

01/09/2003

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

RIGHT NUMBER: 29-4406
NAME AND ADDRESS: ARIMO CORP
PO BOX 78
ARIMO ID 83214

ARIMO CORP
C/O CHRISTOPHER F ROBINSON
139 E SOUTH TEMPLE STE 310
SALT LAKE CITY UT 84111

SOURCE: SPRINGS TRIBUTARY: MARSH CREEK

QUANTITY: 0.600 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.24 CFS. COMBINED RIGHT NOS.: 29-4406,
29-4408, 29-4423, 29-12055.

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

PRIORITY DATE: 01/01/1880

POINT OF DIVERSION:

T10S R37E S6 SWNWSW Lot 7 Within BANNOCK County
T10S R37E S6 SWSWSW Lot 10 Within BANNOCK County
T10S R37E S6 SWSWSW Lot 10 Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.600 CFS
STOCKWATER	01/01 12/31	0.050 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T10S R36E S01	NESE	0.6	T10S R37E S06 Lot 8 SWNW	4.4
T10S R37E S06 Lot 7 NWSW	2.8	T10S R37E S06 Lot 9 NWSW	4.5	
T10S R37E S06 Lot 10 SWSW	17.0	T10S R37E S07 Lot 1 NWNW	24.0	
T10S R37E S07 Lot 4 SWNW	8.3	T10S R37E S07 Lot 2 SWSW	0.2	

STOCKWATER same as IRRIGATION

61.8 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 61.8 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-4406, 29-4408, 29-4423,
29-12055.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 30.0 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

01/09/2003

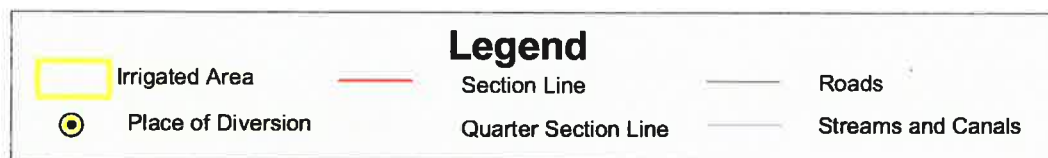
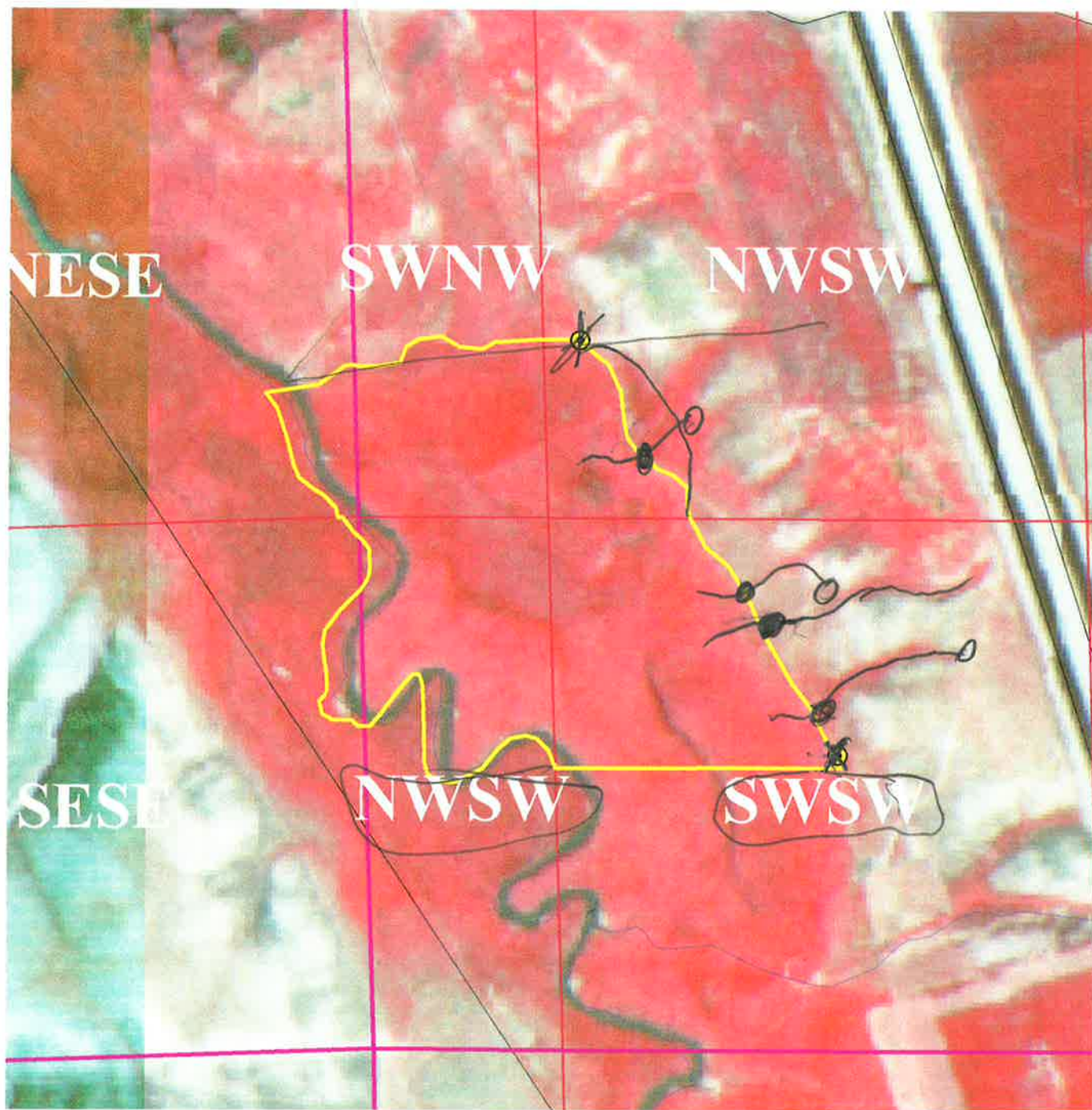
IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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: Beneficial Use

