

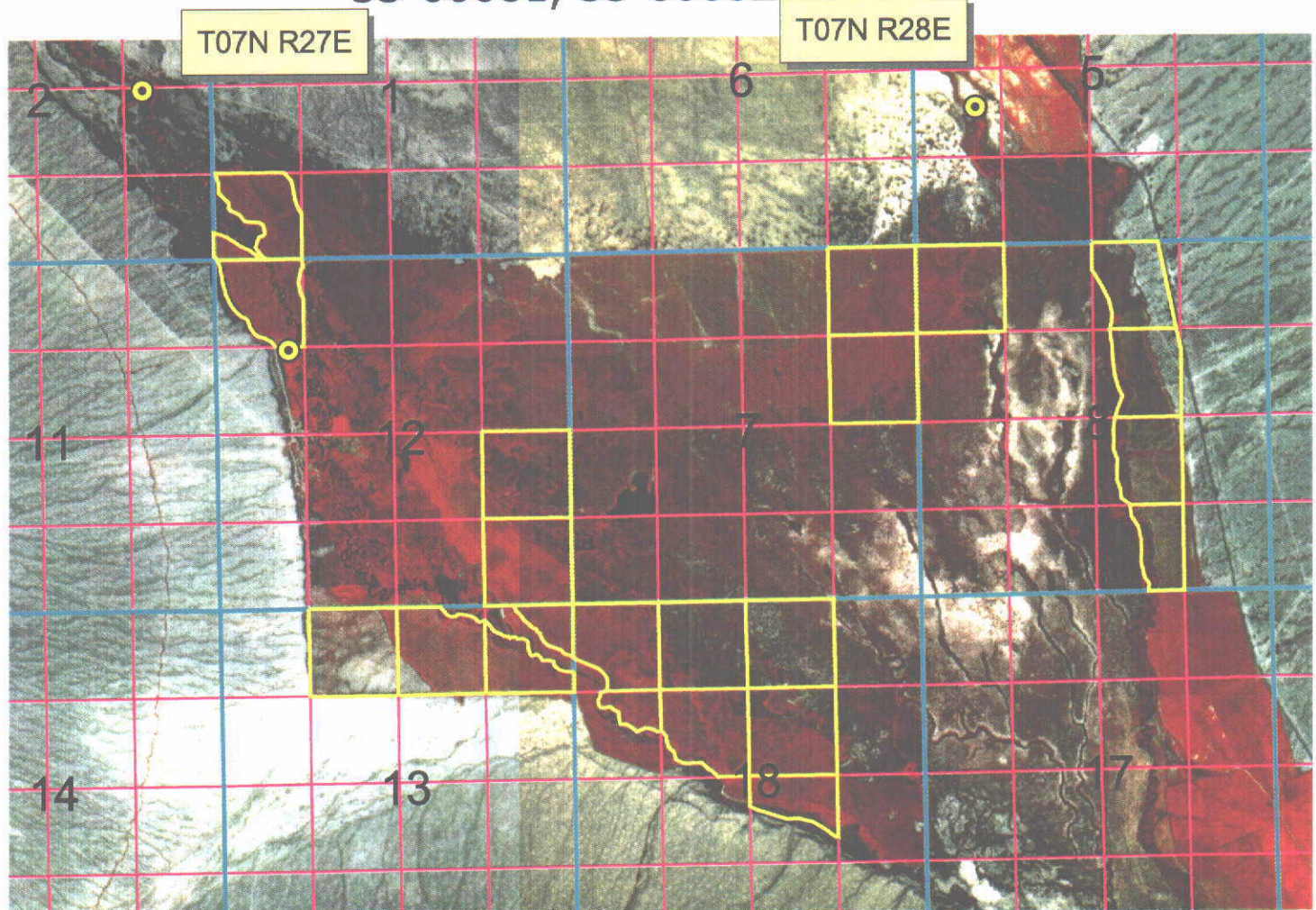


STATE OF IDAHO

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

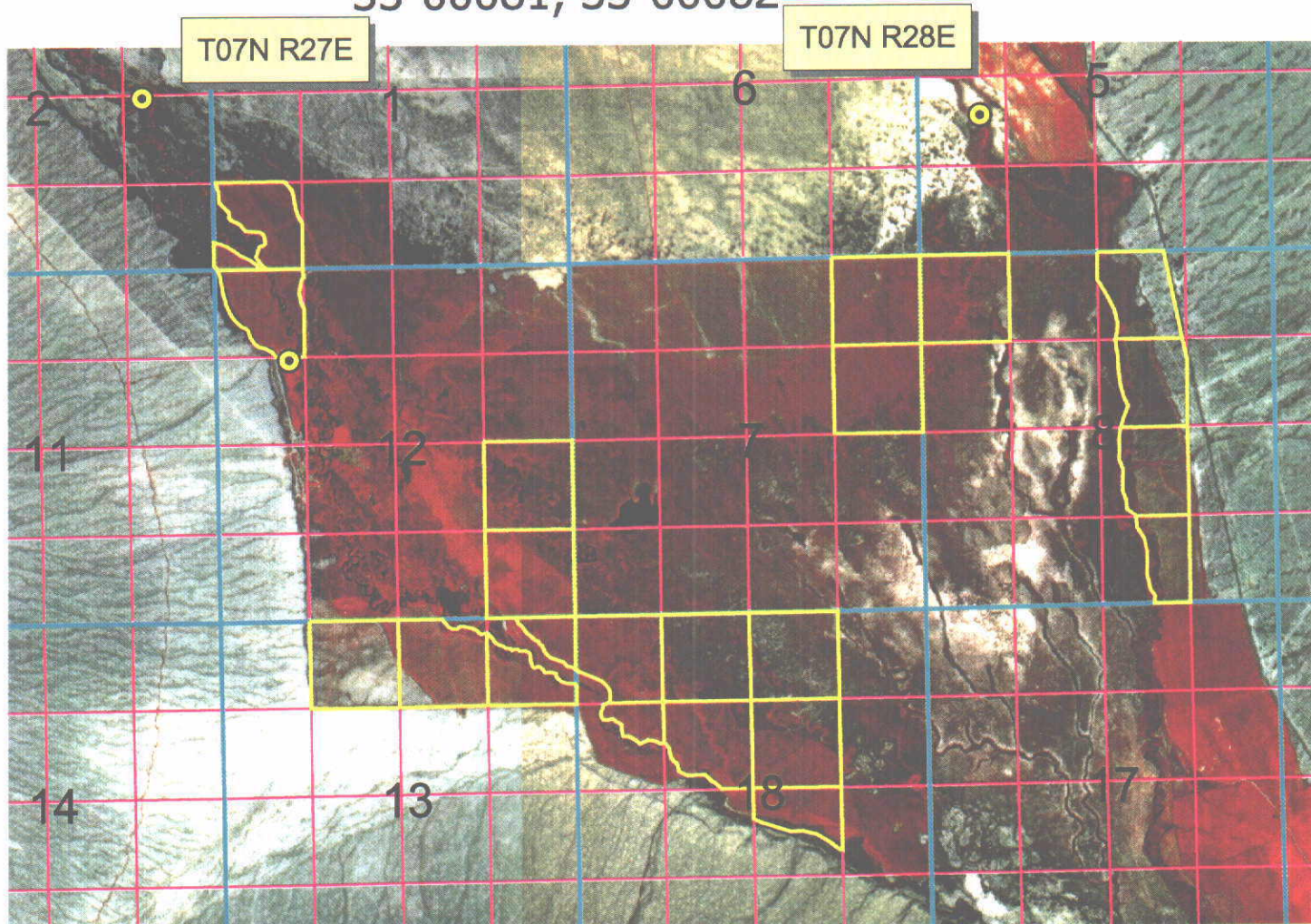


STATE OF IDAHO

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



