

Photo 1. FX Oct. 23, 2001. Photos by RDH. 63-116 & 63-117: Point of diversion located in the SWSE, S28, T02N, R08E.



Photo 2: Head gate of point of diversion.



Photo 3: Ditch below POD.



Photo 4. POU view from the SESE tract to north east fields.

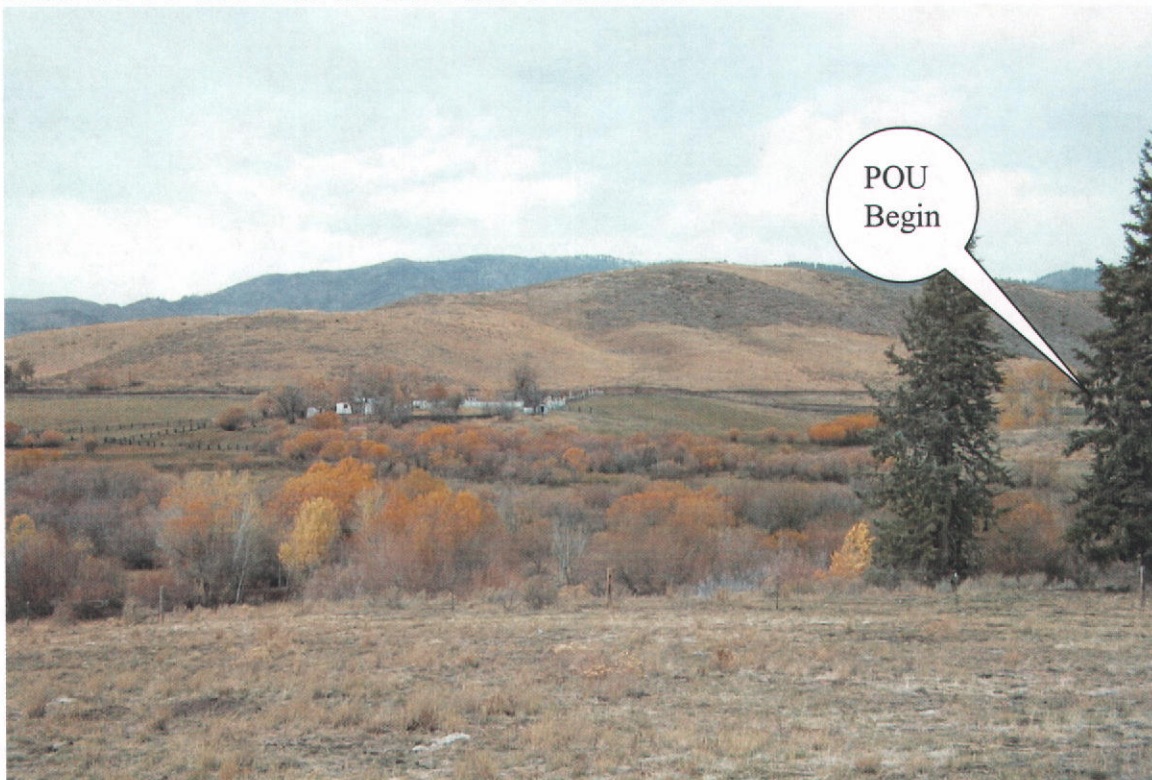
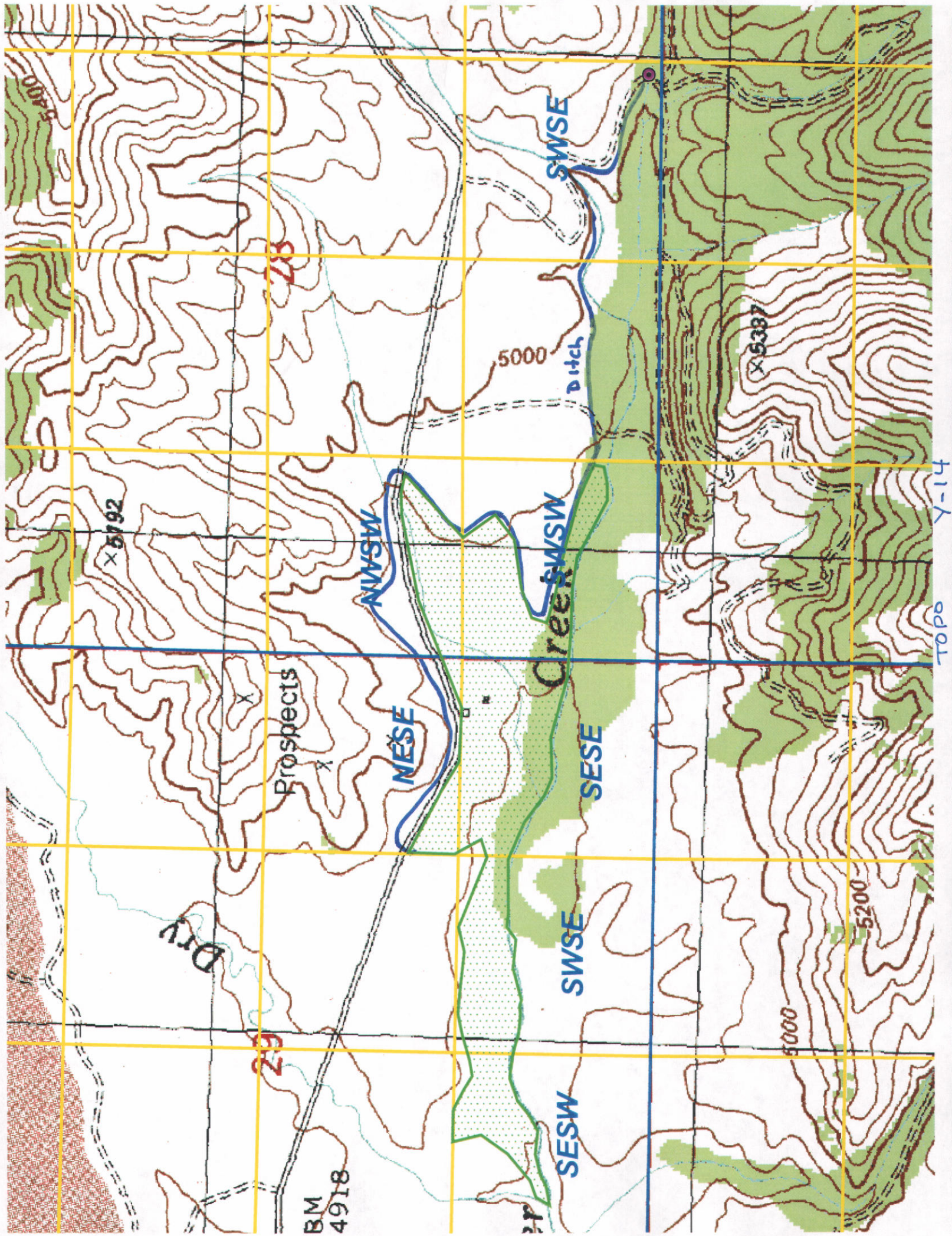


Photo 5. POU view from the SESE to the north west fields.





