



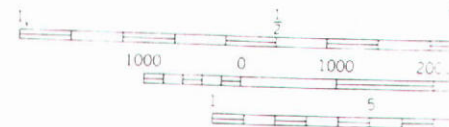
Produced by the Geological Survey
in cooperation with the U.S. Forest Service

Orthophotograph prepared from 1:80,000-scale
aerial photographs taken July 4, 1981

Projection and 10,000-foot grid ticks: Idaho coordinate
system, west zone (transverse Mercator)
1000-metre Universal Transverse Mercator grid,
zone 11. 1927 North American datum

Photoimagery transformed by scanning techniques
which may produce double or mismatched images;
use the mean of image positions for map point.

Department of Water Resources pursuant to
notices of claims and objections in the Snake
express or implied, is made and no legal
es, its agents, contractors, and reproduction
Co. Inc. or its employees for the accuracy,
set forth on this map.



V 9 1981

T09N R02E S.09

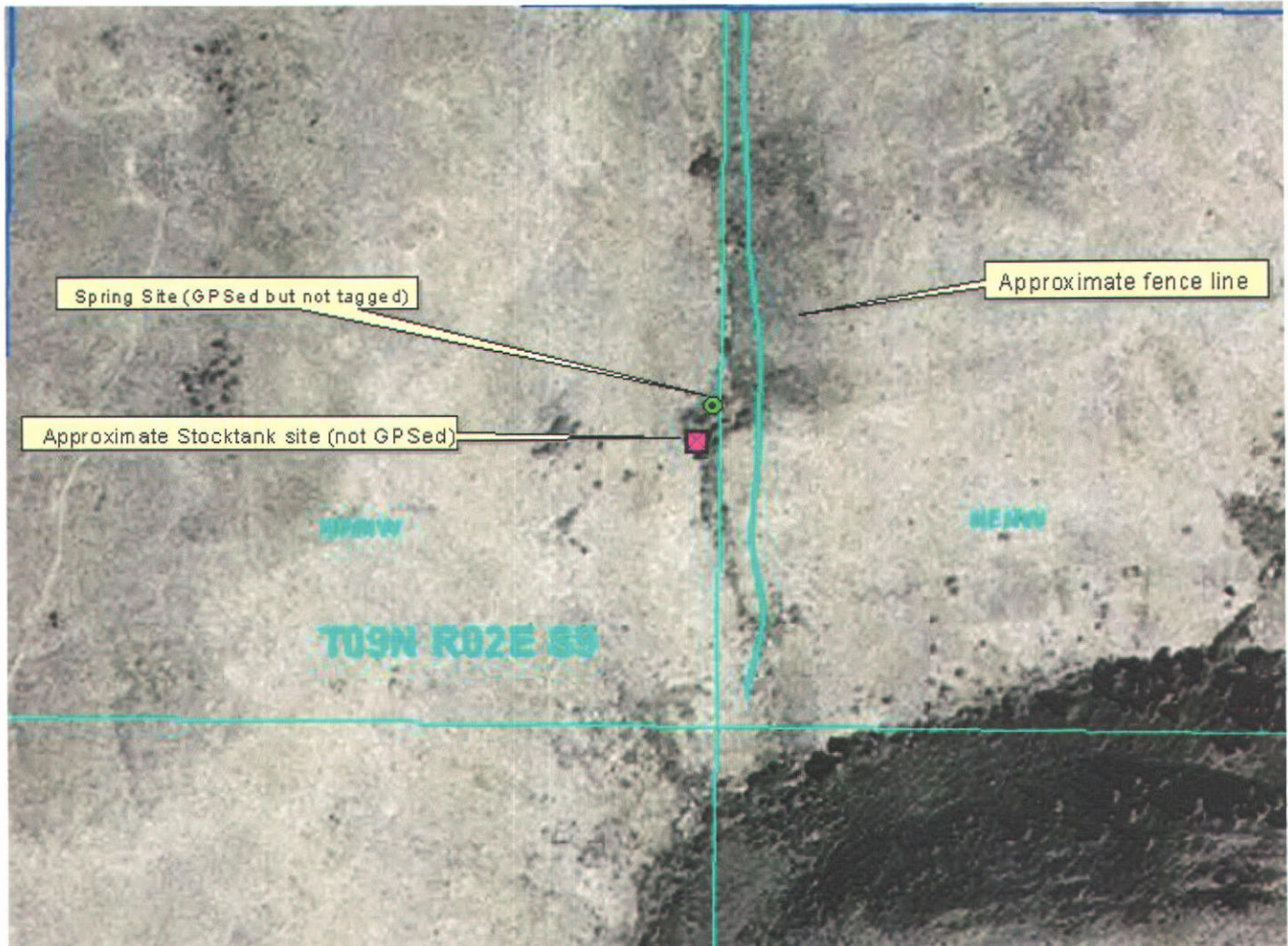
65-13636

Copies Of These
At Bonneville B

MICROFILMED

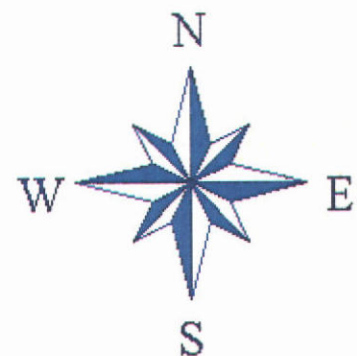
DEC 01 1995

Review of Coburn Ownership Change water right 65-13636 Daniel Nelson 9/30/2004

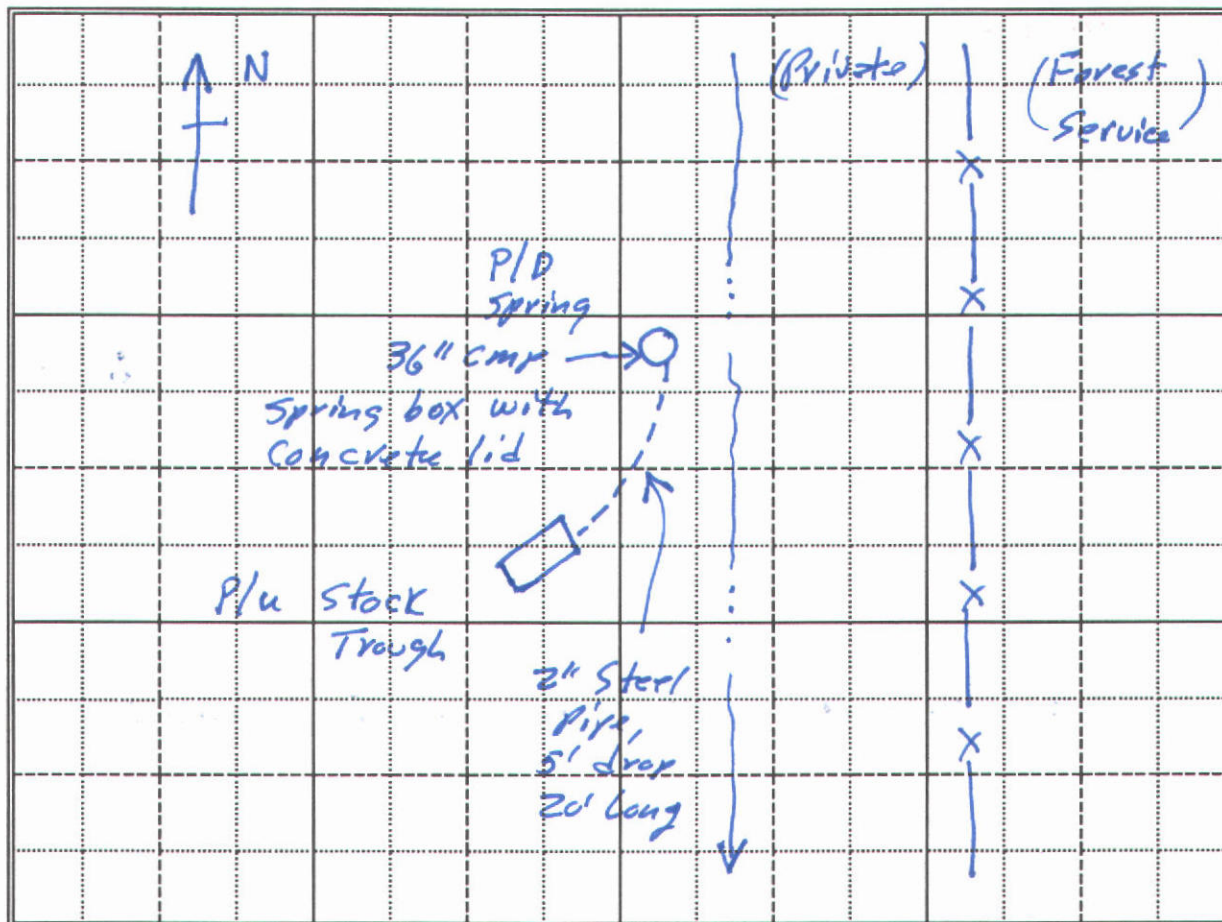


0.1 0 0.1 0.2 Miles

- Spring
- Water Trough
- Section Lines
- 1/4 1/4 Lines



3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = None

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

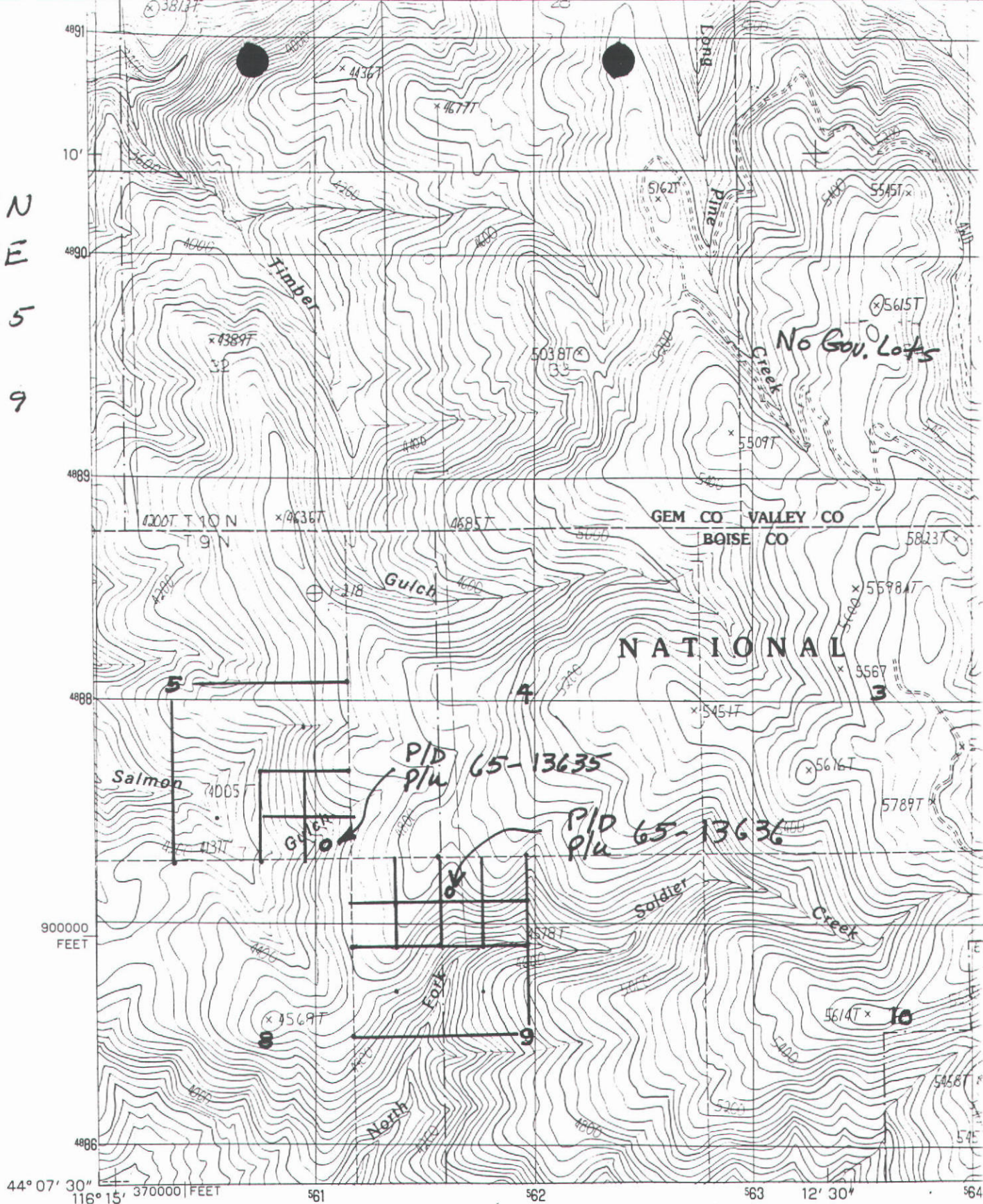
Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: None