Townships , 10S37E, 10S36E

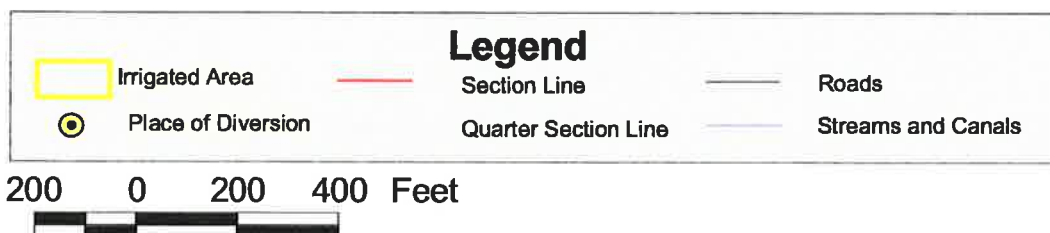
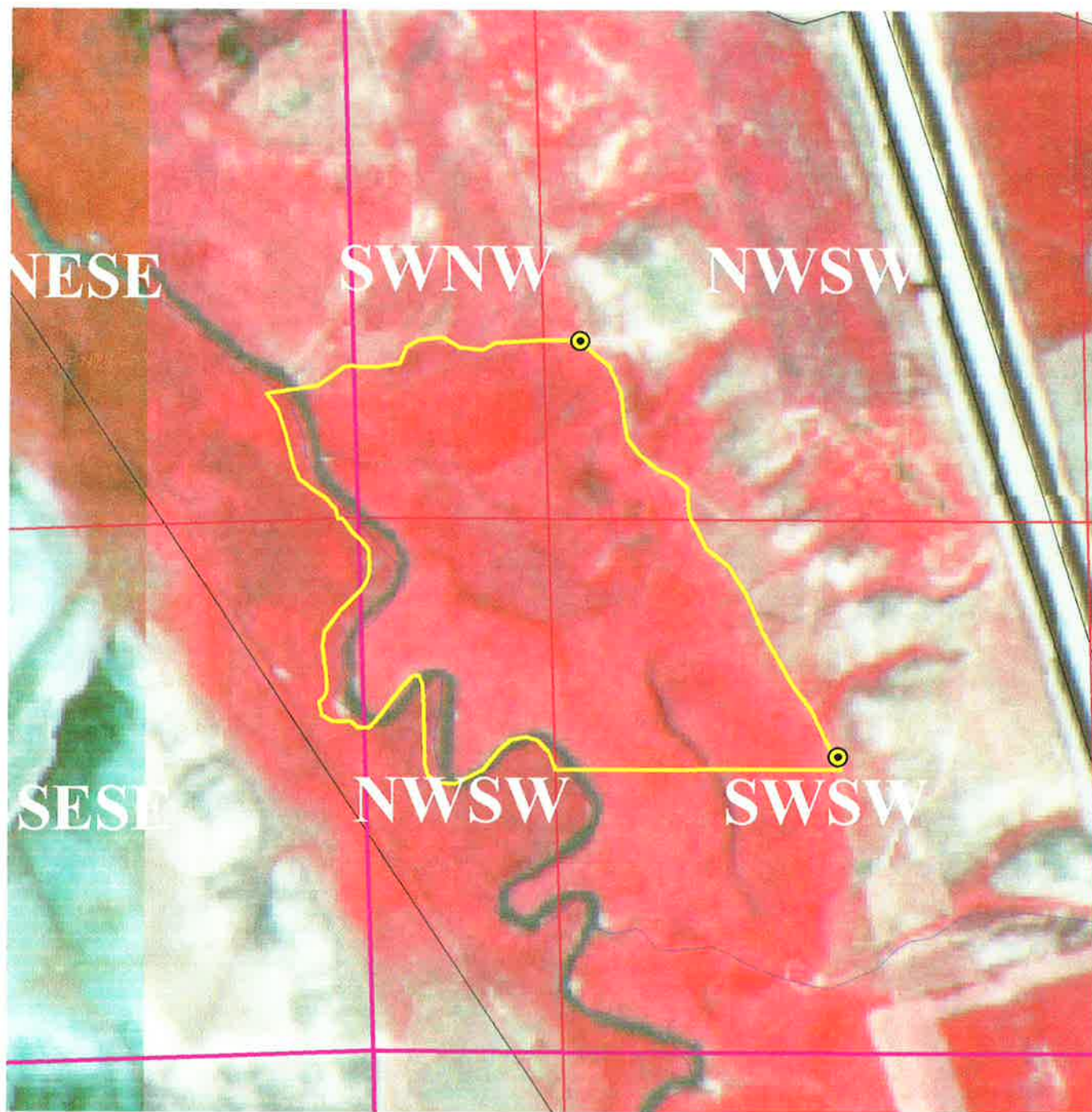


