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RECEIVED
SEP 02 2009
DEPARTMENT OF
WATER RESOURCES

Attorneys for John F. Stevenson

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

In Re SRBA

Case No. 39576

)
) **Subcase Nos. 37-2576, 37-2656,**
) **37-2681, 37-7391, 37-7645,**
) **37-7856, 37-8003 & 37-8196**
)

) **AFFIDAVIT OF PAUL L.**
) **ARRINGTON (John F. Stevenson)**
)
)

STATE OF IDAHO)
) ss.
County of Twin Falls)

I, PAUL L. ARRINGTON, being first duly sworn upon oath, deposes and hereby states
as follows:

1. I am an attorney representing John F. Stevenson. I am over the age of 18 and
state the following based upon my own personal knowledge.
2. John F. Stevenson has water right claims in the SRBA that were subject to prior
licensing and transfer proceedings before the Idaho Department of Water Resources
("Department").
3. Water Right No. 37-2576 is based on License No. G-25823, a true and correct
copy of which is attached hereto as Exhibit A. Water Right No. 37-2576 was recommended with

the same quantity as License No. G-25823. A true and correct copy of the recommendation is attached hereto as Exhibit B.

4. Water Right No. 37-2656 is based on License No. G-29666, a true and correct copy of which is attached hereto as Exhibit C. Water Right No. 37-2656 was recommended with the same quantity and period of use as License No. G-29666. A true and correct copy of the recommendation is attached hereto as Exhibit D.

5. Water Right No. 37-2681 is based on License No. G-30820, a true and correct copy of which is attached hereto as Exhibit E. Water Right No. 37-2681 was recommended with the same quantity and period of use as License No. G-30820. A true and correct copy of the recommendation is attached hereto as Exhibit F.

6. Water Right No. 37-7391 is based on a license, a true and correct copy of which is attached hereto as Exhibit G. Water Right No. 37-7391 was recommended with the same period of use the license. A true and correct copy of the recommendation is attached hereto as Exhibit H.

7. Newfoundland has also objected to the place of use for this water right, asserting that the place of use should be in "Township 1S", rather than "Township 1N". A September 29, 1992 Department memo from Jim Stanton to Sharla Curtis confirms that the place of use should be in "Township 1N" and that the license contained a clerical error. A true and correct copy of the memo, which was acquired from the Department's website (www.idwr.idaho.gov), is attached hereto as Exhibit I. The license was amended in 1992 to reflect the proper place of use in "Township 1N." Exhibit G. Water Right No. 37-7391 was recommended with the place of use in Township 1N. Exhibit H.

8. Water Right No. 37-7645 is based on a license, a true and correct copy of which is attached hereto as Exhibit J. Water Right No. 37-7645 was recommended with the same quantity and period of use as the license. A true and correct copy of the recommendation is attached hereto as Exhibit K.

9. Water Right No. 37-7856 is based on a license, a true and correct copy of which is attached hereto as Exhibit L. Water Right No. 37-7856 was recommended with the same period of use as the license. A true and correct copy of the recommendation is attached hereto as Exhibit M.

10. Water Right No. 37-8003 is based on a license, a true and correct copy of which is attached hereto as Exhibit N. Water Right No. 37-8003 was recommended with the same period of use as the license. A true and correct copy of the recommendation is attached hereto as Exhibit O.

11. Water Right No. 37-8196 is based on a license, a true and correct copy of which is attached hereto as Exhibit P. Water Right No. 37-8196 was recommended with the same quantity as the license. A true and correct copy of the recommendation is attached hereto as Exhibit Q.

Further you affiant sayeth naught.

///

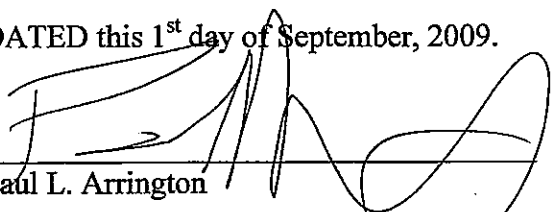
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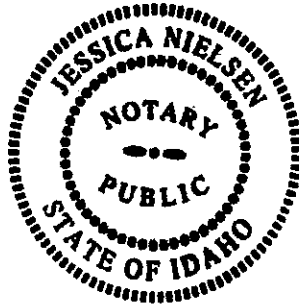
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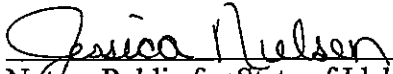
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DATED this 1st day of September, 2009.


Paul L. Arrington

SUBSCRIBED AND SWORN to before me this 1st day of September, 2009.




Notary Public for State of Idaho
Residing at Twin Falls, Idaho.

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this 1st day of September, 2009, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to each of the following:

Scott L. Campbell
Tara Martens
Dylan B. Lawrence
Andrew J. Snook
MOFFATT, THOMAS, BARRETT, ROCK & FIELDS
101 So. Capital Blvd., 10th Floor
P. O. Box 829
Boise, ID 83701

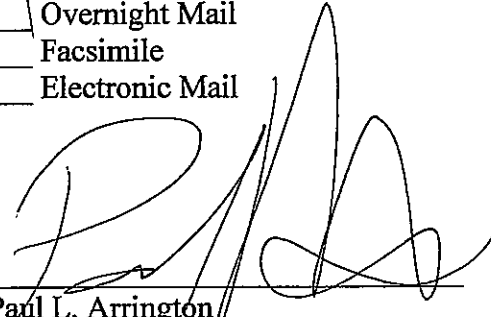
☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ Electronic Mail

Director
IDAHO DEPARTMENT OF WATER RESOURCES
322 E. Front Street, 6th Floor
P. O. Box 83720
Boise, ID 83720-00098

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ Electronic Mail

Chief, Natural Resources Division
Office of the Attorney General
STATE OF IDAHO
P. O. Box 44449
Boise, ID 83711-2530

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ Electronic Mail



Paul L. Arrington

Exhibit A

State of Idaho

License and Certificate of Water Right

Water License No. 0-25823Amount 4.69 c.f.s.

Water District No. _____

Priority July 13, 1955THIS IS TO CERTIFY that EARL W. HUTCHISON

of Cannett, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated July 13, 1955; that Permit No. 0-25823 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 4.69 second feet, was issued thereunder on October 16, 1957, showing that said works were completed on the 9th day of July, 1957; and that on the 9th day of July, 1957, EARL W. HUTCHISON

of Cannett, Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well (artesian), a tributary of subterranean, for the purpose of Irrigation, under Use Permit No. 0-25823 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 10 of Licenses at page 6126, on the 16th day of October, 1957; The right hereby confirmed dates from July 13, 1955;

The Point of Diversion is located

in the SE 1/4 NE 1/4, Sec. 18, Tp. 1 S., R. 19 E., E. M. County Blaine

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 4.69 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit.	No Acres Actually Irrigated.	
1 S.	19 E.	19	SE 1/4 SE 1/4	40	40	
			NE 1/4 NE 1/4	40	40	
		30	SE 1/4 NE 1/4	40	40	
			NW 1/4 NW 1/4	40	40	
		29	SW 1/4 NW 1/4	40	40	
			NW 1/4 SW 1/4	40	40	
			NE 1/4 SW 1/4	40	40	
			SW 1/4 SW 1/4	40	40	
		Total number of acres irrigated - -				240

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 16th day of October, 1957.

/s/ Mark E. Kulp

State Reclamation Engineer.

(SEAL)

37 2576

Exhibit B

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

RIGHT NUMBER: 37-2576

NAME AND ADDRESS: JOHN F STEVENSON
36 HILLSIDE RANCH RD
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.690 CFS
840.00 AFY

PRIORITY DATE: 07/13/1955

POINT OF
DIVERSION: T01S R19E S18 SENENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	4.690 CFS 840.00 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01S R19E S19	NENE	3.00	T01S R19E S19	SENE	26.00
T01S R19E S19	NESE	25.50	T01S R19E S19	SESE	17.50
T01S R19E S20	NWSW	2.00	T01S R19E S20	SWSW	4.00
T01S R19E S27	SWNW	24.00	T01S R19E S27	NWSW	23.00
T01S R19E S28	SWNE	14.00	T01S R19E S28	SENE	19.00
T01S R19E S28	NESE	27.00	T01S R19E S28	NWSE	8.50
T01S R19E S28	SESE	21.50	T01S R19E S29	NWNW	9.00
T01S R19E S29	SWNW	20.00	T01S R19E S29	NESW	26.00
T01S R19E S29	NWSW	38.50	T01S R19E S29	NWSE	6.50
T01S R19E S33	NENE	2.00			

317 ACRES TOTAL

This right is limited to the irrigation of 240 acres within the place of use described above in a single irrigation season.

Right Nos. 37-2576, 37-2681 and 37-7644 are limited to the irrigation of a combined total of 317 acres in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 382 acres in a single irrigation season. Combined Right Nos.: 37-118, 37-2576, 37-2681, and 37-7644.

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

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this 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.

If the surface water right appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Exhibit C

WATER LICENSE

Water License No. G-29666/37-2656 Priority April 27, 1961 Amount 3.02 c.f.s.

THIS IS TO CERTIFY, that Arne Friestad - Assignee - Frank G. and Patricia R. Pierret
of Bellevue, Idaho, made application for a permit to appropriate the public waters of
the State of Idaho, dated April 27, 1961; that Permit G-29666/37-2656 was issued pursuant
to said application; that the proposed works were completed on or about March 31, 1966
with a storage/or carrying capacity of 4.17 c.f.s., said works consisting of well, pump,
and concrete diversion box; and that on March 31, 1966
proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 453
acre feet per season, with a maximum rate of diversion of 3.02 cubic feet per second of the waters
of ground-water, tributary of _____,
for the purpose of Irrigation from April 1 to October 31;
and for _____ from _____ to _____; and for
_____ from _____ to _____; and that the use
of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
located in SW 1/4 SW 1/4, Sec. 19, T. 1 N, R. 19 E, B.M., and
other additional points _____, in the County of
Blaine; and that the amount of water to which such right is
entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
used for said purposes and shall not exceed 453 acre feet per year.

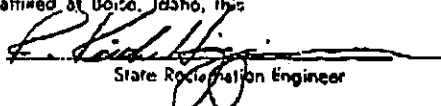
Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1 N	18 E	24																36	36
1 N	19 E	19											30						39
		30					30	37											76

Total number of acres irrigated 151

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

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

40 day of November, 19 69.

State Reclamation Engineer

37 2656

29666
37-2656

Exhibit D

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

RIGHT NUMBER: 37-2656

NAME AND ADDRESS: JOHN F STEVENSON
36 HILLSIDE RANCH RD
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.020 CFS
453.00 AFY

The rights listed below are limited to a total combined diversion rate of 11.96 cfs. Combined Right Nos.: 37-2656, 37-7645, 37-7658B, and 37-7856.

PRIORITY DATE: 04/27/1961

POINT OF
DIVERSION: T01N R19E S19 NESWSW Lot 4 Within BLAINE County
T01N R19E S19 SWSESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	3.020 CFS 453.00 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01N R19E S19 Lot 4 SWSW	40.00	T01N R19E S19	SESW	40.00
T01N R19E S30	NENW	40.00	T01N R19E S30 Lot 1 NWNW	39.00

159 ACRES TOTAL

This right is limited to the irrigation of 151 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 1171 acres in a single irrigation season. Combined Right Nos.: 37-115G, 37-117, 37-158D, 37-418C, 37-419C, 37-501D, 37-577AP, 37-597A, 37-664B, 37-665I, 37-666G, 37-666H, 37-667L, 37-667M, 37-886D, 37-2656, 37-7645, 37-7658B, and 37-7856.

Right Nos. 37-418C, 37-419C and 37-2656 are limited to the irrigation of a combined total of 159 acres in a single irrigation season.

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

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

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 - License

Exhibit E

WATER LICENSE

Water License No. G-30820 Priority December 8, 1961 Amount 4.5 c.f.s.
(late proof)

THIS IS TO CERTIFY, that Earl Hutchison - Assignee - FRANK PIERRET

of Hailey, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated August 18, 1961, that Permit G-30820 was issued pursuant to said application; that the proposed works were completed on or about August 1961 with a storage/or carrying capacity of 3.36 c.f.s., said works consisting of well and earth ditches; and that on March 12, 1968

proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 693 acre feet per season, with a maximum rate of diversion of 4.5 cubic feet per second of the waters of ground water, tributary of

for the purpose of irrigation from April 1 to October 31 and for from to ; and for from to ; and that the use

of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is located in NE 1/4 NW 1/4, Sec. 20, T. 1 S., R. 19 E., B.M., and other additional points , in the County of Blairstown

and that the amount of water to which such right is entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes and shall not exceed 693 acre feet per year.

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SE 1/4				SW 1/4				TOTALS
			NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	
1 S	19 E	20					13	8	36	10	24	28		27			24		170
		29		34			27												51

Total number of acres irrigated 231

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

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

15th day of May, 1969.

[Signature]
State Reclamation Engineer

37-2681-30820

Exhibit F

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

RIGHT NUMBER: 37-2681

NAME AND ADDRESS: JOHN F STEVENSON
36 HILLSIDE RANCH RD
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.500 CFS
693.00 AFY

PRIORITY DATE: 12/08/1961

POINT OF
DIVERSION: T01S R19E S20 NWNENW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	4.500 CFS 693.00 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01S R19E S19	NENE	3.00	T01S R19E S19	SENE	26.00
T01S R19E S19	NESE	25.50	T01S R19E S19	SESE	17.50
T01S R19E S20	NWSW	2.00	T01S R19E S20	SWSW	4.00
T01S R19E S27	SWNW	24.00	T01S R19E S27	NWSW	23.00
T01S R19E S28	SWNE	14.00	T01S R19E S28	SENE	19.00
T01S R19E S28	NESE	27.00	T01S R19E S28	NWSE	8.50
T01S R19E S28	SESE	21.50	T01S R19E S29	NWNW	9.00
T01S R19E S29	SWNW	20.00	T01S R19E S29	NESW	26.00
T01S R19E S29	NWSW	38.50	T01S R19E S29	NWSE	6.50
T01S R19E S33	NENE	2.00			

317 ACRES TOTAL

Right Nos. 37-2576, 37-2681, and 37-7644 are limited to the irrigation of a combined total of 317 acres in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 382 acres in a single irrigation season. Combined Right Nos.: 37-118, 37-2576, 37-2681, and 37-7644.

This right is limited to the irrigation of 231 acres within the place of use described above in a single irrigation season.

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

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

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

If the surface water right appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Exhibit G

State of Idaho
Department of Water Resources

AMENDED

WATER RIGHT LICENSE

AMENDED

WATER RIGHT NO. 37-07391

Priority: October 28, 1974

Maximum Diversion Rate:

3.00 CFS

Maximum Diversion Volume:

456.0 AF

This is to certify, that JOHN FELL STEVENSON
36 HILLSIDE RANCH RD.
GANNETT ID 83313

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 10, 1974; and has submitted Proof of Beneficial Use on October 21, 1981. An examination indicates that the works have a diversion capacity of 3.520 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	3.00 CFS	456.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NENE, Sec. 30, Township 01N, Range 19E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	19E	30	NENE 38	NENE 38	SWNE 38	152
			SENE 38			

Total number of acres irrigated: 152

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 16TH day of OCTOBER, 1992.

RECEIVED

Acting for R. Keith Higginson, Director

OCT 26 1992

Exhibit H

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

RIGHT NUMBER: 37-7391

NAME AND ADDRESS: JOHN F STEVENSON
36 HILLSIDE RANCH RD
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.000 CFS
456.00 AFY

This right when combined with 37-8196 and 37-8117, from the same point of diversion, is limited to a total combined diversion rate of 4.9 cfs.

PRIORITY DATE: 10/28/1974

POINT OF
DIVERSION: T01N R19E S30 NENENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	3.000 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R19E S30	NENE	38.00	T01N R19E S30	NWNE	38.00
T01N R19E S30	SWNE	38.00	T01N R19E S30	SENE	38.00

152 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Exhibit I

ACTION REQUIRED

FROM: Jim Stanton

TO: Shirley Curtis 2-24-1993

SUBJECT: Licensing Error, 37-07392

It has come to my attention that the P/D is incorrect on this license. It should be in Twp. 1 North, not Twp. 1 South. The P/D is correct as licensed. The error occurred during licensing, as the legale is correct in the field exam. The error was found as part of the exams for two additional permits served by this well.

Also, a flow of 3.04 cfs was recommended (1"/acre for 152 ac.), but only 3.0 cfs was licensed. Measured capacity is more than this.

Based on incorrect license, SRRA claim is also incorrect.

MICROFILMED
FEB 24 1993

Exhibit J

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07645

Priority: August 8, 1977

Maximum Diversion Rate:
Maximum Diversion Volume:¹

3.00 CFS
474.0 AF

This is to certify, that JOHN STEVENSON
36 HILLSIDE RANCH RD.
GANNETT, ID 83313

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 21, 1977; and has submitted Proof of Beneficial Use on August 18, 1982. An examination indicates that the works have a diversion capacity of 11.960 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	3.00 CFS	474.0 AF

LOCATION OF POINT(S) OF DIVERSION: LOT 4(SWSW), Sec. 19, Township 01N, Range 19E
SESW, Sec. 19, Township 01N, Range 19E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N 19E 30	NESW 40 SESW 40	LOT 3(NWSW) 39	LOT 4(SWSW) 39	158
Total number of acres irrigated:				158

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.
6. The maximum combined rate of diversion under this right & Rights 37-2656, 37-7658B & 37-7856 shall not exceed 11.96 cfs.

MICROFILMED

AUG 21 1989

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07645

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 2ND
day of AUGUST, 1989.

Acting for

R. Keith Higginson, Director



MICROFILMED

AUG 21 1989

Exhibit K

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

RIGHT NUMBER: 37-7645

NAME AND ADDRESS: JOHN F STEVENSON
36 HILLSIDE RANCH RD
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.000 CFS
474.00 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.

The rights listed below are limited to a total combined diversion rate of 11.96 cfs. Combined Right Nos.: 37-2656, 37-7645, 37-7658B, and 37-7856.

PRIORITY DATE: 08/08/1977

POINT OF
DIVERSION: T01N R19E S19 NESWSW Lot 4 Within BLAINE County
T01N R19E S19 SWSESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	3.000 CFS 474.00 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01N R19E S30	NESW	40.00	T01N R19E S30 Lot 3 NWSW	39.00
T01N R19E S30 Lot 4 SWSW		39.00	T01N R19E S30	SESW 40.00

158 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 1171 acres in a single irrigation season. Combined Right Nos.: 37-115G, 37-117, 37-158D, 37-418C, 37-419C, 37-501D, 37-577AP, 37-597A, 37-664B, 37-665I, 37-666G, 37-666H, 37-667L, 37-667M, 37-886D, 37-2656, 37-7645, 37-7658B, and 37-7856.

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

If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this 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 - License

Exhibit L

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07856

Priority: October 18, 1980 Maximum Diversion Rate: 1.58 CFS
Maximum Diversion Volume:¹ 237.0 AF

This is to certify, that JOHN STEVENSON

RT. 1 BOX 310

BELLEVUE, ID 833130000

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 30, 1980; and has submitted Proof of Beneficial Use on May 16, 1985. An examination indicates that the works have a diversion capacity of 11.960 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	1.58 CFS	237.0 AF

LOCATION OF POINT(S) OF DIVERSION: LOT 4(SWSW), Sec. 19, Township 01N, Range 19E
SESW, Sec. 19, Township 01N, Range 19E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	19E	30	LOT 2(SWNW) 39	SESW 40		79
Total number of acres irrigated:						79

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The right to use water confirmed by this license is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.
6. The maximum combined rate of diversion under this right Right Nos. 37-2656, 37-7645 & 37-76588 shall not exceed 11.96 cfs.

MICROFILMED

AUG 21 1989

PAGE 2

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07856

This license is issued pursuant to the provisions of Section 42-219, Idaho Code,
Witness the seal and signature of the Director, affixed at Boise, this 25TH
day of July, 1987.

Acting for

R. Keith Higginson, Director

MICROFILMED

AUG 21 1987

Exhibit M

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

RIGHT NUMBER: 37-7856

NAME AND ADDRESS: JOHN F STEVENSON
36 HILLSIDE RANCH RD
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.580 CFS
237.00 AFY

The rights listed below are limited to a total combined diversion rate of 11.96 cfs. Combined Right Nos.: 37-2656, 37-7645, 37-7658B, and 37-7856.

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.

PRIORITY DATE: 10/18/1980

POINT OF
DIVERSION: T01N R19E S19 NESWSW Lot 4 Within BLAINE County
T01N R19E S19 SWSSEW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	1.580 CFS 237.00 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01N R19E S30 Lot 2 SWNW	39.00	T01N R19E S30	SENW	40.00
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79 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 1171 acres in a single irrigation season. Combined Right Nos.: 37-115G, 37-117, 37-158D, 37-418C, 37-419C, 37-501D, 37-577AP, 37-597A, 37-664B, 37-665I, 37-666G, 37-666H, 37-667L, 37-667M, 37-886D, 37-2656, 37-7645, 37-7658B, and 37-7856.

