

RECEIVED

MAY 01 2003

Exchange No. _____

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 28 2003

WATER RESOURCES
WESTERN REGION

APPLICATION FOR EXCHANGE OF WATER

Under the provisions of Section 42-240, *Idaho Code*, any person holding a surface water right may apply to exchange such water for the use of water from the same source or a different surface water source. Surface water right holders may also apply to exchange for the use of water authorized for diversion under one or more other valid water rights from the same source or a different surface water source. A filing fee of \$100.00 must be submitted with this application.

1. INFORMATION ABOUT THE APPLICANT

Applicant PTR
PINE TREE RANCH INC.

(Name of Applicant)

* C/O SANDRA L KANE 9949 W EDNA BOISE ID 83704 Telephone No: 208-322-1579

(Mailing Address)

(Zip Code)

Applicant's Water Right(s) to be exchanged 65-3222 AND 65-8890

Attach a photocopy of the License, Permit, Transfer, Decree, or Claim evidencing the right(s) or attach a printout obtained from IDWR.

2. INFORMATION ABOUT THE CO-APPLICANT

Complete this portion if the applicant proposes to exchange for water diverted under a water right held by another party. The co-applicant is the holder of the right to be exchanged for the applicant's right. If more space is needed, please attach another sheet containing information about each co-applicant.

Co-applicant N.A.

(Name of Co-applicant)

(Mailing Address)

(Zip Code)

Telephone No: _____

Co-applicant's Water Right(s) to be exchanged _____

Attach a photocopy of the License, Permit, Transfer, Decree, or Claim evidencing the right(s) or attach a printout obtained from IDWR.

3. EXCHANGE AGREEMENT -- Attach a copy of the written agreement between the applicant and the co-applicant(s). N.A.

4. EXCHANGE INFORMATION -- Complete Part A or Part B to explain how the proposed exchange will operate.

Part A -- For an exchange involving two or more water right holders. N.A.

The applicant proposes to divert _____ cfs and/or _____ acre feet per year of water authorized to be diverted under the co-applicant's water right(s) listed above at _____ 1/4 of _____ 1/4, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

Additional points of diversion, if any: _____

In exchange for authorization to divert water as described above, _____ cfs and/or _____ acre feet per year of water authorized for diversion under the applicant's water right(s) listed above will be (complete 1 or 2 below):

1. made available to the co-applicant for diversion at _____ 1/4 of _____ 1/4, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

Additional points of diversion, if any: _____

OR

2. released from storage by the co-applicant into _____ at _____ 1/4 of _____ 1/4, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

* See Address update per 7/26/04 letter

SCANNED

JUN 27 2003

Part B -- For an exchange involving only the applicant's water right(s).

-5/22/03

The applicant proposes to divert UP TO 2.17 cfs ~~2.17 cfs~~ cfs and/or --- acre feet per year of water at NE 1/4 of SW 1/4 of NE 1/4 of SW 1/4, Govt. Lot --- Sec. 23 Township 10N Range 4E B.M., BOISE County. Additional points of diversion, if any: ---

In exchange for authorization to divert water as described above UP TO 2.17 ~~2.17~~ cfs and/or --- acre feet per year of water authorized for diversion under the applicant's water right(s) listed above will be (complete 1 or 2 below):

LEFT NOT

1. diverted from SCRIVER CREEK at --- 1/4 of --- 1/4, Govt. Lot --- Sec. --- Township --- Range --- B.M., --- County and injected into --- at --- 1/4 of --- 1/4, Govt. Lot --- Sec. --- Township --- Range --- B.M., --- County.

OR

2. released from storage by the applicant into N.A. at --- 1/4 of --- 1/4, Govt. Lot --- Sec. --- Township --- Range --- B.M., --- County.

Additional Explanation -- Attach additional sheets if necessary.

TWO POINTS OF DIVERSION ARE DECREED AND EXIST FROM SCRIVER CREEK. THE APPLICATION FOR EXCHANGE PROPOSES TO ADD A POINT OF DIVERSION FROM AN EXISTING PUMP ON THE MIDDLE FORK PAYETTE RIVER UPSTREAM FROM CONFLUENCE WITH SCRIVER CREEK. THE DECREED, EXISTING PLACE OF USE WILL NOT BE CHANGED. ENLARGEMENT IN PERMANENT WATER USE WILL BE PREVENTED BY ALWAYS REDUCING THE AMOUNT DIVERTED FROM SCRIVER CREEK BY THE AMOUNT DIVERTED FROM MIDDLE FORK PAYETTE RIVER.

