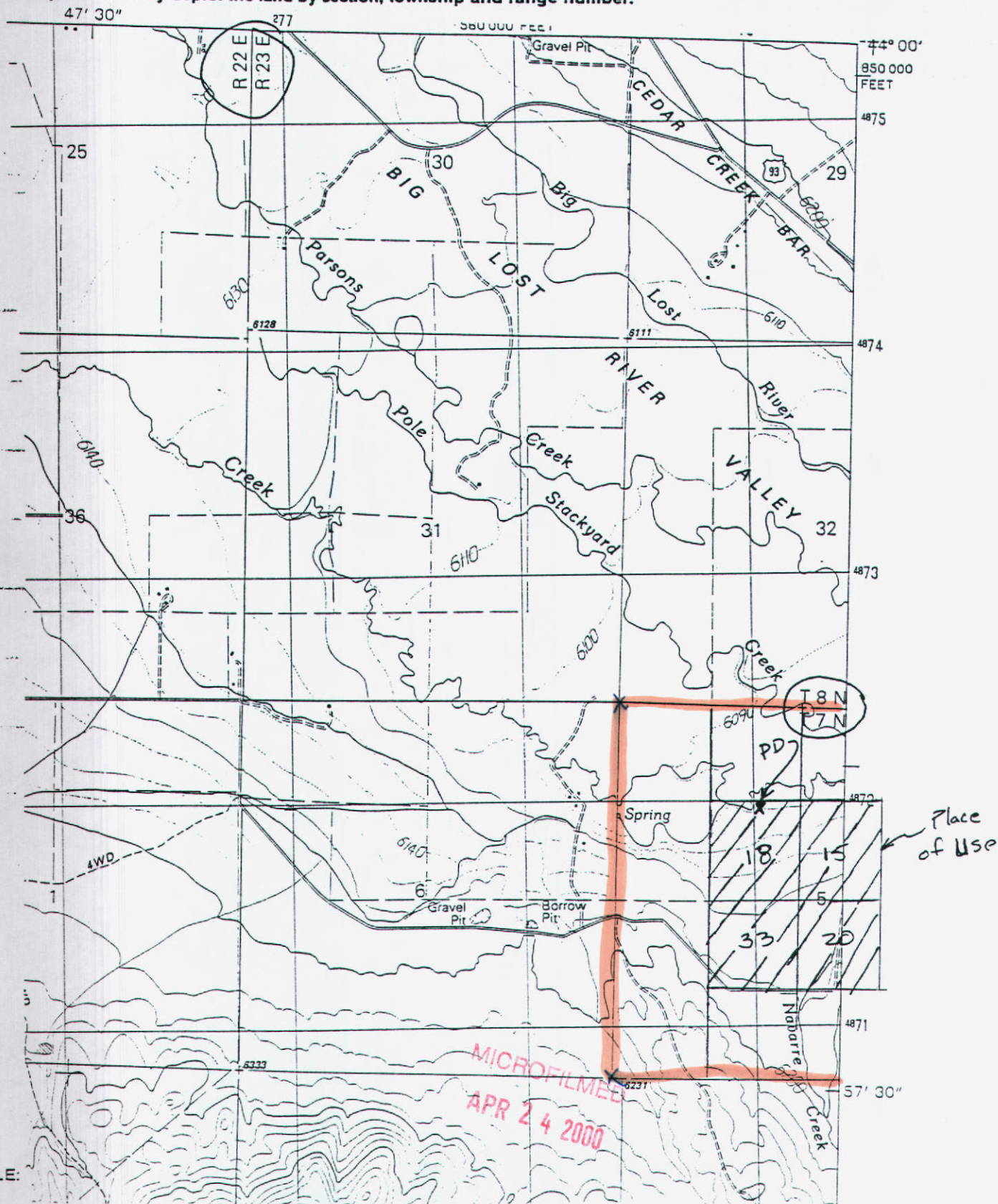


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

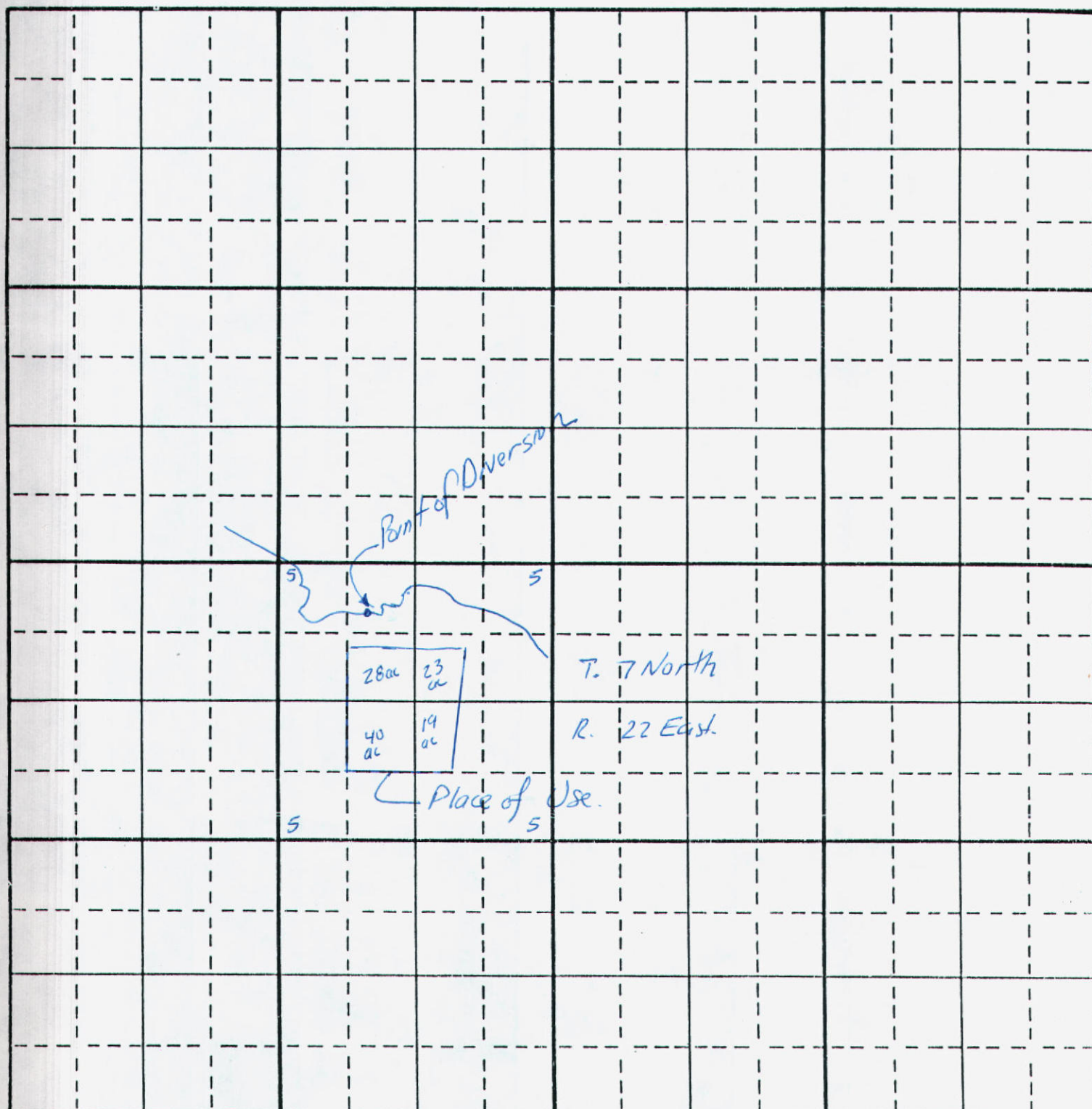


c. Describe the land or place of use to which the right will be transferred:

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	
7N	22E	5			23					28	40					19			110

Total number of acres to be irrigated _____

4. Describe any other water rights used for the same purpose as described above. This land is included as part of the place of use under rights 34-0820 & 34-0821, which are diverted from Navarro Creek.
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Ruth E. Burchill, representing the
Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2
consecutive weeks, commencing with the issue dated Oct 28 1999 and ending with the issue dated Nov 4 1999.

Ruth E. Burchill

STATE OF IDAHO

COUNTY OF CUSTER

On this 4th day of November in the
year of 1999 before me, a Notary Public,
personally appeared Ruth E. Burchill
known or identified to me to be the person
whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Janet Jangis
Notary Public for Idaho

Residing at Challis

My commission expires: 4/30/04

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. T5572

Notice is hereby given that 6X Ranch LLC, PO Box 12625, Fresno, CA 93778, has applied to the Department of Water Resources to change the point of diversion of a surface water source. The right sought to be changed is evidenced by a decree and recorded as follows:

Decree No.: 34-00963

Amount: 2.00 cfs

Source: Medicine Lodge Creek

Priority: 06/10/1907

Point(s) of Diversion: SENWSE
SEC 34 T08N R22E, CUSTER
COUNTY

SWNE SEC 35 T08N, R22E,
CUSTER COUNTY

NESENW SEC 5 T07N R23E,
CUSTER COUNTY

The water is used for irrigation of 86 acres within SEC 05 T07N R23E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicants want to change their point of diversion to the NESENW of Sec 5 T07N R23E. This will allow them to take water from the creek adjacent to their property.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before November 15, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director
Pub: Oct. 28 & Nov. 4, 1999.

MICROFILMED

APR 24 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

TRANSFER OF WATER RIGHT

AMENDED

TRANSFER NO. 5572
WATER RIGHT NO. 34-00963

This is to certify that: **6X RANCH LLC**
PO BOX 12625
FRESNO CA 93778

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	05/01 to 10/15	2.00 CFS	301.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
WARM SPRINGS CREEK	BIG LOST RIVER

Priority: 06/10/1907

LOCATION OF POINT(S) OF DIVERSION: NESENW , Sec. 5, Township 07N, Range 23E
CUSTER 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>
07N	23E	5	SWNE 15	SENW 18	NESW 33	86
			NWSE 20			86
			Total number of acres irrigated:			86

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

TRANSFER NO. 5572
WATER RIGHT NO. 34-00963

AMENDED

AMENDED

CONDITIONS OF APPROVAL AND REMARKS

6. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/20 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
7. This approval is specifically conditioned upon the terms and limitations contained in the Stipulation, Settlement, and Joint Motion for Order filed with the Department on October 12, 1999. This approval is subject to any future modifications resulting from or required by the terms of that Stipulation.

Dated this 13th day of April, 2000.


Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5572
WATER RIGHT NO. 34-00963

This is to certify that: **6X RANCH LLC**
PO BOX 12625
FRESNO CA 93778

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	05/01 to 10/15	2.00 CFS	301.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
WARM SPRINGS CREEK	BIG LOST RIVER

Priority: 06/10/1907

LOCATION OF POINT(S) OF DIVERSION: NESENW , Sec. 5, Township 07N, Range 23E
CUSTER 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>
07N	23E	5	SWNE 15	SENE 18	NESW 33	86
			NWSE 20			86
Total number of acres irrigated:						86

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

TRANSFER NO. 5572
WATER RIGHT NO. 34-00963

CONDITIONS OF APPROVAL AND REMARKS

6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/20 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
8. This approval is specifically conditioned upon the terms and limitations contained in the Stipulation, Settlement, and Joint Motion for Order filed with the Department on October 12, 1999. This approval is subject to any future modifications resulting from or required by the terms of that Stipulation.

Dated this 3rd day of April, 2000.


Chief, Water Allocation Bureau

Page 1 of 7

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5572

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Department of Water Resources

Name of applicant 6X Ranch LLC Phone 559-891-5400
Post Office address P.O. Box 12625, Fresno, CA 93778

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes (1) eliminate injection and redirection,
(2) improve fish habitat in Warm Springs Creek

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 34-00963 Priority 6/10/1907 Amount (cfs/ac-ft) 2.00 cfs Nature of Use irrigation Period of Use 5/1 to 10/15

2. Total amount of water being transferred 2.00 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Warm Springs Creek tributary to Big Lost River
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SE	NW	5	7N	23E	Custer	

5. Lands irrigated or place of use:

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	
7N	23E	5			15					18	33					20			86

Total acres 86

PART 1

6. General Information:

a. Description of diversion system 60 hp pump, pipeline, sprinklers (all existing)

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

NA

d. Remarks:

This transfer eliminates diversion of the right into the Hatchery Canal followed by injection back into Warm Springs Creek. Water will be diverted at existing point of redistribution. A portion of the right will remain in the canal for conveyance loss per attached stipulation.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. Partial 34-00963 Decreed to Goddards Bar 13 Ranch
in case of Snake River Basin Adjudication vs. _____
dated 3/10/1998 in District Court SRBA county of Twin Falls
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

See Attached Partial Decree

5. Water is used for the following purpose:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

Page 4 of 7

T5572

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

In Re SREA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 34-00963

1998 MAR 10 PM 3:56

DISTRICT COURT-SREA
TWIN FALLS CO. IDAHO
FILED

NAME & ADDRESS: GOODARDS BAR 13 RANCH LTD
STAR ROUTE
MACRAY ID 83251

SOURCE: WARM SPRINGS CREEK TRIBUTARY: BIG LOST RIVER

RECEIVED

MAR 12 1998

Department of Water Resources
Adjudication Bureau

POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM WARM
SPRINGS CREEK.

QUANTITY: 2.00 CFS

PRIORITY DATE: 06/10/1907

POINT OF DIVERSION: TOWN R22E S34 SENESE
S35 (INJECTION)
TOWN R23E S05 NENESE (REDIVERSION)

Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE IRRIGATION	PERIOD OF USE Irrigation Season	QUANTITY 2.00 CFS
-------------------------------	------------------------------	------------------------------------	----------------------

PLACE OF USE:	IRRIGATION	Within CUSTER County			
	TOWN R23E S05	SENE 15	SENE 18	NENE 33	NENE 20
	84 ACRES TOTAL				

USE OF THIS RIGHT WITH RIGHT NOS. 34-00820 AND 34-00821 IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 126 ACRES IN A
SINGLE IRRIGATION SEASON.

RULE 34(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 34(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

- 10 To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

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	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

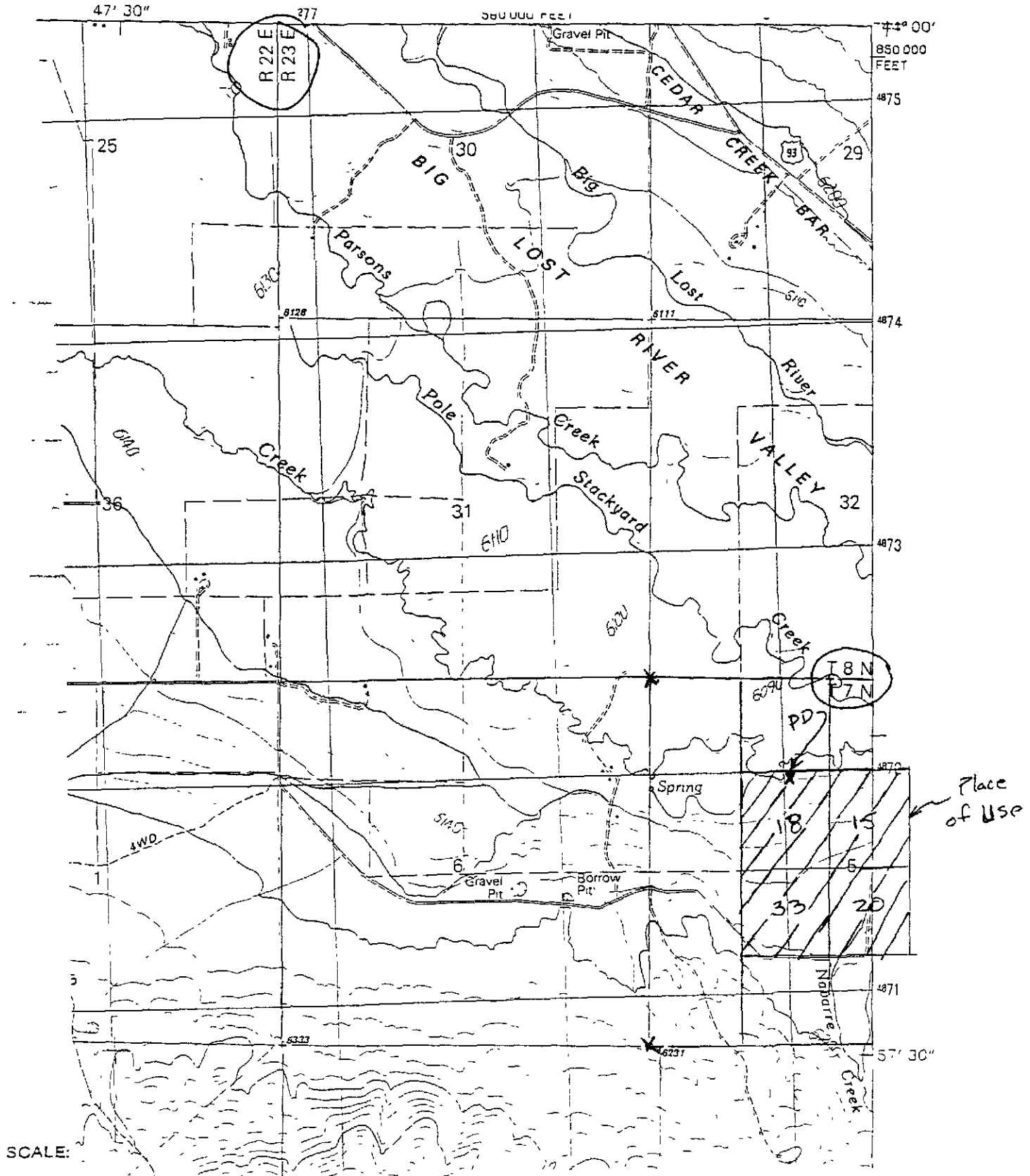
3. Lands irrigated or place of use:

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	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3

B. CHANGES IN NATURE OF USE

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

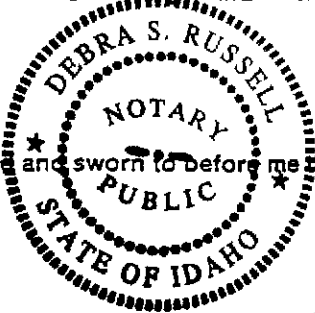
2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 27th day of September, 19 99.



