

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 37-11989
Date Received: 10/25/1988
Receipt No: C003051
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SOUTH COVE VENTURES LLC Phone: (425) 460-2504
C/O CHUCK HILL
PO BOX 1607
BELLEVUE WA 98009

2. Date of Priority: 05/09/1911

3. Source: SPRINGS Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
02S	17E	11	NW	NW	SE	CAMAS	
02S	17E	11	NW	SE	SE	CAMAS	

5. Description of diverting works:

SPRING #1 AND #2 TO REGULATION PONDS AND DITCHES, TO GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	01/01	12/31	4.08	
IRRIGATION STORAGE	01/01	12/31		30

7. Total Quantity Appropriated is:
4.08 C.F.S. and/or 30 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
02S	17E	11	NE	SE		IRRIGATION	11.2
			SE	SE		IRRIGATION	33
			SW	SE		IRRIGATION	18.7
			Section Acres				
02S	17E	12	SE	NE		IRRIGATION	13.6
			SW	NW		IRRIGATION	1.1
			SE	NW		IRRIGATION	7.7
			NE	SW		IRRIGATION	36.3
			NW	SW		IRRIGATION	24.7
			SW	SW		IRRIGATION	22.9
			SE	SW		IRRIGATION	7.4
			NW	SE		IRRIGATION	21
			SW	NE		IRRIGATION	6.5
Section Acres					141.2		
Total Acres					204.1		

11. Place of use in counties: CAMAS, BLAINE

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

13. Other Water Rights Used:

14. Remarks:

3/8/02, DJ: THIS CLAIM CORRECTS THE PLACE OF USE TO REFLECT 204.1 AC IRRIGATED FROM THE TWO SPRINGS, BASED ON 1957 AERIAL PHOTO. LIC 37-2211 WAS ORIGINALLY ISSUED FOR 85 AC FROM SPRING #1. BOTH SPRINGS WERE USED WITH A SYSTEM OF DITCHES TO IRRIGATE 204.1 AC TOTAL. THIS CLAIM ALSO INCLUDES 30 AC-FT OF IRRIGATION STORAGE IN REGULATION PONDS AT EACH SPRING HEAD.

EVIDENCE OF THE EXISTENCE OF THIS WATER RIGHT IS FOUND IN THE CORRESPONDENCE WITHIN 37-02211 WHERE THE SOURCE IS IDENTIFIED AS SPRING NO. 2.

15. Basis of Claim: Beneficial Use

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

RECEIVED
SEP 22 2004
 Department of Water Resources
 Southern Region

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (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
	37-7395	☒			☐
	37-11989	☐			☐
	37-2211	☐			☐
	37-12000	☐			☐
37-12044		☐			☐

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)	Alonzo B. Leavell P.O. Box 54, Gooding, ID, 83330 South Cove Ventures, L.L.C.
4.	New Owner/Claimant(s)	
	New Mailing Address	c/o Chuck Hill, P.O. Box 1607
	City, State and ZIP Code	Bellevue, WA, 98009
	New Telephone Number	(425) 460-2504
5.	Date you acquired the property	July 6, 2004

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>37-7395</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)
Irrigation	<u>9.8 cfs</u>	<u>799 acres</u>
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	<u>9.8 cfs/799 acres</u>	

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) _____
(include title if applicable) SOUTH COVE VENTURES, L.L.C.
By: Chuck Hill, president

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 <u>HAWORTH</u>	Date <u>9/29/04</u>	Fee <u>25.00</u>	
Received by <u>HAWORTH</u>	Date <u>9/29/04</u>	Receipt No. <u>5027084</u>	
Processed by _____	AJ Date _____	WR _____	Date _____

WARRANTY DEED

For Value Received

ALONZO B. LEAVELL, a married man as his sole and separate property, also shown of record as ALONZO LEAVELL

the grantor(s), do(es) hereby Grant, Bargain Sell, and Convey unto

SOUTH COVE VENTURES L.L.C., a Washington limited liability company

the grantee(s), whose current address is: ~~PO Box 34, Sandpoint, Idaho 83861~~
P.O. BOX 1607, BELLEVUE, WA 98009

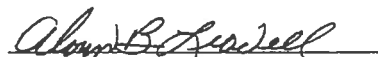
the following described real estate, situated in CAMAS County, Idaho, to-wit:

See Attached Exhibit "A"

TOGETHER WITH any and all water rights appurtenant to the above-described property, including without limitation, 37-7395, 37-2211, 37-11989, 37-12000 and 37-12044. Excepting and excluding the following the following portions of 37-7395 which are the subject of pending applications for transfer of water right: (1) 0.012 cfs for the irrigation of 1 acre on Lot 1, Block 1, Magic Ranch Subdivision #11; (2) 0.025 cfs for the irrigation of 2 acres of Lot 1, Magic Ranch Subdivision #2; (3) 0.037 cfs for the irrigation of 3 acres on Lot 1, Magic Ranch Subdivision #1; (4) 0.025 cfs for irrigation of 2.0 acres Lot 3, Magic Ranch Subdivision #3; (5) 0.025 cfs for irrigation of 2.0 acres Lot 4, Magic Ranch Subdivision #1; (6) 0.037 cfs for irrigation of 3.0 acres on East 6th St. property

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

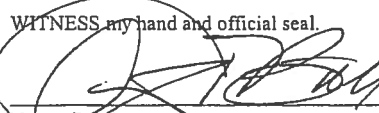
Dated: 7/2/2004

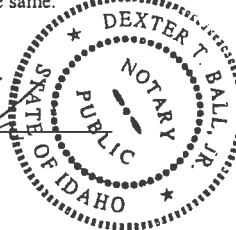

Alonzo B. Leavell

State of IDAHO }
County of TWIN FALLS } ss.

On this 2ND day of July, in the year 2004, before me, a Notary Public in and for said State, personally appeared Alonzo B. Leavell, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.


Notary Public
Residing At: TWIN FALLS
Commission Expires: 3-22-08



077403
Recorded at the Recorder's Office
CAMAS County Title
at 3:35 PM
July 6th, 2004
in Book 34 Deeds
490

By 
Fees \$ 60.00

EXHIBIT A
C040070

PARCEL 1:

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 2: SW $\frac{1}{4}$ SW $\frac{1}{4}$

SUBJECT TO a road right of way 35 feet in width along the West boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$.

EXCEPTING THEREFROM the Northerly 20 feet of the SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 11: NE $\frac{1}{4}$ NW $\frac{1}{4}$

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 11: NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying West of the Highway

Lot 3 Block 2 MAGIC RANCH SUBDIVISION No. 11 , filed in the office of the Camas County, Idaho Recorder as Instrument No. 76224.

PARCEL 2:

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 2: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 11: SW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ excepting therefrom that portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying West of the Highway;

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 11: NE $\frac{1}{4}$ NE $\frac{1}{4}$;

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 11: NW $\frac{1}{4}$ NE $\frac{1}{4}$;

Lots 2 and 3 MAGIC RANCH SUBDIVISION No. 1, Camas County, Idaho, according to the official plat filed in the office of the Camas County as Instrument No. 76003.

Lots 1, 2, 4 and 5 MAGIC RANCH SUBDIVISION No. 3 , filed in the office of the Camas County, Idaho Recorder as Instrument No. 76005, and replatted as Instrument No. 76784.

Lots 1 and 2 Block 2 MAGIC RANCH SUBDIVISION No. 11 , filed in the office of the Camas County, Idaho Recorder as Instrument No. 76224.

PARCEL 3:

Lots 2A, 2B, 3 and 4A Block 1 MAGIC RANCH SUBDIVISION No. 2, Camas County, Idaho, according to the official plat filed in the office of the Camas County as Instrument No. 76004 and replatted as Instrument No. 76797.

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 37-11989
Date Received: 10/25/1988
Receipt No: C003051
Received By:

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

1. Name of Claimant(s)

LONNIE LEAVELL Phone: (208)934-8543

PO BOX 54
GOODING ID USA 83340

2. Date of Priority: 05/09/1911

3. Source: SPRINGS Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02S	17E	11	NW NW SE	CAMAS	
02S	17E	11	NW SE SE	CAMAS	

5. Description of diverting works:

SPRING #1 AND #2 TO REGULATION PONDS AND DITCHES, TO GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	01/01	12/31	4.08	
IRRIGATION STORAGE	01/01	12/31		30

7. Total Quantity Appropriated is:

4.08 C.F.S. and/or 30 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
02S	17E	11	NE	SE		IRRIGATION	11.2
			SE	SE		IRRIGATION	33
			SW	SE		IRRIGATION	18.7
						Section Acres	62.9
02S	17E	12	SW	NE		IRRIGATION	6.5
			SE	NE		IRRIGATION	13.6
			SW	NW		IRRIGATION	1.1
			SE	NW		IRRIGATION	7.7
			NE	SW		IRRIGATION	36.3
			NW	SW		IRRIGATION	24.7
			SW	SW		IRRIGATION	22.9
			SE	SW		IRRIGATION	7.4
			NW	SE		IRRIGATION	21
						Section Acres	141.2
						Total Acres	204.1

11. Place of use in counties: CAMAS, BLAINE

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

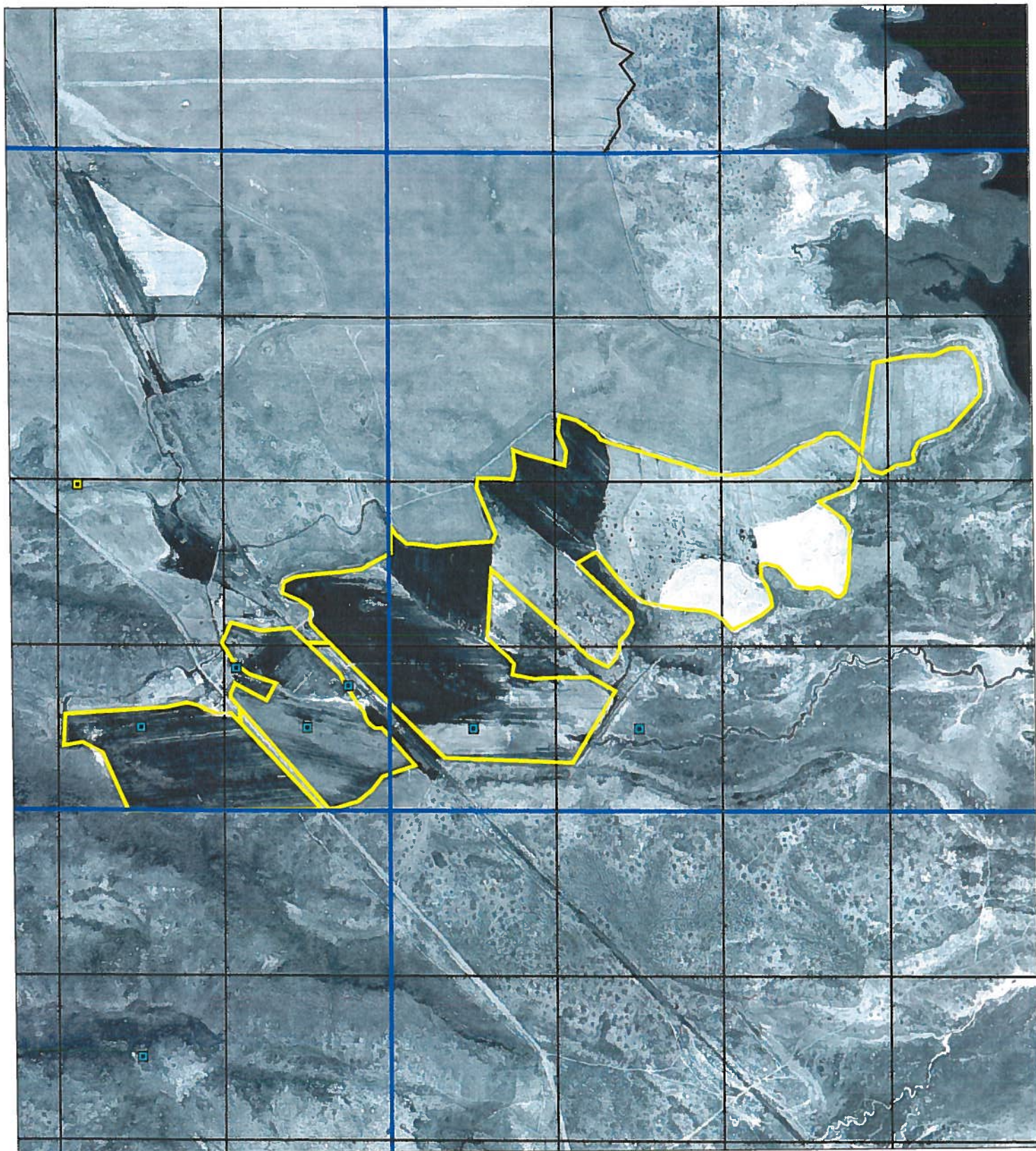
13. Other Water Rights Used:

14. Remarks:

3/8/02, DJ: THIS CLAIM CORRECTS THE PLACE OF USE TO REFLECT 204.1 AC IRRIGATED FROM THE TWO SPRINGS, BASED ON 1957 AERIAL PHOTO. LIC 37-2211 WAS ORIGINALLY ISSUED FOR 85 AC FROM SPRING #1. BOTH SPRINGS WERE USED WITH A SYSTEM OF DITCHES TO IRRIGATE 204.1 AC TOTAL. THIS CLAIM ALSO INCLUDES 30 AC-FT OF IRRIGATION STORAGE IN REGULATION PONDS AT EACH SPRING HEAD.

EVIDENCE OF THE EXISTENCE OF THIS WATER RIGHT IS FOUND IN THE CORRESPONDENCE WITHIN 37-02211 WHERE THE SOURCE IS IDENTIFIED AS SPRING NO. 2.

15. Basis of Claim: Beneficial Use



1320 0 1320 2640 Feet

-  Subject Property
-  Point(s) of Diversion
-  Section Lines
-  Quarter/Quarter Lines

37-11989
(2/02 Amended Claim)



3/8/02, D Jones

AMENDED Claim No. 37-11989IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-11989

Date Received _____

Receipt Number _____

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

RECEIVED

FEB 28 2002

Department of Water Resources
Southern Region

Please type or print clearly

1. Name of Claimant (s) Lonnie Leavell Phone (208) 934-8543Mailing Address P.O. Box 54, Gooding, Idaho Zip 833302. Date of Priority (Only one (1) per claim) 5/9/19113. Source of water supply (a) Springs

which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 2S Range 17E Section 11,1/4 of SE 1/4 of SE 1/4, Govt. Lot, B.M., County of CamasAdditional points of diversion if any: NW1/4 SE1/4, Sec. 11, T. 2 S., R. 17 E.

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

1/4, Govt. Lot B.M., County of5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.),
Including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. Spring #1 and #2 to regulation ponds and ditches,
to gravity irrigation.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 1/1 to 12/31 amount 4.08 or _____

For Irrig. Storage purposes from 1/1 to 12/31 amount _____ or 30.0

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 4.08 (cfs) and / or (b) _____ (acre feet)

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

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

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for together purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2S	17E	11													11.2		18.7	33.0	62.9
2S	17E	12			6.5	13.6			1.1	7.7	36.3	24.7	22.9	7.4		21.0			141.2

Total number of acres irrigated 204.1

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.

37-7395, 37-2211

Or None ☐

14. Remarks:

This claim corrects place of use to reflect 204.1 acres irrigated from two springs, based on 1957 aerial photo. License 37-2211 was originally issued for 85 acres from Spring #1. Both springs were used with a system of ditches to irrigate 204.1 acres total. This claim also includes 30 ac-ft of irrigation storage in regulation ponds at each spring head.

Last Name _____ Ident. No. _____

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License x Permit _____

Decree _____

If applicable provide IDWR Water Right Number 37-11989 (claim)

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) Michael C. Blum Date 2/26/2002

Power of Atty.

