

12/29/2006

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

RIGHT NUMBER: 78-7177

NAME AND ADDRESS: MEADOWCREEK PROPERTY OWNERS ASSN
PO BOX 415
NEW MEADOWS ID 83654

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.580 CFS
375.000 AFY

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

Right Nos. 78-7173 and 78-7177 are limited to a total combined annual diversion volume of 1.2 AF per lot for domestic use.

PRIORITY DATE: 06/25/1981

POINT OF DIVERSION:

T19N R01E S11 NENE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	0.100 CFS 15.00 AFY
DOMESTIC	1/01 12/31	0.580 CFS 360.00 AFY

Domestic use is for 300 homes.

PLACE OF USE: IRRIGATION in ADAMS County

T19N R01E S11	NENE	4.00	T19N R01E S11	NWNE	1.00
---------------	------	------	---------------	------	------

DOMESTIC in ADAMS County

T19N R01E S01	SWNW	T19N R01E S01	NWSW
T19N R01E S01	SWSW	T19N R01E S02	SENE
T19N R01E S02	NESW	T19N R01E S02	NWSW
T19N R01E S02	SWSW	T19N R01E S02	SESW
T19N R01E S02	NESE	T19N R01E S02	NWSE
T19N R01E S02	SWSE	T19N R01E S02	SESE
T19N R01E S11	NENE	T19N R01E S11	NWNE
T19N R01E S11	SWNE	T19N R01E S11	SENE
T19N R01E S11	NENW	T19N R01E S11	NWNW
T19N R01E S11	SENW	T19N R01E S11	NESE
T19N R01E S11	NWSE		

5 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

78-7177

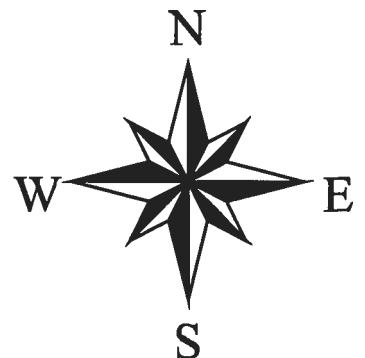


300 0 300 600 900 1200 1500 1800 Feet

A scale bar with alternating black and white segments, marked with the values 300, 0, 300, 600, 900, 1200, 1500, and 1800 Feet.

T19N R01E S11

Map prepared by: Carter Fritschle
Date prepared: 09/20/05
Digital Orthophotoquad - 1992 Photography
Idaho Department of Water Resources



09/20/2005

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

RIGHT NUMBER: 78-7177

NAME AND ADDRESS: KIMBERLAND MEADOWS CO INC
PO DRAWER C
NEW MEADOWS ID 83654

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.580 CFS
375.000 AFY

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

Right Nos. 78-7173 and 78-7177 are limited to a total combined annual diversion volume of 1.2 AF per lot for domestic use.

PRIORITY DATE: 06/25/1981

POINT OF DIVERSION:

T19N R01E S11 NENE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	0.100 CFS 15.00 AFY
DOMESTIC	1/01 12/31	0.580 CFS 360.00 AFY

Domestic use is for 300 homes.

PLACE OF USE: IRRIGATION Within ADAMS County

T19N R01E S11	NENE	4.0	T19N R01E S11	NWNE	1.0
---------------	------	-----	---------------	------	-----

DOMESTIC Within ADAMS County

T19N R01E S01	SWNW	T19N R01E S01	NWSW
T19N R01E S01	SWSW	T19N R01E S02	SENE
T19N R01E S02	NESW	T19N R01E S02	NWSW
T19N R01E S02	SWSW	T19N R01E S02	SESW
T19N R01E S02	NESE	T19N R01E S02	NWSE
T19N R01E S02	SWSE	T19N R01E S02	SESE
T19N R01E S11	NENE	T19N R01E S11	NWNE
T19N R01E S11	SWNE	T19N R01E S11	SENE
T19N R01E S11	NENW	T19N R01E S11	NWNW
T19N R01E S11	SENW	T19N R01E S11	NESE
T19N R01E S11	NWSE		