[Signature]
(Signature of Applicant)

Debra S. Russell
(Notary Public)

My commission expires 8-11-2003

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and _____ attachments

Received by HWT Date 10-15-99 Protest filed by _____

Prelim. check by _____ Fee \$100

Receipted by HWT # E025385 Date 10-15-1999

Published in Challis Messenger Copies of protest forwarded by _____

Pub. dates 10-28-99 & 11-4-99 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by [Signature]

Copy of transfer sent to lien holder _____

RECEIVED

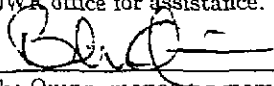
SEP 27 1999

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Department of Water Resources

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

1. Water Right No(s): See Attachment A
Adjudication Claim No(s): See Attachment B
2. The following REQUIRED information must be submitted with this form: See Attachment C
 - 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 questions, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less (These are usually attached to your deed or on file with the county)
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Goddards Bar 13 Ranch Ltd.
Star Route, Mackay Idaho 83251
4. New Owner/Claimant(s) 6X Ranch, LLC, an Idaho limited liability company
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address P.O. Box 12625
City, State and ZIP Code Fresno, CA 93778
New Telephone Number (559) 896-4040
5. Date you acquired the property December 31, 1998
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) 
Blake Quinn managing member 6X Ranch LLC
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form)
See Attachment B
8. For Snake River Basin Adjudication Claims. Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter those number(s) at Item 1. If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.
4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector 'and', 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than $\frac{1}{2}$ acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you.

IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 (208) 334-2190

IDWR Southern Region, 1341 Fillmore St., No., Twin Falls, ID 83301-3380 (208) 736-3033

IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450

IDWR Eastern Region, 900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

ATTACHMENT A
TO
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Water Right Nos.

34-10182
34-10183
34-10271
34-10270
34-10282
34-00805
34-00812
34-00813
34-00815
34-00816
34-00820
34-00821
34-00963
34-07155
34-00702B
34-00703B
34-00704B
34-00699B
34-00583B
34-00584D
34-00573B

35-10105

36-08495
36-13818

ATTACHMENT B
TO
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

SRBA Claim Nos.

A34-10182
A34-10183
A34-10271
A34-10270
A34-10282
A34-00805
A34-00812
A34-00813
A34-00815
A34-00816
A34-00820
A34-00821
A34-00963
A34-07155
A34-00702B
A34-00703B
A34-00704B
A34-00699B
A34-00583B
A34-00584D
A34-00573B

A35-10105

A36-08495
A36-13818

NO. 033985
RECORDED

JAN 06 1999

AM 4:45
BUTTE COUNTY REC'D
Skylar

GRANT DEED

THIS INDENTURE is made this 4th day of January, 1999, by **BAR 13 RANCH LIMITED PARTNERSHIP**, an Idaho limited partnership ("the Partnership"); **HILDA GODDARD**, individually ("Hilda"); and **ROSS K. GODDARD** and **SUE E. GODDARD**, husband and wife, County of Custer, State of Idaho, the "Grantor", and **6X RANCH, LLC**, an Idaho limited liability company, whose mailing address is P.O. Box 12625, Fresno, California 93779, the "Grantee".

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents does grant and confirm unto the Grantee, and to Grantee's heirs and assigns forever, all of the following described property in the State of Idaho, to-wit:

TRACT I:

TOWNSHIP 7 NORTH, RANGE 23 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

That part of Lot 4 in Section 3 and those parts of Lots 1 and 2 and the SW1/4NE1/4, SE1/4NW1/4, and NE1/4SW1/4 of Section 4, lying and being higher in elevation than the official elevation of 6,062 feet above sea level in accordance with the elevations used in construction and laying out of the Mackay Dam and Reservoir and which elevation was formerly the flow line of the Mackay Reservoir as originally constructed; also shown on the official Plat filed July 29, 1993, as instrument No. 204432.

Section 4: Lots 3 and 4; SW1/4NW1/4; NW1/4SW1/4

Section 5: Lots 1, 2 and 3; SE1/4NW1/4; S1/2NE1/4; NE1/4SW1/4, NW1/4SE1/4

EXCEPTING THEREFROM: Commencing at the S1/4 corner of said Section 5; thence N. 83°53'00" E. along the S. boundary of Section 5, a distance of 2643.60 feet to the SE

corner of said Section 5; thence N. 24°27'17" W., 4093.75 feet to the NE corner of said parcel of land and the POINT OF BEGINNING; thence S. 86°42'14" W. along a portion of an existing fence line, a distance of 209.00 feet; thence S. 00°05'34" W. 209.00 feet; thence N. 86°42'14" E. a distance of 209.00 feet to an existing fence line; thence N. 00°05'34" E. along said fence line a distance of 209.00 feet to the Point of Beginning. ALSO EXCEPTING THEREFROM: Commencing at the S1/4 corner of said Section 5; thence N. 88°53'00" E. along the S. boundary of Section 5, a distance of 2643.60 feet to the SE corner of said Section 5; thence N. 23°36'51" W. a distance of 3757.84 feet to the southwesterly corner of said parcel of land and the Point of Beginning; thence N. 16°09'58" W. a distance of 210.00 feet; thence N. 73°49'57" E., a distance of 188.62 feet to the center line of Warm Springs Creek; thence S. 27°08'13" E. along the center line of Warm Springs Creek a distance of 213.91 feet; thence S. 73°49'57" W. a distance of 229.33 feet to the Point of Beginning.

TOWNSHIP 8 NORTH, RANGE 23 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

Section 32: SE1/4NE1/4; SE1/4; E1/2SW1/4

Section 33: SW1/4

SUBJECT TO:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records, and of which Seller has no knowledge

4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. Unpatented mining claims: reservations or exceptions in patents or in acts authorizing the issuance thereof: water rights, claims, or title to water.
6. Any adverse claim based on the assertion that the location of the Big Lost River has moved.
7. Any rights, interest or easements in favor of the public which exist or are claimed to exist over any part of said land covered by water.
8. Charges, levies and assessments of the Big Lost River Irrigation District for periods after the Closing Date.
9. 25-foot right-of-way easement and easements for roads, ditches and canals reserved to grantor contained in Deed dated February 20, 1937, from Utah Construction Company to David Leland Zollinger, recorded February 6, 1938, in Book 24 of Deeds, Page 49, records of Custer County, Idaho.
10. Right-of-way for State Highway through the NE corner of Lot 4 in Section 3-T7N-R23, as granted in Deed Book 22, Page 505, records of Custer County, Idaho.
11. Right-of-way for State Highway through the SW1/4 of S33-T8N-R23, as granted in Deed Book 22, Page 506, records of Custer County, Idaho.
12. Easement upon and over described land for public use as a reservoir for storage of water for irrigation purposes granted in Judgment Book 5, Page 270, records of Custer County, Idaho.
13. Any claim that may arise that the waterfront boundary of said land has shifted because of alluvial action, erosion or change in the level of waters of Mackay Reservoir.

14. Fence Line Agreement upon the terms, conditions and provisions contained therein:

Dated: December 22, 1997

Parties: Jack R. and Patricia L. Blair and John L. and Cynthia M. Hayden and Ross Goddard

Recorded: January 21, 1998 as Instrument No. 215043

TRACT II:

TOWNSHIP 7 NORTH, RANGE 23 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

A portion of the S1/2NE1/4 of Section 5, Township 7 North, Range 23 E.B.M., Custer County, Idaho, described as: Commencing at the S1/4 corner of said Section 5; thence N. 88°53'00" E. along the S. boundary of Section 5, a distance of 2643.60 feet to the SE corner of said Section 5; thence N. 24°27'17" W. 4093.75 feet to the NE corner of said parcel of land and the Point of Beginning; thence S. 86°42'14" W. along a portion of an existing fence line a distance of 209.00 feet; thence S. 00°05'34" W. 209.00 feet; thence N. 86°42'14" E. a distance of 209.00 feet to an existing fence line; thence N. 00°05'34" East along said fence line a distance of 209.00 feet to the Point of Beginning.

SUBJECT TO:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records, and of which Seller has no knowledge.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records

5. Unpatented mining claims: reservations or exceptions in patents or in acts authorizing the issuance thereof: water rights, claims, or title to water.
6. Any adverse claim based on the assertion that the location of the Big Lost River has moved.
7. Any rights, interest or easements in favor of the public which exist or are claimed to exist over any part of said land covered by water.
8. Charges, levies and assessments of the Big Lost River Irrigation District for periods after the Closing Date.
9. Easement for underground right-of-way granted to Lost River Electric Cooperative recorded as Instrument No. 174482.
10. Easement for underground right-of-way granted to Lost River Electric Cooperative Inc. recorded as Instrument No. 190956, records of Custer County, Idaho.
11. Any claim that may arise that the waterfront boundary of said land has shifted because of alluvial action, erosion or change in the level of waters of Mackay Reservoir.
12. Hilda Goddard hereby reserves a life estate in Tract II described above for so long as she occupies such property as her primary residence, and she shall have the right to use all roads and easements on such Property for access, ingress, and egress ("the Life Estate"). Hilda Goddard shall have no responsibility to maintain or insure said life estate property. Grantee agrees to maintain the roads providing access to the life estate property but shall have the right to relocate such roads as Grantee shall reasonably determine. Hilda Goddard shall pay all real estate taxes on the life estate property so long as she holds such life estate. Hilda Goddard may not assign or convey her life estate to any person or entity.
13. To the extent applicable to this Tract, Fence Line Agreement upon the terms, conditions and provisions contained therein.
Dated. December 22, 1997

Parties: Jack R. and Patricia L. Blair and John L. and Cynthia
M. Hayden and Ross Goddard

Recorded: January 21, 1998 as Instrument No. 215043

TRACT III:

**TOWNSHIP 7 NORTH, RANGE 23 EAST, BOISE MERIDIAN, CUSTER
COUNTY, IDAHO.**

A portion of the S1/2NE1/4 of Section 5, Township 7 North, Range 23 East, Boise Meridian, Custer County, Idaho, described as: Commencing at the S1/4 corner of said Section 5; thence N. 88°53'00" E. along the S. boundary of Section 5, a distance of 2643.60 feet to the SE corner of said Section 5; thence N. 23°36'51" W. a distance of 3757.84 feet to the southwesterly corner of said parcel of land and the Point of Beginning; thence N. 16°09'58" W. a distance of 210.00 feet; thence N. 73°49'57" E. a distance of 188.62 feet to the center line of Warm Springs Creek; thence S. 27°08'13" E. along the center line of Warm Springs Creek a distance of 213.91 feet; thence S. 73°49'57" W. a distance of 229.33 feet to the Point of Beginning.

SUBJECT TO:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records, and of which Seller has no knowledge.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.

5. Unpatented mining claims: reservations or exceptions in patents or in acts authorizing the issuance thereof: water rights, claims, or title to water.
6. Any adverse claim based on the assertion that the location of the Big Lost River has moved.
7. Any rights, interest or easements in favor of the public which exist or are claimed to exist over any part of said land covered by water.
8. Charges, levies and assessments of the Big Lost River Irrigation District for periods after the Closing Date.
9. Easement for underground right-of-way granted to Lost River Electric Cooperative recorded as Instrument No. 174482.
10. Any claim that may arise that the waterfront boundary of said land has shifted because of alluvial action, erosion or change in the level of waters of Mackay Reservoir.
11. To the extent applicable to this Tract, Fence Line Agreement upon the terms, conditions and provisions contained therein:
Dated: December 22, 1997
Parties: Jack R. and Patricia L. Blair and John L. and Cynthia M. Hayden and Ross Goddard
Recorded: January 21, 1998 as Instrument No. 215043

TRACT IV:

TOWNSHIP 8 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO

Section 26: NE1/4, Subject to a County road right of way

Section 35: SE1/4; S1/2NE1/4, Excepting therefrom that portion of the S1/2 of the NE1/4 of Section 35, Township 8 North, Range 22 East, Boise Meridian, Custer County, Idaho, being more particularly described as follows:

Township 8 North, Range 22 EBM, Custer County, Idaho. Beginning at the Northwest corner of the South Half of the Northeast Quarter of Section 35, proceeding North $89^{\circ}43'24''$ East a distance of 897.62 feet; thence South $3^{\circ}53'42''$ West a distance of 143.99 feet; thence South $73^{\circ}46'56''$ West 920.42 feet; thence North along the North-South midsection line of said Section $00^{\circ}34'58''$ West a distance of 396.41 feet to the point of beginning.

Section 36: SW1/4NW1/4 and that portion of the NW1/4 of the NW1/4 of Section 36, Township 8 North, Range 22 East, Boise Meridian, Custer County, Idaho, being more particularly described as follows:

Commencing at the Northwest corner of the NW1/4 of said Section 36, marked by a brass cap monument; thence $S01^{\circ}07'37''E$ a distance of 131688 feet along the westerly line of the NW1/4 of said Section 36 to the Southwest corner of the NW1/4 of the NW1/4 of said Section 36 to the TRUE POINT OF BEGINNING; thence $N83^{\circ}07'08''E$ a distance of 1241.38 feet; thence $S00^{\circ}25'28''E$ a distance of 136.50 feet to a point on the southerly line of the NW1/4 of the NW1/4 of said Section 36; thence $S89^{\circ}25'54''W$ a distance of 1233.51 feet along the southerly line of the NW1/4 of the NW1/4 of said Section 36 to the POINT OF BEGINNING.

SUBJECT TO:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records, and of which Seller has no knowledge.

4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. Unpatented mining claims: reservations or exceptions in patents or in acts authorizing the issuance thereof: water rights, claims, or title to water.
6. Any adverse claim based on the assertion that the location of the Big Lost River has moved.
7. Any rights, interest or easements in favor of the public which exist or are claimed to exist over any part of said land covered by water.
8. Charges, levies and assessments of the Big Lost River Irrigation District for periods after the Closing Date.
9. Easement for underground right-of-way granted to Lost River Electric Cooperative recorded as Instrument No. 174482.
10. Canal right-of-way across the SW1/4SE1/4, Section 35, to the State of Idaho Fish and Game Department, recorded April 23, 1951, in Book 4 of Bonds and Agreements, Page 351, records of Custer County, Idaho.
11. Agreement for Electric Service Irrigation upon the terms, conditions and provisions contained therein:
Dated: March 13, 1989
Parties: Lost River Electric Cooperative, Inc. and Bar 13 Ranch Limited Partnership, Marvin, Jack L. and Ross K. Goddard
Recorded: April 18, 1989, as Instrument No. 191459.

Amendment recorded August 13, 1991, as Instrument No. 199858.
12. Agreement for Electric Service Irrigation upon the terms, conditions and provisions contained therein:
Dated: April 11, 1989

Parties: Lost River Electric Cooperative, Inc. and Marvin K.,
Jack L. and Ross K. Goddard dba Bar 13 Ranch
Recorded: June 16, 1989, as Instrument No. 192007

13. Any claim that may arise that the waterfront boundary of said land has shifted because of alluvial action, erosion or change in the level of the waters of Mackay Reservoir.
14. To the extent applicable to this Tract, Fence Line Agreement upon the terms, conditions and provisions contained therein:
Dated: December 22, 1997
Parties: Jack R. and Patricia L. Blair and John L. and Cynthia M. Hayden and Ross Goddard
Recorded: January 21, 1998 as Instrument No. 215043

15. Mortgages described on Exhibit "A".

TRACT V:

TOWNSHIP 8 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO

Section 5: W1/2SE1/4; SW1/4, SUBJECT TO: a road right-of-way along the S. 25 feet.

Section 6: N1/2NE1/4SE1/4

SUBJECT TO:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records, and of which Seller has no knowledge.

4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. Unpatented mining claims: reservations or exceptions in patents or in acts authorizing the issuance thereof: water rights, claims, or title to water.
6. Any adverse claim based on the assertion that the location of the Big Lost River has moved.
7. Any rights, interest or easements in favor of the public which exist or are claimed to exist over any part of said land covered by water.
8. Charges, levies and assessments of the Big Lost River Irrigation District for periods after the Closing Date.
9. Any claim that may arise that the waterfront boundary of said land has shifted because of alluvial action, erosion or change in the level of waters of Mackay Reservoir.
10. To the extent applicable to this Tract, Fence Line Agreement upon the terms, conditions and provisions contained therein:
Dated: December 22, 1997
Parties: Jack R. and Patricia L. Blair and John L. and Cynthia M. Hayden and Ross Goddard
Recorded: January 21, 1998 as Instrument No. 215043

TRACT VI:

TOWNSHIP 2 SOUTH, RANGE 28 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 9: E1/2SW1/4, W1/2SE1/4

Section 16: NW1/4NE1/4

SUBJECT TO:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records, and of which Seller has no knowledge.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. Unpatented mining claims: reservations or exceptions in patents or in acts authorizing the issuance thereof: water rights, claims, or title to water.
6. Terms and Conditions contained in that certain Exclusive Road Easement by and between Goddard's Bar 13 Ranch and The United States of America, recorded January 18, 1989, as Instrument No. 302384. (Affects Section 16).

TRACT VII:

TOWNSHIP 1 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, BUTTE COUNTY, IDAHO.

Section 13: SW1/4SE1/4

Section 23: SE1/4NE1/4, S1/2SW1/4, SE1/4

Section 24: SE1/4NE1/4, W1/2NE1/4, E1/2NW1/4, SW1/4NW1/4, N1/2SW1/4

SUBJECT TO:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.

2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records, and of which Seller has no knowledge.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date Buyer acquires of record for value the Real Property.
6. Unpatented mining claims: reservations or exceptions in patents or in acts authorizing the issuance thereof: water rights, claims, or title to water.
7. Rights of the public in and to that portion of the above described premises falling within roads or highways.

SUBJECT to all existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom; and all estate, right, title and interest in and to said property, as well in law as in equity of the Grantor, including, but not limited to, all grazing rights or privileges and all of Grantor's right, title and interest in and to all water and water rights, ditches, ditch rights, and all applications, permits, licenses or decreed rights appurtenant to or used upon the above-described Tracts I through VII, including, but not limited to, the water rights identified in the records of the Idaho Department of Water Resources or as claims to water rights in the Snake River Basis Adjudication as right nos. 34-10182, 34-10183, 34-10270, 34-00812, 34-00813, 34-00815, 34-00816, 34-10271, 34-00820, 34-00821, 34-00963, 34-00703B, 34-00704B, 34-00699B, 34-00583B, 34-00584D.

34-00573B, 34-00702B, 34-00805, 34-07155, 34-10282, 35-10105, 36-08495 and 36-13818, and all appurtenant easements and rights-of-way for the conveyance and use thereof. The identification of such water rights or claims to water rights is for description purposes. Such water rights and claims are not warranted by Grantor.

TO HAVE AND TO HOLD said premises, with its appurtenances unto Grantee, and Grantee's successors and assigns forever.

THIS CONVEYANCE IS MADE SUBJECT TO the following reservation of life estate:

Hilda Goddard shall have a life estate in the property described above as Tract II for so long as she occupies such property as her primary residence ("the life estate real property"), as well as the right to use all roads, as located from time to time, on all of the above described property as reasonably necessary for access and egress to and from Tract II.

Thence South 86°42'14" West along a portion of an existing fence line, a distance of 209.00 feet; thence South 00°05'34" West, 209.00 feet; thence North 86°42'14" East, a distance of 209.00 feet to an existing fence line; thence North 00°05'34" East along said fence line a distance of 209.00 feet to the POINT OF BEGINNING.

Neither Grantee nor Hilda shall have any responsibility to maintain or insure the improvements on the life estate property. Grantee agrees to maintain the roads providing access to the life estate real property but shall have the right to relocate such roads as Grantee shall reasonably determine. Hilda shall pay all real estate taxes on the life estate property so long as she owns such life estate. Hilda may not assign or convey her life estate to any person or entity.

This deed may be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute the same instrument, for simultaneous recording in the offices of the County Recorder of Custer, Blaine and Butte Counties, Idaho.

In construing this deed and where the context so requires, the singular includes the plural

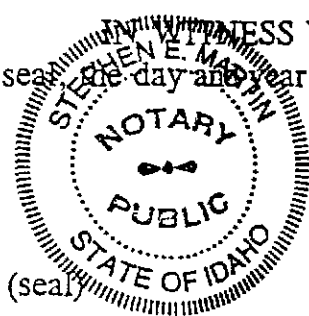
STATE OF IDAHO)

)ss.

County of Bann)

On the 30 day of Nov., 1998, before me the undersigned, a notary public in and for said State, personally appeared **Ross K. Goddard**, known or identified to me to be one of the general partners of Bar 13 Ranch Limited Partnership and one of the general partners who subscribed said partnership name to the foregoing Grant Deed, and acknowledged to me that he executed the same in said partnership name.

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



Stephen E. Martin
Notary Public for Idaho
Residing at: Idaho Falls
My Commission Expires: 12/2/2004

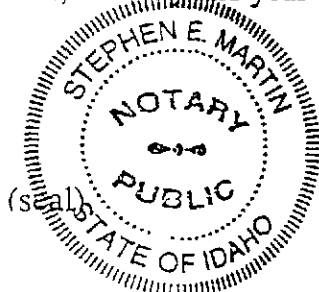
STATE OF IDAHO)

)ss.

County of Bann)

On the 30 day of Nov., 1998, before me, the undersigned, a notary public in and for said State, personally appeared **Hilda Goddard**, individually, known or identified to me to be the person whose name is subscribed to the within Grant Deed and acknowledged to me that she 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.



Stephen E. Martin
Notary Public for Idaho
Residing at: Idaho Falls
My Commission Expires: 12/2/2004

Supplemental Title Exceptions

Title is also conveyed subject to the additional encumbrances to title as follows:

Mortgage dated May 25, 1988 to secure an indebtedness in the principal sum of \$195,000.00, and any other amounts and/or obligations secured thereby, Original and Duplicate Original.

Recorded: July 14, 1988, Instrument Nos. 189537 and 189538

Re-recorded: February 14, 1989, Instrument No. 191106 (189537)

Mortgagor: David R. Stoecklein and Mary J. Stoecklein,
husband and wife, and Walter Stoecklein and
Shelley S. Stoecklein, husband and wife

Mortgagees: Warner Erickson and Arlene Erickson, husband and
wife, and Nancy Roskelley, a single person

(Tract IV and IVA and other land)

All-Inclusive Real Estate Mortgage dated July 7, 1988 to secure an indebtedness in the principal sum of \$103,000.00, and any other amounts and/or obligations secured thereby, Original and Triplicate Originals.

Recorded: July 14, 1988, Instrument Nos. 189545, 189546,
189547

Mortgagor: Bar 13 Ranch, a Limited Partnership

Mortgagees: David L. Stoecklein and Mary J. Stoecklein,
husband and wife; Walter Stoecklein and Shelley S.
Stoecklein, husband and wife

(Tract IV and IVA and other land)

0217116
Custer County Req. of

Hilda Goddard

Time 12:01 P.M.

Nov. 25 1998

(Ethel M. Peco, Clerk)

Ethel M. Peco

Deputy

QUITCLAIM DEED

(WITH AFTER ACQUIRED PROVISION)

\$ 18.00.

033983
RECORDED

JAN 05 1999

3:45 P.M.
BUTTE COUNTY RECORDER

Dayla Moore

THIS INDENTURE is made this 25th day of November, 1998, between **BAR 13 RANCH LIMITED PARTNERSHIP**, an Idaho limited partnership, the Grantor, and **HILDA GODDARD**, individually, whose mailing address is 4915 Hwy. 93, Mackay, Idaho 83251, the Grantee,

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to the Grantor in hand paid by the Grantee, and in complete liquidation of Grantee's interest in the Grantor, the Grantor does by these presents remise, release and forever QUITCLAIM unto the Grantee, and to the Grantee's heirs and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all the following described real estate in the County of Custer, State of Idaho, to-wit:

All that real property described on Exhibit "A", attached hereto and by this reference is made a part hereof.

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom.

TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

422763

Deed

BLAINE CO. REQUEST

~~SAWTOOTH TITLE~~

'93 JAN 6 PM 3 51

QUITCLAIM DEED
(WITH AFTER ACQUIRED PROVISION) REC. DATE 1, CLERK *my*
FEE \$ 18.00

THIS INDENTURE is made this 25th day of November, 1998, between **BAR 13 RANCH LIMITED PARTNERSHIP**, an Idaho limited partnership, the Grantor, and **HILDA GODDARD**, individually, whose mailing address is 4915 Hwy. 93, Mackay, Idaho 83251, the Grantee,

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to the Grantor in hand paid by the Grantee, and in complete liquidation of Grantee's interest in the Grantor, the Grantor does by these presents remise, release and forever QUITCLAIM unto the Grantee, and to the Grantee's heirs and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all the following described real estate in the County of Custer, State of Idaho, to-wit:

All that real property described on Exhibit "A", attached hereto and by this reference is made a part hereof.

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom.

TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

BAR 13 RANCH LIMITED
PARTNERSHIP

By: [Signature]
Jack Goddard, General Partner

By: [Signature]
Ross Goddard, General Partner

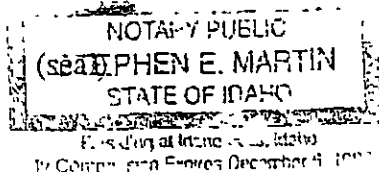
STATE OF IDAHO)

)ss.

County of Bonneville)

On the 24 day of Nov, 1998, before me the undersigned, a notary public in and for said State, personally appeared JACK GODDARD, known or identified to me to be one of the general partners in the partnership of Bar 13 Ranch Limited Partnership, an Idaho limited partnership, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

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



[Signature]
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 12/31/98

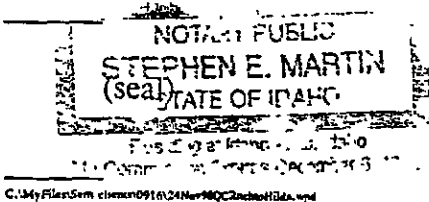
STATE OF IDAHO)

)ss.

County of Bonneville)

On the 25 day of Nov., 1998, before me the undersigned, a notary public in and for said State, personally appeared ROSS GODDARD, known or identified to me to be one of the general partners in the partnership of Bar 13 Ranch Limited Partnership, an Idaho limited partnership, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

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



Stephen E. Martin

Notary Public for Idaho

Residing at Idaho Falls, Idaho

My Commission Expires: 11/10/01

EXHIBIT "A"
to
Quitclaim Deed

An undivided 51.7931% interest in the following described real property:

TRACT I:

TOWNSHIP 7 NORTH, RANGE 23 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

That part of Lot 4 in Section 3 and those parts of Lots 1 and 2 and the SW1/4NE1/4, SE1/4NW1/4, and NE1/4SW1/4 of Section 4, lying and being higher in elevation than the official elevation of 6,062 feet above sea level in accordance with the elevations used in construction and laying out of the Mackay Dam and Reservoir and which elevation was formerly the flow line of the Mackay Reservoir as originally constructed; also shown on the official Plat filed July 29, 1993, as instrument No. 204432.

Section 4: Lots 3 and 4, SW1/4NW1/4 and NW1/4SW1/4

Section 5: Lots 1, 2 and 3, SE1/4NW1/4, S1/2NE1/4, NE1/4SW1/4 and NW1/4SE1/4

EXCEPTING THEREFROM:

A one acre parcel of land being generally described as a portion of the S1/2NE1/4 of Section 5, Township 7 North, Range 23 East, Boise Meridian, Custer County, Idaho, being more particularly described as follows:

Commencing at the South quarter corner of said Section 5; thence North 88°53'00" East along the South boundary of Section 5, a distance of 2643.60 feet to the Southeast corner of said Section 5; thence North 24°27'17" West, 4093.75 feet to the Northeast corner of said one acre parcel of land and the POINT OF BEGINNING.

Thence South 86°42'14" West along a portion of an existing fence line, a distance of 209.00 feet; thence South 00°05'34" West, 209.00 feet; thence

North 86°42'14" East, a distance of 209.00 feet to an existing fenceline; thence North 00°05'34" East along said fenceline a distance of 209.00 feet to the POINT OF BEGINNING.

AND

A one acre parcel of land generally described as a portion of the S1/2NE1/4 of Section 5, Township 7 North, Range 23 East, Boise Meridian, Custer County, Idaho, being more particularly described as follows:

Commencing at the South quarter corner of said Section 5; thence North 88°53'00" East along the South boundary of Section 5, a distance of 2643.60 feet to the Southeast corner of said Section 5; thence North 23°36'51" West, a distance of 3757.84 feet to the southwesterly corner of said one-acre parcel of land and the POINT OF BEGINNING.

Thence North 16°09'58" West a distance of 210.00 feet; thence North 73°49'57" East, a distance of 188.62 feet to the center line of Warm Springs Creek; thence South 27°08'13" East, along the centerline of Warm Springs Creek, a distance of 213.91 feet; thence South 73°49'57" West, a distance of 229.33 feet to the POINT OF BEGINNING.

TOWNSHIP 8 NORTH, RANGE 23 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

Section 32: SE1/4NE1/4, SE1/4, E1/2SW1/4
Section 33: SW1/4

Excepting therefrom Highway right of way.

TRACT IV:

TOWNSHIP 8 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO

Section 26: NE1/4, Excepting therefrom County Road right of way
Section 35: SE1/4, S1/2NE1/4
Section 36: SW1/4, NW1/4

TRACT V:

TOWNSHIP 8 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO

Section 5: W1/2SE1/4, SW1/4

Section 6: N1/2NE1/4SE1/4

TRACT VI:

TOWNSHIP 2 SOUTH, RANGE 28 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 9: E1/2SW1/4, W1/2SE1/4

Section 16: NW1/4NE1/4

TRACT VII:

TOWNSHIP 1 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, BUTTE COUNTY, IDAHO.

Section 13: SW1/4SE1/4

Section 23: SE1/4NE1/4, S1/2SW1/4, SE1/4

Section 24: SE1/4NE1/4, W1/2NE1/4, E1/2NW1/4, SW1/4NW1/4, N1/2SW1/4

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②

NO. 033984
RECORDED
JAN 06 1999
A.M. 4:40 P.M.
BUTTE COUNTY RECORDER
Myra Moore

QUITCLAIM DEED
(WITH AFTER ACQUIRED PROVISION)

THIS INDENTURE is made this 30 day of Nov., 1998, between GODDARD'S BAR 13 RANCH, a co-partnership composed of Jack Goddard and Ross Goddard, subject to community interest of respective spouses, if married, AKA BAR 13 RANCHES LIMITED PARTNERSHIP, the Grantor, and BAR 13 RANCH LIMITED PARTNERSHIP, an Idaho limited partnership, whose mailing address is 4915 Hwy. 93, Mackay, Idaho 83251, the Grantee,

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM unto the Grantee, and to the Grantee's successors, heirs and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all the following described real estate in the County of Butte, State of Idaho, to-wit:

TRACT VII:

TOWNSHIP 1 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, BUTTE COUNTY, IDAHO.

Section 13: SW1/4SE1/4

Section 23: SE1/4NE1/4, S1/2SW1/4, SE1/4

Section 24: SE1/4NE1/4, W1/2NE1/4, E1/2NW1/4, SW1/4NW1/4, N1/2SW1/4

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom.

TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's successors, heirs and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

GODDARD'S BAR 13 RANCH, a co-partnership

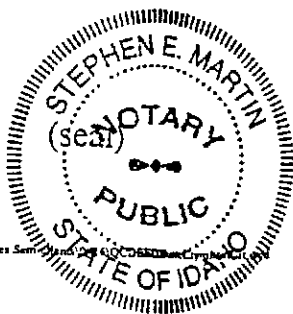
By: [Signature]
Jack Goddard

By: [Signature]
Ross Goddard

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 30 day of Nov, 1998, before me the undersigned, a notary public in and for said State, personally appeared **ROSS GODDARD; and JACK GODDARD**, known or identified to me to be the partners in the partnership of **Goddard's Bar 13 Ranch, a co-partnership**, and the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said partnership name.

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



[Signature]
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 11/6/2004

③

23694

422762

Dee

BLAINE CO. REQUEST

OF **SAWTOOTH TITLE**

QUITCLAIM DEED
(WITH AFTER ACQUIRED PROVISION)

'99 JAN 6 PM 3 51

MARY GREEN, CLERK

FEE \$ 6.00

THIS INDENTURE is made this 30 day of November, 1998, between **GODDARD'S BAR 13 RANCH**, a co-partnership composed of Marvin Goddard, Hilda Goddard, Jack Goddard and Ross Goddard, the Grantor, and **BAR 13 RANCH LIMITED PARTNERSHIP**, an Idaho limited partnership, whose mailing address is 4915 Hwy. 93, Mackay, Idaho 83251, the Grantee,

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM unto the Grantee, and to the Grantee's successors, heirs and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all the following described real estate in the County of Blaine, State of Idaho, to-wit:

TRACT VI:

TOWNSHIP 2 SOUTH, RANGE 28 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 9: E1/2SW1/4, W1/2SE1/4

Section 16: NW1/4NE1/4

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom.

TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's successors, heirs and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

GODDARD'S BAR 13 RANCH, a co-partnership

By: Hilda Goddard
Hilda Goddard

By: Jack Goddard
Jack Goddard

By: Ross Goddard
Ross Goddard

By: ESTATE OF MARVIN GODDARD,
deceased

By: Hilda Goddard
Hilda Goddard, personal representative

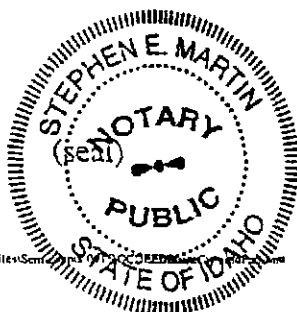
STATE OF IDAHO)

)ss.

County of Bonneville)

On the 30 day of Nov, 1998, before me the undersigned, a notary public in and for said State, personally appeared **HILDA GODDARD**, individually; **HILDA GODDARD**, not individually but as personal representative of the Estate of Marvin Goddard, deceased; **ROSS GODDARD**; and **JACK GODDARD**, known or identified to me to be the partners in the partnership of Goddard's Bar 13 Ranch, a co-partnership, and the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said partnership name.

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



Stephen E. Martin
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 12/6/2004

ASSIGNMENT OF APPLICATION TO APPROPRIATE WATER RIGHTS

FOR VALUE RECEIVED, Hilda Goddard ("Assignor") hereby assigns to 6X Ranch, LLC, its successors and assigns, all of Assignor's right, title, and interest, if any, in that certain application for permit to appropriate the public waters of the State of Idaho ("Application") filed with the Idaho Department of Water Resources ("Department") on November 24, 1986 for the appropriation of 6.000 cubic feet per second of ground water for irrigation purposes in Custer County, Idaho, which Application is identified by the number 34-07491 in the Department's records.

IN WITNESS WHEREOF, Assignor has executed the within and foregoing Assignment effective this 4 day of January, 1999.

Hilda Goddard

Hilda Goddard, individually and as trustee of The Family Trust created under the Last Will and Testament of Marvin Goddard, and as personal representative of the Estate of Marvin Goddard

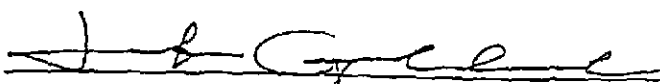
(7)

ASSIGNMENT OF WATER RIGHT PERMIT

FOR VALUE RECEIVED, Bar 13 Ranch Limited Partnership, an Idaho limited partnership ("Assignor") hereby assigns to 6X Ranch, LLC, its successors and assigns, all of Assignor's right, title and interest, if any, in that certain permit to appropriate the public waters of the State of Idaho ("Permit") issued to Assignor by the Idaho Department of Water Resources ("Department") for the appropriation of 2.00 acre-feet of water for stockwater storage purposes in Butte County, Idaho, which Permit is identified by the number 36-08495 in the Department's records.