Idaho Department of Water Resources

**T02N R08E
S28 & S29**

**Claim: 63-00116
Updated: 11 Nov 01
By: Ron Howerton**

 Place of use

 POD

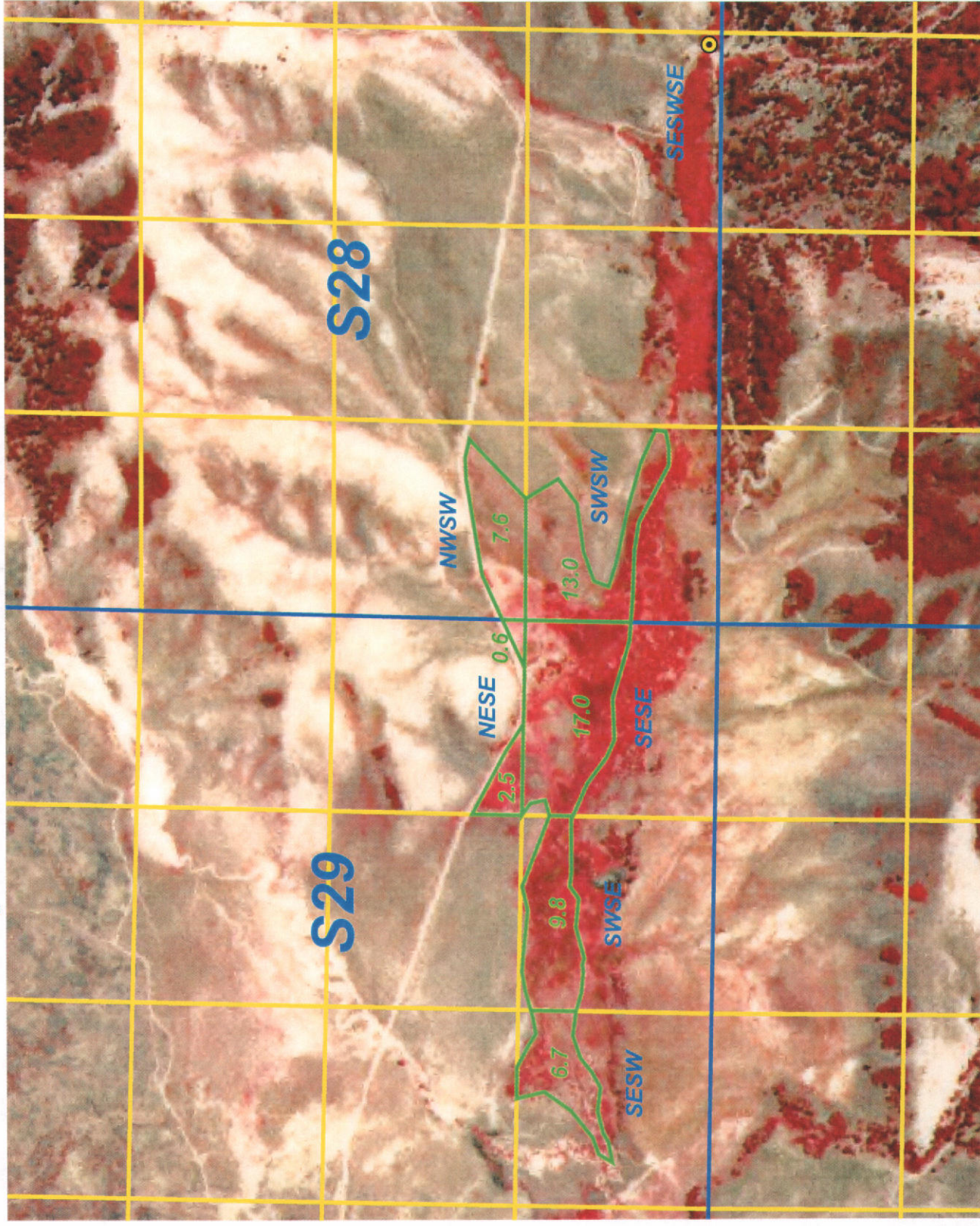
 SECTION

 1/4 1/4

57.2 Acres



1987 NAPP



Idaho Department of Water Resources

**T02N R08E
S28 & S29**

**Claim: 63-00116
Updated: 11 Nov 01
By: Ron Howerton**

 Place of use

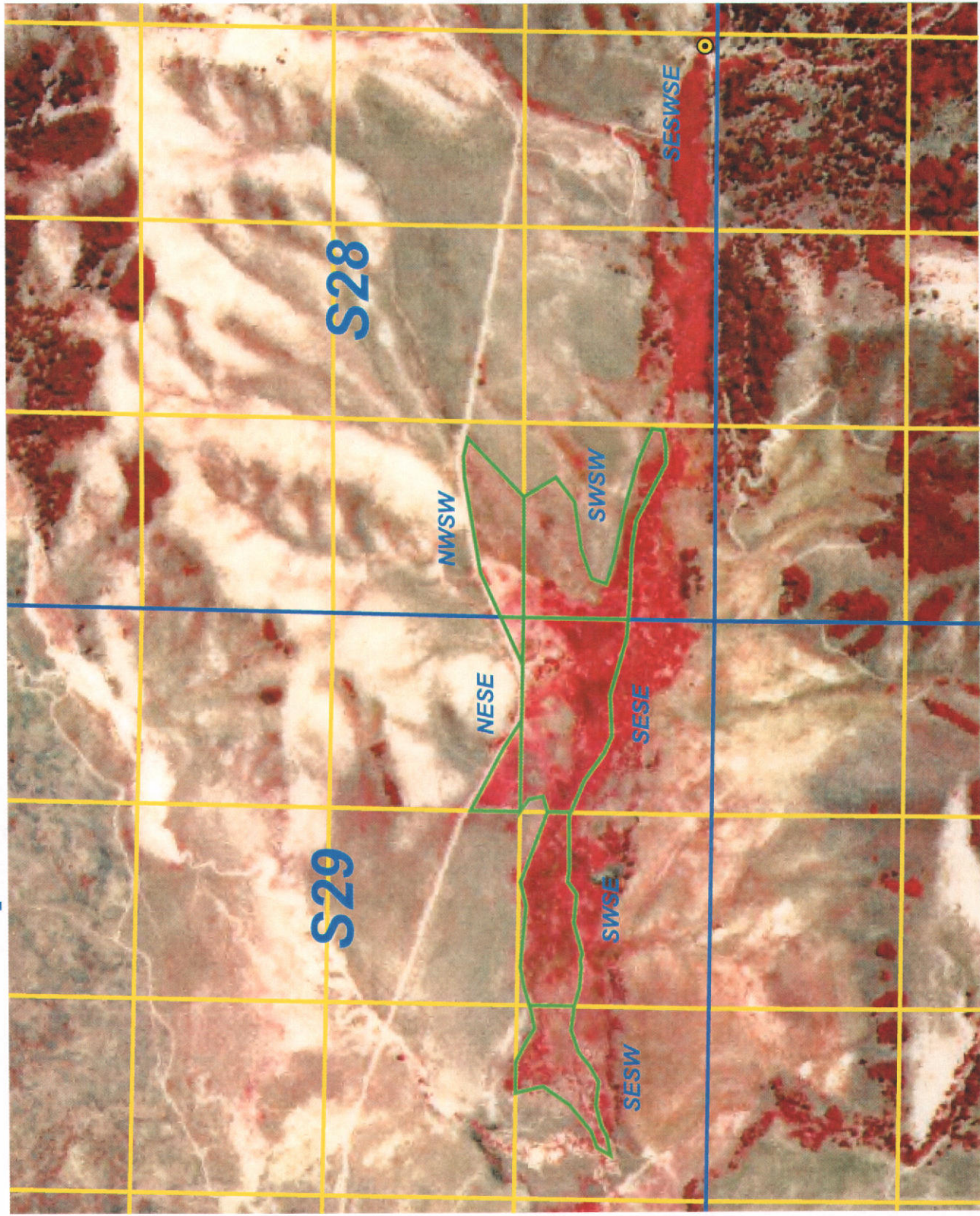
 POD

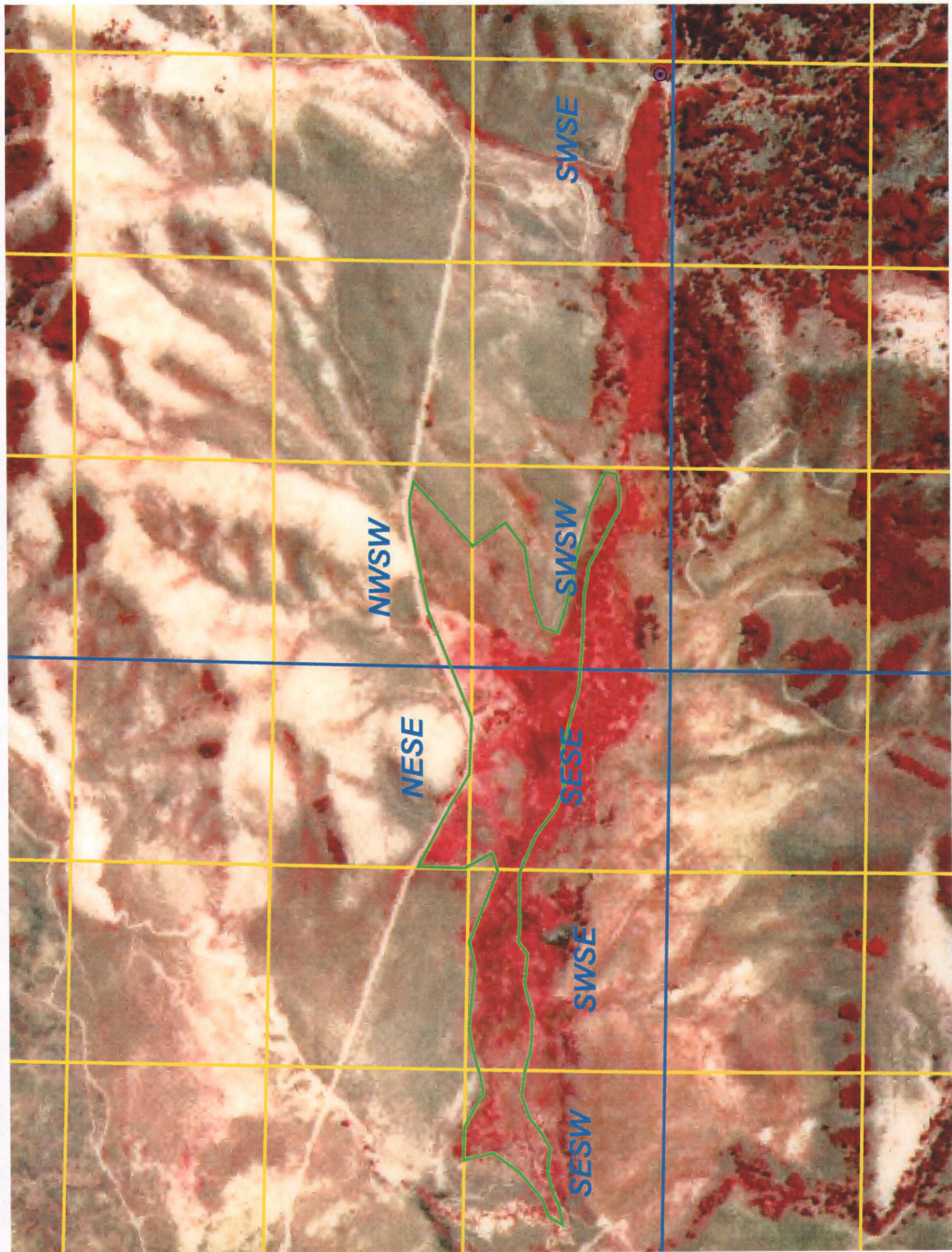
 SECTION

 1/4 1/4



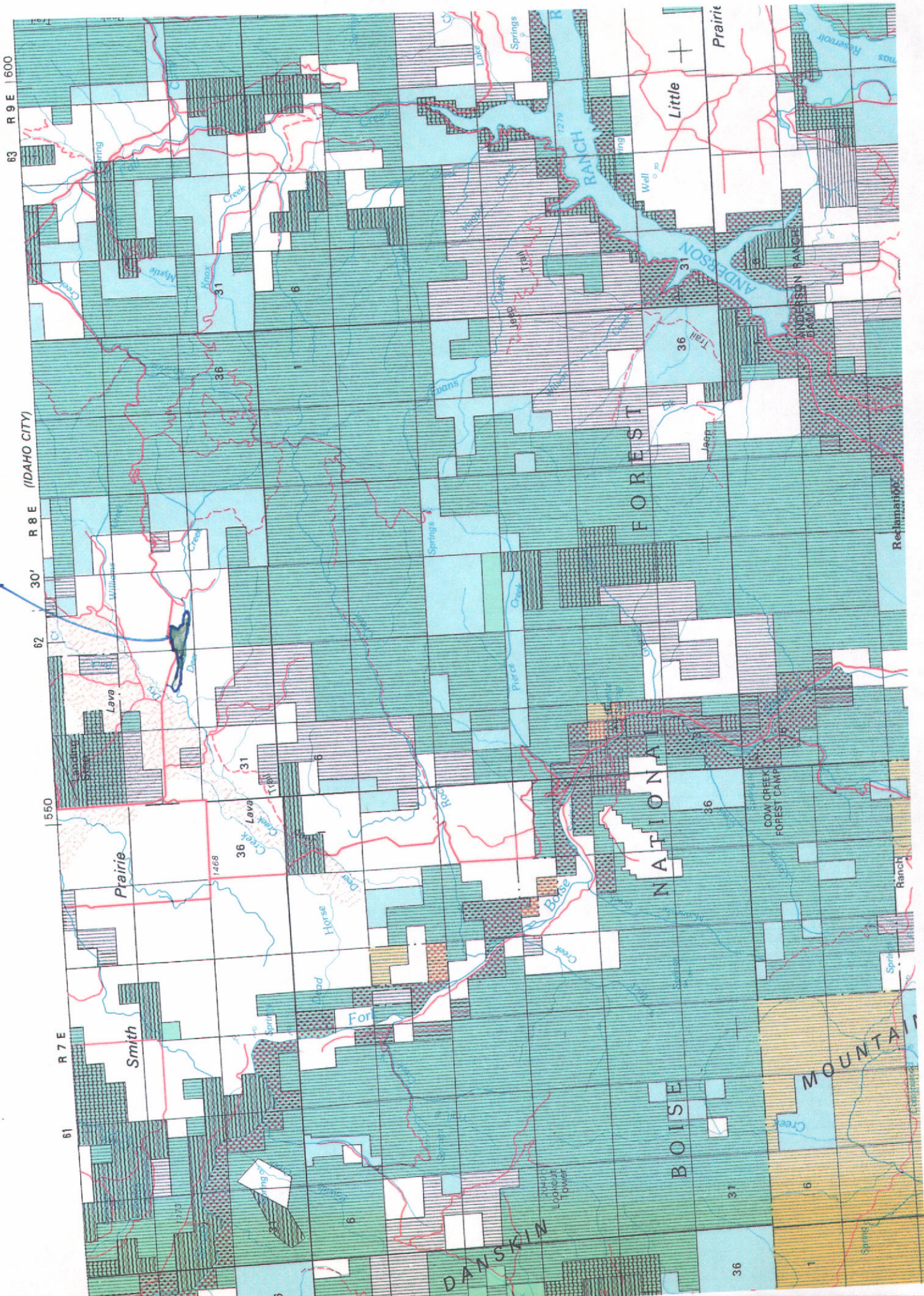
1987 NAPP





1:100,000 BLM
MOUNTAIN HOME 1978

63-116



vs.

WILLIAM W. NEWELL and
JOSEPH ENGLEMAN,
Defendants.

Now this cause coming on to be heard upon the findings of Fact and Conclusions of Law hereinbefore signed, and the Court being fully advised in the premises, it is ORDERED, ADJUDGED AND DECREED:

I.

563 0116 That the plaintiff Peter Brown be and he is hereby awarded the use of 150 inches of the waters of Deer Creek, Elmore County, Idaho in each year dating from March 23, 1900 for use on the South half of the southwest quarter of Section twenty-nine and the northeast quarter of the northeast quarter of Section thirty-one and the northwest quarter of the north-west quarter of Section thirty-two, in Township two North of Range Eight East Boise Meridian.

II.

