

10/17/2006

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

RIGHT NUMBER: 63-7814

NAME AND ADDRESS: TOM KASPER
3349 HILL RD
MELBA ID 83641

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.320 CFS
42.90 AFY

Diversion from the well located in the SENW S15, T01S R02W, is limited to 2.00 cfs (900 gpm) and 157 acre feet annually.

Right Nos. 63-2712, 63-2955 and 63-7814 when combined for dairy use shall not exceed a total diversion rate of 1.06 cfs, and/or a combined total annual volume for both stockwater and commercial use of 134 acre-feet. because the annual volume for both stockwater and commercial use was reduced from the quantities sought by the application for transfer (Transfer 5356), the permit holder must determine the division of the 134 acre-feet into stockwater and commercial components.

PRIORITY DATE: 06/19/1973

POINT OF DIVERSION:

T01S R02W S15 SWNW Within CANYON County
T01S R02W S15 SENW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	1/01 12/31	0.320 CFS 42.90 AFY
STOCKWATER	1/01 12/31	0.320 CFS 42.90 AFY

PLACE OF USE: STOCKWATER Within CANYON County

T01S R02W S22	NENW	T01S R02W S22	SENW
T01S R02W S22	NWSE	T01S R02W S27	NENE

COMMERCIAL Within CANYON County

T01S R02W S15	NWSW	T01S R02W S16	NWNE
T01S R02W S16	SWNE	T01S R02W S16	SENE
T01S R02W S16	NENW	T01S R02W S16	NWNW
T01S R02W S16	SWNW	T01S R02W S16	SENW
T01S R02W S16	NESW	T01S R02W S16	NWSW
T01S R02W S16	SWSW	T01S R02W S16	SESW
T01S R02W S16	NESE	T01S R02W S16	NWSE
T01S R02W S16	SWSE	T01S R02W S26	SWNW
T01S R02W S27	NENE		

Ground water diverted under this right is the sole source of irrigation water for the five (5) acres in the NWSW S15 T01S R02W. Ground water delivered to the remainder of the place of use supplements surface water irrigation.

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

Commercial use of the water is for a dairy located in the SWNW, S26 and the NENE, S27, T01s R02W.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

The issuance of this right does not grant any right-of-way or easement across the land of another.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

The right holder shall annually report diversions of water under this right to the department.

Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works, including if determined necessary by the department, a separate measuring device and lockable controlling works for measurement and control of water delivered to the dairy.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

The water used for commercial purposes under this right may be applied to, and irrigate land listed in, the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used in the dairy as authorized by this water right.

The right holder shall annually report diversions of water under this right to the Department.



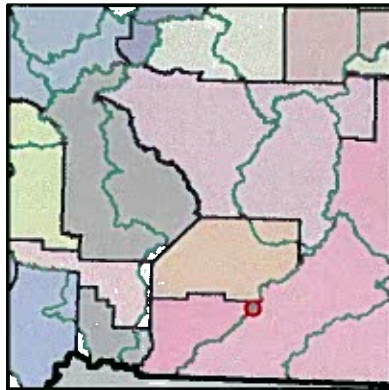
Idaho Department of Water Resources

SRBA Recommendation:

63-7814
(Stockwater)

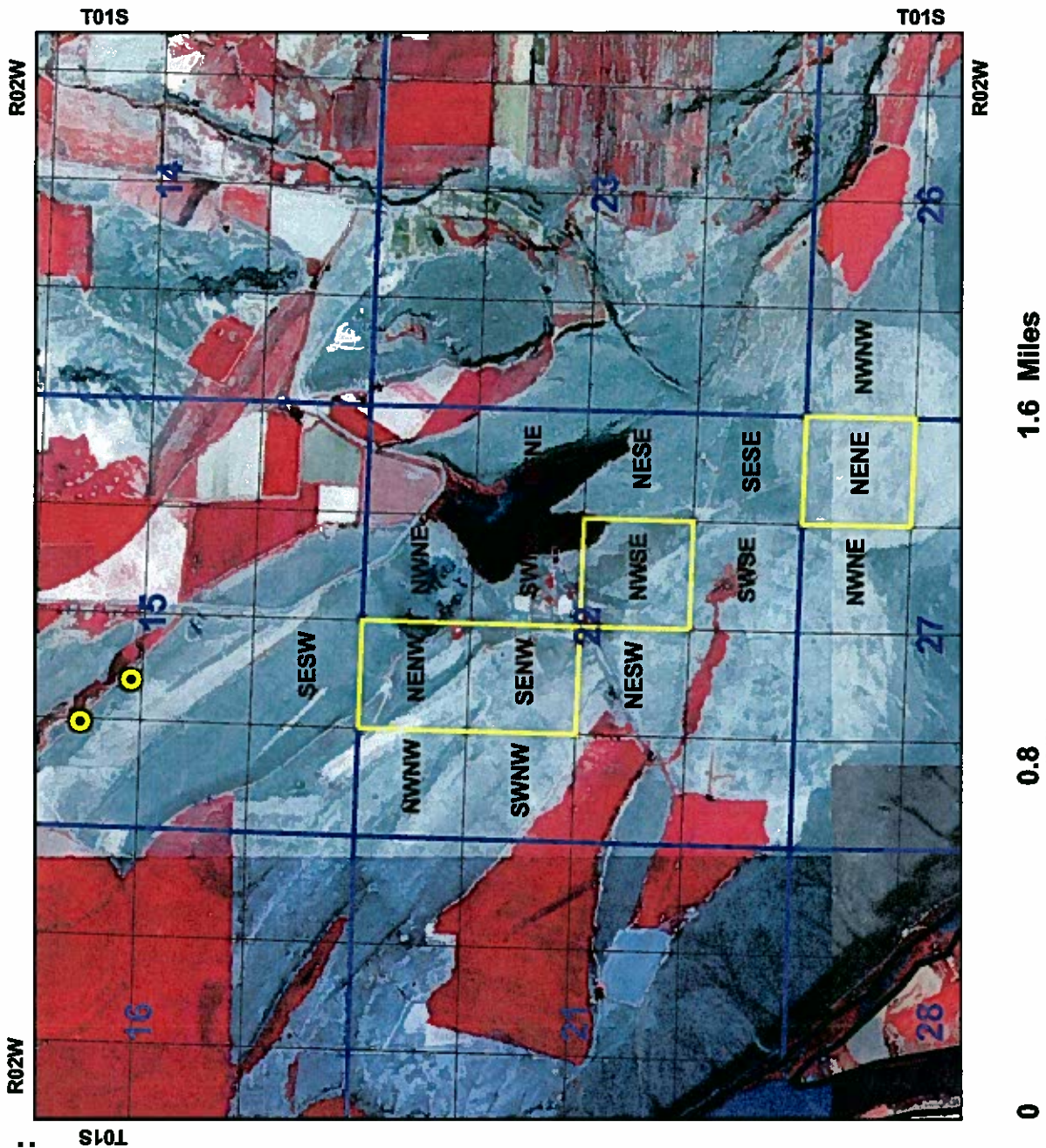
Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters

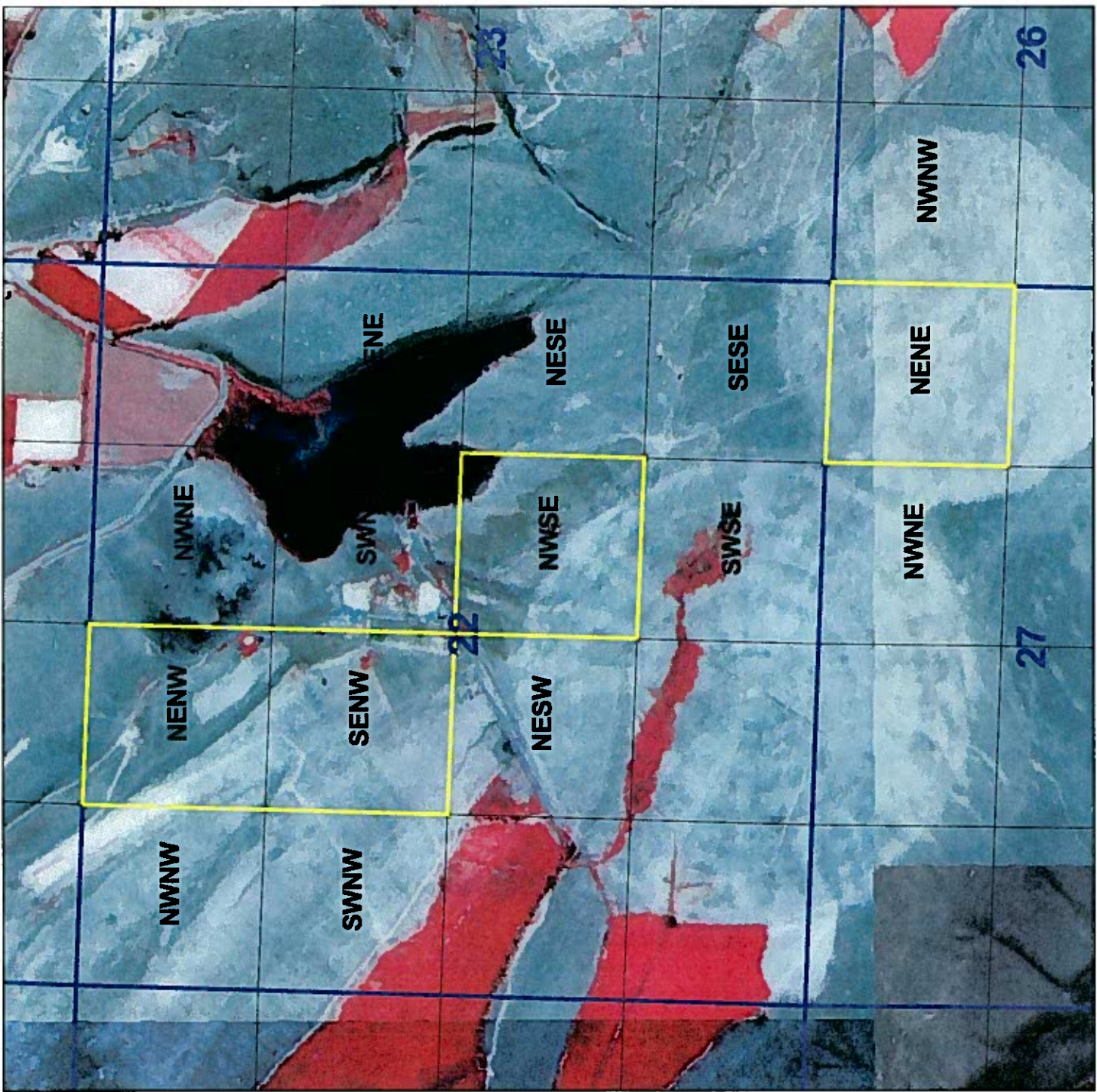


Canyon County
IDWR Basin 63

Prepared by M. Ciscell
On Tuesday, October 17, 2006
1987/88 Aerial Photography



63-7814



Stage: LICENSE

CANYON County

• • •

• • •

004 - The issuance of this right does not gra

Remarks: GEN

CLAIM AMENDED PER TRANSFER NO. 5356 APPROVED 07/15/1999.
SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE
COPY OF APPROVED TRANSFER NO. 5356 APPROVED 07/15/1999.

PRIOR TO DIVERSION OF WATER UNDER THIS APPROVAL, THE RIGHT
HOLDER SHALL INSTALL A PERMANENT MEANS OF MEASUREMENT AND
LOCKABLE CONTROLLING WORKS ACCEPTABLE TO THE DEPARTMENT FROM ALL
AUTHORIZED POINTS OF DIVERSION WHICH WILL ALLOW DETERMINATION OF
THE TOTAL RATE OF DIVERSION AND ANNUAL VOLUME.

THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF
DIVERSION UNDER TRANSFER 5356 SHALL NOT EXCEED 10.82 CFS, NOR A
TOTAL COMBINED ANNUAL VOLUME OF 2191.5 AF.

THE RIGHT HOLDER SHALL ANNUALLY REPORT DIVERSIONS OF WATER
UNDER RIGHTS 63-02712, 63-02955, 63-03099 AND 63-07814 TO THE
DEPARTMENT.

DIVERSION FROM THE WELL LOCATED IN THE SENW, S15, T01S, R02W
IS LIMITED TO A DIVERSION RATE OF 2.00 CFS (900 GALLONS PER
MINUTE) AND A TOTAL ANNUAL VOLUME OF 184.0 ACRE FEET.

RIGHTS 63-02712, 63-02955, AND 63-07814, WHEN COMBINED FOR
DAIRY USE SHALL NOT EXCEED A TOTAL DIVERSION RATE OF 1.06 CFS,
AND A TOTAL ANNUAL MAXIMUM DIVERSION VOLUME OF 92.3 AF FOR
STOCKWATER USE, AND 69.7 AF FOR COMMERCIAL USE, OR A COMBINED
TOTAL ANNUAL VOLUME OF 162.0 AF.

COMMERCIAL USE IS FOR A DAIRY LOCATED WITHIN SENW, S26 AND
NENE, S27, T01S, R02W.

THE WATER USED FOR COMMERCIAL PURPOSES UNDER THIS APPROVAL IS
APPLIED TO AND IRRIGATES LAND LISTED IN THE PLACE OF USE TO
SATISFY WATER QUALITY REQUIREMENTS. WATER SHALL NOT IRRIGATE
GROWING PLANTS UNLESS THE WATER IS FIRST BENEFICIALLY USED IN THE
DAIRY AS AUTHORIZED BY THESE WATER RIGHTS.

Dates:

Exam Made Date:

Verified Date:

Objection Filed Date:

Misc:

Water District Number:

Field Inspection Flag:
Presumption Flag:

Audit:

08/25/89 KROUGH H 03/26/90 HARRINGT 05/16/91 FRAZEE 04/14/92 FRAZEE
03/30/95 POST-STO 10/13/98 DBUFFING 01/07/00 RHOBERTO

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: A63-07814
Date Received: 8/25/1989
Receipt No: C010321
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: TOM KASPER
Address: 3349 HILL RD
MELBA ID 83641
208-495-2102

2. Date of Priority: JUN 19, 1973

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	02W	15	SW	NW			CANYON
			SE	NW			CANYON

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.320		42.90
COMMERCIAL	01/01	12/31	0.320		42.90

7. Total Quantity Appropriated is:
0.320 C.F.S. (and/or) 42.90 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
01S	02W	15	NW	SW		COMMER	
		16	NW	NE		COMMER	
			SW	NE		COMMER	

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	02W	16	SE	NE		COMMER	
			NE	NW		COMMER	
			NW	NW		COMMER	
			SW	NW		COMMER	
			SE	NW		COMMER	
			NE	SW		COMMER	
			NW	SW		COMMER	
			SW	SW		COMMER	
			SE	SW		COMMER	
			NE	SE		COMMER	
			NW	SE		COMMER	
			SW	SE		COMMER	
		22	NE	NW		STOCK	
			SE	NW		STOCK	
			NW	SE		STOCK	
		26	SW	NW		COMMER	
		27	NE	NE		STOCK	
			NE	NE		COMMER	

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
63-2712, 63-2955

14. Remarks:

CLAIM AMENDED PER TRANSFER NO. 5356 APPROVED 07/15/1999.
SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY OF APPROVED TRANSFER NO. 5356 APPROVED 07/15/1999.
PRIOR TO DIVERSION OF WATER UNDER THIS APPROVAL, THE RIGHT HOLDER SHALL INSTALL A PERMANENT MEANS OF MEASUREMENT AND LOCKABLE CONTROLLING WORKS ACCEPTABLE TO THE DEPARTMENT FROM ALL AUTHORIZED POINTS OF DIVERSION WHICH WILL ALLOW DETERMINATION OF THE TOTAL RATE OF DIVERSION AND ANNUAL VOLUME.
THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF DIVERSION UNDER TRANSFER 5356 SHALL NOT EXCEED 10.82 CFS, NOR A TOTAL COMBINED ANNUAL VOLUME OF 2191.5 AF.
THE RIGHT HOLDER SHALL ANNUALLY REPORT DIVERSIONS OF WATER UNDER RIGHTS 63-02712, 63-02955, 63-03099 AND 63-07814 TO THE DEPARTMENT.
DIVERSION FROM THE WELL LOCATED IN THE SENW, S15, T01S, R02W IS LIMITED TO A DIVERSION RATE OF 2.00 CFS (900 GALLONS PER MINUTE) AND A TOTAL ANNUAL VOLUME OF 184.0 ACRE FEET.
RIGHTS 63-02712, 63-02955, AND 63-07814 WHEN COMBINED FOR DAIRY USE SHALL NOT EXCEED A TOTAL DIVERSION RATE OF 1.06 CFS, AND A TOTAL ANNUAL MAXIMUM DIVERSION VOLUME OF 92.3 AF FOR

14. Remarks: Continued

STOCKWATER USE, AND 69.7 AF FOR COMMERCIAL USE, OR A COMBINED TOTAL ANNUAL VOLUME OF 162.0 AF.

COMMERCIAL USE IS FOR A DAIRY LOCATED WITHIN SWNW, S26 AND NENE, S27, T01S, R02W.

THE WATER USED FOR COMMERCIAL PURPOSES UNDER THIS APPROVAL IS APPLIED TO AND IRRIGATES LAND LISTED IN THE PLACE OF USE TO SATISFY WATER QUALITY REQUIREMENTS. WATER SHALL NOT IRRIGATE GROWING PLANTS UNLESS THE WATER IS FIRST BENEFICIALLY USED IN THE DAIRY AS AUTHORIZED BY THESE WATER RIGHTS.

