

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: **A71-00066**
Date Received: 3/ 9/1994
Receipt No: C008570
Received By: _____

AMENDED

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

AMENDED

1. Name: UNITED STATES OF AMERICA ACTING THROUGH 801-625-5360
Address: USDA FOREST SERVICE
324 25TH ST
OGDEN UT 84401-2394

2. Date of Priority: JUL 1, 1930

3. Source: ALTURAS LAKE CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	14E	4		SW	SW		BLAINE

5. Description of diverting works:
NONE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	10.750		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
SEE REMARKS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	14E	28	SW	NE		IRR	16.0
			NE	NW		IRR	25.0
			NW	NW		IRR	35.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
08N	14E	28	SW		NW		IRR	35.0
			SE		NW		IRR	38.0
			NE		SW		IRR	35.0
			NW		SW		IRR	38.0
			SW		SW		IRR	15.0
			SE		SW		IRR	28.0
			NW		SE		IRR	10.0
			SW		SE		IRR	12.0
							Section Acres	287.0
		32	NE		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	32.0
			SE		SE		IRR	40.0
							Section Acres	272.0
		33	NE		NW		IRR	20.0
			NW		NW		IRR	37.0
			SW		NW		IRR	37.0
			SE		NW		IRR	24.0
			NE		SW		IRR	22.0
			NW		SW		IRR	37.0
			SW		SW		IRR	40.0
			SE		SW		IRR	17.0
							Section Acres	234.0
							Total Acres	793.0

11. Place of use in counties: CUSTER, BLAINE

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

13. Other Water Rights Used:

71-00059, 71-00061, 71-00064B & 71-00068

14. Remarks:

NON-IRRIGATION USES: THE WATER IS USED FOR THE PURPOSES OF THE SAWTOOTH NATIONAL RECREATION AREA, I.E., TO ASSURE THE PRESERVATION AND PROTECTION OF THE NATURAL, SCENIC, HISTORIC, PASTORAL, AND FISH AND WILDLIFE VALUES AND TO PROVIDE FOR THE

14. Remarks: Continued

ENHANCEMENT OF THE RECREATIONAL VALUES ASSOCIATED THEREWITH.
THE SAWTOOTH NATIONAL RECREATION AREA IS ADMINISTERED IN A MANNER
AS WILL BEST PROVIDE THE PROTECTION AND CONSERVATION OF THE
SALMON AND OTHER FISHERIES, THE CONSERVATION AND DEVELOPMENT OF
SCENIC, NATUREAL, HISTORIC, PASTORAL, WILDLIFE, AND OTHER VALUES
CONTRIBUTING TO AND AVAILABLE FOR PUBLIC RECREATION AND
ENJOYMENT.

FURTHER REMARKS: ALTURAS LAKE QUADRANGLE.

9/24/98 TF; CLAIM AMENDED BY FOREST SVC TO CORRECT POD'D AND
POU'S.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

L. L. BRECKINRIDGE CO.
Decree Plaintiff

MORGAN C. WILLIAMS ET AL
vs Decree Defendant

**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: 71-00066**

RECEIVED**SEP 18 1998****FILED UNDER STATE LAW**

Department of Water Resources

1. Name of Claimant: UNITED STATES OF AMERICA on behalf of the U.S.D.A. Forest Service

Address: 550 W. Fort Street MSC033

Boise

ID 83724

2. Date of Priority: 07/01/1930

3. Source of water: ALTURAS LAKE CREEK

Tributary: SALMON RIVER

4. Location Meridian BOISE

Description of Diversion Works: Diversion Dam

From: Stream

Location of Point of Diversion

T: 07 N R: 14 E S: 4 SWSW

Location of Point of Use

T: 08 N R: 14 E S: 28 NENW	Ac: 25	T: 08 N R: 14 E S: 28 NESW	Ac: 35
T: 08 N R: 14 E S: 28 NWNW	Ac: 35	T: 08 N R: 14 E S: 28 NWSE	Ac: 10
T: 08 N R: 14 E S: 28 NWSW	Ac: 38	T: 08 N R: 14 E S: 28 SENW	Ac: 38
T: 08 N R: 14 E S: 28 SESW	Ac: 28	T: 08 N R: 14 E S: 28 SWNE	Ac: 16
T: 08 N R: 14 E S: 28 SWNW	Ac: 35	T: 08 N R: 14 E S: 28 SWSE	Ac: 12
T: 08 N R: 14 E S: 28 SWSW	Ac: 15	T: 08 N R: 14 E S: 32 NENE	Ac: 40
T: 08 N R: 14 E S: 32 NESE	Ac: 40	T: 08 N R: 14 E S: 32 NWSE	Ac: 40
T: 08 N R: 14 E S: 32 SENE	Ac: 40	T: 08 N R: 14 E S: 32 SESE	Ac: 40
T: 08 N R: 14 E S: 32 SWNE	Ac: 40	T: 08 N R: 14 E S: 32 SWSE	Ac: 32
T: 08 N R: 14 E S: 33 NENW	Ac: 20	T: 08 N R: 14 E S: 33 NESW	Ac: 22
T: 08 N R: 14 E S: 33 NWNW	Ac: 37	T: 08 N R: 14 E S: 33 NWSW	Ac: 37
T: 08 N R: 14 E S: 33 SENW	Ac: 24	T: 08 N R: 14 E S: 33 SESW	Ac: 17
T: 08 N R: 14 E S: 33 SWNW	Ac: 37	T: 08 N R: 14 E S: 33 SWSW	Ac: 40

5. Quantity claimed: Period Quantity For
4/ 15 -- 10/ 15 10.75 CFS Irrigation

6. Total Consumptive Use Claimed for Present and Future Use is:
10.75 CFS

7. Present and future uses to which the water is or will be used:
Irrigation

8. Attach the legal description of the reservation, and maps showing for each consumptive use the existing and proposed place of use and existing points of diversion.

Bound separately

9. Remarks:

State Basin: 71

National Forest: Sawtooth

Forest Service Record ID: 04 14 17040602 47 0166

Point of diversion is SWSWSW of Section 4. Other rights used: 71-00059, 71-00061, 71-00064B and 71-0068.

Approximately 793 acres. Blaine County.

10. Describe any other water rights used at the same place and for the same purposes as described above: None

11. Counties within the reservation: Not available

Notice is hereby given that the United States Department of Justice will represent the Department of Agriculture, Forest Service, in all matters pertaining to the Snake River Basin Adjudication. All notices required by law to be mailed by the Director to the claimant should be mailed to the individuals at the address

Bruce Bernard
U.S. Department of Justice
Environment and Natural Resources Division
550 W. Fort Street, Box 33
Boise, ID 83724

This form is an attachment to a letter forwarding the claims of the U.S. Department of Agriculture, Forest Service. The signature and affirmation on such letter constitutes the signature of the authorized agent representing the United States of America required for each such claim.

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A71-00066**
Date Received: 3/ 9/1994
Receipt No: C008570
Received By: _____

AMENDED

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

AMENDED

1. Name: UNITED STATES OF AMERICA ACTING THROUGH 801-625-5360
Address: USDA FOREST SERVICE
324 25TH ST
OGDEN UT 84401-2394

2. Date of Priority: JUL 1, 1930

3. Source: ALTURAS LAKE CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	14E	4		SW	SW		BLAINE
		5				4	BLAINE
		9		NE	NW		BLAINE

5. Description of diverting works:
NONE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MINIMUM INSTREAM FLOW	04/15	10/15	10.750		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
SEE REMARKS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	14E	4	SW	SW		MIF	

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07N	14E	5	NW		NE		MIF	
			SW		NE		MIF	
			NE		NW		MIF	
			NE		SE		MIF	
			NW		SE		MIF	
			SE		SE		MIF	
		9	NW		NW		MIF	
08N	14E	20	SE		SE		MIF	
		28	NW		SE		MIF	
			SW		SE		MIF	
		29	NE		NE		MIF	
			SE		NE		MIF	
			NE		SE		MIF	
		32	NW		NE		MIF	
			NE		NW		MIF	
			SE		NW		MIF	
			NE		SW		MIF	
			SE		SW		MIF	
			SW		SE		MIF	

11. Place of use in counties: BLAINE, CUSTER

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

13. Other Water Rights Used:

71-00059, 71-00061, 71-00064B & 71-00068

14. Remarks:

NON-IRRIGATION USES: THE WATER IS USED FOR THE PURPOSES OF THE SAWTOOTH NATIONAL RECREATION AREA, I.E., TO ASSURE THE PRESERVATION AND PROTECTION OF THE NATURAL, SCENIC, HISTORIC, PASTORAL, AND FISH AND WILDLIFE VALUES AND TO PROVIDE FOR THE ENHANCEMENT OF THE RECREATIONAL VALUES ASSOCIATED THEREWITH. THE SAWTOOTH NATIONAL RECREATION AREA IS ADMINISTERED IN A MANNER AS WILL BEST PROVIDE THE PROTECTION AND CONSERVATION OF THE SALMON AND OTHER FISHERIES, THE CONSERVATION AND DEVELOPMENT OF SCENIC, NATUREAL, HISTORIC, PASTORAL, WILDLIFE, AND OTHER VALUES CONTRIBUTING TO AND AVAILABLE FOR PUBLIC RECREATION AND ENJOYMENT.

FURTHER REMARKS: ALTURAS LAKE QUADRANGLE.

