

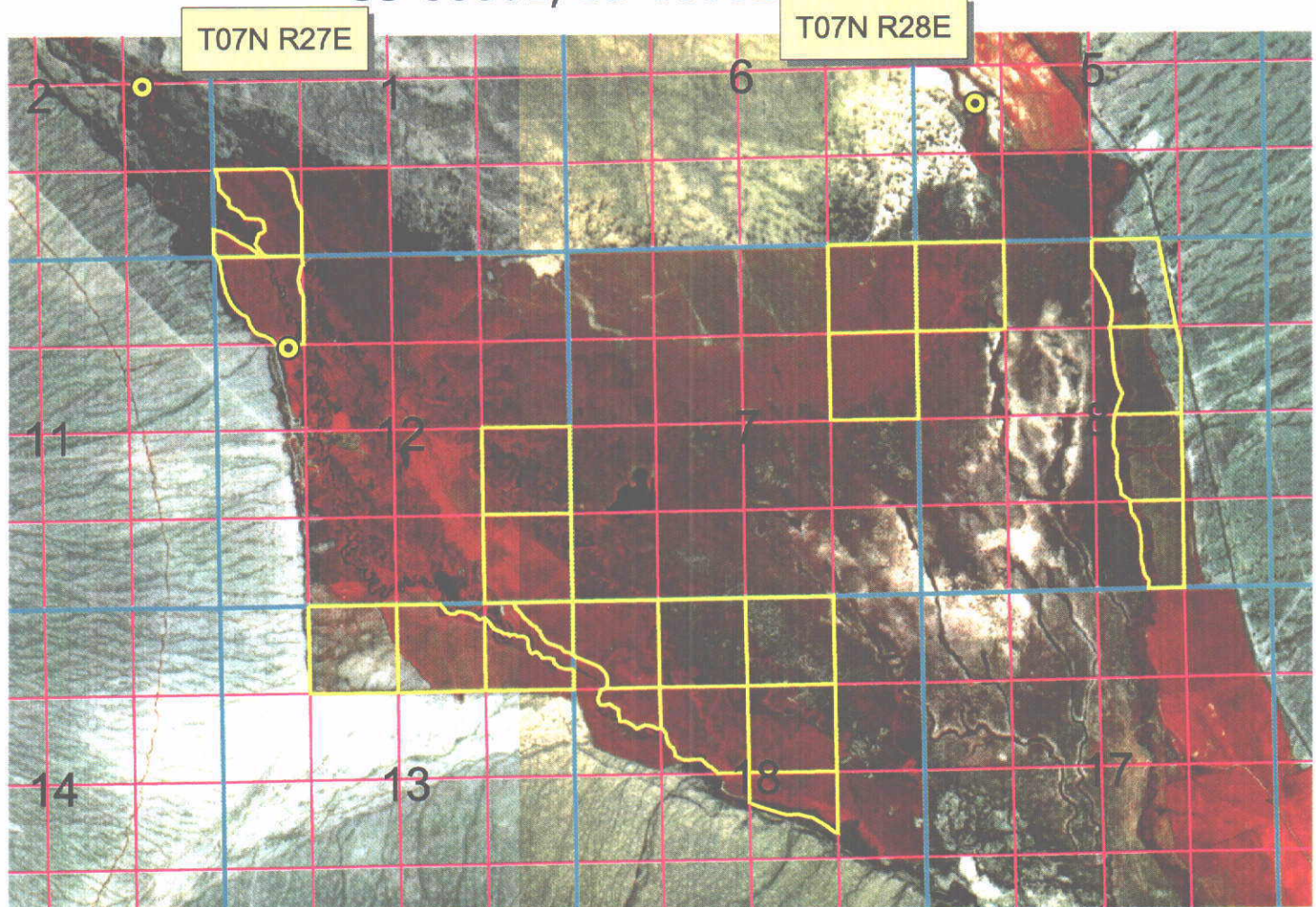


STATE OF IDAHO

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

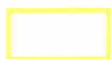


0 1320 2640 3960 5280 6600 7920 9240 10560 Feet

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

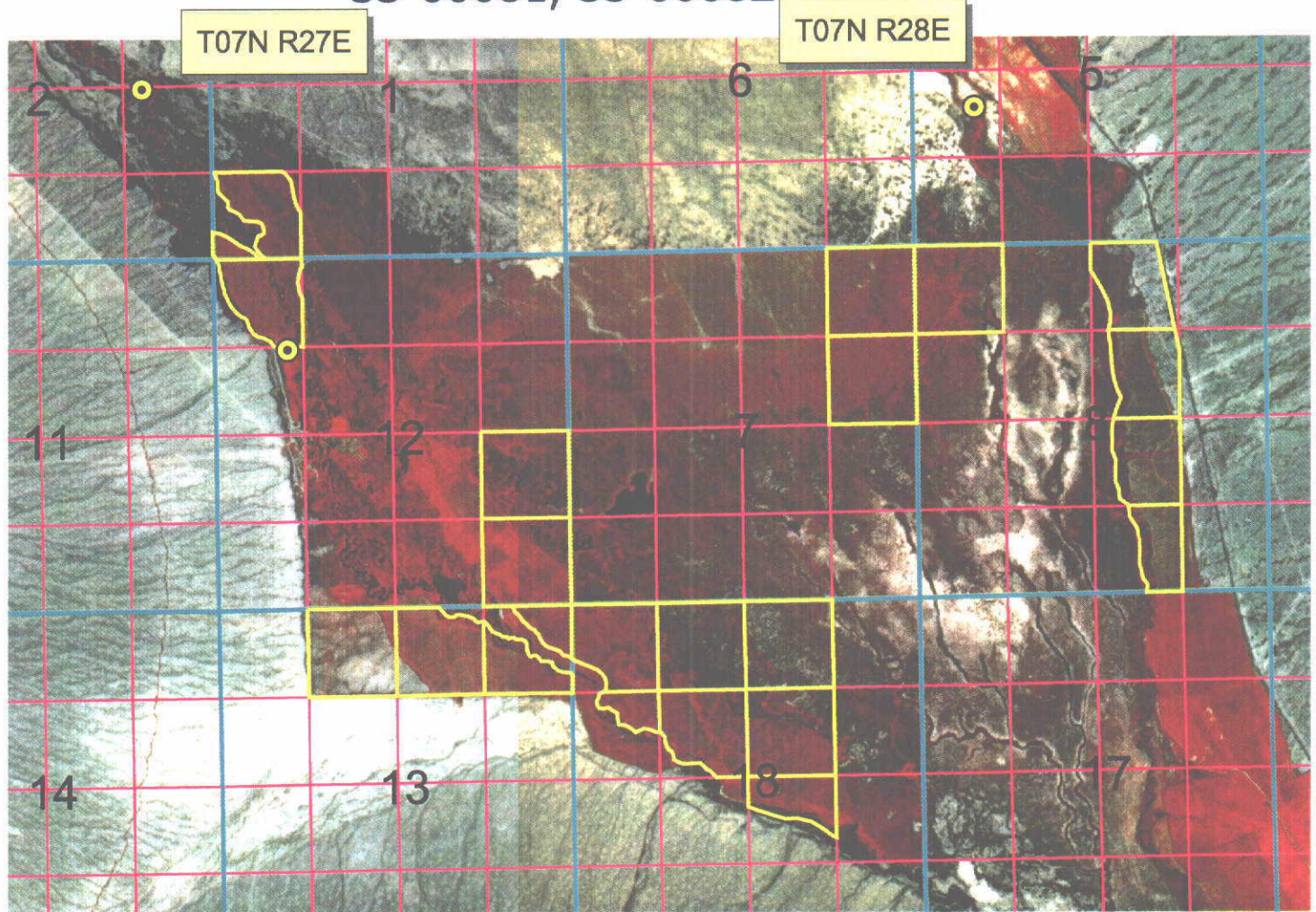


STATE OF IDAHO

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

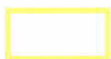


0 1320 2640 3960 5280 6600 7920 9240 10560 Feet

LEGEND



Point of Diversion



Place of Use



Section Line



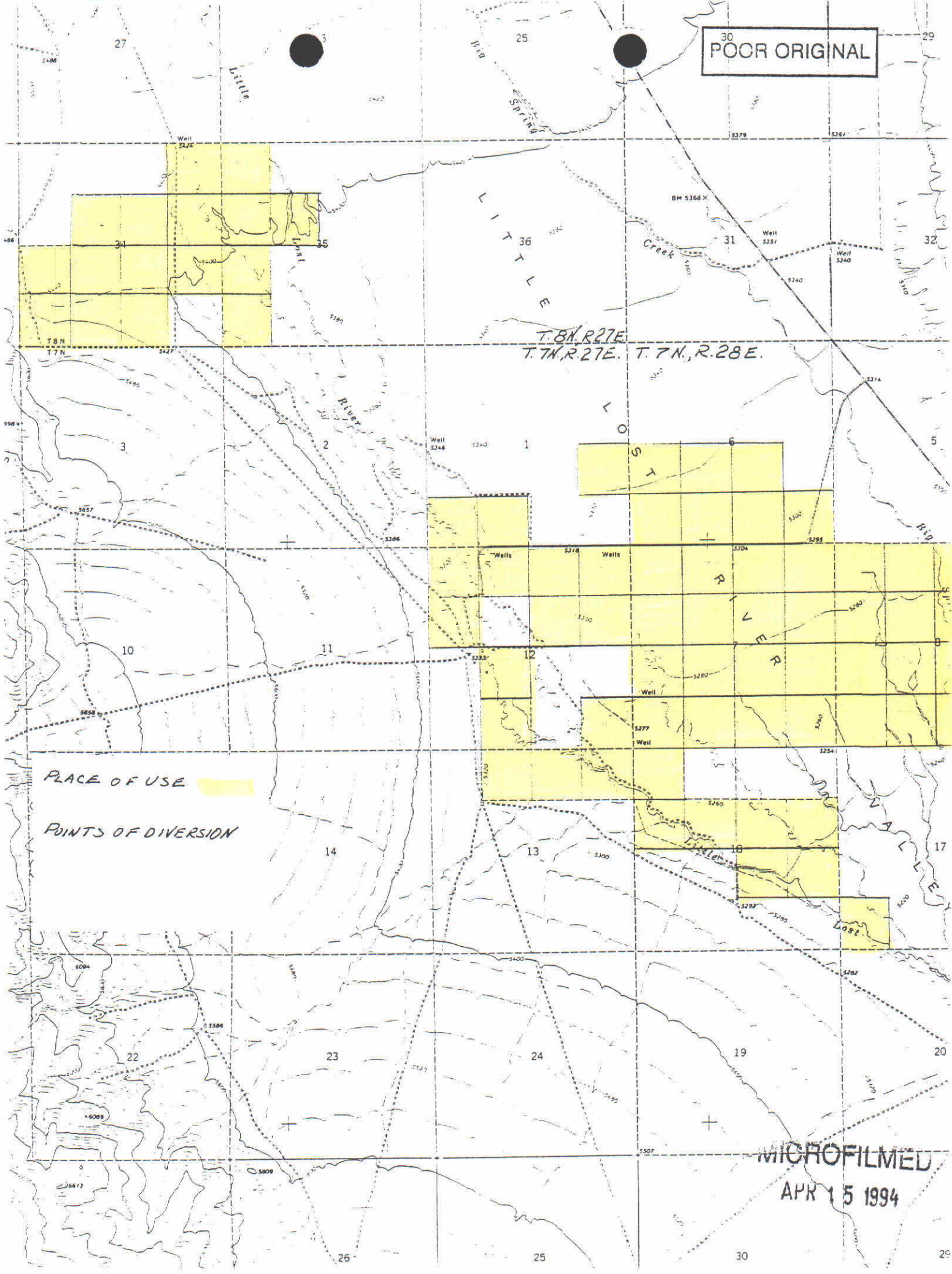
Quarter-section line

Acres Irrigated = 698



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

30
POOR ORIGINAL



PLACE OF USE

POINTS OF DIVERSION

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

MICROFILMED
APR 15 1994

CLAIM NO. 33-0078

POOR ORIGINAL

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

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

Jennifer Crabtree
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

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

RIGHT NUMBER: 33-78

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.

~~The rights listed below are limited to a maximum diversion rate of 0.02 cfs per acre at
the field headgate. 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~~

PRIORITY DATE: 10/15/1913

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.

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. 33-78
As Modified by Transfer Nos. 4221 thru 4227

In accordance with the approval of Transfer Nos. 4221 thru 4227, Water Right No. 33-78 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: October 15, 1913

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

- 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. 33-78
As Modified by Transfer Nos. 4221 thru 4227

CONDITIONS OF APPROVAL

4. 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.
5. 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.
6. 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.
7. 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.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

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: See Exhibit A

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 4221, 4222, 4223, 4224, 4225, 4226, 4227

☒ Withdrawn per letter from attorney Kent Foster attached

☐ 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: 25 June 2003


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on June 26, 2003, 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 HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

3. One copy to:

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

4. One copy to:

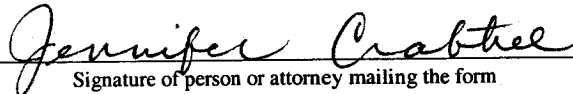
Each party in the subcase, or attorney of record
BLAINE COUNTY CANAL CO
MAYS LAND & LIVESTOCK INC
C/O MICHAEL C CREAMER
PO BOX 2720
BOISE ID 83701-2720

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

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

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. PALER
CHARLES A. HOMER
GARY L. MERKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
KARL R. DECKER
THEL W. CASPER*
SHAN B. PERRY
AMELIA A. SHEETS
DEANNE CASPERSON**

*Also Licensed in Utah and Arizona
**Also Licensed in Missouri & Kansas

US BANK BUILDING
330 SHOUF AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

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

Of Counsel
Fred J. Hahn

June 20, 2003

VIA FACSIMILE: (208) 327-7866

Idaho Department of Water Resources
1301 North Orchard Street
PO Box 83720
Boise, ID 83720-0098

Re: *Application for Transfer Nos. 4221, 4222, 4223, 4224, 4225, 4226, and 4227
In the name of Sagewillow, Inc.*

Dear Ladies and Gentlemen:

We are writing this letter at the request of our client, Sagewillow, Inc. We hereby withdraw the above-numbered applications for transfer. The decision of the Idaho Supreme Court appears to be final in the appeal of this matter and the final order of the director in these transfer proceedings has now been vacated. Sagewillow, Inc., is considering the filing of new applications for transfer.

Yours very truly,



Kent W. Foster

c: Norman M. Semanko
Thomas C. Praggastis
Dr. Charles Brockway
Michael C. Creamer
Harold Jones (via fax)
Philip J. Rassier

\\NWFDATA\KWP\140 SAGE WILLOW\Correspondence\U. Glen Semko\EDWR Nr 062003 wpd:del

Exhibit A

Subcase Nos:

33-00069
33-00070
33-00071
33-00072
33-00073
33-00074
33-00076
33-00078
33-00079
33-00080
33-00081
33-00082
33-02007
33-02008
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
33-02090
33-02091
33-02133
33-07018
33-11003

RECEIVED

FEB 22 2001

OFFICE OF WATER RESOURCES

2001 FEB 22 AM 10:43

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED

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

In Re SRBA

Case No. 39576

) 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

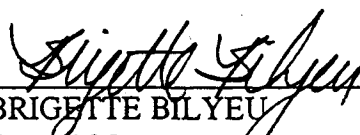
g:\G:\33MRR\00069.vacatemrr.doc

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

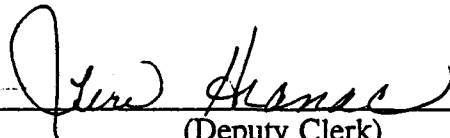
CERTIFICATE OF MAILING

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)

RECEIVED
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):**

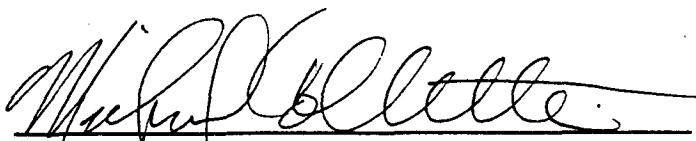
The Places of Use in Section 18 are misdescribed in Range 27E. They should be in Range 28E.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

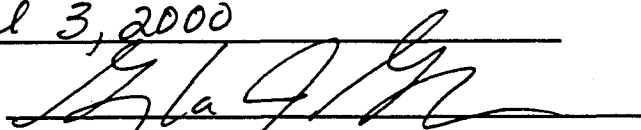
Michael Collette , duly sworn, upon oath, deposes and says:
(Name of person filing objection)

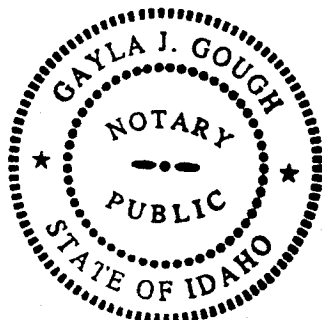
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(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:

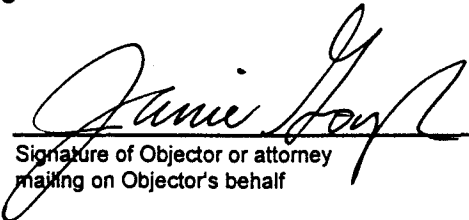
Name: Sagewillow Inc.
Address: c/o Kent Foster
P.O. Box 50130
Idaho Falls, ID 83405

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

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
GAYLE A. SORENSON, P.A.
DONALD L. HARRIS
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
WM. LYMAN FOSTER, District Office
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

INTER-DEPARTMENT MEMO

TO: A33-00071, 00074, 00075, 00076, 00078, 00068B SUBJECT: FILING FEEFROM: Eric VeeberDATE: 2/22/93

CLAIMANT HAS WITHDRAWN A33-00068B BECAUSE THE RIGHT IS OWNED
BY BLAIR COUNTY CANAL CO. WHO HAS PREVIOUSLY FILED A CLAIM FOR

AT THE SAME TIME THE CLAIMANT FILED SEVERAL CLAIMS, WHO'S FILING
FEE = \$500.00 (INCLUDING LATE FEES). CLAIMANT REQUESTED WE
TRANSFER \$123.00 FROM A33-00068A UNDER RECEIPT ~~ED18054~~ ED18054
TO COVER PART OF THE \$500.00 DUES ON THE NEW CLAIMS.

I TREATED THE WITHDRAWAL OF A33-00068B AS AN AMENDED CLAIM OF THE
NEW FILINGS - NEW CLAIMS ARE RECEIVED UNDER # ED18054 AND
ED18285

() For your information

() Response required

Eric Veeber
signature

MICROFILMED

APR 15 1994

LAW OFFICES

HOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FALLS OFFICE

FRED J. HAHN
 KENT W. FOSTER
 ROBERT E. FARNAM
 WILLIAM D. FALER
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BOISE OFFICE

WM. LYMAN BELNAP, P.A.
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 (1877-1967)
 ROBERT B. HOLDEN
 (1911-1971)
 TERRY L. CRAPO
 (1939-1982)
 WILLIAM S. HOLDEN
 (1907-1988)

February 19, 1993

RECEIVED

FEB 22 1993

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

Department of Water Resources
 Eastern District Office

Dear Eric:

We are enclosing for filing in the Snake River Basin Adjudication Proceeding 7 claims (5 new claims and 2 amended claims), on behalf of Sage Willow, Inc. Claim No. A33-00073 has been amended to claim the entire 6.4 cfs, and it appears we used the wrong number for one claim, 33-0083, when it should have been A33-00081.

33-0083 was filed by Sage Willow / EV.

At this time, we would also like to withdraw Claim No. 33-0068 on behalf of Sage Willow, Inc. We would request that you apply the filing fee submitted for Claim No. 33-0068 in the amount of \$123.00 towards the filing fee for the 5 new claims filed herewith. In that regard, we have enclosed our check for the remainder in the amount of \$377.00, which we arrived at in the following manner:

\$500.00	5 New Claims (\$50.00 per claim for the flat fee and \$50.00 per claim for the late fee)
- <u>\$123.00</u>	Redirected Fee for Claim No. 33-0068
<u>\$377.00</u>	

MICROFILMED

APR 15 1994

Eric Verner, Sr. Water Agent
February 19, 1993
Page 2

If we may provide any additional information, please feel free to call at your convenience. Thank you for your continued assistance.

Yours very truly,



Kent W. Foster

#8149.00/srs

Enclosure

MICROFILMED

APR 15 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:46:39
04/06/94

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: 633-00078

LAST: SAGE WILLOW INC
ADDRESS: PO BOX 50130
CITY: IDAHO FALLS
PHONE NUMBER: 208-523-0620

FIRST:
STATE: ID ZIP: 83405

OWNER CODE: C

LAST: HOLDEN KIDWELL HAHN & CEARO
ADDRESS: PO BOX 50130
CITY: IDAHO FALLS
PHONE NUMBER: 208-523-0620

FIRST:
STATE: ID ZIP: 83405

OWNER CODE: A

FIELD EXAM REQUIRED?

FIELD
EXAMINER

DATABASE
N

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

CONTACT PERSON: _____

PHONE NUMBER: (____) _____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) _____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES: _____

A. A1 CLAIM: # A33-00078 PRIORITY DATE: 10-15-1913 STAGE: D
B. WR RECORD: # 33-00078 PRIORITY DATE: 10-15-1913 STAGE: D

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

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

NOTES: PRIORITY CLAIMED MATCHES DECREE. (SEE EXCERPT BELOW)

RECOMMENDED PRIORITY DATE:
10-15-1913

REVIEWED BY _____ DATE _____

EXCERPT FROM:
BLAINE CO. INVEST. CO. vs R.G. Mays, et al
DECREED 4 MARCH 1927, XXI Pg. 11 (K)

(K) Little Lost River: 160 inches, October 15, 1913, 33-00078-
Point of diversion:

to be used upon and appurtenant to:

(Charles H. Collette Homestead) The North half of the
Northwest Quarter, the Northwest quarter of the Northeast quarter,
Section 20, and the Southwest quarter of the Southwest quarter, Sec-
tion 17, Township 7 North, Range 28 East of the Boise Meridian.

N2NW SEC. 20 7/28
N2WSW SEC. 17
S2WSW SEC. 17

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	1/4	1/4	CNTY	SUTTE
A33-00078	07N	27E	2		SW		NE			

OTHER AJ CLAIMS WITH SAME AJ FOR
A PREFIX
R PREFIX
NONE

WE RECORDS IN SAME 40 ACRES TRACT

A33-00059
A33-00072
A33-00074
A33-00075
A33-00079
A33-02007
A33-02133
33-04013
T33-00069A
T33-00069B
T33-00069C
T33-00070A
T33-00070B
T33-00070C
T33-00071A
T33-00071B
T33-00071C
T33-00072A
T33-00072B
T33-00072C
T33-00073A
T33-00073B
T33-00073C
T33-00074A
T33-00074B
T33-00074C
T33-00076A
T33-00076B
T33-00078A
T33-00078B
T33-00078C
T33-00079A
T33-00079B
T33-00079C
T33-00080A
T33-00080B
T33-00080C
T33-00081A
T33-00081B
T33-00081C
T33-00082A
T33-00082B
T33-00082C
T33-02007A
T33-02007B
T33-02007C
T33-02008A
T33-02008B
T33-02008C
T33-02057D
T33-02057E
T33-02057F

T33-020630
T33-020831
T33-020932
T33-02133A
T33-02133B
T33-02133C

SOURCE: LITTLE LOST RIVER

TRIP: SINKS

B. WR POINT OF DIVERSION AND SOURCE:

3300079 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: LITTLE LOST RIVER

TRIP: SINKS

C. FIELD EXAM REQUIRED?

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

NOTES:

P.O.D. NOT SPECIFIED BY DERRIS.

SOURCE IS AS DERIVED.

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

COUNTY DIVERSION NAME

SOURCE: LITTLE LOST RIVER ✓ TRIP: SINKS

REVIEWED BY: DATE:

SYSTEM DESCRIPTION:

A. ROOT WATER RIGHT NUMBERS: A33-00078

B. POU LISTING

TWP R2NG SEC 1/4 1/4 LOT NAME	AJ #/ACRES	MR #/ACRES	LANDSAT DATA	FIELD EXAM.	EXCONM. ACRES
07N 27E 7 NE NE SAGE HILLTOP INC	A33-00078	740.0			
07N 27E 7 NW NE SAGE HILLTOP INC	A33-00078	740.0			
07N 27E 7 NE SE SAGE HILLTOP INC	A33-00078	740.0			
07N 27E 8 NW NW SAGE HILLTOP INC	A33-00078	740.0			
TOTAL ACRES	A33-00078	150.00			

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

POU COUNTY: BUTTE

PRESUMPTION FLAG:

NOTES:

TRANSFERS) PENDING
Δ P.O.U. ?
As CLAIMED P.O.U. DOES
NOT MATCH DEEDS.

RECOMMENDATIONS:

TOTAL ACRES:

REVIEWED BY:

DATE:

A. AJ CLAIMED USES:

PURPOSES
A33-00078 IRRIGATIONMONTH/DAY
FROM 04-01 TO 11-01DIVERSION QUANTITY
3,200 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

3,200 CFS

B. NR RECORDED USES:

PURPOSES
33-00078 IRRIGATIONMONTH/DAY
FROM TODIVERSION QUANTITY
3,200 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

3,200 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

FIELD

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO NR STANDARDS OR OTHER?

Y() N()

Y() N()

Explain in notes, below.

NOTES:

PERIOD OF USE AS DELETED, SO RECOMMENDED

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

AJ TOTAL CLAIMED DIVERSION RATE: 3.200 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 3.200 CFS

As Deleted

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

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER
N

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

C.

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

OTHER RIGHTS LISTED IN CLAIM: 33-2133

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1b. CALCULATIONS

1a. IRRIGATION RATE
ACRES ----- X 0.02 CFS/ACRE = ----- CFS
(taken from p/u review)

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AE/A
ACRES ----- X CONSUMPTIVE VOL. AE/A FOR AREA ----- =
TOTAL CONSUMPTIVE USE ----- AE/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AE/A
ACRES ----- X DIVERSION VOL. AE/A FOR AREA ----- =
TOTAL DIVERSION VOLUME ----- AE/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

RECOMMENDATIONS:						
REC. PURPOSES	REC. PERIOD FROM	TO	REC. DIV RATE CFS	REC. DIV VOL. AC/A	REC. CONS. USE	
IRRIGATION	04-01	11-01	DATABASE EXAMINER 3.200	DATABASE EXAMINER	DATABASE EXAMINER 0.0	
TOTAL FOR THIS RIGHT			3.200		0.0	
REVIEWED BY:			DATE:			

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FORFEIT/ABANDON
ADDITIONAL DIV. AMOUNT

ACCEPTED
AS CLAIMED
()
()
()

NEEDS
REVIEW
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 33-00078

TOTAL DIVERSION RATE OF WR SPLITS

SPLITS:

DATABASE
3.200

EXAMINER
CES

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A33-00078	3.200	-	-	33-00078	3.200
TOTAL CES		3.200				3.200

DIVERSION RATE REVIEW

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

DATABASE
Y

FIELD
EXAMINER

NOTES:

As CLAIMED THIS RIGHT IS CLAIMED IN-FULL.

AUTHENTICATION:

SIGNATURE:

DATE:

NAME OF FIELD EXAMINER:

TITLE:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:46:39
04/06/94

PAGE: 12
QUICKLOOK INFORMATION

12
CLAIM NUMBER: A33-00078

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

"VERIFIED BY" CODES

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

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

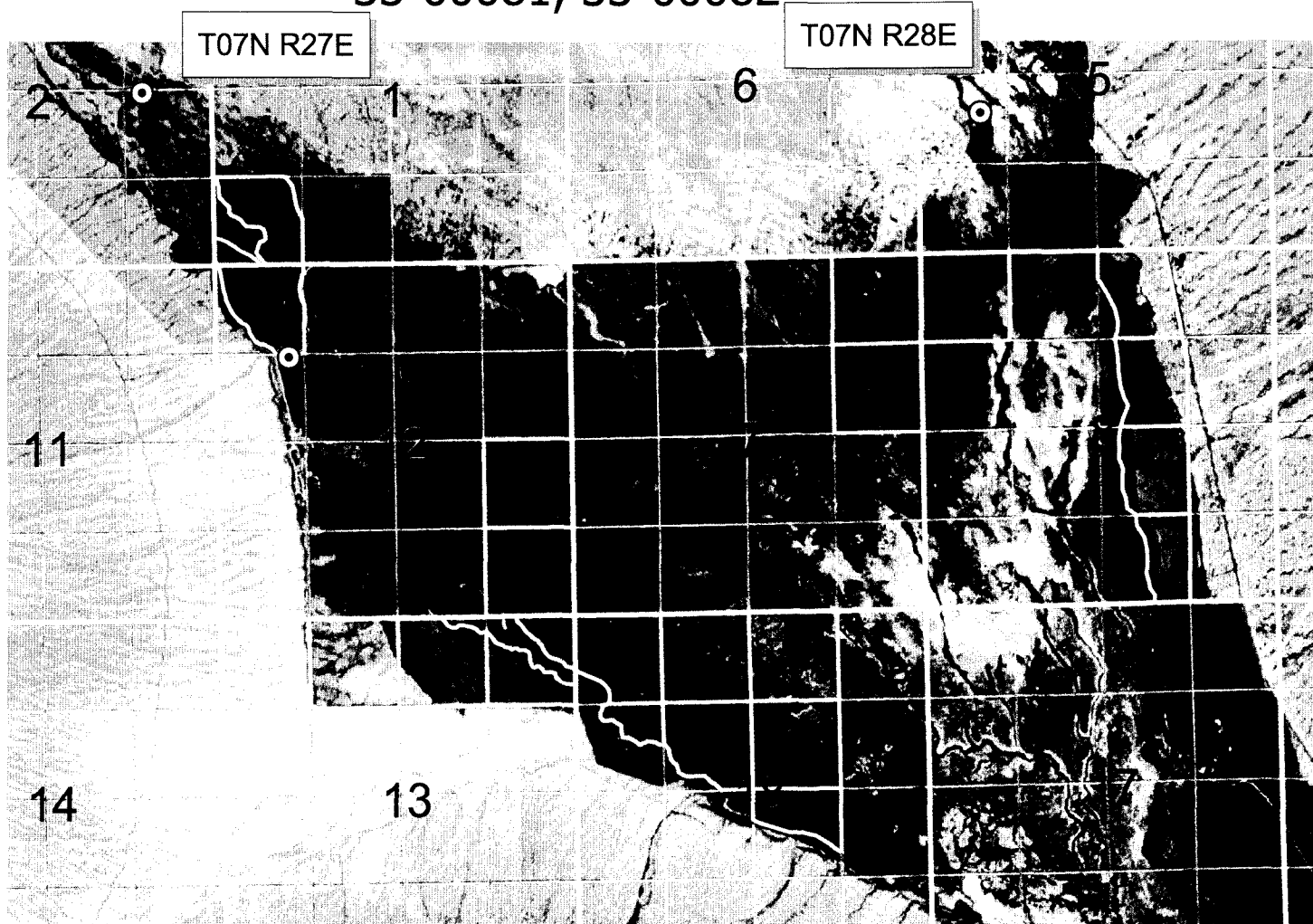


STATE OF IDAHO

Department of Water Resources

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

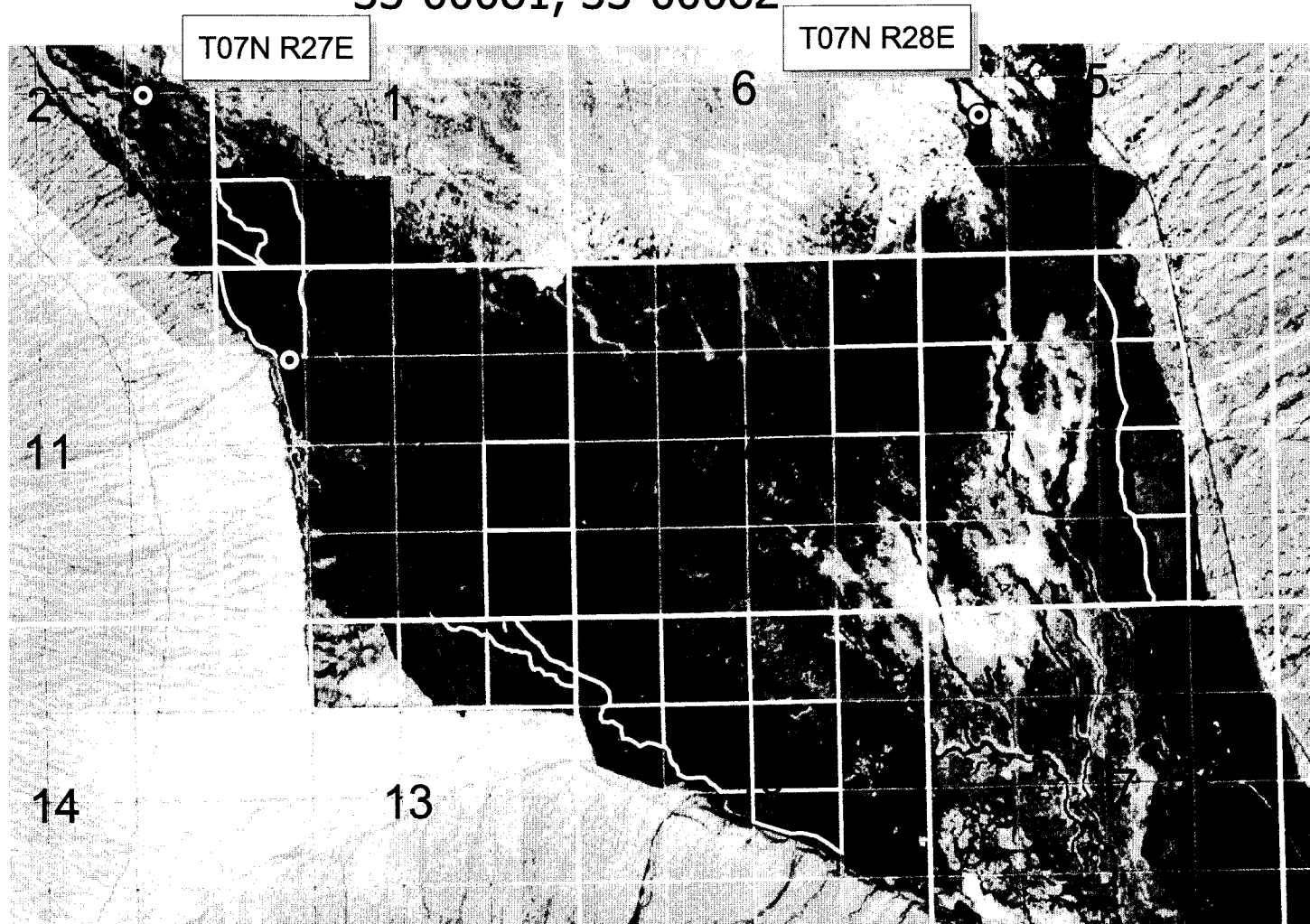


STATE OF IDAHO

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

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	10/15/1913	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	SWSWNE	BUTTE County
	S12	NESWNW	BUTTE County
	R28E S05	NENWSW	BUTTE County

Place of use Legal Description for: IRRIGATION

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

POU County: BUTTE

Other Rights: 33-2133

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, 33-00071, 33-00072, 33-00073, 33-00074, 33-00076, 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, 33-00071, 33-00072, 33-00073, 33-00074, 33-00076, 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,
33-00071, 33-00072, 33-00073, 33-00074, 33-00076,
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: A33-00078
Date Received: 2/22/1993
Receipt No: E018285
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

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

2. Date of Priority: OCT 15, 1913

3. Source: LITTLE LOST RIVER Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	27E	2		SW	NE		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	27E	7	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			NE	SE		IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	120.0
		8	NW	NW	IRR	40.0
					Section Acres	40.0
					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:
33-2133

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

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APR 15 1994

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 33-0078

Date Received

Receipt Number

6018024, 6018235
RECEIVED

FEB 22 1993

Department of Water Resources
Eastern District OfficeNOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAWOriginal
Sent to
Court.
5-4-001. Name of Claimant(s) Sage Willow, Inc. Phone (208) 523-0620
c/o Holden, Kidwell, Hahn & CrapoMailing Address P.O. Box 50130, Idaho Falls, Idaho Zip 834052. Date of Priority (Only (1) per claim) October 15, 19133. Source of water supply (a) Little Lost Riverwhich is tributary to (b) Sinks

4.a. Location of existing

point of diversion is: Township 7N. Range 27E. Section 2,1/4 of SW 1/4 of NE, 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 of1/4 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 work
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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APR 15 1994

A3300078

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 :27E:	7: 40' 40'	:	40:	:	:	:	:	:120
:	8:	:	40'	:	:	:	:	:40
:	:	:	:	:	:	:	:	:
:	:	:	:	:	:	:	:	:
:	:	:	:	:	:	:	:	:
:	:	:	:	:	:	:	:	:
:	:	:	:	:	:	:	:	:
:	:	:	:	:	:	:	:	:

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.

33-2133. or None ()

14. Remarks:

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APR 15 1994

Last Name SAGE WILLOW, INC. Ident. Number 33-0078

15. Basis of Claim (Check one) Beneficial Use _____ Posted Notice _____
Permit _____ Decree X License _____

If applicable provide IDWR Water Right Number 33-0078
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 _____)
County of Bonneville) SS.

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

Notary Public Kent W. Foster
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.

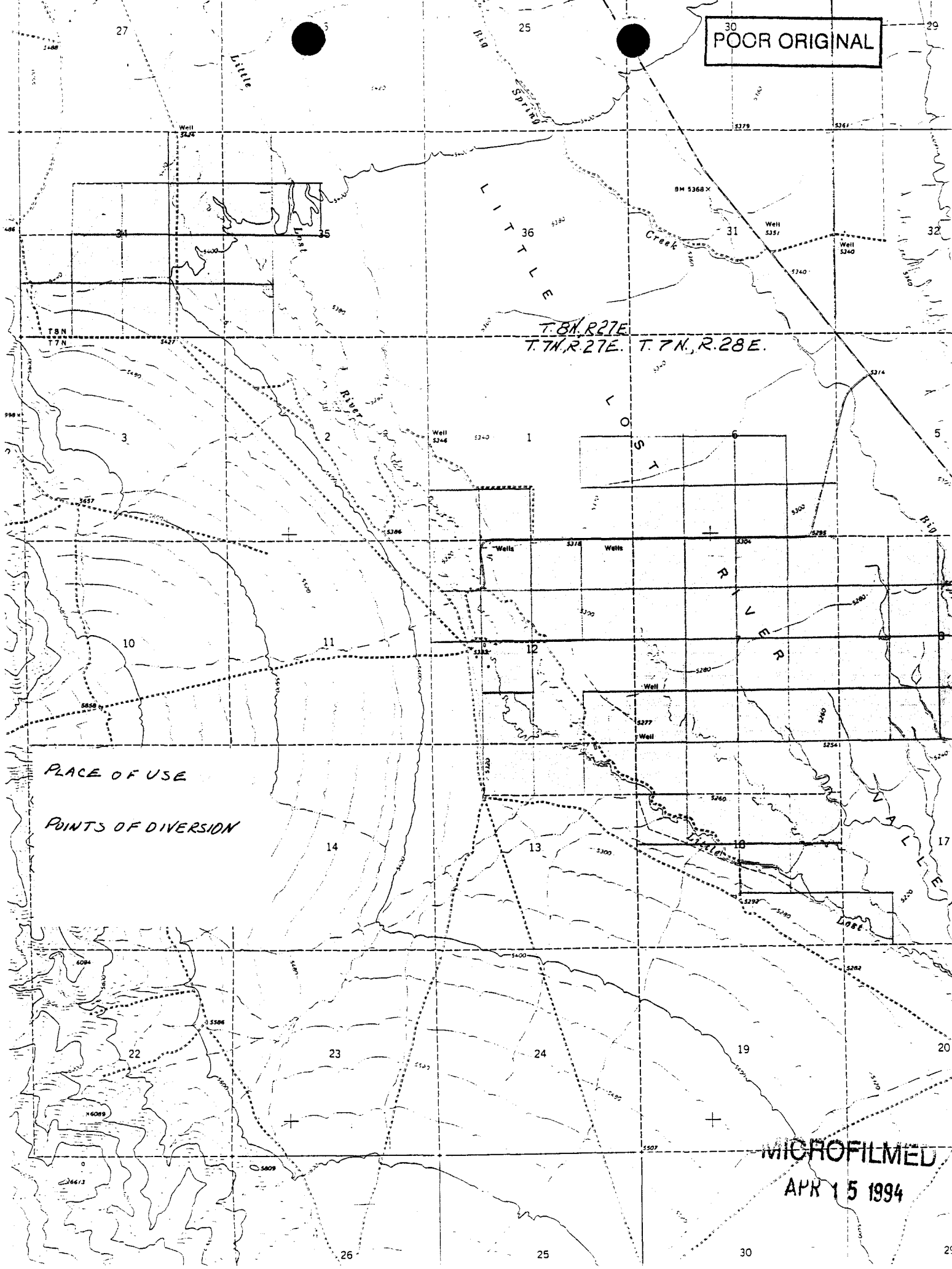
Signature Kent W. Foster
Address P.O. Box 50130, Idaho Falls, Idaho 83405
Date 2/19/93

MICROFILMED

Last Name SAGE WILLOW, INC. Ident. Number 33-0078

APR 15 1994

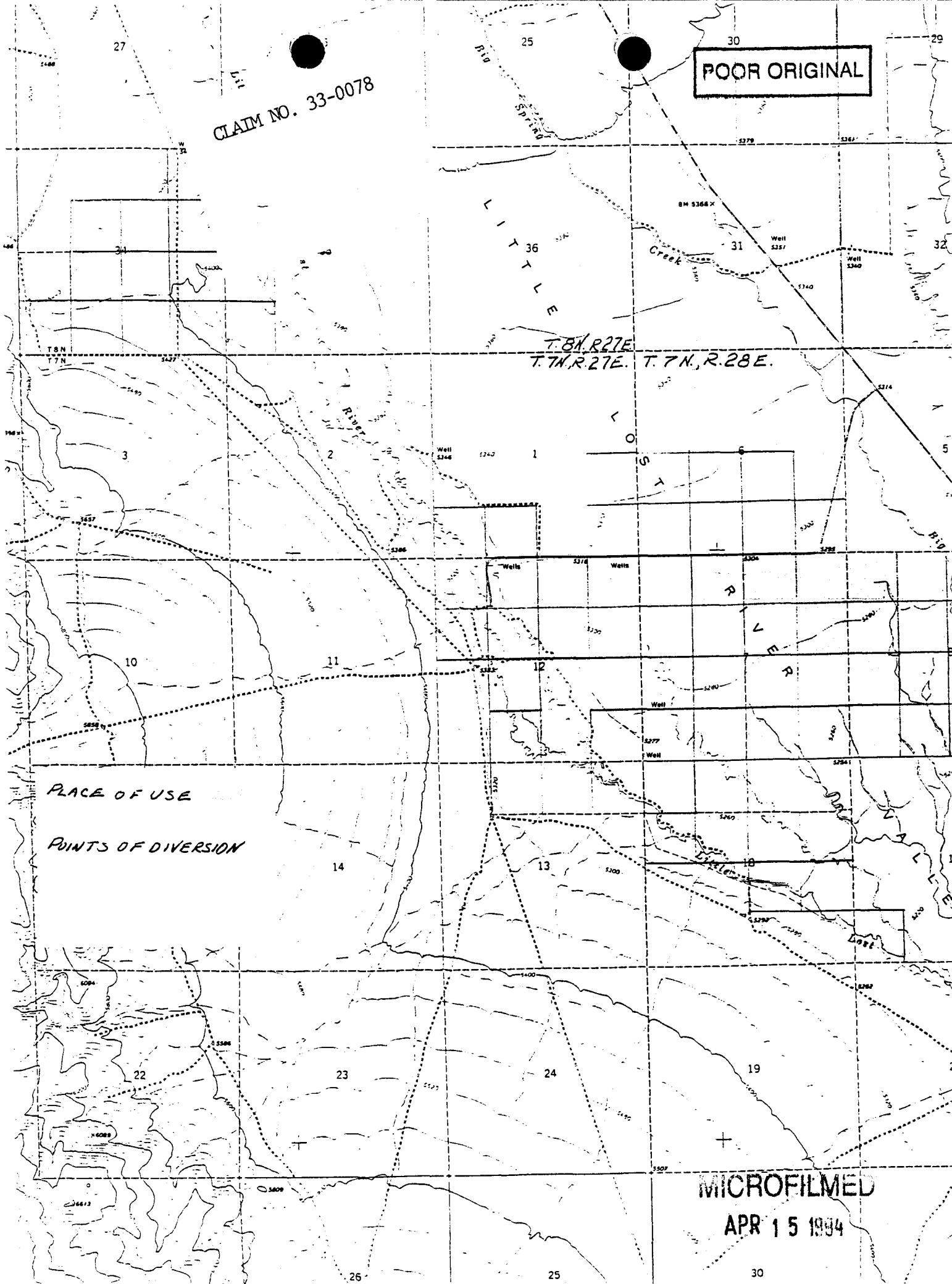
30
POOR ORIGINAL



MICROFILMED
APR 15 1994

CLAIM NO. 33-0078

POOR ORIGINAL



MICROFILMED
APR 15 1984