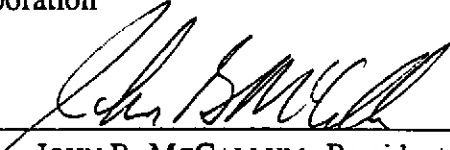
A.R.D. TRADING, INC., a Delaware corporation

By: 

JOHN B. MCCALLUM, President

MEMBER:

CHARTERS MOUNTAIN RANCH, INC., an Idaho Corporation

By: 

JOHN B. MCCALLUM, President

CORPORATE WARRANTY DEED

STEPHENS & SONS, INC., an Idaho corporation, Grantor, hereby conveys, grants and warrants to ARK PROPERTIES, L.L.C., Grantee, whose address is Rt. 1 Box 451 Glenns Ferry, Id 83623 for the sum of TEN DOLLARS and other good and valuable consideration, all of Grantor's interest in the following described real property located in the County of Elmore, State of Idaho, to-wit:

Township 5 South, Range 8 East, Boise Meridian, Elmore County, Idaho:

Section 1: U.S. Government Lots 1, 3, 4
SE1/4NE1/4
S1/2NW1/4
SW1/4
E1/2SE1/4
Section 12: NE1/4
N1/2SE1/4

Township 5 South, Range 9 East, Boise Meridian, Elmore County, Idaho:

Section 5: S1/2NE1/4
N1/2SE1/4

SUBJECT TO taxes and assessments for the year 1998 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This conveyance shall include any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights in anywise appertaining to the property herein described.

The Grantor covenants to the Grantee that it owns its interest in said real property in fee simple; that the premises are free from all encumbrances,

excepting those as may be herein set forth, and excepting those of record, and that it will warrant and defend its interest in the same from all lawful claims.

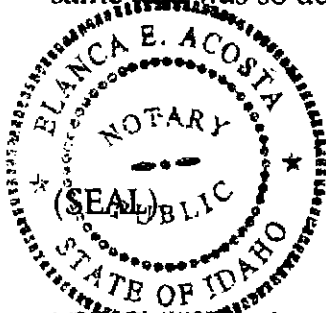
IN WITNESS WHEREOF, the Grantor has executed this instrument on this 2 day of December, 1998.

STEPHENS & SONS, INC.

By: Billy Roy Stephens
Authorized Signator Pres,

STATE OF IDAHO)
 :SS
County of Canyon)

On this 2nd day of December, in the year 1998, before me, Blanca E. Acosta, a Notary Public, personally appeared Billy Roy Stephens, an authorized signator of Stephens & Sons, Inc., an Idaho corporation, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same and was so authorized to do so for and on behalf of said corporation.



Blanca E Acosta
Notary Public for Idaho
Commission expires: 9-1-99

312066

ELMORE COUNTY, IDAHO ss
Request of

GUARANTY TITLE, INC.

Time 4:51 P M
Date December 4, 1998
Book _____ Page _____

DOLORES ROBISON

Recorder

By [Signature]

Deputy

Fee \$6.00

WARRANTY DEED

BILLY ROY STEPHENS, a single man, Grantor, hereby conveys, grants and warrants to ARK PROPERTIES, L.L.C., Grantee, whose address is RT. 1 Box 451 Glenn Ferry ID 83422 for the sum of TEN DOLLARS and other good and valuable consideration, all of Grantor's interest in the following described real property located in the County of Elmore, State of Idaho, to-wit:

Township 4 South, Range 9 East, Boise Meridian, Elmore County, Idaho:

Section 32: S1/2SE1/4
SE1/4SW1/4
Section 33: SW1/4SW1/4

Township 5 South, Range 9 East, Boise Meridian, Elmore County, Idaho:

Section 4: Lot 4
Section 5: Lots 1, 2, 3
S1/2NW1/4
NE1/4SW1/4
NW1/4SW1/4 lying North East of established road right-of-way.

SUBJECT TO taxes and assessments for the year 1998 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This conveyance shall include any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights in anywise appertaining to the property herein described.

The Grantor covenants to the Grantee that he owns his interest in said real property in fee simple; that the premises are free from all encumbrances,

excepting those as may be herein set forth, and excepting those of record, and that he will warrant and defend her interest in the same from all lawful claims.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 2 day of December, 1998.

Billy Roy Stephens
Billy Roy Stephens

STATE OF IDAHO)
 :SS
County of Canyon)

On this 2nd day of December, in the year 1998, before me, Blanca E. Acosta a Notary Public, personally appeared BILLY ROY STEPHENS, a single man, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same



Blanca E. Acosta
Notary Public for Idaho
Commission expires: 9-1-99

312065

ELMORE COUNTY, IDAHO ss
Request of

GUARANTY TITLE, INC.

Time 4:50 P M
Date December 4, 1998
Book _____ Page _____
DOLORES ROBISON
Recorder
By [Signature]
Deputy
Fee \$6.00

PERSONAL REPRESENTATIVE'S DEED

THIS DEED is made and executed by Evelyn M. Stephens, as personal representative of THE ESTATE OF EDGAR G. STEPHENS, DECEASED, aka Edgar Barney Stephens, hereinafter referred to as the "Grantor," to ARK PROPERTIES, L.L.C., hereinafter referred to as the "Grantee," whose address is RT 1 Box 451 Glenview Ferry, ID 83623

WHEREAS, Evelyn M. Stephens is the qualified personal representative of said estate, filed as Probate Case Number SP 97-00972 in Canyon County, Idaho;

THEREFORE, in accordance with the provisions of Uniform Probate Code as set forth in Title 15 of the Idaho Code, Grantor estate hereby grants, transfers and conveys to Grantee all of the Grantor estate's interest in the following described real property in Elmore County, Idaho:

Township 5 South, Range 8 East, Boise Meridian, Elmore County, Idaho:

Section 13: S1/2N1/2
N1/2S1/2

AND

Township 4 South, Range 9 East, Boise Meridian, Elmore County, Idaho:

Section 32: S1/2SE1/4
SE1/4SW1/4

Section 33: SW1/4SW1/4

Township 5 South, Range 9 East, Boise Meridian, Elmore County, Idaho:

312064

Section 4: Lot 4

Section 5: Lots 1, 2, 3

S1/2NW1/4

NE1/4SW1/4

NW1/4SW1/4 lying North East of established road right-of-way.

ELMORE COUNTY, IDAHO ss

Request of

GUARANTY TITLE, INC.

Time 4:49 P M
Date December 4, 1998
Book _____ Page _____

DOLORES ROBISON

Recorder

By [Signature]

Deputy

Fee \$120.00

WARRANTY DEED

EVELYN M. STEPHENS, Grantor, hereby conveys, grants and warrants to ARK PROPERTIES, L.L.C., Grantee, whose address is RT. 1 Box 457 Liberty, Idaho 83623 for the sum of TEN DOLLARS and other good and valuable consideration, all of Grantor's interest in the following described real property located in the County of Elmore, State of Idaho, to-wit:

Township 5 South, Range 8 East, Boise Meridian, Elmore County, Idaho:

Section 13: S1/2N1/2
N1/2S1/2

AND

Township 4 South, Range 9 East, Boise Meridian, Elmore County, Idaho:

Section 32: S1/2SE1/4
SE1/4SW1/4
Section 33: SW1/4SW1/4

Township 5 South, Range 9 East, Boise Meridian, Elmore County, Idaho:

Section 4: Lot 4
Section 5: Lots 1, 2, 3
S1/2NW1/4
NE1/4SW1/4
NW1/4SW1/4 lying North East of established road right-of-way.

SUBJECT TO taxes and assessments for the year 1998 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all

zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This conveyance shall include any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights in anywise appertaining to the property herein described.

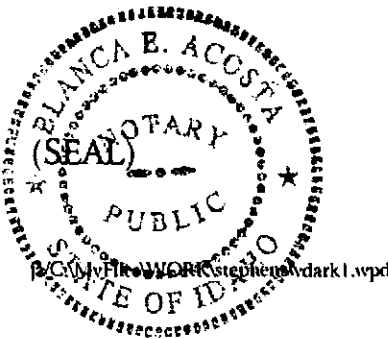
The Grantor covenants to the Grantee that she owns her interest in said real property in fee simple; that the premises are free from all encumbrances, excepting those as may be herein set forth, and excepting those of record, and that she will warrant and defend her interest in the same from all lawful claims.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 2 day of December, 1998.

Evelyn M. Stephens
Evelyn M. Stephens

STATE OF IDAHO)
)
County of Canyon)

On this 2nd day of December in the year 1998, before me, Blanca E. Acosta, a Notary Public, personally appeared EVELYN M. STEPHENS, 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.



Blanca E. Acosta
Notary Public for Idaho
Commission expires: 2-1-99

312063

WARRANTY DEED - 2

ELMORE COUNTY, IDAHO ss
Request of
GUARANTY TITLE, INC.
Time 4:48 P M
Date December 4, 1998
Book _____ Page _____
DOLORES ROBISON
Recorder
By [Signature]
Deputy
Fee \$6.00

#	FLAT FEE	(other) 1/22 AC	total
AGI-00287	50	93	143
AGI-02153	50	0	50
AGI- DOM STK	25	0	25
AGI- WASTEWATER	50	0	50
AGI-00309	50	0	50
312	50	0	50
316	50	0	50
328	50	0	50
AGI-COMBINED	50	350	400
AGI-COMBINED	50	0	50
			918
			918.00

- CURRENT LAND LIST -

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTE TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
PERMIT																						
FOUND																						
OVERLAP																						
DIFFERENCE																						

P/D OVERLAP BUT ACRES NOT OVERLAPPING, USE FOR SYSTEM TOTAL CALCULATIONS

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTE TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
	cfs.																					
WASTEWATER	4.32	4S	9E	32															10	40		50
				33									20									20
		5S	9E	4					1													1
				5	40	5	28	34									6	32			(216)	145
COLD SPRING CR		4S	9E	32															40	40	80	
				33									20								20	
		5S	9E	4					1												1	
				5	40	40	28	34	4		25	40					6	32			249	(350)
IRRAW GROUNDWATER				5			28	34									6	32			100	
Bennett CR. AGI-00 287				25					8	20			30	30	5						93	
DOMESTIC SUPPLY OTHER B AGI-02153		5S	9E	5													5					

OVERLAPS
COLD SPRINGS
CR.

OVERLAPS
BOTH
COLD SPR
&
WASTEWATER
KIT.

NO
OVERLAPS

AGI-00 287
AGI-02153

Rye grass

30

29

52157

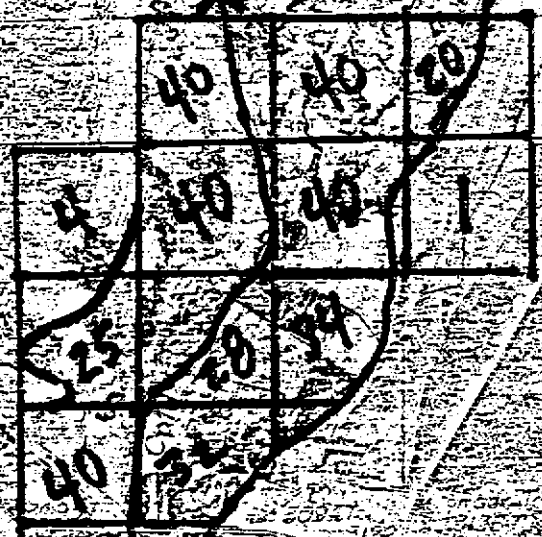
28

32

33

OLD CATHARINE

29E



31517

45
SS

COLD
SPRINGS
CREEK

RECEIVED

JAN 12 1999

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): 61-07632, 61-10659, A61-10576, R61-11807, A61-00328, A61-10578, A61-00309,
61-10579, A61-00316, A61-00312, A61-10577, A61--2153.
 Adjudication Claim No(s): _____

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

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant Stephens & Sons Inc.

22710 S. Lansing Rd., Middleton, Idaho 83644

4. New Owner/Claimant(s) ARK Properties, LLC.

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address Rt. 1 Box 451

City, State and ZIP Code Glenns Ferry, Idaho 83623

New Telephone Number (208) 366-7931

5. Date you acquired the property 12/2/98

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner ARK Properties, LLC, By: Casa Del Norte LP, Manager,
 or Claimant(s) By: ARD Grading, Inc. General Partner

John B. McCallum, President

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

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

Year	Deficit	Debt	Debt/GDP
1990	1.0	1.0	1.0
1991	1.0	1.0	1.0
1992	1.0	1.0	1.0
1993	1.0	1.0	1.0
1994	1.0	1.0	1.0
1995	1.0	1.0	1.0
1996	1.0	1.0	1.0
1997	1.0	1.0	1.0
1998	1.0	1.0	1.0
1999	1.0	1.0	1.0
2000	1.0	1.0	1.0
2001	1.0	1.0	1.0
2002	1.0	1.0	1.0
2003	1.0	1.0	1.0
2004	1.0	1.0	1.0
2005	1.0	1.0	1.0
2006	1.0	1.0	1.0
2007	1.0	1.0	1.0
2008	1.0	1.0	1.0
2009	1.0	1.0	1.0
2010	1.0	1.0	1.0
2011	1.0	1.0	1.0
2012	1.0	1.0	1.0
2013	1.0	1.0	1.0
2014	1.0	1.0	1.0
2015	1.0	1.0	1.0
2016	1.0	1.0	1.0
2017	1.0	1.0	1.0
2018	1.0	1.0	1.0
2019	1.0	1.0	1.0
2020	1.0	1.0	1.0
2021	1.0	1.0	1.0
2022	1.0	1.0	1.0
2023	1.0	1.0	1.0
2024	1.0	1.0	1.0
2025	1.0	1.0	1.0
2026	1.0	1.0	1.0
2027	1.0	1.0	1.0
2028	1.0	1.0	1.0
2029	1.0	1.0	1.0
2030	1.0	1.0	1.0
2031	1.0	1.0	1.0
2032	1.0	1.0	1.0
2033	1.0	1.0	1.0
2034	1.0	1.0	1.0
2035	1.0	1.0	1.0
2036	1.0	1.0	1.0
2037	1.0	1.0	1.0
2038	1.0	1.0	1.0
2039	1.0	1.0	1.0
2040	1.0	1.0	1.0
2041	1.0	1.0	1.0
2042	1.0	1.0	1.0
2043	1.0	1.0	1.0
2044	1.0	1.0	1.0
2045	1.0	1.0	1.0
2046	1.0	1.0	1.0
2047	1.0	1.0	1.0
2048	1.0	1.0	1.0
2049	1.0	1.0	1.0
2050	1.0	1.0	1.0
2051	1.0	1.0	1.0
2052	1.0	1.0	1.0
2053	1.0	1.0	1.0
2054	1.0	1.0	1.0
2055	1.0	1.0	1.0
2056	1.0	1.0	1.0
2057	1.0	1.0	1.0
2058	1.0	1.0	1.0
2059	1.0	1.0	1.0
2060	1.0	1.0	1.0
2061	1.0	1.0	1.0
2062	1.0	1.0	1.0
2063	1.0	1.0	1.0
2064	1.0	1.0	1.0
2065	1.0	1.0	1.0
2066	1.0	1.0	1.0
2067	1.0	1.0	1.0
2068	1.0	1.0	1.0
2069	1.0	1.0	1.0
2070	1.0	1.0	1.0
2071	1.0	1.0	1.0
2072	1.0	1.0	1.0
2073	1.0	1.0	1.0
2074	1.0	1.0	1.0
2075	1.0	1.0	1.0
2076	1.0	1.0	1.0
2077	1.0	1.0	1.0
2078	1.0	1.0	1.0
2079	1.0	1.0	1.0
2080	1.0	1.0	1.0
2081	1.0	1.0	1.0

[illegible]

WATER RESOURCES
WESTERN REGION

RECEIVED

JUL 3 1 2001

MSB&T, CT.

**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. 61-00328

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/OBJECTOR:

Ark Properties, LLC

Bruce Smith

Date _____

Attorney for Ark Properties, LLC

IDWR Concurrence:

Agent

Date

Candice McHugh 9/26/01

Candice M. McHugh Date
Deputy Attorney General for IDWR

CERTIFICATE OF MAILING

I certify that on 10/81, 2001, 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

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

2. Copies to:

Clive Strong
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

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

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

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

Bruce M. Smith
225 North 9th Street, Suite 420
Boise, ID 83702

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

Charles L. Honsinger
P.O. Box 2773
Boise, ID 83701-2773

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



Signature of person or attorney mailing the form

07/26/2001

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

RIGHT NUMBER: 61-328

NAME AND ADDRESS: ARK PROPERTIES LLC
RT 1 BOX 451
GLENN'S FERRY, ID 83623

SOURCE: COLD SPRINGS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.4 CFS

PRIORITY DATE: 05/01/1877

POINT OF DIVERSION: T04S R09E S32 NW Within ELMORE County
SE

2 POINTS OF DIVERSION LOCATED IN T04S, R09E, S32, NWSE.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	02-15 11-15	1.40 CFS
	03-15 11-15	

*sm^c
Rch*

PLACE OF USE:

IRRIGATION Within ELMORE

<u>County</u>			
T04S R09E S32		SESW	11
T04S R09E S32		SESE	27
T05S R09E S4	LOT 4	NWNW	0.5
T05S R09E S5	LOT 2	NWNE	18
T05S R09E S5	LOT 3	NENW	19
T05S R09E S5		SENW	27
T04S R09E S32		SWSE	39
T04S R09E S33		SWSW	2
T05S R09E S5	LOT 1	NENE	37
T05S R09E S5		SWNE	1
T05S R09E S5		SWNW	2

183.5 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 61-10578 IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 183.5 ACRES IN A
SINGLE IRRIGATION SEASON.

