

sites for a domestic water supply for the ranch house; and (2) investigation of water rights appurtenant to and/or associated with the Boar's Nest property.

2. My colleague at SPF, Terry Scanlan, made a site visit to the Boar's Nest ranch property on August 17, 2009 to evaluate water supply, hydrology, and geology at the site. Attached hereto as Exhibit A is a true and correct copy of the Technical Memorandum, dated September 18, 2009 ("Report"), that Mr. Scanlan submitted detailing the findings of his site visit.

3. My investigation revealed that water right number 78-4084 originated as a claim to a water right filed by John H. Carrey on May 3, 1977 pursuant to Idaho Code Section 42-225a. All or portions of this right were subsequently claimed in the Snake River Basin Adjudication ("SRBA") by both John H. Carrey on June 2, 1988 (numbered A78-04084A), and by AC Ranches, Inc. on July 26, 1988 (numbered A78-04084B and A78-4084C).

4. These claims to water right numbers 78-04084A, 78-04084B, and 78-4084C ("Boar's Nest Water Rights") identify springs that were claimed for use on the Boar's Nest property at T23N, R1E, Section 8 (NWNE, SENE, SENW & NWSW). The claims were recommended by IDWR in three parts including 78-4084A to John H Carrey, and 78-4084B and 78-4084C to AC Ranches Inc. All three of the claims to a water right were disallowed by the SRBA court's order dated May 19, 2008.

5. On August 12, 2009, I contacted Ken Knoblock with IDWR's Northern Region office. It is my understanding, based on our conversation, that Mr. Knoblock was responsible for preparing the recommendations for the Boar's Nest ranch claims to the SRBA court. Mr. Knoblock indicated that during his investigation, he had searched IDWR's records of Idaho County property ownership and was unable to identify parcels owned by the either of the claimants John H. Carrey or AC Ranches Inc. Mr. Knoblock also stated that in November 2005,

he sent correspondence to the claimants John Carrey and AC Ranches. Pearl Carrey responded, indicating that her husband, John, had passed away and that she no longer owned the property. No reply was received from AC Ranches. Mr. Knoblock did not perform an on-site investigation of the claim. Mr. Knoblock ultimately recommended the rights be disallowed.

6. During my conversation with Mr. Knoblock, I requested copies of the adjudication file for each of the Boar's Nest Water Rights. Attached hereto as Exhibit B, C, and D are true and correct copies of the adjudication files for water right nos. 78-4084A, 78-4084B, and 78-4084C, respectively, that Mr. Knoblock shared with me in digital format on August 13, 2009.

7. Based on my conversation with Mr. Knoblock, it is my understanding that he recommended that the claims to the Boars Nest Water Rights be disallowed for the following reasons: (a) Mrs. Carrey responded stating that she no longer held any ownership interest in the property; (b) AC Ranches did not respond to inquiring correspondence; (c) if the property had been conveyed to another owner, the new owners did not timely submit notice of ownership change; and (d) Mr. Knoblock could not match IDWR's current tax lot ownership data to either of the claimants.

8. After my telephone conversation with Ken Knoblock, I contacted Mr. Carter Fritchle, a Technical Section Manager with the Adjudication Bureau at IDWR's state office. Mr. Fritchle stated that he was familiar with these claims and that he had assisted at least one of the claimants with their initial claims filing. I explained to Mr. Fritchle that I was assisting the current property owner. I also explained my conversation with Mr. Knoblock and his stated reasoning for recommending claims to the Boars Nest Water Rights disallowed. Mr. Fritchle stated that it was not standard practice for IDWR to disallow a claim due to failure of a

claimant to reply to correspondence, or due to an inability to identify the current owner, without first conducting an on-site investigation and verifying that the claim should be disallowed for reasonable cause, which could include verifying that there was no beneficial use found. Mr. Fritchle advised that the claimant could consider filing a motion with the SRBA court to set aside the partial decree disallowing the claims.

Further your affiant sayeth naught.

Scott King
Scott King

SUBSCRIBED AND SWORN to before me this 5 day of October, 2009.



Lori Graves
NOTARY PUBLIC FOR IDAHO
Residing at Boise
My Commission Expires 5/6/2015

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5 day of October, 2009, I caused a true and correct copy of the foregoing **AFFIDAVIT OF SCOTT KING** to be served by the method indicated below, and addressed to the following:

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EXHIBIT A

TO AFFIDAVIT OF SCOTT KING IN SUPPORT OF RULE
60(b) MOTION FOR RELIEF FROM JUDGMENT



RECEIVED

SEP 22 2009

MOFFATT, THOMAS, BARRETT,
ROCK & FIELDS, CHTD.

TECHNICAL MEMORANDUM

DATE: September 18, 2009
TO: Scott King, P.E.
FROM: Terry Scanlan, P.E., P.G.
RE: Boar's Nest Ranch Site Investigation – August 17, 2009

JOB NO.: 814.0010

This memo describes my site visit to the Boar's Nest Ranch near Riggins on August 17, 2009. The purpose of my site visit was to (1) observe water supply, hydrology, and geology at the property, and to (2) evaluate potential sites for a domestic water supply well for the ranch house.

I arrived on site in the mid afternoon and met with Dave Bicandi, the current tenant of the property. Mr Bicandi has apparently been associated with the property for several years. He and I toured the portion of the ranch between the ranch house and the Boar's Nest cabin. Mr. Bicandi identified the location of various springs and water troughs.

Geology

Much of the Boar's Nest property in the vicinity of the ranch house and cabin is located on a landslide that appears to cover more than 100 acres. The slide begins in the vicinity of the cabin, and extends downslope to Pollack Road. The slide is largely inactive, but nonetheless obscures the underlying bedrock geology. Bedrock geology outside of the slide area consists primarily of metamorphic rock types. Metamorphic rock likely underlies the slide at depth.

Recommended Domestic Water Supply Well Site

Given that the property is located on a landslide, it is difficult to site a well in the vicinity of the ranch house based on geologic criteria. Although there is ground discharge at the identified springs, the presence of water-bearing materials at depth below the spring sites is not necessarily anticipated. Instead, the springs are likely fed by shallow-angle water-bearing zones within the landslide. For example, drilling on the slope above a spring might locate some water near or above the elevation of the spring, but deeper drilling at a spring is not anticipated to be any more successful than at other locations.

Deeper drilling within the landslide would target any water-bearing zones within or at the base of the slide, or fractures within the bedrock beneath the slide. The base of the slide is likely 300 feet or more below the ranch house. Casing will be required for drilling through the unconsolidated material within the landslide.

Outside of geologic considerations, a domestic well should be located where convenient for supply of the house in terms of equipment access, power, and protection from vehicle traffic and livestock. Such a site would need to be located at a minimum 100 feet from the septic system. The septic system is reportedly located on the south and east sides of the home. Therefore, a drill site on the north or west side of the ranch house is recommended.

Based on geologic and other considerations, two potential drill sites should be considered.

- The first site drill site would be located in the yard on the west or north side of the house, 100 feet or more from the septic system. This location would minimize the amount of piping necessary to reach the house. The pipe from the well could connect to the existing pipe from the spring pump.
- The second site drill site would be on the slope above Spring 1, approximately 250 feet north of the ranch house. At this location, the driller should first attempt to develop any shallow groundwater found near or above the elevation of the spring. If insufficient groundwater is available at that elevation, the well casing and borehole should be advanced to explore for water in deeper zones. This location is farther from the ranch house and will require more buried pipe and electrical cable than the site adjacent to the ranch house

Description of Springs Used for Water Supply

For purposes of this memo, the springs are identified as Springs 1 through 7, with locations for springs and associated water troughs, cisterns, or other features shown on Figure 1. Note that Spring No. 4 was not found in the field, although the associated stockwater tank was located. Springs are described in the following paragraph.

Spring 1. Spring 1 is located approximately 300 feet northeast of the ranch house. The actual spring, if visible at the surface, is obscured by an impenetrable thicket of blackberry. According to Bicandi, the spring is developed with water piped to a storage tank for the ranch house and storage tanks for an adjacent property owned by Jimmy Yates. The springs are reported to be above the Yates tanks. Water from the Yates tanks is delivered to Yates by gravity flow. Water from the Boar's Nest tank is pumped to the ranch house. Figures 2 through 4 are photos of the spring area and tanks. The Yates tanks are concrete and are above-ground. The Boar's Nest tank is mostly buried, and appears to be plastic.

Spring 1 is the source of domestic water for the ranch house. Bicandi noted that flow from the spring was adequate for domestic purposes, but inadequate for landscape irrigation during mid summer.

Spring 2. Spring 2 is located approximately 250 west-southwest of the ranch house. The spring is used for stockwater purposes. There is a concrete trough at the spring, and water is piped from the spring to stock tanks at the barn and corral (Figures 5, 6, and 7).

