

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 37-368A  
Date Received: 2/15/1990  
Receipt No: X999999  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DIAMOND/SOLDIER PROPERTIES LLC  
C/O CHARLES E HILL  
PO BOX 1607  
BELLEVUE WA USA 98009

Phone: (425)460-2504

2. Date of Priority: 06/15/1884

3. Source: THREEMILE CREEK WEST FORK Trib. to: THREEMILE CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 01N      | 13E   | 14      | SE SE SW              | CAMAS  |      |

5. Description of diverting works:

DAMS AND DITCHES

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 4/01 | 11/01 | 2.7    |            |

7. Total Quantity Appropriated is:  
2.7 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 |
|----------|-------|---------|-----|--------|-----|---------------|-------|
| 01N      | 13E   | 23      | NW  |        | NW  | IRRIGATION    | 40    |
|          |       |         | SE  |        | NW  | IRRIGATION    | 20    |
|          |       |         | NE  |        | NW  | IRRIGATION    | 35    |
|          |       |         | SW  |        | NW  | IRRIGATION    | 40    |
|          |       |         |     |        |     | Section Acres | 135   |
|          |       |         |     |        |     | Total Acres   | 135   |

11. Place of use in counties: CAMAS

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

OWNERSHIP CHANGE PER FORM 42-1409(7). CLF 6-23-95 \*\*\*\*\*  
 OWNERSHIP CHANGE FROM A37-00368 RESULTED IN A SPLIT. THE "A" PORTION BELONGS TO VM  
 DIAMOND. THE "B" PORTION BELONGS TO "B" BELONGS TO SMR DEVELOPMENT. WARRANTY DEED  
 AND MAP PROVIDED FOR PROOF. TLB 3/5/97

15. Basis of Claim: Decreed

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A37-00368A**  
Date Received: 2/15/1990  
Receipt No: X777777  
Received By: OK HLB

**COPY FOR  
YOUR FILES**

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

**COPY FOR  
YOUR FILES**

1. Name: VM DIAMOND RANCH LLC 208-887-6028  
Address: PO BOX 190690  
BOISE ID 83719

2. Date of Priority: JUN 15, 1884

3. Source: THREEMILE CREEK, WEST FORK Trib. to: THREEMILE CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 01N      | 13E   | 14      | SE     | SE     | SW     |     | CAMAS  |

5. Description of diverting works:  
DAMS AND DITCHES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 2.700 |      |        |

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

8. Total consumptive use is 337.6 Acre Feet Per Annum.

9. Non-irrigation uses:  
S/500 RANGE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 01N      | 13E   | 23      | NE     | NW     |     | IRR | 35.0  |
|          |       |         | NW     | NW     |     | IRR | 40.0  |
|          |       |         | SW     | NW     |     | IRR | 40.0  |
|          |       |         | SE     | NW     |     | IRR | 20.0  |

10. Place of Use: Continued

Section Acres 135.0

Total Acres 135.0

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:

A37-00409

14. Remarks:

OWNERSHIP CHANGE PER FORM 42-1409(7). CLF 6-23-95

\*\*\*\*\*

OWNERSHIP CHANGE FROM A37-00368 RESULTED IN A SPLIT. THE "A" PORTION BELONGS TO VM DIAMOND. THE "B" PORTION BELONGS TO "B" BELONGS TO SMR DEVELOPMENT. WARRANTY DEED AND MAP PROVIDED FOR PROOF. TLB 3/5/97

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

S.C. FROST, ET AL

Decree Plaintiff

ALTURAS WATER CO., ET AL

vs Decree Defendant



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

SEP 05 1996

DATE OF CLOSING: 5/3/94

Department of Water Resources

LEGAL DESCRIPTION OF PROPERTY: Township 1 N Range 13 E  
 Section 23, SE 1/4 of NE 1/4 of NW 1/4, Govt. Lot \_\_\_\_\_, BM.  
 Lot \_\_\_\_\_, Block \_\_\_\_\_, Subdivision/Townsite \_\_\_\_\_  
 If you have additional legal descriptions, please attach separate sheet. See attached Warranty Deed.

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

☒ Water Right Number(s)  
 Assigned by IDWR: Portions of A37-00409, A37-00368, A37-02076

[ ] Name and Address of Former Owner/Claimant(s)(Seller): VM Diamond Ranch LLC  
PO Box 190690 Boise, ID 83719

[ ] New Owner/Claimant (Purchaser): SMR Development, L.C.

[ ] New Mailing Address: 7878 Ustick Rd.  
Boise ID 83704

[ ] New Telephone Number: (208) 376-6346

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

0.50 acs of A37-00368 25 acres  
0.35 acs of A37-00409 50 acres  
0.10 acs of A37-02076 5 acres  
50 acres

☒ Attach proof of ownership, describe proof attached: Warranty Deed

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

[ ] Signature of New Owner/Claimant(s): William Hunter Date 7/25/96

[ ] Signature of Former Owner/Claimant(s): \_\_\_\_\_ Date \_\_\_\_\_

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

## FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: \_\_\_\_\_ By: \_\_\_\_\_

Further Action Needed:

Further Action Taken

Date: \_\_\_\_\_ By: \_\_\_\_\_

Final Review and Data-Entry

Date: 4/1/97 By: MB

Claim Numbers of Split, if any:

RECEIVED

SEP 10 1996

Department of Water Resources  
Southern Region

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

WARRANTY DEED

RECEIVED

SEP 05 1996

Department of Water Resources

(WITH RESERVED COVENANT RESTRICTING USE)

FOR VALUABLE CONSIDERATION RECEIVED, VM DIAMOND RANCH, L.L.C., an Idaho limited liability company (hereinafter the "GRANTOR"), hereby grants, bargains, sells, conveys and confirms unto SMR Development, L.C., an Idaho limited liability company (hereinafter "GRANTEE"), its successors and assigns forever, a parcel of land situated in Township 1 North, Range 13 East, Boise Meridian, County of Camas, State of Idaho, more particularly described as follows:

Section 23 --

SE 1/4 NE 1/4 NW 1/4 excepting that portion lying West of the Existing Channel of the West Fork of Threemile Creek. Also excepting that portion lying East of the existing County Road which runs northerly and southerly.

E1/2 SE1/4 NW1/4, E1/2 NE1/4 SW1/4, N1/2 NE1/4 SE1/4 SW1/4 excepting that portion lying East of the existing County Road which runs northerly and southerly.

(hereinafter the "Property");

TOGETHER WITH all and singular the improvements, tenements, hereditaments, easements, covenants and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainders, rents, issues and profits thereof; and

SUBJECT TO the Exceptions to Title described on Exhibit "1" attached hereto, and by this reference made a part hereof and rights-of-way and easements visible on inspection of the Property, and the following covenant and servitude hereby reserved by GRANTOR:

COVENANT

For the benefit of the adjacent property owned by GRANTOR located in the County of Camas, State of Idaho

and more particularly described as that portion of the W1/2 of Section 23, Township 1 North, Range 13 East, Boise Meridian which is not the Property, and excepting that portion of said Section 23 lying East of the existing County Road which runs northerly and southerly (the "Adjacent Property"), and so long as the use of such Adjacent Property is restricted by an agricultural zoning designation thereon under the Camas County Zoning Ordinance, the use of the Property by GRANTEE, its successors and assigns, is restricted to the operation of a golf course thereon and otherwise for agricultural purposes, and no dwellings, structures or improvements (other than fences) shall be placed on the Property except as related to the operation of a golf course.

This Covenant is binding upon, and benefits, the GRANTOR, THE GRANTEE, and their respective successors and assigns to the Adjacent Property and the Property.

Subject to those exceptions to title to which this conveyance is expressly made subject and those made, suffered or done by the GRANTEE, the GRANTOR covenants to the GRANTEE, its successors and assigns, that the GRANTEE shall enjoy the quiet and peaceful possession of the Property, and GRANTOR warrants to the GRANTEE, its successors and assigns, that GRANTOR is the owner of the Property in fee simple and has the right and authority to convey the same to GRANTEE, and it will defend the same from all lawful claims arising by, through and under the GRANTOR whatsoever.

The current address of the GRANTEE is:

SMR Development, L.C.  
4477 Emerald Street, Suite C-250,  
Boise, Idaho 83706

IN WITNESS WHEREOF, this WARRANTY DEED has been duly executed by and on behalf of GRANTOR by all its members, who have been duly authorized to sign on behalf of GRANTOR by its members, the \_\_\_\_ day of \_\_\_\_\_, 1994.

GRANTOR  
VM DIAMOND RANCH, L.L.C.

by Jerry Mobley  
Member

by Virginia Vanderpool  
Member

by V. L. Vanderpool Company, Inc.  
Member

by Virginia Vanderpool  
President

Attest:

Jerry Mobley  
Secretary

STATE OF IDAHO )

) ss:

County of Ada )

On this 3<sup>rd</sup> day of May, 1994, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared VIRGINIA L. VANDERPOOL and JERRY MOBLEY, known or identified to me to Members of the limited liability company that executed this instrument or the persons who executed this instrument on behalf of said limited liability company, and acknowledged to me that such company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Kelly Coates  
Notary Public for the State of Idaho  
Residing at Boise Idaho  
My Commission Expires on 11/10/ 1999

STATE OF IDAHO )

) ss:

County of Ada )

On this 3<sup>rd</sup> day of May, 1994, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Virginia Vanderpool and Jerry Mobley, known or identified to me to be the President and the Secretary, respectively, of the Corporation that executed this instrument or the persons who executed this instrument on behalf of said Corporation as a Member of the limited liability company that executed this instrument, and acknowledged to me that such corporation executed the same as a Member of such limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Kelly Coates  
Notary Public for the State of Idaho  
Residing at Boise Idaho  
My Commission Expires on 11/10 1999

## EXHIBIT "1" TO WARRANTY DEED

## EXCEPTIONS TO TITLE

General taxes and assessments for the year 1994, which are a lien not yet due and payable.

Master Declaration of Easements, Covenants and Servitudes for Hidden Paradise Ranch of even date with this Warranty Deed, recorded the 11th day of March, 1994, as instrument number 68356, records of Camas County, Idaho.

Right of way for three ditches over and across the E1/2 SW1/4 of Section 14, Township 1 North, Range 13 East, Boise Meridian, as set out in Decree recorded in Book 1 Order and Decrees, page 435 and Book 3 of Miscellaneous, page 74, records of Camas County, Idaho.

Road Easement dated July 14, 1987, executed by Darrell L. Burchard as Manager of Hidden Paradise Association, to Camas County, Idaho, for perpetual road easement and right-of-way over the SE1/4 of Section 23, Township 1 North, Range 13 East, Boise Meridian, recorded July 14, 1987 in Book 4 of Miscellaneous, page 726, as Recorder's Instrument Number 63275, records of Camas County, Idaho.

Right-of-way Easement dated July 16, 1984, executed by Hidden Paradise Ranch Property Owner's Association, Inc. to Prairie Power Cooperative, a cooperative corporation, recorded July 18, 1984 in Book 25 of Deeds, page 33, as Recorder's Instrument Number 60291, records of Camas County, Idaho.

68531

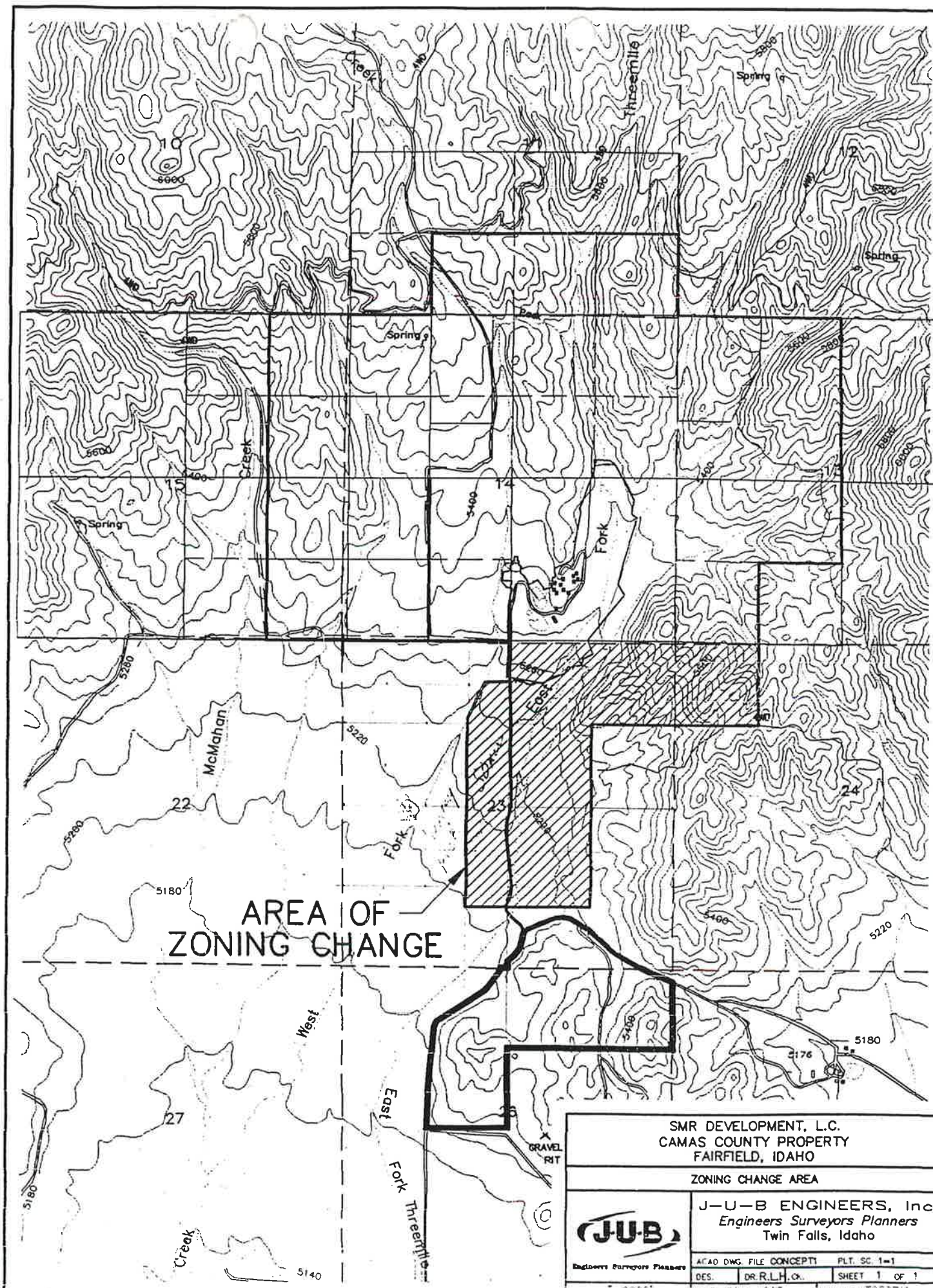
Recorded at the Request of

CAMAS ABSTRACTat 4:15 P.M.5-27, 19 94.in Book 29of DEEDS Page 114.

