

07/07/2006

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

RIGHT NUMBER: 73-150C

NAME AND ADDRESS: CHARLESVIEW LLC
1819 E SOUTHERN AVE #B-10
MESA AZ 85204

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 2.320 CFS

PRIORITY DATE: 07/01/1897

POINT OF DIVERSION:

T12N R23E S2 NESW Within CUSTER County

T13N R23E S28 SWNW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
2.320 CFS

PLACE OF USE: IRRIGATION Within CUSTER County

T13N R23E S20	NWNE	0.90	T13N R23E S20	SWNE	29.00
T13N R23E S20	SENE	3.30	T13N R23E S20	NENW	26.00
T13N R23E S20	NWNW	40.00	T13N R23E S20	SWNW	34.00
T13N R23E S20	SENE	40.00	T13N R23E S20	NESW	37.00
T13N R23E S20	SWSW	38.00	T13N R23E S20	SESW	36.00
T13N R23E S20	NESE	32.00	T13N R23E S20	NWSE	40.00
T13N R23E S20	SWSE	37.00	T13N R23E S20	SESE	39.00
T13N R23E S28	NWSW	8.40	T13N R23E S28	SWSW	37.00
T13N R23E S28	SESW	0.10	T13N R23E S29	NENE	36.00
T13N R23E S29	NWNE	39.00	T13N R23E S29	SWNE	35.00
T13N R23E S29	SENE	37.00	T13N R23E S29	NENW	36.00
T13N R23E S29	SWNW	0.10	T13N R23E S29	SENE	38.00
T13N R23E S29	NESW	37.00	T13N R23E S29	NWSW	0.20
T13N R23E S29	SESW	18.00	T13N R23E S29	NESE	38.00
T13N R23E S29	NWSE	36.00	T13N R23E S29	SWSE	33.00
T13N R23E S29	SESE	40.00	T13N R23E S32	NENE	9.00
T13N R23E S33	NWNW	16.00			

926 ACRES TOTAL

This right is limited to the irrigation of 200 acres within the place of use described above in a single irrigation season.

Right Nos. 73-15A, 73-150C, 73-2159, 73-2162, 73-4001, 73-4003, 73-10023 and 73-10024 are limited to the irrigation of a combined total of 926 acres in a single irrigation season.

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

07/07/2006

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

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 - Decreed

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



Idaho Department of Water Resources

SRBA Recommendation:

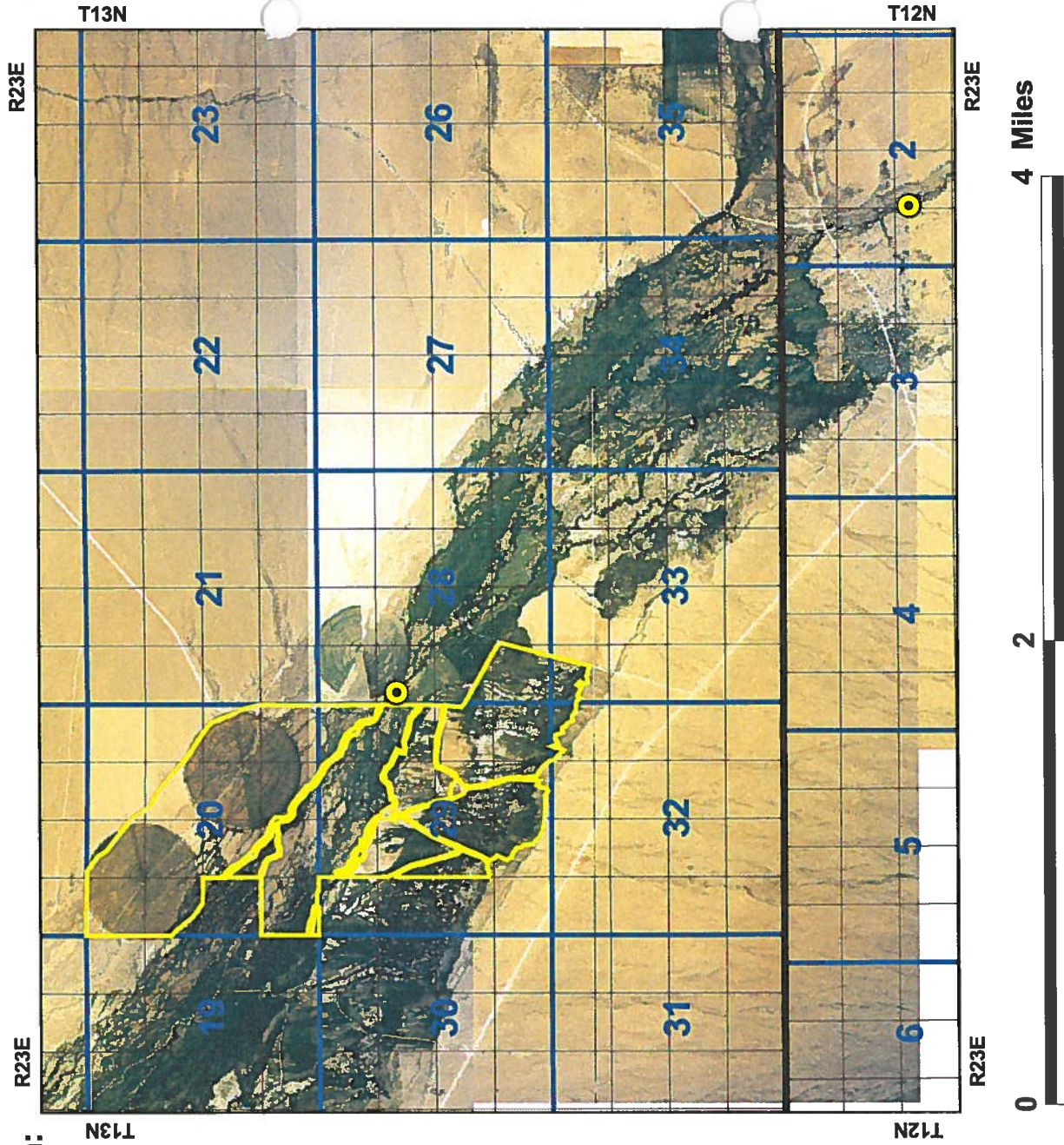
73-150C

Legend

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



Custer County
IDWR Basin 73



Prepared by R. Brown
On Friday, July 7, 2006
1987/88 Aerial Photography

Water Right Number: 73-150

Water Right Number: 73-150

Reviewer Name: _____ **R. Brown**

Date: 3/15/2006

Acresage Analysis									
Parent					Children Acres				
Twp	Rng	Sec	Q-Q	Lot	73-150	73-150B	73-150C	73-150D	
13N	23E	19	NWSW	3	40			40	
			SWSW	4	40			40	
			SESW		40			40	
			SWSE		40			40	
		30	NENW		40			40	
			NENE		40			40	
			NWNE		40			40	
			SWNE		40			40	
			SENE		40			40	
		29	SWNW		40			40	
			SENW		40		40		
			NESW		40		40		
			NWSW		40			40	
			NWSE		40		40		
			SWSE		40		40		
			SESE		40		40		
		33	SENE		40	40			
			NESE		40	40			
		34	NWNE		40	40			
			SWNE		40	40			
			SENE		40	40			
			NESE		40	40			
			NWSE		40	40			
			SWSE		40	40			

Water Right Number: 73-150
 Diversion Rate: 9.6 CFS
 Reviewer Name: R. Brown
 Date: 3/15/2006

Split Tree

73-150 (960.0 ac & 9.60 cfs)	73-150B (320.0 ac & 1.11 cfs)
	73-150C (200.0 ac & 2.65 cfs)
	73-150D (440.0 ac & 5.83 cfs)

Summary

Right No:	Diversion Rate	Irrigated Acres	CFS / Acre
73-150	9.6	960	0.010
73-150B	1.113	320	0.003
73-150C	2.65	200	0.013
73-150D	5.83	440	0.013

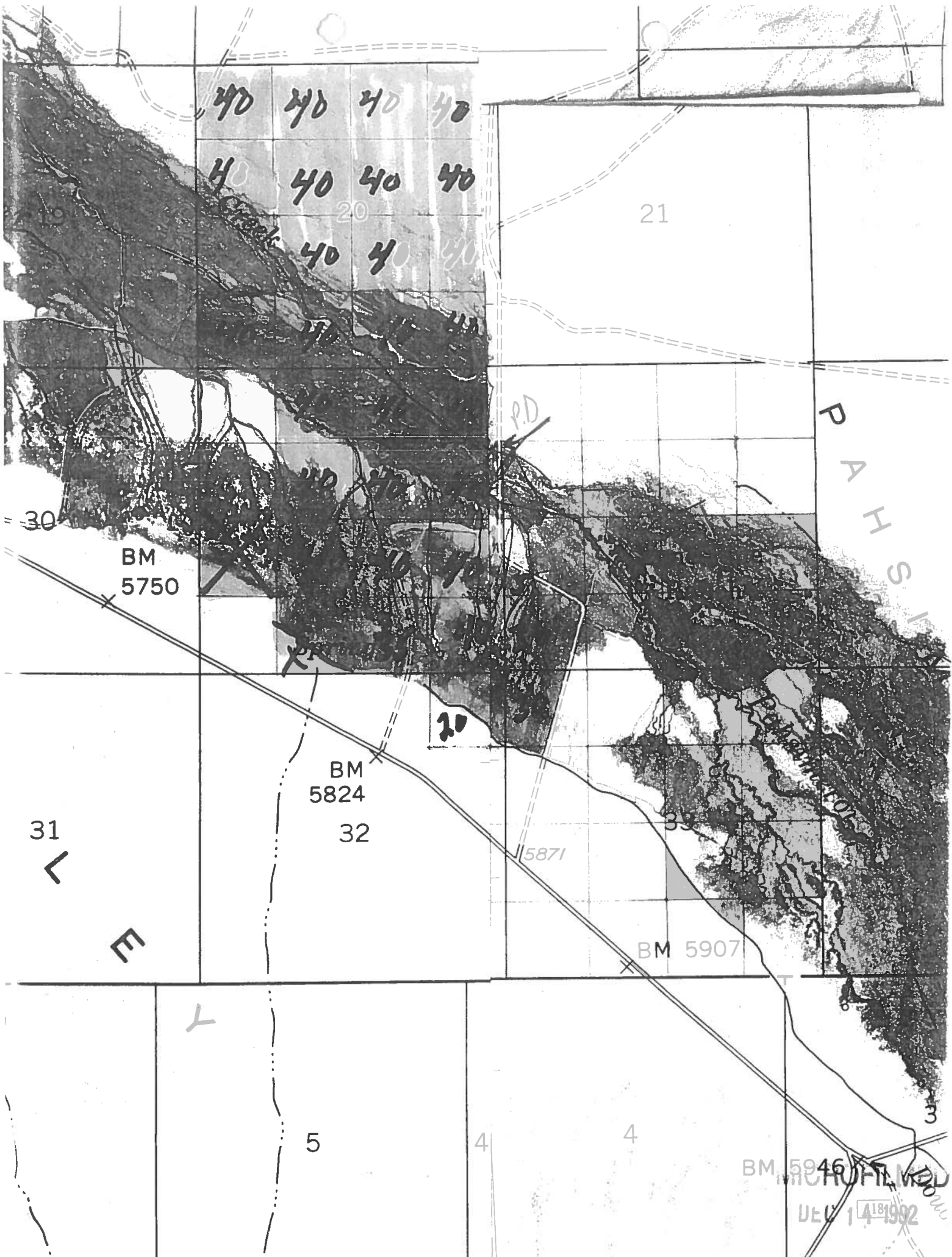
The diversion rate for 73-150B was set by Transfer #777. The diversion rates for 73-150C and D were determined by taking the remaining 8.487 cfs and calculating a pro rata share based on the number of acres owned under the original decree.

A 12.6% channel loss is applied to these rights. Recommendations:

See Trans. #777

Right No:	Diversion Rate
73-150B	0.973
73-150C	2.32
73-150D	5.10

*Of 2-17-10
 loss in Tran 777
 does not apply
 to C & D.*



BM 5946
MICROFILMED
DEC 14 1992



SCYTHE & SPADE CO.

Simplifying Complex Agribusiness Issues

www.ag-management.com

RECEIVED

DEC 19 2007

DEPARTMENT OF
WATER RESOURCES

December 19, 2007

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

To Whom It May Concern:

Included are water right objections for the properties we refer to as Barnes Ranch. You will find objections for the following water rights:

- 73-788B
- 73-150C
- 73-2159
- 73-2162

Please feel free to contact us with any questions and/or comments.

Respectfully,

Nicole Kendall
Scythe & Spade Co.

RECEIVED

DEC 19 2007

DEPARTMENT OF
WATER RESOURCES

2007 DEC 17 PM 2 05

IN THE 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 73-150C

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Charlesview LLC
Address: 1819 E. Southern Ave #B-10
Mesa, AZ 85204

Daytime Phone: (208) 880-8544

Name & Address of Attorney, if any:

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

Name: Charlesview LLC
Address: 1819 E. Southern Ave. #B-10
Mesa, AZ 85204

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

1. ☐ Name and Address
Should be: _____
2. ☐ Source
Should be: _____
3. ☒ Quantity
Should be: Should be 3.32 CFS or consistent with the split of 73-150.
4. ☒ Priority Date
Should be: July 1st 1897 or consistent with Rights 73-150A, B, C, and D.
5. ☐ Point(s) of Diversion
Should be: _____
6. ☐ Instream Flow Description
Should be: _____
7. ☐ Purpose(s) of Use
Should be: _____
8. ☒ Period of Year
Should be: As per historical use, April 1st to November 1st or otherwise consistent with all other irrigation users in the Basin.
9. ☒ Place of Use
Should be: A further split is required of this right to effectively reflect prior changes of ownership and rights in the NWSW Section 28 Township 13N Range 23E.
10. 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): Refer to Limited Power of Attorney on File with IDWR.

F. VERIFICATION (Must be completed)

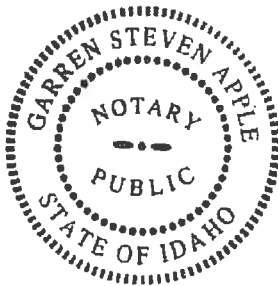
State of Idaho)
)ss.
County of Ada)

Brett MacNeil, duly sworn, upon oath, deposes and says:

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

[Signature]

Subscribed and sworn to before me on: 12/17/2007



[Signature]

Notary Public for Scythia + Spadella

Residing at: Nampa

My Commission Expires: 8/12/2011

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 12/17, 2006, 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
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right:

Name: Charlesview LLC
Address: 1819 E. Southern Ave. #B-10
Mesa, AZ 85204

3. Copies to:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

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



Signature of Objector or attorney

Transfer # 777
File # 73-615
73-615

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 777.

THIS IS TO CERTIFY That O. H. SWAUGER, of Patterson, Idaho, is the owner of and using the following water rights in the Pahasimeroi River, decreed by Judge C. F. Hensbrough, Special Judge for the District Court of the Sixth Judicial District of the State of Idaho, in and for Custer County, in the case of

Lorenzo Wells and Edward O'Neil, partners, et al,

vs

Plaintiffs,

Orish Wells, et al,

Defendants.

1.113 cubic feet per second, with priority of July 1, 1897, decreed to the Good Livestock Company, and appurtenant to Lots 3 & 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 19, NE $\frac{1}{4}$ N $\frac{1}{2}$ E $\frac{1}{4}$, and NE $\frac{1}{4}$ Section 30, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24, Township 13 North, Range 23 East, B.M.

4 cubic feet per second, with priority of August 7, 1905, decreed to Edith Watley, and appurtenant to SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33, Township 13 North, Range 23 East, B.M.

6.4 cubic feet per second, with priority of November 19, 1903, decreed to Edward Popejoy, and appurtenant to SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Section 29, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, Township 11 North, Range 24 East, B.M.

Said decree bears date of April 8, 1910, and has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 3 of Decrees, beginning at Page 117.

That said O. H. Swauger has become the owner of said water rights through purchase.

And that now, upon the application of O. H. Swauger, of Patterson, Idaho, for the transfer of said water rights totalling 11.513 cubic feet per second of the waters of the Pahasimeroi River made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of said water rights upon the above described lands is hereby abandoned and the place of use of 8.442 cubic feet per second of the several rights hereby confirmed as hereinafter set forth, shall by this certificate become appurtenant for irrigation and domestic use, are described as follows, to-wit:

W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27
NE $\frac{1}{4}$ and SE $\frac{1}{4}$ Section 28
NE $\frac{1}{4}$ Section 23
SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24
all in Township 13 North
Range 23 East, B.M.

The following described water rights are hereby transferred to the last above described lands after the following deductions have been made to compensate for river channel losses caused by change in place of diversion.

0.973 cubic foot per second of the July 1, 1897, water right, with 0.140 cubic foot per second released to the Pahasimeroi River.

3.49 cubic feet per second of the August 7, 1905 water right, with 0.81 released to the Pahasimeroi River.

3.98 cubic feet per second of the November 19, 1903 water right, with 0.40 cubic feet per second released to the Pahasimeroi River.

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amounts, to-wit:

0.973 cubic foot per second, priority
July 1, 1897.

3.49 cubic feet per second, priority
August 7, 1905.

3.98 cubic feet per second, priority
November 19, 1903.

RECEIVED

That the water rights hereby transferred, have heretofore been conducted to the first above described lands from the Pahsimeroi River with points of diversion in the SW¹/₄ Section 18, Township 11 North, Range 24 East, B.M., and Section 1, Township 10 North, Range 19 East, B.M.

That the water rights hereby transferred will hereafter be conducted to the last above described lands through the Stanley Hall ditch with points of diversion in the SW¹/₄ Section 36, Township 12 North, Range 24 East, B.M., and mingled with other water and carried through the Stanley Hall ditch and Goldberg Creek to place of use.

That the losses between the Stanley Hall heading and Goldberg Creek be measured and determined from time to time and deducted from the amounts of water available under the various priorities of the transferred rights and remainder of the water carried through Goldberg Creek to the Pahsimeroi River to the new place of use.

That the right to the use of the water hereunto, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 24th day of September, A. D. 1951.

(SEAL)

MARK H. KULP
State Reclamation Engineer

RECEIVED
SEP 27 1951