

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 63-5207  
Date Received: 8/15/1989  
Receipt No: W004485  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DAVID L NORDLING  
3122 EDSON TERRACE  
BOISE ID USA 83705

Phone: (208) 342-7322

GLORIA D NEVILLE  
3122 EDSON TERRACE  
BOISE ID USA 83705

Phone: (208) 344-3188

YOSHIE CAMERON NORDLING  
3122 EDSON TERRACE  
BOISE ID USA 83705

Phone: (208) 342-7322

H WILLIAM NEVILLE  
3122 EDSON TERRACE  
BOISE ID USA 83705

Phone: (208) 344-3188

MARGUERITE NEVILLE  
3122 EDSON TERRACE  
BOISE ID USA 83705

Phone: (208) 342-7322

THOMAS NEVILLE  
3122 EDSON TERRACE  
BOISE ID USA 83705

Phone: (208) 342-7322

R DOUGLAS NEVILLE  
3122 EDSON TERRACE  
BOISE ID USA 83705

Phone: (208) 342-7322

FORTUNATA P NEVILLE  
3122 EDSON TERRACE  
BOISE ID USA 83705-2317

Phone: (208) 342-7322

MARTHLYN B NEVILLE  
3122 EDSON TERRACE  
BOISE ID USA 83705

Phone: (208) 342-7322

JAMES L NEVILLE  
3122 EDSON TERRACE  
BOISE ID USA 83705

Phone: (208) 342-7322

SCANNED  
OCT 06 2006

2. Date of Priority: 01/01/1908

3. Source: SPRING Trib. to: DRY CREEK  
          DRY CREEK BOISE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type            |
|----------|-------|---------|-----------------------|--------|-----------------|
| 04N      | 02E   | 4       | NW SW                 | ADA    | Ending Point    |
| 04N      | 02E   | 9       | SW NW                 | ADA    | Beginning Point |
| 04N      | 02E   | 9       | SW NW                 | ADA    |                 |
| 04N      | 02E   | 4       | SE SW                 | ADA    |                 |

5. Description of diverting works:

CONCRETE DAM INSTREAM TO DITCHES TO FLOOD IRRIG.

6. Water is used for the following purposes:

| Purpose                 | From | To    | C.F.S. | (or) A.F.A |
|-------------------------|------|-------|--------|------------|
| IRRIGATION              | 3/15 | 11/15 | 5.08   |            |
| IRRIGATION STORAGE      | 1/01 | 12/31 |        | 0.75       |
| IRRIGATION FROM STORAGE | 3/15 | 11/15 |        | 0.75       |
| STOCKWATER              | 1/01 | 12/31 | 0.4    |            |
| STOCKWATER STORAGE      | 1/01 | 12/31 |        | 0.75       |
| STOCKWATER FROM STORAGE | 1/01 | 12/31 |        | 0.75       |

7. Total Quantity Appropriated is:  
5.48 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 Lot | Use        | Acres |
|----------|-------|---------|----------------|------------|-------|
| 04N      | 02E   | 4       | NW SW          | STOCKWATER |       |
|          |       |         | SW SW          | STOCKWATER |       |
|          |       |         | SW NW          | IRRIGATION | 10    |
|          |       |         | NE SW          | IRRIGATION | 5     |
|          |       |         | NW SW          | IRRIGATION | 20    |
|          |       |         | SW SW          | IRRIGATION | 6     |

|     |     |   |    |    |                         |     |
|-----|-----|---|----|----|-------------------------|-----|
|     |     |   |    |    | Section Acres           | 41  |
| 04N | 02E | 5 | SW | NE | IRRIGATION              | 40  |
|     |     |   | SW | NW | IRRIGATION              | 7   |
|     |     |   | SE | NW | IRRIGATION              | 30  |
|     |     |   | SE | NE | IRRIGATION              | 40  |
|     |     |   | NE | SE | IRRIGATION              | 35  |
|     |     |   | NW | SE | IRRIGATION              | 15  |
|     |     |   | SE | SE | IRRIGATION              | 6   |
|     |     |   |    |    | Section Acres           | 173 |
| 04N | 02E | 8 | NE | NE | STOCKWATER              |     |
| 04N | 02E | 9 | NW | NW | STOCKWATER              |     |
|     |     |   | SW | NW | STOCKWATER              |     |
|     |     |   | NW | NW | IRRIGATION              | 10  |
|     |     |   | SW | NW | IRRIGATION              | 30  |
|     |     |   | SW | NW | STOCKWATER FROM STORAGE |     |
|     |     |   |    |    | Section Acres           | 40  |
|     |     |   |    |    | Total Acres             | 254 |

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

Address change per claimant request. DH 6/20/2002

ORIGINAL STATUTORY CLAIM FAILED TO STATE THE STORAGE USE.  
CHANGED ADDRESSES TO MATCH FOR MAILING PURPOSES ONLY 3/28/95 DMS

15. Basis of Claim: Statutory Claim

**SNAKE RIVER BASIN ADJUDICATION  
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

**Claim Number(s):**

A63-03285A  
A63-03321A  
A63-05207  
A63-15304

**Previous Mailing Address:**

820 SO. OWYHEE ST.

BOISE, ID 83705

**New Mailing Address:**

3122 EDSON TERRACE

BOISE, ID 83705

**Telephone Number:**

(208) 287-7521 (W)  
342-7322 (H)

**Signature of Claimant(s):**

Thomas F. Uvill

**Please return this completed form to:**

**Adjudication Bureau  
Idaho Dept. of Water Resources  
1301 N. Orchard St.  
Boise, ID 83706-2237  
Ph. 1/800/451-4129 or  
FAX 208/327-5400**

**Adjudication Bureau  
Idaho Dept. of Water Resources  
2735 Airport Way  
Boise, ID 83705-5082  
Ph. 208/334-2190 or  
FAX 208/334-2348**

**Adjudication Bureau  
Idaho Dept. of Water Resources  
1341 Fillmore St., Ste. 200  
Twin Falls, ID 83301-3380 or  
FAX 208/736-3037**

**Adjudication Bureau  
Idaho Dept. of Water Resources  
900 N. Skyline, Ste. A  
Idaho Falls, ID 83402-3653 or  
FAX 208/525-7177**

# Receipt Details for ID W004485

| Status | Adjustment Type  | Version |
|--------|------------------|---------|
|        | Adjusted Receipt | 1       |

**General Information:**

| Date Received        | Date Deposited | Region              | Total Amount | Payment Type |
|----------------------|----------------|---------------------|--------------|--------------|
| 8/15/1989 3:52:11 PM | 8/15/1989      | Western             | \$500.00     | Check        |
| Payer                |                | NEVILLE, H. WILLIAM |              |              |

**Account Information:**

| Check #              | Account #                 | Credit Card Name | Authorization # |
|----------------------|---------------------------|------------------|-----------------|
| 341                  |                           |                  |                 |
| Card Expiration Date | Credit Card Transaction # |                  |                 |
|                      |                           |                  |                 |

**Comment** ADJUDICATION CLAIM FEE**Fee Detail:**

| Amount   | Description            | PCA    | Fund | Fund Detail | Subsidiary | Object |
|----------|------------------------|--------|------|-------------|------------|--------|
| \$500.00 | ADJUDICATION CLAIM FEE | 410162 | 9337 | 00          |            | 6490   |

**Refund(s):**

| Amount | Payee | Date | Document Number |
|--------|-------|------|-----------------|
|--------|-------|------|-----------------|

**Water Right Information:**

| Basin Number | Sequence Number | Split Suffix | Amount   | Type  |
|--------------|-----------------|--------------|----------|-------|
| 63           | 15307           |              | \$25.00  | Claim |
| 63           | 15304           |              | \$90.00  | Claim |
| 63           | 5207            |              | \$132.00 | Claim |
| 63           | 3321            |              | \$81.00  | Claim |
| 63           | 3285            |              | \$172.00 | Claim |

[Print Report](#)

Fee 3  
132

overlap w/ A63-3285  
63-3321

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

RECEIVED

AUG 15 1989

Ident. Number: A63-05207  
Date Received: 5/10/1989  
Receipt No: W004485  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

Department of Water Resources  
Western Regional Office

|          |                            |              |
|----------|----------------------------|--------------|
| 1. Name: | H. WILLIAM NEVILLE         | 208-344-3188 |
| Address: | 820 S. OWYHEE<br>BOISE, ID | 83705        |
| AND/OR   |                            |              |
| Name:    | GLORIA D. NEVILLE          | 208-344-3188 |
| Address: | 820 S. OWYHEE<br>BOISE, ID | 83705        |
| AND/OR   |                            |              |
| Name:    | JAMES L. NEVILLE           |              |
| Address: | XXXXXXXXXX, UT             | 00000-000    |
| AND/OR   |                            |              |
| Name:    | MARTHLYNN B. NEVILLE       |              |
| Address: | XXXXXXXXXX, UT             | 00000-000    |
| AND/OR   |                            |              |
| Name:    | R. DOUGLAS NEVILLE         |              |
| Address: | XXXXXXXXXX, ID             | 00000-00     |
| AND/OR   |                            |              |
| Name:    | MARGUERITE NEVILLE         |              |
| Address: | XXXXXXXXXX, ID             | 00000-000    |
| AND/OR   |                            |              |
| Name:    | THOMAS NEVILLE             |              |
| Address: | XXXXXXXXXXXXXX, ID         | 00000-0000   |
| AND/OR   |                            |              |
| Name:    | FORTUNATA NEVILLE          |              |
| Address: | XXXXXXXXXX, ID             | 00000-0      |
| AND/OR   |                            |              |
| Name:    | DAVID L. NORDLING          |              |
| Address: | XXXXXXX, ID                | 00000-00     |

AND/OR  
 Name: YOSHIE CAMERON NORDLING  
 Address: XXXXXXXXXX, ID 00000-00

2. Date of Priority: JAN 01, 1908

3. Source: SPRING DRY CREEK Trib. to: DRY CREEK BOISE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
|          |       |         | SE     | SW     |        |     | ADA    |
|          |       |         | SW     | NW     |        |     | ADA    |

Flow  
 SW NW ADA  
 OW NW SW ADA

TO FLOOD IRRIG.

Proposes:

| To   | C.F.S. | (or) | A.F.A. |
|------|--------|------|--------|
| 1/15 | 5.080  |      |        |
| 2/31 |        |      | 0.75   |
| 1/15 |        |      | 0.75   |
| 2/31 | 0.400  |      |        |
| 2/31 |        |      | 0.75   |
| 2/31 |        |      | 0.75   |

A.F.A.

Acre Feet Per Annum.

| 1/4 | Lot | Use | Acres |
|-----|-----|-----|-------|
| NW  |     | IRR | 10.0  |
| SW  |     | IRR | 5.0   |
| SW  |     | IRR | 20.0  |

Prints out w/ "Beginning Pt"  
 listed next to both Sec. 9  
 POD'S, should not be like  
 that.

A63-05207

Page 2

Date: 05/10/89

MICROFILMED  
 JUL 25 1994

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use   | Acres |
|----------|-------|---------|--------|-----|-----|-------|-------|
| 04N      | 02E   | 4       | NW     | SW  |     | STOCK |       |
|          |       |         | SW     | SW  |     | IRR   | 6.0   |
|          |       |         | SW     | SW  |     | STOCK |       |

Section Acres 41.0

|   |    |    |     |      |     |
|---|----|----|-----|------|-----|
| 5 | SW | NE | IRR | 40.0 | 0   |
|   | SE | NE | IRR | 40.0 | 300 |
|   | SW | NW | IRR | 7.0  | 700 |
|   | SE | NW | IRR | 30.0 | 700 |
|   | NE | SE | IRR | 35.0 | 400 |
|   | NW | SE | IRR | 15.0 | 150 |
|   | SE | SE | IRR | 6.0  | 600 |

Section Acres 173.0

|   |    |    |        |      |      |
|---|----|----|--------|------|------|
| 8 | NE | NE | STOCK  |      |      |
| 9 | NW | NW | IRR    | 10.0 | 100  |
|   | NW | NW | STOCK  |      |      |
|   | SW | NW | IRR    | 30.0 | 300  |
|   | SW | NW | STOCK  |      |      |
|   | SW | NW | STO FS |      | 8200 |

Section Acres 40.0

Total Acres 254.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:  
63-03321, 63-03285,

14. Remarks:

ORIGINAL STATUTORY CLAIM FAILED TO STATE THE STORAGE USE.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

**For Individuals:**

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

Signature of Claimant(s): Yoshie K. Nordling Date: July 14, '89  
David L. Nordling Date: July 14, 1989

State of Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 14<sup>th</sup> day

of July 19 89

[Signature]  
Notary Public

Seal

Residing at Boise

My Commission Expires 9-4-91

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

**For Individuals:**

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

Signature of Claimant(s): Marilyn B. Merrill (Date) 8-10-89

James L. Lovell (Date) 8-10-89

State of Idaho

County of Butte: SS.

Subscribed and sworn (or affirmed) before me this 10<sup>th</sup> day of August, 19 89.



Janet E. Siddoway  
Notary Public for  
Residing at Butte City, UT  
My Commission Expires:

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

For Individuals:

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

Signature of Claimant(s): R Douglas Neville (Date) 8-2-89

Marguerite Neville (Date) 8-8-89

State of Idaho )  
County of Lincoln ) :SS.

Subscribed and sworn (or affirmed) before me this 8<sup>th</sup> day of August, 19 89.

[Signature]  
Notary Public for Idaho  
Residing at Idaho  
My Commission Expires: 8-1-91

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

**For Individuals:**

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

Signature of Claimant(s):

William Smith (Date) 8-14-89  
Gloria J. Revell (Date) 8-14-89

State of Idaho )  
County of Blaine ) :SS.

Subscribed and sworn (or affirmed) before me this 14th day of Aug, 19 89

Harold Landridge  
Notary Public for Blaine  
Residing at Blaine, Idaho  
My Commission Expires: 8-17-1994

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

For Individuals:

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

Signature of Claimant(s): Fortunata P. Neville (Date) 8/15/89

Thomas F. Neville (Date) 8-15-89  
By William Smith POA.

State of Idaho )  
County of Ada ) :SS.

Subscribed and sworn (or affirmed) before me this 15<sup>th</sup> day of August, 19 89.

Robert L. Wink  
Notary Public for Idaho  
Residing at Boise  
My Commission Expires: 7-1-1994

63-05202

POOR ORIGINAL

T 4N

Sec 4

NW NE  
NE

NE NW

NW NW

SW NW

SE NW

NE SW  
NW SW  
SW SW  
SE SW

NE SE

Sec 5

SW NE  
SE NE

SW NW

NE SW

NW SW

SE SW

NE SE  
NW SE  
SW SE  
SE SE

Sec 8

NE NE  
NW NE  
SW NE  
SE NE

NE SE  
NW SE  
SW SE  
SE SE

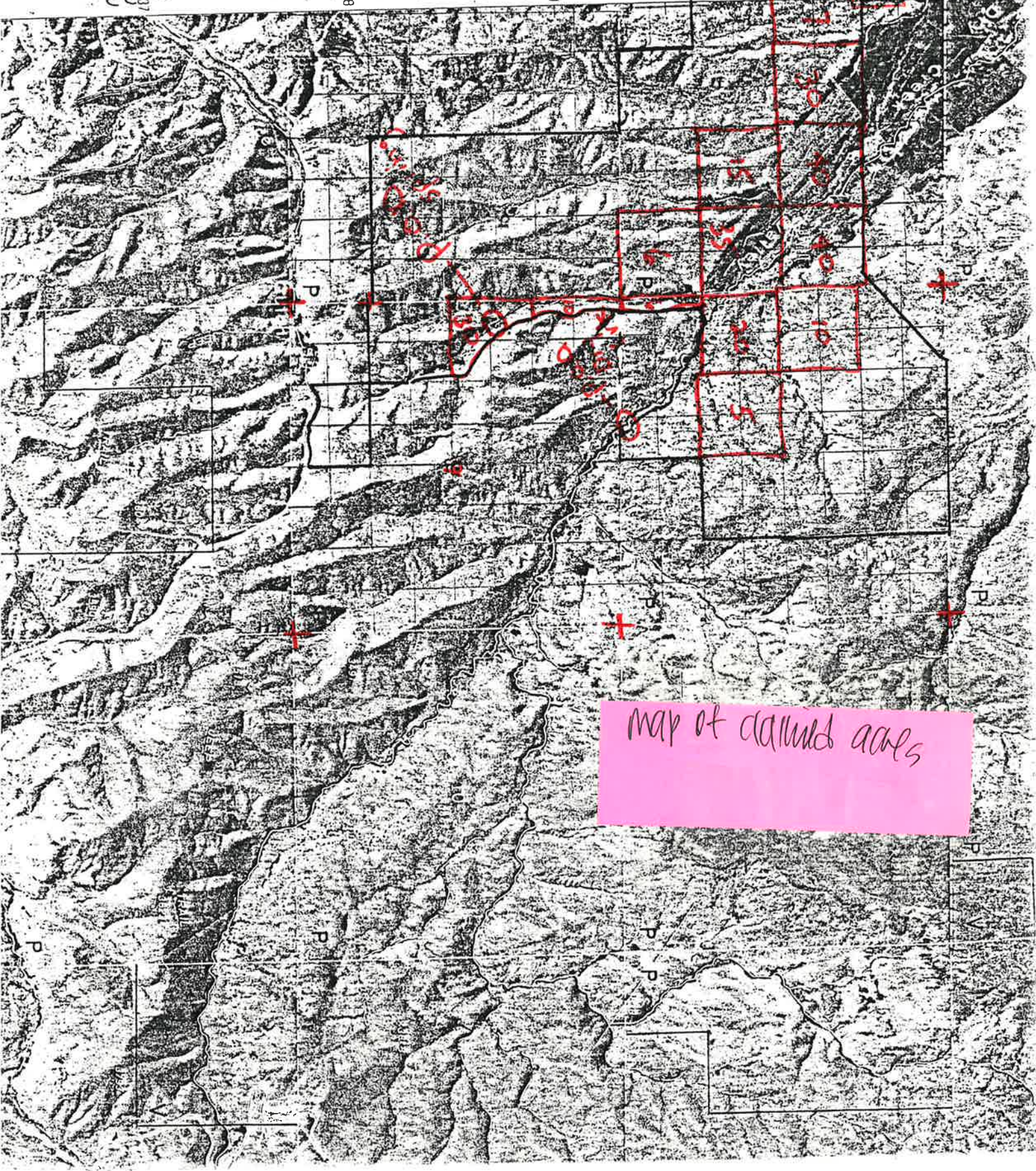
NE SE  
NW SE  
SW SE  
SE SE

Sec 7

NW NW  
SW NW  
SE NW

NE NW  
NW NW  
SW NW  
SE NW

map of claimed acres

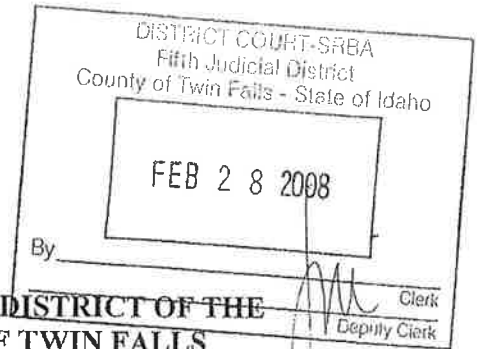


**MICROFILMED**  
**JUL 25 1994**

RECEIVED

FEB 29 2008

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

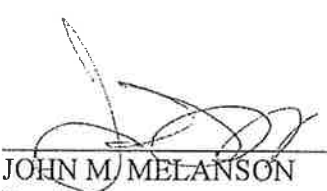
|                |   |                                   |
|----------------|---|-----------------------------------|
| In Re SRBA     | ) | NOTICE OF COURT'S INTENT TO ISSUE |
|                | ) | AMENDED PARTIAL DECREE and        |
| Case No. 39576 | ) | NOTICE SETTING HEARING THEREON    |
|                | ) |                                   |
|                | ) | Water Right 63-05207              |

A *Partial Decree* was issued for the above right on January 25, 2008. On February 8, 2008, the Court was contacted by the Idaho Department of Water Resources regarding a possible error in the description for the Purpose and Period of Use element for the right. An *Amended Director's Report* filed July 16, 2007, listed Stockwater under the Purpose and Period of Use element showing a quantity of .12 cfs. Both the *Master's Recommendation* entered October 5, 2007, and the *Partial Decree* list Stockwater under the Purpose and Period of Use element showing a quantity of 1.20 cfs. The Court finds that this was likely a clerical error.

Accordingly, it is the Court's intent to issue an *Amended Partial Decree* pursuant to IRCP 60(a) to correct the errors in accordance with the attached.

Therefore, IT IS ORDERED, that a **hearing be set** for the above subcase at **1:30 p.m. on May 20, 2008**, at the Snake River Basin Adjudication Courthouse, 253 - 3<sup>rd</sup> Avenue North, Twin Falls, Idaho. Any party wishing to object or comment on the Court's proposed action shall do so at that time. Attendance at this hearing by the claimants is not required, as the Court will take the proposed action in the absence of any objection to the contrary. Telephone participation will be available by calling 1-918-583-3445 and entering 406128 when prompted. If there are any problems connecting to the conference call, contact the Clerk of the SRBA Court immediately at 208-736-3011.

DATED February 27, 2008.

  
JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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

AMENDED

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 63-05207

NAME AND ADDRESS: CARTWRIGHT RANCH LLC  
485 E RIVERSIDE DR STE 100  
EAGLE, ID 83616

SOURCE: DRY CREEK TRIBUTARY: BOISE RIVER  
SPRING TRIBUTARY: DRY CREEK

QUANTITY: 2.72 CFS

The rights listed below are limited to a total combined  
diversion rate of 2.63 cfs. Combined Right Nos.: 63-3321A,  
63-3285A and 63-5207.

PRIORITY DATE: 01/01/1908

POINT OF DIVERSION: T04N R02E S04 SESW Within Ada County  
NWSW (Instream Ending Point)  
S09 SWNW (Instream Beginning Point)

PURPOSE AND

PERIOD OF USE:

| PURPOSE OF USE          | PERIOD OF USE  | QUANTITY |
|-------------------------|----------------|----------|
| Irrigation              | 03-01 TO 11-15 | 2.60 CFS |
| Irrigation Storage      | 01-01 TO 12-31 | 0.75 AFY |
| Irrigation from Storage | 03-01 TO 11-15 | 0.75 AFY |
| Stockwater              | 01-01 TO 12-31 | 0.12 CFS |
| Stockwater Storage      | 01-01 TO 12-31 | 0.75 AFY |
| Stockwater from Storage | 01-01 TO 12-31 | 0.75 AFY |

PLACE OF USE:

|                   |           |                   |
|-------------------|-----------|-------------------|
| Irrigation        |           | Within Ada County |
| T04N R02E S04     | NWSW 14.1 | SWSW 1.3          |
|                   | SESW 10.0 |                   |
| S05               | SWNE 30.4 | SENE 11.2         |
|                   | SWNW 1.0  | SENW 20.0         |
|                   | NESE 28.0 | NWSE 11.5         |
|                   | SESE 2.5  |                   |
| 130.0 Acres Total |           |                   |

Irrigation Storage Within Ada County  
Same as Irrigation

Irrigation from Storage Within Ada County  
Same as Irrigation

Stockwater Within Ada County  
T04N R02E S04 NWSW SWSW

Stockwater Storage Within Ada County  
Same as Irrigation

Stockwater from Storage Within Ada County  
Same as Irrigation

The rights listed below are limited to the irrigation of a  
combined total of 131.6 acres in a single irrigation season.  
Combined Right Nos.: 63-3321A, 63-3285A and 63-5207.

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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DRAFT

---

John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE OF COURT'S INTENT TO ISSUE AMENDED PARTIAL DECREE AND NOTICE SETTING HEARING THEREON was mailed on February 28, 2008, with sufficient first-class postage to the following:

CARTWRIGHT RANCH LLC

Represented by:

JOHN M MARSHALL

601 W BANNOCK ST

PO BOX 2720

BOISE, ID 83701-2720

Phone: 208-388-1200

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

ORDER

Page 1 2/28/08

FILE COPY FOR 01285 Deputy Clerk

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".

**AMENDED DIRECTOR'S REPORT**

**Subcase No. 63-5207**

In Re SRBA

Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources  
David R. Tuthill, Jr., Director  
Donald V. Shaff, Adjudication Bureau Chief

July 12 2007

**RECEIVED**  
**JUL 13 2007**  
WATER RESOURCES  
WESTERN REGION

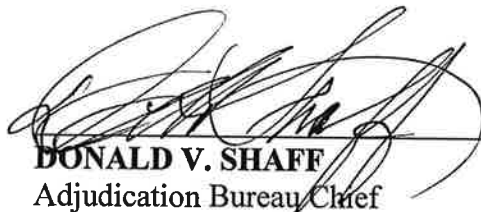
### **DESCRIPTIVE SUMMARY**

This is an Amended Director's Report submitted by the Director of the Idaho Department of Water Resources.

### **DISCUSSION**

Pursuant to the *Motion to File Amended Notice of Claim* filed on or about June 25, 2007 and the *Bench Order Granting Motion to Amend Claim* issued by Special Master Booth on that same day, the Director submits for filing with the Court, an Amended Director's Report for the aforementioned subcase (see attached print-out).

Respectfully submitted this 12<sup>th</sup> day of July, 2007.

  
**DONALD V. SHAFF**  
Adjudication Bureau Chief

## CERTIFICATE OF SERVICE

I certify that on 7/13, 2007, I served the original and/or copies of this form, including all attachments, to the following persons by delivering the original and/or copies, 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

☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

2. Copies to:

John M Marshall  
Givens Pursley LLP  
601 W Bannock Street  
PO Box 2720  
Boise, ID 83701

Ada County Courthouse  
200 W Front St  
Boise, ID 83702-7300

Bucky Harvey  
Signature of person delivering form

06/29/2007

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

RIGHT NUMBER: 63-5207

NAME AND ADDRESS: CARTWRIGHT RANCH LLC  
485 E RIVERSIDE DR,  
STE 100  
EAGLE ID 83616

SOURCE: DRY CREEK  
SPRING

TRIBUTARY: BOISE RIVER  
TRIBUTARY: DRY CREEK

QUANTITY: 2.720 CFS

The rights listed below are limited to a total combined diversion rate of 2.63 cfs for irrigation. Combined Right Nos.: 63-3321A, 63-3285A and 63-5207.

PRIORITY DATE: 01/01/1908

POINT OF  
DIVERSION:

T04N R02E S4 NWSW End of Stream Flow Within ADA County  
T04N R02E S4 SESW Within ADA County  
T04N R02E S9 SWNW Begin of Stream Flow Within ADA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>   | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-------------------------|----------------------|-----------------|
| STOCKWATER              | 01/01 12/31          | 0.120 CFS       |
| IRRIGATION              | 03/01 11/15          | 2.600 CFS       |
| STOCKWATER FROM STORAGE | 01/01 12/31          | 0.75 AFY        |
| IRRIGATION FROM STORAGE | 03/01 11/15          | 0.75 AFY        |
| STOCKWATER STORAGE      | 01/01 12/31          | 0.75 AFY        |
| IRRIGATION STORAGE      | 01/01 12/31          | 0.75 AFY        |

PLACE OF USE:

IRRIGATION in ADA County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T04N R02E S04 | NWSW | 14.10 | T04N R02E S04 | SWSW | 1.30  |
| T04N R02E S04 | SESW | 10.00 | T04N R02E S05 | SWNE | 30.40 |
| T04N R02E S05 | SENE | 11.20 | T04N R02E S05 | SWNW | 1.00  |
| T04N R02E S05 | SENW | 20.00 | T04N R02E S05 | NESE | 28.00 |
| T04N R02E S05 | NWSE | 11.50 | T04N R02E S05 | SESE | 2.50  |

STOCKWATER in ADA County

|               |      |               |      |
|---------------|------|---------------|------|
| T04N R02E S04 | NWSW | T04N R02E S04 | SWSW |
|---------------|------|---------------|------|

STOCKWATER FROM STORAGE same as IRRIGATION  
IRRIGATION FROM STORAGE same as IRRIGATION

130 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 131.6 acres in a single irrigation season. Combined Right Nos.: 63-3321A, 63-3285A and 63-5207.

06/29/2007

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

---

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

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 420 range cattle.

COPY

RECEIVED

JUN 26 2007

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 63-5207  
(Insert water right number)

STANDARD FORM 4

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.

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

My name is \_\_\_\_\_

My address is \_\_\_\_\_

My phone number is: Work \_\_\_\_\_ Home \_\_\_\_\_

I am an attorney representing Cartwright Ranch LLC

My name is John M. Marshall

My address is 601 W. Bannock, Boise, ID 83702

My phone number is 208-388-1200

### **MOTION TO FILE A LATE NOTICE OF CLAIM**

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock water use. I desire to reinstate my Notice of Claim for domestic or stock water 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 water 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 \_\_\_\_\_  
(Insert Date and Time)

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:

The original claim mistakenly omits historically irrigated acreage in the SESW of  
Section 4, T04N, R02E.

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

---

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I have attached:

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

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VERIFICATION (Must be completed)

State of Idaho )  
County of Ada ) ss.

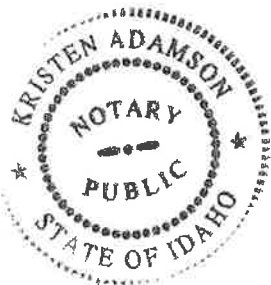
John M. Marshall, being first duly sworn, upon oath, deposes and says:  
(Insert name of person filing form)

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

[Signature]  
Attorney signing in representative capacity

Subscribed and sworn to before me on: June 25, 2007  
(Insert Date)



Kristen Adamson  
Notary Public for Idaho  
Residing at: Middleton, ID  
My Commission expires: 10-15-2013

## INSTRUCTIONS FOR MAILING

You must mail this form, including all attachment, 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 June 25, 2007, 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, ID 83303-2707

2. Copies to:

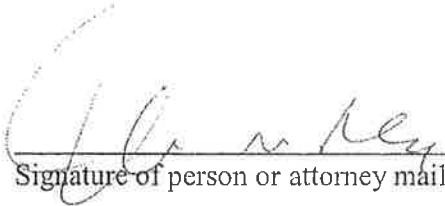
IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

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 & Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, ID 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/address of parties)

  
\_\_\_\_\_  
Signature of person or attorney mailing the form

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 RIGHT 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**

Please type or print clearly

1. Name of Claimant(s) Cartwright Ranch LLC. Phone (208) 678-2668  
Mailing Address 485 E Riverside Dr Ste 100, Eagle, Idaho Zip 83616
2. Date of Priority (only one (1) per claim) Jan 1, 1908
3. Source of water supply (a) Dry Creek  
which is tributary to (b) Boise River
4. a. Location of existing point of diversion is: Township 4N Range 02E Section 04,  
1/4 of SE 1/4 of SW 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of Ada  
Additional points of diversion if any: \_\_\_\_\_  
b. If instream flow, beginning point of claimed instream flow is:  
Township 04 Range 02 Section 09 1/4 of SW 1/4 of NW 1/4,  
Govt. Lot \_\_\_\_\_ B.M., County of Ada  
ending point is: Township 04 Range 02 Section 04, 1/4 of NW 1/4 of  
SW 1/4, Govt. Lot \_\_\_\_\_ B.M., County of Ada
5. Description of existing diversion works (Dams, Reservoir, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargement in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well. Diversion dam to ditches

6. Water is claimed for the following purposes

|     |                    |               | (both dates are inclusive) |          |        | (cfs) |    | (acre feet) |
|-----|--------------------|---------------|----------------------------|----------|--------|-------|----|-------------|
| For | Stockwater         | purposes from | 01/01                      | to 12/31 | amount | 0.4   | or |             |
| For | Stockwater Storage | purposes from | 01/01                      | to 12/31 | amount |       | or | 0.75        |
| For | Stock from Storage | purposes from | 01/01                      | to 12/31 | amount |       | or | 0.75        |
| For | Irrigation Storage | purposes from | 01/01                      | to 12/31 | amount |       | or | 0.75        |
| For | Irr. from Storage  | purposes from | 03/01                      | to 11/15 | amount |       | or | 0.75        |
| For | Irrigation         | purposes from | 03/01                      | to 11/15 | amount | 2.6   | or |             |

7. Total quantity claimed (a) 3.0 (cfs) and/or (b) \_\_\_\_\_ (acre feet)
8. Total consumptive use claimed is N/A acre feet per annum.
9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number Of livestock Etc.) 420 head of stock
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 |        |
| 04  | 02  | 4   |        |        |        |        |        |        |        |        |        | 14.1   | 1.3    | 10     |        |        |        |        | 25.4   |
| 04  | 02  | 9   |        |        | 30.4   | 11.2   |        |        | 1      | 20     |        |        |        |        | 28     | 11.5   |        | 2.5    | 104.6  |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

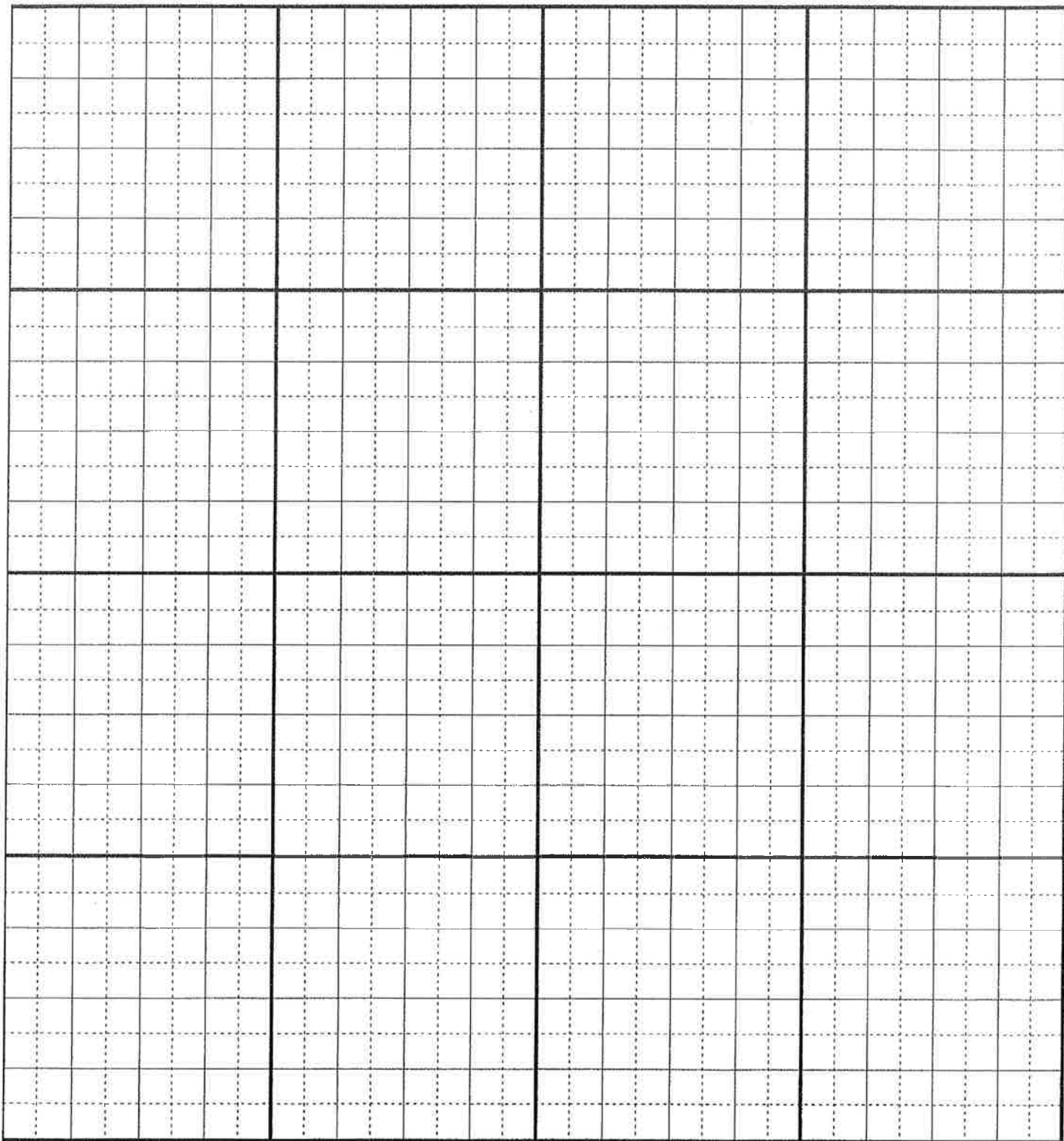
Total number of acres irrigated 130

11. In which county(ies) are lands listed above as place of use located? Ada
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 describe above.  
63-3285A, 63-3321A or None ( )
14. Remarks:

Last Name Cartwright Ranch LLC. Ident. No. 63-5207

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

Scale: 2 inches equals 1 mile. Please see attached



Last Name Cartwright Ranch. Ident. No. 63-5207

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐  
Decree ☐

If applicable provide IDWR Water Right Number 63-5207

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 1

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

Signature of Claimant(s) \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_ Date \_\_\_\_\_

**For Organizations:** I do solemnly swear or affirm that I am Attorney \_\_\_\_\_

Title \_\_\_\_\_

of Carwright Ranch LLC \_\_\_\_\_, that I have signed the foregoing

Organization

document in the space below as Attorney and authorized agent \_\_\_\_\_ of Cartwright Ranch LLC  
Title \_\_\_\_\_ Organization \_\_\_\_\_

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

Signature of Authorized Agent \_\_\_\_\_  
Title and Organization Attorney and Authorized Agent \_\_\_\_\_ Date 06/25/07

State of Idaho/or \_\_\_\_\_ )  
\_\_\_\_\_ ) SS.

County of Ada \_\_\_\_\_ )

Subscribed and sworn (or affirmed) before me this 25th day of June 20 07

Notary Public \_\_\_\_\_  
Residing at Middleton, ID  
My Commission Expires 6-15-2013

17. Notice of Appearance

Please Print Name

Notice is hereby given that I John M. Marshall 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 601 W. Bannock Street, Boise, Idaho 83701

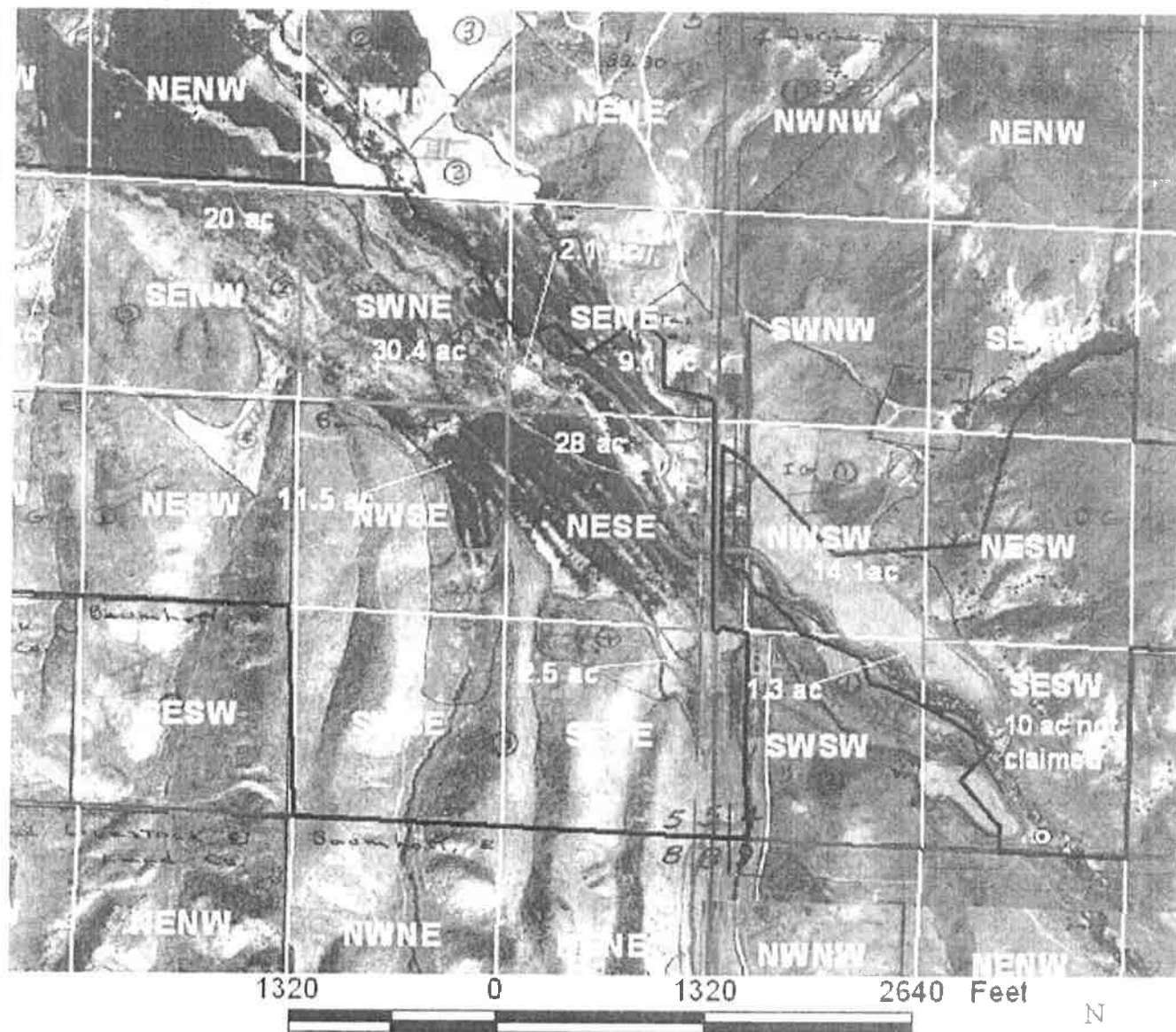
Date \_\_\_\_\_

Last Name Cartwright Ranch Ident. Number 63-5207



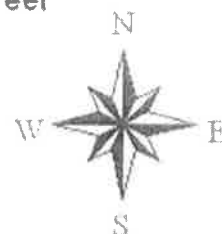
State of Idaho  
Idaho Department of Water Resources  
Western Region

T4N, R2E, SECTIONS 4, 5 and 9  
SRBA CLAIM NO. 63-5207



130 irrigated acres [including the  
10 not claimed in the SESW S4]

- ⊙ Point of Diversion
- ▭ Property Boundary
- ▭ POU- Acres historically irrigated
- ▭ Section
- QQ

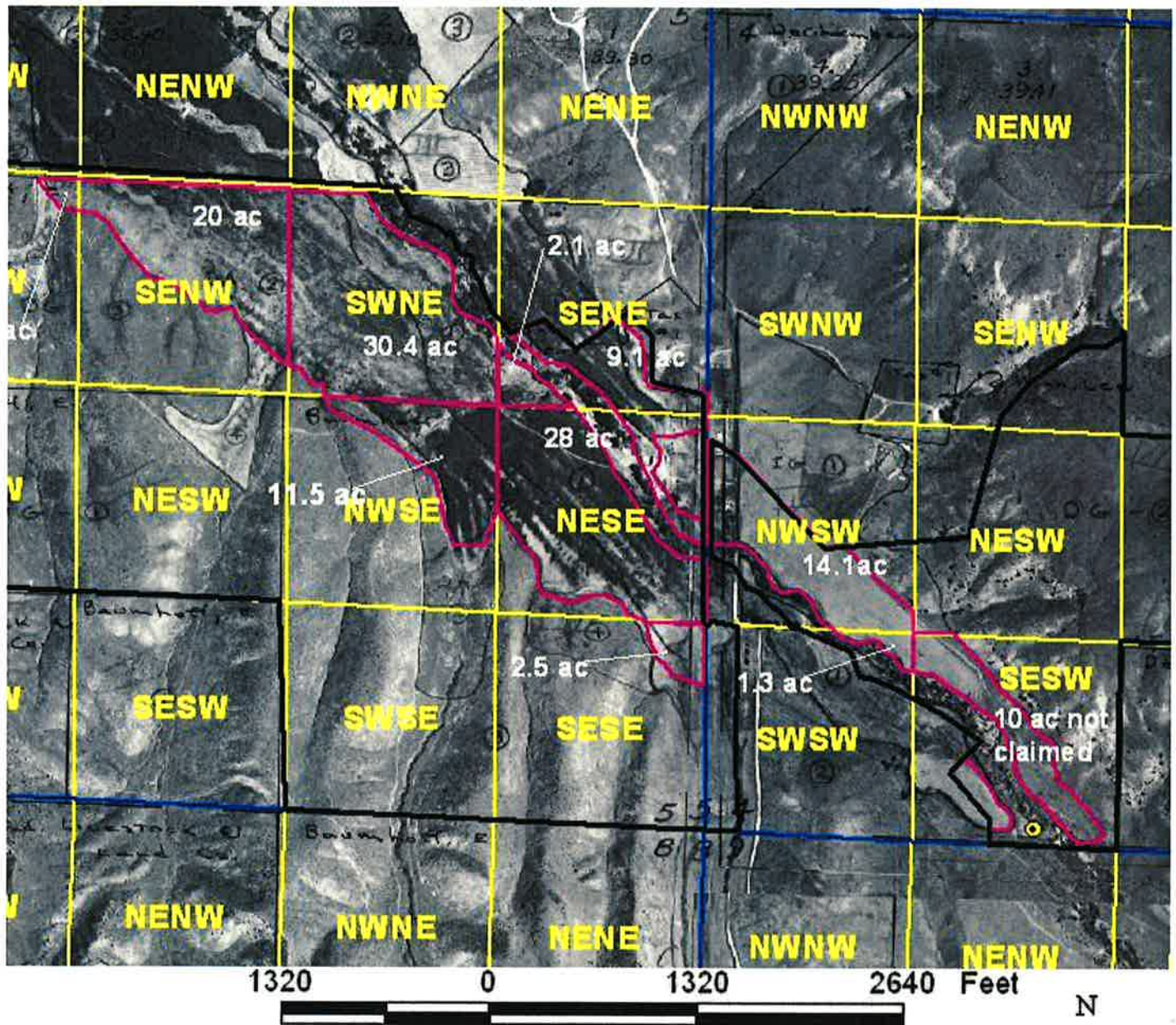


GIS Place of Use Illustration  
1964 Aerial Photography  
Prepared By: Vicky Music  
Date: June 2007



State of Idaho  
Idaho Department of Water Resources  
Western Region

T4N, R2E, SECTIONS 4, 5 and 9  
SRBA CLAIM NO. 63-5207



130 irrigated acres [including the  
10 not claimed in the SESW S4]



- Point of Diversion
- ▭ Property Boundary
- ▭ POU- Acres historically irrigated
- ▭ Section
- ▭ QQ

GIS Place of Use Illustration  
1964 Aerial Photography  
Prepared By: Vicky Music  
Date: June 2007

06/29/2007

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

RIGHT NUMBER: 63-5207

NAME AND ADDRESS: CARTWRIGHT RANCH LLC  
485 E RIVERSIDE DR,  
STE 100  
EAGLE ID 83616

SOURCE: DRY CREEK SPRING  
TRIBUTARY: BOISE RIVER  
TRIBUTARY: DRY CREEK

QUANTITY: 2.720 CFS

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T04N R02E S4 NWSW End of Stream Flow Within ADA County  
T04N R02E S4 SESW Within ADA County  
T04N R02E S9 SWNW Begin of Stream Flow Within ADA County

PURPOSE AND PERIOD OF USE:

| <u>PURPOSE OF USE</u>   | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-------------------------|----------------------|-----------------|
| STOCKWATER              | 01/01 12/31          | 0.120 CFS       |
| IRRIGATION              | 03/01 11/15          | 2.600 CFS       |
| STOCKWATER FROM STORAGE | 01/01 12/31          | 0.75 AFY        |
| IRRIGATION FROM STORAGE | 03/01 11/15          | 0.75 AFY        |
| STOCKWATER STORAGE      | 01/01 12/31          | 0.75 AFY        |
| IRRIGATION STORAGE      | 01/01 12/31          | 0.75 AFY        |

PLACE OF USE: IRRIGATION in ADA County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T04N R02E S04 | NWSW | 14.10 | T04N R02E S04 | SWSW | 1.30  |
| T04N R02E S04 | SESW | 10.00 | T04N R02E S05 | SWNE | 30.40 |
| T04N R02E S05 | SENE | 11.20 | T04N R02E S05 | SWNW | 1.00  |
| T04N R02E S05 | SENW | 20.00 | T04N R02E S05 | NESE | 28.00 |
| T04N R02E S05 | NWSE | 11.50 | T04N R02E S05 | SESE | 2.50  |

STOCKWATER in ADA County

|               |      |               |      |
|---------------|------|---------------|------|
| T04N R02E S04 | NWSW | T04N R02E S04 | SWSW |
|---------------|------|---------------|------|

STOCKWATER FROM STORAGE same as IRRIGATION  
IRRIGATION FROM STORAGE same as IRRIGATION

130 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 131.6 acres in a single irrigation season. Combined Right Nos.: 63-3321A, 63-3285A and 63-5207.

06/29/2007

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

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

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 420 range cattle.

## Music, Vicky

---

**From:** Courtney, Andrea  
**Sent:** Monday, June 25, 2007 3:29 PM  
**To:** Music, Vicky  
**Cc:** Harvey, Becky; Williams, Ray  
**Subject:** RE: Motion to File Amended Notice of Claim - Cartwright Ranch LLC

Thank you. And good timing. We just had the teleconference with Special Master Booth and he granted Cartwright's motion for amended claim with that oral change to section 5 (not 9). Please prepare an amended director's report for 63-5207 and send to me and Ray. Is it possible to have that ready this week? It's not a big deal if it is next week or even after that, but if we can get it on file this week, then it will get docket notice in July instead of August.

And just so you know, we're on the record agreeing to hold off on the SF5s for the two licensed rights until after the objection period for 63-5207. Once we file the amended director's report and the objection period runs, we can execute the SF5s on 63-3321A & 63-3285A, and the Special Master will recommend 63-5207 be decreed as recommended.

Thank you again for your hard work. We'll take time out in the near future to enjoy a beverage/treat run.

Andrea

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

**From:** Music, Vicky  
**Sent:** Monday, June 25, 2007 3:11 PM  
**To:** Courtney, Andrea  
**Subject:** RE: Motion to File Amended Notice of Claim - Cartwright Ranch LLC

yep -section 9 is so totally wrong is all regards... should be section 5.

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

**From:** Courtney, Andrea  
**Sent:** Monday, June 25, 2007 2:20 PM  
**To:** Music, Vicky  
**Subject:** FW: Motion to File Amended Notice of Claim - Cartwright Ranch LLC

Vicky~

FYI. I'm a little confused as to the POU John listed for section 9. Seems like that should be "section 5". Please confirm.

Thanks.

Andrea

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

**From:** Kristen Adamson [mailto:KristenAdamson@givenspursley.com]  
**Sent:** Monday, June 25, 2007 1:45 PM  
**To:** Courtney, Andrea  
**Subject:** Motion to File Amended Notice of Claim - Cartwright Ranch LLC

Ms. Courtney,

Attached is the Motion to File Amended Notice of Claim along with the Amended Notice of Claim regarding Subcase 63-5207, Cartwright Ranch LLC, which was filed with SRBA today. Thank you.

Kristen Adamson  
Secretary to Scott Tschirgi, John Marshall and Peter Barton

Givens Pursley LLP  
601 W. Bannock Street  
P.O. Box 2720  
Boise, ID 83701-2720  
(208) 388-1200  
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**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 63-5207  
(Insert water right number)

**STANDARD FORM 4**

**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.

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

My name is \_\_\_\_\_

My address is \_\_\_\_\_

My phone number is: Work \_\_\_\_\_ Home \_\_\_\_\_

I am an attorney representing Cartwright Ranch LLC

My name is John M. Marshall

My address is 601 W. Bannock, Boise, ID 83702

My phone number is 208-388-1200

### **MOTION TO FILE A LATE NOTICE OF CLAIM**

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock water use. I desire to reinstate my Notice of Claim for domestic or stock water 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 water 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 \_\_\_\_\_  
(Insert Date and Time)

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:

The original claim mistakenly omits historically irrigated acreage in the SESW of  
Section 4, T04N, R02E.

