

09/23/2009

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

RIGHT NUMBER: 73-12131

NAME AND ADDRESS: FIVE E GROUP LLLP
3094 S ABIGAIL WAY
BOISE ID 83706

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 0.60 CFS

The total amount of water diverted under this water right may not exceed 0.52 cfs at the points of diversion described in the NWNW T12N R23E S2, NESW T13N R23E S28 or NWNW T13N R23E S34.

PRIORITY DATE: 08/07/1905

**POINT OF
DIVERSION:**

T11N R24E S6 NENE Within CUSTER County
T12N R23E S2 NWNW Within CUSTER County
T13N R23E S28 NESW Within CUSTER County
T13N R23E S34 NWNW Within CUSTER County

**PURPOSE AND
PERIOD OF USE:**

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	0.60 CFS

PLACE OF USE:

IRRIGATION in CUSTER County					
T13N R23E S27	SWSW	15.00	T13N R23E S34	NENW	40.00
T13N R23E S34	SENW	29.00	T13N R23E S34	SWNW	19.00
103 ACRES TOTAL					

Right Nos. 73-12126, 73-12131, 73-12134, and 73-12141 are limited to the irrigation of a combined total of 103 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 - Decreed

This right is a split from former right 73-174D.

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

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

09/23/2009

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

RIGHT NUMBER: 73-12132

NAME AND ADDRESS: W CLINTON STENNETT
PO BOX 475
KETCHUM ID 83340

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 1.24 CFS

The total amount of water diverted under this water right may not exceed 1.08 cfs at the points of diversion described in the NWNW T12N R23E S2, NESW T13N R23E S28 or NWNW T13N R23E S34.

PRIORITY DATE: 08/07/1905

POINT OF DIVERSION:

T11N R24E S6 NENE Within CUSTER County

T12N R23E S2 NWNW Within CUSTER County

T13N R23E S28 NESW Within CUSTER County

T13N R23E S34 NWNW Within CUSTER County

**PURPOSE AND
PERIOD OF USE:**

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	1.24 CFS

PLACE OF USE:

IRRIGATION in CUSTER County

T13N R23E S27	NWSW	4.70	T13N R23E S27	SWSW	18.00
T13N R23E S28	NESE	23.00	T13N R23E S28	SWSE	1.00
T13N R23E S28	SESE	32.00	T13N R23E S33	NENE	40.00
T13N R23E S33	NWNE	15.80	T13N R23E S33	SWNE	18.10
T13N R23E S33	SENE	40.00	T13N R23E S34	SWNW	20.00

212.6 ACRES TOTAL

Right Nos. 73-12127, 73-12132, 73-12135, 73-12139, and 73-12142 are limited to the irrigation of a combined total of 212.6 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 - Decreed

This right is a split from former right 73-174D.

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.

09/23/2009

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

RIGHT NUMBER: 73-12133

NAME AND ADDRESS: RIO B LLC
HWWL LLC
3007 CAN-ADA RD
MELBA ID 83641

LONE PINE HOLDING LLC
3007 CAN-ADA RD
MELBA ID 83641

MLS HOLDINGS LLC
3007 CAN-ADA RD
MELBA ID 83641

SOURCE: PAHSIMEROI RIVER **TRIBUTARY:** SALMON RIVER

QUANTITY: 2.16 CFS

The total amount of water diverted under this water right may not exceed 1.89 cfs at the points of diversion described in the NWNW T12N R23E S2, NESW T13N R23E S28 or NWNW T13N R23E S34.

PRIORITY DATE: 08/07/1905

POINT OF DIVERSION:

T11N R24E S6 NENE Within CUSTER County
T12N R23E S2 NWNW Within CUSTER County
T13N R23E S28 NESW Within CUSTER County
T13N R23E S34 NWNW Within CUSTER County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	2.16 CFS

PLACE OF USE:

IRRIGATION in CUSTER County			
T13N R23E S28	NENW	24.00	T13N R23E S28 NWNW 35.00
T13N R23E S28	SWNW	31.00	T13N R23E S28 SENW 22.00
T13N R23E S28	NESW	27.00	T13N R23E S28 NWSW 30.00
T13N R23E S28	SWSW	2.40	T13N R23E S28 SESW 40.00
T13N R23E S28	NWSE	32.00	T13N R23E S28 SWSE 31.00
T13N R23E S33	NWNE	24.20	T13N R23E S33 SWNE 20.90
T13N R23E S33	NENW	40.00	T13N R23E S33 NWNW 13.00

372.5 ACRES TOTAL

Right Nos. 73-151, 73-12128, 73-12133, 73-12136, 73-12140, and 73-12143 are limited to the irrigation of a combined total of 372.5 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 - Decreed

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

This right is a split from former right 73-174D.

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



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 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

September 9, 2009

LANE BANGERTER
3007 CAN-ADA RD
MELBA ID 83641

RE: Snake River Basin Adjudication (SRBA) objections
Water Right No(s): 73-151, 73-12128, 73-12133, 73-12136, &73-12143

Dear Mr. Bangerter,

Per our conversation, I am sending you several documents. In addition to the maps and recommendation reports described below, I am enclosing the Order to Show Cause issued by Special Master Dolan.

As we discussed, I am enclosing copies of the recommendations that describe your water rights as I would propose sending them to the court. The only changes made to the enclosed recommendations, fixed the error made when the parent rights 73-150B, 73-174D, 73-177, and 73-12109 were originally split. 19 acres and the proportionate diversion rate was recommended to the Rio B LLC rights when that 19 acres of water right actually falls on land owned by Five E Group LLLP (see enclosed maps).

A representative from Five E Group LLLP as well as W. Clinton Stennett appeared at the initial hearing on August 11, 2009 and agreed with the adjusted splits of the water rights.

Please look over the recommendations and let me know if you agree or disagree with them. If you agree, then I can have our legal staff start circulating settlement documents to all parties for signature. If you disagree, then perhaps we can meet and go over the changes you feel should be made before the upcoming hearing.

You had mentioned that you would like to try to settle the objections before the upcoming hearing which I am in support of. However, I want to mention that any changes made to your water rights would most likely effect the Five E Group and Stennett rights as well since we would be readjusting the splits. All parties will have to agree to the changes.

Please feel free to contact me with any questions or to set up an appointment to discuss your questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig L. Saxton". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Craig L. Saxton
Water Right Supervisor
Adjudication Bureau

Enclosure(s): Order to Show Cause
 Maps showing original POU before and after split
 Amended recommendations 73-151, 73-12128, 73-12133, 73-12136, & 73-12143

RECEIVED

DEC 19 2007

DEPARTMENT OF
WATER RESOURCES

FILED
TWIN FALLS, IDAHO
2007 DEC 17 PM 2 05

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

A. Subcase 73-12133

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Rio B LLC, Lone Pine Holding LLC, MLS Holdings LLC
Address: 3007 Can - Ada Rd.
Melba, ID 83641

Daytime Phone: (208) 880-8544

Name & Address of Attorney, if any:

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

Name: Rio B LLC, Lone Pine Holding LLC, MLS Holdings LLC
Address: 3007 Can - Ada Rd.
Melba, ID 83641

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: 3 CFS. Farmed acreage on the original right 73-174D was more heavily concentrated in the areas referenced by this right and the split allocating water to rights 73-12132 and 73-12131 should more accurately reflect historical and current crop consumptive needs. In addition, the paper water right and actual availability to wet water are not always the same. *must split proportionately*

4. ☐ Priority Date
Should be: _____

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. *NO: 4-1 to 10-31*

9. ☒ Place of Use
Should be: Right numbers 73-151, 73-12133, 73-12128, 73-12136, and 73-12143 should be limited to the irrigation of the combined total of 457.2 acres in a single irrigation season. *Prop Budy is 454 ac*

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 Maenert, 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: 12/17/07

[Signature]

Notary Public for Seyler & Spade Co.

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:

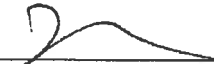
Name: Rio B LLC, Lone Pine Holding LLC, MLS Holdings LLC
Address: 3007 Can - Ada Rd.
Melba, ID 83641

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

07/22/2009

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

RIGHT NUMBER: 73-12133

NAME AND ADDRESS: RIO B LLC
HWHL LLC
3007 CAN-ADA RD
MELBA ID 83641

LONE PINE HOLDING LLC
3007 CAN-ADA RD
MELBA ID 83641

MLS HOLDINGS LLC
3007 CAN-ADA RD
MELBA ID 83641

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 2.276 CFS

The total amount of water diverted under this water right may not exceed 1.986 cfs at the points of diversion described in the NWNW T12N R23E S2, NESW T13N R23E S28 or NWNW T13N R23E S34.

PRIORITY DATE: 08/07/1905

POINT OF
DIVERSION:

T11N R24E S6 NENE Within CUSTER County
T12N R23E S2 NWNW Within CUSTER County
T13N R23E S28 NESW Within CUSTER County
T13N R23E S34 NWNW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.276 CFS

PLACE OF USE:

<u>IRRIGATION in CUSTER County</u>		
T13N R23E S28	NENW	24.00
T13N R23E S28	SWNW	31.00
T13N R23E S28	NESW	27.00
T13N R23E S28	SWSW	2.40
T13N R23E S28	NWSE	32.00
T13N R23E S33	NWNE	24.20 ✓
T13N R23E S33	NENW	40.00
T13N R23E S34	SWNW	19.00

391.5 ACRES TOTAL

Right Nos. 73-151, 73-12143, 73-12128, 73-12133, 73-12136 and 73-12140 are limited to the irrigation of a combined total of 391.5 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 - Decreed

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

This right is a split from former right 73-174D.

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

12/12/2007

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

RIGHT NUMBER: 73-12032

NAME AND ADDRESS: CARYL L ELZINGA
19 MOEN LN
MAY ID 83253-2000

GLENN A ELZINGA
19 MOEN LN
MAY ID 83253-2000

SOURCE: PETERSON SPRINGS TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 1.250 CFS

PRIORITY DATE: 04/01/1961

POINT OF
DIVERSION: T15N R21E S26 NESWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	1.250 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T15N R21E S16 SWSE	7.00 T15N R21E S21	NENE 10.00
	T15N R21E S21 SENE	0.20 T15N R21E S22	NWNW 7.70
	T15N R21E S22 SWNW	25.00 T15N R21E S22	SENW 5.90
	T15N R21E S22 NWSW	0.40	

56.2 ACRES TOTAL

Right Nos. 73-98 and 73-12032 are limited to the irrigation of a combined total of 56.2 acres in a single irrigation season.

This right is limited to the irrigation of 53 acres within the place of use described above 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

01/23/2007

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

RIGHT NUMBER: 73-174D
NAME AND ADDRESS: BEREND FRIEHE
2498 RD S NE
MOSES LAKE WA 98837

CARLA FRIEHE
2498 RD S NE
MOSES LAKE WA 98837

Grp E 73-12131 ✓
S 73-12132 ✓
B 73-12133 ✓

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER
QUANTITY: 4.000 CFS

The total amount of water diverted under this water right may not exceed 3.49 cfs at the points of diversion described in the NWNW T12N R23E S2, NESW T13N R23E S28 or NWNW T13N R23E S34.

S 1078
E 0926
B 1286

PRIORITY DATE: 08/07/1905

POINT OF DIVERSION:
T11N R24E S6 NENE Within CUSTER County
T12N R23E S2 NWNW Within CUSTER County
T13N R23E S28 NESW Within CUSTER County
T13N R23E S34 NWNW Within CUSTER County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE		PERIOD OF USE		QUANTITY	
IRRIGATION		04/01 10/31		4.000 CFS	
PLACE OF USE: IRRIGATION in CUSTER County					
T13N R23E S27	NWSW	4.70	T13N R23E S27	SWSW	33.00
T13N R23E S28	NENW	24.00	T13N R23E S28	NWNW	35.00
T13N R23E S28	SWNW	31.00	T13N R23E S28	SENW	22.00
T13N R23E S28	NESW	27.00	T13N R23E S28	NWSW	30.00
T13N R23E S28	SWSW	2.40	T13N R23E S28	SESW	40.00
T13N R23E S28	NESE	23.00	T13N R23E S28	NWSE	32.00
T13N R23E S28	SWSE	32.00	T13N R23E S28	SESE	32.00
T13N R23E S33	NENE	40.00	T13N R23E S33	NWNE	40.00
T13N R23E S33	SWNE	39.00	T13N R23E S33	SENE	40.00
T13N R23E S33	NENW	40.00	T13N R23E S33	NWNW	13.00
T13N R23E S34	NENW	40.00	T13N R23E S34	SWNW	39.00
T13N R23E S34	SENW	29.00			

688.1 ACRES TOTAL

Right Nos. 73-12109, 73-150B, 73-151, 73-174D, 73-177 and 73-261 are limited to the irrigation of a combined total of 688.1 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.

see 150B

Split/Overlap Analysis

Water Right Number: 73-174D

Diversion Rate: 4

CFS

73-12133

[illegible]

73-174D	Stennett			
	(212.6 ac & 1.236 cfs)			
	Group E		1.078294 S	1.078
	(84.0 ac & 0.488 cfs)	0.8725	0.426043 E	0.426
	Bangerter		1.985663 B	1.986
			3.49	3.49
	(391.5 ac & 2.276 cfs)			

Right No:	Rate of Diversion	Irrigated Acres	CFS / Acre
73-174D	4	688.1	0.005813
Stennett	1.236	212.6	0.005813
Group E	0.4883	84	0.005813
Bangerter	2.2758	391.5	0.005813

SCANNED

087 1 2 2007

10/01/2007

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

RIGHT NUMBER: 73-12131

NAME AND ADDRESS: FIVE E GROUP LLLP
3094 S ABIGAIL WAY
BOISE ID 83706

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 0.488 CFS

The total amount of water diverted under this water right may not exceed .0426 cfs at the points of diversion described in the NWNW T12N R23E S2, NESW T13N R23E S28 or NWNW T13N R23E S34.

PRIORITY DATE: 08/07/1905

POINT OF DIVERSION:

T11N R24E S6 NENE Within CUSTER County
T12N R23E S2 NWNW Within CUSTER County
T13N R23E S28 NESW Within CUSTER County
T13N R23E S34 NWNW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.488 CFS

PLACE OF USE: IRRIGATION in CUSTER County

T13N R23E S27	SWSW	15.00	T13N R23E S34	NENW	40.00
T13N R23E S34	SENE	29.00			

84 ACRES TOTAL

Right Nos. 73-12141, 73-12126, 73-12131 and 73-12134 are limited to the irrigation of a combined total of 84 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 - Decreed

This right is a split from former right 73-174D.

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

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

10/01/2007

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

RIGHT NUMBER: 73-12132

NAME AND ADDRESS: W CLINTON STENNETT
PO BOX 475
KETCHUM ID 83340

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 1.236 CFS

The total amount of water diverted under this water right may not exceed 1.078 cfs at the points of diversion described in the NWNW T12N R23E S2, NESW T13N R23E S28 or NWNW T13N R23E S34.

PRIORITY DATE: 08/07/1905

POINT OF DIVERSION:

T11N R24E S6 NENE Within CUSTER County
T12N R23E S2 NWNW Within CUSTER County
T13N R23E S28 NESW Within CUSTER County
T13N R23E S34 NWNW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.236 CFS

PLACE OF USE: IRRIGATION in CUSTER County

T13N R23E S27	NWSW	4.70	T13N R23E S27	SWSW	18.00
T13N R23E S28	NESE	23.00	T13N R23E S28	SWSE	1.00
T13N R23E S28	SESE	32.00	T13N R23E S33	NENE	40.00
T13N R23E S33	NWNE	15.80	T13N R23E S33	SWNE	18.10
T13N R23E S33	SENE	40.00	T13N R23E S34	SWNW	20.00

212.6 ACRES TOTAL

Right Nos. 73-12142, 73-12127, 73-12132, 73-12135 and 73-12139 are limited to the irrigation of a combined total of 212.6 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 - Decreed

This right is a split from former right 73-174D.

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.

10/01/2007

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

RIGHT NUMBER: 73-12133

NAME AND ADDRESS: RIO B LLC
HWHL LLC
3007 CAN-ADA RD
MELBA ID 83641

LONE PINE HOLDING LLC
3007 CAN-ADA RD
MELBA ID 83641

MLS HOLDINGS LLC
3007 CAN-ADA RD
MELBA ID 83641

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 2.276 CFS

The total amount of water diverted under this water right may not exceed 1.986 cfs at the points of diversion described in the NWNW T12N R23E S2, NESW T13N R23E S28 or NWNW T13N R23E S34.

PRIORITY DATE: 08/07/1905

POINT OF DIVERSION:

T11N R24E S6 NENE Within CUSTER County
T12N R23E S2 NWNW Within CUSTER County
T13N R23E S28 NESW Within CUSTER County
T13N R23E S34 NWNW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.276 CFS

PLACE OF USE:

<u>IRRIGATION in CUSTER County</u>						
T13N R23E S28	NENW	24.00	T13N R23E S28	NWNW	35.00	
T13N R23E S28	SWNW	31.00	T13N R23E S28	SESW	22.00	
T13N R23E S28	NESW	27.00	T13N R23E S28	NWSW	30.00	
T13N R23E S28	SWSW	2.40	T13N R23E S28	SESW	40.00	
T13N R23E S28	NWSE	32.00	T13N R23E S28	SWSE	31.00	
T13N R23E S33	NWNE	24.20	T13N R23E S33	SWNE	20.90	
T13N R23E S33	NENW	40.00	T13N R23E S33	NWNW	13.00	
T13N R23E S34	SWNW	19.00				
391.5 ACRES TOTAL						

Right Nos. 73-151, 73-12143, 73-12128, 73-12133, 73-12136 and 73-12140 are limited to the irrigation of a combined total of 391.5 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.

10/01/2007

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

This right is a split from former right 73-174D.

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

01/16/2007

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

RIGHT NUMBER: 73-174D

NAME AND ADDRESS: BEREND FRIEHE
2498 RD S NE
MOSES LAKE WA 98837

CARLA FRIEHE
2498 RD S NE
MOSES LAKE WA 98837

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 4.000 CFS

The total amount of water diverted under this water right may not exceed 3.49 cfs at the points of diversion described in the NWNW T12N R23E S2, NESW T13N R23E S28 or NWNW T13N R23E S34.

PRIORITY DATE: 08/07/1905

POINT OF DIVERSION:

T11N R24E S6 NENE Within CUSTER County
T12N R23E S2 NWNW Within CUSTER County
T13N R23E S28 NESW Within CUSTER County
T13N R23E S34 NWNW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	4.000 CFS

PLACE OF USE: IRRIGATION in CUSTER County

T13N R23E S27	NWSW	4.70	T13N R23E S27	SWSW	33.00
T13N R23E S28	NENW	24.00	T13N R23E S28	NWNW	35.00
T13N R23E S28	SWNW	31.00	T13N R23E S28	SENW	22.00
T13N R23E S28	NESW	27.00	T13N R23E S28	NWSW	30.00
T13N R23E S28	SWSW	2.40	T13N R23E S28	SESW	40.00
T13N R23E S28	NESE	23.00	T13N R23E S28	NWSE	32.00
T13N R23E S28	SWSE	32.00	T13N R23E S28	SESE	32.00
T13N R23E S33	NENE	40.00	T13N R23E S33	NWNE	40.00
T13N R23E S33	SWNE	39.00	T13N R23E S33	SENE	40.00
T13N R23E S33	NENW	40.00	T13N R23E S33	NWNW	13.00
T13N R23E S34	NENW	40.00	T13N R23E S34	SWNW	39.00
T13N R23E S34	SENW	29.00			

688.1 ACRES TOTAL

Right Nos. 73-12109, 73-150B, 73-151, 73-174D, 73-177 and 73-261 are limited to the irrigation of a combined total of 688.1 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 - 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.

03/01/2006

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

RIGHT NUMBER: 73-174D

NAME AND ADDRESS: BEREND FRIEHE
2498 RD S NE
MOSES LAKE WA 98837

CARLA FRIEHE
2498 RD S NE
MOSES LAKE WA 98837

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 4.000 CFS

The total amount of water diverted under this water right may not exceed 3.49 cfs at the points of diversion described in the NWNW T12N R23E S2, NESW T13N R23E S28 or NWNW T13N R23E S34.

PRIORITY DATE: 08/07/1905

POINT OF DIVERSION:

T11N R24E S6 NENE Within CUSTER County
T12N R23E S2 NWNW Within CUSTER County
T13N R23E S28 NESW Within CUSTER County
T13N R23E S34 NWNW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	4.000 CFS

PLACE OF USE: IRRIGATION Within CUSTER County

T13N R23E S27	NWSW	4.70	T13N R23E S27	SWSW	33.00
T13N R23E S28	NENW	24.00	T13N R23E S28	NWNW	35.00
T13N R23E S28	SWNW	31.00	T13N R23E S28	SENE	22.00
T13N R23E S28	NESW	27.00	T13N R23E S28	NWSW	30.00
T13N R23E S28	SWSW	2.40	T13N R23E S28	SESW	40.00
T13N R23E S28	NESE	23.00	T13N R23E S28	NWSE	32.00
T13N R23E S28	SWSE	32.00	T13N R23E S28	SESE	32.00
T13N R23E S33	NENE	40.00	T13N R23E S33	NWNE	40.00
T13N R23E S33	SWNE	39.00	T13N R23E S33	SENE	40.00
T13N R23E S33	NENW	40.00	T13N R23E S33	NWNW	13.00
T13N R23E S34	NENW	40.00	T13N R23E S34	SWNW	39.00
T13N R23E S34	SENE	29.00			

688.1 ACRES TOTAL

Right Nos. 73-150B, 73-151, 73-174D, 73-177 and 73-261 are limited to the irrigation of a combined total of 688.1 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.



Idaho Department of Water Resources

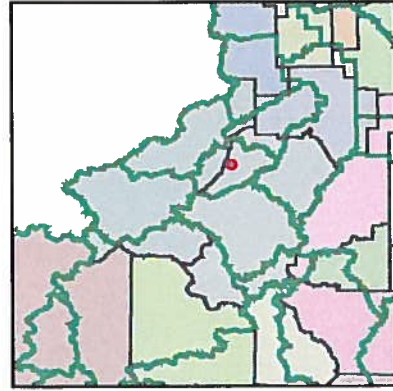
Adjudication Claim Number:

73-150B, 73-151, 73-174D, 73-177

T13N R23E

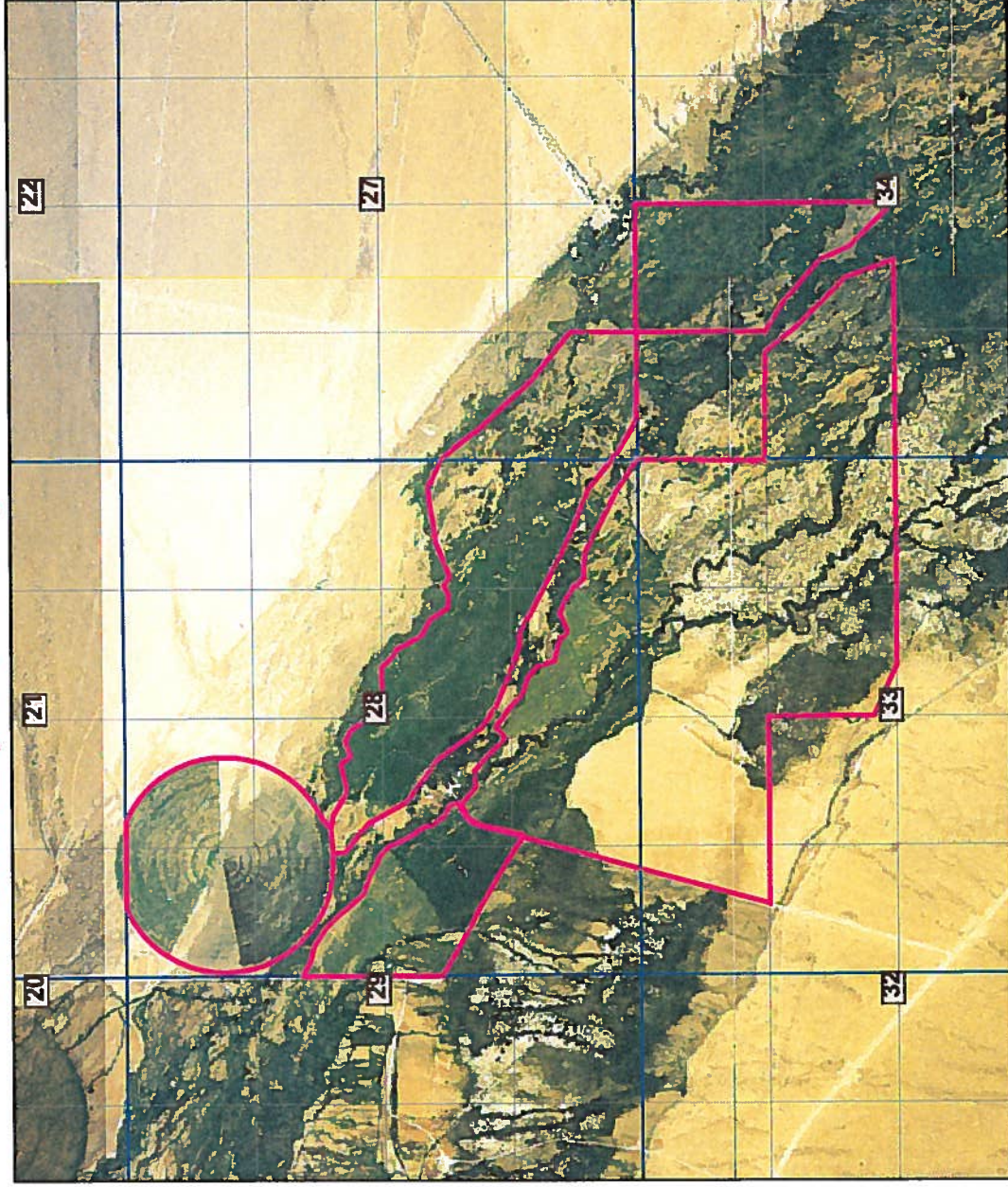
Legend

-  Place of Use
-  Township/Range
-  Sections
-  GCDB13N23E GCDB



Custer County
IDWR Basin 73

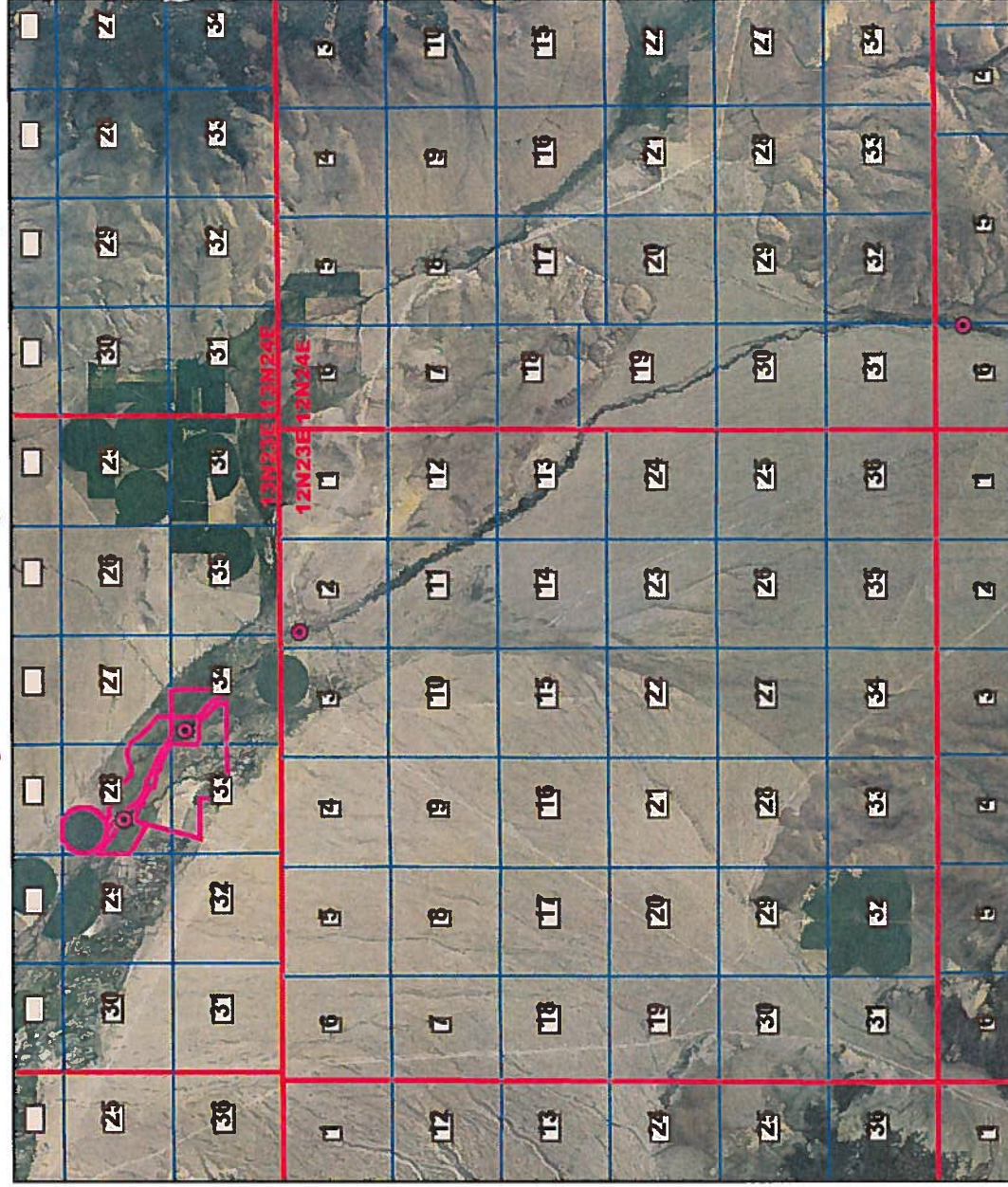
Prepared by R. Brown
On Wednesday, March 1, 2006
1988 Aerial Photography





