

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: A72-00144
Date Received: 1/ 9/1990
Receipt No: E011549
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: MOUNTAIN SPRINGS RANCH LLC
Address: 5550 BARTON FLAT RD
MACKAY ID 83251 208-588-2805

2. Date of Priority: FEB 1, 1877

3. Source: WARM SPRING CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12N	20E	23	SE	SW	SE		CUSTER
		26	SW	NE	NE		CUSTER
			SW	SE	NE		CUSTER
			SE	SE	SE		CUSTER
		35	NE	SW	SE		CUSTER
			SE	SW	SE		CUSTER

5. Description of diverting works:
DITCHES, DAMS, PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	6.400		
STOCKWATER	01/01	12/31	0.020		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11N	20E	2	NW		NE	2	STOCK	
			NW		NE	2	IRR	5.0
			SW		NE		IRR	5.0
			SW		NE		STOCK	
			SE		NE		IRR	7.0
			SE		NE		STOCK	
			NE		SE		IRR	10.0
			NE		SE		STOCK	
			Section Acres					27.0
		3	SE		NW		STOCK	
			NW		SW		STOCK	
12N	20E	23	NW		SE		IRR	9.5
			NW		SE		STOCK	
			SW		SE		IRR	38.0
			SW		SE		STOCK	
			Section Acres					47.5
		26	NE		NE		IRR	2.2
			NE		NE		STOCK	
			NW		NE		IRR	27.0
			NW		NE		STOCK	
			SW		NE		IRR	35.0
			SW		NE		STOCK	
			SE		NE		IRR	13.0
			SE		NE		STOCK	
			NE		SE		IRR	32.0
			NE		SE		STOCK	
			SE		SE		IRR	1.8
			SE		SE		STOCK	
			Section Acres					111.0
		34	SW		SE		STOCK	
			SE		SE		STOCK	
		35	NE		NE		IRR	2.3
			NE		NE		STOCK	
			SW		NE		IRR	8.5
			SW		NE		STOCK	
			SE		NE		IRR	16.0
			SE		NE		STOCK	
			SW		SW		STOCK	
			NE		SE		IRR	13.0
			NE		SE		STOCK	

10. Place of Use: Continued

Section Acres 39.8

Total Acres 225.3

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:

14. Remarks:

SOURCE IS ALSO KNOWN AS ANTELOPE CREEK.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

JOSEPH RODGERS, ET. AL.

Decree Plaintiff

DANIEL C. BREYER, 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
_____, 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)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 20 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
_____ Print Name
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 _____

450 claim fee
#267 receipt fee
\$317 total

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

COPY

Ident. Number: A72-00144

Date Received: 1/03/1990

Receipt No: 2011549

Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

JAN 17 1990

Department of Water Resources
208-588-2805

1. Name: SAN FELIPE RANCHES
Address: P.O. BOX 388
MACKAY, ID

83251

2. Date of Priority: FEB 01, 1877

3. Source: ANTELOPE CREEK
WARM SPRING CREEK

Trib. to: WARM SPRINGS CREEK
SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12N	20E	23	SE	SW	SE		CUSTER
		26	SW	NE	NE		CUSTER
			NE	SE	SE		CUSTER
			SE	SE	SE		CUSTER
		35	NE	SW	SE		CUSTER
			SE	SW	SE		CUSTER
		36	NW	NW	NW		CUSTER
			SW	NW	NW		CUSTER

5. Description of diverting works:
DITCHES, DAMS, PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.400		
IRRIGATION STORAGE	01/01	12/31			12.90
IRRIGATION FROM STORAGE	04/01	11/01			12.90

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

A.F.A.

8. Total consumptive use is 667.5 Acre Feet Per Annum.

A72-00144

Page 1

Date: 01/08/90

MICROFILMED

MAR 18 1993

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	20E	23	NW	SE		IRR	15.0
			SW	SE		IRR	40.0
						Section Acres	55.0
		26	NW	NE		IRR	35.0
			SW	NE		IRR	35.0
			SE	NE		IRR	40.0
			NE	SE		IRR	20.0
			NW	SE		IRR	7.0
						Section Acres	137.0
		35	SW	NE		IRR	10.0
			SE	NE		IRR	20.0
			NE	SE		IRR	20.0
			NW	SE		IRR	15.0
			SE	SE		IRR	10.0
						Section Acres	75.0
						Total Acres	267.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:

14. Remarks:

3 STORAGE PONDS APPROXIMATELY 150' X 250' WITH AVERAGE OF 5' DEPTH.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

JOSEPH RODGERS, ET. AL.

Decree Plaintiff

vs

DANIEL C. BREYER, ET. AL.

Decree Defendant

A72-00144

Page

2

Date: 01/08/90

MICROFILMED

MAR 18 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 Organizations:

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

Dave Nelson
Signature of Authorized Agent
manager San Felipe Ranch
Title and Organization
1/8/90
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 8th day

of January 19 90

Seal

Anthony L. Orsini
Notary Public

Residing at Idaho Falls

My Commission Expires 9/12/1994

Box 33



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

June 9, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Steve Rosenkrance
Mountain Springs Ranch LLC
5550 Barton Flat Rd.
Mackay, ID 83251

Re: Snake River Basin Adjudication (SRBA)
Amended Notice of Claim #A72-00144

Dear Mr. Rosenkrance:

Before we can begin processing your Amended Notice of Claim #A72-00144, we need an additional \$11.00 in acreage fees. We identified 11 more acres in the place of use at T11N, R02E, Sec. 02, SE1/4NE1/4 (3 ac) and NE1/4SE1/4 (8 ac) than were initially claimed for this water right.

Please remit \$11.00 to my attention with 10 days so processing of your amended Notice of Claim A72-00144 may continue.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donald V. Shaff'.

Donald V. Shaff
Manager
Adjudication Technical Section

DVS:ss:state

CC: Steve Clelland

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

Case No. 39576

A. Subcase No.: 72-00144

STANDARD FORM 1
OBJECTION

RECEIVED

SEP 19 2000

Please fill in the following information:

Department of Water Resources

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: MOUNTAIN SPRINGS RANCH LLC

Address: 5550 BARTON FLAT ROAD

MACKAY, ID 83251

Daytime Phone: (208) 588-3110

RECEIVED
OCT 31 2000

Department of Water Resources
Southern Region

Name & Address of Attorney, if any:

Patrick D. Brown, P.C.

109 South Adams Street

Jerome, ID 83338 (644-1967)

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

Name: MOUNTAIN SPRINGS RANCH LLC

Address: 5550 BARTON FLAT ROAD

MACKAY, ID 83251

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: _____
2. ☐ Source
Should be: _____
3. ☐ Quantity
Should be: _____
4. ☐ Priority Date
Should be: _____
5. ☐ Point(s) of Diversion
Should be: _____
6. ☐ Instream Flow Description
Should be: _____
7. ☐ Purpose(s) of Use
Should be: _____
8. ☐ Period of Use
Should be: _____
9. ☐ Place of Use
Should be: _____
10. I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): The right number was listed
incorrectly as 72-144 in the Director's Report. The Basis of the Claim should be Decree
and it was listed as "beneficial use" in the Director's Report.

State of Idaho)
County of Twin Falls) ss

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)

Attorney signing in representative capacity)

Notary Public for: Idaho
Residing at: Twin Falls
My Commission Expires: 11-09-2000



INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on September 18, 2000, I mailed the original and copies of this Objection, including all attachments, to the following persons:

1. Original to:

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

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

Name: n/a
Address: _____

2. Copies to:

Peter J. Ampe
Office of the Attorney General
P. O. Box 44449
Boise, ID 83711-4449

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Idaho Dept. of Water Resources
Document Depository
P. O. Box 83720
Boise, ID 83701-0098

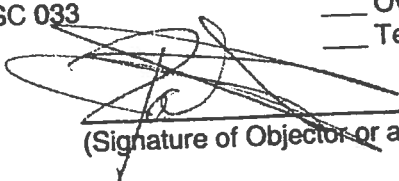
☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Nicholas Spencer
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83705
(208) 327-7866

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

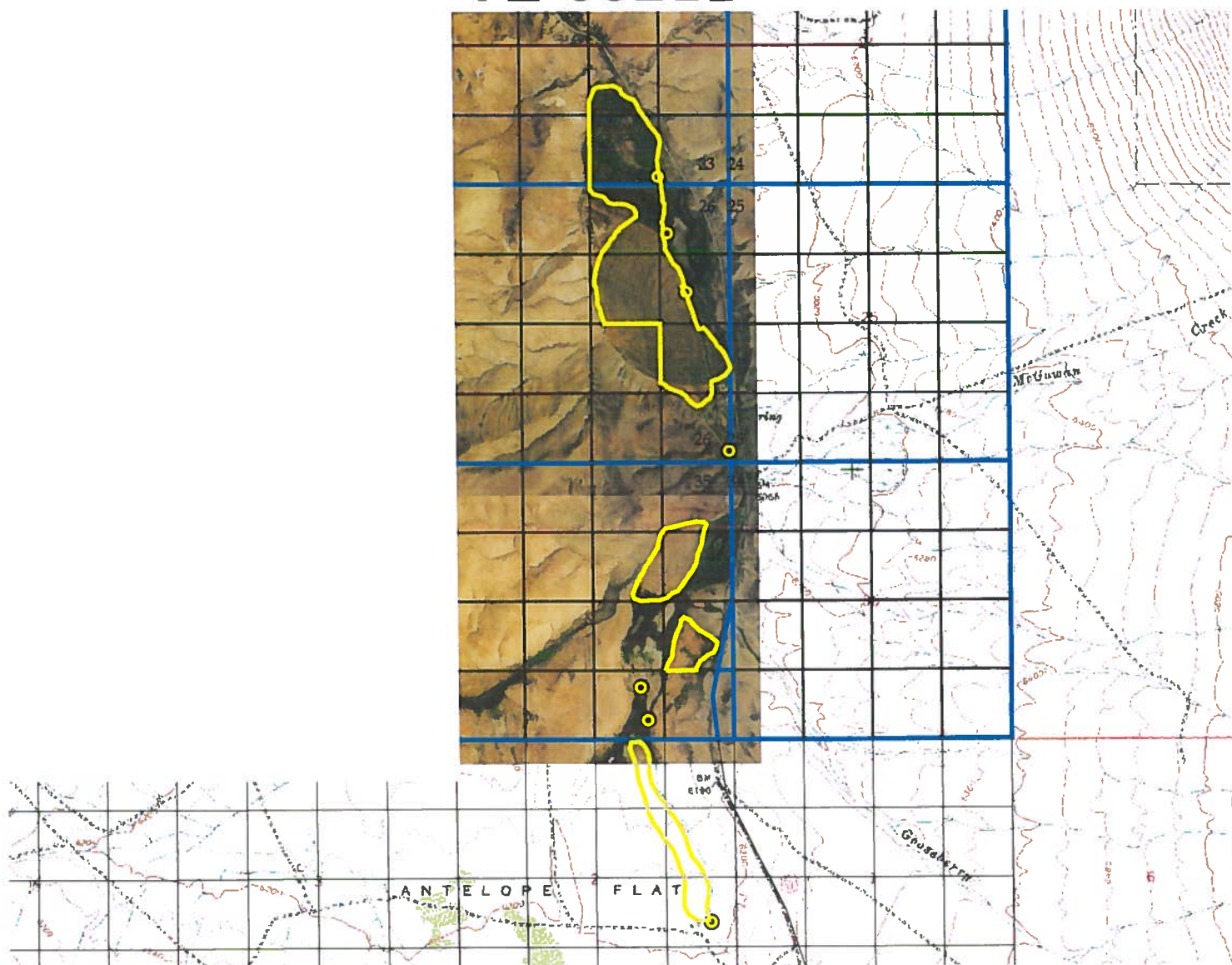
United States Department of Justice
Environment and Natural Resource Div.
550 West Forth Street, MSC 033
Boise, ID 83724

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)


(Signature of Objector or attorney mailing on Objector's behalf)

IDAHO DEPARTMENT OF WATER RESOURCES

72-00144



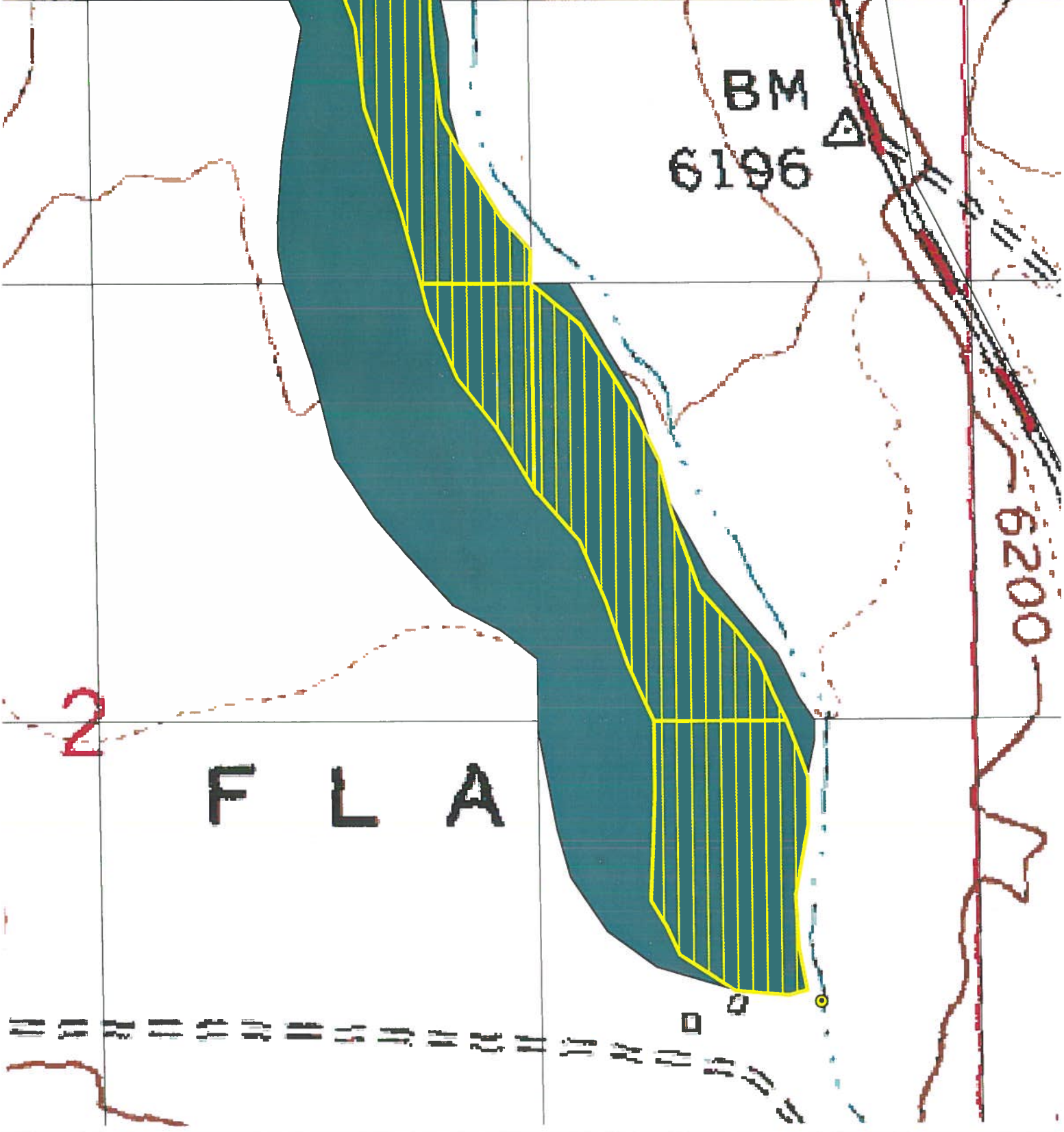
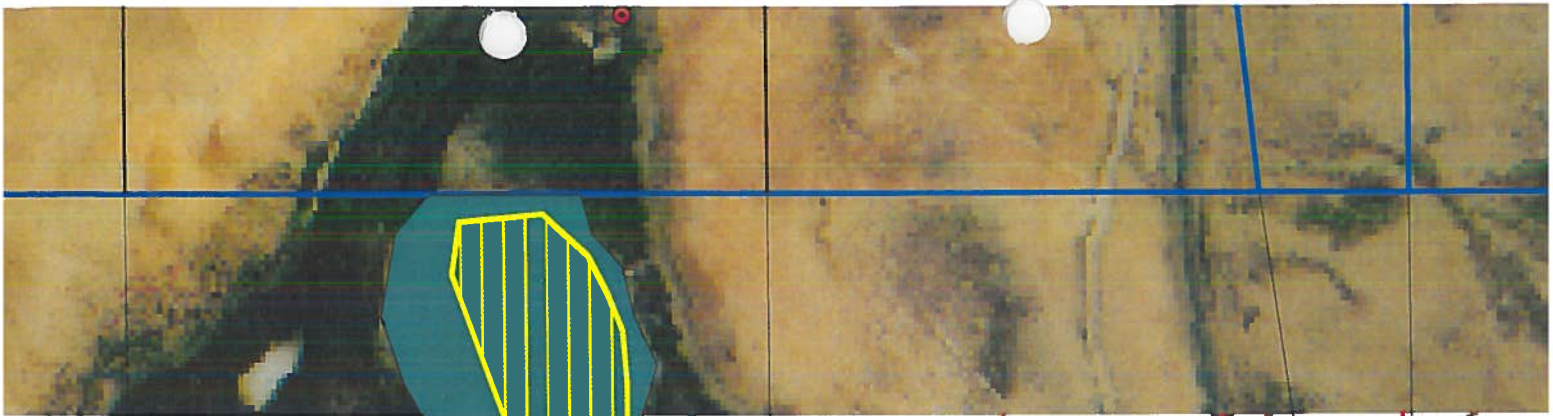
1320 0 1320 2640 3960 Feet

-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  SECTION LINES
-  QUARTER-QUARTER LINES
-  STREAMS & DITCH CHANNELS

TWN: 11N & 12N
RNG: 20E
SEC: 35 & 02



GIS PLACE OF USE PRESENTATION
USFS AERIAL PHOTOGRAPHY, 1988
BY STEVE CLELLAND
DATE: August 25, 2000
REVISED



RECEIVED

OCT 27 1999

Department of Water Resources
Southern Region

RECEIVED

OCT 22 1999

Department of Water Resources

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

Case No. 39576

A. Subcase 72-00144

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown 208 387-0835; R. Lee Leininger, 202 305-0242; Paul F. Holleman, 202 305-0494

United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

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

Name: Mountain Springs Ranch LLC

Address: 5550 Barton Flat Rd Mackay, ID 83251

Name:

Address:

Name:

Address:

Name:

Address:

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: _____

2. ☐ **Source**

Should be: _____

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point(s) of Diversion**

Should be: _____

6. ☐ **Instream Flow Description**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☒ **Place of Use**

Should be: See attached

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU.

F.

VERIFICATION (Must be Completed)

State of Idaho)

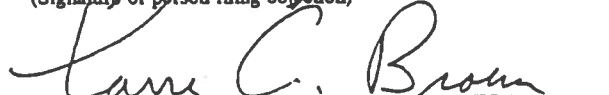
) ss.

County of Ada)

Gary A. Madenford, Water Rights Team Leader, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 1, 1999



John W. Thornburgh

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 05-16-2003

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on June 2nd, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

Name: Mountain Springs Ranch LLC
Address: 5550 Barton Flat Rd Mackay, ID 83251
Name:
Address:
Name:
Address:
Name:
Address:

3. Copies to:

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

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

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


Signature of Objector or attorney mailing on Objector's behalf

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JAN-26-1999
PAGE: A-1058

RIGHTS FROM: SOURCE: WARM SPRING CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 72-00144

NAME & ADDRESS: MOUNTAIN SPRINGS RANCH LLC
5550 BARTON FLAT RD
MACKAY ID 83251

- POU'S ON BLM; UNAUTHORIZED USE

SOURCE: WARM SPRING CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 6.4 CFS

PRIORITY DATE: 02/01/1877

POINT OF DIVERSION: T12N R20E S23
S26
S35

SESWSE ✓
SWMENE ✓
SWSENE ✓
SESESE ✓
NESWSE ✓
SESWSE ✓

Within CUSTER County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE IRRIGATION PERIOD OF USE 04-01 10-31 QUANTITY 6.4 CFS

PLACE OF USE: IRRIGATION Within CUSTER County

T12N R20E S23
S26
S35
225.3 ACRES TOTAL

SESW 2.7 BLM
NENE 2.2 ✓
NESE 32 ✓
NENE 2.3 ✓
SESE 6.3 BLM

NWSE 9.5 ✓
NWNE 27 ✓
NWSE 18 BLM
SWNE 8.5 ✓

SWSE 38 ✓
SWNE 35 ✓
SESE 1.8 ✓
SENE 16 ✓

SENE 13 ✓
NESE 13 ✓

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

AJ5856NP

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

DATE: JAN-26-1999
PAGE: A-1059

RIGHTS FROM: SOURCE: WARM SPRING CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 72-00144 (CONT)

OTHER PROVISIONS: (CONT)

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 72:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
SOURCE IS ALSO KNOWN AS ANTELOPE CREEK.

08/25/2000

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

RIGHT NUMBER: 72-144

NAME AND ADDRESS: MOUNTAIN SPRINGS RANCH LLC
5550 BARTON FLAT RD
MACKAY, ID 83251

SOURCE: WARM SPRING CREEK TRIBUTARY: Salmon River

QUANTITY: 6.4 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 02/01/1877

POINT OF DIVERSION:	T11N R20E S2	SENESE	Within CUSTER County
	T12N R20E S23	SESWSSE	Within CUSTER County
	T12N R20E S26	SWNESE	Within CUSTER County
	T12N R20E S26	SWSENE	Within CUSTER County
	T12N R20E S26	SESESE	Within CUSTER County
	T12N R20E S35	NESWSE	Within CUSTER County
	T12N R20E S35	SESWSSE	Within CUSTER County

PURPOSE AND
PERIOD OF USE:

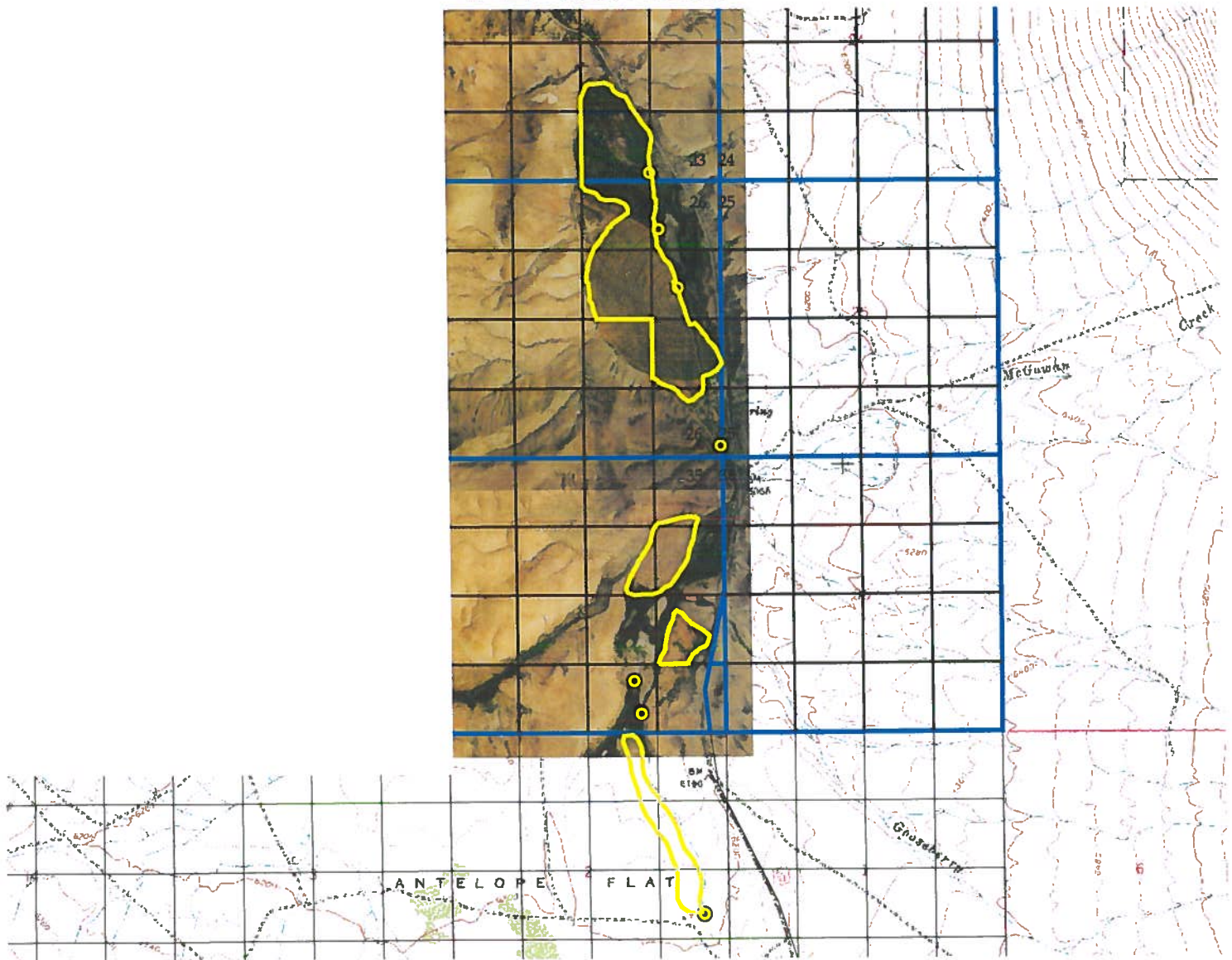
<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	6.40 CFS
STOCKWATER	01-01 12-31	0.02 CFS

PLACE OF USE:

IRRIGATION Within CUSTER County			
T11N R20E S2	SENE	8.7	T11N R20E S2
T11N R20E S2	NESE	7.8	T11N R20E S2
T12N R20E S23	NWSE	9.4	T12N R20E S23
T12N R20E S26	NWNE	27	T12N R20E S26
T12N R20E S26	SWNE	35	T12N R20E S26
T12N R20E S26	NESE	32	T12N R20E S26
T12N R20E S35	NENE	2.3	T12N R20E S35
T12N R20E S35	SWNE	8.6	T12N R20E S35
STOCKWATER Within CUSTER County			
T11N R20E S2	SWNE		T11N R20E S2
T11N R20E S2	NESE		T11N R20E S2
T11N R20E S3	NWSW		T11N R20E S3
T12N R20E S23	SWSE		T12N R20E S23
T12N R20E S26	SESE		T12N R20E S26
T12N R20E S26	NESE		T12N R20E S26
T12N R20E S26	SWNE		T12N R20E S26
T12N R20E S34	SWSE		T12N R20E S34
T12N R20E S35	SWNE		T12N R20E S35
T12N R20E S35	NENE		T12N R20E S35
T12N R20E S35	SWSW		T12N R20E S35
225.3 ACRES TOTAL			

IDAHO DEPARTMENT OF WATER RESOURCES

72-00144



1320 0 1320 2640 3960 Feet

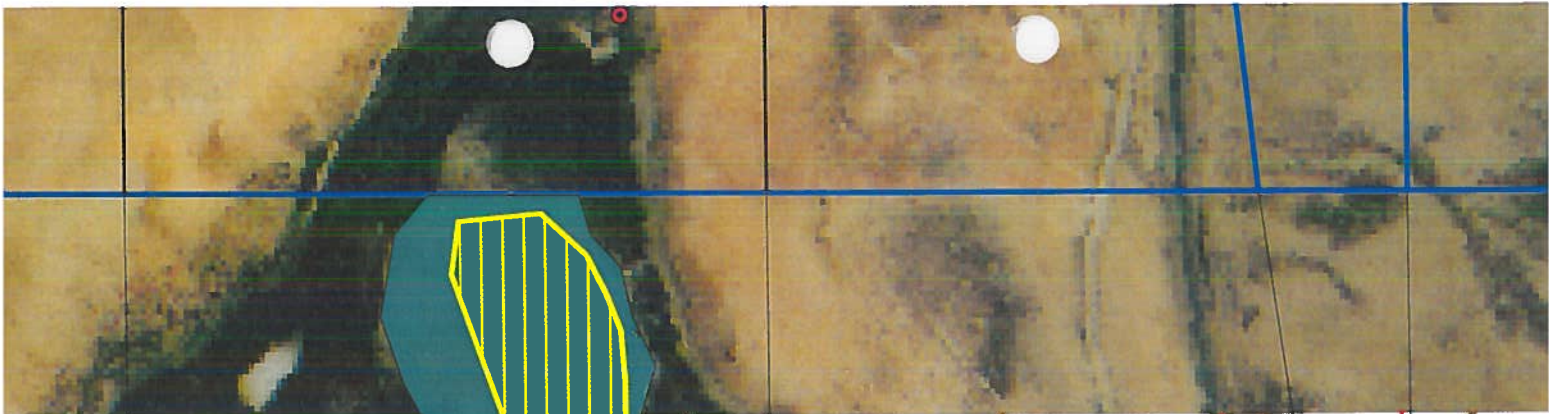


-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  SECTION LINES
-  QUARTER-QUARTER LINES
-  STREAMS & DITCH CHANNELS

TWN: 11N & 12N
RNG: 20E
SEC: 35 & 02



GIS PLACE OF USE PRESENTATION
USFS AERIAL PHOTOGRAPHY, 1988
BY STEVE CLELLAND
DATE: August 25, 2000
REVISED



BM
6196

Acres = 27

Reduced Area
to Match
Claimed Acres.

No irrigation
actually
visible on
the BLM
Photo -
No water
Available.