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

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I have attached:

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

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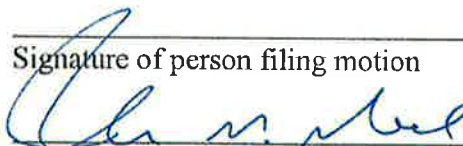
VERIFICATION (Must be completed)

State of Idaho )  
 ) ss.  
County of Ada )

John M. Marshall, being first duly sworn, upon oath, deposes and says:  
(Insert name of person filing form)

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:

June 25, 2007

(Insert Date)



Kristen Adamson

Notary Public for Idaho

Residing at: Middleton, ID

My Commission expires: 6-15-2013

## INSTRUCTIONS FOR MAILING

You must mail this form, including all attachment, 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 June 25, 2007, 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, ID 83303-2707

2. Copies to:

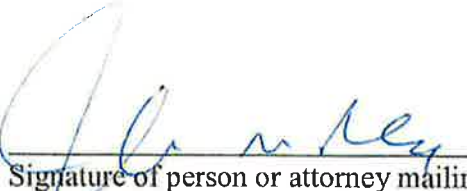
IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

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 & Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, ID 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/address of parties)

  
Signature of person or attorney mailing the form

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION  
OF RIGHT 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

## Please type or print clearly

1. Name of Claimant(s) Cartwright Ranch LLC. Phone (208) 678-2668  
Mailing Address 485 E Riverside Dr Ste 100, Eagle, Idaho Zip 83616
2. Date of Priority (only one (1) per claim) Jan 1, 1908
3. Source of water supply (a) Dry Creek  
which is tributary to (b) Boise River
4. a. Location of existing point of diversion is: Township 4N Range 02E Section 04,  
1/4 of SE 1/4 of SW 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of Ada  
Additional points of diversion if any: \_\_\_\_\_  
b. If instream flow, beginning point of claimed instream flow is:  
Township 04 Range 02 Section 09 1/4 of SW 1/4 of NW 1/4,  
Govt. Lot \_\_\_\_\_ B.M., County of Ada  
ending point is: Township 04 Range 02 Section 04, 1/4 of NW 1/4 of  
SW 1/4, Govt. Lot \_\_\_\_\_ B.M., County of Ada
5. Description of existing diversion works (Dams, Reservoir, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargement in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well. Diversion dam to ditches

6. Water is claimed for the following purposes

|     |                    |               | (both dates are inclusive) |    |       | (cfs)  |     | (acre feet) |
|-----|--------------------|---------------|----------------------------|----|-------|--------|-----|-------------|
| For | Stockwater         | purposes from | 01/01                      | to | 12/31 | amount | 0.4 | or          |
| For | Stockwater Storage | purposes from | 01/01                      | to | 12/31 | amount |     | or 0.75     |
| For | Stock from Storage | purposes from | 01/01                      | to | 12/31 | amount |     | or 0.75     |
| For | Irrigation Storage | purposes from | 01/01                      | to | 12/31 | amount |     | or 0.75     |
| For | Irr. from Storage  | purposes from | 03/01                      | to | 11/15 | amount |     | or 0.75     |
| For | Irrigation         | purposes from | 03/01                      | to | 11/15 | amount | 2.6 | or          |

7. Total quantity claimed (a) 3.0 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is N/A acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number Of livestock Etc.) 420 head of stock

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 |        |
| 04  | 02  | 4   |        |        |        |        |        |        |        |        |        | 14.1   | 1.3    | 10     |        |        |        |        | 25.4   |
| 04  | 02  | 9   |        |        | 30.4   | 11.2   |        |        | 1      | 20     |        |        |        |        | 28     | 11.5   |        | 2.5    | 104.6  |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres irrigated 130

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

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 describe above.

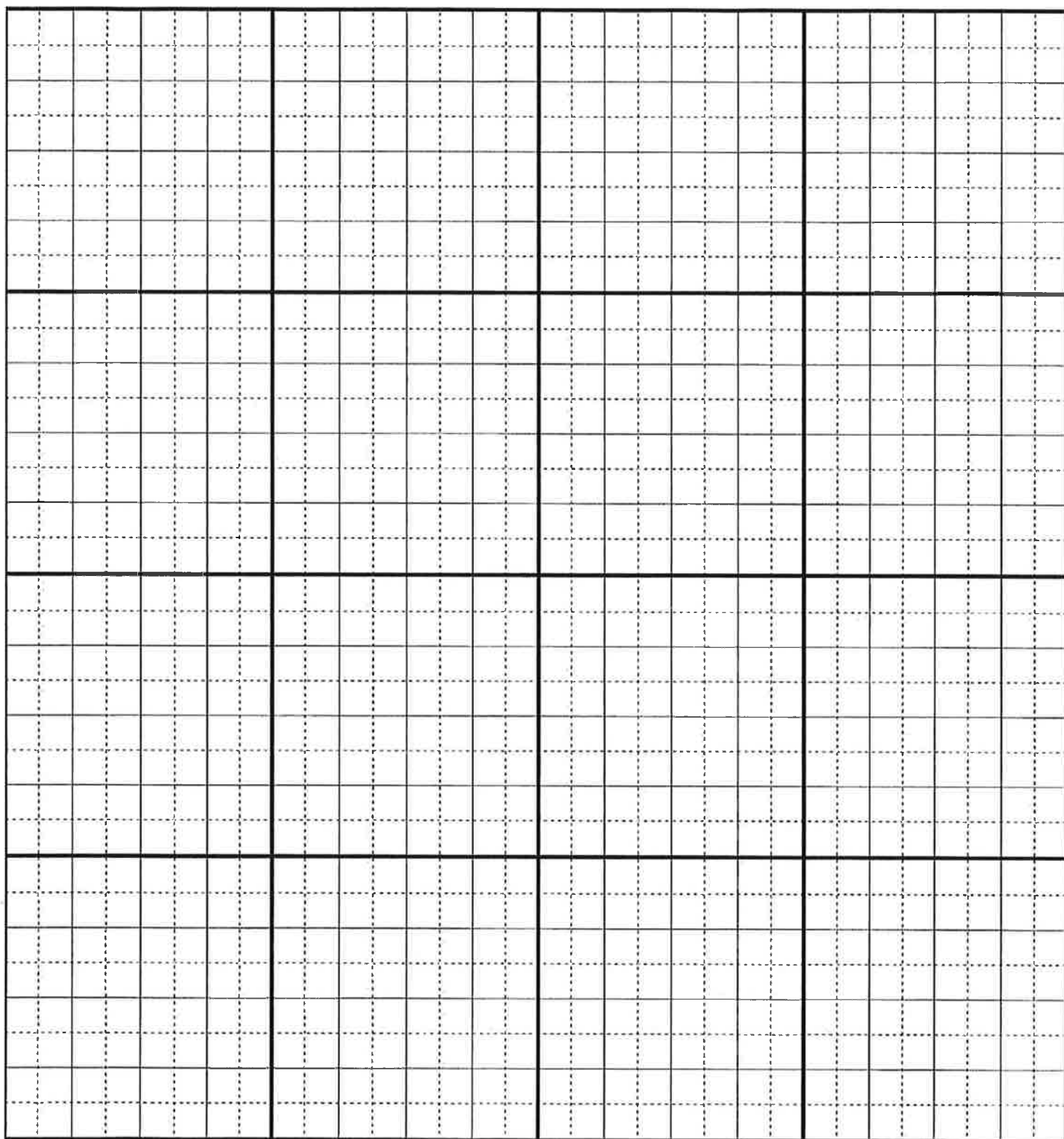
63-3285A, 63-3321A or None ( )

14. Remarks:

Last Name Cartwright Ranch LLC. Ident. No. 63-5207

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

Scale: 2 inches equals 1 mile. Please see attached



Last Name Cartwright Ranch. Ident. No. 63-5207

15. Basis of Claim (check one) Beneficial Use ☒ X Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_  
Decree \_\_\_\_\_

If applicable provide IDWR Water Right Number 63-5207

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 ☒ X  
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 1

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

Signature of Claimant(s) \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

**For Organizations:** I do solemnly swear or affirm that I am Attorney \_\_\_\_\_

Title \_\_\_\_\_

of Cartwright Ranch LLC \_\_\_\_\_, that I have signed the foregoing

Organization

document in the space below as Attorney and authorized agent \_\_\_\_\_ of Cartwright Ranch LLC

Title

Organization

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

Signature of Authorized Agent \_\_\_\_\_

Title and Organization Attorney and Authorized Agent \_\_\_\_\_ Date 06/25/07

State of Idaho/or \_\_\_\_\_ )

) SS.

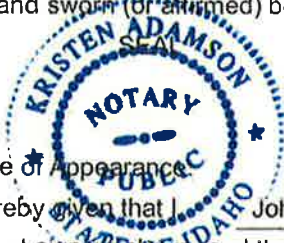
County of Ada \_\_\_\_\_ )

Subscribed and sworn (or affirmed) before me this 25th day of June 2007

Notary Public

Residing at

My Commission Expires



Kristen Adamson

Middleton ID

6-15-2013

17. Notice of Appearance

Please Print Name

Notice is hereby given that I John M. Marshall 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 601 W. Bannock Street, Boise, Idaho 83701

Date \_\_\_\_\_

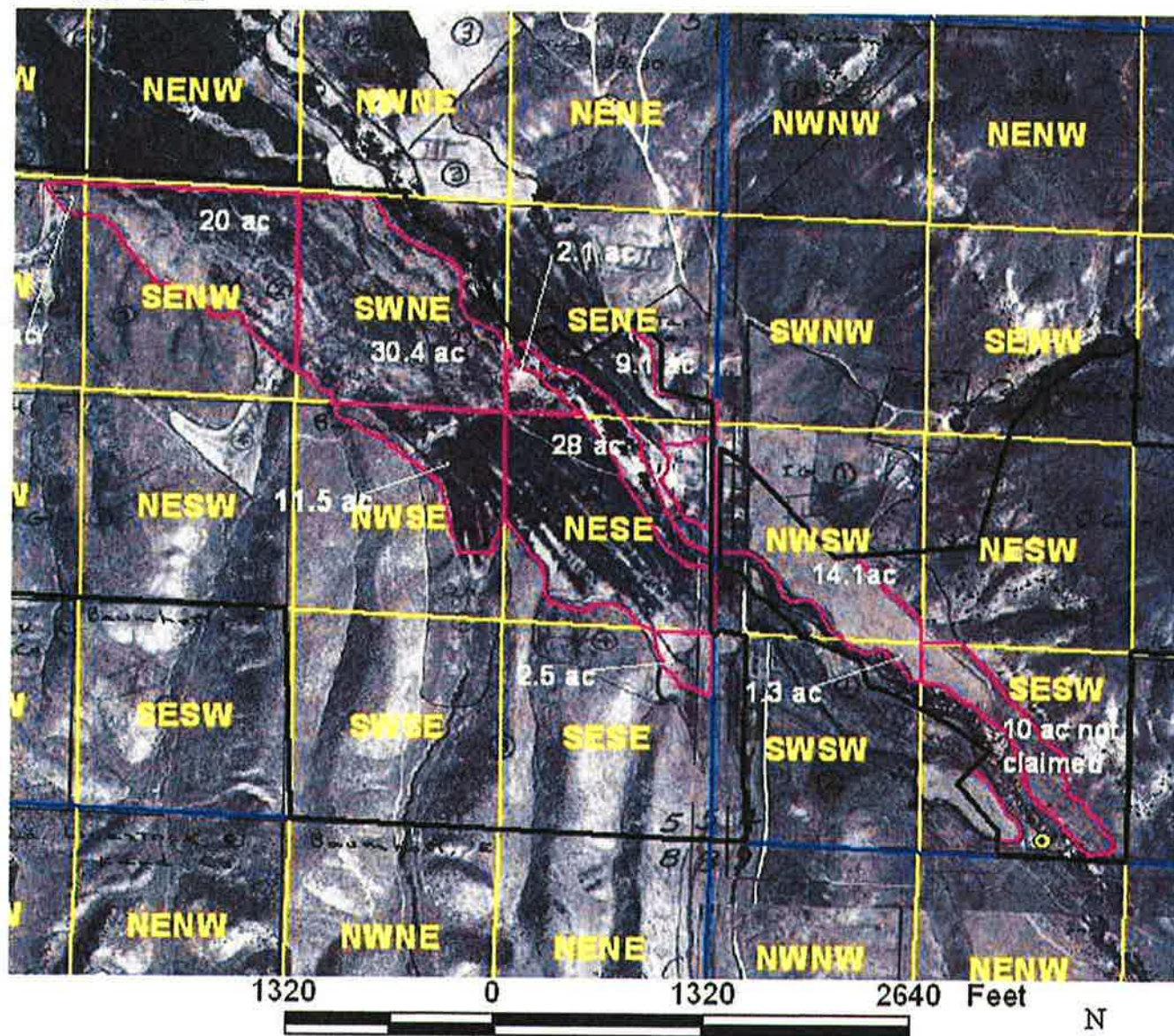
Last Name Cartwright Ranch

Ident. Number 63-5207



State of Idaho  
Idaho Department of Water Resources  
Western Region

T4N, R2E, SECTIONS 4, 5 and 9  
SRBA CLAIM NO. 63-5207



130 irrigated acres [including the  
10 not claimed in the SESW S4]

⊗ Point of Diversion

Property Boundary

POU- Acres historically irrigated

Section

QQ



GIS Place of Use Illustration  
1964 Aerial Photography  
Prepared By: Vicky Music  
Date: June 2007

**SUPPLEMENTAL DIRECTOR'S REPORT REGARDING  
SUBCASE NO. 63-5207**

In Re SRBA  
Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources  
David R. Tuthill Jr., Director  
Donald V. Shaff, Adjudication Bureau Chief

June 19, 2007

## **I. INTRODUCTION**

Special Master Theodore R. Booth of the Snake River Basin Adjudication ("SRBA") court issued a trial scheduling order on June 11, 2007, requesting the Director of the Idaho Department of Water Resources ("IDWR") submit a report to the Court detailing IDWR's basis for its recommendation in subcase no. 63-5207. In response to this request, IDWR submits this Supplemental Director's Report Regarding Subcase No. 63-5207 in accordance with Idaho Code § 42-1412(4) and Administrative Order 1. This report was prepared under the supervision of David R. Tuthill, Jr., Director, and Don V. Shaff, Adjudication Bureau Chief for IDWR.

The following IDWR employees have knowledge of the information contained in this report: Vicky Music, Senior Water Resource Agent; Jan Shurte, Adjudication Water Rights Supervisor, Western Regional Office; Carter Fritschle, Section Manager, Adjudications Bureau.

## **II. BACKGROUND**

On August 15, 1989, members of the Nordling and Neville family ("Claimants") originally claimed in the SRBA water right no. 63-5207 based on a statutory claim. *See Claimants' SRBA Claim*, Exh. 1. On that same day, Claimants also filed overlapping claims on two other rights, nos. 63-3321A and 63-3285A, which were based on licenses from a ground water well. On December 12, 2005, Cartwright Ranch LLC ("Cartwright Ranch") submitted a Change of Ownership form to IDWR seeking change of ownership for all three rights. On December 16, 2005, IDWR filed its recommendation for water

right 63-5207 with the SRBA District Court.<sup>1</sup> See *IDWR Director's Report*, Exh. 2. On April 20, 2006, Cartwright Ranch filed an objection, contesting the place of use and quantity elements of IDWR's recommendation. See *Cartwright Ranch's Objection*, Exh. 3. No other objections or responses have been filed on subcase no. 63-5207. On June 2, 2006, IDWR filed a Notice of Completed Administrative Proceeding in the SRBA substituting Cartwright Ranch, the new owner, for the Claimants.

### **III. DISCUSSION**

This report first discusses Cartwright Ranch's objection to IDWR's recommendation and then explains the history of water right no. 63-5207. Lastly, this report examines the basis of IDWR's recommendation for the place of use and quantity elements.

#### **A. Cartwright Ranch's Objection.**

Cartwright Ranch objects to IDWR's place of use and quantity elements as recommended for subcase no. 63-5207. IDWR's place of use recommendation lists acres for irrigation, stockwater, and both irrigation and stockwater from storage in four sections of Township 4 North, Range 2 East in Ada County. A remark for the place of use specifies this right and the two licensed rights, 63-3285A and 63-3321A, "are limited to the irrigation of a combined total of 55.1 acres in a single irrigation season." Exh. 2, at p. 2. IDWR recommended 1.1 cubic feet per second ("cfs") for irrigation of the 55.1 acres and 0.02 cfs for stockwater for a total diversion rate of 1.12 cfs. *Id.*

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<sup>1</sup> Because Cartwright Ranch submitted its Change of Ownership on the eve of IDWR's filing of its Director's Report for Irrigation and Other Rights, Basin 63, Part II, 63-5207 was recommended originally in Claimants' name.

In its objection, Cartwright Ranch states that the right should provide for 5.48 cfs and 254 acres of use. *See Objection*, Exh. 2, at 2. In its reasons supporting its objections, Cartwright Ranch states the proposed change will “make the recommendation consistent with the license.” *Id.*

**B. History of water right 63-5207.**

Water right 63-5207 is based upon a statutory claim filed on June 30, 1983, by H. William Neville. The only difference between the statutory claim and the SRBA claim is that the latter includes stockwater and irrigation storage uses. *See SRBA Claim*, Exh. 1.

The claimed quantity is 5.08 cfs for the irrigation of 254 acres, 0.40 cfs for stockwater, and .75 acre feet per annum (“afa”) for both stockwater and irrigation storage and for stockwater and irrigation from storage. The claimed source for irrigation is Dry Creek, and the water source for stockwater and stockwater storage is a spring tributary to Dry Creek. The claimed priority date is January 1, 1908. *Id.*

For irrigation, Claimants named as their diversion system a “concrete dam instream to ditches to flood irrig[ation]” from Dry Creek.<sup>2</sup> There is no dispute that at some point in time Claimants ceased using the diversion dam, located in the SWSE quarter-quarter of Section 4. *See 2005 Field Inspection Report*, Exh. 4, at p. 9. At some point in time after the dam was built, Dry Creek changed course, and the remnants of the dam are no longer on Dry Creek. Indeed, Dry Creek now passes to the southwest of the dam remnants.

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<sup>2</sup> The claimed source for stockwater and stockwater storage is a spring tributary to Dry Creek in Section 9. *See Exh. 1.*

### **C. Basis for IDWR's Recommendation**

In a beneficial use right determination, the burden is on the claimant to put forth sufficient evidence to substantiate the claimed elements of a water right, including beneficial use, and enable the IDWR agent to verify those elements. I.C. § 42-1411(5). The claim for 63-5207 was assigned to Vicky Music for claim investigation and recommendation. She reviewed aerial photography of 63-5207, topographic maps of the area, and the files for the overlapping license rights 63-3285A and 63-3321A to determine the extent of beneficial use. Documents available to IDWR failed to establish the number of acres that were beneficially used. Using the 1987 NAPP photo, Ms. Music concluded that none of the acres claimed for 63-5207 were irrigated in 1987. *1987 NAPP photography*, Exh. 5. Furthermore, the topographic map of the claimed area illustrates that a substantial portion of the acres are not irrigable from the claimed point of diversion. *Topographic Map*, Exh. 6. The contours and lay of the land simply do not support the claimed 254 acres from Dry Creek. *Id.*

Because of the lack of evidence establishing the number of irrigated acres, Ms. Music contacted Claimants seeking additional information. In early 2005 during a telephone conversation with one of the Claimants, Thomas Neville, Ms. Music asked for the Claimant to help identify irrigated acres on the aerial photographs. In response, Mr. Neville was unable to provide any specific information about the use of Dry Creek or the number of acres irrigated, but he did state that his father had been very sick and at sometime in the mid-1980s, irrigation of the property ceased.

Ms. Music then turned to earlier aerial photography for evidence of historical irrigation use, from the years 1964 and 1975, the only earlier aerial photographs available

in the IDWR reference materials. The 1964 aerial revealed activity in the claimed place of use. *1964 Aerial photography*, Exh. 7. The 1964 photo is black and white, however, and the resolution was inadequate for Ms. Music to determine if the activity evident was irrigation or another activity, such as mowing. The photography revealed a stark difference in appearance between the land claimed in Section 5 which was farmed, likely irrigated from the well of the two licensed rights, and the activity seen in Sections 4 and 9.

Ms. Music also reviewed a 1975 U.S. Geological Survey Orthophoto Quadrangle map which failed to substantiate a 254-acre place of use. *1975 aerial photography*, Exh. 8. Indeed, the only apparent cultivation evident in the 1975 photo was in Section 5, that same area which is irrigated by ground water from the well of the two licensed rights.

Ms. Music also considered aerial photography from 1992 and 2003, for reference purposes. The resolution of these later aerals is far superior to the 1964 and 1975 aerals, allowing Ms. Music to gain a better perspective of the place of use, but did not assist Ms. Music in her determination of beneficial use. *See 1992 and 2003 aerial photographs*, Exhs. 9-10.

Prior to the recommendation, on August 25, 2005, an IDWR subcontractor visited the Cartwright Ranch property accompanied by Dave Shaw, who was, at that time, Claimants' consultant. The 2005 field examination could not verify 254 acres irrigated from Dry Creek. *See Field Inspection Report*, Exh. 4. Mr. Shaw also provided a 2000 aerial photograph. The irrigated place of use demonstrated by the 2000 and 2004 aerals is approximately 55 acres in Sections 4 and 5. This served as the basis for IDWR's place

of use recommendation for this right.<sup>3</sup> The subcontractor took photographs of the diversion dam and noted that the dam had been abandoned but the year of such abandonment was unknown and the ditches on each side of Dry Creek had washed out. The subcontractor reported that when questioned as to the year the dam was abandoned, Mr. Shaw did not know.

Dry Creek is a contentious source. Cartwright Ranch's beneficial use right is in the middle part of the seniority of users and would affect at least a dozen other water users junior to water right no. 63-5207. Thus, the risk of injury to those other claimants weighed on Ms. Music's determination.

While Cartwright Ranch was able to establish a historical (although now abandoned) point of diversion, evidence on the number of acres irrigated was inconclusive except for 55.1 acres. In other words, Cartwright Ranch provided sufficient evidence of a historical point of diversion but has failed to show the extent of beneficial use beyond the 55.1 recommended acres. Accordingly, IDWR could not recommend the full 254 acres claimed. Based on the topographic map, the above-referenced photographic evidence, the field inspection report, and the significant risk of injury to others on the waterway, Ms. Music recommended a place of use of 55.1 acres and 1.12 cfs. A copy of IDWR's Place of Use Map is attached as Exh. 11.

#### **D. Evidence Obtained after the Recommendation**

At the initial hearing on subcase no. 63-5207, Cartwright Ranch's counsel, John Marshall, provided Ms. Music with two aerial photographs, bearing handwritten dates of

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<sup>3</sup> Ms. Music requested that Cartwright Ranch provide proof that the 55.1 acres were being irrigated from Dry Creek and not just from the overlapping ground water rights. Cartwright Ranch was not able to submit any proof that the irrigation in the photographs was from Dry Creek. Despite this, Ms. Music felt obligated to recommend 55 acres from Dry Creek.

“1981” and “1983.” No other indication of date or source is evident from the photographs. Based on these photographs, Ms. Music was able to re-evaluate the two licensed rights and is now recognizing 122 acres for the two licensed rights. However, it appears that the irrigation taking place in the photographs was from ground water from the two overlapping ground water rights. As such, IDWR does not believe that this is sufficient justification to expand the beneficial use right 63-5207 to any more acres.

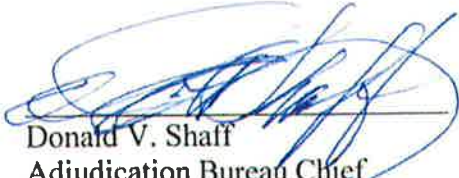
After the recommendation and in response to Cartwright Ranch’s objection, on June 11, 2007, Ms. Music conducted a field examination accompanied by Jan Shurte and Kay Walker, of IDWR’s Western Office, as well as Craig Saxton, IDWR’s Water Rights Supervisor. The field examination revealed no irrigation activity anywhere on the claimed place of use. The claimed place of use in Section 5 was overgrown with grasses. It was not possible to identify a complete delivery system. The claimed place of use in Section 9 showed no signs of irrigation activity. The claimed place of use in Section 4 was covered with well-established sagebrush, indicating a lack of irrigation for a significant time period. From the field examination, Ms. Music could only identify a part of a system that consisted of approximately 100 feet of old ditch bed near the point of diversion. There was no evidence that other points of diversion were established from Dry Creek.

#### **IV. CONCLUSION**

Cartwright Ranch has failed to provide IDWR with sufficient evidence to establish 254 acres have been beneficially irrigated from Dry Creek. IDWR’s recommendation of 55.1 total acres for Cartwright Ranch’s place of use was based upon information available at the time of the claim review, topography and the available

photography. Plus, IDWR's recommendation for 1.12 cfs is grounded in the statutory one inch to the acre (55 acres = 1.10 cfs) and the requisite .02 cfs for instream watering stock. Accordingly, IDWR recommends that the Special Master adopt IDWR's recommendation for water right no. 63-5207.

Respectfully submitted this 19<sup>th</sup> day of June 2007.



Donald V. Shaff  
Adjudication Bureau Chief

### CERTIFICATE OF SERVICE

I certify that on June 19, 2007, I caused the original and/or copies of this document to be served, including all attachments, to the following persons 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

☐ Overnight Mail  
☐ Regular Mail  
☐ Hand-Delivered  
☒ Facsimile

2. Copies to:

John M. Marshall  
601 W Bannock St  
PO Box 2720  
Boise, ID 83701-2720

☐ Overnight Mail  
☐ Regular Mail  
☒ Hand-Delivered  
☐ Facsimile

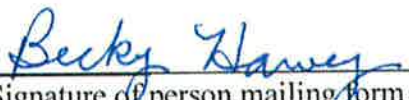
  
\_\_\_\_\_  
Signature of person mailing form

**EXHIBIT #1**

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

RECEIVED

AUG 15 1989

Ident. Number: A63-05207  
Date Received: 5/10/1989  
Receipt No: W0004485  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

Department of Water Resources  
Western Regional Office

|          |                                     |              |
|----------|-------------------------------------|--------------|
| 1. Name: | H. WILLIAM NEVILLE                  | 208-344-3188 |
| Address: | 820 S. OWYHEE<br>BOISE, ID          | 83705        |
| AND/OR   |                                     |              |
| Name:    | GLORIA D. NEVILLE                   | 208-344-3188 |
| Address: | 820 S. OWYHEE<br>BOISE, ID          | 83705        |
| AND/OR   |                                     |              |
| Name:    | JAMES L. NEVILLE                    |              |
| Address: | XXXXXXXXXX, UT                      | 00000-000    |
| AND/OR   |                                     |              |
| Name:    | MARTHLYNN <sup>MBN</sup> B. NEVILLE |              |
| Address: | XXXXXXXXXX, UT                      | 00000-000    |
| AND/OR   |                                     |              |
| Name:    | R. DOUGLAS NEVILLE                  |              |
| Address: | XXXXXXXXXX, ID                      | 00000-00     |
| AND/OR   |                                     |              |
| Name:    | MARGUERITE NEVILLE                  |              |
| Address: | XXXXXXXXXX, ID                      | 00000-000    |
| AND/OR   |                                     |              |
| Name:    | THOMAS NEVILLE                      |              |
| Address: | XXXXXXXXXXXXXX, ID                  | 00000-0000   |
| AND/OR   |                                     |              |
| Name:    | FORTUNATA NEVILLE                   |              |
| Address: | XXXXXXXXXX, ID                      | 00000-0      |
| AND/OR   |                                     |              |
| Name:    | DAVID L. NORDLING                   |              |
| Address: | XXXXXXX, ID                         | 00000-00     |

AND/OR  
Name: YOSHIE CAMERON NORDLING  
Address: XXXXXXXXXX, ID 00000-00

2. Date of Priority: JAN 01, 1908

3. Source: SPRING Trib. to: DRY CREEK  
DRY CREEK BOISE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 04N      | 02E   | 4       |        | SE     | SW     |     | ADA    |
|          |       | 9       |        | SW     | NW     |     | ADA    |

| Beginning Point of Minimum Instream Flow |     |   |  |    |    |     |
|------------------------------------------|-----|---|--|----|----|-----|
| 04N                                      | 02E | 9 |  | SW | NW | ADA |

| Ending Point of Minimum Instream Flow |     |   |  |    |    |     |
|---------------------------------------|-----|---|--|----|----|-----|
| 04N                                   | 02E | 4 |  | NW | SW | ADA |

5. Description of diverting works:  
CONCRETE DAM INSTREAM TO DITCHES TO FLOOD IRRIG.

6. Water is used for the following purposes:

| Purpose                 | From  | To    | C.F.S | (or) | A.F.A. |
|-------------------------|-------|-------|-------|------|--------|
| IRRIGATION              | 03/15 | 11/15 | 5.080 |      |        |
| IRRIGATION STORAGE      | 01/01 | 12/31 |       |      | 0.75   |
| IRRIGATION FROM STORAGE | 03/15 | 11/15 |       |      | 0.75   |
| STOCKWATER              | 01/01 | 12/31 | 0.400 |      |        |
| STOCKWATER STORAGE      | 01/01 | 12/31 |       |      | 0.75   |
| STOCKWATER FROM STORAGE | 01/01 | 12/31 |       |      | 0.75   |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
S/420 RANGE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 04N      | 02E   | 4       | SW     | NW     |     | IRR | 10.0  |
|          |       |         | NE     | SW     |     | IRR | 5.0   |
|          |       |         | NW     | SW     |     | IRR | 20.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use   | Acres |
|----------|-------|---------|--------|-----|-----|-------|-------|
| 04N      | 02E   | 4       | NW     | SW  |     | STOCK |       |
|          |       |         | SW     | SW  |     | IRR   | 6.0   |
|          |       |         | SW     | SW  |     | STOCK |       |

Section Acres 41.0

|   |    |    |     |      |       |
|---|----|----|-----|------|-------|
| 5 | SW | NE | IRR | 40.0 |       |
|   | SE | NE | IRR | 40.0 | 3.00  |
|   | SW | NW | IRR | 7.0  | 7.00  |
|   | SE | NW | IRR | 30.0 | 7.00  |
|   | NE | SE | IRR | 35.0 | 4.00  |
|   | NW | SE | IRR | 15.0 | 15.00 |
|   | SE | SE | IRR | 6.0  | 6.00  |

Section Acres 173.0

|   |    |    |        |      |       |
|---|----|----|--------|------|-------|
| 8 | NE | NE | STOCK  |      |       |
| 9 | NW | NW | IRR    | 10.0 | 10.00 |
|   | NW | NW | STOCK  |      |       |
|   | SW | NW | IRR    | 30.0 | 30.00 |
|   | SW | NW | STOCK  |      |       |
|   | SW | NW | STO FS |      | 82.00 |

Section Acres 40.0

Total Acres 254.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:  
63-03321, 63-03285,

14. Remarks:  
ORIGINAL STATUTORY CLAIM FAILED TO STATE THE STORAGE USE.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments:                     

**For Individuals:**

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

Signature of Claimant(s): Yoshie K. Northing Date: July 14, '89  
David L. Northing Date: July 14, 1989

State of Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 14<sup>th</sup> day  
of July 19 89

[Signature]  
Notary Public

Seal

Residing at Boise  
My Commission Expires 9-4-91

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

**For Individuals:**

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

Signature of Claimant(s): Martha B. Neiriki (Date) 8-10-89

James F. Lovell (Date) 8-10-89

State of Idaho :SS.

County of Butte

Subscribed and sworn (or affirmed) before me this 10<sup>th</sup> day of August, 19 89.



Notary Public for Butte County, Idaho  
Residing at \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

For Individuals:

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

Signature of Claimant(s): R Douglas Neville (Date) 8-2-89

Marguerite Neville (Date) 8-2-89

State of Idaho )  
County of Lincoln ) :SS.

Subscribed and sworn (or affirmed) before me this 8<sup>th</sup> day of August, 19 89.

[Signature]  
Notary Public for Idaho  
Residing at Caracas  
My Commission Expires: 8-1-90

(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.

**For Individuals:**

Signature of Claimant(s):

(Date)

8-14 89

(Date)

$$\underline{8-14-89}$$

Subscribed and sworn (or affirmed) before me this 14th day of

Aug, 1989

Notary Public for State of Texas  
Residing at McAllen, Texas  
My Commission Expires: 8-17-1994

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

**For Individuals:**

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

Signature of Claimant(s): Fortunata P. Neville (Date) 8/15/89  
Thomas F. Neville (Date) 8-15-89  
By William Smith PCA.

State of Idaho )  
County of Oda ) :SS.

Subscribed and sworn (or affirmed) before me this 15th day of August, 19 89.

Robert L. Walker  
Notary Public for Idaho  
Residing at Base  
My Commission Expires: 7-1-1994

**EXHIBIT #2**

12/12/2005

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

RIGHT NUMBER: 63-5207

NAME AND ADDRESS: DAVID L NORDLING  
3122 EDSON TERRACE  
BOISE ID 83705

GLORIA D NEVILLE  
3122 EDSON TERR  
BOISE ID 83705

YOSHIE CAMERON NORDLING  
3122 EDSON TERRACE  
BOISE ID 83705

H WILLIAM NEVILLE  
3122 EDSON TERR  
BOISE ID 83705

MARGUERITE NEVILLE  
3122 EDSON TERR  
BOISE ID 83705

THOMAS F NEVILLE  
3122 EDSON TERRACE  
BOISE ID 83705-2317

R DOUGLAS NEVILLE  
3122 EDSON TERR  
BOISE ID 83705

FORTUNATA P NEVILLE  
3122 EDSON TERRACE  
BOISE ID 83705-2317

MARTHLYN B NEVILLE  
3122 EDSON TERR  
BOISE ID 83705

JAMES L NEVILLE  
3122 EDSON TERR  
BOISE ID 83705

SOURCE: DRY CREEK SPRING

TRIBUTARY: BOISE RIVER  
TRIBUTARY: DRY CREEK

QUANTITY: 1.120 CFS

The rights listed below are limited to a total combined diversion rate of 1.1 cfs. Combined Right Nos.: 63-3321A, 63-3285A and 63-5207.

PRIORITY DATE: 01/01/1908

POINT OF DIVERSION: T04N R02E S4 NWSW End of Stream Flow Within ADA County  
T04N R02E S4 SESW Within ADA County  
T04N R02E S9 SWNW Begin of Stream Flow Within ADA County  
T04N R02E S9 SWNW Begin of Stream Flow Within ADA County

PURPOSE AND PERIOD OF USE:

| PURPOSE OF USE          | PERIOD OF USE | QUANTITY              |
|-------------------------|---------------|-----------------------|
| STOCKWATER              | 01/01 12/31   | 0.020 CFS             |
| IRRIGATION              | 03/01 11/15   | 1.100 CFS             |
| STOCKWATER FROM STORAGE | 01/01 12/31   | 0.020 CFS<br>0.75 AFY |
| IRRIGATION FROM STORAGE | 03/01 11/15   | 0.75 AFY              |
| STOCKWATER STORAGE      | 01/01 12/31   | 0.75 AFY              |
| IRRIGATION STORAGE      | 01/01 12/31   | 0.75 AFY              |

PLACE OF USE:

| <u>IRRIGATION Within ADA County</u> |      |       |                         |
|-------------------------------------|------|-------|-------------------------|
| T04N R02E S04                       | NWSW | 11.30 | T04N R02E S04 SWSW 1.60 |
| T04N R02E S05                       | SWNE | 17.70 | T04N R02E S05 SENE 5.80 |
| T04N R02E S05                       | NESE | 17.00 | T04N R02E S05 NWSE 1.70 |

STOCKWATER Within ADA County

|               |      |               |      |
|---------------|------|---------------|------|
| T04N R02E S04 | NWSW | T04N R02E S04 | SWSW |
| T04N R02E S08 | NENE | T04N R02E S09 | NWNW |
| T04N R02E S09 | SWNW |               |      |

STOCKWATER FROM STORAGE Within ADA County

|               |      |
|---------------|------|
| T04N R02E S09 | SWNW |
|---------------|------|

IRRIGATION FROM STORAGE same as IRRIGATION

55.1 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 55.1 acres in a single irrigation season. Combined Right Nos.: 63-3321A, 63-32835A and 63-5207.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

Stockwater use is for 250 range cattle.

## **EXHIBIT #3**

**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 63-5207

(Insert water right number)

**STANDARD FORM 1  
OBJECTION**

Please **print or type** the following information:

**B. NAME AND ADDRESS OF PERSON OBJECTING**

Name: Cartwright Ranch LLC

Address: c/o Grossman Company Properties

3101 N. Central Ave, Ste. 1390

Phoenix AZ 85012

Daytime Phone: 208-388-1270

Name & Address of Attorney, if any:

John M. Marshall

Givens Pursley LLP

601 W Bannock Street, Boise 83702

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

Cartwright Ranch, LLC

c/o Grossman Company Properties

3101 North Central Avenue, Suite 1390

Phoenix, AZ 85012

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

1. ☒ **Name and Address**
2. ☐ **Source**  
Should be: \_\_\_\_\_
3. ☒ **Quantity**  
Should be: 5.48 cfs
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: 254 acres

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):** \_\_\_\_\_

Proposed change will make recommendation consistent with license.

F. VERIFICATION (Must be Completed)

State of IDAHO )  
 ) ss.  
County of Ada )

John M. Marshall, 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 responding 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)  
[Signature]  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 20, 2006

Amanda McCurry  
Notary Public for Idaho  
Residing at: Star, Idaho  
My Commission Expires: 4/15/2011



### INSTRUCTIONS FOR MAILING

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

### G. CERTIFICATE OF MAILING

I certify that on April 20, 2006, I mailed the original and copies of this response, including all attachments, to the following persons:

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:

N/A

3. Copies to:

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

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

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

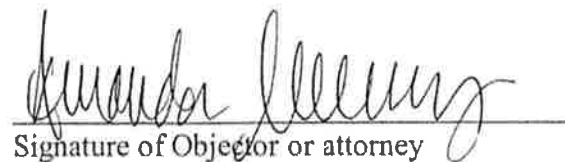
  
\_\_\_\_\_  
Signature of Objector or attorney  
mailing on Objector's behalf

**EXHIBIT #4**

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION FIELD REPORT**

**Prior to Field Exam**

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

**CLAIMANT INFORMATION – verify contact information is complete**Claim No(s) 63-3321A + 63-32854 A rel 63-5207Owner: H. William Neville, Marilyn R. Neville Phone No. James L. Neville. 344-3182Current Address: 3122 Edison TERR

- ☐ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☐ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property? \_\_\_\_\_

Accompanied by: David Shaw**PRIORITY DATE**

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: Dec. 03, 1962, APRIL 12, 1962

(If priority date, based on your exam, seems questionable, explain below.)

SPRING  
Well

Source: DRY CREEK Tributary to Boise River

DRY CREEK.  
DRY CREEK

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: \_\_\_\_\_

**POINT OF DIVERSION**

- ☐ No change
- ☒ POD found is different than claimed: DRY CREEK DIVERSION Abandoned
- ☐ If different, when did POD change? ?

**DIVERSION AND DELIVERY SYSTEM**

Points of Diversion:

| ID # | Govt Lot # | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Method of Determination/Remarks<br>GPS ID |
|------|------------|-----|-----|-----|------|------|------|--------|-------------------------------------------|
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |

Description of diverting works

Concrete Structure with Ballist ditch on each side of Dry Creek.  
Which is Now Abandoned See Pictures. 3 & 4. Well with 20 HP Turbin  
Pump to 6" line. Picture # 2

**OVERLAP REVIEW**

Other water rights with the same point of diversion: \_\_\_\_\_

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain: \_\_\_\_\_

**WATER USES**

- ☐ No change  
☐ Different Uses

Use IRRIGATION From 03/15 To 11/15 Amount .64 CFS 143.08 AFAUse Stockwater From 01/01 To 12/31 Amount \_\_\_\_\_ CFS .75 AFAUse Storage From 01/01 To 12/31 Amount \_\_\_\_\_ CFS .75 AFA

TOTAL 5.480

**TOTAL VOLUME - Groundwater only**

- ☐ Incomplete on claim, the total is, Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA  
☐ Changes found, the new total is, Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA  
☐ More than 1" per Acre? Yes \_\_\_\_\_ (claimant must complete excess flow sheet)

**NON-IRRIGATION USES:**

- ☒ No change  
☐ Changes Exam found: Domestic # of homes \_\_\_\_\_ Stock # \_\_\_\_\_  
Types \_\_\_\_\_ Additional comments: \_\_\_\_\_

**PLACE OF USE:**

- ☐ No Change  
☐ Changes shown below:

| Place of Use |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|--------------|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| TWP          | RGE | SEC | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Overlap with other water rights: NO

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: A 20 HSP turbine pump to a 6" main line to hand lines & also wheel lines. See pictures 1, 2 & 3

GPS  
USR,

| Well or Diversion Identification No<br>GPS ID | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge size |
|-----------------------------------------------|------------|----|------------------|-----------|-----------------------------------|
| 2319810                                       | U.S. Motor | 20 | 3262181          | Turbine   | 6"                                |
| 1392780                                       |            |    |                  |           |                                   |

#### FLOW MEASUREMENTS:

Attach appropriate documents

Old Diversion  
Structure

GPS 2320729  
USR 1391866

Estimated beginning  
of Spring

2320349  
1391089

#### NARRATIVE/REMARKS/COMMENTS

The original concrete & steel check structure to a dirt ditch on each side of dry creek has washed out & the creek has routed around the structure completely. The dirt ditches were approximately 2.5' at bottom & 3.5' across the top. 125 pair of cattle graze the property & water anywhere all along the creek. The pond area directly above the abandoned structure was where the 75 acres of storage was claimed. Mr. David Shaw supplied a ditch with the acres irrigated & a outline of property. The well appears not to be used in the 2005 season (to date) See pictures (143) Ten acres has been sold in the SENE Sec. 45 (per Dave)

[illegible]

**AFTER EXAM THE FILE SHOULD CONTAIN:**

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: Aug. 25, 2005

FIELD EXAMINER: Ken Hanley

## FLOW CALCULATIONS

Measured Method:

\_\_\_\_\_ Additional Computation Sheets Attached

## VOLUME CALCULATIONS

### 1. Volume Calculations for Irrigation:

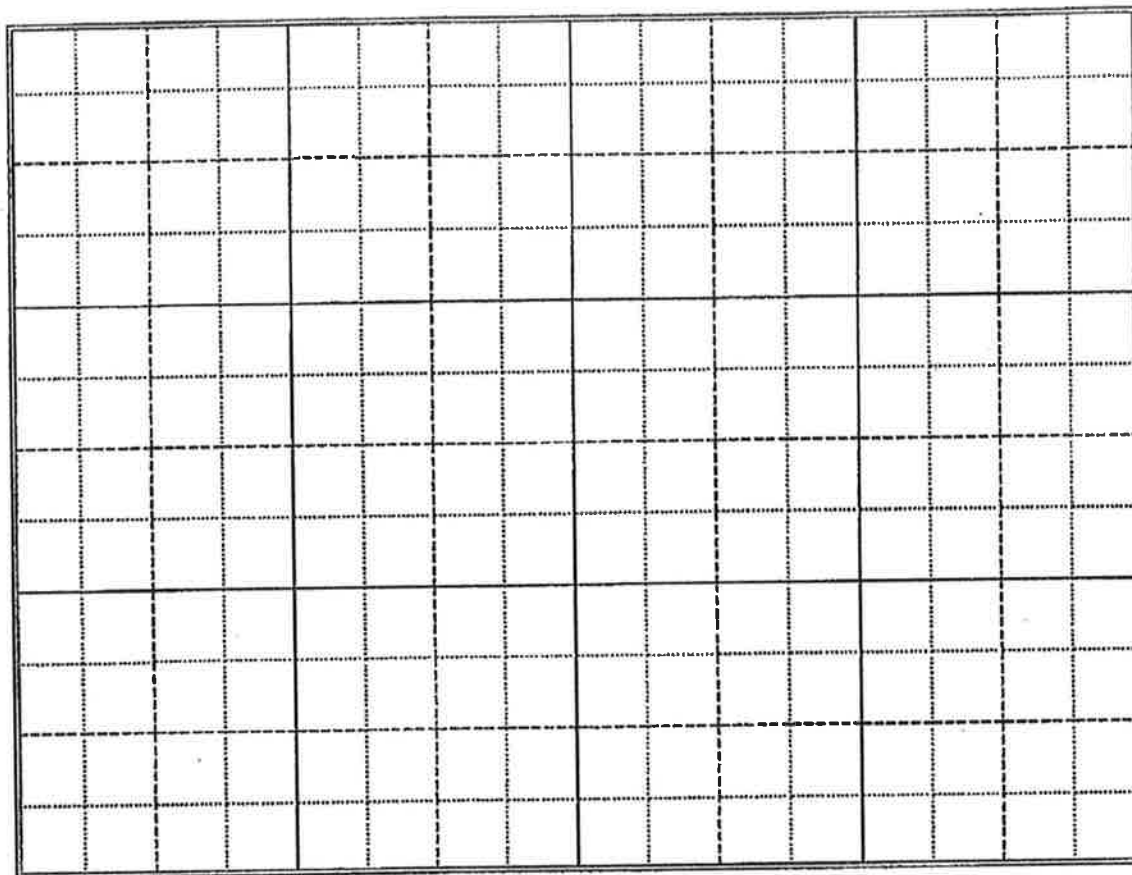
$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{10cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{10cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{10cm}}$$

### 2. Volume Calculations for Other Uses:

**Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/plpe i.d. as applicable.



Scale: 1" = \_\_\_\_\_

\_\_\_\_ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

\_\_\_\_ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

| Well or Diversion Identification No.* | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|----|------------------|-----------|-----------------------------------|
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |

\*Code to correspond with No. on map and aerial photo

### FLOW MEASUREMENTS

1.

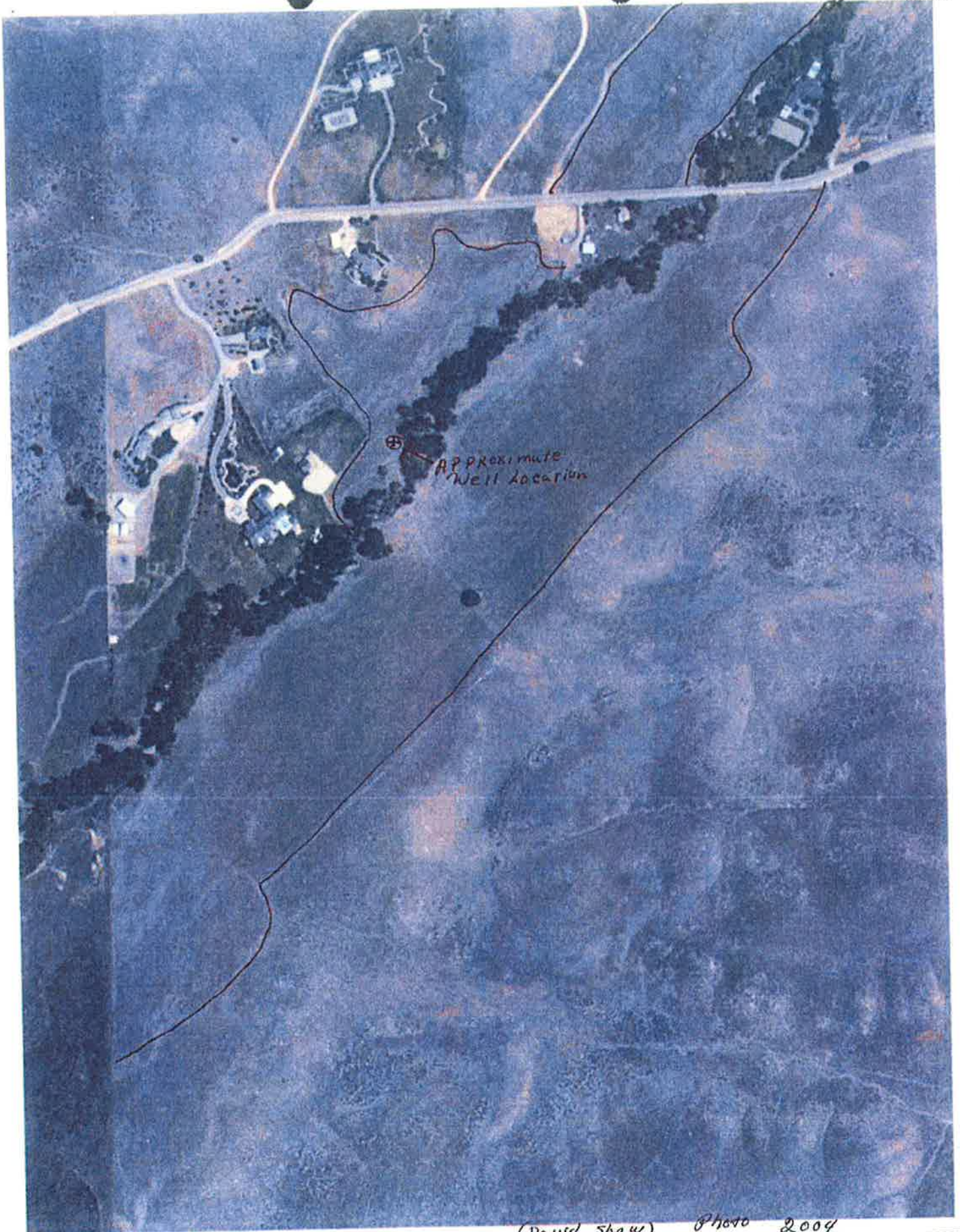
| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2. Measurements: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

APPROXIMATE DIVERSION

63-3321A - 63-3285A + 63-5207 (Abandoned)  
See Photos.



(David Shaw) Photo 2004

(Picture #1)



Lines FROM PUMP TO IRRIGATE  
EAST Side of DRY CREEK.



(Picture #2)

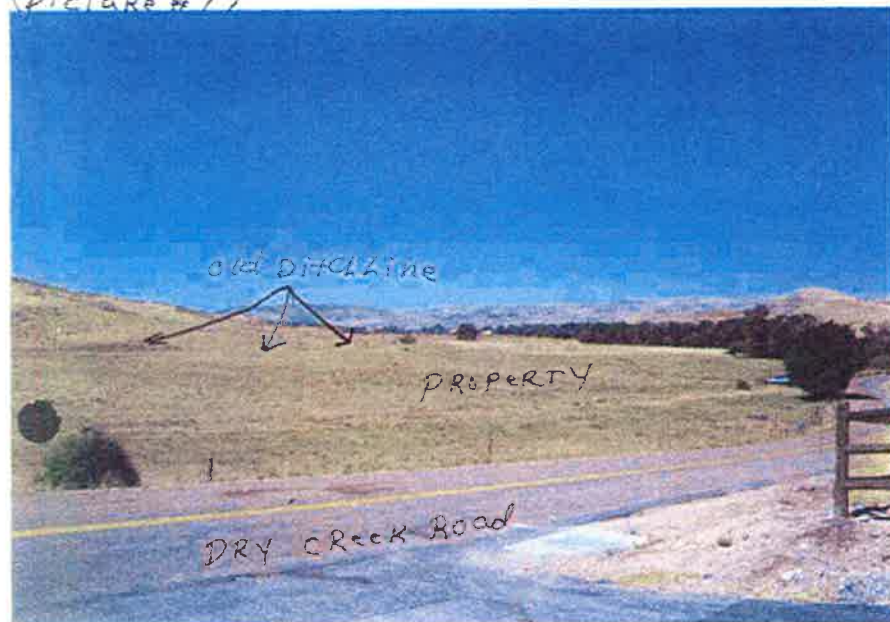
Well + pump 20 HP.

63-3321H + 63-3285A. for well

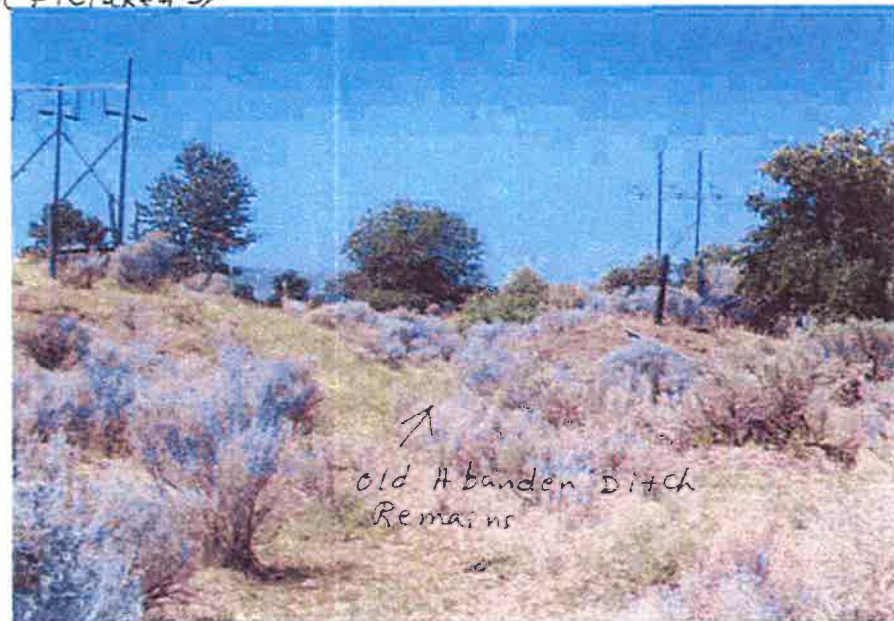


(Picture #3) Wheel Lines to IRRIGATE  
WEST Side of DRY CREEK  
FROM well

(Picture #1)



(Picture #3) 63-5207



(Picture #2) Appears to be Beginning of Spring.