200 0 200 400 Feet

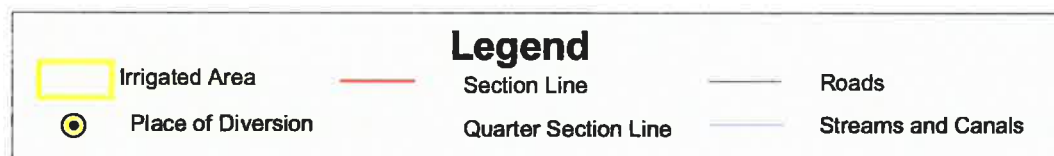
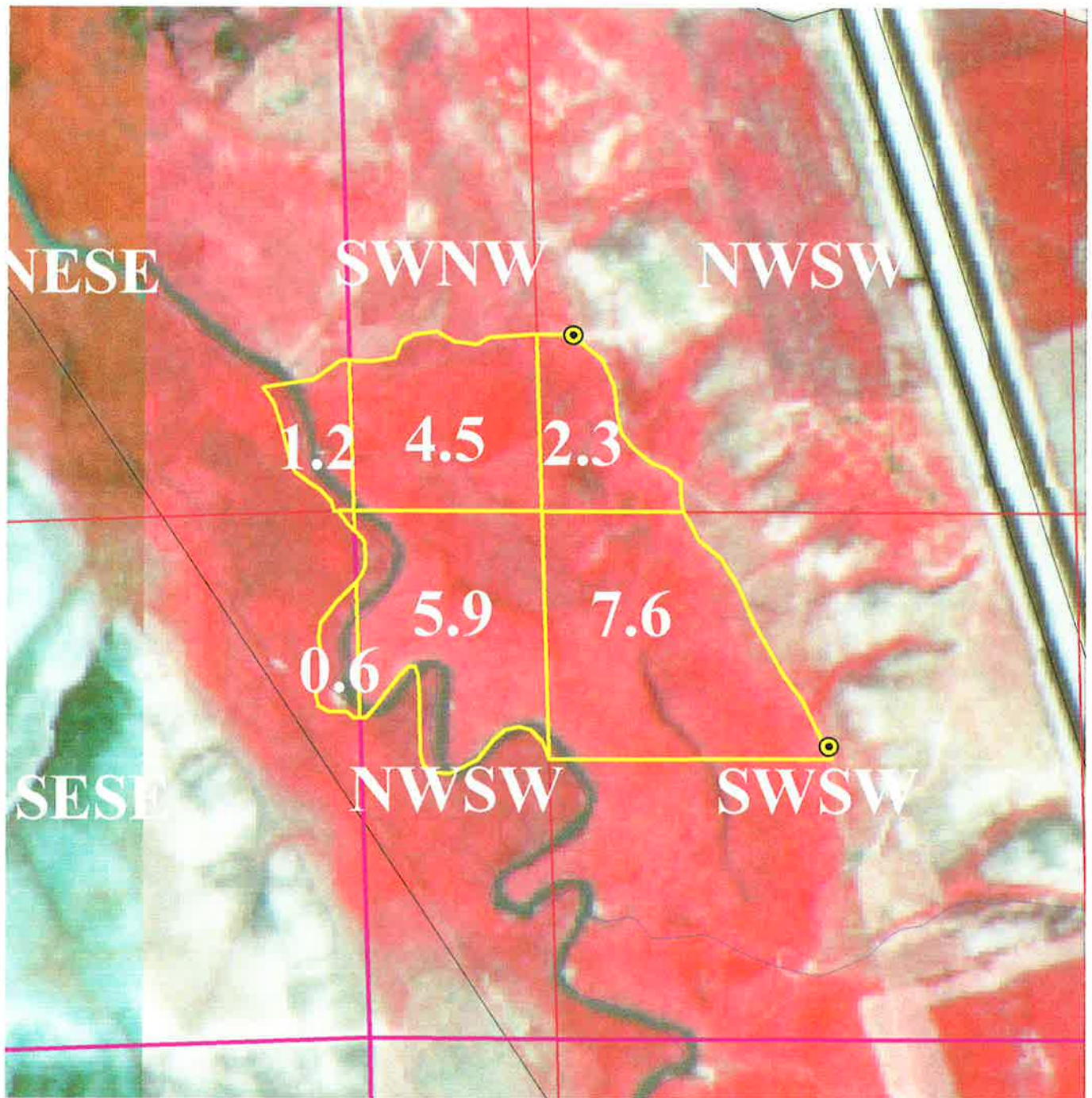


7/26/02

Townships , 10S37E, 10S36E



Townships , 10S37E, 10S36E



200 0 200 400 Feet



02/18/2003

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: April 21, 2003

Water right number: 29-4406

ARIMO CORP
PO BOX 78
ARIMO ID 83214
Telephone Number: (208)254-3731

ARIMO CORP
C/O CHRISTOPHER F ROBINSON
139 E SOUTH TEMPLE STE 310
SALT LAKE CITY UT 84111
Telephone Number: (801)328-1600

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 4/2/03 SIGNATURE: Christopher J. Robinson, Pres
Please print your name: Christopher F. Robinson