5 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

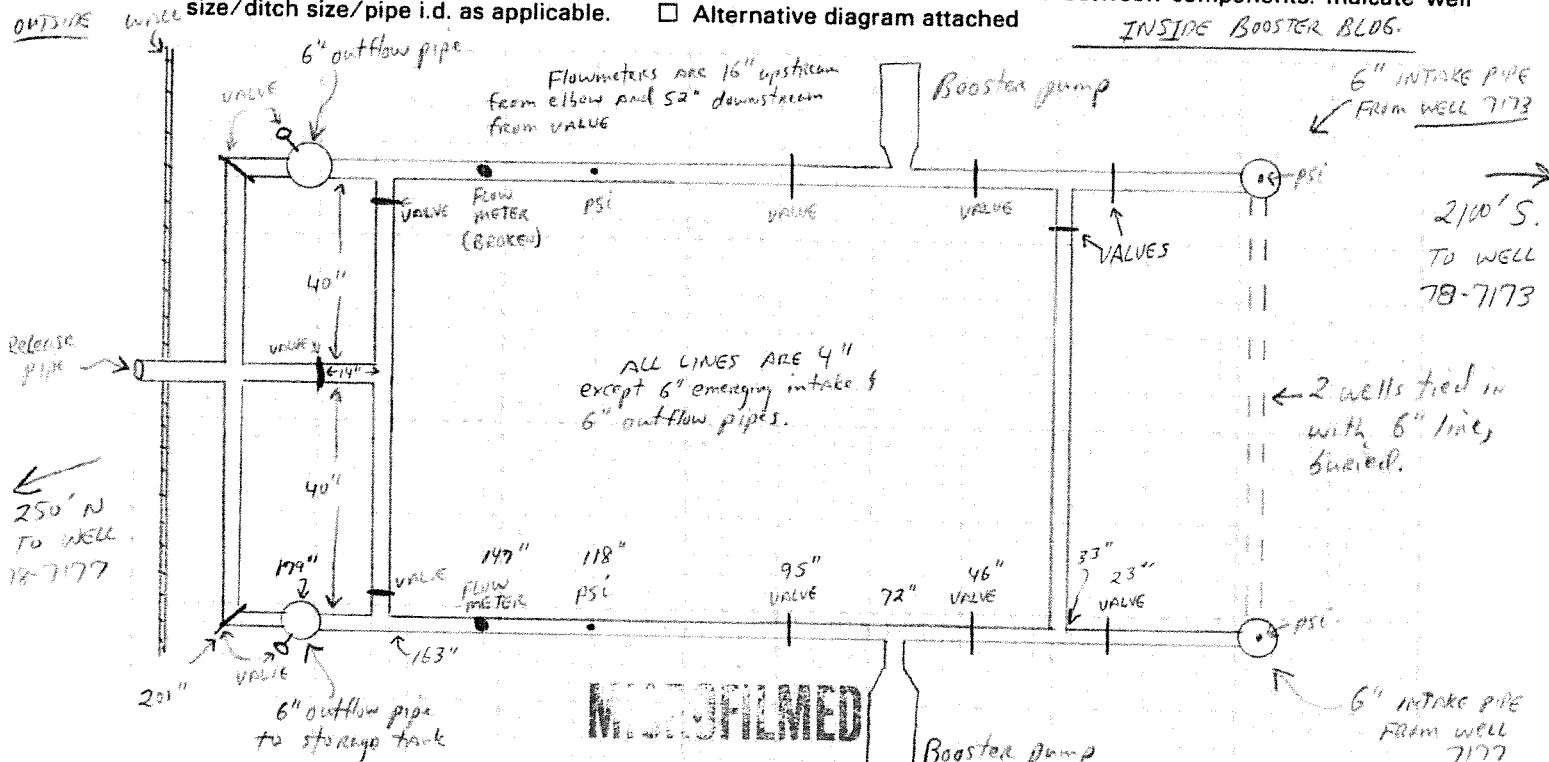
1. Owner: BA Properties I, Inc. Permit No. 78-7177
 Current Address: P.O. Drawer C New Meadows, ID 83854 Phone No. 347-2162
 2. Accompanied by: Brad Pearson & Dave Goodles EXAM. DATE: 9/16/87
 Address: Same Phone No. Same
 Relationship to Permit Holder: Project Mount. Hwy. & Property Owners Assoc. Assist. Foreman, respectively
 3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: 78-7173, 7238, 0142B, 0143B, 0144B, 0144A, 2039, 4302, 7106, 7263, 7262 see 7238 for irrigation overlap
☐ Copies Attached see 7173 for domestic overlap
 2. Other water rights with same point of diversion: 78-7262
☐ Copies Attached N/A ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



NOT FILMED

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Scale: 1" = NOT TO SCALE

2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required). ☐ Aerial Photo Attached (required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).

Distances by items
Show distance to center of 6" intake pipe.

78-7177 & 7173

19N1E
S.1 } Lots N/2 N/4
2 }
11 } No Lots
12 }

Storage Tank

plu

Little Salmon River

four mile

A, B, C = POND
D

S.2

6" PIPE

POND D

Decadent Wrights

Well 7177

Booster Pump

Bldg.