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

If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

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.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Exhibit N

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08003

Priority: May 1, 1982

Maximum Diversion Rate: 2.68 CFS
Maximum Diversion Volume: 402.0 AF

This is to certify, that MARC H. MONHEIMER
36 HILLSIDE RANCH RD.
BELLEVUE, ID 83313

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 26, 1982; and has submitted Proof of Beneficial Use on June 4, 1987. An examination indicates that the works have a diversion capacity of 3.790 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	2.68 CFS	402.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SE1/4, Sec. 19, Township 01N, Range 19E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	19E	19	SWNE 33	SENE 33	NESE 34	134
			NWSE 34			

Total number of acres irrigated: 134

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.
6. The maximum combined rate of diversion under this right Right 37-7020 shall not exceed 3.79 cfs.

MICROFILMED

NOV 20 1989

PAGE 2

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 37-08003

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 31st
day of October, 1989.

R. Keith Hoggins for
R. Keith Hoggins, Director

MICROFILMED

NOV 20 1989

Exhibit O

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

RIGHT NUMBER: 37-8003

NAME AND ADDRESS: ANDREA S WARD
4200 SW TORR LANE
PORTLAND OR 97221

JOHN F STEVENSON JR
369 MONTEZUMA AVE #152
SANTA FE NM 87501

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.680 CFS
402.00 AFY

Right Nos. 37-7020 and 37-8003 are limited to a total combined diversion rate of 3.79 cfs.

PRIORITY DATE: 05/01/1982

POINT OF
DIVERSION: T01N R19E S19 SESENW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	2.680 CFS 402.00 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01N R19E S19	SWNE	33.00	T01N R19E S19	SENE	33.00
T01N R19E S19	NESE	34.00	T01N R19E S19	NWSE	34.00

134 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Exhibit P

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08196

Priority: October 29, 1984

Maximum Diversion Rate:

1.83 CFS

This is to certify, that J F STEVENSON
36 HILLSIDE RANCH RD
BELLEVUE ID 83313

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 29, 1984; and has submitted Proof of Beneficial Use on September 13, 1990. An examination indicates that the works have a diversion capacity of 4.900 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	15 to 10/15	1.83 CFS	

LOCATION OF POINT(S) OF DIVERSION NENE, Sec. 30, Township 01N, Range 19E
BLAINE County

<u>PLACE OF USE</u>	<u>IRRIGATION</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
<u>TWN RGE SEC</u>					
01N 19E 30	NENE	38	NENE	38	152
	SESE	38			

number of acres irrigated: 152

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
2. This right is subject to all other water rights and may be forfeited by five years of non-use.
3. Modifications to or variations from this license may be made within the limits of applicable Idaho law.
4. The right holder shall maintain all appurtenant surface water rights, to the extent practicable, in conjunction with groundwater diverted pursuant to this right.
5. This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.
6. This right uses the same well as Rights 37-07391 and 37-08117 and when combined with those rights shall not exceed a diversion rate of 4.9 cfs.
7. This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 532.0 af for the lands above.

APR 25 1995

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08196

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 14TH
day of APRIL, 1995.

Acting for


R. Keith Higginson, Director



APR 25 1995

Exhibit Q

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

RIGHT NUMBER: 37-8196

NAME AND ADDRESS: JOHN F STEVENSON
36 HILLSIDE RANCH RD
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.830 CFS
532.00 AFY

This right when combined with 37-7391 and 37-8117, from the same point of diversion, is limited to a total combined diversion rate of 4.9 cfs.

PRIORITY DATE: 10/29/1984

POINT OF
DIVERSION: T01N R19E S30 NENENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	1.830 CFS 532.00 AFY

The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in BLAINE County

T01N R19E S30	NESE	38.00	T01N R19E S30	NWSE	38.00
T01N R19E S30	SWSE	38.00	T01N R19E S30	SESE	38.00

152 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 152 acres in a single irrigation season. Combined Right Nos.: 37-833F and 37-8196.

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.

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License