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Of _____, that I have signed the foregoing

Organization

Document in the space below as _____ of _____

Title

Organization

And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

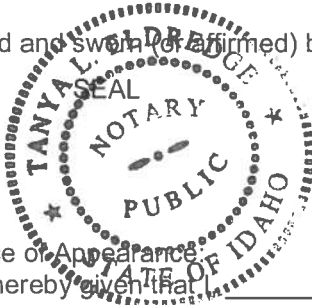
State of Idaho / or Idaho)
) SS.
County of Twin Falls)

Subscribed and sworn (or affirmed) before me this 26th day of February, 2002

Notary Public Tanya L. Eldredge

Residing at Twin Falls

My Commission Expires 12-18-06



Please Print Name

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

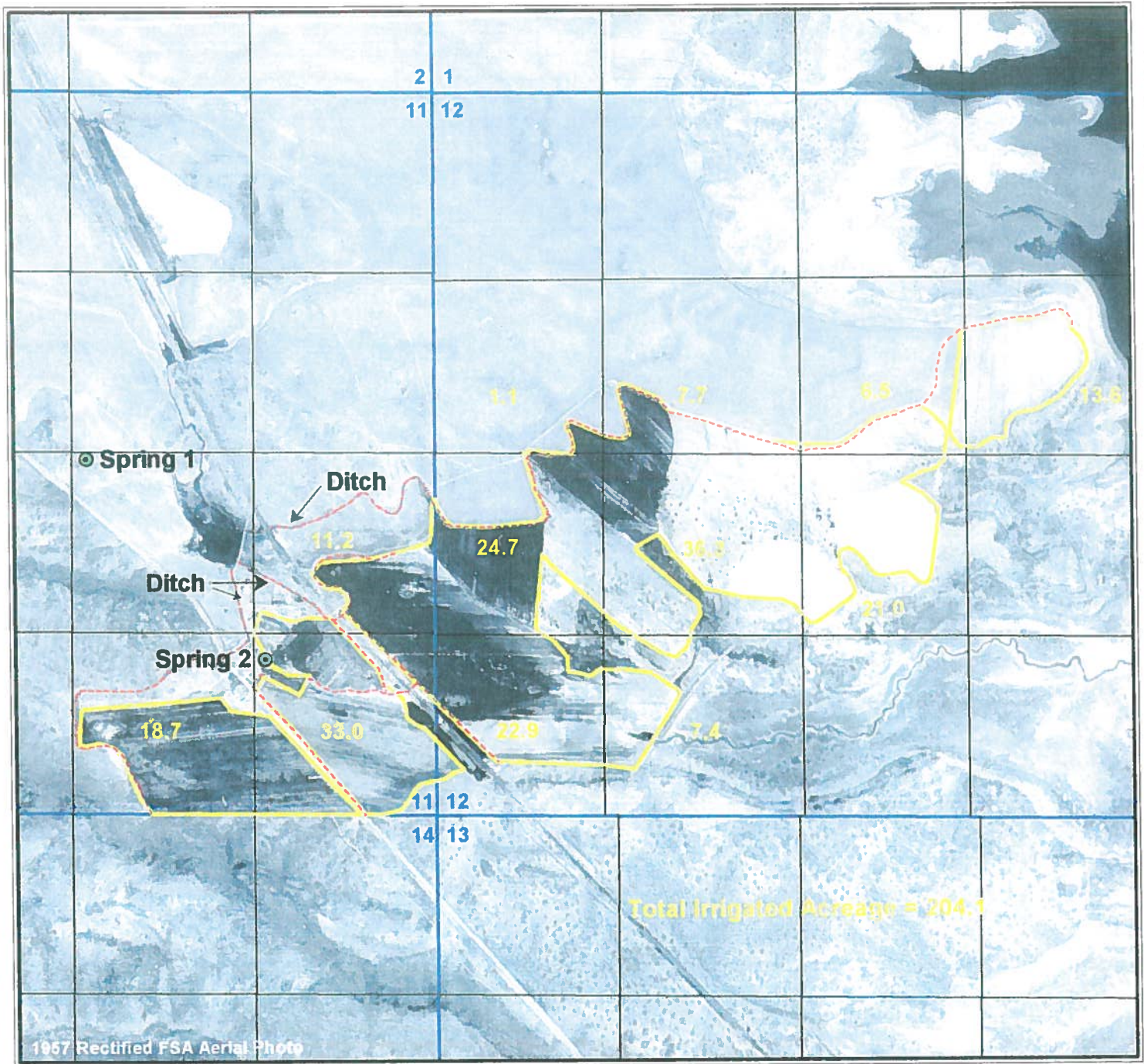
Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

LEAVE - MAGIC RANCH IRRIGATION 1957 AND EARLIER T02S, R17E



800 0 800 1600 2400 3200 Feet

- Irrigated Acres (1957)
- Ditch
- Section Lines
- Quarter Section Lines



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: A37-11989
Date Received: 10/25/1988
Receipt No: C003051
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEAVELL AND LEAVELL
Address: C/O LEAVELL CATTLE
BOX 54
GOODING, ID 83330

AND/OR

Name: A. B. LEAVELL
Address: P.O. BOX 54
GOODING, ID 83330

2. Date of Priority: MAY 09, 1911

3. Source: SPRING Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02S	17E	11	NW	NW	SE		CAMAS

5. Description of diverting works:
SPRING, DITCHES TO PONDS, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	01/01	12/31	1.700		
IRRIGATION STORAGE	01/01	12/31			30.00
IRRIGATION FROM STORAGE	01/01	12/31			30.00

7. Total Quantity Appropriated is:
1.700 C.F.S. (and/or) 30.00 A.F.A.

8. Total consumptive use is 212.5 Acre Feet Per Annum.

9. Non-irrigation uses:

A37-11989

Page 1

Date: 01/31/90

MICROFILMED

FEB 25 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	17E	11	NE	SE		IRR	20.0
						Section Acres	20.0
		12	NE	SW		IRR	15.0
			NW	SW		IRR	30.0
			NW	SE		IRR	20.0
						Section Acres	65.0
						Total Acres	85.0

11. Place of use in counties: CAMAS, BLAINE

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

13. Other Water Rights Used:
A37-02211

14. Remarks:

EVIDENCE OF THE EXISTENCE OF THIS WATER RIGHT IS FOUND IN THE
CORRESPONDENCE WITHIN 37-02211 WHERE THE SOURCE IS IDENTIFIED AS
SPRING NO. 2.

15. Basis of Claim: BENEFICIAL USE
Water Right Number: 7419

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 _____

MICROFILMED
FEB 25 1993

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: A37-11989

Date Received: 10/25/88

Receipt No: 0003051

Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEAVELL AND LEAVELL
Address: C/O LEAVELL CATTLE
BOX 54
GOODING, ID

83330

2. Date of Priority: MAY 09, 1911

3. Source: SPRING

Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02S	17E	11	NW	NW	SE		CAMAS

5. Description of diverting works:
SPRING, DITCHES TO PONDS, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	01/01	12/31	1.700		
IRRIGATION STORAGE	01/01	12/31			30.00
IRRIGATION FROM STORAGE	01/01	12/31			30.00

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

30.00 A.F.A.

8. Total consumptive use is

212.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	17E	11	NE	SE		IRR	20.0

Section Acres 20.0

A37-11989

Page

1

Date: 10/25/88

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FEB 25 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02S	17E	12	NE	SW	IRR	15.0
			NW	SW	IRR	30.0
			NW	SE	IRR	20.0
					Section Acres	65.0
					Total Acres	85.0

11. Place of use in counties: CAMAS, BLAINE

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

13. Other Water Rights Used:
A37-02211

14. Remarks:

EVIDENCE OF THE EXISTENCE OF THIS WATER RIGHT IS FOUND IN THE
CORRESPONDENCE WITHIN 37-02211 WHERE THE SOURCE IS IDENTIFIED AS
SPRING NO. 2.

15. Basis of Claim: BENEFICIAL USE
Water Right Number: 7419

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): RB Zivane Date: 10-25-88
_____ Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 25 day
of October 19 88

[Signature]
Notary Public

Seal

Residing at Boise, ID
My Commission Expires June 10, 1994

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 37-11989
Date Received: 10/25/1988
Receipt No: C003051
Received By:

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

1. Name of Claimant(s)

LONNIE LEAVELL Phone: (208)934-8543

PO BOX 54
GOODING ID USA 83340

2. Date of Priority: 05/09/1911

3. Source: SPRINGS Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02S	17E	11	NW NW SE	CAMAS	
02S	17E	11	NW SE SE	CAMAS	

5. Description of diverting works:

SPRING #1 AND #2 TO REGULATION PONDS AND DITCHES, TO GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	01/01	12/31	4.08	
IRRIGATION STORAGE	01/01	12/31		30

7. Total Quantity Appropriated is:
4.08 C.F.S. and/or 30 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
02S	17E	11	NE	SE	IRRIGATION	11.2
			SE	SE	IRRIGATION	33
			SW	SE	IRRIGATION	18.7
Section Acres						62.9
02S	17E	12	SW	NE	IRRIGATION	6.5
			SE	NE	IRRIGATION	13.6
			SW	NW	IRRIGATION	1.1
			SE	NW	IRRIGATION	7.7
			NE	SW	IRRIGATION	36.3
			NW	SW	IRRIGATION	24.7
			SW	SW	IRRIGATION	22.9
			SE	SW	IRRIGATION	7.4
			NW	SE	IRRIGATION	21
Section Acres						141.2
Total Acres						204.1

11. Place of use in counties: CAMAS, BLAINE

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

13. Other Water Rights Used:

14. Remarks:

3/8/02, DJ: THIS CLAIM CORRECTS THE PLACE OF USE TO REFLECT 204.1 AC IRRIGATED FROM THE TWO SPRINGS, BASED ON 1957 AERIAL PHOTO. LIC 37-2211 WAS ORIGINALLY ISSUED FOR 85 AC FROM SPRING #1. BOTH SPRINGS WERE USED WITH A SYSTEM OF DITCHES TO IRRIGATE 204.1 AC TOTAL. THIS CLAIM ALSO INCLUDES 30 AC-FT OF IRRIGATION STORAGE IN REGULATION PONDS AT EACH SPRING HEAD.

EVIDENCE OF THE EXISTENCE OF THIS WATER RIGHT IS FOUND IN THE CORRESPONDENCE WITHIN 37-02211 WHERE THE SOURCE IS IDENTIFIED AS SPRING NO. 2.

15. Basis of Claim: Beneficial Use

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

RAL ADJUDICATION

CIVIL CASE NUMBER: 39576

TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

Ident. Number: A37-11989

Date Received: 10/25/1988

Receipt No: C003051

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEAVELL AND LEAVELL
Address: C/O LEAVELL CATTLE
BOX 54
GOODING, ID 83330

AND/OR

Name: A. B. LEAVELL
Address: P.O. BOX 54
GOODING, ID 83330

2. Date of Priority: MAY 09, 1911

3. Source: SPRING Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02S	17E	11	NW	NW	SE		CAMAS

5. Description of diverting works:
SPRING, DITCHES TO PONDS, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	01/01	12/31	1.700		
IRRIGATION STORAGE	01/01	12/31			30.00
IRRIGATION FROM STORAGE	01/01	12/31			30.00

7. Total Quantity Appropriated is:
1.700 C.F.S. (and/or) 30.00 A.F.A.

8. Total consumptive use is 212.5 Acre Feet Per Annum.

9. Non-irrigation uses:

A37-11989

Page 1

Date: 01/31/90

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FEB 25 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02S	17E	11	NE	SE	IRR	20.0
					Section Acres	20.0
		12	NE	SW	IRR	15.0
			NW	SW	IRR	30.0
			NW	SE	IRR	20.0
					Section Acres	65.0
					Total Acres	85.0

11. Place of use in counties: CAMAS, BLAINE

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

13. Other Water Rights Used:
A37-02211

14. Remarks:

EVIDENCE OF THE EXISTENCE OF THIS WATER RIGHT IS FOUND IN THE
CORRESPONDENCE WITHIN 37-02211 WHERE THE SOURCE IS IDENTIFIED AS
SPRING NO. 2.

15. Basis of Claim: BENEFICIAL USE
Water Right Number: 7419

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 _____

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: A37-11989

Date Received: 10/25/88

Receipt No: C003051

Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEAVELL AND LEAVELL
Address: C/O LEAVELL CATTLE
BOX 54
GOODING, ID

83330

2. Date of Priority: MAY 09, 1911

3. Source: SPRING

Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02S	17E	11	NW	NW	SE		CAMAS

5. Description of diverting works:
SPRING, DITCHES TO PONDS, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	01/01	12/31	1.700		
IRRIGATION STORAGE	01/01	12/31			30.00
IRRIGATION FROM STORAGE	01/01	12/31			30.00

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

30.00 A.F.A.

8. Total consumptive use is

212.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
02S	17E	11	NE	SE		IRR	20.0

Section Acres 20.0

A37-11989

Page

1

Date: 10/25/88

MICROFILMED

FEB 25 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02S	17E	12	NE SW		IRR	15.0
			NW SW		IRR	30.0
			NW SE		IRR	20.0
					Section Acres	65.0
					Total Acres	85.0

11. Place of use in counties: CAMAS, BLAINE

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

13. Other Water Rights Used:
A37-02211

14. Remarks:

EVIDENCE OF THE EXISTENCE OF THIS WATER RIGHT IS FOUND IN THE
CORRESPONDENCE WITHIN 37-02211 WHERE THE SOURCE IS IDENTIFIED AS
SPRING NO. 2.

15. Basis of Claim: BENEFICIAL USE
Water Right Number: 7419

MICROFILMED
FEB 25 1993

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): AB Zivone Date: 10-25-88
_____ Date: _____

State of Idaho)
County of Ada) SS.

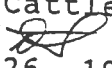
Subscribed and sworn (or affirmed) before me this 25 day
of October 19 88

[Signature]
Notary Public

Seal

Residing at Boise, ID
My Commission Expires June 10, 1994

MEMORANDUM

To: Mr. Lonnie Leavell
Leavell Cattle
From: D. Shaff 
Date: October 26, 1988
Re: Signature(s)

Lonnie, I should not have been swayed by what happened in Gooding as to the proper signature(s), in my opinion, for the claims you submitted yesterday, October 25, 1988. Some change or another signature will be required in one of the following manners:

If the co-tenants are filing as individuals and the names are joined by and, all tenants and claimants must sign the claim(s). If the individuals are joined by or or and/or, only one of the individuals must sign.

If the co-tenants are operating as a business under the claimant name, the authorized agent of the business must sign in the organization block. If Leavell and Leavell is a partnership, I believe the organization block would be appropriate.

As the claims are filed now, short of the well claim A37-07395, the signature on the claim is not proper for the name appearing at the top of the claim. Please make the appropriate change to the claims to correct the deficiency. Of the computer generated claims, new copies have been enclosed if they are needed for the organization block. Thanks for your troubles.

MICROFILMED

FEB 25 1993

07/13/2009

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

RIGHT NUMBER: 37-11989

NAME AND ADDRESS: BLACK BUTTE HILLS LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009

SPECK & AANESTAD
JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

SF5:

Signed SCC
9/4/09

out Atty ✓

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 1.700 CFS

Right Nos. 37-2211 and 37-11989 are limited to a total combined diversion rate of 1.70 cfs.

The capacity of the storage reservoir is 20.5 AF. The reservoir may be refilled multiple times in a single year.

