

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

RIGHT NUMBER: 63-33233

NAME AND ADDRESS: LORD RANCH LLP
1171 MAYFIELD RD
BOISE ID 83716-3401

SOURCE: SLATER CREEK
UNNAMED STREAMS

TRIBUTARY: INDIAN CREEK
TRIBUTARY: SLATER CREEK

QUANTITY: 0.660 CFS

Right Nos. 63-2655, 63-33233 and 63-33393 are limited to a total combined diversion rate of 1.06 cfs.

PRIORITY DATE: 10/21/1910

POINT OF DIVERSION:

T01N R04E S23 NENE Within ELMORE County
T01N R04E S23 NENE Within ELMORE County
T01N R04E S23 NWNE Within ELMORE County
T01N R04E S23 SENE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.660 CFS
DOMESTIC	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in ELMORE County

T01N R04E S23	NENE	15.00	T01N R04E S23	NWNE	1.00
T01N R04E S23	SWNE	6.00	T01N R04E S23	SENE	14.00
T01N R04E S23	NESE	1.00	T01N R04E S23	NWSE	16.00

DOMESTIC same as IRRIGATION

53 ACRES TOTAL

This right is limited to the irrigation of 33 acres within the place of use described above in a single irrigation season.

Right Nos. 63-2655, 63-33233 and 63-33393 are limited to the irrigation of a combined total of 53 acres in a single irrigation season.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no

later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is a split from former right 63-2143 .

Source for Unnamed Streams is also known as Big Draw Creek and Dry Hollow Creek.

SESW

SWSE

14

SESE

SWSW

13

LORD RANCH LLP

63-2655 - Groundwater (well)

63-33233 - Slater Creek & Unn. Streams

63-33393 - Slater Creek & Unn. Streams

Unn Stream pod

Well - 63-2655

Slater Creek pod

NEWW

NWNE

NENE

NWNW

Unn Stream pod

1 ac

1 ac

1 ac

1 ac

9.5 ac

5.5 ac

Slater Creek pod

23

01N04E

SESW

SWNE

SENE

SWNW

24

NESW

NWSE

NESE

NWSW

16 ac

5 ac

1 ac

13 ac

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

RIGHT NUMBER: 63-33233

NAME AND ADDRESS: LORD RANCH AN IDAHO PARTNERSHIP
1171 MAYFIELD RD
BOISE ID 83716-3401

SOURCE:	SLATER CREEK	TRIBUTARY: INDIAN CREEK
	UNNAMED STREAMS	TRIBUTARY: SLATER CREEK

QUANTITY: 0.660 CFS

Right Nos. 63-2655, 63-33233 and 63-33393 are limited to a total combined diversion rate of 1.06 cfs.

PRIORITY DATE: 10/21/1910

POINT OF DIVERSION:

T01N	R04E	S23	NENE	Within	ELMORE	County
T01N	R04E	S23	NENE	Within	ELMORE	County
T01N	R04E	S23	NWNE	Within	ELMORE	County
T01N	R04E	S23	SENE	Within	ELMORE	County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.660 CFS
DOMESTIC	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in ELMORE County

T01N R04E S23	NENE	15.00	T01N R04E S23	NWNE	1.00
T01N R04E S23	SWNE	6.00	T01N R04E S23	SENE	14.00
T01N R04E S23	NESE	1.00	T01N R04E S23	NWSE	16.00

DOMESTIC same as IRRIGATION

53 ACRES TOTAL

This right is limited to the irrigation of 33 acres within the place of use described above in a single irrigation season.

Right Nos. 63-2655, 63-33233 and 63-33393 are limited to the irrigation of a combined total of 53 acres in a single irrigation season.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no

later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Source for Unnamed Streams is also known as Big Draw Creek and Dry Hollow Creek.

This right is a split from former right 63-2143 .

FROM MTG. W/ JEFF LOND ON

Report of Engineer

1. State name of applicant and number of permit: Mary Jackson - Permit 6758
2. State source of water supply: 1.2 sec.ft. 1 sec.ft. 1/2 sec.ft 1/2 sec.ft
Slater Creek, Indian Creek, Big Draw & Dry Hollow
3. Location of point of diversion: Slater-SE4 SE4 Sec.14, Indian NE4 SE4 Sec.23,
Big Draw-SW4 NE4 23 & Dry Hollow SW4 SE4 Sec.14, T.1 N.R.4 EBM
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: Yes
5. Describe works as they exist, giving dimensions of same as follows:
 - (a) Width of conduit at bottom: Slater Creek 1 1/2' Indian Creek 1' Big draw 1'
2 ft
 - (b) Width at water line: 3 ft 3 ft
 - (c) Depth of water: 1 ft 1 ft 6 inches
 - (d) Grade per mile: About 11 ft.
6. State whether or not water has been turned into works of diversion and if so, to what extent: As much as was to be had
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: about 15 acres on NE 1/4 of NE 1/4 Sec 23

"	9	"	SE 1/4 of NE 1/4	"	23
"	9	"	NE 1/4 of SE 1/4	"	23
"	20	"	NE 1/4 of SE 1/4	"	23

Sp. 1 N. R. 4 E. B.M.
8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks:

John W. Cage

Notary Commissioner Dist. #3

STATE OF IDAHO,

County of _____

} ss.

_____, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this _____ day of _____ 191_____

My Commission Expires _____

JUN 3 - 1911

Notary Public.

