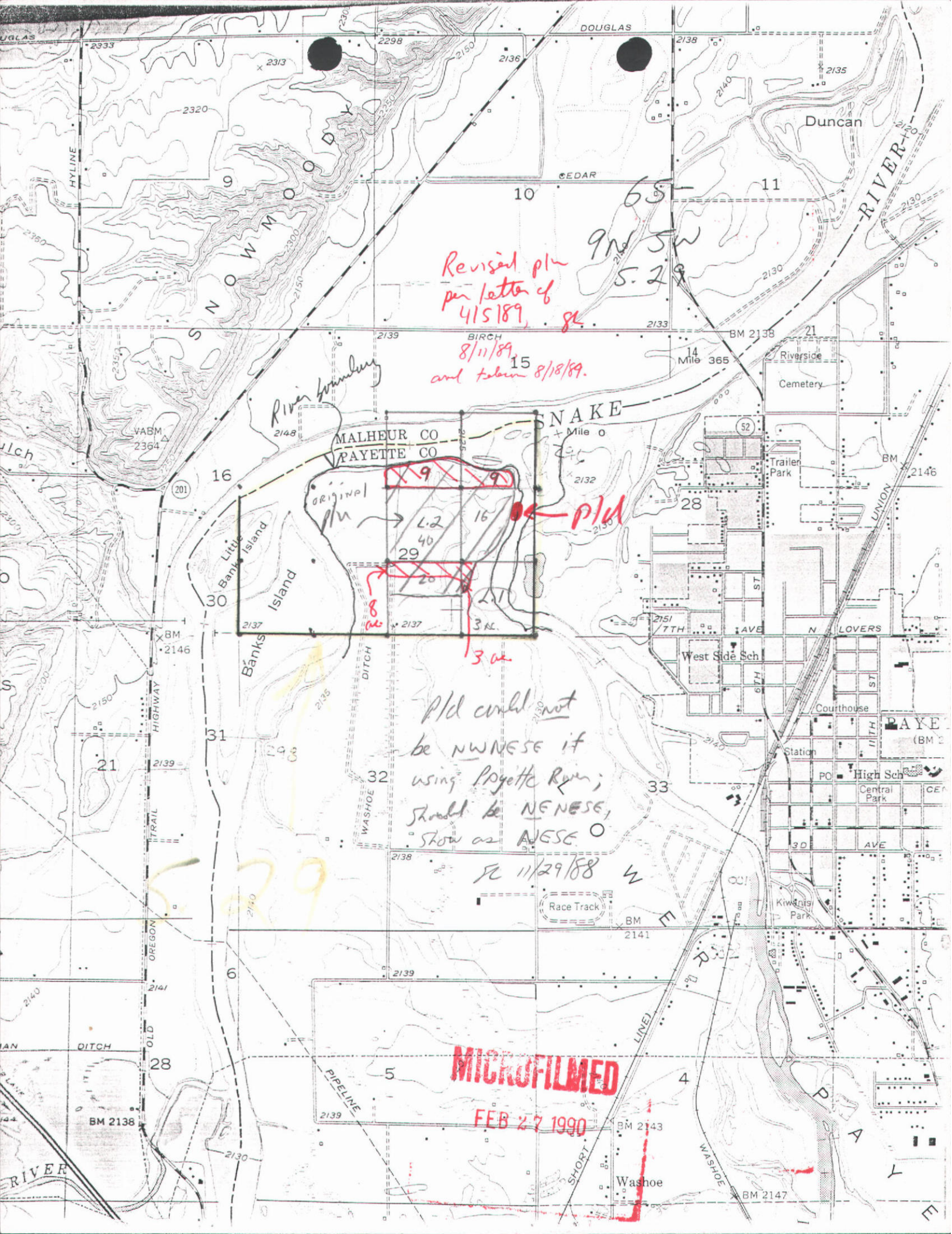




Revised plan
per letter of
4/15/89, 8L
8/11/89
and taken 8/18/89.

65-
9N 5W
5.29

River boundary

MALHEUR CO
PAYETTE CO

ORIGINAL
plan

pld

pld could not
be NWNESE if
using Payette River;
should be NENESE,
show as AENESE

FL 11/29/88

MICROFILMED

FEB 27 1990

S. 29 boundary
(all within Idaho)

GN SW 5-29

plu shown on orig. app.

Revised plu

plu

BANKS' ISLAND

Sec. 30

Sec. 29

Pl 5

2425

2

23.50

40

WEST. 45.44

101.12

WEST. 45.44

2

28.94

1

28.50

4

44.50

Sec. 32

529.55

23.95

MICROFILMED

FEB 27 1990

2

14.82

Sec. 31

23.95

44.50

Sec. 32

529.55

23.95

44.50

Sec. 32

529.55

23.95

44.50

Sec. 31

529.55

Snake

49.29

3

30.25

4

50.25

WEST. 45.44

101.12

WEST. 45.44

2

28.94

1

28.50

4

44.50

Sec. 32

529.55

23.95

44.50

Sec. 31

529.55

23.95

44.50

Sec. 31

529.55

RIVER

16.50

39.00

31.00

Sec. 2

31.00

Sec. 31

529.55

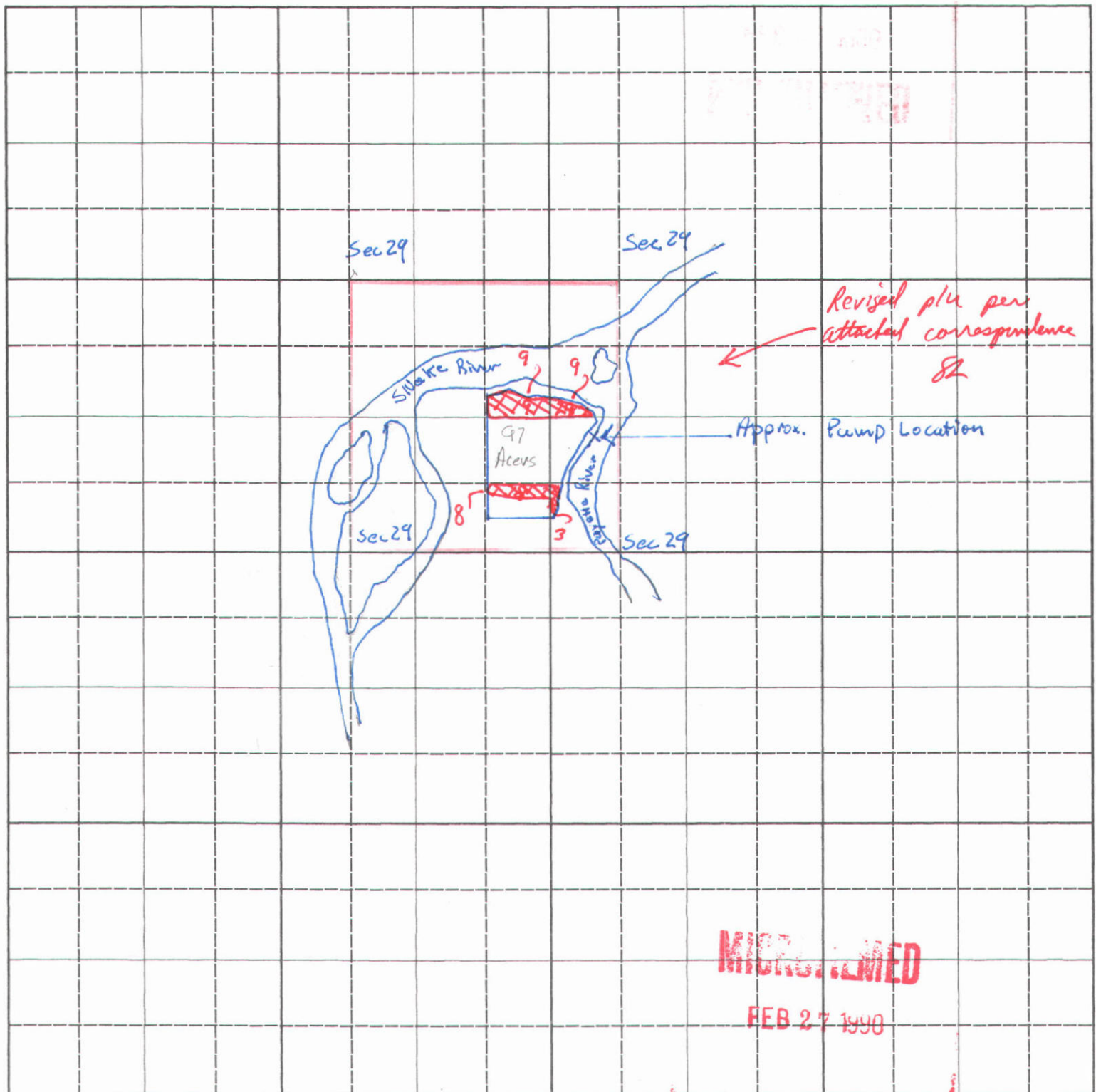
23.95

44.50

Sec. 31

529.55

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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.

officers:

Michael E. McGinty, Pres. & Secy
Doug David, Chairman
per telephone conv with M.E.M.
11/29/88, SL

EASTERN WESTERN CORP.

by: Michael E. McGinty, President
(Applicant)

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF PAYETTE

SS.

Copy of Notice

NOTICE OF APPLICATION FOR WATER RIGHT

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

65-13091

EASTERN WESTERN CORP.

P.O. BOX 3228

PORTLAND, OR 972083228

Source: PAYETTE

RIVER

Tributary: SNAKE

RIVER

Diversion Pt.: LOT 2 (NESE) Sec. 29 T 09N R 05W

Use: IRRIGATION

(.580 CFS)

Date Filed: 11/22/1988

In: T09N R05W S29, SWNE, SENE,

SWSE Lot 1 (SESE)

29.0

ACRES

TOTAL

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before SEPTEMBER 25, 1989.

R. KEITH HIGGINSON, Director

No. 1272

Sept. 6, 13

Water right Application

TITLE OF PUBLICATION

SPONSOR OR PLAINTIFF

Dept. of Water Resources

PLAINTIFF OR LEGAL AGENT

L. Northy Mason

, being

duly sworn, deposes and says:

That he is the principal Clerk

THE INDEPENDENT-ENTERPRISE, a weekly newspaper published a Payette, in the County of Payette and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Payette; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

Sept. 6, 1989, and ending with the issue of Sept. 13, 1989.

Subscribed and sworn to before me this 14th day

of Sept., 1989.

Maureen Rhinehart
Notary Public, Residing at Payette, Idaho.

My Commission Expires 11-28, 1992.

STATEMENT

Independent-Enterprise

PAYETTE, IDAHO

Number of Lines 20

Number of Insertions Two

20 Lines @ .81 . . . \$ 16.20

20 Lines @ .72 . . . \$ 14.40

TOTAL COST
WILL BE \$ 30.60

INDEXED

FEB 27 1990

No 1272

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
APR 15 1992

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 65-13091

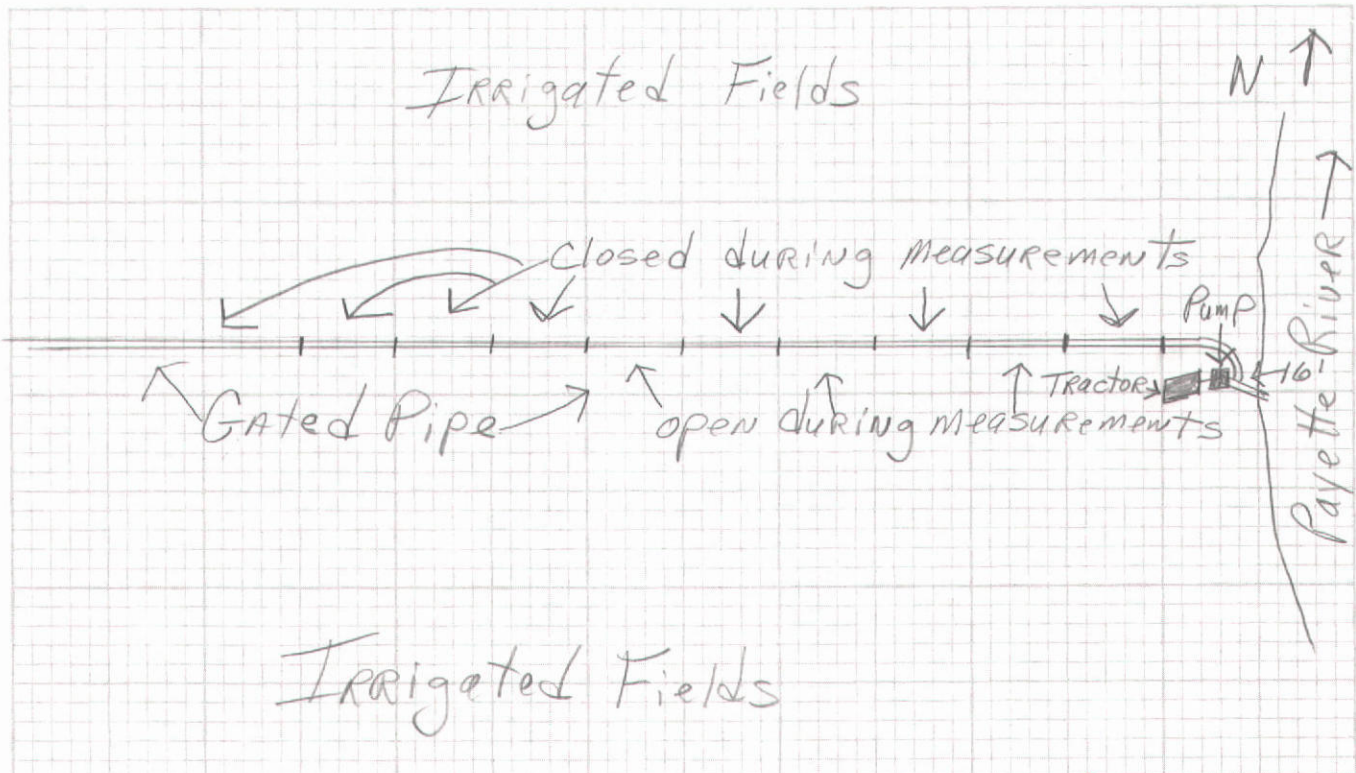
1. Owner: Eastern-Western
Current Address: P.O. Box 3228, Portland, Oregon 97208
Phone No. _____
2. Accompanied by: Curt Angle
Address: 4606 6th Ave South, Payette, Id.
EXAM. DATE: 7-29-91
Phone No. 642-9873
- Relationship to Permit Holder: General Manager - Sulf Pacific Cattle Co - subsidiary of owner
3. Source: Payette River tributary to Snake River

