

RECEIVED

MAR 09 2006

DEPARTMENT OF
WATER RESOURCES

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 37-13110
Date Received: 10/17/1989
Receipt No: M004953
Received By: *UM C080549*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

FIR GROVE LIMITED PARTNERSHIP
C/O SHARRON N PRESLEY *wife*
6688 EAST MONTGOMERY RD
KING HILL ID USA 83633

Phone: (208)366-2061

2. Date of Priority: 06/05/1897

3. Source: UNNAMED STREAM , MC KINNEY CREEK , UNNAMED STREAM Trib. to: MC KINNEY
CREEK , CAMAS ~~CREEK~~ *county* , MC KINNEY CREEK

4. Point of Diversion:

Township	Range	Section	.1/4 of 1/4 of 1/4 Lot	County	Type
02S	14E	35	NE SE	CAMAS	
02S	14E	35	NW NW	CAMAS	
02S	14E	35	SW NW	CAMAS	

5. Description of diverting works:

DITCHES AND NATURAL CHANNEL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	2	
STOCKWATER	04/15	11/15	0.04	

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

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MAR 10 2006

8. Total consumptive use:

9. Non-irrigation uses:

Number of other uses: 400

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02S	14E	27	SW	SE	STOCKWATER	
			SE	SE	STOCKWATER	
			SW	SE	IRRIGATION	28
			SE	SE	IRRIGATION	22
					Section Acres	50
02S	14E	34	NE	NE	IRRIGATION	5
			NW	NE	IRRIGATION	1
			SE	NE	IRRIGATION	6
			NE	NE	STOCKWATER	
			NW	NE	STOCKWATER	
			SE	NE	STOCKWATER	
					Section Acres	12
02S	14E	35	SW	NW	STOCKWATER	
			NE	SE	STOCKWATER	
			NW	SE	STOCKWATER	
			SW	NW	IRRIGATION	6
			NE	SE	IRRIGATION	12
			NW	SE	IRRIGATION	20
					Section Acres	38
					Total Acres	100

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: Posted Notice

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am General Partner of
Title
Fir Grove Limited Partnership, that I have signed the foregoing
Organization
document in the space below as General Partner of
Title

Fir Grove Limited Partnership and that the statements contained in the
Organization
foregoing document are true and correct.

Sharon M. Presley
Signature of Authorized Agent
General Partner
Fir Grove Limited Partnership
Title and Organization

March 8, 2006
Date

State of Idaho)
County of Elmore) SS.

Subscribed and sworn (or affirmed) before me this
of March 2006

Lillian Stump
Notary Public

Residing at 43 West Snake River Elmore, Ferry, Id. 83623
My commission Expires 08-24-2008



SCANNED
MAR 10 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 37-13110
Date Received: 10/17/1989
Receipt No: M004953
Received By:

AMENDED

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

1. Name of Claimant(s)

FIR GROVE LIMITED PARTNERSHIP

Phone: (208)366-2061

C/O SHARRON N PRESLEY
6688 EAST MONTGOMERY RD
KING HILL ID USA 83633

Lee Presley

2. Date of Priority: 06/05/1897

3. Source: SPRING

Trib. to: MC KINNEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02S	14E	36	NE SW	CAMAS	
02S	14E	36	NW SW	CAMAS	
02S	14E	35	NE NW	CAMAS	

5. Description of diverting works:

DITCHES, NATURAL CHANNEL AND PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	2	
STOCKWATER	04/15	11/15	0.04	
DOMESTIC	01/01	12/31	0.04	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 400

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02S	14E	27	SW	SE	IRRIGATION	28
			SE	SE	IRRIGATION	22
			Section Acres			
02S	14E	34	NE	NE	IRRIGATION	5
			NW	NE	IRRIGATION	1
			SE	NE	IRRIGATION	6
				Section Acres	12	
02S	14E	35	SW	NW	IRRIGATION	6
			NE	SE	IRRIGATION	12
			NW	SE	IRRIGATION	20
			SE	NE	DOMESTIC	
				Section Acres	38	
				Total Acres	100	

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:

WATER FROM THE SPRING IS CARRIED BY PIPELINE TO THE HOUSE. THE WATER FOR IRRIGATION IN SE1/4 OF SECTION 35 IS CARRIED VIA THE NATURAL CHANNEL. NATURAL CHANNEL AND OVERFLOW FROM DOMESTIC USE THEN CONTINUES DOWNSTREAM INTO SECTION 34.

15. Basis of Claim: Posted Notice

RECEIVED

JUN 09 2005

Department of Water Resources

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 37-13110
Date Received: 10/17/1989
Receipt No: M004953
Received By:

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

1. Name of Claimant(s)

FIR GROVE LIMITED PARTNERSHIP Phone: (208)366-2061
C/O SHARRON N PRESLEY
~~RT 1 BOX 12~~ 6688 EAST MONTGOMERY ROAD
KING HILL ID USA 83633

2. Date of Priority: 06/05/1897

3. Source: SPRING , SPRING Trib. to: MC KINNEY CREEK , MC KINNEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02S	14E	36	NE SW	CAMAS	
02S	14E	36	NW SW	CAMAS	
02S	14E	35	NE NW	CAMAS	AMP

5. Description of diverting works:

DITCHES, NATURAL CHANNEL + PIPE LINE AMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	2.00	
DOMESTIC	1/01	12/31	0.04	
STOCKWATER 400 Head AMP	4/15	11/15	AMP	

7. Total Quantity Appropriated is:
2.04 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
SCANNED
JUN 09 2005

02S	14E	34	NW	NE	IRRIGATION	1
			NE	NE	IRRIGATION	5
			SE	NE	IRRIGATION	6

Section Acres 12

02S	14E	35	NW	SE	IRRIGATION	20
			SW	NW	IRRIGATION	6
			NE	SE	IRRIGATION	12
			SE	NE	DOMESTIC	

02S	14E	27	SW	SE	28000	Section Acres	38	ANP
			SE	SE	22000	Total Acres	~~50~~ 100	

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:

Pipeline ANP

WATER FROM THE SPRING IS CARRIED BY ~~DITCH~~ TO THE HOUSE. THE WATER FOR IRRIGATION IN SE1/4 OF SECTION 35 IS CARRIED VIA THE NATURAL CHANNEL. NATURAL CHANNEL AND OVERFLOW FROM DOMESTIC USE THEN CONTINUES DOWNSTREAM INTO SECTION 34.

15. Basis of Claim: Posted Notice

SCANNED
JUN 09 2005

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: 3

For Organizations:

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

Fir Grove Ltd Partnership that I have signed the foregoing Organization

document in the space below as General Partner of Title

Fir Grove Limited Partnership and that the statements contained in the Organization

foregoing document are true and correct. Sharon M. Presley Signature of Authorized Agent

Gen Partner, Fir Grove Limited Partnership Title and Organization

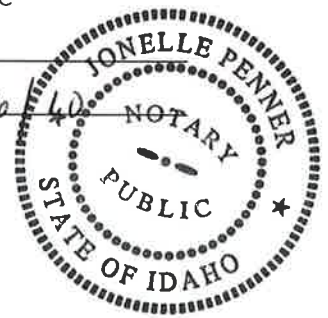
6-8-2005 Date

State of Idaho)
County of Elmore) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of June 2005 Jonelle Penner
Notary Public

Residing at Blennsferry

My commission Expires 10/26/10



SCANNED
JUN 09 2005

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: A37-13110

Date Received: 10/17/1989

Receipt No: M004953

Received By: RB

MAR 06 1998

Department of Water Resources
Southern Region

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: FIR GROVE LIMITED PARTNERSHIP 208-366-2061
Address: C/C SHARRON N PRESLEY
RT 1 BOX 12
KING HILL ID 83633

2. Date of Priority: APR 2, 1907

3. Source: SPRING Trib. to: MC KINNEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02S	14E	36	NE	SW			CAMAS
			NW	SW			CAMAS

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
IRRIGATION	04/01	11/01	1.000		

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

8. Total consumptive use is 125.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC USE FOR WATERING AROUND HOUSE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	14E	34	NE	NE		IRR	5.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	14E	34	NW	NE		IRR	1.0
			SE	NE		IRR	6.0
					Section Acres		12.0
		35	SE	NE		DOMEST	
			SW	NW		IRR	6.0
			NE	SE		IRR	12.0
			NW	SE		IRR	20.0
					Section Acres		38.0
					Total Acres		50.0

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:
DOMESTIC WELL

14. Remarks:

WATER FROM THE SPRING IS CARRIED BY DITCH TO THE HOUSE. THE WATER FOR IRRIGATION IN SE1/4 OF SECTION 35 IS CARRIED VIA THE NATURAL CHANNEL. NATURAL CHANNEL AND OVERFLOW FROM DOMESTIC USE THEN CONTINUES DOWNSTREAM INTO SECTION 34.