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

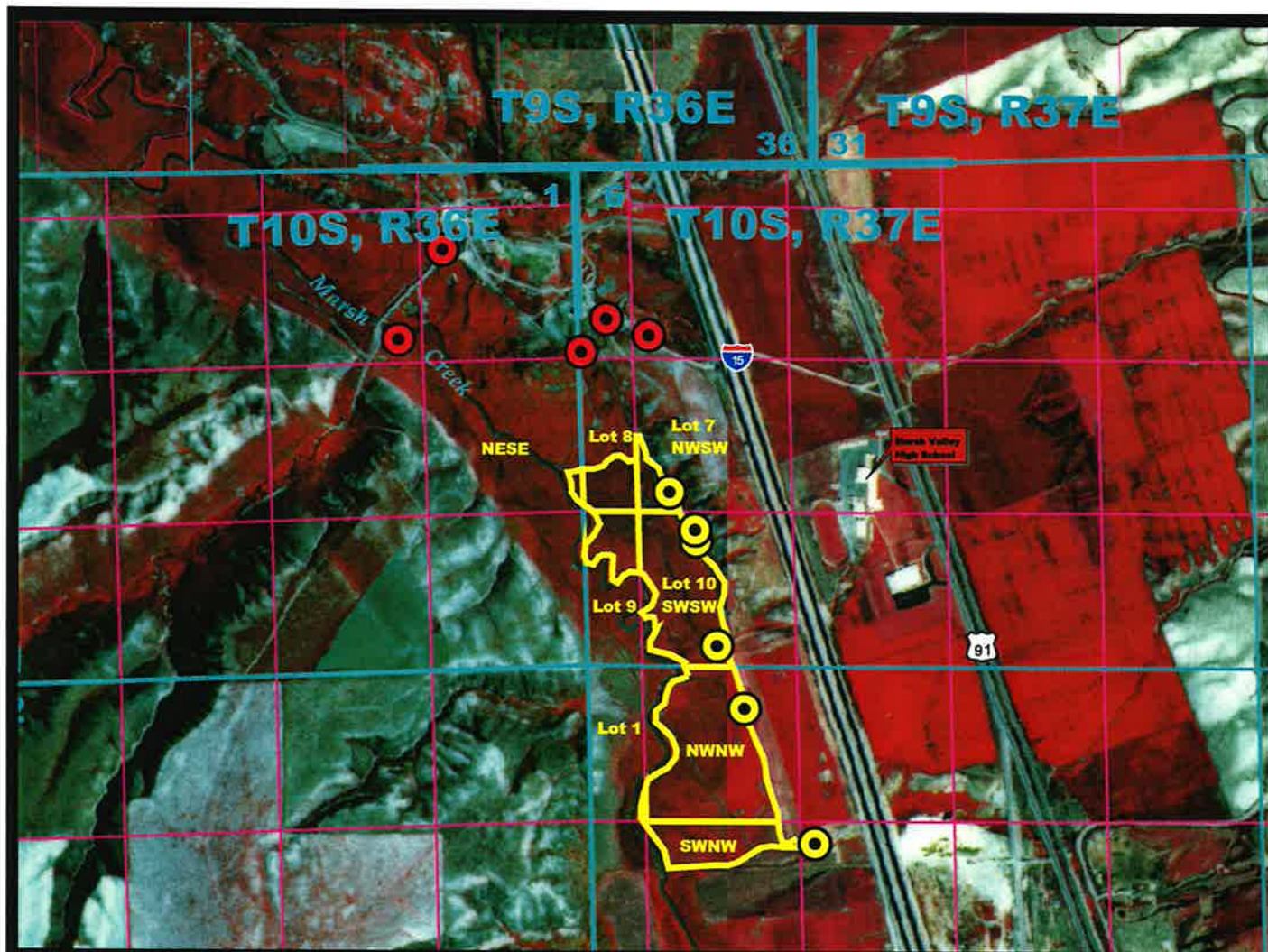
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MAY 05 2003



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

29-04406, 29-04408,
29-04423, 29-12055

Point(s) of Diversion: T10S, R37E

Sec. 6 SWNWSW (L7),
NWSWSW (L10) [2 points],
SWSWSW (L10) [1 point],
Sec. 7 NENWNW, NWSNW

Place of Use: (parts of): T10S, R37E

Sec. 6 Lot 7, Lot 8, Lot 9, Lot 10,
Sec. 12 NWNW, SWNW, Lot 1
T10S, R36E Sec. 1 NESE



LEGEND

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

500 0 500 1000 1500 2000 2500 3000 3500 4000 4500 5000 5500 6000 6500 7000 7500 8000 8500 9000 Feet

Contacts Data Entry Form

29-4406

243 stat.

Owner Type _____ Full Name _____ Address _____ City _____ State _____ Zip _____ Phone _____
Current Owner Animo Corp. To Christopher Robinson
Name connector: and _____, or _____, and/or _____
Current Owner _____
Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

BU claim - No evidence of Priority in
File or Records, letter sent 7/16/02,
See Attached.

7/31/02 FO POD, POB

INTERIOR ENG MEASURED 0.681ct - DATE ?

Same Measure as
440B.

FE INDICATOR Overlap w/ 440B

Reviewer: _____

Date: _____

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Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: JAN 01, 1880 Claimed Basis: B4Recommended Priority Date: _____ Recommended Basis: "

_____ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

NO EVIDENCE TO SUPPORT THIS DATESee Attached
affidavits

Reviewer: _____

Date: _____

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Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
10S	37E	6	7	SW NWSW	BANN	SPRINGS
GPS Coordinates: _____						
			10	NW SWSW	"	"
GPS Coordinates: _____						
			10	NW SWSW	"	"
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

TRIB TO:
MANSA CR.

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

2 SPRINGS OR MORE? 2 UNNAMED SPRINGS ±
200' APART.

PB INDICATED -

Transfers Changing POD _____

Reviewer: _____

Date: _____

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Place Of Use Data Entry Form

Claim Number: _____

____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
10S	36E	1	N8S8		Bann		2 ⁰⁰	Prairie
			S8S8				1 ⁰⁰	Prairie
	37E	6	NWSW			7	4 ⁰⁰	
			NWSW			8	5 ⁰⁰	
			SWSW			9	8 ⁰⁰	
			SWSW			10	10 ⁰⁰	

Total Acres 30⁰⁰

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

NOOD Survey Plat to confirm Lot #/Acres.Same POU for stockOverlap of 4403?

