

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 43-13106
Date Received: 8/2/2001
Receipt No:
Received By:

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

1. Name of Claimant(s)

USA NATIONAL PARK SERVICE

Phone:

C/O IDAHO DEPT OF PARKS & REC
CITY OF ROCKS SUPERINTENDENT
P O BOX 169
ALMO ID USA 83312

2. Date of Priority: 01/13/1958

3. Source: ALMO CREEK Trib. to: RAFT RIVER
STINES CREEK ALMO CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15S	24E	17	NE NE NE	CASSIA	
15S	24E	9	NW SE SW	CASSIA	
15S	24E	16	NW NW NE	CASSIA	
15S	24E	9	NE SW NW	CASSIA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S. (or) A.F.A
GROUND WATER RECHARGE	11/01	03/31	940

7. Total Quantity Appropriated is:
940 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
15S	24E	9	SE	SE		GROUND WATER RECHARGE	
40			SW	NW		GROUND WATER RECHARGE	
15			NW	SW		GROUND WATER RECHARGE	
20			NE	SW		GROUND WATER RECHARGE	
30			SE	SW		GROUND WATER RECHARGE	
40			SW	SE		GROUND WATER RECHARGE	
40			SW	SW		GROUND WATER RECHARGE	
20							
						Section Acres	205
15S	24E	16	NE	NE		GROUND WATER RECHARGE	
40			NW	NE		GROUND WATER RECHARGE	
40			NE	NW		GROUND WATER RECHARGE	
20			NW	NW		GROUND WATER RECHARGE	
			SE	NE		GROUND WATER RECHARGE	
40			SW	NE		GROUND WATER RECHARGE	
40			SE	NW		GROUND WATER RECHARGE	
20			SW	NW		GROUND WATER RECHARGE	
20			NE	SW		GROUND WATER RECHARGE	
20			SE	SW		GROUND WATER RECHARGE	
20							
						Section Acres	265
						Total Acres	470

5

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used

14. Remarks:

8-02-2001: INFORMATION RECEIVED REGARDING A PRIOR REAL ESTATE TRANSACTION BETWEEN ROBT HARMASH AND CORDELL SHERIDAN RESULTED IN A SPLIT OF THIS WATER RIGHT DURING NOTICE OF ERROR PROCESS. - VH

THIS IS A PORTION OF LICENSED RIGHT 43-2586.

15. Basis of Claim: License

ATTN: DIKIE

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

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

RECEIVED
AUG 02 2001
Department of Water Resources
Southern Region

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	<u>43-2586</u>	☐			☐
		☐			☐
		☐			☐
		☐			☐
		☐			☐

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former Owner/Claimant(s)

Robert Harmash
Almo ID

- X 4. New Owner/Claimant(s)

Cordell Sheridan Patricia Sheridan
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

PO Box 198

City, State and ZIP Code

Almo, ID. 83312

New Telephone Number

208 824-5531

5. Date you acquired the property

6-12-1991

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>43-2584</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
<u>WINTER RECHARGE</u>	<u>proportionate share</u>	<u>40 ac</u>
Irrigation		
Stock		
Domestic		
Other		
Total		

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

X 7. Signature of New Owner(s) or Claimant(s) Cadee Shudson Patricia Shudson
(include title if applicable)

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

For Office Use Only

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

Jim Annett

COPY

EXCHANGE OF LAND AGREEMENT

THIS AGREEMENT made and entered this 15 day of June, 1991, between CORDELL SHERIDAN and PATRICIA SHERIDAN, husband and wife, of Almo, Cassia County, Idaho, herein referred to as SHERIDAN. Parties of the first Part, and ROBERT HARMASH and LANETTE HARMASH, husband and wife, of Almo, Cassia County, Idaho, herein referred to as HARMASH. Parties of the second Part;

WITNESSETH

WHEREAS, SHERIDAN OWNS certain property which HARMASH desires to acquire and,

WHEREAS, HARMASH OWNS certain property which SHERIDAN desires to acquire and,

WHEREAS, the parties have agreed to an exchange of said properties in kind and,

WHEREAS, the parties desire to reduce their agreements to writing,

Now therefore, in consideration of the performance of the mutual covenants hereinafter set forth, the parties agree as follows:

1. HARMASH agrees to convey in exchange to SHERIDAN the following described real property:

The Southeast Quarter of the Southeast Quarter, (SE1/4SE1/4), of Section 16, Township 15 South, Range 24, East of the Boise Meridian, Cassia County, Idaho.

TOGETHER WITH all ditches, and ditch rights used thereon or appurtenant thereto.

EXCHANGE OF LAND AGREEMENT - 1

Post-It® Fax Note 7671		Date <u>6-20-01</u>	# of pages <u>7</u>
To <u>Wayne Dennis</u>	From <u>Jim Annett</u>		
Co./Dept.	Co.		
Phone #	Phone #		
	Fax #		

organized drive and shall not be permitted to drift across the properties of HARMASH nor shall the SHERIDAN cattle be permitted to mix or comele with any cattle that are on the HARMASH properties.

9. This agreement shall be binding upon the heirs, personal representative, successors, or assigns of the parties.

10. It is acknowledged by the parties that JAMES and DOROTHY SHERIDAN must consent to this transaction and accordingly are required to execute an appropriate consent simultaneously herewith.

Cordeell Sheridan
CORDELL SHERIDAN

Patricia Sheridan
PATRICIA SHERIDAN

PARTIES OF THE FIRST PART

Robert Harmash
ROBERT HARMASH

Janette Harmash
JANETTE HARMASH

PARTIES OF THE SECOND PART

EXCHANGE OF LAND AGREEMENT - 5

43-13107

SEE FILE ~~43-13107~~ FOR COPY OF COMPLETE AGREEMENT.

STATE OF IDAHO)
County of Cassia) ss.

On this 12th day of June, 1991, before me, a notary public in and for said State, personally appeared CORDELL SHERIDAN and PATRICIA SHERIDAN, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year first above written.

(SEAL.)

Debra L. Vines
Notary Public for Idaho
Residing at: Rupert, Idaho
My Commission Expires: 12-19-96

STATE OF IDAHO)
County of Cassia) ss.

On this 7th day of June, 1991, before me, a Notary Public in and for said State, personally appeared ROBERT HARMASH and LANEITE HARMASH, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF,

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

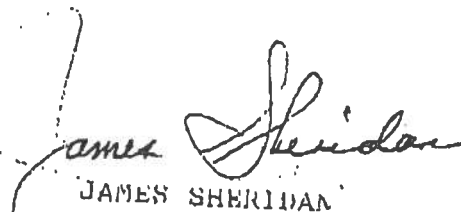
(SEAL)


Notary Public for Idaho
Residing at: Burley, Idaho
My Commission Expires: 6-5-92

CONSENT TO CONVEYANCE

THE UNDERSIGNED, JAMES and DOROTHY SHERIDAN, husband and wife, do hereby consent to the conveyance and exchange of properties herein referred to and do hereby further consent and agree to be bound by the terms of the exchange agreement.

DATED this 14th day of June, 1991.


JAMES SHERIDAN


DOROTHY SHERIDAN

STATE OF IDAHO)
) ss.
County of Cassia)

On this 14th day of June, 1991, before me, a Notary public for said State, personally appeared JAMES SHERIDAN and DOROTHY SHERIDAN, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledge to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(SEAL)


Notary Public for Idaho
Residing at: Robert, Idaho
My Commission Expires: 12-19-96

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 43-2586
Date Received: 7/18/89
Receipt No: S008595
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

USA NATIONAL PARK SERVICE

Phone:

C/O IDAHO DEPT OF PARKS & REC
CITY OF ROCKS SUPERINTENDENT
P O BOX 169
ALMO ID USA 83312

2. Date of Priority: 01/13/1958

3. Source: STINES CREEK , ALMO CREEK Trib. to: RAFT RIVER , EDWARDS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15S	24E	9	SW NW	CASSIA	
15S	24E	17	NE NE	CASSIA	
15S	24E	9	SE SW	CASSIA	
15S	24E	16	NW NE	CASSIA	

5. Description of diverting works:

CONCRETE HEADGATES, DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
GROUND WATER RECHARGE			11/01 4/01 2.82	

7. Total Quantity Appropriated is:
2.82 C.F.S. and/or 1020 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4		Use	Acres
15S	24E	9	SW	NW	GROUND WATER RECHARGE	15
			NE	SW	GROUND WATER RECHARGE	30
			NW	SW	GROUND WATER RECHARGE	20
			SW	SW	GROUND WATER RECHARGE	20
			SE	SW	GROUND WATER RECHARGE	40
			SW	SE	GROUND WATER RECHARGE	40
			SE	SE	GROUND WATER RECHARGE	40
					Section Acres	205
15S	24E	16	NE	NE	GROUND WATER RECHARGE	40
			NW	NE	GROUND WATER RECHARGE	40
			SW	NE	GROUND WATER RECHARGE	40
			SE	NE	GROUND WATER RECHARGE	40
			NE	NW	GROUND WATER RECHARGE	20
			NW	NW	GROUND WATER RECHARGE	5
			SW	NW	GROUND WATER RECHARGE	20
			SE	NW	GROUND WATER RECHARGE	20
			NE	SW	GROUND WATER RECHARGE	20
			SE	SW	GROUND WATER RECHARGE	20
			SE	SE	GROUND WATER RECHARGE	40
					Section Acres	305
					Total Acres	510

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

14. Remarks:

SOURCES FOR THIS RT. ARE ALMO CK. & STYNES CK
THIS WR ORGINALLY LISTED AS IRRIGATION STORAGE BUT THE ACTUAL USE IS MORE ACURATELY
DEFINED AS GROUNDWATER RECHARGE. THE WATER IS "IRRIGATED" ON THE P/U INDICATED OVER
THE WINTER MONTHS AND NO CROP IS GROWN. USE IS TO RAISE THE GROUNDWATER LEVEL
| CHANGE OF OWNER 12-14-90 ***** 7-29-99: OWNERSHIP
CHANGE HARMASH TO CONSERVATION FUND PER NOTICE REC'D 7-20-99. PER WARRANTY DEED
HARMASH DID NOT CONVEY THE SESE SEC 16 BUT SEEMED TO CONVEY THE ENTIRE WATER RIGHT.
A PORTION OF THIS RIGHT WAS LICENSED TO THE SESE SEC 16, CURRENT OWNER OF THIS 40 AC
IS CORDELL SHERIDAN._-VH
***** 10/7/99 TF; WILLIAM
PARSONS ADDED AS ATTORNEY PER REQUEST REC'D 9/24/99

15. Basis of Claim: License

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	43-2594	—			—
	43-2586	—			—
	43-389	—			—
	43-477A	—			—
	43-10647	—			—

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former Owner/Claimant(s) The Conservation Fund
Mr. Mark Elsbee
P.O. Box 1524
Sun Valley, ID 83353
4. New Owner/Claimant(s) USA, Dept. of Interior, National Park Service
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
c/o Idaho Dept. of Parks & Recreation
New Mailing Address City of Rocks Superintendent
City, State and ZIP Code P.O. Box 169, Almo, ID 83312
New Telephone Number (208) 824-5519
5. Date you acquired the property March 15, 2001

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

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

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

7. Signature of New Owner(s) or Claimant(s) Rick L. Wagner
(include title if applicable) Chief, Land Resources Program Center
Columbia-Cascades Support Office
National Park Service
909-1st Avenue, Seattle, WA 98104

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

For Office Use Only

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

273963

273963

2996

INST#

CASSIA COUNTY, IDAHO
DARREL M. ROSKELLEY
RECORDERFEE 9.00 DEPUTY LM
DATE 3-15-01
TIME 3:51 PMRECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

AFTER RECORDING, MAIL TO:
National Park Service
Columbia Cascades Land Resources PC
909 First Avenue-5th Floor
Seattle, WA 98104-1060

STATUTORY WARRANTY DEED

The Grantor, THE CONSERVATION FUND, a Maryland non-profit corporation, 1800 North Kent Street, Suite 1120, Arlington, VA 22209, for and in consideration of the sum of SIX HUNDRED EIGHTY THOUSAND AND NO/100 DOLLARS (\$680,000.00), to it paid, receipt of which is hereby acknowledged, does hereby convey and warrant to the UNITED STATES OF AMERICA and its assigns, the following described property located in the County of Cassia, State of Idaho to wit:

- Section 8: Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$),
East Half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$),
Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$),
East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$)
- Section 9: Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$),
Southwest Quarter (SW $\frac{1}{4}$),
West Half of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$),
Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$)
- Section 16: Northeast Quarter (NE $\frac{1}{4}$),
West Half (W $\frac{1}{2}$)
- Section 17: Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$),
West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$),
East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$)

All in Township 15 South, Range 24 East, Boise Meridian, Cassia County, State of Idaho.

Castle Rock Ranch
City of Rocks National Historical Reserve Tract No. 103-01

The land hereinabove described contains 1,240.00 acres, more or less.

The land is conveyed subject to existing easements of record for public roads and highways, public utilities, railroads and pipelines. AND SUBJECT TO Agreement for Electric Service recorded September 29, 1997 as Instrument No. 251391 on Film 291, Cassia County, Idaho, and to the mineral reservation for the benefit of the State of Idaho as evidenced in the deed recorded May 12, 1967 as Instrument No. 34957 on Film 49, Cassia County, Idaho.

TO HAVE AND TO HOLD the above granted and described premises, together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in any way appertaining, unto said UNITED STATES OF AMERICA and its assigns forever.

The Grantors further remise, release, and forever quitclaim to the UNITED STATES OF AMERICA, and its assigns all right, title and interest which the Grantors may have in the banks, beds and waters of any streams bordering the said land conveyed and also all interest in any alleys, roads, streets, ways, strips, gores or railroad rights-of-way abutting or adjoining said land and in any means of ingress or egress appurtenant thereto; TOGETHER WITH any and all the Grantors' right, title and interest in and to any and all water rights appurtenant to or associated with the Property which include, but are not limited to the water rights (the "Water Rights") conveyed to Grantor in that certain General Warranty Deed dated January 15, 1999, and recorded in Cassia County, Idaho, Recorder's Office as file no. 261463 and specifically described as:

- 1) Almo Creek, priority date of April 15, 1879 (decree date 10-18-1928). ID# A43-00373, for 3.7 CFS from 3-5 to 11-15, or a total consumptive use of 1,380 acre feet per annum.
- 2) ID #A43-00389, for 2.0 CFS from 3-15 to 11-15, or a total consumptive use of 1,380 acre feet per annum, April 30, 1879 (decree date 10-18-1928).
- 3) ID #A43-00477A for 1.5 CFS from 3-15 to 11-15, or a total consumptive use of 1,380 acre feet per annum, July 31, 1882 (decree date 10-18-1928).
- 4) ID #A43-02594, for 1.640 CFS from 3-15 to 11-15, or a total consumptive use of 205 acre feet per annum, May 29, 1967 (Basis of claim - License).
- 5) Out of Almo & Stines Creek - ID #A43-02586, for 2.82 CFS from 11-1 to 4-1, Priority date is January 13, 1958 (Basis of Claim).
- 6) ID #A43-10583, for 0.040 CFS from 1-1 to 12-31, May 1, 1969.

Castle Rock Ranch

City of Rocks National Historical Reserve Tract No. 103-01

The land is being acquired by the Department of Interior, National Park Service.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hands this 13th
day of March, 2001.

THE CONSERVATION FUND, a Maryland non-profit
corporation

By: Richard L. Erdmann

Title: SA VP

ACKNOWLEDGMENT

Commonwealth of Virginia)
County of Arlington) ss.

On this 13th day of March, 2001, before me
~~Notary~~ Carolyn A. Niazinski, the undersigned Notary Public in and for the state of
Virginia, personally appeared Richard L. Erdmann personally
known to me (or proved to me on the basis of satisfactory evidence) to be the person who
executed the within instrument as Senior Vice President, on behalf of The
Conservation Fund, a Maryland non-profit corporation, the corporation therein named and
acknowledged to me that the corporation executed said instrument as its free and voluntary
act and deed for the purposes therein mentioned, and on oath stated that he was authorized to
so execute said instrument.

Carolyn A. Niazinski

Print Name: Carolyn A. Niazinski

Notary Public in and for the State of Virginia,

Residing at Falls Church, VA

My commission expires 3/31/04

Castle Rock Ranch
City of Rocks National Historical Reserve Tract No. 103-01

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: A43-02586
Date Received: 7/18/1989
Receipt No: S008595
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: THE CONSERVATION FUND 703-525-6300
Address: 1800 N KENT STREET SUITE 1120
ARLINGTON VA 22209

2. Date of Priority: JAN 13, 1958

3. Source: ALMO CREEK Trib. to: EDWARDS CREEK
STYNES CREEK RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15S	24E	9		SW	NW✓		CASSIA
				SE	SW✓		CASSIA
		16		NW	NE		CASSIA
		17		NE	NE		CASSIA

5. Description of diverting works:
CONCRETE HEADGATES, DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
GROUNDWATER RECHARGE	11/01	04/01	2.820		

7. Total Quantity Appropriated is:
2.820 C.F.S. (and/or) 1020.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
E/WINTER GROUND STORAGE & SOIL ROOT ZONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	24E	9	SW	NW ✓		GWR	15.0 ✓
			NE	SW ✓		GWR	30.0 ✓
			NW	SW ✓		GWR	20.0 ✓
			SW	SW ✓		GWR	20.0 ✓
			SE	SW ✓		GWR	40.0 ✓
			SW	SE ✓		GWR	40.0 ✓
			SE	SE ✓		GWR	40.0 ✓

Section Acres 205.0

16	NE	NE ✓	GWR	40.0
	NW	NE ✓	GWR	40.0
	SW	NE ✓	GWR	40.0
	SE	NE ✓	GWR	40.0
	NE	NW ✓	GWR	20.0
	NW	NW ✓	GWR	5.0
	SW	NW ✓	GWR	20.0
	SE	NW ✓	GWR	20.0
	NE	SW ✓	GWR	20.0
	SE	SW ✓	GWR	20.0
	SE	SE ✓	GWR	40.0

Section Acres 305.0

Total Acres 510.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
NONE

14. Remarks:

SOURCES FOR THIS RT. ARE ALMO CK. & STYNES CK.
THIS WR ORGINALLY LISTED AS IRRIGATION STORAGE BUT THE ACTUAL USE
IS MORE ACURATELY DEFINED AS GROUNDWATER RECHARGE. THE WATER IS
"IRRIGATED" ON THE P/U INDICATED OVER THE WINTER MONTHS AND NO
CROP IS GROWN. USE IS TO RAISE THE GROUNDWATER LEVEL.

|
CHANGE OF OWNER 12-14-90

7-29-99: OWNERSHIP CHANGE HARMASH TO CONSERVATION FUND PER NOTICE
REC'D 7-20-99. PER WARRANTY DEED HARMASH RETIANED 40 AC IN THE
SESE SEC 16 BUT CONVEYED THE ENTIRE CLAIM TO A WATER RIGHT. A
PORTION OF THIS RIGHT WAS LICENSED TO THE SESE SEC 16, SO NEW

14. Remarks: Continued

OWNER SHOULD APPLY FOR A TRANSFER.-VH

15. Basis of Claim: LICENSE

Water Right Number: R1025

Name(s) of Claimant (please print):

I/we acknowledge (check one):

 X I/we are now represented by the attorney at the address below.

Attorney's Phone 208-678-8382

A43-10647 A43-02594 A43-00477A _____
A43-02586 A43-00389 A43-10583

Authorized signature(s) Date _____

Signature of Authorized Agent [Signature] Title Northwest Representative Organization The Conservation Fund Date 9/24/99

Revised Date 4-03-92

PARSONS, SMITH & STONE, LLP

ATTORNEYS AT LAW

137 WEST 13TH STREET

P. O. BOX 910

BURLEY, IDAHO 83318

TELEPHONE
(208) 678-8382

FAX NO.
(208) 678-0146

WILLIAM A. PARSONS
RICHARD K. SMITH
RANDOLPH C. STONE
rcstone@cyberhighway.net

LANCE A. LOVELAND
love9593@cyberhighway.net

September 23, 1999

RECEIVED

SEP 24 1999

Department of Water Resources
Snake River Region

Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RE: The Conservation Fund

Gentlemen:

Enclosed is Claimant Acknowledgement of Change in Attorney
in Snake River Basin Adjudication (SRBA), signed by that
company.

Very truly yours,

PARSONS, SMITH & STONE, LLP

William A. Parsons
William A. Parsons *W.A.P.*

WAP:rt
Enc.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

July 30, 1999

The Conservation Fund
1800 N. Kent Street, Suite 1120
Arlington, VA 22209

RE: Snake River Basin Adjudication (SRBA)
Claim Nos: A43-10647, A43-02586, A43-02594, A43-00389
A43-00477A, and 43-10583

Dear Sir or Madam:

We are in receipt of your Notice of Change of Ownership of the above Snake River Basin Adjudication Claims to a Water Right in Almo, Idaho. Enclosed are copies of the updated claim forms for your records; please review them carefully for any errors. Note that the claim referred to in Exhibit B of your Warranty Deed from Mr. Harmash as A43-00373, has been renumbered A43-10647 for administrative purposes.

The Department of Water Resources is currently in the process of reviewing claims in the Almo area for recommendation to the SRBA Court later this year. For your information, I have included a pamphlet that briefly explains the Adjudication process in Idaho. If you have any questions regarding the above claims, or the Adjudication in general, please don't hesitate to call me at this office.

Sincerely,

Vikie Hancock
Water Resource Agent

RECEIVED

JUL 20 1999

Department of Water Resources
Southern RegionSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.REMOVED
10647

1. Water Right No(s): A43-00373, A43-00389, A43-00477A, A43-02594, A43-02586, A43-10583
- Adjudication Claim No(s): _____
2. The following REQUIRED information must be submitted with this form:
- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
- AND
- B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
- OR
- C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Robert Harmash and Lenette Harmash
Box 196, Almo, Idaho 83312
4. New Owner/Claimant(s) The Conservation Fund
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 1800 N. Kent Street - Suite 1120
City, State and ZIP Code Arlington, Va. 22209
New Telephone Number 703-525-6300
5. Date you acquired the property March 12, 1999
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
- Number of acres you irrigate 350 (approx.) Number and type of stock _____
- Diversion rate in CFS _____ Number of homes _____ Other uses _____
- If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) THE CONSERVATION FUND
BY [Signature]
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..



PARSONS, SMITH & STONE, LLP

ATTORNEYS AT LAW

137 WEST 13TH STREET

P O BOX 910

BURLEY, IDAHO 83318

WILLIAM A. PARSONS

RICHARD K. SMITH

RANDOLPH C. STONE

rcstone@cyberhighway.net

TELEPHONE
(208) 678-8382

FAX NO.
(208) 678-0146

July 19, 1999

RECEIVED

JUL 20 1999

Department of Water Resources
Southern Region

Idaho Department of
Water Resources
1341 Fillmore Street - Suite 200
Twin Falls, Idaho 83301-3380

RE: The Conservation Fund

Gentlemen:

I am enclosing a Notice of Change of Water Right Ownership together with the map and a deed.

I have enclosed a self-addressed envelope and a copy of the front page of the Notice of Change so that you can stamp the received copy and mail it back to me.

Very truly yours,

PARSONS, SMITH & STONE, LLP



William A. Parsons

WAP:rt
Enc.

261463

GENERAL WARRANTY DEED

(Harmash Property – Cassia County, Idaho)

THIS GENERAL WARRANTY DEED is granted by ROBERT HARMASH, whose wife's name is LANETTE HARMASH ("Grantor"), for the consideration of Ten and no/100s Dollars (\$10.00) and other good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, which hereby grants, bargains, sells, conveys and confirms to THE CONSERVATION FUND, a Maryland non-profit corporation, the address of which is 1800 North Kent Street, Suite 1120, Arlington, VA 22209, County of Arlington, Commonwealth of Virginia ("Grantee"), and to its successors and assigns forever, the following described property in Cassia County, Idaho (the "Property"),

See Exhibit A, attached hereto and incorporated by reference.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, including any and all water rights appurtenant to or associated with the Property which include, but are not limited to those water rights listed on the attached Exhibit B, unto the grantee, its successors and assigns forever. And the Grantor, for itself and its successors in interest, personal representatives, and assigns, does covenant, grant, bargain and agree to and with the Grantee, its successors and assigns, that at the time of the delivery of this deed, it is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except the following which are recorded in the records of Cassia County, Idaho: Reservations in United States Patents recorded (1) January 4, 1898 in Book 6 of Deeds on Page 222; (2) January 4, 1898 in Book 6 of Deeds on Page 223; (3) March 31, 1902 in Book 7 of Deeds on Page 482; and (4) November 27, 1926 as Instrument No. 83091 in Book 1 of Patents on Page 320; and except (5) reservation in State of Idaho Deed recorded May 12, 1967 as Instrument No. 34958 on Film 49; (6) Agreement for Electric Service recorded September 29, 1997 as Instrument No. 251391 on Film 291; and except (7) taxes for 1999 and subsequent years.

The Grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the Grantee, its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

IN WITNESS WHEREOF, the Grantor has duly executed this instrument this 15th day of January, 1999.

GRANTOR:

ROBERT HARMASH, whose wife's name is Lanette Harmash

[Signature]
Robert Harmash

LANETTE HARMASH

[Signature]
Lanette Harmash

BY:

[Signature] ATT. in fact
ROBERT HARMASH, her Attorney-In-Fact

STATE OF IDAHO)

COUNTY OF CASSIA)

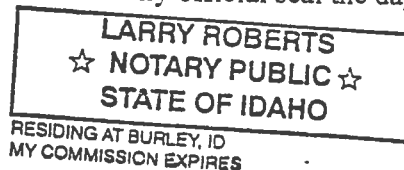
) ss:

On this 15 day of January, 1999, before me, the undersigned, a Notary Public in and for the jurisdiction aforesaid, personally appeared Robert Harmash ~~and Lanette Harmash~~, known to me to be the persons who executed the foregoing instrument. L.R.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

[Signature]
Notary Public

My Commission Expires: 6-30-03

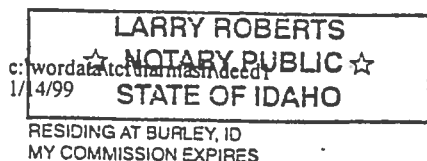


STATE OF IDAHO)

County of Cassia)

) ss

On this 15th day of January, 1999, before me, the undersigned, a Notary Public, in and for said State, personally appeared ROBERT HARMASH, known or identified to me to be the person whose name is subscribed to the within instrument, as the Attorney-in-Fact of LANETTE HARMASH, and acknowledged to me that he subscribed the name of Lanette Harmash thereto as principal, and his own name as Attorney-in-Fact.



[Signature]
Notary Public

2

[Signature]
Residing at: Burley, ID
My Commission expires:
6-30-03

EXHIBIT A

LEGAL DESCRIPTION

(page 1 of 1)

Township 15 South, Range 24 East of the Boise Meridian, Cassia County, Idaho:

Section 8: SE1/4 NE1/4, E1/2 SE1/4, SW1/4 SE1/4, E1/2 SW1/4

Section 9: SW1/4 NW1/4, SW1/4, W1/2 SE1/4, SE1/4 SE1/4

Section 16: NE1/4, W1/2

Section 17: NE1/4 NE1/4, W1/2 NE1/4, E1/2 NW1/4

EXHIBIT B
WATER RIGHTS

- ✓ 1) Almo Creek, priority date of April 15, 1879 (decree date 10-18-1928). ID # A43-00373, for 3.7 CFS from 3-15 to 11-15, or a total consumptive use of 1,380 acre feet per annum.
- ✓ 2) ID # A43-00389, for 2.0 CFS from 3-15 to 11-15, or a total consumptive use of 1,380 acre feet per annum, April 30, 1879 (decree date 10-18-1928).
- ✓ 3) ID # A43-00477A, for 1.5 CFS from 3-15 to 11-15, or a total consumptive use of 1,380 acre feet per annum, July 31, 1882 (decree date 10-18-1928).
- ✓ 4) ID # A43-02594, for 1.640 CFS from 3-15 to 11-15, or a total consumptive use of 205 acre feet per annum, May 29, 1967 (Basis of Claim - License).
- ✓ 5) Out of Almo & Stines Creek - ID # A43-02586, for 2.82 CFS from 11-1 to 4-1, Priority date is January 13, 1958 (Basis of Claim).
- ✓ 6) ID # A43-10583, for 0.040 CFS from 1-1 to 12-31, May 1, 1969.

REC'D 117 THE REQUEST OF
LAND TITLE & ESCROW

FILM

1999 MAR 12 P 4:40

261463

CASSIA COUNTY, IDAHO
DAVID L. M. ROSKELLEY
RECORDER

FEE 200.00 PUTY *Alma*

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: A43-02586
Date Received: 7/18/1989
Receipt No: S008595
Received By: See

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT HARMASH 208-824-5546
Address: P.O. BOX 196
ALMO, ID 83312

2. Date of Priority: JAN 13, 1958

3. Source: ALMO CREEK Trib. to: EDWARDS CREEK
STYNES CREEK RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15S	24E	9		SW	NW		CASSIA
				SE	SW		CASSIA
		16		NW	NE		CASSIA
		17		NE	NE		CASSIA

5. Description of diverting works:
CONCRETE HEADGATES, DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
GROUNDWATER RECHARGE	11/01	04/01	2.820		

7. Total Quantity Appropriated is:
2.820 C.F.S. (and/or) 1020.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
E/WINTER GROUND STORAGE & SOIL ROOT ZONE.

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	24E	9	SW		NW		GWR	15.0
			NE		SW		GWR	30.0
			NW		SW		GWR	20.0
			SW		SW		GWR	20.0
			SE		SW		GWR	40.0
			SW		SE		GWR	40.0
			SE		SE		GWR	40.0
							Section Acres	205.0
		16	NE		NE		GWR	40.0
			NW		NE		GWR	40.0
			SW		NE		GWR	40.0
			SE		NE		GWR	40.0
			NE		NW		GWR	20.0
			NW		NW		GWR	5.0
			SW		NW		GWR	20.0
			SE		NW		GWR	20.0
			NE		SW		GWR	20.0
			SE		SW		GWR	20.0
			SE		SE		GWR	40.0
							Section Acres	305.0
							Total Acres	510.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
NONE

14. Remarks:

SOURCES FOR THIS RT. ARE ALMO CK. & STYNES CK.

THIS WR ORIGINALLY LISTED AS IRRIGATION STORAGE BUT THE ACTUAL USE IS MORE ACURATELY DEFINED AS GROUNDWATER RECHARGE. THE WATER IS "IRRIGATED" ON THE P/U INDICATED OVER THE WINTER MONTHS AND NO CROP IS GROWN. USE IS TO RAISE THE GROUNDWATER LEVEL.

CHANGE OF OWNER 12-14-90

15. Basis of Claim: LICENSE

Water Right Number: R1025

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

[] Water Right Number(s): A43-10583, -02586, -02594, -00373, 00389 +
A36-00477.

[] Name and Address of
Former Claimant: LYNN WOODBURY
20455 FORTUNA DEL SUR
ESCONDIDO, CA 92025

[] New Claimant(s): ROBERT HARMASH
P.O. Box 196, ALMO, ID 83312

[] New Mailing Address: _____

New Telephone Number: (208) 824-5546

[] Does the change in ownership result in a splitting of the
water right claimed? _____ yes ~~X~~ no

If yes, then describe the portion of the water right that is
now claimed by the new owner:

[] Attach proof of ownership
Describe proof attached:

WARRANTY DEED
[] Signature of New Claimant(s): [Signature] 12/14/90

Date: _____

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 12-14-90 By: SCC

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED

MAR 04 1993

210592

WARRANTY DEED

For Value Received

LYNN K. WOODBURY and BONNIE L. WOODBURY, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
ROBERT HARMASH, a single man

Address: P. O. Box 196, Almo, Idaho 83312

Hereinafter called the Grantee, the following described premises situated in Cassia County, Idaho,
to-wit:TOWNSHIP 15 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHOSection 8: SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 9: SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16: NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ Section 17: NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SUBJECT TO:

Taxes for 1990 and subsequent years.

Purchase Money Mortgage in favor of Matthews Brothers, Inc. which
the Grantee assumes and agrees to pay.TOGETHER WITH all water and water rights, ditches and ditch rights
used thereon or appurtenant thereto including but not limited to
9.5 shares of stock in the Almo Water Co.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee
and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to
and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are
free from all incumbrances except as above described and that Grantor will warrant and defend the
same from all lawful claims whatsoever.

Dated: August 27, 1990

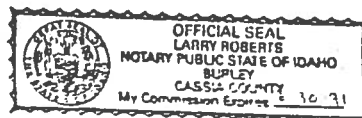
Lynn K. Woodbury
Lynn K. Woodbury

Bonnie L. Woodbury
Bonnie L. Woodbury

STATE OF IDAHO, COUNTY OF Cassia

On this 27 day of August, 1990
before me, a notary public in and for said State, personally appearedLynn K. Woodbury and
Bonnie L. Woodburyknown to me to be the persons whose names are
subscribed to the within instrument, and acknowledged
to me that they executed the same.

[Signature]
Notary Public
Commission expires: 6-30-91



RECORDED AT THE OFFICE OF
LAND TITLE & ESCROW
210592

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: A43-02586
Date Received: 7/18/1989
Receipt No: S008595
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LYNN WOODBURY
Address: 20455 FORTUNA DEL SUR
ESCONDIDO, CA 92025 619-756-5584

2. Date of Priority: JAN 13, 1958

3. Source: ALMO CREEK
STYNES CREEK Trib. to: EDWARDS CREEK
RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15S	24E	9	SW	NW			CASSIA
			SE	SW			CASSIA
		16	NW	NE			CASSIA
		17	NE	NE			CASSIA

5. Description of diverting works:
CONCRETE HEADGATES, DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
GROUNDWATER RECHARGE	11/01	04/01	2.820		

7. Total Quantity Appropriated is:
2.820 C.F.S. (and/or) 1020.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
E/WINTER GROUND STORAGE & SOIL ROOT ZONE.

A43-02586

Page 1

Date: 07/18/89

MICROFILMED

MAR 04 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	24E	9	SW		NW		GWR	15.0
			NE		SW		GWR	30.0
			NW		SW		GWR	20.0
			SW		SW		GWR	20.0
			SE		SW		GWR	40.0
			SW		SE		GWR	40.0
			SE		SE		GWR	40.0
						Section Acres	205.0	
		16	NE		NE		GWR	40.0
			NW		NE		GWR	40.0
			SW		NE		GWR	40.0
			SE		NE		GWR	40.0
			NE		NW		GWR	20.0
			NW		NW		GWR	5.0
			SW		NW		GWR	20.0
			SE		NW		GWR	20.0
			NE		SW		GWR	20.0
			SE		SW		GWR	20.0
			SE		SE		GWR	40.0
							Section Acres	305.0
							Total Acres	510.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
NONE

14. Remarks:
SOURCES FOR THIS RT. ARE ALMO CK. & STYNES CK.
THIS WR ORGINALLY LISTED AS IRRIGATION STORAGE BUT THE ACTUAL USE
IS MORE ACURATELY DEFINED AS GROUNDWATER RECHARGE. THE WATER IS
"IRRIGATED" ON THE P/U INDICATED OVER THE WINTER MONTHS AND NO
CROP IS GROWN. USE IS TO RAISE THE GROUNDWATER LEVEL.

15. Basis of Claim: LICENSE
Water Right Number: R1025

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Lynn K. Woodbury Date: 7-18-89
_____ Date: _____

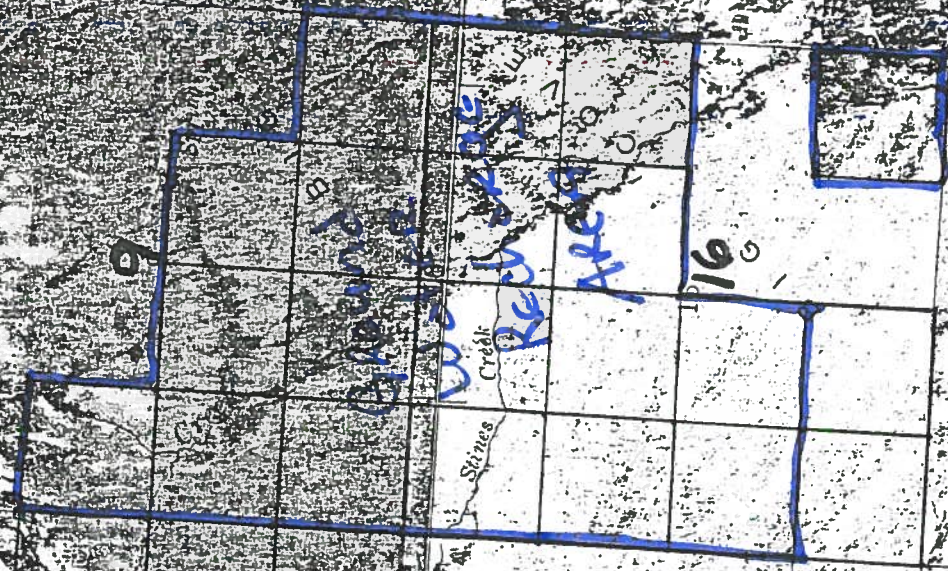
State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 18th day
of July 19 89 Steve Callahan
Notary Public

Seal.

Residing at Twin Falls
My Commission Expires Dec 7, 1994

24E



155

AH3-02586

MICROFILMED

MAR 8 1993

08/02/2001

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

RIGHT NUMBER: 43-13106

NAME AND ADDRESS: USA NATIONAL PARK SERVICE
C/O IDAHO DEPT OF PARKS & REC
CITY OF ROCKS SUPERINTENDENT
P O BOX 169
ALMO, ID 83312

SOURCE: ALMO CREEK
STINES CREEK
940 AFY

TRIBUTARY: RAFT RIVER
ALMO CREEK

PRIORITY DATE: 01/13/1958

POINT OF DIVERSION:	T15S R24E S9	NESWNW	Within CASSIA County
	T15S R24E S9	NWSESW	Within CASSIA County
	T15S R24E S16	NWNWNE	Within CASSIA County
	T15S R24E S17	NENENE	Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
GROUND WATER RECHARGE	11-01 03-31	940.00 AFY

PLACE OF USE:

GROUND WATER RECHARGE Within
CASSIA County

T15S R24E S16	NENE	40	T15S R24E S16	NWNE	40
T15S R24E S16	SWNE	40	T15S R24E S16	SENE	40
T15S R24E S16	NENW	20	T15S R24E S16	NWNW	5
T15S R24E S16	SWNW	20	T15S R24E S16	SENE	20
T15S R24E S16	NESW	20	T15S R24E S16	SESW	20
T15S R24E S9	SWNW	15	T15S R24E S9	NESW	30
T15S R24E S9	NWSW	20	T15S R24E S9	SWSW	20
T15S R24E S9	SESW	40	T15S R24E S9	SWSE	40
T15S R24E S9	SESE	40			

470 ACRES TOTAL

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

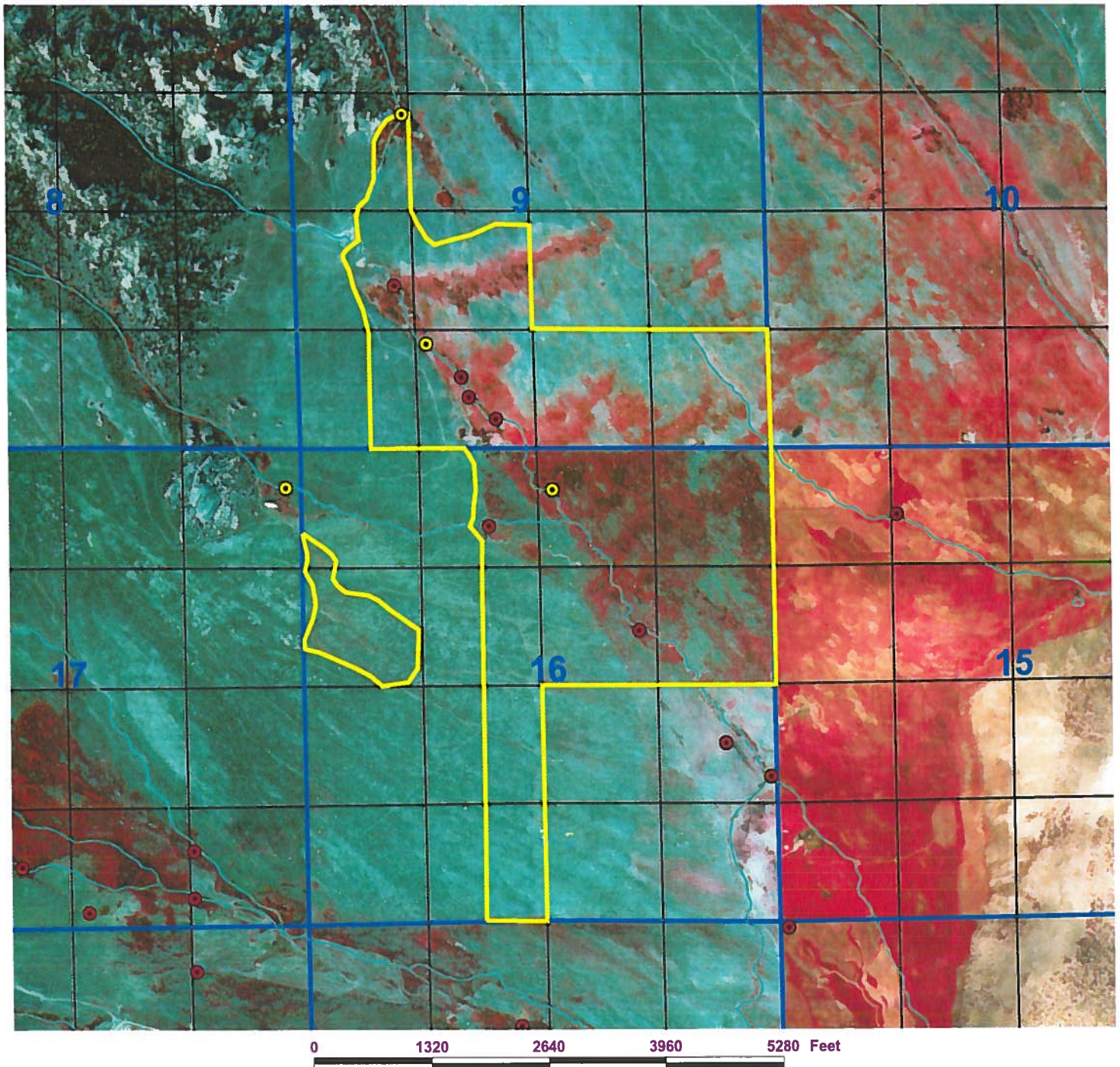
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-2586.

RECOMMENDED PLACE OF USE
TWP 15S, RNG 24E
Data entry on August 2, 2001

RIGHT: 43-13106



○ RECOMMENDED POINT OF DIVERSION

□ RECOMMENDED PLACE OF USE

□ SECTION LINES

□ QUARTER/QUARTER LINES



GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
PREPARED BY VIKIE HANCOCK

Memo

October 23, 2002

From: Vikie Hancock

To: Mike Wissenbach

Re: City of Rocks Preserve, Almo
Water Rights 43-2594 and 43-13106

Mike,

Enclosed are maps outlining each of the above rights. I also included the Agreement mentioned in our phone conversation of today that relates to the ground water recharge use, and a short explanation of right 45-2594 on Almo Creek that I found in the file.

As Doug said, if after review of these papers you have any other questions, don't hesitate to contact me here at the office.

208-736-3033

email vhancock@idwr.state.id.us.

mike_wissenbach@NPS.gov

North Park Service
PO Box 570
Hayden, ID 83382

ANALYSIS OF WATER RIGHT OWNERSHIP 43-2586

Deeds submitted with the 1999 ownership change from Robert Harmash to the Conservation Fund indicated entire claim 43-2586 was conveyed to them. This was indicated by the listing of the claim number and the of the entire claimed diversion rate of 2.82 cfs on Exhibit B of the Warranty deed. This diversion rate is associated with the claim but not with the original license 43-2586, which only identified a quantity in acres feet (1020afa). Further conversations with Ned Jackson of the Idaho Dept of Parks and Recreation who administer the City of Rocks and Castle Rock Ranch, substantiated that Harmash had conveyed the entire right to them, but that they had not used the right on the SESE of Section 16 (T15S R24E), because Cordell Sheridan had purchased it from Harmash in a previous transaction. A transfer of water right, or a forfeiture, was discussed. See file.

Subsequent to my meeting with Jackson on 5/31/2001, Cordell Sheridan asserted his use of the winter recharge water on the SESE Sec 16 and provided me with his deeds from Harmash, in which it seems clear that the rights to the portion of 43-2586 that was appurtenant to the SESE Section 16 had been conveyed to him with the property in 1991. Therefore, that portion of the license was not available to convey to the Conservation Fund in 1999 and the proportionate amount of acres and volume of water should be deleted from their portion of the right.

Right 43-2586 is split into 43-13106 NATIONAL PARK SERVICE

470 acres, 940 afa

43-13107 CORDELL SHERIDAN

40 acres, 80 afa

MEMO

TO: Ned Jackson
FROM: Vikie Hancock

Ned,

I believe that you and Rick Wagner had discussed deleting the 40 acres that NPS doesn't own at our meeting on the 31st of May, and in fact I recall that I was to do so unless I heard different from you. When Cordell called he told me that he has used the water on his land and wanted to make sure he got a water right for it. As his deed pre-dates the one from Harmash to The Conservation Fund he has a legitimate claim to his portion. If you have any issues with this split, please give me a call and we can discuss it.

On another matter, I never received a claim on the spring for the orchard that we also discussed on May 31st. I did receive a copy of the affidavit which indicates that only about 1.5 acres were ever irrigated there, so perhaps it was determined that a claim is not warranted. I will keep the affidavit in file.

A handwritten signature in cursive script, appearing to read 'Vikie', is centered on the page.

Vikie



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 2, 2001

US Dept of Interior, National Park Service
C/O City of Rocks Superintendent
Idaho Department of Parks and Recreation
PO Box 169
Almo, Idaho 83312

RE: Snake River Basin Adjudication (SRBA)
Claim No.: 43-13106 (formerly 43-2586)

Dear Sirs,

Enclosed find a revised preliminary recommendation for the above water right for winter season ground water recharge. Documents submitted to me subsequent to my meeting with Ned Jackson and Rick Wagner on May 31, 2002 indicate that Mr. Cordell Sheridan received his proportional share of this water right when he purchased 40 acres in the SESE of Section 16, Township 15S, Range 24E from Robert Harmash in 1991. In addition, Mr. Sheridan stated that he has used the right on his property when water was available to him.

The enclosed right reflects the deletion of 40 acres from the place of use, and the corresponding 80 acre feet of diversion volume. All other elements remain as originally license.

Mr. Sheridan's share has been given water right number 43-13107. If you have any concerns or questions regarding the revision, please contact me at this office.

Sincerely,

Vikie Hancock
Sr. Water Resource Agent
Southern Regional Office, Twin Falls

COPY

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

5/31/2001

Regarding: 43-2594, 43-2586, 43-389, 43-477A, 43-10647

Customer: Ned Jackson, Id Dept of Parks and Recreation
and Rick Wagner National Park Svc

>

The above gentlemen met with me this date to discuss the various claims which were in the name of the Conservation Fund at the time of the preliminary report mailing. An ownership change was completed to change the ownership of the claims to the National Park Service. The NPS will be conveying the ownership to the Idaho Dept of Parks and Recreation in the near future, and also selling off a portion of the irrigated land to private ownership. The land proposed to be sold to private ownership is located in the S ½ SE section 9 and the NE ¼ section 16, and is irrigated with Almo Water Company shares. The Park Svc plans to retain ownership of the licensed 82 acres represented by 43-2594 and a portion of the winter recharge right 43-2586.

Regarding 43-2586: Ned Jackson confirmed that the Park Service had continued to use their winter recharge right on all but the SESE Sec 16 now owned by Cordell Sheridan. He said that when Bob Harmash sold the SESE Sec 16 to Sheridan he did not sell the water rights with it. I said that, since the transaction occurred post 1987, an administrative transfer was necessary to remove the water from Sheridan's 40 acres, and that one hadn't been filed. I also stated that if no water had been used for winter recharge on the 40 acres for the past 5 years that a transfer would probably not now be approved. Jackson and Wagner discussed this and decided that, unless I heard differently from their attorney, that I should just remove the 40 acres from the water right.

I also gave Mr. Wagner a copy of the Matthews agreement, which he was not aware of. I told him that, as far as the department was concerned, the right was still legally owned by Matthews successors, as the right was never assigned to Almo Water Company in our records, but that I did want him to be aware of it.

It was determined that a claim for irrigation from the spring used for domestic use had not been filed. The domestic and stock use was filed as 43-10583 but irrigation was not included. Ned Jackson said that several acres of orchard were irrigated from the spring, and that he would provide an affidavit for proof of priority and they would file a BU claim on it. He said the spring has since

been replaced by a well for domestic use. The pipes from the spring still go into the house and then to a pipeline that sprinkles the orchard and provides stockwater also.



NED R. JACKSON
SUPERINTENDENT
CITY OF ROCKS NATIONAL RESERVE



PHONE (208) 824-5519
FAX (208) 824-5563

P.O. BOX 169
ALMO, ID 83312



National Park Service

Rick L. Wagner
Chief
Columbia Cascades Land Resources
Program Center

909 First Avenue, 5th Floor
Seattle, WA 98104-1060

206/220 4065
206/220 4159 Fax
Rick_Wagner@nps.gov

10/26/2000

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

RIGHT NUMBER: 43-2586

NAME AND ADDRESS: THE CONSERVATION FUND
1800 N KENT STREET SUITE 1120
ARLINGTON, VA 22209

SOURCE: ALMO CREEK TRIBUTARY: RAFT RIVER
STINES CREEK TRIBUTARY: ALMO CREEK
1020 AFY

PRIORITY DATE: 01/13/1958

POINT OF DIVERSION: T15S R24E S9 NESWNW Within CASSIA County
T15S R24E S9 NWSESW Within CASSIA County
T15S R24E S16 NWNWNE Within CASSIA County
T15S R24E S17 NENENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
GROUND WATER RECHARGE	11-01 03-31	1,020.0 AFY

PLACE OF USE:

GROUND WATER RECHARGE Within
CASSIA County

T15S R24E S16	NENE	40	T15S R24E S16	NWNE	40
T15S R24E S16	SWNE	40	T15S R24E S16	SENE	40
T15S R24E S16	NENW	20	T15S R24E S16	NWNW	5
T15S R24E S16	SWNW	20	T15S R24E S16	SENW	20
T15S R24E S16	NESW	20	T15S R24E S16	SESW	20
T15S R24E S16	SESE	40	T15S R24E S9	SWNW	15
T15S R24E S9	NESW	30	T15S R24E S9	NWSW	20
T15S R24E S9	SWSW	20	T15S R24E S9	SESW	40
T15S R24E S9	SWSE	40	T15S R24E S9	SESE	40

510 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

Water Right 43-2586

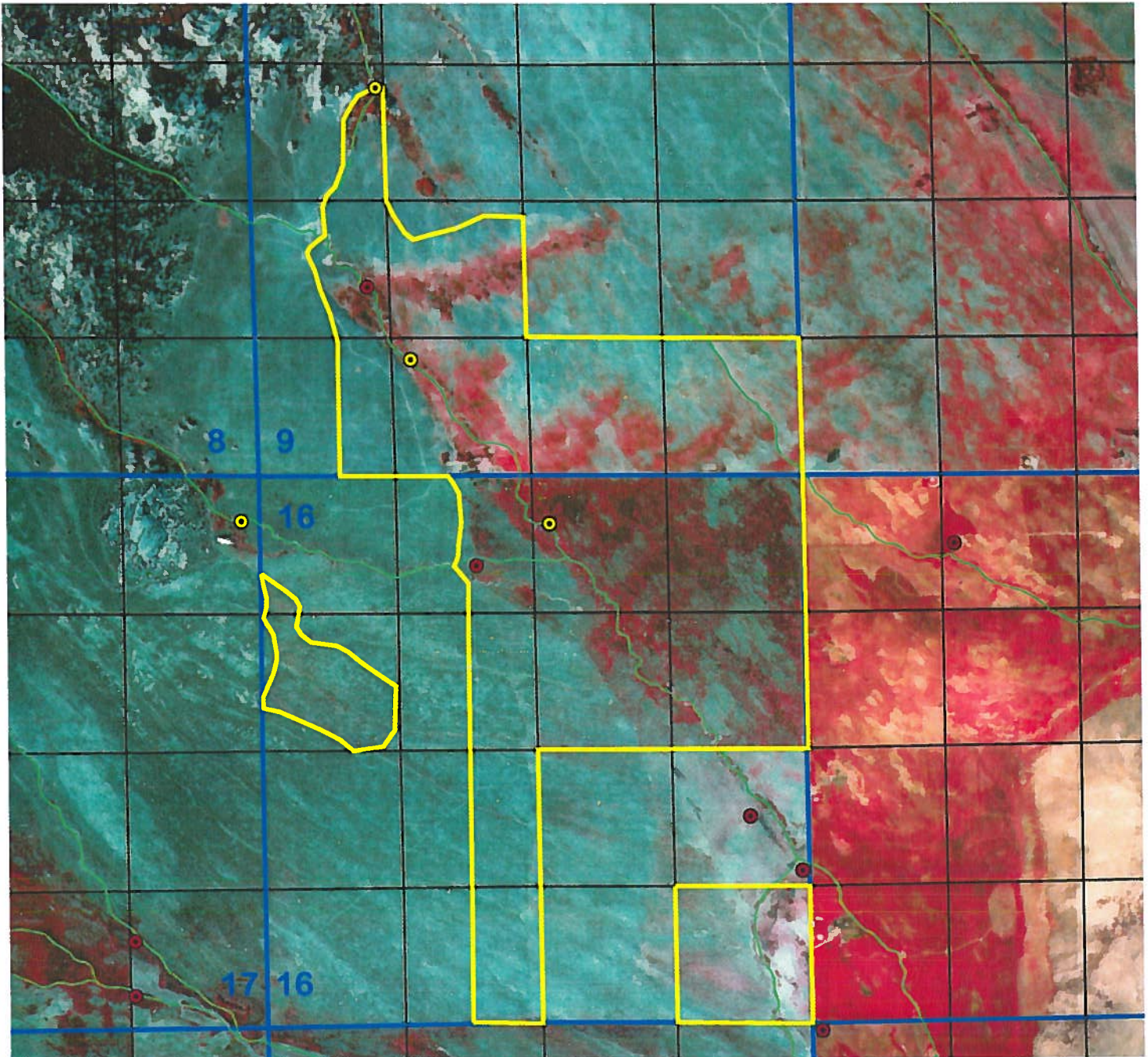
*Ownership
chg per
NOE*

*Split per
NOE.
8-2-01
deleted SESE 14
10/11*

Idaho Department of Water Resources

RIGHT 43-02586
Groundwater Recharge

RECOMMENDED PLACE OF USE
TWP 15S, RNG 24E, SEC 9 & 16
Data entry on July 26, 2000



-  **RECOMMENDED POINT OF DIVERSION**
-  **RECOMMENDED PLACE OF USE**
-  **SECTION LINES**
-  **QUARTER/QUARTER LINES**



*Superseded
8-2-01
deleted
SESE 16*

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY VIKIE HANCOCK

OWNER NAME & ADDRESS
C ROBERT HARMASH
01/13/1958 GROUNDWATER RECHARGE
11-01 06-01
2.82 CFS
1020.00 AFA

Water Source: ALMO CREEK
STYNES CREEK

Tributary to: EDWARDS CREEK
RAFT RIVER
ALMO CR

Stage: LICENSE

Point(s) of Diversion: 115S R24E S09
S16
S17
CASSIA County
CASSIA County
CASSIA County

Place of use Legal Description for: GROUNDWATER RECHARGE											
NE			NW			SW			SE		
T	R	S	T	R	S	T	R	S	T	R	S
15S	24E	9	15S	24E	9	15S	24E	9	15S	24E	9
40	40	40	40	40	40	40	40	40	40	40	40
20	05	20	20	05	20	20	05	20	20	05	20
15	15	15	15	15	15	15	15	15	15	15	15
30	20	20	30	20	20	30	20	20	30	20	20
40	40	40	40	40	40	40	40	40	40	40	40
205.0	205.0	205.0	205.0	205.0	205.0	205.0	205.0	205.0	205.0	205.0	205.0
305.0	305.0	305.0	305.0	305.0	305.0	305.0	305.0	305.0	305.0	305.0	305.0

POU County: CASSIA

Non-Irrigation Uses: E/WINTER GROUND STORAGE & SOIL ROOT ZONE.

Other Rights: NONE

Remarks:

SOURCES FOR THIS RT. ARE ALMO CK. & STYNES CK.
THIS WR ORIGINALLY LISTED AS IRRIGATION STORAGE BUT THE ACTUAL USE
IS MORE ACCURATELY DEFINED AS GROUNDWATER RECHARGE. THE WATER IS
"IRRIGATED" ON THE P/U INDICATED OVER THE WINTER MONTHS AND NO
CROP IS GROWN. USE IS TO RAISE THE GROUNDWATER LEVEL.
SEE Assessment 1970 3-26-94 in file between original patentees Matthews
& Almo Lecker Company.

Dates:

Exam Made Date:

Verified Date:

Misc:

Water District Number: 430

Field Inspection Flag: C
Presumption Flag: C

S-22 AUC

510

See yio

Hancock, Vikie

From: Shaff, Don
Sent: Wednesday, October 25, 2000 9:48 AM
To: Hancock, Vikie
Subject: RE: 43-2586 for GW Recharge

Good morning Vikie,

I apologize for the need to remind me today of your this message. Although I am tempted to second-guess the license, my answer to your question is stay consistent with the license in the Recommendation unless you find an obvious error.

Don
dshaff@idwr.state.id.us
208/327-7932

-----Original Message-----

From: Hancock, Vikie
Sent: Friday, October 20, 2000 2:50 PM
To: Shaff, Don
Subject: 43-2586 for GW Recharge

Don,

I have a claim that is being recommended for GW Recharge, based upon a license that Candice, Dave and Norm thought out and said to go ahead with. I have a shape based upon the 1967 license that specified a certian 510 acre POU. I was merrily working thru the ecvr and updated the recommendation POU layer based upon the shape I had created, when I notice that no acres appeared in the updated pls. It was then that I had an a-ha.

What should be done? Can or should we recommend a right for this use in our new system with acres? The as I said, the license and original SRBA claim has acres listed. I can enter the acres manually in the ecvr, and it will save the entry, so If I should recommend the claim with acres I could do it that way. If, however, I need to recommend this clair just as identified POU tracts without acres, what do I do about the shape that is now sitting in the SDE recommendation layer? Well...I guess I could edit it back to 40's couldn't I?

Vikie

Hancock, Vikie

From: Hancock, Vikie
Sent: Tuesday, October 03, 2000 3:11 PM
To: McHugh, Candice
Subject: 43-2586

Candice,

The above license from 1958 is for what we are now claiming is Groundwater Recharge. It was licensed as Groundwater storage/Soil root for the winter months. The most recent owner is the Conservation Fund who is not entirely familiar with recent past use on the ranch. The previous owner is out of state and was a real unreliable resource as it was. I guess what I'm saying is that I have no reason not to recommend this use. Are there special consideration I should look for, or conditions I should be putting on this? Can you review this license and let me know?

Vikie

*License ok'd for Recommendation as is
Per Candice 10-18-2000.*

Castle Rock Ranch
Almo, Idaho

Presented by:

Charlie Hisaw
of

RE / MAX

KEYSTONE REALTY TWIN FALLS, L.L.C.

CASTLE ROCK RANCH

ALMO, IDAHO

LOCATION

The CASTLE ROCK RANCH is located in Almo, Idaho in the south central part of the state off Interstate 84 on the Idaho-Utah Border. The ranch is just 5 miles from Almo and 20 miles south west of Malta. It is 8 miles from the "City of Rocks" National Reserve, 75 miles from Twin Falls, and 45 Miles from Burley, Idaho and 170 miles from Salt Lake City, Utah.

ACREAGE

1240 +/- deeded acres

400 acres leased from BLM

410 acres irrigated pasture

PASTURES AND WATER

The ranch is divided into 4 pastures with approximately 400 acres irrigated. The ranch has two creeks, the Almo Creek and Stynes Creek, and has 9.5 shares of Almo Water Company stock, which equals 26 hours a week of all the water you want, plus the ranch can take all the water it needs from Stynes Creek. In addition to the creeks, there are a number of springs on the ranch. The water for the house comes from a developed spring that produces about 42 gallons per minute. (See further description of water rights.)

CAPACITY

The owners are currently running 350 cows on the ranch from May through September. The ranch currently does not produce hay, but alfalfa could be planted and irrigated to produce a year round operation.

CASSIA COUNTY

Populations of surrounding Communities: 1990 Census

Malta 171

Burley 8,702

Oakley 635

Cassia County 19,532

Economic Structure of Cassia County

Mostly agriculture-related industry, farming and ranching. Major employers include *The South Idaho Press*, Boise Cascade and Del Monte.

Schools

There are 15 schools in Cassia County.

Elementary Schools are in Alto, Oakley, Albion, Declo, and Malta.

High Schools are in Burley, Declo and Malta.

Wildlife

Many different types of wildlife call the area home in and around the ranch: Ferruginous Hawks, Golden Eagles, Red Tailed Hawks, Prairie Falcons, Rocky Mountain Mule Deer and Mountain Lions.

The climate of the general area is described as semiarid, characterized by low to moderate precipitation, a wide variety in both daily and seasonal temperatures, and low relative humidity. Average annual precipitation is approximately 14 inches at the lower elevations, and as high as 22 inches at the higher peaks. Most precipitation occurs from March through June. The summers are warm and dry with frequent thunderstorms.

Measurement	Degrees Fahrenheit
Mean Annual Temperature	48
Extreme Recorded High	105
Extreme Recorded Low	-27
Average Winter Temperature	31
Average Winter Daily Minimum	21
Average Daily Summer Temperature	67
Average Daily Summer Maximum	83

IMPROVEMENTS

The **CASTLE ROCK RANCH** consists of a small home which is of two brick construction and is approximately 100 years old. There are 2 bedrooms and a bath with a living room and kitchen. The owners are currently in the process of remodeling the home. There is a separate garage and shop close to the house.

RANCH OPERATION

The ranch is currently running about 350 cows and horses and mules in the summer. All of this is done on the 1,240 deeded acres and 400 acre BLM lease. The BLM lease stipulates 65 AUM's, costing currently \$1.50 per AUM.

REAL ESTATE TAXES

Real estate taxes are approximately \$1,518.98.

PRICE

The **CASTLE ROCK RANCH** is listed for \$995,000

BROKERS COMMENTS:

This property has it all! This is truly one of the most unique ranches we have ever seen! Lush meadows, cedars, pinion, aspen forests and private canyons with springs, small creeks and dramatic rock formations. The ranch sits just north of the "City Of Rocks", a favorite spot among rock climbers world wide. The property sits just off the old California Trail, a split from the Oregon Trail. The area abounds with Indian and pioneer history.

The partially remodeled brick home is nearly 100 years old and is surrounded by apple trees and has a wonderful garden spot. A fully developed spring serves the home with plenty of clean cool water. There is sufficient water for additional homes.

Best of all this ranch backs up to the National Forest and has a modest BLM lease. This affords the ranch owner nearly unlimited riding, hiking and fishing access.

The ranch can make a great weekend retreat, youth ranch, guest ranch, or full time family residence. The area boasts an excellent school system with small class sizes and great learning possibilities without any of the problems one sees in larger school districts. Don't let this one slip through your fingers.

A stones throw away from the ranch is the "City Of Rocks" known world-wide to rock climbers. In 1993 visitation records show over 81,400 visitors. With over 600 climbing routes in place, climbers make up the majority of the visitors. However, non-climbers still enjoy camping, mountain biking, hiking, horseback riding, motorcycling, off-road vehicle use, hunting, cross country skiing, snowmobiling, pine nut gathering, sightseeing and photography.

The "City of Rocks" National Reserve is also world renowned for its geologic features. Many of the same rock formations are found right on **CASTLE ROCK RANCH**. The huge rocks on the ranch are of the same type, including the historical landmark, from which the ranch takes its name, Castle Rock. These formations are believed by some to be 2.5 billion years old, making them some of the oldest rocks in North America. Erosion created this landscape of domes, spires, and hogbacks. The granites of the area, created from molten rock deep within the earth's surface, were intruded up through older granite. As time passed, the overlying rock was cracked, fractured, and eroded, leaving what you see today.

GETTING HERE FROM THERE

It doesn't matter whether you are on the West coast or East coast, there is an airport close by to get you here. The following is a list of the number of flights that fly into Twin Falls and Boise, from major metropolitan cities, on a daily basis.

Flights from West Coast

	LA	Seattle	San Francisco
Twin Falls	4	6	
Boise	38	33	9

Flights from East Coast

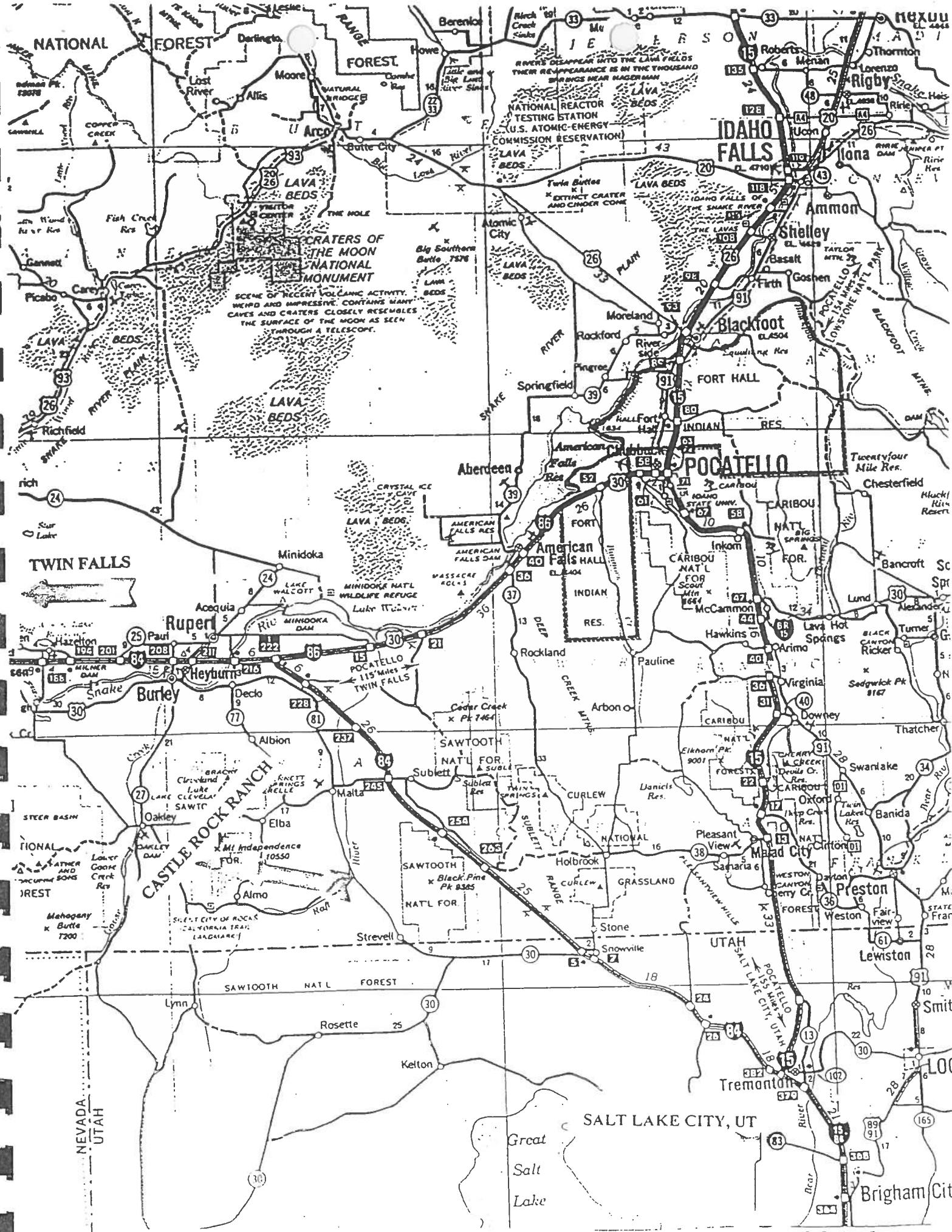
	DC	New York	New Jersey	Boston
Twin Falls		4		2
Boise	18	16	10	14

Flights from Midwest

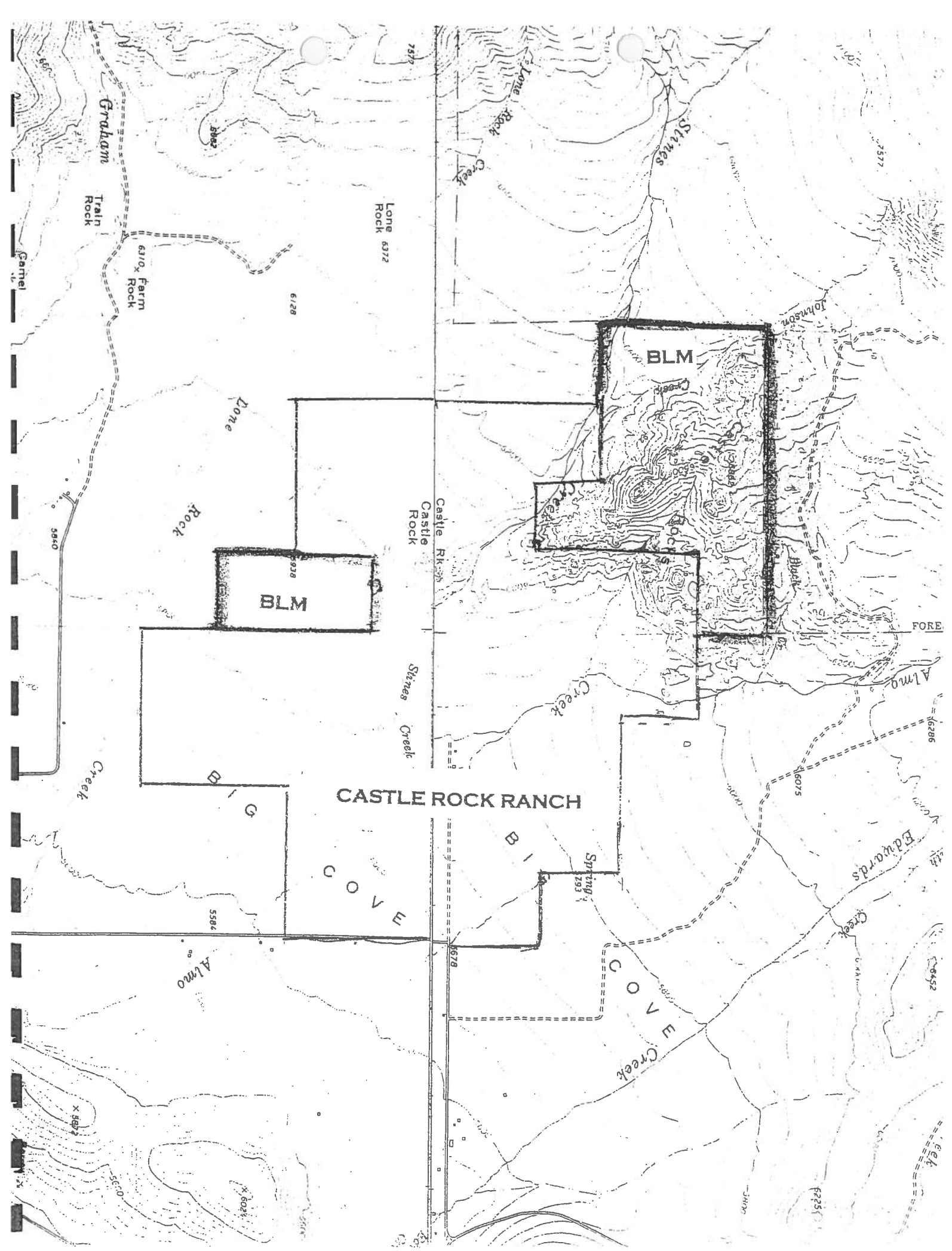
	Chicago
Boise	17

Twin Falls is approximately 75 miles, and Boise is approximately 240 miles from the ranch.

Your best access will most likely be from **SALT LAKE CITY INTERNATIONAL AIRPORT**, which offers numerous flights from more cities than we can possibly list here. You will find it is a short 2 ½ hour drive to **CASTLE ROCK RANCH** from the airport.



To Salt Lake City



Water

Date of priority: July 31, 1882

Source: Almo Creek

Dates of use: 3/15 to 11/15

Total quantity appropriated: 1.5 C.F.S.

Total consumptive use: 1380 Acre Feet Per Annum.

Date of priority: April 15, 1879

Source: Almo Creek

Dates of use: 3/15 to 11/15

Total quantity appropriated: 3.7 C.F. S.

Total consumptive use: 1380 Acre Feet Per Annum

Date of priority: May 29, 1967

Source: Almo Creek

Date of use: 3/15 to 11/15

Total quantity appropriated: 1640 C.F.S.

Total consumptive use: 205 Acre Feet Per Annum

Date of priority: Jan, 13 1958

Source: Almo Creek And Stynes Creek

Dates of use: 11/1 to 4/1

Purpose: Ground water Recharge

Total quantity appropriated: 2.82 C.F. S.

known as "Winter Recharge" not used to irrigate. Use is to raise the groundwater level.

Culinary spring: approximately 42 gallons per minute during the summer, even in dry water years. Additional springs for development may be available.

Legal Description

Township 15 South, Range 24 East of the Boise Meridian Cassia County, Idaho

Section 8: SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$

Section 9: SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 16: NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$

Section 17: NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$

This information and any other information contained in this brochure has been obtained from sources deemed to be reliable however, the accuracy of this information is not guaranteed or warranted by Charlie Hisaw or RE/MAX Keystone Realty Twin Falls, L.L.C. Any prospective buyers are obligated to conduct their own due diligence as to the accuracy of the offering and information contained in this brochure.

May 25, 2000

10:30 am
Almo School, Almo Idaho

MEETING WITH MEMBERS OF ALMO WATER COMPANY

Members in attendance: David May, Bud Ward, Ted Tracy, William Tracy, Larry Henson, Brent Jones, Gary Jones, Ivan Darrington, Bruce Durfee, Cordell Sheridan, and AWC President Doug Ward. I exchanged pleasantries with Neil Durfee and watermaster Curtis Durfee outside the building, but neither attended the meeting.

The meeting was called to order by Doug Ward and I was introduced. I had previously met all but David May and Bud Ward in the course of investigating individual water right claims in the Adjudication.

I began with a brief history of the Almo Water Company, as I had come to understand it from my research. I passed around copies of the Almo Creek portion of the Jobe Adams Decree, the 1918 license and 1983 statutory claim and showed my copy of the Deed signed by the original founders of AWC conveying their individual water rights to the company.

I presented an overlay showing the original decreed acres, the acres licensed under a 1918 priority date and the acres claimed by statutory claim in 1983. I explained that the priority date on the stat claim - 1918 - was not reasonable since those acres were not included in the Jobe Adams. I said that the priority date of the water represented by the stat claim would necessarily have to be sometime after 1928, and I explained the lack of substantiation of either acres or diversion rate on a statutory claim. There was no further discussion in regard to providing proof of priority. It was noted that if 1" per acre were allowed, the total cfs claimed in the adjudication would actually allow for more acres irrigated within the boundary of the company. Some members then pointed out areas on the GIS layout presentation that they felt could be included in the irrigated acres. There were also areas marked irrigated that some present agreed were not irrigated and should be deleted. I encouraged anyone who felt he saw errors in the boundary or areas marked as irrigated to point them out, and made notes on the GIS layout accordingly.

The first specific issue discussed was the claim filed by Curt Durfee on decree number 43-00374. AWC also filed on this claim. Those present said that it had always been known that -00374 was a duplicate of decree -00387, and that only the number of shares represented by -00387 had ever been delivered to the property. I said that if it was a duplicate, then only -00387 was valid and

that no one should get the diversion rate represented by -00374. Those present agreed.

The next issue discussed was in regard to the springs that Curt Durfee filed a claim upon (A43-10076). Some of those in AWC feel that the springs are tributary to Almo Creek and so belong to Almo Water Company per the language in the original deed dated in 1907. It was stated that, as long as the water from the springs flooded through Durfee's fields and into Almo Creek it had at least been available to users in the company, but when he started pumping out of the pond, there was some objection to that. We discussed the fact that one of the springs was right next to Almo Creek and that it's not known if the springs even existed prior to the extensive irrigation, or if they did why they weren't mentioned in any of the decrees. It was noted that none of the decrees were consistent about what they included and what they left out. I told those at the meeting that if I recommended Curt's claims to the springs, they could file an objection in the SRBA court and present evidence to the judge that the claims weren't valid because of the deed, or for any other reason. I pointed out that there were adjudication filings on other springs within the AWC boundaries.

There were some questions about the stat claim by Bruce Durfee on Stines Creek (43-10013). I read aloud the section in the 1970 AWC vs Darrington decision that stated that there were no other users on Stines Creek except the parties named in the lawsuit. Since Bruce Durfee's father was not listed as a user in 1970, I questioned the 1951 priority date he claimed. Bruce stated that they were users in 1970 and fielded some questions from those present about the ditch used. It became apparent that the ditch used could also convey water from Almo Creek and at one time had, but Durfee said that he didn't use his Almo water on the marginal lands up there at all anymore. The members dropped the subject at this point, and so did I.

I brought up the Matthews license 43-02586 claimed in the adjudication by the Conservation Fund, and gave Doug Ward a copy of the agreement that was entered into by Matthews as a result of the AWC protest to their license. I mentioned that this agreement also discusses the Belnap decree 43-00373, which also seemed to be a duplicate right. Doug indicated that he would look into ownership of the license, and asked me to send a copy of the 1907 AWC Deed, also.

After the meeting I met with Ted Tracy to discuss the J.E. Tracy claims and also with Brent Jones.

Vikie Hancock
Sr. Water Resource Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 18, 1999

William A. Parsons
Parsons, Smith & Stone, LLP
PO Box 910
Burley, Idaho 83318

RE: Snake River Basin Adjudication (SRBA)
The Conservation Fund

Dear Mr. Parsons:

Thank you for your correspondence of October 6th. I am enclosing, for your review, some information that may assist you in your investigation of SRBA claim number A43-02586 in the name of The Conservation Fund. The copies I have made of the microfilmed originals are not the best quality. Please let me know if you require documents of better legibility, and I will request copies from our State Office vault. Copies of these documents have also been forwarded to Cordell Sheridan.

To date, the Department has nothing on file that indicates the license was ever conveyed to Almo Water Company. Until such time, it is our position that the license is the property of the Matthews successors.

Sincerely,

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

Vikie Hancock
Water Resource Agent

COPY

PARSONS, SMITH & STONE, LLP

ATTORNEYS AT LAW

137 WEST 13TH STREET

P. O. BOX 910

BURLEY, IDAHO 83318

WILLIAM A. PARSONS

RICHARD K. SMITH

RANDOLPH C. STONE

rcstone@cyberhighway.net

LANCE A. LOVELAND

love9593@cyberhighway.net

TELEPHONE
(208) 678-8382

FAX NO.
(208) 678-0146

October 6, 1999

Vikie Hancock
Idaho Department of Water Resources
1341 Fillmore St., Suite 200
Twin Falls, Idaho 83301-3380

RE: The Conservation Fund

Dear Vikie:

As a follow up to a recent conversation with you and a letter from you to The Fund dated September 1, 1999, I want to start the discussion.

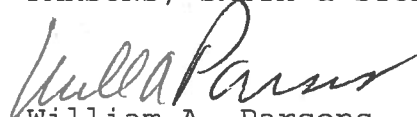
First of all I enclose a copy of the Judgment that was rendered regarding the water right in Almo Water Company between Harmash and The Fund. This may very well address the second paragraph in your letter.

I am currently investigating A43-02586 which has to do with Cordell Sheridan.

As soon as I get some additional information I will let you know.

Very truly yours,

PARSONS, SMITH & STONE, LLP


William A. Parsons

WAP:rt

Enc.

cc: Mark Elsbree

RECEIVED
OCT 6 1999
Department of Water Resources
Southern Region

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OCT 07 1999

Department of Water Resources
Southern Region

IN THE DISTRICT COURT OF
THE FIFTH JUDICIAL DISTRICT
CASSIA COUNTY, IDAHO

Case No. CV-99-643

Filed at 5:30 P M

Date 9-7 99

Danell Roskelley
Clerk

L. Larson
Deputy Clerk

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

THE CONSERVATION FUND, a,
corporation

Plaintiff,

vs.

ROBERT HARMASH and LANETTE
HARMASH, husband and wife,

Defendant.

)
)
) CASE NO. CV 99-643*D
)
)

JUDGMENT

THIS CAUSE came on before the Court on application of
William A. Parsons of Parsons, Smith & Stone, LLP, attorney for
the Plaintiff. No appearance for the Defendants.

The Court finds that the Defendants have been
regularly served with process, the time for answering or
otherwise moving pursuant to the procedural rule has expired
and the default of the Defendants has been entered.

The Court heard the testimony and examined the proofs

and being fully advised finds that the Plaintiff is entitled to Judgment as prayed in the Complaint and based thereon it is

ORDERED, ADJUDGED AND DECREED:

1. That within seven (7) days from the mailing of a notice of the entry of this Judgment, the Defendants shall execute and deliver to the Plaintiff at PO Box 910, Burley, Idaho 83318, an endorsed certificate of Almo Water Company, N^o 212 or such other number as may have been issued to the Defendants.

2. The Defendants are hereby enjoined and restrained from attempting to transfer Certificate N^o 212 of the Almo Water Company to any person, firm or entity except the Plaintiff.

3. If the Defendants fail or refuse to deliver such Certificate to the Plaintiff the Clerk of this Court or an authorized deputy, is authorized to execute any and all documents required of the Almo Water Company to issue a new certificate to the Plaintiff for the nine and one half (9½) shares of Almo Water Company evidenced by Certificate N^o 212 of the Almo Water Company.

4. The Court further directs that in the event the Defendants refuse or neglect to endorse such Certificate N^o 212 or other certificates for the Almo Water Company Stock that the Almo Water Company shall issue a new certificate in the place and stead of Certificate N^o 212 to the Plaintiff and in the place and stead of the Defendants, Robert Harmash and Lanette Harmash as the Plaintiff is entitled to the water evidenced by

such certificate(s) subject to the By-laws of Almo Water Company.

5. The Plaintiff is entitled to attorneys fees and costs to be taxed pursuant to procedural rule.

6. The last known address of the Defendants is Robert Harmash and Lanette Harmash, HC 81 N^o 211, Nashua, Montana 59248 to which a copy of this Judgment shall be sent by the Clerk of the Court.

DATED this 7th day of September, 1999.

Monte B. Carlson

District Judge

State of Idaho }
County of Cassia } ss
I hereby certify that the foregoing instrument is
a full, true and correct copy of the original as
filed in this office.
Dated 9-9-99
Donna D. Robb
Clerk of the District Court, Ex-officio Auditor
and Recorder, Cassia County, Idaho
By *M. Carlson*
Deputy

COMMUNICATION DOCUMENTATION

From: Vikie Hancock
1999

September 16,

Regarding:

A43-02594, -02586, -10647, -00389,
-00477A

Customer:

William Parsons for
The Conservation Fund

[illegible]

Mr. William Parsons, Atty at Law, called today regarding my letter informing the Conservation Fund of the status of their claims in the SRBA. He is representing The Fund, and requested that I send him some Notice of Appearance forms.

He told me that his client filed suit against Robert Harmash, and on Sept 7th obtained a judgement against him in regard to the Almo Water Company certificates. Harmash was supposed to turn the certificates over to the Conservation Fund on September 15th, but failed to do so. The Almo Water Company is aware of this development.

He said that at this point, the only issues he could see concerned the claim based upon the ground water recharge license 43-02586. He wanted to know if he could have copies of all the documents in our files pertaining to the sale of property in SESE Section 16 from Harmash to Cordell Sheridan. I told him that all my information was verbal, and he said that he would obtain the information he needed from the Cassia County Courthouse. I told him that, in my conversation with Cordell, Cordell had been unsure of his ownership of any portion of the gw recharge license.

He indicated that he understood the status of the other claims, but that he was not through researching everything.

I told him that I was pleased that the issue of the ownership of the certificates had been resolved, and he said that he would send me a copy of the judgement for my files.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 1, 1999

The Conservation Fund
1800 N. Kent Street, Suite 1120
Arlington, VA 22209

RE: Snake River Basin Adjudication (SRBA)
Claim Nos: A43-10647, A43-00389, A43-00477A, A43-02586,
A43-02594, A43-10583

Dear Sir or Madam:

The above Claims for a Water Right in the Snake River Basin Adjudication are appurtenant to the Castle Rock Ranch in Almo, Idaho, conveyed to you by warranty deed from Robert Harmash. This letter is to inform you that the validity of a number of these claims is currently in question.

Claim numbers A43-10647 (identified on Exhibit B of your Warranty Deed as A43-00373 but renumbered by the Department on December 14, 1990), A43-00389 and A43-00477A, are all claims based upon water rights that my investigation shows were decreed, or otherwise conveyed, to the Almo Water Company prior to the commencement of the Adjudication. The Almo Water Company has also claimed these rights. Based upon the information available to me at this time, my recommendation to the SRBA Court will be to disallow the Conservation Fund's claim to these rights, and to recommend them as part of the Almo Water Company. The Department of Water Resources does not administer the delivery of water within the boundaries of the Almo Water Company, therefore your ownership of the share certificates issued by the company is a matter more appropriately decided between you and Mr. Harmash.

The status of your other claims are as follows: Claim number A43-02594, based upon a licensed water right for the use, for irrigation, of 1.64 cfs of water from Almo Creek on eighty two acres in Sections 9 and 16, Township 15S, Range 24E appears to be a valid claim at this time.

Claim number A43-02586 is based upon a licensed water right for root zone recharge between October 1 and March 31, subject to the conditions of an agreement between the permittees and the Almo Water Company dated March 26, 1964. A portion of this water right is appurtenant to property conveyed to Cordell Sheridan by Mr. Harmash prior to your purchase of the Castle Rock

Ranch. Unless Mr. Harmash specifically reserved the water right in his deed of conveyance to Mr. Sheridan, a proportionate amount of the licensed right should properly be in Mr. Sheridan's ownership, however he has not notified the department of his intent in this matter. A transfer of the licensed water from his property to land owned by the Conservation Fund may be appropriate.

Claim number 43-10583, for domestic use, was recommended and decreed in the SRBA in 1998.

If you have any information that would have bearing upon my recommendations to the SRBA Court on any of the above claims, please bring it to my attention as soon as possible. The contents of our files are available to you upon request. If you wish us to correspond through your attorney, please provide a notice of appearance. If I can be of any other assistance, please don't hesitate to call me at this office.

Sincerely,

Vikie Hancock
Water Resource Agent

NOTE TO FILE

From: Vikie Hancock

7/28/99

Regarding: Ownership change - Harmash to Conservation Fund
Adjudication Claims: A43-00373 (renumbered A43-10647), A43-00389, A43-02586, A43-02594, A43-10583.

During discussion with Sara Denniston, it was decided that Robert Harmash intended to convey his entire interest in the water right claims listed in Exhibit B of the Warranty Deed to the Conservation Fund.

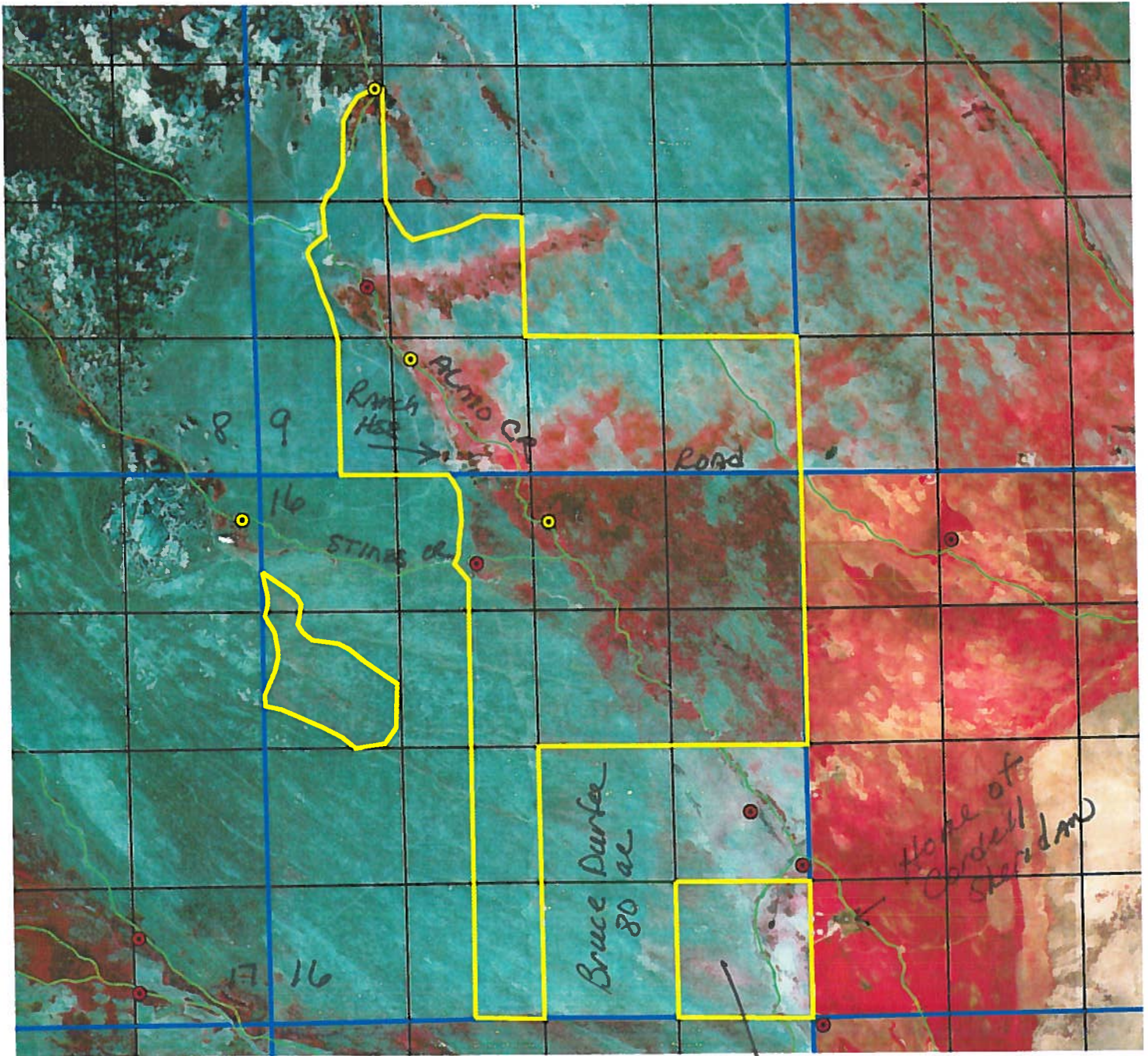
Per the Warranty Deed, Mr. Harmash conveyed ownership of all his ranch to the Conservation Fund, except 40 acres in the SE SE Section 16.

Regarding the Water Rights listed in Exhibit B of the Warranty Deed:

- Domestic claim A43-10583 is appurtenant solely to the property conveyed.
- Claim A43-02594, based on a license, is appurtenant solely to the property conveyed.
- In order to transfer the use of water licensed to the above mentioned 40 acres in the SE Se Section 16 under a portion of license number 43-02586, a transfer must be applied for.
- Claims A43-10647, A43-00389, A43-00477A are based upon decrees that were not originally appurtenant to the SE SE of Section 16. These decreed rights were conveyed to Almo Water Company by a predecessor in interest of Mr. Harmash, and are properly claimed by Almo Water Company. The above claims filed by Harmash will most probably be disallowed in the Adjudication. Therefore, ownership of these entire claims may be conveyed to the Conservation Fund with a remark in the electronic record that the SE SE Section 16 was retained by Harmash, but that the portion of the water right claimed to be appurtenant to that tract was conveyed. No amendment of the claim to remove the SE SE Section 16 from the place of use was deemed appropriate, under the circumstances. If an SRBA recommendation of disallowal is successfully objected to by the new claimant, a transfer will be required to move the use of that portion of the water decreed under the above rights, from the SE SE Section 16, to property purchased by the new claimant.

RIGHTS 43-02586

RECOMMENDED PLACE OF USE
TWP 15S, RNG 24E, SEC 9, 16
Data entry on July 26, 2000



- RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- SECTION LINES
- QUARTER/QUARTER LINES



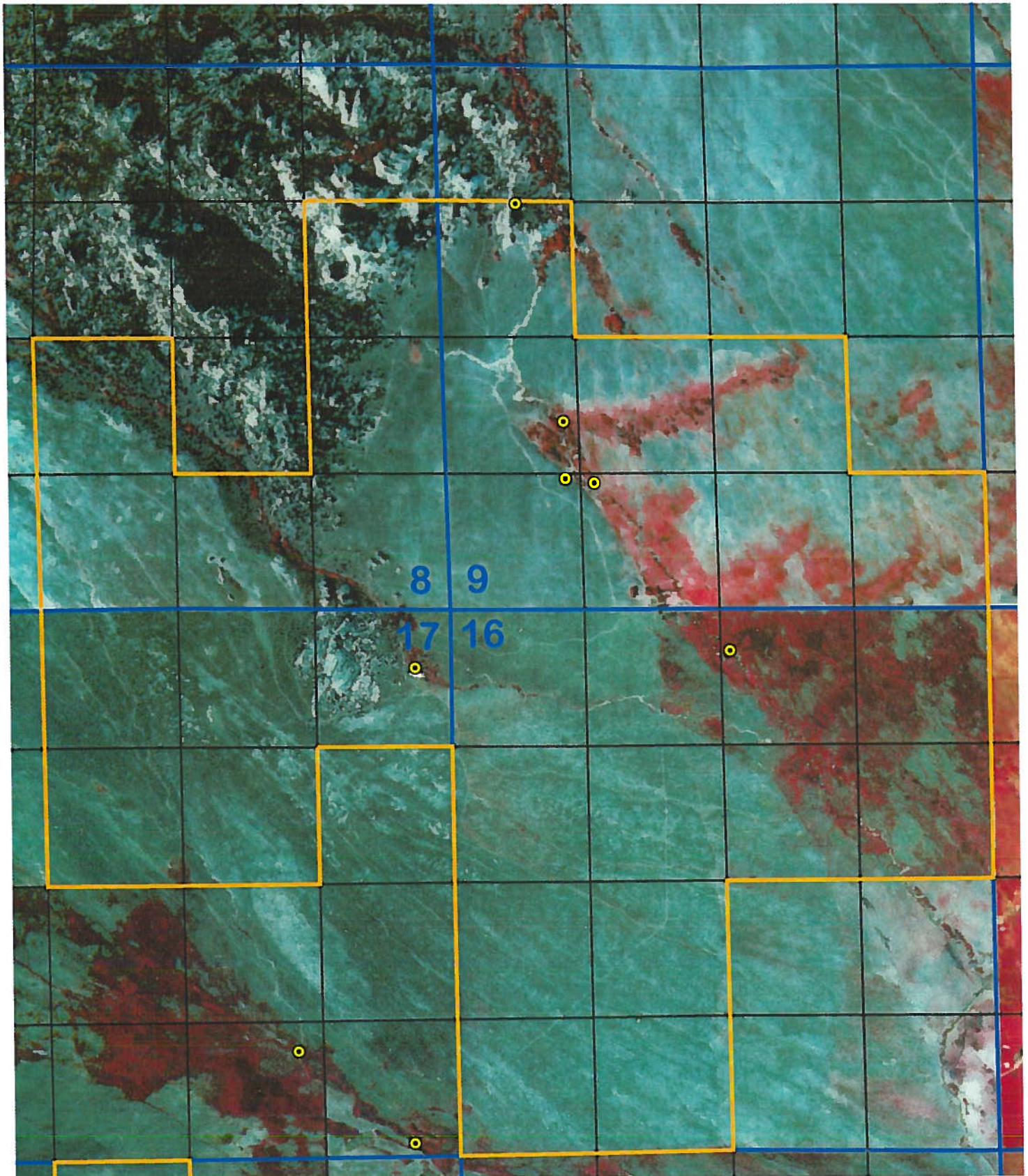
40 acres owned
by Cordell
Sheridan

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY VIKIE HANCOCK

FIELD NOTES

CLAIM NO(S): VARIOUS
CONSERVATION FUND

RANCH BOUNDARY
TWP 15S, RNG 24E, Sec 8, 9, 16, 17



OFFICE OF THE STATE RECLAMATION ENGINEER

+780

State of Idaho License and Certificate of Water Right

SEE
AGREEMENT

Water License No. B-1025

Amount 1020 Ac. Ft.

Water District No.

Priority January 13, 1958

THIS IS TO CERTIFY that R. P. MATTHEWS & SONS of Oakley, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, on or January 13, 19 58; that Permit No. B-1025 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1020 Acre-foot, was issued thereunder on December 26, 19 63, showing that said works were completed on the 15th day of January, 19 63; and that on the 15th day of January, 19 63.

R. P. MATTHEWS & SONS

of Oakley, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Almo and Styron Creek, a tributary of Styron Creek, for the purpose of Ground storage during winter months, Soil Moisture Storage, under Use Permit No. B-1025 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 12 of Licenses at page 7803, on the 26 day of December, 19 63; The right hereby confirmed dates from January 13, 19 58;

The Point of Diversion is located SE 1/4, Sec. 9; NE 1/4, Sec. 16; in the NE 1/4 NE 1/4, Sec. 17, Tp. 15 S. R. 24 E., R. M. Cassia County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1020 Ac. Ft. including per stream, annu

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
15 S.	7E.	9	30 40 50 60 70 80 90 100 110 120 130 140 150 160 170 180 190 200	40 40 40 40 40 40 40 40 40 40 40 40 40 40 40 40 40 40	15 30 20 20 20 20 20 20 20 20 20 20 20 20 20 20 20 20
		16	30 40 50 60 70 80 90 100 110 120 130 140 150 160 170 180 190 200	40 40 40 40 40 40 40 40 40 40 40 40 40 40 40 40 40 40	15 30 20 20 20 20 20 20 20 20 20 20 20 20 20 20 20 20

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, at Boise, Idaho, this 26th day of December, 19 63.

/s/ DAVID E. THOMAS
Deputy State Reclamation Engineer

(SEAL)

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. R-1025

This proof is for Beneficial Use & Completion of Work In Water District No. _____1. Name of applicant H. P. Matthews & Sons, c/o Ennis B. Matthews, Oakley, Idaho2. Source of water supply: Almo and Stynes Creek3. Location of point of diversion: Is in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9; NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 16; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 17 of Section _____T. 15 S. R. 24 E. County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: The diversion works consist of concrete check dam and headgate combination 8' to 12' wide and 2' high. A opening in each one side for creek channel and the other to the irrigation ditch. These works are some used in the regular irrigation system.

5. Water is used for: ground storage, during winter months for winter irrigation6. State whether or not water has been turned into works of diversion: yes.

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 8; SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 9; N $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16,

T. 15 S., R. 24 E., S. 1 N.

(This water is spread over alluvium ground consisting of a shallow top soil with coarse gravel and large stones underneath, through existing ditches. Very permeable.)

Mr. Matthews stated he would not divert any of Stynes or Almo Cr. until January 1st.

8. When Zenith Taylor was diverting all of Stynes Creek in the NE $\frac{1}{4}$ Sec. 9.
 Remark: This flow estimated at 0.4 cfs. There was approximately 0.3 cfs flowing through Matthew place made up from seepage and springs below Taylor's diversion. Making a total of 0.7 cfs. for Stynes Cr.

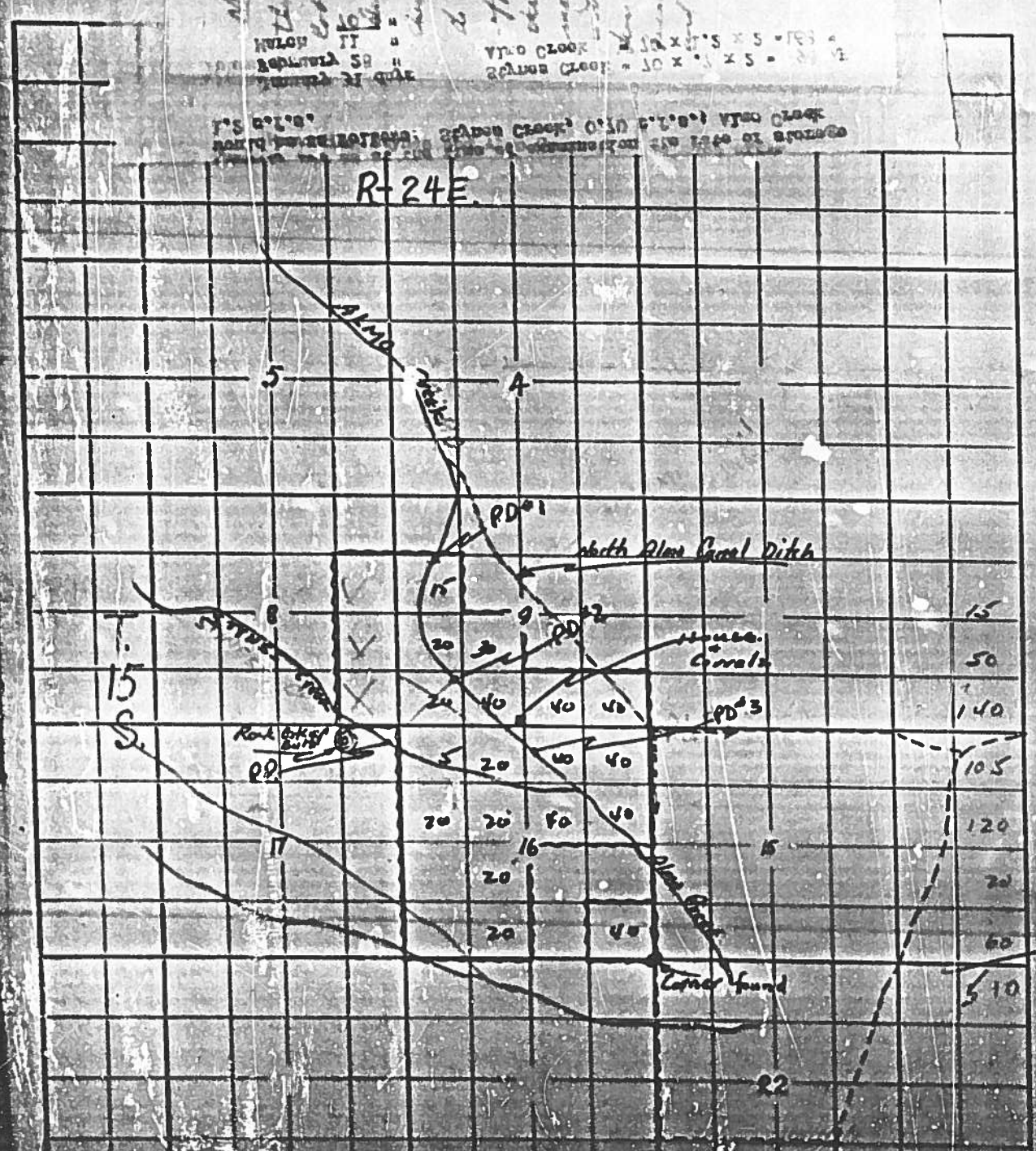
Taylor was cleaning and repairing his ditch at time of inspection.

The estimated flow in Almo Creek at Matthews Upper diversion is 1.2 cfs. (same as Sec. 8). The spring flow contributes the greater amount of water to be applied to the ground storage.

This examination was made on the 14th day of November, 1963

(Signed) Longman

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Note: fairly to soil 6%
 then the concrete panel &
 bottle stone underneath.
 Siltstone do not wash. adding
 check soil veins in siltstone
 do cause a settling
 effect system for structure
 that have to be cleaned &
 maintained to conform
 with standards. Most of
 the veins are not to affect
 because of the grading
 and all through ponding area

P-1005

025

Providing Stynes and Almo Creek flow as much after
 January 1st as at the time of examination the rate of storage
 would be as follows: Stynes Creek, 0.70 c.f.s.; Almo Creek
 1.2 c.f.s.

January 31 days	Stynes Creek = $70 \times .7 \times 2 = 98$ AF
February 28	Almo Creek = $70 \times 1.2 \times 2 = 168$ "
March 11	
70	

Last 20 days in March

Almo & Stynes Creek
 estimated flow at 20.0 c.f.s. = $20 \times 20 \times 2 = 800$ AF

1066 AF is the estimated amount of water from Stynes and
 Almo Creeks from January 1st to April 1st.

The water will be diverted during a time when the
 temperature is near freezing and below. At this low temperature
 the viscosity of the water is approximately 80% greater. The
 ground will probably be frozen and may have an ice cap. Under
 these conditions the ground will have a low permeability rate
 and probably a 100% rejection.

No studies have been made in this area to determine the
 permeability or specific capacity of the soil. The gradient
 is steep. The chance of the water staying in the area is
 small.

