

09/13/2005

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

RIGHT NUMBER: 37-4407

NAME AND ADDRESS: OPPIO FAMILY LIMITED PARTNERSHIP
PO BOX 381
GOODING ID 83330

SOURCE: WASTE WATER

TRIBUTARY: MALAD RIVER

QUANTITY: 4.280 CFS

Right nos. 37-238A, 37-239A, 37-240A and 37-4407 are limited to a total combined diversion rate of 6.00 cfs.

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

PRIORITY DATE: 05/01/1971

POINT OF DIVERSION:

T06S R14E S15 SENW Within GOODING County

T06S R14E S15 NWSW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	4.280 CFS
STOCKWATER	03/15 11/15	0.090 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T06S R14E S16	SWSE	20.0	T06S R14E S16	SESE	38.0
T06S R14E S21	NENE	38.0	T06S R14E S21	NWNE	4.0
T06S R14E S21	SWNE	5.0	T06S R14E S21	SENE	38.0
T06S R14E S21	NESE	40.0	T06S R14E S21	NWSE	31.0

STOCKWATER Within GOODING County

T06S R14E S16	SWSE	T06S R14E S16	SESE
T06S R14E S21	NENE	T06S R14E S21	NWNE
T06S R14E S21	SWNE	T06S R14E S21	SENE
T06S R14E S21	NESE	T06S R14E S21	NWSE

214 ACRES TOTAL

Right nos. 37-238A, 37-239A, 37-240A and 37-4407 are limited to the irrigation of a combined total of 291.5 acres in a single irrigation season.

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

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

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

09/13/2005

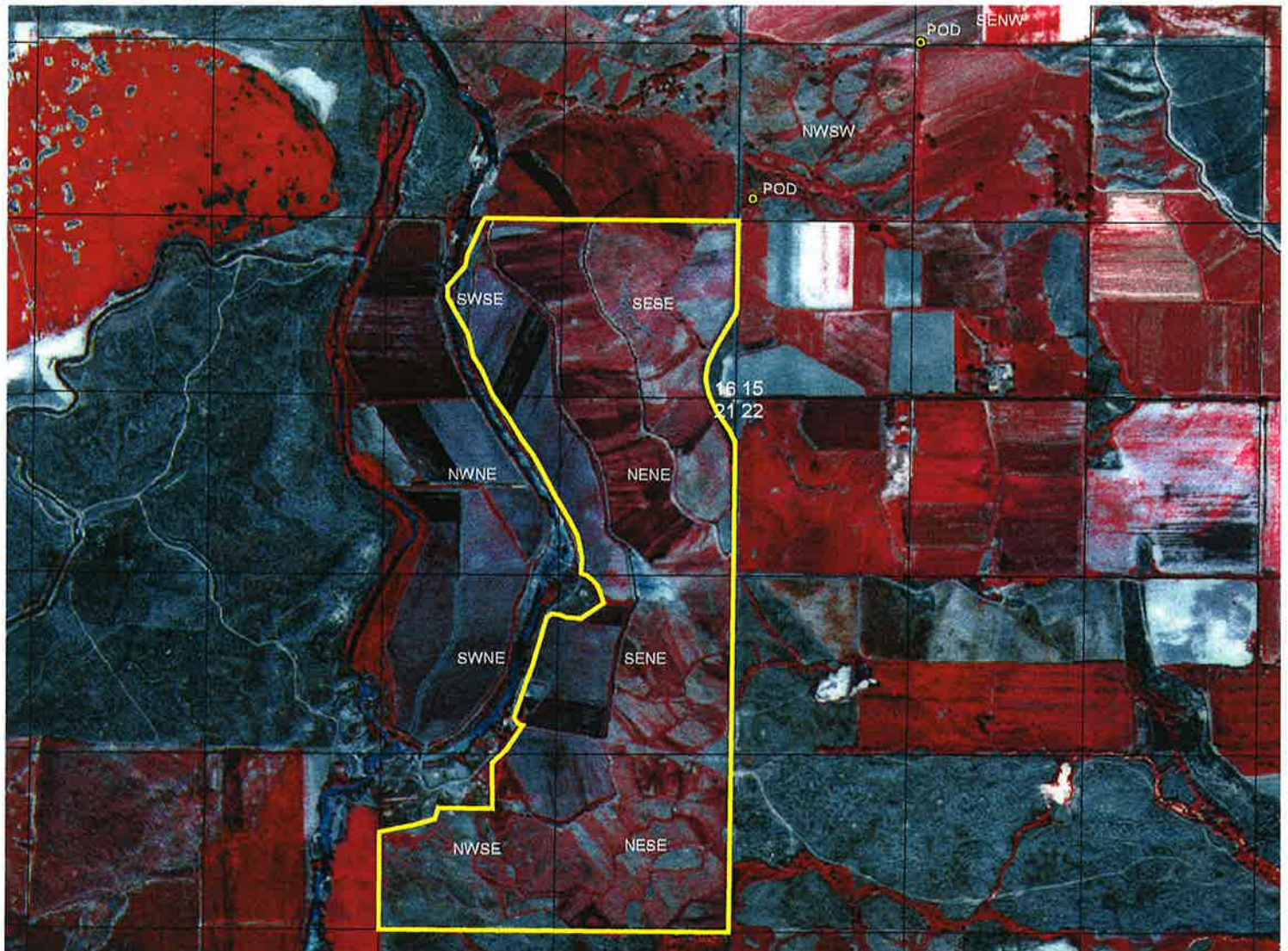
IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from American Falls Reservoir Dist.
No. 2.

The source of this right is waste water originally diverted by the Big Wood
Canal Co.

37-4407

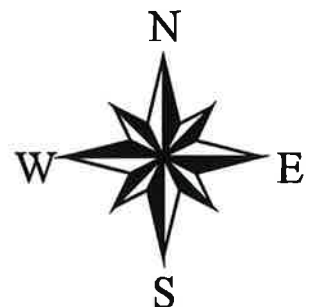


900 0 900 1800 2700 3600 4500 Feet



T06S R14E S16 & S21

Map prepared by: Carter Fritschle
Date prepared: 12/03/04
1987-1988 NAPP photography
Idaho Department of Water Resources



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APR 12 2005

Department of Water Resources

PARRY, ROBERTSON, DALY & LARSON

LAWYERS

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY (1913-1968)
BERT LARSON
C. G. MCINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
ROBERT C. PAINE

THE IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 525

TWIN FALLS, IDAHO 83301

TELEPHONE
(208) 733-3722

April 24, 1972

Mr. Joe Savage
Savage Ranches
441 Center Street East
Kimberly, Idaho 83341

Dear Joe:

Re: Waste Water

After you explained the waste water matter to me, I did some research concerning the subject since I had not been confronted with it in a couple of years and I wanted to refresh my memory.

After some study, I have concluded that basically my first impression was right - that is, that you cannot alter the ditch on your property to deprive your neighbor of waste water which he has traditionally used. You may alter the ditch with his consent if there is some other point where he can take the waste water to which he is entitled. If he is not entitled to any waste water, then you can do whatever you want to.

It comes down to this. If the water which wastes to your neighbor is water which you pump or receive from another source, then you have a right to do whatever you want to with it and are not required to waste any of it to him and might divert your waste water to any lands which you own. However, if the water in question arises on lands above you, and is in fact waste water, I am sure that probably both your predecessor and yourself as well as the neighbor below you have some rights in the waste water.