15. Basis of Claim: DECREED

Case Number:

Court :

MORGAN C. WILLIAMS ET AL
vs Decree 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 Organizations:

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

Signature of Authorized Agent

Title and Organization

Date _____

State of Idaho)
) SS.
County of)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

RECEIVED

MAR 09 1994

Department of Water Resources
Adjudication Bureau

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 NO. 39576
Ident. Number A71-00066
Date Received _____
Receipt Number _____

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

1. Name: UNITED STATES OF AMERICA (USDA Forest Service)
Address: 324 25th Street Phone (801) 625-5360
Ogden, UT 84401

2. Date of Priority: July 1, 1930

3. Source of water supply: Alturas Lake Creek tributary to Salmon River.

4. Location of Point of Diversion: No diversion is required for an instream flow; beginning of instream flow is described as follows:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Tract</u>	<u>Gov't Lot</u>	<u>County</u>
7N	14E	4	SWSW		Blaine
7N	14E	5		4	Blaine
7N	14E	9	NENW		Blaine

5. Description of Diversion Works: None.

6. Water is used for the following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>C.F.S.</u>	<u>AFA</u>
Instream Flow	4/15	10/15	7.86	

7. Total quantity appropriated is: 10.75 c.f.s.

8. Total consumptive use is: 0.00

9. Non-irrigation uses: The water is used for the purposes of the Sawtooth National Recreation Area, i.e., to assure the preservation and protection of the natural, scenic, historic, pastoral, and

fish and wildlife values and to provide for the enhancement of the recreational values associated therewith. The Sawtooth National Recreation Area is administered in a manner as will best provide the protection and conservation of the salmon and other fisheries, the conservation and development of scenic, natural, historic, pastoral, wildlife, and other values contributing to and available for public recreation and enjoyment.

10. Place of use: Instream use for the entire reach of Alturas Lake Creek between the points of diversion in item 4 above and the confluence of Alturas Lake Creek and the Salmon River described as follows:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Tract</u>	<u>Gov't Lot</u>
8N	14E	20	SESE	

Purpose of use: instream flow

Acres irrigated: 0

11. Place of use in Counties: Blaine and Custer.

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

13. Other water rights used: A71-00059; A71-00061; A71-00064; A71-00068

14. Remarks: Alturas Lake Quadrangle.

15. Basis of Claim: decree.

Reference Information:

National Forest: Sawtooth

Forest Service Record ID:

IDWR State Filing No.: A71-00066

Notice is hereby given that the United States Department of Justice will represent the Department of Agriculture, Forest Service, in all matters pertaining to the Snake River Basin Adjudication. All Notices required by law to be mailed by the Director to the claimant should be mailed to the individuals at the address below:

Michael A. Gheleta
Daria J. Zane
Eric S. Gould
U.S. Department of Justice
Environment and Natural Resources Division
550 W. Fort Street, Box 33
Boise, ID 83724

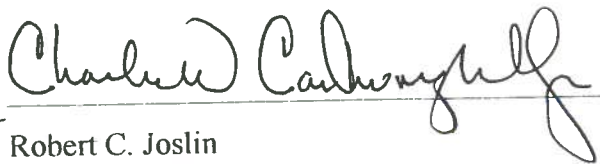
This form is an attachment to a letter forwarding the claims of the U.S. Department of Agriculture, Forest Service. The signature and affirmation on such letter constitutes the signature of the authorized agent representing the United States of America required for each such claim.

Verification of United States (USDA--Forest Service) Claims

As the Acting Regional Forester for the Intermountain Region of the USDA--Forest Service, I verify under penalty of perjury pursuant to the provisions of 28 U.S.C. 1746, that to the best of my knowledge and belief the statements made in this document and in the claims filed herewith on behalf of the United States, acting through the USDA--Forest Service are true and correct.

Although federal compliance with 28 U.S.C. 1746 satisfies the verification requirements of Idaho Code 42-1409(5), as a matter of comity I also solemnly swear or affirm under oath that I am the Acting Regional Forester and that to the best of my knowledge and belief the statements made in this document and in the claims filed herewith on behalf of the United States, acting through the USDA--Forest Service are true and correct.

By making this verification, neither I, the United States of America, nor any of its agencies or personnel, waive any immunities, rights, privileges, or presumptions, whether based on federal, state or other statutory and/or common law, except as clearly and unambiguously required by Congress.


for Robert C. Joslin
Acting Regional Forester
USDA--Forest Service
324 25th Street
Ogden, UT 84401

Executed on. March 1, 1994

State of Utah
County of Weber

Subscribed and sworn (or affirmed) before this 1st day of March, 1994.

Notary Public: Sandra S. Carlson
Residing at: 735 South Main
Willard, UT

My commission expires: 12/11/96



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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A71-00066**

Date Received: 7/27/1989

Receipt No: C008570

Received By: *ownership change*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: UNITED STATES OF AMERICA ACTING THROUGH 801-625-5360
Address: USDA FOREST SERVICE
324 25TH STREET
OGDEN UT 84401-2394

2. Date of Priority: JUL 1, 1930

3. Source: ALTURAS LAKE CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	14E	4		SW	SW		BLAINE
		5				4	BLAINE
		9		NE	NW		BLAINE

5. Description of diverting works:
DIVERSION DAM: SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	10.750		

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

8. Total consumptive use is 671.9 Acre Feet Per Annum.

9. Non-irrigation uses:
S/1200 TO 1500 CATTLE: SEE REMARKS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	14E	32	NE	NE		IRR	37.3

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	14E	32	SW	NE		IRR	37.3
			SE	NE		IRR	37.4
			NE	SE		IRR	39.2
			NW	SE		IRR	39.2
			SW	SE		IRR	39.2
			SE	SE		IRR	39.2

Section Acres 268.8

Total Acres 268.8

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:

ITEM 5 (CONT.)
AN OLDER DIVERSION DAM CONSTRUCTED OF CONCRETE AND WOOD.
DIMENSIONS ARE 4 FT. HIGH X 23 FT. WIDE. IMPROVEMENTS MADE IN
FALL OF 1976, CONSISTING ON CONCRETE ADDITIONS TO WALLS, BOTTOM,
SIDES, AND SPILLWAY. NO DIVERSION WORKS CURRENTLY EXIST FOR THE
OTHER TWO POINTS OF DIVERSION.

ITEM 9 (CONT.)
IRRIGATION WATER ALSO WATERS 1200 TO 1500 CATTLE MAY THRU OCT.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

L. L. BRECKINRIDGE CO.
Decree Plaintiff

MORGAN C. WILLIAMS ET AL
vs Decree 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: _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

Please print or type
(see instructions on back of page)

DATE OF CLOSING: April 2, 1992

DEC 10 1993

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____ Department of Water Resources
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BLM Northern Region Office
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet. - See attached.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: A71-00059, 00061, 00064B, 00066, and 00068

☐ Name and Address of Former Owner/Claimant(s)(Seller): Enright Enterprises, Inc.
Busterback Ranch, Star Route
Ketchum, Idaho 83340

☐ New Owner/Claimant (Purchaser): United States of America

☐ New Mailing Address: USDA - Forest Service
324 25th Street
Ogden, Utah 84401

☐ New Telephone Number: (801) 625 - 5360

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: Warranty Deed and Special Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s) United States of America (USDA Forest Service) Date 12/10/93
(for) GRAY F. REYNOLDS, Regional Forester Date _____

☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:
Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

SPECIAL WARRANTY DEED

This SPECIAL WARRANTY DEED made this 3rd day of April, 19 92, between ENRIGHT ENTERPRISES, INC., a Corporation authorized and existing under the law of the State of Idaho and fully authorized to do business in the State of Idaho, GRANTOR, and the UNITED STATES OF AMERICA, GRANTEE.

WITNESSETH: That the said Grantor, for the execution and delivery of the Warranty Deed between Enright Enterprises, Inc., and the United States of America dated April 2, 1992, to the Grantor in hand paid by the Grantee, the receipt of which is hereby acknowledged, under the provisions of the Economy Act of June 30, 1932 (47 Stat. 382, as amended, 31 U.S.C. 686), Bonneville Project Act (16 U.S.C. Sec. 832 et. seq.), the Federal Columbia River Transmission Act (16 U.S.C. Sec. 838 through 838k), the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. Sec. 839 through 839h), the Act of August 22, 1972, the Sawtooth National Recreation Act (16 U.S.C. 460aa), the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), and the Department of the Interior and Related Agencies Appropriation Act, 1992, does by these presents grant, bargain, sell, convey, and confirm unto the said Grantee and its assigns forever, all springs, wells, water, and water rights applied for, adjudicated, appropriated, decreed, vested, or appurtenant to or used in connection with the real property located in Blaine and Custer Counties, State of Idaho, more particularly described in Exhibit A attached hereto and made a part hereof, (hereinafter the "Land"), including without limitation all, permits, applications, proofs, certificates, and maps therefore; together with all dams, ditches, diversions, licenses, easements, structures, measuring devices, headgates, culverts, ponds, reservoirs, canals, pipelines, water well casings, water well pumping equipment, troughs, and all other means, methods, systems of using water and water rights and applying them to beneficial use on the Land and including, but not limited to stockwater and stockwater rights for use on the Land; and further including but not limited to, Water Rights more particularly described as follows, to wit:

<u>License No.</u>	<u>Date</u>	<u>Amount(cfs)</u>	<u>Stream</u>
A 71-0059	1912	25.60	Salmon River
A 71-0061	1933	40.00	Salmon River
A 71-0064	1915	7.86	Alturas Lk.Cr.
A 71-0066	1930	10.75	Alturas Lk.Cr.
A 71-0068	1935	12.32	Alturas Lk.Cr.

