

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: **A63-00356**
Date Received: 6/26/1991
Receipt No: W013440
Received By: _____

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

1. Name: THOMAS T NICHOLSON 208-888-1593
Address: PO BOX 690
MERIDIAN ID 83680 *Cell - 890-2910*

Name: CARL V NICHOLSON 208-888-1593
Address: PO BOX 690
MERIDIAN ID 83680

2. Date of Priority: APR 1, 1948

3. Source: DRAINS Trib. to: WARM SPRINGS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	03W	22	SE	SE	SE		CANYON
		25	SW	SW	SW		CANYON
		26	SW	SE	NW		CANYON
		36	NE	NE	NW		CANYON
			NE	NW	NW		CANYON
01S	02W	9		NE	NE		CANYON
				SW	NE		CANYON
		10		NE	NW		CANYON

5. Description of diverting works:
DITCHES, CEMENT CHECKS W/PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	04/30	7.800		
STOCKWATER	04/01	04/30	0.350		
DOMESTIC	04/01	04/30	0.020		

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

A.F.A.

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JUL 25 1994

8. Total consumptive use is 1977.5 Acre Feet Per Annum.

9. Non-irrigation uses:

DOMESTIC, 1 HOME; STOCKWATER, 1700 HEAD CATTLE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01N	03W	22	SW		SE	8	IRR	5.0
			SE		SE	9	IRR	17.0
							Section Acres	22.0
		25	SW		SW		IRR	38.0
							Section Acres	38.0
		26	NW		NW		IRR	15.0
			SW		NW	2	IRR	25.0
			SE		NW		IRR	23.0
			NE		SW		IRR	40.0
			NW		SW	3	IRR	17.0
			SW		SW		IRR	3.0
			SE		SW	4	IRR	34.0
			NE		SE		IRR	13.0
			NW		SE		IRR	30.0
			SW		SE		IRR	35.0
			SE		SE		IRR	38.0
							Section Acres	273.0
		27	NE		NE	4	IRR	12.0
							Section Acres	12.0
		35	NE		NE	6	IRR	16.0
			NW		NE	5	IRR	7.0
							Section Acres	23.0
		36	SW		NE	7	IRR	3.0
			NE		NW		IRR	20.0
			NW		NW	5	IRR	20.0
			SE		NW	6	IRR	14.0
							Section Acres	57.0
01S	02W	4	NE		SE		IRR	5.0
			SE		SE		IRR	25.0

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JUL 25 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	30.0
		9	NE	NE	IRR	19.0
			NW	NE	IRR	35.0 25
			SW	NE	STOCK	20.0
			NE	NW	IRR	8.0 3
			SE	NW	IRR	28.0
					Section Acres	110.0
		10	NW	NW	DOMEST	
			NW	NW	STOCK	
					Total Acres	565.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

63-00358, 63-02663, 63-02699, 63-03121, 63-00357

14. Remarks:

ADDRESS CHANGED BY LH 3/18/94.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 6/11/1956

CARL E. NICHOLSON
Decree Plaintiff

REYNOLDS IRR. DIST.
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

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JUL 25 1994

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
JUL 25 1994



GEHL
VERSATILE

**Mountain
View**
Equipment Company

P.O. BOX 690 • MERIDIAN, IDAHO 83680 • TELEPHONE (208) 888-1593
TOLL FREE 1-800-769-1025 • FAX (208) 888-1624



WHITE



F A X T R A N S M I T T A L

TO: _____ DATE: 3/17/94
FROM: Tom Nicholson PAGES FOLLOWING: 1
FAX NUMBER SENT TO: 334-2348

MESSAGE: Just wanted to inform you that
the address you have for:
Thomas T. & Diana R. Nicholson
Carl V. & Patricia Nicholson
Carl E. & Blanche Nicholson
or the combination of the above
should be changed to:

P.O. Box 690
Meridian ID 83680

If you have any questions, please call me
at 888-1593.

Tom Nicholson

MICROFILMED
JUL 25 1994

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-00356

Date Received: 6/26/1991

Receipt No: W013440

Received By: DE. JEN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THOMAS T NICHOLSON 208-888-1593
Address: PO BOX 703
MERIDIAN ID 83642

Name: CARL V NICHOLSON 208-888-1593
Address: PO BOX 703
MERIDIAN ID 83642

2. Date of Priority: APR 1, 1948

3. Source: DRAINS Trib. to: WARM SPRINGS CREEK

4. Point of Diversion:

Township	Range	Section	1/4	of	1/4	of	1/4	Lot	County
01N	03W	22	SE		SE		SE		CANYON
		25	SW		SW		SW		CANYON
		26	SW		SE		NW		CANYON
		36	NE		NE		NW		CANYON
			NE		NW		NW		CANYON
01S	02W	9			NE		NE		CANYON
					SW		NE		CANYON
		10			NE		NW		CANYON

5. Description of diverting works:
DITCHES, CEMENT CHECKS W/PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	04/30	7.800		
STOCKWATER	04/01	04/30	0.350		
DOMESTIC	04/01	04/30	0.020		

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

A.F.A.

8. Total consumptive use is 1977.5 Acre Feet Per Annum.

9. Non-irrigation uses:

DOMESTIC, 1 HOME; STOCKWATER, 1700 HEAD CATTLE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01N	03W	22	SW		SE	8	IRR	5.0
			SE		SE	9	IRR	17.0
							Section Acres	22.0
		25	SW		SW		IRR	38.0
							Section Acres	38.0
		26	NW		NW		IRR	15.0
			SW		NW	2	IRR	25.0
			SE		NW		IRR	23.0
			NE		SW		IRR	40.0
			NW		SW	3	IRR	17.0
			SW		SW		IRR	3.0
			SE		SW	4	IRR	34.0
			NE		SE		IRR	13.0
			NW		SE		IRR	30.0
			SW		SE		IRR	35.0
			SE		SE		IRR	38.0
							Section Acres	273.0
		27	NE		NE	4	IRR	12.0
							Section Acres	12.0
		35	NE		NE	6	IRR	16.0
			NW		NE	5	IRR	7.0
							Section Acres	23.0
		36	SW		NE	7	IRR	3.0
			NE		NW		IRR	20.0
			NW		NW	5	IRR	20.0
			SE		NW	6	IRR	14.0
							Section Acres	57.0
01S	02W	4	NE		SE		IRR	5.0
			SE		SE		IRR	25.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	30.0
		9	NE	NE	IRR	19.0
			NW	NE	IRR	35.0
			SW	NE	STOCK	20.0
			NE	NW	IRR	8.0
			SE	NW	IRR	28.0
					Section Acres	110.0
		10	NW	NW	DOMEST	
			NW	NW	STOCK	
					Total Acres	565.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

63-00358, 63-02663, 63-02699, 63-03121, 63-00357

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 6/11/1956

CARL E. NICHOLSON
Decree Plaintiff

REYNOLDS IRR. DIST.
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-00358

Date Received 6-26-91

Receipt Number W013440

BS

RECEIVED
JUN 26 1991

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Thomas T. Nicholson, Carl V. Nicholson Phone (208) 888-1593

Mailing Address P.O. Box 703, Meridian, ID Zip 83642

2. Date of Priority (Only one (1) per claim) 4/1/48

3. Source of water supply (a) Drains
which is tributary to (b) Warm Springs Creek

4. a. Location of existing point of diversion is: Township 1S Range 2W Section 10,
NE 1/4 of NW 1/4 of 1/4, Govt. Lot, B.M., County of Canyon

Additional points of diversion if any: T1S R2W S9 NE4NE4 T1N R3W S36 NE4NE4NW4
T1N R3W S22 SE4SE4SE4 T1S R2W S9 SW4NE4 T1N R3W S26 SW4SE4NW4
T1N R3W S36 NE4NW4NW4 T1N R3W S25 SW4SW4SW4

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

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

Govt. Lot B.M., County of

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

 1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Ditches

Cement Checks with pumps: 25 hp, 30 hp, 40 hp,
40 hp, 25 hp, 10 hp, 25 hp, tractor pto pump

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AUG 18 1992

Water is claimed for the following purposes:

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

For Irrigation purposes from 4/1 to 4/30 amount 7.8 or _____

For Stockwater purposes from 4/1 to 4/30 amount .35 or _____

For Domestic purposes from 4/1 to 4/30 amount .02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 7.8 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 1977.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater-1700 head cattle Domestic-1

10. Description of place of use:

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
1N	3W	22															5	17	22
		26						15	25	23	40	17	3	34	13	30	35	38	273
		27	12																12
		35	16	7															23
		36			3		20	20		14									57
		25											38						38
1S	2W	4													5			25	30
		9	19	35	20		8			28									110

10 see analysis
D/S
verify same comments
as 00357 etc

Total number of acres irrigated 565

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
63-00358, 63-02663, 63-02699, 63-03121, 63-00357 or None ()

14. Remarks:

Computation of Filing Fee: Filing Fee \$ 50
Acreage fee 565
Paid with #357 (565)
Late Filing 50
Total \$ 100

Last Name Nicholson Ident No. 63-00356

Copies: White, 3-5, 10-10, 10-10, 10-10
MICROFILMED

AUG 18 1992

6. Water is claimed for the following purposes:

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

For Irrigation purposes from 4/1 to 4/30 amount 7.8 or _____

For Stockwater purposes from 4/1 to 4/30 amount .35 or _____

For Domestic purposes from 4/1 to 4/30 amount .02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 7.8 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 11977.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater-1700 head cattle Domestic-1

10. Description of place of use:

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
1N	3W	22															5	17	22
		26						15	25	23	40	17	3	34	13	30	35	38	273
		27	12																12
		35	16	7															23
		36			3		20	20		14									57
		25										38							38
1S	2W	4													5			25	30
		9	19	35	20		8			28									110

Total number of acres irrigated 565

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
63-00358, 63-02663, 63-02699, 63-03121, 63-00357 or None ()