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

NO BENEFICIAL USE FOUND

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.

sm^c
Rdh

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF
USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

07/26/2001

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

RIGHT NUMBER: 61-328

NAME AND ADDRESS: ARK PROPERTIES LLC
RT 1 BOX 451
GLENN'S FERRY, ID 83623

SOURCE: COLD SPRINGS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.4 CFS

PRIORITY DATE: 05/01/1877

POINT OF DIVERSION: T04S R09E S32 NWSE Within ELMORE County

2 POINTS OF DIVERSION LOCATED IN T04S, R09E, S32, NWSE.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	02-15 11-15	1.40 CFS
	03-15 11-15	

PLACE OF USE:

IRRIGATION Within ELMORE County			
T04S R09E S32	SESW	11	T04S R09E S32
T04S R09E S32	SESE	27	T04S R09E S33
T05S R09E S4	LOT 4 NWNW	0.5	T05S R09E S5
T05S R09E S5	LOT 2 NWNE	18	T05S R09E S5
T05S R09E S5	LOT 3 NENW	19	T05S R09E S5
T05S R09E S5	SESW	27	

183.5 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 61-10578 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 183.5 ACRES IN A SINGLE IRRIGATION SEASON.

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

~~NO BENEFICIAL USE FOUND~~

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 - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Howerton, Ron

From: McHugh, Candice
Sent: Wednesday, July 25, 2001 11:10 AM
To: Howerton, Ron
Cc: Harvey, Becky
Subject: 61-000328 and 61-10578

Ron --

Could you prepare the attachments to go with the SF5s for these two water rights on the Stephens and Sons property (changing the SOU to 2/15?).

Becky, could you prepare the coversheets and also SF5s for each of the disallowed water rights saying Bruce agrees they are to be decreed disallowed. The disallowed water right numbers are: 61-00309, 61-00312, 61-00316 and 61-10579. Thanks

I've prepared a letter to Bruce that I would like to send to him by Friday. Thanks.

Candice

Cold Springs
Creek
1985 EXTENT
MAP

Prepared by:
Ron Howerton
Date: 13 JAN 01

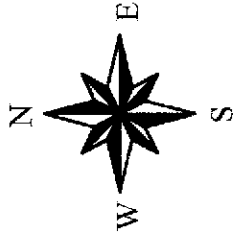
Place of use

POD

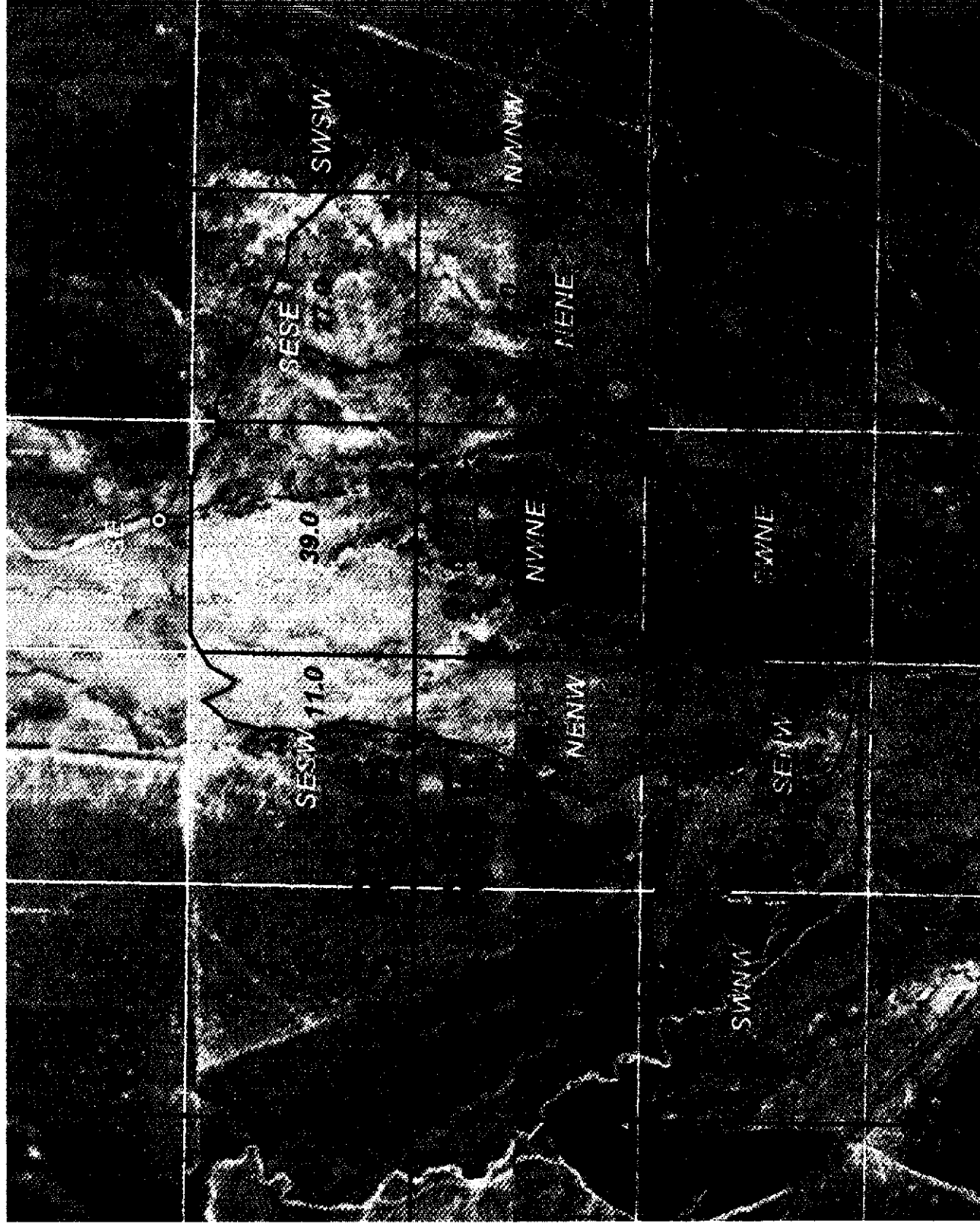
SECTION LINES

 $\frac{1}{4} \frac{1}{4}$

183.5 Acres



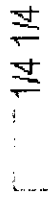
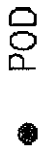
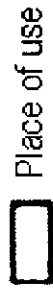
1987 NAPP



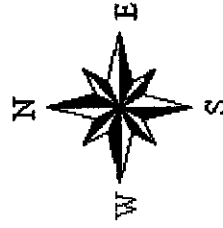
0 0.25 0.5 0.75 1 Miles

**Cold Springs
Creek
1985 EXTENT
MAP**

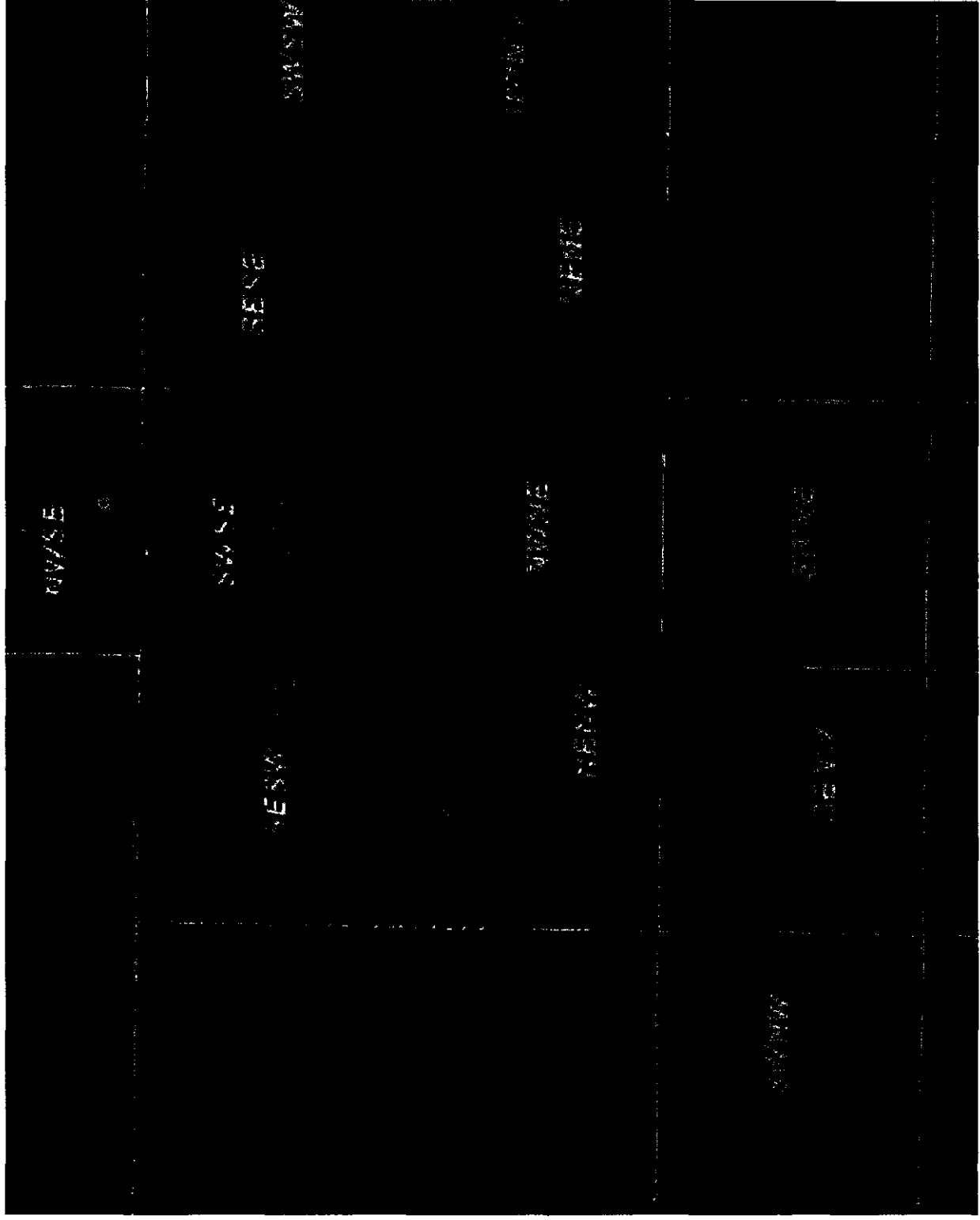
Prepared by:
Ron Howerton
Date: 13 JAN 01



183.5 Acres

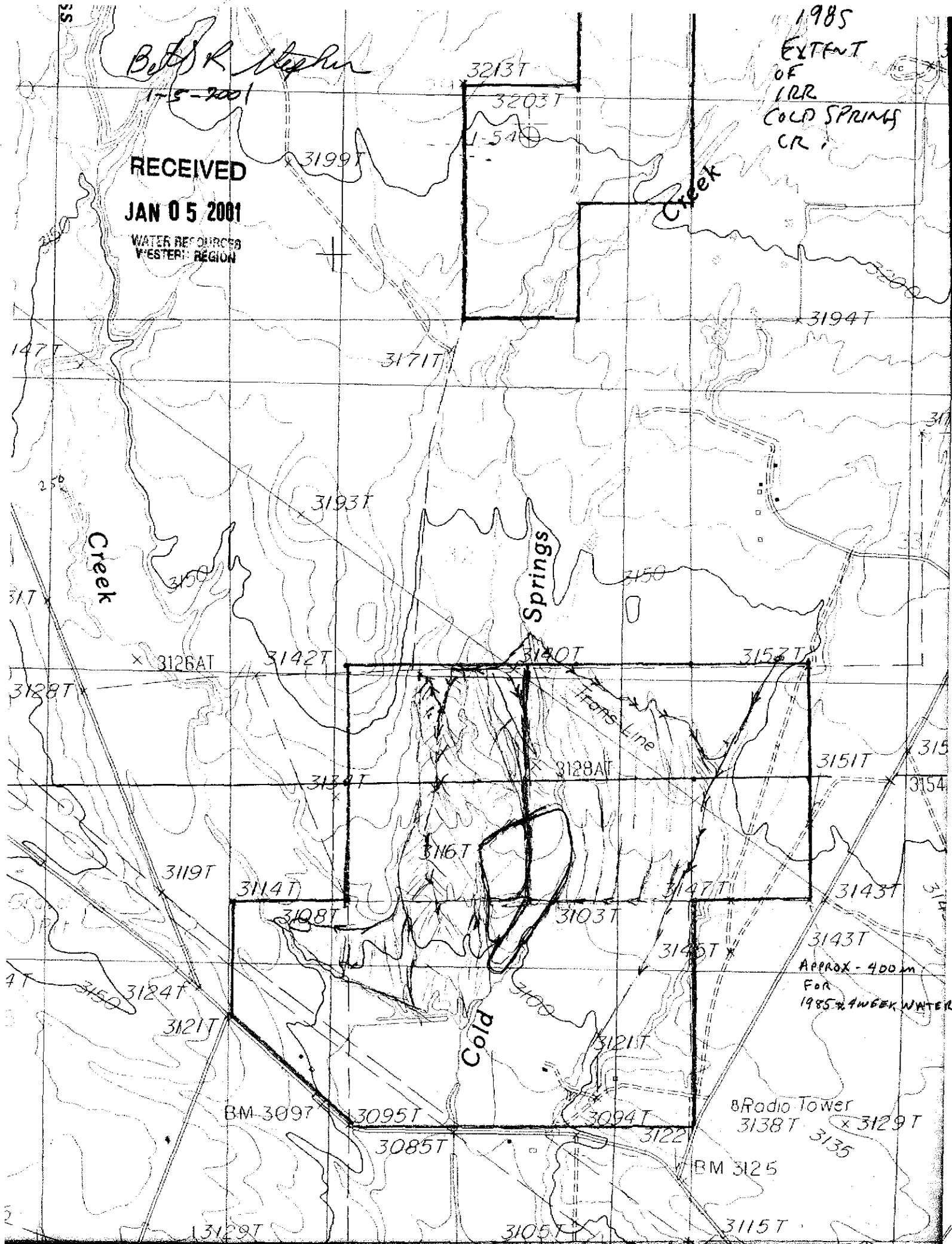


1987 NAPP



WATER RESOURCES
WESTERN REGION

1985
EXTENT
OF
IRR
COLD SPRINGS
CR.





State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 14, 1999

John McCallum
C/O Bruce Smith
999 Main St Ste 910
Boise, ID 83702

Re: Unauthorized Diversion of Water from Cold Springs Creek

Dear Mr. McCallum:

On June 16, 1999, Dan Nelson, an employee of the Idaho Dept. of Water Resources (IDWR), visited with you about use of water that was leased to Magic West through the Water Bank. On the same day, Nelson also investigated a reported unauthorized diversion of water from Cold Springs Creek, located in the SW1/4SE1/4 of Section 32, T04S, R09E, irrigating lands located in the SE1/4 of Section 32, T04S, R09E, and the NE1/4 of Section 5, T05S, R09E. Nelson found a pump with a diesel motor, and evidence that a mainline had supplied water to lands located on both sides of the Cold Springs Creek. I understand that you own the land where the water was diverted and used.

You are identified as the owner of several water right claims filed in the Snake River Basin Adjudication (SRBA) that describe portions of nearby lands as a place of use. Six of the claims (A61-00309, A61-00312, A61-00316, A61-00238, A61-10578, A61-10579) assert the right to divert water from Cold Springs Creek. The claims assert the right to divert water in the NW1/4SE1/4 of Section 32, T04S, R09E. This property is owned by Harly Riggs, and an old diversion structure is located on the Riggs property. The claims do not describe a point of diversion in the SE1/4 of Section 32.

IDWR has recommended to the SRBA Court that the claims described above and other claims irrigating the property from other sources be disallowed.

John McCallum

July 14, 1999

Page 2

Based on the investigation and IDWR's records, I conclude that you are diverting water from Cold Springs Creek from an unauthorized point of diversion. If you do not identify a water right authorizing diversion of water at the location of the diesel pump, you must cease diverting water from Cold Springs Creek at that location. IDWR will instruct the watermaster to close the diversion, chain and lock any control structure, and post the diversion with notice that the diverting works cannot be tampered with. Furthermore, IDWR may issue a notice of violation for illegally diverting water from Cold Springs Creek at a location not authorized by any water right, or alternatively, may seek an injunction in the District Court of the State of Idaho, as authorized by Idaho Code § 42-1701B.

Respectfully,

A handwritten signature in black ink, appearing to read "Gary Spackman", with a stylized flourish at the end.

Gary Spackman

cc. Harly Riggs
Norm Young
Glen Saxton
Dan Nelson

MEMORANDUM

TO: GARY SPACKMAN - REGIONAL MANAGER

FROM: DANIEL A. NELSON - WATER RIGHT AGENT

DATE: 6/18/1999

SUBJECT: POSSIBLE ILLEGAL DIVERSION - JOHN MC CALLUM

On 6/10/1999 the Western Office of the Idaho Department of Water Resources received a letter from Harland Riggs, the watermaster for Cold Springs Creek, that stated that he noticed a possible illegal diversion on Cold Springs Creek. Mr. Riggs stated that this property belonged to John McCallum, who purchased it from Stevens and Sons.

WATER RIGHT REVIEW:

My review of the water rights for this property show that there are 10 Snake River Basin Adjudication (SRBA) claims for this property. Six of those water rights used the same point of diversion on Cold Springs Creek. All of the Cold Springs SRBA claims have been recommended for disallowal. Mr. McCallum has filed a objections to these recommendations with the SRBA court. Mr. McCallum's objections have not yet been settled with the SRBA court at this time.

The point of diversion for the water from Cold Springs Creek on the SRBA claims is described as the NWSE $\frac{1}{4}$ of Section 32, Township 04S, Range 09E. This legal description was confirmed by Ron Howerton, who performed the SRBA field exam.