Spring 3. Spring 3 is located approximately 1200 feet north-northwest of the ranch house. The spring is developed with a wooden enclosure, with water piped to two stock tanks located east of the spring (Figures 8, 9, and 10). Use of the water is for stockwater purposes.

Spring 4. Spring 4 feeds a stockwater tank (Figure 11) located approximately 800 feet northwest of the ranch house. The tank was empty at the time of the site visit, and spring 4 could not be located in the field. Bicandi said that he thought that the spring was located far up the hill from the tank, but I could not confirm a location.

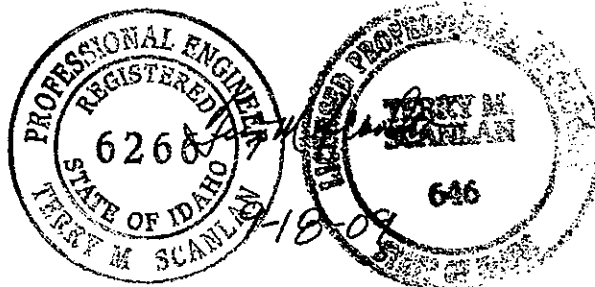
Spring 5. Spring 5 is located along the road between the ranch house and the cabin. The spring is developed with a concrete stock tank (Figure 12). Piping from the spring supplies a covered storage tank (Figures 13 and 14) located approximately 150 feet east of the spring. The storage tank was the former supply for the ranch house, but is not currently in use. According to Mr. Bicandi, use of this storage tank was apparently discontinued when the supply for the ranch house was switched to Spring 1. Therefore, all use from Spring 5 is currently for stockwater purposes. The site is shown as a spring on the USGS topographic map.

Spring 6. Spring 6 (Figure 15) is located above the Boar's Nest cabin. The spring apparently supplies domestic water for the cabin and stockwater for use at two stock tanks (Figure 16) located approximately 100 feet northwest of the cabin. The site is shown as a spring on the USGS topographic map.

Spring 7. A stockwater tank located east of the cabin is either supplied from Spring 6 or from a potential spring located south of the tank (Figure 17). The possible spring area is fenced and rocked, but I could not tell if it was a developed spring or a former root cellar. The site is shown as a spring on the USGS topographic map.

Apparent Age of Spring Infrastructure. Based on visual appearance, the facilities associated with Springs 2 through 7 all appear to have been in use for many years. There is a very high likelihood that these springs were being utilized for stockwater and domestic purposes long before the start of the Snake River Basin Adjudication in 1987.

The age of the tank utilized for ranch house water supply at Spring 1 was not determined. It is possible that the current buried tank replaced a previous buried tank or water trough at that location. Wood fencing within the spring area looked very old, so that it is likely that the spring was developed for some type of use before 1987.