6200

T11N
R20E

DRAFT AREA
from OPQ drawing.
= 40 Acres

2

FLA

72-00144

U76 Topo (DRG)

8/25/00 SCC

2.7
→

18
→

6.3
→

T12N
R20E

New Pou

11N

20E

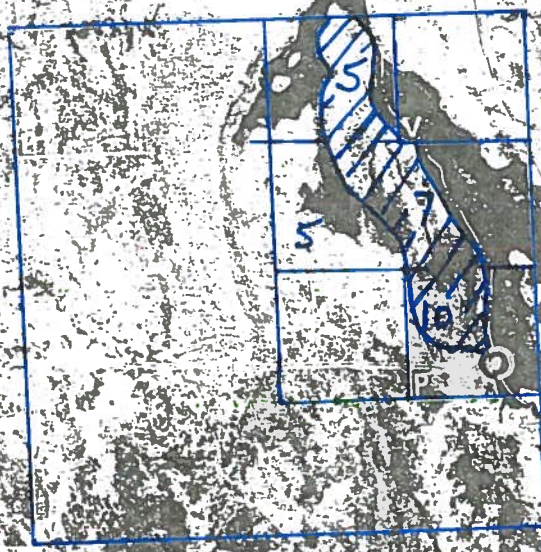
5.2

Drops 27.0 Ac
from Pou

due to BLM
ownership

A72-00144
(Amended)

5/26/00
sw



Adds

27.0 ACRES

Estimated POU

CLAIM A72-00144 INIT 3u
T. R. S. Q/Q 5/25/00
P/D 2 SENESE
PHOTO U76
DT.&ID. 7-24-1974

AMENDED DRAFT

Field Exam Notes
SCC

5/18/00

Shane Rosen ~~sons~~

Krance

588-3086

POD @ Homestead located onsite

- Dry up 18/21 acres under SW pivot
- Add Acres in S.2

* No POD claimed in Sec. 2

↓
Corrected by 3RD
Amended Claim.

9-8-10
M-T-W

CLAIM A72-00144 INIT 3u
T. R. S. Q/Q 5/25/00
P/D LN 20E 2 SENESE
PHOTO 476 (NE)
DT.&ID. 7-24-1974



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-5400

DATE: B-3-00

TO: Steve Clelland
IDWR - Southern

FROM: Vicky MUSIC
DAB - IDWR

DOCUMENT DESCRIPTION: 3rd Amd claim attached
72-00144
mtn spr Ranch

COVER SHEET + 3 PAGES

CONTACT: _____ IF YOU DO NOT RECEIVE ALL THE PAGES.

THANK YOU!

3RD**AMENDED NOTICE OF CLAIM**DATE: MAY-31-2000
PAGE: A-1

RIGHTS FROM: SOURCE: WARM SPRINGS CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 72-00144

NAME AND ADDRESS: MOUNTAIN SPRINGS RANCH LLC
5550 BARTON FLAT ROAD, MACKAY, ID 83251

SOURCE: WARM SPRINGS CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 8.4 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER
USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 02/01/1877

DIVERSION POINT: T11N R20E S02 SENESE WITHIN CUSTER COUNTY
T12N R20E S23 SESWSE
S26 SWNENE
S35 SWSENE
SESESE
NESWSE
SESWSEPURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION 04-01 TO 10-31 8.40 CFS
STOCKWATER 01-01 TO 12-31 0.02 CFSPLACE OF USE: IRRIGATION LOT 2 WITHIN CUSTER COUNTY
T11N R20E S02 NWNE 5.0 SWNE 5.0
SENE 7.0 NESE 10.0
SESW 2.7 NWSE 9.5
SWSE 38.0
NENE 2.2 NWNE 27.0
SWNE 35.0 SENE 13.0
NESE 32.0 NWSE 14.0
SESE 1.8
NENE 2.3 SWNE 8.5
SENE 16.0 NESE 13.0
SESE 6.3

225.3 ACRES TOTAL

STOCKWATER LOT 2 WITHIN CUSTER COUNTY
T11N R20E S02 SENE SWNE
S03 SENW NESW
T12N R20E S23 SENW NWSW
S26 NWSE
NENE NWNE
SWNE SENE
NESE
SESE
SWSE SESE
NENE SWNE
SENE SWSW
NESE

- OLD POW

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

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 72:

WATER RIGHT NO.	SOURCE.
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE.
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORIC BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREED

SOURCE IS ALSO KNOWN AS ANTELOPE CREEK.

05/31/2000 09:22 2083275400

IDAH0 SOUTHERN REGION

PAGE 05/05

For organizations:

I do solemnly swear or affirm that I am Manager of
Mammoth Springs Ranch that I have signed the foregoing
document in the space below as Manager of
Mammoth Spring Ranch and that the statements contained in the
foregoing document are true and correct.

Shane Rankuna
Signature of Authorized AgentManager Mammoth Spring Ranch LLC
Title and Organization5-31-00

Date

State of Idaho

County of Custer) SS.Subscribed and sworn (or affirmed) before me this 3rd dayof May 20Charlotte J. Wall
Notary Public

Seal

CHARLOTTE J. WALL
Notary Public
State of IdahoResiding at MarkeyMy Commission Expires 12-18-05

A72-00144

Page

4

Date: 05/31/00



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

June 9, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RECEIVED

JUL 05 2000

Department of Water Resources
Southern Region

Steve Rosenkrance
Mountain Springs Ranch LLC
5550 Barton Flat Rd.
Mackay, ID 83251

Re: Snake River Basin Adjudication (SRBA)
Amended Notice of Claim #A72-00144

Custer Co.

Dear Mr. Rosenkrance:

Before we can begin processing your Amended Notice of Claim #A72-00144, we need an additional \$11.00 in acreage fees. We identified 11 more acres in the place of use at T11N, R02E, Sec. 02, SE1/4NE1/4 (3 ac) and NE1/4SE1/4 (8 ac) than were initially claimed for this water right.

Please remit \$11.00 to my attention with 10 days so processing of your amended Notice of Claim A72-00144 may continue.

Please contact me if you have any questions.

6-1500 need #C049503

Sincerely,

Donald V. Shaff
Manager
Adjudication Technical Section

DVS:ss:state

CC: Steve Clelland

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
A72-00144	MOUNTAIN SPRINGS RANCH LLC 5550 BARTON FLAT RD MACKAY ID 83251	02/01/1877	IRRIGATION STOCKWATER	4/01 10/31 Irrig Season 01-01 12-31	6.40 CFS 0.02 CFS	DECREED

TOTAL DIVERSION RATE: 6.40 CFS
TOTAL DIVERSION VOLUME: 0.00 AFA

SOURCE: WARM SPRING CREEK

TRIBUTARY: SALMON RIVER

POINT OF DIVERSION:

T12N R20E S23 ✓ SESWSE
S26 ✓ SWNE
SWSENE
SESESE
S35 ✓ NESWSE
SESWSE

PLACE OF USE: IRRIGATION

T11N R20E S02 Lot 2 (NWNE) 5 ✓ SWNE 5 ✓ SENE 7 ✓ NESE 10 ✓ 118
T12N R20E S23 NWSE 9.5 ✓ SWSE 38 ✓
S26 NENE 2.2 ✓ NWNE 27 ✓ SWNE 35 ✓ SENE 13 ✓ NESE 32 ✓
SESE 1.8 ✓
S35 NENE 2.3 ✓ SWNE 8.5 ✓ SENE 16 ✓ NESE 13 ✓
225.3 ACRES TOTAL

PLACE OF USE: STOCKWATER

T11N R20E S02 Lot 2 (NWNE) SWNE SENE NESE
S03 SENW NWSW
T12N R20E S23 NWSE SWSE
S26 NENE NWNE SWNE SENE NESE
SESE
S34 SWSE SESE
S35 NENE SWNE SENE SWSW NESE

CONDITIONS OF APPROVAL:

- N05 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
- SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- N08 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
- STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
- USE.
- C18 - 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.

DIVERSION MEANS: DITCHES, DAMS, PUMPS

REMARKS: GEN SOURCE IS ALSO KNOWN AS ANTELOPE CREEK.

OTHER RIGHTS:

COPY

1999 OCT 21 PM 4: 40

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

**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	)	Subcase 72-00144
	)	
	)	
Case 39576	)	STANDARD FORM 4
	)	
	)	MOTION TO FILE AMENDED
	)	NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase". You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

RECEIVED

OCT 26 1999

☒ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is: Shane Rosenkrance

My address is: Mountain Springs Ranch
5550 Barton Flat Road
Mackay, Idaho 83251

My phone number is: Work: (208) 588-3110 Home: (208) 588-²⁸⁰⁶~~3110~~

I am an attorney representing: _____

My name is: _____

My address is: _____

My phone number is: _____

MOTION TO FILE LATE NOTICE OF CLAIM

A Motion to File Late Notice of Claim will require a hearing before the Presiding Judge.

I did not file a Notice of claim to the use of water in the SRBA because:

I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

A fully completed Notice of Claim (available from IDWR).

A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$_____.

A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$_____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

☒ I must amend my Notice of Claim to the use of water in the SRBA because:

1. Stockwatering purposes was not included in the recommended decree.
2. The period of use for stockwatering purposes should be year-round.
3. The place of use as recommended includes lands owned by BLM.
4. Other private lands were excluded from the recommended decree.

☒ I am providing legal and factual documentation to support my amended Notice of Claim.
You must describe these documents and attach a readable copy.

1. BLM objection to Subcase 72-00144.

2. Mountain Springs Ranch, LLC objection to Subcase 72-00144.

I have attached:

☒ An amended Notice of Claim (available from IDWR).

Payment of the following fees required by IDWR:

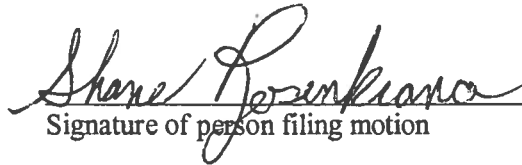
VERIFICATION (Must be completed)

State of Idaho:

County of Custer:

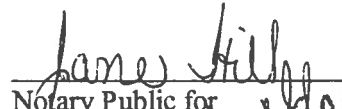
Shane Rosenkrance, being first duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.


Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 10-15-99
(Insert Date)


Notary Public for Idaho
Residing at: Mackay, Idaho
My Commission expires: 8-1-00

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **Fax filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on Oct 18, 1999, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

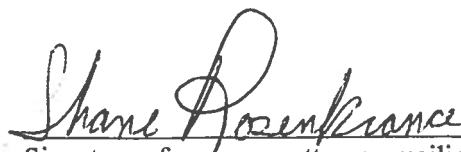
IDWR Document Depository
PO Box 83720
Boise, Idaho 83720-0098

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

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

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert names/addresses of parties)



Signature of person or attorney mailing the form

RECEIVED

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

JUL 05 2000

Department of Water Resources
Southern Region

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

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

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

AMENDEDAMENDED

Please type or print clearly

1. Name of Claimant (s) MOUNTAIN SPRINGS RANCH, LLC Phone (208) 588-3110Mailing Address 5550 BARTON FLAT RD. MACKAY, IDAHO Zip 832512. Date of Priority (Only one (1) per claim) 02/01/18773. Source of water supply (a) Antelope Creek
WARM SPRINGS CREEK
which is tributary to (b) Salmon River4. a. Location of existing point of diversion is: Township 12N Range 20E Section 23,
SE 1/4 of SW 1/4 of SE 1/4, Govt. Lot, E. B.M., County of CusterSec 26; SWNE, SWSE, SESE,
Additional points of diversion if any: SEC 35; NESWSE, SESWSE

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 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. DITCHES - HEADGATES - DAMS -

x

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

Decree ☒

If applicable provide IDWR Water Right Number 72-00144

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) X Shane Rosenkrance Date X 10-15-99

Mountain Springs Ranch LLC Date _____

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

Title

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 _____)

County of Custer) SS.

Subscribed and sworn (or affirmed) before me this 15th day of October 19 99

SEAL

Notary Public James Hill

Residing at Mackay, Idaho

My Commission Expires 8-1-00

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 _____

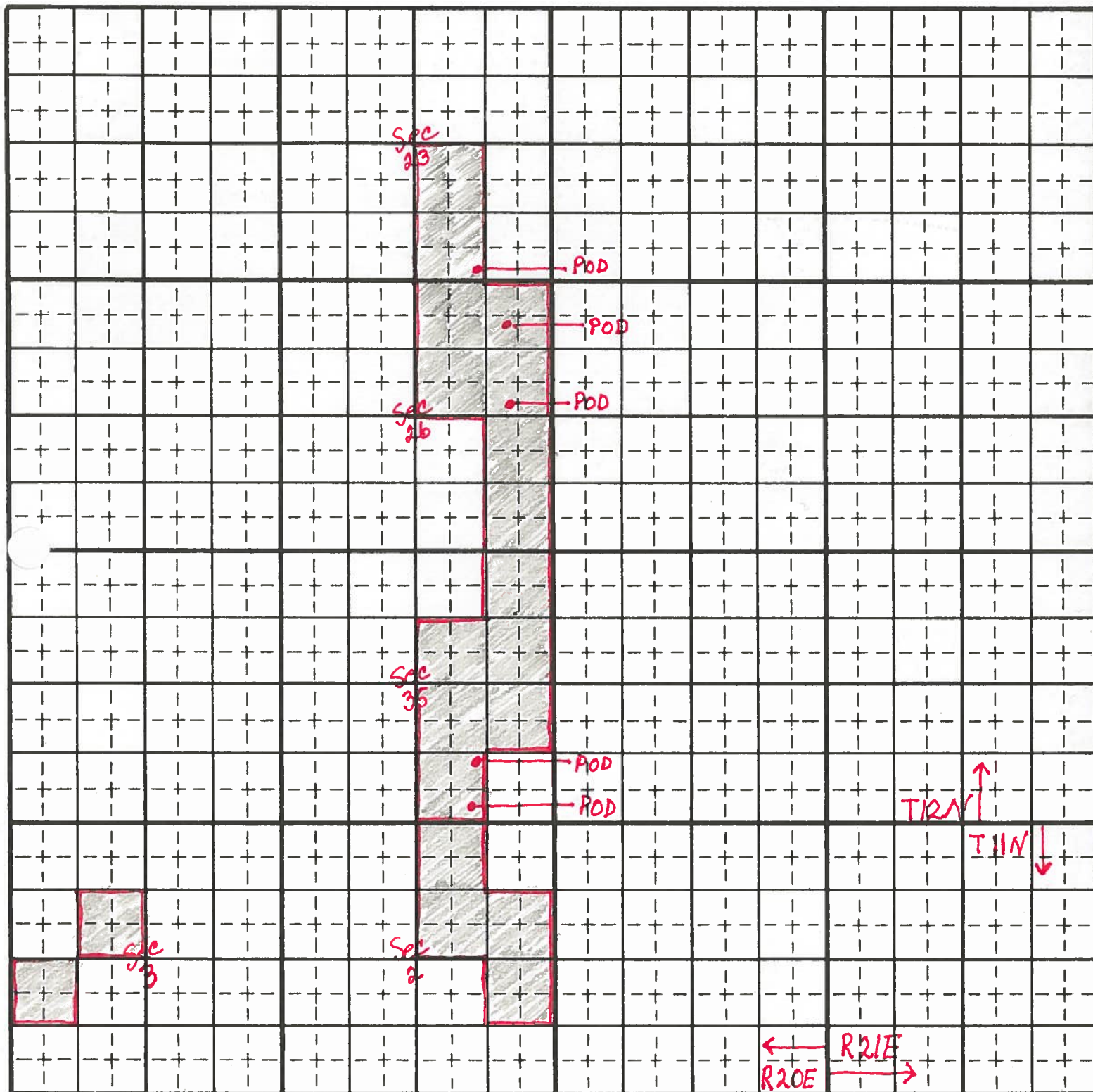
Date _____

Last Name MOUNTAIN Springs Ranch Ident. Number _____

Copies White-State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



Shaded Area = POU

Last Name MOUNTAIN Spring Ranch Ident No. _____

Copies: White-State, Yellow-Claimant

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 04/01 to 10/31 amount 6.4 cfs or _____

or Livestock purposes from 01/01 to 12/31 amount .02 cfs or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 6.4 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater: 1,000 Cattle, 20 horses

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	
12N	20E	23									S					9.5	38 ^S		47.5
		26	2.2	27	35	13									32			1.8	111.0
		35	2.3		8.5	16									13				39.8
		34	S		S	S							S		S		S		
11N	20E	02		S	S	S									S				38.0
		03		S	S	10							S		18				
										S		S							

Total number of acres irrigated 236.3

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

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 _____ Ident No. _____

Copies: White -State, Yellow-Claimant

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: **A72-00144**
Date Received: 1/ 9/1990
Receipt No: E011549
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: MOUNTAIN SPRINGS RANCH LLC 208-588-2805
Address: 5550 BARTON FLAT RD
MACKAY ID 83251

2. Date of Priority: FEB 1, 1877

3. Source: WARM SPRING CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12N	20E	23	SE	SW	SE		CUSTER
		26	SW	NE	NE		CUSTER
			SW	SE	NE		CUSTER
			SE	SE	SE		CUSTER
		35	NE	SW	SE		CUSTER
			SE	SW	SE		CUSTER

5. Description of diverting works:
DITCHES, DAMS, PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	6.400		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres		
11N	20E	2	NW		NE	2	STOCK			
			NW		NE	2	IRR	5.0		
			SW		NE		IRR	5.0		
			SW		NE		STOCK			
			SE		NE		IRR	10.0		
			SE		NE		STOCK			
			NE		SE		IRR	18.0		
			NE		SE		STOCK			
Section Acres								38.0		
12N	20E	3	SE		NW		STOCK			
			NW		SW		STOCK			
		23	NW		SE		IRR	9.5		
			NW		SE		STOCK			
			SW		SE		IRR	38.0		
			SW		SE		STOCK			
		Section Acres								47.5
		26	NE		NE		IRR	2.2		
			NE		NE		STOCK			
			NW		NE		IRR	27.0		
			NW		NE		STOCK			
			SW		NE		IRR	35.0		
			SW		NE		STOCK			
			SE		NE		IRR	13.0		
SE			NE		STOCK					
NE			SE		IRR	32.0				
NE			SE		STOCK					
SE			SE		IRR	1.8				
SE			SE		STOCK					
Section Acres								111.0		
34	SW		SE		STOCK					
	SE		SE		STOCK					
	35	NE		NE		IRR	2.3			
		NE		NE		STOCK				
		SW		NE		IRR	8.5			
		SW		NE		STOCK				
	SE		NE		IRR	16.0				
	SE		NE		STOCK					
	SW		SW		STOCK					
	NE		SE		IRR	13.0				
	NE		SE		STOCK					

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	39.8
					Total Acres	236.3

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:

14. Remarks:

SOURCE IS ALSO KNOWN AS ANTELOPE CREEK.

Amended claim to add 11 acres. 6/20/00 Rec't C049503

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

JOSEPH RODGERS, ET. AL.

Decree Plaintiff

DANIEL C. BREYER, ET. AL.

vs Decree Defendant

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:

0049503

Date:

Time: 6/15/2000

14:46:01

COPY
FOR YOUR FILES
DO NOT RETURN

Received

From:

MOUNTAIN SPRINGS RANCH

Type of Payment

Program A cct

Amount

ADJUD FILLING FEE

41503

337

1155

11.00

A72-00144

Total

\$

11.00

CHECK

1402

Region: STATE

Signature:

apu Roach

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. 72-00144

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

IDWR Employee/Agent: Steve Clelland

5/31/2000 9:20 AM

NAME:

SHANE ROSENKRANCE

CALLIN

RE:

REQUEST OF CLAIM

He called to ask if I could fax him a copy of the amended claim for Mtn. Springs Ranch. I agreed and I prepared a claim version with the missing POD on the print-out. I faxed him a copy at 588-2646.

TRANSMITTAL COVER SHEET

TO: Shane Rosenkrance
Mtn. Springs Ranch
FAX: 588-2646

TOTAL PAGES SENT: 5

(including cover sheet)

DOCUMENT DESCRIPTION: AMENDED CLAIM

FROM:

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE ST, STE 200
TWIN FALLS ID 83301-3380

PHONE: 736-3033

FAX: 736-3037

CHARGES: One (1) free copy
per request, cover sheet not
counted. Two (2) or more
copies per request will cost
\$0.25 per page. (\$0.50
minimum)

Please consider this document as a billing statement.

The charge for your fax copies is:

Please remit to the above address.

SENDER: Steve Clelland

COMMENTS: I PREPARED AN AMENDED VERSION OF
the claim. MAKE ANY NECESSARY changes
and sign it.

05/31 09:22	912085882646-540044	00:05:04	05	OK	02	STANDARD
DATE, TIME	FAX NO./NAME	DURATION	PAGE(S)	RESULT	CHECK READABILITY OF TRANSMITTED PAGE(S)	

TIME : 05/31/2000 09:27
NAME : IDWR SOUTHERN REGION
FAX : 2087363037
TEL : 2087363033

TRANSMISSION VERIFICATION REPORT

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: A72-00144
Date Received: 1/ 9/1990
Receipt No: E011549
Received By: _____

FAXED VERSION *sc*

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: MOUNTAIN SPRINGS RANCH LLC 208-588-2805
Address: 5550 BARTON FLAT RD
MACKAY ID 83251
2. Date of Priority: FEB 1, 1877
3. Source: WARM SPRING CREEK Trib. to: SALMON RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11N	20E	2	SE	NE	SE		CUSTER
12N	20E	23	SE	SW	SE		CUSTER
		26	SW	NE	NE		CUSTER
			SW	SE	NE		CUSTER
			SE	SE	SE		CUSTER
		35	NE	SW	SE		CUSTER
			SE	SW	SE		CUSTER

5. Description of diverting works:
DITCHES, DAMS, PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	6.400		
STOCKWATER	01/01	12/31	0.020		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11N	20E	2	NW		NE	2	STOCK	
			NW		NE	2	IRR	5.0
			SW		NE		IRR	5.0
			SW		NE		STOCK	
			SE		NE		IRR	7.0
			SE		NE		STOCK	
			NE		SE		IRR	10.0
			NE		SE		STOCK	
			Section Acres					27.0
		3	SE		NW		STOCK	
			NW		SW		STOCK	
12N	20E	23	NW		SE		IRR	9.5
			NW		SE		STOCK	
			SW		SE		IRR	38.0
			SW		SE		STOCK	
			Section Acres					47.5
		26	NE		NE		IRR	2.2
			NE		NE		STOCK	
			NW		NE		IRR	27.0
			NW		NE		STOCK	
			SW		NE		IRR	35.0
			SW		NE		STOCK	
			SE		NE		IRR	13.0
			SE		NE		STOCK	
			NE		SE		IRR	32.0
			NE		SE		STOCK	
			SE		SE		IRR	1.8
			SE		SE		STOCK	
			Section Acres					111.0
		34	SW		SE		STOCK	
			SE		SE		STOCK	
		35	NE		NE		IRR	2.3
			NE		NE		STOCK	
			SW		NE		IRR	8.5
			SW		NE		STOCK	
			SE		NE		IRR	16.0
			SE		NE		STOCK	
			SW		SW		STOCK	
			NE		SE		IRR	13.0
			NE		SE		STOCK	

10. Place of Use: Continued

Section Acres 39.8

Total Acres 225.3

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:

14. Remarks:

SOURCE IS ALSO KNOWN AS ANTELOPE CREEK.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

JOSEPH RODGERS, ET. AL.
Decree Plaintiff

DANIEL C. BREYER, 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
_____, 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 _____ 20 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

RECEIVED

DEC 6 1999

Department of Water Resources

COPY

DISTRICT COURT SRBA
FIFTH JUDICIAL DISTRICT
COUNTY OF TWIN FALLS, STATE OF IDA

NOV 30 1999

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

SUBCASE NO: 72-00144

(Insert Water Right Number)

Case No. 39576

STANDARD FORM 4
AMENDED

MOTION TO FILE:

☐ LATE NOTICE OF CLAIM

☒ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following ~~Subcase~~. You must use a separate form for each late or amended Notice of Claim.

This form has been adopted by the court in SRBA Administrative Order 1, Rules of Procedure (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a Motion to File a Late Notice of Claim or a Motion to File an Amended Notice of Claim, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

COPY

☒ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is: Shane Rosenkrance

My address is: Mountain Springs Ranch
5550 Barton Flat Road
Mackay, Idaho 83251

My phone number is: Work: (208) 588-3110 Home: (208) 588-2806

I am an attorney representing:

My name is: Patrick D. Brown, PC

My address is: 109 S. Adams St.
Jerome, Idaho 83338

My phone number is: (208) 644-1967

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources (IDWR). Leave to amend a claim shall be freely given when justice so requires.

☒ I must amend my Notice of Claim to the use of water in the SRBA because:

1. Stockwatering purpose was not included in the recommendation by the Department of Water Resources in the Director's Report.
2. The period of use for the stockwater purpose should be year-round.
3. The place of use recommended in the Director's Report includes lands owned by the United States and should be deleted.
4. The place of use recommended in the Director's Report does not include other private lands owned by the claimant that were included in a prior adjudication.

☒ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

1. BLM Objection to Subcase 72-00144 (Previously submitted to the court).
2. Mountain Springs Ranch, LLC objection to Subcase 72-00144 (Previously submitted to the court).
3. Copy of 1913 prior decree (Rogers, et. al. vs Breyer, et. al.) that forms the basis for Subcase 72-00144.

I have attached:

- ☒ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

2ND
AMENDED NOTICE OF CLAIM

RIGHTS FROM: SOURCE: WARM SPRING CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 72-00144

NAME & ADDRESS: MOUNTAIN SPRINGS RANCH LLC
5550 BARTON FLAT RD
MACKAY ID 83251

SOURCE: WARM SPRING CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 6.4 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 02/01/1877

POINT OF
DIVERSION: T12N R20E S23 SESWSE Within CUSTER County
S26 SWNE
SWSENE
SESESE
S35 NESWSE
SESWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 10-31	6.4 CFS
	<u>STOCKWATER</u>	<u>01-01 12-31</u>	<u>0.02 CFS</u>

PLACE OF USE:	IRRIGATION		Within CUSTER County
T11N R20E S02	LOT 2 (NWNE)	5.0	SWNE 5.0
	SENE	7.0	NESE 10.0
T12N R20E S23	SESW	2.7	NWSE 9.5
	SWSE	38	
S26	NENE	2.2	NWNE 27
	SWNE	35	SENE 13
	NESE	32	NWSE 10
	SESE	1.8	
S35	NENE	2.3	SWNE 8.5
	SENE	16	NESE 13
	SESE	6.3	
225.3 ACRES TOTAL			

<u>STOCKWATER</u>			<u>Within CUSTER County</u>
T11N R20E S02	LOT 2 (NWNE)	SWNE	
	SENE	NESE	
S03	SENE	NWSW	
T12N R20E S23	NWSE		
	SWSE		
S26	NENE	NWNE	
	SWNE	SENE	
	NESE		
	SESE		
S34	SWSE	SESE	
S35	NENE	SWNE	
	SENE	SWSW	
	NESE		

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

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF
WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL
OTHER WATER RIGHTS IN BASIN 72:

WATER RIGHT NO.

SOURCE

NONE

NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF
WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL
OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.

SOURCE

NONE

NONE

ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED
SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE
ADMINISTERED CONJUNCTIVELY.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORIC BENEFICIAL
USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
SOURCE IS ALSO KNOWN AS ANTELOPE CREEK.

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on November 30, 1999, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

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

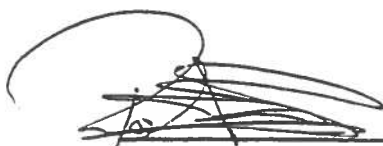
2. Copies to:

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 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 Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or Special Master, you must serve a copy on all parties to that subcase.



Signature of person or attorney mailing the form

VERIFICATION (Must be completed)

State of _____

County of _____

Patrick D. Brown, PS, being first duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Signature of person filing motion



Attorney signing in representative capacity

Subscribed and sworn to before me on _____
(Insert Date)

Notary Public for _____

Residing at: _____

My Commission expires: _____

WATER CASES PAGE #27

BOOK #1

PAGE #708

S.T. MOE, et al VS Harger, et al (CONT.)
160" from May 20, 1885, appurtenant to the Lots 2 and 3 and SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec.3, T9N, R21EBM.
80" from May 20, 1885 appurtenant to the NE $\frac{1}{4}$ SW $\frac{1}{4}$, and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 3, T(N, R21EBM.

DATED: February 13, 1913

BOOK #1

PAGE #725

RODGERS, et al VS BREYER, et al
Plaintiff, JOSEPH RODGERS, is awarded the use 300" or 6 cubic feet per second of the waters of WARM SPRINGS CREEK, dating from March 1, 1877, appurtenant to and for the irrigation of the following described lands:

S $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec.13m T13N, R19EBM, and Lot 4, and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec.18, T13N, R20EBM, Lot 3, and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec.18, T13N, R20EBM, and Lots 1 and 2 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec.18, T13N, R20EBM.

Plaintiff, MARY RODGERS, is awarded the use of 100" or 2 cubic feet per second of time of the waters of WARMS SPRINGS CREEK, dating from March 1, 1877, appurtenant to and for the irrigation of the following described lands:

N $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec.13, T13N, R19EBM.

Defendant, DANIEL C. BREYER, is awarded the use of 150" or 3 cubic feet per second of the waters of WARM SPRINGS CREEK, dating from April 1, 1877, appurtenant to and for the irrigation of the following described lands:

W $\frac{1}{4}$ SW $\frac{1}{4}$ of Se.33, the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec.32, T13N, R20EBM and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec.29, and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec.32, T13N, R20EBM, lying along and adjacent and riparian to said WARM SPRINGS CREEK.

Defendant, DAVID B. DRAKE, is awarded the use of 150" or 3 cubic feet per second of the waters of WARM SPRINGS CREEK, dating from April 1, 1877, appurtenant to and for the irrigation of the following described lands:

SE $\frac{1}{4}$ NW $\frac{1}{4}$, Lot 3, and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec.4, T12N, R20EBM and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec.4, and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec.9, T12N, R20EBM, lying along and adjacent and riparian to said WARM SPRINGS CREEK.

Defendant, STANTON M. VAN CAMP, is awarded the exclusive right to the flow of the waters of DEVIL'S CANYON CREEK, a tributary of said WARM SPRINGS CREEK, the same being less than 160", dating from April 1, 1898, said waters appurtenant to and for the irrigation of the following described lands:

SE $\frac{1}{4}$ of Sec. 19, T13N, R20EBM.

Defendant, PATRICK LYNCH, is awarded the exclusive right to the flow of waters of CORRAL CREEK, an tributary of ANTELOPE CREEK, the same being 40", dating from October 1, 1882, said waters appurtenant to and for irrigating the following described lands:

W $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec.2, T11N, R20EBM.

Defendant, SARAH M. DRAKE, is awarded 320" or 6-2/5 cubic feet per second of the waters of ANTELOPE CREEK, dating from February 1, 1877, appurtenant to and for the irrigation of the following described lands:

E $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec.35, E $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ of Sec.26, T12N, R20EBM.

BOOK #1

PAGE #725

RODGERS, et al VS BREYER, et al (CONT.)