15. Basis of Claim: BENEFICIAL USE

**STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES**

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): _____
Adjudication Claim No(s): A37-13110

2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant: Charles Kast

4. New Owner/Claimant(s): Fir Grove Limited Partnership
 Name Connector (Check one) ☒ and, ☐ or, ☐ and/or
 New Mailing Address: C/o Sharon N. Presley Rt. 1, Box 12
 City, State and ZIP Code: King Hill 83633
 New Telephone Number: (208) 366-2061

5. Date you acquired the property: 1991

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
 Number of acres you irrigate _____ Number and type of stock _____
 Diversion rate in CFS _____ Number of homes _____ Other uses _____
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s): X Sharon N. Presley

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

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

AMENDMENT TO CERTIFICATE OR REGISTRATION OF LIMITED PARTNERSHIP

To the SECRETARY OF STATE OF IDAHO / CORPORATIONS DIVISION
700 W JEFFERSON PO BOX 83720 BOISE ID 83720-0080



1. The name of the limited partnership is: Fir Grove Limited Partnership

2. The date on which its certificate or registration of limited partnership was filed with the
Secretary of State was December 31, 1990 Domestic State: Idaho

3. The certificate of limited partnership is amended as follows: (check appropriate box(es))

☐ a. The name of the limited partnership is amended to read:

☒ b. The name and business address of the registered agent are amended to read:

Sharron N. Presley, Route 1, Box 12, King Hill, Idaho 83633

☒ c. The name of each withdrawing general partner is:

Charles C. Kast and Virginia R. Kast

☒ d. The name and business address of each new general partner are:

(if more space is needed, continue in block f)

Sharron N. Presley

Route 1, Box 12

King Hill, Idaho 83633

e. The business of the limited partnership is continued following an event of withdrawal
of a general partner.

f. Other amendments (optional):

4. Signature of at least one general partner and all
new general partners:

Sharron N. Presley

Secretary of State use only
IDAHO SECRETARY OF STATE

DATE 05/15/1996 0900 62765

2

CK #: 125 CUST# 67593

LP AMEND

1@ 30.00= 30.00

:

WARRANTY DEED

Charles C. Kast and Virginia R. Kast, husband and wife, Grantors, hereby convey, grant and warrant to Fir Grove Limited Partnership, an Idaho limited partnership, Grantee, whose address is Rt. 1, Box 143, King Hill, Idaho 83633, for good and valuable consideration, the following described real property, to-wit:

See Exhibit "A", attached hereto and incorporated herein by this reference.

SUBJECT TO taxes and assessments for the year 1990 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This conveyance shall include any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights in anywise appertaining to the property herein described.

The Grantors covenant to the Grantee that they are the owners in fee simple of said premises; that the premises are free from all encumbrances, excepting those as may be herein set forth, and excepting those of record, and that they will warrant and defend the same from all lawful claims.

IN WITNESS WHEREOF, the Grantors have executed this instrument on this 21st day of December, 1990.

Charles C Kast
Charles C. Kast

Virginia R Kast
Virginia R. Kast

STATE OF IDAHO)
County of GOODING) :ss

On this 21st day of December, in the year 1990, before me, Edward D. Ahrens, a Notary Public, personally appeared Charles C. Kast and Virginia R. Kast, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Edward D. Ahrens
Notary Public for Idaho
Commission expires: October 11, 1993

(SEAL)

04/9631.1

66454

Filed for Record at the Request of

EDWARD D. AHRENS

STATE OF IDAHO }
County of Camas, }

I hereby certify that this Instrument
was filed for record in my office at
9:30 o'clock AM
2-19 1991, and
duly recorded in Book 28 of
DEEDS Page 6
[Signature]
County Recorder

WARRANTY DEED-2

By _____ Deputy.

Fee 1.90

PARCEL 1:

W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, Township 4 South, Range 14 East, ~~Camas~~ County, Idaho.

Gooding *col. J. J.*

PARCEL 2:

E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 20, Township 2 South, Range 14 East, Camas County, Idaho.

PARCEL 3:

Section 21: W $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$
Section 26: SW $\frac{1}{4}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 27: W $\frac{1}{2}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$
Section 28: N $\frac{1}{2}$; N $\frac{1}{2}$ S $\frac{1}{2}$; S $\frac{1}{2}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$
Section 29: E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 32: E $\frac{1}{2}$ NE $\frac{1}{4}$
Section 33: E $\frac{1}{2}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 34: N $\frac{1}{2}$
Section 35: N $\frac{1}{2}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$
All located in Township 2 South, Range 14 East, Camas County, Idaho.

163361
STATE OF IDAHO COUNTY OF GOODING
Filed for record at the request of S. Dressler
of 7 min. past 11 o'clock A.m. this 17
Nov 19 95 9.00
By Albina Sites Deputy

EXHIBIT "A"

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: A37-13110
Date Received: 10/17/1989
Receipt No: MO04953
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHARLES C. KAST 208-366-2034
Address: RT. 1, BOX 143
KING HILL, ID 83633

OR
Name: VIRGINIA R. KAST 208-366-2034
Address: RT. 1, BOX 143
KING HILL, ID 83633

2. Date of Priority: APR 02, 1907

3. Source: SPRING Trib. to: MC KINNEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02S	14E	36	NE	SW			CAMAS
			NW	SW			CAMAS

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
IRRIGATION	04/01	11/01	1.000		

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

8. Total consumptive use is 125.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC USE FOR WATERING AROUND HOUSE

A37-13110

Page 1

Date: 10/17/89

MICROFILMED
FEB 26 1993

11

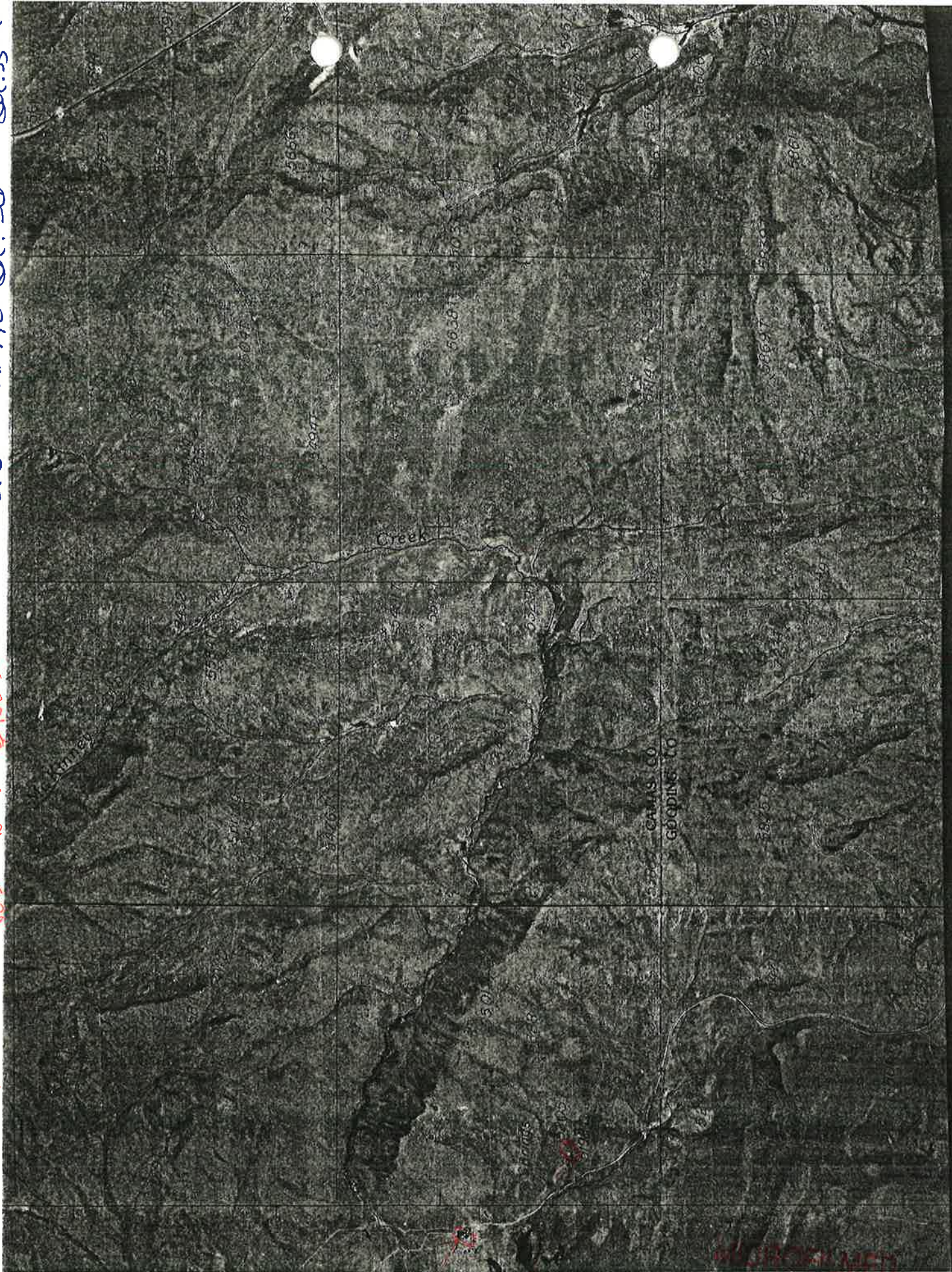
Total Acres 50.0

1

S

DT

80D NW 5E NE 80D NW 5E NE T2S R. 14E Sec. 30 P2D Sec. 35 P2D



Point of View
Place of

S

S

FEB 26 1993

RECEIVED

GEORGE ROBERTSON - 60015 PIERCE
Feb 16, 1911
160 AC

PHIL DIXSON

DAVID PRASA SCHAYTEL
Homesteader

JOHN F. DIXSON
Feb 7 - 1910

HYRIMBER LAKE
Oct 24, 1911

240A

WILLIAM SANT
Oct 5 - 1908
imp. Past.
Homesteader

SUSAN HARMON
Oct 28 - 1911

160 A

HARVEY DIXSON JR.
MAY 23, 1910
imp. Past

RUFUS
JAMES DIXSON
APRIL 2 - 1907

Grass

RECORDED
MICROFILMED
FEB 2 6 1953

16. Signature(s)

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

Number of attachments: 2

For Individuals:

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

Signature of Claimant(s): + Charles C East Date: 10-17-89

Date: _____

State of Idaho)
County of Camas) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of October 19 89
Helen Harrington
Notary Public

Seal

Residing at Helen Harrington, Notary Public
Residing at Boise, Idaho
My Commission Expires December 1, 1994

RECEIVED

NOV 15 2006

11/01/2006

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: November 21, 2006

Water right number: 37-13110

FIR GROVE LIMITED PARTNERSHIP

C/O SHARRON N PRESLEY

6688 EAST MONTGOMERY RD

KING HILL ID 83633

Telephone Number: (208)366-2061

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

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

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

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

DATE: 11-13-2006 SIGNATURE: Sharron N. Presley, Gen Partner

Please print your name: SHARRON N. PRESLEY

IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, (800)451-4129

SCANNED
NOV 16 2006

10/13/2006

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

RIGHT NUMBER: 37-13110

NAME AND ADDRESS: FIR GROVE LIMITED PARTNERSHIP
C/O SHARRON N PRESLEY
6688 EAST MONTGOMERY RD
KING HILL ID 83633

SOURCE: MC KINNEY CREEK
UNNAMED STREAM

TRIBUTARY: CAMAS CREEK
TRIBUTARY: MC KINNEY CREEK

QUANTITY: 2.000 CFS

PRIORITY DATE: 06/05/1897

POINT OF DIVERSION:

T02S R14E S35 NWNWNW Within CAMAS County
T02S R14E S35 SWSSENW Within CAMAS County
T02S R14E S36 NWNWSW 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	2.000 CFS
STOCKWATER	04/15 10/31	0.040 CFS

PLACE OF USE:

IRRIGATION Within CAMAS County

T02S R14E S27	SWSE	10.90	T02S R14E S34	NENE	23.00
T02S R14E S34	NWNE	17.00	T02S R14E S34	SENE	9.70
T02S R14E S35	NWNW	11.00	T02S R14E S35	SWNW	16.00
T02S R14E S35	SENE	0.40	T02S R14E S35	NESE	8.60
T02S R14E S35	NWSE	3.40			

STOCKWATER Within CAMAS County

T02S R14E S27	SWSE	T02S R14E S34	NENE
T02S R14E S34	NWNE	T02S R14E S34	SENE
T02S R14E S35	NWNW	T02S R14E S35	SWNW
T02S R14E S35	SENE	T02S R14E S35	NESE
T02S R14E S35	NWSE		

100 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 - Posted Notice

10/13/2006

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

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

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

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



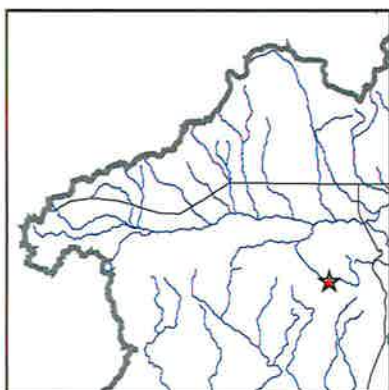
Idaho Department of Water Resources

SRBA Recommendation:

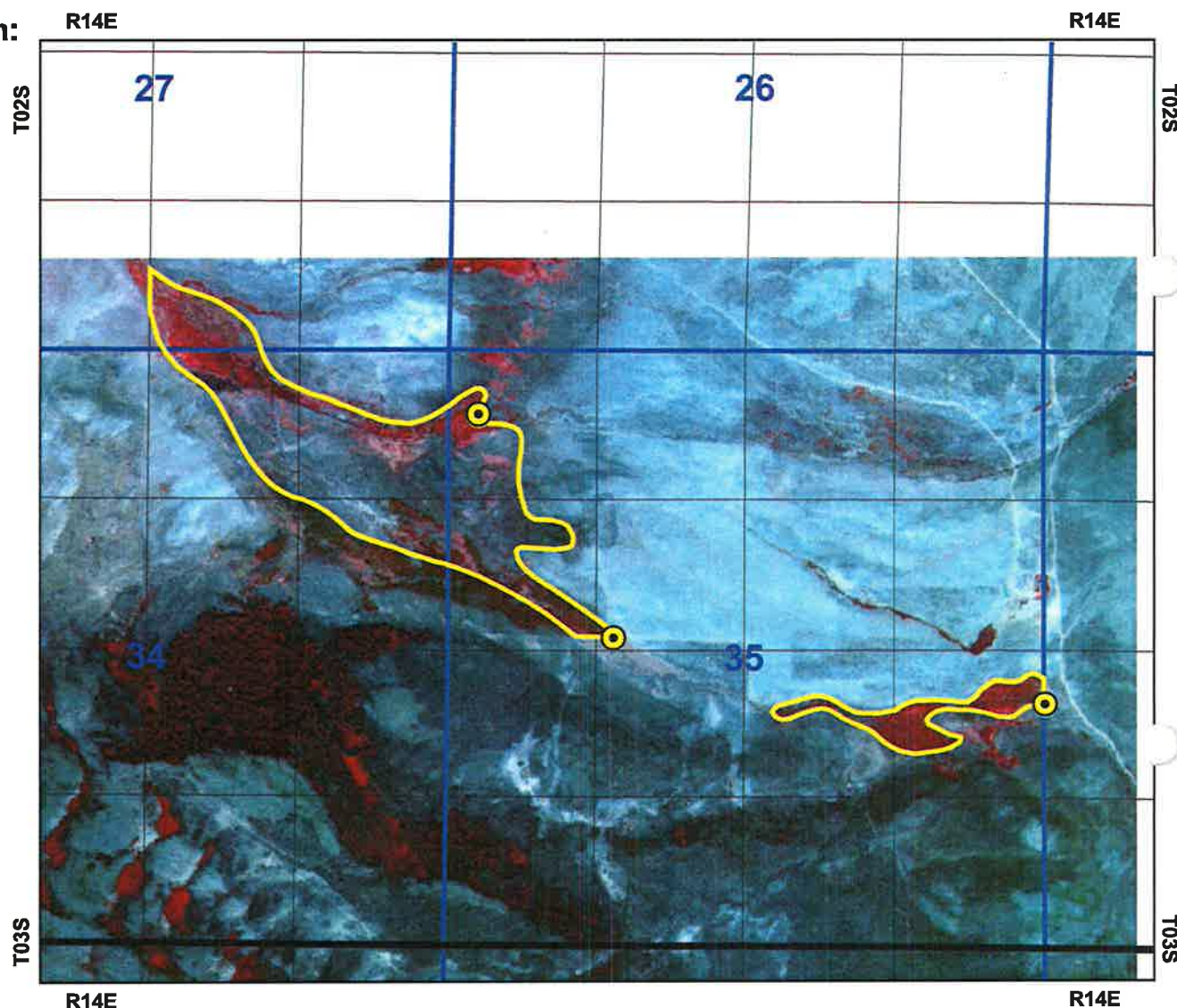
37-13110

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, October 13, 2006
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-13110

Background Data

- Beneficial Use claim
- Source is Springs tributary to McKinney Creek
- Claimed for 2.0 cfs on 100 acres

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

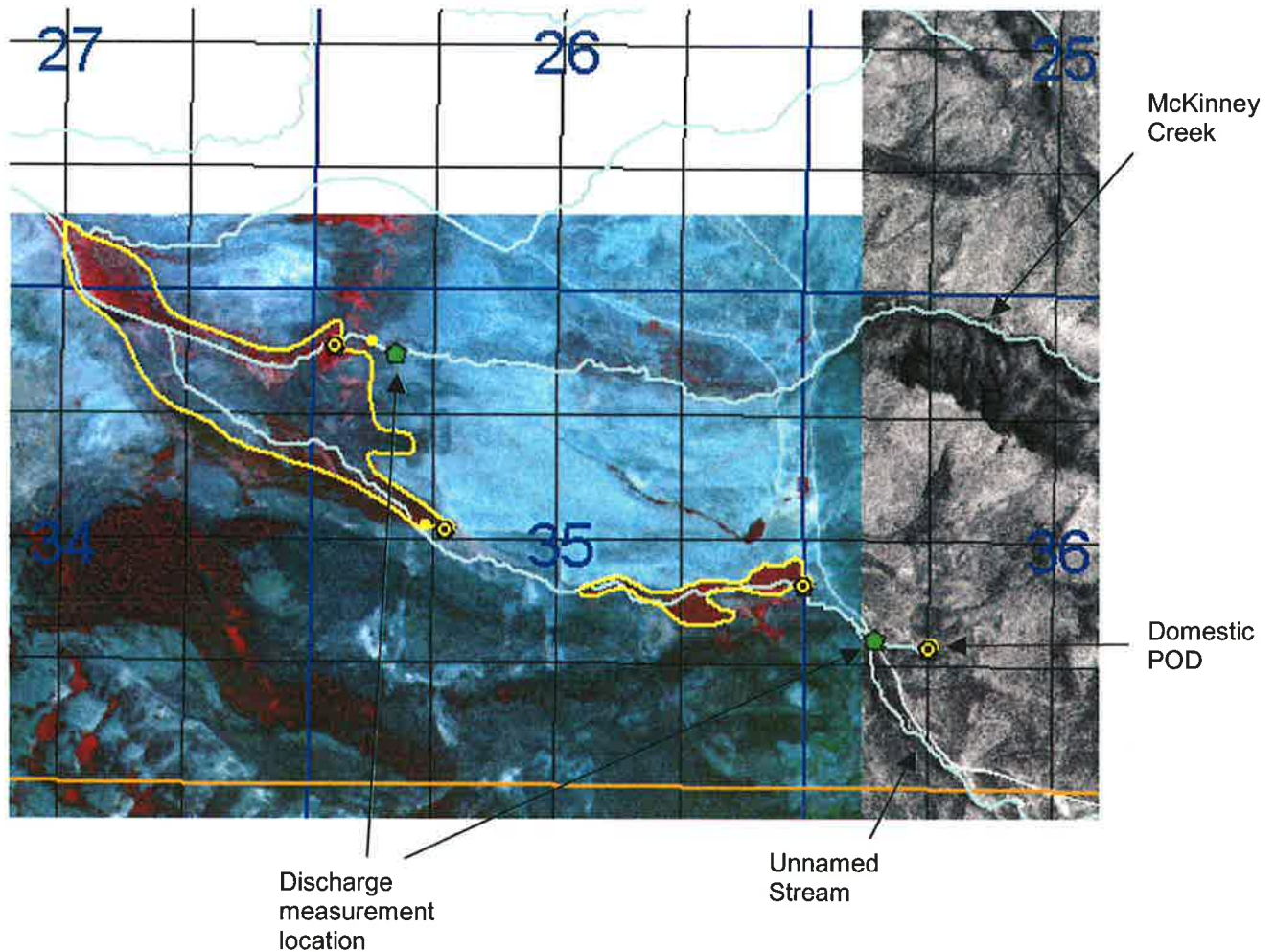




Photo of POD on unnamed stream taken during field exam.



Photo of Domestic POD at spring taken during field exam.



Photo of discharge measurement on McKinney Creek taken during field exam.



Photo of POD on McKinney Creek taken during field exam.



Photo of POD on unnamed stream taken during field exam.



Photo of discharge measurement on Unnamed Stream taken during field exam.

Notes

T2S R14E Sections 27, 34, & 35

- Found 100 acres irrigated from McKinney Creek
- PODs digitized based on claim map
- This claimed based on a Posted Notice claim.

- 11/23/05 talked with Mr. Presley on the telephone. Mr. Presley explained that he had written notes on a claim (see file) and mailed to IDWR. His intent was to claim water from both McKinney Creek and the Spring. Claim 37-13110 as amended only lists the Spring as the source. He said he uses the water from both sources and wants to claim both.

- 12/29/05 talked with Mr. Presley on the telephone. Mr. Presley said that water is diverted from McKinney Creek with rock check dam placed in the stream where needed. Up until the 1970s, ditches were used to distribute the water, but they have washed out and are not currently in use.

- 1/4/05 talked with Mr. Presley on the telephone. Mr. Presley clarified the water use and sources as follows: Water is diverted out of McKinney Creek and used for irrigation of land adjacent to the creek. Water is diverted from the Spring into a pipe to the farmstead, where a portion is used for Domestic and a portion is used for Stockwater. I told Mr. Presley that the posted notice he submitted is acceptable as evidence of priority for the McKinney Creek water (due to the line that says "is already completed"). I sent him a map showing my draft POU's and PODs. Mr. Presley is out of town from ~January 15 to ~February 15. He plans to submit evidence of priority when he returns.

- 3/2/06 met with Lee Pressley at my office. Mr. Pressley did the following:
 - Amended 37-13110 - Removed Domestic use. Irrigation and Stockwater uses have the same POU. Changed source to Unnamed Stream and McKinney Creek. Corrected locations of the three PODs. He also showed me the Irrigation POU on an aerial photo.
 - Filed new claim 37-21662. Claim is for Domestic and Stockwater use from Spring at the homestead. He took the claim form and sent it back signed with \$25.
 - Filed new claim 37-21663. Claim is for In-stream Stockwater use from McKinney Creek in his property. He took the claim form and sent it back signed with \$25.

- Field exam
 - Lee confirmed that there are no ditches. He called it sub-irrigation, but from the photos there also appears to be flood irrigation.
 - Unable to measure discharge in McKinney Creek. The channel is 15 ft wide by 2.1 ft deep, enough capacity for the 2.0 cfs claimed.
 - The measured discharge of the Unnamed Stream is 0.49 cfs. The exam was late in the year (10/2/06) so the measurement was probably represents the approximate minimum discharge in a good water year. The channel is 7.5 ft wide and 1 ft deep, enough capacity for the 2.0 cfs claimed.

- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

File No.

A37-13110

Fir Grove Limited Partnership
C/O Sharron N Presley [Lee Husband]
6688 East Montgomery Rd.
King Hill, Id

10/2/06

I called the Presley home and talked to Lee and made an apt. to meet Him at their ranch to review this file and his POD for the three locations , but when we went up to the first POD #1 he mentioned that they had a domestic place up this stream so we went there and got a GPS on this domestic stock & lawn irrigation POD #2 which is piped to the house and barn with no way to measure and by my estimation this was a 2" plastic pipe. While we were looking at this file he told me that they have no diversions out of Camas creek this file should read Camas County. While at 1 & 2 POD I looked over this spring for a point to measure the flow , then we went on to 3 & 4 with plans to stop back and measure # 6. Spots 4 & 6 are measurement locations, Lee said that the yellow areas as marked on the photo is what he approved of when at the IDWR so they appeared OK to me. I also saw a domestic well just west of the house for domestic use. On computer photo 1030301 is East up stream , # 302 is East up stream of the domestic right, # 303 is looking SW down stream , # 304 is the measurement for 303 looking West, photo 305 is looking W across his pasture where this water is spreading over the area, photo 306 is the measurement of the stream for # 1 & 5 which is diverted out of this same creek.

I would like to inform you that all of this land is sub irrigated no corrugations , pipes -nothing it just flows across the lands .

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Fir Grove	Fir 1	2438868	1334008	None	1030301 E
Stok-Dom- Irr	" 2	2439271	1333807	"	302 E
#304 for #3	" 4	2437554	1334755	"	303 W
Mckenney Cr	" 3	2437356	1334785	"	304 N
Unnamed stream	" 5	2437716	1334190	"	305 NW
Meas for 15	" 6	2439102	1333838	"	306 E

Lee R. Peterson

Adjudication Claim Notes

Claim(s): 37-13110

Background Data

- Beneficial Use claim
- Source is Springs tributary to McKinney Creek
- Claimed for 2.0 cfs on 100 acres

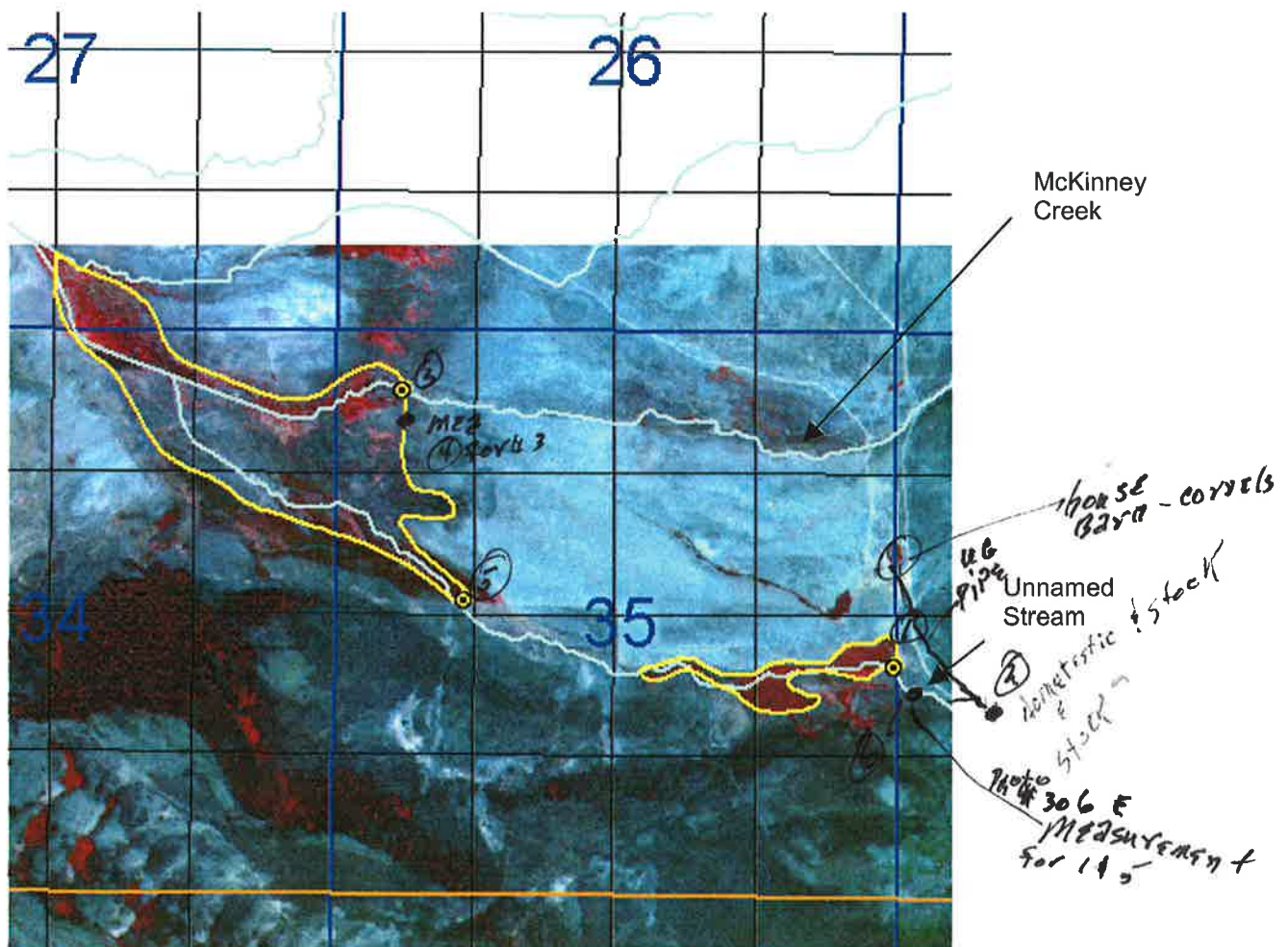
Place Of Use Data

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



To do for field exam:

- 1) Measure diversion rate at PODs
- 2) ~~GPS~~ GPS PODs

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

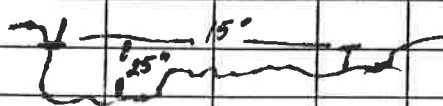
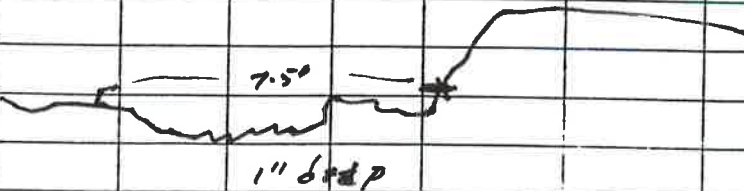
Water Right No.
(if applicable)

Open Channel Discharge Measurement Notes

A. GENERAL INFORMATION

1. Name of stream or ditch: #4 unnamed stream for #3 & McKinney Cr #6 for #5
2. Location: #3 & 1st
3. Person conducting measurement: LEE PETERSON
4. Date and time of measurement: 10/2/06 approx 12-1230 PM
5. Accompanied by: LEE PRESLEY
6. Measuring device size and ID no.: Tape measure & Teledyne Geosy 622
7. Spin test before measurement OK? YES after measurement OK? YES
8. Purpose of measurement: to check high water marks & flows

B. MEASUREMENT DATA

Angle co-efficient	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY		Adjusted for hor. angle or	Area	Discharge
							At point	Mean in vertical			
#4		15'				SEE Photo 1030303					
#6	for #1 & 5										
	#1	6"	.20				1.80				0.27
	2	6"	.25				1.30				0.16
	3	6"	.25				.50				0.06
	4	6"	.20				0				0
											0.49
		7.5'	1' deep								

Meeting w/ Lee Pressley

3/1/06

37-13110

- amended claim

- changed source to unnamed stream + McKinney Cr
- corrected locations of PODs
- removed Domestic use
- Irrigation + Stock will be some POU

37-21662

- Filed new claim for stockwater + Domestic from spring
- He needs to return signed claim + \$25

37-21663

- Filed new claim for In's team stock water from McKinney Creek
- He needs to return signed claim + \$25

Entry No. 1.

Sheet No. 1.

Geo. Wilson,

Water Location.

Locator.

Recorded Book 1 Water Locations,

Page 155 on June 23, 1888, at

1:05 P. M.

Notice is hereby given that I the undersigned a citizens of the United States have this fourteenth day of June A. D. 1888 located and claimed do hereby locate and claim two hundred inches of the water flowing in what is known as McKinney Creek in Alturas County, Idaho Territory, Said 200 inches measured under a 4 inch pressure. The point of diversion is situated on the Northwest $\frac{1}{4}$ of Section 36, in Township 2 South Range 14 East and about two miles from the head of said McKinney Creek. The purpose for which this water is claimed are domestic and irrigating. The water is diverted and carried and to be carried in a ditch two feet wide at the top and one foot deep. The water is to be used in lands or Section 26 T. 2 S. R. 17 E.

Signed: George W. Wilson.

Transcribed from page 67, Book 4, Water Locations, Blaine County Records.

Entry No. 2.

Sheet No. 2.

Geo. W. Wilson.

Water Location.

Locator.

Recorded Book 1 Water Locations,
 Page 155 on June 23rd, ---- at
 1:05 P. M.

Notice is hereby given that I the undersigned, a citizen of the United States have this fourteenth day of June A. D. 1888, located and claimed, and do hereby locate and claim two hundred inches of water following from our spring situated on the Southwest $\frac{1}{4}$ of Section 36, T. " S. R. 14 E. about 1 and $\frac{1}{2}$ mile East of Fir Grove in Alturas County, Idaho Territory. Said 200 inches measured under a four inch pressure. The point of diversion is situated about two hundred yards below the above described spring, on the SW $\frac{1}{4}$ of Section 36 T. 2 S. R. 14 E. the purpose for which the water is claimed are domestic and irrigating. The water is diverted and carried and to be carried in a Ditch two feet wide on the Bottom and three feet wide at the top and one foot deep. The water is to be used on lands on section 34 T. 2 S. R. 14 E.

Signed: George W. Wilson.

Transcribed from page 67, Book 4, Water Locations, Blaine County, Idaho.

SCANNED

MAR 02 2006

P. 77

5



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

January 4, 2006

Lee Presley
6688 East Montgomery Rd
King Hill, ID 83633

RE: Snake River Basin Adjudication claim 37-13110

Dear Mr. Presley,

For adjudication claim 37-13110, you claimed water from a spring with a priority date of June 5, 1897. Please submit evidence that establishes when the spring water you are claiming started being diverted for irrigation, domestic, and stockwater use. I have enclosed an Evidence of Priority pamphlet for guidance.

I have created draft points of diversion and draft places of use for claim 37-13110. Attached are 1987 and 2004 aerial photographs with these draft shapes overlain on them. Please review these maps and if you feel there are errors in the points of diversion or places of use, make the changes on the map with a pen and return it to me.

Feel free to contact me at (208) 287-4937 if you have any questions or would like to discuss this.

Sincerely,

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

Matt Anders
GIS Specialist – Snake River Basin Adjudication

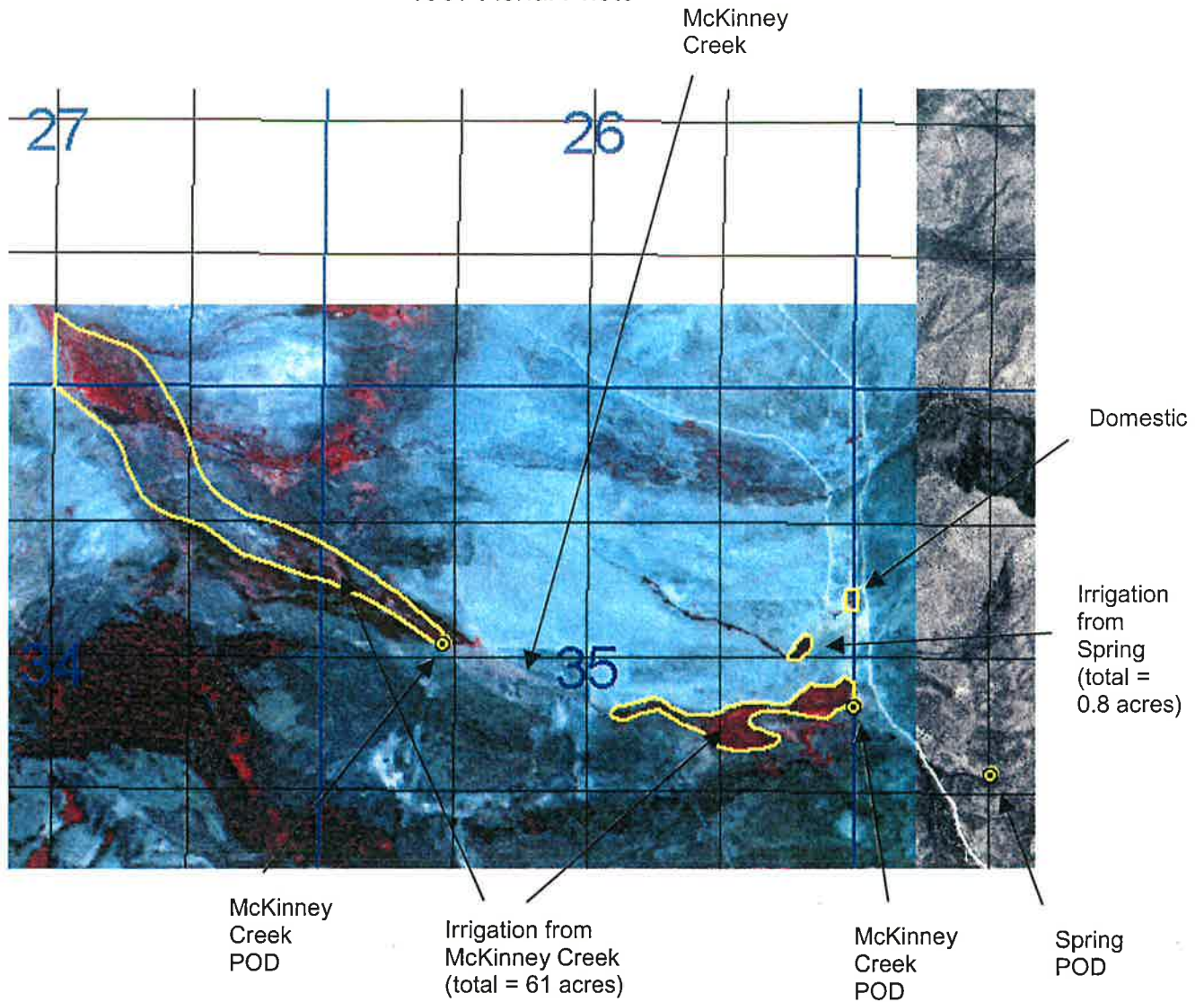
Place Of Use Data

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

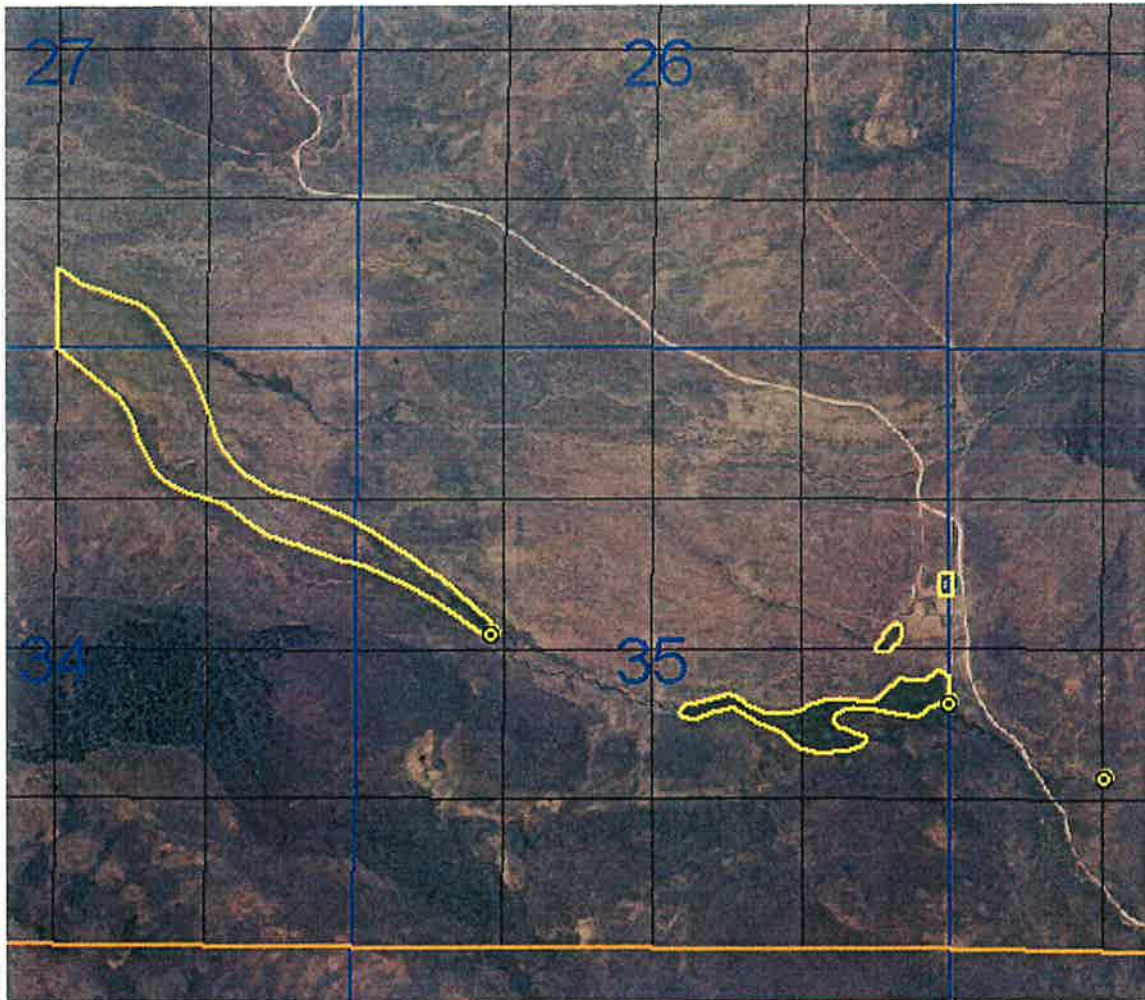
Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

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

1987 Aerial Photo



2004 Aerial Photo



RECEIVED

JUN 09 2005

Department of Water Resources

FIR GROVE LIMITED PARTNERSHIP
6688 East Montgomery Road
King Hill, Idaho 83633-3368

June 8, 2005

Steve Clelland
Idaho Department of Water Resources
P. O. Box 83720
Boise, ID 83720-0098

Re: Water Right Number: 37-13110

Dear Mr. Clelland:

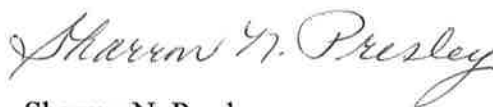
Enclosed is the documentation to verify the priority date of Water Right Number 37-13110.

If there are any questions, please give us a call at (208) 366-2061.

Thank you.

Sincerely,

FIR GROVE LIMITED PARTNERSHIP



Sharron N. Presley
General Partner

Encs: 3

SCANNED

JUN 09 2005

See Deed Limited Partnership

Copy

Env 2

No 1331

ABSTRACT OF TITLE

TO

Locator:
Thomas Gustin.

Notice of Water Right Location.
Dated June 5, 1897.
Recorded June 9, 1897, 10 A.M. in
Bk. 4 of Water Rights, Pp. 216.
Sub. and sworn to June 5, 1897,
before Geo. H. Abbott, J.P.
Blaine Co., Idaho.

Recites:

Notice is hereby given that Thomas Gustin of Soldier County of Blaine State of Idaho have this 5th day of June, 1897, appropriated and hereby claim the use of water of "Kinney Creek" to the extent of two cubic feet per second or 100 miners inches flowing at the point of intended diversion, which said point of intended diversion is particularly described as follows, to-wit:

Near the point where said Creek the line between the NE $\frac{1}{4}$ and NW $\frac{1}{4}$ of Sec. 35, T. 2 S. R. 14 E.B.M. That the special purpose or purposes for which said water is claimed is for agricultural purposes.

The place of its intended use is upon the S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 27, N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 34, T. 2 S. R. 14 E.

That the general course of the proposed canal or conduct is northwest. The length of said proposed canal or conduct is about 1 mile.

The land upon which water is to be used is sagebrush and meadow. That it is intended to complete the works for the diversion and use of said water as aforesaid within (is already completed).

A copy of this notice was duly posted at or near the point of intended diversion on the 5th day of June, 1897.

0002

1762
SCANNED

JUN 10 2005

SCANNED
JUN 08 2008

GEORGE B. PIERCE
Feb 16, 1911
160 AC

W. DIXSON

DAVID ARTHUR SCHAFER
HOMESTEADER

JOHN F. DIXSON
Feb 7, 1910

HYRUM LEE LAKE
Oct 21, 1911

240 A

WILLIAM SANT
Past
Homesteader

Oct 5, 1908
imp
Past.

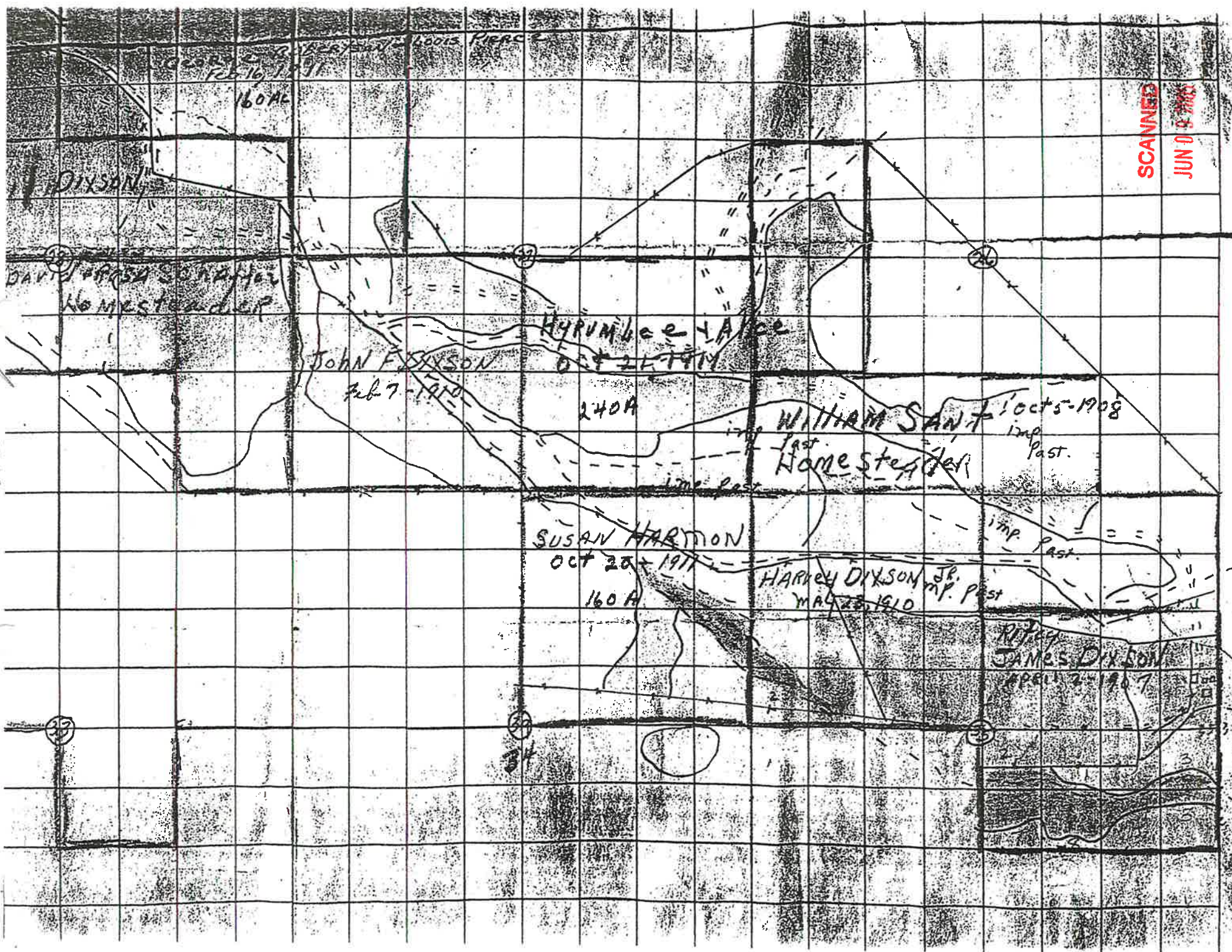
SUSAN HARMON
Oct 28, 1911

160 A

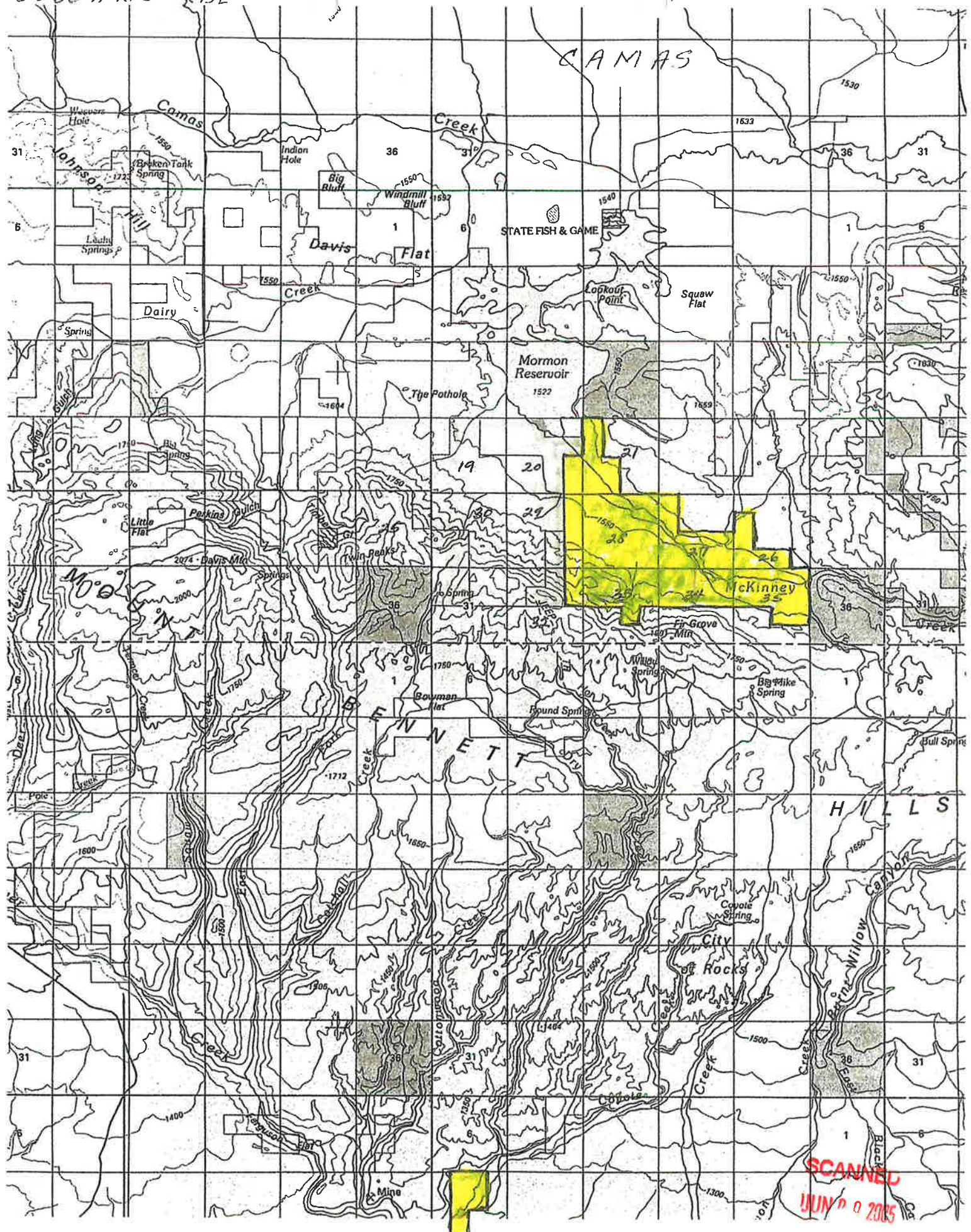
HARVEY DIXSON JR.
MAY 25, 1910
imp. Past

RIPLEY
JAMES DIXSON
APRIL 2, 1907

Fire Grove Limited Partnership



FIR GROVE LTD
3080 ACRES R13E



5-2-2005

Fir Grove Ltd

PARCEL 1:

W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, Township 4 South, Range 14 East, ~~Idaho~~ Camas County, Idaho. 200 acres

Gooding ~~city~~

Crest Ranch

PARCEL 2:

E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 20, Township 2 South, Range 14 East, Camas County, Idaho.

PARCEL 3:

Section 21: W $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$
Section 26: SW $\frac{1}{4}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 27: W $\frac{1}{2}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$
Section 28: N $\frac{1}{2}$; N $\frac{1}{2}$ S $\frac{1}{2}$; S $\frac{1}{2}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$
Section 29: E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 32: E $\frac{1}{2}$ NE $\frac{1}{4}$
Section 33: E $\frac{1}{2}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 34: N $\frac{1}{2}$

Section 35: N $\frac{1}{2}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$

All located in Township 2 South, Range 14 East, Camas County, Idaho.

2880 acres

3080 acres

SCANNED
JUN 09 2005

Payment Amount \$50.00
 Date Received 6/13/2005 1:27:41 PM
 Region State
 Status ▼

Payment Type Check
 Check Number 0259

Payer	FIR GROVE LTD
Comment	AMENDED FILING FEE FOR WR#37-13110

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	ADJUDICATION FILING FEE	0337		41503	1155

[illegible]

Signature Line (Dept. Representative)



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