

05/02/2007

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

RIGHT NUMBER: 3-4009
NAME AND ADDRESS: C/C LLC
3990 HWY 52
PAYETTE ID 83661

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

Recommended as Right No. 3-2000.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Recommended as Right No. 3-2000: This is included for a claim that is proposed to be disallowed because the right claimed is recommended pursuant to another right. The remark indicates the water right number of the other right that is proposed to be recommended. If you are not mailed a notice of the recommendation of the other right, then the other right is recommended in another claimants name.

HOFSTETTER LAW OFFICE

608 West Franklin Street
Boise, Idaho 83702

Dana@IdahoWaterLaw.com

Dana L. Hofstetter
Attorney at Law

Telephone: (208) 424-7800
Facsimile: (208) 424-8774

July 21, 2006

RECEIVED

JUL 25 2006

DEPARTMENT OF
WATER RESOURCES

Jennifer Dean, EIT
Water Right Agent, Adjudication
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Water Right Nos. 3-2000, 3-4008A, 3-4009, and 3-10192

Dear Ms. Dean:

Enclosed are SRBA Notice of Error forms for each of the above-referenced water rights. Also enclosed is a draft report prepared by Harley Noe of Associated Earth Sciences regarding Bank's Island. Perhaps, we should schedule a meeting when I return to town the week of July 31 to discuss these matters. Thank you for your assistance.

Sincerely,

HOFSTETTER LAW OFFICE, LLC



Dana L. Hofstetter

Enclosures

cc: George Colwell w/out enclosures
4001.2/7047

SCANNED

||| 25 2006

06/16/2006

**NOTICE OF ERROR
REPLY**

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: 7/21/06

Water right number: 3-4009

C/C LLC

3990 HWY 52

PAYETTE ID 83661

Telephone Number: (208)278-3448

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source): ALL ELEMENTS - THE RIGHT WAS NOT RECOMMENDED BUT SHOULD BE RECOMMENDED

2. Describe the changes you wish to make in the proposed recommendation: THE RIGHT SHOULD BE RECOMMENDED BASED ON THE STATUTORY CLAIM, THE ENCLOSED IRRIGATION FLOW RATE QUESTIONNAIRE AND THE ENCLOSED DRAFT REPORT PREPARED BY HARLEY NOE OF ASSOCIATED EARTH SCIENCES

3. Give a brief explanation as to why you disagree with these portions: SEE ENCLOSED DRAFT REPORT

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

DATE: 7/21/2006

SIGNATURE: 

Please print your name: Dana L. Hofstetter, Attorney at Law for C/C LLC

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

SCANNED

JUL 25 2006

06/16/2006

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

RIGHT NUMBER: 3-4009

NAME AND ADDRESS: C/C LLC
3990 HWY 52
PAYETTE ID 83661

DISALLOWED: Recommended as Right No. 3-2000.

EXPLANATORY MATERIAL:

Recommended as Right No. 3-2000: This is included for a claim that is proposed to be disallowed because the right claimed is recommended pursuant to another right. The remark indicates the water right number of the other right that is proposed to be recommended. If you are not mailed a notice of the recommendation of the other right, then the other right is recommended in another claimants name.

Dean, Jennifer

From: Dean, Jennifer
Sent: Thursday, April 13, 2006 6:12 PM
To: Dana Hofstetter (E-mail)
Subject: Colwell claims 3-2000 and 3-4009 Original Ditch Measurement

Dana,
Here is the information that I used in determining the original ditch capacity.
From a letter by W. Noot (the engineer who examined the island prior to issuing 3-2000) dated Feb 28, 1906:
"The main ditch is 2 feet wide on the bottom and 1 foot deep. Laterals are 1 foot wide on the bottom and 1 foot deep. The grade of ditches 2.5 feet to a mile."
Additionally, statements from witnesses that were submitted in the licensing process (Mar 5, 1906) state that the ditches are 3 feet wide. Because the remaining elements of the description matched and the dates were so close together, I assumed a trapezoidal ditch that is 2 feet wide at the bottom, 3 feet wide at the top, and 1 foot deep.
I would be interested to know if the system is different today. Let me know what you find out.
Thanks,
Jennifer

Jennifer Dean
Engineer in Training
Idaho Department of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098

Ph. 208-287-4918



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 22, 2006

HOFSTETTER LAW OFFICE
DANA L HOFSTETTER
608 W FRANKLIN ST
BOISE ID 83702

RESPONSE DEADLINE
MARCH 17, 2006

Re: SRBA claims 3-2000 & 3-4009

Dear Claimant:

In the process of reviewing the Snake River Basin Adjudication (SRBA) claims that were filed for the above water rights, questions regarding these claims have arisen. Although direct answers may be confused through changes of ownership, information about the current use of the system may clarify these concerns.

Because 3-2000 is based on a license, there is historical proof confirming this water right on record. Only the first two items need clarification in order to recommend 3-2000. The claim for 3-4009 is based on a statutory claim and additional proof is required in order to recommend it as claimed. Each item discussed in this letter relates to proof that must be submitted in order to recommend claim 3-4009. Without these items claim 3-4009 will be recommended to the SRBA court as disallowed.

3-2000 & 3-4009:

The first item that needs clarification for both claims is the irrigated place of use. Based on available aerial photography from 1949 to 2004, only 75 acres of the island appear to be irrigated. Both 3-2000 and 3-4009 claim 81 acres. IDWR recommendations will reflect the irrigation of 75 acres unless evidence is provided to support irrigation of additional acres. The enclosed map outlines the 75 acres that appear irrigated. If all of your irrigation is within these boundaries, there is no need for you to respond to this matter. If, however, you irrigate outside of these boundaries, please indicate on the map where additional water is used and include a statement describing the water use in these areas.

The second item that needs clarification for both claims is the point of diversion. The enclosed map shows the original point of diversion from the licensing exam for 3-2000. Information in the claim files suggests that the point of diversion may have been changed. If the pumping station is still located at its original point, there is no need to respond and we will recommend the point of diversion at this location. If the point of diversion has been moved, please indicate on the enclosed map the current point of diversion for the above water rights. We will need evidence supporting that the pumping station was moved prior to 1987. The enclosed pamphlet entitled "Evidence of Priority" suggests documents that may be submitted as evidence of a change. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit. A form is provided for your convenience.

3-4009:

The two items relating specifically to claim 3-4009 are the diversion rate and historical evidence. When 3-4009 and 3-2000 are used in combination, the total diversion rate is 3.12 cfs. This diversion rate is in excess of the proven historical diversion rate as well as the IDWR standard allotment of 0.02 cfs, or one miner's inch, per acre irrigated. **If you wish to pursue diversion beyond 1.5 cfs, it must be proven that additional diversion is possible, necessary, and historically reasonable.**

February 22, 2006

HOFSTETTER LAW OFFICE

To indicate that it is *possible* we are asking that you submit the known diversion rate of the system. If the specific diversion rate is unknown, a description of the current system (including pump horse power, lift from the river, and measurements of the ditches) would allow us to make estimations related to the current diversion rate.

To show that additional diversion is *necessary* an analysis of your irrigation system is needed. Answering the enclosed Irrigation Flow Rate Questionnaire will provide the information necessary to analyze your system to determine if it merits the use of more water than would normally be recommended. A page of instructions for answering the questionnaire has been included. Please note that the Natural Resources Conservation Service (formerly known as the Soil Conservation Service) and other professionals may be of assistance in helping you understand the technical questions contained in this form.

To prove that it is *historically reasonable*, evidence supporting the claimed priority date will need to be submitted. This must show that prior to July 1, 1954 the system was capable of diverting water beyond 1.5 cfs. Again, the pamphlet "Evidence of Priority" may be helpful.

In summary, if you agree with the following, you are not required to submit any evidence:

- Only 75 acres are irrigated as described on the enclosed map
- The point of diversion is as indicated on the enclosed map
- Only 1.5 cfs are diverted from the Snake River

If you believe that your water rights should be changed from what is described above please respond with a description of the change you think should be made and evidence that can be used to support the change.

- Evidence that more than 75 acres are irrigated
- Location of current point of diversion **and** evidence to support a change if necessary
- Estimation of current diversion **or** description of current irrigation system
- Responses to the Irrigation Flow Rate Questionnaire
- Evidence supporting the July 1, 1954 priority date for the use of water beyond 1.5 cfs

PLEASE NOTE: If this evidence is not submitted, IDWR will recommend the SRBA Court decree claim 3-4009 be disallowed. IDWR will also recommend the SRBA Court limit claim 3-2000 to 75 acres and leave the point of diversion in its original location. If you decide to submit evidence, it will be to your advantage assure it is clear and convincing. It is also important to note that many of the required documents will take some time to obtain; therefore, it is in your best interest to begin immediately collecting this information.

Please submit the required evidence and information by the date shown above, referencing all documents with the corresponding claim numbers. According to convenience, you may submit the evidence as each piece is obtained or you may submit it all at once. If you should decide to return the materials in anything other than the enclosed mailer, please include the notation "ATTN SRBA Claim Number 3-4009" on the front of the mailer. If you have questions not covered by this letter or the enclosed documents, please contact this office. If you wish to call, our toll free number is 1-800-451-4129.