If this exchange is not intended to be a permanent arrangement, please describe the circumstances under which the proposed exchange will terminate. ---

5. MAPS -- Attach two maps, one showing the water right(s) as it is (they are) now used, and another showing how the water right(s) will be used under the proposed exchange. Each map should be on an 8 1/2"x11" sheet and should clearly identify the locations of the point(s) of diversion, injection, and re-diversion of water and the place(s) of use by 40-acre subdivisions, section, township and range of the public land survey. Photocopies of USGS 7 1/2-minute topographic quadrangles are preferred as base maps.

SIGNATURE

Applicant hereby asserts that no one will be injured by such exchange of water and acknowledges that the applicant and/or the co-applicant will be responsible for all actions taken pursuant to this exchange. I understand that any willful misrepresentations made in this application may result in voiding its approval.

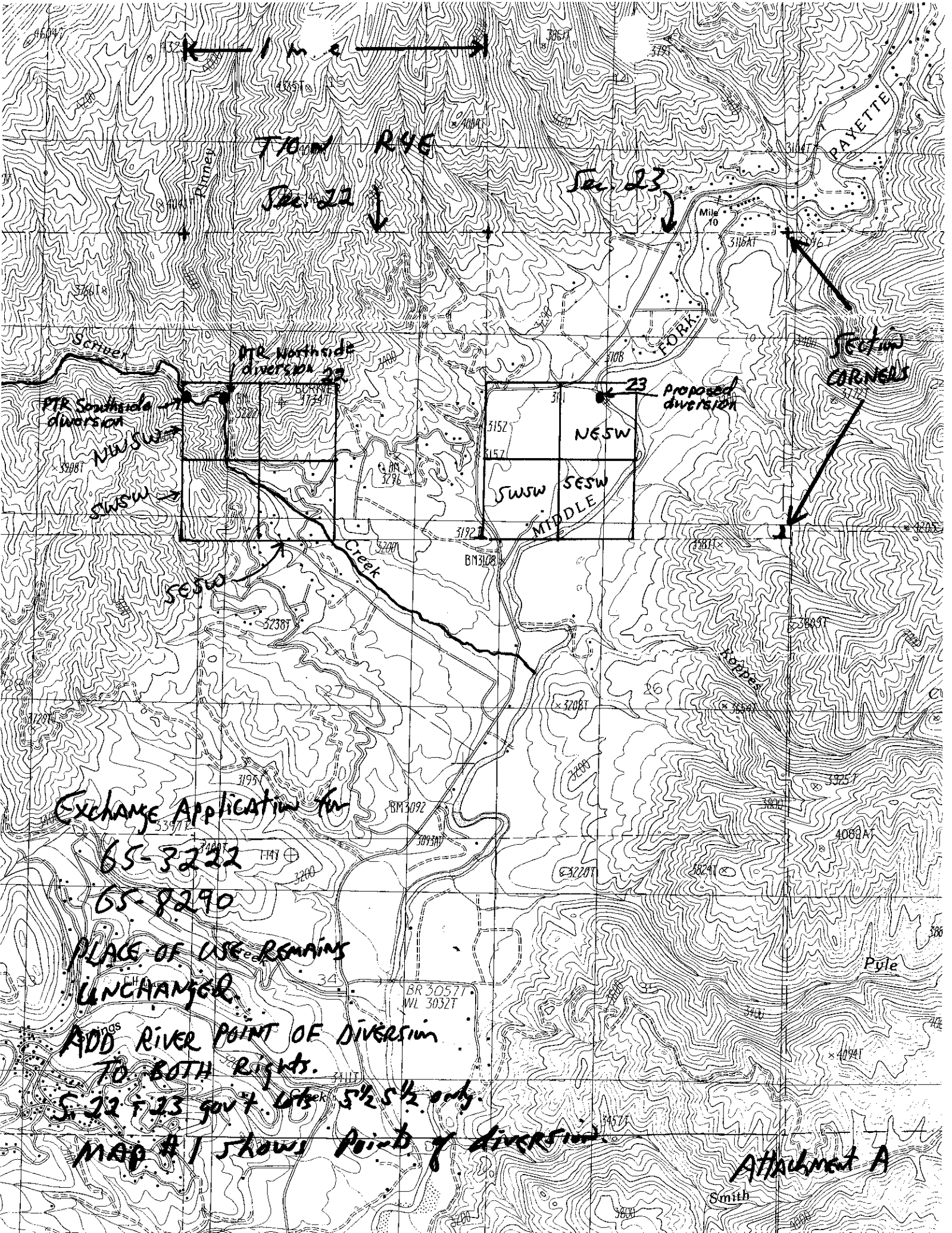
John J. Hulse, President, PTR, Inc
Applicant's Signature (and title if application is for an organization)

