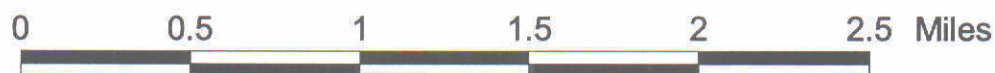
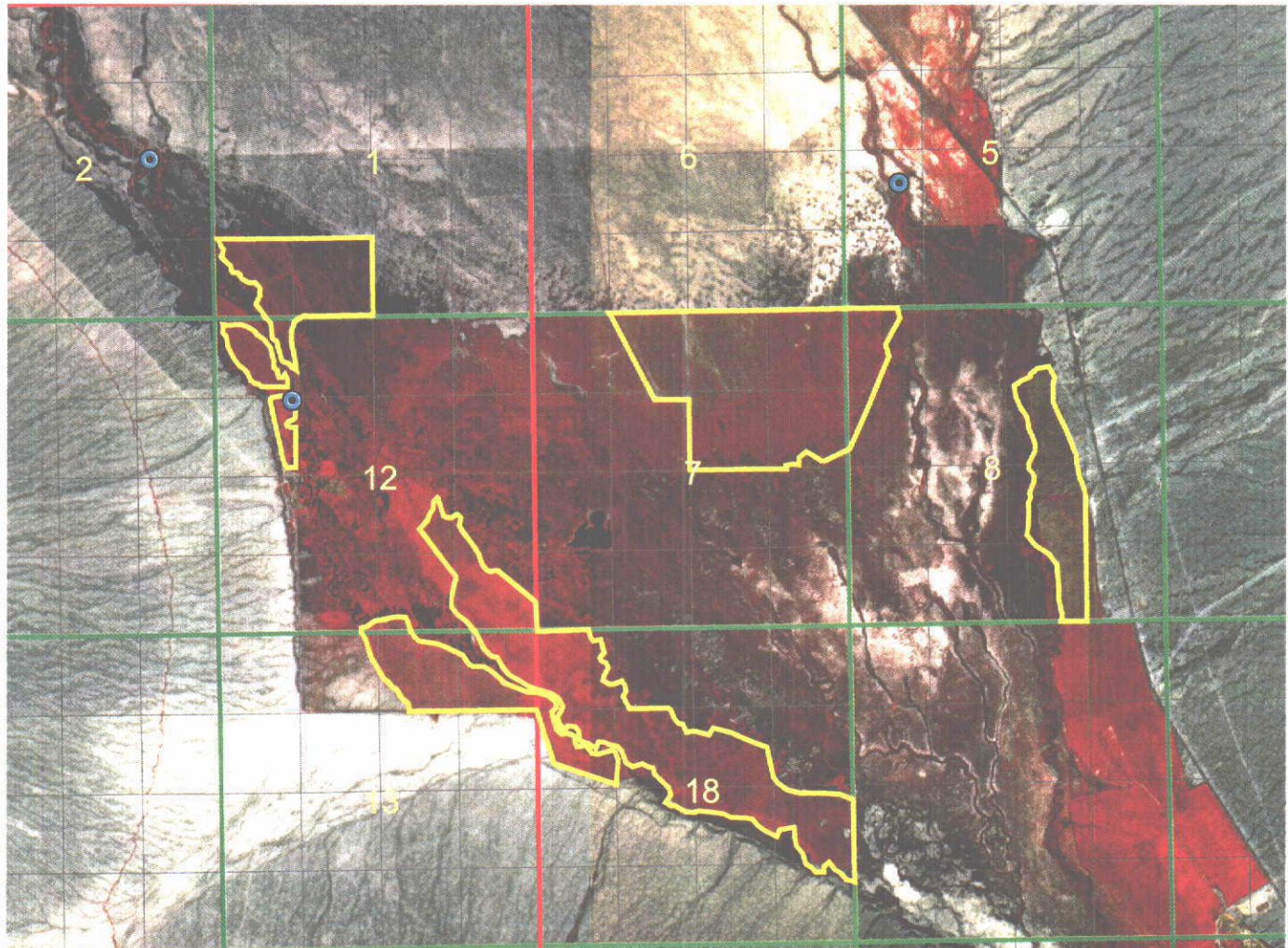


DEPARTMENT OF WATER RESOURCES

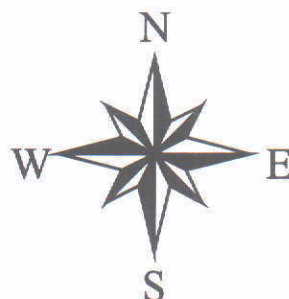
Claim Nos.: 33-69, 33-70, 33-71,
33-72, 33-73, 33-74, 33-76,
33-78, 33-79, 33-80, 33-81, 33-82

T07N R27E

T07N R28E



-  Point of diversion.shp
-  Place of use.shp
-  Township/Range
-  Sections
-  QQ



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: E. Carlsen
Date: July 2004

POOR ORIGINAL

CLAIM NO. 33-0071

T. 8 N., R. 27 E.
T. 7 N., R. 27 E. T. 7 N., R. 28 E.

PLACE OF USE

POINTS OF DIVERSION

MICROFILMED
APR 15 1994

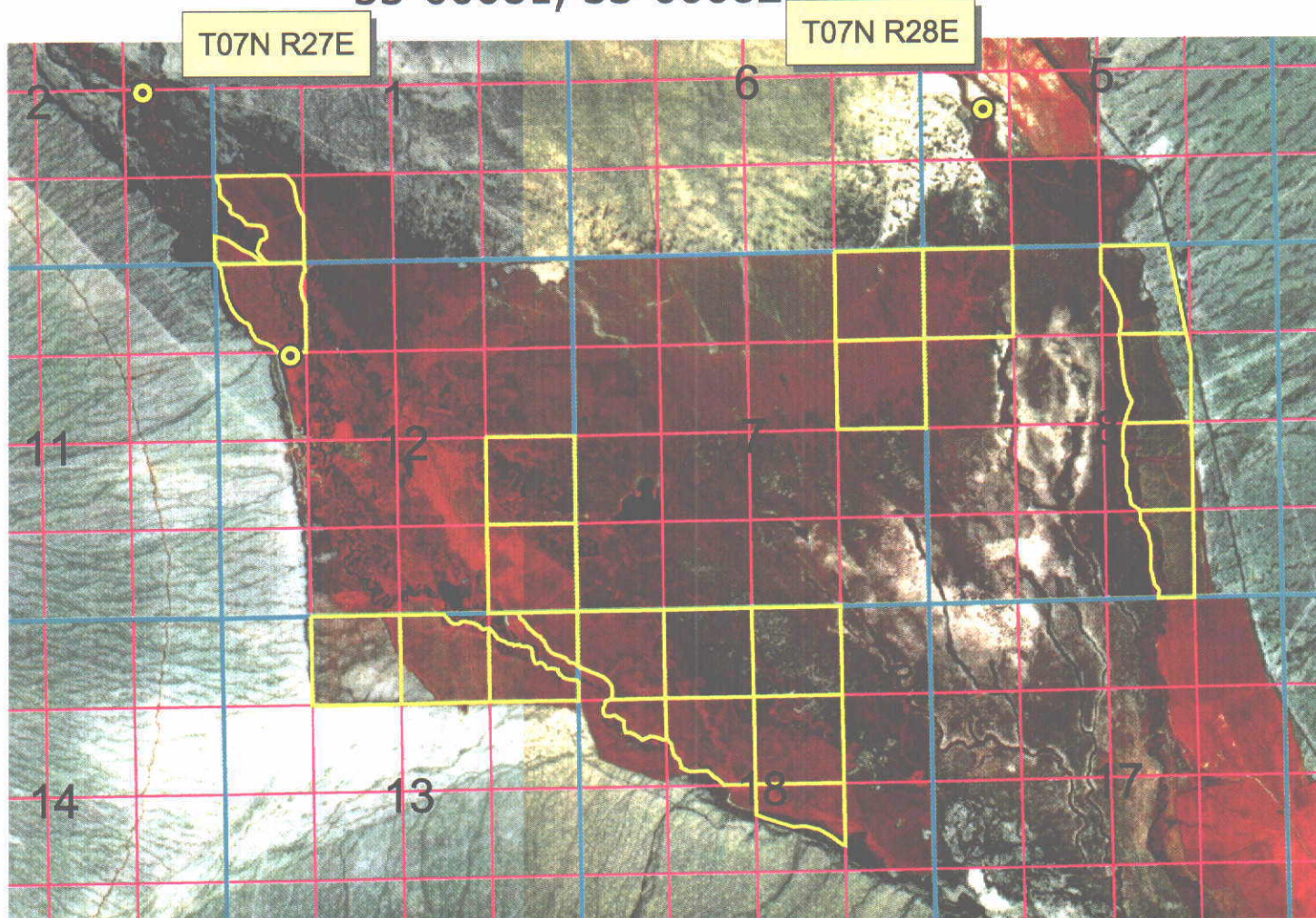


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 33-00069, 33-00070,
33-00071, 33-00072, 33-00073, 33-00074,
33-00076, 33-00078, 33-00079, 33-00080,
33-00081, 33-00082



0 1320 2640 3960 5280 6600 7920 9240 10560 Feet

LEGEND



Point of Diversion



Place of Use



Section Line



Quarter-section line

Acres Irrigated = 698



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: E. Carlsen
Date: November 1999

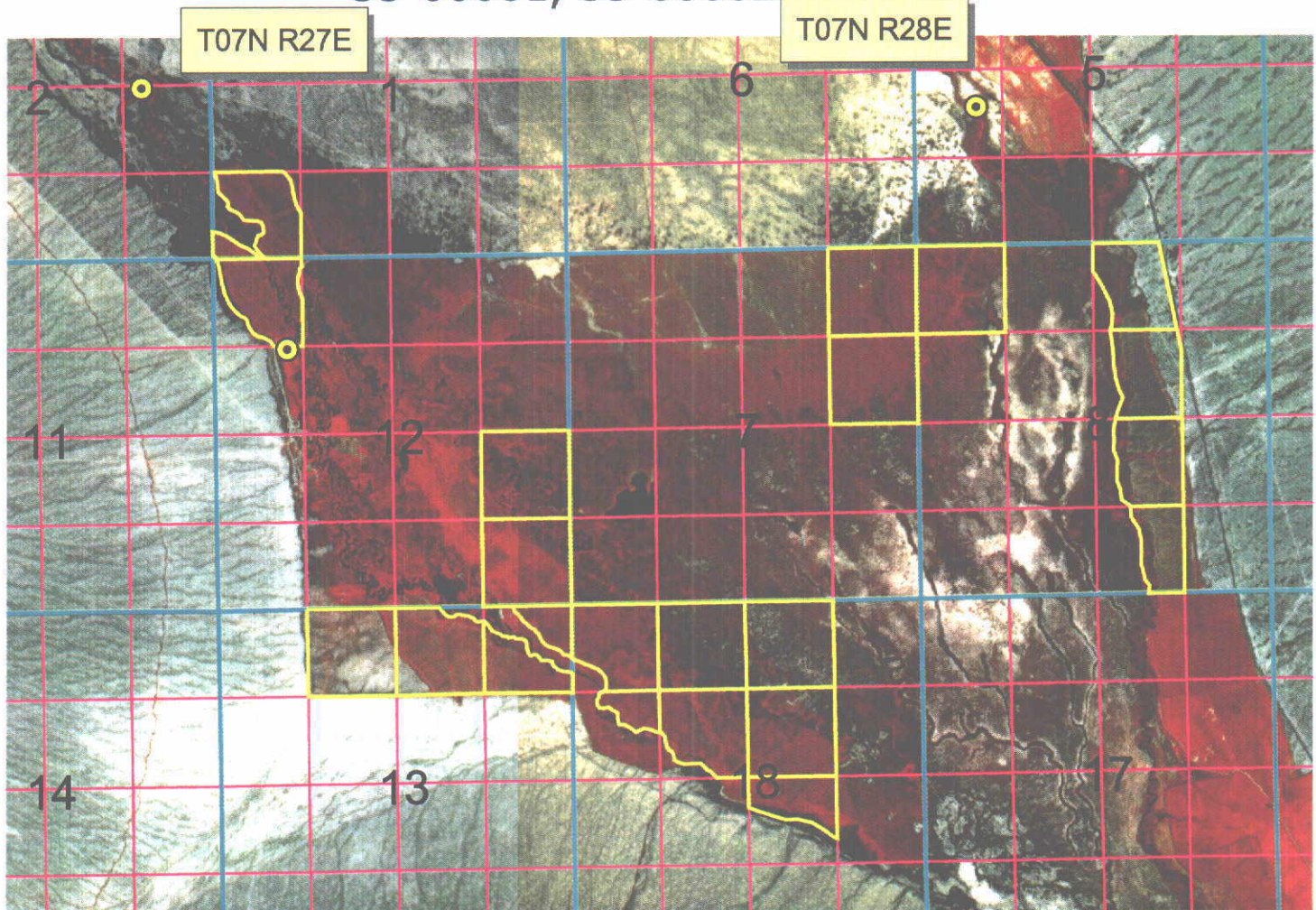


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 33-00069, 33-00070,
33-00071, 33-00072, 33-00073, 33-00074,
33-00076, 33-00078, 33-00079, 33-00080,
33-00081, 33-00082



0 1320 2640 3960 5280 6600 7920 9240 10560 Feet

LEGEND



Point of Diversion



Place of Use



Section Line



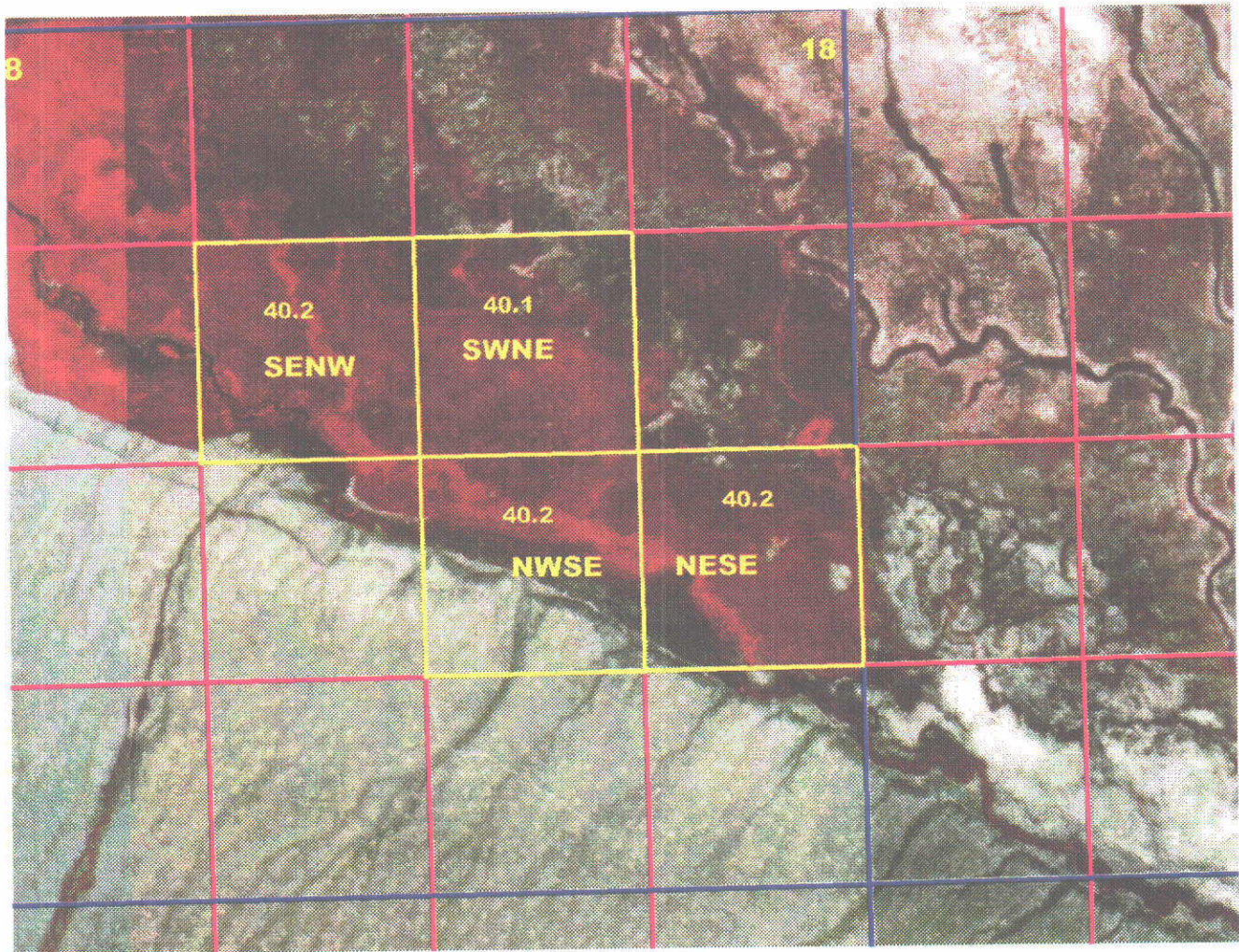
Quarter-section line

Acres Irrigated = 698

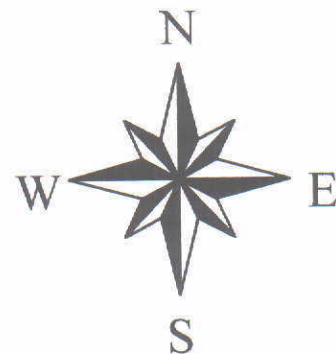


GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: E. Carlsen
Date: November 1999

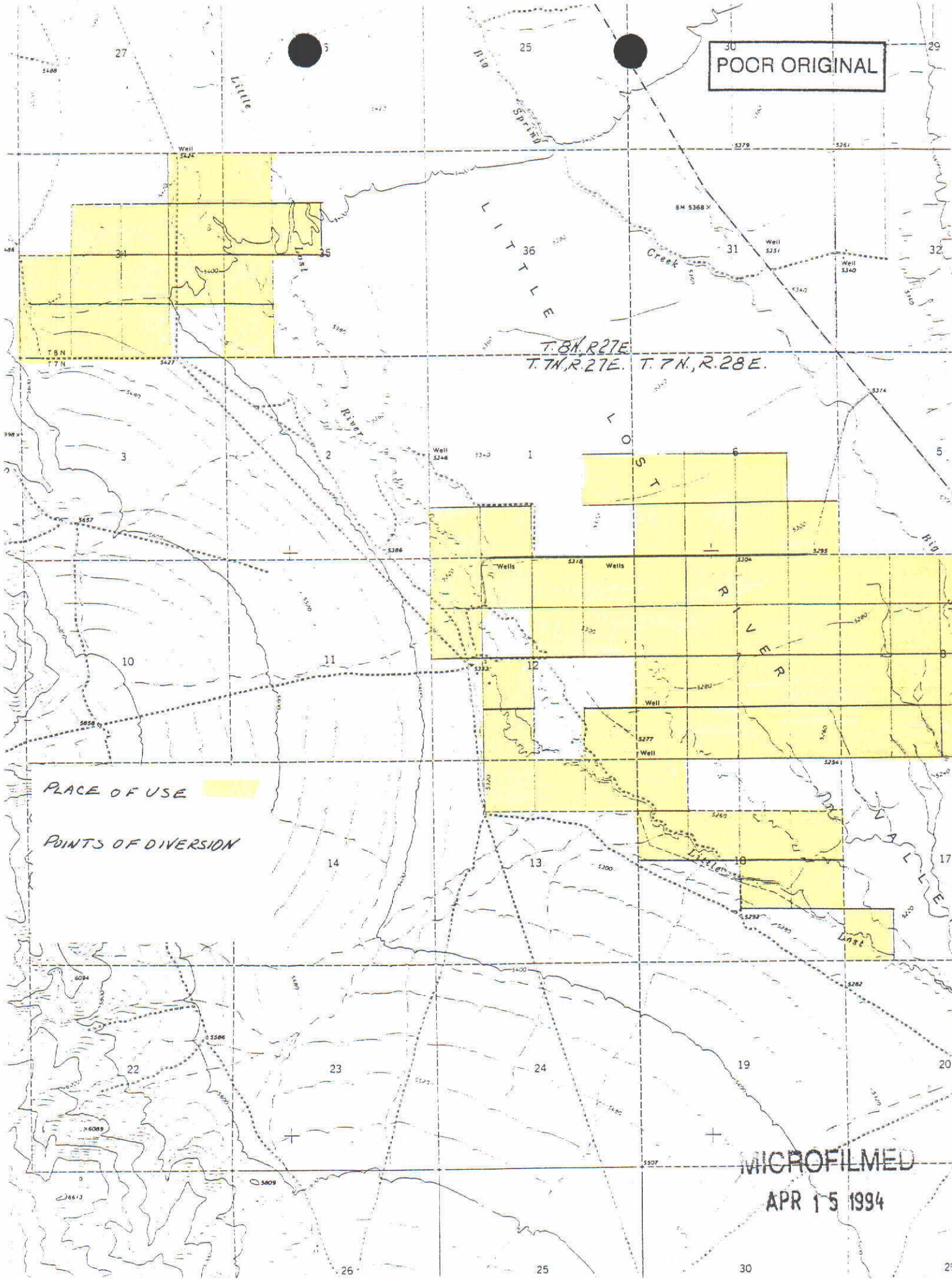
33-00071



-  **Place of Use**
-  **POD**
-  **Section Line**
-  **Quarter Section Line**



POOR ORIGINAL



PLACE OF USE

POINTS OF DIVERSION

MICROFILMED
APR 15 1994

COPY

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

In Re SRBA)

Water Rights: BASIN 33 (SEE
ATTACHED LIST)

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☒ I.C. § 42-222 transfer SAGEWILLOW (TRX 4221 – 4227)
 - ☒ point of diversion ☒ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

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

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

DATED: July 9, 2004

Ernest Carlson

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on July 9, 2004, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
SAGEWILLOW INC
C/O KENT FOSTER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405-0130

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A

4. One copy to:

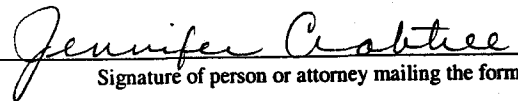
Each party in the subcase, or attorney of record
BLAINE COUNTY CANAL CO
MAYS LAND & LIVESTOCK
C/O MICHAEL CREAMER
GIVENS PURSLEY LAW OFFICE
PO BOX 2720
BOISE ID 83701-2720

5. One copy each to:

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

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

SAGE WILLOW WATER RIGHTS

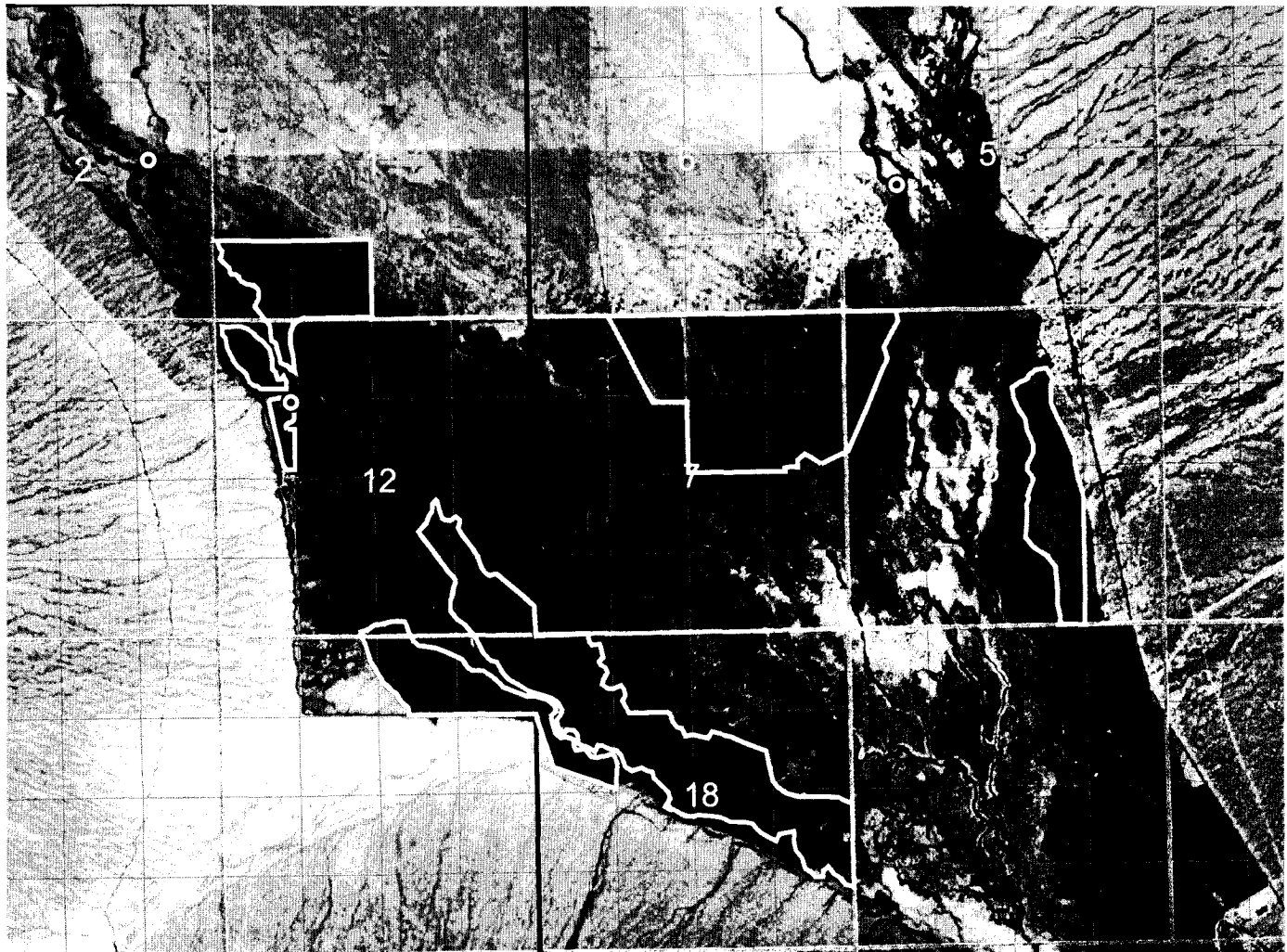
33-69
33-70
33-71
33-72
33-73
33-74
33-76
33-78
33-79
33-80
33-81
33-82
33-2007
33-2008
33-2057
33-2083
33-2086
33-2090
33-2091
33-2133
33-7018

DEPARTMENT OF WATER RESOURCES

Claim Nos.: 33-69, 33-70, 33-71,
33-72, 33-73, 33-74, 33-76,
33-78, 33-79, 33-80, 33-81, 33-82

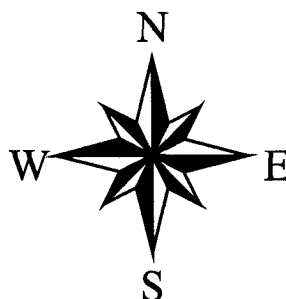
T07N R27E

T07N R28E



0 0.5 1 1.5 2 2.5 Miles

- ⊙ Point of diversion.shp
- Place of use.shp
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: E. Carlsen
Date: July 2004

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

RIGHT NUMBER: 33-71

NAME AND ADDRESS:

SAGEWILLOW INC
C/O KENT FOSTER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405-0130

SOURCE:

Source:
BIG SPRING CREEK

Tributary:

LITTLE LOST RIVER

Source:

LITTLE LOST RIVER

Tributary:

SINKS

QUANTITY:

3.200 CFS

0.000 AFY

Use of the rights listed below is limited to a total combined diversion rate of 32.0 CFS.
Combined Right Nos.: 33-69, 33-70, 33-71, 33-72, 33-73, 33-74, 33-76, 33-78, 33-79,
33-80, 33-81 and 33-82.

Use of the rights listed below is limited to a total combined diversion rate of 67.19
CFS. Combined Right Nos.: 33-69, 33-70, 33-71, 33-72, 33-73, 33-74, 33-76, 33-78,
33-79, 33-80, 33-81, 33-82, 33-2057, 33-2083, 33-2086, 33-2091 and 33-7018.

PRIORITY DATE:

03/15/1909

POINT OF DIVERSION:

T07N R27E S2 SWSENE	Within BUTTE County
T07N R27E S12 NESWNW	Within BUTTE County
T07N R28E S5 NENWSW	Within BUTTE County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

4/01 11/01

3.200 CFS

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

PLACE OF USE:

IRRIGATION

within BUTTE County

T07N R27E S01 SWSW 26.0
T07N R27E S01 SESW 40.0
T07N R27E S12 NENW 0.2
T07N R27E S12 NWNW 19.0
T07N R27E S12 SWNW 7.6
T07N R27E S12 SESW 0.9
T07N R27E S12 NESE 2.5
T07N R27E S12 NWSE 7.6
T07N R27E S12 SWSE 5.0
T07N R27E S12 SESE 29.0
T07N R27E S13 NENE 32.0
T07N R27E S13 NWNE 32.0
T07N R27E S13 NENW 2.0
T07N R28E S07 NENE 40.0
T07N R28E S07 NWNE 40.0
T07N R28E S07 SWNE 40.0
T07N R28E S07 SENE 36.0
T07N R28E S07 NENW 30.0
T07N R28E S07 SENW 1.9
T07N R28E S07 SWSW Lot 4 0.1
T07N R28E S08 NWNE 2.8
T07N R28E S08 SWNE 19.0
T07N R28E S08 NWNW 22.0
T07N R28E S08 SWNW 6.2
T07N R28E S08 NWSE 27.0
T07N R28E S08 SWSE 16.0
T07N R28E S18 SWNE 25.0
T07N R28E S18 SENE 0.2
T07N R28E S18 NENW 1.8
T07N R28E S18 NWNW Lot 1 34.0
T07N R28E S18 SWNW Lot 2 25.0
T07N R28E S18 SENW 31.0
T07N R28E S18 NESW 3.8
T07N R28E S18 NESE 31.0
T07N R28E S18 NWSE 16.0
T07N R28E S18 SESE 2.4

655 ACRES TOTAL

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

Use of the rights listed below is limited to the irrigation of a combined total of 655.0 acres in a single irrigation season. Combined Right Nos.: 33-69, 33-70, 33-71, 33-72, 33-73, 33-74, 33-76, 33-78, 33-79, 33-80, 33-81 and 33-82.

Use of the rights listed below is limited to the irrigation of a combined total of 2096 acres in a single irrigation season. The 2096 acres are comprised of 1816 acres irrigated by ground water and 655 acres irrigated by surface water sources that overlap 375 of the ground water acres. Combined Right Nos.: 33-69, 33-70, 33-71, 33-72, 33-73, 33-74, 33-76, 33-78, 33-79, 33-80, 33-81, 33-82, 33-2057, 33-2083, 33-2086, 33-2091 and 33-7018.

Use of the rights listed below is limited to the irrigation of a combined total of 3026 acres in a single irrigation season. Combined Right Nos.: 33-69, 33-70, 33-71, 33-72, 33-73, 33-74, 33-76, 33-78, 33-79, 33-80, 33-81, 33-82, 33-2057, 33-2083, 33-2086, 33-2091, 33-2133 and 33-7018.

Rights 33-69, 33-70, 33-71, 33-72, 33-73, 33-74, 33-76, 33-78, 33-79, 33-80, 33-81 and 33-82 overlap 268 acres within the 1483 acres authorized under Rights 33-2057 and 33-2083; and overlap 382 acres within the 1436.1 acre place of use described under Right 33-2133.

This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within State Water District No. 33.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre at the field headgate for irrigation of the lands above.

The right holder shall accomplish the change authorized by transfer nos. 4221 thru 4227 by June 28, 2005.

Failure of the right holder to comply with the conditions of transfer nos. 4221 thru 4227 is cause for the Director to rescind approval of the transfer.

Prior to diversion of water under transfer nos. 4221 thru 4227, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

~~RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.~~

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

WATER RIGHT NO. 33-71
As Modified by Transfer Nos. 4221 thru 4227

In accordance with the approval of Transfer Nos. 4221 thru 4227, Water Right No. 33-71 is now described as follows.

Right Holder: SAGEWILLOW INC
 C/O KENT FOSTER
 HOLDEN KIDWELL HAHN & CRAPO
 PO BOX 50130
 IDAHO FALLS ID 83405-0130

Priority Date: March 15, 1909

Source: LITTLE LOST RIVER
 BIG SPRING CREEK

Tributary: SINKS
 LITTLE LOST RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	to 11/01	3.20 CFS	
			3.20 CFS	

LOCATION OF POINT(S) OF DIVERSION:

LITTLE LOST RIVER	SWSENE	Sec. 2 Twp 07N Rge 27E	BUTTE County
LITTLE LOST RIVER	NESWNW	Sec. 12 Twp 07N Rge 27E	BUTTE County
BIG SPRING CREEK	NENWSW	Sec. 5 Twp 07N Rge 28E	BUTTE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 27E 1									26.0	40.0							66.0
07N 27E 12					.2	19.0	7.6					.9	2.5	7.6	5.0	29.0	71.8
07N 27E 13	32.0	32.0			2.0												66.0
07N 28E 7	40.0	40.0	40.0	36.0	30.0			1.9			.1						188.0
07N 28E 8		2.8	19.0			22.0	6.2			L 4				27.0	16.0		93.0
07N 28E 18			25.0	.2	1.8	34.0	25.0	31.0					31.0	16.0			164.0
						L 1	L 2										

Total Acres: 648.8

CONDITIONS OF APPROVAL

- Right 33-71 is limited to the irrigation of 160.0 acres within the place of use described above in a single irrigation season.
- The total instantaneous diversion of water from all points of diversion under Rights 33-69, 33-70, 33-71, 33-72, 33-73, 33-74, 33-76, 33-78, 33-79, 33-80, 33-81 and 33-82 shall not exceed 32.00 cfs for the irrigation of 648.8 acres.
- Rights 33-69, 33-70, 33-71, 33-72, 33-73, 33-74, 33-76, 33-78, 33-79, 33-80, 33-81, 33-82, 33-2057, 33-2083, 33-2086, 33-2091 and 33-7018 when combined shall not exceed a total diversion rate of 67.19 cfs, and the irrigation of 2089.8 acres. The 2089.8 acres are comprised of 1816 acres irrigated by ground water and 648.8 acres irrigated by surface water sources that overlap 375.0 of the ground water acres.
- Rights 33-69, 33-70, 33-71, 33-72, 33-73, 33-74, 33-76, 33-78, 33-79, 33-80, 33-81, and 33-82 overlap 268.0 acres within the 1483.0 acres authorized under Rights 33-2057 and 33-2083; and overlap 382.0 acres within the 1436.1 acre place of use described under Right 33-2133.

WATER RIGHT NO. 33-71
As Modified by Transfer Nos. 4221 thru 4227

CONDITIONS OF APPROVAL

5. Rights 33-69, 33-70, 33-71, 33-72, 33-73, 33-74, 33-76, 33-78, 33-79, 33-80, 33-81, 33-82, 33-2057, 33-2083, 33-2086, 33-2091, 33-2133 and 33-7018 when combined shall not exceed the irrigation of 3019.8 acres.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 33.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre at the field headgate for irrigation of the lands above.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Michael C. Creamer (ISB No. 4030)
GIVENS PURSLEY LLP
601 West Bannock Street
P.O. Box 2720
Boise, Idaho 83701-2720
Office: (208) 388-1200
Fax: (208) 388-1300
www.givenspursley.com
S:\CLIENTS\3314\10\Affidavit of Terry Scanlan.DOC

*Attorneys for Mays Land and Livestock Inc. and
Blaine County Canal Company*

**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. 35976

Case Nos.:33-69, 33-70,33-71, 33-72,
33-73, 33-74, 33-76, 33-78, 33-79, 33-
80, 33-81, 33-82, 33-2086A, 33-2086B,
33-2090, 33-2091, 33-7018

**AFFIDAVIT OF TERRY M.
SCANLAN**

STATE OF IDAHO)
) ss.
County of Ada)

Terry M. Scanlan, being first duly sworn, deposes and states as follows:

1. My name is Terry M. Scanlan, and my work address is Scanlan Engineering, 600 East River Park Lane, Suite 105, Boise, ID 83706.
2. My educational background includes M.S. and B.S. degrees in geological engineering from the University of Idaho granted in 1986 and 1983, respectively. I am registered as a professional engineer and as a professional geologist in the State of Idaho.

3. My work experience includes ten years as Principal Engineer and Hydrogeologist for Scanlan Engineering. This work has consisted primarily of consulting on water supply matters. The work has also included investigations of water rights and SRBA claims, and preparation of applications for numerous water right permits and transfers. Prior to forming Scanlan Engineering, I was employed by Montgomery Watson for eight (8) years working on water supply, water right, and environmental projects. I was employed by the US Geological Survey from 1984 through 1986 and by the Idaho Bureau of Mines (now the Idaho Geological Survey) in 1982 and 1983.

4. I provided expert testimony before the Idaho Department of Water Resources in the matter of Application Transfer Nos. 4221, 4222, 4223, 4224, 4225, 4226 and 4227 in the name of Sagewillow, Inc., which matter was the subject of the Idaho Supreme Court's decision in *Sagewillow, Inc. v. Idaho Department of Water Resources, James Mays, Mays Land & Livestock, Blaine County Canal Company*, 138 Idaho 831, 70 P.3d 669 (2003). My testimony concerned the nature of the ground and surface water sources in the vicinity of the Knollin Ranch and the anticipated hydrologic effects of increased use of ground water for irrigation by Sagewillow, Inc. ("Sagewillow"), beginning in the year 1989 through 1994.

5. I have reviewed the Affidavit of Charles E. Brockway dated December 11, 2003 (the "Brockway Affidavit") and appended reports filed with the Court in this matter by Sagewillow in support of Sagewillow's Motion for Leave to File Late Objections.

6. The appended report dated December 11, 2003 attached to the Brockway Affidavit states that "the net depletion of the total water resource based on 978 added acres of irrigation is 2,464 acre-feet during the growing season." The Brockway Affidavit also predicts

that this additional depletion will result in a reduction in streamflows at the Blaine County Canal Company headgate of 5.88 cubic feet per second ("cfs").

7. The Little Lost River and the aquifer are interconnected in the vicinity of the Sagewillow lands. Several miles downstream from Sagewillow, the river is perched above the aquifer. Undiverted river flows ultimately sink and provide a primary source of recharge to the aquifer in this area. As a result of these hydraulic relationships, the 2,464 acre-foot annual depletion estimated by Dr. Brockway is manifested as: (1) reduced streamflow in the River downstream from Sagewillow; and (2) reduced recharge to the aquifer downstream from the Sagewillow lands.

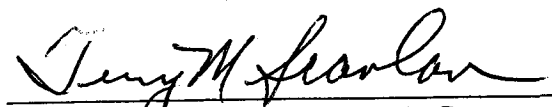
8. The aquifer in the Little Lost River Valley downstream from the Sagewillow lands is highly dependent on the total amount of annual recharge. Although water level hydrographs for wells in the area generally do not show chronic long-term water-level declines since the 1950s, they do show significant declines during multi-year drought periods. These declines appear to recover during multi-year wet periods. During the drought periods, well yields decline, wells can go dry, and groundwater rights are not fully filled. Blaine County Canal Company Exhibit 1 provides evidence of these types of impacts in the early 1990s. Reductions in the annual recharge to the aquifer resulting from increased consumptive use upgradient will exacerbate these problems and impact existing water rights during drought periods.

9. Early priority surface water rights on the Little Lost River are routinely curtailed during the irrigation season. As a result, depletions to surface water flow downstream of the Sagewillow lands will generally result in earlier curtailment of senior priority surface water rights relied upon by downstream irrigators.

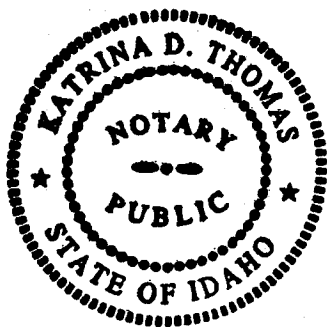
10. The reduction in streamflow of up to 5.88 cfs predicted by Dr. Brockway also will reduce the amount of incidental aquifer recharge from canal leakage and other irrigation activities that otherwise would occur if this water continued to be available for diversion to irrigation use by the Canal Company. The loss of this incidental recharge due to reduced streamflows further reduces ground water availability to junior ground water users below the Knollin Ranch.

11. The time of travel calculations presented in the December 11, 2003 report by Brockway may underestimate the time that is required for stream depletions to develop as a result of well pumping. Rather than time of travel calculations, stream depletion calculations which evaluate the spreading cone of depression from a pumping well may be more applicable. In the Little Lost River Basin, stream depletion was previously calculated by the USGS (Mundorf and others, 1963, USGS Water Supply Paper 1539Q, pages 32-34). These calculations show that a well two-tenths (0.2) miles from the river might derive eighty percent (80%) of its pumped water as a stream depletion after one month of pumping. A well two (2) miles from the river, might only derive twenty percent (20%) of its flow as a stream depletion after four (4) months. The majority of the Sagewillow wells are less than one-half ($\frac{1}{2}$) mile from the river, suggesting relatively rapid stream depletion. The actual timing of depletions will depend on a variety of factors, including well depth and vertical hydraulic conductivity.

12. Regardless of the timing, however, the net depletions to the interconnected water sources will reduce water availability to existing water rights, particularly during drought periods when these rights already are not being filled.


TERRY M. SCANLAN, P.E., P.G.

SUBSCRIBED AND SWORN to before me this 8th day of January, 2004.



Katrina Thomas

Notary Public for the State of Idaho

Residing at: Boise, ID

My commission expires: 4-10-06

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 8th day of January, 2004, I served a true and correct copy of the foregoing by delivering the same to the following by the method indicated below, addressed as follows:

Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ U. S. Mail
☐ Hand Delivered
☒ Overnight Mail
☐ Facsimile

Copies to:

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

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

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

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

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

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Kent W. Foster, Esq.
Holden Kidwell Hahn & Crapo PLLC
330 Shoup Ave.
P.O. Box 50130
Idaho Falls, ID 83405-0130

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☒ Facsimile


Michael C. Creamer

RECEIVED

FEB 23 2001

IDAHO DEPARTMENT OF WATER RESOURCES

2001 FEB 22 AM 10:43

DISTRICT COURT-SEDA
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

) Subcases: 33-00069, 33-00070, 33-00071,
) 33-00072, 33-00073, 33-00074, 33-00076,
) 33-00078, 33-00079, 33-00080, 33-00081, and
) 33-00082

) ORDER DENYING MOTION TO ALTER OR
) AMEND AND VACATING SPECIAL
) MASTER'S REPORTS AND
) RECOMMENDATIONS

Special Master's Reports and Recommendations were issued for the above listed water rights on October 27, 2000. The *Special Master's Reports and Recommendations* were based on settlement agreements called *Standard Forms 5* agreed to by the parties. The claimant, Sagewillow Inc., filed a *Motion to Alter or Amend the Special Master's Report and Recommendations* in the subcases listed above on November 28, 2000. A hearing on the *Motion* was held February 7, 2001.

The *Motion* asks the Special Master to alter or amend the *Special Master's Report and Recommendations*. Sagewillow Inc. asserts that the *Standard Forms 5* were intended to resolve an objection of the United States Forest Service which became necessary due to a typographical error in the legal description. The typographical error was carried over to the *Director's Report*. The *Standard Forms 5* corrected the error in the legal description, but also contained language describing the total acreage limitation for these rights when combined with several other rights to 1,412 acres and describing a total quantity limitation of 28.24 cfs. Sagewillow Inc. did not intend to agree to the limitation language, and has objected to several other pending water rights based on the total acreage and quantity limitation language.

ORDER DENYING MOTION TO ALTER OR AMEND
AND VACATING SPECIAL MASTER'S REPORTS
AND RECOMMENDATIONS
2/22/01

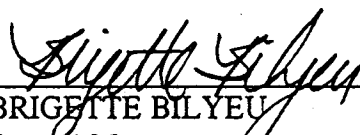
g:\G:\33MRR\00069.vacatemrr.doc

The subcases at issue here are combined with other rights which have a unique procedural history. Several of Sagewillow Inc.'s claims involve appeals of IDWR administrative decisions on transfer applications. Those decisions were appealed to the Seventh Judicial District, and then to the Idaho Supreme Court. The Idaho Supreme Court held that only the SRBA had jurisdiction of this administrative appeal. *Sagewillow, Inc. v. IDWR*, ___ Idaho ___, 13 P.3d 855 (2000). However, at this time the Idaho Legislature has passed HB 114, which would confer jurisdiction of IDWR administrative appeals to district courts other than the SRBA. In any event, judicial review of the administrative decision is not complete. Sagewillow asserts that the review may impact the total acreage and total quantity contained in the *Standard Forms 5* and the *Special Master's Reports and Recommendations*.

The *Special Master's Reports and Recommendations* cannot be altered or amended at this time because these cases overlap with cases which are involved in the ongoing administrative appeal. Therefore, the *Motion to Alter or Amend* is **denied**.

Given the unusual procedural posture of the cases at issue in the *Motion to Alter or Amend* and the opportunity for inconsistent results if the *Special Master's Reports and Recommendations* remain valid, this Special Master **vacates** the *Special Master's Reports and Recommendations* for the above listed water rights. This *Order* in no way alters the binding effect of the *Standard Forms 5*, especially as to the legal description.

DATED February 22, 2001.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

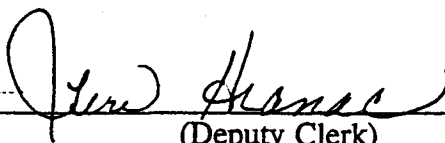
CERTIFICATE OF MAILING

I certify that a true and correct copy of the *Order Denying Motion to Alter or Amend and Vacating Special Master's Reports and Recommendations* was mailed on February 22, 2001, with sufficient first-class postage prepaid to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

U.S. Department of Justice
Environment & Natural Resources Div.
550 W Fort St., MSC 033
Boise, ID 83724

Kent Foster
Holden Kidwell Hahn & Crapo
PO Box 50130
Idaho Falls, ID 83405-0130



(Deputy Clerk)

APR 6 2000

Department of Water Resources

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

In Re SRBA

Case No. 39576

A. Subcase: See attached list
STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America, Acting through the USDA Forest Service

Address: 550 West Fort Street

MSC 033

Boise, Idaho 83724

Daytime Phone: (208) 387-0835

Name and Address of Attorney, if any:

Randall J. Bramer

550 West Fort Street

MSC 033

Boise, Idaho 83724

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

Name: Sagewillow Inc.

Address: c/o Kent Foster

P.O. Box 50130

Idaho Falls, ID 83405

D. I object to the following elements as recommended in the Director's Report.
(Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be:

2. ☐ **Source**

Should be:

3. ☐ **Quantity**

Should be:

4. ☐ **Priority Date**

Should be:

5. ☐ **Point(s) of Diversion**

Should be:

6. ☐ **Instream Flow Description**

Should be:

7. ☐ **Purpose(s) of Use**

Should be:

8. ☐ **Period of Year**

Should be:

9. ☒ **Places of Use**

Should be: T07N R27E S18 should be T07N R28E S18

11. I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):**

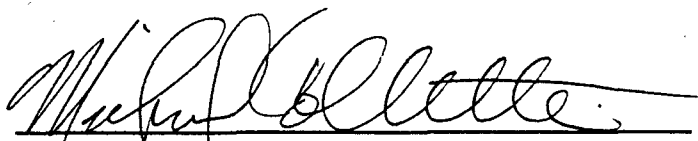
The Places of Use in Section 18 are misdescribed in Range 27E. They should be in Range 28E.

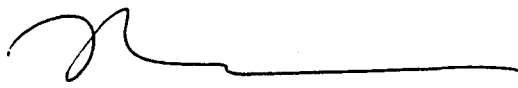
F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

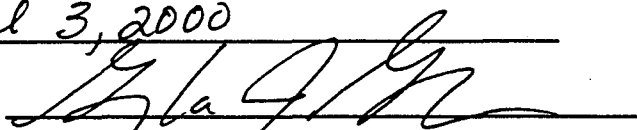
Michael Collette , duly sworn, upon oath, deposes and says:
(Name of person filing objection)

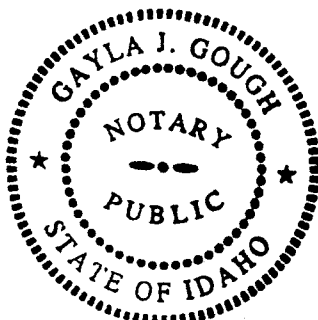
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objections)


(Attorney signing in representative capacity)

Subscribed and sworn before me on: April 3, 2000


Gayla J. Gough



Notary Public for: Idaho
Residing at: Kuna, Idaho
Commission Expires: 11/17/2004

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on April 5, 2000, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

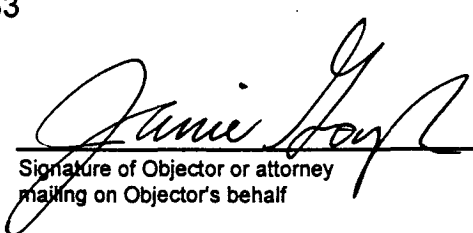
Name: Sagewillow Inc.
Address: c/o Kent Foster
P.O. Box 50130
Idaho Falls, ID 83405

3. Copies to:

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

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

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



Signature of Objector or attorney
mailing on Objector's behalf

Attached List

United States of America, Acting through the USDA Forest Service

_33-00069 _
_33-00070 _
_33-00071 _
_33-00072 _
_33-00073 _
_33-00074 _
_33-00076 _
_33-00078 _
_33-00079 _
_33-00080 _
_33-00081 _
_33-00082 _
_33-02057F
_
_33-02133 _

For Transfer #'s 4224, 4225, 4226, and for Amended Final Order, Final Order, Order Denying Petition for Reconsideration, Amended Recommended Order, Order Granting Petition for Reconsideration, and Recommended Order see #A33-00069.

A33-00069	A33-00079
A33-00070	A33-00080
A33-00071	A33-00081
A33-00073	A33-00082
A33-00072	A33-02007
A33-00074	A33-02008
A33-00076	A33-02133
A33-00078	

Transfer #'s 4221, 4222, and 4223 are in files:

A33-02057A
A33-02057B
A33-02057C
A33-02083A
A33-02083B
A33-02083C
A33-02086A
A33-02086B
A33-02090
A33-02091A
A33-02091B
A33-07018B

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
GAYLE A. SORENSON, P.A.
DONALD L. HARRIS, P.A.
DALE W. STORER
MARIE T. TYLER
JOHN G. SIMMONS
ROBERT M. FOLLETT
FREDERICK J. HAHN, III

WEST ONE BANK BLDG.
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
TELEFAX (208) 523-9518
E-MAIL HOLDNLAW@SRV.NET

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

May 17, 1996

IDAHO DEPARTMENT
OF WATER RESOURCES
900 N. Skyline
Idaho Falls, Idaho 83402-1718

RECEIVED

MAY 20 1996

Department of Water Resources
Eastern District Office

Dear Ladies and Gentlemen:

In a recent review of our files regarding some SRBA claims, we discovered that we cannot locate any evidence of the confirmation of filing of claims that we think were filed back in 1989. The claim numbers should have been A33-00071, A33-00074, A33-00076, A33-00078 and A33-00079. Would you please check your records to see if those claims have been properly filed and if so, send us some confirmation of that.

In addition, we need copies of the adjudication claims profile reports for claims nos. A33-02086 and A33-07018. We cannot tell from our files whether the appropriate change of ownership forms had been filed for these claims and would appreciate it if you will check that matter for us.

Thank you for your kind attention to this matter.

Very truly yours,



Kent W. Foster

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO

RECEIVED

MAR 24 1993

IDAHO FALLS OFFICE

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
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MARIE T. TYLER
JOHN G. SIMMONS, P.A.
ROBERT M. FOLLETT
KUMEN L. TAYLOR
JAMES K. SLAVENS

WEST ONE BANK
P.O. BOX 50130
330 SHOUP AVENUE
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
TELEFAX (208) 523-9518

KEY FINANCIAL CENTER
702 W. IDAHO SUITE 810
BOISE, IDAHO 83702

TELEPHONE (208) 343-0820
TELEFAX (208) 343-8078

BOISE OFFICE
Department of Water Resources
Eastern District Office
WM. LYMA
RANDALL B. REED
RONALD D. CHRISTIAN
FREDERICK J. HAHN III

ARTHUR W. HOLDEN
(1877-1967)
ROBERT B. HOLDEN
(1911-1971)
TERRY L. CRAPO
(1939-1982)
WILLIAM S. HOLDEN
(1907-1988)

March 23, 1993

Eric Verner, Sr. Water Agent
IDAHO DEPARTMENT OF WATER RESOURCES
900 North Skyline Drive
Idaho Falls, Idaho 83402-1718

Dear Eric:

Upon review of our files, we have discovered that it is necessary to replace certain maps for Claim Nos. 33-0071, 33-0074, 33-0076 and 33-0079 filed on behalf of Sagewillow, Inc. We have enclosed the above-referred to maps, together with an additional map and amended page 2 for Claim No. 33-0078.

We would request that you make the substitutions noted above so that the claims will reflect the correct places of use and description of use.

Thank you for your assistance with this matter.

Yours very truly,



Kent W. Foster

#8149.00/srs

Enclosure

MICROFILMED

APR 15 1994

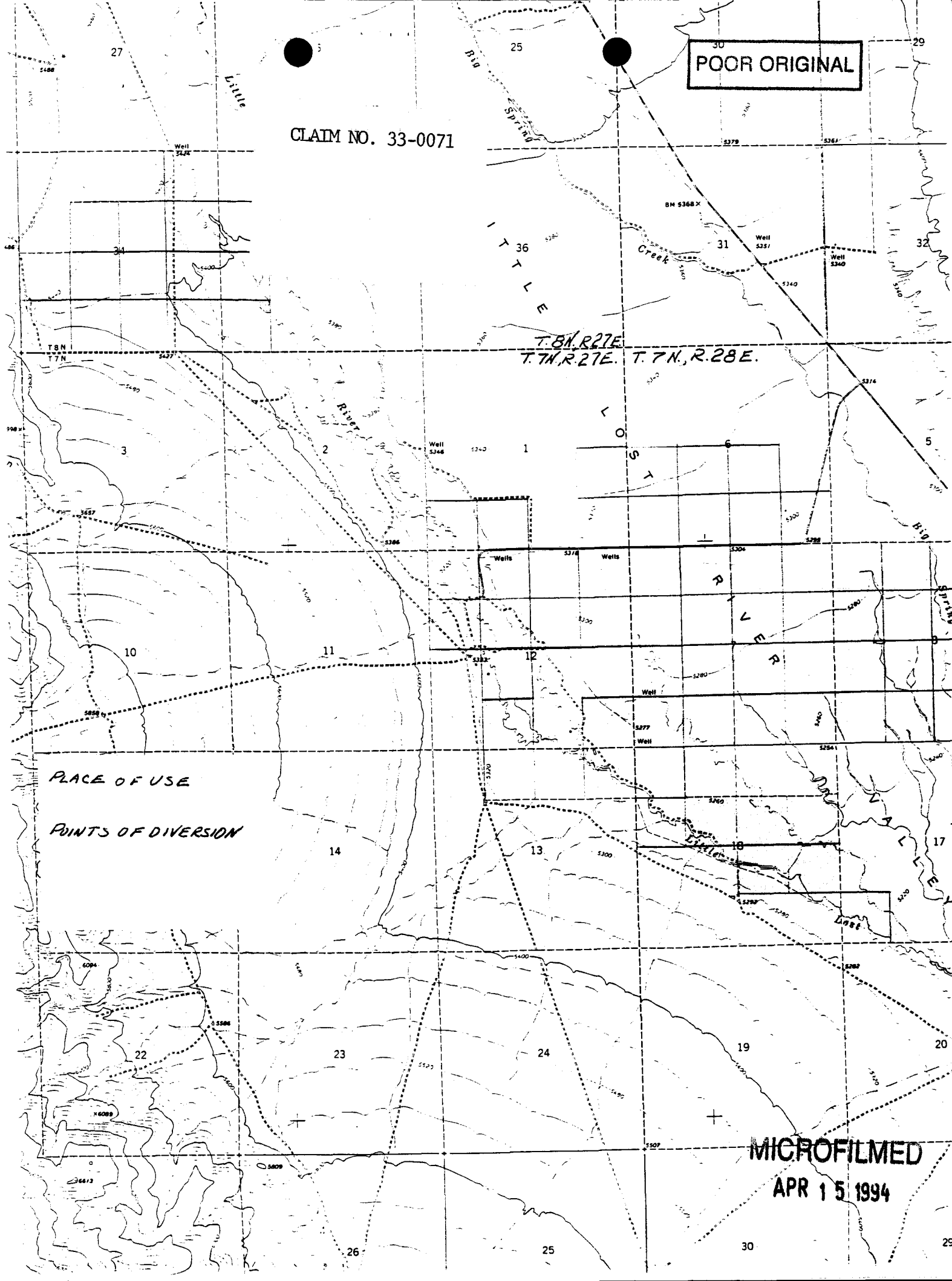
POOR ORIGINAL

CLAIM NO. 33-0071

T. 8 N. R. 27 E.
T. 7 N. R. 27 E. T. 7 N. R. 28 E.

PLACE OF USE
POINTS OF DIVERSION

MICROFILMED
APR 15 1994



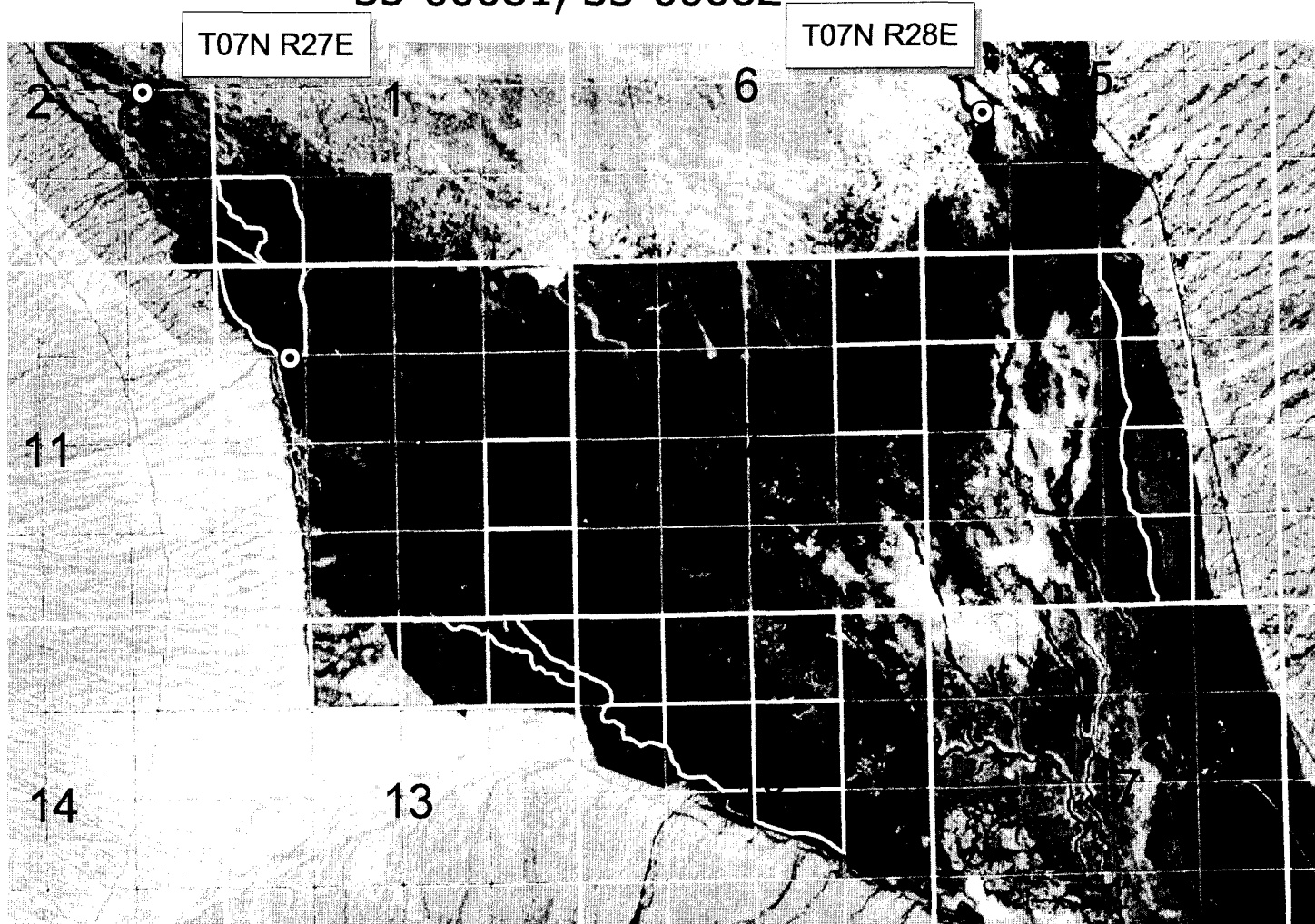


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 33-00069, 33-00070,
33-00071, 33-00072, 33-00073, 33-00074,
33-00076, 33-00078, 33-00079, 33-00080,
33-00081, 33-00082



0 1320 2640 3960 5280 6600 7920 9240 10560 Feet

LEGEND



Point of Diversion

Place of Use

Section Line



Quarter-section line

Acres Irrigated = 698



GIS Place of Use illustration
1987/1988 NAPP photography
Prepared by: E. Carlsen
Date: November 1999

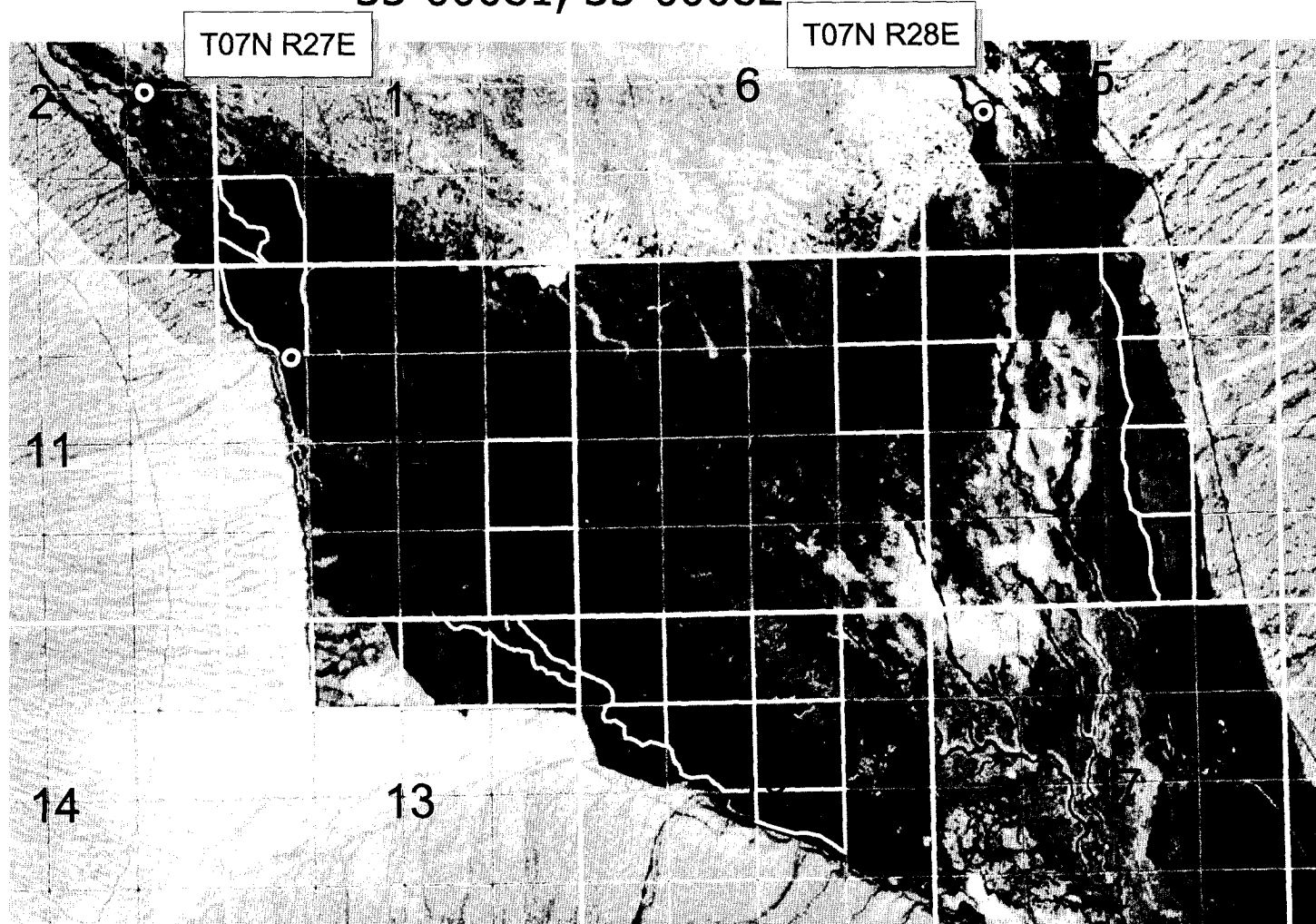


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 33-00069, 33-00070,
33-00071, 33-00072, 33-00073, 33-00074,
33-00076, 33-00078, 33-00079, 33-00080,
33-00081, 33-00082



0 1320 2640 3960 5280 6600 7920 9240 10560 Feet

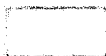
LEGEND



Point of Diversion

Place of Use

Section Line



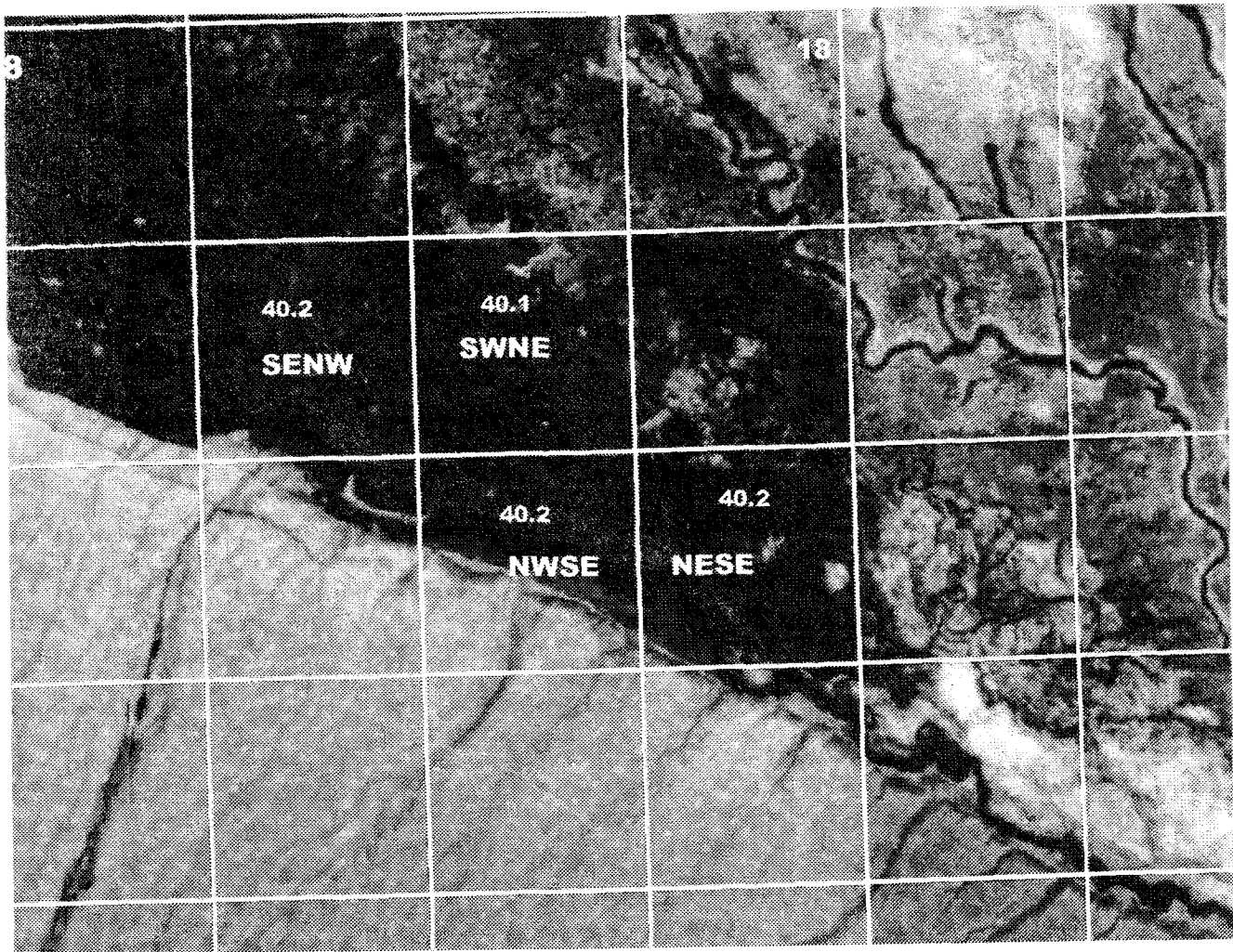
Quarter-section line

Acres Irrigated = 698

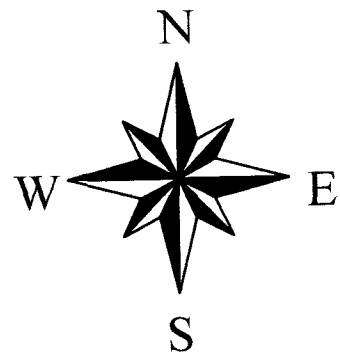


GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: E. Carlsen
Date: November 1999

33-00071



Place of Use
POD
Section Line
Quarter Section Line



IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	SAGEWILLOW INC C/O KENT FOSTER PO BOX 50130 IDAHO FALLS ID 83405 (208) 523-0620	03/15/1909	IRRIGATION	04-01 11-01	3.200 CFS	
TOTAL DIVERSION:					3.200 CFS	

Water Source: LITTLE LOST RIVER
BIG SPRING CREEK

Tributary to: SINKS
LITTLE LOST RIVER

Stage: DECREED

Point(s) of Diversion:	T07N R27E S02	SWSNE	BUTTE County
	S12	NESWNW	BUTTE County
	R28E S05	NENWSW	BUTTE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE													
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac			
07N	27E	1	:					:					:			30		:						:	30.0
07N	27E	12	:					:		30			:					:	40				40	:	110.0
07N	27E	13	:	30		38		:	40				:					:						:	108.0
07N	27E	18	:			40	40	:	40	35	10	35	:					:		20				:	220.0
07N	28E	7	:	40			40	:					:					:						:	80.0
07N	28E	8	:			30	30	:		40			:					:		30	20			:	150.0
																							TOTAL ACRES		698.0

POU County: BUTTE

Other Rights: 33-2007/2057/2083/2133

Conditions of Approval:

- C18 - 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.

Remarks: QNT

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 28.24 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 4,942 AF. COMBINED RIGHT
NOS.: 33-00069, 33-00070, 33-00072, 33-00073, 33-00074, 33-00076,
33-00078, 33-00079, 33-00080, 33-00081, 33-00082, 33-02057A,
33-02057B, 33-02057C, 33-02057D, 33-02057E, 33-02057F, 33-02083A,
33-02083B, 33-02083C, 33-02083D, 33-02083E, 33-02083F, 33-02086A,
33-02086B, 33-02133 AND 33-07018.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 13.96 CFS. COMBINED RIGHT NOS.:
33-00069, 33-00070, 33-00072, 33-00073, 33-00074, 33-00076,
33-00078, 33-00079, 33-00080, 33-00081, 33-00082, 33-02057D,
33-02057E, 33-02057F, 33-02083D, 33-02083E AND 33-02083F.

=====

Remarks: POU1 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 1412 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-00069,
33-00070, 33-00072, 33-00073, 33-00074, 33-00076, 33-00078,
33-00079, 33-00080, 33-00081, 33-00082, 33-02057A, 33-02057B,
33-02057C, 33-02057D, 33-02057E, 33-02057F, 33-02083A, 33-02083B,
33-02083C, 33-02083D, 33-02083E, 33-02083F, 33-02086A, 33-02086B,
33-02133 AND 33-07018.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	Presumption Flag:

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: A33-00071

Date Received: 2/24/1993

Receipt No: E018285

Received By: _____

*Original
Sent to
Court
5-4-00*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SAGE WILLOW INC 208-523-0620
Address: PO BOX 50130
IDAHO FALLS ID 83405

2. Date of Priority: MAR 15, 1909

3. Source: SPRING CREEK Trib. to: LITTLE LOST RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	28E	5		NW	SW		BUTTE

5. Description of diverting works:
DIVERSION AND HEADGATE STRUCTURE WITH DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	28E	18	SW	NE		IRR	40.0
			SE	NW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
----------	-------	---------	------------	-----	-----	-------

					Section Acres	160.0
--	--	--	--	--	---------------	-------

					Total Acres	160.0
--	--	--	--	--	-------------	-------

11. Place of use in counties: BUTTE

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

13. Other Water Rights Used:
33-2007/2057/2083/2133

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/ 4/1927

BLAINE COUNTY INVEST. CO
Decree Plaintiff

ROBERT G MAYES, et al.
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
_____ Title
Organization document in the space below as _____ of
_____ Title
Organization 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 _____

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
_____ Print Name
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
APR 15 1994

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 33-0071

Date Received

Receipt Number E01B282, E01B054

RECEIVED

FEB 22 1993

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Original
sent to
court.
5-400

1. Name of Claimant(s) Sage Willow, Inc. Phone (208) 523-0620
c/o Holden, Kidwell, Hahn & Crapo

Mailing Address P.O. Box 50130, Idaho Falls, Idaho Zip 83405

2. Date of Priority (Only (1) per claim) March 15, 1909

3. Source of water supply (a) Spring Creek

which is tributary to (b) Little Lost River

4.a. Location of existing

point of diversion is: Township 7N. Range 28E. Section 5,

1/4 of NW 1/4 of SW, Govt. Lot, B.M., County of Butte

Additional points of diversion if any: _____

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

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

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 constructed and as enlarged and the depth of each well. _____

Diversion and headgate structure with ditch leading to place of use.

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6. Water is claimed for the following purposes:

(Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 04/01 to 11/01 amount 3.2 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.2 (cfs) and/or (b) _____ (acre feet)

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

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

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 instruction for standard symbols.

TWP:RNG:SEC:	NE1/4	:	NW1/4	:	SW1/4	:	SE1/4	:TLS
:	:NE 'NW 'SW 'SE	:	:NE 'NW 'SW 'SE	:	:NE 'NW 'SW 'SE	:	:NE 'NW 'SW 'SE	:
7N :28E: 18:	' 40'	:	' 40'	:	' 40'	:	' 40'	:160
:	:	:	:	:	:	:	:	:
:	:	:	:	:	:	:	:	:
:	:	:	:	:	:	:	:	:
:	:	:	:	:	:	:	:	:
:	:	:	:	:	:	:	:	:
:	:	:	:	:	:	:	:	:

Total number of acres irrigated 160

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

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.

33-2007, 33-2057, 33-2083, and 33-2133. or None ()

14. Remarks:

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Last Name SAGE WILLOW, INC. Ident. Number 33-0071

Permit _____ Decree X License _____

If applicable provide IDWR Water Right Number 33-0071
Court 6th District Case Number Decree Date 03/04/1927
Plaintiff vs Defendant Blaine County Invest. Co. v. Robert G. Mayes, et al.

16. Signature(s)

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

Number of attachments 1

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

Signature of Claimant(s) _____ Date _____

For Organizations: I do solemnly swear or affirm that I
am President of Sage Willow, Inc., that I have signed the
Title Organization

foregoing document in the space below as President
Title
of Sage Willow, Inc. and that the statements contained in the
Organization

foregoing document are true and correct.

Signature of Authorized Agent Edmund W. Dumke
EDMUND W. DUMKE

Title and Organization President, Sage Willow, Inc. Date 02/19/93

State of Idaho/or _____)
) SS.
County of Bonneville)

Subscribed and sworn (or affirmed) before me this 19th day
of February, 1993.

Notary Public [Signature]
Residing at Idaho Falls, Idaho
My Commission Expires 10/20/98

17. Notice of Appearance:

Notice is hereby given that I, Kent W. Foster 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.

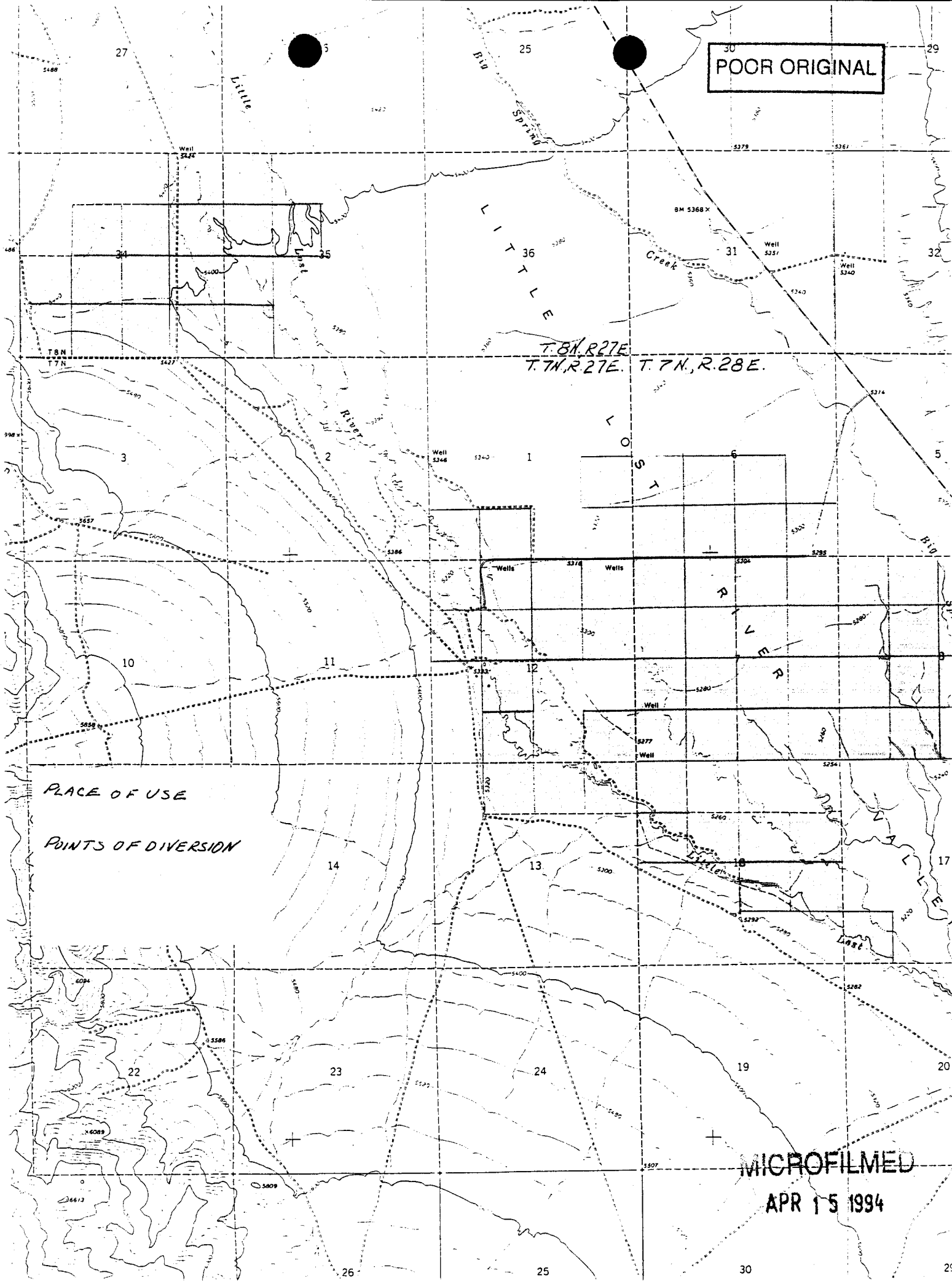
Signature [Signature]
Address P.O. Box 50130, Idaho Falls, Idaho 83405
Date 2/19/93

Last Name SAGE WILLOW, INC. Ident. Number 33-0071

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POOR ORIGINAL



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