FIELD WORK:

On 6/16/1999 Harland Riggs took me to the original point of diversion. I plotted this point of diversion on a USGS quadrangle map and USGS orthophoto map and I GPS'ed the site. Then Mr. Riggs took me to the current spot that Mr. McCallum had been diverting water. I also plotted and GPS'ed this site. The current point of diversion consisted of a diesel motor that operated a pump in the creek that diverted into a flexible 8" pipe. The 8" pipe then ran to portable 8" aluminum mainline. The pump was not operating while I was there. However, there was dead grass where the pipe had been moved back and forth across the creek.

I used a measurement wheel to help determine the space between the two points of diversion and discovered that they were approximately 475 ft apart. The current point of diversion was located directly under the main power lines shown on the USGS Quadrangle and orthophotoquad map. The GPS data coincides with were I plotted them on the map that clearly shows that these two points of diversions were clearly in different $\frac{1}{4}$'s.

PAGE 2
McCallum Illegal Diversion Memo
6/18/1999

CONCLUSION:

The current point of diversion Mr. McCallum is using is not the point of diversion described in his original water right. Mr. McCallum has also failed to file a transfer pursuant to Idaho Code § 42-222. Therefore, Mr. McCallum is illegally diverting water from his current point of diversion.

The SRBA court will have determine if Mr. McCallum has a valid right to divert water from ^{Clear} ~~Gear~~ Springs Creek. I recommend that Mr. McCallum cease and desist diverting water from this point of diversion until such time as a valid transfer has been approved by IDWR.

Mr. McCallum should be issued a Notice of Violation pursuant to Idaho Code § 42-351 and § 42-1701B for an illegal diversion not in concordance with a valid water right.

Submitted by

Daniel A. Nelson

6-18-99

Daniel A. Nelson
Water Right Agent

DECLARATION OF BILLY ROY STEPHENS

I, Billy Roy Stephens, declare:

1. My address is 22710 Lansing Lane, Middleton, Idaho 83644. I have pertinent knowledge of the Lamb and Nan Thomason properties because my father, Barney Stephens, Stephens and Sons Inc., owned the properties. These properties are located in Elmore County, in Section 32 and 33, T4S R9E and Sections 4 and 5, T5S R9E. See Exhibit 1.
2. The Lamb property was purchased in 1983 - blue highlight on Exhibit 1. I was responsible for irrigating the Lamb property in 1985 and 1986.
3. The diversion on Cold Springs Creek is located in Section 32, T4S R9E, which is on the property owned by our neighbors the Riggs. In 1985, there was a break in the diversion and, in order to irrigate, I used boards to block up the gap.
4. There were two ditches from the diversion that stemmed off to the east and west of Cold Springs Creek. Due to the irrigation season in 1985, I utilized all the available water and tried to irrigate on both sides of the Cold Springs.
5. When we began irrigation in 1986, the early spring runoff washed out the boards and a large portion of the diversion making it impractical to bridge again with boards.
6. From 1987 on, my father had planned to get the diversion repaired but there was no water available. If the water had been available, he would have repaired the diversion. I often heard him complain about the diversion not being repaired.

7. There are two ditches that flow from the Riggs land to the Lamb property on the east and west side of Cold Springs Creek. This water was always referred to as wastewater. I used this water to irrigate the area that is crosshatched in Exhibit 1.
8. In 1988, the Nan Thomason property was purchased - see yellow highlight on Exhibit 1.
9. In 1989, my brother Jake Stephens moved onto the property and took over the irrigation and management.
10. I remember in 1994 my father complaining about the Riggs not allowing us on their land to repair the diversion. He stated that he did not know what to do since they controlled the water board. Also, he just did not know about creating an issue since there was no water to be had at that time.
11. In 1984, we moved a mobile home onto the Lamb property and installed a well pressure tank to service the mobile home and calving barn.
12. The mobile home was moved off the property in 1994.
- Executed this 27 day of mar, 1999 at Sand Hollow, Idaho.

Billy R. Stephens
Billy Roy Stephens

DECLARATION OF STEVE IRELAND

I, Steve Ireland, declare:

1. My address is RT 1 Box 486, Glenns Ferry, Idaho 83623. I have pertinent knowledge of the Lamb and Nan Thomason properties because I live on the properties, as well as irrigating and maintaining the properties. The Lamb property is highlighted in blue and the Nan Thomason property is highlighted in yellow on Exhibit 1.
2. My wife Barbara and I moved onto the properties in late 1994/winter of 1995. As part of our agreement with Barney Stephens, we were to irrigate _____.
3. In 1995, ~~Lynn Riggs reviewed with me how to irrigate by the following means.~~
 - I used canvas dams in the existing wastewater ditch along the north fence on the Riggs' land to divert the water into an existing diversion ditch on the east side of Cold Springs Creek.
 - I also used two canvas dams on the west side of Cold Springs Creek to irrigate a portion of the Lamb property (crosshatched in red on Exhibit 1).
 - On the eastern edge of the Lamb property, there is a ditch that comes from a pond on the Riggs' land at the north/east corner of the Lamb property. Water from that travels south to a ditch and a collection system, designed by SCS, along the northern fence of the Nan Thomason property (crosshatched in green on Exhibit 1).
 - Pumping water from the ponds near the house, I irrigated the fields to the west of the house on the Nan Thomason property with the main line and sprinklers (crosshatched on Exhibit 1).

4. In 1995, Billy Stephens told me that the Riggs would not allow them to fix the diversion in Cold Springs Creek. There were ditches everywhere there was runoff from the Riggs' land, so I utilized every bit that I could, ~~as Lynn Riggs showed me.~~

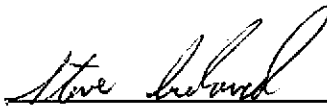
5. In 1996, there was less water than the previous year and it only lasted till about mid-June. I do not recall any usable water in Cold Springs. I again installed the same irrigation program as 1995 and used all the available water I could.

6. In 1997, there was a lot of water and I irrigated as in 1995.

7. In 1998, there was a lot of water and again irrigated as in 1995.

8. Barney Stephens died in May, 1997.

Executed this 4 day of April, 1999 at 6 Lewis Ferry Idaho.



Steve Ireland

DECLARATION OF EVELYN STEPHENS

I, Evelyn Stephens, declare:

1. My address is 22710 Lansing Lane, Middleton, Idaho 83644. I have pertinent knowledge of the Lamb and Nan Thomason properties because the properties were owned by my late husband Barney Stephens and myself, and in the name of Stephens and Sons Inc., of which I am secretary. These properties are located in Elmore County, in Section 32 and 33, T4S R9E and Sections 4 and 5, T5S R9E. See Exhibit 1.
2. The Lamb property was purchased in 1983 - blue highlight on Exhibit 1. The Nan Thomason property was purchased in 1988 - yellow highlight on Exhibit 1.
3. In 1987, we were forced to purchase a water tanker in order to haul water from, what was then, the McGrew property upstream on Cold Springs Creek for both domestic and stock water use.
4. While we owned the Lamb property, we purchased a trailer to place on the property so that our son, Billy Roy, could have a place to stay while he was at the property irrigating and tending the stock. Billy Roy took care of these chores from ____ to 1987.
5. In 1988, we purchased the Nan Thomason property, which had a home on it, and my son Jake Stephens moved onto the property. At that point, he took over watching the stock, the irrigation and general management of the land.
6. In 1989, I filed the paperwork for the adjudication. It was very important to my husband and me that the water rights be preserved even though we were in the middle of a drought.

7. In 1991, the drought had become so severe we worked through the SCS office in Mountain Home to obtain assistance in drilling a well as there was no water for the house or stock.
8. In 1992, it was necessary for my son Jake to move off the property. At this point, my daughter Pat Pollard and her husband moved onto the property and took over the management. Once again, my daughter had to haul water from the McGrew property in order to water the stock.
9. It was odd that water would appear, in what I could best describe, as seeps in various places on the ranch. In the winter and spring of 1994, we again worked with the SCS office in Mountain Home to develop what they referred to as the Tailwater Recovery Systems. This system was installed to irrigate 40 acres on the Nan Thomason property.
10. In the spring of 1994, there was a short burst of water in Cold Springs Creek prior to the irrigation season. That fall, my husband attempted to take equipment up to the Cold Springs Diversion in order to make the necessary repairs. Elsie Riggs told Barney that we were not allowed access to the diversion. Barney was very upset. He said he would fight it, but did not know what to do since Harley Riggs was the Watermaster and Elsie Riggs was the Secretary of the Cold Springs Water Board.
11. In late 1994 or early 1995, Pat and her husband moved off the property. At that point, Steve and Barbara Ireland moved into the house and took over as caretakers for the property.
12. The drought lasted from 1987 through 1994. It had taken such a toll that we were also forced to obtain assistance for feed from the SCS office in order to make up for lost

hay production. In 1994, we had some runoff, however, it was prior to the irrigation season.

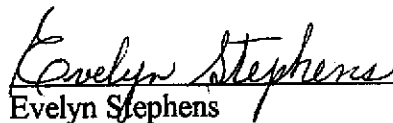
13. In 1995, Barney was trying to figure a way to resolve the conflict with the Riggs since there was now water in Cold Springs Creek.

14. In late 1996, my husband took ill and later died in May of 1997. The illness and subsequent death of my husband left major disarray in the family as well as a void in the management of the property since the family was no longer living there. The property was in probate for the 1997 irrigation season. Following probate, we sold the property.

15. 1986 was the last year we irrigated the property.

16. Throughout the time we owned the property, we made every possible attempt to utilize every bit of water that came onto or was on the property, as evidenced by the drilling of a well, the Tailwater Recovery System, ditching and attempting repair of the diversion. The thought of losing water rights due to lack of use during a drought is ridiculous.

Executed this 27 day of Mar, 1999 at Middleton Idaho.


Evelyn Stephens

APR-02-99 12:10 PM CHARTER MTN. RANCH

208 366 2665

P. 02

DECLARATION OF PAT POLLARD

I, Pat Pollard, declare:

1. My address is Haystack, UT. I have pertinent knowledge of the Lamb and Nan Thomason properties because my father, Harney Stephens, Stephens and Sons Inc., owned the properties. These properties are located in Elmore County, in Section 32 and 33, T4S R9E and Sections 4 and 5, T5S R9E. See Exhibit 1.
2. Through the years 1992 to 1994, my husband and I lived on the above-referenced properties. In 1994, the water came early and it was not possible to irrigate.
3. During those years, we experienced severe drought to the point that it was necessary to haul household and stock water from the McGrew Ranch upstream on Cold Springs Creek.
4. Through these years, we also pumped out of a hand-dug well at the top of the Nan Thomason property and which we had Mr. Bill Bremson's backhoe service dig out.
5. Following my father's directions, we worked with SCS in Mountain Home to drill a well in 1992. We also applied for the emergency feed program due to lack of hay production.
6. While I was aware there was a ditch along the Riggs' fence line that crossed our main diversion ditch which provided water for the upper Lamb fields, there was no water available from the Riggs wastewater ditch during the years we were on the property due to the drought.

APR-02-99 12:11 PM CHARTER MTN. RANCH

208 366 2685

P. 03

7. The spring and/or hand-dug wells for the calving facility and mobile home were used until 1994 when the mobile home was moved off the property, but are still used for stock water.

8. We again utilized the SCS programs in 1994 to install the Tailwater Recovery System and for the emergency feed program.

9. During the time that Jim and I lived on the property, my father insisted that we utilize all the resources available to us to increase hay production, be it using the SCS programs or ditching to catch water, etc.

10. In 1994, due to the early water in the spring, Barney Stephens, Jim and I went up to ~~the~~ the diversion on Cold Springs Creek. Even though there was no water available at the time, my father felt it was important that we get the diversion repaired in the event we should ever get water in the creek. ~~Barney Stephens, Elsie Riggs and Harley Riggs~~ Barney Stephens, Elsie Riggs and Harley Riggs ~~told us~~ told us that we had no right to repair the diversion for our property. Since the diversion was on the Riggs' land, and Harley Riggs was the Watermaster with Elsie Riggs the Secretary, we felt there was nothing we could do ~~there~~.

Executed this 15 day of May, 1999 at Haystack, ^{UTAH} ~~Idaho~~.

Pat Pollard
Pat Pollard



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Boise District Office
3948 Development Avenue
Boise, Idaho 83705

IN REPLY REFER TO:

4110

February 28, 1994

Dear Grazing Permittee:

Unfortunately, it appears that southwest Idaho could be experiencing another drought year. Moisture conditions are approximately 50 to 70 percent of normal to date throughout the Boise District. If this trend continues, it would be the seventh year of drought in the past eight years.

The Bureau of Land Management is concerned about the possible effects of another drought year. Continuation of these conditions could limit the distribution and longevity of stock water, directly affecting scheduled grazing systems. Without proper management, it could also undermine the long term health and productivity of rangelands. Prolonged drought threatens plant vigor, reproduction and survival, and could result in undesirable changes in plant composition and increased desertification.

Depending on the timing and amount of future moisture, changes may be needed to adjust to water shortages and plant productivity. Please consider grazing management alternatives for your allotment that could be implemented to respond to these needs. If necessary and appropriate for your situation, I ask that you consider one or more of the following options:

- Delay spring turn-out by two weeks to a month. Many spring use pastures have been severely stressed during the past drought years.
- Remove livestock early if conditions demand. Summer use periods may need to be significantly altered due to poor water distribution and availability.
- Assess where rest, reductions or further changes in season-of-use may be needed to keep utilization levels under 50 percent.

- Determine where changes in salting practices, water hauling, or herding may be needed to adjust to limited stock water distribution and to protect riparian and other critical resources.

Please contact your resource area staff soon to discuss your ideas.

I appreciate the efforts that have been made in previous years, and look forward to continued cooperation. I know that the prospect of another drought year is disturbing, and could bear a substantial burden on your ranch operation. We will try to accommodate your essential needs as much as possible, however, we all know that the land has its limits, and we must consider the future consequences of grazing under drought conditions.

Sincerely,

John C. Sullivan
acting Area Manager
Bruneau Resource Area

cc: All permittees
Affected Interests



FIELD NOTES

The Journal of the Boise District
Bureau of Land Management

Winter, 1993



NOTE -

6-Year Drought Overwhelms Rangelands

Everyone is thankful for the heavy snowfall this winter, but BLM resource managers say it will not end the effects of this prolonged drought.

Reservoirs last fall were nearly empty and stream flows had reached record lows. Soil moisture has been critically low for several years.

Boise District biologists have found native shrubs and grasses dying across the district. They say it could take years for the rangelands to recover their productivity.

"This has been the worst drought many old timers can remember and the worst we've seen in our careers," said Dave Brunner, Boise district manager. "Plants, fish, and wildlife are at their limits for survival."

erators has been excellent. In 1992, ranchers voluntarily reduced livestock grazing by 150,000 AUMs; nearly 23 percent of authorized levels. Since the drought began, ranchers have made countless changes in grazing patterns to provide additional rest to critical areas.

But now few options remain. Most rested pastures have been used, alternate water haul sites have been utilized, and old feed has been completely consumed. BLM and operators have done what they could, but the drought has overwhelmed all management efforts.

"The rubber band has been stretched to its limit" said Brunner. "We can't change the weather, but we must take actions within our influence to protect fundamental resources."

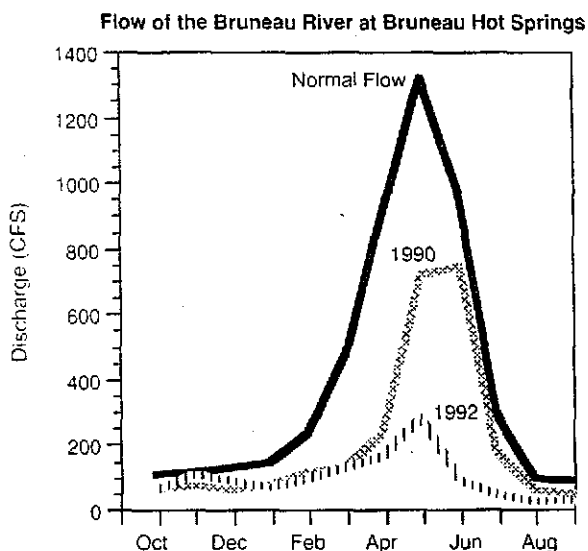
Brunner said the Boise District is hoping for the best but planning for the worst. Each allotment is being examined to determine if emergency rest or substantial grazing reductions will be needed in 1993 to alleviate drought effects.

The low elevation spring ranges are the hardest hit, and BLM is moving quickly to alert ranchers of changes so they can plan for alternate forage or other assistance.

"I expect that some low-elevation pastures will need to be rested completely next season," said Brunner.

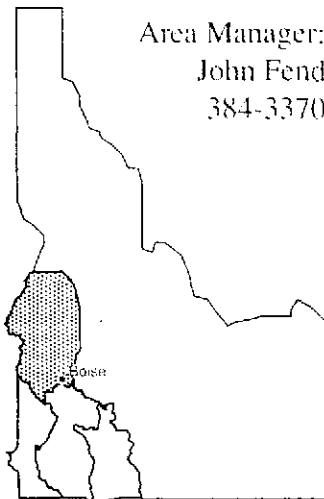
"Ranchers have made countless changes in grazing patterns to provide additional rest to critical areas.

But now few options remain."



As are ranchers. The Boise District and range users have made many adjustments during the last 6 years to help the rangelands withstand the drought. Co-operation from livestock op-

Cascade Resource Area



Area Manager:
John Fend
384-3370

- **Timber salvage.** The Cascade RA is intensifying its commercial timber salvage program. Due to the drought, fire, and insect damage the area's commercial forests have been impacted. The area intends to put up for salvage sale approximately one million board feet of insect and fire damaged timber next year.