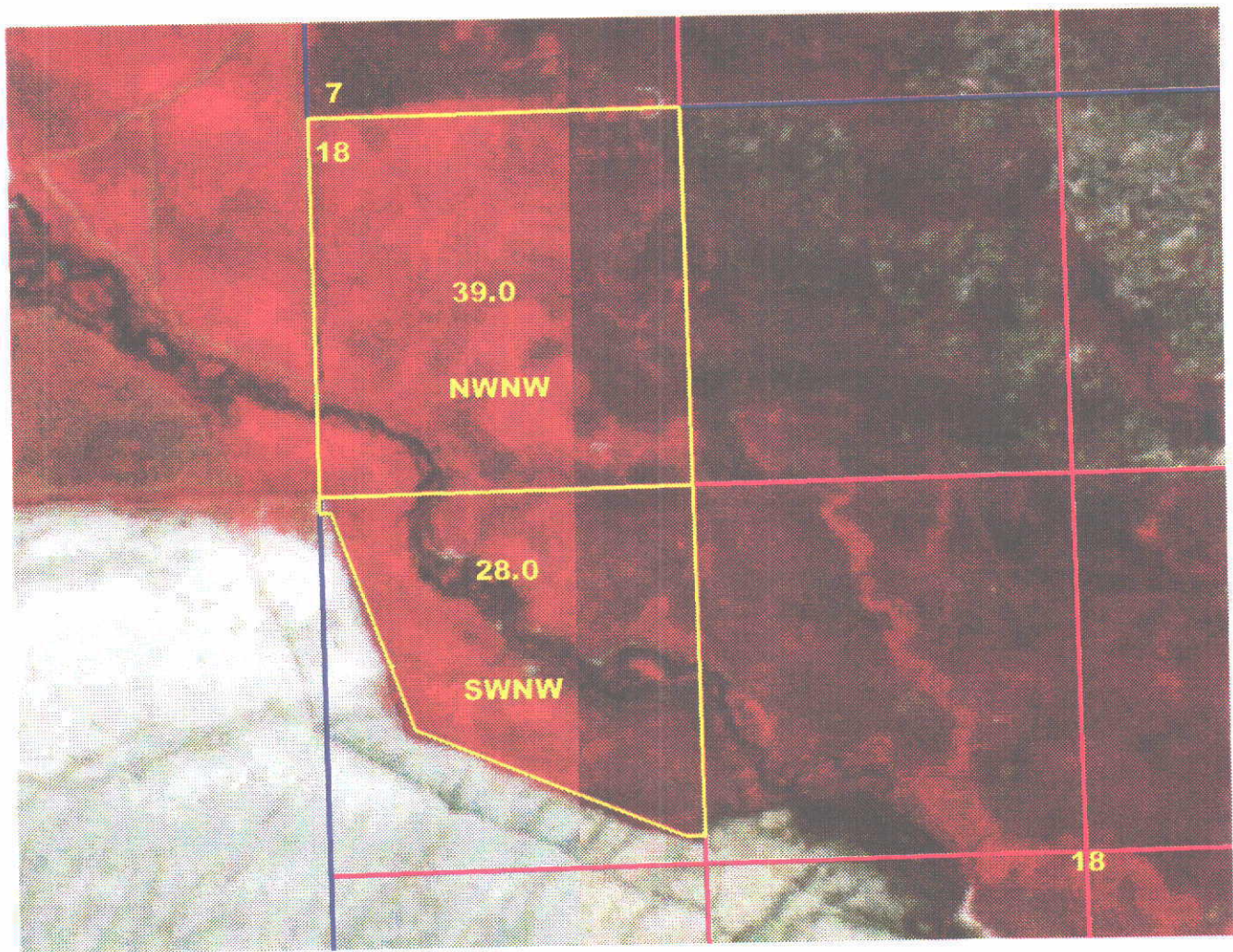
Quarter-section line

Acres Irrigated = 698

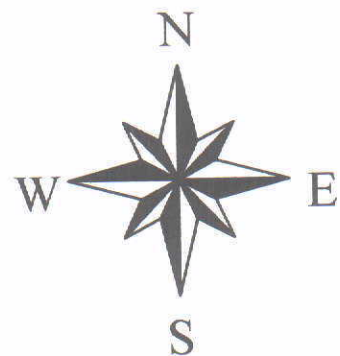


GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: E. Carlsen
Date: November 1999

