

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 67-10498
Date Received: 10/3/1989
Receipt No: W006134
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

THOMAS BARRY Phone:

10100 SANTA MONICA BLVD., SUITE 1200
LOS ANGELES CA USA 90067

2. Date of Priority: 06/01/1881

3. Source: HORNET CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
16N	01W	5	SE NW	ADAMS	

5. Description of diverting works:

CEMENT DAM, GRAVITY FLOW, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	1.88	

7. Total Quantity Appropriated is:
1.88 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16N	01W	5	SW	SE	IRRIGATION	10
			SE	SE	IRRIGATION	1
			Section Acres			
16N	01W	8	NE	NE	IRRIGATION	33
			SE	NE	IRRIGATION	10
			NW	NE	IRRIGATION	12
				Section Acres	55	
16N	01W	9	NW	NW	IRRIGATION	11
			SW	NW	IRRIGATION	37
			NW	SW	IRRIGATION	18
				Section Acres	66	
				Total Acres	132	

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

14. Remarks:

CHANGE OF OWNERSHIP 11/22/04

DELETED SOME ACREAGES, ADDED OTHERS-SEE ATTACHED.

THIS IS A COMBINATION OF A67-00378, A67-00379, A67-00380.

ALSO ADDED THE POINT OF DIVERSION WHICH WAS NOT SHOWN ON THE DECREED WATER RIGHT.
THE POINT OF DIVERSION MAY BE IN THE SW1/4, NW1/4 OF SECTION 5 SINCE IT IS SO CLOSE
TO THE 1/16TH LINE.

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 22, 2004

Thomas Barry
10100 Santa Monica Blvd., Suite 1200
Los Angeles, CA 90067

Re: Notice of Claim to a Water Right No. 67-11292, 67-4468 & 67-10498

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflect the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a final determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed information, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Liberty Gagnon". The signature is fluid and elegant, with the first name "Liberty" and last name "Gagnon" clearly distinguishable.

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region Office

LG: lg

Enclosure

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

RECEIVED

OCT 06 2004

WATER RESOURCES
WESTERN REGION

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>67-10498</u>		<u>no</u>			
<u>67-11292</u>		<u>no</u>			
<u>67-4468</u>		<u>no</u>			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Henderson Ranches/Isom Land & Livestock
P.O. Box 475, Council, ID 83612
4. New Owner/Claimant(s) Thomas Barry
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 10100 Santa Monica Blvd., Suite 1200
- City, State and ZIP Code Los Angeles, CA 90067
- New Telephone Number ()
5. Date you acquired the property September 14, 2004

EXHIBIT 'A'

Parcel A

Township 16 North, Range 1 West, Boise Meridian, Adams County, Idaho

Section 5: S1/2SE1/4SW1/4; EXCEPTING THEREFROM A parcel of land situated in the SE1/4SW1/4 more particularly described as follows:
Commencing at a 5/8" rebar marking the corner common to Sections 5, 6, and 8, T16NR1WBM, Adams County, Idaho;
Thence North 89° 50' 00" East 1314.51 feet to a 5/8" rebar marking the West 1/16 corner common to said Sections 5 and 8, the REAL POINT OF BEGINNING;
Thence North 00° 57' 15" West 162.42 feet to a 1/2" rebar on the Southwesterly right-of-way of the Old Cuprum Road;
Thence South 40° 23' 25" East 78.48 feet along said right-of-way to a 5/8" rebar;
Thence 172.75 feet along a curve to the left whose radius is 380.00 feet, and delta angle is 26° 02' 48" along said right-of-way to a 1/2" rebar on the South boundary of said Section 5;
Thence South 89° 50' 00" West 185.67 feet to the REAL POINT OF BEGINNING.

Township 16 North, Range 1 West, Boise Meridian, Adams County, Idaho

Section 5: A parcel of land situated within the SE1/4SE1/4 more particularly described as follows:
Beginning at the section corner common to Sections 4, 5, 8 and 9 of T16NR1WBM;
Thence South 89° 50' 00" West a distance of 798.66 feet along the South line of the SE1/4SE1/4 of said Section 5 to the REAL POINT OF BEGINNING, which point is on the Southerly right-of-way line of an existing County Road known as Council Cuprum Road;
Thence continuing South 89° 50' 00" West a distance of 509.64 feet along the South line of said SE1/4SE1/4 to the Southwest corner of said SE1/4SE1/4;
Thence North a distance of 231 feet, more or less, along the West line of said SE1/4SE1/4 to a point on the Southerly right-of-way line of said Council Cuprum Road;
Thence South 65° 53' 52" East a distance of 562 feet, more or less, along the Southerly right-of-way line of said Council Cuprum Road to the REAL POINT OF BEGINNING.

- ✓ Section 19: Lots 2, 3, and 4, SE1/4NW1/4, SW1/4NE1/4, E1/2SW1/4, W1/2SE1/4
- ✓ Section 20: N1/2, SE1/4
- ✓ Section 29: N1/2NE1/4, SW1/4SE1/4
- ✓ Section 30: Lots 1, 2 and 3, E1/2NW1/4, E1/2SW1/4, SW1/4SE1/4
- ✓ Section 31: NW1/4NE1/4, E1/2NW1/4
- ✓ Section 32: NE1/4NW1/4

✓ Township 16 North, Range 2 West, Boise Meridian, Adams County, Idaho

- ✓ Section 23: W1/2SE1/4, ALSO all that part of the E1/2NW1/4 lying East of Johnson Creek
- ✓ Section 24: S1/2
- Section 25: NE1/4
- ✓ Section 26: Part of the W1/2NE1/4 described as:
Beginning at the NW corner of the NW1/4NE1/4;
Thence Southeasterly in a straight line to the SE corner of the SW1/4NE1/4;
Thence North to the NE corner of the NW1/4NE1/4;
Thence West to the REAL POINT OF BEGINNING.

INSTRUMENT NO. **107114** CORPORATE WARRANTY DEED
PAGE 1 OF 2

For Value Received, ISOM LAND & LIVESTOCK CO., an Idaho Corporation

the grantor, does hereby grant, bargain, sell and convey unto
TOM BARRY LIVING TRUST, under Trust Agreement, dated 03/31/98

the grantee, whose current address is 10100 Santa Monica Blvd, ^{Ste. 1200} Los Angeles, CA 90067

the following described premises, in Adams County, Idaho, to-wit:

SEE ATTACHED EXHIBIT 'A' MADE A PART HEREOF.