IN WITNESS WHEREOF, Assignor has executed the within and foregoing Assignment effective this 4 day of January, 1999.

BAR 13 RANCH LIMITED PARTNERSHIP, an Idaho
limited partnership

By: 
Jack L. Goddard, General Partner
2370 S. Boulevard
Idaho Falls, Idaho 83402

By: 
Ross K. Goddard, General Partner
4905 Highway No. 93
Mackay, Idaho 83251

**ARTICLES OF ORGANIZATION
LIMITED LIABILITY COMPANY**

*To the Secretary of State of Idaho
Corporations Division*

700 West Jefferson Room 203

P.O. Box 83720 • Boise, ID 83720-0080

FILED

AUG 20 3 24 PM '98

1. The name of the limited liability company is: 6X Ranch, LLC
2. The address of the initial registered office is: _____

277 North 6th Street, Suite 200, P.O. Box 2720, Boise, ID 83701

and the name of the initial registered agent at that address is:

Christopher J. Beeson

Signature of registered agent: _____

3. The latest date certain on which the limited liability company will dissolve: 9/1/2028

4. Is management of the limited liability company vested in a manager or managers?

☒ Yes ☐ No (check appropriate box)

5. If management is vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is vested in the members, list the name(s) and address(es) of at least one initial member.

Name

Address

Blake Quinn

P.O. Box 12625

Fresno, CA 93778

6. Signature of at least one person listed in #5 above:

[Signature]

Secretary of State use only

IDAHO SECRETARY OF STATE

08/20/1998 09:00
CX: 21259 CT: 1626 BH: 138455

1 @ 100.00 = 100.00 ORGAN LLC

W6779

FEBRUARY 20, 1987

Attention Water Resource Board

I am protesting claim Number
34-0963, As to point of diversion

Reason 1

Dutch loss should be
compensated for that point
of diversion.

Barbara Zollinger

MICROFILMED

SEP 2 1987

RECEIVED

FEB 23 1987

Department of Water Resources
Eastern District Office



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Salmon District

P.O. Box 430

Salmon, Idaho 83467

IN REPLY
REFER TO 7154

February 19, 1987

State of Idaho
Department of Water Resources
Eastern Region
940 Lincoln Road
Idaho Falls, ID 83401

RECEIVED

FEB 26 1987

Department of Water Resources
Eastern District Office

Dear Sirs:

We would like to file a protest on application for permit No. 34-0963. The applicant has not applied for a right-of-way with our office and we therefore know nothing about the proposal or its possible impacts to a variety of resources.

Sincerely,

Jerry W. Goodman
District Manager

Dist Mgr	Info	Act	Init
Asst/Adm Res			
Adm Ops			
RECEIVED -- Idaho Falls D O			
JSDI FEB 25 1987		BLM	
Adm			
AM Big Butte RA			
AM Med Lodge RA			
AM Pocatello RA			

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION	)	
FOR PERMIT NO. 34-07591 AND	)	
APPLICATION FOR TRANSFER NO.	)	
5400 (L&S PARTNERS), APPLICATION	)	PRELIMINARY ORDER
FOR TRANSFER NO. 5456 (ASLETT	)	
RANCHES) AND APPLICATIONS FOR	)	
TRANSFER NOS. 5001 AND 5004	)	
(DAVID AND MARY STOECKLEIN)	)	
_____	)	

On October 12, 1999, the Idaho Department of Water Resources (Department) received a document entitled Stipulation, Settlement, and Joint Motion for Order ("Stipulation") in the above referenced matter. A conference call between representatives of the parties and the department was held on November 15, 1999. Based upon the Stipulation and the understandings reached in the conference call, the Department enters the following Preliminary Order:

1. The protests of Mark T. Gates, Trustee; Blake Quinn, on behalf of 6X Ranch LLC; and David and Mary Stoecklein, or any partnership or entity in which David and/or Mary Stoecklein is a partner, officer, or stockholder, to Application for Transfer No. 5400 in the name of L&S Partners, are hereby deemed withdrawn with prejudice.

2. The protests of Mark T. Gates, Trustee; Blake Quinn; and David and Mary Stoecklein, or any partnership or entity in which David and/or Mary Stoecklein is a partner, officer, or stockholder, to Application for Transfer No. 5456 (formerly application for Transfer No. 4906) in the name of Aslett Ranches, are hereby deemed withdrawn with prejudice.

3. Application for Permit No. 34-07591, in the name of L&S Partners, is hereby deemed withdrawn with prejudice.

4. The protests of Aslett Ranches to Applications for Transfer Nos. 5001 and 5004 are hereby withdrawn with prejudice.

5. The remaining terms of the Stipulation are deemed accepted by the Idaho Department of Water Resources, and the parties thereto are hereby ordered to comply with the terms stated therein.

6. Doug Rosenkrance, when providing the services described in the Stipulation, is acting in a personal capacity and not as the Water District No. 34 Watermaster. The selection of Doug Rosenkrance is a mutual decision of the parties. The parties agree that the services performed are separate from the normal duties and responsibilities of the watermaster. Additionally, all costs associated with the study provided for in the Stipulation, including compensation to Mr. Rosenkrance, shall be borne by the parties to the Stipulation and shall be kept separate from the Water District No. 34 budget.

7. The parties consent to IDWR proceeding with administrative processing of water rights transfers and permits before completion of the study provided that any approvals include the following condition:

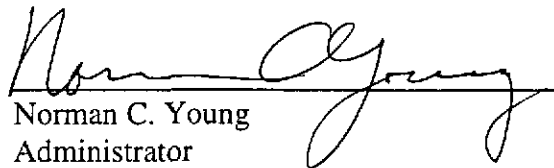
Condition No. ____ This approval is specifically conditioned upon the terms and limitations contained in the Stipulation, Settlement, and Joint Motion for Order filed with the Department on October 12, 1999, In the Matter of Application for Permit No. 34-07591, In the Name of L&S Partners, numerous other captioned matters, and the Preliminary Order of the Department issued on November 18, 1999. This approval is subject to any future modifications resulting from or required by the terms of that Stipulation, the Preliminary Order of the Department, and the actions taken pursuant thereto.

8. Issuance of this Preliminary Order does not commit IDWR to approval of the applications now pending. IDWR will evaluate each application in accordance with applicable law and act accordingly.

9. The Stipulation and this Preliminary Order do not prevent including procedures in the plan of study needed to determine canal losses based upon conditions as they existed prior to the changes that will occur if the pending applications are approved.

10. Nothing in the Stipulation or this Preliminary Order prevents the Department from fulfilling its statutory duties and obligations in the administration and regulation of water rights.

Dated this 18th day of November, 1999.


Norman C. Young
Administrator

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of November, 1999, I served a true and correct copy of the within and foregoing document upon the persons named below by U. S. mail, postage prepaid:

Mr. Scott L. Campbell
Elam & Burke
Key Financial Center
702 West Idaho
P. O. Box 1539
Boise, ID 83701

James P. Speck
Speck & Aanestad
P. O. Box 987
Ketchum, ID 83340

Michael C. Creamer
Givens Pursley
P. O. Box 2720
Boise, ID 83701

Norman M. Semanko
Rosholt, Robertson & Tucker
P. O. Box 1906
Twin Falls, ID 83303-1906

A handwritten signature in cursive script, reading "Rita I. Fleck", written over a horizontal line.

Rita I. Fleck
Administrative Assistant

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant Marvin Goddard Phone 588-2664
Post Office address Star Route, Mackay, Idaho 83251

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 504C/34-0963 Decreed to W. L. Wattis
in case of Utah Construction Co. vs (Name) John F. Abbott
dated in Oct. 21, 1925 in _____ county of _____
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired _____

3. Source of water Warm Springs Creek tributary to Big Lost River

4. Date of priority June 10, 1907

5. Water is used for the following purposes:

amount 2.0 cfs for Irrigation purposes from * _____ to _____
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 2.0 cfs cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 34
Township 8N Range 22E, B.M. in Custer County
Additional points of diversion, if any _____

8. Lands irrigated or place of use. Lands of W.C. Wattis

TWP	RANGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres to be irrigated 110

*NOT SPECIFIED IN DECREE

9. Describe any other water rights used for the same purpose as described above 34-0820 (4-1-1879)
For 0.6cfs & 34-0821 (12-22-1904) for 1.6cfs. Both rights diverted from Navarre Creek.
10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS

B DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

- 1 Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
- 2 Point of diversion _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
- 3 Place of use:

TWP	RANGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

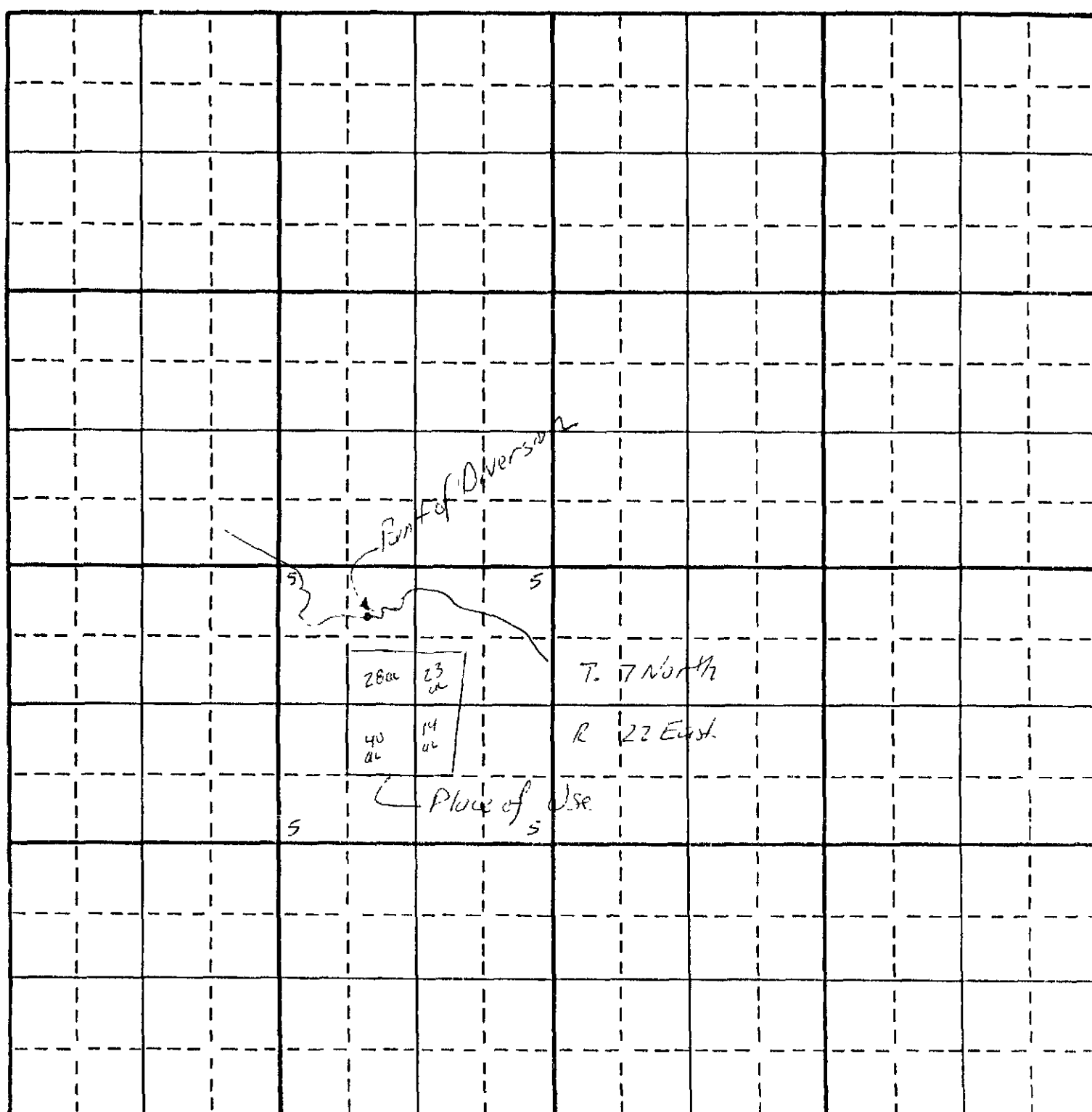
1. General Information
- a. Amount of water to be diverted 2.0 c f s. &/or _____ acre feet
- b. Description of diverting works Pump
- c. Describe the reasons for the proposed changes Portions of the ditch historically used to transport this water right has been filled to accomodate changes in the irrigation practices of individuals above me on the ditch. To circumvent delivery problems resulting from these changes we've decided to divert the water by pump at a location adjacent to the historical place of use.
2. Change in point of diversion
- Point of diversion SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5 Township 7N
Range 22E, B.M., Custer County
Additional points _____
3. Change in place of use
- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
Though the place of use was not described when this right was decreed we have always used this water to irrigate the land described in this application. Therefore, we do not feel it represents a change in the place of use.

c Describe the land or place of use to which the right will be transferred

TWP	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7N	22E	5			23					28	40					19			110

Total number of acres to be irrigated _____

- 4 Describe any other water rights used for the same purpose as described above. This land is included as part of the place of use under rights 34-0820 & 34-0821, which are diverted from Navarro Creek.
- 5 Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number



D REMARKS

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge

I understand that any willfull misrepresentations made in this application may result in voiding its approval

Subscribed and sworn to before me this 14th day of January, 19 87

Marvin Goldard
(Signature of Applicant)

Colleen Gray
(Notary Public)

My commission expires 5/29/1991

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No _____ and said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

FOR DEPARTMENT USE ONLY

Received by <u>EMC</u>	Date <u>14 Jan 87</u>	Protest filed by <u>Bar Donna Zollinger</u>
Prelim. check by <u>WJ</u>	Fee <u>50.00 #39990</u>	
Receipted by <u>WJ</u>	Date <u>1-14-87</u>	
Published in <u>Challis Messenger</u>		Copies of protest forwarded by <u>CW</u>
Pub. dates <u>2-5 + 2-12-87</u>		Hearing held by _____ Date _____
Watermaster recommendation requested on <u>2/4/87</u>		Recommended for _____ approval _____ denial
<u>WD #34</u> rec'd <u>2/12/87</u>		by _____

THIS IS NOT A BILL

HOMEDOWNED EXEMPT

24,644

CATEGORY DESCRIPTION	LOTS/ACRES	MARKET VALUE
1 IRRGTD AG	67.000 AC	15,823
4 MEADOW	152.100 AC	26,351
5 DRY GRAZING	36.000 AC	1,008
10 RURAL HOMESITE	1.000 AC	2,400
19 WASTE	2.000 AC	
31 RURAL RES BLDG		49,287
31 RURAL RES BLDG		19,278
31 RURAL RES BLDG		12,851
32 RURAL IMP ON AG		9,071
46 MOBILE HOME		6,205
58 MACH & EQUIP		37,133
TOTALS	258.100	179,412

**TAXPAYERS 1986
VALUATION ASSESSMENT NOTICE**

Taxes are based on the valuation listed on this statement

IF THERE ARE ANY QUESTIONS REGARDING THIS STATEMENT NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 15, 1986

See the reverse side for further references

KEEP THIS COPY FOR YOUR RECORDS

Mail To:

BAR 13 RANCH LTD PARTNERSHIP
% GODDARD, MARVIN K
MACKAY, ID 83251

NE NE
NW NE
LOTS 1, 2, 3 - NE NW
S2NE4, S2E4NW4
SEC 5 T7N R23E

PROPERTY ADDRESS

PARCEL NO. RP 07N23E050001 A TAX CODE 45-00

Robert N. Savage
Custer County Assessor
P.O. Box 597
Challis, Idaho 83226

THIS IS NOT A BILL

CATEGORY DESCRIPTION	LOTS/ACRES	MARKET VALUE
1 IRRGTD AG	54.000 AC	12,753
5 DRY GRAZING	24.000 AC	572
19 WASTE	2.000 AC	
TOTALS	80.000	13,430

**TAXPAYERS 1986
VALUATION ASSESSMENT NOTICE**

Taxes are based on the valuation listed on this statement

IF THERE ARE ANY QUESTIONS REGARDING THIS STATEMENT NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 15, 1986

See the reverse side for further references

KEEP THIS COPY FOR YOUR RECORDS

Mail To:

BAR 13 RANCH LTD PARTNERSHIP
% GODDARD, MARVIN K
MACKAY, ID 83251

NW4SE4, NE4S4
SEC 5 T7N R23E

PROPERTY ADDRESS

PARCEL NO. RP 07N23E050001 A TAX CODE 43-00

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer ss

I Margaret Parks

Publisher of the Challis Messenger
a weekly newspaper published at
Challis Idaho do solemnly swear
that the notice hereto attached and
made a part hereof was published
in the regular and entire issue of
the Challis Messenger for 2

consecutive weeks commencing with
the issue dated February 5

1987 and ending with the issued
dated February 12 1987

Margaret Parks

Subscribed and sworn to before
me this 13th day of Feb. ...

1987

Edith M. Peck

Notary Public residing at Challis
Idaho My commission expires on

3-21-92.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 34-0967

Notice is hereby given that Marvin Goddard, Mackay, Idaho, has applied to the Department of Water Resources for a change in the point of Diversion of water from Warm Springs Creek, tributary to Big Lost River The right sought to be changed is evidenced by Decree No. 504C/34-0963 decreed to W.L. Wattis, in case of Utah Construction Co. vs John F. Abbott, dated 10/21/1925, and is recorded as follows:

AMOUNT: 2.0 cfs

PRIORITY: June 10, 1907

POINT OF DIVERSION: SE $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec. 34, T. 8N. R. 22E, B.M., Custer County

The water is used to irrigate 110 acres, the location of which is not specified in the decree.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, T. 7N, R. 22E, B.M., Custer County for the irrigation of 110 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5, T. 7N. R. 22E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before February 23, 1987.