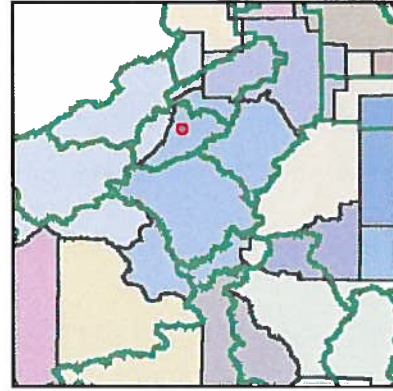
Idaho Department of Water Resources

Adjudication Claim Number: **73-150 B, 73-151, 73-174D, 73-177**



Legend

- Point of Diversion
- Place of Use
- Township/Range
- Sections



Custer County
IDWR Basin 73



Prepared by R. Brown
On Wednesday, March 1, 2006
2004 NAIP image

777
File # 73-0105
73.0150

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 Pehsimeroi River, decreed by Judge G. 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 Falls and Edward O'Neil, partners, et al,

vs Plaintiffs,

Uriah Wells, et al,

Defendants.

73-0150
1.113 cubic feet per second, with priority of July 1, 1897, decreed to the Wood 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 $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ Section 30, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ 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 $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, Township 13 North, Range 23 East, B.M.

73-0174
4 cubic feet per second, with priority of August 7, 1905, decreed to Edith Matley, and appurtenant to S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 33, Township 13 North, Range 23 East, B.M.

73-0177
6.4 cubic feet per second, with priority of November 19, 1903, decreed to Edward Popejoy, and appurtenant to SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 29, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32, Township 11 North, Range 14 East, B.M.

Said decree bears date of April 6, 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 Pehsimeroi 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 8.443 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
NW $\frac{1}{4}$ and S $\frac{1}{2}$ Section 28
NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33
S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34
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 Pehsimeroi River.

3.49 cubic feet per second of the August 7, 1905 water right, with 0.51 released to the Pehsimeroi River.

3.98 cubic feet per second of the November 19, 1903 water right, with 0.43 cubic feet per second released to the Pehsimeroi 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.

CERTIFICATE

That the water rights hereby transferred, have heretofore been conducted to the first above described lands from the Pensimeroi River with points of diversion in the NE $\frac{1}{4}$ Section 18, Township 11 North, Range 24 East, B.M., and Section 1, Township 10 North, Range 23 East, B.M.

That the water rights hereby transferred will hereafter be conducted to the last above described lands through the Stanley Hull ditch with point of diversion in the SW $\frac{1}{4}$ Section 36, Township 12 North, Range 24 East, B.M., and mingled with other water and carried through the Stanley Hull ditch and Goldberg Creek to place of use.

That the losses between the Stanley Hull 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 and the Pensimeroi River to the new place of use.

That the right to the use of the water aforesaid, 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 6th day of September, A. D. 1951.

(SEAL)

MARK R. KULP
State Reclamation Engineer

RECORDED