3.27.03

Date

FOR DEPARTMENT USE ONLY

This exchange application contains 12 pages, including attachments.
Received by DAN Date 3-28-03 Fee \$330.00
Receipted by DAN Date 3-28-03 Receipt No. W030269
Preliminary review by R
Published in Idaho World
Publication dates 6-5-12-03 & 7-2-9-03 (correction notice)
Protests filed by Stuart Weiner c/o George Hicks, Esq.
Copies of protests forwarded by ✓
Watermaster recommendation requested on 5-29-03
Watermaster recommendation received on 6-5-03
Hearing held by --- Date ---
Recommended for Approval --- Final --- By ---



T10W R4E

Sec 22

Sec 23

Section CORNERS

DR Northside diversion 22

Proposed diversion

PTK Southside diversion

NW SW

SW SW

SE SW

NE SW

SW SW

SE SW

MIDDLE

Exchange Application for

65-3222

65-8290

PLACE OF USE REMAINS UNCHANGED

ADD RIVER POINT OF DIVERSION TO BOTH RIGHTS.

S. 22 & 23 gov't. 6 1/2 S 1/2 only.

MAP #1 shows points of diversion.

Attachment A

Idaho Department of Water Resources

T10N, R04E

Claim(s) 65-03222
& 65-08290
Owner(s) Pine Tree
Ranch Inc.
Prepared by:
Ron Howerton
Date: 15 NOV 99