nd 63 0117 That the defendant William W. Newell be and he is hereby awarded the use of 150 inches of the waters of said Deer Creek dating from the 12th day of May, 1900 for use on the southeast quarter of the southeast^{quarter} of Section twenty-nine and the south half of the southwest quarter, the northeast quarter of Section twenty-eight in Township two north of range eight East Boise Meridian.

III.

0 That the defendant George Engleman is without right, title or interest in or to any of the waters of said Deer Creek.

IV.

Decree # I

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-116
Date Received: 1/8/1990
Receipt No: W007430
Received By:

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

1. Name of Claimant(s): L G DAVISON & SONS INC
1969 PRAIRIE RD
PRAIRIE ID USA 83647-9803

Phone: (208) 868-3243

2. Date of Priority: 03/26/1900

3. Source: DEER CREEK Trib. to: BOISE RIVER SOUTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	08E	28	SE SW	ELMORE	

5. Description of diverting works:

HEADGATE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	3	640

7. Total Quantity Appropriated is:
3 C.F.S. and/or 640 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres		
02N	08E	29	SW	SW	IRRIGATION	40		
			SE	SW	IRRIGATION	40		
			Section Acres					80
02N	08E	31	NE	NE	IRRIGATION	40		
			Section Acres					40
02N	08E	32	NW	NW	IRRIGATION	40		
			Section Acres					40
			Total Acres					160

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:

14. Remarks:

Ownership changed by DB 12/18/2001

CLAIMED EARLIER PRIORITY OF 03/26/1900, DECREED 03/28/1900.
CLAIMED DEER CREEK TRIB. TO BOISE RIVER, SOUTH FORK, DECREED DEER CREEK TRIB. TO
ROCK CREEK.