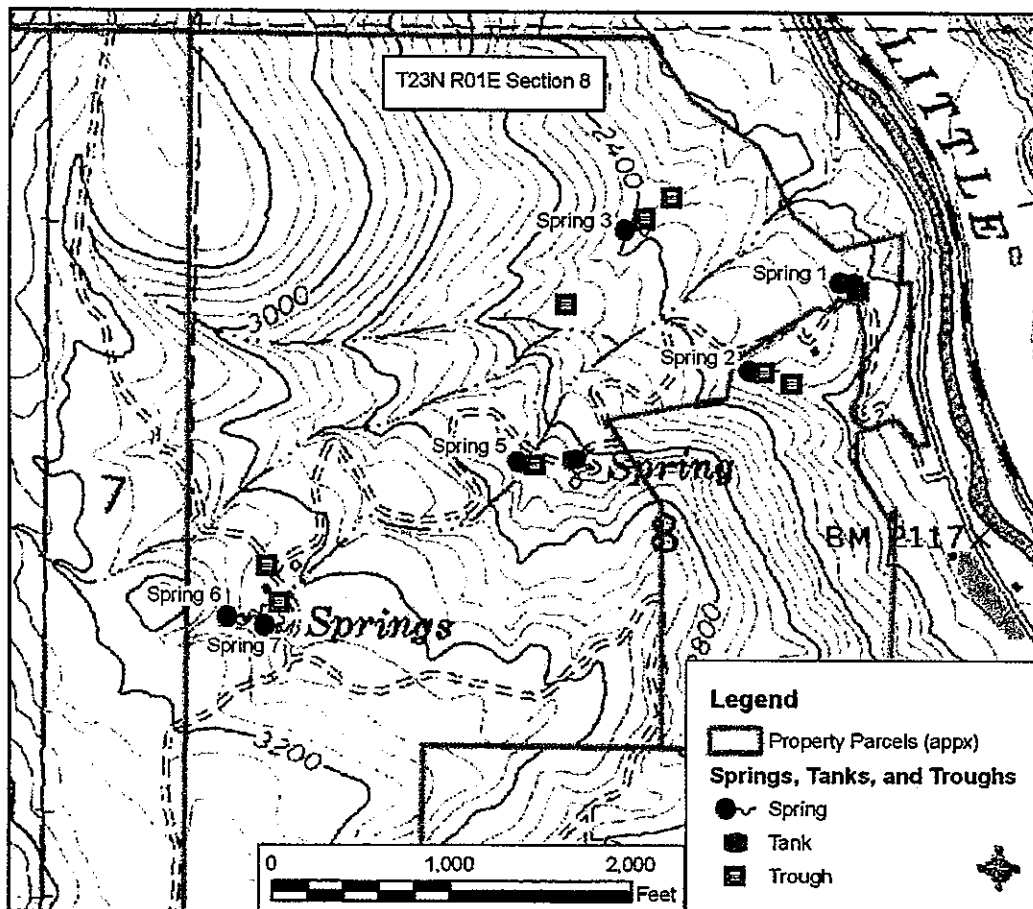


Figure 1 – Site Map

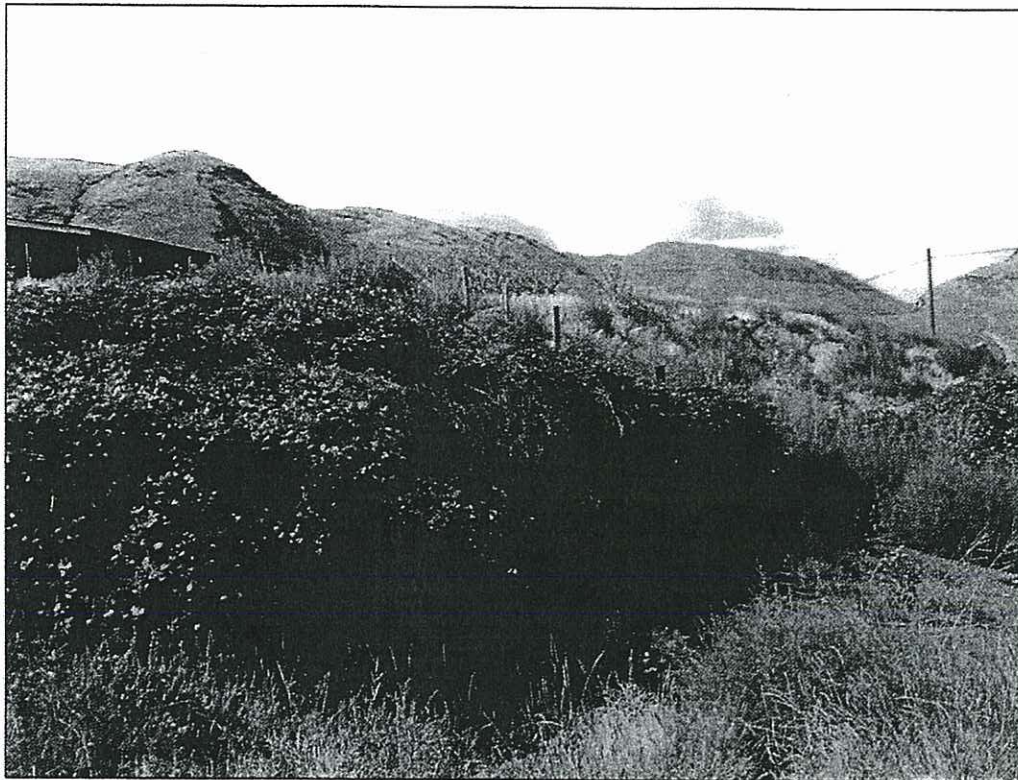


Figure 2 - Spring 1 area

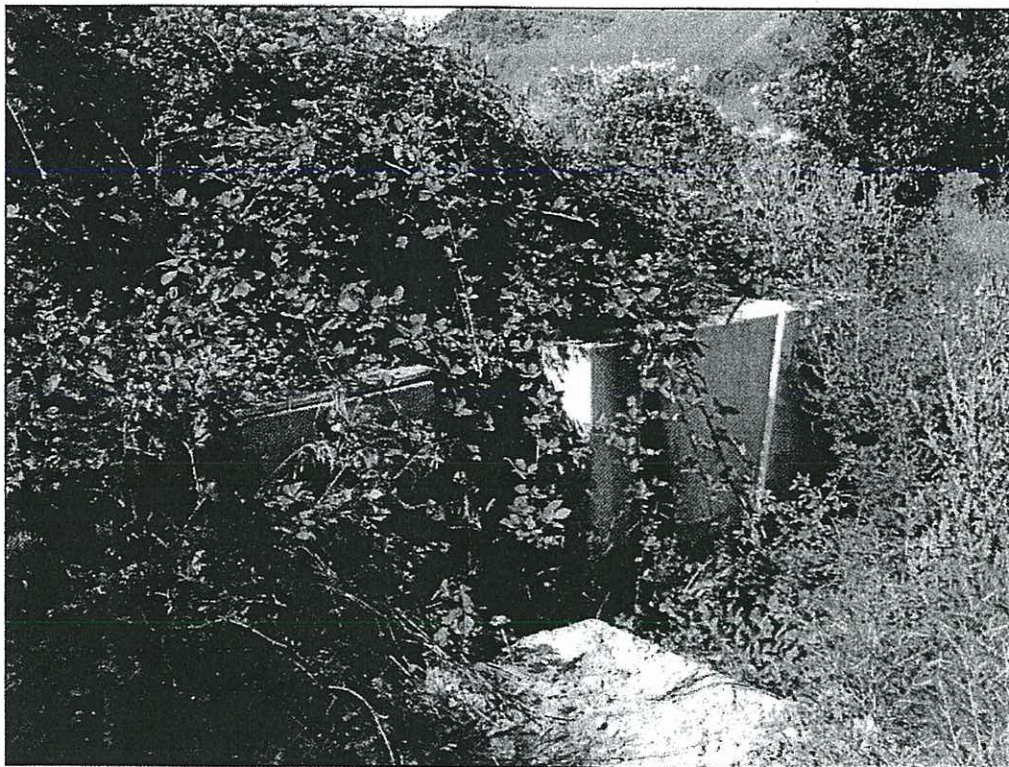


Figure 3 – Spring 1 storage tanks for Yates



Figure 4 - Top of Spring 1 storage tank for Boar's Nest ranch house

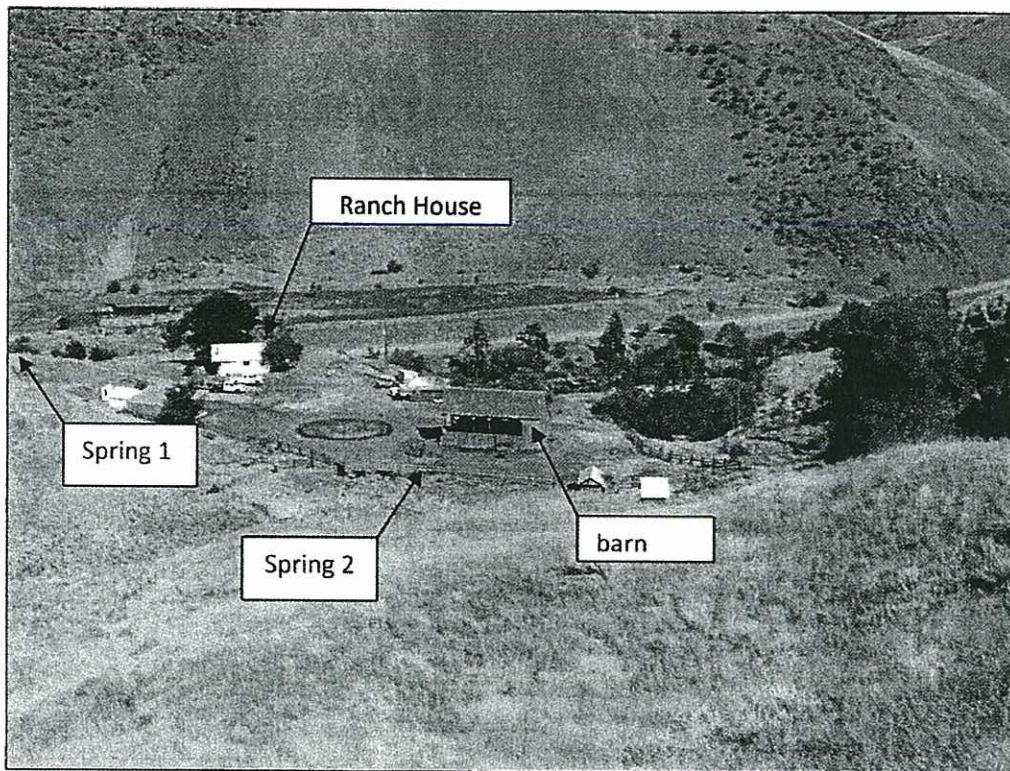


Figure 5 – Ranch house and Spring 2 area

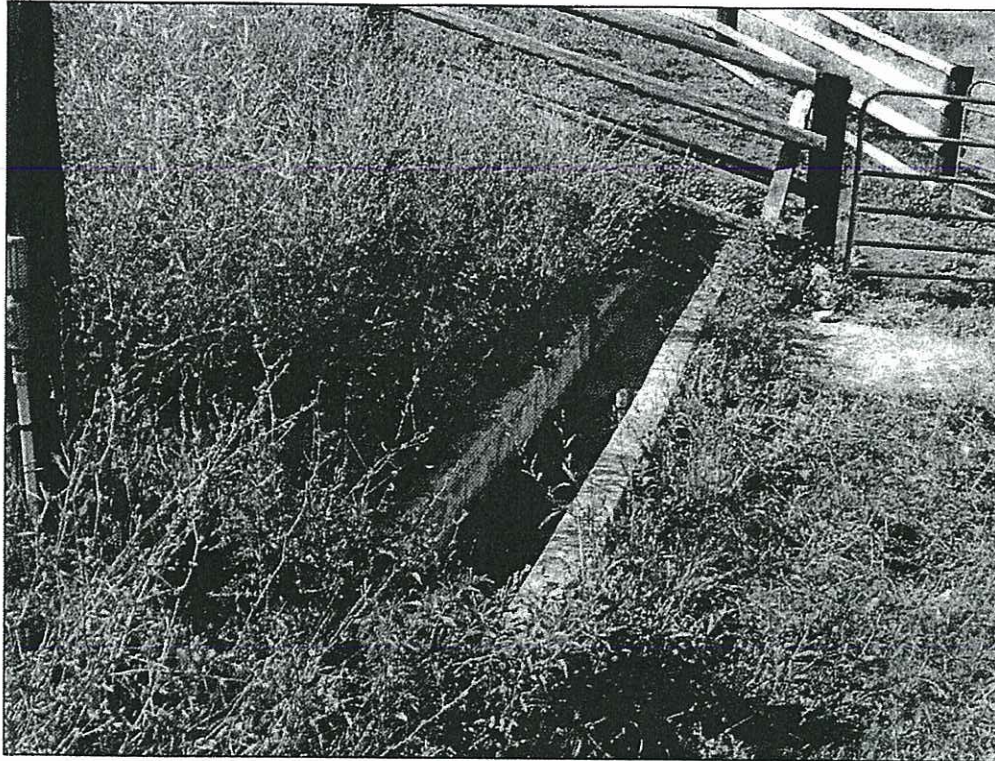


Figure 6 – Concrete stockwater trough at Spring 2



Figure 7 – Spring 2 stock tank at corrals



Figure 8 -- Spring 3

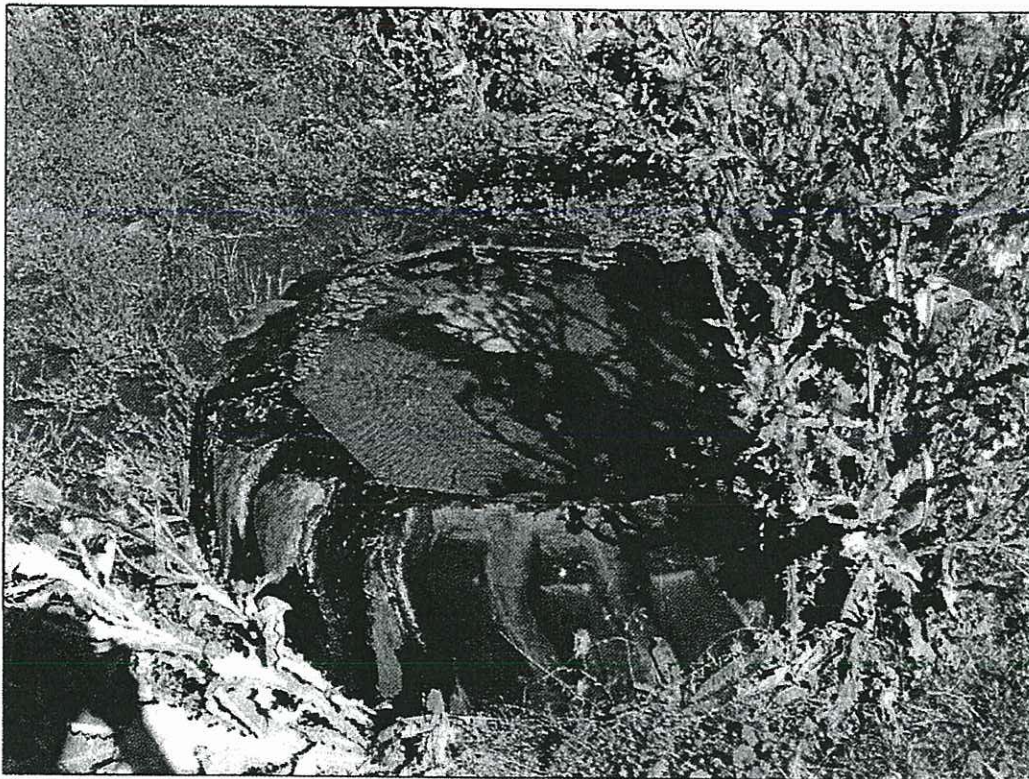


Figure 9 - Spring 3 upper stock tank

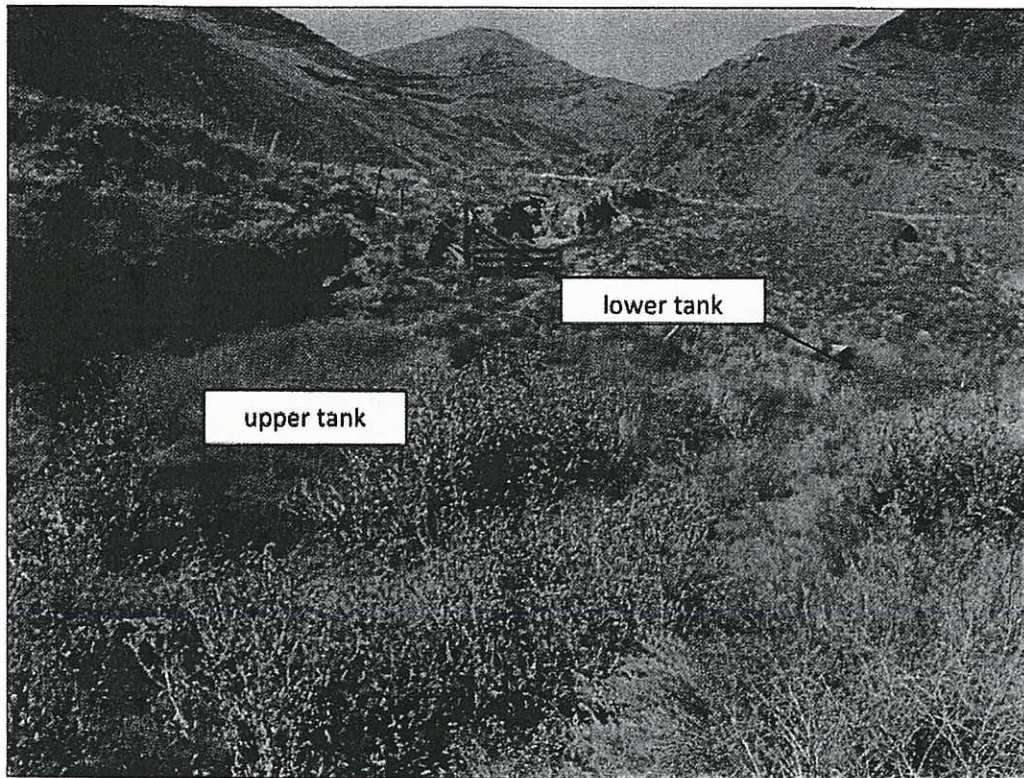


Figure 10 – Spring 3 stock tanks

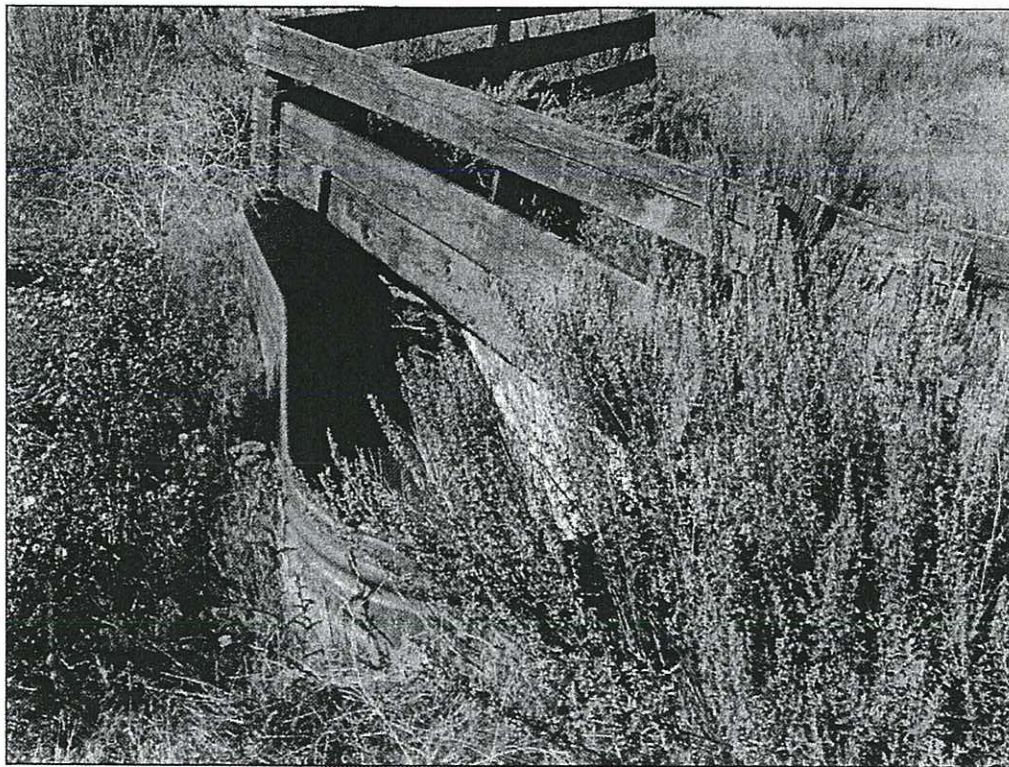


Figure 11 – Spring 4 tank

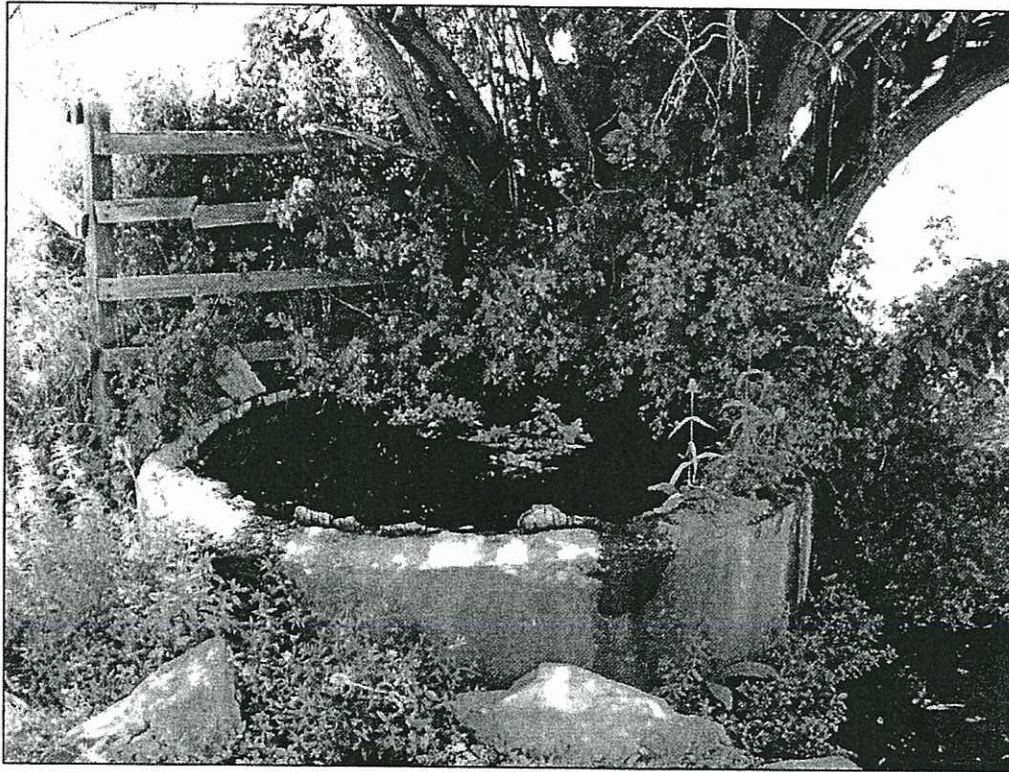


Figure 12 – Spring 5

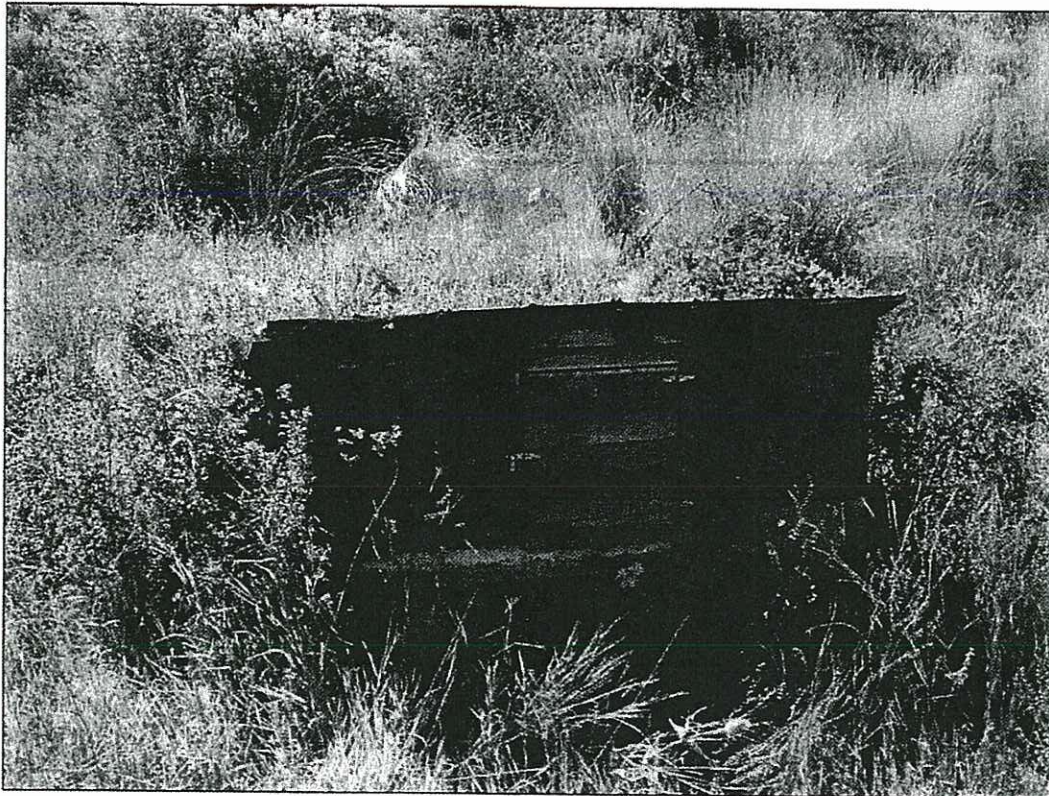


Figure 13 – Spring 5 storage tank

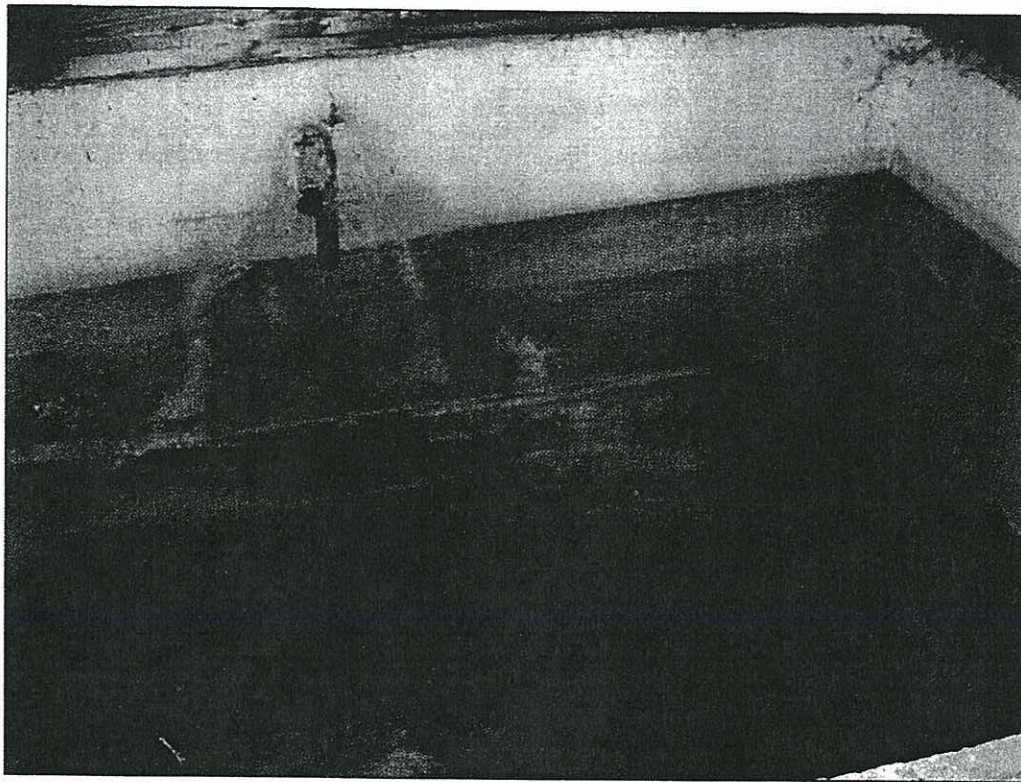


Figure 14 – Spring 5 storage tank interior



Figure 15 – Spring 6

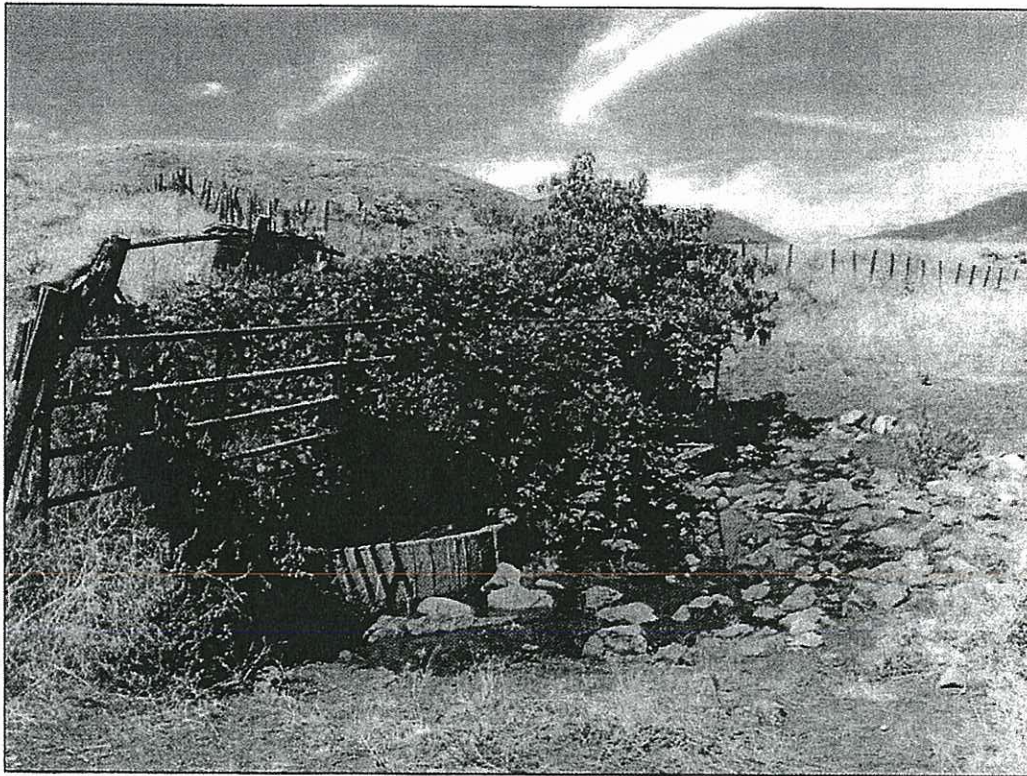


Figure 16 – Spring 6 stock tanks

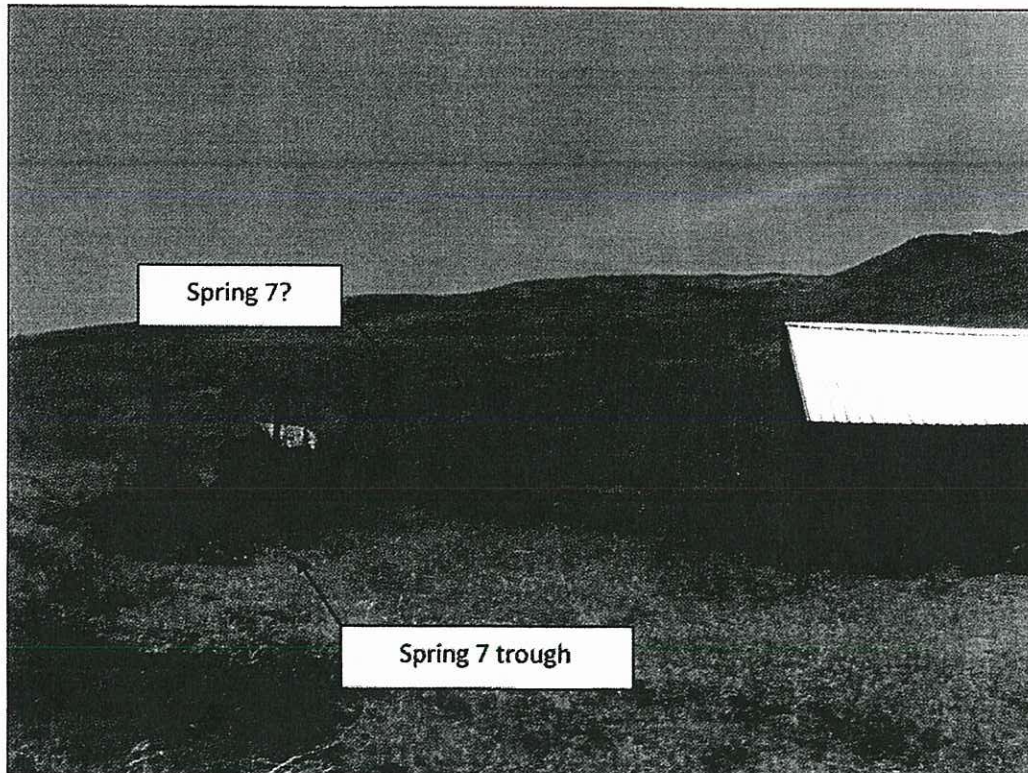


Figure 17 – Spring 7 (?) and stock tank

EXHIBIT B

TO AFFIDAVIT OF SCOTT KING IN SUPPORT OF RULE
60(b) MOTION FOR RELIEF FROM JUDGMENT

12/14/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 78-4084A
NAME AND ADDRESS: JOHN H CARREY
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RIGGINS ID 83549
SOURCE: SPRINGS TRIBUTARY: SALMON RIVER
QUANTITY: 0.140 CFS
PRIORITY DATE: 06/01/1900
POINT OF DIVERSION:

T23N R01E S8 NWNE Within IDAHO County
T23N R01E S8 SWNE Within IDAHO County
T23N R01E S8 SENW Within IDAHO County
T23N R01E S8 NWSW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.060 CFS
DOMESTIC	1/01 12/31	0.080 CFS

PLACE OF USE:

<u>STOCKWATER Within IDAHO County</u>			
T23N R01E S08	NWNE	T23N R01E S08	SWNE
T23N R01E S08	SENE	T23N R01E S08	NWSW
<u>DOMESTIC Within IDAHO County</u>			
T23N R01E S08	SWNE	T23N R01E S08	NWSW

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

No beneficial use found.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 3, 2005

RECEIVED
NOV 08 2005
IDWR/North

John Carrey
Box 168
Riggins, ID 83549

RE: 78-4084A

Dear Mr. Carrey:

On June 2, 1988, you submitted a Notice of Claim in the Snake River Adjudication. It lists stock water and domestic use in Section 8 Township 23N Range 1E. We searched the Idaho County tax lot information and we cannot find that you own property in that section. Would you please provide us with the parcel number? We are having trouble understanding the relationship between you and A.C. Ranches. You both have filed a place of use on the same piece of property. Would you please explain what is happening?

Sincerely,

Kenneth Knoblock
Water Resources Agent

Dear Sir:

*my husband passed away Feb 11 2002
I don't have any property any more. I am 87 years old*

*Thank you
John wife
Pearl Carrey*

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:

Ident. Number

Date Received

Receipt Number

39576

A78-04084 A

6/2/88

M000053

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day. Filing fee \$25

Please type or print clearly

1. Name of Claimant (s) JOHN H. GARREY Phone 208 628-3393Mailing Address P.O. Box 168; RIGGINS, ID Zip 835492. Date of Priority (Only one (1) per claim) JUNE 1, 19003. Source of water supply (a) SPRINGS
which is tributary to (b) SALMON RIVER4. Location of point of diversion is: Township 23N Range 01ESection 8 ~~1~~ 1/4 of NW 1/4 of NE 1/4, Govt. Lot _____, B.M.,County of IDAHOAdditional points of diversion if any: SW 1/4 NE 1/4, SE 1/4 NW 1/4, NW 1/4 SW 1/4 Sec 8
23N 01E5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.BURIED (PREVIOUS) PERFORATED CASING w/ BURIED
PIPE TO POU.

6. Water is claimed for the following: (Limited to Domestic and/or Stockwater only. See Instructions)

For STOCKWATER purposes from 6/1 (Both dates are inclusive) to 12/31 amount 0.06 (cfs)For DOMESTIC purposes from 1/1 to 12/31 amount 0.087. Total quantity claimed 0.14 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number