DRY CREEK DIVERSION (Abandoned)

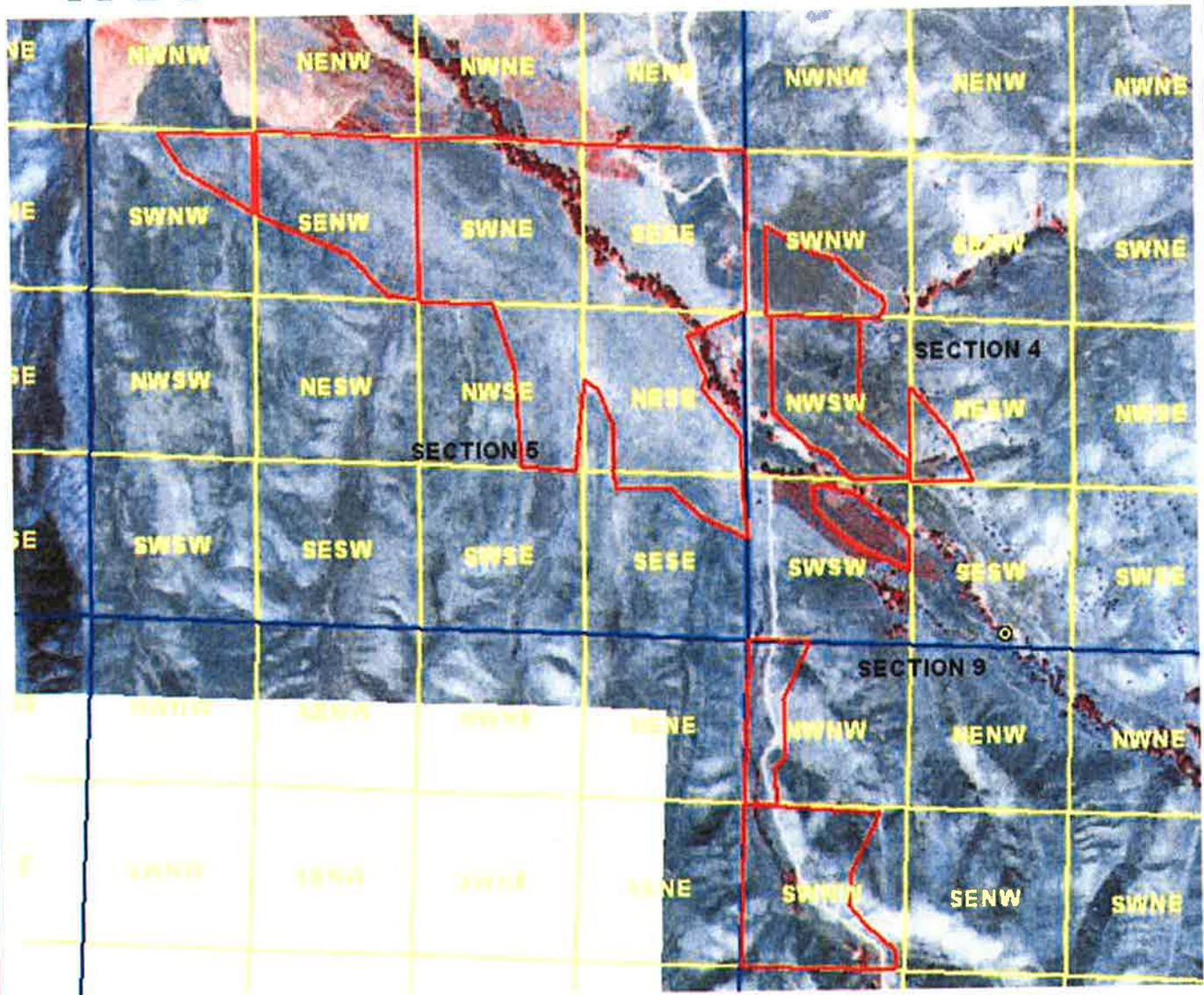
(Picture #4)

**EXHIBIT #5**



State of Idaho  
Idaho Department of Water Resources  
Western Region

T4N. R2E, SECTIONS 4, 5 AND 9  
SRBA CLAIM NO. 63-5207



- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines
- Claimed placed of use



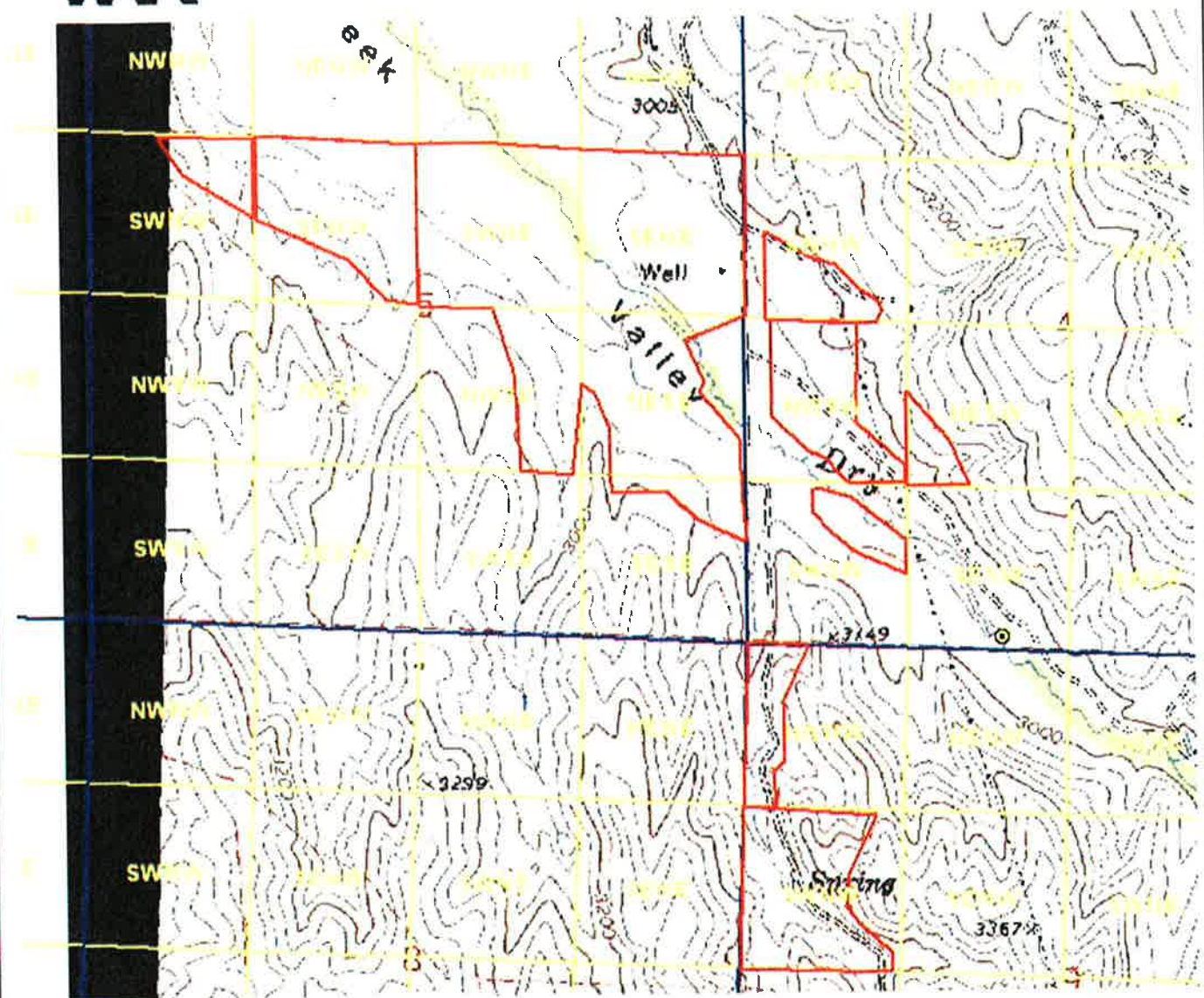
GIS Place of Use Illustration  
1987 NAPP Photography  
Prepared By: Vicky Music  
Date: June 2007

**EXHIBIT #6**

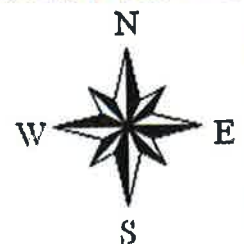


State of Idaho  
Idaho Department of Water Resources  
Western Region

T4N, R2E, SECTIONS 4, 5 AND 9  
SRBA CLAIM NO. 63-5207



- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines
- Claimed placed of use



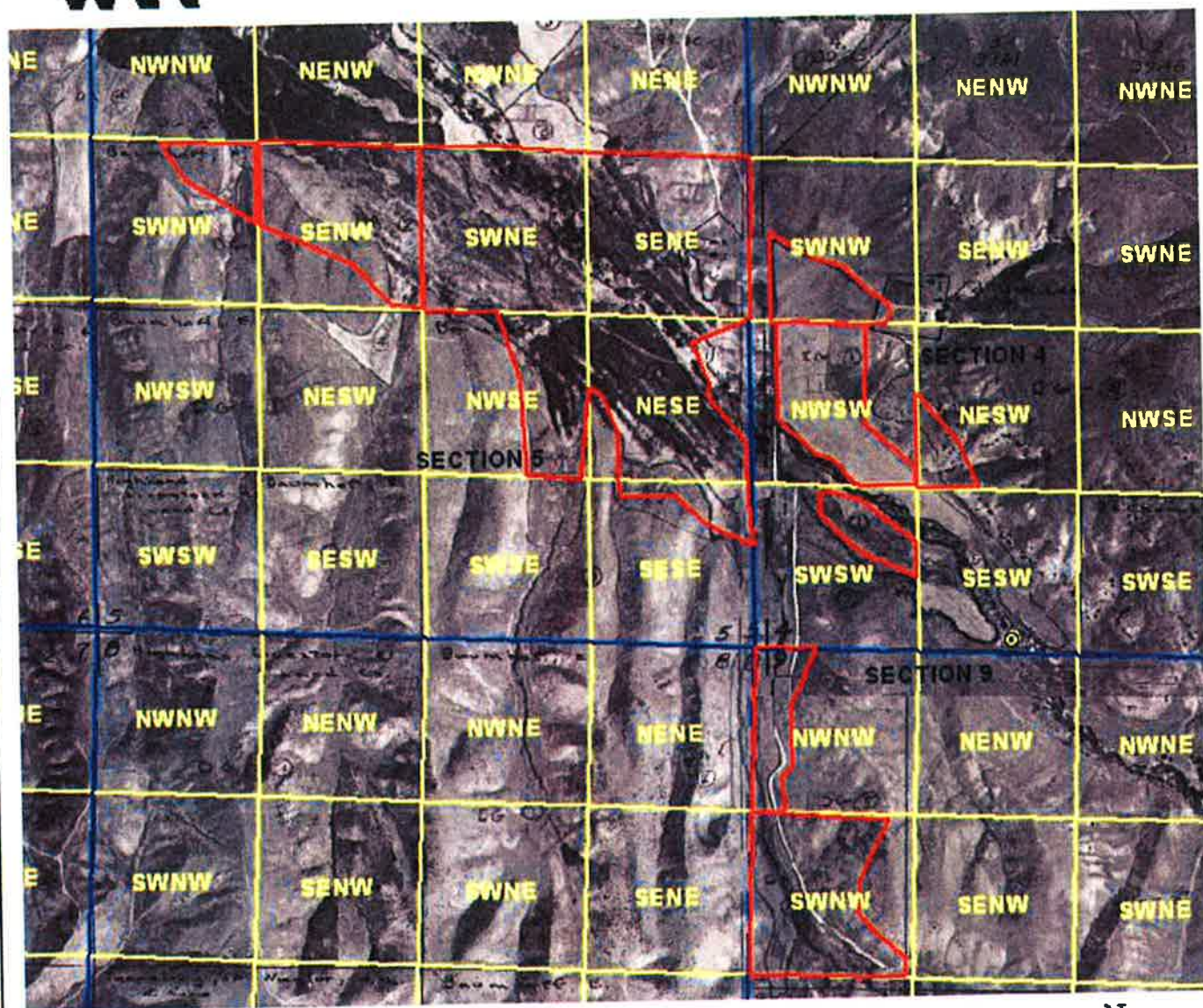
GIS Place of Use Illustration  
USGS Topographic Quadrangle Map - X9  
Prepared By: Vicky Music  
Date: June 2007

**EXHIBIT #7**



State of Idaho  
Idaho Department of Water Resources  
Western Region

T4N, R2E. SECTIONS 4, 5 AND 9  
SRBA CLAIM NO. 63-5207



- ⊙ Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines
- Claimed place of use



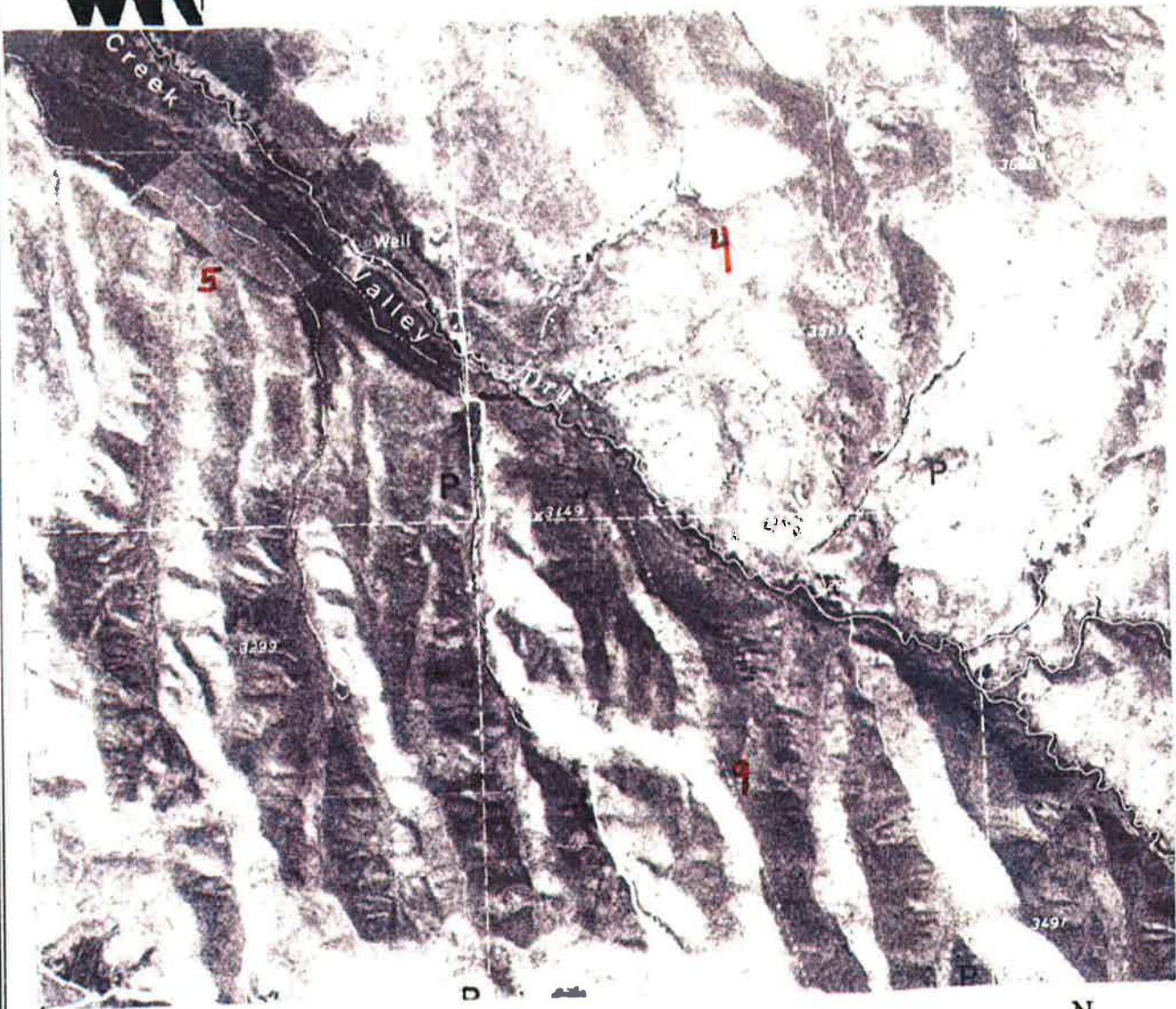
GIS Place of Use Illustration  
1964 Aerial Photography  
Prepared By: Vicky Music  
Date: June 2007

**EXHIBIT #8**



**State of Idaho  
Idaho Department of Water Resources  
Western Region**

**T4N, R2E, SECTIONS 4, 5 AND 9  
SRBA CLAIM NO. 63-5207**



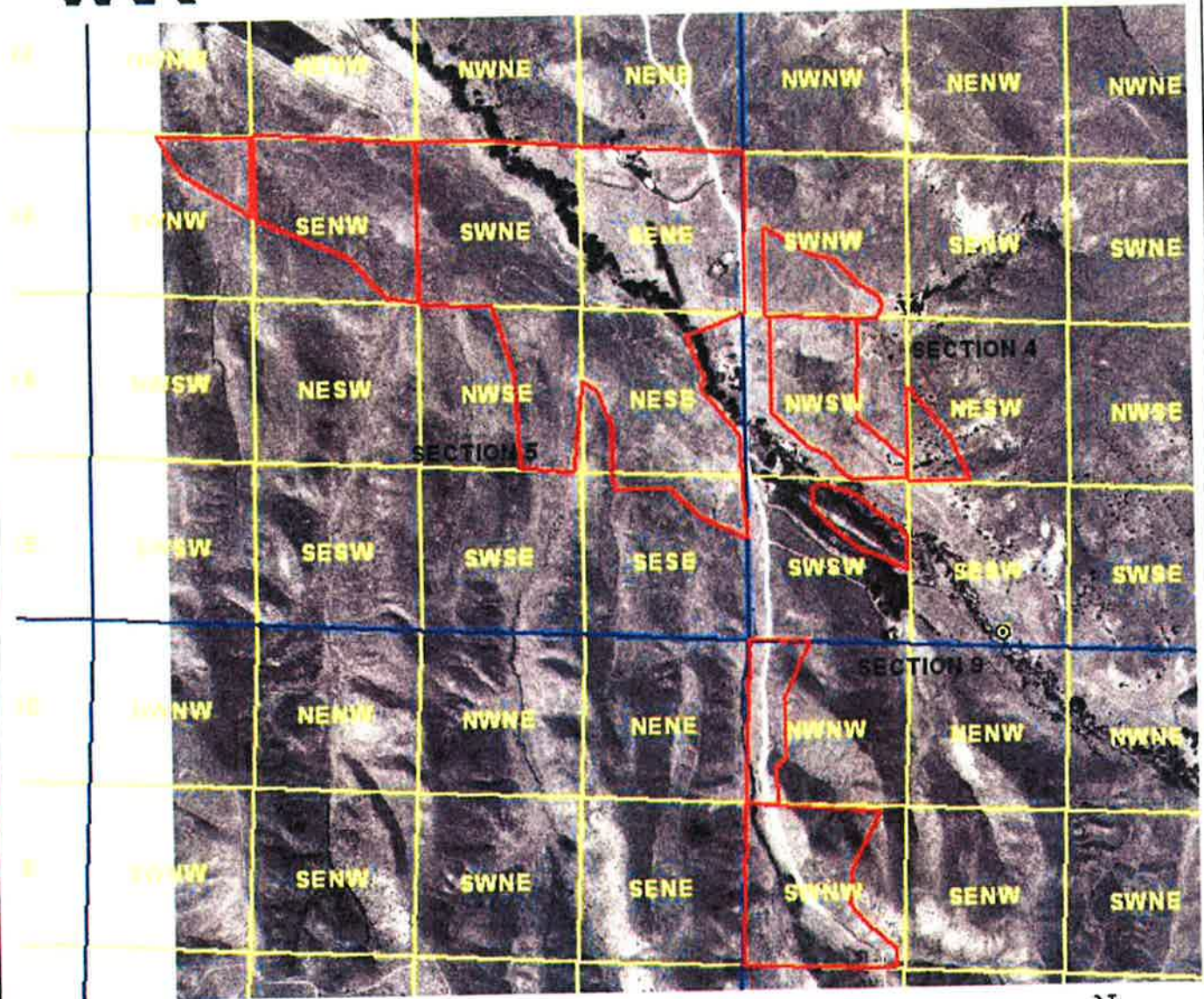
**GIS Place of Use Illustration  
1975 Orthophoto Quadrangle Map  
Prepared By: Vicky Music  
Date: June 2007**

**EXHIBIT #9**

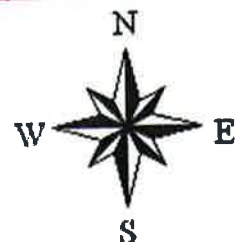


State of Idaho  
Idaho Department of Water Resources  
Western Region

T4N, R2E, SECTIONS 4, 5 AND 9  
SRBA CLAIM NO. 63-5207



- ⊙ Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines
- Claimed placed of use



GIS Place of Use Illustration  
X9\_nw\_1992 DOQQ  
Prepared By: Vicky Music  
Date: June 2007

**EXHIBIT #10**

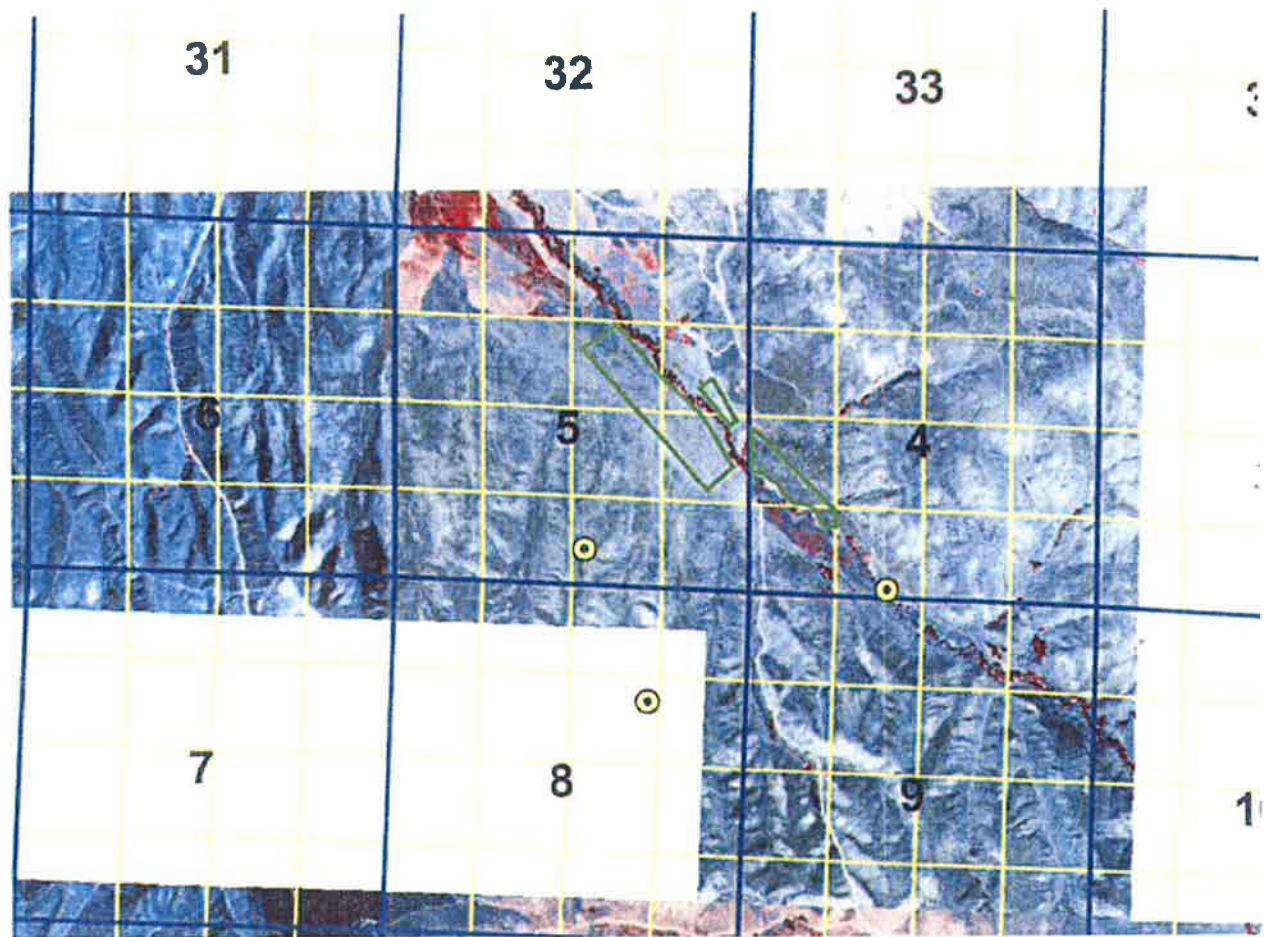


**EXHIBIT #11**



State of Idaho  
Idaho Department of Water Resources  
Western Region

T4N R2E SECTIONS 4, 5, 8, 9  
Water Right (s): 63-5207



1320 0 1320 2640 3960 5280 6600 7920 9240 Feet



- ⊙ Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

GIS Place of Use Illustration  
1987 NAPP Photography  
Prepared By: Vicky Music  
Date: December 2005

REC-11  
JUN 11 2007  
DEPARTMENT OF  
WATER RESOURCES

DISTRICT COURT - SRBA  
TWIN FALLS CO. IDAHO  
FILED  
2007 JUN 11 AM 11 47

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 ) Subcases 63-05207, 63-03285A,  
Case No. 39576 ) and 63-03321A  
 )  
 ) PRETRIAL ORDER  
 )

A pretrial conference was held in the above-captioned subcases on June 5, 2007. Participating in the conference were John Marshall, attorney for claimant/objector Cartwright Ranch, LLC, and Andrea Courtney, Deputy Attorney General for the Idaho Department of Water Resources. This *Pretrial Order* is issued based upon the comments of counsel at the conference, and pursuant to I.R.C.P. 16(f).

It is the understanding of this Special Master that the all issues involving subcases 63-03285A and 63-03321A -- which are claims to groundwater and based upon licenses - - have been resolved, and the only factual issues remaining to be tried are the place of use and rate of diversion in subcase 63-05207 -- which is a claim for surface water and based upon beneficial use. It is further the understanding of this Special Master that an agent from IDWR intends to perform a field examination prior to trial for the purpose of viewing potential evidence that may be indicative of the historical extent of the use of water on the property.

IT IS ORDERED that no later than **June 19, 2007**, IDWR shall provide to the claimant/objector, and file with the court, a brief report of the matters that are expected to be included in the testimony of its agent at trial. This report shall include a list of all exhibits to be offered at trial.

IT IS FURTHER ORDERED that no later than **June 19, 2007**, the claimant/objector shall provide to IDWR, and file with the court, a list of all exhibits to

be offered at trial, and a list of the names and addresses of all witnesses which may be called to testify at trial.

Dated June 11, 2007

A handwritten signature in black ink, appearing to read 'T. R. Booth', with a stylized flourish at the end.

THEODORE R. BOOTH  
Special Master  
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PRE-TRIAL ORDER was mailed on June 11, 2007, with sufficient first-class postage to the following:

CARTWRIGHT RANCH LLC

Represented by:

JOHN M MARSHALL

601 W BANNOCK ST

PO BOX 2720

BOISE, ID 83701-2720

Phone: 208-388-1200

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

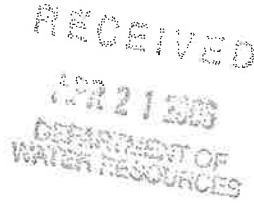
ORDER

Page 1 6/11/07

FILE COPY FOR 01282

Deputy Clerk

A handwritten signature in black ink, appearing to read "Julie Murphy", is written over a horizontal line that serves as a signature line.



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 63-5207

(Insert water right number)

STANDARD FORM 1  
OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Cartwright Ranch LLC

Address: c/o Grossman Company Properties

3101 N. Central Ave, Ste. 1390

Phoenix AZ 85012

Daytime Phone: 208-388-1270

Name & Address of Attorney, if any:

John M. Marshall

Givens Pursley LLP

601 W Bannock Street, Boise 83702

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

Cartwright Ranch, LLC

c/o Grossman Company Properties

3101 North Central Avenue, Suite 1390

Phoenix, AZ 85012

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

1. ☒ **Name and Address**
2. ☐ **Source**  
Should be: \_\_\_\_\_
3. ☒ **Quantity**  
Should be: 5.48 cfs
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: 254 acres
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):** \_\_\_\_\_

Proposed change will make recommendation consistent with license.

F. VERIFICATION (Must be Completed)

State of IDAHO )  
 ) ss.  
County of Ada )

John M. Marshall, 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 responding 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)  
[Signature]  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 20, 2006

Amanda McCurry  
Notary Public for Idaho  
Residing at: Star, Idaho  
My Commission Expires: 4/15/2011



### INSTRUCTIONS FOR MAILING

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

### G. CERTIFICATE OF MAILING

I certify that on April 20, 2006, I mailed the original and copies of this response, including all attachments, to the following persons:

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:

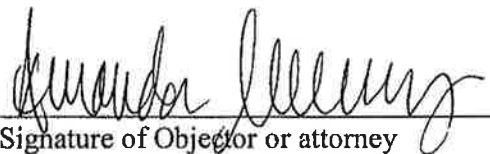
\_\_\_\_\_  
N/A

3. Copies to:

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

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

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

  
\_\_\_\_\_  
Signature of Objector or attorney  
mailing on Objector's behalf

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

---

RIGHT NUMBER: 63-5207

NAME AND ADDRESS: CARTWRIGHT RANCH LLC  
485 E RIVERSIDE DR STE 100  
EAGLE ID 83616

~~GLORIA D NEVILLE~~  
~~3122 EDSON TERRACE~~  
~~BOISE ID 83705~~

~~MARGUERITE NEVILLE~~  
~~3122 EDSON TERRACE~~  
~~BOISE ID 83705~~

~~MARTHLYN B NEVILLE~~  
~~3122 EDSON TERRACE~~  
~~BOISE ID 83705~~

~~H WILLIAM NEVILLE~~  
~~3122 EDSON TERRACE~~  
~~BOISE ID 83705~~

~~R DOUGLAS NEVILLE~~  
~~3122 EDSON TERRACE~~  
~~BOISE ID 83705~~

~~DAVID L NORDLING~~  
~~3122 EDSON TERRACE~~  
~~BOISE ID 83705~~

~~YOSHIE CAMERON NORDLING~~  
~~3122 EDSON TERRACE~~  
~~BOISE ID 83705~~

~~THOMAS F NEVILLE~~  
~~3122 EDSON TERRACE~~  
~~BOISE ID 83705~~

~~FORTUNATA P NEVILLE~~  
~~3122 EDSON TERRACE~~  
~~BOISE ID 83705~~

~~JAMES L NEVILLE~~  
~~3122 EDSON TERRACE~~  
~~BOISE ID 83705~~

SOURCE: DRY CREEK  
SPRING

TRIBUTARY: BOISE RIVER  
TRIBUTARY: DRY CREEK

QUANTITY: 1.120 CFS

The rights listed below are limited to a total combined diversion rate of 1.1 cfs. Combined Right Nos.: 63-3321A, 63-3285A and 63-5207.

PRIORITY DATE: 01/01/1908

POINT OF DIVERSION:

T04N R02E S4 NWSW End of Stream Flow Within ADA County  
T04N R02E S4 SESW Within ADA County  
T04N R02E S9 SWNW Begin of Stream Flow Within ADA County  
T04N R02E S9 SWNW Begin of Stream Flow Within ADA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>   | <u>PERIOD OF USE</u> | <u>QUANTITY</u>       |
|-------------------------|----------------------|-----------------------|
| STOCKWATER              | 01/01 12/31          | 0.020 CFS             |
| IRRIGATION              | 03/01 11/15          | 1.100 CFS             |
| STOCKWATER FROM STORAGE | 01/01 12/31          | 0.020 CFS<br>0.75 AFY |
| IRRIGATION FROM STORAGE | 03/01 11/15          | 0.75 AFY              |
| STOCKWATER STORAGE      | 01/01 12/31          | 0.75 AFY              |
| IRRIGATION STORAGE      | 01/01 12/31          | 0.75 AFY              |

PLACE OF USE:

IRRIGATION Within ADA County

|               |      |       |               |      |      |
|---------------|------|-------|---------------|------|------|
| T04N R02E S04 | NWSW | 11.30 | T04N R02E S04 | SWSW | 1.60 |
| T04N R02E S05 | SWNE | 17.70 | T04N R02E S05 | SENE | 5.80 |
| T04N R02E S05 | NESE | 17.00 | T04N R02E S05 | NWSE | 1.70 |

STOCKWATER Within ADA County

|               |      |               |      |
|---------------|------|---------------|------|
| T04N R02E S04 | NWSW | T04N R02E S04 | SWSW |
| T04N R02E S08 | NENE | T04N R02E S09 | NWNW |
| T04N R02E S09 | SWNW |               |      |

STOCKWATER FROM STORAGE Within ADA County

T04N R02E S09 SWNW

IRRIGATION FROM STORAGE same as IRRIGATION

55.1 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 55.1 acres in a single irrigation season. Combined Right Nos.: 63-3321A, 63-32835A and 63-5207.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

Stockwater use is for 250 range cattle.

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

)  
)  
)  
)  
)  
**Water Rights: 63-3285A  
63-3321A, 63-5207, 63-15304  
NOTICE OF COMPLETED  
ADMINISTRATIVE  
PROCEEDING**

IDWR has completed the following administrative proceeding:

- ☐ Address change
- XX Substitution of Party
- ☐ IC § 42-222 transfer
- ☐ IC § 42-219 license

- ☐ Point of diversion ☐ Place of use
- ☐ Period of use ☐ Nature of use
- ☐ Split of water right ☐ Change in ownership
- ☐ Other

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: June 2, 2006

  
\_\_\_\_\_  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on June 2, 2006, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

### 1. Original to:

|                                |                                                  |
|--------------------------------|--------------------------------------------------|
| Clerk of the District Court    | <input type="checkbox"/> overnight mail          |
| Snake River Basin Adjudication | <input checked="" type="checkbox"/> regular mail |
| P.O. Box 2707                  | <input type="checkbox"/> hand-delivered          |
| Twin Falls, ID 83303-2707      | <input type="checkbox"/> facsimile               |

### 2. Copies to:

|                                 |                                                  |
|---------------------------------|--------------------------------------------------|
| Clive Strong                    | <input type="checkbox"/> overnight mail          |
| Off ice of the Attorney General | <input checked="" type="checkbox"/> regular mail |
| P.O. Box 44449                  | <input type="checkbox"/> hand-delivered          |
| Boise, ID 83711-4449            | <input type="checkbox"/> facsimile               |

|                                    |                                                  |
|------------------------------------|--------------------------------------------------|
| United States Dept of Justice      | <input type="checkbox"/> overnight mail          |
| Environment & Natural Resource Div | <input checked="" type="checkbox"/> regular mail |
| 550 West Fort Street MSC 033       | <input type="checkbox"/> hand-delivered          |
| Boise ID 83724                     | <input type="checkbox"/> facsimile               |

### 3. Copies to all parties to the subcase:

|                            |                                                  |
|----------------------------|--------------------------------------------------|
| Cartwright Ranch LLC       | <input type="checkbox"/> overnight mail          |
| 485 E Riverside Dr Ste 100 | <input checked="" type="checkbox"/> regular mail |
| Eagle ID 83616             | <input type="checkbox"/> hand-delivered          |
|                            | <input type="checkbox"/> facsimile               |

|                    |                                                  |
|--------------------|--------------------------------------------------|
| John M Marshall    | <input type="checkbox"/> overnight mail          |
| Givens Pursley LLP | <input checked="" type="checkbox"/> regular mail |
| PO Box 2720        | <input type="checkbox"/> hand-delivered          |
| Boise ID 83701     | <input type="checkbox"/> facsimile               |



Signature of person mailing this document

12/06/2005

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

---

RIGHT NUMBER: 63-5207

NAME AND ADDRESS: DAVID L NORDLING  
3122 EDSON TERRACE  
BOISE ID 83705

GLORIA D NEVILLE  
3122 EDSON TERR  
BOISE ID 83705

YOSHIE CAMERON NORDLING  
3122 EDSON TERRACE  
BOISE ID 83705

H WILLIAM NEVILLE  
3122 EDSON TERR  
BOISE ID 83705

MARGUERITE NEVILLE  
3122 EDSON TERR  
BOISE ID 83705

THOMAS F NEVILLE  
3122 EDSON TERRACE  
BOISE ID 83705-2317

R DOUGLAS NEVILLE  
3122 EDSON TERR  
BOISE ID 83705

FORTUNATA P NEVILLE  
3122 EDSON TERRACE  
BOISE ID 83705-2317

MARTHLYN B NEVILLE  
3122 EDSON TERR  
BOISE ID 83705

JAMES L NEVILLE  
3122 EDSON TERR  
BOISE ID 83705

SOURCE: DRY CREEK  
SPRING

TRIBUTARY: BOISE RIVER  
TRIBUTARY: DRY CREEK

QUANTITY: 1.120 CFS

The rights listed below are limited to a total combined diversion rate of 1.1  
cfs.  
Combined Right Nos.: 63-3321A, 63-3285A and 63-5207.

PRIORITY DATE: 01/01/1908

POINT OF DIVERSION:

T04N R02E S4 NWSW End of Stream Flow Within ADA County

T04N R02E S4 SESW Within ADA County

T04N R02E S9 SWNW Begin of Stream Flow Within ADA County

T04N R02E S9 SWNW Begin of Stream Flow Within ADA County

12/06/2005

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

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>   | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-------------------------|----------------------|-----------------|
| STOCKWATER              | 01/01 12/31          | 0.020 CFS       |
| IRRIGATION              | 03/01 11/15          | 1.100 CFS       |
| STOCKWATER FROM STORAGE | 01/01 12/31          | 0.020 CFS       |
| IRRIGATION FROM STORAGE | 03/01 11/15          | 0.75 AFY        |
| STOCKWATER STORAGE      | 01/01 12/31          | 0.75 AFY        |
| IRRIGATION STORAGE      | 01/01 12/31          | 0.75 AFY        |

PLACE OF USE:

IRRIGATION Within ADA County

|               |      |      |               |      |     |
|---------------|------|------|---------------|------|-----|
| T04N R02E S04 | NWSW | 11.3 | T04N R02E S04 | SWSW | 1.6 |
| T04N R02E S05 | SWNE | 17.7 | T04N R02E S05 | SENE | 5.8 |
| T04N R02E S05 | NESE | 17.0 | T04N R02E S05 | NWSE | 1.7 |

STOCKWATER Within ADA County

|               |      |               |      |
|---------------|------|---------------|------|
| T04N R02E S04 | NWSW | T04N R02E S04 | SWSW |
| T04N R02E S08 | NENE | T04N R02E S09 | NWNW |
| T04N R02E S09 | SWNW |               |      |

STOCKWATER FROM STORAGE Within ADA County

|               |      |
|---------------|------|
| T04N R02E S09 | SWNW |
|---------------|------|

IRRIGATION FROM STORAGE same as IRRIGATION

55.1 ACRES TOTAL

55.1

The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 63-3321A, 63-32835A and 63-5207.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

Stockwater use is for 250 range cattle.

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5207 V1

WATER RIGHT NUMBER: 63-5207 V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                            |
|-------------------|------------------------------------------------------------------------------------|
| Current Owner     | DAVID L NORDLING<br>3122 EDSON TERRACE<br>BOISE, ID 83705<br>(208)342-7322         |
| Current Owner     | GLORIA D NEVILLE<br>3122 EDSON TERR<br>BOISE, ID 83705<br>(208)344-3188            |
| Current Owner     | YOSHIE CAMERON NORDLING<br>3122 EDSON TERRACE<br>BOISE, ID 83705<br>(208)342-7322  |
| Current Owner     | H WILLIAM NEVILLE<br>3122 EDSON TERR<br>BOISE, ID 83705<br>(208)344-3188           |
| Current Owner     | MARGUERITE NEVILLE<br>3122 EDSON TERR<br>BOISE, ID 83705<br>(208)342-7322          |
| Current Owner     | THOMAS F NEVILLE<br>3122 EDSON TERRACE<br>BOISE, ID 83705-2317<br>(208)342-7322    |
| Current Owner     | R DOUGLAS NEVILLE<br>3122 EDSON TERR<br>BOISE, ID 83705<br>(208)342-7322           |
| Current Owner     | FORTUNATA P NEVILLE<br>3122 EDSON TERRACE<br>BOISE, ID 83705-2317<br>(208)342-7322 |
| Current Owner     | MARTHLYN B NEVILLE<br>3122 EDSON TERR<br>BOISE, ID 83705<br>(208)342-7322          |
| Current Owner     | JAMES L NEVILLE<br>3122 EDSON TERR<br>BOISE, ID 83705<br>(208)342-7322             |

Priority Date: 01/01/1908

Basis: Beneficial Use

Status: Active

SourceDRY CREEK  
SPRINGTributaryBOISE RIVER  
DRY CREEKBeneficial UseSTOCKWATER  
IRRIGATION

From To

01/01 to 12/31  
03/01 to 11/15Diversion Rate0.020 CFS  
1.100 CFSAnnual Volume

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5207 V1

|                         |                |           |         |
|-------------------------|----------------|-----------|---------|
| STOCKWATER FROM STORAGE | 01/01 to 12/31 | 0.020 CFS | 0.75 AF |
| IRRIGATION FROM STORAGE | 03/01 to 11/15 |           | 0.75 AF |
| STOCKWATER STORAGE      | 01/01 to 12/31 |           | 0.75 AF |
| IRRIGATION STORAGE      | 01/01 to 12/31 |           | 0.75 AF |

Total Diversion: 1.120 CFS

Location of Point(s) of Diversion

|            |                      |         |          |               |
|------------|----------------------|---------|----------|---------------|
| DRY CREEK  | NW1/4SW1/4           | Sec. 4, | Twp 04N, | Rge 02E, B.M. |
| ADA County | (Ending of Reach)    |         |          |               |
| DRY CREEK  | SW1/4NW1/4           | Sec. 9, | Twp 04N, | Rge 02E, B.M. |
| ADA County | (Beginning of Reach) |         |          |               |
| SPRING     | SW1/4NW1/4           | Sec. 9, | Twp 04N, | Rge 02E, B.M. |
| ADA County | (Beginning of Reach) |         |          |               |
| DRY CREEK  | SE1/4SW1/4           | Sec. 4, | Twp 04N, | Rge 02E, B.M. |
| ADA County |                      |         |          |               |

Place of UseSTOCKWATER Within ADA County

|               |      |               |      |
|---------------|------|---------------|------|
| T04N R02E S04 | NWSW | T04N R02E S04 | SWSW |
| T04N R02E S08 | NENE | T04N R02E S09 | NWNW |
| T04N R02E S09 | SWNW |               |      |

IRRIGATION Within ADA County

|               |      |      |               |      |     |
|---------------|------|------|---------------|------|-----|
| T04N R02E S04 | NWSW | 11.3 | T04N R02E S04 | SWSW | 1.6 |
| T04N R02E S05 | SWNE | 17.7 | T04N R02E S05 | SENE | 5.8 |
| T04N R02E S05 | NESE | 17.0 | T04N R02E S05 | NWSE | 1.7 |

Total Acres: 55.1

STOCKWATER FROM STORAGE Within ADA County

T04N R02E S09 SWNW

IRRIGATION FROM STORAGE same as STOCKWATERConditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 55.1 acres in a single irrigation season. Combined Right Nos.: 63-3321A, 63-32835A and 63-5207.
2. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
3. 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.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-5207 V1

4. E52 The rights listed below are limited to a total combined diversion rate of 1.1 cfs. Combined Right Nos.: 63-3321A, 63-3285A and 63-5207.
5. X02 Stockwater use is for 250 range cattle.

Remarks:Comments:

1. vmusic 9/6/2005 EVIDENCE OF PRIORITY  
Comment: SUBMITTED PATENT INFORMATION.

2. vmusic 9/6/2005 DRY CREEK POD  
Comment: FIELD EXAM BY KEN HENLEY ON 8-25-2005 REVEALED THAT THE DRY CREEK DIVERSION HAS BEEN WASHED OUT AND ABANDONED. DAVE SHAW, CLAIMANTS CONTRACTOR, DID NOT KNOW HOW LONG IT HAS NOT BEEN USED. CANNOT RECOMMEND FORFEITURE BECAUSE DO NOT KNOW HOW LONG CLAIMANT HAS NOT USED THIS SOURCE.

3. vmusic 9/6/2005 ACRES  
Comment: CLAIMED 254 ACRES IRRIGATED. REVIEWED 1964, 1981, 1987, 1995, 2003 AERIALS. CAME UP WITH POSSIBLE 55.1 ACRES IRRIGATED. NONE APPEARED IRRIGATED IN 1987. EARLIER AERIALS SHOW NO IRRIGATION IN SEC 9 ADN 8 ADN NOT AS MUCH AS CLAIMED IN SECTIONS 4 AND 5. HOWEVER, NOT SURE I HAVE ENOUGH INFO TO CUT IT DOWN TO THE 40 ACRES I THINK IS MORE REALISTIC.

4. vmusic 9/6/2005 STOCKWATER Q  
Comment: STOCKWATERING IS INSTREAM SO RECOMMENDED .02 CFS WHICH IS STANDARD FOR INSTREAM SW.

Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Summary        |                           |                 | 02/14/2005                | lharris         | Active        |
| Contacts       | 9/6/2005 12:01:17 PM      | vmusic          |                           |                 | Active        |
| Priority Date  | 9/6/2005 12:01:54 PM      | vmusic          |                           |                 | Active        |
| POD            | 9/6/2005 12:02:44 PM      | vmusic          |                           |                 | Active        |
| Source         | 9/6/2005 1:58:13 PM       | vmusic          |                           |                 | Active        |
| POU            | 9/6/2005 1:58:47 PM       | vmusic          |                           |                 | Active        |
| Use            | 9/6/2005 2:43:05 PM       | vmusic          |                           |                 | Active        |
| Season         | 9/6/2005 2:43:59 PM       | vmusic          |                           |                 | Active        |
| Quantity       | 9/6/2005 2:45:50 PM       | vmusic          |                           |                 | Active        |
| Summary        |                           |                 | 09/06/2005                | vmusic          | Active        |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                                                                                                                                                            |
|----------------|------------------------|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Summary        | 2/14/2005 3:42:39 PM   | lharris         | (No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?<br>(Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? |
| POD            | 9/6/2005 1:57:11 PM    | vmusic          | Updated shape                                                                                                                                                                              |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-5207 V1

|          |                      |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------|----------------------|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POD      | 9/6/2005 1:06:37 PM  | vmusic | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| POD      | 9/6/2005 1:55:09 PM  | vmusic | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| POD      | 9/6/2005 1:08:09 PM  | vmusic | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| POU      | 9/6/2005 2:39:56 PM  | vmusic | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| POU      | 9/6/2005 2:42:30 PM  | vmusic | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Contacts | 9/6/2005 12:01:31 PM | vmusic | (No) 1. Do you want to schedule an appointment?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| General  | 9/6/2005 12:02:08 PM | vmusic | <p>Comment for 1: DESKTOP REVIEW</p> <p>(No) 1. Should this water use have been included in a later court decree of the water rights from this source?</p> <p>(No) 4. Is the basis of claim decree or license?</p> <p>(No) 7. Is the basis of claim a Application or Permit?</p> <p>(No) 8. Is the basis of claim a posted notice?</p> <p>(No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use?</p> <p>(Yes) 12. Does the claim file contain sufficient evidence of Priority Date?</p> <p>(Yes) 15. Is the basis of claim coded correctly?</p> <p>(No) 16. Is a Priority Date remark and/or condition required?</p> <p>Description for Question 12/13 - OLD PATENTS SUBMITTED BY CLAIMANT</p> |
| POD      | 9/6/2005 12:02:58 PM | vmusic | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(No) 2. Is the basis of this claim a Application or Permit?</p> <p>(Yes) 6. Is there evidence that there has been a change in the POD?</p> <p>(No) 7. Can the change be verified as an accomplished transfer?</p> <p>(No) 8. Was a transfer filed?</p> <p>(Yes) 9. Does the file contain all the necessary information to verify the POD?</p> <p>(No) 10. Is a POD remark and/or condition required?</p> <p>Description for Question 6 - POD IS WASHED OUT AND IS NOT USED. DO NOT HAVE EVIDENCE OF WHEN.</p> <p>Description for Question 8 - FIELD EXAM</p>                                                                                                                               |
| Source   | 9/6/2005 1:58:11 PM  | vmusic | <p>(No) 1. Is the basis of claim Decree or License?</p> <p>(No) 2. Is the basis of claim an Application or Permit?</p> <p>(No) 6. Is the basis of claim a Posted Notice?</p> <p>(No) 7. Is there evidence that there has been a change in the source?</p> <p>(Yes) 10. Does the file contain all the necessary information to verify the source?</p> <p>(No) 11. Is a Source remark and/or condition required?</p> <p>Description for Question 10 - FIELD EXAM</p>                                                                                                                                                                                                                                                                                           |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-5207 V1

|          |                     |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----------|---------------------|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POU      | 9/6/2005 1:58:46 PM | vmusic | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 2b. Is the POU required?</p> <p>(No) 3. Is the basis of claim a Application or Permit?</p> <p>(No) 7. Is there evidence that there has been a change in the POU?</p> <p>(No) 9. Does the claim include an enlargement in the POU?</p> <p>(Yes) 13. Does the file contain all the necessary information to verify the POU?</p> <p>(No) 14. Is a POU remark and/or condition required?</p> <p>Description for Question 13 - True</p>                                                                                                                                                                            |
| POU      | 9/6/2005 2:41:41 PM | vmusic | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| POU      | 9/6/2005 2:42:04 PM | vmusic | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| POU      | 9/6/2005 2:37:37 PM | vmusic | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Quantity | 9/6/2005 2:45:45 PM | vmusic | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(No) 2. Is the basis of this claim a Application or Permit?</p> <p>(No) 6. Is the basis of claim a posted notice?</p> <p>(No) 7. Is a flow measurement required?</p> <p>(No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?</p> <p>(No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use?</p> <p>(Yes) 12. Is a Quantity remark or condition required?</p> <p>Description for Question 7 - BELOW .20 CFS THRESHHOLD</p>                                                                                            |
| Summary  | 9/6/2005 2:58:58 PM | vmusic | <p>(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?</p> <p>(No) 3. Is the water being used for all of the purposes claimed and to the extent claimed?</p> <p>(Yes) 4. Is any portion of the claim be recommended?</p> <p>(Yes) 5. Does this right have any combined use limits with other rights?</p> <p>(Yes) 6. Is an additional remark and/or condition required?</p> <p>(Yes) 7. Would you like to view the recommended right?</p> <p>(Yes) 8. Is this a split or combined right?</p> <p>(No) 9. Do you have documents you would like to attach or link to the file?</p> <p>(Yes) 10. Would you like to set the verification date?</p> |

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5207 V1

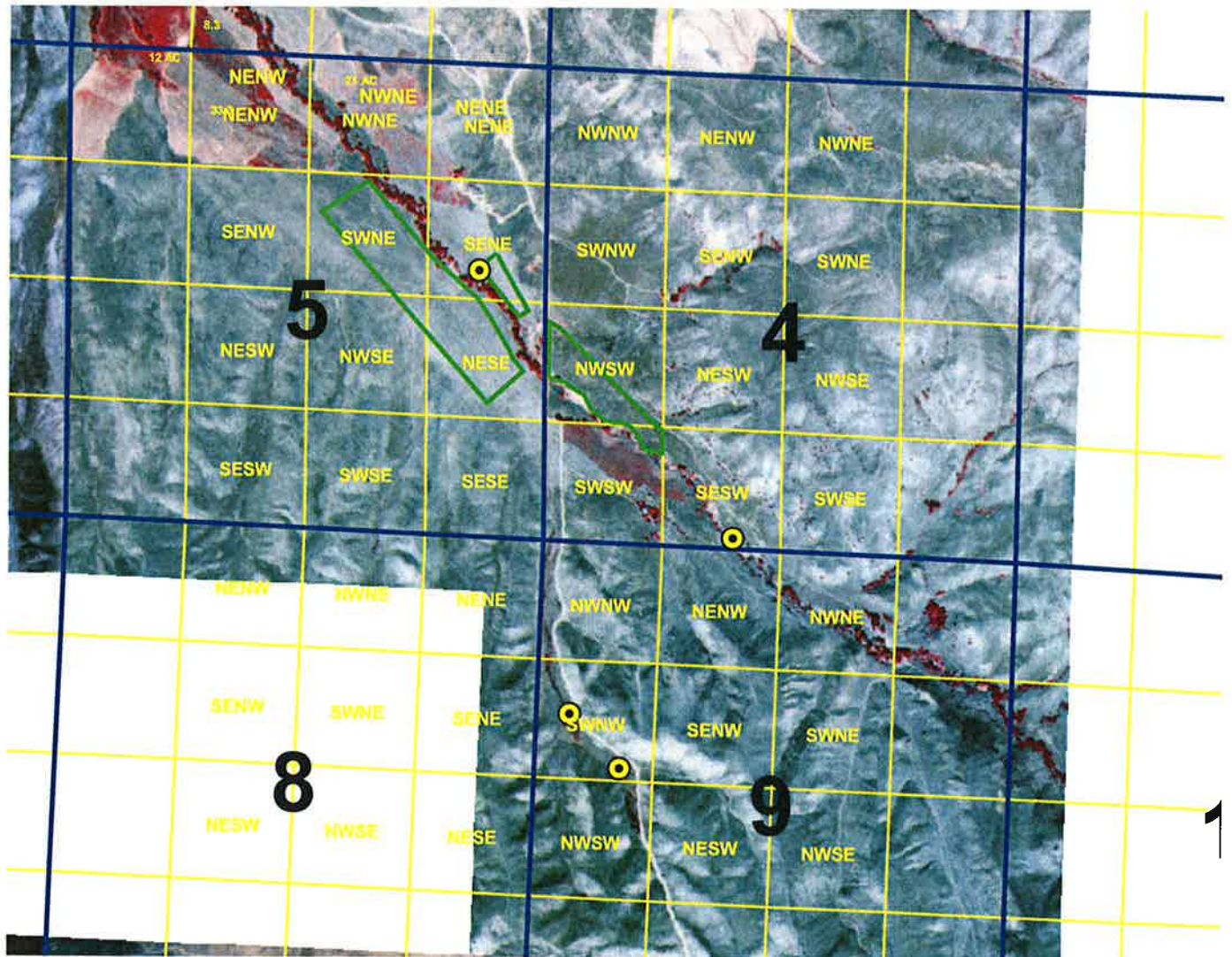
|        |                     |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|--------|---------------------|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Use    | 9/6/2005 2:43:01 PM | vmusic | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(No) 2. Is the basis of this claim a Application or Permit?</p> <p>(No) 6. Is there evidence that there has been a change in the Purpose of Use?</p> <p>(Yes) 11. Does the file contain all the necessary information to verify the Water Use?</p> <p>(Yes) 13. Is a Purpose of Use remark and/or condition required?</p> <p>Description for Question 10,11,12 - FIELD EXAM</p>                                                                                                                                                       |
| Season | 9/6/2005 2:43:55 PM | vmusic | <p>(No) 1. Is the basis of claim Decree or License?</p> <p>(No) 2. Is the basis of claim a Application or Permit?</p> <p>(No) 6. Is there evidence that there has been a change in the Period of Use?</p> <p>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?</p> <p>(No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined?</p> <p>(Yes) 15. Is irrigation claimed as a Purpose of Use?</p> <p>(No) 18. Is a Period of Use remark and/or condition required?</p> |

Water Supply Bank:



State of Idaho  
Idaho Department of Water Resources  
Western Region

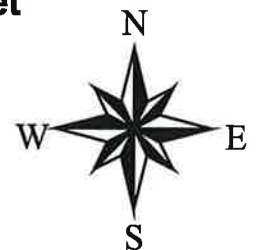
T4N R2E SECTIONS 4, 5, 8 and 9  
Water Right (s): 63-5207



1320 0 1320 2640 3960 5280 6600 Feet

TOTAL IRRIGATED ACRES = 55.1

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



GIS Place of Use Illustration  
1987 NAPP Photography  
Prepared By: Vicky Music  
Date: September 2005

KT Andrea 6/6/07

Cartwright pre-trial conference

John M. trying to find info re hist. info - <sup>no</sup> 1944

June 26 - trial

206 report - June 19

Do draft SF5s for 11 cases & Hatt (10

all emails from 6/5/07



STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL  
LAWRENCE G. WASDEN

RECEIVED

JUN 06 2007

DEPARTMENT OF  
WATER RESOURCES

RECEIVED

JUN 08 2007

WATER RESOURCES  
WESTERN REGION

VIA FACSIMILE AND FIRST CLASS MAIL

June 4, 2007

John Marshall  
Givens Pursley LLP  
6001 W. Bannock Street  
P.O. Box 2720  
Boise, ID 83701-2720

Re: Cartright Ranch--SRBA cases 63-3321A, 63-3285A and 63-5207

Dear John:

Thank you for your letter dated June 1, 2007. I appreciate your responsiveness and willingness to work towards resolution. As I mentioned during our telephone conversation of May 31, 2007, Vicky Music is out of the office until the latter part of this week. We will send the draft SF-5s for subcases 63-3321A and 63-3285A and updated shape files of the same upon her return. I trust that during tomorrow's pretrial conference we can report to Special Master Booth that we have nearly resolved these two subcases and no trial is necessary for them.