15. Basis of Claim: Decreed

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-00116
Date Received: 1/ 8/1990
Receipt No: W007430
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BASQUE RANCHES 208-587-3604
Address: 315 E. 5 N.
MOUNTAIN HOME, ID 83647
2. Date of Priority: MAR 26, 1900
3. Source: DEER CREEK Trib. to: BOISE RIVER, SOUTH FORK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	08E	28		SE	SW		ELMORE

5. Description of diverting works:
HEADGATE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	3.000		640.00

7. Total Quantity Appropriated is:
3.000 C.F.S. (and/or) 640.00 A.F.A.

8. Total consumptive use is 480.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	08E	29	SW	SW		IRR	40.0
			SE	SW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	80.0
		31	NE	NE	IRR	40.0
					Section Acres	40.0
		32	NW	NW	IRR	40.0
					Section Acres	40.0
					Total Acres	160.0

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:
A63-00117

14. Remarks:
CLAIMED EARLIER PRIORITY OF 03/26/1900, DECREED 03/28/1900.
CLAIMED DEER CREEK TRIB. TO BOISE RIVER, SOUTH FORK, DECREED
DEER CREEK TRIB. TO ROCK CREEK.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

PETER BROWN
Decree Plaintiff

WILLIAM F. NEWELL
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Organizations:

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number Ala3-00116Date Received 1-8-90Receipt Number W2007430Should questions arise during
the processing of this applica-
tion please contact:SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JAN 08 1990

Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) Basque Ranches Phone (208) 587 3604Mailing Address 315 E 5th Mtn Home Id Zip 836472. Date of Priority (Only one (1) per claim) 3/26/19003. Source of water supply (a) Deer Creek
which is tributary to (b) So Fork Boise River4. a. Location of existing point of diversion is: Township 2N Range 8E Section 28,
_____ 1/4 of SE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of ElmoreAdditional points of diversion if any: Noneb. If instream flow, beginning point of claimed instream flow is: N/A

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Headgate open ditches tofields

MICROFILMED

AUG 14 1992

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-15 to 10-15 amount 310 or 640

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 310 (cfs) and/or (b) 640 (acre feet)

8. Total consumptive use claimed is 480 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

10. Description of place of use:

a. If water is for Irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>2N</u>	<u>8E</u>	<u>29</u>											<u>40</u>	<u>40</u>					<u>80</u>
		<u>31</u>	<u>40</u>																<u>40</u>
		<u>32</u>						<u>40</u>											<u>40</u>

Total number of acres irrigated 160

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
63-0117 or None ()

14. Remarks:

MICROFILMED

AUG 14 1994

Last Name Basque Ranches Ident No. _____

Copies: White -State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

Scale: 2 inches equals 1 mile

286

29

28

T

Z

N

Deer Creek

P/O

30

31

32

28

AUG 14 1994

Copies: White-State, Yellow-Claimant

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

Decree X

If applicable provide IDWR Water Right Number 63-0116

Court Fourth District Case Number _____ Decree Date 5/24/16

Plaintiff vs Defendant Brown v Newell & Engleman

16. Signature (s)

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

Number of attachments 0

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Manager - Basque Ranches

Title

of Basque Ranches , that I have signed the foregoing

Organization

document in the space below as Manager of Basque Ranches

Title

Organization

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

Signature of Authorized Agent [Signature]

Title and Organization Manager Basque Ranches Date 1/2/90

State of Idaho/or _____)

County of Ada)

SS.

Subscribed and sworn (or affirmed) before me this 2 day of January 19 90

Notary Public Sherl Chapman

Residing at 2889 Cottle Way Mandan ND

My Commission Expires 6/14/96

Please Print Name Sherl Chapman

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED

AUG 14 1994

Last Name Basque Ranches Ident. Number _____

Copies White-State, Yellow-Claimant

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

DEC 13 2001

WATER RESOURCES
WESTERN REGION

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	A63-00116	} no fee			
	A63-00117				
	A63-02112				
	A63-02221				
	A63-24109	P.D. issued			

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) BASQUE RANCHES
315 E 5 N MOUNTAIN HOME ID 83647
4. New Owner/Claimant(s) L G DAVISON & SONS INC
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
1969 PRAIRIE RD
 New Mailing Address
PRAIRIE ID 83647-9803
 City, State and ZIP Code
 New Telephone Number (208) 868-3243
5. Date you acquired the property _____

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

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

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

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

R. E. Harrison, Pres.

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

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

W A R R A N T Y D E E D

THIS INDENTURE, made this 17 day of November, 1993, between BLUE MOUNTAIN INVESTMENTS, an Oregon General Partnership consisting of DANIEL D. GILE and BILL A. POLLARD, co-partners, joined herein by their respective wives DARLENE L. GILE and SYLVIA J. POLLARD, of 203 East Main Street, P. O. Box 506, Enterprise, Oregon 97828, hereinafter designated as the party of the first part, and L. G. DAVISON & SONS, INC., an Idaho Corporation, whose address is via Prairie Stage, Mountain Home, Idaho 83647, hereinafter designated as the party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of \$1,662,097.38, which is to be paid to an accommodator as part of a Section 1031 Deferred Exchange, has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell and convey unto the party of the second part, and to its successors assigns forever, all of the following described real property, located in the County of Elmore, State of Idaho, to-wit:

REAL PROPERTY, as listed and described upon the schedule attached hereto, marked "Exhibit A" and by this reference made a part of this deed.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or 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 party of the first part, and together with all grazing rights and privileges appurtenant to said property and together with all water rights and ditch rights and all dams, rights-of-way and all other means for the diversion, conveyance, distribution and use of any water appurtenant to said property.

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 its successors and assigns forever and the said party of the first part, and its successors and assigns, the said premises in the quiet and peaceable possession of the said party of the second part, its successors and assigns, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, the said party of the first part has caused this instrument to be executed as of the day and year herein first above written.

BLUE MOUNTAIN INVESTMENTS,
An Oregon General Partnership,

BY *Daniel D. Gile*
Daniel D. Gile, Partner

BY *Bill A. Pollard*
Bill A. Pollard, Partner

BY *Darlene L. Gile*
Darlene L. Gile,
Spouse of Partner

BY *Sylvia J. Pollard*
Sylvia J. Pollard,
Spouse of Partner

STATE OF ID,)
COUNTY OF ELMORE,) ss.

On this 17 day of Nov, 1993, before me, the undersigned, a Notary Public in and for said state, personally appeared DANIEL D. GILE and BILL A. POLLARD, known to me to be the partners of the partnership known as BLUE MOUNTAIN INVESTMENTS, and the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said partnership name.

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

319669

Dennis H. Wetherill
Notary Public for
Residing STATE OF IDAHO

ELMORE COUNTY, IDAHO
Request of

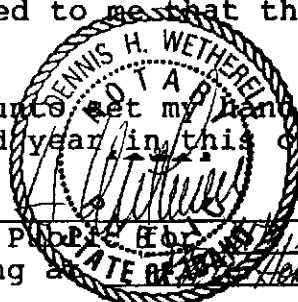
W. J. Davison
Time 1:26 P M
Date December 28, 1999
GAIL L. BEST, Recorder

By *[Signature]* Deputy
Fee \$12.00

STATE OF Ind.,)
COUNTY OF Elmore,) ss.

On this 17 day of Nov., 1993, before me, the undersigned, a Notary Public in and for said state, personally appeared DANIEL D. GILE and DARLENE L. GILE, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

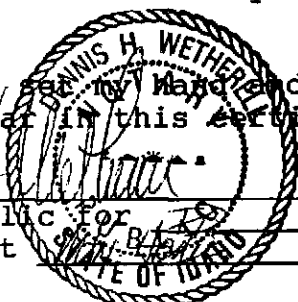
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.


Notary Public for Ind.
Residing at HOME, IN

STATE OF Ind.,)
COUNTY OF Elmore,) ss.

On this 17 day of Nov., 1993, before me, the undersigned, a Notary Public in and for said state, personally appeared BILL A. POLLARD and SYLVIA J. POLLARD, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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


Notary Public for Ind.
Residing at HOME, IN

LEGAL DESCRIPTION

TOWNSHIP 2 NORTH, RANGE 7 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO

SECTION 36: E $\frac{1}{2}$

TOWNSHIP 1 NORTH, RANGE 8 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO

SECTION 5: LOTS 1, 2, 3, 4, 5; SW $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$

SECTION 6: N $\frac{1}{2}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$

TOWNSHIP 2 NORTH, RANGE 8 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO

SECTION 15: SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$

SECTION 17: NE $\frac{1}{4}$, S $\frac{1}{2}$

SECTION 18: S $\frac{1}{2}$ SE $\frac{1}{4}$

SECTION 19: ALL, SAVE AND EXCEPT the following described parcel:

Commencing at the corner common to Sections 13, 18, 19 and 24, Township 2 North, Ranges 7 and 8 East, Elmore County, Idaho, and running thence

South 9°15' East 1,609.57 feet to the Northwest corner of the Smith Prairie Airport; thence

South 18°33' East 400 feet to the Southwest corner of said airport; thence

North 71°26' East 2,741 feet along the Southerly boundary of said airport to the REAL POINT OF BEGINNING for this description; thence continuing from the real point of beginning

North 71°26' East 1,320 feet; thence

South 18°33' East 990 feet; thence

South 71°26' West 1,320 feet; thence

North 13°33' West 990 feet to the REAL POINT OF BEGINNING.