RESERVING UNTO SAID GRANTOR for a period of four years from the date of this Deed (the "Reservation Period"), the right to use 1.00 c.f.s. of water under Water Right No. A71-0061, Salmon River, priority date August 30, 1933, on the real property owned by Grantor and located adjacent to the Land, in Custer County, Idaho, consisting of approximately 80 acres, more particularly described in Exhibit B attached hereto and made a part hereof (the "Adjoining Land"), together with the existing ditch, ditch right and easement appertaining to the Adjoining Land for delivery of water diverted pursuant to such Water Right No. A71-0061, but without any right to require the concurrent delivery in the same ditch of other water diverted under Water Right No. A71-0061 or under any other water right. Said Grantor intends that said Grantee shall have an indefeasibly vested remainder interest in such 1.00 c.f.s. of water, and that at the end of the Reservation Period described above, all of Grantor's right, title and interest in and to such 1.00 c.f.s. of water shall automatically revert to and vest in said Grantee, its successors and assigns.

TO HAVE AND TO HOLD the Water Rights unto Grantee, its successors and assigns, forever.

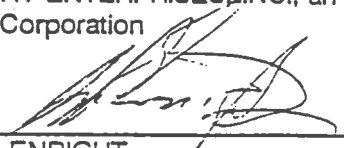
Grantor does hereby covenant and warrant to and with Grantee, that Grantor has not conveyed any of the Water Rights, or any rights, title, or interest therein, to any other person or entity, and that Grantee has not done, made or suffered any liens or other encumbrances with respect to any of the Water Rights.

The acquiring agency is the BONNEVILLE POWER ADMINISTRATION, Department of Energy, and the managing agency is the FOREST SERVICE, U.S. Department of Agriculture.

Checked as to price, acreage,
description, and quantity of
purchase, and found correct.

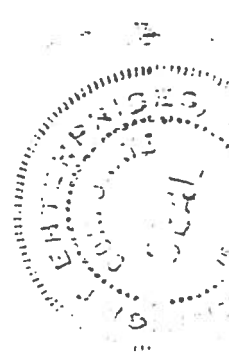
IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal the day and year first above written.

ENRIGHT ENTERPRISES, INC., an Idaho
Corporation

BY 

LEE P. ENRIGHT

Secretary, Sole Shareholder, and Trustee



BLAINE CO. REQUEST
OF BLAINE COUNTY TITLE

1992 APR -2 P 4: 27

MARY GREEN, CLERK
FEES \$

18⁰⁰

MP

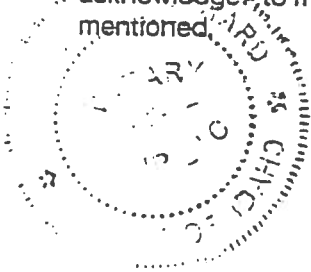
339467

Deed

ACKNOWLEDGMENT

STATE OF Idaho
COUNTY OF Blaine)ss

On this 2nd day of April, 19 92, before me Carol L. Shepherd, a Notary Public in and for Blaine County, State of Idaho, personally appeared LEE P. ENRIGHT, Secretary, Sole Shareholder, or Trustee of ENRIGHT ENTERPRISES, INC., an Idaho Corporation, or known to me (or satisfactorily proved to me on the oath of _____, a competent and creditable witness for that purpose by me duly sworn), to be the person described in and who executed the foregoing instrument and who duly acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.



Carol L. Shepherd
Notary Public
My commission expires 10-19-93

EXHIBIT A

The Land which the above described Water Rights are appurtenant to or used in connection with is described as follows:

Property Description

Boise Meridian

BLAINE COUNTY, Idaho

Township 7 North, Range 14 East,

Section 4, Lots 1 and 2, S1/2NE1/4, E1/2SE1/4, NW1/4SE1/4;
Section 9, NE1/4NE1/4.

Township 8 North, Range 14 East,

Section 28, W1/2SE1/4, SW1/4 East of U.S. Highway No. 93 (now State
Scenic Highway No. 75);
Section 32, E1/2NE1/4, SW1/4NE1/4, SE1/4;

EXCEPT a parcel of land in the NE1/4NE1/4 described as follows:

BEGINNING at the Southeast corner of Pettit Lake Subdivision, said corner of said Section being S. 44°48'45" W., 1865.4 feet from the Northeast corner of Section 32; thence N. 0°04' W., 150.0 feet on the East line of said Subdivision to a point; thence N. 89°51' East, 100.0 feet to a point; thence S. 0°04' E., 150.0 feet to a point; thence S. 89°51' W., 100.0 feet to the Point of Beginning.

Section 33, all.

EXCEPTING from the above mentioned parcels, U.S. Highway No. 93 right-of-way (now Scenic Highway No. 75).

CUSTER COUNTY, Idaho

Township 7 North, Range 14 East,

Section 3, Lots 3 and 4, S1/2NW1/4, SW1/4;
Section 10, NW1/4NW1/4.

Township 8 North, Range 14 East,

Section 28, NW1/4 East of U.S. Highway 93 (now State Scenic Highway No. 75) and the SW1/4NE1/4;

EXCEPTING THEREFROM: A parcel of land being on the Easterly side of the centerline of State Highway 75 Project No. BR-F-2392(34) Highway Survey as shown on the plans thereof now on file in the office of the Idaho Transportation Department, Division of Highway, and being a portion of the NW1/4NW1/4 of Section 28, Township 8 North, Range 14 East, Boise Meridian, described as follows, to-wit:

COMMENCING at the Northwest corner of Section 28, Township 8 North, Range 14 East, thence N. 88°47' E. along the North line of the NW1/4NW1/4 of said Section 28, a distance of 229.0 feet to a point in the Easterly right-of-way line of existing State Highway No. 75, Project No. BR-F-2392(34) Highway Survey that bears N. 89°32' E., 33.0 feet from Station 1071+29.73 of said Highway Survey and being the REAL POINT OF BEGINNING; thence continuing N. 88°47' E., along said North line 27.0 feet to a point in a line parallel with and 60.0 feet Easterly from the centerline that bears N. 89°32' E., from Station 1071+30.09 of said Highway Survey; thence S. 0°28' E., along said parallel line 232.17 feet to a point that bears N. 89°32' E., from Station 1068+97.92 of said Highway Survey; thence S. 89°32' W., 27.0 feet to a point in said existing right-of-way line and opposite Station 1068+97.92 of said Highway Survey; thence N. 0°28' W. along said existing Easterly right-of-way line 231.81 feet to the REAL POINT OF BEGINNING.

Section 34, W1/2NW1/4, NW1/4SW1/4, S1/2SW1/4.

TOGETHER WITH all right, title, and interest of Owner in and to that portion of existing State Scenic Highway No. 75, adjacent to Property above described.

Highway Station Reference: 1068+97.92 to 1071+30.09

Said Property contains 2,201.00 acres, more or less.

EXHIBIT B

Boise Meridian

CUSTER COUNTY, Idaho

Township 7 North, Range 14 East,

Section 10, NW1/4SW1/4, SW1/4NW1/4.

Said Property contains 80.0 acres, more or less.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

17-Dec-1993

JACK HAUGRUD
US DEPT OF JUSTICE
ENV & NR DIV GEN LIT SEC
PO BOX 663
WASHINGTON DC 20044-0663

RE: CHANGE OF OWNERSHIP/ ADJUDICATION CLAIM NO. A71-00059, A71-00061A,
A71-00061B, A71-00064B,
A71-00066, A71-00068
ENRIGHT ENT/USDA FOREST SERVICE

MR. HAUGRUD:

PURSUANT TO THE NOTIFICATION THAT YOU ARE REPRESENTING THE CLAIMANT(S)
ON THE ABOVE REFERENCED ADJUDICATION CLAIM(S), PLEASE FIND ENCLOSED
THE COMPUTER GENERATED CLAIM(S) BASED ON THE INFORMATION FROM THE
ORIGINAL CLAIM AND THE CHANGE OF OWNERSHIP FORM.

PLEASE REVIEW THESE RECORDS AND IF YOU HAVE ANY CORRECTIONS OR ANY
QUESTIONS, FEEL FREE TO CONTACT THIS OFFICE.

SINCERELY,


JEANIE ROBERTSON
RECORDS CLERK

/jr
Enclosures

RECEIVED
APR 10 1992

110451049201

Department of Water Resources

Memorandum of Interagency Agreement
for the acquisition and management of
property within the

RECEIVED

APR 29 1992

SAWTOOTH NATIONAL RECREATION AREA
SAWTOOTH NATIONAL FOREST
Blaine and Custer Counties, Idaho

Department of Water Resources
Southern Region Office

This Memorandum of Interagency Agreement is made by the authorized officials of the BONNEVILLE POWER ADMINISTRATION of the Department of Energy (hereafter "BPA") and the FOREST SERVICE of the Department of Agriculture (hereafter "Forest Service"), both agencies of the United States of America.