The Plaintiff, JOSEPH RODGERS, in any irrigation season, the excess amount not to exceed 320" or 6-2/5 cubic feet per second of the flow of the waters of WARM SPRINGS CREEK, exceeding the amounts referred to herein, in the aggregate, dating from March 1, 1878, subject to the rights of DAVID B. DRAKE, DANIEL C. BREYER, MARGARET BREYER, AND JOSEPH RODGERS, to such waters as may be conserved and stored by their reservoir in Box Canyon, appurtenant to and for the irrigation of the Plaintiff, JOSEPH RODGERS, lands described above, as a later, additional and subservient right therefor to the rights herein above decreed, in said WARM SPRINGS CREEK.

Plaintiff, THE GEORGE MCGOWAN COMPANY, the right to the use of 200" or 4 cubic feet per second of the waters of WARM SPRINGS CREEK, for domestic purposes and uses only between November 1, and March 1 of each year, dating from November 1, 1885, to be so used for domestic purposes only at its premises known as GEORGE MCGOWAN RANCH, situated on the East side of the SALMON RIVER in Round Valley, Custer County.

It is further decreed that the first appropriation in point of time is first in point of right, and all appropriations of the same date are of equal rights, and in case of insufficiency of water to supply all awards, the said waters are to be diverted and used by those appropriators who are first in point of time.

It is further decreed that the said waters be measured under a weir system, in cubic feet per second of time, 50" of water as herein decreed being equivalent to 1 cubic foot of water per second of time, and that each of said parties to this action construct and maintain, at their several points of diversion, substantial and uniform boxes headgates, and weirs for the measurement of their said waters.

DATED: July 19, 1913

BOOK #1

PAGE #729

WYLLIE VS KENT, et al

Plaintiff, GEORGE P. WYLLIE, is awarded the uninterrupted use of the flow of 40", or its equivalent in cubic feet per second of time, or the waters of JUNCTION or JENSEN SPRINGS CREEK, including CROW'S NEST SPRING CREEK, in addition to the 40" already decreed to him by the terms of the decree in the case of S.T. MOE vs HARGER (page 410), from said streams, making 80" altogether, which is prior in date in time and superior to the rights of the defendants or either of them, or any other person or persons, said right to date from June 1, 1902, appurtenant to the following described lands:

W $\frac{1}{4}$ SE $\frac{1}{4}$ and the S $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec.28, T7N, R25EBM.

Plaintiff, GEORGE P. WYLLIE, is also decreed to be the owner of and entitled to the possession at all times of the reservoir mentioned and described in the findings herein, situated as follows:

On the SE $\frac{1}{4}$ of Sec.21, T7N, R25EBM and near the NE $\frac{1}{4}$ of Sec.28, T7N, R25EBM, which are the lands of the defendant, ALTA M. ROCKWELL.

Defendants, W.W. KENT, Watermaster, ALTA M. ROCKWELL, AND C.C. ROCKWELL, are perpetually enjoined and restrained from any manner interfering with the Plaintiff's right to the use of the flow of 40" of the waters of said JENSEN OR JUNCTION SPRINGS CREEK, including CROW'S NEST SPRINGS CREEK, in addition to the 40" already decreed in the case of S.T. MOE vs HARGER for the irrigation of his lands, and also from in any manner interfering with the Plaintiff's right and use and enjoyment and ownership of the reservoir herein mentioned and described.

Defendant, ALTA M. ROCKWELL, is awarded the use of the flow of all the flood waters of said streams for the irrigation of her lands up to the amount of her appropriation to-wit: 160", or it's equivalent in cubic feet per second of time, after the Plaintiff has at all times received the water herin decreed to him. Defendant ALTA M. ROCKWELL's right to any water of said stream being subsequent and inferior to the right of Plaintiff herein. Her right to date from April 27, 1910, said water decreed to the said ALTA M. ROCKWELL to be used on the following described lands:

NOV 30 1999

CLERK

DEPUTY CLERK

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

SUBCASE NO: 72-00144

(Insert Water Right Number)

Case No. 39576

STANDARD FORM 4
AMENDED

MOTION TO FILE:

☐ LATE NOTICE OF CLAIM

☒ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

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THIS IS ORIG
CLAIM. NO TO
AMEND WAS GRANTED
11-30-99. THIS
CLAIM (2D AMENDED
CLAIM) CORRECTS
ERRORS IN STOCKWATER
POU. NO ADD'L FILING
FEE. SEND TO SCC

AFTER DON HAS
DONE WHAT HE
NEEDS TO DO.

Data Entry, including
matching a new R-record
to this claim, was done
12-10-99. [Signature]

☒ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is: Shane Rosenkrance

My address is: Mountain Springs Ranch
5550 Barton Flat Road
Mackay, Idaho 83251

My phone number is: Work: (208) 588-3110 Home: (208) 588-2806

I am an attorney representing:

My name is: Patrick D. Brown, PC

My address is: 109 S. Adams St.
Jerome, Idaho 83338

My phone number is: (208) 644-1967

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

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☒ I must amend my Notice of Claim to the use of water in the SRBA because:

1. Stockwatering purpose was not included in the recommendation by the Department of Water Resources in the Director's Report.
2. The period of use for the stockwater purpose should be year-round.
3. The place of use recommended in the Director's Report includes lands owned by the United States and should be deleted.
4. The place of use recommended in the Director's Report does not include other private lands owned by the claimant that were included in a prior adjudication.

☒ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

1. BLM Objection to Subcase 72-00144 (Previously submitted to the court).
2. Mountain Springs Ranch, LLC objection to Subcase 72-00144 (Previously submitted to the court).
3. Copy of 1913 prior decree (Rogers, et. al. vs Breyer, et. al.) that forms the basis for Subcase 72-00144.

I have attached:

- ☒ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

SECOND AMENDED NOTICE OF CLAIM

 RIGHTS FROM: SOURCE: WARM SPRING CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 72-00144

NAME & ADDRESS: MOUNTAIN SPRINGS RANCH LLC
 5550 BARTON FLAT RD
 MACKAY ID 83251

SOURCE: WARM SPRING CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 6.4 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
 SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 02/01/1877

POINT OF
 DIVERSION: T12N R20E S23 SESWSE Within CUSTER County
 S26 SWNE
 SWSENE
 SESESE
 S35 NESWSE
 SESWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 10-31	6.4 CFS
	<u>STOCKWATER</u>	<u>01-01 12-31</u>	<u>0.02 CFS</u>

PLACE OF USE:	IRRIGATION		Within CUSTER County
T11N R20E S02	LOT 2 (NWNE)	5.0	SWNE 5.0
	SENE	7.0	NESE 10.0
T12N R20E S23	SESW	2.7	NWSE 9.5
	SWSE	38	
S26	NENE	2.2	NWNE 27
	SWNE	35	SENE 13
	NESE	32	NWSE 10
	SESE	1.8	
S35	NENE	2.3	SWNE 8.5
	SENE	16	NESE 13
	SESE	6.3	
225.3 ACRES TOTAL			

<u>STOCKWATER</u>			<u>Within CUSTER County</u>
T11N R20E S02	LOT 2 (NWNE)		SWNE
	SENE		NESE
S03	SENE		NWSW
T12N R20E S23	NWSE		
	SWSE		
S26	NENE		NWNE
	SWNE		SENE
	NESE		
	SESE		
S34	SWSE		SESE
S35	NENE		SWNE
	SENE		SWSW
	NESE		

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

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 72:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORIC BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
SOURCE IS ALSO KNOWN AS ANTELOPE CREEK.

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on November 30, 1999, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

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

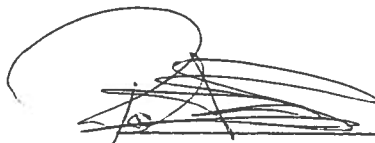
2. Copies to:

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 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 Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or Special Master, you must serve a copy on all parties to that subcase.



Signature of person or attorney mailing the form

VERIFICATION (Must be completed)

State of _____

County of _____

Patrick D. Brown, PC, being first duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Signature of person filing motion



Attorney signing in representative capacity

Subscribed and sworn to before me on _____
(Insert Date)

Notary Public for _____

Residing at: _____

My Commission expires: _____

BOOK #1

PAGE #708

S.T. MOE, et al VS Harger, et al (CONT.)
160" from May 20, 1885, appurtenant to the Lots 2 and 3 and SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec.3, T9N, R21EBM.
80" from May 20, 1885 appurtenant to the NE $\frac{1}{4}$ SW $\frac{1}{4}$, and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 3, T(N, R21EBM.

DATED: February 13, 1913

BOOK #1

PAGE #725

RODGERS, et al VS BREYER, et al

Plaintiff, JOSEPH RODGERS, is awarded the use 300" or 6 cubic feet per second of the waters of WARM SPRINGS CREEK, dating from March 1, 1877, appurtenant to and for the irrigation of the following described lands:

S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec.13m T13N, R19EBM, and Lot 4, and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec.18, T13N, R20EBM, Lot 3, and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec.18, T13N, R20EBM, and Lots 1 and 2 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec.18, T13N, R20EBM.

Plaintiff, MARY RODGERS, is awarded the use of 100" or 2 cubic feet per second of time of the waters of WARMS SPRINGS CREEK, dating from March 1, 1877, appurtenant to and for the irrigation of the following described lands:

N $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec.13, T13N, R19EBM.

Defendant, DANIEL C. BREYER, is awarded the use of 150" or 3 cubic feet per second of the waters of WARM SPRINGS CREEK, dating from April 1, 1877, appurtenant to and for the irrigation of the following described lands:

W $\frac{1}{2}$ SW $\frac{1}{4}$ of Se.33, the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec.32, T13N, R20EBM and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec.29, and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec.32, T13N, R20EBM, lying along and adjacent and riparian to said WARM SPRINGS CREEK.

Defendant, DAVID B. DRAKE, is awarded the use of 150" or 3 cubic feet per second of the waters of WARM SPRINGS CREEK, dating from April 1, 1877, appurtenant to and for the irrigation of the following described lands:

SE $\frac{1}{4}$ NW $\frac{1}{4}$, Lot 3, and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec.4, T12N, R20EBM and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec.4, and the NE $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec.9, T12N, R20EBM, lying along and adjacent and riparian to said WARM SPRINGS CREEK.

Defendant, STANTON M. VAN CAMP, is awarded the exclusive right to the flow of the waters of DEVIL'S CANYON CREEK, a tributary of said WARM SPRINGS CREEK, the same being less than 160", dating from April 1, 1898, said waters appurtenant to and for the irrigation of the following described lands:

SE $\frac{1}{4}$ of Sec. 19, T13N, R20EBM.

Defendant, PATRICK LYNCH, is awarded the exclusive right to the flow of waters of CORRAL CREEK, an tributary of ANTELOPE CREEK, the same being 40", dating from October 1, 1882, said waters appurtenant to and for irrigating the following described lands:

W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec.2, T11N, R20EBM.

Defendant, SARAH M. DRAKE, is awarded 320" or 6-2/5 cubic feet per second of the waters of ANTELOPE CREEK, dating from February 1, 1877, appurtenant to and for the irrigation of the following described lands:

E $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec.35, E $\frac{1}{2}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ of Sec.26, T12N, R20EBM.

BOOK #1

PAGE #725

RODGERS, et al VS BREYER, et al (CONT.)

The Plaintiff, JOSEPH RODGERS, in any irrigation season, the excess amount not to exceed 320" or 6-2/5 cubic feet per second of the flow of the waters of WARM SPRINGS CREEK, exceeding the amounts referred to herein, in the aggregate, dating from March 1, 1878, subject to the rights of DAVID B. DRAKE, DANIEL C. BREYER, MARGARET BREYER, AND JOSEPH RODGERS, to such waters as may be conserved and stored by their reservoir in Box Canyon, appurtenant to and for the irrigation of the Plaintiff, JOSEPH RODGERS, lands described above, as a later, additional and subservient right therefor to the rights herein above decreed, in said WARM SPRINGS CREEK.

Plaintiff, THE GEORGE MCGOWAN COMPANY, the right to the use of 200" or 4 cubic feet per second of the waters of WARM SPRINGS CREEK, for domestic purposes and uses only between November 1, and March 1 of each year, dating from November 1, 1885, to be so used for domestic purposes only at its premises known as GEORGE MCGOWAN RANCH, situated on the East side of the SALMON RIVER in Round Valley, Custer County.

It is further decreed that the first appropriation in point of time is first in point of right, and all appropriations of the same date are of equal rights, and in case of insufficiency of water to supply all awards, the said waters are to be diverted and used by those appropriators who are first in point of time.

It is further decreed that the said waters be measured under a weir system, in cubic feet per second of time, 50" of water as herein decreed being equivalent to 1 cubic foot of water per second of time, and that each of said parties to this action construct and maintain, at their several points of diversion, substantial and uniform boxes headgates, and weirs for the measurement of their said waters.

DATED: July 19, 1913

BOOK #1

PAGE #729

WYLLIE VS KENT, et al

Plaintiff, GEORGE P. WYLLIE, is awarded the uninterrupted use of the flow of 40", or its equivalent in cubic feet per second of time, or the waters of JUNCTION or JENSEN SPRINGS CREEK, including CROW'S NEST SPRING CREEK, in addition to the 40" already decreed to him by the terms of the decree in the case of S.T. MOE vs HARGER (page 410), from said streams, making 80" altogether, which is prior in date in time and superior to the rights of the defendants or either of them, or any other person or persons, said right to date from June 1, 1902, appurtenant to the following described lands:

W $\frac{1}{2}$ SE $\frac{1}{4}$ and the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec.28, T7N, R25EBM.

Plaintiff, GEORGE P. WYLLIE, is also decreed to be the owner of and entitled to the possession at all times of the reservoir mentioned and described in the findings herein, situated as follows:

On the SE $\frac{1}{4}$ of Sec.21, T7N, R25EBM and near the NE $\frac{1}{4}$ of Sec.28, T7N, R25EBM, which are the lands of the defendant, ALTA M. ROCKWELL.

Defendants, W.W. KENT, Watermaster, ALTA M. ROCKWELL, AND C.C. ROCKWELL, are perpetually enjoined and restrained from any manner interfering with the Plaintiff's right to the use of the flow of 40" of the waters of said JENSEN OR JUNCTION SPRINGS CREEK, including CROW'S NEST SPRINGS CREEK, in addition to the 40" already decreed in the case of S.T. MOE vs HARGER for the irrigation of his lands, and also from in any manner interfering with the Plaintiff's right and use and enjoyment and ownership of the reservoir herein mentioned and described.

Defendant, ALTA M. ROCKWELL, is awarded the use of the flow of all the flood waters of said streams for the irrigation of her lands up to the amount of her appropriation to-wit: 160", or it's equivalent in cubic feet per second of time, after the Plaintiff has at all times received the water herein decreed to him. Defendant ALTA M. ROCKWELL's right to any water of said stream being subsequent and inferior to the right of the Plaintiff herein. Her right to date from April 27, 1910, said water is decreed to the said ALTA M. ROCKWELL to be used on the following described lands:

RECEIVED

NOV 10 1999

Department of Water Resources

RECEIVED

DEC 02 1999

Department of Water Resources
Southern Region

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

Case No. 39576

A. Subcase 72-00144

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of
Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

378-5647
Larry A. Brown 208 378-5647; Paul F. Holleman, 202 305-0494

United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

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

Name: Mountain Springs Ranch, LLC

Address: 5550 Barton Flat Road; Mackay, ID. 83251

Name:

Address:

Name:

Address: ,

Name:

Address: ,

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: _____

2. ☐ **Source**

Should be: _____

3. ☐ **Quantity**

Should be: _____

4. ☒ **Priority Date**

Should be: _____

5. ☐ **Point(s) of Diversion**

Should be: _____

6. ☐ **Instream Flow Description**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☒ **Place of Use**

Should be: See attached

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):**

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The Claimant does not have a valid right with the elements claimed. The Claimant's water right should not include POUs: T12N R20E S34 NENE, SWNE, SENE, SWSW, and NESE.

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of Ada)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:

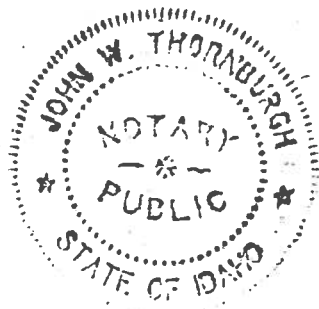
(Name of person filing objection)

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.

Fredric W. Price
(Signature of person filing objection)

Larry C. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 11-4-1999



John W. Thornburgh

John W. Thornburgh

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 05-16-2003

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on 11-9, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

Name: Mountain Springs Ranch, LLC
Address: 5550 Barton Flat Road; Mackay, ID. 83251

Name:
Address:

Name:
Address: ,

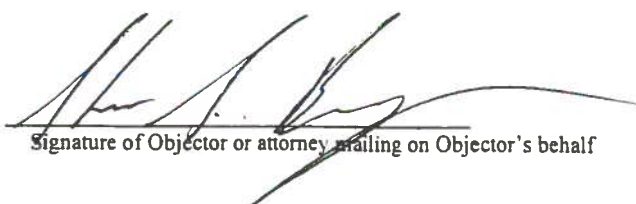
Name:
Address: ,

3. Copies to:

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

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

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


Signature of Objector or attorney mailing on Objector's behalf

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 _____

Date Received _____

Receipt Number _____

AMENDED

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

AMENDED

Please type or print clearly

- Name of Claimant (s) MOUNTAIN SPRINGS RANCH, LLC Phone (208) 588-3110
Mailing Address 5550 BARTON FLAT RD. MACKAY, IDAHO Zip 83251
- Date of Priority (Only one (1) per claim) 02/01/1877
- Source of water supply (a) Antelope Creek
WARM SPRINGS CREEK
which is tributary to (b) Salmon River
- a. Location of existing point of diversion is: Township 12N Range 20E Section 23,
SE 1/4 of SW 1/4 of SE 1/4, Govt. Lot, E. B.M., County of Custer
SEC 26: SWNE, SWSE, SESE,
Additional points of diversion if any: SEC 35: NESWSE, SESWSE
- 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 _____
- 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. DITCHES - HEADGATES - DAMS -

15. Basis of Claim (check one) Be ☐ Social Use ☐ Posted Notice ☐ License ☐ Permit ☐ Decree ☒
If applicable provide IDWR Water Right Number 72-00144
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) X Shane Rosenkrance Date X 10-15-99
Mountain Springs Ranch LLC Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
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 _____)
County of Custer) SS.

Subscribed and sworn (or affirmed) before me this 15th day of October 19 99

SEAL

Notary Public James Hill
Residing at Mackay, Idaho
My Commission Expires 8-1-00

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 MOUNTAIN SPRINGS RANCH Ident. Number _____

Copies White-State, Yellow-Claimant

6. Water is claimed for the following poses: (both dates are inclusive) (cfs) (acre feet)

For IRRIGATION purposes from 04/01 to 10/31 amount 6.4 cfs or _____

or LIVESTOCK purposes from 01/01 to 12/31 amount .02 cfs or _____

(cfs)

(acre feet)

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 6.4 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater: 1,000 cattle, 20 horses

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
			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	
12N	20E	23																	
		26	2.2 ^S ✓	27 ^S ✓	35 ^S ✓	13 ^S ✓										32 ^S ✓			111.0
		35	2.3 ^S ✓		8.5 ^S ✓	16 ^S ✓										13 ^S ✓			39.8
		34	S ^{BLN}		S ^{BLN}	S ^{BLN}								S ^{BLN}		S ^{BLN}			
11N	20E	02		5.5 ^S ✓	5 ^S ✓	10 ^S ✓										18 ^S ✓			38.0
		03								S		S							

Total number of acres irrigated 236,3

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

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 _____ Ident No. _____

Copies: White -State, Yellow-Claimant

RECEIVED

OCT 27 1999

Department of Water Resources
Southern Region

RECEIVED

OCT 22 1999

Department of Water Resources

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

Case 39576

Subcase 72-00144
(Insert water right number)

STANDARD FORM 1

OBJECTION

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in a Director's Report. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR) or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number you are objecting to must be indicated above in the blank space following "Subcase." To object to multiple water right recommendations, you must use a separate form for each objection and there must be only one objector for each form.

You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

Any party physically filing 25 or more objections must contact the Clerk of the SRBA Court no later than 14 days before the filing deadline and arrange an appointment to file multiple objections.

By filing an objection form, you are certifying that the objection is well-grounded in fact; that it is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needlessly increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. *Party/Claimant objecting:*

Name: MOUNTAIN SPRINGS RANCH, LLC

Address: 5550 BARTON FLAT Rd.
MACKAY, Idaho 83251

Phone: Work: 208-588-3110 Home: _____

Briefly describe your interest in this water right:

MOUNTAIN SPRINGS RANCH, LLC is the claimant.

2. *If this objection is filed by an attorney:*

Attorney Name: _____

Attorney Address: _____

Attorney Phone No.: _____

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

II. STATEMENT OF THE OBJECTION

Please check each box which states your objection to the recommendation in the Director's Report.

1. ☐ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☐ Source: I object to the source of water.
3. Quantity: I object to:
 - ☐ a. the total quantity of water used in cubic feet per second; or
 - ☐ b. the total quantity of water stored in acre feet per year; or
 - ☐ c. the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ Priority Date: I object to the priority date.
5. ☐ Point(s) of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☒ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☒ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. Place of Use: I object to:
 - ☒ a. the legal description of the place of use; or
 - ☐ b. the number of irrigated acres within each 40-acre subdivision.
10. ☐ Consumptive Use: I object to the annual volume of consumptive use.
11. Water Right Recommendation: I object to:
 - ☐ a. this water right being recommended at all; or
 - ☐ b. this water right not being recommended.
12. ☐ Description of Reservation: I object to the legal description of the reservation.

13. ☐ Other: I object to: _____

REASONS SUPPORTING EACH BOX CHECKED

You must state the reason(s), by number, for each box checked. You may use additional pages if necessary.

See Attached REASONS

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

See Attached CHANGES

Note: You should attach copies of documents which support your objection. Note on each document the box number it supports.

- ☐ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary.

NONE ARE submitted. Documents relied upon and
cited are found in the Records of Custer County,
Idaho. Copies are not readily available, however,
the originals can be reviewed at the Custer County
Courthouse, Challis, Idaho.

VERIFICATION (Must be Completed)

State of Idaho

County of Custer

Shane Rosenkrance, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection (as listed on Page 2, Section 1, "Party/Claimant objecting") as defined by I.C. §§ 42-1401A(1) and (7) 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.

Shane Rosenkrance
Signature of person filing objection

Attorney signing in representative capacity

Subscribed and sworn to before me on: 5-7-99

Joan Hill
Notary Public for Idaho
Residing at: Mackay Idaho
My Commission expires: 8-1-00

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I certify that on 5-13-, 1997, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

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

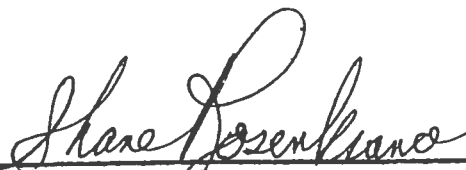
Name: MOUNTAIN SPRINGS RANCH, LLC
Address: 5550 BARTON FLAT Rd.
MACKAY, IDAHO 83251

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
PO Box 44449
Boise, ID 83711-4449

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



Signature of Objector or attorney
mailing on Objector's behalf

REASONS SUPPORTING EACH BOX

7. **PURPOSE OF USE:** The objection to the purpose of use is that stockwatering is not included as an element. Stockwatering should be included as a purpose of use. The reasoning is as follows:

1. At the time of filing of this claim in the adjudication process (1987), Mountain Springs Ranch's predecessor in interest was told by IDWR staff that stockwater could not be claimed.

2. Since that time it has been found by the court that stockwatering can be included as beneficial use claim under Idaho Code 42-111, 42-113, and 42-114.

3. Mountain Springs Ranch is a livestock based operation dependent upon the beneficial use of water, both for irrigation and livestock watering purposes, within its private lands.

4. The beneficial use of water by livestock upon Mountain Springs Ranch's private lands can be traced back in time to the first irrigation use priority date. For example, Sarah Drake (a predecessor in interest) was granted irrigation water rights in 1877 (*Water Cases, Book 1, p.725, Records of Custer County, Idaho*), for use on the private lands now owned by Mountain Springs Ranch. It is a well known fact that the Drakes were engaged in a livestock operation, primarily sheep raising. The Drake's successors in interest were also engaged in a livestock operation as well, as the earliest records of Custer County indicate that livestock brands and earmarks were attributed to those successors (*Small Records, Brands Book, p.183, Records of Custer County, Idaho*). The irrigation water rights claims allowed these early settlers to produce forage for use by their livestock, as well as to provide water for the livestock to drink. Stockwatering rights were not contemplated as an element of a decreed water right during that time those irrigation rights were established (1877). Yet, it is a well established precedent that the very act of placing owned livestock near a water source resulting in the drinking of the water by the stock, constitutes an appropriation of water (*Nahas v Hulet, 114 Idaho 23, 752 P.2d 625, Ct. App. 1988*). Mountain Springs Ranch continues today to utilize the water present upon its private lands for livestock watering purposes, and expects to continue in this practice for years to come.

8. **PERIOD OF USE:** When considering the addition of stockwatering purposes to the irrigation purposes, the period of use needs to reflect the period when livestock can beneficially use the water. In this instance, that period of use should be year/round. That does not mean any changes to the period of use for irrigation should be changed, only stockwatering use.

9. **PLACE OF USE:** The place of use for irrigation purposes includes lands not owned by Mountain Springs Ranch. Mountain

Springs Ranch is asking for those lands not owned to be deleted from the recommended claim.

Further, not included in the recommended claim are lands currently sub-irrigated and owned by Mountain Springs Ranch. An investigation of the water rights decreed previously to Mountain Springs Ranch's predecessors in interest reveals that these lands were included in the decreed rights (*Water Cases, Book 1, p.725, Records of Custer County, Idaho*). Subsequent adjudication found that Mountain Springs Ranch's other predecessors in interest were decreed water rights "perpetually for use upon their ranches" (*Book 1, Judgments, p.317, Records of Custer County, Idaho*). Livestock watering was at that time, as it is today, one of those uses.

CHANGES TO THE DIRECTOR'S REPORT

1. (7). Include stockwatering as a purpose of use upon the following lands:

T12N R20E Sec 23	NWSW SWSE
Sec 26	NENE NWNE SWNE SENE NESE SESE
Sec 34	SESE
Sec 35	NENE SWNE SENE NESE SWSE SWSW

T11N R20E Sec 03	NWSW SENW
Sec 02	NWNE SWNE SENE NESE

2. (8). Include the period of use for stockwatering purposes as year/round (January through December).

3. (9). Include as irrigated lands the following:

T11N R20E Sec 02	NESE SENE NWNE SWNE
------------------	---------------------

4. (9). Delete those lands not owned by Mountain Springs Ranch from the recommended claim. Those lands are:

T12N R20E Sec 23	SESW NWSE
Sec 35	SESE

5C

RECEIVED

MAY 17 1999

RECEIVED

MAY 20 1999

Department of Water Resources

Department of Water Resources
Southern Region

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	)	Subcase <u>72-00144</u>
	)	(Insert water right number)
Case 39576	)	
	)	STANDARD FORM 1
	)	
	)	OBJECTION

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in a Director's Report. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR) or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number you are objecting to must be indicated above in the blank space following "Subcase." To object to multiple water right recommendations, you must use a separate form for each objection and there must be only one objector for each form.

You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

Any party physically filing 25 or more objections must contact the Clerk of the SRBA Court no later than 14 days before the filing deadline and arrange an appointment to file multiple objections.

By filing an objection form, you are certifying that the objection is well-grounded in fact; that it is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needlessly increase in the cost of litigation.

RECEIVED

MAY 17 1999

I. GENERAL INFORMATION

Please fill in the following information:

Department of Water Resources

1. **Party/Claimant objecting:**

Name: MOUNTAIN SPRINGS RANCH, LLC

Address: 5550 BARTON FLAT Rd.

MACKAY, IDAHO 83251

Phone: Work: 208-588-3110 Home: _____

Briefly describe your interest in this water right:

MOUNTAIN SPRINGS RANCH, LLC is the claimant.

2. **If this objection is filed by an attorney:**

Attorney Name: _____

Attorney Address: _____

Attorney Phone No.: _____

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

II. STATEMENT OF THE OBJECTION

Please check each box which states your objection to the recommendation in the Director's Report.

1. ☐ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☐ Source: I object to the source of water.
3. Quantity: I object to:
 - ☐ a. the total quantity of water used in cubic feet per second; or
 - ☐ b. the total quantity of water stored in acre feet per year; or
 - ☐ c. the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ Priority Date: I object to the priority date.
5. ☐ Point(s) of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
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13. ☐ Other: I object to: _____

REASONS SUPPORTING EACH BOX CHECKED

You must state the reason(s), by number, for each box checked. You may use additional pages if necessary.

See Attached REASONS

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

See Attached CHANGES

Note: You should attach copies of documents which support your objection. Note on each document the box number it supports.

- ☐ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary.

NONE ARE submitted. Documents relied upon and
cited are found in the Records of Custer County,
Idaho. Copies are not readily available, however,
the originals can be reviewed at the Custer County
Courthouse, Challis, Idaho.

VERIFICATION (Must be Completed)

State of Idaho

County of Custer

Shane Rosenkrance, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection (as listed on Page 2, Section 1, "Party/Claimant objecting") as defined by I.C. §§ 42-1401A(1) and (7) 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.

Shane Rosenkrance
Signature of person filing objection

Attorney signing in representative capacity

Subscribed and sworn to before me on: 5-7-99

James Hill
Notary Public for Idaho
Residing at: Mackay Idaho
My Commission expires: 8-1-00

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

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Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

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

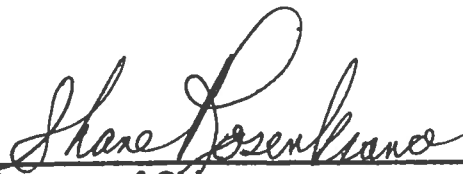
Name: MOUNTAIN SPRINGS RANCH, LLC
Address: 5550 BARTON FLAT Rd.
MACKAY, IDAHO 83251

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
PO Box 44449
Boise, ID 83711-4449

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



Signature of Objector or attorney
mailing on Objector's behalf

REASONS SUPPORTING EACH BOX

7. PURPOSE OF USE: The objection to the purpose of use is that stockwatering is not included as an element. Stockwatering should be included as a purpose of use. The reasoning is as follows:

1. At the time of filing of this claim in the adjudication process (1987), Mountain Springs Ranch's predecessor in interest was told by IDWR staff that stockwater could not be claimed.

2. Since that time it has been found by the court that stockwatering can be included as beneficial use claim under Idaho Code 42-111, 42-113, and 42-114.

3. Mountain Springs Ranch is a livestock based operation dependent upon the beneficial use of water, both for irrigation and livestock watering purposes, within its private lands.

4. The beneficial use of water by livestock upon Mountain Springs Ranch's private lands can be traced back in time to the first irrigation use priority date. For example, Sarah Drake (a predecessor in interest) was granted irrigation water rights in 1877 (*Water Cases, Book 1, p.725, Records of Custer County, Idaho*), for use on the private lands now owned by Mountain Springs Ranch. It is a well known fact that the Drakes were engaged in a livestock operation, primarily sheep raising. The Drake's successors in interest were also engaged in a livestock operation as well, as the earliest records of Custer County indicate that livestock brands and earmarks were attributed to those successors (*Small Records, Brands Book, p.183, Records of Custer County, Idaho*). The irrigation water rights claims allowed these early settlers to produce forage for use by their livestock, as well as to provide water for the livestock to drink. Stockwatering rights were not contemplated as an element of a decreed water right during that time those irrigation rights were established (1877). Yet, it is a well established precedent that the very act of placing owned livestock near a water source resulting in the drinking of the water by the stock, constitutes an appropriation of water (*Nahas v Hulet, 114 Idaho 23, 752 P.2d 625, Ct. App. 1988*). Mountain Springs Ranch continues today to utilize the water present upon its private lands for livestock watering purposes, and expects to continue in this practice for years to come.

8. PERIOD OF USE: When considering the addition of stockwatering purposes to the irrigation purposes, the period of use needs to reflect the period when livestock can beneficially use the water. In this instance, that period of use should be year/round. That does not mean any changes to the period of use for irrigation should be changed, only stockwatering use.

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Springs Ranch is asking for those lands not owned to be deleted from the recommended claim.

Further, not included in the recommended claim are lands currently sub-irrigated and owned by Mountain Springs Ranch. An investigation of the water rights decreed previously to Mountain Springs Ranch's predecessors in interest reveals that these lands were included in the decreed rights (*Water Cases, Book 1, p.725, Records of Custer County, Idaho*). Subsequent adjudication found that Mountain Springs Ranch's other predecessors in interest were decreed water rights "perpetually for use upon their ranches" (*Book 1, Judgments, p.317, Records of Custer County, Idaho*). Livestock watering was at that time, as it is today, one of those uses.

CHANGES TO THE DIRECTOR'S REPORT

1. (7). Include stockwatering as a purpose of use upon the following lands:

T12N R20E	Sec 23	NWSW	SWSE					
	Sec 26	NENE	NWNE	SWNE	SENE	NESE	SESE	
	Sec 34	SESE						
	Sec 35	NENE	SWNE	SENE	NESE	SWSE	SWSW	

T11N R20E	Sec 03	NWSW	SENE					
	Sec 02	NWNE	SWNE	SENE	NESE			

2. (8). Include the period of use for stockwatering purposes as year/round (January through December).

3. (9). Include as irrigated lands the following:

T11N R20E	Sec 02	NESE	SENE	NWNE	SWNE			
-----------	--------	------	------	------	------	--	--	--

4. (9). Delete those lands not owned by Mountain Springs Ranch from the recommended claim. Those lands are:

T12N R20E	Sec 23	SESW	NWSE					
	Sec 35	SESE						

November 20, 1998

NOTICE OF ERROR
REPLY

RECEIVED
DEC 16 1998
Department of Water Resources
Southern Region

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 18, 1998

Water right number: 72-00144

MOUNTAIN SPRINGS RANCH LLC
5550 BARTON FLAT RD
MACKAY ID 83251

Daytime Telephone Number: 588-2805
Evening Telephone Number: 588-2805

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

1 DOES NOT INCLUDE STOCK WATER

- 2 DISAGREE WITH CONJUNCTIVE MANAGEMENT
3 WATER RIGHT SHOULD BE ADMINISTERED SEPARATELY
2. Describe the changes you wish to make in the proposed recommendation:

1 INCLUDE STOCK WATER YEAR ROUND

2 DO NOT PUT CONJUNCTIVE MANAGEMENT IN DECREE
3 ADMINISTER WATER RIGHT SEPARATELY

3. Give a brief explanation as to why you disagree with these portions:

1 MUST INCLUDE STOCK WATER IN DECREE
FOR YEAR LONG USE.

2 DOES NOT APPLY TO THIS WATER RIGHT
3. OLD WATER RIGHT WERE ADMINISTERED SEPARATELY.

I AGREE with this proposed recommendation; no changes need to be made.

DATE: 12/15/98

SIGNATURE:

Please print your name:

Mt Spring Ranch by Dave Nelson
DAVE NELSON



State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

December 15, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MOUNTAIN SPRINGS RANCH LLC
5550 BARTON FLAT RD
MACKAY ID 83251

RE: NOE on 72-00144 & 72-10392

Dear Mr. Nelson,

This letter is in response to the Notice of Error (NOE) you recently submitted in regards to the above mentioned rights. I spoke with Tom Coates regarding your reply notice and the following is a synopsis of our conversation of this day:

□
12/17/98 10:27 AM

NAME:
TOM COATES
SPRINGS RANCH

CALLBACK

RE:
NOE-MTN.

I returned his call on 72-00144. Also received the NOE form from the claimant Dave Nelson. Request was to add year round stockwater use and remove the conjunctive management remark.

I explained the stockwater use was not claimed and further review shows the stockwater issue was not part of the 1913 decree. Suggested he file a new claim for the stockwater use either instream or diverted uses.

Removal of the conj. mng. (C16) remark is not possible, as this was part of a larger negotiation with the SRBA court. It will be up to the claimant to prove the separation of the source from the rest of the basin 72 sources. I gave him the phone number to IDWR attorney Nick Spencer to further clarify the legal points.

We discussed the claim 72-10392 (D&S) as to why they have not received the preliminary report. I will have to look this up and see where it is in the process.

December 17, 1998

Mr. Coates will notify Mr. Nelson of this discussion and I will follow up with a letter.

If you have further questions or need additional assistance please feel free to call me at our office.

Sincerely,

STEVE CLELLAND
Sr. Water Resource Agent

Enc:

Mr. Coates will notify Mr. Nelson of this discussion and I will follow up with a letter.

REEVALUATION OF IRRIGATION RATES BASED UPON 1997 REVISED HUBBLE ANALYSIS PROCEDURES

CLAIM NUMBERS

A72-00144

DATE: 11/19, 1998

REVIEWED BY San

CHALLIS AREA SOIL REVIEW

SOIL TYPE	BORDER CFS/AC		FURROW CFS/AC		OPTIMUM ROTATION		SOIL TYPE	BORDER CFS/AC		FURROW CFS/AC		OPTIMUM ROTATION	
	PAST	ALFA	PAST	ALFA	PASTURE	ALFALFA		PAST	ALFA	PAST	ALFA	PASTURE	ALFALFA
ATC	.15	.13			6.49	7.62	PD2	.11	.12			5.15	4.74
BB1	.09	.09			6.09	6.17	Q	.26	.21			13.2	10.4
BC1	.16	.17			5.82	5.46	RE2	.29	.21			3.15	4.74
BK1	.07	.06			10.62	11.86	RP1	.19	.21			4.89	4.57
BT1	.18	.16			3.99	4.19	SH1	.06	.05			9.37	12.10
BT2	.41	.32			2.34	2.87	SOC	.08	.07			7.38	8.08
CB1	.06	.06			11.55	13.47	SSA	.15	.14			4.79	5.01
CHA	.21	.21			4.52	4.76	SXF	.12	.11			6.14	6.80
CP1	.36	.36			2.61	2.78	TC1	.06	.06			9.82	9.55
DB1	.13	.11			5.66	6.65	TD1	.04	.03			12.46	16.50
DBB	.13	.11			5.71	6.69	WB2	.13	.13			5.37	5.43
DBC	.13	.11			5.71	6.69	WAA	.19	.16			3.81	4.23
DMF	.18	.21			5.12	4.72	WBB	.17	.14			3.36	3.84
DRF	.18	.19			9.08	9.68	WC1	.07	.06			11.24	13.45
DT2	.05	.04			12.46	16.50	WPT	.19	.15			3.16	3.69
DWA	.14	.14			4.79	5.01	WV1	.07	.06			11.24	13.45
G01	.10	.12			12.47	10.51	XHS						
KEG	.08	.07			8.73	10.06	YN1	.18	.14			5.38	6.92
MBF	.15	.12			7.65	5.81							
MUG	.15	.14			4.54	4.98							
NDL	.13	.12			5.30	6.06							

The rate per acre calculations are based upon a 300 foot run at a 2% slope. An 8 hour set time was also used. Individual graded border evaluations, soil characteristics work sheets, and peak irrigation diversion requirement work sheets have been created and archived separately for each soil type.

Where actual rotation is shorter than the optimal rotation, optimal rotation is the criteria to be used for the recommendation analysis and, therefore, the rotation percentage adjustment is not necessary. The rate becomes the acres per soil type times the rate per acre from the above chart.

SOIL TYPE	OPTIMAL ROTATION / (chart)	ACTUAL ROTATION / (field)	ACRES PER SOIL TYPE (field)	RATE PER ACRE (chart)	TOTAL DIVERSION RATE
DT2	/		* 51	* .05	= 2.55 CFS
TD1	/		* 60	* .04	= 2.40 CFS
Sprinkler	/		* 113	* .02	= 2.26 CFS
	/		*	*	= CFS

C. Loss = .16 c

G/S TOTAL ACRES 225.3

224

DECREED RATE = 6.4

CLAIMED DIVERSION RATE = 6.4

MEASURED DIVERSION RATE = 7.21

allowed decreed amount

AIM NUMBER A72-00144 DATE 10/27/98 TRANSFER NUMBER _____
AGENT Sec CLAIMED ACRE TOTAL 267
GIS ACRE TOTAL 225.3

	TWP	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
LAIM	12N	20E	23												8		15	40	55
GIS															2.7		9.5	38	50.1
ECOM																			
LAIM			26	0	35	35	40									20	7	0	137
GIS				2.2	27	35	13									32	18	1.8	129
ECOM																			
LAIM			35	0		10	20									20	15	10	75
GIS				2.3		8.5	16									13	0	6.3	46.1
ECOM																			

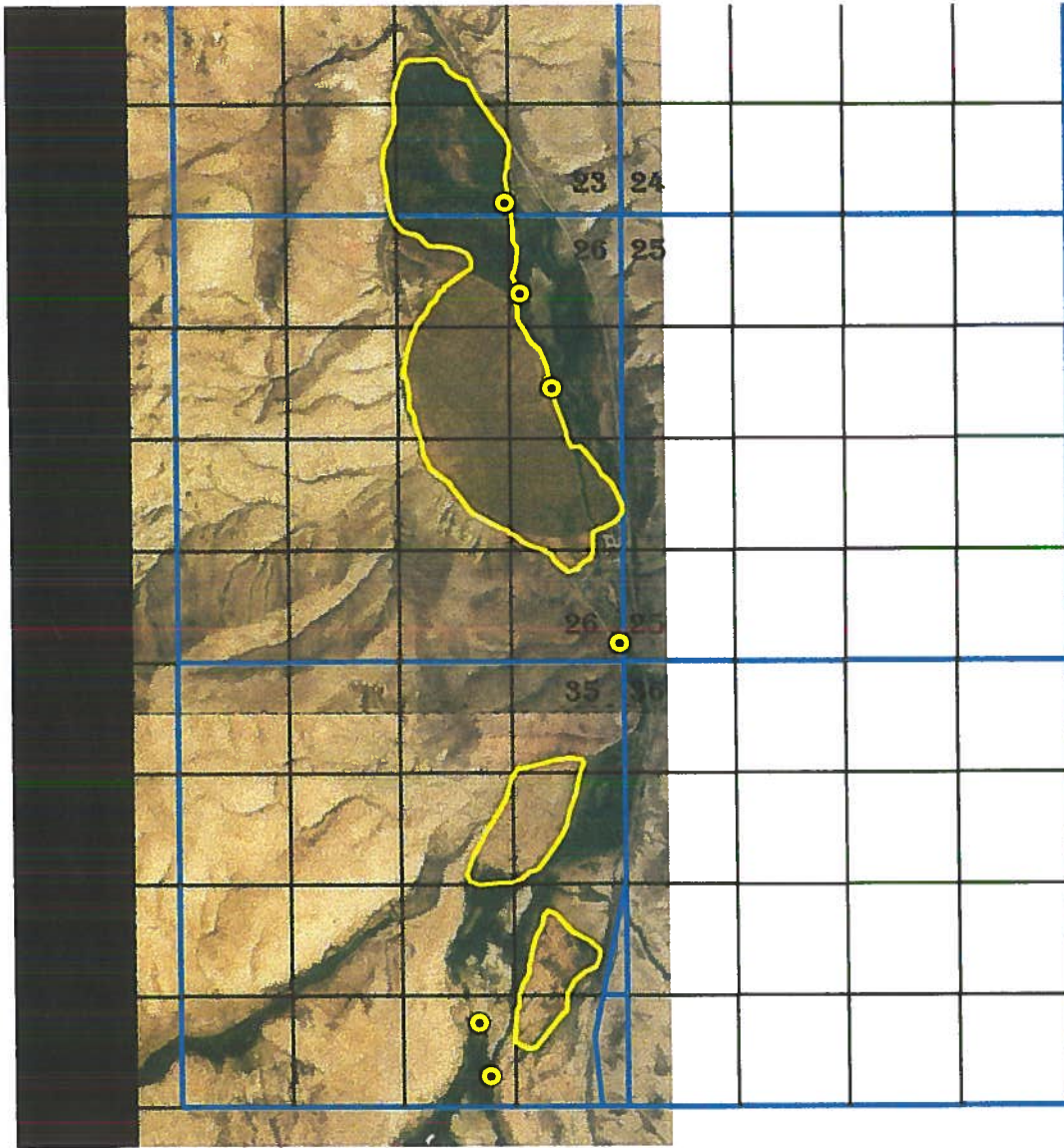
372-DBPOU.SHP _____
SHAPE NOS. _____
392 N.
393 M.D.
394 S.

B72-DBPOD.SHP _____
NOS. DESCRIPTION _____
247 - S.23 SE SW SE
248 - S.26 SW NE NE
249 - SW SE NE
250 - SE SE SE
251 - S.35 NE SW SE
252 - SE SW SE
Ed Seagon 4/1 to 10/1
Sails support full decree

DBF TABLES UPDATED _____
B72-DBPOU.DBF 4/9/98
B72-DBPOD.DBF Sec
JPEG LAYOUT 72-00144.jpg

IDAHO DEPARTMENT OF WATER RESOURCES

72-00144



660 0 6601320 Feet



-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  SECTION LINES
-  QUARTER-QUARTER LINES
-  STREAMS & DITCH CHANNELS

TWN: 11N
RNG: 17E
SEC: 23, 26 & 35



GIS PLACE OF USE PRESENTATION
USFS AERIAL PHOTOGRAPHY, 1988
BY STEVE CLELLAND

DATE: OCT. 27, 1998

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: A72-00144
Date Received: 1/ 9/1990
Receipt No: E011549
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: MOUNTAIN SPRINGS RANCH LLC 208-588-2805
Address: 5550 BARTON FLAT RD
MACKAY ID 83251

2. Date of Priority: FEB 1, 1877

3. Source: ANTELOPE CREEK Trib. to: WARM SPRINGS CREEK
WARM SPRING CREEK SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12N	20E	23	SE	SW	SE		CUSTER
		26	SW	NE	NE		CUSTER
			NE	SE	SE		CUSTER
			SE	SE	SE		CUSTER
		35	NE	SW	SE		CUSTER
			SE	SW	SE		CUSTER
		36	NW	NW	NW		CUSTER
			SW	NW	NW		CUSTER

5. Description of diverting works:
DITCHES, DAMS, PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.400		
IRRIGATION STORAGE	01/01	12/31			12.90
IRRIGATION FROM STORAGE	04/01	11/01			12.90

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

8. Total consumptive use is 667.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	20E	23	NW	SE		IRR	15.0
			SW	SE		IRR	40.0
					Section Acres		55.0
		26	NW	NE		IRR	35.0
			SW	NE		IRR	35.0
			SE	NE		IRR	40.0
			NE	SE		IRR	20.0
			NW	SE		IRR	7.0
					Section Acres		137.0
		35	SW	NE		IRR	10.0
			SE	NE		IRR	20.0
			NE	SE		IRR	20.0
			NW	SE		IRR	15.0
			SE	SE		IRR	10.0
					Section Acres		75.0
					Total Acres		267.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:

14. Remarks:

3 STORAGE PONDS APPROXIMATELY 150' X 250' WITH AVERAGE OF 5' DEPTH.

CHANGED OWNERSHIP PER REQUEST/JH/9-23-97

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

JOSEPH RODGERS, ET. AL.

Decree Plaintiff

DANIEL C. BREYER, ET. AL.

vs Decree Defendant

Mountain Springs Ranch LLC,
5550 Barton Flat Rd.,
Mackay, Idaho 83251,

July 23, 1997.

Idaho Department of Water Resources,
1301 North Orchard St.,
Statehouse Mail,
Boise, Idaho 83720-9000.

Dear Sirs;

Please find enclosed necessary paperwork for the transfer of
all water rights owned by San Felipe Ranch, Mackay, Idaho.
The rights will all go to Mountain Springs Ranch LLC, 5550
Barton Flat Rd., Mackay, Idaho 83251.

Mr. Tuthill said that maps were not necessary to accompany
paperwork because the Water Department has them already.

Please send verification when these transfers have been made.

Thank you.

Sincerely,



Dave Nelson

Manager

RECEIVED

JUL 28 1997

Department of Water Resources

RECEIVED

AUG 28 1997

Department of Water Resources
Eastern Region

RECEIVED

SEP 30 1997

Department of Water Resources
Southern Region

208-588-2805

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

RECEIVED

JUL 28 1997

SEP 30 1997

Please print or type. Attach pages with additional information. Instructions are on the back of this page. Department of Water Resources

Incomplete forms will be returned.

Department of Water Resources
Southern Region1. Water Right Number(s) SEE ATTACHED EXHIBIT "A" TOGETHER WITH ALL OTHER APPURTEN
WATER

Adjudication Claim Number(s) _____

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

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) SAN FELIPE RANCH, a Partnership
c/o DAVE NELSON
5550 BARTON FLAT RD
MACKAY, ID 832514. New Owner/Claimant(s) MHJ, LLC, AN OREGON LIMITED LIABILITY COMPANY
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address c/o MARY HEWLETT JAFFE, MANAGER
11100 NW SALTZMAN ROAD
PORTLAND, OR 97229
City, State and ZIP Code _____
New Telephone Number (503) 296 - 05365. Date you acquired the property On or about June 1, 1997 - see Deed

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the space below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) MHJ, LLC, an Oregon Limited Liability Co Date _____
Mary Hewlett Jaffe Date _____
By Mary Hewlett Jaffe, Manager

(Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

RECEIVED

SEP 30 1997

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 28 1997

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Department of Water Resources
Southern Region

Attach pages with additional information. Instructions are on the back of this form.
Incomplete forms will be returned.

1. Water Right Number(s) See attached Exhibit A together with all other
appurtenant water
Adjudication Claim Number(s) _____
2. The following REQUIRED information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) MHJ, LLC, an Oregon limited liability company
11100 N.W. Saltzman Road
Portland, OR 97229
4. New Owner/Claimant(s) Mountain Springs Ranch LLC, an Idaho limited liability
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR compa
New Mailing Address 11100 N.W. Saltzman Road
City, State and ZIP Code Portland, OR 97229
New Telephone Number (503) 296 - 0536
5. Date you acquired the property On or about July 15, 1997
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the space below. If necessary, attach additional pages.
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right claim, please contact the nearest IDWR office for assistance.
Mountain Springs Ranch LLC
7. Signature of New Owner/Claimant(s) Mary H. Jaffe Date 7/11/97
Mary H. Jaffe, Manager Date _____
8. (Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

EXHIBIT "A" continued

Water Right	Stg Sta	Priority Date	Sources of Water	Tributaries of
A72-00144	D/	02/01/1877	Antelope Creek Warm Springs Creek	Warm Springs Cr Salmon River
A72-10391	J/	02/20/1930	Spring	Dry Gulch
A72-10392	J/	02/20/1930	Spring	Broken Wagon Cr
A72-10393	J/	03/01/1915	Springs	Warm Springs Cr
A72-10394	J/	01/02/1915	Gooseberry Creek	Warm Springs Cr
A72-10395	J/	04/30/1924	Sheep Creek	Sinks
A72-10396	J/	01/02/1915	Gooseberry Creek	Warm Springs Cr

DESIGNATION OF AUTHORIZED AGENT

RECEIVED

JUL 28 1997

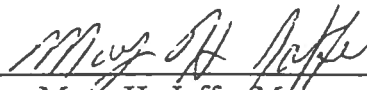
Department of Water Resources

MOUNTAIN SPRINGS RANCH LLC, an Idaho limited liability company ("Owner"), does hereby appoint and designate G. David Nelson, of Mackay, Idaho, as the manager and authorized agent of Owner with full authority to perform on behalf of Owner as follows:

- a. To act as the authorized agent and authorized representative of Owner in all rangeland matters both with the Bureau of Land Management, Department of Interior, and Forest Service, United States Department of Agriculture, including authority to negotiate and/or execute permits, licenses or management agreements and all related memoranda or agreements.
- b. To act as the designated agent of Owner in respect to water adjudication matters pending before the Snake River Basin Adjudication, Fifth Judicial District, County of Twin Falls, State of Idaho, and to act as the representative of Owner in all related matters.
- c. To act as the agent or representative of Owner in regard to all matters brought before the State Land Board, State of Idaho, and to negotiate and execute all State Land Leases or other agreements on behalf of Owner.
- d. To execute any and all power, telecommunication or other utility agreements on behalf of Owner and to otherwise act as agent or representative of Owner in all related matters.
- e. To act as agent of Owner in all ranch-related labor matters including, but not limited to, all matters involving the State Insurance Fund, State of Idaho.
- f. To do all other things and to perform all other acts as appropriate, reasonable, necessary or desirable in the proper management and operation of Owner's ranch properties and ranch affairs headquartered in Custer County, Idaho, whether specifically set forth herein or not.

Dated: July 11, 1997

**MOUNTAIN SPRINGS RANCH LLC,
an Idaho limited liability company**

By: 
Mary H. Jaffe, Manager

TELEPHONE MEMO

DATE: 9-22-97

TO: FILES

FROM: JENNIFER HOAGLAND *JH*

RE: NCO FROM SAN FELIPE RANCH TO MOUNTAIN SPRINGS RANCH LLC, 5550
BARTON FLAT RD, MACKAY, 83251

DAVE NELSON, MGR MOUNTAIN SPRINGS RANCH CALLED ME VIA HIS WIFE THAT
THE NEW ADDRESS SHOULD BE MACKAY (NOT PORTLAND AS SHOWN ON THE
CHANGE OF OWNERSHIP).

213649

Custer County Reg. of
Custer County Title
Time 3:15 P. M.
6-18 1997
Ethel M. Pack, Clerk
Wanda J. Murphy
12th Deputy

CORPORATION QUITCLAIM DEED

FOR VALUE RECEIVED, SAN FELIPE RANCH - IDAHO, INC., a California corporation, the Grantor, does hereby convey, release, remise and forever quitclaim unto SAN FELIPE RANCH, A California Partnership, the Grantee, whose current address is 1501 Page Mill Road, Palo Alto, California 94304, the following described premises, in Custer County, Idaho, to-wit:

See attached Exhibit "A".

DATED: 27 day of May, 1997.

San Felipe Ranch - Idaho, Inc.,
a California corporation

By: [Signature]
Robert Stephens, Vice President

By: [Signature]
Walter B. Hewlett, Vice President

EXHIBIT "A"

The following real estate located in Antelope Valley Unit B, Subdivision, Custer County, Idaho, according to the Official Plat on file in the office of the said County Recorder.

Lots 6, 7, 8, 9, 10, 11, 12, 13, and 14, Block 2.

Lots 2, 6, 8, 9, and 11, Block 3.

Lots 1, 3, 4, and 15, Block 6.

Lots 4, 7, 8, 9, 14, and 15, Block 7.

Lots 8, 12, and 13, Block 10.

Lots 12 and 13, Block 11.

Lots 17 and 18, Block 14.

DEED

San Felipe Ranch-Idaho, Inc./San Felipe Ranch

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

213649

No. 5907

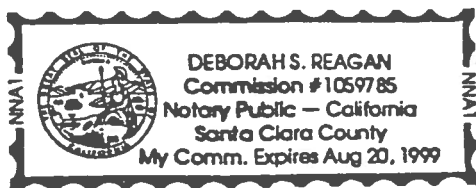
State of California

County of Santa Clara

On May 27, 1997 before me, Deborah S. Reagan, Notary Public,
DATE NAME, TITLE OF OFFICER E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared Walter B Hewlett,
NAME(S) OF SIGNER(S)

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence 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 in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Deborah S. Reagan
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- ☐ INDIVIDUAL
☐ CORPORATE OFFICER

TITLE(S)

- ☐ PARTNER(S) ☐ LIMITED
☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

DESCRIPTION OF ATTACHED DOCUMENT

TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

DATE OF DOCUMENT

SIGNER(S) OTHER THAN NAMED ABOVE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

213649

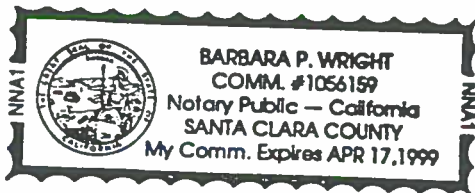
State of California

County of Santa Clara

On June 9, 1997 before me, Barbara P. Wright,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Robert Stephens,
Name(s) of Signer(s)

☒ personally known to me – OR – ☐ proved to me on the basis of satisfactory evidence 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 in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Barbara P. Wright
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Individual
- ☐ Corporate Officer
 Title(s): _____
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney-in-Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: _____

Signer Is Representing:



Signer's Name: _____

- ☐ Individual
- ☐ Corporate Officer
 Title(s): _____
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney-in-Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: _____

Signer Is Representing:



213650

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Custer County Rec. of.
Custer County Title
Time 3:15 P.M.
6-18 1997
Ethel M. Peck Clark
Wanda J. Murphy
\$ 18.00 Deputy

space above this line for recorder's use

QUITCLAIM DEED

WILLIAM R. HEWLETT, a widower, and WILLIAM R. HEWLETT, TRUSTEE OF THE WILLIAM R. HEWLETT REVOCABLE TRUST DATED FEBRUARY 3, 1995, AS AMENDED, do, and each does, hereby convey, release, remise and forever quitclaim unto SAN FELIPE RANCH, A CALIFORNIA PARTNERSHIP, the address of which is 1501 Page Mill Road, Palo Alto, California 94304, any interest, legal or equitable, of the undersigned in the parcels of real property located in Custer County, State of Idaho that are described on Exhibit A attached hereto and incorporated herein by this reference.

A purpose of this instrument is to confirm that the interest hereby acquitted was acquired by grantor in his capacity as a partner of San Felipe Ranch, a California partnership, and that such interest since the inception of such acquisition has continuously been, and now is, owned by the same San Felipe Ranch, a California partnership.

Dated: 12/22/96, 1996.

William R. Hewlett
William R. Hewlett, individually, and as
Trustee of The William R. Hewlett Revocable
Trust dated February 3, 1995, as amended

[Notarial Acknowledgments Follow]

EXHIBIT A
to
QUITCLAIM DEED

Parcel One:

Lots 5 and 14, Block 6, of Antelope Valley Subdivision, Unit B, Custer County, Idaho, according to the Official Plat thereof on file in the office of the County Recorder of Custer County, Idaho.

TOGETHER WITH the easement reserved in Deed recorded February 25, 1975, as Instrument No. 138952, records of Custer County, Idaho, and conveyed by Fred M. Frazier and Darlene Frazier, husband and wife, to John V. Chatburn and Charlotte A. Chatburn, husband and wife, recorded March 9, 1976, as Instrument No. 141814, records of Custer County, Idaho.

Parcel Two:

Lots 1 and 18, Block 3, Unit B, Antelope Valley Subdivision, in the North 1/2 of South 1/2, S 1/2 of N 1/2, Section 23, Township 9 N., Range 21 East, Boise Meridian, Custer County, Idaho, as shown on the Official Plat thereof now on file in the office of the said County Recorder.

EXHIBIT "A"

The land referred to in this exhibit is situated in the State of Idaho, County of Custer and is described as follows:

CHILLY BUTTE RANCHTRACT I:

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 1: SW1/4NW1/4, W1/2SW1/4

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 2: S1/2N1/2, S1/2

LESS the following tract from said Sections 1 and 2:

Beginning at a point which is 1320 feet South and 3384 feet East from the Northwest corner of Section 2, said Township and Range; thence

South 53°10' East, 48 feet; thence

South 75°20' East, 656 feet; thence

South 64°50' East, 728 feet; thence

South 49°20' East, 902 feet; thence

South 62°20' East, 980 feet; thence

South 29°05' East, 688 feet; thence

North 2148 feet to the Northeast corner of the SW1/4NW1/4 of Section 1, said Township and Range; thence West 3216 feet to the Place of Beginning.

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 3: Lots 2 and 3, SE1/4NW1/4, NW1/4SE1/4, NE1/4SW1/4, S1/2NE1/4, E1/2SE1/4

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 11: SE1/4SE1/4, NE1/4SW1/4, E1/2NW1/4, W1/2NE1/4, NW1/4SE1/4, E1/2NE1/4, NE1/4SE1/4

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 12: W1/2NW1/4, NW1/4SW1/4, S1/2SW1/4

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 13: N1/2NE1/4, SE1/4NE1/4, E1/2SE1/4, NE1/4NW1/4, SW1/4, W1/2SE1/4, SW1/4NE1/4, S1/2NW1/4

EXHIBIT "A", continued

CHILLY BUTTE RANCHTRACT I; - Continued

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 14: SE1/4NW1/4, S1/2NE1/4, S1/2

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 23: S1/2NW1/4, NE1/4SW1/4, N1/2N1/2, SW1/4NE1/4 and NW1/4SE1/4 LESS 25 feet of Diamond Hitch Road, and NW1/4SW1/4 EXCEPTING the following:
Commencing at the SW corner of said NW1/4SW1/4, thence North 45° East n1/1 70 feet to the SW corner of Lot 9, Block 16 of the vacated Antelope Valley Subdivision, Unit "A"; thence East 189.6 feet, thence North 132 feet, thence West 189.6 feet, thence South 132 feet to the Point of Beginning.

(This was formerly Antelope Valley Unit A subdivision and formerly the W1/2 of Antelope Valley Unit B subdivision)

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 24: E1/2, W1/2

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 25: N1/2

TOWNSHIP 9 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 17: SE1/4SW1/4 Less Road right-of-way.

TOWNSHIP 9 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 18: Lots 1 and 2, E1/2NW1/4

TOWNSHIP 9 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 19: Lot 4, SE1/4SW1/4, S1/2NE1/4, SE1/4

TOWNSHIP 9 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 20: E1/2NW1/4, E1/2SW1/4 Less Highway right-of-way, W1/2SW1/4, SW1/4NW1/4

TOWNSHIP 9 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 29: NW1/4NW1/4, NE1/4NW1/4 LESS Highway right of way

EXHIBIT "A", continued

CHILLY BUTTE RANCHTRACT I: - Continued

TOWNSHIP 9 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 30: Lots 1 and 2, NE1/4, E1/2NW1/4

The following real estate located in Antelope Valley Unit B, Subdivision, Custer County, Idaho,
according to the Official Plat on file in the office of the said County Recorder.

Lots 7, 12 and 13, Block 3

Lots 6, 7, 8, 11, 12 and 13, Block 6

Lots 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15 and 16, Block 14

Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, Block 15

TRACT II:

The following real estate located in Antelope Valley Unit B Subdivision, Custer County, Idaho,
according to the Official Plat on file in the Office of the said County Recorder.

Lots 1 and 18, Block 3.

Lots 5 and 14, Block 6.

TRACT III:

The following real estate located in Antelope Valley Unit B, Subdivision, Custer County, Idaho,
according to the Official Plat on file in the office of the said County Recorder.

Lots 6, 7, 8, 9, 10, 11, 12, 13, and 14, Block 2.

Lots 2, 6, 8, 9, and 11, Block 3.

Lots 1, 3, 4, and 15, Block 6.

Lots 4, 7, 8, 9, 14, and 15, Block 7.

Lots 8, 12, and 13, Block 10.

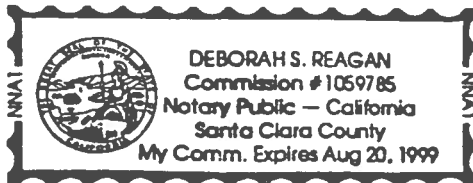
Lots 12 and 13, Block 11.

Lots 17 and 18, Block 14.

State of California
County of Santa Clara

On December 17, 1996 before me, Deborah S. Reagan, Notary Public,
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"
personally appeared William R. Hewlett,
NAME(S) OF SIGNER(S)

☒ personally known to me - OR - ☐ ~~proved to me on the basis of satisfactory evidence~~
to be the person(s) whose name(s) is/are
subscribed to the within instrument and ac-
knowledgeed to me that he/she/they executed
the same in his/her/their authorized
capacity(ies), and that by his/her/their
signature(s) on the instrument the person(s),
or the entity upon behalf of which the
person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Deborah S. Reagan
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- ☒ INDIVIDUAL
☐ CORPORATE OFFICER
TITLE(S) _____
- ☐ PARTNER(S) ☐ LIMITED
☐ GENERAL
☐ ATTORNEY-IN-FACT
☒ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

DESCRIPTION OF ATTACHED DOCUMENT

Quitclaim Deed
TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES _____

December 17, 1996
DATE OF DOCUMENT

SIGNER(S) OTHER THAN NAMED ABOVE _____

QUITCLAIM DEED

FOR VALUE RECEIVED, DAVID WOODLEY PACKARD, NANCY PACKARD BURNETT, SUSAN PACKARD ORR and JULIE PACKARD STEPHENS, Trustees of The David and Lucile Packard Trust dated April 20, 1987, as amended, the Grantors, do hereby convey, release, remise and forever quitclaim unto SAN FELIPE RANCH, A California Partnership, the Grantee, whose current address is 1501 Page Mill Road, Palo Alto, California 94304, the following described premises, in Custer County, Idaho, to-wit:

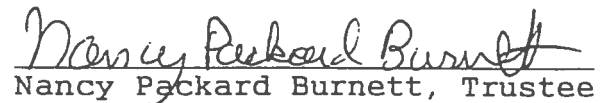
See attached Exhibit "A".

DATED: 9th day of June, 1997.

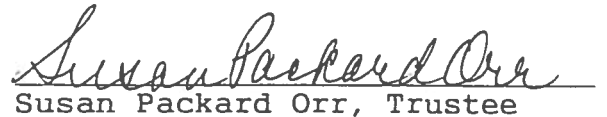
The David and Lucile Packard
Trust dated April 20, 1987,
as amended



David Woodley Packard, Trustee



Nancy Packard Burnett, Trustee



Susan Packard Orr, Trustee

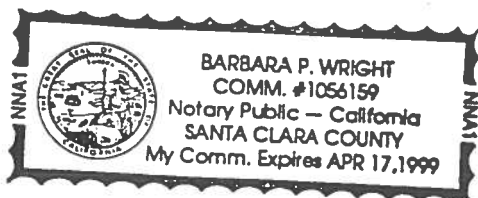


Julie Packard Stephens, Trustee

STATE OF CALIFORNIA)
 : ss.
 County of Santa Clara)

On this 9 day of June, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared DAVID WOODLEY PACKARD, Trustee of The David and Lucile Packard Trust dated April 20, 1987, as amended, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as such Trustee.

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

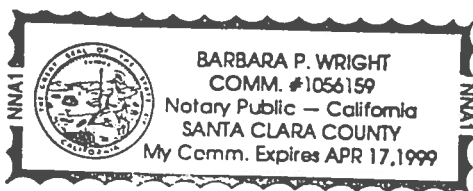


Barbara P. Wright
 Notary Public for California
 Residing at 350 Cambridge Ave., Palo Alto,
 My Commission Expires: 4/17/99 94306

STATE OF CALIFORNIA)
 : ss.
 County of Santa Clara)

On this 9 day of June, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared NANCY PACKARD BURNETT, Trustee of The David and Lucile Packard Trust dated April 20, 1987, as amended, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same as such Trustee.

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

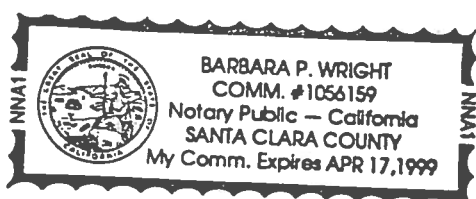


Barbara P. Wright
 Notary Public for California
 Residing at 350 Cambridge Ave., Palo Alto,
 My Commission Expires: 4/17/99 94306

STATE OF CALIFORNIA)
 : ss.
 County of Santa Clara)

On this 9 day of June, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared SUSAN PACKARD ORR, Trustee of The David and Lucile Packard Trust dated April 20, 1987, as amended, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same as such Trustee.

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

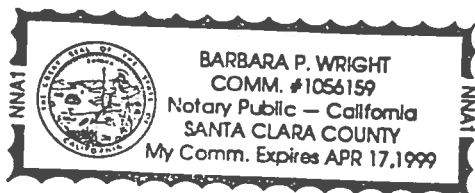


Barbara P. Wright
 Notary Public for California
 Residing at 350 Cambridge Ave. Palo Alto,
 My Commission Expires: 4/17/99 94306

STATE OF CALIFORNIA)
 : ss.
 County of Santa Clara)

On this 9 day of June, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared JULIE PACKARD STEPHENS, Trustee of The David and Lucile Packard Trust dated April 20, 1987, as amended, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same as such Trustee.

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



Barbara P. Wright
 Notary Public for California
 Residing at 350 Cambridge Ave. Palo Alto,
 My Commission Expires: 4/17/99 94306

EXHIBIT "A"

The land referred to in this exhibit is situated in the State of Idaho, County of Custer and is described as follows:

CHILLY BUTTE RANCHTRACT I:

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 1: SW1/4NW1/4, W1/2SW1/4

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 2: S1/2N1/2, S1/2

LESS the following tract from said Sections 1 and 2:

Beginning at a point which is 1320 feet South end 3384 feet East from the Northwest corner of Section 2, said Township and Range; thence
South 53°10' East, 48 feet; thence
South 75°20' East, 656 feet; thence
South 64°50' East, 728 feet; thence
South 49°20' East, 902 feet; thence
South 62°20' East, 980 feet; thence
South 29°05' East, 688 feet; thence

North 2148 feet to the Northeast corner of the SW1/4NW1/4 of Section 1, said Township and Range; thence West 3216 feet to the Place of Beginning.

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 3: Lots 2 and 3, SE1/4NW1/4, NW1/4SE1/4, NE1/4SW1/4, S1/2NE1/4, E1/2SE1/4

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 11: SE1/4SE1/4, NE1/4SW1/4, E1/2NW1/4, W1/2NE1/4, NW1/4SE1/4, E1/2NE1/4, NE1/4SE1/4

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 12: W1/2NW1/4, NW1/4SW1/4, S1/2SW1/4

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 13: N1/2NE1/4, SE1/4NE1/4, E1/2SE1/4, NE1/4NW1/4, SW1/4, W1/2SE1/4, SW1/4NE1/4, S1/2NW1/4

EXHIBIT "A", continued

CHILLY BUTTE RANCHTRACT I: - Continued

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 14: SE1/4NW1/4, S1/2NE1/4, S1/2

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 23: S1/2NW1/4, NE1/4SW1/4, N1/2N1/2, SW1/4NE1/4 and NW1/4SE1/4 LESS 25 feet of Diamond Hitch Road, and NW1/4SW1/4 EXCEPTING the following:
Commencing at the SW corner of said NW1/4SW1/4, thence North 45° East m/l 70 feet to the SW corner of Lot 9, Block 16 of the vacated Antelope Valley Subdivision, Unit "A"; thence East 189.6 feet, thence North 132 feet, thence West 189.6 feet, thence South 132 feet to the Point of Beginning.

(This was formerly Antelope Valley Unit A subdivision and formerly the W1/2 of Antelope Valley Unit B subdivision)

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 24: E1/2, W1/2

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 25: N1/2

TOWNSHIP 9 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 17: SE1/4SW1/4 Less Road right-of-way.

TOWNSHIP 9 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 18: Lots 1 and 2, E1/2NW1/4

TOWNSHIP 9 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 19: Lot 4, SE1/4SW1/4, S1/2NE1/4, SE1/4

TOWNSHIP 9 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 20: E1/2NW1/4, E1/2SW1/4 Less Highway right-of-way, W1/2SW1/4, SW1/4NW1/4

TOWNSHIP 9 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 29: NW1/4NW1/4, NE1/4NW1/4 LESS Highway right of way

CHILLY BUTTE RANCH

TRACT I: - Continued

TOWNSHIP 9 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 30: Lots 1 and 2, NE1/4, E1/2NW1/4

The following real estate located in Antelope Valley Unit B, Subdivision, Custer County, Idaho, according to the Official Plat on file in the office of the said County Recorder.

Lots 7, 12 and 13, Block 3

Lots 6, 7, 8, 11, 12 and 13, Block 6

Lots 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15 and 16, Block 14

Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, Block 15

TRACT II:

The following real estate located in Antelope Valley Unit B Subdivision, Custer County, Idaho, according to the Official Plat on file in the Office of the said County Recorder.

Lots 1 and 18, Block 3.

Lots 5 and 14, Block 6.

TRACT III:

The following real estate located in Antelope Valley Unit B, Subdivision, Custer County, Idaho, according to the Official Plat on file in the office of the said County Recorder.

Lots 6, 7, 8, 9, 10, 11, 12, 13, and 14, Block 2.

Lots 2, 6, 8, 9, and 11, Block 3.

Lots 1, 3, 4, and 15, Block 6.

Lots 4, 7, 8, 9, 14, and 15, Block 7.

Lots 8, 12, and 13, Block 10.

Lots 12 and 13, Block 11.

Lots 17 and 18, Block 14.

QUIT CLAIM DEED

Packard Trust/San Felipe Ranch

Page 6

0213651

STATE OF IDAHO, COUNTY OF CUSTER

I hereby certify that this instrument was filed for record at the request of Custer County Title at 15 minutes past 3 o'clock P.M., this 18th day of June, 1997, in my office, and duly recorded as Instrument No 213651.

Ethel M. Peck

Ex-Officio Recorder

BY

Wanda J. Murphy

Deputy

Fee: \$ 21⁰⁰

Mail to:

QUIT CLAIM DEED

Packard Trust/San Felipe Ranch

Page 7

QUITCLAIM DEED

FOR VALUE RECEIVED, SAN FELIPE RANCH, a California general partnership, the Grantor, does hereby convey, release, remise and forever quitclaim unto MHJ, LLC, an Oregon limited liability company, the Grantee, whose current address is 3355 NW 131st Place, Portland, Oregon 97229, the following described premises, in Custer County, Idaho, to-wit:

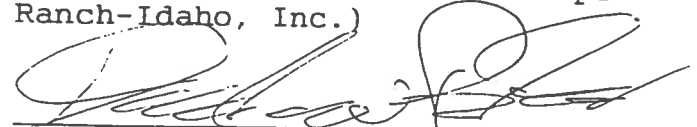
Lot 11, Block 11, Antelope Valley Unit B Subdivision,
Custer County, Idaho.

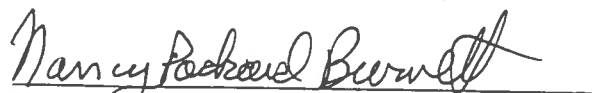
DATED: 9th day of June, 1997.

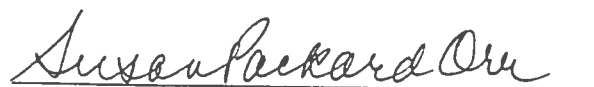
SAN FELIPE RANCH, a California
general partnership

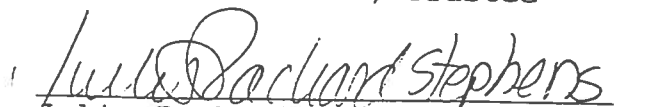
By its General Partners:

The David and Lucile Packard
Trust dated April 20, 1987,
as amended
(a partner of the Partnership
and a Shareholder of San Felipe
Ranch-Idaho, Inc.)


David Woodley Packard, Trustee


Nancy Packard Burnett, Trustee


Susan Packard Orr, Trustee


Julie Packard Stephens, Trustee

The William R. Hewlett Revocable Trust dated February 3, 1995, as amended (a partner of the Partnership and a Shareholder of San Felipe Ranch-Idaho, Inc.)

Edwin E. van Bronkhorst
Edwin E. van Bronkhorst, Trustee

Walter B. Hewlett
Walter B. Hewlett, Trustee

San Felipe Ranch-Idaho, Inc.,
a California corporation
(a partner of the Partnership
and Managing Partner)

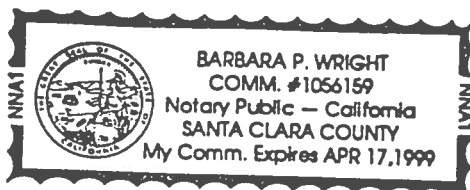
By: Robert Stephens
Robert Stephens, Vice President

By: Walter B. Hewlett
Walter B. Hewlett Vice President

STATE OF CALIFORNIA)
: ss.
County of Santa Clara)

On this 9 day of June, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared DAVID WOODLEY PACKARD, Trustee of The David and Lucile Packard Trust dated April 20, 1987, as amended, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as such Trustee.

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

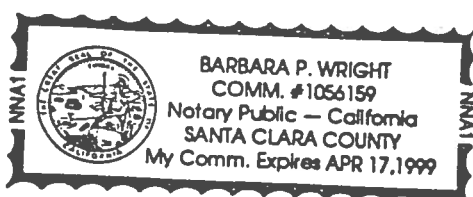


Barbara P. Wright
Notary Public for California
Residing at 350 Cambridge Ave., Palo Alto,
My Commission Expires: 4/17/99 94306

STATE OF CALIFORNIA)
 : SS.
 County of Santa Clara)

On this 69 day of June, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared NANCY PACKARD BURNETT, Trustee of The David and Lucile Packard Trust dated April 20, 1987, as amended, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same as such Trustee.

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

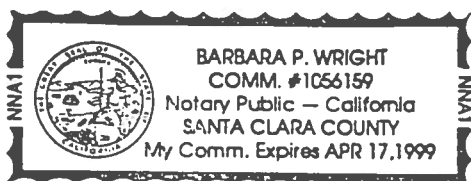


Barbara P. Wright
 Notary Public for California
 Residing at 350 Cambridge Ave., Palo Alto,
 My Commission Expires: 4/17/99 94306

STATE OF CALIFORNIA)
 : SS.
 County of Santa Clara)

On this 69 day of June, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared SUSAN PACKARD ORR, Trustee of The David and Lucile Packard Trust dated April 20, 1987, as amended, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same as such Trustee.

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



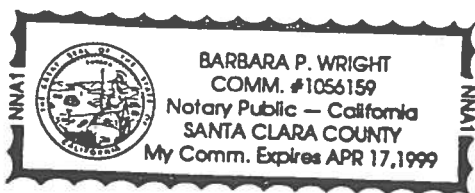
Barbara P. Wright
 Notary Public for California
 Residing at 350 Cambridge Ave., Palo Alto,
 My Commission Expires: 4/17/99 94306

213652

STATE OF CALIFORNIA)
 : ss.
 County of Santa Clara)

On this 29 day of June, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared JULIE PACKARD STEPHENS, Trustee of The David and Lucile Packard Trust dated April 20, 1987, as amended, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same as such Trustee.

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

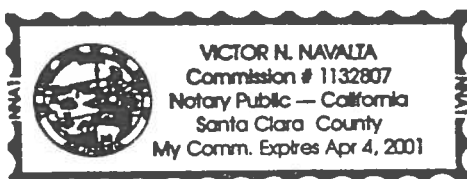


Barbara P. Wright
 Notary Public for California
 Residing at 350 Cambridge Ave., Palo Alto,
 My Commission Expires: 4/17/99 94306

STATE OF CALIFORNIA)
 : ss.
 County of SANTA CLARA)

On this 6 day of JUNE, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared EDWIN E. VAN BRONKHORST, Trustee of the William R. Hewlett Revocable Trust dated February 3, 1995, as amended, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as such Trustee.

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

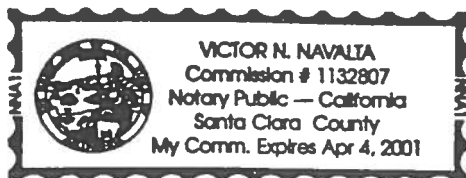


Victor N. Navalta
 Notary Public for CA 94303
 Residing at HPCU 1501 PABO MILL RD PALO AL
 My Commission Expires: APRIL 4, 2001

STATE OF CALIFORNIA)
 County of SANTA CLARA) : ss.

On this 6 day of JUNE, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared WALTER B. HEWLETT, Trustee of the William R. Hewlett Revocable Trust dated February 3, 1995, as amended, and Vice President of San Felipe Ranch-Idaho, Inc., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same both as such Trustee and as such Vice President.

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

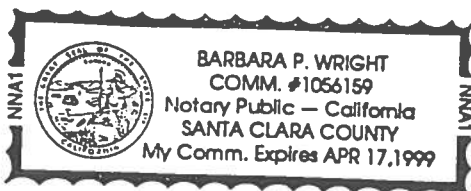


Victor N. Navalta
 Notary Public for CP 94303
 Residing at HPCU 1501 PAGE MILL RD PALO ALTO
 My Commission Expires: APRIL 4, 2001

STATE OF CALIFORNIA)
 County of Santa Clara) : ss.

On this 9 day of June, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared ROBERT STEPHENS, Vice President of San Felipe Ranch-Idaho, Inc., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same as such Vice President.

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



Barbara P. Wright
 Notary Public for California
 Residing at 350 Cambridge Ave., Palo Alto,
 My Commission Expires: 4/17/99 94306

0213652

STATE OF IDAHO, COUNTY OF CUSTER

I hereby certify that this instrument was filed for record at the request of Custer County Title at 15 minutes past 3 o'clock P.M., this 18th day of June, 1997, in my office, and duly recorded as Instrument No 213652.

Ethel M. Peck

Ex-Officio Recorder

BY

Wanda J. Murphy

Deputy

Fee: \$ 18⁰⁰

Mail to:

GRANT DEED

FOR VALUE RECEIVED, SAN FELIPE RANCH, a California general partnership, the Grantor, does hereby Grant, Bargain, Sell and Convey unto MHJ, LLC, an Oregon limited liability company, the Grantee, whose current address is 3355 NW 131st Place, Portland, Oregon 97229, the following described premises, in Custer County, Idaho, to-wit:

See attached Exhibit "A"

Subject to all easements, rights of way, restrictions, covenants or other exceptions or conditions of sight or record.

Together with all appurtenant water rights and grazing rights without warranty.

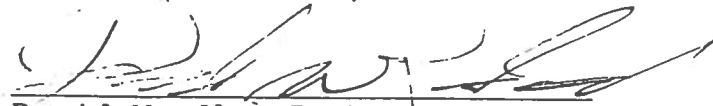
TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee, its successors and assigns forever.

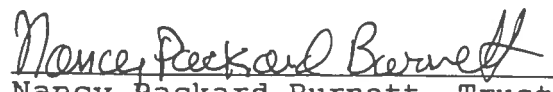
Dated: June 9, 1997

SAN FELIPE RANCH, a California
general partnership

By its General Partners:

The David and Lucile Packard
Trust dated April 20, 1987,
as amended
(a partner of the Partnership
and a Shareholder of San Felipe
Ranch-Idaho, Inc.)


David Woodley Packard, Trustee


Nancy Packard Burnett, Trustee


Susan Packard Orr, Trustee


Julie Packard Stephens, Trustee

The William R. Hewlett Revocable Trust dated February 3, 1995, as amended (a partner of the Partnership and a Shareholder of San Felipe Ranch-Idaho, Inc.)

Edwin E. van Bronkhorst
Edwin E. van Bronkhorst, Trustee

Walter B. Hewlett
Walter B. Hewlett, Trustee

San Felipe Ranch-Idaho, Inc.,
a California corporation
(a partner of the Partnership
and Managing Partner)

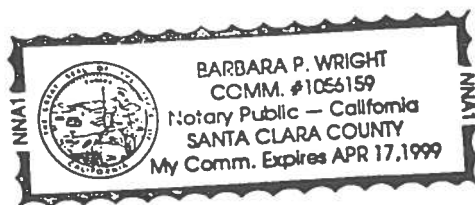
By: Robert Stephens
Robert Stephens, Vice President

By: Walter B. Hewlett
Walter B. Hewlett, Vice President

STATE OF CALIFORNIA)
: ss.
County of Santa Clara)

On this 9 day of June, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared DAVID WOODLEY PACKARD, Trustee of The David and Lucile Packard Trust dated April 20, 1987, as amended, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as such Trustee.

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

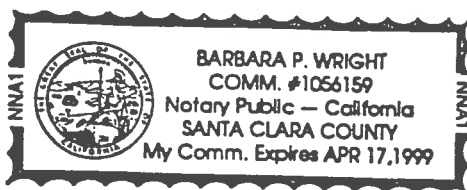


Barbara P. Wright
Notary Public for California
Residing at 350 Cambridge Ave., Pal
My Commission Expires: 4/17/99

STATE OF CALIFORNIA)
 : SS.
County of Santa Clara)

On this 9 day of June, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared NANCY PACKARD BURNETT, Trustee of The David and Lucile Packard Trust dated April 20, 1987, as amended, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same as such Trustee.

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



Barbara P. Wright
Notary Public for California
Residing at 350 Cambridge Ave., Palo Alto,
My Commission Expires: 4/17/99 94306

STATE OF CALIFORNIA)
 : SS.
County of Santa Clara)

On this 9 day of June, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared SUSAN PACKARD ORR, Trustee of The David and Lucile Packard Trust dated April 20, 1987, as amended, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same as such Trustee.

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

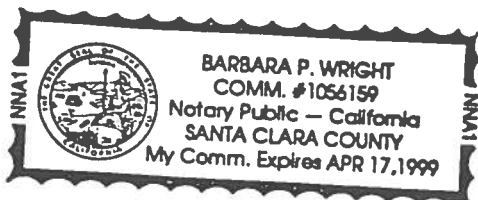


Barbara P. Wright
Notary Public for California
Residing at 350 Cambridge Ave., Palo Alto,
My Commission Expires: 4/17/99 94306

STATE OF CALIFORNIA)
 : ss.
County of Santa Clara)

On this 9 day of June, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared JULIE PACKARD STEPHENS, Trustee of The David and Lucile Packard Trust dated April 20, 1987, as amended, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same as such Trustee.

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

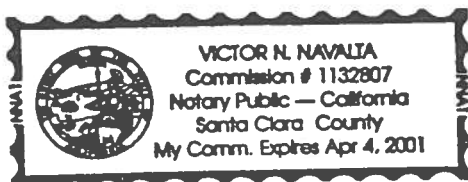


Barbara P. Wright
Notary Public for California
Residing at 350 Cambridge Ave., Palo Alto,
My Commission Expires: 4/17/99 94306

STATE OF CALIFORNIA)
 : ss.
County of SANTACLAARA)

On this 6 day of JUNE, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared EDWIN E. VAN BRONKHORST, Trustee of the William R. Hewlett Revocable Trust dated February 3, 1995, as amended, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as such Trustee.

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

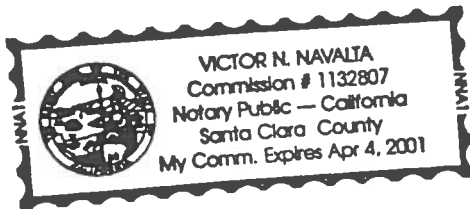


Victor N. Navalta
Notary Public for
Residing at HPCU 1501 RABE MILL LN 94306
My Commission Expires: PALO ALTO CA
APRIL 4, 2001

STATE OF CALIFORNIA)
 : ss.
County of SANTA CLARA)

On this 6 day of JUNE, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared WALTER B. HEWLETT, Trustee of the William R. Hewlett Revocable Trust dated February 3, 1995, as amended, and Vice President of San Felipe Ranch-Idaho, Inc., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same both as such Trustee and as such Vice President.

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

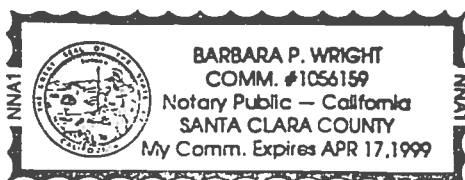


Victor N. Navatia
Notary Public for
Residing at HFEU 1501 PALMILLER
My Commission Expires: PALM ALTO CA 94303
APRIL 4, 2001

STATE OF CALIFORNIA)
 : ss.
County of Santa Clara)

On this 9 day of June, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared ROBERT STEPHENS, Vice President of San Felipe Ranch-Idaho, Inc., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same as such Vice President.

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



Barbara P. Wright
Notary Public for California
Residing at 350 Cambridge Ave., Palo Alto
My Commission Expires: 4/17/99 9430

EXHIBIT "A"

The land referred to in this exhibit is situated in the State of Idaho, County of Custer and is described as follows:

HEADQUARTERS

TOWNSHIP 8 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 1: S1/2SE1/4

TOWNSHIP 8 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 12: N1/2NE1/4

TOWNSHIP 8 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 3: Lot 4 (NW1/4NW1/4).

TOWNSHIP 8 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 4: Lots 1, 2 (N1/2NE1/4).

TOWNSHIP 8 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 11: SE1/4, E1/2SW1/4

TOWNSHIP 8 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 12: NW1/4SW1/4, SW1/4SW1/4

TOWNSHIP 8 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 13: NW1/4NW1/4, SW1/4NW1/4, NW1/4SW1/4, E1/2SW1/4, W1/2SE1/4NW1/4,
SW1/4SE1/4

TOWNSHIP 8 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 14: E1/2NW1/4, NE1/4, NE1/4SE1/4, W1/2SE1/4, NE1/4SW1/4, NW1/4SW1/4,
SE1/4SW1/4; that part of SW1/4SW1/4 lying east of highway.

TOWNSHIP 8 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 15: That part of NE1/4SE1/4 lying east of highway.

EXHIBIT "A", continued

ROCKPILE

TOWNSHIP 8 NORTH, RANGE 23 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 25: NW1/4SE1/4, NW1/4, W1/2NE1/4, NE1/4SW1/4, W1/2SW1/4, SE1/4NE1/4,
E1/2SE1/4

TOWNSHIP 8 NORTH, RANGE 23 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 26: S1/2SE1/4

TOWNSHIP 8 NORTH, RANGE 23 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 35: NE1/4

TOWNSHIP 8 NORTH, RANGE 24 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 30: Lots 10 and 11

TOWNSHIP 8 NORTH, RANGE 24 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 31: Lots 2, 5, 8 and 11

EXHIBIT "A", continued

CHILLY BUTTE RANCH

TRACT I:

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 1: SW1/4NW1/4, W1/2SW1/4

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 2: S1/2N1/2, S1/2

LESS the following tract from said Sections 1 and 2:

Beginning at a point which is 1320 feet South end 3384 feet East from the
Northwest corner of Section 2, said Township and Range; thence

South 53°10' East, 48 feet; thence

South 75°20' East, 656 feet; thence

South 64°50' East, 728 feet; thence

South 49°20' East, 902 feet; thence

South 62°20' East, 980 feet; thence

South 29°05' East, 688 feet; thence

North 2148 feet to the Northeast corner of the SW1/4NW1/4 of Section 1, said
Township and Range; thence West 3216 feet to the Place of Beginning.