MICROFILMED

JUN 09 1999

T9N
R2E
Sec. 5
Sec. 9



PRODUCED BY THE UNITED STATES GEOLOGICAL SURVEY
 CONTROL BY USGS, NOS/NOAA
 COMPILED FROM AERIAL PHOTOGRAPHS TAKEN 1980
 FIELD CHECKED 1981 MAP EDITED 1985
 PROJECTION TRANSVERSE MERCATOR
 GRID: 1000-METER UNIVERSAL TRANSVERSE MERCATOR ZONE 11
 10,000-FOOT STATE GRID TICKS IDAHO, WEST ZONE
 UTM GRID DECLINATION 0°34' EAST
 1985 MAGNETIC NORTH DECLINATION 17°30' EAST
 VERTICAL DATUM NATIONAL GEODETIC VERTICAL DATUM OF 1929
 HORIZONTAL DATUM 1927 NORTH AMERICAN DATUM
 To place on the predicted North American Datum of 1983,
 move the projection lines as shown by dashed corner ticks
 (15 meters north and 76 meters east)
 There may be private inholdings within the boundaries of any
 Federal and State Reservations shown on this map

65-13635

65-13636

JUN 09 1999

PROVISIONAL MAP
 Produced from original
 manuscript drawings. Informa-
 tion shown as of date of

L of I

P/D

36" comp

Spring

Box



Plu

Stock

Trough

[One of
200
Cows]



MICROFILMED
JUN 09 1999

65-13636

State of Idaho
Department of Water Resources

Amended

Water Right License

Amended

WATER RIGHT NO. 65-13636

Priority: September 5, 1995

Maximum Diversion Rate 0.02 CFS
Maximum Diversion Volume 1.6 AF

It is hereby certified that ALLEN COBURN And
MARSHA COBURN
17800 SWEET OLA HWY
OLA ID 83657

have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated September 5, 1995; and have
submitted Proof of Beneficial Use on October 1, 1996. An examination indicates that the works have a
diversion capacity of 0.02 cfs of water from

SOURCE

SPRING

Tributary: SINKS

and a water right has been established as follows

BENEFICIAL USE

STOCKWATER

PERIOD OF USE

1/01 to 12/31

DIVERSION RATE

0.02 CFS

**ANNUAL
DIVERSION VOLUME**
1.6 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 9, Township 09N, Range 02E, B M. GEM County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09N 02E 9						X											

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 10th day of November, 2004


for KARL J. DREHER
Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF A NOTICE OF)
CHANGE OF WATER RIGHT OWNERSHIP)
FOR WATER RIGHT NO. 65-13636)
_____)

**PRELIMINARY ORDER
CORRECTING LICENSE**

This matter having come before the Department of Water Resources (Department) as a result of the filing of a Notice of Change of Water Right Ownership, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On November 14, 1995, the Department issued Permit 65-13636 (permit) to Sutton Ranches, Inc., and Sutton Livestock, Inc., (right holders) authorizing the establishment of a right to divert 0.02 cfs of water from a spring located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 9 North, Range 2 East, B.M., for stock watering purposes within NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 9 North, Range 2 East, B.M.,
2. On October 1, 1996, the Department received the right holder's proof of beneficial use statement for the permit.
3. On July 30, 1998, Department staff conducted a field examination to verify the beneficial use of water established in connection with the permit. The field examiner reported that water was being diverted from a spring located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 9 North, Range 2 East, B.M., for use in a stock trough located within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 9 North, Range 2 East, B.M.
4. On April 21, 1999, the right holders applied to amend the permit (amendment) to change the authorized point of diversion and place of use to match the reported findings of the Department's field examiner.
5. On April 22, 1999, the Department approved the amendment and issued Water Right License 65-13636 (license) to the right holders for the diversion of 0.02 cfs from a spring located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 9 North, Range 2 East, B.M., for use in a stock trough located within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 9 North, Range 2 East, B.M.

6. On March 22, 2000, the Department received a Notice of Change of Water Right Ownership (notice) indicating that Allen Coburn and Marsha A. Coburn (Coburns) were the new owners of the license. However, the warranty deeds submitted in connection with the notice showed that the Coburns had purchased the W $\frac{1}{2}$ W $\frac{1}{2}$ of Section 9, Township 9 North, Range 2 East, B. M., which includes the originally permitted place of use and point of diversion for the permit, from the right holders. The warranty deeds did not show that the Coburns had acquired the land containing the licensed point of diversion and place of use.
7. On September 30, 2004, a Department field examiner inspected the point of diversion and place of use for the water use authorized by the license and used a Global Positioning System (GPS) receiver to ascertain its location. The examiner reported, "It appears from the GPS reading and my personal observation that the spring is actually located in the SENWNW S9 T9N R2E."
8. On October 1, 2004, the Department sent the United States Forest Service, who appeared on Department maps to be the owner of the land at the licensed place of use and point of diversion, a letter asking for comment on the subject of correcting the license to show the point of diversion and place of use on land owned by the Coburns instead of land managed by the Forest Service.
9. On October 5, 2004, the United States Forest Service notified the Department that it had traded the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 9 North, Range 2 East, B.M., to the State of Idaho and that it was being managed by the Idaho Department of Lands now.
10. On November 2, 2004, the Department received a letter in which the Idaho Department of Lands said, "We have no interest in the proposed correction of the water right license as long as the point of diversion and place of use described are on private property owned by the Coburns."
11. Section 42-219, *Idaho Code*, includes the following directive to the Department:

Upon receipt by the department of water resources of all the evidence in relation to such final proof, it shall be the duty of the department to carefully examine the same, and if the department is satisfied that the law has been fully complied with and that the water is being used at the place claimed and for the purpose for which it was originally intended, the department shall issue to such user or users a license confirming such use.

CONCLUSIONS OF LAW

1. Section 42-219, *Idaho Code*, obligates the Department to issue a water right license that accurately portrays the beneficial use of water developed in accordance with the permit.
2. The right holders diverted water from a spring within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 9 North, Range 2 East, B.M., and made beneficial use of it within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 9 North, Range 2 East, B.M., as authorized by the permit.

3. The application to amend Permit 65-13636 portrayed the point of diversion and place of use inaccurately, and it should not have been approved.
4. The Department should rescind approval of the application to amend Permit 65-13636.
5. The Department should correct the point of diversion and place of use descriptions on the license.
6. Allen Coburn and Marsha A. Coburn are the current owners of Water Right License 65-13636.

ORDER

IT IS HEREBY ORDERED that approval of the application to amend Permit 65-13636 is **RESCINDED**.

IT IS FURTHER HEREBY ORDERED that the place of use and point of diversion descriptions for Water Right License 65-13636 are **CORRECTED** as set forth in the Amended Water Right License issued on this date in conjunction with this order.

IT IS FURTHER HEREBY ORDERED that the Departments records shall be **CHANGED** to show that Allen Coburn and Marsha A. Coburn are the owners of Water Right License 65-13636.

Dated this 10th day of November, 2004.

A handwritten signature in black ink, appearing to read "L. Glen Saxton", written over a horizontal line.

L. GLEN SAXTON, P.E.
Administrator, Water Management Division

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

RECEIVED

MAR 20 2000

WATER RESOURCES
RECEIVED

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

MAR 22 2000

Water Right No(s): 65-13634, 65-13635, 65-13636 Department of Water Resources

Adjudication Claim No(s): A65-03046, A65-03047, A65-03048, A6503049
A65-03051, A-65-03052, A6503053

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 showing the location of the place of use of the water right(s) or claim(s).
(These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim 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.

Name and Address of Former
Owner/Claimant

Sutton Ranches Inc. Midvale, ID 83645
Sutton Livestock Company Inc. Midvale ID
83645

New Owner/Claimant(s)

Allen and Marsha Coburn

New Mailing Address

Name Connector (Check one): ☒ and ☐ or ☐ and/or

17800 Sweetola Hwy

City, State and ZIP Code

Clare, ID 83657

New Telephone Number

(208) 584-3651

Date you acquired the property

1-20-00

Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. 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.

Number of acres you irrigate with this water right _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

Signature of New Owner(s)
or Claimant(s)

Allen Coburn

Marsha A. Coburn

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

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.

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL I:

The Southeast quarter of Section 11, Township 9 North, Range 1 East, Boise Meridian, Gem County, Idaho.

AND

From the East quarter corner of Section 11, Township 9 North, Range 1 East, Boise Meridian, Gem County, Idaho, run thence West on the East and West center line of said Section 11 a distance of 519.0 feet to the POINT OF BEGINNING of the lands being described; thence North $21^{\circ}00'$ West, 695.2 feet; thence West 926.6 feet, more or less, to the East line of the highway right of way; thence Southerly along the said East line of highway right of way the following courses:
South $14^{\circ}30'$ West, 116.1 feet; thence
South $18^{\circ}00'$ West, 371.7 feet; thence
South $1^{\circ}00'$ West, 183.6 feet to the East and West center line of said Section; thence
East along said East and West centerline 1322.5 feet to the POINT OF BEGINNING.

EXCEPT a parcel of land situated in a portion of the West half of the Southeast quarter of Section 11, Township 9 North, Range 1 East, Boise, Meridian, Gem County, Idaho shown as Parcel A on Record of Survey for Sutton Ranches, Inc., recorded in the Gem County Recorder's Office and described as follows:

Commencing at the Section corner common to Sections 11, 12, 13 and 14 an aluminum monument South $89^{\circ}52'43''$ West, a distance of 2613.41 feet to the quarter corner common to Sections 11 and 14 an aluminum monument and the POINT OF BEGINNING; thence along the Westerly line of said Southeast quarter
North $0^{\circ}02'56''$ West a distance of 2643.64 feet to the Northwest corner of said Southeast quarter an aluminum monument; thence along the Northerly line of said Southeast quarter
North $89^{\circ}58'32''$ East a distance of 768.73 feet to a 1/2 inch steel pin; thence leaving said Northerly line and along the centerline of the Ola Highway the following courses
South $0^{\circ}59'24''$ West a distance of 284.40 feet to a point; thence along the arc of a curve to the right having a radius of 727.57 feet, a central angle of $17^{\circ}19'15''$ and a chord bearing South $9^{\circ}39'02''$ West a distance of 219.11 feet to a point; thence
South $18^{\circ}18'40''$ West a distance of 696.33 feet to a point; thence
South $15^{\circ}08'07''$ West a distance of 380.41 feet to a point; thence
South $19^{\circ}07'13''$ West a distance of 514.77 feet to a point; thence

LEGAL CONTINUED NEXT PAGE

LEGAL CONTINUED

South 6°36'45" West a distance of 137.78 feet to a point; thence South 0°51'06" East a distance of 286.71 feet to a point; thence South 2°30'29" East a distance of 205.10 feet to a 1/2 inch steel pin; thence leaving said centerline and along the Southerly line of said Southeast quarter South 89°52'43" West a distance of 235.49 feet to the POINT OF BEGINNING.

