

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JUN-2-1999
PAGE: A-7

RIGHTS FROM: SOURCE: SPRINGS TRIBUTARY: UNNAMED STREAM

RIGHT NUMBER: 35-11390

NAME & ADDRESS: JOHN L MILLER
PO BOX 2260
NAPA CA 94558SOURCE: SPRINGS TRIBUTARY: UNNAMED STREAM
GROUNDWATER

QUANTITY: 20.00 CFS

FACILITY VOLUME 12.5 AF.

PRIORITY DATE: 06/01/1941

POINT OF DIVERSION: T04S R32E S23 NESESE Within BINGHAM County
S24 SENWSW
NWSWSW

FIVE POINTS OF DIVERSION LOCATED IN T04S, R32E, S24, NWSW.

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	FISH PROPAGATION FISH PROPAGATION/	01-01 12-31	20.00 CFS

PLACE OF USE:	FISH PROPAGATION	Within BINGHAM County
	T04S R32E S24	NWSW SWSW
	S25	NWNW
	S26	NENE SWNE

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

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 35:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 35 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

PROFILED

SCANNED
SEP 27 2005

AJ5856NP

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

DATE: JUN-2-1999
PAGE: A-8

RIGHTS FROM: SOURCE: SPRINGS TRIBUTARY: UNNAMED STREAM

RIGHT NUMBER: 35-11390 (CONT)

EXPLANATORY MATERIAL: (CONT)

SCANNED

SEP 27 2005

PROFILED

AJ0749NP
No. R35-11390

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 06/01/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN L MILLER PO BOX 2260 NAPA CA 94558 (707) 224-6444	06/01/1941	FISH PROPAGATION	01-01 12-31	20.00 CFS	
TOTAL DIVERSION:					20.00 CFS	

D NORTH FORK ENERGY INC
ATT RICHARD D HEATON
4414 S GELEKER LN
BOISE ID 83705
(208) 342-8901

Water Source: SPRINGS
GROUNDWATER

Tributary to: UNNAMED STREAM

Stage: LICENSE

Point(s) of Diversion: T04S R32E S23 NESESE BINGHAM County
S24 SENWSW NWSWSW BINGHAM County

Place of use Legal Description for: FISH PROPAGATION

			NE				NW				SW				SE			
T	R	S	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
04S	32E	24	:		:		:		:		:		:		:		:	
04S	32E	25	:		:		:		:		:		:		:		:	
04S	32E	26	:	F	:	F	:		:	F	:	F	:		:		:	

POU County: BINGHAM

Non-Irrigation Uses: FISH PROPAGATION/ TROUT FARM

Conditions of Approval:

- C12 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN BASIN 35:
- WATER RIGHT NO. SOURCE
- NONE NONE
- THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN THE SNAKE RIVER BASIN:
- WATER RIGHT NO. SOURCE
- NONE NONE
- ALL WATER RIGHTS WITHIN BASIN 35 ARE FROM CONNECTED SOURCES
- OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
- CONJUNCTIVELY.

Remarks: QNT FACILITY VOLUME 12.5 AF.

POD FIVE POINTS OF DIVERSION LOCATED IN T04S, R32E, S24, NWSW.

SCANNED
SEP 27 2005

PROTECTED

AJ0749NP
No. R35-11390

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 06/01/99
PAGE: 2

=====

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number: 01	Field Inspection Flag: Presumption Flag:	

SCANNED
SEP 27 2005

PROTECTED

ÅJ5856NP

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

DATE: FEB-17-1999
PAGE: A-46

RIGHTS FROM: SOURCE: SPRINGS TRIBUTARY: UNNAMED STREAM

RIGHT NUMBER: 35-11390

NAME & ADDRESS: JOHN L MILLER
PO BOX 2260
NAPA CA 94558

SOURCE: SPRINGS TRIBUTARY: UNNAMED STREAM

QUANTITY: 20.00 CFS

FACILITY VOLUME 12.5 AF.

PRIORITY DATE: 06/01/1941

POINT OF DIVERSION: T04S R32E S24 SENWSW Within BINGHAM County
NESWSW
NWSWSW

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
FISH PROPAGATION FISH PROPAGATION/ 01-01 12-31 20.00 CFS

PLACE OF USE: FISH PROPAGATION Within BINGHAM County
T04S R32E S24 NWSW SWSW

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

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 35:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 35 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

PROFILED

SCANNED
SEP 27 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

18:24:33
05/29/91

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A35-11390

LAST: GOLDEN EAGLE RANCH
ADDRESS: P.O. BOX 519
CITY: REXBURG
PHONE NUMBER: 208-356-3813

FIRST:
STATE: ID ZIP: 83440

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: ORIGINAL CONCRETE RUNWAYS WERE CONSTRUCTED IN 1941 AND IS BEING
USED AS THE BASIS FOR THE PRIORITY DATE OF THIS RIGHT.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

DATE OF FIELD EXAM: 9/27/93

APPOINTMENT MADE: Y() N(X)

ACCOMPANIED BY: _____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

PHONE NUMBER: () -

TIME: : A() P()

PHONE NUMBER: () -

final office Review

A. AJ CLAIM: # A35-11390 PRIORITY DATE: 06-01-1941 STAGE: J

B. WR RECORD: NO WATER RIGHT RECORD TO MATCH THIS AJ CLAIM

C. FIELD EXAM REQUIRED?

DATABASE FIELD
Y EXAMINER

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(☒)
IF YES EXPLAIN.

REMARKS:

letter from previous owner

priority date ok

RECOMMENDED PRIORITY DATE:

6-1-1941

REVIEWED BY

DC

DATE

9/27/93

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A35-11390	04S	32E	24	SE	NW	SW ①		BINGHAM
A35-11390	04S	32E	24	NW	SW	SW ③		BINGHAM

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: ~~SPRINGS~~ UNNAMED SPRINGS

TRIB: ~~BOON CREEK~~ unnamed STREAM

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

C. FIELD EXAM REQUIRED?

	DUE TO POD DISCREPANCY? (Y/N)	DUE TO SOURCE DISCREPANCY? (Y/N)	DATABASE	FIELD EXAMINER
	Y	Y	Y	---

REMARKS:

ADD NE SW SW ②

THREE SPRING AREAS

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
------	------	------	-----	-----	-----	-----	--------

---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---

SOURCE: UNAMED SPRINGSTRIB: UNAMED STREAMREVIEWED BY: DKDATE: 9/27/93

A. ROOT WATER RIGHT NUMBERS: A35-11390

B. POB LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
04S	32E	24	NW	SW		GOLDEN EAGLE RANCH	A35-11390 /	- /			28.0
			NW	SW		AETNA LIFE INSURANCE CO.		35-07138 / 1.0			
04S	32E	24	SW	SW		GOLDEN EAGLE RANCH	A35-11390 /	- /			33.0
			SW	SW		GOLDEN EAGLE RANCH	A35-07138 / 7.0	- /			
			SW	SW		GOLDEN EAGLE RANCH	A35-11392 /	- /			
			SW	SW		GOLDEN EAGLE RANCH	A35-11393 /	- /			
TOTAL ACRES						A35-11390					61.00

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N(X)
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POB DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

PRESUMPTION FLAG:

REMARKS:

DOG - Facility Vol. = 26922 FT³ → RACEWAYS
ACRES - 3 SURFACE AREA (4 AVE. DEPTH) = 12 AF/ → PONDS
SURFACE PONDS → 3.5 ACRES

RECOMMENDATIONS:

TOTAL ACRES: Fish prop.

REVIEWED BY: DL

DATE: 9/27/93

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A35-11390 FISH PROPAGATION	FROM 01-01 TO 12-31	20,000 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		20,000 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
----------	-----------	--------------------

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	Y	
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	Y	<u> </u>
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y	<u> </u>

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(X) N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N(X) EXPLAIN IN REMARKS, BELOW.

REMARKS:

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N(X)

AJ TOTAL CLAIMED DIVERSION RATE: 20.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

NO RECORDS

*** IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. ***

*** IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS ***

*** CLAIMED AND AN EXAM IS NOT REQUIRED, EXPLAIN IN REMARKS. ***

FLOW MEASUREMENT REQUIRED?

FIELD

DATABASE EXAMINER

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) Y

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y() N(X) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A35-07138	GROUNDWATER	GOLDEN EAGLE RANCH	3.820	0.020		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A35-11390	FISH PROPAGATION	GOLDEN EAGLE RANCH	FROM 01-01 TO 12-31	20.000 CFS	
A35-11392	DOMESTIC	GOLDEN EAGLE RANCH	FROM 01-01 TO 12-31	.040 CFS	
A35-11393	DOMESTIC	GOLDEN EAGLE RANCH	FROM 01-01 TO 12-31	.040 CFS	

D-

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1A. IRRIGATION RATE

ACRES _____ X 0.02 CFS/ACRE = _____ CFS
(TAKEN FROM P/U REVIEW)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AF/A
ACRES 3.5 X CONSUMPTIVE VOL. AF/A FOR AREA 3 =
TOTAL CONSUMPTIVE USE 10.5 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A
ACRES _____ X DIVERSION VOL. AF/A FOR AREA _____ =
TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (INCLUDE LIMITATIONS ON CONSUMPTIVE USE FOR COMBINED RIGHTS.)

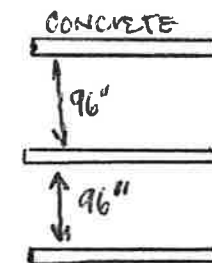
1B. CALCULATIONS

Measured discharge

below the three spring areas

Measurement with
current meter

(50 sec / 42 sec 1.25'
70 / 43 1.25'
60 / 43 1.25')



discharge area

(60 / 40 1.3
25 / 43 1.3
35 / 46 1.3)

TOTAL DISCHARGE = 28 CFS

Diversion Volume = ~~16~~ 20.00 (365) (1.9835) = 14480 AF/A

RECOMMENDATIONS:

REC.
PURPOSES

F/S ft

TOTAL FOR THIS RIGHT

REVIEWED BY: DC

REC. PERIOD
FROM TO

01/01 12/31

REC. QTY
RATE CFS

20.00

20.00

DATE:

9/27/93

REC. REV
VOL. M3/A

10.5

DATABASE EXAMINER

REC. CONS.
USE

14480

DATABASE EXAMINER

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED	NEEDS REVIEW
(X)	()
(X)	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 35-11390

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A35-11390	20.000	-	-	-	-
TOTAL CFS		20.000				

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW SHEET ATTACHED? (Y/N)

DATABASE
N

FIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE:

NAME OF FIELD EXAMINER:

DATE:

TITLE:

9/27/93

WA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

18:24:33
05/29/91

PAGE: 11
QUICKLOOK INFORMATION

CLAIM NUMBER: A35-11390

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y		DC	Yes				
POINT OF DIV	Y							
SOURCE	Y							
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES	Y							
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							
REMARKS	Y							

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
 ASCS MAP = 2
 WATERMASTER RECORDS = 3
 NAAPP PHOTOS = 4
 FIELD EXAM = 5
 OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

SCANNED
SEP 27 2005

PROTECTED





PROTECTED

SCANNED
SEP 27 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN L MILLER
PO BOX 2260
NAPA CA 94558

RE: Transfer #5055 for water right(s) 35-11390 and Notice
of Completed Administrative Proceeding (NCAP)

Dear Mr. Miller:

On June 30, 1997, the Idaho Department of Water Resources (IDWR) approved Transfer #5055, modifying the above referenced water right. Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Hoagland
Technical Records Specialist

Enclosure: copy of NCAP

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SEP 27 2005

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

In Re SRBA

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS

SUB CASE NO. 35-11390

IDWR has completed the following Administrative proceeding: I.C. § 42-222 TRANSFER
5055

An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

☐	Change in Ownership	☐	Split of Water Right
☒	Point of Diversion	☒	Place of Use
☐	Period of Use	☐	Nature of Use
☒	Misc: add new source (groundwater)		

FROM: Claimant/Seller(s):

Name and Address of Claimant/Seller(s):
JOHN L MILLER
PO BOX 2260
NAPA CA 94558

TO: Claimant/Purchaser(s):

Name and Address of Claimant/Purchaser(s):

Phone:

Phone:

The Claimant has filed Objections or Responses to the following water rights:

NO OBJECTIONS

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

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

DATED: June 4, 1999

Ernest Calson
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 6-7, 1999, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:

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

2. One Copy to:

Claimant/Seller for Substitution of Party or attorney of record:
JOHN L MILLER
PO BOX 2260
NAPA CA 94558

3. One Copy to:

Claimant/Purchaser for Substitution of Party or attorney of record:
N/A

4. One Copy to:

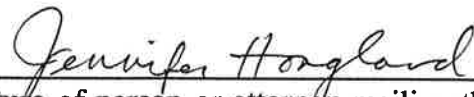
Each party in the subcase or attorney of record:
N/A

5. One Copy to:

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

6. One Copy to:

United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

PROFILED

SCANNED
SEP 27 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN L MILLER
PO BOX 2260
NAPA CA 94558

RE: Notice of Change of Water Right Ownership (NCO) for 35-00007,
35-00028, 35-00029, 35-02016, 35-07138, 35-07141, 35-11390 and
Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. Miller:

On January 13, 1999, the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Hoagland
Technical Records Specialist

Enclosure

cc: North Fork Energy

PROFILED

SCANNED
SEP 27 2005

SEP 27 2005

CERTIFICATE OF MAILING

I certify that on 2/19, 1999, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:

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

2. One Copy to:

Claimant/Seller for Substitution of Party or attorney of record:

ATTN: GREG LANSBERRY
NORTH FORK ENERGY INC
4414 S GEKELER LN
BOISE ID 83705

3. One Copy to:

Claimant/Purchaser for Substitution of Party or attorney of record:

JOHN L MILLER
PO BOX 2260
NAPA CA 94558

4. One Copy to:

Each party in the subcase or attorney of record:
N/A

5. One Copy to:

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

6. One Copy to:

United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

NOTICE OF COMPLETED

ADMINISTRATIVE PROCEEDING

5/21/96

35-00007, 35-00028, 35-00029, 35-02016, 35-07138, 35-07141, 35-11390

Page 2

SCANNED

SEP 27 2005

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NORTH FORK ENERGY, INC.