A Kenn Dunn, Director
Published Feb 5 & 12, 1987

34-0967-10

FEB 11 1987

Department of Water Resources
Eastern District Office

MICROFILMED

NO 1-1987

TRANS 3304

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 3304 OF WATER RIGHTS)
34-0812/0813/0815/0816/0817/0963) ORDER
IN THE NAME OF MARVIN GODDARD)
_____)

This matter having come before the Idaho Department of Water Resources (department) as a result of the review of pending applications for transfer and review of Snake River Adjudication claims filed in the Big Lost River Drainage, the department finds, concludes and orders as follows:

FINDINGS OF FACT

1. On February 10, 1987, Marvin Goddard (applicant) filed Application for Transfer No. 3304 (application) with the department in connection with water rights 34-0812, 34-0813, 34-0815, 34-0816, 34-0817, and 34-0963.

2. On February 23, 1987, the application was protested by Bar Donna Zollinger.

3. A review of the Snake River Adjudication claim(s) filed in connection with the above captioned water right(s) shows that the points of diversion shown on the application do not agree with the point(s) of diversion claimed in the later in time document(s), the adjudication claim(s).

4. The adjudication claim(s) have been filed pursuant to Section 42-1416A, Idaho Code, as if the change(s) proposed on the pending application can be approved and decreed without the necessity of filing for a change as provided in Sections 42-108 and 42-222, Idaho Code.

5. On September 24, 1990, the department corresponded with the applicant to determine continued interest of the applicant and requested appropriate information from the applicant to justify separate consideration of the application from the more recently filed Snake River Adjudication claim(s).

6. The applicant has not responded to the department and has not shown any reason why the application should be considered separately from the adjudication claim(s).

CONCLUSIONS OF LAW

1. Section 42-1416A, Idaho Code, provides in part that:

(1) If any person entitled to the use of water has made a change in point of diversion, place of use, period of use or nature of use of all or a part of the water, including a

RECEIVED

FEB 07 1992

change as part of an exchange as defined in section 42-105, Idaho Code, prior to the entry of an order commencing a general adjudication pursuant to section 42-1408, Idaho Code, and the person entitled to the use of water has not complied with the requirements of sections 42-108 and 42-222, Idaho Code, regarding such changes, the following shall apply:

(a) the water right may be claimed in the general adjudication as changed and an application for change of the water right is not required to be filed pursuant to section 42-222, Idaho Code, and

(b) the water right may be determined by the director in the director's report pursuant to section 42-1411, Idaho Code, and decreed by the district court pursuant to section 42-1412, Idaho Code, as changed, if the change meets the substantive criteria of section 42-222, Idaho Code, for approval of such changes, provided that the change may be approved subject to conditions necessary to satisfy the substantive criteria of section 42-222, Idaho Code, for approval of such changes.

2. The department should set aside Application for Transfer No. 3304 and should consider the change(s) proposed in the application which have been claimed in the related adjudication claim(s) as being combined with and included in the review and recommendation of the adjudication claim(s) in the Director's report as required by Section 42-1411, Idaho Code.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Application for Transfer No. 3304 in connection with water rights 34-0812, 34-0813, 34-0814, 34-0815, 34-0816, 34-0817 and 34-0963 is set aside and will not be separately considered by the department.

IT IS FURTHER, HEREBY ORDERED, that the change(s) proposed in the application for transfer which have been claimed on the related Snake River Adjudication claim(s) be included in and considered by the department in the Director's report required by Section 42-1411, Idaho Code.

Dated this 13th day of November, 1990.


L. GLEN SAXTON, Chief
Water Allocation Bureau

FEB 07 1992

W. L. Wattis

(a) ✓ 1888-June 1 3.2 c.f.s. ✓
 ✓ 1881-June 30 13.5 c.f.s. ✓
 T. 3304-1886-April 9 3.2 c.f.s. ✓
 T. 3304-1896-March 30 3.2 c.f.s. ✓
 ✓ 1896-June 1 3.2 c.f.s. ✓
 T. 3304-1887-April 20 3.3 c.f.s. ✓
 T. 3304-1901-July 31 2.8 c.f.s. ✓
 Trans. 3304-1902-March 1 3.2 c.f.s. ✓
 Trans. 3304-1880-June 30 3.2 c.f.s. ✓
 Trans. 3304-1896-June 1 3.2 c.f.s. ✓
 2.016 c.f.s. - 6-30-80
 1.071 " 6-30-81
 2.016 " 6-1-82
 2.016 " 6-1-96
 2.016 " 6-1-96
 0.505 " 3-1-02
 Trans No 406
 37% Loss
 See #531

Re transfer #382 to Big Lost River Dist. Lands

34 0863 ✓
 (c) 1907-June 10 - 2.0 c.f.s. - W
 1.3303

34 0820 ✓
 (b) ✓ 1879-April 1 0.6 c.f.s.
 ✓ 1904-December 22 1.6 c.f.s.
 34 0821 ✓
 No. 504. (See Amendment)
 Page 230

Chas. E. Watson

(Successor in interest
 to J.W. Nations)

✓ 1896-June 1 0.32 c.f.s.
 34 0822 ✓

No. 505.

To be diverted from Big Lost River through private ditches having their points of diversion on the land constituting the place of use of said water, for the irrigation the following described land, to-wit:

Southeast quarter of the Northeast quarter Southeast quarter, West half of the Southwest quarter of Section 32; Southwest quarter of Section 33, Township 8 North, Range 23 East, B.M.; Northeast quarter, West half of the Northwest quarter, Northeast quarter of the Southwest quarter, Northwest quarter of the Southeast quarter of Section 5; North half, North half South half, Section 4; West half of the Northwest quarter, Southeast quarter of the Northwest quarter, North half of the Southwest quarter North half of the Southeast quarter and Southeast quarter of the Southeast quarter Section 3; South half of the Southwest quarter, Southwest quarter of the Southeast quarter of Section 2; North half of Section West half of the Northwest quarter; Southeast quarter of the Northwest quarter and the Northeast quarter of the Southwest quarter of Section 12, all in Township North, Range 23 East, B.M., and

To be diverted through Navarre Creek having its point of diversion in the Southwest quarter of Section 5, Township 7 North, Range 23 East, B.M., for the irrigation of the land last above described.

To be diverted from Big Lost River through the Moore Canal having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B. M., for the irrigation of the following described land, to-wit:

Beginning at a point 351.7 feet South 612.3 feet East from the Northwest corner of Section 28, Township 5 North, Range 26 East, B.M., thence East 43.02 rods; thence South 59.5 rods; thence West 43.02 rods; thence North 59.5 rods to place of beginning, containing 16 acres more or less.

FEB 07 1992

DECREE

IN THE UNITED STATES DISTRICT COURT, IN

AND FOR THE DISTRICT OF IDAHO, EASTERN

DIVISION

THE UTAH CONSTRUCTION COMPANY, a corporation, Plaintiff,

vs.

John F. Abbott, William Adams, A. P. Adair, Esther L. Adair (successor in interest of A. P. Adair, Eugene A. Ahern, Andreas Aikele (or A. Aiken), Calvin S. Allen, Frank A. Allen, Gladys Allen, L. C. Allen, Richard Roe Alson, George L. Ambrose, Charles B. Anderson, Francis G. Anderson (or Francis C. Anderson, F. Gus Anderson (or F. G. Anderson or Gus Anderson,) H. W. Anderson, Hyrum Anderson, James E. Anderson, Jas. Earl Anderson, J. L. Anderson, James P. Anderson, Josephine Anderson, J. Wesley Anderson, Jos. W. Anderson (or J. W. Anderson), N. A. Anderson, Niels R. Anderson, Peter C. Anderson (or P. C. Anderson), S. W. Anderson, W. W. Anderson, Louis Andreason (or Lewis Andreson), H. W. Angelo (or Wallace Angelo), Frank Anthony, Marie L. Anthony, Arco Townsite Company, an unincorporated Association; Eleazer Asay, Ernest W. Asay, Emma M. Ashton, Margaretta S. Askew, Anna Atha (or Annie Atha), Ivan J. Atwood, J. H. Augustine.

Mrs. Hannah Babcock (or Mrs. Albern Babcock, A. Rowley Babcock (or R. Babcock), William Babcock (now deceased), Jacob F. Baird, Bank of Nyssa, an Oregon Banking corporation; John L. Bardsley, Josie Bardsley, Jerome K. Bartlett (or J. K. Bartlett), A. H. Bascom, E. W. Bascom, Pete Basick, Harlow Bassett (Or H. Bassett), Clara M. Bate, J. M. Bate (or Joseph M. Bate), Ralph Bate, E. J. Bates, Leslie Bates, Erin Beal (or Aron Beal) or C. Beal, Eldon E. Beck; J. W. Beck and John Doe (Or John Pingree) and Richard Roe (or F. S. Lack,) as statutory trustees of Beck Land/Livestock Company, a defunct Idaho Corporation; William Beck, Beck Land and Livestock Company, an Idaho corporation; A. W. Bell, Lee Bell, John C. Bell, J. L. Bell, George Bennett (or George Bennetts), James Bennetts, F. S. Bernard, John Bernard (successor in part to New World Life Insurance Company); Gus Bertsch, Agnes T. Best (or Agnes Best), Harold C. Best (or Harold Best), Alexander Beverland, Francis Beverland (successor in interest of James Beverland), George Beverland, Effie Beverland (or Mrs. George Beverland), James Beverland, as executor of the estate of Charles Beverland, deceased; James Beverland, Joana Beverland, Henry Bews (or Harry Bews), Peter Bidegain, Lota C. Billings, Elizabeth Bills, John L. Bills, Norman Bills, Ole Bills, Albert F. Bischoff (or A. F. Bischoff), Lewis A. Bitton (or John Doe Britton), Zina Bitton (or Zina Britton), B. Bjornson (or B. Bjornsen), Blackfoot City National Bank, an Idaho Banking corporation (successor in interest to Heber G. Johnson); Charles H. Black, Mary E. Black, Nils S. Bladh (successor in interest of Ole Bills), John L. Blosser (or John L. Blasser), Henry Blattner, Lulu E. Bliss, Phillip R. Bliss, Arthur L. Bodine, John J. Bodine, Oscar Bodine, William T. Bodine, Joseph A. Boillin, Rhoda Boling, Rachael Boone, Wm. A. Boone, David S. Boyack (or D. Boycock or David D. Boycock, Jr.), Sylvanus Boyack (or S. Boycock), Mary E. Boyd, Robert G. Boyd (successor in interest of Charles H. Rampton), I. W. Boyer, Elizabeth Bradshaw (now deceased), George Bradshaw, John Bradshaw, Pearl Bradshaw, William Bradshaw, William Bradshaw, as administrator of the estate of Elizabeth Bradshaw, deceased (substituted for Elizabeth Bradshaw deceased); Francis Braithwaite, R. F. Braithwaite (or Robert Braithwaite), William F. Braithwaite, H. Drake, William H. Brashear, H. T. Brengman, Charles Brown, Edna Brown, Edna E. Brown, as executrix of the estate of Martin W. Brown, deceased (substituted for



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 13, 2000

6X RANCH LLC
PO BOX 12625
FRESNO CO 93778

RE. Water Right 34-00963 (Amended Transfer 5572)

Dear Water Right Holder(s).

Enclosed is the copy of your approved Amended Transfer of Water Right for the above referenced water right (Transfer 5544). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as an **amended preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer

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.

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7940.

Sincerely,

for Jeff Peppersack, Manager
Water Right Permits Section

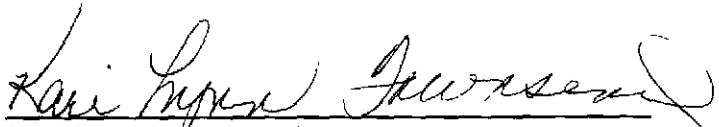
JP klt
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the **13th** day of **April, 2000**, I mailed a true and correct copy, postage prepaid, of the foregoing **AMENDED TRANSFER APPROVAL** to the person(s) listed below:

RE: WATER RIGHT 34-00963 (Transfer 5572)

**6X RANCH LLC
PO BOX 12625
FRESNO CA 93778**



Kari Lynn Townsend
Secretary



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 13, 2000

DOUG ROSENKRANCE
WATERMASTER
PO BOX 53
MACKAY ID 83251

RE: TRANSFER OF WATER RIGHT 34-00963 (Transfer 5572)

Dear Doug:

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water right (Transfer 5572) in the name of 6X Ranch, LLC.

If you have any questions, please call me at 208-327-7940.

Sincerely,

Sharla Curtis

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

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 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 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 fourteen (14) 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.

CERTIFICATE OF SERVICE

All documents intended to be part of the Department record in connection with a preliminary order shall be served upon the representatives of each party of record. Every document filed with and intended to be part of the agency record must be attached to or accompanied by proof of service by the following or similar certificate:

I HEREBY CERTIFY (swear or affirm) that I have this day of _____, served the foregoing (name(s) of document(s)) upon all parties of record in this proceeding, (by delivering a copy thereof in person (list names)) (by mailing a copy thereof, properly addressed with postage prepaid, to (list names)).
(Signature)

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.

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.

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.

RIGHT TO HEARING

Pursuant to Section 42-1701A(3), Idaho Code, unless the right to a hearing before the Department is otherwise provided by statute, any person aggrieved by any decision, determination, order, or action of the Department or any applicant for any permit, license, certificate, approval, registration, or similar form of permission required by law to be issued by the Department, who is aggrieved by a denial or conditional approval ordered by the Department, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the Department to contest the denial or conditional approval upon filing with the Department, within fifteen (15) days after receipt of the denial or conditional approval, a written permission stating the grounds for contesting the action by the director and requesting a hearing.

APPEAL OF FINAL ORDER TO DISTRICT COURT

If a preliminary order becomes final, any party aggrieved by the final order or orders previously issued in the 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 (a) a hearing was held, or (b) the final agency action was taken, or (c) the party seeking review of the order resides, or (d) 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. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal. See Sections 67-5270 through 67-5273, Idaho Code.

APR 24 2000
FILED



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 4, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

6X RANCH LLC
PO BOX 12625
FRESNO CA 93778

RE: Water Right 34-00963 (Transfer 5572)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5572). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

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 the department if you have questions.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

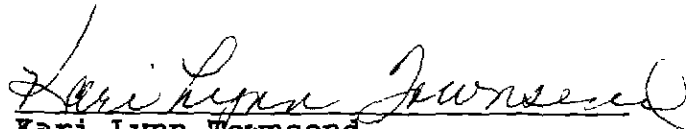
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 4th day of **April, 2000** I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: WATER RIGHT 34-00963 (Transfer 5572)

**6X RANCH LLC
PO BOX 12625
FRESNO CA 93778**


**Kari Lynn Townsend
Secretary**



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 4, 2000

DOUG ROSENKRANCE
WATERMASTER
PO BOX 53
MACKAY ID 83251

RE: TRANSFER OF WATER RIGHT 34-00963 (Transfer 5572)

Dear Doug:

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water right (Transfer 5572) in the name 6X Ranch, LLC.

If you have any questions, please call me at 208-327-7940.

Sincerely,

Marla Curtis

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

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.

1. 0-2-1-1

2. 1-1-1-1

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.

TRANSFER OF WATER RIGHT ANALYSIS

Reviewed by Sharla Curtis on 3/11/00

Trans # 5572 WR No(s). 34-00963
Resulting Splits _____

Name: Tex Ranch Correct Fee Pd 1 Ad ok 1

AREA OF CONCERN. No/Yes _____ Moratorium _____ XFER TYPE: B - Change use period
GWMA _____ C - Add p/d
TRUST/NON-TRUST _____ D - Change p/u
E - Change use
F - Change use period
G - Other
H - Change p/d & add p/d
I - Change p/d & p/u
J - Add p/d & change p/u

GROUNDWATER:
DRILLING PERMIT
All wells - 046
Basin 34 - 085
WMD - North/East/West
≤ 0 24 cfs/5 acres - No MD
> 0 24 cfs/5 acres - 067
WMD
Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0 24 cfs/5 acres - No MD
> 0 24 cfs/5 acres - 01M

SURFACE WATER:
WD - R04 (WD# 34)
≤ 0 20 cfs/others - R02, 01P or No MD
> 0 20 cfs - R43
WD, SPRINGS/SINK, INACTIVE WD & REST OF STATE
≤ 0 24 cfs/5 acres - No MD
> 0 24 cfs/5 acres - 01M or 01Q

LOCATION:
Boise Front-LoGeo - 058 (<85 GW)
Mitigation - 121
Trust - 051 (consumptive uses)
Non-Trust - 048-049 (cons uses or non-cons > 10 cfs)

USES:
STORAGE - 18A-R02-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0 03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0 02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-081
FISH PROP - 029(70'S only)-007-042-081
HEAT/COOL - R07(injection well)
FIRE PROT - 077

USES:
POWER - 17H-17K (+uses)-025-081
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5

MISC CONDITIONS/REMARKS:

T07 - 1 yr to develop
T08 - comply or rescind
T09 - on-going Snake River Basin Adjudication
T17 - measure all p/d's (used with WB4)

Protested - 020-W19
Multiple p/d's per 1/4 - W32
Non-consumptive - 027
Water Quality - 081-R07
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Single p/d intended - 076
Zoning ord (dairys only) - 082

W51 - 2+ yrs to develop
W54 - forfeited ac/rate (used rarely)
W55 - (transfer shrinks total water to less ac)
W57 - no right-of-way
W58 - pending claim (statutory or AJ b/u claim)
W59 - measure p/d's (source changed to original trib)
WB4 - + p/ds, cfs & afa (used with T17)
WD5 - remaining right (only if specifically requested, i.e. protest)
WD6 - measure & report
WD7 - irr ac removed

Special T17 & R43 combined - multiple pds in WD

IRRIGATION SEASON 4/1 - 10/31 (Per updated map)

IRRIGATION VOLUME/AC 35

OTHER CONDITIONS/REMARKS WMA's cove - adjudication criteria?