ROLLIE BENNETT

CAMAS COUNTY RECORDER

By [Signature]Fees \$ 15.00



SMR DEVELOPMENT, L.C.  
CAMAS COUNTY PROPERTY  
FAIRFIELD, IDAHO

ZONING CHANGE AREA

**JUB**

Engineers Surveyors Planners

J-U-B ENGINEERS, Inc.  
Engineers Surveyors Planners  
Twin Falls, Idaho

ACAD DWG. FILE CONCEPT1 PLT. SC. 1=1

DES. DR. R.L.H. OK. SHEET 1 OF 1

SCALE: 1" = 2000'

DATE: JULY 1995 DWG. NO. T950711



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

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

APR 1, 1997

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

SMR DEVELOPMENT L.C.  
7878 USTICK ROAD  
BOISE ID 83704

RE: SRBA CLAIM(S): A37-00409, A37-00368, A37-02076 (SPLIT)  
VM DIAMOND RANCH

DEAR CLAIMANT(S):

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIM(S), WE HAVE CHANGED THE DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. **THESE COPIES ARE FOR YOUR RECORDS.** PLEASE REVIEW THESE RECORDS FOR ACCURACY.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CALL ME AT THIS OFFICE.

SINCERELY,

TARA L BACKLUND  
SNAKE RIVER BASIN ADJUDICATION  
RECORDS CLERK

/tlb  
ENCLOSURES

CC: VM DIAMOND RANCH, PO BOX 190690, BOISE ID 83719

800 Falls Avenue  
Twin Falls, Idaho 83301  
Phone (208) 733-2414

[illegible]

State of Idaho  
Department of Water Resources  
222 Shoshone St. East  
Twin Falls, Idaho 83301-6105

WE ARE SENDING YOU THE FOLLOWING ITEMS:

|                                     |                |                                           |                                         |
|-------------------------------------|----------------|-------------------------------------------|-----------------------------------------|
| <input checked="" type="checkbox"/> | ATTACHED       | UNDER SEPERATE COVER VIA                  | <u>Hand Carried</u>                     |
| <input type="checkbox"/>            | SHOP DRAWINGS  | <input type="checkbox"/> PRINTS           | <input type="checkbox"/> SAMPLES        |
| <input type="checkbox"/>            | COPY OF LETTER | <input type="checkbox"/> PLANS            | <input type="checkbox"/> SPECIFICATIONS |
| <input type="checkbox"/>            | CHANGE ORDER   | <input checked="" type="checkbox"/> OTHER | <input type="checkbox"/> CATALOG SHEETS |

[illegible]

FOR APPROVAL   X   AS REQUESTED            RETURNED FOR CORRECTIONS             
FOR YOUR USE            FOR REVIEW AND COMMENT             
FOR BIDS DUE            19            PRINTS RETURNED AFTER LOAN TO US           

Transmitted herewith is the drawing showing the former and proposed diversion locations for the ditch serving the V.M. Diamond Ranch. The old ditch is only visible up to the point where the new one veers to the east to connect to Three Mile Creek ( West Fork). It originally followed the new ditch to near the proposed new point of diversion. This original point of diversion does not coincide with the location given on the adjudication application of the SE1/4 SE1/4 SW1/4 of Section 14 which was in error. Please let me know what needs to be done to correct this.

COPY FOR

SIGNED

Rex L. Harding P.E.

RECIEVED BY:

DATE \_\_\_\_\_

PLEASE SIGN, DATE AND RETURN WHITE COPY



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033  
Fax (208) 736-3037

October 12, 1995

PHILIP E. BATT  
Governor

KARL J. DREHER  
Director

M Neal Newhouse, Atty  
1117 KIMBERLEY LANE  
BOISE ID 83712

RE: SMR Development Co./VM Diamond Diversion Modifications

Dear Mr. Newhouse:

After receiving your undated draft of the "Notice of Relocation...." I feel it would help to summarize our conversation on 10/5. As I understand the situation, it has been agreed between the above referenced parties that it would be mutually beneficial to relocate diversion point(s) associated with a water right appurtenant to VM Diamond land. You have indicated that the new point of diversion (headgate/ditch) from the stream would be located about 100 yards from one of the existing diversions. When we spoke I told you that if the new point of diversion is located in a different 40 acre tract than described in the water right/adjudication claim then a transfer would be required - regardless of the proximity to the old diversion.

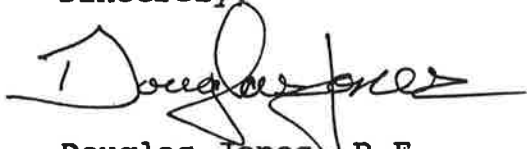
Your draft notice did not have a map showing the actual locations of the present diversions and the estimated location of the new point, and JUB has not brought a map to us. Your draft notice discusses the point of diversion on the East Fork, Threemile Cr in paragraph 1, then in paragraph 2 you discuss the West Fork, Threemile Cr. Further, paragraph 4 refers to water right 37-00368 as having a source in the East Fork, Threemile Cr., but actually water right 37-00409 has the source in East Fork and 37-00368 is the West Fork right. At this point I am uncertain which source or diversion your proposal impacts. Please note that any diversion point change which changes source (e.g. East Fork, Threemile Cr to West Fork, Threemile Cr) would require a transfer be filed and approved before development may occur, regardless of proximity to an existing diversion point.

Before any change is authorized I am requesting that you submit a map with the above information so that the Department can determine whether section 42-222, Idaho Code, applies to the proposed change. If the estimated location of the new diversion point is close to a 40 acre tract line the Department may require that the new point be surveyed or otherwise determined more accurately.

October 12, 1995  
page 2

For your reference I have enclosed copies of the water right and SRBA claims pertaining to the NW1/4 Sec 23 T1N R13E. If you have any questions please contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Douglas Jones', with a stylized flourish at the end.

Douglas Jones, P.E.  
Water Rights Supervisor

enc

**M. NEAL NEWHOUSE**  
ATTORNEY AND COUNSELOR- AT- LAW

RECEIVED

OCT 06 1995

1117 KIMBERLEY LANE  
BOISE, IDAHO 83712  
PHONE/FAX: (208) 368-9789  
e-mail: nnewhouse@aol.com.

Department of Water Resources  
Southern Region

October ?, 1995

State of Idaho Department of Water Resources  
Southern Region  
222 Shoshone Street East  
Twin Falls, Idaho 83301

Attn: Allen Merritt, Regional Manager

Re: Notice of Relocation of Point of Diversion, East Fork Three Mile Creek,  
Camas County, Idaho.

Dear Mr. Merritt;

We understand that the current regulations of the Idaho Department of Water Resources require only that the Department receive a notification of a change in the point of diversion of irrigation water from a stream so long as the relocated point of diversion is within an area no greater than 100 yards from the existing point of diversion. This letter is to serve as formal notification of the relocation of the following described point of diversion on the East Fork of Three Mile Creek, in Camas County, Idaho.

The location of the present point of diversion and the point of relocation are both entirely on real property in Camas County, Idaho owned by SMR Development Co, L.C., ("SMR") and described as the E1/2 of the SW1/4 of Section 14, Township 1 North, Range 13 East, B.M. (the "Servient Estate"). They relate to the use of an irrigation water right from the West Fork of Three Mile Creek in Camas County, Idaho, and diversion and ditch easement rights related thereto, over and across the Servient Estate, for the benefit of the NW1/4 of Section 23, Township 1 North, Range 12 East, B.M. (the "Dominant Estate") most of which is presently owned by VM Diamond Ranch L.L.C. ("VM Diamond") and the balance of

which is presently owned by SMR.

At present, and prior to changing the point of diversion and locating the new ditch across the Servient Estate, there are two points of diversion and three ditches associated therewith which cross the Servient Estate. These were established by decree dated April 29, 1937 in the case of W.W. Leek et al, Plaintiffs, vs. Bessie Smith et al, Defendants, in the District Court of the Fourth Judicial District of the State of Idaho in and for the County of Camas, Civil No. 18866. I enclose a copy of the sketch used by that court in its judgement. It is now proposed that the upper point of diversion be abandoned and that the lower point of diversion be relocated as reflected by the enclosed drawing prepared by JUB Engineers. The new point of diversion is within 100 yards from the existing lower point of diversion. The three existing ditches will also be abandoned and a new ditch constructed from the relocated lower point of diversion to the Dominant Estate, the location of which new ditch right-of-way is also reflected on the enclosed drawing.

Neither the relocation of the lower point of diversion and the location of the right-of-way for the related new ditch nor the abandonment of the old ditch associated with the lower point of diversion nor the abandonment of the decreed upper point of diversion and ditches associated therewith have, and are not intended to have, any effect whatsoever on the water right for 3.2 cubic feet of water in the East Fork of Three Mile Creek (which I am advised is Water Right No. 37-00368 according to your records) for the benefit of the Dominant Estate.

This letter is to serve as formal notification of the relocation of the above referenced lower point of diversion, and for this purpose the owners of the Dominant Estate and the Servient Estate have affixed their signatures at the end of this letter. A formal Easement will be drafted and recorded to reflect the relocation, location and abandonments above described. If you wish to have a copy for your files, or need additional documentation or information, please advise.

I look forward to your early reply as we expect to begin construction of the new ditch in the next ten day. If you need additional information from the water user, VM Diamond

Very truly yours,

M. Neal Newhouse

nn/MNN  
enclosure

OWNER'S APPROVAL

The undersigned, owners of the above described Dominant and Servient Estates, hereby approve of the representations and provisions of the foregoing letter and affix our signatures for the purpose of presenting the same as our joint formal Notification of Relocation of Lower Point of Diversion.

VM Diamond Ranch L.L.C.

by \_\_\_\_\_  
Jerry Mobley, Member

by \_\_\_\_\_  
Virginia Vanderpool, Member

by V.L. Vanderpool Company, Inc., Member

]

by \_\_\_\_\_  
Virginia Vanderpool, President

SMR Development, L.C.

by \_\_\_\_\_  
Member

by \_\_\_\_\_  
Member



## State of Idaho

### DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

*Allen Meritt  
Southern Region*

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

May 28, 1996

BILL CARTER  
7878 USTICK RD  
BOISE ID 83704

RECEIVED

MAY 31 1996

Department of Water Resources  
Southern Region

RE: Camas Properties Inc. Water Rights

Dear Bill:

I have prepared the following summary and recommendations after reviewing the water right records for the lands associated with Camas Properties Inc. As you read, please note that there are some areas where establishing a clear picture of your water rights will probably require you to collect some additional information. Also, in some cases you will need to make choices based on your plans.

#### Ownerships

You told me that Hidden Paradise Ranch Owners Association is defunct. If so, all HPPOA claims filed in the SRBA need ownership change notifications. The claims are:

1. A37-13367
2. A37-13365
3. A37-13364
4. A37-13366
5. A37-02227

You also indicated to me that 1-3 above are appurtenant to land now owned by VM Diamond Ranch LLC. Numbers 4 and 5 should apparently be changed to Camas Properties Inc.

Also, based on the May 3, 1994, Warranty Deed conveying property in Section 23 from VM Diamond Ranch LLC to SMR Development, it appears that SMR Development should file ownership change notifications for portions of the SRBA claims on rights appurtenant to that land. The claims are:

1. A37-00368
2. A37-00409
3. A37-02076

I have enclosed some ownership change forms for you to complete and return to IDWR.

In addition, permit 37-08609 in the name of HPPOA should be assigned to Camas Properties Inc. I have enclosed an assignment form for you.

### Irrigation of the Golf Course

It is not clear to me how much surface water is actually being used to irrigate the golf course. In order to ascertain whether your actual use is covered by existing water rights, you will need to find out how much surface water is actually being used.

According to our records, right 37-02227 has been claimed in the SRBA as appurtenant to the golf course, but it is good for only 16 acres of irrigation. When he reviewed groundwater permit 37-08609, IDWR examiner Jim Stanton found 45.4 acres of irrigation on the golf course. He said that right 37-08609 has been used to irrigate the golf course when the surface water becomes unavailable every summer. It appears then, that surface water is being used to irrigate more of the golf course than right 37-02227 allows.

Department records show that the decreed place of use for irrigation right 37-00409 includes the West½ of the NE¼ and the NW¼SW¼ of Section 23. The golf course is now located on some of these lands. However, SRBA claim A37-00409 does not include the West½ of the NE¼ and the NW¼SW¼ of Section 23. You need to investigate the history of the ownership and use of right 37-00409 to determine if it would be appropriate for you to claim in the SRBA that a portion of 37-00409 is appurtenant to the golf course lands.

If it becomes apparent that your current use of surface water on golf course lands exceeds your water rights, you may be able to cover your use by transferring the rights appurtenant to those lands in Section 23 recently repurchased from VM Diamond Ranch LLC.

### Reservoirs

There are a number of small reservoirs associated with the golf course and resort. I am not sure whether all the reservoirs are filled from the East Fork of Threemile Creek or if some are associated with other sources. Application for permit 37-08846 was filed to establish a right to store **additional** water from the East Fork of Threemile Creek by enlarging existing storage facilities. However, permit 37-07459, which was the initial filing for storage on the property, lapsed in 1981. The existing storage needs to be covered by a water right, either by interpreting application 37-08846 as covering all East Fork storage, by seeking the reinstatement of lapsed permit 37-07459, or by filing a new application for permit. It looks like you applied for sufficient volume on 37-08846 to cover all of your ponds. Moreover, you would gain no priority advantage by seeking to have 37-07459 reinstated. Therefore, I recommend using permit 37-08846 to cover the storage in all your East Fork reservoirs. If you have reservoirs filled from sources other than the East Fork, you should probably file a new application for permit.

### Additional golf course development

You indicated to me that you are considering expanding the golf course onto those lands in Section 23 recently repurchased from VM Diamond Ranch LLC. The water rights on those lands are apparently not being used now. If those rights are not transferred to the existing golf course, they will face forfeiture after five years of non-use. If you intend to maintain the rights for use on the future golf course expansion, you should file an application for extension of time to avoid forfeiture a few months before the five-year non-use period has ended. In this way, you may be able to avoid forfeiture for over nine years. Maintaining the existing rights is critical because of the current moratorium on approvals of new consumptive use rights.