P.O. Box 5405 (83705)

4414 S. Gekeler Lane

Boise, ID 83716

208/342-8901

208/338-2215 - Fax

January 25, 1999

FEDERAL EXPRESS

DAVID CARLSON
STATE OF IDAHO
DEPT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 NORTH SKYLINE DRIVE
IDAHO FALLS ID 83402-1718

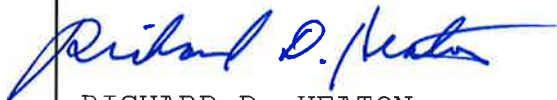
Re: North Fork Energy, Inc. Water Right Nos.: A35-11390, A35-08635
and A35-04271

Dear David:

Enclosed are the fully executed and acknowledged "Notice of Claim to a Water Right Acquired Under State Law" for each of the above referenced water rights.

Should you have any questions please give me a call.

Sincerely,



RICHARD D. HEATON
General Counsel

RDH/lo

Enc.

xc: Bish Beymer - FACSIMILE TRANSMITTAL - 208/328-2306, w/enc.
Chuck Brockway - FACSIMILE TRANSMITTAL - 208/736-1746, w/enc.

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Department of Water Resources



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

DATE OF CLOSING: December 23, 1998

LEGAL DESCRIPTION OF PROPERTY: Township 45 Range 32E
 Section 24, 25, 26 1/4 of 1/4 of 1/4 Govt. Lot , BM.
 Lot , Block , Subdivision/Townsite .
 If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
 35-07138, 35-00007, 35-00028, 35-00029, 35-02016, 35-02014,
- ☒ Water Right Number(s) 35-11392, 35-11393, 35-11394, 35-00047, 35-007142, 35-04271,
 Assigned by IDWR: 35-08635, 35-11390, 35-08782, 35-09068, and 35-08679 35-07141
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): North Fork Energy, Inc., Attn: Greg Lansberry
4414 S. Gekeler Lane
Boise, Idaho 83705
- ☐ New Owner/Claimant (Purchaser): John L. Miller
- ☐ New Mailing Address: P. O. Box 2260
Napa, California 94558
- ☐ New Telephone Number: (707) 224 - 6444
- ☒ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
WRN's 35-04271, 35-08635, 35-08782, 35-09068 and 35-08679 are
split pursuant to the attached Special Warranty Deed.

- ☒ Attach proof of ownership, describe proof attached: See attached Warranty Deed and Special Warranty Water Rights, Well Development and Maintenance Agreement and Well Development and Maintenance Easement
 (proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☒ Signature of New Owner/Claimant(s): John L. Miller Date Dec 28, '98
John L. Miller Date
- ☒ Signature of Former Owner/Claimant(s): NORTH FORK ENERGY, INC. Date
 By: , Its: Date

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

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

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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE PROOF OF BENEFICIAL) COMMENTS AND
USE FOR WATER RIGHT 35-08679) EVIDENCE OF
IN THE NAME OF NORTH FORK ENERGY INC.) MIKE WEBSTER

COMES NOW, Mike Webster, and provides the following comments and evidence in this matter:

1. I was employed by Crystal Springs Trout Company, predecessor to North Fork Energy Inc., during the period when the proof of beneficial use was filed for the processing plant well and I prepared, signed, and submitted the proof of beneficial use form for permit 35-08679 to the Department of Water Resources.
- 2 I am aware that water from the well serves both the processing plant and flows through two pipes into the big pond which serves the main raceways at the main hatchery place
- 3 It was my understanding in filing the proof of beneficial use exam that the claimed use was only for the use of water from the well for processing purposes and therefore claimed the amount of 1.0 cfs.
- 4 I was aware of the beneficial use inspection exam by Mr. Jones of the Idaho Department of Water Resources.
- 5 During the period of that exam, water was flowing from the well into the pipe toward the processing plant and also into the pipe directly into the big pond.
- 6 The water measurement which Mr. Jones conducted included only the pipe flowing from the well toward the processing plant.
7. I was not aware that the proof of beneficial use claim should have included the use of water from the processing plant well in the big pond and raceways. All of the water from the well, which I understand from the well driller's pumping test was more than 5.0 cfs., can and has been used either in the processing plant or for fish rearing in the main hatchery raceways and downstream.

DATED this 18th day of February, 1997


MIKE WEBSTER

SUBSCRIBED and SWORN to before me this 18 day of February 1997


NOTARY PUBLIC
Residing at: Rexburg
My Commission Expires: 4/22/97

J. Houghland

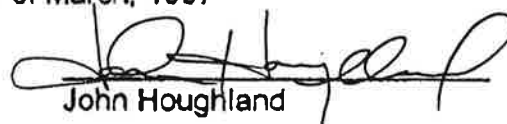
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE WATER RIGHT TRANSFERS) COMMENTS AND
FOR WATER RIGHT CLAIM 35- 04271 AND A35-1130) EVIDENCE OF
37-07097, 37-07098, 37-08679, AND 37-08635 IN THE) JOHN HOUGHLAND
NAME OF NORTH FORK ENERGY INC)

COMES NOW, John Houghland, and provides the following comments and evidence in this matter:

1. During the early 1960's my father, Porter Houghland was raising trout in the spring waters of Boom Creek the same as grandpa used to do. He raised fish all during my boyhood. We kids helped around the ranch and fish ponds which was called the Crystal Springs Trout Ranch
- 2 During that period, my father constructed concrete raceways at the main spring north of the county road and diverted flows through the big pond into the main raceways at the hatchery place
- 3 The constructed raceways were much the same as they are today with 3 sets of concrete raceways about 90 feet wide at the main hatchery. All of the water from the big pond went through the raceways and on down through the rest of the ranch where we had trout in earthen ponds.
- 4 Water flowed over boards at the ends of the raceways and, as I remember, they used to measure the depth over the boards to calculate flow to determine how many fish to put in each raceway.
- 5 The raceways and development at Bird Cage and Trailer areas, at the House ponds and small hatchery and raceway were also constructed during this time. Trout were raised in the concrete raceways and in the earthen ponds throughout the Boom Creek drainage.
- 6 The old hatchery downstream of where Bird Cage flows into Boom Creek was also developed with a concrete raceway and small hatchery.
- 7 The Third Place spring was developed and concrete raceways were built. The spring there decreased and Roger Furgeson had to drill wells to bring the water back.
- 8 My father used all the water that was flowing from the springs and wells in the whole system for fish production including the big ponds in the lower end of Boom Creek. Over the years, the springs and wells have gone down considerably.
- 9 The well at the house north of the hatchery used to flow artesian but has not flowed for 10 years or more.

DATED this 5th day of March, 1997


John Houghland

PROFILED

J. Houghland

SUBSCRIBED and SWORN to before me this 5th day of March 1997



Dale P. Patterson
 NOTARY PUBLIC
 Residing at: Twain Falls
 My Commission Expires: 12/22/99

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445327

BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO

FEE 1500 DEP 200

96 JUN 27 AM 11:04

RECORDED AT THE REQUEST OF

North Fork Energy

PLEASE RECORD AND RETURN TO:
Richard D. Heaton
PO Box 5405
Boise ID 83705

MAIL TAX STATEMENTS TO:
NORTH FORK ENERGY, INC.
P.O. Box 5405
Boise, Idaho 83705

WARRANTY DEED

For Value Received WESTERN STAR FARMS, INC., an Idaho corporation, the Grantor, does hereby grant, bargain, sell and convey unto NORTH FORK ENERGY, INC., an Idaho corporation, the Grantee, whose address is 4414 S. Gekeler Lane, Boise, Idaho 83705 the following described premises, in BINGHAM COUNTY, IDAHO more particularly described in Exhibit "A" attached hereto and by this reference incorporated herein.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its successors and assigns forever. The Grantor does hereby covenant to and with the Grantee that they are the owner in fee simple of said premises; that it is free from all encumbrances except current year's taxes, levies, and assessments, and except restrictions, reservations and easements of record and easements visible upon the premises, and that it will warrant and defend the same from all lawful claims whatsoever.

DATED: April 25, 1996

GRANTOR:

WESTERN STAR FARMS, INC.

By:

Charles B. Beymer
Charles B. Beymer, President

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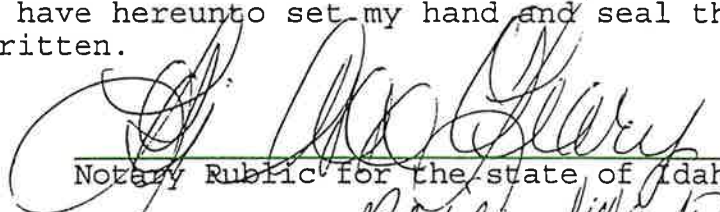
ATTACHMENT

STATE OF IDAHO)
County of ADA) ss

On this 25th day of April, 1996, before me, the undersigned Notary Public for the state of Idaho, personally appeared Charles B. Beymer, President of **WESTERN STAR FARMS, INC.**, the corporation which executed the foregoing document, known to me or identified to me to be the person whose name is subscribed to the foregoing, and acknowledged to me that he executed the same for and on behalf of the corporation and in its name.

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




Notary Public for the state of Idaho

Residing at: Besse, Idaho

My commission expires: 4/17/2001

EXHIBIT A

THAT PORTION OF THE FOLLOWING LEGAL DESCRIPTION

PARCEL I:

Part of the NE¼ of Section 24, Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho, described as:
Beginning at a point on the West line of a county road that is
S 0°13'14" W 1001.26 feet along the section line and N 89°40'08" W 57.90 feet from the Northeast corner of said Section 24 and running thence
S 1°11'42" W 1128.14 feet along said West line to the North line of a county road; thence S 80°53'08" W 813.33 feet along said North line; thence S 81°36'36" W 753.22 feet along said North line; thence N 2°55'53" W 1377.93 feet; thence S 89°40'08" E 1642.24 feet to the point of beginning.

PARCEL II:

Part of Section 24, 25 and 26, Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho, described as:
Beginning at a point on the south line of a county road that is
S 0°13'14" W 2179.74 feet along the section line and West 83.95 feet from the Northeast corner of said Section 24 and running thence
S 81°36'31" W 1192.27 feet along said South line; thence S 78°49'32" W 1368.55 feet; thence S 79°16'11" W 402.03 feet; thence S 89°24'11" W 198.67 feet; thence S 89°59'48" W 2075.55 feet along said South line to the West line of said Section 24; thence leaving said county road
S 0°32'53" W 2618.34 feet along the section line to the Southwest corner of said Section 24; thence N 89°28'36" W 1325.23 feet along a fence line; thence S 1°04'04" W 1268.04 feet along said fence; thence S 55°28'37" W 90.03 feet; thence N 89°46'17" W 958.92 feet along said fence line to the East line of a county road; thence S 5°14'03" E 379.68 feet along said East line; thence S 16°10'45" W 198.21 feet; thence S 56°11'16" W 256.70 feet; thence S 0°11'21" W 546.83 feet; thence S 53°20'44" E 115.52 feet along said East line to the North line of said county road; thence S 88°50'14" E 561.72 feet along said North line; thence S 87°40'11" E 380.70 feet; thence S 84°18'14" E 186.12 feet; thence S 80°40'02" E 265.21 feet; thence N 80°18'38" E 732.64 feet; thence S 89°24'55" E 271.34 feet; thence N 84°41'36" E 213.19 feet; thence N 69°59'04" E 200.75 feet; thence N 59°36'35" E 521.39 feet; thence N 53°39'50" E 263.65 feet; thence N 31°17'57" E 502.46 feet; thence N 81°43'25" E 787.30 feet; thence S 89°36'24" E 702.19 feet; thence S 64°24'39" E 620.55 feet; thence S 69°30'02" E 233.65 feet; thence S 84°26'23" E 323.64 feet; thence S 74°29'47" E 1219.71 feet; thence S 75°50'39" E 443.76 feet along said North line; thence leaving said county road N 1°30'06" W 110.13 feet; thence N 1°26'14" W 2304.88 feet along a fence line; thence N 1°42'30" W 3088.94 feet along said fence line to the point of beginning.

PARCEL IIA:

Part of Section 25, Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho, described as:
Beginning at a point on the Southerly line of a county road that is
S 88°51'23" W 104.34 feet from the East ¼ corner of said Section 25 and

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EXHIBIT A (Continued)

running thence S 88°51'23" W 435.46 feet along the monumented American Falls Reservoir right-of-way line; thence N 59°21'28" W 624.41 feet along said right-of-way line; thence leaving said right-of-way line N 81°25'15" W 525.11 feet; thence N 70°36'20" W 384.05 feet along an existing fence line; thence N 11°04'21" E 187.45 feet along said fence line to the South line of said county road; thence S 84°13'41" E 354.63 feet along said South line; thence S 74°46'41" E 1242.62 feet along said South line; thence S 38°16'17" E 429.83 feet along said South line to the point of beginning.

PARCEL III:

Part of Section 30, Township 4 South, Range 33 East, Boise Meridian, Bingham County, Idaho, described as:

Beginning at a point that is N 00°04'26" E 377.02 feet along the section line and East 80.90 feet from the West $\frac{1}{4}$ corner of said Section 30 and running thence S 85°45'02" E 511.11 feet; thence S 3°57'29" W 492.04 feet; thence S 65°54'48" W 475.69 feet to the East line of a county road; thence N 23°57'42" W 351.58 feet along said east line; thence N 39°11'07" W 516.08 feet along said East line; thence leaving said East line S 75°50'39" E 443.76 feet; thence N 1°30'06" W 110.13 feet to the point of beginning.

EXCEPT: Beginning at the Northwest corner of Lot 3, in Section 30, Township 4 South, Range 33 East, Boise Meridian, Bingham County, Idaho; thence S 13°40' E 584.6 feet to a point, thence S 0°25' E 545.3 feet to a point, thence S 31°43' W 260 feet, more or less, to the Southwest corner of said Lot 3, thence N 0°14' W along the West line of said Lot 3, 1335.1 feet, more or less, to the Point of Beginning.

Lying within the bounds of Sections 24, 30 and the following described legal:

Section 25:

N $\frac{1}{2}$ N $\frac{1}{2}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$; ALSO: Beginning at the Southeast corner of NE $\frac{1}{4}$ of said Section; thence N 0°07' W 1336.4 feet, more or less, to the Northeast corner of the S $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section; thence S 89°40' W along the North line of said S $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section, 3945.4 feet, more or less, to the Northwest corner of said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence S 0°10' W along the West line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, 403.5 feet to a point; thence N 79°12' E 688.8 feet to a point, thence N 87°28' E 651.1 feet to a point; thence S 58°24' E 558.7 feet to a point; thence S 37°22' E 386.5 feet to a point; thence N 35°26' E 250.3 feet to a point; thence S 14°34' E 411.8 feet to a point; thence S 74°21' E 299.7 feet to a point; thence N 67°11' E 391.3 feet to a point; thence S 55°55' E 616.5 feet, more or less, to the South line of said S $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 25; thence N 89°50' E along said South line of said S $\frac{1}{2}$ NE $\frac{1}{4}$, 503.3 feet, more or less, to the Point of Beginning.

SECTION 26:

NE $\frac{1}{4}$ NE $\frac{1}{4}$, and commencing at the Southeast corner of the NE $\frac{1}{4}$ of Section 26, thence West 160 rods; thence North 67 rods; thence East 13 rods; thence North 13 rods; thence East 147 rods; thence South 80 rods to the Point of Beginning.

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EXHIBIT A (Continued)

EXCEPTING THEREFROM Section 25 and Section 26 hereinabove set out: those certain portions of the above described property deeded to the United States of America as disclosed by Deed dated February 11, 1938, recorded February 26, 1938, as Instrument No. 16078, records of Bingham County, as follows:

TRACT A: A tract of land in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho, more particularly described as follows: Beginning at a point on the West line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ that is N 0°04' W 681.8 feet from the Southwest corner of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence N 0°04' W along the West line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ 429.8 feet to a point; thence N 81°48' E 297.5 feet to a point; thence N 49°25' E 288.2 feet to a point; thence S 43°48' E 166.2 feet to a point; thence S 49°19' W 828.0 feet, more or less, to the Point of Beginning.

TRACT B: A tract in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26 and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho, more particularly described as follows: Beginning at the Quarter corner between Sections 25 and 26, thence S 89°13 $\frac{1}{2}$ ' W along the South line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, 392.1 feet to a point; thence N 73°40' E 408.5 feet to a point; thence N 69°41' E 349.7 feet to a point; thence S 40°48' W 304.7 feet, more or less, to the South line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25; thence S 89°51' W along the said South line of SW $\frac{1}{4}$ NW $\frac{1}{4}$ 128.7 feet, more or less, to the Point of Beginning.

TRACT C: A tract of land in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho, more particularly described as follows: Beginning at the Southeast corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$; thence S 89°51' W along the South line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ 1070.9 feet to a point; thence N 55°49' E 981.5 feet to a point; thence N 35°09 $\frac{1}{2}$ ' E 455.4 feet, more or less, to a point on the East line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, thence S 0°12' W along the East line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, 921 feet, more or less, to the Point of Beginning.

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Narrative in Support of Water Right Transfers
North Fork Energy Inc.
C.E. Brockway PhD P.E.

Three water right transfers submitted by North Fork Energy Inc were intended to accomplish two objectives:

1. To provide additional diversion points in order to restore original licensed or claimed discharges from springs and artesian wells
2. Document the historical and current places of use established since the commencement of fish propagation in 1945

Spring and artesian well flows have been decreasing since at least the early 1980's based on measured flows of indicator springs in the area. A 1996 hydrologic report by Brockway Engineering entitled Spring Discharge Patterns and Groundwater Analysis-Crystal Springs Area -Springfield, Idaho documents the groundwater flow patterns in the area and current and the historical flows of indicator springs. A copy of that report is attached. Water measurements of springs and wells and the total flow in Boom Creek(historical local name for Crystal Springs drainage) indicate that flows are below historical flows and lower than licensed discharges. The report also indicates that the non-consumptive water supply can be increased by strategically located artesian wells without decreasing the net historical gain to American Falls Reservoir.

The three transfers address decreasing flows and necessary changes in place of use for three production areas for the facility. The home place which includes hatchery 1, raceways, and the processing plant involves the original spring and two artesian wells covered under two licensed ground water rights and a statutory claim. The second area is a series of springs and one artesian well referred to locally as Bird Cage, House, and Trailer springs. This area involves one beneficial use claim and includes raceways and earthen ponds. Discharge from the home place and the Bird Cage complex flow together into Boom Creek where they have been used in earthen ponds and raceways before discharging to American Falls Reservoir.

The third area is locally called Third Place and involves two licenses including springs and three artesian wells serving a hatchery and raceways and domestic water. Water from this site flows directly into American Falls Reservoir.

Water supplies at all three production sites are below historical and/or licensed flows and the transfers involve additional planned well sites for restoration of the flows.

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Spring Discharge Patterns and Groundwater Analysis

Crystal Springs Area

Springfield, Idaho

Brockway Engineering, PLLC

September 10, 1996

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Introduction

This report presents the results of a groundwater investigation of the Snake River Plain aquifer in the vicinity of Crystal Springs Trout Ranch. The trout facility diverts water from various distinct springs and artesian wells issuing from lowlands just north of American Falls Reservoir approximately two miles south of Springfield, Idaho. After being used in the facility for trout rearing and processing, the water returns to the reservoir via the Crystal drain. A vicinity map is provided in Figure 1, and a map showing the various springs and open channels is given in Figure 2. In addition, a detailed site plan is given in Appendix A, which shows springs, wells, channels, and facilities.

Since approximately the mid-1980s or earlier, spring discharge in the region has been declining, to the point where the full water right of Crystal Springs Trout Ranch cannot be secured and historical production cannot be maintained. Therefore, it is desired to drill an additional well or wells to supplement the existing spring and well discharges.

The purpose of this study is to document discharges and discharge trends at several points from 1989 to the present, and to estimate groundwater table contours and flow lines to determine the impact on the aquifer and the Snake River from additional ground water diversion..

Discharge measurements

Discharge measurements were made at 15 points within the Crystal Springs Ranch water supply and distribution system on four separate occasions. These

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points are denoted on Figure 2. Not all points were measured on all occasions. Descriptions of the measurement locations are given in Table 1, and a summary of all measurements is given in Table 2. Some of the discharges are accumulations of other discharges measured. For example, flow at points 2, 3, and 4 should be nearly equal to the flow at point 5.

Table 1. Discharge measurement names and descriptions

Number	Description
1	Crystal Main at old concrete flume
2	Birdcage Spring channel between inflow from House and Trailer springs
3	House pond outflow
4	Trailer pond outflow
5	House + Trailer + Birdcage, i.e. Birdcage channel below inflow from House pond
6	Hatchery 1 at old concrete structure
7	Third Place
8	Birdcage pipe - bypass from Birdcage channel to House ponds
9	Main Hatchery Spring - east raceway
10	Birdcage channel between House and Trailer inflows
11	Head of Birdcage Spring - not including well inflow
12	"CB" Spring - east of Trailer Ponds
13	Processing plant well
14	Hatchery well
15	Hull Spring and artesian well - at River Road

Most discharges were measured using a propeller-type open-channel velocity meter using the standard USGS flow measurement procedure. At points #8 and #13, flow through a pipe was determined by measuring the velocity in the end of the pipe using a current meter and determining the area of flow in the partially full

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pipe. At point #14, the flow was measured with a bucket and stopwatch at an overflow into raceways.

Discharges were measured at approximately the same time each year, to minimize fluctuations due to seasonal effects. Many of the measurements show a decrease over the last 7 years. The Hatchery 1 flow (#6) has decreased 37%, and the Main Crystal flow (#1) has decreased 16%. Flows at these two points are good indicators of the overall pattern of the spring flow, since they represent accumulations of several discharges from the aquifer.

Table 2. Summary of discharge measurements

Number	5/16/89	6/7/89	6/6/90	7/29/96
1	43.14		43.65	36.35
2		3.76	3.16	
3		7.04	6.55	9.42
4		6.90	6.28	8.24
5		17.32	23.01	18.67
6		22.48	19.51	14.22
7		6.29	11.44	12.23
8		0.00	0.77	1.54
9			16.47	13.07
10				9.52
11				1.06
12				1.89
13				2.28
14				0.36
15				1.31

During the 1989 and 1990 measurements, the raceways and ponds were maintained at maximum levels for fish production. During the 1996

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measurements, there was no commercial fish production in the raceways or main production ponds so the wetted areas were decreased. Larger flows could be expected in 1996 since bank storage was minimized and seepage areas decreased.

At some of the springs, discharge has increased slightly. Flow from House Spring and Trailer Spring has increased 34% and 19%, respectively. This occurred while Birdcage Spring decreased 56% (the flow from Birdcage Spring was found by adding flows 2 and 8, estimating flow 2 by flow 10 minus flow 3 for the 7/29/96 measurement).

A further verification of the general pattern of spring flow in this region may be found from the USGS gauging station on Spring Creek at Sheepskin Road. Spring Creek is a spring-fed stream running northeast to southwest between the Snake River and Fort Hall. Figure 3 shows monthly and annual average flow rates since the gauge was installed in 1980. The pattern clearly shows a peak in 1985, followed by a general downward trend. The periods 1989 - 90 and 1993 - 1995 were periods of recovery, but in general the trend has been downward. Although no known measurements of the Crystal Springs Trout Ranch discharges were made before 1989, they have most likely followed a similar pattern.

The USGS measured and reported daily flows of Crystal Waste Nr. Springfield (Station Number: 13069532) for the period April 1985 through February 1988. This record as shown in Figure 4 is not sufficient to determine a long term trend; however, it appears to show a decline over the period of record.

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Groundwater flow analysis

To determine the impact on the aquifer of the construction of an additional artesian well or wells on the site, an analysis of the water table north of American Falls Reservoir was performed. The study area encompasses the entire Crystal Springs site, as shown on Figure 5. Well logs were obtained from microfiche on file with the Idaho Department of Water Resources. The locations of these 21 well logs with respect to the springs and the reservoir are shown on Figure 5. Each grid on this figure represents one 40-acre quarter-section.

Water table information at each well location was estimated by the driller's reported depth to water at the time of drilling. Ground surface elevations for each well were estimated from contour lines on a 7.5-minute USGS quadrangle map. The groundwater elevation was then found by subtracting the depth to water from the estimated ground elevation. Because driller's estimates are often inaccurate, and because the wells were drilled in different years and at different times of the year, some water level data may be inconsistent with the surrounding data. One water table estimate was found to be inconsistent; it was excluded from the analysis. Logs for three artesian wells in this area are on record. The potentiometric surface for an artesian well will be above the ground elevation by some distance. However, the shut-off head was not reported on driller's logs so it is not possible to determine this distance. These three wells were also excluded from the analysis.

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Based on the remaining 17 wells, groundwater contours were created using the Surfer contouring package. The resulting groundwater flow pattern is given in Figure 6. Both the water table contour lines and the flow lines are shown. The flow lines indicate the direction of groundwater flow. Within the Crystal Springs Trout Ranch site, the groundwater flow is directly toward the reservoir. Water withdrawn from a well would not impact groundwater users west of the site.

The computed flow directions are consistent with the general flow patterns in the Eastern Snake Plain Aquifer as depicted by the U.S. Geological Survey. Figure 7 is a photocopy of a portion of the map depicted on Hydrologic Information Atlas HA 703 (1988) which shows the water table contours on the Eastern Snake Plain Aquifer during Spring 1980. The area of the Crystal Springs Ranch study is outlined on Figure 7.

Conclusions

Spring flows and artesian well flows which comprise the ground water diversions for fish production on the Crystal Springs Trout Ranch have declined over the last seven years and probably have been declining since a peak in 1985.

The combined discharges utilized by the Crystal Springs Trout Ranch measured in 1989, 1990 and 1996 are below licensed discharges. Diversions could be increased to licensed amounts historically diverted by construction of a strategically located artesian well or wells.

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The direction of ground water flow from the Crystal Springs Trout Ranch is toward and into American Falls Reservoir.

Surface flow from all of the Crystal Springs Ranch diversions for fish production returns to the Snake River (American Falls Reservoir) in Section 26 T4S R32E through the Crystal Waste or directly into the reservoir from the Third Place spring channel.

Enhancement of non-consumptive diversions from the aquifer adjacent to the reservoir to historical diversion rates from springs and wells will not change the net historical flow into the reservoir.

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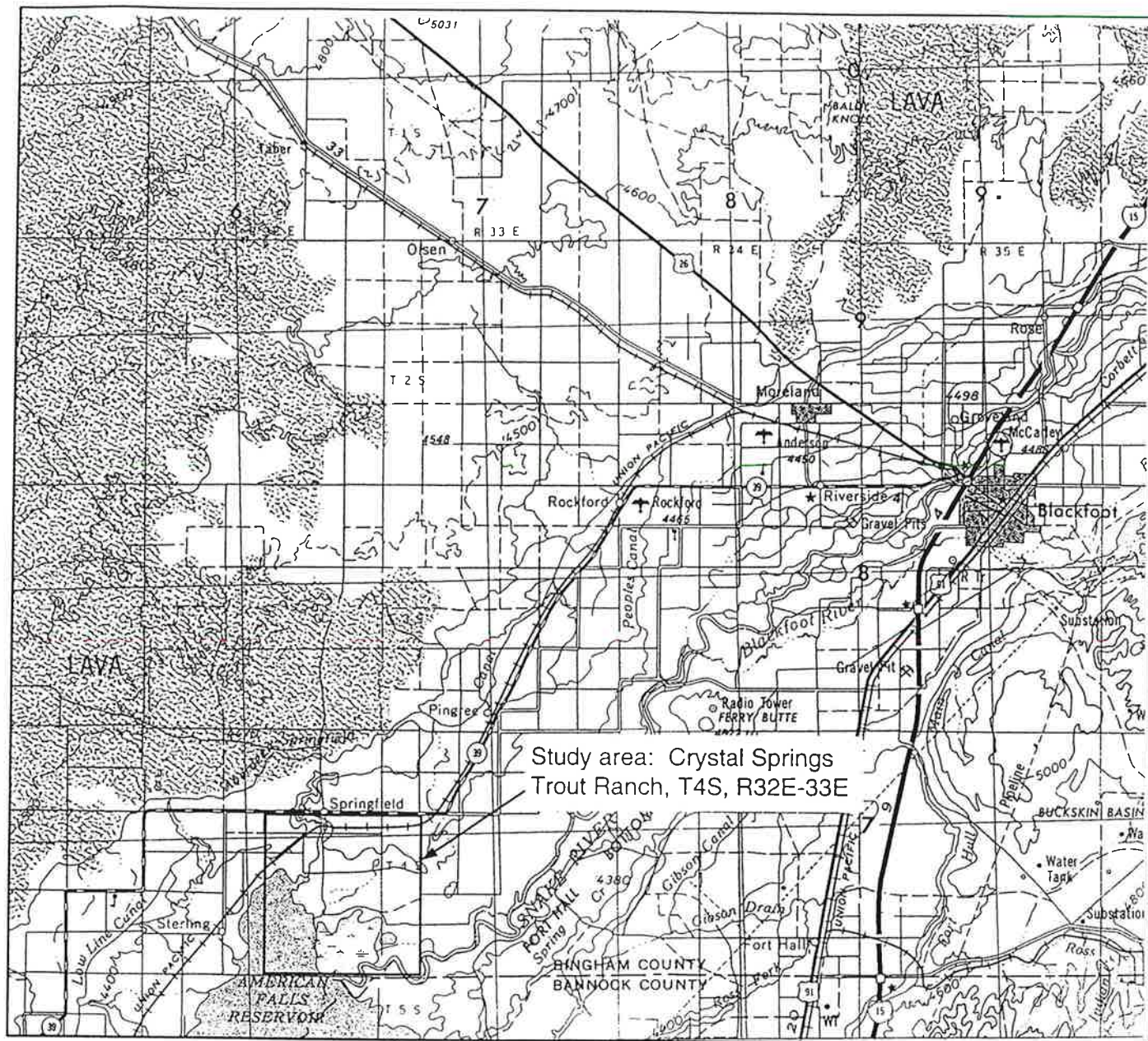


Figure 1. Vicinity map.