livestock) 5/200 HEAD D/2 HOUSES.MICROFILMED
OCT 06 1992

Copies: White-State, Yellow-Claimant

10. Place a "D" for domestic and "S" for stockwater use in the corresponding place of use below.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4
23N	1E	8		S	S				S			S						
					D							D						

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

12. Do you own the property listed above as place of use? Yes ☒ 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 _____ or None (☒)

14. Remarks: _____

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐
Decree ☐

If applicable provide IDWR Water Right Number 78-04084
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) John H. Carrey Date 6-2-88
Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing

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

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 2nd day of June 19 88

SEAL

Notary Public Carrie Fritschel **MICROFILMED**

Residing at Eagle, Id **OCT 06 1992**

My Commission Expires 3-21-94

Last Name Carrey Ident No. A78-04084 Copies White-State, Yellow-Claimant



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 3, 2005

John Carrey
Box 168
Riggins, ID 83549

RE: 78-4084A

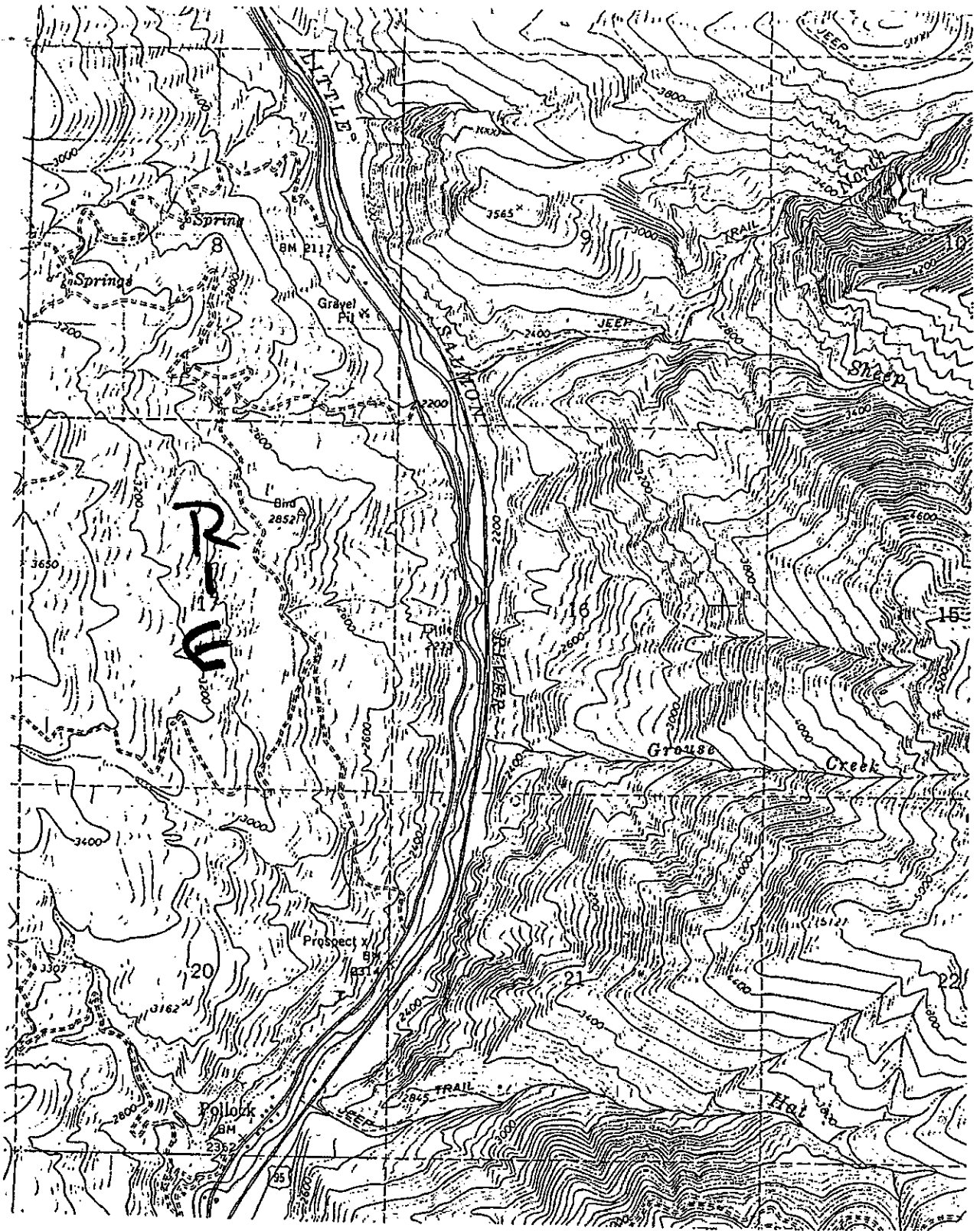
Dear Mr. Carrey:

On June 2, 1988, you submitted a Notice of Claim in the Snake River Adjudication. It lists stock water and domestic use in Section 8 Township 23N Range 1E. We searched the Idaho County tax lot information and we cannot find that you own property in that section. Would you please provide us with the parcel number? We are having trouble understanding the relationship between you and A.C. Ranches. You both have filed a place of use on the same piece of property. Would you please explain what is happening?

Sincerely,

Kenneth Knoblock
Water Resources Agent

T
23
N



A78-04084

MICROFILMED
OCT 06 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that JOHN H. CARREY (name of claimant)
of Box 168 Riggins, ID 83549 (mailing address), claims a right to the diversion and beneficial use of
the public water of the State of Idaho

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) unnamed springs
tributary to Salmon River

(2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount <u>0.08</u>	Use <u>domestic</u>	Period of Use: From <u>1-1</u> To <u>12-31</u>
Amount <u>0.06</u>	Use <u>stockwater</u>	Period of Use: From <u>1-1</u> To <u>12-31</u>
Amount _____	Use _____	Period of Use: From _____ To _____
(cfs, gpm or a/f)	(dom., irri., stock, etc.)	(both dates inclusive)

(3) Total quantity of water claimed: 0.14 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) June 1, 1900

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

(5) A) Point of diversion: (give location of point where water is diverted from its source)
1-RW ¼ SW ¼, Sec. 8 Twp. 23N Rge. 1E B. M. County of Idaho
Additional points of diversion: 2-SE ¼, 3-SW ¼, 4-NW ¼ Sec 8 T23N-R1E

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Buried perforated casing with buried plastic to house and stockwater tanks. All uses gravity flow. 800 gallon storage tank on pd #2

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

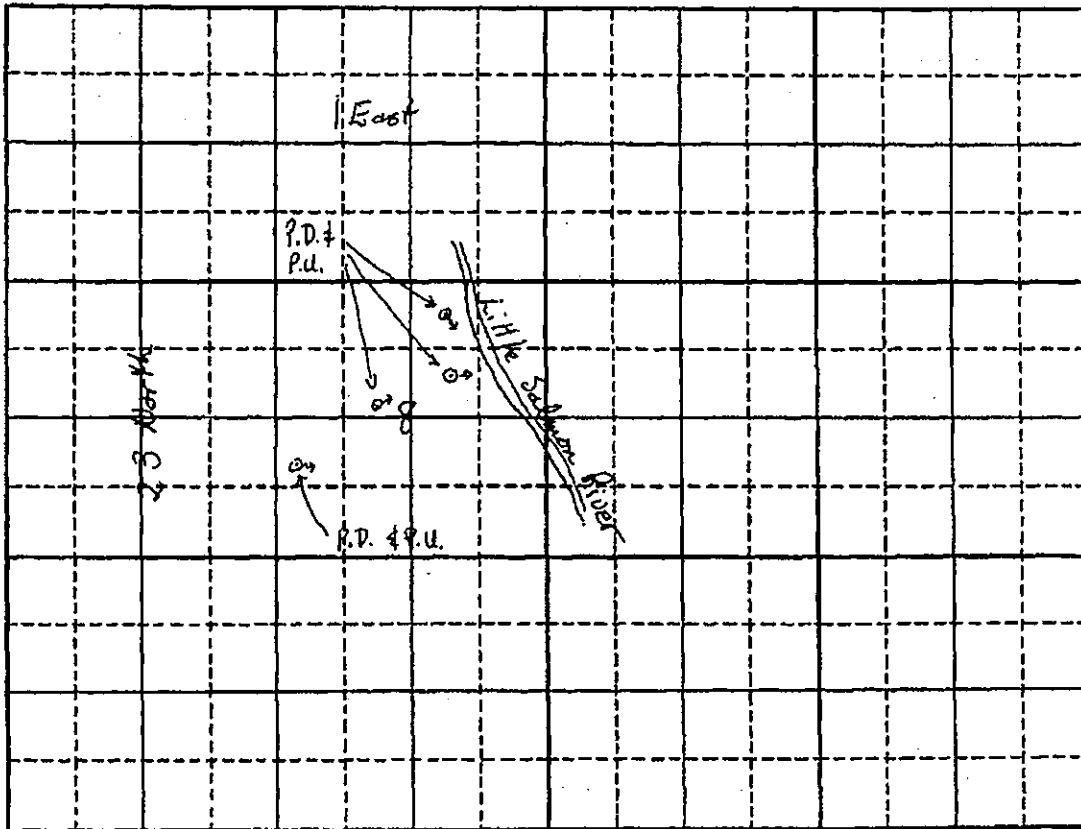
T	R	SEC.	NE ¼				NW ¼				SW ¼				SE ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
23N	1E	8		X	X					X		X							

Total No. of acres _____

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:
Two domestic uses and stockwater for 200 head

(7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
 County of Ada)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 3rd day of May

John F. Carey
 (Claimant)
John F. Carey
 Notary Public
 Residing at Boise, ID

My commission expires March 8, 1980

For Department Use Only

Received by <u>W.H.M.</u>	Date <u>5/3/77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>G.H.S.</u>	Date <u>5/4/77</u>		claimant by:	
\$10.00 fee received by <u>W.H.M.</u>	Date <u>5/3/77</u>			
Approved for publication by <u>CS</u>	Date <u>May 5, 1977</u>			
Published in <u>Idaho County, Idaho</u>				
Dates <u>May 11, 1977 & May 18, 1977</u>				

EXHIBIT C

TO AFFIDAVIT OF SCOTT KING IN SUPPORT OF RULE
60(b) MOTION FOR RELIEF FROM JUDGMENT

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

King Aff
Exhibit C
Page 21 of 37



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 3, 2005

A C Ranches, Inc.
Box 416
Plaintow, NH 03865

RE: 78-4084B

On July 29, 1988, you submitted a Notice of Claim in the Snake River Adjudication. It lists stock water and domestic use in Section 8 Township 23N Range 1E. We searched the Idaho County tax lot information and we cannot find that you own property in that section. Would you please provide us with the parcel number? We are having trouble understanding the relationship between you and John Carrey. You both have filed a place of use on the same piece of property. Would you please explain what is happening?

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenneth Knoblock', written over a horizontal line.

Kenneth Knoblock
Water Resources Agent

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: A78-04084B
Date Received: 7/25/1988 7/29
Receipt No: COO2070
Received By: CA

RECEIVED
AUG 5 1988

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources
Western Regional Office

1. Name: A. C. RANCHES, Inc
Address: P.O. BOX 247
RIGGINS, ID 83549
208-628-3446

2. Date of Priority: JUN 01, 1900

3. Source: SPRINGS Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
23N	01E	8	SW	NW	NE		IDAHO
			SE	SE	NW		IDAHO
			NW	NW	SW		IDAHO
			SW	NW	SW		IDAHO

5. Description of diverting works:
DEVELOPED SPRINGS, PIPELINE, TROUGHS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.120		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER/ 500 HEAD RANGE CATTLE.