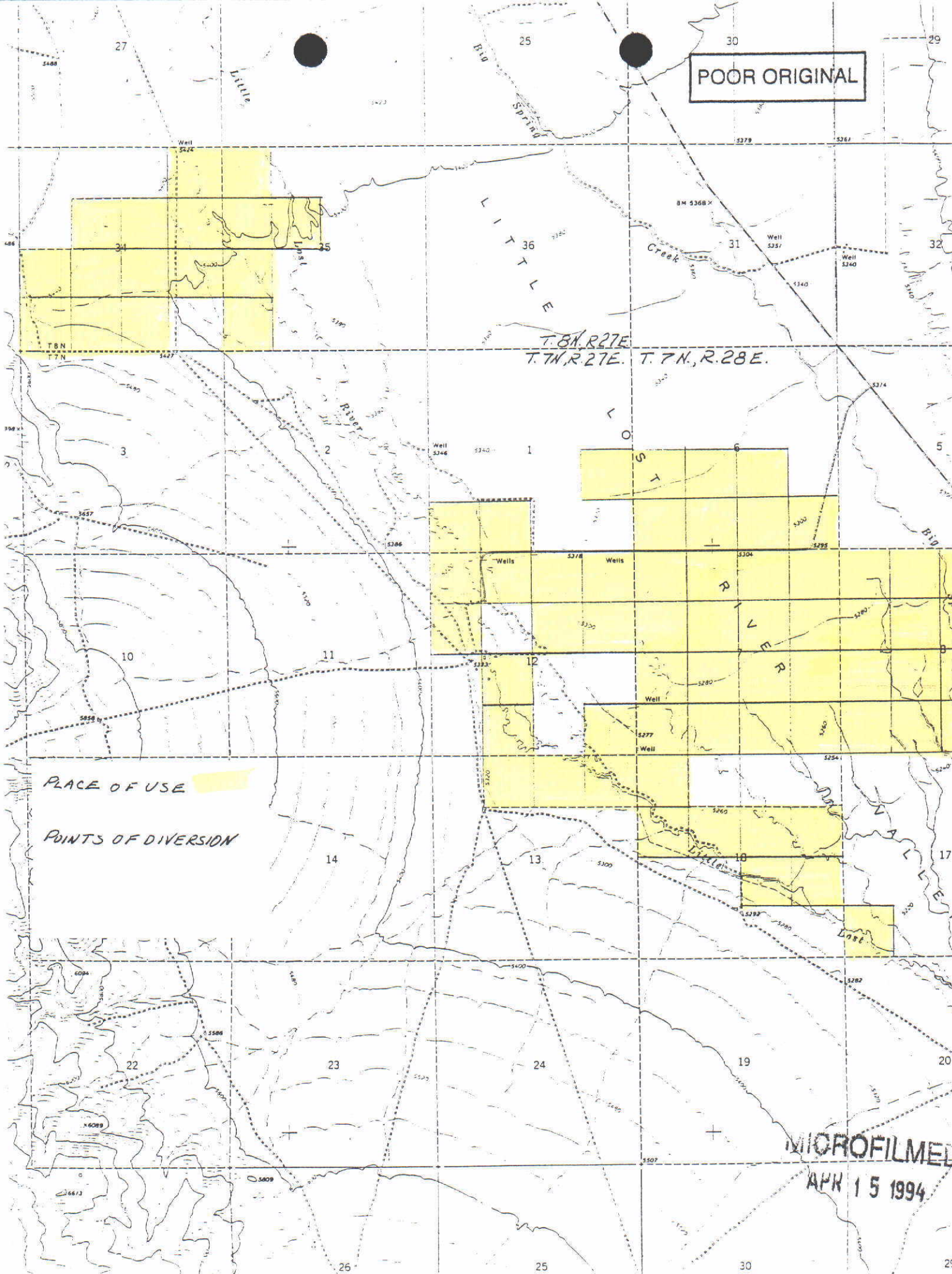
3
31-00079



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



POOR ORIGINAL



PLACE OF USE

POINTS OF DIVERSION

MICROFILMED
APR 15 1994

POOR ORIGINAL

CLAIM NO. 33-0079

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

79
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:

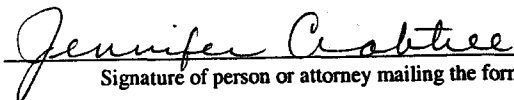
Each party in the subcase, or attorney of record
BLAINE COUNTY CANAL CO
MAYS LAND & LIVESTOCK
C/O MICHAEL CREAMER
GIVENS PURSLEY LAW OFFICE
PO BOX 2720
BOISE ID 83701-2720

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

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

RIGHT NUMBER: 33-79

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:

1.600 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: 04/01/1912

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

1.600 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. 33-79
As Modified by Transfer Nos. 4221 thru 4227

In accordance with the approval of Transfer Nos. 4221 thru 4227, Water Right No. 33-79 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: April 01, 1912

Source: LITTLE LOST RIVER **Tributary:** SINKS
 BIG SPRING CREEK 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	1.60 CFS	
		1.60 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. 33-79
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:

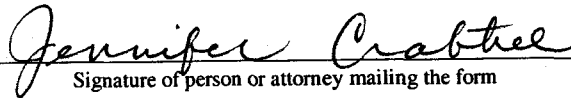
Each party in the subcase, or attorney of record
BLAINE COUNTY CANAL CO
MAYS LAND & LIVESTOCK INC
C/O MICHAEL C CREAMER
PO BOX 2720
BOISE ID 83701-2720