PRIORITY DATE: 04/15/1957

POINT OF DIVERSION:

T02S R17E S11 NWNWSE Within CAMAS County

T02S R17E S11 NWSESE Within CAMAS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DIVERSION TO STORAGE	01/01 12/31	1.700 CFS
IRRIGATION STORAGE	01/01 12/31	
IRRIGATION FROM STORAGE	04/15 10/31	

PLACE OF USE: IRRIGATION FROM STORAGE in BLAINE County and CAMAS County

T02S R17E S01	SWNW	9.00	T02S R17E S01	NWSW	34.00
T02S R17E S01	SWSW	39.00	T02S R17E S02	SENE	0.40
T02S R17E S02	SWSW	1.50	T02S R17E S02	SESW	30.00
T02S R17E S02	NESE	33.00	T02S R17E S02	NWSE	3.10
T02S R17E S02	SWSE	37.00	T02S R17E S02	SESE	40.00
T02S R17E S11	NENE	40.00	T02S R17E S11	NWNE	34.00
T02S R17E S11	SWNE	28.00	T02S R17E S11	SENE	33.00
T02S R17E S11	NENW	34.00	T02S R17E S11	SENW	15.00
T02S R17E S11	NESE	20.00	T02S R17E S11	NWSE	12.00
T02S R17E S11	SWSE	19.00	T02S R17E S11	SESE	27.00
T02S R17E S12	SWNE	20.00	T02S R17E S12	NENW	19.00
T02S R17E S12	NWNW	40.00	T02S R17E S12	SWNW	40.00
T02S R17E S12	SENW	38.00	T02S R17E S12	NESW	38.00
T02S R17E S12	NWSW	40.00	T02S R17E S12	SWSW	28.00
T02S R17E S12	SESW	11.00	T02S R17E S12	NWSE	24.00

787 ACRES TOTAL

07/13/2009

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

Irrigation from storage is not limited but currently confined to the place of use described above.

The rights listed below are limited to the irrigation of a combined total of 787 acres in a single irrigation season. Combined Right Nos.: 37-2211, 37-11989, 37-20556, 37-20563, & 37-20568.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Clelland, Steve

From: Charles G. Brockway [charles.g.brockway@brockwayeng.com]
 Sent: Wednesday, July 08, 2009 12:00 PM
 To: Clelland, Steve
 Cc: Jim Speck
 Subject: Black Butte 37-11898 et al.
 Attachments: 1957 Aerial w-ponds 7-8-09.jpg; Magic Ranch north pond.pdf

Steve,

I finally was able to do the field work and make some estimates of pond volume. The north pond was surveyed and I calculated a volume of 12.1 acre-feet with the water at the high water mark (see attached map).

The ponds fed by the south spring could not be surveyed since they were nearly full. I estimated the volume of those based on an average depth of 2 feet for the pond at the springhead (3' at the embankment, 1' at the west end), and an average depth of 4 feet for the pond against the old railroad grade. This pond appears to be quite deep and may have been deeper based on high water marks. Total estimated volume for these two ponds is 8.4 ac-ft.

The total volume from the two springs would be 20.5 ac-ft based on this analysis.

Let me know what you think. There is a status conference at 2:00, so hopefully we can report some progress!

Chuck

Charles G. Brockway, Ph.D., P.E.

Brockway Engineering, PLLC
 2016 Washington Street North, Suite 4
 Twin Falls, Idaho 83301
 (208) 736-8543
charles.g.brockway@brockwayeng.com

Summary:

Pond #1: 12.1 AF

#2: 8.4 AF

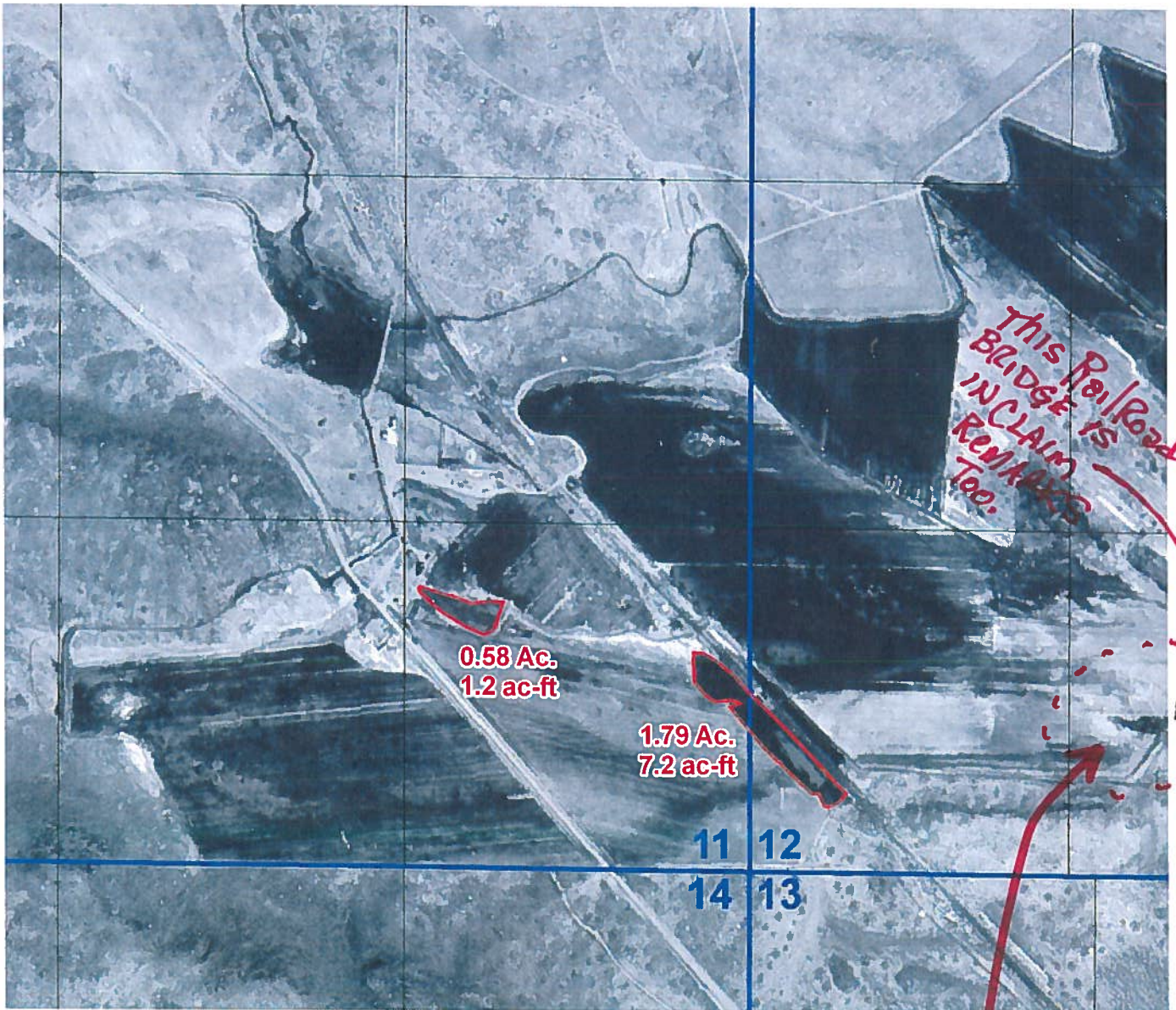
total: 20.5 AF

De Minimis Vol.

$$\left(\frac{0.02 \text{ cfs}}{\text{cfs}} \times \frac{1.9835 \text{ AF}}{\text{cfs}} \right) = \left(\frac{0.39 \text{ AF}}{\text{day}} \times \frac{365 \text{ day}}{\text{yr.}} \right) = \underline{\underline{14.5 \text{ AFA}}}$$

* typically = 14.6 AF

7/9/2009



1 inch equals 600 feet

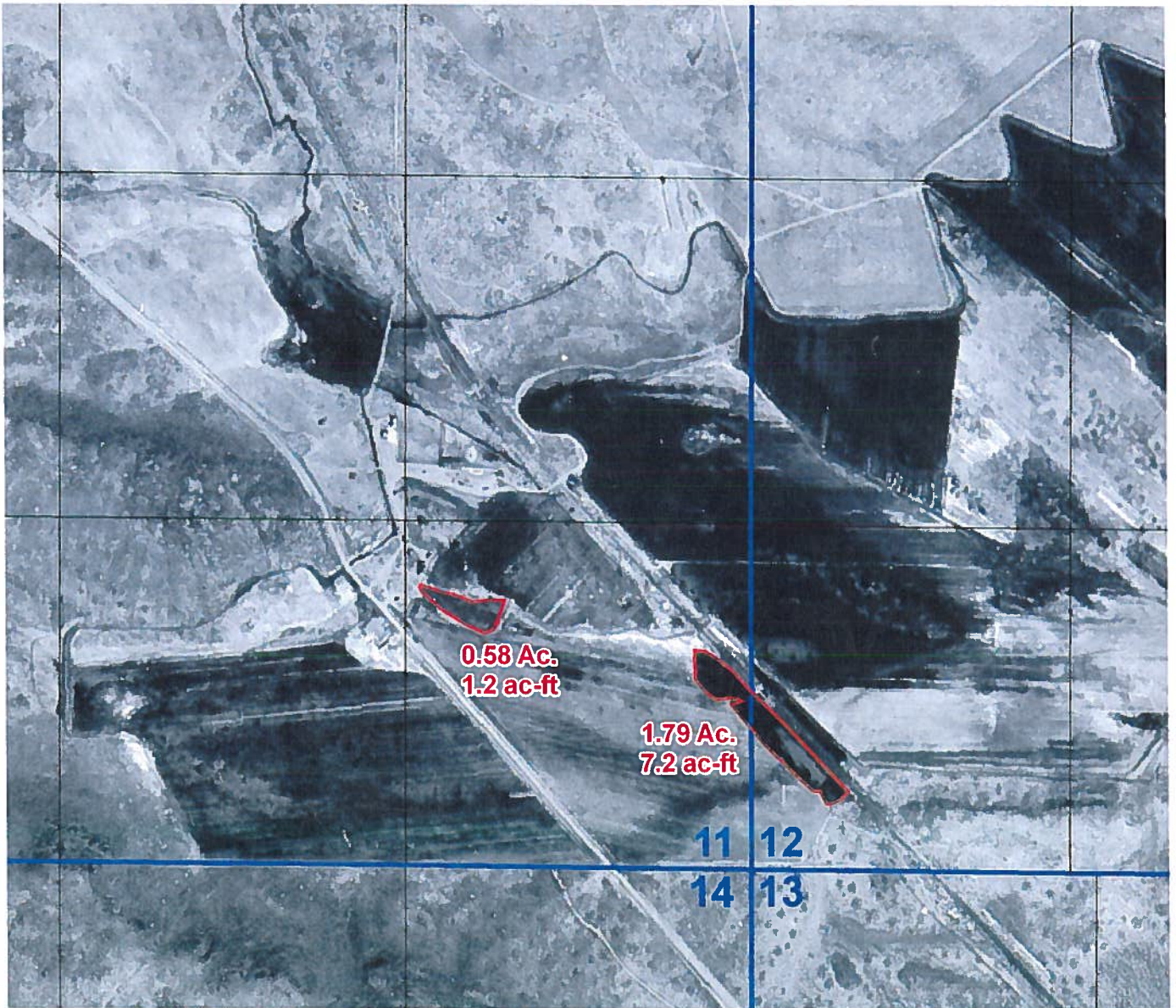
Notes
see 7/13/09

MAGIC RANCH
PONDS AT SOUTH SPRING
1957 FSA Aerial

This Pond Appears to
Be CLAIMED IN
37-11989.

Legend

- Sections.shp
- Quad 02s 17e
- Ponds

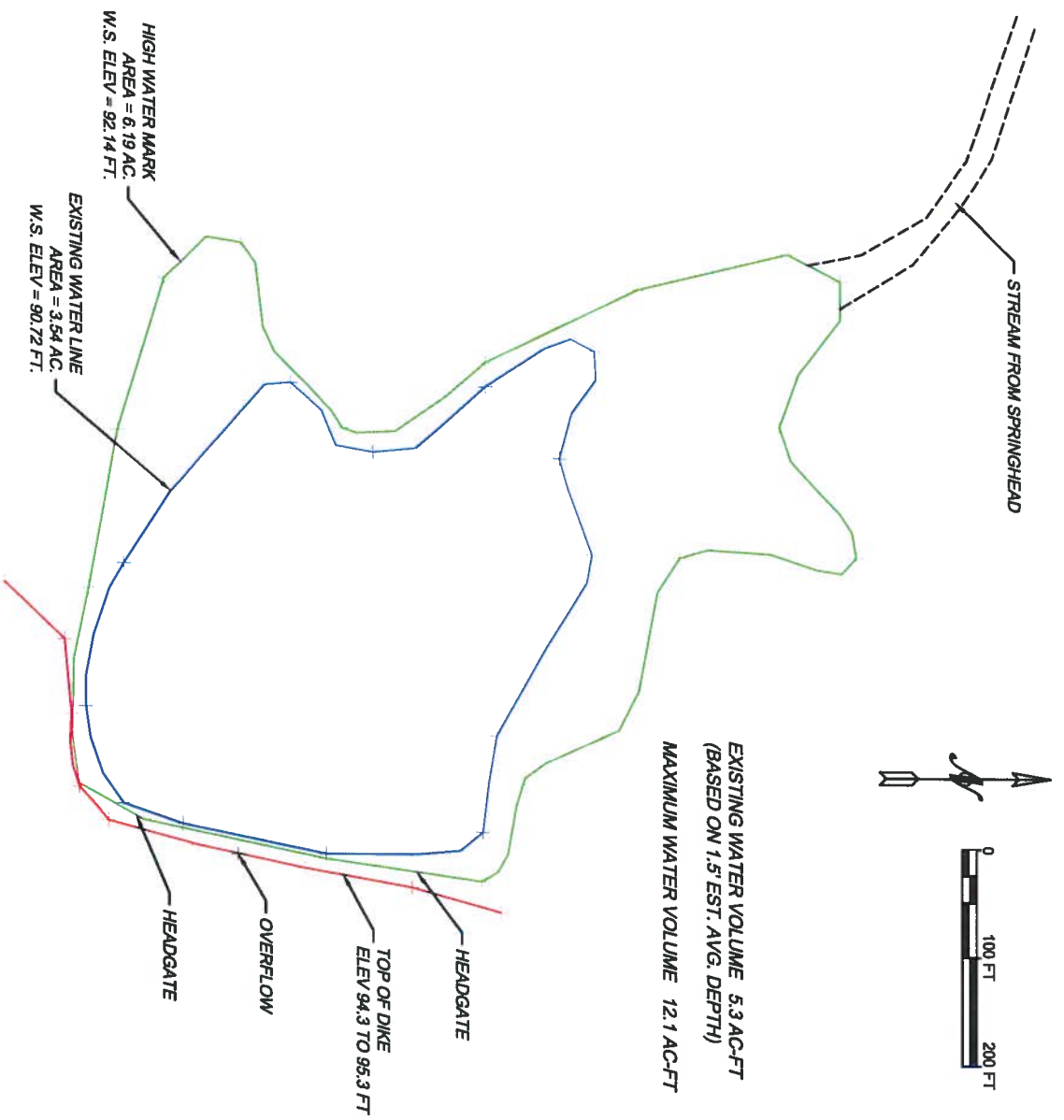


**MAGIC RANCH
PONDS AT SOUTH SPRING
1957 FSA Aerial**

Legend

- Sections.shp
- Quad 02s 17e
- Ponds





BLACK BUTTE HILLS, LLC
MAGIC RANCH NORTH STORAGE RESERVOIR

SURVEY JULY 7, 2009 BY BROCKWAY ENGINEERING
 PRELIMINARY FOR DISCUSSION PURPOSES

03/31/2009

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

RIGHT NUMBER: 37-11989

NAME AND ADDRESS: BLACK BUTTE HILLS LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009

SPECK & AANESTAD
JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 1.700 CFS

Right Nos. 37-2211 and 37-11989 are limited to a total combined diversion rate of 1.70 cfs.

The capacity of the storage reservoir is 8.1 AF. The reservoir may be refilled multiple times in a single year.

PRIORITY DATE: 04/15/1957

POINT OF DIVERSION:

T02S R17E S11 NWNWSE Within CAMAS County

T02S R17E S11 NWSESE Within CAMAS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DIVERSION TO STORAGE	01/01 12/31	1.700 CFS
IRRIGATION STORAGE	01/01 12/31	
IRRIGATION FROM STORAGE	04/15 10/31	

PLACE OF USE: IRRIGATION FROM STORAGE in BLAINE County and CAMAS County

T02S R17E S01	SWNW	9.00	T02S R17E S01	NWSW	34.00
T02S R17E S01	SWSW	39.00	T02S R17E S02	SENE	0.40
T02S R17E S02	SWSW	1.50	T02S R17E S02	SESW	30.00
T02S R17E S02	NESE	33.00	T02S R17E S02	NWSE	3.10
T02S R17E S02	SWSE	37.00	T02S R17E S02	SESE	40.00
T02S R17E S11	NENE	40.00	T02S R17E S11	NWNE	34.00
T02S R17E S11	SWNE	28.00	T02S R17E S11	SENE	33.00
T02S R17E S11	NENW	34.00	T02S R17E S11	SENW	15.00
T02S R17E S11	NESE	20.00	T02S R17E S11	NWSE	12.00
T02S R17E S11	SWSE	19.00	T02S R17E S11	SESE	27.00
T02S R17E S12	SWNE	20.00	T02S R17E S12	NENW	19.00
T02S R17E S12	NWNW	40.00	T02S R17E S12	SWNW	40.00
T02S R17E S12	SENW	38.00	T02S R17E S12	NESW	38.00

PowD: #1-12.1A

#2-8.4

20.5 AF

20.5 AF

Per CGB.
Review
email
7-8-9

03/31/2009

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

T02S R17E S12	NWSW	40.00	T02S R17E S12	SWSW	28.00
T02S R17E S12	SESW	11.00	T02S R17E S12	NWSE	24.00

787 ACRES TOTAL

Irrigation from storage is not limited but currently confined to the place of use described above.

The rights listed below are limited to the irrigation of a combined total of 787 acres in a single irrigation season. Combined Right Nos.: 37-2211, 37-11989, 37-20556, 37-20563, & 37-20568.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Revised Update:

3/31/09 SCC

DRAFT

10/25/2006

V2

IDaho DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-11989
NAME AND ADDRESS: BLACK BUTTE HILLS LLC
PO BOX 1607
BELLEVUE WA 98009

SOURCE: SPRING

QUANTITY: 4.080 CFS

PRIORITY DATE: 04/15/1957

POINT OF DIVERSION:

SPRINGS #1 T02S R17E S11 NWNWSE Within CAMAS County
#2 T02S R17E S11 NWESE Within CAMAS County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DIV to IRR. STORAGE / IRR. FROM STOR.
PLACE OF USE: IRRIGATION Within BLAINE County

T02S R17E S01	SWNW	9.00	T02S R17E S01	NWSW	34.00
T02S R17E S01	SWSW	39.00	T02S R17E S02	SENE	0.40
T02S R17E S02	SWSW	1.50	T02S R17E S02	SESW	30.00
T02S R17E S02	NESE	33.00	T02S R17E S02	NWSE	3.10
T02S R17E S02	SWSE	37.00	T02S R17E S02	SESE	40.00
T02S R17E S11	NENE	40.00	T02S R17E S11	NWNE	34.00
T02S R17E S11	SWNE	28.00	T02S R17E S11	SENE	33.00
T02S R17E S11	NENW	34.00	T02S R17E S11	SENW	15.00
T02S R17E S11	NESE	20.00	T02S R17E S11	NWSE	12.00
T02S R17E S11	SWSE	19.00	T02S R17E S11	SESE	27.00
T02S R17E S12	SWNE	20.00	T02S R17E S12	NENW	19.00
T02S R17E S12	NWNW	40.00	T02S R17E S12	SWNW	40.00
T02S R17E S12	SENW	38.00	T02S R17E S12	NESW	38.00
T02S R17E S12	NWSW	40.00	T02S R17E S12	SWSW	28.00
T02S R17E S12	SESW	11.00	T02S R17E S12	NWSE	24.00

787 ACRES TOTAL

This right is limited to the irrigation of 204 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 787 acres in a single irrigation season. Combined Right Nos.: 37-2211, 37-11989, 37-20556, 37-20563, & 37-20568.

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.

No lawful appropriation shown.

SINKS DISALLOWED

TRIBUTARY UNNAMED STREAM

combined limit 1.7 cfs = 85"

1.70 cfs

ADD

AFA

8.7 AF

8.1 AF

Capacity

Do Not Scan

Combined

-2211 & 11989

204.1 AC

119.1

Enlargement Remarks

2/4/09 10AM

phone w/ Chuck B. JR.

736-8543

(w/speck)

10/25/2006

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

Would it
let Lee P.
on prop.
for Exam

DRAFT NOTES

2/13/09 SCC

37-2211

1.7 cfs

85 AC

(PPU 787 AC)

K06 = 85 AC.

POD: S.11 NESESE

27-11989

claimed: (1911)

408 cfs

1957 map

Brockway calc.

show 204.1 AC

37-11989

1.7 cfs

• DIV. to Storage

• IRRIG. STORAGE

POD: SPRINGS

#1 S.11 NWNWSE (upper)

#2 S.11 NWSESE (Lower)

STORAGE PONDS:

< see NOTES IN 37-12000 > (3/24/09)

#1 - 6.0 AF

#2 - 2.1 AF

8.1 AF

(#3 - NOT used with this Right)

3/31/09 Storage Rem. defining POU Acres:

Based on
T. #73518

37-2778 11/22/07

VOLUME CAP: 204.1 AC * 3.5 AFA = 714.4 AFA

1.7 cfs * 1.9835 * 214 = 721.6 AFA

Black Butte Review:

SCC
6-26-08

TOTAL Ac. Shape = 787 Ac.

	(Rec'd)	(Rec'd)
<u>37 - 2211</u>	85 AC SPRING	1.70 cfs
(1911)		

(5/9/1911) - 11989
4.08

claim: 204.1 Ac
< see claim Remarks by DJ 3/8/02 >
- original SRBA claim = 37-2211 (1988)

Based on
Ac # 37-7395
810 Ac.) - 20556 768.3 Ac. GW 9.34 cfs
(1974) (w/ supplement H₂O)
* limit: ^{spring?} - 0.03 cfs/Ac

" - 20563 15.7 Ac GW 0.19 cfs
(1974) (w/supp)
* limit - 0.03 cfs/Ac

" - 20568 3.0 Ac GW 0.04 cfs
(1974) (w/supp) 781 Ac.
* limit - 0.03 cfs/Ac

RAW Total REC'd AC: 872 Ac. RAW: 11.24

total limit: 787 GW cfs/Ac = 0.019

proposed cfs:
11.24 (Rec'd)
+ 4.08 (claim-11989)
15.32 cfs ($\div 787_{Ac} = 0.019 \text{ cfs/Ac}$)
w/surface: 0.019 cfs

37-11989 (filed SRBA 1988)

Report of ENG. 8-18-1915

2 SPRINGS - 3.2 cfs (via Permit)
★ Proof made of B.U. of Permit: 1.7 cfs
POD: #1 SESE S.11 ON 7-8-1915
#2 NWSE S.11

1914 both springs used
1915 #2 - dry #1 - 20"
★ License issued for #1 of 1.7 cfs
ENG. Rep. described POU: 105 AC.
but only Lic. for 85 AC
[85" (1.7 cfs) on 85 AC]
★ Best possible
priority date:
1914/15
Actual B.U.
Not Established
By Records in
37-2211

BROOKWAY memo: Re: MAGIC Ranch 2/26/0:

1957 - AERIAL photo

1987 - Spr #2 irrigates 50 ACRES

1988 - large ponds constructed = STORAGE
(TRANS: #11 #12)

1994 - system upgrade = PPU

★ No confirmation of spr. #2 flows or irrigated A
in Permit/Proof files. No Proof of 4.08 cfs

WHAT?

LIC/ENG. Report of POU appears to be
Acres under Spr. #2 ditches... No Acres
under Spr. #1 ditches are in final Lic.



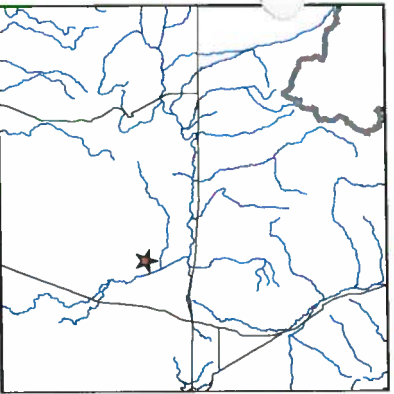
Idaho Department of Water Resources

SRBA Recommendation:

37-2211
37-11989
37-20556
37-20563
37-20568

Legend

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

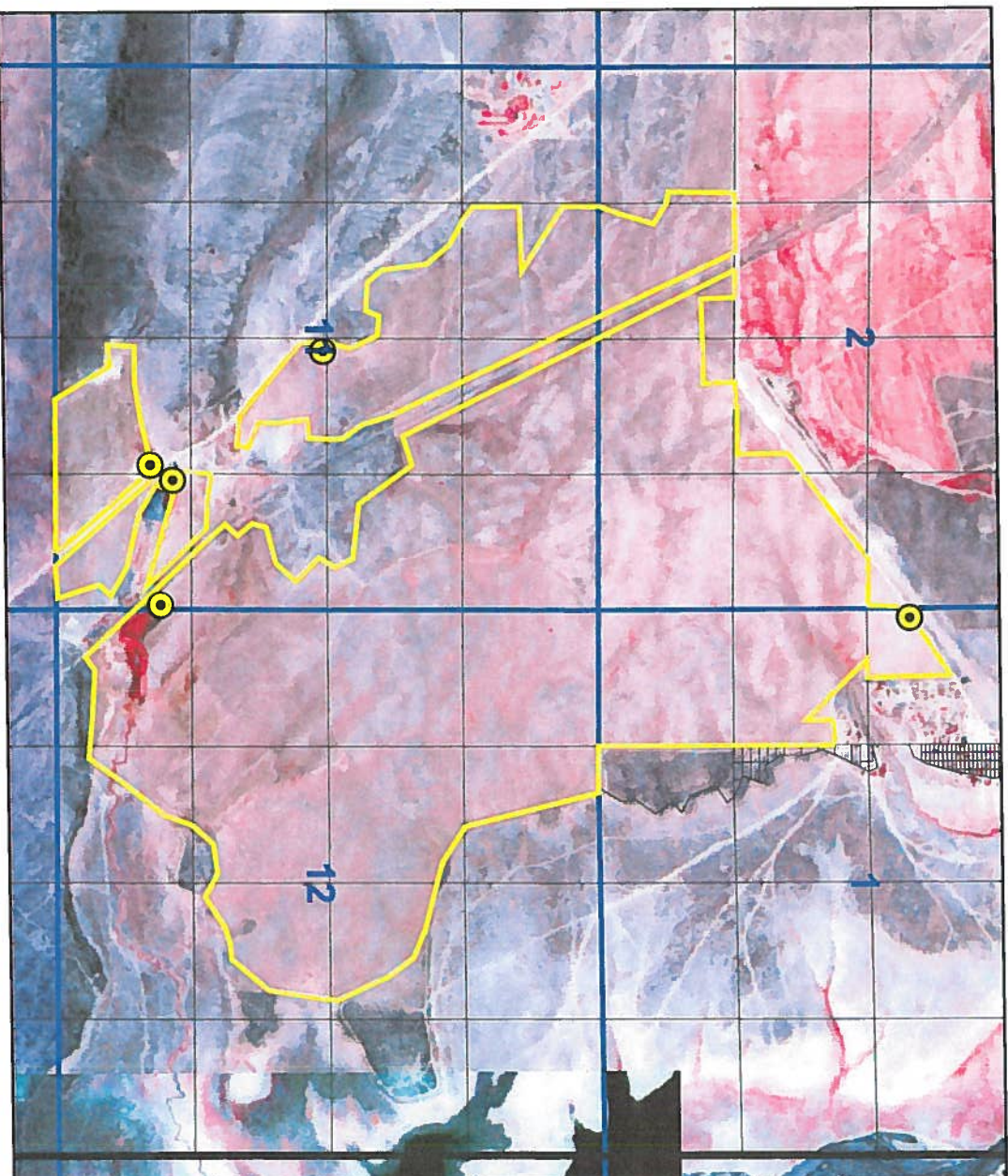


Camas, Blaine Counties
IDWR Basin 37



T02S

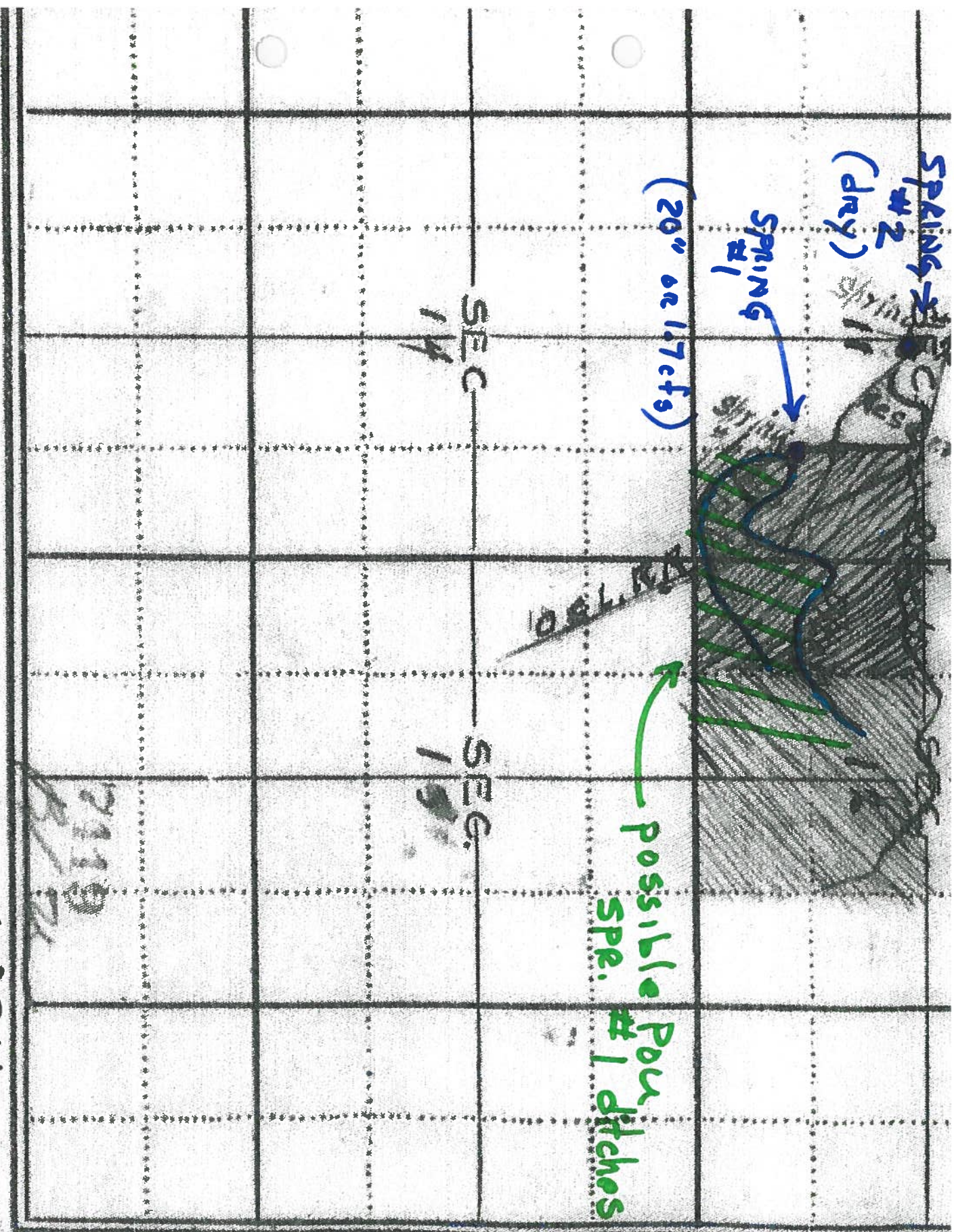
R17E



0 0.25 0.5 Miles

Prepared by M. Anders
On Tuesday, October 3, 2006
1987/88 Aerial Photography

37-2211
Report of ENG.



SCALE: 2 INCHES=1 MILE DRAW PLAN IN INK.

COPY

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

In Re SRBA	)	A. Subcase 37-11989
	)	
Case No. 39576	)	STANDARD FORM 1
	)	OBJECTION
	)	
_____	)	

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Black Butte Hills LLC
Address: c/o Gregory Vik
P.O. Box 1607
Bellevue, WA 98009
Daytime Phone: (425) 460-2542

Name & Address of Attorney, if any:
James P. Speck
SPECK & AANESTAD
A Professional Corporation
PO Box 987
Ketchum, ID 83340

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

Name: Black Butte Hills LLC
Address: PO Box 1607
Bellevue, WA 98009

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

1. ☒ **Name and Address**
Should be: Black Butte Hills LLC, c/o Gregory Vik, P.O. Box 1607, Bellevue, WA 98009
2. ☒ **Source**
Should be: springs tributary to Big Wood River
3. ☒ **Quantity**
Should be: 4.08 cfs/30AF
4. ☒ **Priority Date**
Should be: 05/09/1911
5. ☒ **Point(s) of Diversion**
Should be: NWNWSE and NWSESE, S.11, T.2S., R.17E., B.M., Camas County, Idaho
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be: irrigation and irrigation storage
8. ☒ **Period of Year**
Should be: irrigation - 4/15 to 10/31; irrigation storage - 1/1 to 12/31
9. ☒ **Place of Use**
Should be: 204.1 acres in locations specified in notice of claim
10. **I object because:**
 - ☐ This water should not exist.
 - ☒ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** see Exhibits A and B

F. VERIFICATION (Must be completed)

State of Idaho)
) ss.
County of Blaine)

James P. Speck, being first duly sworn, upon oath, deposes and says:

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

(Signature of person filing objection)

J. P. Speck
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 16, 2007



Jeanne Farnea
Notary Public for Idaho
Residing at Shoshone, Idaho
My Commission expires 05/05/09

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on April 17, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

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

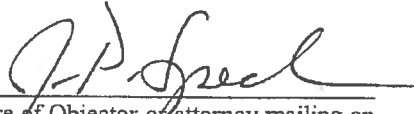
Name: Black Butte Hills LLC
Address: c/o Gregory Vik
P.O. Box 1607
Bellevue, WA 98009

3. Copies to:

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

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

United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of Objector or attorney mailing on
Objector's behalf

Right No. 37-11989
Black Butte Hills, LLC

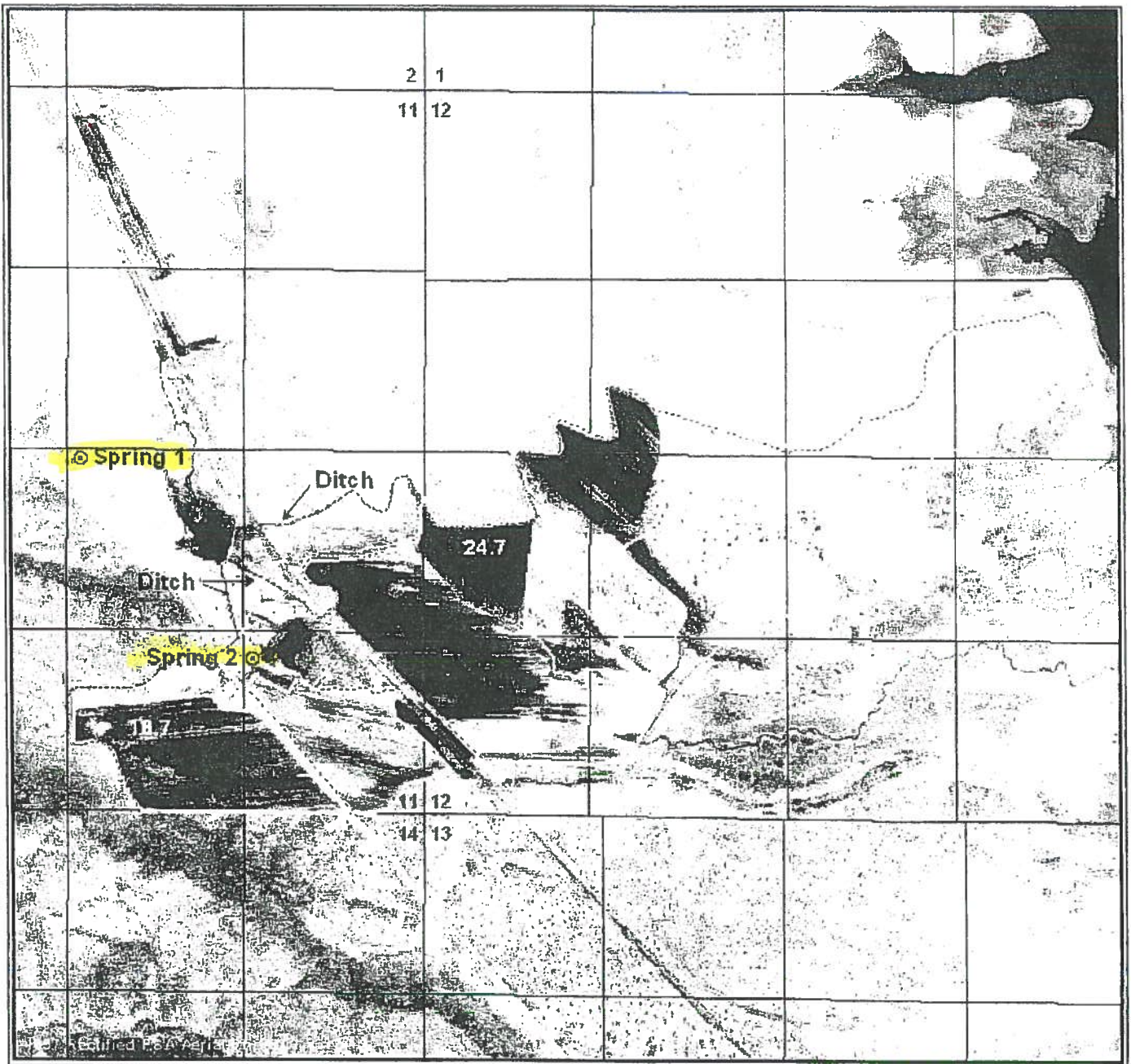
This is an enlargement claim based on license 37-2211. Zachariah Spellman acquired permit No. 7419 to appropriate 6.4 cfs of water for 320 acres. Spellman transferred the land and the permit to George Starcher in 1915. Certificate of Completion of Works was made by the State Engineer on January 22, 1915, who also identified two points of diversion (Spring Nos. 1 and 2) and stated the diversion capacity to be 3.2 cfs. The State Engineer's field report was conducted on August 18, 1915, and indicated two points of diversion, 3.2 cfs capacity, and 105 acres irrigated. For an unknown reason, the license was issued on September 8, 1915 for a single point of diversion (Spring No. 1), 85 acres of irrigation, and 1.7 cfs. The State Engineer's field report map seems to indicate significantly more than 85 acres and also denotes the two points of diversion. It appears that the license was in error both in omitting one point of diversion and in allowing only 85 acres. In fact, most of the licensed land cannot be reached from Spring No. 1 by gravity.

The 1957 aerial photo is the earliest known photo covering the property. It clearly indicates 204 acres irrigated from both springs. The ditch configuration in 1957 appears to be the same as indicated on the State Engineer's map from 1915, with the possible exception of the SWSE11 and SENE12 areas comprising about 44 acres, which may have been the result of expanding the ditch system westward and eastward. The inference could be made that the actual development of the original permit was close to the development shown on the 1957 photo. At least, the 44 acres described above should have a later priority date (maybe 1957 since that's the earliest we can document), but $204 - 44 = 160$ acres should have the 1911 date.

Any known party who could document pre-1957 activities is deceased.

EXHIBIT A

LEAVELL - MAGIC RANCH IRRIGATION 1957 AND EARLIER T02S, R17E



800 0 800 1600 2400 3200 Feet

Irrigated Acres (1957)

Ditch

=====

Section Lines

=====

Quarter Section Lines

Brockway Engineering, PLLC
MLA 2/26/2002

EXHIBIT B



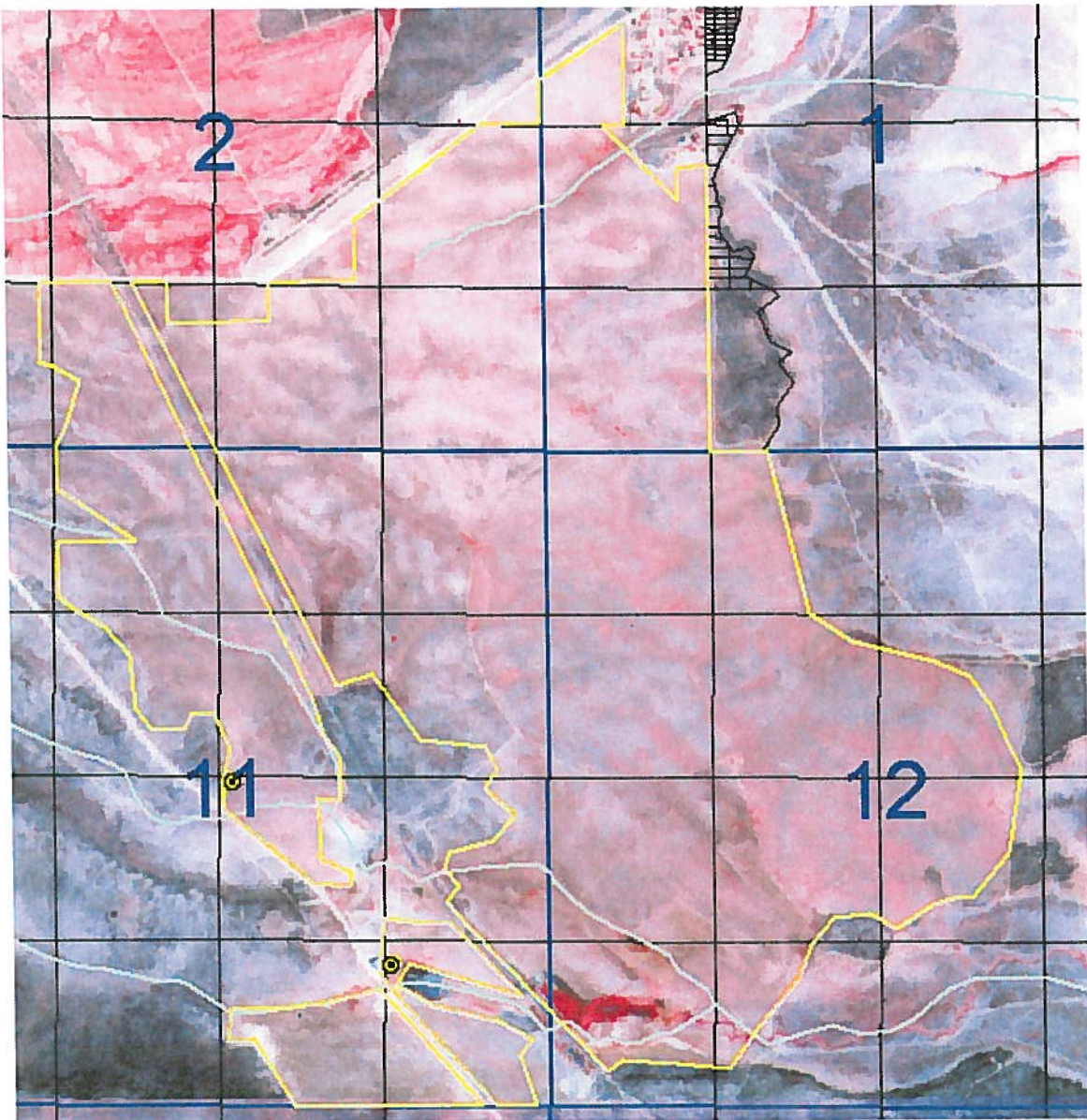
Adjudication Claim Field Exam Notes

Claim(s): 37-11989

Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.
Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.
Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



Notes

- Claimant denied access to property for water measurement. Cannot confirm water use. Claim disallowed.

File No.

37-11989

Black Butte Hills LLC
P O Box 1607
Bellevue, Wash 98009

1/16/06

Today while up by Fairfield I came back by West Magic to where the Old Orie Lavelle Magic Ranch was located to check my memory of the two springs along the road as I had seen before and I drove by the ranch and observed many signs {private property , keep out, no trespassing} so I stopped at a neighbor place and visited with the fellow and inquired if Lavelle place is now Black Butte Hills ranch and he told me he did not recognize this name but he knew Bruce McCaw is the new owner and I told him that the address I have is Mr. McCaw address is Washington , I told him that I was just wanting to GPS these springs, and who I was working for, he said that the two springs are where I said they are and that he also has had a problem with Bruce's foreman and he also informed me that the pumps on the small ponds below the big reservoir has not been used for a long time. While driving around I also observed that the pumps does not look as though they have used for some time and the land has not been watered for a long time . On the file this water from spring 1 & 2 is regulation ponds and ditches, to gravity irrigation, While looking over this land I could see no ditches for irrigation and nothing to gravity irrigation.

The neighbor also informed me that they are just using a Big diesel pump along the west magic town site to irrigate what lands they are using.

NOTICE I called Rod Ganzallas to see if he would help me locate the exact location of these two springs so I could get a GPS reading, photos and measure the flow from these two springs, he informed me I could not measure any water on this property, I told him that I was just here to help them with this file and he informed me that if these springs need a GPS he would do it, I told Rod that I did not want to be a problem , and he told me that he has had two or three court times with IDWR on priority date on land in Gooding and he did not want a problem here . So I did not go onto this property to measure any water , GPS or photo any sites.

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
-------------	----------------	--------------	---------	-----------	-----------

Lee R. Peterson

h129;c
Ranoh

Adjudication Claim Notes

Claim(s): 37-2211, 37-11989, 37-20556, 37-20563, 37-20568

Background Data

37-2211

- Source is Spring tributary to Camas Creek
- Licensed for 1.7 cfs for Irrigation of 85 acres
- Claimed 1.7 cfs for Irrigation of 85 acres

37-11989

- Beneficial Use claim
- Source is Springs tributary to Big Wood River
- Claimed 4.08 cfs for Irrigation of 204.1 acres
- Claimed 30 AF for Irrigation of 204.1 acres

37-20556

- Source is Groundwater
- Licensed for 9.31 cfs and 2304.9 AF for Irrigation of 768.3 acres
- Claimed 9.33 cfs for Irrigation of 768.3 acres

37-20563

- Source is Groundwater
- Licensed for 0.19 cfs and 47.1 AF for Irrigation of 15.7 acres
- Claimed 0.19 cfs for Irrigation of 15.7 acres

37-20568

- Source is Groundwater
- Licensed for 0.04 cfs and 9.0 AF for Irrigation of 3.0 acres
- Claimed 0.037 cfs for Irrigation of 3.0 acres

Place Of Use Data

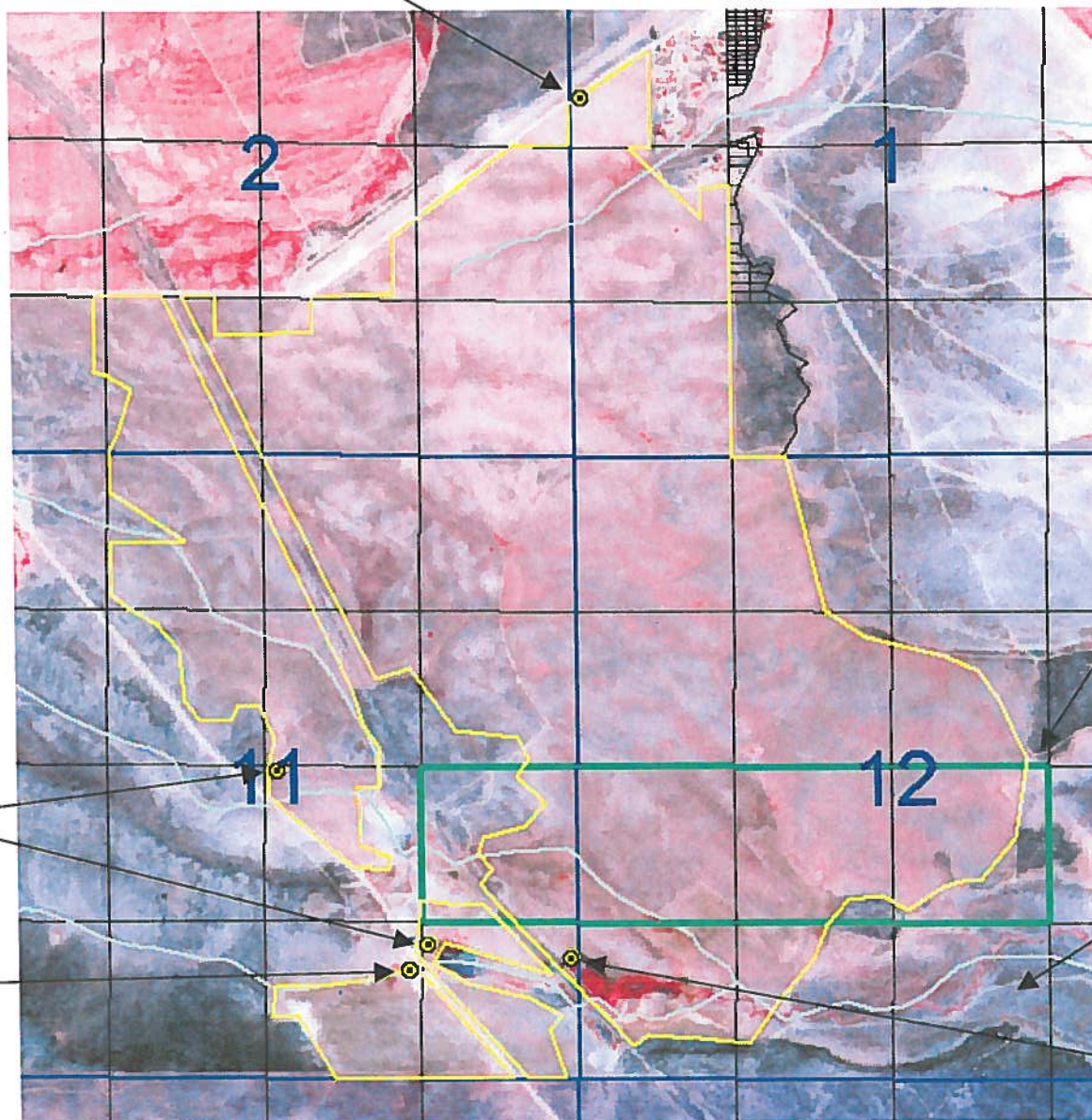
Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo

POD for 37-20556, 37-205663, & 37-20568



Notes

T2S R17E Sections 1, 2, 11, & 12

- PPU created by Allen Merritt for transfer of 37-20556, 37-20563, and 37-20568.
- 37-2211:
 - POD is different from POD on license, assuming accomplished transfer for POD and Source.
 - Source appears to be Spring tributary to Unnamed Stream
- 37-11989:
 - Source appears to be Spring tributary to Unnamed Stream
 - Evidence of Priority is 1957 aerial photo.
 - Claimed Irrigation storage, but it appears the pond is used to collect and regulate the water from the springs, making it part of the distribution system. They don't need a water right on the pond if it is part of the distribution system. Storage portion of claim disallowed.
- Combined use limit: 37-2211, 37-11989, 37-20556, 37-20563, and 37-20568 are limited to 787 acres in an irrigation season.
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

County: Blaine
Stream: Spring
Amount: 1.7 sec.ft.
Use: Irrigation
Priority: 5-9-1911

STATE OF IDAHO

Water License No. 7419

WHEREAS, On the 9th day of May, A. D. 1911, Zachariah T. Spellman, of Richfield, County of Lincoln, State of Idaho, duly made application (No. 10715) to me for a permit to use 6.4 cubic feet per second of the waters of Springs Nos. 1 & 2, County of Blaine, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 10th day of June, A. D. 1911, Permit No. 7419 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 10th day of June, A. D. 1914, and for the application to beneficial use of said water on or before the 10th day of June, A. D. 1918, and,

WHEREAS, On the 12th day of September, A. D. 1913, Zachariah T. Spellman transferred all his right, title and interest in and to three and two-tenths (3.2) cubic feet per second of said water to George B. Starcher, and,

WHEREAS, On the 1st day of January, A. D. 1915, George B. Starcher,

the holder of said permit, duly made proof of the completion of adequate works for the diversion of 3.2 cubic feet per second of said waters, as evidenced by my Certificate No. 7419 dated January 22, 1915, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.2 cubic feet per second of said water with date of priority of May 9, 1911, and

WHEREAS, On the 8th day of July, A. D. 1915, George B. Starcher,

the holder of said permit, duly made proof of the application to beneficial use of 1.7 cubic feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to

George B. Starcher

of Magic, County of Blaine, State of Idaho, the holder and owner of said Permit No. 7419, a perpetual right, dating from May 9, 1911, to the use of 1.7 cubic feet per second of the waters of Spring No. 1,

in the County of Blaine and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 250' south of N.W. corner of SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 11, T. 2 S., R. 17 E. B. M.,

and conducted to and upon 85 acres, as follows: 20 acres in NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 11; 15 acres in NE $\frac{1}{4}$ of SE $\frac{1}{4}$, 30 acres in NW $\frac{1}{4}$ of SE $\frac{1}{4}$ and 20 acres in NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 12, T. 2 S., R. 17 E. B. M.,

for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source or supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 6th day of September, A. D. nineteen hundred and fifteen.

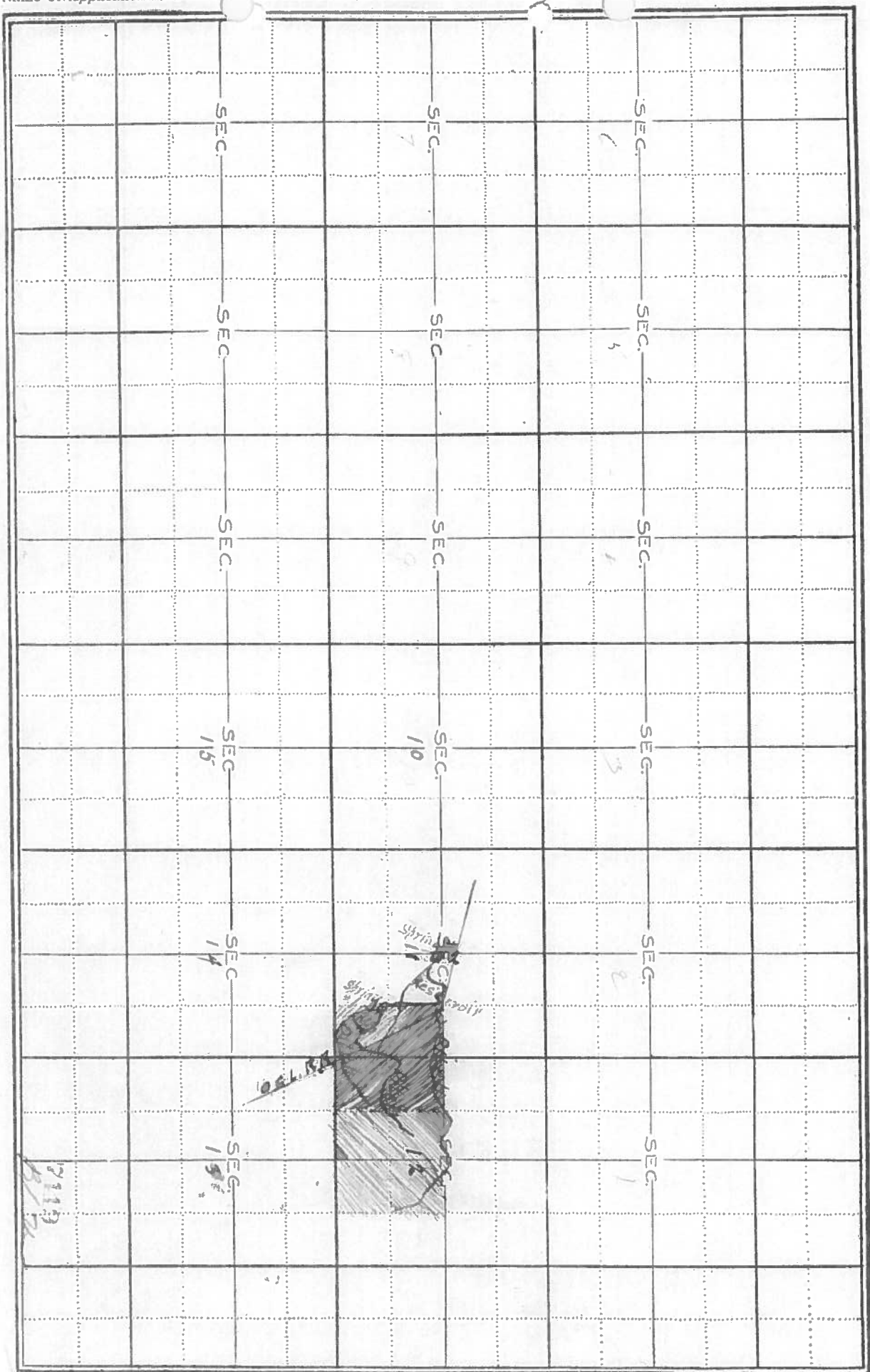
J. H. Smith,

(Seal)

State Engineer:

37-8211

Name of Applicant Geo B Starcher



SCALE: 2 INCHES=1 MILE DRAW PLAN IN INK.

REPORT OF ENGINEER

1. State name of applicant and number of permit: George B. Starcher- Permit 7419
2. State source of water supply: Two Springs - 3.2 sec. ft.
3. Location of point of diversion: Spg. No. 1 in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11 and Spring No. 2 in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, T. 2 S., R. 17 E. B.M.

4. State whether or not the works of diversion are fully completed and in accordance with terms of permit:

Reservoirs made to catch all water from springs, ditches from reservoirs to reach all land irrigable.

5. Describe works as they exist, giving dimensions of same as follows:

- (a) Width of conduit at bottom: 2 ft ditches from both reservoirs
- (b) Width at water line: 3 ft or more
- (c) Depth of water: 12 inches
- (d) Grade per mile: 5 ft
- (e) Capacity of ditch: ditches from two reservoirs 3.5 or more second feet.

6. State whether or not water has been turned into works of diversion and if so, to what extent:

In 1914 both springs and reservoirs used for irrigation. In 1915 spring No. 2 dry, spring No. 1 running 20 inches or more.

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 12, T. 2 S., R. 17 E. B.M.

NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 20 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 10 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 30 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 10 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 15 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$ 20 acres. This is in corn, alfalfa and wild hay

8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks: The land as shown is in cultivation and all of the water from these springs used on land described. Spring No. 2 is dry this year, but reservoir and ditches show water has been used for irrigation prior to this year. Spring No. 1 running 20 in at present Aug 18th 1915

John E. Badley

STATE OF IDAHO,

County of _____

} ss.

_____, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this _____ day of _____ 191_____

My Commission Expires _____

Notary Public.

7419

37 2211

No. 10715.

APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho

1. Name of Applicant: Zachari T. Spellman.

Postoffice address: Richfield.

County: Lincoln State: Idaho.

2. The quantity of water claimed is six and two-fifths, See remark #3, cubic feet per second.

3. Source of water supply: See remark #1.

4. Location of point of diversion: See remark #2.

County of Blaine.

5. To be used for Irrigation & domestic .

I. Irrigation and domestic use:

(a) Amount of land to be irrigated: 320 acres.

(b) In the following legal subdivisions: E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 11 and SW $\frac{1}{4}$ and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 12- all in T. 2 S. R. 17 E. B. M.

6. Estimated cost of works: \$1000.

7. Description of works for diversion:

I. Kind of works: Reservoir and Ditches.

II. Dimensions of works:

(a) Height of dam 15 feet, length of dam at top 600 feet, length of dam at bottom 100 feet. Material used in construction: earth and rock.

(b) Capacity of reservoir: 280 acre feet.

(c) Size of headgate: Width 1 foot, height 1 foot.

(d) Conduit ditch, width at bottom 2 feet, width at water line 4 feet, depth of water 1 foot. Average grade per mile is 5 feet. Length of conduit is 1 $\frac{1}{2}$ miles and it crosses the following quarter sections: SE $\frac{1}{4}$ of Sec. 11 and SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of sec. 12.

8. The time required for the completion of the construction of such work is 5 years.

9. Time required for the complete application of the water to the proposed use is 4 additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

Zachari T. Spellman,

Applicant.

By.....A. H. Wright.....Agent.

Remarks: Remark #1. Spring #1--250' S. of NW cor. of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 11 and Spring #2--2400' S. 84 deg W. of $\frac{1}{4}$ cor. common to secs. 11 and 12, all in T. 2 S. R. 17 E. B. M. County of Blaine.

Remark #2 Spring #1--250' S. of NW cor. of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 11 and Dam 1440' S. 78 deg 40' W. of $\frac{1}{4}$ cor common to Secs. 11 and 12 T. 2 S. R. 17 E. B. M.

Anders, Matthew

From: Charles G. Brockway [charles.g.brockway@brockwayeng.com]
Sent: Tuesday, March 28, 2006 11:45 AM
To: Anders, Matthew
Subject: FW: 37-11989

Matt,

I hear from Jim Speck that you are working on this right. Attached is an explanation and a justification of the priority date. Unfortunately, as you might expect, no one is now alive to document such early usage but I believe a reasonable inference can be made as outlined in the attached document. Also attached is the 1957 aerial workup we did for the claim, and a hi-res clean copy of the 1957 photo.

I am now working on the history of claims 37-12000, 37-12007, and 37-13256 and will have something for you shortly.

Best regards,
Chuck

Charles G. Brockway, Ph.D., P.E.
Brockway Engineering, PLLC
2016 North Washington Street #4
Twin Falls, Idaho 83301
charles.g.brockway@brockwayeng.com

3/29/2006

Right No. 37-11989
Black Butte Hills, LLC

This is a claim based on license 37-2211. Zachariah Spellman acquired permit No. 7419 to appropriate 6.4 cfs of water for 320 acres. Spellman transferred the land and the permit to George Starcher in 1915. Certificate of Completion of Works was made by the State Engineer on January 22, 1915, who also identified two points of diversion (Spring Nos. 1 and 2) and stated the diversion capacity to be 3.2 cfs. The State Engineer's field report was conducted on August 18, 1915, and indicated two points of diversion, 3.2 cfs capacity, and 105 acres irrigated. For an unknown reason, the license was issued on September 8, 1915 for a single point of diversion (Spring No. 1), 85 acres of irrigation, and 1.7 cfs. The State Engineer's field report map seems to indicate significantly more than 85 acres and also denotes the two points of diversion. It appears that the license was in error both in omitting one point of diversion and in allowing only 85 acres. In fact, most of the licensed land cannot be reached from Spring No. 1 by gravity.

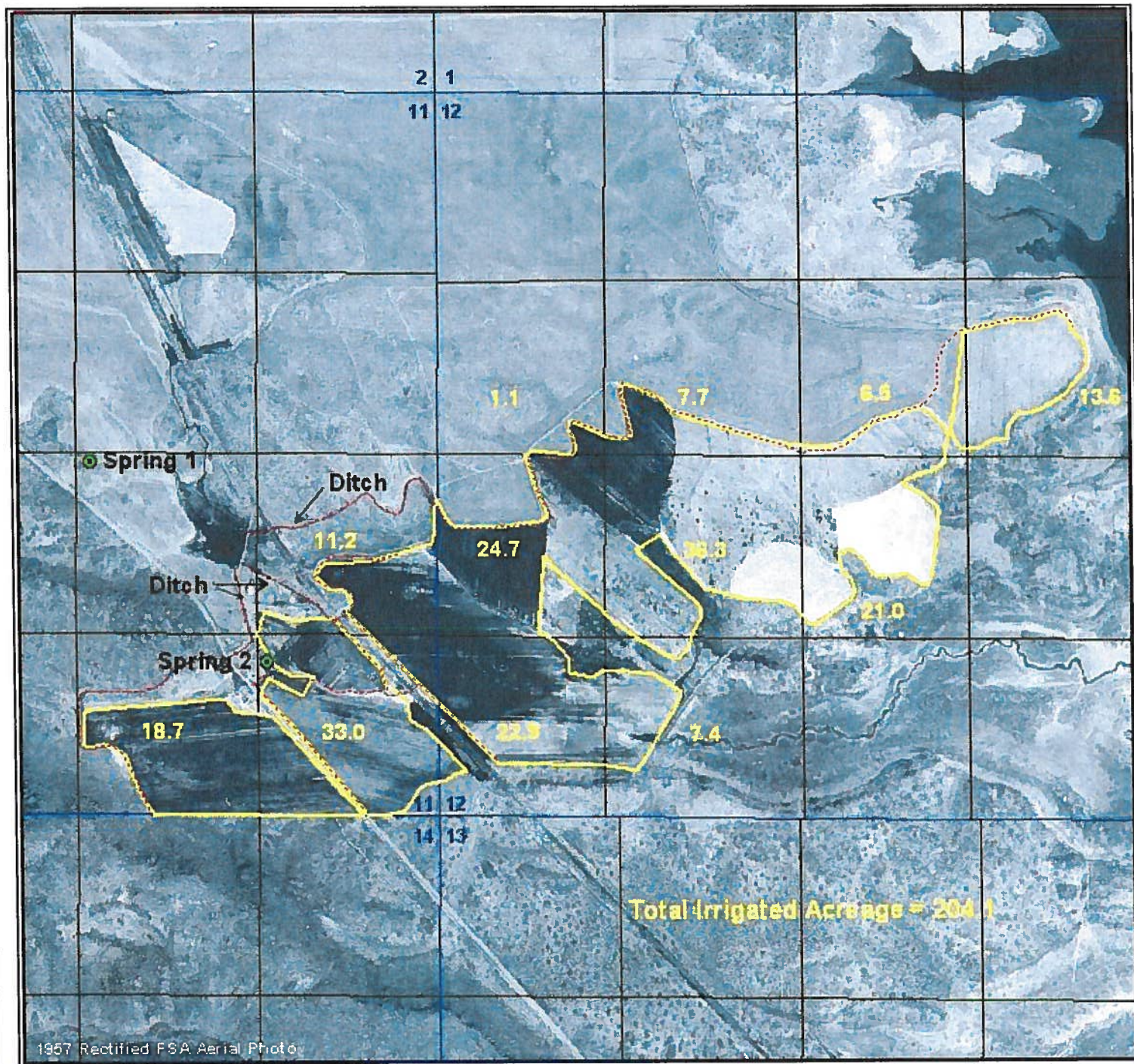
The 1957 aerial photo is the earliest known photo covering the property. It clearly indicates 204 acres irrigated from both springs. The ditch configuration in 1957 appears to be the same as indicated on the State Engineer's map from 1915, with the possible exception of the areas in the SWSE Sec. 11 and SENE Sec. 12 comprising about 44 acres, which may have been the result of expanding the ditch system westward and eastward. The inference could be made that the actual development of the original permit was close to the development shown on the 1957 photo. The 44 acres described above should perhaps have a later priority date (maybe 1957 since that's the earliest we can document), but $204 - 44 = 160$ acres should have the 1911 date.

Any known party who could document pre-1957 activities is deceased.

LEAVELL - MAGIC RANCH IRRIGATION

1957 AND EARLIER

T02S, R17E



800 0 800 1600 2400 3200 Feet

- Irrigated Acres (1957)
- Ditch
- Section Lines
- Quarter Section Lines





Anders, Matthew

From: Anders, Matthew
Sent: Thursday, March 23, 2006 9:45 AM
To: 'camascreek@direcway.com'; 'jim@speckandaanestad.com'
Subject: evidence of priority

Mr. Gonsales and Mr. Speck,

Just giving you a heads up on the timing of SRBA claim review for Camas Prairie. Our current deadline to complete reviewing claims on the Camas Prairie is the end of June.

Looking through our claim files, it appears that you have 5 claims (37-11989, 37-12000, 37-12007, 37-13256, 37-13315) that still need evidence of priority. You have said that you are working on evidence of priority for these claims, so we are waiting to do the SRBA review. We will hold them as long as we can, but as the deadline nears we will have to review these claims and if they don't have evidence of priority, they will be recommended to the SRBA Court for disallowal. Please let us know if you are still planning to submit evidence of priority and approximately when. Also, please keep in mind that we will likely need to do some field work on these claims, so the sooner you submit the evidence of priority the better.

Thanks!

Matt

Matt Anders
GIS Specialist
Idaho Water Resources Research Institute
Idaho Department of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098

Ph. 208-287-4937



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 7, 2005

Rod Gonsales
South Cove Ventures, LLC
P.O. Box 1607
Bellevue, WA 98009

RE: Evidence of Priority for Snake River Basin Adjudication claims 37-4099, 37-4383, 37-4384, 37-4386, 37-11989, 37-12000, 37-12007, 37-13256, & 37-13315

Dear Mr. Gonsales,

As you requested yesterday, attached is a list of the claims owned by South Cove Ventures, LLC, Smokey Dome, LLC, Diamond/Soldier Properties, and SV Ranch, LLC that require evidence of priority for the Snake River Basin Adjudication (SRBA). If you have property under other another company name, let me know and I'll find out if there are any claims that need evidence of priority.

Please note that claims 37-4099, 37-4383, 37-4384, & 37-4386 have been recommended to the SRBA Court for disallowal. You have until early March to object to these recommendations and provide evidence of priority. If you have questions about these four rights, please contact Carter Fritschle at (208) 287-4917.

Claims 37-11989, 37-12000, 37-12007, 37-13256, & 37-13315 require evidence of priority. Brockway Engineering, PLLC submitted the attached narrative on behalf of Lonnie Leavell for claim 37-11989, but this narrative is not acceptable as evidence of priority.

I have attached a pamphlet describing types of evidence of priority that can be used for the Snake River Basin Adjudication. Feel free to contact me at (208) 287-4937 if you have any questions.

Sincerely,

Matt Anders
GIS Specialist – Snake River Basin Adjudication

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>
37	4099		Statutory Claim	4/1/1953	2.00	WASTE WATER	IRRIGATION	SOUTH COVE VENTURES
37	4383		Statutory Claim	4/1/1970	0.50	THORN CREEK	IRRIGATION	SOUTH COVE VENTURES
37	4384		Statutory Claim	4/1/1910	4.00	PREACHER CREEK	IRRIGATION	SOUTH COVE VENTURES
37	4386		Statutory Claim	4/1/1910	10.00	THORN CREEK, WASTE WA	IRRIGATION	SOUTH COVE VENTURES
37	11989		Beneficial Use	5/9/1911	4.08	SPRINGS	IRRIGATION, IRRIG	SOUTH COVE VENTURES
37	12000		Beneficial Use	5/1/1917		SPRINGS	RECREATION STOR	SOUTH COVE VENTURES
37	12007		Beneficial Use	5/1/1940	0.20	SPRINGS	IRRIGATION, STOC	SOUTH COVE VENTURES
37	13256		Beneficial Use	1898-06-01	0.86	CAMAS CREEK	IRRIGATION	SOUTH COVE VENTURES
37	13315		Beneficial Use	1888-06-15	3.2	SPRING (DAIRY CREEK)	IRRIGATION, STOC	SV RANCH LLC (Current)

37-11989

RECEIVED

FEB 28 2002

Department of Water Resources
Southern Region

MAGIC RANCH – CAMAS COUNTY, IDAHO

Ownership, farming, and irrigation history

Brockway Engineering, PLLC / C. G. Brockway, P.E.

February 26, 2002

Information from Lonnie Leavell and aerial photos

Two significant springs issue to the surface on the Magic Ranch property. Spring #1 is the south spring and Spring #2 is the north spring. Development of the property began in 1911. From 1911 to 1915, the springs were developed and diverted for irrigation use by Zachariah Spellman and later George Starcher, who purchased the property in 1913. Embankments were placed, creating regulation ponds to capture flow from each spring, and ditches were constructed from the ponds. All irrigation from the springs originally took place by gravity. License No. 7419 (later changed to 37-2211) was granted on September 8, 1915 with a priority date of May 9, 1911 for 1.7 cfs and 85 acres of irrigation. From some reason, this license did not include Spring #2, the main source of water, as a point of diversion. Also, the license did not describe storage in the irrigation regulation ponds. Therefore, an SRBA claim (37-11989) was filed on October 25, 1988 for the same 85 acres but with 30 acre-feet of irrigation storage and Spring #2 as the point of diversion.

The property continued to be irrigated from the springs from the original development through approximately the late 1950s when the first irrigation well was constructed. The attached 1957 aerial photo clearly shows the springs, ditches, and irrigated fields. It is assumed that this is approximately the condition that had existed since about 1915. A substantial amount of land was served with the springs, but license 37-2211 does not reflect the extent of irrigation that was historically accomplished. An ArcView analysis using this photo indicates that a total of 204.1 acres were irrigated using the two spring sources.

In addition to the irrigation, approximately 150 head of range cattle were watered from the springs.

W. H. Croft purchased the property in approximately 1940, and continued the irrigation with the two spring sources. Croft installed the small well (south well near the farmhouse) in the late 1950s.

Croft sold the property to the group known as Magic Four in 1974. In this year, a permit was obtained (37-7395) for irrigation from two groundwater wells. Magic Four developed the majority of the property, installed an additional well (north well near the airstrip), installed buried mainlines, three center pivots, and several systems of hand lines and wheel lines. A total of 810 acres was developed, pursuant to the groundwater permit. At this time, the two wells supplied the majority of the irrigation water, pumping into a common mainline system – there was no booster pump from the spring sources. However, gravity irrigation of about 87 acres from Spring #2 continued to occur from the

pre-existing ditch system. Groundwater license 37-7395 was granted on April 29, 1985 for 9.94 cfs and 810 acres.

In 1985 or 1986, Connecticut General foreclosed on the property and owned it until 1987. In 1986 or 1987, the center pivots were removed.

In 1987, Orie Leavell purchased the property, and began irrigating from the wells using hand lines only. Also, Spring #2 continued to be used to gravity irrigate approximately 50 acres (the two fields just east of the road) using the pre-existing ditch system. This gravity irrigation continued until 1994.

In 1987 or 1988, the large ponds near the farmhouse were constructed (#11 and #12 on the transfer application).

In 1994, a major system upgrade was accomplished. This included additional mainlines, wheel lines, and hand lines, and a 20 HP booster pump located in pond #13 to supply water to the common system from Spring #1. Spring #2 water was no longer used for gravity irrigation via the ditch system, but instead continued to flow southeast in a pre-existing ditch to ponds #12 and #13. After this upgrade, water from any source could be utilized anywhere on the property. This is essentially the same system configuration that exists today.

From 1987 through 2001, irrigation has occurred every year on the property to some extent. The property was fully irrigated in 1994, the first season after the major system upgrade, and in 1998. An ArcView analysis using a 1999 aerial photo (the 1998 photo was not available from the FSA) shows the extent of irrigation in 1998. Irrigation west of the road was light, and does not show well on the photo; however, a site visit made by C. E. Brockway, P.E. during the 1998 season confirmed the extent of irrigation shown on the 1999 aerial map. The irrigated area in 1998 was 783.8 acres, or 96.7% of the 810-acre water right.

of the well driller who drilled the well, if a report was filed with IDWR.

4. *Pump test records.*

5. *Sales receipts* for equipment or materials used in the water system.

6. *Records* of the person or business who sold, installed, or constructed the diversion works.

7. *Electric bills* for electric powered diversion equipment.

8. *Homestead documents for irrigation claims, patent documentation for mining claims or other documentation indicating use of water during the acquisition of government land.* These may be of record at the county recorder's office for the county in which the land is located. These should also be of record with the National Archives, although there are often delays in obtaining copies. The address and phone number of the National Archives are:

8th and Pennsylvania Ave., N.W.
Washington, D.C., 20408
202-523-3006

9. *Aerial photography.* Information on available aerial photography can be obtained from the U.S. Geological Survey at the following address and phone number:

U.S. Geological Survey
EROS Data Center
User Services Section
Sioux Falls, South Dakota 57198
605-594-6151

WHAT IF I AM UNABLE TO OBTAIN ANY OF THE SOURCES LISTED ABOVE?

IF YOU CANNOT furnish some proof such as the examples listed above, you may submit your own testimony, in the form of an affidavit (a letter signed by the you and notarized), which explains the basis for the year of priority claimed. The letter should include a statement of the claimant's personal knowledge of the water use, but may also include information the claimant obtained from others.

DOCUMENTS WHICH ARE NOT SUFFICIENT EVIDENCE OF THE PRIORITY DATE CLAIMED

1. **STATUTORY CLAIMS** filed pursuant to Idaho Code 42-243. In the late 1970's, legislation was enacted that required persons with beneficial use rights to register them with IDWR. These "claims" were declarations of the water right owners, and were not investigated or verified. Notices of claims in the SRBA are different, because they will be investigated and verified, resulting in a decree that confirms the water right and properly describes it.

The statutory claim may be evidence of a water right claimed in the SRBA if the times and quantities of use claimed in the SRBA are substantially the same as they were on the statutory claim. **EVEN THEN**, the statutory claim is evidence of

such use **ONLY** as the date the statutory claim was filed - **NOT** as of the priority date claimed either in the statutory claim or the notice of claim filed in the SRBA.

2. **POSTED NOTICES.** The posted notice may be evidence of a priority date as of the date the notice was posted, but **ONLY IF** some evidence is submitted showing completion of the appropriation within a reasonable time after posting of the notice.

WHAT WILL HAPPEN IF EVIDENCE OF THE PRIORITY DATE IS NOT SUBMITTED?

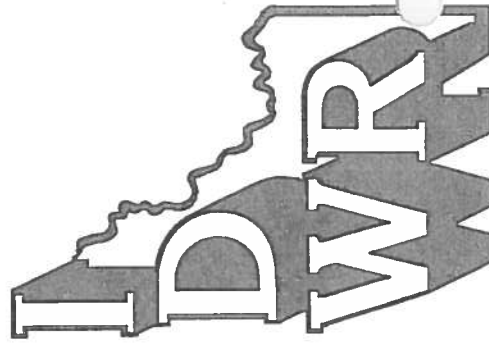
IDWR will not recommend the claim to be decreed by the court if no evidence of the priority date is submitted. If proof is submitted but it supports a year of priority later than the year claimed, then a later year will be recommended.

**CALL TOLL-FREE
1-800-451-4129**

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION BUREAU
BOISE IDAHO 83720-0089
(208) 287-4910
IDWR2-05/3000/42003

EVIDENCE OF PRIORITY

A GUIDE TO
SOURCES WHICH
MAY CONSTITUTE
PROOF OF THE
PRIORITY DATE
OF YOUR WATER RIGHT



IDAHO DEPARTMENT OF WATER RESOURCES
FEBRUARY 2005

EVIDENCE OF PRIORITY DATE FOR CLAIMS FILED IN THE SRBA

IF YOU HAVE RECEIVED A LETTER FROM THE DEPARTMENT OF WATER RESOURCES INFORMING YOU THAT YOU MAY HAVE TO SUBMIT PROOF OF BENEFICIAL USE THE INFORMATION BELOW WILL ASSIST YOU IN FINDING THE NECESSARY DOCUMENTATION.

WHAT IS A PRIORITY DATE?