The Idaho Supreme Court has concluded that waste water can be appropriated under the same statute as the waters of

Mr. Joe Savage

-2-

April 24, 1972

any natural stream. The case of Sebern v. Moore, 44 Idaho 410, 58 Pac. 176, decided in 1927, clearly states that waste water is subject to appropriation the same as live streams.

I have written to the Department of Water Administration asking them to check to see if there are permits on waste water. If there are no permits or claims I presume that both your predecessor and your neighbor have some entitlement to waste water. If he has some entitlement, he probably has some entitlement in the ditch and, of course, must participate in cleaning it. If you remove the ditch, you deprive him of his waste water and are probably subject to suit.

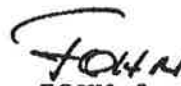
Even though you might improve your farm by changing the ditch, if you divert your neighbor's share of water, you are actually interfering with his right. However, if you can divert into your new ditch and still return his waste water to him at the same point, you are probably entitled to do that.

It is expensive to litigate on small water matters. I think the best approach might be, after we have heard from the Department of Water Administration as to whether or not there are any permits, to sit down with the neighbor below you and work out some kind of an agreement as to your respective rights.

If the neighbor above you ceases to waste water, of course the neighbor below you has no rights and neither one of you have any water.

The rules aren't much different for waste water but I think we would probably be better advised to approach this by talking to the neighbor first after we have the information from the state.

Sincerely,


JOHN A. ROSHOLT

JAR:php

PARRY, ROBERTSON, DALY & LARSON

LAWYERS

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY (1913-1988)
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ROBERT C. PAINE

THE IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 525

TWIN FALLS, IDAHO 83301

TELEPHONE
(208) 733-3722

April 26, 1972

Mr. W. B. Savage
403 Center Street East
Kimberly, Idaho 83341

Mr. Joe Savage
441 Center Street East
Kimberly, Idaho 83341

Re: Island Ranch - Gooding

Gentlemen:

Following our visit to the Gooding ranch on Friday, I have been in contact with both Mr. Ted Diehl of the North Side Canal Company and Mr. Reid Newby, the Water-master in Shoshone. Find enclosed a copy of a letter I would propose to send to Mr. Newby on your behalf. Note that in the letter I indicate that it would be impossible to make improvements at this time during the spring run-off but that we will correct the situation when the water levels subside.

In talking to Mr. Newby, he indicates that your ranch has four water rights through what is referred to as Upper Frost No. 38 (headgate). Your ranch is decreed one hundred inches (two cubic feet) with a priority date of April 15, 1883. You have a right to eighty-six inches with a priority date of August 29, 1884, and an additional flow right in the amount of one hundred fourteen inches with a priority date of June 1, 1895. In addition, you have what is referred to as an American Falls Reservoir District No. 2 supplemental right in the amount of 58.8 inches. According to the agreements on Wood River, you may only use this right when your one-hundred-and-fourteen-inch 1895 right has been cut. Granted at this point in time there is no

W. B. and Joe Savage

-2-

April 26, 1972

problem as to the amounts of water available. However, in Water Districts 37 and 37-M, you are billed annually on the amounts of water that are delivered to you. Mr. Newby indicates that because the ditchrider cannot get to your headgate to measure, the amount of water which you take during the year is probably overestimated, which consequently costs you more money in sharing the costs of the district. From this standpoint, it would be advantageous for you to insure that the measuring device is accurate and that the ditchrider can get to the site for the purpose of measuring. On Thursday, I will be in the Bliss area with Mr. Ted Diehl of the North Side Canal Company. I will take him by the ranch to take a look at the diversion structure and determine what costs might be involved in providing some access to your headgate for the ditchrider and also in updating your measuring device. Granted there is no problem with the measuring device so long as all the waterusers on the river are getting all the water that they want. When priorities are cut, it is then necessary that an accurate measuring device be installed so that proper allocations of water can be made.

Mr. Newby says that the ditchrider cannot now get to the headgate so it is difficult for the ditchrider to know what amount of water is being diverted to the ranch. He suggests, and rightfully so, that access to your headgate would insure you of getting the amount of water to which you are entitled and also insure that you are not being billed for more water than you receive.

I talked to Newby about the stream channel problem and the amount of water that was flowing by the ranch Friday when we visited. I suggested that perhaps the spillway on the east channel should be fully opened so as to permit more water to go through that channel and not flood and erode the stream banks of the west channel. It is his opinion that the west channel is the primary and natural channel of the stream at that point. He also indicated that he thought the spillway on the east channel should not have any boards checking the water into the west channel. I told him that there was so much water that I could not tell whether there were boards blocking the spillway. He agreed that the boards should be taken out of the spillway during the spring run-off so that the majority of the water would follow the east channel around the island.

PARRY, ROBERTSON, DALY & LARSON

W. B. and Joe Savage

-3-

April 26, 1972

Mr. Newby indicated that the letter sent out by A. Kenneth Dunn dated April 11, 1972, would not be enforced within the water district this year. However, he was serious about the improvements being made as soon as possible. I will be in a better position to assess the possible cost and to correct the situation after I have visited the site with Ted Diehl.

Sincerely,



JOHN A. ROSHOLT

JAR:php

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APR 12 2005
Department of Water Resources

PARRY, ROBERTSON, DALY & LARSON

LAWYERS

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THE IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 525
TWIN FALLS, IDAHO 83301

TELEPHONE
(208) 733-3722

May 10, 1972

Mr. W. B. Savage
403 Center Street East
Kimberly, Idaho 83341

Mr. Joe Savage
441 Center Street East
Kimberly, Idaho 83341

Gentlemen:

Re: Island Ranch

Find enclosed a copy of a letter from the office of Reid Newby. Apparently Reid is not happy about Ted Diehl's suggestion of a staff gauge. Note that he requests either a cipolletti weir or a submerged orifice. I have rechecked with Ted Diehl, who says he can install a weir for a reasonable cost, not much in excess of a staff gauge.

Newby explained on the telephone that he has some 2000 diversions which must be checked by the ditchrider and if he allowed everyone to emplace staff gauges, he would not have time to do anything but run current tests and rating curves. I presume that we should comply with the water district since the measuring device can be installed in the existing concrete structure.

Reid also talked some about the access problem stating that the road was nearly impassable around the island to the headgate when you are irrigating the island. I told him that I didn't think it should be our responsibility but that we would be happy to co-operate in giving them a right to place some type of a bridge or cable car across the river to get to the

PARRY, ROBERTSON, DALY & LARSON

W. B. Savage

-2-

May 10, 1972

headgate. He suggested that perhaps the cable car would be best and that he might be able to talk the American Falls Reservoir District No. 2 out of a cable car which they are no longer using and install it South of your fence line. He suggested that perhaps we participate financially in the installation cost but I suggested that I didn't think we were interested in anything other than a bridge wide enough to hold cattle. He stated that he would attempt to work out some type of an estimate on the cost or an alternative for placing boards across your diversion structure so that the ditchrider could get across after the river goes on control.

Ted Diehl advised that he would try to get to the headgate some time this week and begin work so that the measuring device would be installed before you begin to irrigate.