A78-04084B

Page 1

Date: 07/25/88

MICROFILMED
OCT 06 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
23N	01E	8	NW		NE		STOCK	
			SE		NE		STOCK	
			SE		NW		STOCK	
			NW		SW		STOCK	

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
NONE

14. Remarks:

JOHN CARREY FILED ON THIS RIGHT TO COVER THE WATER USE AT HIS CABIN SITES. HOWEVER, MR. CARREY'S PRESENT USE DOES NOT REQUIRE THE ENTIRE WATER RIGHT.

ALL WATER SOURCES ARE USED IN THE SAME PASTURE MANAGEMENT UNIT.

15. Basis of Claim: STATUTORY CLAIM

MICROFILMED
OCT 06 1992

(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.

Date _____

Notary Public

My Commission Expires 3-21-94

OCT 06 1992
MICROFILMED

CHANGE IN ADDRESS OF NOTICE OF CLAIM

RECEIVED
JUL 01 1991

Department of Water Resources

[] Water Right Number (s): _____

[] Old Mailing Address: A C Ranches, Inc.
P.O. Box 416
Plaistow, NH 03865

[] New Mailing Address: A C Ranches, Inc.
P.O. Box 416
Plaistow, NH 03865

New Telephone Number: (603) 382 - 9222

[] Signature of Claimant: *Ch. C. C. President*
Date: June 26, 1991 *AC Ranch Inc.*

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 07-29-91 By: *af*

Further Action Needed:

Further Action Taken

Date: By: *Joe OK 7/30/91*

Final Review and Data-Entry

Date: By:

T. 24 N.
T. 23 N.

RAPID RIVER FISH HATCHERY 1.5 MI.

5022000 m. N.

P. 4

5021

A78-04084B

T 23 N
R 1 E

5020

20

5019

19

5018

20

King Aff
Exhibit C

MICROFILMED
OCT 6 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 30, 1991

Alan Colby, President
A C Ranches, Inc.
P.O. Box 416
Plaistow, NH 03865

RE: Snake River Basin Adjudication (SRBA)
Idaho County - Claims #A78-04084B, A78-04084C
A79-04083, A79-10217, A79-10219, A79-10223,
A79-10225 & A79-04085

Dear Mr. Colby:

Notice of the change in address of the above-referenced water rights has been received. The Claim to Water Rights records of the Department have been changed to reflect such notice.

Claims prepared from the Agency's computer are enclosed for your review and records. If you find the address is incorrect, please contact us.

Yours truly,

John D. Carlson
Adjudication Supervisor

JDC:sf:west

Enclosures:

Claims Referenced Above

MICROFILMED

OCT 06 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 24, 1991

AC Ranches, Inc.
P.O. Box 247
Riggins, ID 83549

RE: Snake River Basin Adjudication (SRBA)
Idaho County - Notices of Claim A78-04084B, A78-04084C,
A79-04083, A79-10217, A79-10219, A79-10223, A79-10225
& A79-04085

Dear Claimants:

We need your assistance, please. We have a note in your files showing an address of P.O. Box 416, Plaistow, NH 03865. Is this your corporate office? Is it notification of an address change? Is there any reason for us to retain that note? If the New Hampshire address is where you wish to receive future notices as the SRBA proceeds, please complete the enclosed Change of Address form and return it to me.

Thank you for helping to clear this matter up.

Regards,

Sally Frazee
Secretary, Adjudication Section

SF:state:tf
Enclosure:
Change of Address Form



JUN 10 1991

MICROFILMED
OCT 06 1992

From: DWR03::FRAZEE 3-MAY-1991 11:15:26.12
To: ~~DWR50::BEARDSLEE~~ *R.X*
CC: FRAZEE
Subj: A79-10225, ET AL/A C RANCHES

HAPPY FRIDAY, AL! I'M UPDATING THE REFUND REQUEST LOG AND FOUND A VERY OLD ONE IN JOHN'S STACK CONCERNING THE ABOVE CLAIMANT. ALL WE HAVE IS A HAND-WRITTEN NOTE IN DON'S HANDWRITING DATED 9/06/88 RE NEW ADDRESS AND REFUND FOR AC RANCHES, INC., PO BOX 416, PLAISTOW, NH 03865.

IN ARQ THEY SHOW A RIGGINS, ID ADDRESS; DON DID NOT WANT ME TO CHANGE THE DATA BASE REFLECTING THE NEW HAMPSHIRE ADDRESS. I ASKED HIM THIS A.M. WHAT THE REASON WAS FOR THE REFUND REQUEST, AND HE DIDN'T REMEMBER (AND DIDN'T WRITE IT ON THE STAPLED NOTE, EITHER!)

CAN YOU SHED SOME LITE ON THIS FOR HIM (US), PLEEEZE??!

GOOD LUCK!.....SAL

5/6/91

A78-04084B on shelf at W.O.
-04084C " " " "

A79-04083 on shelf at W.O.
-10217 " " " "
-10219 " " " "
-10223 " " " "
-10225 " " " "

*PO Box 247
Riggins 83549*

A79-04085 on shelf at W.O.

5-6-91

*All of the claims appear fine; no
refund request or withdrawal found.
No evidence for refund.*

Roxanne MICROFILMED
OCT 06 1992

Hold Until_____ To Fiscal_____

Approved _____

Initials/Date

Approved _____

~~A C Ranches~~
~~Po Box 416~~
~~Plaistow, NH 03865~~

Logged 9-24-90 af

Claim Location *dlb*

Extension Filed? Y/N NA

Copy Attached? Y/N NA

Late Fees Paid? Y/N (NA)

On Receipt # _____

Data Base Modified? Y/N NA

REMARKS:

MICROFILMED

~~OCT 06 1992~~

TO: Debbie Allen

FROM: D. Shaff

DATE: 4-4-90

RE: Receipt 0002070 Refund

Please process a refund of \$312.00 to:

A. C. Ranches
PO Box 416
Pleistow, NH 03865

A79-10225, A79-04083, A79-04085, A78-04084B,
A78-04084C, A79-10219, A79-10223 + A79-10217

Not refunded as of 9/24/90

MICROFILMED
OCT 06 1992

EXHIBIT D

TO AFFIDAVIT OF SCOTT KING IN SUPPORT OF RULE
60(b) MOTION FOR RELIEF FROM JUDGMENT

02/16/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 78-4084C
NAME AND ADDRESS: A C RANCHES INC
PO BOX 416
PLAISTOW NH 03865
SOURCE: SPRING TRIBUTARY: LITTLE SALMON RIVER
QUANTITY: 0.040 CFS
PRIORITY DATE: 06/01/1900
POINT OF DIVERSION:
T23N R01E S8 SWNWSW Within IDAHO County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1/01 12/31	0.040 CFS

PLACE OF USE: DOMESTIC Within IDAHO County
T23N R01E S08 NWSW

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

No beneficial use found.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 3, 2005

A C Ranches, Inc.
Box 416
Plaintow, NH 03865

RE: 78-4084B

On July 29, 1988, you submitted a Notice of Claim in the Snake River Adjudication. It lists stock water and domestic use in Section 8 Township 23N Range 1E. We searched the Idaho County tax lot information and we cannot find that you own property in that section. Would you please provide us with the parcel number? We are having trouble understanding the relationship between you and John Carrey. You both have filed a place of use on the same piece of property. Would you please explain what is happening?

Sincerely,

Kenneth Knoblock
Water Resources Agent

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

RECEIVED

AUG 5 1988

Ident. Number: A78-04084C
Date Received: 7/26/1988 7/29
Receipt No: COO2070
Received By: CA

Department of Water Resources
Western Regional Office
**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: A. C. RANCHES, Inc. 208-628-3446
Address: P.O. BOX 247
RIGGINS, ID 83549

2. Date of Priority: JUN 01, 1900

3. Source: SPRING Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
23N	01E	8	SW	NW	SW		IDAHO

5. Description of diverting works:
DEVELOPED SPRING, PIPELINE TO HOUSE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC/ 1 HOME.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
23N	01E	8	NW	SW		DOMEST	

11. Place of use in counties: IDAHO

A78-04084C

Page 1

Date: 07/26/88

MICROFILMED
OCT 06 1992

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

13. Other Water Rights Used:
STOCKWATER FROM A78-04084B

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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: -1-

For Organizations:

I do solemnly swear or affirm that I am Mgr of
A C Ranches, Inc Title
Organization, that I have signed the foregoing
document in the space below as Mgr of
A C Ranches, Inc Title
Organization and that the statements contained in the
foregoing document are true and correct.

Douglas Bozinger
Signature of Authorized Agent

Mgr. A C Ranches, Inc
Title and Organization

7-26-88
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 26th day

of July 19 88

Carter Fritschle
Notary Public

Seal

Residing at Eagle, Id

My Commission Expires 3-21-94
Date: 07/26/88

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Exhibit D

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