15. Basis of Claim: LICENSE

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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 20 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

RECEIVED

OCT 04 1999

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5356

WATER RIGHT NO(S). 63-02712/63-02955/63-03099/63-07814

I just got it!
of 10-4-99

This is to certify that: **TOM KASPER**
3349 HILL RD
MELBA ID 83641

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 63-02712 :			
Priority: 06/07/1950			
IRRIGATION	03/15 to 11/15	1.62 CFS	790.5 AF
STOCKWATER	01/01 to 12/31	0.18 CFS	87.8 AF
COMMERCIAL	01/01 to 12/31	0.18 CFS	87.8 AF
SUBTOTAL:		1.80 CFS	878.3 AF
Right No. 63-02955 :			
Priority: 08/27/1953			
IRRIGATION	03/15 to 11/15	4.44 CFS	1597.5 AF
STOCKWATER	01/01 to 12/31	0.56 CFS	134.0 AF
COMMERCIAL	01/01 to 12/31	0.56 CFS	134.0 AF
SUBTOTAL:		5.00 CFS	1731.5 AF
Right No. 63-03099 :			
Priority: 12/27/1956			
IRRIGATION	03/15 to 11/15	3.70 CFS	1548.0 AF
Right No. 63-07814 :			
Priority: 06/19/1973			
STOCKWATER	01/01 to 12/31	0.32 CFS	42.9 AF
COMMERCIAL	01/01 to 12/31	0.32 CFS	42.9 AF
SUBTOTAL:		0.32 CFS	42.9 AF
IRRIGATION TOTAL:		9.76 CFS	2029.5 AF
STOCKWATER & COMMERCIAL TOTAL:		1.06 CFS	134.0 AF
TRANSFER TOTAL:		10.82 CFS	2163.5 AF

TRANSFER NO. 5356
WATER RIGHT NO(S) . 63-02712/63-02955/63-03099/63-07814

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 15, Township 01S, Range 02W
SENW , Sec. 15, Township 01S, Range 02W
CANYON 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>
01S	02W	15	NWSW 5			5
		16	NWNE 12	SWNE 40	SENE 27	
			NENW 30	NWNW 30	SWNW 40	
			SENW 40	NESW 30	NWSW 25	
			SWSW 26	SESW 27	NESE 30	
			NWSE 40	SWSE 24		421
		26	SWNW 10			10
		27	NENE 15			15
Total number of acres irrigated:						451

PLACE OF USE: STOCKWATER

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>			
01S	02W	22	NENW	SENW	NWSE
		27	NENE		

PLACE OF USE: COMMERCIAL

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>			
01S	02W	15	NWSW		
		16	NWNE	SWNE	SENE
			NENW	NWNW	SWNW
			SENW	NESW	NWSW
			SWSW	SESW	NESE
			NWSE	SWSE	
		26	SWNW		
		27	NENE		

CONDITIONS OF APPROVAL AND REMARKS

Rights 63-02712, 63-02955, 63-03099 and 63-07814 are subject to the conditions of the Final Order in the matter of Application for Transfer 5356.

Dated this 15th day of July, 1999.

[Signature]
Chief, Water Allocation Bureau

WR5809NP
No. 63-07814

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: D1/07/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	TOM KASPER 3349 HILL RD MELBA ID 83641 (208) 495-2102	06/19/1973	STOCKWATER COMMERCIAL	01/01 12/31 01/01 12/31	0.320 CFS 0.320 CFS	42.90 AFA 42.90 AFA
TOTAL DIVERSION:					0.320 CFS	42.90 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

SUNW

SEW

CANYON County

Point of Diversion Name(s):

T01S R02W S15	SW NW	Name	Rate	Number
S15	SE NW	LIMITED TO 157.0 AF	2.000 CFS	2
				1

Place of use Legal Description for: STOCKWATER

NE										
MENE MUNE SENE : NENW MNW SUNW SENW : NESW NUSW SWSW SESW : NESE NUSE SUSE SESE :										
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
01S 02W 22 :										
01S 02W 27 :	S				S				S	

Place of use Legal Description for: COMMERCIAL

SW										
C C C : C C C : C C C : C C C :										
01S 02W 15 :										
01S 02W 16 :										
01S 02W 26 :										
01S 02W 27 :	C									

Pou County: CANYON

Conditions of Approval:

- T07 - The right holder shall accomplish the change authorized by this
- transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this
- transfer is cause for the Director to rescind approval of the
- transfer.
- T09 - Approval of this transfer does not preclude the opportunity for
- review of the validity of the water right(s) in the ongoing
- Snake River Basin Adjudication.
- 004 - The issuance of this right does not grant any right-of-way
- or easement across the land of another.

Remarks:

GEN Prior to diversion of water under this approval, the right holder
shall install a permanent means of measurement and lockable
controlling works acceptable to the Department from all
authorized points of diversion which will allow determination of

Remarks:

the total rate of diversion and annual volume.
The total instantaneous diversion of water from all points of diversion under Transfer 5356 shall not exceed 10.82 cfs, nor a total combined annual volume of 2191.5 af.
The right holder shall annually report diversions of water under Rights 63-02712, 63-02955, 63-03099 and 63-07814 to the Department.
Diversion from the well located in the SENW, S15, T01S, R02W is limited to a diversion rate of 2.00 cfs (900 gallons per minute) and a total annual volume of 184.0 acre feet.
Rights 63-02712, 63-02955, and 63-07814 when combined for dairy use shall not exceed a total diversion rate of 1.06 cfs, and a total annual maximum diversion volume of 92.3 af for stockwater use, and 69.7 af for commercial use, or a combined total annual volume of 162.0 af.
Commercial use is for a dairy located within SENW, S26 and NENE, S27, T01S, R02W.
The water used for commercial purposes under this approval is applied to and irrigates land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used in the dairy as authorized by these water rights.

Dates:

App. Received: Priority Date: 06/19/1973
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 09/13/1979

Misc:

Water District Number: Field Exam Fee:

Comments:

Date: 06/01/1999 User-ID: PSKAGGS Subject: TRANSFER NO. 5356
Transfer 5356 changes the point of diversion, place, nature & season of use under Rights 63-02712, 63-02955, 63-03099 & 63-07814 in order to provide water for a dairy.

Audit:

06/03/85 05/01/88 CONVERT 06/01/99 PSKAGGS 06/02/99 PSKAGGS
07/15/99 PSKAGGS 09/29/99 PSKAGGS

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: A63-07814
Date Received: 8/25/1989
Receipt No: C010321
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: EASTERN WESTERN CORP 503-236-1978
Address: MICHAEL E MC GINLEY PRESIDENT
1426 SE GIDEON ST
PO BOX 3228
PORTLAND OR 97208-3228

2. Date of Priority: JUN 19, 1973

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	02W	15	SW		NW		CANYON

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.320		

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

8. Total consumptive use is 56.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	02W	15	SW	NW		IRR	16.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	16.0
					Total Acres	16.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
63-2712, 63-2955

14. Remarks:

POWER OF ATTORNEY SUBMITTED WITH CLAIMS IN BASIN 65.
ADDRESS CHANGED PER CLAIMANT REQUEST 10/13/98 (BY DB).

15. Basis of Claim: LICENSE



AL63-07814

October 8, 1998

RECEIVED

OCT 13 1998

WATER RESOURCES
WESTERN REGION

Denise Buffington
Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, Idaho 83705-5082

Re: Eastern Western Corporation

Dear Ms. Buffington:

I am writing to inform you of Eastern Western Corporation's change in its street address. The new street address for Eastern Western Corporation is 1426 S.E. Gideon Street, Portland, Oregon 97202. The mailing address for Eastern Western Corporation remains unchanged (P.O. Box 3228, Portland, Oregon 97208-3228).

Please update the Idaho Department of Water Resources' records for all water rights held by Eastern Western Corporation to reflect the changed street address.

Thank you for your assistance with this matter. Please contact me if you have any questions or need additional information.

Sincerely,

EASTERN WESTERN CORPORATION

Michael E McGinley
President

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: A63-07814
Date Received: 8/25/1989
Receipt No: C010321
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: EASTERN WESTERN CORP. 503-236-1978
Address: C/O MIKE MC GINLEY, PRESIDENT
1505 S.W. GIDEON ST.
P.O. BOX 3228
PORTLAND, OR 97208-3228

2. Date of Priority: JUN 19, 1973

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	02W	15	SW	NW			CANYON

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.320		

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

8. Total consumptive use is 56.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	02W	15	SW	NW		IRR	16.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	16.0
					Total Acres	16.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
63-2712, 63-2955

14. Remarks:
POWER OF ATTORNEY SUBMITTED WITH CLAIMS IN BASIN 65.

15. Basis of Claim: LICENSE

RECEIVED

MAR 21 1991

CHANGE IN ADDRESS

HOLLAND
& HART

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

[] Water Right Number (s): A02-00082, A02-07109, A63-02631A,
A63-02631C, A63-02632A, A63-02632C, A63-02712, A63-02955,
A63-03099, A63-07814, A63-17988, A63-18001, A63-18002,
A63-18003, A63-18015 A63-18025

[] Old Mailing Address: c/o Jim Hipwell
3349 Hill Road South
Melba, ID 83641

[] New Mailing Address: Attn: Mike McGinley, President
1505 S.W. Gideon Street
P.O. Box 3228
Portland, Oregon 97208-3228

New Telephone Number: (503) 236-1978

[] Signature of Claimant: *Dixie Smith*
Dixie Smith, Ranch Manager,
Eastern Western Corporation

Date: 19 March 91

FOR IDRW USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

RECEIVED
MAR 21 1991

Department of Water Resources

MICROFILMED
AUG 24 1992

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: A63-07814
Date Received: 8/25/1989
Receipt No: C010321
Received By: SA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EASTERN WESTERN CORP 208-495-1134
Address: C/O JIM HIPWELL
3349 HILL ROAD SOUTH
MELBA, ID 83641

2. Date of Priority: JUN 19, 1973

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	02W	15	SW	NW			CANYON

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.320		

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

8. Total consumptive use is 56.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	02W	15	SW	NW		IRR	16.0
Section Acres							16.0

10. Place of Use: Continued

Total Acres 16.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
63-2712, 63-2955

14. Remarks:
POWER OF ATTORNEY SUBMITTED WITH CLAIMS IN BASIN 65.

15. Basis of Claim: LICENSE

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 Manager of
Eastern Western Corp Title
Organization, that I have signed the foregoing
document in the space below as Manager of
Eastern Western Corp Title
Organization and that the statements contained in the
foregoing document are true and correct.

James B. Depina
Signature of Authorized Agent

Manager Eastern Western Corp
Title and Organization

August 25, 1989
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 25th day
of August 19 89

Danni Smith
Notary Public

Seal

Residing at _____ Danni Smith, Notary Public
Residing at Boise, Idaho
My Commission Expires December 5, 1994
My Commission Expires _____

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-7814 Priority June 19, 1973 Amount 0.32 cfs

THIS IS TO CERTIFY, that John A. Van Wyck
of Melba, Idaho, has complied with the terms and conditions of Permit
No. 63-7814 issued pursuant to Application for Permit dated June 19, 1973,
and has submitted proof to the Department of Water Resources on September 30, 1974,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 2.41 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>November 15</u>	at <u>0.32</u> cfs and	<u>72 acre feet</u>
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.32 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
72 acre feet per year, said waters to be diverted within the SW₁ NW₄, Sec. 15, Twp. 1S,
Rge. 2W, B. M. in the County of Canyon

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	
1S	2W	15							16										16

Total number of acres irrigated 16

NOTE: 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 right may be forfeited by five years of non-use.

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

Witness the real and signature of the Director, affixed at Boise, Idaho, this 14 day of
February, 19 78.

Director

APPLICATION FOR AMENDMENT

40

MICROFILMED

Identification No. _____

Application No. 63-7814

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant John A. Van Wyck
post office address Box B, Melba, Idaho 83641
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 15 Township 1 S.
Range 2 W. B.M. Canyon County; additional points of diversion if any: _____

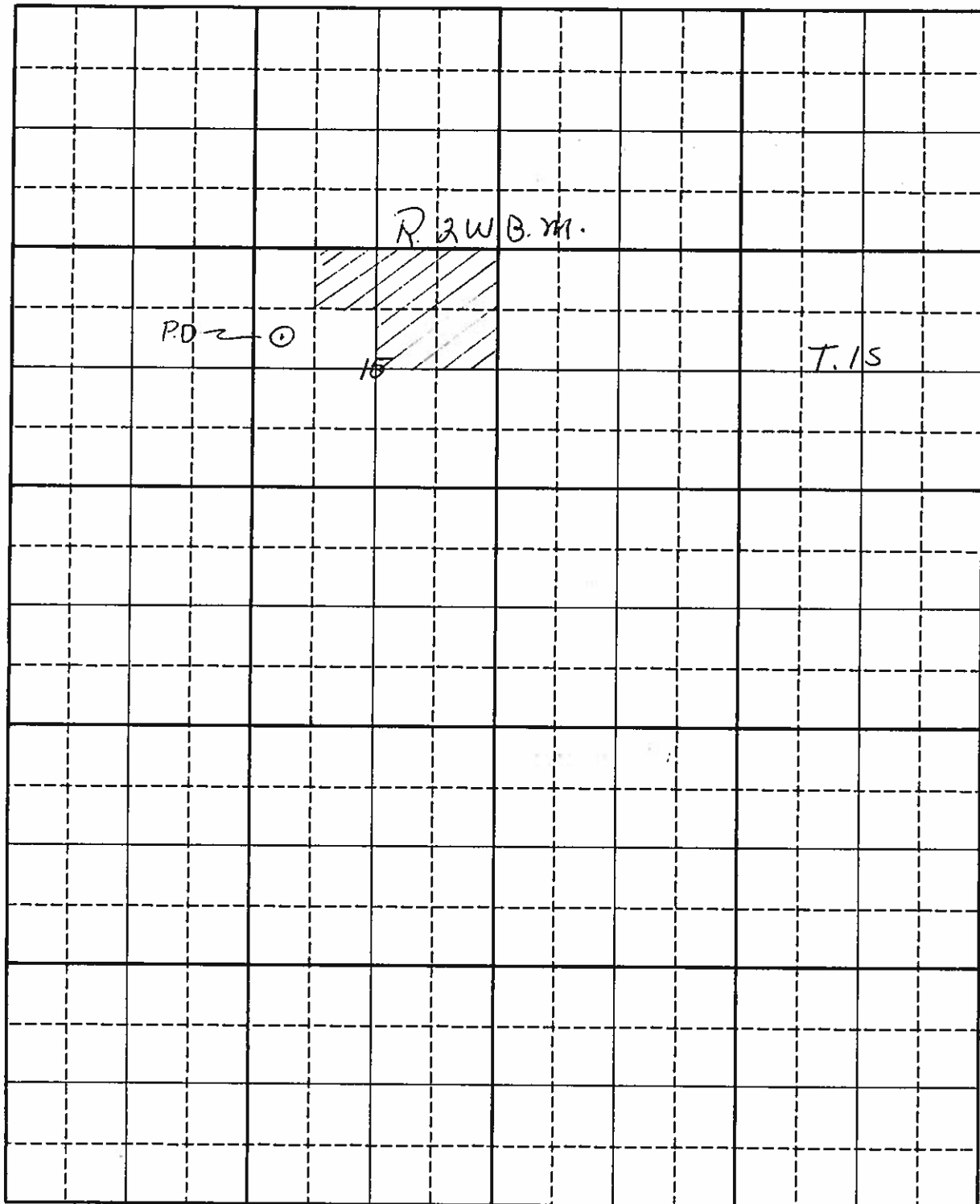
b. If water is not consumed, it will be discharged into consumed at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 4 cfs for irrigation purpose from March 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 4 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Well pump 75 HP
gravity

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 1 years.
b. Estimated construction cost is \$ 12,000.00.
8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
(5) If water is to be used for other purposes describe: _____

63-7814

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

John A. Van Dyke
(Applicant)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5356
WATER RIGHT NO(S). 63-02712/63-02955/63-03099/63-07814

This is to certify that: **TOM KASPER**
3349 HILL RD
MELBA ID 83641

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 63-02712 :			
Priority: 06/07/1950			
IRRIGATION	03/15 to 11/15	1.62 CFS	790.5 AF
STOCKWATER	01/01 to 12/31	0.18 CFS	87.8 AF
COMMERCIAL	01/01 to 12/31	0.18 CFS	87.8 AF
SUBTOTAL:		1.80 CFS	878.3 AF
Right No. 63-02955 :			
Priority: 08/27/1953			
IRRIGATION	03/15 to 11/15	4.44 CFS	1597.5 AF
STOCKWATER	01/01 to 12/31	0.56 CFS	134.0 AF
COMMERCIAL	01/01 to 12/31	0.56 CFS	134.0 AF
SUBTOTAL:		5.00 CFS	1731.5 AF
Right No. 63-03099 :			
Priority: 12/27/1956			
IRRIGATION	03/15 to 11/15	3.70 CFS	1548.0 AF
Right No. 63-07814 :			
Priority: 06/19/1973			
STOCKWATER	01/01 to 12/31	0.32 CFS	42.9 AF
COMMERCIAL	01/01 to 12/31	0.32 CFS	42.9 AF
SUBTOTAL:		0.32 CFS	42.9 AF
IRRIGATION TOTAL:		9.76 CFS	2029.5 AF
STOCKWATER & COMMERCIAL TOTAL:		1.06 CFS	134.0 AF
TRANSFER TOTAL:		10.82 CFS	2163.5 AF

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TRANSFER NO. 5356
WATER RIGHT NO(S). 63-02712/63-02955/63-03099/63-07814

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 15, Township 01S, Range 02W
SENW , Sec. 15, Township 01S, Range 02W
CANYON 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>
01S	02W	15	NWSW 5			5
		16	NWNE 12	SWNE 40	SENE 27	
			NENW 30	NWNW 30	SWNW 40	
			SENW 40	NESW 30	NWSW 25	
			SWSW 26	SESW 27	NESE 30	
			NWSE 40	SWSE 24		421
		26	SWNW 10			10
		27	NENE 15			15
Total number of acres irrigated:						451

PLACE OF USE: STOCKWATER

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>			
01S	02W	22	NENW	SENW	NWSE
		27	NENE		

PLACE OF USE: COMMERCIAL

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>			
01S	02W	15	NWSW		
		16	NWNE	SWNE	SENE
			NENW	NWNW	SWNW
			SENW	NESW	NWSW
			SWSW	SESW	NESE
			NWSE	SWSE	
		26	SWNW		
		27	NENE		

CONDITIONS OF APPROVAL AND REMARKS

Rights 63-02712, 63-02955, 63-03099 and 63-07814 are subject to the conditions of the Final Order in the matter of Application for Transfer 5356.

Dated this 15th day ofJuly, 1999

[Signature]
Chief, Water Allocation Bureau

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OCT 15 1999

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR)	
TRANSFER NO. 5356 (WATER RIGHT NOS.)	PRELIMINARY ORDER
63-02712, 63-02955, 63-03099, & 63-07814))	
IN THE NAME OF TOM KASPER)	
_____)	

Tom Kasper filed application for transfer no. 5356 with the Idaho Department of Water Resources (IDWR). The application was protested by Ken Omundson, Kyle Winnicki, and Curt &/or Jerry Hensley. A hearing was conducted on April 27, 1998. Kyle Winnicki withdrew his protest prior to the hearing. Tom Kasper appeared at the hearing and was represented by Bruce M. Smith. Ken Omundson appeared and was represented by Chas. F. McDevitt. Curt & Jerry Hensley appeared representing themselves.

After reviewing data referred to in Tom Kasper's presentation of evidence, the hearing officer notified the parties he would consider data from AGRIMET stations located at Parma, Grand View, and Nampa. The hearing officer also notified the parties he would consider consumptive use data developed by Allen and Brockway. The hearing officer granted the parties until June 25, 1999, to submit additional information and granted until July 7, 1999, to request a hearing to augment the record. Bruce Smith, Tom Kasper's attorney, and Sherl Chapman, a consultant hired by Tom Kasper, submitted additional information. A hearing to augment the record was not requested.

