

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 63-32572
Date Received: 11/28/2006
Receipt No:
Received By:

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

1. Name of Claimant(s)

GREENE TREE INC Phone: (208)864-2168

129 WOODSIDE DR
PROVO UT USA 84604-4423

2. Date of Priority: 05/01/1866

3. Source: MONTEZUMA CREEK Trib. to: BOISE RIVER MIDDLE FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	11E	3	NE NE	ELMORE	

5. Description of diverting works:

Gravity flow ditch diverts water from Montezuma Creek and flows northerly, then branches into multiple channels that convey the water to the place of use.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	1	

7. Total Quantity Appropriated is:
1 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
05N	11E	2	NE	NW		IRRIGATION	1
			NW	NW		IRRIGATION	24
			Section Acres				
05N	11E	3	NE	NE		IRRIGATION	15
			SE	NE		IRRIGATION	3.5
			Section Acres				
06N	11E	35	SW	SW		IRRIGATION	16
			SE	SW		IRRIGATION	21
			NE	SE		IRRIGATION	0.5
			NW	SE		IRRIGATION	20
			SW	SE		IRRIGATION	31
			SE	SE		IRRIGATION	0.5
Section Acres						89	
Total Acres						132.5	

11. Place of use in counties: ELMORE

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

16. Signature(s)

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

AL3-32572

Date Received

11-28-06

Receipt Number

W034916

RECEIVED

NOV 28 2006

WATER RESOURCES
WESTERN REGION

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Attorney: Scott L. Campbell
Moffatt, Thomas, Barrett,
Rock & Fields, Chartered
P. O. Box 829
Boise, Idaho 83701-0829
(208) 345-2000

Please type or print clearly

1. Name of Claimant (s) Greene Tree, Inc. Phone (208) 864-2168
Mailing Address 129 Woodside Drive, Provo, Utah Zip 84604-4423

2. Date of Priority (Only one (1) per claim) 5/1/1866

3. Source of water supply (a) Montezuma Creek
which is tributary to (b) Middle Fork Boise River

4. a. Location of existing point of diversion is: Township 05N Range 11E Section 3,
1/4 of NE 1/4 of NE 1/4, Govt. Lot, B.M., County of Elmore

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Gravity flow ditch diverts water from Montezuma Creek and flows northerly, then branches into multiple
channels that convey the water to the place of use.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/15 to 10/31 amount 1.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.0 (cfs) and/or (b) _____ (acre feet)

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

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

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
05N	11E	2					1	24											25.0
05N	11E	3	15			3.5													18.5
06N	11E	35											16	21	0.5	20	31	0.5	89.0

Total number of acres irrigated 132.5

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

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (X)

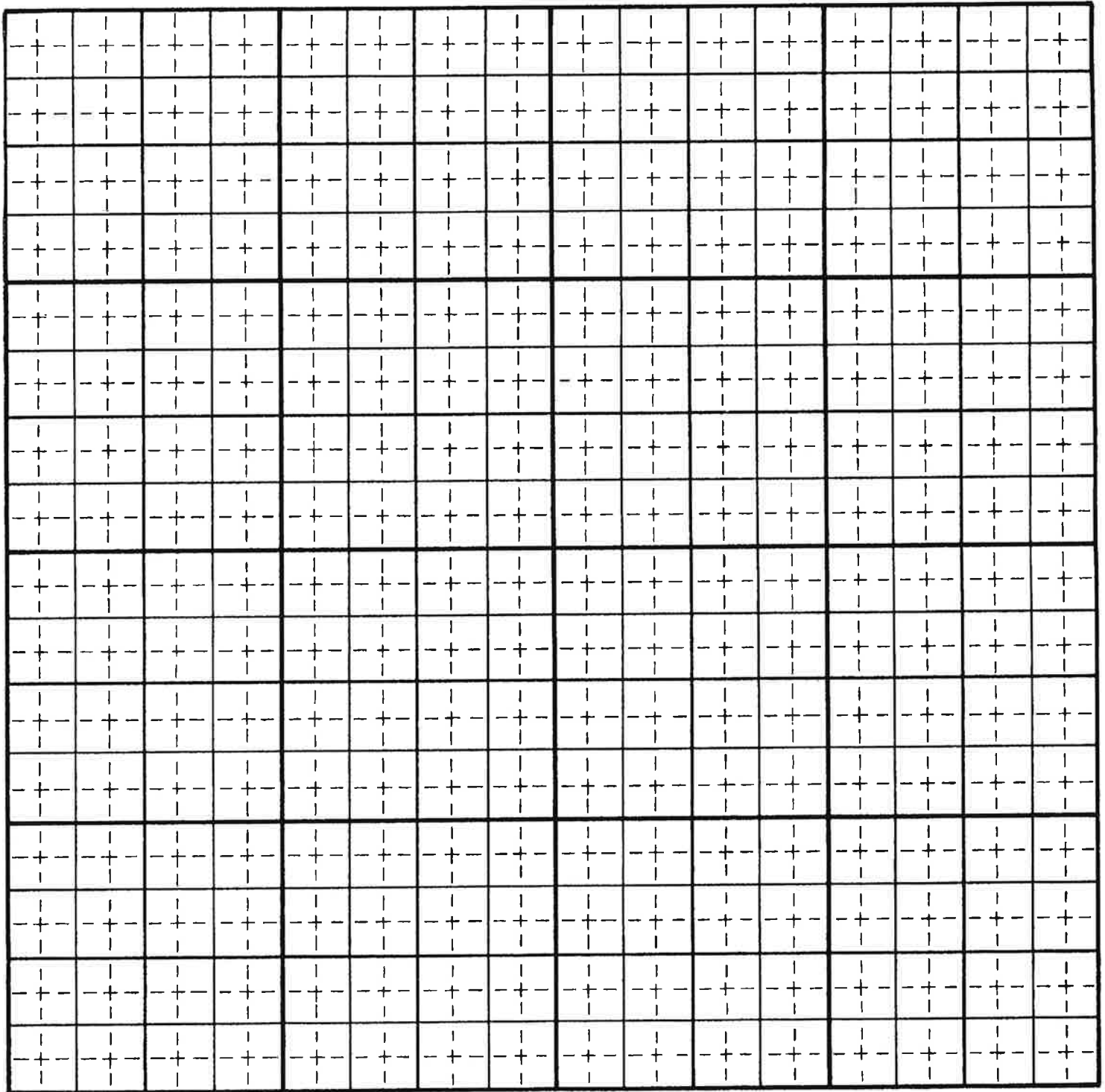
14. Remarks:

Last Name Greene Tree, Inc. Ident No. _____

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

Please see attached map.



Last Name Greene Tree, Inc. Ident No. _____

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

If applicable provide IDWR Water Right Number _____
Court Elmore County Case Number 555, File 9 Decree Date 12/31/1941
Plaintiff vs Defendant H.F. Coors v. Talache Mines, Incorporated

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 2

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

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

of Greene Tree Incorporated _____, that I have signed the foregoing
Organization

document in the space below as President of said _____
Title Organization

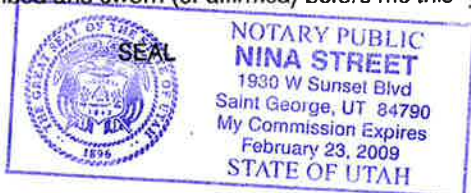
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Alma D. Greene _____

Title and Organization Greene Tree Incorporated, President Date 11/13/06

State of ¹⁸ Utah)
County of Washington) ss.

Subscribed and sworn (or affirmed) before me this 13 day of November 2006



Notary Public Junny Street

Residing at St. George, UT. 84770

My Commission Expires 2-23-09

Please Print Name

17. Notice of Appearance:

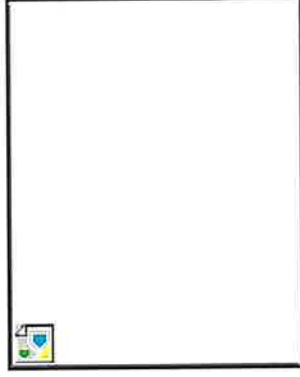
Notice is hereby given that I, Scott L. Campbell will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature Scott L. Campbell

Address P.O. Box 829, Boise, Idaho 83701-0829

Date 11/27/06

Last Name Greene Tree, Inc Ident. Number _____



Idaho Department of Water Resources
322 East Front Street, P.O. Box 8372D
Boise, Idaho 83720-0098
Ph: (208) 287-4800
www.idwr.idaho.gov

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Outline of Place of Use from Coors Decree

Outline of Place of Use from Coors Decree

Outline of Davis Tract, excluded in Coors Decree

Licensed place of use 63-2539

**Officers and Directors
of
Greene Tree, Incorporated**

Name	Title	Address	City	State	Zip
Alva D. Greene	President	129 Woodside Drive	Provo	Utah	84604
Craig Hanley	Secretary	5258 Pinemont Drive #B260	Murray	Utah	84123
Mary Alice Moss	Director	909 Parkhurst Lane	Sandy	Utah	84094
Carolyn Oborn	Director	3631 Brighton Point Drive	S.L. County	Utah	84121
Claudia Nelson	Director	1021 Country Circle	Orem	Utah	84003
Sharon Davis	Director	195 Lloyd Circle	Idaho Falls	Idaho	83402
Alva D. Greene	Director	129 Woodside Drive	Provo	Utah	84604

06/03/2009

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

RIGHT NUMBER: 63-32572

NAME AND ADDRESS: GREENE TREE INC
129 WOODSIDE DR
PROVO UT 84604-4423

SOURCE: MONTEZUMA CREEK

TRIBUTARY: MIDDLE FORK BOISE RIVER

QUANTITY: 0.500 CFS

PRIORITY DATE: 05/01/1866

POINT OF DIVERSION:

T05N R11E S3 NENE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.500 CFS

PLACE OF USE: IRRIGATION in ELMORE County

T05N R11E S02	NWNW	10.00	T05N R11E S03	NENE	15.00
---------------	------	-------	---------------	------	-------

25 ACRES TOTAL

Right Nos. 63-2539 and 63-32572 are limited to the irrigation of a combined total of 25.0 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