Sincerely,



Jennifer Dean, EIT
Adjudication Bureau

Enclosures

CC: GEORGE E COLWELL
3990 HWY 52
PAYETTE ID 83661



State of Idaho
DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 14, 2005

3-4009
C/C LLC
3990 Highway 52
Payette, ID 83661

RESPONSE DEADLINE
October 28, 2005

Re: Irrigation Diversion Rate Requirements, Claim Number 3-4009

Dear Claimant(s):

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). In this claim you have identified your diversion rate as 1.62 cubic feet per second (cfs). The diversion rate you have claimed is allowable, however you also have another claim (3-2000) that is based on a license, which has a diversion rate of 1.5cfs. Individually the diversion rates for the place of use (Banks Island) of these claims is allowable, but because both of these claims cover the same place of use (Banks Island) the diversion rates then added together equal 3.12cfs which is much higher than can be recommended under normal circumstances. Typically the maximum diversion for a water right in the State of Idaho is 1 miner's inch or 0.02 cfs per acre. For water right 3-4009 this would equate to 1.62 cfs. If you intend on claiming both 3-4009 and 3-2000 and want to divert 3.12cfs (the combined cfs of both claims) your rate must be justified.

In order to justify your claimed diversion rate, an irrigation diversion rate analysis needs to be performed on your fields. This analysis has been designed to evaluate irrigation practices in order to determine if there is need for greater diversion rates than normal. Your answers to the enclosed questionnaire will enable IDWR to perform the analysis, thereby determining if your soil type and irrigation practices merit the use of more water than would normally be recommended.

Instructions for answering the questionnaire are included on the first page. Please note that the Natural Resources Conservation Service (formerly known as the Soil Conservation Service) and other professionals may be of assistance in helping you understand the technical questions contained in this form.

The results of the irrigation diversion rate analysis are important in recommending your water right as claimed, therefore, completing and submitting this information is a matter of urgency. Please submit the enclosed questionnaire to IDWR no later than October 28, 2005. If you should decide to return the materials in other than the enclosed mailer, please include the notation "ATTN SRBA Claim Number 3-4009" on the front of the mailer.

If you have any questions, please contact this office. Our toll free number is 1-800-451-4129. It will help speed things along if you have your claim number, 3-4009, handy when you call.

Misty Mount
Water Rights Agent
Adjudication

Enclosures



State of Idaho
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 11, 2005

3-4009

Eastern Western Corp
Attn: Michael E McGinley
1426 S E Gideon St.
Box 3228
Portland, OR

*C/C LLC
3990 Highway 52
Payette, ID 83661*

Re: Field Examination, Snake River Basin Adjudication Claim Number 3-4009

Dear Claimant(s):

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights.

The elements of beneficial use rights need to be verified by an examiner for the Idaho Department of Water Resources (IDWR) before the claim can be recommended to the SRBA Court. The examination of claims in your area is taking place during the summer of 2005. An examiner will be contacting you to schedule a visit your property to verify your use of the water right claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to IDWR. If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership with IDWR in order to receive future mailings and to participate in the adjudication.

A copy of your water right claim is enclosed. If you have any questions, please contact this office. Our toll free number is 1-800-451-4129. It will help speed things along if you have your claim number, 3-4009, handy when you call.

Misty Mount
Adjudication Technical Support Section

Enclosure

Claim 3-4009

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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

Notice is hereby given that M. C. Shelley (name of claimant)
of Route 1, Box 97, Payette, ID 83661 (mailing address), claims a right to the diversion and beneficial use of
the public water of the State of Idaho

The extent and nature of said claim is as follows:

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

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

Amount 1.62 cfs Use irrigation Period of Use: From Mar. 15 To Nov. 15
Amount _____ Use _____ Period of Use: From _____ To _____
Amount _____ Use _____ Period of Use: From _____ To _____
(cfs, gpm or a/f) (dom., irri., stock, etc.) (both dates inclusive)

(3) Total quantity of water claimed: 1.62 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) July 1, 1954

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

(5) A) Point of diversion: (give location of point where water is diverted from its source)

(Lot 7) X 1/4, Sec. 32 Twp. 9N Rge. 5W B. M. County of Payette

Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. pump (15 H.P.), gravity flow system

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

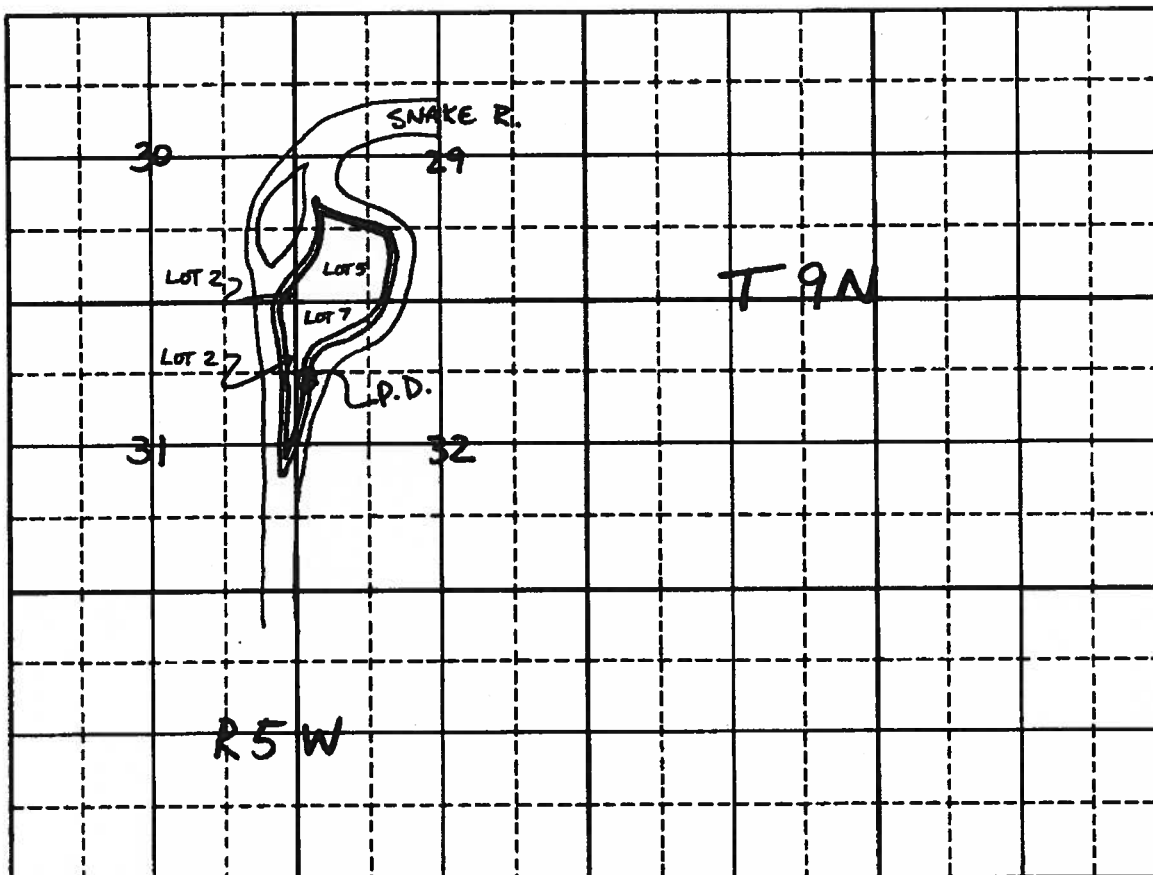
T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9N	5W	29											46						46
												(Lot 5)							
9N	5W	31	11																11
			(Lot 2)																
9N	5W	30															4		4
																	(Lot 2)		
9N	5W	32						20											20
							(Lot 7)												

Total No. of acres 81

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____

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

(8) Remarks _____



Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Ada) ss.

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

Sworn to before me this 12 day of Oct, 19 77

me Shelby
(Claimant)
David R. Tuttle
Notary Public
Residing at Bonita

My commission expires Sept 10, 1980

For Department Use Only

Received by <u>DET</u>	Date <u>10-12-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>DET</u>	Date <u>10-12-77</u>		claimant by:	
\$10.00 fee received by <u>DS #8974</u>	Date <u>10-12-77</u>			
Approved for publication by				
Published in <u>Independent Enterprise</u>				
Dates <u>Oct 20 & 27</u>				

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 03-04009 (Lot 2) Date: 11-21-02

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	9N	5W	29											-5						46
GIS														46						46
														33						33
Claim			30																-1	4
GIS																			4	4
																			3.1	3.1
Claim			31	-2																11
GIS				11																11
				11																11
Claim			32							-7										20
GIS										20										20
										17										17

Number of POD's 1 (Lot 2)

Total Claimed Acres: 81

Overlapping FOU Claim #'s:

03-02000

Total GIS Acres: 104.1

COMMENTS:

Per overlapping claim. The POD legal description places pod in section 31. However, the map places it in NW/NE section 32. I placed it per legal description in section 31.