Transfers Changing POU _____

Reviewer: _____

Date: _____

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Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Perig.	3/15	11/15	0.60	
Stock	1/1	12/31	0.05	

Overall Diversion Rate _____ Overall Diversion Volume 0.65

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Perig.	4/1	10/31		
Stock	1/1	12/31		

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

X 120 cattle; same POU as Perig.

Perig. Eng. measured 2 (springs) locations: 1 @ 0.68 cfs;
1 @ 0.255 cfs Combined USB? On 30 acres?

Reviewer: _____

Date: _____

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MAR 30 2006

**RACINE, OLSON, NYE, BUDGE & BAILEY
CHARTERED**

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC L. OLSEN
DAVID E. ALEXANDER
LISA M. CHRISTON
RICHARD A. HEARN, M.D.
LANE V. ERICKSON
PATRICK N. GEORGE
SCOTT J. SMITH
LISA A. WOOD, CPA

CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

SENDER'S E-MAIL ADDRESS: sjs@racinelaw.net

BOISE OFFICE

CONRAD J. AIKEN
THEODORE C. PETERS
DEBORAH L. LEHOSIT

101 SOUTH CAPITOL
BOULEVARD
U.S. BANK PLAZA, SUITE 202
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

November 8, 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Attention: Mr. Allen B. Ruberry
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

RE: Evidence of Priority Dates for Water Right Claim Nos. A29-04406, A29-04408,
A29-04411, A29-04422, A29-04423, A29-04424, 29-11524 and A29-12055

Dear Mr. Ruberry:

At the request of our client, Arimo Corp., we are submitting this letter and the enclosed evidentiary materials in response to your letter dated July 15th, 2002, requesting evidence of priority for the above referenced water right claims.

The following documents are submitted herewith as evidence in support of the priority dates claimed in the above referenced water right claims: (1) Affidavit of Blanche J. Taylor; (2) Affidavit of Persis Thomas with attached history; (3) Affidavit of Christopher F. Robinson with attached map; (4) Notice of Water Right dated March 1, 1889; (5) Notice of Water Right dated May 21, 1889; and (6) Notice of Water Right dated June 17, 1902. These documents provide the basis for the following discussion regarding the priority dates for the claimed water rights.

The direct evidence provided in these documents proves that the water claimed in the above-listed water rights was being diverted and applied to beneficial use earlier than 1944. This is based upon Blanche Taylor's eyewitness report of the status of this water when she purchased the property on which the water is located. See Affidavit of Blanche J. Taylor. However, the circumstantial evidence discussed in the documents submitted herewith proves that much of the water claimed in the above-listed water rights was actually being diverted and applied to beneficial use prior to January 1, 1880. It would be impossible to obtain an eyewitness report of water use prior to that date. Thus, the circumstantial evidence, which will be discussed below, provides paramount proof of the appropriate priority dates for the above-listed water right claims.

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Claim Nos. A29-04406, A29-04408, A29-04411, A29-04423, A29-04424 and A29-12055

Arimo Corp., the current owner and operator of the Arimo Ranch, claims a priority date of **January 1, 1880** for Water Right Claim Nos. A29-04406, A29-04408, A29-04411, A29-04423, A29-04424 and A29-12055 (hereinafter the "Spring Water Claims"). The Spring Water Claims assert a claim to water that is diverted from several small springs located within the Arimo Ranch (hereinafter the "Ranch"). This priority date of January 1, 1880, is established by reference to the date on which the predecessor in interest to Arimo Corp. first began diverting and using for beneficial purposes the water now claimed in the Spring Water Claims.

The Ranch was first amassed and operated for farming and livestock by a man named Meyers Cohn in 1867. Meyers Cohn had a son named Max D. Cohn, who was raised on the Ranch. The Ranch was later sold to Blanche Taylor, her husband Leavitt, and to the Robinson brothers. Blanche remained a close acquaintance of Max Cohn after the sale. According to Blanche's recollection of the history of the ranch, Meyers Cohn first diverted the water now claimed under the Spring Water Claims for irrigation and stockwater purposes on the Ranch prior, when operations on the Ranch first began. There are a number of historical facts that readily support Max Cohn's statement.

First, the springs now claimed in the Spring Water Claims are located very near to the Homestead Cabins which were constructed on the Ranch on or about the same time that farming and livestock operations began in 1867. Water would have been necessary for irrigation and livestock on the Ranch in 1867. Because of the close proximity of the springs to the Homestead Cabins, Meyers Cohn undoubtedly first diverted and used these springs for irrigation and stockwater use when operations began on the Ranch.

Second, the springs now claimed in the Spring Water Claims were, and are, easily diverted and put to beneficial use for irrigation and stockwater on the Ranch by the use of earthen ditches. Because of the ease of diversion and use, Meyers Cohn undoubtedly diverted and used the spring water before developing more difficult and expensive means of obtaining water for the Ranch. Meyers Cohn would have developed these inexpensive sources of water before expending additional time and money in developing other sources. This is made clear from the fact that Meyers Cohn waited 13 years after starting the Ranch to begin diverting water from Garden Creek (1880) from a point not too far distant from the Ranch. And it wasn't until nine years later (1889) that he began diverting water from the Portneuf River, which required an even greater expense of constructing approximately 20 miles of canal to bring the water to his Ranch. It would be unreasonable to believe that Meyers Cohn did not develop the inexpensive springs now claimed by the Spring Water Claims before developing more difficult and expensive sources of water for the Ranch, this is even more true given the fact that the springs were located so close to the Homestead Cabin Sites.

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Third, Meyers Cohn would have followed the 19th century custom of farmers and ranchers diverting and using water without filing a water right claim when the point of diversion and place of use were located wholly upon their respective properties. When the water diversion was not located on their respective properties or when there was a fear that someone could readily get at the water, farmers and ranchers were known to file water right claims. The same was true for Meyers Cohn. For example, he filed Notices of Water Rights in 1889 on water he was diverting from Garden Creek (sometimes referred to as "Gordon Creek") and the Portneuf River because the diversion points for these waters were not located on his property and were readily accessible by other people. Meyers Cohn filed another Notice of Water Right in 1902 on certain springs because they were located along the northwestern-most boundary of his property and were therefore readily accessible by other people. Because of the risk that other people would have access to these waters, Meyers Cohn justifiably had reason to file water right claims. Unlike the water for which Meyers Cohn filed water right claims, the springs now claimed by the Spring Water Claims were wholly contained within the interior of the Ranch. Moreover, the water from these springs was also put to beneficial use within the Ranch. There was much less risk that anyone would trespass upon his property to get at the water from these springs. Thus, there was little reason under the customs in 1867 for Meyers Cohn to have filed a water right claim for the springs now claimed by the Spring Water Claims.

Blanche Taylor's understanding that Meyers Cohn first diverted the spring water in the same manner and for the same purposes as claimed under the Spring Water Claims when operations on the Ranch first began is fully supported by the historical facts surrounding the settlement and initial operations of the Ranch. Therefore, Arimo Corp, the current owner and manager of the Ranch, claims a priority date for the Spring Water Claims of January 1, 1880.

Claim No. A29-04422

In addition, Arimo Corp. claims a priority date of **January 1, 1902**, for Water Right Claim No. A29-04422. The water claimed under this claim is diverted from a spring located in the northwestern-most section of Arimo Ranch. Its priority date is established by Blanche Taylor's recollection of the history of the ranch and by reference to its location.

As mentioned above, Meyers Cohn filed a Notice of Water Right in 1902 on certain springs located in the northwestern-most boundary of his property. Meyers undoubtedly filed the Notice of Water Right due to the fact that these springs were located in the boundary line to his property and were readily accessible by other people.

Although located in the same general vicinity as the other springs claimed in 1902, the spring now claimed in Claim No. A29-04422 is not located on the boundary line and not readily accessible by other people. Moreover, the water from the spring is consumed entirely upon the Ranch. Meyers Cohn would have had little reason under the custom at the time to file a Notice of Water Right as

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November 8, 2002

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to the spring now claimed in Claim No. A29-04422. As discussed above, the mere fact that the spring now claimed in Claim No. A29-04422 was not included in the 1902 Notice of Water Right filed by Meyers Cohn is a result of the custom of the day.

Therefore, Arimo Corp claims a priority date for the Spring Water Claims of January 1, 1902 for Water Right Claim No. A29-04422.

Claim No. 29-11524

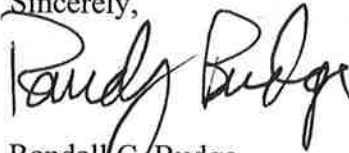
Lastly, Arimo Corp. claims a priority date of **March 1, 1917**, for Water Right Claim No. A29-04422. The water claimed under this claim is diverted from a well located on the Arimo Ranch near the House built there in 1917.

Max Cohn indicated to Blanche Taylor that the well water was first diverted for domestic, irrigation and stockwater use when the House was built in 1917. In fact, the 1917 House is still supplied by water from the well claimed under Claim No. 29-11524. The well continues to also be used for irrigation and stockwater use.

Therefore, Arimo Corp claims a priority date for the Spring Water Claims of March 1, 1917, for Water Right Claim No. 29-11524.

If you are in need of additional information or evidence regarding the above-described water right claims, please do not hesitate to contact our office. Christopher F. Robinson from Arimo Corp. is looking forward to assisting in any way with a field exam of the Arimo Ranch.

Sincerely,



Randall C. Budge
Attorney at Law

RCB/sjs
Enclosure(s)

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MAR 30 2006

AFFIDAVIT OF PERSIS THOMAS

STATE OF IDAHO)
 : ss.
COUNTY OF BANNOCK)

Persis Thomas, being first duly sworn upon his oath, deposes and says:

1. I am 85 years of age and am currently a resident of the Village of Arimo, Bannock County, Idaho. I was born in Arimo, Idaho, and have lived here my whole life.
2. I am the member of the Arimo Historical Society and am very familiar with the history of the Cohn Ranch (now known as the Arimo Ranch), where my now deceased husband, Con Thomas, and I have spent a great deal of time over the years. The Cohn Ranch is located not more than a couple of miles north of Arimo.
3. I personally knew Max D. Cohn, the son of Meyers Cohn who founded the Cohn Ranch. In July of 1955, Max provided Winnefred Henderson, a long time resident of Arimo who is now 97 years old, with a written history of his father's life. I received the written history from Winnefred. A true and correct copy of the written history is attached hereto as Exhibit "A."
4. From this history, discussions with Max Cohn and other information that I have in my possession, Meyers Cohn settled the Cohn Ranch (present day Arimo Ranch) in 1867 and began farming and raising livestock. At that same time, Meyers Cohn constructed Homestead Cabins. In 1917, another house was built, which still exists on the Ranch. The location of the Homestead Cabin Sites and the 1917 House are correctly shown on the map attached to the Affidavit of Christopher F. Robinson.
5. I have reviewed the following water right claims, together with the priority dates shown thereon: A29-04406, A29-04408, A29-04411, A29-04422, A29-04423, A29-04424, and

A29-12055. The sources of water for these claims are a number of springs located upon the Cohn Ranch (present day Arimo Ranch). I can remember these same springs being diverted and applied to beneficial use for irrigation and stockwater as early as 1932.

6. Notably, the springs claimed above all originate directly upon the Cohn Ranch and are easily diverted, having required only simple diversion works consisting mainly of earthen ditches. It is my understanding that Meyers Cohn diverted these springs for beneficial use shortly after he began operating the Ranch in 1867.

7. At the time that Meyers Cohn began operating the Ranch it was common practice for a farmer or rancher to divert and use water from springs located on his property without filing a water rights claim. This practice was common due to the fact that no one other than the property owner himself would have had access to the spring or its water. Because no other person could entered upon the land and physically diverted the water from the springs, there was no need at that time to file a water rights claim.

8. It is well known that Meyers Cohn aggressively and actively developed water resources that were located miles from his ranch as early as 1880 and that he built mile upon mile of irrigation ditches to bring that water to his Ranch. In fact, he was the first to divert water from the upper Portneuf River, filing a Notice of Water User Claim in 1889..

9. Meyers Cohn would not have sought to develop more expensive and difficult water resources such as the Portneuf River without first developing the easier and more accessible water located directly upon his land. Thus, Meyers Cohn undoubtedly diverted and applied the water from the springs located on his property to beneficial use prior to developing any other water resource when he began operating the Ranch in 1867. This fact becomes even

clearer when one considers how close the springs were to the Homestead Cabin sites on the Ranch. Therefore, a priority date for the above-mentioned water right claims of January 1, 1880, is in my belief very conservative.

DATED this 7th day of November, 2002.



Persis Thomas
Persis Thomas

SUBSCRIBED AND SWORN to before me this 7th day of November, 2002.

Louise P. Wilding
Notary Public

July 15, 2002

**ARIMO CORP
139 E SOUTH TEMPLE
SUITE 310
SALT LAKE CITY UT 84111**

RE: EVIDENCE OF PRIORITY

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 29. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

The following water right claims have been filed in the Snake River Basin Adjudication, by Arimo Corp;

**29-04406, January 1, 1880, 0.65 cfs, 30.0 acres, irrigation and stock
29-04408, January 1, 1880, 0.62 cfs, 22.0 acres, irrigation and stock
29-04411, January 1, 1880, 1.01 cfs, 47.0 acres, irrigation and stock
29-04422, June 1, 1902, 2.03 cfs, 98.0 acres, irrigation and stock
29-04423, January 1, 1880, 0.65 cfs, 30.0 acres, irrigation and stock
29-04424, January 1, 1880, 1.39 cfs, 60.0 acres, irrigation and stock
29-11524, April 1, 1943, 0.13 cfs, 1.5 acres, irrigation, stock and domestic
29-12055, January 1, 1880, 0.20 cfs, 8.0 acres, irrigation and stock**

Each of these claims will require some type of documentation supporting the claimed priority date, as shown above. I have attached the first page of each claim as a reference for your use.

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In addition, I will be contacting you in the near future for the purpose of scheduling an on-site visit of each of the above claims.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled **"Evidence of Priority"**. The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date"**.

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit the documentation supporting the priority date **within 30 days of the date of this letter, referencing all documents with the corresponding Claim number.** If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim (copies) 29-4406, 4408, 4411, 4422, 4423, 4424, 11524, and 12055

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IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29

RIGHT ID
POD ID
Quad
Claim Type
Easting
Northing
GPSID

Diversions Description

CANVAS DAM, FLOOD DITCHES. Dam in front of steel culvert. Flowrate = 0.9 fps, area = 0.76ft².

Assumptions

Invoice #

2000-037-01-0

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin)
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked
Photos

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

0.681209981954098

Open Channel Flow

☒ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☐ Full

Diameter

Depth

☒ Rectangular Channel

Width

Depth

Flow Calculation

☒ Continuity

Velocity

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water
above orifice
centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water
above nappe

Width of weir

☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description	Concrete lined	.016
	Smooth earth	.025
	Earth	.033
	Rough bed, weeds on sides	.04
	Smooth natural stream	.033
	Rough natural stream	.1

Pumped System

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information

New Contact Comments

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IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID
POD ID
Quad
Claim Type
Easting
Northing
GPSID

Diversion Description

CANVAS DAM, FLOOD DITCHES. Exposed culvert. Tag on East end of exposed culvert. $V = 2.9$ fps, $a = 0.8 \text{ ft}^2$. 2nd spring joins stream ($V = 0.9$ fps, $a = 2 \text{ ft}^2$) approx. 100 ft down from culvert. Both streams were measured, sum was taken as total diversion capacity (0.25 cfs). Channel width was adjusted to compensate for second stream in database flow calculation.

Assumptions

Both streams utilized in POD.

Invoice #

2000-037-01-0

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin)
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked
Photos

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

0.255200008392334

Open Channel Flow

☒ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☐ Full

Diameter

Depth

☒ Rectangular Channel

Width

Depth

Flow Calculation

☒ Continuity

Velocity

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water
above orifice
centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water
above nappe

Width of weir

☐ Manning

(If used, include photo of representative channel section)

Channel Slope

Channel
Description

Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information

New Contact Comments

3 springs- Apparently
not all works measured

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MAY 22 2001

Log for claim A29-04406

Spatial Dynamics LTD

7/5/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s36e	1	NESE	2	1.2	
10s36e	1	SESE	1	0.6	
10s37e	6	SWNW	5	4.5	
10s37e	6	NWSW	4	2.3	
10s37e	6	NWSW	8	5.9	
10s37e	6	SWSW	10	7.6	
Totals:			30	22.1	

AJ5809NP
No. A29-04406

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
PAGE: 141

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ARIMO CORP PO BOX 7 ARIMO ID 83214 (208) 254-3523	01/01/1880	IRRIGATION STOCKWATER	03-15 11-15 01-01 12-31	0.600 CFS 0.050 CFS	
				TOTAL DIVERSION: CONSUMPTIVE USE:	0.650 CFS	75.00 AFA
C	ARIMO CORP 139 E SOUTH TEMPLE STE 310 SALT LAKE CITY UT 84111 (801) 328-1600					

Water Source: SPRINGS

Tributary to: MARSH CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T10S R37E S06 NWSW SWSW BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
10S	36E	1	:					:					:					:	02				:	3.0
10S	37E	6	:					:					:			07-04	09-08	:					:	27.0
10S	37E	6	:					:					:			08-05	10-10	:					:	
																						TOTAL ACRES		30.0

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: BANNOCK

Non-Irrigation Uses: S/ 120 CATTLE

Other Rights: 29-04408

Other Water Rights Listing Overlapping Place(s) of Use:

A29-00051 A29-02416 A29-04041 A29-04408 A29-04411 A29-04424 A29-07331 A29-11277

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

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

Audit: 06/21/90 DCARLSON 07/22/94 THOMPSON 03/29/95 POST-STD 04/12/00 CVANDERM

CLAIM TO A WATER RIGHT

(7) If you are claiming water as a member of an organization, list name of organization:

SCANNED
MAY 22 2001

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: A29-04406

Date Received: 6/20/1990

Receipt No: E014581

Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ARIMO CORP. 208-254-3523
Address: PO BOX 7
ARIMO, ID 83214
OR
Name: ARIMO CORP 801-328-1600
Address: 139 E. SOUTH TEMPLE
SLC, UT 84111

A2904406



2. Date of Priority: JAN 01, 1880

3. Source: SPRINGS Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	37E	6	NW	SW			BANNOCK
			SW	SW			BANNOCK

5. Description of diverting works:
CANVAS DAM, FLOOD DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.600		
STOCKWATER	01/01	12/31	0.050		

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

8. Total consumptive use is 75.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 120 CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	36E	1	NE	SE		IRR	2.0
			SE	SE		IRR	1.0
					Section Acres		3.0
	37E	6	NW	SW	7	IRR	4.0
			NW	SW	8	IRR	5.0
			SW	SW	9	IRR	8.0
			SW	SW	10	IRR	10.0
					Section Acres		27.0
					Total Acres		30.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
29-04408

14. Remarks:

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): _____ Date: _____
_____ Date: _____

70⁰⁰
10 ARC overlap with 29-04408

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 A29-04406

Date Received _____

Receipt Number E014581/80

RECEIVED

MAY 16 1990

Department of Water Resources
Eastern District Office

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

Please type or print clearly

1. Name of Claimant (s) ARIMO CORPORAION Phone (208) 254-3523
P.O. Box 7 (and) 139 E. So. Temple Suite 310
Mailing Address Arimo, Idaho 83214 Salt Lake City, Utah Zip 84111

2. Date of Priority (Only one (1) per claim) January 1, 1880

3. Source of water supply (a) Old Calving Shed Springs #29-04406
which is tributary to (b) Marsh Creek

4. a. Location of existing point of diversion is: Township 10S Range 37E Section 6,
NW 1/4 of SW 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: 10S 37E Section 6 SW of SW

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. Canvas Dams and Flood Ditches

MICROFILMED

NOV 13 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3-15 to 11-15 amount .60 or _____
 For Stockwater purposes from 1-01 to 12-31 amount .05 or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .65 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 120 head Range Cattle

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	
10S	37E	6										L-7 4	L-10 10						14
10S	37E	6										L-8 5	L-9 8						13
10S	36E	1													2			1	3

Total number of acres irrigated 30

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

12. Do you own the property listed above as place of use? Yes XX 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.
School Spring # 29-04408 or None ()

14. Remarks:

MICROFILMED

NOV 13 1992

Last Name ARIMO CORP Ident No. # 29-04406

Copies: White -State, Yellow-Claimant

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

If applicable provide IDWR Water Right Number _____
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 4 pages all together

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

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

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

of _____ ARIMO CORPORATION _____, that I have signed the foregoing
Organization
document in the space below as _____ President _____ of _____ ARIMO CORPORATION
Title Organization

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

Signature of Authorized Agent Christopher F. Robinson

Title and Organization _____ President, ARIMO CORPORATION _____ Date May 14, 1990

State of Idaho/or Utah)
County of Salt Lake) SS.

Subscribed and sworn (or affirmed) before me this 14th day of May 19 90

SEAL



Notary Public Deanna L. Stookey

Residing at Salt Lake City, UT

My Commission Expires April 17, 1994

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 ARIMO CORP Ident. Number 29-04406

MICROFILMED
NOV 13 1992

Copies White-State, Yellow-Claimant

27 20

34 35

Lot #5

Lot #1

Lot #6

Lot #2

Lot #3

Lot #4

Lot #5

Top 9S

Top 10S

Old Calving
Shed Springs
29-04406

R. 36E

R. 37E

Section 1

T10S
R36E

Section 6

T10S
R37E

X = Pt. of Diversion
Encircled Area =
Area of Use

ARIMO CORP.
29-04406

MICROFILMED
NOV 13 1992