SECTION 20: S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$

SECTION 21: W $\frac{1}{2}$, SE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$

SECTION 22: S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$

SECTION 27: W $\frac{1}{2}$

SECTION 28: ALL

SECTION 29: E $\frac{1}{2}$, SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$

SECTION 30: ALL

SECTION 31: ALL

SECTION 32: ALL

SECTION 33: N $\frac{1}{2}$

SECTION 34: N $\frac{1}{2}$ NW $\frac{1}{4}$

ISSUED BY

**Commonwealth.**
Land Title Insurance CompanyPOLICY NUMBER
207-036584**OWNER'S POLICY OF TITLE INSURANCE**

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, COMMONWEALTH LAND TITLE INSURANCE COMPANY, a Pennsylvania corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

IN WITNESS WHEREOF, COMMONWEALTH LAND TITLE INSURANCE COMPANY has caused its corporate name and seal to be hereunto affixed by its duly authorized officers, the Policy to become valid when countersigned by an authorized officer or agent of the Company.

COMMONWEALTH LAND TITLE INSURANCE COMPANY

Attest:

James J. Lynch Jr.
Secretary



By:

Robert A. Smith
President

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim, which arises out of the transaction vesting in the Insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
 - (a) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or
 - (b) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure:
 - (i) to timely record the instrument of transfer; or
 - (ii) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

Issued with Policy No. N/A

SCHEDULE AAmount of Insurance: \$ **\$1,670,000.00**Policy No **207-036584**Premium: **\$4,070.00**File No. **93-705**Date of Policy: **NOVEMBER 17, 1993**, at **4:18** **P.M.**

1. Name of Insured:

L. G. DAVISON & SONS, INC.2. The estate or interest in the land which is covered by this policy is: **FEF SIMPLE**

3. Title to the estate or interest in the land is vested in:

SEE ATTACHED4. The land referred to in this policy is described in said instrument, is situated in the County of
ELMORE, State of **IDAHO**, and is identified as follows:**SEE ATTACHED**

Countersigned:

NM 1 PA 10
ALTA Owners
Schedule A
Form 1190-13

Authorized Officer or Agent

AGENTS COPY

SCHEDULE A CONTINUED
VESTING CONTINUED

3. Title to the estate or interest in the land is vested in:

AGUIRRE & SONS, AKA BASQUE RANCHES, an Idaho General Partnership consisting of DOMINGO M. AGUIRRE, AKA DOMINGO AGUIRRE, General Partner AND FELIPE AGUIRRE, General Partner, DOLORES AGUIRRE, General Partner AND MARY FRANCES AGUIRRE, General Partner, AND DOMINGO M. AGUIRRE AND DOLORES AGUIRRE, husband and wife, and FELIPE AGUIRRE AND MARY FRANCES AGUIRRE, husband and wife

SCHEDULE A CONTINUED
LEGAL DESCRIPTION CONTINUED

LEGAL DESCRIPTION

TOWNSHIP 2 NORTH, RANGE 7 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO

SECTION 36: E½

TOWNSHIP 1 NORTH, RANGE 8 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO

SECTION 5: LOTS 1, 2, 3, 4, 5; SW¼NE¼; S¼NW¼

SECTION 6: N¼NW¼; NE¼

TOWNSHIP 2 NORTH, RANGE 8 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO

SECTION 15: SW¼, SW¼SE¼

SECTION 17: NE¼, S¼

SECTION 18: S¼SE¼

SECTION 19: ALL, SAVE AND EXCEPT the following described parcel:

Commencing at the corner common to Sections 13, 18, 19 and 24, Township 2 North, Ranges 7 and 8 East, Elmore County, Idaho, and running thence

South 9°15' East 1,609.57 feet to the Northwest corner of the Smith Prairie Airport; thence

South 18°33' East 400 feet to the Southwest corner of said airport; thence

North 71°26' East 2,741 feet along the Southerly boundary of said airport to the REAL POINT OF BEGINNING for this description; thence continuing from the real point of beginning

North 71°26' East 1,320 feet; thence

South 18°33' East 990 feet; thence

South 71°26' West 1,320 feet; thence

North 13°33' West 990 feet to the REAL POINT OF BEGINNING.

SECTION 20: S¼NE¼, SE¼NW¼, SE¼, E¼SW¼, SW¼SW¼, N¼N¼, NW¼SW¼

SECTION 21: W¼, SE¼, NW¼NE¼, SE¼NE¼

SECTION 22: S¼SW¼, NE¼NW¼, NW¼NE¼

SECTION 27: W¼

SECTION 28: ALL

SECTION 29: E¼, SW¼, E¼NW¼, SW¼NW¼, NW¼NW¼

SECTION 30: ALL

SECTION 31: ALL

SECTION 32: ALL

SECTION 33: N¼

SECTION 34: N¼NW¼

Policy No. 207-036584

File No. 83-705

SCHEDULE B**EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of:

GENERAL (STANDARD) EXCEPTIONS

1. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession, or claiming to be in possession, thereof.
 2. Easements, liens, encumbrances, or claims thereof, which are not shown by the public records.
 3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey of the land would disclose, and which are not shown by the public records.
 4. Any lien, or right to a lien, imposed by law for services, labor, or material heretofore or hereafter furnished, which lien, or right to a lien, is not shown by the public records.
 5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) Indian treaty or aboriginal rights, including, but not limited to, easements or equitable servitudes; or, (d) water rights, claims or title to water, whether or not the matters excepted under (a), (b), (c) or (d) are shown by the public records.
 6. Taxes or assessments which are not now payable or which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
 7. Any service, installation, connection, maintenance or construction charges for sewer, water, electricity, or garbage collection or disposal or other utilities unless shown as an existing lien by the public records.
- EXCEPTION NO(S) are hereby omitted.

SPECIAL EXCEPTIONS

8. General taxes for the year 1993, which are a lien and are paid in full.
9. Right of Way for Public Highway dated July 30, 1915, granted by J. H. Mowry, to Elmore County; recorded July 31, 1915, in Book 1 of Deeds to Public Highways at page 80, records of Elmore County, Idaho; lies along the West boundary of Lots 1 and 2, Section 19, T2N, R8E, B.M.
10. Easement Deed granted by Aguirre & Sons, a Partnership, to The United States of America; recorded March 16, 1972 as Instrument No. 148584, records of Elmore County, Idaho; traversing NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15 and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 21, T2N, R8E, B.M., with reservations by the Grantors.
11. Easements and reservations as contained in Exchange Deed dated November 29, 1979, executed by the United States of America; to The American Land Title Company, Inc., an Idaho Corporation; recorded December 5, 1979 as Instrument No. 192145, records of Elmore County, Idaho.

93-705

Schedule B Continued

12. Easements, reservations and restrictions as contained in Aviation and Hazard Easement dated December 4, 1979, executed by The American Land and Title Company, an Idaho Corporation; to the State of Idaho, Division of Aeronautics and Public Transportation; recorded December 5, 1979 as Instrument No. 192147, records of Elmore County, Idaho.

13. Road Easement dated September 18, 1985, executed by the United States of America, acting by and through the Forest Service, Department of Agriculture, to the State of Idaho, Idaho Department of Lands; recorded November 1, 1985 as Instrument No. 231412, records of Elmore County, Idaho, over and across properties in T2N, R8E, B.M. Elmore County, Idaho and other properties.

14. Deed and Access Easement dated November 2, 1989 between Aguirre & Sons, an Idaho General Partnership & Mountain Home Highway District for a Roadway Access Easement and Right of Way on over and across a portion of Sec. 19, T2N, R8E, B.M., Elmore County, Idaho; recorded November 30, 1989 as Instrument No. 256467, records of Elmore County, Idaho.

15. Financing Statements, Seed and Farm Laborer's liens against crops which are filed in the office of the Secretary of State.

16. Road and Ditch Rights of Way appearing on the premises, but not of record.

17. Memorandum of Log Purchase Agreement by and between Prairie Wood Products, Inc., as Buyer and Blue Mountain Investments, as seller; recorded February 12, 1993 as Instrument No. 272774, records of Elmore County, Idaho.

18. Right, Title and Interest of Blue Mountain Investments, an Oregon General Partnership, as disclosed in Memorandum of Real Estate Sales Contract between Aguirre & Sons, an Idaho General Partnership, as seller and Blue Mountain Investments, an Oregon General Partnership, as buyer; recorded February 12, 1993 as Instrument No. 272784, records of Elmore County, Idaho.

19. Memorandum of Real Estate Contract dated November 17, 1993, between Aguirre & Sons, an Idaho General Partnership, as Seller and L. G. Davison & Sons, Inc., an Idaho Corporation, as Buyer; recorded November 17, 1993 as Instrument No. 277501, records of Elmore County, Idaho.

20. Right, Title and Interest of L. G. Davison & Sons, Inc, an Idaho Corporation as disclosed in Memorandum of Real Estate Contract dated November 17, 1993, between Aguirre & Sons, an Idaho General Partnership, as Seller and L. G. Davison & Sons, Inc., an Idaho Corporation, as Buyer; recorded November 17, 1993 as Instrument No. 277501, records of Elmore County, Idaho.

3/26/1990

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

Barque Ranches

CLAIM IDENT. NO.

AL3-00116

DATE RECEIVED

1-8-90

CK #

340

AMOUNT \$

713 / \$210

Required

- | | YES | NO | Info? |
|--|-------------------------------------|-------------------------------------|-------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates? | ☒ | ☐ | * |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☒ | ☐ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☒ | ☐ | |
| Is the consumptive use correct? | ☒ | ☒ | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? (see Item No. 17 for checking other water rights) | ☒ | ☐ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the basis of claim is shown as license, permit or decree is the existing water right number listed? (If yes, compare claim with the existing water right and either attach a proof report or state in comments that existing right was compared to claim) | ☒ | ☐ | |
| 17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal desc. on the claim? (If yes, describe these rights in "Comments") NOTE: If the claim is for domestic/stockwater this check is not as necessary unless it is indicated there is an existing right | ☒ | ☐ | |
| 18. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | |
| 19. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 20. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 21. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 22. Is the fee enclosed correct? | ☒ | ☐ | |

MICROFILMED

AUG 14 1992

23. Should this claim be receipted and data entered?

YES NO

Claim checked by: JH

Date: 11-30-90

Claim must be returned to claimant:

(Yes) X(No)

Claimant must be notified of modifications:

(Yes) X(No)

Receipt Prepared by: JH

Date: 1-8-90

Claim data entered by: _____

Date: _____

Checked by: _____

Date: _____

Sent to claimant by: _____

Date: _____

Comments: Extension was granted.

IDAHO DEPARTMENT OF WATER RESOURCES 12/21/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: L G DAVISON & SONS INC
1969 PRAIRIE RD
PRAIRIE ID 83647-9803

SOURCE: DEER CREEK TRIBUTARY: SOUTH FORK BOISE RIVER

QUANTITY: 2.14 CFS

THIS RIGHT SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE WHEN MEASURED
AT THE FIELD HEAD GATE.

PRIORITY DATE: 03/28/1900

POINT OF DIVERSION:

T02N R08E S28 SESWSE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.140 CFS

PLACE OF USE: IRRIGATION Within ELMORE County

T02N R08E S28	NWSW	7.6	T02N R08E S28	SWSW	13.0
T02N R08E S29	SESW	6.7	T02N R08E S29	NESE	3.1
T02N R08E S29	SWSE	9.8	T02N R08E S29	SESE	17.0

57.2 ACRES TOTAL

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Decreed

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

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

CLAIM NO(s). 63-116 & 63-117

1. ☒ No Change NAME IS SAME

☐ NEW OWNER: _____

☐ No Change ADDRESS

☐ NEW ADDRESS: _____

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

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

Priority date, per claimant, is: SAME AS DECREE

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

CLAIMANT CLAIMED 2 days EARLIER CHANGED BACK
TO DECREE DATE.

3. ☒ No Change — SAME SOURCE

☐ Source is different than that claimed:

Source found: _____

4. ☐ No Change — POINT OF DIVERSION

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

Township 2N Range 8E Section 28 1/4 SE 1/4 SW 1/4 SE
Township _____ Range _____ Section _____ 1/4 1/4 1/4

• NOT ACCOMPLISHED
TRANSFER...
DECREE did not
list.

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS

☐ Incomplete description, list below:

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

Son RECOMMENDED PER
STANDARDS - DECREE DID NOT LIST.

Use irr From 4-1 To 10-31 Amount 2.14 CFS — AFA
Use — From — To — Amount — CFS — AFA
Use — From — To — Amount — CFS — AFA

7. ☐ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount — CFS — AFA

☒ Changes found, the new total is, Amount 2.14 CFS — AFA

Duty of water:
 $(57.2)(0.02) = 1.14$
+ conveyance loss 1.01
TOTAL = 2.15

8. ☐ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

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

Additional comments: —

9. ☐ No Change — PLACE OF USE: (If changed, list below.) SEE PROFILE SHEET & LAYOUT

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

CHANGED
POU
COS

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

Both claims 116 & 117 were investigated, much of the land claimed was
on side of hill with no evidence of ditches, historical uses only
shows the tracts in this recommendation PER 1987 MAP AND
FIELD EXAM, Recommend that 117 be withdrawn or disallowed - not needed

☒ SYSTEM DIAGRAM INCLUDED

☐ NA

NOR any BEN. USE found recommended
AS 116...

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: OCT. 23, 2001

FIELD EXAMINER:

RON HOWERTON

Print Name

Ron Howerton

Signature

on top

COS
C18
E28

SEE PROFILE SHEET FOR MORE INFO & FIELD NOTES

- DRAFT -

AJ5809NP
No. A63-00116

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/02/01
PAGE: 2

OWNER
CODE NAME & ADDRESS

C BASQUE RANCHES
315 E S N
MOUNTAIN HOME ID 83647
(208) 587-3604

PRIORITY
DATE

03/26/1900
MARCH 28, 1900

WATER USE

IRRIGATION

USE PERIOD
FROM TO

04-15 10-15

DIVERSION
RATE

3,000 CFS

DIVERSION
VOLUME

640.00 AFA

2.14 cfs

Water Source: DEER CREEK

Tributary to: BOISE RIVER, SOUTH FORK

Stage: DECREED

Point(s) of Diversion:

T02N R08E S28

SESW

NOT CHG
NOR SURE

Place of use Legal Description for: IRRIGATION

T	R	S	NE	NW	SW	SE	SUM
02N 08E 29:			NESE	NWSE	SWSE	SESE	
02N 08E 31:			Lt AC	Lt AC	Lt AC	Lt AC	
02N 08E 32:			Lt AC	Lt AC	Lt AC	Lt AC	
2N 8E S28							
TOTAL ACRES							57.2

ADD

POU County: ELMORE

Other Rights: A63-00117

Remarks: GEN
CLAIMED EARLIER PRIORITY OF 03/26/1900, DECREED 03/28/1900.
CLAIMED DEER CREEK TRIB. TO BOISE RIVER, SOUTH FORK, DECREED
DEER CREEK TRIB. TO ROCK CREEK.

Dates: Exam Made Date:

Verified Date:

Field Inspection Flag: Y

Objection Filed Date:

Duty of water

RECOMMEND:
OLDEST DECREED

R/GHT OF
116 & 117

(57.2 Acres)(0.02) = 1.14 cfs
CALC FOR CONVEYANCE = 1.01 cfs
Ditch Loss

TOTAL = 2.15 cfs

could file excessive flow
QUESTIONNAIRE for CLAIMANT CHOSE
MORE THAN INCH PER
FOOT TO FIVE
EXCESSIVE FLOWS
HERE

FIELD NOTES:

10/23/01

Fx for 63-116 & 117 PER Rm Howerton

Accompanied by: Ron Davison

- First look at these two claims ARE quite deceiving the claims ARE FOR 160 AND 140 ACRES.
- Lots of sub-type irrigation on South SIDE OF DEER CR. NO - DIVERSIONS WERE FOUND ON South SIDE OF DEER CR.
- Many tracts were claimed up on the hillside where only wild - dry type of GRASSES ARE GROWN.
- Photos were taken AT POD OF Headgate and ditch, in the S W SE of S28, claimed INCORRECTLY - DECREE didn't list POD LOCATION.
- Photos were taken from the hill side of the SESE of S29 LOOKING NORTH AT MAIN POB AROUND BUILDING AND BURNED out home.
- Ron Davison — had bought this from Domingo AND KNOW that this was small acreage. I told Ron D that I could give him an inch/acre and own loss and if he wanted more he would need to FILE EXCESSIVE flow Questioning but he didn't seem interested, will talk again after ownership change is submitted.

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	PETER BROWN	03/28/1900	IRRIGATION	00/00 00/00	3.000 CFS	
TOTAL DIVERSION:					3.000 CFS	

Water Source: DEER CREEK

Tributary to: ROCK CREEK

Stage: DECREED

Place of use Legal Description for: IRRIGATION

		NE		NW		SW		SE	
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt
02N 08E 29	:	:	:	:	:	:	:	:	:
02N 08E 31	:	:	:	:	:	:	:	:	:
02N 08E 32	:	:	:	:	:	:	:	:	:
								SUM	

Pou County: ELMORE

Dates: App. Received: 03/28/1900

Proof Due Date: Proof Made Date:

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

Licensed Date:

Misc: Water District Number: 63 Field Exam Fee:

Audit: 02/11/86 05/01/88 CONVERT

Photo 1. FX Oct. 23, 2001. Photos by RDH. 63-116 & 63-117: Point of diversion located in the SWSE, S28, T02N, R08E.



Photo 2: Head gate of point of diversion.



Photo 3: Ditch below POD.

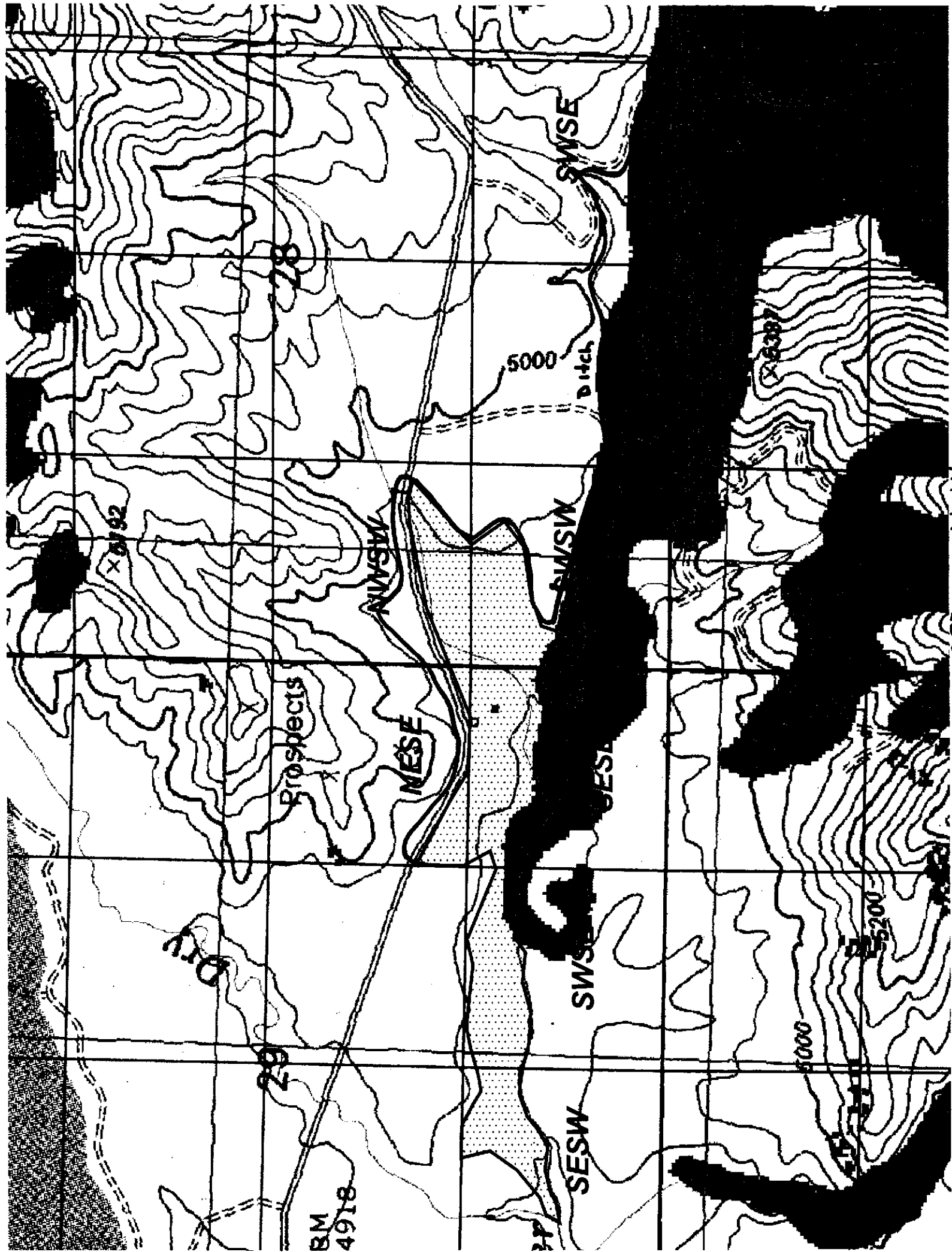


Photo 4. POU view from the SESE tract to north east fields.



Photo 5. POU view from the SESE to the north west fields.





