

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

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 18 2002	
By _____	Clerk
_____	Deputy Clerk

In Re SRBA

Case No. 39576

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

Water Right 35-13323

NAME AND ADDRESS: CAPITAL LENDING INC
3905 STATE ST #7148
SANTA BARBARA, CA 93105

SOURCE: UNNAMED STREAM TRIBUTARY: SNAKE RIVER

QUANTITY: 1.62 CFS
324.00 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.62 CFS. COMBINED RIGHT NOS.:
35-07138, 35-13323

PRIORITY DATE: 05/01/1987

POINT OF DIVERSION: T04S R32E S24 SWNE Within Bingham County
SESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.62 CFS 324.00 AFY

PLACE OF USE:	Irrigation	Within Bingham County
	T04S R32E S24	SWNE 4.0 SENE 1.0 NESW 24.0 NWSW 7.0 SESW 21.0 NESE 1.0 NWSE 23.0
	81.0 Acres Total	

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 81 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 35-7138, 35-13323

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

PROFILED

SCANNED
OCT 11 2005

2002 JUL 18 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 35-13323

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 35-13323 was mailed
on July 18, 2002, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CAPITAL LENDING INC
3905 STATE ST #7148
SANTA BARBARA, CA 93105

ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

PROFILED

SCANNED

OCT 11 2005

PAGE 1
07/18/02

RECEIVED

JUL 19 2002

Department of Water Resources

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 18 2002	
By _____	Clerk
_____	Deputy Clerk

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

In Re SRBA

Case No. 39576

)
) ORDER OF PARTIAL DECREE
)
) For Water Right 35-13323
)

On May 1, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 35-13323 is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED July 18, 2002

Roger Burdick

ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

PROFILED

SCANNED

OCT 11 2005

05/14/2002

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

RIGHT NUMBER: 35-13323 MODIFIED PER TRANSFER 69365
NAME AND ADDRESS: CAPITAL LENDING INC
3905 STATE ST #7148
SANTA BARBARA CA 93105
SOURCE: UNNAMED STREAM TRIBUTARY: SNAKE RIVER
QUANTITY: 1.62 CFS
324.0 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.62 CFS. COMBINED RIGHT NOS.: 35-07138,
35-13323

PRIORITY DATE: 05/01/1887

POINT OF DIVERSION:

T04S R32E S24 SWNE Within BINGHAM County

T04S R32E S24 SESW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.620 CFS 324.00 AFY

PLACE OF USE: IRRIGATION Within BINGHAM County

T04S R32E S24	SWNE	4.0	T04S R32E S24	SENE	1.0
T04S R32E S24	NESW	24.0	T04S R32E S24	NWSW	7.0
T04S R32E S24	SESW	21.0	T04S R32E S24	NESE	1.0
T04S R32E S24	NWSE	23.0			

81 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 81 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 35-7138,
35-13323

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Decreed

SOURCE IS ALSO KNOWN AS BOOM CREEK, BOONE CREEK.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION 42-1425,
IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO
SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION
42-1425, IDAHO CODE.
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 35-00007.

1

FILED

35-13323

SCANNED
OCT 11 2005

02/25/2002

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

RIGHT NUMBER: 35-13323 MODIFIED PER TRANSFER 69365

NAME AND ADDRESS: CAPITAL LENDING INC
3905 STATE ST #7148
SANTA BARBARA CA 93105

SOURCE: UNNAMED STREAM

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.620 CFS
324.00 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.62 CFS. COMBINED RIGHT NOS.: 35-07138,
35-13323

PRIORITY DATE: 05/01/1887

POINT OF
DIVERSION:

T04S R32E S24 SWNE Within BINGHAM County
T04S R32E S24 SESW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.620 CFS 324.00 AFY

PLACE OF USE: IRRIGATION Within BINGHAM County

T04S R32E S24	SWNE	4.0	T04S R32E S24	SENE	1.0
T04S R32E S24	NESW	24.0	T04S R32E S24	NWSW	7.0
T04S R32E S24	SESW	21.0	T04S R32E S24	NESE	1.0
T04S R32E S24	NWSE	23.0			

81 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 81 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 35-7138, 35-13323

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY
FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF
THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A
POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION
42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Source is also known as Boom Creek, Boone Creek.
Right includes accomplished change in source pursuant to Section 42-1425,
Idaho Code.
Right includes accomplished change in point of diversion pursuant to
Section 42-1425, Idaho Code.
Right includes accomplished change in place of use pursuant to Section 42-
1425, Idaho Code.
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 35-00007.

PROFILED

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OCT 11 2005

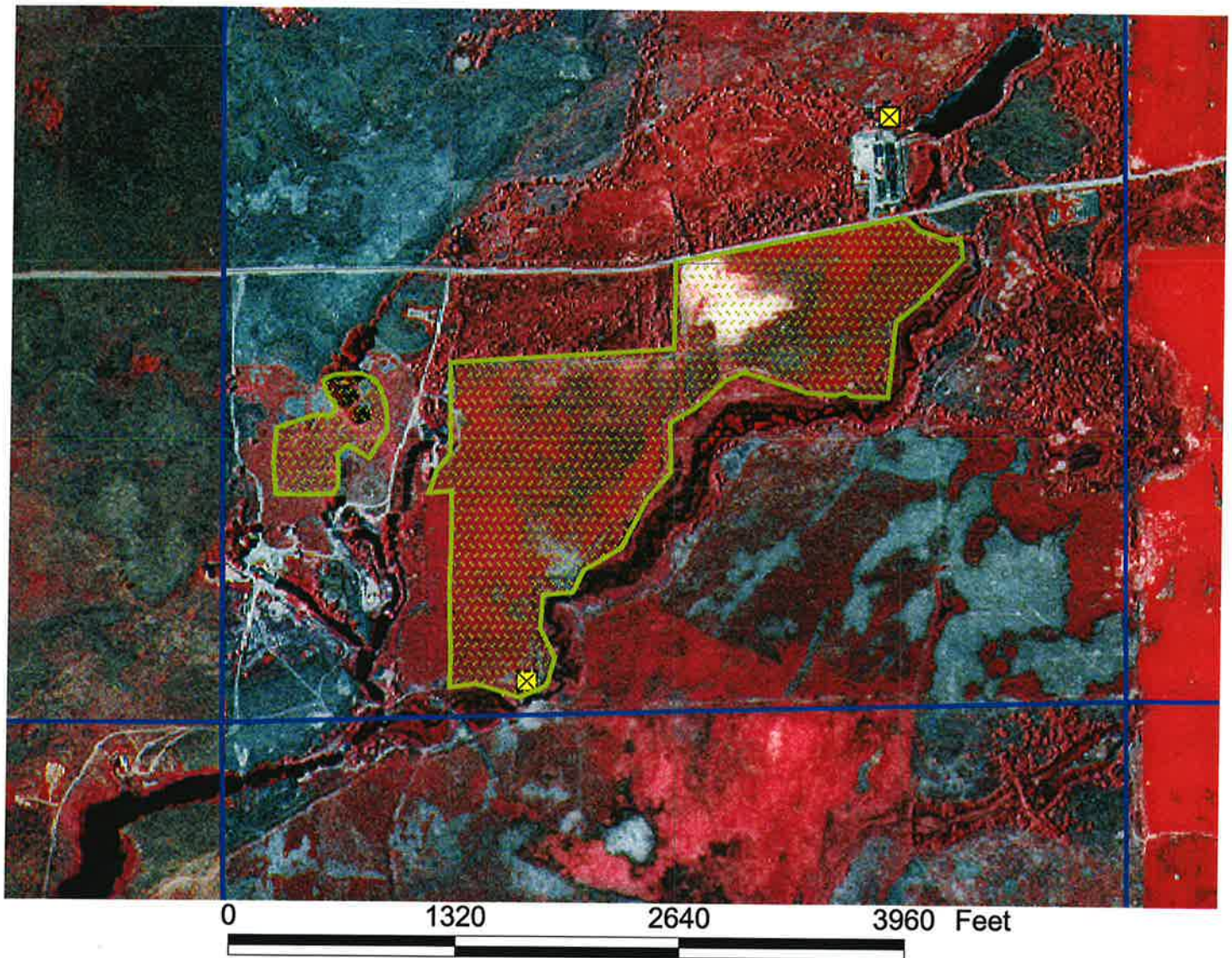
A3513323





Department of Water Resources

Claim No.: 35-13323



Irrigated Acres = 131

-  Water rights.shp
-  Pod.shp
-  GCDBT04S32E.shp
-  Sections



PROFILE

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepare by: E. Carlsen
Date: March 2002

OCT 11 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

October 1, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Correct Address

~~CAPITAL LENDING INC.
C/O CORPORATE SERVICE CENTER
350 S CENTER ST STE 500
RENO NV 89501-2114~~

*Capital Lending Inc.
3905 STATE ST. Suite 7148
Santa Barbara CA 93105*

Ph.# 805-683-0303

RE: Snake River Basin Adjudication (SRBA)

Water Rights #35-47, 35-02014, 35-7138, 35-7142B, 35-13323,
35-13324, 35-13350

*11-4-02 We have address
phone in our data base
already - P*

Dear Water Right Holder:

Mail sent to you by the SRBA District Court was returned undeliverable. We have enclosed the returned mail. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list any other water rights you have, and return this letter by October 15, 2002. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1/800-451-4129 to obtain a form to make this required change to the water right records.

RECEIVED

NOV 04 2002

SS:region
Department of Water Resources

Sincerely,

Sally
Sally Sherman
Technical Records Specialist
Adjudication Bureau

#####

The address is correct as shown above or as otherwise changed.

*President
Jh [Signature]
Capital Lending*

Water Right Holder's Signature

Telephone No.