B. OVERLAP REVIEW

1. Other water rights with same place of use: N/A
_____ ☐ Copies Attached
2. Other water rights with same point of diversion: N/A
_____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and place(s) of use (required).
- ☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.)
- ☒ Aerial Photo Attached
(required for irrigation of 10 acres or more)

MICROFILMED
SEP 21 1992

PERMIT 25-13091 INIT

T. R. S. Q/Q

P/D 9N 5W 29 NESE Lot 2

SCALE

PHOTO ID. V53

MALHEUR CO.
PAYETTE CO.

Snake

P/D

50

2b

P/D

P/U

1

34

P

21 1992

IDAHO

PERMIT 65-13091 INIT _____

T. R. S. Q/Q

9N 5W 29

T8535

T8534

NC

1-7.3

2-20.6

1-22.6

2-22.0

9.8

17.5

3-22.1

T1064

4-7.0

2-9.8

T2

1-24.5

8-9.0

3-22.8

6-15.3

8-42.6

10-27.3

30 | 29
31 | 32

6-11.3

3-15.5

7-24.3

9-1.2

4-34.1

5-7.7

B 3

Not to Scale

MICROFILMED

SEP 21 1992

1991

65-13091



#5.

P/U looking
Southwest from
pump location.

MICROFILMED
SEP 21 1982

65-13091



#3.

gated pipe
prior to measure-
ment. Fields
on each side are
irrigated from
this pipe.



#4.

gated pipe just prior
to measurement.

Microfilm
SEP 21 1992

65-13091



#1

View of intake
pipe with polysonic
transducer attached



#2

View of pump,
intake and ~~outlet~~
discharge pipes.

MICROFILMED
SEP 21 1992

Snake

River

14.82

South

12.65

18.58

7

10.00

10.00

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10.00

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Sec. 32

Sec. 29

43.37 Additional

Payette

SURVEYED
BY H. G. BARDSLEY
1917.

River
ALLEN

Sec. 33

Sec. 28

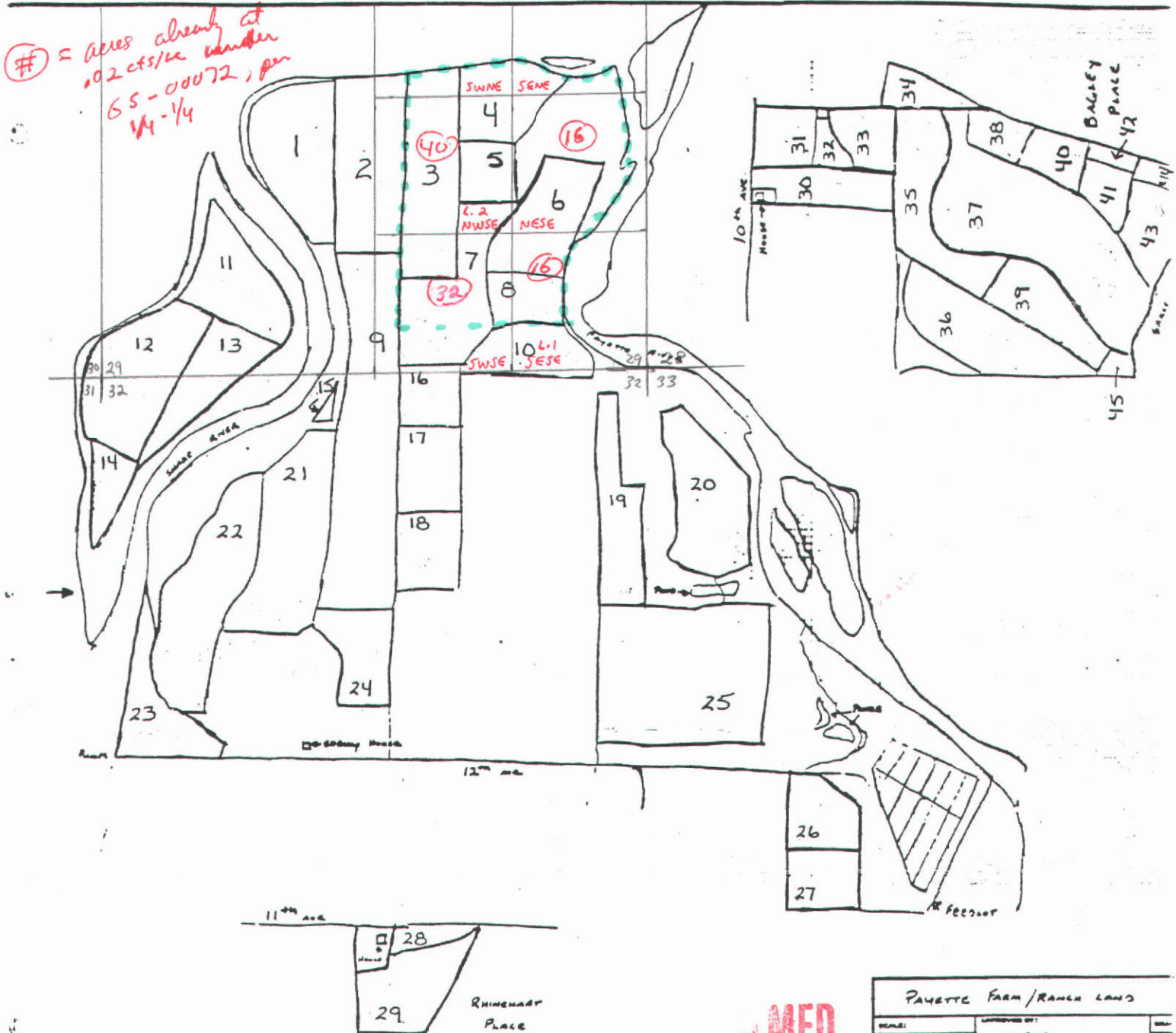
THOMPSON,

MICROFILMED

SEP 21 1992

Section was interpreted from
USSS 7 1/2' quad. Area in green (outlined
by applicant's Agent) corresponds to area
in application.

⑧ = Acres already at
0.2 cfs/acre under
GS-00072, per
1/4-1/4



AIMED

7 1990

PAYETTE FARM / RANCH LAND		
SCALE:	APPROVED BY:	GRN
DATE:	MEM	CTV
		GRN

RECEIVED

MAR 16 1989

Department of Water Resources
Western Regional Office

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

JAN 24 2002

Department of Water Resources

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

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

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
65-13091	65-25			65-22524	
65-05800	65-5800B			65-22526	
65-19594	65-19594			65-22527	
	65-22520			65-22528	
	65-22522			65-22529	
	65-22523			65-22530	

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

A. The appropriate **FILING FEE**. See instructions for fee amounts

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county)

OR

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

3. Name and Address of Former Owner/Claimant(s) Eastern Western Corporation
P.O. Box 3228, Portland, Oregon 97208

4. New Owner/Claimant(s) C/C, LLC
Name Connector (Check one) ☐ and, ☐ or, ☐ and/or
New Mailing Address 3990 Highway 52
City, State and ZIP Code Payette, Idaho 83661
New Telephone Number 208, 278-3448

5. Date you acquired the property August 22, 2001

RECEIVED

MICROFILMED

JAN 18 2002

WATER RESOURCES
WESTERN REGION

01/18/02 13:00

COLWELL RANCHES

001

P.002

01/18/02 12:56

MICROFILMED
02 2002

For Office Use Only
Received by:
Date: 1-22-02
Folio: 835-
Received by:
Date: 1-22-02
Receipt No: W028046
W/R

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance and
(U)WR to correspond with brackets for all matters related to your claims.

Signature of New Owner(s) or Claimant(s)
(Include title if applicable)

C. L. L. L.

Water Use	Diversion Rate or Volume (cubic feet per second or acre-foot per annum) (attach number and unit)
Irrigation	
Stock	
Domestic	
Other	
Total	

DESCRIPTION OF YOUR PORTION OF WATER
(If the right(s) will not be split, skip this section and proceed.)
Water Right and/or Adjudication Claim Number

Water Use	Diversion Rate or Volume (cubic feet per second or acre-foot per annum) (attach number and unit)
Irrigation	
Stock	
Domestic	
Other	
Total	

DESCRIPTION OF YOUR PORTION OF WATER
(If the right(s) will not be split, skip this section and proceed.)
Water Right and/or Adjudication Claim Number

If the change in ownership affects the entire water right for each water right or
owner, you must describe, in detail, your portion of each water right after the change
before to describe your water right (and water right you have, you
quantity of water is greater than a proportionate split, you must attach documentation to
you are not sure how to identify your portion of the original water right or adjudication
IDWR, office for assistance.

1. If you are making a change in ownership, you must describe, in detail, your portion of each water right after the change
before to describe your water right (and water right you have, you
quantity of water is greater than a proportionate split, you must attach documentation to
you are not sure how to identify your portion of the original water right or adjudication
IDWR, office for assistance.

295767

STATE OF IDAHO }
County of Payette } ss

After Recording Return To:

C/C, LLC
3990 Highway 52
Payette, Idaho 83661I hereby certify that this instrument
was filed for record at the request of~~FIRST AMERICAN TITLE CO.~~Time 5:20 PMDate August 29, 2001Instrument # 295767-Deeds

LAURA L. STIGILE

Ex officio Recorder

By Kathryn A. Furrer
DeputyFee \$ 27.00

WARRANTY DEED

For value received, EASTERN WESTERN CORPORATION, an Oregon corporation, the grantor, does hereby grant, bargain, sell and convey unto C/C, LLC, an Idaho limited liability company, the grantee, whose address is 3990 Highway 52, Payette, Idaho, 83661, the following described premises in Payette County, Idaho, to-wit:

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

To have and to hold the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. The said Grantor does hereby covenant to and with the said Grantee that it is the owner in fee simple of said premises; that they are free from all encumbrances, except as set forth in attached Exhibit B, which is incorporated herein by this reference, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED: August 29, 2001.