 Place of use

 POD

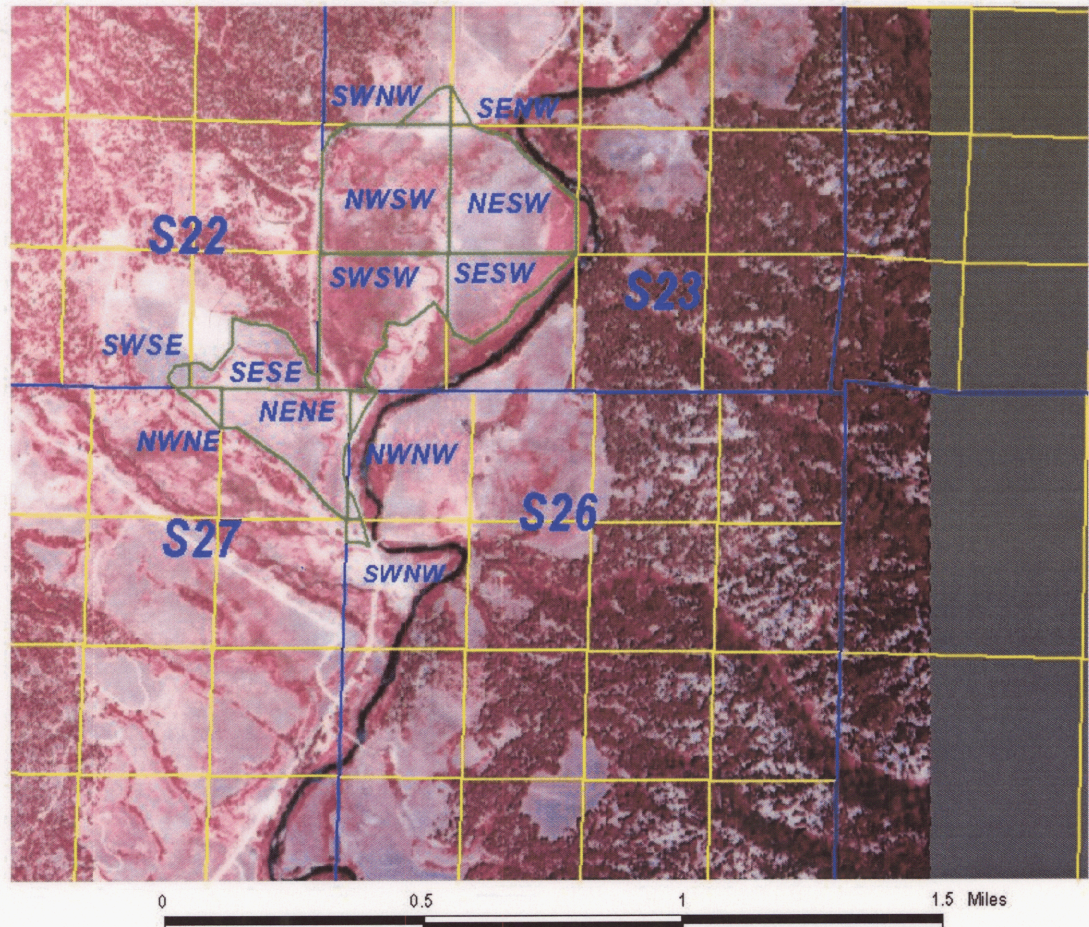
 SECTION LINES

 1/4 1/4 LINES

Acres



1987 NAPP



MAP #2 shows Place of use, will remain the same.

Attachment B

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



ROGER BURDICK
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

March 7, 2003

Attention Water Right Claimant,

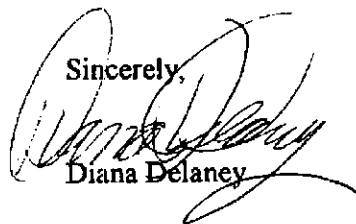
Enclosed is an *Amended Partial Decree* which amends and supercedes the partial decree previously issued for your water right to contain the following provision:

Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations after October 18, 1977.

This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in event of injury.

The provision was recommended in the *Special Master's Report and Recommendation* to be included in the *Partial Decree* for your water right, but was inadvertently omitted due to a clerical error.

Should you have any questions regarding this matter, please contact the Clerk of the Court for the SRBA at (208) 736-3011.

Sincerely,

Diana Delaney

DD:sb
Enc.

Attachment C
(8 pages)

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

AMENDED

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 65-03222

NAME AND ADDRESS: PINE TREE RANCH INC
GARDEN VALLEY, ID 83622

SOURCE: SCRIVER CREEK TRIBUTARY: PAYETTE RIVER, MIDDLE FORK

QUANTITY: 2.90 CFS

PRIORITY DATE: 09/26/1981

POINT OF DIVERSION: T10N R04E S22 NWSW Within Boise County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 11-01 2.90 CFS

PLACE OF USE: Irrigation Within Boise County

T10N R04E S22 LOT 2	(SWSE) 1.0	LOT 1	(SESE) 12.0
S23	SWNW 3.0		SENE 1.0
	NESW 33.0		NWSW 39.0
	SWSW 29.0		SESW 16.0
S26	NWNW 2.0		SWNW 1.0
S27	NENE 22.0		NWNE 2.0
161.0 Acres Total			

USE OF THIS RIGHT WITH RIGHT NO. 65-08290 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 161.0 ACRES IN A SINGLE
IRRIGATION SEASON.

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

BASIN 65 GENERAL PROVISIONS NO 3, THE SEPARATE STREAMS GENERAL
PROVISION, DOES NOT APPLY TO APPROPRIATIONS OF WATER AFTER
OCTOBER 18, 1977.

THIS WATER RIGHT SHALL BE ADMINISTERED AS BEING FROM A
SEPARATE SOURCE PURSUANT TO BASIN 65 GENERAL PROVISIONS NO 3. IF
THE HOLDER OF THIS RIGHT SEEKS TO CHANGE THE RIGHT PURSUANT TO
IDAHO CODE SEC 42-222 OR SUCCESSOR STATUTE, NOTHING IN THIS
GENERAL PROVISION SHALL PRECLUDE ANY OTHER PERSON OR ENTITY FROM
DEMONSTRATING THAT SUCH CHANGE IN USE WOULD CAUSE INJURY TO ITS
WATER RIGHT OR FROM RECEIVING ANY RELIEF PROVIDED BY LAW IN THE
EVENT OF INJURY.

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. I.C. SECTION 42-1412(6).