PROFILED
2002

SCANNED

OCT 11 2005

STATE OF IDAHO
District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

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SEP 30 2002

Department of Water Resources

AS/ 35-47
35-2014
35-7142 B

WR/ 35-7138
35-13323
35-13324
35-13350



SCANNED

OCT 11 2005

NAME AND ADDRESS:

CAPITAL LENDING INC
1475 TERMINAL WAY, STE E
RENO, NV 89502

SOURCE:

BOONE SPRING

QUANTITY:

1.30 CFS

TRIB

CORP475 895022037 1601 06 09/20/02
FORWARD TIME EXP RTN TO SEND
:CORPORATE SERVICE CENTER
350 S CENTER ST STE 500
RENO NV 89501-2114

ACTUAL TO BE SENT

83303-2707



PROFILED



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 17, 2002

CAPITAL LENDING INC
3905 STATE ST #7148
SANTA BARBARA CA 93105

RE: Transfer #69365 (water right 35-7, 35-7138, 35-13323, 35-13324) and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir or Madam:

On January 8, 2002, the Idaho Department of Water Resources (IDWR) approved Transfer #69365 modifying a portion of the above referenced water right(s). Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right.

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 Crabtree
Technical Records Specialist

PROFILED

SCANNED
OCT 11 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)

Water Rights: 35-7 SPLIT INTO
35-13323, 35-13324
& 35-7138

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☒ I.C. § 42-222 transfer **69365**

- ☒ point of diversion ☒ place of use
- ☒ period of use ☒ nature of use
- ☒ split of water right ☐ change in ownership

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: May 16, 2002

Ernest Carlson

Signature of IDWR Representative

PROFILED

SCANNED
OCT 11 2005

CERTIFICATE OF MAILING

I certify that on May 17, 2002, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

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

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
CAPITAL LENDING INC
3905 STATE ST #7148
SANTA BARBARA CA 93105

3. One copy to:

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

4. One copy to:

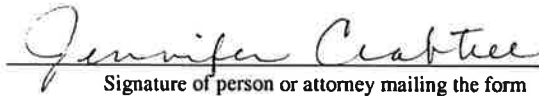
Each party in the subcase, or attorney of record
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

5. One copy each 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
OCT 11 2005

WATER RIGHT NO. 35-13323
As Modified by Transfer No. 69365

In accordance with the approval of Transfer No. 69365, Water Right No. 35-13323 is now described as follows.

Right Holder: CAPITAL LENDING INC
 1475 TERMINAL WAY STE E
 RENO NV 89502

Priority Date: 05/01/1887

Source: UNNAMED STREAM **Tributary:** SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	1.62 CFS	324.0 AF
			1.62 CFS	324.0 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM SWNE Sec. 24 Twp 04S Rge 32E BINGHAM County

UNNAMED STREAM SESW Sec. 24 Twp 04S Rge 32E BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
04S	32E	24			4.0	1.0							24.0	7.0			21.0	1.0	23.0	81.0

Total Acres: 81

CONDITIONS OF APPROVAL

1. Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.
2. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
3. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
5. Source is also known as Boom Creek, Boone Creek.

FILED

SCANNED
OCT 11 2005

WATER RIGHT NO. 35-13323
As Modified by Transfer No. 69365

6. Use of this right with Right 35-7138 is limited to a total combined diversion rate of 1.62 cfs.
7. Use of this right with Right 35-7138 is limited to the irrigation of a combined total of 81.0 acres in a single irrigation season.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 8th day of January, 2002


Chief, Water Allocation Bureau

PROFILED

SCANNED
OCT 11 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 22, 2002

CAPITAL LENDING INC
C/O HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

RE: Transfer #69365 (water rights 35-7138 & 35-7) and Notice of
Completed Administrative Proceeding (NCAP)

Dear Mr. Foster:

On January 8, 2002, the Idaho Department of Water Resources (IDWR) approved Transfer #69365, modifying a portion of the above referenced water right(s). Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right.

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 Crabtree
Technical Records Specialist

PROFILE

SCANNED
OCT 11 2005

WATER RIGHT NO. 35-13323
As Modified by Transfer No. 69365

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Right Holder: CAPITAL LENDING INC
 1475 TERMINAL WAY STE E
 RENO NV 89502

Priority Date: 05/01/1887

Source: UNNAMED STREAM **Tributary:** SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	1.62 CFS	324.0 AF
			1.62 CFS	324.0 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM SWNE Sec. 24 Twp 04S Rge 32E BINGHAM County

UNNAMED STREAM SESW Sec. 24 Twp 04S Rge 32E BINGHAM County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S 32E 24			4.0	1.0					24.0	7.0		21.0	1.0	23.0			81.0

Total Acres: 81

CONDITIONS OF APPROVAL

1. Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.
2. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
3. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
5. Source is also known as Boom Creek, Boone Creek.

PROFILED

SCANNED
OCT 11 2005

WATER RIGHT NO. 35-13323
As Modified by Transfer No. 69365

6. Use of this right with Right 35-7138 is limited to a total combined diversion rate of 1.62 cfs.
7. Use of this right with Right 35-7138 is limited to the irrigation of a combined total of 81.0 acres in a single irrigation season.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 8th day of January, 2002


Chief, Water Allocation Bureau

FILED

SCANNED
OCT 11 2005