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. MEIKLE
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 SHOUPE 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
(1907-1986)

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

Q:\WPDATA\KWF\140 SAGE WILLOW\Correspondence\U. Glen Semko IDWR hr 062003 wpd.doc

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 28 2001

WATER AND WOOD RESOURCES

2001 FEB 22 AM 10:43

DISTRICT COURT-SEDA
TWIN FALLS COUNTY
FILED

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

Sagewillow

In Re SRBA	)	Subcases: 33-00069, 33-00070, 33-00071,
	)	33-00072, 33-00073, 33-00074, 33-00076,
Case No. 39576	)	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

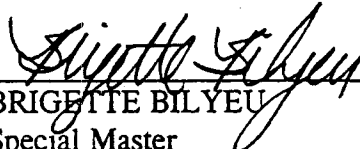
g:\G:\33MRR\00069.vacatemrr.doc

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

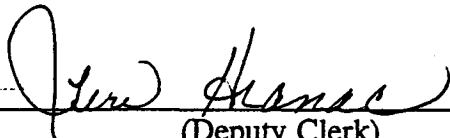
CERTIFICATE OF MAILING

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):**

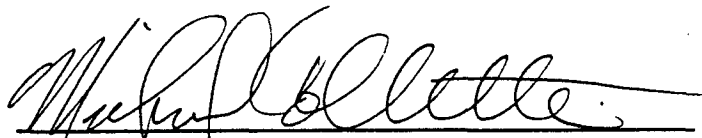
The Places of Use in Section 18 are misdescribed in Range 27E. They should be in Range 28E.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

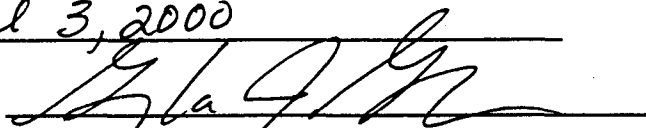
Michael Collette , duly sworn, upon oath, deposes and says:
(Name of person filing objection)

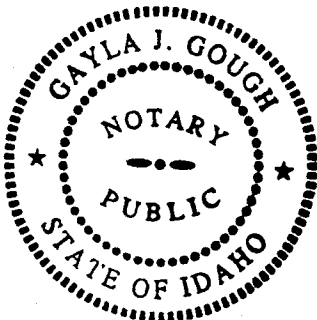
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(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:

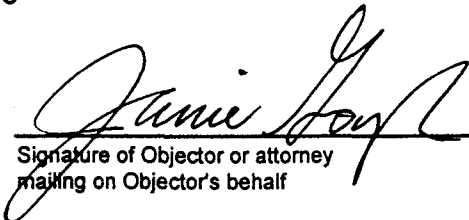
Name: Sagewillow Inc.
Address: c/o Kent Foster
P.O. Box 50130
Idaho Falls, ID 83405

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

RECEIVED

MAR 24 1993

LAW OFFICES

HOLDEN, KIDWELL, HAHN & CRAPO

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

POOR ORIGINAL

TO: A33-00071, 00074, 00075, 00076, 00078, 00068B SUBJECT: FILING FEEFROM: Eric VernerDATE: 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 5 NEW CLAIMS, WHO'S FILING
FEE = \$500.00 (INCLUDING LATE FEES). CLAIMANT REQUESTED WE
TRANSFER \$123.00 PD FOR A33-00068B UNDER RECEIPT E010978 E018054
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 # E018054 AND
E018285

() For your information

() Response required

Eric Verner
signature

MICROFILMED

APR 15 1994

LAW OFFICES

HOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FALLS OFFICE

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
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ROBERT B. HOLDEN
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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.

Claim 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

11:57:47
04/06/94

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A33-00079

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 HANN & CRAPO
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

100

THE END

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RELATIONSHP TO CLAIMANT:

SECTION / ATTACHED TO SNOITZELL

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	5
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A. AJ CLAIM: # A33-00079 PRIORITY DATE: 04-01-1912 STAGE: D
B. WR RECORD: # 33-00079 PRIORITY DATE: 04-01-1913 STAGE: D
C. FIELD EXAM REQUIRED? FIELD EXAMINER
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE N

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

NOTES: PRIORITY CLAIMED MATCHES DECREE

RECOMMENDED PRIORITY DATE: As claimed
04-01-1912

REVIEWED BY Shirley DATE 6 Feb 97

EXCERPT FROM:
BLAINS Co. INVEST. Co. vs R.G. Mays, et al
DECREED 4 March 1927, XXI pg. 11 & 12 (1)

(1) Little Lost River: 80 inches, April 1, 1912 33-00079

Point of diversion:
to be used upon and appurtenant to:

(State Indemnity Selection) The West half of the
Northwest quarter, Section 18, Township 7 North, Range 28 East
of the Boise Meridian.

W2NW Sec 18 7/2E

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SFC.	1/4	1/4	1/4	ONLY	SUTTE
A33-00079	07N	27E	2		SM	NE		

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX
A33-00069
A33-00072
A33-00074
A33-00076
A33-00078
A33-02007
A33-02133

NR RECORDING IN SAME 40 ACRE TRACT

33-04013
T33-00059A
T33-00059B
T33-00059C
T33-00070A
T33-00070E
T33-00070C
T33-00071A
T33-00071B
T33-00071C
T33-00072A
T33-00072B
T33-00072C
T33-00073A
T33-00073B
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T33-00082B
T33-00082C
T33-02074A
T33-02074B
T33-02074C
T33-02084A
T33-02084B
T33-02084C
T33-02085A
T33-02085B
T33-02085C
T33-02086A
T33-02086B
T33-02086C