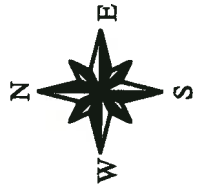
Idaho Department of Water Resources

Claim Number: 03-04009

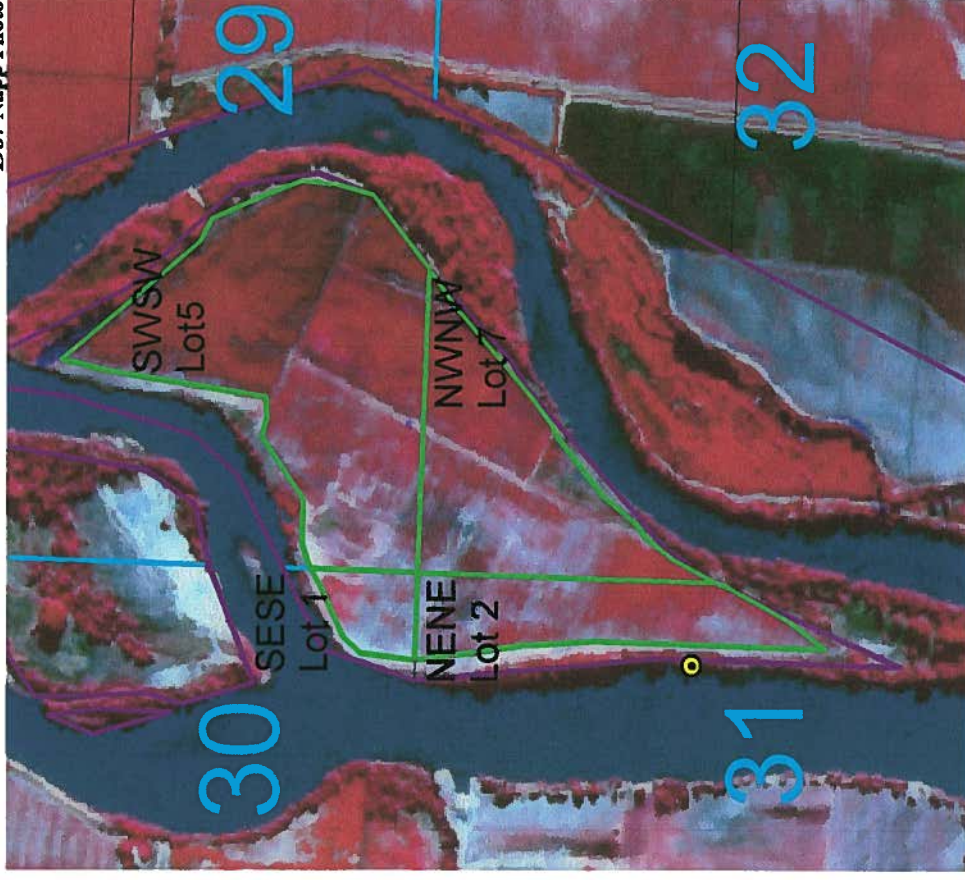
Legal: T09N, R05W, S29, 30,
31, 32

Reviewed By:

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines
-  Township/Range Lines



1987 Napp Photo



0 0.25 0.5 Miles

Idaho Department of Water Resources

Claim Number: 03-04009

Legal: T09N, R05W, S29, 30,
31, 32

Reviewed By:

● Point of Diversion



Place of Use



Section Lines

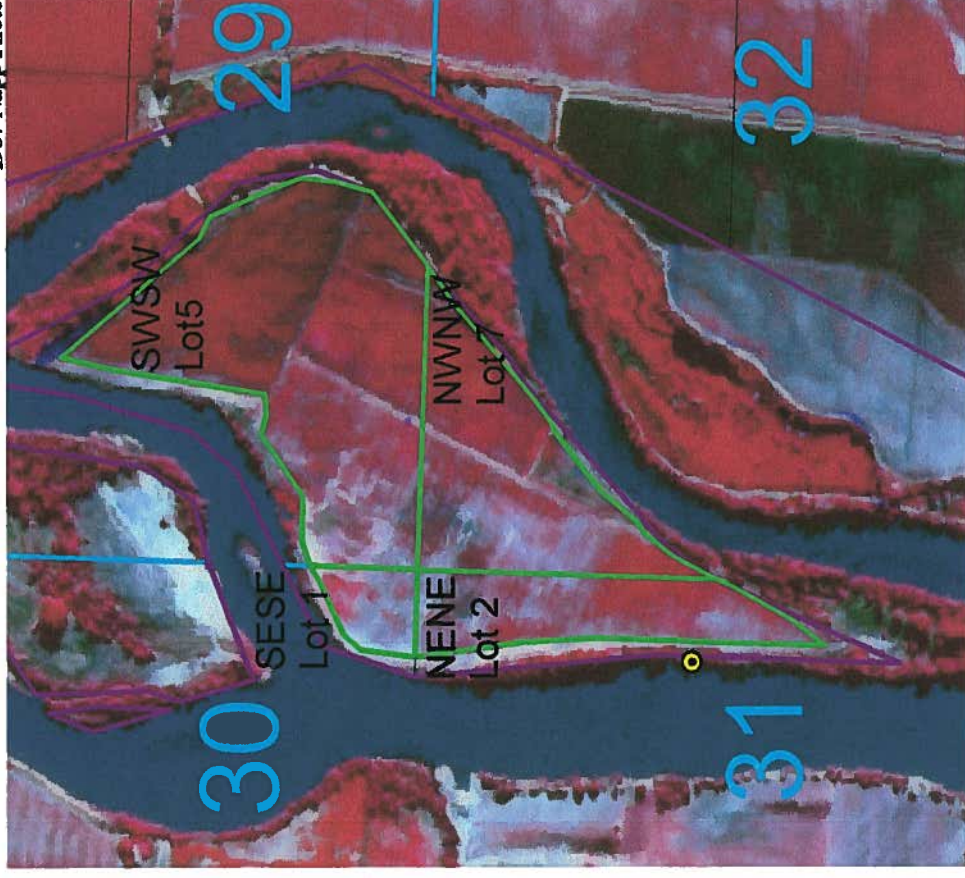


Quarter Quarter Lines

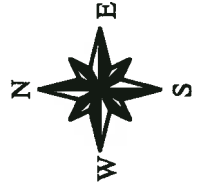


Township/Range Lines

1987 Napp Photo



0 0.25 0.5 Miles



05/02/2007

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

RIGHT NUMBER: 3-2000

NAME AND ADDRESS: C/C LLC
3990 HWY 52
PAYETTE ID 83661

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.500 CFS

PRIORITY DATE: 11/20/1905

POINT OF

DIVERSION: T09N R05W S32 ~~S32~~ ~~NENW~~ ~~NWNW~~ Lot 7 Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.500 CFS
	01/01 12/31	
STOCKWATER	~~03/01 11/15~~	0.040 CFS

PLACE OF USE: IRRIGATION in PAYETTE County

T09N R05W S29 Lot 5 NWSW	38.00	T09N R05W S30 Lot 1 SESE	5.00
T09N R05W S31 Lot 2 NENE	15.00	T09N R05W S32 Lot 7 NENW	18.00

STOCKWATER in PAYETTE County

T09N R05W S29 Lot 5 NWSW		T09N R05W S30 Lot 1 SESE	
T09N R05W S31 Lot 2 NENE		T09N R05W S32 Lot 7 NENW	

76 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

Thursday, May 3, 2007

COPY

Thursday, May 3, 2007 - 10:00 a.m.

CLAIMANT/ ATTORNEY	OBJECTOR/ ATTORNEY	SUBCASE NO.	Att/Paralegal/ IDWR Agent	ISSUES	NOTES
C/C LLC/Dana Hofstetter	George & Cheryl Colwell/Dana Hofstetter	3-2000 Subcase No.	Garrick/Becky/ Jennifer	Name & Address - wants in the name of George & Cheryl Colwell; POD - requests NWNW, Lot 7, Sec 32; period of year - claimed year round stockwater; POU - as claimed - 81 acres; recommendation has 38 acres in T9N, R5W, S29, Lot 5 NWSW - claimed 43.	3-10192 rec'd for stockwater - has an overlap in T9N, R5W, S32 NENW; 3-10015 is for year round stockwater use but does not cover the same Lot Numbers as 3-2000. Based on aerial photography, only 75 acres appear to be irrigated. Dana did not provide evidence of add'l irr acres per request of 3/17/2006. Need info about change in POD - was pumping station moved, if so - when? Also requested in March of 2006. POD - Recommended POD was based on the qg information associated with the lot number according to the GCDB information in IDWR database. Looking at the alignment of the qg lines, the requested change could be made. Season of use is not limited by the license to the irrigation season, so this could also be changed. POU was reviewed multiple times and only found 76 acres. When reviewed by a consultant only 79 acres were found.

Confidential

Changes of ownership

POD - Lot Number - ok to change

Leave 1/4 1/4 blank or stay w/Numbers
or remark

Thursday, May 3, 2007

C/C LLC/Dana Hofstetter	George & Cheryl Colwell/Dana Hofstetter	03-4008A	same as above	Name & Address - wants in the name of George & Cheryl Colwell; quantity - requests as claimed - 5.96 cfs (rec'd 5.50 cfs); POD - should describe Gov't Lt 5. 03-4008B no longer diverted from this POD; place of use as claimed - rec'd 275 acres - claimed 298 acres. <i>both on ID address on rights</i> <i>difference - property owned by Stewart's.</i>	Place of use is also served by Washoe Irr District & Water Power Company. Which water right is Water Power Company? The official name of Washoe Irrigation is "Washoe Irrigation and Water Power Company". Quantity & POU -- reduced to 1 1/2 acre for the found number of acres. With additional review it appears that some of the acres are claimed twice between 3-4008A and 3-4008B and that is why no additional acres were added during the NOE period. POD was recommended without the lot number because the ground where the POD is located is not covered under the GCDB survey. From my understanding of the system from the field exam 3-4008B was diverted from this location in 1987 at the commencement of SRBA, so without a transfer the POD cannot be separated. My understanding is that the POD was shared up until summer 2006.
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Field exam March of 2006

C/C LLC/Dana Hofstetter	George & Cheryl Colwell/Dana Hofstetter	Subcase No. 3-4009	same as above	Disallowed - rec'd as 3-2000.	If this right was rec'd as claimed for 1.62 cfs - diversion rate in combo with 03-2000 would exceed proven historical use, as well as the one ince per acre. Claimed 81 acres - some overlap with POU for 03-2000. Overlap with 3-2000, claims are mostly the same except for a few acres here and there. Only 79 of the 81 claimed acres are supported by the Irrigation Analysis Report. (I found 76 acres). No information was provided related to the capacity of the current system. They've supported a need for greater irrigation rate, but have not provided information to show that the system capacity was increased to a sufficient size to carry the amount of water claimed. Also, the report only supports an additional 1.1 cfs diversion rate rather than the 1.62 cfs claimed. There is also some question as to whether the 24 hour sets assumed in the report are actually justifiable from department standards.
10:15 a.m.				Direct overlap with 3-2000 need ditch capacity info. must equal 2.6 cfs	3-2000 - 1.5 cfs 2.6 cfs - water need for island.

