

In Re SRBA	)	Subcase No. 78-12114
	)	
Case No. 39576	)	Standard Form 5
	)	
	)	AMENDED CLAIM
	)	FOR DOMESTIC & STOCKWATER RIGHTS
	)	

Garrick L. Baxter
Deputy Attorney General

Date

CERTIFICATE OF MAILING

I certify that on September ___, 2007, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

Shingle Creek LLC
P.O. Box 1160
Riggins, ID 83549

IDWR Document Depository
P O Box 83720
Boise, ID 83720-0098

US Department of Justice
Environment and Natural Resources Section
550 West Fort Street, MSC 033
Boise, ID 83724

Signature of person mailing the form

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

Right Number: 78-12114

Name and Address: SHINGLE CREEK LLC
PO BOX 1160
RIGGINS, ID 83549

Source: UNNAMED STREAM Tributary: SINKS

Quantity: .02 CFS

This right shall be used in conjunction with right no. 78-12008 and is limited to a total combined diversion rate of .02 cfs and a total quantity of 13,000 gallons per day.

Priority Date: 05-09-1906

Diversion Point: T23N R01W S05 ~~NWSW~~ Within Idaho County
SWNW *Ka*

Purpose and Period of Use:	Purpose of Use Stockwater	Period of Use 06-01 TO 10-31	Quantity .02 CFS
-------------------------------	------------------------------	---------------------------------	---------------------

Place of Use: Stockwater Within Idaho County
T23N R01W S05 ~~NWSW~~
SWNW *Ka*

Other Provisions Necessary for Definition / Administration of this Water Right:

The operation, use and administration of this water right is also subject to the terms and conditions of the stipulation and joint motion for order approving stipulation entered into on August 29, 2002 between the United States of America and Willis DeVeney, Betty DeVeney and Shingle Creek LLC, filed in the office of the Idaho County Recorder and recorded on October 31, 2002 as Instrument No. 425169; the conditions of such stipulation to apply fully to this water right.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

Explanatory Material: Basis of Claim - Beneficial Use

RECEIVED

MAY - 8 2007

Department of Water Resources
Adjudication Bureau

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

In Re SRBA

Case No. 39576

A. Subcase: _78-12114 _
STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America, Acting through the USDA Forest Service

Address: 550 West Fort Street
MSC 033
Boise, Idaho 83724

Daytime Phone: (208) 331-5944

Name and Address of Attorney, if any:

David L. Negri
550 West Fort Street
MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN THE DIRECTOR'S REPORT

Name: Shingle Creek LLC

Address: P.O. Box 1160
Riggins, ID 83549

D. I object to the following elements as recommended in the Director's Report.
(Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☒ **Point(s) of Diversion**
Should be: SWNW. See E below.
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Places of Use**
Should be: SWNW. See E below.

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

Pursuant to the Stipulation and Joint Motion for Order Approving Stipulation, dated August 29, 2002, the United States and Shingle Creek LLC agreed to the elements of the water rights listed on Exhibit F of the stipulation that had not yet been reported at the time of the settlement. This water right claim was listed on Exhibit F and requires changes in order to comply with the terms of the settlement. These terms are that the Point of Diversion and Place of Use should both be described as T23N R01W S5 SWNW.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Steven M. Spencer , duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

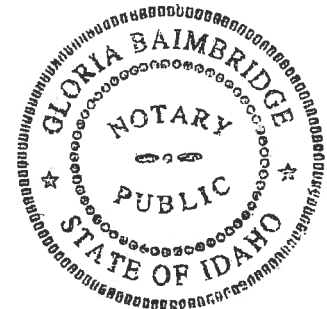
Steven M. Spencer
(Signature of person filing objections)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn before me on: May 7, 2007

Gloria Baimbridge
Gloria Baimbridge

Notary Public for: Idaho
Residing at: Boise, Idaho
Commission Expires: 10/17/2008



INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on May 7, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Shingle Creek LLC

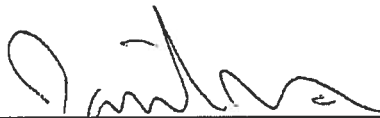
Address: P.O. Box 1160
Riggins, ID 83549

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resource Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

12/26/2006

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

RIGHT NUMBER: 78-12114

NAME AND ADDRESS: SHINGLE CREEK LLC
PO BOX 1160
RIGGINS ID 83549

SOURCE: UNNAMED STREAM

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS

This right shall be used in conjunction with right no. 78-12008 and is limited to a total combined diversion rate of .02 cfs and a total quantity of 13,000 gallons per day.

PRIORITY DATE: 05/09/1906

POINT OF DIVERSION:

T23N R01W S5 NWSW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	06/01 10/31	0.020 CFS

PLACE OF USE: STOCKWATER in IDAHO County

T23N R01W S05 NWSW

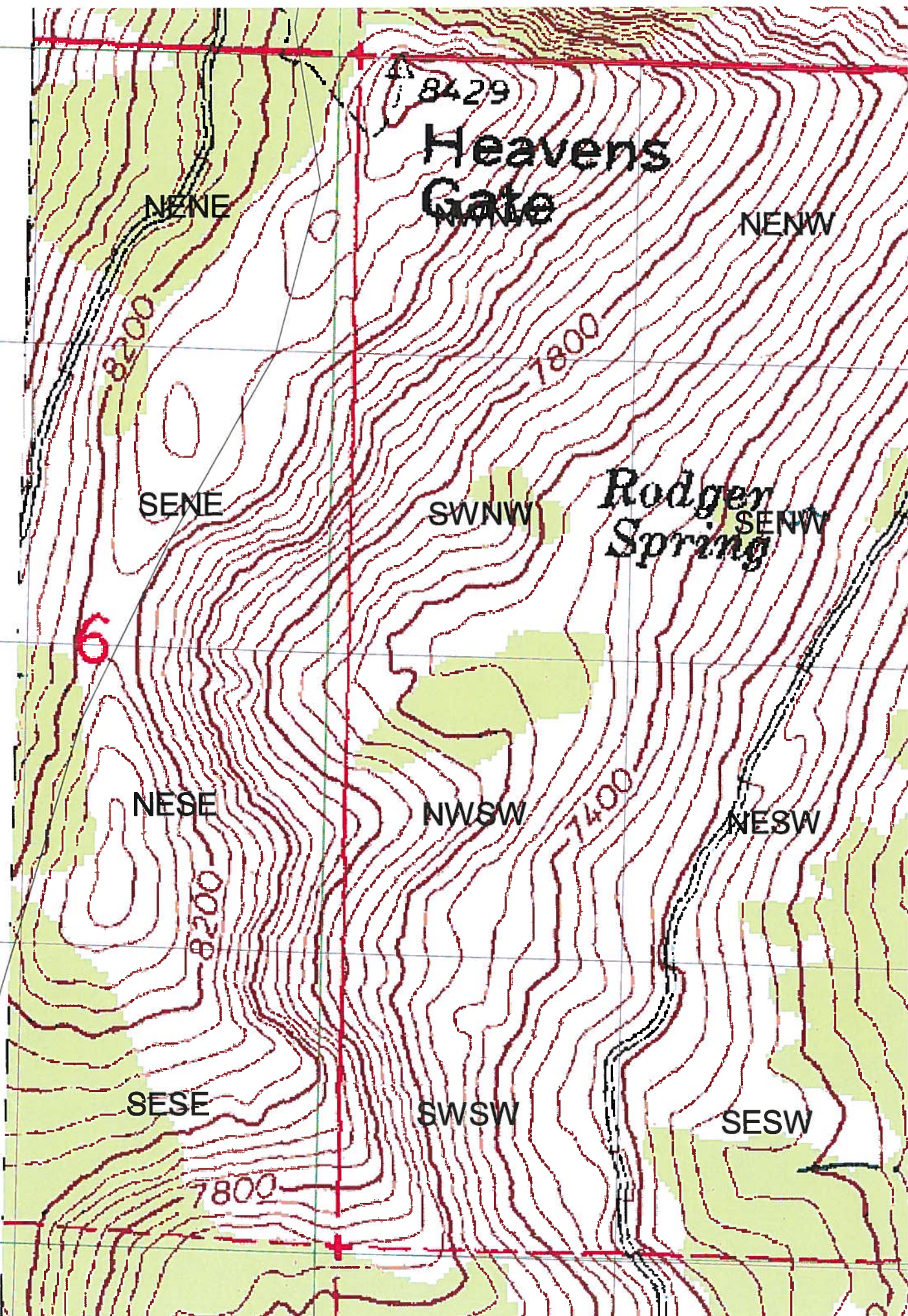
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The operation, use and administration of this water right is also subject to the terms and conditions of the stipulation and joint motion for order approving stipulation entered into on August 29, 2002 between the United States of America and Willis DeVeney, Betty DeVeney and Shingle Creek LLC, filed in the office of the Idaho County Recorder and recorded on October 31, 2002 as Instrument No. 425169; the conditions of such stipulation to apply fully to this water right.

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



NENE

NWNW

NENW

SENE

SWNW

SENW

NESE

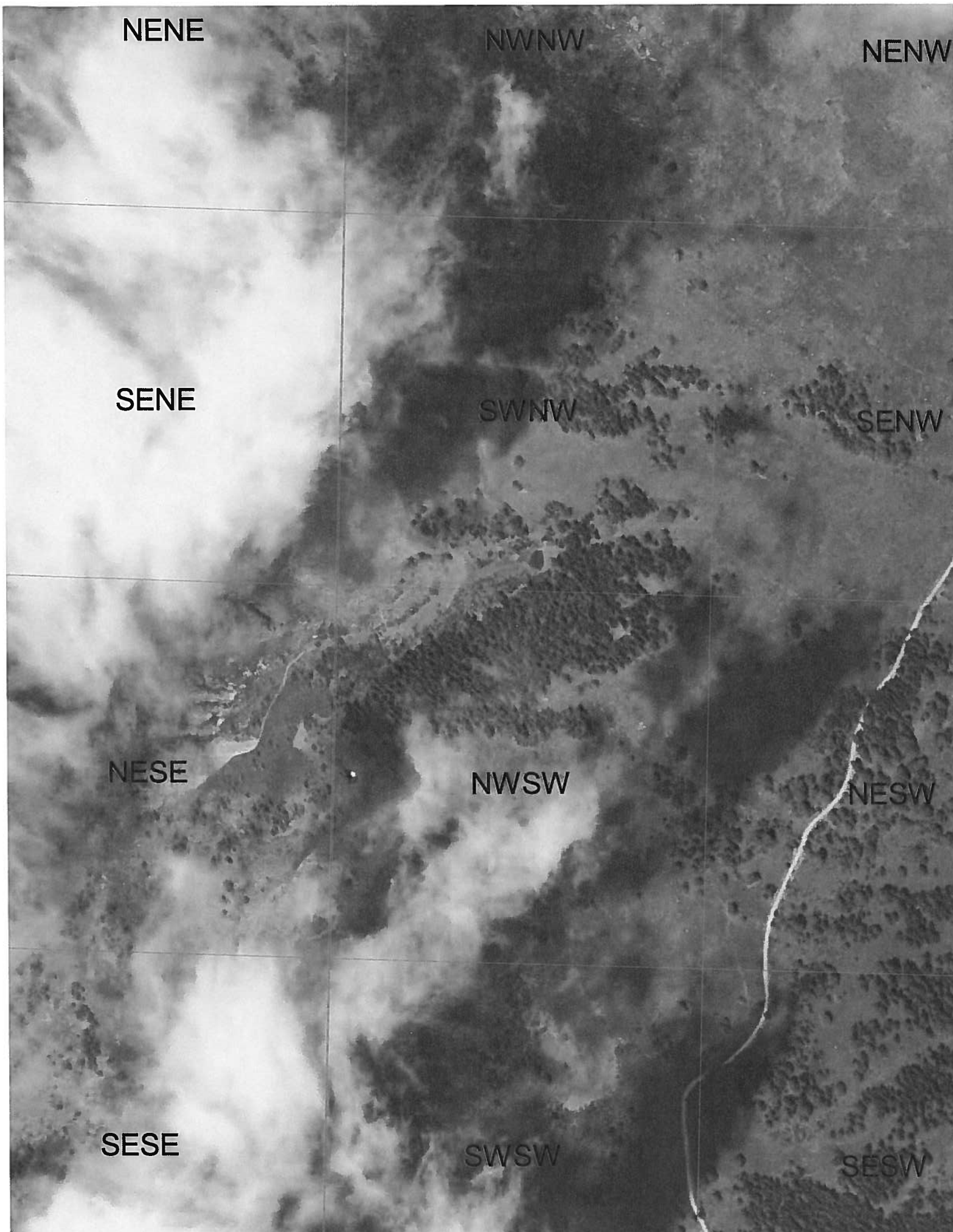
NWSW

NESW

SESE

SWSW

SESW



11/15/2006

NOTICE OF ERROR
REPLY

NOV 30 2006

DEPARTMENT OF
WATER RESOURCES

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 78-12114

SHINGLE CREEK LLC
PO BOX 1160

RIGGINS ID 83549

Telephone Number: (208) 628-3462

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

priority date

2. Describe the changes you wish to make in the proposed recommendation:

Change priority date to 5/09/1906 - one day prior to the Forest Service

3. Give a brief explanation as to why you disagree with these portions:

In accordance with stipulation with nr. 425169

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11/25/06 SIGNATURE: ShingleCreek LLC Willis D. DeKeny (mgr)

Please print your name: Willis D. DeKeny, manager

IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

09/19/2006

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

RIGHT NUMBER: 78-12114

NAME AND ADDRESS: SHINGLE CREEK LLC
PO BOX 1160
RIGGINS ID 83549

SOURCE: UNNAMED STREAM TRIBUTARY: SINKS

QUANTITY: 0.020 CFS
The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1895

POINT OF DIVERSION:
T23N R01W S5 NWSW Within IDAHO County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	06/01 10/31	0.020 CFS

PLACE OF USE: STOCKWATER Within IDAHO County
T23N R01W S05 NWSW

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

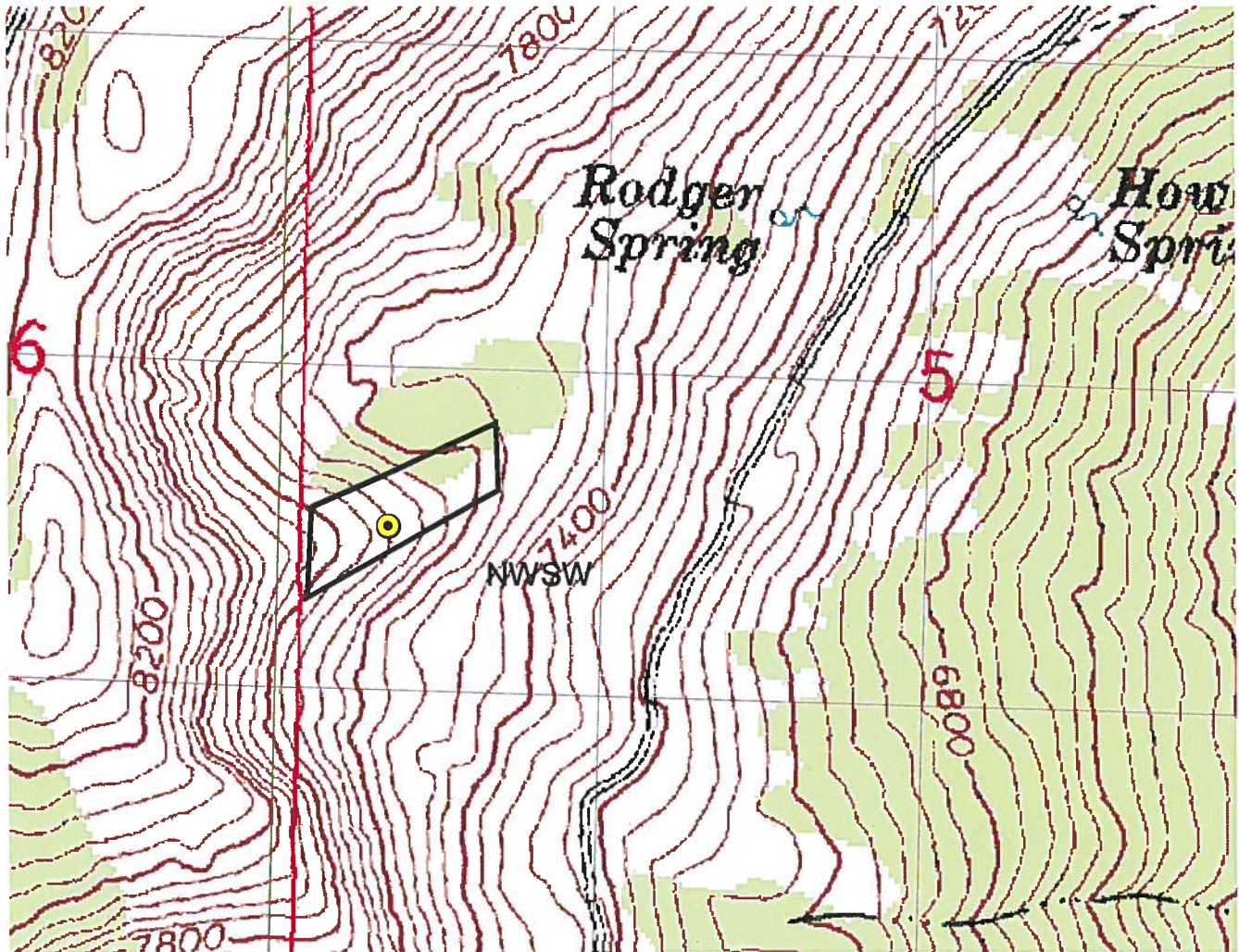
The operation, use and administration of this water right is also subject to the terms and conditions of the stipulation and joint motion for order approving stipulation entered into on August 28, 2002 between the United States of America and Willis DeVeney, Betty DeVeney and Shingle Creek LLC, filed in the office of the Idaho County Recorder and recorded on October 31, 2002 as Instrument No. 425169; the conditions of such stipulation to apply fully to this water right.

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

78-12114



0 500 1000 Feet



Section 5
T23N R1W



● Point of Diversion

□ Place of Use

Map prepared on November 10, 2005
By Kenneth Knoblock
Idaho Department of Water Resources



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 17, 2005

Shingle Creek LLC
Box 1160
Riggins, ID 83549

RE: 78-12109 to 78-12116

We have reviewed your claims for water rights stock water on property that is mostly US Forest Service land. Would you please provide us with the identification numbers of the grazing leases to confirm that you have the right to run cattle on the property? We do not need copies of the entire documents.

Sincerely.

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

Kenneth Knoblock
Water Resources Agent

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 78-12114
Date Received: 7/28/2000
Receipt No: W026797
Received By:

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

1. Name of Claimant(s): SHINGLE CREEK LLC Phone: (208) 628-3462
PO BOX 1160
RIGGINS ID USA 83549

2. Date of Priority: 05/01/1895

3. Source: UNNAMED STREAM Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
23N	01W	5	NW SW	IDAHO	

5. Description of diverting works:

Instream Stockwater

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	06/01	10/31	0.02	

7. Total Quantity Appropriated is:
0.02 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

Number of other uses: Stockwater, 190 Head

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
23N	01W	5	NW SW		STOCKWATER	

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:

14. Remarks:

Receipt No. W026797

Name change by DB 1/16/2002

15. Basis of Claim: Beneficial Use

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

A78-12114

Date Received

7-28-00

Receipt Number

W026797

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Willis D. &/or Betty G. DeVeny Phone (208) 628-3462

Mailing Address Box 1160 Riggins ID Zip 83549

2. Date of Priority (Only one (1) per claim) 5-1-1895

3. Source of water supply (a) Unnamed Stream
which is tributary to (b) Sinks

4. a. Location of existing point of diversion is: Township 23N Range 1W Section 5,
_____ 1/4 of NW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Idaho

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. Instream Stockwater

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Stockwater purposes from 6-1 to 10-31 amount .02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .02 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater, 190 HEAD

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	
23N	1W	5										5							

Total number of acres irrigated _____

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

12. Do you own the property listed above as place of use? Yes _____ No X
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.
78-12008 or None ()

14. Remarks:

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
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 _____ do not _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____

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

Signature of Claimant (s) Betty M. DeKey Date 7/28/00
William D. DeKey Date 7/28/00

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

Signature of Authorized Agent _____
Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 28th day of July 19 2000

SEAL

Notary Public Jan Shute
Residing at Maiden ID
My Commission Expires 9-14-2000

Please Print Name

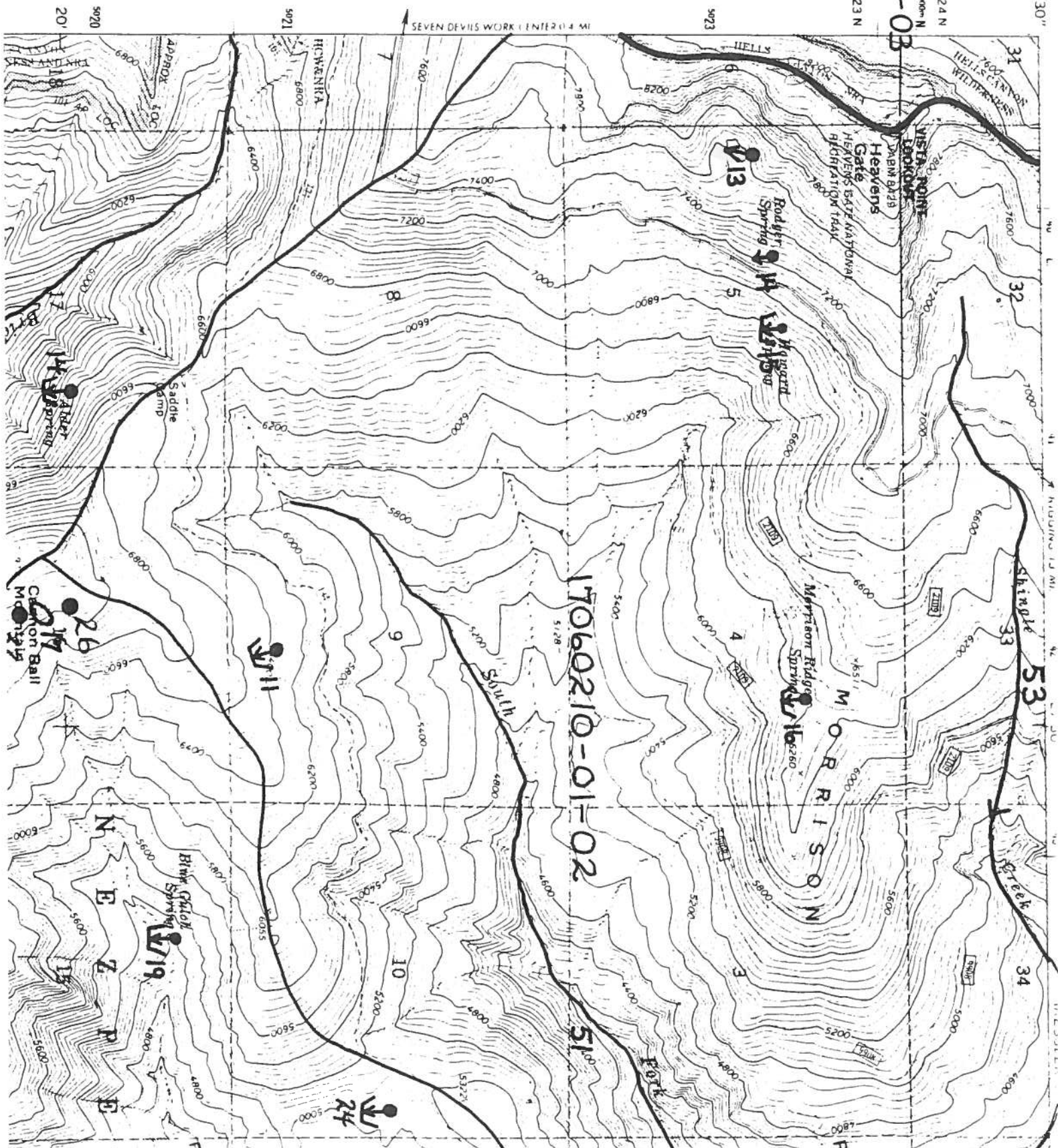
17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

17060101-91-03



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

DEC 24 2001

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	78-10338			78-04249	
	78-10339			78-12109	
	78-10340			78-12110	
	78-04212			78-12111	
	78-04218			78-12112	

See attached list for additional claim numbers.

2. The following **REQUIRED** information must be submitted with this form:

The above claims are on federal lands on our grazing allotment.

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Willis D. & Betty G. DeVeney
Box 1160, Riggins, ID 83549
4. New Owner/Claimant(s) Shingle Creek LLC
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
Box 1160
 New Mailing Address _____
 City, State and ZIP Code Riggins, ID 83549
 New Telephone Number (208) 628 3462
5. Date you acquired the property January 1, 2001.

This change is to change ownership from private individuals to an LLC.
 These claim numbers are not on private property.

Notice of Change in Water Right Ownership - continued

adjudication Claim No.

78-12113

78-12114

78-12115

78-12116

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Shingle Creek LLC
(include title if applicable)
- By: Willis D. DeVeney manager
Willis D. DeVeney

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

FILED/EFFECTIVE **ARTICLES OF ORGANIZATION** **LIMITED LIABILITY COMPANY**



00 DEC 15 AM 9:12

(Instructions on back of application)

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is: Shingle Creek LLC
2. The address of the initial registered office is: Shingle Creek No. 5
(not a PO Box)
Riggins, ID 83549 and the name of the initial registered agent at that address is: Betty G. DeVeney
- Signature of registered agent: Betty G. DeVeney

3. Is management of the limited liability company vested in a manager or managers?
☒ Yes ☐ No (check appropriate box)

4. If management is vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is vested in the members, list the name(s) and address(es) of at least one initial member.

Name:
Willis D. DeVeney

Address:
Box 1160, Riggins, ID 83549

The mailing address for the LLC is Box 1160, Riggins, ID 83549

5. Signature of at least one person listed in #5 above:

Willis D. DeVeney

Betty G. DeVeney

IDAHO SECRETARY OF STATE

Secretary of State use only

12/15/2000 09:00
 CK: 3110 CT: 125299 DH: 366955

1 @ 100.00 = 100.00 ORGAN LLC # 2

W 13733

FORMATION AGREEMENT

Agreement dated as of January 1, 2001 between and among
the prospective LLC members in Shingle Creek LLC:
Willis D. DeVeney
Betty G. DeVeney

Recitals

- (a) The prospective members hereto have evaluated the benefits, risks, and requirements of causing an LLC to be formed for the purpose of engaging in the trade or business of owning real estate, operating a ranch, and any other business that may be legally brought before it.
- (b) The parties hereto wish to confirm their decision to form an LLC to operate the business.

And, therefore, Agree to the following terms and conditions

1. Decision regarding the Choice of Entity.
The prospective members have evaluated individually the benefits, costs, risks, requirements and other relevant considerations of using an LLC rather than other types of arrangements for the purpose of organizing and conducting business. Each prospective member based on such evaluation concurs in the use of an LLC for the business.
2. Internal Affairs and Operation of the business.
The prospective members agree that the business shall have its affairs and operations conducted in generally the following manner:
 - a. Interest in real estate presently owned by Willis D. and Betty G. DeVeney will be transferred to the LLC including the 130 acre and 700 acre parcels.
 - b. The LLC will assume the indebtedness against the 700 acre parcel.
 - c. Willis D. and Betty G. DeVeney will lease the hay and pasture ground on the 340 acre parcel to the LLC.
3. Preliminary Agreement; Operating Agreement to be signed.
The prospective members acknowledge that this LLC Formation Agreement is only a preliminary agreement and that the parties intend and shall execute a comprehensive operating agreement at some future date. The terms and provisions of this LLC formation agreement shall govern until such operating agreement is executed.

4. Business Purpose and Business Plan of the LLC
In addition to the description above of the intended business of the LLC, the prospective members acknowledge and agree that the business will also accumulate capital with the intent of purchasing adjoining property if and at such time it comes on the market and is agreed to by the prospective members as such time as the property becomes available.

The prospective members further acknowledge that they have received, reviewed, and generally accepted this LLC formation agreement.

5. Description of the management of the LLC
The Management of the LLC shall be conducted by Willis D. DeVeney and Bryan G. DeVeney. If either of them are unable to serve, Michael G. DeVeney will be designated a manager. If he cannot serve, Janet DeVeney will be designated as a manager. Craig DeVeney will be designated if she cannot serve. If none of the above can serve, a manager will be elected by a majority of the remaining members.

6. Voting rights of Members
The membership interests anticipated to be issued shall be voting interests.

7. The intent of the present members is to over time gift membership interests to Bryan G. DeVeney, Michael G. DeVeney, Craig L. DeVeney and Janet L. DeVeney.

8. Limitation on Other Activities of Prospective Members.
Nothing in this LLC Formation Agreement shall be deemed to restrict in any way the freedom of any Prospective Member to conduct any other business or activity whatsoever at any location other than the Business, so long as such business or activity does not directly compete with, or conflict with the Business of the LLC.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.


Willis D. DeVeney


Betty G. DeVeney

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: 78-12114

Date Received: 7/28/00

Receipt No: W026797

Received By:

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

1. Name of Claimant(s): WILLIS D DE VENY

Phone: (208)628-3462

Address: PO BOX 1160
RIGGINS ID USA 83549

Name: BETTY G DE VENY

Phone: (208)628-3462

Address: PO BOX 1160
RIGGINS ID USA 83549

2. Date of Priority: 05/01/1895

3. Source: UNNAMED STREAM Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
23N	01W	5	NW SW		IDAHO

5. Description of diverting works:

Instream Stockwater

6. Water is used for the following purposes:

Purpose	From	To	C.F.S. (or) A.F.A
STOCKWATER	06/01	10/31	0.02

7/31/00

7. Total Quantity Appropriated is:
0.02 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 190 Head

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
23N	01W	5	NW SW		STOCKWATER	

11. Place of use in counties: IDAHO

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:
78-12008

14. Remarks:

Receipt No. W026797

15. Basis of Claim: Beneficial Use

16. Signature(s) N / A

AJ5809NP
No. 78-12008

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/24/00
PAGE: 19

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	UNITED STATES OF AMERICA ACTING THROUGH USDA FOREST SERVICE 550 W FORT ST MSC 033 BOISE ID 83724	05/01/1895	STOCKWATER	06-01 10-31	0.020 CFS	
TOTAL DIVERSION:					0.020 CFS	

Water Source: UNNAMED STREAM Tributary to: SINKS Stage: BENEFICIAL USE

Point(s) of Diversion: T23N R01W S05 NMSW IDAHO County

Place of use Legal Description for: STOCKWATER

	NE	NW	SW	SE
T R S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac
23N 01W 5	:	:	S	:

POU County: IDAHO

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP FOREST SERVICE RECORD ID = 01 17 17060210 10 0221

Dates: Exam Made Date: Verified Date: Objection Filed Date: 09/17/1999

Misc: Water District Number: Field Inspection Flag: Presumption Flag:

Comments: Date: 12/01/1998 User-ID: AJU5-JSH Subject: AJU5 STOCK ONLY UPDATE
USE-NOT-IRRIGATION FIELD TEXT DELETED AND MADE EXP REMARK.
CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD.
ANY GEN REMARK CHANGED TO EXP REMARK. IF BLM/USFS, DELETED L12.

Audit: 11/18/98 AJCTR 12/01/98 AJU5-JSH 01/27/99 CHALKER 03/04/99 CPD SHAFF
04/06/99 ADT-DSHA 10/15/99 UPD-SEGB



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 16, 2002

SHINGLE CREEK LLC
PO BOX 1160
RIGGINS ID 83549

Re: Notice of Claim to a Water Right No. 78-12109, 78-12110, 78-12111, 78-12112, 78-12113,
78-12114, 78-12115 & 78-12116

Dear Claimant(s):

Enclosed is a copy of the above referenced claim, which reflects the necessary name changes for the land and appurtenant water rights covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington". The signature is written in dark ink and is positioned above the typed name and title.

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB: db

Enclosure

Shingle Creek Ranch

Box 1160
Riggins, ID 83549

ph. 208 628 3462
fax 208 628 3462

FAX TRANSMITTAL

June 16, 2000

To: Idaho Department of Water Resources
attn: Jan Shurte
Fax: 208 334 2348

From: Betty DeVeney
fax: 208 628 3462

Jan,

Thank you very much for the help on Monday. It really simplified things for us.

We talked about the Forest Service claim, 78-12010 McCrea Creek, and I agreed to check when I got home. As far as we can determine what the Forest Service was filing on is a pipe that came from the irrigation ditch to the cabin for domestic water. There is no diversion for stock water that we are aware of. In any case the cattle can drink from the creek. We did file an objection on this Forest Service claim, but considering the circumstances, we do not think it is appropriate for us to file a claim.

One instream claim that I overlooked when talking to you is the Forest Service claim no. 78-10649 Mill Creek. When I looked, no director's report had been filed, so we did not object to the Forest Service claim, but we should file a similar claim for Mill Creek.

There is one other claim that the Forest Service filed where we objected. It is 78-04239 North Trail Spring. Should we file a claim? The reason we did not initially file a claim is that there is no development at this spring. We understood that there had to be an actual development before a claim could be filed. Years ago there was a shake sign on a tree along the trail with the word "water" pointing toward the spring.

Let us know when you are ready and we will make a point of coming to Boise to sign whatever forms are needed. Again, thank you for your help.

Betty DeVeney

BETTY DE VENNY
Situation 1

11 other people objected

These are claims where we filed a claim and the Forest Service objected and the Forest Service filed a claim and we objected.

- 78-04197 - Chain Spring
- 78-04203 - Clyde Spring
- 78-04205 - Silvers
- 78-04206 - Morrison Ridge Spring
- 78-04208 - Howard Spring
- 78-04209 - Spring - sinks - aka Thorn Gulch Spring C Pond Trough
- 78-04210 - Spring - Eagles Nest - Thorn Gulch B
- 78-04211 - Spring - sinks - aka Thorn Gulch Spring A
- 78-04214 - Blue Gulch Spring (complete form included)
- 78-04216 - Rocky Basin Reservoir
- 78-04219 - Log Trough Spring
- 78-04225 - McCrea Spring possibly what we called Pikes Cabin
- 78-04234 - Cannonball Spring
- 78-04238 - Spring - sinks - aka Jorgie Spring
- 78-04247 - Cottonwood Spring
- 78-10631 - Spring - Upper Thorn Basin - Thorn Basin E
- 78-10632 - Spring - Plank Trough - Thorn Basin D
- 78-12007 - Cannonball Reservoir
- 78-12009 - Spring - probably Pete Wilson

As I understood what you told me for these claims we are covered and do not need to file a response to the Forest Service objection.

W. FORK RIVER & SHINGLE CK (NORTH & SOUTH)
Situation 2 ~~TRIP TO SHINGLE CK~~ TRIP TO RAPID RIVER (ICLAIM)
AND OTHERS TRIP TO W. FK. RAPID RIVER (ICLAIM)

The following claims are ones where the Forest Service filed a claim and we filed an objection, but we did not file a claim. The reason we did not file a claim is that these are free flowing streams with no diversion. At the time we were told you could not file a claim for stock water on a free flowing stream. You could only file a claim if there was a diversion.

SAME
PRIORITY
DATE AS
USFS CLAIM

SAME
PERIOD OF
USE.

- 78-10626 - S. Fork Shingle Creek 51
- 78-10627 - Shingle Creek } 53 + 52 OK identify
- 78-10628 - Shingle Creek } INCLUDE ENTIRE STRETCH
- 78-10636 - Rapid River 51
- 78-10637 - Dutch Oven Creek 52
- 78-10638 - Wyant Creek 53
- 78-10648 - West Fork Rapid River 5 (INCLUDED CORRECTED SECTION IN S. 22 SESE S. 24 NE NE)
- 78-10650 - Dog Creek 53
- 78-10651 - Hanson Creek 54
- 78-10652 - Deep Creek 55
- 78-10653 - McCrea Creek 23 (ENDING PT PER MAP)
- 78-10654 - Cannon Creek 57
- 78-10655 - Bridge Creek 58
- 78-10656 - Coconut Grove Creek 59
- 78-12008 - unnamed stream - sinks
- 78-12010 - McCrea Creek 23 - pipe - dev.

beginning + ending
file a claim
later report for
irrigation + other
water rights report

78-10657 Cottonwood Creek - 60 we did not object - no means water

78-10653 & 78-12010 - may be same

HORSE HEAVEN LAKE & HAAS LAKE - 1891 - 190 NO CATTLE.