IDWR finds, concludes, and orders as follows:

FINDINGS OF FACT

1. Tom Kasper (Kasper) filed application for transfer no. 5356 with IDWR, seeking to change the point of diversion, place of use, nature of use, and period of use for water right license nos. 63-02712, 63-02955, 63-03099, and 63-07814. Summaries of the water rights are attached to this decision as Attachment A.

2. The application for transfer proposes to retire 50 acres from irrigation to compensate for delivery of water to a dairy owned by Kasper. The land proposed to be retired from irrigation is located in the SWNW¹ (20 acres); NESW (20 acres); NWSW (5 acres); and SESW (5 acres); all

¹ Absence of the quadrant fraction implies the fraction "1/4."

located in Section 15, T01S, R02W, B.M.² Only water right nos. 63-02712, 63-02955, and 63-07814 describe these lands as a place of use. The application for transfer proposes a change from irrigation to stockwater and commercial water uses for the dairy from these three water rights. The transfer does not propose a change in the irrigation use of water right no. 63-03099.

3. In 1996, Kasper built a dairy in the NENE of Section 27, T01S, R02W. The dairy was approved by Canyon County without objection. The nearest subdivision is over three miles away. Kasper employs ten people and buys local feed and other products. Kasper testified his dairy is approved as a Grade A dairy.

4. At the present time, Kasper milks approximately 600 cows. Kasper intends to increase the number of dairy cows to 2,000 milking stock, 1,000 replacement stock, and 200 beef cattle.

5. The existing 600 cow dairy is presently served by wells on the Kasper property near the dairy. Several domestic and stockwater claims, now in the name of Kasper, were filed claiming a beneficial use of water from wells located near the Kasper dairy. Kasper has been unable to increase his dairy herd because the existing wells will not produce sufficient quantity or quality of water. As a result, Kasper seeks to divert water from a well located in the SENW of Section 15, T01S, R02W. The proposed point of diversion is located 1½ to 2 miles north of the dairy facility. This well is referred to in the testimony and the application for transfer as well no. one. Well no. one is located on property owned by Ken Omundson (Omundson). Kasper has built and constructed a pipeline from his dairy to the property boundary with Omundson. Kasper has not connected the pipeline to the well.

6. The application for transfer proposes that all four water rights describe two points of diversion, well no. one and another well located in the SWNW, Section 15, T01S, R02W (well no. two). Sherl Chapman (Chapman), an expert witness hired by the applicant, testified that license no. 63-02955 authorized diversion from well no. one, and license nos. 63-03099 & 63-07814 authorized diversion from well no. two. The licenses do not describe the points of diversion in the same locations as the locations of well nos. one and two described by the application for transfer, however. License no. 63-02712 described a different well than well nos. one and two.

7. A 75 horsepower pump and motor diverted water from well no. one at the time Kasper acquired the property in 1992. The pumping capacity of the 75 horsepower pump was tested in December 1998 by Caron Pump Company. Applicant's Exhibit no. 1, an invoice from Caron Pump Company, contains information gathered during the test. The well was pumped for the first 24 hours at a rate of 400 gpm (0.89 cfs), and the pumping water level in the well did not change from the initial static water level. The pumping rate was increased to 1200 gpm (2.67 cfs) for an additional 24 hours, and the water level in the well declined four feet. Based on the information

² The abbreviation "B.M." stands for "Boise Meridian" and should be implied in subsequent public land survey descriptions.

written on the invoice, water levels were only measured twice, once at the end of each 24 hour period. Water levels in other wells were not measured during the pump test.

8. Chapman used the pumping rate and drawdown to estimate the characteristics of the aquifer. Chapman stated, however, that the test was not conducted as a standard pump test.

9. Ed Squires, Omundson's expert witness, testified that the data gathering by Caron Pump Company did not follow standard methods for conducting a pump test. He stated that the water producing zone, known as the "Mellin Formation," is highly variable, and that the zone is probably discontinuous. He testified that long term testing would be required to determine the characteristics of the aquifer. This testimony was not disputed in the record.

10. The testimony established that the test did not adhere to standard pump test procedures to determine characteristics of the aquifer, or to show that the effect of the well's drawdown had been fully established. Nonetheless, the test was sufficient to estimate the short term pumping capacity of the well.

11. Water from well number one has been the sole source of water to irrigate 55 acres located in Section 15, T01S, R02W, including the 50 acres proposed to be dried up by this application for transfer.

12. The cumulative acres listed for irrigation by the four water rights is 501 acres. All of the lands except the 55 acres located in Section 15, T01S, R02W, have been irrigated with surface water diverted from the Snake River.

13. Ground water diverted pursuant to water right nos. 63-02712, 63-02955, and 63-03099 was only delivered to lands in Sections 16, 26, & 27, T01S, R02W when surface water was not available. Ground water diverted pursuant to water right nos. 63-02712, 63-02955, and 63-03099 supplements surface water for all lands other than those in Section 15, T01S, R02W.

14. Omundson owns a domestic well located approximately 130 to 140 feet west of well number one. Omundson drilled his domestic well in 1995. The priority date of his domestic water right is later than the priority date of the licenses sought to be transferred by Kasper.

15. If this application for transfer is approved, Kasper will install two 50 horsepower pumps in well no. one. The combined design capacity for the two pumps will be 900 gallons per minute (2.00 cfs).

16. Chapman computed the water needs for a dairy of 2,000 milking stock and 1,000 dry stock. His computations are printed on a worksheet attached to the application for transfer. He did not include the 200 beef cattle in his computation. Using numbers consistent with IDWR guidelines, Chapman determined the dairy would consume 162 acre feet annually.

17. The additional information submitted after the hearing by Kasper's attorney and Chapman stated that the 200 beef cattle referred to in the application were not included in the computation because water is provided for the beef cattle from other water rights, and the beef cattle were included in the application for transfer "to provide for flexibility" for Kasper's "operation." Nonetheless, some water for the beef cattle would have to be retired from the irrigation portion of the right for the beef cattle to be included in the transfer.

18. The computation sheet attached to the application (Attachment B) states that the 50 acres were alfalfa ground, and that 3.25 acre feet/acre is the consumptive use that should be applied to determine the number of acres to be retired.

19. At the hearing, Chapman testified that the historical cropping pattern was 50% alfalfa and 50% grain. Chapman testified that 1996 evapotranspiration data from an AGRIMET station at Nampa were used to calculate an historical consumptive use of 3.25 acre feet/acre for the 50 acres proposed to be dried up.

20. In additional information submitted following the hearing, Chapman stated that he used the peak alfalfa consumption for 1996 rather than the mean value for 1996. Chapman also stated he included evaporation and delivery losses in determining consumptive use.

21. Peak alfalfa evapotranspiration reflects full consumption for mature alfalfa and does not take into account reductions attributable to cutting and harvest during the growing season. The mean values from the AGRIMET station more closely represent the historical consumptive use.

22. Chapman also discussed irrigation efficiencies in the additional information submitted. When water is applied inefficiently, water is lost to percolation and evaporation. Percolation losses are not part of consumptive use. Evaporation losses are a component of the AGRIMET evapotranspiration and should not be added in.

23. The mean evapotranspiration does not account for precipitation. If the computation was further refined, precipitation would be subtracted from evapotranspiration to determine consumptive irrigation requirement. In computing consumptive use for this transfer, the assumption will be made that all water consumed is diverted from ground water.

24. The mean alfalfa and spring grain evapotranspiration values were averaged (50% alfalfa, 50% spring grain) for each year of the period of record. The average evapotranspiration during the period of record (1996-1998) for the Nampa station is 2.68 acre feet/acre annually. Dividing the annual consumptive use of 162 acre feet by 2.68 acre feet/acre results in 60 acres, which is the number of acres that would need to be retired for the computed annual consumptive use.

25. The applicant only proposes to retire 50 acres from irrigation. IDWR should not expand the number of acres sought to be retired or try to guess which acres the applicant might want to retire. Assuming only 50 acres will be retired, recognition of 2.68 acre feet/acre for each of the 50 acres results in 134 acre feet annually that can be diverted for the dairy. MICROFILMED

26. The maximum annual diversion volume allowed by IDWR for irrigation of Kasper's property is 4.5 acre feet per acre.

27. Fifty of the 55 acres will no longer be irrigated, and the water transferred to the dairy will be fully consumed. This is the 134 acre feet referred to above. Kasper should be able to divert additional volume of water from well no. one for the remaining five acres at a rate of 4.50 acre feet per acre annually. This additional volume of water is 22.5 acre feet annually. After rounding up to the next whole number, the total annual volume diverted from well no. one should be limited to 157 acre feet annually.

CONCLUSIONS OF LAW

1. Idaho Code § 42-222 provides, in pertinent part:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code;

2. The applicant bears the burden of proof regarding all of the criteria contained in Idaho Code § 42-222.

3. Injury to Omundson can be prevented by limiting the flow rate and annual volume to the traditional quantities diverted/consumed from well no. one. The testimony shows that the 55 acres in Section 15, T01S, R02W were irrigated solely by well no. one.

4. There is sufficient water for the purposes sought if diversion is limited to historic quantities.

5. The application is not filed for purposes of speculation and delay. The dairy is already constructed, and the delivery pipeline is also constructed.