6" PIPES FROM WELLS

3 PUMPS AT SOUTH
END OF POND C
= 78-7238

BURIED
LINE FROM
D TO A

UNNAMED
STREAM

Well 7173

Threemile

LOCAL SURVEY W
558000m E

JAD CLASS:

improved dirt

U.S.

plu

7177 plu
includes:
1 AC NWNE
4 AC NENE
irrigated in
S. 11

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Salmon River

West

Branch

BM3869

MEADOWS

3863

3880

3870

3852

13

14 4000

39847

3954AT

4138AT

4168BT

894774

Disposal Ponds

Gravel Pit

Gravel Pit

78-7177 & 7173

pg. 1 of 2

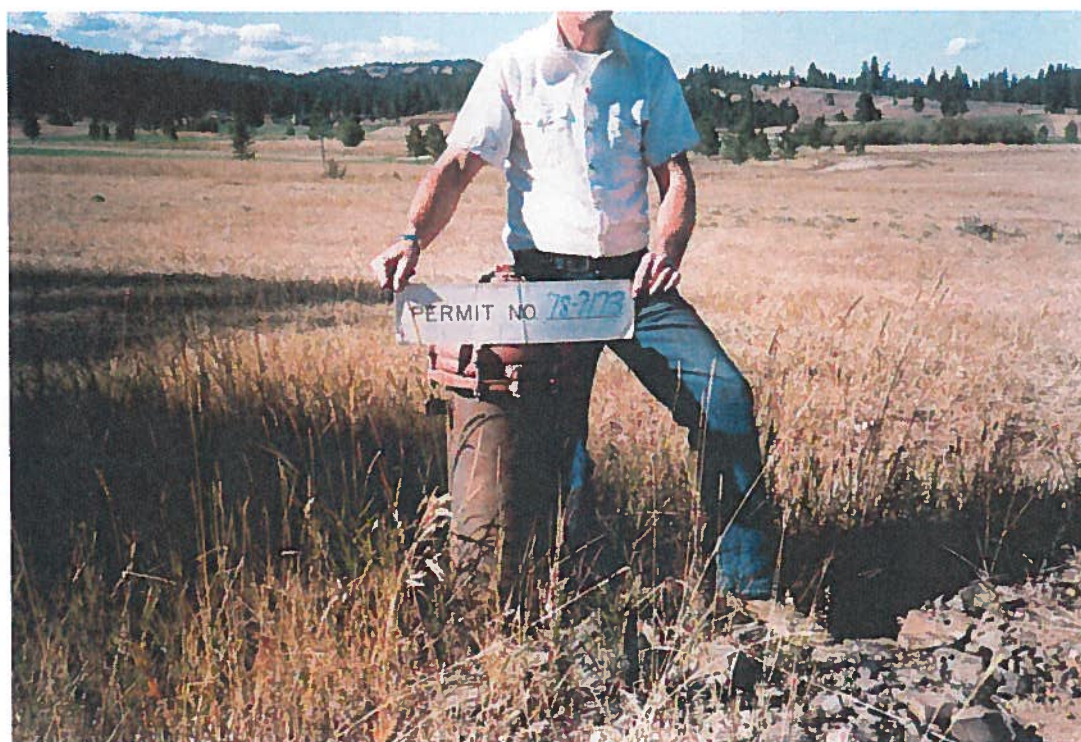


P/O

78-7177

North well about
250' N. of Booster
Pump Bldg seen in
background.

This is approx. 2
miles N. of New
Meadows.



P/O

78-7173

South well about
2100' S. of Bldg.
view is NW towards
Kimbekland meadows
development.

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78 7177 ; 7173

pg. 2 of 2



Inside the
Booster Pump Bldg.
In foreground is
78-7173 system and
in background is
78-7177 system.



Plu
Typical view for
7177 ; 7173. The
lots have limited
lawns & misc. external
uses. Foreground shows
golf course irrigated
under surface water
rights.

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System Description (continued) Kimberland meadows development.

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

The 503' deep well with 10" casing contains a 20 hp subm. system and has a 6" pipe that runs 250' S. to booster building. A 4" line in building leads through a 50 hp. booster pump and leaves building via a 6" buried line that runs almost 1 mile NW to a 65,000 gallon storage tank. From the tank, 8" main reduces to 6" submains and eventually to 1" pvc lines to 409 lots with homes or stubbed lines. Internal & external use occurs. Phase I has 127 units, Phase II contains 226 units, and Phase III now has 56 units. A 6" branch line delivers water to clubhouse/townhouse area (included in the 409 lots) and also allows irrigation of 5 acres in the common area around the clubhouse/townhouse site (misc. small sprinklers and garden hoses).

☐ See Remarks on page 4 for continuation

4. The well ties in with well from 78-7173 in the booster building.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
well pump	submersible gould	20	no tag	submersible gould	6" pipe, no tag
Booster pump	GE	50	SK324AL115	Gould	265B22714; 4" pipe

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NE	NE	11	19N	1E	Adams	USGS 7 1/2' QUAD S Kimberland Meadows Project map.