The Priority date is one of the elements of the water right which you were required to state on your notice of claim. The priority date is the basis upon which water is distributed in times of shortage. When there is not enough water to satisfy all existing water rights, then water is distributed first to those with the oldest priority date.

WHAT IS A BENEFICIAL USE WATER RIGHT?

A beneficial use water right is one that is based on actual use of the water, and is not documented by a permit or license issued by IDWR, or a decree issued by a court. A beneficial use water right is established by putting the water to beneficial use, such as for domestic and stockwatering, irrigation, hydropower, commercial or industrial

use, or aquaculture, among others.

Generally, the priority date of a beneficial use right is the date the water was first put to beneficial use. This date is NOT NECESSARILY WHEN YOU ACQUIRED THE PROPERTY, or WHEN YOU FIRST MADE BENEFICIAL USE. A previous owner could have established beneficial use, which you continued.

There is a special category of beneficial use rights called "posted notice" rights, to which special rules apply. Prior to 1903, Idaho had a "posted notice" statute, which provided for posting of a notice including specified information at the point of diversion, recording of the notice at the county recorder's office, and actual diversion and beneficial use within a reasonable time after posting, among other things. If the statutory requirements were met, then the priority date was the date of posting the notice. These "posted notice" water rights are considered a type of beneficial use water right because they are not confirmed by a permit, license, or decree.

FOR WHICH CLAIMS IS EVIDENCE OF PRIORITY DATE REQUIRED?

Each claim filed in the SRBA is the claimant's affidavit (statement) of the elements of the water right being claimed. Some claimants in the SRBA will be required to submit additional evidence of the priority date of the water right IF:

1. *the claim is based on beneficial use*
AND

2. *the claim is NOT a small domestic and stockwater claim.*

NOTE: Additional proof of priority for beneficial use claims for small D&S uses will not be required unless specifically requested by IDWR.

The claim is a beneficial use claim if it is not based on a permit or license issued by IDWR or a decree issued by the court.

Small domestic and stockwater uses are very specifically defined by statute, and proof is required for a beneficial use claim if the use claimed does not meet that definition. If your claim was accepted with a \$25.00 fee, then your claim was probably a small domestic and stockwater claim.

WHAT KIND OF EVIDENCE IS REQUIRED?

SOME evidence of the YEAR of the priority claimed is sufficient. Conclusive evidence is not required. Evidence of the month and day is not required, but should be included if available.

Documentation of the priority date claimed can take almost any form. Generally, the document will be sufficient if it tends to show that water was used:

1. *For the purpose claimed,*
2. *In the year claimed as the priority date,*
AND
3. *On the land claimed as the place of use or by the owner of that land.*

It is possible for a water right to have been established on one parcel of land and then transferred for use on another parcel of land. In such cases, the evidence should tend to show that water was used on the original place of use or by the owner of the original place of use to meet the third part of the requirement.

SOME EXAMPLES OF DOCUMENTS WHICH MAY BE EVIDENCE OF THE PRIORITY DATE

Note: Proof of ownership of land by a title or warranty deed usually does not, by itself, constitute proof of a priority date since the priority is based on use of water.

Here are a few examples and there may be others, but the proof must meet the general requirements highlighted above.

1. *Affidavits* - a notarized statement of someone with personal knowledge of when beneficial use was first made, such as a neighbor or a previous owner of the property. Personal knowledge means someone who observed the use, not someone who was told of the use by someone else.

2. *For irrigation claims* - crop reports, income tax documents showing income from sale of crops, or property tax documents showing property was taxed as irrigated agriculture.

3. *For ground water rights* - the report



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

FAX Transmittal Cover Sheet

Number of pages including this one: 7

Date: 12/7/05

To: Red Gonzales

Fax No.: 208-764-3009

From: Math Anders

Fax. No.: _____

Phone No.: 208-287-4937

Subject: Claims that require evidence of priority. Carter Fritschle of
IDWR asked me to fax this to Jim Specle (208-726-0752).



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

FEB 28 2002

Department of Water Resources
Southern Region

February 26, 2002

Mr. John Frietag
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Re: Lonnie Leavell claims and applications / Magic Ranch
Project No. 431-02-2001

Dear John:

In our last meeting, we decided on several items that needed to be addressed for these applications. Accordingly, I am submitting the following:

1. A history of property ownership, development, and irrigation on the Magic Ranch property from 1911 through the present.
2. An ArcView workup of a 1957 ASCS aerial photo, showing irrigation occurring from the two springs. Ditches from both springs and gravity irrigation are clearly evident. The total irrigation is 204.1 acres. It is assumed that this is approximately the condition that existed from the time of development in the early 1900s.
3. Amended SRBA claim for 37-11989 to include Spring #2, 30 ac-ft of irrigation regulation ponds, and 204.1 acres of irrigation based on the 1957 photo. Claim 37-2211 will remain as filed, reflecting the original license. Let me know the filing fee amount for unclaimed acres – most of the acres have been claimed under the groundwater right, but not under any spring right.
4. Revised transfer application to reflect 15.7 acres dried up under the both the groundwater right and the spring rights. This is being done because the pond area to be converted to stockwater and wildlife is within the historical place of use of the spring rights. However, note that only 3.0 acres of the area being dried up is within the place of use of 37-2211, but all acres being dried up are within the place of use of 37-11989 (as amended). Hence, 15.7 acres are being removed from groundwater right 37-7395 and spring right 37-11989, but only 3.0 acres are being removed from spring right 37-2211.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

5. Revised permit application for pond storage to include both wells and both springs as points of diversion.
6. ArcView workup showing the area irrigated during 1998. The base map for this is the 1999 FSA photo – the FSA did not have the 1998 photo. The total area is 783.8 acres, which is 96.7% of the licensed and claimed acres. According to Norm Young, if the aerial photo estimate of irrigated acres is within 5% of the licensed acres, no partial forfeiture is deemed to occur. This is to account for the inherent error in estimating acreage from aerial photos or other methods short of an on-the-ground survey.

Sincerely,



Charles G. Brockway

Enclosures

cc: Lonnie Leavell

RECEIVED

FEB 28 2002

Department of Water Resources
Southern Region

MAGIC RANCH – CAMAS COUNTY, IDAHO

Ownership, farming, and irrigation history

Brockway Engineering, PLLC / C. G. Brockway, P.E.
February 26, 2002
Information from Lonnie Leavell and aerial photos

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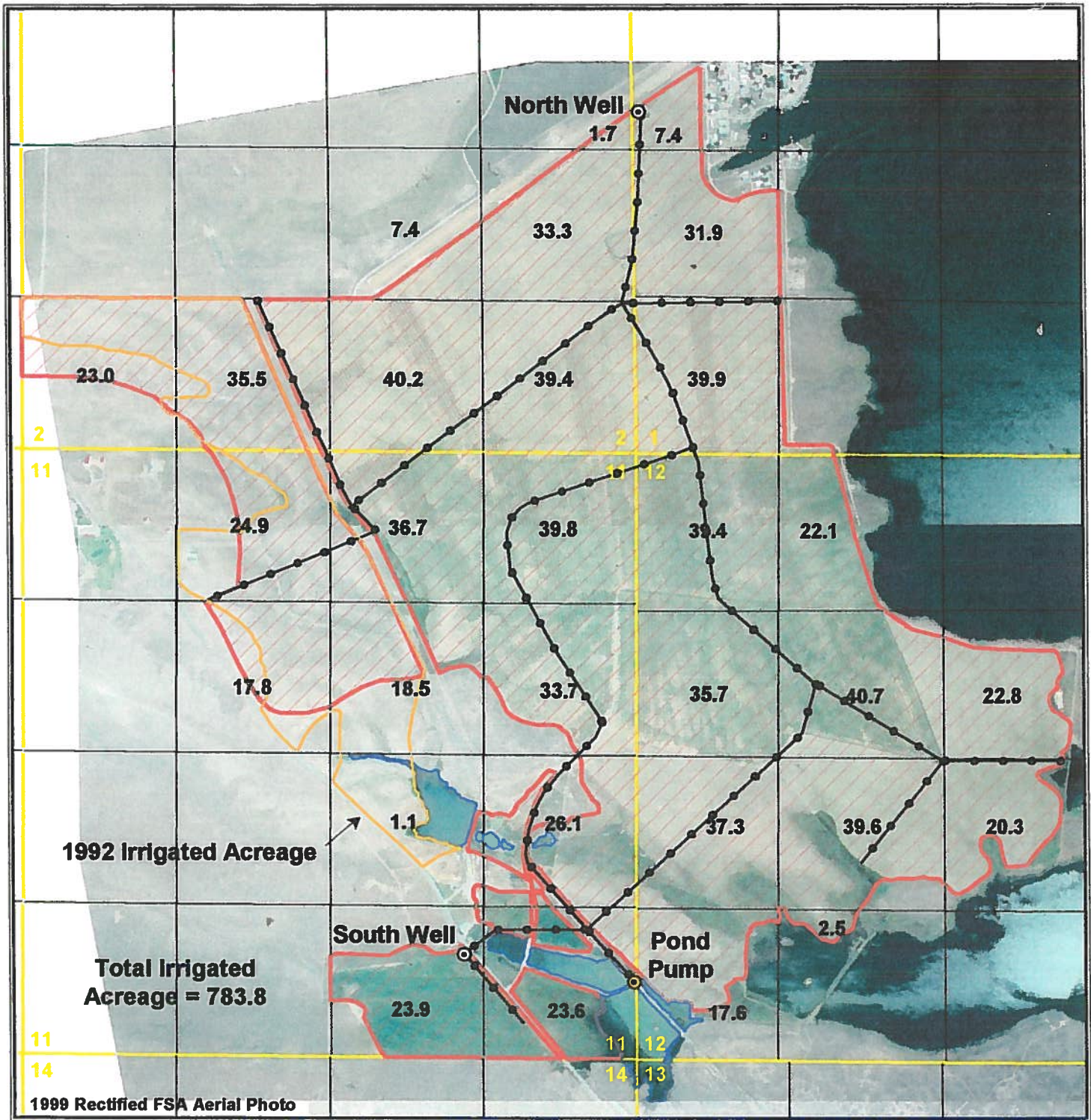
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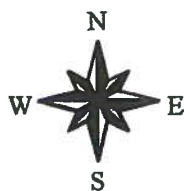
From 1987 through 2001, irrigation has occurred every year on the property to some extent. The property was fully irrigated in 1994, the first season after the major system upgrade, and in 1998. An ArcView analysis using a 1999 aerial photo (the 1998 photo was not available from the FSA) shows the extent of irrigation in 1998. Irrigation west of the road was light, and does not show well on the photo; however, a site visit made by C. E. Brockway, P.E. during the 1998 season confirmed the extent of irrigation shown on the 1999 aerial map. The irrigated area in 1998 was 783.8 acres, or 96.7% of the 810-acre water right.

LEAVELL MAGIC RANCH IRRIGATION 1998

T02S, R17E



- Irrigated Acres (1998)
- Water/Ponds
- Main Lines



MEMORANDUM

To: Mr. Lonnie Leavell
Leavell Cattle
From: D. Shaff *[Signature]*
Date: October 26, 1988
Re: Signature(s)

Lonnie, I should not have been swayed by what happened in Gooding as to the proper signature(s), in my opinion, for the claims you submitted yesterday, October 25, 1988. Some change or another signature will be required in one of the following manners:

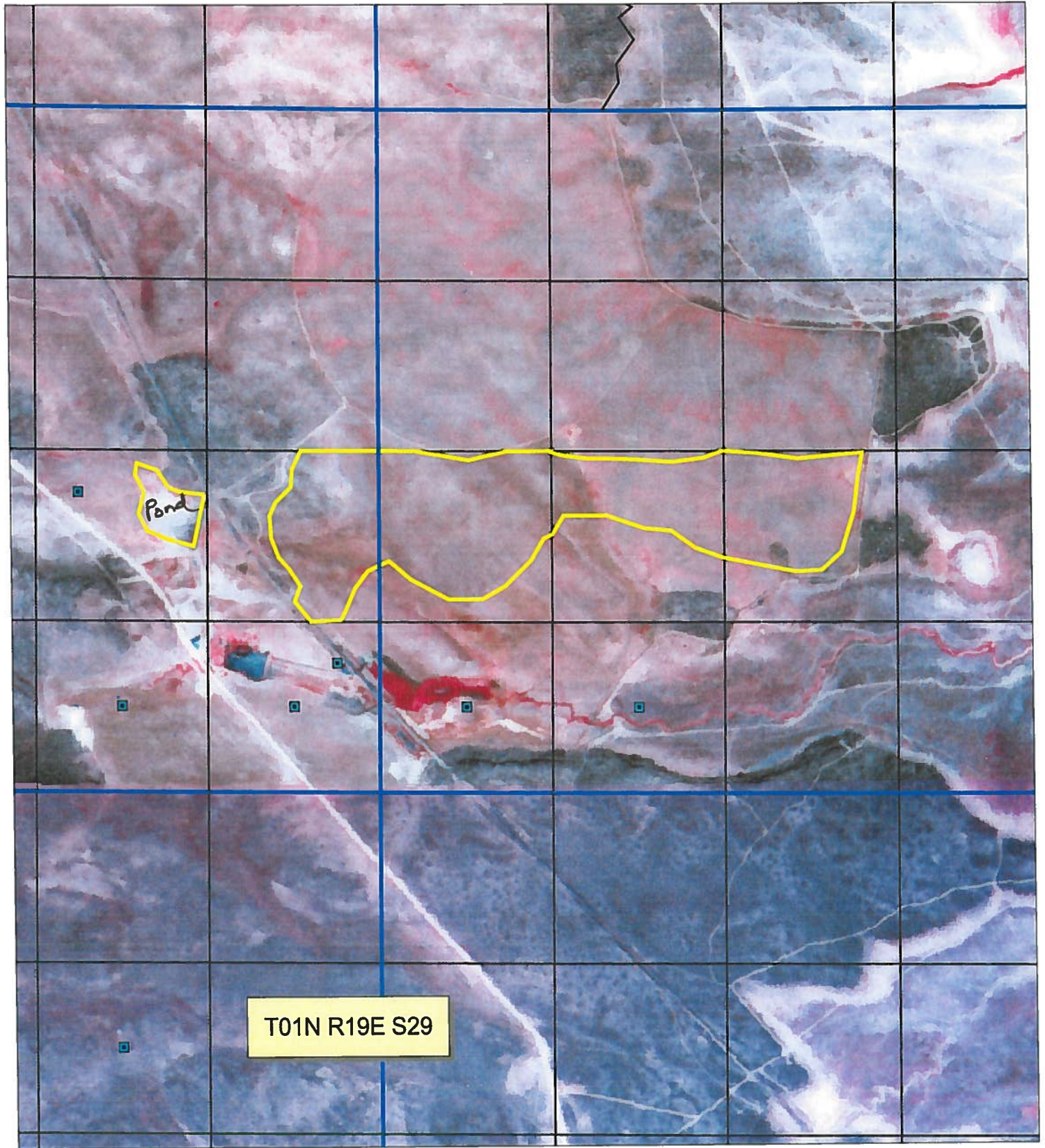
If the co-tenants are filing as individuals and the names are joined by and, all tenants and claimants must sign the claim(s). If the individuals are joined by or or and/or, only one of the individuals must sign.

If the co-tenants are operating as a business under the claimant name, the authorized agent of the business must sign in the organization block. If Leavell and Leavell is a partnership, I believe the organization block would be appropriate.

As the claims are filed now, short of the well claim A37-07395, the signature on the claim is not proper for the name appearing at the top of the claim. Please make the appropriate change to the claims to correct the deficiency. Of the computer generated claims, new copies have been enclosed if they are needed for the organization block. Thanks for your troubles.

MICROFILMED

FEB 25 1993



T01N R19E S29

1320 0 1320 2640 Feet

-  Subject Property
-  Point(s) of Diversion
-  Section Lines
-  Quarter/Quarter Lines

37-11989
(ORIGINAL CLAIM)



1/18/02, D Jones