Sincerely,



JOHN A. ROSHOLT

JAR:php

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APR 12 2005

Department of Water Resources

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83702-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

A. ROSHOLT
J. ROBERTSON
S. C. TUCKER
J. D. SLETTE
Y. V. JENSEN
J. M. SMITH
Y. L. QUIGLEY
T. R. SEAMONS
N. O. FITZGERALD
E. ZALEHA
N. K. SIMPSON

July 10, 1992

Mr. Philip A. Brown
Attorney at Law
P.O. Box 32
Gooding, ID 83330-0032

DRAFT

Re: Savage - Luther

Dear Mr. Brown:

Please permit me to introduce myself by letter and to advise that this office, and our predecessor firm of Parry, Robertson & Daly have represented Savage Ranches, Inc. and Joe Savage over the last half century. Mr. Savage has shared your letter of June 16, 1992 with me.

I have some recollection of visiting the division box with my client and Mr. Luther, perhaps 20 years ago. At that time the division box was moved and reconstructed by a Mr. Johansen. Even though Joe and Charlie didn't then appreciate Mr. Johansen's endeavors, the box divided the waste water between the parties successfully for 20 years.

In this sixth year of drought, Joe will say Charlie first altered the box to take more than his share and Charlie will say the opposite. Joe will acknowledge altering the box, but only to restore the flows as they had always been.

My client alleges that Charlie has 22 acres under American Falls Reservoir District #2 and he has 90 acres and that the traditional division of the waste water has been 22/90ths. The structure is obviously not sophisticated enough to divide 19.65% and 80.35%, but we should be able to set it at something fairly close, like 20% - 80%.

109.6 shares
46 shares

Mr. Philip A. Brown
July 10, 1992
Page 2

Obviously American Falls Reservoir District #2 can cease delivering any waste water and the farmers above can cease wasting it. Mr. Savage doesn't recollect calling American Falls Reservoir District #2 or any correspondence from American Falls Reservoir District #2 or BWCC on the subject.

The answer is to set the division box so it works accurately without anyone having to adjust it (unless mutually agreed when one or the other doesn't need the water) and to join forces in arguing with Mr. Saul (Johansen's successor) that we have an easement across him to the division box to check, operate and maintain the facility.

Please call with your questions.

Respectfully submitted,

JOHN A. ROSHOLT

JAR:le
07109202.JAR

ROSHOLT, ROBERTSON & TUCKER

Chartered
ATTORNEYS AT LAW

Twin Falls Office
142 3rd Ave. North
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BRUCE M. SMITH
GARY L. QUIGLEY
JUSTIN R. SEAMONS
JOHN O. FITZGERALD
D. BERNARD ZALEHA
JOHN K. SIMPSON

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APR 12 2005

Department of Water Resources

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1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83702-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

July 10, 1992

Jeffrey E. Rolig
Hepworth, Nungester & Lezamiz
P.O. Box 389
Twin Falls, ID 83303-0389

DRAFT

Re: Savage - Saul

Dear Jeff:

My apologies for not answering your letter of May 14, 1992, written on Mr. Saul's behalf.

My understanding has always been that road easements are where they are, not where someone wants them to be. My further understanding is that Savage and Luther have driven across your client's place for 20+ years to access the division box. The box was moved by Mr. Saul's predecessor in about 1972. I think they have a right to access the division box in the traditional manner, which I understand is by vehicle.

While I thank you for suggesting we could access the box in the non-irrigation season, it is an irrigation water division box and there isn't much need to go there in the off-season, unless a substantial rehab of the facility would be necessary.

Is it your legal theory that the access easement has been abandoned or forfeited, or that in 70+ years of access no easement or right of any kind was required? Perhaps Mr. Saul would talk to his predecessor so the barrier can be removed. *agreed*

Sincerely,

JOHN A. ROSHOLT

JAR:le
07109208.JAR

AJ0723MP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

01/21/98 14:20:18
Page 1

Water Right Number - A37-04407

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

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

*** C - CURRENT OWNER ***
SAVAGE

HELEN R

1 - PO BOX 373
2 -
3 -

City- KIMBERLY
Phone - 208-423-4095
1 - PO BOX 373
2 -
3 -

State- ID Zip- 83341

SAVAGE

JOE S

City- KIMBERLY
Phone - 208-423-4095

State- ID Zip- 83341

+ - - Priority Date - - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/01/1904 17 SOUTHERN S - STATUTORY CLAIM

+ - - Source - - - - - + + - - - - - Tributary - - - - - +
WASTE WATER MALAD RIVER

+ - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name

06S 14E 15 SE NW (47) GOODING
NW SE (47) GOODING

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

01 - IRRIGATION
04 - STOCKWATER

05/01 10/15 4.280
05/01 10/15 0.090

+ - Total Div. Rate - - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
4.280 644.00 644.0

+ - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

| | | | | | | | |
|-----|-----|----|-------|------|----|------------|--------------|
| 06S | 14E | 16 | SU SE | 18.0 | 01 | IRRIGATION | (47) GOODING |
| 06S | 14E | 16 | SE SE | 37.0 | 01 | IRRIGATION | (47) GOODING |
| 06S | 14E | 21 | NE NE | 37.0 | 01 | IRRIGATION | (47) GOODING |
| 06S | 14E | 21 | NW NE | 5.0 | 01 | IRRIGATION | (47) GOODING |
| 06S | 14E | 21 | SW NE | 5.0 | 01 | IRRIGATION | (47) GOODING |
| 06S | 14E | 21 | SE NE | 38.0 | 01 | IRRIGATION | (47) GOODING |
| 06S | 14E | 21 | NE SE | 38.0 | 01 | IRRIGATION | (47) GOODING |
| 06S | 14E | 21 | NW SE | 36.0 | 01 | IRRIGATION | (47) GOODING |

Total Acres: 214.0

+ - - Diversion Means - HEADGATES, DITCHES, GRAVITY IRRIGATION

+ - - Non-Irrigation Use - LIVESTOCK/400 RANGE_ (200 COW-CALF PAIRS)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

RECEIVED

APR 12 2005

Department of Water Resources

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3578

NOVEMBER 10, 1983

M. B. SAVAGE RANCHES
P.O. BOX 373
KIMBERLY

ID 83341

RE: Claim No. 37-4407

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

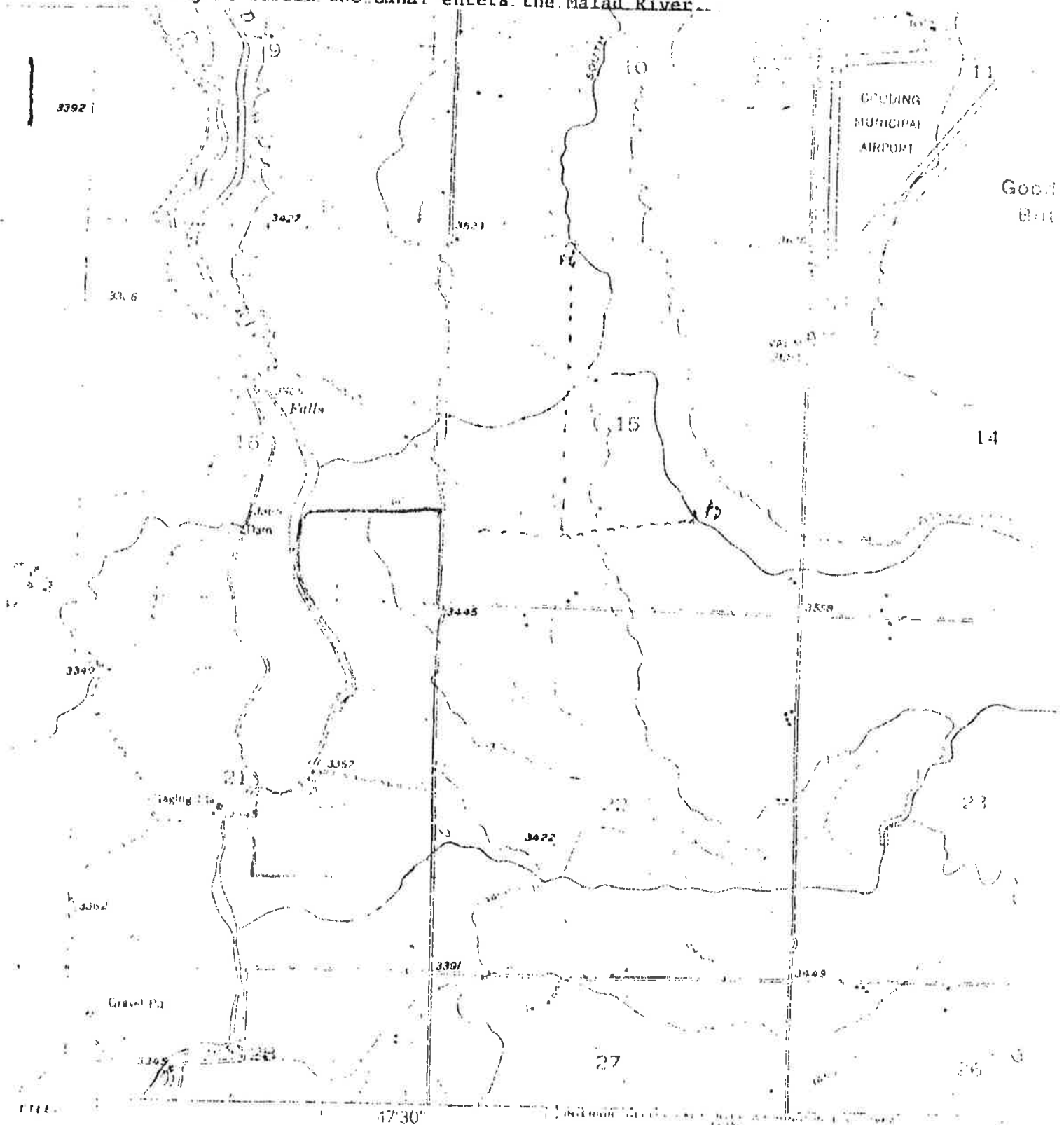
Yours truly,



ALLEN D. MERRITT
Senior Water Resource Analyst

Enclosure

(8) Remarks Source is wastewater & unused canal water in the South Gooding Main Canal just before the Canal enters the Malad River.



County of Twin Falls

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

W.B. Savage Rancher
By Joe S. Savage - Principal
 (Claimant)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that **W. B. Savage Ranches**

(Name of Claimant)

P.O. Box 374, Kimberly, ID 83341
(Mailing Address)

(Zip Code) _____ Telephone No. 423-4095 _____

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 1904

A claim is not acceptable on a ground water source with a priority later than March 15, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (flow of stream, lake, spring, etc., or ground water)

Wastewater _____ tributary to _____ Malad River

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cls, at)

(Domestic, Irrigation, Stock, Etc.)

(Both dates inclusive)
(Mo., Day) (Mo., Day)

| | | | | | | | |
|----------|----------|-----|------------|--------------------|-------|----|--------|
| Quantity | 4.66 cfs | Use | Irrigation | Period of Use From | May 1 | To | Oct 15 |
| Quantity | | Use | | Period of Use From | | To | |
| Quantity | | Use | | Period of Use From | | To | |
| Quantity | | Use | | Period of Use From | | To | |
| Quantity | | Use | | Period of Use From | | To | |

- (4) 4.66 cfa TOTAL QUANTITY USED.
(cls. af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15, Twp. 6S, Rge. 14E, B.M., County of Gooding
Additional points of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, T. 6S, R. 14E.

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Headgates & ditches to gravity irrigation system

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

37-4407

**LEE R. PETERSON**234 S View Rd.
Jerome, ID 83338

07/23/2004

IDWR Field Exam Form

Contacts Data Entry Form

| Owner Type | Full Name | Address | City | State | Zip | Phone |
|---------------|----------------------------------|------------|---------|-------|-------|---------------|
| Current Owner | OPPIO FAMILY LIMITED PARTNERSHIP | PO BOX 381 | GOODING | ID | 83330 | (208)934-9474 |

Date of Field Exam: 7-30-04 Time: 9:30 AAccompanied By: Allen Oppio Phone Number: _____Relationship to Claimant: no

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

3 South 5 West 1/8 North of Gooding_____

Reviewer: _____

Date: 7-30-04

Point of Diversion and Source Data Entry Form

Claim Number 37-4407

Claimed Point of Diversion and Source

T06S R14E S15 SENW Within GOODING County Source: WASTE WATER MALAD RIVER

T06S R14E S15 NWSE Within GOODING County Source: WASTE WATER MALAD RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T06S R14E S15 NENW Within GOODING County

T06S R14E S15 NWSE Within GOODING County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

1 diversion on live & waste Big Wood River
 2 " " " " " " " " "

| Twp | Rge | Sec | Gov Lot | QQQ of QQ of Q | County | Source |
|-----|-----|-----|---------|----------------|---------|-----------------------|
| 6S | 14E | 15 | | | Gooding | CC Live ditch & waste |
| | | | | | | |
| | | | | | | |

Other rights from this POD? AM. Falls - Big wood CC

Document how the POD and Source were verified:

I went out to diversions with Allen then
 went back by my self as they are shown on
 map attached to Claim form

| | | | | date | photo |
|---|---------|---------|---------|----------|---------|
| ① | oppio 1 | 2435809 | 1300462 | 10013740 | 1020257 |
| ② | " 2 | 2435425 | 1300103 | 739 | 256 |

Reviewer: 

Date: 7-30-04

Place Of Use Data Entry Form

Claim Number 37-4407

Claimed Place Of Use

| | | | | | |
|---------------|------|------|---------------|------|------|
| T06S R14E S16 | SWSE | 18.0 | T06S R14E S16 | SESE | 37.0 |
| T06S R14E S21 | NENE | 37.0 | T06S R14E S21 | NWNE | 5.0 |
| T06S R14E S21 | SWNE | 5.0 | T06S R14E S21 | SENE | 38.0 |
| T06S R14E S21 | NESE | 38.0 | T06S R14E S21 | NWSE | 36.0 |

Total Acres 214

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

| | | | | | |
|---------------|------|------|---------------|------|------|
| T06S R14E S16 | SWSE | 23.0 | T06S R14E S16 | SESE | 40.0 |
| T06S R14E S21 | NENE | 38.0 | T06S R14E S21 | NWNE | 7.0 |
| T06S R14E S21 | SWNE | 9.0 | T06S R14E S21 | SENE | 38.0 |
| T06S R14E S21 | NESE | 39.0 | T06S R14E S21 | NWSE | 39.0 |