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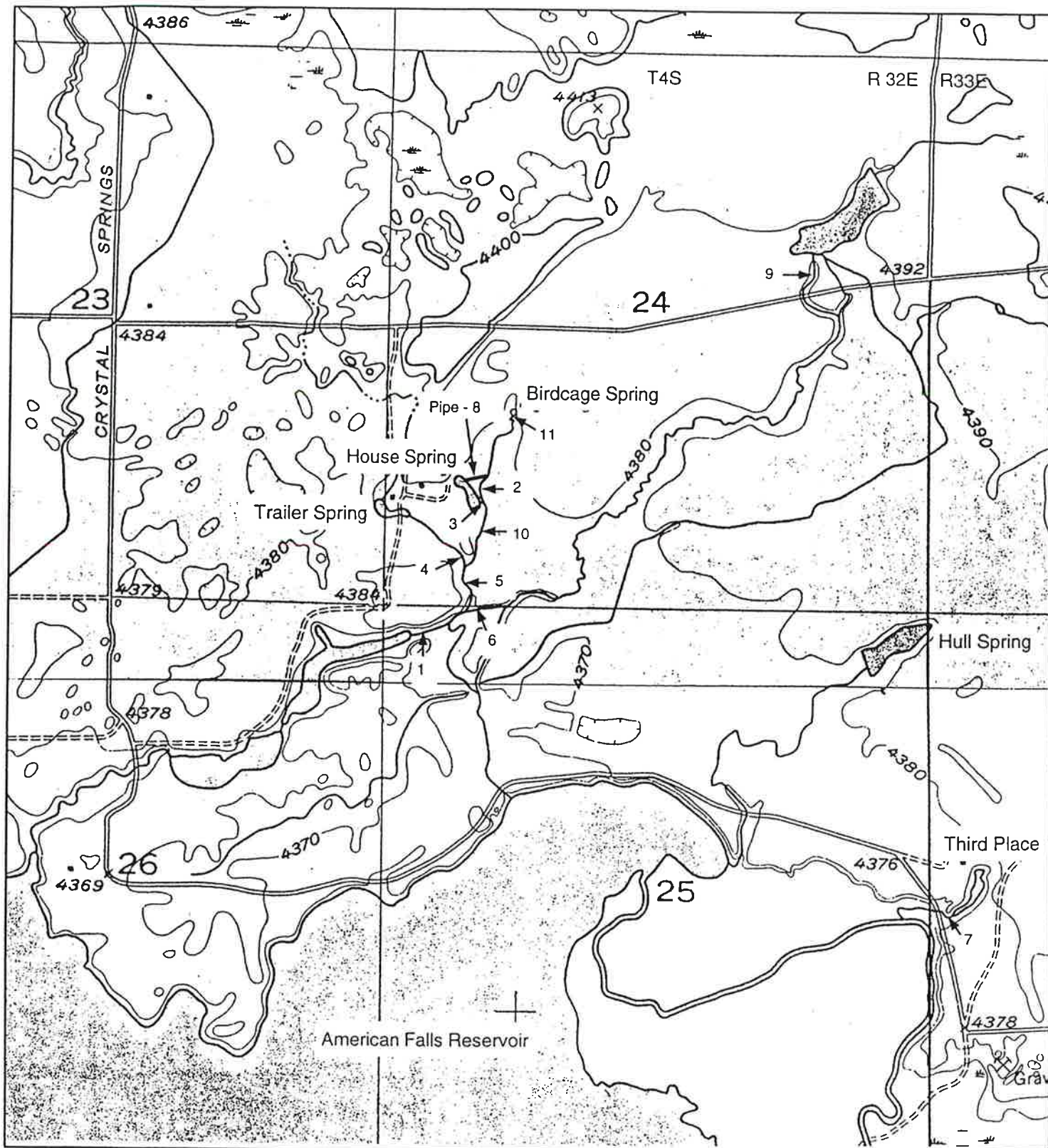


Figure 2. Site plan showing springs and measurement locations.

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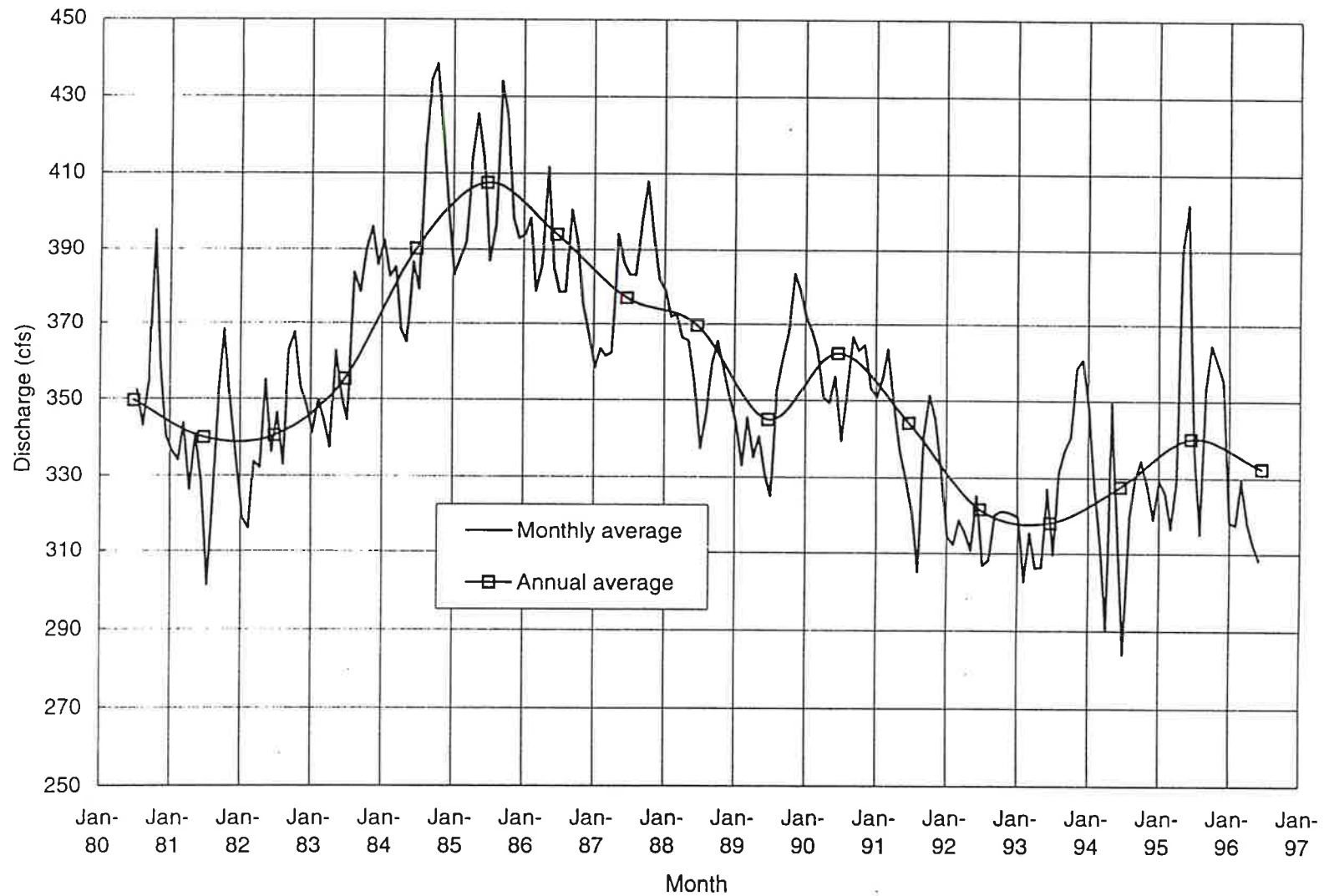


Figure 3. Observed monthly and annual flow in Spring Creek at Sheepskin Road (USGS station 13075983).

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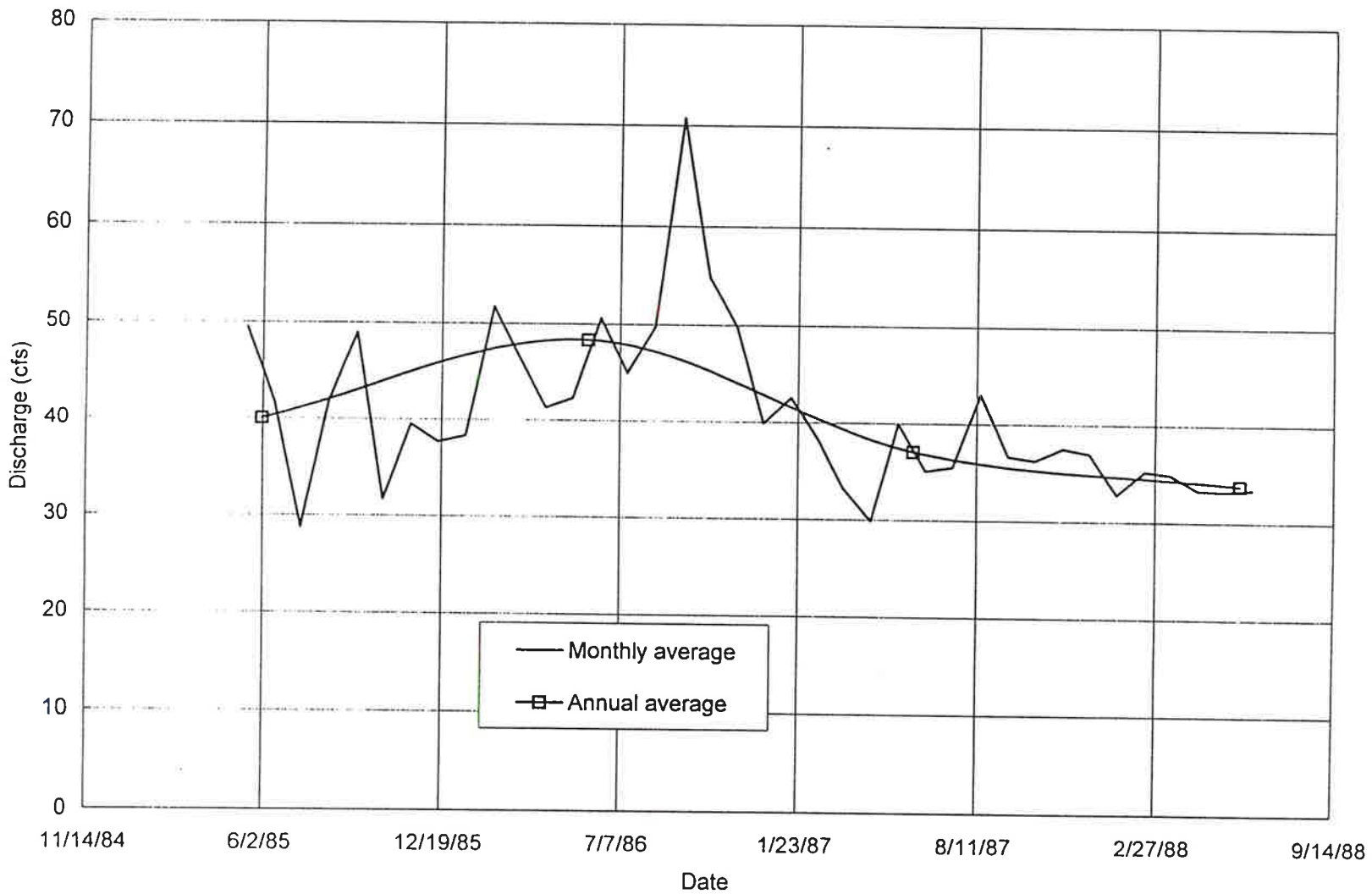


Figure 4. Observed monthly and annual flow in Crystal Waste (USGS station 13069532)

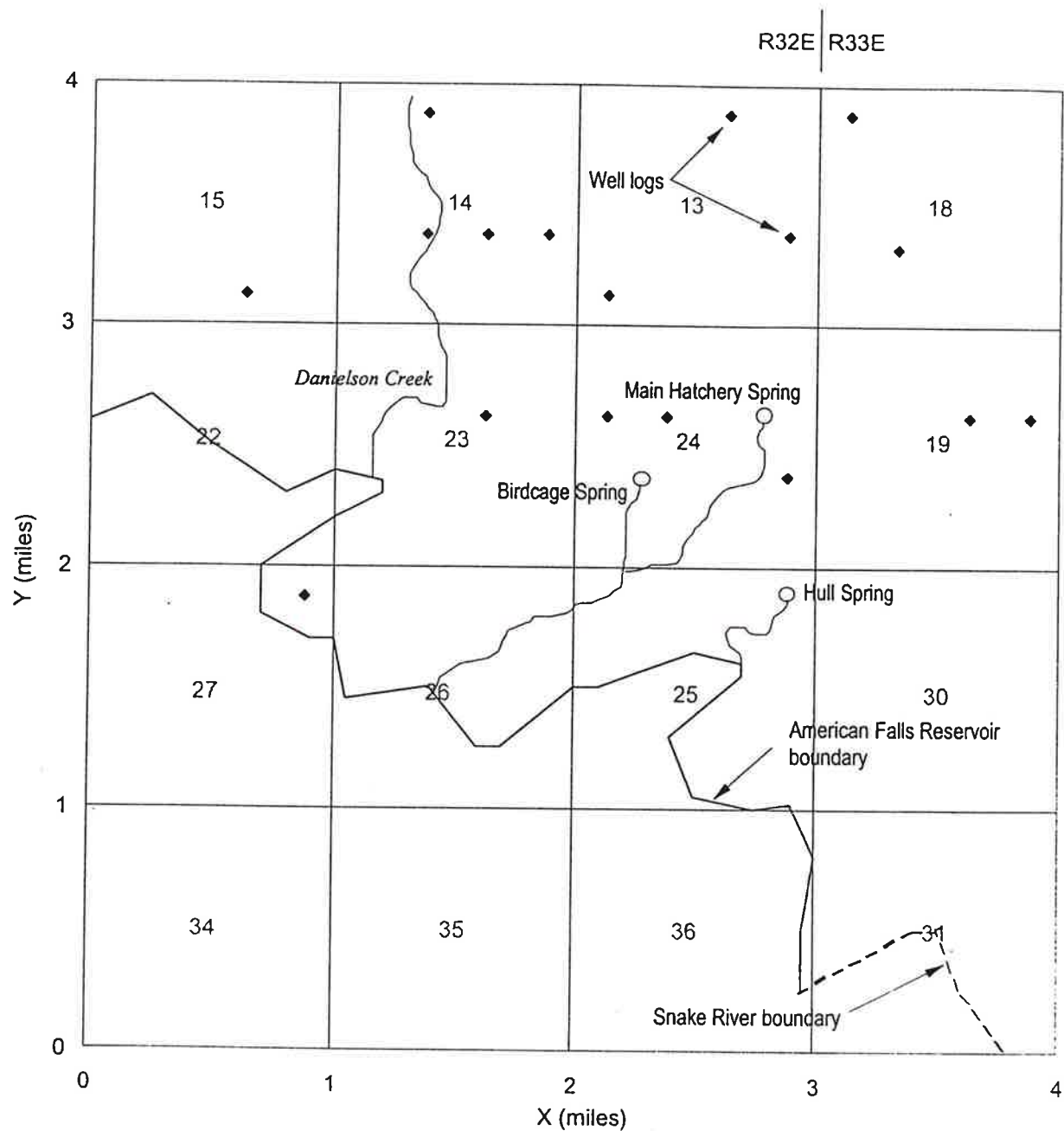


Figure 5. Study area showing major springs and streams, the locations of driller's logs used to estimate aquifer flow patterns, and the constant-elevation boundaries formed by the reservoir and the Snake River.

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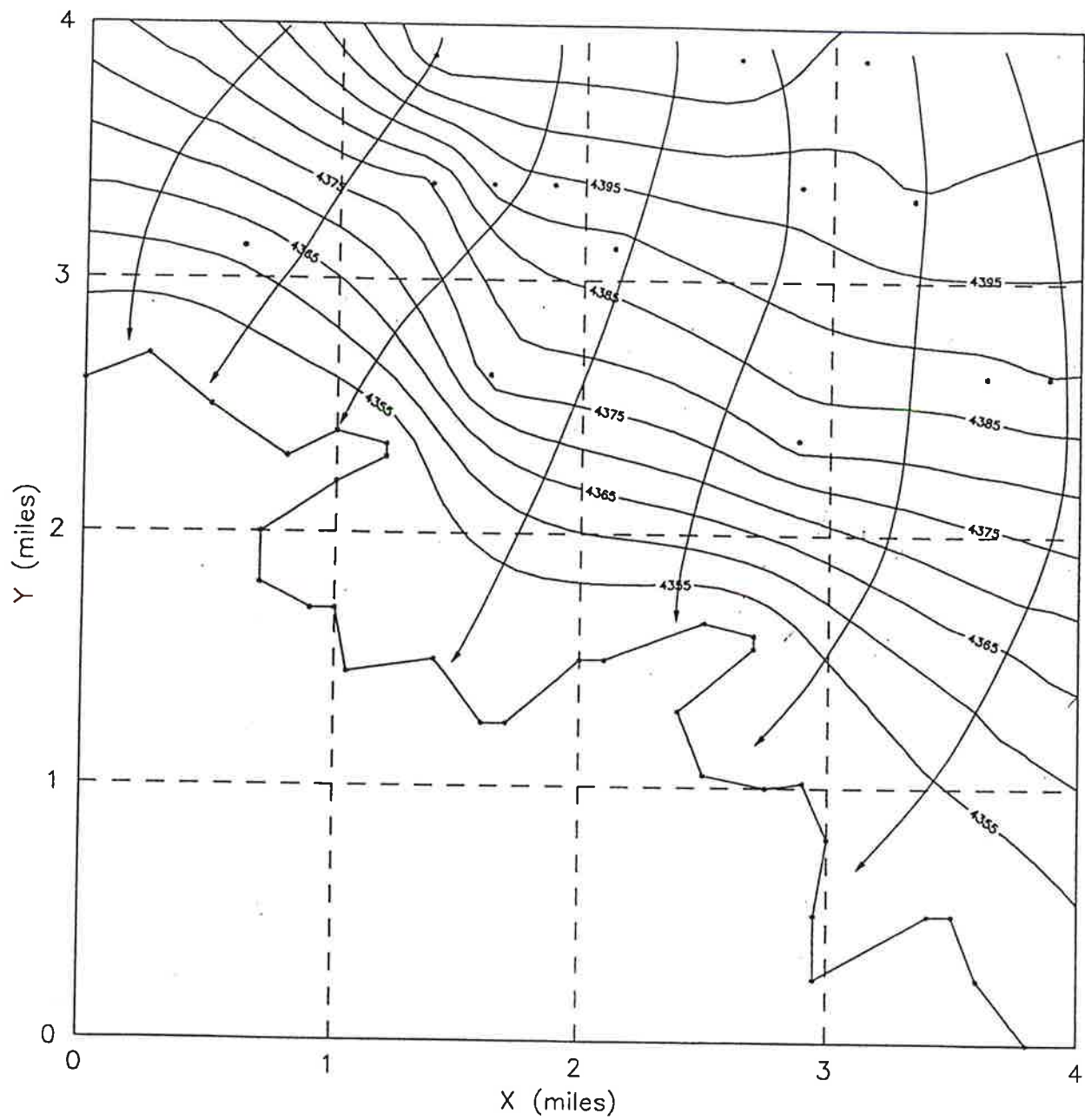


Figure 6. Estimated groundwater contour lines and flow paths.

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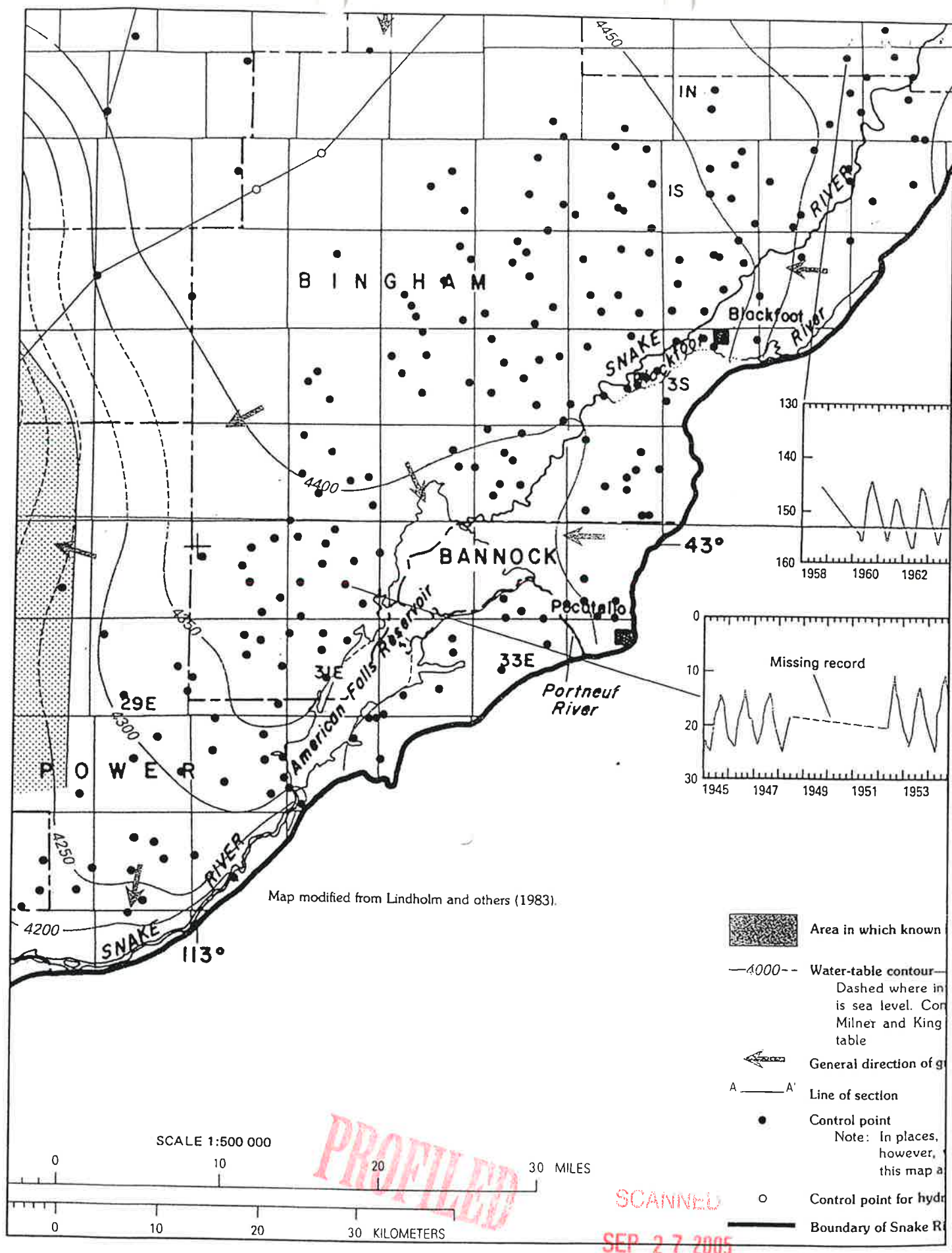


Figure 7. A portion of USGS map HA 703 showing water table contours in Spring 1980 for the Eastern Snake Plain Aquifer.

APPENDIX A

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Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 5055
WATER RIGHT NO. 35-11390

RECEIVED

JUL 09 1997

Department of Water Resources
Eastern Region

This is to certify that: **NORTH FORK ENERGY INC**
PO BOX 5405
BOISE ID 83705

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
FISH PROPAGATION	01/01 to 12/31	20.00 CFS

SOURCE

GROUNDWATER
SPRINGS

BOOM CREEK

Priority: 06/01/1941

LOCATION OF POINT(S) OF DIVERSION:

NESESE , Sec. 23, Township 04S, Range 32E
SENWSW , Sec. 24, Township 04S, Range 32E
NWSWSW , Sec. 24, Township 04S, Range 32E
BINGHAM County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

04S 32E	24	NWSW	SWSW
	25	NWNW	
	26	NENE	SWNE

CONDITIONS OF APPROVAL AND REMARKS

1. Approval of this transfer in no way confirms the right(s) claimed.
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

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TRANSFER NO. 5055
WATER RIGHT NO. 35-11390

CONDITIONS OF APPROVAL AND REMARKS

5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
8. The total instantaneous diversion of water from all points of diversion under Transfer No. 5055 shall not exceed 20.00 cfs.
9. Five wells are located within NWSW, S24, T04S, R32E.

Dated this 30th day of June, 1997.

J. Glen Saxon
Chief, Water Allocation Bureau

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MEMORANDUM

TO: SRBA FILE NO. A35-11390
FROM: PAM SKAGGS²⁸/STATE OFFICE
SUBJECT: TRANSFER NO. 5055
DATE: June 10, 1997

=====

Transfer No. 5055 changes the place of use, adds points of diversion, and a new source (groundwater) under SRBA Claim No. A35-11390.

Multiple springs and artesian wells that have been identified as tributary to American Falls Reservoir will be added to the system to provide the originally claimed amount of water. ✓

The additional use of Recreation was not recommended for approval since the original claim identified fish propagation only. ✓
Recommended conditions include drilling permits, multiple points of diversion/measuring devices, future annual reporting and standard transfer conditions.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5055

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant North Fork Energy Inc Phone 208-328-2306
Post Office address P.O. Box 5405 Boise, ID 83705

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To correct actual place of use and to add existing and new artesian well points of diversion to restore original discharge rates

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|------------------|-------------------|-----------------------|----------------------------|------------------------------|
| <u>A35-11390</u> | <u>06/01/1941</u> | <u>20.00</u> | <u>Fish Prop & Rec</u> | <u>01-01</u> to <u>12-31</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 20.0 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Springs and artesian wells tributary to American Falls reservoir(Snake River)
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SE	NW	SW	24	4S	32E	BINGHAM	Springs & ~~One well~~ (existing)(Bird Cage)
	NW	SW	SW	24	4S	32E	BINGHAM	Springs (existing)(House springs)
	NE	SE	SE	23	4S	32E	BINGHAM	Springs(Trailer springs)
	NW	SW		24	4S	32E	BINGHAM	Four wells(to be drilled)

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4S	33E	24										HR	HR						
		25						HR											
		26	HR		HR														

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Total acres _____

PART 1

6. General Information:

a. Description of diversion system Spring and artesian wells. Flow from springs and wells is or will be piped to the head of raceways or hatchery buildings. Discharge from raceways flows down to American Falls Reservoir

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

No Yes

c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

Additional points of diversion are necessary to provide flexibility to the water supply system for the fish facility and to restore discharge to claimed amounts.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A35-11390 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☐ Tax notice

☒ Warranty Deed

☐ Other _____

3. Source of water Springs (groundwater) tributary to Boom Creek

4. Date of priority 06/01/1941

5. Water is used for the following purpose:

amount 20.00 for Fish propagation purposes from 01-01 to 12-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 20.00 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SW	NW	SW	24	4S	32E	Bingham	Bird Cage springs
	NW	SW	SW	24	4S	32E	Bingham	House and Trailer springs

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4s	32e	24										H	H						

Total acres _____

9. Describe any other water rights used for the same purpose as described above 35-04271, 35-07097, 35-07098

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10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(if the entire right is to be changed by the applicant, omit part B and C)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

See attached portion of USGS Quad sheet and survey map by Harper-Leavitt Engineering Inc.

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PART 3**B. CHANGES IN NATURE OF USE**

1.	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	<u>Fish Prop. & Rec</u>	<u>20.0</u>	<u>24</u>	<u>01/01</u> to <u>12/31</u>
	<u></u>	<u></u>	<u></u>	<u></u> to <u></u>
	<u></u>	<u></u>	<u></u>	<u></u> to <u></u>

2. Quantity and quality of return flows and location of discharge:

Entire flow from springs and wells discharges into American Falls reservoir

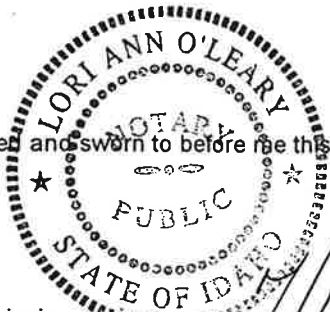
3. Describe the effects on other water uses resulting from the proposed change:

There are no diversions downstream of this facility and no change in net use will occur

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscriber and sworn to before me this



My commission expires

11/12/2001NORTH FORK ENERGY, INC.Gary R. Linsbury

(Signature of Applicant)

2nd

day of

December

, 19

96Lori Ann O'Leary

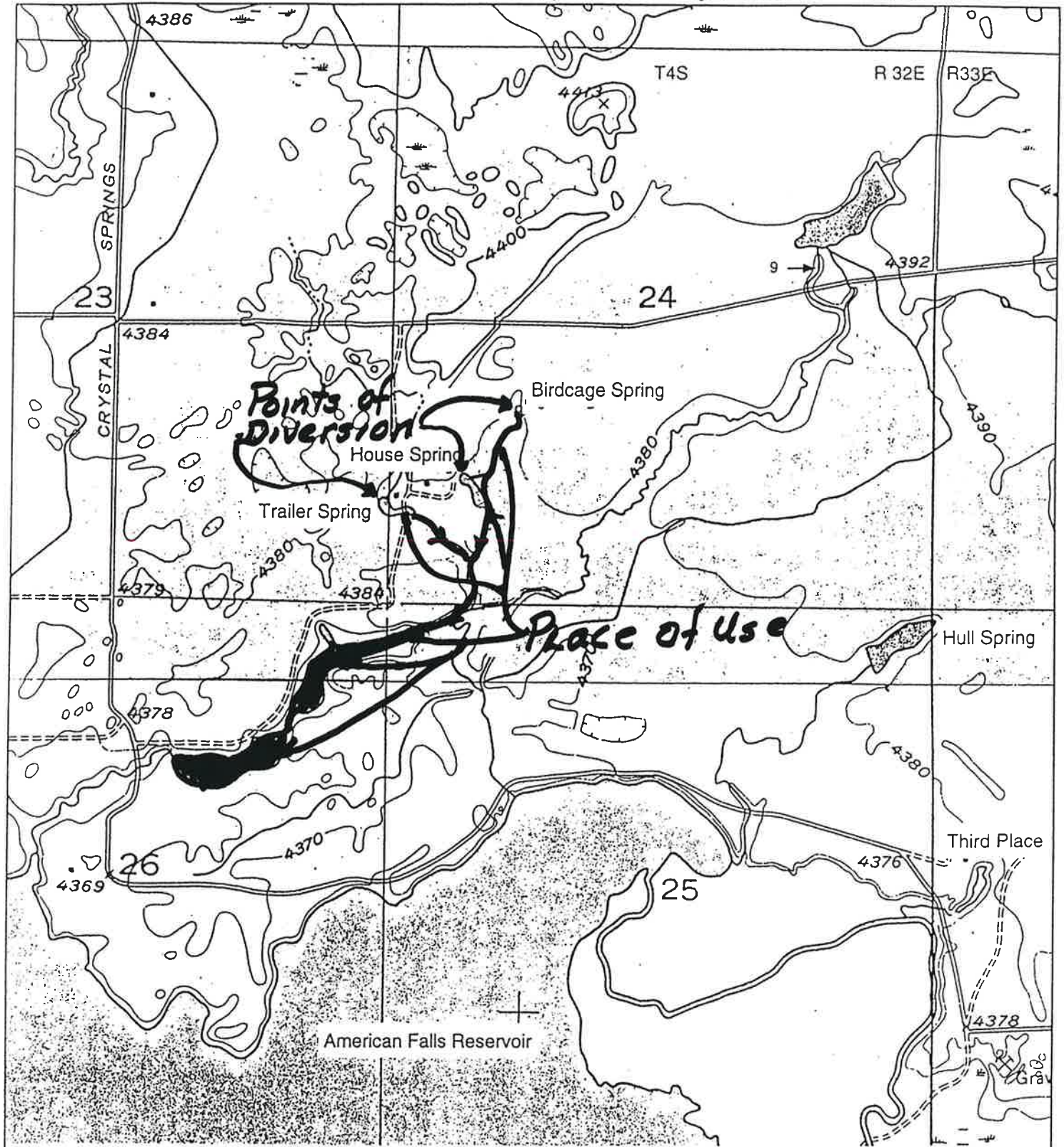
(Notary Public)

FOR DEPARTMENT USE ONLYTransfer contains 6 pages and 7 attachmentsReceived by Jo Date 12-4-96 Protest filed by Prelim. check by Fee 100.00Received by ALT #E092814 Date 12-1-96Published in Morning News & statewide Copies of protest forwarded by Pub. dates April 24 & May 1, 1997 Hearing held by Date Watermaster recommendation requested on Recommended for ! Approval ! Denial

rec'd.

by Copy of transfer sent to lien holder **PROFILED****SCANNED****SEP 27 2005**

NORTH FORK ENERGY - CRYSTAL SPRINGS 185-11390



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SEP 27 2005



	POTENTIAL CONSERVATION EASEMENT
	POWER POLE
	EXISTING WELLS/WEIR
	BUILDING
	IRRIGATION MAIN LINE
	HILL
	OVERHEAD POWER
	IRRIGATED LAND
	IRRIGATED LINES



(IN FEET)
1 inch = 400 ft.

NORTH FORK ENERGY INC.

JOB NO.: 98061	SHEET
DATE: 09-13-09	1
DRAWN BY: LMC	
CHECKED BY: A.D.J.	OF
CONTINUED ON SEE	1

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) SEE EXHIBIT "A"
Adjudication Claim Number(s) SEE EXHIBIT "A"
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) WESTERN STAR FARMS INC
PO BOX 34
TWIN FALLS ID 83303
4. New Owner/Claimant(s) NORTH FORK ENERGY INC ATTN: RICHARD D HEATON
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address 4414 S GEKELER LN
City, State and ZIP Code BOISE ID 83705
New Telephone Number (208) 342 8901
5. Date you acquired the property 4-25-1996 (BILL OF SALE)
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

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

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) North Fork Energy, Inc Date _____
By: [Signature] President Date 9/24/96

NOV 13 1996
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

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*LIST OF WATER RIGHTS AS SHOWN IN
SRBA CLAIMS*

<u>Water Right ID Number</u>	<u>Source</u>	<u>Amount</u>	<u>Priority</u>	<u>Nature or Purpose of Use</u>	<u>Season of Use</u>	<u>Point of Diversion</u>	<u>Evidence</u>	<u>Acreage (if irrigation right)</u>
\A35-04271 ✓ - R	Spring tributary to Boom Creek	.50cfs	06/01/1945	Fish Propagation	1-01 to 12-31	T4S, R32E, S24: NWSENE	Statutory Claim	
\A35-07097 ✓ - R	Groundwater	4.00cfs	09/30/1969	Fish Propagation Domestic	1-01 to 12-31	T4S, R33E, S30: SWNW	License	
\A35-07098 X - R	Spring tributary to Snake River	20.00cfs	08/22/1969	Fish Propagation	1-01 to 12-31	T4S, R33E, S30: SWSWNW	License	
\A35-07138 X - R	Groundwater	3.82cfs	04/08/1970	Irrigation Domestic	4-15 to 10-01 1-01 to 12-31	T4S, R32E, S24: SWNE	Permit	190
\A35-07141 X - R	Groundwater	4.80cfs	04/08/1970	Irrigation	4-15 to 10-01	T4S, R32E, S24: SESE	License	240
\A35-08635 X - R	Groundwater (artesian well) tributary to Boom Creek	5.00cfs	12/17/1986	Fish Propagation	1-01 to 12-31	T4S, R32E, S24: SWNE		
A35-11390 X - R	Springs tributary to Boom Creek	20.00cfs	06/01/1941	Fish Propagation	1-01 to 12-31	T4S, R32E, S24: SENWSW, NWSWSW	Beneficial Use	
A35-11392 X - R	Groundwater	.04cfs	06/01/1941	Domestic	1-01 to 12-31	T4S, R32E, S24: SWSW	Beneficial Use	
A35-11393	Groundwater	.04cfs	06/01/1945	Domestic	1-01 to 12-31	T4S, R32E, S24: SWSW	Beneficial Use	
A35-11394	Groundwater	.04cfs	06/01/1945	Domestic	1-01 to 12-31	T4S, R32E, S24: SWNE	Beneficial Use	

G:\WPDATA\KWF\1446\CHART.SRB:sjw

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SEP 27 2005

EXHIBIT A
Cont.

Part of
SECTION 24, T.4 S. R.32 E. B.M.
BINGHAM COUNTY, IDAHO

SURVEYORS CERTIFICATE

I, KIM M. LEAVITT, a Registered Professional Land Surveyor in the State of Idaho do hereby certify that this plat is an accurate representation of the survey completed under my supervision.

Kim M. Leavitt 2-15-07
Kim M. Leavitt License No. 1993 Date

RECORDERS CERTIFICATE

Instrument No. _____
Line of Ord. _____
Date 2-15-07
Recorded in Bingham County, Idaho

County Recorder

LINE	BEARING	DISTANCE
1	N 89° 00' 00" W	63.00
2	S 79° 16' 11" W	468.83
3	S 86° 24' 11" W	100.87
4	S 82° 20' 33" W	70.00
5	S 82° 14' 02" W	378.00
6	S 18° 10' 00" W	100.23
7	S 84° 11' 10" W	706.70
8	S 84° 11' 11" W	640.63
9	S 82° 20' 33" W	113.50
10	S 84° 30' 12" W	861.73
11	S 87° 40' 11" W	300.70
12	S 84° 18' 14" W	100.10
13	S 84° 40' 00" W	771.34
14	S 84° 24' 00" W	110.10
15	S 84° 11' 30" W	700.70
16	S 84° 00' 00" W	640.63
17	S 84° 30' 00" W	640.63
18	S 84° 30' 00" W	640.63
19	S 84° 30' 00" W	640.63
20	S 84° 30' 00" W	640.63
21	S 84° 30' 00" W	640.63
22	S 84° 30' 00" W	640.63
23	S 84° 30' 00" W	640.63
24	S 84° 30' 00" W	640.63
25	S 84° 30' 00" W	640.63
26	S 84° 30' 00" W	640.63
27	S 84° 30' 00" W	640.63
28	S 84° 30' 00" W	640.63
29	S 84° 30' 00" W	640.63
30	S 84° 30' 00" W	640.63
31	S 84° 30' 00" W	640.63
32	S 84° 30' 00" W	640.63
33	S 84° 30' 00" W	640.63
34	S 84° 30' 00" W	640.63
35	S 84° 30' 00" W	640.63
36	S 84° 30' 00" W	640.63
37	S 84° 30' 00" W	640.63
38	S 84° 30' 00" W	640.63
39	S 84° 30' 00" W	640.63
40	S 84° 30' 00" W	640.63

LEGEND

- Section control corners
- Placed 1/2" iron rod with cap marked N.L.S. 4583
- Fence line 00028-?
- 00029-?



HARPER-LEAVITT ENGINEERING, INC.
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

1000 W. JOURNAL BL. - PO BOX 650 - BOZEMAN, MONT 59701 - 1-406-593-1000 FAX 406-593-1000

NO. 00 2010
DATE 12-0-00
OWN JOHN CUM.
TAXE 2-0-0 FILE OF PLATS
COPYRIGHT © 1906 N.L.S.
ALL RIGHTS RESERVED

PLAT OF SURVEY

HOUGHLAND FARMS

07097-F
07098-F
07142-13

WATER RIGHTS RECORDS

00028-?
00029-?

Plat Map

SCANNED
SEP 27 2009

NOTED

26

14	13
23	24



POTENTIAL
CONSERVATION
EASEMENT

⊙ POWER POLE

⊙ EXISTING WELLS/WEEL

■ BUILDING

————— | ————— IRRIGATION MAIN LINE

△ HILL

————— OVERHEAD POWER

————— IRRIGATED LAND

————— IRRIGATED LINE

(IN FEET)
1 inch = 400 ft.

NORTH FORK ENERGY INC.

HARPER-LEAVITT ENGINEERING, INC.
PROFESSIONAL ENGINEERS AND LAND SURVEYORS
ONE E. JENNINGS ST., P.O. BOX ONE, BLACKSBURG,
SHAW COUNTY (202) TWO-SEVEN
ONE E. CHURCH AVE., P.O. BOX NINE, SHAW FALLS
SHAW COUNTY (202) SEVEN-ONE

JOB NO.: 10001	SHEET
DATE: 10-13-66	1
DRAWN BY: LME	OF
CHECKED BY: A.G.J.	1
CONTINUED FROM REV. 404 (REVISION)	

SEP 27 2005
SOLVED

RECEIVED

8-7-96

To: Steve Clelland

From: Bish Beymer

MICROFILMED

NOV 15 1996

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EXHIBIT A

THAT PORTION OF THE FOLLOWING LEGAL DESCRIPTION

PARCEL I:

Part of the NE¼ of Section 24, Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho, described as:
Beginning at a point on the West line of a county road that is S 0°13'14" W 1001.26 feet along the section line and N 89°40'08" W 57.90 feet from the Northeast corner of said Section 24 and running thence S 1°11'42" W 1128.14 feet along said West line to the North line of a county road; thence S 80°53'08" W 813.33 feet along said North line; thence S 81°36'36" W 753.22 feet along said North line; thence N 2°55'53" W 1377.93 feet; thence S 89°40'08" E 1642.24 feet to the point of beginning.

PARCEL II:

Part of Section 24, 25 and 26, Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho, described as:
Beginning at a point on the south line of a county road that is S 0°13'14" W 2179.74 feet along the section line and West 83.95 feet from the Northeast corner of said Section 24 and running thence S 81°36'31" W 1192.27 feet along said South line; thence S 78°49'32" W 1368.55 feet; thence S 79°16'11" W 402.03 feet; thence S 89°24'11" W 198.67 feet; thence S 89°59'48" W 2075.55 feet along said South line to the West line of said Section 24; thence leaving said county road S 0°32'53" W 2618.34 feet along the section line to the Southwest corner of said Section 24; thence N 89°28'36" W 1325.23 feet along a fence line; thence S 1°04'04" W 1268.04 feet along said fence; thence S 55°28'37" W 90.03 feet; thence N 89°46'17" W 958.92 feet along said fence line to the East line of a county road; thence S 5°14'03" E 379.68 feet along said East line; thence S 16°10'45" W 198.21 feet; thence S 56°11'16" W 256.70 feet; thence S 0°11'21" W 546.83 feet; thence S 53°20'44" E 115.52 feet along said East line to the North line of said county road; thence S 88°50'14" E 561.72 feet along said North line; thence S 87°40'11" E 380.70 feet; thence S 84°18'14" E 186.12 feet; thence S 80°40'02" E 265.21 feet; thence N 80°18'38" E 732.64 feet; thence S 89°24'55" E 271.34 feet; thence N 84°41'36" E 213.19 feet; thence N 69°59'04" E 200.75 feet; thence N 59°36'35" E 521.39 feet; thence N 53°39'50" E 263.65 feet; thence N 31°17'57" E 502.46 feet; thence N 81°43'25" E 787.30 feet; thence S 89°36'24" E 702.19 feet; thence S 64°24'39" E 620.55 feet; thence S 69°30'02" E 233.65 feet; thence S 84°26'23" E 323.64 feet; thence S 74°29'47" E 1219.71 feet; thence S 75°50'39" E 443.76 feet along said North line; thence leaving said county road N 1°30'06" W 110.13 feet; thence N 1°26'14" W 2304.88 feet along a fence line; thence N 1°42'30" W 3088.94 feet along said fence line to the point of beginning.

