

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 37-13252
Date Received: 10/31/1989
Receipt No: S010340
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SHEILA HAGEN Phone: ((307)868-2140
323 ROAD 4EU
MEETEETSE WY 82433

DUAINE HAGEN Phone: ((307)868-2140
323 ROAD 4EU
MEETEETSE WY 82433

2. Date of Priority: 12/31/1885

3. Source: CHERRY CREEK Trib. to: WILLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	15E	36	NW SW NE	CAMAS	

5. Description of diverting works:

LOG & ROCK DAM WITH STEEL CULVERT..

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
IRRIGATION	4/01 11/01	1.4	

7. Total Quantity Appropriated is:
1.4 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
02N	15E	36	NE	SE	IRRIGATION	5
			NW	SE	IRRIGATION	15
			SE	SE	IRRIGATION	9
			SW	NE	IRRIGATION	20
					Section Acres	49
					Total Acres	49

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:

OWNERSHIP CHANGE MADE 5-9-95 BY TLB. BOTH SIGNATURES AND WARRANTY DEED INCLUDED.

15. Basis of Claim: Beneficial Use



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

September 7, 2004

DUAINE & SHEILA HAGEN
323 RD 4 EU
MEETEETSE WY 82433

Re: SRBA Claim #37-13252, #37-8323, and #37-13317C

Dear Mr. and Mrs. Hagen,

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownerships to you. Please find the enclosed copies of the computer records of the claims noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Carrie Hahn', is written over a faint, larger signature.

Carrie Hahn
Office Specialist

Enc.

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

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
#37-13252	_____	___	_____	_____	___
#37-8323	_____	___	_____	_____	___
#37-13317C	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___

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) HAL D. McNEE Jr. and Sharon L. McNee
P.O. Box 2028, Sun Valley, ID 83353
4. New Owner/Claimant(s) Duane & Sheila Hagen
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 323 Rd 4 E U
- City, State and ZIP Code Meeteetse WY 82433
- New Telephone Number 307 868-2140
5. Date you acquired the property 8-30-04

RECEIVED
SEP 01 2004
 Department of Water Resources
 Southern Region

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)

Dina Hagen

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 _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

K28561

QUITCLAIM DEED

For Value Received H.D. McNee and Sharon L. McNee Under Trust Agreement Dated July 14, 1971, as Amended

do hereby convey, release, remise and forever quit claim unto

Duaine Hagen and Sheila Hagen, husband and wife

whose address is: 323 Road 4U, Meeteetse, WY 82433

Hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to-wit:

Water Rights Numbers #37-13252, #37-8323, and #37-13317C appurtenant to the following described property:

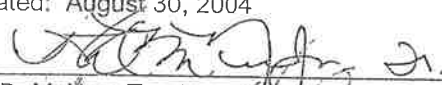
H.E. Survey No. 291, embracing a portion of approximately Section 36, Township 2 North, Range 15 East Boise Meridian, more particularly bounded and described as follows:

Beginning at corner No. 1 identical with the SE corner of said Section 36; thence;

North 89°29' West, 17.88 chains to corner No. 2; thence
North 38°10' West, 44.35 chains to corner No. 3; thence
North 08°40' West, 27.65 chains to corner No. 4; thence
North 23°01' East, 12.73 chains to corner No. 5; thence
South 35°08' East, 14.17 chains to corner No. 6; thence
South 19°59' East, 16.83 chains to corner No. 7; thence
South 33°10' East, 55.83 chains to corner No. 1, the place of Beginning.

together with its appurtenances.

Dated: August 30, 2004


H.D. McNee, Trustee


Sharon L. McNee, Trustee

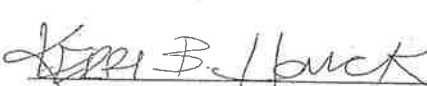
STATE OF Idaho)

) ss:

COUNTY OF Blaine)

On this 30th day of August, in the year of 2004, before me, Kerri B. Houck, the undersigned Notary Public in and for said state, personally appeared H.D. McNee and Sharon L. McNee, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument as Trustee under Trust Agreement Dated July 14, 1971, as Amended and acknowledged to me that they executed the same as such Trustee.

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


Notary Public for Idaho

Residing at: Ketchum

My Commission: 5/19/2009



K28561A

WARRANTY DEED

For Value Received **Exchange 04-2522, LLC., an Idaho Limited Liability Company**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Duaine Hagen and Sheila Hagen, husband and wifewhose address is: **323 Road 4EU, Meeteetse, WY 82433**

Hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to-wit:

H.E. Survey No. 291, embracing a portion of approximately Section 36, Township 2 North, Range 15 East Boise Meridian, more particularly bounded and described as follows:

Beginning at corner No. 1 identical with the SE corner of said Section 36; thence;
 North 89°29' West, 17.88 chains to corner No. 2; thence
 North 38°10' West, 44.35 chains to corner No. 3; thence
 North 08°40' West, 27.65 chains to corner No. 4; thence
 North 23°01' East, 12.73 chains to corner No. 5; thence
 South 35°08' East, 14.17 chains to corner No. 6; thence
 South 19°59' East, 16.83 chains to corner No. 7; thence
 South 33°10' East, 55.83 chains to corner No. 1, the place of Beginning.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: August ,2004

Exchange 04-2522, LLC., an Idaho Limited Liability Company

BY: Sara Grammett

STATE OF IDAHO)

COUNTY OF)

On this 27th day of August, in the year of 2004, before me, the undersigned, personally appeared Sara Grammett, known or identified to me (or proved to me), to be the manager or a member of Exchange 04-2522, LLC, an Idaho, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company and acknowledged to me that such limited liability company executed the same.

Darlene Diehl-Nilson
Notary Public of IdahoResiding at Blackfoot IdCommission Expires: 11-26-06

K28561

WARRANTY DEED

①

For Value Received H.D. McNee and Sharon L. McNee Trustees Under Trust Agreement Dated July 14, 1971, as Amended

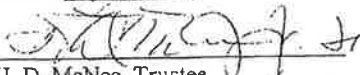
Hereinafter called Grantor, hereby grants, bargains, sells and conveys unto Exchange 04-2522, LLC., an Idaho Limited Liability Company

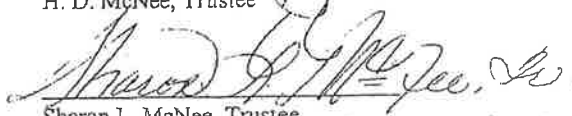
whose address is: P.O. Box 580, Blackfoot, ID 83221

Hereinafter called the Grantee, the following described premises situated in Camas County, Idaho, to-wit:

See Attached Exhibit "A"

Dated: July 15, 2004


H. D. McNee, Trustee


Sharon L. McNee, Trustee

Recorded at the Request of
First American Title
at 2:10 PM
July 15, 2004
in Book 34 Page 510
of Deed
ROLLIE BENDITT
CAMAS COUNTY RECORDER
By Bobbie D. Walter
Fees \$ 1.00

077440

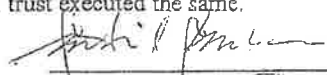
STATE OF IDAHO

:ss

COUNTY OF Blaine

On this 15th day of July in the year 2004, before me a Notary Public of said State, personally appeared H.D. McNee, and Sharon L. McNee, known or identified to me to be the Trustees of Trust Agreement Dated July 14, 1971, as Amended that executed the instrument on behalf of said Trust, and acknowledged to me that such trust executed the same.




Notary Public for ID.
Commission Expires 5-15-10

Policy No. 13 0198 60 000012.

EXHIBIT "A".

The land referred to in this Policy is described as follows:

N. E. Survey No. 620 embracing a portion of approximately Sections 25 and 36 in Township 2 North, Range 15 East, Boise Meridian, more particularly bounded and described as follows:

Beginning at corner No. 1, from which the east corner to said Sections 25 and 36 bears North $64^{\circ} 18'$ East, 40.36 chains distance, thence;
North $35^{\circ} 21'$ West, 14.17 chains to corner No. 2, thence;
South $23^{\circ} 11'$ West, 12.73 chains to corner No. 3, thence;
North $8^{\circ} 54'$ West, 33.05 chains to corner No. 4, thence;
North $00^{\circ} 29'$ West, 46.07 chains to corner No. 5, thence;
South $25^{\circ} 11'$ East, 43.39 chains to corner No. 6, thence;
South $00^{\circ} 29'$ East, 39.40 chains to corner No. 1, the place of beginning, containing 90.75 acres, according to the official plat of the survey of the said land, returned to the General Land Office of the Surveyor-General.

N. E. Survey No. 596 embracing a portion of approximately Sections 25 and 26, Township 2 North, Range 15 East, Boise Meridian, more particularly bounded and described as follows:

Beginning at corner No. 1 from which the Southeast corner of said Section 25 bears South $74^{\circ} 37'$ East, 56.64 chains distance, thence;
North $89^{\circ} 39'$ West, 31.85 chains to corner No. 2; thence,
North $00^{\circ} 25'$ West, 49.43 chains to corner No. 3; thence;
North $87^{\circ} 12'$ East, 31.85 chains to corner No. 4; thence,
South $00^{\circ} 29'$ East, 51.07 chains to corner No. 1, the place of beginning, containing 159.96 acres, according to the official plat of the survey of said land, returned to the General Land Office by the Surveyor-General.

N. E. Survey No. 291, embracing a portion of approximately Section 36, Township 2 North, Range 15 East Boise Meridian, more particularly bounded and described as follows:

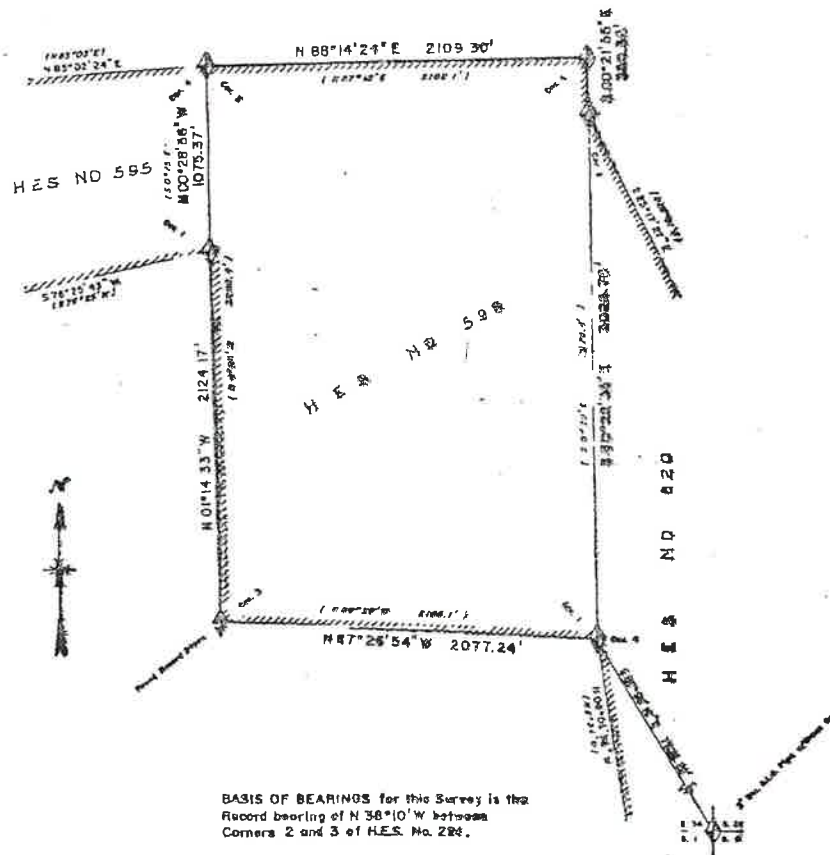
Beginning at corner No. 1, identical with the SE corner of said Section 36; thence,
North $89^{\circ} 29'$ West, 17.88 chains to corner No. 2; thence,
North $38^{\circ} 10'$ West, 44.35 chains to corner No. 3; thence,
North $8^{\circ} 40'$ West, 27.65 chains to corner No. 4; thence;
North $23^{\circ} 01'$ East, 12.73 chains to corner No. 5; thence,
South $35^{\circ} 08'$ East, 14.17 chains to corner No. 6; thence,
South $19^{\circ} 59'$ East, 16.83 chains to corner No. 7; thence,
South $33^{\circ} 10'$ East, 55.83 chains to corner No. 1, the place of beginning, containing 123.72 acres according to the official plat of the survey of said land, returned to the General Land Office by the Surveyor-General.

END EXHIBIT "A".

RECORD OF SURVEY HOMESTEAD ENTRY SURVEY No. 596

Located in Sections 25 & 26, T.2N., R.15E., B.M.
Camas County, Idaho

1987
Scale 1" = 400'



BASIS OF BEARINGS for this Survey is the
Record bearing of N 36°10'W between
Corners 2 and 3 of H.E.S. No. 284.



VICINITY MAP
T.2N., R.15E., B.M.

INSTRUMENT NO. 63261
STATE OF IDAHO
COUNTY OF CAMAS
I hereby certify that this instrument was
filed for record at the request of
Payette National Forest
at 351 minutes past 5
this 12 day of July, 1987
in my office and duly recorded in
Book 51 of 21
on Page 11
Recorder
Deputy
Fee \$ 00

LEGEND

- Notional Forest boundary surveyed and posted
- Found Forest Service monument, a 2 1/2\" x 30\" iron pipe w/cap
- Set 2 1/2\" x 30\" iron pipe w/cap
- (N30°E 40') Record bearing and distance

NOTE: This Survey is a Dependent Resurvey of H.E.S. No. 596 as originally surveyed by N. K. Olmsted, Forest Ranger, in Aug. 1917.

CERTIFICATE OF SURVEY

I, C. M. Benson, L.S. No. 947, State of Idaho, do hereby certify that the survey represented on this drawing was performed by me or under my supervision in accordance with the laws of the State of Idaho, at the request of the Department of Agriculture, Forest Service.



CONTRACT NO. 43 DEPT-1-288	
CHRONIC & ASSOCIATES, INC. BOISE, IDAHO	
L.S. DEPARTMENT OF AGRICULTURE FOREST SERVICE	
SECTION 4 SAWTOOTH NATIONAL FOREST	
SURVEY OF NATIONAL FOREST BOUNDARIES SAWTOOTH NATIONAL FOREST H.E.S. No. 596	
APPROVED BY: [Signature]	DATE: 12 JUL 1987
APPROVED BY: [Signature]	DATE: 12 JUL 1987

RECORD OF SURVEY NO. 2,151-25-9-25-0-0-0

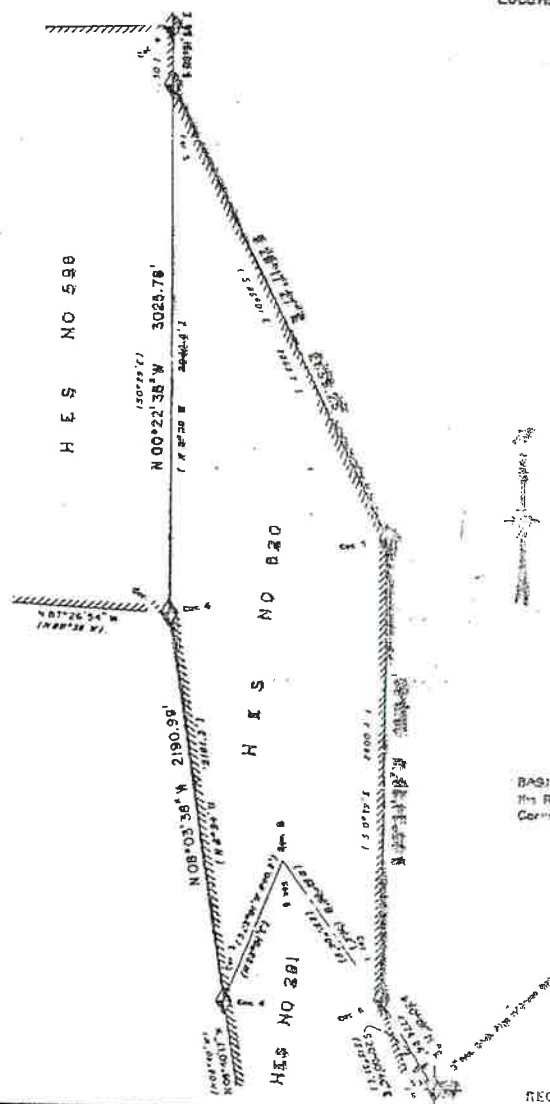
20-MAY-1999 13.11

20

RECORD OF SURVEY HOMESTEAD ENTRY SURVEY NO. 620

Located in Sections 25 & 36, T.2N., R.15E., B.M.
Cameo County, Idaho

1987
Scale: 1" = 400'



BASIS OF BEARINGS for this Survey is
the Record bearing of N 36°10' W between
Corners 2 and 3 of H.E.S. No. 236.



INSTRUMENT NO. 00262
STATE OF IDAHO
COUNTY OF CAMERO
I hereby certify that this instrument was
filed for record at the request of
Payette National Forest
at 00 minutes past 9
this 10 day of July, 1987
in my office and duly recorded in
Book 24 of 21
on Page 1
R. H. BENNETT, Jr.
Recorder
B. J. Bennett
Deputy
File 5

RECORD OF SURVEY NO. 2, H. 1-25 & 36-0-0-0

LEGEND

- National Forest boundary surveyed and posted
- Found Forest Service monument, 2 1/2" x 30" iron pipe w/cap
- Set 2 1/2" x 30" iron pipe w/cap
- Record bearing and distance

NOTE: This Survey is a Dependent Resurvey
of H.E.S. No. 620 as originally surveyed by
N. K. Olmsted, Forest Ranger, in November,
1917.

CERTIFICATE OF SURVEY

I, C.N. Bassett, L.S. No. 847, State of Idaho,
do hereby certify that the survey represented on
this drawing was performed by me or under my
supervision in accordance with the laws of the
State of Idaho at the request of the Department
of Agriculture, Forest Service.

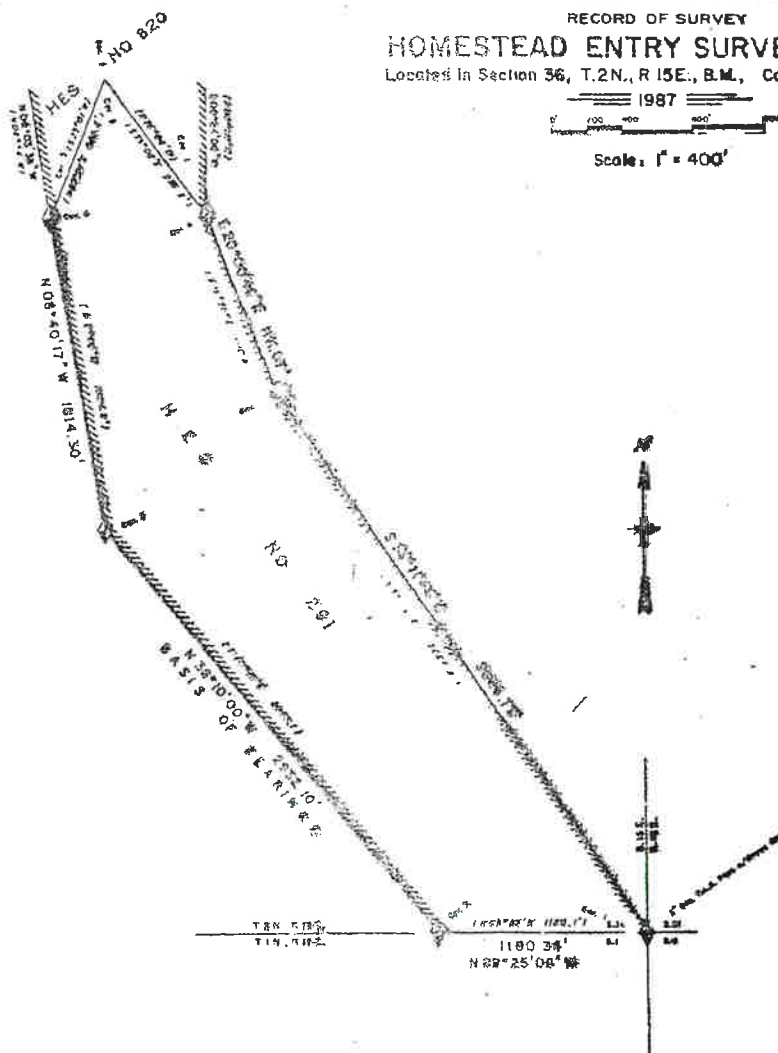


CONTRACT NO. 43 DEW-8 888

CHRONIC & ASSOCIATES, INC. BOISE, IDAHO	
U.S. DEPARTMENT OF AGRICULTURE FOREST SERVICE	
REGION 4 SANTOYO NATIONAL FOREST	
SURVEY OF NATIONAL FOREST BOUNDARIES SAWTOOTH NATIONAL FOREST H.E.S. No. 620	
SURVEYED BY: Bassett, C.N. and 1987 APPROVED BY:	CHECKED BY: [Signature] DATE: [Blank] FILE: [Blank]

RECORD OF SURVEY **HOMESTEAD ENTRY SURVEY No. 291** Located in Section 36, T.2N., R.15E., B.M., Conas County, Idaho

1987
 Scale: 1" = 400'



LEGEND

- National Forest boundary surveyed and posted
- Found Forest Service monument, 8 2 1/2\" x 30\" area pipe w/cap.
- Set 2 1/2\" x 30\" iron pipe w/cap
- Record bearing and distances

NOTE: This Survey is a Dependent Re-survey of H.E.S. No. 291 as originally surveyed by John C. Brown, Surveyor, Division, U.S.F.S., in September, 1944.

CERTIFICATE OF SURVEY

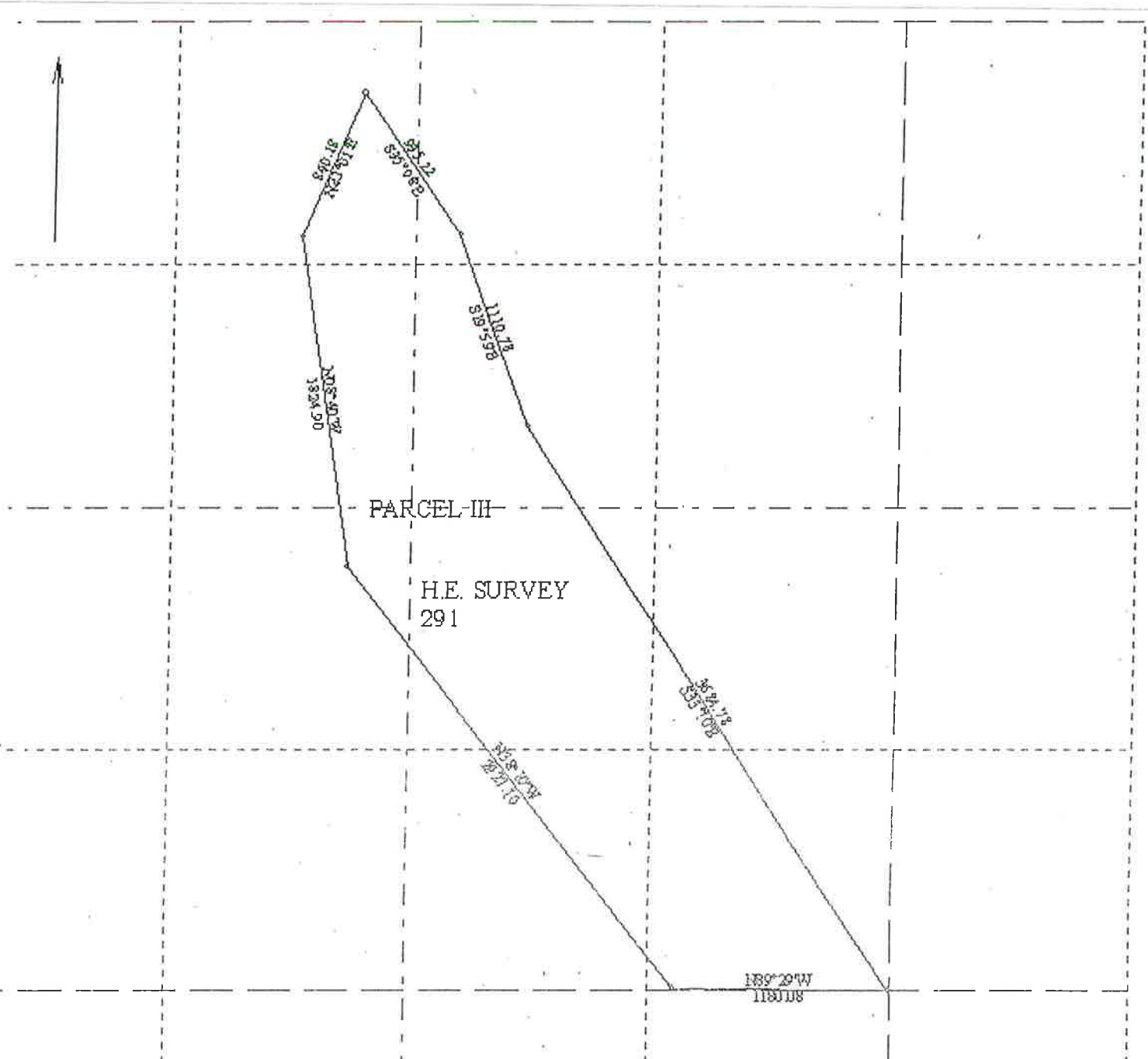
I, C.N. Brown, L.S. No. 0477, State of Idaho, do hereby certify that the survey represented on this drawing was performed by me or under my supervision in accordance with the laws of the State of Idaho, at the request of the Department of Agriculture, Forest Service.



INSTRUMENT NO. 0001A
 STATE OF IDAHO
 COUNTY OF CAMAS
 I hereby certify that this instrument was filed for record at the request of Payette National Forest at _____ minutes past _____ of the _____ day of _____, 19 _____ in my office and duly recorded in Book _____ of _____ on Page _____
 BY _____
 Recorder
 BY _____
 Deputy

RECORD OF SURVEY NO. 215,1-36-0-0-0

CHRONIC & ASSOCIATES, INC.	
SINCE, IDAHO	
FOREST SERVICE	
SURVEY OF NATIONAL FOREST BOUNDARIES	
SAWTOOTH NATIONAL FOREST	
HES No. 291	
SURVISED BY _____	DATE _____
APPROVED BY _____	DATE _____
NAME _____	DATE _____



Title:		Date: 07-15-2004	
Scale: 1 inch = 800 feet	File: K 28561C.des		
Tract 1: 123.823 Acres: 5393711 Sq Feet: Closure = n23.0520e4.21 Feet: Precision=1/2970: Perimeter= 12503 Feet			
001=N89.29W1189.08	004=N08.40W1824.90	007=S19.59E1110.78	
002=N89.29W1189.08	005=N23.01E840.18	008=S33.10E3684.78	
003=N38.10W2927.10	006=S35.08E935.22		



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

September 1, 2004

ATTN KERRI HOUCK
FIRST AMERICAN TITLE CO
PO BOX 7999
KETCHUM ID 83340

RE: Your Order No.: K28561A / Hagen
SRBA Claim Nos. 37-8323, 37-13252, 37-13317C

Dear Kerri:

I am in receipt of the Notice of Change of Water Right Ownership you recently submitted on the above listed transaction. Because the Snake River Basin Adjudication Court has not yet decreed these claims, no fee is due to process the owner change. I am herein returning First American Title Company's check no. 13222 in the amount of \$75.00.

Thanks and should you have any questions please feel free to give me a call.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.



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

Tuesday, January 20, 2004.

MCNEE TRUST
C/O H D & SHARON L MCNEE
PO BOX 2028
SUN VALLEY ID 83353

Re: SRBA Claim #37-13252

To whom it may concern:

An investigation of the above water right revealed this claim is appurtenant to property Mr. Ashcroft sold to the McNee Trust of Sun Valley. It was mistakenly transferred to Hamilton Farms when they acquired the largest portion of the Ashcroft property. The claim has been corrected and enclosed .

If you have any questions, please contact this office.

Sincerely,

Carrie Hahn
Office Specialist

Enc. (3)

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 37-13252
Date Received: 10/31/1989
Receipt No: S010340
Received By:

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

1. Name of Claimant(s)

MC NEE TRUST Phone: (208)726-2145
C/O H D & SHARON L MC NEE
TRUSTEES
PO BOX 2028
SUN VALLEY ID 83353

2. Date of Priority: 12/31/1885

3. Source: CHERRY CREEK Trib. to: WILLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	15E	36	NW SW NE	CAMAS	

5. Description of diverting works:

LOG & ROCK DAM WITH STEEL CULVERT..

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1.4	

7. Total Quantity Appropriated is:
1.4 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
37-13252			01/20/2004		

02N	15E	36	NE	SE	IRRIGATION	5
			NW	SE	IRRIGATION	15
			SE	SE	IRRIGATION	9
			SW	NE	IRRIGATION	20

Section Acres 49

Total Acres 49

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:

OWNERSHIP CHANGE MADE 5-9-95 BY TLB. BOTH SIGNATURES AND WARRANTY DEED INCLUDED.

15. Basis of Claim: Beneficial Use



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: N/A

*see attached map
LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

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

☐ Water Right Number(s)
Assigned by IDWR: A37-13317

☐ Name and Address of Former Owner/Claimant(s)(Seller): Marshall Ashcraft

P.O. Box 2167

Sun Valley, ID 83353 788-3463

☐ New Owner/Claimant (Purchaser): H. D. McNee, Jr. P O Box 2028, Sun Valley, ID 83353

☐ New Mailing Address: Pamala Stableford, 121 Canyon Dr., Ketchum, ID 83340
726-5529

☐ New Telephone Number: () _____ - _____

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

2nd. party Ms. Stableford's legal is: T2N R15E S26 SWNE, SENE, SENW, NESW for Stockwater

3rd. party Mr. McNee's legal is: T02N R15E S26 NENE SENE NESE
T02N R15E S25 NW1/4 NESW, NWSW, SESW
T02N R15E 36 NWNE, SWNE, NENW, SENW, NESW, NE1/4

☐ Attach proof of ownership, describe proof attached: _____

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

☐ Signature of New Owner/Claimant(s) _____ Date _____

☐ Signature of Former Owner/Claimant(s): Marshall D. Ashcraft Date 6-24-92

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: _____ By: _____

Further Action Needed:

Further Action Taken
Date: _____ By: _____

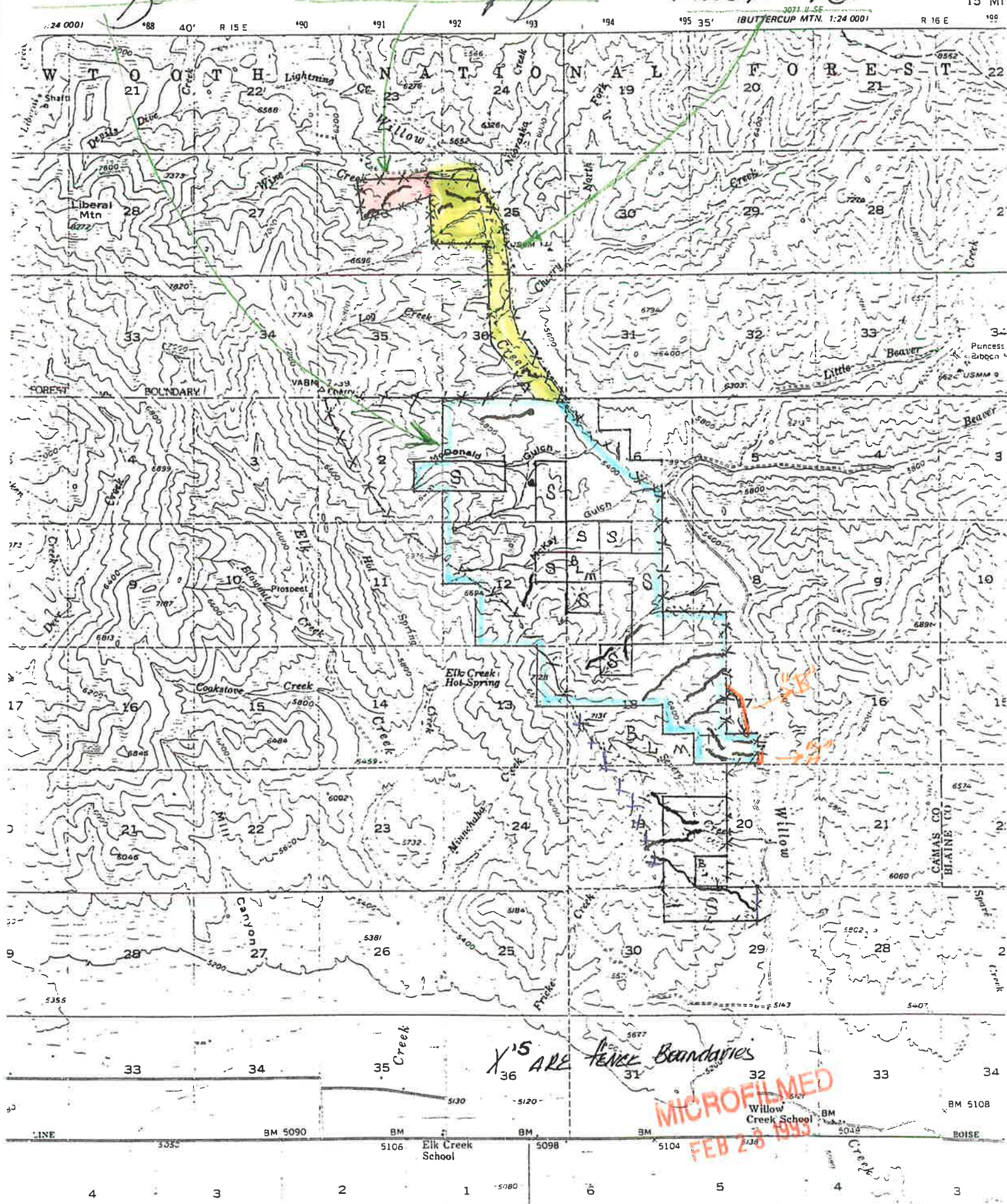
Final Review and Data-Entry
Date: _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED
FEB 23 1993

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

Hal McVee



RECEIVED

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

DEC 11 1991

[] Water Right Number(s): #37-08323 Department of Water Resource
Southern Region Office

[] Name and Address of Former Claimant: Marshall S. Ashcraft
Post Office Box 2167
Sun Valley, ID 83353

[] New Claimant(s): H. D. McNee and Sharon L. McNee,
Trustees Under Trust Agreement dated
July 14, 1971, as Amended

[] New Mailing Address: Post Office Box 2028
Sun Valley, ID 83353

New Telephone Number: (208) 726 - 2145.

[] Does the change in ownership result in a splitting of the water right claimed? Yes xx No

If yes, then describe the portion of the water right that is now claimed by the new owner:

[] Attach proof of ownership
Describe proof attached: Copies of Warranty Deed and Closing Documents

[] Signature of New Claimant(s): H. D. McNee, Trustee
Sharon L. McNee, Trustee
Date: December 9, 1991

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: 3/24/92 By: 4

Further Action Needed:
Further Action Taken

Date: By:

Final Review and Data-Entry
Date: 3/24/92 By: 4

Claim Numbers of Split, if any:

MICROFILMED
FEB 23 1993
forms\wrchgown.fm

WARRANTY DEED

FOR VALUE RECEIVED

Marshall S. Ashcraft, a single man

GRANTOR (s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

H.D. McNee and Sharon L. McNee Trustees Under Trust Agreement Dated July 14, 1971, as Amended

GRANTEE (s) whose address is: **P. O. Box 2028, Ketchum, ID 83340** Sun Valley, ID 83353

the following described real property in Camas County, Idaho, to wit:

See Exhibit 'A' Attached Hereto and Made a Part Hereof

67046

Recorded at the Request of

at 1:30 P M

12-6, 19 91

in Book 28

of DEEDS Page 242

ROLLIE BENNETT
CAMAS COUNTY RECORDER

By [Signature]

Fees \$ 6.00

Subject To: Taxes, easements, restrictions and encumbrances of record.

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

Dated: **December 5, 1991**

[Signature]
Marshall S. Ashcraft

State of **Idaho**

County of **Blaine**

On this December 5, 1991, before me, a notary public in and for said State, personally appeared **Marshall S. Ashcraft** personally known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

[Signature]
Notary Public
Residing at **Halley**
Commission Expires: **2-18-92**

J:\escrow\format\wd1

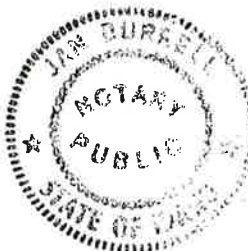


EXHIBIT "A" to Order No. 6258

H.E. Survey No. 620 embracing a portion of approximately Sections 25 and 36, in Township 2 North, Range 15 East, Boise Meridian, more particularly bounded and described as follows:

BEGINNING at corner No. 1, from which the east corner to said Sections 25 and 36 bears North 64° 18' East, 40.36 chains distance; thence North 35° 08' West, 14.17 chains to corner No. 2; thence South 23° 01' West, 12.73 chains to corner No. 3; thence North 08° 54' West, 33.05 chains to corner No. 4; thence North 00° 29' West, 46.07 chains to corner No. 5; thence South 25° 01' East, 43.39 chains to corner No. 6; thence South 00° 29' East, 39.40 chains to corner No. 1; the place of beginning, containing 90.75 acres, according to the official plat of the survey of the said land, returned to the General Land Office by the Surveyor-General.

H.E. Survey No. 596 embracing a portion of approximately Sections 25 and 26, Township 2 North, Range 15 East, Boise Meridian, more particularly bounded and described as follows:

BEGINNING at corner No. 1, from which the Southeast corner of said Section 25 bears South 74° 37' East, 56.64 chains distance; thence North 89° 39' West, 31.85 chains to corner No. 2; thence North 00° 25' West, 49.43 chains to corner No. 3; thence North 87° 12' East, 31.85 chains to corner No. 4; thence South 00° 29' East, 81.07 chains to corner No. 1, the place of beginning, containing 159.96 acres, according to the official plat of the survey of said land, returned to the General Land Office by the Surveyor-General.

H.E. Survey No. 291, embracing a portion of approximately Section 36, Township 2 North, Range 15 East, Boise Meridian, more particularly bounded and described as follows:

BEGINNING at corner No. 1, identical with the SE corner of said Section 36; thence North 89° 29' West, 17.88 chains to corner No. 2; thence North 38° 10' West, 44.35 chains to corner No. 3; thence North 08° 40' West, 27.65 chains to corner No. 4; thence North 23° 01' East, 12.73 chains to corner No. 5; thence South 35° 08' East, 14.17 chains to corner No. 6; thence South 19° 59' East, 16.83 chains to corner No. 7; thence South 33° 10' East, 55.83 chains to corner No. 1, the place of beginning, containing 123.72 acres according to the official plat of the survey of said land, returned to the General Land Office by the Surveyor-General.

Including any and all water rights and ditch rights appurtenant thereto, including water right license # 37-08323 Priority December 7, 1987, plus all of my right, title and interest, if any, on the Snake re-adjudication now in process.

All mineral rights of every kind and nature, including geo-thermal, if any, gas, oil and petroleum, if any.

MICROFILMED

FEB 23 1993

RECEIVED

MAR 31 1994

WARRANTY DEED

Department of Water Resources
Southern Region Office

FOR VALUE RECEIVED, MARSHALL ASHCRAFT/ a single man, hereinafter referred to as the grantor, of P. O. Box 2167, Sun Valley, Idaho 83353, does hereby grant, bargain, sell, convey and confirm unto HAMILTON FARMS, an Illinois Partnership, the grantee, of 300 Park Boulevard, Suite 100, Itasca, Illinois 60143, the following described premises in Camas County, Idaho, to-wit:

Township 1 North, Range 15 East, Boise Meridian, Camas County

Section 1: Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$.
Section 12: N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$.
Section 13: E $\frac{1}{2}$ NE $\frac{1}{4}$

Township 1 North, Range 16 East, Boise Meridian, Camas County

Section 6: Lots 1, 2, 3, 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, EXCEPT that portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ lying North and East of the Willow Creek Road as now constructed.
Section 7: Lot 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
Section 8: SW $\frac{1}{4}$ SW $\frac{1}{4}$.
Section 17: W $\frac{1}{2}$ W $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and a parcel of land located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ described as follows: All of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, lying southerly and westerly of the following described line: commencing at the S $\frac{1}{4}$ corner of Section 17; thence N 4° 08' 02" W, 1,330.70 feet to the REAL POINT OF BEGINNING; thence N 10° 52' 42" W, 848.31 feet; thence N 34° 46' 10" W 129.17 feet; thence N 3° 22' 48" W, 794.95 feet; thence N 70° 18' 36" W, 851.52 feet to the point of terminus.
Section 18: Lots 1, 2, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and a parcel of land located in Section 17, Township 1 North, Range 16 East, Boise Meridian, Camas County, Idaho more particularly described as follows: Beginning at the S $\frac{1}{4}$ corner of Section 17 also the REAL POINT OF BEGINNING, Thence N 2° 35' 27" E, 775.10 feet; Thence S 72° 31' 17" E, 294.81 feet; Thence S 19° 29' 12" W, 731.52 feet; Thence N 86° 56' 18" W, 72.31 feet to the REAL POINT OF BEGINNING.

TOGETHER WITH:

- (a) All and singular the premises above described hereto, together with all tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining.
- (b) All water rights, geothermal rights, and rights in ditches, canals, and laterals, and rights of way thereto appurtenant to said premises or used in connection therewith not reserved by Grantor's predecessors in interest, which water rights are subject to adjudication, re-adjudication, or determination in accordance with Idaho law.
- (c) All mineral, gas, oil, and other hydrocarbon rights not reserved or conveyed by Grantor's predecessors in title.

STATE OF IDAHO }
County of Camas }

ss.

I hereby certify that the foregoing is a full, true and correct copy of an instrument as the same now remains on file and is correct in my office.

WITNESS my hand and official seal hereto affixed

this 14 day of March, A.D. 1994

CLERK OF DISTRICT COURT
EXCEPT AS ORDERED BY THE COURT

By Korie Blodgett

Fees \$ 6.00

By Korie Blodgett

CANAS COUNTY RECORDER

FOLLE BENNETT

of Deeds

in Book 28

Page 77

March 14th, 1994

at 10:20 A.

Camas Abstract

Recorded at the Request of

68370

THIS CONVEYANCE IS SUBJECT TO THE FOLLOWING:

- (a) Real property taxes and assessments for 1994, and real property taxes and assessments for all subsequent years;
- (b) Easements for utilities, ditches, streams, canals, and roads or highways as they may be located over, along, and across the subject property, now of record or apparent from a physical examination and inspection of the premises;
- (c) All outstanding interests and reservations pertaining to oil, gas, coal, and other minerals reserved or conveyed by Grantor's predecessors in title, if any;
- (d) Questions or boundary or fence lines dependent upon actual survey for determination;
- (e) Federal, state, and local laws and regulations, including zoning and land use regulations affecting the premises, if any; and
- (f) Questions of title to land lying within the banks of any stream or river, title to which is not warranted by Grantor.

TO HAVE AND TO HOLD, all and singular, the above described premises unto Grantee, and to heirs, successors, and assigns FOREVER.

And the Grantor does hereby covenant that he will forever warrant and defend all right, title, and interest in and to the said premises and to quiet and peaceable possession thereof, unto the Grantee, and its successors, and assigns, against the acts and deeds of the Grantor, and all and every person or persons, whomsoever, lawfully claiming the same.

IN WITNESS WHEREOF the Grantor has executed this instrument the day and year first hereinabove written.


MARSHALL ASHCRAFT
Also known as Marshall S. Ashcraft

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: A37-13252

Date Received: 10/31/1989

Receipt No: S010340

Received By: *O/C FCB*

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

1. Name: HAMILTON FARMS 708-250-4875
Address: 300 PARK BOULEVARD, SUITE 100
ITASCA IL 60143

2. Date of Priority: DEC 31, 1885

3. Source: CHERRY CREEK Trib. to: WILLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	15E	36	NW	SW	NE		CAMAS

5. Description of diverting works:
LOG & ROCK DAM WITH STEEL CULVERT..

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.400		

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

8. Total consumptive use is 150.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
02N	15E	36	SW	NE		IRR	20.0
			NE	SE		IRR	5.0
			NW	SE		IRR	15.0
			SE	SE		IRR	9.0

MICROFILMED
NOV 29 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	49.0
					Total Acres	49.0

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:
OWNERSHIP CHANGE MADE 5-9-95 BY TLB. BOTH SIGNATURES AND
WARRANTY DEED INCLUDED.

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 _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

MAR 28 1994

Department of Water Resources

DATE OF CLOSING: 3/11/94

RECEIVED

MAR 31 1994

Department of Water
Southern Region

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet. See attached deed

- [] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- [x] Water Right Number(s)
Assigned by IDWR: A37-02262; A37-02191; A37-11395; A37-13252;
A37-13317A
- [x] Name and Address of Former Owner/Claimant(s)(Seller): Marshall Ashcraft
P.O. Box 2167, Sun Valley, ID 83353
- [x] New Owner/Claimant (Purchaser): Hamilton Farms, an Illinois Partnership
- [x] New Mailing Address: 300 Park Boulevard, Suite 100
Itasca, IL 60143
- [x] New Telephone Number: (708) 250-4375
- [] Does the change in ownership result in a splitting of the water right owned/claimed? yes x no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- [] Attach proof of ownership, describe proof attached: See attached deed

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

- [] Signature of New Owner/Claimant(s): *George Vanmeter* Date 3-10-94

- [] Signature of Former Owner/Claimant(s): *Marshall A. Ashcraft* Date 3-11-94

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 5-4-95 By: YLB

Claim Numbers of Split, if any:

except for A37-13317A

MICROFILMED

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

NOV 29 1996

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: A37-13252
Date Received: 10/31/1989
Receipt No: 5010340
Received By: *[Signature]*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARSHALL ASHCRAFT 208-788-3463
Address: P.O. BOX 2167
SUN VALLEY, ID 83353

2. Date of Priority: DEC 31, 1885

3. Source: CHERRY CREEK Trib. to: WILLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	15E	36	NW	SW	NE		CAMAS

5. Description of diverting works:
LOG & ROCK DAM WITH STEEL CULVERT..

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.400		

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

8. Total consumptive use is 150.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	15E	36	SW	NE		IRR	20.0
			NE	SE		IRR	5.0
			NW	SE		IRR	15.0

A37-13252

Page 1

Date: 10/31/89

MICROFILMED
FEB 23 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	15E	36	SE	SE		IRR	9.0

Section Acres 49.0

Total Acres 49.0

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): Marshall D. Shreff Date: Oct 31, 1989
Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 31st day
of Oct. 1989 Robert V. Shreff
Notary Public

Seal

Residing at Twin Falls, Idaho

My Commission Expires January 16, 1995

RECEIVED
MAY 24 2007
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 SRBA

Case No. 39576

A. Subcase: 37-13252
STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America, Acting through the USDA Forest Service

Address: 550 West Fort Street
MSC 033
Boise, Idaho 83724

Daytime Phone: (208) 331-5944

Name and Address of Attorney, if any:

David L. Negri
550 West Fort Street
MSC 033
Boise, Idaho 83724

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

Name: Sheila Hagen

Address: Duaine Hagen
323 Road 4EU
Meeteetse, WY 82433

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

1. ☐ **Name and Address**

Should be:

2. ☐ **Source**

Should be:

3. ☐ **Quantity**

Should be:

4. ☐ **Priority Date**

Should be:

5. ☒ **Point(s) of Diversion**

Should be: See E below.

6. ☐ **Instream Flow Description**

Should be:

7. ☐ **Purpose(s) of Use**

Should be:

8. ☐ **Period of Year**

Should be:

9. ☒ **Places of Use**

Should be: See E below.

11. I object because:

☐ This water right should not exist.

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

E. REASONS SUPPORTING OBJECTION(S):

The point of diversion in Lot 4 NWSWNE Section 36, T2N, R15E is on National Forest System (NFS) land. The claimants are not authorized to occupy and use NFS land for this purpose. In addition, the places of use in Section 36, T2N, R15E are limited to traditional quarter-quarter descriptions. Section 36 includes parts of three Homestead Entry Surveys, ten government surveyed Lots, and only four traditional quarter-quarters. We suspect that the places of use are intended to be entirely on private land, part of HES 291, and that the legal description of the places of use should be changed to reflect this survey information.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

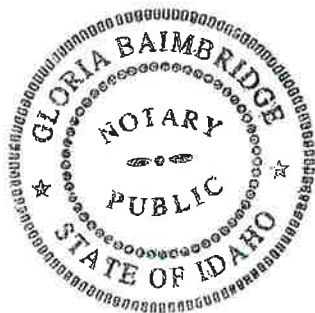
Steven M. Spencer , duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

Steven M. Spencer
(Signature of person filing objections)

Dan M.
(Attorney signing in representative capacity)

Subscribed and sworn before me on: MAY 22 2008



Gloria Baimbridge
Gloria Baimbridge

Notary Public for: Idaho
Residing at: Boise, Idaho
Commission Expires: 10/17/2008

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on MAY 22 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

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

Name: Sheila Hagen
Address: Duaine Hagen
323 Road 4EU
Meeteetse, WY 82433

3. Copies to:

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

Chief, Natural Resource Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

10/10/2006

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

RIGHT NUMBER: 37-13252
NAME AND ADDRESS: SHEILA HAGEN
323 ROAD 4EU
MEETEETSE WY 82433

DUANE HAGEN
323 ROAD 4EU
MEETEETSE WY 82433

SOURCE: CHERRY CREEK
QUANTITY: 0.620 CFS
PRIORITY DATE: 04/15/1949
POINT OF DIVERSION:

TRIBUTARY: WILLOW CREEK

T02N R15E S36 NWSWNE Lot 4 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	0.620 CFS

PLACE OF USE: IRRIGATION Within CAMAS County

T02N R15E S36	SWNE	13.00	T02N R15E S36	SENE	2.00
T02N R15E S36	NESE	3.00	T02N R15E S36	NWSE	10.00
T02N R15E S36	SESE	3.00			

31 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 - Beneficial Use



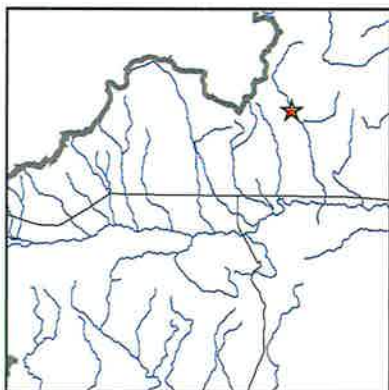
Idaho Department of Water Resources

SRBA Recommendation:

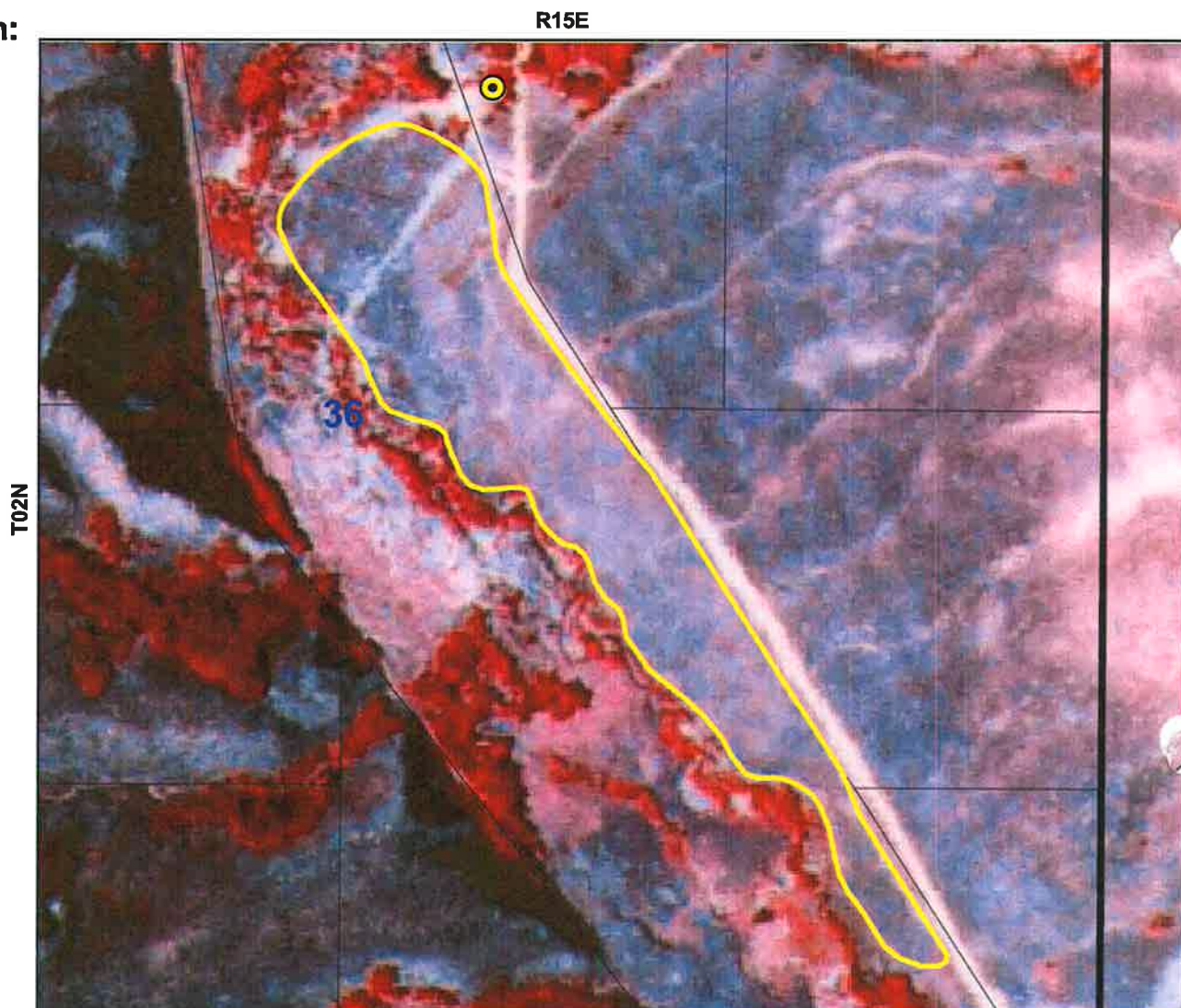
37-13252

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 Tuesday, October 10, 2006
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-13252

Background Data

- Beneficial Use Claim
- Source is Cherry Creek tributary to Willow Creek
- Claimed for 1.4 cfs on 49 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

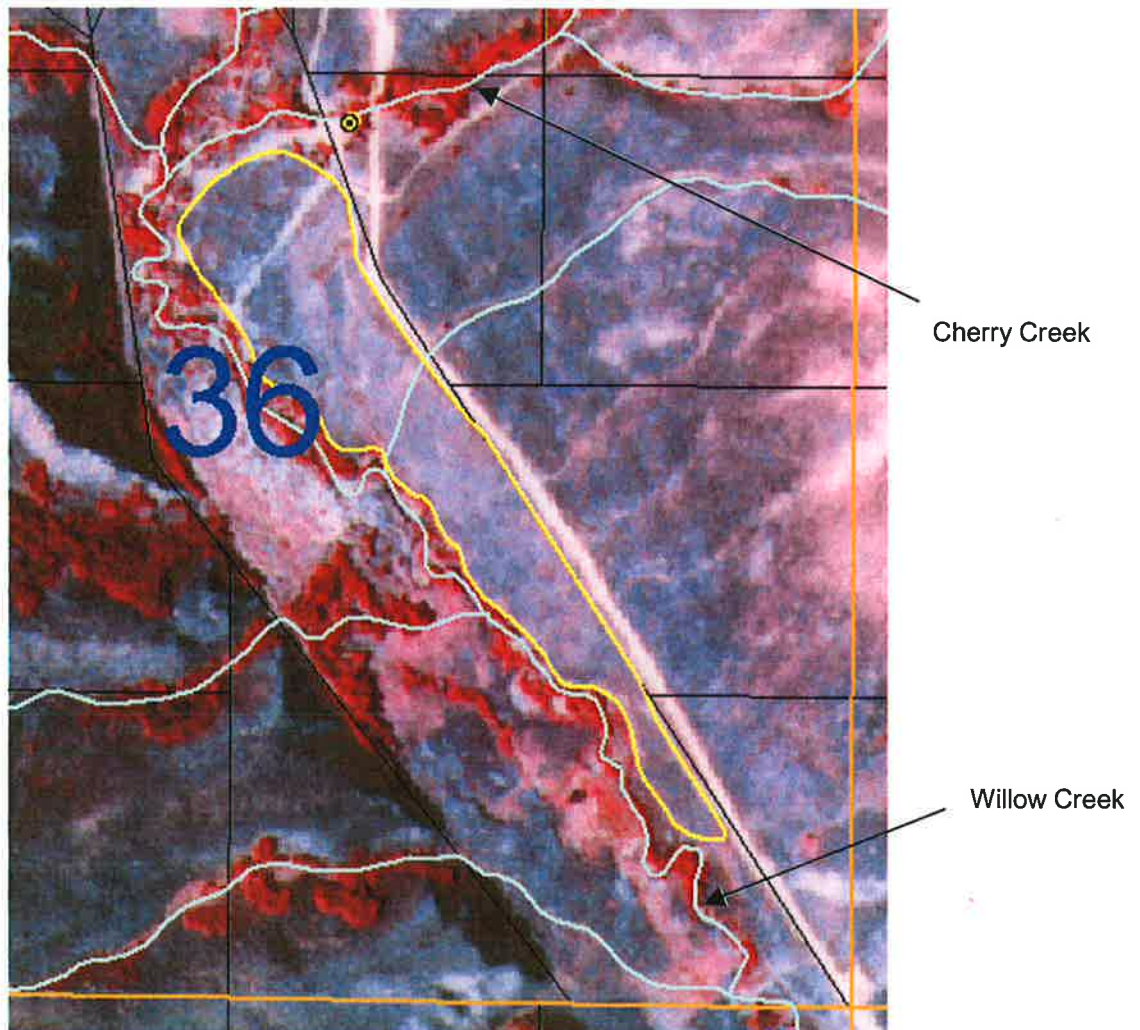




Photo of POD taken during field exam.

Notes

T2N R15E Section 36

- POU does not appear irrigated in 1987 aerial photo. Recommended right based on evidence of priority documents, and POD and delivery system observed during field exam. Found 31 acres based on evidence of priority map. The diversion rate at 0.02 cfs/acre is 0.62 cfs.
- Priority date of 4/15/1949 based on statement by Rod Glauner.
- Source was dry at time of field exam. Measurements of channel are: 4.5 ft at top, 2.5 ft at bottom of channel, and 1.0 ft deep. The cross-sectional area of the stream is roughly 3.5 ft². At full bankfull discharge, the average stream velocity must at least 0.2 ft/sec to provide 0.62 cfs for this right. It appears that there is adequate water for this right in Cherry Creek.
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

File No.

37-13252

Duaine & Sheula Hagen
323 Road 4 EU
Meeteetse , Wy

8/29/06

David Coates Renter-Mgr.
E. Baseline Rd
Fairfield, Cell 1-208-539-2101

Today while talking to David about his Aunt Clarice Frostenson, he informed me that he is renter and Mgr. Of the Hagen property so we went up to Cherry creek diversion and he took the color photo and marked where the ditch is following south along the road and how this field is irrigated he also told me that the area in yellow is a good representation of the land where this water is used. While looking at the POD [see photo 1030305 looking North up stream] the big log in the creek bed was up stream and across the creek to install material to divert water from the creek into their ditch but around the middle of June when high water came down the log was washed out and at this date David has not had time to fix this diversion but he told me he intends to fix it this fall, and their ditch is dry and has been for some time and it also looks like a good cleaning would help their water diversion, but that is only my opinion. As marked on photo David told me this field is all flood irrigated and also by looking at this dry ditch it does appear to be good enough for this amount of water when there is adequate water in the creek.

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Cherry Creek POD	Hagen 1	2450260	1363073	A0015569	1030305

Lee R. Peterson

Adjudication Claim Notes

Claim(s): 37-13252

Background Data

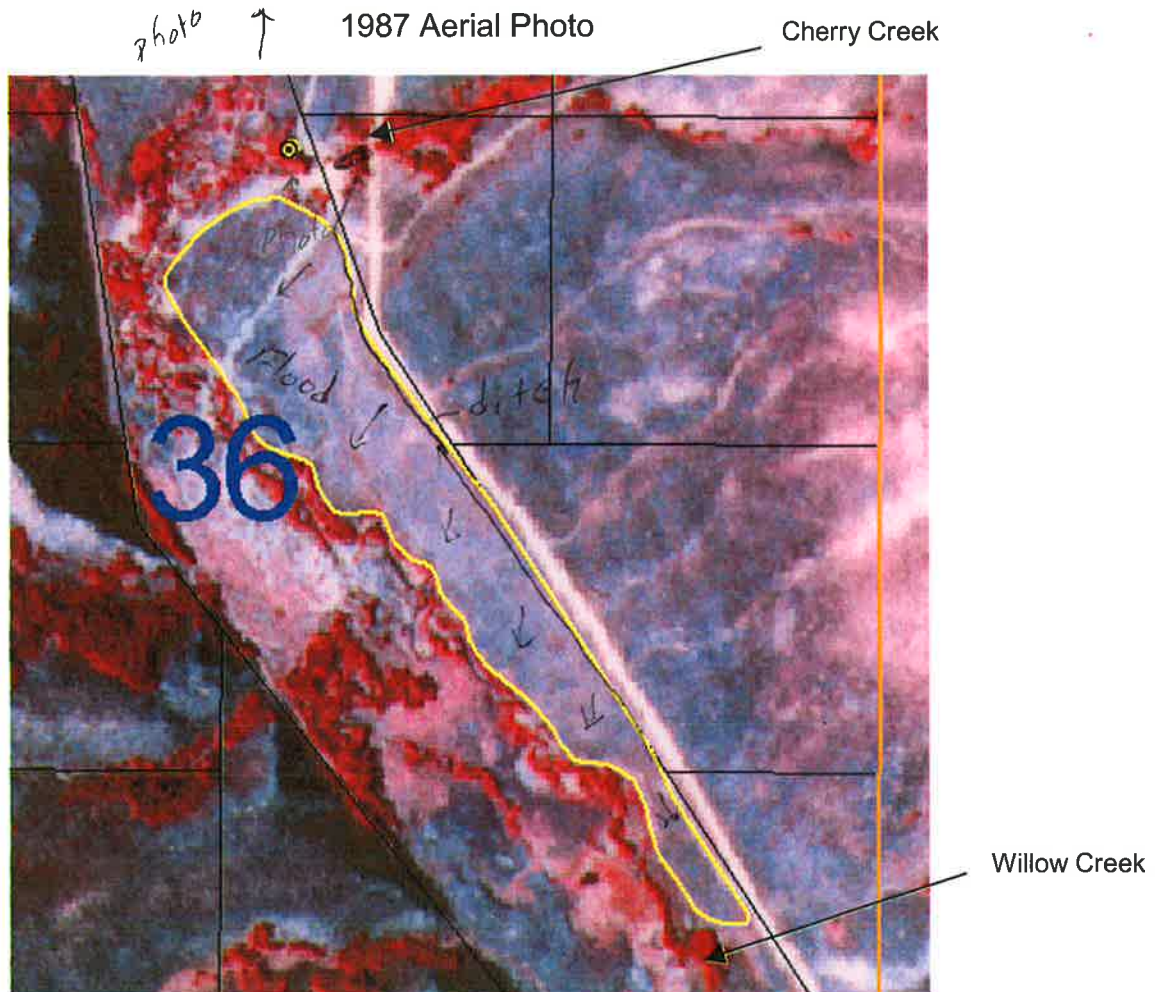
- Beneficial Use Claim
- Source is Cherry Creek tributary to Willow Creek *yes*
- Claimed for 1.4 cfs on 49 acres

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)



To do for field exam:

- 1) Confirm POU with claimant *ok*
- 2) GPS POD *ok*
- 3) Measure diversion rate from Cherry Creek

nope dry Photo 1030305
109 method in creek washed out high water June
DAVE plans to fix this fall

David Coates - Renter, Mgr

Call

1-208-539-2101

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

37-13252
Water Right No.
(if applicable)

Open Channel Discharge Measurement Notes

A. GENERAL INFORMATION

1. Name of stream or ditch: Cherry Creek .92
2. Location: _____ .93
3. Person conducting measurement: Lee Peterson .94
4. Date and time of measurement: 8/28/06 .95
5. Accompanied by: David Coates - Prop. Mgr .96
6. Measuring device size and ID no.' NONE .97
7. Spin test before measurement OK? NONE after measurement OK? _____ .98
8. Purpose of measurement: Ditch is dry - log used for check washed .99
out middle of June @ high water. David has not had time
MEASUREMENT DATA to fix but plans to this fall

B. MEASUREMENT DATA

[illegible]

MICROFILMED
 FEB 23 1963

5/31/05 fax original claim & map to
Nancy Zolutsky
phone: 406-443-6458



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

RESPONSE DEADLINE
JUNE 17, 2005

Re: Evidence of Priority

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

interoffice memo

Date: 12/23/2003

To: THE FILE

Cc: [[Click here and type names](#)]

From: chahn

RE: 37-13252

This file had an ownership change to Hamilton Farms in 1995 that was incorrect. The land was purchased by McNee and the warranty deed included any and all water rights and ditch rights appurtenant there, including water right license#37-08323 priority December 7 1987 , plus all of my right , title and interest, if any on the Snake re-adjudication now in process.

CH/CH

Memo to the file

Date: 12/29/2003

To: [Click here and type names]

Cc: [Click here and type names]

From: chahn

RE: survey #596

When I plotted the shape to deed plotter I had a pesky tail (see figure A) causing my shape to record more acreage than listed. With Doug's help we pinpoint the problem to be a typo in the H.E. Survey No. 596. Corner number one should be 51.07 chains and not 81.07 chains.

ch/ch

12/29/2003

Confidential

Data and Deed Call Listing of File: 37-8323-1.des

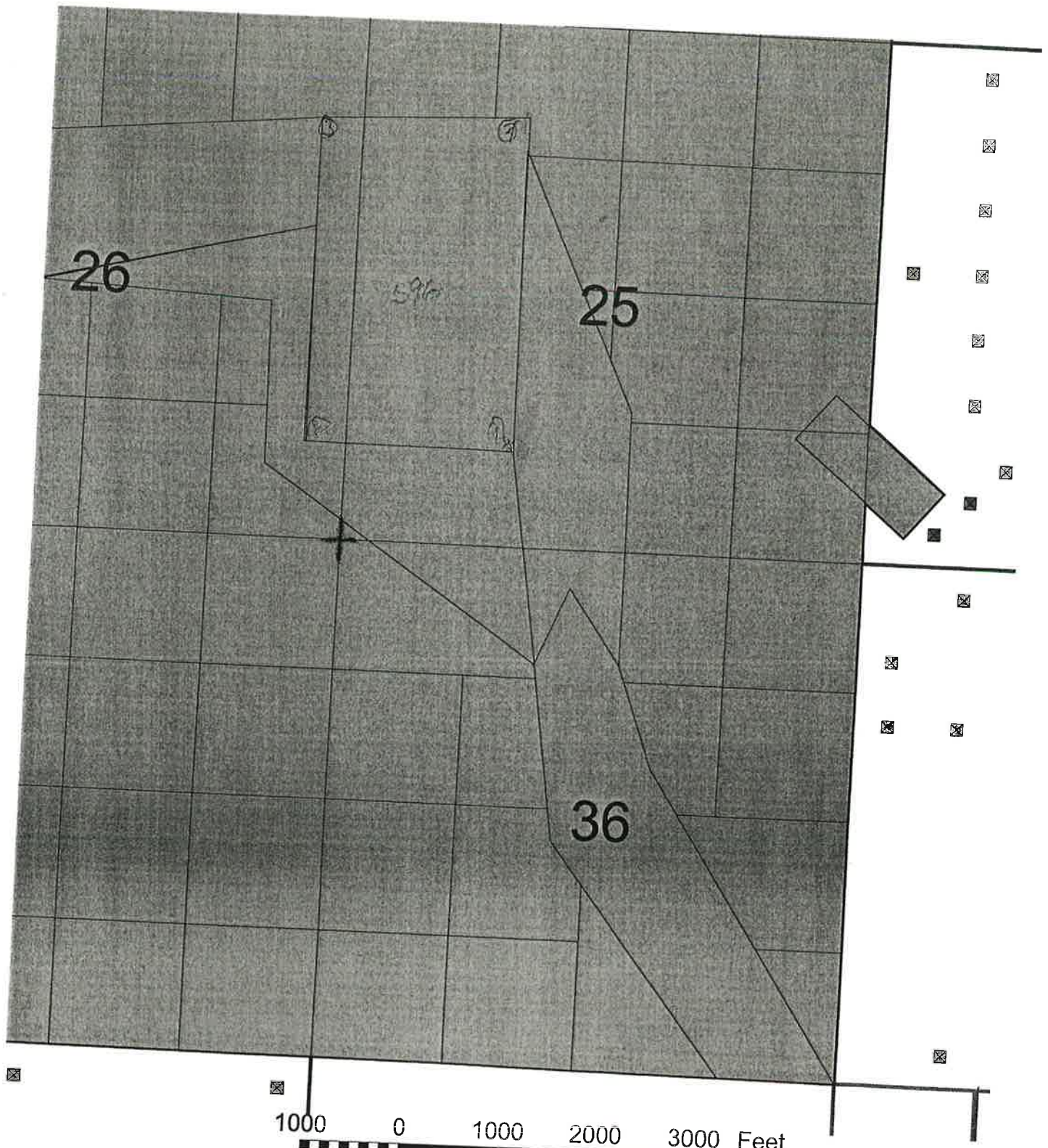
Tract 1: 90.631 Acres: 3947895 Sq Feet: Closure = n61.0828w 3.51 Feet: Precision = 1/3549: Perimeter = 12455 Feet
Tract 2: 199.973 Acres: 8710803 Sq Feet: Closure = n00.3301w 1972.70 Feet: Precision = 1/ 6: Perimeter = 12817 Feet
Tract 3: 123.600 Acres: 5384031 Sq Feet: Closure = s77.3331w 6.57 Feet: Precision = 1/1903: Perimeter = 12503 Feet

001=/se,25,2n,15e
002=/s64.18w 40.36c
003=n35.08w 14.17c
004=s23.01w 12.73c
005=n8.54w 33.05c
006=n0.29w 46.07c
007=s25.01e 43.39c
008=s0.29e 39.30c
009=@0 Merge 1
010=/se,25,2n,15e
011=/n74.37w 56.64c
012=n89.39w 31.85c
013=n0.25w 49.43c
014=n87.12e 31.85c
015=s0.29e 81.07c
016=@0 Merge 1
017=/se,36,2n,15e
018=n89.29w 17.88c
019=n38.10w 44.35c
020=n8.40w 27.65c
021=n23.01e 12.73c
022=s35.08e 14.17c
023=s19.59e 16.83c
024=s33.19e 55.83c

Data and Deed Call Listing of File: 37-8323-merge.des

90.75 Tract 1: 90.631 Acres: 3947895 Sq Feet: Closure = n61.0828w 3.51 Feet: Precision =1/3549: Perimeter = 12455 Feet
159.46 Tract 2: 159.973 Acres: 6968419 Sq Feet: Closure = s17.0001w 7.66 Feet: Precision =1/1415: Perimeter = 10837 Feet
123.72 Tract 3: 123.600 Acres: 5384031 Sq Feet: Closure = s77.3331w 6.57 Feet: Precision =1/1903: Perimeter = 12503 Feet

001=/se,25,2n,15e
002=/s64.18w 40.36c
003=n35.08w 14.17c
004=s23.01w 12.73c
005=n8.54w 33.05c
006=n0.29w 46.07c
007=s25.01e 43.39c
008=s0.29e 39.30c
009=@0 Merge 1
010=/se,25,2n,15e
011=/n74.37w 56.64c
012=n89.39w 31.85c
013=n0.25w 49.43c
014=n87.12e 31.85c
015=s0.29e 51.07c
016=@0 Merge 1
017=/se,36,2n,15e
018=n89.29w 17.88c
019=n38.10w 44.35c
020=n8.40w 27.65c
021=n23.01e 12.73c
022=s35.08e 14.17c
023=s19.59e 16.83c
024=s33.19e 55.83c



- Section Lines
- Quarter/Quarter Lines
- Place of Use
- Point(s) of Diversion



GIS PLACE OF USE PRESENTATION
PHOTOGRAPHY: about 1992
DATA ENTRY: 11/2003
DOUGLAS JONES



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

October 28, 2003

DUAINE AND SHEILA HAGEN
323 ROAD 4EU
MEETEETSE WY 82433

RE: OWNERSHIP CHANGE FOR ADJUDICATION CLAIM 37-02262, 37-02191, 37-13252, 37-13317A

Dear Claimants:

Thank you for sending in the Notice of Change in Water Right Ownership form. A few problems keep us from processing the ownership changes at this time.

The Camas County Assessors Office informed us of problems with legal descriptions that prevented them from processing the ownership changes. This problem will have to be resolved before we can move ahead with the water right ownership transfer.

Irrigated land under claim #37-13252 appears to be on BLM property. We will need a copy of the special use permit to process this claim.

Because these claims have not been decreed in the Snake River Basin Adjudication, no fee is due to process the ownership changes. I am returning Fiddle Back Ranch's check #10216 in the amount of \$100.00.

Please resubmit the Notice of Change in Water Right Ownership application when the above problems have been resolved.

Should you have any questions in this matter, please feel free to give me a call at the office (208-736-3033).

Sincerely,

Carrie Hahn
Clerk

Enclosed (5, check #10216)

NOTE TO FILE
OCTOBER 27 2003
CARRIE HAHN

The Notice of Change in Water Right Ownership sent October 24 3003.

Claim # 37-13552 legal description for place of use was not included in Exhibit A with the ownership change.

I called the Camas County Assessors office to find out who owned the land for this water right. I found out #37-13552 was claimed on BLM land and they only had a Homestead Right recorded for Mc Nee for 123 acres in that Section. Lynn at the Assessors office also explained to me they sent back the Hagen's Ownership change from Hamilton Farms because the legal descriptions were not matching.

I am sending the Hagens a letter explaining the legal descriptions problems, asking for the ownership change to be resubmitted when the problems are corrected. I also returned check #10216 from Fiddle Back Ranch for \$100.00 sent in error. These claims have not been decreed yet.

Carrie

Water Right Number - R37-13252

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
HAMILTON FARMS1 - 300 PARK BOULEVARD, SUITE 100
2 -
3 -
City- ITASCA State- IL Zip- 60143
Phone - 708-250-4875*** O - ORIGINAL OWNER ***
ASHCRAFT

MARSHALL

1 - PO BOX 2167
2 -
3 -
City- SUN VALLEY State- ID Zip- 83353
Phone - 208-788-3463+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
12/31/1885 17 SOUTHERN J - BENEFICIAL USE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
CHERRY CREEK WILLOW CREEK+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
02N 15E 36 NW SW NE (25) CAMAS+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 1.400+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
1.400 150.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
02N 15E 36 SW NE 20.0 01 IRRIGATION (25) CAMAS
02N 15E 36 NE SE 5.0 01 IRRIGATION (25) CAMAS
02N 15E 36 NW SE 15.0 01 IRRIGATION (25) CAMAS
02N 15E 36 SE SE 9.0 01 IRRIGATION (25) CAMAS

Total Acres: 49.0

+ - - Diversion Means - LOG & ROCK DAM WITH STEEL CULVERT..

+ - - Non-Irrigation Use - NONE.

+ - - Other Rights for Same Use - NONE.

MICROFILMED
NOV 29 1996

Water right number - R37-13252

Prefix Translation: RESEARCH

+ - - - - - Remarks - - - - - +
OWNERSHIP CHANGE MADE 5-9-95 BY TLB. BOTH SIGNATURES AND
WARRANTY DEED INCLUDED.

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - - Comments - - - - - +
Date: 05/09/1995 User Id: TBACKLUN Subject: COPIED FROM REMARKS
OWNERSHIP CHANGE MADE 5-9-95 BY TLB. BOTH SIGNATURES AND WARRANTY DEED INCLUDED.

+ - - Audit Fields - - +
05/09/95 TBACKLUN

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 10/31/1989	Last Amended Date	- 00/00/0000	Temporary Right	- T
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

NOV 29 1995
MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

GOVERNOR PHIL BATT
Governor PHIL BATT

R. KEITH HIGGINSON
Director

May 9, 1995

HAMILTON FARMS
300 PARK BOULEVARD
SUITE 100
ITASCA, IL 60143

RE: SRBA CLAIMS A37-02262, A37-02191, A37-11395, & A37-13252
ASHCRAFT

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIMS, WE HAVE CHANGED THE DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. **THIS COPY IS FOR YOUR RECORDS.** PLEASE REVIEW THE RECORDS FOR ACCURACY.

I HAVE NOT YET CHANGED A37-13317A. IT IS STILL IN THE PROCESS OF BEING SPLIT. KELLY CHRISTIANSEN HAS NOTIFIED THE OTHER CLAIMANTS OF THE PROCESS. WHEN WE RECEIVE THEIR RESPONSE, I WILL FINISH THE OWNERSHIP CHANGE ON THIS CLAIM AND SEND YOU NOTICE.

YOU HAVE ANY MORE QUESTIONS, PLEASE FEEL FREE TO CONTACT ME AT THIS OFFICE.

SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/TLB
ENCLOSURES

MICROFILMED

NOV 29 1996