

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 37-12007
Date Received: 10/25/1988
Receipt No: C003051
Received By:

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

1. Name of Claimant(s)

BLACK BUTTE HILLS LLC
PO BOX 1607
BELLEVUE WA USA 98009

Phone: (425) 688-9304

2. Date of Priority: 05/01/1940

3. Source: SPRINGS , SPRINGS , SPRINGS Trib. to: LAVA CREEK , LAVA CREEK , LAVA CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
02S	16E	17	NE	NE		CAMAS	
02S	16E	17	NW	SE		CAMAS	
02S	16E	16	SE	NW		CAMAS	

5. Description of diverting works:

PONDS FROM SPRINGS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	05/01	11/01	0.2	
STOCKWATER	01/01	12/31	0.05	
STOCKWATER STORAGE	01/01	12/31		5
STOCKWATER FROM STORAGE	01/01	12/31		5

7. Total Quantity Appropriated is:
0.2 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		
02S	16E	16	SE	NW		IRRIGATION	2		
			SW	NW		IRRIGATION	8		
			SE	NW		STOCKWATER			
								Section Acres	10
02S	16E	17	NW	SE		IRRIGATION			
			NE	NE		IRRIGATION	5		
								Section Acres	5
								Total Acres	15

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:

11/21/06 - Claimant requested to amend claim to remove irrigation from 37-12007. A new claim will be filed against license 37-2315 for the irrigation originally claimed in 37-12007.

15. Basis of Claim: Beneficial Use

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

RECEIVED

DEC 27 2005

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

Department of Water Resources
 Southern Region

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	37-12007				
	37-13256				
37-2315					
37-10103					

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

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

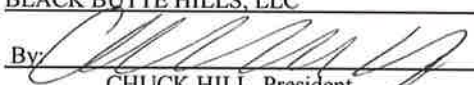
OR

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

3. Name and Address of Former South Cove Ventures, LLC
 Owner/Claimant(s) Post Office Box 1607, Bellevue Washington 98009
4. New Owner/Claimant(s) Black Butte Hills LLC
 Name Connector (Check one): ☐ and, ☐ or ☐ and/or
- New Mailing Address Post Office Box 1607
 City, State and Zip Code Bellevue, Washington 98009
 New Telephone Number (425) 688-9304
5. Date you acquired the property July 11, 2005

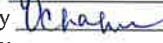
6. **IF THE CHANGE IN OWNERSHIP AFFECTS THE ENTIRE WATER RIGHTS FOR EACH WATER RIGHT OR ADJUDICATION CLAIM NUMBER LISTED IN ITEM 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change of ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (Cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. **DESCRIPTION OF YOUR PORTION OF WATER RIGHT**
Signature of New owner(s) or Claimant(s) BLACK BUTTE HILLS, LLC
(include title if applicable)
By: 
CHUCK HILL, President

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

For Office Use only

Received by  Date 12/27/05 Fee 50.00
 Receipted by  Date 1/2/06 Receipt No. 5028274
 Processed by _____ AJ Date _____ WR _____ Date _____

6040033
RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:
James P. Speck, Esq.
SPECK & AANESTAD
A Professional Corporation
Post Office Box 987
Ketchum, Idaho 83340
(Space above line for Recorder's use)

Recorded at the Request of
Camas County Title
at 3:50 PM
in Book July 13, 2005
of 35 Page 315
Deeds
78638
By CAMAS COUNTY RECORDER
Fees \$ 18.00

WARRANTY DEED

FOR VALUE RECEIVED, SOUTH COVE VENTURES, L.L.C., a Washington limited liability company, whose address is c/o Chuck Hill, P.O. Box 1607, Bellevue, WA, 98009 ("Grantor" whether one or more), hereby grants, bargains, sells and conveys unto BLACK BUTTE HILLS LLC, a Washington limited liability company, whose current address is c/o Charles E. Hill, P.O. Box 1607, Bellevue, WA, 98009 ("Grantee", whether one or more), that certain real property situated in Camas County, Idaho and described in Exhibit A attached hereto and incorporated herein by this reference;

TOGETHER WITH the any and all water rights appurtenant thereto including, but not limited to, those portions of 37-593A, 37-594A and 37-595A appurtenant to the above-described property and all of 37-13256, 37-12007, 37-10103 and 37-2315;

SUBJECT TO all easements and restrictions of record;

TO HAVE AND TO HOLD, the said real property, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said real property, that said real property is free from all encumbrances except as above-described, and that the Grantor will warrant and defend the same from all lawful claims whatsoever.

This Warranty Deed may be executed in one or more counterparts, all of which together shall constitute one and the same Warranty Deed.

IN WITNESS WHEREOF, Grantor has executed this Warranty Deed as of the dates set forth below.

"GRANTOR"

SOUTH COVE VENTURES, L.L.C.

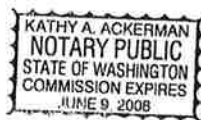
Date: July 11, 2005

By: 
Charles E. Hill, President

STATE OF WASHINGTON)
) ss.
County of King)

On this 11th day of July, 2005, before me, the undersigned notary public in and for said state, personally appeared Charles E. Hill, known or identified to me to be president of SOUTH COVE VENTURES, L.L.C., a Washington limited liability company, and the person who executed the foregoing instrument on behalf of said limited liability company and acknowledged to me that said limited liability company executed the same.

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



Kathy A. Ackerman
Notary Public for Washington
Residing at: Issaquah
Comm. Expires: 6/9/08

EXHIBIT "A"

PARCEL 1

Township 2 South, Range 16 East of the Boise Meridian, Camas County, Idaho

Section 16: SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 17: NW $\frac{1}{4}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$

PARCEL 2

Township 2 South, Range 16 East of the Boise Meridian, Camas County, Idaho

Section 16: SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 17: NE $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$

PARCEL 3

Township 1 South, Range 15 East of the Boise Meridian, Camas County, Idaho

Section 27: W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NE $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{2}$ NE $\frac{1}{4}$; W $\frac{1}{2}$ NW $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ NE $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ SE $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$

PARCEL 4

Township 2 South, Range 16 East of the Boise Meridian, Camas County, Idaho

Section 18: Lot 3; SE $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 19: Lot 1

PARCEL 5

Township 2 South, Range 15 East of the Boise Meridian, Camas County, Idaho

Section 13: NW $\frac{1}{4}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 14: NW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE

Section 24: NW $\frac{1}{4}$ NE $\frac{1}{4}$

PARCEL 6

Township 1 South, Range 15 East of the Boise Meridian, Camas County, Idaho

Section 33: NE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 34: SE $\frac{1}{4}$ NW $\frac{1}{4}$

PARCEL 7

Township 1 South, Range 15 East of the Boise Meridian, Camas County, Idaho

Section 27: E $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$;
N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NE $\frac{1}{4}$;
SW $\frac{1}{4}$ SW $\frac{1}{4}$

PARCEL 8

Township 2 South, Range 16 East of the Boise Meridian, Camas County, Idaho

Section 18: Lot 4; NE $\frac{1}{4}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 19: NE $\frac{1}{4}$ NW $\frac{1}{4}$

PARCEL 9

Township 2 South, Range 15 East of the Boise Meridian, Camas County, Idaho

Section 13: SW $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 14: NE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 24: NE $\frac{1}{4}$ NE $\frac{1}{4}$

PARCEL 10

Township 1 South, Range 15 East of the Boise Meridian, Camas County, Idaho

Section 33: SE¼NE¼

Section 34: NE¼NW¼

PARCEL 11

Township 1 South, Range 15 East, Boise Meridian, Camas County, Idaho

Section 33: The West one-half of the Northeast Quarter

Section 34: The West one-half of the Northwest Quarter

PARCEL 12

Township 1 South, Range 15, East of the Boise Meridian, Camas County, Idaho

Section 27: The Northwest Quarter of the Southeast Quarter

PARCEL 13

TOGETHER WITH an easement for road right of way 10 feet wide over and across the Northeast Quarter of said Section 27, Township 1 South, Range 15 East of the Boise Meridian, Camas County, Idaho the centerline of said right of way being described as follows:

BEGINNING at a point 5 feet North of the East Quarter corner of said Section 27;
Thence West and parallel with the South boundary of the Northeast Quarter to a point 5 feet North of the Southwest corner of said Northeast Quarter to the point of termination.