T33-02083D
T33-02083E
T33-02083F
T33-02133A
T33-02133B
T33-02133C

TRIB: SINKS

SOURCE: LITTLE LOST RIVER

B. WR POINT OF DIVERSION AND SOURCE:

3300079 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: LITTLE LOST RIVER

TRIB: SINKS

C. FIELD EXAM REQUIRED?

FIELD
EXAMINER

DATABASE

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

Y
N

NOTES:

POD, NOT SPECIFIED BY DEGREE. SOURCE IS AS DESCRIBED. (SEE EXCEPT ON 19.3)

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP. AGE. SEC. 1/4 1/4 LOT COUNTY DIVERSION NAME

SOURCE: LITTLE LOST RIVER

TRIB: SINKS

REVIEWED BY: DATE:

SYSTEM DESCRIPTION:

A. ROOT WATER RIGHT NUMBERS: A33-00079
B. PCU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WE #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07N	28E	18	NW	NW	18	SAGE WILLOW INC.	A33-00079 /40.0	33-00079 /			
			NW	NW		SAGE WILLOW, INC.	A33-02057 /39.0	33-02057 /			39.0
			NW	NW		SAGE WILLOW, INC.	A33-02083 /39.0	33-02083 /			39.0
			NW	NW		SAGEWILLOW INC	A33-10462 /				
			NW	NW		SAGEWILLOW INC	A33-02133 /35.0				
			NW	NW		HAWLEY, LAWRENCE E.		33-020570 /			39.0
07N	28E	18	SW	NW	18	SAGE WILLOW INC	A33-00079 /40.0	33-00079 /			
			SW	NW		SAGE WILLOW, INC.	A33-02057 /25.0	33-02057 /			25.0
			SW	NW		SAGE WILLOW, INC.	A33-02083 /25.0	33-02083 /			25.0
			SW	NW		SAGEWILLOW INC	A33-10462 /				
			SW	NW		SAGEWILLOW INC	A33-02133 /10.0				
			SW	NW		HAWLEY, LAWRENCE E.		33-020570 /			25.0
TOTAL ACRES							A33-00079	30.00			

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

C. FIELD EXAM REQUIRED?
DUE TO PCU DISCREPANCY? (Y/N)
PRESUMPTION FLAG:

FIELD EXAMINER
PCU COUNTY: BUTTE

NOTES:

7.9.4. is as described.

RECOMMENDATIONS:

TOTAL ACRES: _____
REVIEWED BY: _____ DATE: _____

A. AJ CLAIMED USES:

PURPOSES
A33-00079 IRRIGATION

MONTH/DAY
FROM 04-01 TO 11-01
TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
1.600 CFS
1.600 CFS

B. WR RECORDED USES:

PURPOSES
33-00079 IRRIGATION

MONTH/DAY
FROM TO
TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
1.600 CFS
1.600 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 FIELD
EXAMINER
N N
Y

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

Y(/) N()
Y(/) N()

Explain in notes, below.

NOTES:

Period of Use is as Directed, so Recommended

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

AJ TOTAL CLAIMED DIVERSION RATE: 1.600 CFS **As Described**
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.600 CFS

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

FLOW MEASUREMENT REQUIRED?

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

FIELD
DATABASE EXAMINER

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

C.

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

OTHER RIGHTS LISTED IN CLAIM: 33-2057/2083

LIST ALL RIGHTS WITH A SAME FOU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A33-00079	LITTLE LOST RIVER	SAGE WILLOW INC	1.600	0.020		
A33-02057	GROUNDWATER	SAGE WILLOW, INC.	24.000	0.016		
A33-02083	GROUNDWATER	SAGE WILLOW, INC.	5.000	0.003		
A33-02133	LITTLE LOST RIVER BIG SPRING CREEK	SAGENWILLOW INC			2960.00	2.00

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A33-10462	STOCKWATER	SAGENWILLOW INC	FROM 01-01 TO 12-31	.040 CFS	

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE X 0.02 CFS/ACRE = CFS
ACRES (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.)

1b. CALCULATIONS

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CES	REC. DIV OUL. AE/A	REC. CONS. USE
IRRIGATION	04-01 11-01	DATASCH EXAMINER 1.600	DATASCH EXAMINER	DATASCH EXAMINER
TOTAL FOR THIS RIGHT		1.600		0.0

REVIEWED BY:

DATE:

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

OWNERSHIP FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 33-00079

TOTAL DIVERSION RATE OF WR SPLITS

SPLITS:

EXAMINER
CFS
DATABASE
1.600

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "K" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A33-00079	1.600	-		33-00079	1.600
TOTAL CFS		1.600				1.600

DIVERSION RATE REVIEW

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

DATABASE
Y

FIELD EXAMINER

NOTES:

THIS RIGHT AS CLAIMED IS CLAIMED IN-FULL.

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____

TITLE: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:57:47
04/06/04

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A33-00079
12

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 EXAMINER WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV	Y							
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME								
CONSUMPTION USE	-							
PURPOSES								
PERIOD OF USE	Y							
BASIS OF CLAIM								
REMARKS								

"VERIFIED BY" CODES

TOPO MAP/OUTHO-PC = 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.

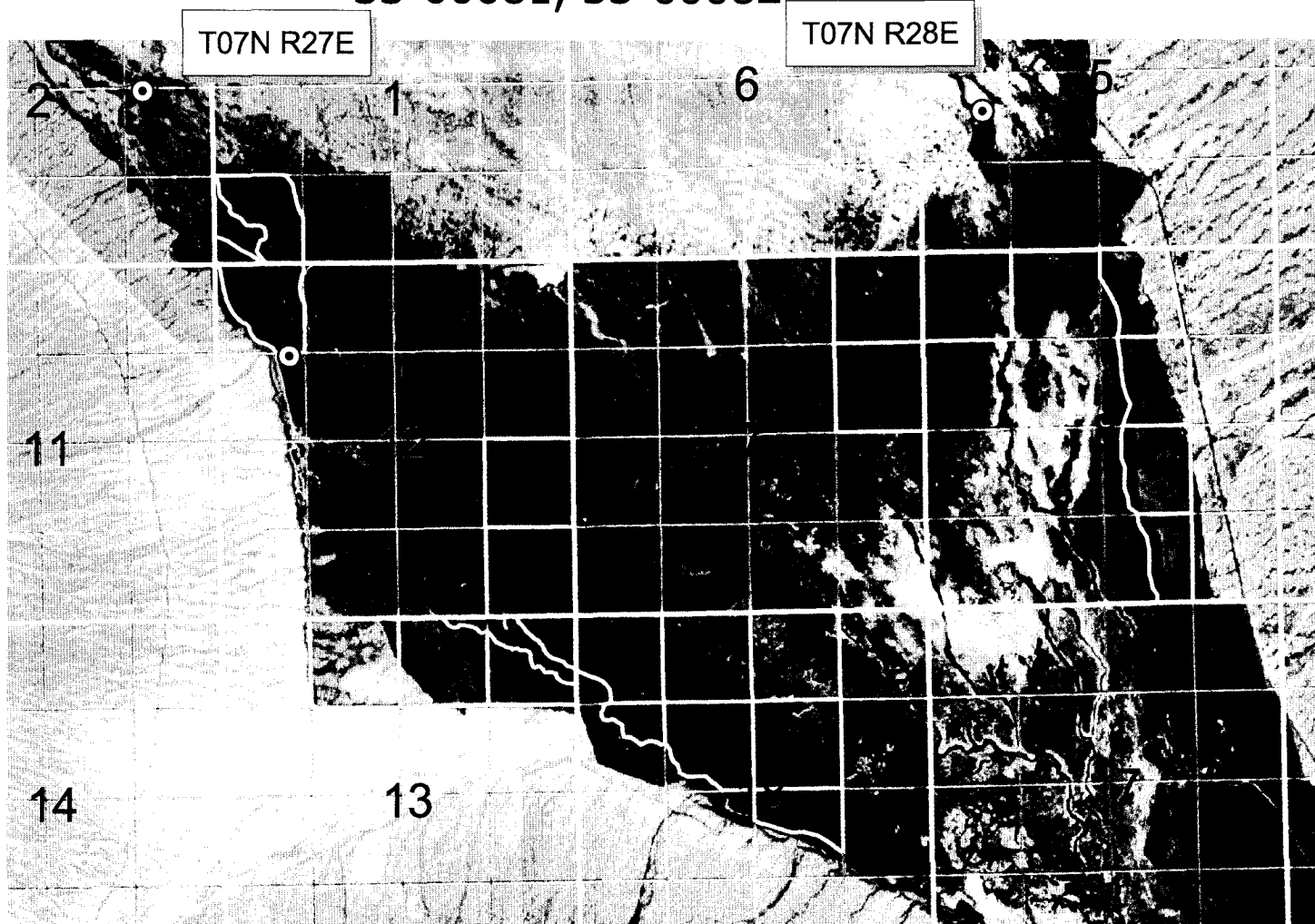


STATE OF IDAHO

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

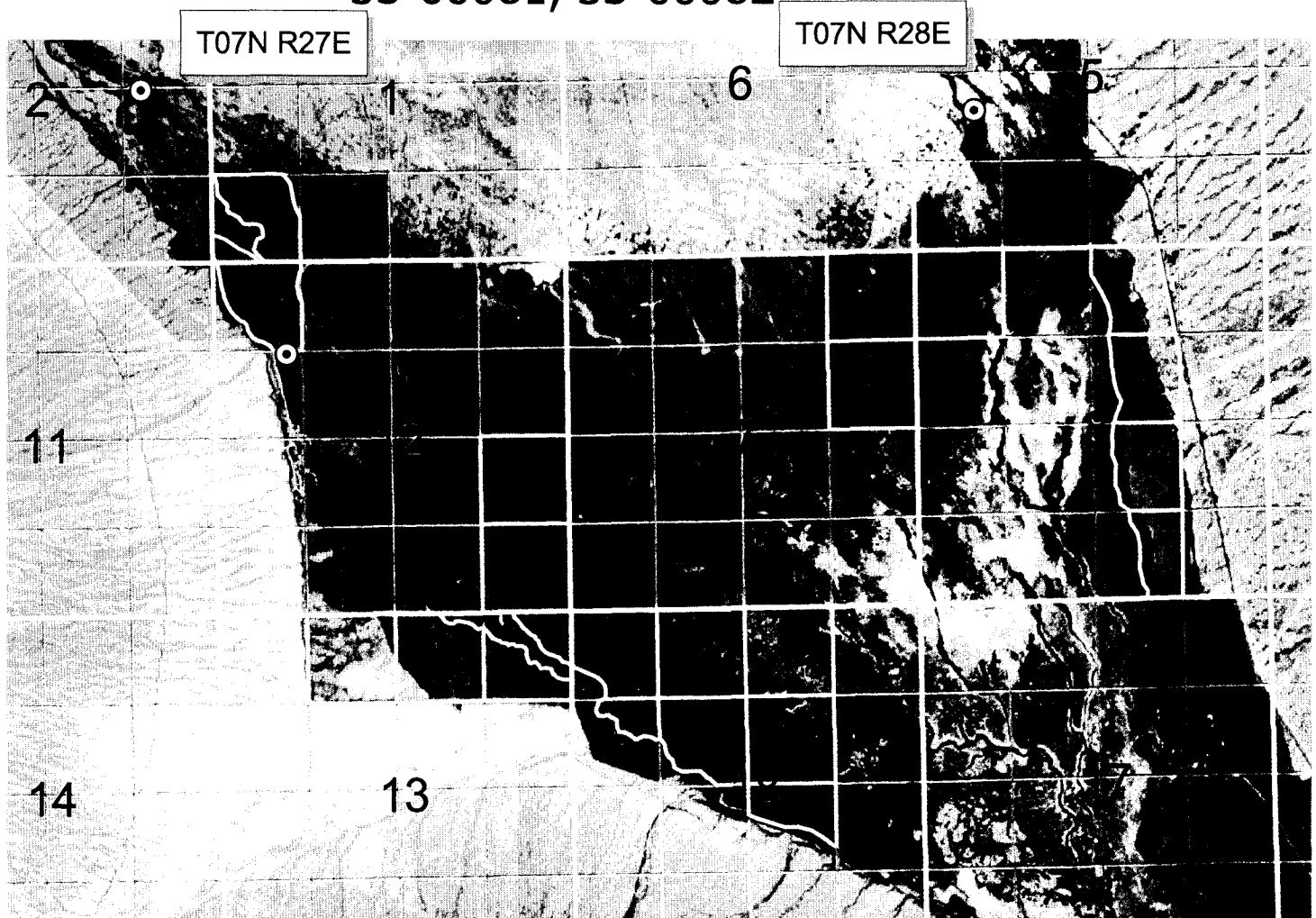


STATE OF IDAHO

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

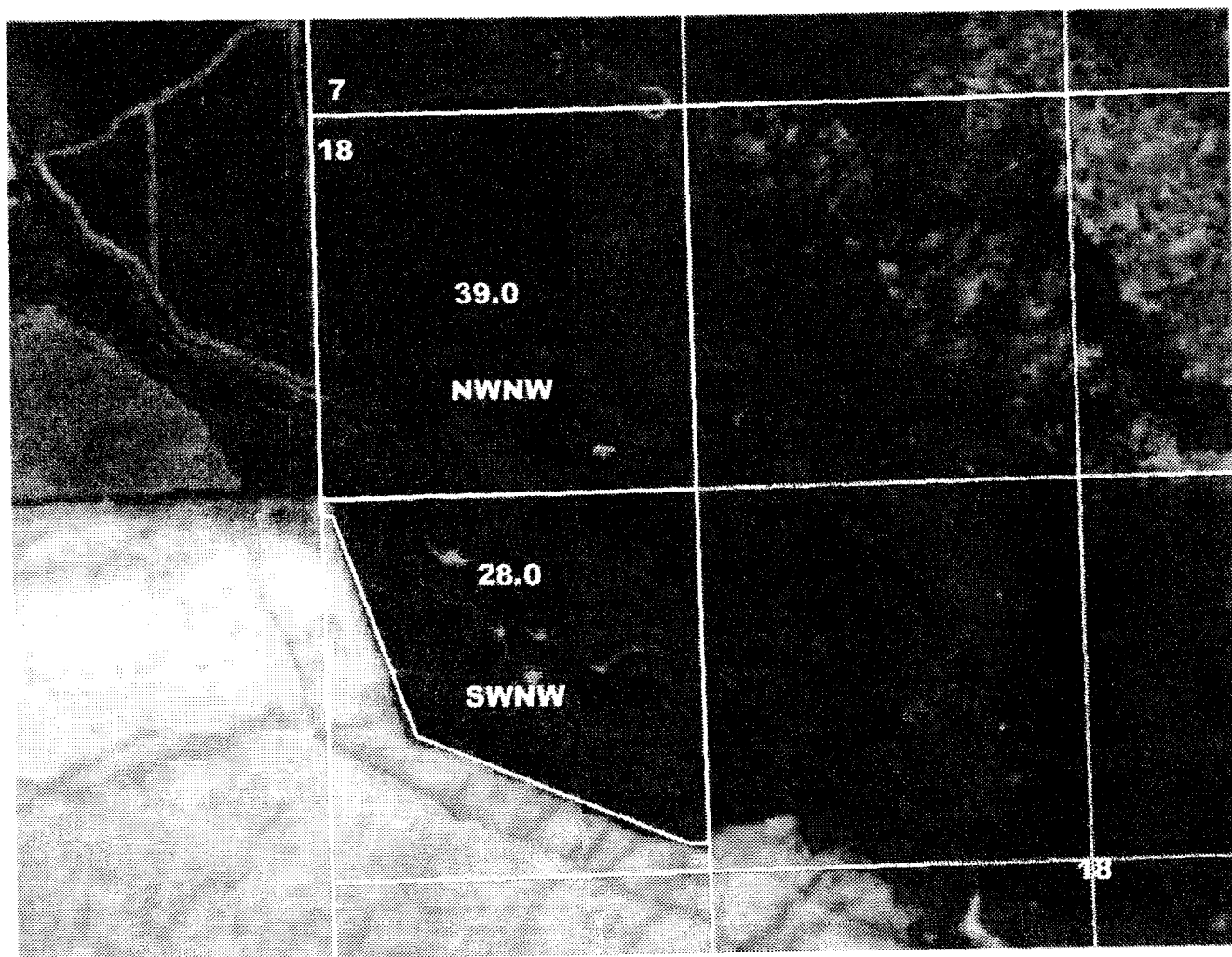
Quarter-section line

Acres Irrigated = 698

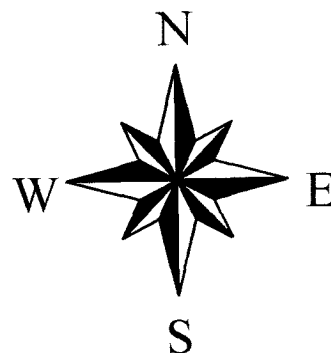


GIS Place of Use illustration
1987/1988 NAPP photography
Prepared by: E. Carlsen
Date: November 1999

3
31-00079



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	04/01/1912	IRRIGATION	04-01 11-01	1.600 CFS	
					TOTAL DIVERSION:	1.600 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													
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: 33-2057/2083

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, 33-00078, 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, 33-00078, 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, 33-00078,
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 80 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: A33-00079
Date Received: 2/24/1993
Receipt No: E018285
Received By: _____

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: APR 1, 1912

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	1.600		

7. Total Quantity Appropriated is:
1.600 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	NW	NW		IRR	40.0
			SW	NW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	80.0
					Total Acres	80.0

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:
33-2057/2083

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
_____,
Organization document in the space below as _____ of
_____,
Organization Title 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 _____

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 33-0079

Date Received

Receipt Number 6018285 6018051

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.