As for 63-5207, the Idaho Department of Water Resources ("IDWR") shares your client's view that avoiding trial for this subcase is the preferred course. However, given the information IDWR currently has, IDWR is limited to the original recommendation. You stated in your letter that IDWR has conducted two field exams, one of them by Ms. Music. I cannot find, however, any evidence of an exam by Ms. Music in the file. Indeed, the only field exam in our records is the one conducted by Ken Henley, accompanied by David Shaw, dated August 25, 2005. Thus, in your meeting of a couple months ago, Ms. Music asked you for dates when she could perform a field examination. Her field examination might provide the evidentiary support necessary for IDWR to increase the place of use and quantity elements of its original recommendation, which seem your client's goals. In any event, there is no harm for your client to suggest several dates during which Ms. Music could conduct her field examination.

Marshall  
6/4/2007  
Page 2

In this spirit of cooperation, IDWR could ask Special Master Booth tomorrow that the trial be pushed for 60-90 days, allowing time for your continued search for a person with historical knowledge and during which Ms. Music could conduct her field examination, preferably with the benefit of someone who has relevant historical knowledge. If your client feels strongly, however, that a field examination is unnecessary, then IDWR sees no alternative but to proceed to trial on subcase 63-5207 on June 26, 2007.

Sincerely,

  
Andrea L. Courtney

cc: Vicky Music



STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL  
LAWRENCE G. WASDEN

RECEIVED

JUN 06 2007

DEPARTMENT OF  
WATER RESOURCES

VIA FACSIMILE AND FIRST CLASS MAIL

May 31, 2007

RECEIVED

JUN 07 2007

WATER RESOURCES  
WESTERN REGION

John Marshall  
Givens Pursley LLP  
6001 W. Bannock Street  
P.O. Box 2720  
Boise, ID 83701-2720

Re: Cartright Ranch--SRBA cases 63-3321, 63-3285 and 63-5207

To Mr. Marshall:

Given the upcoming pretrial conference and trial in the above-referenced subcases, I want to discuss a couple items with you. I have tried to reach you by both phone and email and have suggested you propose dates and times during which you would be available to discuss the matters. To date, you have not proposed any dates and times, and we have not had any discussion on these subcases.

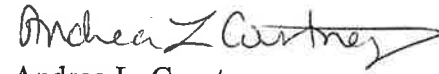
It is my understanding that months ago you and Vicky Music, an agent from the Idaho Department of Water Resources' ("IDWR") Western Office, discussed the subcases, made significant headway resolving 63-3321 and 63-3285, but were unable to resolve the statutory claim of 63-5207. I also understand that after the discussion, you told Vicky you would talk with your client about the progress made on the two first subcases, attempt to identify person(s) with historical knowledge who could potentially trace the ditch system and determine when IDWR could perform a field examination for further review of subcase 63-5207.

IDWR is still waiting to hear from you in response to Vicky's request for additional information and acceptable dates for a field examination. Because of the delayed response, there are very few dates available before the trial for a field inspection of the 254 acres claimed, potentially frustrating IDWR's ability to resolve your client's claim in 63-5207. As the trial is currently set for June 26, 2007, please provide, by June 12, 2007, such information and propose multiple dates for a field inspection.

Marshall  
5/31/2007  
Page 2

If the matters cannot be resolved shortly, IDWR will need time to sufficiently prepare for trial. IDWR remains amenable to considering settlement or other resolution, but understandably will not appreciate receiving the requested material and proposed dates on the eve of trial.

Sincerely,

  
Andrea L. Courtney

cc: Vicky Music

2/21/07 Mto re Cartwright Ranch

NS, VLM, John M

- 1- Discussed details John provided
- 2- VLM agreed to ↑ acres on licenses
- 3- provided John M. maps re 03-5201
- 4- Discussed problems w/ 5201 - need more info

### TO DO:

- 1- John to take info re licenses back to client for okay. He thinks where close there.
  - 2- re 03-5201 -
    - 1- need field exam
    - 2- cannot REC 254 AC - <sup>re</sup> ~~acres~~
  - 3- John to take back info re 03-5201 for 114 AC but must have more info re best practices. Cannot just REC 114 AC w/o measurements on Dry Creek.
  - 4- John to get back to us w/ people w/ knowledge of best practices, okay from client re field exam, etc. . . .
- JVM



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

JAMES E. RISCH  
Governor

KARL J. DREHER  
Director

June 2, 2006

CARTWRIGHT RANCH LLC  
485 E RIVERSIDE DR STE 100  
EAGLE ID 83616

Re: Water Right Nos. 63-3285A, 63-3321A, 63-5207, 63-15304

Dear Sir or Madam:

Enclosed are copies of the above referenced water rights, which reflect the change in ownership of the land and appurtenant water rights, covered under the original filings. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris".

Lori Harris  
Technical Records Specialist  
Adjudication Section  
Western Region Office

LH:l  
Enclosures

cc: John Marshall-Givens Pursley



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

December 19, 2005

RECEIVED

DEC 21 2005

WATER RESOURCES  
WESTERN REGION

JOHN M MARSHALL  
GIVENS PURSLEY LLP  
PO BOX 2720  
BOISE ID 83701

RE: Snake River Basin Adjudication (SRBA)  
Notice of Change in Water Right Ownership – Notices of Claim #63-3321A,  
63-3285A, 63-5207, 63-15304 and Decree #63-15307  
Notice of Error – GP File No. 7839-1

Dear John,

The Notice of Error was received as the Director's Report was being assembled for filing on or before December 16, 2005. Your recourse is to file objections if you disagree with the recommendations. Copies of the Director's Reports for the four water rights are enclosed.

A Notice to inform the Court of the change of ownership went on the tail of filing the report. You will receive a copy of the NCAP changing the owner name.

Water right #63-15307 was decreed by the Court on December 30, 1999. Please remit \$25 to have the ownership changed on this right.

Sincerely,

Donald V. Shaff, MPA  
Adjudication Bureau Chief

DVS:ss:region

SCANNED

DEC 19 2005

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

RECEIVED

DEC 21 2005

WATER RESOURCES  
WESTERN REGION

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is not corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 63-5207 ✓             |                              |       |                       |                              |       |
| 63-3321 A             |                              | A ✓   |                       |                              |       |
| 63-15307              |                              |       |                       |                              |       |
| 63-3285 A             |                              | A ✓   |                       |                              |       |
| 63-15304 ✓            |                              |       |                       |                              |       |

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) Neville Family Cartwright Ranch, LLC, Richard B. Neville and William P. Neville, Successor Co-Trustees of the James L. Neville Living Trust Under Agreement Dated March 4, 1999; Richard B. Neville and William P. Neville, Successor Co-Trustees of the Family Trust Created Under Article 5.3 of the Marthlyn B. Neville Living Trust Dated March 4, 1999; Dan Neville, Eileen Neville, Frank Neville, Maureen Loucks, Mark Neville, David L. Nordling, Yoshie Cameron Nordling and Thomas F. Neville
4. New Owner/Claimant(s) Cartwright Ranch, LLC  
 Name Connector (Check one): [ ] and, [ ] or, [ ] and/or
- New Mailing Address 485 E. Riverside Drive, Suite 100, Eagle, Idaho 83616
- New Telephone Number (208) 342-7339
5. Date you acquired the property September 9, 2005

SCANNED

DEC 13 2005

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

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

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

7. Signature of New Owner(s) or Claimant(s) *[Signature]*  
(include title if applicable) attorney for Cortright Ranch, LLC

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

For Office Use Only  
 Received by *[Signature]* Date 12-12-05 Fee \_\_\_\_\_  
 Received by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. DEC 19 2005  
 Processed by *[Signature]* AJ Date 12-20-05 WR \_\_\_\_\_ Date \_\_\_\_\_

Atty contact added to Active AJ 12-15-05  
 65-15907 requires \$25 Fee.  
 OK to change owner 12-15-05

SCANNED

DEC 13 2005

Recording Requested By and  
When Recorded Return to:  
Cartwright Ranch, LLC  
485 East Riverside Drive, Suite 100  
Eagle, ID 83616  
ATTN: Charles Carlise

ADA COUNTY RECORDER J. DAVID NAVARRO  
BOISE IDAHO 09/09/05 03:04 PM  
DEPUTY Bonnie Oberbillig  
RECORDED - REQUEST OF  
Alliance Title

AMOUNT 69.00 23



AT-5000525980

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

### ASSIGNMENT AND QUITCLAIM DEED (WATER RIGHTS)

NEVILLE FAMILY CARTWRIGHT RANCH, LLC, an Idaho limited liability company; RICHARD B. NEVILLE and WILLIAM P. NEVILLE, SUCCESSOR CO-TRUSTEES OF THE JAMES L. NEVILLE LIVING TRUST UNDER AGREEMENT DATED MARCH 4, 1999; RICHARD B. NEVILLE and WILLIAM P. NEVILLE, SUCCESSOR CO-TRUSTEES OF THE FAMILY TRUST CREATED UNDER ARTICLE 5.3 OF THE MARTHLYN B. NEVILLE LIVING TRUST DATED MARCH 4, 1999; DAN NEVILLE; EILEEN NEVILLE; FRANK NEVILLE; MAUREEN LOUCKS; MARK NEVILLE; DAVID L. NORDLING who acquired title as DAVID C. NORDLING and YOSHIE CAMERON NORDLING, who acquired title as YOSHIE CAMERON, a widow, and who are now husband and wife; GLORIA DENT NEVILLE (also known as Gloria D. Neville), a single person, and THOMAS F. NEVILLE, a married man dealing with his sole and separate property, hereinafter collectively referred to as "Grantor," for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby assign, transfer, release and forever quitclaim unto Cartwright Ranch, LLC, a Delaware limited liability company, hereinafter referred to as "Grantee," whose mailing address is: 485 East Riverside Drive, Suite 100, Eagle, Idaho, 83616, and to Grantee's successors and assigns, any and all right, title and interest Grantor may own or may hereafter acquire in and to all water rights appurtenant to the real property described in Exhibit "A" attached hereto and made a part hereof, including, without limitation, the following described State of Idaho water rights:

#63-5207  
#63-3321A  
#63-15307  
#63-3285A  
#63-15304

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand effective the 9th day of September, 2005.

[SIGNATURES APPEAR ON FOLLOWING PAGES]

NEVILLE FAMILY CARTWRIGHT RANCH, LLC,  
an Idaho limited liability company

By: Thomas F. Neville  
Thomas F. Neville, Manager

STATE OF IDAHO     )  
                              ) ss.  
County of Ada        )

On this 8<sup>th</sup> day of September, 2005, before me, Chris Green, a  
Notary Public in and for said State, personally appeared THOMAS F. NEVILLE, known or  
identified to me to be Manager of the limited liability company of NEVILLE FAMILY  
CARTWRIGHT RANCH, LLC, and the Manager who subscribed said company name to the  
foregoing instrument, and acknowledged to me that he executed the same in said company  
name.

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



Chris Green  
Notary Public for Idaho  
Residing at Boise, ID  
My commission expires 3/20/06

The James L. Neville Living Trust  
under Agreement dated March 4, 1999

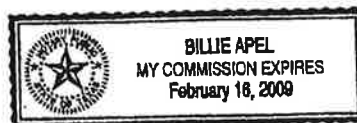
By: Richard B. Neville  
Richard B. Neville, Successor Co-Trustee

STATE OF Texas )  
County of Tarrant ) ss.

On this 6<sup>th</sup> day of September, 2005, before me, Richard B. Neville, a Notary Public in and for said State, personally appeared RICHARD B. NEVILLE, known or identified to me to be the person whose name is subscribed to the within instrument as Successor Co-Trustee of THE JAMES L. NEVILLE LIVING TRUST under Agreement dated March 4, 1999, and acknowledged to me that he executed the same as such Trustee.

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

Billie Apel  
Notary Public for TARRANT  
Residing at 2702 W. Berry Ft. Worth  
My commission expires 2-16-09



The James L. Neville Living Trust  
under Agreement dated March 4, 1999

By: William P. Neville  
William P. Neville, Successor Co-Trustee

STATE OF Georgia )  
County of Gwinnett ) ss.

On this 6th day of September, 2005, before me, Thomas A. Seagr a  
Notary Public in and for said State, personally appeared WILLIAM P. NEVILLE, known or  
identified to me to be the person whose name is subscribed to the within instrument as  
Successor Co-Trustee of THE JAMES L. NEVILLE LIVING TRUST under Agreement dated  
March 4, 1999, and acknowledged to me that he executed the same as such Trustee.

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



Thomas A. Seagr  
Notary Public for Gwinnett  
Residing at \_\_\_\_\_  
My commission expires 7/1/08

The Family Trust created under Article 5.3  
of the Marthlyn B. Neville Living Trust  
dated March 4, 1999

By: Richard B. Neville  
Richard B. Neville, Successor Co-Trustee

STATE OF Texas )  
County of Tarrant ) ss.

On this 6<sup>th</sup> day of September, 2005, before me, Richard B. Neville, a  
Notary Public in and for said State, personally appeared RICHARD B. NEVILLE, known or  
identified to me to be the person whose name is subscribed to the within Instrument as  
Successor Co-Trustee of THE FAMILY TRUST CREATED UNDER ARTICLE 5.3 OF THE  
MARTHLYN B. NEVILLE LIVING TRUST DATED MARCH 4, 1999, and acknowledged to me  
that he executed the same as such Trustee.

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

Billie Apel  
Notary Public for Tarrant Co.  
Residing at 2702 W. Berry Ft. Worth  
My commission expires 2-16-09



The Family Trust created under Article 5.3  
of the Marthlyn B. Neville Living Trust  
dated March 4, 1999

By: William P. Neville  
William P. Neville, Successor Co-Trustee

STATE OF Georgia )  
County of Gwinnett ) ss.

On this 22 day of September, 2005, before me, Thomas A. Sears, a  
Notary Public in and for said State, personally appeared WILLIAM P. NEVILLE, known or  
identified to me to be the person whose name is subscribed to the within instrument as  
Successor Co-Trustee of THE FAMILY TRUST CREATED UNDER ARTICLE 5.3 OF THE  
MARTHLYN B. NEVILLE LIVING TRUST DATED MARCH 4, 1999, and acknowledged to me  
that he executed the same as such Trustee.

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



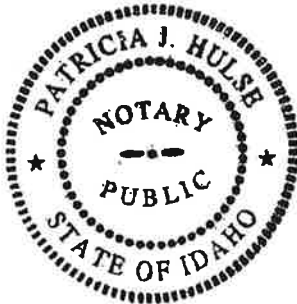
Thomas A. Sears  
Notary Public for \_\_\_\_\_  
Residing at \_\_\_\_\_  
My commission expires 7/1/08

*Dan Neville*  
Dan Neville

STATE OF IDAHO )  
County of Twin Falls ) ss.

On this 6<sup>th</sup> day of September, 2005, before me, *Patricia Hulse*, a Notary Public in and for said state, personally appeared DAN NEVILLE, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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



*Patricia J Hulse*  
Notary Public for Idaho  
Residing at *Buhl, Id*  
My commission expires *6/18/08*

Eileen Neville  
Eileen Neville

STATE OF IDAHO )  
County of Ada ) ss.

On this 8<sup>th</sup> day of September, 2005, before me, Chris Green, a Notary Public in and for said state, personally appeared EILEEN NEVILLE, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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



Chris Green  
Notary Public for Idaho  
Residing at Bain, ID  
My commission expires 3/20/06

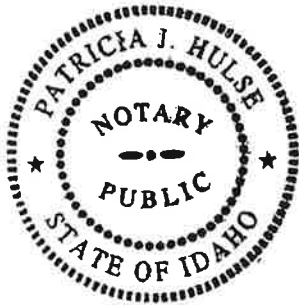


Frank Neville  
Frank Neville

STATE OF IDAHO )  
County of Turn Falls ) ss.

On this 6<sup>th</sup> day of September, 2005, before me, Patricia Hulse, a Notary Public in and for said state, personally appeared FRANK NEVILLE, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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



Patricia J. Hulse  
Notary Public for Idaho  
Residing at Buhl, Id.  
My commission expires 6/18/08

Maureen Loucks

Maureen Loucks

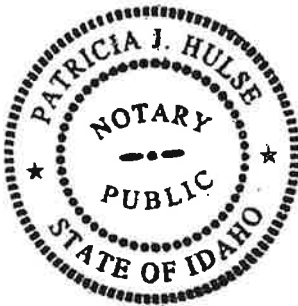
STATE OF IDAHO

County of Twin Falls

) ss.

On this 6<sup>th</sup> day of September, 2005, before me, Patricia Hulse, a Notary Public in and for said state, personally appeared MAUREEN LOUCKS, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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



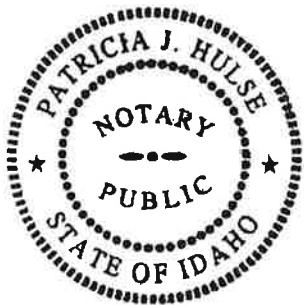
Patricia J Hulse  
Notary Public for Idaho  
Residing at Sund, Id.  
My commission expires 6/18/08

Mark Neville  
Mark Neville

STATE OF IDAHO )  
County of Twin Falls ) ss.

On this 6<sup>th</sup> day of September, 2005, before me, Patricia Hulse, a Notary Public in and for said state, personally appeared MARK NEVILLE, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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



Patricia J. Hulse  
Notary Public for Idaho  
Residing at Buhl, ID  
My commission expires 6/18/08

David L. Nordling  
David L. Nordling

Yoshie Cameron Nordling  
Yoshie Cameron Nordling

STATE OF IDAHO )  
                          ) ss.  
County of Ada )

On this 7<sup>th</sup> day of September, 2005, before me, Chris Green, a Notary Public in and for said state, personally appeared DAVID L. NORDLING and YOSHIE CAMERON NORDLING, husband and wife, known or identified to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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



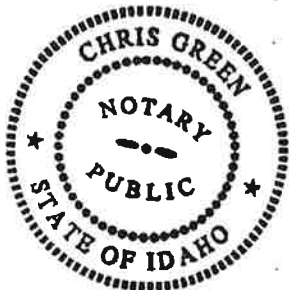
Chris Green  
Notary Public for Idaho  
Residing at Burien, ID  
My commission expires 3/20/06

Thomas F. Neville  
Thomas F. Neville

STATE OF IDAHO    )  
                              ) ss.  
County of Ada        )

On this 8<sup>th</sup> day of September, 2005, before me, Chris Green, a Notary Public in and for said state, personally appeared THOMAS F. NEVILLE, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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



Chris Green  
Notary Public for Idaho  
Residing at Boise, ID  
My commission expires 3/20/06

Gloria Dent Neville  
Gloria Dent Neville  
(also known as Gloria D. Neville)

By: Thomas F. Neville  
Thomas F. Neville, her  
Attorney-In-Fact

STATE OF IDAHO     )  
                              ) ss.  
County of Ada         )

On this 8<sup>th</sup> day of September, 2005, before me,  
Chris Green, a Notary Public in and for said state, personally  
appeared Thomas F. Neville, known or identified to me to be the person whose name is  
subscribed to the within instrument as the attorney-in-fact of Gloria Dent Neville, and  
acknowledged to me that he subscribed the name of Gloria Dent Neville thereto as principal and  
his own name as attorney-in-fact.

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



Chris Green  
Notary Public for Idaho  
Residing at Brice, ID  
My commission expires 3/20/06

## EXHIBIT A

The Southwest Quarter; the Northwest Quarter of the Southeast Quarter; the West Half of the Northeast Quarter; the Northeast Quarter of the Northwest Quarter; the South Half of the Northwest Quarter; and all of Lot 4, lying Southeasterly of a line running from the Southwest corner to the Northeast corner of said Lot 4, Section 4, Township 4 North, Range 2 East, Boise Meridian.

The East Half of the Southwest Quarter; the South Half of the North Half; the Northwest Quarter of the Southwest Quarter; and the Southeast Quarter, Section 5, Township 4 North, Range 2 East, Boise Meridian.

The Northeast Quarter and the North Half of the Southeast Quarter, Section 8, Township 4 North, Range 2 East, Boise Meridian.

The West Half of the Northwest Quarter; the Northwest Quarter of the Southwest Quarter; and the Southeast Quarter of the Southwest Quarter, Section 9, Township 4 North, Range 2 East, Boise Meridian.

EXCEPT all of the following Parcels, to-wit:

### PARCEL A

BEGINNING at the Quarter section corner common to Sections 4 and 5, Township 4 North, Range 2 East, Boise Meridian; thence

South  $86^{\circ}42'1\frac{1}{2}"$  East, 894.56 feet to a steel pin, the REAL POINT OF BEGINNING; thence

North  $12^{\circ}01'$  East, 463.67 feet to a steel pin; thence

South  $86^{\circ}51'$  East, 484.25 feet to a steel pin; thence

South  $14^{\circ}09'$  West, 466.70 feet to a steel pin; thence

North  $86^{\circ}51'$  West, 466.70 feet to the REAL POINT OF BEGINNING.

### PARCEL B

BEGINNING at the Quarter Section corner common to Sections 4 and 5, Township 4 North, Range 2 East, Boise Meridian; thence

North  $23^{\circ}18'1\frac{1}{2}"$  West, 123.77 feet to a steel pin, the REAL POINT OF BEGINNING; thence

North  $76^{\circ}44'1\frac{1}{2}"$  West, 312.79 feet to a steel pin; thence

North  $02^{\circ}34'1\frac{1}{2}"$  West, 288.16 feet to a steel pin; thence

North  $45^{\circ}04'1\frac{1}{2}"$  West, 211.66 feet to a steel pin; thence

North  $53^{\circ}08'1\frac{1}{2}"$  East, 414.88 feet to a steel pin; thence

South  $37^{\circ}50'1\frac{1}{2}"$  East, 197.00 feet to a steel pin; thence

South  $01^{\circ}20'1\frac{1}{2}"$  East, 602.16 feet to the REAL POINT OF BEGINNING.

### PARCEL C

A tract of land in the Southeast Quarter, Southwest Quarter, of Section 9, Township 4 North, Range 2 East, Boise Meridian, more particularly described as follows:

BEGINNING at the one-quarter corner common to Sections 9 and 16, Township 4 North, Range 2 East, Boise Meridian, Ada County, Idaho; thence

South  $89^{\circ}59'46"$  West along the Section line common to said Sections 9 and 16, 1,333.28 feet to a steel pin; thence

Ticor Title

North 00°16'42" West along the West side of the Southeast Quarter Southwest Quarter of said Section 9, 302.87 feet to a steel pin; thence  
North 69°00'48" East, 213.06 feet to a steel pin; thence  
South 86°37'06" East, 167.72 feet to a steel pin; thence  
South 68°22'18" East, 340.54 feet to a steel pin; thence  
South 77°57'12" East, 158.82 feet to a steel pin; thence  
South 89°12'22" East, 339.94 feet to a steel pin; thence  
South 81°34'40" East, 162.66 feet to a steel pin on the mid-section line of said Section 9; thence  
South 00°29'12" East, along said mid-section line 183.25 feet to the PLACE OF BEGINNING.

#### PARCEL D

A tract of land located in the South Half Southwest Quarter of Section 4 and in the West Half Northwest Quarter of Section 9, Township 4 North, Range 2 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at the Southwest corner of said Section 4; thence  
North 07°18'56" East 1,316.80 feet to the REAL POINT OF BEGINNING; thence  
South 89°48'00" East 381.56 feet more or less to a point at the center line of Dry Creek, said point bearing  
North 22°49'43" East 1,415.63 feet from the Southwest Section corner of Section 4; thence  
Southeasterly along the center line of Dry Creek 1,425 feet more or less to a point bearing  
North 70°06'08" East 1,857.14 feet from the Southwest Section corner; said creek center line being further described by four intermediate points with point one bearing  
North 37°23'32" East 1,475.78 feet from, point two bearing  
North 43°28'21" East 1,393.75 feet from, point three bearing  
North 47°28'51" East 1,466.63 feet from, and point four bearing  
North 61°25'29" East 1,680.07 feet from the Southwest Section corner of Section 4; thence  
South 44°34'55" West 283.73 feet more or less; thence  
North 80°29'30" West 298.80 feet; thence  
South 00°26'08" West 488.57 feet; thence  
South 89°34'00" East 35.90 feet more or less to the 1/16 line; thence  
Southerly 2,488.77 feet; more or less along the 1/16 line; thence  
South 83°53'32" West 152.63 feet more or less; thence  
North 50°40'16" West 248.80 feet; thence  
North 52°14'57" West 565.41 feet; thence  
North 23°00'23" West 302.65 feet; thence  
North 25°19'31" West 285.66 feet; thence  
North 15°04'23" West 525.17 feet; thence  
North 37°41'49" East 183.52 feet; thence  
North 15°05'52" West 390.73 feet; thence  
North 05°07'32" East 465.37 feet; thence  
North 02°50'17" West 422.36 feet; thence  
North 01°08'09" West 864.92 feet to the REAL POINT OF BEGINNING.

#### PARCEL E

A portion of the South Half Southwest Quarter of Section 4, Township 4 North, Range 2 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

BEGINNING at the Section corner common to Sections 4, 5, 8, and 9, Township 4 North, Range 2 East, Boise Meridian; thence

Ticor Title

South 89°34'00" East, 1,248.76 feet to the REAL POINT OF BEGINNING; thence  
North 00°26'00" East, 488.38 feet to a point; thence  
South 80°29'50" East, 298.74 feet to a point; thence  
South 42°53'30" East, 395.16 feet to a point; thence  
South 00°26'00" West, 153.82 feet to a point; thence  
North 89°34'00" West, 566.13 feet to the REAL POINT OF BEGINNING.

#### PARCEL F

Part of the West Half of Section 4, Township 4 North, Range 2 East of the Boise Meridian, Ada County, Idaho, described as follows:

COMMENCING at the Quarter corner common to Sections 4 and 5, Township 4 North, Range 2 East, thence  
South 86°42' 1/2' East, 894.56 feet to a steel pin; thence  
South 86°51' East, 466.70 feet to a steel pin and the REAL POINT OF BEGINNING; thence  
South 86°51' East, 475.42 feet to a steel pin; thence  
North 14°09' East, 466.70 feet to a steel pin; thence  
North 86°51' West, 475.42 feet to an existing property steel pin; thence  
South 14°09' West, 466.70 feet to the REAL POINT OF BEGINNING and existing property steel pin.

#### PARCEL G

A parcel of land in Section 4, Township 4 North, Range 2 East of Boise-Meridian, in Ada County, Idaho, described as follows:

COMMENCING at the Northwest corner of said Section 4; thence along the West line of said Section 4,  
South 00°34'00" East a distance of 2,592.70 feet; thence  
South 87°10'02" East, a distance of 1,375.96 feet to a steel pin and the REAL POINT OF BEGINNING; thence  
South 13°46'41" West, a distance of 271 feet to a steel pin; thence  
South 87°10'02" East, a distance of 475.31 feet to a steel pin; thence  
North 13°45'26" East, a distance of 271 feet to a steel pin; thence  
North 87°10'02" West, a distance of 475.21 feet to the REAL POINT OF BEGINNING.

#### PARCEL H

A parcel of land in Section 4, Township 4 North, Range 2 East of the Boise Meridian in Ada County, Idaho, described as follows:

COMMENCING at the Northwest corner of said Section 4, thence along the West line of said Section 4,  
South 00°34'00" East, a distance of 2,592.70 feet; thence  
South 87°10'02" East, a distance of 1,375.96 feet to a steel pin; thence  
North 13°46'41" East, a distance of 465.78 feet to a steel pin and the REAL POINT OF BEGINNING; thence  
South 87°12'40" East, a distance of 475.07 feet to a steel pin; thence  
South 13°45'26" West, a distance of 322.34 feet to a steel pin; thence  
North 41°01'09" East, a distance of 272.80 feet to a steel pin; thence  
North 54°34'50" East, a distance of 408.26 feet to a steel pin; thence  
North 86°11'36" East, a distance of 83.63 feet to a steel pin; thence

Ticor Title

North 86°56'56" East, a distance of 73.82 feet to a steel pin; thence  
North 56°08'17" East, a distance of 131.14 feet to a steel pin; thence  
North 38°58'58" West, a distance of 313.34 feet to a steel pin; thence  
North 40°56'05" West, a distance of 196.83 feet to a steel pin; thence  
South 34°29'42" West, a distance of 335.43 feet to a steel pin; thence  
South 78°36'01" West, a distance of 356.42 feet to a steel pin; thence  
South 46°23'11" West, a distance of 50 feet to a steel pin; thence  
South 85°43'00" West, a distance of 228.58 feet to a steel pin; thence  
South 14°10'39" West, a distance of 189.08 feet the REAL POINT OF BEGINNING.

#### PARCEL I

A parcel of land situated in Sections 4 and 5 of Township 4 North, Range 2 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at a brass cap marking the one-quarter corner common to said Sections 4 and 5 (said corner being South 00°15'40" East, a distance of 2,592.78 feet from the Northwest corner of said Section 4); thence

North 03° 03'04" West, a distance of 759.55 feet to a 5/8 inch iron pin on the East right-of-way line of Cartwright Road and the REAL POINT OF BEGINNING; thence

South 84°17'23" East a distance of 37.17 feet to a point; thence

North 63°15'50" East a distance of 242.23 feet to a point; thence

North 15°48'07" East, a distance of 261.62 feet to a point; thence

North 33°58'59" East, a distance of 135.66 feet to a point; thence

South 88°45'58" East, a distance of 263.87 feet to a point; thence

North 22°09'09" East, a distance of 484.43 feet to a point; thence

North 88°51'11" East, a distance of 59.56 feet to a point; thence

South 22°34'34" East, a distance of 154.43 feet to a point; thence

South 49°35'54" East, a distance of 416.26 feet to a point; thence

South 04°08'44" West, a distance of 212.62 feet to a point; thence

South 25°56'52" East, a distance of 210.69 feet to a point; thence

South 08°42'36" East, a distance of 202.12 feet to a point; thence

South 05°49'46" West, a distance of 227.33 feet to a point; thence

North 86°17'35" West, a distance of 771.14 feet to a point; thence

North 66°39'41" West, a distance of 271.48 feet to a point; thence

North 62°54'16" West, a distance of 182.85 feet to a point; thence along a curve to the left having a delta angle of 27°05'54", a radius of 334.12 feet, a long chord bearing

North 76°27'08" West, a chord distance of 156.54 feet, an arc distance of 158.01 feet to a point; thence

North 90°00'00" West, a distance of 17.13 feet to a point; thence along a curve to the left having a delta angle of 08°02'32", a radius of 356.30 feet, a long chord bearing

North 20°00'33" West, a chord distance of 49.97 feet, and an arc distance of 50.01 feet to the REAL POINT OF BEGINNING.

#### PARCEL J

A parcel of land situated in the Northwest one-quarter of Section 4 and a portion of the Northeast one-quarter of Section 5, Township 4 North, Range 2 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at a brass cap marking the corner common to Sections 4, 5, 8, and 9, thence

Ticor Title

North 00°29'40" East, a distance of 2,644.89 feet to a brass cap marking the one-quarter corner common to Sections 4 and 5; thence  
 North 13°07'34" East, a distance of 30.80 feet to a 5/8 inch iron pin and cap marked PLS 943, the POINT OF BEGINNING; thence  
 North 00°45'15" West, a distance of 589.71 feet to a 1/2 inch iron pin with cap; thence  
 North 90°00'00" East, a distance of 118.51 feet to a 1/2 inch iron pin with cap; thence  
 South 62°56'43" East, a distance of 186.91 feet to a 1/2 inch iron pin with cap; thence  
 South 66°39'37" East, a distance of 283.07 feet to a 1/2 inch iron pin with cap; thence  
 along a curve to the right having a central angle of 32°17'00", a radius of 213.90 feet, a long chord bearing of  
 South 50°31'11" East, a chord distance of 118.93 feet, an arc length of 120.52 feet to a 1/2 inch iron pin with cap; thence  
 South 34°22'45" East, a distance of 127.81 feet to a 1/2 inch iron pin with cap; thence along a curve to the left having a central angle of 28°38'35", a radius of 201.31 feet, a long chord bearing  
 South 48°41'57" East, a chord distance of 99.59 feet, an arc length of 100.64 feet to a 1/2 inch iron pin with cap; thence  
 South 63°01'15" East, a distance of 53.41 feet to a 1/2 inch iron pin with cap; thence along a curve to the right having a central angle of 74°47'28", a radius of 11.87 feet, a long chord bearing  
 South 25°38'06" East, a chord distance of 14.41 feet, an arc length of 15.49 feet to a 1/2 inch iron pin; thence  
 South 78°13'48" East, a distance of 75.21 feet to a 1/2 inch iron pin; thence  
 South 16°18'05" West, a distance of 183.84 feet to a 1/2 inch iron pin; thence  
 South 86°28'30" East, a distance of 344.80 feet to a 1/2 inch iron pin with cap; thence  
 South 08°39'31" West, a distance of 132.91 feet to a 1/2 inch iron pin with cap; thence  
 North 74°43'12" West, a distance of 296.84 feet to a 1/2 inch iron pin with cap; thence  
 South 14°18'24" West, a distance of 122.69 feet to a 1/2 inch iron pin with cap; thence  
 North 66°45'54" West, a distance of 93.63 feet to a 1/2 inch iron pin with cap; thence  
 North 24°36'21" West, a distance of 210.00 feet to a 1/2 inch iron pin with cap; thence  
 North 85°58'45" West, a distance of 687.63 feet to the POINT OF BEGINNING.

#### PARCEL K

A parcel of land situated in the Southwest one-quarter of Section 4, Township 4 North, Range 2 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at an aluminum cap marking the one-quarter corner common to Sections 4 and 5; thence  
 South 00°53'34" East, a distance of 893.90 feet to a 5/8 inch iron pin, the POINT OF BEGINNING; thence  
 South 65°30'48" East, a distance of 111.69 feet to a point; thence  
 South 68°47'40" East, a distance of 70.51 feet to a point; thence  
 South 33°24'34" East, a distance of 167.96 feet to a point; thence  
 South 73°55'48" East, a distance of 77.11 feet to a point; thence  
 South 41°37'05" East, a distance of 81.02 feet to a point; thence  
 South 47°55'48" East, a distance of 130.90 feet to a point; thence  
 South 48°49'36" East, a distance of 51.94 feet to a point; thence  
 South 26°08'11" East, a distance of 50.60 feet to a point; thence  
 North 88°18'14" West, a distance of 416.57 feet to a point; thence  
 North 75°05'24" West, a distance of 98.32 feet to a point; thence along a curve to the left having a delta angle of 15°31'04", a radius of 930.80 feet, a long chord bearing  
 North 07°53'38" West, and a chord distance of 251.33 feet to a point; thence  
 North 00°08'07" West, a distance of 174.68 feet to the POINT OF BEGINNING.

Ticor Title

**PARCEL L**

A parcel of land situated in the West Half of Section 4, Township 4 North, Range 2 East, Boise Meridian, Ada County, Idaho, being more particularly described as follows:

COMMENCING at the Southwest Section corner of Section 4, Township 4 North, Range 2 East, Boise Meridian, Ada County, Idaho; thence  
North 00°29'40" East, 2,644.89 feet to the West Quarter corner of Section 4, Township 4 North, Range 2 East, Boise Meridian, Ada County, Idaho; thence  
North 13°07'34" East, 30.80 feet to the REAL POINT OF BEGINNING; thence the following courses:

South 85°58'45" East, 687.63 feet;  
South 24°36'21" East, 210.00 feet;  
South 66°45'54" East, 93.53 feet;  
North 14°18'24" East, 122.69 feet;  
South 74°43'12" East, 296.84 feet;  
North 08°39'32" East, 132.33 feet;  
South 86°28'30" East, 154.10 feet;  
South 14°37'37" West, 271.77 feet;  
South 86°25'11" East, 476.28 feet;  
South 14°27'15" West, 382.31 feet;  
South 84°25'06" West, 915.55 feet;  
North 45°04'54" West, 799.85 feet;  
North 60°44'49" West, 207.20 feet; thence  
North 00°45'15" West, 200.00 feet to the REAL POINT OF BEGINNING.

**PARCEL M**

A tract of land situated in the Southeast Quarter of the Northeast Quarter of Section 5, Township 4 North, Range 2 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at the Northeast corner of said Section 5; thence  
South 00°15'40" East a distance of 1,287.12 feet to the North 1/16 corner; thence  
North 87°33'00" West, a distance of 308.62 feet to a found 5/8 inch iron pin on the Westerly line of Cartwright Road (see Record of Survey No. 638); thence  
South 17°07'00" East along said Westerly line a distance of 299.00 feet to a set 5/8 inch iron pin and the PLACE OF BEGINNING; thence  
South 72°49'00" West, a distance of 83.60 feet to a 1/2 inch iron pin; thence  
South 42°22'00" West, a distance of 151.04 feet to a 1/2 inch iron pin; thence  
South 66°07'08" West, a distance of 393.05 feet to a 1/2 inch iron pin; thence  
South 28°02'38" East, a distance of 245.21 feet to a 1/2 inch iron pin; thence  
North 53°23'57" East, a distance of 174.98 feet to a 1/2 inch found iron pin, being the most Westerly corner of that parcel described in Warranty Deed recorded March 22, 1977, as Instrument No. 7711904; thence along the Northwest boundary of the aforesaid parcel  
North 53°24'17" East, a distance of 414.97 feet to a 1/2 inch found iron pin, being the most Northerly corner of the aforescribed parcel; thence  
North 16°39'00" West, a distance of 167.13 feet to a 1/2 inch iron pin and the PLACE OF BEGINNING.

#### PARCEL N

A tract of land in the South one-half of the Northeast Quarter of Section 5, Township 4 North, Range 2 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at the Northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 5, said corner being

South 00°15'40" East, 1,287.12 feet of the Northeast corner of said Section 5; thence North 87°33' West, 308.62 feet on the North line of the South one-half of the Northeast Quarter of said Section 5 to a point on the Westerly right-of-way line fence on the Cartwright Road and the REAL POINT OF BEGINNING; thence continuing on said North line, North 87°33' West, 1,251.82 feet to a point; thence South 43°45' East, 404.94 feet to a point; thence South 75°50' East, 645.00 feet to a point; thence South 83°18' East, 107.00 feet to a point; thence North 71°06' East, 118.00 feet to a point; thence North 42°22' East, 152.00 feet to a point; thence North 72°49' East, 100.00 feet to a point in the Westerly right-of-way line fence of said Cartwright Road; thence North 17°07' West, 239.90 feet along said right-of-way line fence to the REAL POINT OF BEGINNING.

#### PARCEL O

A parcel located in the South Half of the Northeast Quarter of Section 5, Township 4 North, Range 2 East, Boise Meridian, Ada County, Idaho, being more particularly described as follows:

BEGINNING at the Northeast corner of Section 5, Township 4 North, Range 2 East, Boise Meridian, Ada County, Idaho; thence

South 00°15'40" East 1,289.12 feet along the Section line to a point, the 1/16 corner; thence North 87°33' West, 1,560.44 feet along the sixteenth line to a point, the REAL POINT OF BEGINNING; thence

South 43°45' East, 404.94 feet to a point; thence

South 75°50' East, 645.00 feet to a point; thence

South 83°18' East, 40.00 feet to a point, the Northwest corner of a cul-de-sac (a private road called Rock Garden Lane); thence

South 06°42' West, 45.00 feet along said cul-de-sac to a point; thence

South 66°07'08" West, 259.87 feet to a point; thence

South 28°02'38" East, 327.71 feet to a point; thence

South 53°23'57" West, 155.00 feet to a point; thence

North 48°36'00" West, 275.00 feet to a point; thence

South 67°58'40" West, 235.08 feet to a point on the centerline of Dry Creek; thence

Northwesterly along said centerline the following 7 courses:

North 34°02'39" West, 96.95 feet to a point; thence

North 44°25'16" West, 90.45 feet to a point; thence

North 24°06'11" West, 192.76 feet to a point; thence

North 34°25'24" West, 96.02 feet to a point; thence

North 03°42'32" West, 90.34 feet to a point; thence

North 81°03'55" West, 74.00 feet to a point; thence

North 26°36'50" West, 142.81 feet to a point; thence

North 63°23'10" East, 135.48 feet to a point; thence

North 44°59'22" West, 297.25 feet to a point on the sixteenth line; thence

Ticor Title

South 87°33' East, 175.00 feet along said sixteenth line to a point, the REAL POINT OF BEGINNING.

**PARCEL P**

A parcel of land being the Southeast Quarter of the Southwest Quarter of Section 9, Township 4 North, Range 2 East of the Boise Meridian, Ada County, Idaho, lying North and East of Cartwright Road, said Parcel also being a part of that land described by Instrument No. 7937219, records of Ada County, being more particularly described as follows:

BEGINNING at the South Quarter corner of said Section 9, marked by a 1" diameter iron pipe, from which the Southwest corner of said Section 9, marked by a brass capped monument, bears North 89°59'46" West, 2,663.60 feet; thence on the East boundary of said Southeast Quarter Southwest Quarter

North 00°28'53" West, 183.23 feet to the Southeast corner of that land described by said Instrument No. 7937219, thence continuing on said East boundary

North 00°28'53" West, 75.92 feet to a point 50.00 feet Northeasterly of the centerline of Cartwright Road as shown on Record of Survey No. 3148, Instrument No. 95019260 records of Ada County, said point being marked by a 5/8 inch iron bar, and is the REAL POINT OF BEGINNING; thence on a line 50.00 feet from and parallel with said centerline of Cartwright Road, the following courses and distances to the North boundary of said Southeast Quarter Southwest Quarter;

North 81°35'33" West, 155.43 feet to a 5/8 inch iron bar; thence

North 89°12'13" West, 161.41 feet to a 5/8 inch iron bar marking the beginning of a curve to the right; thence 176.56 feet on the arc of said curve, having a central angle of 21°31'24" and a radius of 470.00 feet, the chord of which bears

North 78°26'31" West, 175.52 feet to a 5/8 inch iron bar thence

North 67°40'49" West, 112.90 feet to a 5/8 inch iron bar marking the beginning of a curve to the right; thence 224.52 feet on the arc of said curve, having a central angle of 22°10'48" and a radius of 580.00 feet, the chord of which bears

North 56°35'25" West 223.13 feet to a 5/8 inch iron bar; thence

North 45°30'02" West, 32.51 feet to a 5/8 inch iron bar marking the beginning of a curve to the right, thence 85.69 feet on the arc of said curve, having a central angle of 51°40'43" and a radius of 95.00 feet, the chord of which bears

North 19°39'40" West, 82.81 feet to a 5/8 inch iron bar; thence

North 06°10'42" East, 60.72 feet to 5/8 inch iron bar marking the beginning of a curve to the left; thence 198.48 feet on the arc of said curve, having a central angle of 24°43'19" and a radius of 460.00 feet, the chord of which bears

North 06°10'58" West, 196.94 feet to a 5/8 inch iron bar; thence

North 18°32'37" West, 135.71 feet to a 5/8 inch iron bar marking the beginning of a curve to the left; thence 125.83 feet on the arc of said curve, having a central angle of 11°32'06" and a radius of 625.00 feet, the chord of which bears

North 24°18'41" West, 125.62 feet to a 5/8 inch iron bar; thence

North 30°04'44" West, 181.53 feet to a 5/8 inch iron bar marking the beginning of a curve to the right; thence 78.13 feet on the arc of said curve, having a central angle of 18°56'05" and a radius of 236.41 feet, the chord of which bears

North 20°36'38" West, 77.78 feet to a 5/8 inch iron bar on the North boundary of said Southeast Quarter Southwest Quarter; thence on said North boundary

South 89°59'44" East, 1,047.91 feet to a 5/8 inch iron bar marking the Northeast corner of said Southeast Quarter Southwest Quarter; thence on the East boundary of said Southeast Quarter Southwest Quarter

South 00°28'53" East, 1,055.78 feet to the REAL POINT OF BEGINNING.

Ticor Title

**PARCEL Q**

**A parcel of land situated in the Southeast Quarter of the Northeast Quarter of Section 5, Township 4 North, Range 2 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:**

**Commencing at an aluminum cap monument marking the Northeast corner of said Section 5, from which corner the East Quarter corner of said section bears**

**South 01°07'54" East, 2592.69 feet; thence along the Easterly line of said Northeast Quarter**

**South 01°07'54" East, 1287.10 feet to the Northeast corner of said Southeast Quarter of the Northeast Quarter; thence, along the North line of said Southeast Quarter**

**North 88°25'00" West 1735.23 feet to the Northwest corner of Record of Survey No. 3901, Ada County Records, and the point of beginning; thence, along the exterior boundary of said survey through the following courses:**

**South 45°50'23" East, 297.16 feet; thence**

**South 62°33'36" West, 135.43 feet to a point on the centerline of Dry Creek; thence, leaving said survey exterior boundary, along the centerline of Dry Creek through the following approximate courses: continuing**

**South 62°33'36" West, 33.21 feet; thence**

**North 42°56'46" West, 69.33 feet; thence**

**North 71°34'38" West, 193.93 feet; thence**

**North 29°10'19" West, 206.28 feet to a point on the North line of said Southeast Quarter of the Northeast Quarter of Section 5; thence, leaving said Dry Creek centerline, along said North line**

**South 88°25'00" East, 268.36 feet to the POINT OF BEGINNING.**

# GIVENS PURSLEY LLP

## LAW OFFICES

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J. Will Varin  
Conley E. Ward  
Robert B. White

Raymond D. Givens  
RETIRED

James A. McClure  
RETIRED  
\*Licensed In California

December 12, 2005

### *Via Hand Delivery*

Mr. Don Shaff  
Idaho Department of Water Resources  
322 East Front Street  
P.O. Box 83720  
Boise, ID 83720-0098

Re: **Notice of Error Reply—Cartwright Ranch LLC**  
GP File No. 7839-1

Dear Don:

Enclosed please find the completed Notice of Error form for water right **63-5207**. Our client Cartwright Ranch, LLC recently acquired the property to which this right is appurtenant, along with other appurtenant water rights, from the Neville ownership group. I have included a completed the Notice of Change of Ownership form. We received the Notice of Error package from the Nevilles for water right 63-5207, but have not yet received the package for the other water rights. However, based on our review of the recommendations for water rights 63-3321 and 63-3285 on the Department's website, we believe these recommendations also are in error and should match the licensed elements of the rights.

Sincerely,



John M. Marshall

JMM:amm

Enclosure

cc: Ennis Dale (w/encl.)

S:\CLIENTS\7839\JMM to Shaff w Notice of Error Reply.DOC

SCANNED

DEC 13 2005

12/06/2005

**NOTICE OF ERROR  
REPLY**

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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 12, 2005**

Water right number: 63-5207

DAVID L NORDLING  
3122 EDSON TERRACE  
BOISE ID 83705  
Telephone Number: (208)342-7322

GLORIA D NEVILLE  
3122 EDSON TERR  
BOISE ID 83705  
Telephone Number: (208)344-3188

YOSHIE CAMERON NORDLING  
3122 EDSON TERRACE  
BOISE ID 83705  
Telephone Number: (208)342-7322

H WILLIAM NEVILLE  
3122 EDSON TERR  
BOISE ID 83705  
Telephone Number: (208)344-3188

MARGUERITE NEVILLE  
3122 EDSON TERR  
BOISE ID 83705  
Telephone Number: (208)342-7322

THOMAS F NEVILLE  
3122 EDSON TERRACE  
BOISE ID 83705-2317  
Telephone Number: (208)342-7322

R DOUGLAS NEVILLE  
3122 EDSON TERR  
BOISE ID 83705  
Telephone Number: (208)342-7322

FORTUNATA P NEVILLE  
3122 EDSON TERRACE  
BOISE ID 83705-2317  
Telephone Number: (208)342-7322

MARTHLYN B NEVILLE  
3122 EDSON TERR  
BOISE ID 83705  
Telephone Number: (208)342-7322

JAMES L NEVILLE  
3122 EDSON TERR  
BOISE ID 83705  
Telephone Number: (208)342-7322

**SCANNED**

**DEC 13 2005**

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

**A. Name and Address - should be Cartwright Ranch LLC**

**B. Quantity - should be 5.48 cfs**

**C. Place of Use - should be 254 acres**

2. Describe the changes you wish to make in the proposed recommendation:

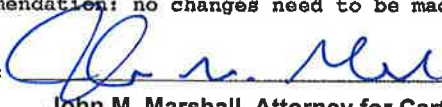
**See above.**

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

**We have not seen any information to date to justify recommendation's reduction of the right as originally developed.**

\_\_\_\_ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12/12/05

SIGNATURE: 

**John M. Marshall, Attorney for Cartwright Ranch LLC**

Please print your name: \_\_\_\_\_

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

**SCANNED**

**DEC 13 2005**

12/06/2005

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

---

RIGHT NUMBER: 63-5207

NAME AND ADDRESS: DAVID L NORDLING  
3122 EDSON TERRACE  
BOISE ID 83705

GLORIA D NEVILLE  
3122 EDSON TERR  
BOISE ID 83705

YOSHIE CAMERON NORDLING  
3122 EDSON TERRACE  
BOISE ID 83705

H WILLIAM NEVILLE  
3122 EDSON TERR  
BOISE ID 83705

MARGUERITE NEVILLE  
3122 EDSON TERR  
BOISE ID 83705

THOMAS F NEVILLE  
3122 EDSON TERRACE  
BOISE ID 83705-2317

R DOUGLAS NEVILLE  
3122 EDSON TERR  
BOISE ID 83705

FORTUNATA P NEVILLE  
3122 EDSON TERRACE  
BOISE ID 83705-2317

MARTHLYN B NEVILLE  
3122 EDSON TERR  
BOISE ID 83705

JAMES L NEVILLE  
3122 EDSON TERR  
BOISE ID 83705

SOURCE: DRY CREEK  
SPRING

TRIBUTARY: BOISE RIVER  
TRIBUTARY: DRY CREEK

QUANTITY: 1.120 CFS

The rights listed below are limited to a total combined diversion rate of 1.1 cfs. Combined Right Nos.: 63-3321A, 63-3285A and 63-5207.

PRIORITY DATE: 01/01/1908

POINT OF DIVERSION:

T04N R02E S4 NWSW End of Stream Flow Within ADA County  
T04N R02E S4 SESW Within ADA County  
T04N R02E S9 SWNW Begin of Stream Flow Within ADA County  
T04N R02E S9 SWNW Begin of Stream Flow Within ADA County

SCANNED

DEC 13 2005

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>   | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-------------------------|----------------------|-----------------|
| STOCKWATER              | 01/01 12/31          | 0.020 CFS       |
| IRRIGATION              | 03/01 11/15          | 1.100 CFS       |
| STOCKWATER FROM STORAGE | 01/01 12/31          | 0.020 CFS       |
| IRRIGATION FROM STORAGE | 03/01 11/15          | 0.75 AFY        |
| STOCKWATER STORAGE      | 01/01 12/31          | 0.75 AFY        |
| IRRIGATION STORAGE      | 01/01 12/31          | 0.75 AFY        |

PLACE OF USE:

IRRIGATION Within ADA County

|               |      |      |               |      |     |
|---------------|------|------|---------------|------|-----|
| T04N R02E S04 | NWSW | 11.3 | T04N R02E S04 | SWSW | 1.6 |
| T04N R02E S05 | SWNE | 17.7 | T04N R02E S05 | SENE | 5.8 |
| T04N R02E S05 | NESE | 17.0 | T04N R02E S05 | NWSE | 1.7 |

STOCKWATER Within ADA County

|               |      |               |      |
|---------------|------|---------------|------|
| T04N R02E S04 | NWSW | T04N R02E S04 | SWSW |
| T04N R02E S08 | NENE | T04N R02E S09 | NWNW |
| T04N R02E S09 | SWNW |               |      |

STOCKWATER FROM STORAGE Within ADA County

|               |      |
|---------------|------|
| T04N R02E S09 | SWNW |
|---------------|------|

IRRIGATION FROM STORAGE same as IRRIGATION

55.1 ACRES TOTAL

55.1

The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 63-3321A, 63-32835A and 63-5207.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

Stockwater use is for 250 range cattle.

SCANNED

DEC 13 2005

re: 63-5207

5/11/05

Vicky -

Attached are the pages I attempted  
to email to you. Sorry for the  
difficulty.