PARCEL IIA:

Part of Section 25, Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho, described as:
Beginning at a point on the Southerly line of a county road that is S 88°51'23" W 104.34 feet from the East ¼ corner of said Section 25 and

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

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

Incomplete forms will be returned.

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Department of Water Resources
Southern Region

1. Water Right Number(s) see Attached copy of listing
Adjudication Claim Number(s) " " " " "
2. The following **REQUIRED** information must be submitted with this form.

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

AND

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

OR

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

3. Name and Address of Former Owner/Claimant(s) WESTERN STAR FARMS, INC.
P.O. Box 34
TWIN FALLS, ID 83303

4. New Owner/Claimant(s) NORTH FORK ENERGY, INC. ATTN:
Name connector (Check one): [] AND, [] OR, [] AND/OR RICHARD D. HEATON
New Mailing Address 4414 S. GEKELER LANE

City, State and ZIP Code BOISE ID 83705

New Telephone Number () - -

5. Date you acquired the property 4-25-1996 (BILL OF SALE)

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

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

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

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

7. Signature of New Owner/Claimant(s) North Fork Energy Inc. Date 7-31-96
C.D. Deymel Date _____

- (Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

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Department of Water Resources
Southern Region

LIST OF WATER RIGHTS AS SHOWN IN
IDWR RECORDS

Water Right ID Number	Source	Amount	Nature or Priority	Purpose of Use	Season of Use	Point of Diversion	Evidence	Acreage (if irrigation right)
35-00007	Springs tributary to Boone Creek	6.00cfs	05/01/1887	Irrigation	?	T4S, R32E, S24: SWNE, SENE	Decree	?
35-00028	Boone Creek	1.20cfs	05/01/1888	Irrigation	?	?	Decree	?
35-00029	Rich's Spring	.40cfs	05/01/1897	Irrigation	?	?	Decree	?
35-00047	Spring, Wastewater	.50cfs	09/01/1895	Irrigation	?	?	Decree	?
35-02014	Boone Spring	1.30cfs	11/21/1908	Irrigation Domestic	?	T4S, R32E, S24: SENE	License	?
35-02016	Tanner Spring Hull Spring	4.00cfs	03/01/1909	Irrigation Fish Propagation Domestic	?	T4S, R32E, S25: NENE T4S, R33E, S30: SWNW, NWSW	License	90
5-04271	Spring tributary to Boom Creek	50.00cfs	06/01/1945	Fish Propagation	1-01 to 12-31	T4S, R32E, S24: SENE	Statutory Claim	
35-07097	Groundwater	4.00cfs	09/30/1969	Fish Propagation Domestic	1-01 to 12-31	T4S, R33E, S30: SWNW, NWSW	License	
35-07098	Springs tributary to American Falls Reservoir	20.00cfs	08/02/1969	Fish Propagation	1-01 to 12-31	T4S, R33E, S30: SWNW, NWSW	License	
35-07138	Groundwater	1.08cfs	04/08/1970	Irrigation	4-01 to 11-01	T4S, R32E, S24: SENE	License	54
35-07141	Groundwater	4.80cfs	04/08/1970	Irrigation	4-15 to	T4S, R32E, S24:	License	240

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Exhibit A

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35-07142	Unnamed stream	2.62cfs	04/08/1970	Irrigation	10-01 4-01 to 11-01	SESE T4S, R33E, S30: NWSW	License
35-08635	Groundwater (artesian well) tributary to Boom Creek	5.00cfs	12/17/1986	Fish Propagation	1-01 to 12-31	T4S, R32E, S24: SWNE	Permit
35-08679	Groundwater	1.00cfs	12/26/1988	Commercial	1-01 to 12-31	T4S, R32E, S24: SENE	License

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Department of Water Resources
Southern Region

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NOV 15 1996

Exhibit A Cont.

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Department of Water Resources
Southern Region

LIST OF WATER RIGHTS AS SHOWN IN
SRBA CLAIMS

Water Right ID Number	Source	Amount	Priority	Nature or Purpose of Use	Season of Use	Point of Diversion	Evidence	Acreage (if irrigation right)
A35-04271	Spring tributary to Boom Creek	.50cfs	06/01/1945	Fish Propagation	1-01 to 12-31	T4S, R32E, S24: NWSENE	Statutory Claim	
A35-07097	Groundwater	4.00cfs	09/30/1969	Fish Propagation Domestic	1-01 to 12-31	T4S, R33E, S30: SWNW	License	
A35-07098	Spring tributary to Snake River	20.00cfs	08/22/1969	Fish Propagation	1-01 to 12-31	T4S, R33E, S30: SWSWNW	License	
A35-07138	Groundwater	3.82cfs	04/08/1970	Irrigation Domestic	4-15 to 10-01 1-01 to 12-31	T4S, R32E, S24: SWNE	Permit	190
A35-07141	Groundwater	4.80cfs	04/08/1970	Irrigation	4-15 to 10-01	T4S, R32E, S24: SESE	License	240
A35-08635	Groundwater (artesian well) tributary to Boom Creek	5.00cfs	12/17/1986	Fish Propagation	1-01 to 12-31	T4S, R32E, S24: SWNE		
A35-11390	Springs tributary to Boom Creek	20.00cfs	06/01/1941	Fish Propagation	1-01 to 12-31	T4S, R32E, S24: SENWSW, NWSWSW	Beneficial Use	
A35-11392	Groundwater	.04cfs	06/01/1941	Domestic	1-01 to 12-31	T4S, R32E, S24: SWSW	Beneficial Use	
A35-11393	Groundwater	.04cfs	06/01/1945	Domestic	1-01 to 12-31	T4S, R32E, S24: SWSW	Beneficial Use	
A35-11394	Groundwater	.04cfs	06/01/1945	Domestic	1-01 to 12-31	T4S, R32E, S24: SWNEW	Beneficial Use	

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SEP 27 2005

PROVIDED

Exhibit A Cont.

NOV 15 1996
CHART

BILL OF SALE RELATING TO WATER RIGHTS

KNOW ALL MEN BY THESE PRESENTS, that **WESTERN STAR FARMS, INC.**, an Idaho corporation of P.O. Box 34, Twin Falls, Idaho 83303 ("Seller") for and in consideration of TEN DOLLARS (\$10) and other good and valuable consideration, received from **NORTH FORK ENERGY, INC.**, an Idaho corporation of 4414 S. Gekeler Lane, Boise, Idaho 83705 ("Purchaser"), the receipt whereof is hereby acknowledged, does by these presents, grant, bargain, sell and convey unto Purchaser whatever interest it may have, if any, in the water rights or claims to water rights, listed on the attached Exhibit "A". Seller makes no representations or warranties regarding such water rights or the interest being conveyed by this Bill of Sale. This Bill of Sale is being provided solely to assist Purchaser in seeking the transfer to it of such water rights or claims of water rights which may be transferable, and not as a guaranty or warranty of any kind of title to any such water rights or claims of water rights.

DATED: This 25th day of April, 1996.

SELLER

WESTERN STAR FARMS, INC.

By:

Charles B. Beymer
Charles B. Beymer, President

PURCHASER

NORTH FORK ENERGY, INC.

By:

Ronald C. Yanke
Ronald C. Yanke, President

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NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: 4-25-96

LEGAL DESCRIPTION OF PROPERTY: Township See attached copy of legal description (subject to Contract of Sale). Range
Section , 1/4 of 1/4 of 1/4, Govt. Lot , BM.
Lot , Block , Subdivision/Townsite .

If you have additional legal descriptions, please attach separate sheet.

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

☐ Water Right Number(s) Assigned by IDWR: See attached copy of Bill of Sale

☐ Name and Address of Former Owner/Claimant(s)(Seller): Golden Eagle Ranch / Roger and Sybil Ferguson

P.O. Box 519

Rexburg, Idaho 83440

☐ New Owner/Claimant (Purchaser):

Western Star Farms, Inc.

☐ New Mailing Address:

P.O. Box 34

Twin Falls, Idaho 83303

☐ New Telephone Number: () 328-2306

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

☐ Attach proof of ownership, describe proof attached: See attached copy of Bill of Sale (original in escrow subject to Contract of Sale).

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

☐ Signature of New Owner/Claimant(s) Western Star Farms, Inc. Date

By Charles B. Byrnes Pres Date 4-25-96

☐ Signature of Former Owner/Claimant(s): Roger Ferguson / Sybil Ferguson Date 4-27-96

Golden Eagle Ranch - By Roger Ferguson Date 4-27-96

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 7-31-96 By: SCC

Further Action Needed:

DATA ENTRY & PROCESS

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

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JUL 31 1996

SEP 27 2005

Department of Water Resources

Southern Region

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



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: 4-25-96

LEGAL DESCRIPTION OF PROPERTY: Township See attached copy of legal description (subject to Contract of Sale) Range
Section , 1/4 of 1/4 of 1/4, Govt. Lot , BM.
Lot , Block, , Subdivision/Townsite .
If you have additional legal descriptions, please attach separate sheet.

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

[] Water Right Number(s) Assigned by IDWR: See attached copy of Bill of Sale

[] Name and Address of Former Owner/Claimant(s)(Seller): Golden Eagle Ranch / Roger and Sybil Ferguson
P.O. Box 519

[] New Owner/Claimant (Purchaser): Rexburg, Idaho 83440
Western Star Farms, Inc.

[] New Mailing Address: P.O. Box 34
Twin Falls, Idaho 83303

[] New Telephone Number: () -

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

[] Attach proof of ownership, describe proof attached: See attached copy of Bill of Sale (original in escrow subject to Contract of Sale).

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

[] Signature of New Owner/Claimant(s) By Western Star Farms, Inc. Date
Charles B. Byrnes Pres Date 4-25-96

[] Signature of Former Owner/Claimant(s): Roger Ferguson / Sybil Ferguson Date 4-27-96
Golden Eagle Ranch - By Roger Ferguson Date 4-27-96

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 7-31-96 By: SCC

Further Action Needed:

DATA ENTRY & PROCESS

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

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Department of Water Resources

Southern Region

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

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III

BILL OF SALE RELATING TO WATER RIGHTS

KNOW ALL MEN BY THESE PRESENTS, that ROGER FERGUSON and SYBIL FERGUSON, husband and wife, of Rexburg, Idaho and Golden Eagle Ranch, also of Rexburg, Idaho ("Sellers") for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, received from WESTERN STAR FARMS, INC., an Idaho corporation, of Twin Falls, Idaho ("Purchaser"), the receipt whereof is hereby acknowledged, do by these presents, grant, bargain, sell and convey unto Purchaser whatever interest they may have, if any, in the water rights or claims to water rights listed on the attached Exhibit A. Sellers make no representations or warranties regarding such water rights or the interests being conveyed by this Bill of Sale. This Bill of Sale is being provided solely to assist Purchaser in seeking the transfer to it of such water rights or claims of water rights which may be transferable, and not as a guarantee or warranty of any kind of title to any such water rights or claims of water rights.

DATED this 25th day of April, 1996.

SELLERS

Roger Ferguson
Roger Ferguson

Sybil Ferguson
Sybil Ferguson

GOLDEN EAGLE RANCH

By Roger Ferguson
Roger Ferguson

PURCHASER

WESTERN STAR FARMS, INC.

By Charles B. Beymer Pres.
Charles B. Beymer, President

PROFILED

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SEP 27 2005

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**LIST OF WATER RIGHTS AS SHOWN IN
SRBA CLAIMS**

<u>Water Right ID Number</u>	<u>Source</u>	<u>Amount</u>	<u>Priority</u>	<u>Nature or Purpose of Use</u>	<u>Season of Use</u>	<u>Point of Diversion</u>	<u>Evidence</u>	<u>Acreage (if irrigation right)</u>
A35-04271	Spring tributary to Boom Creek	.50cfs	06/01/1945	Fish Propagation	1-01 to 12-31	T4S, R32E, S24: NWSENE	Statutory Claim	
A35-07097	Groundwater	4.00cfs	09/30/1969	Fish Propagation Domestic	1-01 to 12-31	T4S, R33E, S30: SWNW	License	
A35-07098	Spring tributary to Snake River	20.00cfs	08/22/1969	Fish Propagation	1-01 to 12-31	T4S, R33E, S30: SWSWNW	License	
A35-07138	Groundwater	3.82cfs	04/08/1970	Irrigation Domestic	4-15 to 10-01 1-01 to 12-31	T4S, R32E, S24: SWNE	Permit	190
A35-07141	Groundwater	4.80cfs	04/08/1970	Irrigation	4-15 to 10-01	T4S, R32E, S24: SESE	License	240
A35-08635	Groundwater (artesian well) tributary to Boom Creek	5.00cfs	12/17/1986	Fish Propagation	1-01 to 12-31	T4S, R32E, S24: SWNE		
A35-11390	Springs tributary to Boom Creek	20.00cfs	06/01/1941	Fish Propagation	1-01 to 12-31	T4S, R32E, S24: SENWSW, NWSWSW	Beneficial Use	
A35-11392	Groundwater	.04cfs	06/01/1941	Domestic	1-01 to 12-31	T4S, R32E, S24: SWSW	Beneficial Use	
A35-11393	Groundwater	.04cfs	06/01/1945	Domestic	1-01 to 12-31	T4S, R32E, S24: SWSW	Beneficial Use	
A35-11394	Groundwater	.04cfs	06/01/1945	Domestic	1-01 to 12-31	T4S, R32E, S24: SWNEW	Beneficial Use	

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35-07142	Unnamed stream	2.62cfs	04/08/1970	Irrigation	10-01 4-01 to 11-01	SESE T4S, R33E, S30: NWSW	License	162
35-08635	Groundwater (artesian well) tributary to Boom Creek	5.00cfs	12/17/1986	Fish Propagation	1-01 to 12-31	T4S, R32E, S24: SWNE	Permit	
35-08679	Groundwater	1.00cfs	12/26/1988	Commercial	1-01 to 12-31	T4S, R32E, S24: SENE	License	

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SEP 27 2005

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Exhibit A Cont.

NOV 15 2005

**LIST OF WATER RIGHTS AS SHOWN IN
IDWR RECORDS**

<u>Water Right ID Number</u>	<u>Source</u>	<u>Amount</u>	<u>Nature or Priority</u>	<u>Purpose of Use</u>	<u>Season of Use</u>	<u>Point of Diversion</u>	<u>Evidence</u>	<u>Acreage (if irrigation right)</u>
35-00007	Springs tributary to Boone Creek	6.00cfs	05/01/1887	Irrigation	?	T4S, R32E, S24: SWNE, SENE	Decree	?
35-00028	Boone Creek	1.20cfs	05/01/1888	Irrigation	?	?	Decree	?
35-00029	Rich's Spring	.40cfs	05/01/1897	Irrigation	?	?	Decree	?
35-00047	Spring, Wastewater	.50cfs	09/01/1895	Irrigation	?	?	Decree	?
35-02014	Boone Spring	1.30cfs	11/21/1908	Irrigation Domestic	?	T4S, R32E, S24: SENE	License	?
35-02016	Tanner Spring Hull Spring	4.00cfs	03/01/1909	Irrigation Fish Propagation Domestic	?	T4S, R32E, S25: NENE T4S, R33E, S30: SWNW, NWSW	License	90
35-04271	Spring tributary to Boom Creek	50.00cfs	06/01/1945	Fish Propagation	1-01 to 12-31	T4S, R32E, S24: SENE	Statutory Claim	
35-07097	Groundwater	4.00cfs	09/30/1969	Fish Propagation Domestic	1-01 to 12-31	T4S, R33E, S30: SWNW, NWSW	License	
35-07098	Springs tributary to American Falls Reservoir	20.00cfs	08/02/1969	Fish Propagation	1-01 to 12-31	T4S, R33E, S30: SWNW, NWSW	License	
35-07138	Groundwater	1.08cfs	04/08/1970	Irrigation	4-01 to 11-01	T4S, R32E, S24: SENE	License	54
35-07141	Groundwater	4.80cfs	04/08/1970	Irrigation	4-15 to	T4S, R32E, S24:	License	240

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SEP 27 2005

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Exhibit A

ADJUDICATION CLAIMS

SCANNED
SEP 27 2005

Plat Map

PROFESSIONAL

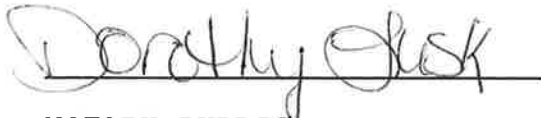
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AUGUST 13, 1991

DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83402

EVIDNECE OF PRIORITY
WATER LICENSE A 3511390

I, PORTER HOUGHLAND, DO HEREBY TESTIFY TO THE WATER RIGHT LICENSE A 3511390. The water has been in use for the purpose of fish propagation since 1941. The entire 20 cfs is required for the purpose of egg hatching and growth of fingerlings to market size trout. I personally managed this operation until 1986. The property was then sold to Roger Ferguson, who has been using it exclusively for fish propogation.



NOTARY PUBLIC

My Commission Expires March 15, 1994

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SEP 27 2005

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DEC 11 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033

Fax (208) 736-3037

August 8, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

RECEIVED

AUG 09 1996

NORTH FORK ENERGY INC
ATTN RICHARD D HEATON
4414 S GEKELER LANE
BOISE ID 83705

Department of Water Resources
Eastern Region

RE: CHANGE OF OWNERSHIP SRBA CLAIM NOS.

A35-04271, A35-07097, A35-07098, A35-07138, A35-07141

A35-08635, A35-11390, A35-11392, A35-13393, A35-11394

AND WATER RIGHT NOS.

35-00007, 35-00028, 35-00029, 35-00047, 35-02014

35-02016, 35-04271, 35-07097, 35-07098, 35-07138

35-07141, 35-07142, 35-08635 & 35-08679

DEAR SIR,

Pursuant to your request for a change in ownership and/or the notification that you presently own the property in which the above-referenced adjudication claim(s) is appurtenant, the department has changed the record of the current owners as you requested. Please find enclosed a copy of your adjudication claims, as they now appear in our records.

The water right numbers listed above will be changed at our state office in Boise. I have forwarded the documents and forms to them for completion.

If you have any further corrections or questions please contact any of our offices.

Sincerely,

STEVE CLELLAND
Water Resource Agent

ENC:

CC: Eastern Region
(208) 525-7161
State Office
(208) 327-7906

MICROFILMED

NOV 15 1996

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SEP 27 2005

~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~

28-Jun-1991

GOLDEN EAGLE RANCH
PO BOX 519
REXBURG, ID 83440

RE: **Evidence of Priority** A35-11390

Dear Claimant:

The Notice of Claim identified with the numbers shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is based on "Beneficial Use" or a "Statutory Claim". 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 Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notice 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 all of the 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 this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. **But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.**

Please submit the required evidence supporting the priority date by JULY 29, 1991, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

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SEP 27 2005

MICROFILMED
DEC 11 1992

Page 2

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. Every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Eric Verner
Senior Water Agent

EV:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

PROFILED

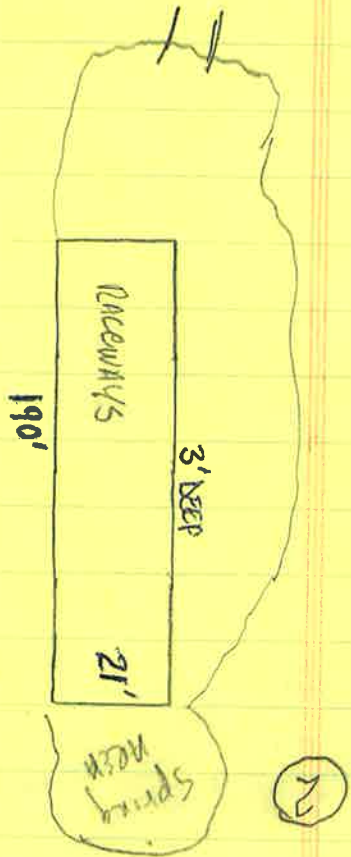
SCANNED
SEP 27 2005

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DEC 11 1992

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SCANNED
SEP 27 2005

29-4463



Fac Vol
11970 FT³



Fac Vol
(360 FT³)



Fac Vol.
14592 FT³

(4' x 72 x 300)
3' x 30 x 25

Main

- Thursday - Golden Eagle
- Friday - Golden Eagle

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: **A35-11390**
Date Received: 5/23/1989
Receipt No: E007828
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: NORTH FORK ENERGY INC
Address: ATTN RICHARD D HEATON
4414 S GEKELER LANE
BOISE ID 83705 208-342-8901

2. Date of Priority: JUN 1, 1941

3. Source: SPRINGS Trib. to: BOOM CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04S	32E	24	SE	NW	SW		BINGHAM
			NW	SW	SW		BINGHAM

5. Description of diverting works:
PONDED SPRINGS, TO RACEWAYS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	20.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
H/ FISH PROPOGATION AT HATCHERY II,

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04S	32E	24	NW	SW		FISH	
			SW	SW		FISH	

A35-11390

Page

1

SCANNED

Date: 01/21/99

SEP 27 2005

PROFILED

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

NONE

14. Remarks:

ORIGINAL CONCRETE RUNWAYS WERE CONSTRUCTED IN 1941 AND IS BEING USED AS THE BASIS FOR THE PRIORITY DATE OF THIS RIGHT.

CHANGE OF OWNERSHIP FILED WITH DEED, FORM & MAP. (SCC 8/8/96)

ADDED PHONE # 10/3/96/JT

OTHER INCIDENTAL USES RECREATION, WILDLIFE, AESTHETIC

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am President of _____ Title

North Fork Energy, Inc. Organization, that I have signed the foregoing

document in the space below as President of _____ Title

North Fork Energy, Inc. Organization and that the statements contained in the

foregoing document are true and correct.

Ronald C. Yare
Signature of Authorized Agent

President
Title and Organization

1/25/99
Date

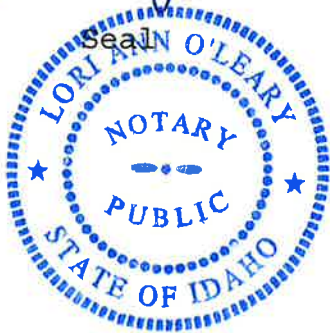
PROFILED

SCANNED

SEP 27 2005

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 25th day
of January 19 99



[Signature]
Notary Public

Residing at Boise, Idaho
My Commission Expires 7/12/2001

FILED

SEP 27 2005

AJ5809NP
No. R35-11390

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/15/99
PAGE: 5

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NORTH FORK ENERGY INC ATT RICHARD D HEATON 4414 S GELEKER LN BOISE ID 83705 (208) 342-8901	06/01/1941	FISH PROPAGATION	01-01 12-31	20.00 CFS	
TOTAL DIVERSION:					20.00 CFS	

Water Source: SPRINGS

Tributary to: UNNAMED STREAM

Stage: BENEFICIAL USE

Point(s) of Diversion: T04S R32E S24 SENWSW NESWSW NWSWSW

BINGHAM County

Place of use Legal Description for: FISH PROPAGATION
NE NW

T	R	S	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
04S	32E	24																

POU County: BINGHAM

Non-Irrigation Uses: FISH PROPAGATION/ TROUT FARM

Conditions of Approval:

- C12 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
 - RIGHTS IN BASIN 35:
 - WATER RIGHT NO. SOURCE
 - NONE NONE
 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
 - IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
 - RIGHTS IN THE SNAKE RIVER BASIN:
 - WATER RIGHT NO. SOURCE
 - NONE NONE
 - ALL WATER RIGHTS WITHIN BASIN 35 ARE FROM CONNECTED SOURCES
 - OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
 - CONJUNCTIVELY.

Remarks: QNT FACILITY VOLUME 12.5 AF.

Dates: Exam Made Date: 09/27/1993 Verified Date: Objection Filed Date:

Misc: Water District Number: 01 Field Inspection Flag:
Presumption Flag:

SCANNED
SEP 27 2005

PROFILED

AJ0749NP
No. R35-11390

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 10/22/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NORTH FORK ENERGY INC ATT RICHARD D HEATON 4414 S GELEKER LN BOISE ID 83705 (208) 342-8901	06/01/1941	FISH PROPAGATION	01-01 12-31	20.00 CFS	
				TOTAL DIVERSION:	20.00 CFS	

Water Source: SPRINGS

Tributary to: UNNAMED STREAM

Stage: BENEFICIAL USE

Point(s) of Diversion: T04S R32E S24 SENWSW NESWSW NWSWSW BINGHAM County

Place of use Legal Description for: FISH PROPAGATION

NE				NW				SW				SE											
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	
04S	32E	24	:					:					:		F	F		:					:

POU County: BINGHAM

Non-Irrigation Uses: FISH PROPAGATION/ TROUT FARM

Remarks: QNT FACILITY VOLUME 12.5 AF.

Dates: Exam Made Date: 09/27/1993 Verified Date: Objection Filed Date:

Misc: Water District Number: 01 Field Inspection Flag:
Presumption Flag:

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SEP 27 2005

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A35-11390
Date Received: 5/23/1989
Receipt No: E007828
Received By: Aser

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
AUG 09 1996
Department of Water Resources
Eastern Region

1. Name: NORTH FORK ENERGY INC
Address: ATTN RICHARD D HEATON
4414 S GEKELER LANE
BOISE ID

83705

2. Date of Priority: JUN 1, 1941

3. Source: SPRINGS Trib. to: BOOM CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04S	32E	24	SE	NW	SW		BINGHAM
			NW	SW	SW		BINGHAM

5. Description of diverting works:
PONDED SPRINGS, TO RACEWAYS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	20.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
H/ FISH PROPOGATION AT HATCHERY II,

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04S	32E	24	NW	SW		FISH	
			SW	SW		FISH	

MICROFILMED
NOV 15 1996

PROFILED

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
NONE

14. Remarks:

ORIGINAL CONCRETE RUNWAYS WERE CONSTRUCTED IN 1941 AND IS BEING
USED AS THE BASIS FOR THE PRIORITY DATE OF THIS RIGHT.

CHANGE OF OWNERSHIP FILED WITH DEED, FORM & MAP. (SCC 8/8/96)

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Organizations:

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

Signature of Authorized Agent

Title and Organization

Date

MICROFILMED
NOV 15 1996

PROFILED

SCANNED
SEP 27 2005

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 _____

PROFILED

MICROFILMED
NOV 15 1996
SCANNED
Date: 08/08/96
SEP 27 2005

250⁰⁰ X

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: A35-11390
Date Received: 5/23/1989
Receipt No: E007828
Received By: ENC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GOLDEN EAGLE RANCH 208-356-3813
Address: P.O. BOX 519
REXBURG, ID 83440

2. Date of Priority: JUN 01, 1941

3. Source: SPRINGS Trib. to: BOOM CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04S	32E	24	SE	NW	SW		BINGHAM
			NW	SW	SW		BINGHAM

5. Description of diverting works:
PONDED SPRINGS, TO RACEWAYS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	20.000		

7. Total Quantity Appropriated is:
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8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
H/ FISH PROPOGATION AT HATCHERY II,

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04S	32E	24	NW	SW		FISH	
			SW	SW		FISH	

A35-11390

Page 1

Date: 05/23/89

PROFILED

SCANNED
SEP 27 2005

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DEC 11 1992

A3511390



11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
NONE

14. Remarks:

ORIGINAL CONCRETE RUNWAYS WERE CONSTRUCTED IN 1941 AND IS BEING
USED AS THE BASIS FOR THE PRIORITY DATE OF THIS RIGHT.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Organizations:

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

[Signature]
Signature of Authorized Agent

MANAGER GOLDEN EAGLE RANCH
Title and Organization

5-23-89

Date

PROFILED

SCANNED
SEP 27 2005

MICROFILMED
DEC 11 1992

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 23 day

of May 19 89

Ernest Culsen
Notary Public

Seal

Residing at Adabo Falls, AD.

My Commission Expires 6-14-1994.

PROFILED

SCANNED
SEP 27 2005

MICROFILMED
DEC 11 1992