WHEREAS, the Sawtooth National Recreation Area (hereafter "SNRA") was established by Congress by Public Law 92-400 "to assure the preservation and protection of the natural, scenic, historic, pastoral, and fish and wildlife values, and to provide for the enhancement of the recreational values associated therewith," 16 U.S.C. 460aa(a); and,

WHEREAS, BPA has authority to acquire rights in furtherance of its responsibilities under the Bonneville Project Act, 16 U.S.C. Sec. 832 et seq., the Federal Columbia River Transmission Act, 16 U.S.C. Sec. 838 through 838k, the Pacific Northwest Electric Power Planning and Conservation Act, 16 U.S.C. Sec. 839 through 839h, and other relevant statutes; and,

WHEREAS, the Busterback Ranch (hereafter "Ranch") is a parcel of land located entirely within the SNRA, privately owned by Enright Enterprises, Inc., and this landowner also owns substantial senior water rights to both the main stem of the Salmon River and Alturas Lake Creek (the Ranch is more specifically described in Exhibit A and the water rights are more specifically described in Exhibit B attached hereto and made a part hereof); and,

WHEREAS, the diversion for irrigation purposes of these privately owned waters onto the Ranch can impair or prevent fish passage on the Salmon River and Alturas Lake Creek below the points of diversion and these impacts on fish passage have a direct and adverse effect on anadromous fisheries in the Columbia River Basin; and,

WHEREAS, acquisition of senior water rights of the Ranch held by Enright Enterprises, Inc., and dedication of those rights to in-stream flows assists BPA in meeting its obligation to protect, mitigate, and enhance the fish and wildlife to the extent affected by development and operation of Federal hydroelectric system in the Columbia River Basin; and,

WHEREAS, acquisition of the Ranch, including senior water rights which shall be dedicated to in-stream flows, furthers the Forest Service's objectives of preserving and protecting the natural, scenic, historic, pastoral, and fish and wildlife values of the SNRA; and,

WHEREAS, The Nature Conservancy has assigned to the United States an option to purchase the Ranch from Enright Enterprises, Inc., and BPA and the Forest Service have determined that it is in the public interest to acquire the Ranch on behalf of the United States for management by the Forest Service as part of the SNRA.

NOW THEREFORE, BPA and Forest Service agree as follows:

1. **PURPOSE.** This Agreement furthers BPA's goals of protecting, mitigating, and enhancing the fishery resources of the Columbia River Basin, and the Forest Service's objectives of furthering the purposes of the SNRA as those purposes are defined in Public Law 92-400, particularly the fishery and recreation resources. To meet those compatible objectives, this Agreement facilitates and enables the permanent acquisition of the Ranch by the United States of America in order to maintain in-stream flows for the fishery resources in the Salmon River and Alturas Lake Creek in Blaine and Custer Counties, Idaho, and to preserve and protect the natural, scenic, historic, pastoral, and fish and wildlife values of the SNRA.

2. **AUTHORITY.** BPA is authorized to enter into this Agreement pursuant to the Bonneville Project Act (16 U.S.C. Sec. 832 et seq.), the Federal Columbia River Transmission Act (16 U.S.C. Sec. 838 through 838k), the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. Sec. 839 through 839h), and other relevant statutes; the Forest Service is authorized by the Act of August 22, 1972, the Sawtooth National Recreation Act (16 U.S.C. 460aa (Public Law 92-400), 7 U.S.C. 428a, 16 U.S.C. 526, and the Department of Interior and Related Agencies Appropriation Act of 1992 (105 Stat. 990); the Economy Act of June 30, 1932 (47 Stat. 382, as amended, 31 U.S.C. 686) allows the Forest Service and BPA to enter into this Agreement and transfer the funds for the acquisition.

3. **ACQUISITION OF THE RANCH.** BPA agrees to utilize its existing statutory authorities to acquire the Ranch and all water rights owned by Enright Enterprises, Inc., as described in Exhibits A and B. The Warranty Deed for the Ranch and the Special Warranty Deed for the water rights from the seller shall be reviewed and approved in advance of closing by the counsel for BPA and the counsel for the Forest Service. BPA and the Forest Service agree that the Warranty Deed and Special Warranty Deed will state that the Grantee is the "United States of America" and the text of the Deeds shall have a provision that the land and water rights shall be administered by the Secretary of Agriculture, through the Forest Service, as part of the National Forest System and the SNRA, pursuant to Act of August 22, 1972, the Sawtooth National Recreation Act, 16 U.S.C. 460aa (Public Law 92-400), and subject to the terms and conditions of this Agreement.

In addition, BPA agrees by this Agreement that the land and water rights so acquired shall be administered by the Secretary of Agriculture and, upon acquisition of title in the name of the United States of America, that any administrative jurisdiction of BPA over the land and water rights is transferred to the Secretary of Agriculture pursuant to the Act of August 22, 1972, the Sawtooth National Recreation Act (16 U.S.C. 460aa 2(g), Public Law 92-400), and subject to the terms and conditions of this Agreement.

4. **DEDICATION OF WATERS TO IN-STREAM FLOWS.** The Forest Service agrees that the water rights acquired will be dedicated primarily to in-stream flows for fisheries and consistent recreation uses, and the Forest Service will utilize all available authorities to assure the utilization of these acquired water rights

for in-stream flow purposes. BPA and the Forest Service agree that water rights acquired under this Agreement shall first be allocated to in-stream flows for fish passage and habitat purposes. It is agreed that this first allocation shall be no less than 25 c.f.s. in the Salmon River and 15.6 c.f.s. in the Alturas Lake Creek. Water in excess of these minimum in-stream flows can be utilized by the Forest Service for other National Forest purposes.

5. A. In the event this Agreement is revoked, rescinded, invalidated, or otherwise cancelled, the parties agree that the administrative jurisdiction of the above described water rights in the amount of 25 c.f.s. from the Salmon River and 15.6 c.f.s. from Alturas Lake Creek acquired by the United States as described in Exhibit B will be transferred to BPA for management, and the administrative jurisdiction of the lands acquired by the United States and described in Exhibit A will remain with the Forest Service for management.

The Forest Service and BPA agree that if the water rights in the amount of 25 c.f.s. from the Salmon River and 15.6 c.f.s. from Alturas Lake Creek, as described in Exhibit B, are declared invalid in whole or in part for any reason the Forest Service will use any remaining water rights of the Ranch and any other authorities it might have to avoid degradation of the anadromous fish resource in the portions of Alturas Lake Creek and the Salmon River affected by the loss of water rights.

B. BPA and the Forest Service also agree to cooperate, as each party deems appropriate, with the State of Idaho should Idaho law be modified to empower the State to permanently preserve the seniority of the water rights when they are dedicated to in-stream flows for fish and wildlife purposes.

6. TRANSFER OF FUNDS.

A. For the purchase of the Ranch and water rights described herein at Exhibits A and B, the Forest Service will transfer to BPA two million four hundred thousand dollars (\$2,400,000). Funds so transferred will be held pending acquisition of the Ranch and water rights.

B. For the payment of miscellaneous expenses associated with acquisition of the Ranch and water rights by the United States including, but not limited to, closing costs, the Forest Service will transfer to BPA thirty one thousand dollars (\$31,000).

C. The contributions of the Forest Service towards acquisition of the Ranch and water rights are limited to the amounts described in subparagraphs A. and B. of this section. Any additional funds expended to complete this transaction shall be the responsibility of BPA. The Forest Service agrees it shall transfer the funds described in subparagraphs A. and B. with all due haste upon presentation of a request by BPA.

D. In the event that the funds are not expended for the purposes provided in this Agreement within thirty (30) days from the date of transfer to BPA, then the funds shall be returned to Forest Service within thirty (30) days of a written request for repayment by the Forest Service, provided that the transaction is not completed prior to expiration of the thirty (30) day term following the request. BPA agrees to provide the Forest Service with a report on the status of the acquisition within five (5) days following closing of the transaction.

7. CONSULTATION. BPA and the Forest Service agree that BPA shall receive reasonable notice in advance of all material changes in the in-stream flows associated with the water rights and that the Forest Service will consult with BPA prior to any flow modifications which may affect the fish and wildlife benefits associated with this acquisition. BPA may assume control over the water rights described more completely in Exhibit B if, following consultation with the Forest Service, BPA concludes that the Forest Service's proposed changes are inconsistent with this agreement or BPA's responsibilities under the Northwest Power Act.

8. MANAGEMENT OF THE RANCH. BPA and the Forest Service agree that the Forest Service shall manage the Ranch including the in-stream flows and the fishery affected by those flows, pursuant to Public Law 92-400 and subject to the terms and conditions of this Agreement.

9. RIPARIAN PROTECTION. BPA and the Forest Service agree that protection and improvement of riparian areas on the Ranch is necessary to assure appropriate habitat for fish and wildlife and that separate agreements may be negotiated for the funding and management of these riparian areas.

10. BPA RIGHT OF ENTRY. BPA and the Forest Service agree that BPA shall retain a right of entry sufficient to monitor in-stream flows, to implement any riparian protection efforts which may be agreed to by BPA and the Forest Service, and manage any water rights it controls pursuant to the terms of this agreement.

11. RECORDING OF PROPERTY TRANSFER. BPA and the Forest Service agree that this Agreement and other relevant title documents shall be recorded to protect and establish the jurisdiction of the United States over the Ranch and water rights. BPA and the Forest Service agree to execute and provide all necessary acknowledgements or affidavits for this purpose.

12. AMENDMENT AND EFFECTIVE DATE. This Agreement shall be effective on the date the parties complete execution of this agreement by providing their signatures. This Agreement may be amended at any time by mutual consent of the signatories.

4/3/92
Date

John R. Conger

Bonneville Power Administration
Department of Energy

April 1, 1992
Date

for Robert C. Johnson
GRAY F. REYNOLDS
Regional Forester
U.S. Forest Service
Department of Agriculture

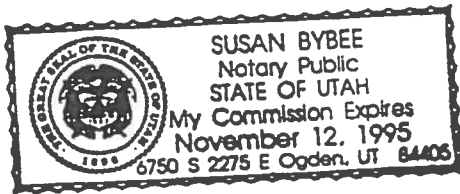
AS-KAB

Joe Stringer - AGC

ACKNOWLEDGMENT

STATE OF Utah
COUNTY OF Heber)ss

On this 1st day of April, 1992, personally appeared before me, ROBERT C. JOSLIN, Deputy Regional Forester for Resources, authorized to sign for GRAY F. REYNOLDS, Regional Forester, Intermountain Region, Forest Service, U.S. Department of Agriculture, the signer of the within instrument, who acknowledged to me that he executed the foregoing instrument, by duly delegated authority.