Dave Shaw

RECEIVED

MAY 12 2005

WATER RESOURCES  
WESTERN REGION

## Memorandum

To: Vicky Music  
From: David Shaw  
Re: Claim Number 63-5207

May 6, 2005

evidence of  
priority

The attached PDF contains copies of the patents for (1) SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$  Section 5; (2) SE $\frac{1}{4}$ SE $\frac{1}{4}$  Section 5; (3) S $\frac{1}{2}$ SW $\frac{1}{4}$  Section 4; and (4) N $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$  Section 9, NW $\frac{1}{4}$ NW $\frac{1}{4}$  Section 10 all in Twp 4N Rge 2E B.M. Patent (1) was issued on 6/27/1889, (2) was issued 11/9/1888, (3) was issued 1/27/1890, and (4) was issued 5/21/1913.

The first 3 patents cover lands that include the claimed place of use for 63-5207. The fourth patent includes the point of diversion and upper reach of the ditch used for the delivery of this water right. Patents (1) and (4) to portions of the Sections 5 and 9 land were issued pursuant to the Homestead Act of May 20, 1862. This act required settlement on the land prior to issuance of a patent indicating development on the land began prior to the date of patent. Five years is often assumed to be a reasonable time for settlement sufficient to obtain a patent to the land.

The patent (4) 1913 date would then lead to a 1908 priority date for 63-5207 based upon the most junior patent issued for the land where this water is claimed to be used or where the diversion is located. It would not be unreasonable to conclude the priority date could be 1874 based on patent (1) and the lands irrigated within that patent. Apparently the claimant chose the most junior date that could be supported for all of the lands as the priority date to be claimed under this right.

Please let me know if you need any additional information or have questions about any of this information. Patents (1) and (2) are somewhat difficult to read and the USBLM provided printouts of their Register Pages for these patents to help clarify some of the information that is hard to read on the copies of the original documents.

**DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
STATUS  
(LIVE) Serial Register Page**

RunDate/Time: 05/05/05 01:13 PM

Page 2 of 2

01 05-20-1862:012STAT0392:43USC161  
Case Type 251101: HE ORIGINAL

Serial Number  
IDIDAA - 030224

| Mer Twp | Rng   | Sec   | SType | SurNr | Suf | -NE- | -NW- | -SW- | -SE- | Acreage | SurNote | State | Cnty  | DI/RA  | Mgmt Agency |
|---------|-------|-------|-------|-------|-----|------|------|------|------|---------|---------|-------|-------|--------|-------------|
| 08      | 0040N | 0020E | 005   | A     |     | --X- | ---  | X    | ---- | XX--    |         | ID    | ID001 | ID1100 | 21000000    |
|         |       |       |       |       |     |      |      |      |      | 160.000 |         |       |       |        |             |
|         |       |       |       |       |     |      |      |      |      | 160.000 |         |       |       |        |             |

| Document Category | Doc ID | Geographic Name | Agency |
|-------------------|--------|-----------------|--------|
| PATENT            | 595    |                 |        |

| US Rights in Title | Exception |
|--------------------|-----------|
| 001 NONE           |           |

| Data Element No 1 | Supplemental Data 1 | Data Element 2 | Supplemental Data 2 |
|-------------------|---------------------|----------------|---------------------|
|                   |                     |                |                     |

| Act Date   | Code | Action        | Action Remarks | Pending Office |
|------------|------|---------------|----------------|----------------|
| 06/27/1889 | 879  | PATENT ISSUED |                |                |

| Name & Address | City, State Zip | Int Rel  | % Interest |
|----------------|-----------------|----------|------------|
| CRANE GEORGE S | XX              | PATENTEE | 0.0000000  |

| Line Nr | Remarks |
|---------|---------|
|         |         |

# The United States of America,

On all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **Boise, Idaho,**  
has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862,  
"To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of  
**Frank A. Gibbs**  
has been established and duly consummated, in conformity to law, for the **northeast quarter of the north-**  
**west quarter and the north half of the northeast quarter of Section nine**  
**and the northwest quarter of the northwest quarter of Section ten in Town-**  
**ship four north of Range two east of the Boise Meridian, Idaho, containing**  
**one hundred sixty acres,**

according to the Official Plat of the Survey of the said Land, returned to the **GENERAL LAND OFFICE** by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described  
TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of  
the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and  
rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, law  
and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by  
authority of the United States.

SEC 9: NENW 1/4  
N 1/2 NE 120 ac.  
SEC 10: NW NW 1/4  
160 ac. 40 ac.

IN TESTIMONY WHEREOF, I, **Woodrow Wilson**

President of the United States of America, have caused these letters to be made  
Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **TWENTY-FIRST**

(SEAL)

day of **MAY** in the year of our Lord one thousand

nine hundred and **THIRTEEN** and of the Independence of the

United States the one hundred and **THIRTY-SEVENTH**

By the President:

By

**Woodrow Wilson**  
**M. O. Lacey**

Secretary.

**H. W. Johnson**  
Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number **335766**

## THE UNITED STATES OF AMERICA,

T

To all to whom these Presents shall come, Greeting.

CERTIFICATE)

No. 1020

Territory

Whereas James J. Pettigrew of Ada County, Idaho

has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Boise City, Idaho Territory, whereby it appears that full payment has been made by the said James J. Pettigrew

according to the provisions of the Act of Congress of the 24th of April, 1890, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto, for the South half of the South West quarter of Section four in Township four North of Range two East of Boise Meridian in Idaho Territory containing eighty acres.

SEC 4: 5/2 SW

80 acres

according to the Official Plat of the Survey of the said Lands, returned to the General Land Office by the Surveyor General, which said Tract has been purchased by the said James J. Pettigrew

Now know ye, That the United States of America, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, have given and granted, and by these presents do give and grant unto the said James J. Pettigrew

and to his heirs, the said Tract above described, To have and to hold the same, together with all the rights, privileges, immunities, and appurtenances, of whatever nature, thunto belonging, unto the said James J. Pettigrew

and to his heirs and assigns forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a mine or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

In testimony whereof I, Benjamin Harrison

President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the twenty seventh day of January, in the year of our Lord one thousand eight hundred and ninety four, and of the Independence of the United States the one hundred and twenty seventh.

By the President: Benjamin Harrison

M. McKeen

Secretary

J. M. Townsend, Recorder of the General Land Office

CERTIFICATE

No. 1021

Territory

has deposited at Boise City, Idaho Territory

Act of Congress of the 24th of April, 1890, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto, for the South half of the South West quarter of Section four in Township four North of Range two East of Boise Meridian in Idaho Territory containing eighty acres.

according to the Official Plat of the Survey of the said Lands, returned to the General Land Office by the Surveyor General, which said Tract has been purchased by the said James J. Pettigrew

Now know ye, That the United States of America, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, have given and granted, and by these presents do give and grant unto the said James J. Pettigrew

and to his heirs, the said Tract above described, To have and to hold the same, together with all the rights, privileges, immunities, and appurtenances, of whatever nature, thunto belonging, unto the said James J. Pettigrew

and to his heirs and assigns forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a mine or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

**DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
STATUS  
(LIVE) Serial Register Page**

RunDate/Time: 05/05/05 01:13 PM

Page 1 of 2

01 04-24-1820;003STAT0566;43USC676,678,753  
Case Type 272002: SALE- CASH ENTRY

Serial Number  
IDIDAA - 030223

| Mer Twp | Rng   | Sec   | SType | SurNr | Suf | -NE- | -NW- | -SW- | -SE- | Acreage | SurNote | State | Cnty  | DI/RA  | Mgmt Agency |
|---------|-------|-------|-------|-------|-----|------|------|------|------|---------|---------|-------|-------|--------|-------------|
| 08      | 0040N | 0020E | 005   | A     |     | ---  | X    | ---  | ---  | 40.000  |         | ID    | ID001 | ID1100 | 21000000    |
|         |       |       |       |       |     |      |      |      |      | 40.000  |         |       |       |        |             |

| Document Category | Doc ID | Geographic Name | Agency |
|-------------------|--------|-----------------|--------|
| PATENT            | 800    |                 |        |

| US Rights in Title | Exception |
|--------------------|-----------|
| 001 NONE           |           |

| Data Element No 1 | Supplemental Data 1 | Data Element 2 | Supplemental Data 2 |
|-------------------|---------------------|----------------|---------------------|
|                   |                     |                |                     |

| Act Date   | Code | Action        | Action Remarks | Pending Office |
|------------|------|---------------|----------------|----------------|
| 11/09/1888 | 879  | PATENT ISSUED |                |                |

| Name & Address     | City, State Zip | Int Rel  | % Interest |
|--------------------|-----------------|----------|------------|
| FESSENDEU ANDREW J | ADA COUNTY ID   | PATENTEE | 0.0000000  |

| Line Nr | Remarks |
|---------|---------|
|         |         |

# The United States of America

To all to whom these Presents shall come, Greeting

Homestead Certificate No. 575

Application 13481

Whereas, There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Boise City, Idaho Territory, whereby it appears that pursuant to the Act of Congress approved 20th May, 1862, "To secure Homesteads to actual Settlers on the Public Domain" and the acts supplemental thereto, the claim of William Daly

has been established and duly consummated in conformity to law, for the South-east quarter of the North-west quarter, the South-west quarter of the North-east quarter and the North half of the South-west quarter of Section five, in Township four North of Range ten East of Boise Meridian in Idaho Territory, containing one hundred and sixty acres.

SEC 5: SWNW  
SWNE, N/2 SW  
160 AC

according to the Official Plat of the Survey of said Land, returned to the General Land Office by the Surveyor General.

Now know ye that there is, therefore, granted by the United States unto the said

William Daly

the tract of Land above described: To have and to hold the said tract of Land, with the appurtenances thereof unto the said William Daly and to his heirs and assigns forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietors of mines or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

In testimony whereof, I, James A. Harrison PRESIDENT OF THE UNITED STATES OF AMERICA, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the twenty-seventh day of June, in the year of our Lord one thousand eight hundred and eighty-nine, and of the Independence of the United States the seventy-first.

By the President: James A. Harrison

By

W. H. Keam Secretary

Recorder of the General Land Office

U.S.

**DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
STATUS  
(LIVE) Serial Register Page**

RunDate/Time: 05/05/05 01:13 PM

Page 2 of 2

01 05-20-1862;012STAT0392;43USC161  
Case Type 251101: HE ORIGINAL

Serial Number  
IDIDAA - 030224

| Mer Twp | Rng   | Sec   | SType | SurNr | Suf | -NE- | -NW- | -SW- | -SE- | Acreage | SurNote | State | Cnty  | DI/RA  | Mgmt Agency |  |
|---------|-------|-------|-------|-------|-----|------|------|------|------|---------|---------|-------|-------|--------|-------------|--|
| 08      | 0040N | 0020E | 005   | A     |     | --X- | ---X | ---- | XX-- | 160.000 |         | ID    | ID001 | ID1100 | 21000000    |  |
|         |       |       |       |       |     |      |      |      |      | 160.000 |         |       |       |        |             |  |

| Document Category | Doc ID | Geographic Name | Agency |
|-------------------|--------|-----------------|--------|
| PATENT            | 595    |                 |        |

| US Rights in Title | Exception |
|--------------------|-----------|
| 001 NONE           |           |

| Data Element No 1 | Supplemental Data 1 | Data Element 2 | Supplemental Data 2 |
|-------------------|---------------------|----------------|---------------------|
|                   |                     |                |                     |

| Act Date   | Code | Action        | Action Remarks | Pending Office |
|------------|------|---------------|----------------|----------------|
| 06/27/1889 | 879  | PATENT ISSUED |                |                |

| Name & Address | City, State Zip | Int Rel  | % Interest |
|----------------|-----------------|----------|------------|
| CRANE GEORGE S | XX              | PATENTEE | 0.0000000  |

| Line Nr | Remarks |
|---------|---------|
|         |         |

# THE UNITED STATES OF AMERICA,

To all to whom these Presents shall come, Greeting:

CERTIFICATE  
No. 800

Whereas Andrew J. Sessenden of Ada County Idaho Territory

CERTIFICATE  
No. 801

has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Boise City Idaho Territory whereby it appears that full payment has been made by the said Andrew J. Sessenden

has deposited  
at Boise &  
Mills

according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the act supplemental thereto, for the South East quarter of the North East quarter of Section Six, in Township Four North of Range Ten East of Boise Meridian in Idaho Territory, containing Forty acres

Act of Cong  
Lands," an  
North  
quarter  
Township  
in Ida

SLC5: BENE  
40 AC.

according to the Official Plot of the Survey of the said Lands, returned to the General Land Office by the Surveyor General, which said Tract has been purchased by the said Andrew J. Sessenden

according to i  
General, wh

Now know ye, That the United States of America, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, have given and granted, and by these presents do give and grant unto the said Andrew J. Sessenden

Now  
several Acts of  
unto the said

and to his heirs, the said Tract above described: To have and to hold the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said Andrew J. Sessenden

and to his  
with all the  
Mills

and to his heirs and assigns forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietors of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or enter the premises hereby granted, as provided by law.

vested and a  
used in conn  
of courts, am  
same be found

In testimony whereof J. Grover Cleveland

President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the  
day of November, in the year of our Lord one thousand  
eight hundred and Eighty eight, and of the Independence of the  
United States the one hundred and Thirtieth

L.S.

By the President: Grover Cleveland

M. M. Keane Secretary

D. Tyler, Recorder of the General Land Office

Ad interim

**DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
STATUS  
(LIVE) Serial Register Page**

RunDate/Time: 05/05/05 01:13 PM

Page 1 of 2

01 04-24-1820;003STAT0566;43USC676,678,753  
Case Type 272002: SALE- CASH ENTRY

Serial Number  
IDIDAA - 030223

| Mer Twp | Rng   | Sec   | SType | SurNr | Suf | -NE- | -NW- | -SW- | -SE- | Acreage | SurNote | State | Cnty  | DI/RA  | Mgmt Agency |
|---------|-------|-------|-------|-------|-----|------|------|------|------|---------|---------|-------|-------|--------|-------------|
| 08      | 0040N | 0020E | 005   | A     |     | ---  | X    | ---  | ---  | 40.000  |         | ID    | ID001 | ID1100 | 21000000    |
|         |       |       |       |       |     |      |      |      |      | 40.000  |         |       |       |        |             |

| Document Category | Doc ID | Geographic Name | Agency |
|-------------------|--------|-----------------|--------|
| PATENT            | 800    |                 |        |

| US Rights in Title | Exception |
|--------------------|-----------|
| 001 NONE           |           |

| Data Element No 1 | Supplemental Data 1 | Data Element 2 | Supplemental Data 2 |
|-------------------|---------------------|----------------|---------------------|
|                   |                     |                |                     |

| Act Date   | Code | Action        | Action Remarks | Pending Office |
|------------|------|---------------|----------------|----------------|
| 11/09/1888 | 879  | PATENT ISSUED |                |                |

| Name & Address     | City, State Zip | Int Rel  | % Interest |
|--------------------|-----------------|----------|------------|
| FESSENDEU ANDREW J | ADA COUNTY ID   | PATENTEE | 0.0000000  |

| Line Nr | Remarks |
|---------|---------|
|         |         |



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

September 2, 2004

TO: DAVID NORDLING, GLORIA NEVILLE, YOSHIE NORDLING, H. WILLIAM NEVILLE,  
MARGUERITE NEVILLE, THOMAS NEVILLE, R. DOUGLAS NEVILLE, FORTUNATA  
NEVILLE, MARTHLYN NEVILLE, JAMES NEVILLE  
3122 EDSON TERRACE  
BOISE, ID 83705

RE: Snake River Basin Claim No(s): A63-5207 and A63-15304

Dear Claimant(s),

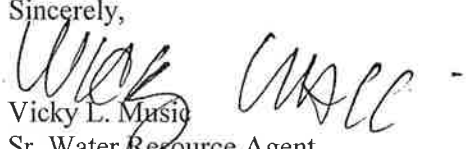
In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer print-out of the claim(s) for your reference. You indicated, when this claim was filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. Please read the entire pamphlet, and note in particular the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date.**"

If no evidence of your priority date is submitted, or we do not hear from you by April 8, 2005, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

In addition, since it is our goal to decree the historical water rights within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area. Therefore, either Mr. Burke Scholer or Mr. Gene Gibson will be contacting you within the next few weeks to schedule a field exam. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

Sincerely,

  
Vicky L. Music  
Sr. Water Resource Agent  
Adjudication Bureau

**NOTE:** If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

**DIRK KEMPTHORNE**  
Governor

**KARL J. DREHER**  
Director

June 21, 2002

THOMAS F NEVILLE, ET AL  
3122 EDSON TERRACE  
BOISE ID 83705

Re: Notice of Claim to a Water Right No. 63-3285A, 63-3321A, 63-5207 & 63-15304

Dear Claimant(s):

Enclosed is a copy of the above referenced claim, which reflects the appropriate change in address.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

Denise Hatfield  
Office Specialist 1  
Adjudication Section  
Western Region Office

DH: dh

Enclosure

12/06/2005

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

---

RIGHT NUMBER: 63-3285A

NAME AND ADDRESS: GLORIA D NEVILLE  
3122 EDSON TERR  
BOISE ID 83705  
  
YOSHIE CAMERON NORDLING  
3122 EDSON TERRACE  
BOISE ID 83705  
  
R DOUGLAS NEVILLE  
3122 EDSON TERR  
BOISE ID 83705  
  
THOMAS F NEVILLE  
3122 EDSON TERRACE  
BOISE ID 83705-2317  
  
JAMES L NEVILLE  
3122 EDSON TERR  
BOISE ID 83705  
  
MARGUERITE NEVILLE  
3122 EDSON TERR  
BOISE ID 83705  
  
DAVID L NORDLING  
3122 EDSON TERRACE  
BOISE ID 83705  
  
MARTHLYN B NEVILLE  
3122 EDSON TERR  
BOISE ID 83705  
  
H WILLIAM NEVILLE  
3122 EDSON TERR  
BOISE ID 83705  
  
FORTUNATA P NEVILLE  
3122 EDSON TERRACE  
BOISE ID 83705-2317

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.210 CFS  
108.000 AFY

cfs, The rights listed below are limited to a total combined diversion rate of 1.1  
Combined Right Nos.: 63-3285A, 63-3321A, 63-5207.  
Rights 63-3321A and 63-3285A, when combined, shall not exceed a total  
af, diversion rate of 0.84 cfs, a total annual maximum diversion volume of 108  
and the irrigation of 42 acres.

PRIORITY DATE: 04/12/1962

POINT OF DIVERSION:

T04N R02E S5 SENE Within ADA County

12/06/2005

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

above. Right 63-3321A is also diverted through the point of diversion described

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|-----------------------|----------------------|-------------------------|
| IRRIGATION            | 03/01 11/15          | 0.210 CFS<br>108.00 AFY |

PLACE OF USE:

| <u>IRRIGATION Within ADA County</u> |      |      |               |      |     |
|-------------------------------------|------|------|---------------|------|-----|
| T04N R02E S05                       | SWNE | 15.5 | T04N R02E S05 | SENE | 8.0 |
| T04N R02E S05                       | NESE | 18.0 | T04N R02E S05 | NWSE | 0.5 |

42 ACRES TOTAL

55.1

The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 63-3285A, 63-3321A, 63-5207.

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

THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM 1975 TO 1989.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License  
PARCEL NO. S0605131215.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3285A

WATER RIGHT NUMBER: 63-3285A

| <u>Owner Type</u> | <u>Name and Address</u>                                                            |
|-------------------|------------------------------------------------------------------------------------|
| Original Owner    | LEE WINN                                                                           |
|                   | , ID                                                                               |
| Original Owner    | EDAWRD OSCAR BAUMHOFF<br>5150 MONTECITO PL<br>BOISE, ID 83704<br>(208)375-3720     |
| Current Owner     | H WILLIAM NEVILLE<br>3122 EDSON TERR<br>BOISE, ID 83705<br>(208)344-3188           |
| Current Owner     | FORTUNATA P NEVILLE<br>3122 EDSON TERRACE<br>BOISE, ID 83705-2317<br>(208)342-7322 |
| Current Owner     | GLORIA D NEVILLE<br>3122 EDSON TERR<br>BOISE, ID 83705<br>(208)344-3188            |
| Current Owner     | YOSHIE CAMERON NORDLING<br>3122 EDSON TERRACE<br>BOISE, ID 83705<br>(208)342-7322  |
| Current Owner     | R DOUGLAS NEVILLE<br>3122 EDSON TERR<br>BOISE, ID 83705<br>(208)342-7322           |
| Current Owner     | THOMAS F NEVILLE<br>3122 EDSON TERRACE<br>BOISE, ID 83705-2317<br>(208)342-7322    |
| Current Owner     | JAMES L NEVILLE<br>3122 EDSON TERR<br>BOISE, ID 83705<br>(208)342-7322             |
| Current Owner     | MARGUERITE NEVILLE<br>3122 EDSON TERR<br>BOISE, ID 83705<br>(208)342-7322          |
| Current Owner     | DAVID L NORDLING<br>3122 EDSON TERRACE<br>BOISE, ID 83705<br>(208)342-7322         |
| Current Owner     | MARTHLYN B NEVILLE<br>3122 EDSON TERR<br>BOISE, ID 83705<br>(208)342-7322          |

IDAHO DEPARTMENT OF WATER RESOURCES  
 Adjudication Claim Report 63-3285A

Priority Date: 04/12/1962

Basis: License

Status: Active

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

3/15 to 11/15

0.560 CFS

Total Diversion:

0.560 CFS

Location of Point(s) of Diversion

GROUND WATER

SE1/4NE1/4

Sec. 5, Twp 04N, Rge 02E, B.M.

ADA County

Place of Use

IRRIGATION Within ADA County

T04N R02E S05 SWNE 31.0

T04N R02E S05 SENE 21.0

T04N R02E S05 SENW 21.0

T04N R02E S05 NESE 26.0

T04N R02E S05 NWSE 15.0

Total Acres: 114

Conditions of Approval:

1. Address changed for all claimants per request. DH 6/20/2002
2. CHANGED ADDRESSES TO MATCH FOR MAILING PURPOSES ONLY 3/28/95 DMS THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF A63-03285.

Remarks:

Comments:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3321A

WATER RIGHT NUMBER: 63-3321A

| <u>Owner Type</u> | <u>Name and Address</u>                                                            |
|-------------------|------------------------------------------------------------------------------------|
| Current Owner     | H WILLIAM NEVILLE<br>3122 EDSON TERR<br>BOISE, ID 83705<br>(208)344-3188           |
| Current Owner     | GLORIA D NEVILLE<br>3122 EDSON TERR<br>BOISE, ID 83705<br>(208)344-3188            |
| Current Owner     | MARGUERITE NEVILLE<br>3122 EDSON TERR<br>BOISE, ID 83705<br>(208)342-7322          |
| Current Owner     | DAVID L NORDLING<br>3122 EDSON TERRACE<br>BOISE, ID 83705<br>(208)342-7322         |
| Current Owner     | YOSHIE CAMERON NORDLING<br>3122 EDSON TERRACE<br>BOISE, ID 83705<br>(208)342-7322  |
| Current Owner     | JAMES L NEVILLE<br>3122 EDSON TERR<br>BOISE, ID 83705<br>(208)342-7322             |
| Current Owner     | MARTHLYN B NEVILLE<br>3122 EDSON TERR<br>BOISE, ID 83705<br>(208)342-7322          |
| Current Owner     | FORTUNATA P NEVILLE<br>3122 EDSON TERRACE<br>BOISE, ID 83705-2317<br>(208)342-7322 |
| Current Owner     | R DOUGLAS NEVILLE<br>3122 EDSON TERR<br>BOISE, ID 83705<br>(208)342-7322           |
| Current Owner     | THOMAS F NEVILLE<br>3122 EDSON TERRACE<br>BOISE, ID 83705-2317<br>(208)342-7322    |
| Original Owner    | EDAWRD OSCAR BAUMHOFF<br>5150 MONTECITO PL<br>BOISE, ID 83704<br>(208)375-3720     |
| Original Owner    | LEE WINN                                                                           |

, ID

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3321A

Priority Date: 12/03/1962

Basis: License

Status: Active

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

3/15 to 11/15

0.640 CFS

143.08 AF

Total Diversion:

0.640 CFS

143.08 AF

Location of Point(s) of Diversion

GROUND WATER

SE1/4NE1/4

Sec. 5, Twp 04N, Rge 02E, B.M.

ADA County

Place of Use

IRRIGATION Within ADA County

T04N R02E S05 SWNE 13.0

T04N R02E S05 SENE 4.0

T04N R02E S05 SENW 2.0

T04N R02E S05 NESE 10.0

T04N R02E S05 NWSE 2.0

Total Acres: 31

Conditions of Approval:

1. Address change per claimant request. DH 6/20/2002
2. AC. IRR.=40.  
CHANGED ADDRESSES TO MATCH FOR MAILING PURPOSES ONLY 3/28/95 DMS THIS CLAIM IS A RESULT OF AN OWNERSHIP CHANGE FOR A PORTION OF CLAIM NO. A63-03321.

Remarks:

Comments:

Water Supply Bank:

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5207

WATER RIGHT NUMBER: 63-5207

| <u>Owner Type</u> | <u>Name and Address</u>                                                            |
|-------------------|------------------------------------------------------------------------------------|
| Current Owner     | DAVID L NORDLING<br>3122 EDSON TERRACE<br>BOISE, ID 83705<br>(208)342-7322         |
| Current Owner     | GLORIA D NEVILLE<br>3122 EDSON TERR<br>BOISE, ID 83705<br>(208)344-3188            |
| Current Owner     | YOSHIE CAMERON NORDLING<br>3122 EDSON TERRACE<br>BOISE, ID 83705<br>(208)342-7322  |
| Current Owner     | H WILLIAM NEVILLE<br>3122 EDSON TERR<br>BOISE, ID 83705<br>(208)344-3188           |
| Current Owner     | MARGUERITE NEVILLE<br>3122 EDSON TERR<br>BOISE, ID 83705<br>(208)342-7322          |
| Current Owner     | THOMAS F NEVILLE<br>3122 EDSON TERRACE<br>BOISE, ID 83705-2317<br>(208)342-7322    |
| Current Owner     | R DOUGLAS NEVILLE<br>3122 EDSON TERR<br>BOISE, ID 83705<br>(208)342-7322           |
| Current Owner     | FORTUNATA P NEVILLE<br>3122 EDSON TERRACE<br>BOISE, ID 83705-2317<br>(208)342-7322 |
| Current Owner     | MARTHLYN B NEVILLE<br>3122 EDSON TERR<br>BOISE, ID 83705<br>(208)342-7322          |
| Current Owner     | JAMES L NEVILLE<br>3122 EDSON TERR<br>BOISE, ID 83705<br>(208)342-7322             |

Priority Date: 01/01/1908

Basis: Statutory Claim

Status: Active

SourceDRY CREEK  
SPRINGTributaryBOISE RIVER  
DRY CREEKBeneficial UseSTOCKWATER  
IRRIGATIONFrom To1/01 to 12/31  
3/15 to 11/15Diversion Rate0.400 CFS  
5.080 CFSAnnual Volume

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5207

|                         |               |         |
|-------------------------|---------------|---------|
| STOCKWATER FROM STORAGE | 1/01 to 12/31 | 0.75 AF |
| IRRIGATION FROM STORAGE | 3/15 to 11/15 | 0.75 AF |
| STOCKWATER STORAGE      | 1/01 to 12/31 | 0.75 AF |
| IRRIGATION STORAGE      | 1/01 to 12/31 | 0.75 AF |

Total Diversion:      5.480 CFS

Location of Point(s) of Diversion

|            |                      |         |          |               |
|------------|----------------------|---------|----------|---------------|
| DRY CREEK  | NW1/4SW1/4           | Sec. 4, | Twp 04N, | Rge 02E, B.M. |
| ADA County | (Ending of Reach)    |         |          |               |
| DRY CREEK  | SW1/4NW1/4           | Sec. 9, | Twp 04N, | Rge 02E, B.M. |
| ADA County | (Beginning of Reach) |         |          |               |
| SPRING     | SW1/4NW1/4           | Sec. 9, | Twp 04N, | Rge 02E, B.M. |
| ADA County | (Beginning of Reach) |         |          |               |
| DRY CREEK  | SE1/4SW1/4           | Sec. 4, | Twp 04N, | Rge 02E, B.M. |
| ADA County |                      |         |          |               |

Place of UseSTOCKWATER Within ADA County

|               |      |               |      |
|---------------|------|---------------|------|
| T04N R02E S04 | NWSW | T04N R02E S04 | SWSW |
| T04N R02E S08 | NENE | T04N R02E S09 | NWNW |
| T04N R02E S09 | SWNW |               |      |

IRRIGATION Within ADA County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T04N R02E S04 | SWNW | 10.0 | T04N R02E S04 | NESW | 5.0  |
| T04N R02E S04 | NWSW | 20.0 | T04N R02E S04 | SWSW | 6.0  |
| T04N R02E S05 | SWNE | 40.0 | T04N R02E S05 | SENE | 40.0 |
| T04N R02E S05 | SWNW | 7.0  | T04N R02E S05 | SENE | 30.0 |
| T04N R02E S05 | NESE | 35.0 | T04N R02E S05 | NWSE | 15.0 |
| T04N R02E S05 | SESE | 6.0  | T04N R02E S09 | NWNW | 10.0 |
| T04N R02E S09 | SWNW | 30.0 |               |      |      |

Total Acres: 254

STOCKWATER FROM STORAGE Within ADA County

|               |      |
|---------------|------|
| T04N R02E S09 | SWNW |
|---------------|------|

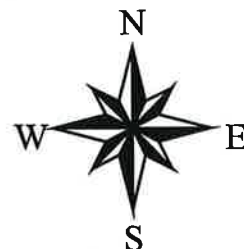
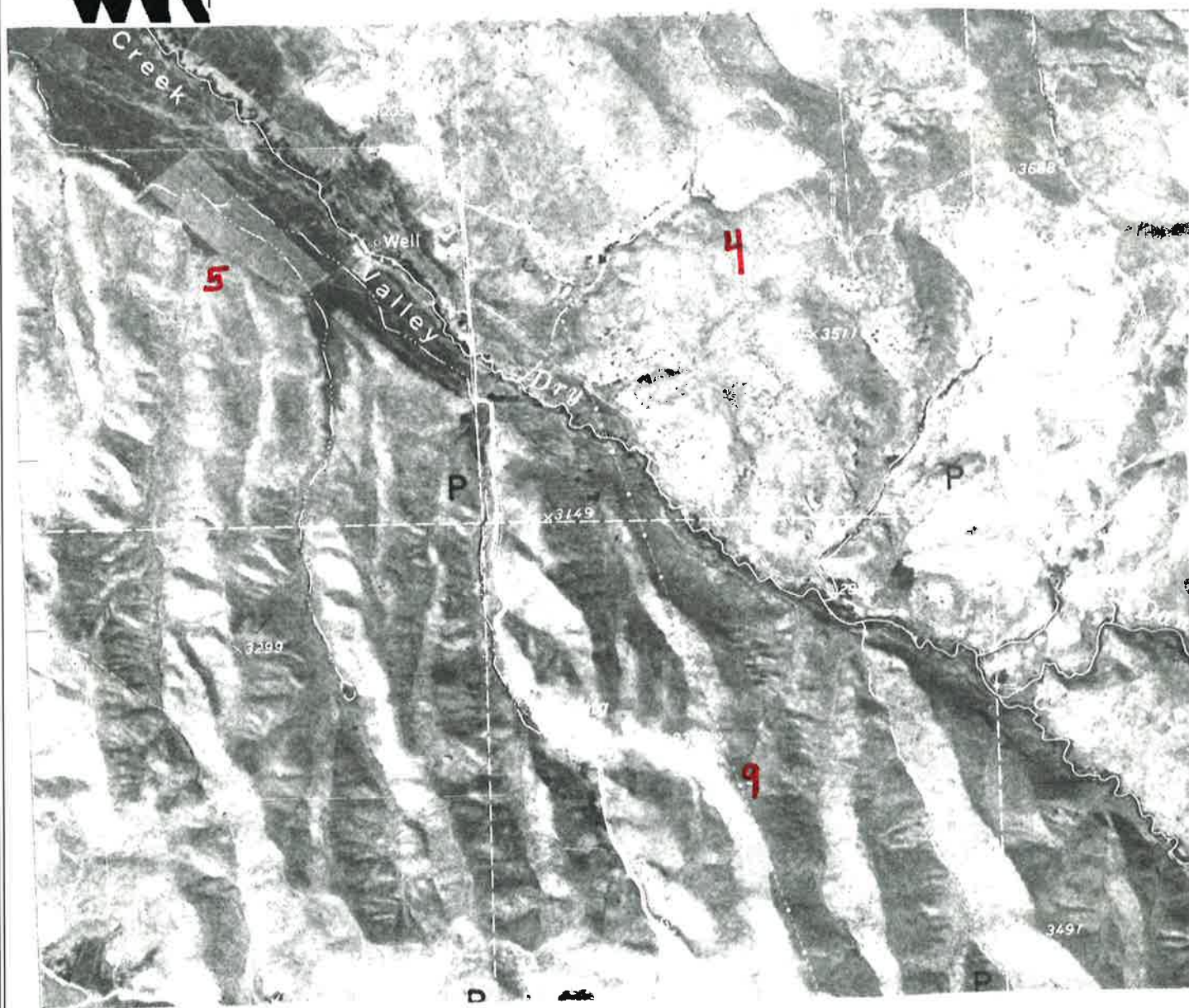
IRRIGATION FROM STORAGE same as STOCKWATERConditions of Approval:

1. ORIGINAL STATUTORY CLAIM FAILED TO STATE THE STORAGE USE.  
CHANGED ADDRESSES TO MATCH FOR MAILING PURPOSES ONLY 3/28/95 DMS
2. Address change per claimant request. DH 6/20/2002



**State of Idaho  
Idaho Department of Water Resources  
Western Region**

**T4N, R2E, SECTIONS 4, 5 AND 9  
SRBA CLAIM NO. 63-5207**



**GIS Place of Use Illustration  
1975 Orthophoto Quadrangle Map  
Prepared By: Vicky Music  
Date: June 2007**

# MANNING EQUATION CHANNEL CAPACITY RESULTS

|                                            |                                             |
|--------------------------------------------|---------------------------------------------|
| Today's date:                              | 6/11/2007                                   |
| File Number:                               | 63-5207                                     |
| Claimant:                                  | Cartwright Ranch LLC                        |
| Channel measured:                          | un-named (adjacent to Dry Creek)            |
| Date of measurement:                       | 6/11/2007                                   |
| Location of diversion:                     |                                             |
| 1) TRS:                                    | T4N R2E S.4 SESW                            |
| 2) POD name (if known):                    | 0                                           |
| 3) GPS file name:                          | 0                                           |
| 4) GPS tag name:                           | 0                                           |
| Calculation prepared by:                   | Craig L. Saxton                             |
| Comments about the measurement:            | Downstream x-section: N:1391914, E: 2320692 |
|                                            |                                             |
|                                            |                                             |
|                                            |                                             |
|                                            |                                             |
| <b>The results of the calculation are:</b> |                                             |
| The area for this cross section is:        | 2.090 square feet                           |
| The wetted perimeter is:                   | 5.887 feet                                  |
| The hydraulic radius is:                   | 0.355 feet                                  |
| The channel length is:                     | 237.000 feet                                |
| The slope is:                              | 0.004 ft/ft                                 |
| The roughness coefficient is:              | 0.035                                       |
| The flow velocity is:                      | 1.410 ft/sec                                |
| The rate of flow is:                       | 2.947 cfs                                   |

## MANNING EQUATION CHANNEL CAPACITY RESULTS

|                                            |                                            |
|--------------------------------------------|--------------------------------------------|
| Today's date:                              | 6/11/2007                                  |
| File Number:                               | 63-5207                                    |
| Claimant:                                  | Cartwright Ranch LLC                       |
| Channel measured:                          | un-named (adjacent to Dry Creek)           |
| Date of measurement:                       | 6/11/2007                                  |
| Location of diversion:                     |                                            |
| 1) TRS:                                    | T4N      R2E      S.4      SESW            |
| 2) POD name (if known):                    | 0                                          |
| 3) GPS file name:                          | 0                                          |
| 4) GPS tag name:                           | 0                                          |
| Calculation prepared by:                   | Craig L. Saxton                            |
| Comments about the measurement:            | Up-stream x-section: N:1391884, E: 2320727 |
|                                            |                                            |
|                                            |                                            |
|                                            |                                            |
|                                            |                                            |
|                                            |                                            |
| <b>The results of the calculation are:</b> |                                            |
| The area for this cross section is:        | 5.142 square feet                          |
| The wetted perimeter is:                   | 8.862 feet                                 |
| The hydraulic radius is:                   | 0.580 feet                                 |
| The channel length is:                     | 237.000 feet                               |
| The slope is:                              | 0.004 ft/ft                                |
| The roughness coefficient is:              | 0.035                                      |
| The flow velocity is:                      | 1.957 ft/sec                               |
| The rate of flow is:                       | 10.060 cfs                                 |

## MANNING EQUATION - DATA COLLECTION

Claim Number(s): 03-5207Name of Claimant(s): Cortwright Ranch LLCName of Ditch, Canal, or Stream: unnamed ditch (adj to Dry Cr)Date of Measurement: 6-11-07 Data Collected By: VLm, JS, KW, CSMeasurement Location: SE 1/4 SW 1/4 Section 4 T 4N R 2E  
2320727, ST  
1391884

## Cross Section Data

Basis: high water mark ☒ maximum capacity( )

Note: minimum of five depth or rod readings; first and last must be equal or zero

| depth or<br>rod reading | distance from<br>initial point | depth or<br>rod reading | distance from<br>initial point |
|-------------------------|--------------------------------|-------------------------|--------------------------------|
| 1. <u>.29</u>           | <u>6' EW</u>                   | 7. <u>.66</u>           | <u>6.6</u>                     |
| 2. <u>.57</u>           | <u>1.6</u>                     | 8. <u>.36</u>           | <u>7.6</u>                     |
| 3. <u>.83</u>           | <u>2.6</u>                     | 9. <u></u>              | <u>8.6 EW</u>                  |
| 4. <u>.91</u>           | <u>3.6</u>                     | 10. <u></u>             | <u></u>                        |
| 5. <u>.85</u>           | <u>4.6</u>                     | 11. <u></u>             | <u></u>                        |
| 6. <u>.79</u>           | <u>5.6</u>                     | 12. <u></u>             | <u></u>                        |

WRST  
OF  
LEVEL  
DOWNSTREAM

## Slope Data

Basis: high water mark ☒ channel bottom( ) land surface( )

Level Readings: upstream downstream

upper stadia 5.49 4.09center 4.72 3.68lower stadia 3.94 3.27channel  
lengthstadia difference ( 1.55 + .82 ) x 100 = 

Note: for elevations, the downstream rod reading must be higher than the upstream rod reading

## Comments

Are maps and/or photos attached? yes( )

**MANNING'S "n" (roughness coefficient)**

| BASIC "n"<br>CHANNEL MATERIAL                    |      |  |     | CHANNEL OBSTRUCTIONS |      |  |      |
|--------------------------------------------------|------|--|-----|----------------------|------|--|------|
| earth                                            | .020 |  | (1) | negligible           | .000 |  | (1)  |
| rock                                             | .025 |  | (2) | minor                | .010 |  | (2)  |
| fine gravel                                      | .024 |  | (3) |                      | .015 |  | (3)  |
| coarse gravel                                    | .028 |  | (4) | appreciable          | .020 |  | (4)  |
|                                                  |      |  |     |                      | .030 |  | (5)  |
|                                                  |      |  |     | severe               | .040 |  | (6)  |
|                                                  |      |  |     |                      | .050 |  | (7)  |
|                                                  |      |  |     |                      | .060 |  | (8)  |
|                                                  |      |  |     |                      |      |  |      |
| SURFACE IRREGULARITY                             |      |  |     | VEGETATION           |      |  |      |
| smooth                                           | .000 |  | (1) | low                  | .005 |  | (1)  |
| minor                                            | .005 |  | (2) |                      | .010 |  | (2)  |
| moderate                                         | .010 |  | (3) | medium               | .015 |  | (3)  |
| severe                                           | .020 |  | (4) |                      | .020 |  | (4)  |
|                                                  |      |  |     |                      | .025 |  | (5)  |
|                                                  |      |  |     | high                 | .030 |  | (6)  |
|                                                  |      |  |     |                      | .040 |  | (7)  |
|                                                  |      |  |     |                      | .050 |  | (8)  |
|                                                  |      |  |     | very high            | .060 |  | (9)  |
|                                                  |      |  |     |                      | .075 |  | (10) |
|                                                  |      |  |     |                      | .100 |  | (11) |
|                                                  |      |  |     |                      |      |  |      |
| VARIATIONS IN SIZE AND<br>SHAPE OF CROSS-SECTION |      |  |     | DEGREE OF MEANDERING |      |  |      |
| gradual                                          | .000 |  | (1) | minor                | 1.00 |  | (1)  |
| occasional                                       | .005 |  | (2) | appreciable          | 1.15 |  | (2)  |
| frequent                                         | .010 |  | (3) | severe               | 1.30 |  | (3)  |
|                                                  | .015 |  | (4) |                      |      |  |      |

## MANNING EQUATION - DATA COLLECTION

Claim Number(s):

63-5207

Name of Claimant(s):

Cartwright Ranch LLC

Name of Ditch, Canal, or Stream:

unnamed (adjacent to Dry Cr.)

Date of Measurement:

6-11-07

Data Collected By:

VLM, JS, KW, CS

Measurement Location:

SE 1/4 SW 1/4 Section 4 T 4N R 2E

## Cross Section Data

Basis: high water mark (X) maximum capacity ( )

Note: minimum of five depth or rod readings; first and last must be equal or zero

| depth or<br>rod reading | distance from<br>initial point | depth or<br>rod reading | distance from<br>initial point |
|-------------------------|--------------------------------|-------------------------|--------------------------------|
| 1. _____                | .4 EW                          | 7. .3                   | 5.16                           |
| 2. .3                   | .6                             | 8. _____                | 6.6 EW                         |
| 3. .45                  | 1.6                            | 9. _____                | _____                          |
| 4. .40                  | 2.6                            | 10. _____               | _____                          |
| 5. .49                  | 3.6                            | 11. _____               | _____                          |
| 6. .36                  | 4.6                            | 12. _____               | _____                          |

EAST OF  
LEVEL  
UPSTREAM  
OF

## Slope Data

Basis: high water mark ( ) channel bottom ( ) land surface ( )

Level Readings:

upstream

downstream

upper stadia

\_\_\_\_\_

center

\_\_\_\_\_

lower stadia

\_\_\_\_\_

channel  
length

stadia difference

( \_\_\_\_\_ + \_\_\_\_\_ ) x 100 = \_\_\_\_\_

Note: for elevations, the downstream rod reading must be higher than the upstream rod reading

## Comments

Are maps and/or photos attached? yes ( )

MANNING'S "n" (roughness coefficient)

| BASIC "n"<br>CHANNEL MATERIAL                    |      |  |     | CHANNEL OBSTRUCTIONS |      |  |      |
|--------------------------------------------------|------|--|-----|----------------------|------|--|------|
| earth                                            | .020 |  | (1) | negligible           | .000 |  | (1)  |
| rock                                             | .025 |  | (2) | minor                | .010 |  | (2)  |
| fine gravel                                      | .024 |  | (3) |                      | .015 |  | (3)  |
| coarse gravel                                    | .028 |  | (4) | appreciable          | .020 |  | (4)  |
|                                                  |      |  |     |                      | .030 |  | (5)  |
|                                                  |      |  |     | severe               | .040 |  | (6)  |
|                                                  |      |  |     |                      | .050 |  | (7)  |
|                                                  |      |  |     |                      | .060 |  | (8)  |
| SURFACE IRREGULARITY                             |      |  |     | VEGETATION           |      |  |      |
| smooth                                           | .000 |  | (1) | low                  | .005 |  | (1)  |
| minor                                            | .005 |  | (2) |                      | .010 |  | (2)  |
| moderate                                         | .010 |  | (3) | medium               | .015 |  | (3)  |
| severe                                           | .020 |  | (4) |                      | .020 |  | (4)  |
|                                                  |      |  |     |                      | .025 |  | (5)  |
|                                                  |      |  |     | high                 | .030 |  | (6)  |
|                                                  |      |  |     |                      | .040 |  | (7)  |
|                                                  |      |  |     |                      | .050 |  | (8)  |
|                                                  |      |  |     | very high            | .060 |  | (9)  |
|                                                  |      |  |     |                      | .075 |  | (10) |
|                                                  |      |  |     |                      | .100 |  | (11) |
| VARIATIONS IN SIZE AND<br>SHAPE OF CROSS-SECTION |      |  |     | DEGREE OF MEANDERING |      |  |      |
| gradual                                          | .000 |  | (1) | minor                | 1.00 |  | (1)  |
| occasional                                       | .005 |  | (2) | appreciable          | 1.15 |  | (2)  |
| frequent                                         | .010 |  | (3) | severe               | 1.30 |  | (3)  |
|                                                  | .015 |  | (4) |                      |      |  |      |



6/11/07 [IMG\_0093.JPG] – T4N R2E S4 SESW – looking northwest. Farm road and elevation change seen in claimed POU. No evidence of irrigation.



6/11/07 [IMG\_0094.JPG] – T4N R2E S4 SESW. Taken from same location on claimed POU as above but looking west. Dry Creek on left, farm road upper right. No evidence of irrigation.



6/11/07 [IMG\_0095.JPG] – T4N R2E S4 SESW. 6-11-07 – SESW S4, T4N, R2E - top photo looking down at concrete diversion dam. Top of dam nearly at land surface.



6-11-07 – [IMG\_0096.JPG] - SESW S4, T4N, R2E - from land surface looking down at dry Dry Creek bed and dam.



6-11-07 – [IMG\_0097.JPG] - SESW S4, T4N, R2E - looking northwest from location of level to end of ditch remnant where there is an approximately 10'-15' drop off to Dry Creek.



6-11-07 – [IMG\_0098.JPG] - SESW S4, T4N, R2E - photo looking northwest at upstream measurement location on diversion ditch.



6-11-07 – [IMG\_0099.JPG] - SESW S4, T4N, R2E – top photo looking south at dam, upstream ditch measurement location, and claimed POU.



6-11-07 – [IMG\_0100.JPG] - SESW S4, T4N, R2E –looking south at dam, upstream ditch seen in lower left corner, cow trail to drop off to creek bed seen upper right corner.



6/11/07 – [IMG\_0101.JPG] - SW S4, T4N, R2E - from the claimed POU in the SESW Section 4 and looking southwest. Dry Creek in background.



6/11/07 — [IMG\_0102.JPG] SESW S4, T4N, R2E - from same location in claimed POU but looking south. Dry Creek seen mid-photo.



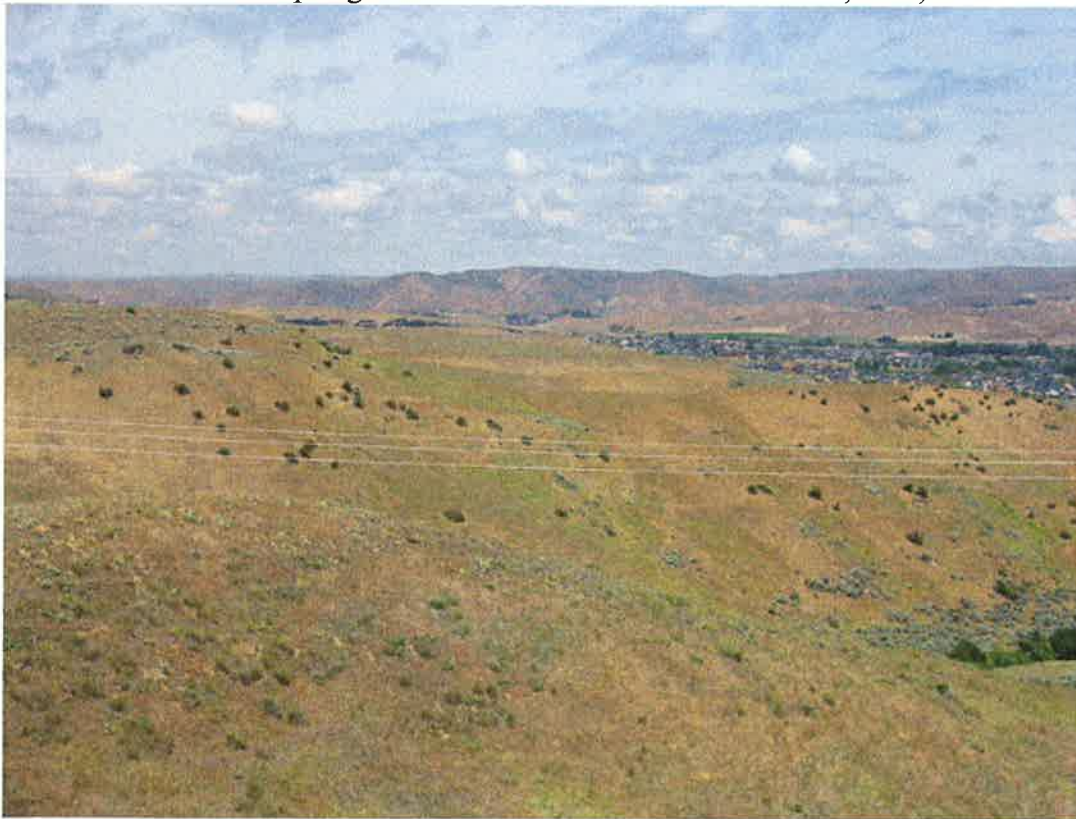
6/11/07 — [IMG\_0103.JPG] NWSW S4, T4N, R2E - looking southeast claimed POU. Dry Creek seen mid-photo.



6/11/07 — [IMG\_0104.JPG] - from NWNW S9, T4N, R2E - looking northwest at the Dry Creek valley. Development in upper left is Hidden Springs. Area to the south east of Hidden Springs in claimed POU in the NE/4 of S5, T4N, R2E. No irrigation or delivery system seen.



6/11/07 — [IMG\_0105.JPG] - same as above photo - from NWNW S9, T4N, R2E - looking northwest at the Dry Creek valley. Development in upper left is Hidden Springs. Area to the south east of Hidden Springs in claimed POU in the SWNE of S5, T4N, R2E.



6/11/07 — [IMG\_0106.JPG] - same as above photo - from NWNW S9, T4N, R2E - looking northwest at the Dry Creek valley.



6/11/07 — [IMG\_0107.JPG] - Frankly, I am not use what this is. From what I remember I was trying to get pictures of the lack of irrigation in SWNW S9. Looking south from NWNW S9.



6/11/07 — [IMG\_0108.JPG] - Frankly, I am not sure what this is.



6/11/07 — [IMG\_0109.JPG] - Frankly, I am not sure what this is.



6/11/07 — [IMG\_0110.JPG] - Frankly, I am not sure what this is.



6/11/07 — [IMG\_0111.JPG] - Frankly, I am not sure what this is.

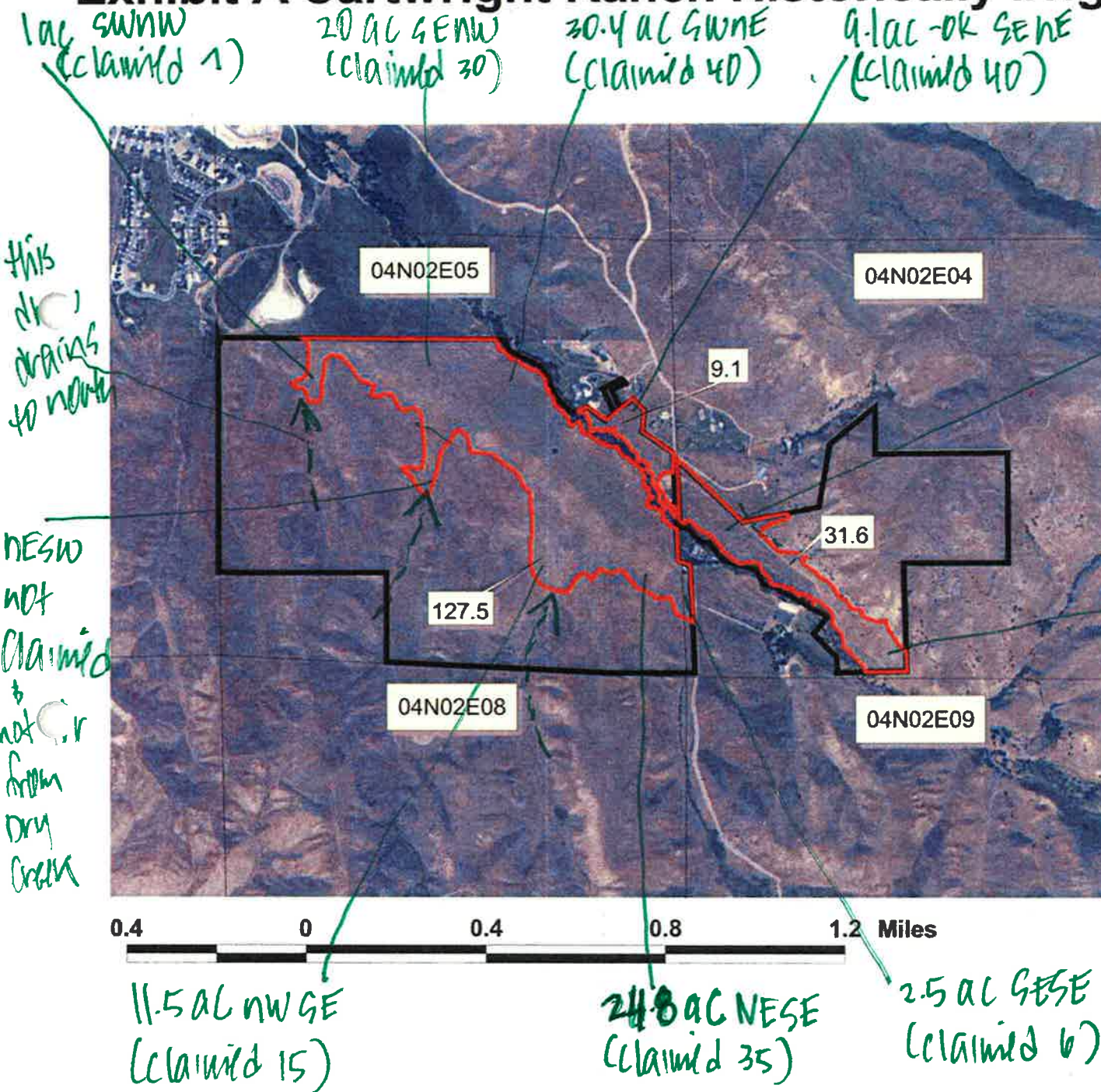


6/11/07 — [IMG\_0112.JPG] - from T4N, R2e, S4 SWSW – looking northwest at the NESE and SWNE at the claimed POU that overlaps the groundwater licenses. No irrigation or delivery system seen.



6/11/07 — [IMG\_0113.JPG] - from T4N, R2E, S4 SWSW – looking northwest at the NESE, S5 at the claimed POU that overlaps the groundwater licenses, and at the claimed POU in S4. The intersection of Cartwright Rd. and the farm road see mid-photo. No irrigation or delivery system seen.

# Exhibit A Cartwright Ranch Historically Irrigated Lands



- Section Lines
- Historically Irrigated Lands, Acres
- Property Boundary

Prepared By: ERO Resources, Corp.

Data Sources: 2004 NAIP Aerial Photo  
Ada County Parcel Boundary  
IDWR Data Library

Note: USGS 1981 and 1983 Aerial Photos  
Used to Validate Historically Irrigated Lands

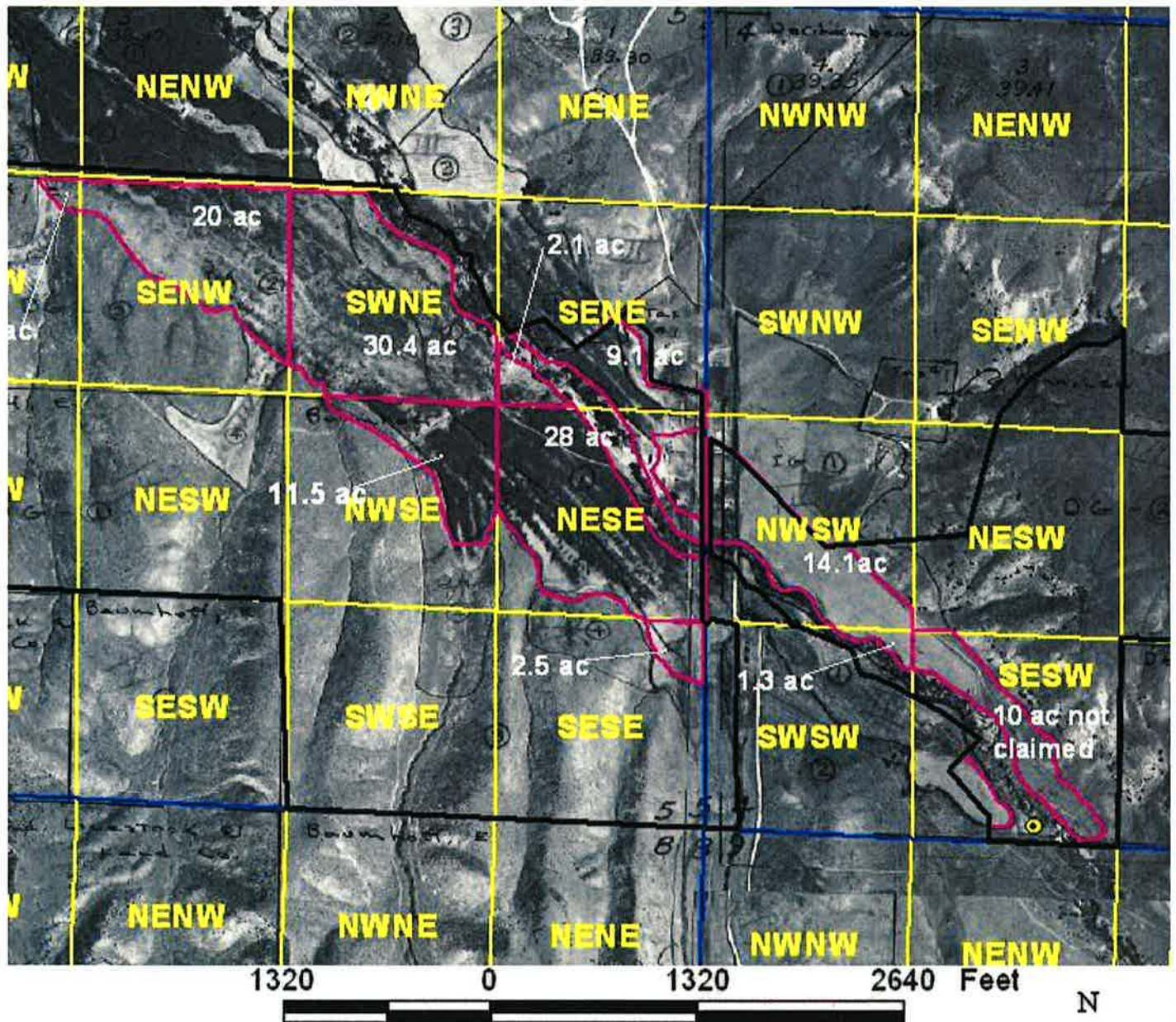
TOTAL = 114.4 ac.

168.2



State of Idaho  
Idaho Department of Water Resources  
Western Region

T4N, R2E, SECTIONS 4, 5 and 9  
SRBA CLAIM NO. 63-5207

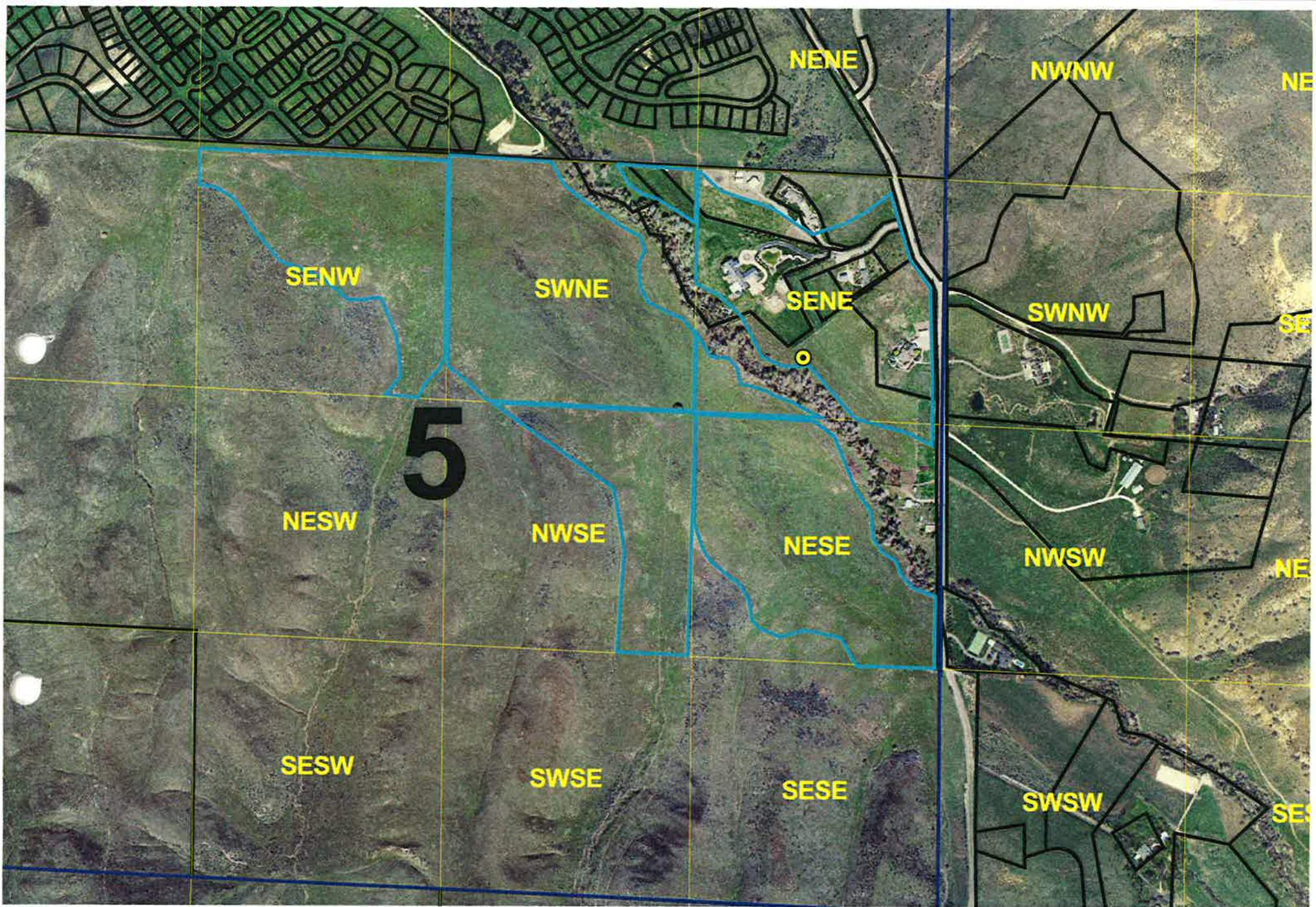


130 irrigated acres [including the  
10 not claimed in the SESW S4]



- ⊙ Point of Diversion
- Property Boundary
- POU- Acres historically irrigated
- Section
- QQ

GIS Place of Use Illustration  
1964 Aerial Photography  
Prepared By: Vicky Music  
Date: June 2007

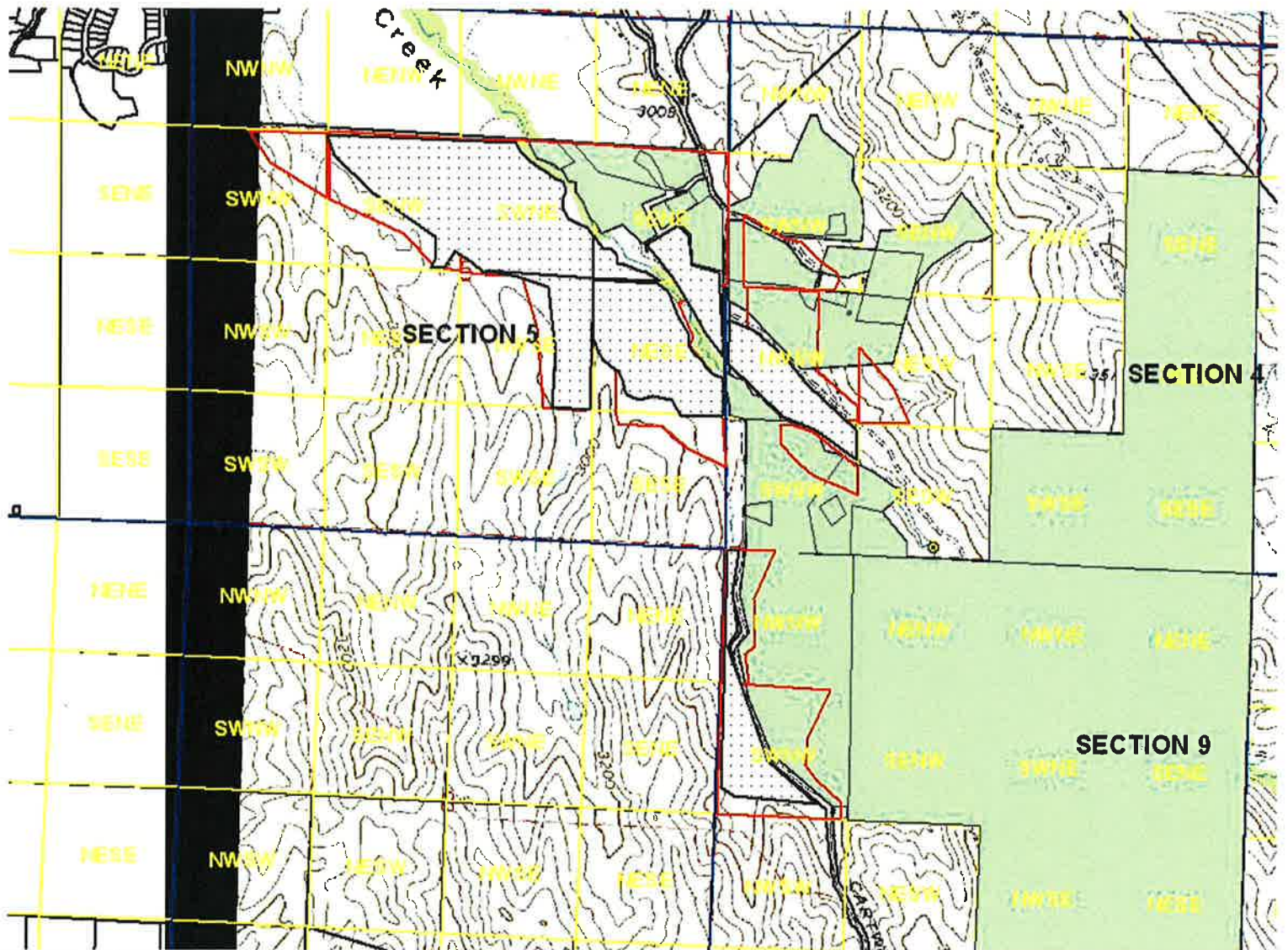


63-3285-- 2003 AERIAL OF LICENSED ACRES. CLAIMANT ONLY OWNS ABOUT 7 ACRES OF THE LICENSED POD IN SENE - 27 LICENSED.

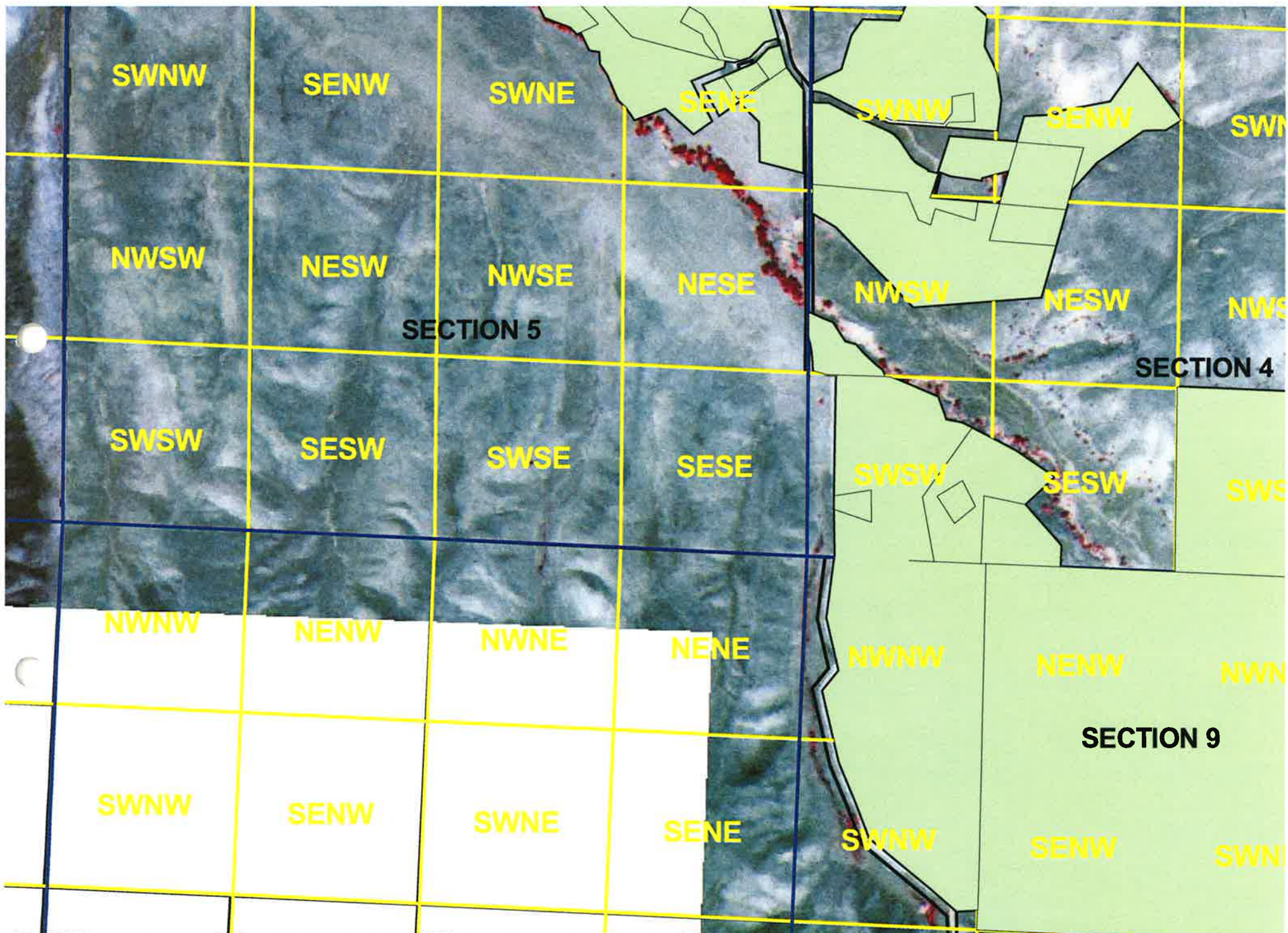
63-5207 Aerial photo and topo review

| Date/year | Reference #                       | Observations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-----------|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|           | X9 topo quad                      | I superimposed the claimed acres. There are not 254 practically irrigable acres. It is hard to really visualize the topography sometimes. For instance, in section 4, the current Dry Creek stream bed is about 10'-15' below where the old ditch is based on the 6/11/07 field exam.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 7-18-64   | DHT-6DD-83                        | Area in S9 near spring – cultivation/mowing [?] seen; S 4 north of diversion dam – cultivation/mowing? seen; S5 licensed ground – looks different that S5 or S4. most likely irrigated. There is a competing claim in the SWSW S4. 63-4888 was a statutory claim for 20 acres irrigation from Dry Creek, originally filed by Walter Minnick and Douglas Porter 4/12/1982 on the “old Pettigrew place” – 85 acres owned. Ken Stoltz filed an SRBA claim for the 20 acres but no evidence of priority was submitted so claim was disallowed. No SRBA claim was filed on the remainder of statutory claim 63-4888. ** the only historical information that I had re this Dry Creek diversion was provided in this stat claim which stated that the ditch work and original dam was done in the 1920s and that the concrete diversion works was a WPA project that replaced the original diversion dam of the 1920s. |
| 7-4-1975  | X9 Orthophoto quad                | No evidence of cultivation or irrigation is S9 in area of spring. S4 north of Dry Creek – looks like discrete field though I know now, based on 6-11-07 field exam, that what I considered the north boundary of the field is a farm road & the topography becomes steeper north of the farm road. Not irrigated. S5 –activity seen. The rectangular area that I recommended is clearly seen. Resolution of may not good enough to distinguish between the field and the surrounding dark area that could be irrigated and is licensed under 53-3321 and 53-3285.                                                                                                                                                                                                                                                                                                                                                |
| 1981      | Provided by John Marshall 2/27/07 | Handwritten “1981”. No info where it came from. Activity seen in S 5, licensed pou and in S4. Only area in POU that appears irrigated is north of Dry Creek in S 5. Rest of claimed and licensed POU does not appear that it is irrigated as irrigated ground is seen in surrounding area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

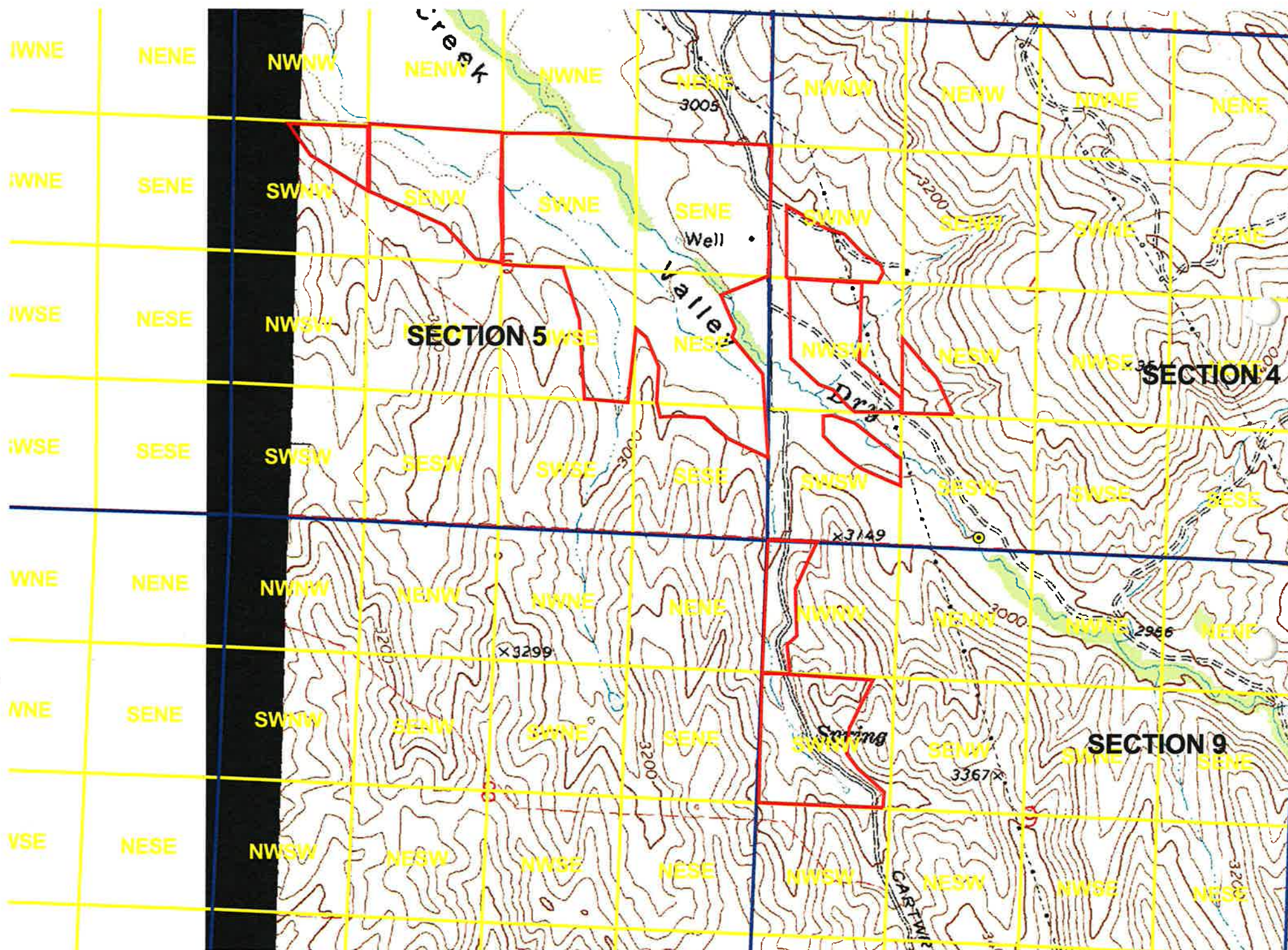
|      |                                   |                                                                                                                                                                                                                                                                                                              |
|------|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1983 | Provided by John Marshall 2/27/07 | Handwritten "1983". No info where it came from. Activity, including some irrigation, seen in S 5, licensed pou. No activity in S4. Only a few acres of S 9 seen and appear irrigated. Rest of claimed and licensed POU does not appear that it is irrigated as irrigated ground is seen in surrounding area. |
| 1987 | napp                              | No evidence of irrigation or other activity seen whatsoever.                                                                                                                                                                                                                                                 |
| 1992 | Orthophoto quad                   | No evidence of irrigation. Shadows in black and white photo appear to be natural spring season greening. Only area that appears irrigated is the Stoltz, Idaho Power taxlots. Did not use these for evidence of forfeiture but as reference.                                                                 |
| 2000 |                                   | Only the rectangular field that I recommended is seen in this photo. Dave Shaw provided this on disc as acres irrigated.                                                                                                                                                                                     |
| 2003 | naip                              | Not irrigation seen. Just spring greening up. Great resolution – used for reference and perspective – not evidence of forfeiture.                                                                                                                                                                            |
|      |                                   |                                                                                                                                                                                                                                                                                                              |



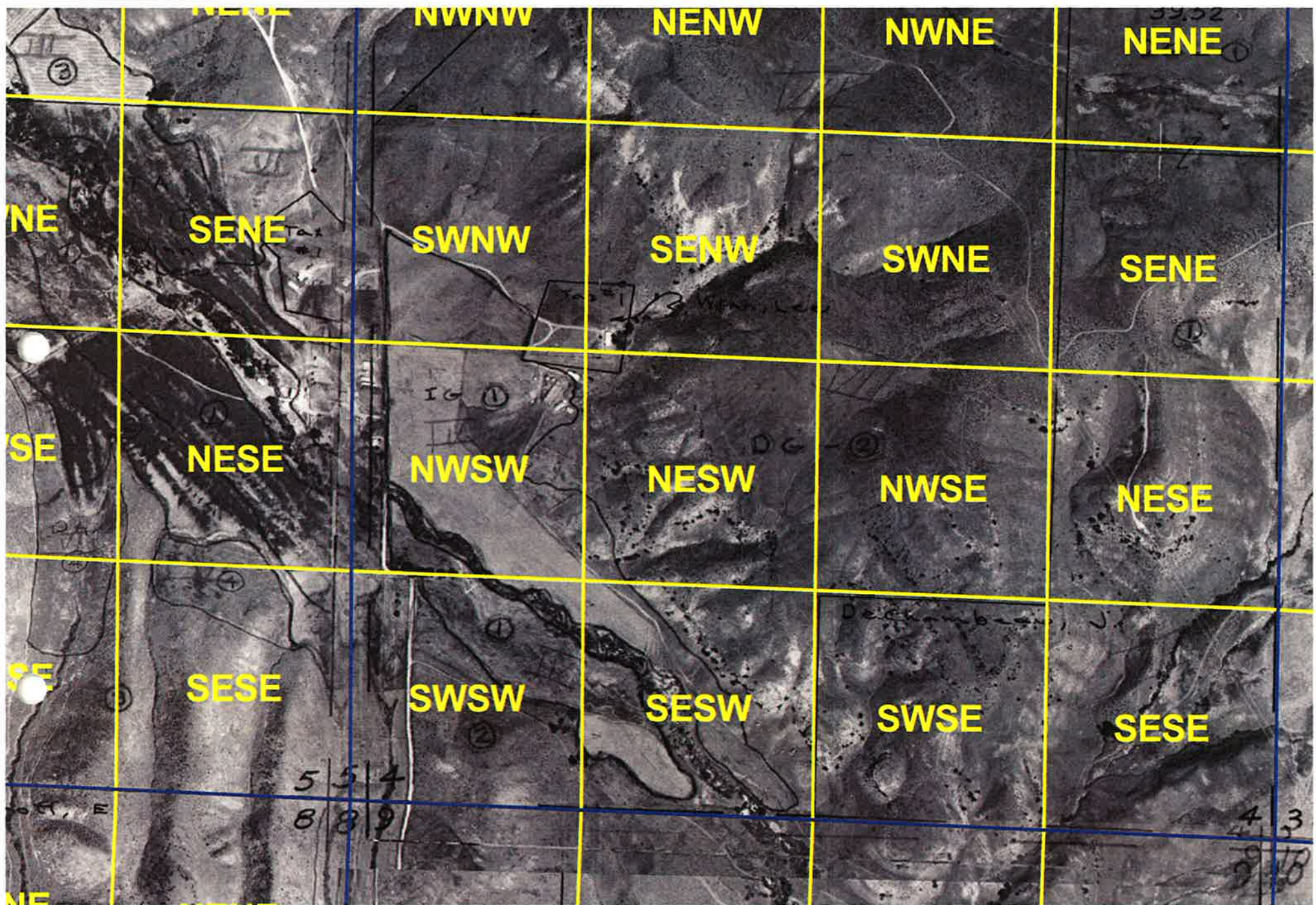
63-5207 -- TOPOGRAPHIC QUADRANGLE MAP. CLAIMED ACRES IN RED. AREAS IS GREEN IS LAND NOT OWNED BY CLAIMANT IN SECTIONS 4, 5, 9 WHERE USE WAS CLAIMED. STIPPLED BLACK - PRAC 100 ACRES



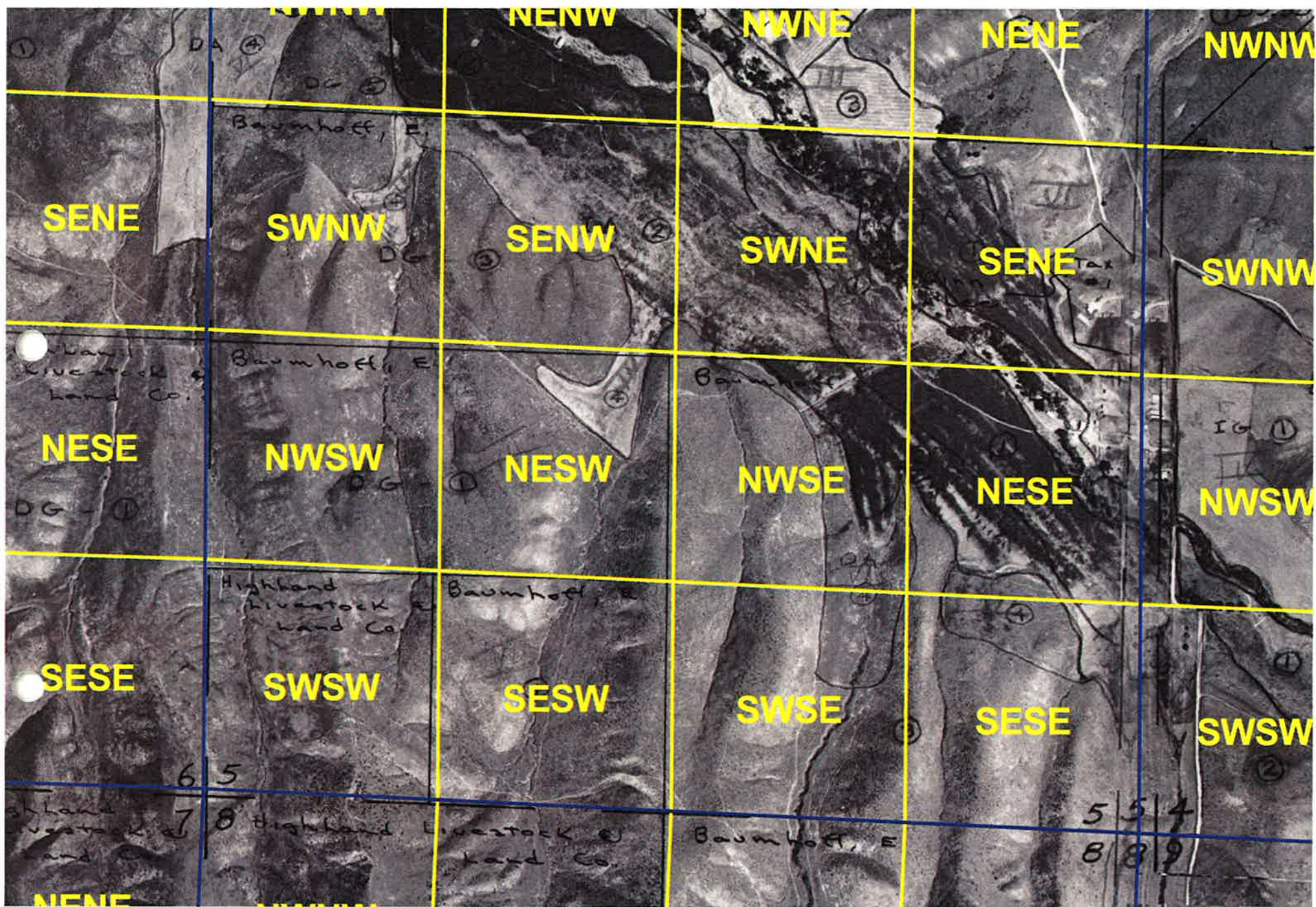
63-5207 -- TAXLOTS SHOWN IN GREEN ARE AREAS IN POU THAT ARE NOT OWNED BY CARTWRIGHT RANCH PER ARCVIEW ADA CO TAXLOT LAYER.



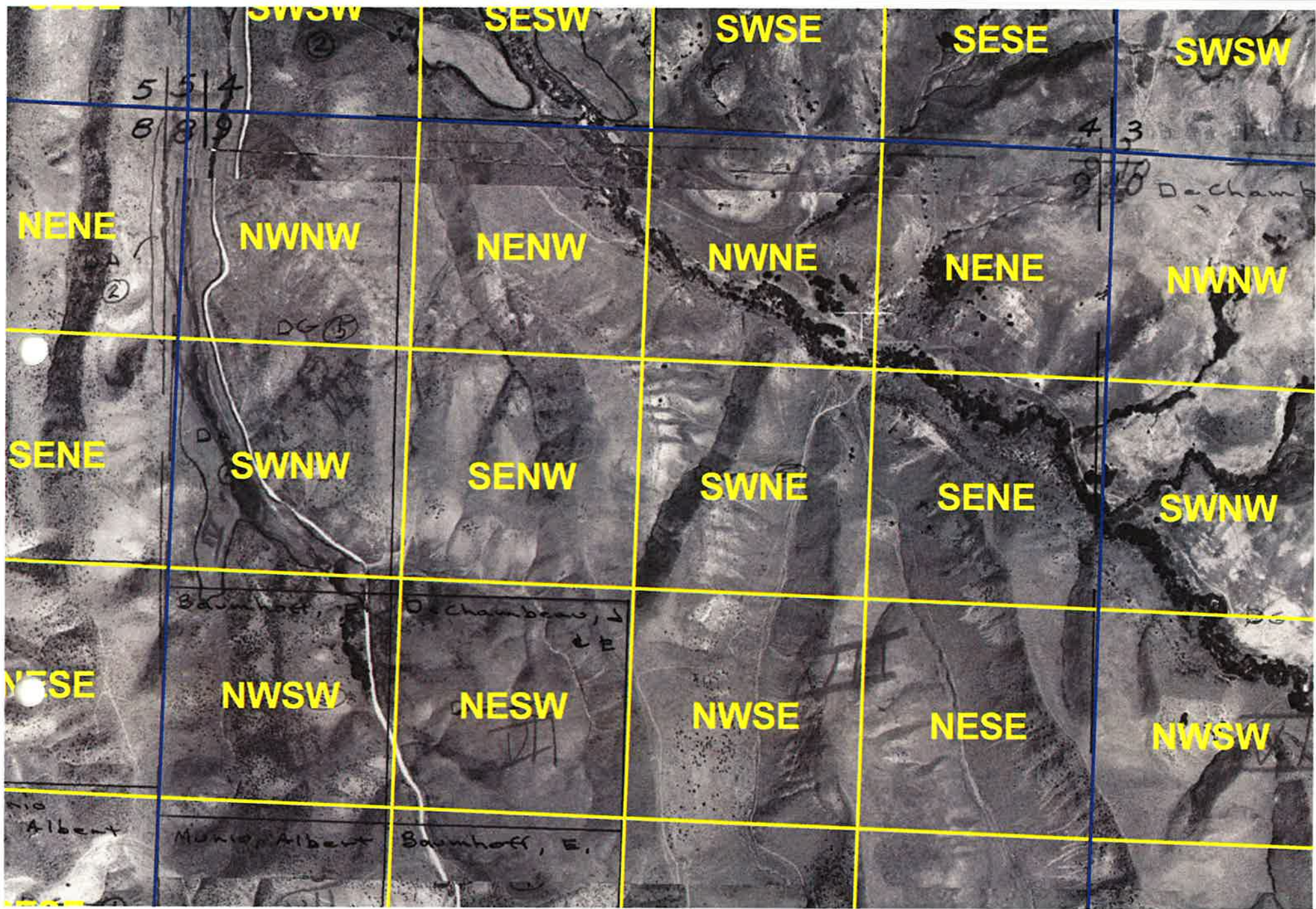
63-5207 -- TOPOGRAPHIC QUADRANGLE MAP. CLAIMED ACRES IN RED .



63-5207. 1964 aerial. section 4



63-5207. 1964 aerial. section 5



63-5207. 1964 aerial. section 9

66.2

202

SEC 5

B-85 ↑

SEC 4

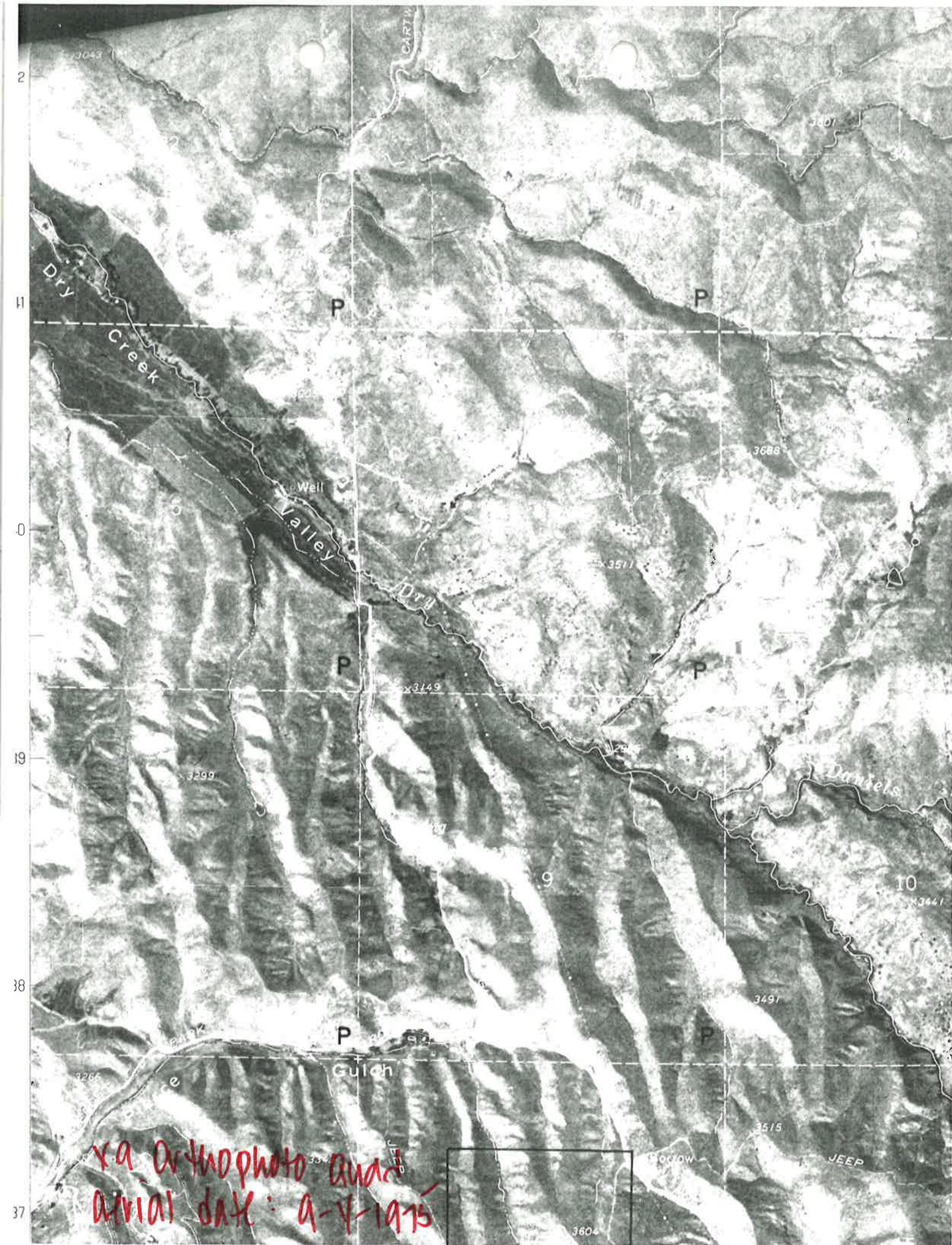
2 brown water  
116 hca

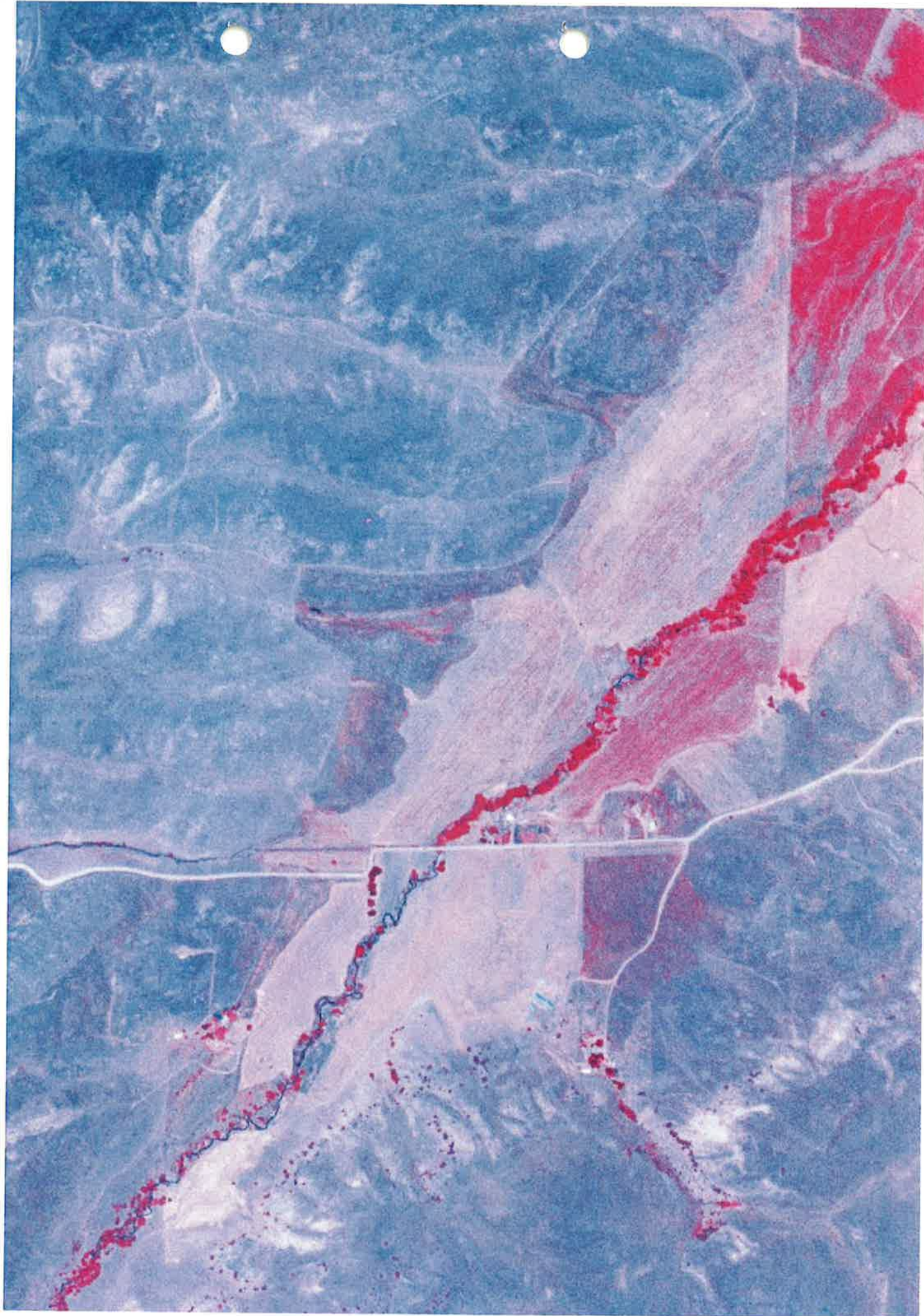
27

POD

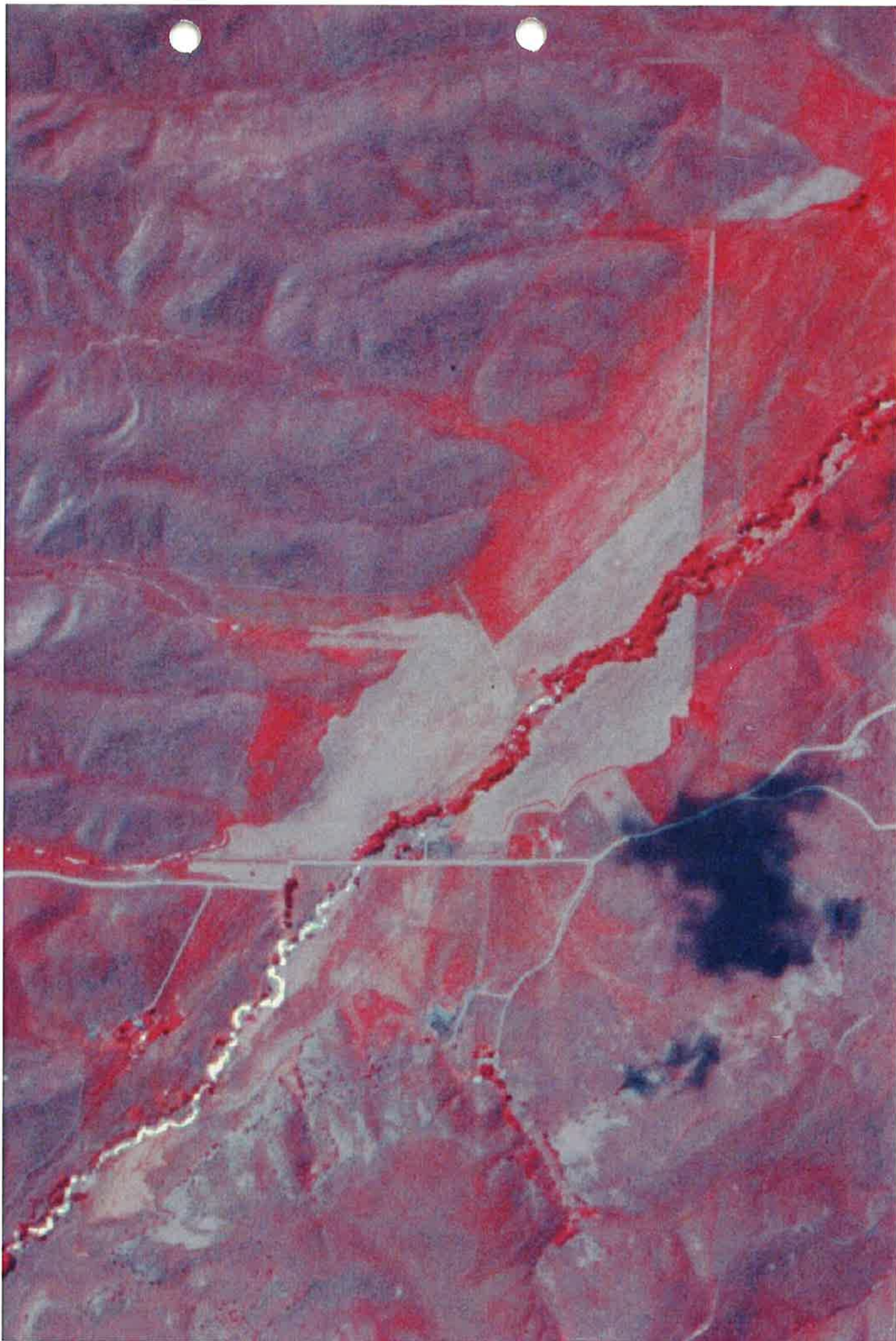
DHT-6DD-83  
7-18-04

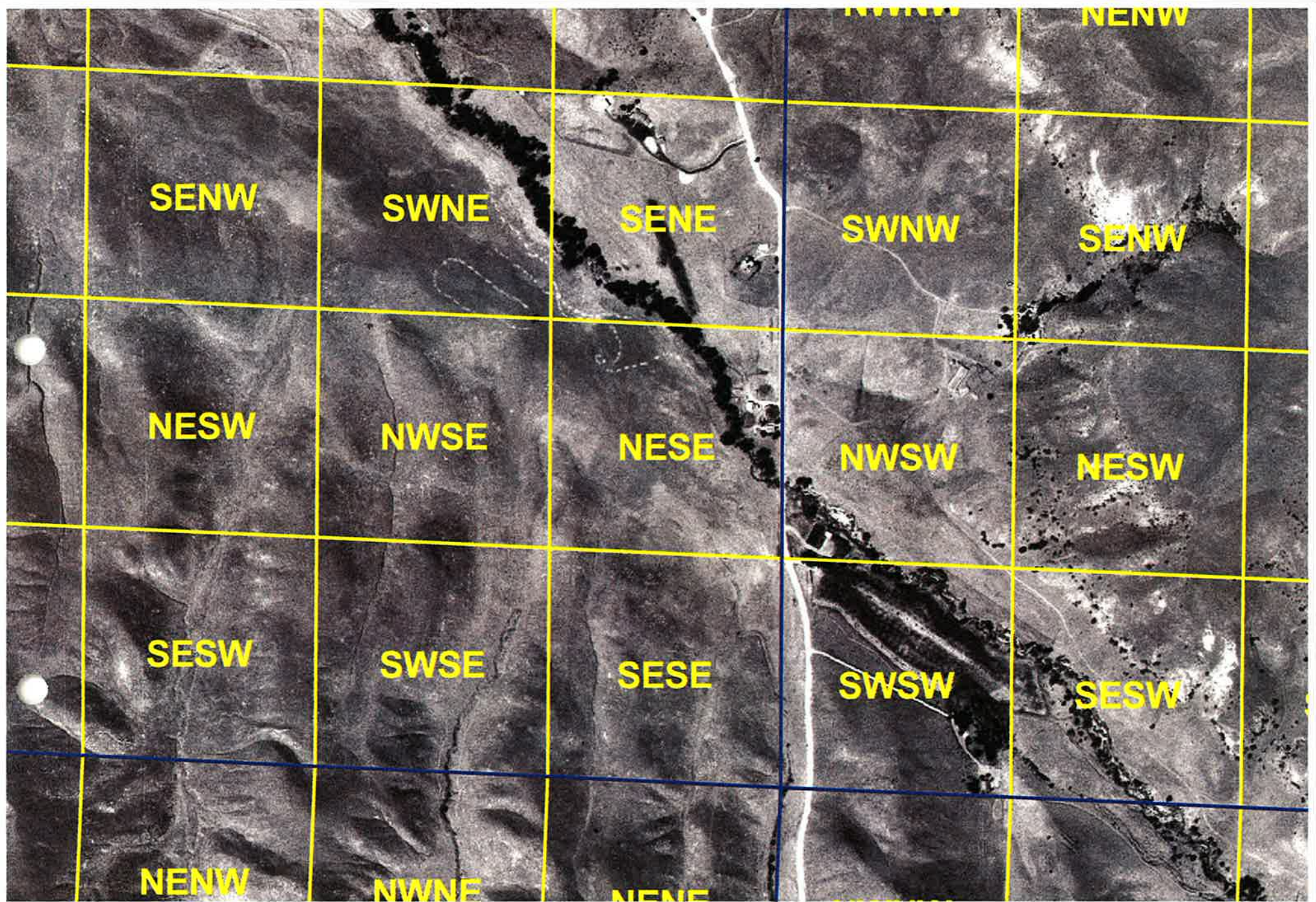
Spring 6 trib to  
DMA Creek  
SEC 9



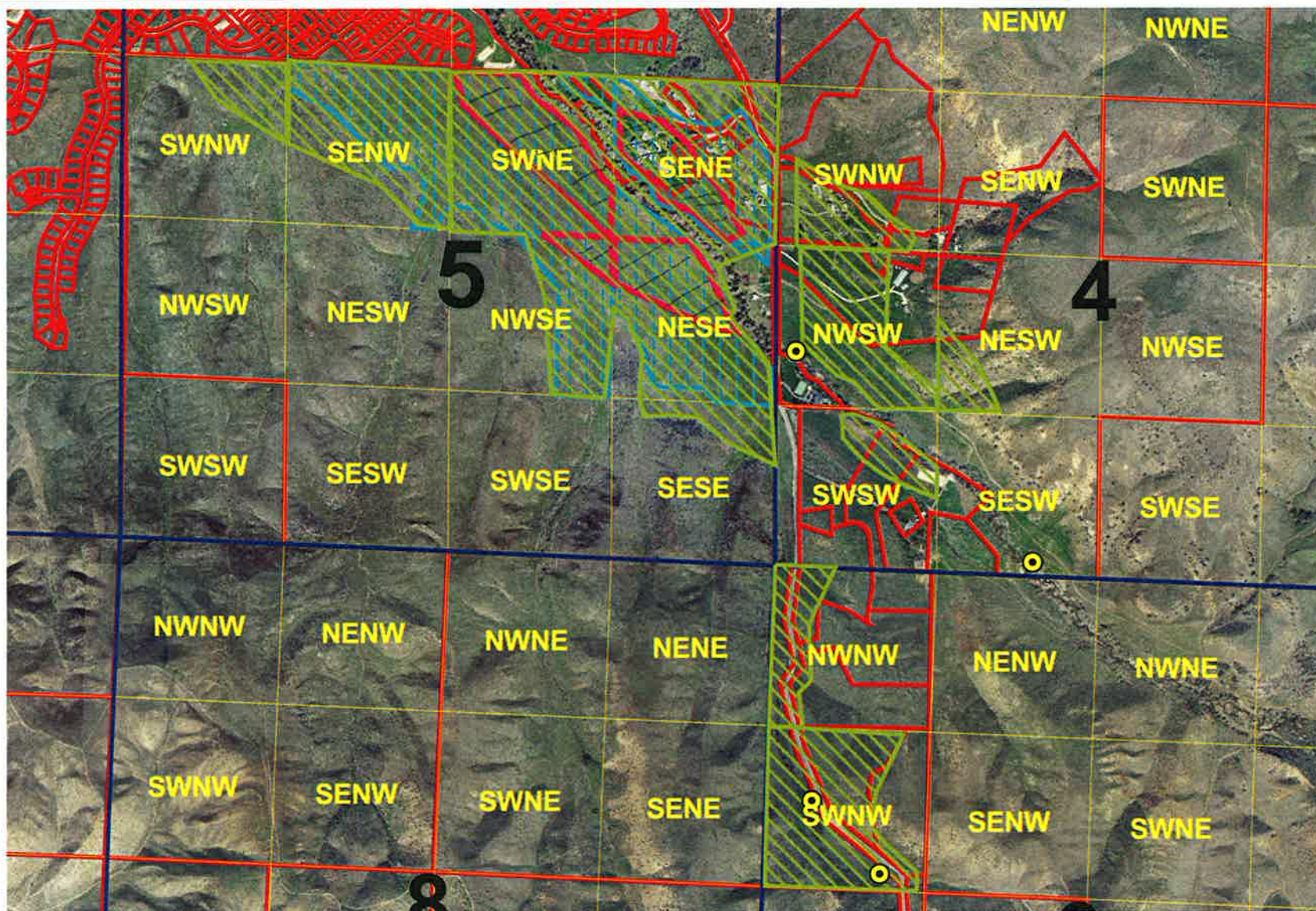


1983



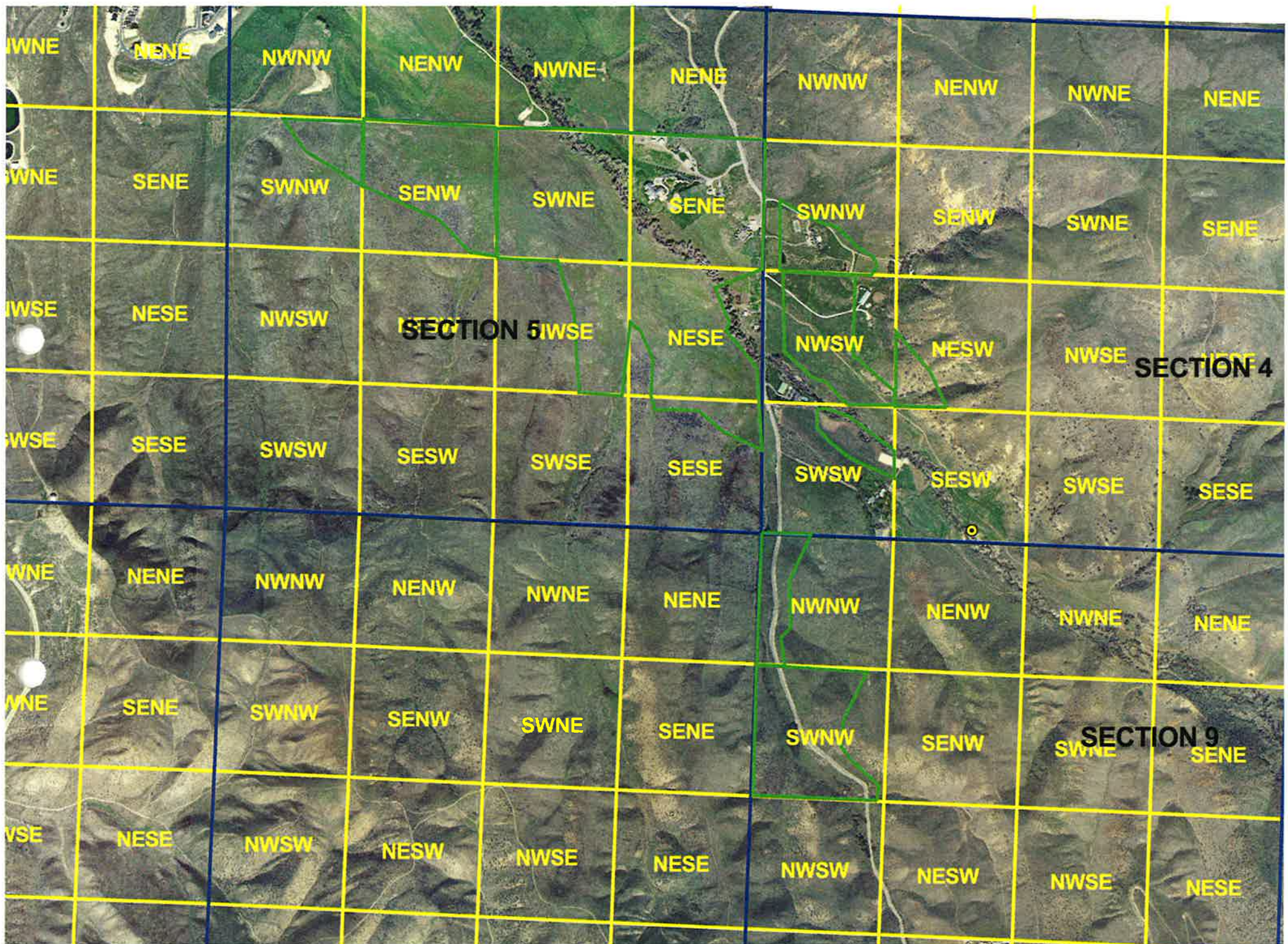


63-5207. 1992 orthophoto quad

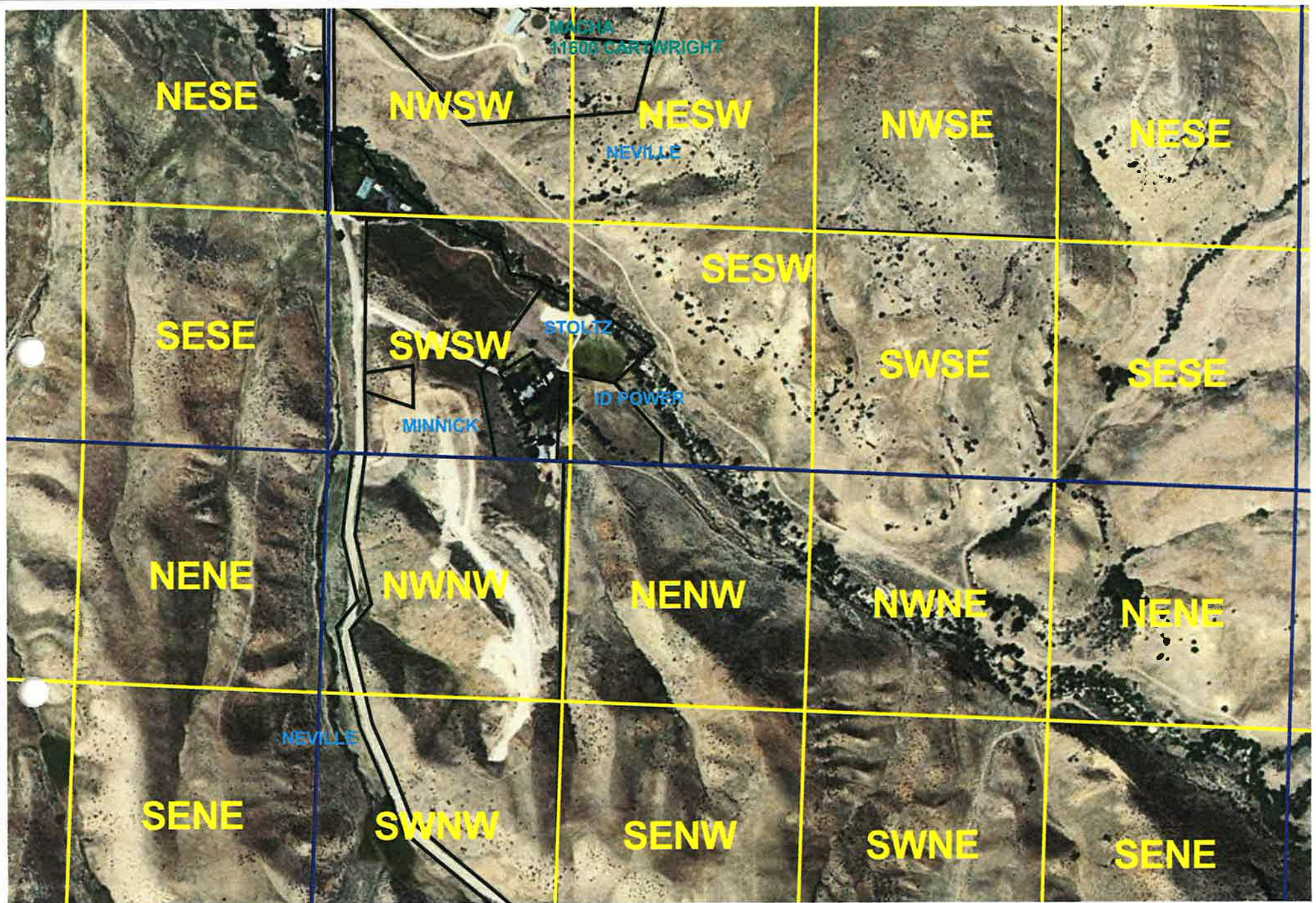


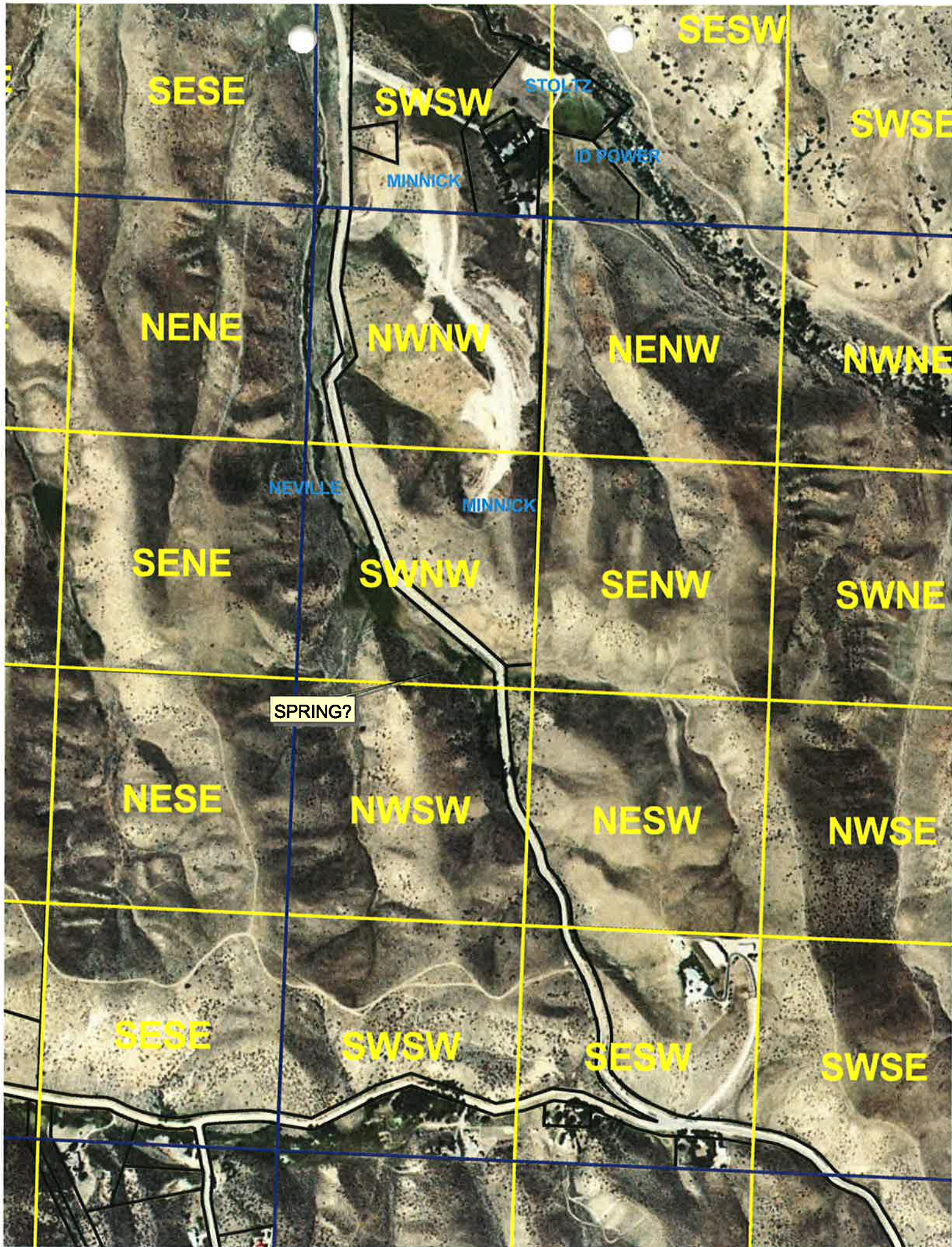
63-3321, 3285, 5207-- 2003 AERIAL OF ALL CLAIMED AND LICENSED POU<sub>s</sub> BEFORE SPLITS.

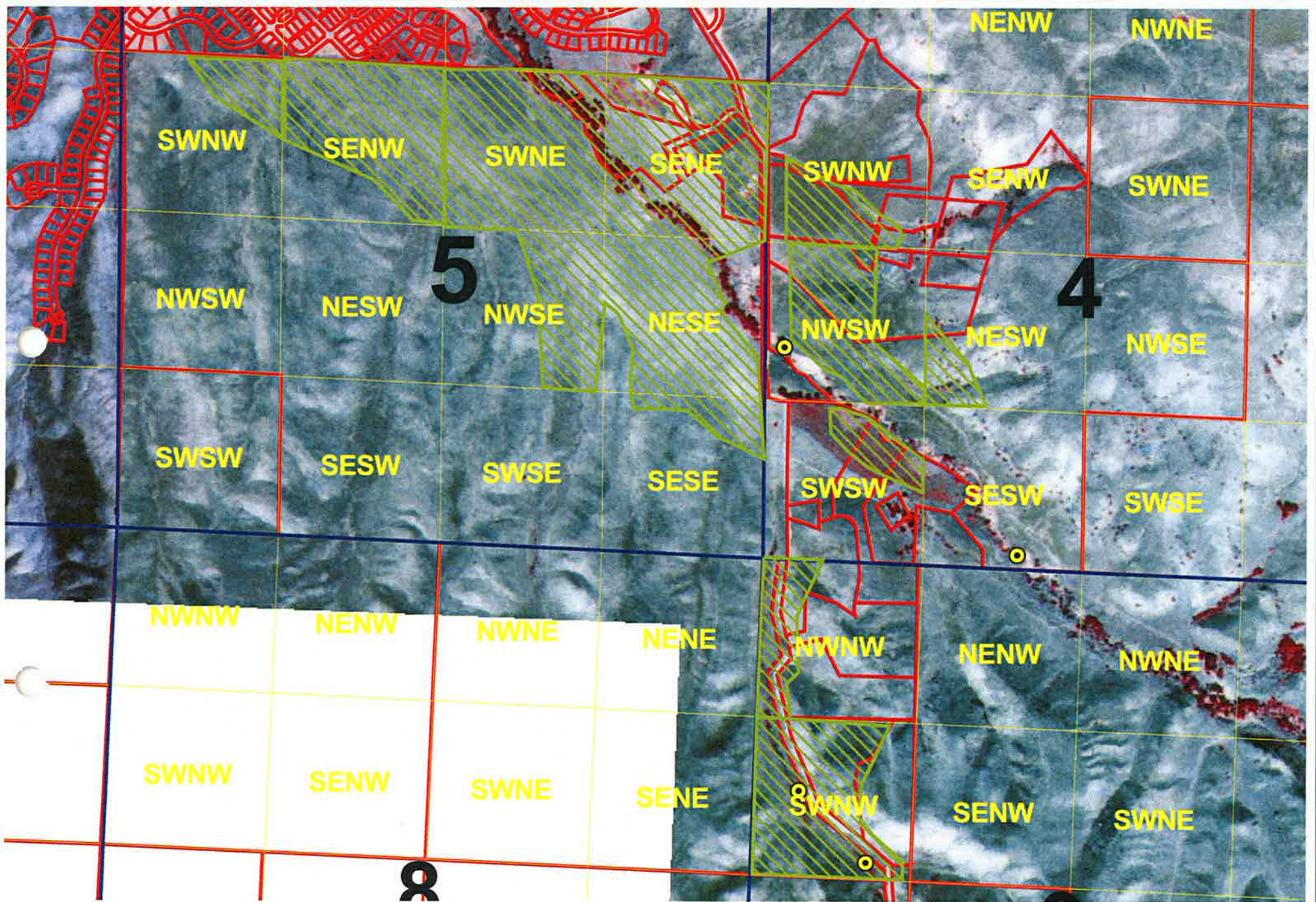
-  63-5207pou.shp
-  63-3321pou.shp
-  63-3285pou.shp
-  Section.shp
-  Quarter.shp
-  Townrange.shp
-  Ada.shp



63-5207 -- 2003 AERIAL. CLAIMED ACRES IN GREEN .







63-5207-- 1987 AERIAL. STATUTORY AND SRBA B/U CLAIM FOR 254 ACRES IRRIGATION FROM DRY CREEK & SPRING TRIB TO DRY CREEK AND SW. CLAIMED POU AND PODS LOCATED ON MAP. NO STORAGE SEEN. NO MAP PROVIDED WITH SRBA CLAIM, STAT CLAIM MAP TOTALLY INADEQUATE. TAXLOTS IN RED

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**2001 Property Details for Parcel S0604121140**

2001

[Change Year](#)[\[Back to Parcel Search\]](#) [\[Print View\]](#)**Details**[Valuation](#)[Tax Districts](#)[Taxes](#)[Characteristics](#)**Parcel:** S0604121140**Year:** 2001**Zone Code:** RR**Total Acres:** 257.665**Tax Code Area:** 205**Property Description:**

PAR #1140 OF

SEC 4 4N 2E

#121135-B

#99019163

**No Image  
Available**

[View Interactive Map of this Parcel](#)**Address:** N CARTWRIGHT RD BOISE , ID 00000**Subdivision:** 4N 2E 04**Land Group Type:** SECT**Township/Range/Section:** 4N2E04[Contact Us](#) | [Disclaimer](#)

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**2002 Property Details for Parcel S0605131215**

2002

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Valuation

Tax Districts

Taxes

Characteristics

**Parcel:** S0605131215**Year:** 2002**Zone Code:** RR**Total Acres:** 596.633**Tax Code Area:** 205**Property Description:**PAR #1215 OF NE4 SEC 8 &  
NW4 SEC 9 & OF SW4 SEC 4 & OF

SEC 5 4N 2E

#131213-B

**No Image  
Available**[View Interactive Map of this Parcel](#)**Address:** 11515 N CARTWRIGHT RD BOISE , ID 83702**Subdivision:** 4N 2E 05**Land Group Type:** SECT**Township/Range/Section:** 4N2E05[Contact Us](#) | [Disclaimer](#)



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## 2002 Property Details for Parcel S0605131215

2002

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**Valuation**

[Tax Districts](#)

[Taxes](#)

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### Valuation Details

| Role    | SCC                 | Acreage | Assessed Value | Valuation Method |   |
|---------|---------------------|---------|----------------|------------------|---|
| Primary | 320 IMPROVEMENT     | 0.0     | \$5,000        | COST             | 2 |
| Primary | 100 HOMESITE ON AG  | 3.0     | \$110,300      | MARKET           | 2 |
| Primary | 310 RES IMPROVEMENT | 0.0     | \$26,000       | COST             | 2 |
| Primary | 10 IRRIGATED AG     | 84.0    | \$110,700      | INCOME           | 2 |
| Primary | 40 MEADOW           | 12.633  | \$3,900        | INCOME           | 2 |
| Primary | 50 DRY GRAZING      | 497.0   | \$17,000       | INCOME           | 2 |

### Valuation History

#### Year Value

2002 \$272,900

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**2001 Property Details for Parcel S0604121140**

2001

[Change Year](#)[\[Back to Parcel Search\]](#) [\[Print View\]](#)[Details](#)**Valuation**[Tax Districts](#)[Taxes](#)[Characteristics](#)**Valuation Details**

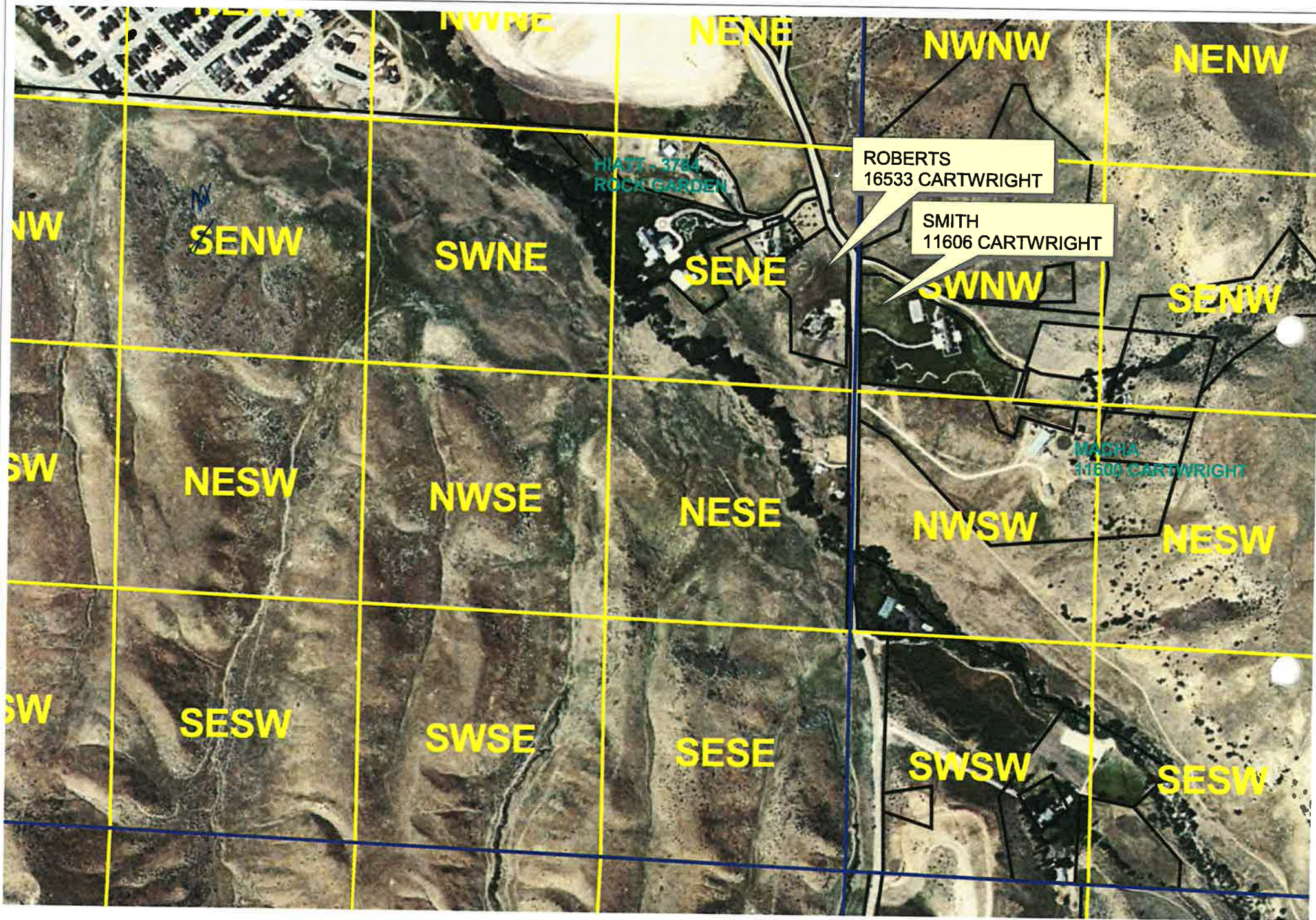
| Role    | SCC            | Acreage | Assessed Value | Valuation Method | C |
|---------|----------------|---------|----------------|------------------|---|
| Primary | 50 DRY GRAZING | 257.67  | \$8,000        | INCOME           | 2 |

**Valuation History****Year Value**

2001 \$8,000

2000 \$7,800

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Photograph provided by Dave Shaw to Ken Henley on CD during 8/25/05 field exam.  
Photo labeled 00 photo.jpg



Photograph provided by Dave Shaw to Ken Henley on CD during 8/25/05 field exam.  
Photo labeled 04 photo.jpg

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION FIELD REPORT**

**Prior to Field Exam**

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
  - ☐ Well logs (if needed)
  - ☐ Copy of topo or NAPP
  - ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
  - ☐ Check POD & POU overlap, see below – include overlapping right for exam
  - ☐ Evidence of Priority – if none, talk with claimant

**CLAIMANT INFORMATION – verify contact information is complete**Claim No(s) 63-33214 + 63-32854 and 63-5207Owner: H. William Neville, Marilyn R. Neville Phone No. James L. Neville. 344-3188Current Address: 3122 Edison TERR

- ☐ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☐ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property? \_\_\_\_\_

Accompanied by: David Shaw**PRIORITY DATE**

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: Dec. 03, 1962, April 12, 1962

(If priority date, based on your exam, seems questionable, explain below.)

SPRING  
Well

DRY CREEK.  
DRY CREEK

Source: DRY CREEK Tributary to Boise River

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: \_\_\_\_\_

**POINT OF DIVERSION**

- ☐ No change
- ☒ POD found is different than claimed: DRY CREEK Diversion Abandoned
- ☐ If different, when did POD change? ?

**DIVERSION AND DELIVERY SYSTEM**

Points of Diversion:

| ID # | Govt Lot # | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Method of Determination/Remarks<br>GPS ID |
|------|------------|-----|-----|-----|------|------|------|--------|-------------------------------------------|
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |

Description of diverting works

Concrete Structure with a dirt ditch on each side of DRY Creek,  
 which is now Abandoned See pictures, 3 & 4. Well with 20 HSP Turbin  
 Pump to 6" Line, Picture # 2

**OVERLAP REVIEW**

Other water rights with the same point of diversion:

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

**WATER USES**

- ☐ No change  
☐ Different Uses

Use IRRIGATION From 03/15 To 11/15 Amount 0.64 CFS 143.08 AFA  
0.56  
 Use Stock water From 01/01 To 12/31 Amount 0.75 CFS 0.75 AFA  
 Use Storage From 01/01 To 12/31 Amount 0.75 CFS 0.75 AFA

Total 5.480

**TOTAL VOLUME – Groundwater only**

- ☐ Incomplete on claim, the total is, Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA  
☐ Changes found, the new total is, Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA  
☐ More than 1" per Acre? Yes \_\_\_\_\_ (claimant must complete excess flow sheet)

**NON-IRRIGATION USES:**

- ☒ No change  
☐ Changes Exam found: Domestic # of homes \_\_\_\_\_ Stock # \_\_\_\_\_  
 Types \_\_\_\_\_ Additional comments: \_\_\_\_\_

**PLACE OF USE:**

- ☐ No Change  
☐ Changes shown below:

| Place of Use |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|--------------|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| TWP          | RGE | SEC | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Overlap with other water rights: NO

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: 4.20 HP TURBINE Pump to a 6" Main Line to Hand Lines & ALSO Wheel Lines. See pictures 1, 2 & 3

| Well or Diversion Identification No<br>GPS ID | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge size |
|-----------------------------------------------|------------|----|------------------|-----------|-----------------------------------|
| GPS 2319810                                   | U.S. Motor | 20 | 3262181          | turbine   | 6"                                |
| USR, 1392780                                  |            |    |                  |           |                                   |

#### FLOW MEASUREMENTS:

Attach appropriate documents

Old Diversion  
STRUCTURE

GPS 2320729  
USR, 1391866

Estimated beginning  
of Spring

2320349  
1391089

#### NARRATIVE/REMARKS/COMMENTS

The original concrete & steel check structure to a dirt ditch on each side of dry creek has washed out & the creek has routed around the structure completely. The dirt ditches were approximately 2.5' at bottom & 3.5' across the top. 125 pair of cattle graze the property & water anywhere all along the creek. The pond area directly above the abandoned structure was where the 75 acre ft of storage was claimed. Mr. David Shaw supplied a disk with the acres irrigated & a outline of property. The well appears not to be used in the 2005 season (to date). See pictures (143) Ten Acres has been sold in the SE NE Sec. #5 (per Dave)



## FLOW CALCULATIONS

Measured Method:

\_\_\_\_\_ Additional Computation Sheets Attached

## VOLUME CALCULATIONS

### 1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{10cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{10cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{10cm}}$$

### 2. Volume Calculations for Other Uses:

**Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.

Scale: 1" = \_\_\_\_\_

— Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

— Aerial Photo Attached (required for irrigation of 10+ acres)

Photo of Diversion and System Attached

| Well or Diversion Identification No.* | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|----|------------------|-----------|-----------------------------------|
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |

\*Code to correspond with No. on map and aerial photo

## FLOW MEASUREMENTS

1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2. Measurements: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

63-3321A - 63-32851A + 63-5207 (Abandoned)  
See Photos.



(David Shaw) Photo 2004

(Picture #1)



(Picture #2)

Well + pump 20 HP.

63-3321A + 63-3285A. for well

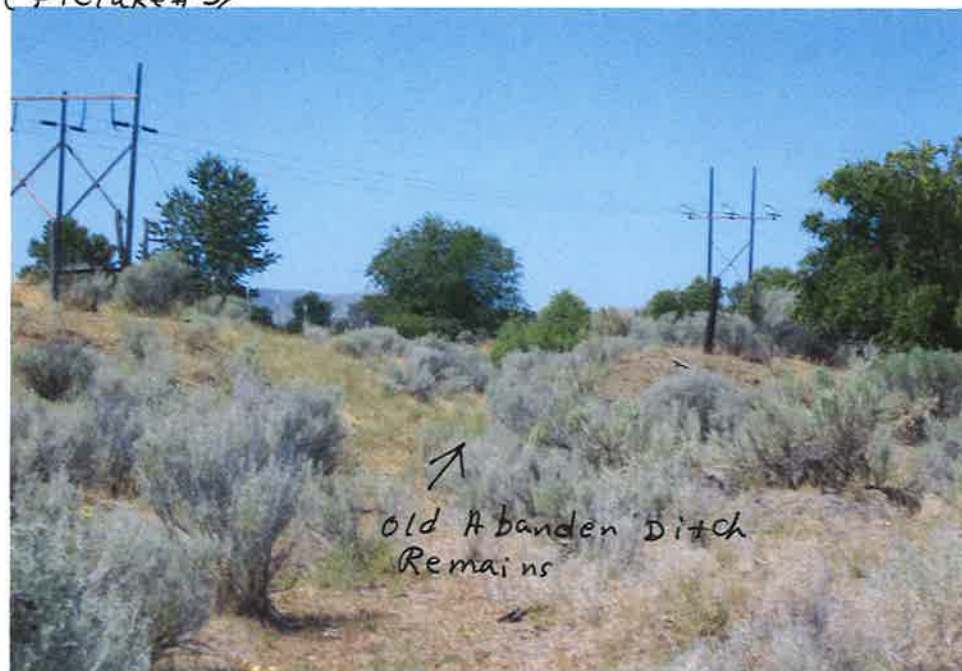


(Picture #3) Wheel Lines to IRRIGATE  
West side of DRY CREEK  
FROM well

(Picture #1)



(Picture #3) 63-5207



(Picture #2) Appears to Be Beginning of Spring.



DRY CREEK DIVERSION (Abandoned)

(Picture #4)

---

MEMORANDUM TO SUBCONTRACTOR

---

TO: KEN HENLEY  
FROM: VICKY L MUSIC, WATER RESOURCE AGENT, IDWR / WESTERN  
REGION  
SUBJECT: FIELD EXAM OF CLAIM NOS. 63-3321A, 63-3285A AND 63-5207  
DATE: 7/18/2005  
CC: CLAIM FILE

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Ken - this will be one of several <sup>Same well</sup> field exams done on Dry Creek. This exam is for 2 ground water licenses [63-3321A and 63-3285A] and a statutory claim 63-5207 from Dry Creek. *Property owner is Judge Neville & family.*

CONTACT DAVE SHAW, CONTRACTOR FOR CLAIMANT, to set up field exam. His # is 373- 7983. He works for ERO.

Please collect the following information:

1 - <sup>Abandon</sup> confirm locations of points of diversion: Dry Creek, the spring and the wells. GPS the points of diversion and locate them on the map.

2 - Take measurements from points of diversion and calculate flow. *13.5 - 12.5 = 1.0*

3 - located the points of diversion for the stockwater. Are there diversions or is <sup>H 11 of ERO</sup> this instream stockwatering? What is the total number of stock and is it all range cattle? *125 Pair*

4 - locate the ponds on the map and GPS them. *Abandon. 0.75 Acre above Diversion that Abandon*

5 - locate the acres irrigated on the map. I cannot find on the aerials the acres claimed as irrigated. *See Disk*

6 - describe the diversion and delivery system. *Pump w/ wheel line to old ditches*

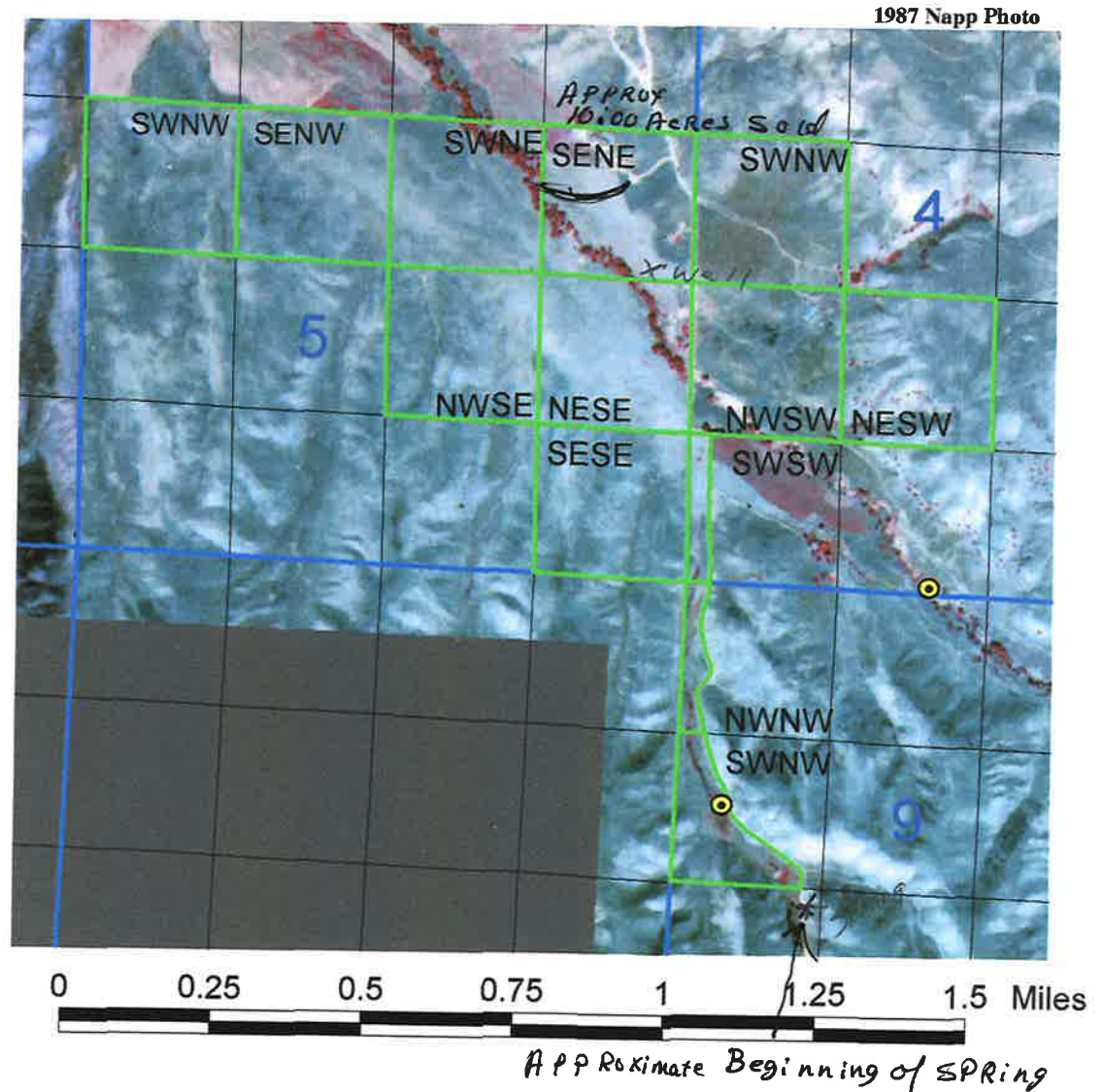
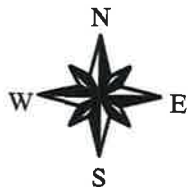
Thanks.

VLM

# Idaho Department of Water Resources

Claim Number: 63-05207  
Legal: T4N, R2E, S4, 5, 9  
Reviewed By:

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



*Desktop review/plan*

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION FIELD REPORT**

**Prior to Field Exam**

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☒ Evidence of Priority – if none, talk with claimant

**CLAIMANT INFORMATION** – verify contact information is complete

Claim No(s) \_\_\_\_\_

Owner: \_\_\_\_\_ Phone No. \_\_\_\_\_

Current Address: \_\_\_\_\_

- ☒ No change NAME IS THE SAME
- ☒ NEW OWNER \_\_\_\_\_
- ☐ No change Address \_\_\_\_\_
- ☐ NEW ADDRESS \_\_\_\_\_
- ☐ How long owned property? \_\_\_\_\_

Accompanied by: \_\_\_\_\_

**PRIORITY DATE**

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: \_\_\_\_\_

(If priority date, based on your exam, seems questionable, explain below.)

\_\_\_\_\_

\_\_\_\_\_

Source: \_\_\_\_\_ Tributary to \_\_\_\_\_

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: \_\_\_\_\_

**POINT OF DIVERSION**

- ☒ No change
- ☐ POD found is different than claimed: \_\_\_\_\_
- ☐ If different, when did POD change? \_\_\_\_\_

*washed out - don't know when.*

**DIVERSION AND DELIVERY SYSTEM**

Points of Diversion:

| ID # | Govt Lot # | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Method of Determination/Remarks<br>GPS ID |
|------|------------|-----|-----|-----|------|------|------|--------|-------------------------------------------|
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |

Description of diverting works

*see field exam***OVERLAP REVIEW**Other water rights with the same point of diversion: *no*

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

*/***WATER USES**

- ☐ No change  
☐ Different Uses

Use *IRV* From *3/1* To *11/15* Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA  
Use *GW* From *1/1* To *12/31* Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA  
Use *GW/GW* From *1/1* To *12/31* Amount \_\_\_\_\_ CFS *.75* AFA

**TOTAL VOLUME – Groundwater only**

- ☐ Incomplete on claim, the total is, Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA  
☐ Changes found, the new total is, Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA  
☐ More than 1" per Acre? Yes \_\_\_\_\_ (claimant must complete excess flow sheet)

**NON-IRRIGATION USES:**

- ☐ No change  
☐ Changes Exam found: Domestic # of homes \_\_\_\_\_ Stock # \_\_\_\_\_  
Types \_\_\_\_\_ Additional comments: \_\_\_\_\_

**PLACE OF USE:**

- ☒ No Change  
☐ Changes shown below:

*claimed 254 acres. found 55 at most & this is questionable.*

| Place of Use |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|--------------|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| TWP          | RGE | SEC | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Overlap with other water rights: 63-3321A, 63-32851A

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

yes

Delivery System Narrative: see field exam

| Well or Diversion Identification No<br>GPS ID | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge size |
|-----------------------------------------------|------------|----|------------------|-----------|-----------------------------------|
|                                               |            |    |                  |           |                                   |
|                                               |            |    |                  |           |                                   |

#### FLOW MEASUREMENTS:

Attach appropriate documents

#### NARRATIVE/REMARKS/COMMENTS

X02 GW is for 250 head range cell  
app. N09 for GW not a det of his 1/4  
E55 this rt when combined w/ 3321A & 32851A  
 not limited to 55.1 ac.

E52 this rt limited to 1.1 cfs when combined w/  
 63-3321A & 32851A

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

**AFTER EXAM THE FILE SHOULD CONTAIN:**

- ☒ Completed claim checklist
- ☒ Photographs of POD's and POU
- ☒ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

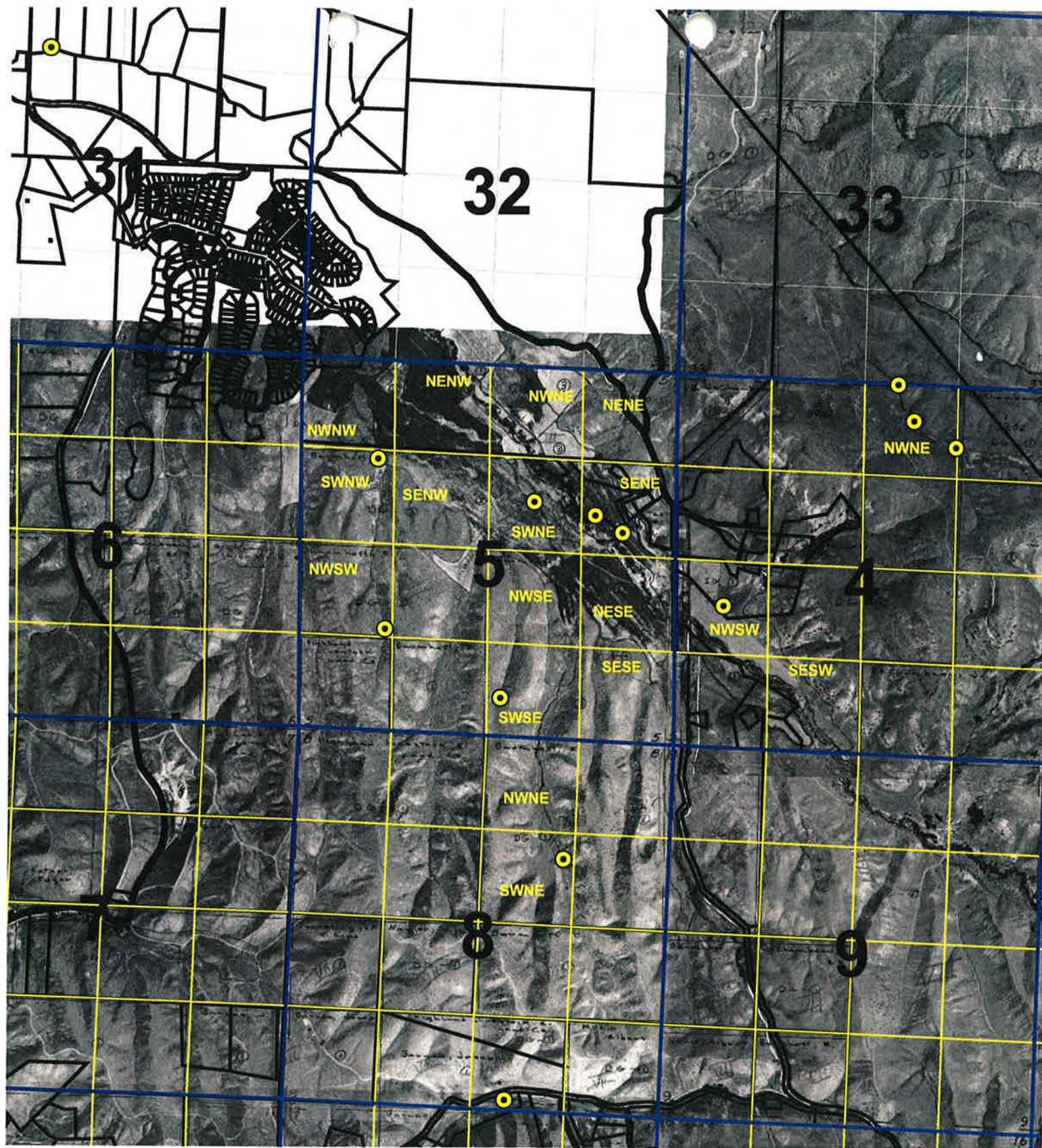
DATE EXAM CONDUCTED: 11/11/2023

**FIELD EXAMINER:**

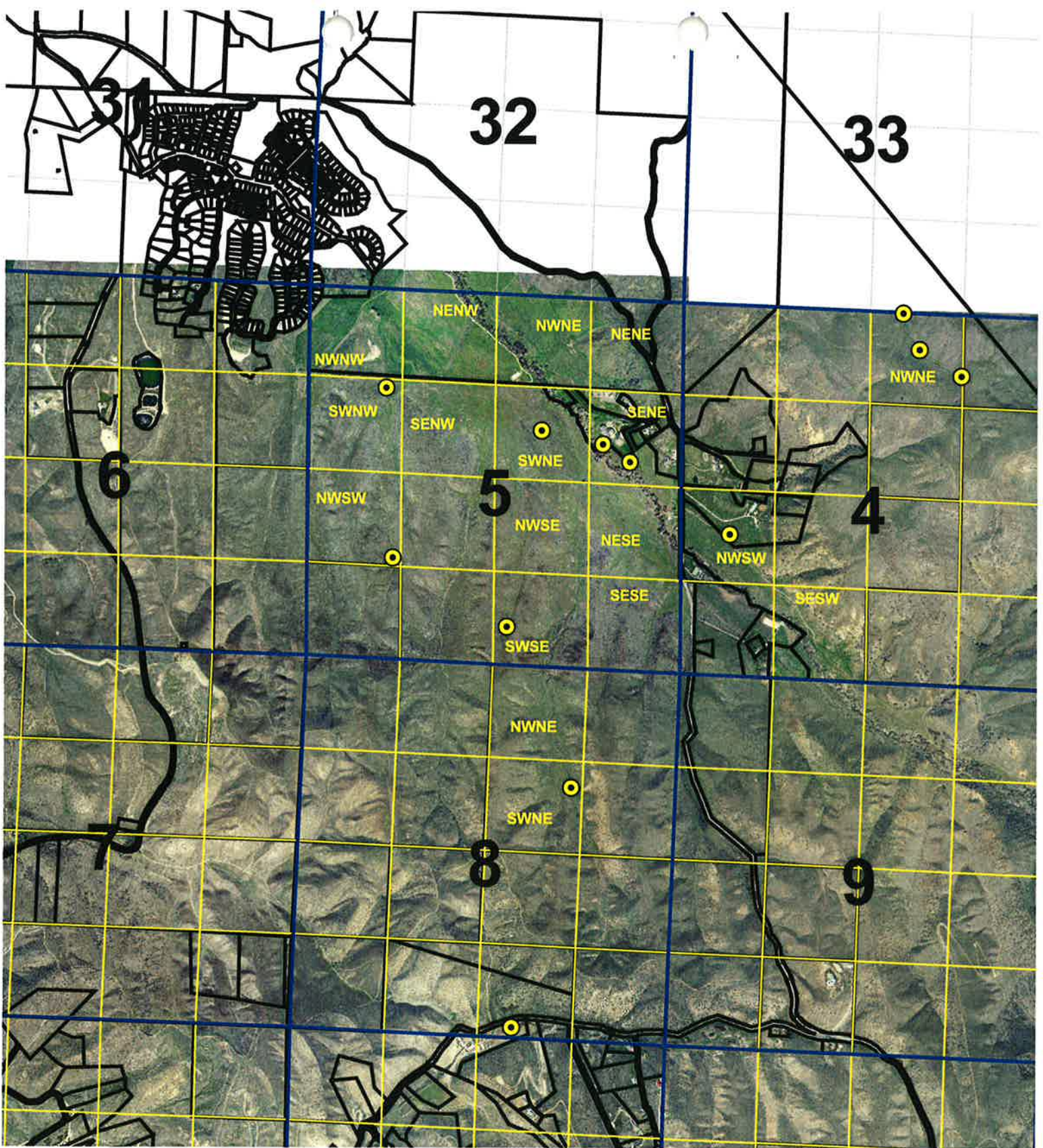
8-6-05

Wick

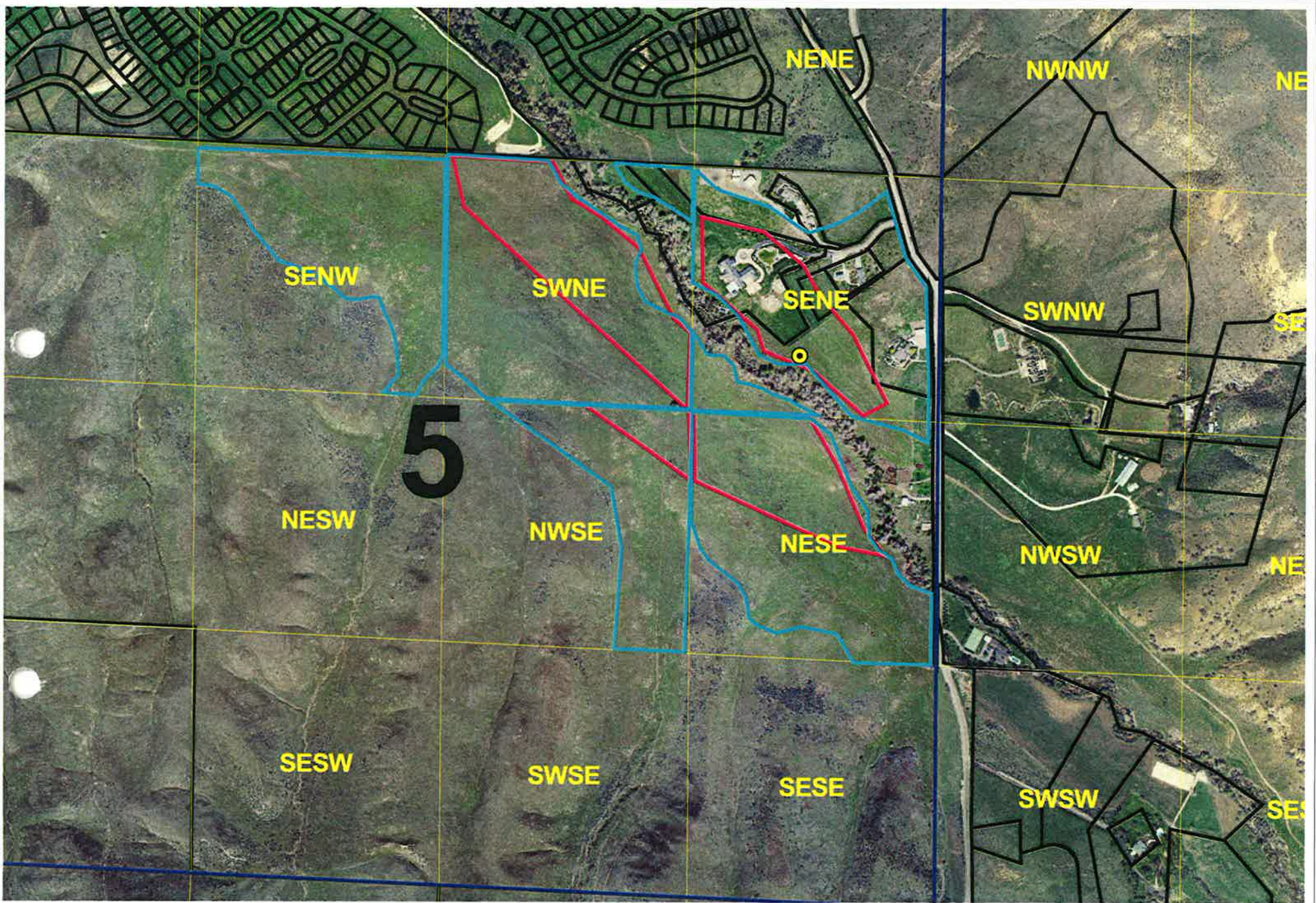
UNIC



1964 AERIAL -  
63-5207 - THE DRY CREEK STATUTORY CLAIM. OVERLAPS  
WITH GROUND WATER LICENSES 63-3285A AND 63-3321A.

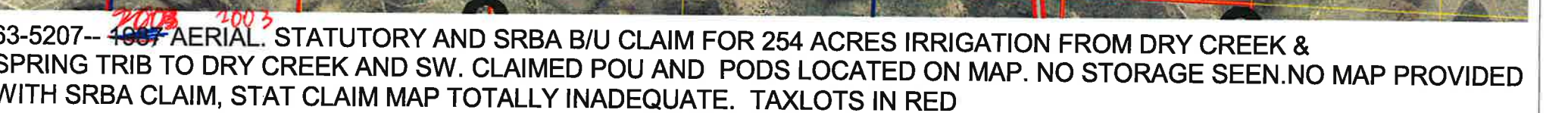


2003 AERIAL -  
63-5207 - THE DRY CREEK STATUTORY CLAIM. OVERLAPS  
WITH GROUND WATER LICENSES 63-3285A AND 63-3321A.

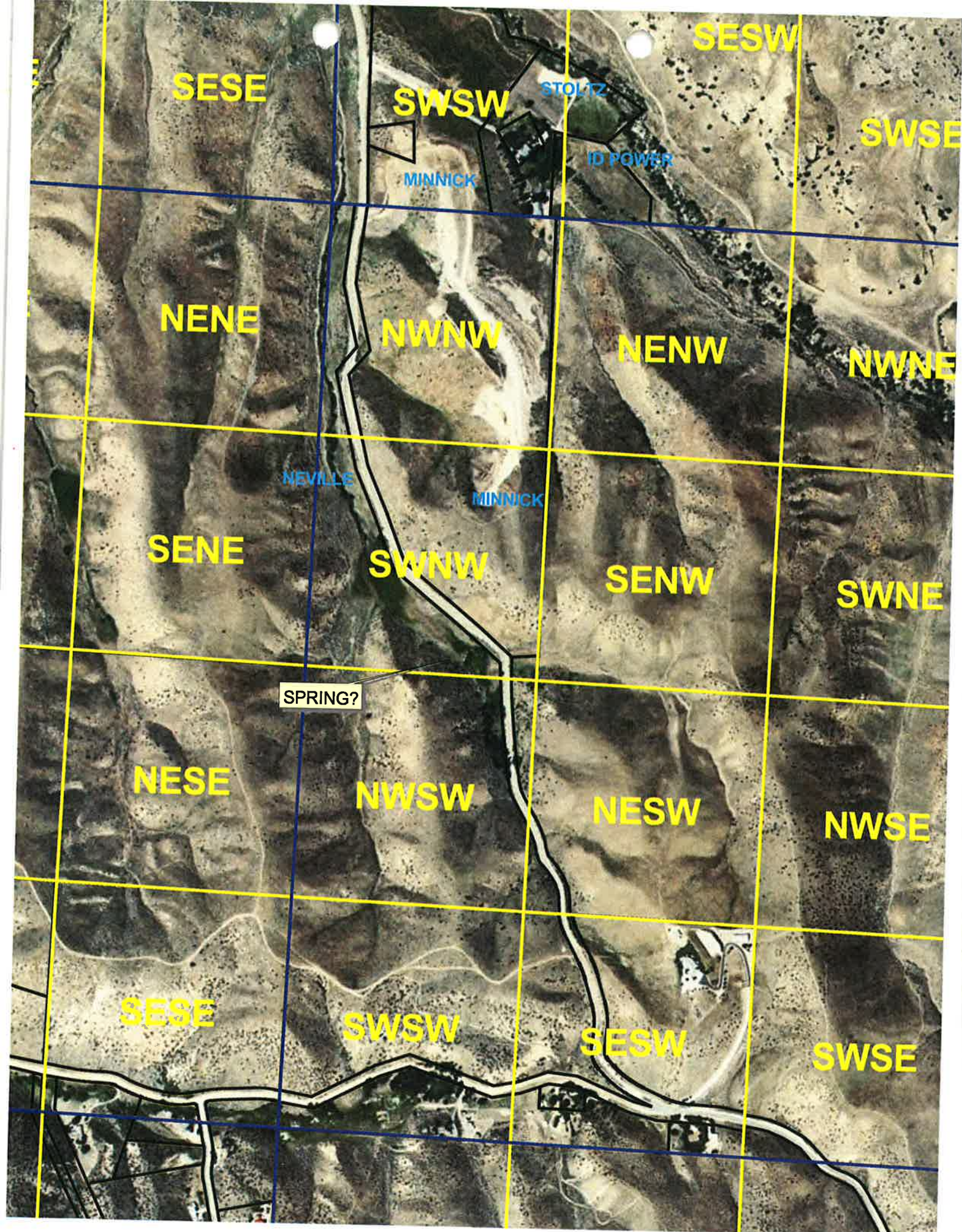


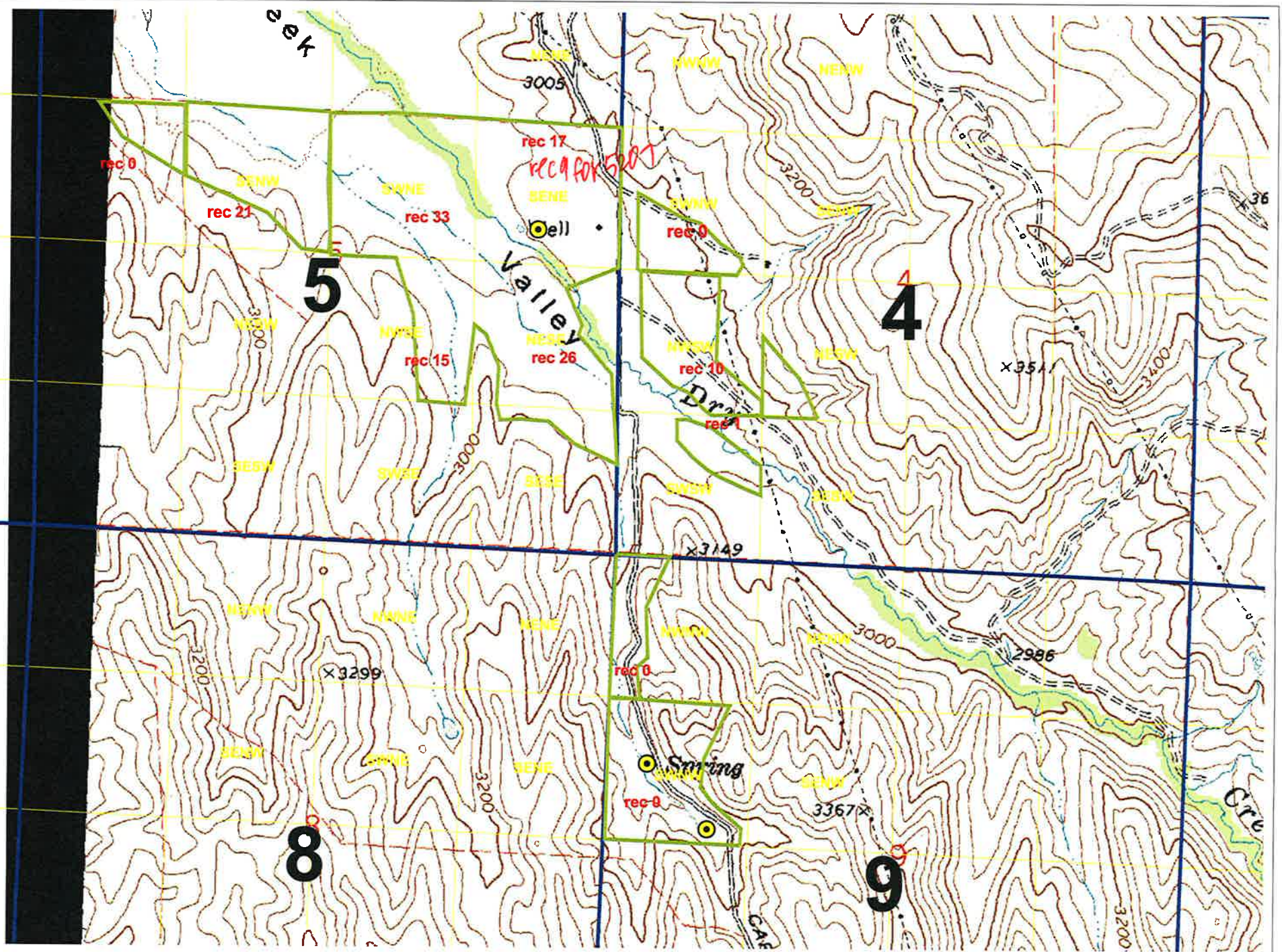
63-3285 & 63-3321-- 2003 AERIAL OF LICENSED ACRES. CLAIMANT ONLY OWNS ABOUT 7 ACRES OF THE LICENSED POD IN SENE - 27 LICENSED.

Pink = 63-3321 Blue = 63-3285

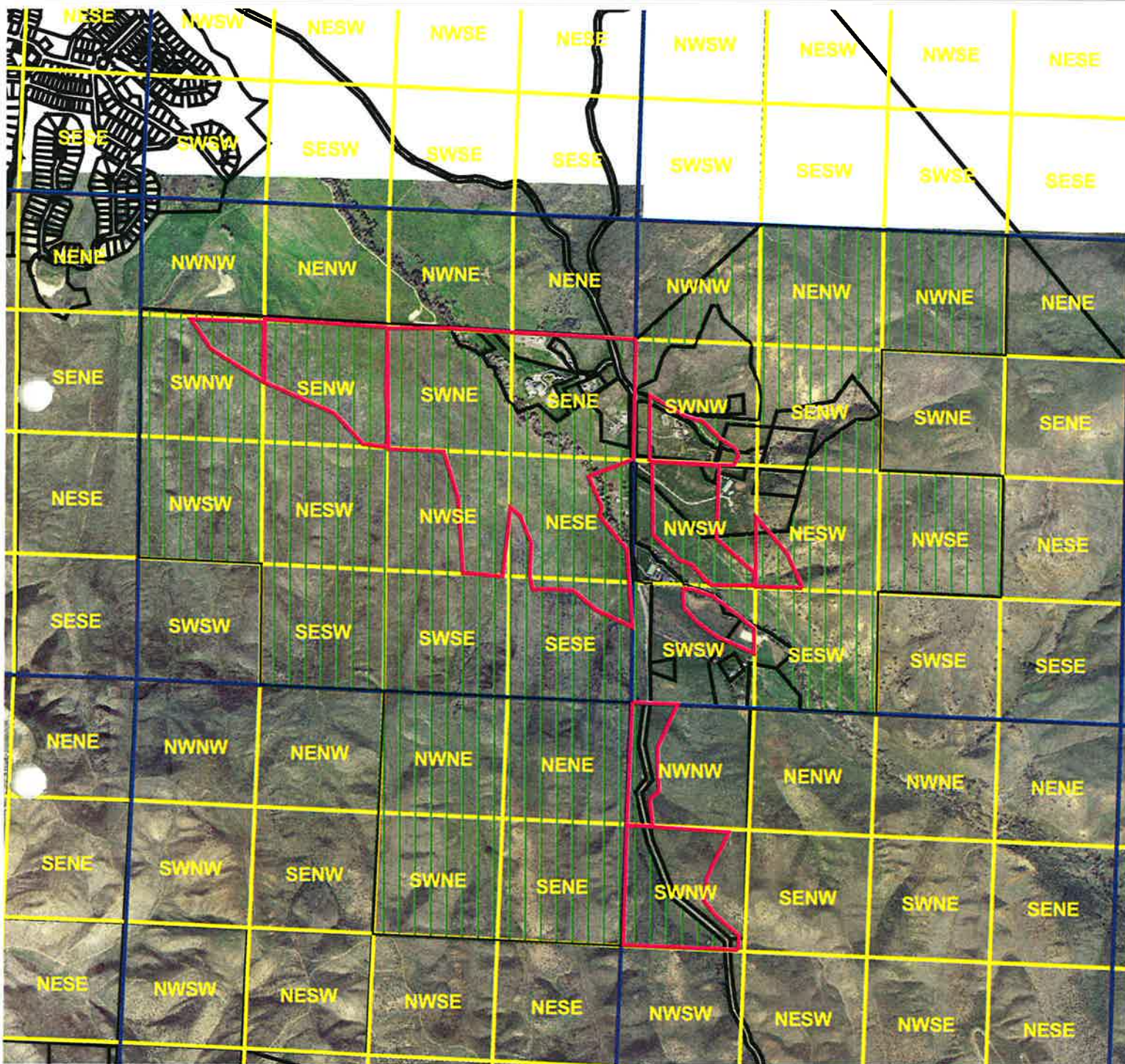


63-5207-- ~~1907~~<sup>2003</sup> AERIAL. STATUTORY AND SRBA B/U CLAIM FOR 254 ACRES IRRIGATION FROM DRY CREEK & SPRING TRIB TO DRY CREEK AND SW. CLAIMED POU AND PODS LOCATED ON MAP. NO STORAGE SEEN. NO MAP PROVIDED WITH SRBA CLAIM, STAT CLAIM MAP TOTALLY INADEQUATE. TAXLOTS IN RED

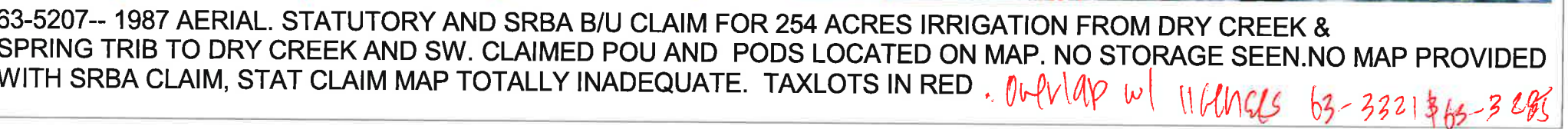




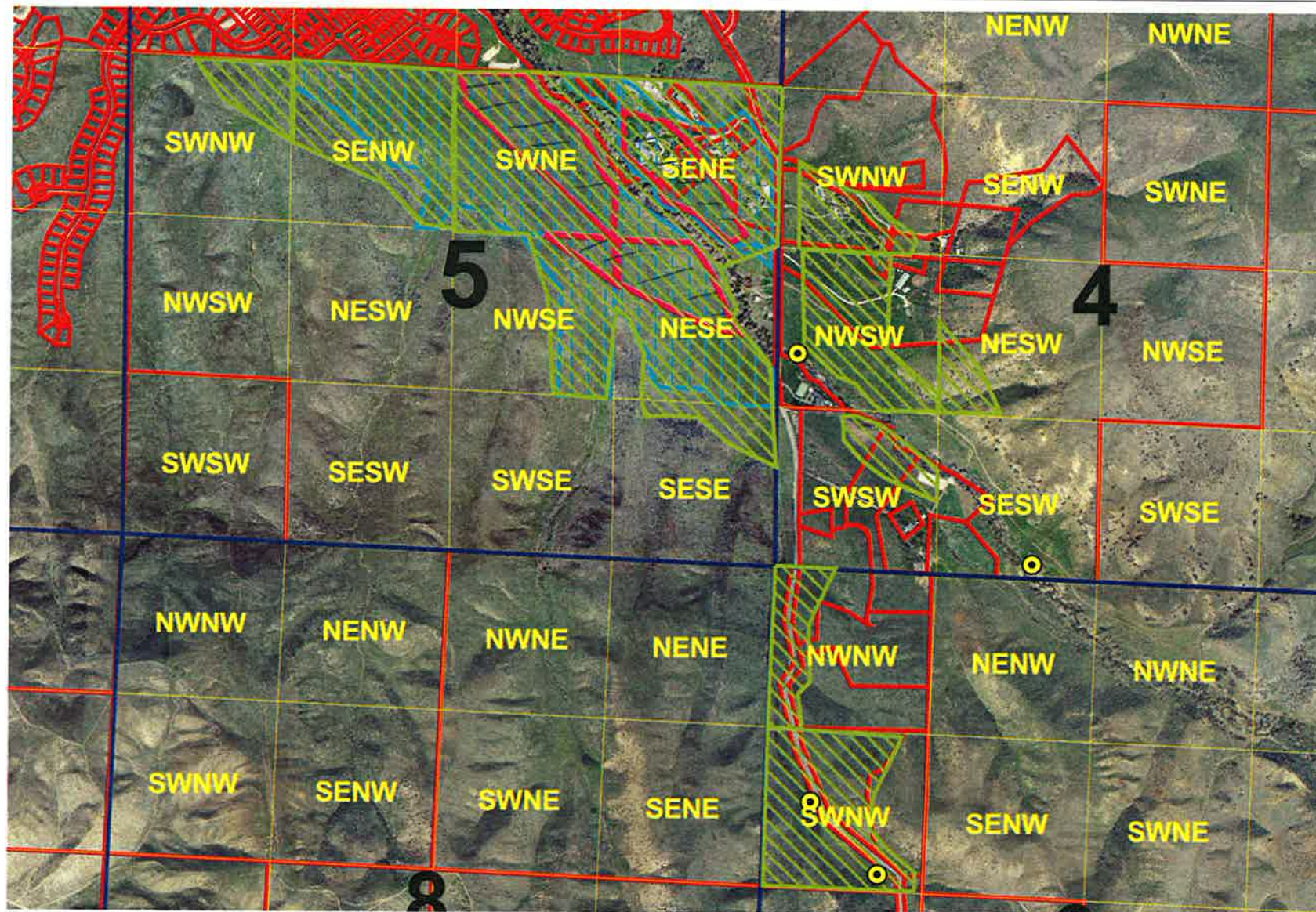
63-5207-- x9 topo quad WITH 254 ACRES CLAIMED TO BE IRRGATED WITH A GRAVITY FLOW SYSTEM.



- 63-5207pou.shp
- Nevilletl2.shp
- Nevilletl.shp
- Section.shp
- Pt2qqs.shp
- Townrange.shp
- Taxlots63pt2.shp



- Overlap w/ 11 ranges 63-3321 & 63-3285



63-3321, 3285, 5207-- 2003 AERIAL OF ALL CLAIMED AND LICENSED POU<sub>s</sub> BEFORE SPLITS.

-  63-5207pou.shp
-  63-3321pou.shp
-  63-3285pou.shp
-  Section.shp
-  Quarter.shp
-  Townrange.shp
-  Ada.shp

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Claim Report 63-5207

WATER RIGHT NUMBER: 63-5207

| <u>Owner Type</u> | <u>Name and Address</u>                                                            |
|-------------------|------------------------------------------------------------------------------------|
| Current Owner     | DAVID L NORDLING<br>3122 EDSON TERRACE<br>BOISE, ID 83705<br>(208)342-7322         |
| Current Owner     | GLORIA D NEVILLE<br>3122 EDSON TERR<br>BOISE, ID 83705<br>(208)344-3188            |
| Current Owner     | YOSHIE CAMERON NORDLING<br>3122 EDSON TERRACE<br>BOISE, ID 83705<br>(208)342-7322  |
| Current Owner     | H WILLIAM NEVILLE<br>3122 EDSON TERR<br>BOISE, ID 83705<br>(208)344-3188           |
| Current Owner     | MARGUERITE NEVILLE<br>3122 EDSON TERR<br>BOISE, ID 83705<br>(208)342-7322          |
| Current Owner     | THOMAS F NEVILLE<br>3122 EDSON TERR<br>BOISE, ID 83705-2317<br>(208)342-7322       |
| Current Owner     | R DOUGLAS NEVILLE<br>3122 EDSON TERR<br>BOISE, ID 83705<br>(208)342-7322           |
| Current Owner     | FORTUNATA P NEVILLE<br>3122 EDSON TERRACE<br>BOISE, ID 83705-2317<br>(208)342-7322 |
| Current Owner     | MARTHLYN B NEVILLE<br>3122 EDSON TERR<br>BOISE, ID 83705<br>(208)342-7322          |
| Current Owner     | JAMES L NEVILLE<br>3122 EDSON TERR<br>BOISE, ID 83705<br>(208)342-7322             |

Priority Date: 01/01/1908

Basis: Statutory Claim

Status: Active

SourceDRY CREEK  
SPRINGTributaryBOISE RIVER  
DRY CREEK

| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-----------------------|-----------------------|----------------------|
| STOCKWATER            | 1/01 to 12/31         | 0.400 CFS             |                      |
| IRRIGATION            | 3/15 to 11/15         | 5.080 CFS             |                      |

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5207

|                         |               |         |
|-------------------------|---------------|---------|
| STOCKWATER FROM STORAGE | 1/01 to 12/31 | 0.75 AF |
| IRRIGATION FROM STORAGE | 3/15 to 11/15 | 0.75 AF |
| STOCKWATER STORAGE      | 1/01 to 12/31 | 0.75 AF |
| IRRIGATION STORAGE      | 1/01 to 12/31 | 0.75 AF |

Total Diversion: 5.480 CFS

Location of Point(s) of Diversion

|            |                      |         |          |                 |
|------------|----------------------|---------|----------|-----------------|
| DRY CREEK  | NW1/4SW1/4           | Sec. 4, | Twp 04N, | Rge 02E, B.M.   |
| ADA County | (Ending of Reach)    |         |          |                 |
| DRY CREEK  | SW1/4NW1/4           | Sec. 9, | Twp 04N, | Rge 02E, B.M.   |
| ADA County | (Beginning of Reach) |         |          |                 |
| SPRING     | SW1/4NW1/4           | Sec. 9, | Twp 04N, | Rge 02E, B.M.   |
| ADA County | (Beginning of Reach) |         |          |                 |
| DRY CREEK  | SE1/4SW1/4           | Sec. 4, | Twp 04N, | Rge 02E, B.M. ✓ |
| ADA County |                      |         |          |                 |

Place of Use

STOCKWATER

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| 04N | 02E | 4   | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 04N | 02E | 8   | X  |    |    |    |    |    |    |    | X  | X  |    |    |    |    |    |    |        |
| 04N | 02E | 9   |    |    |    |    | X  | X  |    |    |    |    |    |    |    |    |    |    |        |

## IRRIGATION

| Twp | Rge | Sec | NE   |      |     |     | NW   |      |      |      | SW  |      |     |    | SE   |      |     |    | Totals |
|-----|-----|-----|------|------|-----|-----|------|------|------|------|-----|------|-----|----|------|------|-----|----|--------|
|     |     |     | NE   | NW   | SW  | SE  | NE   | NW   | SW   | SE   | NE  | NW   | SW  | SE | NE   | NW   | SW  | SE |        |
| 04N | 02E | 4   |      |      |     |     |      |      | 10.0 |      | 5.0 | 20.0 | 6.0 |    |      |      |     |    | 41.0   |
| 04N | 02E | 5   | 17.5 | 3.25 | 2.5 | 5.9 |      | 10.0 | 5.0  | 20.0 | 6.0 | 1.3  | 1.6 |    | 35.0 | 15.0 | 6.0 |    | 173.0  |
| 04N | 02E | 9   |      |      |     |     | 10.0 | 30.0 |      |      |     |      |     |    | 16.5 | 1.7  |     |    | 40.0   |

Total Acres: 254

STOCKWATER FROM STORAGE

GR 4 ROAD  
seen in  
1981 photo  
photo quad

1.1  
0.02  
1.12

no 1939  
canal

not in 1981

doesn't own 10  
ac. now of AQ 11/87

irr in 1964  
no irr seen in  
sec 4 in  
1981  
photo quad

17.5  
3.25  
2.5  
5.9  
10.0  
30.0  
10.0  
30.0

not in 81

1.8 ac in  
81, now 59.

not in 1964, 81  
not in 1987

230 ac  
irr 81 now in  
87. sec 12.4

81, now 81, 87, etc.

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5207

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| 04N | 02E | 9   | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
|     |     |     |    |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |        |

IRRIGATION FROM STORAGE same as STOCKWATERConditions of Approval:Remarks:

1. General ORIGINAL STATUTORY CLAIM FAILED TO STATE THE STORAGE USE.  
CHANGED ADDRESSES TO MATCH FOR MAILING PURPOSES ONLY 3/28/95 DMS
2. General Address change per claimant request. DH 6/20/2002

Comments:Dates and Other Information:

Claim Received Date: 8/15/1989  
 Enlargement Use Priority Date:  
 Enlargement Statute Priority Date:  
 State or Federal: S  
 Owner Name Connector: AND  
 Water District Number:  
 Generic Max Rate Per Acre:  
 Generic Max Volume Per Acre:  
 Swan Falls Trust or Nontrust:  
 Swan Falls Dismissed:  
 DLE Act Number:  
 Carey Act Number:  
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u> |
|----------------|------------------------|-----------------|-----------------|
|----------------|------------------------|-----------------|-----------------|

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**ADJUDICATION CLAIM POU REVIEW REPORT**  
**ADJUDICATION CLAIM NUMBER: 63-5207**

02/14/2005

1

| Right # | Type        | Twp | Rge | Sec | QQ | Q  | Lot | Purpose of Use | Acres/Total | Name                   |
|---------|-------------|-----|-----|-----|----|----|-----|----------------|-------------|------------------------|
| 5207    | Claim       | 04N | 02E | 4   | SW | NW |     | IRRIGATION     | 10/254      | DAVID L NORDLING       |
| 5207    | Water Right | 04N | 02E | 4   | SW | NW |     | IRRIGATION     | 10/254      | H WILLIAM NEVILLE      |
| 2576    | Claim       | 04N | 02E | 4   | SW | NW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 2605    | Claim       | 04N | 02E | 4   | SW | NW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 2874    | Claim       | 04N | 02E | 4   | SW | NW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 2954    | Claim       | 04N | 02E | 4   | SW | NW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 2956    | Claim       | 04N | 02E | 4   | SW | NW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 2989    | Claim       | 04N | 02E | 4   | SW | NW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 3164    | Claim       | 04N | 02E | 4   | SW | NW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 7067    | Claim       | 04N | 02E | 4   | SW | NW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 7577    | Claim       | 04N | 02E | 4   | SW | NW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 7998    | Claim       | 04N | 02E | 4   | SW | NW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 19456   | Claim       | 04N | 02E | 4   | SW | NW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 20122   | Water Right | 04N | 02E | 4   | SW | NW |     | DOMESTIC       |             | CARL R RUSH            |
| 22713   | Water Right | 04N | 02E | 4   | SW | NW |     | DOMESTIC       |             | CARL R RUSH            |
| 5207    | Claim       | 04N | 02E | 4   | NE | SW |     | IRRIGATION     | 5/254       | DAVID L NORDLING       |
| 5207    | Water Right | 04N | 02E | 4   | NE | SW |     | IRRIGATION     | 5/254       | H WILLIAM NEVILLE      |
| 15304   | Claim       | 04N | 02E | 4   | NE | SW |     | STOCKWATER     |             | GLORIA D NEVILLE       |
| 2576    | Claim       | 04N | 02E | 4   | NE | SW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 2605    | Claim       | 04N | 02E | 4   | NE | SW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 2874    | Claim       | 04N | 02E | 4   | NE | SW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 2954    | Claim       | 04N | 02E | 4   | NE | SW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 2956    | Claim       | 04N | 02E | 4   | NE | SW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 2989    | Claim       | 04N | 02E | 4   | NE | SW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 3164    | Claim       | 04N | 02E | 4   | NE | SW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 7067    | Claim       | 04N | 02E | 4   | NE | SW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 7577    | Claim       | 04N | 02E | 4   | NE | SW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 7998    | Claim       | 04N | 02E | 4   | NE | SW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**ADJUDICATION CLAIM POU REVIEW REPORT**  
**ADJUDICATION CLAIM NUMBER: 63-5207**

02/14/2005

2

| Right # | Type        | Twp | Rge | Sec | QQ | Q  | Lot | Purpose of Use | Acres/Total | Name                   |
|---------|-------------|-----|-----|-----|----|----|-----|----------------|-------------|------------------------|
| 19456   | Claim       | 04N | 02E | 4   | NE | SW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 5207    | Claim       | 04N | 02E | 4   | NW | SW |     | IRRIGATION     | 20/254      | DAVID L NORDLING       |
| 5207    | Water Right | 04N | 02E | 4   | NW | SW |     | IRRIGATION     | 20/254      | H WILLIAM NEVILLE      |
| 5207    | Claim       | 04N | 02E | 4   | NW | SW |     | STOCKWATER     |             | DAVID L NORDLING       |
| 2576    | Claim       | 04N | 02E | 4   | NW | SW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 2605    | Claim       | 04N | 02E | 4   | NW | SW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 2874    | Claim       | 04N | 02E | 4   | NW | SW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 2954    | Claim       | 04N | 02E | 4   | NW | SW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 2956    | Claim       | 04N | 02E | 4   | NW | SW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 2989    | Claim       | 04N | 02E | 4   | NW | SW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 3164    | Claim       | 04N | 02E | 4   | NW | SW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 7067    | Claim       | 04N | 02E | 4   | NW | SW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 7577    | Claim       | 04N | 02E | 4   | NW | SW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 7998    | Claim       | 04N | 02E | 4   | NW | SW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 19456   | Claim       | 04N | 02E | 4   | NW | SW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 4888    | Claim       | 04N | 02E | 4   | SW | SW |     | IRRIGATION     | 17/20       | TERRY STOLTZ           |
| 5207    | Claim       | 04N | 02E | 4   | SW | SW |     | IRRIGATION     | 6/254       | DAVID L NORDLING       |
| 4888    | Water Right | 04N | 02E | 4   | SW | SW |     | IRRIGATION     | 10/20       | WALTER C MINNICK       |
| 5207    | Water Right | 04N | 02E | 4   | SW | SW |     | IRRIGATION     | 6/254       | H WILLIAM NEVILLE      |
| 10701   | Water Right | 04N | 02E | 4   | SW | SW |     | IRRIGATION     | 16.4/20     | KENNETH MURPHY         |
| 5207    | Claim       | 04N | 02E | 4   | SW | SW |     | STOCKWATER     |             | DAVID L NORDLING       |
| 3285    | Claim       | 04N | 02E | 5   | SW | NE |     | IRRIGATION     | 33/122      |                        |
| 1285A   | Claim       | 04N | 02E | 5   | SW | NE |     | IRRIGATION     | 31/114      | H WILLIAM NEVILLE      |
| 1285B   | Claim       | 04N | 02E | 5   | SW | NE |     | IRRIGATION     | 2/8         | PAMULA L HIATT         |
| 1321A   | Claim       | 04N | 02E | 5   | SW | NE |     | IRRIGATION     | 13/31       | H WILLIAM NEVILLE      |
| 1321B   | Claim       | 04N | 02E | 5   | SW | NE |     | IRRIGATION     | 2/8         | PAMULA L HIATT         |
| 5207    | Claim       | 04N | 02E | 5   | SW | NE |     | IRRIGATION     | 40/254      | DAVID L NORDLING       |
| 3285    | Water Right | 04N | 02E | 5   | SW | NE |     | IRRIGATION     | 33/122      | EDAWRD OSCAR BAUMHOFF  |

**IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM POU REVIEW REPORT  
ADJUDICATION CLAIM NUMBER: 63-5207**

02/14/2005

3

| Right # | Type        | Twp | Rge | Sec | QQ | Q  | Lot | Purpose of Use | Acres/Total | Name                   |
|---------|-------------|-----|-----|-----|----|----|-----|----------------|-------------|------------------------|
| 1321A   | Water Right | 04N | 02E | 5   | SW | NE |     | IRRIGATION     | 13/31       | EDAWRD OSCAR BAUMHOFF  |
| 1321B   | Water Right | 04N | 02E | 5   | SW | NE |     | IRRIGATION     | 2/8         | PAMULA L HIATT         |
| 5207    | Water Right | 04N | 02E | 5   | SW | NE |     | IRRIGATION     | 40/254      | H WILLIAM NEVILLE      |
| 15304   | Claim       | 04N | 02E | 5   | SW | NE |     | STOCKWATER     |             | GLORIA D NEVILLE       |
| 2576    | Claim       | 04N | 02E | 5   | SW | NE |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 2605    | Claim       | 04N | 02E | 5   | SW | NE |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 2874    | Claim       | 04N | 02E | 5   | SW | NE |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 2954    | Claim       | 04N | 02E | 5   | SW | NE |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 2956    | Claim       | 04N | 02E | 5   | SW | NE |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 2989    | Claim       | 04N | 02E | 5   | SW | NE |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 3164    | Claim       | 04N | 02E | 5   | SW | NE |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 7067    | Claim       | 04N | 02E | 5   | SW | NE |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 7577    | Claim       | 04N | 02E | 5   | SW | NE |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 7998    | Claim       | 04N | 02E | 5   | SW | NE |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 19456   | Claim       | 04N | 02E | 5   | SW | NE |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 3285    | Claim       | 04N | 02E | 5   | SE | NE |     | IRRIGATION     | 27/122      |                        |
| 1285A   | Claim       | 04N | 02E | 5   | SE | NE |     | IRRIGATION     | 21/114      | H WILLIAM NEVILLE      |
| 1285B   | Claim       | 04N | 02E | 5   | SE | NE |     | IRRIGATION     | 6/8         | PAMULA L HIATT         |
| 1321A   | Claim       | 04N | 02E | 5   | SE | NE |     | IRRIGATION     | 4/31        | H WILLIAM NEVILLE      |
| 1321B   | Claim       | 04N | 02E | 5   | SE | NE |     | IRRIGATION     | 6/8         | PAMULA L HIATT         |
| 5207    | Claim       | 04N | 02E | 5   | SE | NE |     | IRRIGATION     | 40/254      | DAVID L NORDLING       |
| 3285    | Water Right | 04N | 02E | 5   | SE | NE |     | IRRIGATION     | 27/122      | EDAWRD OSCAR BAUMHOFF  |
| 1321A   | Water Right | 04N | 02E | 5   | SE | NE |     | IRRIGATION     | 4/31        | EDAWRD OSCAR BAUMHOFF  |
| 1321B   | Water Right | 04N | 02E | 5   | SE | NE |     | IRRIGATION     | 6/8         | PAMULA L HIATT         |
| 5207    | Water Right | 04N | 02E | 5   | SE | NE |     | IRRIGATION     | 40/254      | H WILLIAM NEVILLE      |
| 10871   | Water Right | 04N | 02E | 5   | SE | NE |     | IRRIGATION     | 3.4/3.4     | ELIZABETH A RUDD       |
| 2576    | Claim       | 04N | 02E | 5   | SE | NE |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 2605    | Claim       | 04N | 02E | 5   | SE | NE |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |

**IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM POU REVIEW REPORT  
ADJUDICATION CLAIM NUMBER: 63-5207**

02/14/2005

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| Right # | Type        | Twp | Rge | Sec | QQ | Q  | Lot | Purpose of Use | Acres/Total | Name                   |
|---------|-------------|-----|-----|-----|----|----|-----|----------------|-------------|------------------------|
| 2874    | Claim       | 04N | 02E | 5   | SE | NE |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 2954    | Claim       | 04N | 02E | 5   | SE | NE |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 2956    | Claim       | 04N | 02E | 5   | SE | NE |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 2989    | Claim       | 04N | 02E | 5   | SE | NE |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 3164    | Claim       | 04N | 02E | 5   | SE | NE |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 7067    | Claim       | 04N | 02E | 5   | SE | NE |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 7577    | Claim       | 04N | 02E | 5   | SE | NE |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 7998    | Claim       | 04N | 02E | 5   | SE | NE |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 19456   | Claim       | 04N | 02E | 5   | SE | NE |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 30080   | Water Right | 04N | 02E | 5   | SE | NE |     | DOMESTIC       |             | MAVIS K ROBERTS        |
| 5207    | Claim       | 04N | 02E | 5   | SW | NW |     | IRRIGATION     | 7/254       | DAVID L NORDLING       |
| 5207    | Water Right | 04N | 02E | 5   | SW | NW |     | IRRIGATION     | 7/254       | H WILLIAM NEVILLE      |
| 15304   | Claim       | 04N | 02E | 5   | SW | NW |     | STOCKWATER     |             | GLORIA D NEVILLE       |
| 2576    | Claim       | 04N | 02E | 5   | SW | NW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 2605    | Claim       | 04N | 02E | 5   | SW | NW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 2874    | Claim       | 04N | 02E | 5   | SW | NW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 2954    | Claim       | 04N | 02E | 5   | SW | NW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 2956    | Claim       | 04N | 02E | 5   | SW | NW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 2989    | Claim       | 04N | 02E | 5   | SW | NW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 3164    | Claim       | 04N | 02E | 5   | SW | NW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 7067    | Claim       | 04N | 02E | 5   | SW | NW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 7577    | Claim       | 04N | 02E | 5   | SW | NW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 7998    | Claim       | 04N | 02E | 5   | SW | NW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 19456   | Claim       | 04N | 02E | 5   | SW | NW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 3285    | Claim       | 04N | 02E | 5   | SE | NW |     | IRRIGATION     | 21/122      |                        |
| 3285A   | Claim       | 04N | 02E | 5   | SE | NW |     | IRRIGATION     | 21/114      | H WILLIAM NEVILLE      |
| 3321A   | Claim       | 04N | 02E | 5   | SE | NW |     | IRRIGATION     | 2/31        | H WILLIAM NEVILLE      |
| 5207    | Claim       | 04N | 02E | 5   | SE | NW |     | IRRIGATION     | 30/254      | DAVID L NORDLING       |

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**ADJUDICATION CLAIM POU REVIEW REPORT**  
**ADJUDICATION CLAIM NUMBER: 63-5207**

02/14/2005

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| Right # | Type        | Twp | Rge | Sec | QQ | Q  | Lot | Purpose of Use | Acres/Total | Name                   |
|---------|-------------|-----|-----|-----|----|----|-----|----------------|-------------|------------------------|
| 3285    | Water Right | 04N | 02E | 5   | SE | NW |     | IRRIGATION     | 21/122      | EDAWRD OSCAR BAUMHOFF  |
| 1321A   | Water Right | 04N | 02E | 5   | SE | NW |     | IRRIGATION     | 2/31        | EDAWRD OSCAR BAUMHOFF  |
| 5207    | Water Right | 04N | 02E | 5   | SE | NW |     | IRRIGATION     | 30/254      | H WILLIAM NEVILLE      |
| 15304   | Claim       | 04N | 02E | 5   | SE | NW |     | STOCKWATER     |             | GLORIA D NEVILLE       |
| 2576    | Claim       | 04N | 02E | 5   | SE | NW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 2605    | Claim       | 04N | 02E | 5   | SE | NW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 2874    | Claim       | 04N | 02E | 5   | SE | NW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 2954    | Claim       | 04N | 02E | 5   | SE | NW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 2956    | Claim       | 04N | 02E | 5   | SE | NW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 2989    | Claim       | 04N | 02E | 5   | SE | NW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 3164    | Claim       | 04N | 02E | 5   | SE | NW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 7067    | Claim       | 04N | 02E | 5   | SE | NW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 7577    | Claim       | 04N | 02E | 5   | SE | NW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 7998    | Claim       | 04N | 02E | 5   | SE | NW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 19456   | Claim       | 04N | 02E | 5   | SE | NW |     | MUNICIPAL      |             | UNITED WATER IDAHO INC |
| 3285    | Claim       | 04N | 02E | 5   | NE | SE |     | IRRIGATION     | 26/122      |                        |
| 1285A   | Claim       | 04N | 02E | 5   | NE | SE |     | IRRIGATION     | 26/114      | H WILLIAM NEVILLE      |
| 1321A   | Claim       | 04N | 02E | 5   | NE | SE |     | IRRIGATION     | 10/31       | H WILLIAM NEVILLE      |
| 5207    | Claim       | 04N | 02E | 5   | NE | SE |     | IRRIGATION     | 35/254      | DAVID L NORDLING       |
| 3285    | Water Right | 04N | 02E | 5   | NE | SE |     | IRRIGATION     | 26/122      | EDAWRD OSCAR BAUMHOFF  |
| 1321A   | Water Right | 04N | 02E | 5   | NE | SE |     | IRRIGATION     | 10/31       | EDAWRD OSCAR BAUMHOFF  |
| 5207    | Water Right | 04N | 02E | 5   | NE | SE |     | IRRIGATION     | 35/254      | H WILLIAM NEVILLE      |
| 15307   | Water Right | 04N | 02E | 5   | NE | SE |     | STOCKWATER     |             | GLORIA D NEVILLE       |
| 15307   | Water Right | 04N | 02E | 5   | NE | SE |     | DOMESTIC       |             | GLORIA D NEVILLE       |
| 3285    | Claim       | 04N | 02E | 5   | NW | SE |     | IRRIGATION     | 15/122      |                        |
| 1285A   | Claim       | 04N | 02E | 5   | NW | SE |     | IRRIGATION     | 15/114      | H WILLIAM NEVILLE      |
| 1321A   | Claim       | 04N | 02E | 5   | NW | SE |     | IRRIGATION     | 2/31        | H WILLIAM NEVILLE      |
| 5207    | Claim       | 04N | 02E | 5   | NW | SE |     | IRRIGATION     | 15/254      | DAVID L NORDLING       |

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**ADJUDICATION CLAIM POU REVIEW REPORT**  
**ADJUDICATION CLAIM NUMBER: 63-5207**

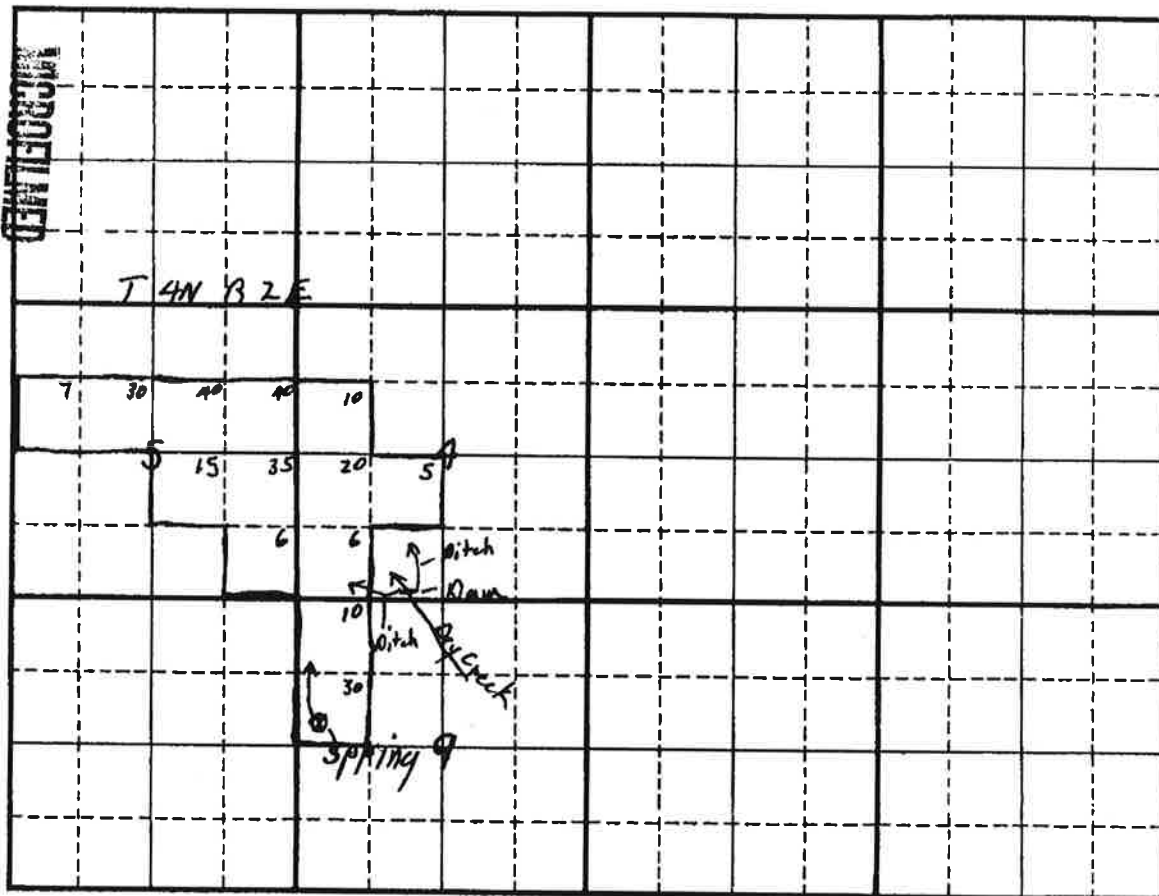
02/14/2005

6

| Right # | Type        | Twp | Rge | Sec | QQ | Q  | Lot | Purpose of Use             | Acres/Total | Name                  |
|---------|-------------|-----|-----|-----|----|----|-----|----------------------------|-------------|-----------------------|
| 3285    | Water Right | 04N | 02E | 5   | NW | SE |     | IRRIGATION                 | 15/122      | EDAWRD OSCAR BAUMHOFF |
| 1321A   | Water Right | 04N | 02E | 5   | NW | SE |     | IRRIGATION                 | 2/31        | EDAWRD OSCAR BAUMHOFF |
| 5207    | Water Right | 04N | 02E | 5   | NW | SE |     | IRRIGATION                 | 15/254      | H WILLIAM NEVILLE     |
| 15304   | Claim       | 04N | 02E | 5   | NW | SE |     | STOCKWATER                 |             | GLORIA D NEVILLE      |
| 5207    | Claim       | 04N | 02E | 5   | SE | SE |     | IRRIGATION                 | 6/254       | DAVID L NORDLING      |
| 5207    | Water Right | 04N | 02E | 5   | SE | SE |     | IRRIGATION                 | 6/254       | H WILLIAM NEVILLE     |
| 5207    | Claim       | 04N | 02E | 8   | NE | NE |     | STOCKWATER                 |             | DAVID L NORDLING      |
| 5207    | Claim       | 04N | 02E | 9   | NW | NW |     | IRRIGATION                 | 10/254      | DAVID L NORDLING      |
| 4888    | Water Right | 04N | 02E | 9   | NW | NW |     | IRRIGATION                 | 3/20        | WALTER C MINNICK      |
| 5207    | Water Right | 04N | 02E | 9   | NW | NW |     | IRRIGATION                 | 10/254      | H WILLIAM NEVILLE     |
| 5207    | Claim       | 04N | 02E | 9   | NW | NW |     | STOCKWATER                 |             | DAVID L NORDLING      |
| 5207    | Claim       | 04N | 02E | 9   | SW | NW |     | IRRIGATION                 | 30/254      | DAVID L NORDLING      |
| 5207    | Water Right | 04N | 02E | 9   | SW | NW |     | IRRIGATION                 | 30/254      | H WILLIAM NEVILLE     |
| 5207    | Claim       | 04N | 02E | 9   | SW | NW |     | STOCKWATER                 |             | DAVID L NORDLING      |
| 5207    | Claim       | 04N | 02E | 9   | SW | NW |     | STOCKWATER FROM<br>STORAGE |             | DAVID L NORDLING      |



(8) Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )  
County of Ada ) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 30 day of June, 1983.

William H. Hilde  
(Claimant)

Nancy M. Hathaway  
Notary Public  
Residing at Boss

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by GLS Date 6/30/83 Exception filed by: \_\_\_\_\_ Date \_\_\_\_\_  
Prelim. check by GLS Date 11/4/83  
\$30.00 fee received by GLS Date 6/30/83 # 32285  
Published in Idaho Statesman  
Dates 11/24 & 12/1/83

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-5207

WATER RIGHT NUMBER: 63-5207

|                   |                                                             |
|-------------------|-------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                     |
| Current Owner     | H WILLIAM NEVILLE<br>205 N 10TH ST # 420<br>BOISE, ID 83702 |

Priority Date: 01/01/1908  
 Basis: Statutory Claim  
 Status: Active

|                     |                          |
|---------------------|--------------------------|
| <u>Source</u>       | <u>Tributary</u>         |
| DRY CREEK<br>SPRING | BOISE RIVER<br>DRY CREEK |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| STOCKWATER            | 1/01 to 12/31           | 0.400 CFS             |                      |
| IRRIGATION            | 3/15 to 11/15           | 5.080 CFS             |                      |
|                       | <u>Total Diversion:</u> | 5.480 CFS             |                      |

Location of Point(s) of Diversion

|            |            |                                |
|------------|------------|--------------------------------|
| SPRING     | SW1/4NW1/4 | Sec. 9, Twp 04N, Rge 02E, B.M. |
| ADA County |            |                                |
| DRY CREEK  | SE1/4SW1/4 | Sec. 4, Twp 04N, Rge 02E, B.M. |
| ADA County |            |                                |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE |    |      |      | NW |    |      |      | SW  |      |     |    | SE   |      |     |    | Totals |
|-----|-----|-----|----|----|------|------|----|----|------|------|-----|------|-----|----|------|------|-----|----|--------|
|     |     |     | NE | NW | SW   | SE   | NE | NW | SW   | SE   | NE  | NW   | SW  | SE | NE   | NW   | SW  | SE |        |
| 04N | 02E | 4   |    |    |      |      |    |    | 10.0 |      | 5.0 | 20.0 | 6.0 |    |      |      |     |    | 41.0   |
| 04N | 02E | 5   |    |    | 40.0 | 40.0 |    |    | 7.0  | 30.0 |     |      |     |    | 35.0 | 15.0 | 6.0 |    | 173.0  |
| 04N | 02E | 9   |    |    |      |      |    |    | 10.0 | 30.0 |     |      |     |    |      |      |     |    | 40.0   |

Total Acres: 254

STOCKWATER same as IRRIGATIONConditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 63-5207

WATER RIGHT NUMBER: 63-5207

|                   |                                                             |
|-------------------|-------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                     |
| Current Owner     | H WILLIAM NEVILLE<br>205 N 10TH ST # 420<br>BOISE, ID 83702 |

Priority Date: 01/01/1908  
Basis: Statutory Claim  
Status: Active

|                     |                          |
|---------------------|--------------------------|
| <u>Source</u>       | <u>Tributary</u>         |
| DRY CREEK<br>SPRING | BOISE RIVER<br>DRY CREEK |

|                       |                         |           |                       |                      |
|-----------------------|-------------------------|-----------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u>             | <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| STOCKWATER            | 1/01 to                 | 12/31     | 0.400 CFS             |                      |
| IRRIGATION            | 3/15 to                 | 11/15     | 5.080 CFS             |                      |
|                       | <u>Total Diversion:</u> |           | 5.480 CFS             |                      |

Location of Point(s) of Diversion

|            |            |         |          |               |
|------------|------------|---------|----------|---------------|
| SPRING     | SW1/4NW1/4 | Sec. 9, | Twp 04N, | Rge 02E, B.M. |
| ADA County |            |         |          |               |
| DRY CREEK  | SE1/4SW1/4 | Sec. 4, | Twp 04N, | Rge 02E, B.M. |
| ADA County |            |         |          |               |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE |    |      |      | NW |    |      |      | SW  |      |     |    | SE   |      |    |     | Totals |
|-----|-----|-----|----|----|------|------|----|----|------|------|-----|------|-----|----|------|------|----|-----|--------|
|     |     |     | NE | NW | SW   | SE   | NE | NW | SW   | SE   | NE  | NW   | SW  | SE | NE   | NW   | SW | SE  |        |
| 04N | 02E | 4   |    |    |      |      |    |    | 10.0 |      | 5.0 | 20.0 | 6.0 |    |      |      |    |     | 41.0   |
| 04N | 02E | 5   |    |    | 40.0 | 40.0 |    |    | 7.0  | 30.0 |     |      |     |    | 35.0 | 15.0 |    | 6.0 | 173.0  |
| 04N | 02E | 9   |    |    |      |      |    |    | 10.0 | 30.0 |     |      |     |    |      |      |    |     | 40.0   |

Total Acres: 254

STOCKWATER same as IRRIGATIONConditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT CLAIMS PROOF READING REPORT  
(REGIONAL)

05/10/89 11:04:39  
Page 1

Water Right Number - 63-05207

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

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

\*\*\* C - CURRENT OWNER \*\*\*  
NEVILLE

H. WILLIAM

1 - 205 N. 10TH ST. # 420  
2 -  
3 -  
City- BOISE  
Phone -

State- ID Zip- 83702

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +  
01/01/1908 14 S - STATUTORY CLAIM

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +  
SPRING DRY CREEK DRY CREEK  
BOISE RIVER

| TwN | Rng | Sec | Tract | Lot | RFlg  | County | Point of Diversion |
|-----|-----|-----|-------|-----|-------|--------|--------------------|
| 04N | 02E | 4   | SE SW |     | ( 1 ) | ADA    |                    |
| 04N | 02E | 9   | SW NW |     | ( 1 ) | ADA    |                    |

| Code            | Description | Period From | Period To | Diversion Rate | Diversion Volume |
|-----------------|-------------|-------------|-----------|----------------|------------------|
| 01 - IRRIGATION |             | 03/15       | 11/15     | 5.080          |                  |
| 04 - STOCKWATER |             | 01/01       | 12/31     | 0.400          |                  |

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +  
5.480

| TwN | Rng | Sec | Tract | Lot | Acres | Code | Description | County    |
|-----|-----|-----|-------|-----|-------|------|-------------|-----------|
| 04N | 02E | 4   | SW NW |     | 10.0  | 01   | IRRIGATION  | ( 1 ) ADA |
| 04N | 02E | 4   | NE SW |     | 5.0   | 01   | IRRIGATION  | ( 1 ) ADA |
| 04N | 02E | 4   | NW SW |     | 20.0  | 01   | IRRIGATION  | ( 1 ) ADA |
| 04N | 02E | 4   | SW SW |     | 6.0   | 01   | IRRIGATION  | ( 1 ) ADA |
| 04N | 02E | 5   | SW NE |     | 40.0  | 01   | IRRIGATION  | ( 1 ) ADA |
| 04N | 02E | 5   | SE NE |     | 40.0  | 01   | IRRIGATION  | ( 1 ) ADA |
| 04N | 02E | 5   | SW NW |     | 7.0   | 01   | IRRIGATION  | ( 1 ) ADA |
| 04N | 02E | 5   | SE NW |     | 30.0  | 01   | IRRIGATION  | ( 1 ) ADA |
| 04N | 02E | 5   | NE SE |     | 35.0  | 01   | IRRIGATION  | ( 1 ) ADA |
| 04N | 02E | 5   | NW SE |     | 15.0  | 01   | IRRIGATION  | ( 1 ) ADA |
| 04N | 02E | 5   | SE SE |     | 6.0   | 01   | IRRIGATION  | ( 1 ) ADA |
| 04N | 02E | 9   | NW NW |     | 10.0  | 01   | IRRIGATION  | ( 1 ) ADA |
| 04N | 02E | 9   | SW NW |     | 30.0  | 01   | IRRIGATION  | ( 1 ) ADA |

Total Acres: 254.0

+ - - Diversion Means - DAM & DITCHES

concrete

60 x 60 x 9' = 0.75 A.F. Storage

Instream S/water  
Begin SW NW Sec 9 3  
End NW SW Sec 4 3  
Sec 9 SWSW NW NW  
Sec 8 NENE  
Sec 9 NWSW SW SW

JUL 25 1994

MICROFILMED

# IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID #:

63-05207

Date:

4-24-01

|       | TNS | RNG | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Sum |
|-------|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|
|       |     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |     |
| Claim | 4N  | 2E  | 4   |    |    |    |    |    |    | 10 |    | 5  | 20 | 6  |    |    |    |    |    | 41  |
| GIS   |     |     |     |    |    |    |    |    |    | 40 |    | 40 | 40 | 6  |    |    |    |    |    | 126 |
| Claim | 4N  | 2E  | 5   |    |    | 40 | 40 |    |    | 7  | 30 |    |    |    |    | 35 | 15 |    | 6  | 173 |
| GIS   |     |     |     |    |    | 40 | 40 |    |    | 40 | 40 |    |    |    |    | 40 | 40 |    | 40 | 280 |
| Claim | 4N  | 2E  | 9   |    |    |    |    |    |    | 10 | 30 |    |    |    |    |    |    |    |    | 40  |
| GIS   |     |     |     |    |    |    |    |    |    | 6  | 18 |    |    |    |    |    |    |    |    | 24  |
| Claim |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |

Number of POD's

2

Total Claimed Acres:

254

Overlapping POU Claim #'s:

Total GIS Acres:

430

COMMENTS:

*per claim map*