14. Remarks:

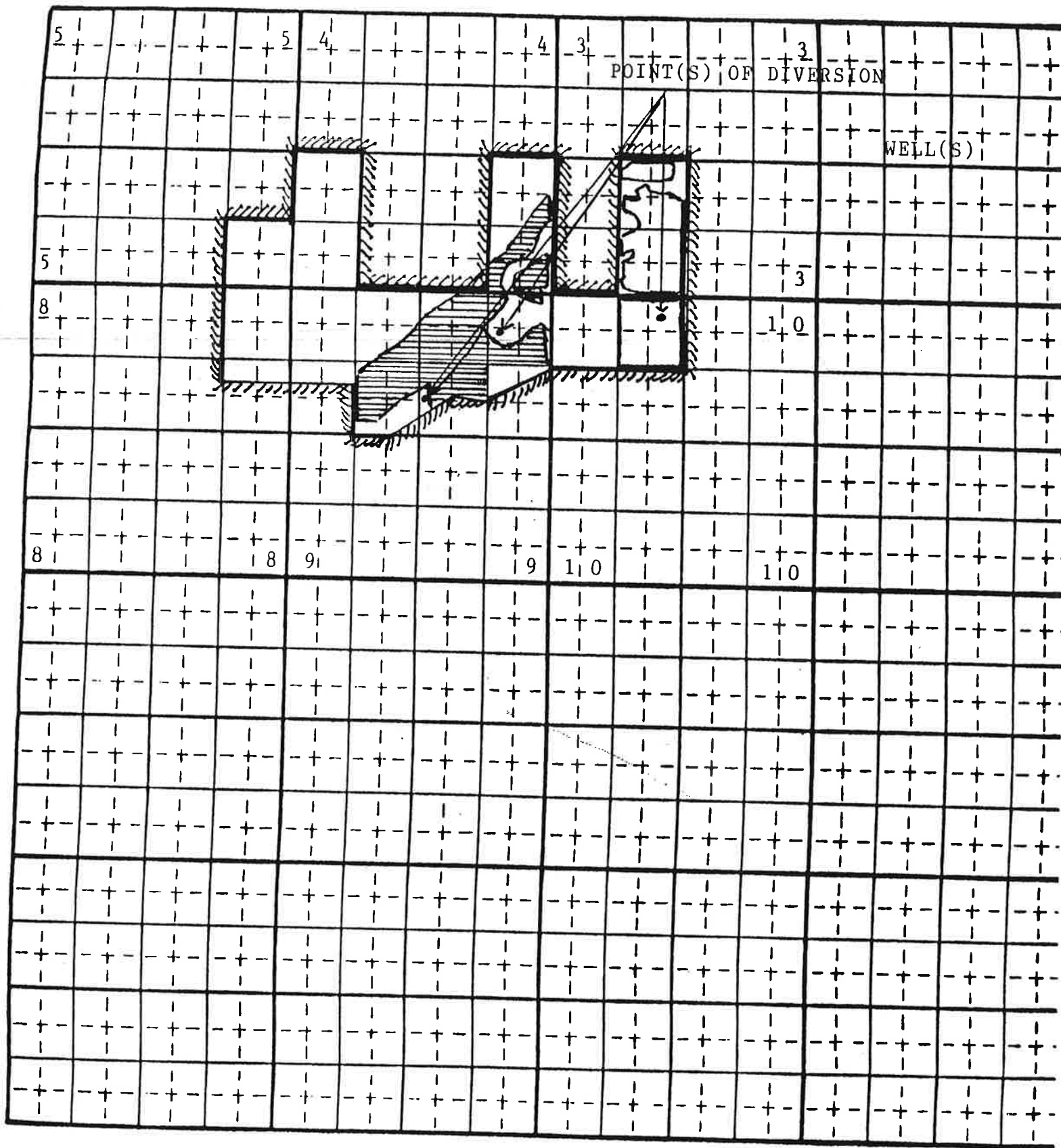
Computation of Filing Fee: Filing Fee \$ 50
Acreage fee 565
Paid with #357: (565)
Late Filing 50
Total \$ 100

Last Name Nicholson Ident No. 63-00356

Copies: White - Microfilm

AUG 18 1992

CANYON COUNTY
TOWNSHIP 1 SOUTH, RANGE 2 WEST



Last Name Nicholson

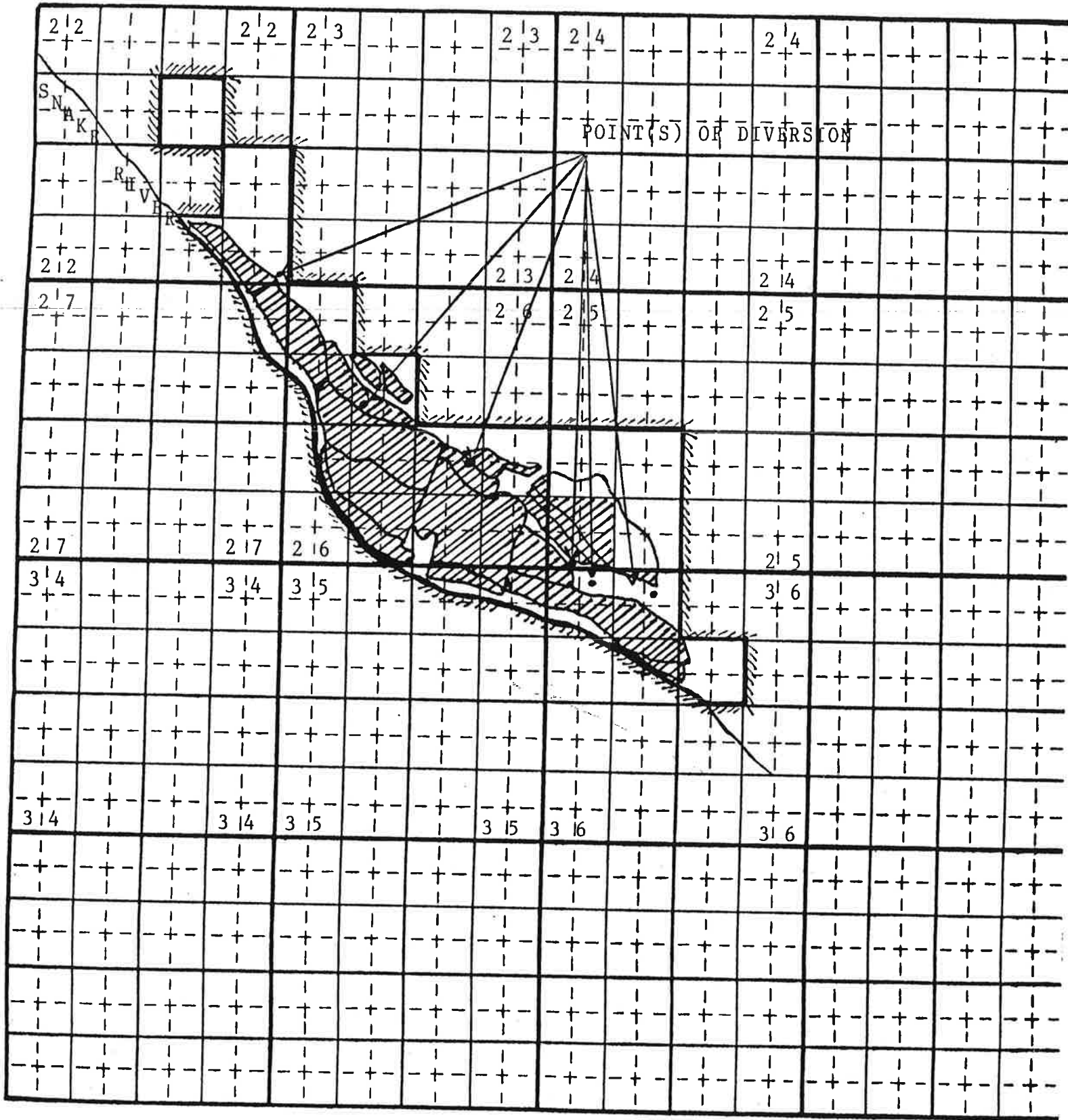
Ident No. 63-00356

Copies: White-Slate, Yellow-Carbon, **MICROFILMED**

AUG 18 1992

Scale: 2 inches equals 1 mile

CANYON COUNTY
TOWNSHIP 1 NORTH, RANGE 3 WEST



Last Name Nicholson

Ident No. 63-00356

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Copies: White-State, Yellow-Claimant

AUG 18 1992

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

If applicable provide IDWR Water Right Number 63-00356

Court _____ Case Number _____ Decree Date 6/11/56

Plaintiff vs Defendant Carl E. Nicholson vs. Reynolds Irrigation District

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 -0-

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

Signature of Claimant (s) Thomas T. Nicholson Date 6/4/91

x Carl E. Nicholson Date 6/4/91

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

of _____ Title _____, that I have signed the foregoing

document in the space below as _____ Title _____ of _____

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 4 day of June 19 91

SEAL

Notary Public Linda Boel

Residing at Boise, ID

My Commission Expires 5/31/95

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name Nicholson Ident. Number 63-00356

MICROFILMED
Copies White-State, Yellow-Claimant
AUG 18 1992

Shelley M. Davis, ISB # 6788
BARKER ROSHOLT & SIMPSON LLP
1010 W. Jefferson St., Ste. 102
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

Attorneys for Boise-Kuna Irrigation District, Objector

RECEIVED

JUL 16 2007

DEPARTMENT OF
WATER RESOURCES

RECEIVED

JUL 18 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	)	Subcase Nos. 63-356, 63-357, 63-358,
	)	63-2663, and 63-21608
	)	
Case No. 39576	)	MOTION TO WITHDRAW
	)	OBJECTIONS
	)	
	)	
	)	

COMES NOW, the Objector, Boise-Kuna Irrigation District, by and through its counsel, Shelley M. Davis of the law firm, Barker Rosholt & Simpson, LLP, and hereby moves this Court for leave to withdraw the Objections filed by the Boise-Kuna Irrigation District in sub-case numbers 63-356, 63-357, 63-358, 63-2663, and 63-21608.

The objections were filed in an effort to protect the legal status of waste waters belonging to the Boise-Kuna Irrigation District. In recommendations to this Court from the Idaho Department of Water Resources, one source of water listed in the above-referenced recommendations was listed as "drains." This reference to drains as a source for the right appears to have been included as the result of language used in the June 11, 1956 decree in *Nicholson v. Reynolds Irrigation District and Sproat*. However, after touring the property where the points of diversion are located, it is clear that the reference to 'drains' in the decree does not reference drains or waste ways belonging to the

Boise-Kuna Irrigation District, or any drains or waste ways visible upon an inspection of the property, and therefore, as no waste water of the Objector is implicated in the recommendation, the Boise-Kuna Irrigation District hereby requests leave of the Court to Withdraw the Objections to recommendations in sub-case numbers 63-356, 63-357, 63-358, 63-2663, and 63-21608.

Dated this 12th day of July 2007.

BARKER ROSHOLT & SIMPSON LLP



Shelley M. Davis
Counsel for Boise-Kuna Irrigation District

CERTIFICATE OF MAILING

I certify that on July 12, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

Name: TFI Limited Partnership
Address: PO Box 690
Meridian, ID 83680-0690

Name: Scott and Sherri Nicholson
Address: P.O. Box 690
Meridian, ID 83680

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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



Shelley M. Davis
Attorney for Boise-Kuna Irrigation District

RECEIVED

JUN 22 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) A. Subcase 63-356
(Insert water right number)
)
Case No. 39576) STANDARD FORM 1
) OBJECTION
)

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Boise-Kuna Irrigation District
Address: 129 North School Avenue
Kuna, ID 83634
Daytime Phone: 208-922-5608

Name & Address of Attorney, if any:

Shelley M. Davis
Barker Rosholt & Simpson, LLP
1010 W. Jefferson, Ste. 102, Boise ID 83702

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

Name: TFI Limited Partnership
Address: PO Box 690
Meridian, ID 83680-0690

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

1. ☐ **Name and Address**

Should be: _____

2. ☒ **Source**

Should be: The source is waste water, and waste waters belong to the Boise-Kuna Irrigation District.

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

6. ☐ **Instream Flow Beginning and Ending Point**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

10 ☐ **I object because:**

☒ This water right Should not exist.

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

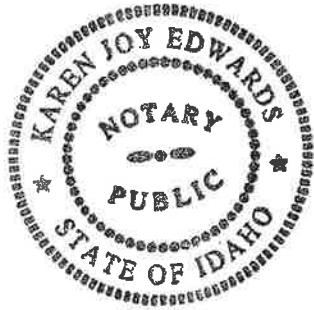
E. REASONS SUPPORTING OBJECTIONS(S): There has been no lawful appropriation of this right. The description of the source is waste water. The waste waters belong to the Boise-Kuna Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Boise-Kuna Irrigation District. Claimant is also unlawfully attempting to transfer waters belonging to the Boise-Kuna Irrigation District to lands outside of the District.

State of California)
County of Colusa) ss.

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

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/18/07



Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 8/2/2012

Keron Jay Edwards

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 August 17, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

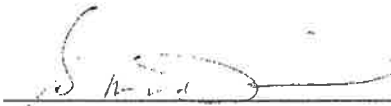
Name: TFI Limited Partnership
Address: PO Box 690
Meridian, ID 83680-0690

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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



Signature of objector or attorney
mailing on Objector's behalf

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

RECEIVED

OCT 23 2006

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-356			02-7442		
63-357			02-7464		
63-358			63-3121		
63-02663					
63-2699					

2. The following **REQUIRED** information must be submitted with this form:
- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Thomas T. and/or Carl V. Nicholson
P.O. Box 690 Meridian ID 83680-0690
4. New Owner/Claimant(s) TFI Limited Partnership
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 690
- City, State and ZIP Code Meridian ID 83680-0690
- New Telephone Number (208) 888-1593
5. Date you acquired the property 9/21/98

DEED IN 63-356

SCANNED

OCT 30 2006

CORRECTION WARRANTY DEED

THOMAS T. NICHOLSON and DIANA R. NICHOLSON, husband and wife, Grantors, hereby convey, grant and warrant to TFI LIMITED PARTNERSHIP, an Idaho limited partnership, Grantee, whose address is P.O. Box 690, Meridian, Idaho 83680, for the sum of TEN DOLLARS and other good and valuable consideration, the following described real property located in Canyon County, Idaho, to-wit:

Township 1 North, Range 3 West, B.M.
Section 22, Lots 8, 9, NE1/4SE1/4, SW1/4NE1/4
Section 25, SW1/4
Section 26, Lots 2, 3, 4, SE1/4NW1/4, NE1/4SW1/4,
W1/2SE1/4, SE1/4,SE1/4, NW1/4NW1/4, NE1/4SE1/4
Section 27, Lot 4
Section 35, Lots 5 and 6
Section 36, Lots 5, 6, 7, NE1/4NW1/4

EXCEPTING THEREFROM THE FOLLOWING REAL PROPERTY: A certain parcel of land located in Lots Six (6) and Seven (7) of Section Thirty-Six (36), Township One (1) North, Range Three (3) West of the Boise Meridian, Canyon County, Idaho; more particularly described as follows:

Beginning at a point, said point being the North one-quarter (1/4) corner of above described section thirty-six (36); thence South six degrees thirty-one minutes and forty-seven seconds East (S 6°31'47" E) one thousand seven hundred forty-three (1743) feet to a point; said point being the Real Point of Beginning; thence South eighty-four degrees seventeen minutes and two seconds West (S 84°17'02" W) two hundred sixty-eight (268) feet to a point; thence South five degrees twenty minutes and two seconds West (S 5°20'02" W) three hundred thirty-five and nine-tenths (335.9) feet to a point; thence South seventy-three degrees forty-seven minutes and

fifty-eight seconds East (S 73°47'58" E) one hundred sixty-six (166) feet to a point; thence North fifty-nine degrees thirty-six minutes and two seconds East (N 59° 36'02" E) forty-four and three-tenths (44.3) feet to a point; thence North thirty-one degrees thirty-five minutes and two seconds East (N 31°35'02" E) forty-one and nine-tenths (41.9) feet to a point; thence North twelve degrees thirty-eight minutes and two seconds East (N 12°38'02" E) three hundred fifty-eight and one-tenth (358.1) feet to the Real Point of Beginning, containing two and four hundredths (2.04) acres, more or less.

SUBJECT TO taxes and assessments for the year 1998 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This conveyance shall include any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights in anywise appertaining to the property herein described.

This Correction Warranty Deed corrects the name of the Grantee and the legal description on that certain Warranty Deed dated September 21, 1998, and recorded as Instrument No. 9838923, records of Canyon County, Idaho.

The Grantors covenant to the Grantee that they are the owners in fee simple of said premises; that the premises are free from all encumbrances, excepting those as may be herein set forth, and excepting those of record, and that they will warrant and defend the same from all lawful claims.

IN WITNESS WHEREOF, the Grantors have executed this instrument on this 4 day of December, 1998.

Thomas T. Nicholson
Thomas T. Nicholson

Diana R. Nicholson
Diana R. Nicholson

STATE OF IDAHO)
 :SS
County of Ada)

On this 4 day of December, in the year 1998, before me, Linda Boots, a Notary Public, personally appeared Thomas T. Nicholson and Diana R. Nicholson, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

(SEAL)



Linda Boots
Notary Public for Idaho
Commission expires: 7/3/01

C:\MyFiles\Work\WynicholsonTFI\cordeed5.frm

Canyon City
to
from

WARRANTY DEED

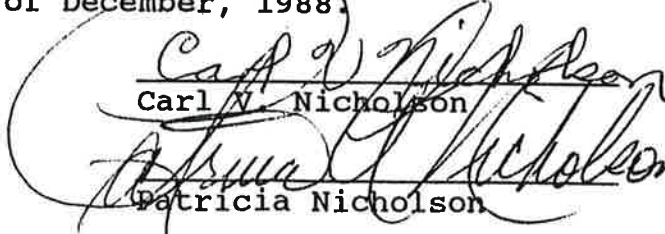
GRANTORS, Carl V. Nicholson and Patricia Nicholson, husband and wife, whose current address is Box 73, Kuna, Ada County, Idaho, for a good and valuable consideration, receipt of which is hereby acknowledged, do hereby GRANT, BARGAIN, SELL AND CONVEY unto Thomas T. Nicholson, whose current address is 10322 Estate Drive, Boise, Ada County, Idaho, as to that property designated to him, as GRANTEE, and to the successors and assigns of Grantee forever, all of the real property described in Exhibit A attached hereto, and by reference made a part hereof, situate in Canyon County, Idaho, together with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments, appurtenances, reversions, and remainders appurtenant thereto.

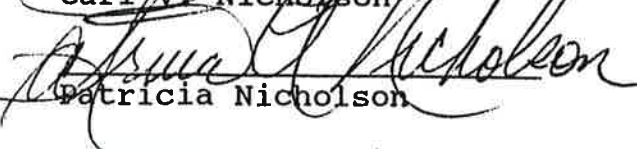
SUBJECT, HOWEVER, to the following:

1. All easements and rights-of-way appearing on record or on the premises.
2. Mineral reservations appearing of record.
3. Covenants, restrictions and zoning regulations as appear of record or by use upon the premises.
4. Current real property taxes, irrigation assessments or other governmental assessments or charges.
5. The terms and conditions of that certain mortgage bearing date September 9, 1969 between C. E. Nicholson and Sons, Inc., an Idaho corporation; Carl E. Nicholson, aka C. E. Nicholson, Jr., and Blanche Nicholson, his wife; Thomas T. Nicholson, aka Tom Nicholson, and Diana Rae Nicholson; and Carl V. Nicholson, a single man, as Mortgagors, and Kansas City Life Insurance Company of Kansas City, Jackson County, Missouri, as Mortgagee.

GRANTORS, on behalf of themselves and their heirs and personal representatives, successors and assigns, do hereby COVENANT, WARRANTY and shall DEFEND the quiet and peaceable possession of said premises by the Grantee and the successors and assigns of Grantee forever against the lawful claims of all persons excepting as heretofore mentioned.

IN WITNESS WHEREOF, Grantors have caused their names to be subscribed all as of this 13th day of December, 1988.

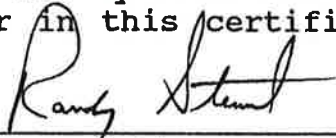

Carl V. Nicholson


Patricia Nicholson

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

On this 13TH day of December, 1988, before me, the undersigned, a Notary Public in and for said State, personally appeared CARL V. NICHOLSON and PATRICIA NICHOLSON, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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



Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: Non-Exp.

CANYON COUNTY REAL ESTATE TO TOM

Township 1 North - Range 3 West, B.M.

Section 22, Lots 8, 9, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$

25, SW $\frac{1}{4}$

26, Lots 2, 3, 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$,
NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$

27, Lot 4

35, Lots 5 and 6

36, Lots 5, 6, 7, NE $\frac{1}{4}$ NW $\frac{1}{4}$

CORRECTION WARRANTY DEED

THOMAS T. NICHOLSON and DIANA R. NICHOLSON, husband and wife, Grantors, hereby convey, grant and warrant to TFI LIMITED PARTNERSHIP, an Idaho limited partnership, Grantee, whose address is P.O. Box 690, Meridian, Idaho 83680, for the sum of TEN DOLLARS and other good and valuable consideration, the following described real property located in Canyon County, Idaho, to-wit:

Township 1 South, Range 2 West, B.M.

Section 3: 1/2 interest in E1/2SW1/4

Section 4: E1/2SE1/4, W1/2SW1/4

Section 5: SE1/4SE1/4

Section 8: NE1/4NE1/4

Section 9: N1/2NE1/4, E1/2NW1/4, SW1/4NE1/4, NW1/4NW1/4

Section 10: NE1/4NW1/4, NW1/4NW1/4, less the southwest 2.96 acres.

Containing 597.04 acres more or less.

SUBJECT, HOWEVER, to the following:

1. All easements and rights-of-way appearing on record or on the premises.
2. Mineral reservations appearing of record.
3. Covenants, restrictions and zoning regulations as appear of record or by use upon the premises.
4. Current real property taxes, irrigation assessments or other governmental assessments or charges.

SUBJECT TO taxes and assessments for the year 1998 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

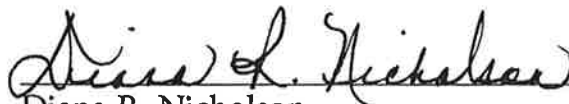
This conveyance shall include any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights in anywise appertaining to the property herein described.

This Correction Warranty Deed corrects the name of the Grantee on that certain Warranty Deed dated September 21, 1998, and recorded as Instrument No. 9838922, records of Canyon County, Idaho.

The Grantors covenant to the Grantee that they are the owners in fee simple of said premises; that the premises are free from all encumbrances, excepting those as may be herein set forth, and excepting those of record, and that they will warrant and defend the same from all lawful claims.

IN WITNESS WHEREOF, the Grantors have executed this instrument on this 4 day of December, 1998.

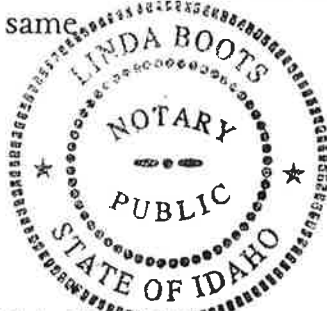

Thomas T. Nicholson


Diana R. Nicholson

STATE OF IDAHO)
 :SS
County of Ada)

On this 4 day of December, in the year 1998, before me,
Linda Boots, a Notary Public, personally appeared Thomas T. Nicholson
and Diana R. Nicholson, husband and wife, known or identified to me to be the persons
whose names are subscribed to the within instrument, and acknowledged to me that they
executed the same.

(SEAL)



Linda Boots
Notary Public for Idaho
Commission expires: 5/31/01

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9811473

WARRANTY DEED

GRANTORS, Carl V. Nicholson and Patricia Nicholson, husband and wife, whose current address is P.O. Box 73, Kuna, Ada County, ID 83634 for a good and valuable consideration, receipt of which is hereby acknowledged, do hereby GRANT, BARGAIN, SELL AND CONVEY unto Thomas T. Nicholson, whose current address is P.O. Box 690, Meridian, Ada County, ID 83680, as to that property designated to him, as GRANTEE, and to the successors and assigns of Grantee forever, all of the real property described below, and by reference made a part hereof, situate in Canyon County, Idaho, together with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments, appurtenances, reversions, and remainders appurtenant thereto.

Township 1 South, Range 2 West, B.M.

Section 3: 1/2 INTEREST IN E1/2SW1/4

Section 4: E1/2SE1/4, W1/2SW1/4

Section 5: SE1/4SE1/4

Section 8: NE1/4NE1/4

Section 9: N1/2NE1/4, E1/2 NW1/4, SW1/4NE1/4, NW1/4NW1/4

Section 10: NE1/4NW1/4, NW1/4NW1/4, less the southwest 2.96 acres.

Containing 597.04 acres more or less.

SUBJECT, HOWEVER, to the following:

1. All easements and rights-of-way appearing on record or on the premises.
2. Mineral reservations appearing of record.
3. Covenants, restrictions and zoning regulations as appear of record or by use upon the premises.
4. Current real property taxes, irrigation assessments or other governmental assessments or charges.

GRANTORS, on behalf of themselves and their heirs and personal representatives, successors and assigns, do hereby COVENANT, WARRANTY and shall DEFEND the quiet and peaceable possession of said premises by the Grantee and the successors and assigns of Grantee forever against the lawful claims of all persons excepting as heretofore mentioned.

IN WITNESS WHEREOF, Grantors have caused their names to be subscribed all as of this 2nd day of January, 1998.

Carl V. Nicholson
Carl V. Nicholson

Patricia Nicholson
Patricia Nicholson

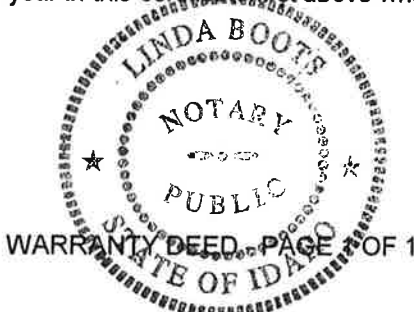
STATE OF IDAHO)

) ss

COUNTY OF ADA)

On this 2nd day of January, 1998, Linda Boots, a Notary Public in and for said State, personally appeared CARL V. NICHOLSON and PATRICIA NICHOLSON, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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



Linda Boots

Linda Boots, Notary Public
Residing in Meridian, Idaho
My Commission Expires 05/31/01

SCANNED
OCT 30 2008

98 JAN 31 PM 2 27
NED J KERR
CANYON CNTY RECORDER
BY U. Chaudhary

RECORDED

REQUEST Linda Boots
DEED REC 300

9811473

10/09/2006

NOTICE OF ERROR
REPLY

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: 10/31/2006

Water right number: 63-356

CARL V NICHOLSON
PO BOX 690
MERIDIAN ID 83680
Telephone Number: (208)888-1593

THOMAS T NICHOLSON
PO BOX 690
MERIDIAN ID 83680-0690
Telephone Number: (208)888-1593

RECEIVED

OCT 23 2006

DEPARTMENT OF WATER RESOURCES

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

Source

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

Source - needs to add artesian wells 152w Sec 3 SW 1/4
" " " " " 152w 10 NW 1/4

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

See Decreed water Right 63-T-1

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

DATE: 10/26/06

SIGNATURE:

Thomas T. Nicholson

Please print your name:

Thomas T. Nicholson

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED
OCT 30 2006

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 63-356
Date Received: 6/26/1991
Receipt No: W013440
Received By:

AMENDED
[Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED
[Signature]

1. Name of Claimant(s)

CARL V NICHOLSON Phone: (208)888-1593

PO BOX 690
MERIDIAN ID USA 83680

THOMAS T NICHOLSON Phone: (208)888-1593

PO BOX 690
MERIDIAN ID USA 83680-0690

RECEIVED
OCT 23 2006
DEPARTMENT OF WATER RESOURCES

2. Date of Priority: 04/01/1948

3. Source: DRAINS , DRAINS , DRAINS , DRAINS , DRAINS , DRAINS , DRAINS , GROUND
WATER , GROUND WATER , DRAINS Trib. to: WARM SPRINGS CREEK , WARM SPRINGS CREEK ,
WARM SPRINGS CREEK , WARM SPRINGS CREEK , WARM SPRINGS CREEK , WARM SPRINGS CREEK ,
WARM SPRINGS CREEK , , , WARM SPRINGS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	03W	36	NE NE NW	CANYON	
01S	02W	9	NE NE	CANYON	
01S	02W	10	NE NW	CANYON	
01S	02W	9	SW NE	CANYON	
01N	03W	26	SW SE NW	CANYON	
01N	03W	36	NE NW NW	CANYON	
01N	03W	25	SW SW SW	CANYON	
01S	02W	3	SW SE	CANYON	

01S	02W	10		NW	NE	CANYON
01N	03W	22	SE	SE	SE	CANYON

5. Description of diverting works:

DITCHES, CEMENT CHECKS W/PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	4/30	7.8	<u>44.7</u> 12/31
STOCKWATER	4/01	4/30	0.35	<u>44.7</u> 12/31
DOMESTIC	4/01	4/30	0.02	<u>44.7</u> 12/31

7. Total Quantity Appropriated is:
7.8 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
01N	03W	22	SW	SE	8	IRRIGATION 5
			SE	SE	9	IRRIGATION 17
					Section Acres	22
01N	03W	25	SW	SW		IRRIGATION 38
					Section Acres	38
01N	03W	26	NW	NW		IRRIGATION 15
			SW	NW	2	IRRIGATION 25
			SE	NW		IRRIGATION 23
			NE	SW		IRRIGATION 40
			NW	SW	3	IRRIGATION 17
			SW	SW		IRRIGATION 3
			SE	SW	4	IRRIGATION 34
			NE	SE		IRRIGATION 13
			NW	SE		IRRIGATION 30
			SW	SE		IRRIGATION 35
			SE	SE		IRRIGATION 38
					Section Acres	273
			01N	03W	27	NE

						Section Acres	12
01N	03W	35	NE	NE	6	IRRIGATION	16
			NW	NE	5	IRRIGATION	7
						Section Acres	23
01N	03W	36	SW	NE	7	IRRIGATION	3
			NE	NW		IRRIGATION	20
			NW	NW	5	IRRIGATION	20
			SE	NW	6	IRRIGATION	14
						Section Acres	57
01S	02W	4	NE	SE		IRRIGATION	5
			SE	SE		IRRIGATION	25
						Section Acres	30
01S	02W	9	NE	NE		IRRIGATION	19
			NW	NE		IRRIGATION	35
			NE	NW		IRRIGATION	8
			SE	NW		IRRIGATION	28
			SW	NE		STOCKWATER	20
						Section Acres	110
01S	02W	10	NW	NW		STOCKWATER	
			NW	NW		DOMESTIC	
						Total Acres	565

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

ADDRESS CHANGED BY LH 3/18/94.

15. Basis of Claim: Decreed

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): Thomas T. Nicholson Date: _____

10/26/06

Date: _____

State of Idaho)

County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 26th

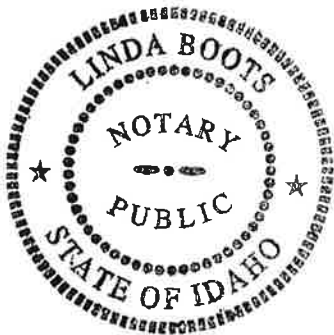
of October 2006

Linda Boots

Notary Public

Residing at Boise ID

My commission Expires 5/31/07



10/31/2006

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

RIGHT NUMBER: 63-356

NAME AND ADDRESS: TFI LIMITED PARTNERSHIP
PO BOX 690
MERIDIAN ID 83680--0690

SOURCE: GROUCH DRAIN
GROUND WATER

TRIBUTARY: SNAKE RIVER
TRIBUTARY:

QUANTITY: 7.800 CFS
464.14 AFY

Right Nos. 63-356, 63-357, 63-358, 63-2663, 63-2699, 63-3121
are limited to a total combined diversion rate of 11.48 cfs and to a total
combined annual diversion volume from ground water sources of 2583 AF.

The quantity of water under this right for domestic and stockwater uses
shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1948

POINT OF DIVERSION:

T01s R02w S3 SWSE Within CANYON County
T01S R02W S8 SENE Within CANYON County
T01S R02W S9 NENE Within CANYON County
T01S R02W S9 SWNE Within CANYON County
T01s R02w S10 NWNE Within CANYON County
T01S R02W S10 NENW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.350 CFS
DOMESTIC	01/01 12/31	0.020 CFS
IRRIGATION	04/01 04/30	7.800 CFS 464.14 AFY

The use of water for irrigation under this right may begin as early as March
1, provided other elements of the right are not exceeded. The use of water
before April 1 under this remark is subordinate to all water rights having no
subordinated early or late irrigation use and a priority date earlier than the
date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within CANYON County

T01N R03W S22 Lot 8 SWSE	7.00	T01N R03W S22 Lot 9 SESE	12.00
T01N R03W S25 NWSW	6.00	T01N R03W S25 SWSW	39.00
T01N R03W S25 SESW	15.00	T01N R03W S26 NWNW	13.00
T01N R03W S26 Lot 2 SWNW	25.00	T01N R03W S26 SENW	21.00
T01N R03W S26 NESW	38.00	T01N R03W S26 Lot 3 NWSW	13.00
T01N R03W S26 Lot 4 SESW	32.00	T01N R03W S26 NESE	14.00
T01N R03W S26 NWSE	27.00	T01N R03W S26 SWSE	34.00
T01N R03W S26 SESE	36.00	T01N R03W S27 Lot 4 NENE	12.00
T01N R03W S35 Lot 6 NENE	14.00	T01N R03W S35 Lot 5 NENW	7.00
T01N R03W S36 Lot 7 SWNE	2.00	T01N R03W S36 NENW	20.00

T01N R03W S36 Lot 5 NWNW	21.00	T01N R03W S36 Lot 6 SWNW	1.00
T01N R03W S36 Lot 6 SENW	14.00	T01S R02W S04	NESE 5.00
T01S R02W S04	SESE 25.00	T01S R02W S09	NENE 18.00
T01S R02W S09	NWNE 24.00	T01S R02W S09	SWNE 18.00
T01S R02W S09	SENE 4.00	T01S R02W S09	NENW 3.00
T01S R02W S09	SENW 30.00		

550 ACRES TOTAL

STOCKWATER Within CANYON County

T01S R02W S10 NWNW

DOMESTIC Within CANYON County

T01S R02W S10 NWNW

Right Nos. 63-356, 63-357, 63-358, 63-2663, 63-2699, 63-3121
are limited to the irrigation of a combined total of 574 acres in a single
irrigation season.

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 domestic use and
stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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



Idaho Department of Water Resources

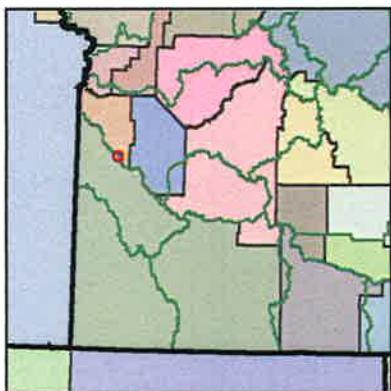
SRBA Recommendation:

63-356

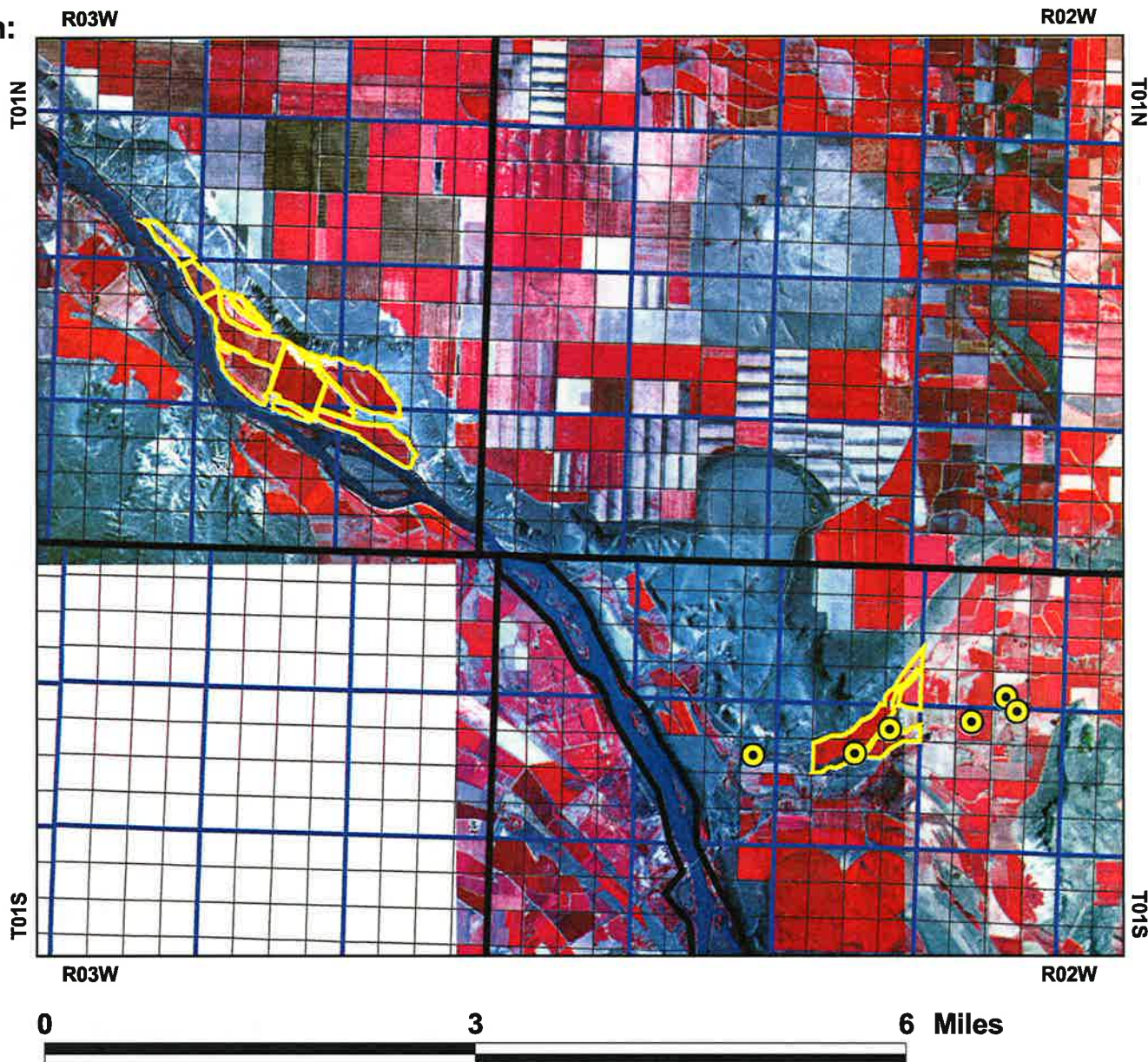
(Irrigation)

Legend

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



Canyon, Owyhee Counties
IDWR Basin 63



Owner: Tfi Limited Partnership

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

Prepared by M. Ciscell
On Tuesday, October 31, 2006
1987/88 Aerial Photography

Water Right Number - 63-00356

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***

NICHOLSON

CARL E.

1 -

2 -

3 -

City-

Phone -

State-

Zip-

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
04/01/1948 14 WESTERN D - DECREED

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
DRAINS WARM SPRINGS CREEK

+ - - - - - - - - - - - - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

01S 02W 10 (27) CANYON

| Code | Description | Period From | Period To | Water Use | Diversion Rate | Diversion Volume |
|------|-------------|-------------|-----------|-----------|----------------|------------------|
| 01 - | IRRIGATION | 04/01 | 04/30 | | 7.800 | |
| 04 - | STOCKWATER | 04/01 | 04/30 | | | |
| 43 - | DOMESTIC | 04/01 | 04/30 | | | |

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
7.800

| TwN | Rng | Sec | Tract | Lot | Acres | Code | Description | County |
|-----|-----|-----|-------|-----|-------|------|-------------|--------------|
| 01N | 03W | 22 | SW SE | 8 | | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 22 | SE SE | 9 | | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 25 | SW SW | | | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 26 | NW NW | | | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 26 | SW NW | 2 | | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 26 | SE NW | | | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 26 | NE SW | | | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 26 | NW SW | 3 | | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 26 | SE SW | 4 | | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 26 | NW SE | | | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 26 | SW SE | | | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 26 | SE SE | | | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 27 | NE NE | 4 | | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 35 | NE NE | 6 | | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 35 | NW NE | 5 | | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 36 | SW NE | 7 | | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 36 | NE NW | | | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 36 | NW NW | 5 | | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 36 | SE NW | 6 | | 01 | IRRIGATION | (27) CANYON |
| 01S | 02W | 4 | NE SE | | | 01 | IRRIGATION | (27) CANYON |

MICROFILMED
AUG 18 1992

Water right number - 63-00356

Prefix Translation: WATER RIGHT

| TwN | Rng | Sec | Tract | Lot | Acres | Code | Description | County |
|-----|-----|-----|-------|-----|-------|------|-------------|--------------|
| 01S | 02W | 4 | SE SE | | | 01 | IRRIGATION | (27) CANYON |
| 01S | 02W | 9 | NE NE | | | 01 | IRRIGATION | (27) CANYON |
| 01S | 02W | 9 | NW NE | | | 01 | IRRIGATION | (27) CANYON |
| 01S | 02W | 9 | NE NW | | | 01 | IRRIGATION | (27) CANYON |
| 01S | 02W | 9 | SE NW | | | 01 | IRRIGATION | (27) CANYON |

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - -
No Remarks found.

+ - - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

| | | |
|----------------------------------|----------------------------------|---------------------|
| + - - - Decree Plaintiff - - - + | + - - - Decree Defendant - - - + | + - Decree Date - + |
| CARL E. NICHOLSON | REYNOLDS IRR. DIST. | 06/11/1956 |

+ - - - - - Comments - - - - -
No Comments Found

+ - - Audit Fields - 02/11/86 05/01/88 CONVERT

+ - - - - - Water Rights Dates and Flags Area - - - - -

| | | |
|-------------------------------|------------------------------|----------------------|
| Proof Due Date - 00/00/0000 | Field Exam Made - 00/00/0000 | Field Exam Fee - |
| Approved/Denied - 00/00/0000 | Protested Date - 00/00/0000 | Swan Falls - |
| Proof Made Date - 00/00/0000 | Hearing Date - 00/00/0000 | Temporary Right - P |
| Start Work Date - 00/00/0000 | Verified Date - 07/08/1985 | DLE/Carey Act - |
| Order Show Cause - 00/00/0000 | Receipt Number - | Water District - 63T |
| Licensed Date - 00/00/0000 | Appl Received - 00/00/0000 | Transfer/Amended - |
| Decree Date - 06/11/1956 | Microfilm Roll No - | Presumption Flag - |

MICROFILMED

AUG 18 1992

ADJUDICATION CLAIM REVIEW CHECKLIST

4-3-91

CLAIMANT'S NAME Nicholson

CLAIM IDENT. NO. A63-00356

DATE RECEIVED 6-26-91 RECEIPT # W013440 AMOUNT \$ 100

- | | YES | NO | Required Info? |
|---|-------------------------------------|--------------------------|----------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. | | | |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☒ | ☐ | |
| Is the consumptive use correct? | ☒ | ☐ | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4 | ☒ | ☐ | |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated?
(See Item No.'s 16 & 17 for checking other water rights) | ☒ | ☐ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the basis of claim is shown as license, permit, or decree is the existing water rt. no. listed?
(Compare claim with the existing water rt. and either attach a proof report or state in comments that the existing right was compared to the claim) | ☒ | ☐ | * |
| 17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal desc. or name on the claim?
(If yes, describe the right in "Comments" and attach a proof report) NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed. | ☒ | ☐ | |
| 18. If the claimant requested a monthly docket sheet, is payment enclosed?
(If yes, describe payment status in "Comments" below.) | ☒ | ☐ | |
| 19. Is the claim signed by the claimant, and is the signature appropriate?
Organizations must complete the organization block. | ☒ | ☐ | * |
| 20. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 21. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |

22. FEE

MICROFILMED

AUG 18 1992
Collected

23. Should this claim be data entered?

☒ YES

☐ NO

Claim reviewed by: gyh

Date 7-1-91

Claim data entered by: JD

Date 11-7-91

Claim is being returned to claimant:

☒ (Yes) ☐ (No)

Claimant is being notified of modifications:

☒ (Yes) ☐ (No)

Comments: D/S added to place of use. late fee collected.

Claimant notified ^{of charges} per office per Linda Boots,
claimant representative. 6-26-91 gyh

AJ5809NP
No. A63-00356

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/13/00
PAGE: 11

| OWNER
CODE | NAME & ADDRESS | PRIORITY
DATE | WATER USE | USE PERIOD
FROM TO | DIVERSION
RATE | DIVERSION
VOLUME |
|---------------|--------------------|------------------|------------------|-----------------------|-------------------|---------------------|
| C | THOMAS T NICHOLSON | 04/01/1948 | IRRIGATION | 04-01 04-30 | 7.800 CFS | |
| C | CARL V NICHOLSON | | STOCKWATER | 04-01 04-30 | 0.350 CFS | |
| | PO BOX 690 | | DOMESTIC | 04-01 04-30 | 0.020 CFS | |
| | MERIDIAN ID 83680 | | | | | |
| | (208) 888-1593 | | | | | |
| | | | TOTAL DIVERSION: | | 7.800 CFS | |
| | | | CONSUMPTIVE USE: | | | 1977.50 AFA |

Water Source: DRAINS

Tributary to: WARM SPRINGS CREEK

Stage: DECREED

| Point(s) of Diversion: | T01N R03W S22 | SESESE | | CANYON County |
|------------------------|---------------|---------|--------|---------------|
| | S25 | SWSWSW | | CANYON County |
| | S26 | SWSSENW | | CANYON County |
| | S36 | NENENW | NENWNW | CANYON County |
| | T01S R02W S09 | NENE | SWNE | CANYON County |
| | S10 | NENW | | CANYON County |

Place of use Legal Description for: IRRIGATION

| | NE | | | | NW | | | | SW | | | | SE | | | | |
|------------|----|-------------|----|-------|----|----|----|----|----|----|----|----|----|----|----|----|-------------------|
| T R S | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | SUM |
| 01N 03W 22 | : | | : | | : | | : | | : | | : | | : | | : | | 22.0 |
| 01N 03W 25 | : | | : | | : | | : | | : | | : | | : | | : | | 38.0 |
| 01N 03W 26 | : | | : | | : | | : | | : | | : | | : | | : | | 273.0 |
| 01N 03W 27 | : | 04-12 | : | | : | | : | | : | | : | | : | | : | | 12.0 |
| 01N 03W 35 | : | 06-16 05-07 | : | | : | | : | | : | | : | | : | | : | | 23.0 |
| 01N 03W 36 | : | | : | 07-03 | : | | : | | : | | : | | : | | : | | 57.0 |
| 01S 02W 4 | : | | : | | : | | : | | : | | : | | : | | : | 25 | 30.0 |
| 01S 02W 9 | : | 19 | : | 35 | : | | : | | : | | : | | : | | : | | 90.0 |
| | | | | | | | | | | | | | | | | | TOTAL ACRES 565.0 |

Place of use Legal Description for: STOCKWATER

| | NE | | | | NW | | | | SW | | | | SE | | | | |
|------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|------|
| T R S | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | |
| 01S 02W 9 | : | | : | 20 | : | | : | | : | | : | | : | | : | | 20.0 |
| 01S 02W 10 | : | | : | | : | | : | S | : | | : | | : | | : | | |

Place of use Legal Description for: DOMESTIC

| | NE | | | | NW | | | | SW | | | | SE | | | | |
|------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--|
| T R S | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | |
| 01S 02W 10 | : | | : | | : | | : | D | : | | : | | : | | : | | |

POU County: CANYON

Non-Irrigation Uses: DOMESTIC, 1 HOME; STOCKWATER, 1700 HEAD CATTLE

Other Rights: 63-00358, 63-02663, 63-02699, 63-03121, 63-00357

AJ5809NP
No. A63-00356

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/13/00
PAGE: 12

=====

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A63-00306 A63-00357 A63-00358 A63-00359 A63-02420 A63-02663 A63-03121

Other Water Rights Listing Overlapping Place(s) of Use:
A02-00014 A63-00357 A63-00358 A63-02663 A63-02699 A63-03121

Remarks: GEN ADDRESS CHANGED BY LH 3/18/94.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 63T Field Inspection Flag:
Presumption Flag:

Audit: 11/07/91 HARRIS 03/18/94 HARRIS 03/30/95 POST-STD

Idaho Department of Water Resources

Claim Number:63-00356

Page 1 of 2

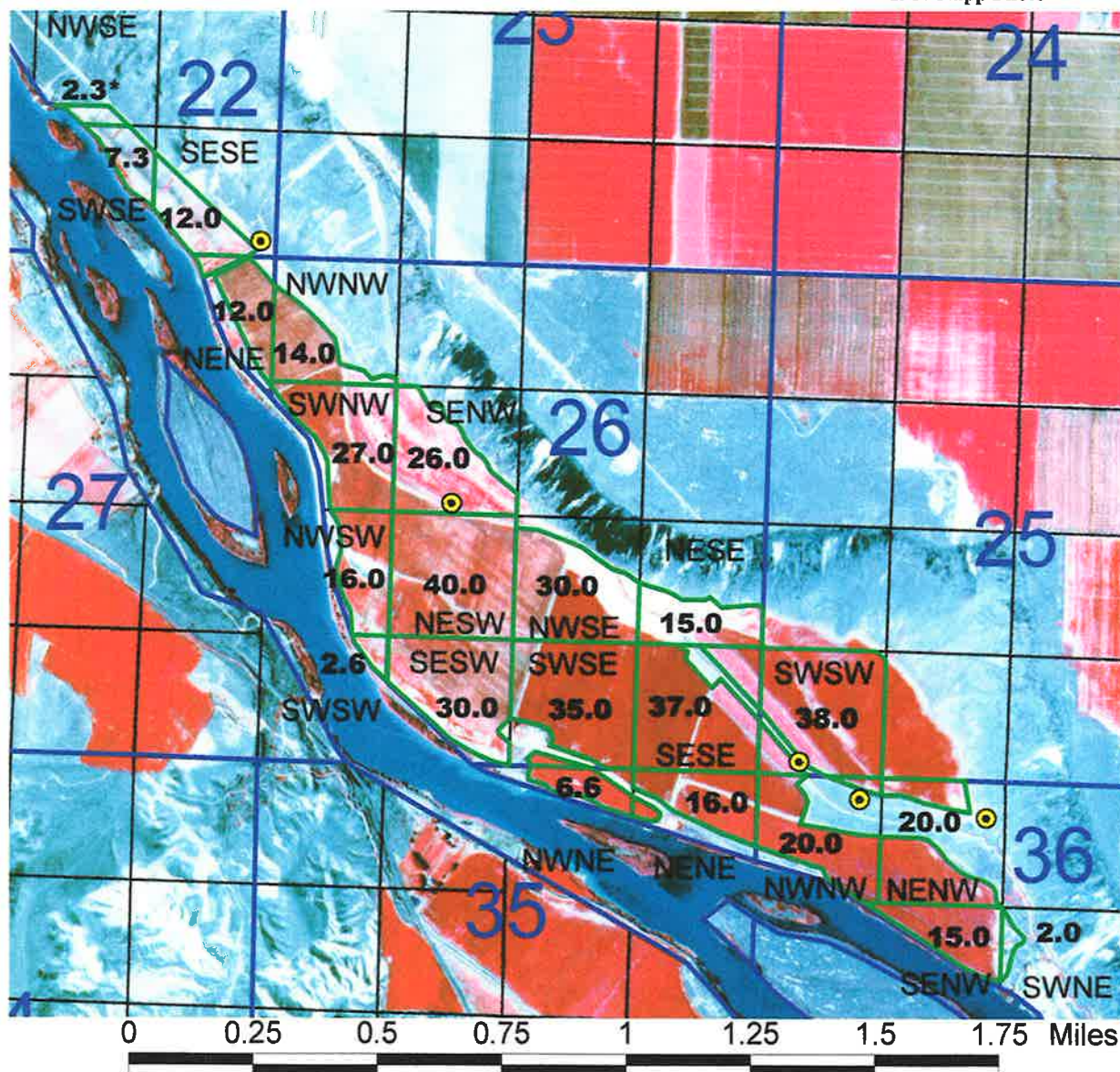
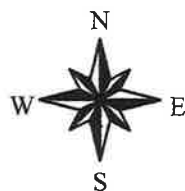
Legal:T01N, R03W,

Sections 22, 25, 26, 27, 35, 36

Reviewed By:

1987 Napp Photo

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



Idaho Department of Water Resources

Claim Number:63-00356

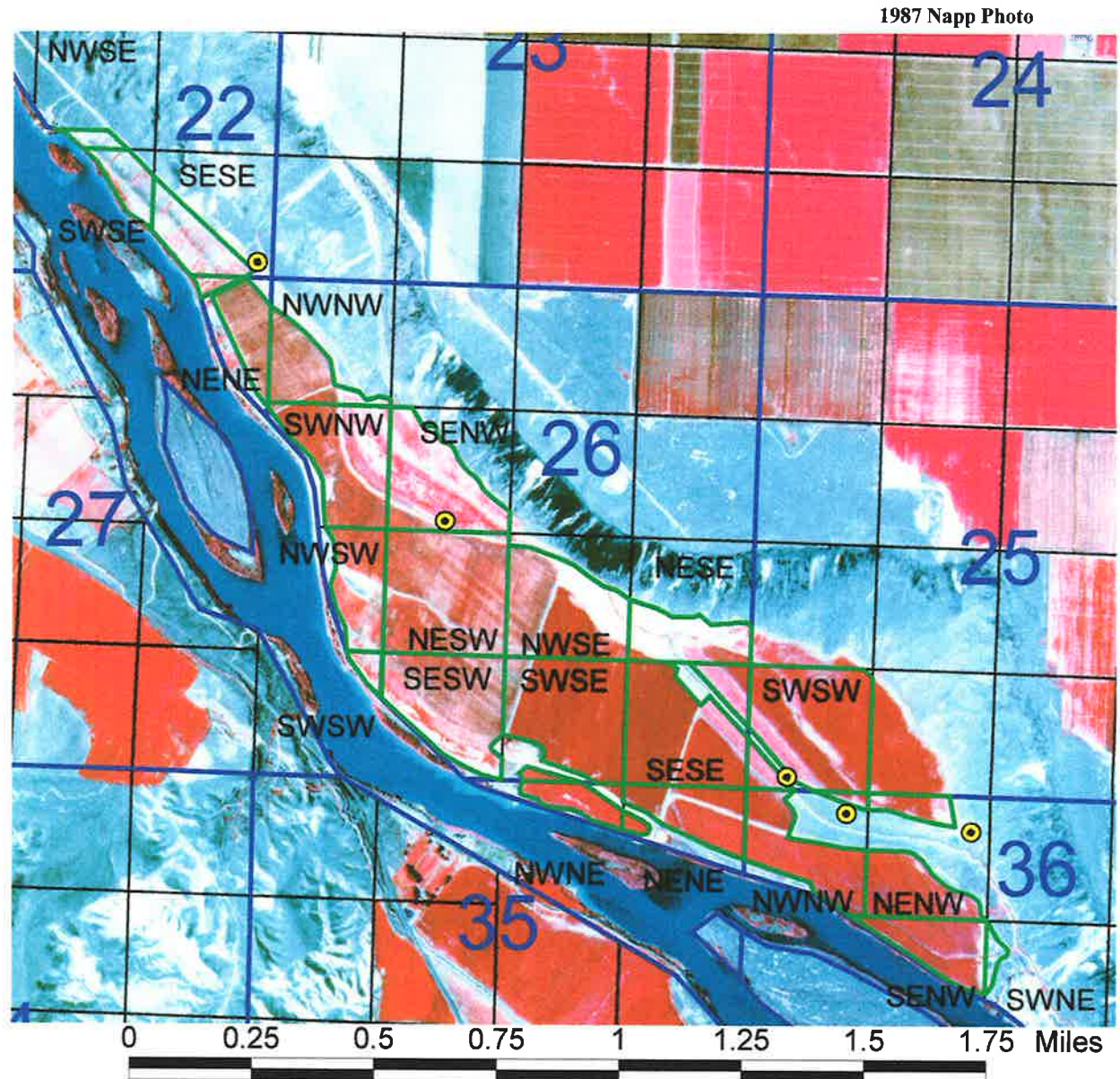
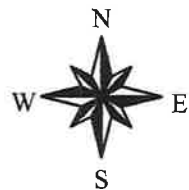
Page 1 of 2

Legal:T01N, R03W,

Sections 22, 25, 26, 27, 35, 36

Reviewed By:

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



Idaho Department of Water Resources

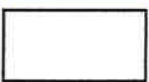
1987 Napp Photo

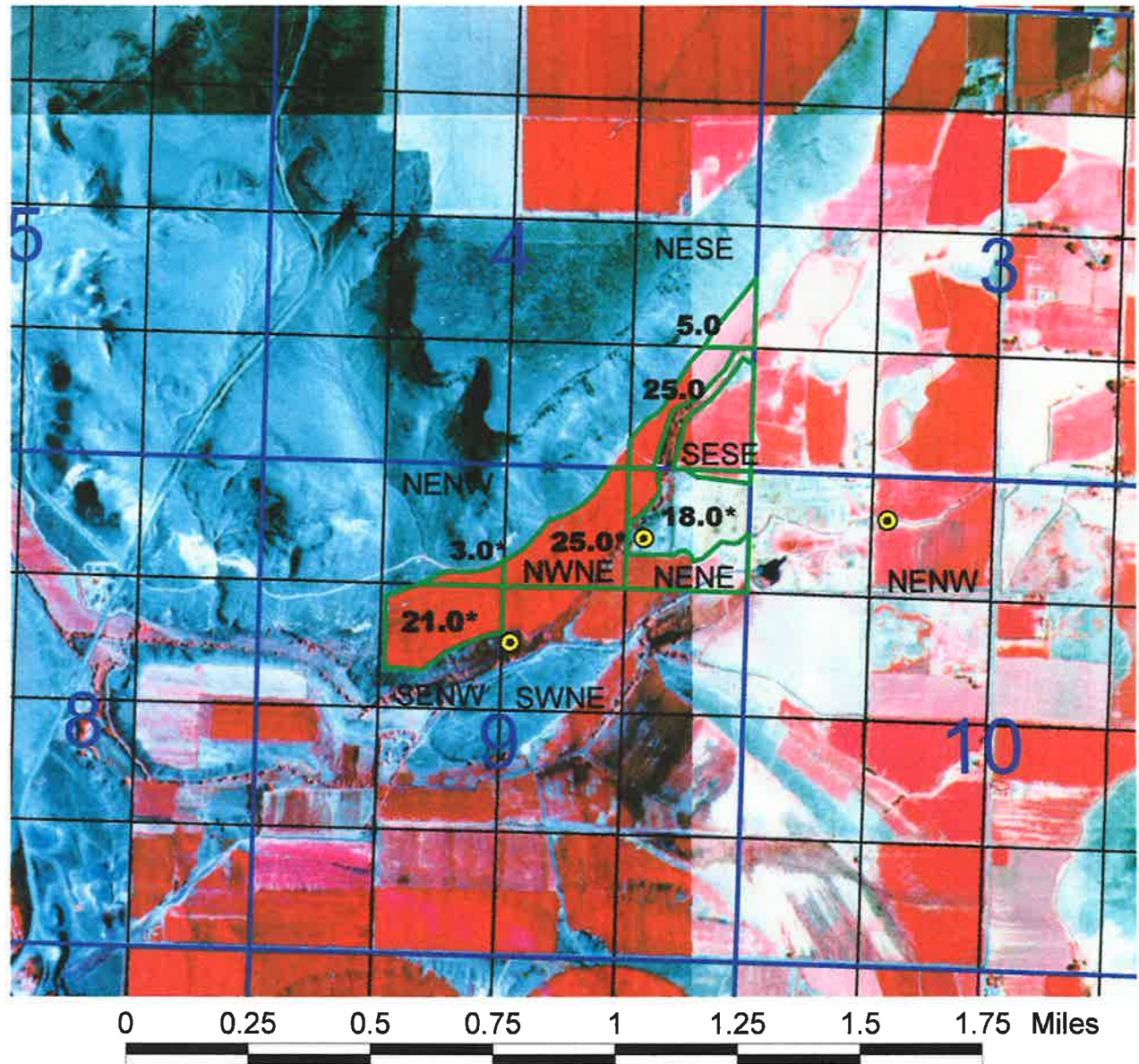
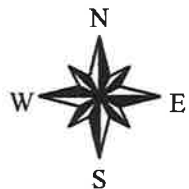
Claim Number:63-00356

Page 2 of 2

Legal:T01S, R02W, S4 & 9

Reviewed By:

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



Idaho Department of Water Resources

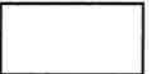
Claim Number:63-00356

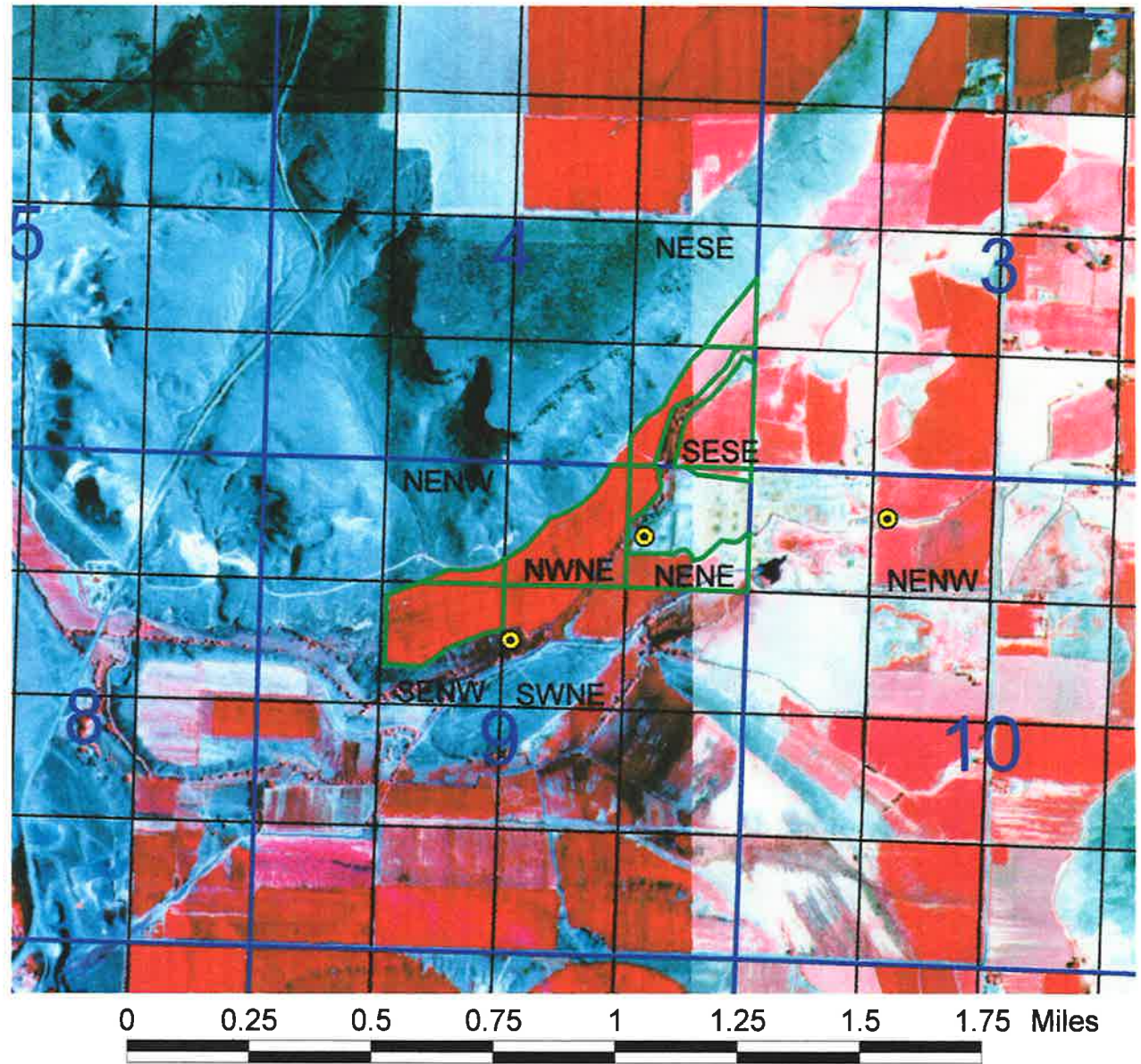
Page 2 of 2

Legal:T01S, R02W, S4 & 9

Reviewed By:

1987 Napp Photo

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



IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID #: 63-00356

Date: 12-12-06

| | 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 | 1N | 3W | 22 | | | | | | | | | | | | | | | 08-
5 | 09-
17 | 20 |
| GIS | | | | | | | | | | | | | | | | | * | 2.3 | 7.3 | 12 |
| Claim | 1N | 3W | 25 | | | | | | | | | | | 38 | | | | | | 38 |
| GIS | | | | | | | | | | | | | | 38 | | | | | | 38 |
| Claim | 1N | 3W | 26 | | | | | 15 | 02-
25 | 23 | 40 | 03-
17 | 3 | 04-
34 | 13 | 30 | 35 | 38 | | 273 |
| GIS | | | | | | | | 14 | 27 | 26 | 40 | 16 | 2.6 | 30 | 15 | 30 | 35 | 37 | | 273 |
| Claim | 1N | 3W | 27 | 04-
12 | | | | | | | | | | | | | | | | 12 |
| GIS | | | | 12 | | | | | | | | | | | | | | | | 12 |

Total Claimed Acres: _____

Total GIS Acres: _____

Overlapping POU Claim #'s: 63-00357, 63, 00358, 63-03121
63-02699

COMMENTS:

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID #: 63-00356 Cont Date: 12-12-80

| | 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 | 1N | 3W | 35 | 06-
16 | 05-
7 | | | | | | | | | | | | | | | 23 |
| GIS | | | | 16 | 6.6 | | | | | | | | | | | | | | | 23 |
| Claim | 1N | 3W | 36 | | | 07-
3 | | 20 | 05-
20 | | 06-
14 | | | | | | | | | 57 |
| GIS | | | | | | 2 | | 20 | 20 | | 15 | | | | | | | | | |
| Claim | 1S | 2W | 4 | | | | | | | | | | | | | 5 | | | 25 | 30 |
| GIS | | | | | | | | | | | | | | | | 5 | | | 25 | 30 |
| Claim | 1S | 2W | 9 | 19 | 35 | | | 8 | | | 28 | | | | | | | | | 90 |
| GIS | | | | 18* | 25* | | | *3 | | | *21 | | | | | | | | | 67 |

Total Claimed Acres: 565

Total GIS Acres: 522

Overlapping POU Claim #'s: _____

COMMENTS:

①
63 T-1 22A-2
INSTRUMENT NO. 434650

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON.

FILED

CARL E. NICHOLSON and)
BLANCHE NICHOLSON,)
husband and wife,)
Plaintiffs)

A.M. 3:30 P.M.
JUN 11 1956
S. S. FOOTE, CLERK
Lavona Sayre, DEPUTY

vs.)

REYNOLDS IRRIGATION DISTRICT)
a quasi-public corporation of)
Owyhee County, Idaho; and)

ELLEN T. SPROAT,)
Defendants.)

THIS CAUSE came regularly on for hearing and disposition before the Court without a jury, on the 11th day of June, 1956; Edwin Snow and Homer E. Martin, of Boise, Idaho, appearing as attorneys for plaintiffs; Maurice H. Greene and David Doane, of Boise, Idaho, appearing as attorneys for the defendant Reynolds Irrigation District; and Laurel E. Elam, of Boise, Idaho, appearing as attorney for the defendant Ellen T. Sproat.

The parties presented to the Court a stipulation in writing, signed by their respective attorneys of record, thereunto duly authorized, which stipulation had been duly filed herein; and wherein were set out and agreed upon the ultimate facts with respect to the beneficial use of the waters involved in the suit by the respective parties hereto, and also the amount and the date of priority of the water right to which each party was entitled based upon its said use; and the Court having examined and approved the said stipulation. And the parties having also presented to the Court this decree based upon such stipulation, upon which decree is endorsed the written consent and approval of the attorneys of record for the respective parties;

NOW, THEREFORE, in conformity with said stipulation and said consent, and all the parties having waived Findings of Fact and Conclusions of Law in connection with such decree, it is hereby ORDERED and DECREED as follows:

JUL 24 1956

1.

The water supply, the rights to the use of which are hereby adjudicated, consists of the waters flowing in the drain ditch from which all the parties hereto divert their water; and the waters flowing in said drain and its branches, whether said waters are derived from surface waste, or percolation into the drain, or from any existing wells, including the well of plaintiffs, the wells of the defendant Reynolds Irrigation District, and a well known as the "Simpson Well", situated at the head of one branch of the main drain ditch from which the parties hereto divert their water, constitute a common and interdependent source of supply; and the withdrawal of water from said main drain, or any of its said contributing sources of supply, depletes the water rights and supply of each of the parties hereto.

11.

The defendant Ellen T. Spboat is hereby decreed the right to the use of the following amounts of waters of the drains and wells involved in this suit:

- 63 0353 (a) 120 miners inches of said waters during the month of April of each irrigation season;
- 63 0354 (b) 140 miners inches of said waters during the months of May and June of each irrigation season;
- 63 0355 (c) 175 miners inches at all times after July 1st of each irrigation season;

The priority of all of said defendant's rights dates from April 1, 1947.

Said water is decreed for irrigation, livestock, and domestic uses upon said defendant's lands, to-wit:

The $W\frac{1}{2}$ of the $SW\frac{1}{4}$, Section 9;
Lots 1, 2, 3 and 4;
The $SE\frac{1}{4}$ $SE\frac{1}{4}$, and the $NW\frac{1}{4}$ $SE\frac{1}{4}$, of Section 8;
All in Twp. 1 S., R 2, W. B. M.

The point of diversion of said water is, as it has been for a long time heretofore, at a point in Section 10, Twp. 1 S., R. 2, W. B. M., where an irrigation ditch belonging to said defendant and to plaintiffs has its heading in said drain.

JUL 24 1996

111.

The plaintiffs, Carl E. Nicholson and Blanche Nicholson, husband and wife, are hereby decreed the right to the use of the following amounts of the waters of the drains and wells involved in this suit:

- 63 0356 (a) 390 miners inches during the month of April of each irrigation season;
- 63 0357 (b) 420 miners inches of said waters during the months of May and June of each irrigation season;
- 63 0358 (c) 475 miners inches of water at all times after July 1st of each irrigation season.

The priority of all of said plaintiffs' rights dates from April 1, 1948.

Said water is decreed for irrigation, livestock, and domestic uses upon said plaintiffs' lands, to-wit:

$E\frac{1}{2}SE\frac{1}{4}$, Section 4;
 $N\frac{1}{2}NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, Section 9;

Township 1 South, Range 2 W. B. M.

ALSO:

Lots 8 and 9, Section 28;
 $SW\frac{1}{4}SW\frac{1}{4}$, Section 25;
Lots 2, 3 and 4; $S\frac{1}{2}SE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$,
and the $SE\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}$, Section 26;
Lot 4, Section 27;
Lots 5 and 6, Section 35;
Lots 5, 6 and 7, and the $NE\frac{1}{4}NW\frac{1}{4}$, Section 36;
All in Township 1 North, Range 3, W. B. M.

The point of diversion of said water is, as it has been for a long time heretofore, at a point located in Section 10, Twp. 1 S., R. 2, W. B. M., where an irrigation ditch belonging to plaintiffs and to said defendant Ellen T. Sproat has its heading in said drain.

IV.

- 63 0359 The defendant Reynolds Irrigation District is hereby decreed the right to the use of 1300 miners inches of the waters of the drains and wells involved in this suit, with priority dating from April 1, 1950. Said water is decreed for irrigation, livestock and domestic uses upon the lands embraced in the boundaries of said defendant Reynolds Irrigation District, in Owyhee County, Idaho, located and being in Sections 11, 12 and 13, Twp 1 South, Range 3, West Boise Meridian, and in Sections 6, 17, 18, 19, 20, 21, 28 and 29 in Twp. 1 South, Range 2 West Boise Meridian.

463 & F

1015

1015 2586

4074

JUL 14 1950

The point of diversion of said water is, as it for a long time heretofore has been, at a point in Section 10, Twp. 1 S., R. 2, W.B.M., where an irrigation ditch belonging to said defendant has its heading in said drain.

V.

All the said lands of each of the parties hereto upon which water for irrigation is herein allotted are arid lands requiring irrigation; and the amount of water herein allotted to each party for use upon such lands is required and necessary for the proper growing of crops thereon, in addition to any water used from any other source, including Snake River, Reynolds Creek in Owyhee County, Idaho, and Warm Springs Creek in Canyon County, Idaho.

VI.

A miners inch of water as that term is herein used shall be deemed equivalent to one-fiftieth of a cubic foot per second; and the water herein allotted shall be measured at, or as nearly as practicable at, the head of the ditch whereby it is diverted by the party to whom its use is allotted herein.

In and near the head of the main drain from which plaintiffs and the defendant Ellen T. Sproat divert their water, said last named parties shall maintain a suitable and accurate measuring device whereby the water diverted for their use may be measured. The plaintiffs shall bear two-thirds of the expense of maintaining such measuring device and the defendant Ellen T. Sproat one-third thereof.

At the place where the defendant Reynolds Irrigation District diverts its water from the drain, a headgate and, if desirable or necessary, an accurate and suitable measuring device shall be installed by said defendant district at its expense in the drain so as to permit a constant flow of water down the drain to the point where plaintiffs and the defendant Ellen T. Sproat divert their water. The purpose of the above provision is to avoid fluctuations in the water supply available to plaintiffs and to Ellen T. Sproat at the head of their ditch just above mentioned; the said device or devices to be so installed, and the operation

JUL 24 1906

thereof, shall be as prescribed by the State Reclamation Engineer of the State of Idaho and satisfactory to him.

VII.

The enforcement of this decree is hereby committed in the first instance, pending the creation, as provided by law, of a Water District comprising the sources of supply of the water rights herein decreed, to the State Reclamation Engineer of Idaho. He is hereby appointed to Commissioner of this Court, for that purpose, to serve without compensation during the remainder of the 1956 irrigation season, he having consented so to do. Said State Reclamation Engineer is hereby directed during such period to regulate and distribute the waters of said drain in accordance with the terms of this decree, and thereafter to supervise such distribution by the Water Master as provided by law.

VIII.

Each of the parties hereto and their respective servants, attorneys, employees, and successors in interest, are hereby enjoined and restrained from any and all use of the waters constituting the source of supply here involved, except to the extent and for the purposes herein provided.

IX.

Each of the parties herein shall bear his own costs.

Dated: June 11th 1956

Gilbert C. Norris
District Judge

We hereby consent to the foregoing decree.

Edwin Snow

Homer E. Martin by Snow
Attorneys for Plaintiffs

Maurice H. Greene

David Deane
Attorneys for Defendant
Reynolds Irrigation Dist.

Laurel E Elam
Attorney for Defendant
Ellen T. Sproat

State of Idaho)
County of Canyon) ss

I hereby certify the foregoing)
instrument is a true and correct)
copy of the original as the same)
appears in this office,

DATED

April 2, 1957

S. S. Foote, Clerk of the District
Court and Ex Officio Recorded

By s/ Lavona Sayre
Deputy.

JUL 24 1956

Water Right Number - A63-00356

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

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

*** C - CURRENT OWNER ***

NICHOLSON

THOMAS T

1 - PO BOX 690

2 -

3 -

City- MERIDIAN

State- ID Zip- 83680

Phone - 208-888-1593

NICHOLSON

CARL V

1 - PO BOX 690

2 -

3 -

City- MERIDIAN

State- ID Zip- 83680

Phone - 208-888-1593

*** O - ORIGINAL OWNER ***

NICHOLSON

CARL E

1 -

2 -

3 -

City- XXXX

State- ID Zip- 00000

Phone - 208-000-0000

+ - - Priority Date - - +
04/01/1948+ - - Region - - - +
14 WESTERN+ - - Stage - - - +
D - DECREED

+ - - Status - - - +

+ - - - - Source - - - - - +
DRAINS+ - - - - Tributary - - - - - +
WARM SPRINGS CREEK+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name

| | | | | | | | |
|-----|-----|----|----------|--|------|--------|--|
| 01N | 03W | 22 | SE SE SE | | (27) | CANYON | |
| | | 25 | SW SW SW | | (27) | CANYON | |
| | | 26 | SW SE NW | | (27) | CANYON | |
| | | 36 | NE NE NW | | (27) | CANYON | |
| | | | NE NW NW | | (27) | CANYON | |
| 01S | 02W | 9 | NE NE | | (27) | CANYON | |
| | | | SW NE | | (27) | CANYON | |
| | | 10 | NE NW | | (27) | CANYON | |

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

| | | | | |
|-----------------|-------|-------|-------|--|
| 01 - IRRIGATION | 04/01 | 04/30 | 7.800 | |
| 04 - STOCKWATER | 04/01 | 04/30 | 0.350 | |
| 43 - DOMESTIC | 04/01 | 04/30 | 0.020 | |

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
7.800 1977.5+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

| | | | | | | | | |
|-----|-----|----|-------|---|------|----|------------|-------------|
| 01N | 03W | 22 | SW SE | 8 | 5.0 | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 22 | SE SE | 9 | 17.0 | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 25 | SW SW | | 38.0 | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 26 | NW NW | | 15.0 | 01 | IRRIGATION | (27) CANYON |

Water right number - A63-00356

Prefix Translation: ADJUDICATION CLAIM

| Tw | Rng | Sec | Tract | Lot | Acres | Code | Description | County |
|-----|-----|-----|-------|-----|-------|------|-------------|-------------|
| 01N | 03W | 26 | SW NW | 2 | 25.0 | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 26 | SE NW | | 23.0 | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 26 | NE SW | | 40.0 | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 26 | NW SW | 3 | 17.0 | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 26 | SW SW | | 3.0 | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 26 | SE SW | 4 | 34.0 | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 26 | NE SE | | 13.0 | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 26 | NW SE | | 30.0 | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 26 | SW SE | | 35.0 | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 26 | SE SE | | 38.0 | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 27 | NE NE | 4 | 12.0 | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 35 | NE NE | 6 | 16.0 | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 35 | NW NE | 5 | 7.0 | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 36 | SW NE | 7 | 3.0 | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 36 | NE NW | | 20.0 | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 36 | NW NW | 5 | 20.0 | 01 | IRRIGATION | (27) CANYON |
| 01N | 03W | 36 | SE NW | 6 | 14.0 | 01 | IRRIGATION | (27) CANYON |
| 01S | 02W | 4 | NE SE | | 5.0 | 01 | IRRIGATION | (27) CANYON |
| 01S | 02W | 4 | SE SE | | 25.0 | 01 | IRRIGATION | (27) CANYON |
| 01S | 02W | 9 | NE NE | | 19.0 | 01 | IRRIGATION | (27) CANYON |
| 01S | 02W | 9 | NW NE | | 35.0 | 01 | IRRIGATION | (27) CANYON |
| 01S | 02W | 9 | NE NW | | 8.0 | 01 | IRRIGATION | (27) CANYON |
| 01S | 02W | 9 | SE NW | | 28.0 | 01 | IRRIGATION | (27) CANYON |
| 01S | 02W | 9 | SW NE | | 20.0 | 04 | STOCKWATER | (27) CANYON |
| 01S | 02W | 10 | NW NW | | | 04 | STOCKWATER | (27) CANYON |
| 01S | 02W | 10 | NW NW | | | 43 | DOMESTIC | (27) CANYON |

Total Acres: 565.0

+ - - Diversion Means - DITCHES, CEMENT CHECKS W/PUMPS

+ - - Non-Irrigation Use - DOMESTIC, 1 HOME; STOCKWATER, 1700 HEAD CATTLE

+ - - Other Rights for Same Use - 63-00358, 63-02663, 63-02699, 63-03121, 63-00357

| Remarks |
|--------------------------------|
| ADDRESS CHANGED BY LH 3/18/94. |

| Old Water Right Numbers |
|-----------------------------------|
| No Old Water Right Numbers found. |

| Conditions of Approval |
|----------------------------------|
| No Conditions of Approval found. |

+ - - - Decree Plaintiff - - - +
CARL E. NICHOLSON+ - - - Decree Defendant - - - +
REYNOLDS IRR. DIST.+ - Decree Date - +
06/11/1956

+ - - Audit Fields - 11/07/91 HARRIS 03/18/94 HARRIS 03/30/95 POST-STD