COMMENTS OK - it's a reasonable finding of D&C in 2001 - in water rights to

T files created/updated ✓ Approval form printed ✓ Transfer Memo N/A
Post approval update ✓

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

10-15-99
T 5572

RECEIVED
DEC 17 1999
Department of Water Resources

AL REVIEW BY: HWS

1. Right number 34-00963 Applicant EX Ranch

2. Type of right: ☒ Decree ☐ License ☐ Claim

3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Other _____

4. Check:

a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use

b. ☒ Description of original point of diversion.

c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

a. ☒ All of right.

b. ☐ Part of right (NOTE: Part B should be filled in only if part of the right is owned by the applicant).

c. ☒ Check description of point(s) of diversion.

d. ☒ Check description of place of use.

e. ☒ Check map (shows p.d. and p.u. after transfer).

f. ☒ Check for correct signature, notarization, and fee.

g. ☒ Check proof of ownership of right &/or land from which water is transferred. - Call made 10-19-99
OK - see change of ownership copy HWS

h. ☒ Check for expansion in use of right. Comments NA

i. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) NA

j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No

If yes, what district? WD34 - Send Copy to Doug R.

10/21/99.

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____

2. Is transfer published correctly? ☐ Yes ☒ No corrected Notice sent each 11/11 & 11/18/99

3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions* Loss of water by change to be determined by water master (see Stipulation & Settlement Pg 4)

4. By for Date 12/8/99

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

1. Ruth E. Burchill, representing the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated Nov 11 1999 and ending with the issue dated Nov 18 1999.

Ruth E. Burchill

STATE OF IDAHO

COUNTY OF CUSTER

On this 18th day of Nov in the year of 1999 before me, a Notary Public, personally appeared Ruth E. Burchill known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Janet E. Mangis
Notary Public for Idaho
Residing at Challis
My commission expires: 4/30/04

NOTICE OF CORRECTION TRANSFER #3572- 6X RANCH LLC

Notice is hereby given that the above transfer in the name of 6X Ranch LLC, P.O. Box 12625, Fresno, CA 93778, was advertised on October 28 and November 4, 1999. The applicant wanted to change the point of diversion to Warm Springs Creek, tributary to the Big Lost River. The proposed source was listed incorrectly as Medicine Lodge Creek. The new point of diversion will actually be NESENW Sec 5 T07N R23E on Warm Springs Creek.

Any protest against granting of this application as a result of this correction must be filed with the applicant and the Idaho Department of Water Resources, 900 N. Skyline Dr. Ste A, Idaho Falls, ID 83402, along with a \$25 fee on or before November 29, 1999.

KARL DREIFER Director
Pub: Nov. 11 & 18,

APPLICATION FOR TRANSFER OF
WATER RIGHT NO. 5572

RECEIVED

NOV 14 1999

Department of Agriculture
Bureau of Reclamation

WATER DISTRICT: #34

WATERMASTER: Doug Rosenkrance

DATE: 11-03-99

HAS THIS WATER RIGHT(S) BEEN DELIVERED WITHIN THE LAST FIVE YEARS?

YES ☒ X

NO ☐

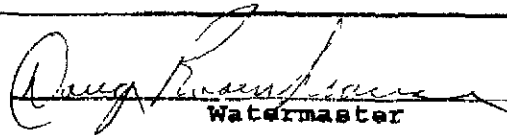
COMMENTS:

☒ X I do endorse approval of this change.

☐ I do not endorse approval of this change.

I recommend the following conditions of approval:

1. Shrink equivalent to 21% must be left in the canal.
2. 6X Ranch must have a measuring device at point of diversion.
3. If there is a loss of water from the Hatchery in Warm Springs Creek to the new diversion due to shrink, then 6X Ranch must ~~decrease~~ ^{decrease} water use in the amount equal to the loss.


Watermaster

AFFIDAVIT OF PUBLICATION

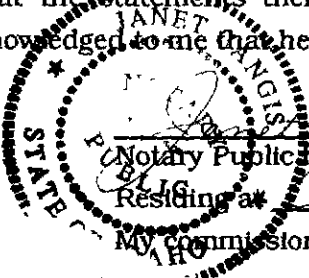
State of Idaho, County of Custer, ss:

I, Ruth E. Burchell, representing the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated Oct 28 1999 and ending with the issue dated Nov 4 1999.

STATE OF IDAHO

COUNTY OF CUSTER

On this 4th day of November in the year of 1999 before me, a Notary Public, personally appeared Ruth E. Burchell known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

 Janet Langis
Notary Public for Idaho
Residing at Challis
My commission expires: 4/30/04

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. T5572

Notice is hereby given that 6X Ranch LLC, PO Box 12625, Fresno, CA 93778, has applied to the Department of Water Resources to change the point of diversion of a surface water source. The right sought to be changed is evidenced by a decree and recorded as follows.

Decree No. 34-00963

Amount 2.00 cfs

Source Medicine Lodge Creek

Priority 06/10/1907

Point(s) of Diversion: SENWSE
SEC 34 T08N R22E, CUSTER
COUNTY

SWNESE SEC 35 T08N, R22E,
CUSTER COUNTY

NESENW SEC 5 T07N R23E,
CUSTER COUNTY

The water is used for irrigation of 86 acres within SEC 05 T07N R23E, B.M

TO BE CHANGED AS FOLLOWS:

The applicants want to change their point of diversion to the NESENW of Sec 5 T07N R23E. This will allow them to take water from the creek adjacent to their property.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before November 15, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director
Pub Oct 28 & Nov 4, 1999

RECORDED

FILED
11/5/99
11:30 AM
SC

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS, ID
ph. (208) 525-7161

FAX NO. (208) 525-7177

TRANSMITTAL COVER SHEET

OMNIFAX

TO: Peggy FROM: Sharla

DOCUMENT DESCRIPTION: Correction Notice - Please advertise

TOTAL NUMBER OF PAGES (Including this page): 2

*
* BILLING ADDRESS: _____
* _____
* _____
*
* NO. OF PAGES _____ COST/PAGE _____ TOTAL CHARGE _____
*

MICROFILM
APR 24 2005

NOTICE OF CORRECTION
TRANSFER #5572 – 6X RANCH LLC

Notice is hereby given that the above transfer in the name of 6X Ranch LLC, PO Box 12625, Fresno, CA 93778, was advertised on October 28 and November 4, 1999. The applicant wanted to change the point of diversion to Warm Springs Creek, tributary to the Big Lost River. The proposed source was listed incorrectly as Medicine Lodge Creek. The new point of diversion will actually be NESENW SEC 5 T07N R23E on Warm Springs Creek.

Any protest against the granting of this application as a result of this correction must be filed with the applicant and the Idaho Department of Water Resources, 900 N Skyline Dr. Ste A, Idaho Falls ID 83402, along with a \$25.00 fee on or before November 29, 1998.

KARL DREHER
DIRECTOR

Published in the Challis Messenger on November 11 and 18, 1998.

11-11-98

APR 2 - 2000

GIVENS PURSLEY LLP

RECEIVED

OCT 22 1999

LAW OFFICES

277 North 6th Street, Suite 200
PO Box 2720, Boise, Idaho 83701
TELEPHONE 208 388-1200
FACSIMILE 208 388-1300

Gary G. Allen
Christopher J. Beeson
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Jeffrey C. Fereday
Richard W. Jankowski
Amanda L. Keating
Karl T. Klein
David R. Lombardi
Kimberly D. Maloney

John M. Marshall
Kenneth R. McClure
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
W. Hugh O'Riordan
Kenneth L. Pursley
Virginia L. Stukel

**Department of Water Resources
Eastern Region**

Conley Ward
Stephanie C. Westermeyer
Robert B. White

Raymond D. Givens
James A. McClure
OF COUNSEL

October 20, 1999

Harold Jones
Idaho Department of Water Resources
900 North Skyline Drive
Idaho Falls, ID 83402-6105

Matter: Application for Transfer of Water Right
Our File: 4562-8

Dear Mr. Jones:

As you requested, enclosed please find the Notice of Change of Water Right Ownership for 6X Ranch, LLC which was received by the Boise IDWR office on September 27, 1999.

If you have any questions concerning this Notice, or require further information, please call me.

Sincerely,



Michael C. Creamer

MCC:dr

Enclosure

S:\Clients\4562\8\Corr\MCC Ltr to IDWR Enclosing Copy of Notice of Change wpd



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 21, 1999

CHALLIS MESSENGER
PO BOX 405
CHALLIS ID 83226

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the dates indicated in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

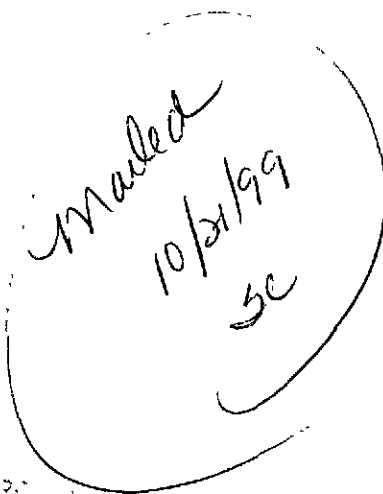
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before November 15, 1999.

Respectfully submitted,

Sharla Cox
Administrative Assistant

Enc.



10/21/99
3:00 PM

**NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5572**

Notice is hereby given that 6X Ranch LLC, PO Box 12625, Fresno, CA 93778, has applied to the Department of Water Resources to change the point of diversion of a surface water source. The right sought to be changed is evidenced by a decree and recorded as follows:

Decree No.: 34-00963 **Source:** Medicine Lodge Creek
Amount: 2.00 cfs **Priority:** 06/10/1907
Point(s) of Diversion: SENWSE SEC 34 T08N R22E, CUSTER COUNTY
SWNENE SEC 35 T08N, R22E, CUSTER COUNTY
NESENW SEC 5 T07N R23E, CUSTER COUNTY

The water is used for irrigation of 86 acres within SEC 05 T07N R23E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicants want to change their point of diversion to the NESENW of Sec 5 T07N R23E. This will allow them to take water from the creek adjacent to their property.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before November 15, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Challis Messenger on October 28 and November 4, 1999.

1000

1000



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 21, 1999

DOUG ROSENKRANCE
WATERMASTER #34
PO BOX 53
MACKAY ID 83251

RE: Application for Transfer #5572

Dear Greg:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department by November 15, 1999.

If you have any questions, please feel free to contact us.
Thank you for your cooperation in this matter.

Respectfully submitted,

Harold W. Jones
Water Right Supervisor

HWJ:sc

enc.

2000-10-21
1000-10-21



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 21, 1999

6X RANCH LLC
PO BOX 12625
FRESNO CA 93778

RE: Application for Transfer #5572

Dear Applicant:

This office is currently in the process of advertising the application in the Challis Messenger on October 28 and November 4, 1999. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

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

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

6-7-2000 12:11 PM
100-1-100

Attorneys for L&S PARTNERS
and ASLETT RANCHES

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 34-07591,)
)
IN THE NAME OF L&S PARTNERS.)

DAVID STOECKLEIN AND MARY
STOECKLEIN,

Protestants,)

MARK T. GATES and SIX X RANCH
LLC,

Intervenors.)

IN THE MATTER OF APPLICATION)
FOR TRANSFER OF WATER RIGHT)
NOS. 34-00703B and 34-00704B)

STIPULATION, SETTLEMENT, AND JOINT MOTION FOR ORDER - ~~EXHIBIT~~
G:\Thm\WPDATA\3524-pleadings.stipulation-9-17.wpd

JUL 6 4 08 PM '08

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. T5456; WATER)
RIGHT NOS. 34-00469 AND 34-00471)

APPLICANT: ASLETT RANCHES)

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 5400; WATER)
RIGHT NO. 34-04035C)

IN THE NAME OF L&S PARTNERS)

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 34-08591)

L AND S PARTNERS,)

Applicant)

DAVID AND MARY STOECKLEIN,)

Protestants)

AND)

APPLICATIONS FOR TRANSFER NOS.)
5001 AND 5004)

DAVE STOECKLEIN,)

Applicant)

ASLETT RANCHES)

Protestant)

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 4985; WATER)
RIGHT NO. 34-00870, IN THE NAME OF)
MARK T. GATES, TRUSTEE)

STIPULATION, SETTLEMENT, AND JOINT MOTION FOR ORDER - 2

G:\Thm\WPDATA\3524\pleadings\stipuation-9-17.wpd

MICROFILMED
SEP 24 2000

In order to resolve the various water right disputes among them, the undersigned parties hereby stipulate and agree as follows:

1. Mark T. Gates, Trustee; Blake Quinn, on behalf of 6X Ranch LLC; and David and Mary Stoecklein, or any partnership or entity in which David and/or Mary Stoecklein is a partner, officer, or stockholder, hereby stipulate and agree to withdraw with prejudice their respective protests and/or motions to intervene to Application for Transfer No. 5400, in the name of L & S Partners. Transfer No. 5400 seeks the transfer of Water Right Number 34-04035C.

2. Mark T. Gates, Trustee; Blake Quinn, on behalf of 6X Ranch LLC; and David and Mary Stoecklein, or any partnership or entity in which David and/or Mary Stoecklein is a partner, officer, or stockholder, hereby stipulate and agree to withdraw with prejudice their respective protests and/or motions to intervene to Application for Transfer No. 5456 (formerly Application for Transfer No. 4906), in the name of Aslett Ranches. Application for Transfer No. 5456 seeks the transfer of Water Rights Number 34-00469 and 34-00471.

3. L & S Partners, by and through Steve Aslett, Sr., hereby stipulate and agree to withdraw with prejudice their Application for Permit No. 34-07591.

4. Aslett Ranches hereby stipulates and agrees to withdraw with prejudice its protest to Application for Transfer No. 5004, in the name of David and Mary Stoecklein. Application for Transfer No. 5004 seeks the transfer of Water Rights Nos. 34-00703E, 34-00704E, 34-00699E, 34-00700E, 34-00701E, and 34-00702E.

5. Aslett Ranches hereby stipulates and agrees to withdraw with prejudice its protest to Application for Transfer No. 5001, in the name of David and Mary Stoecklein. Application

RECEIVED
JUL 24 2006

for Transfer No. 5001 seeks the transfer of Water Rights Nos. 34-00123B, 34-00124B, 34-00125B, 34-00230B, and 34-00483B.

6. The undersigned parties hereby stipulate and agree that they shall not protest the Application for Transfer of Water Rights Number 34-00703B and 34-00704B, filed in the name of Idaho Cowboy, Inc., an entity of David Stoecklein. ~~The parties also understand that 6X Ranch intends to file a transfer application to transfer its Water Right No. 34-00963 out of the Upper Fish Hatchery Canal, which transfer will be subject to the same ditch loss requirements as other rights so transferred, as provided herein. The parties hereby stipulate and agree that they shall~~ ~~not protest~~ such Application for Transfer by 6X Ranch.

7. The undersigned parties further stipulate and agree that a study shall be conducted, and measurements of the Upper Fish Hatchery Canal taken, by Watermaster Doug Rosenkrance, who shall consult with the Eastern Region Office of the Idaho Department of Water Resources to assure that his methodology and procedures for the conduct of the study are appropriate. The study must begin at the beginning of the irrigation season in the year 2000. The study shall take place over a minimum two-year, but not to exceed three-year, time period after the date of execution of this Stipulation. The purpose of the study is to determine ditch loss in Upper Fish Hatchery Canal.

Each of the undersigned parties, or their representative, shall have the right to be present when readings and/or measurements are taken by Watermaster Rosenkrance, and each party, or their representative, shall have the right to take their own reading at the same time and location as the reading taken by Watermaster Rosenkrance. Watermaster Rosenkrance shall provide at least 48 hours' notice to the undersigned parties prior to taking any measurements.

STIPULATION, SETTLEMENT, AND JOINT MOTION FOR ORDER - 4

G:\Thm\WPDATA\3524\pleadings\stipulation-9-17.wpd

100-2-4-0000

The undersigned parties further stipulate and agree that they shall fully cooperate with the measurements and study, share equally in Watermaster Rosenkrance's costs and expenses, and shall not hinder the study and measurements in any way.

The term "ditch loss" shall mean the amount of each water right lost due to seepage and/or evapotranspiration between the Upper Fish Hatchery Canal diversion headgate and the end of the Upper Fish Hatchery Canal, located on the Aslett Ranch properties.

The undersigned parties further stipulate and agree that they will be bound by the results of the measurements, readings and/or studies conducted by Watermaster Rosenkrance.

8. The undersigned parties stipulate and agree that until the measurement and/or studies referenced in Paragraph 7, *supra*, have been completed, any party to this Stipulation, and their heirs and assigns, who have filed an Application for Transfer with the Idaho Department of Water Resources, the effect of which shall be to transfer the point of diversion and/or place of use from lands currently served by the Upper Fish Hatchery Canal or the groundwater system hydrologically connected thereto, shall leave 21 percent of the water associated with the water right(s) being transferred in the Upper Fish Hatchery Canal.

Upon completion of the measurements and/or studies referenced in Paragraph 7, *supra*, the parties will be bound by the results of the measurements, readings, and/or studies conducted by Watermaster Rosenkrance without need for further agreement, even if the result is that more or less than 21 percent of the water should be left in the Upper Fish Hatchery Canal.

The study results shall specifically apply to applications before the Idaho Department of Water Resources, including but not limited to past, pending or future transfer applications which

seek or sought to change the point of diversion from the Upper Fish Hatchery Canal to another location.

9. The undersigned parties further stipulate and agree that during the study described in Paragraph 7, *supra*, the Upper Fish Hatchery Canal shall be maintained in the condition as exists of the date of execution of this Stipulation. However, the parties may perform such work as may be needed in the case of an emergency, or if the all the parties to this Stipulation agree thereto in writing.

10. The undersigned parties further stipulate and agree that they shall properly install and maintain headgates and accurate measuring devices at their respective turnouts from the Upper Fish Hatchery Canal, prior to the beginning of the year 2000 irrigation season, and that such headgates and measuring devices are of a type approved by the Idaho Department of Water Resources.

11. The undersigned parties further stipulate and agree that each party shall not pursue allegations of partial or complete forfeiture of the water rights of another party to this agreement, if such allegation is based upon non-use of water up to and including the date of execution of this Stipulation. This limitation shall apply to the Snake River Basin Adjudication and any administration proceedings of the Idaho Department of Water Resources.

However, the undersigned parties are specifically not precluded from raising any water right forfeiture issues for those rights for which statutory forfeiture time period begins to run as of the date of execution of this Stipulation.

12. Except as otherwise stated herein, and specifically with the exception of Paragraphs 7, 8, and 11, *supra*, the undersigned parties stipulate and agree that this Stipulation

shall apply only to the water right matters specifically listed herein, and shall not apply to any future applications for transfer, applications for permit, applications for amendment of permit, or any other applications or other documents pertaining to water rights, filed by the undersigned, their heirs, or assigns, before the Idaho Department of Water Resources or any court.

13. The undersigned parties stipulate and agree that the terms of this Stipulation are mutually dependent upon each other, and that should any party fail to perform its duties under this Stipulation, the Stipulation in its entirety shall be null and void, unless otherwise agreed to in writing by the parties. Any party which breaches this Stipulation shall be responsible for any resulting damages to the other parties to this Stipulation, including but not limited to legal costs and attorney fees.

14. The undersigned parties further stipulate and agree that the terms of this Stipulation are expressly subject to the acceptance by the Idaho Department of Water Resources of the withdrawals referenced in Paragraphs 1 to 6 of this Stipulation and the signing of the Order requested by the Joint Motion included herein. Further proceedings in the matters encaptioned above are suspended pending acceptance by the Idaho Department of Water Resources of the withdrawals referenced in Paragraphs 1 to 6 of this Stipulation and the signing of the Order requested by the Joint Motion included herein.

15. The undersigned parties further agree that this Stipulation has been entered into based upon good faith negotiations for the purpose of resolving this legal dispute, by compromise and settlement and that nothing in this Stipulation, or any offers or compromises made in the course of negotiating this Stipulation, shall be construed as admissions against interest or tendered or used as evidence to show the validity or invalidity of the above-referenced

Applications or Protests or Motions to Intervene thereto, in any other manner by any party to this Stipulation in future proceedings before the Idaho Department of Water Resources, or by any party in the SRBA in any future proceedings in the SRBA, other than those for interpretation or enforcement of this Stipulation, or for a purpose contemplated by Idaho Rule of Evidence 408 and IDWR Rule of Practice and Procedure 610, IDAPA 37.01.01.610.

16. The undersigned parties further agree that this Stipulation shall be binding on them and their successors and assigns.

17. This Stipulation, Settlement, and Joint Motion for Order may be signed in counterpart by the parties.

JOINT MOTION FOR ORDER ACCEPTING STIPULATION AND SETTLEMENT

The undersigned parties, in accordance with Idaho Department of Water Resources Rules of Practice and Procedure 610-614, hereby move that the Department order as follows:

1. The protests of Mark T. Gates, Trustee; Blake Quinn, on behalf of 6X Ranch LLC; and David and Mary Stoecklein, or any partnership or entity in which David and/or Mary Stoecklein is a partner, officer, or stockholder, to Application for Transfer No. 5400 in the name of L&S partners, are hereby deemed withdrawn with prejudice.

2. The protests of Mark T. Gates, Trustee; Blake Quinn; and David and Mary Stoecklein, or any partnership or entity in which David and/or Mary Stoecklein is a partner, officer, or stockholder, to Application for Transfer No. 5456 (formerly application for Transfer No. 4906) in the name of Aslett Ranches, are hereby deemed withdrawn with prejudice.

3. Application for Permit No. 34-07591, in the name of L&S Partners, is hereby deemed withdrawn with prejudice.

STIPULATION, SETTLEMENT, AND JOINT MOTION FOR ORDER - 8

4. The protests of Aslett Ranches to Applications for Transfer No. 5001 and 5004 are hereby withdrawn with prejudice.

5. The remaining terms of the Stipulation and Settlement are deemed accepted by the Idaho Department of Water Resources, and the parties thereto are hereby ordered to comply with the terms stated therein.

DATED This ____ day of _____, 1999.

Steve Aslett, Sr., on behalf of Aslett
Ranches, Inc. & L & S Partners

DATED This ____ day of _____, 1999.

Mark T. Gates, Trustee

DATED This ____ day of _____, 1999.

Blake Quinn, on behalf of 6X Ranch LLC

DATED This ____ day of _____, 1999.

David Stoecklein

DATED This ____ day of _____, 1999.

Mary Stoecklein

DATED This ____ day of _____, 1999.

Vic Johnson

DATED This ____ day of _____, 1999.

Scott Johnson

DATED This ____ day of _____, 1999.

Lynn Reno

STIPULATION, SETTLEMENT, AND JOINT MOTION FOR ORDER - 10

G:\Tim\WPDATA\3524\pleadings\stipulation-9-17.vpd

SEP 24 2000

COPY

4. The protests of Aslett Ranches to Applications for Transfer No. 5001 and 5004 are hereby withdrawn with prejudice.

5. The remaining terms of the Stipulation and Settlement are deemed accepted by the Idaho Department of Water Resources, and the parties thereto are hereby ordered to comply with the terms stated therein.

DATED This ____ day of _____, 1999.

Steve Aslett, Sr., on behalf of Aslett
Ranches, Inc. & L & S Partners

DATED This ____ day of _____, 1999.

Mark T. Gates, Trustee

DATED This 10th day of September, 1999.

Blake Quinn, on behalf of 6X Ranch LLC

DATED This ____ day of _____, 1999.

David Stoecklein

DATED This ____ day of _____, 1999.

Mary Stoecklein

STIPULATION, SETTLEMENT, AND JOINT MOTION FOR ORDER - 9
G:\Tim\WPDATA\3524\pleadings\stipulation-9-17.wpd

4 The protests of Aslett Ranches to Applications for Transfer No. 5001 and 5004 are hereby withdrawn with prejudice.

5. The remaining terms of the Stipulation and Settlement are deemed accepted by the Idaho Department of Water Resources, and the parties thereto are hereby ordered to comply with the terms stated therein.

DATED This ____ day of _____, 1999.

Steve Aslett, Sr., on behalf of Aslett
Ranches, Inc. & L & S Partners

DATED This ____ day of _____, 1999.

Mark T. Gates, Trustee

DATED This 7 day of Sept, 1999.



Blake Quinn, on behalf of 6X Ranch LLC

DATED This ____ day of _____, 1999.

David Stoecklein

DATED This ____ day of _____, 1999.

Mary Stoecklein

4. The protests of Aslett Ranches to Applications for Transfer No. 5001 and 5004 are hereby withdrawn with prejudice.

5. The remaining terms of the Stipulation and Settlement are deemed accepted by the Idaho Department of Water Resources, and the parties thereto are hereby ordered to comply with the terms stated therein.

DATED This ____ day of _____, 1999.

Steve Aslett, Sr., on behalf of Aslett
Ranches, Inc. & L & S Partners

DATED This ____ day of _____, 1999.

Mark T. Gates, Trustee

DATED This ____ day of _____, 1999.

Blake Quinn, on behalf of 6X Ranch LLC

DATED This 20th day of Sept., 1999.

David Stoecklein

DATED This 20th day of Sept., 1999.

Mary Stoecklein

GIVENS PURSLEY LLP

LAW OFFICES

277 North 8th Street, Suite 200
PO Box 2720, Boise, Idaho 83701
TELEPHONE 208 388-1200
FACSIMILE 208 388-1300

Gary G. Allen
Christopher J. Beeson
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Jeffrey C. Faraday
Richard W. Jankowski
Amanda L. Keating
Karl T. Klein
David R. Lombardi
Kimberly D. Maloney

John M. Marshall
Kenneth R. McClure
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
W. Hugh O'Riordan
Kenneth L. Pursley
Virginia L. Stukel

Conley Ward
Stephanie C. Westermeier
Robert B. White

Raymond D. Givens
James A. McClure
OF COUNSEL

October 12, 1999

Harold Jones
Idaho Department of Water Resources
900 North Skyline Drive
Idaho Falls, ID 83402-6105

RECEIVED

OCT 14 1999

Department of Water Resources
Eastern Region

Matter: Application for Transfer of Water Right
Our File: 4562-8

RECEIVED

OCT 15 1999

Department of Water Resources
Eastern Region

Dear Mr. Jones:

Enclosed please find an Application for Transfer of Water Right for 6X Ranch, LLC. Also enclosed is a check in the amount of \$100.00 to cover the charges of filing this Application, as well as an extra copy of the Application to be conformed and returned to me.

If you have any questions concerning this Application, please call me immediately.

Sincerely,


Michael C. Creamer

MCC:dr

Enclosures

S:\Clients\4562\8\Corr\MCC Ltr to IDWR Enclosing Application for Transfer.wpd

cc: Blake Quinn, 6X Ranch, LLC (w/encl.)

MICROFILMED
OCT 14 1999



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 15, 1992

Marvin Goddard
Star Rt.
Mackay, ID 83251

RE: Application for Transfer No. 3303 of Right No. 34-00963

Dear Mr. Goddard:

On January 14, 1987, you submitted the above referenced application for transfer which is still pending in department files. Final action to either approve or deny the application has not occurred.

A review of department records shows that the Snake River Basin adjudication claim which was filed on this water right claims the right differently than the original right and differently from the pending application for transfer.

Since the adjudication claim is likely the more current representation of the water right than the application for transfer, the department intends to void the application for transfer and allow the adjudication claim to be the document to represent the water right unless you provide justification within thirty (30) days to show why the application for transfer should be considered separately by the department.

Please feel free to contact the department if you have questions.

Sincerely,

A handwritten signature in cursive script that reads 'L. Glen Saxton'.

L. GLEN SAXTON, Chief
Water Allocation Bureau

cc: Eastern Region
Protestants - Bar Donna Zollinger
BLM

208-327-7900

208-327-7866



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 15, 1992

Marvin Goddard
Star Rt.
Mackay, ID 83251

RE: Application for Transfer No. 3303 of Right No. 34-00963

Dear Mr. Goddard:

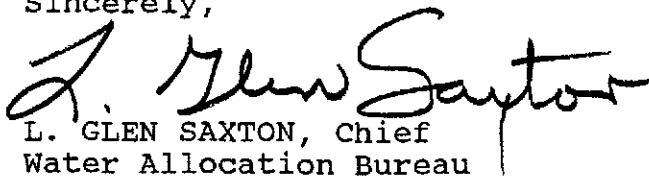
On January 14, 1987, you submitted the above referenced application for transfer which is still pending in department files. Final action to either approve or deny the application has not occurred.

A review of department records shows that the Snake River Basin adjudication claim which was filed on this water right claims the right differently than the original right and differently from the pending application for transfer.

Since the adjudication claim is likely the more current representation of the water right than the application for transfer, the department intends to void the application for transfer and allow the adjudication claim to be the document to represent the water right unless you provide justification within thirty (30) days to show why the application for transfer should be considered separately by the department.

Please feel free to contact the department if you have questions.

Sincerely,


L. GLEN SAXTON, Chief
Water Allocation Bureau

cc: Eastern Region
Protestants - Bar Donna Zollinger
BLM

MICROFILMED
JAN 24 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: HWS

1. Right number 34-0963 Applicant M. Goldard
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☒ Other Clarify place of use
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☐ Check proof of ownership of right &/or land from which water is transferred. has been requested 1-28-87
 - h. ☒ Check for expansion in use of right. Comments _____
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? WD#34 + Big Lost Irrig. District

PROTEST
DATE 2-23-87

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 2-4-87 Received on 2-17-87
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☒ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny
3. Conditions* _____

4. By _____ Date _____

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO

WILLIAM S. HOLDEN
R. VERN KIDWELL, P.A.
FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
CURT R. THOMSEN
MICHAEL D. CRAPO
JAMES D. HOLMAN
GAYLE A. SORENSON
DONALD L. HARRIS
GREGOR S. CHVISUK
RANDALL B. REED
G. LANCE NALDER
J. MICHAEL WHEELER
MARIE T. FEELEY

IDAHO FIRST NATIONAL BANK BUILDING
P.O. BOX 129
IDAHO FALLS, IDAHO 83405

TELEPHONE 523-0820
AREA CODE 208

March 30, 1988

ARTHUR W. HOLDEN (1877-1967)
ROBERT B. HOLDEN (1911-1971)
TERRY L. CRAPO (1939-1982)

RECEIVED
MAR 31 1988

Department of Water Resources
Eastern District Office

Ray Rigby, Esq.
Rigby, Thatcher, Andrus,
Rigby & Perkes Chartered
25 North 200 East
Rexburg, Idaho 83440

Re: Application for Transfer Nos. 34-0963 and 34-0812/etc.

Dear Ray:

In a recent telephone conference with Marv Goddard, he indicated he thought he and Mrs. Zollinger had these matters worked out and that she was prepared to withdraw her protest to his applications for transfer. Would you please check with her to see if you can confirm that, and if so, please advise us and the Department of Water Resources so that the matter may be finally resolved.

Thank you for your kind attention to this matter.

Yours very truly,

Kent W. Foster

KWF/cm
0916.00/8451f(8)
cc: Mr. Ernest Carlsen
Idaho Department of Water Resource Office

MCRC-11111

APR 21 1988

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR	)	
TRANSFERS NOS. <u>34-0963</u> AND 34-0812/	)	NOTICE OF HEARING
0813/0815/0816/0817 IN THE NAME OF	)	&/OR CONFERENCE
MARVIN GODDARD	)	

On January 14, 1987, Marvin Goddard filed with the Department of Water Resources application No. 34-0963 to transfer the public waters of the State of Idaho. On February 23, 1987, the Department received a protest from Bar Donna Zollinger. On February 10, 1987, an additional transfer No. 34-0812/0813/-0815/0816/0817 was filed by Marvin Goddard and on February 13, 1987, Bar Donna Zollinger protested said application.

The Department has set the matter of protest for hearing for 1:30 p.m., Thursday, October 29, 1987, in the Second Floor Conference Room, State Office Building, 150 Shoup, Idaho Falls, Idaho. The hearing will be held in accordance with provisions of Chapter 2, Title 42, of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Dated this 5th day of October, 1987.


RONALD D. CARLSON
Eastern Regional Manager

Microfilm
MICROFILMED FEB 07 1992
985 2 - 1000

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR)

TRANSFERS NOS. 34-0963 AND 34-0812/)

0813/0815/0816/0817 IN THE NAME)

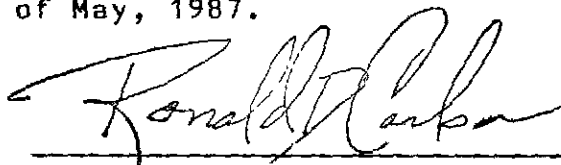
OF MARVIN GODDARD)

NOTICE OF

CANCELLATION

Notice is hereby given that the Department of Water Resources has cancelled the hearing concerning the above referenced applications scheduled for Thursday, May 14, 1987, at 2:00 p.m. in Idaho Falls, Idaho

Dated this 8th day of May, 1987.



RONALD D. CARLSON

Eastern Regional Manager

MICROFILMED

APR 24 1988

CONVERSATION MEMO

Date: May 6, 1987

Name of Party: Ray Rigby

Employee: Ernest Carlsen *enc*

RE: Applications for Transfer Nos. 34-0812, etc. & 34-0963
GODDARD

Mr. Rigby advised me he has been retained by Bar Donna Zollinger, the protestant in the above matters. Because of the short notice he has not had an opportunity to fully discuss the issues with his client or to conduct a field survey to actually examine the changes that are being proposed by Mr. Goddard. To provide sufficient time for doing this, Mr. Rigby contacted Kent Foster, the attorney for Mr. Goddard, to request a postponement of the hearing. Mr. Foster consented, saying he had no objections to this postponement if Mr. Rigby felt it would be beneficial. To confirm this conversation, I did contact Mr. Foster. Kent advised me he had agreed to a postponement. Based on the telephone conversations with both Mr. Rigby and Mr. Foster, I recommend that we postpone the hearings and give the attorneys an opportunity to possibly resolve the issues of protest without going to a water right hearing.

MICRO LMEC

APR 14 2000

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

150 S. LOGAN AVE.

IDAHO FALLS, IDAHO 83401

NAME AND
ADDRESS
OF SENDER

Indicate type of mail

- ☐ Registered
☐ Insured
☐ COD
☒ Certified ☐ Express Mail

Check appropriate block for
Registered Mail

- ☐ With Postal Insurance
☐ Without Postal Insurance

Affix stamp here if issued as
certificate of mailing or for
additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee Remarks
1	031	Marvin Daddard, St Rt, Mackay	22	75								34-812 etc 34-8963
2	032	R. Vern Edwell, P.O. Box 129, St.										
3	033	Bar Donna Zelling, St Rt Mackay										
4	034	Bar Donna Zelling 2032 Johnson										
5												
6												
7												
8												
9												
10												
11												
12												
13												
14												
15												
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office		POSTMASTER, PER (Name of receiving employee)		The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$400 for COD and \$400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.						
4		4		C. Lindstrom								

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

U.S. G.P.O. 1985-478-804

FOR REGISTERED, INSURED, C.O.D., CERTIFIED, AND EXPRESS MAIL

PS Form 3877, May 1985

SENDER: Complete items 1, 2, 3 and 4.

your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. ☐ Show to whom, date and address of delivery.
 2. ☐ Restricted Delivery

3 Article Addressed to,

*R. Vern Kidwell
 P.O. Box 129*

Idaho Falls, Id. 83403

4 Type of Service

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Article Number

032

Always obtain signature of addressee or agent and
DATE DELIVERED.

5 Signature - Addressee

X

6 Signature - Agent

X. Sandy Maxwell

7 Date of Delivery

4-27-87

8. Addressee's Address (ONLY if requested and fee paid)

STELLO, ID 83401
UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
REGISTRY FOR PRIVATE USE \$300

150 SHOUP AVE. #15

IDAHO FALLS, IDAHO 83401

RETURN
TO

RECEIVED

(Name of Sender)

(No. and Street, Apt., Suite, P.O. Box or R.D. No.)

APR 28 1987

(City, State, and ZIP Code)

Department of Water Resources
Eastern District Office

SENDER. Complete items 1, 2, 3 and 4.

your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. ☐ Show to whom, date and address of delivery.
 2. ☐ Restricted Delivery

3. Article Addressed to:

Marvin Loddard
 Star Route
 Mackay, Id 83251

4 Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Article Number

031

Always obtain signature of addressee or agent and
DATE DELIVERED

5 Signature - Addressee

X *Marvin Loddard*

6 Signature - Agent

X

7 Date of Delivery

4/27/87

8 Addressee's Address (ONLY if requested and fee paid)

34-08127-27-03

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number

RETURN

TO

(Name of Sender)

(No. and Street, Apt., Suite, P.O. Box or R.D. No.)

(City, State, and ZIP Code)

Department of Natural Resources
Eastern District Office



DEPARTMENT OF NATURAL RESOURCES
PENALTY FOR PRIVATE
EASTERN DISTRICT OFFICE

150 SHOUP AVE. #15

IDAHO FALLS, IDAHO 83401

SENDER. Complete items 1, 2, 3 and 4.

your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. ☐ Show to whom, date and address of delivery
2. ☐ Restricted Delivery

3 Article Addressed to:

Barbara Ziegler
2032 Phastone
Ward, UT 84092

4 Type of Service

- ☐ Registered ☐ Insured
☐ Certified ☐ COD
☐ Express Mail

Article Number

034

Always obtain signature of addressee or agent and
DATE DELIVERED.

5 Signature — Addressee

X

6 Signature — Agent

X

7 Date of Delivery**8 Addressee's Address (ONLY if requested and fee paid)**

UNITED STATES POSTAL SERVICE-P M

OFFICIAL BUSINESS

BENDER INSTRUCTIONS

- Print your name, address, and ZIP Code in space below
- Complete items 1, 2, 3, and 4 on the reverse.
 - Attach to front of article if space permits, otherwise affix to back of article.
 - Endorse article "Return Receipt Requested" adjacent to number.

**RETURN
TO** 

**DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE**

**150 SHOUP AVE. #15
IDAHO FALLS, IDAHO 83401**

(Name of Sender)

(No. and Street, Apt., Suite, P.O. Box or R.D. No.)

APR 21 1987

(City, State, and ZIP Code)

Department of Water Resources
Eastern District Office



SENDER: Complete items 1, 2, 3 and 4.

your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. ☐ Show to whom, date and address of delivery
2. ☐ Restricted Delivery

3 Article Addressed to:

Barbara Gillingen
Star Route
Mckay Id 83251

4 Type of Service

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Article Number

053

Always obtain signature of addressee or agent and
DATE DELIVERED

5 Signature — Addressee

X Barbara Gillingen

6 Signature — Agent

X

7 Date of Delivery

4/25/87

8 Addressee's Address (ONLY if requested and fee paid)

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN

TO

Eastern District Office

Department of Natural Resources

(Name of Sender)

(No. and Street, Apt., Suite, P.O. Box or R.D. No.)

APR 29 1981

(City, State, and ZIP Code)



PENALTY FOR PRIVATE
USE \$300

150 SHOVE AVE. #15

IDAHO FALLS, IDAHO 83401

RECEIVED

April 24, 1987

Rigby, Thatcher, Andrus, Rigby & Perks
P.O. Box 250
Rexburg, Idaho 83440

RE: Applications for Transfer Nos. 34-0812/etc. & 34-0963,
Marvin Goddard

Dear Mr. Rigby:

I understand you have been retained by Sar Donna Zollinger to represent her as the protestant regarding the above captioned applications. The administrative conference and/or hearing in this matter has been scheduled for May 14, 1987 at 2:00 p.m. in Idaho Falls. To assist you in preparing for the conference and/or hearing a copy of each transfer application filed by Mr. Goddard is enclosed. A copy of the protest submitted by Mrs. Zollinger is attached to each application. Also enclosed is a copy of the hearing notice.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor

EC/md

Enclosures

CONVERSATION MEMORANDUM

DATE April 23, 1987

FILE 34-0812/etc. & 34-0963

NAME OF PARTY Bar Donna Zollinger

EMPLOYEE Ernest Carlsen *Emc*

RE: Applications for transfer 34-0812/etc. & 34-0963

I telephoned Mrs. Zollinger to inquire about her reasons for requesting a postponement of the May 14, 1987 hearing scheduled to consider the above applications. At the time of her request she had not retained counsel and was concerned about the applicant having an attorney at the conference and her not having an attorney.

Subsequently, she retained Ray Rigby to represent her. But she had only discussed the matter with him by telephone. I indicated we would send a copy of each application to Mr. Rigby.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

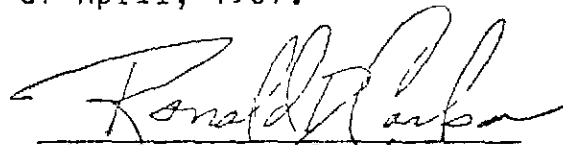
IN THE MATTER OF APPLICATIONS FOR)
TRANSFERS NOS. 34-0963 AND 34-0812/)
0813/0815/0816/0817 IN)
THE NAME OF MARVIN GODDARD)

NOTICE OF HEARING
&/OR CONFERENCE

On January 14, 1987, Marvin Goddard filed with the Department of Water Resources an application No. 34-0963 to transfer the public waters of the State of Idaho. On February 23, 1987, the Department received a protest against approval of said application from Bar Donna Zollinger. On February 10, 1987, an additional transfer No. 34-0812/0813/0815/0816/0817 was filed by Marvin Goddard and on February 13, 1987, Bar Donna Zollinger protested said application.

The Department has set the matter of protests for hearing for 2:00 p.m., Thursday, May 14, 1987, in the Second Floor Conference Room, State Office Building, 150 Shoup, Idaho Falls, Idaho. The hearing will be held in accordance with provisions of Chapter 2, Title 42, of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Dated this 20th day of April, 1987.


RONALD D. CARLSON
Eastern Regional Manager

April 7, 1987

RE: Applications for Transfers Nos. 34-0812/etc. MARVIN GODDARD
34-0963

Bar Donna Zollinger
Star Route
Mackay, Idaho 83251

Bar Donna Zollinger
2032 Johnstone
Sandy, Utah 84092

Dear Ms. Zollinger:

The administrative conference &/or hearing on the above applications has been scheduled for May 14, 1987. Mr. Goddard, through his attorney, has requested the meeting be held in Idaho Falls. Prior to sending certified notices, we would like to know if there are objections to holding the meeting in Idaho Falls.

Objections must be submitted by April 20, 1987.

Respectfully submitted,

ERNEST CARLSEN
Water Rights Supervisor

EC:cw

cc: Marvin Goddard
Kent Foster

March 27, 1987

RE: Application for Transfer No. 34-0963 MARVIN GOODARD

Bar Donna Zollinger
2032 Johnstone
Sandy, UT 84092

Dear Ms. Zollinger:

This is to acknowledge receipt of the protest filed against the above referenced application for transfer. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed use under this transfer conflict with the local public interest?

You will be notified at a later date as to the time and place set for conference and/or hearing.

If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

FEB 07 1992

March 27, 1987

RE: Application for Transfer No. 34-0963

Mr. Marvin Goddard
Star Route
Mackay, ID 83251

Dear Mr. Goddard:

Enclosed please find a copy of the protest filed against the above referenced application. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed use under this transfer conflict with the local public interest?

You will be notified at a later date as to the time and place set for conference and/or hearing. Legal counsel is not mandatory at an proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

Enclosure

cc: IDWR - State Office

MINUTEMAN

FEB 07 1992

10/24/92

March 19, 1987

W. Vern Kidwell
Holden Kidwell, Hahn & Crapo
P.O. Box 120
Idaho Falls, Idaho 83402

RE: Marvin Goddard

Dear Mr. Kidwell:

Mr. Goddard has filed two transfer applications with the Department of Water Resources. The first application requests a change in point of diversion on Spring Creek for water right 34-0963. The second application involves all of Mr. Goddard's water rights decreed for diversion from the Big Lost River. These rights are identified by numbers 34-0812, 34-0813, 34-0815, 34-0816 & 34-0817.

Both applications were protested by BarDonna Zollinger.

A tentative date of May 13th or 14th has been discussed for conducting the administrative conference and/or hearing. You will be sent a copy of the hearing notice once the schedule is firmed up.

I am available to meet with you on either April 1st, 2nd, or 3rd for the purpose of reviewing Mr. Goddard's applications and pertinent information. Please let me know the date and time most suitable to you.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor

EC/md

LAW OFFICES

HOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 129

IDAHO FALLS, IDAHO 83402

TELEPHONE 523-0620

AREA CODE 208

March 13, 1987

WILLIAM S. HOLDEN
R. VERN KIDWELL, P. A.
FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALEP
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
CURT R. THOMSEN
RANDALL K. BARTON
MICHAEL D. CRAPO

JAMES D. HOLMAN
GAYLE A. SORENSON
DONALD L. HARRIS
BRUCE T. SMITH
GREGOR S. CHVISUK

ARTHUR W. HOLDEN (1877-1967)
ROBERT B. HOLDEN (1911-1971)
TERRY L. CRAPO (1939-1982)

RECEIVED
MAR 16 1987

Department of Water Resources
Eastern District Office

Mr. Ernest Carlsen
Assistant Regional Manager
IDAHO DEPARTMENT OF WATER
RESOURCES
150 Shoup, Suite 15
Idaho Falls, Idaho 83402

Re: Marvin Goddard
Transfer Applications
No. 34-0812
No. 34-0813
No. 34-0815
No. 34-0816
No. 34-0817
No. 34-0963

Dear Mr. Carlson:

We will be working with Marvin Goddard on the above transfer applications. We have been furnished with copies of the protests filed by Bardonna Zollinger as against 34-0963 and 34-0812.

I need verification as to whether the one protest applies against rights other than 34-0812, or is it just the one application.

I would like at your earliest convenience to have an opportunity to meet with you and review the plats, if available, and areas involved so that we can be in a position to evaluate this for Mr. Goddard.

We also understand informally that there has been a potential hearing set from the time frame May 11th to May 15th. We would like verification as to indicated time and, if possible, information as to address or location where the hearing will be held.

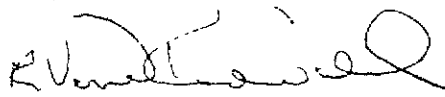
For obvious reasons we are reluctant to accumulate any substantial attorneys' fees on Mr. Goddard's behalf and are hopeful that we can get a better view of the

Mr. Ernest Carlsen
Assistant Regional Manager
IDAHO DEPARTMENT OF WATER
RESOURCES
March 13, 1987
Page Two

entire proceedings if we could have an opportunity to meet with you. We would appreciate it if you would contact us for a suitable time. I will be out of the area from March 23 until the end of the month. Any other time would be available at your convenience.

Thank you for your courtesies. Best wishes.

Very truly yours,


R. Vern Kidwell

RVK:js

Mr. Jerry W. Goodman
March 11, 1987
Page 2

As always, feel free to contact this office if you have questions concerning either the application or intervention.

Respectfully submitted,

ERNEST CARLSEN
Water Resource Supervisor

EC:cw

Enclosure

100-100000-100000
100-100000-100000

March 11, 1987

RE: Application for Transfer No. 34-0963 MARVIN GODDARD

Mr. Jerry W. Goodman
District Manager
Bureau of Land Management
P.O. Box 430
Salmon, ID 83467

Dear Mr. Goodman:

The Bureau's letter objecting to the above captioned application was received by this Department after the period for submitting protests had expired. Therefore, it cannot be accepted as a protest.

In the letter you mentioned that Mr. Goddard has not applied for a right-of-way with your office. To address this item, I have enclosed a copy of two of Mr. Goddard's tax notices from 1986. These notices confirm his ownership of the property at both the point of diversion and the place of use. It is my understanding the project does not traverse land administered by the Bureau of Land Management.

Since there is another protest lodged against this application the Bureau could petition to the Director of this Department for leave to intervene in the proceedings. As an intervenor, the Bureau would have a right to testify and present evidence at the administrative conference and/or hearing conducted by the Department. For your convenience and future reference, I have enclosed a copy of rule 6 from the Department's Rules and Regulations of Practice and Procedure which addresses the topic of intervention.

Very truly yours,

1

APPLICATION FOR TRANSFER OF
WATER RIGHT NO. 34-0963

RECEIVED

FEB 17 1987

Department of Water Resources
Eastern District Office

WATER DISTRICT 34

WATERMASTER Douglas Rosenkrance

DATE: 2/13/1987

COMMENTS: no objections to this change, can see no harm in it.

~~xxx-~~ I do endorse approval of this change.

 I do not endorse approval of this change.

I recommend the following conditions of approval:

Douglas Rosenkrance
Watermaster

100-100000

SEP 1 1988

February 3, 1987

Marvin Goddard
Star Route
Mackay, Idaho 83251

RE: Transfer Application no. 34-0963

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your Transfer application. Please refer to the number referred to above in all further correspondence.

This office is currently in the process of advertising the application in the Challis Messenger. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely,

Ernest Carlsen
Assistant Regional Manager

EC/md

February 4, 1987

RE: Application for Transfer No. 34-0963 MARVIN GODDARD

Douglas Rosenkrance, Watermaster
Water District 34
Rt. 1, Box 24
Mackay, ID 83251

Dear Mr. Rosenkrance:

Please find enclosed a copy of the above referenced application(s) and water recommendation form(s). Please review the application(s) and complete the form(s), returning it to this office on or before February 23, 1987.

Thank you for your cooperation in this matter.

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:CW

Enclosure

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 34-0963

Notice is hereby given that Marvin Goddard, Mackay, Idaho, has applied to the Department of Water Resources for a change in the point of Diversion of water from Warm Springs Creek, tributary to Big Lost River. The right sought to be changed is evidenced by Decree No. 504C/34-0963 decreed to W. L. Wattis, in case of Utah Construction Co. vs John F. Abbott, dated 10/21/1925, and is recorded as follows:

AMOUNT: 2.0 cfs PRIORITY: June 10, 1907

POINT OF DIVERSION: SE1/4NE1/4 , Sec. 34, T. 8N.

R. 22E, B.M.. Custer County

The water is used to irrigate 110 acres, the location of which is not specified in the decree.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the SW1/4NE1/4NW1/4, Sec. 5, T. 7N. R. 22E, B.M., Custer County for the irrigation of 110 acres within the SW1/4NE1/4. SE1/4NW1/4. NE1/4SW1/4, NW1/4SE1/4, Sec. 5, T. 7N. R. 22E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before February 23, 1987.

A. Kenneth Dunn

Director

Published February 5 & 12, 1987

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT**

No. 34-0963

Notice is hereby given that Marvin Goddard, Mackay, Idaho, has applied to the Department of Water Resources for a change in the point of Diversion of water from Warm Springs Creek, tributary to Big Lost River. The right sought to be changed is evidenced by Decree No 504C/34-0963 decreed to W.L. Wattis, in case of Utah Construction Co. vs John F. Abbott, dated 10/21/1925, and is recorded as follows:

AMOUNT 2 0 cfs

PRIORITY June 10, 1907

POINT OF DIVERSION SE $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec. 34, T 8N, R 22E, B M , Custer County

The water is used to irrigate 110 acres, the location of which is not specified in the decree

TO BE CHANGED

AS FOLLOWS

The water will be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, T 7N, R. 22E, B M., Custer County for the irrigation of 110 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 5, T 7N, R. 22E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before February 23, 1987

A Kenneth Dunn, Director
Published Feb 5 & 12, 1987



TRANS 3304



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

November 15, 1990

Melvin Goddard
Star Route
Mackay, ID 83251

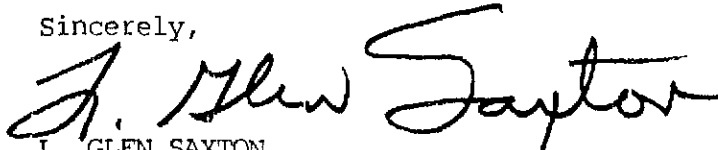
Dear Mr. Goddard:

RE: Application for Transfer No. 3304 of Water Right Nos.
34-0812/0813/0815/0816/0817/0963

Enclosed is a copy of the Order which sets aside the above
referenced Application for Transfer.

If you have any questions regarding this matter, please feel free to
contact this office.

Sincerely,


L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

c: IDWR - Eastern Region
Kent Foster
Ray Rigby



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

September 24, 1990

Marvin Goddard
Star Route
Mackay, ID 83251

Dear Mr. Goddard:

Re: Application for Transfer No. 3304 of water rights
34-0812/0813/0815/0816/0817/0963

NOTICE OF PENDING ORDER TO REJECT
APPLICATION FOR TRANSFER

The department is reviewing the backlog of protested matters to determine which ones are appropriate for hearing or other action. In this review, I came across the above referenced application for transfer which you filed in February 1987. Since the application was protested by Bar Donna Zollinger, the department scheduled a hearing in the matter on October 29, 1987. The hearing was ultimately cancelled at the request of the attorneys involved and has not been rescheduled.

My review of the adjudication claims shows that the claims apparently were filed as if the points of diversion shown on the application for transfer are accomplished points of diversion, i.e. "an accomplished transfer". The discrepancy which I note, however, is that the application for transfer shows the points of diversion as follows:

NWNWSW Section 32, T8N, R23E, BM.
SESWSW Section 32, " " "
SWSESW Section 32, " " "

The adjudication claims show the points of diversion as follows:

SWSWNW Section 3, T8N, R22E, BM
SESWNE Section 32, T8N, R23E, BM
NWNWSW " " " " "

It appears the application for transfer at this point is moot, particularly since it does not agree with the later in time adjudication claims which you filed.

September 24, 1990

Please advise this office within thirty (30) days of any continued interest with respect to the application for transfer, since the department is trying to update its records to the extent possible. If you wish to pursue the application for transfer, provide appropriate justification. If the department does not receive a response, we will void the application and let the question of the points of diversion be pursued in the adjudication proceeding.

Please feel free to contact the department if you have questions.

Sincerely,

A handwritten signature in black ink, reading "L. Glen Saxton". The signature is written in a cursive, flowing style. The first letter "L" is large and prominent, followed by "Glen" and "Saxton".

L. GLEN SAXTON, Chief
Water Allocation Bureau

IDWR - E. Region
Kent Foster
Ray Rigby