Y-14
TOPS

Idaho Department of Water Resources

**T02N R08E
S28 & S29**

**Claim: 63-00116
Updated: 11 Nov 01
By: Ron Howerton**

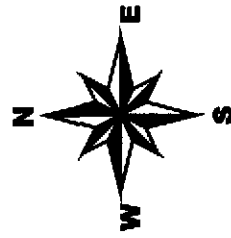
 Place of use

● POD

 SECTION

 1/4 1/4

57.2 Acres



1987 NAPP



Idaho Department of Water Resources

**T02N R08E
S28 & S29**

**Claim: 63-00116
Updated: 11 Nov 01
By: Ron Howerton**

 **Place of use**

● **POD**

 **SECTION**

 **1/4 1/4**

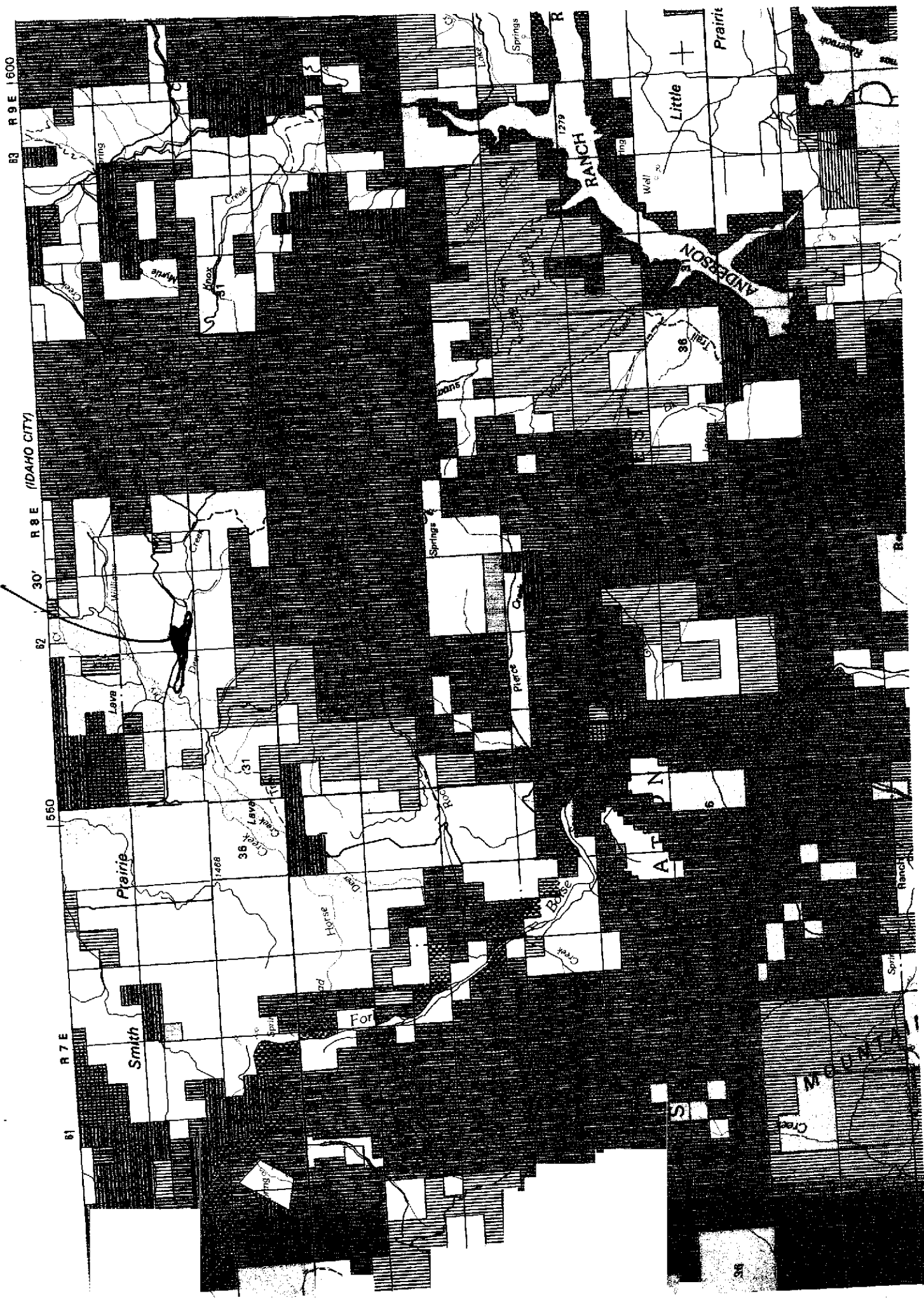


1987 NAPP





63-1162



CONVEYANCE LOSS - WORSTELL

NAME OF DITCH: Deer Creek 63-116 BY: RDH DATE: NOV 2, 2001

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	5794	5.5	2.50	1.01		0.00	0.0000	0.00	1.01
2				0.00		0.00	0.0000	0.00	0.00
3				0.00		0.00	0.0000	0.00	0.00
4				0.00		0.00	0.0000	0.00	0.00
5				0.00		0.00	0.0000	0.00	0.00
6				0.00		0.00	0.0000	0.00	0.00
7				0.00		0.00	0.0000	0.00	0.00
8				0.00		0.00	0.0000	0.00	0.00
9				0.00		0.00	0.0000	0.00	0.00
10				0.00		0.00	0.0000	0.00	0.00
11				0.00		0.00	0.0000	0.00	0.00
12				0.00		0.00	0.0000	0.00	0.00
13				0.00		0.00	0.0000	0.00	0.00
14				0.00		0.00	0.0000	0.00	0.00
15				0.00		0.00	0.0000	0.00	0.00
16				0.00		0.00	0.0000	0.00	0.00
17				0.00		0.00	0.0000	0.00	0.00
18				0.00		0.00	0.0000	0.00	0.00
19				0.00		0.00	0.0000	0.00	0.00
20				0.00		0.00	0.0000	0.00	0.00
TOTALS	5794			1.01	0.00			0.00	

REACH = SECTION OF CHANNEL

LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS

AVE WIDTH = AVERAGE TOP WIDTH OF WATER SURFACE IN REACH

SEEPAGE = SOIL SEEPAGE RATE OF REACH

WORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON WORSTELL METHOD

DELIVERY = TOTAL DELIVERIES IN REACH

DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)

LOSS FACTOR = WORSTELL LOSS/DELIVERY LEFT

DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY;
REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH;
IF MULTIPLE RIGHTS WITHIN REACH, DELIVERY LOSSES SHOULD BE
PRORATED BASED ON SIZE OF DELIVERY FOR EACH RIGHT WITHIN REACH

FLOW = TOTAL FLOW AT BEGINNING OF EACH REACH

ESTIMATING CONVEYANCE LOSS

FIELD EXAMINER: Ron Houghton

FIELD EXAM DATE: 10/23/01

FOR CLAIM(S) 63-116 63-117

FORMULA: $S = (W)(i)(0.0667)$

Where: S = Loss in CFS per Mile
W = The top width of the high water mark in feet
i = The loss rate in feet per day (see table)
0.0667 is a factor used to convert to CFS per mile

TABLE:

Type of Soil	Loss Rate i (Ft/Day)
Medium clay loam.....	0.5 to 1.5
Impervious clay.....	0.5
Medium soils.....	1.0
Somewhat pervious soils.....	1.5 to 2.0
Gravel.....	2.5 to 5.0

Ditch is GRAVEL
COARSE SAND DEPTH
is AVE 2 ft below
SURFACE...

WORK SHEET

W = (5.5) FT) i = (2.5) FT/DAY)(0.0667)

S = .917 CFS/MILE

CONVEYANCE LOSS = (S) (LENGTH OF DITCH IN MILES)

CONVEYANCE LOSS = (.917) CFS/MILE) (1.097348 MILE)

CONVEYANCE LOSS =

1.01

TOP OF DITCH = W

MAP MEASUREMENT

Section 1 = 6

Length in Inches = _____ = A

Section 2 = _____

Section 3 = 5

Map Scale: _____ In. = 1 Mile = B

Total... = 11

A/X: B/5,280 = Ft./5,280 = Mile

/2or 3... = 5.5 = W

Data/forms/Conv.los.doc

First take-out
distance is
5794' in WSW
S28
POU
AT FIRST
FIELD IS
1/2R
BECAUSE
OF DITCH
being A
sub-type
in the
SW SW
S28

ESTIMATING CONVEYANCE LOSS

FIELD EXAMINER: AGENT NAME

FIELD EXAM DATE: 9/26/01

FOR CLAIM(S): 57-02222

FORMULA: $S = (W)(i)(0.0667)$

Where: S = Loss in CFS per Mile

W = The top width of the high water mark in feet

i = The loss rate in feet per day (see table)

0.0667 is a factor used to convert to CFS per mile

TABLE:

Type of Soil	Loss Rate i (Ft/Day)
Medium clay loam.....	0.5 to 1.5
Impervious clay.....	0.5
Medium soils.....	1.0
Somewhat pervious soils.....	1.5 to 2.0
Gravel.....	2.5 to 5.0

WORK SHEET

$W = (3.25 \text{ FT})$ $i = (2 \text{ FT/DAY})(0.0667)$

$S = .43355 \text{ CFS/MILE}$

CONVEYANCE LOSS = (S) (LENGTH OF DITCH IN MILES)

CONVEYANCE LOSS = (.43355 CFS/MILE) (.84375 MILE)

CONVEYANCE LOSS =

0.37

TOP OF DITCH = W

MAP MEASUREMENT

Section 1 = 3.5

Section 2 = 3.0

Section 3 = NA

Total... = 6.5

/2or 3... = 3.25 = W

Length in Inches = 6.75 = A

Map Scale: 8 In. = 1 Mile = B

A/X: B/5,280 = Ft./5,280 = Mile

Data/forms/Conv.los.doc

$$\begin{array}{r} 6.75 \\ \times : 5280 = \end{array} \frac{8}{5280} = \frac{4455 \text{ length ft}}{5280 \text{ ft/mile}} =$$

.84375 per mile

vs.

WILLIAM W. NEWELL and
JOSEPH ENGLEMAN,
Defendants.

Now this cause coming on to be heard upon the findings of Fact and Conclusions of Law hereinbefore signed, and the Court being fully advised in the premises, it is ORDERED, ADJUDGED AND DECREED:

I.

563 0116 That the plaintiff ~~Robert Brown~~ be and he is hereby awarded the use of 150 inches of the waters of Deer Creek, Elmore County, Idaho in each year dating from March 28, 1900 for use on the South half of the southwest quarter of Section twenty-nine and the northeast quarter of the northeast quarter of Section thirty-one and the northwest quarter of the north-west quarter of Section thirty-two, in Township two North of Range Eight East Boise Meridian.

II.

nd 63 0117 That the defendant ~~William W. Newell~~ be and he is hereby awarded the use of 150 inches of the waters of said Deer Creek dating from the 12th day of May, 1900 for use on the southeast quarter of the southeast ^{quarter} of Section twenty-nine and the south half of the southwest quarter, the northeast quarter of Section twenty-eight in Township two north of range eight East Boise Meridian.

III.

0 That the defendant ~~Joseph Engleman~~ is without right, title or interest in or to any of the waters of said Deer Creek.

IV.

— Decree # I —



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 18, 2001

L G DAVISON & SONS INC
1969 PRAIRIE RD
PRAIRIE ID 83647-9803

Re: Notice of Claim to a Water Right No. 63-116, 63-117, 63-2112 & 63-2221

Dear Claimant(s):

Enclosed is a copy of the above referenced claim, which reflects the change in ownership of the land and appurtenant water rights covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB: db

Enclosure