T.
 B.
 S.

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A G R E E M E N T

THIS AGREEMENT, made and entered into between CLARA MATTHEWS, DENNIS B. MATTHEWS and MABEL MATTHEWS, husband and wife, MAURICE J. MATTHEWS and NAUMLINE MATTHEWS, husband and wife, and HILTON P. MATTHEWS and VILMAINE MATTHEWS, husband and wife, all of Oakley, Cassia County, Idaho, and HAL R. MATTHEWS and JEAN J. MATTHEWS, husband and wife, of Burley, Cassia County, Idaho, hereinafter referred to as Permittees, which expression shall include their heirs, executors, administrators, successors and assigns, wherever the context so requires or admits, PARTIES OF THE FIRST PART, and the ALMO WATER COMPANY, a duly organized and existing corporation under the laws of the State of Idaho, of Almo, Idaho, hereinafter referred to as the COMPANY, which expression shall include its successors or assigns and all stockholders and subscribers to the stock of the Company, including J. J. BRUNSCH and IDA BRUNSCH, husband and wife, ARTHUR R. TAYLOR, a married man, ZENNITH I. TAYLOR and COLLEEN TAYLOR, husband and wife, and NEIL R. DURFEE, a bachelor, all of Almo, Cassia County, Idaho, and any and all persons who have filed with the Department of Reclamation of Idaho a protest to the issuance of a certificate of water right to appropriate water under Permit No. R-1025, their heirs, executors, administrators, successors and assigns, wherever the context so requires or admits, PARTIES OF THE SECOND PART,

W I T N E S S E T H:

WITNESAS, the parties of the first part are the owners and holders of State of Idaho Permit No. R-1025, issued by the Department of Reclamation of Idaho, authorizing them to divert from the waters of Almo Creek and Stines (Stynes) Creek for soil root zone storage through winter irrigation 1840 acre feet of water per annum;

R-1025

AND, WHEREAS, on or about the 18th day of October, 1928, a decree was entered by the United States District Judge, Charles C. Cavanah, in the case of ALBION, IDAHO, LAND COMPANY, a corporation, vs. JOBE ADAMS, et al, Decree No. 992, wherein and whereby there was decreed to Henry Belnap to be appurtenant to the following real estate, now owned and held by Permittees, 1.8 second feet of the waters of Almo Creek with priority date of April 15, 1879, to-wit:

The Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Nine (9), and the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) and the East Half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Eight (8), Township Fifteen (15) South, Range Twenty-four (24), East of the Boise Meridian;

AND, WHEREAS, a dispute has arisen between the parties over the use and enjoyment of said decreed right;

AND, WHEREAS, the parties have heretofore orally appointed a committee, whose membership equally represented both parties, to arbitrate said disputes now existing between them; and said committee after full consideration of the respective rights of the parties and the facts, both parties having had the aid and assistance of legal counsel of their choice, has agreed to the terms of a proposed agreement for the full and complete compromise and settlement of said disputes;

AND, WHEREAS, the terms of the proposed agreement have been reduced to writing in the form herein set forth to be presented to the Board of Directors of the Company for their approval, and thereafter to the stockholders of the Company for final approval, and

NOW, THEREFORE, for and in consideration of the mutual promises, covenants and agreements hereinafter contained, the parties hereto do hereby compromise and settle all disputes now existing between them over the appropriation and use of the waters of Almo Creek and Stynes (Stynes) Creek under Permit No. R-1025 and pursuant to the decree entered by the U. S. District Judge Charles C. Cavanah, in the case of Albion, Idaho, Land Company, a Corporation, vs. Jobe Adams, et al, on the 18th

Adams

day of October, 1928, the parties mutually bind themselves, as follows:

I

IT IS UNDERSTOOD AND AGREED Between the parties that the rights, duties and obligations created by the covenants, promises, terms and conditions of this agreement shall not bind the parties, hereto, until the same has been approved by each permittee affixing his hand and seal to this agreement and, further, until the same has been approved by the Board of Directors of the company, and finally approved by an affirmative vote of a majority of the stockholders of the Company at a special meeting called specifically for the purpose of approving this agreement.

II

WATERS OF ALMO CREEK

Upon issuance of a certificate of water right pursuant to Permit No. R-1025 by the Department of Reclamation of the State of Idaho to Permittees, Permittees agree to assign and convey to the ALMO WATER COMPANY all of their right, title and interest in and to the Certificate of Water Right, thereby issued as aforesaid, to the Company, subject to the following rights and conditions reserved specifically to the Permittees:

(a) That all waters which are available and flowing in the channel of Almo Creek between the first day of October and to and including the first day the water in Almo Creek reaches the west side of Section 25, Township 15 South, Range 24 East of the Boise Meridian of each year after the execution of this agreement shall be permitted to flow uninterrupted and without interference by Permittees;

(b) That Permittees shall be entitled to and shall divert and appropriate for soil root zone storage all the water from the natural channel of Almo Creek between the first day of October of each year after the execution of this agreement and the 31st day of March of each year, hereafter, save and except that Permittees shall allow to flow in the

natural channel of Almo Creek an amount of water not to exceed 75 minors inches or 1.5 cubic feet per second, to be measured in the SE corner of the NE $\frac{1}{4}$ Section 16, Township 15 South, Range 24 East, Boise Meridian.

(c) In the event a dispute shall arise out of any cause over the distribution of waters covered by this agreement, it is agreed by and between the parties that the Company may employ a water master for the supervision of the waters of the Creek, and that said waters shall be distributed by him in accordance with the specific terms of this agreement.

III

WATERS OF STINES (STYNES) CREEK

In consideration of the withdrawal by the Company and individuals, above-named, of the protests now filed with the Department of Reclamation of the State of Idaho against the issuance of a license to appropriate waters under Permit No. R-1025 by Permittees from the winter stream flow of Stines (Stynes) Creek, Permittees agree, as follows:

(a) The Permittees shall appropriate and apply to use for soil root zone storage only such water from Stines (Stynes) Creek as are available and flowing in the channel of said Creek below the existing diversion dam and structures of J. J. Bruesch, Arthur R. Taylor, Zernith I. Taylor and Neil R. Durfee, located at One eighth mile north of the Center of Section 7, Township 15 South, Range 24 East of the Boise Meridian, in the canyon.

IV

BELNAP DECREE

The Permittees further agree, and they do hereby sell, assign, transfer and convey to the Company all of the water decreed to Henry J. Belnap

and made appurtenant by said decree to the following lands:

The Southwest Quarter of the Southeast Quarter (SW¹SE⁴) of Section Nine (9), and the Southeast Quarter of the Northeast Quarter (SE⁴NE⁴) and the East Half of the Southeast Quarter (E¹SE⁴) of Section Eight (8), Township Fifteen (15) South, Range Twenty-four (24), East of the Boise Meridian;

in accordance with the judgment and decree of the U. S. District Judge Charles C. Cavanah in the case of the Albion, Idaho, Land Company, a corporation, vs. Jobe Adams, et al, in the amount of 1.8 second foot of the waters of Almo Creek; provided, however, that the waters of said decree shall be included with the waters distributed among the several stockholders of the Company under the rotation plan now followed, thereby, and Permittees shall receive therefrom their equal distributive share of said waters.

V

And it is agreed that the waters of Almo Creek for such storage purposes shall be kept upon the following described land, to wit:

The SW¹NE⁴, SW⁴, S¹SE⁴, Section 9; NE⁴, E¹SW⁴, SE⁴SE⁴, Section 16, Township 15 South, Range 24 East of the Boise Meridian,

from the date defined in Section II, Paragraph (a) until April 1 of each and every year until the showing is made to the Board of Directors of the Almo Water Company that the waters of Almo Creek could be stored on or in some other lands to insure a greater benefit to the stockholders of the Almo Water Company than the storage facilities on the said Matthews lands above described.

Provided, however, that before the Board of Directors of the Almo Water Company transfers the waters of Almo Creek for storage purposes from the Matthews land, above described, to other land, the Board shall obtain a survey of the storage facilities in its system by some competent and disinterested engineering organization or person in no way interested in the Almo Water Company to the effect that such transfer from the Matthews lands to other lands in the Almo Water Company system would be

R. Adams

for the best interest of the majority of the Almo Water Company stockholders.

ALMO WATER COMPANY

Wallace C. Taylor
President

Ernest B. Matthews

Eric J. Lloyd
Secretary

Hal R. Matthews

Parties of the First Part

Parties of the Second Part

STATE OF IDAHO)
 : ss
County of Ada)

On this 26th day of March, 1964, before me, a Notary Public for the State of Idaho, residing at Boise, Idaho, personally appeared _____

Almo Water Co. Wallace C. Taylor, Pres.
Eric J. Lloyd, Sec. and Ernest B. Matthews
and Hal R. Matthews

known to me to be the persons whose names are subscribed to the within instrument and duly acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, the day and year in this certificate first above written.

E. B. Broadbent

Notary Public Residing at Boise, Idaho

My commission expires:

11/4/67

No record of license ever being assigned to Almo water company in our files. For our purposes, license remains property of Matthews Successors.

Per Rick 7-22-99

WHL

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. HARMASH CLAIMS

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Frank Hitchcock

June 19, 1997 3:27pm

NAME:
CHARLIE HISAW-RE/MAX REALTY-TF

RE:
RESEARCH OF HARMASH WATER
RIGHTS/CLAIMS FOR SALE OF
"CASTLE ROCK RANCH" ALMO.

WALK-IN 2:30-CW. WENT OVER THE RESULTS OF MY REVIEW AND THE MESSAGE I HAD LEFT FOR HIM ABOUT THE ERROR IN THE WATER RIGHTS LISTING IN THE PROSPECTUS AND THE COMPETING FILINGS BY THE ALMO WATER COMPANY.

DISCLAIMED AS AN ATTORNEY BUT EXPLAINED THE DELIVERY OF WATER IN A WATER DISTRICT, HOW SHARES ARE INTERPRETED AND DELIVERED AND THE LIMITATION ON THE QUOTED DOM/STK USE TO THE STATUTE 13,000 GPD.

I WENT OVER MY NOTES ON HIS COPIES AND EXPLAINED MY CONCERN ABOUT THE PROSPECTUS TEXT SAYING "...ALL THE WATER..." AND "...ALL THE WATER OF STYNE CREEK.". EXPLAINED PRIORITY DATE DELIVERIES AND THE COMPETING/COMBINED CLAIMS NOTATIONS I HAD MADE.

EXPLAINED THAT SRBA GROUND TRUTHING WON'T BE FOR SEVERAL YEARS AT BEST TO EVEN BEGIN TO EXAMINE THE USAGES VALIDITY. I DECLINED TO GIVE AN OPINION OF HOW THE USAGES MIGHT BE RECOMMENDED OR HOW THE ALMO WATER CO VS HARMASH MIGHT TURN OUT.

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

June 19, 1997 9:50am

RE:
HARMASH WATER RIGHTS FOR
THE "CASTLE ROCK RANCH" IN
ALMO.

I DESCRIBED OUR LATE MANAGER'S STATEMENTS TO ME ABOUT NEVER GETTING THE SITUATION UNRAVELED. I SAID THAT I HAD NO FIRST-HAND KNOWLEDGE OF THE PARTICULARS.

MY REVIEW DID TURN UP SEVERAL COMPETING CLAIMS AS I HAD DESCRIBED TO HISAW. IN ADDITION, HIS PROSPECTUS HAD MISSED AN IRRIGATION RIGHT IN THE RECITAL. I ALSO NOTED SEVERAL GNERALIZATIONS REGARDING WATER USE IN THE TEXT AS TO NUMEROUS ADDITIONAL SPRINGS THAT COULD BE DEVELOPED ON THE PROPERTY.

I PREPARED COPIES OF AJ PROFILES FOR EACH CLAIM FILED BY ROBERT HARMASH AND DID A WRQ11 REPORT FOR EACH CLAIM AS WELL TO SHOW THE FILINGS BY ALMO WATER COMPANY AND THE COMBINING OF RIGHTS IN ANOTHER FOFMART. I COPIED THE WATER RIGHT LISTING FROM THE PROSPECTUS AND NOTED THE MISSING WATER RIGHT ELELMENTS ON THE SHEET FOR HIS USE.

I NOTED THE MENTION OF THE "CULINARY" SPRING FLOWING 42 GPM TO SHOW THAT DOM/STK USAGE IS LIMITED TO 13,000 GPD.

I CAME IN EARLY 06-18-97, WEDNESDAY, TO FINISH UP MY RESEARCH AND TO MARK UP EXHIBITS. I CALLED HISAW'S VOICE MAIL AT HIS OFFICE AND LEFT A MSG REGARDING MY FINDINGS AND ASKING HIM TO CALL ME INSTEAD OF COMING BY TO PICK UP THE RESEARCH. DURING A BREAK FROM COMPUTER WORK I CALLED HIS OFFICE AGAIN AT 10:20 AND SPOKE WITH HIS SECRETARY WHO SAID SHE WOULD PAGE HIM AND GIVE HIM THE MSG.

HE CALLED ME AT 4:45 TO ASK WHAT I HAD FOR HIM. I DESCRIBED THE CONFLICTS, COMBINED RIGHTS AND COMPETING CLAIMS PLUS THE MISSED IRRIGATION RIGHT.

HE ASKED IF OTHER THAN WHAT I HAD JUST DESCRIBED TO HIM WERE THERE ANY OTHER "BOOGERMANS THAT JUMPED OUT AT ME DURING MY REVIEW". I SUGGESTED THAT HE CALL AHEAD TO BE SURE I WAS IN THE OFFICE AND STOP IN TO GO OVER THE RESEARCH WITH ME.

ALL EXHIBITS PROVIDED TO HISAW HAVE BEEN COPIED/HIGHLIGHTED AND MARKED JUST AS THEY WERE FOR HIM. THEY HAVE BEEN PUT INTO THE HARMSH CLAIM FILES FOR REFERENCE. I WILL PUT A COPY OF THIS ENTRY INOT THE ALMO WATER COMPANY CLIAM FILES FOR A CROSS-REFERENCE.

Water Right Number - 43-02586

Adj. Flag Translation: Standard Water Right Number

Old (D) Number - R1025

*** C - CURRENT OWNER ***
H. P. MATTHEWS & SONS

1 -
2 -
3 -
City - OAKLEY
Phone -

State - ID Zip - 83346

Priority Date - 01/13/1958
Region - 17

Stage - L - LICENSE

Status -

Source - ALMO CREEK
STYXES CREEK

Tributary - EDWARDS CREEK
RAFT RIVER

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Stream Index (Blank if no Index Code)	Diversion Rate	Diversion Volume
15S	24E	9	SW NW	(31)		CASSIA	272.0 436.0 20.0 3.0			5.9
15S	24E	9	SW SW	(31)		CASSIA	272.0 436.0 20.0 2.0			4.9
15S	24E	16	NW NE	(31)		CASSIA	272.0 436.0 20.0 3.0			5.5
15S	24E	17	NE NE	(31)		CASSIA				

02 - IRRIGATION STORAGE

37

Nov 1 - Apr 1

2.82

1020.00

Total Div. Rate - 1020.00
Total Div. Volume - 1020.00
Total Div. Capacity -
Total Consumptive Use -

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
15S	24E	9	SW NW		15.0		02	IRRIGATION STORAGE	(31) CASSIA
15S	24E	9	NE SW		30.0		02	IRRIGATION STORAGE	(31) CASSIA
15S	24E	9	NW SW		20.0		02	IRRIGATION STORAGE	(31) CASSIA
15S	24E	9	SW SW		20.0		02	IRRIGATION STORAGE	(31) CASSIA
15S	24E	9	SE SW		40.0		02	IRRIGATION STORAGE	(31) CASSIA
15S	24E	9	SW SE		40.0		02	IRRIGATION STORAGE	(31) CASSIA
15S	24E	9	SE SE		40.0		02	IRRIGATION STORAGE	(31) CASSIA
15S	24E	16	NE NE		40.0		02	IRRIGATION STORAGE	(31) CASSIA
15S	24E	16	SW NE		40.0		02	IRRIGATION STORAGE	(31) CASSIA
15S	24E	16	SE NE		40.0		02	IRRIGATION STORAGE	(31) CASSIA
15S	24E	16	NW NW		5.0		02	IRRIGATION STORAGE	(31) CASSIA
15S	24E	16	SW NW		20.0		02	IRRIGATION STORAGE	(31) CASSIA
15S	24E	16	SE NW		20.0		02	IRRIGATION STORAGE	(31) CASSIA
15S	24E	16	SE SW		20.0		02	IRRIGATION STORAGE	(31) CASSIA
15S	24E	16	SE SE		40.0		02	IRRIGATION STORAGE	(31) CASSIA

Proof Due Date	00/00/0000	Field Exam Made	00/00/0000	Field Exam Fee	-
Approved/Denied	00/00/0000	Posttested Date	00/00/0000	Swan Falls	-
Proof Made Date	00/00/0000	Hearing Date	00/00/0000	Temporary Right	P
Start Work Date	00/00/0000	Verified Date	02/26/1985	DLE/Carey Act	-
Order Show Cause	00/00/0000	Receipt Number	-	Water District	43D
Licensed Date	07/03/1979	Appl Received	00/00/0000	Transfer/Amended	-
Decree Date	00/00/0000				