5-4-00

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) April 1, 1912

3. Source of water supply (a) Little Lost River

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

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

MICROFILMED

APR 15 1994



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 1.6 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.6 (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'	:	' ' ' ':	:	' ' ' ':	: 80
:	' ' ' ':	:	' ' ' ':	:	' ' ' ':	:	' ' ' ':	:
:	' ' ' ':	:	' ' ' ':	:	' ' ' ':	:	' ' ' ':	:
:	' ' ' ':	:	' ' ' ':	:	' ' ' ':	:	' ' ' ':	:
:	' ' ' ':	:	' ' ' ':	:	' ' ' ':	:	' ' ' ':	:
:	' ' ' ':	:	' ' ' ':	:	' ' ' ':	:	' ' ' ':	:
:	' ' ' ':	:	' ' ' ':	:	' ' ' ':	:	' ' ' ':	:

Total number of acres irrigated 80

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.

33-2057 and 33-2083. or None ()

14. Remarks:

MICROFILMED

APR 15 1994

Last Name SAGE WILLOW, INC. Ident. Number 33-0079

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

If applicable provide IDWR Water Right Number 33-0079
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 [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

MICROFILMED

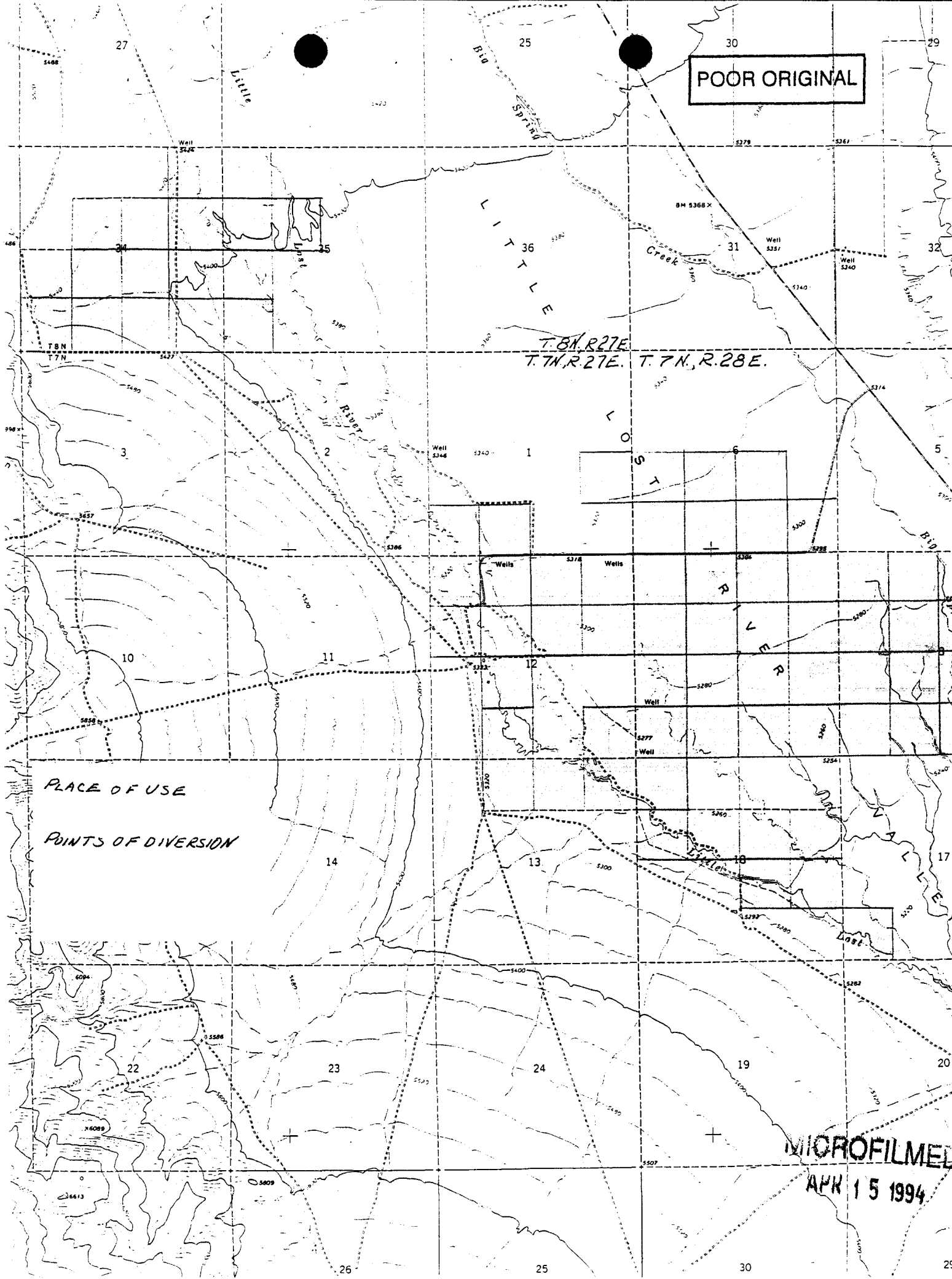
Last Name SAGE WILLOW, INC. Ident. Number 33-0079 APR 15 1994

POOR ORIGINAL

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



POOR ORIGINAL

CLAIM NO. 33-0079

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