C2

RULE 54(D) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 65-08290

NAME AND ADDRESS: PINE TREE RANCH INC
GARDEN VALLEY, ID 83622

SOURCE: SCRIVER CREEK TRIBUTARY: PAYETTE RIVER, MIDDLE FORK

QUANTITY: 0.32 CFS

PRIORITY DATE: 02/04/1928

POINT OF DIVERSION: T10N R04E S22 NWSW Within Boise County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 11-01 0.32 CFS

PLACE OF USE: Irrigation Within Boise County
T10N R04E S22 LOT 2 (SWSE) 1.0 LOT 1 (SESE) 12.0
S23 SWNW 3.0 SENW 1.0
NESW 33.0 NWSW 39.0
SWSW 29.0 SESW 16.0
S26 NWNW 2.0 SWNW 1.0
S27 NENE 22.0 NWNE 2.0
161.0 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 65-03222 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 161.0 ACRES IN A SINGLE
IRRIGATION SEASON.

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

BASIN 65 GENERAL PROVISIONS NO 3, THE SEPARATE STREAMS GENERAL
PROVISION, DOES NOT APPLY TO APPROPRIATIONS OF WATER AFTER
OCTOBER 18, 1977.

THIS WATER RIGHT SHALL BE ADMINISTERED AS BEING FROM A
SEPARATE SOURCE PURSUANT TO BASIN 65 GENERAL PROVISIONS NO 3. IF
THE HOLDER OF THIS RIGHT SEEKS TO CHANGE THE RIGHT PURSUANT TO
IDAHO CODE SEC 42-222 OR SUCCESSOR STATUTE, NOTHING IN THIS
GENERAL PROVISION SHALL PRECLUDE ANY OTHER PERSON OR ENTITY FROM
DEMONSTRATING THAT SUCH CHANGE IN USE WOULD CAUSE INJURY TO ITS
WATER RIGHT OR FROM RECEIVING ANY RELIEF PROVIDED BY LAW IN THE
EVENT OF INJURY.

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. I.C. SECTION 42-1412(6).

C4

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

CS

2003 FEB 13 AM 9 42

**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

ORDER OF PARTIAL DECREE

For Water Rights 65-03222, 65-03223, 65-03224, 65-03225 and 65-08290

On 10-17-2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order I*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water rights 65-03222, 65-03223, 65-03224, 65-03225 and 65-08290 are hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED February 13, 2003.



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

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

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

2003 FEB 13 AM 9 42

Water Right 65-03222

NAME AND ADDRESS: PINE TREE RANCH INC
GARDEN VALLEY, ID 83622

SOURCE: SCRIVER CREEK TRIBUTARY: PAYETTE RIVER, MIDDLE FORK

QUANTITY: 2.90 CFS

PRIORITY DATE: 09/26/1981

POINT OF DIVERSION: T10N R04E S22 NWSW Within Boise County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 11-01	2.90 CFS

PLACE OF USE: Irrigation

T10N R04E S22 LOT 2	(SWSE) 1.0	LOT 1	(SESE) 12.0
S23	SNNW 3.0		SENE 1.0
	NESW 33.0		NWSW 39.0
	SWSW 29.0		SESW 16.0
S26	NWNW 2.0		SNNW 1.0
S27	NENE 22.0		NWNE 2.0
161.0 Acres Total			

USE OF THIS RIGHT WITH RIGHT NO. 65-08290 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 161.0 ACRES IN A SINGLE
IRRIGATION SEASON.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

2003 FEB 13 AM 9 42

Water Right 65-08290

NAME AND ADDRESS: PINE TREE RANCH INC
GARDEN VALLEY, ID 83622

SOURCE: SCRIVER CREEK TRIBUTARY: PAYETTE RIVER, MIDDLE FORK

QUANTITY: 0.32 CFS

PRIORITY DATE: 02/04/1928

POINT OF DIVERSION: T10N R04E S22 NWSW Within Boise County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 11-01 0.32 CFS

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S23	SWNW 3.0		SENE 1.0
	NESW 33.0		NNSW 39.0
	SWSW 29.0		SESW 16.0
S26	NWNW 2.0		SWNW 1.0
S27	NENE 22.0		NWNE 2.0
161.0 Acres Total			

USE OF THIS RIGHT WITH RIGHT NO. 65-03222 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 161.0 ACRES IN A SINGLE
IRRIGATION SEASON.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
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RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication