







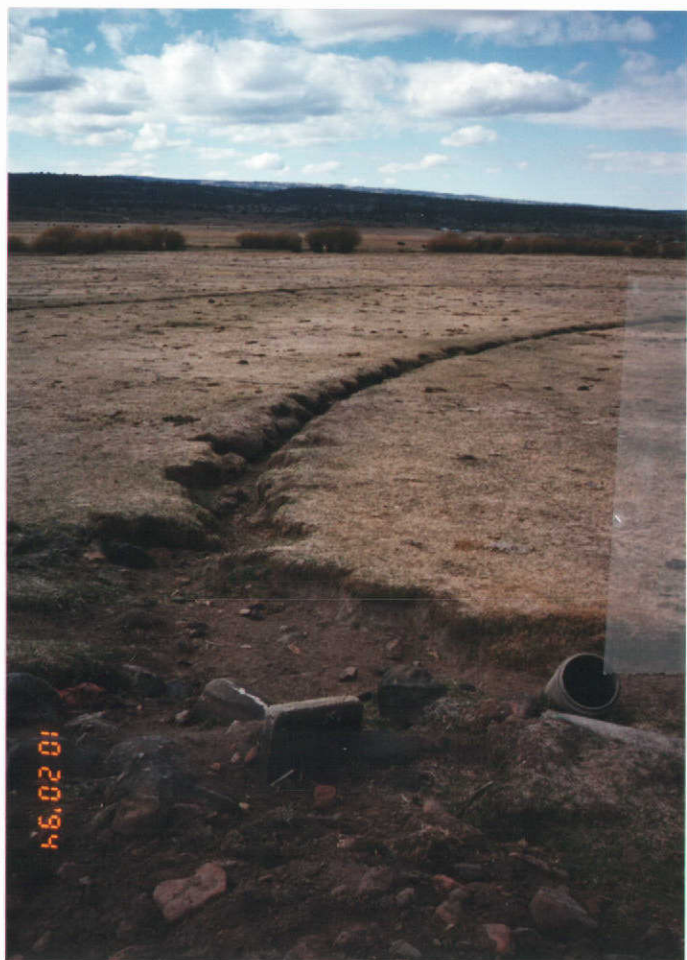


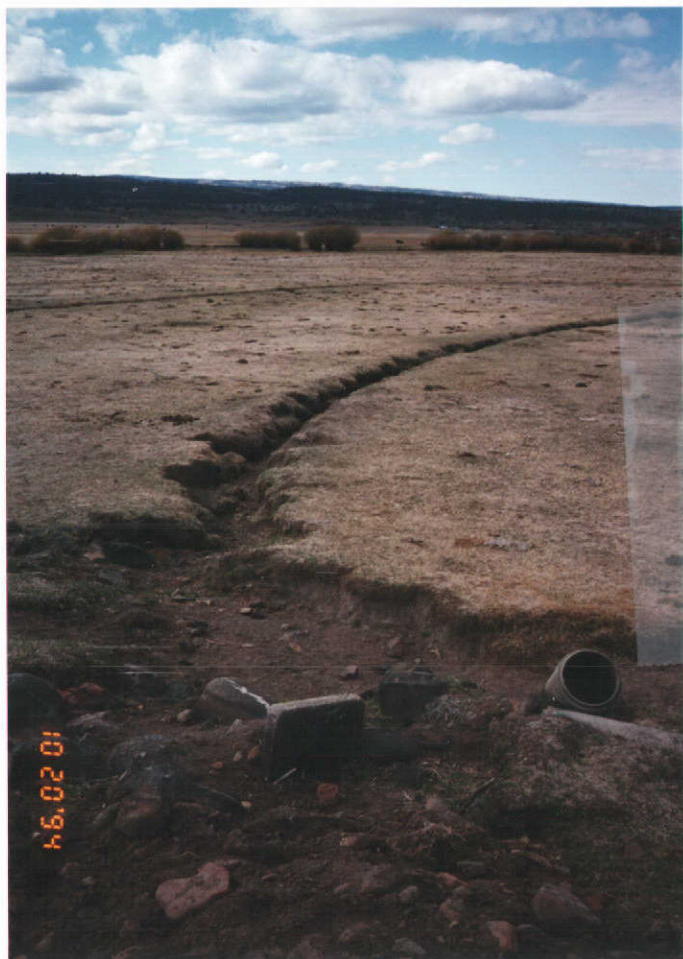
















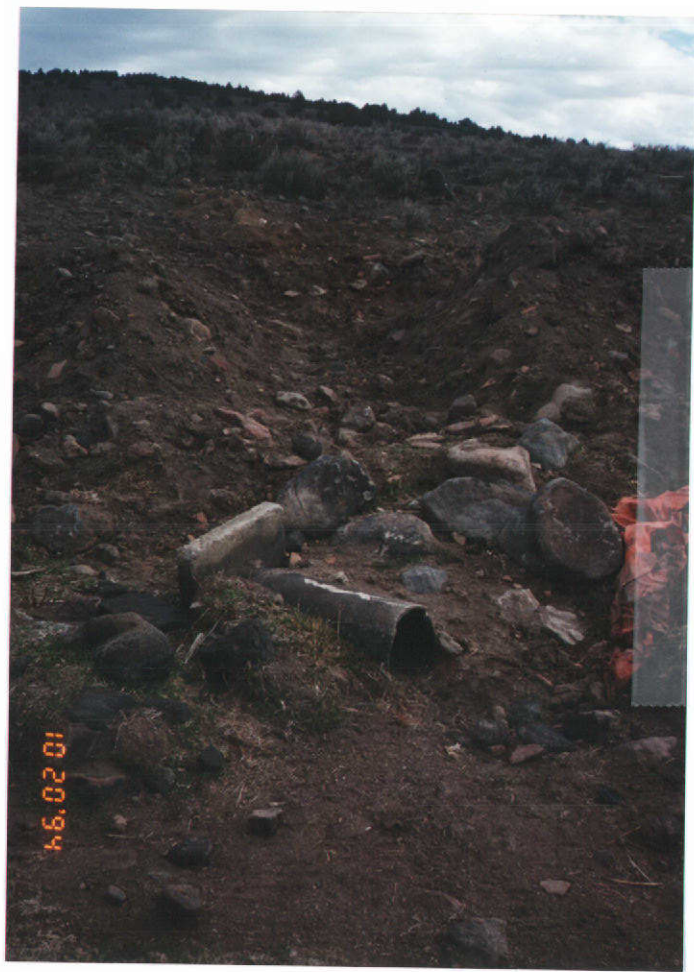


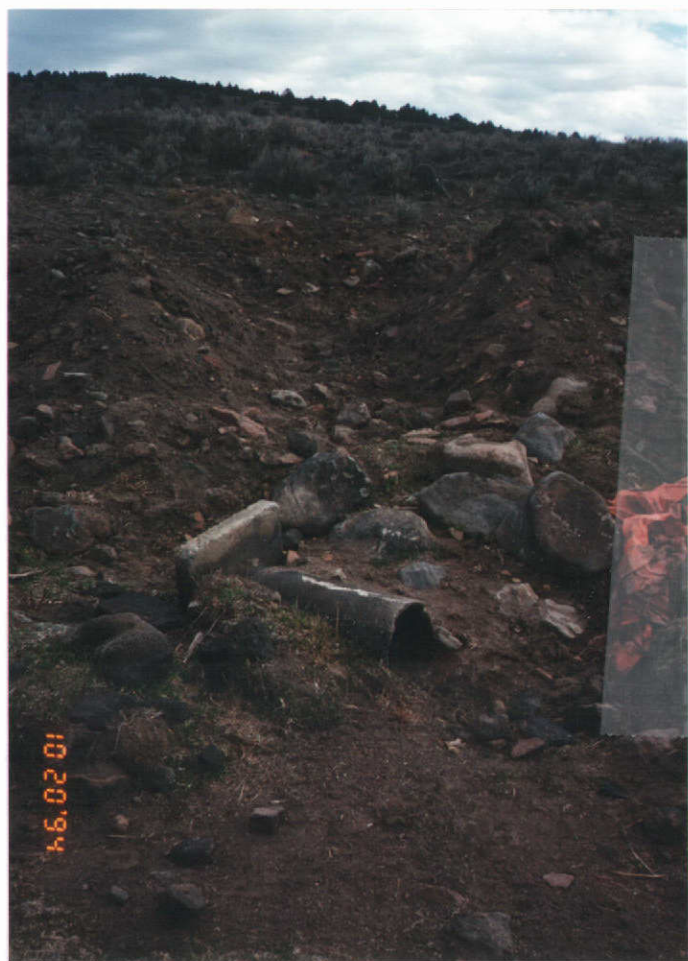














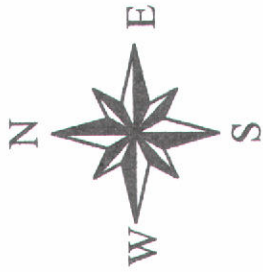




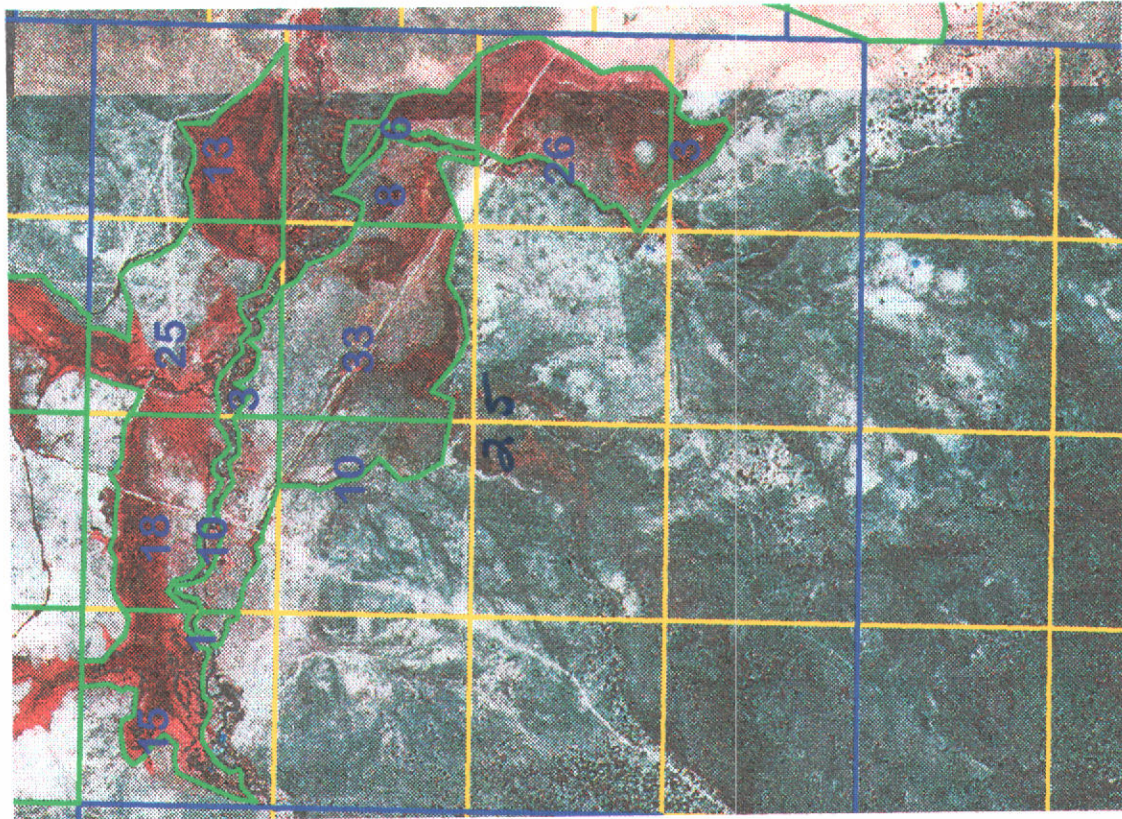


IDAHO DEPARTMENT OF WATER RESOURCES

T07S, R03W, S25



1987 NAPP PHOTO



SECTION LINES



POD



PLACE OF USE



1/4 1/4 LINES

CLAIM(S) : 55-02008, 55-02152A,
55-02208A, 55-04150,
55-10351, 55-10352,
55-10353 & 55-10354
Owner: CHARLES STEINER
Prepared by: Jan Shurte
Date: 3-2-98



IDAHO DEPT OF WATER RESOURCES

T07S, R02W, S30 & S31

T07S, R03W, S25

CLAIM(S) : 55-02008, 55-02152A,
55-02208A, 55-04150, 55-10351,
55-10352, 55-10353
& 55-10354

OWNER: CHARLES STEINER
Prepared by: Jan Shurte
Date: 3-2-1998

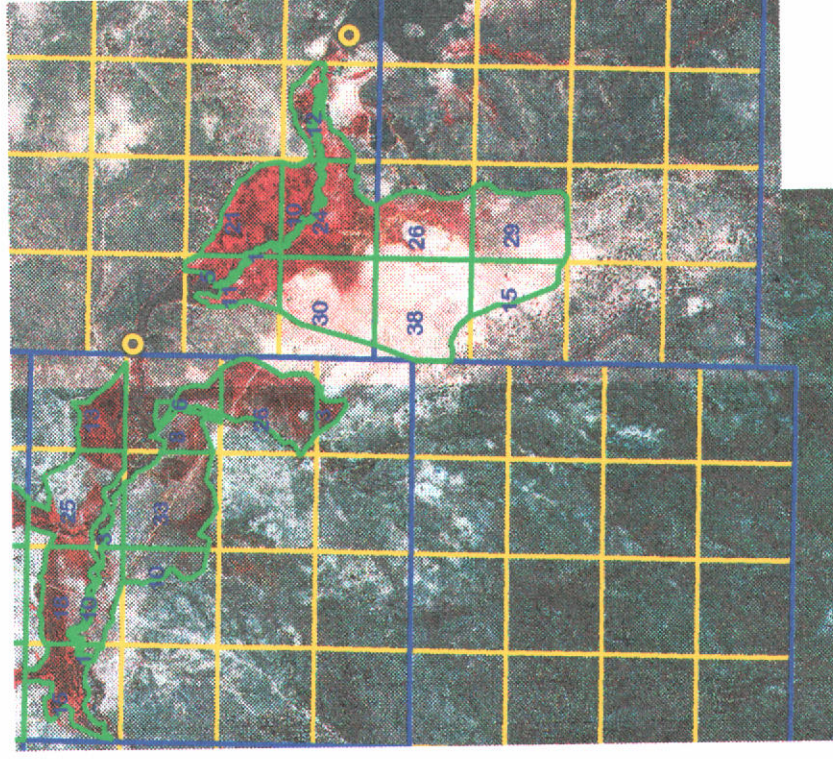
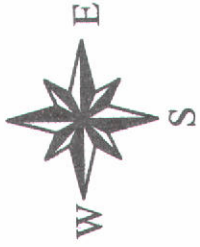
1987 NAPP PHOTO

SECTION LINES

PLACE OF USE

1/4 1/4 LINES

393 TOTAL ACRES



0 0.25 0.5 0.75 1 1.25 Miles



NORTH HEADGATE
FROM TRIANGLE
RESERVOIR

PHOTOS TAKEN
9-16-93

SOUTH HEADGATE



2ND DITCH FROM DIVERSION BOX



8-24-93 - PHOTOS TAKEN

HATTEN DAM & RESERVOIR



HATTEN DITCH FACINGS SOUTHWEST



TRIPOD LOCATION



CROSS SECTION OF HATTEN DITCH
FACINGS WEST

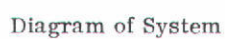


TRIANGLE
RANCH

TRIANGLE RANCH FACING WEST FROM TRIANGLE RESERVOIR.

LANDS IN SECTIONS 30 & 31.

PHOTO TAKEN - 9-16-93



3 miles
from bottom
of canyon (1000' high)

Lawrence Ditch

Rock Creek

Yellow

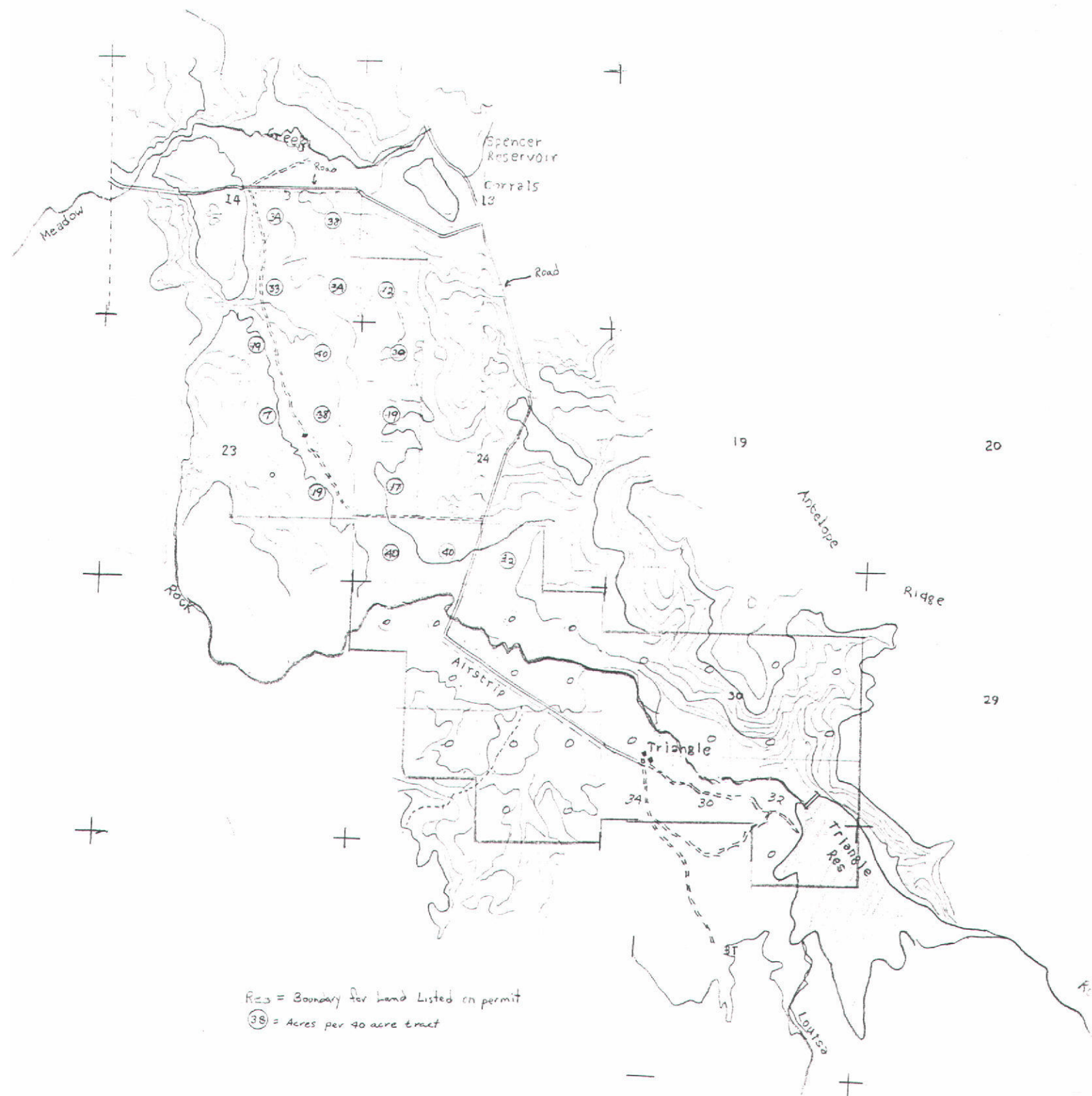
Lawrence
cutter

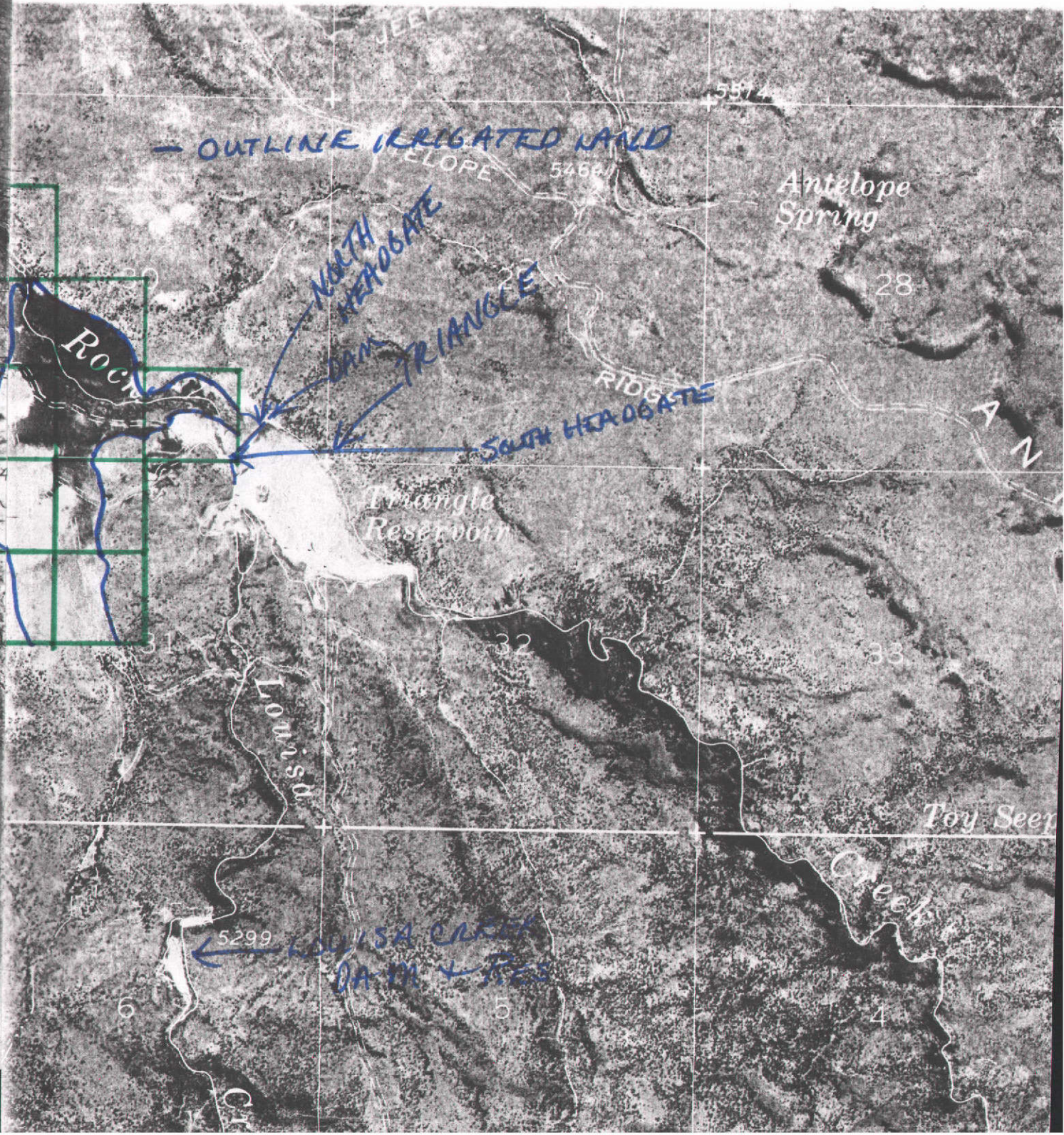
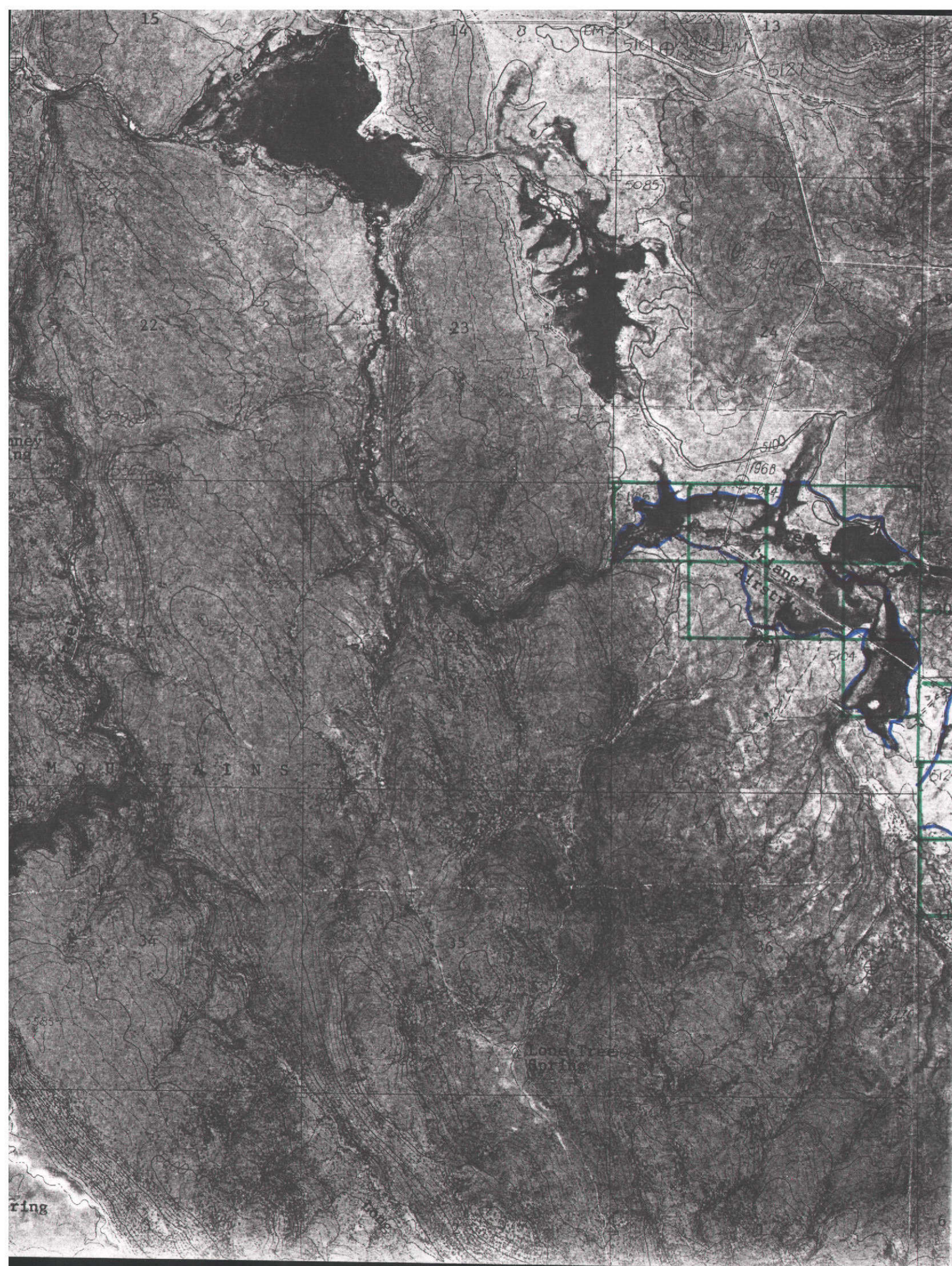
Reservoir

2 1/2 miles to
the
1/2 mile
from
1000'

6 miles

600-400 Ditch





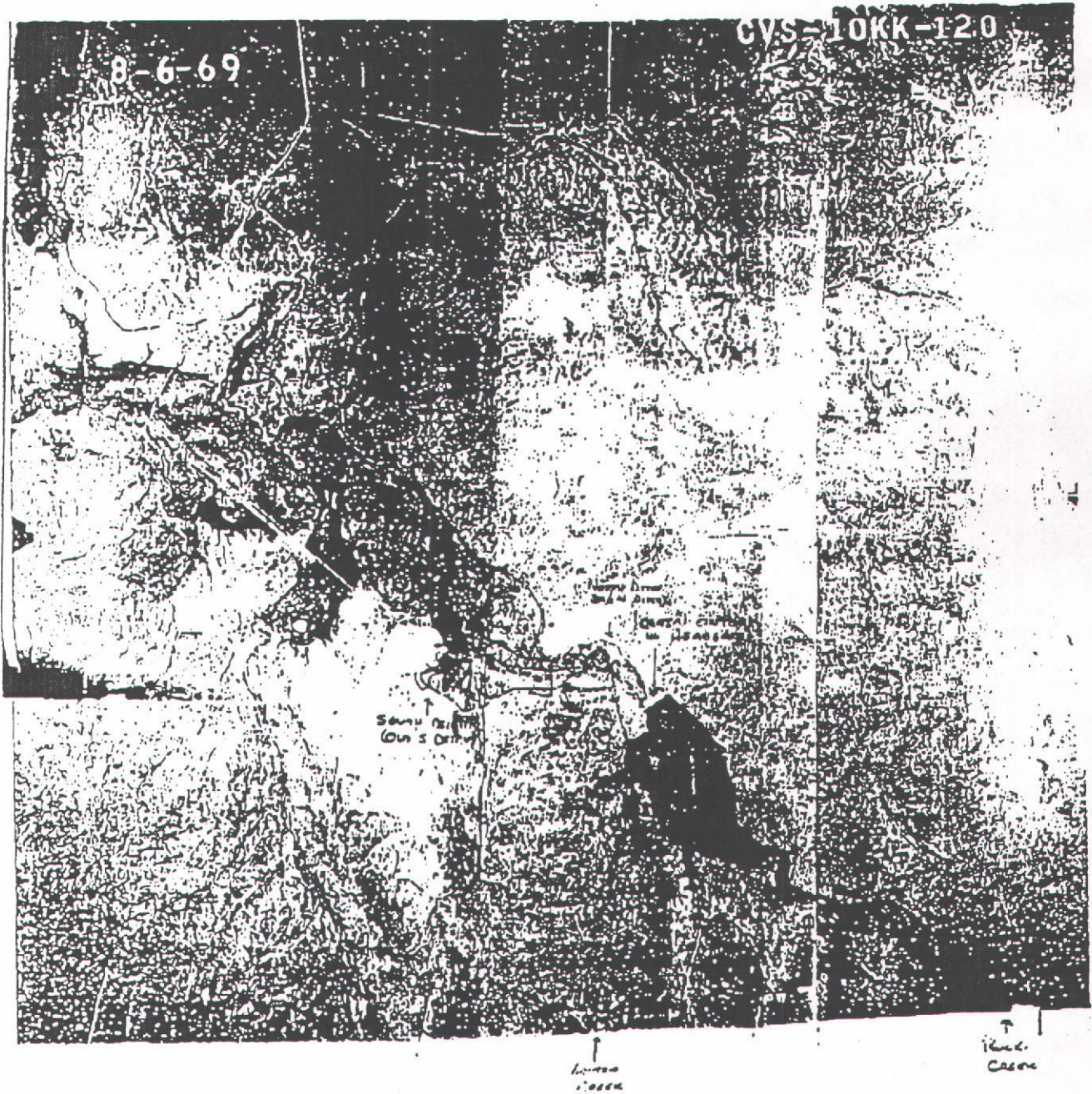


EXHIBIT A

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: **A55-02152A**
Date Received: 1/19/1989
Receipt No: W002028
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: CHARLES W STEINER
Address: STAR ROUTE
OREANA ID

83659

2. Date of Priority: FEB 9, 1965

3. Source: ROCK CREEK
LOUISA CREEK

Trib. to: SNAKE RIVER
SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	02W	30	SW	SE	SE		OWYHEE

5. Description of diverting works:
STORAGE IN TRIANGLE RESERV, DAM IN ROCK CR. TO DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	5.580		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/APPROX. 800 HD CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	02W	30	NE	SW		IRR	19.0
			NW	SW	3	IRR	10.0
			SW	SW	4	IRR	21.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	02W	30	SE		SW		IRR	30.0
			SW		SE		IRR	11.0
			SE		SE		IRR	1.0
							Section Acres	92.0
		31	NW		NE		IRR	2.0
			NE		NW		IRR	34.0
			NW		NW	1	IRR	34.0
			SW		NW	2	IRR	12.0
			SE		NW		IRR	28.0
			NE		SW		IRR	1.0
							Section Acres	111.0
	03W	25	NE		NE		IRR	11.0
			NW		NE		IRR	28.0
			SW		NE		IRR	32.0
			SE		NE		IRR	18.0
			NE		NW		IRR	32.0
			NW		NW		IRR	29.0
			SW		NW		IRR	1.0
			SE		NW		IRR	29.0
			NE		SW		IRR	27.0
			SE		SW		IRR	14.0
			NE		SE		IRR	36.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	37.0
							Section Acres	374.0
		36	NE		NE		IRR	3.0
			NW		NE		IRR	22.0
			NE		NW		IRR	8.0
							Section Acres	33.0
							Total Acres	610.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
A55-02208A, A5504150

14. Remarks:

THIS RIGHT IS ALSO FILED BY JOHN GILBERT, A55-02152, FOR THE TOTAL AMOUNT OF WATER, MINUS MR. STEINER'S ACREAGE. MR. STEINER INDICATES THAT THEY ARE ACTUALLY SHARING THE WATER IN THIS RESERVOIR AND EACH INDIVIDUAL SHOULD HAVE HALF. THEREFORE, I HAVE SPLIT THIS RIGHT, GIVING MR. STEINER HALF OF THE WATER, IN SPITE OF THE FACT THAT MR. GILBERT ALREADY FILED THIS CLAIMING THE TOTAL AMOUNT OF WATER.

|
NOTICE OF APPEARANCE FROM PAT MADIGAN FOR CHARLES W STEINER.

15. Basis of Claim: LICENSE

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A55-02152A**
Date Received: 1/19/1989
Receipt No: W002028
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CHARLES W. STEINER
Address: STAR ROUTE
OREANA ID

83659

2. Date of Priority: FEB 9, 1965

3. Source: ROCK CREEK
LOUISA CREEK

Trib. to: SNAKE RIVER
SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	02W	30	SW	SE	SE		OWYHEE

5. Description of diverting works:

STORAGE IN TRIANGLE RESERV, DAM IN ROCK CR. TO DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	5.580		

7. Total Quantity Appropriated is:

5.580 C.F.S. (and/or) A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

S/APPROX. 800 HD CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	02W	30	NE	SW		IRR	19.0
			NW	SW	3	IRR	10.0
			SW	SW	4	IRR	21.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	02W	30	SE	SW		IRR	30.0
			SW	SE		IRR	11.0
			SE	SE		IRR	1.0
						Section Acres	92.0
		31	NW	NE		IRR	2.0
			NE	NW		IRR	34.0
			NW	NW	1	IRR	34.0
			SW	NW	2	IRR	12.0
			SE	NW		IRR	28.0
			NE	SW		IRR	1.0
						Section Acres	111.0
	03W	25	NE	NE		IRR	11.0
			NW	NE		IRR	28.0
			SW	NE		IRR	32.0
			SE	NE		IRR	18.0
			NE	NW		IRR	32.0
			NW	NW		IRR	29.0
			SW	NW		IRR	1.0
			SE	NW		IRR	29.0
			NE	SW		IRR	27.0
			SE	SW		IRR	14.0
			NE	SE		IRR	36.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	37.0
						Section Acres	374.0
		36	NE	NE		IRR	3.0
			NW	NE		IRR	22.0
			NE	NW		IRR	8.0
						Section Acres	33.0
						Total Acres	610.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
A55-02208A, A5504150

14. Remarks:

THIS RIGHT IS ALSO FILED BY JOHN GILBERT, A55-02152, FOR THE TOTAL AMOUNT OF WATER, MINUS MR. STEINER'S ACREAGE. MR. STEINER INDICATES THAT THEY ARE ACTUALLY SHARING THE WATER IN THIS RESERVOIR AND EACH INDIVIDUAL SHOULD HAVE HALF. THEREFORE, I HAVE SPLIT THIS RIGHT, GIVING MR. STEINER HALF OF THE WATER, IN SPITE OF THE FACT THAT MR. GILBERT ALREADY FILED THIS CLAIMING THE TOTAL AMOUNT OF WATER.

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s):

Charles W. Steiner Date: Aug 10/94

Date: _____

State of Idaho)

County of

ADA

) SS.
)

Subscribed and sworn (or affirmed) before me this 10th day

of August 19 94

Seal

Jan Shute
Notary Public

Residing at

Meridian ID

My Commission Expires

9-14-94

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: A55-02152A
Date Received: 1/19/1989
Receipt No: 62028
Received By: Law

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHARLES W. STEINER
Address: STAR ROUTE
OREANA, ID

83659

2. Date of Priority: FEB 09, 1965

3. Source: ROCK CR
LOUISA CR.

Trib. to: SNAKE RIVER
SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	02W	30	SW	SE	SE		OWYHEE

5. Description of diverting works:

STORAGE IN TRIANGLE RESERV, DAM IN ROCK CR. TO DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	5.580		

7. Total Quantity Appropriated is:

5.580 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

S/APPROX. 800 HD CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	02W	30	SW	SW		IRR	34.0
			SE	SW		IRR	30.0

A55-02152A

Page

1

Date: 01/19/89

MICROFILMED

SEP 29 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	02W	30	SW	SE		IRR	32.0
			Section Acres				96.0
	03W	13	SW	SW		IRR	12.0
			Section Acres				12.0
		14	NE	SE		IRR	38.0
			NW	SE		IRR	34.0
			SW	SE		IRR	33.0
			SE	SE		IRR	34.0
			Section Acres				139.0
		23	NE	NE		IRR	40.0
			NW	NE		IRR	19.0
			SW	NE		IRR	7.0
			SE	NE		IRR	38.0
			NE	SE		IRR	19.0
			Section Acres				123.0
		24	NW	NW		IRR	30.0
			SW	NW		IRR	19.0
			NW	SW		IRR	17.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			SW	SE		IRR	32.0
			Section Acres				178.0
			Total Acres				548.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
A55-02208A, A5504150

14. Remarks:
THIS RIGHT IS ALSO FILED BY JOHN GILBERT, A55-021528 FOR THE
TOTAL AMOUNT OF WATER, MINUS MR. STEINER'S ACREAGE. MR. STEINER
INDICATES THAT THEY ARE ACTUALLY SHARING THE WATER IN THIS

14. Remarks: Continued

RESERVOIR AND EACH INDIVIDUAL SHOULD HAVE HALF. THEREFORE, I HAVE SPLIT THIS RIGHT, GIVING MR. STEINER HALF OF THE WATER, IN SPITE OF THE FACT THAT MR. GILBERT ALREADY FILED THIS CLAIMING THE TOTAL AMOUNT OF WATER.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ 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): Charles W Steiner Date: Jan 19/89

Date: _____

State of Idaho)
County of ADA) SS.

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

Linda Warner
Notary Public

Seal

Residing at Boise ID

My Commission Expires 12-8-94

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 55-02152A

1999 JUN 28 PM 12: 07

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME AND ADDRESS: CHARLES W STEINER
STAR ROUTE
OREANA, ID 83659

SOURCE: ROCK CREEK TRIBUTARY: NORTH BOULDER CREEK
LOUISA CREEK ROCK CREEK

QUANTITY: 1.96 CFS

USE OF THIS RIGHT WITH RIGHT NO. 55-02008 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.66 CFS.

PRIORITY DATE: 02/09/1965

POINT OF DIVERSION: T07S R02W S30 SWSESE Within Owyhee County

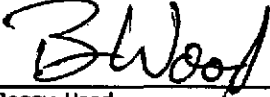
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	1.96 CFS

PLACE OF USE:	Irrigation	Within Owyhee County
	T07S R02W S30	NESW 20.0 SESW 34.0
		SWSE 12.0 LOT 04 (SWSW)30.0
	96.0 Acres Total	

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 403 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 55-02008, 55-02208A,
55-04150, 55-10351, 55-10352, 55-10353 & 55-10354.

RULE 54(b) CERTIFICATE

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



Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

Water Right Number - 55-02152

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
GIUSTI

ANGELO

1 -
2 -
3 -

City- NAMPA
Phone -

State- ID Zip- 83651

LAWRENCE

E. P.

1 -
2 -
3 -

City-
Phone -

State- Zip-

+ - - Priority Date - - + - - Region - - - + - - Stage - - - + - - Status - - - +
02/09/1965 14 WESTERN 1 - LICENSE

+ - - Source - - - + - - Tributary - - - - -
ROCK CREEK
LOUISA CREEK

+ - - Point of Diversion - - - - - Stream Index (Blank if no Index Code) - - - - -
County

Diversion Rate Diversion Volume
11.160 1644.00

+ - - Water Use - - - - -
Period From Period To

+ - - Total Div. Rate - - + - - Total Div. Volume - - + - - Total Consumptive Use - - + - - KW Usage - - +
11.160 1644.00

+ - - Total Div. Rate - - + - - Total Div. Volume - - + - - Total Consumptive Use - - + - - KW Usage - - +
11.160 1644.00

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

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	02W	13	SW SW	12.0	01	01	IRRIGATION	(73) OWYHEE
07S	02W	14	NE SE	39.0	01	01	IRRIGATION	(73) OWYHEE
07S	02W	14	SW SE	34.0	01	01	IRRIGATION	(73) OWYHEE
07S	02W	14	SW SE	33.0	01	01	IRRIGATION	(73) OWYHEE
07S	02W	14	SE SE	34.0	01	01	IRRIGATION	(73) OWYHEE
07S	02W	14	NE NE	19.0	01	01	IRRIGATION	(73) OWYHEE
07S	02W	14	SW NE	17.0	01	01	IRRIGATION	(73) OWYHEE
07S	02W	14	NE NE	33.0	01	01	IRRIGATION	(73) OWYHEE
07S	02W	14	NE SE	39.0	01	01	IRRIGATION	(73) OWYHEE
07S	02W	14	SW NW	30.0	01	01	IRRIGATION	(73) OWYHEE
07S	02W	14	SW NW	19.0	01	01	IRRIGATION	(73) OWYHEE
07S	02W	14	SW SW	19.0	01	01	IRRIGATION	(73) OWYHEE
07S	02W	14	SW SW	40.0	01	01	IRRIGATION	(73) OWYHEE
07S	02W	14	SW SW	40.0	01	01	IRRIGATION	(73) OWYHEE
07S	02W	14	SW SE	42.0	01	01	IRRIGATION	(73) OWYHEE

MICROFILMED

SEP 29 1992

1 in 6

OK Storage

Decreased

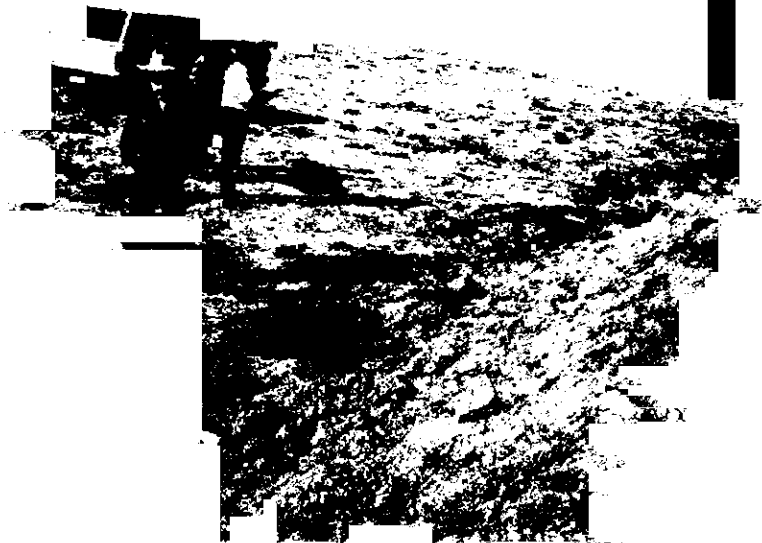
IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

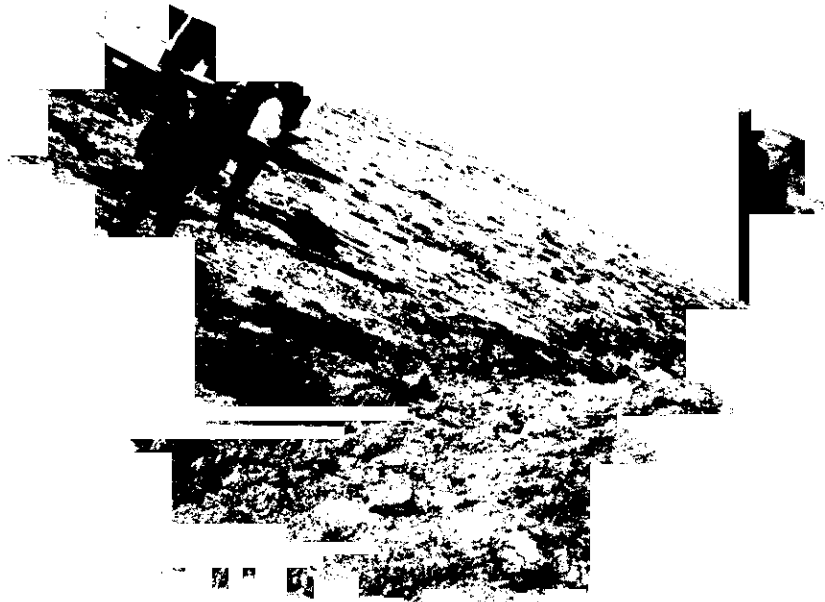
WR5808NP
(OD-26)

Water right number - 55-02152				Prefix Translation:		WATER RIGHT	
Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Description
07S	02W	30	SW SW		34.0	01	IRRIGATION
07S	02W	30	SE SW		30.0	01	IRRIGATION
07S	02W	30	SW SE		32.0	01	IRRIGATION
Total Acres:					548.0		
+ - - - Diversion Means -							
+ - - - Non-Irrigation Use -							
+ - - - Other Rights for Same Use -							
+ - - - SOURCES ARE ROCK CK. & LOUISA CK., TRIB. TO SNAKE R.							
+ - - - Old Water Right Numbers -							
+ - - - No Old Water Right Numbers found.							
+ - - - Conditions of Approval -							
+ - - - No Conditions of Approval found.							
+ - - - Decree Plaintiff - - - +							
+ - - - Decree Defendant - - - +							
+ - - - Decree Date - - - +							
+ - - - Decree Date 00/00/0000							
+ - - - Comments - - - -							
+ - - - No Comments Found							

+ - - Audit Fields - 11/13/81 04/30/88 CONVERT									
+ -									

MICROFILMED
SEP 29 1992





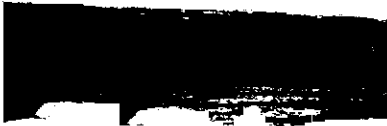
















1

2

3

4

5

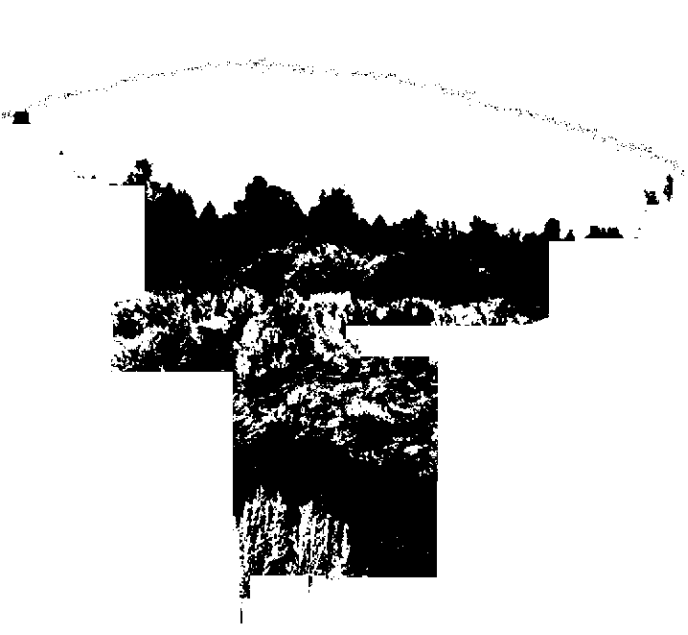


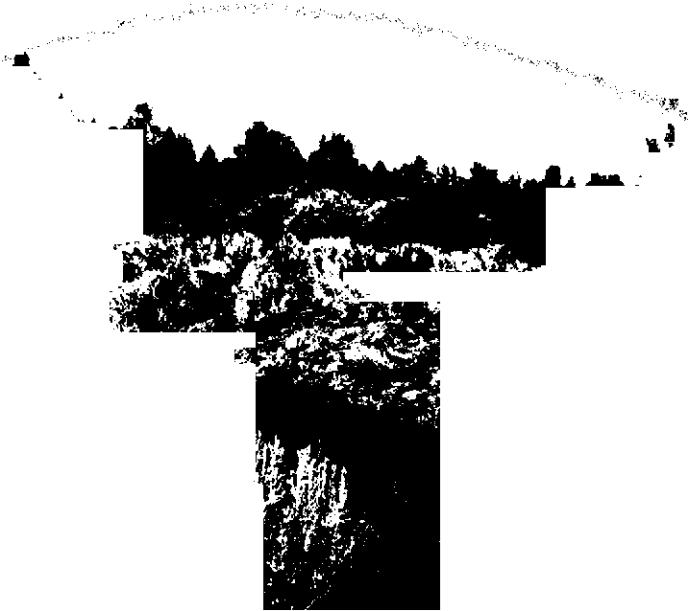


172

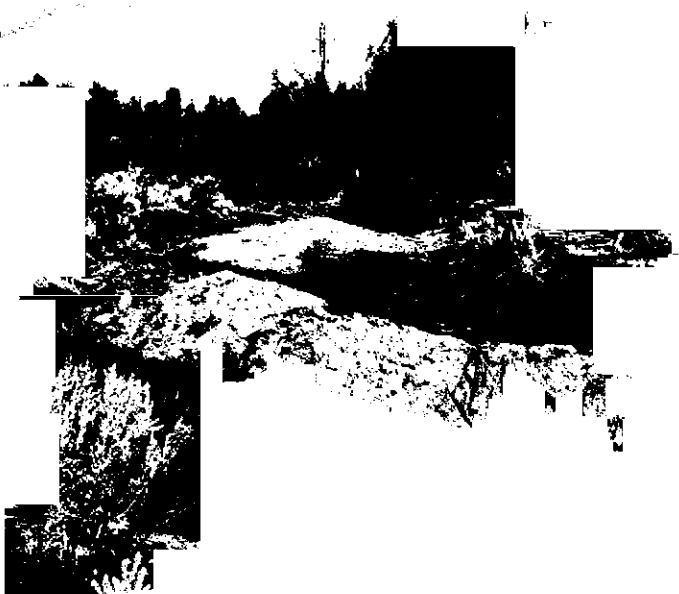
**WIFE**





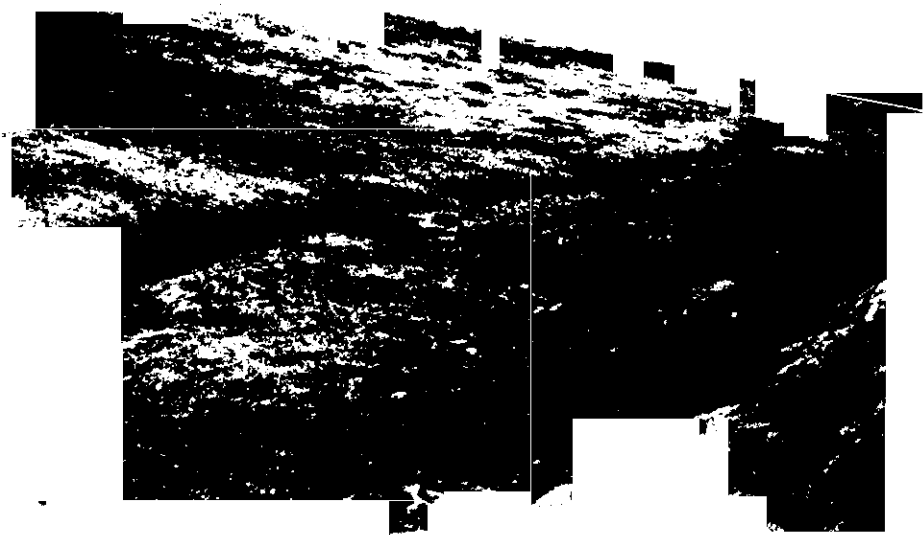


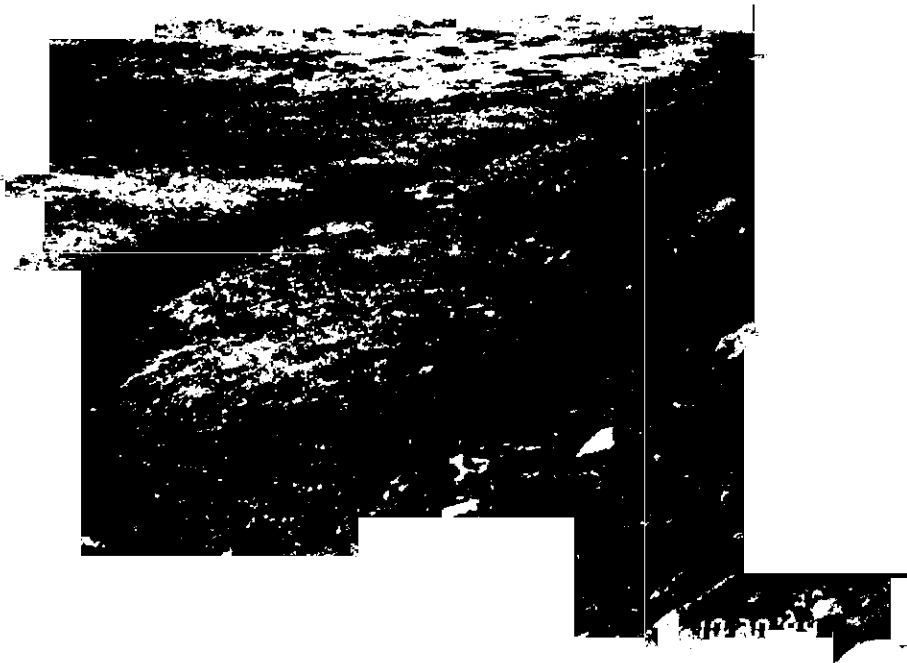












RECEIVED

NOV 20 1998

Department of Water Resources
Adjudication Bureau

RECEIVED

OCT 20 1998

Department of Water Resources
Adjudication Bureau

NOV 19 1998

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

Case No. 39576

Subcase 55-02152A

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.

Patrick D. Madigan for
Charles W. Steiner

11/19/98
date

IDWR Concurrence

11/19/98
date

Attorney for IDWR

11/19/98
date

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: NOV-18-1998
PAGE: A-3

55-02152A (CONT.)

RIGHTS FROM: SOURCE: LOUISA CREEK TRIBUTARY: ROCK CREEK

RIGHT NUMBER: 55-02152A

NAME AND ADDRESS: CHARLES W STEINER
STAR ROUTE
OREANA ID 83659

SOURCE: ROCK CREEK TRIBUTARY: NORTH BOULDER CREEK
LOUISA CREEK ROCK CREEK

QUANTITY: 1.96 CFS

USE OF THIS RIGHT WITH RIGHT NO. 55-02008 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.66 CFS.

PRIORITY DATE: 02/09/1965
POINT OF DIVERSION: T07S R02W S30 SWSESE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 11-01	1.96 CFS

PLACE OF USE:	IRRIGATION	Within Owyhee County		
	T07S R02W S30	NESW 20	Lot 4 (SWSW)30	SESW 34
	96 ACRES TOTAL			SWSE 12

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 403 ACRES IN A SINGLE
THE IRRIGATION OF A COMBINED TOTAL OF 408 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 55-02008, 55-02208A,
55-04150, 55-10351, 55-10352, 55-10353 & 55-10354.

RAJ
led
Pm

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

IN THE NEAR FUTURE IDWR WILL RECOMMEND A GENERAL PROVISION
FOR THIS SUB-BASIN REGARDING THE INTERCONNECTION OF WATER
RESOURCES WITHIN THE SNAKE RIVER BASIN. AN OPPORTUNITY WILL BE
PROVIDED AT THAT TIME TO FILE AN OBJECTION WITH THE DISTRICT
COURT TO THAT PROVISION. THIS WATER RIGHT WILL BE SUBJECT TO
TO SUCH GENERAL PROVISIONS AS THE DISTRICT COURT DETERMINES
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT

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

DATE: NOV-18-1998

PAGE: A-4

55-02152A (CONT.)

ADMINISTRATION OF WATER RIGHTS.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

CERTIFICATE OF MAILING

I certify that on Nov. 19, 1998, 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
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☐ Regular Mail
☒ hand-delivered

2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ Overnight Mail
☐ Regular Mail
☒ hand-delivered
☐ facsimile

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

☐ Overnight Mail
☐ Regular Mail
☒ hand-delivered
☐ facsimile

United States Department of Justice
Adjudication Team
550 W. Fort St., MSC 033
Boise, ID 83724

☐ Overnight Mail
☐ Regular Mail
☒ hand-delivered
☐ facsimile

Patrick D. Madigan
Rosholt, Robertson & Tucker
P.O. Box 2139
Boise, ID 83701-2139

☐ Overnight Mail
☒ Regular Mail
☐ hand-delivered
☐ facsimile

RECEIVED

NOV 20 1998

Department of Water Resources
Adjudication Bureau

NOV 19 1998

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

Case No. 39576

) Subcase 55-02152A
)
)
)
)
)
)
)

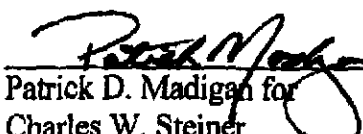
STANDARD FORM 5

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.

 11/19/98
Patrick D. Madigan for
Charles W. Steiner date

 11/19/98
IDWR Concurrence date

 11/19/98
Attorney for IDWR date

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

DATE: NOV-18-1998

PAGE: A-3

55-02152A (CONT.)

RIGHTS FROM: SOURCE: LOUISA CREEK TRIBUTARY: ROCK CREEK

RIGHT NUMBER: 55-02152A

NAME AND ADDRESS: CHARLES W STEINER
STAR ROUTE
OREANA ID 83659SOURCE: ROCK CREEK TRIBUTARY: NORTH BOULDER CREEK
LOUISA CREEK ROCK CREEK

QUANTITY: 1.96 CFS

USE OF THIS RIGHT WITH RIGHT NO. 55-02008 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.66 CFS.

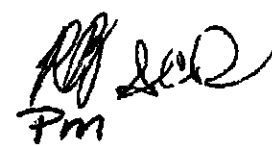
PRIORITY DATE: 02/09/1965

POINT OF DIVERSION: T07S R02W S30 SWSESE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 11-01	1.96 CFS

PLACE OF USE:	IRRIGATION	Within Owyhee County		
	T07S R02W S30	NESW 20 Lot 4 (SWSW)30	SESW 34	SWSE 12
	96 ACRES TOTAL			

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 403 ACRES IN A SINGLE
THE IRRIGATION OF A COMBINED TOTAL OF 408 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 55-02008, 55-02208A,
55-04150, 55-10351, 55-10352, 55-10353 & 55-10354.



RAJ led
Pm

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

IN THE NEAR FUTURE IDWR WILL RECOMMEND A GENERAL PROVISION
FOR THIS SUB-BASIN REGARDING THE INTERCONNECTION OF WATER
RESOURCES WITHIN THE SNAKE RIVER BASIN. AN OPPORTUNITY WILL BE
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COURT TO THAT PROVISION. THIS WATER RIGHT WILL BE SUBJECT TO
TO SUCH GENERAL PROVISIONS AS THE DISTRICT COURT DETERMINES
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT

AJ5856NP

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

DATE: NOV-18-1998

PAGE: A-4

55-02152A (CONT.)

ADMINISTRATION OF WATER RIGHTS.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

CERTIFICATE OF MAILING

I certify that on Nov. 19, 1998, 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:

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United States Department of Justice
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Patrick D. Madigan
Rosholt, Robertson & Tucker
P.O. Box 2139
Boise, ID 83701-2139

☐ Overnight Mail
☒ Regular Mail
☐ hand-delivered
☐ facsimile

RECEIVED

JUN 30 1999

Department of Water Resources

1999 JUN 28 PM 12: 07

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

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

ORDER OF PARTIAL DECREE

For Water Right 55-02152A

RECEIVED

OCT 04 1999

WATER RESOURCES
WESTERN REGION

On April 12, 1999, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 55-02152A is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED JUN 28 1999.



BARRY WOOD
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

1999 JUN 28 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 55-02152A

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 55-02152A was mailed
on June 28, 1999, with sufficient first-class postage prepaid
to the following:

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

CHARLES W STEINER
Represented by:
PATRICK D. MADIGAN
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
06/28/99

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

Comments:

Date: 03/01/1998 User-ID: JSHURTE Subject: COMBINED USE CONDITION
THIS RIGHT PICKS UP SOME ADDITIONAL ACRES THAT WERE NOT COVERED
UNDER 55-02008 FOR ROCK & LOUISA CREEK DIVERSION FROM TRIANGLE
RESERVOIR AND OTHER REDIVERSIONS. IN ORDER TO INSURE THAT THIS
CLAIMANT RECEIVES THE 96 ACRES ORIGINALLY LICENSED - IN CASE THE
1967 PRIORITY DATE RIGHT IS RESCINDED, ALL OF THE 96 ACRES HAVE
BEEN LISTED HERE. THE CONDITION THAT WHEN IT IS COMBINED WITH
55-02008 THEY CAN ONLY DIVERT A TOTAL OF 3.66 CFS FOR A TOTAL OF
183 ACRES IS MADE TO COVER THE OVERLAPPING ACRES IN SEC. 30. THIS
RIGHT ACTUALLY CONTAINS 26 ACRES NOT COVERED UNDER 55-02008.

Date: 03/04/1998 User-ID: AJU10-DS Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) H03 H04 ADDED IF NOT ALREADY PART
OF RECORD THRU

Date: 04/15/1998 User-ID: SSHERMAN Subject: NOTICE OF APPEARANCE
NOA FROM PAT MADIGAN REPRESENTING CHARLES W STEINER.

Date: 04/29/1998 User-ID: JSHURTE Subject: TOTAL ACRES CHANGED PER NOE FOR 55-04150
THE TOTAL ACRE LIMIT CONDITION WAS CHANGED FROM 393 TO 408 PER
THE ADDITION OF 15 MORE ACRES IN SEC. 31 DUE TO THE NOTICE OF
ERROR FILED FOR 55-04150. THIS BRINGS THE TOTAL FROM 393 TO 408.

Audit: 04/29/98 JSHURTE

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)04/15/98 08:30:09
Page 1Water Right Number - R55-02152A Prefix Translation: RESEARCH Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - - + + - - - - Address - - - - - +*** A - ATTORNEY ***
MADIGAN

PATRICK D

1 - ROSHOLT ROBERTSON & TUCKER
2 - PO BOX 2139
3 -
City- BOISE State- ID Zip- 837012139
Phone - 208-336-0700*** C - CURRENT OWNER ***
STEINER

CHARLES W

1 - STAR ROUTE
2 -
3 -
City- OREANA State- ID Zip- 83659
Phone - 208-000-0000+ - - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
02/09/1965 ERROR IN REGION L - LICENSE+ - - - - Source - - - - + + - - - - Tributary - - - - +
ROCK CREEK NORTH BOULDER CREEK
LOUISA CREEK ROCK CREEK+ - - - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County

07S 02W 30 SW SE SE (73) OWYHEE

+ - - - - - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/15 10/15 1.960+ - - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
1.960 0.0+ - - - - - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 02W 30 NE SW 20.0 01 IRRIGATION (73) OWYHEE
07S 02W 30 SW SW 30.0 01 IRRIGATION (73) OWYHEE
07S 02W 30 SE SW 34.0 01 IRRIGATION (73) OWYHEE
07S 02W 30 SW SE 12.0 01 IRRIGATION (73) OWYHEE

Total Acres: 96.0

+ - - Diversion Means - STORAGE IN TRIANGLE RESERV, DAM IN ROCK CR. TO DITCHES

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

Water right number - R55-02152A Prefix Translation: RESEARCH

| Remarks | |
|---------|--|
| | |

QNT USE OF THIS RIGHT WITH RIGHT NO. 55-02008 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.66 CFS.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 393 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 55-02008, 55-02208A, 55-04150, 55-10351, 55-10352 55-10353 & 55-10354.

| | No Old Water Right Numbers Found | Old Water Right Numbers |
|-----------|----------------------------------|-------------------------|
| + + + + + | - - - - - | - - - - - |

Conditions of Approval

- IRRIGATION PERIOD OF USE IS CURRENTLY ON APPEAL TO THE IDAHO SUPREME COURT. THE SRBA COURT RULED "IRRIGATION SEASON" IS ADEQUATE AND APPROPRIATE TO DESCRIBE THE PERIOD OF USE.
- APPELLANTS ARGUE A SPECIFIC CALENDAR DESCRIPTION IS NECESSARY TO DESCRIBE THE PERIOD OF USE FOR A WATER RIGHT. IF THE IDAHO SUPREME COURT OVERTURNS THE DECISION OF THE SRBA COURT ON USING "IRRIGATION SEASON" THE SPECIFIC CALENDAR DESCRIPTION SHOWN MAY BE USED.

| NO | POSSIBLE ALTERNATIVE PERIOD OF USE | 04/15 | 10/15 |
|-------|------------------------------------|---------------------------------|-------|
| H04 - | | SEE EXPLANATORY MATERIAL BELOW. | |

| + - - - Decree Plaintiff | - - + | + - - - Decree Defendant | + - - - Decree Date |
|--------------------------|-------|--------------------------|---------------------|
| | | | 00/00/0000 |

[illegible]

Date: 03/04/1998 User Id: AJU10-DS Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) H03 H04 ADDED IF NOT ALREADY PART

Date: 04/15/1998 User Id: SSSHERMAN Subject: NOTICE OF APPEARANCE
NOA FROM PAT MADJAN REPRESENTING CHARLES W STEINER.

+ - - Audit Fields - - +

04/15/98 SSHERMAN

[illegible]

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|-----|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 00/00/0000 | Old Judicial District | - |
| Claim Received Date | - 01/19/1989 | Last Amended Date | - 08/10/1994 | Temporary Right | - P |
| | | Receipt Number | - W002028 | Water District | - |
| | | PQU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - AND/OR | Presumption Flag | - C |
| | | | | Notice of Error Flag | - |

RECEIVED

APR 14 1998

Department of Water Resources

RECEIVED

APR 17 1998

WATER RESOURCES
WESTERN REGION

Patrick D. Madigan
ROSHOLT, ROBERTSON & TUCKER
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

Attorney for Charles W. Steiner

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

In Re: SRBA

Case No. 39576

NOTICE OF APPEARANCE

The law firm of Rosholt, Robertson & Tucker, P.O. Box 2139, Boise, Idaho 83701-2139,
through Patrick D. Madigan, hereby enters its appearance as counsel for Charles W. Steiner, in
the Snake River Basin Adjudication, Case No. 39576.

Dated this 13th day of April, 1998.

AIR' records modified 04-15-1998, so

55-02008

✓ - 02084

✓ - 02152A

✓ - 02208A

✓ - 04150

✓ - 10351

✓ - 10352

✓ - 10353

✓ - 10354

ROSHOLT, ROBERTSON & TUCKER

Patrick D. Madigan
Patrick D. Madigan

CERTIFICATE OF MAILING

I hereby certify that on this 13th day of April, 1998, a true and correct copy of the **NOTICE OF APPEARANCE** was mailed via U.S. mail, postage prepaid to the following:

Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098

U.S. Dept. of Justice
Environmental & Natural Resources
Division
550 W. Fort St., MSC 033
Boise, ID 83724

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


Patrick D. Madigan

Clients/steiner/not of appearance

ROSHOLT, ROBERTSON & TUCKER

Chartered
ATTORNEYS AT LAW

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

COPY

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

RECEIVED

APR 14 1998

Department of Water Resources

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

April 13, 1998

Diana Delaney
Clerk of the Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

Re: *Notice of Appearance*

Diana:

Pursuant to our telephone conversation this morning, I have prepared and am filing the enclosed general Notice of Appearance on behalf of Charles W. Steiner. Because his water right claims are located in basin 55 and have not yet been reported by IDWR, there are no subcases to identify. It is my understanding that the attached certificate of service will suffice and that all other SRBA parties shall receive notice through the docket sheet procedure under AO1, Rules of Procedure, Rule 6(e).

Also enclosed is a copy to be conformed and returned to me in the self-addressed stamped envelope provided.

Thank you for your assistance in this matter.

Sincerely,


Patrick D. Madigan

PDM:mh
Enclosure

| OWNER
CODE | NAME & ADDRESS | PRIORITY
DATE | WATER USE | USE PERIOD
FROM TO | DIVERSION
RATE | DIVERSION
VOLUME |
|---------------|--|------------------|------------|-----------------------|-------------------|---------------------|
| C | CHARLES W STEINER
STAR ROUTE
OREANA ID 83659 | 02/09/1965 | IRRIGATION | 04-15 10-15 | 1.96 CFS | |
| | | | | TOTAL DIVERSION: | 1.96 CFS | |

Water Source: ROCK CREEK
LOUISA CREEK

Tributary to: NORTH BOULDER CREEK
ROCK CREEK

Stage: LICENSE

Point(s) of Diversion: T07S R02W S30 SWSESE OWYHEE County

[illegible]

POLU County: QWYHEE

Remarks: QNT USE OF THIS RIGHT WITH RIGHT NO. 55-02008 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.66 CFS. 10/28

POU1 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF ~~395~~ ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 55-02008, 55-02208A, 55-04150, 55-10351, 55-10352 55-10353 & 55-10354.

| Dates: | Exam Made Date: | Verified Date: | Objection Filed Date: |
|--------|-----------------|----------------|-----------------------|
| | | | |

Misc: Water District Number: Field Inspection Flag: C
Presumption Flag:

Comments: Date: 03/01/1998 User-ID: JSHURTE Subject: COMBINED USE CONDITION
THIS RIGHT PICKS UP SOME ADDITIONAL ACRES THAT WERE NOT COVERED
UNDER 55-02008 FOR ROCK & LOUISA CREEK DIVERSION FROM TRIANGLE

AJ0749NP
No. R55-02152A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 03/03/98
PAGE: 2

Comments: Date: 03/01/1998 User-ID: JSHURTE Subject: COMBINED USE CONDITION
RESERVOIR AND OTHER REDIVERSIONS. IN ORDER TO INSURE THAT THIS
CLAIMANT RECEIVES THE 96 ACRES ORIGINALLY LICENSED - IN CASE THE
1967 PRIORITY DATE RIGHT IS RESCINDED, ALL OF THE 96 ACRES HAVE
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55-02008 THEY CAN ONLY DIVERT A TOTAL OF 3.66 CFS FOR A TOTAL OF
183 ACRES IS MADE TO COVER THE OVERLAPPING ACRES IN SEC. 30. THIS
RIGHT ACTUALLY CONTAINS 26 ACRES NOT COVERED UNDER 55-02008.

Audit: 03/03/98 JSHURTE

SUMMARY OF RECOMMENDATION FOR CHARLES STEINER - BASIN 55

55-02008 - ROCK CREEK & LOUISA CREEK

This right was based on a license with a priority date of 1908. Basically I recommended it for the same lands it was licensed for, only changing the acreage slightly to reflect current irrigated acres in those 1/41/4s. This right was recommended for both sides of Rock Creek due to the original right being from both Rock and Louisa Creek diversions. Total acres licensed = 157.

55-10352 - ROCK CREEK

Original claim was filed for 3-15-1912 based on beneficial use. However, I recommended a priority date of 11-14-1922 based on the idea that the field exam conducted in 1914 under the above licensed right 55-02008 did not mention any irrigation of other ground. The next evidence of irrigation came in a cancelled permit file. The permit had originally been filed for additional lands in the N1/2NE1/4, N1/2NW1/4, Sec. 25. However, due to no proof of beneficial use having been submitted, the permit was cancelled. In the original days of the Dept. the requirement was to file proof of completion of works and proof of beneficial use. If one was filed and the other wasn't, then the permit was cancelled. In this cancelled permit file there was proof of completion of works filed stating that the water had been put to beneficial use 10 years prior to the lands in Sec. 25. However, 10 years earlier would have been 1912 since the proof of completion of works was dated 1922. Because the field exam under 55-02008 was conducted in 1914, and these acres were not mentioned, I used the date of the notarized proof of completion of works as the date of priority for this right, 11-14-1922. Also submitted with this file were the homestead papers of Arthur Corlett which did show his intention to develop this land in Sec. 25. This right was recommended for an additional 71 acres of land irrigated within the same legal as the permit was filed for, N1/2NE1/4, N1/2NW1/4, S.25. These lands are lands that only Rock Creek water could be used to irrigate.

55-04150 - LOUISA CREEK

This right covers what Louisa Creek could have irrigated over and above those acres covered under Right No. 55-02008 for the liveflow (cfs) portion. There is no evidence that more water and acres were diverted &/or irrigated from Louisa Creek between 55-02008 and the building of the Louisa Creek dam in 1931. The lands covered by this right are lands South of Rock Creek that could have been irrigated from the Louisa Creek ditch. The acres in the W1/2NW1/4, and SENW, Sec. 31 are not included due to Lester Buck's affidavit which stated those lands were not irrigated until Triangle first filled in 1967. Those acres are covered under 55-10353 & 55-10354. The priority date is based on the above idea that there is no evidence that these lands were irrigated prior to the license issued under 55-02008 and not until the dam was built in 1931.

55-10351- LOUISA CREEK STORAGE

This right covers the storage right for Louisa Creek Reservoir which was built in 1931. The acres listed in this right are the acres that could have been irrigated via the Louisa Creek ditch and are all South of Rock Creek, except for the acres irrigated in the W1/2NW1/4 and SENW, Sec. 31 per Lester Buck's affidavit as explained above. Evidence of the date this dam was built is also from a cancelled permit 55-02171 which was filed for Louisa Creek dam specifically. This permit was cancelled for the same reason as before - proof of completion of works were submitted but not proof of beneficial use. Louisa Creek Dam was obviously completed in 1931 - per dam safety files also - however, as in many permits in those days, proof of completion of works was submitted and not proof of beneficial use. The proof of completion of works is a signed and notarized affidavit stating the work was completed and other documents from the file noting the dam was completed in 1931.

55-02152A & 55-02208A - ROCK CREEK & LOUISA CREEK LIVEFLOW & STORAGE IN TRIANGLE RESERVOIR

These rights have both been previously licensed and were licensed for 96 acres of land. I have recommended them both for the same 96 acres although they overlap with some of the acres under the earlier rights. The reason for this is due to the possible litigation concerning the following 1967 rights. Since these were licensed for the 96 acres, they should remain so in case the 1967 rights are compromised. These acres were determined based on contour lines rather than on an aerial photo. The earlier right listed above are evidence that more than 96 acres were irrigated at some point prior to these licenses.

55-10353 & 55-10354 - ROCK CREEK & LOUISA CREEK LIVEFLOW & STORAGE IN TRIANGLE RESERVOIR

These rights have been recommended to pick up the additional acres not listed under the previous rights. Especially those acres in the W1/2NW1/4 and SENW, Sec. 31 listed in Lester Buck's affidavit stating that those acres were first irrigated in 1967 after Triangle Reservoir first filled. An ASCS map dated in 1969 does show the ditch from the south headgate flowing around these lands in the NW1/4, Sec. 35 thus indicating these lands were irrigated by then. The 1967 date comes from Lester Buck's affidavit. The additional 31 acres recommended in 55-10353 are acres that needed to be covered from either Rock Creek or Louisa Creek to be sure they were covered by both sources in the end. For instance, the 2 acres in the NESW, S30, and the 3 acres in the NWNW, 1 acre in the SWNE, 1 acre in the NWNW, 3 acres in the SESE, S25, were to cover irrigation from Rock Creek that had not been previously covered. Then, the acres in the NWSW(6), NESW(2), S30, NENW(10) and NESE(5), S25 were listed to cover irrigation from both sources that had not been previously covered. NOTE: The difference in acres for each right comes from one being for liveflow, 55-10353, where many of the acres were previously covered under other rights and the other for storage from Triangle where only 96 acres had been previously covered. The remaining 297 acres for storage are being covered under 55-10354.

RECEIVED

MAR 20 1998

WATER RESOURCES
WESTERN REGION

Jan -
you still believe chad
accidentally applied for all
of A's water & used the Hatter
description in '79 -

Why then has he carried

that forward & re-applied

in 84 & 89?

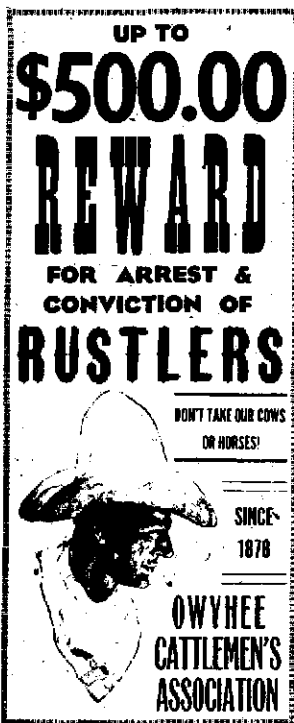
He could have
corrected his MISTAKE?

Don

Thanks for your help -

as always you are
a delight to work with.

Don



WINTERCAMP RANCH TRUST
DON BARNHILL
Hatton Ranch, Idaho
P.O. Box 343 Jordan Valley, OR 97910
(208) 891-2620

RECEIVED

MAR 20 1998

WATER RESOURCES
WESTERN REGION

3/18/98

Jon Schulte

Please find enclosed forms to
respond to notices of Error in
Charles Sterners Water Right Claims

As you are aware I adamantly disagree
with the Dept. records support non-use of
these claims plus the tremendous expansion
of any actual use which I feel I can
prove to be no more than 96 acres as
documented by your Dept.

All other lands claimed as irrigated
in fact SUB-IRRIGATE naturally and
take NO-IRRIGATION - an issuance of
these additional acres opens up the
possibility of licensure of therefore transfer to
non-irrigated lands constituting an expansion
of a right non-existent.

I adamantly object to the Steiner Claims of
R550284, R5502008, R5502152A, R5510351, R5502208A
R5504150, R5510352, R5510353, R5510354

Please post this in all these files. Sincerely, Don Barnhill

ALPH COPY
TO ALL 9 FILES NOTICE OF ERROR
PLEASE *Ed Brinkley* REPLY

RECEIVED

MAR 20 1998

WATER RESOURCES
WESTERN REGION

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:

Water right number: *R550284* *R5510352*
R5502008 *R5510353*
R5502152A *R5510354*
R5510351
R55 02208A
R55 04150

Daytime Telephone Number: *208 891 2620* *541 586 2278*
Evening Telephone Number:

- Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source): *ALL 9 OF THESE CLAIMS A. BASED UPON FRAUDULENT ACCOUNTS OF USE BY IDWR RECORDS ALL OF THESE CLAIMS LACK PROOF OF BENEFICIAL USE AND WERE*
- Describe the changes you wish to make in the proposed recommendation: *CANCELLED (LICENSE/PERMIT APPLICATIONS OF RECORD) WHILE THIS OWNER OWNED THIS PROPERTY WITH BENEFIT OF PROPER NOTICE TO MR. STEIN. IDWR ARBITRARILY ISSUED A LICENSE TO THE*
- Give a brief explanation as to why you disagree with these portions: *LANDS HEREIN CLAIMED FOR 96 ACRES OF ACTUAL USE IN THE LATE 60'S EARLY 70'S BUT WITHOUT APPLICATION FOR SAME BY ANYONE I CONTEND (IDWR RECORDS SUPPORT) A MAXIMUM OF 96 ACRES WAS EVER ACTIVELY IRRIGATED*
☒ I AGREE with this proposed recommendation; no changes need to be made.

DATE: *3/12/98* SIGNATURE: *Don Brinkley* *DON BRINKLEY*
Please print your name: *Box 343*
SPRINGER VALLEY
OREGON
97410

RECEIVED

MAR 20 1998

WATER RESOURCES
WESTERN REGION

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:**

Water right number: *R65 02152A*

Daytime Telephone Number: *208 891 2620 541 586 2278*
Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source): *ALL OF IT - IT IS BASED UPON A LICENSE THAT WASN'T EVEN APPLIED FOR BY ANGEO GUSTIT MA STEINER PNEO FLESSION*
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:
BASED UPON NO LICENSE APPLICATION FOR LICENSE ISSUED BY IDWR

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

DATE: *3/19/98*

SIGNATURE: *[Signature]*

Please print your name: *Don Barents*

*Webster 343
Gustavus
Oregon*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:45:09
01/22/98

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A55-02152A
20

LAST: STEINER
ADDRESS: STAR ROUTE
CITY: OREANA
PHONE NUMBER: 208-000-0000
OWNER CODE: C
FIRST: CHARLES W
STATE: ID ZIP: 83659

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS? Y() N()
DATABASE Y
FIELD EXAMINER Y() N()
CLAIM REMARKS: GEN THIS RIGHT IS ALSO FILED BY JOHN GILBERT, A55-02152, FOR THE TOTAL AMOUNT OF WATER, MINUS MR. STEINER'S ACREAGE. MR. STEINER INDICATES THAT THEY ARE ACTUALLY SHARING THE WATER IN THIS RESERVOIR AND EACH INDIVIDUAL SHOULD HAVE HALF. THEREFORE, I HAVE SPLIT THIS RIGHT, GIVING MR. STEINER HALF OF THE WATER, IN SPITE OF THE FACT THAT MR. GILBERT ALREADY FILED THIS CLAIMING THE TOTAL AMOUNT OF WATER.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: CHUCK STEINER PHONE NUMBER: 208, 834-2623 or 834-2934 (John)
DATE OF FIELD EXAM: 9/16/93 APPOINTMENT MADE: Y() N() TIME: 9:00 A() P()
ACCOMPANIED BY: JANK PHONE NUMBER: () - - -
RELATIONSHIP TO CLAIMANT: _____
DIRECTIONS TO PROPERTY / NOTES: Oreana - Triangle

- A. AJ CLAIM: # A55-02152A PRIORITY DATE: 02-09-1965 STAGE: L
- B. WR RECORD: # 55-02152 PRIORITY DATE: 02-09-1965 STAGE: L
- C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE?
- D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE?
- E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE? (IF YES, DESCRIBE BELOW)
- F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

Y() N()

Y() N()

Y() N()

PROOF OF BENEFICIAL USE SUBMITTED

FIELD EXAM COMPLETED

FIELD EXAM SENT TO STATE OFFICE

LICENSE ISSUED

N/A() Y() N()

N/A() Y() N()

N/A() Y() N()

N/A() Y() N()

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT, USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

- G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE OF THE PRIORITY DATE REQUIRED?

N/A() Y() N()

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED, INCLUDING THE ANALYSIS OF THE EVIDENCE.

- H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?

Y() N()

NOTES:

RECOMMENDED PRIORITY DATE:

02-09-1965

REVIEWED BY

DATE

3-2-98

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE?

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM?

1. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM 8-18-1911)

AJ FIELD EXAM (DATE OF FIELD EXAM 9-16-93 NAME OF EXAMINER JANE HUNT) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (X)

| TWP. | RGE. | SEC. | 1/4 | 1/4 | LOT | FLAG | COUNTY | DIVERSION NAME | DIVERSION NBR |
|------|------|------|-----|-----|-----|------|--------|----------------|---------------|
| 07S | 02W | 30 | SW | SE | | | OMYHEE | | |

SOURCE: ROCK CREEK

TRIB: ~~SNAKE RIVER~~ NORTH BUCKNER CK

REVIEWED BY:

DATE: 5-2-90

SYSTEM DESCRIPTION: DESCRIBED BELOW (), SEE LICENSE FILE (), OR SEE ATTACHMENT (X)

A. ROOT WATER RIGHT NUMBERS: A55-02152A
A55-02152B

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|-----|-----|-----|-----|-----|-----|--------------------|-------------------|-----------------|-----------------|----------------|------------------|
| 07S | 02W | 30 | NE | SW | 3 | STEINER, CHARLES W | A55-02152A / 19.0 | - | 29.0 | | 20 |
| | | | NE | SW | | STEINER, CHARLES W | A55-02008 / 19.0 | - | | | |
| | | | NE | SW | | STEINER, CHARLES W | A55-02208A / 19.0 | - | | | |
| | | | NE | SW | | STEINER, CHARLES W | A55-04150 / 19.0 | - | | | |
| | | | NE | SW | | STEINER, CHARLES W | A55-10351 / 19.0 | - | | | |
| | | | NE | SW | | STEINER, CHARLES W | A55-10354 / 19.0 | - | | | |
| 07S | 02W | 30 | NW | SW | 3 | STEINER, CHARLES W | A55-02152A / 10.0 | - | 15.0 | | 0 |
| | | | NW | SW | 3 | STEINER, CHARLES W | A55-02008 / 10.0 | - | | | |
| | | | NW | SW | 3 | STEINER, CHARLES W | A55-02208A / 10.0 | - | | | |
| | | | NW | SW | 3 | STEINER, CHARLES W | A55-04150 / 10.0 | - | | | |
| | | | NW | SW | 3 | STEINER, CHARLES W | A55-10351 / 10.0 | - | | | |
| | | | NW | SW | 3 | STEINER, CHARLES W | A55-10354 / 10.0 | - | | | |
| 07S | 02W | 30 | SW | SW | 4 | STEINER, CHARLES W | A55-02152A / 21.0 | - | 24.0 | | 30 |
| | | | SW | SW | 4 | STEINER, CHARLES W | A55-02008 / 21.0 | - | | | |
| | | | SW | SW | 4 | STEINER, CHARLES W | A55-02208A / 21.0 | - | | | |
| | | | SW | SW | 4 | STEINER, CHARLES W | A55-04150 / 21.0 | 55-04150 / 34.0 | | | |
| | | | SW | SW | 4 | STEINER, CHARLES W | A55-10351 / 21.0 | - | | | |
| | | | SW | SW | 4 | STEINER, CHARLES W | A55-10354 / 21.0 | - | | | |
| | | | SW | SW | | GIUSTI, ANGELO | 55-02152 / 34.0 | | | | |
| | | | SW | SW | | GIUSTI, ANGELO | 55-02208 / 34.0 | | | | |
| 07S | 02W | 30 | SE | SW | | STEINER, CHARLES W | A55-02152A / 30.0 | - | 36.0 | | 34 |
| | | | SE | SW | | STEINER, CHARLES W | A55-02008 / 30.0 | - | | | |
| | | | SE | SW | | STEINER, CHARLES W | A55-02208A / 30.0 | - | | | |
| | | | SE | SW | | STEINER, CHARLES W | A55-04150 / 30.0 | 55-04150 / 30.0 | | | |
| | | | SE | SW | | STEINER, CHARLES W | A55-10351 / 30.0 | - | | | |
| | | | SE | SW | | STEINER, CHARLES W | A55-10354 / 30.0 | - | | | |
| | | | SE | SW | | GIUSTI, ANGELO | 55-02152 / 30.0 | | | | |
| | | | SE | SW | | GIUSTI, ANGELO | 55-02208 / 30.0 | | | | |
| 07S | 02W | 30 | SW | SE | | STEINER, CHARLES W | A55-02152A / 11.0 | - | 25.0 | | 12 |
| | | | SW | SE | | STEINER, CHARLES W | A55-02208A / 11.0 | - | | | |
| | | | SW | SE | | STEINER, CHARLES W | A55-04150 / 11.0 | 55-04150 / 32.0 | | | |
| | | | SW | SE | | STEINER, CHARLES W | A55-10351 / 11.0 | - | | | |
| | | | SW | SE | | STEINER, CHARLES W | A55-10353 / 11.0 | - | | | |
| | | | SW | SE | | STEINER, CHARLES W | A55-10354 / 11.0 | - | | | |
| | | | SW | SE | | GIUSTI, ANGELO | 55-02152 / 32.0 | | | | |
| | | | SW | SE | | GIUSTI, ANGELO | 55-02208 / 32.0 | | | | |
| 07S | 02W | 30 | SE | SE | | STEINER, CHARLES W | A55-02152A / 1.0 | - | 3.0 | | 0 |

covered under other rights

- 615

- 615

covered under other rights

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|-----|-----|-----|-----|-----|-----|--------------------|-------------------|---------------|-----------------|----------------|------------------|
| 07S | 02W | 31 | SE | SE | | STEINER, CHARLES W | A55-02208A / 1.0 | - | 26.0 | | |
| | | | SE | SE | | STEINER, CHARLES W | A55-04150 / 1.0 | - | | | |
| | | | SE | SE | | STEINER, CHARLES W | A55-10351 / 1.0 | - | | | |
| | | | SE | SE | | STEINER, CHARLES W | A55-10353 / 1.0 | - | | | |
| 07S | 02W | 31 | SE | SE | | STEINER, CHARLES W | A55-10354 / 1.0 | - | | | |
| | | | NW | NE | | STEINER, CHARLES W | A55-02152A / 2.0 | - | | | |
| | | | NW | NE | | STEINER, CHARLES W | A55-02208A / 2.0 | - | | | |
| | | | NW | NE | | STEINER, CHARLES W | A55-04150 / 2.0 | - | | | |
| 07S | 02W | 31 | NW | NE | | STEINER, CHARLES W | A55-10351 / 2.0 | - | | | |
| | | | NW | NE | | STEINER, CHARLES W | A55-10353 / 2.0 | - | | | |
| | | | NW | NE | | STEINER, CHARLES W | A55-10354 / 2.0 | - | | | |
| | | | NW | NE | | STEINER, CHARLES W | A55-10354 / 2.0 | - | | | |
| 07S | 02W | 31 | NE | NW | | STEINER, CHARLES W | A55-02152A / 34.0 | - | 18.0 | | |
| | | | NE | NW | | STEINER, CHARLES W | A55-02208A / 34.0 | - | | | |
| | | | NE | NW | | STEINER, CHARLES W | A55-04150 / 34.0 | - | | | |
| | | | NE | NW | | STEINER, CHARLES W | A55-10351 / 34.0 | - | | | |
| 07S | 02W | 31 | NE | NW | | STEINER, CHARLES W | A55-10353 / 34.0 | - | | | |
| | | | NE | NW | | STEINER, CHARLES W | A55-10354 / 34.0 | - | | | |
| | | | NW | NW | 1 | STEINER, CHARLES W | A55-02152A / 34.0 | - | | | |
| | | | NW | NW | 1 | STEINER, CHARLES W | A55-02208A / 34.0 | - | | | |
| 07S | 02W | 31 | NW | NW | 1 | STEINER, CHARLES W | A55-10351 / 34.0 | - | 3.0 | | |
| | | | NW | NW | 1 | STEINER, CHARLES W | A55-10354 / 34.0 | - | | | |
| | | | SW | NW | 2 | STEINER, CHARLES W | A55-02152A / 12.0 | - | | | |
| | | | SW | NW | 2 | STEINER, CHARLES W | A55-10354 / 12.0 | - | | | |
| 07S | 02W | 31 | SW | NW | 2 | STEINER, CHARLES W | A55-02208A / 12.0 | - | | | |
| | | | SW | NW | 2 | STEINER, CHARLES W | A55-10351 / 12.0 | - | | | |
| | | | SE | NW | | STEINER, CHARLES W | A55-02152A / 28.0 | - | | | |
| | | | SE | NW | | STEINER, CHARLES W | A55-10354 / 28.0 | - | | | |
| 07S | 02W | 31 | SE | NW | | STEINER, CHARLES W | A55-02208A / 28.0 | - | 18.0 | | |
| | | | SE | NW | | STEINER, CHARLES W | A55-10351 / 28.0 | - | | | |
| | | | SE | NW | | STEINER, CHARLES W | A55-02152A / 1.0 | - | | | |
| | | | SE | NW | | STEINER, CHARLES W | A55-02208A / 1.0 | - | | | |
| 07S | 02W | 31 | NE | SW | | STEINER, CHARLES W | A55-04150 / 1.0 | - | | | |
| | | | NE | SW | | STEINER, CHARLES W | A55-10351 / 1.0 | - | | | |
| | | | NE | SW | | STEINER, CHARLES W | A55-10353 / 1.0 | - | | | |
| | | | NE | SW | | STEINER, CHARLES W | A55-10354 / 1.0 | - | | | |
| 07S | 03W | 25 | NE | NE | | STEINER, CHARLES W | A55-02152A / 11.0 | - | 12.0 | | |
| | | | NE | NE | | STEINER, CHARLES W | A55-10354 / 11.0 | - | | | |
| | | | NE | NE | | STEINER, CHARLES W | A55-02208A / 11.0 | - | | | |
| | | | NE | NE | | STEINER, CHARLES W | A55-04150 / 11.0 | - | | | |
| 07S | 03W | 25 | NE | NE | | STEINER, CHARLES W | A55-10351 / 11.0 | - | | | |
| | | | NE | NE | | STEINER, CHARLES W | A55-10352 / 11.0 | - | | | |
| | | | NE | NE | | STEINER, CHARLES W | | - | | | |
| | | | NE | NE | | STEINER, CHARLES W | | - | | | |

*Revised
w/pts
10/1/10*

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|-----|-----|-----|-----|-----|-----|--------------------|-------------------|---------------|-----------------|----------------|------------------|
| 07S | 03W | 25 | NW | NE | | STEINER, CHARLES W | A55-02152A / 28.0 | - | | | |
| | | | NW | NE | | STEINER, CHARLES W | A55-10351 / 28.0 | - | | | |
| | | | NW | NE | | STEINER, CHARLES W | A55-02208A / 28.0 | - | | | |
| | | | NW | NE | | STEINER, CHARLES W | A55-04150 / 28.0 | - | | | |
| | | | NW | NE | | STEINER, CHARLES W | A55-10352 / 28.0 | - | | | |
| | | | NW | NE | | STEINER, CHARLES W | A55-10354 / 28.0 | - | | | |
| 07S | 03W | 25 | SW | NE | | STEINER, CHARLES W | A55-02152A / 32.0 | - | | | |
| | | | SW | NE | | STEINER, CHARLES W | A55-10351 / 32.0 | - | | | |
| | | | SW | NE | | STEINER, CHARLES W | A55-02008 / 32.0 | 55-02008 | 25.0 | | |
| | | | SW | NE | | STEINER, CHARLES W | A55-02208A / 32.0 | - | | | |
| | | | SW | NE | | STEINER, CHARLES W | A55-04150 / 32.0 | - | | | |
| | | | SW | NE | | STEINER, CHARLES W | A55-10354 / 32.0 | - | | | |
| 07S | 03W | 25 | SE | NE | | STEINER, CHARLES W | A55-02152A / 18.0 | - | | | |
| | | | SE | NE | | STEINER, CHARLES W | A55-02008 / 18.0 | 55-02008 | 12.0 | | |
| | | | SE | NE | | STEINER, CHARLES W | A55-02208A / 18.0 | - | | | |
| | | | SE | NE | | STEINER, CHARLES W | A55-04150 / 18.0 | - | | | |
| | | | SE | NE | | STEINER, CHARLES W | A55-10351 / 18.0 | - | | | |
| | | | SE | NE | | STEINER, CHARLES W | A55-10354 / 18.0 | - | | | |
| 07S | 03W | 25 | NE | NW | | STEINER, CHARLES W | A55-02152A / 32.0 | - | | | |
| | | | NE | NW | | STEINER, CHARLES W | A55-02208A / 32.0 | - | | | |
| | | | NE | NW | | STEINER, CHARLES W | A55-04150 / 32.0 | - | | | |
| | | | NE | NW | | STEINER, CHARLES W | A55-10351 / 32.0 | - | | | |
| | | | NE | NW | | STEINER, CHARLES W | A55-10352 / 32.0 | - | | | |
| | | | NE | NW | | STEINER, CHARLES W | A55-10354 / 32.0 | - | | | |
| 07S | 03W | 25 | NW | NW | | STEINER, CHARLES W | A55-02152A / 29.0 | - | | | |
| | | | NW | NW | | STEINER, CHARLES W | A55-04150 / 29.0 | - | | | |
| | | | NW | NW | | STEINER, CHARLES W | A55-02208A / 29.0 | - | | | |
| | | | NW | NW | | STEINER, CHARLES W | A55-10351 / 29.0 | - | | | |
| | | | NW | NW | | STEINER, CHARLES W | A55-10352 / 29.0 | - | | | |
| | | | NW | NW | | STEINER, CHARLES W | A55-10354 / 29.0 | - | | | |
| 07S | 03W | 25 | SW | NW | | STEINER, CHARLES W | A55-02152A / 1.0 | - | | | |
| | | | SW | NW | | STEINER, CHARLES W | A55-04150 / 1.0 | - | | | |
| | | | SW | NW | | STEINER, CHARLES W | A55-02208A / 1.0 | - | | | |
| | | | SW | NW | | STEINER, CHARLES W | A55-10351 / 1.0 | - | | | |
| | | | SW | NW | | STEINER, CHARLES W | A55-10353 / 1.0 | - | | | |
| | | | SW | NW | | STEINER, CHARLES W | A55-10354 / 1.0 | - | | | |
| 07S | 03W | 25 | SE | NW | | STEINER, CHARLES W | A55-02152A / 29.0 | - | | | |
| | | | SE | NW | | STEINER, CHARLES W | A55-02008 / 20.0 | 55-02008 | 20.0 | | |
| | | | SE | NW | | STEINER, CHARLES W | A55-02208A / 29.0 | - | | | |
| | | | SE | NW | | STEINER, CHARLES W | A55-04150 / 29.0 | - | | | |
| | | | SE | NW | | STEINER, CHARLES W | A55-10351 / 29.0 | - | | | |
| | | | SE | NW | | STEINER, CHARLES W | A55-10353 / 9.0 | - | | | |

Recommended under other NTS

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|-----|-----|-----|-----|-----|-----|--------------------|-------------------|----------------|-----------------|----------------|------------------|
| 07S | 03W | 25 | SE | NW | | STEINER, CHARLES W | A55-10354 / 29.0 | - / | | | |
| 07S | 03W | 25 | NE | SW | | STEINER, CHARLES W | A55-02152A / 27.0 | - / | 5.0 | | |
| | | | NE | SW | | STEINER, CHARLES W | A55-02208A / 27.0 | - / | | | |
| | | | NE | SW | | STEINER, CHARLES W | A55-04150 / 27.0 | - / | | | |
| | | | NE | SW | | STEINER, CHARLES W | A55-10351 / 27.0 | - / | | | |
| | | | NE | SW | | STEINER, CHARLES W | A55-10353 / 27.0 | - / | | | |
| | | | NE | SW | | STEINER, CHARLES W | A55-10354 / 27.0 | - / | | | |
| 07S | 03W | 25 | SE | SW | | STEINER, CHARLES W | A55-02152A / 14.0 | - / | | | |
| | | | SE | SW | | STEINER, CHARLES W | A55-02208A / 14.0 | - / | | | |
| | | | SE | SW | | STEINER, CHARLES W | A55-04150 / 14.0 | - / | | | |
| | | | SE | SW | | STEINER, CHARLES W | A55-10351 / 14.0 | - / | | | |
| | | | SE | SW | | STEINER, CHARLES W | A55-10353 / 14.0 | - / | | | |
| | | | SE | SW | | STEINER, CHARLES W | A55-10354 / 14.0 | - / | | | |
| 07S | 03W | 25 | NE | SE | | STEINER, CHARLES W | A55-02152A / 36.0 | - / | 26.0 | | |
| | | | NE | SE | | STEINER, CHARLES W | A55-02008 / 7.0 | 55-02008 / 5.0 | | | |
| | | | NE | SE | | STEINER, CHARLES W | A55-02208A / 36.0 | - / | | | |
| | | | NE | SE | | STEINER, CHARLES W | A55-04150 / 36.0 | - / | | | |
| | | | NE | SE | | STEINER, CHARLES W | A55-10351 / 36.0 | - / | | | |
| | | | NE | SE | | STEINER, CHARLES W | A55-10353 / 29.0 | - / | | | |
| | | | NE | SE | | STEINER, CHARLES W | A55-10354 / 36.0 | - / | | | |
| 07S | 03W | 25 | NW | SE | | STEINER, CHARLES W | A55-02152A / 40.0 | - / | 7.0 | | |
| | | | NW | SE | | STEINER, CHARLES W | A55-02208A / 40.0 | - / | | | |
| | | | NW | SE | | STEINER, CHARLES W | A55-04150 / 40.0 | - / | | | |
| | | | NW | SE | | STEINER, CHARLES W | A55-10351 / 40.0 | - / | | | |
| | | | NW | SE | | STEINER, CHARLES W | A55-10353 / 40.0 | - / | | | |
| | | | NW | SE | | STEINER, CHARLES W | A55-10354 / 40.0 | - / | | | |
| 07S | 03W | 25 | SW | SE | | STEINER, CHARLES W | A55-02152A / 40.0 | - / | | | |
| | | | SW | SE | | STEINER, CHARLES W | A55-02208A / 40.0 | - / | | | |
| | | | SW | SE | | STEINER, CHARLES W | A55-04150 / 40.0 | - / | | | |
| | | | SW | SE | | STEINER, CHARLES W | A55-10351 / 40.0 | - / | | | |
| | | | SW | SE | | STEINER, CHARLES W | A55-10353 / 40.0 | - / | | | |
| | | | SW | SE | | STEINER, CHARLES W | A55-10354 / 40.0 | - / | | | |
| 07S | 03W | 25 | SE | SE | | STEINER, CHARLES W | A55-02152A / 37.0 | - / | 7.0 | | |
| | | | SE | SE | | STEINER, CHARLES W | A55-02208A / 37.0 | - / | | | |
| | | | SE | SE | | STEINER, CHARLES W | A55-04150 / 37.0 | - / | | | |
| | | | SE | SE | | STEINER, CHARLES W | A55-10351 / 37.0 | - / | | | |
| | | | SE | SE | | STEINER, CHARLES W | A55-10353 / 37.0 | - / | | | |
| | | | SE | SE | | STEINER, CHARLES W | A55-10354 / 37.0 | - / | | | |
| 07S | 03W | 36 | NE | NE | | STEINER, CHARLES W | A55-02152A / 3.0 | - / | | | |
| | | | NE | NE | | STEINER, CHARLES W | A55-02208A / 3.0 | - / | | | |
| | | | NE | NE | | STEINER, CHARLES W | A55-04150 / 3.0 | - / | | | |

Recommended under sketch.

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|-----|-----|-----|-----|-----|-----|--------------------|-------------------|---------------|-----------------|----------------|------------------|
| | | | NE | NE | | STEINER, CHARLES W | A55-10351 / 3.0 | - | | | |
| | | | NE | NE | | STEINER, CHARLES W | A55-10353 / 3.0 | - | | | |
| | | | NE | NE | | STEINER, CHARLES W | A55-10354 / 3.0 | - | | | |
| 07S | 03W | 36 | NW | NE | | STEINER, CHARLES W | A55-02152A / 22.0 | - | | | |
| | | | NW | NE | | STEINER, CHARLES W | A55-02208A / 22.0 | - | | | |
| | | | NW | NE | | STEINER, CHARLES W | A55-04150 / 22.0 | - | | | |
| | | | NW | NE | | STEINER, CHARLES W | A55-10351 / 22.0 | - | | | |
| | | | NW | NE | | STEINER, CHARLES W | A55-10353 / 22.0 | - | | | |
| | | | NW | NE | | STEINER, CHARLES W | A55-10354 / 22.0 | - | | | |
| 07S | 03W | 36 | NE | NW | | STEINER, CHARLES W | A55-02152A / 8.0 | - | | | |
| | | | NE | NW | | STEINER, CHARLES W | A55-10353 / 8.0 | - | | | |
| | | | NE | NW | | STEINER, CHARLES W | A55-02208A / 8.0 | - | | | |
| | | | NE | NW | | STEINER, CHARLES W | A55-04150 / 8.0 | - | | | |
| | | | NE | NW | | STEINER, CHARLES W | A55-10351 / 8.0 | - | | | |
| | | | NE | NW | | STEINER, CHARLES W | A55-10354 / 8.0 | - | | | |

ADDITIONAL POU FOUND

TOTAL ACRES A55-02152A 610.00 401.00 96 TOTAL

POU COUNTY: OMYHEE

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET () → under other pts.

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

| CLAIM NO. | SOURCE | NAME | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|------------|--------------|--------------------|-----------|----------------|-----------|----------------|
| A55-02152A | ROCK CREEK | STEINER, CHARLES W | 5.580 | 0.009 | | |
| A55-02008 | LOUISA CREEK | STEINER, CHARLES W | 3.140 | 0.020 | | |
| A55-02208A | ROCK CREEK | STEINER, CHARLES W | | | 592.00 | 0.97 |

| CLAIM NO. | SOURCE | NAME | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|-----------|--------------|--------------------|-----------|----------------|-----------|----------------|
| A55-04150 | LOUISA CREEK | STEINER, CHARLES W | 3.000 | 0.005 | 175.00 | 0.28 |
| A55-10351 | LOUISA CREEK | STEINER, CHARLES W | 2.000 | 0.020 | | |
| A55-10352 | ROCK CREEK | STEINER, CHARLES W | 5.580 | 0.020 | 592.00 | 0.97 |
| A55-10353 | ROCK CREEK | STEINER, CHARLES W | | | | |
| A55-10354 | LOUISA CREEK | STEINER, CHARLES W | | | | |

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

* IF YES, COMPLETE OVERLAP REVIEW: - *Attached*

OTHER RIGHTS LISTED IN CLAIM: A55-02208A, A5504150

Y(☒) N(☐)

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A(☐) Y(☒) N(☐)

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A(☐) Y(☒) N(☐)

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y(☐) N(☒)

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y(☐) N(☒)

CHECK DOCUMENTS USED TO VERIFY POU: ☒ AA550 + ORTHOPHOTOQUAD, IDMR NO. AA550 : () TOPOGRAPHIC QUAD, IDMR NO. N/A ;
☒ NAPP, IDMR NO. AA555E : ☒ ASCS PHOTO: () OTHER

NOTES: The claim was filed as a permissible place of use on the license listing all the acres the Steiner's felt are irrigated. Rather than list all the acres on every water right & then limit them to the amount either licensed or actually developed I chose to split each right out & show the actual acres that could have been irrigated at the different times per the evidence submitted or recommended what was licensed at the time. The reason I chose to do it this way was to try & show clearly where each right's acres come from & what I based them on. This is due to the objection information concerning the acre previously submitted by Mr. Samdahl. I am recommending some overlapping acres on this license - overlapped with 55-02008 since due to the fact that they were licensed & should not be questioned & they may be questioned - with later

RECOMMENDATIONS:

TOTAL ACRES: 96 N/A ()
 REVIEWED BY: [Signature] DATE: 3-2-98

priority dates (the 1907 claims). Then, the Steiner's cannot lose the 96 acres originally licensed. Then, the condition that when this claim & 55-02008 are combined cannot exceed 3.66 cfs & the condition that when this & all other are combined they cannot exceed the total acre irrigated under all rights - 393.

A. AJ CLAIMED USES:

| PURPOSE OF USE | PERIOD OF USE (MONTH/DAY) | DIV. RATE FOR EACH USE | DIV. VOL. FOR EACH USE |
|-----------------------------|---------------------------|------------------------|------------------------|
| A55-02152A IRRIGATION | FROM 04-01 TO 11-01 | 5.580 CFS | |
| TOTAL DIVERSION RATE/VOLUME | | 5.580 CFS | |

B. WR RECORDED USES:

| PURPOSE OF USE | PERIOD OF USE (MONTH/DAY) | DIV. RATE FOR EACH USE | DIV. VOL. FOR EACH USE |
|-----------------------------|---------------------------|------------------------|------------------------|
| 55-02152 IRRIGATION | FROM 04-01 TO 11-01 | 11.160 CFS | 1644.00 AF/A |
| TOTAL DIVERSION RATE/VOLUME | | 11.160 CFS | 1644.00 AF/A |

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE?

Y(☒) N(☐)

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

Y(☒) N(☐)

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM?

Y(☐) N(☒)

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS?

Y(☐) N(☒)

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS?

Y(☒) N(☐)

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

Y(☐) N(☒)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM?

Y(☐) N(☒)

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

Y(☒) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM?

Y(☒) N(☐)

NOTES:

The diversion rate for this license for the 90 cases was
calculated using the original total licensed cases
& total cases. Originally 548 cases were licensed for
11.16 cph. Therefore, $11.16 \text{ cph} \div 548 \times 96 = 1.955 \text{ cph}$
1.96 cph.

AJ CLAIM TOTAL DIVERSION RATE: 5.580 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 11.160 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A () Y () N (X)

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE?

N/A () Y (X) N () N (X)

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE?

Y () N (X)

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM?

Y () N (X)

E. MEASUREMENT METHOD N/A FLOW MEASUREMENT

SEE ATTACHED CALCULATIONS.

F.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 96 x 0.02 CFS/ACRE = 1.92 CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y (X) N ()

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y () N (X)

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = N/A AF/AACRES 96 x DIVERSION VOL. AF/A FOR AREA 96 =TOTAL DIVERSION VOLUME 96 AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = N/A AF/AACRES 96 x CONSUMPTIVE VOL. AF/A FOR AREA 96 =TOTAL CONSUMPTIVE USE 96 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

See previous notes
re diversion
rates recommendation.

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

| REC.
PURPOSE OF USE | REC. PERIOD
FROM TO | REC. DIV
RATE CFS | REC. DIV
VOL. AF/A | REC. CONS.
USE |
|------------------------|------------------------|-----------------------|--------------------------|--------------------------|
| IRRIGATION | 04-01 11-01 | DATABASE
5.580 | DATABASE EXAMINER
N/A | DATABASE EXAMINER
0.0 |
| <u>IRRIGATION</u> | <u>4-15 10-15</u> | <u>1.96 cfs</u> | <u>N/A</u> | <u>N/A</u> |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| TOTAL FOR THIS RIGHT | | 5.580 <u>1.96 cfs</u> | | 0.0 |

NON-IRRIGATION USES CLAIMED: S/APPROX. 800 HD CATTLE $\rightarrow$ cannot add to license.

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REVIEWED BY: [Signature] DATE: 3-2-98

FLAG: E $\rightarrow$ no longer an expansion on recommendation.

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

10411 - Conditioned when all its are combined.
cannot exceed the total 793 acres irrigated.
10417 - Conditioned that when this right x 55-02008
are cond. cannot exceed 3.66 cfs due to
some of the same acres being recommended
under this right were already licensed under
55-02008 - see notes on page 11 as to why the
full 96 acres are being recommended.

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

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: 55-02152

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE 11.160

EXAMINER

CFS

SPLITS:

| OLD RIGHT NUMBERS | CURRENT CLAIM NUMBERS | DIVERSION RATE | CURRENT "R" CLAIM NUM. | "R" DIV. RATE | WR RIGHT NUMBERS | DIVERSION RATE |
|-------------------|-----------------------|----------------|------------------------|---------------|------------------|----------------|
| - | A55-02152A | 5.580 | - | - | 55-02152 | 11.160 |
| - | A55-02152B | 11.160 | - | - | | |

TOTAL CFS 16.740

11.160

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE N
FIELD EXAMINER Y(X) N()

NOTES:

55-02152A recommended for 1.96 cfs x 55-02152B recommended for 9.2 cfs for a total of 11.16 cfs - same total as licensed.

AUTHENTICATION:

SIGNATURE: Jan Thute DATE: 3-2-98

NAME OF FIELD EXAMINER: JAN THUTE TITLE: WATER RES SUPERVISOR

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

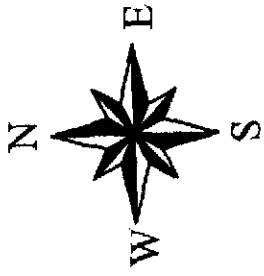
| TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED) | IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION | COPY INCLUDED IN FILE? |
|---|--|------------------------|
| ☒ ORTHOPHOTOQUAD | DATE OF PHOTO <u>1979</u> | Y() N() |
| ☐ TOPOGRAPHIC | DATE FIELD CHECKED _____ | Y() N() |
| ☒ NAPP | DATE OF PHOTO <u>8-2-87</u> | Y() N() |
| ☒ ASCS AERIAL PHOTO | IDNR ID NO. <u>AA55JSE</u> | Y() N() |
| ☐ ASCS COLOR SLIDE | DATE OF PHOTO <u>1988</u> | Y() N() |
| ☐ BLM OR USFS AERIAL PHOTO | IDNR ID NO. <u>AA56SW</u> | Y() N() |
| ☒ TOWNSHIP SURVEY (GOVERNMENT PLAT) | DATE OF SURVEY <u>7-25-1912</u> | Y() N() |
| ☐ SCS SOIL SURVEY MAP | DATE ISSUED _____ | Y() N() |
| ☐ SUBDIVISION PLAT MAP | DATE OF MAP _____ | Y() N() |
| ☐ OTHER _____ | DATE _____ | Y() N() |
| ☐ OTHER _____ | DATE _____ | Y() N() |
| ☐ OTHER _____ | DATE _____ | Y() N() |

| LIST OF ATTACHMENTS (CHECK IF ATTACHED) | IF ATTACHED, SUPPLY APPROPRIATE INFORMATION | NO. OF PAGES | NOTES |
|---|---|--------------|-------|
| ☒ LICENSING FIELD EXAM | DATE OF FIELD EXAM <u>8-18-1971</u> | | |
| ☒ WATER RIGHT LICENSE | DATE LICENSE SIGNED <u>9-22-1971</u> | 1 | |
| ☐ IDMR APPROVED TRANSFER | DATE TRANSFER APPROVED _____ | | |
| ☒ SYSTEM DESCRIPTION | DATE DRAWN <u>WRITTEN</u> | | |
| ☒ PHOTOGRAPHS | DATE(S) PHOTOS TAKEN <u>9-16-93</u> | | |
| ☐ SPLIT RIGHT REVIEW | DATE REVIEW COMPLETED _____ | | |
| ☐ HUBBLE ANALYSIS | DATE ANALYSIS COMPLETED _____ | | |
| ☐ CONVEYANCE LOSS ANALYSIS | DATE ANALYSIS COMPLETED _____ | | |
| ☐ FLOW MEASUREMENT CALCULATIONS | DATE SYSTEM MEASURED _____ | | |
| ☒ OTHER <u>OVERLAP ANALYSIS</u> | DATE _____ | | |
| ☒ OTHER <u>AFFIDAVITS OF</u> | DATE <u>5-10-94</u> | | |

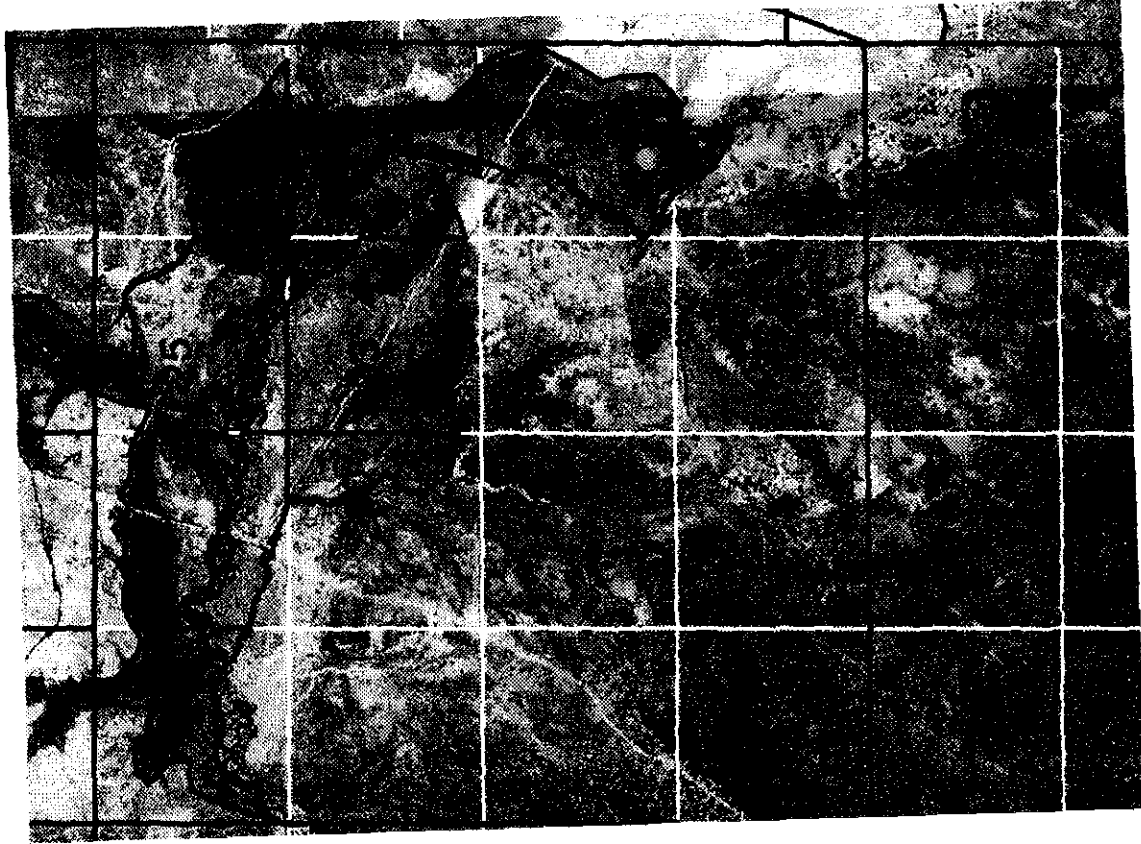
CHARLES STEINER &
LESTER BUCK &
MICHAEL GUSTY &
WARRANTY DEED

IDAHO DEPARTMENT OF WATER RESOURCES

T07S, R03W, S25



1987 NAPP PHOTO



SECTION LINES



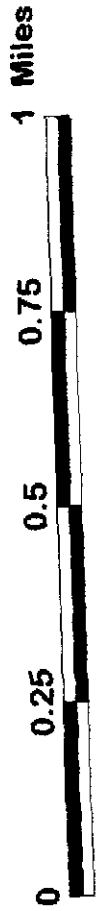
POD



PLACE OF USE

1/4 1/4 LINES

CLAIM(S) : 55-02008, 55-02152A,
55-02208A, 55-04150,
55-10351, 55-10352,
55-10353 & 55-10354
Owner: CHARLES STEINER
Prepared by: Jan Shurte
Date: 3-2-98



IDAHO DEPT OF WATER RESOURCES

T07S, R02W, S30 & S31 T07S, R03W, S25

CLAIM(S) : 55-02008, 55-02152A,
55-02208A, 55-04150, 55-10351,
55-10352, 55-10353
& 55-10354
OWNER: CHARLES STEINER
Prepared by: Jan Shurte
Date: 3-2-1998

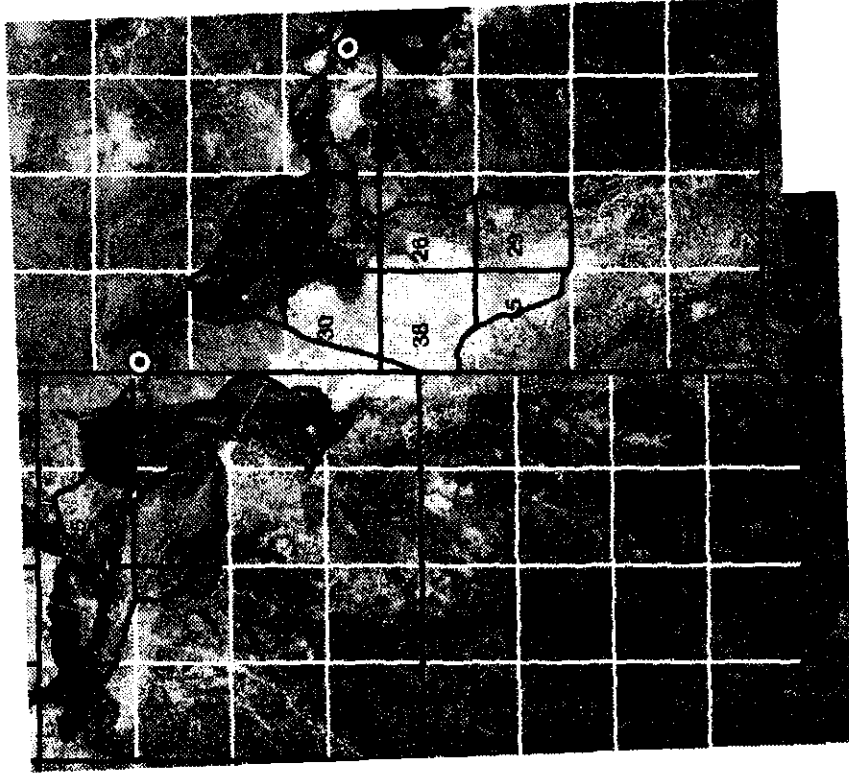
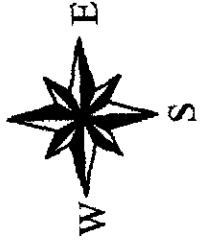
1987 NAPP PHOTO

 SECTION LINES

 PLACE OF USE

1/4 1/4 LINES

393 TOTAL ACRES



0 0.25 0.5 0.75 1 1.25 Miles

DESCRIPTION OF DIVERTING WORKS - TRIANGLE RANCH - CHUCK STEINER
55-02008, 55-02152A, 55-02208A, 55-04150, 55-10351, 55-10352,
55-10353 & 55-10354

TRIANGLE RESERVOIR

Triangle reservoir is located on Rock Creek with a 29' high dam and 1184 af of storage. Louisa Creek flows into Triangle reservoir in the NENE, S31, T7S, R2W, therefore, Triangle reservoir collects both Rock Creek and Louisa Creek water. The reservoir water is diverted via two headgates - the North headgate and the South headgate.

North headgate - this headgate diverts water to irrigate lands in the SW1/4SE1/4 & SW1/4, Sec. 30, north of Rock Creek, before entering the Hatton diversion reservoir and dam in the NWSW and SWNW, S30. A diversion from the northside of Hatton Reservoir in the NENE, Sec. 25, carries the water to the lands in the N1/2NE1/4 and the N1/2NW1/4, S. 25, aka the Corlett homestead. This ditch continues west to irrigate lands owned by the Wintercamp Ranch Trust under 55-02006, 55-02152B and 55-02208B. There was evidence of a ditch that diverted on the southside of Hatton Reservoir to the lands south of Rock Creek in Sec. 25, T7S, R3W, however, it was not in use at the time of the field exam due to a rockslide covering the ditch.

At the time of this exam there was a ditch which crossed over from the North headgate ditch and diverted water in a westerly direction to irrigate the remaining lands in the SWSE & SW1/4, Sec. 30, south of Rock Creek aka the Bachman homestead.

South headgate - this headgate diverts water south from Triangle reservoir. It divides into two ditches with both heading south to catch ponds and joining in the NENW, Sec. 31 (along with the Louisa Creek ditch described below) and continue as one in a westerly direction irrigating lands in the NW1/4, Sec. 31 and the E1/2SE1/4, Sec. 25. The ditch continues west to a small diversion pond located in the center of the SE1/4, Sec. 25. Water is then dispersed north to irrigate lands in the N1/2SE1/4, S1/2NE1/4, Sec. 25, south of Rock Creek, and west to another small diversion pond in the SENW, Sec. 25. The water continues from this pond in a northwesterly direction to irrigate lands in the SENW, NENW, Sec. 25, south of Rock Creek. These lands in the N1/2SE1/4, S1/2NE1/4, E1/2 NW1/4, Sec. 25 were aka the Bachman homestead.

LOUISA CREEK RESERVOIR

Louisa Creek reservoir is located on Louisa Creek with a 41' high dam and 175 af of storage. The Louisa Creek ditch diverts out of Louisa Creek below the reservoir in the NESE, Sec. 31. It heads north towards Triangle Reservoir, then turns and heads west to where it joins the ditch from the South headgate in the NENW, Sec. 31. See the description of where this ditch then heads and which lands it irrigates as described above under the South headgate.

AGENT

DATE 3-2-98

55-02008, 55-02152, 55-02408A,
 55-04150 55-10351
 55-10352, 55-10353 & 55-10354

D61

| USE/SOURCE | NUMBER | TNS | RNG | SEC | NE | | | | NW | | | | SW | | | | SE | | | | TOTAL | SYSTEM TOTAL |
|---------------|----------------|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|---|
| | | | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | |
| Rock/Louisa | 1908
02008 | 75 | 2W | 30 | | | | | | | | | 19 | 10 | 21 | 30 | | | | | 80 | |
| Louisa | 1931
04150 | " | " | " | | | | | | | | | 1 | 9 | | | | | 4 | | 14 | |
| Rock/Louisa | 1965
02152A | " | " | " | | | | | | | | | 20 | 30 | 34 | | | | 12 | | 10 | ADDITIONAL
NOT COVERED BY
55-02008 &
ALL OTHERS
ARE |
| Rock/Louisa | 1967
0353 | " | " | " | | | | | | | | | 2 | 6 | | | | | | | 8 | |
| TOTAL FOR 530 | | | | | | | | | | | | 22 | 10 | 30 | 34 | | | | 12 | | 114 | 114 |

| USE/SOURCE | NUMBER | TNS | RNG | SEC | NE | | | | NW | | | | SW | | | | SE | | | | TOTAL | SYSTEM TOTAL |
|---------------|----------------|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|------------------------|--------------|
| | | | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | |
| Louisa | 1931
10351 | 75 | 2W | 30 | | | | | | | | | 1 | 11 | 30 | 24 | | | 6 | | DIFFERENT
RESERVOIR | |
| Rock/Louisa | 1965
02208A | " | " | " | | | | | | | | | 20 | 30 | 34 | | | | 12 | | TOTAL | 114 |
| Rock/Louisa | 1967
10354 | " | " | " | | | | | | | | | 2 | 10 | | | | | | | | |
| TOTAL FOR 530 | | | | | | | | | | | | 22 | 10 | 30 | 34 | | | | 12 | | TOTAL | 114 |

| USE/SOURCE | NUMBER | TNS | RNG | SEC | NE | | | | NW | | | | SW | | | | SE | | | | TOTAL | SYSTEM TOTAL |
|-------------------------|---------------|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|--------------|
| | | | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | |
| LIVEFLOW
Rock/Louisa | 1967
10353 | 75 | 2W | 31 | | | | | 26 | 38 | 15 | 29 | | | | | | | | | 108 | LIVEFLOW |
| STORAGE
Rock/Louisa | 1967
10354 | " | " | " | | | | | 26 | 38 | 15 | 29 | | | | | | | | | 108 | STORAGE |
| LIVEFLOW
LOUISA | 04150 | | | | | | 10 | 5 | 26 | | | | | | | | | | | | 41 | |
| TOTAL | | | | | | | | | | | | 10 | 5 | 26 | 38 | 15 | 29 | | | | 123 | |

| NUMBER | TNS | RNG | SEC | NE | | | | NW | | | | SW | | | | SE | | | | TOTAL | SYSTEM TOTAL | |
|---------------|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|---|------------------------------|
| | | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | | |
| 1908
02008 | 75 | 2W | 25 | | | 32 | 14 | | | | 10 | | | | | | 21 | | | | 172 | 171 |
| 1922
10352 | | | | 13 | 25 | | | 18 | 15 | | | | | | | | | | | | 71 | |
| 1931
04150 | | | | | 3 | 1 | | 10 | 1 | | | | | | | | 5 | | | 3 | 23 | |
| 1967
10353 | | | | | 3 | 1 | | 10 | 1 | | | | | | | | 5 | | | 3 | TO COVER
LOUISA &
ROCK | |
| | | | | 13 | 28 | 33 | 14 | 28 | 16 | | 10 | | | | | | 26 | | | 3 | WITH ROCK OK
H2O FROM TRIANGLE
RES. | TO COVER
LOUISA &
ROCK |

NOTE: SEC. 25 acres listed above are a compilation of different rights with acres recommended according to timelines (priorities). Striped to cover the acres with both sources as much as possible.

| USE/SOURCE
STORAGE | NUMBER | TNS | RNG | SEC | NE | | | | NW | | | | SW | | | | SE | | | | TOTAL | SYSTEM
TOTAL |
|-----------------------|---------------|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|----------------------------|
| | | | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | |
| LOUISA | 1931
10351 | 75 | 36 | 25 | | 3 | 33 | 14 | 10 | 1 | | 10 | | | | | 26 | | | 3 | | |
| LOUISA/ROCK | 1967
10354 | " | " | " | 13 | 28 | 33 | 14 | 28 | 10 | | 10 | | | | | 26 | | | 3 | 171 | OK ALL
FROM
TRIANGLE |
| | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | |

| USE/SOURCE | NUMBER | TNS | RNG | SEC | NE | | | | NW | | | | SW | | | | SE | | | | TOTAL | SYSTEM
TOTAL |
|------------|--------|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|-----------------|
| | | | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | |
| | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | |

| USE/SOURCE | NUMBER | TNS | RNG | SEC | NE | | | | NW | | | | SW | | | | SE | | | | TOTAL | SYSTEM
TOTAL |
|------------|--------|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|-----------------|
| | | | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | |
| | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | |

| USE/SOURCE | NUMBER | TNS | RNG | SEC | NE | | | | NW | | | | SW | | | | SE | | | | TOTAL | SYSTEM
TOTAL |
|------------|--------|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|-----------------|
| | | | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | |
| | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | |

TOTAL ACRES = 408



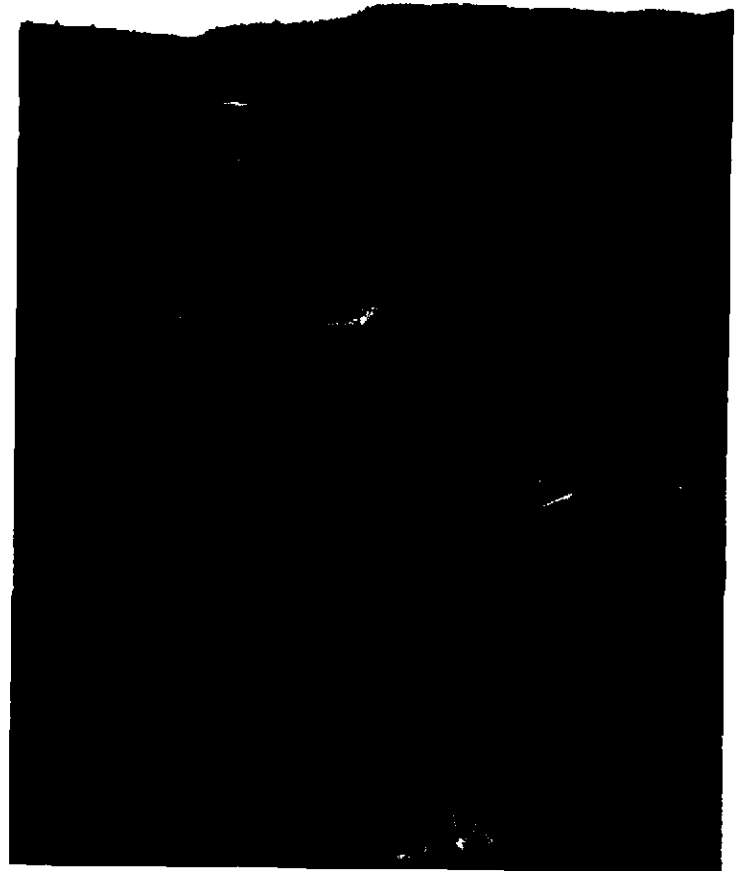
NORTH HEADGATE
FROM TRIANGLE
RESERVOIR

PHOTOS TAKEN
9-16-93

SOUTH HEADGATE

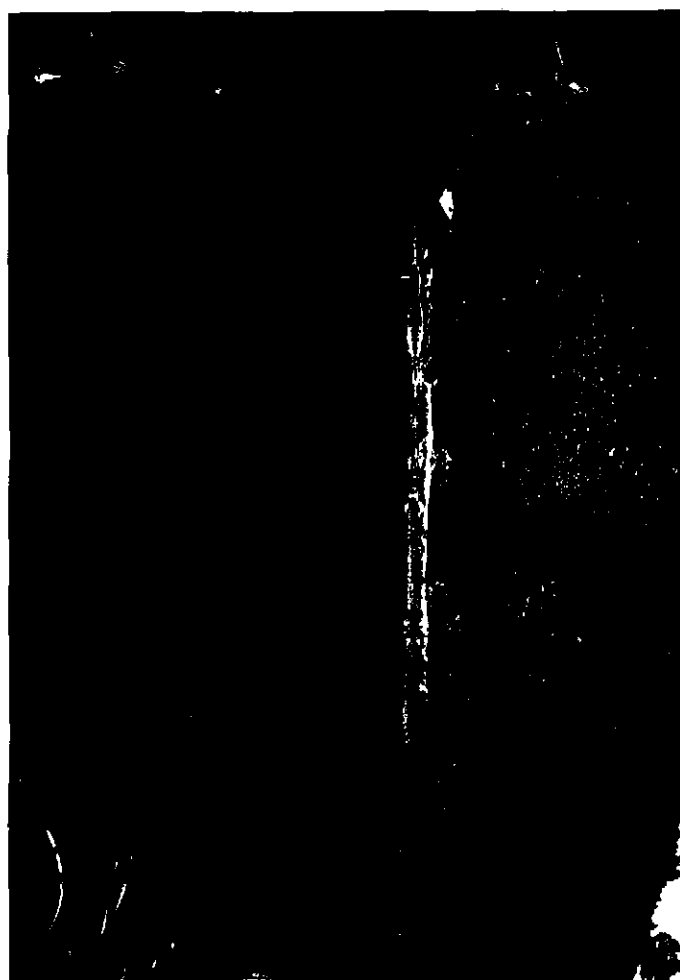


2ND DITCH FROM DIVERSION BOX



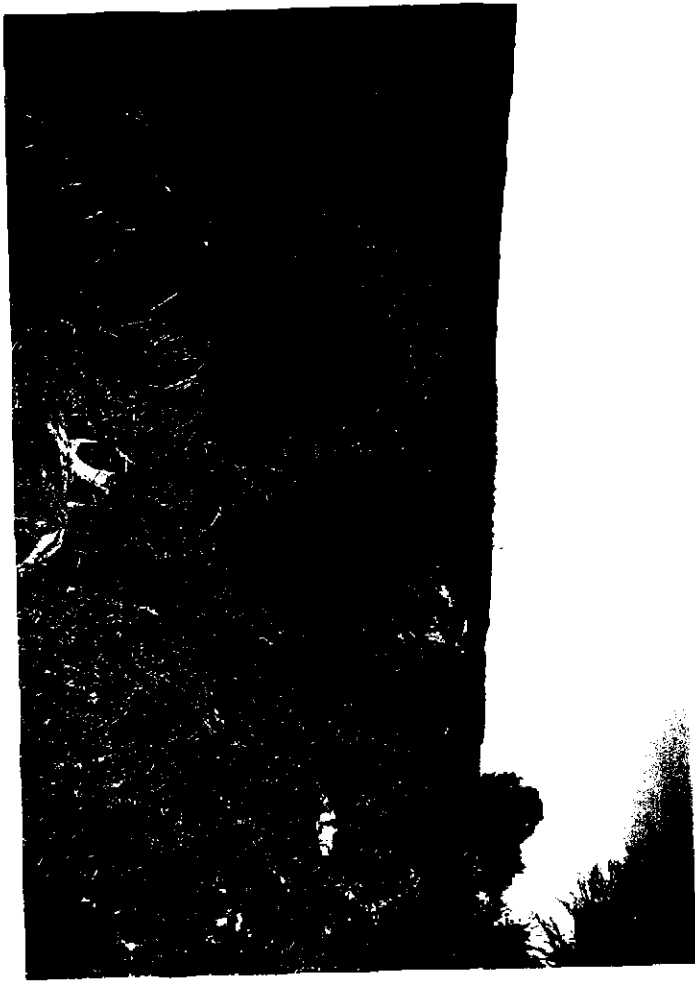
8-24-93 - PHOTOS TAKEN

HATTEN DAM & RESERVOIR

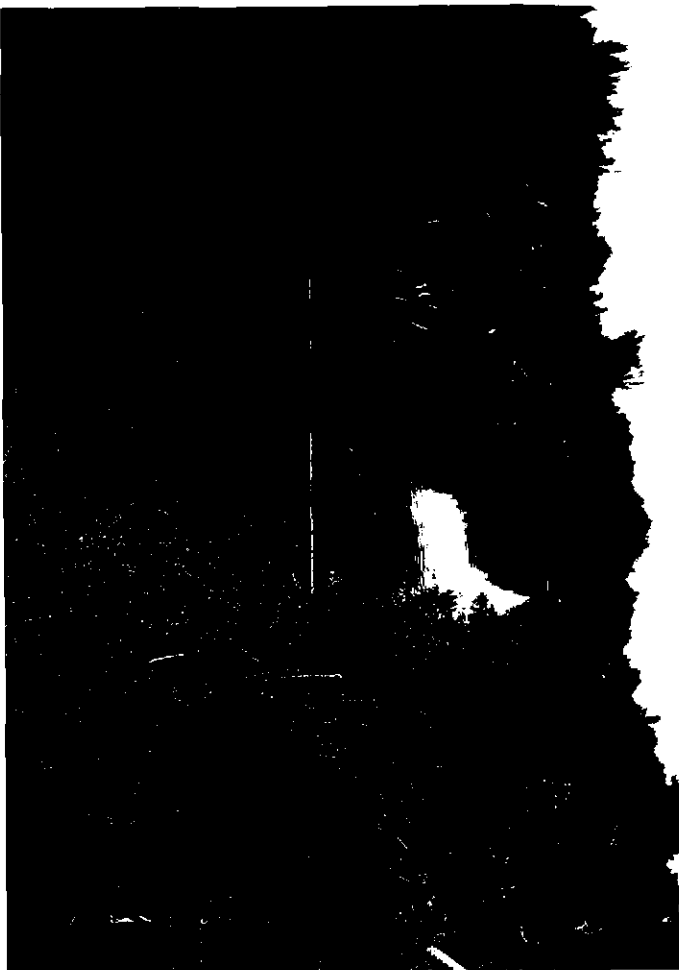


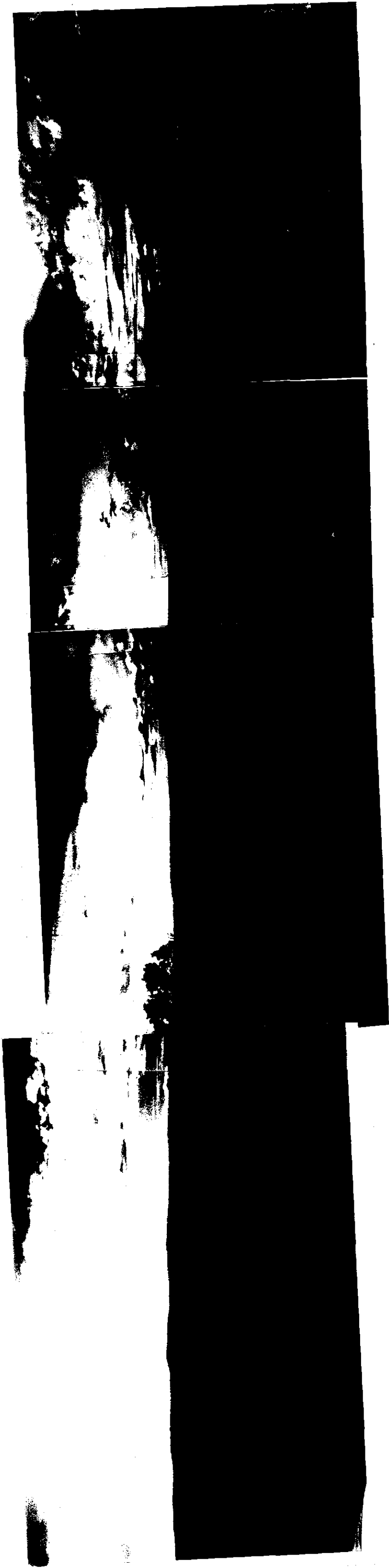
TRIPPOD LOCATION

HATTEN DITCH FACING SOUTHWEST



CROSS SECTION OF HATTEN DITCH
FACING WEST





TRIANGLE RANCH FACING WEST FROM TRIANGLE RESERVOIR.

LANDS IN SECTIONS 30 & 31.

PHOTO TAKEN - 9-16-93

State of Idaho
Department of Water Administration
LICENSE OF WATER RIGHT

License of Water Right No. 55-2152 Priority 2-9-65 Amount 11.16 cfs

THIS IS TO CERTIFY, that Angelo Giusti and E. P. Lawrence
of Nampa, Idaho, has complied with the terms and conditions of Permit
No. 55-2152 issued pursuant to Application for Permit dated January 6, 1965,
and has submitted proof to the Department of Water Administration on February 17, 1971,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 11.16 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from Rock and Louisa Creek
tributary of SNAKE RIVER, is hereby confirmed in the following amounts:
Amount 11.16 cfs for irrigation from Apr. 1 to Nov. 1 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 11.16 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, T. 7S, R. 2W, B.M.

in the county of Owyhee; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 1644 acre feet per year or _____
3.0 acre feet per acre, when combined with License No. 55-2208.

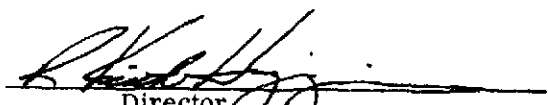
Description and location of place of use:

| TWP. | RANGE | SEC. | NE $\frac{1}{4}$ | | | | NW $\frac{1}{4}$ | | | | SW $\frac{1}{4}$ | | | | SE $\frac{1}{4}$ | | | | TOTALS |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
| | | | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | |
| 7 S | 2 W | 30 | | | | | | | | | | | 34 | 30 | | | | 32 | 96 |
| 7 S | 3 W | 13 | | | | | | | | | | | 12 | | | | | | 12 |
| | | 14 | | | | | | | | | | | | | 38 | 34 | 33 | 34 | 139 |
| | | 23 | 40 | 19 | 7 | 38 | | | | | | | | | 19 | | | | 123 |
| | | 24 | | | | | 30 | 19 | | | 17 | 40 | 40 | | | | 32 | | 178 |

Total number of acres irrigated 548

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 22nd day of
September, 19 71.


Director

55 2152

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

1. Name of permit holder Angelo Giusti and E.P. Lawrence
Postoffice address Box 21, Nampa, Idaho Phone _____
Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☐ Surface water ☒ Rock and Louisa Creek
(name spring, stream, etc.)
Tributary to Snake River

3. Water will be used for the following purposes:

Amount 34.4 c.f.s. for Irrigation
_____ AF/Annum (nature of use)

Period of Use: from March 1 to October 31
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 34.4 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 7 S N/S, Range 2 W E/W, B.M., Section 30, Subdivision SE 1/4 SE 1/4, Owyhee
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____
County

Other Points of Diversions: _____

Description of diverting works: Reservoir and ditches.

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

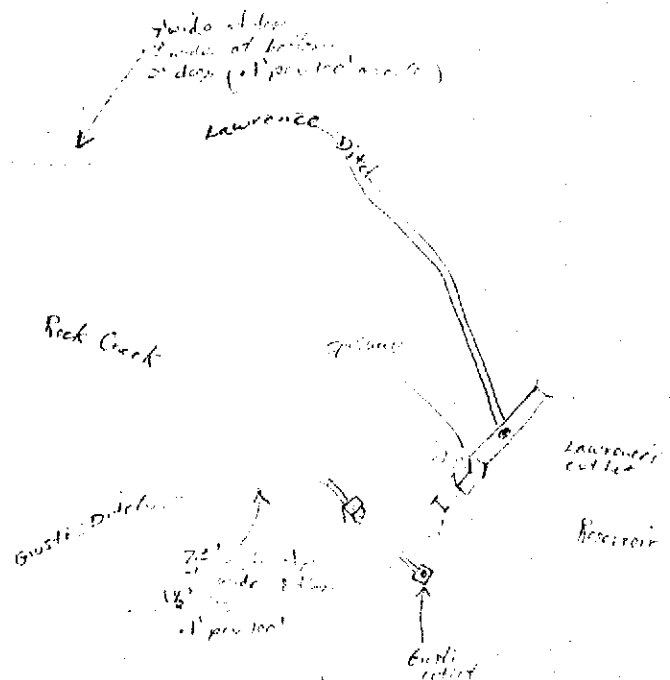
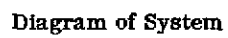
| TWP. | RANGE | SEC. | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | TOTALS |
|------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | | | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | |
| 7 S | 3 W | 13 | | | | | | | | | | XX | | | | | | | |
| | | 14 | | | | | | | | | | | | | XX | XX | XX | XX | |
| | | 23 | XX | XX | XX | XX | | | | | | | | | XX | XX | | | |
| | | 24 | | | | | XX | XX | | | XX | XX | XX | | | | XX | | |
| | | 25 | XX | XX | XX | XX | XX | | XX | XX | | | | | XX | XX | XX | XX | |
| 7 S | 2 W | 30 | | | XX | XX | | | XX | XX | XX | XX | XX | XX | XX | XX | XX | XX | |
| | | 31 | XX | XX | | | | | | | | | | | | | | | |

TOTAL ACREAGE

1,720

Permit No. 32246/55-2152
Examination for B U

| Surveys Postgraduate | By Whom Surveyed | Group | Amount of Surveys | Wh. |
|----------------------|------------------|-------|-------------------|-----|
| 1 | 1 | 1 | 1 | 1 |
| 2 | 2 | 2 | 2 | 2 |
| 3 | 3 | 3 | 3 | 3 |
| 4 | 4 | 4 | 4 | 4 |
| 5 | 5 | 5 | 5 | 5 |
| 6 | 6 | 6 | 6 | 6 |
| 7 | 7 | 7 | 7 | 7 |
| 8 | 8 | 8 | 8 | 8 |
| 9 | 9 | 9 | 9 | 9 |
| 10 | 10 | 10 | 10 | 10 |
| 11 | 11 | 11 | 11 | 11 |
| 12 | 12 | 12 | 12 | 12 |
| 13 | 13 | 13 | 13 | 13 |
| 14 | 14 | 14 | 14 | 14 |
| 15 | 15 | 15 | 15 | 15 |
| 16 | 16 | 16 | 16 | 16 |
| 17 | 17 | 17 | 17 | 17 |
| 18 | 18 | 18 | 18 | 18 |
| 19 | 19 | 19 | 19 | 19 |
| 20 | 20 | 20 | 20 | 20 |
| 21 | 21 | 21 | 21 | 21 |
| 22 | 22 | 22 | 22 | 22 |
| 23 | 23 | 23 | 23 | 23 |
| 24 | 24 | 24 | 24 | 24 |
| 25 | 25 | 25 | 25 | 25 |
| 26 | 26 | 26 | 26 | 26 |
| 27 | 27 | 27 | 27 | 27 |
| 28 | 28 | 28 | 28 | 28 |
| 29 | 29 | 29 | 29 | 29 |
| 30 | 30 | 30 | 30 | 30 |
| 31 | 31 | 31 | 31 | 31 |
| 32 | 32 | 32 | 32 | 32 |
| 33 | 33 | 33 | 33 | 33 |
| 34 | 34 | 34 | 34 | 34 |
| 35 | 35 | 35 | 35 | 35 |
| 36 | 36 | 36 | 36 | 36 |
| 37 | 37 | 37 | 37 | 37 |
| 38 | 38 | 38 | 38 | 38 |
| 39 | 39 | 39 | 39 | 39 |
| 40 | 40 | 40 | 40 | 40 |
| 41 | 41 | 41 | 41 | 41 |
| 42 | 42 | 42 | 42 | 42 |
| 43 | 43 | 43 | 43 | 43 |
| 44 | 44 | 44 | 44 | 44 |
| 45 | 45 | 45 | 45 | 45 |
| 46 | 46 | 46 | 46 | 46 |
| 47 | 47 | 47 | 47 | 47 |
| 48 | 48 | 48 | 48 | 48 |
| 49 | 49 | 49 | 49 | 49 |
| 50 | 50 | 50 | 50 | 50 |
| 51 | 51 | 51 | 51 | 51 |
| 52 | 52 | 52 | 52 | 52 |
| 53 | 53 | 53 | 53 | 53 |
| 54 | 54 | 54 | 54 | 54 |
| 55 | 55 | 55 | 55 | 55 |
| 56 | 56 | 56 | 56 | 56 |
| 57 | 57 | 57 | 57 | 57 |
| 58 | 58 | 58 | 58 | 58 |
| 59 | 59 | 59 | 59 | 59 |
| 60 | 60 | 60 | 60 | 60 |
| 61 | 61 | 61 | 61 | 61 |
| 62 | 62 | 62 | 62 | 62 |
| 63 | 63 | 63 | 63 | 63 |
| 64 | 64 | 64 | 64 | 64 |
| 65 | 65 | 65 | 65 | 65 |
| 66 | 66 | 66 | 66 | 66 |
| 67 | 67 | 67 | 67 | 67 |
| 68 | 68 | 68 | 68 | 68 |
| 69 | 69 | 69 | 69 | 69 |
| 70 | 70 | 70 | 70 | 70 |
| 71 | 71 | 71 | 71 | 71 |
| 72 | 72 | 72 | 72 | 72 |
| 73 | 73 | 73 | 73 | 73 |
| 74 | 74 | 74 | 74 | 74 |
| 75 | 75 | 75 | 75 | 75 |
| 76 | 76 | 76 | 76 | 76 |
| 77 | 77 | 77 | 77 | 77 |
| 78 | 78 | 78 | 78 | 78 |
| 79 | 79 | 79 | 79 | 79 |
| 80 | 80 | 80 | 80 | 80 |
| 81 | 81 | 81 | 81 | 81 |
| 82 | 82 | 82 | 82 | 82 |
| 83 | 83 | 83 | 83 | 83 |
| 84 | 84 | 84 | 84 | 84 |
| 85 | 85 | 85 | 85 | 85 |
| 86 | 86 | 86 | 86 | 86 |
| 87 | 87 | 87 | 87 | |





DATE OF EXAM 8/15/71

ACREAGE

Found 558

Recommended 558

Irrigation Requirement 3.0 Ac Ft/Ac

USE

Irrigation Q = 11.16 c.f.s. V = 1674 AF/Ann. from Apr. 1 to Nov. 1

Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

Name source: _____

twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____

County _____

Exchange? yes _____ no ☒

Name source exchanged with: _____

twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____

County _____

Point of injection: _____

twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____

County _____

Point of exchange: _____

twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____

County _____

Total Q measured capacity of ditches Method of measurement _____

Total Q recommended 11.16 cfs Meter No. _____ Type _____ Condition _____

Total V recommended 1674 AF

Recommended Amendments:

P.D. _____

Place of Use _____

Other _____

None ☒

MEASUREMENT CALCULATION:

Due to the reservoir, as much water as needed can be turned into the 3 separate ditches. Therefore we can license this permit for the capacity of the ditches not to exceed 1" per acre. Lawrence's ditch for 9.04 and Gustis ditch for 1.92 cfs.

SYSTEM DESCRIPTION:

Water from Rock Creek & Louisa Creek run into a reservoir which is capable of storing 1154 AF. Water is then delivered to 3 separate ditches by means of 2 separate outlets. The land is then flood irrigated. Acreage for Mr. Lawrence was computed from aerial photo supplied from Mr. Lawrence. Acreage for Mr. Gustis was computed from Quad Maps and elevation lines.

REMARKS:

The land described in permit belongs to 2 different people. Mr. Lawrence has developed most of his land with ditches capable of irrigation 452 acres. His ditch is capable of holding more than an inch per acre or 9.04 cfs. Mr. Amala Gustis is irrigating 96 acres and his ditch is capable of handling much more than 1" per acre. Allow 1166 cfs for this permit.

Examiner's Signature David E. ... Date 8/15/71

Checked by _____ Date _____

Approved by _____ Date _____

MEMO

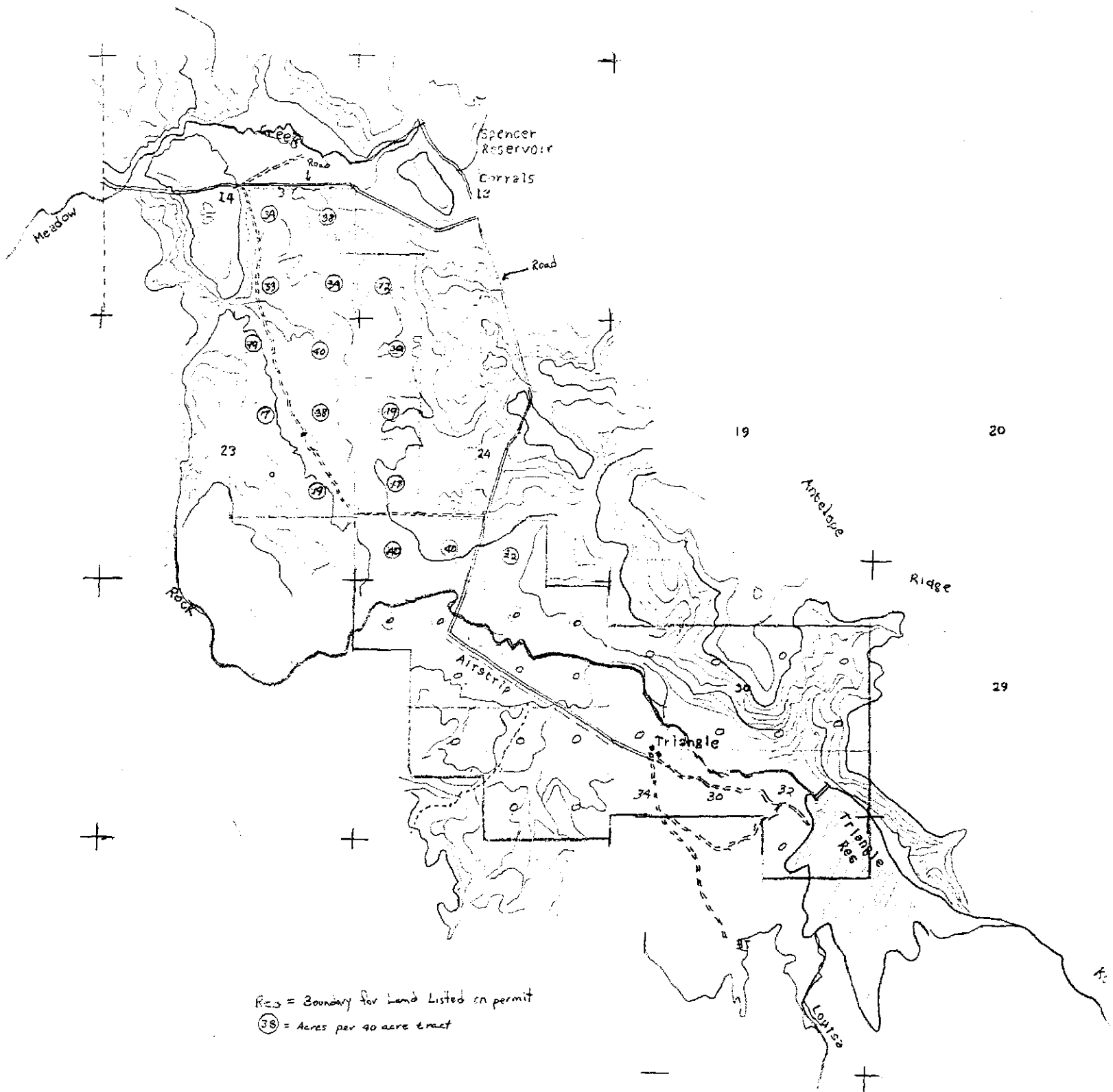
April 1, 1971

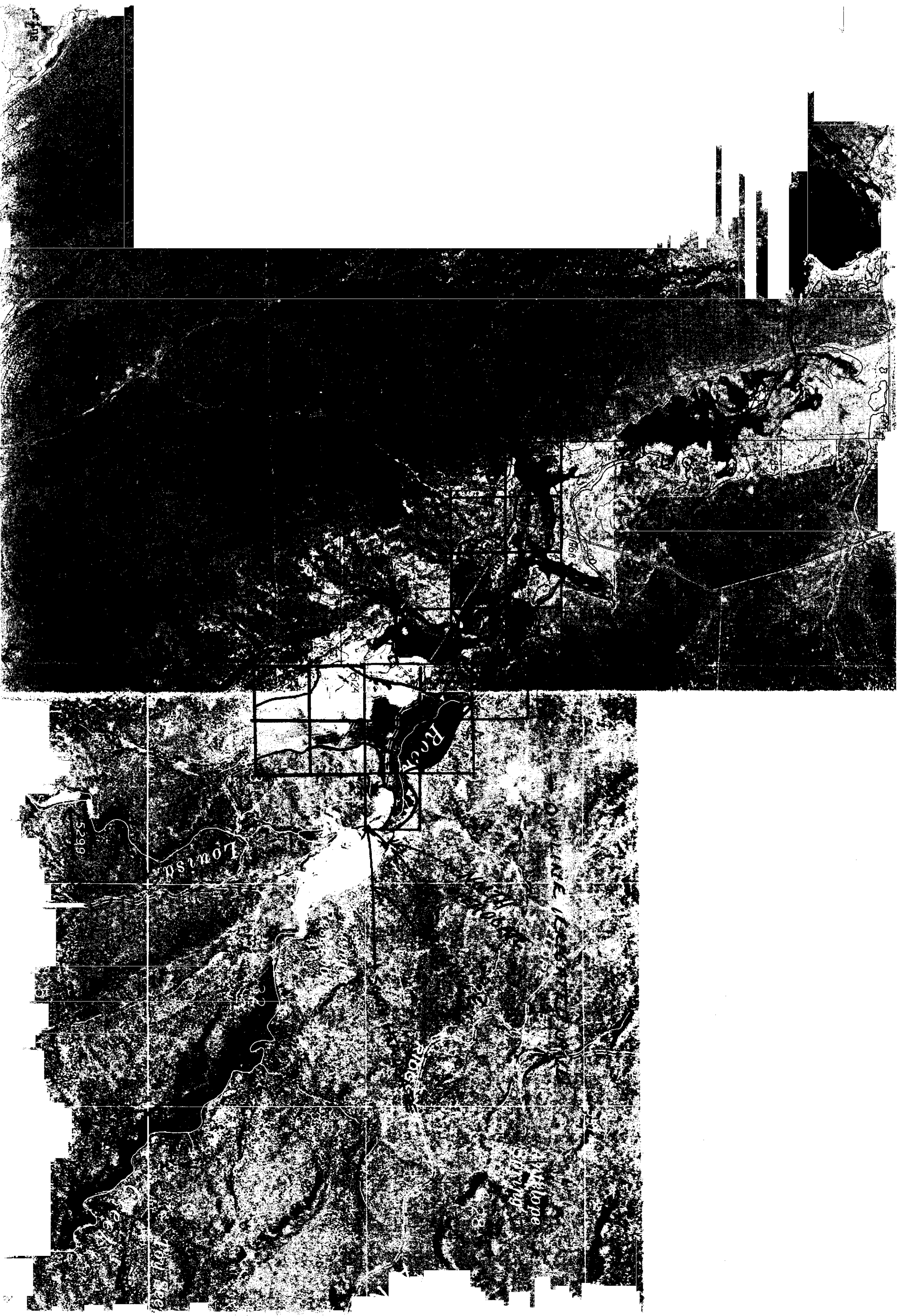
Re: Permit No. 32246/55-2152

The secretary for the law firm of Schiller, Young, Williams and Trabert, called today in reference to the above referenced permit. She advised that the beneficial use submitted on February 17, 1971 for this permit, was in error. The beneficial use affidavit should include 1,100 acres of land and be for the amount of 22 cubic feet per second. These figures are less than were in the original permit as amended, and at present the applicant has 1,100 acres under cultivation and is using approximately 22 cubic feet per second of water. This should be noted on the exam report.


DORIAN CLAY

35 0102





RECEIVED

JAN 27 1997

Department of Water Resources
Adjudication Bureau

RECEIVED

JAN 24 1997

OFFICE OF THE
ATTORNEY GENERAL

Charles Steiner

RECEIVED

JAN 29 1997

WATER RESOURCES
WESTERN REGION

W. F. RINGERT
D.V. STEENSON
RINGERT CLARK CHARTERED
455 S. Third St., P.O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591

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) MOTION FOR LEAVE OF THE COURT
) TO WITHDRAW AS ATTORNEY OF
) RECORD FOR CHARLES STEINER
)

DESCRIPTIVE SUMMARY

This pleading is a Motion for Leave to Withdraw as Attorney of Record for Charles Steiner, filed by Daniel V. Steenson of the firm Ringert Clark Chartered, regarding subcases listed in Exhibit A attached hereto.

MOTION

Daniel V. Steenson, of the firm of Ringert Clark Chartered, counsel for Charles Steiner, in each of the subcases listed in Exhibit A attached hereto, moves the Court, pursuant to Idaho Rules of Civil Procedure 11(b)(2), for leave and order of the Court to withdraw as attorney of record for Charles Steiner in these consolidated subcases, for the reason that Charles Steiner has failed to pay for our services. Future notices and pleadings should be delivered to Charles Steiner at the following address:

MAIL3608



Charles Steiner
HC 79, Box 2230
Oreana, ID 83650

Expedited consideration of this motion at the February 18,
1997 status conference is requested.

Respectfully submitted this 23rd day of January, 1997.

RINGERT CLARK CHARTERED

By *D. V. Steenson*
D. V. Steenson

CERTIFICATE OF SERVICE

I hereby certify that service of the within and foregoing
document was made this 23rd day of January, 1997, by mailing a
copy thereof, postage prepaid, to each of the following:

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

U.S. Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724

Court Certificate of Mailing for Expedited Hearings dated October
28, 1996.

D. V. Steenson
D. V. Steenson

SUBCASES:

| | | |
|----------|----------|----------|
| 02-10063 | 03-10058 | 03-10099 |
| 02-10064 | 03-10059 | 03-10100 |
| 03-10020 | 03-10060 | 03-10101 |
| 03-10021 | 03-10061 | 03-10102 |
| 03-10022 | 03-10062 | 03-10103 |
| 03-10023 | 03-10063 | 03-10104 |
| 03-10024 | 03-10064 | 03-10098 |
| 03-10025 | 03-10065 | |
| 03-10026 | 03-10066 | |
| 03-10027 | 03-10067 | |
| 03-10028 | 03-10068 | |
| 03-10029 | 03-10069 | |
| 03-10030 | 03-10070 | |
| 03-10031 | 03-10071 | |
| 03-10032 | 03-10072 | |
| 03-10033 | 03-10073 | |
| 03-10034 | 03-10074 | |
| 03-10035 | 03-10075 | |
| 03-10036 | 03-10076 | |
| 03-10037 | 03-10077 | |
| 03-10038 | 03-10078 | |
| 03-10039 | 03-10079 | |
| 03-10040 | 03-10097 | |
| 03-10041 | 03-10080 | |
| 03-10042 | 03-10081 | |
| 03-10043 | 03-10082 | |
| 03-10044 | 03-10083 | |
| 03-10045 | 03-10084 | |
| 03-10046 | 03-10085 | |
| 03-10047 | 03-10086 | |
| 03-10048 | 03-10087 | |
| 03-10049 | 03-10088 | |
| 03-10050 | 03-10089 | |
| 03-10051 | 03-10090 | |
| 03-10052 | 03-10091 | |
| 03-10053 | 03-10092 | |
| 03-10054 | 03-10093 | |
| 03-10055 | 03-10094 | |
| 03-10056 | 03-10095 | |
| 03-10057 | 03-10096 | |



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

May 22, 1992

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

CHARLES W STEINER
STAR ROUTE
OREANA ID 83659

RE: Claims filed in the Snake River Basin Adjudication

CLAIM NO'S. A55-02084, A55-02152A,
Dear Claimants: A55-02208A, A55-04150 - DWYHKE CO.

The Department of Water Resources will be conducting beneficial use and water right claim verification examinations in your area beginning in June. An examination is needed to verify your water use in order to issue a water right license and/or decree.

Information on your permit or claim which may need to be verified includes source of water, type of usage, amount of water used, number of acres irrigated, and legal descriptions of the point of diversion and/or place of use.

In order to expedite these field examinations, which need to be completed this summer in your area, we request that you contact our office at (208)334-2190 within two weeks to make an appointment at a time convenient for you. The amount of time required to conduct these exams depends on the number of water rights you have filed. An approximate time can be given when you call for an appointment.

Although it is not mandatory that you accompany the field examiner, it does insure that an accurate description of your system will be made. If either yourself, or someone familiar with the system, could accompany the examiner it would be appreciated.

In some cases, the date of priority claimed also needs to be verified. Letters were sent to some claimants notifying them that evidence of the date of first use of their water right(s) was required. If you received one of these letters and have questions, we can address those during our examination.

To make an appointment, or if you have any questions or problems with scheduling the exam, please contact one of the following water resource agents:

LINDA WERNER

KAY WALKER

RON HOWERTON

ROXANNE MCCARTHY

RECEIVED

MAY 26 1992

CONVERSATION MEMORANDUM

DATE 4-30-92FILE ASS-02208A+B
ASS-02152A+BNAME OF PARTY Don Barnhill (purchasing Gilbert's property)EMPLOYEE Jan ThumtRE: Claim Nos ASS-02152A+B/ASS-02208A+B
filed for Triangle Reservoir.

Mr. Barnhill is purchasing this property from Carol Gilbert, widow of John Gilbert. Originally, the license were used for 96 acres off Charles Steiner's land & the remaining acre are Gilbert's. Mrs. Steiner has claimed all the lands under the license and Mr. Gilbert has claimed all but the 96 acres. There appears to be a conflict as to who has what rights to this reservoir and during the field exams certain questions need to be asked. I will ^{partially} review these claims for exam & write questions for each based on my conversation with Mr. Barnhill & Mrs. Gilbert.

MICROFILMED

SEP 29 1992

Jun 8 1920

Boise 01274

THE UNITED STATES OF AMERICA,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Boise, Idaho, has been deposited in the General Land Office, whereby it appears that full payment has been made by the claimant THE HEIRS OF JOHN H. HATTON according to the provisions of the Act of Congress approved March 3, 1877, entitled "An Act to provide for the sale of desert lands in certain States and Territories," as amended by the Act of March 3, 1891, for the

southeast quarter of Section fourteen and the north half of the northeast quarter, the southeast quarter of the northeast quarter, and the northeast quarter of the southeast quarter of Section twenty-three in Township seven south of Range three west of the Boise Meridian, Idaho, containing three hundred twenty acres, according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said claimants and to the heirs of the said claimants the Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimants and to the heirs and assigns of the said claimants forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I Woodrow Wilson, President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the Twenty-seventh day of May in the year of our Lord one thousand nine hundred and twenty and of the Independence of the United States the one hundred and Forty-fourth.

By the President: Woodrow Wilson,

(G. L. O. Seal)

By M. P. LeRoy, Secretary,

L. Q. C. Lamar,

Recorder of the General Land Office.

RECORDED: Patent Number 751611

Filed August 6th, 1920, at 9:10 o'clock A. M., at request of Mrs. M. C. Hatton.

Boise 013946

THE UNITED STATES OF AMERICA,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Boise, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of JACOB BACHMAN has been established and duly consummated, in conformity to law, for the

Lots three and four and the east half of the southwest quarter of Section thirty in Township seven south of Range two west of the Boise Meridian, Idaho, containing one hundred sixty three and five-hundredths acres, according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Woodrow Wilson, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the Third day of January in the year of our Lord one thousand nine hundred and Fourteen and of the Independence of the United States the one hundred and Thirty-eighth.

By the President: Woodrow Wilson,

By M. K. Gulick, Assistant Secretary,

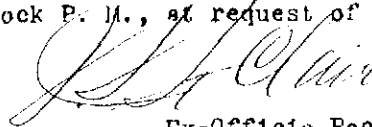
(G. L. O. Seal)

L. Q. C. Lamar,

Recorder of the General Land Office.

RECORDED: Patent Number 374816.

Filed May 31st, 1915, at 2:30 o'clock P. M., at request of Jacob Bachman.



Ex-Officio Recorder.

Fees, \$1.00 Pd

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 55-2152 Priority 2-9-65 Amount 11.16 cfs

THIS IS TO CERTIFY, that Angelo Giusti and E. P. Lawrence
of Nampa, Idaho, has complied with the terms and conditions of Permit
No. 55-2152 issued pursuant to Application for Permit dated January 6, 1965
and has submitted proof to the Department of Water Administration on February 17, 1971
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 11.16 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from Rock and Louisa Creek
tributary of Snake River, is hereby confirmed in the following amounts:
Amount 11.16 cfs for irrigation from Apr. 1 to Nov. 1 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 11.16 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, T. 7S, R. 2W, B.M.

in the county of Owyhee; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 1644 acre feet per year or
3.0 acre feet per acre, when combined with License No. 55-2208.

Description and location of place of use:

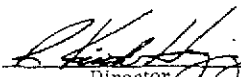
| TWP. | RANGE | SEC. | NE $\frac{1}{4}$ | | | | NW $\frac{1}{4}$ | | | | SW $\frac{1}{4}$ | | | | SE $\frac{1}{4}$ | | | | TOTALS |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
| | | | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | |
| 7 S | 2 W | 30 | | | | | | | | | | 34 | 30 | | | | 32 | | 96 |
| 7 S | 3 W | 13 | | | | | | | | | | 12 | | | | | | | 12 |
| | | 14 | | | | | | | | | | | | | 38 | 34 | 33 | 34 | 139 |
| | | 23 | 40 | 19 | 7 | 38 | | | | | | | | 19 | | | | | 123 |
| | | 24 | | | | | 30 | 19 | | | 17 | 40 | 40 | | | | 32 | | 178 |

Total number of acres irrigated 548

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 22ND day of

September, 19 71.


Director

RECORDED
SEP 28 1971

William F. Ringert
 Daniel V. Steenson
 RINGERT CLARK CHARTERED
 455 South Third Street, P.O. Box 2773
 Boise, Idaho 83701-2773
 Telephone: (208) 342-4591

Attorneys for Plaintiff

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF OWYHEE

CHARLES W. STEINER,

Plaintiff,

-vs-

CAROL GILBERT, DONALD
 BARNHILL, AND JOHN DOE AGENTS,
 EMPLOYEES, OR CONTRACTORS OF
 CAROL GILBERT
 Defendants.

Case No. CV-94-0705

AFFIDAVIT OF CHARLES W.
 STEINER

STATE OF IDAHO)
) ss:
 County of Ada)

CHARLES W. STEINER, being first duly upon oath, deposes and
 states the following:

1. I am the Plaintiff in the above-captioned action and
 owner of the "Triangle Ranch." I purchased the ranch from Angelo
 Giusti in 1972. Angelo Giusti purchased the Triangle Ranch from
 Earl Bachman.



2. Exhibit A to this Affidavit is a true and accurate aerial photograph of portions of the Triangle Ranch. The notations on Exhibit A were made by me and Lester Buck on May 10, 1994 with the assistance of my attorneys in this lawsuit to accurately reflect information referenced in the following paragraphs.

3. My first experiences with the Triangle Ranch and with Louisa Creek and Rock Creek occurred in approximately 1938. The ranch at that time was owned by the Bachman family: Joseph Bachman, his son Earl Bachman, and Earl's son James Bachman. At that time I worked primarily in the Silver Rock Mine on the south fork of Castle Creek in Owyhee County, Idaho. From 1938 until I went to work for a Navy contractor in 1941, I visited the Triangle Ranch on weekends and helped the Bachman's cowboys with ranch work.

4. When I returned to Idaho in 1950, I leased the Bill Gordy Ranch to the east of the Triangle Ranch. I observed the Triangle Ranch on occasion until I leased it from Angelo Giusti in 1971.

5. When I initially observed the Triangle Ranch, the ranch currently occupied by Defendant Carol Gilbert and located to the northwest of the Triangle Ranch was owned by Henry Hatton. The Hatton Ranch was transferred to E.P. Lawrence, then to Bob Collett, and then to Carol Gilbert and her husband. After I returned to Idaho in 1950, I often helped Henry Hatton, who was

elderly at the time, with his livestock and I helped him pump out of the storage water behind the Hatton Dam into a ditch below the Hatton Dam to water his cattle during the Fall.

6. The Bachmans grazed cattle and raised hay crops on the Triangle Ranch. The Bachmans raised hay crops on the Triangle Ranch northwest of the Triangle Dam (constructed in 1965) and adjacent to Rock Creek, to the north and south of Rock Creek. The Bachmans raised hay crops in approximately the same location as I have raised hay crops from 1971 to the present. (See Exhibit A.)

7. When I observed the Triangle Ranch between 1938 and 1965, Rock Creek and Louisa Creek ran onto the Triangle Ranch and were joined at an earthen dam called the Rock Creek Dam. The location of this dam was in approximately the same location as the Triangle Dam. (See Exhibit A.)

8. Rock Creek Dam had three outlets. The center outlet fed Rock Creek below the dam. The outlets on either side of the center outlet fed the commingled water from Rock Creek and Louisa Creek into two ditches. (See Exhibit A). Each of these outlets consisted of a pipe with a headgate. In the Amended Complaint these ditches are called the old north ditch and the old south ditch. (See Exhibit A.) In the Amended Complaint, the ditches as they have existed from the construction of the Triangle Dam in 1965 to the present are called the north ditch and south ditch.

9. After 1950, I observed the headgates and laterals on the old north and south ditches which the Bachmans used to irrigate the hay crops on the Triangle Ranch that were adjacent to Rock-Creek as described in paragraph 7. The headgates were filled with dirt when the ditches were cleaned and rebuilt in 1965 after Angelo Giusti and Lester Buck constructed the Triangle Dam. Several of the headgates were not rebuilt. Since 1971, I have used the headgates and laterals that were rebuilt in 1965 to irrigate the same land that the Bachmans and Angelo Giusti irrigated. I have not constructed or maintained any headgates or laterals other than those that the Bachmans and Angelo Giusti maintained.

10. There was a dam and lateral ditch located on Louisa Creek upstream of the Rock Creek Dam. (See Exhibit A). This ditch carried Louisa Creek water to irrigate lands to the south of Rock Creek below the Rock Creek Dam. From 1971 to the present, I have irrigated these same lands with water delivered through the south ditch. This Louisa Creek dam was removed when the Triangle Dam was built and the ditch was not used. I rebuilt the ditch in 1971 to irrigate land south of Rock Creek.

11. There was a small rock dam called the Hatton Dam on Rock Creek to the northwest of Triangle Reservoir. This dam was later rebuilt. The Hatton Dam stored water from Rock Creek, waste water which returned from the fields the Bachmans irrigated adjacent to Rock Creek, and any water from the old

north and south ditches which the Bachmans did not use.

12. Rock Creek dries up during the irrigation season. Louisa Creek runs throughout the irrigation season. Before and after the construction of the Triangle Dam, the commingling of Louisa Creek and Rock Creek supplemented the flow of Rock Creek and the flow in the north and south ditches, particularly during the later part of the irrigation season.

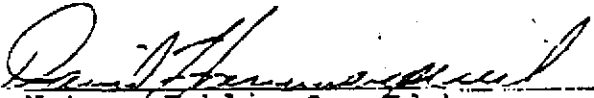
13. I leased the Triangle Ranch from Angelo Giusti in 1971 and purchased it from him in 1972.

14. From 1971 to the present I have used and maintained the north ditch to irrigate hay crops adjacent to and to the north of Rock Creek and have used and maintained the south ditch to irrigate hay crops adjacent to and to the north of Rock Creek, in the same manner that Angelo Giusti used and maintained these ditches.

Dated this 10th day of May, 1994.


CHARLES W. STEINER

Sworn to and subscribed before me this 10th day of May 1994.


Notary Public for Idaho
Residing in Boise, Idaho
My Commission Expires 12/31/95

CERTIFICATE OF SERVICE

I hereby certify that service of the within and foregoing document was made this 11th day of May, 1994, by mailing a copy thereof, postage prepaid, to Richard B. Eismann, Attorney for Defendants, 3016 Caldwell Blvd., Nampa, ID 83651.

Daniel Steenson
D. V. Steenson



Some of the
On 5 Oct.

Lower
Floor

Top
Floor

EXHIBIT A

EISMANN LAW OFFICES
3016 CALDWELL BLVD
Nampa, IDAHO 83651-6416
(208) 467-3100

Richard B. Eismann
Eismann Law Offices
3016 Caldwell Boulevard
Nampa, Idaho 83651-6416
Telephone: (208) 467-3100
Facsimile: (208) 466-4498
JS/4/RBE

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF OWYHEE

CHARLES W. STEINER,

Plaintiff,

-vs-

Case No. CV-94-00705

CAROL GILBERT,
DONALD BARNHILL, and
JOHN DOE AGENTS, EMPLOYEES or
CONTRACTORS of CAROL GILBERT,

Defendants.

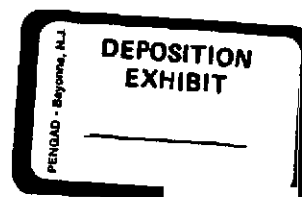
AFFIDAVIT OF MICHAEL GUISTI

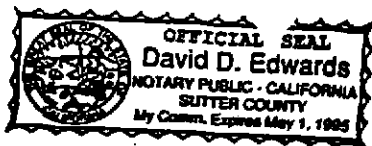
STATE OF CALIFORNIA, County of Sutter) ss

MICHAEL GUISTI, the affiant, being first duly sworn, on oath deposes and says that the affiant has read and signed the attached statement; that the affiant knows the contents thereof; and that the affiant believes the facts stated therein to be true.



Michael Guisti, Affiant.





SUBSCRIBED AND SWORN to before me on May 11, 1994.

[Handwritten Signature]

Notary Public for the
State of California.

EISMANN LAW OFFICES
3016 CAI ELL BLVD.
NAMPA, IDAHO 83551-6416
(208) 467-3100

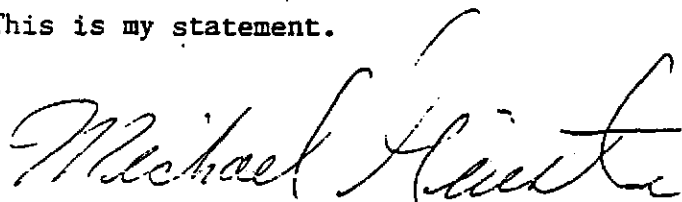
May 10, 1994

To Whom It May Concern:
Richard Eisman
Don Barnhill

I am Michael Giusti, son of Angelo Giusti. I lived on Lower Triangle Ranch from 1969 to 1979. The Upper Triangle Ranch was sold in 1972. The Upper Triangle Ranch is now called the Triangle Ranch by Mr. Steiner.

The dam was built to supply water to the Giusti Ranch and the Lawrence Ranch with two separate irrigation systems coming from the dam. One was for the Giusti Ranch the other for the Lawrence Ranch. Each had its own head gate in the dam. The Giusti headgate supplied the old ditches and the new ditch was built to the south and west with two small reservoirs. All Giusti land was irrigated through the Giusti head gate and ditches. We dropped water into a lower ditch which crossed Rock Creek from south to north to irrigate the meadow north of Rock Creek. That ditch was located below the Lawrence ditch on the hillside. The Lawrence head gate supplied the Lawrence ditch which took water to the Lawrence property. We did not take water from the Lawrence ditch anywhere or by any means. No head gate, outlet, opening or ditch came from the Lawrence ditch to irrigate any Giusti land. We didn't even touch the Lawrence head gate, it was Lawrences and we had ours. As best as I can remember we irrigated approximately 200 acres in the big meadows south of Rock Creek and maybe 40 acres north of Rock Creek and not much land anywhere else on the place.

This is my statement.

A handwritten signature in cursive script, reading "Michael Giusti". The signature is written in dark ink and is positioned below the typed statement.

William F. Ringert
 Daniel V. Steenson
 RINGERT CLARK CHARTERED
 455 South Third Street, P.O. Box 2773
 Boise, Idaho 83701-2773
 Telephone: (208) 342-4591

Attorneys for Plaintiff

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF OWYHEE

| | | |
|--------------------------------|---|--------------------------|
| CHARLES W. STEINER, |) | |
| |) | Case No. CV-94-0705 |
| Plaintiff, |) | |
| |) | |
| -VS- |) | AFFIDAVIT OF LESTER BUCK |
| |) | |
| CAROL GILBERT, DONALD |) | |
| BARNHILL, AND JOHN DOE AGENTS, |) | |
| EMPLOYEES, OR CONTRACTORS OF |) | |
| CAROL GILBERT |) | |
| Defendants. |) | |

STATE OF IDAHO)
) ss.
 COUNTY OF Ada)

Lester Buck, being first duly sworn on oath, deposes and
 says:

1. During 1962-1964, I assisted Angelo Giusti in finding a
 cattle ranch to purchase. During this time I became acquainted
 with Earl Bachman and the Triangle Ranch and Henry Hatton and his
 ranch located immediately to the northwest of the Triangle
 AFFIDAVIT OF LESTER BUCK 1

DEPOSITION
 EXHIBIT

Ranch.

2. I visited Earl Bachman in 1961 at the Triangle Ranch, which he owned at that time. Mr. Bachman showed me the ranch and the irrigation ditches he used to irrigate hay crops to the northwest of the Rock Creek Dam. Mr. Bachman had two irrigation ditches which began at an earthen dam called the Rock Creek Dam and ran to the northwest across the ranch. In the Amended Complaint, these ditches are called the old north ditch and the old south ditch.

3. Water from the old north ditch irrigated a meadow on Triangle Ranch located to the northwest of Rock Creek Dam and to the south of the ditch and to the north of and adjacent to Rock Creek. (See Exhibit A to Charles Steiner's Affidavit.) The old north ditch had openings were controlled by metal plates which released water by lifting the plates. The waste water from this ditch drained into Rock Creek.

4. Water from the old south ditch irrigated the meadow on Triangle Ranch to the northwest of the Rock Creek Dam and to the south of Rock Creek. The old south ditch had openings similar to those on the old north ditch and the waste water from this ditch also drained into Rock Creek.

5. In 1962 and 1963 I visited Henry Hatton at his ranch located adjacent to and to the northwest of the Triangle Ranch. I helped Mr. Hatton with ranch work, changing the outlets on his irrigation ditch and taking in his hay. To irrigate his fields,

AFFIDAVIT OF LESTER BUCK 2

Mr. Hatton took water from the storage behind Hatton Dam. This water was the waste water from the old north and south ditches located on the Triangle Ranch described in paragraphs 3 and 4.

6. In 1962 and 1963 I also did some work for Earl Bachman to help him irrigate his hay fields by changing the outlets on the old north and old south ditches.

7. During the fall of 1963 Angelo Giusti became interested in buying the Triangle Ranch and I assisted in his purchase of the ranch in February, 1964. There was no discussion of Henry Hatton or the Hatton ranch having any ownership or other interest or rights in the old south and old north ditches located on the Triangle Ranch. Jim Shiller was the attorney involved in the transaction.

8. In the summer of 1964, a friend of Angelo Giusti's, E.P. Lawrence, an owner of variety stores in California, purchased Henry Hatton's ranch described in paragraph 5.

9. I became the ranch manager for Angelo Giusti and the Triangle Ranch. During 1964, we raised hay crops adjacent to Rock Creek to the northwest of the Rock Creek Dam and irrigated these crops out of the old north and old south ditches as Earl Bachman had done during 1962 and 1963.

10. On an occasion when E.P. Lawrence was visiting his ranch on a trip from California in September, 1964, Angelo Giusti, E.P. Lawrence, and I discussed the possibility of building a dam for irrigation purposes. During this

AFFIDAVIT OF LESTER BUCK 3

conversation, Mr. Lawrence agreed to contribute \$65,000 toward the building of the Triangle Dam, Angelo Giusti agreed to contribute the land which he owned at the time for the building of the dam and reservoir, and I was given the task of overseeing the construction of the dam. Mr. Lawrence and Mr. Giusti agreed to divide between them equally the storage water that would be created in the reservoir. We did not discuss the ownership or use of the old north and south ditches to deliver the water that would be stored in the reservoir. In fact, we did not discuss the method of delivering the water from the dam.

11. I supervised the planning and construction of the dam. Mr. Lawrence and Mr. Giusti were involved in the planning and construction of the dam to a very limited extent. Our main concern was the construction of the dam and there was no planning or work on ditches for delivery of the water until after the dam was constructed. I hired an engineering firm, Johnson and Underkoffer, of Nampa, Idaho, to draw the plans and I sought the necessary approvals from the South Board of Control.

12. Construction of the Triangle Dam began in the Fall of 1964. Water storage in Triangle Reservoir began during the winter of 1965 and 1966. The Triangle Reservoir filled to capacity for the first time in the spring/summer of 1967. Construction of the dam completely closed off the flow to Rock Creek below the dam.

AFFIDAVIT OF LESTER BUCK 4

13. We built the Triangle Dam with one pipe outlet near the center and bottom of the dam. (See Exhibit A.) The opening to the outlet is controlled by a vertical stem headgate. The control of the headgate is at the top of the dam. The discharge from the outlet is divided between the north and south ditches by a water dividing device. (See Exhibit A.) This is the device which Defendant Barnhill removed and destroyed in 1992 and 1993.

14. We also built a spillway on the south side and at the top of the dam to carry excess storage water in excess of the storage capacity of the dam. (See Exhibit A.) The spillway discharges into the bed of former Rock Creek.

15. After the dam was completed, and as an afterthought, we built a controlled outlet to the south of the spillway approximately eight feet below the top of the dam. (See Exhibit A.) This outlet is controlled by a vertical stem headgate. When the spillway is blocked with boards, water may be discharged from this outlet into a lateral ditch which we constructed after the Triangle Dam was completed. This ditch proceeds from the dam to the south of an irrigable meadow on Triangle Ranch and terminates to the south of the Triangle Airport.

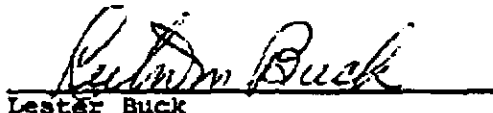
16. In 1966, I hired John McDaniel's to clean the old north and old south ditches. Angelo Giusti paid for this ditch maintenance. In the Amended Complaint, these ditches after they were cleaned are referred to as the north and south ditches. After the ditches were cleaned, we used the same outlets on the

AFFIDAVIT OF LESTER BUCK 5

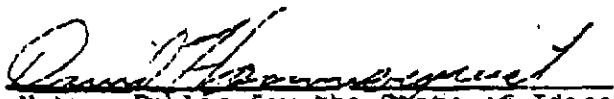
north and south ditches that had been used prior to the building of the Dam to irrigate the crops raised on the meadows to the immediate south and immediate north of Rock Creek.

17. I continued to manage the Triangle Ranch until Mr. Giusti leased the ranch to Charles Steiner in 1971. Mr. Giusti and I operated and maintained the Triangle Dam and the north and south ditches to irrigate the meadows adjacent to Rock Creek as described in paragraph 16 until 1971.

Dated this 10th day of May, 1994.

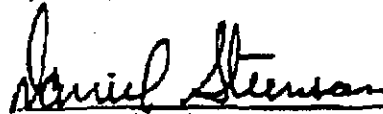

Lester Buck

SUBSCRIBED AND SWORN to before me this 10 day of May, 1994.


Notary Public for the State of Idaho
Residing at Box 19, 8657, Idaho
My commission expires: 1995

CERTIFICATE OF SERVICE

I hereby certify that service of the within and foregoing document was made this 14th day of May, 1994, by mailing a copy thereof, postage prepaid, to Richard B. Eismann, Attorney for Defendants, 3016 Caldwell Blvd., Nampa, ID 83651.


D. V. Steenson

AFFIDAVIT OF LESTER BUCK 7

a Notary Public in and for said State, personally appeared A. B. Corlett, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

MANFRED HILL
Notary Public
Wayne Co. Mich.

Manfred Hill,

Notary Public Residing at
Detroit, Michigan

My commission expires Dec.
28, 1929.

NOTARIAL ACKNOWLEDGMENT

No. B 114955

State of Michigan :
County of Wayne : ss.

I, THOMAS F. FARRELL, Clerk of the Circuit Court for the County of Wayne, which is a Court of Record, having a seal, DO HEREBY CERTIFY, That Manfred Hill whose name is subscribed to the Certificate or Proof of acknowledgment of the annexed instrument and therein written, was, at the time of taking such proof or acknowledgment a Notary Public in and for said County, duly commissioned and qualified and duly authorized to take the same. And, further, That I am well acquainted with the handwriting of such Notary Public, and verily believe that the Signature to the said Certificate or proof of acknowledgment is genuine. I further certify, That said instrument is executed and acknowledged according to the laws of this State.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court and County, at Detroit, this 10 day of May, A. D. 1926.

Seal of the Circuit Court of
Wayne County
Michigan

Thomas F. Farrell,

Clerk

O. Bingham,

Deputy Clerk.

State of Idaho, :
County of Owyhee. : ss.

I hereby certify that this instrument was filed for record at request of Bachman & Sons, at 30 minutes past 9 o'clock A. M., this 10th day of June, A. D. 1926, in my office, and duly recorded in Book 12 of Deeds, at page 188.

W. A. LEWIS,

Ex-Officio Recorder.

Fees, \$1.20.

A. B. Corlett :
 :
 to : W A R R A N T Y D E E D
 :
 Margaret Bachman :

THIS INDENTURE, Made this 10th day of May, in the year of our Lord one thousand nine hundred and twenty-six, between A. B. CORLETT, a single man, of Detroit, County of _____ State of Michigan, the party of the first part, and MARGARET BACHMAN, of Triangle, County of Owyhee, State of Idaho, party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of One Thousand Dollars, lawful money of the United States of America, to him in hand paid by the said part_ of the second part, said sum being paid by the assumption of the mortgage herein described, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said part_ of the second part, and to her heirs and assigns forever, all the following described real estate, situated in the County of Owyhee, State of Idaho, to-wit:

The North half ($N\frac{1}{2}$) of the Northeast quarter ($NE\frac{1}{4}$), and North half ($N\frac{1}{2}$) of the Northwest quarter ($NW\frac{1}{4}$), Section 25, Township 7 South, Range 3 West, Comprising 160 acres more or less.

Subject to mortgage to B. H. Hyde, for \$850.00 dated the 3rd day of December, 1923, recorded in the office of the County Recorder of Owyhee County, Idaho, on Book 16 of Mortgages, at Page 304.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging and in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to her heirs and assigns forever. And the said party of the first part, and her heirs, the said premises in the quiet and peaceable possession of the said party of the second part, her heirs and assigns, against the said part_ of the first part, and his heirs, and against all and every person and persons whosoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and :
 :
 Delivered in Presence of :
 : A. B. Corlett (SEAL)
 :
 Manfred Hill :
 :
 Telford E. Johnson :

State of Michigan, :
 : ss.
 County of Wayne. :

On this 10th day of May, in the year 1926, before me