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all encumbrances excepting for all easements of record, rights of way, matters visible, and all matters of record and title and that they will warrant and defend the same from all lawful claims whatsoever.

Date: September 8, 2004

ISOM LAND & LIVESTOCK CO., an Idaho corporation

By: *Reed L. Henderson*
REED L. HENDERSON, President

Instrument # 107114

COUNCIL, ADAMS, IDAHO

2004-09-17

04:06:38 No. of Pages: 2

Recorded for : TIMBERLINE TITLE & ESCROW

MICHAEL FISK

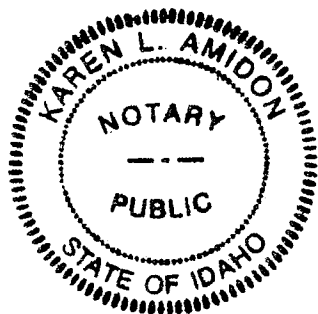
Fee: 6.00

Ex-Officio Recorder Deputy *Logan Linkal*

Index to: DEED

STATE OF Idaho)
COUNTY OF Adams : ss

On this 8th day of September, in the year of 2004, before me, a Notary Public in and for said State, personally appeared REED L. HENDERSON known or identified to me to be the President of the Corporation that executed the instrument or the person who executed the instrument on behalf of said Corporation, and acknowledged to me that such Corporation executed the same.



Karen L. Amidon
Notary Public

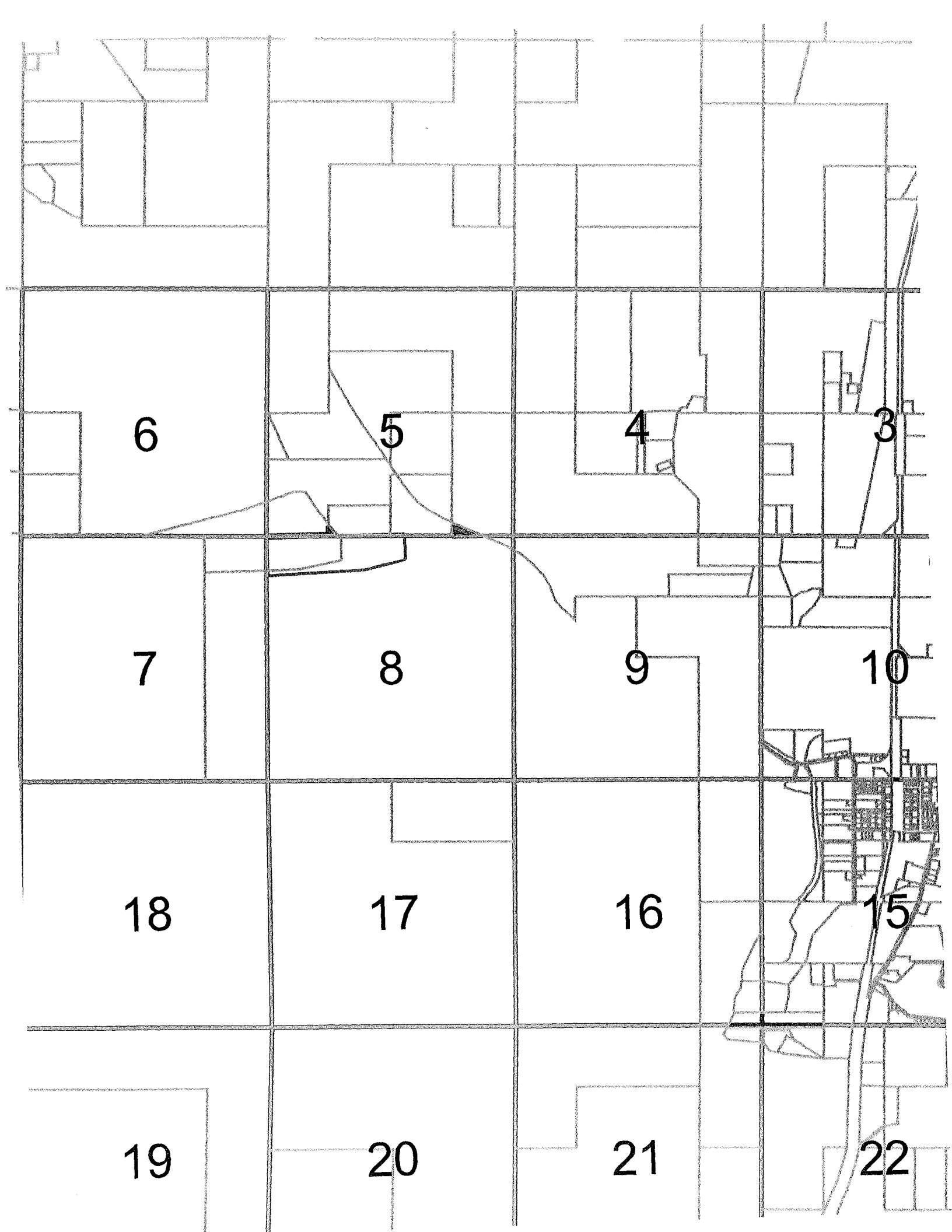
Residing at: Cambridge, SD

Commission expires: 6/26/2009

MEMO

To: 67-10498, 67-11292, 67-4468
From: Liberty Gagnon
Date: November 16, 2004
Subj: Ownership Change

I called Timberline Title to confirm the beginning point for the exception in parcel B section 8. On the deed given to us it states "beginning at the northwest corner of the N1/2NW1/4 of section 8". According to the tax lot info. It should begin in the northwest corner of the NW1/4NE1/4 of section 7. Angie from Timberline title returned my call @ 4pm Nov. 15 and said that the deed was correct and to use that legal description even though it is a Qq off from what the tax lot said. The change of ownership was processed based on that info.



6

5

4

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17

16

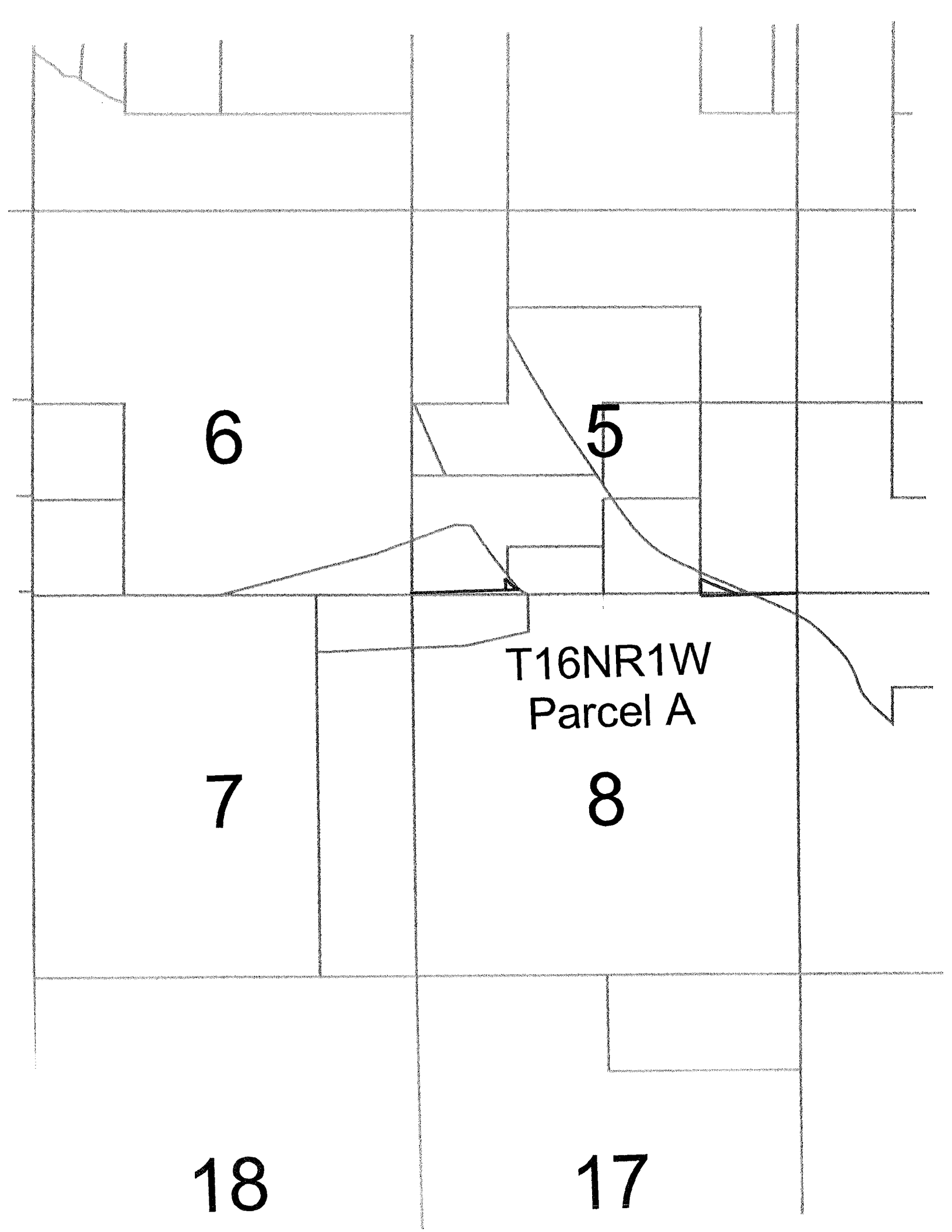
15

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6

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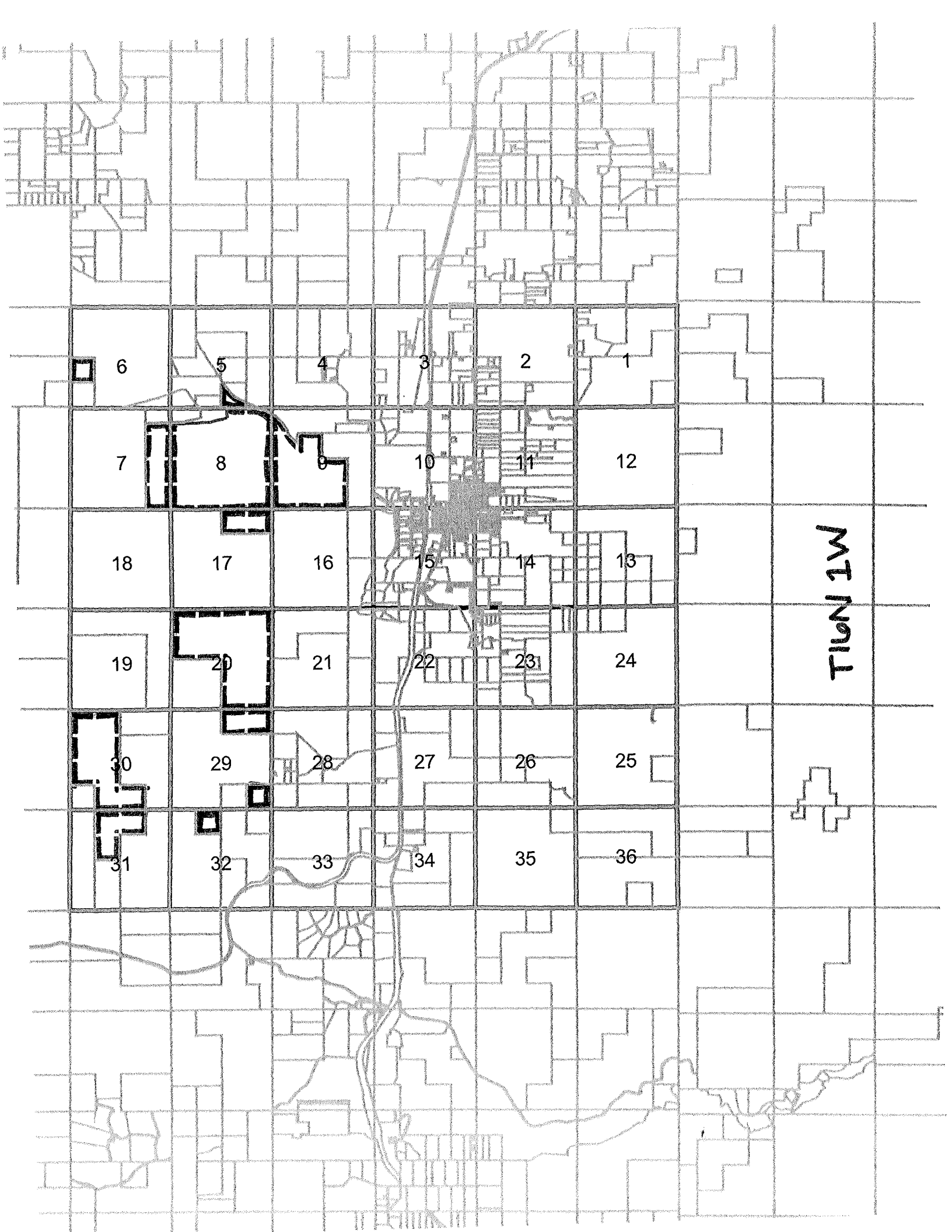
T16NR1W
Parcel A

7

8

18

17

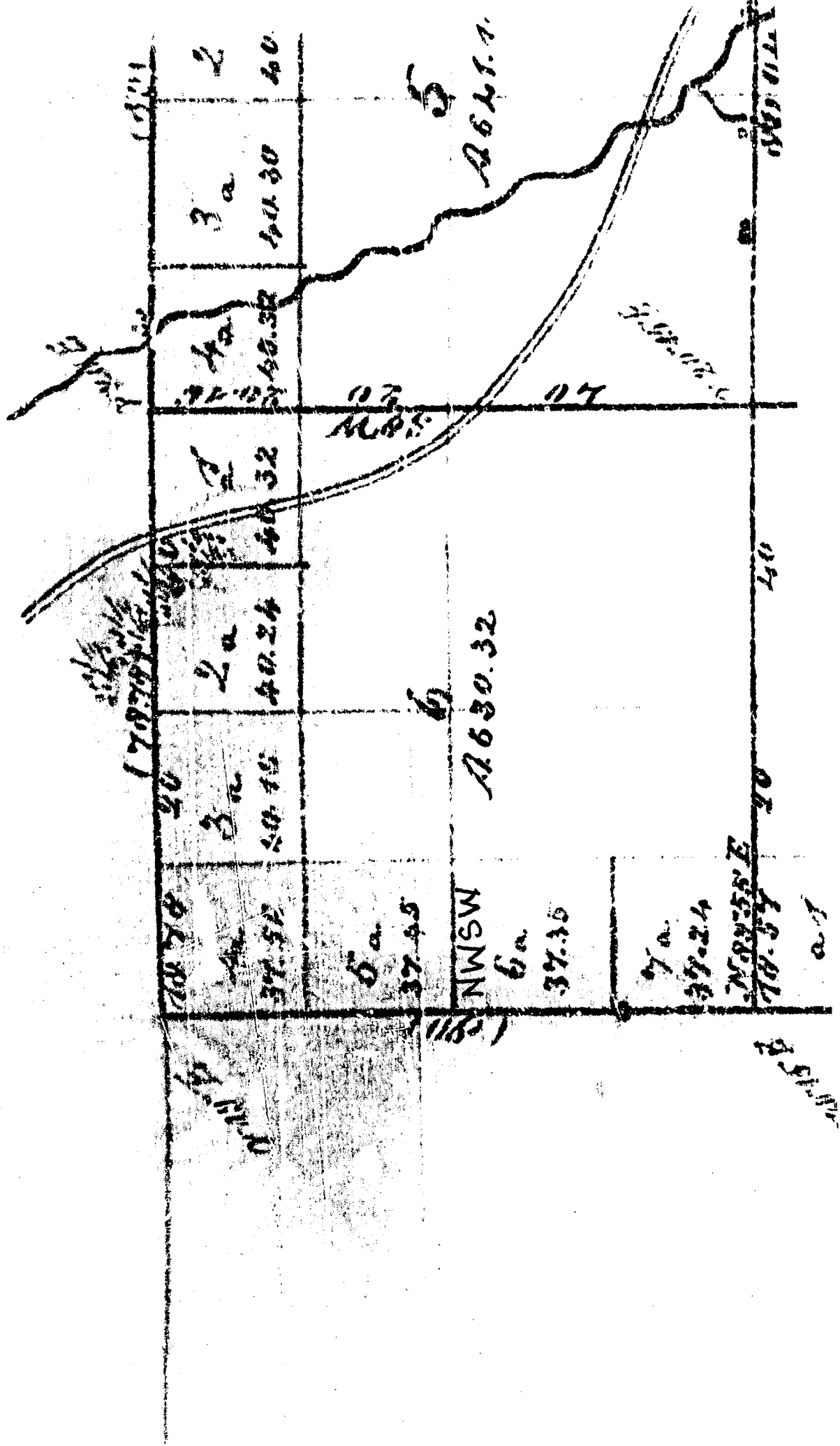


TOWN 1W

T16N12W

6	5	4	3	2	
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

16N12W Township No. 16.



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: A67-10498
Date Received: 10/03/1989
Receipt No: WG134
Received By: hw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HENDERSON RANCHES 208-253-4559
Address: BOX 475
COUNCIL, ID 83612

2. Date of Priority: JUN 01, 1881

3. Source: HORNET CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16N	01W	5	SE	NW			ADAMS

5. Description of diverting works:
CEMENT DAM, GRAVITY FLOW, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.880		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	01W	5	SW	SE		IRR	10.0
			SE	SE		IRR	1.0

Section Acres 11.0

A67-10498

Page 1

Date: 10/03/89

SCANNED
APR 09 2004

MICROFILMED
OCT 05 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	01W	8	NE	NE		IRR	33.0
			NW	NE		IRR	12.0
			SE	NE		IRR	10.0
						Section Acres	55.0
		9	NW	NW		IRR	11.0
			SW	NW		IRR	37.0
			NW	SW		IRR	18.0
						Section Acres	66.0
						Total Acres	132.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
HORNET CREEK RESERVOIR

14. Remarks:

DELETED SOME ACREAGES, ADDED OTHERS-SEE ATTACHED.
THIS IS A COMBINATION OF A67-00378, A67-00379, A67-00380.
ALSO ADDED THE POINT OF DIVERSION WHICH WAS NOT SHOWN ON THE
DECREED WATER RIGHT. THE POINT OF DIVERSION MAY BE IN THE SW1/4,
NW1/4 OF SECTION 5 SINCE IT IS SO CLOSE TO THE 1/16TH LINE.

15. Basis of Claim: DECREED

Case Number:
Court :
Decree date:

MUIR

Decree Plaintiff

vs

ALLISON

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

For Organizations:

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

Reed Henderson
Signature of Authorized Agent
Partner
Title and Organization
10/3/89
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 3 day
of October 19 89

Linda Werner
Notary Public

Seal.

Residing at LINDA WERNER
RESIDING AT EAGLE, IDAHO
My Commission Expires DEC. 8, 1994
Date: 10/03/89

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: A67-00378
Date Received: 10/03/1989
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANK RICHARDSON *Henderson Ranches*
Address: *Box 475*
'Council 83612 253-4557

2. Date of Priority: JUN 01, 1881

3. Source: HORNET CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
<i>16N</i>	<i>10W</i>	<i>5</i>		<i>SE</i>	<i>NW</i>		

5. Description of diverting works:
cement dam, G.F., ditch

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION			0.440		

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

A.F.A.

8. Total consumptive use is

1.88 = 94"
Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	01W	5	SW	SE		IRR	10
			SE	SE		IRR	1

11. Place of use in counties: ADAMS

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

A67-00378

Page 1

Date: 10/03/89

Total acres = 226

MICROFILMED

OCT 05 1992

13. Other Water Rights Used:

14. Remarks: *POD may be in the SW, NW*

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

JOHN T. MUIR

Decree Plaintiff

vs

WILLIAM ALLISON

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A67-00379
Date Received: 10/03/1989
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARK C. FULLER
Address:

Name: C. H. DAVIS
Address:

2. Date of Priority: JUN 01, 1881

3. Source: HORNET CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
----------	-------	---------	-------------------	-----	--------

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION			0.800		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16N	01W	8	NE NE		IRR	33

A67-00379

Page 1

Date: 10/03/89

MICROFILMED
OCT 05 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	01W	8	SE	NE		IRR	10
			~~NE~~ NW	~~SE~~ NE		IRR	12
		9	NW	NW		IRR	11
			SW	NW		IRR	37
			NW	SW		IRR	18
			~~SW~~	~~SW~~		IRR	

~~818~~
121

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

JOHN T. MUIR

Decree Plaintiff

vs

WILLIAM ALLISON

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A67-00380
Date Received: 10/03/1989
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: A. J. DUFFUS
Address:

2. Date of Priority: JUN 01, 1881

3. Source: HORNET CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township Range Section 1/4 of 1/4 of 1/4 Lot County

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION			0.640		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16N	01W	9	SE NW		IRR	4
			NE SW		IRR	34
			NW SE		IRR	10
			SW SE		IRR	20
			SE SE			26
						94

11. Place of use in counties: ADAMS

A67-00380

Page 1

Date: 10/03/89

MICROFILMED
OCT 05 1992

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

13. Other Water Rights Used:

14. Remarks: *Added 26 acres in the SE, SE - Sec. 9.*

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

JOHN T. MUIR

Decree Plaintiff

vs

WILLIAM ALLISON

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

11/14/2006

RECEIVED

DEC 07 2006

DEPARTMENT OF
WATER RESOURCES

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 67-10498

THOMAS BARRY
10100 SANTA MONICA BLVD STE 1200
LOS ANGELES CA 90067

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

There is approximately 50 acres
in the SE 1/4 NW 1/4 and NW 1/4 SW 1/4
of Section 9.

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

There is property left out
That is irrigated

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

The property you have outlined is
okay but there is some left out

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

DATE: 12-5-06

SIGNATURE:

F. Fred Glemser

Please print your name:

F. FRED GLEMSER

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

Signing for Tom

BARRY

described parcel.

Section 9:

SE1/4NW1/4, SW1/4, W1/2SE1/4, all that part of the W1/2NW1/4
lying South of the former Council-Bear County Road (now
State Aid Highway Project S-3894(1) also referred to as
Hornet Creek Wagon Road).
N1/2NE1/4

~~Section 17~~

Please call Paul Henderson at
253-6424 or 741 9481

NOE review SENW & NESW Section 9
were not claimed. No changes to POU.
MVB 12-13-06

SCANNED

DEC 08 2006

10/27/2006

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

RIGHT NUMBER: 67-10498

NAME AND ADDRESS: THOMAS BARRY
10100 SANTA MONICA BLVD STE 1200
LOS ANGELES CA 90067

SOURCE: HORNET CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 1.880 CFS

PRIORITY DATE: 06/01/1881

POINT OF DIVERSION:

T16N R01W S5 SENW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.880 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T16N R01W S05	SWSE	10.00	T16N R01W S05	SESE	1.70
T16N R01W S08	NENE	29.00	T16N R01W S08	NWNE	15.00
T16N R01W S08	SENE	4.60	T16N R01W S09	NWNW	11.00
T16N R01W S09	SWNW	34.00	T16N R01W S09	SENE	0.20
T16N R01W S09	NWSW	9.70			

115.2 ACRES TOTAL

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



Idaho Department of Water Resources

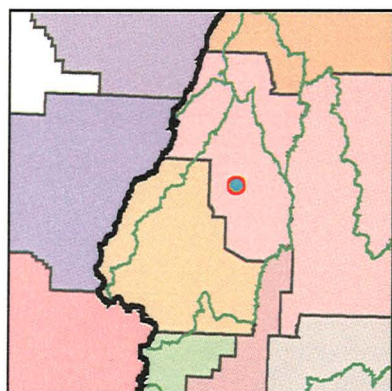
SRBA Recommendation:

67-10498

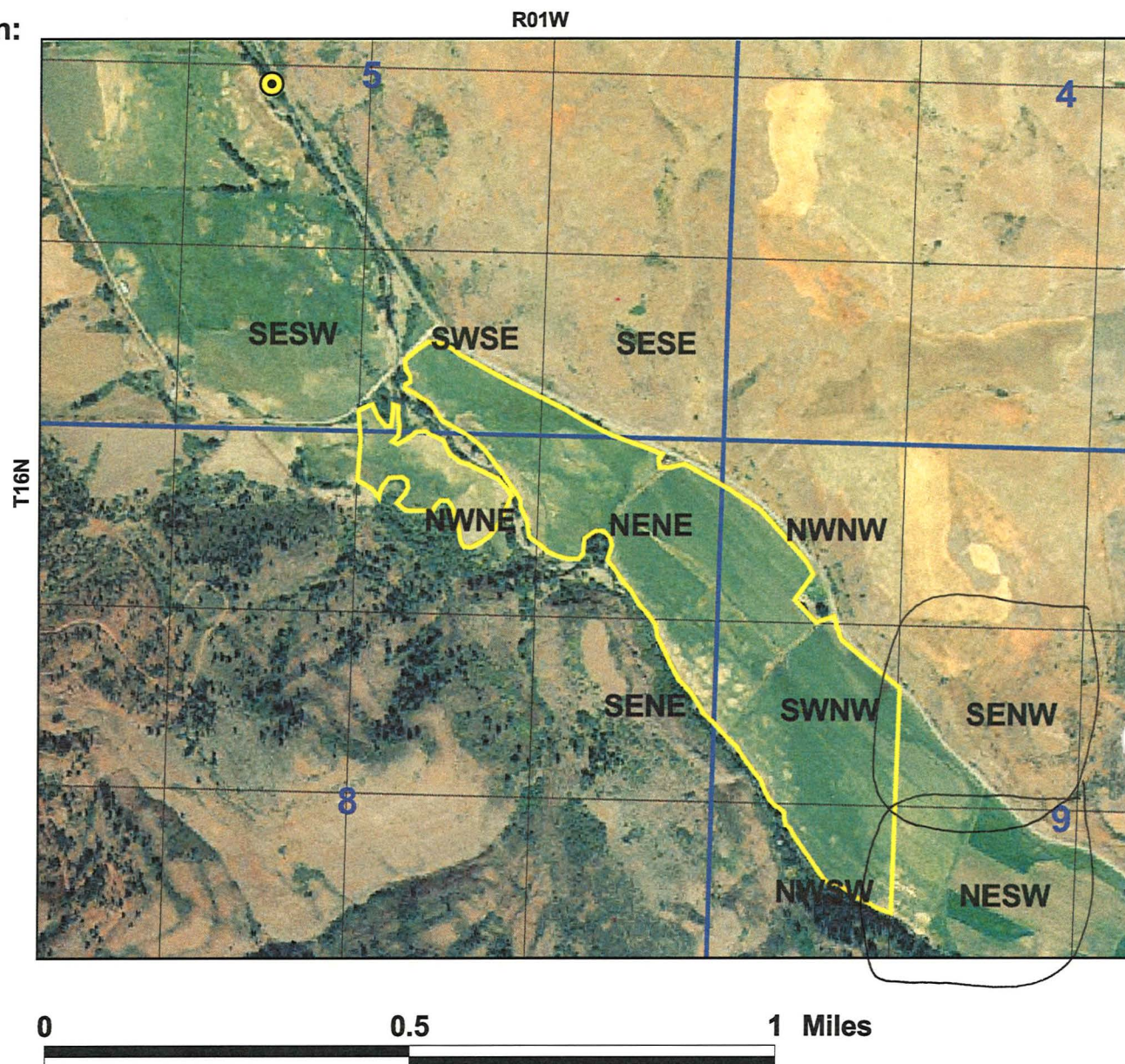
(Irrigation)

Legend

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

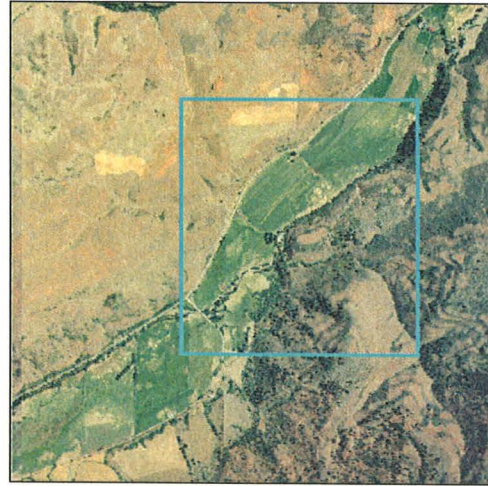
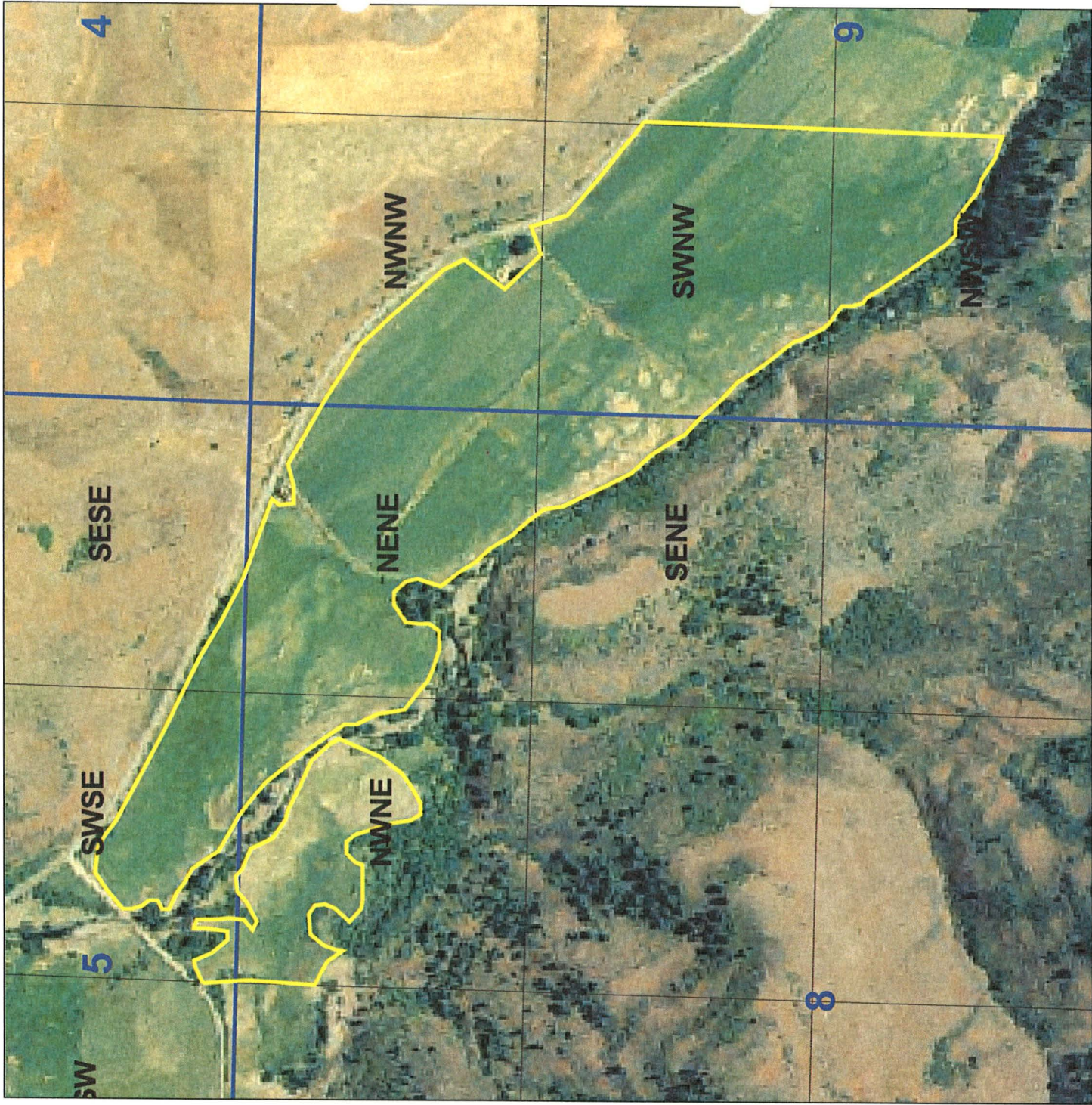


Adams County
IDWR Basin 67



Prepared by M. Van Bussum
On Friday, October 27, 2006
1987/88 Aerial Photography

67-10498



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10498 V1

WATER RIGHT NUMBER: 67-10498 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THOMAS BARRY 10100 SANTA MONICA BLVD STE 1200 LOS ANGELES, CA 90067
Original Owner	HENDERSON RANCHES C/O REED HENDERSON PO BOX 475 COUNCIL, ID 83612 (208)253-4559

Priority Date: 06/01/1881

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
HORNET CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.880 CFS	
	<u>Total Diversion:</u>	1.880 CFS	

Location of Point(s) of Diversion

HORNET CREEK	SE1/4NW1/4	Sec. 5, Twp 16N, Rge 01W, B.M.
ADAMS 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	
16N	01W	5															10.0	1.7	11.7
16N	01W	8	29.0	15.0		4.6													48.6
16N	01W	9					11.0	34.0	.2		9.7								54.9

Total Acres: 115.2

Conditions of Approval:

1. C18 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-10498 V1

Comments:

1. mvanbussum 10/27/2006 Copied from remarks
Comment: CHANGE OF OWNERSHIP 11/22/04

2. mvanbussum 10/27/2006 Copied from remarks
Comment: DELETED SOME ACREAGES, ADDED OTHERS-SEE ATTACHED.
THIS IS A COMBINATION OF A67-00378, A67-00379, A67-00380.
ALSO ADDED THE POINT OF DIVERSION WHICH WAS NOT SHOWN ON THE DECREEED WATER RIGHT. THE
POINT OF DIVERSION MAY BE IN THE SW1/4, NW1/4 OF SECTION 5 SINCE IT IS SO CLOSE TO THE 1/16TH LINE.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	10/27/2006 12:01:08 PM	mvanbussum			Active
Priority Date	10/27/2006 12:01:45 PM	mvanbussum			Active
POD	10/27/2006 12:01:59 PM	mvanbussum			Active
Source	10/27/2006 12:05:50 PM	mvanbussum			Active
POU	10/27/2006 12:06:18 PM	mvanbussum			Active
Use	10/27/2006 1:05:53 PM	mvanbussum			Active
Season	10/27/2006 1:06:15 PM	mvanbussum			Active
Quantity	10/27/2006 1:07:35 PM	mvanbussum			Active
Summary			10/27/2006	mvanbussum	Active
Summary			10/27/2006	mvanbussum	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	10/27/2006 12:45:27 PM	mvanbussum	Updated shape for Active POU
POD	10/27/2006 12:05:32 PM	mvanbussum	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10498 V1

Source	10/27/2006 12:05:51 PM	mvanbussum	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	10/27/2006 12:06:18 PM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Contacts	10/27/2006 12:01:09 PM	mvanbussum	(No) 1. Do you want to schedule an appointment?
General	10/27/2006 12:01:46 PM	mvanbussum	Comment for 1: Field exam conducted 8-9-2005. (No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	10/27/2006 12:02:00 PM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POU	10/27/2006 12:45:43 PM	mvanbussum	Updated PLS for Active POU
Use	10/27/2006 1:05:53 PM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10498 V1

Season	10/27/2006 1:06:15 PM	mvanbussum	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	10/27/2006 1:07:35 PM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
Summary	10/27/2006 1:09:38 PM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10498 V1

Summary	10/27/2006 1:09:46 PM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
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Water Supply Bank:

Notes

67-10498

Combined 67-378, 379, 380

PDD OK - GPS Tag no. A0014045 (16 N 01 W
sec 5,
SE NW)
(recorded by Baso Basler)

PDU - acreage may be a little more than 132
94" @ 5/8"/acre

No flow measurement needed: per Nello Jenkins,
deputy water master on Hornet Creek, ditch from PDD
listed above (A0014045) has capacity to carry 200" (+)
Hendersons are only users on this ditch, and claim
less than this (94").

MVB 10-27-2006

Decrees are for 150.4 ac @ 5/8"/ac.

67-378 0.44

379 0.8

380 0.64

$$\frac{1.88 \text{ cfs}}{0.02 \text{ cfs}} \times \frac{1 \text{ in}}{0.0125} \times \frac{\text{ac}}{0.625 \text{ in}} = 150.4 \text{ ac}$$

Claim is for 132 ac

No B-Use claims to overlap & bring it all to 1"

Priority Date Data Entry Form

Claim Number 67-10498

Claimed Priority Date: 6/1/1881

Claimed Basis: Decreed

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

Water Right Priority Date:

Water Right Basis:

Recommended Priority Date Recommended Basis

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

decreed

Point of Diversion and Source Data Entry Form

Claim Number 67-10498

Claimed Point of Diversion and Source

T16N R01W S5 SENW Within ADAMS County Source: HORNET CREEK WEISER RIVER

☒ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

Reviewer: mvDate: 8/9/05

IDWR Field Exam Form

06/14/2005

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source

Other rights from this POD? _____

Document how the POD and Source were verified:

F.E., Bosco GPS Pt # A0014045

Reviewer: mvDate: 8/9/05

Place Of Use Data Entry Form

Claim Number 67-10498

Claimed Place Of Use

T16N R01W S05	SWSE	10.0	T16N R01W S05	SESE	1.0
T16N R01W S08	NENE	33.0	T16N R01W S08	NWNE	12.0
T16N R01W S08	SENE	10.0	T16N R01W S09	NWNW	11.0
T16N R01W S09	SWNW	37.0	T16N R01W S09	NWSW	18.0

Total Acres 132

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

Recommended Place of Use

☐ See corrections to claimed POU above

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

Total Acres _____

Document how the POU was verified:

_____ F.E. _____

See Arc View Shapefile.
 B+W Map in file has one incorrect QQ.
 Blue outline is per Earl Henderson, former
 owner.

Reviewer: MV

Date: _____

Purpose of Use Data Entry Form

Claim Number 67-10498

Claimed Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

IRRIGATION



Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

Recommended Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

Number of Other

Document how the Purpose of Use was verified:

F.E.

Reviewer:

Date:

Period of Use and Quantity Data Entry Form

Claim Number 67-10498

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	1.88	

Overall Diversion Rate 1.88 Overall Diversion Volume

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
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Overall Diversion Rate Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

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

Quantity: Per Nello Jenkins, Hornet Creek deputy watermaster, ditch (conveyed from source through 15" pipe) capable of delivering 200"(+) water.

Reviewer: _____

mv

Date: _____

8/9/05

Contacts Data Entry Form

Claim Number: 67-10498

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	THOMAS BARRY	10100 SANTA MONICA BLVD., SUITE 1200	LOS ANGELES	CA	90067	
Original Owner	HENDERSON RANCHES	C/O REED HENDERSON PO BOX 475	COUNCIL	ID	83612	(208)253-4559

Date of Field Exam: 8/9/05 Time: 8:30amAccompanied By: Earl Henderson Phone Number: 253-6424
(former owner, still farms property)

Relationship to Claimant: _____

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

Reviewer: mvDate: 8/9/05

RECEIVED

SEP 15 2005

Department of Water Resources

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
67-4468)
67-11292)
67-10498)
State of Idaho)
County of Adams)

AFFIDAVIT

Reed Henderson being first duly sworn,
deposes and says: I have lived and operated and owned
Henderson Ranches since January 1, 1961. The decreed
water and flood water has always been used
for irrigation and stock water.

Reed Henderson
(Signature)

Subscribed and sworn to before me this
day 14th of Aug, 19 2005.

Cindy R. Fleisher
(Notary Public)

Residing at Meridian.

My Commission Expires 7.28.07.



SCANNED

SEP 15 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-4468

WATER RIGHT NUMBER: 67-4468

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	HENDERSON RANCHES C/O REED HENDERSON PO BOX 475 COUNCIL, ID 83612 (208)253-4559
Original Owner	ISOM LAND & LIVESTOCK INC 279 SW 10TH ST ONTARIO, OR 97914
Current Owner	THOMAS BARRY 10100 SANTA MONICA BLVD., SUITE 1200 LOS ANGELES, CA 90067

Priority Date: 01/01/1890

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	HORNET CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.100 CFS	
IRRIGATION	4/01 to 11/01	0.400 CFS	
	<u>Total Diversion:</u>	0.500 CFS	

Location of Point(s) of Diversion

SPRINGS	SE 1/4NW 1/4NE 1/4	Sec. 8,	Twp 16N,	Rge 01W, B.M.
ADAMS County				

Place of UseSTOCKWATER Within ADAMS County

T16N R01W S08 NWNE

IRRIGATION Within ADAMS County

T16N R01W S08 NWNE 15.0 T16N R01W S08 NENW 5.0

Total Acres: 20

Conditions of Approval:

1. CHANGE IN POINTS OF DIVERSION AND NUMBER OF SPRINGS. THIS IS A MARSHY AREA AND IT IS DIFFICULT TO DETERMINE THE ACTUAL NUMBER OF SPRINGS. CHANGE IN AMOUNT OF WATER AND NUMBER OF ACRES PER QUARTER, QUARTER.
2. CHANGE OF OWNERSHIP 11/22/04

Remarks:

SCANNED

SEP 15 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-11292

WATER RIGHT NUMBER: 67-11292

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WALDON E ISOM 279 SW 10TH ST ONTARIO, OR 97914 (503)889-7296
Current Owner	THOMAS BARRY 10100 SANTA MONICA BLVD., SUITE 1200 LOS ANGELES, CA 90067

Priority Date: 05/20/1888
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
HORNET CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

HORNET CREEK	NE1/4SW1/4	Sec. 5,	Twp 16N,	Rge 01W, B.M.
ADAMS County				

Place of Use

IRRIGATION Within ADAMS County

T16N R01W S05	SESE	0.5	T16N R01W S08	NENE	1.0
---------------	------	-----	---------------	------	-----

Total Acres: 1.5

Conditions of Approval:

1. CHANGE OF OWNERSHIP 11/22/04

Remarks:

SCANNED

SEP 15 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-10498

WATER RIGHT NUMBER: 67-10498

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THOMAS BARRY 10100 SANTA MONICA BLVD., SUITE 1200 LOS ANGELES , CA 90067
Original Owner	HENDERSON RANCHES C/O REED HENDERSON PO BOX 475 COUNCIL, ID 83612 (208)253-4559

Priority Date: 06/01/1881

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
HORNET CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.880 CFS	
	<u>Total Diversion:</u>	1.880 CFS	

Location of Point(s) of Diversion

HORNET CREEK	SE1/4NW1/4	Sec. 5, Twp 16N, Rge 01W, B.M.
ADAMS County		

Place of UseIRRIGATION Within ADAMS County

T16N R01W S05	SWSE	10.0	T16N R01W S05	SESE	1.0
T16N R01W S08	NENE	33.0	T16N R01W S08	NWNE	12.0
T16N R01W S08	SENE	10.0	T16N R01W S09	NWNW	11.0
T16N R01W S09	SWNW	37.0	T16N R01W S09	NWSW	18.0

Total Acres: 132

Conditions of Approval:

1. CHANGE OF OWNERSHIP 11/22/04
2. DELETED SOME ACREAGES, ADDED OTHERS-SEE ATTACHED.
THIS IS A COMBINATION OF A67-00378, A67-00379, A67-00380.
ALSO ADDED THE POINT OF DIVERSION WHICH WAS NOT SHOWN ON THE DECREEED WATER RIGHT. THE POINT OF DIVERSION MAY BE IN THE SW1/4, NW1/4 OF SECTION 5 SINCE IT IS SO CLOSE TO THE 1/16TH LINE.

Remarks:

SCANNED

SEP 15 2005