OFFICE OF STATE ENGINEER

6758

B/V

 Elmore County *
 Slater, Indian, Big Draw, *
 and Dry Hollow Creeks. *
 Irrigation and domestic *
 1.06 cu. ft. per second *
 Priority 10-21-1910 *

S T A T E O F I D A H O

Water License No. 6758

WHEREAS, On the 21st day of October, A. D. 1910, MARY JACKSON, of Mayfield, County of Elmore, State of Idaho, duly made application (No. 9794) to me for a permit to use 1.2 cubic feet per second of the waters of Slater Creek, 1 cubic foot per second of the waters of Indian Creek, $\frac{1}{2}$ of one cubic foot per second of the waters of Big Draw and $\frac{1}{2}$ of one cubic foot per second of the waters of Dry Hollow, County of Elmore, State of Idaho, for irrigation and domestic purposes, and

WHEREAS, On the 29th day of October, A. D. 1910, ~~Permit No. 6758 was issued~~ to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 29th day of October, A. D. 1912, and for the application to beneficial use of said water on or before the 29th day of October, A. D. 1913, and,

WHEREAS, On the 5th day of September, A. D. 1911, MARY JACKSON, the holder of said permit duly made proof of the completion of adequate works for the diversion of 3.2 cubic feet per second of said waters, as evidenced by my Certificate No. 6758, dated November 4th, 1911, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.2 cubic feet per second of water, with date of priority of October 21st, 1910, and,

WHEREAS, On the 5th day of September, A. D. 1911, MARY JACKSON, the holder of said permit duly made proof of the application to beneficial use of 1.06 cubic feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to MARY JACKSON, of Mayfield, County of Elmore, State of Idaho, the holder and owner of said Permit No. 6758, a perpetual right, dating from October 21st, 1910, to the use of 1.06 cubic feet per second of the waters of Slater Creek, Indian Creek, Big Draw and Dry Hollow, in the County of Elmore, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted on Slater Cr., at a point in the S $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, on Indian Cr., at a point in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, or Big Draw, at a point in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, and on Dry Hollow, at a point in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, Tp. 1 N., R. 4 E. B. M., and conducted to and upon 53 acres, divided as follows: (15 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 9 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 9 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, and 20 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, Tp. 1 N., R. 5, East of the Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 4th day of

Nov. 1911.

63-2143

No. 9794

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Mary Jackson,

Postoffice address: Mayfield,

County: Elmore State: Idaho.

2. The quantity of water claimed $3 \frac{2}{10}$ (See attached list) cubic feet per second.

3. Source of water supply: (See attached list)

County of Elmore

4. Location of point of diversion: (See attached list)

5. To be used for:

I. Irrigation and domestic use:

(a) Amount of land to be irrigated: 160 acres.

(b) In the following legal subdivisions: E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 23, T. 1 N., R 4 E., B.M.

6. Estimated cost of works: \$500.00

7. Description of works for diversion:

I. Kind of works: small dams in streams and ditches from points of diversion to land to be irrigated.

II. Dimensions of works:

(d) Conduit ditches, width at bottom $1 \frac{1}{2}$ feet, width at water line 3 feet, depth of water 1 foot. Average grade per mile is 11 feet. Length of conduit is altogether about 1 mile and it crosses the following quarter sections: NE $\frac{1}{4}$, Sec. 23 and SE $\frac{1}{4}$ Sec. 14, T. 1 N., R. 4 E., B.M. to land described in 5 I (b) above which is the point of intended use.

8. The time required for the completion of the construction of such work is 2 years.

9. Time required for the complete application of the water to the proposed use is 1 additional year.

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

Mary Jackson,

Applicant

By Garret & Dunning Agents.

SHEET TO BE ATTACHED TO APPLICATION FOR PERMIT OF MARY JACKSON.

No. 6758

2. The quantity of water claimed is 1.2 cubic feet per second from Slater Creek, Diversion No. 1; 1 cubic foot per second from Indian Creek, Diversion No. 2; equivalent to a continuous flow of one-half of one cubic foot per second from Big Draw, Diversion No. 3; equivalent to a continuous flow of one-half of one cubic foot per second from Dry Hollow, Diversion No. 4.
3. Sources of water supply are Slater Creek, Indian Creek, Big Draw, and Dry Hollow.
County of Elmore, State of Idaho.
4. Diversion No. 1 on Slater Creek is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14 T. 1 N., R. 4 E., B.M.;
Diversion No. 2 on Indian Creek is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, T. 1 N., R. 4 E., B.M.;
Diversion No. 3 on Big Draw is in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, T. 1 N., R. 4 E., B.M.; Diversion No. 4 on Dry Hollow is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, T. 1 N., R. 4 E., B.M.

APPROVAL OF STATE ENGINEER.

The number of this permit is 6758.

Date of first receipt of application 10.20 a.m. October 21, 1910.

Recorded in Book 20 Page 6758 Approved October 29, 1910.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho and hereby grant the same, subject to the following limitations and conditions:

Work to begin on or before December 28, 1910, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before October 29, 1911.

The whole of said work to be completed on or before October 29, 1912.

The time for proof of beneficial use of water appropriated in accordance herewith, extended to October 29, 1913.

Witness my hand this twenty-ninth day of October, 1910.

D. G. Martin
State Engineer.

Notice of Proof of Completion of Works and of Application of Water to Beneficial use received May 23, 1911, fixing September 5, 1911, as date, and Boise, Idaho, as place of proof.

Water Commissioner notified May 25, 1911, to make examination of works.

Report of Engineer received June 3, 1911.

Deposition blanks mailed July 31, 1911.

Affidavit of Publication, Depositions, and Fees received September 5, 1911.

Certificate and License issued November 4, 1911

Permit No. 6758

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern:

This is to certify that MARY JACKSON, of Mayfield, County of Elmore, and State of Idaho, the holder of Permit No. 6758, issued upon Application No. 9794, bearing date of priority of October 21st, 1910, authorizing the diversion of 1.2 second feet of the waters of Slater Creek, 1 second-foot of the waters of Indian Creek, $\frac{1}{2}$ of one second-foot of the waters of Big Draw and $\frac{1}{2}$ of one second-foot of the waters of Dry Hollow, County of Elmore, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1.2 second feet of the waters of Slater Creek, 1 second-foot of the waters of Indian Creek, $\frac{1}{2}$ of one second-foot of the waters of Big Draw and $\frac{1}{2}$ of one second-foot of the waters of Dry Hollow, that the point of diversion of said waters on Slater Cr., is at a point in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, on Indian Cr., is at a point in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, on Big Draw, is at a point in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, and on Dry Hollow, at a point in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, Tp. 1 N., Range 4, East of the Boise Meridian, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: East half of the Northeast quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$), North half of the Southeast quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$), Section 23, Township 1 North, Range 4, East of the Boise Meridian.

Witness my hand this 4th day of November, A. D. 1911.

A. E. Robinson,

State Engineer of the

State of Idaho

License issued for 1.06 second feet

Page 961

SCALE: 2 INCHES=1 MILE. DRAW PLAN IN INK.

Printed and for Sale by the Statesman Shop, Boise Idaho.

RECEIVED
IN 3 - 1911
OFFICE OF STATE ENGINEER

SEC.

SEC.

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6758
B/4

Shurte, Jan

From: Spencer, Nick
Sent: Tuesday, March 08, 2011 4:53 PM
To: Shurte, Jan
Cc: Williams, Ray
Subject: 63-2655, -33233, and -33393 (Lord Ranch)

Hi Jan. I wanted to give you the heads up on what happened at the status conference on these three this morning. Dana wants to see how all three rights fit together before she signs the SF-5s on 63-2655 and -33233. (My understanding is that she already has the SF-5 for 2655, but that you are still working on 33233, and the recommendation for late claim 33393 will go into this spring's late claims director's report.) Dana has proposed that you let her see your recommendation for late claim 33393 in advance of it going into the late claim report. That way (1) she can see how all three rights fit together, and thereby maybe will be able to sign SF-5s for 33233 and 2655 prior to the late claim report being filed [i.e. sooner rather than later], and (2) by seeing late claim recommendation 33293 in advance she can work through any bugs with you before it is filed so she won't have to object to the recommendation. [This also will speed up the resolution of these subcases.] Is showing her your recommendation of the late claim in advance of the late claim report something you are comfortable with doing? Please let me know your thoughts.

Also, SM set all three subcases for another TSC after the objection period on the late claim report likely will have run: 10-4-11 @ 10:30 a.m. NBS

HOFSTETTER LAW OFFICE

608 West Franklin Street

Boise, Idaho 83702

Dana@IdahoWaterLaw.com

Dana L. Hofstetter

Attorney at Law

Telephone: (208) 424-7800

Facsimile: (208) 424-8774

RECEIVED

July 20, 2010

JUL 21 2010

WATER RESOURCES
WESTERN REGION

Jan Shurte

Western Region

Idaho Department of Water Resources

2735 Airport Way

Boise, Idaho 83705-5082

Re: SRBA Subcase Nos. 63-33233, 63-2655 and 63-2118

Dear Ms. Shurte:

At our May 28, 2010 meeting you requested certain additional information about the above-referenced SRBA Claims. This email responds to those information requests.

Lord Ranch submitted a new SRBA Claim intended to cover the irrigated acreage on this property from the same sources as 63-33233 (split from 63-2143) that was not covered under this License. This new Claim (63-33393) claims the entire 60 acres irrigated on this property so that together 63-33233 and the new beneficial use claim can be recommended to cover the entire 60 acres. Lord Ranch does not oppose the proposed division of acreage under 63-2143, described in your May 28, 2010 Memorandum, but submitted the new beneficial use claim to cover the entire historically irrigated 60 acres to provide IDWR flexibility in how it wants to recommend acreage between 63-33233 and the new beneficial use claim. The sources and points of diversion for 63-33233 would be the same as on the new beneficial use claim.

With regard to SRBA Claim 63-2655, the well is located in the NE1/4NE1/4 of Section 23, Township 1 North, Range 4 East and the place of use is the same 40 acres described in this License.

With regard to the Director's Report Recommendation for SRBA Claim 63-2118, there should be about 2.6 acres additional in the SE1/4SW1/4 of Section 1, T1N, R4E and about 8 acres additional in NE1/4NW1/4 of Section 12, T1N, R4E, as depicted on the map ^{OK} _{NO} p20

Jan Shurte
July 20, 2010
Page 2

attached to the original claim, with the point of diversion for this ground in the SE1/4SW1/4 of Section 1. Please let me know if you need any additional information regarding these matters. Thank you.

Sincerely,

HOFSTETTER LAW OFFICE, LLC

A handwritten signature in blue ink, reading "Dana Hofstetter", with a long horizontal flourish extending to the right.

Dana L. Hofstetter

LORD RANCHES SUBCASES
5-28-2010 SETTLEMENT MEETING

63-2143 - Split into 63-33232 (Ark Properties) & 63-33233(Lord Ranches)

63-33233

License - 63-2143 licensed 4 sources, Big Draw Creek, Dry Hollow Creek, Indian Creek and Slater Creek with a priority date of 10-21-1910 and 53 acres of irrigation showing 15 acres in the NENE, 9 acres in the SENE, 20 acres in the NESE and 9 acres in the NWSE, S23, T1N, R4E.

Claim (after split) – All 4 sources, 10-21-1910 priority date – 28.5 acres – 4.5 acres in the NWSE, 15 Acres in the NENE and 9 acres in the SENE, S.23, T1N, R4E. Added 1 point of diversion on Indian Creek in Sec. 23, NESE.

Rec – Disallowed – Forfeited/Abandoned 1979 – 1987.

Analysis: Need information on whether all the sources above are used on this property. Indian Creek appears to come in too far south of the property leaving the other 3 sources. Where are the points of diversion from these sources, etc. Note: 63-2655 is a groundwater right that was recommended for overlapping ground under this right. It overlaps in the NENE, and SENE for a total of 24 acres. 63-2655 has been objected to concerning the place of use being incorrect on the claim verses the map submitted with the claim as explained below. It appears there may be some irrigation that could be covered under this right. Need information from claimant concerning which acres the **surface** water sources irrigate and when the change in place of use occurred for the **surface** water diversions in order to apply accomplished transfer in place of use.

63-2655

License – 12-27-46 priority date for 1 cfs from a well to irrigate 20 acres in the NENE, and 20 acres in the SENE, S23, T. 1N, R4E for a total of 40 acres.

Claim – All same except for place of use claimed was 10 acres in the NENE, 12 acres in the NWNE and 18 acres in the SENE.

Rec – Recommended same except for place of use acres. Same quarter-quarters recommended as claimed with less acres in each 1/41/4 resulting in less cfs recommended.

Analysis: When recommendation was to be decreed a Motion to Alter or Amend was filed by claimant's attorney. An objection was also filed to the recommendation stating that there was a clerical error made in the claimed place of use. The place of use did reflect different 1/41/4's than outlined on the map with the claim. This right does overlap with 63-33233 as explained above. Need to verify that point of diversion is still correct and outline place of use irrigated from **well** with claimant. An amended claim is not needed, however, evidence that the irrigation from groundwater to the existing place of use occurred prior to 1987 is along with the location of

the place of use irrigated only from the **well**. With the mixture of this source and the sources listed under 63-33233 it is hard to tell which changed prior to 1987. Affidavit from the Lord's would be adequate.

63-2118 – uncontested overlap that did overlap with claimed pou for 63-32536. Does not overlap with the recommended pou for 63-32536. The ADR, based on the claimant's information did not include any lands in Sec. 12. 63-2118 is for lands in Sec. 12 only. Can this be moved forward to decree?

63-32536 – ADR submitted 5-18-10. Based on working with the claimant recommended lands in Sec. 1, T1N, R4E and Sec. 36, T2N, R4E for 78.4 acres from the W. Fk. Slater Creek and Unnamed stream trib. to the W. Fk. Slater Creek.

STATUS CONFERENCE NOTES:

DATE: 10-6-09

RIGHT NO. 63-2100, 63-2143 -

63-33232 & ~~63-33233~~

63-2690, 63-2654

63-2143 - Disallowed originally.

Overlap with Lord Ranches - so split
right between Lord Ranches and
Ark Properties. This split was
based on tax lots & the numbers
are 63-33232 (ARK) & 63-33233 (LORD).

Both are still disallowed and Kara
Hofstetter (attly. for Lord's) has filed an
objection to 63-33233. I need to make
an ADR based on irrigation I can see.
I need more info on Pds (maybe). Duce
will meet with me & talk to his clients
concerning an objection to 63-33232
for Ark Properties. There does appear to be
some irrigation (NOTE: No evid. of priority
right because these are licenses).

63-2654 - Disallowed originally. It
appears some irrigation occurred in
1992, however, not in 1987. Will need
earlier picture of area to confirm.

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

RIGHT NUMBER: 63-33233 DISALLOWED

NAME AND ADDRESS: LORD RANCH AN IDAHO PARTNERSHIP
 1171 MAYFIELD RD
 BOISE ID 83716-3401

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

No beneficial use found.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

This right is a split from former right 63-2143.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

July 30, 2009

LORD RANCH
1171 MAYFIELD RD
BOISE ID 83716-3401

Re: Original Water Right No. 63-2143

Renumbered to Water Right Nos. 63-33233

Dear Mr. Lord:

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This change of ownership resulted in a split of the original claim.

When a portion of the original water right has been conveyed to another and the original right has been split, then the original right number is renumbered to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new water right number reflects your remaining portion of the original right after the change of ownership. Enclosed is a copy of this new water right for your records. Please refer to your new number when corresponding with our office. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the SRBA Court as notification of this change.

If you have any questions concerning this ownership change, or the enclosed copy, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris".

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

LH:1
Enclosures

cc: Dana Hofstetter

STATUS CONFERENCE NOTES:

RIGHT NO. 63-2100 et al

DATE: 7-7-09

Bruce Smith - ARK Properties
Dana Hyster - Ford Ranch

Bruce - Client (ARK) and Developer
are reaching a new agreement.
He has not been able to contact his
claimant - Will not know about
agreement with Developers in order
to decide

63-2143 - Claimant is ARK Properties
and John McCallum filed an
objection to the disallowance so when
NCAP is filed (Change of Ownership)
an objection can be filed by Ford
Ranch to pursue the objection to the disallowal.

2143- NCAP - Due end of July 31ST, then
21 Day obj period - Aug 28th, Ark
prop. would not file obj. If they want to continue
& Ford Ranch could file - actually should file!

Status Conf. - 10-6-09.

Basically

63-2455 - goes forward to decree.

Property has been optioned and developer is trying to decide if he wants to pursue claim. If developer decides to move forward, Scott King of SPF Engineering will provide Vicky with the information necessary for Vicky to make a decision as to whether she can recommend these claims. Bruce Smith needs more time. Developer who is buying the property on contract has filed application for permit, but it has been protested by three others. Needs to determine whether to pursue permit or instead pursue objections to disallowance of these claims. Dana to supply updated tax lot data plat map to Vicky so she can decide if Lords right (63-2655) actually has a POU overlap with 63-2143. Holinka says they are still waiting for developer to decide whether to waive its claim to these rights. If it does, Ark Properties will be free to pursue. Status conference 7/7/09 at 9:30.

Shurte, Jan

From: Hofstetter Law Office [Dana@IdahoWaterLaw.com]
Sent: Monday, July 06, 2009 2:42 PM
To: Shurte, Jan
Cc: Spencer, Nick
Subject: 63-2143

Attachments: Change in Ownership 63-2143.pdf



Change in
Ownership 63-2143.pdf

Jan:

I attach a Notice of Change in Ownership form for Lord Ranch in connection with Water Right No. 63-2143. Since this matter is pending in the SRBA, I believe that under IDWR policy there is no filing fee for this Notice of Change in Water Right Ownership. Please advise me if I am incorrect about this matter. Could you arrange for this to be filed with IDWR if there is no fee or should I arrange to file the original?

Thank you,
Dana

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

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

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

Water Right No(s).	Adjudication Claim No(s).	Split(s)	Water Right No(s).	Adjudication Claim No(s).	Split(s)
63-2143	63-2143	X			

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
OR
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Two Plus Ranch
274 Mobley Lane, Boise, Idaho 83712
4. New Owner/Claimant(s) Lord Ranch
 Name Connector (Check one): [X] and, [] or, [] and/or
- New Mailing Address 1171 Mayfield Road
- City, State and ZIP Code Boise, Idaho 83716-3401
- New Telephone Number (208) 343-8938 Email: _____

5. Date you acquired the property May 1, 1989

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number 63-2143		
Irrigation	0.66 cfs	33 acres
Stock		
Domestic		
Other		
Totals	0.66 cfs	33 acres
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s) Jeffrey E. Lord partner
 Jeffrey E. Lord, Partner (title if applicable)
 Lord Ranch, an Idaho general partnership

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by [Signature]
 Received by [Signature]
 Processed by [Signature] AJ

Date _____
 Date _____
 Date 7-29-07

Receipt Amt. N/A
 Receipt No. _____
 WR _____ Date _____

WARRANTY DEED

FOR VALUE RECEIVED, TWO PLUS RANCH, an Idaho general partnership, hereinafter called the Grantor, does hereby grant, bargain, sell and convey unto LORD RANCH, an Idaho general partnership, hereinafter the Grantee, whose current address is HC 34, Mayfield Stage, Boise, Idaho 83706, the following described premises, located in Elmore County, Idaho, to wit:

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

Together with all improvements, water, water rights, ditches, ditch rights, mineral rights, easements, rights of way, hereditaments and appurtenances thereto.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the Grantee, and to Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described in Exhibit "B" attached hereto and incorporated herein. Grantor, for itself, its heirs and assigns does hereby covenant that it shall warrant and defend the quiet and peaceable possession of said premises by the Grantee, its heirs and assigns forever against the lawful claims of all persons.

IN WITNESS WHEREOF, this Deed is executed this 1st day of May, 1989.

253163

ELMORE COUNTY, IDAHO, ss

Request of GUARANTY TITLE INC

Time 10:30 A. M.

Date May 2, 1989

Book _____ of _____

Page _____

By RAMONA ORTIZ

By Merle L Becker

Deputy

Fee \$12.00

TWO PLUS RANCH, an Idaho general partnership

By William C. Davis
William C. Davis,
General Partner

By Kenneth O. Owings
Kenneth O. Owings,
General Partner

STATE OF IDAHO
COUNTY OF Elmore ss.

On this 1st day of May in the year 19 89, before me, a Notary Public, personally appeared

WILLIAM C. DAVIS

known or identified to me to be (one of) the partner(s) in the partnership of TWO PLUS RANCH

and the partner(s) who subscribed said partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said partnership name.

Notary Public

Residing at MTN. HOME, Idaho

JOB No. 455
MARCH 21, 1989

EXHIBIT 1.1 - LEGAL DESCRIPTION.

A parcel of land situated in the East 1/2 of Section 23, T.1N. R.4E., B.M., Elmore County, Idaho, as shown on Record of Survey filed as Instrument No. 253141, more particularly described as follows:

BEGINNING at the Northeast corner of said Section 23 a point marked by a Brass Cap; thence along the North line of said Section 23

North $89^{\circ}57'41''$ West 1061.92 feet to a point on the Easterly Right-of-Way line of Slater Creek Road said line lying 30.00 feet from the physical centerline as surveyed said point marked by a $5/8''$ iron pin; thence along said Right-of-Way

South $10^{\circ}22'00''$ West 222.45 feet to a point; thence

South $5^{\circ}33'00''$ West 331.60 feet to a point; thence along a curve to the right whose central angle is $22^{\circ}00'00''$, whose radius is 450.00 feet, whose length is 172.79 feet and whose long chord bears

South $16^{\circ}33'00''$ West 171.73 feet to a point; thence

South $27^{\circ}33'00''$ West 379.71 feet to a point; thence

South $34^{\circ}58'00''$ West 145.82 feet to a point; thence along a curve to the left whose central angle is $27^{\circ}49'00''$, whose radius is 315.00 feet, whose length is 152.93 feet and whose long chord bears

South $21^{\circ}03'30''$ West 151.43 feet to a point; thence

South $7^{\circ}09'00''$ West 376.25 feet to a point; thence along a curve to the left whose central angle is $13^{\circ}41'00''$, whose radius is 595.00 feet, whose length is 142.10 feet and whose long chord bears

South $0^{\circ}18'30''$ West 141.76 feet to a point; thence

South $6^{\circ}32'00''$ East 197.33 feet to a point; thence along a curve to the right whose central angle is $37^{\circ}15'00''$, whose radius is 355.00 feet, whose length is 230.80 feet and whose long chord bears

South $12^{\circ}05'30''$ West 226.75 feet to a point; thence

South $30^{\circ}43'00''$ West 191.95 feet to a point; thence along a curve to the right whose central angle is $23^{\circ}06'00''$, whose radius is 495.00 feet, whose length is 199.57 feet and whose long chord bears

South $42^{\circ}16'00''$ West 198.22 feet to a point; thence

South $53^{\circ}49'00''$ West 160.75 feet to a point; thence

South $49^{\circ}05'00''$ West 203.86 feet to a point; thence along a curve to the left whose central angle is $18^{\circ}38'00''$, whose radius is 460.00 feet, whose length is 149.60 feet and whose long chord bears

South $39^{\circ}46'00''$ West 148.94 feet to a point; thence

South $30^{\circ}27'00''$ West 187.59 feet to a point; thence
South $35^{\circ}31'00''$ West 132.24 feet to a point; thence along a
curve to the left whose central angle is $14^{\circ}46'00''$, whose radius
is 470.00 feet, whose length is 121.13 feet and whose long chord
bears

South $28^{\circ}08'00''$ West 120.80 feet to a point; thence

South $20^{\circ}45'00''$ West 61.46 feet to a point; thence along a
curve; thence along a curve to the right whose central angle is
 $22^{\circ}10'00''$, whose radius is 360.00 feet, whose length is 139.28
feet and whose long chord bears

South $31^{\circ}50'00''$ West 138.41 feet to a point; thence

South $42^{\circ}55'00''$ West 19.03 feet to a point on the northerly
Right-of-Way line of Indian Creek Road, said line lying 30.00
feet from the physical centerline as surveyed; thence along said
northerly Right-of-Way line

South $84^{\circ}55'00''$ East 486.50 feet to a point; thence along a
curve to the right whose central angle is $15^{\circ}47'00''$, whose radius
is 570.00 feet, whose length is 157.02 feet and whose long chord
bears

South $77^{\circ}01'30''$ East 156.52 feet to a point; thence

South $69^{\circ}08'00''$ East 45.33 feet to a point; thence along a
curve to the left whose central angle is $36^{\circ}25'00''$, whose radius
is 530.00 feet, whose length is 336.86 feet and whose long chord
bears

South $87^{\circ}20'30''$ East 331.22 feet to a point; thence

North $74^{\circ}27'00''$ East 133.26 feet to a point; thence along a
curve to the left whose central angle is $29^{\circ}32'00''$, whose radius
is 275.00 feet, whose length is 141.75 feet and whose long chord
bears

North $59^{\circ}41'00''$ East 140.19 feet to a point; thence

North $44^{\circ}55'00''$ East 92.20 feet to a point; thence along a
curve to the right whose central angle is $16^{\circ}02'00''$, whose radius
is 490.00 feet, whose length is 137.12 feet and whose long chord
bears

North $52^{\circ}56'00''$ East 136.67 feet to a point; thence

North $60^{\circ}57'00''$ East 162.67 feet to a point; thence along a
curve to the right whose central angle is $13^{\circ}15'00''$, whose radius
is 675.00 feet, whose length is 156.10 feet and whose long chord
bears

North $67^{\circ}34'30''$ East 155.75 feet to a point; thence;

North $74^{\circ}12'00''$ East 47.70 feet to a point; thence along a
curve to the left whose central angle is $9^{\circ}30'00''$, whose radius
is 750.00 feet, whose length is 124.35 feet and whose long chord
bears

North $69^{\circ}27'00''$ East 124.21 feet to a point; thence

North $64^{\circ}42'00''$ East 474.31 feet to a point; thence along a
curve to the left whose central angle is $25^{\circ}13'17''$, whose radius
is 395.00 feet, whose length is 173.88 feet and whose long chord
bears

North $52^{\circ}05'22''$ East 172.48 feet to a point; thence

North 39°28'43" East 97.62 feet to a 5/8" iron pin on the
east line of said Section 23; thence along said east line
North 00°08'37" East 124.09 feet to the East 1/4 Corner of
said Section 23; thence continuing along said east line
North 0°08'46" East 2615.09 feet to THE POINT OF BEGINNING

said parcel contains 119.13 Acres

HELEN BECK SEVEN L RANCH "L"

"Home Ranch & Hyde Place"
319795 Acres

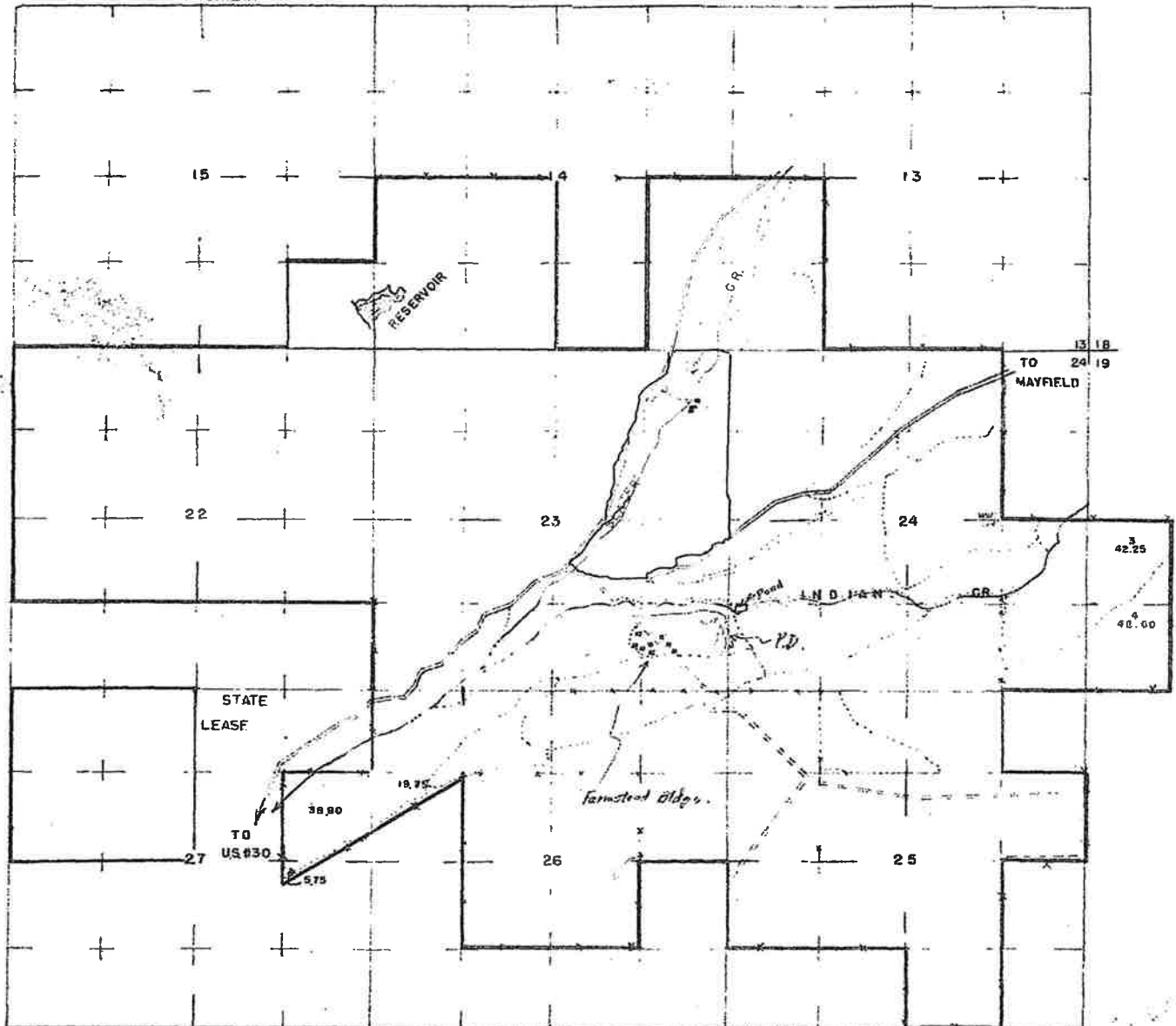
Map Legend

- BUILDINGS
- PRIVATE ROAD
- ===== COUNTY ROAD
- X--- FENCE
- ~~~~~ STREAM

Color Legend

- | | |
|-----------------------------|---------------------------|
| 291 A. BEST IRRIG. | 130 A. 2ND IRRIG. |
| 317 A. BEST DRY AG. | 116 A. 2ND DRY AG |
| 215 A. IMPROVED GR. GRAZING | 1074 A. GRAZ. (PROTECTED) |
| 1050 A. DESERT GRAZING. | RANCH HDQTRS. 4.95 A. |

T1N R4E & 5E.



Map by John L. Beck & Sons
H. Beck & Sons

SCALE: 4" = 1 MILE

RECORD OF SURVEY
FOR
JEFF LORD

PORTIONS OF THE NE 1/4 AND THE SE 1/4, SECTION 23,
T.1N., R.4E., BL.,
ELMORE COUNTY, IDAHO



Scale 1 - 200

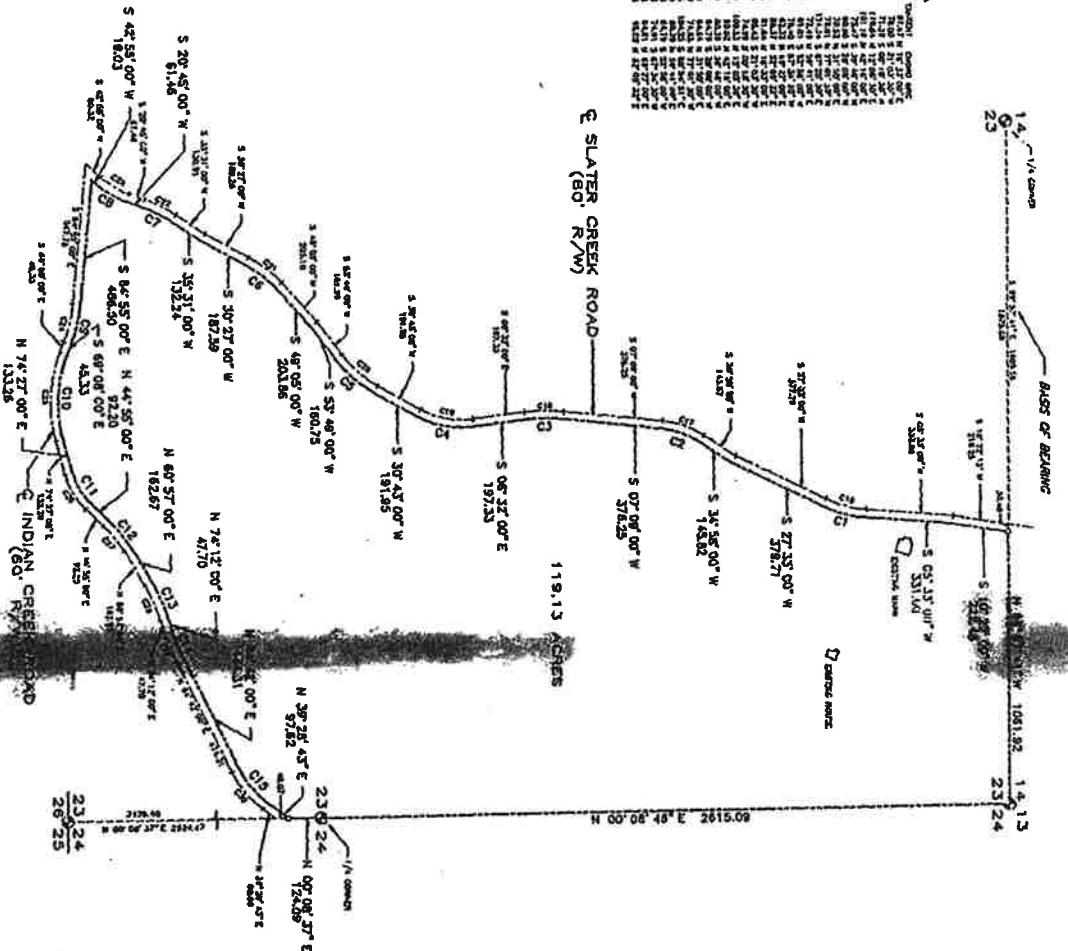
LEGEND

- BOUNDARY LINE
FUSED BRASS CAP
SET 5/8" ± .30" FROM PIN = /CAP

CERTIFICATE OF SURVEYOR

1, PATRICK A. TEALEY, PLS NO. 4347, STATE OF IOWA, DO HEREBY CERTIFY THAT THE SLURRY REPRESENTED ON THIS PLAT WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND IS IN ACCORDANCE WITH THE LAWS OF IOWA RELATING TO SURVEYS.

RECORDING INDEX NO. 142-23-1-0-0-000000

[illegible]

HOFSTETTER LAW OFFICE

608 West Franklin Street
Boise, Idaho 83702

Dana@IdahoWaterLaw.com

Dana L. Hofstetter
Attorney at Law

Telephone: (208) 424-7800
Facsimile: (208) 424-8774

April 1, 2009

RECEIVED

APR 02 2009

WATER RESOURCES
WESTERN REGION

Vicky Music
Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: SRBA Subcase Nos. 63-2655, 63-2100, 63-2143, 63-2654 and 63-2690

Dear Ms. Music:

As you requested, I enclose two plat maps depicting Lord Ranch's property in Section 23, Township 1 North, Range 4 East. One plat map is from the Elmore County Assessor's Office and shows the boundaries of Parcel No. RP01N04E230040, owned by Lord Ranch and comprising approximately 119.13 acres. On the second plat map, my client, Jeff Lord, outlined in red the boundaries of this parcel. Please let me know if you need any additional information regarding this matter. Thank you.

Sincerely,

HOFSTETTER LAW OFFICE, LLC



Dana L. Hofstetter

Enclosures
4064.1/8501

Music, Vicky

From: Music, Vicky
Sent: Wednesday, November 08, 2006 9:43 AM
To: 'Hofstetter Law Office'
Subject: RE: 63-32536

Dana-

I have been in contact with one of our field examiners. She will let me know if she can work an exam in tomorrow or Monday. I will let you know as soon as I hear from her. Who is her contact - name and phone #? Thanks.
 Vicky Music

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

From: Hofstetter Law Office [mailto:Dana@IdahoWaterLaw.com]
Sent: Tuesday, November 07, 2006 4:32 PM
To: Music, Vicky
Subject: Re: 63-32536

Vicky:

I believe that this beneficial use claim was filed by Erin Lord, not Lord Ranches. Mr. Lord and his son are available this week, whatever works best for you. Please let us know when you would like to conduct the field exam. The 1910 priority was based on the date of the irrigation license 63-2118 on the nearby property as this whole area would have been put under irrigation at about the same time. There's a 1968 letter in another license file, 63-2143, confirming that the Lord lands had been irrigated for along time. I will fax this letter to you. Also, I can get an affidavit from Erin Lord (Oliver Lord's son) confirming personal knowlege of at least some of the time period.

Thank you,
 Dana

--

Dana L. Hofstetter
 Hofstetter Law Office, LLC
 608 West Franklin Street
 Boise, Idaho 83702
 Telephone: (208) 424-7800
 Facsimile: (208) 424-8774

affidavit from
 Erin Lord not
 record

Music, Vicky wrote:

Hi Dana -

I received the above beneficial use claim that you filed on 10/30/06 on behalf of the Lord Ranch. The Basin 63 Part 3 Director's Report will be filed with the Court December 1, 2006. Due to the late filing date of this claim and our deadlines, I must have evidence of priority by November 8, 2006. Additionally, a field exam must be done next week. If the evidence and exam are not completed by 11/9/06, I will be recommending this claim as disallowed. You can file an objection which can give us more time to verify the elements of this claim.

11/8/2006

HOFSTETTER LAW OFFICE, LLC
608 West Franklin Street
Boise, Idaho 83702
Phone: (208) 424-7800
Fax: (208) 424-8774
E-Mail: Dana@IdahoWaterLaw.com

FAX COVER SHEET

DATE: November 7, 2006

TO: Vicky Music

FAX: 334-2348

FROM: Dana Hofstetter

RE: SRBA Claim 63-32536

MESSAGE: This 1968 letter from License File No. 63-2143 confirms the historic use of Slater Creek water by the Lords and their predecessor in interest, Ante Koprčina. Please let me know if need any additional evidence regarding this matter. Thank you.

The information contained in this facsimile may be confidential information or attorney work product or both and is for the exclusive use of the intended recipient listed above. Any reading, disclosure, use or reproduction of this communication other than by the intended recipient is prohibited. If you have received this communication in error, please notify us by collect telephone call immediately and return the communication to us by U. S. Mail.

NUMBER OF PAGES BEING TRANSMITTED (INCLUDING THIS PAGE) = 2

IF ALL PAGES ARE NOT RECEIVED, PLEASE CALL (208) 424-7800.

ORIGINAL BY MAIL: YES _____ NO X

ANDERSON, KAUFMAN, ANDERSON AND RINGERT

LAWYERS
IDAHO BUILDING
BOISE, IDAHO 83701

EUGENE H. ANDERSON
SAMUEL KAUFMAN
RICHARD ANDERSON
WILLIAM F. RINGERT

Department of Reclamation

AREA CODE 208
TELEPHONE 342-4591
POST OFFICE BOX 2773

November 14, 1968

Mr. R. Keith Higginson
State Reclamation Engineer
Department of Reclamation
Statehouse - Annex 2
Boise, Idaho

Dear Keith:

In connection with my examination into the water rights on Indian Creek in the Mayfield area in Elmore County, I need also to know the water rights, as shown by your records, on Slater Creek, a tributary of Indian Creek.

I have the information which you sent to me with respect to Indian Creek, and I realize that it may be that there are no rights on Slater Creek shown by your records other than in the information which you sent to me.

However, I do know of certain water uses there, one use by Ante Koprčina and his successor in interest, Oliver Lord, and one use by Claude Slater, and one use by Harry Wiebelhaus.

Will you please let me know from your records of any outstanding water licenses or any uncanceled filings or any decrees specifically with respect to Slater Creek.

Yours very truly,

ANDERSON, KAUFMAN, ANDERSON
AND RINGERT

By

Eugene H. Anderson

EHA:pho

5725
67281968 letter from
63-2143 (Jackson)
file.

6458

63-2143