Combined acre
remark

$$2.6 \div 79 \text{ Ac} = 0.033 \text{ cfs/Ac}$$

C/C LLC/Dana Hofstetter	George & Cheryl Colwell/Dana Hofstetter	Subcase No. 3-10192	same as above	Name & Address - wants in the name of George & Cheryl Colwell; POD - requests Gov't Lot 5 be added to description; 3-4008B no longer diverted at same location. Obj states that Colwells maintain 2 households and Gov't Lot 5 is a more accurate POD for this right; POU - requests as claimed. Claim states that this incidental stockwater use is associated with 03-4008A. <i>ID of old addresses</i>	I'm not sure about the comment relating to the 2 households unless that relates specifically to the addresses that they would like changed. POD was recommended without the lot number because the ground where the POD is located is not covered under the GCDB survey. From my understanding of the system from the field exam 3-4008B was diverted from this location in 1987 at the commencement of SRBA, so without a transfer the POD cannot be separated. My understanding is that the POD was shared up until summer 2006. POU was recommended in the same manner as the POU for 3-4008A.
10:30 a.m.					

Thursday, May 3, 2007

George & Cheryl Colwell/Dana Hofstetter	Marjorie & Robert Stewart/Pro Se	Subcase No. 3-4008B	same as above	Source - states it should be waste water, POD - 03-4008B no longer diverted at this location; ditches have been abandoned and waste water is used; states that water right should not exist.	Could we use the Basin 63 waste water remark on this one? Does aerial photography show irrigation? Claim filed in 1991. I'm unfamiliar with the B63 waste water remark. From the field exam, there is one historic POD for all of 3-4008. This point fed a ditch that was capable of carrying water from the Snake River as well as water from Washoe Irrigation district. My understanding of the situation from the field exam is that the new old system was somewhat functional as of 2005 (and at least used a little). In 2006 around the time of the field exam, the claimant was upgrading the system. It was my understanding that the two rights would continue to share a POD. The water from the Snake River would go through pipeline across Colwell's property to a junction with pipeline to Stewart's property. This water would not be waste water because it has not been applied to a beneficial use on Colwell's property. The Washoe Irrigation water would also be able to use the pipeline across Stewart's property to get to Colwell's property.

Water Right	Information Needed	Date Requested	Information Received
3-2000	Irrigated POU > 75 acres	Letter 2/22/2006	Irrigation Requirement Analysis by Harley Noe 7/15/2006 asserts the irrigation of 79 acres
3-2000	Description of use	Letter 2/22/2006	Irrigation Requirement Analysis by Harley Noe 7/15/2006 asserts the irrigation of 79 acres
3-2000	POD location	Letter 2/22/2006	Phone call from Dana Hofstetter 8/7/2006, POD is on the Idaho side of the island as per license information
3-2000	Accomplished Transfer EOP	Letter 2/22/2006	N/A
3-4009	Irrigated POU > 75 acres	Letter 2/22/2006	Irrigation Requirement Analysis by Harley Noe 7/15/2006 asserts the irrigation of 79 acres
3-4009	Description of use	Letter 2/22/2006	Irrigation Requirement Analysis by Harley Noe 7/15/2006 asserts the irrigation of 79 acres
3-4009	POD location	Letter 2/22/2006	Phone call from Dana Hofstetter 8/7/2006, POD is on the Idaho side of the island as per license information
3-4009	Accomplished Transfer EOP	Letter 2/22/2006	N/A
3-4009	Diversion rate	Letter 2/22/2006	Not provided.
3-4009	Known diversion rate	Letter 2/22/2006	Not provided.
3-4009	System description	Letter 2/22/2006	Not provided.
3-4009	Irrigation Requirements	Letter 2/22/2006	2.6 cfs
3-4009	EOP (ability to divert > 1.5 cfs)	Letter 2/22/2006	Not provided.
3-4009	Field Exam	Letter 8/11/2005	Not completed.
3-4008A	Evidence of Priority	Letter 9/13/2005	Affidavit from Paul Mendiola, Growers Supply pump purchase information 10/27/2005
3-4008A	Field Exam	Letter 3/8/2006	Field Exam completed by JLD 3/22/06
3-4008B	Evidence of Priority	Letter 9/14/2005	Affidavit from Franklin Jefferson Shelley, 10/17/2005
3-4008B	Field Exam	Letter 3/8/2006	Field Exam completed by JLD 3/22/06
3-10192	Evidence of Priority	Letter 2/16/2006	Affidavit from Paul Mendiola, okay to establish claimed priority date
3-10192	Outside of irrigation season?	Letter 2/16/2006	No evidence that stock waters outside of irrigation season
3-10192	Number & Type of livestock	Letter 2/16/2006	Up to 150 head of cattle

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 3-2000 V1

WATER RIGHT NUMBER: 3-2000 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JOHN R BANKS
Current Owner	PAYETTE, ID 83661 C/C LLC 3990 HWY 52 PAYETTE, ID 83661 (208)278-3448
Previous Owner	EASTERN WESTERN CORP ATTENTION MICHAEL E MCGINLEY 1426 S E GIDEON ST BOX 3228 PORTLAND, OR 97208-3228 (503)236-1978

Priority Date: 11/20/1905

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	1.500 CFS	
STOCKWATER	03/01 to 11/15	0.040 CFS	
	<u>Total Diversion:</u>	1.500 CFS	

Location of Point(s) of Diversion

SNAKE RIVER	~~L7 (SW1/4NE1/4NW1/4)~~	Sec. 32, Twp 09N, Rge 05W, B.M.
PAYETTE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	05W	29											38.0						38.0
													L 5						
09N	05W	30															5.0		5.0
																	L 1		
09N	05W	31	15.0																15.0
			L 2																
09N	05W	32					18.0												18.0
							L 7												

Total Acres: 76

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 3-2000 V1

STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N 05W 29									X L 5								
09N 05W 30																X L 1	
09N 05W 31	X L 2																
09N 05W 32					X L 7												

Conditions of Approval:

1. C18 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.

Remarks:Comments:

1. mmount 8/8/2005 POU

Comment: The pls description for the place of use on the claim did not match what was on ArcView. I changed the CVR and recommended the pou according to ArcView.

2. mmount 8/8/2005 POD

Comment: The pod is shared with 3-4009 - a beneficial use claim by the same claimant, claiming the same acres and a similar diversion rate. If Hubble analysis determines that both claims can divert the claimed diversion rates will need to add a diversion rate limit .

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 3-2000 V1

SubCase:

SubCase Number: 3-2000

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent: Jennifer Dean

Basis of Claim: License

Date Filed: 11/1/2006 Objection Status: Active

Water Supply Bank:

Adjudication Recommendation Report 3-4009 V1

COMBINED
Rate
2.6 cts

VIA OLD LIC.

Total Acres: 81

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 3-4009 V1

Conditions of Approval:

1. ~~P16~~ Recommended as Right No. 3-2000: This is included for a claim that is proposed to be disallowed because the right claimed is recommended pursuant to another right. The remark indicates the water right number of the other right that is proposed to be recommended. If you are not mailed a notice of the recommendation of the other right, then the other right is recommended in another claimants name.
2. ~~P06~~ Recommended as Right No. 3-2000.