6. The applicant has sufficient financial resources to complete the project.

7. In determining whether an application is in the local public interest, IDWR must consider the effect the project will have on the local economy, recreation, fish & wildlife resources, compliance with environmental laws and standards, compliance with zoning ordinances, and any other factors IDWR finds are appropriate to consider.

8. The application is in the local public interest because of approval by Canyon County, contributions to employment in the area, and economic benefits derived from other businesses in the area.

9. The use of water proposed is within IDWR guidelines for dairy use of water. The application is consistent with principals of conservation of the water of the state of Idaho.

ORDER

IT IS HEREBY ORDERED that application for transfer no. 5356 is APPROVED. Water right nos. 63-02712, 63-02955, 63-03099, and 63-07814 are subject to the following conditions:

EXP 1. Prior to diversion of water under this right, a measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works, including, if determined necessary by the Department, a separate measuring device and lockable controlling works for measurement and control of water delivered to the dairy.

EXP. 2. The right holder shall annually report diversions of water under this right to the Department.

EXP. 3. The issuance of this right does not grant any right-of-way or easement across the land of another.

DTY 4. Diversion from the well located in the SENW, Section 15, T01S, R02W, is limited to 2.00 cfs (900 gallons per minute) and 157 acre feet annually.

POULTR 5. Ground water diverted under this right is the sole source of irrigation water for the five (5) acres located in the NWSW of Section 15, T01S, R02W. Ground water delivered to the remainder of the place of use supplements surface water irrigation.

EXP. 6. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

DTY 7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 acre-feet per acre at the field headgate for irrigation of the lands above.

EXP. 8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

EXP. 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.

omit
10. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

QTY
11. Rights 63-02712, 63-02955, and 63-07814 when combined for dairy use shall not exceed a total diversion rate of 1.06 cfs, and or a combined total annual volume for both stockwater and commercial use of 134.0 acre-feet. Because the annual volume for commercial and stockwater use was reduced from the quantities sought by the application for transfer, the permit holder must determine the division of the 134 acre feet into the stockwater and commercial components.

EXP.
12. Commercial use of the water is for a dairy located in the SWNW, S26 and NENE, S27, T01S, R02W.

EXP.
13. The water used for commercial purposes under this approval may be applied to and irrigate land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used in the dairy as authorized by these water rights.

K86
14. Right 63-02712 is limited to the irrigation of 380.0 acres in the place of use described above in a single irrigation season.

K86
15. Right 63-02955 is limited to the irrigation of 355.0 acres in the place of use described above in a single irrigation season.

K86
16. Right 63-03099 is limited to the irrigation of 344.0 acres in the place of use described above in a single irrigation season.

QTY
17. Rights 63-02712, 63-02955, and 63-03099 when combined for irrigation purposes shall not exceed a total diversion rate of 9.76 cfs, a total annual maximum diversion volume of 2029.5 acre-feet at the field headgate, and the irrigation of 451.0 acres.

EXP.
18. Rights 63-02712, 63-02955 and 63-03099 shall not be used for irrigation purposes if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.

DATED this 15th day of July, 1999.


GARY SPACKMAN
Hearing Officer

MICROFILM 1-

OCT 15 1999

ATTACHMENT A

URS809NP
No. 63-02712

IDAHO DEPARTMENT OF WATER RESOURCES WATER RIGHT PROFILE REPORT

DATE: 05/24/99
PAGE: 1

OWNER		PRIORITY		USE PERIOD		DIVERSION	
CODE	NAME & ADDRESS	DATE	WATER USE	FROM	TO	RATE	DIVERSION VOLUME
C	REX S. JENSEN	06/07/1950	IRRIGATION DOMESTIC	00/00	00/00	1.800 CFS	

TOTAL DIVERSION: 1.800 CFS

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

TOTIS R02W S14

NWSE

CANYON County

Place of use Legal Description for: IRRIGATION

T R S		NE		NW		SW		SE		SUM	
01S 02W 15	05	40	20	30	30	40	40	20	10	25	05
01S 02W 16	05	40	20	30	30	40	40	20	10	25	05
01S 02W 26	15	10	20	30	30	40	40	20	10	25	05
01S 02W 27	15	10	20	30	30	40	40	20	10	25	05
TOTAL ACRES										430.0	

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: CANYON

Dates: App. Received: 06/07/1950
Proof Due Date: 06/07/1950
Exam Made Date: 06/28/1979
Exam Sent to S.O.:
Licensed Date: 06/28/1979
Misc: Water District Number: Field Exam Fee:

MICROFILM
001 1 1 1993

DATE: 05/25/99
PAGE: 1

USE PERIOD FROM	TO	DIVERSION RATE	DIVERSION VOLUME
--------------------	----	-------------------	---------------------

03/15 11/15	0.320 CFS	72.00 AFA
-------------	-----------	-----------

TOTAL DIVERSION: D.320 CFS 72.00 AFA

Stage: LICENSE

CANYON County

5

[illegible]**TOTAL ACRES**

Priority Date: 06/19/1973

Field Exam Fee:

OCT 15 1999

DATE: 05/24/99
PAGE: 2

DIVERSION
VOLUME

5.000 CFS

5.000 CFS

Stage: LICENSE

CANYON County

2

SE	
WSE	
Ac L	

40	
TOTAL	

08/27/1953
Priority Date:
Proof Made Date:
Exam Sent to S.O.:
Field Exam Fee:

MICROFILM
OCT 15 1979

NR5809NP
No. 63-03099

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/24/99
PAGE: 3

OWNER
NAME & ADDRESS
C CRYSTAL R. EVANS
C EDWARD T. EVANS

PRIORITY
DATE
12/27/1956
WATER USE
IRRIGATION
DOMESTIC
USE PERIOD
FROM TO
00/00 00/00
DIVERSION
RATE
3.700 CFS
DIVERSION
VOLUME

TOTAL DIVERSION: 3.700 CFS

Water Source: GROUNDWATER
Tributary to:
Stage: LICENSE

Point(s) of Diversion: T01S R02N S15
CANYON County

Place of use Legal Description for: IRRIGATION

NE													NW				SW				SE				
MENE		NAME		SWNE		SENE		NENW		MNW		SWNW		SESW		NESE		NWSE		SWSE		SESE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
01S	02N	16	:	07	33	07	:	25	26	40	40	:	20	24	26	27	:	23	22	24	:				
TOTAL ACRES																							344.0	344.0	

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: CANYON

Dates: App. Received: 12/27/1956
Proof Due Date: Exam Made Date: Exam Sent to S.O.:
Licensed Date: 08/28/1979
Misc: Water District Number: Field Exam Fee:

MICROFILM
OCT 15 1993

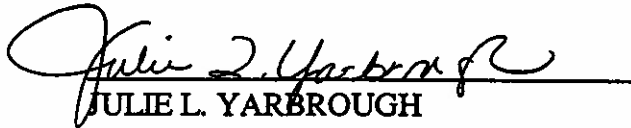
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of July, 1999, I mailed a true and correct copy of the foregoing document to the persons listed below:

Bruce M. Smith
Moore & McFadden, Chartered
999 Main Street, Suite 910
Boise, ID 83702

Curt &/or Jerry Hensley
8971 Ferry Rd
Melba, ID 83641

Charles McDevitt
McDevitt & Miller
537 W. Bannock, Suite 215
P.O. Box 2564
Boise, ID 83701


JULIE L. YARBROUGH
Administrative Asst., Water Allocations

FIELD REPORT

3. Water will be used for the following purposes:

TOTAL ACREAGE _____ **200**

1/4 mi N. of M. Miller
on 10 mi Rd.
IN Jones Co.

SECRET

DATE OF EXAM 6/27/77

ACREAGE
Found 16
Recommended 16

Irrigation Requirement 4.5 Ac Ft/Ac

USE
Irrigation Q = 0.32 c.f.s. V = 72 AF/Ann. from March 15 to Nov. 15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

Name source: _____
Twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Exchange? yes _____ no ☒

Name source exchanged with: _____
Twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of injection: _____
Twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of exchange: _____
Twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Total Q measured 2.41 cfs Method of measurement free discharge from pipe

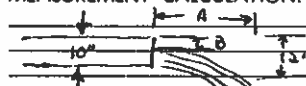
Total Q recommended 0.32 cfs Meter None Type _____ Condition _____

Total V recommended 72 AF/year

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ☒

MEASUREMENT CALCULATION:

A = 1.3 ft B = 0.23 ft

 $Q = 1307 \text{ gpm} \times (0.826) = 1080 \text{ gpm} = 2.41 \text{ cfs}$

$V = 4.5 \text{ AF/year} \times 16A = 72 \text{ AF/year}$ Allowance for
Pipe Partially full

SYSTEM DESCRIPTION:
12" well with 40 HP GE motor #5K6247X114A with
Layne Bolar pump #45130, 10" discharge, 16" main line
to free discharge at ditch. Field flood irrigated.

REMARKS:

Examiner's Signature William H. Mac Allister III Date 6/28/77
Checked by JYJ Date 6-29-77
Approved by _____ Date _____

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)DATE: 01/07/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	TOM KASPER 3349 HILL RD MELBA ID 83641 (208) 495-2102	06/19/1973	STOCKWATER COMMERCIAL	01-01 12-31 01-01 12-31	0.320 CFS 0.320 CFS	42.90 AFA 42.90 AFA
TOTAL DIVERSION:					0.320 CFS	42.90 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

CANYON County

SENN

SNWN

T01S R02W S15

Point(s) of Diversion:

Place of use Legal Description for: STOCKWATER

NE		NW		SW		SE		
T	R	S	NE	SW	SE	NE	SW	SE
01S 02W 22	:	:	S	:	:	:	S	:
01S 02W 27	:	:	:	:	:	:	:	:

Place of use Legal Description for: COMMERCIAL

NE		NW		SW		SE		
T	R	S	NE	SW	SE	NE	SW	SE
01S 02W 15	:	:	C	C	C	:	C	:
01S 02W 16	:	:	C	C	C	:	C	:
01S 02W 26	:	:	:	:	:	:	:	:
01S 02W 27	:	:	:	:	:	:	:	:

POU County: CANYON

Other Rights: 63-2712, 63-2955

Conditions of Approval:

- T07 - The right holder shall accomplish the change authorized by this
- transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this
- transfer is cause for the Director to rescind approval of the
- transfer.
- T09 - Approval of this transfer does not preclude the opportunity for
- review of the validity of the water right(s) in the ongoing
- Snake River Basin Adjudication.
- 004 - The issuance of this right does not grant any right-of-way
- or easement across the land of another.

Remarks: GEN

CLAIM AMENDED PER TRANSFER NO. 5356 APPROVED 07/15/1999.
SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE
COPY OF APPROVED TRANSFER NO. 5356 APPROVED 07/15/1999.
PRIOR TO DIVERSION OF WATER UNDER THIS APPROVAL, THE RIGHT

Remarks:

HOLDER SHALL INSTALL A PERMANENT MEANS OF MEASUREMENT AND LOCKABLE CONTROLLING WORKS ACCEPTABLE TO THE DEPARTMENT FROM ALL AUTHORIZED POINTS OF DIVERSION WHICH WILL ALLOW DETERMINATION OF THE TOTAL RATE OF DIVERSION AND ANNUAL VOLUME.

THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF DIVERSION UNDER TRANSFER 5356 SHALL NOT EXCEED 10.82 CFS, NOR A TOTAL COMBINED ANNUAL VOLUME OF 2191.5 AF.

THE RIGHT HOLDER SHALL ANNUALLY REPORT DIVERSIONS OF WATER UNDER RIGHTS 63-02712, 63-02955, 63-03099 AND 63-07814 TO THE DEPARTMENT.

DIVERSION FROM THE WELL LOCATED IN THE SENW, S15, T01S, R02W IS LIMITED TO A DIVERSION RATE OF 2.00 CFS (900 GALLONS PER MINUTE) AND A TOTAL ANNUAL VOLUME OF 184.0 ACRE FEET.

RIGHTS 63-02712, 63-02955, AND 63-07814 WHEN COMBINED FOR DAIRY USE SHALL NOT EXCEED A TOTAL DIVERSION RATE OF 1.06 CFS, AND A TOTAL ANNUAL MAXIMUM DIVERSION VOLUME OF 92.3 AF FOR STOCKWATER USE, AND 69.7 AF FOR COMMERCIAL USE, OR A COMBINED TOTAL ANNUAL VOLUME OF 162.0 AF.

COMMERCIAL USE IS FOR A DAIRY LOCATED WITHIN SNNW, S26 AND NENE, S27, T01S, R02W.

THE WATER USED FOR COMMERCIAL PURPOSES UNDER THIS APPROVAL IS APPLIED TO AND IRRIGATES LAND LISTED IN THE PLACE OF USE TO SATISFY WATER QUALITY REQUIREMENTS. WATER SHALL NOT IRRIGATE GROWING PLANTS UNLESS THE WATER IS FIRST BENEFICIALLY USED IN THE DAIRY AS AUTHORIZED BY THESE WATER RIGHTS.

Oates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 21, 1998

RE: Water Right No. 65-08949, 65-09796, 65-17568, 65-17573, 65-19596,
65-19598, and 65-19608

Eastern Western Corp
c/o Michael E Mc Ginley, President
1426 SE Gideon St
Portland OR 97208-3228

Dear Claimant:

Enclosed are copies of the above referenced water rights which reflect the change in address of the land and appurtenant water rights covered under the original filings. Also enclosed are copies of the Notices of Completed Administrative Proceedings which have been sent to the Snake River Basin Court as notification of the changes.

The address has also been changed on all other water rights in which you are the current owner, and copies of the claims and profile reports are enclosed.

If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Records Clerk
Adjudication Section
Western Region

DB:db

Enclosures

Dana L. Hofstetter
Murray D. Feldman
HOLLAND & HART
Suite 1400, West One Plaza
Post Office Box 2527
Boise, Idaho 83701
Telephone: (208) 342-5000

~~COPY~~
1992 JAN -9 AM 10:02
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED *[Signature]*

Attorneys for Northwest Pipeline Corporation,
Eastern Western Corporation and other parties

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

Case No. 39576

NOTICE OF APPEARANCE

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

Document No.
92-01-020

Petitioner,

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System

DESCRIPTIVE SUMMARY

This is the Notice of Appearance of Dana L. Hofstetter and
Murray D. Feldman of the law firm of Holland & Hart as attorneys
for Northwest Pipeline Corporation, Eastern Western Corporation
and other parties pursuant to the Court's December 17, 1991, SRBA

Administrative Order: SRBA Mailing Address, Telephone and Fax
Numbers and Notices of Appearance.

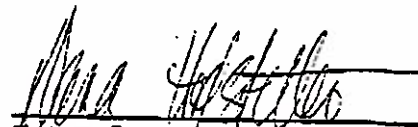
NOTICE OF APPEARANCE

Dana L. Hofstetter and Murray D. Feldman of the law firm of
Holland & Hart hereby enter their appearance as attorneys for
Northwest Pipeline Corporation, Eastern Western Corporation and
other parties pursuant to the Court's December 17, 1991, SRBA
Administrative Order: SRBA Mailing Address, Telephone and Fax
Numbers and Notices of Appearance.

DATED this 6 day of January, 1992.

HOLLAND & HART

By



Dana L. Hofstetter, for the firm
Attorneys for Northwest Pipeline
Corporation, Eastern Western
Corporation and other parties

NOTICE OF APPEARANCE - 2

MICROFILMED

JUL 25 1994

CERTIFICATE OF SERVICE

I hereby certify that on this 8 day of January, 1992, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Larry Echohawk
Attorney General
State of Idaho
Statehouse Mail, Room 210
Boise, ID 83720

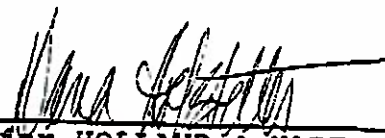
☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Peter G. Monson
Trial Attorney
United States Department
of Justice
Land and Natural Resources
Division
Indian Resources Section
P.O. Box 44378
Washington, DC 20026-4378

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

David B. Shaw (6 copies)
Chief
Adjudication Bureau
Idaho Department of Water
Resources
1301 North Orchard
Statehouse Mail
Boise, ID 83720

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)



for HOLLAND & HART

17137



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

April 15, 1992

Dana L. Hofstetter
Holland & Hart
P.O. Box 2527
Boise, ID 83701-2527

RE: Snake River Basin Adjudication (SRBA)
Eastern Western Corp.

Dear Dana,

I have modified the addresses on the claims for your client referenced above as directed in your letter dated April 1, 1992. Enclosed are the print-screens you requested for your files.

Thank you for your patience, Dana. If you have any questions, please call me.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sally'.

Sally Prazee
Secretary, Adjudication Section

sf:west

Enclosures:

Eastern Western Corp. Print-Screens

MICROFILMED
AUG 24 1992

MEMORANDUM

DATE: 04/14/92
TO: DON SHARP, JAN SHURTE
FROM: SALLY FRAZEE
RE: EASTERN WESTERN CORP

(same copy to Rox too, Jan)

TODAY I UPDATED EACH CLAIM ON FILE FOR EASTERN WESTERN CORP AS FOLLOWS ON THE SAMPLE D.E. SCREEN:

ADDRESS: EASTERN WESTERN CORP
MICHAEL E MC GINLEY PRESIDENT
PO BOX 3228
OR 37208-3228
C

1505 SE GIDEON ST
PORTLAND
503 236-1978

OR

HOLLAND & HART
DANA HOFSTETTER

ID 83701-2527
A

PO BOX 2527
BOISE
208 342-5000

I ASKED DANA THIS MORNING WHEN SHE WAS HERE WHETHER SHE CARED IF HER MIDDLE INITIAL WAS ON THE CLAIMS OR NOT. SHE DOESN'T CARE, SO I DELETED IT ON THE FEW WHERE IT SHOWED TO SAVE KEYSTROKES.

SAVING KEYSTROKES WAS MY REASON FOR SHORTENING "CORPORATION" TO "CORP".

EASTERN WESTERN CORP IS NOW ENTERED AS EASTERN WESTERN CORP (WITHOUT THE PERIOD AFTER CORP).

BEFORE MODIFYING BASIN 63 RECORDS, I VERIFIED THERE WERE NO "R" RECORDS VIA AJ5.

PER DANA'S REQUEST, I HAVE MAILED HER THE PRINT SCREENS FOR EASTERN WESTERN CORP FOR HER FILES. I HAVE ATTACHED A COPY OF THE AJQ1 EASTERN WESTERN SCREENS FOR THE WESTERN REGION OFFICE.

A63-07814

MICROFILMED

APR 24 1992

HOLLAND & HART
ATTORNEYS AT LAW

DENVER
DENVER TECH CENTER
COLORADO SPRINGS
ASPEN
BILLINGS
BOISE
CHEYENNE
WASHINGTON, D.C.

SUITE 1400
WEST ONE PLAZA
BOISE, IDAHO 83702-7714
MAILING ADDRESS
P.O. BOX 2527
BOISE, IDAHO 83701-2527

TELEPHONE (208) 342-5000
TELECOPIER (208) 343-8869

April 1, 1992

RECEIVED
APR 2 1992

Department of Water Resources

Sally Frazee
Secretary, Adjudication Section
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

Re: Snake River Basin Adjudication/
Eastern Western Corporation

Dear Sally:

This letter is in response to your February 21, 1992 letter.

With respect to SRBA claim A65-19598, you indicate that Eastern Western Corporation may file a claim for a second water right from the well since a trailer was added in 1989. Eastern Western Corporation did not claim the water right associated with the trailer in the SRBA because it is my understanding that water rights post-dating the commencement of the SRBA on November 19, 1987 are not covered by the SRBA. Please let me know if I have misunderstood IDWR policy on this matter.

With respect to the instream stock water beginning and ending diversion points for SRBA claim A03-02000, I have prepared a revised SRBA claim and forwarded it to Eastern Western for signature. Once it has been signed and notarized, we will submit it to you.

With respect to your inquiry regarding the appropriate name and address and for Eastern Western's water rights, SRBA records should indicate that Eastern Western Corporation is the owner of the water rights. To ensure delivery of correspondence to the appropriate person in charge, correspondence should be sent to Eastern Western Corporation, Attention: Michael E. McGinley, President. Eastern Western Corporation's mailing address is P.O. Box 3228, Portland, Oregon 97208-3228. Eastern Western's street address is 1505 Southeast Gideon Street, Portland, Oregon 97207. Eastern

MICROFILMED
AUG 24 1992

Sally Frazee
April 1, 1992
Page 2

Western Corporation's telephone number is (503)236-1978. Please input this information for all of Eastern Western's water rights according to usual Idaho Department of Water Resources procedures. I enclose two change in address forms that Eastern Western formerly filed with the Department concerning some of Eastern Western Corporation's water rights that were formerly claimed with a different address in the SRBA. Currently, all of Eastern Western Corporation's SRBA claims should reflect the addresses provided in this letter. Please provide me address screens for all of Eastern Western's SRBA claims so that I can confirm the addresses.

Thank you for your attention to these matters. Please do not hesitate to contact me if you have any further questions or suggestions.

Sincerely,

HOLLAND & HART


Dana L. Hofstetter

DLH/md
Enclosures

cc: Michael E. McGinley
Curt Ingle

MICROFILMED
AUG 24 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 17, 1991

Eastern Western Corp.
c/o Mike McGinley, President
P.O. Box 3228
Portland, OR 97208-3228

RE: Snake River Basin Adjudication (SRBA)
Canyon County - Claims #A02-00082, A02-07109, A63-02631A,
A63-02631C, A63-02632A, A63-02632C, A63-02712, A63-02955,
A63-03099, A63-07814, A63-17988, A63-18001, A63-18002,
A63-18003, A63-18015 and A63-18025

Dear Mr. McGinley:

Thank you for having your attorney send us the Resolution stating that Dixie Smith is authorized to represent your firm. The Claim to Water Rights records of the Department have been changed to reflect your new address.

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
AUG 24 1992

THARP & VAN ATTA

ATTORNEYS AT LAW

DRAWER 610

7 SOUTHWEST THIRD STREET

ONTARIO, OREGON 97914

(503) 889-7603

FAX (503) 889-2402

WILLIAM C. THARP*
WILLIAM E. VAN ATTA

ADMITTED TO PRACTICE
IN IDAHO AND OREGON

RECEIVED

MAY 4 1991

May 2, 1991

STATE OF IDAHO
Department of Water Resources
Attn: John D. Carlson
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

RE Snake River Basin Adjudication (SRBA)
Canyon County - Claims A02-00082, A02-07109, A63-
02631A, A63-02631C, A63-02632A, A63-02632C, A63-
02955, A63-03099, A63-07814, A63-17988, A63-18001,
A63-18002, A63-18003, A63-18015 and A63-18025

Dear Mr. Carlson:

Our office represents Eastern Western Corporation. This letter is in response to your letter to Mike McGinley, President, dated April 2, 1991, concerning the above-referenced claims.

Pursuant to my telephone conversation with Sally of your office on April 2, 1991, the enclosed Resolution authorizes Dixie Smith, the current manager of Eastern Western Corporation's Canyon and Valley County properties, to execute any and all documents with the Idaho Department of Water Resources, including the notices of address change previously provided to your office in connection with the claims delineated above.

If you have any questions concerning this matter, please do not hesitate to contact our office.

Very truly yours,

THARP & VAN ATTA

Mary H. Turner

Mary H. Turner

Secretary to William C. Tharp

/mt

Enclosure

cc: Mike McGinley (w/enclosure)
Dixie Smith (w/enclosure)
Dana Hofstetter (w/enclosure) ✓

MICROFILMED

AUG 24 1992

SPECIAL MEETING OF THE BOARD OF DIRECTORS

OF

EASTERN WESTERN CORPORATION

The Board of Directors of Eastern Western Corporation, an Oregon corporation, after waiving notice, held a special meeting on the 10th day of April, 1991, at corporation headquarters at 1505 SE Gideon Street, Portland, Oregon, at 9:00 o'clock a.m. Present were Michael McGinley and Nancy Robison.

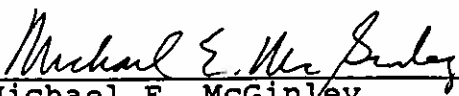
The Chairman called the meeting to order and indicated that the purpose for the meeting was to authorize the appointment of Dixie Smith to represent the corporation in dealings with all irrigation districts within the State of Idaho and the Department of Water Resources of the State of Idaho. Upon motion duly made, seconded and unanimously passed, it was resolved:

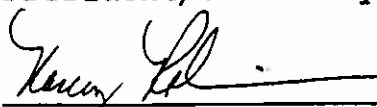
R E S O L U T I O N

That Dixie Smith is authorized to represent Eastern Western Corporation in connection with any and all dealings with all irrigation districts within the State of Idaho and the Department of Water Resources of the State of Idaho. This duty to represent the corporation includes the right to vote and make decisions on behalf of Eastern Western Corporation regarding policy as affects water rights within the State of Idaho; and further includes the right to execute any and all documents necessary to effectuate claims pertaining to the Snake River Adjudication and transfer water shares as may, from time to time, become necessary to effectively represent the interests of the Corporation.

There being no further business to come before the meeting, it was moved, seconded and unanimously passed that the meeting be adjourned.

DATED This 10th day of April, 1991.


Michael E. McGinley
President/Secretary


Nancy Robison
Assistant Secretary

MICROFILMED

AUG 24 1992

RECEIVED

NOV 20 1991

SPECIAL MEETING OF THE BOARD OF DIRECTORS

OF

Department of Water Resources

EASTERN WESTERN CORPORATION

The Board of Directors of Eastern Western Corporation, an Oregon corporation, after waiving notice, held a special meeting on the 15th day of October, 1991, at corporation headquarters at 1505 SE Gideon Street, Portland, Oregon, at 9:00 o'clock a.m. Present were Michael McGinley and Nancy Robison.

The President called the meeting to order and indicated that the purpose for the meeting was to authorize the appointment of Curt Ingle to represent the corporation in any and all dealings with the Idaho Department of Water Resources pertaining to Idaho water rights and/or the Snake River Adjudication. Upon motion duly made, seconded and unanimously passed, it was resolved:

R E S O L U T I O N

That Curt Ingle is authorized to represent Eastern Western Corporation in connection with any and all dealings with the Idaho Department of Water Resources pertaining to Idaho water rights and/or the Snake River Adjudication. This authority to represent the corporation includes the right to vote, file claims and make decisions on behalf of Eastern Western Corporation regarding policy as affects water rights within the State of Idaho.

There being no further business to come before the meeting, it was moved, seconded and unanimously passed that the meeting be adjourned.

DATED This 15th day of October, 1991.


Michael E. McGinley
President


Nancy Robison
Assistant Secretary

THARP & VAN ATTA
Attorneys at Law
Drawer 610
Ontario, Oregon 97114
(503) 866-7803

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AUG 24 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 2, 1991

Mike McGinley, President
P.O. Box 3228
Portland, OR 97208-3228

RE: Snake River Basin Adjudication (SRBA)
Canyon County - Claims #A02-00082, A02-07109,
A63-02631A, A63-02631C, A63-02632A, A63-02632C,
A63-02955, A63-03099, A63-07814, A63-17988, A63-18001,
A63-18002, A63-18003, A63-18015 & A63-18025

Dear Mr. McGinley:

Notice of the address change of the above-referenced water rights has been received. Since each of the rights shown above was signed by Jim Hipwell, we cannot change our records based on the signature of Dixie Smith, but will need corporate documents showing the name change.

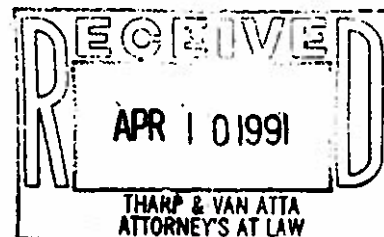
Upon receipt of these documents, Notices of Claim will be prepared from the Agency's computer and sent to you for your review and records.

Please contact me if you have any questions.

Yours truly,

John D. Carlson
Adjudication Supervisor

JDC:sf:state:tf



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