Idaho Department of Water Resources

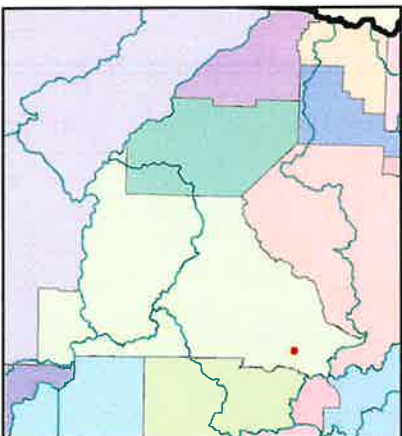
Adjudication Recommendation

63-32572

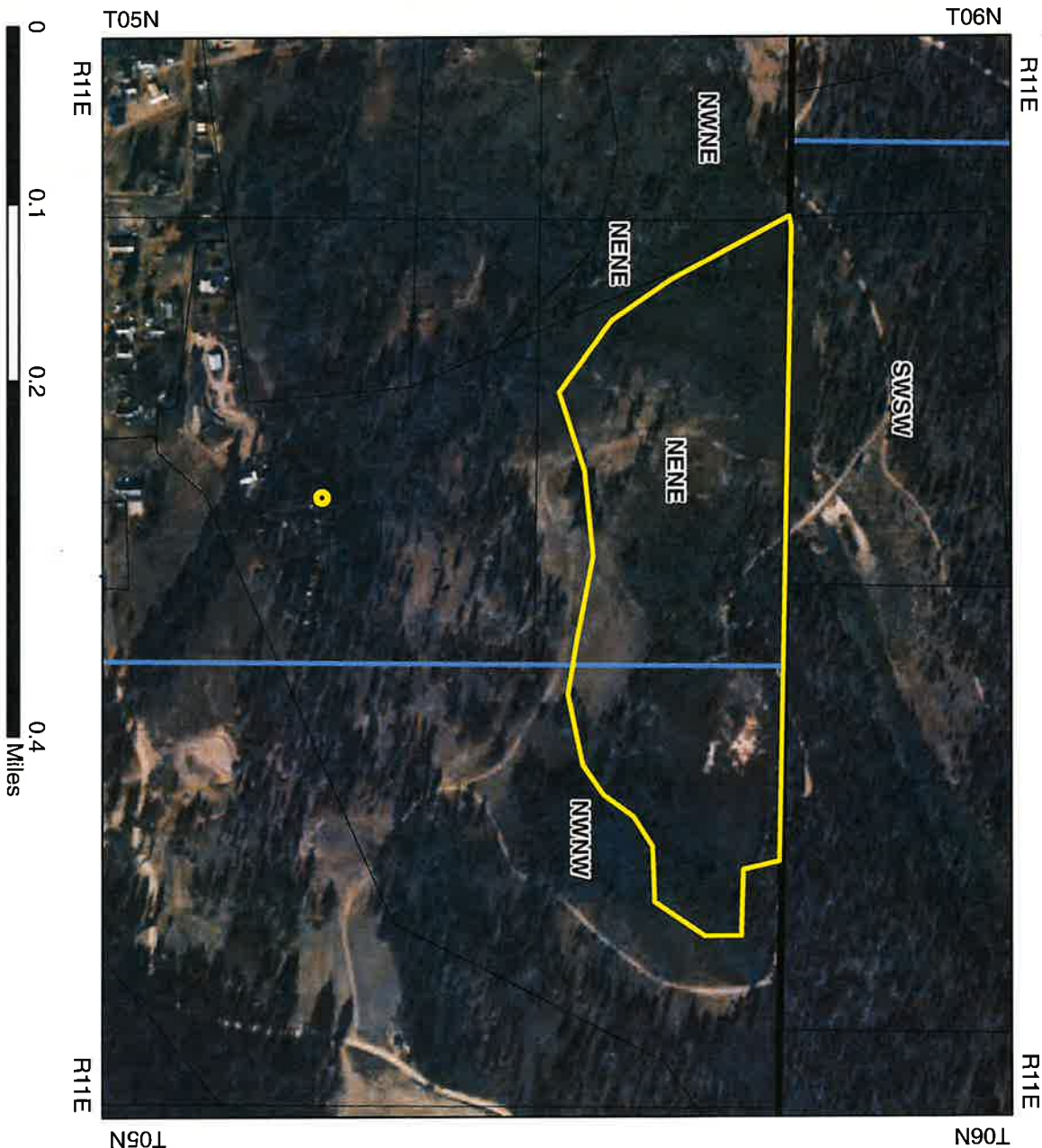
(IRRIGATION)

Legend

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



Elmore County
IDWR Basin 63



Prepared by Craig Saxton
On June 03, 2009
2004 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32572 V1

WATER RIGHT NUMBER: 63-32572 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GREENE TREE INC 129 WOODSIDE DR PROVO, UT 84604-4423 (208)864-2168
Attorney	MOFFATT THOMAS BARRETT ROCK & FIELD CHTD C/O SCOTT L CAMPBELL PO BOX 829 BOISE, ID 83701-0829 (208) 345-2000

Priority Date: 05/01/1866

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MONTEZUMA CREEK	MIDDLE FORK BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.500 CFS	
	<u>Total Diversion:</u>	0.500 CFS	

Location of Point(s) of Diversion

MONTEZUMA CREEK	NE1/4NE1/4	Sec. 3, Twp 05N, Rge 11E, B.M.
ELMORE 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	
05N	11E	2																	10.0
05N	11E	3	15.0																15.0

Total Acres: 25

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.
2. E55 Right Nos. 63-2539 and 63-32572 are limited to the irrigation of a combined total of 25.0 acres in a single irrigation season.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-32572 V1

Remarks:Comments:

1. csaxton 6/3/2009 Quantity

Comment: Half of the diversion rate that was decreed in Coors vs Talache Mines (0.5 cfs) was recommended and decreed under right 63-2539. Recommend the other 0.5 cfs under this claim to total the decreed diversion rate of 1.0 cfs.

2. csaxton 6/3/2009 POD

Comment: The decree states that the point of diversion from Montezuma Creek is on the easterly bank about 3/8ths of a mile (1980 ft) southeasterly from said land of the plaintiff (Coors). This places the POD in T5N, R11E, S2, SWNW which actually is HES No 37. However, after reviewing maps in the licensing field exam for 63-2539 which is the same system, I am not convinced that the actual POD location has changed, rather I think the legal description is just described more accurately. Note that I do think there is an error in the POD location that was partially decreed under 63-2539 as it does not even fall on the creek.

3. csaxton 6/3/2009 Recommended POD

Comment: POD located in HES 38

4. csaxton 6/3/2009 POU

Comment: POU is the same as 63-2539

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:

Owner Name Connector:

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	6/3/2009 10:44:48 AM	csaxton			Active
Priority Date	6/3/2009 10:54:38 AM	csaxton			Active
POD	6/3/2009 11:26:24 AM	csaxton			Active
Source	6/3/2009 11:26:53 AM	csaxton			Active
POU	6/3/2009 11:30:49 AM	csaxton			Active
Use	6/3/2009 11:58:17 AM	csaxton			Active
Season	6/3/2009 12:03:25 PM	csaxton			Active
Quantity	6/3/2009 12:03:42 PM	csaxton			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32572 V1

Summary

06/03/2009

csaxton

Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Source	6/3/2009 11:26:54 AM	csaxton	(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?
Use	6/3/2009 11:58:18 AM	csaxton	(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?
POD	6/3/2009 10:53:51 AM	csaxton	Updated PLS
POD	6/3/2009 11:26:25 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file? (Yes) 6. Is there evidence that there has been a change in the POD? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required? Description for Question 6 - The decree states that the point of diversion from Montezuma Creek is on the easterly bank about 3/8ths of a mile (1980 ft) southeasterly from said land of the plaintiff (Coors). This places the POD in T5N, R11E, S2, SWNW which actually is HES No 37.
POU	6/3/2009 11:30:49 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (No) 5. Does the Decree or License have a POU? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 13 - POU recommended is that which was defined in license 63-2539. 25 acres.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32572 V1

Season	6/3/2009 12:03:25 PM	csaxton	(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	6/3/2009 12:03:43 PM	csaxton	(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	6/3/2009 12:37:09 PM	csaxton	(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? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 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?
POD	6/3/2009 10:53:30 AM	csaxton	Updated Shape
General	6/3/2009 10:54:38 AM	csaxton	(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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32572 V1

Contacts	6/3/2009 10:44:48 AM	csaxton	(No) 1. Do you want to schedule an appointment?
POU	6/3/2009 11:58:55 AM	csaxton	Updated Shape
POU	6/3/2009 11:59:34 AM	csaxton	Updated PLS
POU	6/3/2009 12:02:30 PM	csaxton	Updated SeasonOfUse

Water Supply Bank:

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Boise
Idaho Falls
Pocatello
Twin Falls

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas
Glenna M. Christensen
Gerald T. Husch
Scott L. Campbell
Robert B. Burns

Michael E. Thomas
Patricia M. Olsson
Bradley J. Williams
Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin
C. Clayton Gill
Michael W. McGreaham
David P. Gardner
Julian E. Gabiola
Angela Schaefer Kaufmann
Kimberly D. Evans Ross
Paul D. McFarlane
Jon A. Stenquist
Tyler J. Henderson

Jason G. Murray
Mark C. Peterson
Andrew J. Waldera
Tyler J. Anderson
Dylan B. Lawrence
Russell G. Mercalf
Benjamin C. Ritchie
Rebecca A. Rainey

Robert E. Bakes, *of counsel*
Morgan W. Richards, *of counsel*

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

December 14, 2006

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

Western Region
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: Greene Tree, Inc. - Claim for Water Right 63-32572
MTBR&F File No. 19-344.0002

Dear Sir or Madam:

My firm represents Greene Tree, Inc., and I am writing to correct an error in the Department's records with respect to Greene Tree's above-referenced claim. The Department's online database reflects that this is a beneficial use claim. However, it is actually based on the *Coors v. Talache* judicial decree that is described in the claim form submitted by Greene Tree. Please revise the Department's records to correct this error. If you need a copy of the decree or would like to discuss this matter further, please do not hesitate to contact me.

Very truly yours,


Scott L. Campbell

SLC/llw

cc: John C. Ward
Alva Greene

*Corrected
12-15-06
Copy of decree
in file
review during
reconciliation*

RECEIVED
DEC 15 2006
WATER RESOURCES
WESTERN REGION

Shurte, Jan

From: Tiffany Hudak [TMH@moffatt.com]
Sent: Thursday, December 14, 2006 3:15 PM
To: Shurte, Jan; Graves, Lori
Cc: Dylan Lawrence; Scott Campbell
Subject: Coors Decree



Static copy of
Coors Decree.pd...

Jan:

Pursuant to your request, attached is a copy of the Coors Decree, which we obtained from the Elmore County District Court. Please let me know if you have any questions.

Thanks, Tiffany

Tiffany Hudak
Paralegal
Moffatt Thomas Barrett Rock & Fields, Chtd.
101 S. Capitol Blvd., 10th Floor
PO Box 829
Boise, ID 83701
208.385.5435 (direct line)
208.385.5435 (direct fax)
tmh@moffatt.com

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Shurte, Jan

From: Tuthill, Dave
Sent: Wednesday, December 13, 2006 5:26 PM
To: Shurte, Jan
Cc: Smith, Danni
Subject: 63-32572

Jan,

Danni tells me that Tiffany Hudak called about this one. Danni gave me the message thinking that it might have something to do with our companies. Looks like the claim is for B/U on a trib to the Middle Fork, and it likely missed the boat for this report...

Would you please call Tiffany?

Thanks, Dave

Shurte, Jan

From: Tiffany Hudak [TMH@moffatt.com]
Sent: Thursday, December 14, 2006 2:25 PM
To: Shurte, Jan
Cc: Dylan Lawrence; Scott Campbell
Subject: Water Right 63-32572

Jan:

The purpose of this email is to confirm our telephone conversation of this afternoon concerning the above-referenced adjudication claim filed by this firm's client, Greene Tree, Inc. As we discussed, it appears that when the claim for this water right was data-entered into the Department's database, the basis was described as a "beneficial use" claim. However, the water right is actually based on the Coors v. Talache judicial decree (aka the "Coors Decree"), as described in the claim form submitted by Greene Tree. It is my understanding that you will revise the Department's records to correct this data entry error. If my understanding is not correct, please immediately let me know.

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact me.

Sincerely, Tiffany

Tiffany Hudak
Paralegal
Moffatt Thomas Barrett Rock & Fields, Chtd.
101 S. Capitol Blvd., 10th Floor
PO Box 829
Boise, ID 83701
208.385.5435 (direct line)
208.385.5435 (direct fax)
tmh@moffatt.com

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Robert E. Bakes, *of counsel*
Morgan W. Richards, *of counsel*

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

November 28, 2006
via Hand Delivery

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Western Region
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082

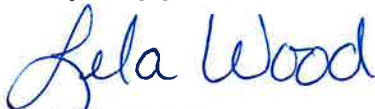
Re: Notice of Claim to a Water Right
Claimant: Greene Tree, Inc.
MTBR&F File No. 19-344.0002

To Whom It May Concern:

Enclosed for filing is one original and one copy of a Notice of Claim to a Water Right for Claimant Greene Tree, Inc., which has been signed and notarized by Greene Tree, Inc.'s President, Alva D. Greene. Also enclosed is our check in the amount of \$365.00 for the filing fee.

Please stamp the copy of the claim form with your date received stamp and return it to me via our runner. If you have any comments or questions, please do not hesitate to contact me at 385-5442.

Very truly yours,



Lela L. Wood
Administrative Assistant to
John C. Ward

/llw
Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2539

WATER RIGHT NUMBER: 63-2539

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	H F COORS
Current Owner	ATLANTA, ID GREENE TREE INC 129 WOODSIDE DR PROVO, UT 84604-4423 (208) 864-2168

Priority Date: 05/01/1866

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MONTEZUMA CREEK	MIDDLE FORK BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.500 CFS	
	<u>Total Diversion:</u>	0.500 CFS	

<u>Location of Point(s) of Diversion</u>			
MONTEZUMA CREEK	SW1/4NW1/4	Sec. 2,	Twp 05N, Rge 11E, B.M.
ELMORE 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	
05N	11E	2						10.0											10.0
05N	11E	3	15.0																15.0

Total Acres: 25

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

Water Right Report 63-2539

Comments:

1. sbock 2/25/2002 claim

Comment: This right was licensed with a 1937 priority date. When claimant filed claim, brought in a copy of a decree that pertains to this land with a 5/1/1866 priority date. Jan has looked over decree and feels that it is valid and appropriate to use in place of the license. A field exam was conducted by Dan Nelson and Ron Howerton on other property owned by claimant. They did not specifically look at this piece of land, but do recall that it appeared irrigated. Based on the 1987 NAPP, it also appears irrigated. The claimant stated that since a landslide in 1997 the right has not been used and is awaiting cleanup.

Water Supply Bank:

Lessor Name: GREENE TREE INC
Lease Status: Application
Lease Amount: All
Rental Availability: All
Date Received: 9/5/2007
Lease Begin Date:
Expiration Date:

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE.

H. F. COORS,

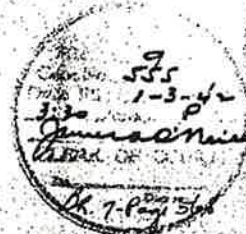
Plaintiff,

-vs-

TALACHE MINES, INCORPORATED,
a corporation,

Defendant.

DECREE



This cause came on regularly for trial before the Court on the 31st day of December, 1941, Eugene H. Anderson appearing as counsel for the plaintiff and W. H. Langroise and W. E. Sullivan, appearing as attorneys for the defendant. The cause was tried before the Court without a jury, a trial by jury having been waived by counsel for the respective parties. Thereupon, a stipulation and agreed statement of facts signed by the plaintiff and his said attorney and by the defendant and its said attorneys was submitted to the above entitled court and filed in the above entitled cause, and no further evidence was submitted by either the plaintiff or the defendant, and the cause was submitted to the Court for consideration and decision. After due deliberation thereon the Court made its decision in writing, consisting of findings of fact and conclusions of law, and ordered that judgment be entered in accordance therewith;

WHEREFORE, by reason of the law and the decision aforesaid,
IT IS ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

I

That the plaintiff H. F. Coors be, and he is hereby awarded fifty miner's inches being a flow of one cubic foot per second of time of the waters of Montezuma Creek dated from and with the date of priority of the 1st day of May, 1866, for the irrigation of the lands and premises situate in the County of Elmore, State of Idaho, bounded and particularly described as follows, to-wit:

Commencing at United States Mineral Monument No. 2 in the Middle Boise Mining District, in the County of Elmore, State of Idaho, running thence south eighty-nine degrees forty minutes east 1215.06 feet to a point, being corner No. 1, thence north one degree twenty minutes west 122.87 feet to a point being corner No. 2, thence north eighty-two degrees eight minutes thirty seconds east 215.10 feet to corner No. 3, thence north five degrees fifty-three minutes west 493.02 feet to corner No. 4, thence north twenty-four degrees eight minutes west 1,279.74 feet to corner No. 5, thence north one degree thirty minutes thirty seconds west 551.76 feet to corner No. 6, thence north eighty-five degrees forty-six minutes thirty seconds east 2,272.38 feet to corner No. 7, thence north nineteen degrees thirty-nine minutes thirty seconds east 420.42 feet to corner No. 8, thence north thirteen degrees eight minutes east 609.84 feet to corner No. 9, thence north sixty degrees twenty-nine minutes thirty seconds east 1011.12 feet to corner No. 10, thence south twenty-six degrees forty-eight minutes thirty seconds east 1059.96 feet to corner No. 11, thence south forty-four degrees three minutes thirty seconds west 583.44 feet to corner No. 12, thence south thirty degrees twenty-one minutes thirty seconds east 207.90 feet to corner No. 13, thence south forty-three degrees forty-eight minutes thirty seconds west 212.52 feet to corner No. 14, thence south thirty-four degrees fifty-nine minutes west 500.28 feet to corner No. 15, thence south fifty-four degrees five minutes thirty seconds west 801.24 feet to corner No. 16, thence south twenty-seven degrees twenty-seven minutes west 900.24 feet to corner No. 17, thence south sixty-seven degrees twelve minutes west 1403.82 feet to corner No. 18, thence south forty-one degrees twenty-four minutes west 193.38 feet to corner No. 19, thence south eighty-eight degrees fifty-one minutes west 118.80 feet to corner No. 20, thence north ten degrees ten minutes west 554.44 feet to corner No. 21, thence south eighty-eight degrees thirty-five minutes west 175.38 feet more or less to corner No. 1, the corner of beginning, excepting that portion of the

above described premises particularly described as follows, to-wit: Beginning at a point being corner No. 18 referred to in the within and foregoing description, running thence north thirty-four degrees thirty-seven minutes west a distance of 16.56 feet, to a point being the real point of beginning, running thence north nineteen degrees twenty-four minutes west a distance of 169.04 feet to a point, thence north sixty-nine degrees twenty-seven minutes east a distance of 91.40 feet to a point, thence north sixty-seven degrees twelve minutes east a distance of 80 feet to a point, thence north thirty-nine degrees forty-five minutes west a distance of 50 feet to a point, thence north sixty-seven degrees twelve minutes east a distance of 200 feet to a point, thence south thirty-nine degrees forty-five minutes east a distance of 50 feet to a point, thence north sixty-seven degrees twelve minutes east a distance of 100 feet to a point, thence south thirty-nine degrees forty-five minutes east a distance of 150 feet to a point, thence south sixty-seven degrees twelve minutes west a distance of 380 feet to a point, thence south thirty-nine degrees forty-five minutes east a distance of 20 feet to a point, thence south sixty-seven degrees forty-six minutes west a distance of 150.77 feet to a point being the point of the real place of beginning;

And, that certain tract of land bounded and more particularly described as follows, to-wit:

Beginning at corner No. 4, of Homestead Entry Survey No. 37; thence south $67^{\circ}12'$ west 554 feet; thence south $64^{\circ}26'$ east 322.74 feet; thence south $80^{\circ}41'30''$ East 492.01 feet; thence north $18^{\circ}42'$ East 485.43 feet; thence north $66^{\circ}15'$ West 363.09 feet; thence south $27^{\circ}27'$ West 190 feet to said Corner No. 4, the place of beginning.

That the plaintiff H. F. Coors owns and that he be, and he is hereby awarded for the irrigation of his said lands the right to use the main or principal ditch constructed for the irrigation of such lands and known as the "upper ditch" which taps and has its diversion point in Montezuma Creek on the easterly bank thereof about three-eighths of a mile southeasterly from said land of the plaintiff and runs thence in a northerly direction to and upon the said land of the plaintiff, and the ditcher in the lands of the plaintiff tapping Montezuma Creek for the irrigation thereof and all other

5N 11E 2 SWNW

ditches used by the plaintiff in the irrigation of his said lands, and the points of diversion for all such ditches;

II

That the defendant Talache Mines, Incorporated, be, and it is hereby awarded fifty miner's inches being a flow of one cubic foot per second of time of the waters of Montezuma Creek dated from and with the date of priority of the 1st day of May, 1866, for the irrigation of its lands situate, lying and being in Elmore County, Idaho, and particularly described as follows, to-wit:

That certain Homestead Survey No. 37, embracing a portion of the unsurveyed public domain in Elmore County, Idaho, which said homestead was patented to George E. Butler (sometimes called George Edmund Butler) by United States patent recorded in Book 17 of patents, at page 99 thereof, records of Elmore County, Idaho, reserving therefrom, however, a certain tract of land hereinafter particularly described.