Remarks:

Comments:

SubCase:

SubCase Number: 3-4009
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent: Jennifer Dean
Basis of Claim: Beneficial Use
Date Filed: 11/1/2006 Objection Status: Active

Water Supply Bank:

Idaho Department of Water Resources
Estimated Pumping Rate Documentation Form

ed 1/6/2000

Flow Analysis Performed by: STEVE CLELLAND

Date: 7/26/2007

Page 1 of 1

Record ID	Measured Flow:	
Water Right No.	Designed Flow:	3.57 cfs <--Max
Name	HP/Eff Flow:	3.39 cfs
pod	Sprinkler Flow:	
year:	Pivot/System Flow:	
Flow Measurement:	gpm	=
Curve/Pump Design:	1600 gpm	= 3.57 cfs
Horsepower / Efficiency Method		
Horsepower	15 hp	
PWL	7 ft	
Disch Psi	10 psi	
PUMP Eff Estimate	0.77 %	
TDH	30 ft	
OHP	11.55 hp	
Flow	1520 gpm	= 3.39 cfs
System Method:		
No Lines		Nozzle Equation: $Q=C*A*\sqrt{2*g*h} / \sqrt{1-r^4}$
Birds per line		C= 1.00 Nozzle coefficient; typical 0.97 to 1.00
Ttl no nozzles	0	r= 0.0000 ft Nozzle radius
Nozzle size	in	A= 0.00000 ft^2 Nozzle area
Nozzle pressure	psi	h= 0 ft Head
Flow per nozzle	0.00 gpm	g= 32.2 ft/sec^2 Gravitational constant
Sprinkler Flow	0 gpm	Q= 0.000 cfs Flow per nozzle
Percent Leaks	%	= 0.000 gpm Flow per nozzle
Total Flow	0 gpm	=
Pivot / System rating	gpm	=

Comments / Data Supplied:

Idaho Dept. of Water Resources
322 E. Front St. Boise, ID
May 4, 2007

To: 3-4009 Claim File
From: Jennifer Dean
Subject: Preparation of Recommendation & Objection Resolution

This recommendation was prepared according to standard practices. The basis of the claim was a statutory claim (or beneficial use). This water right was not confirmed for a couple of reasons. The first hurdle in recommending this water right is that it is for the same place of use (POU) as 3-2000. This would not be a problem if 3-2000 didn't already have 1"/acre for the total number of acres found. This second right asserts that roughly 2"/acre are needed to sufficiently irrigate this property. In order to show that additional water was needed beyond the standard 1"/acre, the claimant provided an irrigation analysis report which showed that the property could benefit from 1.64"/acre.

The second hurdle in recommending this water right is to show that the system was improved in order to increase the capacity of the original system. In reviewing the original system using information from the licensing field exam, it was determined that the system capacity of the original system was only enough to carry the licensed 1.5 cfs. To see this work, please view the claim file for 3-2000. Upon multiple requests for additional information, we did not receive any information pertaining to a new system. Based on the lack of information, we could not show that the system was sufficient to carry any water beyond what was already licensed.

The third hurdle is identifying a priority date for this water right. The priority date would relate to the point in time when the system was expanded to increase the capacity. This information was also requested multiple times, but was not provided.

Without all of the above information, this right could not be recommended. If information can be provided to show the use of water on the island was expanded beyond the license, consideration should be given to recommending this claim for the difference in diversion rate between the 2.6 cfs that were determined necessary under the irrigation analysis report (or the determined carrying capacity of the system) and the 1.5 cfs recommended under 3-2000.



SPF Water Engineering, LLC
water resource consultants

268-0010

3-4009

August 18, 2006

Dana Hofstetter
Hofstetter Law Office
608 West Franklin Street
Boise, Idaho 83702

Subject: Banks Island Pump Capacity

Dear Dana:

George Colwell called today and provided the following information regarding the Parma lift pump at Banks Island.

- Lift (river level to pump discharge) is 7 feet.
- Motor is 15 hp, 3 phase, 40 amp.
- Pump Discharge Pipe is 12-inch diameter.
- Belt pulley diameters are 7 and 19 inches.
- Ditch is 2 feet deep and 58 inches across at the top, and extends both directions from the pump.

Assuming a motor speed of 1770 rpm, the information above suggest that the pump is set up to operate at approximately 650 rpm. I have attached a curve for a model 15 Parma pump. At 650 rpm, the pump is rated to produce approximately 1600 gpm (3.56 cfs) at 7 feet of lift. Pump efficiency would be 19 percent.

The discharge velocity from the pump through the 12-inch pipe would be 5 fps at 3.56 cfs, which is a reasonable design discharge velocity.

Assuming that the ditch bottom has a width of 1 foot, and it is operating at 75 percent of full capacity, it could carry 10 cfs at a velocity of 1 foot per second with flow in both directions. Therefore, the ditch's cross section is more than adequate to carry an estimated 3.56 cfs pump discharge rate.

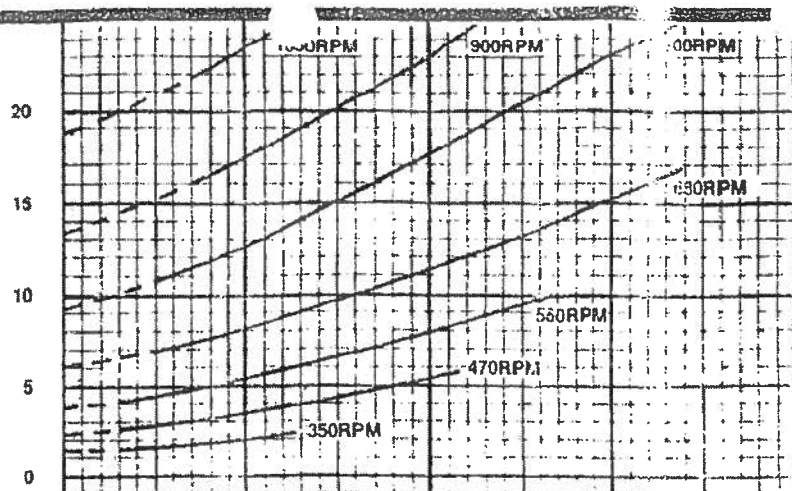
Please contact me with any questions.

Sincerely,

Terry M. Scanlan, P.E.

Cc: George Colwell

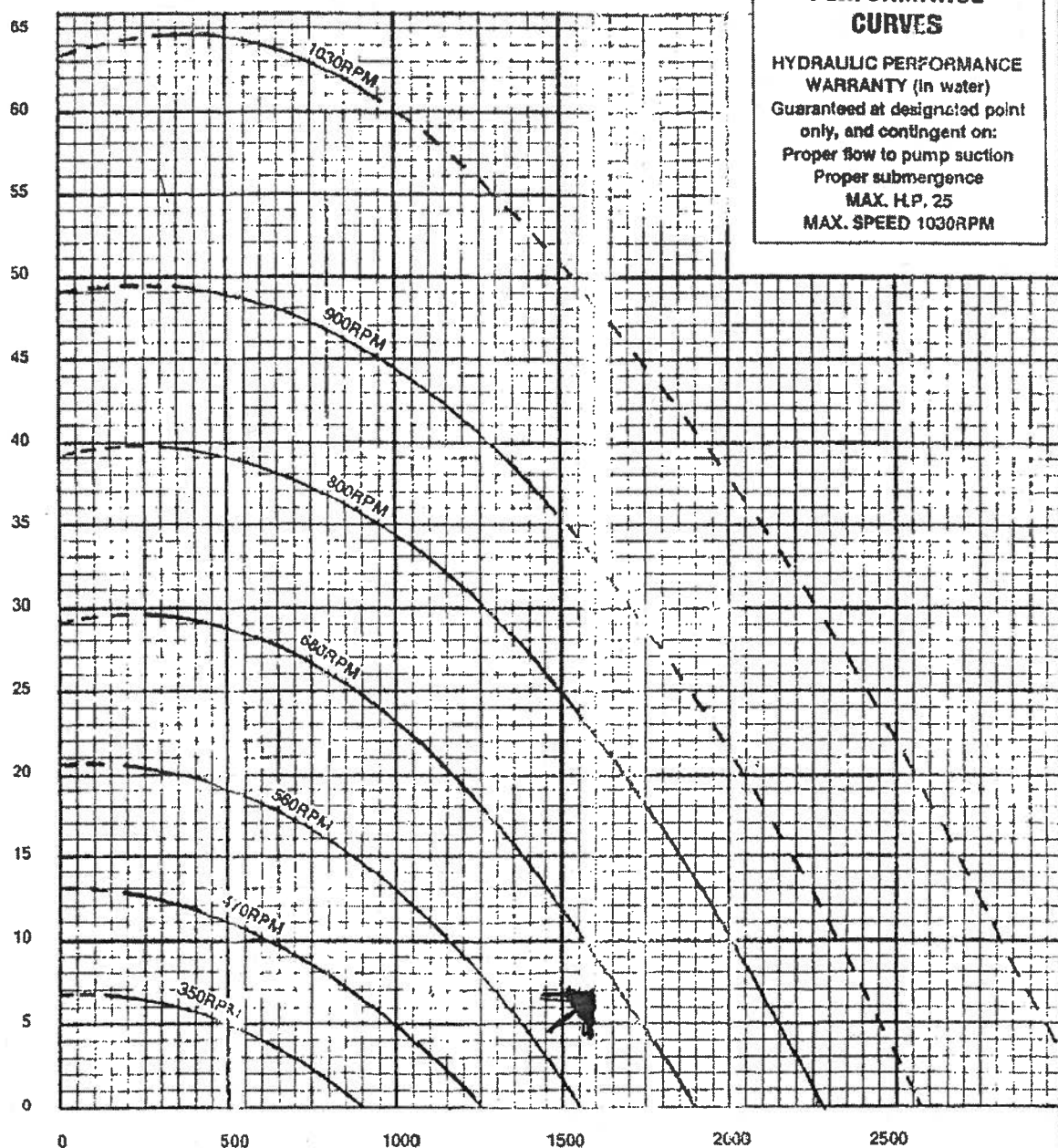
HORSEPOWER



**MODEL 15 PARMA
MULTI-SERVICE PUMP
PERFORMANCE
CURVES**

HYDRAULIC PERFORMANCE
WARRANTY (in water)
Guaranteed at designated point
only, and contingent on:
Proper flow to pump suction
Proper submergence
MAX. H.P. 25
MAX. SPEED 1030RPM

TOTAL HEAD FEET



Attorney for George and Cheryl Colwell

In Re SRBA

Subcase No. 3-4009

**AFFIDAVIT OF
PAUL MENDIOLA**

Paul Mendiola, being first duly sworn on oath, deposes and says:

- AFFIDAVIT OF PAUL MENDIOLA – Page 1**

as Bank's Island. I also rented and farmed this same land on a share crop basis from M.C. Shelley, during approximately 1960 until 1990.