Susan Bybee
Notary Public

ACKNOWLEDGMENT

STATE OF Oregon
COUNTY OF Multnomah)ss

On this 3rd day of April, 1992, personally appeared before me, John R. Cowger, Chief, Branch of Land, Bonneville Power Administration, Department of Energy, the signer of the within instrument, who acknowledged to me that he executed the foregoing instrument, by duly delegated authority.

Sue Bouck
Notary Public
Commission expires 8/29/93

EXHIBIT A

Boise Meridian

BLAINE COUNTY, Idaho

Township 7 North, Range 14 East,

Section 4, Lots 1 and 2, S1/2NE1/4, E1/2SE1/4, NW1/4SE1/4;
Section 9, NE1/4NE1/4.

Township 8 North, Range 14 East,

Section 28, W1/2SE1/4, SW1/4 East of U.S. Highway No. 93 (now State
Scenic Highway No. 75);
Section 32, E1/2NE1/4, SW1/4NE1/4, SE1/4;

EXCEPT a parcel of land in the NE1/4NE1/4 described as follows:

BEGINNING at the Southeast corner of Pettit Lake Subdivision, said corner of said
Section being S. 44°48'45" W., 1865.4 feet from the Northeast corner of Section
32; thence N. 0°04' W., 150.0 feet on the East line of said Subdivision to a point;
thence N. 89°51' East, 100.0 feet to a point; thence S. 0°04' E., 150.0 feet to a point;
thence S. 89°51' W., 100.0 feet to the Point of Beginning.

Section 33, all.

EXCEPTING from the above mentioned parcels, U.S. Highway No. 93 right-of-way (now
Scenic Highway No. 75).

CUSTER COUNTY, Idaho

Township 7 North, Range 14 East,

Section 3, Lots 3 and 4, S1/2NW1/4, SW1/4;
Section 10, NW1/4NW1/4.

Township 8 North, Range 14 East,

Section 28, NW1/4 East of U.S. Highway 93 (now State Scenic Highway
No. 75) and the SW1/4NE1/4;

EXCEPTING THEREFROM: A parcel of land being on the Easterly side of the
centerline of State Highway 75 Project No. BR-F-2392(34) Highway Survey as
shown on the plans thereof now on file in the office of the Idaho Transportation
Department, Division of Highway, and being a portion of the NW1/4NW1/4 of
Section 28, Township 8 North, Range 14 East, Boise Meridian, described as
follows, to-wit:

COMMENCING at the Northwest corner of Section 28, Township 8 North, Range
14 East, thence N. 88°47' E. along the North line of the NW1/4NW1/4 of said

Section 28, a distance of 229.0 feet to a point in the Easterly right-of-way line of existing State Highway No. 75, Project No. BR-F-2392(34) Highway Survey that bears N. 89°32' E., 33.0 feet from Station 1071+29.73 of said Highway Survey and being the REAL POINT OF BEGINNING; thence continuing N. 88°47' E., along said North line 27.0 feet to a point in a line parallel with and 60.0 feet Easterly from the centerline that bears N. 89°32' E., from Station 1071+30.09 of said Highway Survey; thence S. 0°28' E., along said parallel line 232.17 feet to a point that bears N. 89°32' E., from Station 1068+97.92 of said Highway Survey; thence S. 89°32' W., 27.0 feet to a point in said existing right-of-way line and opposite Station 1068+97.92 of said Highway Survey; thence N. 0°28' W. along said existing Easterly right-of-way line 231.81 feet to the REAL POINT OF BEGINNING.

Section 34, W1/2NW1/4, NW1/4SW1/4, S1/2SW1/4.

TOGETHER WITH all right, title, and interest of Owner in and to that portion of existing State Scenic Highway No. 75, adjacent to Property above described.

Highway Station Reference: 1068+97.92 to 1071+30.09

Said Property contains 2,201.55 acres, more or less.

EXHIBIT B

<u>License No.</u>	<u>Date</u>	<u>Amount(cfs)</u>	<u>Stream</u>
A-71-0059	1912	25.60	Salmon River
A-71-0061	1933	40.00	Salmon River
A-71-0064	1915	7.86	Alturas Lk.Cr.
A-71-0066	1930	10.75	Alturas Lk.Cr.
A-71-0068	1935	12.32	Alturas Lk.Cr.

NOTE:

Portions of decreed water rights under License No. A-71-0059, dated 1912, and License No. A-71-0061, dated 1933, are tied to 80 acres of land which will not be acquired in the Warranty Deed. The 80 acres are described as follows:

Boise Meridian
T. 7 N., R. 14 E.,
Section 10, SW1/4NW1/4, NW1/4SW1/4.

The portions of decreed water rights for each License are as follows:

License No. A-71-0059, dated 1912, 1.37 cfs and License No. A-71-0061, dated 1933, 2.13 cfs.

An application to change the "place of use" from this 80 acres to lands being acquired in the Warranty Deed will be filed with the Idaho Department of Water Resources for the portions of the decreed water rights that are tied to this tract.

The above portions of the decreed water rights will not effect the Reservation contained in the Special Warranty Deed whereby the use of 1 cfs has been reserved for use on the 80 acres described above for a period of four years. As stated in the Special Warranty Deed the reserved 1 cfs will be taken from the 1933 right, and at the end of the four year period this 1 cfs will automatically revert to the United States and the lands being acquired.

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: A71-00066
Date Received: 7/26/1989
Receipt No: C008570
Received By: _____

AUG 14 1990

Department of Water Resources
Southern Region Office

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

1. Name: ENRIGHT ENTERPRISES, INC. 208-774-2271
Address: BUSTERBACK RANCH
STAR ROUTE
KETCHUM, ID 83340

2. Date of Priority: JUL 01, 1930

3. Source: ALTURAS LAKE CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	14E	4		SW	SW		BLAINE
		5				4	BLAINE
		9		NE	NW		BLAINE

5. Description of diverting works:
DIVERSION DAM: SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	10.750		

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

8. Total consumptive use is 671.9 Acre Feet Per Annum.

9. Non-irrigation uses:
S/1200 TO 1500 CATTLE: SEE REMARKS

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
08N	14E	32	NE		NE		IRR	37.3
			SW		NE		IRR	37.3
			SE		NE		IRR	37.4
			NE		SE		IRR	39.2
			NW		SE		IRR	39.2
			SW		SE		IRR	39.2
			SE		SE		IRR	39.2
							Section Acres	268.8
							Total Acres	268.8

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:
ITEM 5 (CONT.)
AN OLDER DIVERSION DAM CONSTRUCTED OF CONCRETE AND WOOD.
DIMENSIONS ARE 4 FT. HIGH X 23 FT. WIDE. IMPROVEMENTS MADE IN
FALL OF 1976, CONSISTING ON CONCRETE ADDITIONS TO WALLS, BOTTOM,
SIDES, AND SPILLWAY. NO DIVERSION WORKS CURRENTLY EXIST FOR THE
OTHER TWO POINTS OF DIVERSION.
ITEM 9 (CONT.)
IRRIGATION WATER ALSO WATERS 1200 TO 1500 CATTLE MAY THRU OCT.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

L. L. BRECKINRIDGE CO.
Decree Plaintiff

vs

MORGAN C. WILLIAMS ET AL
Decree 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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____, that I have signed the foregoing
document in the space below as _____ of
_____ and that the statements contained in the
_____ foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

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 A71-00066Date Received 7-26-89Receipt Number C008570

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

RECEIVED
JUL 26 1989

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) ENRIGHT ENTERPRISES INC. Phone (208) 774-2271Mailing Address BUSTERBACK RANCH, STAR ROUTE, KETCHUM IDAHO Zip 833402. Date of Priority (Only one (1) per claim) JULY 1, 19303. Source of water supply (a) ALTURAS LAKE CREEK
which is tributary to (b) SALMON RIVER4. a. Location of existing point of diversion is: Township T7N Range R14 Section 4,
_____ 1/4 of SW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of BLAINEAdditional points of diversion if any: A POINT IN LOT 4 OF SECTION 5
A POINT IN THE NE 1/4 OF THE NW 1/4 OF SECTION 9.

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

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

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

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. AN OLDER DIVERSION DAM CONSTRUCTED
OF CONCRETE AND WOOD. DIMENSIONS ARE 4 1/2 FT HIGH X 23 FT. WIDE.
IMPROVEMENTS MADE IN 1976, CONSISTING ON CONCRETE ADDITIONS
TO WALLS, BOTTOM, SIDES, AND SPILLWAY. NO DIVERSION WORKS CURRENTLY
EXIST FOR THE OTHER TWO POINTS OF DIVERSION.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from APRIL 15 to OCT 15 amount 10.75 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 10.75 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 671.875 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) IRRIGATION WATER ALSO WATERS 1200 TO 1500 CATTLE MAY THRU OCT

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>8N</u>	<u>14E</u>	<u>32</u>	<u>37.3</u>		<u>37.3</u>	<u>37.4</u>									<u>39.2</u>	<u>39.2</u>	<u>39.2</u>	<u>39.2</u>	268.75 <u>268.75</u>
8N	14E	32																	

Total number of acres irrigated 268.75

11. In which county (ies) are lands listed above as place of use located? 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. _____ or None (X)

14. Remarks:

Last Name ENRIGHT ENTERPRISES Ident No. _____

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Copies: White - State Yellow - Claimant
MAR 17 1993

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

R 14E

		SECTION			SECTION				SECTION						
		30			29				28						
					SECTION										
		SECTION			32				SECTION						
		31													
		SECTION			SECTION				SECTION						
		6			5				4						
									POINT OF DIVERSION						
									POINT OF DIVERSION						
		SECTION			SECTION				SECTION						
		7			8				9						

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MAR 17 1993

Last Name ENRIGHT ENTERPRISES Ident No. _____

Copies: White-State, Yellow-Chairmant

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

Decree X

If applicable provide IDWR Water Right Number 71-0066

Court FOURTH JUDICIAL DISTRICT / IDAHO Case Number NONE GIVEN Decree Date JUNE 15TH 1998

Plaintiff vs Defendant LL. BRECKENRIDGE CO -VS- MORGAN C. WILLIAMS; TED WILLIAMS; ETC.

