

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 57-2211B

WATER RIGHT NUMBER: 57-2211B

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	HAROLD A STEINER
	, ID
Current Owner	ACE DEVELOPMENTS LTD C/O HARVEY STARK PO BOX 820 810 W BROADWAY AVE VANCOUVER, BC V52 4C9 (604)732-6111
Current Owner	TERRY L KETTERLING PO BOX 54E1 HAMMETT, ID 83627

Priority Date: 01/04/1955

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DIVERSION TO STORAGE	1/01 to 12/31	2.560 CFS	
IRRIGATION	3/15 to 11/15	2.560 CFS	770.00 AF
IRRIGATION FROM STORAGE	3/15 to 11/15		770.00 AF
IRRIGATION STORAGE	1/01 to 12/31		770.00 AF
	<u>Total Diversion:</u>	2.560 CFS	770.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4NE1/4	Sec. 24, Twp 05S, Rge 01E, B.M.
OWYHEE County		
GROUND WATER	SW1/4NE1/4	Sec. 24, Twp 05S, Rge 01E, B.M.
OWYHEE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
05S	01E	13	4.0	40.0			134.0
05S	01E	24	20.0				20.0

Total Acres: 154

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 57-2211B

DIVERSION TO STORAGE same as IRRIGATION
IRRIGATION FROM STORAGE same as IRRIGATION
IRRIGATION STORAGE same as IRRIGATION

Conditions of Approval:

1. 016 See remarks for additional conditions of approval.

Remarks:

1. General THE MAX. ANNUAL VOLUME OF WATER TO BE DIVERTED UNDER THIS RT. SHALL NOT EXCEED 770.0 AF.
A TOTALIZING FLOW METER & LOCKABLE CONTROLLING WORKS OF A TYPE ACCEPTABLE TO THE DEPT.
SHALL BE PERMANENTLY INSTALLED & MAINTAINED AS PART OF THE DIVERTING WORKS PRIOR TO DIVERTING WATER FOR FISH PROP.
VIOLATIONS OF THE CONDITIONS IDENTIFIED HEREIN WILL BE CAUSE FOR THE DEPT. TO VOID THE APPROVAL OF THIS TRANS. & CANCEL PERMIT 57-7460.
A PORTION OF THE WATER DIVERTED UNDER THE RT. COVERED BY THIS TRANS. WILL BE DIVERTED TO STORAGE FOR IRRIG. FOLLOWING USE OF THE WATER FOR FISH PROP. UNDER PERMIT 57-7460.
STORAGE FACILITIES WILL BE CONSTRUCTED ON IRRIGATED ACREAGE RESULTING IN A REDUCTION OF IRRIGATED ACREAGE EQUAL TO THE SURFACE AREA OF THE STORAGE PONDS.
THE DIRECTOR RETAINS JURISDICTION OVER THIS TRANS. TO ESTABLISH & MODIFY METHODS OF MITIGATING FOR LOSSES CAUSED BY THE FISH PROP. USE.

Comments:Dates and Other Information:

Licensed Date: 6/7/1979
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

Carter
R- Roxanne
Western AJ

TRANSFER NO. 4308
WATER RIGHT NO. 57-02211B

This is to certify that: **ACE DEVELOPMENTS LTD**
C/O HARVEY STARK
PO BOX 820
810 W BROADWAY AVE
VANCOUVER BC V524C9

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	03/15 to 11/15	2.56 CFS	693.0 AF

SOURCE

GROUNDWATER

Priority: 01/04/1955

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 24, Township 05S, Range 01E
OWYHEE 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>
05S	01E	13	SWNE 4	SENE 40	NESE 40	
			NWSE 10	SESE 40		134
		24	NENE 20			20
						154

Total number of acres irrigated: 154

CONDITIONS/REMARKS:

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

TRANSFER NO. 4308
WATER RIGHT NO. 57-02211B

CONDITIONS/REMARKS:

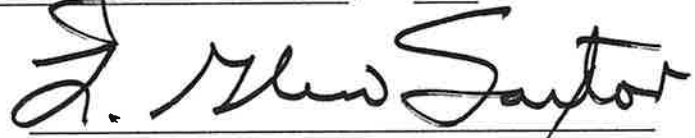
4. The change approved by this transfer is subject to the terms of the court's final decree of this right in the ongoing Snake River Basin Adjudication.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- *6. The total instantaneous diversion of water from all points of diversion under Transfer No. 4308 shall not exceed 2.56 cfs, nor total combined annual volume of 693.0 af.
7. Two points of diversion are located within SENE, S24, T05S, R01E.

Dated this 29th day of

July

, 19

94



Chief, Water Alloc. Bureau

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4308
RECEIVEDAMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT

FEB 28 1994

PART 1

WATER RESOURCES
WESTERN REGIONName of applicant Ace Developments Ltd. Phone 604-688-3391
Post Office address PO Box 820 810 W. Broadway Ave. VANCOUVER, B.C. CANADA V5Z 4C9

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 TRANSFER PD from well on BLM property to existing capped well on company land. Use two existing wells on company land for direct flow irrigation of 154 acres in 57-02211B. Expand use of 300 AF storage water from 154 acres to 454 acres (land served by 57-02211B plus 02-07090), all within company ownership.

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

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
57-02211B 1-4-1955 2.56 cfs Irrigation 3/15 to 11/15
2.56 cfs Div. to Storage 1/1 to 12/31
300 AF Irrig. Storage 1/1 to 12/31
300 AF Irrig. from Storage 3/15 to 11/15
2. Total amount of water being transferred 2.56 cubic feet per second and/or 300 acre-feet per annum. Storage
3. Source of water Groundwater tributary to
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SE	NE	24	5S	1E	Owyhee	Production well by pond
	NW	SE	NE	24	5S	1E	"	Capped well to become production well

5. Lands irrigated or place of use: NO CHANGE IN IRRIGATION* (cfs) USE. ACRES BELOW ARE FOR EXPANDED IRRIGATION FROM STORAGE 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	
5S	1E	12													38		22	40	100
		13	40	40	*4	*40									*40	*10		*40	214
		24	*20																20
	2E	18					40	40			40								120
							2.1	2.2			2.3								
(SEE ST. ANALYSIS)																			
* = the 154 ACRES TO RECEIVE																			
direct flow irrigation																			

** ALSO conditions extent of storage recommended for 57-02211B in SRBA

Total acres 454 from storage

PART 1

6. General Information:

a. Description of diversion system

Anteater wells, storage pond, pumps for integrated system. There are hot water wells (130°F).

b. Are the lands from which you propose to transfer the water, right subject to any liens, deeds of trust, mortgages, or contracts? Yes ☒ 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:

Since only PV change is to export storage water use allowed in Section 42-222 Idaho Code, and since storage water is supplemented to direct flow irrigation (cfs) in 57-022118, there should be little affect on 154 acres currently covered by this right.

d. Remarks:

The purpose of the transfer is to deal with ALM's objection to SRA concerning well in Section 5.24 by changing to wells solely on company land. Also, storage water will be used on acres covered by this right (154 ac.) and by Snake River water under right 02-07090 (300 acres). The two rights serve separate acres.

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 _____

57-07587

* Additionally, an appl. for permit is being filed to irrigate (live flow) across covered in right 02-07090 from the two wells. Transfer & new permit will turn a package to irrigate company lands via the wells.

PART 1**6. General Information:**

- a. Description of diversion system Artesian wells, storage pond, pumps for integrated system. These are hot artesian wells (c 130 °F).
- 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:
Since only PU change is to expand storage water use allowed in Section 42-222 Idaho Code, and since storage water is supplemental to direct flow irrigation (cfs) in 57-022118, there should be little affect on 154 acres currently covered by this right.
- d. Remarks:
The purpose of the transfer is to deal with BLM's objection in SRBA concerning well in SE 5WNE 5.24 by changing to wells solely on company land. Also, storage water will be used on acres covered by this right (154 ac.) and by Snake River water under right 02-07090 (300 acres). The two rights serve separate acres.

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____.

57-07587

*. Additionally, an appl. for permit is being filed to irrigate (live flow) acres covered in right 02-07090 from the two wells. Transfer & new permit will form a package to irrigate company lands via the wells.

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

*Also See SRBA Recommendation,
Attachment A*

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 57-02211B issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3341 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 B. Check appropriate box below:

☒ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 1-4-1955

5. Water is used for the following purpose:

amount 2.56 cfs for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft) 2.56 cfs for Div. to Storage purposes from 1/1 to 12/31
amount 770 AF for Irrig. Storage purposes from 1/1 to 12/31
(cfs/ac-ft) 770 AF Irrig from Storage 3/15 to 11/15

6. Total amount of water under right 2.56 cubic feet per second and/or 770 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	24	55	1E	Owyhee	
		SE	NE	24	55	1E		

8. 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	
55	1E	13				4 40									40	10		40	134
		24	20																20

Total acres 154

9. Describe any other water rights used for the same purpose as described above NONE

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 — N/A

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

3. 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 _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) — N/A

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

3. 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 _____

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.

SEE Attachment C

map 1 - wells to be used,
storage pond,
154 acres.

map 2 - 300 acres covered by
02-07090, storage water
will be spread to these
additional acres.

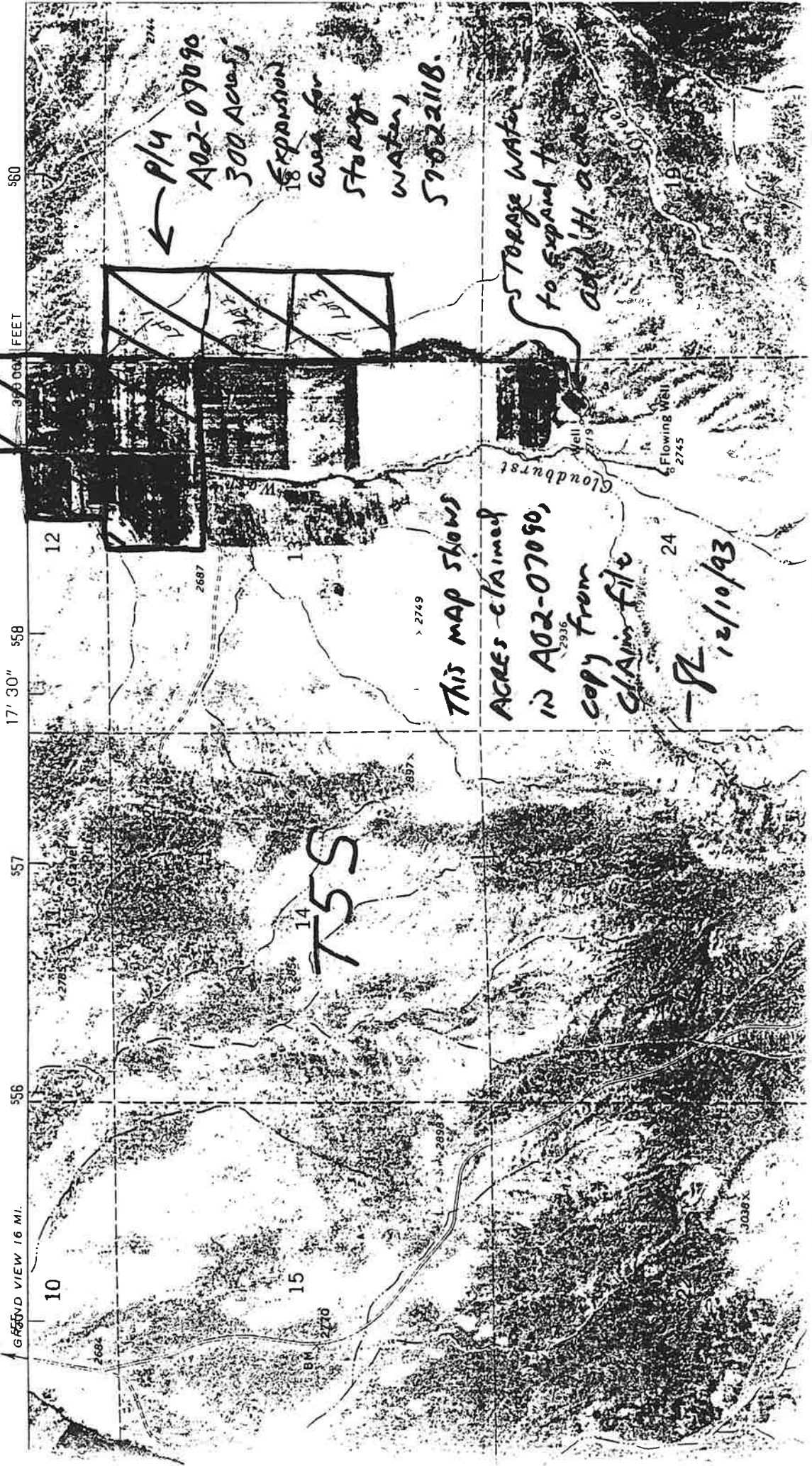
map 3 - from applicant's 7/12/93
correspondence (dated 6/28)
showing entire acreage
for company.

FEES - Transfer \$50 - paid 8/31/92 in part for 57-07460, subsequently relinquished
Amended \$20 - payment due, paid 2/28/94.
and funds applied to transfer.

map 2 of 3

R1E R2E

ROUGH MTN. NE QUADRA
IDAHO
7.5 MINUTE SERIES (ORTHOPHO



IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: OCT-13-1992
PAGE: A-534

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
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SOURCE: GROUNDWATER

57-02211B	ACE DEVELOPMENT (IDAHO) INC C/O HARVEY STARK PO BOX 820-810 WEST BROADWAY AVENUE VANCOUVER BC V524C-9	01/04/1955	IRRIGATION	03-15 11-15	2.56 693.0	CFS AFY
			IRRIGATION STORAGE	01-01 12-31	300.0	AFY
			IRRIGATION FROM STORAGE	03-15 11-15	300.0	AFY
			DIVERSION TO STORAGE	01-01 12-31	2.56	CFS
			TOTAL QUANTITY:		2.56	CFS
			CONSUMPTIVE USE:		693.0	AFY
					539.0	AFY

POINT OF DIVERSION:
T05S R01E S24SESWNE
NWSENE

PLACE OF USE: IRRIGATION

T05S R01E S13

SWNE 4.0
SESE 40.0
NENE 20.0

NWSE 10.0

S24

154.0 ACRES TOTAL

PLACE OF USE: IRRIGATION STORAGE

SAME AS OTHER USE

PLACE OF USE: IRRIGATION FROM STORAGE

SAME AS OTHER USE

PLACE OF USE: DIVERSION TO STORAGE

SAME AS OTHER USE

REMARKS: THIS RIGHT INCLUDES AN ACCOMPLISHED TRANSFER OF THE PLACE OF USE
AND NATURE OF USE.

Assumption statute - questionable states now.
However, amended transfer appl. codified
SRBA Reels 50 & 3

NOTE 57-02211A 6 AC. SWSE 5.13 (Harold Steiner)

not recommended in SRBA, therefore no
basis to add these acres to 2211B to

Restore original 2211 right. Also, no
supporting evidence was submitted in this
transfer process to allow recognition
of b.w. on the 6 AC.

-R 12/10/93

SAME AS
T. 3341 except:
1st vol = 693 afy
Storage = 300 "
C.U. vol = 539 "

Attachment A

KEEP TOP PORTION FOR YOUR RECORDS
PLEASE READ REVERSE SIDE
YOUR CANCELLED CHECK IS YOUR RECEIPT

1993

MARKET VALUE	TAX CODE AREA	PARCEL NUMBER	BILL NUMBER
L 15901	24-00	RP05S01E240001A	4077
E2NE 24 5S 1E			
15901			

80.000 ACE DEVELOPMENTS (IDAHO), INC
TOT ACRES
DELINQUENT YEAR
820-810 W BROADWAY AVE
VANCOUVER B.C. V5Z 4C9

YOUR CANCELED CHECK WILL BE YOUR RECEIPT
PLEASE ENCLOSE STUB WITH PAYMENT

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH THE 2ND PAYMENT.
ACE DEVELOPMENTS (IDAHO), INC 1993 4077

RP05S01E240001A
24-00

2ND INSTALLMENT

116.18

PEN.
INT.
COST
TOT.

2nd

Personal checks are subject to bank clearance

MAKE PERSONAL CHECKS PAYABLE TO

BARBARA WRIGHT TAX COLLECTOR
ONYHEE COUNTY COURTHOUSE
MURPHY, ID 83650

20

208-495-1158 OR 337-4222
JUNE 20, 1994

DELINQUENT IF NOT PAID ON OR BEFORE

DATE PAID
PAID BY
CHECK #
CASH

STATE	COUNTY	SCHOOL	ONYHEE PION C	EASTERN ONY L	COUNTY RD	TAX	PEN.	INT.	COST	TOT.	
IDAHO	ADAMS	365	000013634	000273347	001848502	71.96	126.42	.22	4.36	29.40	
TOTAL						014611069	232.36				

1ST INSTALLMENT
TAX 116.18
PEN. 116.18
INT. 116.18
COST 116.18
TOT. 116.18

2ND INSTALLMENT
TAX 116.18
PEN. 116.18
INT. 116.18
COST 116.18
TOT. 116.18

PD 20/6/94

Attachment B (4 pages)

KEEP TOP PORTION FOR YOUR RECORDS
PLEASE READ REVERSE SIDE
YOUR CANCELLED CHECK IS YOUR RECEIPT

1993

MARKET VALUE	TAX CODE AREA	PARCEL NUMBER	BILL NUMBER
L 28883	24-00	RP05S02E183000A	4123
LOTS 1,2&3 18 5S 2E			
28883			

113.850 ACE DEVELOPMENTS (IDAHO), INC
TOT ACRES
820-810 W BROADWAY AVE
VANCOUVER B.C. V5Z 4C9

ACE DEVELOPMENTS (IDAHO), INC 1993 4123
FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH THE 2ND PAYMENT.

TOTAL .014611069 422.04
YOUR CANCELED CHECK WILL BE YOUR RECEIPT
PLEASE ENCLOSE STUB WITH PAYMENT

2ND INSTALLMENT

211.02

PEN.
INT.
COST
TOT.

2nd

RP05S02E183000A
24-00

Personal checks are subject to bank clearance
MAKE PERSONAL CHECKS PAYABLE TO

BARBARA WRIGHT TAX COLLECTOR
OWYHEE COUNTY COURTHOUSE
MURPHY, ID 83650
208-495-1158 OR 337-4222

20

DELINQUENT IF NOT PAID ON OR BEFORE

JUNE 20, 1994

CHECK #
CASH

DATE PAID
PAID BY

STATE	004525125	130.70	TAX	422.04	FULL PAYMENT
COUNTY	007950461	229.64	PEN.		
SCHOOL	000013634	.40	INT.		
OWYHEE PION C	000273347	7.90	COST		
EASTERN OWY L	001848502	53.40	TOT.		
COUNTY RD					
1ST INSTALLMENT					
			TAX	211.02	
			PEN.		
			INT.		
			COST		
			TOT.		
2ND INSTALLMENT					
			TAX	211.02	
			PEN.		
			INT.		
			COST		
			TOT.		

Ref 20/10/1994

YOUR CANCELLED CHECK IS YOUR RECEIPT

MARKET VALUE	TAX CODE AREA	PARCEL NUMBER	BILL NUMBER
L 22791	24-00	RP05S01E127200A	4070
E2SE,SWSE 12 5S 1E			
22791			

120.000 ACE DEVELOPMENTS (IDAHO), INC
TOT ACRES
DELINQUENT YEAR

820-810 W BROADWAY AVE
VANCOUVER B.C. V5Z 4C9

ACE DEVELOPMENTS (IDAHO), INC 1993 4070

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH THE 2ND PAYMENT.

RP05S01E127200A
24-00

2ND INSTALLMENT
166.52

PEN.
INT.
COST
TOT.

Personal checks are subject to bank clearance

MAKE PERSONAL CHECKS PAYABLE TO

BARBARA WRIGHT TAX COLLECTOR
OWYHEE COUNTY COURTHOUSE
MURPHY, ID 83650

20

208-495-1158 OR 337-4222
JUNE 20, 1994

DELINQUENT IF NOT PAID ON OR BEFORE

DATE PAID
PAID BY
CHECK #
CASH

SCHOOL 365	.007950461	181.20	PEN.
OWYHEE PION C	.000013634	.32	INT.
EASTERN OWY L	.000273347	6.24	COST
COUNTY RD	.001848502	42.14	TOT.
		1ST INSTALLMENT	
		TAX	166.52
		PEN.	120.01
		INT.	
		COST	
		TOT.	
		2ND INSTALLMENT	
		TAX	166.52
		PEN.	120.01
		INT.	
		COST	
		TOT.	
TOTAL .014611069		333.04	

pd 20/6/94

YOUR CANCELED CHECK WILL BE YOUR RECEIPT
PLEASE ENCLOSE STUB WITH PAYMENT

Water Right Number - X57-02211B

Prefix Translation:

XFER OF RECOM. CLAIM

Old (D) Number - 25346

+ - - - - Last Name - - - - +

+ - First Name - - - +

+ - - - - Address - - - - +

+ - - - - +

*** C - CURRENT OWNER ***
ACE DEVELOPMENTS LTD

*** O - ORIGINAL OWNER ***
ACE DEVELOPMENT LTD

1 - C/O HARVEY STARK
2 - PO BOX 820
3 - 810 W BROADWAY AVE
City- VANCOUVER
Phone - 604-732-6111
State- BC Zip- V5Z4C9

KETTERLING

TERRY L

1 - HC 85 PO BOX 1698
2 -
3 -
City- BRUNEAU
Phone - 208-845-2487
1 - PO BOX 54E1
2 -
3 -
City- HAMMETT
Phone - 208-000-0000
State- ID Zip- 83604

STEINER

HAROLD A

City- XXXXX
Phone - 208-000-0000
State- ID Zip- 0000000

+ - - Priority Date - - +
01/04/1955

+ - - Region - - - +
14 WESTERN

+ - - Stage - - - +
L - LICENSE

+ - - Status - - - +

+ - - Source - - - - +
GROUNDWATER

+ - - Tributary - - - - +

+ - - Point of Diversion - - - - +
Twn Rng Sec Tract Lot RFlg County

05S 01E 24 SE NE (73) OMVHEE

+ - - Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 2.560 693.00

+ - - Total Div. Rate - - + - - Total Div. Volume - - + - - Total Consumptive Use - - + - - KW Usage - - +
2.560 693.00 539.0

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
05S	01E	13	SM NE		4.0	01	IRRIGATION	(73) OMVHEE	
05S	01E	13	SE NE		40.0	01	IRRIGATION	(73) OMVHEE	
05S	01E	13	NE SE		40.0	01	IRRIGATION	(73) OMVHEE	
05S	01E	13	NW SE		10.0	01	IRRIGATION	(73) OMVHEE	
05S	01E	13	SE SE		40.0	01	IRRIGATION	(73) OMVHEE	

Water right number - X57-02211B

Prefix Translation: XFER OF RECOM. CLAIM

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
05S	01E	24	NE NE	20.0	01	IRRIGATION		(73) OHYHEE

Total Acres: 154.0

- - - Diversion Means - ARTESIAN FLOWING WELL 100 HP. VERT. TURBINE MOTOR.

- - - Non-Irrigation Use - NONE

- - - Other Rights for Same Use - NONE

REMARKS
THIS RIGHT INCLUDES AN ACCOMPLISHED TRANSFER OF THE PLACE OF USE
AND NATURE OF USE.
2 POINTS OF DIVERSION LOCATED IN SENE, S24, T05S, R01E.

- - - No Old Water Right Numbers Found - - - Old Water Right Numbers - - -

- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T16 - The change approved by this transfer is subject to the terms of the court's final decree of this right in the ongoing Snake River Basin Adjudication.
- T17 - Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

- - - Decree Plaintiff - - - Decree Defendant - - - Decree Date - - -
00/00/0000

Comments:
Date: 10/28/1991 User Id: HOWERTON Subject: TRANSFER NO. 3341
DID A DRIVE BY TYPE OF EXAM, TO SEE IF THIS LICENSE HAD THE
NO-EVIDENCE OF FISH PROP. WAS FOUND.
ENTRY OF THE STORAGE. SEE ATTACHMENT "A" OF THE TRANSFER.
THE 'A' CLAIM, AND NOW IN EFFECT, SINCE THERE IS NO FURTHER
MAY IT WAS ORIGINALLY CLAIMED, WITH ANOTHER ACCOMPLISHED TRANSFER BY NOT ACCOMPLISHING THE FIRST.
Date: 11/03/1994 User Id: HOWERTON Subject: NEW TRANSFER 4308 REMARKS
CLAIM AMENDED PER TRANSFER NO. 4308 APPROVED 7/29/94.
SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY
OF APPROVED TRANSFER NO. 4308 IN FILE.

- - - Audit Fields - - -
00/00/00 HOWERTON

Water right number - X57-02211B

Prefix Translation: XFER OF RECOM. CLAIM

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +									
Court Report Filing	-	00/00/0000	Field Inspection Made	-	00/00/0000	Civil Case Number	-	39576	
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-	00/00/0000	Old Case Number	-		
Response Filed Date	-	00/00/0000	Verified Date	-	00/00/0000	Old Judicial District	-		
Claim Received Date	-	01/09/1989	Last Amended Date	-	00/00/0000	Temporary Right	-	P	
			Receipt Number	-	W001899	Water District	-		
			POU Ownership Flag	-	Y	Federal/State Indicator	-	S	
			Name Connector	-		Presumption Flag	-		
						Notice of Error Flag	-		

Water Right Number - 57-022118

Prefix Translation: WATER RIGHT

Old (D) Number - 25346

*** C - CURRENT OWNER ***
ACE DEVELOPMENTS LTD

1 - C/O HARVEY STARK
2 - PO BOX 820
3 - 810 W BROADWAY AVE
City- VANCOUVER
State- BC Zip- V524C9
Phone - 604-732-6111

*** O - ORIGINAL OWNER ***
STEINER

1 -
2 -
3 -
City- XXXXX
State- ID Zip- 0000000
Phone - 208-000-0000
1 - HC 85 P.O. BOX 1698
2 -
3 -
City- BRUNEAU
State- ID Zip- 83604
Phone - 208-845-2487
1 - P.O. BOX 54E1
2 -
3 -
City- HAMMETT
State- ID Zip- 836270000
Phone - 208-000-0000

ACE DEVELOPMENT LTD.

KETTERLING

TERRY L.

+ - Priority Date - - +
01/04/1955

+ - Region - - +
14 WESTERN

+ - Stage - - +
L - LICENSE

+ - Status - - - +

+ - Source - - - - +
GROUNDWATER

+ - Tributary - - - - - +

Tw	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion
05S	01E	24	SE SW NE NW SE NE			(73) OMYHEE (73) OMYHEE	

Code	Description	Period From	Water Use Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15	2.560	693.00
02 - IRRIGATION STORAGE		01/01	12/31		300.00
03 - IRRIGATION FROM STORAGE		03/15	11/15		300.00
55 - DIVERSION TO STORAGE		01/01	12/31	2.560	
+ - Total Div. Rate - +		+ - Total Div. Volume - +		+ - Total Consumptive Use - +	
2.560		693.00		539.0	

Water right number - 57-02211B

Prefix Translation: WATER RIGHT

Twn	Rng	Sec	Tract	Lot	Acre	Place of Use	Code	Description	County
05S	01E	13	SW NE		4.0		01	IRRIGATION	(73) OMYHEE
05S	01E	13	SE NE		40.0		01	IRRIGATION	(73) OMYHEE
05S	01E	13	NE SE		40.0		01	IRRIGATION	(73) OMYHEE
05S	01E	13	NW SE		10.0		01	IRRIGATION	(73) OMYHEE
05S	01E	13	SE SE		40.0		01	IRRIGATION	(73) OMYHEE
05S	01E	24	NE NE		20.0		01	IRRIGATION	(73) OMYHEE

Total Acres: 154.0

- - - Diversion Means - ARTESIAN FLOWING WELL 100 HP. VERT. TURBINE MOTOR.

- - - Non-Irrigation Use - NONE

- - - Other Rights for Same Use - NONE

THIS RIGHT INCLUDES AN ACCOMPLISHED TRANSFER OF THE PLACE OF USE
AND NATURE OF USE.

- - - No Old Water Right Numbers Found

- - - Conditions of Approval
No Conditions of Approval found.

- - - Decree Plaintiff - - - + - - - Decree Defendant - - - + - - - Decree Date - - - +
00/00/0000

- - - Comments - - - - -
No Comments Found

- - - Audit Fields - - - +
11/03/94 RHOHERIO

- - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	- 10/13/1992	Field Inspection Made	- 01/29/1991	Civil Case Number	- 39576
Objection Filed Date	- 02/26/1993	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 06/30/1993	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 01/09/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- W001899	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

Andrew

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

In Re SRBA	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE PROCEEDINGS
Case No. 39576	)	
	)	Water Right 57-02211B
_____	)	

IDWR has completed the following Administrative Proceeding:

☐	Change of Address
☐	Substitution of Party
☒	I.C. 42-222 Transfer

I.C. 42-422 TRANSFERS

An Administrative Proceeding pursuant to I.C. 42-222 has been completed for water right 57-02211B and all appeal times have run. The following changes have been made to the water right:

☒	Point of Diversion	☐	Place of Use
☐	Period of Use	☐	Nature of Use

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached Amended Director's Reports for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
1/31/1997

57-02211B

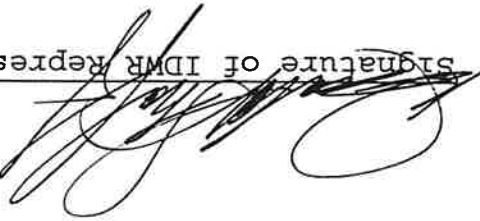
PAGE 1

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
1/31/1997

57-02211B

PAGE 2

Signature of IDWR Representative



DATED: January 31, 1997

IDWR has served copies of the Notice of Completed Administrative Transfer and Amended Director's Reports(s) on the claimant(s), prior claimants(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

CERTIFICATE OF MAILING

I certify that on *January 31, 1997* I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
2. One Copy to:
Each party in the subcase, or attorney of record:

ACE DEVELOPMENT IDAHO INC
C/O HARVEY STARK
PO BOX 820
VANCOUVER BC V5Z-4C9
3. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
4. One Copy to:
United States Dept. of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724

Dani M Smith

Signature of person or attorney mailing the form

Status of Contested Case

- ☒ record re-formatted date: *1-97*
- ☐ SF5 information sent date:
- ☐ SF5 signed
- ☐ Special Master Report requested and sent date:
- ☐ Partial Decree requested and sent date:

DO NOT FILM!

NCAP completed & sent 1-31-97

PRIORITY DATE: 01/04/1955

POINT OF DIVERSION: T05S R01E S24 SENE Within OWYHEE County

TWO POINTS OF DIVERSION ARE LOCATED WITHIN SENE, S24, T05S, R01E.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		Irrigation Season	2.56 CFS
			693.0 AFY

PLACE OF USE:	IRRIGATION	Within OWYHEE County			
	T05S R01E S13	SWNE 4.0	SENE 40.0	NESE 40.0	NWSE 10.0
		SESE 40.0			
	S24	NENE 20.0			
	154.0 ACRES TOTAL				

CONSUMPTIVE USE: 539.0 AFY

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

Carter
R- Roxanne
Western AJ

TRANSFER NO. 4308
WATER RIGHT NO. 57-02211B

This is to certify that: ACE DEVELOPMENTS LTD
C/O HARVEY STARK
PO BOX 820
810 W BROADWAY AVE
VANCOUVER BC V524C9

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	03/15 to 11/15	2.56 CFS	693.0 AF

SOURCE

GROUNDWATER

Priority: 01/04/1955

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 24, Township 05S, Range 01E
OWYHEE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05S 01E 13	SWNE 4	SENE 40	NESE 40	134
	NWSE 10	SESE 40		20
24	NENE 20			154

Total number of acres irrigated: 154

CONDITIONS/REMARKS:

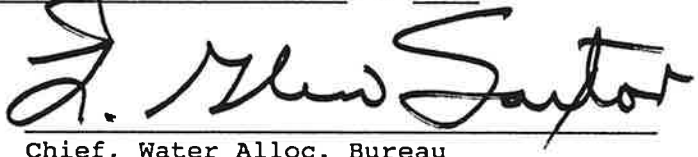
1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

TRANSFER NO. 4308
WATER RIGHT NO. 57-02211B

CONDITIONS/REMARKS:

4. The change approved by this transfer is subject to the terms of the court's final decree of this right in the ongoing Snake River Basin Adjudication.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- *6. The total instantaneous diversion of water from all points of diversion under Transfer No. 4308 shall not exceed 2.56 cfs, nor total combined annual volume of 693.0 af.
7. Two points of diversion are located within SENE, S24, T05S, R01E.

Dated this 29th day of July, 1994.



Chief, Water Alloc. Bureau

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A57-02211B
Date Received: ~~12/05/1988~~ 01/09/89
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ACE DEVELOPMENT LTD. 208-845-2487
Address: HC 85 P.O. BOX 169B
BRUNEAU, ID 83604

2. Date of Priority: JAN 04, 1955

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	01E	24	SE	SW	NE		OWYHEE
			NW	SE	NE		OWYHEE

5. Description of diverting works:
ARTESIAN FLOWING WELL 100 HP. VERT. TURBINE MOTOR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.560		
IRRIGATION STORAGE	01/01	12/31			770.00
IRRIGATION FROM STORAGE	03/15	11/15			770.00
DIVERSION TO STORAGE	01/01	12/31	2.560		

7. Total Quantity Appropriated is:
2.560 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 539.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A57-02211B

Page 1

Date: 12/05/88

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	01E	13	SW	NE		IRR	4.0
			SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	10.0
			SE	SE		IRR	40.0
						Section Acres	134.0
		24	NE	NE		IRR	20.0
						Section Acres	20.0
						Total Acres	154.0

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A0207090,A5707460.

14. Remarks:

THE MAX. ANNUAL VOLUME OF WATER TO BE DIVERTED UNDER THIS RT. SHALL NOT EXCEED 770.0 AF. A TOTALIZING FLOW METER & LOCKABLE CONTROLLING WORKS OF A TYPE ACCEPTABLE TO THE DEPT. SHALL BE PERMANENTLY INSTALLED & MAINTAINED AS PART OF THE DIVERTING WORKS PRIOR TO DIVERTING WATER FOR FISH PROP. VIOLATIONS OF THE CONDITIONS IDENTIFIED HEREIN WILL BE CAUSE FOR THE DEPT. TO VOID THE APPROVAL OF THIS TRANS. & CANCEL PERMIT 57-7460. A PORTION OF THE WATER DIVERTED UNDER THE RT. COVERED BY THIS TRANS. WILL BE DIVERTED TO STORAGE FOR IRRIG. FOLLOWING USE OF THE WATER FOR FISH PROP. UNDER PERMIT 57-7460. STORAGE FACILITIES WILL BE CONSTRUCTED ON IRRIGATED ACREAGE RESULTING IN A REDUCTION OF IRRIGATED ACREAGE EQUAL TO THE SURFACE AREA OF THE STORAGE PONDS. THE DIRECTOR RETAINS JURISDICTION OVER THIS TRANS. TO ESTABLISH & MODIFY METHODS OF MITIGATING FOR LOSSES CAUSED BY THE FISH PROP. USE.

15. Basis of Claim: LICENSE
Water Right Number: 25346

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Robert C. Williams Date: 12/5/88
DIRECTOR ACE DEVELOPMENT LTD Date: _____

State of Idaho)
County of Adair) SS.

Subscribed and sworn (or affirmed) before me this 3 day
of Dec 19 88

John Dale Cohen
Notary Public

Seal

Residing at Bain Id

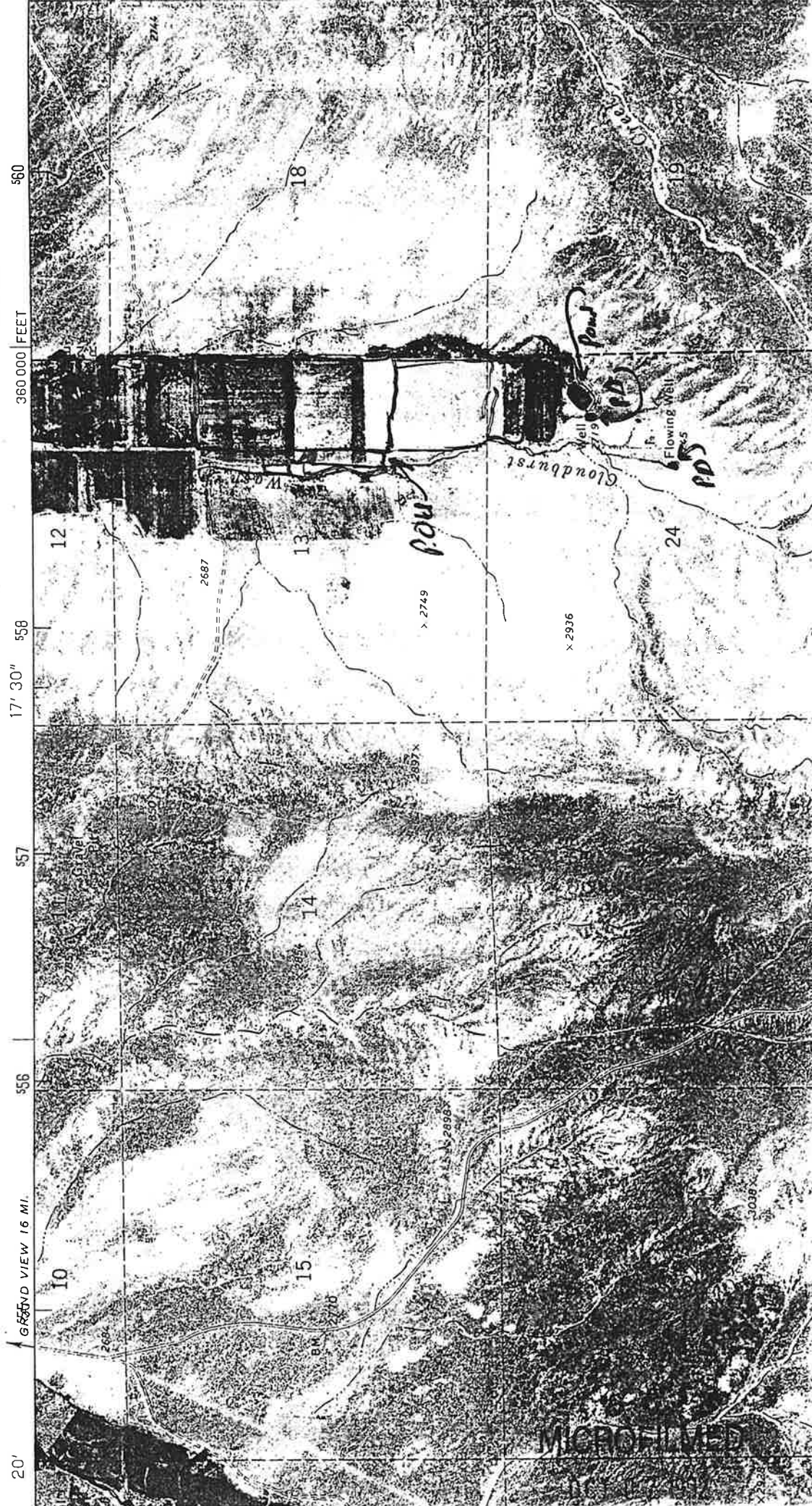
My Commission Expires 4/7/94

ss 1/E
see 13

RIR2E

ROUGH MTN. NE QUADRA
IDAHO

7.5 MINUTE SERIES (ORTHOPHO-



Water Right Number - 57-02211B

Adj. Flag Translation: WATER RIGHT

Old (D) Number - 25346

+ - - - - Last Name - - - - + + - First Name - - - - + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
KETTERLING

TERRY L.

1 - P.O. BOX 54E1

2 -

3 -

City- HAMMETT

Phone -

1 -

2 -

3 -

City-

Phone -

State- ID Zip- 836270000

ACE DEVELOPMENT LTD.

State- Zip-

*** O - ORIGINAL OWNER ***
STEINER

HAROLD A.

1 -

2 -

3 -

City-

Phone -

State- Zip-

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + - - Status - - - +
01/04/1955 14 ERROR IN REGION L - LICENSE

+ - - - - Source - - - - + + - - - Tributary - - - - - - - - - - - +

GROUNDWATER

+ - - - - - - - - - - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code) - - - - - +
Twn Rng Sec Tract Lot RFlg County05S 01E 24 SW NE (73) OWYHEE
05S 01E 24 SE NE (73) OWYHEE+ - - - - - - - - - - - - - Water Use - - - - - Diversion Rate Diversion Volume - - - - - +
Code Description Period From Period To01 - IRRIGATION 03/15 11/15 2.560 770.00
02 - IRRIGATION STORAGE 01/01 12/31 ~~770.00~~ 300Rch
03 - IRRIGATION FROM STORAGE 03/15 11/15 ~~770.00~~ 300
55 - DIVERSION TO STORAGE 01/01 12/31 2.560+ - - Total Div. Rate - + - - Total Div. Volume - + - - Total Div. Capacity - + - - Total Consumptive Use - + - - KW Usage - +
2.560 770.00 539 AFA Rch+ - - - - - - - - - - - - - Place of Use - - - - - Description - - - - - County - - - - - +
Twn Rng Sec Tract Lot Acres Code05S 01E 13 SW NE 4.0 01 IRRIGATION (73) OWYHEE
05S 01E 13 SE NE 40.0 01 IRRIGATION (73) OWYHEE
05S 01E 13 NE SE 40.0 01 IRRIGATION (73) OWYHEE
05S 01E 13 NW SE 10.0 01 IRRIGATION (73) OWYHEE
05S 01E 13 SE SE 40.0 01 IRRIGATION (73) OWYHEE
05S 01E 24 NE NE 20.0 01 IRRIGATION (73) OWYHEE

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Total Acres:

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OCT 07 1992

Transfer No. 3341
Water Right No. 57-2211STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant Terry L. Ketterling &/Ace Development, Ltd. Phone 487-7060
Post Office address Box 54E1, Hammett, ID 83627

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____ (Name)
In case of _____ vs _____
dated in _____ in _____ (Name of court) county of _____
- b. License No. 57-2211 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 _____
-
- Purchased property in 1978.

3. Source of water Groundwater tributary to _____
4. Date of priority January 4, 1955
5. Water is used for the following purposes:
amount 2.66 cfs for irrigation purposes from Mar. 15 to Nov. 15

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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. 2.56 cubic feet per second
 &/or
 b. 770 acre feet per annum

2. Point of diversion SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24 Township 5S
 Range 1E, B.M., Owyhee County
 Additional points SWNE, S. 24, T. 5S, R. 1E.

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 $\frac{1}{4}$ | |
| 5S | 1E | 13 | | | 4 | 40 | | | | | | | | | 40 | 10 | | 40 | 134 |
| | | 24 | 20 | | | | | | | | | | | | | | | | 20 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | 154 |

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 2.56 c.f.s. &/or 770 acre feet

MICROFILMED
 OCT 07 1992

c. Describe the lands or place of use to which the right will be transferred:
NO CHANGE (6 ac deleted in SWSE) SEE ATTACHMENT A FOR CHANGE IN USE & PERIOD OF USE
SEC 13)

Total number of acres to be irrigated _____

- EFFLUENT
POND

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OCT 07 1992

D. REMARKS

This application is to be reviewed in conjunction with App. for Permit No. 57-7460.
The intent of this app. for transfer is to allow the historically diverted irrigation flows to be diverted prior to the irrigation season, and to be stored for irrigation use during the irrigation season. Storage in this case is not considered to be an

additional use because flows will be stored above ground, whereas historically they (see Attachment B for cont. 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.

Larry S. Kusterling
(Signature of Applicant)

Subscribed and sworn to before me this 26 day of February, 19 87.

Nancy M. Lindgren
(Notary Public)

My commission expires Jan. 7, 1988

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 57-2211
and said application is hereby APPROVED, subject to the following limitations and conditions:
SEE ATTACHMENT A FOR CONDITIONS OF APPROVAL OF THIS TRANSFER.

MICROFILMED
OCT 07 1992

ATTACHMENT A

CONDITIONS OF APPROVAL
For Transfer of Water Right No. 57-2211

1. The maximum annual volume of water to be diverted under this right shall not exceed 770.0 acre feet.
2. A totalizing flow meter and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diverting water for fish propagation.
3. Violation of the conditions identified herein will be cause for the Department to void the approval of this transfer and cancel permit 57-7460.
4. A portion of the water diverted under the right covered by this transfer will be diverted to storage for irrigation following use of the water for fish propagation under Permit No. 57-7460.
5. Storage facilities will be constructed on irrigated acreage resulting in a reduction of irrigated acreage equal to the surface area of the storage ponds.
6. The Director retains jurisdiction over this transfer to establish and modify methods of mitigating for losses caused by the fish propagation use.

Witness my hand this 10th day of September, 1987.

J. Glen Saxton
Chief, Operations Bureau

MICROFILMED
OCT 07 1992

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A57-02211B
Date Received: 1/09/1989
Receipt No: W001899
Received By: EHR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ACE DEVELOPMENT LTD. 208-845-2487
Address: HC 85 P.O. BOX 169B
BRUNEAU, ID 83604

2. Date of Priority: JAN 04, 1955

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 05S | 01E | 24 | SE | SW | NE | | OWYHEE |
| | | | NW | SE | NE | | OWYHEE |

5. Description of diverting works:
ARTESIAN FLOWING WELL 100 HP. VERT. TURBINE MOTOR.

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S. | (or) | A.F.A. |
|-------------------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 2.560 | | |
| IRRIGATION STORAGE | 01/01 | 12/31 | | | 770.00 |
| IRRIGATION FROM STORAGE | 03/15 | 11/15 | | | 770.00 |
| DIVERSION TO STORAGE | 01/01 | 12/31 | 2.560 | | |

7. Total Quantity Appropriated is:
2.560 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 539.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A57-02211B

Page 1

Date: 01/09/89

MICROFILMED

OCT 07 1992

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 05S | 01E | 13 | SW | NE | | IRR | 4.0 |
| | | | SE | NE | | IRR | 40.0 |
| | | | NE | SE | | IRR | 40.0 |
| | | | NW | SE | | IRR | 10.0 |
| | | | SE | SE | | IRR | 40.0 |
| | | | | | | Section Acres | 134.0 |
| | | 24 | NE | NE | | IRR | 20.0 |
| | | | | | | Section Acres | 20.0 |
| | | | | | | Total Acres | 154.0 |

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A0207090,A5707460.

14. Remarks:

THE MAX. ANNUAL VOLUME OF WATER TO BE DIVERTED UNDER THIS RT. SHALL NOT EXCEED 770.0 AF. A TOTALIZING FLOW METER & LOCKABLE CONTROLLING WORKS OF A TYPE ACCEPTABLE TO THE DEPT. SHALL BE PERMANENTLY INSTALLED & MAINTAINED AS PART OF THE DIVERTING WORKS PRIOR TO DIVERTING WATER FOR FISH PROP. VIOLATIONS OF THE CONDITIONS IDENTIFIED HEREIN WILL BE CAUSE FOR THE DEPT. TO VOID THE APPROVAL OF THIS TRANS. & CANCEL PERMIT 57-7460. A PORTION OF THE WATER DIVERTED UNDER THE RT. COVERED BY THIS TRANS. WILL BE DIVERTED TO STORAGE FOR IRRIG. FOLLOWING USE OF THE WATER FOR FISH PROP. UNDER PERMIT 57-7460. STORAGE FACILITIES WILL BE CONSTRUCTED ON IRRIGATED ACREAGE RESULTING IN A REDUCTION OF IRRIGATED ACREAGE EQUAL TO THE SURFACE AREA OF THE STORAGE PONDS. THE DIRECTOR RETAINS JURISDICTION OVER THIS TRANS. TO ESTABLISH & MODIFY METHODS OF MITIGATING FOR LOSSES CAUSED BY THE FISH PROP. USE.

15. Basis of Claim: LICENSE
Water Right Number: 25346

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A57-02211B**
Date Received: 1/ 9/1989
Receipt No: W001899
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: ACE DEVELOPMENT (IDAHO) INC 604-732-6111
Address: C/O HARVEY STARK
PO BOX 820-810
WEST BROADWAY AVENUE
VANCOUVER BC V524C-9

2. Date of Priority: JAN 4, 1955

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 05S | 01E | 24 | SE | SW | NE | | OWYHEE |
| | | | NW | SE | NE | | OWYHEE |

5. Description of diverting works:
ARTESIAN FLOWING WELL 100 HP. VERT. TURBINE MOTOR.

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S | (or) | A.F.A. |
|-------------------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 2.560 | | |
| IRRIGATION STORAGE | 01/01 | 12/31 | | | 770.00 |
| IRRIGATION FROM STORAGE | 03/15 | 11/15 | | | 770.00 |
| DIVERSION TO STORAGE | 01/01 | 12/31 | 2.560 | | |

7. Total Quantity Appropriated is:
2.560 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 539.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

MICROFILMED
OCT 07 1992

DEMOTORM

5124 50 100

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 05S | 01E | 13 | SW | NE | | IRR | 4.0 |
| | | | SE | NE | | IRR | 40.0 |
| | | | NE | SE | | IRR | 40.0 |
| | | | NW | SE | | IRR | 10.0 |
| | | | SE | SE | | IRR | 40.0 |
| | | | | | | Section Acres | 134.0 |
| | | 24 | NE | NE | | IRR | 20.0 |
| | | | | | | Section Acres | 20.0 |
| | | | | | | Total Acres | 154.0 |

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A0207090,A5707460.

14. Remarks:

THE MAX. ANNUAL VOLUME OF WATER TO BE DIVERTED UNDER THIS RT. SHALL NOT EXCEED 770.0 AF. A TOTALIZING FLOW METER & LOCKABLE CONTROLLING WORKS OF A TYPE ACCEPTABLE TO THE DEPT. SHALL BE PERMANENTLY INSTALLED & MAINTAINED AS PART OF THE DIVERTING WORKS PRIOR TO DIVERTING WATER FOR FISH PROP. VIOLATIONS OF THE CONDITIONS IDENTIFIED HEREIN WILL BE CAUSE FOR THE DEPT. TO VOID THE APPROVAL OF THIS TRANS. & CANCEL PERMIT 57-7460. A PORTION OF THE WATER DIVERTED UNDER THE RT. COVERED BY THIS TRANS. WILL BE DIVERTED TO STORAGE FOR IRRIG. FOLLOWING USE OF THE WATER FOR FISH PROP. UNDER PERMIT 57-7460. STORAGE FACILITIES WILL BE CONSTRUCTED ON IRRIGATED ACREAGE RESULTING IN A REDUCTION OF IRRIGATED ACREAGE EQUAL TO THE SURFACE AREA OF THE STORAGE PONDS. THE DIRECTOR RETAINS JURISDICTION OVER THIS TRANS. TO ESTABLISH & MODIFY METHODS OF MITIGATING FOR LOSSES CAUSED BY THE FISH PROP. USE.

ADDRESS CHANGE:
SEE TELEPHONE CONVERSATION WITH ROBERT WILLIAMS, DATED 10/23/91. SPOKE WITH NEW POINT OF CONTACT, HARVEY STARK, SEE CONCERSATION MEMO DATED 10/24/91. AT THAT TIME HE GAVE ME THE NEW ADDRESS.

15. Basis of Claim: LICENSE

Water Right Number: 25346

MICROFILMED

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ____ do not ____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MAY 05 1997

1977 MAY -2 PM 2:43

DISTRICT COURT - SRSA
TWIN FALLS, IDAHO

F. *PK*

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER VACATING STATUS CONFERENCE** was mailed on May 2, 1997, with sufficient first-class postage to the following:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

The United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Director of IDWR
P O Box 83720
Boise, Idaho 83720-0098

John Martin, Daniel Martin, Alan Martin
White Eagle Ranches
HC 79, Box 2260
Murphy, Idaho 83650


Deputy Clerk

RECEIVED

FEB 03 1997

RECEIVED

Department of Water Resources
Adjudication Bureau

JAN 30 1997

1997 JAN 28 AM 08:48
OFFICE OF THE DISTRICT COURT - SRBA
ATTORNEY GENERAL TWIN FALLS CO., IDAHO
FILED

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

| | | |
|----------------|---|-----------------------|
| In Re SRBA |) | NOTICE SETTING STATUS |
| |) | CONFERENCE |
| Case No. 39576 |) | |
| _____ |) | SUBCASE NO: 57-02211B |

Please be advised that Special Master FRITZ X HAEMMERLE
has set a Status Conference in the above subcase(s)
as follows:

FRIDAY, MAY 02, 1997 at 10:00 AM

OWYHEE COUNTY COURTHOUSE
HIGHWAY 78
PO BOX 128
MURPHY, ID

Option: Parties may participate by phone if they contact the
clerk at (208) 736-3011 prior to APRIL 28, 1997.

Dated: JANUARY 28, 1997

/S/ DEBBIE LASH
Deputy Clerk
Snake River Basin Adjudication

MAIL3663



CLIVE STRONG
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING STATUS CONFERENCE was mailed on JANUARY 28, 1997, with sufficient first-class postage to the following:

ACE DEVELOPMENT (IDAHO) INC.
C/O HARVEY STARK
PO BOX 820
VANCOUVER, BC 55900-4390

CLIVE STRONG
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720
Phone: 208-334-2400
Rep: STATE OF IDAHO

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

JACK HAUGRUD
US DEPT OF JUSTICE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 202-305-0438
Rep: USDI BLM

MOVANT'S NAME:**UNITED STATES OF AMERICA****Attorneys' Names and Addresses:**

LOIS J. SCHIFFER
Assistant Attorney General
Environment and Natural Resources Division

R. LEE LEININGER
PAUL F. HOLLEMAN
WILLIAM M. FERRY
Attorneys, Department of Justice
General Litigation Section
Environment and Natural Resources Division
P.O. Box 663
Washington, D.C. 20044-0663
(202) 305-0494

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

In Re SRBA**57-02211B****Case No. 39576****STIPULATION FOR WITHDRAWAL****DESCRIPTIVE SUMMARY**

This is a stipulation to resolve water right number 57-02211B. The parties stipulate to the withdrawal of the United States' objection to the water right claimed in this subcase.

STIPULATION

1. Pursuant to I.R.C.P. 41(a)(1), the United States of America and John or Alan Martin, doing business as Wide Eagle Ranches, stipulate that the objection filed by the Bureau of Land Management (BLM) to water right number 57-02211B is hereby withdrawn with prejudice.

2. This stipulation was reached through negotiations for the purpose of resolving legal disputes, including pending litigation, and all parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest or be used in any legal proceeding, and that this agreement is not and shall not be used as precedent for any other claim to a water right.

3. All parties agree to bear their own costs and attorney's fees in connection with this matter.

4. This stipulation was entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence whatsoever.

Dated:

4/30/97

UNITED STATES OF AMERICA

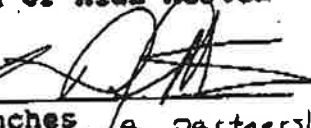
by:



R. Lee Leininger
Paul F. Holleman
Attorneys, Department of Justice

Claimant: John or Alan Martin

Dated:

for  White  a partnership of
for Daniel and Alan
Martin
 

CERTIFICATE OF SERVICE

I hereby certify that on May 2, 1997, I served a copy of the foregoing Stipulation for Withdrawal upon the following:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Jon Martin
Daniel Martin
Alan Martin
White Eagle Ranches
HC 79, Box 2260
Murphy, ID 83650

Paula Clinedinst
Paula Clinedinst



UNITED STATES DEPARTMENT OF JUSTICE
ENVIRONMENT and NATURAL RESOURCES
DIVISION
GENERAL LITIGATION SECTION

U.S. POSTAL MAILING ADDRESS
P.O. BOX 663
WASHINGTON, D.C. 20044-0663

FED EX/HAND DELIVERIES
601 PENNSYLVANIA AVE, NW
SUITE 854
WASHINGTON, D.C. 20004

IMPORTANT: This fax is confidential and is intended to be read only by the person to whom it is addressed. If you have received this transmission in error, please notify us by telephone.

Fax No. (202) 305-0506 or (202) 305-0267
Voice No. (202) 305-0504

DATE: May 2, 1997

TO: ① Danise Gough
② Andrew Helmlinger

FAX NO. (208) 387-0842
(208) 327-5400

SENT BY: Paula Clinedinst

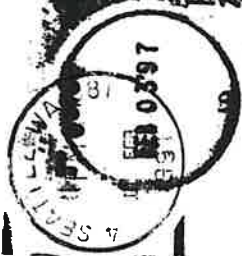
NUMBER OF PAGES SENT (INCLUDING COVER PAGE): 4

MESSAGE: Here is a Stipulation for Withdrawal for
57-02211B. I served/fled today.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

RETURN TO SENDER

☐ NO BOX NUMBER
☐ INCOMPLETE ADDRESS
☐ NO LONGER AT
☐ UNKNOWN



RECEIVED

FEB 18 1997

Department of Water Resources

ACE DEVELOPMENT IDAHO INC.

C/O Harvey Stark

P.O. Box 820

Vancouver BC V5Z 4C9

57-02211B

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATE

PURPOSE OF USE

PERIOD OF USE
FROM TOMAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: GROUNDWATER

TRIBUTARY:

57-02211B

ACE DEVELOPMENT (IDaho) INC

01/04/1955 IRRIGATION

03-15 11-15

2.56 CFS LICENSE

C/O HARVEY STARK

PO BOX 820-810

WEST BROADWAY AVENUE

VANCOUVER BC V5Z4C-9

IRRIGATION STORAGE

01-01 12-31

693.0 AFY

IRRIGATION FROM STORAGE 03-15 11-15

300.0 AFY

DIVERSION TO STORAGE 01-01 12-31

2.56 CFS

TOTAL QUANTITY:

2.56 CFS

TOTAL VOLUME:

693.0 AFY

CONSUMPTIVE USE:

539.0 AFY

POINT OF DIVERSION:

T05S R01E S24

NWSENE

~~T05S R01E S24~~~~SESENE~~

PLACE OF USE: IRRIGATION

T05S R01E S13

SWNE 4.0

SENE 40.0

NESE 40.0

NWSE 10.0

SESE 40.0

154.0 ACRES TOTAL

PLACE OF USE: IRRIGATION STORAGE

SAME AS OTHER USE

PLACE OF USE: IRRIGATION FROM STORAGE

SAME AS OTHER USE

PLACE OF USE: DIVERSION TO STORAGE

SAME AS OTHER USE

REMARKS: THIS RIGHT INCLUDES AN ACCOMPLISHED TRANSFER OF THE PLACE OF USE

AND NATURE OF USE.

Movant's Name:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

LOIS J. SCHIFFER
Acting Assistant Attorney General
Environment and Natural Resources Division

PETER C. MONSON
LEIF JOHNSON
Attorneys, Department of Justice
Indian Resources Section
Environment and Natural Resources Division

K. JACK HAUGRUD
DARIA J. ZANE
R. LEE LEININGER
Attorneys, Department of Justice
General Litigation Section
Environment and Natural Resources Division
P.O. Box 663
Washington, D.C. 20044-0663
(202) 272-8351, (202) 272-4692

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

| | | |
|----------------|---|-----------------------|
| In Re SRBA |) | Subcase No. 57-02211B |
| |) | |
| Case No. 39576 |) | STIPULATION AND ORDER |
| |) | TO RESOLVE OBJECTION |

DESCRIPTIVE SUMMARY

This is a stipulation and order to resolve the United States' objection to water right number 57-02211B.

STIPULATION

To resolve the dispute over the above-captioned water rights, the claimant, Ace Development (Idaho) Inc., the objector, the United States of America, and the Idaho Department of Water Resources (IDWR), stipulate and agree as follows:

1. The ^{point}~~place~~ of diversion as recommended in the Director's Report is incorrect. The following ^{point}~~place~~ of diversion should be deleted: T05S R01E S24 SESWNE.

2. The water right is accurately described in Exhibit 1, a revised page of the Director's report containing the changes described above showing specific changes made to the Director's original recommendation in an underline/overstrike format.

3. All decrees, whether partial or final, should describe the water right as modified and described in Exhibit 1.

4. Upon entry of partial and final decrees for this water right number describing the right as shown in Exhibit 1, including the modification indicated thereon, the objection of the United States shall be deemed withdrawn.

5. Because there are no remaining objections to this water right, a partial decree may be entered for it pursuant to I.C. 42-1412(8).

6. All parties agree to bear their own costs and attorneys' fees in connection with this matter.

7. This stipulation is entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence, whatsoever.

Respectfully submitted,

CLAIMANT

Dated:

Ace Development (Idaho) Inc.

Dated:

UNITED STATES OF AMERICA
on behalf of the BLM

By:

Daria J. Zane
R. Lee Leininger
Attorneys
General Litigation Section
Environment & Natural Resources Division
U.S. Department of Justice

Dated:

By:

BUREAU OF LAND MANAGEMENT

David Brunner
District Manager
Boise District
Bureau of Land Management

Dated:

By:

IDAHO DEPARTMENT OF WATER RESOURCES

Daniel L. Steckel
Deputy Attorney General
Department of Water Resources

ORDER

This matter having come before the Court upon stipulation of counsel, and good cause having been shown,

IT IS HEREBY ORDERED that the Court shall enter a partial decree for water right 57 - 02211B as described in the attached Exhibit 1. The United States' objection shall be deemed withdrawn upon entry of the partial decree. Because no other objections have been raised to this water right, the hearing for entry of this partial decree is scheduled for _____, 199__, at the Snake River Basin Adjudication Courthouse, 253 Third Avenue North, Twin Falls, Idaho.

DATED and signed this _____ day of _____, 1994.

DANIEL C. HURLBUTT JR.
District Judge

AJ5856NP

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

DATE: MAR-22-1994
PAGE: A-3

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATE

PURPOSE OF USE
FROM TO

MAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: GROUNDWATER

57-02211B

ACE DEVELOPMENT (IDAHO) INC
C/O HARVEY STARK
PO BOX 820-810
WEST BROADWAY AVENUE
VANCOUVER BC V5Z4C-9

01/04/1955

IRRIGATION

03-15 11-15

2.56

CFS
AFY

LICENSE

IRRIGATION

01-01 12-31

300.0

AFY

IRRIGATION FROM

03-15 11-15

300.0

AFY

STORAGE

DIVERSION TO

01-01 12-31

2.56

CFS

TOTAL QUANTITY:

2.56

CFS

AFY

CONSUMPTIVE USE:

693.0

AFY

AFY

POINT OF DIVERSION:

T05S R01E S24

~~SENE~~
NUSENE

PLACE OF USE: IRRIGATION

T05S R01E S13

SENE 4.0
SESE 40.0
NENE 20.0

SENE 40.0

NESE 40.0

NUSE 10.0

154.0 ACRES TOTAL

PLACE OF USE: IRRIGATION STORAGE

SAME AS OTHER USE

PLACE OF USE: IRRIGATION FROM STORAGE

SAME AS OTHER USE

PLACE OF USE: DIVERSION TO STORAGE

SAME AS OTHER USE

REMARKS: THIS RIGHT INCLUDES AN ACCOMPLISHED TRANSFER OF THE PLACE OF USE

AND NATURE OF USE.



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

March 14, 1994

Daria Zane
U.S. Department of Justice
Environment & Natural Resources Section
General Litigation Section
P. O. Box 663
Washington, DC 20044-0063

Re: SRBA, Subcase No. 57-02211B-0001

Dear Ms. Zane:

In response to your letter of February 28, 1994, Ace Development's application for transfer is still being processed by our Western Regional Office. The application for transfer was incomplete and was only recently corrected. Notice will be published the third and fourth weeks of March with a protest deadline of April 4, 1994. If there are no protests, a decision will likely be made in late April or early May. I will advise you once a decision has been reached to grant or deny the application.

Please contact me if you have any questions or concerns.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'Dan L. Steckel', is written over a horizontal line.

DANIEL L. STECKEL
Deputy Attorney General
Idaho Department of Water Resources

DLS:rf

c. Steve Lester, IDWR Western region



RECEIVED
MAR 04 1994
Department of Water Resources

U.S. Department of Justice

WMC:DJZane
90-6-2-63c
(202) 272-8351

Washington, D.C. 20530

February 28, 1994

Daniel L. Steckel
Deputy Attorney General
Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720-9000

Re: Snake River Basin Adjudication --
Subcase No. 57-02211B-0001

Dear Mr. Steckel:

Enclosed is a copy of a reply letter dated June 8, 1993 from Harvey W. Stark on behalf of the Respondent, Ace Developments (Idaho) Inc. Please review this matter and advise us of your position and proposal to resolve the matter.

Your cooperation is appreciated. Please contact me at (202) 272-8351 should you have any questions.

Sincerely,

Daria J. Zane
Attorney
Environment & Natural Resources
Division
General Litigation Section
P.O. Box 663
Washington, D.C. 20044-0663

Enclosure

RECEIVED

ACE DEVELOPMENTS LTD.

P.O. Box 820 810 W. Broadway Ave. Vancouver, B.C., Canada V5Z 4G9 JUN 14 1993
Phone: (604) 688 - 3391 Fax: (604) 688 - 3392

June 8, 1993.

The Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303 - 2707

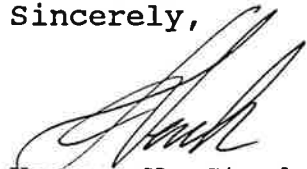
Re: Civil Case No. 39576
- Objection to Water Right # 57-02211B

I refer to the Objection (the "Objection") filed on February 23, 1993, by Attorneys for the U.S. Department of Justice, Boise, Idaho on behalf of the Petitioner, the Bureau of Land Management, ("BLM") U.S. Department of the Interior Idaho State Office, Boise, Idaho against Water Right # 57-02211B (the "Right") and which names Ace Developments (Idaho) Inc., as the respondent.

We the Respondent do not intend to file a Response to the Objection contingent on certain conditions of the State of Idaho Department of Water Resources ("IDWR"), to wit: IDWR accepting the transfer and Respondent accepting any conditions which may be imposed by IDWR for the transfer of the Right from the point of diversion ("PD") now on BLM land to an existing well (PD) on land owned free and clear by the Respondent, with any and all acceptable agreements to be perpetual. Said existing well is located within the attached Exhibit "A" legal description and the right-of-use requested shall be for any and all deeded property owned by Ace Developments Inc.

An Application of Transfer of Water Right has been forwarded to IDWR. We look forward to your response in due course and we will in due course advise you further on receipt of the reply from IDWR.

Sincerely,



Harvey W. Stark,
Secretary, Director

enclosures

CERTIFICATE OF MAILING

I, Harvey W. Stark do hereby certify that on the 8th day of June, 1993, I served the original and filed copies of the response of the Respondent to the Objection by the Bureau of Land Management, to the following persons, by mailing the original and/or true correct copies, postage prepaid by Canadian mail as follows:

1. Original to:

The Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303 - 2707

2. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, Idaho 83711-449

3. One copy to:

Attorney K. Jack Haugrud
U. S. Department of Justice
Environment and Natural
Resource Division
550 West Fort St., Box 33
Boise, Idaho 83734

4. Bureau of Land Management
U.S. Department of the
Interior, Idaho State Office
3380 Americana Terrace
Boise, Idaho 83706



Signature of Harvey W. Stark
mailing on behalf of the Respondent

RECEIVED

ACE DEVELOPMENTS LTD.

P.O. Box 820 810 W. Broadway Ave. Vancouver, B.C., Canada V5Z 4C9 JUN 14 1993
Phone: (604) 688 - 3391 Fax: (604) 688 - 3392

June 8, 1993.

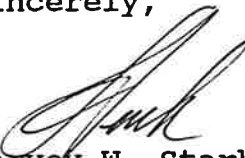
The Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303 - 2707

Re: Civil Case No. 39576
- Objection to Water Right # 57-02211B

I refer to my letter of even date wherein I neglected to enclose exhibit "A". Please find same enclosed herewith.

I regret the inconvenience.

Sincerely,


Harvey W. Stark,
Secretary, Director

enclosure

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Interior, Idaho State Office
3380 Americana Terrace
Boise, Idaho 83706



Signature of Harvey W. Stark
mailing on behalf of the Respondent



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 13, 1993

Mr. Harvey W. Stark
Ace Developments Ltd.
PO Box 820
Vancouver B.C., Canada V5Z 4C9

RE: Application for Transfer (57-02211B) and Application for Permit

Dear Mr. Stark:

It has been quite a while since your letter of June 28, but I finally have had time to look into this matter and respond. I regret the delay in replying and hope you have not been unduly inconvenienced. Enclosed are an Amended Transfer Application (to change existing right) and an Application for Permit (to establish a new right from the wells).

The amended transfer application proposes to change the points of diversion of right 57-02211B by deleting a well on BLM land and replacing it with an existing but currently capped well on company land. This should help you in dealing with SRBA issues regarding the BLM objections to which you refer.

You also stated that you would like to apply the well water to all of the company land, which, according to our records, covers 154 acres under right 57-02211B plus 300 additional acres licensed in right 02-07090 (Snake River right). In the transfer process, direct flow irrigation (noted by cfs in the water right) cannot be used on more acres than allowed by the right. However, storage water, denoted as af in the right, can be expanded onto other acres.

The amended transfer application that I prepared profiles these concepts and meets your request. If approved, right 57-02211B will be defined by page 1 of the filing. Please note that the idea of restoring 57-02211A (6 acres) and 57-02211B (154 acres) into 57-02211 (160 acres) does not appear to be a viable option based on SRBA recommendations. This idea has been eliminated from the current filing, although you certainly may file such an application if you choose. I can see no basis on which the department could approve the re-combination of A and B for 160 acres rather the 154 acres verified by the adjudication process to date.

A new application for permit is also enclosed. If approved, the new permit will allow use of direct flow irrigation (cfs) from the wells onto 292 additional acres. These are the same additional acres mentioned in the transfer and also covered by Snake River water as previously discussed. The new application shows 292 acres instead of 300 to account for minor

copy for A57-02211B

differences found in Section 18 due to government lot adjustments. The rate of flow for the new acres is explained in my notes on page 3 of the application. The concept is that the same well capacity will be spread onto more acres, thus reducing the rate of flow per acre for the system.

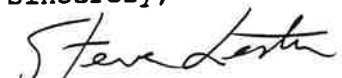
The new application for permit needs two other pieces of information. First, to use hot water for a new non-heating use, an exemption to Section 42-233, Idaho Code, (see attached copy) is needed. The application should include your reason(s) why a new use of hot water for irrigation should be permitted, e.g. an alternative cold water source from ground water is not available in the local area. Second, the proposal includes more than 200 acres, thus triggering the "large diversion supplemental information" requirement defined by Section 42-203A(5)(a-e), Idaho Code. In this case for an existing system where the new use will not require extensive construction and other notable impacts, you simply need to have the county commissioners submit a comment letter to this office within 30 days of filing the application.

To Complete Your Response - Please take the following steps:

1. The amended transfer application requires a notarized signature on page 6 and a \$20 amendment fee.
2. The application for permit needs an un-notarized signature with title at the bottom of the third page. The application fee is \$65. Include with the application a letter stating your request for exemption from 42-233 Idaho Code. Also note when and by what method you asked the county commissioners for a comment letter.
3. If additional acres other than the 292 shown on the application for permit are to be included on the proposed new right, add these to the land list (item 9), multiply the new total acreage figure by the "current rate" as explained on application page 3, and enter the adjusted total rate of flow in items 4 and 5 (this is beginning to sound too much like a tax return!). The fee remains \$65 for up to 2.00 cfs, \$85 for 2.01 to 3.00 cfs, and \$20 for each added cfs.
4. Be sure to list the names and titles of partners or other titled people for Ace Developments Ltd. in your response.

Please return the applications to me within 30 days, and feel free to call me at 208-334-2190 if I can help you with this package. Upon receiving the completed filings, the applications will be advertised in the Owyhee County newspaper.

Sincerely,


Steve Lester
Water Rights Supervisor

Enclosures

ACE DEVELOPMENTS LTD.

P.O. Box 820 810 W. Broadway Ave. Vancouver, B.C., Canada V5Z 4C9
Phone: (604) 688 - 3391 Fax: (604) 688 - 3392

June 8, 1993.

The Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303 - 2707

RECEIVED

JUL 12 1993

Department of Water Resources
Adjudication Bureau

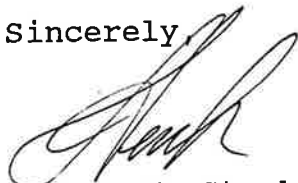
Re: Civil Case No. 39576
- Objection to Water Right # 57-02211B

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Sincerely,



Harvey W. Stark,
Secretary, Director

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550 West Fort St., Box 33
Boise, Idaho 83734

4. Bureau of Land Management
U.S. Department of the
Interior, Idaho State Office
3380 Americana Terrace
Boise, Idaho 83706



Signature of Harvey W. Stark
mailing on behalf of the Respondent

ACE DEVELOPMENTS LTD

P.O. Box 820 810 W. Broadway Ave. Vancouver, B.C., Canada V5Z 4C9
Phone: (604) 688 - 3391 Fax: (604) 688 - 3392

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

Attention: Mr. Steve Lester
Water Rights Supervisor.

Dear Sir:

RECEIVED
JUL 1 2 1993

Department of Water Resources
Western Regional Office

June 28, 1993

Re: Application for Transfer of Water Right

This is further to my letter with attachment dated May 20, 1993.

I do not have difficulty with following the procedures, its the terminology and necessity of filling or not filling in every situation and or blank space as I note when you filled it out. I have filled out the form and rather than make errors obvious to you, I have left many sections blank. Instead, I would like to narrate what we would like to accomplish and what seems reasonable in the circumstances and hopefully rely on your expertise to complete the holes I have left.

We do not intend to respond (counter claim) to the objection by the BLM on the point of diversion outside the property beyond what was contained in our letter to you on May 20.

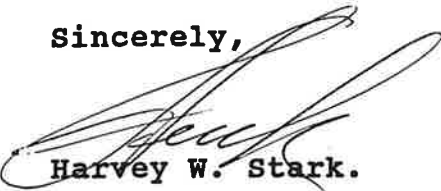
What we would intend the application to reflect that the point of diversion be changed from BLM land to the large capped well on our property as described in item 4. We would also like to change the area of beneficial use, if possible, to reflect the fact that aside from ground occupied by buildings or deep ditches to irrigate or use for storage all the deeded land.

Enclosed are two maps that would, no doubt, make sense to you vis a vis location and acreage irrigated.

I would be pleased if you could fill in as appropriate, with the intent of the above in mind, the forms enclosed. If this is not possible, I suspect I will have to make another trip to Boise to accomplish what I suspect is rather a simple straight forward process to those familiar with it.

Thank you for your cooperation and understanding. Please advise what fees are applicable in this case.

Sincerely,


Harvey W. Stark.

JUL 1 2 1993

STATE OF IDAHO

Department of Water Resources

Page _____ of _____

DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant ACE DEVELOPMENTS LTD. Phone 604 688-3391
 Post Office address P.O. Box 820-810 W. BROADWAY AVE VANCOUVER, B.C.
CANADA. V5Z 4C9.

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 RETURN SPLIT PORTION.
2. Describe the reason for the proposed changes BLM HAS OBJECTED TO A POINT OF DIVERSION,
I.E., ON BLM LAND. WE WISH TO TRANSFER PD TO CO OWNED LAND. WE
ALSO WISH TO USE TWO PD'S FOR IRRIGATION OF ALL LAND
OWNED BY THE CO.

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

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-----------------|-----------------|-----------------------|------------------------|-----------------------------|
| <u>57.02211</u> | <u>1-4-1955</u> | <u>2.66 cfs</u> | <u>IRRIGATION</u> | <u>3/15</u> to <u>11/15</u> |
| | | <u>2.66 cfs</u> | <u>DIV STORAGE</u> | <u>1/1</u> to <u>12/31</u> |
| | | <u>300 AF</u> | <u>IRRIGATION</u> | <u>1/1</u> to <u>12/31</u> |
| | | <u>300 AF</u> | <u>IRR. Fm. STORE.</u> | <u>3/15</u> to <u>11/15</u> |
2. Total amount of water being transferred 2.66 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water GROUND WATER tributary to _____
4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|----------|--------------------------|
| | NW | SE | NE | 24 | 5S | 1E | OWNYHEE. | |
| | SW | SW | NW | 24 | 5S | 1E | OWNYHEE | |
| | | | | | | | | |
| | | | | | | | | |

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 | |
| <u>A</u> | <u>6</u> | <u>5</u> | <u>0</u> | | <u>5</u> | <u>E</u> | <u>E</u> | <u>#</u> | <u>5</u> | | <u>A</u> | <u>T</u> | <u>T</u> | <u>A</u> | <u>C</u> | <u>N</u> | <u>E</u> | <u>D.</u> | |
| <u>5S</u> | <u>1E</u> | <u>13</u> | | | <u>4</u> | <u>40</u> | | | | | | | | <u>10</u> | <u>10</u> | <u>6</u> | <u>40</u> | <u>140</u> | |
| <u>5S</u> | <u>1E</u> | <u>13</u> | | | <u>6</u> | | | | | | | | | | | | | <u>6</u> | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total acres 160.

PART 1

6. General Information:

- a. Description of diversion system *Atwater will pump with storage ponds for irrigation into system.*

- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes ☒ 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:

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

RECEIVED
 JUL 1 2 1983

PART 2

(Attach one copy for each right)

Department of Water Resources
 Western Regional Office

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
 in case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. 57-02211 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3341 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 ground water tributary to _____

4. Date or priority 1-4-1955

5. Water is used for the following purpose:

amount 2.56 cfs for drinking purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount 2.56 cfs for Drinking purposes from 1/1 to 12/31
 (cfs/ac-ft)
 amount 300 ~~cfs~~ for drinking storage purposes from 1/1 to 12/31
 (cfs/ac-ft)
300 ~~AC~~ drinking storage 3/15 11/15

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

7. Point(s) of Diversion:

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

8. 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 | |
| | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | |

Total acres _____

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

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

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. | | 2. Point(s) of Diversion: | |
|-------------|---------------|---------------------------|---------------|
| amount | for | amount | for |
| (cts/ac-ft) | | (cts/ac-ft) | |
| from | purposes from | from | purposes from |
| to | | to | |

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

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

- | | | | | |
|----|-------------|-----|---------------|----|
| 1. | amount | for | purposes from | to |
| | (cts/ac-ft) | | | |
| | amount | for | purposes from | to |
| | (cts/ac-ft) | | | |
| | amount | for | purposes from | to |
| | (cts/ac-ft) | | | |

2. Point(s) of Diversion:

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

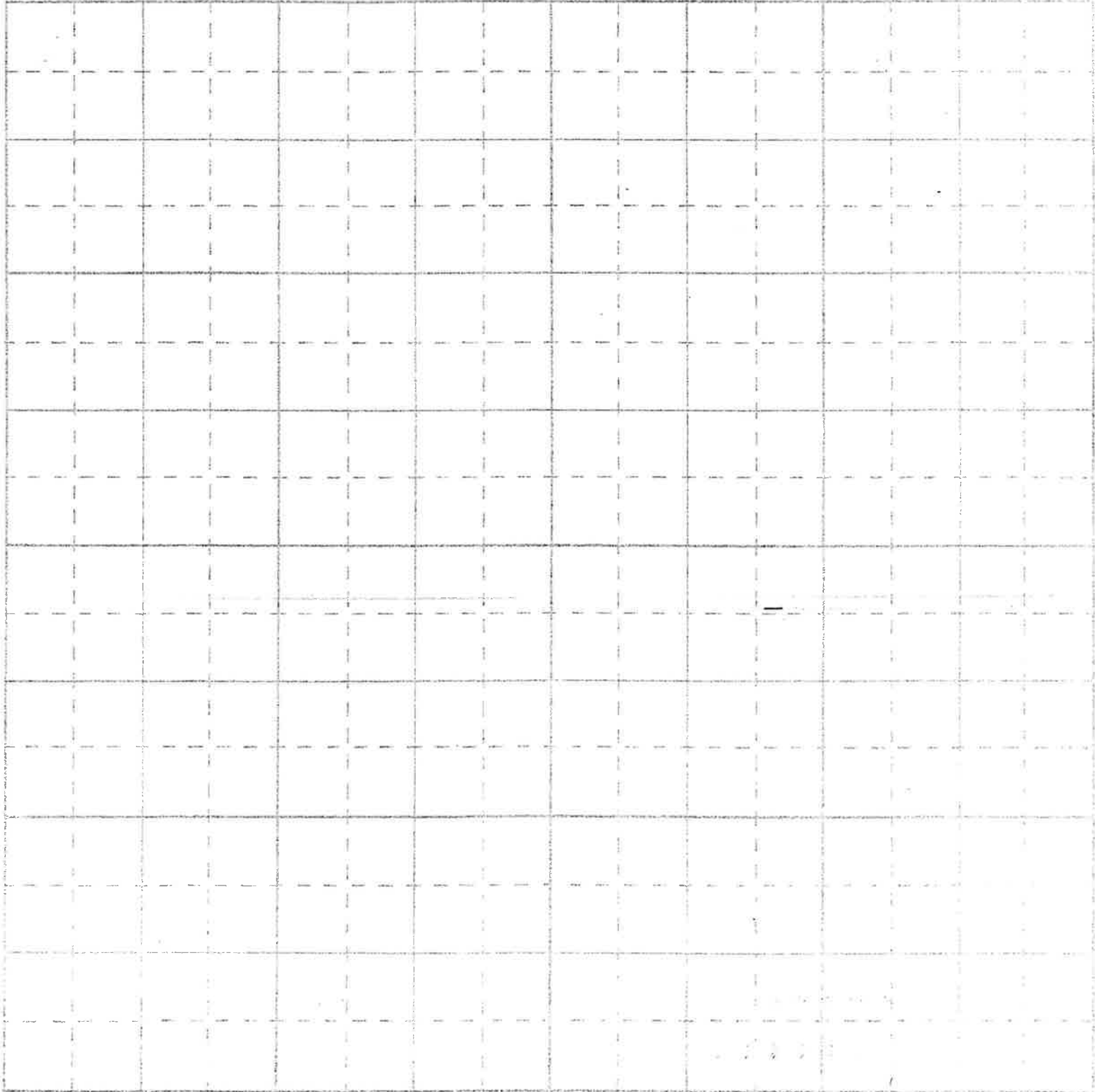
3. Lands irrigated or place of use:

[illegible]

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.**



SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3

B. CHANGES IN NATURE OF USE

| 1 | New Nature of Use | Amount
(cfs/ac-ft) | Hours/days/year | Period of Use |
|---|-------------------|-----------------------|-----------------|----------------------|
| | | | | |
| | | | | 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.

(Signature of Applicant)

Subscribed and sworn to before me this _____

day of _____

(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____

Prelim. check by _____ Fee _____

Received by _____ Date _____

Published in _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

5. Lands irrigated or place of use.

Township 5 South Range 1 East, B.M.
Sec. 13 S1/2, NE1/4; N1/2 SE1/4; SE1/4
Sec. 24 E1/2 NE1/4

Township 5 South Range 1 East, B.M.
Sec. 12 E1/2 SE1/4; SW1/4 SE1/4:
Sec. 13 N1/2 NE1/4
Township 5 South Range 2 East, B.M.
Sec. 18; Lots 1, 2 and 3

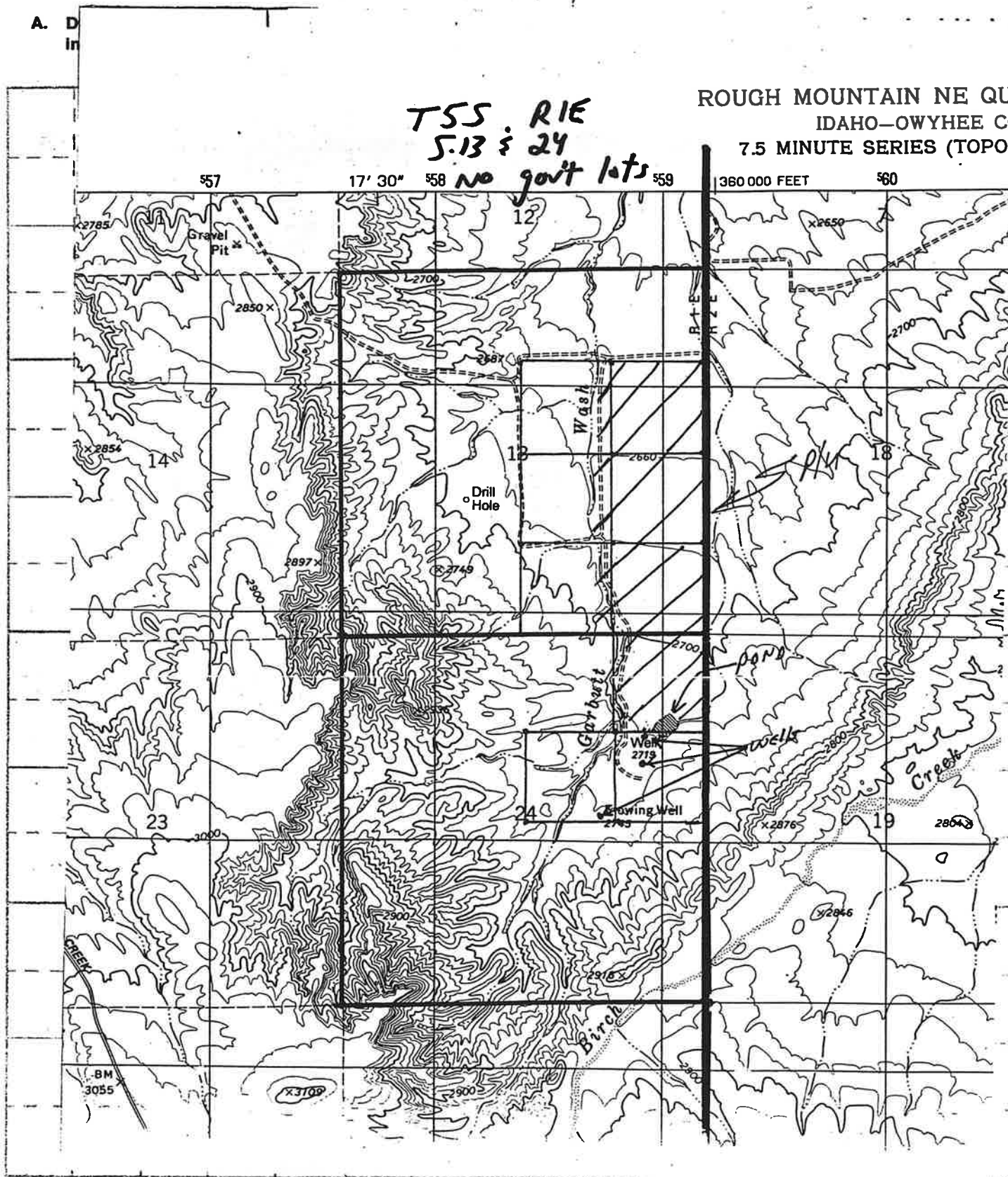
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. D
In

cribed

TSS RIE
5.13 & 24
no govt lots

ROUGH MOUNTAIN NE QU
 IDAHO-OWYHEE CO
 7.5 MINUTE SERIES (TOPOG



ACE DEVELOPMENTS LTD.

P.O. Box 820 810 W. Broadway Ave. Vancouver, B.C., Canada V5Z 4C9
Phone: (604) 688 - 3391 Fax: (604) 688 - 3392

June 8, 1993.

The Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303 - 2707

RECEIVED

JUN 14 1993

Department of Water Resources
Adjudication Bureau

Re: Civil Case No. 39576
- Objection to Water Right # 57-02211B

I refer to my letter of even date wherein I neglected to enclose exhibit "A". Please find same enclosed herewith.

I regret the inconvenience.

Sincerely,



Harvey W. Stark,
Secretary, Director

enclosure

CERTIFICATE OF MAILING

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Boise, Idaho 83706

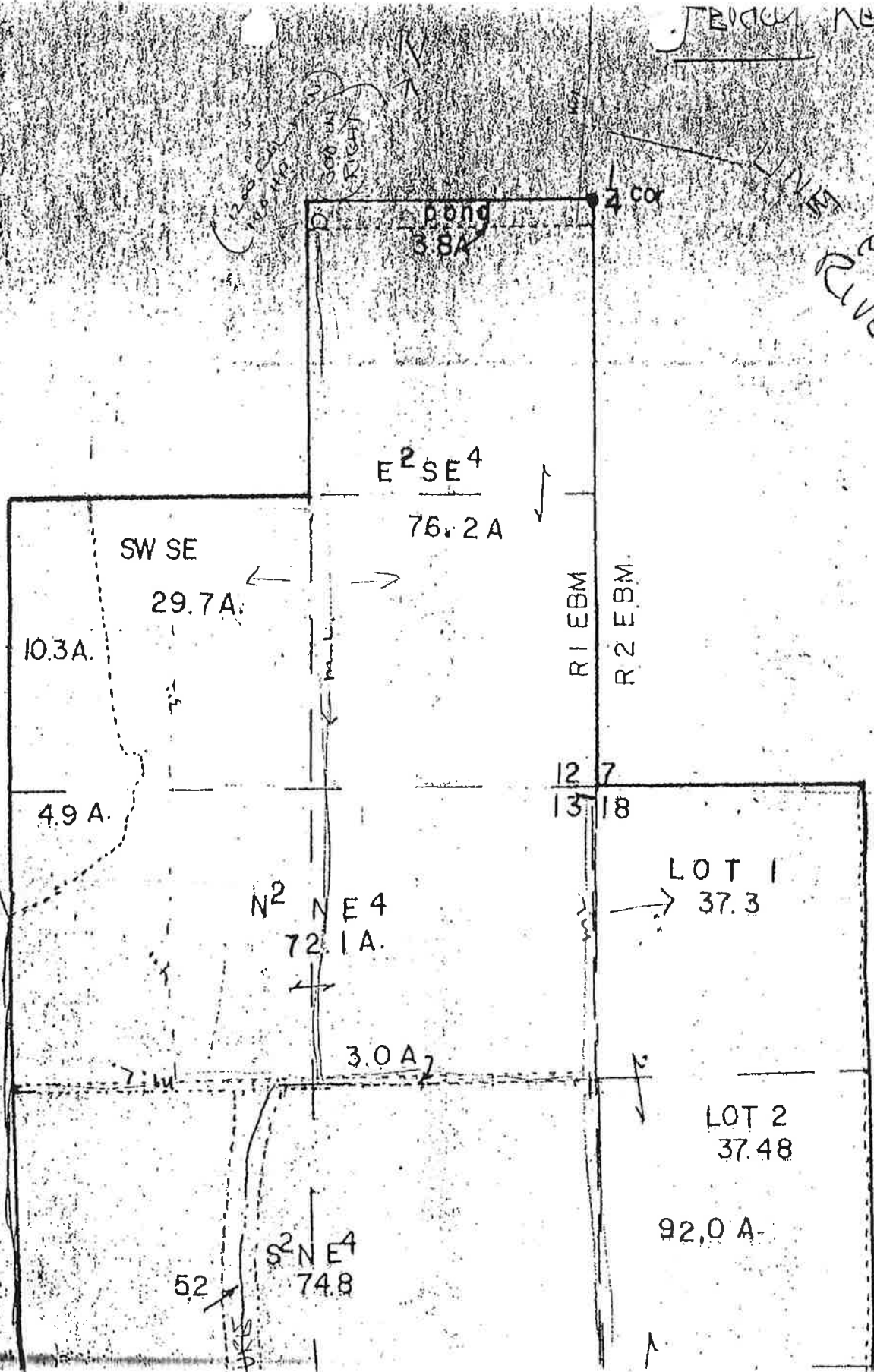


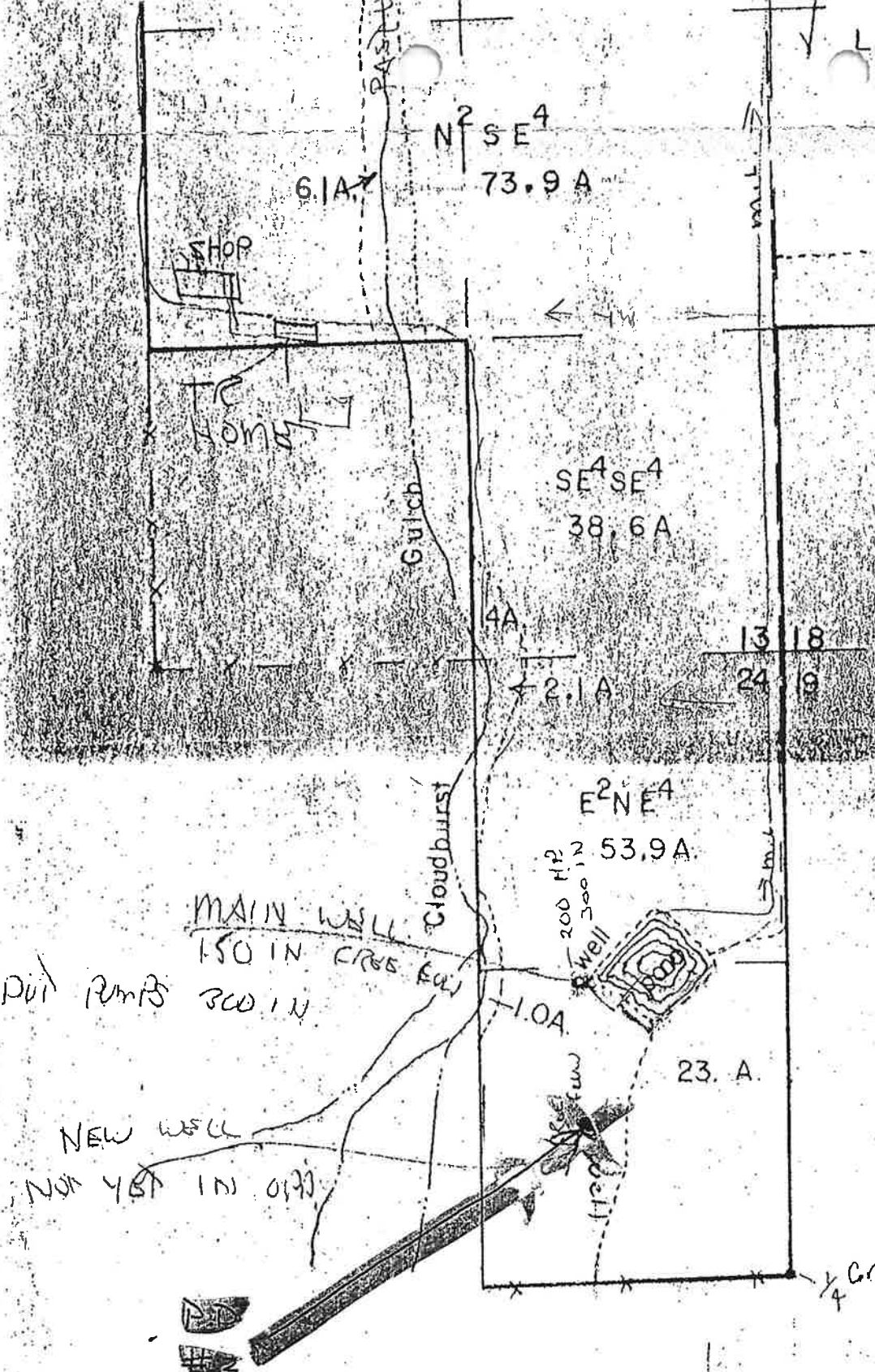
Signature of Harvey W. Stark
mailing on behalf of the Respondent

SECTION 18, T10N, R10E

LINE
CROWN
RIVER

ROAD





LOT 3
37.66

N² SE⁴
6.1A
73.9 A

20.44 A.
BRUSH

RECEIVED
JUN 14 1993
Department of Water Resources
Adjudication Bureau

SE⁴ SE⁴
38.6 A

4A

13 18

2.1 A

24 19

E² NE⁴
53.9 A

T.5 S. R. 18 2 E. B.M.

MAIN WELL
150 IN CIRC E.W.
300 IN

200 ft
200 ft
well

1.0A

23. A.

592.44 A TOTAL
511.2 A IRRIG.
81.24 A NON IRRIG.

NEW WELL
NOT YET IN 0.133



SCALE: 1" = 660'
8" = 1 mile

OW

| | |
|---|--------------|
| DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho | |
| JUN 30 1993 | |
| By _____ | Clerk |
| _____ | Deputy Clerk |

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

In Re the General Adjudication)
of the Rights to the Use of Water)
from the Snake River Basin)
Water System)

Case No. 57-02211B -0001

The State of Idaho, ex rel.)
R. Keith Higginson in his)
official capacity as Director)
of the Idaho Department of)
Water Resources,)

RESPONSE TO OBJECTION

Petitioner,)

vs.)

The United States; the State)
of Idaho; and all Claimants to)
the use of water from the Snake)
River Basin Water System,)

Respondents.)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

1. ☒ Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
2. ☒ Source: I respond to the objection concerning the source of water.
3. ☒ Quantity: I respond to the objection concerning:
 - 3a. ☒ The total quantity of water used in cubic feet per second.
 4. ☒ Priority Date: I respond to the objection concerning the priority date.
 5. ☒ Points of Diversion: I respond to the objection concerning the legal description of the point(s) of diversion.
 7. ☒ Purposes of Use: I respond to the objection concerning the purpose(s) of use.
 8. ☒ Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.

II. STATEMENT OF THE RESPONSE

2. Person who filed objection:

Name: US BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706-2544
3. If this response is filed by an attorney:

Attorney Name(s): DANIEL L. STECKEL
Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449
Attorney Phone No.: (208) 327-7900

9. ☒ Place of Use: I respond to the objection concerning:
- 9a. ☒ The legal description of the place of use.
10. ☒ Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.
11. ☒ Remarks: I respond to the objection concerning the "remarks" listed with the water right.
12. ☒ Water Right Recommendation: I respond to the objection concerning:
- 12a. ☒ This water right being recommended at all.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 1, 2, 3, 3a., 4, 5, 7, 8, 9, 9a., 10, 11, 12 and 12a. and all allegations of the objection regarding these items, IDWR responds as follows:

IDWR lacks sufficient information to form a belief as to whether any or all of the lands upon which water is diverted, conveyed, or used pursuant to this right are owned by the United States. The notice of claim attached to the objection was recommended as water right no. 57-07163. IDWR admits that the exercise of rights to water from the same source may impact each other. IDWR denies the objection and all allegations of the objection not expressly admitted herein.

CHANGES TO THE DIRECTOR'S REPORT

The director proposes no changes to the description of this claim in the Director's Report.

- ☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

(Over)

No. of
Pages
4

Notice of Claim No. A57-02211B

VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

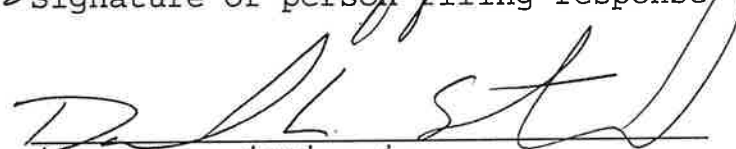
Donald V. Shaff, being first duly sworn, upon oath, deposes and says:

That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Section Manager for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.



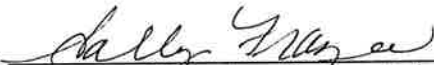
Signature of person filing response

By:



(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 27th day of June,
1993.



Notary Public for Idaho
Residing at: Boise
My Commission expires: 11-14-1998

(Over)

CERTIFICATE OF MAILING

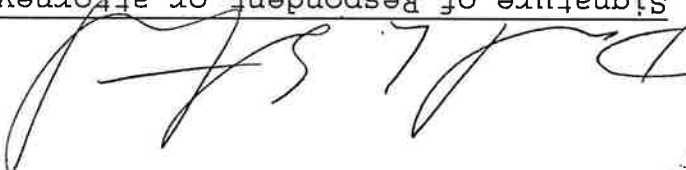
I hereby certify that on the 1st day of July, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
2. One copy to the owner of the water right, and you must fill in the following information:

Name: ACE DEVELOPMENT (IDAHO) INC
Address: C/O HARVEY STARK
PO BOX 820-810
WEST BROADWAY AVE
VANCOUVER BC V5Z4C-9

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: US DEPT OF JUSTICE
Address: K JACK HAUGRUD & DARIA J ZANE
550 W FORT ST
PO BOX 33
BOISE ID 83734


Signature of Respondent or attorney
mailing on Respondent's behalf

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

In Re the General Adjudication
of Rights to the Use of Water
from the Snake River Basin
Water System

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

Petitioner,

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

Respondents.

Case No. 57-02211B
(You must insert the
water right number you
are objecting to)

OBJECTION

RECEIVED

FEB 26 1993

Department of Water Resources
Adjudication Bureau

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. The water right number you are objecting to must be indicated above in the blank space following "Case No." To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

Any party physically filing 25 (twenty-five) or more objections must make an appointment with the Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

(Over)

By filling an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: United States of America
Bureau of Land Management
U.S. Department of the Interior
Idaho State Office
Address: 3380 Americana Terrace
Boise, Idaho 83706

Briefly describe your interest in this water right:
The United States, through the Bureau of Land
Management (BLM), has a senior existing water right
and is the owner of the land upon which this water
right is claimed, and claimant does not have a
valid water right.

2. Owner of the water right:

Name: Claimant: Ace Development (Idaho) Inc.
c/o Harvey Stark
P.O. Box 820-810
West Broadway Avenue
Vancouver, BC V524C-9
Address:

3. If this objection is filed by an attorney:

Attorney Name: K. Jack Haugrud
Daria J. Zane
Attorney Address: U.S. Department of Justice
550 West Fort Street
P.O. Box 33
Boise, Idaho 83734
Attorney Phone No.: (202) 272-8351

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☒ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☒ Source: I object to the source of water.
3. ☒ Quantity: I object to:
 - a. ☒ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☒ Priority Date: I object to the priority date.
5. ☒ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☒ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☒ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☒ Place of Use: I object to:
 - a. ☒ the legal description of the place of use; or
 - b. ☐ the number of irrigated acres within each forty (40) acre subdivision.
10. ☒ Consumptive Use: I object to the annual volume of consumptive use.
11. ☒ Remarks: I object to the "remarks" listed with the water right.

(Over)

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

The Director's Report should be changed to recommend disallowance of this claim. Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

CHANGES TO THE DIRECTOR'S REPORT

The United States of America, acting through the Bureau of Land Management, objects to this water right recommendation because the claimant is a private individual claiming a water right on public domain lands. The BLM, on behalf of the United States, has managed and controlled this property for the beneficial use of the American public. The claimant has no property interest in the claimed water right or any other water right appurtenant to federally owned lands. The United States objects to all aspects of the right because of these facts, including the recommended name and address, source, quantity, priority date, points of diversion, purpose of use, period of use, place of use, and consumptive use. BLM also objects to the recommendation in its entirety because claimant has not been the exclusive beneficial user of this water given that other members of the public have had access to this land and water source. BLM specifically objects to the quantity, priority date, point of diversion, and/or purpose of use of the claimed right because granting this right will adversely affect the United States senior water right downstream.

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

REASONS SUPPORTING EACH BOX CHECKED

12. ☒ Water Right Recommendation: I object to:
- a. ☒ this water right being recommended at all; or
- b. ☐ this water right not being recommended.
13. ☐ Description of Reservation: I object to the legal description of the reservation.
14. ☐ Other: I object to:

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary.

1. Map of claim showing federal parcel(s).
2. Copy of BLM conflicting claim or late claim.

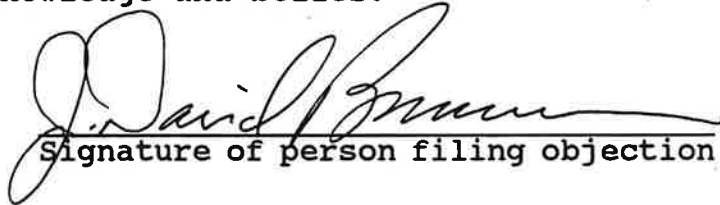
VERIFICATION (Must be Completed)

State of Idaho

County of Ada

J. DAVID BRUNNER, BOISE DISTRICT MANAGER, being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.


Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 23 day of February,
1993.


Notary Public for Ada County
Residing at: BOISE IDAHO
My Commission expires: APRIL 26, 1997

(Over)

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the clerk of the court. FAX filings will not be accepted by the clerk of the court. You must also send a copy to the owner of the water right, if other than yourself, to the Office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of February, 1993, I mailed the original and ^{7/16} copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Owner name: Ace Development (Idaho) Inc.
c/o Harvey Stark
P.O. Box 820-810
West Broadway Avenue
Vancouver, BC V524C-9

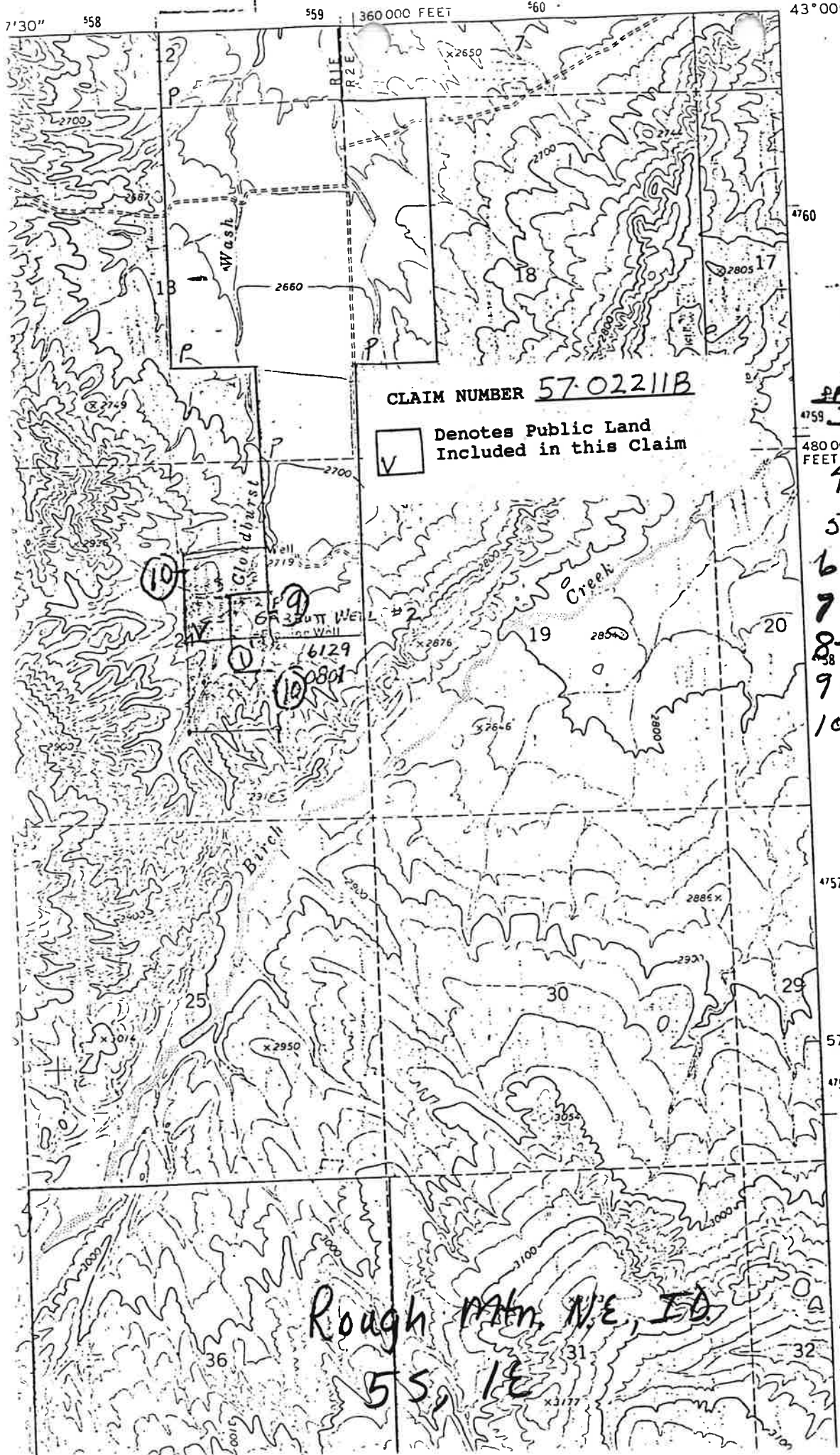
3. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 4449
Boise, Idaho 83711-4449

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734

Signature of Objector or attorney
mailing on Objector's behalf



ROUGH MOUNTAIN NE

5701688202

2. 5701580170

2 5701580170
Private Game on Pub/R
759 3.57-00101

4759 3.57-00101

480 000
FEET

4.57-00146

5-57-00133

1-57-00084

7-57-02210 A

8-57-02210 A

9-57-02211B

10-57-10501

Rough Δ N, NE, ID
55, 1E

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

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER
FROM THE SNAKE RIVER BASIN WATER SYSTEM

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MGMT.
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706
TELEPHONE: 208-334-1401

PRIORITY DATE: 1976-07-12
IDWR WATER RIGHT NO. 5707163
BLM NUMBER: 5701688202
BASIS OF CLAIM: BENEFICIAL USE
BASIN NO.: 57

| SOURCE | TRIBUTARY TO |
|-------------|-----------------|
| GROUNDWATER | CLOUDBURST WASH |

DESCRIPTION OF DIVERSION WORKS
WELL, TROUGH.

| PURPOSE OF USE | DIVERSION RATE | DIVERSION VOLUME | PERIOD OF USE FROM | TO |
|----------------|----------------|------------------|--------------------|------|
| STOCKWATER | 0.010 | 0.70 | 1101 | 0131 |
| WILDLIFE | 0.010 | 0.70 | 0101 | 1231 |
| TOTAL: | 0.010 CFS | 0.70 AF | | |

NON-IRRIGATION USES
S/200 RANGE CATTLE W/VAR AMT.

| TWP | RNG | SEC | TRACT1 | TRACT2 | TRACT3 | LOT | COUNTY |
|-----|-----|-----|--------|--------|--------|-----|--------|
| 05S | 01E | 24 | | SW | NE | 00 | OWYHEE |

| TWP | RNG | SEC | TRACT1 | TRACT2 | LOT | COUNTY | OWNED | IRRIGATED ACRES |
|------------------------|-----|-----|--------|--------|-----|--------|-------|-----------------|
| 05S | 01E | 24 | SW | NE | 00 | OWYHEE | | 0.0 |
| 05S | 01E | 24 | SW | NE | 00 | OWYHEE | | 0.0 |
| TOTAL ACRES IRRIGATED: | | | | | | | | 0.0 |

BLM NUMBER: 5701688202

PAGE 2

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

PREVIOUSLY FILED WITH THE IDAHO DEPARTMENT OF WATER RESOURCES

| | | |
|------------------|----------|-----------|
| TOTAL DIVERSION: | 2.56 CFS | 693.0 AFA |
| CONSUMPTIVE USE: | | 539.0 AFA |

Stage: LICENSE

OWYHEE County

154.0

Comments: Date: 10/28/1991 User-ID: HOWERTON Subject: TRANSFER NO. 3341
DID A DRIVE BY TYPE OF EXAM, TO SEE IF THIS LICENSE HAD THE
ACCOMPLISHED TRANSFER.
NO-EVIDENCE OF FISH PROP. WAS FOUND.
RECOMMEND MATCH AS CLAIMED, WITH THE EXCEPTION OF INCORRECT DATA
ENTRY OF THE STORAGE. SEE ATTACHMENT "A" OF THE TRANSFER.

AJ0749NP
No. R57-022118

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 07/15/92
PAGE: 2

=====

TRANSFER CAME AFTER CLAIM WAS FILED IN WHICH WOULD HAVE CHANGED
THE 'A' CLAIM, AND NOW IN EFFECT, SINCE THERE IS NO FURTHER
EVIDENCE OF THE ABOVE TRANSFER, IT NOW HAS REVERTED BACK TO THE
WAY IT WAS ORIGINALLY CLAIMED, WITH ANOTHER ACCOMPLISHED TRANSFER
BY NOT ACCOMPLISHING THE FIRST.

=====

Audit: 07/15/92 HOMERTON

MICROFILMED
OCT 0 7 1992

CONVERSATION MEMORANDUM

DATE OCT 24, 1991

FILE A57-02211B

NAME OF PARTY HARVEY STARK

EMPLOYEE RON HOWERTON

RE: ACE DEVELOPMENT (A CANADIAN COMPANY)

TALKED TO HARVEY IN VANCOUVER, BC (THE COMPANY)
TOLD HIM I HAD TALKED TO BOB WILLIAMS
AND TRIED TO CALL TERRY KETTERLING TO SINCE
THE TRANSFER WAS IN TERRY'S NAME.

I EXPLAINED TO HIM THAT I HAD LOOKED AT
THE PROPERTY AND DIDN'T SEE ANY DEVELOPEMENT.

HE SAID THAT SOME HAD OCCURED, HOWEVER,
THE COMPANY NOW IS TRYING TO SELL THE
PROPERTY.

I ASKED HIM FOR THE CURRENT ADDRESS IN ORDER
TO GET IT MAILED PROPERLY.

THE CURRENT ADDRESS OF ACE DEVELOPMENT
IS:

ACE DEVELOPMENT (IDAHO) INC.

C/O HARVEY STARK

PO BOX 820-810 WEST BROADWAY AVE.

VANCOUVER, BC V5Z 4G9

PH# (604) 732-6111

MICROFILMED

OCT 07 1992

CONVERSATION MEMORANDUM

DATE OCT 23, 1991FILE A57-02211B
TRANSFER # 3341NAME OF PARTY Bob WILLIAMSEMPLOYEE RON HOWERTONRE: ACE DEVELOPMENT (A CANADIAN CO.)

called Bob at 845-2487, HE WASN'T IN but CALLED
BACK AT 12:05 PM.

I EXPLAINED TO HIM THAT I WENT OUT TO
CHECK THE WATER RIGHT TRANSFER AND FOUND NO -
EVIDENCE OF THE PROPOSED TRANSFER FOR FISH PROP.

HE SAID HE NO-LONGER IS THE DIRECTOR FOR
ACE, DEVELOPMENT. HE LEFT THIS YEAR IN MARCH.
HE SAID WHEN HE LEFT IN MARCH (NO-DEVELOPMENT)
HAD OCCURED.

I ASKED HIM ABOUT THE TWO-METAL BUILDINGS
THAT I FOUND ON THE PROPERTY?, IF HE KNEW
WHAT THEY WERE. HE SAID ONE WAS A MAINT.
SHOP AND THE OTHER WAS LIKE A HANGER/GARAGE.

I ASKED HIM WHO MIGHT BE A-CONTACT PERSON
NOW. HE THOUGHT THAT HARVEY STARK AT
PH # (604) 732-6111 COULD BE... (CALLED, SEE MEMO)

I ALSO NOTED THAT THE PERSON THAT SIGNED
THE TRANSFER WAS TERRY L. KETTERLING AT 487-7060.
(THIS PROPERTY WAS BOUGHT FROM TERRY BY ACE DEV.

MICROFILMED

OCT 07 1992

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO.

1457-022118

| VR ELEMENT | FIELD EXAM
Y/N-IF NO,
DO OFFICE
VERIFICATION | FIELD EXAM
OR IN-OFFICE
VERIFICATION
WHOM/DATE | CLAIM
VERIFIED BY
CODE
(SEE BELOW) | CLAIMANT CONTACT
NEEDED - Y/N** | REVIEW
COMPLETED
WHOM/DATE | "R" RECORD |
|------------|---|---|---|------------------------------------|----------------------------------|------------|
|------------|---|---|---|------------------------------------|----------------------------------|------------|

PRIORITY*

N

Rth 1/29/91

b

N

REVIEW
COMPLETED
WHOM/DATE

"R" RECORD

PT. OF DIV.

b

DATA ENTRY COMPLETED

BY DATE

SOURCE

b

PL. OF USE

1,4

FINAL RECOMMENDATION

BY DATE

DIV. AMOUNT
CFS/AF

b

CONSUMPTIVE
USEBut added
bNATURE OF
USE

b

PERIOD OF
USE

b

BASIS OF
CLAIM

b

REMARKS

b

VERIFICATION CODES

*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
SUBMITTED - YES NO .**IF CLAIMANT CONTACT IS NEEDED, COMPLETE
CLAIMANT CONTACT CHECKLIST AND ATTACH.TOPO MAP/ORTHO PHOTO = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER(SEE COMMENTS) = 6

COMMENTS:

Same AS claim.

Drive by 10-22-91 Proved IN-OFFICE MATCH...

OCT 07 1992

MICROFILMED

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A57-02211B

LAST: ACE DEVELOPMENT LTD.
ADDRESS: HC 85 P.O. BOX 169B
CITY: BRUNEAU
PHONE NUMBER: 208-845-2487

FIRST: FIRST:
STATE: ID ZIP: 83604

OWNER CODE: C

SEE CLAIM CORRECTED ADDRESS

LAST: STEINER
ADDRESS:
CITY: XXXXX
PHONE NUMBER: 208-000-0000

FIRST: HAROLD A.
STATE: ID ZIP: 0000000

OWNER CODE: 0

LAST: KETTERLING
ADDRESS: P.O. BOX 54E1
CITY: HAMMETT
PHONE NUMBER: 208-000-0000

FIRST: TERRY L.
STATE: ID ZIP: 836270000

OWNER CODE: 0

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE FIELD
Y EXAMINER

CLAIM REMARKS:

THE MAX. ANNUAL VOLUME OF WATER TO BE DIVERTED UNDER THIS RT. SHALL NOT EXCEED 770.0 AF. A TOTALIZING FLOW METER & LOCKABE CONTROLLING WORKS OF A TYPE ACCEPTABLE TO THE DEPT. SHALL BE PERMANENTLY INSTALLED & MAINTAINED AS PART OF THE DIVERTING WORKS PRIOR TO DIVERTING WATER FOR FISH PROP. VIOLATIONS OF THE CONDITIONS IDENTIFIED HEREIN WILL BE CAUSE FOR THE DEPT. TO VOID THE APPROVAL OF THIS TRANS. & CANCEL PERMIT 57-7460. A PORTION OF THE WATER DIVERTED UNDER THE RT. COVERED BY THIS TRANS. WILL BE DIVERTED TO STORAGE FOR IRRIG. FOLLOWING USE OF THE WATER FOR FISH PROP. UNDER PERMIT 57-7460. STORAGE FACILITIES WILL BE CONSTRUCTED ON IRRIGATED ACREAGE RESULTING IN A REDUCTION OF IRRIGATED ACREAGE EQUAL TO THE SURFACE AREA OF THE STORAGE PONDS. THE DIRECTOR RETAINS JURISDICTION OVER THIS TRANS. TO ESTABLISH & MODIFY METHODS OF MITIGATING FOR LOSSES CAUSED BY THE FISH PROP. USE.

out

CONTACT PERSON: HARVEY STARK

PHONE NUMBER: () - -

DATE OF FIELD EXAM: 10/22/91

APPOINTMENT MADE: Y() N(☒)
TIME: : A() P()

ACCOMPANIED BY: -

PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT: -

DIRECTIONS TO PROPERTY / REMARKS:

EAST of CASTLE CREEK NR OKANA.

A. AU CLAIM: # A57-02211B PRIORITY DATE: 01-04-1955 STAGE: L
B. WR RECORD: # 57-02211B PRIORITY DATE: 01-04-1955 STAGE: L

C. FIELD EXAM REQUIRED? DATABASE N FIELD EXAMINER RAH
DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(☒)
IF YES EXPLAIN.

REMARKS:

RECOMMENDED PRIORITY DATE:
01-04-1955

REVIEWED BY RAH

DATE 10-28-91

MICROFILMED
OCT 07 1992

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|------------|------|------|------|-----|-----|-----|-----|--------|
| A57-02211B | 05S | 01E | 24 | SE | SW | NE | | OMYHEE |
| A57-02211B | 05S | 01E | 24 | NW | SE | NE | | OMYHEE |

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX
NONE NONE

MR RECORDS IN SAME 40 ACRE TRACT

57-02211A
57-07163
57-07460

SOURCE: GROUNDWATER

TRIB:

B. MR POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|-----------|------|------|------|-----|-----|-----|-----|--------|
| 57-02211B | 05S | 01E | 24 | SW | SE | NE | | OMYHEE |
| 57-02211B | 05S | 01E | 24 | SE | NE | | | OMYHEE |

OTHER MR RECORDS WITH SAME MR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

57-02211A - STEVEN (NO CLAIM FILED)
57-07163 - Dept of Interior
57-07460 - Permit (Ac Dev) Fish Prop.

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N) DATABASE EXAMINER
DUE TO SOURCE DISCREPANCY? (Y/N) N RA

REMARKS:

"MATCH" Permit: 57-07460 is being used with this
LICENSED RIGHT WHICH HAS A TRANSFER, HOWEVER, NO APPARENT
WORK WAS OBSERVED 22 OCT 91. RA

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| RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: | | 1/4 | 1/4 | LOT | COUNTY |
|---|------|------|-----|-----|--------|
| TWP. | RGE. | SEC. | | | |
| 55 | 1E | 24 | SE | SW | NE |
| | | | SW | SE | NE |
| SOURCE: GROUNDWATER | | | | | |
| REVIEWED BY: RLH | | | | | |
| DATE: 10-28-91 | | | | | |

TRIB: SE SW NE
SW SE NE

county
"

A. ROOT WATER RIGHT NUMBERS: A57-02211B
R57-02211B

| B. POU LISTING | | | | | | | | | | | |
|----------------|-----|-----|-----|-----|-----|-----------------------|------------------|-----------------|-----------------|----------------|-----------------|
| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM
ACRES |
| 05S | 01E | 24 | NE | NE | | ACE DEVELOPMENT LTD. | A57-02211B /20.0 | 57-02211B /20.0 | | | 34.0 |
| | | | NE | NE | | ACE DEVELOPMENT LTD. | R57-02211B /20.0 | - / | | | |
| | | | NE | NE | | ACE DEVELOPMENT INC. | | 57-07460 / | | | |
| MATCH | | | | | | | | | | | |
| 05S | 01E | 13 | SW | NE | | ACE DEVELOPMENT LTD. | A57-02211B / 4.0 | 57-02211B / 4.0 | | | 39.0 |
| | | | SW | NE | | ACE DEVELOPMENT LTD. | R57-02211B / 4.0 | - / | | | |
| 05S | 01E | 13 | SE | NE | | ACE DEVELOPMENT LTD. | A57-02211B /40.0 | 57-02211B /40.0 | | | 39.0 |
| | | | SE | NE | | ACE DEVELOPMENT LTD. | R57-02211B /40.0 | - / | | | |
| | | | SE | NE | | KETTERLING , TERRY L. | | A02-07090 / 4.0 | | | |
| 05S | 01E | 13 | NE | SE | | ACE DEVELOPMENT LTD. | A57-02211B /40.0 | 57-02211B /40.0 | | | 40.0 |
| | | | NE | SE | | ACE DEVELOPMENT LTD. | R57-02211B /40.0 | - / | | | |
| | | | NE | SE | | ACE DEVELOPMENT INC. | | 57-07460 / | | | |
| 05S | 01E | 13 | NW | SE | | ACE DEVELOPMENT LTD. | A57-02211B /10.0 | 57-02211B /10.0 | | | 38.0 |
| | | | NW | SE | | ACE DEVELOPMENT LTD. | R57-02211B /10.0 | - / | | | |
| 05S | 01E | 13 | SE | SE | | ACE DEVELOPMENT LTD. | A57-02211B /40.0 | 57-02211B /40.0 | | | 39.0 |
| | | | SE | SE | | ACE DEVELOPMENT LTD. | R57-02211B /40.0 | - / | | | |
| | | | SE | SE | | ACE DEVELOPMENT INC. | | 57-07460 / | | | |
| TOTAL ACRES | | | | | | | A57-02211B | 154.00 | 154.00 | | 229.00 |

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y () N ()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?
DUE TO POU DISCREPANCY? (Y/N)

DATABASE FIELD
ON EXAMINER
PDA

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PRESUMPTION FLAG:

REMARKS:

"MATCH" 14-OFFICE AND EX (10-22-91 DRIVE-BY).

RECOMMENDATIONS:

TOTAL ACRES:

154

REVIEWED BY:

Rth

DATE:

10-28-91

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

| WR-NUMBER | SOURCE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | SUM |
|-----------|--------|----|----|----|----|----|----|----|----|----|----|----|----|-----|
| | | lt | Ac | lt | Ac | lt | Ac | lt | Ac | lt | Ac | lt | Ac | |

| | | | | | | | | | | | | | | |
|-----------|---------------|--|--|----|----|--|--|--|--|----|----|--|--|----------|
| A5702211B | T05S R01E S13 | | | 04 | 40 | | | | | 40 | 10 | | | 40 : 134 |
|-----------|---------------|--|--|----|----|--|--|--|--|----|----|--|--|----------|

NO MATCHES FOR THIS POU IN AJ-POU-TEMP

| | | | | | | | | | | | | | | |
|------------|------------|----|----|----|----|----|----|--|----|----|--|----|----|-------------|
| 0207090 | SNAKE RIVE | 40 | 40 | | | | | | | | | | | 80 |
| A0207090 | SNAKE RIVE | 40 | 40 | | | | | | | | | | | 80 |
| A0207090 | SNAKE RIVE | 40 | 40 | | | 04 | | | | | | | | 84 |
| 5702211A | GROUNDWATE | | | | | | | | | | | | | 6 |
| 5702211B | GROUNDWATE | | | 04 | 40 | | | | | | | | | 134 |
| --86 MAP-- | C73Q-AA 8 | 39 | 37 | 39 | 39 | | 08 | | 09 | 09 | | 40 | 38 | 15 39 : 312 |

A5702211B T05S R01E S24

: 20

:

:

:

: 20

NO MATCHES FOR THIS POU IN AJ-POU-TEMP

| | | | | | | | | | | | | | | |
|------------|------------|----|----|----|----|--|----|--|----|----|--|----|----|-------------|
| --86 MAP-- | C73Q-AA 8 | 39 | 37 | 39 | 39 | | 08 | | 09 | 09 | | 40 | 38 | 15 39 : 312 |
| 5702211B | GROUNDWATE | 20 | | | | | | | | | | | | 20 |
| --86 MAP-- | C73Q-AA 8 | 34 | 19 | 18 | 03 | | | | | | | | | 74 |

A. AJ CLAIMED USES:

| PURPOSES | MONTH/DAY |
|------------------------------------|---------------------|
| A57-02211B IRRIGATION STORAGE | FROM 03-15 TO 11-15 |
| A57-02211B IRRIGATION FROM STORAGE | FROM 01-01 TO 12-31 |
| A57-02211B IRRIGATION FROM STORAGE | FROM 03-15 TO 11-15 |
| A57-02211B DIVERSION TO STORAGE | FROM 01-01 TO 12-31 |

DIVERSION QUANTITY
2.560 CFS
~~770.00~~

~~770.00~~ AF/A ~~300~~
~~770.00~~ AF/A ~~300~~

TOTAL DIVERSION RATE/VOLUME CLAIMED

2.560 CFS

B. WR RECORDED USES:

| PURPOSES | MONTH/DAY |
|-----------------------------------|---------------------|
| 57-02211B IRRIGATION | FROM 03-15 TO 11-15 |
| 57-02211B IRRIGATION STORAGE | FROM 01-01 TO 12-31 |
| 57-02211B IRRIGATION FROM STORAGE | FROM 03-15 TO 11-15 |
| 57-02211B DIVERSION TO STORAGE | FROM 01-01 TO 12-31 |

DIVERSION QUANTITY

2.560 CFS
770.00 AF/A ~~300~~
2.560 CFS
~~770.00~~ AF/A ~~300~~
2.560 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

2.560 CFS

770.00 AF/A

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

| | FIELD EXAMINER |
|--|----------------|
| DUE TO WATER-USE DISCREPANCY? (Y/N) | N |
| DUE TO DIVERSION RATE DISCREPANCY? (Y/N) | N |
| DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N) | N |

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(☒) N(☐)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☒) N(☐) Explain in remarks, below.

REMARKS:

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 2.560 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 2.560 CFS

*** IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. ***
** IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS **
** CLAIMED AND AN EXAM IS NOT REQUIRED, EXPLAIN IN REMARKS. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) ☒ N ☐ Y
FIELD DATABASE EXAMINER *PAW*

B. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(☐) N(☒) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: A0207090, A5707460 *PERMIT*

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE: *DIFFERENT FIELD*

| CLAIM | SOURCE | NAME | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|------------|-------------|----------------------|-----------|----------------|-----------|----------------|
| A57-02211B | GROUNDWATER | ACE DEVELOPMENT LTD. | 2.560 | 0.016 | | |
| R57-02211B | GROUNDWATER | ACE DEVELOPMENT LTD. | 2.560 | 0.016 | 770.00 | 5.00 |

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 154 x 0.02 CFS/ACRE = 3.08 CFS (Actual Lk. For 2.56)
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N(X)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 539.0 AF/A

ACRES 154 x CONSUMPTIVE VOL. AF/A FOR AREA 3.5 =

TOTAL CONSUMPTIVE USE 539 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 154 x DIVERSION VOL. AF/A FOR AREA 8 = (2.56)(1.9035)(246) = 1249

TOTAL DIVERSION VOLUME 770 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:
SEE ATTACHED SHEET? Y() N(X)

4.5 CFS
SEASON/VOL
PER MAF 1/6/92
NEW

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

LIMIT AS LICENSED FOR 2.56 CFS.

RECOMMENDATIONS:

| REC. PURPOSES | REC. PERIOD FROM TO | REC. DIV RATE CFS | REC. DIV VOL. AF/A | REC. CONS. USE |
|-------------------------|---------------------|-------------------|--------------------|----------------|
| IRRIGATION | 03-15 | 11-15 | 2.560 | |
| IRRIGATION STORAGE | 01-01 | 12-31 | | |
| IRRIGATION FROM STORAGE | 03-15 | 11-15 | | |
| DIVERSION TO STORAGE | 01-01 | 12-31 | | |
| TOTAL FOR THIS RIGHT | | 2.560 | | |

REVIEWED BY: Rdh DATE: 10-28-91

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FOREFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED ()
NEEDS REVIEW ()
() ()
() ()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 57-02211

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
5.220

EXAMINER
RHN

CFS

SPLITS:

| OLD RIGHT NUMBERS | CURRENT CLAIM NUMBERS | DIVERSION RATE | CURRENT "R" CLAIM NUM. | "R" DIV. RATE | WR RIGHT NUMBERS | DIVERSION RATE |
|-------------------|-----------------------|----------------|------------------------|---------------|------------------|----------------|
| - | A57-02211B | 2.560 | R57-02211B | 2.560 | 57-02211B | 2.560 |
| - | R57-02211B | 2.560 | R57-02211B | 2.560 | 57-02211B | 2.560 |
| - | - | - | - | - | 57-02211A | 0.100 |

no claim found

TOTAL CFS
5.120
2.56

5.120
2.56

5.220

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
If NO, is the written review sheet attached? (Y/N)

DATABASE
N

FIELD
EXAMINER
RHN

REMARKS:

• DID A - DRIVE BY FX TO SEE IF THIS LICENSE HAD A
ACCOMPLISHED TRANSFER.
• NO EVIDENCE OF FISH PROP. WAS FOUND
• RECOMMEND AS CLAIMED WITH THE EXCEPTION OF
STORAGE OF 300 AFA & FROM STORAGE OF 300 AFA, AND
TOTAL DIVERSION VOLUME OF 770 AFA. (THIS WAS IN CORRECTLY
NOTED ON CLAIM FORM.

AUTHENTICATION:

SIGNATURE:

Ron Howerton

DATE: 10-28-91

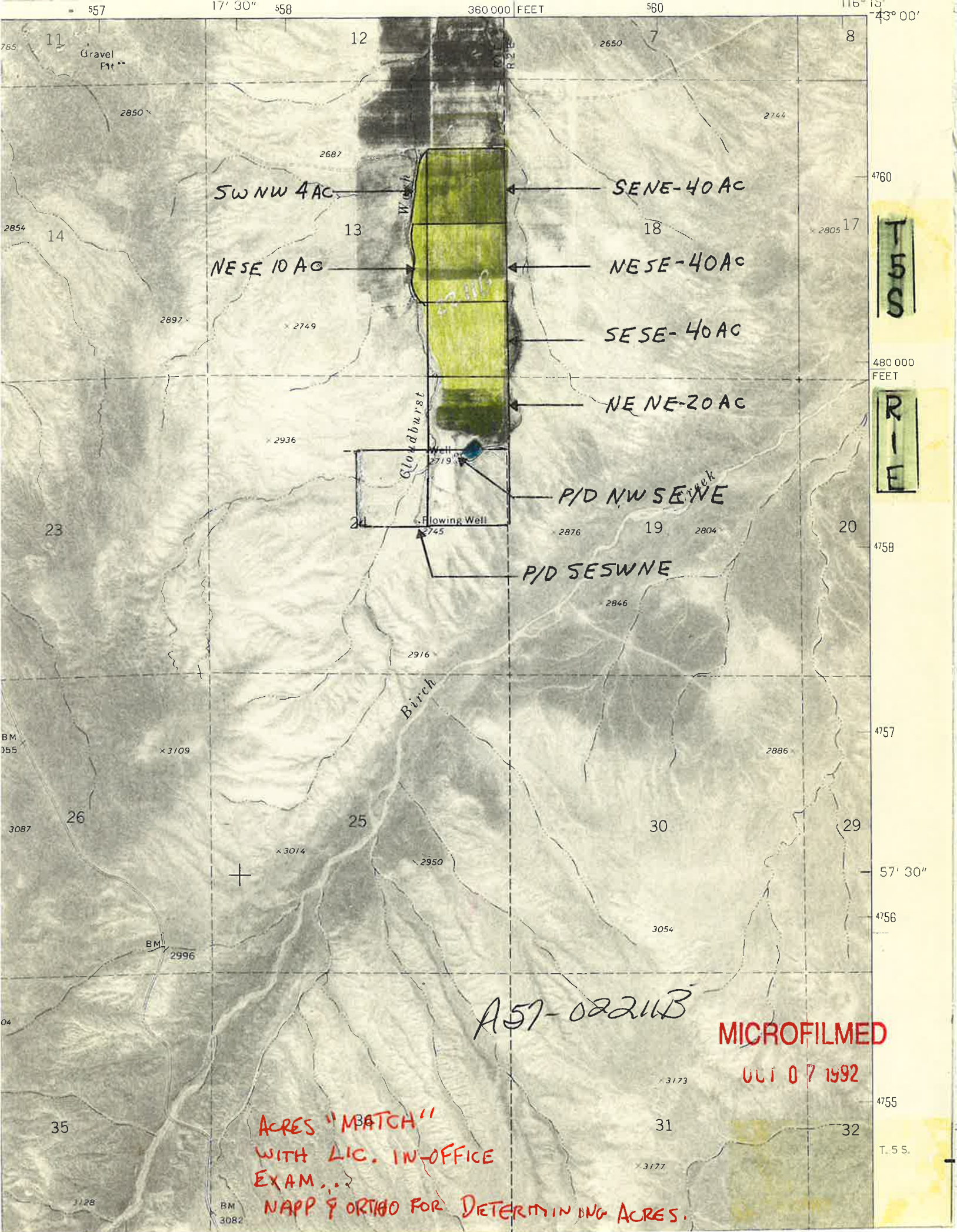
NAME OF FIELD EXAMINER:

Ron Howerton

TITLE:

SR. WATER AGENT

MICROFILMED
1992





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

ACE DEVELOPMENT LTD.
HC 85 P.O. Box 169B
BRUNEAU, ID 83604

Date: 7-19-90

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

RE: Permit and/or Adjudication Claim No.s A57-02211B

Dear Claimant(s):

The Department of Water Resources will be conducting beneficial use examinations and water right adjudication claim verification examinations for Owyhee County from July thru November 1990. Once the beneficial use examination or claim verification is made, your water rights will be recommended for licencing by the department or decree by Judge Hurlbutt in the Fifth District Court. The recommendations will be based on our findings in the field.

Information on your permit or claim that may need to be verified, includes source(s) of water, uses and amounts, legal descriptions of point(s) of diversion, place of use and in some cases documentation verifying the date of priority as claimed in the Snake River Basin Adjudication. Some of your claims may only need a small amount of verification if there are no changes in the manner in which they were previously documented and examined in accordance with the State's permitting, licencing and/or decree process.

Although it is not mandatory that you accompany the field examiner, should questions arise during the exam, it would be most helpful for yourself or a knowledgeable representative to be available for a short time during the field exam. This would help speed up our findings and help collect information for your rights to be recommended to the court.

A field examiner will be calling or writing you for the scheduling of this (these) field exam(s). We can either meet you at the place of use or a place of your convenience. This may be determined at the time we contact you.

If you have questions regarding this letter or prior to scheduling, please call 334-2190 and ask for either Steve Lester or Ron Howerton.

Sincerely,

Ron Howerton
Senior Water Resource Agent

cc:RH:file

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A57-02211B
Date Received: ~~12/05/1988~~ 01/09/89
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ACE DEVELOPMENT LTD.
Address: HC 85 P.O. BOX 169B
BRUNEAU, ID 83604
208-845-2487

2. Date of Priority: JAN 04, 1955

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 05S | 01E | 24 | SE | SW | NE | | OWYHEE |
| | | | NW | SE | NE | | OWYHEE |

5. Description of diverting works:
ARTESIAN FLOWING WELL 100 HP. VERT. TURBINE MOTOR.

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S. | (or) | A.F.A. |
|-------------------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 2.560 | | |
| IRRIGATION STORAGE | 01/01 | 12/31 | | | 770.00 |
| IRRIGATION FROM STORAGE | 03/15 | 11/15 | | | 770.00 |
| DIVERSION TO STORAGE | 01/01 | 12/31 | 2.560 | | |

7. Total Quantity Appropriated is:
2.560 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 539.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A57-02211B

Page 1

Date: 12/05/88

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10. Place of Use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|----------|-------|---------|---------------|-----|-----|-------|
| 05S | 01E | 13 | SW | NE | IRR | 4.0 |
| | | | SE | NE | IRR | 40.0 |
| | | | NE | SE | IRR | 40.0 |
| | | | NW | SE | IRR | 10.0 |
| | | | SE | SE | IRR | 40.0 |
| | | | Section Acres | | | 134.0 |
| | | 24 | NE | NE | IRR | 20.0 |
| | | | Section Acres | | | 20.0 |
| | | | Total Acres | | | 154.0 |

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A0207090, A5707460.

14. Remarks:

THE MAX. ANNUAL VOLUME OF WATER TO BE DIVERTED UNDER THIS RT. SHALL NOT EXCEED 770.0 AF. A TOTALIZING FLOW METER & LOCKABLE CONTROLLING WORKS OF A TYPE ACCEPTABLE TO THE DEPT. SHALL BE PERMANENTLY INSTALLED & MAINTAINED AS PART OF THE DIVERTING WORKS PRIOR TO DIVERTING WATER FOR FISH PROP. VIOLATIONS OF THE CONDITIONS IDENTIFIED HEREIN WILL BE CAUSE FOR THE DEPT. TO VOID THE APPROVAL OF THIS TRANS. & CANCEL PERMIT 57-7460. A PORTION OF THE WATER DIVERTED UNDER THE RT. COVERED BY THIS TRANS. WILL BE DIVERTED TO STORAGE FOR IRRIG. FOLLOWING USE OF THE WATER FOR FISH PROP. UNDER PERMIT 57-7460. STORAGE FACILITIES WILL BE CONSTRUCTED ON IRRIGATED ACREAGE RESULTING IN A REDUCTION OF IRRIGATED ACREAGE EQUAL TO THE SURFACE AREA OF THE STORAGE PONDS. THE DIRECTOR RETAINS JURISDICTION OVER THIS TRANS. TO ESTABLISH & MODIFY METHODS OF MITIGATING FOR LOSSES CAUSED BY THE FISH PROP. USE.

15. Basis of Claim: LICENSE
Water Right Number: 25346

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Robert C. Williams Date: 12/5/88
DIRECTOR ACE DEVELOPMENT LTD Date: _____

State of Idaho)
County of Oneida) SS.

Subscribed and sworn (or affirmed) before me this 3 day
of Dec 19 88

John Dale Cohen
Notary Public

Seal

Residing at Bain Id

My Commission Expires 4/9/94

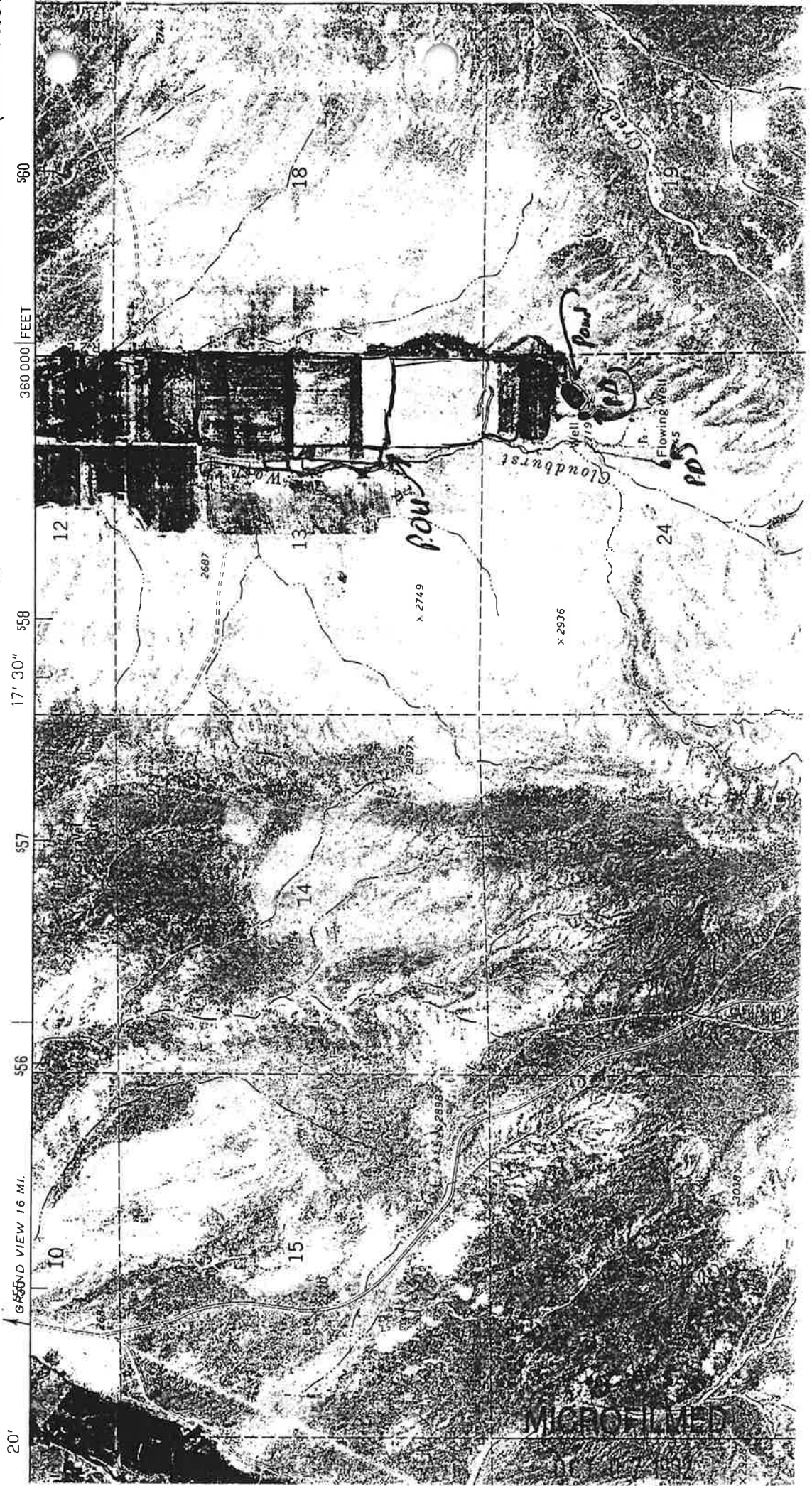
AA-8

SS 1E

see 13

RIE R2E

ROUGH MTN. NE QUADRA
IDAHO
7.5 MINUTE SERIES (ORTHOPHO)



DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

Include address and phone no.
in case follow-up is needed.

Harvey Stark for
Ace Development Inc.
PO Box 820
810 W. Broadway Ave.
Vancouver B.C. V5Z4C9

2. SUBJECT OF INQUIRY:

BLM Objection to IDWR Recommendation in Director's Report:

Mr. Stark drove down from Vancouver to discuss BLM's objection. He wondered what the objection was and how it would affect his right. I outlined the process as it now stands (issue is before the court, not IDWR, at this time etc.) and suggested that he contact BLM directly to ask these questions. I called Dana DANGER at BLM Boise Dist Office*. Mr. Danger said he would speak to Mr. Stark about the objection. I directed Mr. Stark to BLM office. Later in the day, Mr. Stark returned with information about his conversation with BLM staff. He then asked me what happens next and what would happen to his right. I told him again that the matter was out of IDWR hands & that

3. RESPONSE TO INQUIRY:

I couldn't predict what the outcome would be. I gave him a copy of 57-02211B from the Director's Report & explained the parts of the recommended right. I concluded by advising him that he may want to consult an attorney for help in this process. He said he understood the process and would seek legal help if necessary.

We also discussed a pending transfer application for 57-02211B, but this matter was outside of the SRBA scope and is not material to this memo.

4. IDWR STAFF AND DATE:

Print name and initial

Steve Lester 4/12/93

WATER RIGHT CLAIM (Nos.):

A57-02211B

* Mr. Danger told me that Don Jossie of BLM Dist. Office, Boise, is central contact person for BLM objections.

PICTURE # 1

(A57-02211B) This picture shows the **main well**, overflow is out a spigot and a valved pipe. P/D= T5S, R1E, Sec. 24, NWSENE.



10/22/91
Rdh

PICTURE # 2

This picture shows a better view of the valved outlet into the unnamed drain and holding pond.



10/22/91
Rdh

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PICTURE # 3

A57-02211B. This is the area from which was shown on the map from the approved Transfer (No. 3341) to "Where the Storage was to be Held" for the fish propagation facility. This picture was taken at the road from the East side of the two fields, dividing artesian irrigation and Snake River irrigation. T5S, R1E, Sec. 13, **SENE**.



10/22/91
RCH

PICTURE # 4

This is the field to the right of the road that is irrigated with the Snake River water. This picture is from the same location as the above, except on the other side of the dirt road. T5S, R1E, Sec. 13, **NENE**.



10/22/91
RCH

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PICTURE # 5

This is the same road, showing the Snake River Field to the left and the stack yard to the right on the artesian side. This picture was taken on the West side opposite pictures 3 and 4. T5S, R1E, Sec. 13, NENE.



10/22/91
RCH

PICTURE # 6

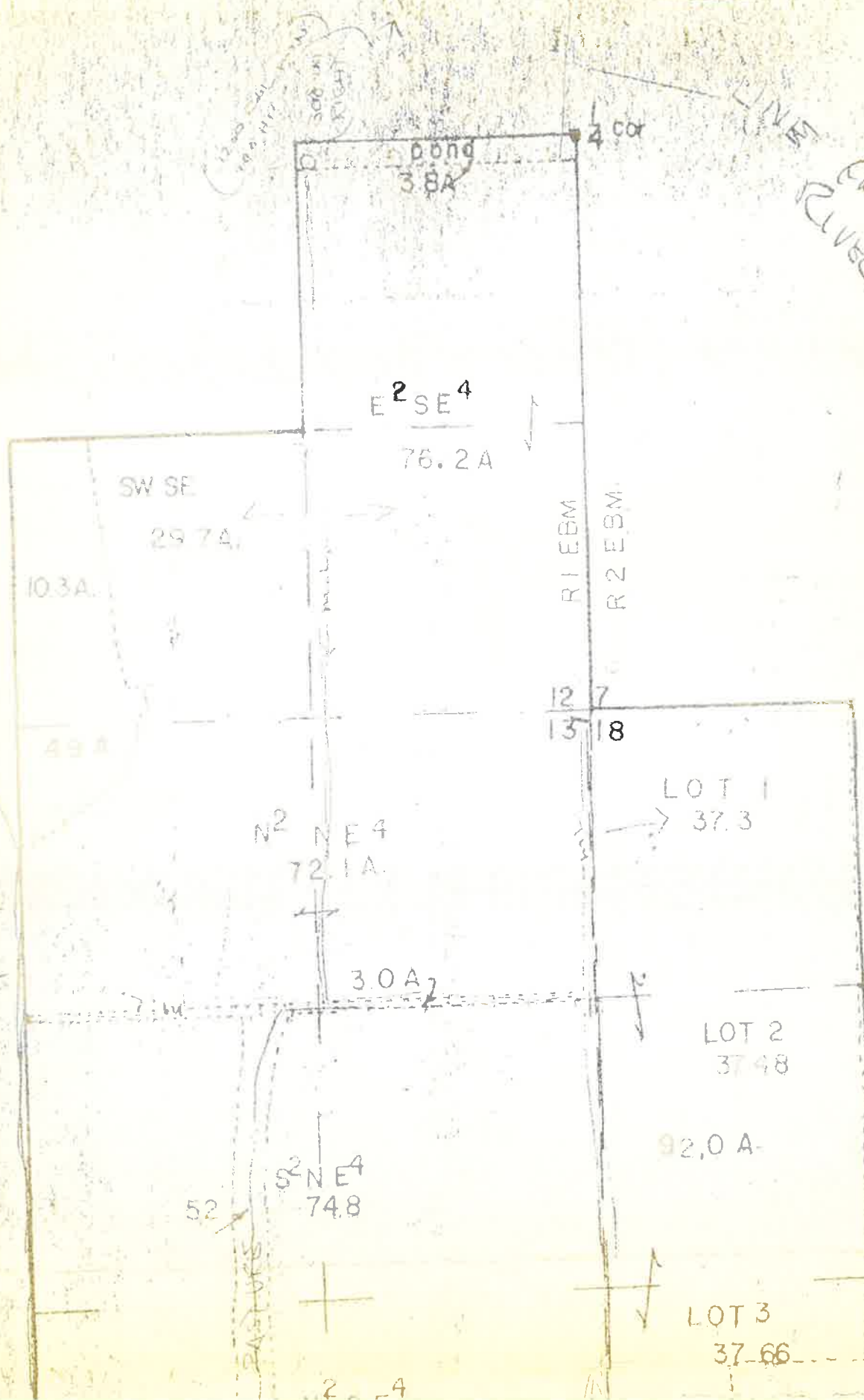
This is the holding, or re-lift pond for the field irrigated by **Snake River Water**. This picture also shows the pump.



10/22/91

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LINE
CROWN
RIVER



6.1A

73.9 A

20.44 A

13.60 A

SHOP

TR HOME

SE⁴ SE⁴
38.6 A

Gulch

4A

13 18

24 9

2.1A

E² NE⁴

200 HP 2 53.9 A

MAIN WELL

150 IN CRGE

Cloudburst

Well

1.0A

23. A

RECEIVED

JUN 14 1993

Department of Water Resources
Adjudication Bureau

T5 S. R. 18 2 E. B.M.

592.44 A

TOTAL

511.2 A

IRRIG.

81.24 A

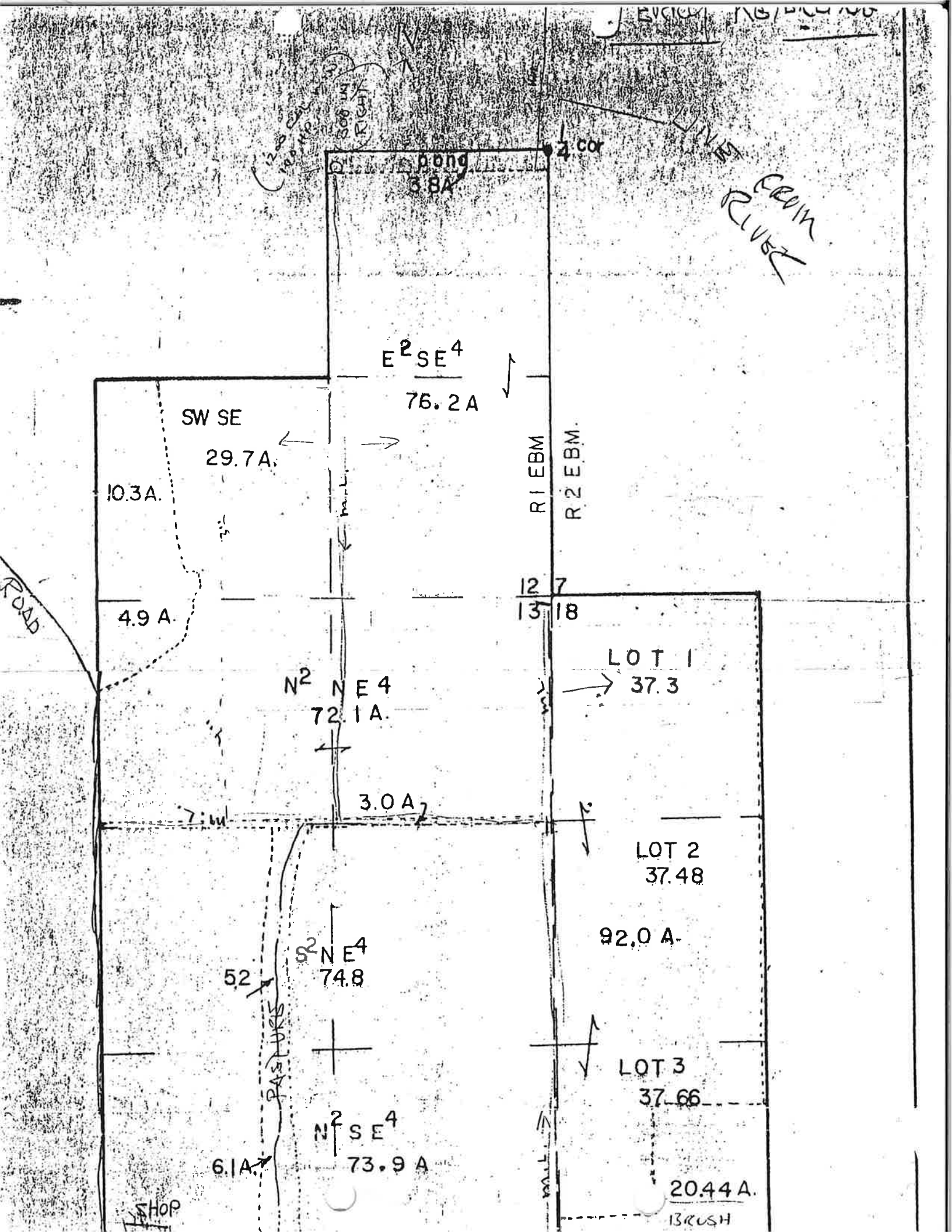
NON IRRIG.



SCALE: 1" = 660'

8" = 1 mile

000



TE HOME

Gulch

SE⁴ SE⁴
38.6 A

4A

13 18

2.1 A

24 19

E² NE⁴

53.9 A

T.5 S. R.1 & 2 E. B.M.

MAIN WELL
150 IN CREEP ECU
300 IN

Cloudburst

1.0 A

23. A

592.44 A TOTAL
511.2 A IRRIG
81.24 A NON IRRIG

NEW WELL
NOT YET IN OP

200 HP
200
200
well



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Department of Water Resources
Western Regional Office

1" = 100'

SCALE: 1" = 660'
8" = 1 mile