Please complete the ownership change notifications as soon as possible. As for the other issues, I will be expecting you to call when you have had time to collect the additional information you need to decide how to proceed. Meanwhile, I will hold application 37-08846. If you have any questions, please contact me at 208-327-7946.

Respectfully,

A handwritten signature in black ink that reads "Shelley Walter Keen". The signature is fluid and cursive, with the first name "Shelley" being the most prominent.

Shelley Walter Keen  
Water Rights Supervisor

SWK

c: Allen Merritt

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A37-00368**  
Date Received: 2/15/1990  
Receipt No: S011216  
Received By: \_\_\_\_\_

COPY FOR  
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

COPY FOR  
YOUR FILES

1. Name: VM DIAMOND RANCH LLC  
Address: PO BOX 190690  
BOISE ID

208-887-6028

83719

2. Date of Priority: JUN 15, 1884

3. Source: THREEMILE CREEK, WEST FORK Trib. to: THREEMILE CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 01N      | 13E   | 14      | SE     | SE     | SW  |     | CAMAS  |

5. Description of diverting works:  
DAMS AND DITCHES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 3.200  |      |        |

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

A.F.A.

8. Total consumptive use is 400.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
S/500 RANGE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 01N      | 13E   | 23      | NE     | NW  |     | IRR | 40.0  |
|          |       |         | NW     | NW  |     | IRR | 40.0  |
|          |       |         | SW     | NW  |     | IRR | 40.0  |
|          |       |         | SE     | NW  |     | IRR | 40.0  |

**RECORDED**

**NOV 22 1996**

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|----------|-------|---------|------------|-----|-----|-------|
|----------|-------|---------|------------|-----|-----|-------|

|  |  |  |  |  |               |       |
|--|--|--|--|--|---------------|-------|
|  |  |  |  |  | Section Acres | 160.0 |
|--|--|--|--|--|---------------|-------|

|  |  |  |  |  |             |       |
|--|--|--|--|--|-------------|-------|
|  |  |  |  |  | Total Acres | 160.0 |
|--|--|--|--|--|-------------|-------|

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:  
A37-00409

14. Remarks:

OWNERSHIP CHANGE PER FORM 42-1409(7). CLF 6-23-95

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

S.C. FROST, ET AL

Decree Plaintiff

ALTURAS WATER CO., ET AL

vs

Decree Defendant

MICROFILMED  
NOV 22 1996



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

RECEIVED

FEB 21 1996

DATE OF CLOSING: MARCH 11, 1994Idaho Department of Water Resources  
Southern RegionLEGAL DESCRIPTION OF PROPERTY: Township \_\_\_\_\_ Range \_\_\_\_\_  
Section \_\_\_\_\_, 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 Govt. Lot \_\_\_\_\_, BM.

Lot \_\_\_\_\_, Block \_\_\_\_\_, Subdivision/Townsite \_\_\_\_\_

If you have additional legal descriptions, please attach separate sheet. SEE ATTACHED WARRANTY DEED

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

[ ] Water Right Number(s)  
Assigned by IDWR:

37-07779, 37-00368, 37-02048, 37-02076, 37-00409  
37-02157, 37-02455

[ ] Name and Address of Former  
Owner/Claimant(s)(Seller):

CANAS PROPERTIES, INC  
7878 USTICK RD, BOISE ID 83704

[ ] New Owner/Claimant  
(Purchaser):

VM DIAMOND RANCH, LLC

[ ] New Mailing Address:

P.O. BOX 190690  
BOISE, ID 83719

[ ] New Telephone Number:

(208) 887-6028

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

[ ] Attach proof of  
ownership, describe  
proof attached:

SEE ATTACHED WARRANTY DEED

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

[ ] Signature of New  
Owner/Claimant(s)

Virginia Underpool  
Jeany Malley
Date 6/20/95Date 6/20/95

[ ] Signature of Former  
Owner/Claimant(s):

Date \_\_\_\_\_

Date \_\_\_\_\_

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

## FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 6-23-95 By: CT

Further Action Needed:

Need corrected legal description

Further Action Taken

Date: 6-28-95 By: CT

Final Review and Data-Entry

Date: \_\_\_\_\_ By: \_\_\_\_\_

Claim Numbers of Split, if any:

New owner will furnish map to resolve conflict in the SW 1/4 of Sec. 23. Correction of Warranty Deed to show W 1/2 SW 1/4 Sec 23 T1N R1E received 12-6-95 CT 12-19-95

RECEIVED  
NOV 22 1996

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

## WARRANTY DEED

FOR VALUABLE CONSIDERATION RECEIVED, CAMAS PROPERTIES, INC., an Idaho corporation (hereinafter the "GRANTOR"), hereby grants, bargains, sells, conveys and confirms unto VM DIAMOND RANCH, L.L.C., an Idaho limited liability company (hereinafter the "GRANTEE"), its successors and assigns forever, the property located in the County of Camas, State of Idaho more particularly described on Exhibit "1" attached hereto, and by this reference made a part hereof (hereinafter the "Property");

TOGETHER WITH all and singular the buildings, structures, improvements, tenements, hereditaments, easements, covenants and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainders, rents, issues and profits thereof; and

SUBJECT TO the Exceptions to Title described on Exhibit "2" attached hereto, and by this reference made a part hereof, and rights-of-way and easements visible on inspection of the Property.

Subject to those exceptions to title to which this conveyance is expressly made subject and those made, suffered or done by the GRANTEE, the GRANTOR covenants to the GRANTEE, its successors and assigns, that the GRANTEE shall enjoy the quiet and peaceful possession of the Property, and GRANTOR warrants to the GRANTEE, its successors and assigns, that GRANTOR is the owner of the Property in fee simple and has the right and authority to convey the same to GRANTEE, and it will defend the same from all lawful claims arising by, through and under the GRANTOR whatsoever.

The current address of the GRANTEE is:

VM DIAMOND RANCH, L.L.C.  
3000 East Lake Hazel Road  
Meridian, Idaho 83642

IN WITNESS WHEREOF, this WARRANTY DEED has been duly executed,

MICROFILMED  
NOV 22 1996

by and on behalf of GRANTOR by its President whose signature is attested to by its Secretary, who have been duly authorized to sign on behalf of GRANTOR by its Board of directors, effective the 11 day of March, 1994.

GRANTOR  
CAMAS PROPERTIES, INC.

by William N. Carter  
President

ATTEST:

William F. Martin  
Secretary

STATE OF IDAHO           )  
                                  ) ss:  
County of ADA           )

On this 11 day of March, 1994, before me, M. Neal Newhouse, a Notary Public in and for the State of Idaho, personally appeared William N. Carter and William F. Martin, known or identified to me to be the President and the Secretary, respectively, of the Corporation that executed this instrument or the persons who executed this instrument on behalf of said Corporation, and acknowledged to me that such Corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

M. Neal Newhouse  
Notary Public for the State of Idaho  
Residing at Fairfield, Idaho  
My Commission Expires on 12/1/1998

March 7, 1994

LEGAL DESCRIPTION

WORKING RANCH

Parcels of land situated in Township 1 North, Range 13 East, Boise Meridian, County of Camas, State of Idaho. More particularly described as follows:

Section 22

E 1/2

Section 23

NW 1/4, NE 1/4 SW 1/4, N 1/2 N 1/2 SE 1/4 SW 1/4,, S 1/2  
SE 1/4 SW 1/4 excepting that portion lying East of the existing  
County Road which runs northerly and southerly.

E 1/2 SW 1/4

S 1/2 N 1/2 SE 1/4 SW 1/4

S 1/2 N 1/2 SW 1/4 SE 1/4 excepting that portion lying South  
of the existing County Road which runs easterly and westerly.

S 1/2 SW 1/4 SE 1/4 excepting that portion lying South of the  
existing County Road which runs easterly and westerly.

SE 1/4 SE 1/4 excepting that portion lying South of the existing  
County Road which runs easterly and westerly.

Section 24

S 1/2 SW 1/4

SE 1/4

Section 25

ALL

Section 26

NW 1/4 excepting that portion lying East of the existing County  
Road which runs northerly and southerly.

NE 1/4 NE 1/4 excepting that portion lying South of the existing  
County Road which runs easterly and westerly.

SE 1/4 NE 1/4

NE 1/4 SE 1/4

Continued on Page 2

CARRANBY USED. pg 3

MICROFILMED  
NOV 22 1996

LEGAL DESCRIPTION  
WORKING RANCH

Section 27

NE 1/4

Parcels of real property situated in Township 1 North, Range 14 East,  
Base Meridian, County of Camas, State of Idaho, more particularly  
described as follows:

Section 19

E 1/2 W 1/2

Lots 1, 2, 3 and 4

Section 30

SE 1/4

E 1/2 SW 1/4

Lots 3 and 4

MICROFILMED  
NOV 22 1996

CORRECTION WARRANTY DEED

THIS CORRECTION WARRANTY DEED, dated effective March 11, 1994, is intended to, and does hereby, correct the legal description of the Property described on Exhibit "1" of the Warranty Deed dated March 11, 1994, recorded March 11, 1994 in Book 28 of Deeds at page 758 as instrument number 68358, records of Camas County, Idaho, executed by CAMAS PROPERTIES, INC., an Idaho corporation, as the "GRANTOR", granting, bargaining, selling, conveying and confirming unto VM DIAMOND RANCH, L.L.C., an Idaho limited liability company, as the "GRANTEE", its successors and assigns forever, the property located in the County of Camas, State of Idaho more particularly described on Exhibit "1" attached thereto, which exhibit "1" inadvertently neglected to include the following described parcel of property as granted and conveyed to GRANTEE, to wit:

Parcel of land situated in Township 1 North, Range 13 East, Boise Meridian, County of Camas, State of Idaho, more particularly described as follows:

Section 23  
W1/2 SW1/4

(hereinafter referred to as the "Additional Property".)

FOR VALUABLE CONSIDERATION RECEIVED, GRANTOR hereby grants, bargains, sells, conveys and confirms unto GRANTEE, its successors and assigns forever, the above described parcel of Additional Property.

TOGETHER WITH all and singular the buildings, structures, improvements, tenements, hereditaments, easements, covenants and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainders, rents, issues and profits thereof; and

SUBJECT TO the Exceptions to Title described on Exhibit "2" attached to the above referenced Warranty Deed dated March 11, 1994, and by this reference made a part hereof, and rights-of-way and easements visible on inspection of the Additional Property.

WARRANTY DEED, page 1

MICROFILMED  
NOV 21 1995

March 7, 1994

1/2 SW 1/4 Sec. 23  
appears to be  
an error.  
W 1/2 SW 1/4 Sec. 23  
is not described  
CA 6-22-95

LEGAL DESCRIPTION

WORKING RANCH

Parcels of land situated in Township 1 North, Range 13 East, Boise Meridian, County of Camas, State of Idaho. More particularly described as follows:

Section 22

E 1/2

Section 23

NW 1/4, NE 1/4 SW 1/4, N 1/2 N 1/2 SE 1/4 SW 1/4,, S 1/2  
SE 1/4 SW 1/4 excepting that portion lying East of the existing  
County Road which runs northerly and southerly.

E 1/2 SW 1/4

S 1/2 N 1/2 SE 1/4 SW 1/4

S 1/2 N 1/2 SW 1/4 SE 1/4 excepting that portion lying South  
of the existing County Road which runs easterly and westerly.

S 1/2 SW 1/4 SE 1/4 excepting that portion lying South of the  
existing County Road which runs easterly and westerly.

SE 1/4 SE 1/4 excepting that portion lying South of the existing  
County Road which runs easterly and westerly.

Section 24

S 1/2 SW 1/4

SE 1/4

Section 25

ALL

Section 26

NW 1/4 excepting that portion lying East of the existing County  
Road which runs northerly and southerly.

NE 1/4 NE 1/4 excepting that portion lying South of the existing  
County Road which runs easterly and westerly.

SE 1/4 NE 1/4

NE 1/4 SE 1/4

Continued on Page 2

WARRANTY DEED. Pgx 3

MICROFILMED  
NOV 22 1998

[illegible]

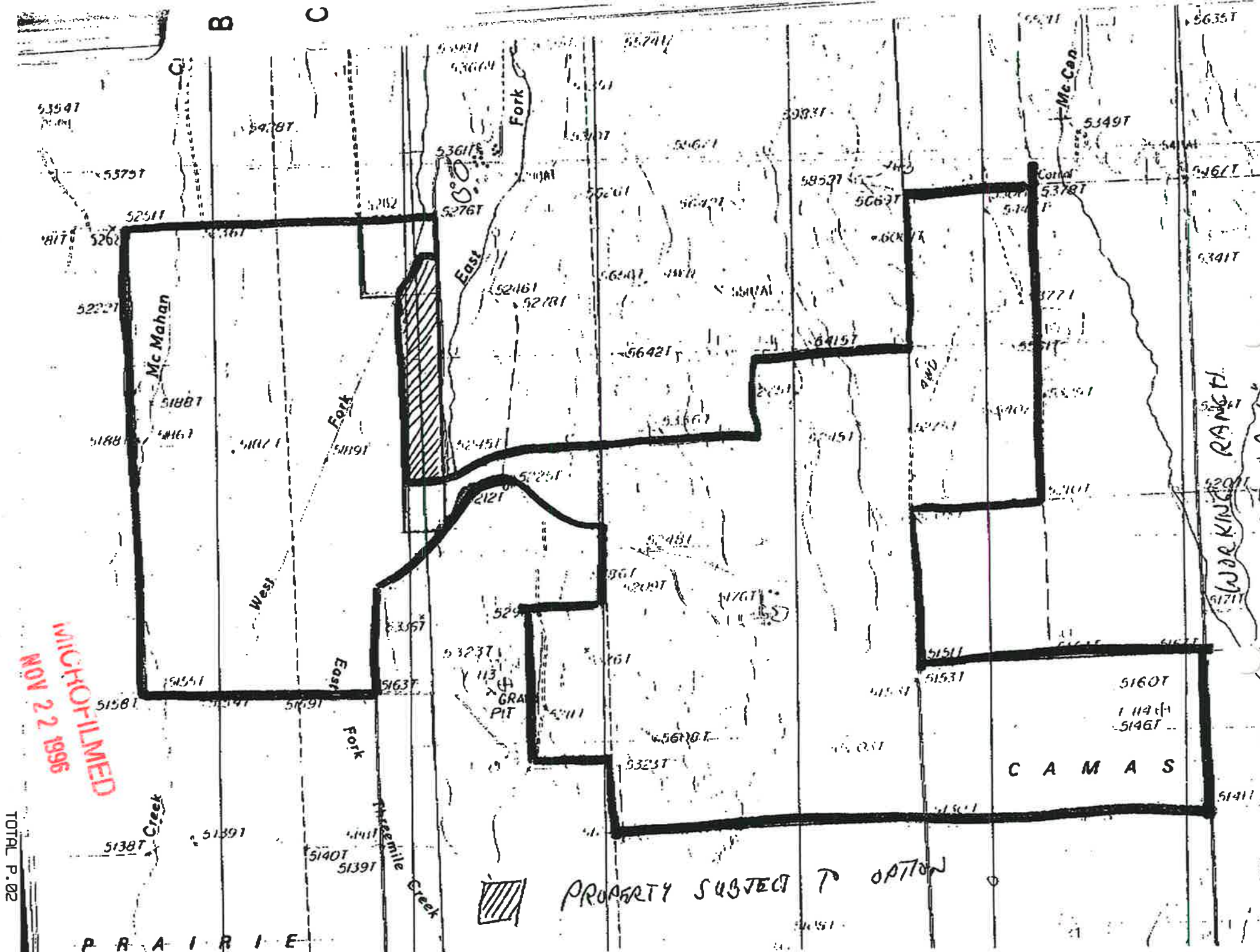
TIN

TIN

$R_{13E}$

R 14E





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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A37-00368  
Date Received: 2/15/1990  
Receipt No: S011216  
Received By: S.C.C.

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: HIDDEN PARADISE RANCH OWNERS ASSN. 208-764-2506  
Address: P.O. BOX 279  
FAIRFIELD, ID 83327

2. Date of Priority: JUN 15, 1884

3. Source: THREEMILE CREEK, WEST FORK Trib. to: THREEMILE CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 01N      | 13E   | 14      | SE     | SE     | SW     |     | CAMAS  |

5. Description of diverting works:  
DAMS AND DITCHES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 3.200  |      |        |

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

8. Total consumptive use is 400.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
S/500 RANGE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 01N      | 13E   | 23      | NE     | NW     |     | IRR | 40.0  |
|          |       |         | NW     | NW     |     | IRR | 40.0  |
|          |       |         | SW     | NW     |     | IRR | 40.0  |

A37-00368

Page 1

Date: 02/15/90

SCANNED

APR 17 2007

MICROFILMED  
FEB 22 1993

10. Place of Use: Continued

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 01N           | 13E   | 23      | SE     | NW  |     | IRR | 40.0  |
| Section Acres |       |         |        |     |     |     | 160.0 |
| Total Acres   |       |         |        |     |     |     | 160.0 |

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:  
A37-00409

14. Remarks:

15. Basis of Claim: DECREED  
Case Number:  
Court :  
Decree date:

S.C. FROST, ET AL  
Decree Plaintiff

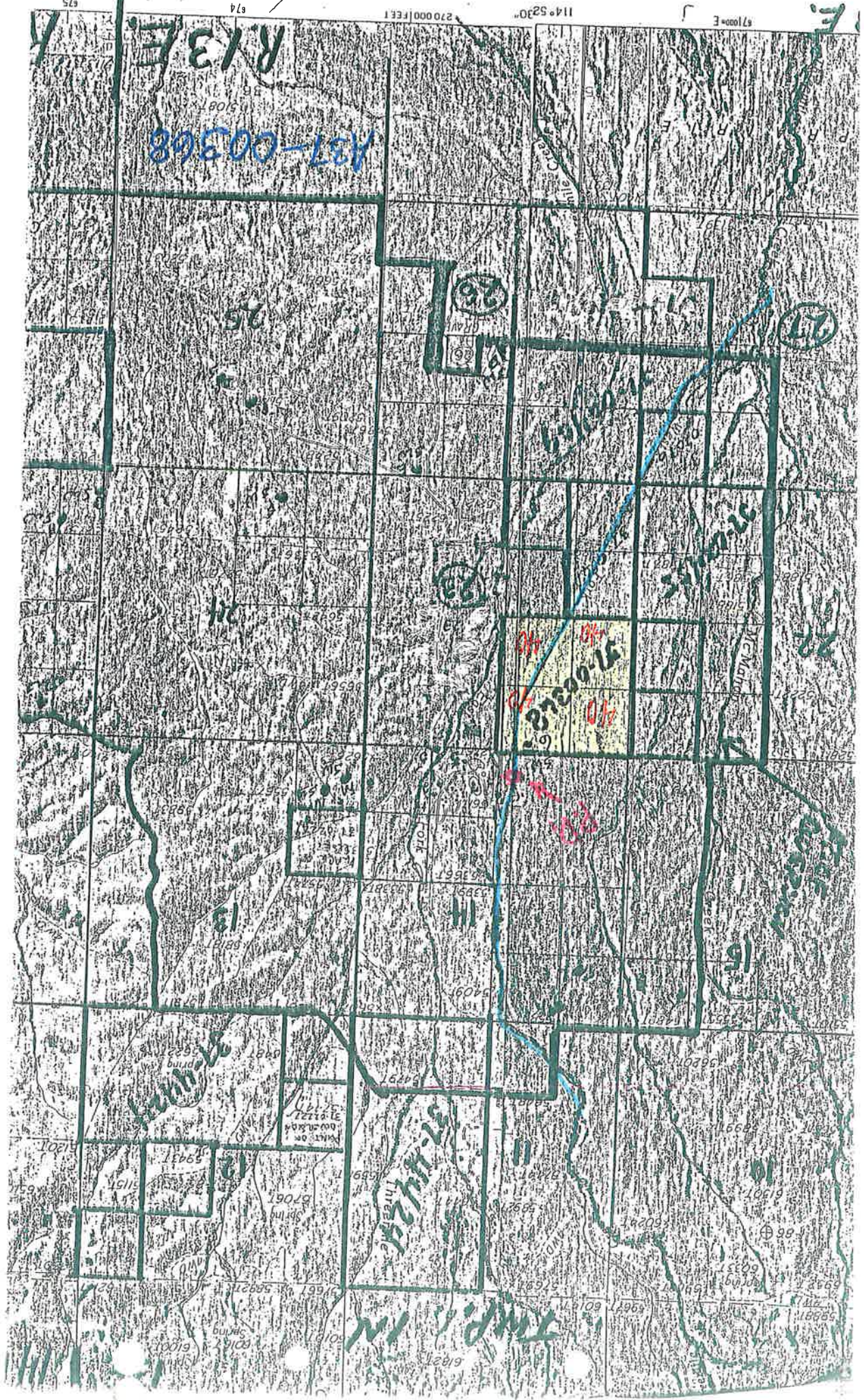
vs

ALTURAS WATER CO., ET AL  
Decree Defendant

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

MICROFILMED  
FEB 22 1993

SCANNED  
APR 17 2007



TWP. 1N

37-4424

37-4424

40  
7-00368  
40

A37-00368

R. 13 E.

SCANNED  
APR 17 2007

671000 E

114° 52' 30"

270 000 FEET

674

675

FEB 8 - 1990

Date Received 1-18-1990

Department of Water Resources  
Southern Region Office

JAN 18 1990

State of Idaho

Department of Water Resources

REQUEST FOR EXTENSION OF TIME  
TO FILE ADJUDICATION CLAIM(S)

RECEIVED

JAN 19 1990

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Hidden Paradise Property Owners' Assn. ( ) 764-2506  
Name of Claimant Phone Number

P. O. Box 279 Fairfield ID 83327  
Mailing Address City State Zip

Camas 1-19-1990 (per approved extension)  
County(s) where place of use is located Date claim originally due

37-2227, 2048, 0368, 0409, 2076, 2455, 2157, 4424 & possibly others  
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

The person who was responsible for getting the necessary documentation together so  
that the claims could be filed did not do her job. We only recently became aware of  
this, so do not have enough time before the deadline to complete the paperwork. We  
are working as fast we can, but this is 1/1 a large ranch with many water rights.

Claimant requests an extension to February 19, 19 90  
Donald L. Buschard 1-18-, 19 90  
Signature Date of request  
Vice Pres.  
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

and if granted the filing deadline is extended to February 19, 19 90

Signed this 5 day of February, 19 90

DAVID B. SHAW  
Director or his designated agent

Mail to: Idaho Department of Water Resources  
1301 N. Orchard St.  
Boise, ID 83706

SCANNED

APR 17 2007

MICROFILMED  
FEB 22 1993

6 FEBRUARY 1990

HIDDEN PARADISE RANCH HOME OWNERS ASSOCIATION.

BOARD OF DIRECTORS:

PRESIDENT: GLEN ROMIG  
8811 San Marino Dr.  
Boise, Idaho, 83705 -----375-4874

Vice Pres. DARRELL L. BURCHARD  
P.O.BOX 279  
Fairfield, Idaho 83327-----764-2506

Vice Pres. WILLIAM MARTIN  
5950 Fairview Ave.  
Boise, Idaho 83705-----322-5950

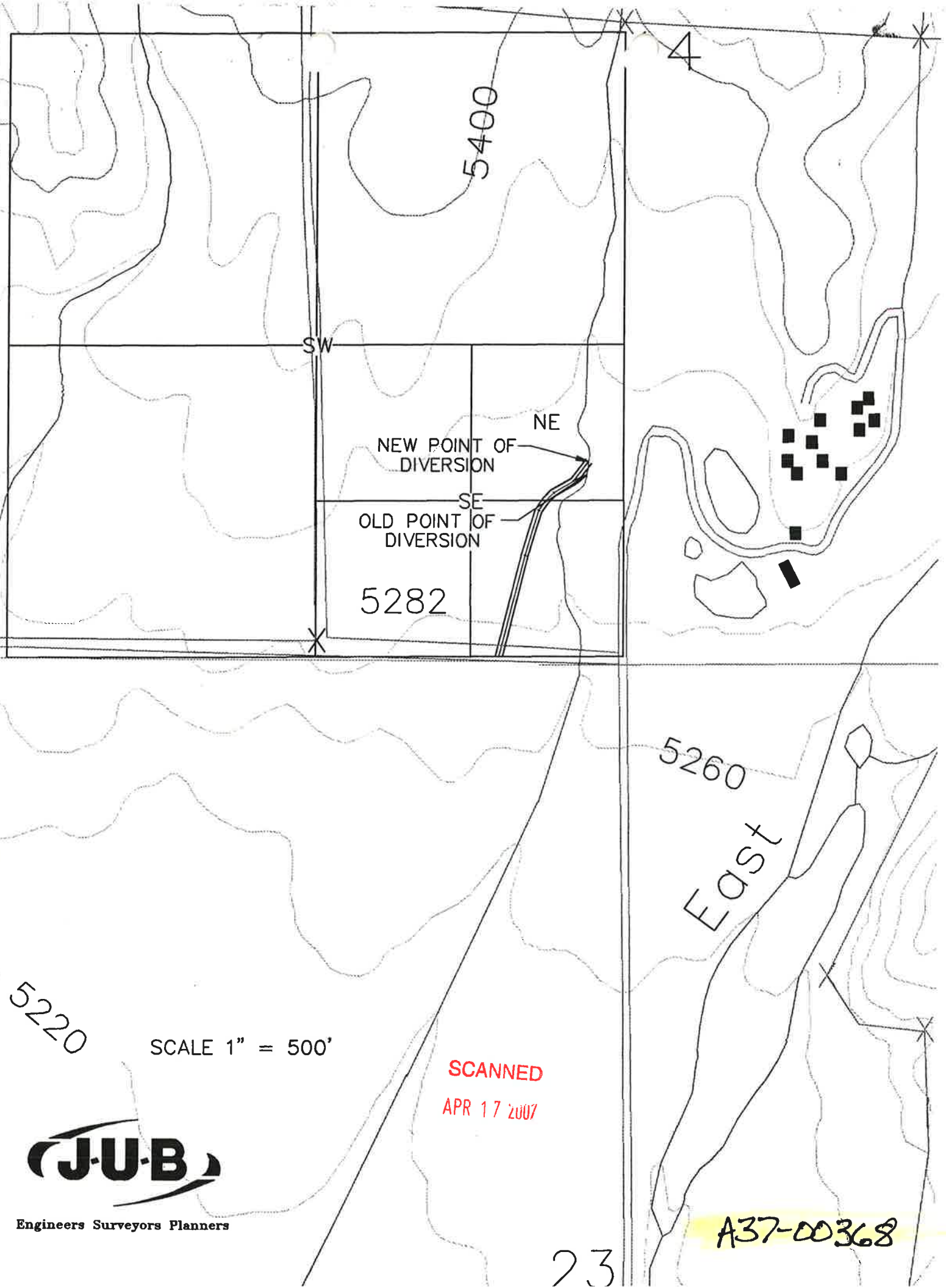
Secretary. MILTON KLEIN  
2275 Sunny Lane  
Star, idaho -----286-7451

Treasure Ken AGENBROAD  
10800 W. Hollandale Dr.  
Boise, Idaho -----375-9540

SCANNED

APR 17 2007

MICROFILMED  
FEB 22 1993



SW

NE

NEW POINT OF  
DIVERSION

SE

OLD POINT OF  
DIVERSION

5282

5400

5260

East

5220

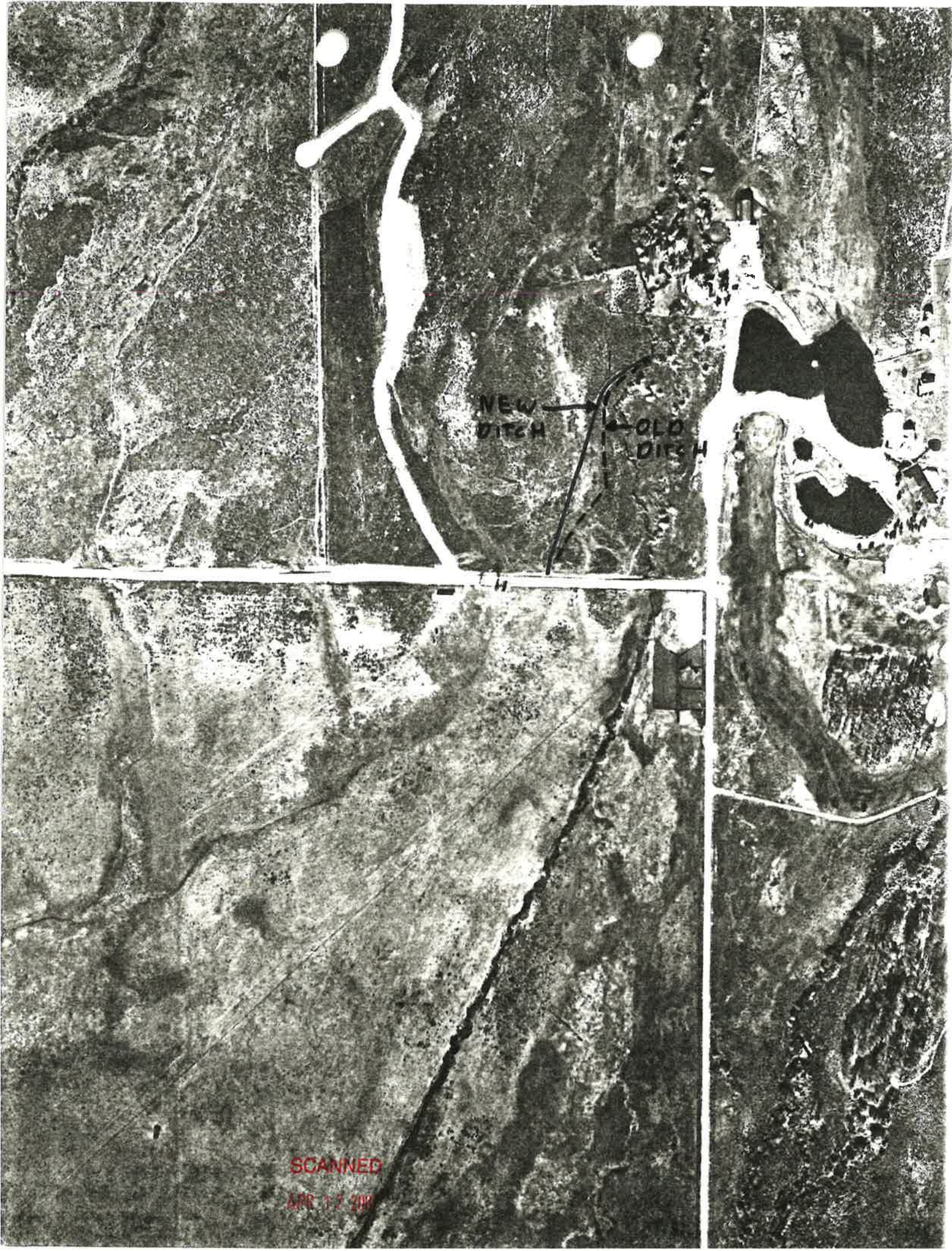
SCALE 1" = 500'

SCANNED  
APR 17 2007



Engineers Surveyors Planners

A37-00368



SCANNED

APR 17 2007

09/08/2008

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

RIGHT NUMBER: 37-368A

NAME AND ADDRESS: DIAMOND/SOLDIER PROPERTIES LLC  
C/O GREGORY VIK C/O CHARLES E HILL  
PO BOX 1607  
BELLEVUE WA 98009

SOURCE: WEST FORK THREEMILE CREEK

TRIBUTARY: THREEMILE CREEK

QUANTITY: ~~2-240~~ 2.700 CFS

PRIORITY DATE: 06/15/1884

POINT OF DIVERSION:

T01N R13E S14 SESESW Within CAMAS County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>            |
|-----------------------|----------------------|----------------------------|
| IRRIGATION            | 04/15 10/31          | <del>2-240</del> 2.700 CFS |

PLACE OF USE:

IRRIGATION in CAMAS County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T01N R13E S22 | NENE | 14.00 | T01N R13E S22 | NWNE | 9.40  |
| T01N R13E S22 | SWNE | 22.00 | T01N R13E S22 | SENE | 40.00 |
| T01N R13E S22 | NESE | 40.00 | T01N R13E S22 | NWSE | 12.00 |
| T01N R13E S22 | SESE | 37.00 | T01N R13E S23 | NENW | 22.00 |
| T01N R13E S23 | NWNW | 10.00 | T01N R13E S23 | SWNW | 40.00 |
| T01N R13E S23 | SENE | 20.00 | T01N R13E S23 | NESW | 20.00 |
| T01N R13E S23 | NWSW | 40.00 | T01N R13E S23 | SWSW | 40.00 |
| T01N R13E S23 | SESW | 28.00 | T01N R13E S26 | NENW | 4.20  |
| T01N R13E S26 | NWNW | 33.00 | T01N R13E S26 | SWNW | 17.00 |
| T01N R13E S27 | NENE | 37.00 | T01N R13E S27 | SENE | 30.00 |

515.6 112 ACRES TOTAL

This right is limited to the irrigation of 112 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 515.6 acres in a single irrigation season. Combined Right Nos.: 37-368A, 37-409A, 37-2076A, 37-2455 & 37-2157.

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

**Clelland, Steve**

**From:** Bromley, Chris  
**Sent:** Wednesday, February 20, 2008 1:32 PM  
**To:** Clelland, Steve  
**Cc:** Kelly, Vicki; Christensen, Kelly; Shaff, Don  
**Subject:** Jim Speck's Basin 37 Part II clients  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

6/24/08  
w/Vicki

Not  
To  
File

All,

The next status conference is June 25, 2008, which ought to be enough to resolve. Here's the run down from this morning's status conference:

**Black Butte:**

Only subcases at issue are 37-11989 and -12000. Jim said he needs to talk things with Steve.

**Diamond Soldier:**

Jim needs time to work through issues with Steve

**Smokey Dome:**

Jim is awaiting affidavits from Lee Baron regarding 37-38 and -404A, which should allow us to resolve the objections. Jim withdrew, on the record, his objections to -409B, -2076B, and -2227, but SM Bilyeu will hold off on issuing SMRRs until we resolve -19832 (need another affidavit). Once we finalize -19832, I believe we'll need to have the combined use language which is present in -409B, -2076B, and -2227, also reference -19832, which is the reason that SM is holding off on issuing SMRRs in those subcases.

**South Cove:**

Jim said he needs more time to talk with Steve about -591B, -592B, -593B, -594B, and -595B. SF5

Jim didn't object to the ADR filed in -2317, but has a problem with the POU described in -21720, which stems from the same license as -2317 and therefore should have the same POU. Jim needed to amend claim no. -21720 in order to get the same POU as -2317, which he did on the record and will follow up with a written amended claim in two weeks. Once we get the amended claim, we'll need to file an ADR by March 21. I didn't think this would be too much of a problem since the POU review was already done in -2317. SF5

**SV Ranch:**

Jim is satisfied with Don's explanation of the combined use remarks in -7028, -7029, -7030, and -7031C, so he's withdrawn his objections to those subcases. GW dome

Jim's kept his objection to -13118, which is a de minimus in-stream stockwater right. I'm working through that one with him.

Chris

6/16/2008

**Clelland, Steve**

---

**From:** Bromley, Chris  
**Sent:** Monday, July 14, 2008 11:33 AM  
**To:** Jim Speck (jim@speckandaanestad.com)  
**Cc:** Clelland, Steve; Kelly, Vicki  
**Subject:** 37-368A et al (Diamond Soldier)  
**Attachments:** Diamond Soldier.pdf

Jim,

I'll address the points you raised in your email dated June 24, 2008.

First, regarding the "A" acres—Steve's review shows that there isn't a POD to get water to those acres, which is why he didn't recommend them (see Diamond Soldier Attachment—Field Exam Map). Do you have information that would show otherwise?

Second, regarding the "B" acres—the affidavit was sufficient to support adding the acres.

Third, by adding the "B" acres under water right no. 37-409A to the place of use, the total would be increased from 421.3 to 515.6 (you were seeking 536.3). The POU is based on GIS mapping of the fields.

Fourth, regarding quantity—Steve is looking at recommending an inch to the acre for the entire POU (515.6 acres), but is still reviewing the history of water right no. 37-409B to determine a rate of flow. We'll let you know shortly where we stand on total quantity for the 515.6 acres.

Fifth, regarding a permissible place of use (PPU) for these water rights—the Department typically recommends a PPU when all of the acres can be irrigated by all of the water rights associated with the land. Steve found that that can't be accomplished with these lands and water rights (see Diamond Soldier Attachment—Field Exam Map). Do you have any additional information to show otherwise, such as that the system is interconnected?

Chris

Rec'd  
update:  
2/3/09 scc

# DIAMOND/SOLDIER REVIEW:

7/2/08  
scc

CFS

2.7 cfs

| #         | CLAIM   | Rec'd   | WR      |
|-----------|---------|---------|---------|
| 37-368A ✓ | 2.7     | 2.24    | 3.2     |
| Rate:     | 0.02/ac | 0.02/ac | 0.02/ac |

2.85 cfs

|           |           |                        |           |
|-----------|-----------|------------------------|-----------|
| 37-409A ✓ | 2.85      | <del>&lt;PIS&gt;</del> | 3.2       |
| Rate:     | 0.0069/ac | —                      | 0.0067/ac |

6.1 cfs

|            |          |         |          |
|------------|----------|---------|----------|
| 37-2076A ✓ | 6.1      | 4.48    | 6.2      |
| Rate:      | 0.019/ac | 0.02/ac | 0.019/ac |

3.0 cfs

|           |         |          |         |
|-----------|---------|----------|---------|
| 37-2455 ✓ | 3.0     | 0.90     | 3.0     |
| Rate:     | 0.02/ac | 0.019/ac | 0.02/ac |

(NO OBS)

|         |         |         |         |
|---------|---------|---------|---------|
| 37-2157 | 0.80    | 0.80    | 0.80    |
|         | 0.02/ac | 0.02/ac | 0.02/ac |

15.45 cfs

8.42 cfs

16.40  
(split)

# DIAMOND/Soldier Review:

7/1/08  
SCC

| Acres >  | #        | CLAIMS    | Rec'd     | WR        | GIS         |
|----------|----------|-----------|-----------|-----------|-------------|
|          | 37-368A  | 135       | 112       | 160       | 112.6       |
|          | 37-409A  | 408       | -DIS-     | 480       | 94.3        |
|          | 37-2076A | 315       | 224       | 320       | 225         |
|          | 37-2455  | 150       | 45.3      | 150       | 45.4        |
| (NO OBJ) | 37-2157  | <u>40</u> | <u>40</u> | <u>40</u> | <u>39.6</u> |

1048 Ac    421.3    1150    516.9  
(w/overlaps) (No overlaps) (splits) (SHP)

Speck email ACRES = 536.3 AC.

2005 B/W map-MOBLEY AFF. = 740.6 AC

Rec'd POB w/ Disallowed -409A:  $421.3 + 94.3 = 515.6$

$$\left[ 94.3 \text{ Ac} * \underset{\text{(claim)}}{0.0069 \text{ cfs/Ac}} = \underline{0.65 \text{ cfs}} \right]$$

9/8/08 SCC

Conversion to PPU for All Rights  
Combined shape files = 515.6 AC  
As per GIS selection

EXAM MAP

5/3/06 13  
SCL & MA

15

14

24

25

26

27

22

23

found  
NOPOD found  
OUT OUT OUT  
POD  
POD  
POD Purpose?  
POD  
IR  
Ant  
IR  
underground sprinkler system  
Sage & Grass  
CC  
system?  
system?  
system?  
system?  
NoPOD  
NoPOD  
NoPOD

DIAMOND/SOLDIER  
37-368A ET.AL.

**Clelland, Steve**

**From:** Jim Speck [jim@speckandaanestad.com]  
**Sent:** Tuesday, June 24, 2008 3:46 PM  
**To:** Bromley, Chris  
**Cc:** 'Rodney Ray Gonsales'; 'Greg Vik'; nancyl@pistolcreek.com; Clelland, Steve  
**Subject:** Smokey Dome LLC et al - Status Conferences Tomorrow

**Attachments:** Charles Lee Barron Affidavit.pdf



Charles Lee Barron  
Affidavit.p...

Chris,

**37-368A ET AL**

**Status Conf**  
**6-25-08**

Here is where I think we stand:

**SCC** 1. Smokey Dome LLC - 37-38 & 404A: attached is a copy of an Affidavit that will be filed with the court tomorrow. I believe this supports the number of irrigated acres we claimed 86A v. 36A recommended). **1:30**

**J.S.** 2. Smokey Dome LLC - 37-19832: I have not yet had a chance to put together the affidavit for Doug Hollowell, a prior owner of the land, that we believe will support our objection.

**SCC** 3. Diamond/Soldier Properties LLC - 37-368A, 409A, 2076A & 2455: I still do not have a reply from Steve Clelland to my October 19, 2007 e-mail, the body of which reads: **1:30**

Steve,

I have attached a map of the ranch with the boundary of the relevant portion drawn in black and the outlines of the recommended places of use in yellow with the water right number labels. Here are my comments and questions:

1. The area labeled "A" should be part of the place of use for 368A - it probably will add about 5 acres. **Not IRRIGATED By IRR. System**

2. The area labeled "B" should be the place of use for 409A - I estimate this is about 110 acres.

3. The total place of use of the 4 recommended rights is 421.3 acres. Adding 115 acres would make this **536.3 acres**. **= 94.3 AC.**

4. The total amounts claimed for all 5 rights is 15.45 cfs or 772.5 inches. This is a little less than **1 1/2 inches per acre** for the 536.3 acres.

**ASK CHRIS Re: Exceeding Lic. Rate of 1" / Ac**  
5. Is it possible to make the 536.3 acres a permissible place of use for all 5 rights, and then limit each right to the irrigation of a certain number of acres determined by the inches per acre (e.g. 368A would be **536.3 acres X 2.7 cfs/15.45 cfs = 93.7 acres??**) **Huh?**

**SCC** 4. Black Butte Hills LLC - 37-11989 & 12000: Per your February 20, 2008 e-mail to me, Steve apparently did not need to do a field exam for 37-11989 after all and he was going to write up his report. I haven't seen anything yet. I believe this may also cover this quantity dispute for 37-12000 - I can't find anything that formed the basis for the 14 AFA in the recommendation v. 145 AFA claimed for stockwater and 85 AFA for recreation. **1:30**

**?** 5. SV Ranch LLC - 37-13118: I hope to resolve this stockwater **1:30**

Clelland, Steve

DIA-SOL

-368A

From: Kelly, Vicki  
Sent: Wednesday, January 14, 2009 8:14 AM  
To: Jim Speck; Bromley, Chris; Clelland, Steve  
Cc: 'Mr. Rod Gonsales'; 'Greg Vik'; 'Nancy Lukacs'  
Subject: RE: Diamond Soldier Properties 37-368A, 37-409A, 37-2076A & 37-2455

Good morning Mr. Speck

Thanks for reviewing our draft recommendations and providing the feedback. \* Steve will revisit these and will contact you should he require more information. Thanks again.  
Vicki Kelly, Paralegal - IDWR

-----Original Message-----

From: Jim Speck [mailto:jim@speckandaanestad.com]  
Sent: Tuesday, January 13, 2009 4:10 PM  
To: Kelly, Vicki; Bromley, Chris; Clelland, Steve  
Cc: 'Mr. Rod Gonsales'; 'Greg Vik'; 'Nancy Lukacs'  
Subject: RE: Diamond Soldier Properties 37-368A, 37-409A, 37-2076A & 37-2455

Vicki, Chris & Steve,

Although the total size of the permissible place of use (515.6 acres) is acceptable, the reduction in the amounts for each right is not. The total claimed is 15.45 cfs whereas the total in these draft recommendations is only 9.07 cfs. I had understood the claimed amount was acceptable since the previous owner had provided an affidavit on the flood irrigation practices used during his ownership. If not, please explain why not and what you do need from us to support that amount. At a little over 1.5 in/acre it seems quite reasonable for flood irrigation, especially in that area.

Jim

James P. Speck  
SPECK & AANESTAD  
A Professional Corporation  
120 East Avenue  
P.O. Box 987  
Ketchum, ID 83340  
208.726.4421  
208.726.0752 (fax)  
jim@speckandaanestad.com

15.45 cfs  
515.6 Ac  
= 0.03 cfs  
AC

2/2/09 OK to do  
OCC w/ Hollowell  
Aff.

CONFIDENTIAL COMMUNICATION

This email message and any attachments are intended only for the use of the addressee named above and may contain information that is privileged and confidential. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you received this email message in error, please immediately notify the sender by replying to this email message or by telephone. Thank you.

-----Original Message-----

From: Kelly, Vicki  
Sent: Wednesday, January 07, 2009 8:51 AM  
To: Jim Speck

<<DOC001.PDF>>

Hello Mr. Speck--

Attached are updated recommendations for the Diamond Soldier Properties subcases for your review, prepared by Steve Clelland. He is currently working on an updated recommendation for an uncontested overlapping right 37-2157. I will forward that recommendation to you when Steve has it completed. If you have any questions about these recommendations, please contact Steve at 208-287-4913. If you feel that these subcases are ready for SF5, please let me know and we'll get them out the door. The next hearing on these rights is set for 1/21/09. Thanks! Vicki Paralegal - IDWR

Attachment(s) : DOC001.PDF



# Idaho Department of Water Resources

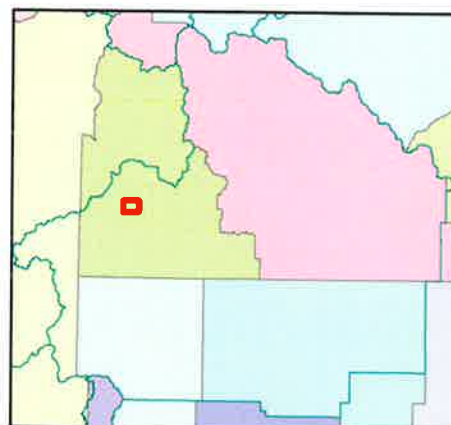
## SRBA Recommendation

37-368A  
37-409A  
37-2076A  
37-2455

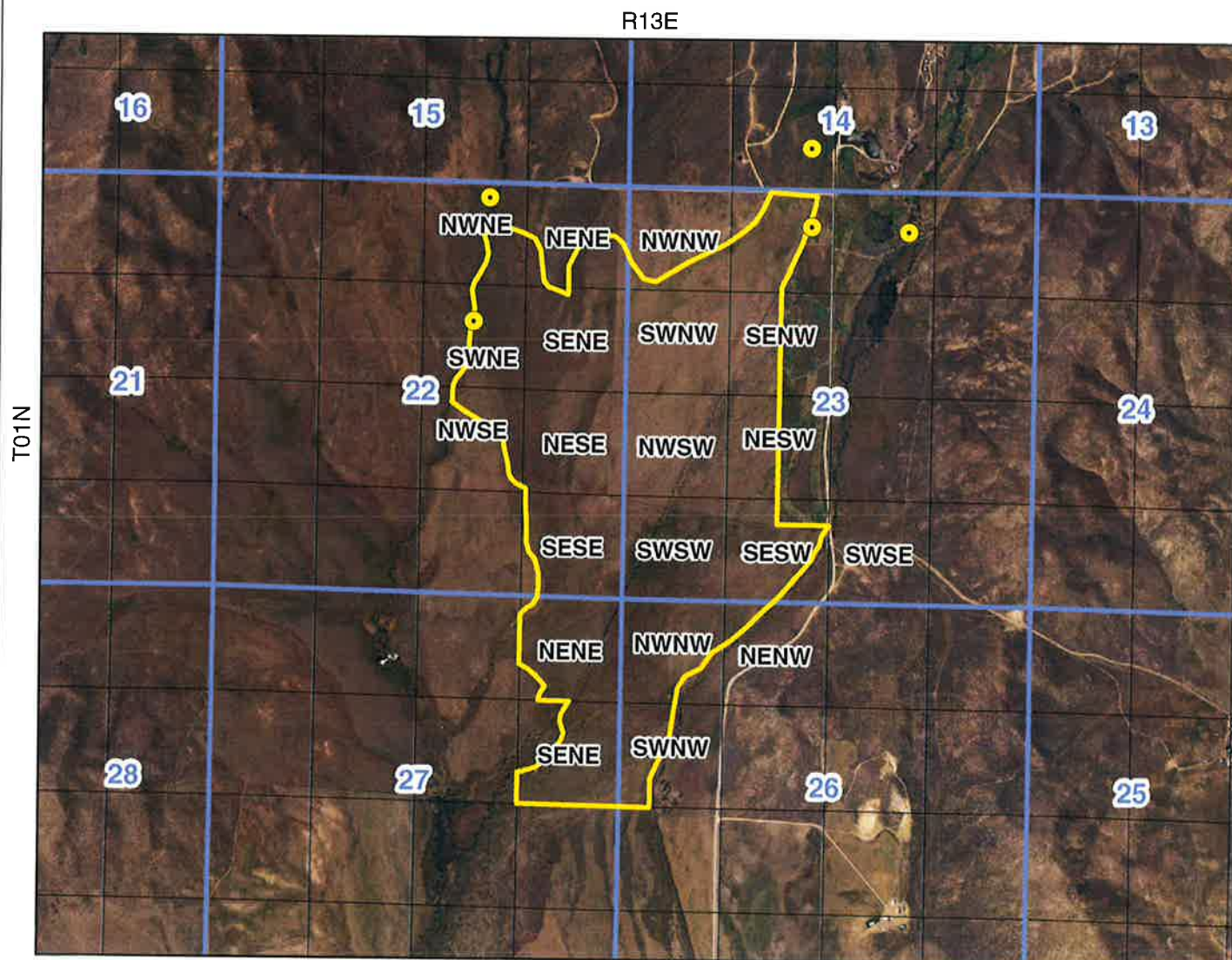
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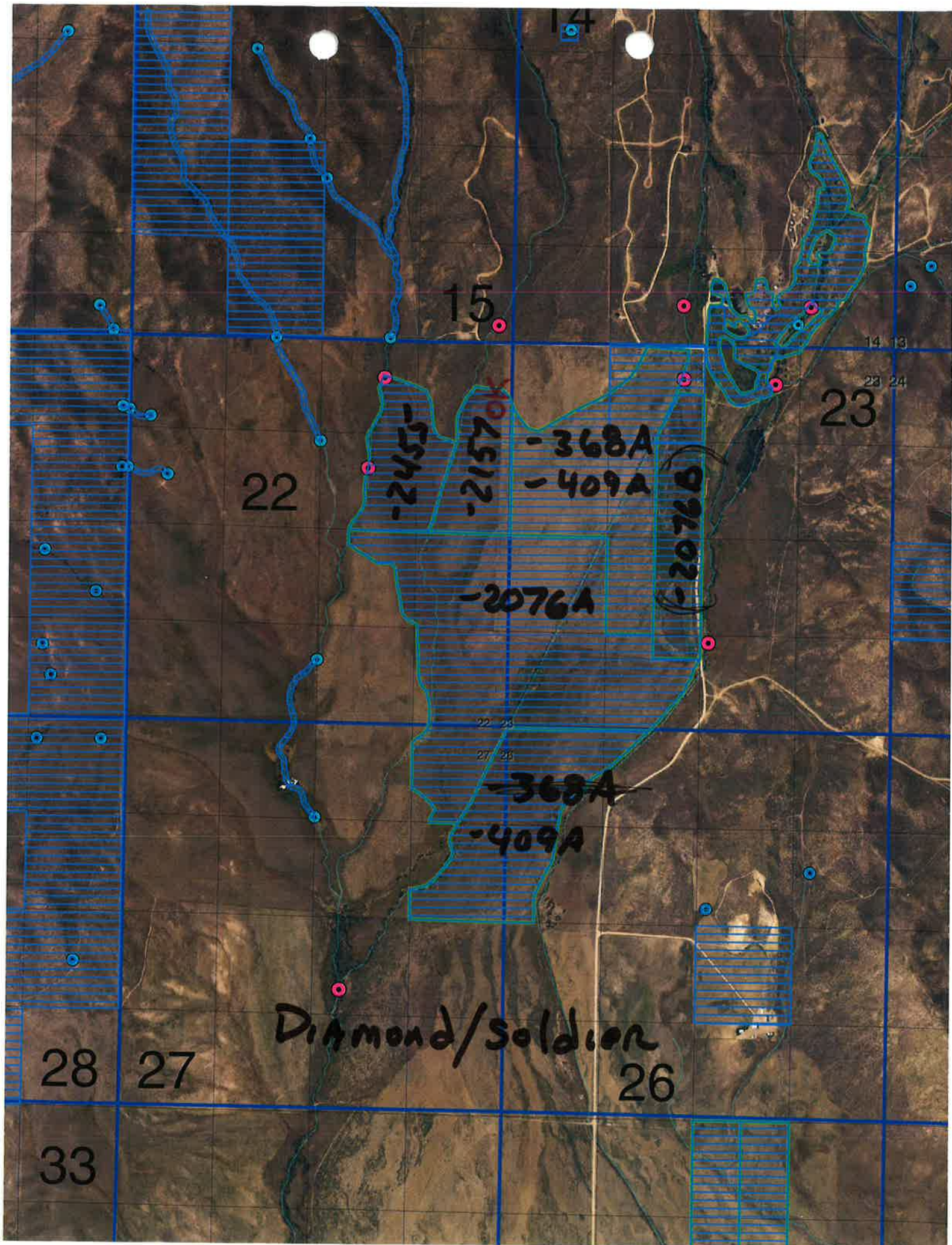
## Legend

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

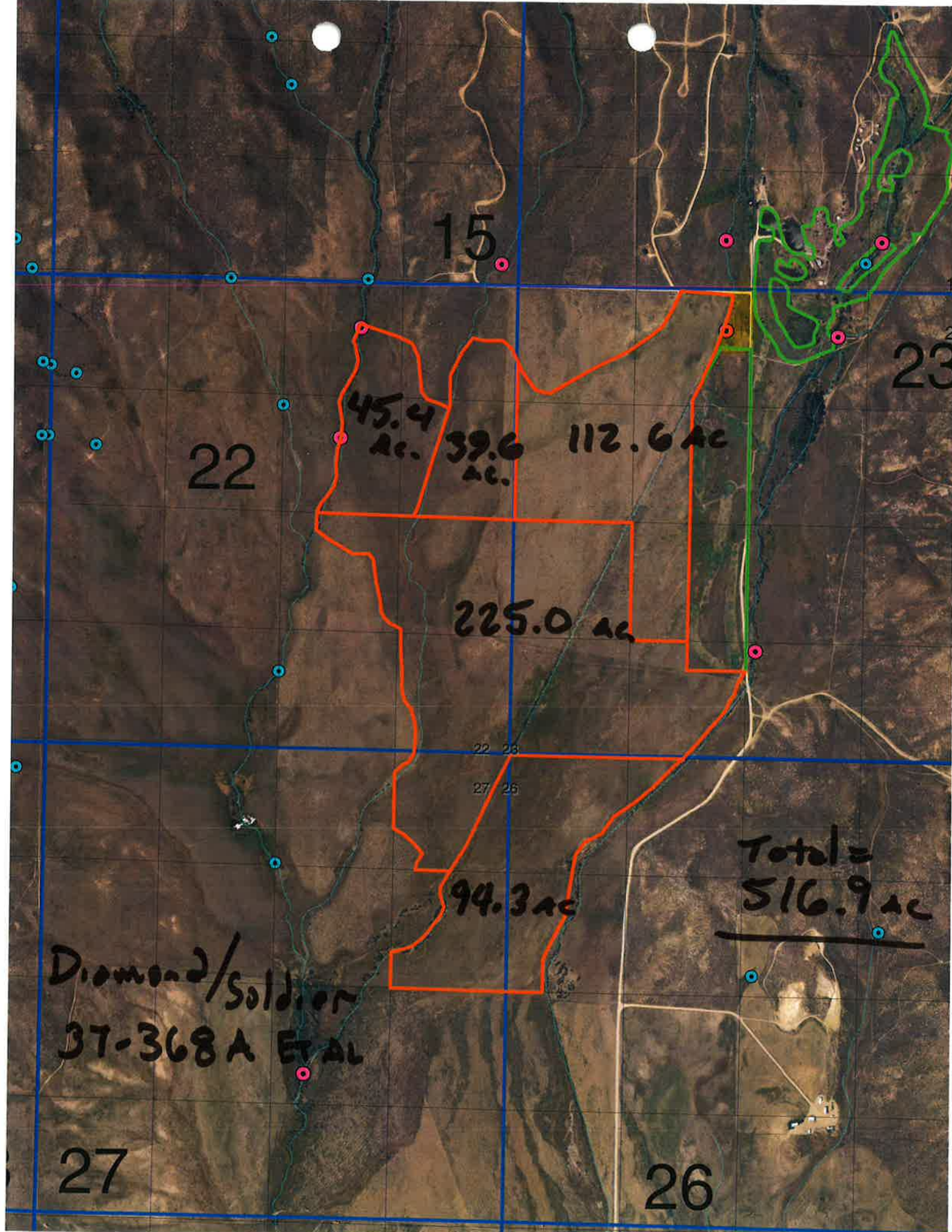


Camas County  
IDWR Basin 37









15

23

22

45.4  
Ac.

39.6  
Ac.

112.6 Ac

225.0 Ac

22 23

27 26

94.3 Ac

Total =  
516.9 ac

Diamond 2/Soldier  
37-368 A ET AL

27

26

EXAM MAP

5/3/06

SCC & MA 13

15

14

13

22

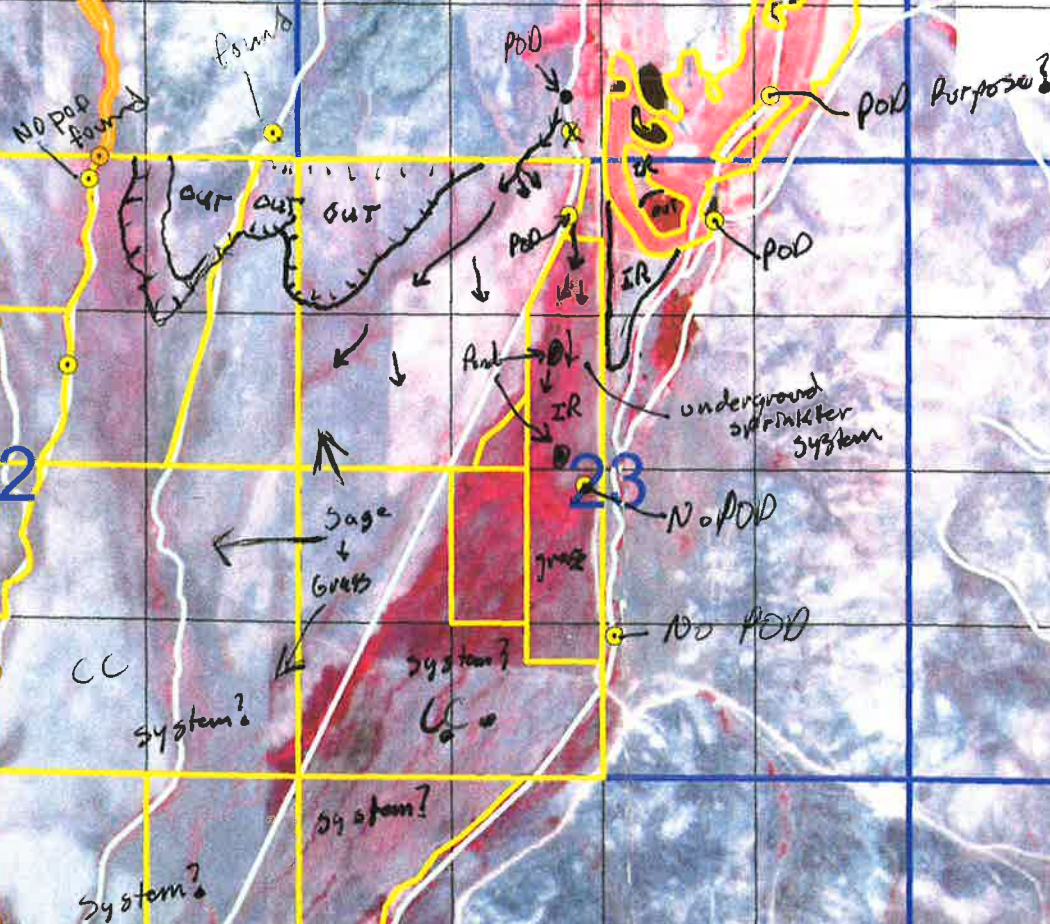
23

24

27

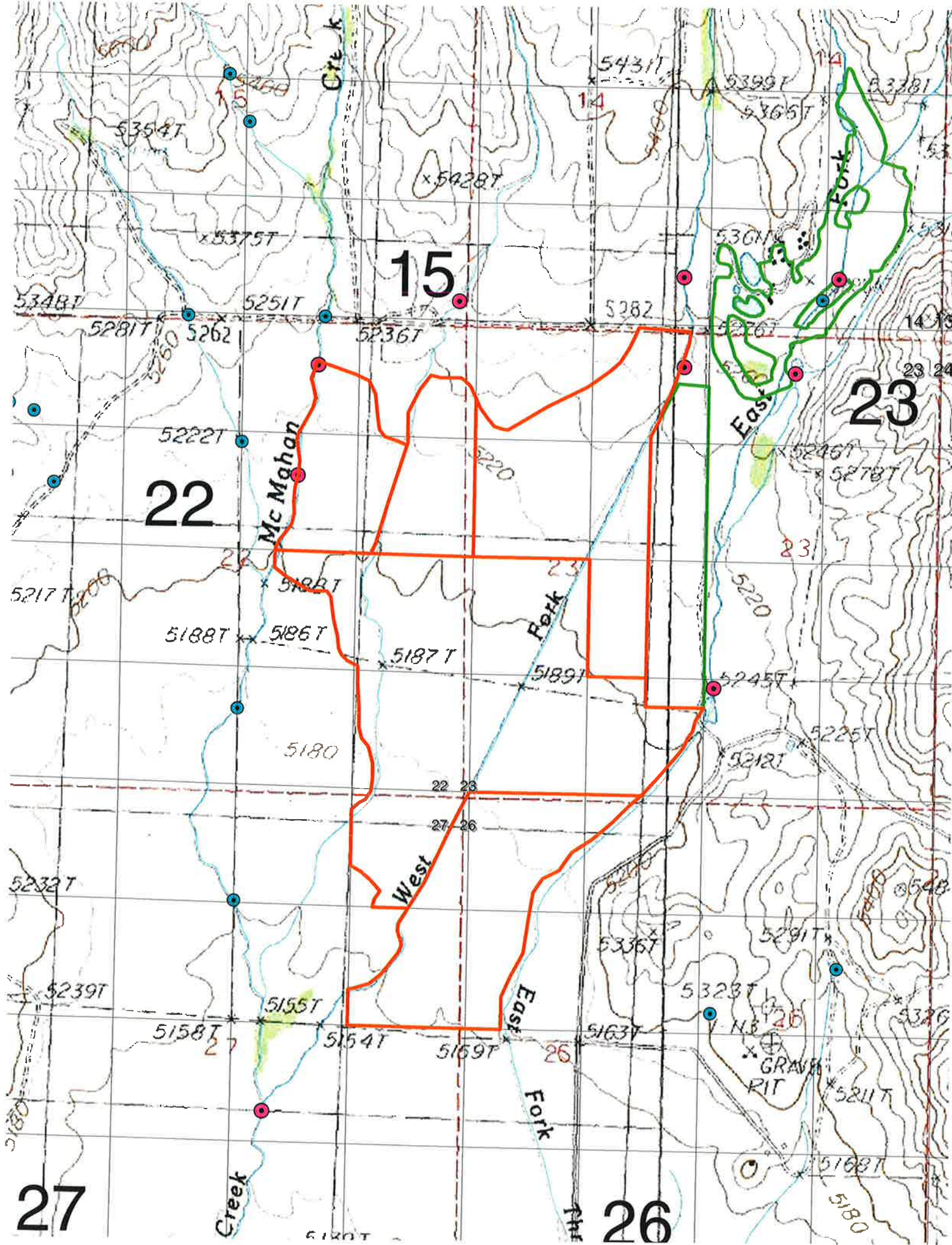
26

25



□ Soldier

Diamond/soldier  
37-368A ETAL



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

In Re SRBA

Case No. 39576

A. Subcase 37-368A

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Diamond/Soldier Properties LLC

Address: c/o Gregory Vik  
P.O. Box 1607  
Bellevue, WA 98009

Daytime Phone: (425) 460-2542

Name & Address of Attorney, if any:

James P. Speck  
SPECK & AANESTAD  
A Professional Corporation  
PO Box 987  
Ketchum, ID 83340

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Diamond/Soldier Properties LLC

Address: PO Box 1607  
Bellevue, WA 98009

**D.** I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**  
Should be:
2. ☐ **Source**  
Should be:
3. ☒ **Quantity**  
Should be: 2.7 cfs
4. ☐ **Priority Date**  
Should be:
5. ☐ **Point(s) of Diversion**  
Should be:
6. ☐ **Instream Flow Description**  
Should be:
7. ☐ **Purpose(s) of Use**  
Should be: irrigation
8. ☐ **Period of Year**  
Should be:
9. ☒ **Place of Use**  
Should be: 135 acres

10. **I object because:**

- ☐ This water should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

**E. REASONS SUPPORTING OBJECTION(S):** See attached Affidavit of Jerry Mobley and ASCS field map.

F.

VERIFICATION (Must be completed)

State of Idaho           )  
                                  )  
County of Blaine        )

ss.

James P. Speck, being first duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

\_\_\_\_\_  
(Signature of person filing objection)

J. P. Speck  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

May 9, 2007



Jean A. Latham  
Notary Public for Idaho

Residing at Blaine Co.

My Commission expires 1.25.2013

## INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. **FAX filings will not be accepted.**  
You must also send a copy to all of the parties listed below in the Certificate of Mailing.

### G. CERTIFICATE OF MAILING

I certify that on May 9th, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P. O. Box 2707  
Twin Falls, Idaho 83303-2707

2. One copy to the claimant of the water right at the following address:

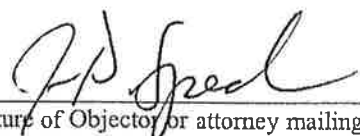
Name: Diamond/Soldier Properties LLC  
Address: c/o Gregory Vik  
P.O. Box 1607  
Bellevue, WA 98009

3. Copies to:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P. O. Box 44449  
Boise, Idaho 83711-4449

United States Department of Justice  
Environment and Natural Resource  
Division  
550 West Fort Street, Box 33  
Boise, Idaho 83734

  
\_\_\_\_\_  
Signature of Objector or attorney mailing on  
Objector's behalf

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

In Re SRBA

Case No. 39576

)  
)  
) AFFIDAVIT OF JERRY MOBLEY  
)  
)  
)

STATE OF IDAHO

)  
) ss.  
County of Canyon )

I, JERRY MOBLEY, being first duly sworn upon oath depose and state as follows:

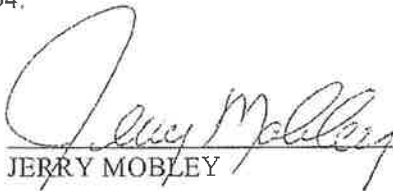
1. I am a member of VM Diamond, L.L.C. ("VMD"), the owner and seller of certain real property in Camas County, Idaho more particularly described in Exhibit A attached hereto and made a part hereof by this reference (the "Real Property"). VMD has owned the Real Property since 1994.
2. VMD is also the owner of certain water rights for the irrigation of a portion of the Real Property and which are claimed in this action (the "SRBA") as claims nos. A37-00368A, A37-00409A, A37-02076A, A37-02157 and A37-02455, also sometimes referred to by the Idaho

AFFIDAVIT OF JERRY MOBLEY - 1

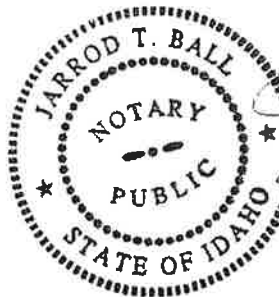
Department of Water Resources as claims nos. 37-368A, 37-409A, 37-2076A, 37-2157 and 37-2455. For the period of 1994 through 2003, VMD diverted water from the sources described in the SRBA claims to irrigate all of those lands described as the place of use in the SRBA claims, using flood irrigation at least once every five years.

3. I am over the age of eighteen and competent to testify under oath as to all of the matters set forth above in this Affidavit.

DATED this 29 day of April, 2004.

  
JERRY MOBLEY

SUBSCRIBED AND SWORN TO before me this 29<sup>th</sup> day of April, 2004.



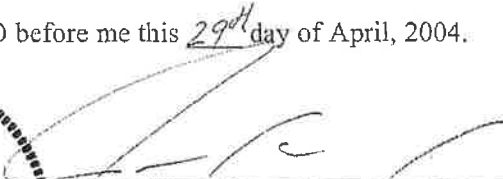
  
NOTARY PUBLIC for Idaho  
Residing at: Tim Falls  
My Comm. Expires: 7-25-2006

EXHIBIT A  
C040031

Township 1 North, Range 13 East, Boise Meridian, Camas County, Idaho

Section 22: E $\frac{1}{2}$ ;

Section 23: W $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
NE $\frac{1}{4}$ NW $\frac{1}{4}$  excepting that portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$  lying East of the existing channel of the  
West Fork of Threemile Creek;  
N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , excepting that portion lying East of the existing County Road which runs northerly  
and southerly;  
W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , excepting that portion lying South of the existing County Road which runs  
easterly and westerly;  
S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , excepting that portion lying South of the existing County Road which runs easterly  
and westerly;  
SE $\frac{1}{4}$ SE $\frac{1}{4}$ , excepting that portion lying South of the existing County Road which runs easterly and  
westerly;

Section 24: S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
SE $\frac{1}{4}$ ;

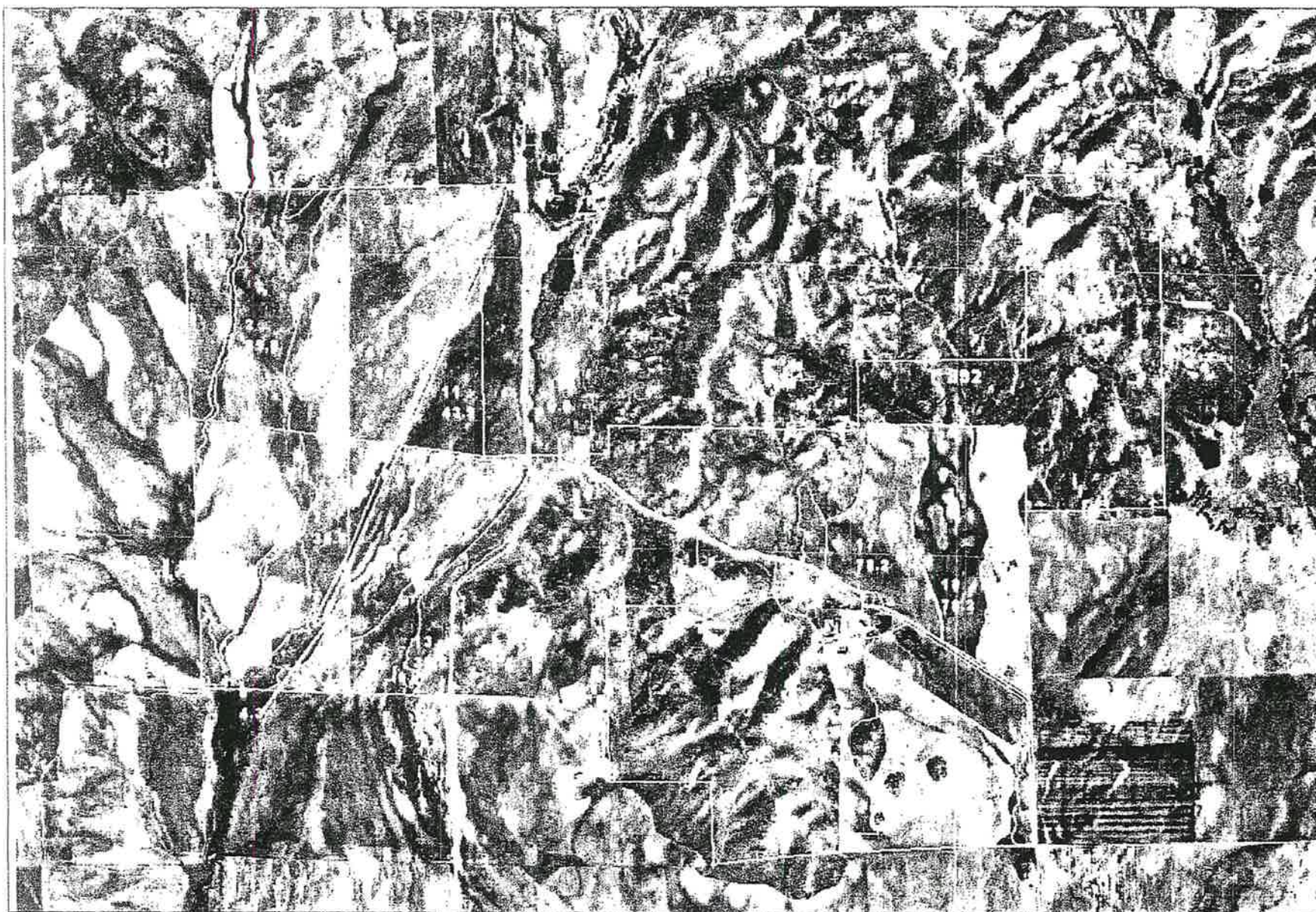
Section 25: All;

Section 26: NE $\frac{1}{4}$ SE $\frac{1}{4}$ ; SE $\frac{1}{4}$ NE $\frac{1}{4}$ ; NW $\frac{1}{4}$ , excepting that portion lying East of the existing County Road which  
runs northerly and southerly;  
NE $\frac{1}{4}$ NE $\frac{1}{4}$  excepting that portion lying South of the existing County Road which runs Easterly and  
Westerly;

Section 27: NE $\frac{1}{4}$ ;

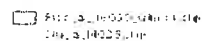
Township 1 North, Range 14 East, Boise Meridian, Camas County, Idaho

Section 19: Lots 1, 2, 3 and 4;  
E $\frac{1}{2}$ W $\frac{1}{2}$ .



Tract 892  
Farm 841  
Camas County, Idaho

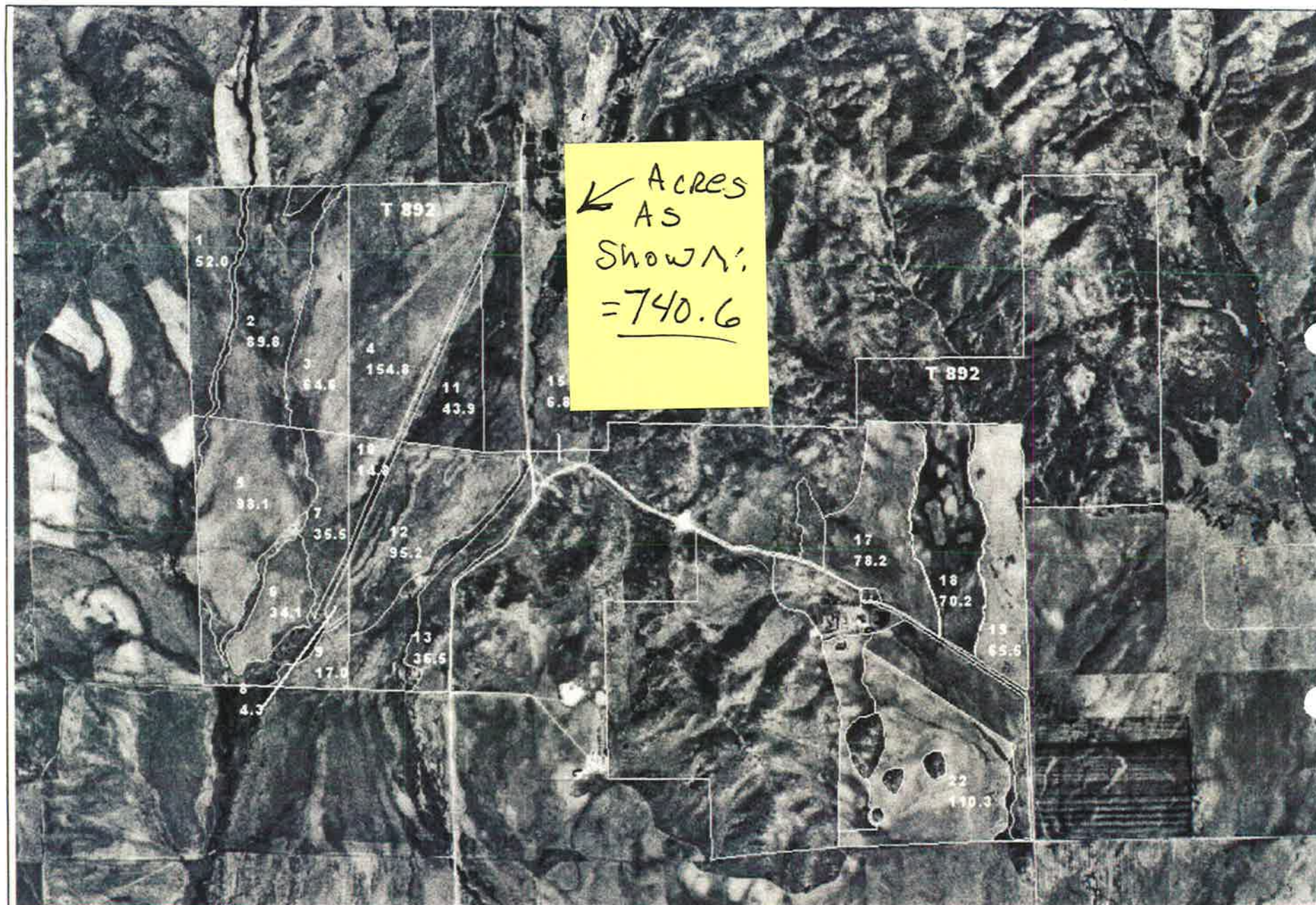
0.2 0 0.2 0.4 0.6 0.8 Miles



14529 Entered Feb 14, 2015

37-2076A  
37-2455

37-368A  
37-409A



Tract 892  
Farm 843  
Camas County, Idaho

0.2 0 0.2 0.4 0.6 0.8 Miles

Plot\_a\_16039\_08a.tif  
City\_a\_MCS.shp



Map Printed: Feb 24, 2005

10/14/2006

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

RIGHT NUMBER: 37-368A

NAME AND ADDRESS: DIAMOND/SOLDIER PROPERTIES LLC  
C/O CHARLES E HILL  
PO BOX 1607  
BELLEVUE WA 98009

SOURCE: WEST FORK THREEMILE CREEK

TRIBUTARY: THREEMILE CREEK

QUANTITY: 2.240 CFS

PRIORITY DATE: 06/15/1884

POINT OF DIVERSION:

T01N R13E S14 SESESW Within CAMAS County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

2.240 CFS

PLACE OF USE:

IRRIGATION Within CAMAS County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T01N R13E S23 | NENW | 22.00 | T01N R13E S23 | NWNW | 10.00 |
| T01N R13E S23 | SWNW | 40.00 | T01N R13E S23 | SENW | 20.00 |
| T01N R13E S23 | NESW | 20.00 |               |      |       |

112 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



# Idaho Department of Water Resources

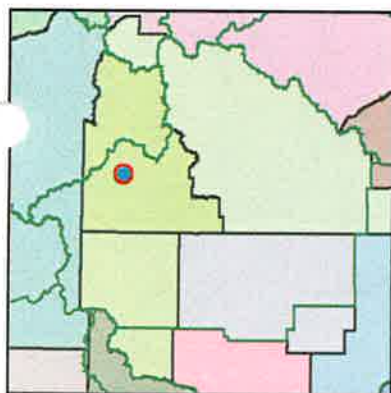
SRBA Recommendation:

**37-368A**

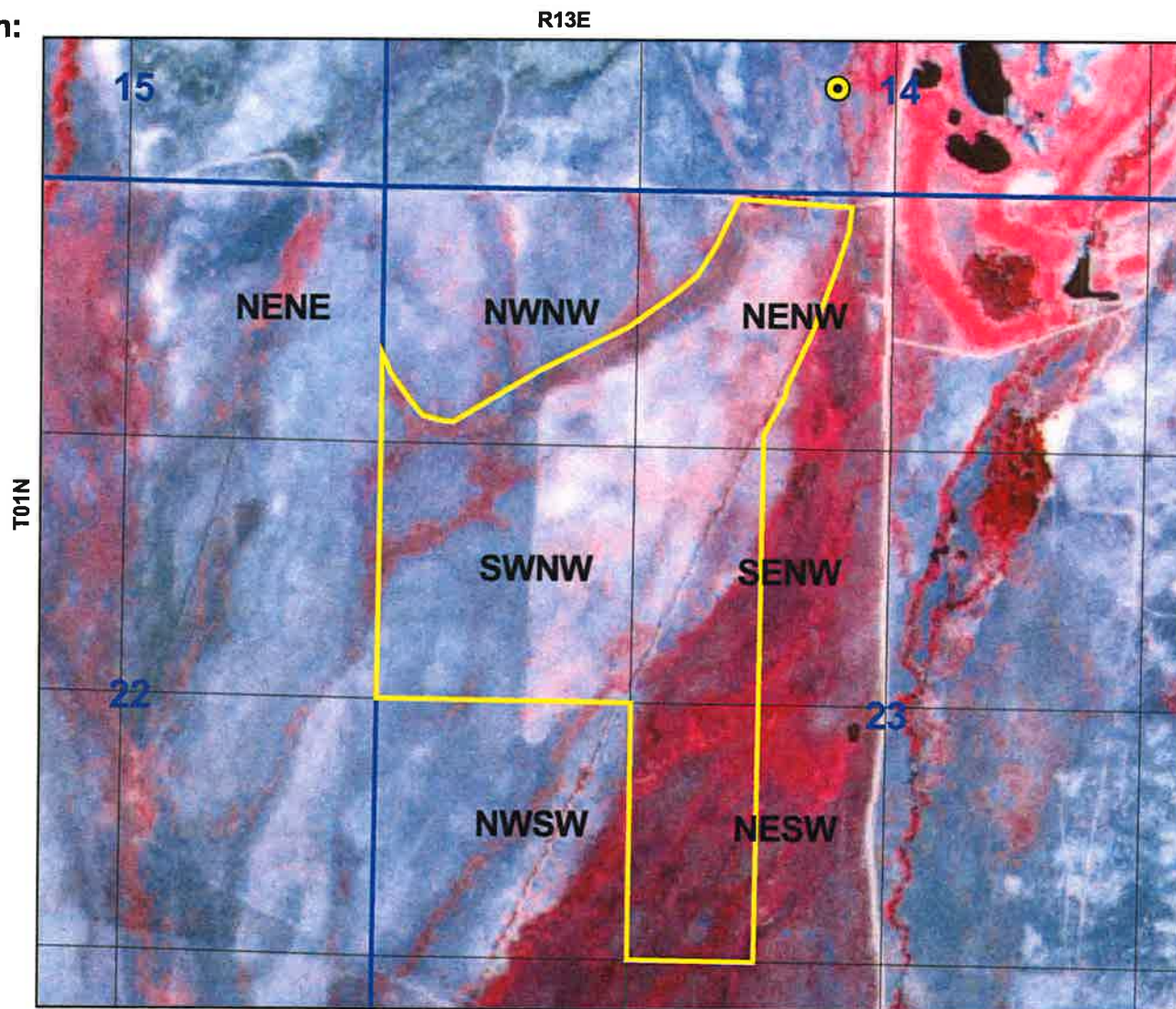
(Irrigation)

## Legend

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



Camas County  
IDWR Basin 37



Prepared by S. Clelland  
On Saturday, October 14, 2006  
1987/88 Aerial Photography

37-368A

10/14/06  
SCC

POU: 112 Acres

Q:  $112 * 0.02 = 2.24 \text{ cfs}$

TIN  
R13E

WEST FORK

EAST FORK

14 13

23 24

GISAC  
= 130

37-368A

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-368

WATER RIGHT NUMBER: 37-368

Owner Type                      Name and Address  
 Current Owner                  EVA K KATZENMEYER  
                                                  , ZZ

Priority Date: 06/15/1884

Basis: Decreed

Status: Active

Source                                              Tributary  
 WEST FORK THREEMILE CREEK                  THREEMILE CREEK

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | / to /                  | 3.200 CFS             |                      |
|                       | <u>Total Diversion:</u> | 3.200 CFS             |                      |

Location of Point(s) of Diversion

|                           |            |                                 |
|---------------------------|------------|---------------------------------|
| WEST FORK THREEMILE CREEK | SE1/4SW1/4 | Sec. 11, Twp 01N, Rge 13E, B.M. |
| CAMAS County              |            |                                 |
| WEST FORK THREEMILE CREEK | SE1/4SW1/4 | Sec. 14, Twp 01N, Rge 13E, B.M. |
| CAMAS 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 |        |
| 01N | 13E | 23  |    |    |    |    | X  | X  | X  | X  |    |    |    |    |    |    |    |    |        |

Conditions of Approval:

1. P/D DESCRIBED IN LEEK, ET. AL. VS. SMITH, ET. AL., 4-29-1937.  
 BASED ON P/D, CORRECT SOURCE IS TAKEN FROM USGS MAP.

Remarks:Comments: