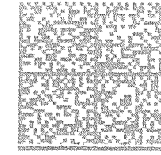


Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

ADDRESS SERVICE
REQUESTED

FIRST CLASS



UNITED STATES POSTAGE
02 1A \$ 00.52⁰
0004389393 NOV 17 2006
MAILED FROM ZIP CODE 83702

~~78-4126~~
78-4276
78-4133
78-4015
78-2052
78-2030

UNDELIVERABLE AS ADDRESSED



EQUITABLE AGRI BUSINESS INC
C/O TODD HANSEN REGIONAL MGR
3203 W MARCH LN STE 110
STOCKTON CA 95219

UTP
1021



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

Right Nos. 78-4133, 78-4276 and 78-12300 are limited to the irrigation of a combined total of 803 acres in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 1094 acres in a single irrigation season.
Combined Right Nos.: 78-2030B, 78-2052, 78-4015, 78-4133, 78-4276 and 78-12300.

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 - Beneficial Use

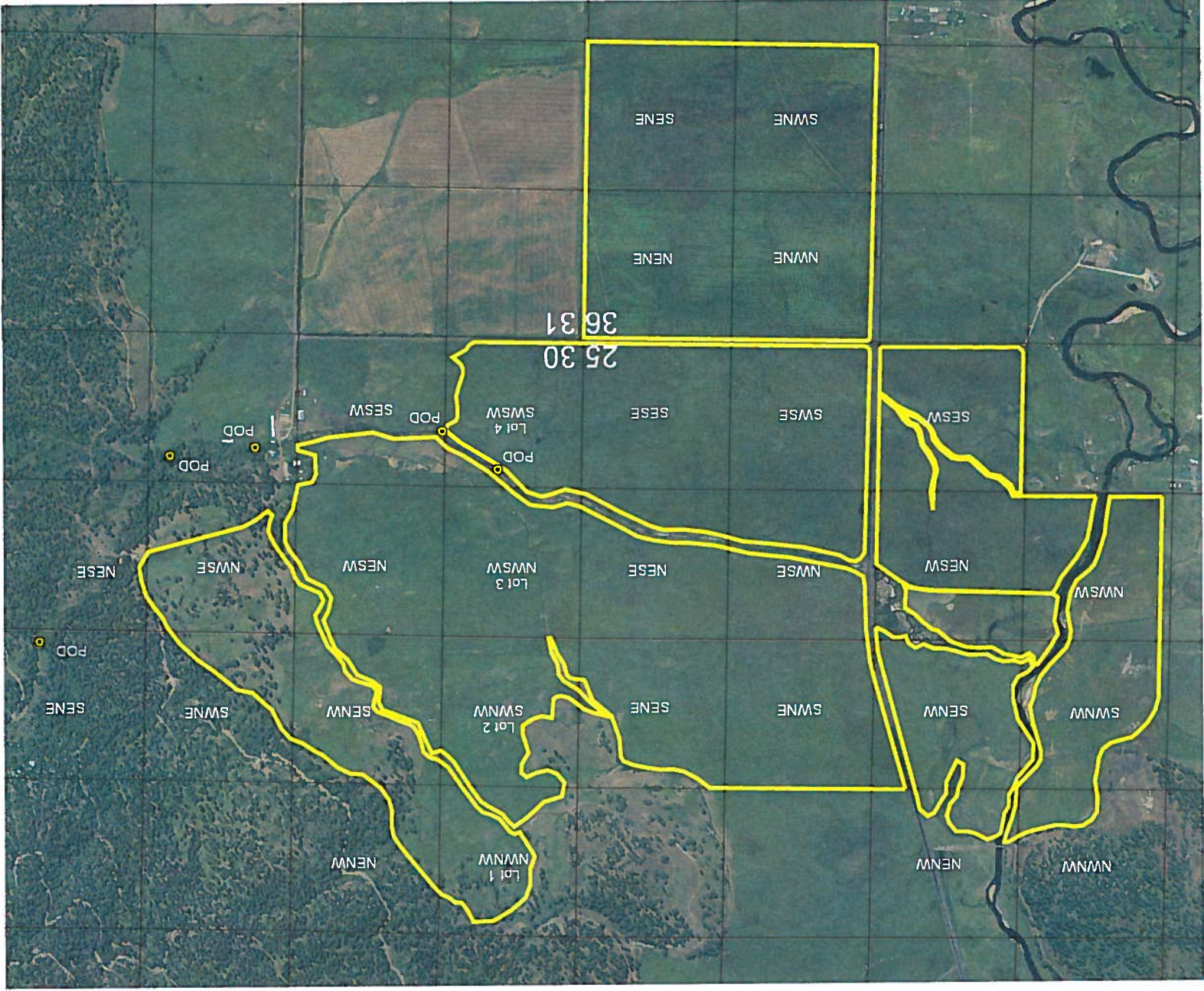
Use of this right is combined with water from Granite Twin Lakes Water Users.

Use of this right is combined with water from Brundage Water Users Association.

Use of this right is combined with water from Goose Lake Reservoir Company.

78-4133 & 78-4276

T20N R01E
S25 & S36
T02N R02E
S30 & S31



4000 Feet

2000

0

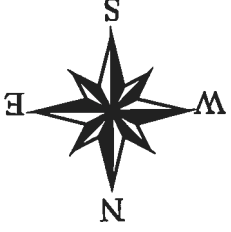
2000

Map prepared by: Carter Fritschle

Date prepared: 12/28/05

2004 NAIP Photography

Idaho Department of Water Resources



To Water Resource Board and Osborn Ranch Inc.

A ditch was dug by hand over the mountain, the year of 1903, to convert 30CS of water from the tributary of Browns Creek. Diversion point is located NE $\frac{1}{4}$ SE Sect. 17 TWP 20N Range 2E BM, Adams County, Idaho. This ditch runs water into Six Mile Creek.

Water from Six Mile Creek and tributary to Browns Creek has been used for irrigation and stock water since this time.

Rollie L. Campbell, who is giving this information, was born the year of 1895. He was born and raised on the Circle C Ranch, which is located 6 miles N.E. of New Meadows, Idaho -Adams County, Idaho. Mr Campbell lived there for 77 yrs. and was a major share holder in the Circle C ranch from the time it was incorporated until it was sold in 1972.

The water has been used every year since 1903 during irrigation seasons on the above described land in Adams County.

11-3-87 Rollie Campbell
Osborn Ranch Inc. by Warren Osborn

SCANNED

DEC 29 2005

IN THE MATTER OF:)
)
 IN RE THE GENERAL ADJUDI-)
 CATION OF RIGHTS TO THE)
 USE OF WATER FROM THE)
 SNAKE RIVER BASIN)
 WATER SYSTEM)

CIVIL CASE NO. 39576

AFFIDAVIT

RE: CLAIM OF ALVIN H. HALL TO A
 WATER RIGHT, IDENTIFICATION
 NO. A78-04080

STATE OF IDAHO)
) ss.
 County of Ada)

ROLLIE L. CAMPBELL,, being first duly sworn,
 deposes and says:

1. That your affiant, ROLLIE L. CAMPBELL, is a resident of Boise, Ada County, Idaho, and also of McCall, Valley County, Idaho, and that he has personal knowledge of the facts set forth in this Affidavit;

2. That this Affidavit is made in opposition to the above-described claim to a water right No. A78-04080 (hereinafter referred to as the "Opposed Claim"), and in support of limiting the Opposed Claim in accordance with the facts herein stated;

3. At all material times hereinafter mentioned, your affiant was an owner of, and lived upon, what was known as "Circle C Ranch", predecessor in interest to Osborn Ranch, Inc., claimant to a water right bearing Identification No. A78-04133 (hereinafter referred to as the "Supported Claim");

4. That the Opposed Claim claims a priority date of January 1, 1879, but the correct priority date should be during the year 1920, when the first diversion of water related to the Opposed

SCANNED

Claim occurred, because of the construction in that year of a ditch (hereinafter referred to as the "1920 Ditch") for the collection of water from one or more tributaries of Brown Creek and the transportation of that water through the 1920 Ditch to Six Mile Creek;

5. Said 1920 Ditch was constructed by Frank Delbar and Harold Campbell, and said 1920 Ditch was and is the source of the Six Mile Creek water referred to in the Opposed Claim;

6. Said 1920 Ditch was constructed for the purpose of providing to the predecessor of the claimant under the Opposed Claim a more convenient means of diversion of water from a tributary of Brown Creek but was not intended, or used for, a means of diversion of water from Six Mile Creek other than water put into Six Mile Creek through said 1920 Ditch;

7. The right of said claimant under the Opposed Claim to the use of water in Six Mile Creek was and is, therefore, only for said claimant's water diverted into Six Mile Creek from a tributary of Brown Creek, and said claimant had and has no right to any water from Six Mile Creek itself;

8. That Osborn Ranch, Inc., successor to Circle C Ranch, under the Supported Claim has the right to water diverted by another, separate ditch (hereinafter referred to as the "1903 Ditch") constructed in 1903 from a tributary of Brown Creek to Six Mile Creek;

9. That at all times from and since 1903, Circle C Ranch and thereafter Osborn Ranch, Inc., used the water of Six Mile Creek, as well as that of a tributary of Brown Creek through the 1903

SCANNED

DEC 7 9 2005

Ditch, for irrigation and to water livestock, as claimed in the Supported Claim;

10. That at all times from and since 1879, Circle C Ranch and thereafter Osborn Ranch, Inc., used the water of Six Mile Creek for irrigation and to water livestock; and

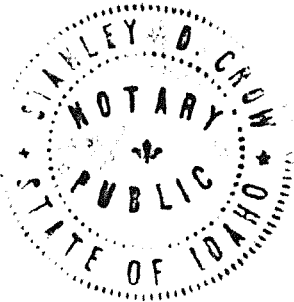
11. That, therefore, the Supported Claim of Osborn Ranch, Inc., to the water of Six Mile Creek is prior in time and prior in right to that of the claimant under the Opposed Claim.

FURTHER YOUR AFFIANT SAYS NOT.

Stanley D. Crow

(Signature)

Subscribed and sworn to before me this 20th day of April, 1989.



Stanley D. Crow

Notary Public for the State of Idaho, residing at Boise, Idaho. My commission expires 1/22/94.

INSTRUMENT NO. 77069

State of Idaho }
County of Adams } ss.

Filed for record at the request of
Warren Osborn
45 min. past 3 o'clock P.M.
this 11 day of May, 19 89
BK16M of Misc. PG. 090

MICHAEL FISK, RECORDER
by *Sonda Lawrence* Deputy *indexed*
Fee \$ 9.00

SCANNED

DEC 7 9 2005

78-4414
October 10, 1996

To Whom It May Concern:

As a resident of New Meadows, Idaho my entire life, I am writing this letter as a testimony as to what I know about the Last Chance Ditch and the 1903 Ditch.

In 1898, my father built a ditch out of Sewell Creek, and I know that the Last Chance Ditch was built before that. I do not know the exact year, but only that it was built prior to 1898.

On or about 1926, I personally worked on what is known as the 1920 Ditch that comes out of Brown's Creek. In 1926, I worked on extending that ditch with Harold Campbell and Frank Delbar.

I mention the above ditch only to place it in relationship to the old Circle C Ditch or 1903 Ditch as it is called that comes out of Brown's Creek. I know that when I was working on the 1920 Ditch, the 1903 Ditch had been in existence for quite sometime. I never heard the exact year, but assume it was built in 1903.

Charlie Wallace

Charlie Wallace
Birthdate September 17, 1907

*State of Idaho } ss
County of Adams }*

On this October 10, 1996 before me a Notary Public in and for Idaho, personally appeared Charlie Wallace, known to me as the person who signed the above document.

*Large Fawcett - Notary Public
at New Meadows, Idaho
my commission expires 8/23/97*

SCANNED

DEC 7 9 2005

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: A78-04276
Date Received: 5/24/1988 6-3-88
Receipt No: 14000058
CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: OSBORN RANCH INC. 208-347-2387
Address: P.O. BOX 209
NEW MEADOWS, ID 83654
2. Date of Priority: JAN 01, 1903
3. Source: BROWN CREEK Trib. to: HARD CREEK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
20N	02E	17	NE	NE	SE		ADAMS
		20	NE	NW	SE	I	ADAMS
		30	SE	SE	NE	R	ADAMS
			NE	SW	SW	R	ADAMS
			NW	SE	SW	R	ADAMS
			NE	SW	SE	R	ADAMS
			NW	SW	SE	R	ADAMS

5. Description of diverting works:
DAM IN CREEK DIVERTS INTO DITCH, REDIVERTED INTO DITCHES.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	3.000		

7. Total Quantity Appropriated is:
3.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 1724.0 Acre Feet Per Annum.
9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
20N	01E	25	SW		NE		IRR	40.0
			SE		NE		IRR	36.0
			NW		NW		IRR	6.0
			SW		NW		IRR	22.0
			SE		NW		IRR	37.0
			NE		SW		IRR	32.0
			NW		SW		IRR	30.0
			SE		SW		IRR	33.0
			NE		SE		IRR	40.0
			NW		SE		IRR	39.0
			SW		SE		IRR	39.0
			SE		SE		IRR	39.0
							Section Acres	393.0
		36	NE		NE		IRR	36.0
			NW		NE		IRR	37.0
			SW		NE		IRR	40.0
			SE		NE		IRR	36.0
							Section Acres	149.0
	02E	30	SW		NE		IRR	14.0
			NE		NW		IRR	7.0
			NW		NW	1	IRR	27.0
			SW		NW	2	IRR	35.0
			SE		NW		IRR	35.0
			NE		SW		IRR	37.0
			NW		SW	3	IRR	39.0
			SW		SW	4	IRR	32.0
			SE		SW		IRR	15.0
			NW		SE		IRR	23.0
							Section Acres	264.0
							Total Acres	806.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

GOOSE LAKE, BRUNDAGE RES. 78-2030, 78-4015, 78-4133, 78-2052

14. Remarks:

WATER IS DIVERTED FROM BROWN CREEK AND INJECTED INTO SIX MILE CREEK. THERE ARE 5 REDIVERSION POINTS FROM SIX MILE CREEK.

OTHER WATER RIGHTS: GRANITE TWIN LAKES

A78-04276

Page 2

Date: 05/26/88

MICROFILMED
OCT 06 1992

15. Basis of Claim: STATUTORY CLAIM
Water Right Number:

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: -2-

For Organizations:

I do solemnly swear or affirm that I am President of
_____ Title
Osborn Ranch Inc., that I have signed the foregoing
_____ Organization
document in the space below as President of
_____ Title
Osborn Ranch Inc. and that the statements contained in the
_____ Organization
foregoing document are true and correct.

Warren Osborn
Signature of Authorized Agent
Pres. Osborn Ranch Inc.
Title and Organization
6-3-88
Date

State of Idaho)
County of Adams) SS.

Subscribed and sworn (or affirmed) before me this 3rd day

of June 19 88

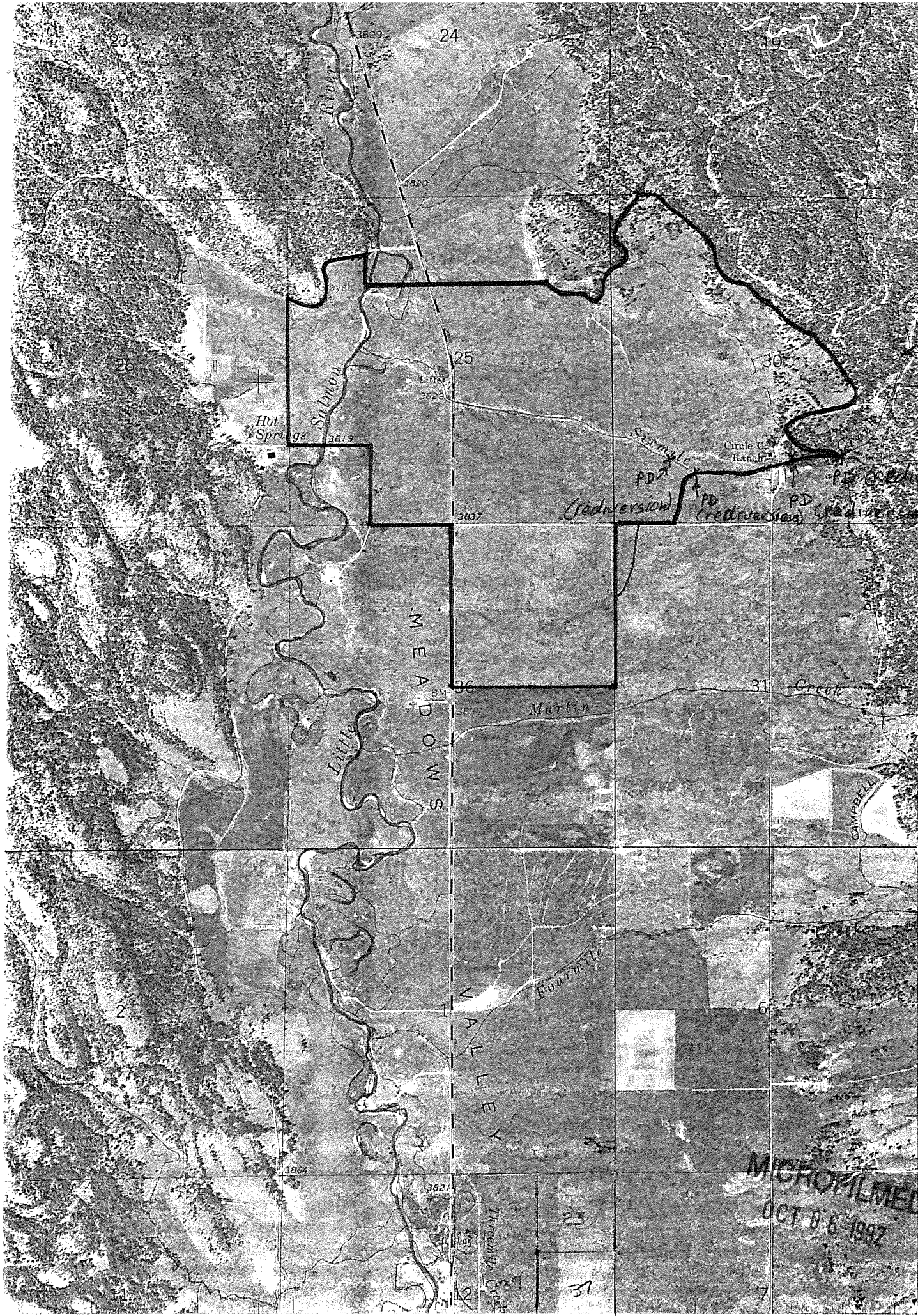
Carter Fritchler
Notary Public

Seal

Residing at Eagle, Id
My Commission Expires 3-21-94

A 78-04276





P.D. at point of redivision

P.D. (redivision)

PD (redivision) PD (redivision) PD (redivision) PD (redivision)

A78-04276

T. 2
T. 1

MICROFILMED
OCT 06 1992

EQUITABLE AGRI-BUSINESS, INC.



3203 West March Lane, Suite 110
Stockton, CA 95219
(209) 951-4980
(209) 951-3038 (Fax)

Steven A. Parker
Vice President - Western Region

J.L. Rasmussen
Assistant Regional Vice President

Charles T. McElligott
Assistant Regional Vice President

Todd D. Hansen
Regional Manager

January 2, 1997

Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: License Nos. 78-02030B, 78-02052 and
Claim Nos. 78-04015, 78-04133, & 78-04276
Our Loan No. F-199259
Osborn Ranch, Inc.

*changed records
sent to Regis.*

RECEIVED

JAN 27 1997

Department of Water Resources

*} all claims.
added "L" owner to records after
discussing w/Don. 02-04-1997.
-ps*

To Whom It May Concern:

Please be advised that The Equitable Life Assurance Society of the United States holds a first lien on real estate security which also encumbers the above captioned water licenses.

We would appreciate you so noting our lien in your records. We will also notify your agency upon the payment in full of the above captioned loan which will release our security interest in these licenses.

If you have any questions, please contact this office.

Sincerely,

Todd Hansen
Regional Manager

TH:ab

Accepted By:

OSBORN RANCH, INC.

By: Warren Osborn

Its: President

By: Tessie Osborn

Its: Secretary

*W.A. has seen. Jim Q. brought
to me 01-31-97. -ps*

K:\199259\H2ORIGHT.SAM