Said Homestead Survey No. 37 is described as follows:

Beginning at corner No. 1 a fir post 6 x 6 x 40 inches, marked "Cor. No. 1, H.E.S. No. 37", from which U. S. Mineral Monument No. 2, Middle Boise Mining District, bears North eighty-eight degrees,

twenty-one minutes West Twenty-six and forty-four,
 hundredths chains distant; thence North eighty-seven
 degrees, thirty-seven minutes East seventy-one-hun-
 dredths of a chain to corner No. 2; thence North forty-
 one degrees, twenty-four minutes East two and ninety-
 three hundredths chains to corner No. 3; thence North
 sixty-seven degrees, twelve minutes East twenty-one
 and twenty-seven-hundredths chains to corner No. 4;
 thence North twenty-seven degrees, twenty-seven min-
 utes East thirteen and sixty-four-hundredths chains
 to corner No. 5; thence North fifty-four degrees,
 five minutes, thirty seconds East twelve and four-
 teen-hundredths chains to corner No. 6; thence South
 sixty-eight degrees, fifty-two minutes East five and
 ninety-three-hundredths chains to corner No. 7; thence
 South twenty-two degrees, twenty minutes, thirty sec-
 onds West twenty-three and five-tenths chains to cor-
 ner No. 8; thence South fifty degrees, forty-one min-
 utes, thirty seconds West seventeen and fifty-six-
 hundredths chains to corner No. 9; thence South forty-
 five degrees, eighteen minutes East four and five-
 hundredths chains to corner No. 10; thence South
 sixty-nine degrees, forty-six minutes, thirty sec-
 onds East fifteen and five-hundredths chains to cor-
 ner No. 11; thence South nine degrees East nine and
 two-hundredths chains to corner No. 12; thence South
 eighty-three degrees, six minutes West nineteen and
 forty-five-hundredths chains to corner No. 13; thence
 North seventy-three degrees, forty-two minutes,
 thirty seconds West seven and ninety-five-hundred-
 ths chains to corner No. 14; thence North thirty-
 nine degrees, fifty-three minutes West twelve and
 seventy-eight-hundredths chains to corner No. 15;
 thence North three degrees, thirteen minutes West
 five and thirty-six-hundredths chains to corner No.
 16; thence South eighty-nine degrees, one minute,
 thirty seconds West one and fifty-four-hundredths
 chains to corner No. 17; thence North eight degrees,
 four minutes, thirty seconds West four and thirty-
 nine-hundredths chains to corner No. 18; thence South
 eighty-seven degrees, fifty-four minutes West two
 and seventeen-hundredths chains to corner No. 19;
 thence North one degree, nine minutes West three and
 four-hundredths chains to corner No. 1, the place of
 beginning; expressly excepting therefrom the Atlanta
 Cemetery, Stevens and Schoolhouse Tracts, more parti-
 cularly described as follows:

Beginning, for the description of the Atlanta Ceme-
 tery, at corner No. 20, a fir post, marked "Cor. No.
 20, H.E.S. No. 37, from which corner No. 15 of the
 said H. E. Survey No. 37 bears north seventy-seven
 degrees, one minute West five and seventy-seven-hun-
 dredths chains distant; thence North one degree,

twenty minutes West three and twenty-seven-hundredths chains to corner No. 21; thence South eighty-nine degrees East three and twenty-nine-hundredths chains to corner No. 22; thence South fifty-six minutes East three and twenty-nine-hundredths chains to corner No. 23; thence North eighty-eight degrees, thirty-eight minutes West three and twenty-seven-hundredths chains to corner No. 20, the place of beginning.

Beginning, for the description of the Stevens Tract, at corner No. 24, a fir post marked "Cor. No. 24, H.E.S. No. 37", from which corner No. 16 of the said H. E. Survey No. 37 bears South fifty-two degrees, thirty-nine minutes West two and seventy-six-hundredths chains distant; thence North four degrees, fifty-one minutes West one and eighty-six-hundredths chains to corner No. 25; thence North eighty-nine degrees, thirty-nine minutes East six and six-hundredths chains to corner No. 26; thence South twelve degrees, six minutes East one and eighty-one-hundredths chains to corner No. 27; thence South eighty-seven degrees, thirty-one minutes West two and twenty-eight-hundredths chains to corner No. 24, the place of beginning.

Beginning, for the description of the Schoolhouse Tract, at corner No. 28, a fir post marked "Cor. No. 28, H.E.S. No. 37", from which corner No. 18 of the said H. E. Survey No. 37 bears South eighty-seven degrees, forty-five minutes West sixty-five-hundredths of a chain distant; thence North six degrees, eleven minutes West one and ninety-two-hundredths chains to corner No. 29; thence North eighty-seven degrees, thirty minutes East four and three-hundredths chains to corner No. 30; thence South two degrees, six minutes West one and ninety-seven-hundredths chains to corner No. 31; thence South eighty-eight degrees, fifteen minutes West three and seventy-five hundredths chains to corner No. 28, the place of beginning;

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, including all water and ditch rights of every kind, nature, and description, however evidenced, used upon said land, and especially all rights of every kind and description owned by the grantor in or to the waters of what is known as Montezuma Creek and/or Montezuma Gulch, and including those certain water rights and ditch rights conveyed to George E. Butler by Mary E. Turner and Lena Turner by deed dated November 18, 1903, and recorded in the office of the County Recorder of Elmore County, Idaho.

Except, however, from the above described property the following portion of said Homestead Survey No. 37, to-wit:

Beginning at corner No. 4 of Homestead Survey No. 37; thence South 67 degrees 12 minutes West 554 feet; thence South 64 degrees 26 minutes East 322.74 feet; thence South 80 degrees 41 minutes 30 seconds East 492.01 feet; thence North 18 degrees 42 minutes East 485.43 feet; thence North 66 degrees 55 minutes West 363.09 feet; thence South 27 degrees 27 minutes West 190 feet to said corner No. 4, the place of beginning.

That defendant has been said owner of said property since December 30, 1936.

That the defendant Talache Mines, Incorporated, owns and that it be and is hereby awarded for the irrigation of its said lands the right to use the ditches constructed for the irrigation of such lands, one of which said ditches taps said Montezuma Creek on the east bank thereof on the above described lands of such defendant at a diversion point approximately five hundred feet above the Montezuma Creek bridge, which point is more specifically described as approximately north twenty-two degrees east 950 feet from corner No. 14 of H. E. Survey No. 37, and another of which said ditches taps said Montezuma Creek on the west bank thereof approximately 900 feet above or southerly from the Montezuma Creek bridge near what is known as the Stevens tract which point of diversion is more specifically described as being approximately north forty-two degrees east 700 feet from the corner No. 14 of said H. E. Survey No. 37, and that another of said ditches taps said Montezuma Creek on the west bank thereof approximately fifty feet below or northerly from the Montezuma Creek bridge which point of diversion is more specifically described as being approximately north eighty-seven degrees forty-seven minutes east 750 feet from the corner No. 18 of said H. E. Survey, and the points of diversion for all such ditches.

III

That the defendant Talache Mines, Incorporated, be, and it is hereby awarded the use of thirty miner's inches, being a flow of three-fifths of a cubic foot per second of time of the waters of Montezuma Creek, dated from and with the date of priority of December 31, 1913, for mining and milling purposes in connection with the following described property, situate, lying and being near Atlanta, in Elmore County, Idaho, and more particularly described as follows:

Ten patented lode mining claims described as follows:

- (a) Atlanta Lode Mining Claim No. 1, being 1,500 linear feet in length along the lode or vein and 300 feet in width on each side from the center of said lode or vein, being lot No. 57, and described in the field notes and plat of the official survey as survey No. 539 and containing 20.488 acres, more or less;
- (b) Atlanta Lode Mining Claim No. 2, being 1,500 linear feet in length along the lode or vein and 392.95 feet in width, known as Lot No. 58, and described in the field notes and plat of the official survey as Survey No. 540, and containing 13.571 acres;
- (c) Atlanta Lode Mining Claim No. 3, being 1,500 linear feet in length along the vein or lode and 484.45 feet in width, known as Lot No. 59A, and described in the field notes and plat of the official survey as Survey No. 541A, containing 16.682 acres. Also the millsite in connection therewith known as Lot No. 59B, and Survey No. 541B, containing 3.941 acres.
- (d) Atlanta Lode Mining Claim No. 4, being 1,500 linear feet in length along the vein or lode and 300 feet in width on each side of the center of said vein or lode, known as Lot No. 60A, and described in the field notes and plat of the official survey as Survey No. 542A, containing 19.439 acres. Also the millsite in connection therewith known as Lot No. 60B, and Survey No. 542B, containing 5 acres.
- (e) Atlanta Lode Mining Claim No. 5, being 1,500 linear feet in length along the vein or lode and 300 feet in width on each side of the center of the vein or lode, known as Lot No. 61A, and described in the field notes and plat of the official survey as Survey No. 543A, containing 20.132 acres. Also the millsite in connection therewith, known as Lot No. 61B, and Survey No. 543B, containing 4.292 acres.

The three millsites above described are known and generally referred to as Orouse Creek Millsite Nos. 1 and 2, and Tuba River Millsite.

Being the same property conveyed to Foster S. Naething by Florence O'Malia, Treasurer and ex-officio Tax Collector of the County of Elmore, State of Idaho, by deed dated March 13, 1922, and recorded March 20, 1922 in the office of the Recorder of Elmore County in Book 20 of Mining Deeds at page 500.

(f) General Pettit No. 1 Lode Mining Claim, General Pettit No. 2 Lode Mining Claim, General Pettit No. 3 Lode Mining Claim, all situated in the Middle Boise Mining District in Elmore County, Idaho. Reference is hereby made to the patent of said General Pettit No. 1, General Pettit No. 2, and General Pettit No. 3 Lode Mining Claims, recorded at page 499, in Book 15 of the records of patents in the office of the County Recorder of Elmore County, Idaho, for a more full and particular description of said General Pettit No. 1, General Pettit No. 2, and General Pettit No. 3 Lode Mining Claims.

(g) "Old Chunk" Lode Mining Claim, situated in the Middle Boise Mining District in Elmore County, Idaho, known and described as United States Mineral Survey Lode No. 787. Reference is hereby made to the patent of said "Old Chunk" Lode Mining Claim recorded at page 203, Book 15 of Records of Patents, in the office of the County Recorder of Elmore County, Idaho, for a more full and particular description of said "Old Chunk" Lode Mining Claim.

(h) "Atlanta East Extension" Lode Mining Claim, situated in the Middle Boise Mining District, in Elmore County, Idaho, and known and described as U. S. Mineral Survey Lode No. 788. Reference is hereby made to the patent of said Atlanta East Extension Lode Mining Claim, recorded at page 207, in Book 15 of the Records of Patents in the office of the County Recorder of Elmore County, Idaho, for a more full and particular description of said Atlanta East Extension Lode Mining Claim.

Twelve unpatented lode mining claims described as follows:

(a) "Lucky Strike No. 1" Lode Mining Claim, situated in the Middle Boise Mining District, in Elmore County, State of Idaho. Reference is hereby made to the amended location notice as recorded at page 396, in Book 9 of the records of quartz mining locations in the office of the County Recorder of Elmore County, Idaho for a more full and particular description thereof.

(b) "Lucky Strike No. 2" Lode Mining Claim, situated in the Middle Boise Mining District, in Elmore County, State of Idaho. Reference is hereby made to the amended location notice thereof as recorded at page 398, in Book 9 of the records of quartz mining locations in the office of the County Recorder of Elmore County, Idaho for a more full and particular description thereof.

(c) "Lucky Strike No. 3" Lode Mining Claim, situated in the Middle Boise Mining District, in Elmore County, State of Idaho. Reference is hereby made to the location notice thereof as recorded at page 620 in Book 11 of the records of quartz mining locations in the office of the County Recorder of Elmore County, Idaho for a more full and particular description thereof.

(d) "Lucky Strike No. 4" Lode Mining Claim, situated in the Middle Boise Mining District, in Elmore County, State of Idaho. Reference is hereby made to the location notice thereof as recorded at page 619, in Book 11 of the records of quartz mining locations in the office of the County Recorder of Elmore County, Idaho for a more full and particular description thereof.

(e) "Webfoot" Lode Mining Claim, situated in the Middle Boise Mining District, in Elmore County, State of Idaho. Reference is hereby made to the amended location notice thereof as recorded at page 112, Book 9 of the records of quartz mining locations in the office of the County Recorder of Elmore County, Idaho for a more full and particular description thereof.

(f) "Sylvan" Lode Mining Claim, situated in the Middle Boise Mining District, in Elmore County, State of Idaho. Reference is hereby made to the location notice thereof as recorded at page 82, in Book 11 of the records of quartz mining locations, in the office of the County Recorder of Elmore County, Idaho for a more full and particular description thereof.

(g) "Honeymoon" Lode Mining Claim, situated in the Middle Boise Mining District, in Elmore County, State of Idaho. Reference is hereby made to the location notice thereof as recorded at page 84, Book 11 of the records of quartz mining locations in the office of the County Recorder of Elmore County, Idaho for a more full and particular description thereof.

(h) "Laloma" Lode Mining Claim, situated in the Middle Boise Mining District, in Elmore County, State of Idaho. Reference is hereby made to the location notice thereof as recorded at page 83, in Book 11 of the records of quartz mining locations, in the office of the County Recorder of Elmore County, Idaho for a more full and particular description thereof.

(i) "Rochester" Lode Mining Claim, situated in the Middle Boise Mining District, in Elmore County, State of Idaho. Reference is hereby made to the location notice thereof as recorded at page 85, Book 11 of the records of quartz mining locations in the office of the County Recorder of Elmore County, Idaho for a more full and particular description thereof.

(j) "Amalgamator" Lode Mining Claim, situated in the Middle Boise Mining District, in Elmore County, State of Idaho. Reference is hereby made to the location notice thereof as recorded at page 96, Book 11 of the records of quartz mining locations in the office of the County Recorder of Elmore County, Idaho for a more full and particular description thereof.

(k) "John Bascom No. 1" Lode Mining Claim, situated in the Middle Boise Mining District, near the town of Atlanta, County of Elmore, State of Idaho, on the west side of what is known as Montezuma Gulch, the same being more fully described in the location notice thereof on file in the office of the County Recorder of Elmore County, Idaho.

(l) "John Bascom No. 2" Lode Mining Claim, situated in the Middle Boise Mining District, near the town of Atlanta, County of Elmore, State of Idaho, on the west side of what is known as Montezuma Gulch, the same being more fully described in the location notice thereof on file in the office of the County Recorder of Elmore County, Idaho.

Four fractional mining claims known as the Alpha Claims, as follows:

(a) "Alpha" Quartz Mining Claim, situated in the Middle Boise Mining District, in Elmore County, State of Idaho. Reference is hereby made to the location notice thereof as recorded in Book 12, at page 207 of the records of quartz mining locations in the office of the County Recorder of Elmore County, Idaho for a more full and particular description thereof.

(b) "Alpha No. 1" Quartz Mining Claim, situated in the Middle Boise Mining District, in Elmore County, State of Idaho. Reference is hereby made to the location notice thereof as recorded in Book 12, at page 208 of the records of quartz mining locations in the office of the County Recorder of Elmore County, Idaho for a more full and particular description thereof.

(c) "Alpha No. 2" Quartz Mining Claim, situated in the Middle Boise Mining District, in Elmore County, State of Idaho. Reference is hereby made to the location notice thereof as recorded in Book 12, at page 209 of the records of quartz mining locations in the office of the County Recorder of Elmore County, Idaho for a more full and particular description thereof.

(d) "Alpha No. 3" Quartz Mining Claim, situated in the Middle Boise Mining District, in Elmore County, State of Idaho. Reference is hereby made to the location notice thereof as recorded in Book 12, at page 210 of the records of quartz mining locations in the office of the County Recorder of Elmore County, Idaho for a more full and particular description thereof.

Six unpatented placer claim locations, as follows:

(a) That certain placer claim known as the "Beta" Placer Claim, location notice of which is recorded in Book 32 of Placer Mining Claims, at page 331 thereof, records of Elmore County, Idaho, to which records reference is made for a more full and complete description thereof.

(b) That certain placer claim known as the "Beta No. 1" Placer Claim, location notice of which is recorded in Book 32 of Placer Mining Claims, at page 333 thereof, records of Elmore County, Idaho, to which records reference is made for a more full and complete description thereof.

(c) That certain placer claim known as the "Beta No. 2" Placer Claim, location notice of which is recorded in Book 32 of Placer Mining Claims, at page 335 thereof, records of Elmore County, Idaho, to which records reference is made for a more full and complete description thereof.

(d) That certain placer claim known as the "Beta No. 3" Placer Claim, location notice of which is recorded in Book 32 of Placer Mining Claims, at page 337 thereof, records of Elmore County, Idaho, to which records reference is made for a more full and complete description thereof.

(e) That certain placer claim known as the "Beta No. 4" Placer Claim, location notice of which is recorded in Book 32 of Placer Mining Claims, at page 339 thereof, records of Elmore County, Idaho, to which records reference is made for a more full and complete description thereof.

(f) That certain placer claim known as the "Beta No. 5" Placer Claim, location notice of which is recorded in Book 32 of Placer Mining Claims, at page 341 thereof, records of Elmore County, Idaho, to which records reference is made for a more full and complete description thereof.

Eight unpatented millsite locations, as follows:

(a) "Wayne D" Millsite, situated in the Middle Boise Mining District in Elmore County, State of Idaho. Reference is hereby made to the location notice of said "Wayne D" Millsite recorded at page 54, in Book 39, of the records of millsites in the office of the Recorder of Elmore County, Idaho, for a more full and particular description of said "Wayne D" Millsite.

(b) "Rochester" Millsite, situated in the Middle Boise Mining District in Elmore County, Idaho. Reference is hereby made to the location notice of said "Rochester" Millsite, recorded at page 53, in Book 39 of the records of millsites, in the office of the County Recorder of Elmore County, Idaho, for a more full and particular description of said "Rochester" Millsite.

(c) "Montezuma" Millsite, situated in the Middle Boise Mining District, in Elmore County, Idaho. Reference is hereby made to the location notice of said "Montezuma" Millsite, recorded at page 57, in Book 39, of the records of millsites in the office of the Recorder of Elmore County, Idaho, for a more full and particular description of said "Montezuma" Millsite.

(d) "Highway" Millsite, situated in the Middle Boise Mining District in Elmore County, Idaho. Reference is hereby made to the location notice of said "Highway" Millsite, recorded at page 56, in Book 39, of the Records of Millsites, in the office of the Recorder of Elmore County, Idaho, for a more full and particular description of said "Highway" Millsite.

(e) "Tillman" Millsite, situated in the Middle Boise Mining District in Elmore County, State of Idaho. Reference is hereby made to the location notice of said "Tillman" Millsite recorded at page 55, in Book 39, of the records of millsites in the office of the County Recorder of Elmore County, Idaho, for a more full and particular description of said "Tillman" Millsite.

(f) "Newport" Millsite, situated in the Middle Boise Mining District in Elmore County, Idaho. Reference is hereby made to the location notice of said "Newport" Millsite, recorded at page 261, in Book 35 in the Miscellaneous Records in the office of the Recorder of Elmore County, Idaho, for a more full and particular description of said "Newport" Millsite.

(g) "Hamilton" Millsite, situated in the Middle Boise Mining District in Elmore County, Idaho. Reference is hereby made to the location notice of said "Hamilton" Millsite, recorded at page 260, in Book 35 of the Miscellaneous Records in the office of the Recorder of Elmore County, Idaho, for a more full and particular description of said "Hamilton" Millsite.

(h) "Daly" Millsite, situated in the Middle Boise Mining District in Elmore County, Idaho. Reference is hereby made to the location notice of said "Daly" Millsite, recorded at page 262, in Book 35, of the Miscellaneous Records in the office of the Recorder of Elmore County, Idaho, for a more full and particular description of said "Daly" Millsite.

That defendant has been the owner of said property since December 30, 1936.

That the defendant Talache Mines, Incorporated, owns and that it be, and it is hereby awarded the right to use the ditches for the use of such water right in its mining and milling operations and also its points of diversion therefor on the west bank of Montezuma Creek approximately thirty-five degrees east 1600 feet, from the mill building of the defendant, and the ditch, pipe line and conduit for conveying and conducting such water to the mill and mine of the defendant.

IV.

That the defendant Talache Mines, Incorporated, be, and it is hereby awarded five miner's inches being one-tenth of a cubic foot per second of time of water from the east fork of Montezuma Creek dated from and with the date of priority of December 31, 1905, for domestic purposes at the mining camp of the said defendant near Atlanta, Idaho, and that such defendant owns and that it be and it is hereby awarded its point of diversion and conduit for conducting and conveying said water to said mining claim, said point of

diversion being on the south bank of the east fork of Montezuma Creek approximately twenty-eight degrees east 1900 feet from the mill building of defendant which mill building is on the John Bascom No. 1 lode mining claim hereinabove described near the northeast corner thereof, and the pipe line and flumes for conveyance of said water to said mining camp

V

That the plaintiff's said right in the amount of fifty miner's inches for the irrigation of his said lands and defendant's said right in the amount of fifty miner's inches for the irrigation of its said lands, said rights being of equal priority, be, and the same said rights shall be used for the irrigation of both said tracts of land in rotation, the plaintiff and defendant to have the right to use the entire one hundred inches with the priority of May 1, 1866, alternately, the plaintiff to use all such right for the first seven days in each irrigation season and the defendant to use all such right for the next seven days and plaintiff and defendant then to use the water alternately for seven days each thereafter during each irrigation season.

VI

That each the said plaintiff and defendant, their agents, attorneys, employees and privities and their successors in interest shall be and are hereby enjoined and restrained from interfering in any manner with the water of such stream except as provided in this decree.

VII

That each the plaintiff and defendant shall pay his and its own costs and disbursements in this action.

Done in open Court this 31st day of December, 1941.

Paula E. Cantrell

District Judge.

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE.

H. F. COORS,

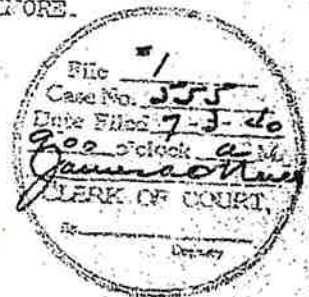
Plaintiff,

-vs-

TALACHE MINES, INCORPORATED,
a corporation,

Defendant.

COMPLAINT



COMES NOW the plaintiff H. F. Coors and for cause of action
against the defendant Talache Mines, Incorporated, a corporation,
complains and alleges:

I

That the defendant is now and for more than two years
immediately preceding the commencement of this action has been a
corporation organized and existing under and by virtue of the
laws of the State of Delaware and engaged in business in the State
of Idaho.

II

That the plaintiff H. F. Coors occupies, farms and uses and is
the owner in fee of the land and premises situate in the County of
Elmore, State of Idaho, bounded and particularly described as follows:

Commencing at United States Mineral Monument
No. 2 in the Middle Boise Mining District, in the
County of Elmore, State of Idaho, running thence
south eighty-nine degrees forty minutes east
1215.06 feet to a point, being corner No. 1,
thence north one degree twenty minutes west
122.87 feet to a point being corner No. 2, thence
north eighty-two degrees eight minutes thirty seconds

east 215.10 feet to corner No. 3, thence north five degrees fifty-three minutes east 493.02 feet to corner No. 4, thence north twenty-four degrees eight minutes west 1,279.74 feet to corner No. 5, thence north one degree thirty minutes thirty seconds west 551.76 feet to corner No. 6, thence north eighty-five degrees forty-six minutes thirty seconds east 2,272.38 feet to corner No. 7, thence north nineteen degrees thirty-nine minutes thirty seconds east 420.42 feet to corner No. 8, thence north thirteen degrees eight minutes east 609.81 feet to corner No. 9, thence north sixty degrees twenty-nine minutes thirty seconds east 1011.12 feet to corner No. 10, thence south twenty-six degrees thirty-eight minutes thirty seconds east 1059.96 feet to corner No. 11, thence south forty-four degrees three minutes thirty seconds west 583.44 feet to corner No. 12, thence south thirty degrees twenty-one minutes thirty seconds east 207.90 feet to corner No. 13, thence south forty-three degrees forty-eight minutes thirty seconds west 312.52 feet to corner No. 14, thence south thirty-four degrees fifty-nine minutes west 500.28 feet to corner No. 15, thence south fifty-four degrees five minutes thirty seconds west 301.21 feet to corner No. 16, thence south twenty-seven degrees twenty-seven minutes west 900.24 feet to corner No. 17, thence south sixty-seven degrees twelve minutes west 1403.82 feet to corner No. 18, thence south forty-one degrees twenty-four minutes west 193.38 feet to corner No. 19, thence south eighty-eight degrees fifty-one minutes west 118.80 feet to corner No. 20, thence north ten degrees ten minutes west 55.44 feet to corner No. 21, thence south eighty-eight degrees thirty-five minutes west 175.36 feet more or less to corner No. 1, the corner of beginning, excepting that portion of the above described premises particularly described as follows, to-wit: Beginning at a point being corner No. 18 referred to in the within and foregoing description, running thence north thirty-four degrees thirty-seven minutes west a distance of 16.56 feet, to a point being the real point of beginning, running thence north nineteen degrees twenty-four minutes west a distance of 165.04 feet to a point, thence north sixty-nine degrees twenty-seven minutes east a distance of 91.40 feet to a point, thence north sixty-seven degrees twelve minutes east a distance of 80 feet to a point, thence north thirty-nine degrees forty-five minutes west a distance of 50 feet to a point, thence north sixty-seven degrees twelve minutes east a distance of 200 feet to a point, thence south thirty-nine degrees forty-five minutes east a distance of 50 feet to a point, thence north sixty-seven degrees twelve minutes east a distance of 100 feet to a point, thence south thirty-nine degrees forty-five minutes east a distance of 150 feet to a point, thence south sixty-seven degrees twelve minutes west a distance of 250 feet to a point, thence south thirty-nine degrees forty-five minutes east a distance of 20 feet to a point, thence south sixty-seven degrees forty-six minutes west a distance of 150.77 feet to a point being the point of the real place of beginning.

And, that certain tract of land bounded and more particularly described as follows, to-wit:

Beginning at corner No. 4 of Homestead Entry Survey No. 37; thence south $67^{\circ}12'$ west 554 feet; thence south $64^{\circ}26'$ east 322.74 feet; thence south $80^{\circ}41'30''$ East 492.01 feet; thence north $18^{\circ}42'$ East 485.43 feet; thence north $66^{\circ}55'$ West 363.09 feet; thence south $27^{\circ}27'$ West 190 feet to said Corner No. 4, the place of beginning.

That said described lands owned by the plaintiff are of the area of approximately 160 acres.

III

That the plaintiff E. F. Coors and his grantors and predecessors in interest have been the owners of and in the actual possession and occupancy of said described land since the year 1865. That the plaintiff has been the owner of such lands since prior to the year 1938.

IV

That said land and all thereof is arid land and will not without artificial irrigation raise, mature or produce agricultural crops but that with proper irrigation said land will raise abundant crops of hay and grain and other agricultural crops. That said land lies along a stream known as Montezuma Creek and that such stream and creek is the sole and only source of water for the irrigation of such land. That Montezuma Creek has its source southerly from the said land of the plaintiff and runs in a northerly direction through the said land of the plaintiff.

V

That on or about the first day of May in the year 1866 one Nelson Davis, a predecessor in interest of the plaintiff, being then the owner of and in possession and occupancy of said land, for the purpose of irrigating said land and raising crops thereon did

actually appropriate and divert water from said stream known as Montezuma Creek and conveyed said water to and upon said land by means of ditches then constructed by him. That the main or principal ditch so constructed for the irrigation of said land is known as the "upper ditch" and taps Montezuma Creek on the easterly bank thereof about three-eighths of a mile southeasterly from the said land of the plaintiff and runs thence in a northerly direction to and upon the said land of the plaintiff. That two other ditches were so constructed tapping Montezuma Creek in the lands of the plaintiff for the irrigation thereof. That by means of all such ditches so dug and constructed the said Nelson Davis diverted all of the waters of Montezuma Creek being 160 miners' inches, being a flow of 3.2 cubic feet per second of time for the irrigation of said land and used all of such water for the irrigation of such land. That such ditches were constructed of a capacity sufficient to transmit 160 miners' inches being a flow of 3.2 cubic feet per second of time of water onto said land for the irrigation thereof.

VI

That at all times since the year 1866 the plaintiff and his grantors and predecessors in interest have appropriated, diverted and used, from such stream upon said land each year for the irrigation thereof without hindrance, (when there was so much flowing in Montezuma Creek and when not interfered with as hereinafter stated) 160 miners' inches of water, being a flow of 3.2 cubic feet of water per second of time, of the waters of said stream and that amount is actually required for the proper irrigation of said land.

VII

That the said lands of the plaintiff are of a gravelly and porous nature and require four miners inches of water per acre to properly irrigate the same and to successfully raise agricultural crops.

VIII

That the plaintiff is now the owner of the right to the use of 160 miners inches, being a flow of 3.2 cubic feet per second of time, of the said waters of said Montezuma Creek, appropriated as hereinbefore stated, on or about the first day of May, 1866, for the irrigation of said land, which said water right and said ditches are appurtenant to said land of the plaintiff, and that said water of said creek and said ditches are necessary for the proper irrigation of the said land of the plaintiff.

And, the plaintiff further avers that the plaintiff's claim some right to the use of said water but that the plaintiff's said right to the use of such water is prior and paramount to any right or claimed right whatsoever of the defendant in or to any of the waters of said Montezuma Creek.

IX

That the said lands of the plaintiff are now and at all of the times hereinafter mentioned were planted to hay, pasture, and other forage crops.

X

That the defendant now has, and during the year 1938, 1939 and 1940 had, lands, mining claims, mills for the reduction and milling of ore, residences houses, bunk houses, eating houses, and other structures at and along Montezuma Creek southerly from and above the said land of the plaintiff.

XI

That frequently and from time to time during the season of farming in each of the years 1938, 1939 and 1940, said defendant,

without the permission of the plaintiff and without any right so to do, obstructed the channel of said stream above the head of the said ditches belonging to the plaintiff and diverted the water from such stream thereby preventing the flow of water to and in said ditches of the plaintiff, and placed obstructions in the said main ditch of the plaintiff near its head and diverted the water therefrom thus preventing the flow of water to and in said main ditch of the plaintiff, and that the said defendant now continues to obstruct the flow of said stream in the channel thereof to the ditches of the defendant and to obstruct said main ditch of the plaintiff and to divert the water from such stream and prevent the flow thereof to the ditches and to the land of the plaintiff, and threaten to continue to so obstruct the flow of said stream and to obstruct said main ditch of the plaintiff and to deprive the plaintiff of the use of said water right, and threaten to continue to interfere with the use of said water by the plaintiff for the irrigation of his said lands. That as a result of such acts of the defendant the plaintiff has been deprived of the use of such water for the irrigation of his said land during the season of farming during the years 1938, 1939, and 1940, and is now deprived of the use of such water for the purpose of irrigating his said land, and unless restrained by this court the defendant will continue to obstruct such stream and ditch of the plaintiff and deprive him of the use of the water from Montezuma Creek for the irrigation of his lands and the plaintiff, will suffer great and irreparable damage by reason of the said wrongful acts of the defendant as aforesaid and that the plaintiff has no adequate remedy at law.

XII

That the plaintiff had sufficient horses and equipment to properly tend and irrigate his said crops on his said land and to put to a beneficial use the water to which he was entitled from said creek and that he properly and in a farmerlike manner attended to, irrigated and cared for said crops and that if the plaintiff had received from Montezuma Creek the flow thereof to which he was entitled for the irrigation of his said lands during the season of farming in the years 1938, 1939 and 1940, he would have raised and had fair and average crops; that by the wrongful acts of the defendant depriving him of such water, and from no other cause, and without any fault of the plaintiff, his said crops of hay, pasture and other forage crops, became parched, withered and damaged, and the amount thereof diminished by one-half thereof, to plaintiff's damage in the sum of \$1200.00.

WHEREFORE, plaintiff prays:

That the plaintiff be decreed to be the owner of 160 miners' inches, being a flow of 3.2 cubic feet per second of time, of the water of said Montezuma Creek for the purpose of irrigation of the plaintiff's land hereinbefore described, and that the plaintiff's right be decreed to be a paramount and superior right to any claim or right of the defendant;

That during the pendency of this action the defendant and all of its officers, agents, servants and employees, and all persons acting by, through or under them be forever enjoined and restrained from in any manner or to any extent obstructing or in any manner or

77

to any extent interfering with the flow of the water in the channel of Montezuma Creek to and through the ditches of the plaintiff to the full extent of the quantity of the right claimed by plaintiff in this complaint, and that the defendant be required to remove or cause to be removed any and all obstructions now maintained or used by the defendant obstructing or in any manner hampering or interfering with the flow of the water in said stream to and in the ditches of the plaintiff and to remove or cause to be removed any and every obstruction in or interference with the ditches of the plaintiff; and, that upon the final determination of this action such restraining order, injunction and mandates of the Court be made permanent;

That the plaintiff do have and recover from the defendant the sum of \$1200.00 damages;

That the plaintiff do have and recover his costs and disbursements incurred herein;

That the plaintiff have such other and further relief as to the Court may seem meet and equitable.

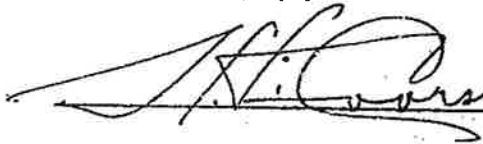


Attorney for the Plaintiff,
504 Idaho Building,
Boise, Idaho

STATE OF IDAHO,)
COUNTY OF ADA,) ss.

E. F. Coors, being first duly sworn, upon oath deposes and says:

That he is the plaintiff named in the within and foregoing complaint; that he has read said complaint, knows the contents thereof, and that the facts therein stated are true.



Subscribed and sworn to before me this 25th day of June, 1940.


Notary Public for Idaho,
Residing at Mountain Home, Idaho.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2539

WATER RIGHT NUMBER: 63-2539

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	H F COORS
Current Owner	ATLANTA, ID GREENE TREE INC 129 WOODSIDE DR PROVO, UT 84604-4423 (208) 864-2168

Priority Date: 05/01/1866

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MONTEZUMA CREEK	MIDDLE FORK BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.500 CFS	
	<u>Total Diversion:</u>	0.500 CFS	

<u>Location of Point(s) of Diversion</u>			
MONTEZUMA CREEK	SW1/4NW1/4	Sec. 2,	Twp 05N, Rge 11E, B.M.
ELMORE County			

Place of Use
IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
05N	11E	2	10.0				10.0
05N	11E	3	15.0				15.0

Total Acres: 25

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

Water Right Report 63-2539

Comments:

1. sbock 2/25/2002 claim

Comment: This right was licensed with a 1937 priority date. When claimant filed claim, brought in a copy of a decree that pertains to this land with a 5/1/1866 priority date. Jan has looked over decree and feels that it is valid and appropriate to use in place of the license. A field exam was conducted by Dan Nelson and Ron Howerton on other property owned by claimant. They did not specifically look at this piece of land, but do recall that it appeared irrigated. Based on the 1987 NAPP, it also appears irrigated. The claimant stated that since a landslide in 1997 the right has not been used and is awaiting cleanup.

Water Supply Bank:

Lessor Name: GREENE TREE INC
Lease Status: Application
Lease Amount: All
Rental Availability: All
Date Received: 9/5/2007
Lease Begin Date:
Expiration Date:



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

July 18, 2001

GREENE TREE INC
1 GREYLOCK LN
ATLANTA ID 83601

Re: Notice of Claim to a Water Right No. 63-2532, 63-3609, 63-7866, 63-7891, 63-9683 &
63-9684

Dear Claimant(s):

Enclosed are copies of the above referenced claims, which reflect the change in address.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

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

Sincerely,

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB:db

Enclosure

RECEIVED

JUN 28 1996

WATER RESOURCES
WESTERN REGION

Mail this card to all people, businesses and publications who send you mail. For publications, tape an old address label over name and old address sections and complete new address. **COMPLETE ADDRESS PORTION ON FRONT OF FORM with Name, Street Address, City, State and ZIP Code of individual or business to whom you are relaying this card.**

Your Name	Print or Type—Last Name, First Name, Middle Initial			
	GREENE VALLEY RETREAT GREENE, ALVA - GREENE TREE INC.			
Old Address	No. and Street	Apt./Suite No.	P.O. Box	R.D. No.
	2554 ELIZABETH ST.	3	—	—
	City and State	ZIP + 4 Code		
	SALT LAKE CITY, UTAH	84106		
New Address	No. and Street	Apt./Suite No.	P.O. Box	R.D. No.
	129 WOODSIDE DRIVE	—	—	—
	City and State	ZIP + 4 Code		
	PROVO, UTAH	84604-4423		
Sign Here	Signature	Date new address in effect	Keyline No. (if any)	
	Alva Greene	6/1/96	—	

PS FORM 3578, 11/82

RECEIVER: Be sure to record the above new address in your address book at home or office.

63-02532 "o" owner is Alva D. Greene
(etal) "c" owner is Green Tree Inc.

MICROFILMED
OCT 07 1996

Meets w/ Ben

7-13-01

pod-

through Chinaman ditch

location looks like it has been changed

prior to 1987. Will come up with
date of change.

pod-

looks to be similar perhaps more acres
to then of airstrip.

State of Idaho

License and Certificate of Water Right

Water License No. 18506

Amount 0.5 second foot

Water District No.

Priority August 20, 1937

THIS IS TO CERTIFY that H. F. COORS
 of Atlanta, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated August 20, 1937; that Permit No. 18506
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
 Two (2) second feet, was issued thereunder on November 4, 1938, showing that said works
 were completed on the 7th day of October, 1938; and that on the 10th
 day of December, 1938,

H. F. COORS

of Atlanta, State of Idaho, made proof to the satisfaction of the
 Commissioner of Reclamation of Idaho, of the right to use the waters of Montezuma Creek,
 a tributary of No. Fork Boise River, for the purpose of irrigation and domestic
 use, under Use Permit No. 18506 of the Commissioner of Reclamation
 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
 hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7
 of Licenses, at page 3968, on the 10th day of January, 1940;

The right hereby confirmed dates from August 20, 1937;

The Point of Diversion is located 781 ft. distant from the quarter corner of Secs. 2 & 3, Twp. 5 N., Range
 11 E., B.M. in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 2, Tp. 5 N., R. 11 E., B. M. Elmore County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
 is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.5
 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 N.	11 E.	2 3 P.W. see note	NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	Motes and bounds description being part of a certain patent recorded in the office of Co. Recorder Elmore Co. Book 17 of Patents- page 98 - 142.59	10 15 25

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use
 herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
 this 10th day of January, 1940

JAMES SPOFFORD

Commissioner of Reclamation

(SEAL)

63 2539

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 18506This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant H. F. COORS2. Source of water supply: Montezuma Creek, tributary of Middle Fork of Boise River3. Location of point of diversion: Is in the SW¹ NW¹ of Section 2T. 5 N. R. 11 E. County of Elmore4. Describe works as they exist, giving dimensions and capacities of same: Diverts direct

from stream (no dam required) through control
box 3 ft long, 15 ft wide and 1 ft deep into a ditch
which is 2 ft wide and 15 ft deep.

5. Water is used for: Irrigation and domestic use6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres
under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irriga-

tion): Beginning at U.S. Mineral Monument No. 2 in the Middle Boise Mining District in the County of Elmore, State of Idaho, running thence S. 89° 40' E. 18.41 chains to a point; thence N. 1° 20' E. 1.39 chains to a point; thence N. 82° 8' 30" E. 7.41 chains to a point; thence N. 5° 53' W. 7.47 chains to a point; being the real place of beginning and being a corner designated Cor. No. 4; thence N. 24° 8' W. 19.39 chains to Cor. No. 5; thence N. 1° 30' 30" W. 8.36 chains to Cor. No. 6; thence N. 85° 46' 30" E. 34.43 chains to Cor. No. 7; thence N. 19° 39' 30" E. 6.37 chains to Cor. No. 8; thence N. 13° 8' E. 9.24 chains to Cor. No. 9; thence N. 60° 29' 30" E. 15.32 chains to Cor. No. 10; thence S. 26° 48' 30" E. 16.06 chains to Cor. No. 11; thence S. 44° 3' 30" W. 8.84 chains to Cor. No. 12; thence S. 50° 21' 30" E. 3.15 chains to Cor. No. 13; thence S. 43° 48' 30" W. 3.22 chains to Cor. No. 14; thence S. 34° 59' W. 7.58 chains to Cor. No. 15; thence S. 54° 5' 30" W. 12.14 chains to Cor. No. 16; thence S. 27° 22' W. 13.64 chains to Cor. No. 17; thence S. 67° 12' W. 9.27 chains to a point; thence N. 5° 53' W. 9.62 chains to a point; thence S. 67° 12' W. 15.41 chains to said Cor. No. 4, the place of beginning, containing 142.59 acres, and being a portion of the lands bounded and described in that certain patent recorded in the office of the County Recorder of said County of Elmore, on the 14th day of April, A.D. 1913, in Book 17 of Patents at page 98.

(Submit map on attached plat, showing location and details of above description.)

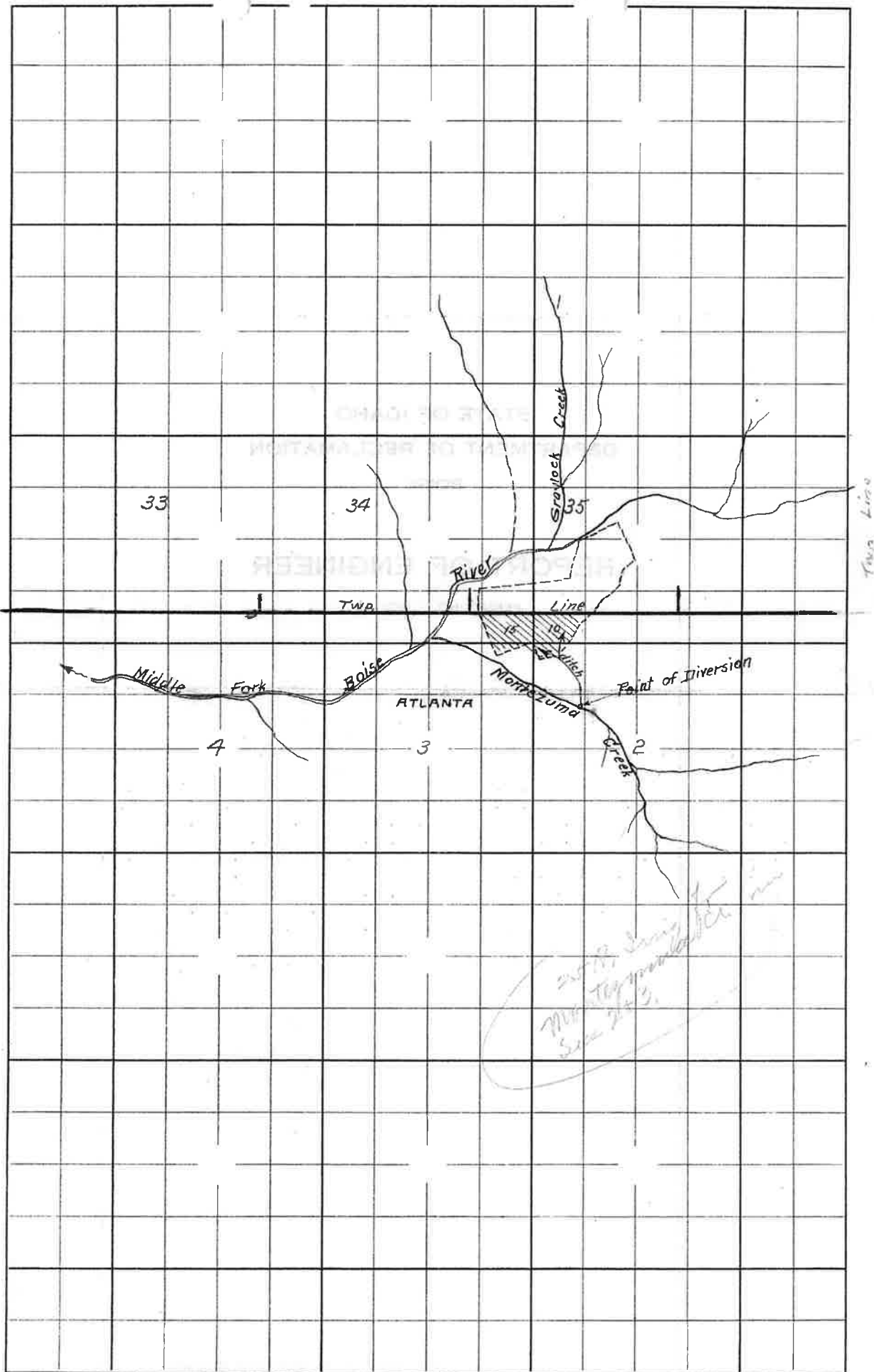
8. What large stream would the water here appropriated finally reach? Boise River

Remarks _____

This examination was made on the 26th day of June, 1939

(Signed)

[Signature]
Examiner
18506



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

18506

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 25809
Permit No. 18506
District No.

1. Name of Applicant: H. F. Coors

Postoffice address Atlanta County: Elmore State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (c) Bonds to be issued:

- (b) Treasury stock:
- (d) Other resources:

2. Quantity of water claimed: two cubic feet per second.

3. Source of water supply: Montezuma Creek which is a tributary of Middle Fork of Boise River

4. Location of point of diversion: 781 feet distant from the $\frac{1}{4}$ sec.
corner of Sections 2 & 3, T. 5 N., R. 11 E., B. M., and is in the SW $\frac{1}{4}$ NW $\frac{1}{4}$
of Section 2, T. 5 N., R. 11 E., B. M., County of Elmore

5. Water is to be used for: irrigation and domestic purposes

6. If for mining, milling, power or manufacturing purposes, give:

- (a) Point of use of water: feet distant from corner of Section
T. , R. , B. M., in the of Section , T. , R. , B. M.
- (b) Amount of power generated: H. P., under feet head.
- (c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B. M., in the
of Section , T. , R. , B. M.

7. Estimated cost of works: \$ 25.00

8. Kind of works: Small diversion Dam, headgate & ditch

9. Height of dam 2 feet; length of dam at top 8 feet; length of dam at bottom 4
feet; material used in dam: earth and gravel

10. Size of headgate: Width 2 feet; height 2 feet.

11. Ditch: Width at bottom 1.5 feet; width at water line 2.5 feet; depth of water 1
feet; dimensions of flume:

Diameter of pipe inches; length of conduit $\frac{1}{2}$ miles.
Average grade per mile feet.

12. The time required for the completion of such work is one years.

13. The time required for the complete application of the water to the proposed use is one additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. (a) Is reservoir to be used? No If so, fill in (b) and (c) below.
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

H. F. COORS Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 11:00 A. M., Aug. 20, 1937

Returned to applicant for correction: Aug. 25, 1937

Corrected application received: Sept. 4, 1937

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 18506
 Recorded in Book 67 Page 18506 Approved Sept. 30, 1937
 This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:
 Bond in the sum of \$ to be filed on or before
 Work to begin on or before November 29, 1937 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
 One-fifth of the work above specified to be completed on or before March 30, 1938
 The whole of said work to be completed on or before September 30, 1938
 Beneficial use of water appropriated in accordance herewith, to be made on or before September 30, 1939

Witness my hand this 29th day of September, 1937.

R. W. FARIS
 Commissioner of Reclamation.

Remarks:

14.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NEM	NWK	SWM	SEM	NEM	NWK	SWM	SEM	NEM	NWK	SWM	SEM	NEM	NWK	SWM	SEM	
Commencing at United States Mineral Monument No. 2 in the Middle Boise Mining District in the County of Elmore, State of Idaho, running thence south eighty-nine degrees, forty minutes east eighteen and forty-one hundredths chains to a point, thence north one degree, twenty minutes west one and thirty-nine hundredths chains to a point, thence north eighty-two degrees, eight minutes, thirty seconds east seven and forty-one hundredths chains to a point, thence north five degrees, fifty-three minutes west seven and forty-seven hundredths chains to a point, being the real point of beginning and being a corner designated corner No. 4, thence north twenty-four degrees, eight minutes west nineteen and thirty-nine hundredths chains to corner No. 5, thence north one degree, thirty minutes, thirty seconds west eight and thirty-six hundredths chains to corner No. 6, thence north eighty-five degrees, forty-six minutes, thirty seconds east thirty-four and forty-three hundredths chains to corner No. 7, thence north nineteen degrees, thirty-nine minutes, thirty seconds east six and thirty-seven hundredths chains to corner No. 8, thence north thirteen degrees, eight minutes east nine and twenty-four hundredths chains to corner No. 9, thence north sixty degrees, twenty-nine minutes, thirty seconds east fifteen and thirty-two hundredths chains to corner No. 10, thence south twenty-six degrees, forty-eight minutes, thirty seconds east sixteen and six hundredths chains to corner No. 11, thence south forty-four degrees, three minutes, thirty seconds west eight and eighty-four hundredths chains to corner No. 12, thence south thirty degrees, twenty-one minutes, thirty seconds east three and fifteen hundredths chains to corner No. 13, thence south forty-three degrees, forty-eight minutes, thirty seconds west three and twenty-two hundredths chains to corner No. 14, thence south thirty-four degrees, fifty-nine minutes west seven and fifty-eight hundredths chains to corner No. 15, thence south fifty-four degrees, five minutes, thirty seconds west twelve and fourteen hundredths chains to corner No. 16, thence south twenty-seven degrees, twenty-seven minutes west thirteen and sixty-four hundredths chains to corner No. 17, thence south sixty-seven degrees, twelve minutes west nine and twenty-seven hundredths chains to a point, thence north five degrees, fifty-three minutes west nine and sixty-two hundredths chains to a point, thence south sixty-seven degrees, twelve minutes west fifteen and forty-one hundredths chains to said corner No. 4, the place of beginning, containing 142.59 acres, and being a portion of the lands bounded and described in that certain patent recorded in the office of the County Recorder of said County of Elmore, on the 14th day of April, A. D. 1913, in Book 17 of Patents at page 98.																			

In testimony whereof, we, BARZILLA W. CLARK, Governor of the State of Idaho, and IRA H. MASTERS, Secretary of State of the State of Idaho, have hereunto caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed this 30th day of September, 1937.

STATE OF IDAHO

(SEAL)

By BARZILLA W. CLARK
 Governor

Countersigned:

By IRA H. MASTERS
 Secretary of State

Permit No. 18506

CERTIFICATE OF COMPLETION OF WORKS

To All Whom It May Concern:

This is to certify that H. F. COORS, of Atlanta, County of Elmore, and State of Idaho, the holder of Permit No. 18506, issued upon Application No. 25809, bearing date of priority of August 20, 1937, authorizing the diversion of two (2) second feet of the waters of Montezuma Creek, County of Elmore, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said permit; that said works are adequate for diverting and conveying to the place of intended use two (2) second feet of the waters of said Montezuma Creek; that the point of diversion of said waters is in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, T. 5 N., R. 11 E., B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to wit: Commencing at U.S. Min. Mon. No. 2 in the Middle Boise Mining District, Elmore County, Idaho, running thence S. 89°40' E. 18.41 chains to a point, thence N. 1°20' W. 1.39 chains to a point, thence N. 82°8'30" E. 7.41 chains to a point, thence N. 5°53' W. 7.47 chains to a point, being the real point of beginning and being a corner designated Cor. No. 4, thence N. 24°8' W. 19.39 chains to Cor. No. 5, thence N. 1°30'30" W. 8.36 chains to Cor. No. 6, thence N. 85°46'30" E. 34.43 chains to Cor. No. 7, thence N. 19°39'30" E. 6.37 chains to Cor. No. 8, thence N. 13°8' E. 9.24 chains to Cor. No. 9, thence N. 60°29'30" E. 15.32 chains to Cor. No. 10, thence S. 26°48'30" E. 16.06 chains to Cor. No. 11, thence S. 44°3'30" W. 8.84 chains to Cor. No. 12, thence S. 30°21'30" E. 3.15 chains to Cor. No. 13, thence S. 43°48'30" W. 3.22 chains to Cor. No. 14, thence S. 34°59' W. 7.58 chains to Cor. No. 15, thence S. 54°5'30" W. 12.14 chains to Cor. No. 16, thence S. 27°27' W. 13.64 chains to Cor. No. 17, thence S. 67°12' W. 9.27 chains to a point, thence N. 5°53' W. 9.62 chains to a point, thence S. 67°12' W. 15.41 chains to said Cor. No. 4, the place of beginning, containing 142.59 acres, and being a portion of the lands bounded and described in that certain patent recorded in the office of the County Recorder of said Elmore County, on the 14th day of April, A. D. 1913, in Book 17 of Patents at page 98.

Witness my hand this 4th day of November, A. D. 1938.

R. W. FARIS
Commissioner of Reclamation

Proof of completion of works made October 7, 1938
Certificate of completion of works made November 4, 1938

LICENSE ISSUED FOR 0.5 SEC. FT.

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