AND TOGETHER WITH an easement for road right of way 8 1/4 feet wide over and across the Northwest Quarter of the Southeast Quarter and the Northeast Quarter of the Southwest Quarter of said Section 27, Township 1 South, Range 15 East of the Boise Meridian, Camas County, Idaho described as follows:

COMMENCING at a point 8 1/4 feet West of the Northeast corner of Northwest Quarter of the Southeast Quarter;
THENCE South and parallel with the East boundary of the Northwest Quarter of the Southeast Quarter to a point 8 1/4 feet North of the South boundary of the Northwest Quarter of the Southeast Quarter;
THENCE West and parallel with the South boundary of the Northwest Quarter of the Southeast Quarter to a point on the center Section line 8 1/4 feet North of the Southwest corner of the Northwest Quarter of the Southwest Quarter;
THENCE in a Southwesterly direction across the Northeast Quarter of the Southwest Quarter to a point on the South boundary of the Northeast Quarter of the Southwest Quarter 8 1/4 feet West

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 37-12007
Date Received: 10/25/1988
Receipt No: C003051
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SOUTH COVE VENTURES LLC Phone: (425)460-2504
C/O CHUCK HILL
PO BOX 1607
BELLEVUE WA 98009

2. Date of Priority: 05/01/1940

3. Source: SPRINGS Trib. to: LAVA CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
02S	16E	17	NE	NE		CAMAS	
02S	16E	16	SE	NW		CAMAS	
02S	16E	17	NW	SE		CAMAS	

5. Description of diverting works:

PONDS FROM SPRINGS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	5/01	11/01	0.2	
STOCKWATER	1/01	12/31	0.05	
STOCKWATER STORAGE	1/01	12/31		5
STOCKWATER FROM STORAGE	1/01	12/31		5

7. Total Quantity Appropriated is:
0.2 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
02S	16E	16	SE	NW	IRRIGATION	2
			SW	NW	IRRIGATION	8
			SE	NW	STOCKWATER	
					Section Acres	10
02S	16E	17	NW	SE	IRRIGATION	
			NE	NE	IRRIGATION	5
					Section Acres	5
					Total Acres	15

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:

14. Remarks:

15. Basis of Claim: Beneficial Use

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

RECEIVED
SEP 22 2004
 Department of Water Resources
 Southern Region

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	37-13256	☐			☐
	37-12007	☐			☐
37-10103		☐			☐
* 37-2315		☐			☐
		☐			☐

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) Alonzo B. LeaVell
P.O. Box 54, Gooding, ID, 83330
South Cove Ventures, L.L.C.
4. New Owner/Claimant(s) _____
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or _____
 New Mailing Address c/o Chuck Hill, P.O. Box 1607
 City, State and ZIP Code Bellevue, WA, 98009
 New Telephone Number (425) 460-2504
5. Date you acquired the property May 10, 2004

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)
- SOUTH COVE VENTURES, LLC.
- By: Chuck Hill, president

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

For Office Use Only

Received by <u>Quinn</u>	Date <u>9/29/04</u>	Fee <u>50.00</u>
Received by <u>Quinn</u>	Date <u>9/29/04</u>	Receipt No. <u>5027084</u>
Processed by _____	AJ Date _____	WR _____ Date _____

WARRANTY DEED

THIS INDENTURE, made this 10 day of May, 2004,
between ALONZO B. LEAVELL, a/k/a A. B. LEAVELL, ("Grantor"),
and, SOUTH COVE VENTURES L.L.C., a Washington Limited Liability
Company, whose address is c/o Chuck Hill, P O Box 1607,
Bellevue, Washington 98009, ("Grantee").

W I T N E S S E T H:

The Grantor for and in consideration of the sum of
Ten Dollars (\$10.00), lawful money of the United States of
America, and other good and valuable consideration, to the
Grantor in hand paid by the Grantee, the receipt whereof is
hereby acknowledged, has granted, bargained, and sold and by
these presents does grant, bargain and sell, convey and confirm
unto the Grantee, and to the successors and assigns of Grantee
forever, all of the following described real estate situated in
the County of Camas, State of Idaho, to-wit:

That property more particularly set forth on
Exhibit A attached hereto and made a part
Hereof by reference, consisting of Parcels
1 through 12.

SUBJECT TO:

Those exceptions listed on Title Commitment
Number C040033, of First American Title Company as
Exceptions numbers 2 through 5, 10, 11, 13, 14, 15,
16, 17, 18, 19, 24, 25, and 26.

TOGETHER with all water rights, claims to water, and
pending water transfers, including, but not limited to the

1 following: SRBA Claims Nos. 37-593A, 37-594A, 37-595A, 37-13256
2 and 37-12007, Water Rights Nos. 37-10103 and 37-2315.

3 TOGETHER with all and singular the tenements,
4 hereditaments and appurtenances thereunto belonging or in
5 anywise appertaining, the reversion and reversions, remainder
6 and remainders, rents, issues and profits thereof, and all
7 estate, right, title and interest in and to said property as
8 well in law as in equity of the Grantor.

9 TO HAVE AND TO HOLD, all and singular the above-
10 mentioned and described premises, together with appurtenances
11 unto the Grantee and to the successors and assigns of Grantee
12 forever.

13 The Grantor shall and will warrant and by these
14 presents will forever defend the said premises in the quiet and
15 peaceable possession of the Grantee, and the successors and
16 assigns of Grantee against all and every person and persons
17 whomsoever lawfully claiming the same, except as aforesaid.

18 IN WITNESS WHEREOF, the Grantor has executed this
19 Deed the day and year first above written.
20

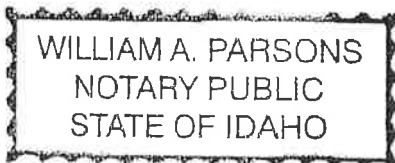
21 
22 Alonzo B. Leavell

1 STATE OF IDAHO)

2 County of Cassia)

ss

3 On this 10 day of May, in the year of 2004,
4 before me, the undersigned, a Notary Public in and for said
5 State, personally appeared ALONZO B. LEAVELL, a/k/a A. B.
6 LEAVELL, known or identified to me to be the person whose name
7 is subscribed to the within instrument, and acknowledged to me
8 that said person executed the same.



10 Notary Public for Idaho

11 Residing at Buf

12 My Commission Expires: 7/20/04

EXHIBIT "A"

PARCEL 1

Township 2 South, Range 16 East of the Boise Meridian, Camas County, Idaho

Section 16: SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 17: NW $\frac{1}{4}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$

PARCEL 2

Township 2 South, Range 16 East of the Boise Meridian, Camas County, Idaho

Section 16: SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 17: NE $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$

PARCEL 3

Township 1 South, Range 15 East of the Boise Meridian, Camas County, Idaho

Section 27: W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$; W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$

PARCEL 4

Township 2 South, Range 16 East of the Boise Meridian, Camas County, Idaho

Section 18: Lot 3; SE $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 19: Lot 1

PARCEL 5

Township 2 South, Range 15 East of the Boise Meridian, Camas County, Idaho

Section 13: NW $\frac{1}{4}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 14: NW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE

Section 24: NW $\frac{1}{4}$ NE $\frac{1}{4}$

(continued)

PARCEL 6

Township 1 South, Range 15 East of the Boise Meridian, Camas County, Idaho

Section 33: NE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 34: SE $\frac{1}{4}$ NW $\frac{1}{4}$

PARCEL 7

Township 1 South, Range 15 East of the Boise Meridian, Camas County, Idaho

Section 27: E $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$;
N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NE $\frac{1}{4}$;
SW $\frac{1}{4}$ SW $\frac{1}{4}$

SUBJECT TO a 60 foot road right of way South of Camas Creek and parallel to Camas Creek.

TOGETHER WITH an easement for road right of way 10 feet wide over and across the Northeast Quarter of said Section 27, the centerline of said right of way being described as follows:

BEGINNING at a point 5 feet North of the East Quarter corner of said Section 27;
Thence West and parallel with the South boundary of the Northeast Quarter to a point 5 feet North of the Southwest corner of said Northeast Quarter to the point of termination.

AND TOGETHER WITH an easement for road right of way 8 1/4 feet wide over and across the Northwest Quarter of the Southeast Quarter and the Northeast Quarter of the Southwest Quarter of said Section 27, described as follows:

COMMENCING at a point 8 1/4 feet West of the Northeast corner of Northwest Quarter of the Southeast Quarter;
THENCE South and parallel with the East boundary of the Northwest Quarter of the Southeast Quarter to a point 8 1/4 feet North of the South boundary of the Northwest Quarter of the Southeast Quarter;
THENCE West and parallel with the South boundary of the Northwest Quarter of the Southeast Quarter to a point on the center Section line 8 1/4 feet North of the Southwest corner of the Northwest Quarter of the Southwest Quarter;
THENCE in a Southwesterly direction across the Northeast Quarter of the Southwest Quarter to a point on the South boundary of the Northeast Quarter of the Southwest Quarter 8 1/4 feet West of the Southeast corner of the Northeast Quarter of the Southwest Quarter of said Section 27 to the point of termination.

PARCEL 8

Township 2 South, Range 16 East of the Boise Meridian, Camas County, Idaho

Section 18: Lot 4; NE $\frac{1}{4}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 19: NE $\frac{1}{4}$ NW $\frac{1}{4}$

(continued)

PARCEL 9

Township 2 South, Range 15 East of the Boise Meridian, Camas County, Idaho

Section 13: SW $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 14: NE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 24: NE $\frac{1}{4}$ NE $\frac{1}{4}$

PARCEL 10

Township 1 South, Range 15 East of the Boise Meridian, Camas County, Idaho

Section 33: SE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 34: NE $\frac{1}{4}$ NW $\frac{1}{4}$

PARCEL 11

Township 1 South, Range 15 East, Boise Meridian, Camas County, Idaho

Section 33: The West one-half of the Northeast Quarter

Section 34: The West one-half of the Northwest Quarter

PARCEL 12

Township 1 South, Range 15, East of the Boise Meridian, Camas County, Idaho

Section 27: The Northwest Quarter of the Southeast Quarter

077163

Recorded at the Request of
Camas County Title
at 5:00 P M
May 11th, 2004
in Book 34 Page 343
of Deeds
ROLLIE BENNETT
CAMAS COUNTY RECORDER
By Rollie Bennett
Fees \$ 24.00

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A37-12007
Date Received: 10/25/1988
Receipt No: C003051
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEAVELL AND LEAVELL
Address: C/O LEAVELL CATTLE
BOX 54
GOODING, ID 83330

AND/OR

Name: A. B. LEAVELL
Address: P.O. BOX 54
GOODING, ID 83330

2. Date of Priority: MAY 01, 1940

3. Source: SPRINGS Trib. to: LAVA CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02S	16E	16	SE	NW			CAMAS
		17	NE	NE			CAMAS
			NW	SE			CAMAS

5. Description of diverting works:
PONDS FROM SPRINGS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.050		
IRRIGATION	05/01	11/01	0.200		
STOCKWATER STORAGE	01/01	12/31			5.00
STOCKWATER FROM STORAGE	01/01	12/31			5.00

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

8. Total consumptive use is 25.0 Acre Feet Per Annum.

A37-12007

Page 1

Date: 01/31/90

MICROFILMED
FEB 25 1993

9. Non-irrigation uses:
STOCKWATER 500 HEAD RANGE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02S	16E	16	SW		NW		IRR	8.0
			SE		NW		STOCK	
			SE		NW		IRR	2.0
							Section Acres	10.0
		17	NE		NE		IRR	5.0
			NW		SE		IRR	
							Section Acres	5.0
							Total Acres	15.0

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:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
FEB 25 1993

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A37-12007

Date Received: 10/25/1988

Receipt No: C0030.51

Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEAVELL AND LEAVELL
Address: C/O LEAVELL CATTLE
BOX 54
GOODING, ID

83330

2. Date of Priority: MAY 01, 1940

3. Source: SPRINGS

Trib. to: LAVA CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02S	16E	16	SE	NW			CAMAS
		17	NE	NE			CAMAS
			NW	SE			CAMAS

5. Description of diverting works:
PONDS FROM SPRINGS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.050		
IRRIGATION	05/01	11/01	0.200		
STOCKWATER STORAGE	01/01	12/31			5.00
STOCKWATER FROM STORAGE	01/01	12/31			5.00

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

A.F.A.

8. Total consumptive use is

25.0 Acre Feet Per Annum.

9. Non-irrigation uses:

STOCKWATER 500 HEAD RANGE

A37-12007

Page

1

Date: 10/25/88

MICROFILMED
FEB 25 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	16E	16	SW	NW		IRR	8.0
			SE	NW		STOCK	
			SE	NW		IRR	2.0
			Section Acres				10.0
		17	NE	NE		IRR	5.0
			NW	SE		IRR	
			Section Acres				5.0
			Total Acres				15.0

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:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): AB Zivace Date: 10-25-88

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 25 day
of October 19 88

[Signature]
Notary Public

Seal

Residing at Boise, ID
My Commission Expires June 10, 1994

09/29/2006

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

RIGHT NUMBER: 37-12007
NAME AND ADDRESS: BLACK BUTTE HILLS LLC
PO BOX 1607
BELLEVUE WA 98009
SOURCE: SPRING TRIBUTARY: LAVA CREEK
QUANTITY: 0.200 CFS
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
PRIORITY DATE: 05/01/1940
POINT OF DIVERSION:

T02S R16E S16 SESENE Within CAMAS County
T02S R16E S16 NWNESW Within CAMAS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	0.200 CFS
STOCKWATER	01/01 12/31	0.050 CFS

PLACE OF USE:

IRRIGATION Within CAMAS County

T02S R16E S16	SWNW	10.00	T02S R16E S16	SENE	1.00
T02S R16E S17	NENE	0.50	T02S R16E S17	SENE	3.50

STOCKWATER Within CAMAS County

T02S R16E S16	SWNW	T02S R16E S16	SENE
T02S R16E S17	NENE	T02S R16E S17	SENE

15 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 - License

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

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



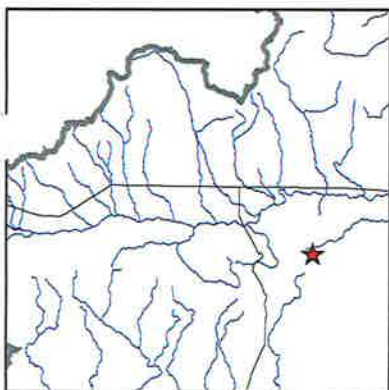
Idaho Department of Water Resources

SRBA Recommendation:

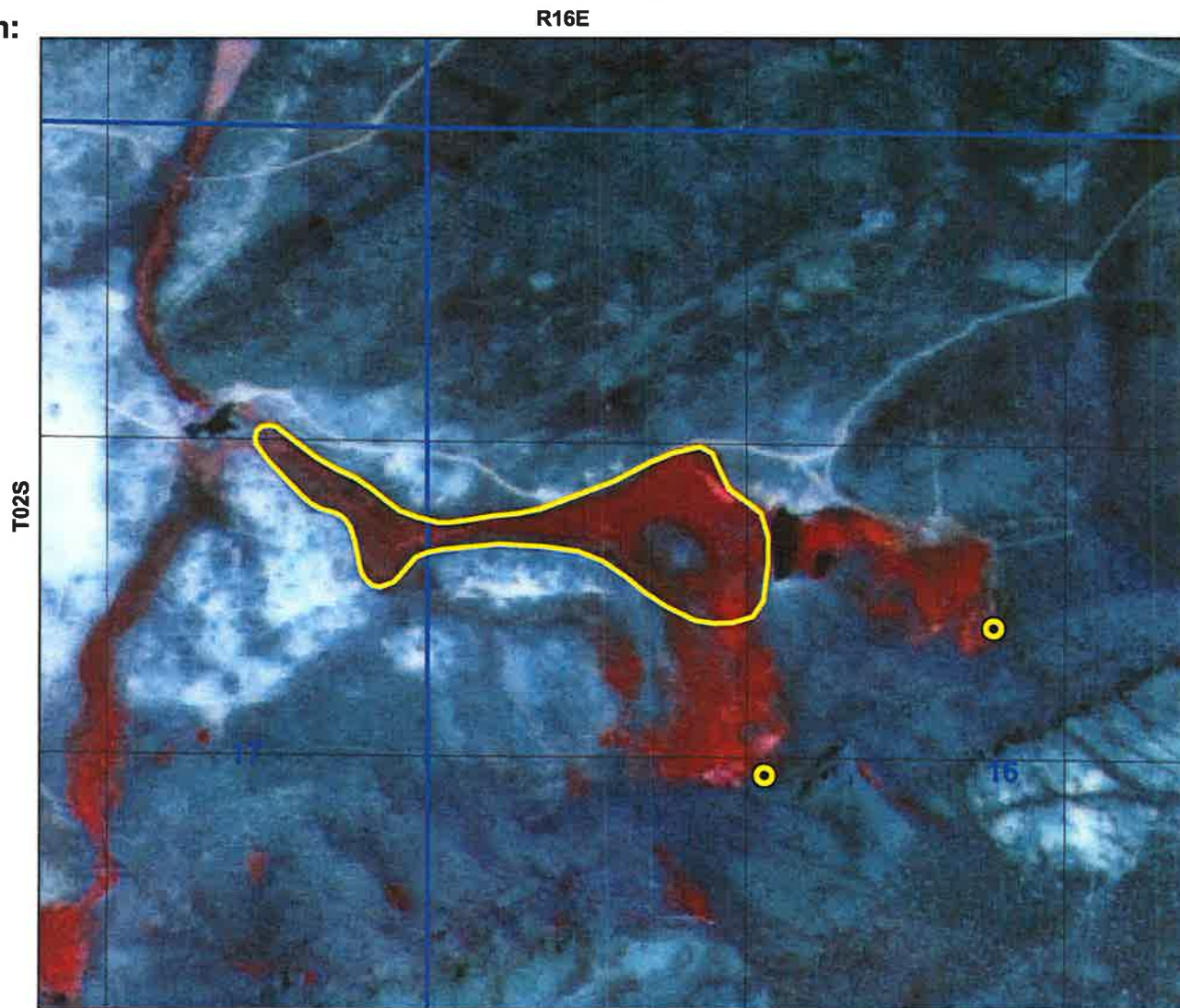
37-12007

Legend

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



Camas County
IDWR Basin 37



0 0.25 0.5 Miles

Prepared by M. Anders
On Friday, September 29, 2006
1987/88 Aerial Photography

Anders, Matthew

From: Anders, Matthew
Sent: Friday, November 24, 2006 7:45 AM
To: 'Jim Speck'
Subject: RE: RE: 37-12007



37-12007_amended
claim.doc



37-2315_new
claim.doc

Jim,

Attached are an amended claim for 37-12007 that has the irrigation removed and a new claim 37-2315 that has the irrigation originally claimed in 37-12007. The filing fee is \$100 for 37-2315, the claimed irrigation acres have been paid for so there is no per/acre fee for 37-2315.

Let me know if you have any questions.

Matt

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

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Tuesday, November 21, 2006 5:08 PM
To: Anders, Matthew; Clelland, Steve
Cc: 'Mr. Rod Gonsales'; 'Mr. Chuck Hill'; 'Kathy Ackerman'
Subject: RE: RE: 37-12007

Matt & Steve,

I think we should keep the stockwater use under 37-12007 and file a separate claim for the irrigation based on License 37-2315. Can you prepare those and let me know if there will be any additional filing fee. Thank you.

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

From: Anders, Matthew
Sent: Tuesday, October 03, 2006 7:05 AM
To: Jim Speck

I think I listed the wrong license number in the letter to Rod. The license number should be 37-2315.

Matt

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

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Monday, October 02, 2006 3:44 PM
To: Anders, Matthew
Cc: camascreek@hughes.net; chuckh@pistolcreek.com; 'Kathy Ackerman'
Subject: RE: 37-12007

Matt,

I'm out of the office until Thursday. What is the license number that has the 5/3/1915 priority date?

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

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: Anders, Matthew
Sent: Friday, September 29, 2006 7:24 AM
To: jim@speckandaanestad.com

Mr. Speck,

I faxed you a copy of a letter I sent to Rod Gonsales regarding 37-12007. If the faxed copy isn't clear, let me know and I'll send you a better copy. Note that the priority date of the claim was 5/1/1940 and the priority date on the license is 5/3/1915, you may want to amend the claim for the older priority date.

Matt

Matt Anders
GIS Specialist
Idaho Water Resources Research Institute
Idaho Department of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098

Ph. 208-287-4937

Attachment(s): _AVG certification_.txt

--
No virus found in this incoming message.
Checked by AVG Free Edition.
Version: 7.1.407 / Virus Database: 268.12.11/460 - Release Date: 10/1/2006

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 37-2315
Date Received: 9/29/2006
Receipt No:
Received By:

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

1. Name of Claimant(s)

BLACK BUTTE HILLS LLC
PO BOX 1607
BELLEVUE WA USA 98009

Phone: (425) 688-9304

2. Date of Priority: 05/03/1915

3. Source: SPRINGS , SPRINGS , SPRINGS Trib. to: , ,

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County	Type
02S	16E	17	NW	SE	CAMAS	
02S	16E	16	SE	NW	CAMAS	
02S	16E	17	NE	NE	CAMAS	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	05/01	11/01	0.2	

7. Total Quantity Appropriated is:
0.2 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
02S	16E	16	SE	NW	IRRIGATION	2
			SW	NW	IRRIGATION	8
Section Acres						10

02S	16E	17	NW	SE	IRRIGATION	
			NE	NE	IRRIGATION	5
					Section Acres	5
					Total Acres	15

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:

LIC. INCORRECTLY INDICATES BLAINE CO. 2 P/D IN SENW, S16, T2S, R16E.

11/21/06 - Claimant requested to amend claim to remove irrigation from 37-12007. This is the new claim filed against license 37-2315 for the irrigation originally claimed in 37-12007.

15. Basis of Claim: License

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
Title

_____, that I have signed the foregoing
Organization
document in the space below as _____ of

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)

County of _____)

SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-12007
Date Received: 10/25/1988
Receipt No: C003051
Received By:

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

1. Name of Claimant(s)

BLACK BUTTE HILLS LLC
PO BOX 1607
BELLEVUE WA USA 98009

Phone: (425) 688-9304

2. Date of Priority: 05/01/1940

3. Source: SPRINGS Trib. to: LAVA CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02S	16E	16	SE NW	CAMAS	

5. Description of diverting works:

PONDS FROM SPRINGS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.05	
STOCKWATER STORAGE	01/01	12/31		5
STOCKWATER FROM STORAGE	01/01	12/31		5

7. Total Quantity Appropriated is:
0.05 C.F.S. and/or 5 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
02S	16E	16	SE NW	STOCKWATER	

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:

11/21/06 - Claimant requested to amend claim to remove irrigation from 37-12007. A new claim will be filed against license 37-2315 for the irrigation originally claimed in 37-12007.

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
Title

_____, that I have signed the foregoing

Organization
document in the space below as _____ of

Title

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho

County of _____

)
) SS.
)

Subscribed and sworn (or affirmed) before me this

of _____ 20____

Notary Public

Residing at _____

My commission Expires _____

2547
37-2315

State of Idaho
License and Certificate of Water Right

Water License No. 11382 Amount 1.32 sec. ft.
Water District No. 6 Priority 5-3-1915

THIS IS TO CERTIFY that Adelbert M. Swingle
of Blaine, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated May 3, 1915; that Permit No. 11382
was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1 2/3
second feet, was issued thereunder on July 7, 1917, showing that said works
were completed on the 22nd day of June, 1917; and that on the 14th
day of July, 1919,

Adelbert M. Swingle

of Blaine, State of Idaho, made proof to the satisfaction of the
~~Commissioner of Reclamation~~ Commissioner of Reclamation
of Idaho, of a right to the use of the waters of five unnamed springs,
a tributary of _____, for the purpose of irrigation and domestic use,
under Use Permit No. 11382 of the State Engineer, 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~~ Commissioner of Reclamation
of Idaho and entered of record in Volume 5 of Licenses, at page 2547, on the 13th
day of March, 1920;

The right hereby confirmed dates from May 3, 1915;

The Points of Diversion ^{are} located as follows: Nos. 1 and 2, in SE 1/4 NW 1/4 Sec. 16, No. 3,
in the NW 1/4 SW 1/4, Sec. 16, Tp. 2 S., R. 16 E., B.M.
No. 4, in SW 1/4 SE 1/4, Sec. 17; No. 5, in SE 1/4 NW 1/4 Sec. 17, Tp. 2 S. R. 16 E., B. M.

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 1.32 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
2 S.	16 E.	17	NE 1/4 SE 1/4	40	3
			NW 1/4 SE 1/4	40	8
			SE 1/4 NE 1/4	40	25
			SW 1/4 NE 1/4	40	20
			SE 1/4 NW 1/4	40	10
			Total		66

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 ~~State Engineer~~ Commissioner of Reclamation
day of March, 1920, affixed at Boise, Idaho, this 13th

(SEAL)

W. G. Swendsen

~~State Engineer~~

37-2315

Blaine Co.

Commissioner of Reclamation.

De Wt. M. Quirynen 113 82

6
10
11
12
13

—S E C—

SECRET

SEC

[illegible]

1846

Adjudication Claim Notes

Claim(s): 37-12007

Background Data

- Beneficial Use Claim
- Source is Springs tributary to Lava Creek
- Claimed 0.2 cfs for Irrigation of 15 acres
- Claimed 0.05 cfs for Stockwater
- Claimed 5 AF for Stockwater Storage
- Claimed 5 AF for Stockwater from Storage

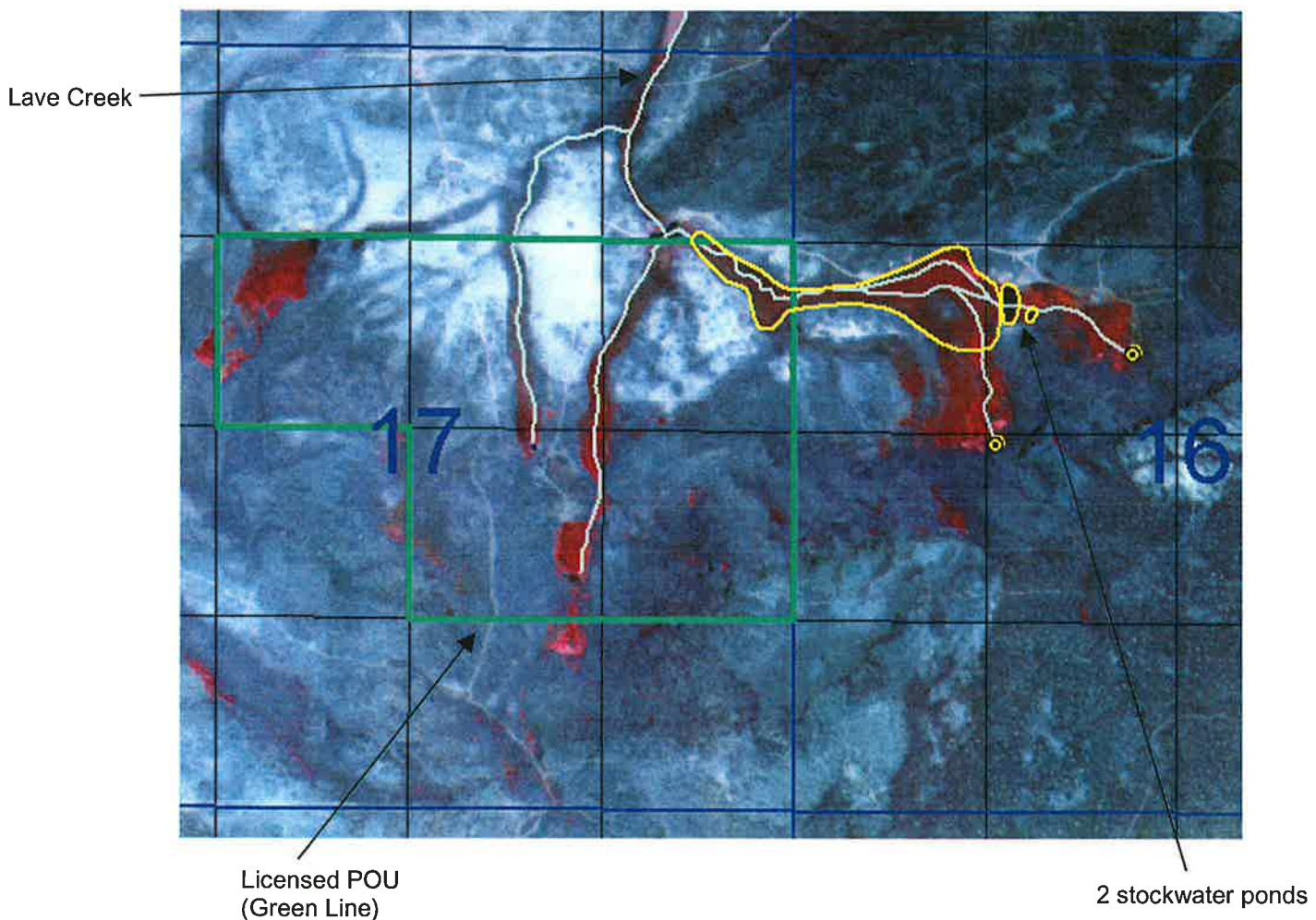
Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



Notes

T2S R16E Sections 16 & 17

- Found 15 acres of Irrigation
- Claimed as a Beneficial Use right, but irrigation use appears to be licensed in 37-2315. The stockwater, stockwater storage and stockwater from storage uses are not listed in the license. The stockwater use can assumed to be an accomplished transfer and can be claimed against 37-2315. The stockwater storage and stockwater from storage uses should be on a separate claim and require evidence of priority.
- Recommendation:
 - 0.20 cfs for Irrigation of 15 acres.
 - 0.05 cfs for Stockwater on irrigated POU.
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

Anders, Matthew

From: Jim Speck [jim@speckkandaanestad.com]
Sent: Monday, October 02, 2006 3:44 PM
To: Anders, Matthew
Cc: camascreek@hughes.net; chuckh@pistolcreek.com; 'Kathy Ackerman'
Subject: RE: 37-12007

Matt,

I'm out of the office until Thursday. What is the license number that has the 5/3/1915 priority date?

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@speckkandaanestad.com

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: Anders, Matthew
Sent: Friday, September 29, 2006 7:24 AM
To: jim@speckkandaanestad.com

Mr. Speck,

I faxed you a copy of a letter I sent to Rod Gonsales regarding 37-12007. If the faxed copy isn't clear, let me know and I'll send you a better copy. Note that the priority date of the claim was 5/1/1940 and the priority date on the license is 5/3/1915, you may want to amend the claim for the older priority date.

Matt

Matt Anders
GIS Specialist
Idaho Water Resources Research Institute
Idaho Department of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098

Ph. 208-287-4937



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

JAMES E. RISCH
Governor

KARL J. DREHER
Director

September 28, 2006

Rod Gonsales
South Cove Ventures, LLC
P.O. Box 1607
Bellevue, WA 98009

RE: Snake River Basin Adjudication claim 37-12007

Dear Mr. Gonsales,

South Cove Ventures, LLC filed water right claim 37-12007 (attached) for Snake River Basin Adjudication (SRBA) on the basis of beneficial use. It appears that the irrigation use in this claim was licensed as water right 37-2547 (attached). Stockwater use is not listed on water right 37-2547, but it can be claimed against 37-2547 using the accomplished transfer statutes. The stockwater storage and stockwater from storage uses are also not listed on 37-2547, but you are required to submit evidence of priority before we can determine if these uses can be claimed against water right 37-2547.

I plan to recommend to the SRBA Court that water right claim 37-12007 be decreed for 0.20 cfs for Irrigation of 15 acres and 0.05 cfs for Stockwater. Feel free to contact me at (208) 287-4937 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matt Anders', is written over a horizontal line.

Matt Anders
GIS Specialist – Snake River Basin Adjudication

State of Idaho License and Certificate of Water Right

Water License No. 11382
 Water District No. 6

Amount 1.32 sec. ft.
 Priority 5-3-1915

THIS IS TO CERTIFY that Adelbert M. Swingle, of Blaine, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated May 3, 1915; that Permit No. 11382 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1 2/3 second feet, was issued thereunder on July 7, 1917, showing that said works were completed on the 22nd day of June, 1917; and that on the 14th day of July, 1919,

Adelbert M. Swingle

of Blaine, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation, State Engineer of Idaho, of a right to the use of the waters of five unnamed springs, a tributary of _____, for the purpose of irrigation and domestic use, under Use Permit No. 11382 of the Commissioner of Reclamation, State Engineer of Idaho, 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, State Engineer of Idaho and entered of record in Volume 5 of Licenses, at page 2547, on the 13th day of March, 1920;

The right hereby confirmed dates from May 3, 1915;

The Point of Diversion ^{are} located as follows: Nos. 1 and 2, in SE 1/4 NW 1/4 Sec. 16, No. 3, in the NW 1/4 SW 1/4, Sec. 16, Tp. 2 S., R. 16 E., B.M. No. 4, in SW 1/4 SE 1/4, Sec. 17; No. 5, in SE 1/4 NW 1/4, Sec. 17, Tp. 2 S., R. 16 E., B. M.

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 1.32 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
2 S.	16 E.	17	NE 1/4 SE 1/4	40	3
			NW 1/4 SE 1/4	40	8
			SE 1/4 NE 1/4	40	25
			SW 1/4 NE 1/4	40	20
			SE 1/4 NW 1/4	40	10
			Total		66

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, State Engineer of Idaho, affixed at Boise, Idaho, this 13th day of March, 1920.

(SEAL)

W. G. Swendsen

State Engineer

Commissioner of Reclamation.

Blaine Co.

Blaine Co. (cont.)

11/1

—SFC

20

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 37-12007
Date Received: 10/25/1988
Receipt No: C003051
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SOUTH COVE VENTURES LLC Phone: (425)460-2504
C/O CHUCK HILL
PO BOX 1607
BELLEVUE WA 98009

2. Date of Priority: 05/01/1940

3. Source: SPRINGS Trib. to: LAVA CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County	Type
02S	16E	17	NE	NE	CAMAS	
02S	16E	16	SE	NW	CAMAS	
02S	16E	17	NW	SE	CAMAS	

5. Description of diverting works:

PONDS FROM SPRINGS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	5/01	11/01	0.2	
STOCKWATER	1/01	12/31	0.05	
STOCKWATER STORAGE	1/01	12/31		5
STOCKWATER FROM STORAGE	1/01	12/31		5

7. Total Quantity Appropriated is:
0.2 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
02S	16E	16	SE	NW		IRRIGATION	2
			SW	NW		IRRIGATION	8
			SE	NW		STOCKWATER	
						Section Acres	10
02S	16E	17	NW	SE		IRRIGATION	
			NE	NE		IRRIGATION	5
						Section Acres	5
						Total Acres	15

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:

14. Remarks:

15. Basis of Claim: Beneficial Use

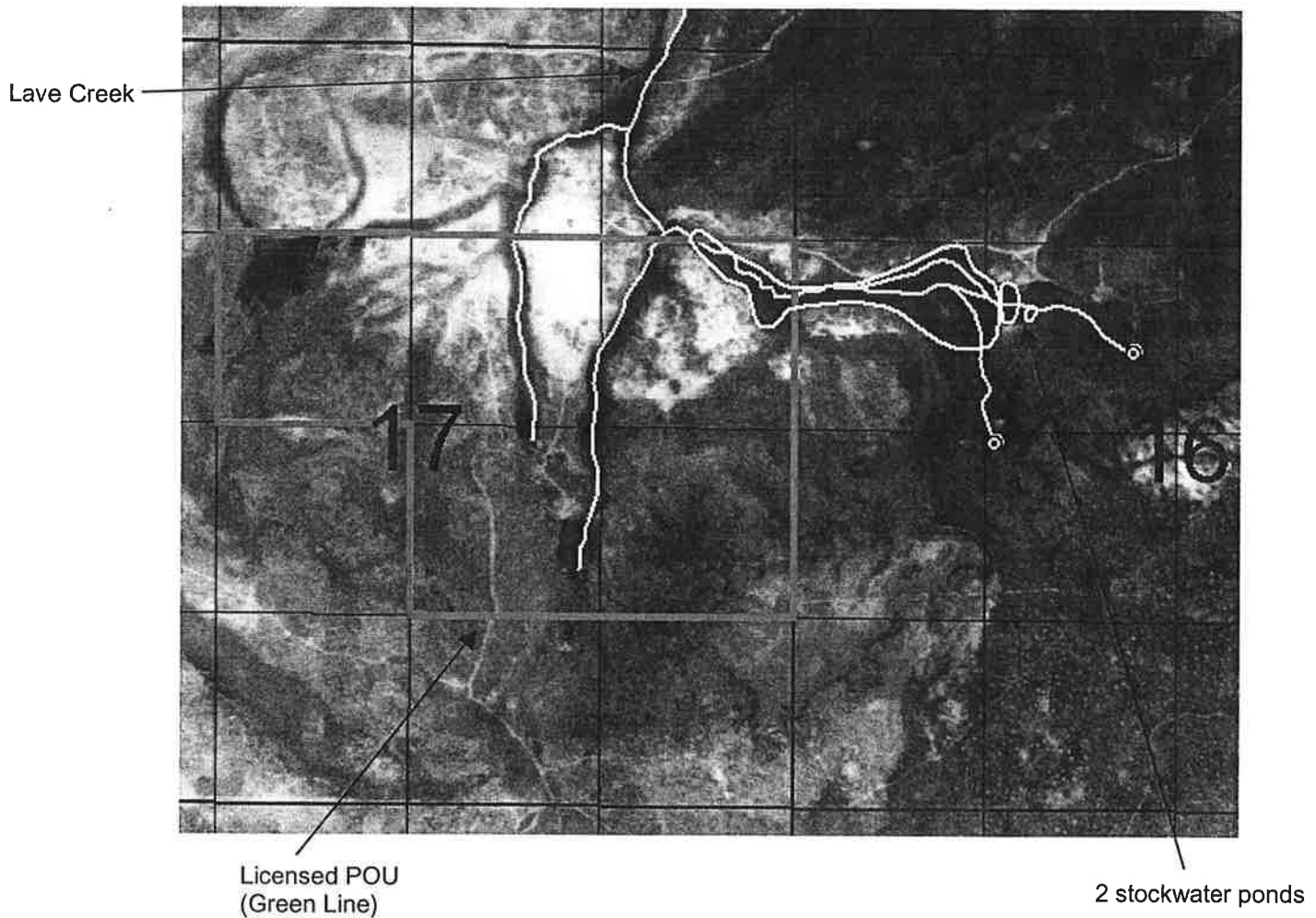
Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



.....

Idaho Department of Water
Resources -
322 E. Front Street
P O Box 83720
Boise, Idaho 83720-0098
208 287-4898

facsimile transmittal

To: Jim Speck Fax: 208-726-0752

From: _____ Date: _____

Re: _____ Pages: 6 plus this cover sheet

I sent this to Rod. today. - Matt Anders

.....



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 7, 2005

Rod Gonsales
South Cove Ventures, LLC
P.O. Box 1607
Bellevue, WA 98009

RE: Evidence of Priority for Snake River Basin Adjudication claims 37-4099, 37-4383, 37-4384, 37-4386, 37-11989, 37-12000, 37-12007, 37-13256, & 37-13315

Dear Mr. Gonsales,

As you requested yesterday, attached is a list of the claims owned by South Cove Ventures, LLC, Smokey Dome, LLC, Diamond/Soldier Properties, and SV Ranch, LLC that require evidence of priority for the Snake River Basin Adjudication (SRBA). If you have property under other another company name, let me know and I'll find out if there are any claims that need evidence of priority.

Please note that claims 37-4099, 37-4383, 37-4384, & 37-4386 have been recommended to the SRBA Court for disallowal. You have until early March to object to these recommendations and provide evidence of priority. If you have questions about these four rights, please contact Carter Fritschle at (208) 287-4917.

Claims 37-11989, 37-12000, 37-12007, 37-13256, & 37-13315 require evidence of priority. Brockway Engineering, PLLC submitted the attached narrative on behalf of Lonnie Leavell for claim 37-11989, but this narrative is not acceptable as evidence of priority.

I have attached a pamphlet describing types of evidence of priority that can be used for the Snake River Basin Adjudication. Feel free to contact me at (208) 287-4937 if you have any questions.

Sincerely,

Matt Anders
GIS Specialist – Snake River Basin Adjudication

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>
37	4099		Statutory Claim	4/1/1953	2.00	WASTE WATER	IRRIGATION	SOUTH COVE VENTURES
37	4383		Statutory Claim	4/1/1970	0.50	THORN CREEK	IRRIGATION	SOUTH COVE VENTURES
37	4384		Statutory Claim	4/1/1910	4.00	PREACHER CREEK	IRRIGATION	SOUTH COVE VENTURES
37	4386		Statutory Claim	4/1/1910	10.00	THORN CREEK , WASTE WA	IRRIGATION	SOUTH COVE VENTURES
37	11989		Beneficial Use	5/9/1911	4.08	SPRINGS	IRRIGATION, IRRIG	SOUTH COVE VENTURES
37	12000		Beneficial Use	5/1/1917		SPRINGS	RECREATION STOR	SOUTH COVE VENTURES
37	12007		Beneficial Use	5/1/1940	0.20	SPRINGS	IRRIGATION, STOCK	SOUTH COVE VENTURES
37	13256		Beneficial Use	1898-06-01	0.86	CAMAS CREEK	IRRIGATION	SOUTH COVE VENTURES
37	13315		Beneficial Use	1888-06-15	3.2	SPRING (DAIRY CREEK)	IRRIGATION, STOCK	SV RANCH LLC (Current)

RECEIVED

FEB 28 2002

Department of Water Resources
Southern Region**MAGIC RANCH – CAMAS COUNTY, IDAHO**
Ownership, farming, and irrigation history

Brockway Engineering, PLLC / C. G. Brockway, P.E.
February 26, 2002
Information from Lonnie Leavell and aerial photos

Two significant springs issue to the surface on the Magic Ranch property. Spring #1 is the south spring and Spring #2 is the north spring. Development of the property began in 1911. From 1911 to 1915, the springs were developed and diverted for irrigation use by Zachariah Spellman and later George Starcher, who purchased the property in 1913. Embankments were placed, creating regulation ponds to capture flow from each spring, and ditches were constructed from the ponds. All irrigation from the springs originally took place by gravity. License No. 7419 (later changed to 37-2211) was granted on September 8, 1915 with a priority date of May 9, 1911 for 1.7 cfs and 85 acres of irrigation. From some reason, this license did not include Spring #2, the main source of water, as a point of diversion. Also, the license did not describe storage in the irrigation regulation ponds. Therefore, an SRBA claim (37-11989) was filed on October 25, 1988 for the same 85 acres but with 30 acre-feet of irrigation storage and Spring #2 as the point of diversion.

The property continued to be irrigated from the springs from the original development through approximately the late 1950s when the first irrigation well was constructed. The attached 1957 aerial photo clearly shows the springs, ditches, and irrigated fields. It is assumed that this is approximately the condition that had existed since about 1915. A substantial amount of land was served with the springs, but license 37-2211 does not reflect the extent of irrigation that was historically accomplished. An ArcView analysis using this photo indicates that a total of 204.1 acres were irrigated using the two spring sources.

In addition to the irrigation, approximately 150 head of range cattle were watered from the springs.

W. H. Croft purchased the property in approximately 1940, and continued the irrigation with the two spring sources. Croft installed the small well (south well near the farmhouse) in the late 1950s.

Croft sold the property to the group known as Magic Four in 1974. In this year, a permit was obtained (37-7395) for irrigation from two groundwater wells. Magic Four developed the majority of the property, installed an additional well (north well near the airstrip), installed buried mainlines, three center pivots, and several systems of hand lines and wheel lines. A total of 810 acres was developed, pursuant to the groundwater permit. At this time, the two wells supplied the majority of the irrigation water, pumping into a common mainline system – there was no booster pump from the spring sources. However, gravity irrigation of about 87 acres from Spring #2 continued to occur from the

pre-existing ditch system. Groundwater license 37-7395 was granted on April 29, 1985 for 9.94 cfs and 810 acres.

In 1985 or 1986, Connecticut General foreclosed on the property and owned it until 1987. In 1986 or 1987, the center pivots were removed.

In 1987, Orie Leavell purchased the property, and began irrigating from the wells using hand lines only. Also, Spring #2 continued to be used to gravity irrigate approximately 50 acres (the two fields just east of the road) using the pre-existing ditch system. This gravity irrigation continued until 1994.

In 1987 or 1988, the large ponds near the farmhouse were constructed (#11 and #12 on the transfer application).

In 1994, a major system upgrade was accomplished. This included additional mainlines, wheel lines, and hand lines, and a 20 HP booster pump located in pond #13 to supply water to the common system from Spring #1. Spring #2 water was no longer used for gravity irrigation via the ditch system, but instead continued to flow southeast in a pre-existing ditch to ponds #12 and #13. After this upgrade, water from any source could be utilized anywhere on the property. This is essentially the same system configuration that exists today.

From 1987 through 2001, irrigation has occurred every year on the property to some extent. The property was fully irrigated in 1994, the first season after the major system upgrade, and in 1998. An ArcView analysis using a 1999 aerial photo (the 1998 photo was not available from the FSA) shows the extent of irrigation in 1998. Irrigation west of the road was light, and does not show well on the photo; however, a site visit made by C. E. Brockway, P.E. during the 1998 season confirmed the extent of irrigation shown on the 1999 aerial map. The irrigated area in 1998 was 783.8 acres, or 96.7% of the 810-acre water right.

of the well driller who drilled the well, if a report was filed with IDWR.

4. ***Pump test records.***

5. ***Sales receipts*** for equipment or materials used in the water system.

6. ***Records*** of the person or business who sold, installed, or constructed the diversion works.

7. ***Electric bills*** for electric powered diversion equipment.

8. ***Homestead documents for irrigation claims, patent documentation for mining claims or other documentation indicating use of water during the acquisition of government land.*** These may be of record at the county recorder's office for the county in which the land is located. These should also be of record with the National Archives, although there are often delays in obtaining copies. The address and phone number of the National Archives are:

8th and Pennsylvania Ave., N.W.
Washington, D.C., 20408
202-523-3006

9. ***Aerial photography.*** Information on available aerial photography can be obtained from the U.S. Geological Survey at the following address and phone number:

U.S. Geological Survey
EROS Data Center
User Services Section
Sioux Falls, South Dakota 57198
605-594-6151

WHAT IF I AM UNABLE TO OBTAIN ANY OF THE SOURCES LISTED ABOVE?

IF YOU CANNOT furnish some proof such as the examples listed above, you may submit your own testimony, in the form of an affidavit (a letter signed by the you and notarized), which explains the basis for the year of priority claimed. The letter should include a statement of the claimant's personal knowledge of the water use, but may also include information the claimant obtained from others.

DOCUMENTS WHICH ARE NOT SUFFICIENT EVIDENCE OF THE PRIORITY DATE CLAIMED

1. **STATUTORY CLAIMS** filed pursuant to Idaho Code 42-243. In the late 1970's, legislation was enacted that required persons with beneficial use rights to register them with IDWR. These "claims" were declarations of the water right owners, and were not investigated or verified. Notices of claims in the SRBA are different, because they will be investigated and verified, resulting in a decree that confirms the water right and properly describes it.

The statutory claim may be evidence of a water right claimed in the SRBA if the times and quantities of use claimed in the SRBA are substantially the same as they were on the statutory claim. **EVEN THEN**, the statutory claim is evidence of

such use **ONLY** as the date the statutory claim was filed - **NOT** as of the priority date claimed either in the statutory claim or the notice of claim filed in the SRBA.

2. **POSTED NOTICES.** The posted notice may be evidence of a priority date as of the date the notice was posted, but **ONLY IF** some evidence is submitted showing completion of the appropriation within a reasonable time after posting of the notice.

WHAT WILL HAPPEN IF EVIDENCE OF THE PRIORITY DATE IS NOT SUBMITTED?

IDWR will not recommend the claim to be decreed by the court if no evidence of the priority date is submitted. If proof is submitted but it supports a year of priority later than the year claimed, then a later year will be recommended.

**CALL TOLL-FREE
1-800-451-4129**

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION BUREAU
BOISE IDAHO 83720-0089
(208) 287-4910
IDWR/2-05/3000/42003

EVIDENCE OF PRIORITY

**A GUIDE TO
SOURCES WHICH
MAY CONSTITUTE
PROOF OF THE
PRIORITY DATE
OF YOUR WATER RIGHT**



IDAHO DEPARTMENT OF WATER RESOURCES
FEBRUARY 2005

EVIDENCE OF PRIORITY DATE FOR CLAIMS FILED IN THE SRBA

IF YOU HAVE RECEIVED A LETTER FROM THE DEPARTMENT OF WATER RESOURCES INFORMING YOU THAT YOU MAY HAVE TO SUBMIT PROOF OF BENEFICIAL USE THE INFORMATION BELOW WILL ASSIST YOU IN FINDING THE NECESSARY DOCUMENTATION.

WHAT IS A PRIORITY DATE?

The Priority date is one of the elements of the water right which you were required to state on your notice of claim. The priority date is the basis upon which water is distributed in times of shortage. When there is not enough water to satisfy all existing water rights, then water is distributed first to those with the oldest priority date.

WHAT IS A BENEFICIAL USE WATER RIGHT?

A beneficial use water right is one that is based on actual use of the water, and is not documented by a permit or license issued by IDWR, or a decree issued by a court. A beneficial use water right is established by putting the water to beneficial use, such as for domestic and stockwatering, irrigation, hydropower, commercial or industrial

use, or aquaculture, among others.

Generally, the priority date of a beneficial use right is the date the water was first put to beneficial use. This date is NOT NECESSARILY WHEN YOU ACQUIRED THE PROPERTY, or WHEN YOU FIRST MADE BENEFICIAL USE. A previous owner could have established beneficial use, which you continued.

There is a special category of beneficial use rights called "posted notice" rights, to which special rules apply. Prior to 1903, Idaho had a "posted notice" statute, which provided for posting of a notice including specified information at the point of diversion, recording of the notice at the county recorder's office, and actual diversion and beneficial use within a reasonable time after posting, among other things. If the statutory requirements were met, then the priority date was the date of posting the notice. These "posted notice" water rights are considered a type of beneficial use water right because they are not confirmed by a permit, license, or decree.

FOR WHICH CLAIMS IS EVIDENCE OF PRIORITY DATE REQUIRED?

Each claim filed in the SRBA is the claimant's affidavit (statement) of the elements of the water right being claimed. Some claimants in the SRBA will be required to submit additional evidence of the priority date of the water right IF:

1. *the claim is based on beneficial use*
AND

2. *the claim is NOT a small domestic and stockwater claim.*

NOTE: Additional proof of priority for beneficial use claims for small D&S uses will not be required unless specifically requested by IDWR.

The claim is a beneficial use claim if it is not based on a permit or license issued by IDWR or a decree issued by the court.

Small domestic and stockwater uses are very specifically defined by statute, and proof is required for a beneficial use claim if the use claimed does not meet that definition. If your claim was accepted with a \$25.00 fee, then your claim was probably a small domestic and stockwater claim.

WHAT KIND OF EVIDENCE IS REQUIRED?

SOME evidence of the YEAR of the priority claimed is sufficient. Conclusive evidence is not required. Evidence of the month and day is not required, but should be included if available.

Documentation of the priority date claimed can take almost any form. Generally, the document will be sufficient if it tends to show that water was used:

1. *For the purpose claimed,*
2. *In the year claimed as the priority date,*
AND
3. *On the land claimed as the place of use or by the owner of that land.*

It is possible for a water right to have been established on one parcel of land and then transferred for use on another parcel of land. In such cases, the evidence should tend to show that water was used on the original place of use or by the owner of the original place of use to meet the third part of the requirement.

SOME EXAMPLES OF DOCUMENTS WHICH MAY BE EVIDENCE OF THE PRIORITY DATE

Note: Proof of ownership of land by a title or warranty deed usually does not, by itself, constitute proof of a priority date since the priority is based on use of water.

Here are a few examples and there may be others, but the proof must meet the general requirements highlighted above.

1. *Affidavits* - a notarized statement of someone with personal knowledge of when beneficial use was first made, such as a neighbor or a previous owner of the property. Personal knowledge means someone who observed the use, not someone who was told of the use by someone else.

2. *For irrigation claims* - crop reports income tax documents showing income from sale of crops, or property tax documents showing property was taxed as irrigated agriculture.

3. *For ground water rights* - the report



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

FAX Transmittal Cover Sheet

Number of pages including this one: 7

Date: 12/7/05

To: Rod Bonsales

Fax No.: 208-764-3009

From: Math Anders

Fax No.: _____

Phone No.: 208-287-4937

Subject: Claims that require evidence of priority. Carter Fritschle of
IDWR asked me to fax this to Jim Spedc (208-726-0752).



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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 15, 2005

X
X
X
X

Re: Evidence of Priority

RESPONSE DEADLINE
JUNE 17, 2005

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted – it may be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement does **not** need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-____). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor

Enclosures

MEMORANDUM

To: Mr. Lonnie Leavell
Leavell Cattle
From: D. Shaff *[Signature]*
Date: October 26, 1988
Re: Signature(s)

Lonnie, I should not have been swayed by what happened in Gooding as to the proper signature(s), in my opinion, for the claims you submitted yesterday, October 25, 1988. Some change or another signature will be required in one of the following manners:

If the co-tenants are filing as individuals and the names are joined by and, all tenants and claimants must sign the claim(s). If the individuals are joined by or or and/or, only one of the individuals must sign.

If the co-tenants are operating as a business under the claimant name, the authorized agent of the business must sign in the organization block. If Leavell and Leavell is a partnership, I believe the organization block would be appropriate.

As the claims are filed now, short of the well claim A37-07395, the signature on the claim is not proper for the name appearing at the top of the claim. Please make the appropriate change to the claims to correct the deficiency. Of the computer generated claims, new copies have been enclosed if they are needed for the organization block. Thanks for your troubles.

MICROFILMED
FEB 25 1988