6. Place(s) of Use:

Indicate Method of Determination same as in P/D

Twp.	Rge.	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	
19N	1E	1							D			D	D						—
		2							D			D	D	D	D	D	D	D	—
		11	D	D	D	D	D	D		D					D	D			—
		4	1																5

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MAY 14 1991

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
McCrometer Flowmeter				82-4-948		Unknown

2. Measurements:

McCrometer Flowmeter # 82-4-948 = 260 gpm
 PSI AS 6" line enters booster building = 50
 PSI downstream from booster pump = 160
 NO static water levels shown on well logs for 7177 or 7173. Z est. at 100'

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

$$\frac{260}{448.8} = .579 = .58 \text{ cfs} = \text{well capacity}$$

* 2. Alternate Method for Checking Purposes:

HP eq. where

$$hp = 20 \quad \text{eff} = .8$$

$$psi = 50 \quad Z = 100$$

$$Q = \frac{(8.8)(.8)(20)}{(2.31 \times 50) + 100} = \frac{140.8}{215.5} = .65 \text{ cfs}$$

F. PUMP EFFICIENCY DATA (Optional)

cannot do, this pump plan 30 line pumps are in 1 meter, operating at 100'.

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3)

; Flow rate: _____ cfs (4)

Panel input needed

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

* NOTE: IF ASSUME BOTH PUMPS WORKING and psi of 160

downstream from booster, Z is 106 (at booster), then

AND ASSUME reduced efficiency

$$Q = \frac{(8.8 \times .6)(70)}{(2.31 \times 160)}$$

$$= \frac{369.6}{370.6} = .997$$

$$= 78 \text{ cfs}$$

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G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (5)(3.0) = 15.0$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (.10)(214)(1.9835) = 41.4$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 15.0$$

2. Volume Calculations for Other Uses:

409 Domestic units (homes or stubbed lots) with internal and very limited external use (thus 1.2 AF/unit)

Permit limited to 300 units:

$$300 \times 1.2 = 360.0 \quad \text{v. } (.58 \times 365)(1.9835) = 419.9 \quad (\text{ANNUAL VOLUME CAPACITY FOR THE WELL})$$

[Permit originally described 300 homes and 5 acres of irrigation for lawns & misc use (see pg. 2 of permit). Development now has homes with small lawns, lots with stubbed lines, and clubhouse/townhouses area with some landscaped areas (5) that receive groundwater for irrigation. I interpret the situation to be domestic use (interior) and 5 ac. irrigation.]

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Irrigation of 5 acres occurs around Guesthouse/Townhouse area.

Yards on lots are ~~for~~ limited to 2000 ft² by property covenant.

Overlap: P/O - 78-7262 is another well (undeveloped now) for other uses.

P/U 78-7173 is another well tied into this system, identical plu except no irrigation on 7173.

-7238 & 0142B-0144B use surface water to irrigate golf course & related areas. ~~From~~

→ rights cover same 5 acres irrigated under 78-7173.

NONE of the other rights listed provide any water to the plu in question.

Lic. condition: R-29.

7238, under rec'd amendments, will not cover the 4 ac. in NENE.

0142B-0144B presently cover the 4 acres in NENE.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Domestic	1/1	12/31	.58	360.0
Irrigation	4/1	11/1	.10	15.0
Totals:			.58	375.0

2. Recommended Amendments

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ None

☐ Change P.U. as reflected above

☒ Add P.U. as reflected above
NOT AN EXPANSION

☐ Other

J. AUTHENTICATION

Field Examiner's Name

Steve Lester

BD

Signature

Steve Lester

2/11/88

Certification Date

Field Report Preparation Date

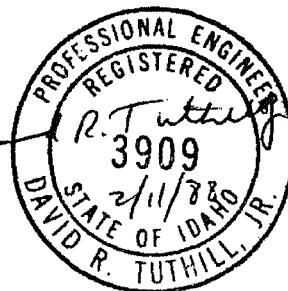
9/16/87

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto. *ADM 12/16/88*

MICROFILMED

MAR 16 1990



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: **A78-07177**
Date Received: 4/29/1988
Receipt No: W000136
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

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SEP 09 2005
Department of Water Resources

1. Name: KIMBERLAND MEADOWS CO INC
Address: PO DRAWER C
NEW MEADOWS ID 83654

2. Date of Priority: JUN 25, 1981

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
19N	01E	11	NE	NE	NE		ADAMS

5. Description of diverting works:
WELL, PUMP & GROUND STORAGE TANK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.100		15.00
DOMESTIC	01/01	12/31	0.580		360.00

7. Total Quantity Appropriated is:
0.580 C.F.S. (and/or) 375.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 300 UNITS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
19N	01E	1	SW	NW		DOMEST	
			NW	SW		DOMEST	
			SW	SW		DOMEST	

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
19N	01E	2	SE		NE		DOMEST	
			NE		SW		DOMEST	
			NW		SW		DOMEST	
			SW		SW		DOMEST	
			SE		SW		DOMEST	
			NE		SE		DOMEST	
			NW		SE		DOMEST	
			SW		SE		DOMEST	
			SE		SE		DOMEST	
		11	NE		NE		IRR	4.0
			NE		NE		DOMEST	
			NW		NE		DOMEST	
			NW		NE		IRR	1.0
			SW		NE		DOMEST	
			SE		NE		DOMEST	
			NE		NW		DOMEST	
			NW		NW		DOMEST	
			SE		NW		DOMEST	
			NE		SE		DOMEST	
			NW		SE		DOMEST	
							Section Acres	5.0
							Total Acres	5.0

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:
WATER RIGHT NO. 78-7173.

14. Remarks:

THIS WELL & THE WELL DESCRIBED IN PERMIT NO. 78-7173 FEED INTO A COMMON STORAGE TANK THEN TO INDIVIDUAL LOTS. THE WELLS ARE USED ALTERNATELY ON A WEEKLY BASIS TO KEEP BOTH WELLS FRESH. ONE WELL ALSO SERVES AS BACK-UP TO THE OTHER IN CASE OF FAILURE.

CLAIM AMENDED 5/12/98 TO REFLECT LICENSE ISSUED 2/8/90. KW

THIS RT. WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 3.0 AFA PER ACRE FOR THE LANDS ABOVE.

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 _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

State of Idaho
Department of Water Resources

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FEB 12 1990

WATER RIGHT LICENSE

WATER RIGHT NO. 78-07177

Department of Water Resources
Western Regional Office

Priority: June 25, 1981

Maximum Diversion Rate: 0.58 CFS
Maximum Diversion Volume:¹ 375.0 AF

This is to certify, that KIMBERLAND MEADOWS CO. INC.

P.O. DRAWER C

NEW MEADOWS, ID 836540000 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 25, 1981; and has submitted Proof of Beneficial Use on July 24, 1986. An examination indicates that the works have a diversion capacity of .580 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	0.10 CFS	15.0 AF
DOMESTIC	01/01 to 12/31	0.58 CFS	360.0 AF
Totals		0.58 CFS	375.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 11, Township 19N, Range 01E
ADAMS 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>
19N	01E	11	NENE 4	NWNE 1		5

PLACE OF USE: DOMESTIC

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>			
19N	01E	1	SWNW	NWSW	SWSW
		2	SENE	NESW	NWSW
			SWSW	SESW	NESE
			NWSE	SWSE	SESE
	11		NENE	NWNE	SWNE
			SENE	NENW	NWNW
			SENE	NESE	NWSE

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 78-07177

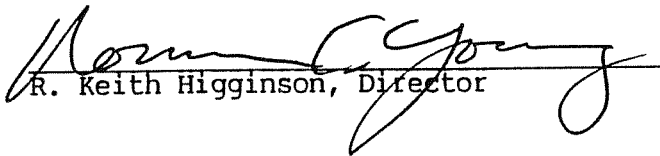
CONDITIONS/REMARKS:

2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.
6. Domestic use is for 300 units within Kimberland Meadows.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 8TH
day of FEBRUARY, 1990.

Acting for

R. Keith Higginson, Director



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: A78-07177
Date Received: 4/29/1988
Receipt No: W000136
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: B.A. PROPERTIES I INC. 208-347-2162
Address: P.O. DRAWER C
NEW MEADOWS, ID 83654-0000

2. Date of Priority: JUN 25, 1981

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
19N	01E	11	SE	NE	NE		ADAMS

5. Description of diverting works:
WELL, PUMP & GROUND STORAGE TANK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.100		
DOMESTIC	01/01	12/31	0.580		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 10.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/300 HOMES, S/25 HD.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
19N	01E	1	SW	NW		DOMEST	

A78-07177

Page 1

Date: 07/18/88

MICROFILMED

OCT 05 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
19N	01E	1	NW SW		DOMEST	
			SW SW		DOMEST	
		2	NW NE		STOCK	
			SE NE		DOMEST	
			NE SW		DOMEST	
			NW SW		DOMEST	
			SW SW		DOMEST	
			SE SW		DOMEST	
			NE SE		DOMEST	
			NW SE		DOMEST	
			SW SE		DOMEST	
		11	SE SE		DOMEST	
			NE NE		IRR	4.0
			NE NE		DOMEST	
			NW NE		DOMEST	
			NW NE		IRR	1.0
			SW NE		DOMEST	
			SE NE		DOMEST	
			NE NW		DOMEST	
			NW NW		DOMEST	
			SE NW		DOMEST	
			NE SW		DOMEST	
			SE SW		DOMEST	
			NE SE		DOMEST	
			NW SE		DOMEST	
			SW SE		DOMEST	
			SE SE		DOMEST	

Section Acres 5.0

Total Acres 5.0

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:
WATER RIGHT NO. 78-7173.

14. Remarks:

THIS WELL AND THE WELL DESCRIBED IN PERMIT NO. 78-7173 FEED INTO A COMMON STORAGE TANK THEN TO INDIVIDUAL LOTS. THE WELLS ARE USED ALTERNATELY ON A WEEKLY BASIS TO KEEP BOTH WELLS FRESH. ONE WELL ALSO SERVES AS BACK-UP TO THE OTHER IN CASE OF FAILURE.

15. Basis of Claim: PERMIT

A78-07177

Page 2

Date: 07/18/88

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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 _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: A78-07177
Date Received: 4/29/1988
Receipt No: W000136
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: B.A. PROPERTIES I INC. 208-347-2162
Address: P.O. DRAWER C
NEW MEADOWS, ID 836540000

2. Date of Priority: JUN 25, 1981

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
19N	01E	11	SE	NE	NE		ADAMS

5. Description of diverting works:
WELL, PUMP & GROUND STORAGE TANK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.100		
DOMESTIC	01/01	12/31	0.580		

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

8. Total consumptive use is 10.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/300 HOMES

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
19N	01E	1	SW	NW		DOMEST	
			NW	SW		DOMEST	

A78-07177

Page 1

Date: 06/09/88

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OCT 05 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	Lot	Use	Acres
19N	01E	1	SW		DOMEST	
		2	SE	NE	DOMEST	
			NE	SW	DOMEST	
			NW	SW	DOMEST	
			SW	SW	DOMEST	
			SE	SW	DOMEST	
			NE	SE	DOMEST	
			NW	SE	DOMEST	
			SW	SE	DOMEST	
			SE	SE	DOMEST	
		11	NE	NE	IRR	4.0
			NE	NE	DOMEST	
			NW	NE	DOMEST	
			NW	NE	IRR	1.0
			SW	NE	DOMEST	
			SE	NE	DOMEST	
			NE	NW	DOMEST	
			NW	NW	DOMEST	
			SE	NW	DOMEST	
			NE	SW	DOMEST	
			SE	SW	DOMEST	
			NE	SE	DOMEST	
			NW	SE	DOMEST	
			SW	SE	DOMEST	
			SE	SE	DOMEST	
					Section Acres	5.0
					Total Acres	5.0

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:
WATER RIGHT NO. 78-7173.

14. Remarks:
THIS WELL AND THE WELL DESCRIBED IN PERMIT NO. 78-7173 FEED INTO
A COMMON STORAGE TANK THEN TO INDIVIDUAL LOTS. THE WELLS ARE
USED ALTERNATELY ON A WEEKLY BASIS TO KEEP BOTH WELLS FRESH. ONE
WELL ALSO SERVES AS BACK-UP TO THE OTHER IN CASE OF FAILURE.

15. Basis of Claim: PERMIT
Water Right Number:

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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 _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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:

57
39356Ident. Number A78-07177Date Received 3/24/1988 4-26-88Receipt Number W000136

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) B.A. PROPERTIES I INC. Phone (208) 347-2162
Mailing Address P.O. DRAWER C NEW MEADOWS, IDAHO Zip 83654

2. Date of Priority (Only one (1) per claim) JUN 25, 1981

3. Source of water supply (a) GROUNDWATER
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 19N Range 01E Section 11,
SE 1/4 of NE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of ADAMS

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

WELL, PUMP & STORAGE TANK

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OCT 05 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 04/01 to 11/01 amount 0.100 or _____

For DOMESTIC purposes from 01/01 to 12/31 amount 0.580 or _____

For STOCKWATER purposes from 01/01 to 12/31 amount 0.02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.580 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 10.0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) D/300 HOMES S/25 hd.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	
19N	01E	1							D			D	D						-
19N	01E	2		S		D					D	D	D	D	D	D	D	D	-
19N	01E	11	4 D	I D	D	D	D	D		D	D			D	D	D	D	D	5

Total number of acres irrigated 5

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

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
No. 78-7173 or None ()

14. Remarks: THIS WELL AND THE WELL DESCRIBED IN PERMIT NO. 78-0713⁷ FEED INTO A COMMON STORAGE TANK THEN TO INDIVIDUAL LOTS. THE WELLS ARE USED ALTERNATELY ON A WEEKLY BASIS TO KEEP BOTH WELLS FRESH. ONE WELL ALSO SERVES AS BACK-UP TO THE OTHER IN CASE OF FAILURE.

Last Name BAP-I, INC. Ident No. A78-07177

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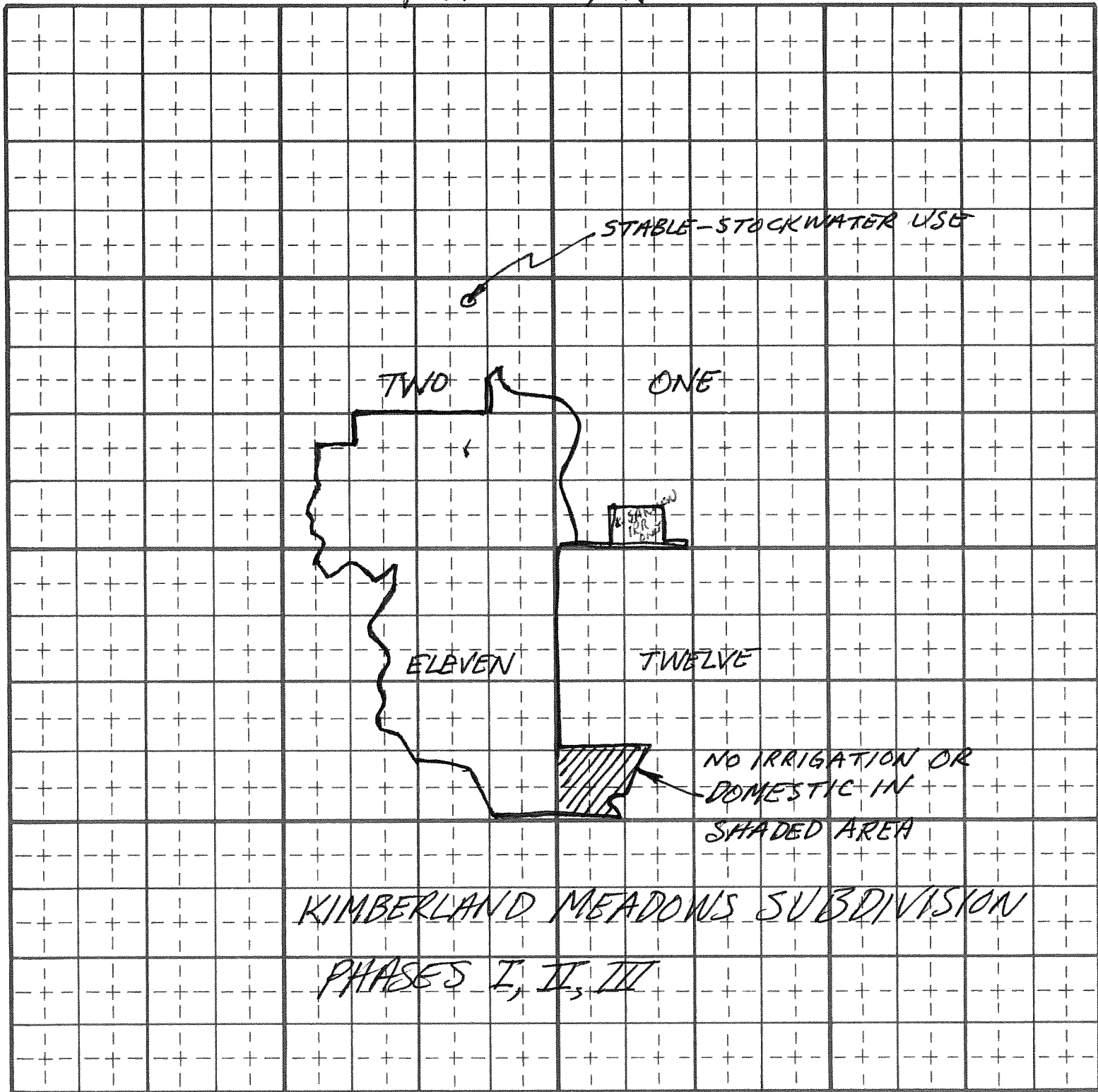
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Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

TWP 19N, R1E

78-7173



Last Name _____ Ident No. _____

Copies White State Yellow Chippewa
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15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit X

Decree _____

If applicable provide IDWR Water Right Number _____

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 X do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 0

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am ENGINEER-DEVELOPMENT MANAGER
Title

of KIMBERLAND MEADOWS , that I have signed the foregoing
Organization

document in the space below as ENGINEER-DEVELOPMENT MANAGER of KIMBERLAND MEADOWS
Title Organization

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

Signature of Authorized Agent *Richard D. Cowdery*

Title and Organization KIMBERLAND MDWS - ENGINEER-DEVELOPMENT MGR. Date _____

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

Subscribed and sworn (or affirmed) before me this 25th day of APRIL 19 88

SEAL

Notary Public EMILE D. COWDERY

Residing at NEW MEADOWS, IDAHO

My Commission Expires AUGUST 12, 1993

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name BAP-I, INC. Ident. Number A78-07177

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Copies White-State, Yellow-Claimant
OCT 05 1992

W000136

March 30, 1988

Bank America Properties #1
Attn: Richard Cowdery
P.O. Drawer C
New Meadows, ID 83654

Dear Mr. Cowdery:

Enclosed are several Rough Draft Adjudication Claims completed based on the latest information contained in the water right files. The adjudication claims for Water Right No.'s 78-0142B, 78-0143B, and 78-0144B were completed based on the application for transfer recently submitted.

As we discussed by phone, the application for transfer will not be necessary due to the adjudication claims filing now taking place in Adams County. The adjudication claims can be filed showing changes in the water rights without a transfer being filed. The \$50 filing fee will be applied to the adjudication claims once they are finalized.

Claim No.'s 78-7173, 78-7177, and 78-7238 were completed based on Steve Lester's field examination conducted on September 16, 1987. Please note that Claim No. 78-7262 covers a permitted water right upon which proof of beneficial use has not been submitted. If this permit will be developed and proof filed on or before the proof due date, August 1, 1989, then the adjudication claim can be filed now. However, if you have not and will not develop this permit, then no claim should be submitted.

I noticed in the documents submitted with the application for transfer, an assignment was included which assigned several water rights from Simpco Lands to BA Properties, Inc.. Most of these rights have adjudication claims enclosed, except for Water Right No.'s 78-0142A, 78-0143A, 78-0144A and Permit No. 78-7106. Water Right No.'s 78-0142A, 78-0143A, and 78-0144A cover the lands that remained after Transfer No. 3183 was filed and approved to change a portion of the original water rights. These remaining lands are located within the NESW, NWSW, Sec. 12; NWNW, SWNW, NWSW, SWSW, Sec. 1; NENE, SENE, Sec. 2, Twp. 19N, Rge. 1E, and the NESE, SESE, Sec. 35, Twp. 20N, Rge. 1E for 380 acres. If BA Properties, Inc. do own these remaining lands, then adjudication claims will need to be filed on these rights also. The portions that were transferred are now numbered as 78-0142B, 78-0143B, and 78-0144B, which have adjudication claims enclosed as explained in paragraph one. Permit No. 78-7106, was also listed on this assignment document. However, it appears that this assignment was not submitted to our Department on this permit since the permit holder of record, Campbell Ranches, relinquished this right on November 10, 1987, due to no development of the right having been started or completed. Enclosed are copies of our correspondence and relinquishment form filed by Steve Campbell.

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Enclosed are copies of other licensed rights found in your area using the place of use report also enclosed. These licenses need to be reviewed by you to see whether BA Properties, Inc. owns the land and is using the water rights. The best way to be sure that all of the water rights are re-filed on under this adjudication is to either send in or bring in a legal description of all of the lands covered by your company for Kimberland Meadows and we can research the water rights. At this point I have used the map prepared by Steve Lester for the field examinations on 78-7173, 78-7177 and 78-7238. Some lands, however, may not have been included on this map.

The rough draft adjudication claims enclosed need to be reviewed carefully, and if any changes are required, feel free to make them on these claim forms. Then return the claims to me and finalized claims will be completed. When these finalized claims are returned to you, your signature before a notary public will be needed and the claim forms returned with the following filing fees: Water Right No.'s 78-0142B & 78-0143B are being filed on one claim form since both priority dates are the same for a fee of \$128(\$50 flat fee plus \$1/acre for 78 acres), 78-0144B, 78-7173, 78-7177, and 78-7238 for a fee of \$50 each(\$50 flat fee only since no fee can be charged for the same acres on more than one claim), and Permit No. 78-7262 for a fee of \$150(\$50 flat fee plus \$75 for .75 cfs heating and \$25 for .25 cfs recreation use), for a total of \$478.

The closing date for filing adjudication claims in Adams County is June 8, 1988, therefore, the legal description of all the lands covered by your company for Kimberland Meadows should be submitted at your earliest convenience in order for any other claims to be completed and submitted timely. Please feel free to contact me if you have any questions concerning the enclosed claims or any portion of this letter.

Sincerely,

JAN SHURTE
Sr. Water Resource Agent

JS:j
Enclosures

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OCT 05 1992