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 3: Lots 2 and 3, SE1/4NW1/4, NW1/4SE1/4, NE1/4SW1/4, S1/2NE1/4, E1/2SE1/4

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 11: SE1/4SE1/4, NE1/4SW1/4, E1/2NW1/4, W1/2NE1/4, NW1/4SE1/4, E1/2NE1/4,
NE1/4SE1/4

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 12: W1/2NW1/4, NW1/4SW1/4, S1/2SW1/4

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 13: N1/2NE1/4, SE1/4NE1/4, E1/2SE1/4, NE1/4NW1/4, SW1/4, W1/2SE1/4,
SW1/4NE1/4, S1/2NW1/4

EXHIBIT "A", continued

CHILLY BUTTE RANCH

TRACT I: - Continued

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 14: SE1/4NW1/4, S1/2NE1/4, S1/2

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 23: S1/2NW1/4, NE1/4SW1/4, N1/2N1/2, SW1/4NE1/4 and NW1/4SE1/4 LESS 25 feet of Diamond Hitch Road, and NW1/4SW1/4 EXCEPTING the following:
Commencing at the SW corner of said NW1/4SW1/4, thence North 45° East m/l 70 feet to the SW corner of Lot 9, Block 16 of the vacated Antelope Valley Subdivision, Unit "A"; thence East 189.6 feet, thence North 132 feet, thence West 189.6 feet, thence South 132 feet to the Point of Beginning.

(This was formerly Antelope Valley Unit A subdivision and formerly the W1/2 of Antelope Valley Unit B subdivision)

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 24: E1/2, W1/2

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 25: N1/2

TOWNSHIP 9 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 17: SE1/4SW1/4 Less Road right-of-way.

TOWNSHIP 9 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 18: Lots 1 and 2, E1/2NW1/4

TOWNSHIP 9 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 19: Lot 4, SE1/4SW1/4, S1/2NE1/4, SE1/4

TOWNSHIP 9 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 20: E1/2NW1/4, E1/2SW1/4 Less Highway right-of-way, W1/2SW1/4, SW1/4NW1/4

TOWNSHIP 9 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 29: NW1/4NW1/4, NE1/4NW1/4 LESS Highway right of way

EXHIBIT "A", continued

CHILLY BUTTE RANCH

TRACT I: - Continued

TOWNSHIP 9 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 30: Lots 1 and 2, NE1/4, E1/2NW1/4

The following real estate located in Antelope Valley Unit B, Subdivision, Custer County, Idaho, according to the Official Plat on file in the office of the said County Recorder.

Lots 7, 12 and 13, Block 3

Lots 6, 7, 8, 11, 12 and 13, Block 6

Lots 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15 and 16, Block 14

Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, Block 15

TRACT II:

The following real estate located in Antelope Valley Unit B Subdivision, Custer County, Idaho, according to the Official Plat on file in the Office of the said County Recorder.

Lots 1 and 18, Block 3.

Lots 5 and 14, Block 6.

TRACT III:

The following real estate located in Antelope Valley Unit B, Subdivision, Custer County, Idaho, according to the Official Plat on file in the office of the said County Recorder.

Lots 6, 7, 8, 9, 10, 11, 12, 13, and 14, Block 2.

Lots 2, 6, 8, 9, and 11, Block 3.

Lots 1, 3, 4, and 15, Block 6.

Lots 4, 7, 8, 9, 14, and 15, Block 7.

Lots 8, 12, and 13, Block 10.

Lots 12 and 13, Block 11.

Lots 17 and 18, Block 14.

GRANT DEED

San Felipe Ranch/MHJ, LLC

Page 10

EXHIBIT "A", continued

CHALLIS RANCH

TOWNSHIP 9 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 1: SW1/4, SW1/4SE1/4.

TOWNSHIP 9 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 2: SE1/4SE1/4

TOWNSHIP 9 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 11: E1/2NE1/4.

TOWNSHIP 9 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 12: Fraction NW1/4, W1/2NE1/4, N1/2SW1/4

TOWNSHIP 10 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 4: NE1/4NE1/4 Less Highway right-of-way.

TOWNSHIP 10 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 30: NE1/4NE1/4 Less Highway right-of-way

TOWNSHIP 11 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 1: SW1/4NE1/4, SW1/4SW1/4, SE1/4SW1/4 Less Highway right-of-way.

TOWNSHIP 11 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 2: Lots 2 and 4, SW1/4NE1/4, SE1/4NE1/4 Less Highway right-of-way, NE1/4SE1/4

TOWNSHIP 11 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 3: Lots 1, 2, 3, S1/2N1/2, N1/2S1/2

TOWNSHIP 11 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 35: SW1/4NE1/4

TOWNSHIP 11 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 4: N1/2SE1/4, SW1/4SE1/4

EXHIBIT "A", continued

CHALLIS RANCH - Continued

TOWNSHIP 11 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 20: NE1/4SE1/4

TOWNSHIP 11 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 21: SE1/4SW1/4, NW1/4SW1/4, SE1/4SE1/4

TOWNSHIP 11 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 22: W1/2SW1/4

TOWNSHIP 11 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 30: NE1/4SW1/4

TOWNSHIP 12 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 23: W1/2SE1/4 Less Highway right-of-way.

TOWNSHIP 12 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 25: E1/2SW1/4, SW1/4SE1/4, W1/2W1/2SW1/4

TOWNSHIP 12 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 26: NE1/4, E1/2SE1/4

TOWNSHIP 12 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 34: S1/2SE1/4

TOWNSHIP 12 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 35: E1/2NE1/4, SW1/4NE1/4, N1/2SE1/4, SW1/4SE1/4, SW1/4SW1/4

0213653

STATE OF IDAHO, COUNTY OF CUSTER

I hereby certify that this instrument was filed for record at the request of Custer County Title at 15 minutes past 3 o'clock P.M., this 18th day of June, 1997, in my office, and duly recorded as Instrument No 213653.

Ethel M. Peck

Ex-Officio Recorder

BY Wanda J. Murphy Deputy

Fee: \$ 39⁰⁰

Mail to:

GRANT DEED

0213818

FOR VALUE RECEIVED, MHJ, LLC, an Oregon limited liability company ("Grantor") does hereby Grant, Bargain, Sell and Convey unto MOUNTAIN SPRINGS RANCH LLC, an Idaho limited liability company ("Grantee"), whose current address is 11100 N.W. Saltzman Road, Portland, Oregon 97229, the following described premises, in Custer County, Idaho, to wit:

See attached Exhibit "A"

Subject to all easements, rights of way, restrictions, covenants or other exceptions or conditions of sight or record.

Together with all appurtenant water rights and grazing rights without warranty.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee, its successors and assigns forever.

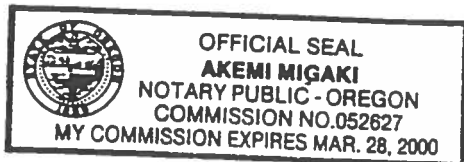
DATED: July 11, 1997

MHJ, LLC, an Oregon limited liability company

By: Mary H. Jaffe
Mary H. Jaffe
Manager

STATE OF OREGON)
) ss.
County of Multnomah)

This instrument was acknowledged before me on the 11th day of July, 1997, by Mary H. Jaffe as Manager of MHJ, LLC.



Akemi Migaki
Notary Public for Oregon
My Commission Expires: 3/28/2000

EXHIBIT "A"

The land referred to in this exhibit is situated in the State of Idaho, County of Custer and is described as follows:

HEADQUARTERS

TOWNSHIP 8 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 1: S1/2SE1/4

TOWNSHIP 8 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 12: N1/2NE1/4

TOWNSHIP 8 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 3: Lot 4 (NW1/4NW1/4).

TOWNSHIP 8 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 4: Lots 1, 2 (N1/2NE1/4).

TOWNSHIP 8 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 11: SE1/4, E1/2SW1/4

TOWNSHIP 8 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 12: NW1/4SW1/4, SW1/4SW1/4

TOWNSHIP 8 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 13: NW1/4NW1/4, SW1/4NW1/4, NW1/4SW1/4, E1/2SW1/4, W1/2SE1/4NW1/4,
SW1/4SE1/4

TOWNSHIP 8 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 14: E1/2NW1/4, NE1/4, NE1/4SE1/4, W1/2SE1/4, NE1/4SW1/4, NW1/4SW1/4,
SE1/4SW1/4; that part of SW1/4SW1/4 lying east of highway.

TOWNSHIP 8 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 15: That part of NE1/4SE1/4 lying east of highway.

213818
Custer County Reg. of
Custer County Title
7-21-1997
Ethal M. Pack, Clerk
Wanda J. Murphy
24th

EXHIBIT "A", continued

ROCKPILE

TOWNSHIP 8 NORTH, RANGE 23 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 25: NW1/4SE1/4, NW1/4, W1/2NE1/4, NE1/4SW1/4, W1/2SW1/4, SE1/4NE1/4,
E1/2SE1/4

TOWNSHIP 8 NORTH, RANGE 23 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 26: S1/2SE1/4

TOWNSHIP 8 NORTH, RANGE 23 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 35: NE1/4

TOWNSHIP 8 NORTH, RANGE 24 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 30: Lots 10 and 11

TOWNSHIP 8 NORTH, RANGE 24 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 31: Lots 2, 5, 8 and 11

EXHIBIT "A", continued

CHILLY BUTTE RANCHTRACT I:

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 1: SW1/4NW1/4, W1/2SW1/4

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 2: S1/2N1/2, S1/2

LESS the following tract from said Sections 1 and 2:

Beginning at a point which is 1320 feet South end 3384 feet East from the
Northwest corner of Section 2, said Township and Range; thence

South 53°10' East, 48 feet; thence

South 75°20' East, 656 feet; thence

South 64°50' East, 728 feet; thence

South 49°20' East, 902 feet; thence

South 62°20' East, 980 feet; thence

South 29°05' East, 688 feet; thence

North 2148 feet to the Northeast corner of the SW1/4NW1/4 of Section 1, said
Township and Range; thence West 3216 feet to the Place of Beginning.

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 3: Lots 2 and 3, SE1/4NW1/4, NW1/4SE1/4, NE1/4SW1/4, S1/2NE1/4, E1/2SE1/4

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 11: SE1/4SE1/4, NE1/4SW1/4, E1/2NW1/4, W1/2NE1/4, NW1/4SE1/4, E1/2NE1/4,
NE1/4SE1/4

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 12: W1/2NW1/4, NW1/4SW1/4, S1/2SW1/4

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 13: N1/2NE1/4, SE1/4NE1/4, E1/2SE1/4, NE1/4NW1/4, SW1/4, W1/2SE1/4,
SW1/4NE1/4, S1/2NW1/4

EXHIBIT "A", continued

CHILLY BUTTE RANCHTRACT I: - Continued

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 14: SE1/4NW1/4, S1/2NE1/4, S1/2

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 23: S1/2NW1/4, NE1/4SW1/4, N1/2N1/2, SW1/4NE1/4 and NW1/4SE1/4 LESS 25 feet of Diamond Hitch Road, and NW1/4SW1/4 EXCEPTING the following:
Commencing at the SW corner of said NW1/4SW1/4, thence North 45° East m/l 70 feet to the SW corner of Lot 9, Block 16 of the vacated Antelope Valley Subdivision, Unit "A"; thence East 189.6 feet, thence North 132 feet, thence West 189.6 feet, thence South 132 feet to the Point of Beginning.

(This was formerly Antelope Valley Unit A subdivision and formerly the W1/2 of Antelope Valley Unit B subdivision)

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 24: E1/2, W1/2

TOWNSHIP 9 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 25: N1/2

TOWNSHIP 9 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 17: SE1/4SW1/4 Less Road right-of-way.

TOWNSHIP 9 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO..
SECTION 18: Lots 1 and 2, E1/2NW1/4

TOWNSHIP 9 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 19: Lot 4, SE1/4SW1/4, S1/2NE1/4, SE1/4

TOWNSHIP 9 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 20: E1/2NW1/4, E1/2SW1/4 Less Highway right-of-way, W1/2SW1/4, SW1/4NW1/4

TOWNSHIP 9 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 29: NW1/4NW1/4, NE1/4NW1/4 LESS Highway right of way

EXHIBIT "A", continued

CHILLY BUTTE RANCHTRACT I: - Continued

TOWNSHIP 9 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.
SECTION 30: Lots 1 and 2, NE1/4, E1/2NW1/4.

The following real estate located in Antelope Valley Unit B, Subdivision, Custer County, Idaho, according to the Official Plat on file in the office of the said County Recorder.

Lots 7, 12 and 13, Block 3

Lots 6, 7, 8, 11, 12 and 13, Block 6

Lots 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15 and 16, Block 14

Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, Block 15

TRACT II:

The following real estate located in Antelope Valley Unit B Subdivision, Custer County, Idaho, according to the Official Plat on file in the Office of the said County Recorder.

Lots 1 and 18, Block 3.

Lots 5 and 14, Block 6.

TRACT III:

The following real estate located in Antelope Valley Unit B, Subdivision, Custer County, Idaho, according to the Official Plat on file in the office of the said County Recorder.

Lots 6, 7, 8, 9, 10, 11, 12, 13, and 14, Block 2.

Lots 2, 6, 8, 9, and 11, Block 3.

Lots 1, 3, 4, and 15, Block 6.

Lots 4, 7, 8, 9, 14, and 15, Block 7.

Lots 8, 12, and 13, Block 10.

Lots 12 and 13, Block 11.

Lots 17 and 18, Block 14.

EXHIBIT "A", continued

CHALLIS RANCH

TOWNSHIP 9 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 1: SW1/4, SW1/4SE1/4.

TOWNSHIP 9 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 2: SE1/4SE1/4

TOWNSHIP 9 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 11: E1/2NE1/4.

TOWNSHIP 9 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 12: Fraction NW1/4, W1/2NE1/4, N1/2SW1/4

TOWNSHIP 10 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 4: NE1/4NE1/4 Less Highway right-of-way.

TOWNSHIP 10 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 30: NE1/4NE1/4 Less Highway right-of-way

TOWNSHIP 11 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 1: SW1/4NE1/4, SW1/4SW1/4, SE1/4SW1/4 Less Highway right-of-way.

TOWNSHIP 11 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 2: Lots 2 and 4, SW1/4NE1/4, SE1/4NE1/4 Less Highway right-of-way, NE1/4SE1/4

TOWNSHIP 11 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 3: Lots 1, 2, 3, S1/2N1/2, N1/2S1/2

TOWNSHIP 11 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 35: SW1/4NE1/4

TOWNSHIP 11 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 4: N1/2SE1/4, SW1/4SE1/4

EXHIBIT "A", continued

CHALLIS RANCH - Continued

TOWNSHIP 11 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 20: NE1/4SE1/4

TOWNSHIP 11 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 21: SE1/4SW1/4, NW1/4SW1/4, SE1/4SE1/4

TOWNSHIP 11 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 22: W1/2SW1/4

TOWNSHIP 11 NORTH, RANGE 21 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 30: NE1/4SW1/4

TOWNSHIP 12 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 23: W1/2SE1/4 Less Highway right-of-way.

TOWNSHIP 12 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 25: E1/2SW1/4, SW1/4SE1/4, W1/2W1/2SW1/4

TOWNSHIP 12 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 26: NE1/4, E1/2SE1/4

TOWNSHIP 12 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 34: S1/2SE1/4

TOWNSHIP 12 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO
SECTION 35: E1/2NE1/4, SW1/4NE1/4, N1/2SE1/4, SW1/4SE1/4, SW1/4SW1/4

0213819

See attached Exhibit "A".

By:

)

)

Notary Public for Oregon

213819

Custer County Req. of .
Custer County Title

2:30 P.M.

7-21-97

Page 11

Wanda J. Murphy
• 6²

EXHIBIT "A"

The following real estate located in Antelope Valley Unit B, Subdivision, Custer County, Idaho, according to the Official Plat on file in the office of the said County Recorder.

- Lots 6, 7, 8, 9, 10, 11, 12, 13, and 14, Block 2.
- Lots 2, 6, 8, 9, and 11, Block 3.
- Lots 1, 3, 4, and 15, Block 6.
- Lots 4, 7, 8, 9, 14, and 15, Block 7.
- Lots 8, 12, and 13, Block 10.
- Lots 12 and 13, Block 11.
- Lots 17 and 18, Block 14.

DEED

AJ0749NP
No. R72-00144

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 05/31/94
PAGE: 1

OWNER CODE NAME & ADDRESS PRIORITY DATE WATER USE USE PERIOD FROM TO DIVERSION RATE DIVERSION VOLUME
C SAN FELIPE RANCHES 02/01/1877 IRRIGATION 04-15 10-15 5.73 CFS
PO BOX 388
MACKAY ID 83251
(208) 588-2805
TOTAL DIVERSION: 5.73 CFS
CONSUMPTIVE USE: 560.00 AFA

Water Source: WARM SPRING CREEK Tributary to: SALMON RIVER Stage: DECREED

Point(s) of Diversion: T12N R20E S23 S26 S35 SESWSE SENESE SESESE
SESWSE SENESE SESESE
SESWSE SENESE SESESE
SESWSE SENESE SESESE

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	SUM
T R S	NE NE	SW NE	SE NE	SW NE	SE NE
12N 20E 23	03	24	38	12	03
12N 20E 26	03	24	38	12	03
12N 20E 35	03	09	19	19	06
TOTAL ACRES					221.0

POU County: CUSTER
Other Rights: NONE

Remarks: 0.10 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.
SOURCE IS ALSO KNOWN AS ANTELOPE CREEK.

Dates: Exam Made Date: 08/02/1993 Verified Date: 05/31/1994
Misc: Water District Number: Field Inspection Flag: D
Presumption Flag: D

Comments: Date: 05/31/1994 User-ID: CLELLAND Subject: COPIED FROM REMARKS
3 STORAGE PONDS APPROXIMATELY 150' X 250' WITH AVERAGE OF 5' DEPTH.
Date: 05/31/1994 User-ID: CLELLAND Subject: RECOMMENDATION
ADIVERSION RATE OF 0.026 CFS PER ACRE AT THE FIELD HEADGATE IS
INCLUDED IN THE RATE OF DIVERSION FOR 60.0 ACRES AND A RATE OF
0.0355 CFS PER ACRE FOR 51.0 ACRES PER HUBBLE ANALYSIS REVIEW.

MICROFILMED
NOV 01 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Presumption Memorandum Status

AGENT STEVE CLELLAND

DATE 5-31-94

CLAIM NUMBER	STAGE	PRESUMPTION CATEGORY			WITHIN A PPU	
		1st	2nd	Accomplished transfer	(YES)	(NO)
<u>A72-00144</u>	<u>D</u>	<u>X</u>		<u>X</u>		<u>X</u>

FIRST PRESUMPTION ISSUES: DATE OF CHANGE IF KNOWN: 1983

RECOMMENDED ACRES WITHIN THE ORIGINAL DECREED P/U: _____

RECOMMENDED ACRES OUTSIDE OF DECREED P/U: 119

<u>S. 26</u>	<u>NW SE</u>	<u>21 ACRES</u>	<u>(13 are part of possible Ac. Transfer Below.)</u>
<u>S. 23</u>	<u>SE SE SW</u>	<u>3</u>	
	<u>NW SE</u>	<u>5</u>	
	<u>SW SE</u>	<u>35</u>	
<u>S. 35</u>	<u>SW NE</u>	<u>10</u>	
	<u>NE SE</u>	<u>20</u>	
	<u>NW SE</u>	<u>15</u>	
	<u>SE SE</u>	<u>10</u>	

SECOND PRESUMPTION ISSUES: DATE OF CHANGE IF KNOWN: _____

ACCOMPLISHED TRANSFERS: DATE OF CHANGE IF KNOWN: 1983

TYPE OF CHANGE: (P/D), (P/U), (N/U), OTHER

Added a pivot system to the p.u. and picked up
an additional 21 Acres not previously irrigated by
the old gravity system.

OVERLAPPING CLAIMS: NONE _____ ACRES _____ ACRES

Pro. Flag D

_____ ACRES _____ ACRES

_____ ACRES _____ ACRES

_____ ACRES _____ ACRES

_____ ACRES _____ ACRES

MICROFILMED

NOV 01 1994

POOR ORIGINAL

T
12
N

27

R20 E

23

24

26

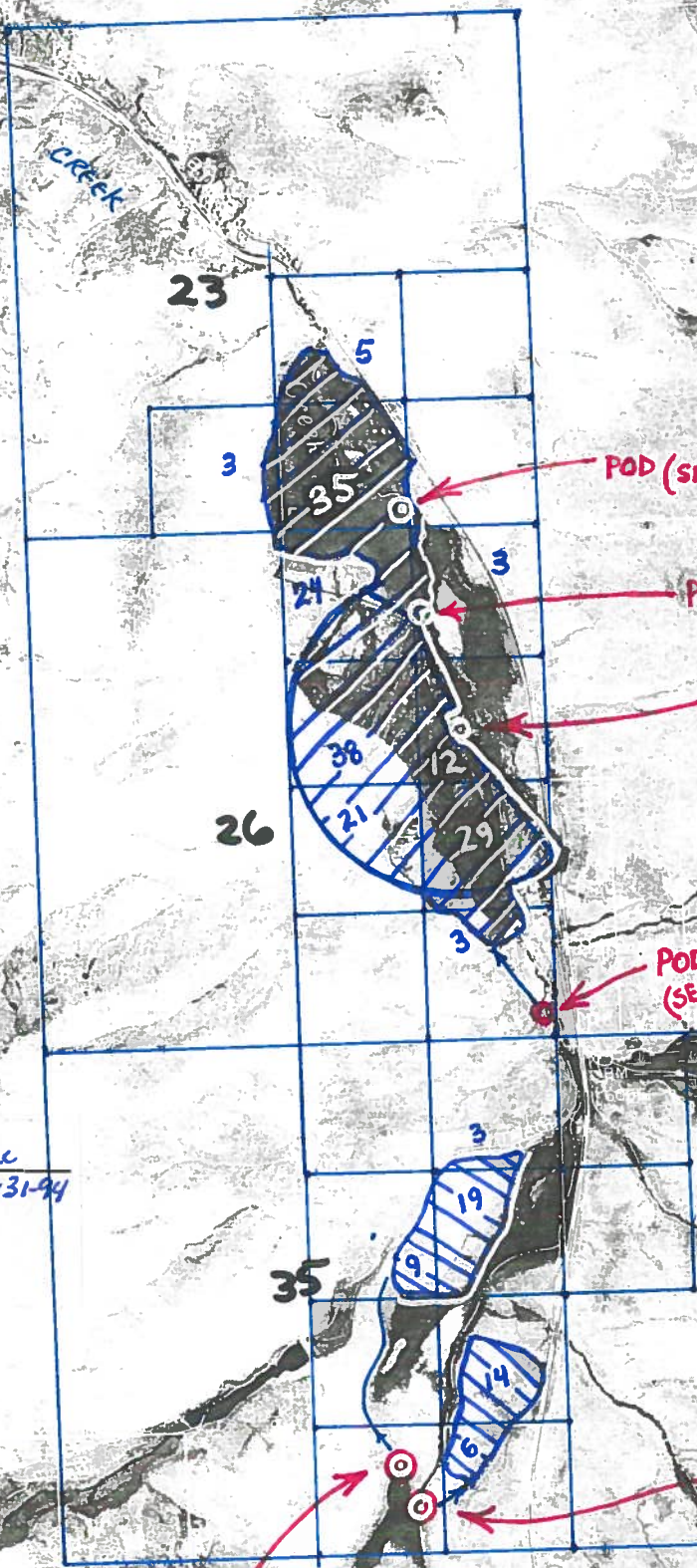
25

36

CLAIM A72-00144 INIT Sec
T. R. S. Q/Q 5-31-94
P/D _____
PHOTO 476 (NE)
DT.&ID. 7-24-1974

Pou = 224 AC **34**
As Recommended

ANTELOPE FLAT



MICROFILMED
NOV 01 1994

POOR ORIGINAL

Review Map

5-31-94

24

22

23

1.42 cfs

55 gravity ac. →

(Td1)
6000'

3

GRAVITY
DITCH
2000'

POD (SE SWSE)

POD
(SW NENE)

PUMP @ PIVOT
POD
(SW SESE)

25

113 sp. →

(x0.02 = 2.26 cfs)

SPRINKLER
(1983)

0.13 cfs

5 gravity →

(Td1)
width 1000'

26

R20E

CLAIM A72-00144 INIT

T. R. S. Q/Q

P/D

PHOTO 476 (NE)

DT. & ID. 7-24-1974

1.10 cfs

31 gravity →

(Dt2)
3400'

GRAVITY
DITCH

POD (SESESE)

3 DAMS

MCGOWAN
CR.

35

36

111 gravity
113 sprinkler

224

34

0.71 cfs

20 gravity →

(Dt2)
1800'

224 Ac

3.36 cfs

POD
(NESWSE)

POD
(SESWSE)

NOV 1 1994

FIR =
3.36 cfs

2.26

5.62 cfs

±10 class

5.72

<.68>

ANTELOPE FLAT

Conveyance Loss
#1. 2500' c = 0.75

#2. 1500' c = 0.75

Conv. losses =
0.10

LAST: SAN FELIPE RANCHES
ADDRESS: P.O. BOX 388
CITY: MACKAY
PHONE NUMBER: 208-588-2805

FIRST:
STATE: ID ZIP: 83251

OWNER CODE: C

~~PHONE NUMBER: 208-000-0000~~
OWNER CODE: D

FIRST: SAKAH M.
STATE: ID ZIP: 00000

FIELD EXAM REQUIRED?

DATABASE
Y FIELD EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: 3 STORAGE PONDS APPROXIMATELY 150' X 250' WITH AVERAGE OF 5' DEPTH.

MICROFILMED
NOV 0 1 1994

CONTACT PERSON: _____

PHONE NUMBER: (____) _____

DATE OF FIELD EXAM: 8/2/93

APPOINTMENT MADE: Y (____) N (X)

TIME: ____ A (____) P (____)

ACCOMPANIED BY: _____

KIP HANSEN

RELATIONSHIP TO CLAIMANT: _____

IRISATOR
~~MANAGER~~ OF RANCH

PHONE NUMBER: (____) _____

DIRECTIONS TO PROPERTY / REMARKS: _____

see field notes of 8-2-93

12-16-93

CALL TO HEATHER & DAVE NELSON @ 588-2805

(Maurice of San Felipe)

Spoke to Heather and she confirmed the pivot is pumped
from the creek near the center of the pivot and not from any of the
POD's shown on the maps as claimed.

MICROFILMED

FEB 1 1994

A. AJ CLAIM: # A72-00144 PRIORITY DATE: 02-01-1977 STAGE: D

B. WR RECORD: # 72-00144 PRIORITY DATE: 02-01-1977 STAGE: D

C. FIELD EXAM REQUIRED? DATABASE N FIELD EXAMINER

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y () N (X)
IF YES EXPLAIN.

REMARKS: *Confirmed by Deane*

RECOMMENDED PRIORITY DATE:

02-01-1977

REVIEWED BY

SC

DATE 12-16-93

MICROFILMED
NOV 01 1994

A. A1 CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A72-00144	12N	20E	23	SE	SW	SE		CUSTER
A72-00144	12N	20E	26	SW	NE	NE		CUSTER
A72-00144	12N	20E	26	NE	SE	SE		CUSTER
A72-00144	12N	20E	26	SE	SW	SW		CUSTER
A72-00144	12N	20E	35	NE	SE	SE		CUSTER
A72-00144	12N	20E	35	SE	SW	SW		CUSTER
A72-00144	12N	20E	36	SW	NW	NW		CUSTER
A72-00144	12N	20E	36	NW	SW	SW		CUSTER

OTHER A1 CLAIMS WITH SAME A1 POD

A PREFIX NONE R PREFIX NONE

WR RECORDS IN SAME 40 ACRE TRACT

72-07177

SOURCE: ANTELOPE CREEK
WARM SPRING CREEK

TRIB: WARM SPRINGS CREEK
SALMON RIVER

B. WR POINT OF DIVERSION AND SOURCE:

7200144 THERE IS NO FOR ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: ANTELOPE CREEK

TRIB: WARM SPRINGS CREEK

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

Y

Y

FIELD EXAMINER

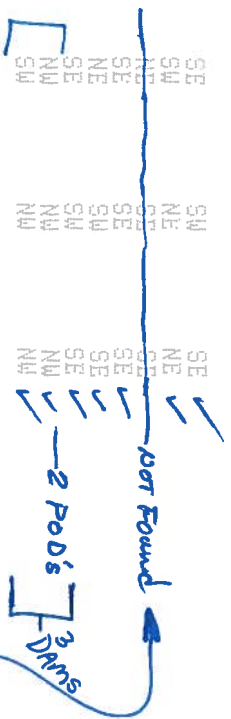
REMARKS:

Source Expansion appears in the 1974 OPR U76 and as the change in source occurred over 5 years ago resulting in no injury to other users. Dams along for Storage of Antelope Water to be released into Warm Springs A. for use in the lower P&D S.

Also actual names of the sources may have changed since 1913 decree since no actual "Antelope Creek" is shown by USGS maps.

Replace w/ first Pod

S. 26
SW 1/4 NE



RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:
TWP. RGE. SEC.

1/4

LOT

COUNTY

See as corrected
list as corrected

SOURCE:
REVIEWED BY:

SK

TRIB:

DATE:

12-16-93

Source: Warm Springs Creek

(per USGS Topo 476)

No source shown as antelope creek. Two streams flow from antelope flat from the south and the north west directions. They join Gooseberry Creek and McGowan Creek to become Warm Springs Creek.

Two Dams on Warm Springs Creek for storage claimed and one Dam is on McGowan Creek for storage as claimed. No basis for these was as being part of the Decreed right to Salsal M. Drake. However storage is mentioned for the reservoir downstream (currently owned by Engstrom). The storage was claimed was developed after this decree was issued in July 16, 1913.

5-31-94

MICROFILMED
NOV 01 1994

A. ROOT WATER RIGHT NUMBERS:

A72-10142
A72-00144

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
12N	20E	23	NW	SE		SAN FELIPE RANCHES	A72-00144 715.0	-	10.0	5	5
12N	20E	23	SW	SE		SAN FELIPE RANCHES	A72-00144 740.0	-	40.0	35	35
12N	20E	26	NW	NE		SAN FELIPE RANCHES	A72-00144 735.0	72-00144 7	34.0	24	24
12N	20E	26	SW	NE		SAN FELIPE RANCHES	A72-00144 735.0	72-00144 7	36.0	38	38
12N	20E	26	SE	NE		SAN FELIPE RANCHES	A72-00144 740.0	72-00144 7	40.0	12	12
12N	20E	26	NE	SE		SAN FELIPE RANCHES	A72-00144 720.0	72-00144 7	41.0	29	29
12N	20E	26	SW	NE		SAN FELIPE RANCH	A72-10393 /	-	-	-	-
12N	20E	26	NW	SE		SAN FELIPE RANCHES	A72-00144 770.0	-	700 NOT CLAIMED 19.0	21	21
12N	20E	35	SW	NE		SAN FELIPE RANCHES	A72-00144 710.0	72-02063 /10.0	6.0	9	9
12N	20E	35	SE	NE		SAN FELIPE RANCHES	A72-00144 720.0	72-00144 7	41.0	19	19
12N	20E	35	NE	SE		SAN FELIPE RANCHES	A72-00144 720.0	72-02063 /18.0	38.0	14	14
12N	20E	35	NW	SE		SAN FELIPE RANCHES	A72-00144 715.0	72-02063 /10.0	24.0	0	0
12N	20E	35	SE	SE		SAN FELIPE RANCHES	A72-00144 710.0	-	-	6	6
TOTAL ACRES							A72-00144 267.00	-	329.00		

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y(X) N()
YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE

FIELD EXAMINER

POU COUNTY: CUSTER

Not within 5%
Discrepancy
(267 - 5% = 253)

5.23 SESW 3.0
5.26 NENE 3.0
5.35 NENE 3.0

212 3.0
+12 3.0
224 3.0

224.0

variation in to area
Landmark Riparian

LANDSAT DATA

FIELD EXAM. RECOMM. ACRES

12

PRESUMPTION FLAG:

REMARKS:

Claim did not recognize the use of the first now in operation since 1983 since there is not a system and the POD's fail to list the first pump station.

Confound area based on full stream, POD 1176, Ben Area Maps dated 7-17-88

Antelope Flat Quad Map

- # 11-13C-6
- # 11-13C-4
- # 11-12C-3

RECOMMENDATIONS:

TOTAL ACRES: 224.0

REVIEWED BY:

See

DATE: 12-16-93

MICROFILMED
NOV 0 1994

A. AJ CLAIMED USES:

PURPOSES	IRRIGATION	STORAGE	MONTH/DAY	DIVERSION QUANTITY
A72-00144	IRRIGATION	STORAGE	FROM 4-01 TO 10-15-01	6.400 CFS
A72-00144	IRRIGATION	STORAGE	FROM 01-01 TO 12-31-01	12.90 AE/A
A72-00144	IRRIGATION	STORAGE	FROM 01-01 TO 12-31-01	12.90 AE/A

TOTAL DIVERSION RATE/VOLUME CLAIMED

6.400 CFS

B. WR RECORDED USES:

PURPOSES	IRRIGATION	MONTH/DAY	DIVERSION QUANTITY
72-00144	IRRIGATION	FROM 4-15 TO 10-15-01	6.400 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

6.400 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

DUE TO WATER-USE DISCREPANCY?	(Y/N)	DATABASE	FIELD EXAMINER
DUE TO DIVERSION RATE DISCREPANCY?	(Y/N)	Y	---
DUE TO PERIOD FROM/TO DISCREPANCY?	(Y/N)	Y	---

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?
RECOMMEND TO MEET STANDARDS OR OTHER?

Y() N(X)
Y(X) N()

Explain in remarks, below.

REMARKS:

old season

12-16-93 Seesee separate memo on legal award of this fee.

Storage was as claimed and not included in the decree.
Not allowed under this right.

5-31-94 See

RECEIVED
FBI
MAY 11 1994

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y(☒) N()

AJ TOTAL CLAIMED DIVERSION RATE: 6.400 CFS
 WR ROOT RIGHT TOTAL DIVERSION RATE: 6.400 CFS

*** IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. ***
 ** If an amount smaller than the original diversion rate is **
 ** claimed and an exam is NOT required, explain in remarks. **

*except for AFA diversion
 to storage*

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) Y ☒ FIELD EXAMINER

MICROFILMED
 NOV 01 1994

MEASUREMENT METHOD *None* FLOW MEASUREMENT SEE ATTACHED CALCULATIONS.

*Due to drought stream flows
 have been reduced below normal.*

C. ARE OTHER WATER RIGHTS USED? Y() N(☒) IF YES COMPLETE OVERLAY REVIEW.

OTHER RIGHTS LISTED IN CLAIM:

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A72-10393	STOCKWATER	SAN FELIPE RANCH	FROM 01-01 TO 12-31	.230 CFS	
A72-10393	DOMESTIC	SAN FELIPE RANCH	FROM 01-01 TO 12-31	.080 CFS	

0.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

13. IRRIGATION RATE
ACRES 224 $\times$ 0.02 CFS/ACRE = 4.48 CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE
CLAIMED CONSUMPTIVE USE = 667.5 AE/A
ACRES 224 $\times$ CONSUMPTIVE VOL. AE/A FOR AREA 2.5 =
TOTAL CONSUMPTIVE USE 560 AE/A

Hubble Analysis needed on Gravity System

Td1 soils @ 0.026 cfs/ac
 $\times$ 60 Ac. = 1.56 cfs

3. IRRIGATION DIVERSION VOLUME
CLAIMED DIVERSION VOLUME = AE/A
ACRES N/A $\times$ DIVERSION VOL. AE/A FOR AREA =

Dt2 soil @ 0.0355 cfs/ac

$\times$ 51 Ac. = 1.81 cfs

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:
SEE ATTACHED SHEET? Y() N()

* See attached sheets on

Hubble & Conveyance Review.

TOTAL FIELD IRRIGATION REQUIREMENT = 5.63 cfs

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

Conveyance losses, I calculated in the two longest off farm Ditches.

Conveyance losses = 0.10 cfs

TOTAL = 5.73 cfs

Difference between Decreed amount and the amount shown as beneficially used: 6.40 cfs

- May have been used prior to sprinkler but has since been forfeited... amount to sprinkler also added now
acres to the system total. -5.73
0.77 cfs

RECOMMENDATIONS:

REC
PURPOSES

REC. PERIOD
FROM TO

REC. DIV
RATE CFS

REC. DIV
VOL. AF/A

REC. CONS
USE

Irrigation

4-15 10-15

DATABASE EXAMINER
5.73

DATABASE EXAMINER
N/A

DATABASE EXAMINER
560

TOTAL FOR THIS RIGHT

REVIEWED BY:

See

DATE:

5-31-94

$D\phi_2 = 0.10 \text{ cfs}$

Comm: D88 HA variation.

MICROFILMED
NOV 01 1994

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP	ACCEPTED	NEEDS
FORFEIT/ABANDON	AS CLAIMED	REVIEW
ADDITIONAL DIV. ABANDON	()	()
	()	()
	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 72-00144
 TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
6.400

EXAMINER

CFS

SPLITS:

OLD RIGHT
NUMBERS

CURRENT
CLAIM NUMBERS

DIVERSION
RATE

CURRENT "K"
CLAIM NUM.

"K" DIV.
RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

--- A72-00144

6.400

-

72-00144

6.400

TOTAL CFS

6.400

6.400

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
 IF NO, is the written review sheet attached? (Y/N)

DATABASE
Y

FIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE:

Shirley Doss

DATE:

5-31-94

NAME OF FIELD EXAMINER:

TITLE:

RECEIVED
MAY 1 1994

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV	Y	Phone 12-16-93 To H. Hansen PC code 12-16-93	8-2-93 G. S. N	N	G. S. N	5-31-94 G. S. N	5-31-94 G. S. N	
SOURCE	Y			Y	1546			
PLACE OF USE	Y			N	1546			
DIV. AMOUNT CFS/VOLUME	Y			Y	1546 (HA)			
CONSUMPTIVE USE	-			Y	C.			
PURPOSES	Y			Y	G. S. N			
PERIOD OF USE	Y			Y				
BASIS OF CLAIM				N				
REMARKS	Y			Y				

11-16-92
S. N

VERIFIED BY CODES

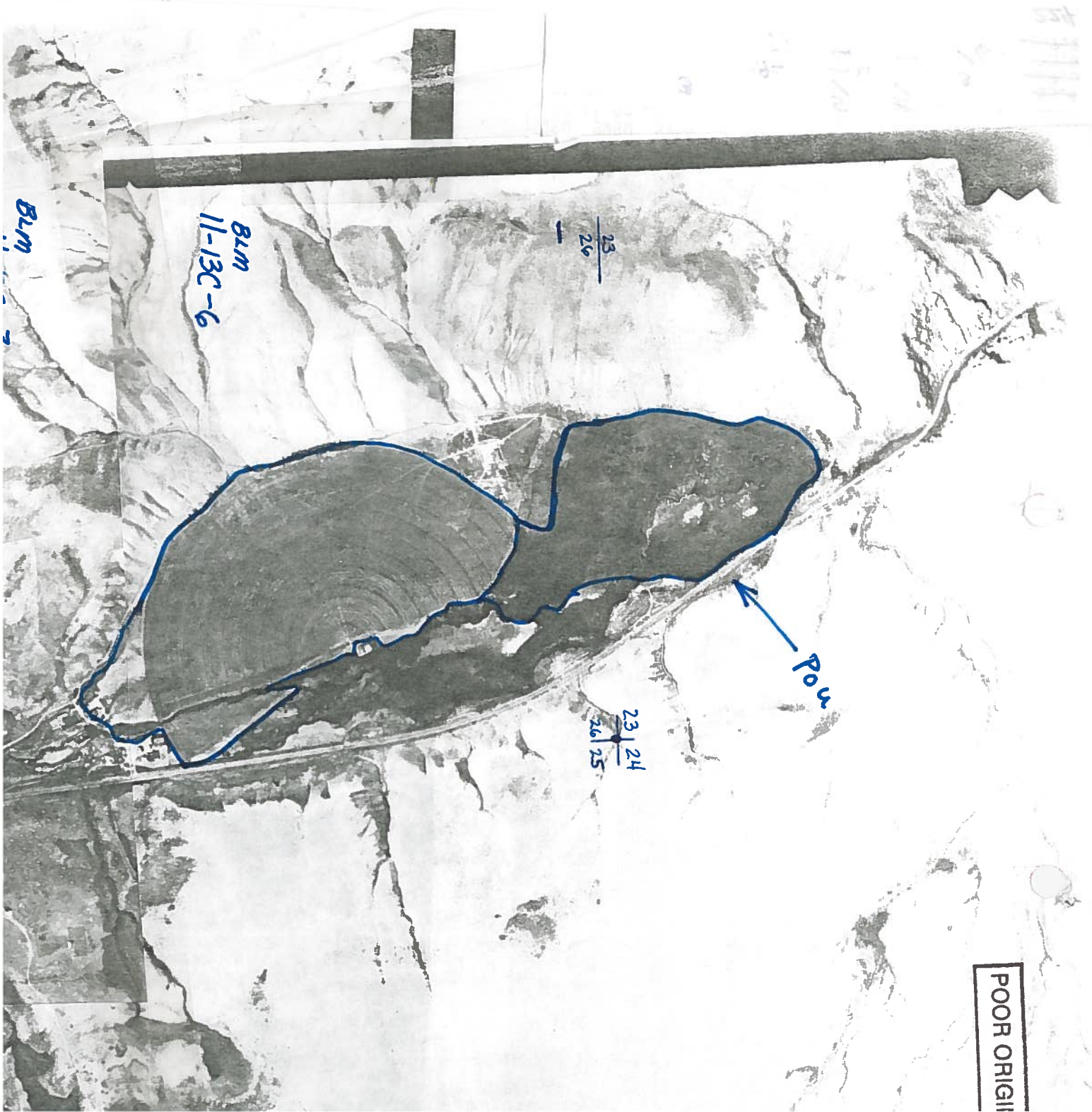
- TOPO MAP/ORTHO-PQ = 1
- ASCS MAP = 2
- WATERMASTER RECORDS = 3
- NAPP PHOTOS = 4
- FIELD EXAM = 5
- OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

MICROFILMED
NOV 01 1994

Pivot in 1983
8-10 towers
Kip Hansen

202



POOR ORIGIN

23
24

23 24
26 25

Bum

Bum
11-13C-6

Pou

26/25
35/36

CLAIM A72-00144 INIT 57c
T. R. S. Q/Q 12-15-93
P/D BLM A424AS
PHOTO BLM A424AS
DT. & ID. 476 7-17-88

200X ENLARGED COPY

BLM
11-12C-3

24
3

34/35
3/2

35/36
2/1

26
1

Gooseberry Creek

POB

NOA

MICROFILM
NOV 0 1 1999

POOR ORIGINAL

24
25

23 24
26 25

23
26

BLM
11-13C-6

BLM
11-12C-3

26 25
35 36

CLAIM A72-00144 INIT Sec
T. R. S. Q/Q 12-15-93
P/D _____
PHOTO BLM AERIALS
DT. & ID. 476 7-17-88

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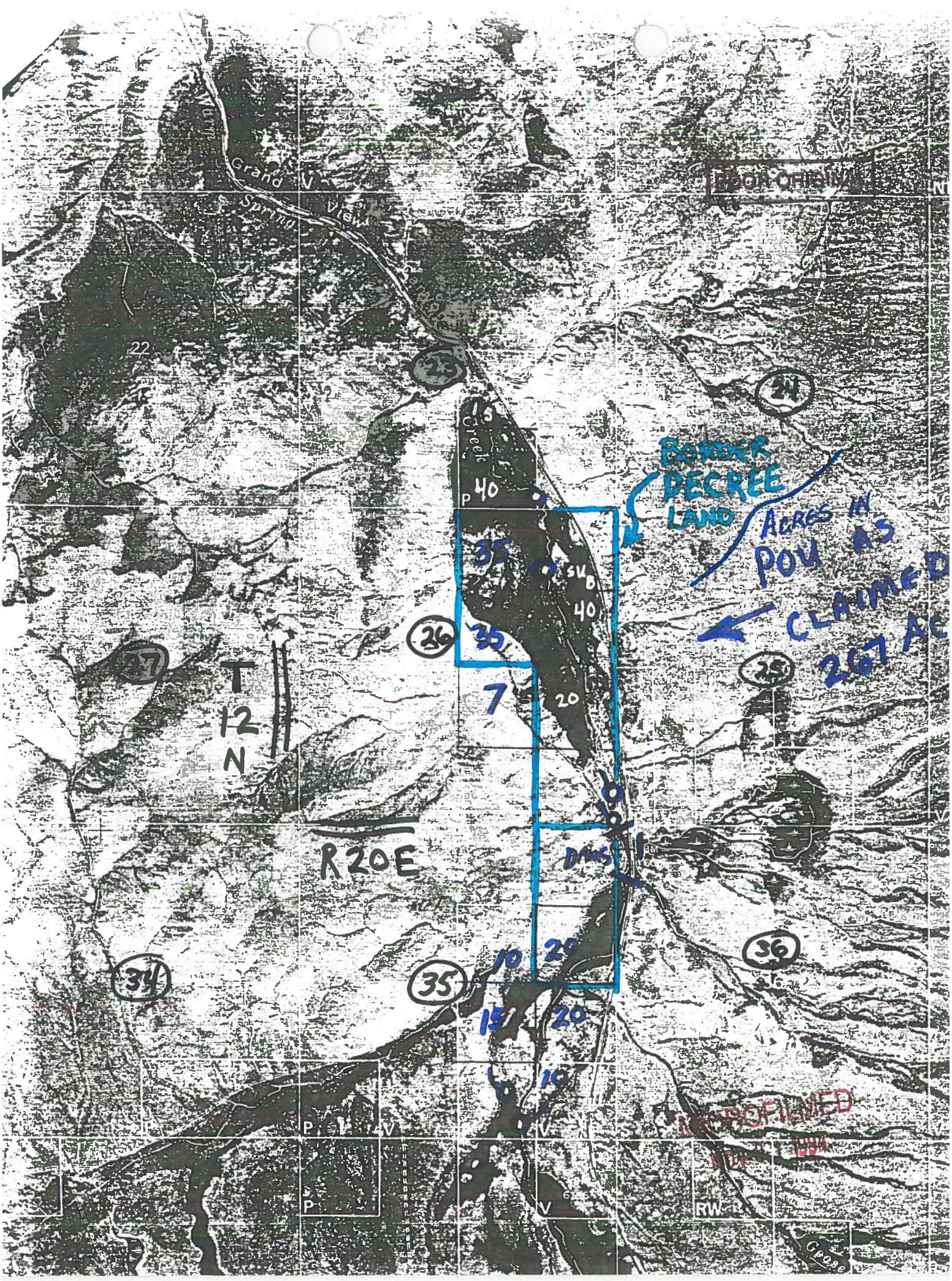
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GOOSEBERRY

MCGOWAN
CREEK

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EDON ORIGINAL

BORDER
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LAND

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REPROLINED

MAY 1994

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George

...day, the court being fully advised in the premises, thereupon
IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE STATE OF
approved the said stipulation of facts, and ordered that the same be
IDaho, IN AND FOR THE COUNTY OF CUSTER.
...of said stipulation of facts is as follows:

RECEIVED

Joseph Rodgers, Mary Rodgers, Plaintiff of State

JAN 01 1934

Land and water rights and related:

Department of Water Resources
Southern Region Office

The George McGowan Co., Ltd.,

STIPULATION OF FACTS.

a corporation,

FINDINGS OF FACT AND CONCLUSIONS
OF LAW.

Plaintiffs,

vs. Defendants,

Daniel C. Broyer, David B. Drake,

Sarah H. Drake, Stanton M. Van Camp,

and Patrick Lynch,

Defendants.

This cause came on for hearing before the Honorable C. O. Stocks-

lager, District Judge, sitting without a jury, a jury having been ex-
pressly waived herein, on the 8th day of July, 1913, pursuant to no-
tice, the same being a regular day of the regular term of said Dis-
trict Court, all parties being represented by counsel and present,
the plaintiffs Joseph Rodgers and Mary Rodgers by Messrs. Hawley,
Puckett & Hawley, of Boise City, Idaho, L. E. Glennon, Esq., and M.
A. Brown, Esq., of Challis, Idaho, and the plaintiff The George Mc-
Gowan Co., Ltd., a corporation, by L. E. Glennon, Esq., and the de-
fendant Daniel C. Broyer by Chase A. Clark, Esq., of Mackay, Idaho,
and the defendants David B. Drake and Sarah H. Drake by John W. Jones,
Esq., of Blackfoot, Idaho, the defendant Stanton M. Van Camp by W. W.
Adamson, Esq., of Challis, Idaho, and the defendant Patrick Lynch by
George E. Keyes, Esq., of Challis, Idaho, and on the 9th day of July,
1913, in open Court, said attorneys, by and with the consent of their
clients above-named, entered into and agreed upon and signed herein a
certain stipulation of facts, which said stipulation of facts was there-
upon presented to the court and filed in said court in said action, on

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said day, and the court being fully advised in the premises, thereupon approved the said stipulation of facts, and ordered that the same be adopted as his findings of fact in said cause.

WHEREFORE, Pursuant to the order last aforesaid, made in open court, and pursuant to said stipulation of facts and in accordance therewith, the court now finds and decides:

CUSTER COUNTY, IDAHO. FINDINGS OF FACT.

1.

The court finds that the said plaintiffs, Joseph Rodgers and Mary Rodgers, and each and every of the above-named defendants, are now ^{at} and all times herein mentioned, were citizens of the United States, over the age of 21 years, and residents of the County of Custer, State of Idaho, and said plaintiff, The George McGowan Company, Ltd., is now, and at all times has been a corporation, organized and existing under the laws of the State of Idaho.

2.

The court finds that said plaintiff, Joseph Rodgers, through himself and his predecessors in interest, is now, and at all times hereinafter mentioned, has been the owner in fee, and in the exclusive possession of the following real estate, situated in the County of Custer, State of Idaho, particularly described as follows, to-wit: S $\frac{1}{2}$ of NE $\frac{1}{4}$ and NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 15, in Township 13 North, of Range 19 East of the Boise Meridian, in Idaho, Lot 4, and the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 18, in Township 13 North, of Range 20 East, Boise Meridian; Lot 3, and the SE $\frac{1}{4}$ of NW $\frac{1}{4}$, and NW $\frac{1}{4}$ of SW $\frac{1}{4}$, and NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 18, in Township 13 North, of Range 20 East, Boise Meridian; Lots 1 and 2, and NW $\frac{1}{4}$ of NE $\frac{1}{4}$, and NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 18, in Township 13 North, of Range 20 East, Boise Meridian, in Idaho.

The court finds that the said plaintiff, Mary Rodgers, through herself and her predecessors in interest, is now, and at all times hereinafter mentioned, has been the owner in fee, and in the exclusive possession of the following described real estate, situated in the County of Custer, and State of Idaho, particularly described, to-wit:

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... the ... of ...
... the ... of ...

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lows, to-wit: The NE $\frac{1}{4}$ of NE $\frac{1}{4}$ and E $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 13, in Township 13 North, of Range 19 East, Boise Meridian, in Idaho.

The court finds that said plaintiff, The George McGowan Company, Ltd., through itself and its predecessors in interest, has been at all times herein mentioned, the owner in fee, of the George McGowan Ranch, situated on the East side of Salmon River, in Round Valley, Custer County, Idaho.

The court finds that the defendant, Daniel C. Breyer, through himself and his predecessors in interest, is now, and at all the times herein mentioned, has been the owner in fee, and in the exclusive possession of the following described real estate, situated in the County of Custer, State of Idaho, particularly described as follows, to-wit: the W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 33, and SE $\frac{1}{4}$ of NE $\frac{1}{4}$ and NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 32, in Township 15 North, of Range 20 East, Boise Meridian, in Idaho, and the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 29, and NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 32, in Township 15 North, of Range 20 East, Boise Meridian, in Idaho, lying along and adjacent and riparian to that certain stream known as Warm Springs Creek.

The court finds that the said defendant, David B. Drake, through himself and his predecessors, is now, and at all times herein mentioned, has been the owner in fee, and in the exclusive possession of the following-described real estate, situated in the County of Custer, State of Idaho, and particularly described in his cross-complaint herein, situated and lying and being along, adjacent and riparian to that certain stream known as Warm Springs Creek, and now being, particularly ^{described} since the survey, as follows, to-wit: The SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Lot 3, and SW $\frac{1}{4}$ of NE $\frac{1}{4}$ and NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 4, in Township 12 North, of Range 20 East, Boise Meridian, and the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 4, and NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9, in Township 12 North, of Range 20 East, Boise Meridian.

The court finds that the said defendant, Sarah M. Drake, through herself and her predecessors in interest, is now, and at all times herein mentioned has been the owner in fee, and in the exclusive pos-

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session of the following described real estate, situated in the County of Custer, State of Idaho, to-wit: The E¹ of NE¹ of Section 35, the E¹ of SE¹ and the NE¹ of Section 26, in Township 12 North, of Range 20 East, Boise Meridian, in Idaho.

SARAH
DRAH

The court finds that the said defendant, Stanton M. Van Camp, is now and since the 1st day of April, 1898, has been the owner in fee, and in the exclusive possession of the following described real estate, situated in the County of Custer, and State of Idaho, particularly described as follows, to-wit: SE¹ of Section 19, in Township 13 North, of Range 20 East, of Boise Meridian, in Idaho.

The court finds that the defendant, Patrick Lynch, is now, and since the 1st day of October, 1882, has been the owner in fee, and in the exclusive possession of the following described real estate, situated in the County of Custer, in the State of Idaho, and particularly described as follows, to-wit: the W¹ of NE¹, the SE¹ of NE¹, the NW¹ of SE¹ of Section 2, in Township 11 North, of Range 20 East of Boise Meridian, in Idaho.

3.

The court finds that each and every of the tracts of land above described, and the whole thereof, excepting only the lands of the George McGowan Company, Ltd., a corporation, for which no waters of any of the streams herein mentioned is prayed for irrigation purposes, is valuable for agricultural purposes only, and none of said tracts of land, and no part thereof, will, or can produce an agricultural crop of any character, without the use of water to irrigate the same, and each and every tract of land, as above described, excepting the land of said corporation, herefrom, is desert and arid in character, and is not naturally irrigated, and requires one inch of water to the acre, in order to properly and successfully irrigate the same, and render it productive.

The court finds that there is no available water supply for the irrigation of any of the lands of the plaintiffs, Joseph Rodgers and Mary Rodgers, and the defendants, Daniel C. Broyer and David B. Drake,

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of Chap. 1, Sec. 1, Idaho Code, to-wit: the NE 1/4 of NE 1/4 of Section 32, T10N, R10E, S1E, of the following described land estate, situated in the County

other than said stream, to-wit, Warm Springs Creek, and there is no available water supply for the irrigation of the lands of the defendants, Stanton H. Van Camp, other than the waters of Devil's Canyon Creek, a tributary of Warm Springs Creek, and there is no available water supply for the irrigation of the lands of said defendant, Patrick Lynch, other than the waters of Corral Creek, a tributary of Antelope Creek, and there is no available water supply for the irrigation of the lands of the said defendant, Sarah M. Drake, other than the waters of Antelope Creek, Custer County, Idaho.

4. The court finds that heretofore, to-wit, on the first day of March, of the year 1877, the said plaintiff herein, Joseph Rodgers, and the said plaintiff, Mary Rodgers, for the purpose of properly cultivating and irrigating their lands as hereinabove described, appropriated and diverted and put to a beneficial use, 400 inches of the waters, or eight (8) cubic feet per second of time, of the waters, and then and there flowing, in said Warm Springs Creek, in the County of Custer, State of Idaho, and constructed ditches of sufficient size and capacity to divert of the waters of said Warm Springs Creek 400 inches, and said plaintiff, Joseph Rodgers, and said plaintiff, Mary Rodgers, have since said date continuously used said water to properly irrigate the tracts of land hereinabove described, belonging to the said plaintiff, Joseph Rodgers, and said plaintiff, Mary Rodgers, in the proportion as follows: Said Joseph Rodgers, 300 inches or six (6) cubic feet per second of time, and said plaintiff, Mary Rodgers, 100 inches, or two (2) cubic feet per second of time, of the waters of the said Warm Springs Creek, and said plaintiffs have continuously from year to year, diverted and used since said date, the respective quantities of said waters above specified, aggregating 400 inches of water, which said quantity of water has been at all times requisite and necessary for the irrigation of the lands of said plaintiffs above described, which said waters have been so used by said plaintiffs adversely to all persons whomsoever.

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The court finds that the said defendant, Daniel C. Breyer, on the first day of April, 1877, for the purpose of properly irrigating and cultivating his land as herein described, appropriated and diverted, and put to a beneficial use, 150 inches or three cubic feet per second of time of the waters then and there flowing in said Warm Springs Creek, in the County of Custer, State of Idaho, and constructed dams and ditches of sufficient size and capacity to divert of the waters of said Warm Springs Creek 150 inches, and has since said date continuously diverted and used said water to properly irrigate the tract of land owned by him hereinabove described, and said defendant requires said quantity of water for the irrigation of his said land, which said water has been so used by said defendant adversely to all persons whomsoever.

The court finds that the said defendant, David B. Drake, on the first day of April, 1877, for the purpose of properly irrigating and cultivating his land as herein described, appropriated and diverted and put to a beneficial use, 150 inches or three cubic feet per second of time, of the waters then and there flowing in said Warm Springs Creek, in the County of Custer, State of Idaho, and then and there constructed dams and ditches of sufficient size and capacity to divert of the waters of said Warm Springs Creek, 150 inches, and said defendant, David B. Drake, has since said date continuously diverted and used said water to properly irrigate the tract of land hereinabove described, belonging to the said defendant, and the said defendant has continuously from year to year diverted and used since said date all 150 inches of said water, which said quantity of water has been at all times requisite and necessary for the irrigation of said lands of the said defendant hereinabove described, which said waters have been so used by said defendant adversely to all persons whomsoever.

The court finds that the defendant, Stanton H. Van Camp, on the first day of April, 1898, for the purpose of properly irrigating and

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hereinabove described, which said waters have been so used by cultivating his land, as herein above-described, appropriated and diverted and put to a beneficial use all of the waters of Devil's Canyon Creek, a tributary of said Warm Springs Creek, the same being less than 160 inches, no part of the waters of said Devil's Canyon Creek having been appropriated or used or claimed by any of the appropriators and users of the waters of said Warm Springs Creek, and then and there constructed dams and ditches of sufficient size and capacity to divert said waters and since said date has continuously diverted and used said waters to properly irrigate the tract of land hereinabove described, belonging to said defendant, and the said defendant has continuously, from year to year, diverted and used said waters upon his said land, which said waters have been at all times requisite and necessary for the irrigation of said lands of said defendant, which said waters have been so used by said defendant adversely to all persons whomsoever.

8. all times requisite and necessary for the irrigation of said land of The court finds that the said defendant, Patrick Lynch, on the said defendant herein above described, which said waters have been so first day of October, 1882, for the purpose of properly irrigating and used by said defendant adversely to all persons whomsoever, cultivating his land, as herein above described, appropriated and di-

verted and put to a beneficial use all of the waters of Corral Creek, the court finds that the said plaintiff, The George H. Brown & Co., a tributary of Antelope Creek, no part of the waters of said Corral Creek having been appropriated or used or claimed by any of the appropriators and users of the waters of Antelope Creek, said Corral Creek heading about one-half mile southeast from the lands of the said defendant, flowing about forty inches of water, being in Custer County, State of Idaho, and then and there constructed dams and ditches of sufficient size and capacity to divert the waters thereof and since said date, said defendant has continuously diverted and used said waters to properly irrigate the tract of land herein above described, belonging to the said defendant, and the said defendant has continuously from year to year diverted and used since said date all of said waters, which said quantity of water has been at all times requisite and necessary for the irrigation of said land of said defendant.

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ant hereinabove described, which said waters have been so sued by said defendant adversely to all persons whomever.

9.

The court finds that the said defendant, Sarah H. Drake, on the first day of February, 1877, for the purpose of properly irrigating and cultivating the land, as herein above described, appropriated and diverted and put to a beneficial use, 320 inches, or six and two-fifths cubic feet per second of time of the waters of Antelope Creek, in Custer County, State of Idaho, excepting the water of Corral Creek, a tributary herein before mentioned, and then and there constructed dams and ditches of sufficient size and capacity to divert said quantity of water, and since said date, said defendant has continuously diverted and used said waters to properly irrigate the tract of land herein above described, belonging to the said defendant, and the said defendant had continuously, from year to year, diverted and used since said date said waters, which said quantity of water has been at all times requisite and necessary for the irrigation of said land of said defendant herein above described, which said water have beenⁿ so used by said defendant adversely to all persons whomsoever.

10.

The court finds that the said plaintiff, The George McGowan Company, Ltd., a corporation, between the first day of November and the first day of March, of each year, since the year 1888, has used 200 inches, of four cubic feet per second of time, of the water of said Warm Springs Creek, for domestic purposes only, on its premises known as the George McGowan Ranch, situated on the east side of Salmon River, in Round Valley, Custer County, Idaho.

11.

The court finds that the said plaintiff, Joseph Rodgers, since the year 1877, in and irrigating seasons when the flow of the waters of said Warm Springs Creek has exceeded the amount herein specified, has diverted and used the excess amount of said waters, over and above the amount so specified, not exceeding 320 inches, or six and two-fifths cubic feet per second of time, for the irrigation of his

{Retyped from the "ghost copy" found on page 7 of this same document.}
by Steve Clelland, 1-4-94

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POOR ORIGINAL

lands herein described, subject to the rights of David B. Drake, Daniel C. Breyer, Joseph Rodgers, and Margaret Breyer, to such waters, day of April, of the year 1877.

as have been or may be conserved and stored by their reservoir, in Box Canyon, in Custer County, Idaho.

the waters of Warm Springs Creek, the same being less than 12.

the waters of Warm Springs Creek, the same being less than 12.

The court finds that the respective plaintiffs and defendants

herein are entitled to have judgment and decree of this court, quieting to them and each of them, the use, right to use, and title to all of the waters as herein above set forth and specified, with dates of

priority and quantities of water, as herein found, and to the usual injunctive relief.

the first day of January, of the year 1877.

And as conclusions of law from the foregoing facts, the court now finds and decides:

CONCLUSIONS OF LAW.

1.

The court now concludes and decides that the several parties to

this action, plaintiffs and defendants herein named, do have judgment, respectively, for the use, right to use and title, for irrigation and

other purposes, of the following number of inches of water, each fifty

inches thereof to be equivalent to a flow of one cubic foot per second

as prescribed by the laws of Idaho, from the waters of Warm Springs

Creek, and its tributaries, and Antelope Creek and its tributaries,

situated in the County of Custer, State of Idaho, their priorities to

date from the time hereinafter named, to-wit:

The plaintiff, Joseph Rodgers, 300 inches, or six cubic feet

per second, of the waters of Warm Springs Creek, dating from the first day of March, of the year 1877.

The plaintiff, Mary Rodgers, 100 inches, or two cubic feet per

second, of the waters of Warm Springs Creek, dating from the first day of March, of the year 1877.

The defendant, Daniel C. Breyer, 150 inches, or three cubic feet

per second, of the waters of Warm Springs Creek, dating from the first

day of April, of the year 1877.

And the first appropriation in point of time is

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only reference to Store
not to S. B.

The defendant, David B. Drake, 150 inches, or three cubic feet per second, of the waters of Warm Springs Creek, dating from the first day of April, of the year 1877.

The defendant, Stanton M. Van Camp, the exclusive right to the flow of the waters of Devil's Canyon Creek, the same being less than 160 inches, dating from the first day of April, 1898.

The defendant, Patrick Lynch, the exclusive right to the flow of the waters of Corral Creek, the same being about forty inches of water, dating from the first day of October, 1882.

The defendant, Sarah M. Drake, 320 inches, or six and two-fifths cubic feet per second, of the waters of Antelope Creek, dating from the first day of February, of the year 1877.

The plaintiff, Joseph Rodgers, in any irrigating season, the excess amount, not to exceed 320 inches, of the flow of the waters of Warm Springs Creek, exceeding the amounts referred to herein, in the aggregate, dating from the first day of March of the year 1878, subject to the rights of David B. Drake, Daniel C. Breyer, Margaret Breyer, and Joseph Rodgers to such waters as may be conserved and stored by their reservoir, in Box Canyon, in Custer County, Idaho.

The plaintiff, The George McGowan Company, Limited, a corporation, the right to the use of 200 inches, or four cubic feet per second, of the waters of Warm Springs Creek, for domestic purposes and uses only, between the first day of November and the first day of March of each year, dating from the first day of November, 1885.

2.

That the above-mentioned and described awards of the right to use said described waters, respectively, are declared to be appurtenant to and are awarded for the purpose of irrigating the lands as herein above described, as belonging to the respective parties to this action, excepting, only, the award to the plaintiff, The George McGowan Company, Limited, a corporation, which award is for domestic purposes and uses only.

3.

That the first appropriation in point of time is first in point

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... of ...
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... and all appropriations of the same date are of equal rights,
and in case of insufficiency of water to supply all awards, the said
waters are to be diverted and used by those appropriators who are
first in point of time.

4.

Each party hereto to pay his own costs herein incurred.

Done this 16th day of July, 1913.

Charles H. Kasey
District Judge.

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CLAIM A72-00144 INIT SEC
T. R. S. Q/Q 12-15-93

P/D _____
PHOTO ANTELOPE FLAT QUAD
DT.&ID. U76 1963

CONTOURS SUPPORT
THE POO'S & DITCH
SYSTEMS CLAIMED
TO APPROXIMATE
POO'S.
12-15-93
SEC

ANTELOPE FLAT

R 20E

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POOR ORIGINAL

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21.0 Ac.

NEW
LANDS ADDED
IN 1983 WHEN
PIVOT WAS
INSTALLED

26

(ALLOWED UNDER
PRESUMPTION LAW)

27

CLAIM A72-00144 INIT

T. R. S. Q/Q

P/D

PHOTO 476 (NE)

DT.&ID. 7-24-1974

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NOV 01 1994

ANTELOPE FLAT

MCGOWAN CR.

A hand-drawn map of a coastal area, oriented with North at the top. The map features several labels and handwritten notes:

- Top Labels:** "CHALLIS" and "NATIONAL" are written in a box at the top.
- Left Side:** "18" is written vertically on the left. "POOR ORIGINAL" is written in a box on the left side.
- Center:** "WBC 19" is written in the center. "SCS" is written in the center. "SOILS MAP" is written in the center. "72-00144" is written in the center.
- Right Side:** "WBC" is written on the right. "SGW" is written on the right.
- Bottom:** "14/13" is written at the bottom left. "FDA" is written at the bottom left. "R20 E" is written at the bottom center. "R21 E" is written at the bottom center. "18/17" is written at the bottom right.
- Other Features:** A large, irregular shape is drawn in the center-right area, labeled "30". A line runs horizontally across the middle of the map. A line runs vertically on the left side, labeled "13". A line runs vertically on the right side, labeled "17".

NOV 01 1994

GRADED BORDER EVALUATION

Job name: A72-00144
By: SCC

Location: DT2 SOIL 20 AC PAST
Date: May 31, 1994

Roughness coefficient (n)= 0.250 Intake family (If)=1.50
Slope (S)= 0.0300 ft/ft Border width (W)= 39 ft
Net application (Fn)= 3.56 inches Border length (L)= 484 ft
Inflow time (Ti)= 8 hours, 0 minutes

Flow per Border (cfs)	Unit Flow (cfs/ft)	Gross Application (in)	Deep Percolation (in)	Runoff (in)	Application Efficiency (percent)	Notes
0.69	Gross depth is less than required gross application depth					
0.70	Gross depth is less than required gross application depth					
0.71	0.018	13.00	9.36	0.08	27.4	(4)
0.72	0.018	13.18	9.36	0.26	27.0	(4)
0.73	0.019	13.37	9.36	0.45	26.6	(4)
0.74	0.019	13.55	9.36	0.63	26.3	(4)
0.75	0.019	13.73	9.36	0.81	25.9	(4)
0.76	0.019	13.91	9.36	1.00	25.6	(4)
0.77	0.020	14.10	9.36	1.18	25.3	(4)
0.78	0.020	14.28	9.36	1.36	24.9	(4)
0.79	0.020	14.46	9.36	1.55	24.6	(4)
0.80	0.021	14.65	9.36	1.73	24.3	(4)

(4) Less than minimum recommended depth of flow.

$$\frac{0.71 \text{ cfs}}{20 \text{ AC}} = 0.0355 \text{ cfs/AC.}$$

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 CLAIM NO. --- A72-00144
 AGENT ----- SCC
 DATE ----- 05/31/94
 Lotus Program:
 IRR-PRAC.WK3
 Date form revised:
 4/21/93 by KKC

SOIL CHARACTERISTICS

Soil Type = DT2; BIGRANT... SILT LOAM, SILTY CLAY LOAM, SLIT LOAM
 Source of Soils Data = Printout From SCS State Office

soil depth (inches)		AWC (in/in)		PH		organic (%)		soil depth (ft)	AWC (inches)	intake family
lower	upper	lower	upper	lower	upper	lower	upper			flood furrow
0	19	0.19	0.21	7.9	9	2	4	1	2.40	1.5 0.5
19	29	0.18	0.21	7.4	9			2	2.60	
29	60	0.18	0.21	7.4	7.8			3	7.12	
								4	9.46	alternate
								5	11.79	method
										NA NA

Management Allowed Deficit (MAD)

crop	root depth (ft)	stress point (INCHES)	MAD	FIELD NOTES AND CALCULATIONS			
				FIELD 1	FIELD 2	FIELD 3	FIELD 4
				FIELD WIDTH	1800	0	
				IRRIGATION DAYS	15.4		
				DRY DAYS	0		
				SET TIME(hours)	8		
alfalfa (hay or seed)	5	0.5	5.90	CALCULATED RUN (run = acres*43560/width)			
corn (field or silage)	4	0.5	4.73	LENGTH (RUN) = 484			
grain (winter or spring)	4	0.5	4.73	CALCULATED BORDER WIDTH (ditch length/irr days * cha			
pasture (or grass hay)	3	0.5	3.56	WIDTH = 39			
other (enter below)				THEORETICAL ROTATION (mad/net irr req in inches per			
				SELECTED MAD = 3.56			
				ROTATION = 15.4 DAYS			

PEAK IRRIGATION DIVERSION REQUIREMENT AT FIELD

Weather Station = CHALLIS
 Figure No = 10-15

crop	acres	system	recomm. eff.	Net Irrigation Requirement (mm/day)						
				mar	apr	may	jun	jul	aug	sep
PASTURE	20	FLOOD	6.4	1.47	3.84	4.87	5.86	4.56	3.23	2.07
ALFALFA	0	FLOOD		1.28	4.51	5.65	6.25	4.45	2.52	0.7

Summary 20 6 1.47 3.84 4.87 5.86 4.56 3.23 2.07

Peak Net Irrigation Requirement (mm/day) = 5.86

Program Operation based upon "GUIDELINES FOR THE EVALUATION OF IRRIGATION DIVERSION RATES"
 HUBBLE ENGINEERING INC. OCTOBER 1991
 Soil Characteristics based upon SOIL CONSERVATION SERVICE STUDIES
 Peak Irrigation Diversion based upon ALLEN & BROCKWAY WEATHER INFORMATION 1983

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GRADED BORDER EVALUATION

Job name: A72-00144
By: SCC

Location: DT2 SOIL 31 AC PAST.
Date: May 31, 1994

Roughness coefficient (n)= 0.250 Intake family (If)=1.50
Slope (S)= 0.0300 ft/ft Border width (W)= 74 ft
Net application (Fn)= 3.56 inches Border length (L)= 397 ft
Inflow time (Ti)= 8 hours, 0 minutes

Flow per Border (cfs)	Unit Flow (cfs/ft)	Gross Application (in)	Deep Percolation (in)	Runoff (in)	Application Efficiency (percent)	Notes
1.00	Gross depth is less than required	gross application depth				
1.01	Gross depth is less than required	gross application depth				
1.02	Gross depth is less than required	gross application depth				
1.03	Gross depth is less than required	gross application depth				
1.04	Gross depth is less than required	gross application depth				
1.05	Gross depth is less than required	gross application depth				
1.06	Gross depth is less than required	gross application depth				
1.07	Gross depth is less than required	gross application depth				
1.08	Gross depth is less than required	gross application depth				
1.09	Gross depth is less than required	gross application depth				
1.10	0.015	12.94	9.36	0.02	27.5	(4)
1.11	0.015	13.06	9.36	0.14	27.3	(4)
1.12	0.015	13.18	9.36	0.26	27.0	(4)
1.13	0.015	13.29	9.36	0.37	26.8	(4)
1.14	0.015	13.41	9.36	0.49	26.5	(4)
1.15	0.016	13.53	9.36	0.61	26.3	(4)
1.16	0.016	13.65	9.36	0.73	26.1	(4)
1.17	0.016	13.76	9.36	0.85	25.9	(4)
1.18	0.016	13.88	9.36	0.96	25.6	(4)
1.19	0.016	14.00	9.36	1.08	25.4	(4)

(4) Less than minimum recommended depth of flow.

$$\frac{1.10 \text{ cfs}}{31 \text{ Ac}} = 0.0355 \text{ cfs/Ac.}$$

MICROFILMED
NOV 01 1994

SOIL CHARACTERISTICS

Soil Type = DT2; BIGRANT... SILT LOAM, SILTY CLAY LOAM, SLIT LOAM
Source of Soils Data = Printout From SCS State Office

CLAIM NO. --- A72-00144
AGENT ----- SCC
DATE ----- 05/31/94

Lotus Program:
IRR-PRAC.WK3
Date form revised:
4/21/93 by KKC

soil depth (inches)		AWC (in/in)		PH		organic (%)		soil depth (inches)	AWC (inches)	intake family	
lower	upper	lower	upper	lower	upper	lower	upper	(ft)		flood	furrow
0	19	0.19	0.21	7.9	9	2	4	1	2.40	1.5	0.5
19	29	0.18	0.21	7.4	9			2	2.60		
29	60	0.18	0.21	7.4	7.8			3	7.12		
								4	9.46	alternate	
								5	11.79	method	
										NA	NA

Management Allowed Deficit (MAD)

crop	root depth (ft)	stress point (INCHES)	MAD	FIELD NOTES AND CALCULATIONS				
				FIELD 1	FIELD 2	FIELD 3	FIELD 4	
				FIELD WIDTH	3400	0		
				IRRIGATION DAYS	15.4			
				DRY DAYS	0			
				SET TIME(hours)	8			
				CALCULATED RUN (run = acres*43560/width)				
				LENGTH (RUN) =	397			
				CALCULATED BORDER WIDTH (ditch length/irr days * cha				
				WIDTH =	74			
				THEORETICAL ROTATION (mad/net irr req in inches per				
				SELECTED MAD =	3.56			
				ROTATION =	15.4 DAYS			

PEAK IRRIGATION DIVERSION REQUIREMENT AT FIELD

Weather Station = CHALLIS
Figure No = 10-15

crop	acres	system	recomm. eff.	Net Irrigation Requirement (mm/day)							
				mar	apr	may	jun	jul	aug	sep	oct
PASTURE	31	FLOOD	6.4		1.47	3.84	4.87	5.86	4.56	3.23	2.07
ALFALFA	0	FLOOD			1.28	4.51	5.65	6.25	4.45	2.52	0.7

Summary 31 6 1.47 3.84 4.87 5.86 4.56 3.23 2.07

Peak Net Irrigation Requirement (mm/day) = 5.86

Program Operation based upon "GUIDELINES FOR THE EVALUATION OF IRRIGATION DIVERSION RATES"
HUBBLE ENGINEERING INC. OCTOBER 1991
Soil Characteristics based upon SOIL CONSERVATION SERVICE STUDIES
Peak Irrigation Diversion based upon ALLEN & BROCKWAY WEATHER INFORMATION 1983

MICROFILMED

NOV 0 1 1994

GRADED BORDER EVALUATION

Job name: A72-00144
By: SCC

Location: TD1 SOIL 5 AC PAST.
Date: May 31, 1994

Roughness coefficient (n)= 0.250 Intake family (If)=1.00
Slope (S)= 0.0200 ft/ft Border width (W)= 22 ft
Net application (Fn)= 3.56 inches Border length (L)= 218 ft
Inflow time (Ti)= 8 hours, 0 minutes

Flow per Border (cfs)	Unit Flow (cfs/ft)	Gross Application (in)	Deep Percolation (in)	Runoff (in)	Application Efficiency (percent)	Notes
0.10	Gross depth is less than required gross application depth					
0.11	Gross depth is less than required gross application depth					
0.12	Gross depth is less than required gross application depth					
0.13	0.006	9.37	5.66	0.14	38.0	(4)
0.14	0.006	10.09	5.66	0.86	35.3	(4)
0.15	0.007	10.81	5.66	1.59	32.9	(4)
0.16	0.007	11.53	5.66	2.31	30.9	(4)
0.17	0.008	12.25	5.66	3.03	29.1	(4)
0.18	0.008	12.97	5.66	3.75	27.4	
0.19	0.009	13.69	5.66	4.47	26.0	

(4) Less than minimum recommended depth of flow.

$$\frac{0.13 \text{ cfs}}{5.0 \text{ Ac}} = 0.026 \text{ cfs/Ac}$$

MICROFILMED

NOV 01 1994

CLAIM NO. --- A72-00144 Lotus Program:
 AGENT ----- SCC IRR-PRAC.WK3
 DATE ----- 05/31/94 Date form revised:
 4/21/93 by KKC

 SOIL CHARACTERISTICS

Soil Type = TD1 BIGRANT... SILT LOAM W/ SOME CLAY
 Source of Soils Data = Printout From SCS State Office

soil depth (inches)		AWC (in/in)		PH		organic (%)		soil depth (ft)	AWC (inches)	intake family
lower	upper	lower	upper	lower	upper	lower	upper			flood furrow
0	19	0.19	0.21	7.9	9	2	4	1	2.40	1 0.4
19	29	0.18	0.21	7.4	9			2	2.60	
29	60	0.18	0.21	7.4	7.8			3	7.12	
								4	9.46	alternate
								5	11.79	method
										NA NA

Management Allowed Deficit (MAD)

crop	root depth (ft)	stress point (INCHES)	MAD	FIELD NOTES AND CALCULATIONS			
				FIELD 1	FIELD 2	FIELD 3	FIELD 4
				FIELD WIDTH	1000	0	
				IRRIGATION DAYS	15		
				DRY DAYS	0		
				SET TIME(hours)	8		
				CALCULATED RUN (run = acres*43560/width)			
				RUN =	218		
				CALCULATED BORDER WIDTH (ditch length/irr days * cha			
				WIDTH =	22		
				THEORETICAL ROTATION (mad/net irr req in inches per			
				SELECTED MAD =	3.56		
				ROTATION =	15.4 DAYS		

PEAK IRRIGATION DIVERSION REQUIREMENT AT FIELD

Weather Station = CHALLIS
 Figure No = 10-15

crop	acres	system	recomm. eff.	Net Irrigation Requirement (mm/day)							
				mar	apr	may	jun	jul	aug	sep	oct
PASTURE	5	FLOOD	14.3		1.47	3.84	4.87	5.86	4.56	3.23	2.07
ALFALFA		FLOOD			1.28	4.51	5.65	6.25	4.45	2.52	0.7

Summary 5 14 1.47 3.84 4.87 5.86 4.56 3.23 2.07
 Peak Net Irrigation Requirement (mm/day) = 5.86

Program Operation based upon "GUIDELINES FOR THE EVALUATION OF IRRIGATION DIVERSION RATES"
 HUBBLE ENGINEERING INC. OCTOBER 1991
 Soil Characteristics based upon SOIL CONSERVATION SERVICE STUDIES
 Peak Irrigation Diversion based upon ALLEN & BROCKWAY WEATHER INFORMATION 1983

MICROFILMED
 NOV 01 1994

GRADED BORDER EVALUATION

Job name: A72-00144
By: SCC

Location: TD1 SOIL 55 AC PAST.
Date: May 31, 1994

Roughness coefficient (n)= 0.250 Intake family (If)=1.00
Slope (S)= 0.0200 ft/ft Border width (W)= 133 ft
Net application (Fn)= 3.56 inches Border length (L)= 399 ft
Inflow time (Ti)= 8 hours, 0 minutes

Flow per Border (cfs)	Unit Flow (cfs/ft)	Gross Application (in)	Deep Percolation (in)	Runoff (in)	Application Efficiency (percent)	Notes
1.40	Gross depth is less than required gross application depth					
1.41	Gross depth is less than required gross application depth					
<u>1.42</u>	0.011	9.25	5.66	0.02	38.5	(4)
1.43	0.011	9.31	5.66	0.09	38.2	(4)
1.44	0.011	9.38	5.66	0.15	38.0	(4)
1.45	0.011	9.44	5.66	0.22	37.7	(4)
1.46	0.011	9.51	5.66	0.28	37.4	(4)
1.47	0.011	9.57	5.66	0.35	37.2	(4)
1.48	0.011	9.64	5.66	0.41	36.9	(4)
1.49	0.011	9.70	5.66	0.48	36.7	(4)
1.50	0.011	9.77	5.66	0.54	36.4	(4)

(4) Less than minimum recommended depth of flow.

$$\frac{1.42 \text{ cfs}}{55 \text{ Ac}} = 0.026 \text{ cfs/Ac.}$$

MICROFILMED
NOV 01 1994

 CLAIM NO. --- A72-00144
 AGENT ----- SCC
 DATE ----- 05/31/94

Lotus Program:
 IRR-PRAC.WK3
 Date form revised:
 4/21/93 by KKC

SOIL CHARACTERISTICS

Soil Type = TD1 BIGRANT... SILT LOAM W/ SOME CLAY
 Source of Soils Data = Printout From SCS State Office

soil depth (inches)		AWC (in/in)		PH		organic (%)		soil depth (ft)	AWC (inches)	intake family	
lower	upper	lower	upper	lower	upper	lower	upper			flood	furrow
0	19	0.19	0.21	7.9	9	2	4	1	2.40	1	0.4
19	29	0.18	0.21	7.4	9			2	2.60		
29	60	0.18	0.21	7.4	7.8			3	7.12		
								4	9.46	alternate	
								5	11.79	method	
										NA	NA

Management Allowed Deficit (MAD)

crop	root depth (ft)	stress point (INCHES)	MAD	FIELD NOTES AND CALCULATIONS			
				FIELD 1	FIELD 2	FIELD 3	FIELD 4
				FIELD WIDTH	6000	0	
				IRRIGATION DAYS	15		
				DRY DAYS	0		
				SET TIME(hours)	8		
				CALCULATED RUN (run = acres*43560/width)			
				RUN =	399		
				CALCULATED BORDER WIDTH (ditch length/irr days * cha			
				WIDTH =	133		
				THEORETICAL ROTATION (mad/net irr req in inches per			
				SELECTED MAD =	3.56		
				ROTATION =	15.4 DAYS		

 PEAK IRRIGATION DIVERSION REQUIREMENT AT FIELD

Weather Station = CHALLIS
 Figure No = 10-15

crop	acres	system	recomm. eff.	Net Irrigation Requirement (mm/day)							
				mar	apr	may	jun	jul	aug	sep	oct
PASTURE	55	FLOOD	14.3		1.47	3.84	4.87	5.86	4.56	3.23	2.07
ALFALFA		FLOOD			1.28	4.51	5.65	6.25	4.45	2.52	0.7

Summary	55		14		1.47	3.84	4.87	5.86	4.56	3.23	2.07
Peak Net Irrigation Requirement (mm/day) =				5.86							

 Program Operation based upon "GUIDELINES FOR THE EVALUATION OF IRRIGATION DIVERSION RATES"
 HUBBLE ENGINEERING INC. OCTOBER 1991
 Soil Characteristics based upon SOIL CONSERVATION SERVICE STUDIES
 Peak Irrigation Diversion based upon ALLEN & BROCKWAY WEATHER INFORMATION 1983

MICROFILMED
 NOV 0 1 1994

CONVEYANCE LOSS - WORSTELL

AGENT -----SCC
 DATE -----31-May-94
 CONVEYANCE OR
 SOURCE NAME -----WARM SPRING CREEK, (31 AC PASTURE)
 RELATED CLAIMS -A72-00144

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	2500	2.5	0.75	0.06	1.10	1.10	0.0538	0.06	1.16
2				0.00		0.00	0.0000	0.00	-0.00
3				0.00		0.00	0.0000	0.00	-0.00
4				0.00		0.00	0.0000	0.00	-0.00
5				0.00		0.00	0.0000	0.00	-0.00
6				0.00		0.00	0.0000	0.00	-0.00
7				0.00		0.00	0.0000	0.00	-0.00
8				0.00		0.00	0.0000	0.00	-0.00
9				0.00		0.00	0.0000	0.00	-0.00
10				0.00		0.00	0.0000	0.00	-0.00
11				0.00		0.00	0.0000	0.00	-0.00
12				0.00		0.00	0.0000	0.00	-0.00
13				0.00		0.00	0.0000	0.00	-0.00
14				0.00		0.00	0.0000	0.00	-0.00
15				0.00		0.00	0.0000	0.00	-0.00
16				0.00		0.00	0.0000	0.00	-0.00
17				0.00		0.00	0.0000	0.00	-0.00
18				0.00		0.00	0.0000	0.00	-0.00
19				0.00		0.00	0.0000	0.00	-0.00
20				0.00		0.00	0.0000	0.00	-0.00
TOTALS	2500			0.06	1.10			0.06	

REACH = SECTION OF CHANNEL
 LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
 OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS
 AVE WIDTH = AVERAGE TOP WIDTH OF REACH

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SEEPAGE = SOIL SEEPAGE RATE OF REACH
WORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON WORSTELL METHOD
DELIVERY = TOTAL DELIVERIES IN REACH
DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)
LOSS FACTOR = WORSTELL LOSS/DELIVERY LEFT
DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY,
REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH

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NOV 0 1 1994

CONVEYANCE LOSS - WORSTELL

AGENT -----SCC
 DATE -----31-May-94
 CONVEYANCE OR
 SOURCE NAME -----WARM SPRING CREEK, (5 AC PASTURE)
 RELATED CLAIMS -A72-00144

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	1500	2.5	0.75	0.04	0.13	0.13	0.2733	0.04	0.17
2				0.00		0.00	0.0000	0.00	-0.00
3				0.00		0.00	0.0000	0.00	-0.00
4				0.00		0.00	0.0000	0.00	-0.00
5				0.00		0.00	0.0000	0.00	-0.00
6				0.00		0.00	0.0000	0.00	-0.00
7				0.00		0.00	0.0000	0.00	-0.00
8				0.00		0.00	0.0000	0.00	-0.00
9				0.00		0.00	0.0000	0.00	-0.00
10				0.00		0.00	0.0000	0.00	-0.00
11				0.00		0.00	0.0000	0.00	-0.00
12				0.00		0.00	0.0000	0.00	-0.00
13				0.00		0.00	0.0000	0.00	-0.00
14				0.00		0.00	0.0000	0.00	-0.00
15				0.00		0.00	0.0000	0.00	-0.00
16				0.00		0.00	0.0000	0.00	-0.00
17				0.00		0.00	0.0000	0.00	-0.00
18				0.00		0.00	0.0000	0.00	-0.00
19				0.00		0.00	0.0000	0.00	-0.00
20				0.00		0.00	0.0000	0.00	-0.00
TOTALS	1500			0.04	0.13			0.04	

REACH = SECTION OF CHANNEL
 LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
 OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS
 AVE WIDTH = AVERAGE TOP WIDTH OF REACH

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SEEPAGE = SOIL SEEPAGE RATE OF REACH
WORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON WORSTELL METHOD
DELIVERY = TOTAL DELIVERIES IN REACH
DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)
LOSS FACTOR = WORSTELL LOSS/DELIVERY LEFT
DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY,
REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH

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NOV 01 1994

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND

FILE A72-00144

RE: CLAIM OF NON-DECREED USES BASED ON DECREE.

DATE 12-16-93

NAME OF PARTY

REVIEW OF CLAIM w/ ALLEN MERRITT

& PHONE CALL TO LYNN KROST-HAMPE

I brought up the question of the claim for
irrigation storage uses under this decreed right 72-00144
which mentions no storage uses only a flow
rate diversion.

We reviewed the Claim Investigation Manual
and consulted with IDWR attorney and resolved
the burden of this use, at the time of Decree,
shifts to the Claimant.

Either 1) proof of the Storage Uses at time of Decree,
or 2) file a new claim for the additional Divisions.

~~Att.~~ pending letter to Claimant
& call to Court house ✓

Call to ETHEL PECK @ CUSTER County
879-2325

I requested all information surrounding this
Decree, including Findings of Fact and Conclusions
and other entries they may have on file.

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POOR ORIGINAL

A72-00144

San Felipe

8-2-93
SLL

FIELD
NOTES

- Talked to the irrigator/wrangler
KIP HANSEN

- said most of the ditch system is not used
due to lack of water.

main irrigation: PIVOT &
corner point on North End of
the POH.



← this area
is irrigated
by ditches

SE 1/4 323

* Probably No fertilizer
since there's no water

pivot added in 1983, 8-10 Boxes per Kip Hansen

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NOV 6 1 1994

Water Right Number - 72-00144

Prefix Translation: WATER RIGHT

Old (D) Number -

*** C - CURRENT OWNER ***
DRAKE

SARAH M.

1 -

2 -

3 -

City-

Phone -

State-

Zip-

Priority Date - 02/01/1877

Region - 17 SOUTHERN

Stage - D - DECREASED

Status -

Source - ANTELOPE CREEK

Tributary - WARM SPRINGS CREEK

Tw n Rng Sec Tract Lot Rflg County Point of Diversion Stream Index (Blank if no Index Code)

Code Description Period From Period To Water Use Diversion Rate Diversion Volume

01 - IRRIGATION

6.400

Total Div. Rate - 6.400

Total Div. Volume -

Total Div. Capacity -

Tw n	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
12N	20E	26	NE NE			01	IRRIGATION		37 CUSTER
12N	20E	26	NW NE			01	IRRIGATION		37 CUSTER
12N	20E	26	SW NE			01	IRRIGATION		37 CUSTER
12N	20E	26	SE NE			01	IRRIGATION		37 CUSTER
12N	20E	26	NE SE			01	IRRIGATION		37 CUSTER
12N	20E	26	SE SE			01	IRRIGATION		37 CUSTER
12N	20E	35	NE NE			01	IRRIGATION		37 CUSTER
12N	20E	35	SE NE			01	IRRIGATION		37 CUSTER

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

Remarks - No Remarks found.

Old Water Right Numbers - No Old Water Right Numbers found.

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WATER RIGHT

- - Conditions of Approval - -
No Conditions of Approval found.

+ - - - Decree Defendant
DANIEL C. BREYER, ET. AL.

- - -Comments- - -
No Comments Found

CONVERT

Water Rights Dates and Flags Area

Proof Due Date	-	00/00/0000	Field Exam Made	-	00/00/0000
Approved/Denied	-	00/00/0000	Protested Date	-	00/00/0000
Proof Made Date	-	00/00/0000	Hearing Date	-	00/00/0000
Exam to S.O. Date	-	00/00/0000	Verified Date	-	01/28/1985
Order Show Cause	-	00/00/0000	Receipt Number	-	
Licensed Date	-	00/00/0000	Appl Received	-	00/00/0000
Expiry Date	-	07/16/1913	Presumption Flag	-	

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