Total Acres 233

Allen said average as shown on colored map appears OK 276 he said approx 214 ac. is OK

Recommended Place of Use

See corrections to claimed POU above

| Tw | Rge | Sec | QQ | Q | County | Lot Num | Acres | Purpose of Use |
|----|-----|-----|----|---|--------|---------|-------|----------------|
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

Total Acres _____

Document how the POU was verified:

owner & I were at location and Allen said photo of place of use looks good

Reviewer: _____

Date: 7-30-04

Period of Use and Quantity Data Entry Form

Claim Number 37-4407

Claimed Period of Use and Diversion Rate

when water is available

| Water Use | Start | End | Rate | Volume |
|------------|-------|-------|------|--------|
| IRRIGATION | 5/01 | 10/15 | 4.28 | |
| STOCKWATER | 5/01 | 10/15 | 0.09 | |

Overall Diversion Rate 4.28 Overall Diversion Volume 644

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

Water Right Period of Use and Diversion Rate

| Water Use | Start | End | Rate | Volume |
|------------|-------|-------|------|--------|
| IRRIGATION | 5/01 | 10/15 | 4.66 | |

Overall Diversion Rate 4.66 Overall Diversion Volume

Recommended Period of Use and Diversion Rate

| Water Use | Start | End | Rate | Volume |
|-----------|---------------|-----|---------------|--------|
| | <i>Varies</i> | | <i>Varies</i> | |
| | | | | |
| | | | | |

Overall Diversion Rate _____ Overall Diversion Volume _____

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

The period of use and rate depends on the availability of water - each year is different. These past few years all water has been short.

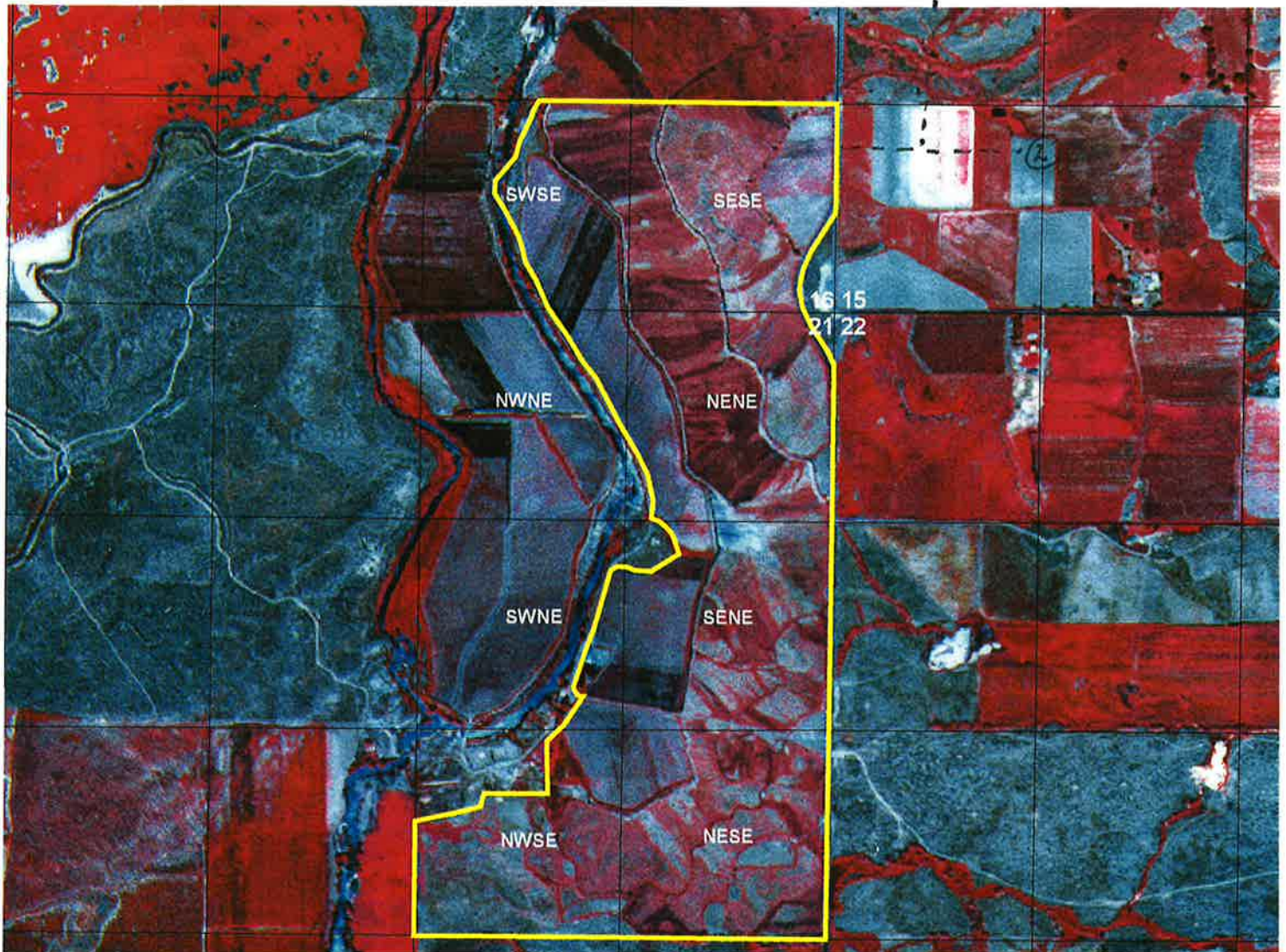
Reviewer: _____

Date: *7-30-04*

SEE MAP on CLAIM
Shows CC ditch & Drain

37-4407

①

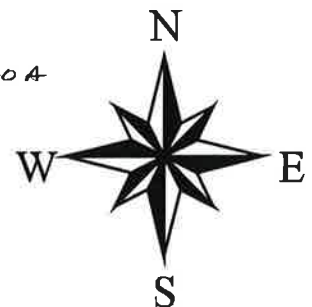


800 0 800 1600 2400 3200 4000 Feet

T06S R14E S16 & S21

Used with 37-238A, 37-239A 37-240A
and American Falls Res.

Combined acres = 291.5



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

| <u>PURPOSE OF USE</u> | | <u>PERIOD OF USE</u> | | <u>QUANTITY</u> |
|---|------|----------------------|-------|-----------------|
| STOCKWATER | | 03/15 | 11/15 | 0.090 CFS |
| PLACE OF USE: <u>STOCKWATER Within GOODING County</u> | | | | |
| T06S R14E S16 | SWSE | T06S R14E S16 | SESE | |
| T06S R14E S21 | NENE | T06S R14E S21 | NWNW | |
| T06S R14E S21 | SWNE | T06S R14E S21 | SENE | |
| T06S R14E S21 | NESE | T06S R14E S21 | NWNW | |

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: Beneficial Use

The source of this right is waste water originally diverted by the Big Wood Canal Co.

Use of this right is combined with water from American Falls Reservoir Dist.
No. 2.

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: A37-04407

Date Received: 8/25/1988

Receipt No: S001728

Received By: *[Signature]*

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: OPPIO FAMILY LIMITED PARTNERSHIP 208-934-9474
Address: PO BOX 381
GOODING ID 83330

2. Date of Priority: JUN 1, 1904

3. Source: WASTE WATER Trib. to: MALAD RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 06S | 14E | 15 | | SE | NW | | GOODING |
| | | | | NW | SE | | GOODING |

5. Description of diverting works:
HEADGATES, DITCHES, GRAVITY IRRIGATION

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 05/01 | 10/15 | 4.280 | | |
| STOCKWATER | 05/01 | 10/15 | 0.090 | | |

7. Total Quantity Appropriated is:
4.280 C.F.S. (and/or) 644.00 A.F.A.

8. Total consumptive use is 644.0 Acre Feet Per Annum.

9. Non-irrigation uses:
LIVESTOCK/400 RANGE_ (200 COW-CALF PAIRS)

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 06S | 14E | 16 | SW | SE | | IRR | 18.0 |
| | | | SE | SE | | IRR | 37.0 |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| | | | | | Section Acres | 55.0 |
| | | 21 | NE | NE | IRR | 37.0 |
| | | | NW | NE | IRR | 5.0 |
| | | | SW | NE | IRR | 5.0 |
| | | | SE | NE | IRR | 38.0 |
| | | | NE | SE | IRR | 38.0 |
| | | | NW | SE | IRR | 36.0 |
| | | | | | Section Acres | 159.0 |
| | | | | | Total Acres | 214.0 |

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
37-0238A, 0239A, 0240A

14. Remarks:

THERE ARE 2 P/D'S IN NWSE SEC. 15. OTHER P/D CHANGED WHEN CANAL WAS MOVED ABOUT 1982.
SOURCE IS WASTE WATER & UNUSED CANAL WATER IN SOUTH GOODING MAIN CANAL & SOUTH LATERAL.
ACREAGE FIGURES HAVE BEEN CORRECTED TO BETTER DESCRIBE P/U.
AMOUNT CLAIMED IS STILL 1"/ACRE.

7-30-98: OWNERSHIP CHANGE SAVAGE TO OPPIO PER NOTICE REC'D
4-22-98 - VH

9/8/99, CHANGED ADDRESS PER REQUEST REC'D 8/17/99. C.T.

15. Basis of Claim: STATUTORY CLAIM

COPY

January 11, 2000

OPPIO FAMILY LTD PARTNERSHIP
PO BOX 381
GOODING ID 83330

RE: Snake River Basin Adjudication (SRBA) **Change of Address**
Water Right No A37-OO238A, A37-00239A, A37-00240A, A37-04407

Dear Claimant(s):

Thank you for notifying us of your change in address on the water right claim(s) referenced above. Our records have been updated accordingly.

If you have any questions, please feel free to contact this office.

Sincerely,

Cheryl E. Timm
SRBA Records Clerk

Enc: Claim to a water right(s) referenced above

RECEIVED

AUG 19 1998

STATE OF IDAHO

RECEIVED

Department of Water Resources
Southern RegionIDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
ADDRESS CHANGE

AUG 17 1998

Department of Water Resources

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 or Adjudication Claim No(s): # A37-00238A, A37-00239A, A37-00240A,
 2. The following **REQUIRED** information must be submitted with this form: A37-04407.

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 attached to your deed or on file with the county.)

OR

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

3. Name and Address of Former Owner/Claimant JOE & HELEN SAUAGE
P.O. Box 373 KIMBERLY ID. 83341
4. New Owner/Claimant(s) OPPIO FAMILY LIMITED PARTNER SHIP
 New Mailing Address P.O. Box 381
 City, State and ZIP Code GOODING IDAHO 83330
 New Telephone Number (208) 934-9474
5. Date you acquired the property FEB. 19 1998

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 you irrigate _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

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 or Claimant(s) Alan Oppio

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign this form.

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

o/c on 4/22/98 by V.H.
 REVIEWED 9/1/99 ct
 add. to change 9/8/99 ct
 ✓ TX 1/10/00

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: **A37-04407**

Date Received: 8/25/1988

Receipt No: S001728

Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: OPPIO FAMILY LIMITED PARTNESHIP 702-425-9540
Address: 7900 PYRAMID HIGHWAY
SPARKS NV 89436

2. Date of Priority: JUN 1, 1904

3. Source: WASTE WATER Trib. to: MALAD RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 06S | 14E | 15 | | SE | NW | | GOODING |
| | | | | NW | SE | | GOODING |

5. Description of diverting works:
HEADGATES, DITCHES, GRAVITY IRRIGATION

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 05/01 | 10/15 | 4.280 | | |
| STOCKWATER | 05/01 | 10/15 | 0.090 | | |

7. Total Quantity Appropriated is:
4.280 C.F.S. (and/or) 644.00 A.F.A.

8. Total consumptive use is 644.0 Acre Feet Per Annum.

9. Non-irrigation uses:
LIVESTOCK/400 RANGE_(200 COW-CALF PAIRS)

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 06S | 14E | 16 | SW | SE | | IRR | 18.0 |
| | | | SE | SE | | IRR | 37.0 |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| | | | | | Section Acres | 55.0 |
| | | 21 | NE | NE | IRR | 37.0 |
| | | | NW | NE | IRR | 5.0 |
| | | | SW | NE | IRR | 5.0 |
| | | | SE | NE | IRR | 38.0 |
| | | | NE | SE | IRR | 38.0 |
| | | | NW | SE | IRR | 36.0 |
| | | | | | Section Acres | 159.0 |
| | | | | | Total Acres | 214.0 |

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
37-0238A, 0239A, 0240A

14. Remarks:

THERE ARE 2 P/D'S IN NWSE SEC. 15. OTHER P/D CHANGED WHEN CANAL WAS MOVED ABOUT 1982.
SOURCE IS WASTE WATER & UNUSED CANAL WATER IN SOUTH GOODING MAIN CANAL & SOUTH LATERAL.
ACREAGE FIGURES HAVE BEEN CORRECTED TO BETTER DESCRIBE P/U.
AMOUNT CLAIMED IS STILL 1"/ACRE.

7-30-98: OWNERSHIP CHANGE SAVAGE TO OPPIO PER NOTICE REC'D
4-22-98 - VH

15. Basis of Claim: STATUTORY CLAIM



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

July 30, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Oppio Family Limited Partnership
7900 Pyramid Highway
Sparks, NV 89436

RE: Snake River Basin Adjudication (SRBA)
Claim Number(s): A37-00238A, A37-00239A, A37-00240A, A37-04407
And A37-10646
Change of Ownership Notification

Dear Claimant(s):

Thank you for the notification that you have purchased property with the above referenced Snake River Basin Adjudication claims, our records have been changed, accordingly. **The enclosed copies are for your records, please review these documents for accuracy in all respects. If you have any questions, please contact me at this office.**

Sincerely,

A handwritten signature in cursive script, appearing to read 'V. Hancock'.

Vikie Hancock
Water Resource Agent

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

Department of Water Resources
Southern Region

Please Print Name and Type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) A37-00238A A37-00239A A37-00240A A37-04407 A37-10646 (Domestic)
Adjudication Claim Number(s) AJ5809NP AJ5809WP AJ5809NP AJ5809JP

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) Joe S. Savage and Jelen R. Savage
P.O. Box 373 Kimberly, Idaho 83341

RECEIVED
APR 22 1998

4. New Owner/Claimant(s) Oppio Family Limited Partnership
Name connector (Check one): ☐ AND ☐ OR ☐ AND/OR
New Mailing Address 7900 Pyramid Highway, Sparks, Nevada 89436

Department of Water Resources
Southern Region

City, State and ZIP Code Sparks, Nevada 89436

New Telephone Number (702) 425-9540

5. Date you acquired the property 2-18-98

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) Alan C. Oppio Date 2-18-98
Marcia E. Oppio Date 2-18-98
Alan C. Oppio, General Partnership
Marcia E. Oppio, General Partnership

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 16, 1998

Oppio Family Limited Partnership
7900 Pyramid Highway
Sparks, Nevada 89436

RE: Snake River Basin Adjudication
Claim Nos.: A37-00238A, A37-00239A, A37-00240A, A37-04407
A37-10646

Dear Claimants:

We are in receipt of your Notice of Change of Ownership for the above referenced claims. In investigating this change, however, I determined that we are in need of some additional documentation. For organizations, the Department requires a list of directors with authority to sign this form (please see item 7).

All other documentation seems to be in order to update the current ownership of the above claims purchased by you from the Savages. Your Notice of Change on property purchased from Los Caballeros is pending. If you have any further questions, please feel free to contact me at this office.

Sincerely,

Vikie Hancock
SRBA Records Clerk

NEW ADDRESS

OPPIO RANCH

P.O. Box 381

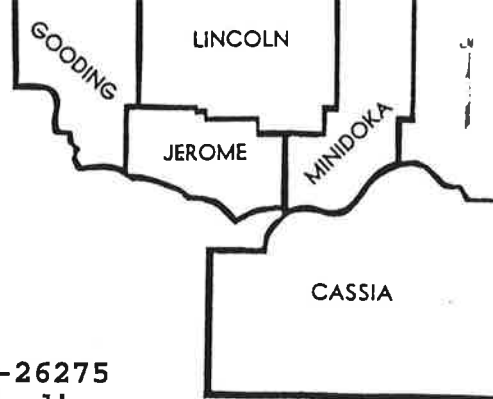
GOODING ID. 83330

The general partners are Alan & Marcia
Oppio. As with all limited partnerships
any one general partner may sign.

Thank You
Alan Oppio

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: G-26275
OFFICE: Gooding

April 21, 1998

Department of Water Resources
Southern Region
1341 Fillmore Suite 200
Twin Falls, Idaho 83301

RE: Notice of Change of Water Right Ownership
OPPIO/SAVAGE
Cert Mail #P 440 695 302

Dear Sirs:

At the request of the buyer, we are forwarding to your office the following in connection with the above referenced:

- Notice of Change of Water Right Ownership on
on SAVAGE
for Water Right Number A37-00238A, A37-00239A, A37-00240A,
A37-04407 and A37-10646 (Domestic)
- Copy of Deed #174270
- Copy of Map

Thank you,

LAND TITLE AND ESCROW, INC.

Lisa Ritter
(208) 934-8477

P.O. Box 473, 546 Main Street
Gooding, Idaho 83330

RECEIVED

APR 22 1998

Department of Water Resource
Southern Region

cc:

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 349, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0606 - FAX 436-1199



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: **A37-04407**
Date Received: 8/25/1988
Receipt No: S001728
Received By: See

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: JOE S SAVAGE 208-423-4095
Address: PO BOX 373
KIMBERLY ID 83341
AND/OR
Name: HELEN R SAVAGE 208-423-4095
Address: PO BOX 373
KIMBERLY ID 83341

2. Date of Priority: JUN 1, 1904

3. Source: WASTE WATER Trib. to: MALAD RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 06S | 14E | 15 | SE | NW | | | GOODING |
| | | | NW | SE | | | GOODING |

5. Description of diverting works:
HEADGATES, DITCHES, GRAVITY IRRIGATION

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 05/01 | 10/15 | 4.280 | | |
| STOCKWATER | 05/01 | 10/15 | 0.090 | | |

7. Total Quantity Appropriated is:
4.280 C.F.S. (and/or) 644.00 A.F.A.

8. Total consumptive use is 644.0 Acre Feet Per Annum.

9. Non-irrigation uses:
LIVESTOCK/400 RANGE_(200 COW-CALF PAIRS)

MICROFILMED
FEB 24 1993

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 06S | 14E | 16 | SW | SE | | IRR | 18.0 |
| | | | SE | SE | | IRR | 37.0 |
| Section Acres | | | | | | | 55.0 |
| | | 21 | NE | NE | | IRR | 37.0 |
| | | | NW | NE | | IRR | 5.0 |
| | | | SW | NE | | IRR | 5.0 |
| | | | SE | NE | | IRR | 38.0 |
| | | | NE | SE | | IRR | 38.0 |
| | | | NW | SE | | IRR | 36.0 |
| Section Acres | | | | | | | 159.0 |
| Total Acres | | | | | | | 214.0 |

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
37-0238A, 0239A, 0240A

14. Remarks:

THERE ARE 2 P/D'S IN NWSE SEC. 15. OTHER P/D CHANGED WHEN CANAL WAS MOVED ABOUT 1982.
SOURCE IS WASTE WATER & UNUSED CANAL WATER IN SOUTH GOODING MAIN CANAL & SOUTH LATERAL.
ACREAGE FIGURES HAVE BEEN CORRECTED TO BETTER DESCRIBE P/U.
AMOUNT CLAIMED IS STILL 1"/ACRE.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

MICROFILMED
FEB 24 1993

For Individuals:

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

Signature of Claimant(s): Joe L. Savage Date: 7/21/92
_____ Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 21st day
of July 19 92 Ham C. [Signature]
Notary Public

Seal

Residing at Twin Falls
My Commission Expires Dec 7, 1994

MICROFILMED
FEB 24 1993

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: A37-04407
Date Received: 7/19/1988
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SAVAGE PRODUCE, INC. 208-423-4095
Address: P.O. BOX 373
KIMBERLY, ID 83341

2. Date of Priority: JUN 01, 1904

3. Source: WASTE WATER Trib. to: MALAD RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 06S | 14E | 15 | SE | NW | | | GOODING |
| | | | NW | SE | | | GOODING |

5. Description of diverting works:
HEADGATES, DITCHES, GRAVITY IRRIGATION

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 05/01 | 10/15 | 4.280 | | |
| STOCKWATER | 05/01 | 10/15 | 0.090 | | |

7. Total Quantity Appropriated is:
4.280 C.F.S. (and/or) 644.00 A.F.A.

8. Total consumptive use is 644.0 Acre Feet Per Annum.

9. Non-irrigation uses:
LIVESTOCK/400 RANGE_ (200 COW-CALF PAIRS)

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 06S | 14E | 16 | SW | SE | | IRR | 18.0 |

A37-04407

Page 1

Date: 07/19/88

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FEB 24 1993

10. Place of Use: Continued

| Township
06S | Range
14E | Section
16 | 1/4
SE | of 1/4
SE | Lot | Use
IRR | Acres
37.0 |
|-----------------|--------------|---------------|-----------|--------------|-----|---------------|---------------|
| | | | | | | Section Acres | 55.0 |
| | | 21 | NE | NE | | IRR | 37.0 |
| | | | NW | NE | | IRR | 5.0 |
| | | | SW | NE | | IRR | 5.0 |
| | | | SE | NE | | IRR | 38.0 |
| | | | NE | SE | | IRR | 38.0 |
| | | | NW | SE | | IRR | 36.0 |
| | | | | | | Section Acres | 159.0 |
| | | | | | | Total Acres | 214.0 |

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
37-0238A, 0239A, 0240A

14. Remarks:

Remarks:
THERE ARE 2 P/D'S IN NWSE SEC. 15. OTHER P/D CHANGED WHEN CANAL WAS MOVED ABOUT 1982.
SOURCE IS WASTE WATER & UNUSED CANAL WATER IN SOUTH GOODING MAIN CANAL & SOUTH LATERAL.
ACREAGE FIGURES HAVE BEEN CORRECTED TO BETTER DESCRIBE P/U.
AMOUNT CLAIMED IS STILL 1"/ACRE.

15. Basis of Claim: STATUTORY CLAIM

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FEB 24 1993

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Joe L. Savage Date: 7-19-88
Date: _____

State of Idaho)
County of Twin Falls) SS.

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

of July 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id

My Commission Expires 6-30-94

MICROFILMED
FEB 24 1985

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that W. B. Savage Ranches
(Name of Claimant)

P.O. Box 373, Kimberly, ID 83341 Telephone No. 423-4095
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 1904

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Wastewater tributary to Malad River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

| Quantity | (cfs, af) | Use | (Domestic, Irrigation, Stock, Etc.) | (Both dates inclusive) | |
|--------------------------|-----------|-----------------------|-------------------------------------|---------------------------------|------------------|
| | | | | (Mo., Day) | (Mo., Day) |
| Quantity <u>4.66 cfs</u> | | Use <u>Irrigation</u> | | Period of Use From <u>May 1</u> | To <u>Oct 15</u> |
| Quantity _____ | | Use _____ | | Period of Use From _____ | To _____ |
| Quantity _____ | | Use _____ | | Period of Use From _____ | To _____ |
| Quantity _____ | | Use _____ | | Period of Use From _____ | To _____ |
| Quantity _____ | | Use _____ | | Period of Use From _____ | To _____ |

(4) 4.66 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE 1/4 NW 1/4, Sec. 15 Twp. 6S Rge. 14E B.M., County of Gooding
Additional points of diversion: NW 1/4 Sec. 15 T. 6S R. 14E

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Headgates & ditches to gravity irrigation system

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

| T | R | SEC. | NE% | | | | NW% | | | | SW% | | | | SE% | | | | TOTAL |
|----|-----|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| | | | NE% | NW% | SW% | SE% | NE% | NW% | SW% | SE% | NE% | NW% | SW% | SE% | NE% | NW% | SW% | SE% | |
| 6S | 14E | 16 | | | | | | | | | | | | | | | 23 | 40 | 63 |
| | | 21 | 38 | 7 | 9 | 38 | | | | | | | | 39 | 39 | | | | 170 |
| | | | | | | | | | | | | | | | | | | | |
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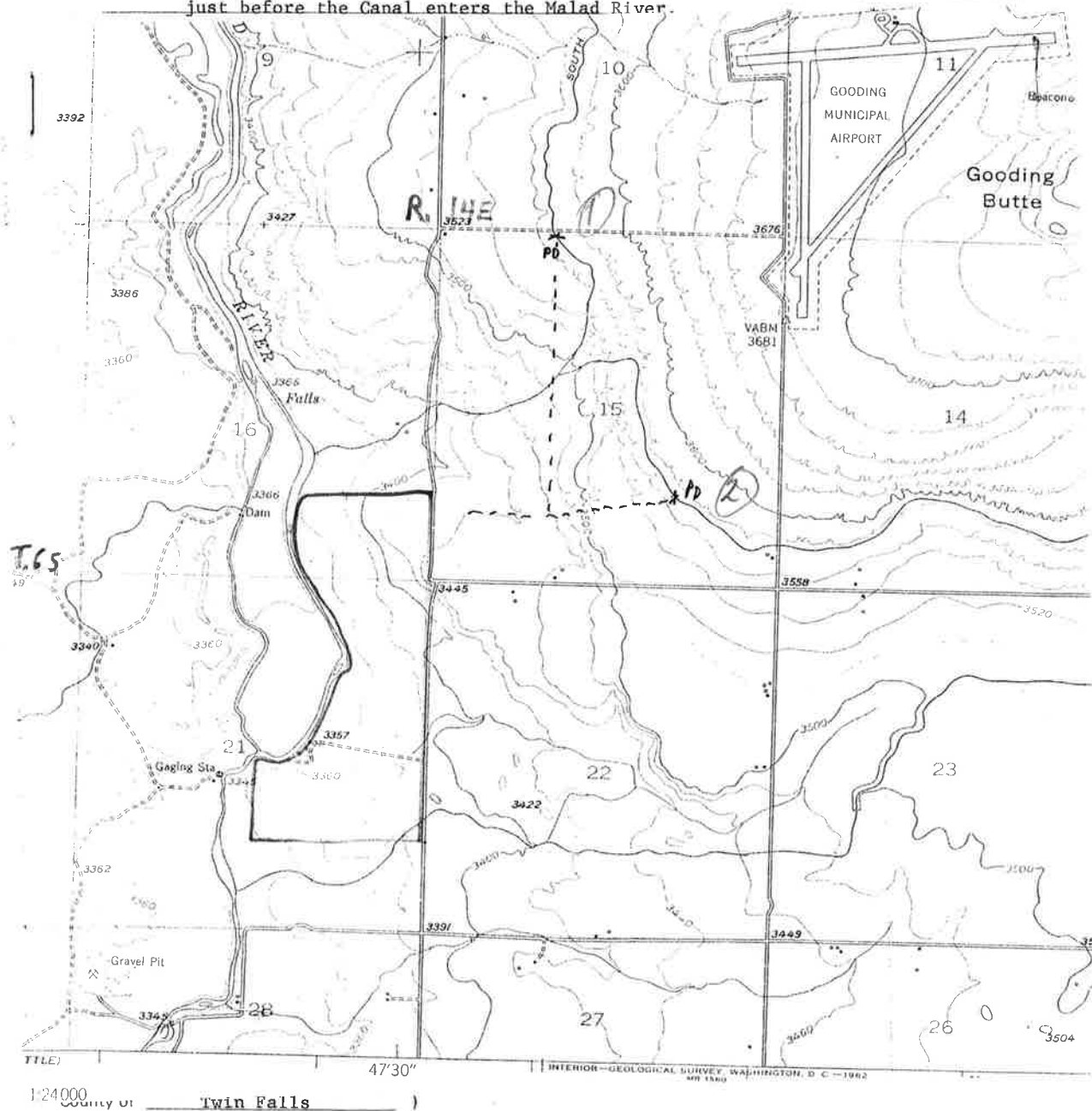
No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered: _____

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

(8) Remarks Source is wastewater & unused canal water in the South Gooding Main Canal just before the Canal enters the Malad River.



Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

W. B. Savage Ranches
By Joe S. Savage, President
 (Claimant)

Sworn to before me this 22nd day of September, 1983.

Loren O. Hulmer
 Notary Public
 Residing at Twin Falls, ID

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by J. Stanton Date 9-22-83 Exception filed by: _____ Forwarded to _____ Date _____
 Prelim. check by ADA Date 9/22/83 claimant by: _____
 \$30.00 fee received by Marya Date 7/5/83 # 29157
 Published in Gooding Co. Leader
 Dates 4/9 - 11/16/85