EASTERN WESTERN CORPORATION

By: Michael E. McGinley
Michael E. McGinley, PresidentSTATE OF OREGON)
) ss

County of Multnomah)

On August 29, 2001, before me, a notary public in the State of Oregon, personally appeared Michael E. McGinley, known to me to be the President of Eastern Western Corporation, an Oregon corporation, that executed the instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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



Cindi Masterson

Notary Public for Oregon

My commission expires: 12-29-02

WARRANTY DEED

MICROFILMED

AUG 30 2002

295767

NO.: FA-14015

-1-

EXHIBIT "A"

PARCEL I

A Parcel of land in Government Lot 1 and in the East Half of the Northeast Quarter of the Southeast Quarter of Section 32, and in Government Lot 6 of Section 33, all in Township 9 North, Range 5 West, Boise County, Payette County, Idaho, and more particularly described as follows:

**COMMENCING at the Southeast corner of said Section 32; thence
North 00°29'12" East 1301.06 feet to the Southeast corner of said East
Half of the Northeast Quarter of the Southeast Quarter; thence
North 89°43'07" West 660.89 feet to the Southwest corner of said East
Half of the Northeast Quarter of the Southeast Quarter; thence
North 00°26'48" East 421.76 feet to the TRUE POINT OF BEGINNING;
thence
North 00°26'48" 882.54 feet to the Northwest corner of said East Half of
the Northeast Quarter of the Southeast Quarter; thence
North 00°26'48" East 445.66 feet; thence
South 84°30'31" East 664.31 feet to a point on the boundary line common
to Section 32 and Section 33; thence
South 84°30'31" East 1208.92 feet; thence
South 06°09'08" West 934.63 feet; thence
South 03°43'03" East 202.08 feet; thence
South 10°28'02" East 230.44 feet; thence
North 84°54'58" West 1174.10 feet to a point on the boundary line
common to Section 32 and Section 33; thence
North 84°54'58" West 314.45 feet; thence
North 00°29'12" East 75 feet; thence
North 89°43'07" West 347.45 feet, more or less, to the point of beginning.**

**TOGETHER with an Easement for ingress and egress to the above described
property described as follows:**

CONTINUED

MICROFILMED

NO.: FA-14015

-2-

EXHIBIT "A" CONTINUED

The South 421.76 feet of the West 25 feet of the East Half Northeast Quarter of the Southeast Quarter in Section 33, Township 2 Range 5 West, Boise Meridian, in the County of Payette, State of Idaho

PARCEL II

In Township 8-North, Range 5 West, Boise Meridian, Payette County, Idaho:

In Section 4: A portion of Blocks 1 and 2 of Assessor's Payne according to the plat thereof on file in Book 1, Page 37, Plat Records of said County; said parcel being situated in the Southwest quarter of the South of said Section 4, and described as follows:

Commencing at the Northeast corner of said Southwest quarter of the Southwest quarter;

thence South 88°48'06" West along the North line of said Southwest quarter of the Southwest quarter a distance of 877.39 feet to the POINT OF BEGINNING;

thence South 3°11'30" East a distance of 440.00 feet;

thence South 73°25'50" East a distance of 376.60 feet to the right-of-way line of the Oregon Short Line Railroad;

thence South 24°04'50" West a distance of 803.93 feet along said line to a point on the South line of said Southwest quarter of the Southwest quarter;

thence South 88°49'49" West a distance of 497.99 feet along said line to the Southwest corner of said Southwest quarter of the Southwest quarter;

CONTINUED

MICROFILMED

JUN 19 1981

COLWELL RANCHES

EXHIBIT "A" CONTINUED

thence North 0°23'42" West a distance of 1281.47 feet along the West line of said Southwest quarter of the Southwest quarter to the Northwest corner of said Southwest quarter of the Southwest quarter;

thence North 88°48'06" East a distance of 449.39 feet along the North line of said Southwest quarter of the Southwest quarter to the POINT OF BEGINNING;

SAVE AND EXCEPT the right of way for a certain public road crossing said parcel on the North and West sides.

PARCEL III

In Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho:

In Section 32:

The Southwest quarter of the Northwest quarter of the Northwest quarter;
the Northwest quarter of the Southwest quarter of the Northwest quarter;
and the North half of the Southwest quarter of the Southwest quarter of the Northeast quarter.

PARCEL IV

In Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho:

In Section 29: Government Lots 1 and 2, and the Southwest quarter of the Southeast quarter;

In Section 32: The Northwest quarter of the Northwest quarter of the Northeast quarter; and

CONTINUED

MICROFILMED

SEP 15 2009

NO.: FA-14014

-4-

EXHIBIT "A" CONTINUED**Government Lots 1 and 2, EXCEPTING the West 660 feet thereof****AND FURTHER EXCEPTING that portion of said Lot 1 lying within of the following described line:****Commencing at the Southwest corner of the East half of the Northeast quarter of the Southeast quarter;****thence North 0°26'48" East 1304.30 feet to the Northwest corner of the East half of the Northeast quarter of the Southeast quarter;****thence North 0°26'48" East 445.66 feet to the TRUE POINT BEGINNING for this line;****thence South 84°30'31" East 664.31 feet to a point on the boundary line common to Section 32 and Section 33 and the termination of said line;****AND FURTHER EXCEPTING that portion of Lot 1 lying East of the mean high water line of the Payette River as established by survey recorded August 3, 2001 as Instrument No. 295230, Official Records.****PARCEL V****In Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho:****In Section 29: Government Lots 3, 4 and 5;****In Section 30: Government Lot 1;****In Section 31: Government Lot 2;****In Section 32: Government Lots 3, 4, 5, 7 and the Northeast quarter of the Southwest quarter,****EXCEPTING from said Lots 4 and 5 and from said Northeast quarter of the Southwest quarter the following described tract of land:****CONTINUED**

MICROFILMED

SEP 10 2002

NO.:FA-14015

-5-

EXHIBIT "A" CONTINUED

Beginning at the Southeast corner of said Northeast quarter of the Southwest quarter of Section 32, Township 9 North, Range 5 West, Boise Meridian;

thence North $0^{\circ}00'22''$ East 720.02 feet along the East line of said Northeast quarter of the Southwest quarter;

thence North $85^{\circ}05'20''$ West 528.96 feet;

thence North $8^{\circ}26'10''$ East 454.94 feet;

thence North $43^{\circ}28'39''$ West 65.91 feet;

thence North $58^{\circ}29'07''$ West 374.66 feet to a point within said Lot 4;

thence South $28^{\circ}05'43''$ West 456.29 feet to a point within said Northeast quarter of the Southwest quarter;

thence North $84^{\circ}21'34''$ West 648.70 feet to a point within said Lot 5;

thence South $8^{\circ}23'09''$ West 484.82 feet;

thence North $87^{\circ}31'01''$ West 316.33 feet;

thence South $1^{\circ}10'55''$ East 654.90 feet to a point on the South line of said Lot 5;

thence North $89^{\circ}59'12''$ East 2058.62 feet along the South line of said Lot 5 and the South line of said Northeast quarter of the Southwest quarter to the Point of Beginning.

CONTINUED

MICROFILMED

APR 11 1977

NO. :FA-14015

-6-

In Section 33: Government Lot 6,

EXCEPTING THEREFROM the following described tract of land.

Commencing at the Southeast corner of Section 32;

thence North $0^{\circ}29'12''$ East 1301.06 feet to the Southeast corner of the East half of the Northeast quarter of the Southeast quarter of said Section 32;

thence North $89^{\circ}43'07''$ West 660.89 feet to the Southwest corner of said East half of the Northeast quarter of the Southeast quarter;

thence North $0^{\circ}26'48''$ East 421.76 feet;

thence North $0^{\circ}26'48''$ East 882.54 feet to the Northwest corner of said East half of the Northeast quarter of the Southeast quarter;

thence North $0^{\circ}26'48''$ East 445.66 feet;

thence South $84^{\circ}30'31''$ East 664.31 feet to a point on the boundary line common to Section 32 and Section 33 and the **TRUE POINT OF BEGINNING**;

thence South $84^{\circ}30'31''$ East 1208.92 feet;

thence South $6^{\circ}09'08''$ West 934.63 feet;

thence South $3^{\circ}43'03''$ East 202.08 feet;

thence South $10^{\circ}28'02''$ East 230.44 feet;

thence North $84^{\circ}54'58''$ West 1174.10 feet to a point on the boundary line common to Section 32 and Section 33;

CONTINUED

MICROFILMED

APR 1980

NO.: FA-14015

-7-

EXHIBIT "A" CONTINUED

thence North along said boundary line to the Point of Beginning.

AND FURTHER EXCEPTING THEREFROM the following described tract of land:

Beginning at the Southwest corner of said Lot 6;

thence North 0°29'12" East 320.43 feet;

thence South 84°54'58" East 1174.10 feet;

thence South 10°28'02" East to a point on the South side line of Lot 6;

thence West along said South side line to the Point of Beginning.

PARCEL VI

Land in Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho:

In Section 33: Government Lot 7 and that portion of Government Lot 8 lying Westerly of the Union Pacific Railroad right of way.

PARCEL VII

Land in Township 8 North, Range 5 West, Boise Meridian, Payette County, Idaho, as follows:

A portion of the Southeast Quarter of the Southeast Quarter of Section 5, Township 8 North, Range 5 West, Boise Meridian, Payette County, Idaho, more particularly described as follows:

Beginning at the Southeast corner of said Southeast Quarter of the Southeast Quarter of Section 5;

CONTINUED

MICROFILMED

JUN 10 1981

COLWELL RANCHES

2082786294 -> HOFSTETTER LAW OFFICE : Page 2

01/18/02 12:47 PM FAX 2082786294

Received: 1/18/02 12:11 PM

295767

NO.:FA-14 15

-8-

thence North 89°59'55" West along the South line of said Southeast Quarter of the South Quarter a distance of 680.84 feet;

thence North 0°31'51" West a distance of 985.37 feet;

thence North 89°30'48" East a distance of 79.26 feet;

thence North 03°28'56" East a distance of 307.47 feet to the North line of said Southeast Quarter of the Southeast Quarter;

thence East along the North line to the Northeast corner of said Southeast Quarter of the Southeast Quarter;

thence South along the East line to the POINT OF BEGINNING.

In Section 16: All that portion of the Northeast Quarter, EXCEPTING the North 165 feet thereof, lying West of the right-of-way of the Oregon Short Line Railroad Government Lot 3; and All that portion of Government Lot 4 lying West of the right-of-way of the Oregon Short Line Railroad;

ALSO, East 680.84 feet of the North 165 feet of the Northeast Quarter of the Northeast Quarter;

In Section 3: All that portion of the Northwest quarter of the Northwest Quarter lying West of the right-of-way of the Oregon Short Line Railroad; said tract being also described as Blocks 4A, 5, 6 and 6A of the Recorder's Amended Plat of Point of View, as per Plat in Book 2, Page 6, Plat Records of Payette County, Idaho

END

MICROFILMED

SEP 9 1998

295766

After Recording Return To:

C/C, LLC
3990 Highway 52
Payette, Idaho 83661

STATE OF IDAHO }
County of Payette } SS

I hereby certify that this instrument
was filed for record at the request of

FIRST AMERICAN TITLE CO.

Time 5:13 PM

Date August 29, 2001

Instrument # 295766 - Deed

LAURA L. STIGILE

Ex Officio Recorder

By Kathryn A. Turner
/ Deputy

Fee \$ 12.00

QUITCLAIM DEED

For value received, EASTERN WESTERN CORPORATION, an Oregon corporation does hereby convey, release, remise and forever quitclaim unto C/C, LLC, an Idaho limited liability company, whose address is 3990 Highway 52, Payette, Idaho, 83661, the following described premises in Payette County, Idaho, to-wit:

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

Together with their appurtenances.

DATED: August 22, 2001.

EASTERN WESTERN CORPORATION

By: Michael E. McGinley
Michael E. McGinley, President

STATE OF OREGON)
) SS
County of Multnomah)

On August 22, 2001, before me, a notary public in the State of Oregon, personally appeared Michael E. McGinley, known to me to be the President of Eastern Western Corporation, an Oregon corporation, that executed this instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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



Cindi Masterson
Notary Public for Oregon
My commission expires: 12-29-02

MICROFILM

QUITCLAIM DEED

EXHIBIT "A"

PARCEL 1

Order No. FA - 14016

A parcel of land situated adjacent to Lots 1 and 2, in Section 23, Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho, lying easterly of the G.L.O. Meander Line, and being more particularly described as follows:

Commencing at the South 1/4 Corner of Section 32, Township 9 North, Range 5 West, Boise Meridian, marked by a G.L.O. Brass Cap Monument;
thence along the North-South Centerline of said Section 32, North 00° 03' 32" West a distance of 5274.67 feet, to the calculated North 1/4 Corner common to Section 32 and said Section 29;
thence along the project North-South Centerline of said Section 29, North 00° 00' 00" West, a distance of 2668.39 feet, to a point of the calculated G.L.O. Meander Line of said Section 29, and the POINT OF BEGINNING;
thence continuing North 00° 00' 00" East, a distance of 314.63 feet, to a point on the approximate mean high water line of the Snake River, marked as per the instructions of the Idaho Department of Lands;
thence, along said line, the following 5 calls:

- 1.) North 85° 58' 58" East, a distance of 679.17 feet;
- 2.) South 82° 19' 17" East, a distance of 919.05 feet;
- 3.) South 89° 34' 19" East, a distance of 75.92 feet;
- 4.) South 84° 12' 18" East, a distance of 281.78 feet;
- 5.) North 64° 13' 33" East, a distance of 285.69 feet, to a point on the approximate mean high water line of the Payette River, marked as per the instructions of the Idaho Department of Lands;

thence along said line, the following 5 calls:

- a.) South 14° 27' 22" East, a distance of 503.60 feet;
- b.) South 31° 54' 55" West, a distance of 276.69 feet;
- c.) South 36° 49' 00" West, a distance of 586.40 feet;
- d.) South 18° 57' 41" West, a distance of 418.33 feet;
- e.) South 26° 10' 59" West, a distance of 253.49 feet, to a point on the calculated G.L.O. Meander Line;

thence along said Meander Line, the following 3 calls:

- A.) North 58° 05' 13" West, a distance of 1441.32 feet;
- B.) North 01° 05' 13" West, a distance of 664.33 feet;
- C.) North 81° 05' 13" West, a distance of 350.26 feet, to the POINT OF BEGINNING

Subject to a 25.00 foot wide conservation/greenbelt easement along the easterly and northerly perimeter of the lands described above.

MICROFILMED

FEB 11 2000

EXHIBIT "A" CONTINUED

PARCEL II

Order No. FA - 14016

A parcel of land situated adjacent to Lots 1 and 2, in Section 32, and adjacent to Lots 6, 7, and 8, in Section 33, all in Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho, lying easterly of the G.L.O. Meander Line, and being more particularly described as follows:

Commencing at the South 1/4 Corner of Section 33, Township 9 North, Range 5 West, Boise Meridian, marked by a Brass Cap Monument;
thence along the South Line of said Section 33, North 89°48'43" East, a distance of 76.59 feet more or less, to a point on the Westerly Right-of-Way of the Union Pacific Railroad (101.0 feet of record);
thence along said Right-of-way, North 23° 54' 49" East, a distance of 551.16 feet, to a point on the calculated G.L.O. Meander Line of said Section 33, and the POINT OF BEGINNING;

thence, along said Meander Line the following 8 calls:

- 1.) South 88° 54' 47" West, a distance of 534.09 feet;
- 2.) North 23°05' 13" West a distance of 132.87 feet;
- 3.) North 43° 35' 13" West, a distance of 1660.81 feet;
- 4.) North 21° 05' 13" West, a distance of 465.03 feet;
- 5.) North 59° 05' 13" West, a distance of 1328.65 feet;
- 6.) North 60° 05' 13" West, a distance of 624.47 feet;
- 7.) North 07° 54' 47" East, a distance of 1992.98 feet;
- 8.) North 06° 05' 13" West, a distance of 197.16 feet, to a point on the approximate mean high water line of the Payette River, marked as per the instructions of the Idaho Department of Lands;

thence, along said line, the following 11 calls:

- a.) South 75° 18' 02" East, a distance of 240.90 feet;
- b.) South 53° 30' 26" East, a distance of 308.32 feet;
- c.) South 87° 45' 06" East, a distance of 226.55 feet;
- d.) South 47°10' 16" East, a distance of 629.59 feet;
- e.) South 29° 02' 16" East, a distance of 347.86 feet;
- f.) South 01° 21' 22" West, a distance of 761.79 feet;
- g.) South 22°36' 32" East, a distance of 579.54 feet;
- h.) South 50° 49' 49" East, a distance of 1576.19 feet;
- i.) South 30°52' 25" East, a distance of 493.40 feet;

CONTINUED

MICROFILMED
2008/05/29

295766

EXHIBIT "A" CONTINUED

Order No. FA - 14016

- J.) South 70°56' 56" East, a distance of 310.21 feet;**
K.) South 58° 50' 31" East, a distance of 467.80 feet, to a point on the
westerly Right-of-Way of the Union Pacific Railroad;
thence along said right-of-way, South 23°54' 49" West, a distance of 950.12 feet,
to the POINT OF BEGINNING.
Subject to a 25.00 foot wide conservation/greenbelt easement along the
easterly and northerly perimeter of the lands described above.

MICROFILM

COLWELL RANCHES

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-13091

Priority: November 22, 1988

Maximum Diversion Rate:

0.55 CFS

Maximum Diversion Volume:

122.9 AF

This is to certify, that EASTERN WESTERN CORP

PO BOX 3228

PORTLAND OR 97208

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 22, 1988; and has submitted Proof of Beneficial Use on December 14, 1990. An examination indicates that the works have a diversion capacity of 3.350 cfs of water from:

PAYETTE RIVER

tributary to SNAKE RIVER

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>
IRRIGATION	03/15 to 11/15	0.55 CFS	122.9 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 1(SESE), Sec. 29, Township 09N, Range 05W
PAYETTE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09N	05W	29	Lot 2(NESE) 4	Lot 2(NWSE) 3	SWSE 9.3	
			Lot 1(SESE) 11			27.3

Total number of acres irrigated: 27.3

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.

RECORDED

SEP 21 1992

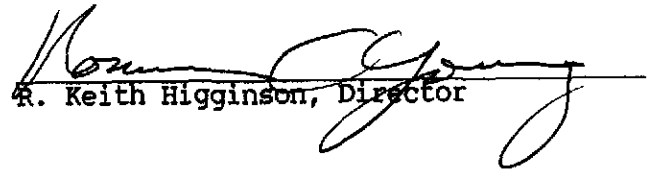
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 65-13091

CONDITIONS/REMARKS:

6. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
7. The Director retains jurisdiction of this right to require purchase or lease of storage water to compensate for diversion of the streamflow authorized by this right.
8. The Department retains jurisdiction to require installation of measuring devices.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code, Witness the seal and signature of the Director, affixed at Boise, this 14TH day of SEPTEMBER, 1992.

Acting for  R. Keith Higginson, Director

SEP 21 1992

State of Idaho
Department of Water Resources

RECEIVED

AUG 26 1992

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-13091

Department of Water Resources

APPROVED

Date of Priority: November 22, 1988

Maximum Diversion Rate:

Maximum Diversion Volume:

0.55 CFS

122.9 AF

Comes now

EASTERN WESTERN CORP

PO BOX 3228

PORTLAND OR 97208

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. 65-13091, and requests that the permit be changed as follows:

Source: PAYETTE RIVER

tributary to SNAKE RIVER

<u>RENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
-----------------------	----------------------	--------------------------	----------------------

IRRIGATION	03/15 to 11/15	0.55 CFS	122.9 AF
------------	----------------	----------	----------

<u>LOCATION OF ADDITIONAL POINT(S) OF DIVERSION:</u>	LOT 1 (SESE), Sec. 29, Twp. 09N, Rng. 05W, ~~BINGHAM County~~ <u>Payette County</u>
--	---

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09N	05W	29	Lot 2(NESE) 4	Lot 2(NWSE) 3	SWSE 9.3	
			Lot 1(SESE) 11			27.3

Total number of acres irrigated: 27.3

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 7:54 A.M. Payette, ID, this 25 day of August, 1992.

Curt Ingh

(Signature)

General Manager, Gulf Pacific Cattle Co.
subsidiary of Eastern Western Corp.

APPROVED

SEP 21 1992

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-13091

FOR DEPARTMENT USE ONLY

Preliminary check by 28 Fee = \$ 20.00 Received by ny # UC25513 Date 8/26/92

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 65-13091 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
6. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
7. The Director retains jurisdiction of this right to require purchase or lease of storage water to compensate for diversion of the streamflow authorized by this right.

Witness my hand this 14 day of SEPTEMBER, 1992.

Norman C Young
R. Keith Higginson, Director

RECEIVED

SEP 24 1992

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13091

Proposed Priority: November 22, 1988 Maximum Diversion Rate: 0.58 CFS

This is to certify, that **EASTERN WESTERN CORP.**
P.O. BOX 3228
PORTLAND, OR 972083228
has applied for a permit to appropriate water from:

PAYETTE RIVER tributary of **SNAKE RIVER**

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>
IRRIGATION	03/15 to 11/15	0.58 CFS

LOCATION OF POINT(S) OF DIVERSION: LOT 2(NESE), Sec. 29, Township 09N, Range 05W
PAYETTE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09N 05W 29	SWNE 9	SENE 9	SWSE 8	
	LOT 1(SESE) 3			29
		Total number of acres irrigated:		29

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **January 1, 1991.**
2. Subject to all prior water rights.
3. A lockable device, subject to the approval of the Department, shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion prior to diversion of water under this permit.
4. Use of water under this permit is subject to control by the watermaster of State Water District No. 65.
5. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
6. The Director retains jurisdiction of this permit to require purchase or lease of storage water to compensate for diversion of the streamflow authorized by this right.

MICROFILMED

FEB 27 1990

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13091

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

28th day of December, 1989.

R. Keith Higginson
for R. Keith Higginson, Director

RECEIVED

FEB 17 1990

Revised per attached correspondence.

8/15/89 to 8/18/89.

Form 202
8/85

Ident. No. 65-13091

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Eastern Western Corp. Phone 503-236-1978
Post office address P.O. Box 3228 Portland, OR. 97208-3228
2. Source of water supply Payette River which is a tributary of Snake River
3. Location of point of diversion is _____ $\frac{1}{4}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt Lot 2
Sec 29 Township 9N Range 5W B.M. Payette County; additional
points of diversion if any _____
4. Water will be used for the following purposes
Amount .58 for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .58 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc Diesel or PTO pump/suction
in River
 - 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 ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year).

MICROFILMED

FEB 27 1990

8 Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock _____
- c. Municipal, show name of municipality. _____
- d. Domestic, show number of households. _____
- e. Other, describe fully. _____

9. Description of place of use

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below
- b. If water is used for other purposes, place a symbol of the use (example. *D* for Domestic) in the corresponding place of use below See instructions for standard symbols.

TWP	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9N	5W	29			9	9											8	3	29

Total number of acres to be irrigated 29

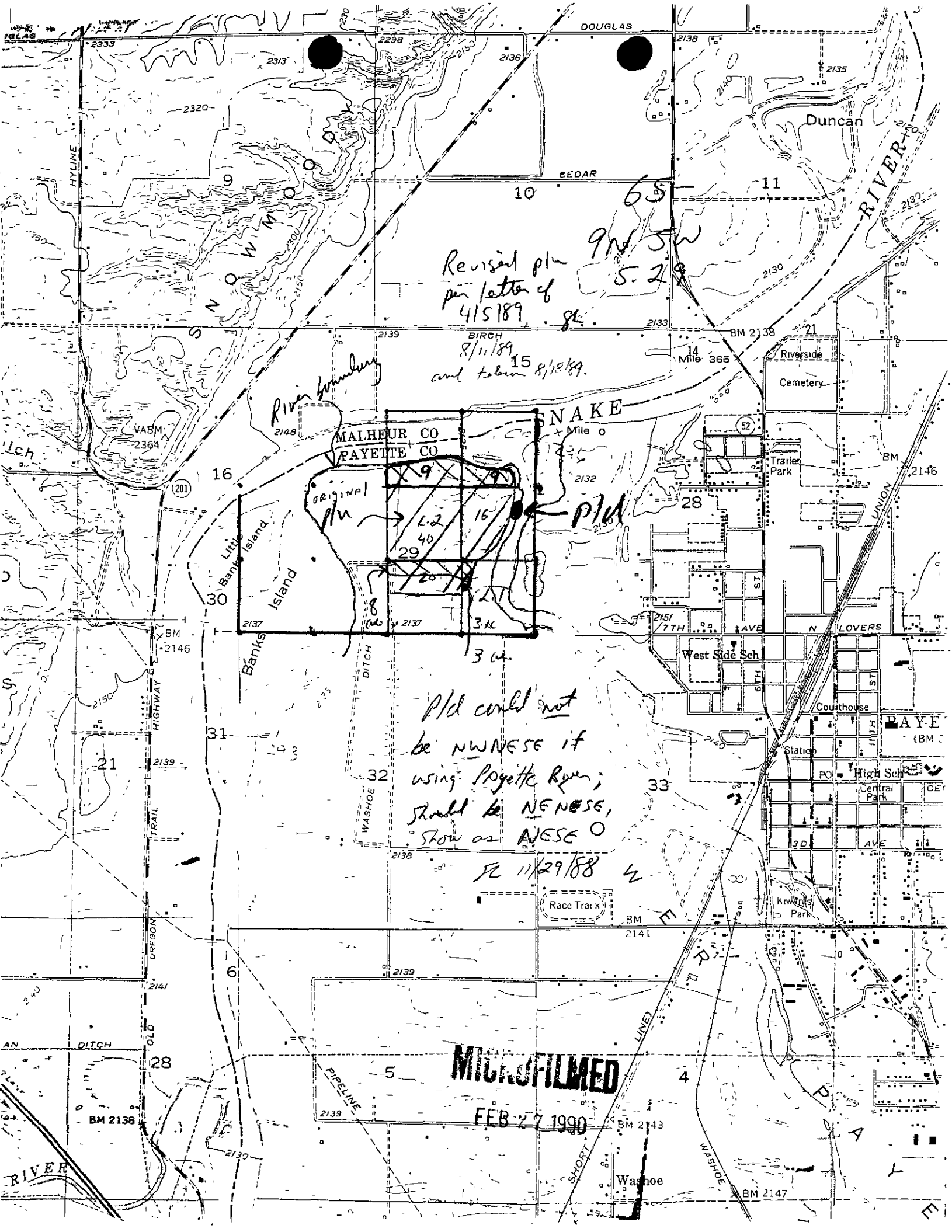
10. Describe any other water rights used for the same purposes as described above _____

- 11 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. _____

12. Remarks _____

MICROFILMED

FEB 27 1990



Revised plan
per letter of
4/15/89

65-
9N 5W
5.29

8/11/89
and taken 8/18/89

River boundary

MALHEUR CO
PAYETTE CO

ORIGINAL
PLN

PLD

PLD could not
be NWNSE if
using Payette River;
should be NENESE,
show as AWESE

FL 11/29/88

MICROFILMED

FEB 27 1990

S. 29 boundary
(all within Idaho)

QW SW 5-29

Revised pin

pin shown on orig. copy

SNAKE

BANKS' ISLAND

30

Sec. 30

2

48.10

3

49.29

Sec. 37

30.25

50.25

WEST.

10 35 NORTH 35 35

2425

2330

40 40

WEST. 45.44

4.49 43.37

20.01

66.01

80.00

26.50

80

44.50

Sec. 32
529.55

28.50

RIVER

36.00

(30.25)

45.50

37.10

39.00

Sec. 2

31.00

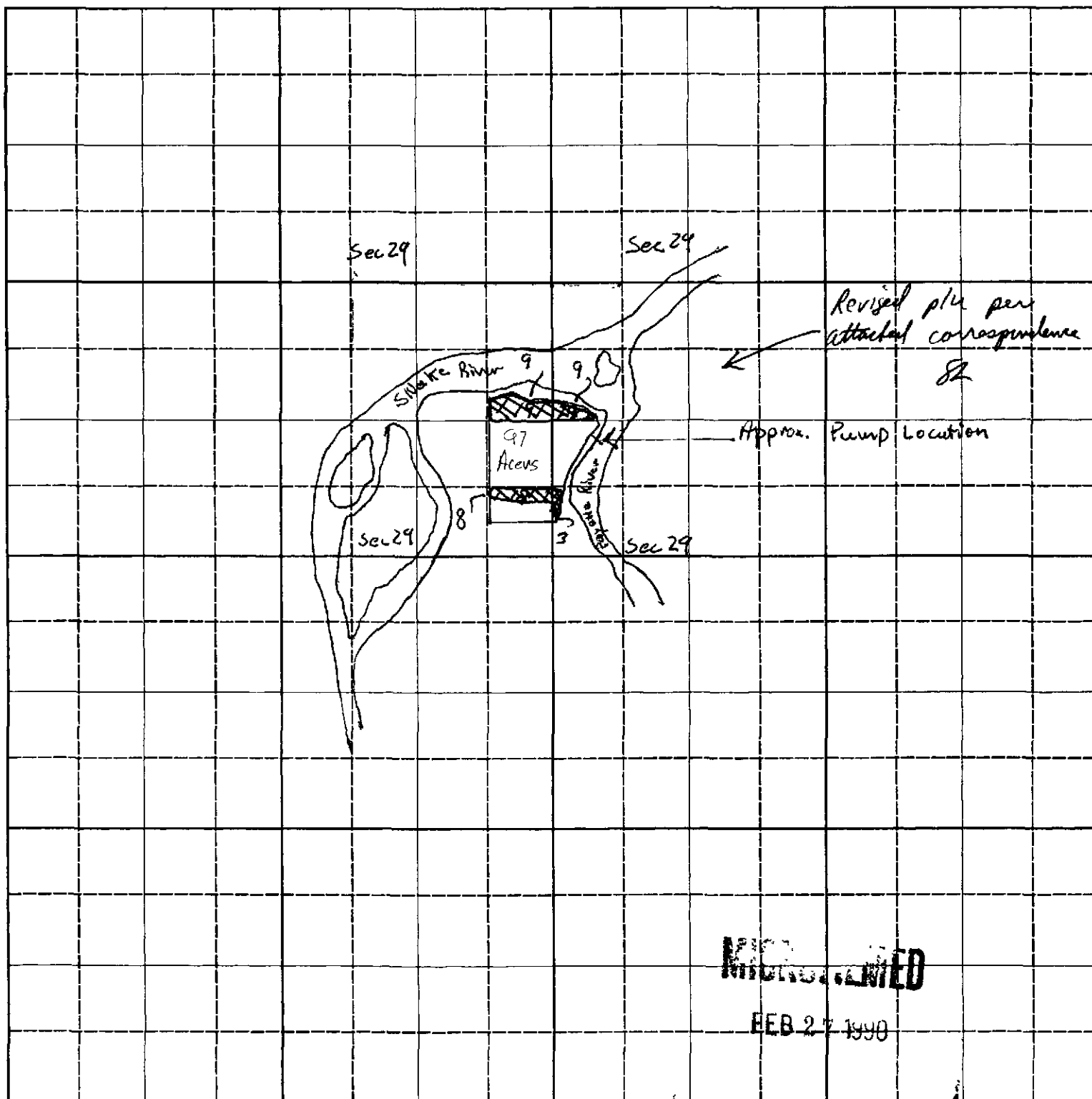
MICROFILMED

FEB 27 1990

14.82

30.31

13 Map of proposed project show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale 2 inches equal 1 mile

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

officers:

Michael E. McGinty, Pres. & Sec'y
Dwight David, Chairman
per telephone conv. with M.E.M.
11/29/88, SL

EASTERN WESTERN CORP.

by Michael E. McGinty, President
(Applicant)

Received by nl kw Date 11-23-88 Time 9:00 AM Preliminary check by SL
Fee \$ 65.00 Receipted by kw # C003528 Date 11/22/1988
\$45 fee for reduced flow
Publication prepared by GG Date 8-30-89 Published in Independent Enterprise
Publication approved st Date 10-12-89 9/7 & 9/14/89

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No _____, and said application is hereby _____

1. Approval of said application is subject to the following limitations and conditions

- a. SUBJECT TO ALL PRIOR WATER RIGHTS
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit
- e. Other.

RECORDED

FEB 27 1990

8. Description of proposed uses (if irrigation only, go to item 9).

- a. Hydropower, show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households _____
- e. Other, describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example. D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9 N	5 W	29			9	9									76 19	0 40	8 20	3 2.1	29 97

Total number of acres to be irrigated 29
97

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? Doug David Eastern Western Corp
- b. Who owns the land to be irrigated or place of use? Doug David Eastern Western Corp
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

MICROFILMED

12. Remarks: _____

FEB 27 1990

1/ changes per telephone conv with M. McGinley 11/29/88; SL

2/ changes per M. McGinley as noted on pg. 1
3/ " " letter of 4/5/89 based on response to letter of 2/7/89
4/ 4/5/89.

Original front pg

Ident No _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

EASTERN WESTERN CORP.

1. Name of applicant ~~Doug David~~ Phone (503) 236-1978

Post office address P.O. Box 3228, Portland, OR 97208-3228

2. Source of water supply Payette River which is a tributary of Snake River

3. Location of point of diversion is NE 2/4 N.W. 1/4 of N.E. 1/4 of S.E. 1/4, Govt. Lot 2

Sec. 29 Township 9 N Range 5 W B M Payette County; additional points of diversion if any _____

4. Water will be used for the following purposes:

Amount 1.94 for Irrigation purposes from allow 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 1.94 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc Diesel or PTO Pump/Suction in River

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 FEB 2, 1990 feet.

d. Is ground water with a temperature of greater than 90°F being sought? _____

7. Time required for the completion of the works and application of the water to the proposed beneficial use is

1 yr.
60 days years (minimum 1 year).

1/ changes per M. McGinty, President, 11/22/88 at State office.

2/ per topo and govt. lot plot maps
11/29/88

per phone conv with
KW 11/29/88.

Leave as NESE, OK to 40 acre location

Affidavit of Publication

Copy of Notice

STATE OF IDAHO,
COUNTY OF PAYETTE

SS.

~~NOTICE OF APPLICATION FOR WATER RIGHTS~~

The following applications have been filed to appropriate the public waters of the State of Idaho:

65-13091

EASTERN WESTERN CORP.

P.O. BOX 3228

PORTLAND, OR 97208

Source: PAYETTE

RIVER

Tributary: SNAKE

RIVER

Diversion Pt.: LOT 2 (NESE) Sec. 29 T 09N R 05W

Use: IRRIGATION

(580 CFS)

Date Filed: 11/22/1988

In: T09N R05W S29, SWNE, SENE.

SWSE Lot 1 (SESE)

29.0

ACRES

TOTAL

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before SEPTEMBER 25, 1989.

R. KEITH HIGGINSON, Director
Sept. 8, '89

No. 1272

Water Right Application

FILE OF PUBLICATION

SPONSOR OR PLAINTIFF

Dept. of Water Resources

PLAINTIFF OR LEGAL AGENT

L. Worthy Mason

, being

duly sworn, deposes and says:

That he is the principal Clerk

THE INDEPENDENT-ENTERPRISE, a weekly newspaper published a Payette, in the County of Payette and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Payette; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

Sept. 6, 1989, and ending with the issue of Sept. 13, 1989.

Subscribed and sworn to before me this 14th day of Sept., 1989.

Maile J. Rhinehart
Notary Public, Residing at Payette, Idaho.

My Commission Expires 11-28, 1992

STATEMENT

Independent-Enterprise

PAYETTE, IDAHO

Number of Lines 20

Number of Insertions Two

20 Lines @ .81 ... \$ 16.20

20 Lines @ .72 ... \$ 14.40

TOTAL COST
WILL BE \$ 30.60

No. 1272



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 29, 2002

C/C LLC
3990 HWY 52
PAYETTE ID 83661

RE: Change of Ownership for Water Right 65-13091

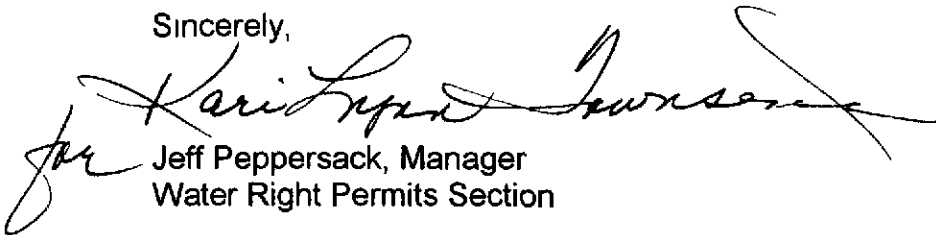
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records. Also enclosed is a receipt for the \$25.00 filing fee.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,



Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

JAN 31 2002

September 15, 1992

EASTERN WESTERN CORP
PO BOX 3228
PORTLAND OR 97208-3228

RE: WATER RIGHT NO. 65-13091

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Sincerely,

PAMELA SKAGGS
Water Resource Agent

PS:cz

Enclosure

SEP 21 1992

August 5, 1992

EASTERN WESTERN CORP
PO BOX 3228
PORTLAND OR 97208

RE: WATER RIGHT NO. 65-13091

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 15 days.

If you do not concur with these findings or if you have any questions, please contact us within the 15-day period.

Sincerely,

PAMELA SKAGGS
Water Resource Agent

PS:cz

Enclosure

RECEIVED MED
SEP 1 1992

LICENSE REVIEW CHECKLIST

Permit # 63-13091

Date 7-30-92
CB

	Yes	No	
NAME	☐	☒	Address Change?
PRIORITY DATE	☐	☒	Advance?
	☐	☒	Memo to Advance
	☐	☒	Order to Reinstate Needed?
TOTAL CFS	☐	☒	Incorrect Fee for rate recommended?
	☐	☒	Disagree with Actual Measurement?
	☐	☒	<u>27.3 x .02 = .55 cfs (IRR)</u>
	☐	☒	Disagree with Theoretical?
	☐	☒	Limited by Capacity? <u>3.35 cfs (Measured)</u>
TOTAL VOLUME			Rate/ac <u>4.5</u> AFA Irr. Season <u>D</u>
			<u>3-15 to 11-15</u> Standard Irr. Season
			<u>Same Per Permit</u> Season Recommended
	☒	☐	Disagree with Examiner's Calculations?
	☒	☐	<u>27.3 x 4.5 = 122.85 ≈ 122.9 afa (IRR)</u>
	☒	☐	Limited by Flow? <u>.55 x 245 x 1.9835 = 267.3 > 122.9</u>
SOURCE	☒	☐	Changes? Clarification of <u>Originally</u>
	☒	☐	<u>Intended</u> source
	☒	☐	Notice of Intent to Void.
P/D	☒	☐	Verify with Map
	☒	☐	Amendment Needed? <u>Change NESE Lot 2 to SESE Lot 1</u>
	☒	☐	Is Overlap Analysis a Consideration?
P/U	☒	☐	Verify with Map
	☒	☐	Amendment Needed? <u>Drop SW NE + SE NE / Add NE SE + NW SE</u>
	☒	☐	Is Overlap Analysis a Consideration?
USES	☒	☐	Change(s) in Nature of Use?
	☒	☐	Amendment Needed?
REMARKS	☒	☐	Multiple P/Ds in 1/4 1/4?
	☒	☐	Non-Irr. Uses
	☒	☐	Special Overlap Condition
	☒	☐	Other
CONDITIONS	* Request for Removal of Condition		
	☒	☐	Measuring Device
	☒	☐	W/Master Control
	☒	☐	Overlap
	☒	☐	Water Quality
	☒	☐	DATES/MISC
	☒	☐	<u>105</u> Water Dist.
	☒	☐	App Rec'd
	☒	☐	Exam Made
COMMENTS/MEMOS NEEDED:	<u>Reduced Acres, rate</u>		
	<u>E.E. recommends removal of M.D. condition / not</u>		
	<u>practical. Request for removal received from</u>		
	<u>permit holder.</u>		
License	☐	☐	10-Day
	☐	☐	15-Day
	☒	☐	Special Correspondence

WR0749NP
No. L65-13091

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

DATE: 07/30/92
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EASTERN WESTERN CORP PO BOX 3228 PORTLAND OR 97208 (503) 236-1978	11/22/1988	IRRIGATION	03-15 11-15	0.55 CFS	122.9 AFA
TOTAL DIVERSION:					0.55 CFS	122.9 AFA

Water Source: PAYETTE RIVER

Tributary to: SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion Capacity: 3.35 CFS

Point(s) of Diversion: T09N R05W S29 Lot001(SE SE)

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM			
09N	05W	29	:																	:				
																			02-04	02-03	09	01-11	:	27.3
																			TOTAL ACRES				:	27.3

Pou County: PAYETTE

Other Water Rights Listing Overlapping Place(s) of use:
03-04008 65-00072 65-13091

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
- R32 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
- 059 - The Director retains jurisdiction of this right to require purchase or lease of storage water to compensate for diversion of the streamflow authorized by this right.

Dates: App. Received: 11/22/1988 Priority Date: 11/22/1988
Proof Due Date: 01/01/1991 Proof Made Date: 12/14/1990
Exam Made Date: 07/29/1991 Exam Sent to S.O.: 04/10/1992
Licensed Date:

Misc: Water District Number: 65 Field Exam Fee: R (Received)

Audit: 07/30/92 SKAGGS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Department of Water Resources

Permit No. 65-13091

A. GENERAL INFORMATION

1. Owner: Eastern-Western Phone No. _____
Current Address: PO Box 3228, Portland, Oregon 97208
2. Accompanied by: Art Angle EXAM. DATE: 7-29-91
Address: 4606 6th Ave South, Payette, Id Phone No. 642-9873
Relationship to Permit Holder: General Manager - Sun Pacific Cattle Co -
subsidiary of owner
3. Source: Payette River tributary to Snake River

B. OVERLAP REVIEW

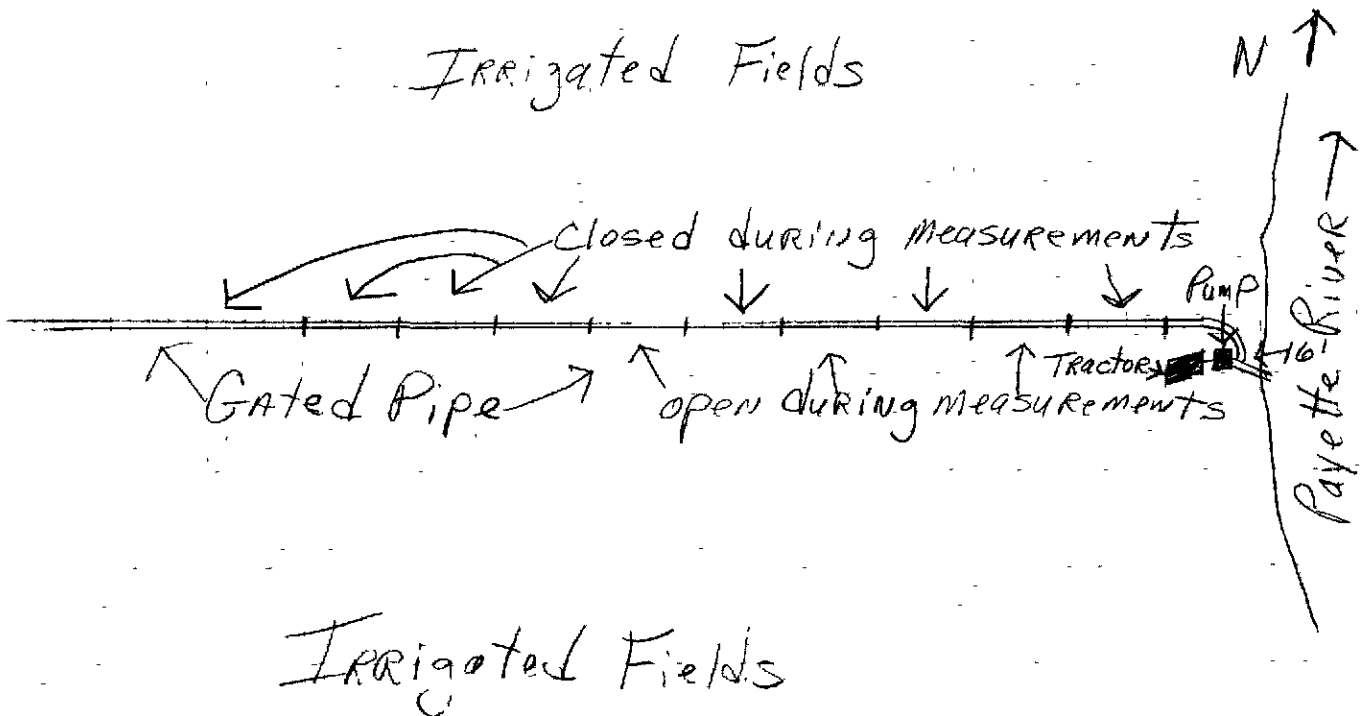
1. Other water rights with same place of use. N/A

☐ Copies Attached
2. Other water rights with same point of diversion: N/A

☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.)
☒ Aerial Photo Attached
(required for irrigation of 10 acres or more)

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System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

A 60 Hp John Deere tractor with a PTO pump draws water through an 8" flexible pipe from the Payette River. The pump discharges into an 8" flexible pipe that flows into 8" gated pipe with 17-30' sections. Water is released to a field North of the pipe or South to a field by turning the pipe over to the desired direction. Irrigation is by gravity through field corrugates and hand dug shallow channels. The overall delivery system is not very efficient but

☒ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	John Deere	(60)	Unknown	PTO	8"
	Tractor	154hp estimated			

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	21		SE	SE	29	9N	5W	Payette	Ortho photo point

6. Place(s) of Use:

Indicate Method of Determination

Overlap and Aerial Map

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9W	5W	29													4	3	9.3	11	27.3
															4	4		4	
															2	2			

SEP 21 1992

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
5 gallon bucket						
stop watch						
type - 2lyte Polysonic		State #	150231	N834626		

2. Measurements:

Polysonic measurement taken midway between ^{river} level and pump.
 5 gallon bucket measurements taken at 9 locations on gated pipe.

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method: $32 \text{ gpm ave.} \times 47 = 1,504 \text{ gpm} \div 448.8 = 3.36 \text{ cfs}$
 Polysonic av. = $1,484 \text{ gpm} \div 448 = 3.31 \text{ cfs}$

2. Alternate Method for Checking Purposes:

$$\frac{15 \times 8.8 \times 6}{28 + (2.3 \times 0)} = 2.61 \text{ cfs}$$

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi $\times 2.31 =$ _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) $\times$ (4) $\div 8.8 =$ _____ (5)

Meter Input KW: $3.6 \times$ _____ KH $\times$ _____ CTR or _____ MULT $\times$ _____ PTR $\times$ _____ N/ _____ T = _____ (6)

Meter Input HP: (6) $\times 1.34 =$ _____ (7)

Panel Input KW: _____ Ave PF $\times$ _____ Ave Volts $\times$ _____ Ave Amps $\times .001732 =$ _____ (6)

Panel Input HP: (6) $\times 1.34 =$ _____ (7) Efficiency: (5)/(7) $\times 100 =$ _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 27.3 \times 4.5 = 122.85$

$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 122.85 \times 2.19 \times 1.9835 = 268.4$

$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 122.9 \text{ afa}$

2. Volume Calculations for Other Uses.

NA

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

adequate. A bucket measurement was taken from the gate box pipe by closing all of the gates on 14 pieces and leaving 3 pieces wide open. A total of 49 gates were open and 9 measurements taken that averaged 32 gpm. A polysonic flow measurement was taken between the pump and river level at approx. mid-point. A lockable device is not possible on this system.

No overlaps - other rights in same PA don't affect this permit.

Measurements indicate pumping system to be oversized for usage but delivery system is not very efficient.

I. RECOMMENDATIONS

NESE Gov. Lt. difficult to determine from available information + surveys.

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	3-15	11-15	.55 cfs	122.9 afa

Totals: .55 cfs - 122.9 afa -

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

☐ None

J. AUTHENTICATION

Field Examiner's Name

Melvin T. Schulte

Signature

Melvin T. Schulte

Certification Date

3/30/92

Field Report Preparation Date

8-5-91



K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

MICROFILMED

SEP 21 1992

INPUT

MODE SELECT
INPUT

OUTER DIAMETER
9.07200 IN

PIPE MATERIAL
? FRP

WALL THICKNESS
0.3850 IN ($\frac{3}{8}$ " with
tape = .375

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
6.579 IN U

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

07-29 13:1600 *R
+ 1.488E 3GPM

07-29 13:1600 *R
+ 1.484E 3GPM

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

07-29 13:1900 *R
+ 1.481E 3GPM

07-29 13:1900 *R
+ 1.484E 3GPM

1484 OPR.

SEP 21 1992

PERMIT 05-13091 INIT _____
T. R. S. Q/Q
P/D 9N 5W 29 NESE Lot 2
SCALE _____
PHOTO ID. V53

MALHEUR CO.
PAYETTE CO.

15
SNAKE

P/D

P/D

P/U

21 1992

PERMIT 05-13091 INIT

T. R. S. Q/Q

9N 5W 29

2-20.6

1-22.6

8-22.6

30 29
31 32

14-34.1

12

8-42.6

10-27.3

11064

30

B. 3

Not to Scale
MICROFILMED

SEP 21 1992

1991

RECEIVED

AUG 12 1991

Department of Water Resources
Western Regional Office

PERMIT # 65-13091

REQUEST FOR REMOVAL OF MEASURING DEVICE REQUIREMENT

I hereby request removal of the measuring device requirement for the following reason.

- A. Supplemental system not under a water master's control _____.
- B. The system does not produce greater than 0.70 CFS _____.
- C. Other Pumping system is a portable PTO unit that does not lend itself to installation of a lockable device.

Signed this 9th day of August, 1991.

Eastern/Western Corp by Carl Long
Applicant/ Permit Holder

SEP 21 1992

65-13091

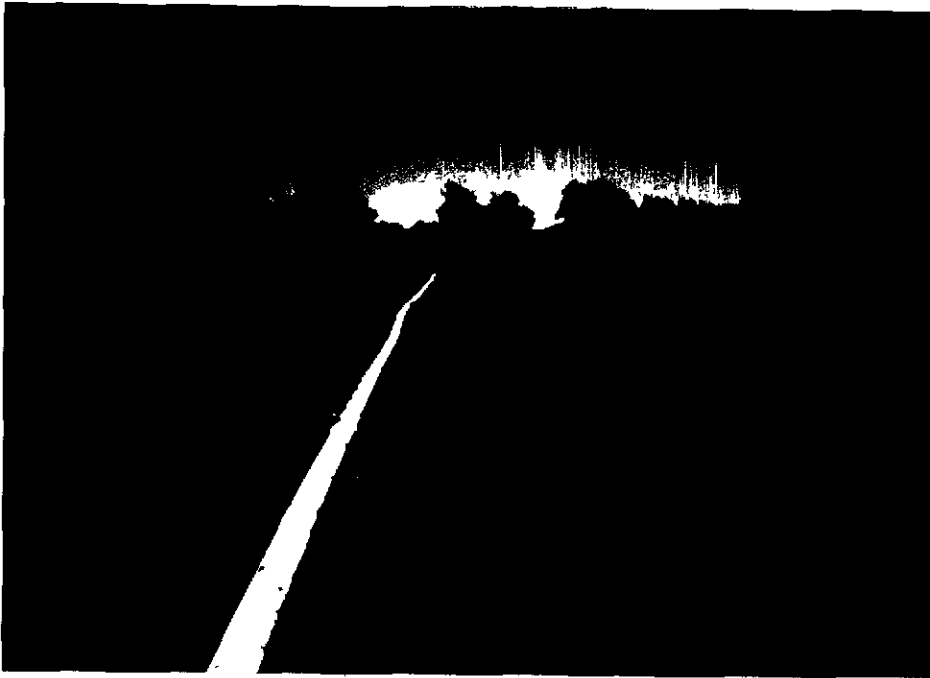


#5.

P/U looking
southwest from
pump location.

RECEIVED
SEP 21 1966

65-13091



#3.

gated pipe
prior to measure-
ment. Fields
on each side are
irrigated from
this pipe.



#4.

gated pipe just prior
to measurement.

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SEP 21 1992

65-13091



#1

View of intake
pipe with polysonic
transducer attached



#2

View of pump,
intake and outlet
discharge pipes.

RECEIVED

SEP 21 1992

Snake

River

Payette

River
ALLEN

SURVEYED
BY H. G. BARDSLEY
1917.

MICROFILMED

SEP 21 1992

THOMPSON,



Sec. 32

Sec. 29

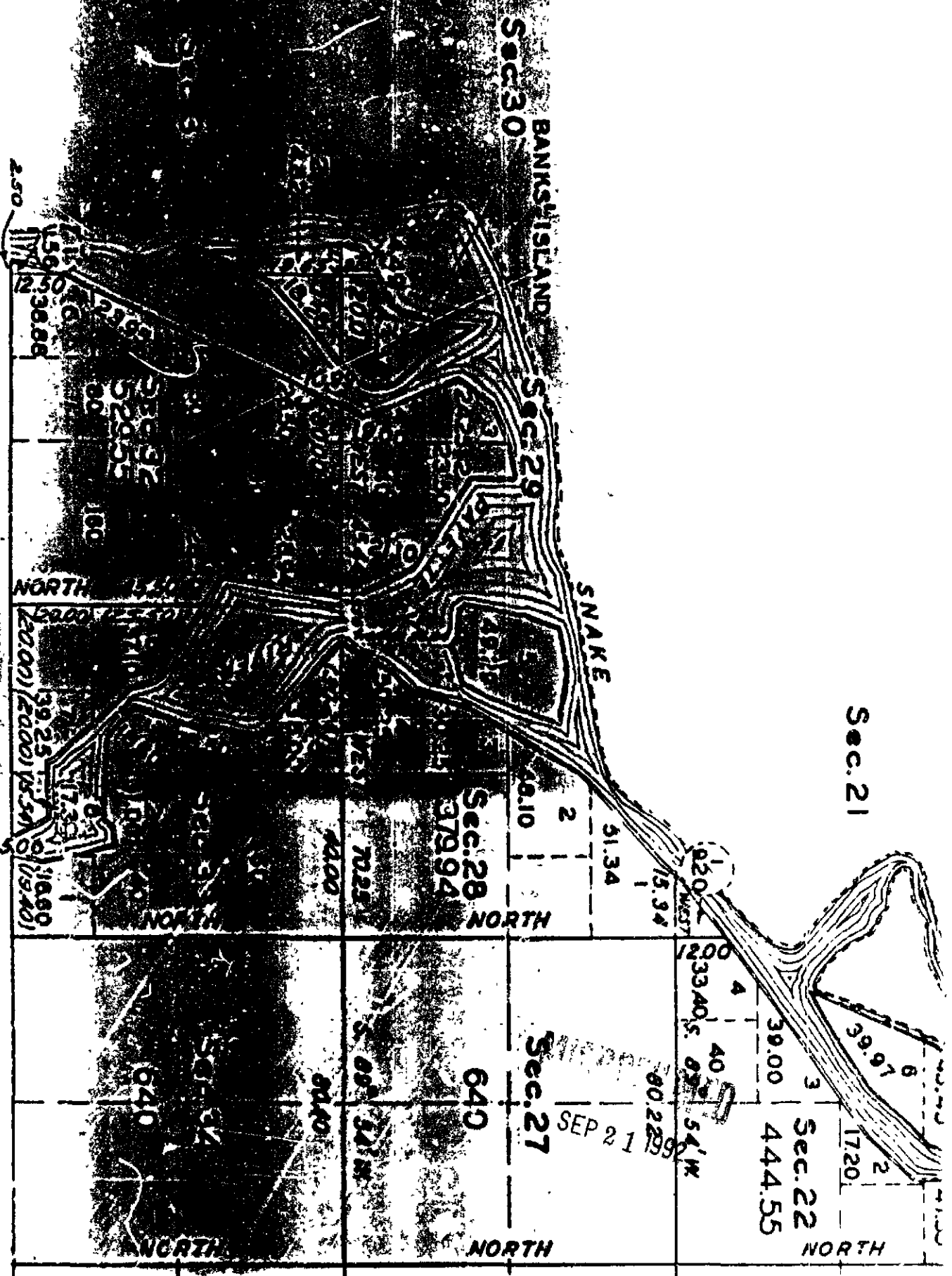
Sec. 33

Sec. 28

M.

180

30
NCH
ION 19°E.



COMPILED FROM THE OFFICIAL RECORDS

June 8, 1992

EASTERN WESTERN CORP.
P.O. BOX 3228
PORTLAND OR 97208

RE: Water Right No. 65-13091

Dear Water Right Holder(s):

On May 19, 1992, the department sent you a letter advising that you might be required to temporarily cease diverting water from the Snake River or its tributaries if the established minimum stream flow of the Snake River in the amount of 4,750 cubic feet per second measured near Weiser is not satisfied or likely will not be satisfied.

The flow of the Snake River at Weiser is now less than 4,750 cfs. You are, therefore, directed to immediately cease diverting water under the above referenced water right and to not resume use until authorized by the department.

Past flow records show that the duration of seasonal low flow periods typically last several days to a week. Since your use of water is extremely important to you and since mail notification includes a delay associated with mail delivery time, feel free to call the toll-free telephone number 1-800-451-4129 to determine when you are again authorized to divert and use water under your water right. Please use this phone number only in connection with resumption of use.

You need to be aware that Section 42-351, Idaho Code, provides for penalties of up to \$100 per day for unauthorized diversion.

Thank you for your cooperation in this matter. Please feel free to contact L. Glen Saxton (phone: 208-327-7955) or Gary Spackman (phone: 208-327-7946) of my staff if you have questions.

Sincerely,

R. KEITH HIGGINSON
Director

RECEIVED

SEP 1 1992

RECEIVED

AUG 12 1991

Department of Water Resources
Western Regional Office

PERMIT # 65-13091

REQUEST FOR REMOVAL OF MEASURING DEVICE REQUIREMENT

I hereby request removal of the measuring device requirement for the following reason.

- A. Supplemental system not under a water master's control _____.
- B. The system does not produce greater than 0.70 CFS _____.
- C. Other Pumping system is a portable PTO unit that does not lend itself to installation of a lockable device.

Signed this 9th day of August, 1991.

Eastern/Western Corp. by Cent. Long
Applicant/ Permit Holder

SEP 21 1992

June 12, 1992

EASTERN WESTERN CORP.
P.O. BOX 3228
PORTLAND OR 97208

RE: Water Right No. 65-13091

Dear Water Right Holder(s):

On June 8, 1992, the department sent you a letter which directed you to immediately cease diverting water under the above referenced water right, since the minimum stream flow of the Snake River in the amount of 4,750 cubic feet per second (cfs) measured near Weiser was not being satisfied.

The flow of the Snake River at Weiser is now above 4,750 cfs. You are, therefore, authorized to again divert water under your water right. If the minimum stream flow is not met later this year, however, the department will again notify you to temporarily cease diversion.

Thank you for your cooperation in this matter. Please feel free to contact L. Glen Saxton (phone: 208-327-7955) or Gary Spackman (phone: 208-327-7946) of my staff if you have questions.

Sincerely,

R. KEITH HIGGINSON
Director

MICROFILMED
SEP 21 1992

May 19, 1992

EASTERN WESTERN CORP.
P.O. BOX 3228
PORTLAND OR 97208

RE: Water Right No. 65-13091

Dear Water Right Holder(s):

Department water right records show that you divert water from the Snake River or its tributaries under a water right that has a priority date later than December 29, 1976. This is the priority of the established minimum stream flow of the Snake River at the Weiser Gage (Weiser) in the amount of 4,750 cubic feet per second.

Because of the continuing drought conditions in the Snake River Basin, department hydrologists project that during 1992, there could be periods when the required minimum flow will not be satisfied due to low flows of the Snake River. The department urges you to not divert at a higher rate than authorized by your water right and to not use your right in any manner different than authorized. In addition, when the minimum flow will not be satisfied or is not being satisfied, you are required to cease diverting water under your water right, because your right is of later priority than the minimum stream flow at Weiser.

If the department determines the minimum flow will not be satisfied, the department will advise you and will provide as much lead time as possible in requiring that you temporarily cease your diversion of water. The greatest likelihood for this to occur is during a period from mid-June to late June.

While the department expects good cooperation from junior water right holders, water users should be aware that Section 42-352, Idaho Code, provides for penalties of up to \$100 per day for unauthorized diversions of water.

The department has contacted both the Idaho Power Company and the U.S. Bureau of Reclamation with respect to the timing of storage releases from upstream reservoirs for flow enhancement purposes. This type of coordination could minimize the impact on

SEP 21 1992

existing water users and reduce the need to curtail diversions.

The department has scheduled public information meetings relative to this potential regulation as follows:

Mountain Home - June 4, 1992 - 10:00 a.m. - gymnasium at
North Elementary School, 290 E. 12th N.

Caldwell - June 4, 1992 - 7:00 p.m. - Ballroom in the
Student Union Building, Albertson College of Idaho,
2112 Cleveland

If you have questions concerning this letter or wish to provide the name of a different contact person or address to receive department correspondence, please contact the department.

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:klg

JUN 11 1992

January 10, 1991

EASTERN WESTERN CORP.
P.O. BOX 3228
PORTLAND, OR 972083228

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13091

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.

I note that the permit issued to you by the department requires the installation of a lockable device to allow the department to determine the rate of diversion. The proof which you submitted does not show that you have installed this equipment.

The installation of the lockable device must be complete by the time the department representative conducts the examination of your system unless the department has rescinded the requirement prior to the field examination. In some cases, the equipment requirement can be rescinded because the equipment cannot be physically installed, is not appropriate or can be accommodated with other measuring methods.

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

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

JAN 29 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 65-13091

Date 12-26-90

GENERAL CONSIDERATIONS

Y Name same as permit?
Y Address same as permit? If no, prepare data entry form.
Y Proof timely received? If no, complete priority
advancement below.

SOURCE OF WATER

✓ Surface water source
 Ground water source
 Drill permit req'd?
 Copy in file? Drill permit no.
 Well log in file?
 Amt paid for drilling permit? Correct?

LICENSE EXAMINATION FEE

Y Required?
160 Amount submitted?
Y Correct amount?

MEASURING DEVICE

Y Measuring device or access port required?
 Installed?
 Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

- 2 on lockable device requirement
- proof acceptable

PRIORITY CALCULATION

Date proof received LB
Date proof due
No. of days late
Priority date
NEW PRIORITY DATE

RECEIVED
DEC 14 1990For Office Use Only
Amt. of Fee \$ 100.00
Date 12-14-90
Receipt No. 0019144
Received by JH

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 65-13091 Telephone No. (503) 236-1978Name(s) of Permit Holder(s): Eastern Western Corp.Post Office Address: P.O. Box 3228 Portland, OR 97208-3228Source of Water: Payette River

If ground water, well driller's name: _____ Date drilled: _____

Extent of Use:

Domestic _____ (No. of households)	Irrigation <u>29 ac</u> (No. of acres)
Stockwater _____ (No. and type of stock)	Other _____

Total rate and/or volume for which proof is submitted .58 cfs _____ acre/feetShow date water was first diverted and beneficially used under this permit: June 11, 1990

One of the following may be a condition of approval of your permit.

Measuring device: Required? Yes ☒ No Installed? Yes ☐ No

OR

Flow Measurement Port: Required? Yes ☒ No Installed? Yes ☐ NoFee Enclosed: \$ 100.00 (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination

Curt Ingle (208) 642-9873
Name Telephone No.

460 6th Ave S. Payette, Id. 83661
Address

The above information is my true statement of the extent to which the above number has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho

NOT FILMED

JAN 29 1991

11-8-90
Date

Curt Ingle (Manager)
Signature (and title if on behalf of a company or organization)

October 31, 1990

EASTERN WESTERN CORP.
P.O. BOX 3228
PORTLAND, OR 972083228

PROOF DUE NOTICE

RE: PERMIT NO. 65-13091

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 January 1, 1991. (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,

Rita Fleck
Secretary/Records Manager

Enclosures

RECEIVED

JAN 29 1991

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 327-7900
December 29, 1989

EASTERN WESTERN CORP.
P.O. BOX 3228
PORTLAND, OR 972083228

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. P65-13091

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Be sure to note the special condition requiring you to install a lockable device that will provide the watermaster control on your diversion.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

NOT RECORDED

FEB 27 1990

RD

GN SW J. 29

N ESE L. 2

pu

11

SWNE

SENE

SWSE

SESE - L. 1

Form No. 202a.
3/89

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: FE DATE: 8/18/89 APPLICATION: 65-13091

REQUIRED INFORMATION

☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.) *see signature pg.*
☒ 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: Gov't. Lots: 4 P/D
☒ Nature of proposed use: (Include description of use) 5 P/U
☒ Description of diverting works:
☒ Time required for beneficial use of water:
☒ Place of use or acres irrigated:
☒ Map:
☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
☒ Fee:
☒ Yes No* In form to receipt:

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:
☐	☐	Diversion within interim protected river area
☐	☐	Send dam safety information:
☐	☐	Send power requirement letter:
☐	☐	Send fish farm requirement letter:
☐	☐	Power residency affidavit:
☐	☐	Power efficiency form:
☐	☐	Within trust water boundary: (If yes, attach Trust Water Supplementary Analysis Sheet.)
☐	☐	Diversion greater than 5 cfs or 500 af: (If yes, attach Large Diversion supplementary analysis sheet.)
☒	☐	*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT
☒	☐	<i>Classification of acres is correct under existing Payette River right</i> DATE REQUESTED: <u>letter of 2/7/90/5/8/89</u>
☒	☐	Additional information on reverse side: <i>Final reply & approval of acres by farm Department of Water Resources</i>

PROCESSING

APPLICATION NO. 65-13091

YES NO

☒ ☐
☐ ☒
☒ ☐

In form for advertising:

Statewide advertising:

Fee amount, receipt number and date recorded on application:

Overpayment requires refund, see memo of 8/18/89

SEND COPIES TO

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

I.D. Health and Welfare

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.

Publication dates and paper recorded on application:

Protests received. Final date for protest September 25, 1989

Protest dates, resolution of protest recorded on application:

Recommendations attached: Approve, DCR

Measuring device required:

Measuring port required:

Water delivered by water master? District # 65, Payette R.

Special conditions of approval or cover letter:

05 (65, Payette R.)

See below for additional information

Recommended Date or Priority 11/22/1988Recommended by: DCRDate 11/9/1989

STATE OFFICE REVIEW

P01, P1605(65) OIHSee below for additional information. By KWDate 12-8-89

ADDITIONAL INFORMATION

Overlapp/m65-00072 Payette River, Washoe Irrig. & Water Power Co. irrigates 32 other ac. in SESE and 16 other ac. in SESE.03-04006 Snake River irrigates 19 ac. in SESE, probably includes the 3 ac. in application.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region
2735 AIRPORT WAY

Boise, Idaho 83705
(208) 334-2190

AUGUST 30, 1989

Independent Enterprise
P.O. Box 520
Payette, ID 83661

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 25, 1989.

Yours truly,

GAIL GARRETT
Secretary

Encl.

MICROFILMED

FEB 27 1990

65-13091

EASTERN WESTERN CORP.
P.O. BOX 3228
PORTLAND, OR 972083228

Source: PAYETTE RIVER

Tributary: SNAKE RIVER

Diversion Pt: LOT 2 (NESE) Sec 29 T 09N R 05W

Use: IRRIGATION (.580 CFS)

Date Filed: 11/22/1988

In: T09N R05W S29 SWNE SENE SWSE Lot 1 (SESE)

29.0 ACRES TOTAL

RECORDED

FEB 27 1990

original sent to S.O.

MEMORANDUM

TO: DEBBIE ALLEN

FROM: STEVE LESTER

DATE: AUGUST 18, 1989

SUBJ: REFUND FOR APPLICATION

The Eastern Western Corp. filed an application for permit for 1.94 cfs on 11/22/88. Receipt C003528 was issued. Through subsequent correspondence, the flow rate was finally reduced to 0.58 cfs, which requires a fee of \$45. Please issue a \$20 refund to the applicant. Receipt code is 06-20-199-1238-6390.

The refund should be mailed to:

Eastern Western Corp.
P.O. Box 3228
Portland, OR. 97208-3228

(tele. 503-236-1978).

UNFILMED

FEB 27 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

August 11, 1989

Eastern Western Corporation
c/o Mr. William C. Tharp
Tharp and Van Atta
Drawer 610
Ontario, OR. 97914

Re: Application for Permit

Dear Mr. Tharp:

This letter is to pursue the issues raised in my earlier letter of 4/5/89 (see attached copy). A timely response is necessary to avoid complications in the water right appropriation process. Please review the April letter and respond within 30 days. Without a timely response, I will assume that the clients are not interested in pursuing the application and cancellation procedures will begin.

Another matter has arisen concerning different property. Joe Eld of Eld Ranches, Inc. of Donnelly, informed me on 7/18/89 that your client, the Eastern Western Corp., purchased some of Eld's property in Valley County. Joe indicated that the sold property is related to water right Permit 65-07361 for the use of Boulder Creek to irrigate acres in or near T16N, R3E, Sec. 1 and/or 2 and/or 12.

A partial field exam for licensing purposes was conducted some time ago and needs to be completed. If your client purchased the land and irrigates it from Boulder Creek through Permit 65-07361, please let me know within the same 30 day time frame mentioned above. It would be most desirable to complete the field work during this irrigation season. A water flow measurement and a determination of irrigated acres need to be completed before a license can be issued.

Please contact me if additional help may be provided.

Sincerely,

Steve Lester
Sr. Water Resource Agent

SL: sl
Enclosure

MICROFILMED

FEB 27 1990

8/18/89 8:05 a.m. Curt Angle, Manager of Payette Branch
for E.W. Corp. called. Rec'd copy of this letter
from W. Tharp. Sent across OK, proceed with
application. SL



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 5, 1989

Mr. William C. Tharp
Tharp and Van Atta
Drawer 610
Ontario, OR. 97914

Re: Application for Permit

Dear Mr. Tharp:

Thank you for your response of 3/14/89 concerning my letter of 2/7/89 in the Eastern Western Corp. application for the Payette River irrigation use. Based on the reply and existing irrigation at one inch per acre under 65-00072 from the river, the following acres in S.29 are eligible for a new right from the same source:

SWNE - 9 acres,
SENE - 9 acres,
SWSE - 8 acres,
SESE - 3 acres.

A total of 29 acres will be shown on the application. At one inch (0.02 cfs) per acre, the application will provide 0.58 cfs. Please let me know if your clients agree to this analysis. If so, the application will be advertised and processed.

This office will provide additional help and information at your request.

Sincerely,

Steve Lester
Sr. Water Resource Agent

SL:sl

MICROFILMED

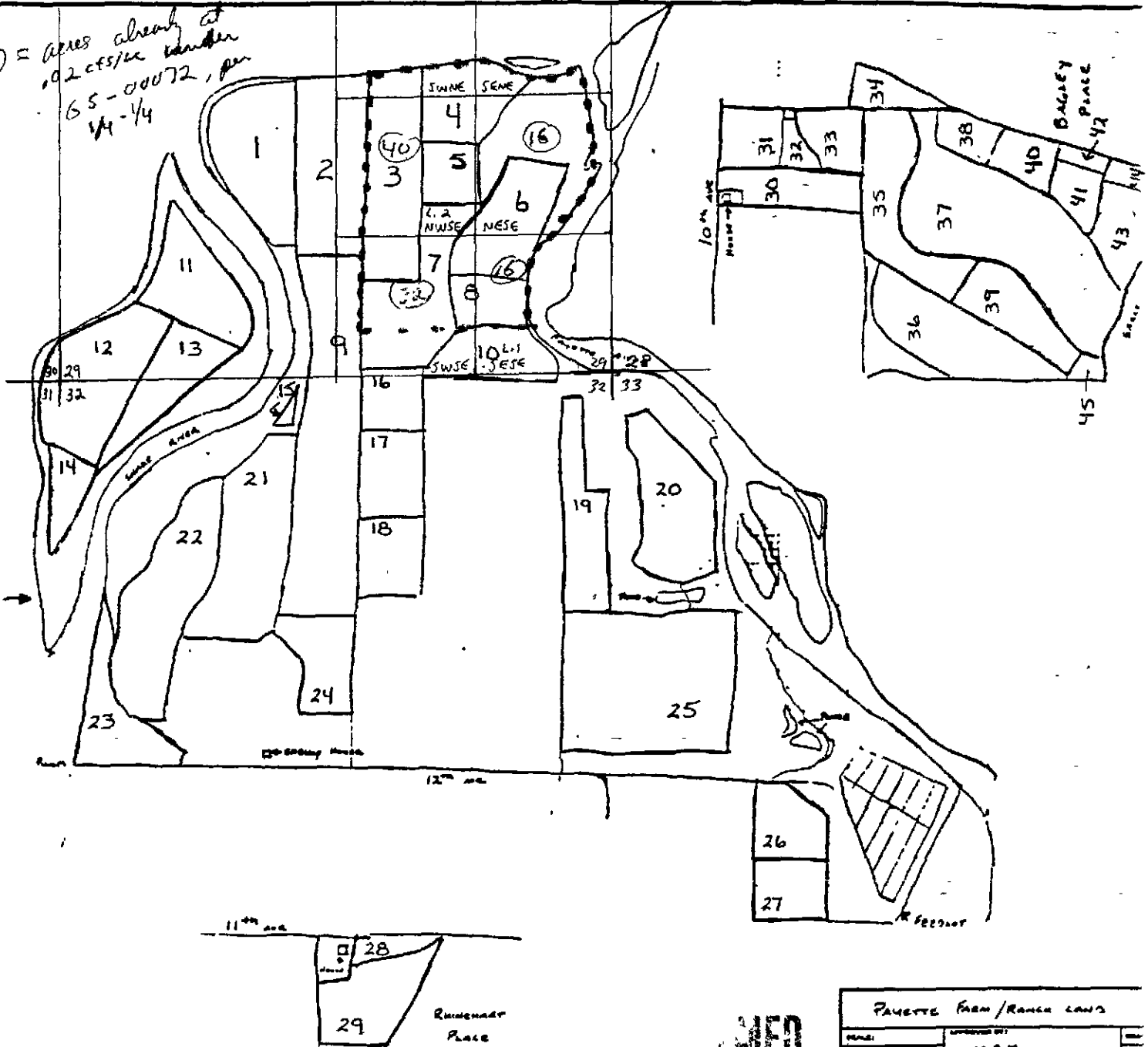
FEB 27 1990

Field Acreage

#3	22 acres	Accretion $\approx$ 20.0
#4	10 "	~~10.0~~
#5	7.3	
#6	12.0	11.0
#7	14.1 (included area)	
#8	6.5	Total Acreage 91.9

Section ~~was~~ interpreted from
USSS 7 1/2' quad. Area is green (outlined
by Applicant's Agent) & corresponds to area
in application.

⑦ = Acres already at
0.2 cfs/sec under
65-00072, per
1/4-1/4



ALCO

7 1940

PALETTE FROM / RANGE 1002			
NAME:	APPROVED BY:	DATE:	TIME:
DATE:	MEM		TIME:

THARP & VAN ATTA

ATTORNEYS AT LAW

DRAWER 610

7 SOUTHWEST THIRD STREET

ONTARIO, OREGON 97914

(503) 889-7603

FAX (503) 889-2402

WILLIAM C. THARP*
WILLIAM E. VAN ATTA

*ADMITTED TO PRACTICE
IN IDAHO AND OREGON

March 14, 1989

Department of Water Resources
Western Region

Steve Lester
Sr. Water Resource Agent
Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

RE: Application for Permit

Dear Mr. Lester:

Pursuant to your letter of February 7, 1989, enclosed please find a copy of a map and an attached note indicating the acreage per field number, as you requested.

If further information is needed, please do not hesitate to contact me.

Very truly yours,

THARP & VAN ATTA


William C. Tharp

WCT:ar
Encls.
cc: Mike McGinley

MICROFILMED

FEB 27 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Feb. 7, 1989

Bill Tharp, Esq.
Tharp and VanAtta
Drawer 610
Ontario, OR. 97914

Re: Application for Permit

Dear Sir:

I was referred to you by Doug David of Eastern Western Corporation concerning the application for permit to appropriate additional Payette River water to irrigate 97 acres in T9N, R5W, S.29, Payette County. Please excuse the delay in processing the application, but the Snake River Basin Adjudication takes a lot of our time. The preliminary priority date of 11/22/88 is not affected by the delay.

Water rights for up to one inch or .02 cfs per acre using the same surface water source may be developed on irrigated property. Some of the land shown in the new application has the full inch per acre from the Payette River via decreed right 65-00072. To completely process the application, additional information is needed to identify the specific acres per quarter quarter. The attached map delineates the proposed development on the 97 acres. Acres per tract are shown. Please compare the map to the following description of a portion of the decreed right and identify the common acres.

Gov't. Lot 2, 56 acres (the decree describes L.2 as 56 acres, although the USGS plat shows L.2 in the NWSE as 23.5 acres. My interpretation is that the 56 acres includes the NESE and NWSE, some of which is L.2. Note that the application lists 56 acres in the NESE and NWSE.

SWSE, 32 acres; the application identifies 20 acres in this tract, and some overlap of the 40 acre parcel must occur.

Gov't. Lot 1, SESE, 16 acres; the application shows 3 acres here.

Any of the above acres that also appear in the application are not eligible to receive additional Payette River water. I will gladly provide additional help.

Sincerely,

Steve Lester
Sr. Water Resource Agent

SL:sl
Enclosures

MICROFILMED

FEB 27 1990