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 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) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am PRESIDENT
Title

of ENRIGHT ENTERPRISES Inc, that I have signed the foregoing
Organization

document in the space below as President of said corporation
Title Organization

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

Signature of Authorized Agent Thomas G. Nelson

Title and Organization _____ Date 7/13/89

State of Idaho/or IDAHO)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 13TH day of July 19 89

Notary Public Darla Joyce

Residing at Emmett

My Commission Expires 4-26-95

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 ENRIGHT ENTERPRISES Ident. Number _____

MICROFILMED

Copy to White State, Yellow-Claimant
MAR 17 1999

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

Chartered

ATTORNEYS AT LAW

1020 MAIN STREET

SUITE 400

P.O. BOX 2139

BOISE, IDAHO 83701-2139

TELEPHONE (208) 336-0700

FAX (208) 344-6034

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER
TERRY T. UHLING
TERRY R. McDANIEL
F. BRUCE COVINGTON
JERRY JENSEN
GARY D. SLETTE
CAROLYN M. MINDER
VICKI L. YRAZABAL
BRUCE M. SMITH
G. RICHARD BEVAN
BRAD M. PURDY
GARY L. QUIGLEY

Twin Falls Office
142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

July 25, 1989

RECEIVED

JUL 26 1989

Mr. Carter Fritchle
Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720
(1301 N. Orchard 83706)

Department of Water Resources

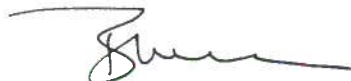
Dear Carter:

Enclosed are claims and filing fees for the Busterback Ranch near Stanley as follows:

#71-0068, Blaine County, 308 acres	\$ 411.70
#71-0066, Blaine County, 218.75 acres	368.75
#71-0064, Blaine & Custer County, 196.5 acres	246.50
#71-0059, Custer County, 1500 acres	1550.00
#71-0061, Custer County, 1500 acres (same as 0059)	50.00
	<u>\$2626.95</u>

If there are any questions, please give me a call.

Sincerely,



Bruce M. Smith

BMS/sj
25891
Enclosures

MICROFILMED

MAR 17 1993

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Enright Enterprises Inc. CLAIM IDENT. NO. A71-00066

DATE RECEIVED 7-26-89 CK # C008570 AMOUNT \$ _____

- | | YES | NO | Required Info? |
|--|-------------------------------------|--------------------------|----------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates? | | | |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | | | |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☒ | ☐ | |
| Is the consumptive use correct? | ☒ | ☐ | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 20. Is the fee enclosed correct? | ☒ | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ | ☐ | |
| 22. Should this claim be data entered? | ☒ | ☐ | |

Claim checked by: CJ Date: 10-24-89

Claim must be returned to claimant: ☐ (Yes) ☒ (No)

Claimant must be notified of modifications: ☐ (Yes) ☒ (No)

Receipt Prepared by: _____ Date: _____
Claim data entered by: _____ Date: _____
Sent to claimant by: _____ Date: _____

Comments: _____

MICROFILMED

MAR 17 1993

R PROOF

X

CVR

—

MAPS

—

PHOTOS

—

MISC

X

Water Right Number - R71-00066 Prefix Translation: RESEARCH Old (D) Number -

+ - - - - Last Name - - - - + + - - - - First Name - - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
AMERICA ACTING THROUGH

UNITED STATES OF

1 - USDA FOREST SERVICE
2 - 550 W FORT ST MSC 033
3 -
City- BOISE
Phone -

State- ID Zip- 83724

*** K - ALSO KNOWN AS ***
US DEPT OF AGRICULTURE

1 - FOREST SERVICE
2 - 550 W FORT ST MSC 033
3 -
City- BOISE
Phone -

State- ID Zip- 83724

USFS

State- ID Zip- 0

+ - - Priority Date - - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
07/01/1930 17 SOUTHERN D - DECREED

+ - - Source - - - - - + + - - Tributary - - - - - +
ALTURAS LAKE CREEK SALMON RIVER

+ - - Point of Diversion - - - - - +

TwN	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion
07N	14E	4	SW SW SW		(13)	BLAINE	

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		05/01	10/31		10.750	

+ - - Total Div. Rate - - + + - - Total Div. Volume - - + + - - Total Consumptive Use - - + + - - KW Usage - - +
10.750 10.750 0.0

TwN	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
08N	14E	28	SW NE		6.9	01 IRRIGATION	01	IRRIGATION	(37) CUSTER
08N	14E	28	NE NW		10.3	01 IRRIGATION	01	IRRIGATION	(37) CUSTER
08N	14E	28	NW NW		28.0	01 IRRIGATION	01	IRRIGATION	(37) CUSTER
08N	14E	28	SW NW		33.0	01 IRRIGATION	01	IRRIGATION	(37) CUSTER
08N	14E	28	SE NW		38.5	01 IRRIGATION	01	IRRIGATION	(37) CUSTER
08N	14E	28	NE SW		40.0	01 IRRIGATION	01	IRRIGATION	(13) BLAINE
08N	14E	28	NW SW		23.2	01 IRRIGATION	01	IRRIGATION	(13) BLAINE
08N	14E	28	SW SW		13.6	01 IRRIGATION	01	IRRIGATION	(13) BLAINE
08N	14E	28	SE SW		29.9	01 IRRIGATION	01	IRRIGATION	(13) BLAINE
08N	14E	28	NW SE		26.4	01 IRRIGATION	01	IRRIGATION	(13) BLAINE
08N	14E	28	SW SE		19.8	01 IRRIGATION	01	IRRIGATION	(13) BLAINE
08N	14E	32	NE NE		39.5	01 IRRIGATION	01	IRRIGATION	(13) BLAINE

Water right number - R71-00066 Prefix Translation: RESEARCH

Trn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
08N	14E	32	SW NE		38.5		01	IRRIGATION	(13) BLAINE
08N	14E	32	SE NE		39.1		01	IRRIGATION	(13) BLAINE
08N	14E	32	NE SE		39.9		01	IRRIGATION	(13) BLAINE
08N	14E	32	NW SE		39.9		01	IRRIGATION	(13) BLAINE
08N	14E	32	SW SE		33.3		01	IRRIGATION	(13) BLAINE
08N	14E	32	SE SE		39.9		01	IRRIGATION	(13) BLAINE
08N	14E	33	NE NW		25.7		01	IRRIGATION	(13) BLAINE
08N	14E	33	NW NW		37.8		01	IRRIGATION	(13) BLAINE
08N	14E	33	SW NW		37.4		01	IRRIGATION	(13) BLAINE
08N	14E	33	SE NW		32.8		01	IRRIGATION	(13) BLAINE
08N	14E	33	NE SW		26.3		01	IRRIGATION	(13) BLAINE
08N	14E	33	NW SW		38.5		01	IRRIGATION	(13) BLAINE
08N	14E	33	SW SW		39.9		01	IRRIGATION	(13) BLAINE
08N	14E	33	SE SW		19.2		01	IRRIGATION	(13) BLAINE

Total Acres: 797.3

- - - Diversion Means - CHECK DAM TO GRAVITY DITCHES

- - - Non-Irrigation Use -

- - - Other Rights for Same Use - 71-00059, 71-00061, 71-00064B & 71-00068

- - - Remarks - - - - -

POU1 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 1869.4 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 71-00059, 71-00061, 71-00064B, 71-00066 AND
71-00068.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINTS OF
DIVERSION DESCRIBED ABOVE: 71-00064B, 71-00066 & 71-00068.

- - - Old Water Right Numbers - - - - -

No Old Water Right Numbers Found

- - - Conditions of Approval - - - - -

C13 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN BASIN 71:

- WATER RIGHT NO. SOURCE
- NONE

- THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN THE SNAKE RIVER BASIN:

- WATER RIGHT NO. SOURCE
- NONE

- ALL WATER RIGHTS WITHIN BASIN 71 ARE FROM CONNECTED SOURCES
- OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
- CONJUNCTIVELY.

Water right number - R71-00066

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
 - SECTION 42-1425, IDAHO CODE.
 C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
 - PURSUANT TO SECTION 42-1425, IDAHO CODE.

- - - +

+ - - - Decree Defendant - - - +

MORGAN C. WILLIAMS ET AL

	+-----+-----Comments-----+
Date: 02/28/1995 User Id: AMERRITT Subject: DISALLOWAL	
THIS CLAIM IS RECOMMENDED TO BE DISALLOWED SINCE CLAIMED CHANGE	IN NATURE OF USE WAS MADE AFTER 11/19/1987 WITHOUT GOING THRU
42-222.	