PARCEL II:

The South half of the Southwest quarter, the Southwest quarter of the Southeast quarter, the Northeast quarter of the Northwest quarter, the Northeast quarter, the North half of the Southeast quarter and the Southeast quarter of the Southeast quarter all in Section 12, Township 9 North, Range 1 East, Boise Meridian, Gem County, Idaho.

PARCEL III:

The North half of the Northeast quarter, the North half of the Northwest quarter, the Southwest quarter of the Northeast quarter, the West half of the Southeast quarter, the Southeast quarter of the Northwest quarter, the East half of the Southwest quarter, the Southwest quarter of the Northwest quarter and the West half of the Southwest quarter all in Section 13, Township 9 north, Range 1 East, Boise Meridian, Gem County, Idaho.

PARCEL IV:

~~The North half of the Northeast quarter, the Southeast quarter, the South half of the Northeast quarter, the Southeast quarter of the Northwest quarter and the Northeast quarter of the Southwest quarter~~ all in Section 14, Township 9 North, Range 1 East, Boise Meridian, Gem County, Idaho.

EXCEPT a tract in the Southwest corner of the Northeast quarter of the Southwest quarter lying South of that certain private road known as the Sacks and Griffith Road.

ALSO EXCEPT a parcel of land situated in a portion of the South half of Section 14, Township 9 North, Range 1 East, Boise Meridian, Gem County, Idaho, shown as Parcel D on amended Record of Survey for Sutton Ranches, Inc., recorded in the Gem County Records Office, Instrument No. 192010 and described as follows:

Commencing at the quarter corner common to Sections 11 and 14 an aluminum monument;

LEGAL CONTINUED NEXT PAGE

LEGAL CONTINUED

South 0°12'01" West a distance of 3953.24 feet to a point from which the quarter corner common to Sections 14 and 23 an aluminum monument bears South 0°12'01" West a distance of 1317.27 feet; thence

South 89°53'51" West a distance of 703.95 feet to a 1/2 inch steel pin and the REAL POINT OF BEGINNING; thence continuing

South 89°53'51" West a distance of 20.57 feet to a point on the Westerly right of way of the Ola Highway; thence along said right of way

North 13°21'45" East a distance of 355.70 feet to a point; thence leaving said right of way

South 86°50'06" East a distance of 20.32 feet to a point; thence along the centerline of the Ola Highway

North 13°21'45" East a distance of 255.18 feet to a point; thence along the thread of Squaw Creek the following courses;

North 78°30' East a distance of 292.00 feet to a point; thence

North 67°30' East a distance of 188.00 feet to a point; thence

North 87°30' East a distance of 134.00 feet to a point; thence

South 49°30' East a distance of 57.00 feet to a point; thence

South 20° East a distance of 140.00 feet to a point; thence

South 24°30' West a distance of 310.00 feet to a point; thence

South 34° West a distance of 299.63 feet to a point; thence leaving said thread of Squaw Creek and along the Southerly line of the Northeast quarter of the Southwest quarter

South 89°53'51" West a distance of 522.79 feet to the REAL POINT OF BEGINNING.

ALSO EXCEPT a parcel of land situated in a portion of Section 14, Township 9 North, Range 1 East, Boise Meridian, Gem County, Idaho, shown as Parcel B on the Amended Record of Survey for Sutton Ranches, Inc, recorded in the Gem County Recorder's Office, Instrument No. 192010 and described as follows:

Commencing at the Section corner common to Sections 11, 12, 13 and 14, an aluminum monument South 89°52'43" West a distance of 2613.41 feet to the quarter corner common to Sections 11 and 14 an aluminum monument and the REAL POINT OF BEGINNING; thence along the Northerly line of the Northeast quarter of said Section 14

North 89°52'43" East a distance of 235.49 feet to a 1/2 inch steel pin; thence leaving said Northerly line and along the centerline of the Ola Highway the following courses;

South 2°30'29" East a distance of 220.37 feet to a point; thence

South 7°19'03" West a distance of 168.65 feet to a point; thence

South 12°59'40" West a distance of 737.03 feet to a point; thence

South 10°04'16" West a distance of 270.26 feet to a point; thence

South 14°54'20" West a distance of 717.81 feet to a point; thence

South 24°00'18" West a distance of 364.63 feet to a point; thence

LEGAL CONTINUED NEXT PAGE

LEGAL CONTINUED

South 18°57'29" West a distance of 356.93 feet to a point; thence
South 13°06'58" West a distance of 266.14 feet to a point; thence
South 12°08'27" West a distance of 404.81 feet to a point; thence
South 13°21'45" West a distance of 225.18 feet to a point; thence
leaving said centerline and along the centerline of a certain road
known as Sacks-Griffith Road the following courses;

North 86°50'06" West a distance of 103.19 feet to a point; thence
South 70°38'55" West a distance of 80.28 feet to a point; thence
South 61°16'18" West a distance of 196.67 feet to a point; thence
South 41°10'28" West a distance of 60.51 feet to a point; thence
South 65°41'26" West a distance of 218.04 feet to a point; thence
South 76°46'19" West, a distance of 103.60 feet to a point on the
Westerly line of the Northeast quarter of the Southwest quarter of
said Section 14; thence leaving said centerline and along the said
Westerly line

North 0°12'52" East a distance of 1247.14 feet to a point; thence
along the Westerly line of the Southeast quarter of the Northwest
quarter

North 0°05'00" East a distance of 1320.05 feet to a 5/8 inch steel
pin; thence along the Northerly line of said Southeast quarter of
the Northwest quarter

South 89°56'59" East a distance of 1315.28 feet to a 5/8 inch steel
pin; thence along the Westerly line of the Northeast quarter of the
Northeast quarter

North 0°12'01" East a distance of 1317.97 feet to the REAL POINT OF
BEGINNING.

AND ALSO EXCEPT a parcel of land situated in a portion of Section
14, Township 9 North, Range 1 East, Boise Meridian, Gem County,
Idaho shown as Parcel C on Record of Survey for Sutton Ranches,
Inc., recorded in the Gem County Recorders Office and described as
follows:

Commencing at the quarter corner common to Sections 11 and 14 an
aluminum monument South 0°12'01" West a distance of 2501.94 feet to
a point from which the quarter corner common to Sections 14 and 23
an aluminum monument bears South 12°01' West a distance of 2768.57
feet; thence

South 89°57'34" West a distance of 349.87 feet to a 1/2 inch steel
pin and the POINT OF BEGINNING; thence

North 89°57'34" East a distance of 679.29 feet to a 1/2 inch steel
pin; thence

South 14°04'34" West a distance of 931.46 feet to a point; thence
along the thread of Squaw Creek the following courses;

North 20° West a distance of 121.02 feet to a point; thence

North 49°30' West a distance of 57.00 feet to a point; thence

South 87°30' West a distance of 134.00 feet to a point; thence

LEGAL CONTINUED NEXT PAGE

LEGAL CONTINUED

South 67°30' West a distance of 188.00 feet to a point; thence
South 78°30' West a distance of 292.00 feet to a point; thence
leaving said thread of the stream and along the centerline of Ola
Highway the following courses
North 12°08'27" East a distance of 404.81 feet to a point; thence
North 13°06'58" East a distance of 266.14 feet to a point; thence
North 18°57'29" East a distance of 246.72 feet to the POINT OF
BEGINNING.

PARCEL V:

The Northeast quarter of Section 23, Township 9 North, Range 1
East, Boise Meridian, Gem County, Idaho.

PARCEL VI:

The Northwest quarter of the Northwest quarter of Section 24,
Township 9 North, Range 1 East, Boise Meridian, Gem County, Idaho.

EXCEPT ditch and road rights of way.



FA-2891

CORPORATE WARRANTY DEED

INSTRU. NO. 209902
PAGES 1 OF 1

FOR VALUE RECEIVED,

SUTTON RANCHES, INC., an Idaho Corporation as to an undivided 1/2 interest and
SUTTON LIVESTOCK CO., INC., an Idaho Corporation as to an undivided 1/2 interest

a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant, Bargain, Sell
and Convey unto

ALLEN COBURN AND MARSHA A. COBURN, husband and wife

whose address is: 17800 SWEET OLA HIGHWAY, OLA, ID 83657

grantee, the following described real estate, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

SUBJECT TO current years taxes, irrigation district assessment, public utility easements, subdivision restrictions
and U.S. patent reservations.

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

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its
corporate name to be hereunto subscribed by its President this 20th day of January, 2000.

SUTTON RANCHES, INC.

209902

BY: Howard Sutton
HOWARD SUTTON, PRESIDENT

(Carm County, Idaho) ss
Recorded at request of
First American Title Co.

BY: John Sutton
JOHN SUTTON, SECRETARY

Time 4:03 PM

Date January 21, 2000

Instru. No. 209902

Recorded as a Deed

SUTTON LIVESTOCK CO., INC.

BY: Buhl W. Sutton
BUHL W. SUTTON, PRESIDENT

Susan K. Howard, Clerk
In Office Recorder

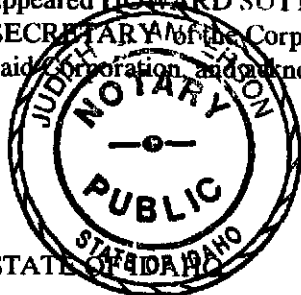
BY: Steven B. Sutton
STEVEN B. SUTTON, SECRETARY

By: Judy Brigham
Deputy

... \$ 21.00

STATE OF IDAHO)
) ss.
COUNTY OF GEM)

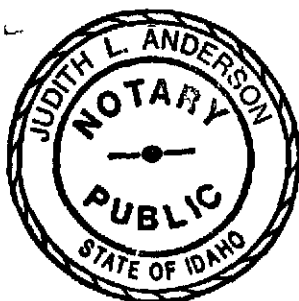
On This 20th day of January, in the year 2000, before me, a Notary Public in and for said State, personally appeared HOWARD SUTTON AND JOHN SUTTON, known or identified to me to be the PRESIDENT AND SECRETARY of the Corporation that executed the instrument or the person who executed the instrument on behalf of said Corporation, and acknowledged to me that such Corporation executed the same.



Judith L. Anderson
Notary Public of Idaho
Residing at BOISE
Commission expires: 12/21/2001

STATE OF IDAHO)
) ss.
COUNTY OF GEM)

On This 20th day of January, in the year 2000, before me, a Notary Public in and for said State, personally appeared BUHL W. SUTTON AND STEVEN B. SUTTON, known or identified to me to be the PRESIDENT AND SECRETARY of the Corporation that executed the instrument or the person who executed the instrument on behalf of said Corporation, and acknowledged to me that such Corporation executed the same.



Judith L. Anderson
Notary Public of Idaho
Residing at BOISE
Commission expires: 12/21/2001



CORPORATE WARRANTY DEED

FOR VALUE RECEIVED,

SUTTON RANCHES, INC., an Idaho Corporation as to an undivided 1/2 interest and
SUTTON LIVESTOCK CO., INC., an Idaho Corporation as to an undivided 1/2 interest

a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto

ALLEN COBURN AND MARSHA A. COBURN, husband and wife

whose address is: 17800 SWEET OLA HIGHWAY, OLA, ID 83657

grantee, the following described real estate, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

SUBJECT TO current years taxes, irrigation district assessment, public utility easements, subdivision restrictions and U.S. patent reservations.

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

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President this 20th day of January, 2000.

SUTTON RANCHES, INC.

BY: Howard Sutton 75903
HOWARD SUTTON, PRESIDENT

BY: John Sutton
JOHN SUTTON, SECRETARY

SUTTON LIVESTOCK CO., INC.

BY: Buhl W. Sutton
BUHL W. SUTTON, PRESIDENT

BY: Steven B. Sutton
STEVEN B. SUTTON, SECRETARY

INST# 175903
REQUEST mta view

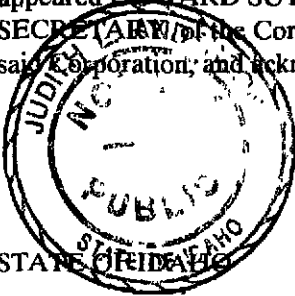
00 JAN 21 PM 2:50

JOICE COUNTY RECORDER

BY Chandler
TYPE 31 FEE 9.00 /chg

STATE OF IDAHO)
)
 ss.
COUNTY OF GEM)

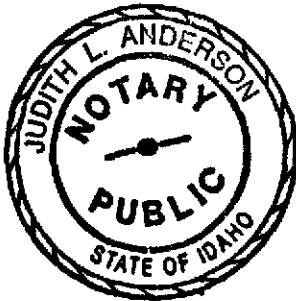
On This 20th day of January, in the year 2000, before me, a Notary Public in and for said State, personally appeared HOWARD SUTTON AND JOHN SUTTON, known or identified to me to be the PRESIDENT AND SECRETARY of the Corporation that executed the instrument or the person who executed the instrument on behalf of said Corporation, and acknowledged to me that such Corporation executed the same.



Judith L. Anderson
Notary Public of Idaho
Residing at BOISE
Commission expires: 12/21/2001

STATE OF IDAHO)
)
 ss.
COUNTY OF GEM)

On This 20th day of January, in the year 2000, before me, a Notary Public in and for said State, personally appeared BUHL W. SUTTON AND STEVEN B. SUTTON, known or identified to me to be the PRESIDENT AND SECRETARY of the Corporation that executed the instrument or the person who executed the instrument on behalf of said Corporation, and acknowledged to me that such Corporation executed the same.



Judith L. Anderson
Notary Public of Idaho
Residing at BOISE
Commission expires: 12/21/2001

EXHIBIT A

~~Township 9~~ North, Range 2 East, Boise Meridian, Boise County, Idaho

Section 4: Lot 4 and the $W\frac{1}{2}$ $SW\frac{1}{4}$

~~Section~~ 5: All

Section 6: Lots 1 and 2, $S\frac{1}{2}$ $NE\frac{1}{4}$ and the $NE\frac{1}{4}$ $SE\frac{1}{4}$

Section 7: Lots 1, 2 and 3, $S\frac{1}{2}$ $NE\frac{1}{4}$, $SE\frac{1}{4}$ $NW\frac{1}{4}$, $NE\frac{1}{4}$ $SW\frac{1}{4}$, $N\frac{1}{2}$ $SE\frac{1}{4}$, $SE\frac{1}{4}$ $SE\frac{1}{4}$, $N\frac{1}{2}$ $SE\frac{1}{4}$ $SW\frac{1}{4}$, $N\frac{1}{2}$ $SW\frac{1}{4}$ $SE\frac{1}{4}$

Section 8: $N\frac{1}{2}$, $SW\frac{1}{4}$, $NW\frac{1}{4}$ $SE\frac{1}{4}$ and $S\frac{1}{2}$ $SE\frac{1}{4}$

Section 9: $W\frac{1}{2}$ $W\frac{1}{2}$

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-13636

Priority: September 5, 1995 Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 1.6 AF

This is to certify, that SUTTON RANCHES INC
SUTTON LIVESTOCK INC

RT 1 BOX 43

MIDVALE ID 83645

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 5, 1995; and has submitted Proof of Beneficial Use on October 1, 1996. An examination indicates that the works have a diversion capacity of 0.020 cfs of water from:

SPRING tributary to **SINKS**

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.02 CFS	1.6 AF

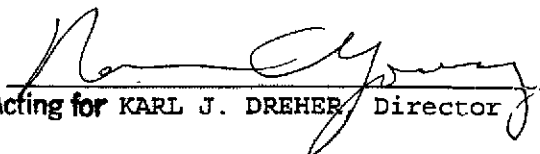
LOCATION OF POINT(S) OF DIVERSION: NWNENW , Sec. 9, Township 09N, Range 02E
GEM County

PLACE OF USE: STOCKWATER

TWN RGE SEC

09N 02E 9 NENW

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 22nd day of April, 1999.


Acting for KARL J. DREHER, Director

MICROFILMED

JUN 04 1999

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-13636

Date of Priority: September 5, 1995 Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 1.6 AF

Comes now SUTTON RANCHES INC
SUTTON LIVESTOCK INC

RT 1 BOX 43
MIDVALE ID 83645

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the
State of Idaho No. 65-13636, and requests that the permit be changed as follows:

Source: SPRING tributary to SINKS

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.02 CFS	1.6 AF

LOCATION OF POINT(S) OF DIVERSION: NWNENW, Sec. 9, Township 09N, Range 02E
GEM County

PLACE OF USE: STOCKWATER
TWN RGE SEC
09N 02E 9 NENW

Permit holder asserts that no one will be injured by such change and that such change
will be made at permit holder's own risk.

Signed at Midvale, Idaho, this 20th day of April, 1999.

MICROFILMED

JUN 09 1999

Sutton Ranches Inc. John Sutton Sec.
Sutton Livestock Co. Inc. Buck Sutton Pres.
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-13636

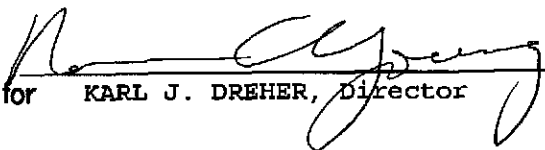
FOR DEPARTMENT USE ONLY

Preliminary check by SWR Fee = \$50.00 Receipted by HW # C045213 Date 4.21.99

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 65-13636 with the following;

Witness my hand this 22ND day of April, 1999.

Acting for 
KARL J. DREHER, Director

MICROFILMED
JUN 09 1999

RECEIVED
OCT 01 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 65-13636 Telephone No. 208 355-2450
2. Name(s) of Permit Holder(s): Sutton Ranches Inc / Sutton Livestock Inc
3. Mailing Address: ~~XXXX~~ Rt 1 Box 42 Midvale, ID 83645
4. Source of Water: Spring If GROUNDWATER (well), Date Drilled: mo. ____ / yr. ____
 - a. Well Driller: ____ Drilling Permit Number: ____ - ____ - ____ - ____
 - b. OPTIONAL:
Pump Horsepower: ____ Pressure (psi): ____ Dynamic pumping level (ft): ____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): ~~XXXX~~ Stockwater (No. and type of stock): 200 cow/calf pairs
Irrigation (No. of acres): ____ Other: ____
6. Total rate of diversion and/or volume for which proof is submitted: .02 cfs OR ____ acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes ____ or No <u>X</u>
	Has the measuring device been installed?	Yes ____ or No ____
Flow Measurement Port:	Is a flow measurement port required?	Yes ____ or No ____
	Has the measurement port been installed?	Yes ____ or No ____
8. Fee Enclosed: \$ 50 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Howard Sutton Telephone Number: (208) 355-2450
Address: 2660 Farm to Market Rd. Midvale, ID 83645
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Howard Sutton Date: 9/23/96
(include your title, if on behalf of company or organization)

NOV 07 1996

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 65-13636

Proposed Priority: September 5, 1995 Maximum Diversion Rate: 0.02 CFS

This is to certify, that SUTTON RANCHES INC
SUTTON LIVESTOCK INC
RT 1 BOX 43
MIDVALE ID 83645

has applied for a permit to appropriate water from:
SPRING tributary of SINKS

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
STOCKWATER	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION: SENWNW , Sec. 9, Township 09N, Range 02E
GEM County

PLACE OF USE: STOCKWATER

TWN RGE SEC

09N 02E 9 NWNW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 1996.
2. Subject to all prior water rights.
3. Stockwater use is for 200 pair range cattle.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

14th day of November, 1995.

Karl J. Dreher
for Karl J. Dreher, Director

DEC 01 1995

RECEIVED
NOV 7 1995

Ident. No. 65-13636

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: SUTTON RANCHES INC 208-355-2450
Address: RT 1 BOX 43
MIDVALE ID 83645
OR
Name: SUTTON LIVESTOCK INC 208-355-2450
Address: RT 1 BOX 43
MIDVALE ID 83645

2. Source: SPRING Trib. to: SINK
3. Location of Point of Diversion: SENWNW Sec. 9, Township 09N, Range 02E
GEM County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
STOCKWATER	01/01	12/31	0.020		

5. Total quantity to be appropriated is:
0.020 CFS (and/or) AF

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc.
PERFORATED LINE TO SPRINGBOX, PIPED TO STOCK TROUGH
b. Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
c. Proposed well diameter is inches; proposed depth of well is
feet.
d. Is groundwater with a temperature greater than 85F being sought? NO
e. If well is already drilled, when?
Drilling Firm
Well was drilled for

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 1 year(s).

RECEIVED

DEC 01 1995

8. Place of Use: STOCKWATER

TWN RGE SEC
09N 02E 9 NWNW

9. a. Who owns the property at the point of diversion?
APPLICANT
b. Who owns the land to be irrigated or place of use?
APPLICANT
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

10. Remarks:
Stockwater use is for 200 cow/calf pairs.

11. Map of proposed point of diversion and place of use attached? [Y]

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Sutton Ranches
by Howard Sutton
Applicant

Received by nn Date 09/05/1995 Time 3:16 pm Preliminary check by GMH

Fee \$ 50 Receipted by nn # W019834 Date 09/05/1995

Publication prepared by AT Date 9-27-95 Published in Messenger-Index

Publication approved AT Date 10-25-95

11 1995



Produced by the Geological Survey
in cooperation with the U.S. Forest Service

Orthophotograph prepared from 1:80,000-scale
aerial photographs taken July 4, 1981

Projection and 10,000-foot grid ticks. Idaho coordinate
system, west zone (transverse Mercator)
1000-metre Universal Transverse Mercator grid,
zone 11. 1927 North American Datum

Photom imagery transformed by scanning techniques
which may produce double or mismatched images;
use the mean of image positions for map point.



V9 1981

T09N R02E S09

65-13636

Department of Water Resources pursuant to
notices of claims and objections in the Snake
express or implied, is made and no legal
es, its agents, contractors, and reproduction
Co Inc or its employees for the accuracy
set forth on this map

Copies Of These
At Bonneville B



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

November 12, 2004

ALLEN COBURN
MARSHA COBURN
17800 SWEET OLA HWY
OLA ID 83657

RE: Water Right License 65-13636

Dear Water Right Holder:

The Department of Water Resources (IDWR) has issued the enclosed order correcting Water Right License 65-13636. The order is a **preliminary order** issued by IDWR pursuant to §67-5243, *Idaho Code*. The amended water right license issued in connection with the order supersedes the license issued on April 22, 1999. **The preliminary order can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described in the enclosed information sheet.**

If you have questions, please contact me at (208) 287-4947.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

Enclosures

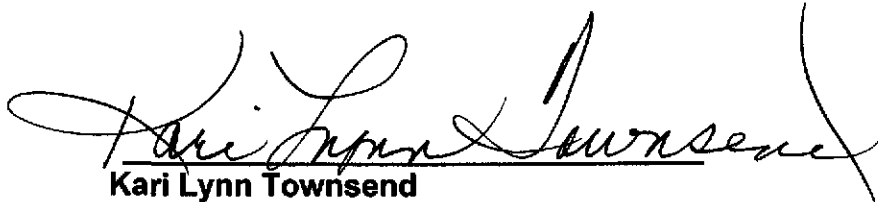
CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of November, 2004, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 65-13636

**ALLEN COBURN
MARSHA COBURN
17800 SWEET OLA HWY
OLA ID 83657**

**IDAHO DEPT OF LANDS
8355 WEST STATE STREET
BOISE ID 83714**


**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



RECEIVED

NOV - 2 2004

SOUTHWESTERN IDAHO AREA OFFICE
8355 West State Street
Boise, Idaho 83714
Phone (208) 334-3488 FAX (208) 853-6372

DEPARTMENT OF
WATER RESOURCES

WINSTON WIGGINS - DIRECTOR

November 1, 2004

State of Idaho
Dept. of Water Resources
Water Rights Supervisor
1301 North Orchard Street
Boise, Idaho 83720-0098

Dear Ms. Shelley W. Keen,

The Southwest Supervisory Office would like to comment on the proposed correction of water right license 65-13636 on behalf of the Idaho Department of Lands. We have no interest in the proposed correction of the water right license as long as the point of diversion and place of use described are on private property owned by the Coburns.

However, if in the future, the location of the point of diversion and/or place of use is found to be on lands administered by IDL, we reserve the right to have the license corrected to reflect our ownership of the land and use of the water.

If you have any questions or comments, please call me at 208-334-3488, or email me at rbeavers@idl.state.id.us.

Sincerely,

Rebecca Beavers
Resource Manager, Lands

KEEP IDAHO GREEN
PREVENT WILDFIRE

EQUAL OPPORTUNITY EMPLOYER

Keen, Shelley

From: Keen, Shelley
Sent: Tuesday, October 12, 2004 1 15 PM
To: 'Rebecca Beavers'
Subject: RE. Proof of Beneficial Use/Ownership dispute

Rebecca,

Thanks for your email IDWR believes that the point of diversion and place of use for Right 65-13636 are on land owned by the Coburns. However, the water right license was issued with the point of diversion and place of use described on land administered by the USFS (now by IDL). Before taking any action to correct the water right license, IDWR wants to be sure that IDL has the opportunity to comment on the proposed correction. Please let me know within 30 days if IDL has any comments regarding the proposed correction of Right 65-13636.

Please call or email if you have any questions

Shelley Keen
Water Right Permits Section
Idaho Dept. of Water Resources
208-287-4947
skeen@idwr.state.id.us

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

From: Rebecca Beavers [mailto:rbeavers@idl.state.id.us]
Sent: Friday, October 08, 2004 2:35 PM
To: 'skeen@idwr.state.id.us'
Subject: Proof of Beneficial Use/Ownership dispute

Shelly,

I letter was mailed to the USDA Forest service office concerning proof of beneficial use for permit 65-13636. The ownership has been changed once. In the letter, the believed ownership is between the forest service and Allen and Marsha Coburn. We did a land exchange with the Forest Service in 1991 and now own this piece of property. IDWR wants to correct the water license so I thought you should be aware of the actual ownership. If you have any questions, please contact me.
Thanks.

Rebecca Beavers
Resource Manager, Lands
Idaho Dept. of Lands
8355 W. State Street
Boise, Idaho 83714

Tel: (208) 334-3488
Fax: (208) 853-6372

10/12/2004

Keen, Shelley

From: Steven M Spencer [sspencer@fs.fed.us]
Sent: Tuesday, October 05, 2004 2:01 PM
To: skeen@idwr.state.id.us
Subject: 65-13636

Your letter to the USDA Forest Service about a possible problem with the legal location of 65-13636 being on NFS land in Sec. 9, T9N, R2E is appreciated. Thank you for looking out for us. I have found that this section as well as another 3,000 acres of NFS land in that area was exchanged to the State of Idaho in 1991. As a result, Section 9 is State Land. I found that Rebecca Beavers handles the range for the State in that area. I am FAXing a copy of your letter to her. Her phone number is 334-3488. The FS would have no further need to be involved in this matter. Thank you. If you have any questions about this matter, please contact me.

Steve Spencer	(208) 331-5944
Boise Adjudication Team	(208) 387-0842 FAX
161 E. Mallard, Suite A	e-mail: sspencer@fs.fed.us
Boise, ID 83706	



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

October 1, 2004

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

UNITED STATES OF AMERICA
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE, ID 83724

RE: Water Right License 65-13636

Dear Interested Party,

In 1995 IDWR issued water appropriation permit 65-13636 to Sutton Ranches, Inc., and Sutton Livestock, Inc., for the diversion of water from a spring in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 9, T9N, R2E, B.M., for stock watering purposes. In 1996 the permit holders submitted proof of beneficial use, and in 1998 an IDWR field inspector conducted an examination to verify the beneficial use established in connection with the permit. The examiner's report indicated that the point of diversion and place of use were actually in NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 9, T9N, R2E, B.M. In 1999 the permit was amended and a water right license was issued in accordance with the field examiner's findings.

In 2000 Allen and Marsha Coburn submitted an ownership change notice for right 65-13636. While processing the change, IDWR noted that the Coburns own the originally permitted point of diversion and place of use, but not the licensed point of diversion and place of use. The NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 9, T9N, R2E, B.M., is actually USFS land. It was also noted, however, that while the field examiner mapped the spring in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 9, his diagram showed the spring on the west side of the fence line, which presumably separates USFS land from the land now owned by the Coburns.

This week another IDWR field examiner visited the spring site to investigate. He, too, found the spring and trough to be on the west side of the fence line and, using GPS, he located it in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 9, as originally permitted.

With this new finding, IDWR is proposing to correct the water right license issued in 1999. Before any action is taken, however, IDWR would like you to have an opportunity to comment on the proposed change. If you have any concerns about the proposed correction, please submit them in writing within 30 days. If IDWR does not receive a response from you within that time, the agency will take steps to correct the license and process the Coburns' ownership change notice.

If you have any questions, please call me at 208-327-7946, or email me at skeen@idwr.state.id.us.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

Cc: Allen and Marsha Coburn

Keen, Shelley

From: Nelson, Dan
Sent: Friday, October 01, 2004 8:51 AM
To: Keen, Shelley
Subject: Coburn Change of Ownership Request for water right 65-13636

Shelley,

I made it to the spring associated with water right 65-13636. I GPSed the site and have plotted it on an DOQQ aerial photo. It appears from the GPS reading and my personal observation that the spring is actually located in the SENWNW S9 T9N R2E. The GPS reading matches very closely to where I marked the site on the Aerial photo I had with me (I couldn't distinguish the two). I have attached the map and shape files to this email.

Dan Nelson
Western Region



spring map.jpg



spring.dbf



spring.shp



spring.shx



water trough.dbf

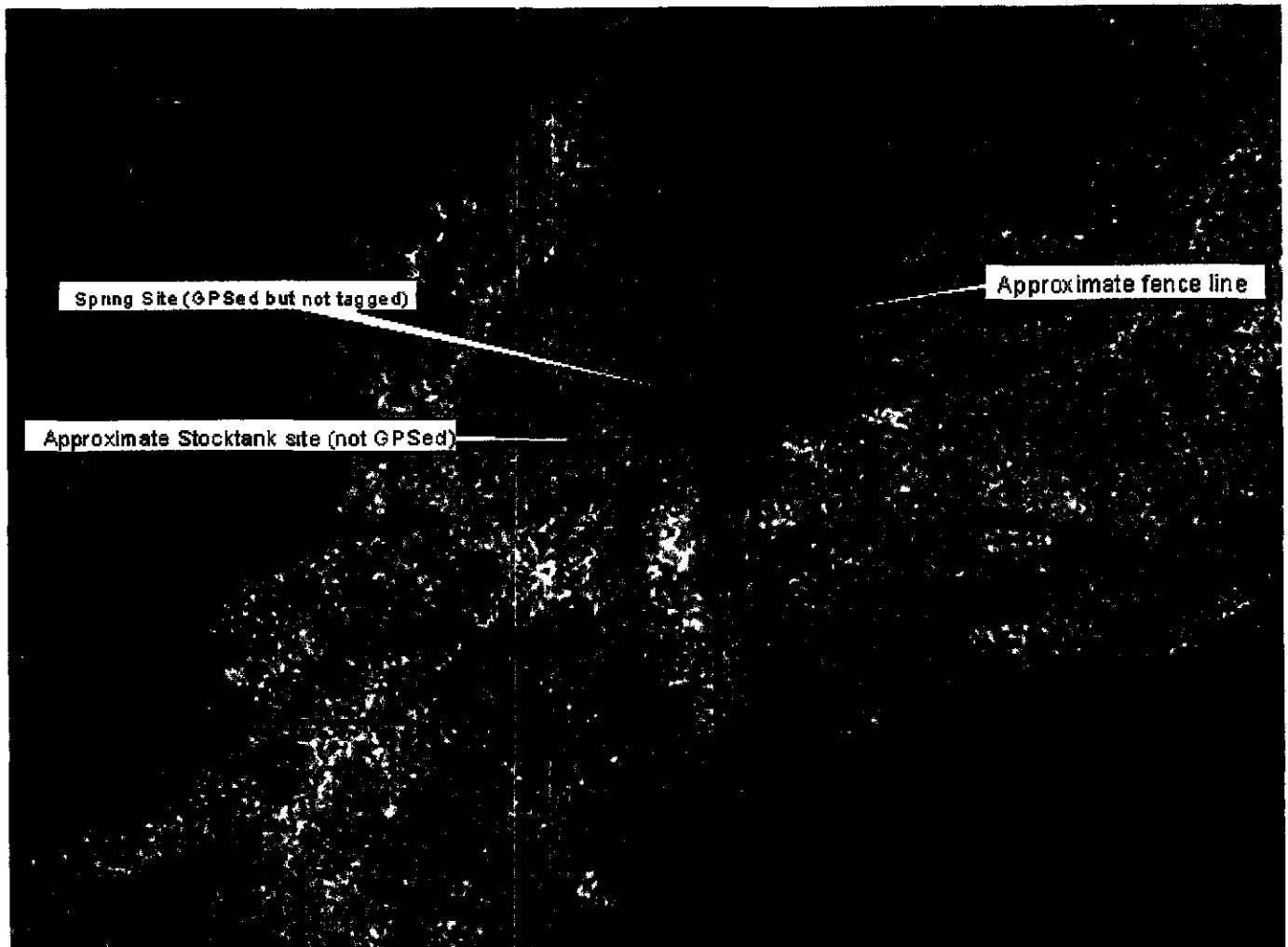


water trough.shp



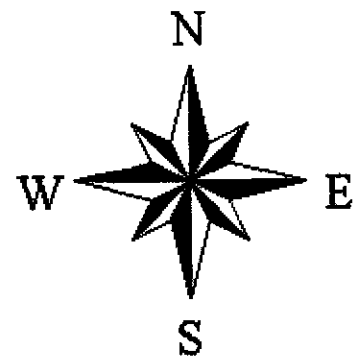
water trough.shx

Review of Coburn Ownership Change water right 65-13636 Daniel Nelson 9/30/2004



0.1 0 0.1 0.2 Miles

- Spring
- Water Trough
- Section Lines
- 1/4 1/4 Lines



MEMORANDUM

DATE: September 23, 2004

TO: Steve Lester

FROM: Shelley W. Keen *swk*

RE: 65-13636 Point of Diversion Location

Thank you for offering to re-affirm the point of diversion and place of use locations for Right 65-13636. As we discussed on the phone, Allen and Marsha Coburn submitted an ownership change notice indicating their ownership of the right, but the licensed point of diversion and place of use are on USFS land in the NENW Sec. 9, T9N, R2E. The Coburns own the $W\frac{1}{2}W\frac{1}{2}$ of Sec. 9. There is enough ambiguity in the field examiner's report, particularly in his depiction of the POD and POU on the west side of the fence line, that I think we should take a second look. I've attached copies of the field report and other relevant documents from the water right file. I'll look forward to seeing your report.

According to the database, other permits that can be examined on the same trip to the Ola-Sweet area include 65-13767, 65-22383, and 65-22781.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

October 3, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ALLEN COBURN
MARSHA COBURN
17800 SWEET-OLA HWY
OLA, ID 83657

RE: Change in Ownership Water Right No. 65-13636

Dear Mr. & Mrs. Coburn:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership. Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

☒ **Evidence of Water Right Ownership:** copy of Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question

☒ **Legal Description of Property**

☒ **Plat of Property or Survey Map** usually on file with the county

During our review of the documentation you submitted we found some discrepancies between that documentation and the legal description of the place of use for the water right(s) indicated in your notice. The water right is located in the T9N, R2E, S9, NENW, the warranty deed that you sent us shows the land you own in T9N, R2E, S9 is the W1/2 of the W1/2. I have enclosed a copy of the water right and the deed you sent us for your reference.

Because the Department cannot process the ownership change without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within 30 days we will return your notice and all attachments and your notice will not be processed

Please note that water right owners are required to report any change in water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage (<http://www.idwr.state.id.us>) on the Internet to obtain the proper forms and instructions.

Please feel free to contact me at 208-327-5452, if you have any questions.

Sincerely,



James F. Zokan
Sr. Water Resource Agent

JFZ.klt

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

April 23, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SUTTON RANCHES INC
SUTTON LIVESTOCK INC
RT 1 BOX 43
MIDVALE ID 83645

RE: WATER RIGHTS 65-13634/65-13636

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed licenses confirming that water rights have been established in accordance with the permits referenced above. The licenses are preliminary orders issued by the Department pursuant to section 67-5243, Idaho Code. They can and will become final orders without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

For your records I have also enclosed copies of your Applications for Amendment of Permit, which were approved.

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

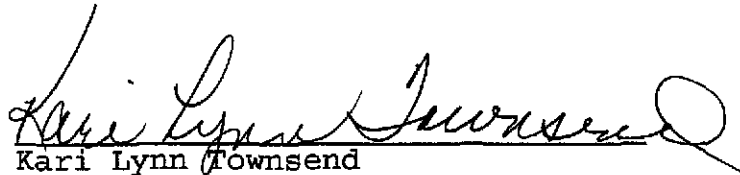
JUN 09 1999

CERTIFICATE OF MAILING

I hereby certify that on the 23rd day of April, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDERS (Approved Licenses) to the person(s) listed below:

Water Rights 65-13634/ 65-13636

SUTTON RANCHES INC
SUTTON LIVESTOCK INC
RT 1 BOX 43
MIDVALE ID 83645


Kari Lynn Townsend
Secretary

MICROFILMED

JUN 09 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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JUN 09 1999

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of, or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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JUN 09 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 16, 1999

SUTTON RANCHES INC
HOWARD SUTTON
2660 FARM TO MARKET RD
MIDVALE ID 83645

RE: Permits 65-13634/65-13636

Dear Mr. Sutton:

In response to your April 15, 1999 telephone conversation with Glen Saxton, I am forwarding new copies of Application for Amendment forms for the above referenced permits.

Please review the amendment forms carefully. If you concur with the information presented, please sign the forms and return them with the \$50.00 (each - \$100.00 total) filing fees within 14 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you have any questions regarding this matter, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley Walter Keen".

Shelley Walter Keen
Water Rights Supervisor

SWK:klt

Enclosures

MICROFILMED

JUN 09 1999

MEMORANDUM

To: Shelley Keen
From: L. Glen Saxton 
RE: PERMITS 65-13634 AND 65-13636
Date: April 15, 1999

See my prior memo dated April 2, 1999.

On this date, Howard Sutton called me and advised that they could not find the amendments which the department had sent them in the past for the permits but assured me that they weremost interested in completing the license process.

I offered to send new assignments to him for signature and return with the required fees which he readily accepted. Please have the amendments prepared again and sent to the following address:

Sutton Ranches, Inc.
c/o Howard Sutton
2660 Farm to Market Road
Midvale, ID 83645

As a side note, after receiving the preliminary orders voiding the permits, I recognized the Sutton name and was curious if they were the Suttons I knew in the Ola, Idaho area. After checking out the legal descriptions, I determined that one of the ranches was the same ranch partially homesteaded by my grandfather south of Ola and was owned by my dad for a few years. Hence, I was not second guessing the appropriateness of sending a preliminary order but instead just happened to check a little further into the matter.

MICROFILMED
JUN 09 1999

MEMORANDUM

To: Files 65-13634 and 65-13636
From: L. Glen Saxton 
RE: TELEPHONE CONVERSATION
Date: April 2, 1999

On this date, I called Howard Sutton to inquire why he had not returned the signed amendments. He advised that he was behind on paper work and fully intended to take care of the matter earlier. He plans to contact his brother to locate the amendment forms and to sign and return them. I advised that if he can't find them, to call me and we will prepare new amendment forms for his signature.

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JUN 09 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

February 23, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SUTTON RANCHES INC
SUTTON LIVESTOCK INC
RT 1 BOX 43
MIDVALE ID 83645

RE: WATER RIGHT NO. 65-13636

Dear Permit Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has been actually developed. I have not yet received the amendment. If I do not receive it within 14 days, I will assume you no longer have any interest in the permit and cancellation proceedings will begin.

Enclosed for your convenience is another amendment form. Please note that the filing fee for this amendment is \$50.00. If you have any questions, please call me at (208) 327-7946.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Karl J. Dreher'.

zm Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

JUN 29 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

January 28, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SUTTON RANCHES INC
SUTTON LIVESTOCK INC
RT 1 BOX 43
MIDVALE ID 83645

RE: WATER RIGHT NO. 65-13636

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that the point(s) of diversion and place(s) of use developed are in locations other than what was described on your permit. Therefore, before a license can be issued, your permit must be amended to depict your water right as it was actually developed.

The enclosed Application for Amendment form depicts the point(s) of diversion and place(s) of use and other information as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208)327-7946.

Sincerely,

A handwritten signature in cursive script that reads 'Shelley W. Keen'.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

JUN 09 1999

LICENSE REVIEW CHECKLIST

PERMIT NO. 65-13636 DATE 1/26/99 REVIEWER: SHARLA

NAME Change/OK
Address OK

SOURCE OK Does change clarify orig. intended source? If no, Void permit

POINT OF DIV Chg ☒ Change (P39/P47) ☐ Add (P45/P42) Feds - P40
W32 (multiple in 1/4/4)
W36 (overlap)
W59 (subd. desc)

Overlaps: Right(s): _____
File reviewed _____ Profile reports printed _____

PLACE OF USE Chg ☒ Change (P41/P47) ☐ Add (P41/P42) Feds - P43
W60 (subd. desc)
W27 (ppu acre limit)

Overlaps: Right(s): _____
File reviewed _____ Profile reports printed _____

PD & PU amend (P37) Feds - P48

RATE OF DIV

Permitted Rate .02 cfs
Fee limit .20 cfs \$50⁰⁰
Measured --- cfs
Theoretical --- cfs

Recommended Total Div Rate .02 cfs

WATER USES	<u>OK</u>	Change (P46)		
<u>Stock</u>	<u>.02</u> cfs	<u>1.6</u> af	Irrig -	overlap (R58-R61, R62-R65, R66-R69)
_____	_____ cfs	_____ af		supp gw (WB7/065/079)
_____	_____ cfs	_____ af		overlap spec combined rts (W35)
_____	_____ cfs	_____ af		<1acre (W31)
_____	_____ cfs	_____ af	Domestic	(W01/WB5/070/071/075)
TOTALS	<u>.02</u> cfs	<u>1.6</u> af	Power	(W42 or W43/025/027/R22 or R23)
			Fish (042)	Fire (077) Wtr Quality (081/R07)

Flow rate .02 cfs X 365 days X 1.98 = 14.5 af

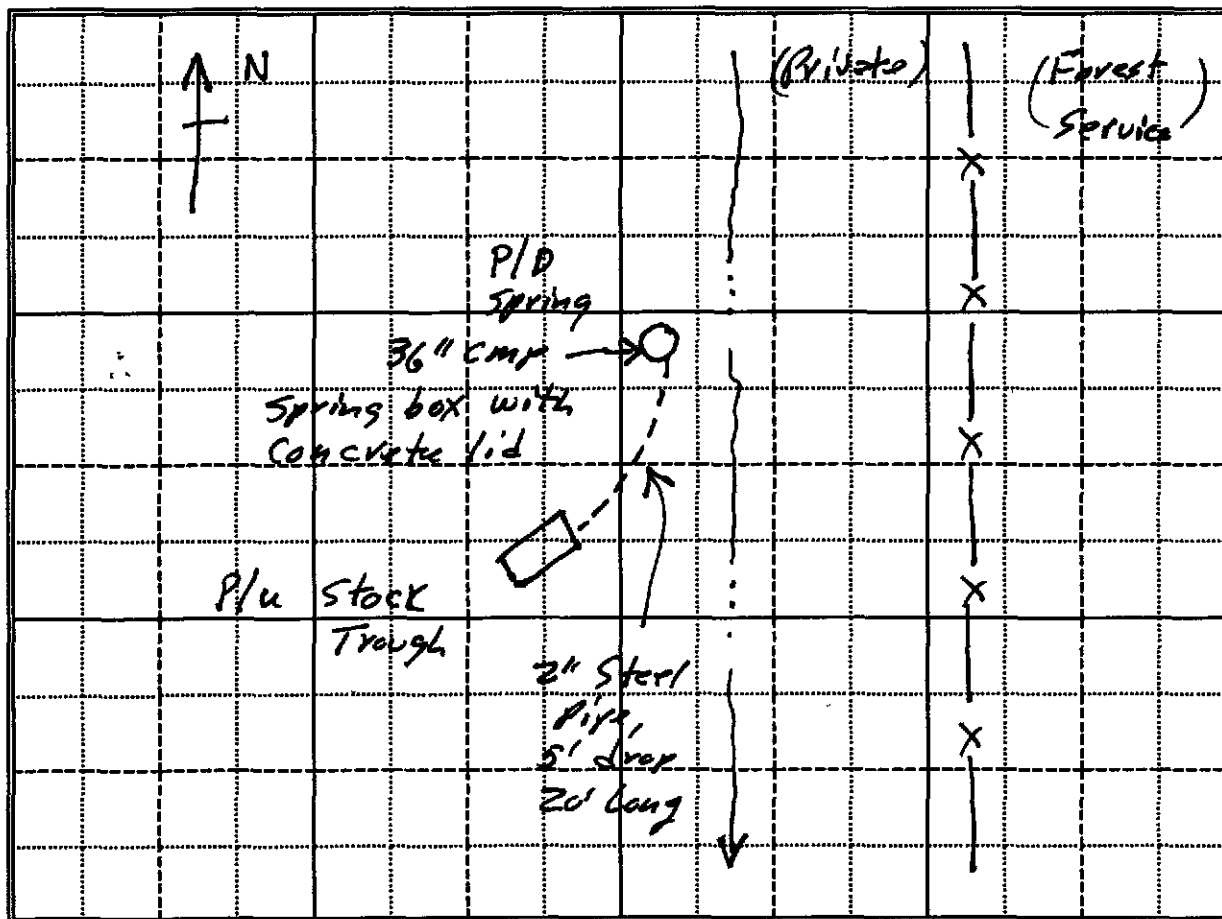
REMARKS ($\leq$ 200 range cattle) comment

ADD'L CONDITIONS _____ Watermaster Control WD# _____
_____ GW Measurement/Measuring Device
_____ Others Trust (052/R55 - remove 051) Non-trust (048/049)

Advance Priority yes ☒ no SRBA Claim NA Adjust Memo _____
Amend letters P37, P38
P47

JUN 09 1999

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = None

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required)

☐ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: None

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JUN 8 9 1995

E. NARRATIVE/REMARKS/COMMENTS

1. This permit is for a spring
~~and~~ development, a 2", 20' long steel
pipe, and one stock watering trough.

2. 200 range cattle use the water
during a normal grazing period of
late April to late November of each
year.

3. There was a very low flow from
the spring at the time of the exam.

Have conditions of permit approval been met? ☒ yes ☐ no

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JUN 09 1999

Additional Computation Sheets Attached

Assume Q

Head
Loss

Head
Auril

$$H = H_f + H_e + \sum H_v$$

$$S' = \left(\frac{1751 \text{ loss}}{100'} \right) \left(\frac{20'}{1} \right) \left(\frac{34'}{14.7 \text{ psi}} \right) + 102 \text{ ft} + \frac{v^2}{2g}$$

0.02 cts, 9 GPM

0.06

51

0.10 45

6.8'

51

The pipe can deliver in
excess of 0.02 cfs if the
spring flows this much.

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 0 \text{ allowed for 200 Head} = 0.05 \text{ cfs}$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{(0.02)(365)(1.9835)} = \underline{14.51 \text{ AFS}}$$

$$V = \text{Smaller of } V_{L,R} \text{ and } V_{D,R} =$$

2. Volume Calculations for Other Uses: *stock water*

$$AFA = \left(\frac{12 \text{ GDP}}{1 \text{ head}} \right) \left(\frac{200 \text{ Head}}{1} \right) \left(\frac{210 \text{ Days}}{\text{Ann.}} \right) \left(\frac{AF}{325,850 \text{ Gal.}} \right)$$

$$= 1.55 = \underline{1.6 \text{ AFA}}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
	From	To	Q (cfs)	V (afa)
<u>Stockwater</u>	<u>01/01</u>	<u>12/31</u>	<u>0.02</u>	<u>1.6</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>Totals:</u>	<u> </u>	<u> </u>	<u>0.02</u>	<u>1.6</u>

2. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None

☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

P/D, P/u is
in NW NE NW

I. AUTHENTICATION

Field Examiner's Name Don Tomber Date 11-19-98

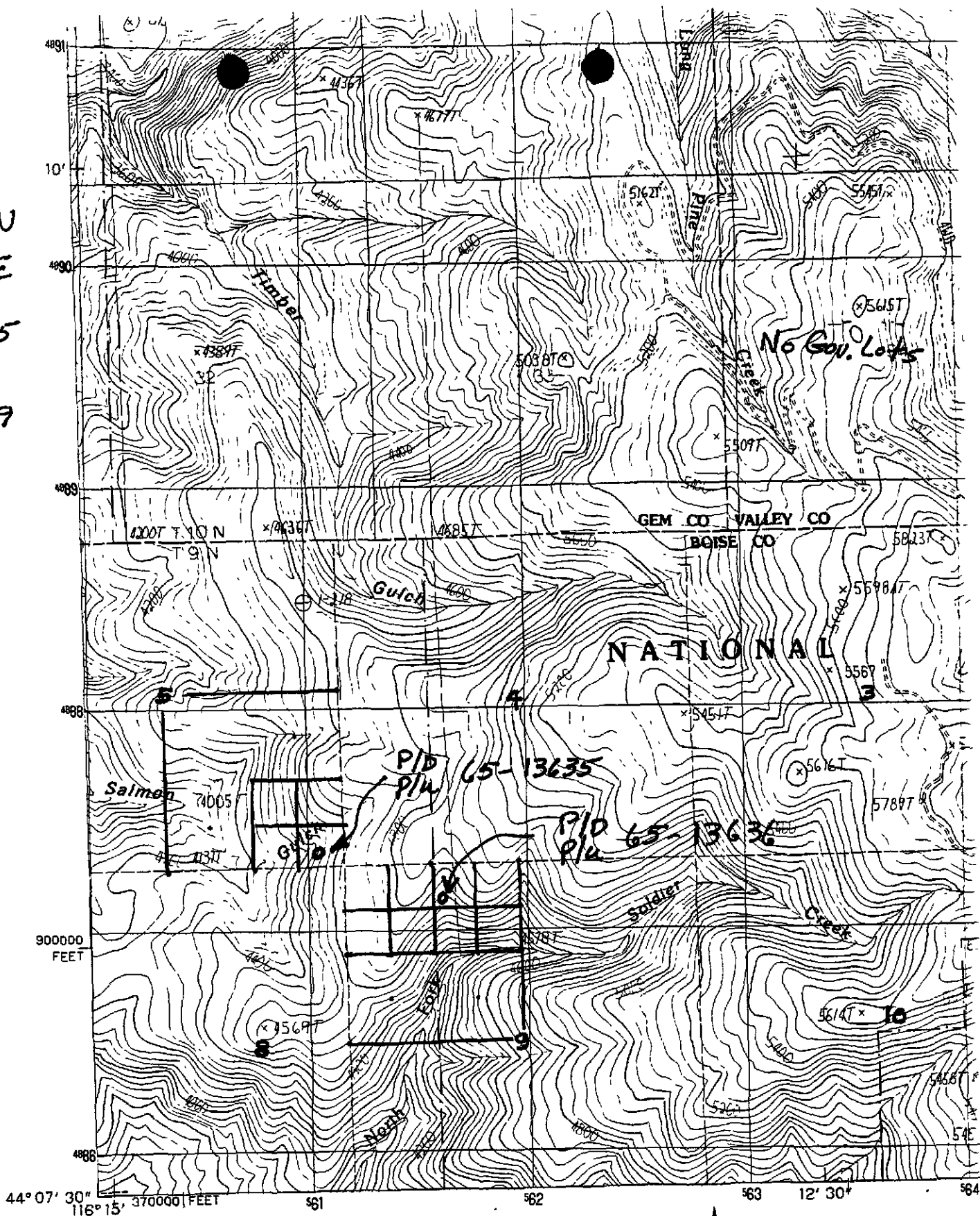
Reviewer _____ Date _____

SEAL

MICROFILMED

JUN 09 1999

T9N
R2E
Sec 5
Sec. 9



PRODUCED BY THE UNITED STATES GEOLOGICAL SURVEY
 CONTROL BY USGS, NOS/NOAA
 COMPILED FROM AERIAL PHOTOGRAPHS TAKEN 1980
 FIELD CHECKED 1981 MAP EDITED 1985
 PROJECTION TRANSVERSE MERCATOR
 GRID: 1000-METER UNIVERSAL TRANSVERSE MERCATOR ZONE 11
 10,000-FOOT STATE GRID TICKS IDAHO, WEST ZONE
 UTM GRID DECLINATION 0°34' EAST
 1985 MAGNETIC NORTH DECLINATION 17°30' EAST
 VERTICAL DATUM NATIONAL GEODETIC VERTICAL DATUM OF 1929
 HORIZONTAL DATUM 1927 NORTH AMERICAN DATUM
 To place on the predicted North American Datum of 1983,
 move the projection lines as shown by dashed corner ticks
 (15 meters north and 76 meters east)
 There may be private inholdings within the boundaries of any
 Easement and State Designations shown on this map

65-13635

65-13636

JUN 09 1999

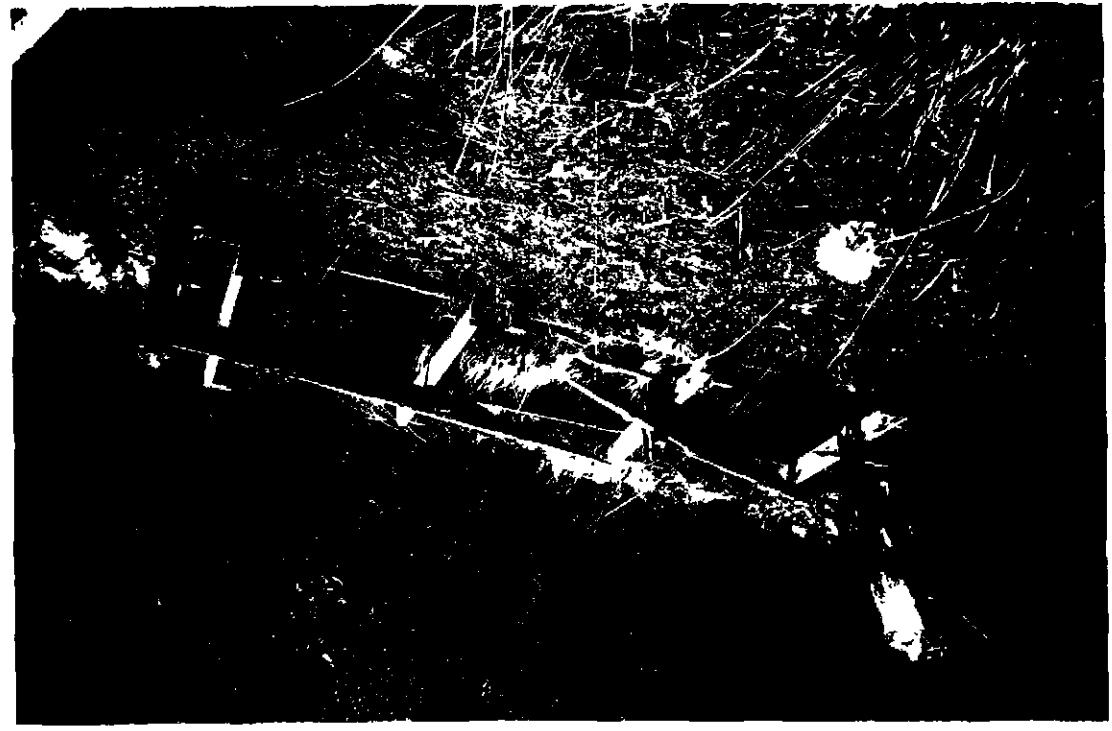
PROVISIONAL MAP
 Produced from original
 manuscript drawings. Informa-
 tion shown as of 12 of

65-13636

MICROFILMED
JUN 0 9 1999

[one of
200
cows]

Plu
stock
Trough



P/D
36" comp
spring
Box



T of T

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 65-13030 Reviewed by 1031 Date July

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

✓ Surface water source
 Ground water source
 Drilling permit required?
 Copy in the file? Drilling Permit No.
 Amount paid for permit Correct?
 Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
50 Amount Submitted
yes Correct?
no Required?
 Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>	<u> </u>
Date proof due	<u> </u>	<u> </u>
No. of days late	<u> </u>	<u> </u>
Priority Date	<u> </u>	<u> </u>
New Priority Date	<u> </u>	<u> </u>

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address Proof Made 10-1-90

November 1, 1996

SUTTON LIVESTOCK INC
SUTTON RANCHES INC
RT 1 BOX 43
MIDVALE ID 83645

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13636

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the WESTERN Regional Office in Boise at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

MICROFILMED
NOV 07 1996

August 31, 1996

SUTTON LIVESTOCK INC
SUTTON RANCHES INC
RT 1 BOX 43
MIDVALE ID 83645

PROOF DUE NOTICE

RE: PERMIT NO. 65-13636

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before November 1, 1996. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

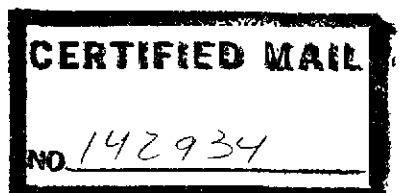
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 14, 1995

SUTTON LIVESTOCK INC
SUTTON RANCHES INC
RT 1 BOX 43
MIDVALE ID 83645

PERMIT APPROVAL NOTICE

RE: PERMIT NOS. 65-12634/65-12635/65-12636

Dear Permit Holder(s):

Enclosed are copies of your approved applications for permits. Please be sure to thoroughly review the "CONDITIONS AND REMARKS" listings on the permit.

Enclosed are forms entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop these permits. Also enclosed are forms entitled "Proof of Beneficial Use". If your projects are already completed you should complete and submit these forms immediately.

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

SWK:rl

Enclosures

DEC 01 1995

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

No.: 65-13636 Name: Slatten Date: 11/9/95 Ad OK? ✓
Correct Fee? ✓ Receipt #: W019834 Priority: 9/5/95 ✓ Gvmt Lts: ✓

AREA OF CONCERN? - No/Yes _____ Mor _____ GWMA Trust/Non-trust
PROTESTED: - 020(Protest Agr) or W19(See Final/Prelim Order)

SYSTEM COMPLETED:
Yes/proof filed - NA
1 year/no proof - P16
+1 year - 26A-P17

GROUNDWATER: <✓ FLO-CH>
+ 0.2 cfs - 01M
=/- 0.2 cfs - No MD
=/+ 5 a. - 01M, 065(if GW use SW 1st)

Drilling Permit:
Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. _____, P99
No WD permit? - 046-46B-P23 (post 7/1/87)
irr. in WD - P05 (new well)

SURFACE WATER <✓ FLO-CH> (Surface water that doesn't sink is regulated):

Water District(~~dom~~) - 005 (req) WD # _____ <SEE MAP & LISTING>
+ 0.2 cfs - 028(may report)-01J(meas dev)-P08
spring/sinks =/- 0.2 cfs - 028(may report)-01H(lock dev)-P01 or No MD
=/+ 5 a. irr. - 028(may report)
~~In WD~~ + 0.2 cfs - 01M or No MD (in-stream)
- 0.2 cfs - No MD
=/+ 5 a. irr. - 01M

RIVER BASINS (*Surface water):

Snake R (01) - 11A-P04, NA
(02/03-irr) - 007-P07 (w/remark WB9-↑ Weiser), NA
Boise R (63) - 05A (if WD), 11E (not 42-111 use), NA
Payette R (65) - 064(regulated uses), 047-P04(Payette Lake), NA

USE:

Domestic (surface) - 021(Boise R ↑ L Peak); 27A(Payette R); NA
Fish Propagation - 07A-042(rq)-010/06A/09E(WQ)-P10; 044(N 1000 Spr)
Irr <POU> =/- 5 a - 057 (0.03 cfs/A)
+ 5 a - 03A (0.02 cfs/A)
Mining - 054 (req) & 06A/010/09E-P10
Power - 08A-17K-025-027-01M-01F(P19)-09E(P10);
+25 cfs-P18; 17G(FERC) or 17M(FERC); 18B-P09
Storage(✓ 3 compo.) - 18A(multi MD in WD), 18B-P09 (+10' dam), NA

LOCATION:

Boise Front LoGeo - 058 (-85° GW temp only)
In-stream dev. - P52 (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - B <SEE CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA

OWNERSHIP: Non-land owner

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

DWor/200 RC

11-1-1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: CJH DATE: 9.18.95 APPLICATION: 65-B436

REQUIRED INFORMATION

OK See comments

Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
Address:
Source: (See USGS Quad for names of water sources)
Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
County:
Quantity: (flow and/or volume)
Period of use:
Nature of proposed use: (Include description of use)
Description of diverting works:
Time required for beneficial use of water:
Place of use or acres irrigated:
Map: (show T, R, S, QQ &/or QQQ)
Subdivision plat: (for > 1 home in restricted area. ≥ 5 homes in non-restricted area)
Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
Fee:
Yes ___ No* In form to receipt:

Gov't. Lots:
2 P/D
2 P/U

RECEIVED
NOV 7 1995
Department of Water Resources

ADDITIONAL INFORMATION

YES NO

Overlapping place of use: (Describe source & relationship to present application on the back.)
Overlapping point of diversion:
Field check required: Field check by: _____
Field report attached:
Critical groundwater area:
Groundwater management area:
1992 moratorium:
Copy to SCA staff: (perennial stream, non-pump diversion)
Copy to Dam Safety staff: (for any storage)
Basin 63 mitigation plan: (where ground water replaces surface water for irrigation, request additional information &/or mitigation plan to address reduced aquifer recharge)
Send power requirement letter:
Send fish farm requirement letter:
Power residency affidavit:
Power efficiency form:
Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

DATE REQUESTED: _____

Additional information on reverse side:

PROCESSING

APPLICATION NO. 65-13636

YES NO

☒ ☐
☒ ☐
☒ ☐

In form for advertising:
Statewide advertising: (> 10 cfs &/or 1000 af)
Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

☐ ☒
☐ ☒
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I.D. Health and Welfare
I.D. District Health
I.D. Fish and Game
I.D. Lands
Adjudication Bureau

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

U.S. BLM
U.S. Forest Svc.
Water Dist. # _____
Other _____

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☐
☒ ☐

Affidavit of publication received:
Application published correctly: If not, record action taken.

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Publication dates and paper recorded on application:
Protests received. Final date for protest _____
Protest dates, resolution of protest recorded on application:
Recommendations attached: *Approve, Dnr*
Measuring device required:
Measuring port required:
Water delivered by water master? District # _____
Special conditions of approval or cover letter: _____

☒ See below for additional information

Recommended Date or Priority 9/5/1995

Recommended by: Dnr

Date 11/7/95

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
 SS.
 COUNTY OF GEM,

Ginger Johnson, being first
 duly sworn, on her oath deposes and
 says that she is the clerk of the Mes-
 senger Index, a legal weekly news-
 paper published at Emmett, in Gem
 County, Idaho; that said newspaper
 is in general circulation in said
 county and has been published unin-
 terruptedly and continuously for
 more than 78 weeks prior to the
 first publication of the annexed
 document; and that the document
 notice, process, or advertisement
 hereunto annexed was published in
 the regular edition of Messenger
 Index for two

consecutive weekly issues thereof,
 beginning with the issue of
Oct 4, 1995,
 and ending with the issue of
Oct 11, 1995

Ginger Johnson
 Subscribed and sworn to me this

11th day of
October, 1995

Janet Fisk
 Notary Public
 Residing at Emmett, Idaho

MY COMMISSION EXPIRES
 JUNE 21st, 1997

My Commission Expires _____

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of
 the State of Idaho:

63-12 150

ASHER, TROY
 ASHER, LINDA
 PO BOX 1282
 EAGLE, ID 83616-1282
 Source: GROUNDWATER
 Diversion Pt: SENE
 Use: IRRIGATION
 STOCKWATER
 DOMESTIC
 Total Diversion:
 Date Filed: 10/ 7/1994
 In: GEM County

Sec 19 T 06N R 01E in GEM County.
 (0.900 CFS)
 (0.040 CFS)
 (0.040 CFS)
 (. 940 CFS)

T06N R01E S19 SENE
 S20SWNW

45.0 ACRES TOTAL
 Water bearing zone to be appropriated is 50 to 600 feet.

65-13634

SUTTON LIVESTOCK INC
 SUTTON RANCHES INC
 RT 1 BOX 43
 MIDVALE, ID 83645
 Source: SPRING
 Diversion Pt:
 Use: DOMESTIC
 STOCKWATER
 Total Diversion
 Date Filed: 9/5/1995
 In: GEM County

Tributary: SINKS
 SWSENE Sec 11 T 09N R 01E in GEM Coun-
 ty.
 (0.020 CFS)
 (0.020 CFS)
 (0.020 CFS)

T09N R01E S14NWNE SWNE

65-13635

SUTTON LIVESTOCK INC
 SUTTON RANCHES INC
 RT 1 BOX 43
 MIDVALE, ID 83645
 Source: SPRING
 Diversion Pt:
 Use: STOCKWATER
 Total Diversion:
 Date Filed: 9/ 5/1995
 In: GEM County

Tributary: SINKS
 SESESE Sec 5 T 09N R 02E in GEM County.
 (0.020 CFS)
 (0.020 CFS)

T09N R02E S05 SESE

65-13636

SUTTON LIVESTOCK INC
 SUTTON RANCHES INC
 RT 1 BOX 43
 MIDVALE, ID 83645
 Source: SPRING
 Diversion Pt:
 Use: STOCKWATER
 Total Diversion:
 Date Filed: 9/ 5/1995
 In: GEM County

Tributary: SINKS
 SENWNW Sec 9 T 09N R 02E in GEM Coun-
 ty.
 (0.020 CFS)
 (0.020 CFS)

T09N R02E S09 NWNW

Permits will be subject to all prior water rights. Protests may be submitted based
 on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of
 this application must be filed with the Director, Dept. of Water Resources, Western
 Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00
 on or before OCTOBER 23, 1995. The protestant must also send a copy of the
 protest to the applicant

KARL J. DREHER,
 Director

Pub. 10 - 4, 11, 1995

Legal Notice No. 2348
 Published in the Messenger Index

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OCT 11 1995

WATER RESOURCES
 WESTERN REGION

DEC 01

65-13636

SUTTON LIVESTOCK INC
SUTTON RANCHES INC
RT 1 BOX 43
MIDVALE, ID 83645

Source: SPRING

Tributary: SINKS

Diversion Pt: SENWNW Sec 9 T 09N R 02E in GEM County.

Use: STOCKWATER	(	0.020 CFS)
Total Diversion:	(	0.020 CFS)

Date Filed: 9/ 5/1995

In: GEM County	
T09N R02E S09	NWNW

DEC 01 1995