(3) I recall that M.C. Shelley installed a new pump, purchased from Grower's Supply in Fruitland, on the east side of Bank's Island in about the year 1953 at about the same time that we began to use a ferry to go from the mainland to the Island. The pump that was installed at that time was a Peerless 2 stage impeller 30 horsepower pump that only had one operating mode, full capacity. There always was plenty of water in the Snake River for operation of this pump and we used all the water that the pump would provide for irrigation of Bank's Island. I do not recall ever using the old pump on Bank's Island that pre-dated Mr. Shelley's ownership of the property. It is my understanding that the Peerless pump remained in use on the Island until the 1980's or 1990's when the former owner, Eastern Western Corporation, replaced it with the Parma pump that I understand remains in use on Bank's Island today.

(4) Shortly thereafter, by the early 1960's, I built large cement ditches on Bank's Island. I believe these same ditches remain in place and continue in use today. For many years in the 1950's and 1960's, I grew onions and potatoes on Bank's Island, crops which demand a relatively larger amount of water for proper irrigation. At this time, I used 400 one inch tubes for irrigating Bank's Island and I could irrigate the whole Island in this fashion within 4 days. At times, all 400 tubes were used at once. The height difference between the water surface level in the ditch to the ground typically was about 6 inches to 8 inches.

(5) I recall that M.C. Shelley had a water right from the early 1900's for irrigating Bank's Island. I was not aware that Mr. Shelley claimed an additional water

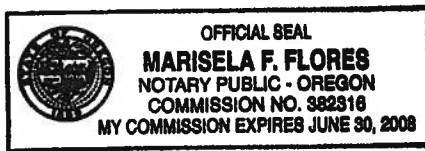
right for Bank's Island with a 1954 priority but if he did so, it likely was because he believed he used more water with the improvements and upgrades that he made to the irrigation system in the early 1950's.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 24 day of August, 2007.

Paul Mendiola
PAUL MENDIOLA

SUBSCRIBED AND SWORN to before me this 24 day of August, 2007.



Marisela F. Flores
Notary Public in and for the State of ~~Idaho~~ Oregon
Residing at: Malheur county
My Commission Expires: 6-30-08

**SPF**

Water Engineering, LLC
water resource consultants

August 27, 2007

Dana Hofstetter
Hofstetter Law Offices
608 West Franklin Street
Boise, ID 83702

Subject: Banks Island Pump Capacity – 03-4009

Dear Dana:

I have reviewed the affidavit of Paul Mendiola dated August 24, 2007. The affidavit provides evidence that the pump and ditch capacity for Banks Island was greater than the 3.12 cfs diversion rate claimed by water rights 03-2000 and 03-4009

Mr. Mendiola indicates that the water supply was adequate for use of 400 1-inch siphon tubes when irrigating Banks Island. The approximate capacity of a 1-inch siphon tube, assuming 7 inches of head between the ditch water surface and the water surface in the furrow, is 7.5 gpm. Therefore, use of 400 siphon tubes suggests a water supply of approximately 3,000 gpm (6.7 cfs). I have attached a table of siphon tube capacities from Ground Water Handbook (Keith Anderson, 1993, pg.256) for reference purposes.

The affidavit indicates that a 30-hp pump was utilized for irrigation of Banks Island beginning in approximately 1953. The lift from the Snake River to Banks Island is less than 10 feet. A 30-hp pump lifting water 10 feet with a pump efficiency of only 23 percent will produce 3,000 gpm.

Please contact me with any questions.

Sincerely,

Terry M. Scanlan, P.E.

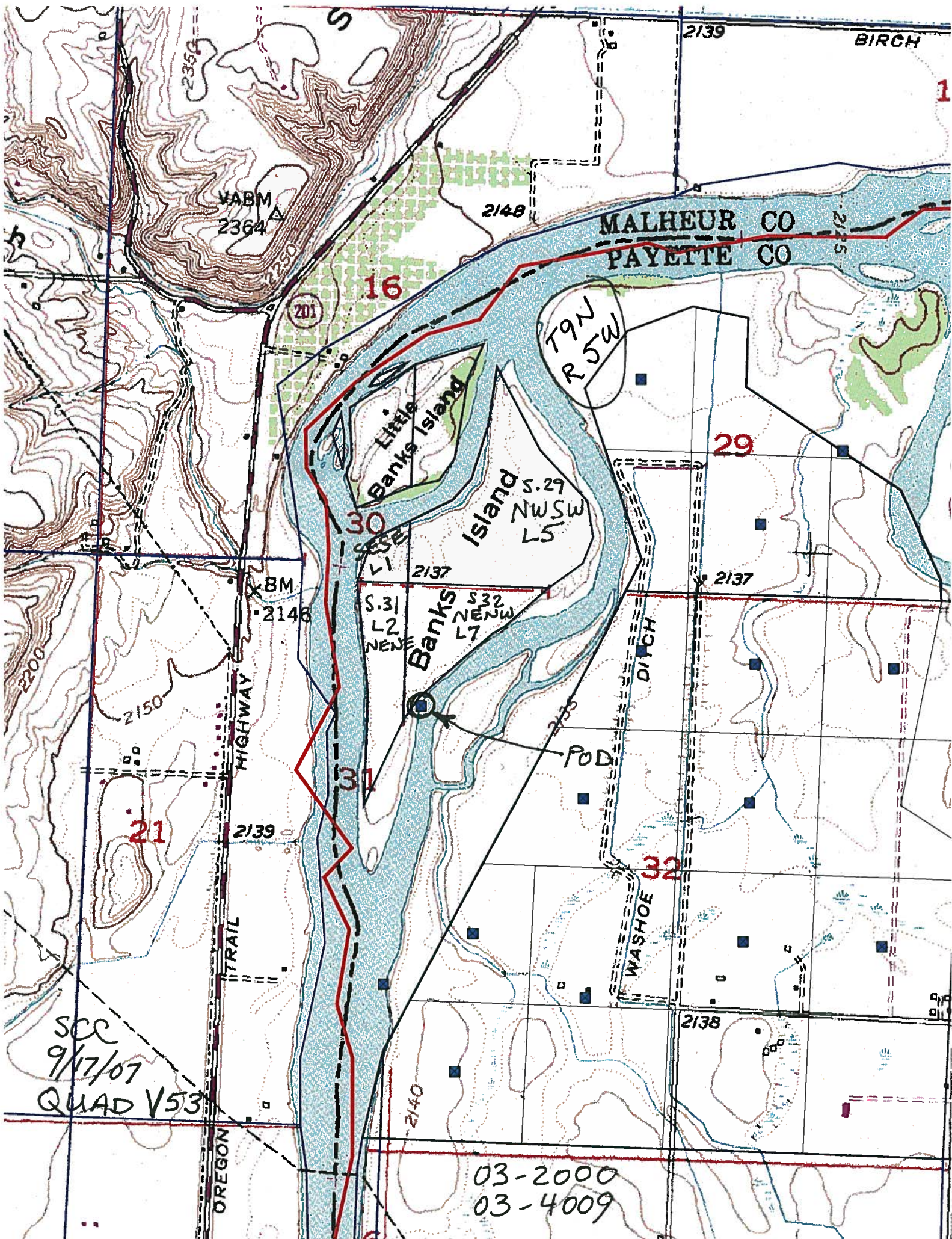
Cc: George Colwell

RECEIVED SEP 06 2007

Approximate Discharge of Aluminum Irrigation Siphon Tubes

Head		Outside Diameter of Tube - Inches									
(Inches)	(Cm)	1.0		1.25		1.5		2.0		3.0	
		(Gal/Min)	(Ltr/Sec)	(Gal/Min)	(Ltr/Sec)	(Gal/Min)	(Ltr/Sec)	(Gal/Min)	(Ltr/Sec)	(Gal/Min)	(Ltr/Sec)
1	2.5	2.8	0.18	4.8	0.30	7.5	0.47	14	0.88	36	2.27
2	5.1	4.0	0.25	6.8	0.43	10.6	0.67	20	1.26	50	3.15
4	10.2	5.8	0.37	9.7	0.61	15.0	0.95	29	1.83	72	4.54
6	15.2	7.0	0.44	12.0	0.76	18.5	1.17	35	2.21	88	5.55
8	20.3	8.1	0.51	13.7	0.86	21	1.32	40	2.52	100	6.31
10	25.4	9.1	0.57	15.4	0.97	24	1.51	45	2.84	112	7.07
15	38.1	11.0	0.69	18.9	1.19	29	1.83	55	3.47	137	8.64
20	50.8	13.0	0.82	22.0	1.39	34	2.15	64	4.04	160	10.09

Head is vertical distance from water surface in supply ditch to water surface in furrow (or tube outlet if not submerged)
Based on siphon tube lengths of 5 feet (1.5 meters)



SCC
9/17/07
QUAD V53

03-2000
03-4009

09/17/2007

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

RIGHT NUMBER: 3-4009
NAME AND ADDRESS: C/C LLC
3990 HWY 52
PAYETTE ID 83661

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.100 CFS

PRIORITY DATE: 07/01/1954

POINT OF DIVERSION:

T09N R05W S32 NENW Lot 7 Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
<u>IRRIGATION</u>	<u>03/01 11/15</u>	<u>1.100 CFS</u>

PLACE OF USE: IRRIGATION in PAYETTE County

<u>T09N R05W S29 Lot 5</u>	<u>38.00</u>	<u>T09N R05W S30 Lot 1 SESE</u>	<u>5.00</u>
<u>T09N R05W S31 Lot 2 NENE</u>	<u>15.00</u>	<u>T09N R05W S32 Lot 7 NENW</u>	<u>18.00</u>

76 ACRES TOTAL

Right Nos. 3-2000 and 3-4009 are limited to the irrigation of a combined total of 76 acres in a single irrigation season.

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

Proposed SFS - 3-4009

09/17/2007

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

RIGHT NUMBER: 3-2000
NAME AND ADDRESS: C/C LLC
3990 HWY 52
PAYETTE ID 83661

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.500 CFS

PRIORITY DATE: 11/20/1905

POINT OF DIVERSION:

T09N R05W S32 ~~SW~~NENW Lot 7 Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.500 CFS
STOCKWATER	~~3/1 11/15~~ 01/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION in PAYETTE County

T09N R05W S29 Lot 5 NWSW	38.00	T09N R05W S30 Lot 1 SESE	5.00
T09N R05W S31 Lot 2 NENE	15.00	T09N R05W S32 Lot 7 NENW	18.00

STOCKWATER in PAYETTE County

T09N R05W S29 Lot 5 NWSW	T09N R05W S30 Lot 1 SESE
T09N R05W S31 Lot 2 NENE	T09N R05W S32 Lot 7 NENW

76 ACRES TOTAL

Right Nos. 3-2000 and 3-4009 are limited to the irrigation of a combined total of 76 acres in a single irrigation season.

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

09/17/2007

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

RIGHT NUMBER: 3-4009
NAME AND ADDRESS: C/C LLC
3990 HWY 52
PAYETTE ID 83661

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.100 CFS

PRIORITY DATE: 07/01/1954

POINT OF DIVERSION:

T09N R05W S32 NENW Lot 7 Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
<u>IRRIGATION</u>	<u>03/01 11/15</u>	<u>1.100 CFS</u>

PLACE OF USE: IRRIGATION in PAYETTE County

<u>T09N R05W S29 Lot 5 SWSW</u>	<u>38.00</u>	<u>T09N R05W S30 Lot 1 SESE</u>	<u>5.00</u>
<u>T09N R05W S31 Lot 2 NENE</u>	<u>15.00</u>	<u>T09N R05W S32 Lot 7 NWNW</u>	<u>18.00</u>

76 ACRES TOTAL

Right Nos. 3-2000 and 3-4009 are limited to the irrigation of a combined total of 76 acres in a single irrigation season.

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 -

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 3-4009
Date Received: 4/18/1990
Receipt No: C016417
Received By:

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

1. Name of Claimant(s)

C/C LLC Phone: (208)278-3448

3990 HWY 52
PAYETTE ID USA 83661

2. Date of Priority: 07/01/1954

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
09N	05W	31	SE	NE	2	PAYETTE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	1.62	

7. Total Quantity Appropriated is:
1.62 C.F.S. and/or 1.62 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09N	05W	29	SW SW	5	IRRIGATION	46
					Section Acres	46
09N	05W	30	SE SE	1	IRRIGATION	4
					Section Acres	4
09N	05W	31	NE NE	2	IRRIGATION	11
					Section Acres	11
09N	05W	32	NW NW	7	IRRIGATION	20
					Section Acres	20
					Total Acres	81

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM IS SUBMITTED TO AMEND THE POINT OF DIVERSION.
ADDRESS CHANGED PER CLAIMANT REQUEST 10/19/98. (DB)

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: A03-04009
Date Received: 4/18/1990
Receipt No: C016417
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: JUL 1, 1954

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09N	05W	31	SE	NE		2	PAYETTE

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	1.620		

7. Total Quantity Appropriated is:
1.620 C.F.S. (and/or) 1.62 A.F.A.

8. Total consumptive use is 283.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	05W	29	SW	SW	5	IRR	46.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
						Section Acres	46.0
		30	SE	SE	1	IRR	4.0
						Section Acres	4.0
		31	NE	NE	2	IRR	11.0
						Section Acres	11.0
		32	NW	NW	7	IRR	20.0
						Section Acres	20.0
						Total Acres	81.0

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM IS SUBMITTED TO AMEND THE POINT OF DIVERSION.
ADDRESS CHANGED PER CLAIMANT REQUEST 10/19/98. (DB)

15. Basis of Claim: BENEFICIAL USE



1403-04009

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: A03-04009
Date Received: 4/18/1990
Receipt No: C016417
Received By: _____

*Rec'd from
So 4-21-92*

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: EASTERN WESTERN CORP
Address: MICHAEL E MC GINLEY PRESIDENT
1505 SE GIDEON ST
PO BOX 3228
PORTLAND OR 97208-3228

503-236-1978

2. Date of Priority: JUL 1, 1954

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09N	05W	31	SE	NE		2	PAYETTE

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	1.620		

7. Total Quantity Appropriated is:
1.620 C.F.S. (and/or) 1.62 A.F.A.

8. Total consumptive use is 283.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	05W	29	SW	SW	5	IRR	46.0

A03-04009

Page 1

Date: 02/18/92

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AUG 10 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	46.0
		30	SE	SE	1 IRR	4.0
					Section Acres	4.0
		31	NE	NE	2 IRR	11.0
					Section Acres	11.0
		32	NW	NW	7 IRR	20.0
					Section Acres	20.0
					Total Acres	81.0

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM IS SUBMITTED TO AMEND THE POINT OF DIVERSION.

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 A03-04009

Date Received

Receipt Number C016417

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

RECEIVED
JAN 16 1992

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Eastern Western Corporation Phone (503) 236-1978
Attn: Michael E. McGinley, President
Mailing Address 1505 S.E. Gideon St., Box 3228, Portland, OR Zip 97208-3228

2. Date of Priority (Only one (1) per claim) July 1, 1954

3. Source of water supply (a) Snake River
which is tributary to (b) Columbia River

4. a. Location of existing point of diversion is: Township 9N Range 5W Section 31,
1/4 of SE 1/4 of NE 1/4, Govt. Lot, 2 B.M., County of Payette

Additional points of diversion if any: N/A

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.

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AUG 10 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 1.62 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.62 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 283.5 acre feet per annum.

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

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	
9N	5W	29											Lot5 46						46
		30															Lot1 4		4
		31	Lot2 11																11
		32					Lot7 20												20

Total number of acres irrigated 81

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None ()

14. Remarks:

This claim is submitted to amend the point of diversion

MICROFILMED

Last Name Eastern Western Corporation Ident No. A03-04009

Copies: White -State, Yellow -Claimant
AUG 10 1992

Scale: 2 inches equals 1 mile

[illegible]

MICROFILMED

Copies: White-State, Yellow-Carmant 0 1992

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 03-04009
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 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 Manager Title _____
of Eastern Western Corporation , that I have signed the foregoing
Organization
document in the space below as Manager of Eastern Western Corporation
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Curt Long
Title and Organization Manager, Eastern Western Corporation Date 1-15-92

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

Subscribed and sworn (or affirmed) before me this 15th day of January 19 92

SEAL

Notary Public Debbie Buggs

Residing at Boise, Idaho

My Commission Expires 1-23-97

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Dana L. Hofstetter, Holland & Hart 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 Dana Hofstetter

Address P.O. Box 2527, Boise, ID 83701

Date 1/15/92

MICROFILMED

Last Name Eastern Western Ident. Number A03-04009
Corporation

AUG 10 1992
Copies White-State, Yellow-Claimant

\$131-

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: A03-04009

Date Received:

Receipt No: 0016417

Received By: *Julie*

hat

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECL

APR 18 1990

1. Name: EASTERN WESTERN CORP.
Address: 1505 S.E. GIDEON ST.
P.O. BOX 3228
PORTLAND, OR

97208

Department of Water Resources

2. Date of Priority: JUL 01, 1954

3. Source: SNAKE RIVER

Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09N	05W	32	NW	NW	NW	7	PAYETTE

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	1.620		

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

A.F.A.

8. Total consumptive use is 283.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09N	05W	29	SW	SW	5	IRR	46.0
Section Acres							46.0

A03-04009

Page

1

Date: 03/26/90

MICROFILMED

AUG 10 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	05W	30	SE	SE	12	IRR	4.0
						Section Acres	4.0
		31	NE	NE	2	IRR	11.0
						Section Acres	11.0
		32	NW	NW	7	IRR	20.0
						Section Acres	20.0
						Total Acres	81.0

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am Manager Title _____ of Eastern/Western Corp Organization, that I have signed the foregoing document in the space below as Manager Title _____ of Eastern/Western Corp Organization and that the statements contained in the foregoing document are true and correct.

Curt Long
Signature of Authorized Agent
Manager of Eastern/Western Corp
Title and Organization
March 26, 1990
Date

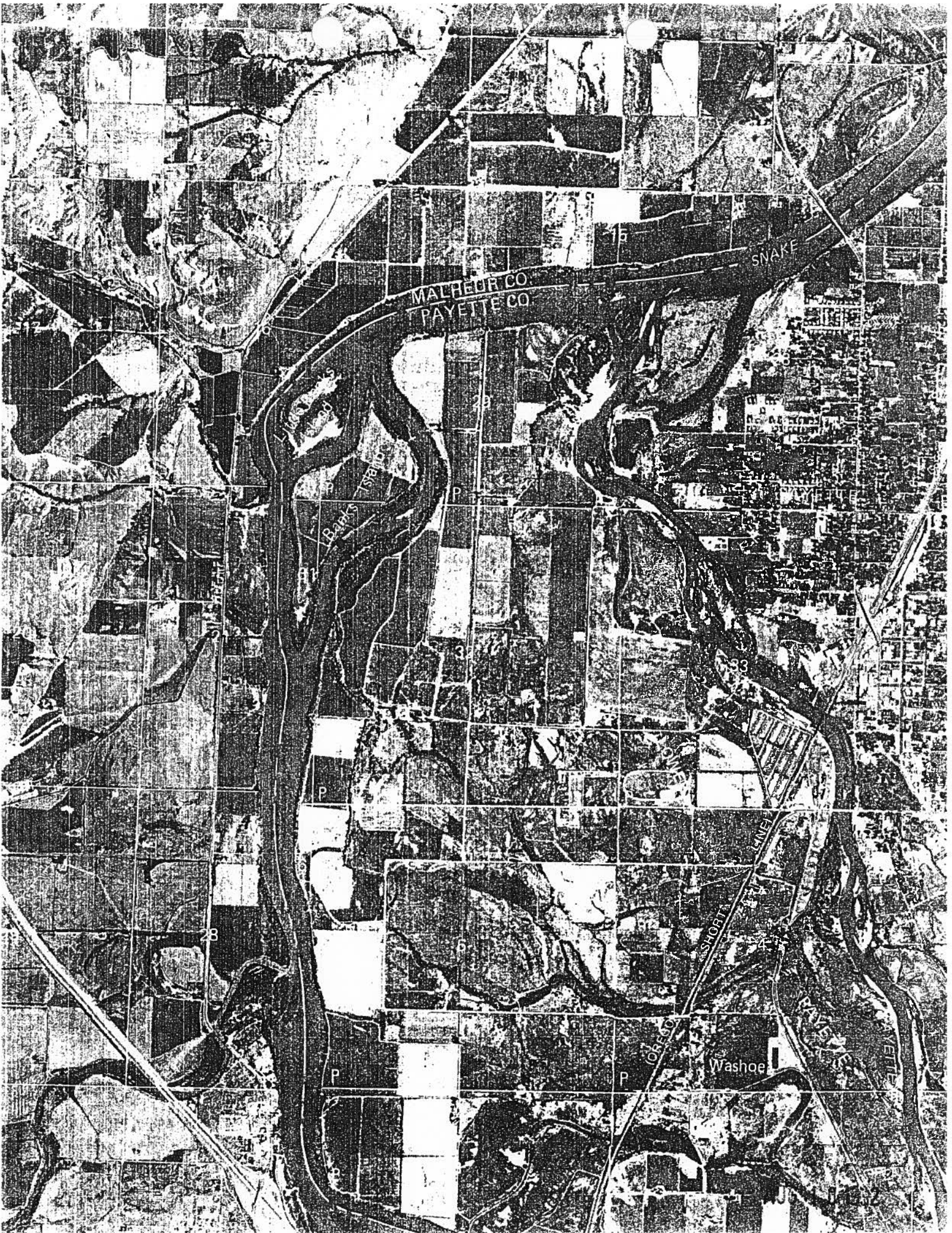
State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 26th day
of March 19 90

Heleen Harrington
Notary Public

Seal

Residing at Heleen Harrington, Notary Public
My Commission Residing at Boise, Idaho
My Commission Expires December 1, 1994



Water Right Number - A03-04009
Prefix Translation: ADJUDICATION CLAIM
Old (D) Number -

*** C - CURRENT OWNER ***
EASTERN WESTERN CORP.
1 - 1505 S.E. GIDEON ST.
2 - P.O. BOX 3228
3 -
City- PORTLAND
State- OR Zip- 97208
Phone -

*** O - ORIGINAL OWNER ***
SHELLEY
1 - RT. 1 BOX 97
2 -
3 -
City- PAYETTE
State- ID Zip- 83661
Phone - 208-000-0000

Priority Date - 07/01/1954
Region -
ERROR IN REGION
S - STATUTORY CLAIM
Status -

Source - SNAKE RIVER
Point of Diversion -
Stream Index (Blank if no Index Code)
Diversion Rate
Diversion Volume

Code
01 - IRRIGATION
Total Div. Rate - 1.620
Total Div. Volume - 03/15 11/15
Total Div. Capacity - 0.0
Total Consumptive Use - 0.0
KW Usage -

Tract
09N 05W 32 NW NW 7 (75) PAYETTE
Total Acres: 81.0

Diversion Means -
Non-Irrigation Use -
Other Rights for Same Use -

Remarks -
No Remarks found.

MICROFILMED
AUG 10 1992

MICROFILMED
AUG 10 1992



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

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

NOTICE OF APPEARANCE

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.

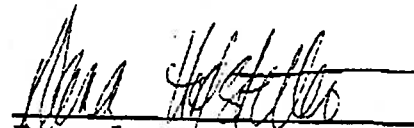
NOTICE OF APPEARANCE

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 07 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

17157



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 10 1992

MEMORANDUM

APR 13 1992

Department of the Interior
Western Regional Office

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

(same as ROR to, Jan)
-sd

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.

A03-04009

MICROFILMED

AUG 10 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

February 21, 1992

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

RE: Snake River Basin Adjudication (SRBA)
Valley & Payette Counties
Eastern Western Corp. - #A03-02000, A65-19608,
A03-04009 & A65-19598

Dear Dana:

Thank you for sending the Valley County claim by Eastern Western Corp. with \$75.00 fees. I have enclosed a copy of this new claim (#A65-19598) for your files. I have also enclosed Receipt #C023040 for the filing fees.

We noticed at Item #9 on this claim Eastern Western is claiming domestic, one home with a priority date of June 1, 1953. However, Item #14, Remarks, shows that a trailer was added in 1989 and the well is serving two households now. If they wish the trailer use to be Decreed at this time, they may want to file a separate claim for that use, showing a priority date of 1989.

Along with the new claim referenced above, you also submitted a Domestic/Stock Water claim for property in Payette County (#A65-19608) and two amended claims, #A03-04009 and A03-02000. Copies of these claims are enclosed. For the instream stockwater, please amend claim #A03-02000 to include the point of diversion with a beginning and ending point, have it signed and notarized appropriately, and return it to this office. *on Banks Island*

As I mentioned to you when I called on Wednesday, Dana, I discovered several Eastern Western Corp. claims with name/address information incorrectly data-entered. If you would like these claims modified to reflect Mr. Gideon as Current Owner and you as Attorney, please send us a letter stating same, and have the owner sign appropriately. I will modify the claims and send you copies. I have enclosed Eastern Western's claim numbers from each printed screen containing their rights. I have checked the rights needing the corrections mentioned above.

MICROFILMED

AUG 10 1992

Dana Hofstetter
February 21, 1992
Page 2

We are generally cleaning up the data base and bringing it up to data entry standards issued in January, 1990. I will be removing punctuation, unnecessary "C/O's" in front of Mr. McGinley's name, deleting the "and" in Holland and Hart and replacing it with the ampersand, etc. Do you want a copy of the claims where I've made these corrections or may I simply send you a copy of the address screen(s) (sample enclosed).

Thank you again, Dana, for your cooperation and prompt responses. Please contact us if you have any questions.

Sincerely,



Sally Frazee
Secretary, Adjudication Section

SF:state:tf
Enclosures:

Copy of #A65-19598, A65-19608, A03-04009 & A03-02000
Printed Screens of Eastern Western's W/R Numbers
Receipts #C023040 & #C022966
Printed Address Screen Sample

MICROFILMED

AUG 10 1992

HOLLAND & HART
ATTORNEYS AT LAW

DENVER
DENVER TECH CENTER
COLORADO SPRINGS
ASPEN
BILLINGS
BOISE
CHEYENNE
JACKSON
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
FACSIMILE (208) 343-8869

January 16, 1992

John D. Carlson
Adjudication Supervisor
Idaho Department of Water Resources
1301 N. Orchard Street
Statehouse Mail
Boise, Idaho 83720

JAN 16 1992
Department of Water Resources

Re: Amended SRBA Claim A03-02000;
Amended SRBA Claim A03-04009;
SRBA Claim for Domestic/Stock Water Well
in Payette County

Dear John:

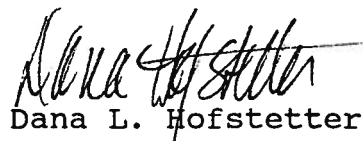
On behalf of Eastern Western Corporation, I am enclosing
the following:

1. Amended SRBA Claim A03-02000;
2. Amended SRBA Claim A03-04009;
3. SRBA Claim for Domestic/Stock Water Well in Payette
County (and \$75 filing fee).

Please let me know if I have not enclosed sufficient
filing fees for these claims. I appreciate your assistance
with these matters.

Sincerely,

HOLLAND & HART


Dana L. Hofstetter

DLH:jmb
Enclosures

MICROFILMED
AUG 10 1992