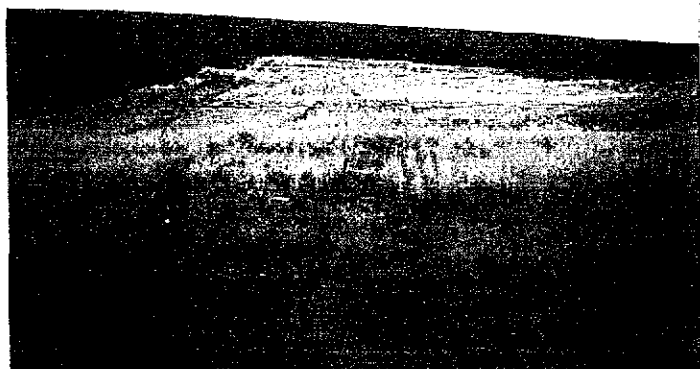
- **Waste disposal.** The Cascade RA is working with Gem, Boise, and Canyon counties on public land sales for landfills and refuge waste transfer stations. The resource area is preparing a land use plan amendment to enable transfer of public lands selected by the counties.

- **Resource inventory.** This field season the Cascade will begin a major effort to gather baseline resource data on vegetation, wildlife habitat, riparian conditions and sensitive species.

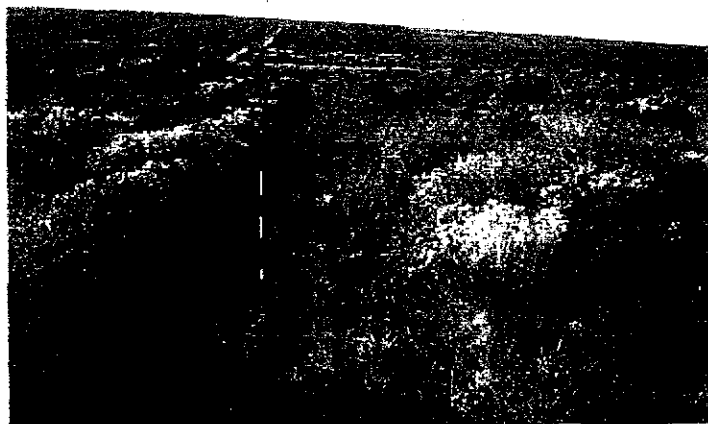
- **Snake River recreation.** The Cascade RA has prepared a Draft Recreation Management Plan for the Snake River Breaks country from Oxbow Dam to Brownlee Reservoir. The plan provides a concept for recreational development in this area of approximately 20,000 acres of public land. The final plan should be ready this summer.

- **Rare plant conservation.** The resource area is finalizing a plan amendment to establish six Aase's Onion Areas of Critical Environmental Concern (ACECs). An ACEC management plan will be prepared this summer. Aase's onion grows only in the Boise Foothills from Highway 21 to Emmett. It is presently being considered for listing by the Fish and Wildlife Service and many populations are threatened by housing developments. The public lands in this area support approximately 20% of the remaining populations and provide the only resource protection measures.

- **Upland game bird habitat.** In a continuing partnership with the Idaho Department of Fish and Game and Pheasants Forever, the Cascade is enhancing habitat for upland game birds on scattered public land tracts in the Treasure Valley. Fourteen tracts will be improved over the next 3 years. Improvements range from livestock exclosures to extensive shrub plantings and flood irrigation.



Δ Only cheatgrass and crested wheatgrass grew at this site in 1985 when shrubs were planted to improve wildlife habitat. Eight years later plant diversity and habitat values have been greatly enhanced. ▽



****PLEASE RETAIN FOR YOUR RECORD. THANK YOU.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

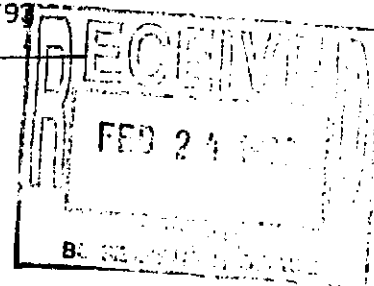
STATE ID
OFFICE 016
OPERATOR NUMBER 111854
PREFERENCE CODE 03
DATE PRINTED 01/28/93

FORM APPROVED
OMB NO. 1004-0041
Expires: February 29, 1990

GRAZING APPLICATION
FEBRUARY 15,
RETURN BY: JANUARY 30, 1993

STEPHENS AND SONS,
INC.
P.O. BOX 236
GLENN'S FERRY, ID 83623

BUREAU OF LAND MANAGEMENT
BRUNEAU R.A.
3948 DEVELOPMENT AVE
BOISE, ID 83705



THIS APPLICATION DESCRIBES YOUR BASIC GRAZING SCHEDULE(S) AND SUMMARIZES YOUR
RECOGNIZED GRAZING PREFERENCE FROM YOUR PERMIT. IF YOU WISH TO CHANGE THE
GRAZING SCHEDULE(S) MAKE THE CHANGE ON THE FORM. ALL APPLICATIONS, CHANGED OR
UNCHANGED, MUST BE SIGNED AND RETURNED BY THE DATE SHOWN ABOVE. CHANGES
REQUIRING THE REISSUE OF A GRAZING BILL WILL BE SUBJECT TO A SERVICE CHARGE OF
\$10.00 PER BILL.

CUT DUE
TO DROUGHT

PASTURE	LIVESTOCK		GRAZING PERIOD		TYPE	AUM'S
	NUMBER	KIND	BEGIN	END		
SCHEDULE NUMBER: 1						
01003 HAMMETT #3	80	HORSE	03/01	03/31	92 ACTIVE	75
01045 LOWER BENNETT CREEK	80	HORSE	04/01	05/31	92 ACTIVE	148
	425		14			
	200	CATTLE	04/10	05/31	92 ACTIVE	315

SCHEDULE NUMBER: 2						
01035 HAMMETT #3	80	HORSE	11/01	02/28	92 ACTIVE	290
01038 HAMMETT #6	* 400	CATTLE	06/01	06/30	80 ACTIVE	316
	100	CATTLE	10/01	11/30	80 ACTIVE	160

TERMS AND CONDITIONS:

SCHEDULE NUMBER: 1
GRAZING USE IS TO BE MADE IN ACCORDANCE WITH THE LIVESTOCK MANAGEMENT

DAN + BILL TO DISCUSS
CATTLE ALLOTMENT PRIOR
TO OUR 4/1/93 TURNOUT

AGREEMENT.

DULE NUMBER: 2

OFFICE STIPULATIONS

IF PAYMENT IS NOT RECEIVED WITHIN 15 DAYS OF THE DUE DATE SPECIFIED, A LATE FEE WILL BE ASSESSED OF \$25.00 OR 10% OF THE GRAZING BILL, WHICHEVER IS GREATER, NOT TO EXCEED \$250.00. FAILURE TO MAKE PAYMENT WITHIN 30 DAYS OF THE DUE DATE MAY RESULT IN TRESPASS ACTION.

SALT AND/OR MINERAL BLOCKS SHALL NOT BE PLACED ON PUBLIC LANDS WITHIN ONE QUARTER (1/4) MILE OF SPRINGS, STREAMS, MEADOWS, RIPARIAN HABITATS OR ASPEN STANDS. ANY AND ALL GRAZING ENCLOSURES WITHIN YOUR ALLOTMENT ARE CLOSED TO LIVESTOCK GRAZING.

YOUR CERTIFIED ACTUAL USE REPORT IS DUE WITHIN 15 DAYS OF COMPLETING YOUR ANNUAL GRAZING USE.

YOU ARE REQUIRED TO PERFORM NORMAL MAINTENANCE ON THOSE RANGE IMPROVEMENTS TO WHICH YOU HAVE BEEN ASSIGNED MAINTENANCE RESPONSIBILITY AS PER YOUR SIGNED COOPERATIVE AGREEMENTS. MAINTENANCE OF RANGE IMPROVEMENTS WITHIN WSA'S MUST BE COORDINATED WITH BLM IN ADVANCE.

THE LUP ALLOWABLE UTILIZATION LEVEL FOR CURRENT YEAR'S GROWTH IS 50%. LIVESTOCK MAY BE REQUIRED TO BE REMOVED FROM THE USE AREA OR ALLOTMENT WHEN THIS LEVEL OF USE HAS BEEN REACHED.

ALL APPROPRIATE DOCUMENTATION REGARDING STATE AND/OR PRIVATE LEASED LANDS, PRIVATE LANDS OFFERED FOR EXCHANGE-OF-USE, AND LIVESTOCK CONTROL AGREEMENTS MUST BE ON FILE AT THE BLM PRIOR TO TURN OUT.

THE TURN-OUT DATE SHOWN ABOVE WILL BE SUBJECT TO RANGE READINESS. RANGE READINESS OCCURS ONCE THE SOILS HAVE FIRMED AFTER THE SPRING THAW, AND THE PHYSIOLOGICAL REQUIREMENTS OF THE PLANTS HAVE BEEN MET. A COPY OF THE RANGE READINESS GUIDELINES IS AVAILABLE UPON REQUEST.

YOU ARE REQUIRED TO COORDINATE TRAILING ACTIVITIES WITH THE BLM PRIOR TO INITIATION, AND TO OBTAIN A TRAIL PERMIT AS MAY BE REQUIRED PRIOR TO TRAILING ACROSS PUBLIC LANDS.

PAYMENT MAY BE MADE BY CASH, CHECK, VISA OR MASTERCARD.

ALLOTMENT SUMMARY (AUM'S)

ALLOT

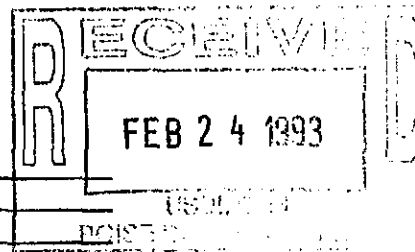
PREFERENCE ACTIVE

OPERATOR NUMBER: 111854

FORM APPROVED
OMB NO. 1004-0041
Expires: February 29, 1990

01035	HAMMETT #3	240
038	HAMMETT #6	911
01045	LOWER BENNETT CREEK	431

431
125
306

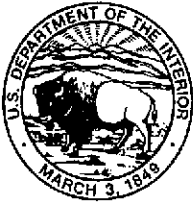


STOCK IDENTIFICATION (BRANDS, EARMARKS, ETC.): 4T 4

REASON FOR NONUSE:

SIGNATURE OF PERMITTEE: Patricia Ann Pollard DATE: 2/15/93
AREA MANAGER APPROVAL: Albre J. Jones (acting) DATE: 2/22/93

TITLE 18, U.S.C., SECTION 1001, MAKES IT A CRIME FOR ANY PERSON KNOWINGLY AND WILLFULLY TO MAKE TO ANY DEPARTMENT OR AGENCY OF THE UNITED STATES ANY FALSE, FICTITIOUS, OR FRAUDULENT STATEMENTS OR REPRESENTATIONS AS TO ANY MATTER WITHIN ITS JURISDICTION.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Boise District Office
3948 Development Avenue
Boise, Idaho 83705

TAKE
PRIDE IN
AMERICA

IN REPLY REFER TO:

4130

Oct. 8, 1993

Stephens and Sons
P.O. Box 236
Glenns Ferry, Idaho 83623

Gentlemen:

In accordance with your request of Sept. 27, 1993, this letter is your authorization to change your grazing use:

FROM:

Hammett #6 (01038)-- 125 C from 05-15-93 to 06-15-93 80% A = 105 AUMs
Hammett #3 (01035)-- 80 H from 11-01-93 to 02-28-94 92% A = 290 AUMs
Hammett #6 (01038)-- 100 C from 10-01-93 to 11-30-93 80% A = 160 AUMs

TO:

Hammett #6 (01038)-- 125 C from 05-15-93 to 06-15-93 80% A = 105 AUMs
Hammett #3 (01035)-- 80 H from 10-01-93 to 01-28-94 92% A = 290 AUMs
Hammett #6 (01038)-- 100 C from 10-01-93 to 11-30-93 80% N = 160 AUMs

This change is allowed for the 1993 grazing season only, and is made in accordance with the provisions of title 43 CFS, 4130.1-1, with the understanding that:

- (1) The total use does not exceed the maximum amount of time for which you are allowed to use the Federal range during any one year;
- (2) The number of AUMs of Federal range to be utilized is not hereby increased;
- (3) Such use will not be detrimental to the Federal range;
- (4) Such use will not adversely affect other licensees or permittees in your area of use.

If you have any questions, please call either Dan Woodruff or Abbie Jossie of my staff.

Sincerely,

Signe Sather-Blair
Bruneau Area Manager

Water right number : R61-00328

Prefix Translation: RESEARCH

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
05S	09E	5	NW SE		~~32.0~~		01	IRRIGATION	(39) ELMORE
Total Acres:					~~320.0~~			183.5	
- - - Diversion Means - 8' X 4' CONCRETE DIVERSION, DITCHES FOR GRAVITY FLOW									
+ - - Non-Irrigation Use --INSTREAM STOCKWATER									
+ - - Other Rights for Same Use - A61-00389, A61-00316, A61-00320, A61-00329, A61-02453.									
									Remarks

~~GEN NO BENEFICIAL USE FOUND~~

+ - - - -	No Old Water Right Numbers Found	- - - - -	Old Water Right Numbers	- - - - -	+ - - - -
+ - - - -		- - - - -		- - - - -	+ - - - -
+ - - - -		- - - - -	Conditions of Approval	- - - - -	+ - - - -
+ - - - -		- - - - -	No Conditions of Approval found.	- - - - -	+ - - - -
+ - - - -	- Decree Plaintiff	- - - +	+ - - - - Decree Defendant	- - - +	+ - - Decree Date - +
+ - - - -	DANIEL MCGINNNESS ET. AL.		JAMES STANFIELD ET. AL.		00/00/0000
+ - - - -		- - - - -	-Comments-	- - - - -	+ - - - -
+ - - - -	Date: 11/03/1998 User Id: RHOWERTO Subject: DISALLOW NOTES				
+ - - - -	NO EVIDENCE OF IRRIGATION SHOWN BY FIELD EXAM OR MAPS OR CLAIMANT CONTACT.				
+ - - - -	Date: 01/14/1999 User Id: RHOWERTO Subject: OWNERSHIP				
+ - - - -	OWNERSHIP CHANGED BY RDH ON 1/14/99.				

01/14/99 RHOWERTO

Court Report Filing	- 00/00/0000	Field Inspection Made	- 09/12/1994	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 01/14/1999	Old Judicial District	-
Claim Received Date	- 12/07/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- W006854	Water District	- 61E
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

WR PROFILES-AS-DECREED - CHD ALL FOR RECOMMENDATION FOR SFS

WR5809NP
No. 61-00309

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/07/00
PAGE: 1

OWNER
NAME & ADDRESS
C ADIN M. HALL

PRIORITY
DATE
06/01/1883

WATER USE
IRRIGATION

USE PERIOD
FROM TO
00/00 00/00

DIVERSION
RATE
0.580 CFS

DIVERSION
VOLUME
0.580 CFS

NWNW
SY
TSSRQE
WAS NOT
INCLUDED

Water Source: COLD SPRING CREEK

Tributary to: SNAKE RIVER

Stage: DECREED

Place of use Legal Description for: IRRIGATION

T	R	S	NE			NW			SW			SE			SUM
			NE	NW	SE	NE	NW	SE	NE	NW	SE	NE	NW	SE	
04S	09E	32	NE	NE	SE	NE	NE	SE	NE	NE	SE	NE	NE	SE	
04S	09E	33	NE	NE	SE	NE	NE	SE	NE	NE	SE	NE	NE	SE	
05S	09E	4	NE	NE	SE	NE	NE	SE	NE	NE	SE	NE	NE	SE	
05S	09E	5	NE	NE	SE	NE	NE	SE	NE	NE	SE	NE	NE	SE	

Pou County: ELMORE

Dates:
App. Received:
Proof Due Date:
Exam Made Date:
Licensed Date:

Priority Date:
Proof Made Date:
Exam Sent to S.O.:

Misc:
Water District Number: 61E
Field Exam Fee:

Audit: 05/06/80 05/01/88 CONVERT

COS
EXP
Rmk
ADDED

to
61-328
61-10578

WR5809NP
No. 61-00311

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/07/00
PAGE: 2

OWNER NAME & ADDRESS
C ADIN M. HALL
PRIORITY DATE 05/01/1884 IRRIGATION
USE PERIOD FROM 00/00 00/00 TO
DIVERSION RATE 1.340 CFS
DIVERSION VOLUME
TOTAL DIVERSION: 1.340 CFS

Water Source: COLD SPRING CREEK

Tributary to: SNAKE RIVER

Stage: DECREED

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE												
		NENE		NUNE		SUNE		SENE		NNW		NWNW		SNW		SEW		NESE		NWSE		SUSE		SESE		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
04S	09E	32	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
04S	09E	33	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
05S	09E	4	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
05S	09E	5	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	

Pou County: ELMORE

Dates: App. Received: 05/01/1884
Proof Due Date: 05/01/1884
Exam Made Date: 05/01/1884
Exam Sent to S.O.: 05/01/1884

Misc: Water District Number: 61E Field Exam Fee:
Audit: 05/06/80 05/01/88 CONVERT

WR5809NP

No. 61-00312

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/08/00
PAGE: 1

OWNER	NAME & ADDRESS	PRIORITY	DATE	WATER USE	USE PERIOD	DIVERSION	DIVERSION
CODE					FROM TO	RATE	VOLUME
	C ADIN M. HALL	05/01/1890	IRRIGATION		00/00 00/00	0.480 CFS	
TOTAL DIVERSION:						0.480 CFS	

Water Source: COLD SPRING CREEK

Tributary to: SNAKE RIVER

Stage: DECREED

Place of Use Legal Description for: IRRIGATION

		NE		NW		SW		SE		
NENE NUNE SWNE SENE		NEW NW NW SWNW SENW		NESW NW SW SWSW SESW		NESE NWSE SWSE SESE				
T	R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
05S 09E 4	:	04-1	:	:	:	:	:	:	:	:
05S 09E 9	:	05-1	:	:	:	:	:	:	:	:
05S 09E 32	:	:	:	:	:	:	:	:	:	:
05S 09E 33	:	:	:	:	:	:	:	:	:	:

Pou County: ELMORE

Dates:	App. Received:	Priority Date:
	Proof Due Date:	05/01/1890
	Exam Made Date:	
	Licensed Date:	

Misc:	Water District Number:	61E	Field Exam Fee:
Audit:	05/06/80	05/01/88	CONVERT

DATE: 02/07/00
PAGE: 3

Water Source: COLD SPRING CREEK		Tributary to: SNAKE RIVER		Stage: DECREASED									
Place of use Legal Description for: IRRIGATION													
NE				NW				SE					
MENE		NWNE		SWNE		SENE		MENE		SWNE		SENE	
Lt		Ac		Lt		Ac		Lt		Ac		Lt	
Ac		Lt		Ac		Lt		Ac		Lt		Ac	
Lt		Ac		Lt		Ac		Lt		Ac		Lt	
Ac		Lt		Ac		Lt		Ac		Lt		Ac	
Lt		Ac		Lt		Ac		Lt		Ac		Lt	
Ac		Lt		Ac		Lt		Ac		Lt		Ac	
Lt		Ac		Lt		Ac		Lt		Ac		Lt	
Ac		Lt		Ac		Lt		Ac		Lt		Ac	
Lt		Ac		Lt		Ac		Lt		Ac		Lt	
Ac		Lt		Ac		Lt		Ac		Lt		Ac	
Lt		Ac		Lt		Ac		Lt		Ac		Lt	
Ac		Lt		Ac		Lt		Ac		Lt		Ac	
Lt		Ac		Lt		Ac		Lt		Ac		Lt	
Ac		Lt		Ac		Lt		Ac		Lt		Ac	
Lt		Ac		Lt		Ac		Lt		Ac		Lt	
Ac		Lt		Ac		Lt		Ac		Lt		Ac	
Lt		Ac		Lt		Ac		Lt		Ac		Lt	
Ac		Lt		Ac		Lt		Ac		Lt		Ac	
Lt		Ac		Lt		Ac		Lt		Ac		Lt	
Ac		Lt		Ac		Lt		Ac		Lt		Ac	
Lt		Ac		Lt		Ac		Lt		Ac		Lt	
Ac		Lt		Ac		Lt		Ac		Lt		Ac	
Lt		Ac		Lt		Ac		Lt		Ac		Lt	
Ac		Lt		Ac		Lt		Ac		Lt		Ac	
Lt		Ac		Lt		Ac		Lt		Ac		Lt	
Ac		Lt		Ac		Lt		Ac		Lt		Ac	
Lt		Ac		Lt		Ac		Lt		Ac		Lt	
Ac		Lt		Ac		Lt		Ac		Lt		Ac	
Lt		Ac		Lt		Ac		Lt		Ac		Lt	
Ac		Lt		Ac		Lt		Ac		Lt		Ac	
Lt		Ac		Lt		Ac		Lt		Ac		Lt	
Ac		Lt		Ac		Lt		Ac		Lt		Ac	
Lt		Ac		Lt		Ac		Lt		Ac		Lt	
Ac		Lt		Ac		Lt		Ac		Lt		Ac	
Lt		Ac		Lt		Ac		Lt		Ac		Lt	
Ac		Lt		Ac		Lt		Ac		Lt		Ac	
Lt		Ac		Lt		Ac		Lt		Ac		Lt	
Ac		Lt		Ac		Lt		Ac		Lt		Ac	
Lt		Ac		Lt		Ac		Lt		Ac		Lt	
Ac		Lt		Ac		Lt		Ac		Lt		Ac	
Lt		Ac		Lt		Ac		Lt		Ac		Lt	
Ac		Lt		Ac		Lt		Ac		Lt		Ac	
Lt		Ac		Lt		Ac		Lt		Ac		Lt	
Ac		Lt		Ac		Lt		Ac		Lt		Ac	
Lt		Ac		Lt		Ac		Lt		Ac		Lt	
Ac		Lt		Ac		Lt		Ac		Lt		Ac	
Lt		Ac		Lt		Ac		Lt		Ac		Lt	
Ac		Lt		Ac		Lt		Ac		Lt		Ac	
Lt													

05/01/1884

Audit: 05/06/80 05/01/88 CONVERT

5 of 10

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

WR5809NP
No. 61-00314

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ADIN M. HALL	05/01/1883	IRRIGATION	00/00 00/00	0.400 CFS	
TOTAL DIVERSION:					0.400 CFS	

Stage: DECREED

Tributary to: SNAKE RIVER

Water Source: COLD SPRING CREEK

Place of use Legal Description for: IRRIGATION

		NE		NW		SW		SE	
NENE NUNE SWNE SENE		NENW NNW SWNW SENW		NESH NWSW SWSW SESW		NESE NWSE SWSE SESE			
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt
---	---	---	---	---	---	---	---	---	---
05S	09E	5	:	03-I	05-I	:	I	I	:
								SUM	

POU County: ELMORE

Priority Date: 05/01/1883

Dates: App. Received:
Proof Due Date:
Exam Made Date:
Licensed Date:

Proof Made Date:
Exam Sent to S.O.:

Misc: Water District Number: 61E Field Exam Fee:

Audit: 05/06/80 05/01/88 CONVERT

DATE: 02/07/00
PAGE: 5

TOTAL DIVERSION: 0.700 CFS

7 of 10

DATE: 02/07/00
PAGE: 1

Water Source: COLD SPRING CREEK		Tributary to: SNAKE RIVER										Stage: DECREED											
Place of use Legal Description for: IRRIGATION																							
		NE				NW				SW				SE									
		NENE		WUNE		SUNE		SENE		NENW		WNW		SWW		SEW		NWSW		SWSW		SESW	
		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt	
		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac	
		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac	
		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac	
		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac	
		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac	
		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac	
		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac	
		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac	
		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac	
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		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac	
		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac	
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		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac	
		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac	
		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac	
		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac	
		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac	
		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac	
		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac	
		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac	
		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac	
		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac	
		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac	
		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac	
		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac	
		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac	
		Ac		Lt																			

Misc: Water District Number: 61E Field Exam Fee:
Audit: 05/06/80 05/01/88 CONVERT 07/27/89 CURTIS

9. F10

DATE: 02/07/00
PAGE: 6

DIVERSION VOLUME

1.300 CFS

1.300 CFS

Stage: DECREED

FIN

E	C	-
.	.	.
SUM	-	-

Priority Date: 05/01/1883
Proof Made Date:
Exam Sent to S.O.:

Field Exam Fee:
7/27/89 CURTIS

10 of 10

RECEIVED

JUN 10 1999

Department of Water Resources

RECEIVED

JUN 22 1999

WATER RESOURCES
WESTERN REGION

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

A Subcase 61-00328

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B NAME AND ADDRESS OF PERSON OBJECTING

Name: John McCallum

Address: Charter Mountain Ranch, Inc.
Rt. 1, Box 45]
Glenns Ferry ID 83623

Daytime Phone: (208) 366-793]

Name & Address of Attorney, if any:

Bruce M. Smith
Moore & McFadden, Chtd.
One Capital Center, Suite 910
999 Main Street
Boise ID 83702

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

Name: Ark Properties, LLC

Address: Rt. 1, Box 45]

Glenns Ferry ID 83623

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: _____
2. ☒ Source as claimed
Should be: _____
3. ☒ Quantity as claimed
Should be: _____
4. ☒ Priority Date as claimed
Should be: _____
5. ☒ Point(s) of Diversion as claimed
Should be: _____
6. ☐ Instream Flow Description
Should be: _____
7. ☒ Purpose(s) of Use as claimed
Should be: _____
8. ☒ Period of Year "irrigation season" or 2/1 to 11/15
Should be: _____
9. ☒ Place of Use as claimed
Should be: _____

11. 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 OBJECTION(S): Water is beneficially used as claimed.

F:

VERIFICATION (Must be Completed)

State of Idaho)

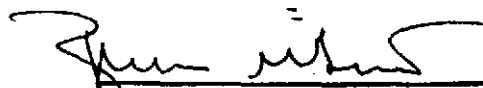
)ss.

County of Ada)

Bruce M. Smith, 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:

6/9/99



Notary Public for Idaho

Residing at: 1714 Silver Dr. Nampa

My Commission Expires: 1-27-2000

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 9 June, 1999, 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: _____
Address: _____
_____ Claimant is Objector _____

3. Copies to:

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

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

January 7, 1999

~~XXXXXXXXXX~~
DIRK KEMPTHORNE GOVERNOR

KARL J. DREHER
DIRECTOR

BRUCE SMITH
ROSHOLT ROBERTSON & TUCKER
PO BOX 2139
BOISE ID 83701-2139

RE: Notices of error from Stephens & Sons Inc to Charter Mountain Ranch Inc

Dear Bruce,

This letter is intended to let you know that I have received the notices of error and have done the investigation of the adjudication files for *Stephens & Son Inc.*, not Mel Schulte as you had thought and addressed to him on your letter dated December 14, 1998.

Note: In order for us to change the ownership of those claims to *Charter Mountain Ranch Inc.*, we need a properly executed Notice of Change of Water Right Ownership Form filled out and returned with the appropriate documents.

Sincerely,

Ron Howerton
ADJUDICATION BUREAU
Department of Water Resources
(208)-334-2190

Attachment: Notice of Change of Water Right Ownership Form

ROSHOLT, ROBERTSON & TUCKER

Chartered

ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
JOHN K. SIMPSON
PATRICK D. MADIGAN
TIMOTHY J. STOVER
NORMAN M. SEMANKO

Boise Office
1221 W. IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034
Email: rosholt@micron.net

Twin Falls Office
142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

December 14, 1998

RECEIVED

DEC 16 1998

WATER RESOURCES
WESTERN REGION

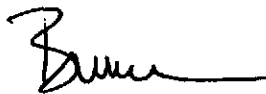
Mel Schulte
Adjudication Bureau
Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, ID 83705-5082

Re: *Notices of Error for Attached List of SRBA Claims*

Dear Mel:

John McCallum has just purchased the Stephens Ranch in Elmore County. At the closing, the Stephens handed Mr. McCallum the IDWR recommendations on the ranch water rights. In sum, it appears the IDWR is recommending denial of eight of the ten claims we have identified. For two of the claims, it is not clear whether the recommendation is consistent with the claim. We are working with the Stephens to straighten out the records, but it is clear that this situation is going to require some time as well as a meeting with the IDWR staff to resolve the issues. This letter is intended to provide the Department with notice of the change of ownership of the rights and to be an explanation of the information in the Notices of Error which I am submitting for the recommendations. If you have any questions, please give me a call. As soon as we can get some documentation together and meet with the Stephens, I will contact you about arranging a meeting. Thanks for your help.

Sincerely,



Bruce M. Smith

BMS:jtb
Enclosure
cc: John and Teresa McCallum

SUMMARY OF WATER RIGHT RECOMMENDATIONS BY IDWR

FOR STEPHENS AND SONS PROPERTY*

WR# 61-11807	.34 cfs irr. (17 acres)
61-00309	No b/u (beneficial use)
61-00312	No b/u
61-00316	No b/u
61-00328	No b/u
61-02153	No b/u
61-10577	No b/u
61-10578	No b/u
61-10579	No b/u
61-10659	.09 cfs stockwater, .04 cfs domestic

* Based on November 20, 1998 letter/report from IDWR

November 20, 1998

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below. If you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 18, 1998

Water right number: 61-00328

STEPHENS & SONS
C/O JAKE STEPHENS
22710 S LANSING
MIDDLETON ID 83644

Daytime Telephone Number:

Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Entire recommendation.

2. Describe the changes you wish to make in the proposed recommendation:

Make recommendation consistent with historical use and/or claim.

3. Give a brief explanation as to why you disagree with these portions:

Please see attached letter of 12/14/98 from Bruce Smith to IDWR.

 I AGREE with this proposed recommendation; no changes need to be made.

DATE: 12/14/98

SIGNATURE: 

Please print your name: Bruce Smith

IDWR Western Regional Office, 2735 Airport Way, Boise, ID 83705-5082, (208) 334-2190

Water Right Number - R61-00328 Prefix Translation: RESEARCH Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - - - + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
STEPHENS & SONS1 - C/O JAKE STEPHENS
2 - 22710 S LANSING
3 -
City- MIDDLETON
Phone - 208-366-2364

State- ID Zip- 83644

*** O - ORIGINAL OWNER ***
MC GINNESS

DANIEL

State- ID Zip- 00000

City- XXXXXX
Phone - 208-000-0000+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
05/01/1877 14 WESTERN I - DISALLOWED+ - - - - Source - - - - - + - - - - - Point of Diversion - - - - - +
COLD SPRINGS CREEK SNAKE RIVER+ - - - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County

04S 09E 32 NW SE (39) ELMORE

+ - - - - - - - - - - - - - - - Water Use - - - - - Diversion Rate Diversion Volume

Code 01 - IRRIGATION 04/01 11/01 1.400

+ - - Total Div. Rate - - + + - Total Div. Volume - + + - - Total Consumptive Use - + + - - KW Usage - +
1.400 0.0

+ - - - - - - - - - - - - - - - Place of Use - - - - - Description County

| Twn | Rng | Sec | Tract | Lot | Acres | Code | Description | County |
|-----|-----|-----|-------|-----|-------|------|-------------|-------------|
| 04S | 09E | 32 | SW SE | | 40.0 | 01 | IRRIGATION | (39) ELMORE |
| 04S | 09E | 32 | SE SE | | 40.0 | 01 | IRRIGATION | (39) ELMORE |
| 04S | 09E | 33 | SW SW | | 20.0 | 01 | IRRIGATION | (39) ELMORE |
| 05S | 09E | 4 | NW NW | | 1.0 | 01 | IRRIGATION | (39) ELMORE |
| 05S | 09E | 5 | NE NE | | 40.0 | 01 | IRRIGATION | (39) ELMORE |
| 05S | 09E | 5 | NW NE | | 40.0 | 01 | IRRIGATION | (39) ELMORE |
| 05S | 09E | 5 | SW NE | | 28.0 | 01 | IRRIGATION | (39) ELMORE |
| 05S | 09E | 5 | SE NE | | 34.0 | 01 | IRRIGATION | (39) ELMORE |
| 05S | 09E | 5 | NE NW | | 4.0 | 01 | IRRIGATION | (39) ELMORE |
| 05S | 09E | 5 | SE NW | | 25.0 | 01 | IRRIGATION | (39) ELMORE |
| 05S | 09E | 5 | NE SW | | 40.0 | 01 | IRRIGATION | (39) ELMORE |
| 05S | 09E | 5 | NE SE | | 6.0 | 01 | IRRIGATION | (39) ELMORE |
| 05S | 09E | 5 | NW SE | | 32.0 | 01 | IRRIGATION | (39) ELMORE |

Total Acres: 350.0

DISALLOWED



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

December 3, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

STEPHENS & SONS INC
C/O JAKE STEPHENS
22710 S LANSING
MIDDLETON ID 83644

NOTICE OF CLAIM NOS.

Cold Springs Creek Claims: A61-00309, A61-00312, A61-00316, A61-00328, A61-10578, A61-10579.

Wastewater Claim: A61-10577

REF: REQUEST FOR EVIDENCE OF IRRIGATION for all above claims & PRIORITY DATE for Wastewater Claim.

RESPONSE DATE: JANUARY 5, 1998

Dear Jake,

This letter serves to inform you, of the work that has been done and some idea of what work still needs to be done in order to consider recommending these claims to the court for decree.

During the field exam I conducted, September 12, 1994, with Barney Stephens and Pat Pollard, they showed me this land.

During the exam we discussed what may have been historically irrigated. I also asked Barney if he had ever irrigated this land? He said hadn't been able to. I explained that some kind of evidence from him, (now you) at later date would need to be provided to show that the irrigation had not been abandoned. The field exam was inconclusive. (We do not have any map that indicates any irrigation to base any prior irrigation on.)

I assume you, will want to continue pursue this issue, since I heard Barney has passed on, and cannot provide further information for preserving these water rights.

This is the typical type of evidence you will need to provide:

Evidence is needed for all irrigation claims, it may be provided by:

1. Affidavits- a notarized statement of someone with personal knowledge.

2. Crop reports, income tax documents showing sale of crops, or property tax documents showing property was taxed as irrigated agriculture.

If the reason for no evidence of irrigation is Non-availability of water, then evidence will need to be provided to include:

3. What dates was water not available to the property and what dates of use to what dates of non-use that may include periods of 5 years or more of non-availability of use dates?

Evidence is needed for date of priority for the waste water claim for irrigation. PLEASE refer to the enclosed pamphlet titled "EVIDENCE OF PRIORITY".

PLEASE respond to this office by the RESPONSE DATE indicated above and feel free to contact me if you have any questions concerning any of the items covered or not covered in this letter.

I am attaching profile reports of these claims and a couple of blank affidavit forms for your convenience.

Sincerely,



Ron Howerton
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

Attachments: Claim profile reports, affidavit forms & evidence pamphlet

IDWR

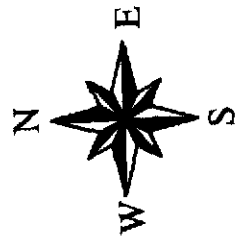
Claim(s) 61-00309, 312, 316,
328, 2153, 10577, 10578 &
10579

Owner(s) : Stephens &
Sons.

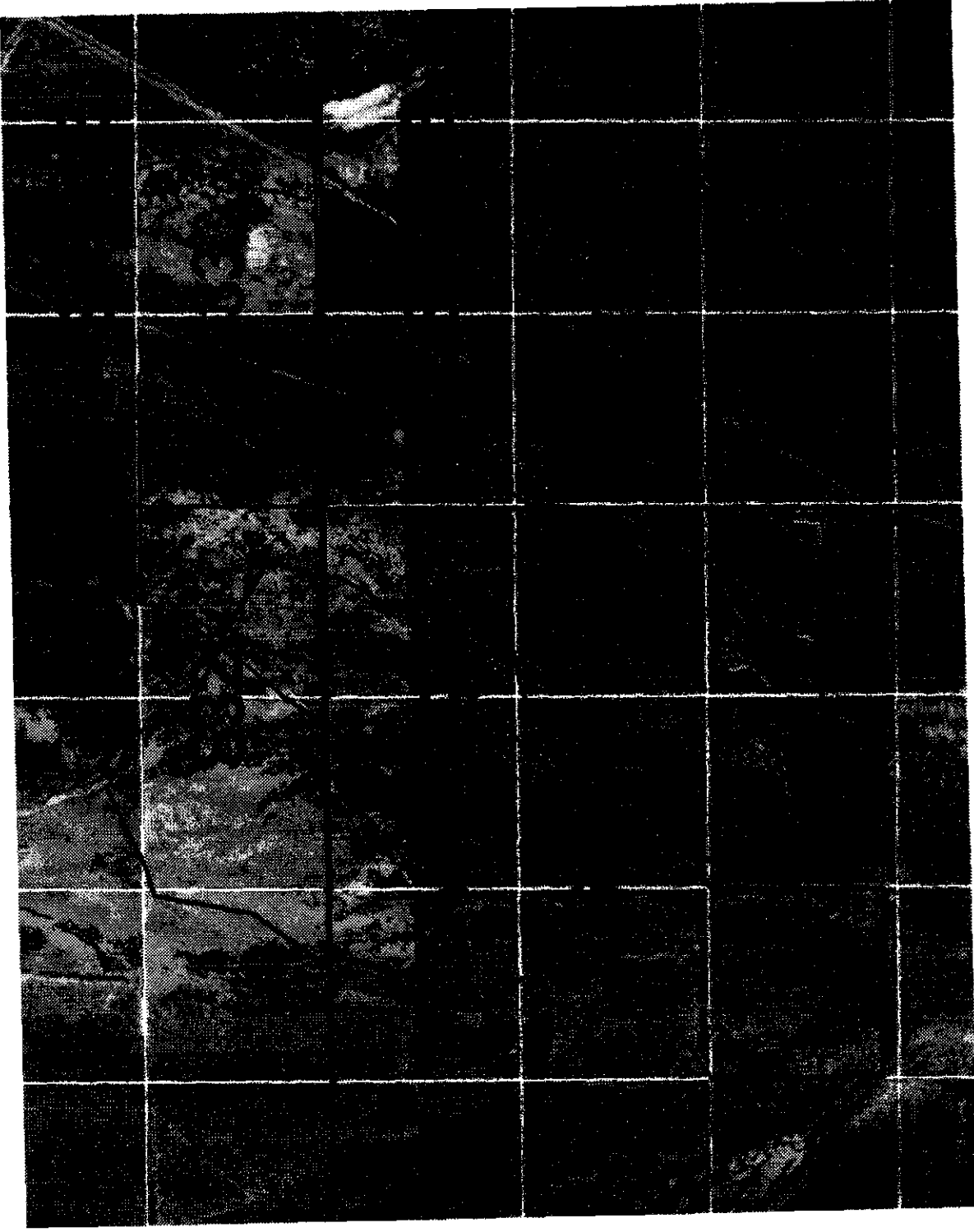
Date: 9 Sep 98



1/4 1/4



1987 NAPP



R
79.9

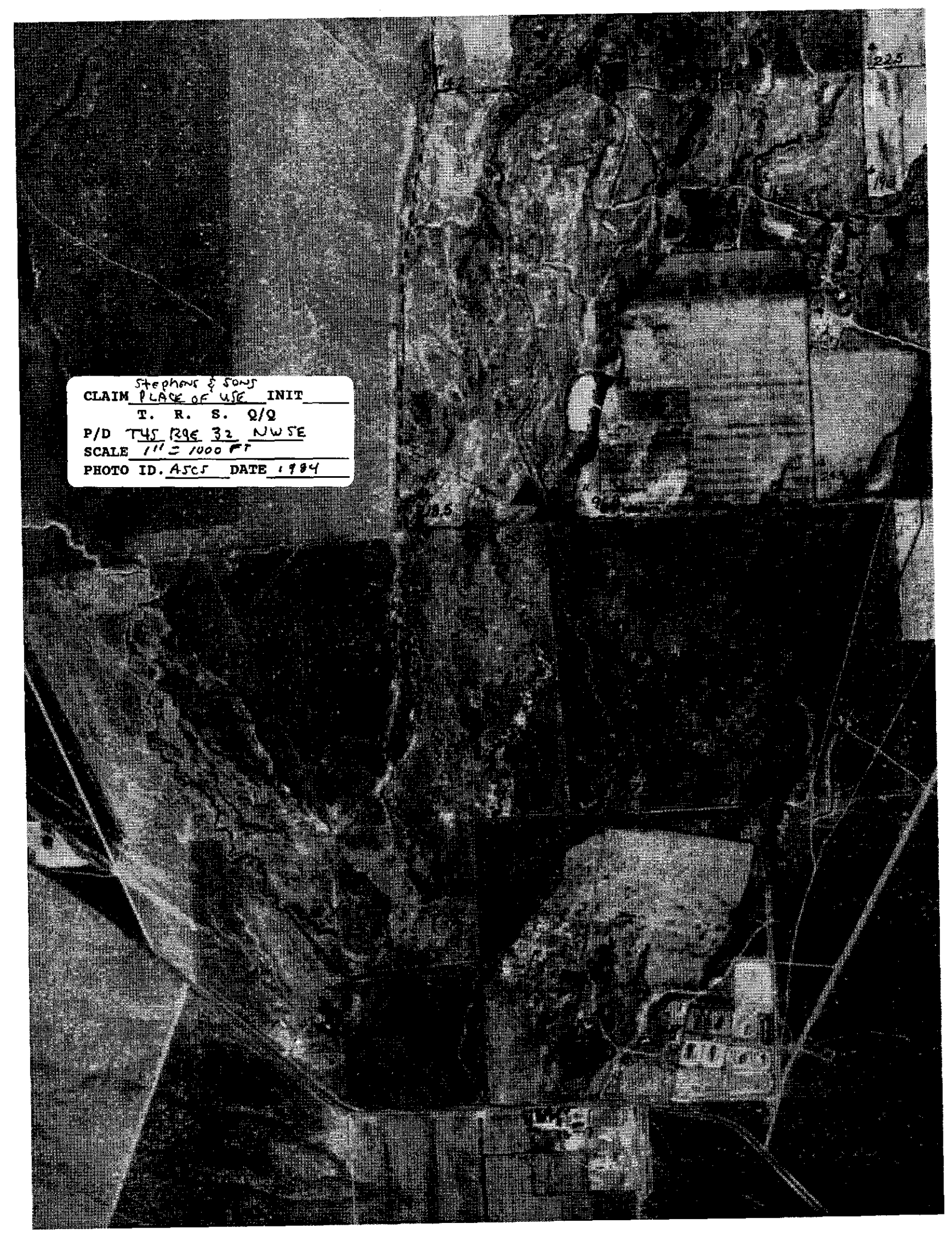
S
24.6

CLAIM COLD SPRINGS
CR (STEPHENSON) INIT Rch
T. R. S. Q/Q
P/D T4S R9E 32 NWSE
SCALE 8" = 1 MILE
PHOTO ID. ASCS DATE 1977

32 | 33
5 | 4

8 | 4
8 | 9

W 22
1977

An aerial photograph of a landscape, possibly a coastal or marshy area, with a label overlay in the upper left. The label contains text identifying the claim, location, scale, and date. The background shows a mix of dark, textured areas and lighter, more uniform regions, with some linear features like roads or canals visible.

Stephans & Sons
CLAIM PLACE OF USE INIT
T. R. S. Q/Q
P/D T45 R96 32 NWSE
SCALE 1" = 1000 FT
PHOTO ID. A505 DATE 1984

1904 ASCS

extension could result in a determination of forfeiture of the expansion claim. To avoid this "Catch 22," the expansion claim will be deemed to "ride with" the original claim for which the extension was granted. The claimant will still have the burden of showing that an expansion was in fact made.

If a period of nonuse remains from which forfeiture might result, then proceed with the analysis below as to that period.

G. CROPLAND SET-ASIDE PROGRAM

If the claim is for stockwater incidental to irrigation, and/or irrigation, then nonuse will be excused during the period of time that the land was in a cropland set aside program. The claim file should include some documentation from ASCS that identifies the parcel of land and the time that it was in set-aside. (Although the burden is on the claimant to produce this documentation, the agent may contact ASCS directly if this would save time for the agent.)

Note that periods of nonuse both before and after the time the land was in set-aside count toward the five year total (so a period of four years nonuse before the land went into set-aside and a period of two years nonuse after the period covered by the extension would result in forfeiture.)

If a portion of the land to which the water was appurtenant was in a cropland set-aside program, then this analysis applies only to the portion for which the extension was approved.

If a period of nonuse remains from which forfeiture might result, then proceed with the analysis below as to that period.

H. NON-AVAILABILITY OF WATER

If the reason for nonuse was that water was not available under the claimant's priority, then the nonuse is excused during the period that water was not available. The agent should look to information already available to IDWR to determine if the nonuse may be excused on this basis. Further investigation of this issue will be made if the issue is raised in an objection to a recommendation of forfeiture or partial forfeiture.

NOTE: The excuse of non-availability of water does not apply if the claimant would not or could not have used the water even if it had been available. For example, if the evidence of nonuse consists of evidence that the diversion system was removed ten years ago, then the fact that water would not have been available during two of those years does not excuse the nonuse. (The burden of proving this defense to forfeiture, as with other defenses to forfeiture, lies with the claimant, but claimant contact will generally not be made to obtain this

FIELD EXAM CONVERSATION MEMO

DATE OF MEMO: December 5, 1997

ADJ. NO(S): STEVENS & SONS Colds Springs Creek & Wastewater

NAME OF CONTACT: Harley Riggs (WATER MASTER FOR COLD SPRINGS CREEK)

PHONE NO: 366-2909 & mob # 587-1125 ext 1382

AGENT: RON HOWERTON

DATE SET FOR FIELD EXAM: 12/5/97

LOCATION: Bennett Road exit 99 go past feedlots, turn left on first dirt road then go 1.5 miles and turn left on next dirt road to home.

COMMENTS: Purpose of exam was to see if any changes had occurred in repairing Cold Springs POD or POU since field exam in 1994. Took photos of the POD and POU, no repair to POD or change evident to the POU to recommend beneficial use for irrigation.

TYPE OF SYSTEM: Gravity Flows

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. 61-00328

| FIELD EXAM
Y/N-IF NO,
DO OFFICE
VERIFICATION | FIELD EXAM
OR IN-OFFICE
VERIFICATION
WHOM/DATE | CLAIM
VERIFIED BY
CODE
(SEE BELOW) | CHANGE
CLAIM
Y/N | CLAIMANT CONTACT
NEEDED - Y/N** | REVIEW
COMPLETED
WHOM/DATE | "R" RECORD |
|---|---|---|------------------------|------------------------------------|----------------------------------|------------|
| MR ELEMENT | | | | | | |
| PRIORITY* | | | | | | |
| PT. OF DIV. | | | | | | |
| SOURCE | | | | | | |
| PL. OF USE | | | | | | |
| DIV. AMOUNT
CFS/AF | | | | | | |
| CONSUMPTIVE
USE | | | | | | |
| NATURE OF
USE | | | | | | |
| PERIOD OF
USE | | | | | | |
| BASIS OF
CLAIM | | | | | | |
| REMARKS | | | | | | |

VERIFICATION CODES
 TOPO MAP/ORTHO PHOTO = 1
 ASCS MAP = 2
 WATERMASTER RECORDS = 3
 NAPP PHOTOS = 4
 FIELD EXAM = 5
 OTHER(SEE COMMENTS) = 6

*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
 SUBMITTED - YES NO

**IF CLAIMANT CONTACT IS NEEDED, COMPLETE
 CLAIMANT CONTACT CHECKLIST AND ATTACH.

COMMENTS: SEE 309 FOR ALL INFO

DISALLOWED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:19:52
07/06/94

144
CLAIM NUMBER: A61-00328

PAGE: 1
GENERAL INFORMATION

LAST: MC GINNESS
ADDRESS:
CITY: XXXXXX
PHONE NUMBER: 208-000-0000
OWNER CODE: 0

FIRST: DANIEL
STATE: ID ID ZIP: 00000

LAST: STEPHENS & SONS
ADDRESS: C/O JAKE STEPHENS
22710 S. LANSING
CITY: MIDDLETON
PHONE NUMBER: 208-366-2364
OWNER CODE: C

FIRST:
STATE: ID ID ZIP: 83644

FIELD EXAM REQUIRED?

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
N

NO REMARKS IN CLAIM

CONTACT PERSON: _____ PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____ APPOINTMENT MADE: Y(____) N(____) TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____ PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

A. AJ CLAIM: # A61-00328 PRIORITY DATE: 05-01-1877 STAGE: D

B. WR RECORD: # 61-00328 PRIORITY DATE: 05-01-1877 STAGE: D

C. FIELD EXAM REQUIRED?
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE FIELD EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN.

NOTES:

=====

RECOMMENDED PRIORITY DATE:
05-01-1877

REVIEWED BY _____ DATE _____

=====

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|-----------|------|------|------|-----|-----|-----|-----|--------|
| A61-00328 | 04S | 09E | 32 | | NW | SE | | ELMORE |

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX
A61-00309
R PREFIX
A61-00312
NONE
A61-00316
A61-10578
A61-10579

WR RECORDS IN SAME 40 ACRE TRACT

NONE

SOURCE: COLD SPRINGS CREEK

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

6100328 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: COLD SPRING CREEK

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

| DUE TO POD DISCREPANCY? | (Y/N) | DATABASE | FIELD EXAMINER |
|----------------------------|-------|----------|----------------|
| DUE TO SOURCE DISCREPANCY? | (Y/N) | Y | Y |

NOTES:

| RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: | |
|---|-----------|
| TWP. | RGE. SEC. |
| 1/4 | 1/4 |

DIVERSION NAME

COUNTY

LOT

14

114

114

TWP. RGE. SEC.

SOURCE:

TRIB:

REVIEWED BY:

DATE:

SYSTEM DESCRIPTION:

A. ROOT WATER RIGHT NUMBERS: A61-00328

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|-----|-----|-----|-----|-----|-----|----------------------------|-----------------|----------------|-----------------|----------------|------------------|
| 04S | 09E | 32 | SW | SE | | STEPHENS & SONS | A61-00328 /40.0 | - / | 38.0 | | |
| | | | SW | SE | | STEPHENS & SONS | A61-10578 /40.0 | - / | | | |
| | | | SW | SE | | STEPHENS & SONS | A61-10579 /40.0 | - / | | | |
| | | | SW | SE | | STEPHENS & SONS | A61-00309 /40.0 | - / | | | |
| | | | SW | SE | | STEPHENS & SONS | A61-00312 /40.0 | - / | | | |
| | | | SW | SE | | STEPHENS & SONS | A61-00316 /40.0 | - / | | | |
| | | | SW | SE | | STEPHENS & SONS | A61-10577 /10.0 | - / | | | |
| | | | SW | SE | | HALL, ADIN M. | 61-00310 / | 61-00310 / | | | |
| | | | SW | SE | | HALL, ADIN M. | 61-00313 / | 61-00313 / | | | |
| | | | SW | SE | | DOUBLE ANCHOR RANCHES INC. | 61-04147 /40.0 | 61-04147 /40.0 | | | |
| 04S | 09E | 32 | SE | SE | | STEPHENS & SONS | A61-00328 /40.0 | - / | 40.0 | | |
| | | | SE | SE | | STEPHENS & SONS | A61-10578 /40.0 | - / | | | |
| | | | SE | SE | | STEPHENS & SONS | A61-10579 /40.0 | - / | | | |
| | | | SE | SE | | STEPHENS & SONS | A61-00309 / | 61-00309 / | | | |
| | | | SE | SE | | STEPHENS & SONS | A61-00312 /40.0 | - / | | | |
| | | | SE | SE | | STEPHENS & SONS | A61-00316 /40.0 | - / | | | |
| | | | SE | SE | | STEPHENS & SONS | A61-10577 /40.0 | - / | | | |
| | | | SE | SE | | HALL, ADIN M. | 61-00280 / | 61-00280 / | | | |
| | | | SE | SE | | HALL, ADIN M. | 61-00311 / | 61-00311 / | | | |
| | | | SE | SE | | DOUBLE ANCHOR RANCHES INC. | 61-04147 /40.0 | 61-04147 /40.0 | | | |
| 04S | 09E | 33 | SW | SW | | STEPHENS & SONS | A61-00328 /20.0 | - / | 22.0 | | |
| | | | SW | SW | | STEPHENS & SONS | A61-10578 /20.0 | - / | | | |
| | | | SW | SW | | STEPHENS & SONS | A61-10579 /20.0 | - / | | | |
| | | | SW | SW | | STEPHENS & SONS | A61-00309 /20.0 | 61-00309 / | | | |
| | | | SW | SW | | STEPHENS & SONS | A61-00312 /20.0 | - / | | | |
| | | | SW | SW | | STEPHENS & SONS | A61-00316 /20.0 | - / | | | |
| | | | SW | SW | | STEPHENS & SONS | A61-10577 /20.0 | - / | | | |
| | | | SW | SW | | HALL, ADIN M. | 61-00280 / | 61-00280 / | | | |
| | | | SW | SW | | HALL, ADIN M. | 61-00311 / | 61-00311 / | | | |
| 05S | 09E | 4 | NW | NW | | STEPHENS & SONS | A61-00328 / 1.0 | - / | | | |
| | | | NW | NW | | STEPHENS & SONS | A61-10578 / 1.0 | - / | | | |
| | | | NW | NW | | STEPHENS & SONS | A61-10579 / 1.0 | - / | | | |
| | | | NW | NW | | STEPHENS & SONS | A61-00309 / 1.0 | - / | | | |
| | | | NW | NW | | STEPHENS & SONS | A61-00312 / 1.0 | - / | | | |
| | | | NW | NW | | STEPHENS & SONS | A61-00316 / 1.0 | - / | | | |
| | | | NW | NW | | STEPHENS & SONS | A61-10577 / 1.0 | - / | | | |
| | | | NW | NW | 4 | HALL, ADIN M. | 61-00280 / | 61-00280 / | | | |
| 05S | 09E | 5 | NE | NE | | STEPHENS & SONS | A61-00328 /40.0 | - / | | | |
| | | | NE | NE | | STEPHENS & SONS | A61-10578 /40.0 | - / | | | |
| | | | NE | NE | | STEPHENS & SONS | A61-10579 /40.0 | - / | | | |

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | NR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES | | | | | |
|-----------------|-----------------|-----|------------|-----|--------------------|-----------------|-----------------|---------------|-----------------|----------------|---------------------------------|-----------------|-----|--|--|--|
| 05S | 09E | 5 | NE | NE | | STEPHENS & SONS | A61-00309 /40.0 | 61-00309 / | | | | | | | | |
| | | | | | | STEPHENS & SONS | A61-00312 /40.0 | - / | | | | | | | | |
| | | | | | | STEPHENS & SONS | A61-00316 /40.0 | - / | | | | | | | | |
| | | | | | | STEPHENS & SONS | A61-10577 /40.0 | - / | | | | | | | | |
| | | | | | | 1 | HALL, ADIN M. | | 61-00311 / | | | | | | | |
| | | | | | | 2 | HALL, ADIN M. | | 61-00310 / | | | | | | | |
| | | | | | | 05S | 09E | 5 | NW | NE | STEPHENS & SONS | A61-00328 /40.0 | - / | | | |
| | | | | | | | | | | | STEPHENS & SONS | A61-10578 /40.0 | - / | | | |
| | | | | | | | | | | | PEARSON 1972 TRUST, JOYCE WUNDA | A61-10659 / | - / | | | |
| | | | | | | | | | | | STEPHENS & SONS | A61-10579 /40.0 | - / | | | |
| STEPHENS & SONS | A61-00309 /40.0 | - / | | | | | | | | | | | | | | |
| STEPHENS & SONS | A61-00312 /40.0 | - / | | | | | | | | | | | | | | |
| STEPHENS & SONS | A61-00316 /40.0 | - / | | | | | | | | | | | | | | |
| STEPHENS & SONS | A61-10577 / 5.0 | - / | | | | | | | | | | | | | | |
| 2 | HALL, ADIN M. | | 61-00313 / | | | | | | | | | | | | | |
| 5 | HALL, ADIN M. | | 61-00310 / | | | | | | | | | | | | | |
| 05S | 09E | 5 | SW | NE | STEPHENS & SONS | A61-00328 /28.0 | 61-00328 / | 40.0 | | | | | | | | |
| | | | | | STEPHENS & SONS | A61-10578 /28.0 | - / | | | | | | | | | |
| | | | | | STEPHENS & SONS | A61-10579 /28.0 | - / | | | | | | | | | |
| | | | | | STEPHENS & SONS | A61-02153 /28.0 | 61-02153 /28.0 | | | | | | | | | |
| | | | | | STEPHENS & SONS | A61-00309 /28.0 | - / | | | | | | | | | |
| | | | | | STEPHENS & SONS | A61-00312 /28.0 | - / | | | | | | | | | |
| | | | | | STEPHENS & SONS | A61-00316 /28.0 | 61-00316 / | | | | | | | | | |
| | | | | | STEPHENS & SONS | A61-10577 /28.0 | - / | | | | | | | | | |
| | | | | | MC GINNESS, DANIEL | | 61-00329 / | | | | | | | | | |
| | | | | | 3 | HALL, ADIN M. | | 61-00314 / | | | | | | | | |
| 05S | 09E | 5 | SW | NE | 3 | HALL, ADIN M. | | 61-00315 / | | | | | | | | |
| | | | | | STEPHENS & SONS | A61-00328 /34.0 | 61-00328 / | 33.0 | | | | | | | | |
| | | | | | STEPHENS & SONS | A61-10578 /34.0 | - / | | | | | | | | | |
| | | | | | STEPHENS & SONS | A61-10579 /34.0 | - / | | | | | | | | | |
| | | | | | STEPHENS & SONS | A61-02153 /34.0 | 61-02153 /34.0 | | | | | | | | | |
| | | | | | STEPHENS & SONS | A61-00309 /34.0 | - / | | | | | | | | | |
| | | | | | STEPHENS & SONS | A61-00312 /34.0 | - / | | | | | | | | | |
| | | | | | STEPHENS & SONS | A61-00316 /34.0 | 61-00316 / | | | | | | | | | |
| | | | | | STEPHENS & SONS | A61-10577 /34.0 | - / | | | | | | | | | |
| | | | | | MC GINNESS, DANIEL | | 61-00329 / | | | | | | | | | |
| 05S | 09E | 5 | SE | NE | 5 | HALL, ADIN M. | | 61-00311 / | | | | | | | | |
| | | | | | 5 | HALL, ADIN M. | | 61-00314 / | | | | | | | | |
| | | | | | 5 | HALL, ADIN M. | | 61-00315 / | | | | | | | | |
| | | | | | STEPHENS & SONS | A61-00328 / 4.0 | - / | | | | | | | | | |
| | | | | | STEPHENS & SONS | A61-10578 / 4.0 | - / | | | | | | | | | |
| | | | | | STEPHENS & SONS | A61-10579 / 4.0 | - / | | | | | | | | | |
| | | | | | STEPHENS & SONS | A61-00309 / 4.0 | 61-00309 / | | | | | | | | | |
| | | | | | STEPHENS & SONS | A61-00312 / 4.0 | - / | | | | | | | | | |
| | | | | | STEPHENS & SONS | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|-------------|-----|-----|-----|-----|-----|----------------------------------|------------------|-----------------|-----------------|----------------|------------------|
| | | | NE | NW | 3 | STEPHENS & SONS
HALL, ADIN M. | A61-00316 / 4.0 | - / 61-00280 / | | | |
| 05S | 09E | 5 | SE | NW | | STEPHENS & SONS | A61-00328 / 25.0 | - / | 36.0 | | |
| | | | SE | NW | | STEPHENS & SONS | A61-10578 / 25.0 | - / | | | |
| | | | SE | NW | | STEPHENS & SONS | A61-10579 / 25.0 | - / | | | |
| | | | SE | NW | | STEPHENS & SONS | A61-00309 / 25.0 | - / | | | |
| | | | SE | NW | | STEPHENS & SONS | A61-00312 / 25.0 | - / | | | |
| | | | SE | NW | | STEPHENS & SONS | A61-00316 / 25.0 | 61-00316 / | | | |
| | | | SE | NW | | HALL, ADIN M. | 61-00280 / | 61-00280 / | | | |
| | | | SE | NW | | HALL, ADIN M. | 61-00314 / | 61-00314 / | | | |
| | | | SE | NW | | HALL, ADIN M. | 61-00315 / | 61-00315 / | | | |
| 05S | 09E | 5 | NE | SW | | STEPHENS & SONS | A61-00328 / 40.0 | - / | 17.0 | | |
| | | | NE | SW | | STEPHENS & SONS | A61-10578 / 40.0 | - / | | | |
| | | | NE | SW | | STEPHENS & SONS | A61-10579 / 40.0 | - / | | | |
| | | | NE | SW | | STEPHENS & SONS | A61-00309 / 40.0 | - / | | | |
| | | | NE | SW | | STEPHENS & SONS | A61-00312 / 40.0 | - / | | | |
| | | | NE | SW | | STEPHENS & SONS | A61-00316 / 40.0 | 61-00316 / | | | |
| | | | NE | SW | | HALL, ADIN M. | 61-00280 / | 61-00280 / | | | |
| | | | NE | SW | | HALL, ADIN M. | 61-00314 / | 61-00314 / | | | |
| 05S | 09E | 5 | NE | SE | | STEPHENS & SONS | A61-00328 / 6.0 | 61-00328 / | 32.0 | | |
| | | | NE | SE | | STEPHENS & SONS | A61-10578 / 6.0 | - / | | | |
| | | | NE | SE | | STEPHENS & SONS | A61-10579 / 6.0 | - / | | | |
| | | | NE | SE | | STEPHENS & SONS | A61-02153 / 6.0 | 61-02153 / 6.0 | | | |
| | | | NE | SE | | STEPHENS & SONS | A61-00309 / 6.0 | - / | | | |
| | | | NE | SE | | STEPHENS & SONS | A61-00312 / 6.0 | - / | | | |
| | | | NE | SE | | STEPHENS & SONS | A61-00316 / 6.0 | - / | | | |
| | | | NE | SE | | STEPHENS & SONS | A61-10577 / 6.0 | - / | | | |
| | | | NE | SE | | HALL, ADIN M. | 61-00315 / | 61-00315 / | | | |
| | | | NE | SE | | MC GINNESS, DANIEL | 61-00329 / | 61-00329 / | | | |
| 05S | 09E | 5 | NW | SE | | STEPHENS & SONS | A61-00328 / 32.0 | 61-00328 / | 37.0 | | |
| | | | NW | SE | | STEPHENS & SONS | R61-10576 / | - / | | | |
| | | | NW | SE | | STEPHENS & SONS | A61-10576 / | - / | | | |
| | | | NW | SE | | STEPHENS & SONS | A61-10578 / 32.0 | - / | | | |
| | | | NW | SE | | STEPHENS & SONS | A61-10579 / 32.0 | - / | | | |
| | | | NW | SE | | STEPHENS & SONS | A61-02153 / 32.0 | 61-02153 / 32.0 | | | |
| | | | NW | SE | | STEPHENS & SONS | A61-00309 / 32.0 | - / | | | |
| | | | NW | SE | | STEPHENS & SONS | A61-00312 / 32.0 | - / | | | |
| | | | NW | SE | | STEPHENS & SONS | A61-00316 / 32.0 | - / | | | |
| | | | NW | SE | | STEPHENS & SONS | A61-10577 / 32.0 | - / | | | |
| | | | NW | SE | | MC GINNESS, DANIEL | 61-00329 / | 61-00329 / | | | |
| TOTAL ACRES | | | | | | | | | 350.00 | 295.00 | |
| | | | | | | | | | A61-00328 | | |

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED? DATABASE FIELD EXAMINER POU COUNTY: ELMORE
DUE TO POU DISCREPANCY? (Y/N) Y _____

PRESUMPTION FLAG:

NOTES:

=====

RECOMMENDATIONS:

TOTAL ACRES: _____
REVIEWED BY: _____ DATE: _____

=====

A. AJ CLAIMED USES:

PURPOSES
A61-00328 IRRIGATION

MONTH/DAY
FROM 04-01 TO 11-01

DIVERSION QUANTITY
1.400 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

1.400 CFS

B. WR RECORDED USES:

PURPOSES
61-00328 IRRIGATION

MONTH/DAY
FROM TO

DIVERSION QUANTITY
1.400 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

1.400 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

| | FIELD EXAMINER |
|--|----------------|
| DUE TO WATER-USE DISCREPANCY? (Y/N) | N |
| DUE TO DIVERSION RATE DISCREPANCY? (Y/N) | N |
| DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N) | Y |

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N() Explain in notes, below.

NOTES:

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 1.400 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.400 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in notes. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) Y _____
FIELD DATABASE EXAMINER

B. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y() N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: A61-00309, A61-00316, A61-00328, A61-00329, A61-02153.

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

| CLAIM NO. | SOURCE | NAME | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|-----------|--------------------|-----------------|-----------|----------------|-----------|----------------|
| A61-00328 | COLD SPRINGS CREEK | STEPHENS & SONS | 1.400 | 0.004 | | |
| A61-00309 | COLD SPRINGS CREEK | STEPHENS & SONS | 0.580 | 0.001 | | |
| A61-00312 | COLD SPRINGS CREEK | STEPHENS & SONS | 0.480 | 0.001 | | |
| A61-00316 | COLD SPRINGS CREEK | STEPHENS & SONS | 1.900 | 0.005 | | |
| A61-02153 | GROUNDWATER | STEPHENS & SONS | 2.000 | 0.020 | 450.00 | 4.50 |
| A61-10577 | WASTE WATER | STEPHENS & SONS | 4.320 | 0.020 | | |
| A61-10578 | COLD SPRINGS CREEK | STEPHENS & SONS | 2.900 | 0.008 | | |
| A61-10579 | COLD SPRINGS CREEK | STEPHENS & SONS | 2.240 | 0.006 | | |

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

| CLAIM NO. | PURPOSES | NAME | MONTH/DAY | RATE | VOLUME |
|-----------|------------|------------------------------------|---------------------|----------|--------|
| A61-10659 | DOMESTIC | PEARSON 1972 TRUST, JOYCE WUNDFROM | 01-01 TO 12-31 | .040 CFS | |
| A61-10659 | STOCKWATER | PEARSON 1972 TRUST, JOYCE WUNDFROM | 01-01 TO 12-31 | .090 CFS | |
| R61-10576 | DOMESTIC | STEPHENS & SONS | FROM 01-01 TO 12-31 | .040 CFS | |
| R61-10576 | STOCKWATER | STEPHENS & SONS | FROM 01-01 TO 12-31 | .050 CFS | |
| A61-10576 | DOMESTIC | STEPHENS & SONS | FROM 01-01 TO 12-31 | .040 CFS | |

| CLAIM NO. | PURPOSES | NAME | MONTH/DAY | RATE | VOLUME |
|-----------|------------|-----------------|---------------------|----------|--------|
| A61-10576 | STOCKWATER | STEPHENS & SONS | FROM 01-01 TO 12-31 | .050 CFS | |

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

NOTES: (Include limitations on CONSUMPTIVE USE for combined rights.)

RECOMMENDATIONS:

| REC.
PURPOSES | REC. PERIOD
FROM TO | REC. DIV
RATE CFS | REC. DIV
VOL. AF/A | REC. CONS.
USE |
|----------------------|------------------------|----------------------|-----------------------|-------------------|
| | | DATABASE EXAMINER | DATABASE EXAMINER | DATABASE EXAMINER |
| IRRIGATION | 04-01 11-01 | 1.400 | | 0.0 |
| TOTAL FOR THIS RIGHT | | 1.400 | | 0.0 |

REVIEWED BY: _____

DATE: _____

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED ()
NEEDS REVIEW ()
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 61-00328

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE 1.400
EXAMINER _____
CFS

SPLITS:

| OLD RIGHT NUMBERS | CURRENT CLAIM NUMBERS | DIVERSION RATE | CURRENT "R" CLAIM NUM. | "R" DIV. RATE | WR RIGHT NUMBERS | DIVERSION RATE |
|-------------------|-----------------------|----------------|------------------------|---------------|------------------|----------------|
| - | A61-00328 | 1.400 | - | | 61-00328 | 1.400 |

TOTAL CFS 1.400

DIVERSION RATE REVIEW

DATABASE Y
FIELD EXAMINER _____

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

NOTES:

AUTHENTICATION: _____

SIGNATURE: Ron Howerton DATE: 11/3/90

NAME OF FIELD EXAMINER: Ron Howerton TITLE: _____

Sr Water Agent

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:19:52
07/06/94

PAGE: 15
QUICKLOOK INFORMATION

158
CLAIM NUMBER: A61-00328

| WR ELEMENT | FIELD EXAM
Y/N | CORRESPONDENCE
SENT/RECEIVED
BY WHOM/DATE | FIELD EXAM
BY WHOM/DATE | CHANGE
CLAIM
Y/N | VERIFIED BY
CODE | COMPLETED
REVIEW
WHOM/DATE | COMPLETED
DATA ENTRY
WHOM/DATE | VERIFIED
DATE
WHOM/DATE |
|---------------------------|-------------------|---|----------------------------|------------------------|---------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE | | | | | | | | |
| POINT OF DIV | Y | | | | | | | |
| SOURCE | Y | | | | | | | |
| PLACE OF USE | Y | | | | | | | |
| DIV. AMOUNT
CFS/VOLUME | | | | | | | | |
| CONSUMPTIVE USE | | | | | | | | |
| PURPOSES | | | | | | | | |
| PERIOD OF USE | Y | | | | | | | |
| BASIS OF CLAIM | | | | | | | | |
| REMARKS | | | | | | | | |

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

Date: July 5, 1994

CECIL D. ANDRUS
GOVERNOR

Stephens & Sons Inc
C/O Jake Stephens
22710 S Lansing
Middleton, Id 83644

R. KEITH HIGGINSON
DIRECTOR

RE: Field Exam Scheduling Letter for the following Adjudication Claims:

A61-00287, A61-00309, A61-00312, A61-00316, A61-00328, A61-02153,
A61-10577, A61-10578 & A61-10579

Dear Jake,

The Adjudication Staff of the Department of Water Resources will be conducting Snake River Basin Adjudication Claim Examinations for Elmore County from July through November 1994.

Information on your claim that may need to be verified includes, source(s) of water, uses and amounts, legal descriptions of point(s) of diversion, place of use and in some cases documentation verifying the date of priority as claimed in the Snake River Basin Adjudication.

Although it is not mandatory that you accompany me, should questions arise during the exam, it would be most helpful for yourself or a knowledgeable representative to be available during the field exam. This will help in the accuracy of collecting specific information about your water right and speed up our findings.

I would appreciate your call **ASAP** to set-up a field exam date. I may also be calling to help speed up the scheduling due to the short field season this year.

If you have other questions prior to scheduling a date or about the field examination, feel free to call me on that too. Please call today to set-up your exam!

Sincerely,

A handwritten signature in dark ink, appearing to read 'Ron Howerton'.

Ron Howerton
ADJUDICATION STAFF
Department of Water Resources
Western Region Office
(208) 334-2190

PICTURE #1 COLD SPRINGS CREEK: FX 9-12-94. Photo's by RDH.
Washed out P/D concrete dam view to NW.



PICTURE #2: FX 5-28-96. Photo's by RDH. Eroded abandoned ditch from P/D.



Photo's By
RDH

PICTURE #3 COLD SPRINGS CREEK: FX 9-12-94. Photo's by RDH. Washed out second ditch from P/D.



PICTURE #4: FX 5-28-96. Photo's by RDH. Abandoned POU towards home, South from P/D.



Photo By
RDH

PICTURE #5 COLD SPRINGS CREEK: FX 9-12-94. Photo's by RDH. More abandoned POU to South from P/D.

Notes:

No chance of doing mannings on both ditches.

More photos of abandoned POU in file A61-10577.

Lack of physical evidence of irrigation.

Decreed Rts. A61-00309,-312,-316,-328,-10578,-10579.



Photo's By
RDH

PICTURE #1, COLD SPRINGS CREEK: Follow-up FX Dec 5, 1997. Photo's by RDH. P/D no change from last photo's in 1994. View upstream, lack of maintenance for diversion, abandoned.

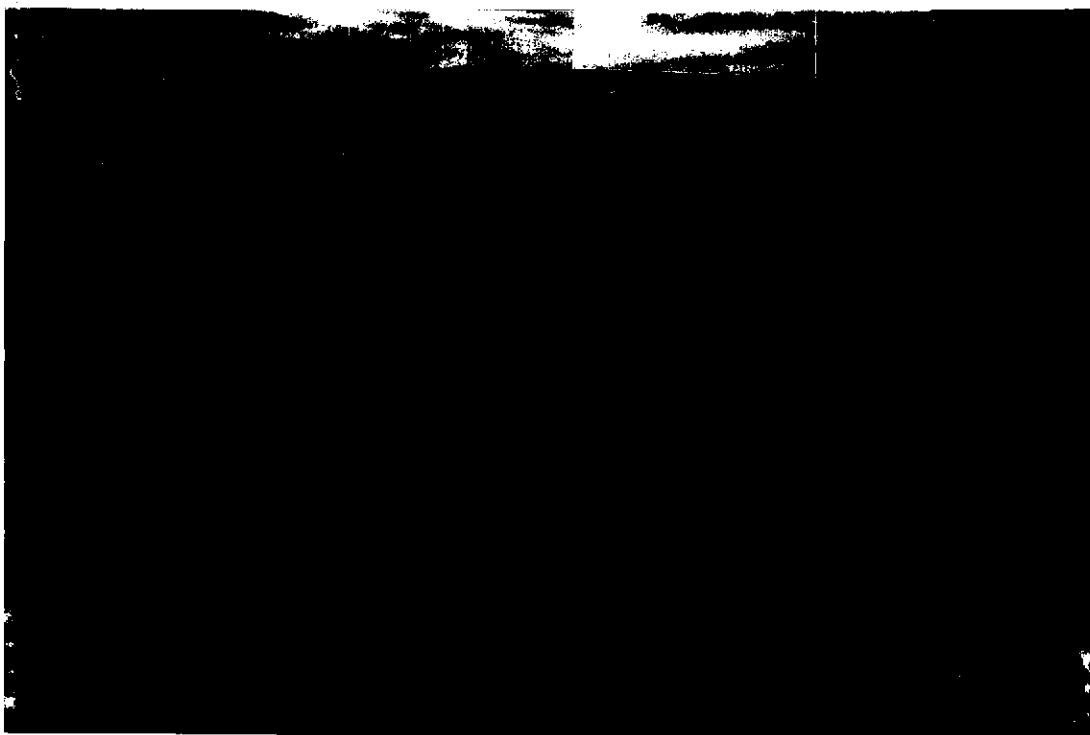


RTS

A61-00309-312-316
-328-10578-10579

Photo's By
RDH

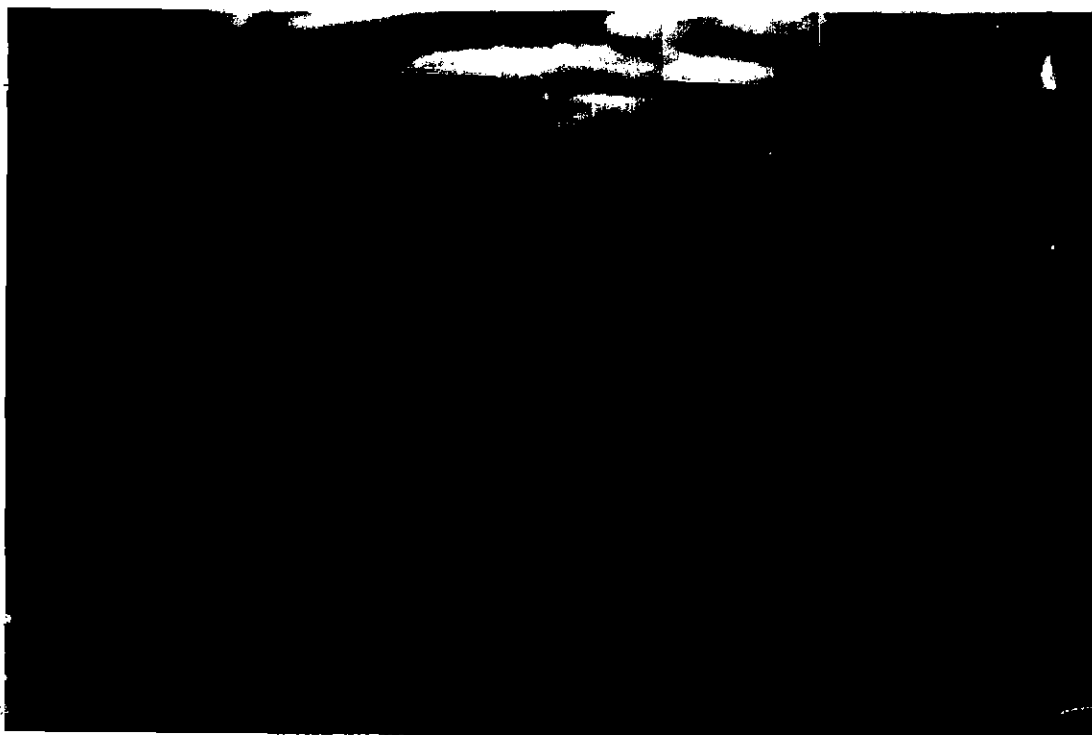
PICTURE #2: Follow up FX Dec 5, 1998. Photo's by RDH. Second view to NW showing abandoned P/D.



PICTURE #3, COLD SPRINGS CREEK: Follow-up FX Dec 5, 1997. Photo's by RDH. View of abandoned ditch to West from P/D, view to NE.

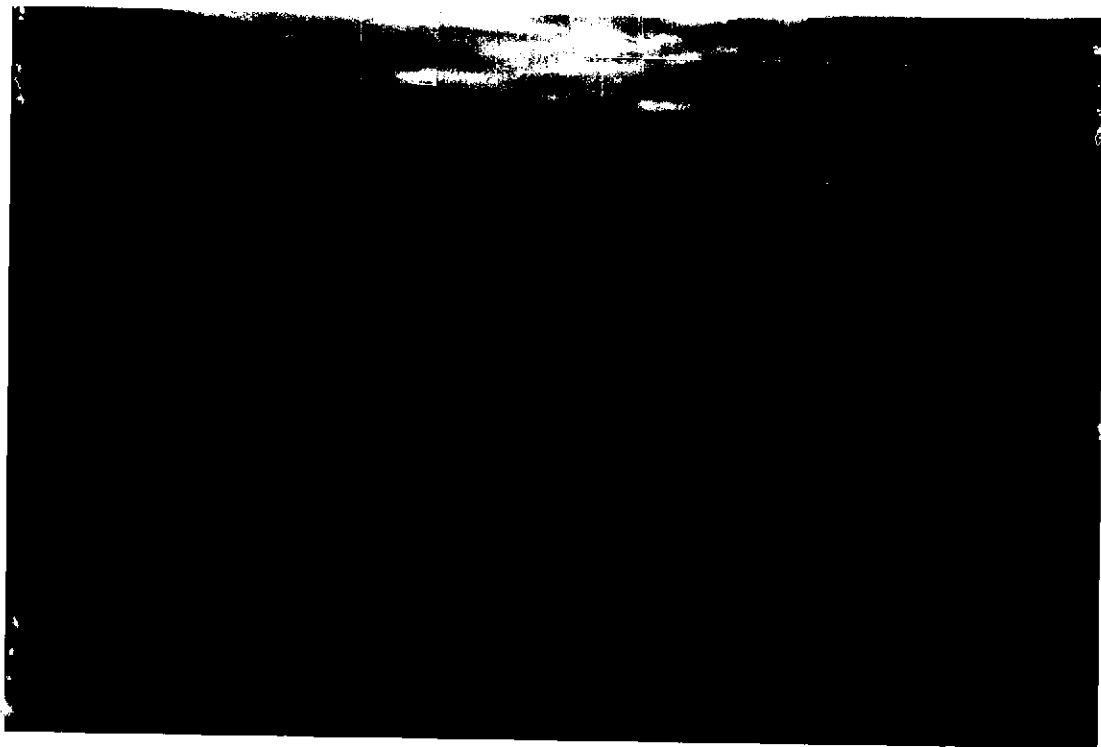


PICTURE #4: Follow up FX Dec 5, 1998. Photo's by RDH. View of abandoned ditch to East from P/D, view to NW looking back at P/D.



Photo's by
RDH

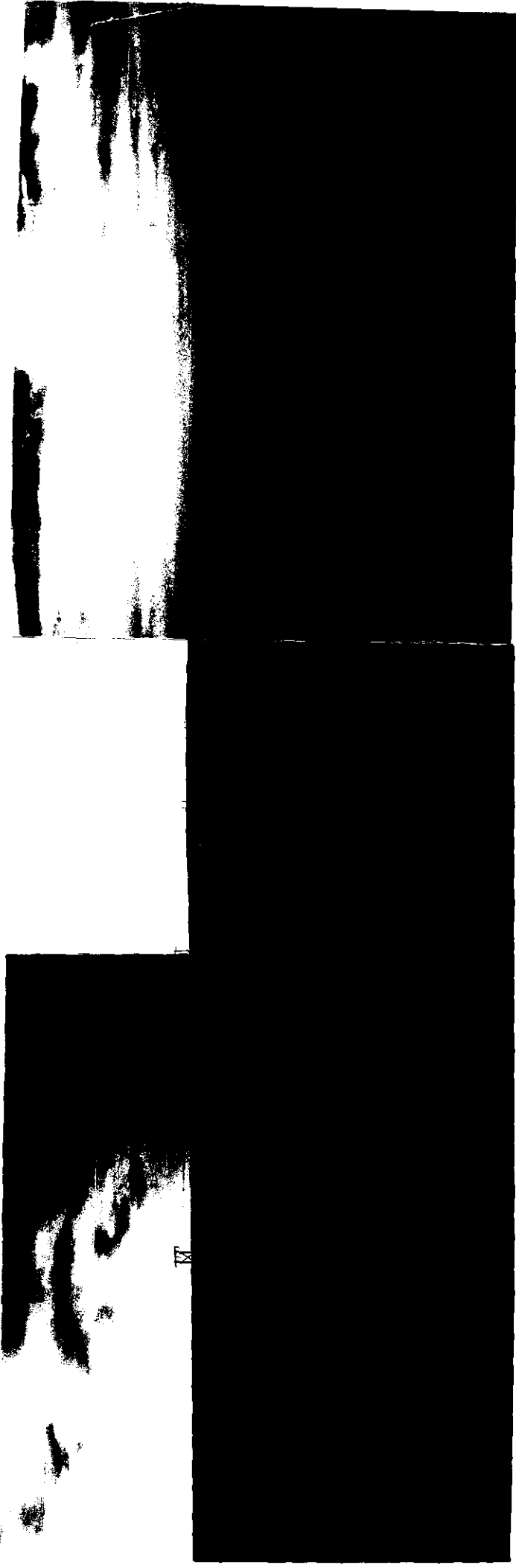
PICTURE #5, COLD SPRINGS CREEK: Follow-up FX Dec 5, 1997. Photo's by RDH. View waste water ditches that return flow to Cold Springs Creek on neighbors above property. Location of photo is East of P/D and view is to the West.



Photo's by
RDH

PICTURES 6,7 & 8

Follow up FX Dec 5, 1997. Photo's by RDH. No evidence of irrigation from Cold Spring Creek or Waste water. View is to the West from small hill. Other photos of this over look in waste water file A61-10577.



Photo's By
RDH

PICTURE #9, COLD SPRINGS CREEK: Follow-up FX Dec 5, 1997. Photo's by RDH. More views of abandoned POU South of photos 6,7 & 9. To West.



Photo's by
RDH

PICTURE #10: Follow-up FX Dec 5, 1997. Photo's by RDH. Same area just South of photo 9.



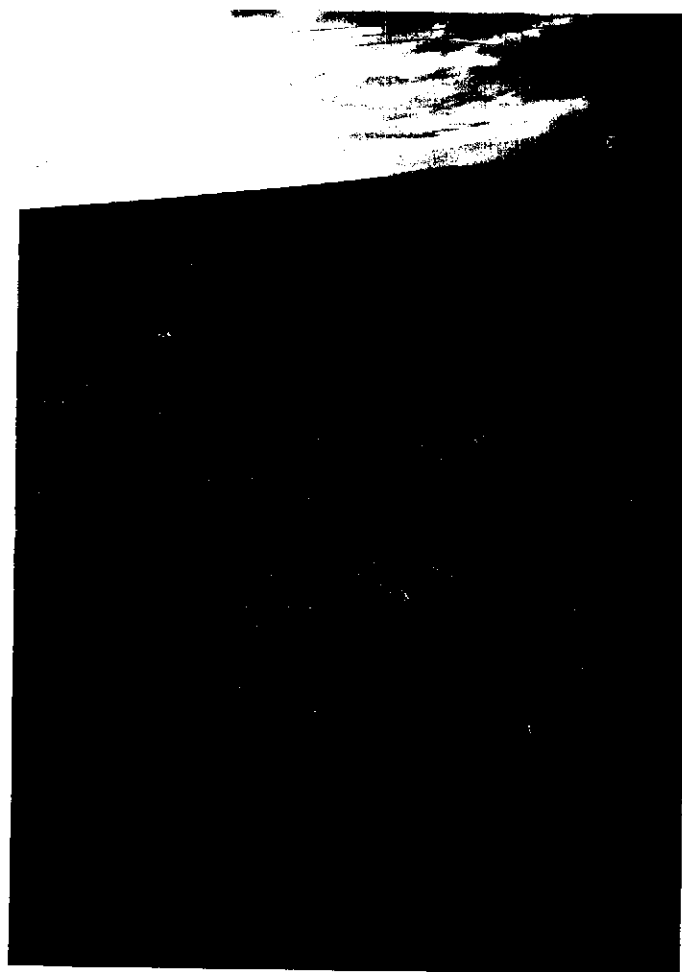
PICTURE #1: COLD SPRINGS CREEK P/D

Follow-up FX 12/19/98. Photo's by RDH. P/D, no change from last photos in 1997. Abandoned for 5 field seasons and 5 years of non-use since first investigated in 1994.



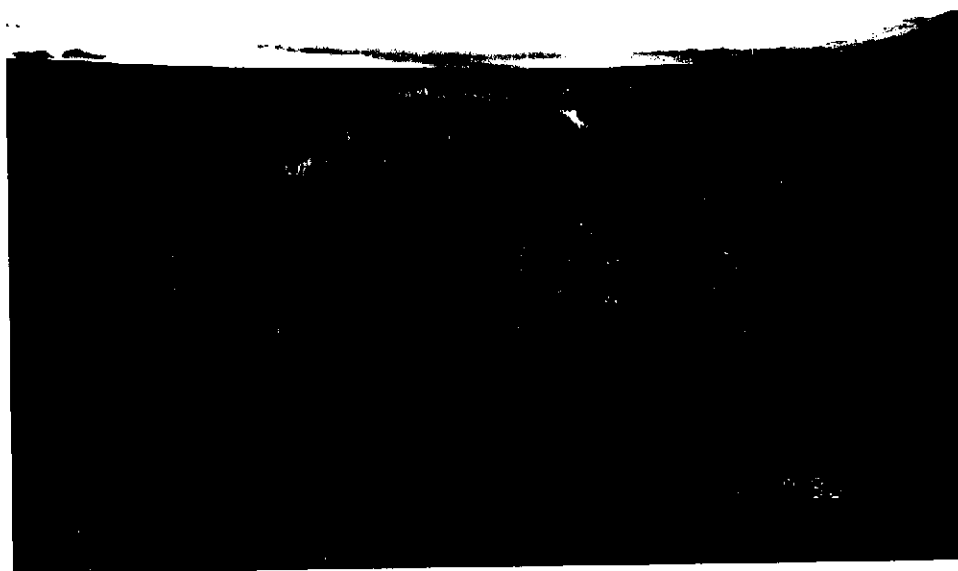
PICTURE #2

Ditch to West is non-existent.



PICTURE #3: COLD SPRINGS CREEK P/D

Follow-up FX 12/19/98. Photo's by RDH. Different view of P/D, no change from last photos in 1997. Abandoned for 5 field seasons and 5 years of non-use since first investigated in 1994.



PICTURE #4

Ditch to East is non-existent.