Date: 02/28/1995 User Id: ANERRITT Subject: COPIED FROM REMARKS
NON-IRRIGATION USES: THE WATER IS USED FOR THE PURPOSES OF THE
PRESERVATION AND PROTECTION OF THE NATURAL, SCENIC, HISTORIC,
ENHANCEMENT OF THE RECREATIONAL VALUES ASSOCIATED THEREWITH.
AS WILL BEST PROVIDE THE PROTECTION AND CONSERVATION OF THE
SCENIC, NATURAL, HISTORIC, PASTORAL, WILDLIFE, AND OTHER VALUES
CONTRIBUTING TO AND AVAILABLE FOR PUBLIC RECREATION AND
FURTHER REMARKS: ALTURAS LAKE QUADRANGLE.

ENCLOSURE: 1
Date: 09/21/1998 User Id: AMERRITT Subject: CHANGE OF RECOMMENDATION
THE USFS AMENDED CLAIMS BACK TO IRRIGATION AND PROVIDED EVIDENCE
IRRIGATING SINCE PURCHASE IN 1992 DUE TO RESTRICTION OF FEDERAL
GOVERNMENT FROM THREATENING THE ENDANGERED SALMON IN THIS REACH
OF THE RIVER; THUS, EXCUSING FORFEITURE OF RIGHT DUE TO NONE USE.
Date: 09/23/1998 User Id: DJONES Subject: CONDITIONS ADDED
C03 AND C05 ADDED TO REFLECT CHANGES IN PLACE OF USE AND POINT OF DIVERSION.

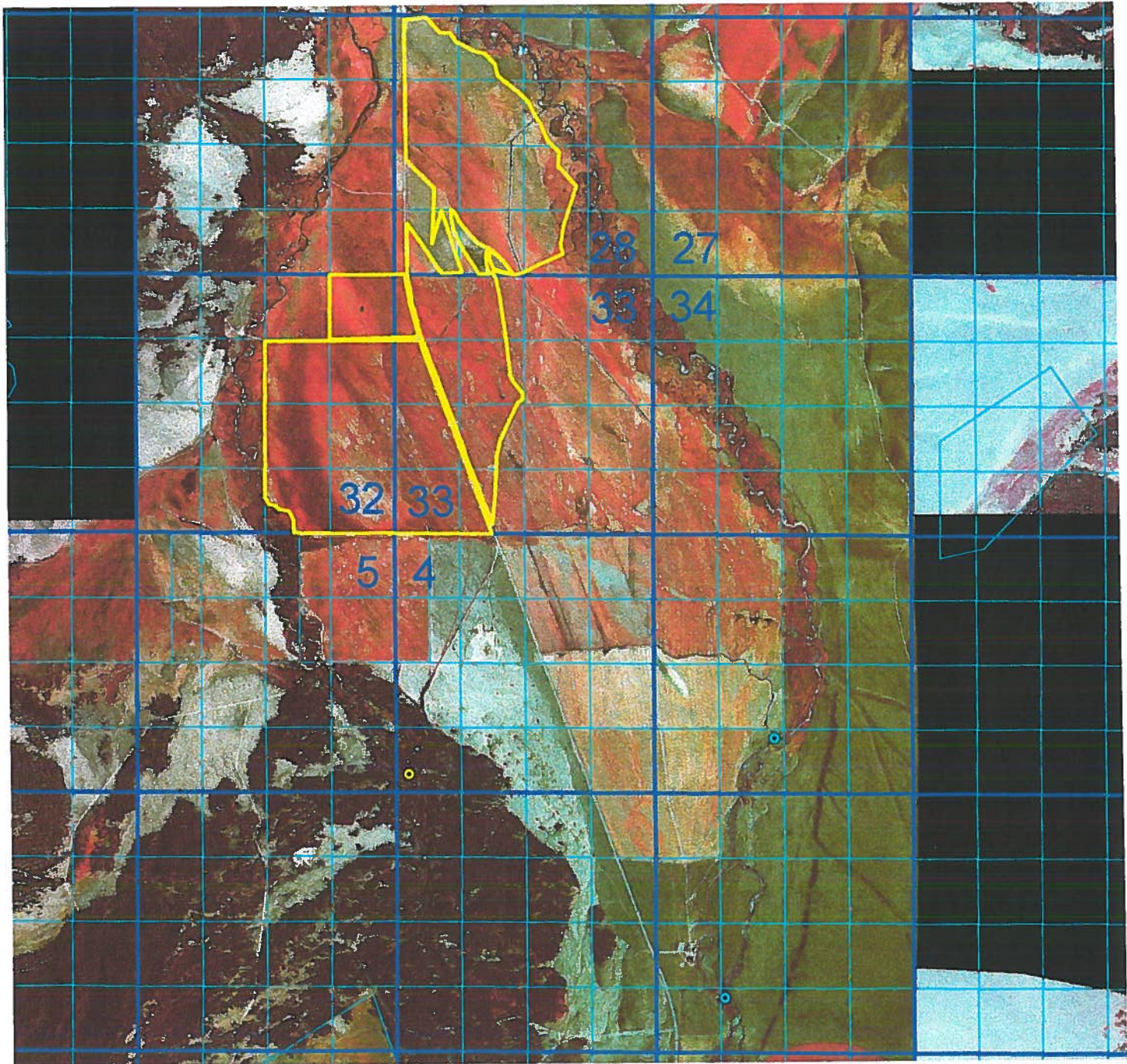
+ - - Audit Fields - - + 09/23/98 DJONES

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

71-00064B, 71-00066 & 71-00068

TWP 7 & 8 N, RNG 14E



2640 0 2640 5280 7920 10560 13200 Feet

-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  STREAMS AND DITCHES
-  SECTION LINES
-  QUARTER/QUARTER LINES
-  TAX LOT (PROPERTY) LINES



GIS REPRESENTATION OF CLAIM RECOMMENDATION
1987 NAPP PHOTOGRAPHY
DATA ENTRY BY: ALLEN MERRITT
DATA ENTERED: 8/24/98

FROM: Allen Merritt 

DATE: February 9, 1998

TO: Norm Young
Peter Anderson
Nick Spencer
Dave Tuthill
Doug Jones

SUBJECT: Forest Service Claims on old Enright Property
A71-00059, A71-00061, A71-00064B, A71-00066 & A71-00068

On this day I talked with Steve Spencer and then Randy Breamer with the USFS. I first spoke with Steve Spencer regarding other USFS claims in basin 71 but our conversation got around to discussing the Enright property. I again told Mr. Spencer that my draft recommendation for these claims was that they be disallowed.

A review of the facts:

- Enright files claims in 1989 for irrigation.
- USFS purchases property in spring of 1992.
- Summer of 1993 I conducted field review of claims in basin 71 and requested information from USFS about irrigation of lands. Response is that they have never irrigated so do not know anything. I told them that if they could not provide information that I would recommend disallowal. At the time of my field review in 1993 the land was not irrigated. Since that time I have visited the Stanley Basin every summer and have never observed the lands being irrigated. To my best knowledge the land has have not been irrigated since 1991.
- 12/10/1993 received change of ownership of claims from Enright to USFS.
- 03/09/1994 received amendment of claims from irrigation to Minimum Instream Flow by USFS.
- 02/28/1995 I drafted "R" records disallowing claims. The basis of disallowal is that the change of nature of use by unrecorded transfer was not legal.
- 09/23/1996 letter from Spackman to John Andrews with USFS warning about potential loss of rights.
- Since 1995 I have talked on several occasions with Valdon Hancock, Dave Brown, Randy Breamer and/or Steve Spencer, all with the USFS, and informed them that I have drafted the recommendation for these rights for disallowal.

After talking with Steve Spencer, Randy Breamer phoned and seemed to be surprised of my recommendation. He asked questions about weather the "Smith Spring" SRBA dispute was the basis of disallowal. I told him I didn't know enough about that case to comment or say for sure but I didn't think that was the basis. I told him the reason for my recommendation was that the change of nature of use from irrigation to MIF occurred after 1987 without a transfer and appeared not to be legal. I also told him that I could also base it on forfeiture since the land has not been

irrigated for over 5 years. He more or less told me that the department should have raised these issues before; he thought that by amending the claims the transfer was appropriate and if it wasn't any issue of forfeiture should not count. He asked that I send him the proper transfer form which I have mailed this day. He indicated that he intended to talk with Peter Anderson about this matter.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 23, 1996

RECEIVED

SEP 25 1996

Department of Water Resources
Southern Region

John Andrews
U.S. Forest Service
Boise National Forest
1750 Front Street
Boise, ID 83702

Re: Beneficial use of water rights owned by the Forest Service

Dear Mr. Andrews:

Several years ago, the Forest Service spent substantial money to purchase the Busterback Ranch in the Sawtooth National Recreational Area and the water rights associated with the ranch. I was informed the Forest Service also acquired other water rights. For instance, I understand the Forest Service believes it acquired a water right on Carmen Creek, near Salmon, Idaho, in exchange for the construction of an inverted syphon on the Big Flat Canal Co. ditch. I also understand that some of these water rights are presently not being diverted, and the flows remain in the stream.

Shortly after the Busterback Ranch was acquired, the Department of Water Resources and the Forest Service met to discuss what could be done to protect the water rights but nothing was resolved.

In Idaho, a water right which is not beneficially used for a period of five consecutive years is forfeited. An instream flow is deemed a beneficial use of water if the instream flow contributes to a particular public value set forth in Chapter 15, Title 42, Idaho Code. A minimum stream flow can only be established pursuant to Chapter 15, Title 42, Idaho Code through approval of an application for appropriation, filed by the Idaho Water Resource Board. In recent years, several entities have attempted to promote legislation that would allow existing water rights to be changed to instream flows. However, the bills proposed to the Idaho Legislature have never been enacted.

John Andrews
U.S. Forest Service
September 23, 1996
Page 2

There may be other ways of protecting the Forest Service water rights. The staff of the Department of Water Resources is willing to discuss alternatives. Water rights currently owned but not diverted by the Forest Service could be lost through nonuse unless the Forest Service implements a plan to protect them.

Respectfully,


Gary Spackman

GS/dde

cc: Bob Foster
Eastern Region
Southern Region

Water Right Number - R71-00066 Prefix Translation: RESEARCH Old (D) Number -

*** A - ATTORNEY ***
GHALETA, MICHAEL OR ZANE OR GOULD US DEPT OF JUSTICE
1 - ENV & NR DIV
2 - 550 W FORT ST
3 - BOX 33
City- BOISE
Phone - 208-000-0000
State- ID Zip- 83724

*** C - CURRENT OWNER ***
AMERICA ACTING THROUGH UNITED STATES OF
1 - USDA FOREST SERVICE
2 - 324 25TH ST
3 -
City- OGDEN
Phone - 801-625-5360
State- UT Zip- 844012394

*** K - ALSO KNOWN AS ***
US DEPT OF AGRICULTURE
1 - FOREST SERVICE
2 - 324 25TH ST
3 -
City- OGDEN
Phone - 801-625-5360
State- UT Zip- 844012394

USFS
1 -
2 -
3 -
City- X
Phone - 208-000-0000
State- UT Zip- 0

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
07/01/1930 17 SOUTHERN I - DISALLOWED

+ - - Source - - - + + - - Tributary - - - +
ALTURAS LAKE CREEK SALMON RIVER

TwN	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion
07N	14E	4	SW SW	4		(13) BLAINE	
		5				(13) BLAINE	
		9	NE NW			(13) BLAINE	

+ - - Code Description Period From Water Use Period To Diversion Rate Diversion Volume
34 - MINIMUM INSTREAM FLOW 04/15 10/15 10.750
+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
10.750 0.0

TwN	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
07N	14E	4	SW SW			34	MINIMUM INSTREAM FLOW	(13) BLAINE	
07N	14E	5	NW NE			34	MINIMUM INSTREAM FLOW	(13) BLAINE	
07N	14E	5	SW NE			34	MINIMUM INSTREAM FLOW	(13) BLAINE	
07N	14E	5	NE NW			34	MINIMUM INSTREAM FLOW	(13) BLAINE	

Water right number - R71-00066

Prefix Translation: RESEARCH

Twn		Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
07N	14E	5	NE SE	34	MINIMUM INSTREAM FLOW	(13)	BLAINE			
07N	14E	5	NW SE	34	MINIMUM INSTREAM FLOW	(13)	BLAINE			
07N	14E	5	SE SE	34	MINIMUM INSTREAM FLOW	(13)	BLAINE			
07N	14E	9	NW NW	34	MINIMUM INSTREAM FLOW	(13)	BLAINE			
08N	14E	20	SE SE	34	MINIMUM INSTREAM FLOW	(37)	CUSTER			
08N	14E	28	NW SE	34	MINIMUM INSTREAM FLOW	(13)	BLAINE			
08N	14E	28	SW SE	34	MINIMUM INSTREAM FLOW	(13)	BLAINE			
08N	14E	29	NE NE	34	MINIMUM INSTREAM FLOW	(37)	CUSTER			
08N	14E	29	SE NE	34	MINIMUM INSTREAM FLOW	(13)	BLAINE			
08N	14E	29	NW NE	34	MINIMUM INSTREAM FLOW	(13)	BLAINE			
08N	14E	32	NE NW	34	MINIMUM INSTREAM FLOW	(13)	BLAINE			
08N	14E	32	SE NW	34	MINIMUM INSTREAM FLOW	(13)	BLAINE			
08N	14E	32	NE SW	34	MINIMUM INSTREAM FLOW	(13)	BLAINE			
08N	14E	32	SE SW	34	MINIMUM INSTREAM FLOW	(13)	BLAINE			
08N	14E	32	SW SE	34	MINIMUM INSTREAM FLOW	(13)	BLAINE			

Total Acres:

+ - - Diversion Means - NONE

+ - - Non-Irrigation Use - ~~SEE REMARKS~~

2/11/94

+ - - Other Rights for Same Use - 71-00059, 71-00061, 71-000648 & 71-00068

+ - - ~~Remarks~~
NO LAWFUL APPROPRIATION SHOWN.

+ - - ~~No Old Water Right Numbers Found~~ Old Water Right Numbers

+ - - ~~Conditions of Approval~~
P01 - NO LAWFUL APPROPRIATION SHOWN: There are a number of
- circumstances in which a claim is proposed to be disallowed on
- this basis. This is most commonly included for a claim based on
- beneficial use or posted notice that is PROPOSED to be disallowed
- because the right claimed is not within an exception to the
- mandatory permit statute, and beneficial use of water prior to
- the mandatory permit statute was not confirmed. This is also
- included where a claim is PROPOSED to be disallowed because the
- claim is to water that is not public water subject to
- appropriation. This is also included where a right was
- determined not to exist in a prior adjudication.

+ - - - - Decree Plaintiff - - - - +
L. L. BRECKINRIDGE CO.
+ - - - - Decree Defendant - - - - +
MORGAN C. WILLIAMS ET AL
+ - - - - Decree Date - - - - +
00/00/0000

Water right number - R71-00066

Prefix Translation: RESEARCH

+ - - - - Comments - - - - -
Date: 02/28/1995 User Id: AMERRITT Subject: COPIED FROM REMARKS
NON-IRRIGATION USES: THE WATER IS USED FOR THE PURPOSES OF THE
PRESERVATION AND PROTECTION OF THE NATURAL, SCENIC, HISTORIC,
ENHANCEMENT OF THE RECREATIONAL VALUES ASSOCIATED THEREWITH.
AS WILL BEST PROVIDE THE PROTECTION AND CONSERVATION OF THE
SCENIC, NATURAL, HISTORIC, PASTORAL, WILDLIFE, AND OTHER VALUES
ENJOYMENT.
Date: 02/28/1995 User Id: AMERRITT Subject: DISALLOWAL
THIS CLAIM IS RECOMMENDED TO BE DISALLOWED SINCE CLAIMED CHANGE
42-222.

SAWTOOTH NATIONAL RECREATION AREA, I.E., TO ASSURE THE
PASTORAL, AND FISH AND WILDLIFE VALUES AND TO PROVIDE FOR THE
THE SAWTOOTH NATIONAL RECREATION AREA IS ADMINISTERED IN A MANNER
SALMON AND OTHER FISHERIES, THE CONSERVATION AND DEVELOPMENT OF
CONTRIBUTING TO AND AVAILABLE FOR PUBLIC RECREATION AND
FURTHER REMARKS: ALTURAS LAKE QUADRANGLE.

IN NATURE OF USE WAS MADE AFTER 11/19/1987 WITHOUT GOING THRU

+ - - Audit Fields - - +
02/28/95 AMERRITT

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +
Court Report Filing - 00/00/0000 Field Inspection Made - 00/00/0000 Civil Case Number - 39576
Objection Filed Date - 00/00/0000 Verified Date - 00/00/0000 Old Case Number -
Response Filed Date - 00/00/0000 Last Amended Date - 02/27/1995 Temporary Right - P
Claim Received Date - 03/09/1994 Receipt Number - C008570 Water District -
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - OR Presumption Flag - C
Notice of Error Flag -

FROM: Allen Merritt

DATE: February 28, 1995

TO FILES: A71-00059, A71-00061 (United States Forest Service)
A71-00064B, A71-00066 & A71-00068

SUBJECT: Review, Analysis & Recommendation

These subject claims were originally filed in the name of Enright Enterprises, Inc. in 1989. In 1992 the land and water rights were purchased by the United States through the USFS. Through the summer of 1993 I conducted field reviews of the irrigated lands in basin 71. At that time I observed that the lands in question were not being irrigated. During that the summer I knew that the USFS had done something but was not sure exactly what the arrangement was. I discussed this matter with Dave Shaw who directed me to contact Randy Bramer, attorney with USFS Adjudication team in Boise. I made several attempts and additionally contacted Valdon Hancock, water rights specialist with Sawtooth National Forest District office in Twin Falls. On my numerous contacts with these individuals I suggested they file change of ownership documents to get the claims into the USFS name and also I requested that they provide me information as to how the land was irrigated. Valdon was not willing or able to describe how the land was irrigated. He always refereed me to the attorneys. In discussions with Randy Bramer I was promised that the ownership change was being worked on and nothing as to how the land was irrigated.

On 11/23/93 I met with Valdon Hancock in the Sawtooth Valley to go over USFS claims. At that time he indicated again they couldn't provide information as to the irrigation of the old Enright place.

On 12/10/93 we received the change of ownership documents from Enright to USFS. With the documents was an agreement for delivery of a portion of 71-00061 for a few years. To document this special agreement I split 71-00061 into A & B.

On 3/9/94 IDWR received amendments to all the claims which changed the use from irrigation to instream flows. 71-00061 was amended in whole so when I recently data entered this amendment I recombined A & B portions back into 71-00061.

To my knowledge the subject lands were last irrigated in 1991 or 1992 with the exception of the land subject to the special agreement for use of a portion of 71-00061. I do not know the status of those lands. NAPP shows the lands essentially all irrigated in 8/22/88.

Based on my understanding the unrecorded change in nature of use from irrigation to instream flow occurred after Nov. 19, 1987 without the benefit of a transfer pursuant to 42-222, I recommend that the claims be disallowed.